CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

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ALSO

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CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, FIRST SESSION.

The PRESIDING OFFICER (Mr. MILLER, of New York, in the chair). The Senator will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the special order.

Mr. HOAR. I ask unanimous consent that the Senator from Colorado may have leave to complete his remarks before the special order is laid before the Senate.

Mr. EDMUNDS and others. No objection.

The PRESIDING OFFICER. If there be no objection that will be the order of the Senate, and the Senator from Colorado will proceed.

Mr. BOWEN. Mr. President, the Secretary of the Treasury in his letter further says the people of the United States "can decide how much currency they will employ." They can, indeed, through their representatives, fix the volume of money, though it has happened even in popular governments that the people's deliberately expressed will has been repeatedly baffled or set at naught. This incident belongs to the recent past, and its recurrence is altogether possible. But suppose at a particular period there does not happen to exist a sufficient volume of the medium of exchange for the ready or convenient transaction of the business of the country, how, at this interesting point of time, can the people of the United States decide how much currency they will employ? Must not their decision as to the amount they will use be rigorously controlled by the aggregate of money available in the country?

I agree with the Secretary that the people have or should have the power to create it. But it can not be summoned into existence at a bidding any more than could Glendower "call spirits from the vasty deep." And, accepting the Secretary's happy illustration, I agree with him that with money as with beef the people may decide how much they will consume. But does the stock of beef which happens to be on the market have nothing to do in determining the amount of beef which the people will use? May not the Secretary himself be limited to fare more or less Spartan as the supply of lamb chops increases or diminishes? There can be but one response to these inquiries. Yet the Secretary, while he would doubtless earnestly desire the supply of beef and lamb chops should be abundant, seems to feel otherwise with reference to money. More beef, says the Secretary, but less money. Otherwise how shall we interpret his anxiety to retire every United States note—a non-interest-bearing debt—before 1889? This would be the late Secretary McCulloch's financiering over again, and with it would follow as its logical outcome a crash and disaster like that of 1873.

I dissent from the Secretary's figures in which he sets forth the addition to our annual taxation arising from the coinage of the silver dollars in the following words, from page 6 of this letter of March 2, 1886: "Forcing the silver accumulation is an addition of $24,000,000 per annum to the vast sum of our Federal taxation." The actual silver in the Treasury on January 1, 1886, as appears from a statement which is appended to the Secretary's response to the House of Representatives, is a fraction over $31,000,000. This sum is exclusive of the silver now in the Treasury representing outstanding certificates; only this can be deemed an accumulation. Now this amount of silver costs the Government per annum just what money is worth, what it can be borrowed for, namely, 3 per cent. Consequently the cost to the Government of having that amount of idle money in the Treasury is $930,000 per annum. But the Secretary says that "forcing the silver accumulation in the Treasury is an addition of $24,000,000 per annum to the vast sum of our Federal taxation." We have coined to January 30, 1886, two hundred and twenty millions of silver dollars. Save and excepting the $31,000,000 which I have mentioned not one dollar of silver is idle in any other sense than the gold in the Treasury, which represents outstanding gold certificates, is idle and is equally a burden upon the people. Now I would like to ask why the Secretary does not use the surplus of thirty-one millions of silver dollars now in the Treasury in the purchase of silver bullion, coin such bullion and use such coin for the next purchase of silver bullion, and so on. Surely this policy would not involve "an addition of $24,000,000 per annum to vast sums of Federal taxation."

Sir, these are questions more grave than that of the expulsion of gold from this country, even if such a thing were possible. I believe I have fairly shown, however, that such a thing is not possible. The difficulty with the Secretary and those who agree with him consists in this: That they all discuss national finances as though those having large moneyed interests and those with competencies and fixed incomes were the only people interested in the question. They remind me of Oscar Wilde in his disquisitions on interior and exterior decorations, the cost of which would require several small fortunes in their accomplishment.

The great strain of the classes I have mentioned seems to be to make the most they can out of already accumulated wealth. My essay is to establish a financial policy which, while sound and conservative, will open fair chances to those now having nothing to get a start in life, which they can never do under a policy which considers alone the interests of those already in easy circumstances.

Evidence that the Secretary reasons from the standpoint I have mentioned is furnished by himself; I read from page 16 of his letter, as follows:

A delusion has spread that the Government has authority to fix the amount of the people's currency, and the power and the duty. There is no semblance of such an absurdity in the Constitution, as the power granted to any department or division of this Government to determine, fix, or change the amount of money needed to satisfy the people's need for an instrument of circulation and exchange. There can be too much or too little. They do not need to convert all of their wealth, not even all of their gold and silver wealth, into a medium for circulating that wealth. They do need to apportion some of their wealth to that use, whatever economies, from the clearing-house to the book-account, they may practice; whatever substitutes, like the bill of exchange, notes, &c., or whatever representatives, like the coin certificate, they may employ. But between these extremes the Government is as incompetent to draw the line as unempowered. The people of the United States, however, can draw the line with perfect success.

The error in the first sentence of the extract I have just read seems to be a misconception as to what constitutes "the Government."

The second sentence of the Secretary is true, and so is the third.

In the fourth and fifth sentences, however, is to be found the evidence of the assertion made by me a few moments ago, "that they all discuss national finances as though those having large moneyed interests and those with competences and fixed incomes were the only people interested in the question."

Later on I shall speak in the interest of the rest of mankind, who have no competences nor fixed incomes, and shall take occasion to point out a legitimate manner of uprooting a plutocracy, the existence of which endangers the permanency of the Republic more than we like to admit, and in pointing out this manner will indicate the course which, in my judgment, will make this Government, created and controlled by the people, as permanent and enduring as the Pyramids or the Appian Way.

Mr. President, having shown, as I think, that a new basis for the issue of paper currency by our national banks must be provided for by law, and having given my views as to what would be a safe and proper basis for the future; having shown the dangerous power of our national banks over the volume of money; having pointed out with some precision the very considerable proportion of our general circulation, which is of no practical use as an active circulating medium, and that its volume is so contracted as to seriously embarrass the business interests and retard the general prosperity of the country, and having briefly commented upon the Secretary's letter, I shall now proceed to show the importance of silver coinage as a factor in the settlement of these and other questions.

Silver has received considerable consideration at the hands of Congress during the present session, but just at this time there seems to be a lull in regard to it at this end of the Capitol, a lull growing, perhaps, out of a disposition on the part of its enemies to let the cause of bimetallism sink or drift out of sight; but be this as it may, its friends do not intend to rest content with anything short of keeping it well to the front, and it may as well be said now as at any time that the contest will be waged with such persistence that all will understand that nothing short of the full establishment of a permanent bimetallic policy and the free unlimited coinage of silver dollars by this Government will ever settle the question.

Short of this we have no compromises to offer, believing as we do that the hour is at hand when this country should have a policy of its own on this and other great questions, and that the policy we advocate will best subserve the interests and promote the happiness and well-being not only of the people in this broad land but of those throughout the world. Such are the legitimate purposes of government everywhere, no matter how organized, whether directed by the people themselves or controlled by kings, emperors, and princes.

The practical demonstration of the power and ability of this people to govern themselves has long since had its influence in the Old World, and our policy, if well defined now upon the question under consideration, will in the end have a controlling influence on its settlement in all lands.

Silver coinage is the specter which affrights the souls of those who own our bonds made payable by law in coin and those whose fancied interests lie in a contraction of the currency on an expansion of population.

Issue has long been joined—the friends of silver and the opponents of contraction on one side and the classes of people just mentioned on the other. It is truly the war of the millions—millions of people upon the one side and millions of dollars upon the other.

The bill which I have introduced if enacted into law will end the controversy honorably to all parties, fair alike to the owners of silver, of gold, of bonds, fair alike to the people of the Government and the banks. If all this be true, the bitter contest so long waged between the bimetallists and monometallists will in the end prove to have been a blessing in disguise, as having led us up to a point where the close of the controversy finds the interests of all equally protected, a consummation devoutly to be wished.

The worst enemy of silver in this country would put up his sword and haul down his flag if he could know that bimetallism would become universally international upon a common ratio of value between gold and silver.

It is obvious to me, and I hope it may be so to others, that decisive action by the United States now—action which will be considered absolutely conclusive and final here—will force the wavering nations to what

I consider the second step, not the first, and that is an international congress, to be convened for the sole purpose of establishing a uniform ratio of value between silver and gold. All conferences heretofore held have proven barren of results for the simple reason that false issues have been allowed to crowd out the real one just mentioned. What I mean is this: That the first thing to be done is to settle the question in favor of the double standard so absolutely as to leave no doubt in the minds of other nations as to the permanency of the policy here; for, so long as this country, which produces half the silver of the world, maintains a doubtful, vacillating attitude, we can not hope that countries having no interest in silver production will volunteer a change from monometallism to bimetallism.

In England and in Germany where gold is the sole standard many financiers and political economists of great ability are already urging a return to the double standard, showing a marked change in public sentiment. I will now read a telegram, dated the 11th of February, which shows the growing power of the bimetallists in Germany:

LONDON, *February* 11.

A Reuter telegram from Berlin states that the motion introduced in the Reichstag by Herr Huene on behalf of the conservatives, urging a new and searching inquiry into the currency question, with a view to ascertain whether it would be better to adhere to monometallism or return to a double standard, was adopted to-day by a vote of 145 to 119.

The vote by which the motion was carried proves that it was no mere formal resolution of inquiry; 145 votes in the affirmative to 119 in the negative shows that a great contest occurred and that the motion prevailed after a desperate struggle. If we present an unbroken front and maintain with firmness our bimetallic policy Germany will be the first to remonetize silver, as she was the first to demonetize it, in which latter enterprise she had the company of Denmark, Sweden, and Norway, so that we may fairly count on their future action being in accord with Germany on this question.

And the following telegram from England illustrates the changes I have referred to as taking place in that country:

LIVERPOOL, *February*, 1886.

At the meeting of the chambers of commerce in this city to-day Mr. Forwood, conservative member of Parliament from Lancashire and a prominent merchant and ship-owner of Liverpool, presided. He attributed the present depression in British trade to the appreciation of gold, assisted by the competition of foreign products and manufactures turned out by skilled labor improved by technical education.

The meeting of the chambers of commerce by a vote nearly unanimous resolved that "the depreciation of silver and its present tendency toward disuse as money are disturbing trade generally and England's eastern commerce in particular." Another resolution adopted by the meeting contained the following language: "We urge the government to unite with the other countries in an endeavor to restore silver to its former function as a legal tender, thereby giving it a permanent instead of a fluctuating value."

Mr. President, I make the broad assertion now and here that the coinage of all the silver produced in the past and all which may be produced in the future in the United States would have the same effect on the price of silver bullion in London and elsewhere as would be produced by entirely stopping the production of silver in this country, because the supply heretofore drawn from us would thus be cut off. If this be not true, then there is no such thing as the law of supply and demand. When we consider the fact that more than one-half of the people in the world use silver exclusively as money, while many millions more use both silver and gold, can any one doubt that if the United States, now producing one-half the silver of the world, should stop the production of it entirely, its price would bound upward to its old and proper place—15½ of silver to 1 of gold. Surely no one will deny or question this. Now, if, instead of stopping the production, we coin all that is produced into standard silver dollars, would not the effect upon the price of silver be the same as if its production were entirely abandoned? We would have a corner on one-half the silver of the world, thus reducing the amount left for the rest of mankind to the other half of the whole, because no other country can afford to buy our standard dollars, conceded to contain but about 80 cents of silver when measured by the price of silver bullion in the London market, which seems to be permitted to regulate its value, although I have never yet been able to learn why.

Is it not manifestly inevitable that the coinage and use at home of our entire silver product would so far reduce the amount available for the rest of the world that the price of silver bullion would at once begin to go up in London, which seems now to have a corner on its price while we have, approximately, a corner on its production? Is it not equally manifest that the price would continue to rise until our silver dollars would be at a premium over gold, for the reason that over there they fix the price of silver by a gold standard and that their ratio is 15½ silver to 1 in gold while with us the ratio is 16 to 1? And is it not furthermore manifest that as soon as the price of silver bullion is equal to or greater than the price of gold all objections to the double standard vanish? I can see no other reasonable conclusion. Certain it is that England could make no more money out of her barter in silver and would have no further interest in continuing its demonetization. Later on in the course of my remarks I will explain what her present interest in that regard is.

Returning now to the subject of monetary conferences, I repeat the thought before expressed, that the first thing to be accomplished is to establish the double standard. Then, and not before, is the only proper time to discuss and determine the ratio between silver and gold; for so long as we attempt to "put the cart before the horse" just so long will all such conferences run into the discussion of the first question—the general policy of bimetallism—instead of the question of ratio, which is the second. Entertaining these views, I am unalterably opposed to all such conferences now, because until the first great question is definitely settled, it seems to me idle to talk about fixing an international ratio of value.

The very able and distinguished men in and out of Congress who speak and write upon the other side of this question overlook the absurdity of permitting the price of silver to be fixed as it now is by the London market; by a country which does not produce an ounce of this precious metal; a country whose most important interest lies in procuring cheap silver for use in India, where it has nearly completed vast systems of railway and other avenues of transportation whereby it is sought to build up competition with the producers of this country by stimulating the production in India of similar commodities to our own. Considering that silver is the only legal tender there—gold is not—it most clearly appears why England wants cheap silver which she now buys as bullion, coins it, uses it to build up our chief competitor, and in doing so makes 30 cents on every dollar of silver used in India, and may be paid out there at its coin value by England which buys the silver at its bullion value. No wonder England wants cheap silver. She demonetizes it at home, makes it the only money of India, fixes the price of our silver product, and seems to be regulating the whole business.

Sir, a man—a seller—who in his private affairs would permit a buyer to fix a price upon the property for sale, and actually buy it at such price, a seller, too, who himself controlled half the product of the world in that line, would stand convicted of most stupendous stupidity. Yet so it is that this Government is permitting England to do just such a thing with our silver interests, bearing down its price while interested in building up a competitor to this great country and using our silver to enable her to do so. She arrogates to herself the position of both prosecutor and judge, and her decisions never deviate from the line of her direct interests. So long as this country maintains a wavering position on the question of bimetallism we lose half the ground gained by the remonetization of 1878. Had our Government through its officials carried out in good faith the will of the people expressed by the law of that year, the double standard would long ere this have been an accomplished fact throughout Europe. Even as it is the monometallists are on the retreat in Germany and elsewhere, and it should be the unswerving purpose of the friends of bimetallism here to crowd them; not by misrepresentation, ridicule, or abuse, but with firm fairness, using the honest weapons of fact, illustration, and argument.

Official data show that on November 1, 1885, there was in the country gold and bullion, five hundred and eighty-seven millions; silver and bullion, three hundred and eight millions—total, eight hundred and ninety-five millions.

I may say, taking round numbers, we had at the date mentioned six hundred millions of gold and three hundred millions of silver. Our stock of gold is not increased by the production of our mines, as their supply is now barely sufficient to meet the consumption of gold in manufactures, &c., and there is no promise of any considerable increase in gold production. If silver is to be demonetized we shall have only six hundred millions of gold on which to base our paper currency. It is true that four hundred millions of gold have been brought here since the coinage of the silver dollar was resumed; and it continues to come, to the bewilderment and confusion of the severe logicians who have repeatedly and conclusively demonstrated, to their own satisfaction at least, that so far from coming here we would inevitably lose that which we had.

The most recent statement from the Treasury Department shows that during the last year our gold imports exceeded our exports by twelve millions; while the exports of silver exceeded the imports by sixteen millions. In such facts as these we see how the impossible has come to pass; the gold coming to us and not fleeing from us; the silver going abroad, instead of the United States becoming its selected dumping-ground. If such eccentricity of results is to continue, if gold persistently comes and silver perversely goes from us, will not our faith in human reason become sapped and broken down? Our friends on the other side of the question should seriously contemplate this possible calamity, and should in some way guard us against such tremendous consequences. Yet the philosophers may, if they will, take some hope, even from the figures I have given; for they may point to the fact that the gold which is now coming here is too insignificant in amount to be of material advantage to us, and there are no present signs of increasing importations. So that whether there are other dominant and determining considerations or not, I hold that we are forced to the use of the other precious metal in order to obtain the adequate and indispensable currency basis.

The silver now in the country amounts to $5 per capita. Upon this a perfectly sound and stable paper currency of $10 per capita may be based. Needing, as I insist, at least $30 per capita of active circulating medium, we shall, if demonetization of silver is effected, virtually take

away the means whereby one-third of that circulation may be created; and what is the argument for this demonetization? How has it been shown that silver is no longer useful as a money metal? Its value and utility as money can hardly be successfully impeached in the face of the fact that silver to-day constitutes more than one-half of the metal money of the world, as in the earlier past it constituted three-fourths of it. Its fluctuations, so called, may have terror for a few holders of bonds, but have not seriously disturbed the unnumbered millions who continue to use it as currency. Nor has the fact yet been established, though it has been asserted with a noisy vehemence sufficient of itself to discredit the assertion, that silver has really declined in value or purchasing power. Now, what has been proven? It has only been shown that on the money marts of London silver has within the last ten years become less valuable as a gold equivalent; that it will buy less gold than it would in 1873.

Measured, however, not by the standard of gold alone, but by a truer one, by that furnished by the prices of the world's multitudinous products which we consume, the food we eat, the clothes we wear, as well as the houses we build and the railroads we construct, it can not be made to appear that within any period of the recent past has the purchasing power of silver lost the smallest fraction of its value. In short, this value has been constant, tried not by fanciful but by genuine tests of economic value. Hence it may be fairly insisted that in silver, and silver alone, we have the precious metal which, as it will constantly add to the volume of our metal money while gold can not, is essential to that expansion of currency which so long as wise legislation rules the hour will be kept commensurate with our growing wealth and numbers. This important function is denied to silver by its enemies, because, they say, we shall be deluged with silver, or, changing the figure, we shall become the dumping-ground of the world, even by the maintenance of our present limited coinage. Precisely how this is to happen has not been described, possibly because the process would be at once curious and complicated. It would certainly require an unusual resource of invention and mastery of words to describe it.

Our opponents are wise in not attempting to show how this unhappy state of affairs is to be brought about, or what have been or what are to be the concatenation of causes or events. Shall silver be dumped here because we have done or may do something, or are these gentlemen simply masquerading as prophets, honestly persuaded, no doubt, that upon them has fallen the mantle of the seer, that the visioned trance is theirs alone, and that the dumping will only follow incidents, accidents, happenings wholly fortuitous? We are assured that the dumping is not to be "a perhaps;" it has been ordained to be. Let me say if this be really so, upon what grounds do these gentlemen object to the freest use of silver in the payment of our bonded obligations?

If silver shall come here from abroad it is because there is profit in bringing it here, and that profit must come from exchanging silver for gold on advantageous terms, and if this can be done why should the holder of our interest obligations object to receiving his quarterly and semi-annually mites in the white metal instead of the yellow? He knows he can get his gold when he wants it, and he pays practically nothing for the conversion. Yet in spite of auguries I suspect that silver will hasten slowly to our shores. It will come with laggard step and only as we want it. But there are sundry practical difficulties in the way of its being dumped here from abroad. Those obstacles have been so fully stated by my late colleague, ex-Senator Hill, in an address delivered at Providence, R. I., I can not do better than quote from his lucid statements.

> As to the dumping upon us of foreign silver, it is as impossible as the dumping upon us of foreign wheat, and for the same reason, namely, that we produce more than we consume. Our use of silver, in coining dollars under the act of 1878, and in the arts, is less than the production of our mines. The excess of their yields beyond the demands of manufacturers and of our mints must necessarily be exported, and must fall to a price at which it can be exported. An importation of silver from Europe is impossible, because that continent has no stock excepting its coinages, in which silver is rated about 20 per cent. higher than it will command to-day in our markets.

My present colleague [Mr. TELLER] in his recent speech here also met these objections in such a plain practical manner that I think a repetition of his exact words will be useful in this connection.

I quote as follows:

> The opponents of the unlimited coinage of silver declare that if adopted in the United States all the silver of the world will find its way to our mints to be coined into dollars; that these dollars will drive out all the gold; that we will be left with silver only. If the foreign holder of silver brings it to our mints and coins it into dollars the dollars so coined will be his property and not that of the United States or the people thereof. How can it be valuable to him over and above its bullion value except by its use here as money? If he wants to buy gold with it he must offer the American holder of gold so much silver that the holder of gold will consider the exchange a profitable transaction. Such exchange is wholly dependent on the consent of the holder of gold. His consent can not be obtained unless he sees it to his interest to do so, and if it is to his interest, it can hardly be to the detriment of the rest of the people.
>
> If the holder of the silver dollar can not buy gold on profitable terms he will not buy. Gold ought to be as valuable to the American holder as to the holder of silver coin, whether he be an American holder or a foreign holder. Why should the foreign holder of silver be willing to pay more for gold than our own people? The foreign holder of silver after having it coined at our mints must make use of it either by taking it out of the country, by hoarding it, or by its use here as money. If he takes it out of the country, no harm is done; if he hoards it, no one is injured here; if he uses it as money, he must either buy gold, American products, or invest it permanently in the country. In either case we shall get the full equivalent for his silver or he will decline to take it.

It is, however, urged by some that the objection is not to the use of silver as metallic money, but to the coin called "one dollar," which contains only 412½ grains of silver and alloy, instead of a sufficient number of grains to put it on an equality with the price of silver bullion in London. This objection, equally with sundry others, has been so abundantly met I can hardly do more than present in my own and less happy phrases the views with which the Senate and the country are already familiar. The irresistible answer is that the dollar of to-day is the identical dollar of the past, its exact counterpart in fineness and in weight of silver, quantitatively and qualitatively its absolute equal. It is not necessary to tell us that abroad, in Lombard street, London, it has not the value of the gold dollar. That fact is apropos of nothing. We are not seeking to establish an international currency. That task will come later. Our essay now and here is to maintain the bimetallic standard, and so far we have done it. The silver dollar will buy here as much of anything as a gold dollar, and stands on a parity with it for all purposes.

I am confident that from the complete remonetization of silver, its re-established use as a money metal, there will flow widespread and beneficent results, in which the whole people of the country will share. It is in my view an indispensable step in the creation and maintenance of that all-sufficient and stable circulating medium, without which there can be no healthy business activity. With an adequate currency our laborers will command better wages, our farmers will get higher prices for their products, and our furnaces and looms will again throb with a restored vitality.

But there are other and far-reaching consequences to follow the complete remonetization of silver, affecting special interests, and these of the greatest magnitude and of the most vital concern, which have been hitherto not thoroughly estimated.

Mr. Ivan C. Michels, who has in course of preparation an elaborate paper on the subject of our foreign trade for the use of the National Bimetallic Coinage Association, has kindly furnished me with the striking facts which I will now present. They will need little comment from me, because they are their own best argument and commentary. The statistics to which I am about to refer have been gathered with the most painstaking care, and their general accuracy I have personally verified. I shall use only round numbers to avoid the repetition of insignificant amounts. These tabulated statements show that from 1873 (when free coinage of silver was abolished in the United States) to 1885 the export of wheat from India rose from 100,000 bushels to 45,000,000 bushels. In twelve years the wheat exports were more than one hundred times quadrupled. This amazing development was not due to chance.

The effect upon our cotton and wheat exports resulting from our policy on the silver question has often been referred to by speakers and writers, but with such brevity of statement that the actual relation between the declining price of silver and the coincident fall in the price of wheat and cotton—this relation of cause and effect—was not adequately explained. The pertinent facts in the case have not been set forth with that fullness of detail which is necessary to carry conviction to the average intellect. I have, therefore, with some care brought together such data—deriving the substance of all from the labors of Mr. Michels—as can not fail to throw a strong and clear light upon this important subject.

The cultivation of this great staple in India has been most sedulously encouraged and stimulated by the English Government. To obtain a marketable grain, and to secure the most immediate and most profitable results, the English have carefully watched and supervised both the planting and the gathering of the crop. They have supplied the natives with selected seed of the best foreign varieties, and have gratuitously distributed among them agricultural implements and machinery of the most approved patterns.

But facilities of transportation to the seaboard of the Indian products were no less indispensable. To provide these the English Government has built, and is building, trunk and tributary lines of railroads and canals, some long since finished and nearly all well advanced toward completion.

The report of the Indian director-general, dated March 31, 1885, shows that at that date there were 12,000 miles of railroad open to traffic, while upward of 3,500 miles of road were in course of construction. The total outlay for railroads and connecting steamboat lines up to the date mentioned reached $800,000,000; and the construction of nearly 1,500 miles of new lines has been recently decided upon. The earnings of the roads in operation show that as purely commercial ventures they are profitable investments, while their value in a military point of view is beyond all estimate. So that the natives were first taught how to raise wheat, and next were supplied with the means of sending it to a market.

The success which has attended this effort of the English Government to utilize its Indian labor and create a competition to this country in wheat production, and thus secure for the English people another source of supply, is shown in the figures already given. And we, who are supposed to reflect the will and protect the interests of the American people, have come to the aid of the English Government in this work. We rendered the most efficient help possible by a single stroke of legis-

lation—by the demonetization of silver. And the effects of that act linger to-day. Although no longer in force it has, in conjunction with the policy of other nations, driven silver and gold farther and farther apart until silver is now, measured by the gold standard, 20 per cent. cheaper than it was in 1873.

To-day the English purchasers of Indian wheat are able to pay for it in a coin, the silver rupee, which costs them 30 per cent. less than the money which would be required to pay for wheat imported from the United States. To make this clear, I must state that the rupee is a legal tender in India, and that its ratio to gold is 14.28 to 1. This difference of ratio alone between our standard and the Indian standard gives to the English buyer an advantage amounting to 10 per cent.; and, as silver bullion on the London market sells for 20 per cent. below the value of our silver coin, it is manifest that there is at once established a difference of 30 per cent. in prices in favor of the Indian wheat raisers and consequently against our own.

Competing in the world's market our wheat is inevitably forced down, approximately, to the Indian price. What this amounts to in dollars we shall see. Taking our last year's crop at 350,000,000 bushels, there was a clear loss to our farmers, from the causes stated, of over $70,000,000, while we have on hand, of unmarketed wheat, 57,000,000 bushels against one-third of that volume three years ago.

Our cotton interests have also suffered in the same way. The cultivation of cotton in India has been carefully watched and fostered by the English Government, so that in this field also our supremacy is no longer assured. Though cotton is not discrowned, this sovereignty includes India as well as the United States. India has the same vast cotton-belts that we have, the same rich alluvion, similar climatic conditions, and immeasurably cheaper labor. But in addition to all these advantages, the English buyers have the cheap silver which we supply.

The development of cotton production is best shown by the growth of the cotton exports from India. These exports have increased from 650,000 bales in 1879, to one and a half million bales four years later; or the export from India in 1883 amounted to about one-fourth of our whole cotton crop. The cotton manufactures of India show a similar growth. The consumption of cotton by the native manufactories has more than doubled since 1879, and the export of manufactured goods has risen from 14,000,000 yards in 1876 to 55,000,000 yards in 1885, or has quadrupled in nine years. On the other hand, the exports of manufactured goods from the United States have fallen from 14,000,000 yards in 1880 to 12,000,000 yards in 1885. And here I must mention as a pertinent and noteworthy fact that the price of cotton has steadily kept pace with, has in no year shown any reaction from, the declining value of silver in the London market. The following figures sufficiently illustrate this fact:

Average price of silver and cotton in London for the years 1882 *to* 1885, *inclusive.*

Years.	Silver.*	Cotton.†
	Pence.	*Cents.*
1882	51⅛	10.79
1883	50¼	10.64
1884	50¼	10.54
1885	49	8.90

*Per ounce. †Per pound.

That these changes in the price of cotton were not brought about by the varying volume of our crop for these several years will appear from what I shall now read:

	Bales.	Price.*
Total crop for 1882	5,400,000	$0 10.79
Total crop for 1883	7,000,000	10.64
Total crop for 1884	5,800,000	10.54
Total crop for 1885	6,500,000	8.90

* Average price per pound.

Comparing the crops of 1882 and 1884 it will be seen that the crop of the latter year exceeded the crop of the former by four hundred thousand bales, and the price in 1884 was one-fourth of a cent lower per pound than in 1882. Two mills per pound would fairly represent the decline in silver between the periods mentioned. Comparing the crop of 1883 with 1885 it will be observed that though the crop of the latter year fell short of the crop of the former by a half million bales, yet the average price in 1885 was one cent and three-quarters lower than during the year when the large crop was produced.

I do not mean to insist that the declining prices of cotton are due wholly to the declining prices of silver. Other causes have assisted, and chief among these is the rival cotton crop which India is able to produce. It is only in the calm consideration of such figures as I have given, and in intelligently recognizing the true causes, that we may learn how to so shape our legislation as to protect in the future these special, yet truly imperial, interests—interests which come close to the pockets of two-thirds of the people of this Union. Can there be any doubt as to the meaning of these results—present, existing results—and also the portentous consequences foreshadowed for the future?

Our entire annual silver production amounts to $48,000,000. Yet cheap silver cost our wheat growers $70,000,000 in one year; and the decline of 1¾ cents per pound in cotton since 1883 would amount to, on last year's crop at $8 per bale, the sum of $52,000,000. There is no element of fancy in this statement. The figures are accessible to any one who cares to investigate the matter; and it seems to me there is no escape from the lessons of warning and instruction which they convey to us. He must be willfully blind who can not see it. English financial writers show how thoroughly they appreciate the advantages which the English merchants who trade with India derive from the cheap silver with which we are supplying them. A writer in the London Economist, of recent date, deplores our continued coinage of the silver dollar. And why? Because, he says (I quote), "it can not be to their interest that the trade of one of their best customers should be undermined by a deteriorated currency." This observation is sentimentally meaningless.

But mark the following words of this writer. I quote:

Nor is it to the advantage of trade—

He means English trade—

that millions of a valuable product, such as silver, should either be heaped up useless in a state vault or applied to a wrong purpose. Set free, it will be so much added to the volume of exchangeable products and to the world's commerce.

Do these words need translation to this body or to the American people? He says if this Government continues to coin the silver dollar, whether it is afterward heaped up or not, the English people will be deprived of that much cheap silver. If it is "set free," using the writer's language, "to be added to the volume of exchangeable products and the world's commerce," we simply hand to Great Britain the cudgel, or the bludgeon rather, with which to gradually drive us from the world's markets.

The writer I have quoted goes on to add that he is not afraid that India will be overwhelmed with silver, even should we set ours free. I suspect not. The English can use all we may send, and will be content to get more. Should we send our entire silver product it would barely be sufficient to pay for the annual Indian cotton exports alone. So that there is a ready foreign demand, limited, however, to one nation, for every ounce of silver we can spare. Shall we continue to send it abroad? That is the question. Shall we continue to send it while it is so largely contributing to the building up of a formidable rival in the production of those two great staples of the world which we have hitherto supplied; to the building up of a country where the average price of labor is 6 cents per day? Certainly the enthusiasm of our farmers, planters, and laborers in favor of such a policy will not be very gushing.

Sir, to send away another ounce of silver is suicidal, because the more silver bullion we send to England the cheaper it will be there, and the cheaper it is there the cheaper can India's wheat and cotton be produced. In the face of all these facts, I submit that there is but one course to be pursued, and that is to coin the entire output of silver from our mines and thus cut off that much of the supply from the London market, the inevitable effect of which will be, from the fact that we produce half the silver of the world, to raise not only the price of silver but also the cost of producing wheat and cotton in India as well, thus directly benefiting every laborer and producer in this land. Let some worshiper of the "golden calf" answer these things if he can.

Awaiting such answer, I pass to a brief examination and consideration of our national debt.

The act of Congress of February 25, 1862, under which the 5-20 6 per cent. bonds were issued, also authorized the issue of one hundred and fifty millions of legal-tender notes, and it was provided that they should be a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest on the public debt, referring of course to the interest on bonds of the United States, which interest was by the same act made payable in coin. Silver dollars under the law then possessed the full money function; were a legal tender for all debts, public and private. These legal-tender notes were likewise made exchangeable for United States bonds.

Inasmuch as the principal of these bonds were not by law made payable in any particular kind of money, they could justly and lawfully have been paid in legal-tender notes (greenbacks) according to the rule of law declared by the Supreme Court of the United States in 1884. As the time approaches when the Government might—under its option to pay after five years, legal-tender notes then being much below par—pay off these bonds the cry was raised that not only the interest, but the principal as well, ought to be paid in coin, but no claim for payment in gold coin was then made (silver was then at a premium over gold). Finally an act was passed, in 1869, making the principal as well as the interest of these bonds payable in coin generally—not gold coin, simply coin. The subsequent acts of Congress authorizing the issue of bonds, including the 5, 4½, 4, and 3 per cents., likewise made all such bonds, principal and interest, payable simply in coin—meaning, of course, silver coin as well as gold coin. Now, Mr. President, I submit that we have gone far enough, and let us draw the line right here.

These bonds are payable in coin, and when we pay them let it be done as stipulated in the contract. Those most interested know they can not secure the passage of a law making them payable in gold coin, but they also know that if the coinage of silver dollars is stopped they will get gold coin for principal as well as interest because of the lack of silver coins; and they are even willing to leave undisturbed the standard silver dollars already constituting part of our money, the amount of those dollars being so insignificant when compared with the amount of our bonded debt, the amount of such dollars being less than two hundred and fifty millions, while the bonded debt reaches the sum of fourteen hundred millions. It is a well-chosen position, it is the only standing-ground these people have left; hence they are found in one solid phalanx fighting for the suspension of silver coinage, and in the contest they are arraying every interest and every prejudice opposed to silver. They are too wise to appeal directly for the payment of these bonds in gold, but are utilizing every power within their control to stop the coinage of silver, in which, if successful, their point is gained.

We hear much said about the public faith and the national honor. As has been shown, the public debt may be paid in standard silver dollars without any breach of faith or loss of national honor, and I say now that the public faith of this Government toward our own people is, to say the least, a matter of as great concern as the public faith toward the holders of our bonds. It is not necessary to swindle either.

No man is more earnestly in favor of sustaining the national credit and the national honor than myself, but I do not deem it necessary for these purposes to pay the principal of a single bond before its maturity. If we pay the interest promptly we shall have done all that is necessary, and I am frank to say that I am opposed to the rapid payment of our bonded debt. These debts were created to preserve the Union; and I indulge the hope that this Union may last forever—that unborn millions may receive and may transmit the blessings of civil and religious liberty to millions more who will follow them. With this priceless legacy it is only fair that these coming millions should bear their just proportion of the cost.

Our ability to pay this debt is conceded throughout Christendom. And if sixty millions of people can pay it without feeling distress, one hundred and twenty millions will look upon it as a mere bagatelle, and double that number will scarcely realize the effort of its extinguishment.

We have other uses for the surplus, and I will now say what I promised early in the course of my remarks to say. We can put in circulation the amount of money I have suggested as being necessary in many ways besides by the payment of bonds or the remission of internal-revenue taxes. We can build a navy which will make our flag respected upon every ocean and in every port in the world. We can create coast defenses which will constitute every seaport of ours a Gibraltar.

We can construct canals for the benefit of the people; we can build houses for the use of the Government in every county seat in the United States, and thus cut off the drain continually going on in payment of rents. But enough of this. These suggestions need no argument to back them. The mere mention shows that there is no difficulty in getting our money into circulation. I might enumerate ways and means to accomplish this end without limit, but will not consume the time. The claim that we must crowd the call and payment of bonds in order to rid the Treasury of its surplus is the thinnest of gauze. It is a mere subterfuge, a delusion, and a snare.

The payment of bonds gives no relief to the toiling millions. They have no bonds. Better by far is it to let the owners of bonds hold them, because the bonds are less dangerous than money in the hands of those who enhance its power by hoarding it in the hands of the few at the great money centers where there is too much already.

A plethora of money at the great centers is the unfailing indication of scarcity elsewhere. The payment of bonds only aggravates the trouble by augmenting the volume at the very places where active money is not needed. The only relief is to stimulate enterprise and thus put the money in circulation among the people. Prosperous France is an example, which proves the beneficent effects of a well distributed circulation. There the money is held by the people instead of the banks at the great centers, and hard times are now unknown. This is the great secret of prosperity there, and the sooner we understand and act upon it the better.

The debt of this nation at the close of the war reached the enormous sum of over $2,800,000,000. On this there has been paid $3,400,000,000, of which nineteen hundred millions were on account of interest, leaving still a bonded debt of about $1,400,000,000.

This generation has gone far enough in its efforts to extinguish this debt. It has done more than its part, and I repeat with emphasis that since posterity will reap its full share of the benefits secured by the expenditure of this vast sum received for these bonds, it should be left to discharge its fair proportion of the debt.

Sir, the history of the last quarter of a century proves that the financial legislation of the United States has not been in the interest of the people. On the contrary, it is blazoned all over with cumulative evidence, amounting in the aggregate to positive proof, that the grand central idea has been to aggrandize those whose overflowing coffers have enabled them to utilize each and every step in the merciless scheme for their own selfish purposes to protect the moneyed interest and that alone.

Beginning with the issue of Government bonds in 1862, which were issued and paid for in greenbacks, then 40 to 50 cents below par, down to this very moment there has been no relaxation of effort in the direction just mentioned. Under various alluring and sometimes patriotic titles bill after bill has been introduced, and many enacted into law, the effect of which has been to tighten the grip of the aristocracy of cash on the throat of the aristocracy of labor. The national-bank issues constituted the first decisive step. The law authorizing such issue remitted the power of the Government over the volume of money to private corporations, and to-day we find ourselves at their mercy, groaning under the weight of a contracted currency, falling prices, stifled industries, and general business stagnation.

If any one doubts the effect of a contracted volume of money, let him inquire of himself how he could pay debts long ago contracted if this volume should be still further decreased to one-half its present amount, and, if not satisfied, let him imagine the volume reduced to one-tenth of what it is now. The man who can not understand the effect of contraction, not only as to his debts, but on his labor and his property as well, lacks the intelligence to be a good American citizen. And yet so it is, that we have seen this Government shorn of all power over the volume of money, and thousands of people do not seem to understand what has been the instrument with which their throats have been cut. Why, sir, this one power which has been unwisely given away is sufficient to ruin the country, if all other conditions to prosperity were in perfect order.

Now let us look at the process of contraction which has been steadily going on for many years. Under the administration of Mr. McCulloch, as Secretary of the Treasury, the volume of money was reduced from two thousand millions down to seven hundred millions.

Then came laws authorizing the retirement of the circulation of national banks, thus giving those institutions the power to contract the currency; while on the other hand a law was passed repealing all laws limiting the circulation of the banks, thus giving them the power to inflate the currency at will. These two provisions are the ones which riveted the shackles upon the people and constituted them a nation of slaves to the extent of depriving them of all power over the volume of money, which, as I have already said, is the power which regulates the price of all property and all labor. No man knows to-day at what moment he will find himself in the death-grip of contraction or whirling along in the mad tornado of the wildest inflation. The two provisions of law referred to have substituted a policy of three balls in lieu of just and sound principles of finance. We are continually reminded that the banks can issue all the money needed for use in carrying on the business of the country. True, enough; they could if they would, but they never have, and they never will, unless it subserves their own interests, and those interests, without exception, lie in the direction of a contracted currency, because they deal directly in money and control nearly the whole of it; hence the less there is, they being in possession of what there is, the more valuable it becomes to them.

Sir, is it not high time to divest the banks of these powers and restore them to the Government, where they justly and properly belong? For one I answer, yes. From beginning to end, at every stage of our past financial legislation the one great effort has been to give the control over the volume of our money to the national banks. In season and out of season do we hear from a majority of those representing these corporations that the legal tender should be retired, and that national-bank notes should constitute our entire paper circulation. We hear it in their speeches, we are deluged with their pamphlets, and we are hammered with this one idea in private conversation. Not content in the exercise of the extraordinary and dangerous power over this subject already possessed by them, their aim is to further intrench themselves by getting rid of United States notes and silver dollars, thus making themselves our absolute masters in this regard.

We are told in plain Anglo-Saxon by some of their less discreet speakers that Congress is not fit to be trusted with this power over the volume of our currency. A nightmare, which they are pleased to term inflation, is ever present with them; is the burden of their song, and those who can not sing, keep step to the music. Their fear is manifest by their seeming solicitude for the welfare of the people. They fear that easy times will lead the people into extravagance and luxurious living, and end in bankruptcy and ruin. Coming from those whose lives are one continued round of luxury amounting to satiety, men who are not soothed by slumber nor pleased with pleasure because they know nothing, absolutely nothing, of the humble walks of life, how shallow, hypocritical, and merciless is all this.

Sir, I am in favor of an ample amount of currency, because I know that the prosperity and happiness of the whole people is best advanced by increased and healthy activity in all branches of enterprise and industry. I do not fear the consequences of giving more chances and more ease to the people, and if any doubt exists as to whether we have too little or too much money, I would render that doubt in favor of the latter. Still, sir, I am not an inflationist, although I reserve the right to decide for myself as to the proper amount of circulation necessary

for the country, and as to whether the sum I believe in amounts to inflation.

Looking at both sides of the question, I can see no advantage to the people at large in a contracted circulation. Its evils are ever with us. No man without means can even fairly start on the road to prosperity, much less travel it. The path of contraction is the path of gloom and despair, where nothing flourishes; where there is neither fruit nor blossoms of hope. I truly believe that even if an ample volume of money should bring in each decade the dire disasters depicted by the contractionists that even then the great masses of the people would be the gainers. For myself, I would rather have an occasional chance to try for success, to indulge in hope, even to meet the phantom of failure in the end, than to grope around forever in the darkness of the slough of despond without a ray of hope or even a single chance.

Mr. President, in this world's great field of battle, in the race of life, God Almighty intended that every human being should have a fair chance, else that hope which springs eternal in the human breast would never have been planted. There is not a being on earth, save those who have been wearied and worn out, or crushed between the upper and nether mill-stone of abject poverty and utter hopelessness, who has not his plans and aspirations in life. Destroy these plans, crush these aspirations, and there is nothing left of him.

The messenger boy who, running in hot haste, delivers stocks on Wall street, hopes some day to be a broker's clerk; the clerk hopes to become a junior partner, and finally the head of the firm; the head of the firm aspires to be a bank president; the bank president to be a Secretary of the Treasury; the Secretary of the Treasury to be President of the United States; and the President hopes, by reason of duty well performed, to live forever in the hearts of his countrymen.

The miner on the night-shift, working deep down in the bosom of mother earth, as he eats his dinner at midnight in sight of wealth to uncover which years of toil and thousands of money have been required, dreams and hopes that his prospect hole near by on the same great mineral belt will develop bonanza by and by.

The stage driver as he sits upon his box and tells you in confidence how he traded off a poor horse for a good one without authority from "the old man," a term of endearment as well as description universally applied to the proprietor of the line by the knights of the whip, hopes that his sagacity and loyalty will soon be rewarded by promotion to the position of route agent, with further chances in the future.

The civil engineer who by the use of latitudes and departures in his underground surveys, where by reason of local attractions the needle fails to be reliable, traces with unerring certainty the deflections and angles of the workings of the mine, thus enabling him to fix upon the surface the exact spot for the sinking of a shaft to connect accurately with the stopes and drifts below; or who by triangulation where the face of the earth upon rugged mountains will not admit of running an actual and direct line can give you the exact course and distance from one point to another, no matter how far apart these points may be, hopes some day to leave the drifts and tunnels and their poison of dynamite and escape the dangers of the avalanche and the glacier by being called to the position of chief engineer of some great constructing railway where there is less work, less danger, and more pay, or to the surveyor-generalship of some thriving young Territory and finally to a seat in this august body, a possibility which ripened into a reality in the great State now so ably represented on this floor by my distinguished friends from Nebraska.

Sir, I might go on for hours with such illustrations, but will not. Let it suffice to repeat now what I have already said, that every human being has his hopes and aspirations, and I may add right here that he is entitled to them.

The great question is, Shall this Government issue a declaration of financial independence? A declaration not only against Europe, but against the organized enemies at home. The war of the contractionists is not based upon the fact that silver will add too much to the volume of money. A more subtle issue is involved. With bimetallism firmly established here they know the nations of the earth will be forced into the same line of financial policy; they know we can not accumulate silver and gold enough to furnish the necessary amount of hard cash to do the business of this country; they therefore hope that with the single standard of gold once established, thus destroying more than half the metallic money of the country, the possibility of a specie basis here lapses into an impossibility, and that of necessity this country will be remitted to a choice between greenbacks based solely on the sovereignty, honor, good faith, and credit of the nation on one side and national-bank notes on the other.

If human wisdom proves so frail as to allow this choice to be forced upon us I declare myself now, without mental reservation, that as between the two I am in favor of the greenbacks. The one is just as much fiat money as the other, the greenback being the direct issue of money by the Government, while the national-bank note is the issue of the bank secured by Government bonds; so that as far as a question of safety is involved there is but little, if any, difference between the two. Successful in this controversy the contractionist will be master of the situation, because the same influences which can demonetize silver could and would leave the banks with absolute control as to the volume of money, and this control as I have shown is the prize for which they fight. Truly, truly, this is the war of the millions.

Mr. President, the fight upon silver is the result of a belief on the part of our opponents that it was the weakest point in our line of battle. Two years ago it looked that way; but the scenes have since been shifted, so that to-day, thank God, we stand here not simply trying to defend and protect the limited-coinage act of 1878, but as aggressors demanding the free and unlimited coinage of silver and defying the usurpers of sovereign power; demanding this coinage not from a standpoint of local self-interest but upon the broad ground that it is best for the whole country, best for the entire world, and strictly in accord with correct financial principles.

Mark how we are answered by our opponents. One gentleman speaks of the "slippery silver dollar." Sir, there never has been but one time in its history when it appeared slippery, and that was in 1873, when it was slipped out of the list of legal-tender coins so quietly—the revision of the statutes being used as the vehicle—that Congress did not then know it had been demonetized, nor did the President of the United States for a long time afterward. If by the term "slippery" it was intended to be called slick or smooth it exhibited its capacity in that line when it smoothly went back to its place as a legal-tender coin in 1879; not, however, by any such back-door trail as it was slipped out by, but through the open doors of Congress after a square fight.

Another says:

All the bankers and bullion dealers in the world know that Uncle Sam will sooner or later find out the trick of the bonanza kings, and that when found out their advocates in the Senate or elsewhere will find it hard to get a hearing among business men, or to justify themselves among working men. Fortunate may it be for them if they are saved from being mobbed by the workingmen, &c.

Sir, this is the quintessence of gall. I can imagine that mob of workingmen led on in their wild fury by the horny-handed son of toil who perpetrated what I have just read—a man whose chief industry consists in resting his intellect in reflecting the views of those who neither know nor care anything whatever about the millions who labor for bread.

Another says:

The coinage of silver is kept up solely in the interest of a handful of adventurers in the Rocky Mountains represented in the Senate of the United States by a set of cowboy and sage-brush statesmen.

This terrific onslaught, intended for argument, was no doubt considered a settler by the person who uttered it. His ignorance is the only apology that could be offered for him.

Sir, this man, in so far as he alluded to Colorado, was not aware that he was talking about a State greater in natural resources than the great State of Pennsylvania. Our supply of coal is as great or greater. Our iron exists in quantities inexhaustible. The steel rails we manufacture are the best in the world, and the material necessary for their production is beyond computation. We produce coal oil. We have millions of acres of lumber lands. We raise the finest wheat on earth in quantities excelled by none. We took the first premium on flour at the Paris exposition. Our potatoes are the finest in the world and more to the acre. We raise oats, barley, and rye equal to any and better than most. Our cattle roam upon a thousand hills. Now, when we add to all these things our supply of silver bullion, which constitutes one-fourth of the product of the whole earth, and our gold bullion, which in amount is not insignificant, do I not prove conclusively that our natural resources are greater than those of the great State I have mentioned? Our people are essentially cosmopolitan; every State in the Union and every nationality on earth is represented there.

I have made these brief references to a few of our opponents simply to show a few of the kinds of attack to which we are subjected, and to prove that these men know nothing of what they are talking about. They are like the skeptic who attempts to measure the infinite by the finite, and who, because the puny mind of man can not compass or comprehend an overruling power, disbelieves everything. To him a view of the universe proves nothing, the fulfillment of the prophecies nothing. He doubts and disbelieves to show his own wisdom, and spreads his heresies regardless of pernicious effects.

There is another and larger class of persons whose utterances we find recorded in the proceedings of the American Banking Association, men of intelligence and prominence in financial circles, but whose supreme arrogance is astounding.

When we examine the utterances of these gentlemen we find that they propose to constitute themselves not only the legislators—the makers of the law—but the judiciary also, for they must be the sole interpreters of it. An act of Congress relating to the money question is in their eyes inevitably crude, undigested, and both pernicious and impracticable. They affect to think that if we want a wisely framed and an absolutely just law we must go to them for it, they being the true source or the exclusive custodians or the masters of all sound political economy. And, too, in case there should be any doubt as to the meaning of any act of Congress relating to monetary prospects, they alone are the burning and shining lights who can surely interpret it. The judgments of the highest tribunal in the land are only a rush-light compared with the pharos which gleams from their watch-tower. Or they are the perfect polished hyperbola which catches all true rays and sends them over a darkened land. And they are the patriots and soldiers who saved their

country during its greatest perils. They were the real Grants and Shermans, Sheridans and Logans of the war.

But just here it should be noted that in saving the Union they saved their dollars also and carefully multiplied them. They sedulously utilized to their own advantage the pressing distresses of the Government, and have laid the foundations by the absorption of the powers referred to of a plutocracy which threatens the existence of our Government.

History and our common experience are fruitful of examples of compelled surrender by wealth and power, when concession to reasonable demands would have accomplished all that surrender finally yielded. Maladministration by preceding rulers of his line brought a king of France and thousands of the ruling class of that country to cruel death. A predecessor had selfishly stated the logic of his own maladministration and prophesied the destruction of his lineal heir to power when he said, "After us the deluge."

Congress may adjourn questions of serious moment to national want and promote a deluge of disaster to public interest. In recent years legislation and administration have taken little cognizance of popular opportunity for indemnity. The dalliance of power intrenched within the muniments of capital and legalized privilege gives it little leisure to discuss the educated opinion that regulates the action of the Government in all its functions, the government of the only country in the world controlled by public opinion.

Public necessities regulate that public opinion and asserts itself with omnipotent decree at the ballot-box. "Nero fiddling while Rome was burning" was the prototype of legislation in all countries where the necessities of the struggling masses are ignored. Power and capital are unhappily synonymous in America now, and no matter how splendidly endowed, they are capable of blunders resulting in enduring disaster to themselves. Such blunders are as frequent in politics and in public administration as are mistakes in war such as are memorable in the history of the greatest conquerors.

Napoleon's defeat in Russia was prefaced by his defeat in Spain. Had he not attempted to conquer Spain there would have been no occasion for his attempt on Russia, where he met the decree of his ruin. Privilege sanctified by law is not beyond the power of remedial legislation. The wants of the people are rarely unreasonable, and therefore rarely indefensible. They are inseparable from healthful government in our country at least.

Influences dominating public development often misunderstand the terms of their prerogative, especially when that prerogative asserts itself injudiciously to the public good.

England rules the financial markets of America, and no stronger statement can be made of the wrong done to the masses of our country than the incontestible fact of London's supremacy over all American centers of commerce in the determination of values.

The nation that to-day confronts immediate organic change from decaying remnants of feudalism by reason of the demands of its suffering multitudes controls American values of American productions. The or nation, perhaps a better characterization of England would be the organized system of spoliation upon weak nationalities which has created the British Empire, formulates American policy as to commerce and finance. The country that has denied community independence to Ireland for seven hundred years, and that vainly resisted American independence, fights the domestic happiness of our people and wars upon American hearthstones as cruelly as when it fought our desire to be a free people. It fomented our discords before our civil strife began. It leaned either way in avowed sympathy with the warring sections of our country as success seemed to promise to either.

We have a great country, and that it exists in its opportunities for popular development is due to no possible effort of England's diplomacy or England's money to crush it in its inception. But it is less to assail British influence in American legislation and administrative policy that ought now to employ us than the assertion of American ideas. What England needs in commerce and finance America does not need. What England recommends to America, America had better reject. English policy has been selfish for centuries, and has never favored the development of this country. It has been consistent in its regard for strictly English interests. Can we not have an American policy?

With a country illustrating for the first time in human history the capacity of the people to rule a government of their own creation, we can at least assert our independence of a power, which first sought to destroy our independence and which now aims its constant blows at all interests that would promote the happiness of our people. Our later financial legislation has not always held in view the greatest good to the greatest number. It has been for classes rather than for masses. It has been over loyal to the money centers and less than just to our great and growing industries. It has placed individual interest above the national interest, and has served the counting-room rather than the fields and the factories.

The cunning of capital has been more potent than the unorganized right of labor. Bonds have ruled where bondage has appealed in vain. The national debt which destroyed black slavery has substituted a white slavery which has more of pathos and tragedy in it than the institution which went down in the bitterness and terror of war. Out of this condition of affairs has grown the new "irrepressible conflict," in which brain and brawn are fighting for their equivalent in bread. It will not do to ignore the situation. It will not be wise to pass it by with a supercilious sneer. The labor agitations in the Republic to-day prove beyond peradventure that there is something wrong. Political economists with personal ends to serve may build fine theories to the contrary, but the practical illustrations of hundreds of thousands of men out of employment, with hundreds of thousands more laboring at wages scarcely sufficient to link life and toil, overthrow their logical houses of cards. The legislation which has allowed us to drift into this industrial slough of despond must contain a serious and radical error, and it is the part of wisdom to study where the error lies and to correct it. You can not convince a hungry man, who is anxious to work but can not obtain it, that his hunger is all right because it is in harmony with existing financial methods. The greatest political economy is that which keeps a toiler's stomach supplied.

It is superior to any set of resolutions ever passed by any clearing-house. The policy of England is a policy of special privileges, and its financial legislation teaches us nothing but the negative lesson of avoidance.

The selfish interests of cent per cent make poor inspirations for the monetary course of a republic. We are big enough to issue a declaration of financial independence. We are strong enough to again link silver and gold on equal terms in the brotherhood they maintained for centuries. Classism is as bad as communism. The broad highway of justice to all passes between the two. There must the Republic be found if it is to endure. Antony lingered in dalliance soft with the star-eyed Egyptian queen, and lost Actium at the hands of the second Cæsar. Cæsar, in the plenitude of an almost invincible military and civic power, said, scornfully, "the ides of March have come." When they had passed he lay at the foot of Pompey's statue. Louis XVI, playing at locksmith on the day that Paris was in the first wild turmoil of the impending revolution, wrote in his diary, "Nothing particular happened to-day." The only thing that had happened had been the destruction of the foundation-stone of the monarchy. Charles I, with a contempt for the people and a supreme confidence in the divinity that doth hedge about a king, asked, scornfully, "What can these Roundheads do?" He learned later they could cut off his head. Marie Antoinette, when told that the fish-wives were revolting because they had no bread, cried, with uplifted brows and wondering eyes in the confused ignorance that had never known a want ungratified, "Then why don't they eat cake?" History is full of these flippancies in the shadows of great crises. No element in this Republic, whose foundations are the legitimate wants of the people, dare be guilty of supercilious impertinence toward a demand which rises out of the distress of the masses.

If there are hungry men in a land of plenty there is a wrong beneath the hunger. If toil looks from its desolate cottage upon the dust-covered wheels of silent factories there is an injustice of law or of individual power. The clogged wheels are themselves an evidence that there is an error of political economy somewhere.

Let us learn wisdom from what has gone before. To be oblivious now of dangers fast approaching is unpardonable.

The cry of distress, the wail of despair, the ominous murmuring and howling clamor which come to us from wretched millions beyond the sea and find their echo here, faint as yet, admonish us to put our own house in order instead of wasting platitudes about the tottering thrones of Europe, which, if they do fall, will shake the world. [Applause in the galleries.]

The PRESIDENT *pro tempore*. No signs of approbation or disapprobation will be allowed in the galleries.

DEATH OF SENATOR JOHN F. MILLER.

Mr. STANFORD. Mr. President, it becomes my painful duty to inform you of the death of my colleague, General JOHN F. MILLER, who departed this life this afternoon at twenty minutes past 2 o'clock, after a long and severe illness. I move that the Senate, out of respect to his memory, adjourn.

Mr. GIBSON. Mr. President, I rise to second the motion.

The PRESIDENT *pro tempore*. It is moved and seconded that the Senate, in respect to the memory of our colleague, who has recently died, do now adjourn.

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 8, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday and Saturday were read and approved.

QUALIFICATION OF MEMBER-ELECT.

The SPEAKER. The Chair lays before the House the credentials of a member-elect.

The Clerk read as follows:

UNITED STATES OF AMERICA, STATE OF WISCONSIN,
Office of the Secretary of State, ss:

To the honorable the House of Representatives:

I, Ernest G. Timme, secretary of state of the State of Wisconsin, do hereby certify that Thomas R. Hudd was, on Tuesday, the 23d day of February, A. D. 1886, duly elected a Representative in the Forty-ninth Congress of the United States, for the fifth Congressional district of the State of Wisconsin, to fill the vacancy caused by the death of Hon. JOSEPH RANKIN, as appears from the official canvass of votes given at a special election held in the fifth Congressional district of the State of Wisconsin on the day and year above written, and that he was so elected in accordance with the laws of the State of Wisconsin.

In testimony whereof I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 5th day of March, A. D. 1886.

[SEAL.]

Mr. HUDD appeared and qualified by taking the prescribed oath.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MARTIN, indefinitely, on account of sickness.

To Mr. PHELPS, for ten days, on account of sickness.

To Mr. CABELL, for five days from to-morrow, on account of important business.

To Mr. GROSVENOR, indefinitely, on account of important business.

PERSONAL EXPLANATION.

Mr. BLANCHARD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BLANCHARD. My attention has been called to an article which appeared in the Indianapolis Journal, and is reproduced in the Commercial Telegram of Toledo, Ohio, which makes reflections upon me, as I believe, in my representative capacity. I send the article to the Clerk's desk and ask him to read the extracts which I have marked.

The Clerk read as follows:

[Washington correspondence Indianapolis Journal.]

The case of Maj. Lewis Merrill, of the Army, presents one of the most flagrant instances of confederate prosecution that has occurred since the advent of this administration, and one that will warm the blood of every gallant man who fought for the Union when the outrage is understood. During the past two or three weeks a great deal of fragmentary comment has been written on this case, but not sufficient connection has been given to it all to make it fully understood.

A short time ago there arrived at the Senate, among other Army nominations, that of Maj. Lewis Merrill to be lieutenant-colonel. The nomination was referred to the Committee on Military Affairs, and at the end of a few days, when it was expected to reappear in the Senate for confirmation, it was announced that the President had withdrawn the nomination.

About this time a dispatch appeared in a New York paper from New Orleans, announcing that Representative Blanchard had telegraphed from this city that he had succeeded in having the nomination of "Dog" Merrill withdrawn, and that he would not receive his promotion, which would be good news to Louisianians. Behind all of this is an interesting story.

When the war broke out again in Louisiana, in 1874, General Phil. Sheridan was sent to New Orleans to command the United States troops. The moment he reached his destination he saw the situation was alarming. Not only were many soldiers needed, but brave and cool-headed officers. An officer to take charge of the fighting was needed—a man full of manhood, courage, and good military experience was needed. Major Merrill was sent for and the war was ended, but not until some shooting was indulged in and the jails and station-houses were full of prisoners. Among the latter was Mr. BLANCHARD, the Congressman, who, a few days ago, telegraphed his friends that "Dog" Merrill had been defeated for promotion, and suggesting that it was a matter of congratulation for the people of Louisiana. BLANCHARD was arrested and imprisoned at the order of Merrill, and has been "laying for" the latter ever since.

As soon as Representative BLANCHARD saw the nomination of Major Merrill he rushed to Secretary Endicott and laid bare his grievance. He told him how Merrill had played havoc with the ku-klux in the Carolinas, and how he had invaded Louisiana with Phil. Sheridan and arrested "good citizens" engaged in a friendly riot—even going so far as to arrest the speaker. And in the name of the unreconstructed rebel element and revenge Mr. BLANCHARD demanded the withdrawal of the nomination. As Mr. Endicott is truckling to this element and is in sympathy with it, he immediately acceded to the request. Not a moment did he pause. It was enough that the confederates wanted it done. Hastening to the President, Mr. Endicott asked for the withdrawal of the nomination. Without asking for reasons the President made the order, the nomination was withdrawn, and now Mr. BLANCHARD, Mr. Endicott, and the various Messrs. Ku-klux, confederates, and "nigger-beaters" of the South have dangling at their belt, in the name of riot, treason, blood, and revenge, the scalp of Maj. Lewis Merrill, the hero of many bloody battles, who, riddled with bullets and worn by decades of gallant service, has been declared unfit for the service of an active soldier.

Mr. BLANCHARD. Mr. Speaker——

Mr. CANNON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Is this proceeding by unanimous consent?

The SPEAKER. The gentleman from Louisiana stated when he rose that he desired to present a question of personal privilege. If any point is made as to that by the gentleman from Illinois the Chair will hear him upon it.

Mr. CANNON. I have no objection to the gentleman speaking by unanimous consent; but I do not think a question of personal privilege is presented.

Mr. BLANCHARD. Then I ask the indulgence of the House to make a statement two minutes in length simply in denial of what has been read.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to make a personal explanation not to exceed two minutes. Is there objection?

There was no objection.

Mr. BLANCHARD. Mr. Speaker, that is a beautifully constructed, carefully arranged, and ingeniously contrived bloody-shirt and ku-klux-outrage story. The correspondent who concocted it is certainly a genius in his way. It seems a pity, sir, to spoil so harrowing a tale, one replete with political thunder, the rumblings of which promised so much for the fall election. But, sir, the inexorable logic of cold facts impels me to its destruction.

There is not one word of truth from beginning to end in that statement as contained in the extracts read by the Clerk.

The war did not begin over again in Louisiana in 1874. I was not taking an active part in politics in Louisiana at that time. I never was arrested by Major Merrill or on his order. I had nothing whatever to do with the withdrawal of his nomination before the Senate when it was sent there by the President for promotion to the rank of lieutenant-colonel. I did not send any telegram to Louisiana or elsewhere on the subject. I never at any time approached the Secretary of War or the President of the United States on that subject. I did not even know that the nomination of Major Merrill had been sent to the Senate until I saw by the press of the country his name had been withdrawn. I have no doubt the President of the United States had good and sufficient reasons for the withdrawal of the nomination, but I had nothing whatever to do with it. Mr. Speaker, while I believe the conduct of Major Merrill in Louisiana in 1874 was in a high degree censurable, I am not amenable to the charge of trying to prevent him from obtaining promotion in the Army because of it.

I have said this much, sir, in justice to myself, but more particularly in vindication of the President and Secretary of War from the charges and insinuations contained in the article read by the Clerk.

THE LATE REPRESENTATIVE RANKIN.

Mr. BRAGG. I ask unanimous consent that after the reading of the Journal on Saturday I may call up resolutions relating to the death of my former colleague, Mr. RANKIN.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that on Saturday next, immediately after the reading of the Journal, the House will take up for consideration resolutions in relation to the death of his former colleague, Mr. RANKIN. Is there objection?

Mr. BEACH. Let the resolution be read.

The SPEAKER. It is a request in relation to fixing a time for the consideration of resolutions in regard to the death of the gentleman's former colleague, Mr. RANKIN.

Mr. BEACH. Let the resolution be read.

The SPEAKER. There is no resolution here. It is a request.

Mr. BEACH. When that resolution is up for consideration I desire to make a few remarks upon it.

The SPEAKER. The gentleman requests that an order be made to consider the resolutions next Saturday, after the reading of the Journal.

Mr. BEACH. Is it a motion setting apart next Saturday for that purpose?

Mr. BRAGG. I withdraw my application.

Mr. BEACH. I do not wish to put myself in the position of objecting—— [Cries of "Regular order!"]

The SPEAKER. The application is withdrawn.

ELLEN M. MITCHELL.

The SPEAKER. The Chair discovers from the reading of the Journal that the previous question was ordered on the passage of a bill at the evening session of the House on last Friday. Under the rules and practice of the House that bill comes up now for consideration—

A bill (H. R. 2022) to increase the pension of Ellen M. Mitchell.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Ellen M. Mitchell, widow of Maj. William G. Mitchell, assistant adjutant-general United States Army, brevet colonel and brigadier-general, to $50 per month.

Mr. BINGHAM. Mr. Speaker, what debate are we entitled to upon this bill?

The SPEAKER. Under the rules of the House, if there was no debate before the previous question was ordered, there will be thirty minutes for debate this morning, fifteen minutes in support of the bill and fifteen in opposition to it. The Chair understands that this bill was reported adversely by the Committee of the Whole on the state of the Union, and the question is upon ordering the bill to be engrossed and read a third time. The gentleman from Pennsylvania [Mr. BINGHAM] is recognized.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Does this bill come over from Friday evening last?

The SPEAKER. The Journal, as read this morning, shows that by unanimous consent at the session of the House on Friday evening last the previous question was ordered not only upon engrossing the bill and ordering it to a third reading, but also upon its passage.

Mr. SPRINGER. Can a bill come over from a Friday evening session in that way?

The SPEAKER. The universal custom of the House has been that when the previous question is ordered on the passage of a bill it comes

up after the reading of the Journal on the next day the House is in session.

Mr. SPRINGER. I suppose, Mr. Speaker, that that rule applies to business of a general nature; but should not private bills go over until the day when such business is specially in order?

The SPEAKER. The practice has been always applied to private as well as public bills when the previous question has been ordered on their passage.

Mr. SPRINGER. Then, Mr. Speaker, was it in order to move the previous question upon the passage of the bill before the question has been taken on ordering it to be engrossed and read a third time.

The SPEAKER. It was not in order, but the Journal shows that it was done by unanimous consent, which of course would dispense with the rule of the House.

Mr. SPRINGER. I think it very extraordinary that unanimous consent should be given at an evening session of that kind to anything which would control the business of the House in this way. Members generally do not expect or understand that business is to come over by unanimous consent from any evening session of that character. [Cries of "Regular order!"]

Mr. REAGAN. Mr. Speaker, I ask for the reading of the report in this case.

The SPEAKER. The reading of the report is in the nature of debate, and therefore it will come out of the time allowed for debate.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the report be read, and that the time be not taken out of the time of either side. The report is very brief.

Mr. BINGHAM. Mr. Speaker, I will read the report myself; it is only a few lines.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. In order that this bill and its condition as it comes before the House to-day may be fully understood, I would state that a week ago last Friday night it was almost at the head of the Calendar for consideration on Friday evening. There being but a limited number of members present at the Friday evening session, and as the report from the committee was adverse, I did not desire to antagonize the legislation that followed in natural sequence the standing of this bill. Therefore, with the concurrence of the chairman of the Committee on Invalid Pensions, the bill went over, and again, by unanimous consent, on last Friday night, the same condition of affairs existing, it went over, and has its standing this morning in the House as has been stated. The Committee on Invalid Pensions has made this report upon the bill:

The bill proposes to increase the pension of Ellen M. Mitchell, widow of Maj. G. Mitchell, from $25 to $50 per month. There is no question in the minds of your committee as to the meritorious services of Major Mitchell, but it has hitherto been the rule of the committee to confine the action proposed by the bill rigidly within the line of general officers. Your committee ask, therefore, to be discharged from the further consideration of the bill, and that it lie upon the table.

Mr. Speaker, I take no exception to the report of the Committee on Invalid Pensions. I can well understand that in the multitude of bills with which they have to deal they should fix positive rules whereby to determine the legislation which they consider should be presented to this House on Friday evenings, when but a limited body of the membership of the House is present. The bills that come before us at the Friday evening sessions are, as a rule, reported unanimously from the Committee on Invalid Pensions, and I desire to thank that committee for placing this bill so satisfactorily under the binding obligation of their rule before this House for its consideration. "There is no question in the minds of your committee as to the meritorious services of Major Mitchell, but it has hitherto been the rule of the committee to confine the action proposed in the bill rigidly within the line of general officers." The action of the committee has been consistent in its recommendations that no widow of any officer in the service of less grade than that of a general officer in full commission shall receive a pension larger than the general statute admits. I desire to submit to this House Mrs. Mitchell's letter of appeal to the committee. She writes:

Kindly permit me to make the following statement in the matter of my application now before Congress for increase of pension. My entire income, in addition to the pension of $25 per month allowed me by law, is the interest on a small life insurance. I have not only myself to provide for, but three boys, so young as to be entirely dependent upon my efforts for support and education. I have tried faithfully to obtain employment, but up to this time have utterly failed to do so. I therefore pray, in view of my husband's long and valuable services and my children's necessity, as well as my own, that my application for relief may find favorable consideration at your hands.

Mr. LONG. How much does she now receive?

Mr. BINGHAM. Twenty-five dollars per month. Mr. Speaker, this officer, Major Mitchell, having carried on the 18th day of April, 1861, the first flag that passed though the city of Baltimore borne by Pennsylvania troops, remained in the service throughout all the war, and until his death, about a year since, upon the staff of Major-General Hancock. Throughout the entire war honor, distinction, and commission were offered to him, but to every offer of higher commission he said, "No, my field of usefulness and my place is on the staff of my commanding general;" and while higher commands and great distinction could have been won by him, he steadily refused higher commission and remained in this position from the beginning of the war to its end, participating in twenty-four battles, and declining every distinction or promotion because he felt that his services were more valuable in the confidential relation he held to General Hancock than they could be in any other rank which the National Government could give him. General Hancock, under date January 26, thus writes to Mr. SWOPE, of Pennsylvania, who has had this bill in charge:

Will you allow me to take up enough of your time to explain the reasons which induce me to feel a very great personal interest in a bill that has been introduced in Congress for the benefit of Mrs. Ellen M. Mitchell. Mrs. Mitchell is the widow of General William G. Mitchell who was the senior aid on my staff both during the late war and for some years afterward. He was a brevet colonel in the regular Army, a brevet brigadier-general of volunteers, and, at the time of his death in 1883, was an assistant adjutant-general in the Army with the rank of major. The actual rank he held, however, was by no means indicative of the valuable services he rendered, and had he not been confined to the somewhat narrow sphere of a staff position, there is no telling to what distinction of rank his splendid military talents combined with his personal bravery and devotion to duty might have led him.

As it was he frequently had command of troops and led them into action with important successful results, and his gallant services made his name conspicuous in many of the official reports of the battles in which I was engaged.

Now, his widow being in somewhat straightened circumstances, General Mitchell's friends are anxious to secure the passage of the bill which proposes to increase her pension to $50 a month. I need hardly to remind you that many such bills have passed Congress, and some of them last session, with little or no opposition. Few of them, however, were as meritorious as this, which for many other reasons besides those I have named, deserves to be considered as involving most exceptional merit.

May I hope that you will bear the matter in mind, and that you will assist in securing favorable action upon it, both in the committee and House? (The House bill is No. 2022, and was referred to the Committee on Invalid Pensions.)

There are a number of gentlemen in Congress who knew General Mitchell, but as I can not recall their names now I would refer chiefly to Gen. H. H. Bingham, of Pennsylvania, who was also on my staff during the war and could speak from personal knowledge of General Mitchell.

I might add, in conclusion, that General Mitchell was the color-bearer of a Pennsylvania regiment of emergency troops that marched through Baltimore, April 18, 1861, and from what I saw of the abilities and talents he displayed I selected him at once for my aid.

I am, very truly, yours,

WINFIELD S. HANCOCK.

P. S.—I send herewith a marked copy of my official report of the battle of Boydton Road, showing conspicuous services of General Mitchell in leading troops into action.

Mr. Speaker, I desire to refer to that report to quote only one passage, without going into details:

I have had occasion to acknowledge the services of Major Mitchell in every action in which I have been engaged during the war.

I will now read a letter addressed by General Hancock to myself some time ago:

GOVERNOR'S ISLAND, NEW YORK, *December* 13, 1884.

MY DEAR GENERAL: I do not know what may be possible in connection with Mrs. Mitchell's aspirations for an increased pension, according to the way in which you and I and other friends would like to place the matter.

It is not necessary to press your judgment in this matter; you know the facts.

I send to you some newspaper extracts showing what I presume to be the accurate status of similar cases before Congress at the close of last session. You and I are very well aware that General Mitchell is entitled to a great deal more than a technical consideration, in a comparison between himself and others of equal rank, in consequence of his extraordinary services on the field of battle and in various ways since the war.

It might seem to persons not knowing the circumstances as you and I know them, and to those not having had the same opportunity of judgment, that such comparison is not worthy of consideration. We know the contrary.

He was a devoted officer, as you know. His services not only in the war of the rebellion, but since in Indian wars and in the performance of other important duties, if duly presented, should invite the kindly and just attention of Congress.

I may mention his Indian service on the Western frontier under Generals Schofield, Pope, myself, and others; his public duties in Louisiana and Texas when I was commanding in the fifth military district, and always afterward under the eyes or supervision of all the important officers of the Army of whatever grade, winning the esteem and respect of all.

I never knew that he had an enemy, and he had hosts of friends on account of the appreciation of his gallantry, ability, services, and character.

He entered the military service in the emergency of the earliest part of the war as a private, winning his distinction and promotion through his abilities and great character.

I might say to you that he would have won much higher rank but for his close connection with me, which can be readily understood in the sequence of events, although he was in no way identified with politics in a partisan way, he being too liberal-minded for that, no matter with whom associated.

If you will place this matter on record in its proper light so that the claim of his widow and children may be appropriately considered, I can ask of you no more, and it is a duty that you and I owe to the knowledge of his services, ability, and character that such efforts should be made.

I trust that you will give this matter your attention so that his widow and children may receive all the benefit to which they are entitled.

I am, very truly, yours,

WINFIELD S. HANCOCK.

General H. H. BINGHAM,
Washington, D. C.

Mr. Speaker, whatever time may remain I desire to reserve after making a single statement. Having served upon the staff of that distinguished officer Hancock from the commencement to the end of the war, I can make to this House the unqualified declaration that I never in the field of action saw a braver or more brilliant soldier, and never in the councils of a general was more wisdom and ability displayed than by General Mitchell. I will conclude by reminding the House of the fact that higher honor, higher position, was frequently within General Mitchell's grasp, but upon every occasion he stated, "My desire is to remain upon the staff of General Hancock, where I feel my services will be more valuable to my country."

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] has three minutes of his time remaining.

Mr. THOMAS, of Illinois, obtained the floor.

Mr. MATSON. Mr. Speaker ——

The SPEAKER. The Chair has recognized the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. If the chairman of the Committee on Invalid Pensions [Mr. MATSON] desires to say anything, I will give way.

Mr. MATSON. Mr. Speaker, on behalf of the Committee on Invalid Pensions, I do not propose to give the history of this bill (for that has been stated by the gentleman from Pennsylvania and need not be repeated), except to say that the bill was reported in the first instance by the Committee on Invalid Pensions unanimously with an adverse report. The Committee on Invalid Pensions has adhered to the rule that the pensions of officers and their widows ought not to be increased except so far as concerns the widows of general officers.

That is a rule not established by this Congress, but established long ago; and we have yielded reluctantly to that, because so many pensions of widows of general officers have been increased that we have been unable to refuse the later applications of that kind without saying to these widows, "Your husbands were not as worthy as the other general officers whose widows have had their pensions increased." For that reason we have yielded to the precedent; but we have stood right there and have refused to go any further; and in deciding this question it should be remembered that whenever you establish a precedent of this kind you open the gate in all similar cases. If this widow is to have $50 a month, there are tens of thousands of widows who ought to have the same pension.

Now, I am not going to discuss the question whether the widow of any general officer ought to have $50 a month or not; for neither I nor any one in this Congress is responsible for that. The allowance of $50 a month in such cases was begun a great many years ago. But whenever you start to pension at $50 a month the widows of those below that grade you open a very wide door. The gentleman from Pennsylvania has said there are some precedents; they are very scarce.

Mr. BINGHAM. There were three, I think, in the last Congress.

Mr. MATSON. Not more than three or four; and it is time that this Congress should stop at the line we have been attempting to draw. Why, sir, at one of our Friday-night meetings recently the gentleman from Missouri [Mr. WARNER], in a very eloquent and brilliant speech, asked that the pension of a private soldier's widow be increased to $24 per month. It was a difficult thing to resist that appeal, because this private soldier had received the thanks of Congress for a very conspicuous act of gallantry. But when the members then present came to consider that the widows of other men who left their homes and their wives and sacrificed their lives for their country were receiving only $8 a month, it was determined, I think almost unanimously, that it would be wrong to select this widow who had married since the war and give her $24 a month.

Thus great injustice must always be done whenever you attempt to select one among a large number of very deserving people and say that one shall receive more than the rest. Though every word that the gentleman from Pennsylvania [Mr. BINGHAM] has said in relation to General Mitchell is true, nobody questions that, we have been obliged to stand here and ask this House to help us stop at the point where Congress has heretofore said we should stop. Why, sir, the precedents are almost unanimous for the refusal of this application; there are only two or three precedents on the other side; not more than half a dozen, I apprehend, altogether.

Mr. BINGHAM. There were three in the last Congress.

Mr. MATSON. There were two or three in the last Congress. I remember very well, and so does my friend from Pennsylvania perhaps, how those bills were passed. It is a question merely of favoritism; that is all there is of it.

It is a question of favoritism. I know, and so does the gentleman from Pennsylvania, of many other gallant soldiers whose widows are more needy than the one whose claim he urges to-day with so much ability. They are to remain at $17 and $25 per month, and yet he wishes to have her pension increased to $50 per month. It is not right. The proper thing is to do justice to all as nearly as we can, and not select out one of a large number and say she shall receive a higher pension than all the rest.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has nine minutes.

Mr. MATSON. I will yield then four minutes of that time to my colleague [Mr. JOHNSTON].

Mr. PETERS. Before the gentleman from Indiana [Mr. JOHNSTON] proceeds I should like to ask his colleague a question.

Mr. MATSON. What is it?

Mr. PETERS. I should like to ask the gentleman from Indiana this question: I believe there were two or three instances during the last session of Congress of applications of a similar nature to the one now pending; but I would like to have the chairman of the Committee on Invalid Pensions state to this House if there were not a number of cases similar to this in which this House refused to make the increase asked for?

Mr. MATSON. Yes, sir; quite a large number.

Mr. PETERS. I recollect one, of a colonel who fell fighting at the head of his regiment, where application was made to place his widow on the roll at a higher rate than the law granted in similar cases, and it was declined.

The SPEAKER. The gentleman has yielded to his colleague for four minutes.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I have no objection to granting pensions at the proper rate provided by the law in deserving cases. The argument made by the gentleman from Pennsylvania [Mr. BINGHAM] is that this presents an exceptional case. He tells us here is an officer of the regular Army who did gallant service on the staff of General Hancock. Let us concede, for the sake of argument, that all he has claimed is true, and yet General Mitchell did nothing more than his simple duty.

The widow in her letter says she has three sons. That may be true, but there are thousands of other widows in the country who have three sons whose husbands fell gallantly fighting upon the field of battle for their country, and I assume the sons of this widow and this officer are no more deserving than the sons of other widows and gallant officers who lost their lives in the war.

Because this man was in the regular Army I am opposed to selecting out the case of his widow and paying her a pension so much larger than is provided for under the law for similar cases so she may live and support her sons in elegance, while the sons of private soldiers must make their way by the sweat of their brow and get their education and support their widowed mothers as best they may. The principle is wrong in every way. An officer of the regular Army who receives good pay should in time of peace lay up a competency for his widow and children who survive him. If he should fail to do so, it is not right for Congress to step in and provide a pension so much greater than is allowed by law in similar cases so she and her sons may live in a better style than the widows of officers of the same rank whose husbands have done their duty as faithfully and gallantly.

A MEMBER. Why, she draws a pension of $25 a month now.

Mr. JOHNSTON, of Indiana. Yes; she now draws a pension of $25 a month, which is the proper pension of the rank of her husband. That being true, it is wrong for Congress to give her more because her husband happened to be an officer in the regular Army. It will tend necessarily to engender in the Army a disposition to extravagance and toward aristocracy, which should not exist in this free Government of ours. Let the regular Army officers understand in time of peace they must lay up something for the support of their families and not be under the belief by such legislation as is proposed that when they die Congress will provide handsome pensions for their widows and children, giving them four or five times as much pension as to the widows of other officers who fell in battle. I think these reasons are sufficient to demonstrate to us this bill is one of those which ought not to pass.

Mr. MATSON. I will yield now for five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. Now, Mr. Speaker, for one I have no special objection to the passage of any bill which proposes to do justice to the widow of a soldier who has fallen in the line of duty. The Government can not do less than grant a reasonable pension to the widows and orphan children of its fallen soldiers. No government on earth ever has been more liberal in the way of granting pensions than this Government has to the widows and orphans of its fallen brave. Under the law now the beneficiary of this bill draws $25 a month, which is the amount of pension allowed to the widow of an officer of the grade of General Mitchell. It is no more than enough, but I find no fault with the law which grants that amount of pension.

But I am opposed to the passage of this bill for the reasons given as well by the gentleman from Indiana on this as by the gentleman from Indiana on the other side of the House. An officer holds his position in the Army of his own free will, accepting the emoluments attached to it during life which the law provides. There is nothing to force or compel him to retain that place, but he does it voluntarily, and the Government pays him according to his rank while he lives. When he dies what is he? Simply a dead soldier. The private soldier or the subaltern officer who goes upon the field and does his whole duty does just as much as this officer and nothing more. One can not do more than his whole duty, nor can any true soldier do less; and no soldier is entitled to credit for doing his duty, nor should he be compensated or his widow be compensated if he leaves one, over the widows and orphans of other soldiers who did their whole duty.

Mr. Speaker, take the case of a man who belonged to my own command, and fell shot through the brain at the battle of Franklin; as brave and gallant a soldier as ever marched to battle beneath the starry banner; a man who stood in the front line, and with his brain penetrated by a ball fell dead at my feet. He left a widow and five children, all small, the youngest a babe in arms. That widow wept over the prostrate form of the gallant soldier, the help, the stay, and the hope of herself and children, and to-day she is drawing a pension of $8 a month for the support of herself and these five little ones—not $25 a month as does the widow of this dead officer. Mr. Speaker, death levels all ranks. They both lie wrapped in their martial cloaks, dead

heroes, whether they fought with stars and eagles on their shoulders or whether they wore chevrons or the plain uniform of a common soldier. And the Government should deal with the widow not as it deals with the officer during his lifetime, but as so many charges the Government is in honor and gratitude bound to care for, each having the same claim upon its bounty, and not say that in one special case this widow shall be singled out from the great body of pensioners and paid more than the others because her husband served on the staff of General Hancock.

[Here the hammer fell.]

Mr. BINGHAM. I now yield one minute to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Speaker, there has been in the whole history of the country no more deserving or meritorious case presented to Congress than this. It is not true, as gentlemen have argued, that the object of this is to create an aristocracy either in the Pension Bureau or in the Army. This man refused promotion believing that he could do his country more service by remaining in the comparatively humble position he occupied than in accepting the promotion to which he was entitled. Surely if you reward virtue, if you reward those who do good, and that is the only reason for giving general officers' widows a higher pension than you give to the widow of a common soldier, this lady should receive the pension that this bill proposes to give her; that is to say, the pension that is accorded to the widow of a general officer, because her husband did the work of a general officer and more than a general officer. Many major-generals never did as much as he, and their widows are not entitled to more than his. They who do much for the country deserve much at the country's hands.

Mr. BINGHAM. Mr. Speaker, I desire simply to say to the gentleman from Indiana [Mr. JOHNSTON], who made the declaration in the course of his remarks as to the question of aristocracy raised by this and similar cases, that there is no aristocracy to be feared when a woman and a lady can send to the Committee on Pensions a letter from which I read this single extract:

I have tried faithfully to obtain employment, but up to this time have utterly failed to do so.

And the gentleman from Illinois [Mr. THOMAS], let me say I could not help feeling that his speech a moment ago was not a true echo of the speech I heard him make in the last Congress when the distinguished, the great, and never to be paid for services of Major-General Thomas were under consideration, a bill at that time being before the House to give his widow $2,000 per annum. The gentleman's declarations and utterances then were very different from what they are now, and I desire only to refer to that case and the case of Mrs. Admiral Farragut to show that when a question comes before Congress in a full body the nice distinctions that the general law applies do not always prevail in the final action on such measures.

Mr. THOMAS, of Illinois. Let me interrupt the gentleman a moment. I desire simply to call his attention to the fact that I made no speech on the bill he refers to.

Mr. BINGHAM. The gentleman did not?

Mr. THOMAS, of Illinois. I did not.

Mr. BINGHAM. Then I will stand corrected; but the gentleman voted for the bill?

Mr. THOMAS. I have done many foolish things no doubt in my life, but that is not among the number.

Mr. BINGHAM. I beg the gentleman's pardon. I thought that the gentleman had advocated the passage of that bill.

Mr. THOMAS. I did not. I was opposed to the principle embodied in the bill then and now.

Mr. BINGHAM. For a moment longer, Mr. Speaker. I desire to say simply that I put this question before the House on the ground of the specially distinguished and distinctive services of this gallant officer. It rests there and there only, and there I desire the vote may be taken in this House. I hope the bill will pass.

The SPEAKER. The question is on ordering the bill to be engrossed and read the third time.

The House divided; and there were—ayes 58, noes 98.

Mr. BINGHAM. I would like to call for the yeas and nays on this question.

The yeas and nays were not ordered, 31 members voting therefor and 128 in opposition; not one-fifth in the affirmative.

So the House refused to order the bill to be engrossed and read the third time.

Mr. MATSON. If necessary, I shall ask that the bill be laid upon the table.

The SPEAKER. This vote disposes of the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail, in the city of Fort Smith, Ark.

The message further announced that the Senate had passed the bill (S. 194) to aid in the establishment and temporary support of common schools; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair proceeds to call the States and Territories for the introduction and reference of bills and joint resolutions. Upon this call memorials of State and Territorial Legislatures may be presented for reference, and also resolutions calling for information from heads of Departments.

ANDREW J. WOODSIDE.

Mr. ROGERS (by request) introduced a bill (H. R. 6398) for the relief of Andrew J. Woodside; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WINNIE TRAMMELL.

Mr. ROGERS (by request) also introduced a bill (H. R. 6399) to pension Winnie Trammell, widow of David Trammell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MITCHELL.

Mr. PEEL introduced a bill (H. R. 6400) to pay George W. Mitchell, of Benton County, Arkansas, for property taken in the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF JOHN MOSHIER.

Mr. MARKHAM introduced a bill (H. R. 6401) for the relief of the legal representatives of John Moshier, lieutenant in the Revolutionary war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELINQUISHMENT OF LANDS IN SAN FRANCISCO.

Mr. MORROW (by request) introduced a bill (H. R. 6402) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES K. P. LEWIS.

Mr. MORROW (by request) also introduced a bill (H. R. 6403) for the relief of James K. P. Lewis, a settler on the Round Valley Indian reservation in California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTINE OLVERA.

Mr. LOUTTIT introduced a bill (H. R. 6404) for the relief of Augustine Olvera; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. SYMES introduced a bill (H. R. 6405) to provide for an equitable interchange of business of railroads doing interstate commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUITS AGAINST THE UNITED STATES.

Mr. SEYMOUR introduced a joint resolution (H. Res. 135) proposing to amend the Constitution requiring Congress to make provision by general law for bringing suits against the United States, and forbidding the passage of special acts authorizing such suits or making compensation to any person upon any claim or demand against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENTRY OF LANDS IN FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 6406) to authorize the entry of certain lands in Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CARRABELLE A PORT OF DELIVERY.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 6407) making the port of Carrabelle, in the State of Florida, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

V. B. JOSSEY.

Mr. CRISP introduced a bill (H. R. 6408) for the relief of V. B. Jossey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF COUNTIES IN ILLINOIS.

Mr. SPRINGER introduced a bill (H. R. 6409) for the relief of Gallatin, Bureau, and other counties in the State of Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN F. FOX.

Mr. SPRINGER also introduced a bill (H. R. 6410) for the relief of

Benjamin F. Fox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM GRAY.

Mr. SPRINGER also introduced a bill (H. R. 6411) for the relief of William Gray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW J. NANNY.

Mr. TOWNSHEND introduced a bill (H. R. 6412) granting a pension to Andrew J. Nanny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM COLLINSWORTH.

Mr. TOWNSHEND also introduced a bill (H. R. 6413) for the relief of William Collinsworth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD S. HARRISON.

Mr. EDEN introduced a bill (H. R. 6414) for the relief of Edward S. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN YOUNG.

Mr. EDEN also introduced a bill (H. R. 6415) for the relief of John Young; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS GEENTY.

Mr. EDEN also introduced a bill (H. R. 6416) for the relief of Francis Geenty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DR. CHARLES A. BUCHER.

Mr. HOPKINS introduced a bill (H. R. 6417) for the relief of Dr. Charles A. Bucher, of Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHAN BARTON.

Mr. HOPKINS also introduced a bill (H. R. 6418) granting a pension to Nathan Barton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BAILEY.

Mr. HOPKINS also introduced a bill (H. R. 6419) granting a pension to William Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN L. LAWRENCE.

Mr. HOPKINS also introduced a bill (H. R. 6420) granting a pension to Edwin L. Lawrence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN POPE HODNETT.

Mr. LAWLER (by request) introduced a bill (H. R. 6421) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into the affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for workmen of the District of Columbia for fifteen years last past; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATHERINE O'MALLEY.

Mr. LAWLER also introduced a bill (H. R. 6422) for the relief of Catherine O'Malley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY KAYLOR.

Mr. LAWLER also introduced a bill (H. R. 6423) for the relief of Mary Kaylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. S. VAN BUREN.

Mr. LAWLER also introduced a bill (H. R. 6424) for the relief of Barent S. Van Buren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN S. LENTS.

Mr. LANDES introduced a bill (H. R. 6425) granting a pension to Jonathan S. Lents; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAWRENCE COUNTY, ILLINOIS.

Mr. LANDES also introduced a bill (H. R. 6426) for the relief of Lawrence County, in the State of Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLLINS D. WHITE.

Mr. WARD, of Illinois (by request), introduced a bill (H. R. 6427) to place Collins D. White on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES K. ASHLEY.

Mr. NEECE introduced a bill (H. R. 6428) to pension James K. Ashley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUNICE E. CLARK.

Mr. NEECE also introduced a bill (H. R. 6429) granting a pension to Eunice E. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY G. DUTCHER.

Mr. DUNHAM introduced a bill (H. R. 6430) granting a pension to Lucy G. Dutcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS FOSTER AND E. LEONIDAS SMITH.

Mr. DUNHAM (by request) also introduced a bill (H. R. 6431) for the relief of Thomas Foster and E. Leonidas Smith, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH FRIEDMAN.

Mr. DUNHAM (by request) also introduced a bill (H. R. 6432) for the relief of Sarah Friedman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB SEIGLER.

Mr. OWEN introduced a bill (H. R. 6433) granting a pension to Jacob Seigler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS MELCHER.

Mr. OWEN also introduced a bill (H. R. 6434) granting a pension to Louis Melcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS D. BAILIFF.

Mr. BYNUM (by request) introduced a bill (H. R. 6435) for the relief of Silas D. Bailiff; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN NELSON.

Mr. BYNUM also introduced a bill (H. R. 6436) for the relief of John Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. RUSSELL.

Mr. STEELE introduced a bill (H. R. 6437) for the relief of James A. Russell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PATRICK COLFER.

Mr. MATSON introduced a bill (H. R. 6438) for the relief of Patrick Colfer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL M. GRAHAM.

Mr. MATSON also introduced a bill (H. R. 6439) for the relief of Samuel M. Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SELINDA E. SMITH.

Mr. HOLMAN introduced a bill (H. R. 6440) granting a pension to Selinda E. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIA A. TAYLOR.

Mr. HOLMAN also introduced a bill (H. R. 6441) granting an increase of pension to Amelia A. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL BELL.

Mr. HOLMAN also introduced a bill (H. R. 6442) to grant a pension to Nathaniel Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER FALCONER.

Mr. FULLER introduced a bill (H. R. 6443) granting a pension to Alexander Falconer, late sergeant Company E, First United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ROSENBERG.

Mr. CONGER introduced a bill (H. R. 6444) granting a pension to John Rosenberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM REED.

Mr. LYMAN introduced a bill (H. R. 6445) for the relief of William Reed, late a private in Company F of the Fifth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHWESTERN BRANCH SOLDIERS' HOME.

Mr. LYMAN presented a joint resolution and a memorial of the General Assembly of the State of Iowa, relating to a northwestern branch of the National Home for Disabled and Indigent Soldiers and Sailors; which was referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF NAVAL OFFICERS, ETC.

Mr. LYMAN also introduced a bill (H. R. 6446) for the better protection of officers and men in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DANIEL F. MACK.

Mr. HANBACK introduced a bill (H. R. 6447) granting a pension to Daniel F. Mack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT GARRARD.

Mr. HANBACK also introduced a bill (H. R. 6448) for the relief of Robert Garrard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHICAGO, KANSAS AND NEBRASKA RAILWAY.

Mr. MORRILL introduced a bill (H. R. 6449) authorizing the Chicago, Kansas and Nebraska Railway to construct and operate a railway through the Pottawatomie reservation in Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

Mr. RYAN introduced a bill (H. R. 6450) to authorize the payment of certain claims for cattle and other property taken and destroyed by the Northern Cheyenne Indians from the funds of said Indians in accordance with treaty provisions; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SOLDIERS' HOME, LEAVENWORTH, KANS.

Mr. PERKINS presented a concurrent resolution of the Legislature of Kansas, relating to the enlargement of the soldiers' home located at Leavenworth, Kans.; which was referred to the Committee on Military Affairs, and ordered to be printed.

MARTIN SHOPPA.

Mr. PERKINS also introduced a bill (H. R. 6451) granting a pension to Martin Shoppa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMANTHA A. SMITH.

Mr. PERKINS also introduced a bill (H. R. 6462) granting a pension to Samantha A. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN J. REYNOLDS.

Mr. PERKINS also introduced a bill (H. R. 6453) granting a pension to Martin J. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GORY HOOD'S ADMINISTRATOR.

Mr. ROBERTSON introduced a bill (H. R. 6454) for the relief of Gory Hood's administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIGNAL OFFICE INVESTIGATION.

Mr. ROBERTSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Expenditures in the War Department be authorized to have printed copies of the testimony and papers relating to the disbursement of public moneys by the Chief Signal Officer taken before said committee.

GREEN CHARLES.

Mr. TAULBEE introduced a bill (H. R. 6455) for the relief of Green Charles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL STERNBURG.

Mr. TAULBEE also introduced a bill (H. R. 6456) for the relief of Samuel Sternburg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED PICKELSIMER.

Mr. TAULBEE also introduced a bill (H. R. 6457) granting a pension to Alfred Pickelsimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPOINTMENT OF SUBSTITUTES IN DEPARTMENTS.

Mr. TAULBEE also submitted the following resolution; which was referred to the Committee on Civil Service Reform, and ordered to be printed:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Secretary of the Interior, and the Attorney-General be directed, respectively, to inform the House whether or not employés in their respective Departments are permitted to employ substitutes to perform their duties, and whether or not such substitutes are employed or appointed; and, if so, by whom so employed or appointed, and the amount of compensation paid such substitutes and by whom paid, and the amount of compensation paid the regular employés during the time such substitute is employed and by whom paid, together with a list of such employés, their home post-offices, and date of their appointment, and a list of such substitutes, their home post-offices, and date of their appointment, and whether or not any of such substitutes are assigned to duties of positions included in the classified civil service, and whether or not such substitutes have passed examination by the United States Civil Service Commission and been certified for such appointment; and if such subemployment or subappointment is had or permitted, by what authority it is so had or permitted.

JAMES P. BREWSTER.

Mr. STONE, of Kentucky, introduced a bill (H. R. 6458) granting a pension to James P. Brewster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. PARKS.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 6459) granting a pension to James M. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH PALMER.

Mr. HALSELL introduced a bill (H. R. 6460) to remove the charge of desertion from Noah Palmer, late of Company G, Twenty-sixth Regiment of Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES N. STORY.

Mr. HALSELL also introduced a bill (H. R. 6461) granting a pension to Charles N. Story, late of Company E, Twelfth Regiment of Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN MITCHELL.

Mr. WILLIS introduced a bill (H. R. 6462) for the relief of Warren Mitchell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOBSON AMICK.

Mr. WILLIS also introduced a bill (H. R. 6463) granting a pension to Dobson Amick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THORNTON MERRIWEATHER.

Mr. McCREARY introduced a bill (H. R. 6464) for the relief of the legal representatives of Thornton Merriweather, of Shelby County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATHANIEL D. CHASE.

Mr. DINGLEY introduced a bill (H. R. 6465) granting a pension to Nathaniel D. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZA HUMES.

Mr. DINGLEY also introduced a bill (H. R. 6466) granting a pension to Mrs. Eliza Humes, mother of George W. Humes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRED. O. GRAFFAM.

Mr. DINGLEY also introduced a bill (H. R. 6467) granting a pension to Fred. O. Graffam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH C. BAKER.

Mr. DINGLEY also introduced a bill (H. R. 6468) granting a pension to Josiah C. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DINGLEY also introduced a bill (H. R. 6469) to amend the Revised Statutes relating to the District of Columbia for the protection of girls and for the punishment of the crime of rape; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

Mr. BOUTELLE introduced a bill (H. R. 6470) to provide that the printed reports of all religious, educational, and benevolent societies shall be rated as second-class mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SAMUEL SWOPE.

Mr. SHAW introduced a bill (H. R. 6471) for the relief of Samuel Swope; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANTON EBERLEIN.

Mr. SHAW also introduced a bill (H. R. 6472) granting a pension to Anton Eberlein; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINNIE C. BOUCHER.

Mr. COLE, of Maryland, introduced a bill (H. R. 6473) granting a pension to Minnie C. Boucher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK M. GRAY.

Mr. LOVERING introduced a bill (H. R. 6474) granting a pension to Frank M. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN HILLMAN.

Mr. DAVIS introduced a bill (H. R. 6475) granting a pension to Benjamin Hillman, late a sergeant in Company C, First Battalion Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIZZIE T. WHITE.

Mr. WHITING introduced a bill (H. R. 6476) for the relief of Lizzie T. White, widow of Lorenzo White, late private Company M, Second Massachusetts Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MECHANICS' LIENS, DISTRICT OF COLUMBIA.

Mr. ELY introduced a bill (H. R. 6477) to amend an act to amend chapter 20 of the Revised Statutes relating to the District of Columbia concerning mechanics' liens; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GOULD KINGSBURY.

Mr. ELY also introduced a bill (H. R. 6478) granting a pension to Gould Kingsbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. BELLOWS.

Mr. RICE introduced a bill (H. R. 6479) granting a pension to Mary A. Bellows; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF SEAMEN.

Mr. LONG (by request) introduced a bill (H. R. 6480) for the relief, improvement, and protection of seamen; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

GEORGE BLISS.

Mr. LONG also introduced a bill (H. R. 6481) granting a pension to George Bliss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. ELDREDGE introduced a bill (H. R. 6482) granting a pension to the soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOANNA W. TURNER.

Mr. ELDREDGE also introduced a bill (H. R. 6483) granting a pension to Joanna W. Turner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELDRIDGE J. SMITH.

Mr. STRAIT introduced a bill (H. R. 6484) granting an increase of pension to Eldridge J. Smith, late of Company K, First Minnesota Regiment of Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. NELSON introduced a bill (H. R. 6485) relating to the increase of pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ROWE.

Mr. NELSON also introduced a bill (H. R. 6486) granting an increase of pension to John Rowe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROCEEDINGS IN PENSION CASES.

Mr. NELSON also introduced a bill (H. R. 6487) relating to proceedings in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES G. ODELL.

Mr. NELSON also introduced a bill (H. R. 6488) to increase the pension of Charles G. Odell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. BARBARA FUCHS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DEVINE.

Mr. WAKEFIELD introduced a bill (H. R. 6490) for the relief of James Devine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT JOSEPH, KANSAS CITY AND ARKANSAS RAILROAD COMPANY.

Mr. BURNES introduced a bill (H. R. 6491) granting the right of way to the Saint Joseph, Kansas City and Arkansas Railroad Company around the western end of the Boston Mountains through the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES P. CHOUTEAU.

Mr. CLARDY introduced a bill (H. R. 6492) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRANSPORTATION OF LIVE-STOCK.

Mr. CLARDY also introduced a bill (H. R. 6493) to regulate the transportation of live stock; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETER HUMPHREY.

Mr. WADE introduced a bill (H. R. 6494) granting a pension to Peter Humphrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FUNERAL EXPENSES OF W. ROBIRDS.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 6495) to pay the funeral expenses of William Robirds, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. PADGETT.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 6496) granting a pension to George W. Padgett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. WALFORD.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 6497) granting a pension to Charles H. Walford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMITATIONS OF BUTTER AND CHEESE.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 6498) to prevent the shipment of any article or articles made in imitation of butter or cheese from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or from any place in the United States to any foreign country, unless the said article or articles be plainly labeled by some name that shall show that said article or articles are not butter or cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARK M. COAD.

Mr. DORSEY introduced a bill (H. R. 6499) for the relief of Mark M. Coad; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

M. M. AND J. F. COAD.

Mr. DORSEY (by request) also introduced a bill (H. R. 6500) for the relief of Mark M. Coad and John F. Coad; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LABAN HEATH & CO.

Mr. HAYNES (by request) introduced a bill (H. R. 6501) for the relief of Laban Heath & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LUCY ANN DREW.

Mr. HAYNES also introduced a bill (H. R. 6502) granting a pension to Lucy Ann Drew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STORER E. STILES.

Mr. HAYNES also introduced a bill (H. R. 6503) granting a pension to Storer E. Stiles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN MAGOON.

Mr. HAYNES also introduced a bill (H. R. 6504) granting a pension to Nathan Magoon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF NEW HAMPSHIRE.

Mr. HAYNES also introduced a bill (H. R. 6505) for the final settlement of the claims of the State of New Hampshire for the reimbursement of the national bounties advanced to recruits mustered in the service of the United States under the President's call of October, 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HAYNES also presented a memorial of the State of New Hampshire, asking for the reimbursement of the national bounties advanced

to recruits mustered in the service of the United States under the President's call of October, 1863; which was referred to the Committee on War Claims.

LUTHER L. ROGERS.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 6506) granting a pension to Luther L. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD WILLIS.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6507) granting a pension to Edward Willis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMBS HENDRICKSON.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6508) granting a pension to Combs Hendrickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE HENNING.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6509) granting a pension to Kate Henning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WHITFORD.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6510) granting a pension to Elizabeth Whitford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY VANLIEU.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6511) granting a pension to Henry Vanlieu; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DANNEBERGER.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 6512) granting a pension to John Danneberger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. BUCHANAN introduced a bill (H. R. 6513) to increase the efficiency of the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES H. LORD.

Mr. SPRIGGS introduced a bill (H. R. 6514) for the relief of Charles H. Lord, the late depositary at Tucson, Ariz., his heirs or legal representatives; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM RILEY.

Mr. STAHLNECKER introduced a bill (H. R. 6515) to equalize the pension of William Riley, late a private in Company G, Fifty-first Regiment New York Volunteers, with those who lost the arm at the shoulder-joint; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WILSON.

Mr. PAYNE introduced a bill (H. R. 6516) granting a pension to George W. Wilson, late mate United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATE OF NEW YORK.

Mr. VIELE introduced a bill (H. R. 6517) for the relief of the State of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SEPTIMIA RANDOLPH MEIKLEHAM.

Mr. VIELE also introduced a bill (H. R. 6518) for the relief of Septimia Randolph Meikleham, the only surviving grandchild of Thomas Jefferson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

J. D. KREBBIEL.

Mr. MULLER introduced a bill (H. R. 6519) granting a pension to J. D. Krebbiel, late captain Company I, Forty-first Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSULAR SERVICE.

Mr. BELMONT introduced a bill (H. R. 6520) to reform the organization, regulate the salaries, and increase the efficiency of the consular service, to limit the exaction of fees for the verification of invoices, to regulate the use of official seals and the collection of fees therefor in the legations and consulates of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GOVERNMENT BUILDING, NEW YORK CITY.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 6521) for the purchase of property as a site for a building or buildings for the accommodation of the custom-house, appraiser's stores, subtreasury, assay office, and other Government offices in the city of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOTTERY, GIFT ENTERPRISE, ETC.

Mr. MERRIMAN (by Mr. CAMPBELL) introduced a bill (H. R. 6522) to amend section 3894 of the Revised Statutes of the United States relating to the transmission through the mails of lottery, gift enterprise, and other circulars; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HENRY ROSCOE.

Mr. MERRIMAN (by Mr. CAMPBELL) also introduced a bill (H. R. 6523) granting a pension to Henry Roscoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES V. PETTEYS.

Mr. MERRIMAN (by Mr. CAMPBELL) also introduced a bill (H. R. 6524) to appoint Charles V. Petteys an assistant surgeon on the retired-list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM HENRY BROWN.

Mr. MERRIMAN (by Mr. CAMPBELL) also introduced a bill (H. R. 6525) for the relief of William Henry Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBERT WELTON.

Mr. SAWYER introduced a bill (H. R. 6526) for the relief of Albert Welton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DELIA SNYDER.

Mr. WEST introduced a bill (H. R. 6527) for the relief of Delia Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN K. LADD.

Mr. PARKER introduced a bill (H. R. 6528) for the relief of John K. Ladd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORACE H. BURBANK.

Mr. SWINBURNE (by request) introduced a bill (H. R. 6529) for the relief of Horace H. Burbank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DE PASS.

Mr. SWINBURNE also introduced a bill (H. R. 6530) for the relief of John De Pass; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL BULMAN.

Mr. WEBER introduced a bill (H. R. 6531) for the relief of Samuel Bulman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF LIEUT. COL. JOSEPH A. HASKIN.

Mr. DOWDNEY introduced a bill (H. R. 6532) for the relief of the widow of the late Lieut. Col. Joseph A. Haskin, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIVIL SERVICE.

Mr. BENNETT introduced a bill (H. R. 6533) to repeal an act entitled "An act to regulate and improve the civil service of the United States;" which was read a first and second time.

Mr. BENNETT. I move the reference of this bill to the Committee on the Revision of the Laws.

Mr. BROWNE, of Indiana. It strikes me this bill ought to go to the Committee on Civil Service Reform.

The SPEAKER. There is where it would go under the rules; but the gentleman from North Carolina [Mr. BENNETT] moves a different reference.

Mr. BROWNE, of Indiana. I ask that it be sent to the appropriate committee.

The question being taken on the motion of Mr. BENNETT, it was agreed to.

So the bill was referred to the Committee on the Revision of the Laws, and ordered to be printed.

WINES, ETC.

Mr. GREEN, of North Carolina (by request of National Vine-Growers' Association), introduced a bill (H. R. 6534) defining pure wines and providing for taxation of certain compounded beverages; which was

read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRANKLIN W. M'CAULEY.

Mr. WILKINS introduced a bill (H. R. 6535) to close the account of Franklin W. McCauley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOTHER OF ISAAC J. ARCHER.

Mr. WARNER, of Ohio, introduced a bill (H. R. 6536) granting a pension to the mother of Isaac J. Archer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HIBBETS.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 6537) granting a pension to George Hibbets; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MIAMI AND SANDUSKY COLLECTION DISTRICTS, OHIO.

Mr. SENEY (by request) introduced a bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PEOPLE'S GAS, ELECTRIC LIGHT, AND FUEL COMPANY.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. 6539) to incorporate the People's Gas, Electric Light, and Fuel Company of the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES LEVY & BRO.

Mr. BUTTERWORTH also introduced a bill (H. R. 6540) for the relief of James Levy & Bro., of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RALPH SPENCER.

Mr. GROSVENOR (by Mr. THOMPSON) introduced a bill (H. R. 6541) granting a pension to Ralph Spencer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN SWASEY AND OTHERS.

Mr. BROWN, of Ohio, introduced a bill (H. R. 6542) for the relief of John Swasey, Robert Carnes, and heirs of Samuel Hambleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELEANOR T. RINGER.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 6543) granting a pension to Eleanor T. Ringer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EUNICE M. BROWN.

Mr. FORAN introduced a bill (H. R. 6544) for the relief of Mrs. Eunice M. Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT PETERSON AND WILLIAM H. CROSS.

Mr. FORAN also introduced a bill (H. R. 6545) for the relief of Robert Peterson and William H. Cross; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES L. CAMPBELL.

Mr. GROSVENOR (by Mr. LITTLE) introduced a bill (H. R. 6546) for the relief of Charles L. Campbell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA E. WILSON.

Mr. GROSVENOR (by Mr. LITTLE) also introduced a bill (H. R. 6547) granting a pension to Anna E. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASENATH U. BLANCHARD.

Mr. LITTLE introduced a bill (H. R. 6548) granting a pension to Asenath U. Blanchard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD KINCADE.

Mr. GEDDES introduced a bill (H. R. 6549) to remove the charge of desertion from the military record of Edward Kincade; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILO M'CRILLIS.

Mr. GEDDES also introduced a bill (H. R. 6550) granting relief to Milo McCrillis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVAL TRAINING-SHIP, LAKE ERIE.

Mr. GEDDES also presented a joint resolution of the General Assembly of Ohio, in favor of a training-ship to be placed on Lake Erie for instructing the boys of the industrial schools of the State in nautical arts; which was referred to the Committee on Naval Affairs, and ordered to be printed.

RICHARD BODDY.

Mr. HERMAN introduced a bill (H. R. 6551) for the relief of the estate of Richard Boddy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABIAL MORRISON.

Mr. HERMAN also introduced a bill (H. R. 6552) to indemnify Abial Morrison for the property destroyed by hostile Indians in Washington Territory in the years 1855 and 1856; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. KATE HATTON.

Mr. HERMAN also introduced a bill (H. R. 6553) for the relief of Mrs. Kate Hatton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL LAND DISTRICT.

Mr. HERMAN also introduced a bill (H. R. 6554) to establish an additional land district in the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JONATHAN C. GRUMBLING.

Mr. WHITE of Pennsylvania, introduced a bill (H. R. 6555) to remove the charge of desertion from the record of Jonathan C. Grumbling, Company D, Eleventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY ELLIS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6556) to remove the charge of desertion from the record of Henry Ellis, late Company D, Sixty-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN W. FINK.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6557) to increase the pension of John W. Fink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6558) to increase the pension of John W. Fink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHEBE CAMPBELL.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6559) granting a pension to Phebe Campbell, mother of J. W. Campbell, Company H, Twelfth Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BYERS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6560) granting a pension to Mary Byers, widow of Samuel Byers, Company I, Fourteenth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. RUPERT.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6561) granting a pension to Margaret A. Rupert, widow of Uriah J. Rupert, Company B, One hundred and thirty-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'ELHOSE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6562) granting a pension to James McElhose, late a private in Company K, One hundred and fiftieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH HANERWAS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6563) granting a pension to Joseph Hanerwas, late a corporal of Company G, Thirty-ninth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH H. VANWORMER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6564) granting a pension to Elijah H. Vanwormer, late a private in Company E, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH L. WETTER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6565) granting a pension to Sarah L. Wetter, widow of Henry L. Wetter, second lieutenant and adjutant Eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY I. CARTIN.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6566) granting a pension to Henry I. Cartin, latea private in Company C, One hundred and forty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA BOLLINGER.

Mr. SWOPE introduced a bill (H. R. 6567) for the relief of Eliza Bollinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB SENER AND ELIZABETH SENER.

Mr. SWOPE also introduced a bill (H. R. 6568) for the relief of Jacob Sener and Elizabeth Sener; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN VOGLE.

Mr. NEGLEY introduced a bill (H. R. 6569) granting a pension to John Vogle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMITATION BUTTER AND OTHER DAIRY PRODUCTS.

Mr. SCOTT introduced a bill (H. R. 6570) to prevent the illegal sale of all imitations of dairy products, and for other purposes.

Mr. SCOTT. I ask the reference of this bill to the Committee on Manufactures.

The SPEAKER. Does this impose a tax?

Mr. SCOTT. Yes, sir.

The SPEAKER. Under the rules of the House it belongs to the Committee on Ways and Means.

The gentleman from Pennsylvania [Mr. SCOTT] moves the reference of this bill to the Committee on Manufactures.

Mr. HENDERSON, of Iowa. I move to amend by inserting "Agriculture" in place of "Manufactures."

The question was taken; and there were on a division—ayes 67, noes 40.

So the amendment was agreed to.

Mr. REAGAN. If amendable I desire to move its reference to the Committee on Commerce, where it properly belongs.

Mr. HENDERSON, of Iowa. Has not the other motion prevailed?

The SPEAKER. The amendment of the gentleman from Iowa [Mr. HENDERSON] has prevailed. The House has just agreed to insert "Agriculture," and of course that can not be stricken out except by a reconsideration of the vote.

The question is on agreeing to the motion as amended.

The motion as amended was agreed to.

The bill was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOHN D. M. ARMBRUST.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 6571) granting a pension to John D. M. Armbrust; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GATES.

Mr. CURTIN introduced a bill (H. R. 6572) granting a pension to George W. Gates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA HOLLINGSWORTH HUMPHREYS.

Mr. BINGHAM introduced a bill (H. R. 6573) granting a pension to Rebecca Hollingsworth Humphreys; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE KOCHER.

Mr. EVANS introduced a bill (H. R. 6574) restoring to the pension-roll the name of Caroline Kocher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES FREELAND.

Mr. FLEEGER introduced a bill (H. R. 6575) granting a pension to Charles Freeland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW S. CALLUM.

Mr. BUNNELL introduced a bill (H. R. 6576) granting a pension to Andrew S. Callum, Company H, Fifty-second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARDEN C. ROCKWELL.

Mr. BUNNELL also introduced a bill (H. R. 6577) granting a pension to Warden C. Rockwell, Company D, Fiftieth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID A. COMPTON.

Mr. BUNNELL also introduced a bill (H. R. 6578) for the relief of David A. Compton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REV. FRANKLIN BALL.

Mr. BUNNELL also introduced a bill (H. R. 6579) for the relief of Rev. Franklin Ball; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GARDEN OF THE GODS, COLORADO.

Mr. BUNNELL also introduced a bill (H. R. 6580) to preserve and protect the Garden of the Gods in Colorado from spoliation and to make a public park of the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES E. M'FARLAND.

Mr. BOUND introduced a bill (H. R. 6581) granting a pension to Charles E. McFarland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL BATDORFF.

Mr. BOUND also introduced a bill (H. R. 6582) granting a pension to Daniel Batdorff, late of Company K, One hundred and seventy-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'CORMICK.

Mr. BOUND (by request) also introduced a bill (H. R. 6583) to remove the charge of desertion from the military record of John McCormick; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDNANCE SHOP, WASHINGTON NAVY-YARD.

Mr. SOWDEN submitted the following resolution of inquiry; which was read, and referred to the Committee on Expenditures in the Navy Department.

Resolved, That the Secretary of the Navy be, and he is hereby, respectfully requested to furnish to the House of Representatives a statement showing the amount of money expended in the ordnance-shop at the Washington navy-yard for material, wages, and tools, and the number of guns made, altered, and repaired, and their kinds and sizes, number of cartridges, their sizes and kinds, purchased and price paid for the same, the date of purchase and from whom purchased, from March 1, 1882, to February 28, 1886.

MARY J. NEELY.

Mr. ATKINSON introduced a bill (H. R. 6584) increasing the pension of Mary J. Neely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOTTIE E. DIETRICH.

Mr. ATKINSON also introduced a bill (H. R. 6585) granting a pension to Lottie E. Dietrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET GROFT.

Mr. ATKINSON also introduced a bill (H. R. 6586) granting a pension to Harriet Groft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. EYSTER.

Mr. ATKINSON also introduced a bill (H. R. 6587) granting a pension to Sarah J. Eyster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI NEITZ.

Mr. ATKINSON (by request) also introduced a bill (H. R. 6588) for the relief of Levi Neitz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUT. JOHN R. WEST.

Mr. BOYLE introduced a bill (H. R. 6589) to restore the name of Lieut. John R. West to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE WHITESELL.

Mr. BAYNE introduced a bill (H. R. 6590) granting a pension to Catharine Whitesell, widow of Dr. George L. Whitesell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK GATES.

Mr. BAYNE (by request) also introduced a bill (H. R. 6591) for the relief of Frederick Gates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. G. MITTAG.

Mr. HEMPHILL introduced a bill (H. R. 6592) granting a pension to John F. G. Mittag; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

STABLES FOR HOUSE OF REPRESENTATIVES' HORSES, ETC.

Mr. DIBBLE introduced a joint resolution (H. Res. 136) for the construction of stables for the horses and wagons used for the postal and other public business of the House of Representatives; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. MARTHA SMITH.

Mr. PETTIBONE introduced a bill (H. R. 6593) granting a pension to Mrs. Martha Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. PETTIBONE also introduced a bill (H. R. 6594) for the relief of Martha Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. J. ALMUS GARDNER.

Mr. GLASS introduced a bill (H. R. 6595) for the relief of Dr. J. Almus Gardner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. A. WILSON.

Mr. GLASS also introduced a bill (H. R. 6596) for the relief of J. A. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA E. WEIR.

Mr. NEAL introduced a bill (H. R. 6597) for the relief of Eliza E. Weir, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF B. B. BUNCH.

Mr. J. M. TAYLOR introduced a bill (H. R. 6598) for the relief of the estate of B. B. Bunch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF H. TREVATHON.

Mr. J. M. TAYLOR also introduced a bill (H. R. 6599) for the relief of the legal representatives of H. Trevathon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARGARET C. GROVE.

Mr. J. M. TAYLOR also introduced a bill (H. R. 6600) for the relief of Mrs. Margaret C. Grove, of Hardeman County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS M. CRIST.

Mr. J. M. TAYLOR also introduced a bill (H. R. 6601) granting a pension to Lewis M. Christ; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF LYTLE NEWTON.

Mr. J. M. TAYLOR also introduced a bill (H. R. 6602) for the relief of the estate of Lytle Newton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. F. HUDDLESTON.

Mr. J. M. TAYLOR introduced a bill (H. R. 6603) for the relief of I. F. Huddleston; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

ALFRED PETTIGREW.

Mr. J. M. TAYLOR also introduced a bill (H. R. 6604) granting a pension to Alfred Pettigrew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALAMO CEMENT COMPANY, SAN ANTONIO, TEX.

Mr. SAYERS introduced a bill (H. R. 6605) for the relief of the Alamo Cement Company, of San Antonio, Tex.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALLY B. BENT.

Mr. GROUT introduced a bill (H. R. 6606) granting a pension to Sally B. Bent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH FOLTZ.

Mr. O'FERRALL introduced a bill (H. R. 6607) for the relief of Noah Foltz, of Page County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN BELAW.

Mr. O'FERRALL also introduced a bill (H. R. 6608) for the relief of Martin Belaw, of Page County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY E. NEALE.

Mr. BARBOUR (by Mr. WISE) introduced a bill (H. R. 6609) for the relief of Mrs. Mary E. Neale; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET HIGGINS.

Mr. LIBBEY (by request) introduced a bill (H. R. 6610) for the relief of the estate of Margaret Higgins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRON PIER, FORTRESS MONROE, VA.

Mr. LIBBEY also introduced a bill (H. R. 6611) providing for the construction of an iron pier at Fortress Monroe, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABRAHAM SHRIVER.

Mr. GOFF introduced a bill (H. R. 6612) for the relief of Abraham Shriver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. A. L. COLLINS.

Mr. CASWELL introduced a bill (H. R. 6613) granting a pension to Mrs. A. L. Collins, guardian, &c.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOTTLIEB HERMANN.

Mr. VAN SCHAICK introduced a bill (H. R. 6614) granting an increase of pension to Gottlieb Hermann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, CHIPPEWA FALLS, WIS.

Mr. STEPHENSON introduced a bill (H. R. 6615) for the erection of a public building at Chippewa Falls, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN WHITTAKER.

Mr. BRAGG introduced a bill (H. R. 6616) for the relief of John Whittaker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DUTY ON TOBACCO.

Mr. LA FOLLETTE introduced a bill (H. R. 6617) to amend the second paragraph of schedule F, chapter 121, laws of 1883, relating to the duties upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN J. SILBERNAGEL.

Mr. LA FOLLETTE also introduced a bill (H. R. 6618) for the relief of John J. Silbernagel; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SISSETON AND WAHPETON INDIANS, DAKOTA.

Mr. GIFFORD introduced a bill (H. R. 6619) creating a commission to negotiate with the Sisseton and Wahpeton bands of Sioux Indians in Dakota to secure modifications of existing treaties; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FINAL JUDGMENT, UNITED STATES COURTS.

Mr. GIFFORD also introduced a bill (H. R. 6620) to amend section 702 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INFANT CHILDREN OF MICHAEL A. MARON.

Mr. GIFFORD (by request) also introduced a bill (H. R. 6621) granting a pension to the infant children of Michael A. Maron, late of Company K, Seventeenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HURON CITY, DAK.

Mr. GIFFORD also introduced a bill (H. R. 6622) to authorize the city of Huron, Dak., to grant a charter of franchise to illuminate said city, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MARIA BLACK.

Mr. GIFFORD (by request) also introduced a bill (H. R. 6623) for the relief of Maria Black; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHOSHONES, BANNOCKS, AND SHEEPEATERS, IDAHO.

Mr. HAILEY introduced a bill (H. R. 6624) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, May 14, 1880, for the

sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

VICENTE GARCIA.

Mr. JOSEPH introduced a bill (H. R. 6625) for the relief of Vicente Garcia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSÉ IGNACIO DE LUNA.

Mr. JOSEPH also introduced a bill (H. R. 6626) for the relief of José Ignacio de Luna; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CANDELARIO GARCIA.

Mr. JOSEPH also introduced a bill (H. R. 6627) for the relief of Candelario Garcia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MIGUEL ESQUIBEL.

Mr. JOSEPH also introduced a bill (H. R. 6628) for the relief of Miguel Esquibel; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD B. BEER.

Mr. JOSEPH also introduced a bill (H. R. 6629) for the relief of Edward B. Beer, of New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEAD SETTLERS WITHIN RAILROAD LIMITS.

Mr. VOORHEES introduced a bill (H. R. 6630) to amend the act of March 3, 1879, granting additional rights to homestead settlers within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EMPLOYÉS OF PRINTING AND ENGRAVING BUREAU.

Mr. VOORHEES also introduced a joint resolution (H. Res. 137) to compensate the employés of the Bureau of Engraving and Printing for lost time; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVIVORS OF INDIAN WAR 1855–'56.

Mr. VOORHEES presented a memorial of the Legislative Assembly of Washington Territory, in relation to the survivors of the Indian war of 1855 and 1856; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN LANDS IN SEVERALTY.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, providing for the allotment of lands in severalty to the Indians of the Yakima reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HOMESTEAD LAWS.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, in relation to amending the homestead laws; which was referred to the Committee on the Public Lands, and ordered to be printed.

LAND GRANT TO WYOMING TERRITORY.

Mr. CAREY introduced a bill (H. R. 6631) granting certain lands to the Territory of Wyoming for public purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER. If there be no objection the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their names were called.

There was no objection.

REBECCA GADDY.

Mr. BLAND introduced a bill (H. R. 6632) for the relief of Rebecca Gaddy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP KINCHELOE.

Mr. BLAND also introduced a bill (H. R. 6633) for the relief of Philip Kincheloe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. RIDEN.

Mr. BLAND also introduced a bill (H. R. 6634) for the relief of John G. Riden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST LESCHINSKY.

Mr. HENLEY introduced a bill (H. R. 6635) for the relief of August Leschinsky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANLEY B. EDMUNSON.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 6636) for the relief of Manley B. Edmunson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTESTED ELECTIONS.

Mr. TURNER introduced a bill (H. R. 6637) relating to contested elections; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

WILLIAM GORDON.

Mr. MURPHY introduced a bill (H. R. 6638) granting a pension to William Gordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE KENNEDY.

Mr. MURPHY also introduced a bill (H. R. 6639) granting a pension to Catharine Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA REEMS.

Mr. CALDWELL introduced a bill (H. R. 6640) for the relief of Minerva Reems, of the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JANE L. TAYLOR.

Mr. CALDWELL also introduced a bill (H. R. 6641) for the relief of Mrs. Jane L. Taylor, of the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M'DONALD.

Mr. CRAIN introduced a bill (H. R. 6642) for the relief of John McDonald; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. HENLEY submitted a resolution to create a committee to investigate the Union Pacific Railroad Company in its relations to the Government; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 6643) to authorize the Secretary of War to transfer one condemned cannon to Roser Post, Grand Army of the Republic, at Arcanum, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

Mr. ANDERSON, of Ohio (by request), also introduced a bill (H. R. 6644) regulating the wages of employés in the Government Printing Office; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JOHN W. YOUNGER.

Mr. FUNSTON introduced a bill (H. R. 6645) granting a pension to John W. Younger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL SMITH.

Mr. BURROWS introduced a bill (H. R. 6646) for the relief of Daniel Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTESTS AGAINST TARIFF CHANGES.

Mr. McKINLEY, by unanimous consent, presented the following; which was referred to the Committee on Ways and Means, and, by unanimous consent, ordered to be printed in the RECORD without the names:

Mr. Speaker and members of the House of Representatives:

GENTLEMEN: In presenting to your honorable body volume No. 3 of Protests against Tariff Reduction, I would respectfully state that this volume contains the original signatures of leading manufacturers from twenty-seven States of the Union who take this method of recording their protest against any reduction of the tariff.

The industrial establishments represented in the three volumes which I have had the honor of presenting to Congress give employment to one hundred and twenty-nine thousand workmen, who, at an average of only $7 per week, receive $46,956,000 per annum in wages.

It is believed that the proposed tariff bill will have the effect of reducing the wages of a greater portion of these one hundred and twenty-nine thousand workmen fully 25 per cent., a reduction of more than ten millions annually in the wages of these people.

In submitting this volume of protests for your consideration I beg to repeat that each person, firm, or corporation signing these protests solemnly assures Congress that labor will be compelled to bear a large share of any reduction of duties, and every business man whose signature appears in either volume emphasizes his opposition to any legislation which tends to reduce American labor to the foreign standard either in price or condition.

These three volumes represent the views of leading manufacturers upon this subject from thirty-four States of the Union.

With assurance of the highest esteem, please believe me,

Your most obedient servant,

JOHN W. FRAZIER.

PHILADELPHIA, *March*, 1886.

Protest against tariff revision.

To the President, the Senate, and the House of Representatives of the United States:

GENTLEMEN: Believing that any reduction of the tariff would be detrimental to the welfare of the people of this nation, the business men of the United States

respectfully record their protest against any scaling down of duties, for the reasons stated generally in the minority report of the Ways and Means Committee of the Forty-eighth Congress, to wit:

"First. That not a single interest, excepting the free-trade clubs of New York and Brooklyn, desires a reduction of the tariff. Neither the manufacturer, the miner, the farmer, the laborer, or the consumer has requested or demanded any such reduction; on the contrary, every interest, manufacturing, laboring, and agricultural, protests most earnestly against cutting down the duties on imported goods.

"Second. It will disturb business (the discussion of it has already done this), it will unsettle values, retard incipient enterprises, cripple those now established, impair confidence among business men, so essential to our development and prosperity, and will bring no countervailing benefits.

"Third. It will of necessity force down the price of labor in the United States, it will stimulate imports, increase competition from abroad, which can only be successfully met by reducing the cost of home manufacture.

"The testimony is uniform, and not contradicted, that labor will be compelled to bear a large share of the reduction. Wr. William Weihe, the president of the largest labor organization in the country, said in his statement before the Committee on Ways and Means, "that any reduction of the duties would reduce the price of labor generally." We can not, therefore, too strongly emphasize our opposition to any legislation which tends to reduce American labor to the foreign standard, either in price or condition. The maintenance of a fair and adequate scale of wages for American workmen is indispensable to their comfort, their well-being, and the education of their families; is essential to the good order of society, the stability of our institutions, and the welfare and progress of our country.

"Fourth. It is wholly unnecessary, unjustifiable, and in every respect, and to every American interest, only hurtful. The enormous increase of the capital wealth of the country during the last fifteen years, under a protective tariff, now forces capital to seek employment in the development of all mineral, agricultural, and other resources to the gain and advantage of all our people, and a change or modification of the system will create such doubt of successful enterprise as to check this useful tendency and to thwart the national development, the progress of which is without precedent in the civilized world.

"What the country wants most is relief from Congressional agitation of the tariff. All the industries of the country are extremely sensitive, and at this time, when business is more or less depressed in every branch, the declaration or fear of a change introduces an element of uncertainty and disturbance throughout the country, the evil effects of which no one can foresee."

For these and other reasons equally as strong, the business interests of the country are adverse to any reduction of the tariff, and herewith unite in recording their protest against a policy that they believe would result injuriously to all the people of the United States.

ANDREW J. WILLIAMSON.

Mr. O'DONNELL introduced a bill (H. R. 6647) granting a pension to Andrew J. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD M. HARRINGTON.

Mr. HOLMES (by request) introduced a bill (H. R. 6648) for the relief of Edward M. Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. BROTT.

Mr. BROWNE, of Indiana (by request), introduced a bill (H. R. 6649) for the relief of George F. Brott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL ROBBINS.

Mr. DAWSON introduced a bill (H. R. 6650) granting a pension to Samuel Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. COX.

Mr. DAWSON also introduced a bill (H. R. 6651) granting a pension to George W. Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD D. PHELPS.

Mr. DAWSON also introduced a bill (H. R. 6652) granting a pension to Edward D. Phelps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. JOHNSON.

Mr. DAWSON also introduced a bill (H. R. 6653) for the relief of Thomas G. Johnson, for property taken and appropriated by the Army of the United States in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARION BERRY.

Mr. FORNEY introduced a bill (H. R. 6654) granting a pension to Marion Berry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOKELEY D. DAGLEY.

Mr. DOCKERY introduced a bill (H. R. 6655) granting a pension to Stokeley D. Dagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY TARBELL.

Mr. HISCOCK introduced a bill (H. R. 6656) for the relief of Mary Tarbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALL OF COMMITTEES.

The SPEAKER. The committees will now be called for reports for reference.

ADVERSE REPORT.

Mr. HEPBURN, from the Committee on the Judiciary, reported back adversely the bill (H. R. 1137) to make bills of lading conclusive evidence in certain cases.

Mr. OATES presented the views of the minority.

The majority and minority reports were ordered to be printed.

On motion of Mr. OATES, the case was referred to the Committee of the Whole House and placed on the Calendar.

CHANGE OF NAME, ETC., NATIONAL BANKING ASSOCIATIONS.

Mr. MILLER, from the Committee on Banking and Currency, reported back with favorable recommendation the amendments of the Senate to the bill (H. R. 327) to enable national banking associations to change their names and location; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. REAGAN, from the Committee on Commerce, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 309) to establish a board of commissioners of interstate commerce, and for other purposes;

A bill (H. R. 770) to regulate interstate commerce through a national court of arbitration;

A bill (H. R. 1572) to create an interstate-commerce commission, and to regulate its powers and duties;

A bill (H. R. 1669) to establish a bureau of transportation in the Department of the Interior;

A bill (H. R. 2412) to regulate interstate commerce, and to prevent unjust discriminations by common carriers; and

A bill (H. R. 3929) to establish a board of commissioners of interstate commerce, and to regulate such commerce.

INTERSTATE COMMERCE.

Mr. REAGAN, from the Committee on Commerce, also reported, as a substitute for H. R. 2412, a bill (H. R. 6657) to regulate interstate commerce and to prevent unjust discriminations by common carriers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 2412 was ordered to be laid on the table.

Mr. O'NEILL, of Pennsylvania. On behalf of the minority of the committee, dissenting as we do from the report just submitted by the chairman, I ask consent to file our views.

There was no objection, and it was so ordered.

PORT OF DELIVERY, SPRINGFIELD, MASS.

Mr. O'FERRALL, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 1153) to establish a port of delivery at Springfield, in the State of Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 480) for the relief of Capt. Alexander McCreary;

A bill (H. R. 3294) to remove the charge of desertion standing against Edward B. Hughes;

A bill (H. R. 3603) for the relief of James Patterson;

A bill (H. R. 1942) to relieve John McFarland from the charge of desertion;

A bill (H. R. 3340) for the relief of Ely Hauser;

A bill (H. R. 3912) to relieve J. H. Hathorn from the charge of desertion;

A bill (H. R. 4067) for the relief of James H. Bacon;

A bill (H. R. 4288) for the relief of John Scott;

A bill (H. R. 3994) for the relief of A. M. McConnell;

A bill (H. R. 4455) for the relief of Marion M. King;

A bill (H. R. 4814) to relieve certain soldiers of the late war of the charge of desertion;

A bill (H. R. 4137) for the relief of George W. Revere;

A bill (H. R. 4726) to remove the charge of desertion from the military record of John F. Baird;

A bill (H. R. 4042) to amend the records of the War Department in the case of Thomas Cooney;

A bill (H. R. 3598) to remove the charge of desertion from the record of Michael Hyde, late a private in Company B, One hundred and twenty-third Ohio Volunteer Infantry;

A bill (H. R. 4598) for the relief of William J. Riggs;

A bill (H. R. 3174) for the relief of Capt. W. W. Hogsed's company of North Carolina Home Guards;

A bill (H. R. 22) for the relief of Charles Winder;

A bill (H. R. 3232) for the relief of Thomas Crawford; and

A bill (H. R. 4129) for the relief of Martin McNamara, alias Martin Mack.

ADVERSE REPORTS.

Mr. VIELE, from the Committee on Military Affairs, reported back

with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 128) to amend the military record of James Fanning;

A bill (H. R. 761) for the relief of David F. Hood;

A bill (H. R. 3169) for the relief of J. F. Cisson; and

A bill (H. R. 2014) authorizing the President to appoint and retire Alfred Pleasanton, late a major-general in the United States Army.

ASSISTANT SECRETARY OF WAR.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5836) providing for an assistant Secretary of War; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

F. THOMPSON, ALIAS S. E. E. SEELYE.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORFEITURES OF LAND GRANTS.

Mr. HENLEY, from the Committee on the Public Lands, reported a bill (H. R. 6658) to declare forfeited certain lands granted to aid in the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad, in California; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HENLEY, from the Committee on the Public Lands, also reported a bill (H. R. 6659) to declare forfeited certain lands granted in the construction of a railroad from the Central Pacific Railroad in California to Portland, in Oregon; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT LOS ANGELES.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (H. R. 6491) providing for the erection of a public building at Los Angeles, Cal.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back the bill (H. R. 5135) to classify labor and equalize the pay of employés under the Government of the United States; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Select Committee on Reform in the Civil Service.

The motion was agreed to.

Mr. CONGER, from the Committee on Invalid Pensions, reported back the bill (H. R. 5828) granting a pension to Mena Holmes; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

MRS. E. A. BENHAM.

Mr. HUTTON, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 229) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHILDREN OF SURG. A. W. OWEN.

Mr. SCOTT, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 4689) for the relief of the children of the late Surg. Alfred W. Owen and to increase their pensions; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. SCOTT, from the Committee on Pensions, also reported back with amendments the bill (H. R. 1201) for the relief of Mary Howard Farquhar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SARAH O. DRUMMOND.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 2623) granting a pension to Sarah O. Drummond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES WATERS.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 5074) to provide an increase of pension to James Waters; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH LEFFMAN.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 5706) for the relief of Elizabeth Leffman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS UNDER EIGHT-HOUR LAW.

Mr. MCKENNA, from the Committee on Claims, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 410) to pay to the employés of the Government wages hitherto withheld in violation of the eight-hour law; and

A bill (H. R. 996) to provide for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. MCKENNA, from the Committee on Claims, also reported, as a substitute for House bills 410 and 996, a bill (H. R. 6660) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORLANDO B. WILLCOX.

Mr. KLEINER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1164) to complete the military record of Orlando B. Willcox, late colonel of the First Michigan Volunteer Infantry and brigadier-general of volunteers, and to give him pay in compliance with his completed record; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPORTS OF SMITHSONIAN INSTITUTION, ETC.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably a concurrent resolution of the Senate for printing the last annual report of the Smithsonian Institution and of the National Museum; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONGRESSIONAL RECORD FOR AMERICAN LEGATIONS.

Mr. BARKSDALE, from the Committee on Printing, also reported back favorably a joint resolution (H. Res. 129) directing the Public Printer to forward the CONGRESSIONAL RECORD to our legations abroad; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING REPORTS OF UNITED STATES CONSULS.

Mr. BARKSDALE, from the Committee on Printing, also reported back favorably a concurrent resolution to authorize the printing of the reports of United States consuls on cattle-breeding and dairy-farming; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT OF RULES OF HOUSE OF REPRESENTATIVES.

Mr. HATCH offered the following resolution; which was referred to the Committee on Rules:

Resolved by the House of Representatives, That Rule XXXIV of the House of Representatives be amended by inserting in line 8, after the words "governors of States," the words "Commissioner of the Department of Agriculture."

SAMUEL BAKER.

Mr. BRADY, from the Committee on Pensions, reported back with an amendment the bill (H. R. 5061) granting an increase of pension to Samuel Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rule begins at four minutes past 3 o'clock. The call rests with the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT ROCHESTER, N. Y.

Mr. DIBBLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering House bill 5549, limiting the cost of the erection of a public building at Rochester, N. Y.; and, pending that motion, I ask unanimous consent that debate be limited to ten minutes after the reading of the report of the Committee on Public Buildings and Grounds.

Mr. WARNER, of Ohio. Let the report be read first, and then let unanimous consent be asked to limit debate.

The SPEAKER. The report can be read only in committee. Is there objection to the request of the gentleman from South Carolina [Mr. DIBBLE]?

Mr. EDEN. Mr. Speaker, I have not had an opportunity to examine the report, and possibly after it is read we may want more than ten minutes for debate.

Mr. DIBBLE. How much time does the gentleman from Illinois [Mr. EDEN] want?

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. DIBBLE]?

Mr. STORM. I must object, Mr. Speaker.

Mr. ADAMS, of Illinois. Mr. Speaker, I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. For how long does the right of this committee to the floor continue this morning?

The SPEAKER. The committee will have the floor for one hour, unless the bill under consideration is concluded before that time. The committee can not call up any other bill.

Mr. DIBBLE. Mr. Speaker, I wish to state that I have made this request as to the limitation of debate solely in the interest of the dispatch of the public business, because this is the last bill that our committee can call up at this time.

Mr. WELLBORN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLBORN. Do I understand the Chair to hold that in the event of the committee disposing of this bill during this hour they can not call up another bill this morning?

The SPEAKER. Yes. This is the second hour that this committee has occupied the floor.

The motion of Mr. DIBBLE was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering a bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y. The bill having been heretofore read in Committee of the Whole, the Clerk will now read the report.

Mr. DIBBLE. Mr. Chairman, I am willing that the report shall be read in my time, provided I can have the floor afterward.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina [Mr. DIBBLE].

The report was read, as follows:

Mr. WILKINS, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany bill H. R. 5549:

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1570) to increase the appropriation for the erection of the public building in Rochester, N. Y., respectfully reports:

That on the 7th day of August, 1882, an act was passed by the then Congress making an appropriation for the purchase of a site for a public building in Rochester, N. Y., of $150,000.

That the site was purchased, and subsequent appropriations by Congress aggregating $150,000 were made to erect the building thereon, which was thereafter commenced under plans and specifications made and approved by the Supervising Architect.

Owing to the law which forbids the letting of a contract for a public building at a sum exceeding the appropriation, the plans and specifications were drawn and made with reference to the limited sum appropriated, and the work had progressed at the commencement of this winter only to the top of the first story, when the progress of the work was suspended for the winter. The site affords ample ground room for the proposed enlargement.

Rochester is a city of over 100,000 inhabitants and rapidly growing. The post-office at present occupies rented quarters of insufficient capacity, and in area uses 6,687 square feet, while the working space in the proposed public building will be only 3,454 square feet, about one-half the present insufficient area.

The accommodations in the proposed new building for the other departments of the public service which must be provided for, namely, the custom-house, the internal-revenue offices, the Federal courts, and various offices relating thereto are wholly inadequate.

This state of things is chargeable solely to the existing laws, which compel the plan, specifications, and contracts all to be made with regard to amount of existing appropriations for the express purpose. The matter in a general way is tersely stated and the evils of the existing system vividly illustrated by the Supervising Architect in his able annual report for 1885, recently submitted to Congress.

It is evident to your committee that the original appropriation for the public building in Rochester, with its great and growing industries and rapidly increasing population, should have been not less than the amount asked for by this substitute bill.

The completion of said building without the suggested enlargement would be unwise in the extreme. The additional appropriation asked for should be promptly made, so as to enable the spring work to be commenced and carried on with reference thereto. This additional appropriation is approved by the Supervising Architect.

The accompanying petition, signed by a considerable number of the leading and wealthy citizens of Rochester, representing, as we are advised, the public sentiment in regard to the matters therein stated, is respectfully submitted as part of our report, also the accompanying communication from the Supervising Architect, approved by the Secretary of the Treasury.

We respectfully recommend the accompanying bill as a substitute for House bill 1570.

ROCHESTER, N. Y., *January* 4, 1886.

DEAR SIR: I have read the subjoined petition and hereby certify to the correctness of the figures given therein.

Very respectfully,

OSCAR KNEBEL,
Supt. of Construction, U. S. C. H., P. O., &c.

Hon. CHARLES S. BAKER,
Washington, D. C.

ROCHESTER, *January* 4, 1886.

SIR: Inclosed please find the petition promised, together with the Architect's statements as to the dimensions of the present post-office and the new structure in process of erection. Hope your efforts will prove successful for a further appropriation of $300,000, as any one can see by a glance at the Architect's measurement that the present appropriation is entirely inadequate toward finishing a public building that is needed in this city.

Very respectfully,

B. M. BAKER.

Hon. CHARLES BAKER,
Washington, D. C.

To the Congress of the United States:

The undersigned, your petitioners, citizens of the city of Rochester, N. Y., respectfully represent that the public service, comprising the departments of the post-office, the custom-house, and revenue offices, the Federal courts and offices relating thereto, can not be accommodated in the public building, if erected and completed under the present plans or within the present appropriation; that the post-office, for instance, has now a working space of 6,687 square feet in Reynold's Arcade, and is inadequate to the needs of the city, with its population over 100,000, and rapidly increasing; but the working space in the proposed public building will be only 3,454 square feet, about one-half of the present insufficient area.

Your petitioners represent that the requisite enlargement of the building can be made on the present site, and is an imperative necessity.

Your petitioners therefore pray that the bill No. 1570, for an additional appropriation of $300,000, may be, as speedily as possible, advanced to become a law.

(Signed:) H. S. Greenleaf, J. M. Davy, John Van Voorhis, Alfred Ely, Daniel T. Hunt, C. E. Morris, Henry S. Pierce, C. R. Parsons, mayor; D. W. Powers, Wm. Purcell, Gilman H. Perkins, Chas. Y. Burke, Geo. F. Danforth, James L. Angle, Geo. Raines, Thomas Rainey, William N. Sage, president of Municipal Reform League; Oscar Craig, M. Filon, N. P. Pond, H. O. Hathaway, Ellwanger & Berry, B. M. Baker, Henry E. Rochester, C. J. Hayden.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, January 23, 1886.

SIR: I have the honor to call your attention to the limit of cost as now fixed for the new public building at Rochester, N. Y.

The act of May 25, 1882, limits the cost of the site and building to $300,000. The amount expended for the site was $75,630.43, leaving a balance of $224,370 as the cost of the building. The amount is now, and always was, totally inadequate to construct a building that would give sufficient accommodations to the Post-Office Department to properly transact its business at the present time without considering the question of future necessities.

After a careful examination of the space required, in which the postmaster of the city of Rochester has been consulted, I believe it to be the poorest economy to restrict the cost of the building to the present limit of cost. As the necessity for a new post-office building at Rochester is undisputed, and has been recognized by Congress, in my judgment the building should be so constructed as not only to meet the present necessities of the Government, but its future necessities, so that it will not have to be enlarged within a few years after its completion.

In this connection permit me to call your attention to the importance of fixing the limits of cost upon new public buildings with some relation to the necessities of the Government where the buildings are to be erected, as fully set forth in my two annual reports, so that plans may be prepared for a building that will intelligently provide accommodations when completed without embarrassing this office by early alterations and additions. I have therefore to recommend that Congress be asked to increase the limit of cost upon this building in accordance with the provisions of House bill No. 1570, with the amendment that the amount fixed in said bill as the limit of cost ($600,000) should include the approaches, heating apparatus, and elevators.

Respectfully, yours,

M. E. BELL,
Supervising Architect.

The SECRETARY OF THE TREASURY.

Mr. EDEN rose.

Mr. DIBBLE. I move that the committe rise for the purpose of limiting debate to ten minutes, unless the gentleman from Illinois [Mr. EDEN] desires more time.

Mr. EDEN. Say fifteen minutes.

Mr. DIBBLE. At the suggestion of the gentleman from Illinois I ask unanimous consent that debate on this bill be limited to fifteen minutes.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection.

Mr. DIBBLE. I now yield five minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, as the report has been read in the hearing of the Committee of the Whole, I do not know that I desire to make any extended remarks unless there should be some questions raised by gentlemen in opposition to the bill. I would like to hear what objection can be made, and would reserve my time for the purpose of replying to any remarks which may be made in opposition to the measure.

Mr. DIBBLE. Mr. Chairman, I understand I am entitled to one-half of the time—seven and a half minutes. I reserve the remainder of my time.

The CHAIRMAN. The Chair will now recognize any gentleman who desires to oppose this bill.

Mr. EDEN. Mr. Chairman, I have not paid special attention to this bill; but it seems to be liable to this objection: A limit has already been fixed to the cost of this building—$300,000, I believe, was the amount originally limited—and now, while the building is in course of erection, as I understand, it is proposed to make an additional appropriation of $150,000.

Mr. DIBBLE and Mr. BAKER. Two hundred thousand dollars.

Mr. EDEN. Then the sum of $200,000 is to be added to the amount originally limited. At the last Congress, if I am correctly informed, only $100,000 was asked for; but now we have an application for $200,000. The amount seems to grow every session, and this shows the evil of a system under which Congress fixes an amount as the limitation of cost and then increases the appropriation beyond the original limitation.

I know nothing as to the particular necessity of this building, but it seems to me that when the limitation of $300,000 was fixed it should have been known as well then as it can be now what sum would be required to complete the building. I approve of the remark made the other day by the chairman of the Committee on Public Buildings and Grounds when he stated it was proposed that this evil should not exist

in the future; that it is the intention of the committee not to report in favor of increasing the amounts originally provided for these purposes.

Mr. BROWN, of Pennsylvania. That applies to original bills to be introduced.

Mr. EDEN. This was an original bill for an expenditure of $300,000 when first proposed here.

Mr. BROWN, of Pennsylvania. But not in this Congress.

Mr. EDEN. But this Congress ought not to be any more extravagant than the one which fixed the limit at $300,000.

Mr. DIBBLE. If the gentleman will permit, I will state in explanation of the point he has just made that this building is partly erected, and, according to the report of the Supervising Architect, the space afforded by the present plan is absolutely insufficient, so that the building, if finished for the $300,000, will not accommodate the wants of the Government. Hence we have felt bound to report in favor of such an appropriation as will prevent the necessity of erecting another building, which would be much more expensive than to enlarge this one while in process of erection.

Mr. WARNER, of Ohio. Will the gentleman from South Carolina [Mr. DIBBLE] permit me to ask him a question?

The CHAIRMAN. The gentleman from Illinois [Mr. EDEN] is entitled to the floor.

Mr. EDEN. I yield to the gentleman from Ohio.

Mr. WARNER, of Ohio. The question I desire to address to the gentleman from South Carolina, the chairman of the Committee on Public Buildings and Grounds, is this: Did the bill, as originally passed, authorizing the construction of this building, contain the provision that the Secretary of the Treasury should not approve of any plan that involved a larger expenditure than the sum appropriated by the bill?

Mr. DIBBLE. That provision was not in the bill; it is a provision which has been adopted by us since as a matter of precaution.

Mr. WARNER, of Ohio. It was inserted in many bills passed in the last Congress. I was not aware whether it was included in that bill or not.

Mr. BEACH. The original bill for this building was passed in the Forty-seventh Congress. I remember making a report on it myself.

Mr. WARNER, of Ohio. Then the present bill is not a transgression of the principle which the House has laid down.

Mr. REAGAN. It is a transgression of this principle, that Congress in matters of this kind ought to determine the amount that is to be expended, and the executive officers or those employed by the Government ought not to go on and increase the expenditures without the authority of Congress—ought to plan a building within the appropriation.

Mr. WARNER, of Ohio. The later bills, as I understand, preclude any expenditure beyond the original appropriation.

Mr. HOLMAN. The gentleman from Ohio [Mr. WARNER] will remember that the general law does not authorize the Treasury Department to proceed to erect a public building until the limit is fixed, and of course it was fixed by the former legislation.

Mr. MILLIKEN. Allow me to say to my friend from Indiana [Mr. HOLMAN] that the original appropriation for this building was made by the Forty-seventh Congress. It now appears by information from the Supervising Architect that the building when finished, unless we make a further appropriation, will not give more than one-half the space that is at present occupied in the building now used.

Mr. BAKER. And that is insufficient.

Mr. MILLIKEN. That is insufficient. Now, the Committee on Public Buildings and Grounds—and I think the House will agree with them—deem it imprudent and unwise to go on and complete a building which when finished will not be adequate for the purposes contemplated.

Mr. WARNER, of Ohio. That is quite true.

Mr. MILLIKEN. Therefore the limit of expenditure is increased in accordance with the recommendation of the Supervising Architect.

Mr. WARNER, of Ohio. Was the plan of the building deemed sufficient when the bill passed only a few years ago?

Mr. MILLIKEN. Inasmuch as I was not fortunate enough to be a member of the Forty-seventh Congress, I can not give the gentleman the information he desires on that point.

Mr. BEACH. I think I can answer the question of the gentleman from Ohio. The original bill for this building was introduced, if my recollection is correct, by Mr. Van Voorhis, then a Representative from the Rochester district. That bill, I believe, called for an appropriation of $500,000; but we cut it down in the committee to $300,000. Hence, I suppose, arises the present necessity of increasing the appropriation. The amount appropriated at that time was not deemed sufficient, as I remember.

Mr. HOLMAN. The statement in the report is that $150,000 was originally appropriated for the site; that only $75,000 was expended in the purchase of the ground; that subsequently an additional appropriation of $150,000 was made; and I suppose the act making this additional appropriation fixed the limit of cost of the site and building at $300,000. I presume that to have been the fact; and the circumstance that in the last Congress the Committee on Public Buildings and Grounds reported in favor of $100,000 to construct the wing makes the fact now presented somewhat singular.

Mr. BAKER. I will now yield two minutes to my colleague from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I desire to read, in this connection, the report of the Committee on Public Buildings and Grounds, made at the time of the original appropriation. It shows the necessity for the enlargement of this building in Rochester, as contemplated by the pending measure. The report was submitted by my colleague from New York [Mr. BEACH], and it is as follows:

The committee to whom was referred the bill (H. R. 1186) to provide for the erection of a building for the use of the Government of the United States as a post-office, court-house, marshal's office, custom-house, and internal-revenue office at Rochester, N. Y., beg leave to report:

That this bill was unanimously reported by the Committee on Public Buildings and Grounds in the Senate and in the House of Representatives of the Forty-sixth Congress, but at so late a day that action could not be had thereon.

The city of Rochester is one of the largest and most flourishing cities in the State of New York. Outside of New York city and Brooklyn, it is the second city in size and in commercial importance in the State. Its population is estimated to be not less than 100,000.

The amount of revenue received at this place during the fiscal year of 1881 was $1,316,780.10.

The revenue collected at the Rochester post-office during the last year was $160,912.48. The money-orders paid and sold at this office during the last fiscal year amount to $726,987.59.

The post-office pays now an annual rent of $3,500 for its accommodations. It is located in a wooden building, and in case of fire nothing could save the office or its contents. There are twenty clerks and twenty-five letter-carriers employed in this office. There needs to be kept constantly on hand a large sum of money to conduct the money-order department.

The port of Rochester is the best on Lake Ontario. The amount of customs received there the past year was $180,998.10.

There are about twenty subordinates under the collector in this custom-house. The amount of rent paid for use of office for custom-house is $750 per year. It has been more. The office has to be shifted from one place to another from year to year, as circumstances require. The accommodations are inadequate to the business of the office.

The collector of internal revenue pays $1,000 a year rent for the insufficient accommodations of the internal-revenue office. He collected the past year $974,869.52.

He has a large number of subordinates under his control, and has large numbers of valuable books and papers, property of the Government, which ought to be kept safely.

The United States marshal's office for the northern district of New York is situated at Rochester, but it is kept in a private building and the marshal pays his own rent.

There is a register in bankruptcy and two United States commissioners at Rochester, who furnish themselves with offices.

The United States district court is held at Rochester, but it is compelled to take such quarters in the county court-house as it can get. No rent is paid for its accommodation. If rooms were rented suitable for this court it would be quite expensive.

There has never been any Government building at Rochester.

Less than one-fourth of the revenues received at Rochester in a single year would purchase a site and erect a suitable building for conducting all the business of the Government at this place. Fifty thousand dollars will secure an ample site, and $250,000 will construct a satisfactory building.

The Secretary of the Treasury recommended the passage of the bill in the Forty-sixth Congress.

Under date of June 1, 1880, the Secretary of the Treasury, Hon. John Sherman, in a letter addressed to General Cook, chairman of the Committee on Public Buildings and Grounds of the House of Representatives, says:

"The amount of revenue collected from all sources by the Government at Rochester, rental paid for the present inconvenient and unsatisfactory public offices, and the fact that Rochester is one of the largest and most enterprising cities in the State of New York are in my opinion sufficient evidence of the need of a Government building at that place for the accommodation of the United States courts and the customs, postal, and revenue service. I have therefore to recommend that the erection of a public building be authorized as reported by your committee."

In view of the urgent necessity of safe and suitable accommodations for the various offices of the United States at this place, your committee recommend the passage of a substitute for the bill H. R. 1186, which substitute conforms to the form of bill agreed upon by this committee and approved by the Senate Committee on Public Buildings and Grounds.

[Here the hammer fell.]

Mr. BAKER. Supplementing the remarks just made by my colleague from New York [Mr. HISCOCK] I wish to call the attention of the committee to this fact: It appears by the papers accompanying the report that the space which will be provided in the building now in course of construction is only about one-half the space occupied for post-office purposes in rented quarters, where the accommodation is confessedly insufficient.

The revenue of the post-office for the past year is almost $200,000—over $199,000. The clerical force of the office, too, has increased largely since the original bill was passed.

The revenues from that district to the Government aggregate now, I can say without fear of contradiction, a million and a half of dollars, and they are growing larger year by year.

The Supervising Architect and the Secretary of the Treasury united in recommending increase of the limit from $300,000 to $500,000.

If this city were located in the State of my friend from Illinois [Mr. EDEN] or in the State of my friend from Indiana [Mr. HOLMAN], instead of being compelled to come here and ask for this increase in the limit they would have provided in the original bill for $500,000, and no questions would have been asked. Here is a city with increasing population, growing business, large industries, advancing year by year, and it is imperative larger accommodations should be afforded in the public building now in course of construction in that city. It would be a waste of money to go on and finish the building according to the present limit, while to provide for the change indicated in the pending measure would give probably all the necessary quarters and accommo-

dations required for the use of the Government departments in that city. I believe there should be no objection to the passage of the bill.

[Here the hammer fell.]

Mr. DIBBLE. I have here, and I suppose it can be seen by the House, a plan showing the difference of space which will be gained if this bill should pass. The red lines indicate the area included in the present plan of building. If this bill be passed those blue lines indicate the increased area necessary for the public business in that city. We had better stop and sell the building than complete it on the present plan for the purpose for which it is intended. This bill will give sufficient space, and it will be more economical for the Government to increase the limit of appropriation than to take any other course in this exigency. The committee arrived at that conclusion after having called for plans of the building; and after having received full information of the situation in this case, they unanimously recommended the passage of this bill granting an increase of $200,000, and I now ask for the vote.

By inadvertence and contrary to the usual form of drawing up our bills an appropriation has been included here, and I have been directed to move an amendment to eliminate that portion of the bill. I move to strike out the words which will be read by the Clerk.

The Clerk read as follows:

And said additional sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act and for the purpose of enlarging and increasing the said building and the site therefor.

The CHAIRMAN. The time for general debate having expired the bill is now open to amendment, and the first question will be on the amendment moved by the gentleman from South Carolina [Mr. DIBBLE].

The amendment was agreed to.

Mr. DIBBLE. I now move that the committee rise and report the bill and amendment to the House.

The motion was agreed to; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5549) limiting the cost of the erecting of a public building at Rochester, N. Y., and had directed him to report the same back to the House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSOURI PACIFIC RAILROAD AND TELEGRAPH LINES.

The Committee on the Pacific Railroads was called.

Mr. CRISP. Mr. Speaker, I am directed by the Committee on the Pacific Railroads to call up from the House Calendar for present consideration the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

The bill was read, as follows:

Be it enacted, &c., That section 21 of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, be, and the same is hereby, amended so as to read as follows:

"That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, or the act of which this is amendatory, there shall be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed as provided under the provisions of this act; and the several railway companies to which grants of land are made by this act, or the act approved July 1, 1862, of which this act is amendatory, their successors and assigns, shall, within ninety days from the passage of this act, or within sixty days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in the said district land office, under existing regulations, their lists of selections of the land claimed by them under their respective grants, and to deposit therewith in such district land office, or the Treasury of the United States, as the Secretary of the Interior may designate, the cost of surveying, selecting, and conveying the same; that in the event of the failure of said companies, or either of them, to pay the cost of surveying, selecting, and conveying such land within the time prescribed by this act, then the Secretary of the Interior shall immediately notify the president or treasurer of said company or companies of the amount of land which it or they are entitled to patent, and the amount of the cost of surveying, selecting, and conveying the same, and that he is ready to deliver to the company or companies, it or their successors or assigns, patents for all said tracts or parcels of land upon the payment of such costs; and if such company or companies shall not, within sixty days after the receipt of such notice, pay such costs, then and thereupon the Secretary of the Interior shall notify the Attorney-General of the United States of such failure or default, and of the amount of such costs, as nearly as may be; whereupon said Attorney-General is authorized and directed to institute forthwith, in the name of the United States of America, in a circuit court of the United States having jurisdiction of suits against the company or companies in default, any and all legal proceedings against said company or companies necessary and proper to secure the payment of all said costs, and of the further costs of all such legal proceedings; and upon the voluntary payment or collection of said costs of surveying, selecting, and conveying the Secretary of the Interior shall issue patents conveying to said company or companies, its or their successors or assigns, title to the lands to which it or they may be entitled, and shall place said patents upon record in his Department, and shall notify the president of such company that said patents have been so issued and recorded, and are ready for delivery to said company."

SEC. 2. That all the lands granted by the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the act amendatory thereof, approved July 2, 1864, to the several railroad companies therein named, which have been surveyed, and to which said companies respectively have become entitled to receive patents upon payment of the cost of surveying, selecting, and conveying the same, as provided by section 21 of said amendatory act of July 2, 1864, notwithstanding such companies have not made such payment, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, to the same extent as they would have been had such costs been paid and the lands conveyed to said railroad companies: *Provided*, That this act shall not be construed as applying to lands already forfeited by said railroad companies, or either of them, nor shall it operate to relieve any such company from any forfeiture heretofore incurred: *And provided further*, That prior to the payment of such costs of surveying by said railroad companies no taxes shall be imposed except in organized counties.

SEC. 3. That in any sale of such lands for taxes the moneys due or to become due the United States under said acts for such costs, fees, &c., shall be and remain a first lien on such lands, and shall be paid by the purchaser at such tax-sale to the receiver of public moneys in the land district wherein such lands are situate, whereupon, his title under the tax-sale being complete, such purchaser shall receive a patent for the land so purchased by him, and which patent shall operate only as an evidence of the tax title, which title shall be subject and subordinate to all the rights of the United States in respect of such lands growing out of the lien and security on such lands created in respect of the subsidy bonds issued by the United States in aid of the construction of said railroads, which facts and reservations shall be stated in such patents.

Mr. CRISP. Mr. Speaker, if the House will give me its attention for a short time I will endeavor to make plain the necessity for the passage of this act. I shall explain the present law, narrate some of the evils that have grown up under it, and make clear the remedy proposed by the Committee on Pacific Railroads, which is embodied in the bill before us.

In 1862 the Congress incorporated certain railroad companies for the purpose of building a railway, postal, and telegraph line from the Missouri River to the Pacific Ocean. By the terms of the charter those companies were granted large quantities of the public land, and their bonds were indorsed by the Government for a great amount per mile. By the act of 1862 the Government was required, as the railroad companies should build each 40 miles of their line, to make over to them patents to the lands which they had earned under the contract. No action was taken by any of these companies under the act of 1862; and in 1864 the act of 1862 was amended, the amendments enlarging the original grants of land, enlarging the subsidy that the Government had agreed to give to the roads, and permitting the roads to obtain the subsidy bonds and lands granted to them upon the completion of each 20 miles of road instead of 40. By the terms of the amended act the railway companies were required to pay to the United States the costs incurred in surveying the lands to which they were entitled. To use the exact language of the act, they were to "pay the costs of surveying, selecting, and conveying the lands."

The twenty-first section of the amendatory act of 1864 contemplates that these sums should be paid by the railway companies at the completion of every 20 miles of their roads, so that the Government would only be required to advance a sufficient amount of money to survey the lands contiguous to 20 miles of road. Here is the section:

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

When 20 miles of the road was finished, and the lands contiguous thereto had been surveyed, the intention of the act was that the companies should accept the patents, select the lands, receive the conveyance, and pay into the Treasury the amount of money that had been expended for the purpose of the surveys. With that money the Government could survey the next 20 miles, and so on until the completion of the entire road, and the companies had received all the lands to which they were entitled under the original granting act.

Inasmuch as the act of 1862, which originally granted these lands to the railroad companies, failed to provide that they should pay the cost of surveying, they objected to that feature of the amendatory act of 1864, and claimed that Congress had no right to fix that condition upon them because the original charter had failed to fix it there. That question has been decided by the Supreme Court of the United States adversely to the claim of the railroads; so that there is now no question as to the constitutionality of that requirement.

The framers of this law, Mr. Speaker, had no conception of the practices that might grow up and that have grown up on the part of the

railroad companies in respect to these lands. In 1869 the railroads were completed. In 1869, then, they were entitled to all their lands. Upon the completion of each 20 miles of these roads the companies promptly applied for and received the indorsement of the Government upon their bonds. It was supposed that they would as promptly apply for and receive patents to the lands which they had earned. This they have not done. The Government of the United States has expended nearly $1,000,000 to pay the cost of surveying these lands, and if there were no other view of the question than that, I submit, Mr. Speaker, that it would be the duty of this Congress to require these companies to reimburse the United States for the amount of money which has been expended for their benefit. But, sir, the question reaches farther than that. It is not alone the question of indebtedness on their part to us; that is not alone the evil that ought to be remedied; but there is another, and to a number of States and Territories a very much greater evil that has arisen from the practices of these companies in respect to their lands.

By the terms of the original charter the companies were permitted to dispose of their lands within three years, so as to defeat the right of individuals to enter upon and homestead thereon as they can on the rest of the public domain. In other words, unless the companies disposed of the lands within three years from the time of acquiring the right to them then it was provided that individuals might enter upon the lands and homestead there as they could upon other public lands, paying to the railway companies instead of to the United States the cost of such proceedings. After the expiration of the three years mentioned in the charter a question arose as to whether the companies had, within the meaning of the act, disposed of the lands or as to whether they were still open to settlement as the rest of the public domain. The companies, or one of them, within three years from the time it acquired the right to these lands mortgaged them, I believe, for the sum of $10,000,000. The company claimed that the giving of the mortgage, or the exercise of the right of mortgage, was a disposal of the lands within the meaning of the act, and that hence they were no longer subject to entry as homestead, but were practically and substantially disposed of.

That question went to the Supreme Court of the United States, and the decision of that court affirmed and established the views of the railroads; in other words, they had disposed of the land.

Now, Mr. Speaker, the States and Territories where this land is situated, understanding from that decision that the railroad companies were in all respects owners of this land as any individual or any corporation is the owner of that to which he or they have a complete equitable title, undertook to tax these lands. They had them assessed as in the case of other real estate within their Territorial limits. They imposed upon them such taxes, such burdens as all other property of like character is required to bear. The railway companies claimed that the States and Territories had no right to impose a tax because the legal title to the property is in the Government of the United States, and that the sovereignty of the State or Territory could not be exercised to impose a tax upon property the title to which was still in the United States Government.

The Supreme Court of the United States upon a review of that question held that so long as the patent had not issued out of the United States, so long as something was left to be done by the company before they would have a complete equity in the land, that it could not be taxed, because if you granted the power to tax you granted the power to take away and destroy the lien upon the land retained by the United States Government. They held that if the patent had issued whether the costs were paid or not the lands were taxable, because then the legal title would be in the company. They held that if the company had done everything that it was required to do to demand a title then they would be taxable, although the patent was not out of the Government, because they had a complete equity in the land. But inasmuch as the company had not paid the cost of survey to give to the States and Territories the right to tax would give them the power to destroy the lien that the United States had elected to reserve to reimburse them for the advances they had made for the companies.

Therefore, you see, Mr. Speaker, as regards this vast domain, this great number of acres of land which has been given to these corporations they hold it, they control it, they exercise all the rights of ownership over it; and yet, sir, they escape the burden that falls upon every other species of property owned by every other individual in this country.

When the railroad companies under this decision of the Supreme Court were assured of the fact that they might deal and traffic with this land as they pleased and yet so long as the legal title remained in the Government they should not be taxable, they entered further upon a disposition of them. They sold them to individuals, they bargained them off on long time, leaving the title in the Government, and thereby relieving the purchaser of the land from paying any tax upon it to support the institutions of the States or Territories that protected him in his property as it did every other citizen of such State or Territory.

It appears, sir, it was a common practice in the State of Kansas, represented by my friend Mr. HANBACK, who is on the committee—it is a fact which is within his personal knowledge that in that State the railway company will sell a piece of land and give the purchaser ten years' time in which to pay for it. The purchaser enters upon it; he cultivates it; he improves it; he uses it in like manner as all owners of property use like property, and yet he is not required to pay to the State of Kansas or to the county in which it lies one dollar of tax upon the land. He holds it, or may hold it, for ten years, and even then, Mr. Speaker, unless some action is taken by Congress upon this question, even then he will not be required to pay the taxes. He may take a fee-simple title from a railway company. He may be willing to risk such warranty as to his title, and accept a deed of that sort, and then, sir, that man would never be subject to taxation in the State where the land lies, for the simple reason that the patent, the legal evidence of title, has not gone out of the Government.

From those States and Territories where this land lies there comes up a complaint, and in my judgment it is a just complaint. They say that the Government of the United States has no right to so conduct its affairs with these great corporations as to prevent the exercise on their part of the sovereign right to tax property within their territorial limits. The effect of this has been to greatly injure and embarrass those States and Territories. The effect has been to add another to the many favors that have already been shown these corporations by the Government of the United States. I do not propose, sir, to appeal to the prejudices of members against these great corporations. I do not propose, sir, to deprive them of any rights as to the vast domain we have given them. This is a plain, naked business proposition, and should be settled on business principles. We should scrupulously avoid doing injustice to these companies, and at the same time be careful to see they are not longer permitted to pursue a practice unjust to us, and more unjust to the States and Territories in which their lands lie.

The following extract from the report I had the honor of submitting to the Forty-eighth Congress on this subject shows the names of railroads taking land and the state of their accounts with the Government in respect thereto:

The corporations or companies taking grants of land under the act of 1862 and acts amendatory thereof and supplemental thereto are as follows:

Union Pacific Railway Company.

Union Pacific Railway Company, successor to the Kansas Pacific Railway Company.

Union Pacific Railway Company, successor to the Denver Pacific Railway Company.

Central Branch Union Pacific Railway Company.

Central Pacific Railway Company.

Central Pacific Railway Company, successor to the Western Pacific Railway Company.

Burlington and Missouri River Railroad Company in Nebraska; and

Sioux City and Pacific Railroad Company.

Your committee have sought to ascertain exactly how much land each of these companies are entitled to patent under the acts incorporating them, and the precise amount they will be required to pay into the United States Treasury for surveying, selecting, and conveying the same, but have been unable to do so. In response to an application by your committee the Commissioner of the Land Office furnishes us the following statement on this subject:

"In my opinion an estimate sufficient for the committee's purpose can be obtained by computing the full amount which the companies could acquire in case none of the granted lands had been disposed of prior to the time their rights attached. The rate per acre for surveying may be fixed at the average rate paid by each company upon lands already selected. Such an estimate, while merely approximating the costs which the companies will ultimately be required to pay, will, it is believed, exceed that amount in each instance. Upon this basis the grant to the Union Pacific Railway Company is estimated at 13,222,400 acres. Said company has selected 2,006,827 acres, and paid $45,086.23 as the costs of surveying the same. There remains of the grant 11,215,573 acres unselected, the costs of surveying which is estimated at $377,661.95. Said company has received patents for 1,954,603.08 acres. The grant to the central branch of the Union Pacific, making allowance for overlapping limits of the Kansas Pacific, is estimated at 1,160,000 acres; 265,244 acres have been selected, and $5,188.13 paid as costs of survey thereon. The balance of the grant is estimated at 894,756 acres, the costs of survey of which amounts to $17,501.42. Patents have issued for 187,447.99 acres.

"The grant to the Kansas Pacific is estimated at 6,000,000 acres; 1,483,067 acres have been selected, and $29,841.71 paid as costs of surveying the same. The remainder of the grant is estimated at 4,516,933 acres, and the costs of surveying the same at $128,826. Said company has received patents for 963,714.03 acres.

"The grant to the Central Pacific Company is estimated at 9,248,200 acres (allowance being made for area of Great Salt Lake, in Utah, falling in the limits of the grant). The company has selected 884,976 acres and paid $48,235.69 for survey thereof. This leaves a balance of 8,363,224 acres, the cost of surveying which is estimated at $417,233.91; 780,879.40 acres have been patented to said company.

"The area of the grant to the Western Pacific is estimated at 1,576,448 acres; 444,466 acres have been selected, and $17,220.72 paid for surveying the same. The remainder of the grant amounts to 1,131,982 acres, and the cost of surveying the same is estimated at $43,807.70. Under this grant patents have issued for 446,230.65 acres.

"The area of the grant to the Denver Pacific Company is estimated at 1,024,000 acres, allowance being made for the overlapping limits of the Union Pacific grant; 183,424 acres have been selected and the cost of surveying, amounting to $7,661.78, paid. The remainder of said grant is 840,576 acres, and the cost of surveying the same is estimated at $36,144.79; 164,721.51 acres have been patented under this grant.

"The Burlington and Missouri River Railroad Company in Nebraska has selected 2,378,556 acres, and paid $50,515.79 for survey thereof. Patents have issued for 2,373,290.77 acres. Without undertaking to decide now that this grant is fully satisfied, it is believed by this office that said company will receive but little, if any, more land.

"The Sioux City and Pacific Company has received patents for 41,398.23 acres, upon which the costs of survey, amounting to $680.13, has been paid on account of overlapping limits of other and older grants. It is believed that with the exception of a few isolated tracts the amount patented to this company, as above stated, is all the lands inuring to this grant."

From this statement it appears that the total sum the various roads would be required to pay into the Treasury to patent all the lands they have earned under the law would be $1,021,175.77. In order to determine what part of this sum has been already paid out by the United States it is necessary to ascertain what part

of the subsidy lands have been surveyed, and we present an estimate furnished us from the Land Office on this subject:

Name of road.	Estimated area of grant.	Estimated area surveyed.	Estimated area unsurveyed.
	Acres.	*Acres.*	*Acres.*
Union Pacific—Omaha to Ogden	13,222,400	12,104,960	1,117,440
Burlington and Missouri River	2,310,912	2,310,912	.....
Central Branch Union Pacific	1,160,000	1,160,000	.....
Kansas Pacific	6,000,000	6,000,000	.....
Denver Pacific	1,024,000	1,024,000	.....
Central Pacific—Ogden to Sacramento	9,248,200	4,467,500	4,780,700
Central Pacific, successor to Western Pacific	1,576,448	1,288,448	*288,000
Sioux City and Pacific	651,328	651,328	.....
Totals	35,193,288	29,007,148	6,186,140

*Nearly all swamp and overflowed, according to maps.

By the above figures it will be seen that about six-sevenths of the whole has been surveyed.

OSCAR HINRICHS,
Principal Clerk Surveys.

It will thus be seen that six-sevenths of the land now due these railroads has been surveyed, and that the United States has actually paid out for their benefit about the sum of $875,293.50.

The SPEAKER. The hour for the consideration of bills has expired. The gentleman from Georgia [Mr. CRISP] retains the floor.

DEATH OF SENATOR MILLER, OF CALIFORNIA.

Mr. MORROW. Mr. Speaker, the melancholy duty devolves upon me to announce to the House the death of Senator JOHN F. MILLER, of California, who died in this city to-day after a prolonged illness. Congress will undoubtedly set apart some day hereafter for the purpose of giving expression to the sentiment entertained for the character and distinguished public services of Senator MILLER. As a present mark of respect for the memory of the deceased Senator I move the adoption of the following resolutions:

Resolved, That the House has received with profound sorrow the intelligence of the death of Senator JOHN F. MILLER, of California.

Resolved, That out of respect to his memory this House do now adjourn.

The resolutions were unanimously adopted; and accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Frederick Gates, for removal of the charge of desertion, &c.—to the Committee on Military Affairs.

By Mr. BOUND: Petition of Daniel Batdorff and of Charles E. McFarland, for invalid pensions—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Petition of savings-banks of New York State, for repeal of the act authorizing the coinage of silver and to discontinue the coinage of the same—to the Committee on Coinage, Weights, and Measures.

Also, petition to accompany House bill for the relief of David A. Compton—to the Committee on War Claims.

By Mr. BURROWS: Petition favoring the Hennepin Canal—to the Committee on Railways and Canals.

Also, resolution of Knights of Labor (Scott's Assembly, No. 4833), in favor of the Foran bill—to the Committee on Labor.

Also, petitions of Fred. Hadsell and others, of Albert Killing and others, of James M. Wright and others, and of Henry Adams and others, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CANNON: Petition of Ezekiel Cretoes and others, of Chrisman, Ill., for the passage of an act to grant a service pension to soldiers of the late war, and for other purposes—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: Papers relating to the claims of Sarah Billingslea, of Mary E. Jeter, of Henry Baker, of James H. Stafford, of George M. Barber, and of Julia Hedrich, all of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CLEMENTS: Memorial of citizens of Murray County, Georgia, for an appropriation for educational purposes—to the Committee on Education.

By Mr. COLE: Petition of Minnie C. Bancher, for a widow's pension—to the Committee on Invalid Pensions.

Also, memorial relating to the tariff on marble—to the Committee on Ways and Means.

By Mr. COLLINS: Petition of Elizabeth Callaghan, in support of House bill 1130—to the Committee on Claims.

Also, petition and affidavit of Edward S. Tobey, postmaster at Boston, Mass., for reimbursement of moneys paid for the use of the Government, House bill 6366—to the same committee.

Also, papers relating to House bill 6368, for the relief of Isabella H. Annette—to the Committee on War Claims.

Also, memorial and affidavit of John J. Butcher, for a pension—to the Committee on Invalid Pensions.

By Mr. CRAIN: Petition of Assembly No. 4481, Knights of Labor, of Galveston, Tex., relating to improvement of bar and harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, papers pertaining to the improvement of the bar at the mouth of the Brazos River—to the same committee.

Also, petition of citizens of Rockport and Fulton, Tex., for the improvement of the bar at Aransas Pass, Texas, and objecting to the expenditure of any part of the appropriation for dredging the bays inside of the pass—to the same committee.

By Mr. CURTIN: Petition of George W. Gates for an invalid pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of District Assembly No. 83, Knights of Labor, of Manistee, Mich., in favor of an eight-hour law, especially for persons under twenty-one years of age—to the Committee on Labor.

By Mr. DAVIS: Petition of Humphrey W. Leabury and 31 others, citizens of New Bedford, and owners and masters of sailing vessels, for the passage of a law relating to pilotage—to the Committee on Commerce.

By Mr. DOCKERY: Petition of citizens of Harrison County, Missouri, approving the bankrupt law—to the Committee on the Judiciary.

By Mr. FLEEGER: Petition of Charles Freeland, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of John W. Younger, for invalid pension—to the same committee.

By Mr. GIFFORD: Petition of J. H. McLaughlin, guardian, for a special act to grant a pension to the minor children of Michael Moran, late of Company K, Seventeenth United States Infantry—to the same committee.

By Mr. GROUT: Petition and papers of Col. Hiram Harlow and others, for an increase of Joseph Carlin's pension—to the same committee.

By Mr. HAILEY: Petition of 738 citizens of Bear Lake County, Idaho Territory, asking for the annulment of certain test oaths in force in said Territory—to the Committee on Territories.

By Mr. HALSELL: Petition of B. C. Courts and 206 others, citizens living along Green River and its tributaries, Kentucky, for the purchase of the remainder of lease of the Green and Barren River Navigation Company—to the Committee on Rivers and Harbors.

Also, papers to accompany bill to remove the charge of desertion from Noah Palmer, late of Company G, Twenty-sixth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. HANBACK: Petition of William T. Murphy and 50 others, of Cora, Smith County, Kansas, for the pension bill recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of Charles H. Woody and 100 others, for legislation in behalf of labor—to the Committee on Labor.

By Mr. HAYNES: Memorial of William H. Little, asking an equalization of pensions for those suffering total disability—to the Committee on Invalid Pensions.

By Mr. HENLEY: Petition of Thomas Rae and others, for additional pension legislation—to the same committee.

By Mr. HEWITT: Resolutions of the Chamber of Commerce of the State of New York, in favor of extending the bonded period for merchandise—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of the State of New York, against the renewal of the reciprocity treaty with the Kingdom of Hawaii—to the same committee.

By Mr. HOPKINS: Petition of Henry McGough, George H. Moody, and others, for a law putting oleomargarine, butterine, and all imitations of and substitutes for butter under control of the Internal Revenue Department, with a tax sufficient to defray the expenses of enforcing the law—to the same committee.

By Mr. HUDD: Petition from manufacturers and business men of the city of Sheboygan, Wis., relating to the needless and indiscriminate branding of cattle with hot irons on the public domains—to the Committee on Manufactures.

By Mr. LANHAM: Petition of citizens of Brownwood, of Williams Ranch, and of Alexander, Tex., relating to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LIBBEY: Papers relating to the claim of Charles Windsor Hickman—to the Committee on War Claims.

Also, petition of Joshua Pritlow, for a pension—to the Committee on Invalid Pensions.

By Mr. LINDSLEY: Petition of citizens of Delhi, N. Y., for additional pension legislation—to the same committee.

By Mr. LOUTTIT: Petition of Samuel Kyberr, B. D. Griggs, and 120 others, praying for an amendment to the Constitution making the selection of United States Senators subject to popular vote—to the Committee on the Judiciary.

By Mr. LOWRY: Petition of 101 members of Nelson Post, No. 69, Grand Army of the Republic, of Kendallville, Ind., to pension the soldiers and sailors of the Army and Navy of the late war, their widows and orphans, and for other purposes—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of 63 citizens, of 14 citizens, of 27 citizens, of 51 citizens, and of 57 citizens of Pottawattamie County; of 23

citizens of Harrison County; and of F. Rohrer, of Council Bluffs, Iowa, for the passage of House bill 659—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of William Reid, late private Company F, Fifth Missouri Cavalry—to the Committee on Military Affairs.

By Mr. MAYBURY: Petition of William M. Holton, E. D. Howe, D. D. Tompkins, and many other citizens of Dearborn, Wayne County, Michigan, in favor of the recommendations of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Sealy, Austin County, Texas, for the improvement of the harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORRISON: Petition of Schulze Milling Company and others, of Okawville, Ill., for the passage of House bill 1601—to the Committee on Commerce.

By Mr. MORROW: Papers accompanying House bill 6403, for the relief of James K. P. Lewis, a settler on the Round Valley Indian reservation in California—to the Committee on Claims.

Also, resolutions of the San Francisco Chamber of Commerce, concerning the establishment of telegraphic cable communications with the Hawaiian Islands, Australia, and New Zealand—to the Committee on Commerce.

Also, application of the city and county of San Francisco, Adolph Sutro, John Brickall, and the Spring Valley Water Works, for confirmation of title to certain lands, to accompany House bill 6402—to the Committee on the Public Lands.

By Mr. MURPHY: Memorial of Knights of Labor of Davenport, Iowa—to the Committee on Railways and Canals.

By Mr. NEGLEY: Petition of John Vogle, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of Martin Bolan, of Page County, Virginia, praying for reference of his claim for pasturage of United States cattle on his farm in Berkeley County, West Virginia, in 1864—to the Committee on War Claims.

Also, petition of Noah Foltz, of Page County, Virginia, for reference of his war claim to the Court of Claims—to the same committee.

By Mr. PARKER: Resolutions of the Legislature of New York, in favor of the freedom of commercial travelers—to the Committee on Commerce.

By Mr. PERRY: Petition of merchants of New York, for the improvement of Winyaw Bay and the rivers tributary thereto—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of R. B. Fry and others, favoring equalization of pay of ex-soldiers—to the Committee on Military Affairs.

By Mr. PLUMB: Memorial of Association No. 348, Knights of Labor, of La Salle, Ill., for the construction of the Hennepin Canal and other public works—to the Committee on Railways and Canals.

By Mr. RANDALL: Petition of Vessel-Owners and Captains' Association of Philadelphia, for the establishment of a nautical school at Philadelphia—to the Committee on Naval Affairs.

Also, petition of the same, for an appropriation for a new light-house tender—to the Committee on Appropriations.

Also, petition of the same, protesting against the passage of Senate bill 805—to the Committee on Commerce.

By Mr. REAGAN: Petition of citizens of Rush, Tex., praying for action to secure deep water at Sabine Pass, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Hearne, Tex., praying for Congressional action to secure deep water at Galveston, Tex.—to the same committee.

By Mr. REESE: Petition of 69 citizens of White Plains, Greene County, Georgia, for national aid to education—to the Committee on Education.

By Mr. RICE: Petition of Samuel R. Barton, for relief—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of Knights of Labor of Springfield, Mass., asking for the passage of the bill relative to the adjustment of accounts under the eight-hour law—to the Committee on Labor.

By Mr. ROGERS: Petition of A. J. Woodside, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. SAWYER: Petition of Albert Welton, for removal of charge of desertion—to the same committee.

Also, petition of J. S. Gleason and others, and of J. G. Mitchell and others, for amendment of patent laws—to the Committee on Patents.

By Mr. SAYERS: Papers relating to the claim of William Ervin—to the Committee on War Claims.

By Mr. SCOTT: Petition for the passage of a bill embodying recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of J. B. Lockhart and 24 others, citizens of Wood County, Ohio, asking that R. J. Fleming be allowed a pension—to the same committee.

By Mr. SINGLETON: Petition of Francis Hester, for arrears of pension—to the Committee on Pensions.

Also, petition of the legal heirs of John Waters, deceased, for reimbursement for Army supplies, &c.—to the Committee on War Claims.

By Mr. SOWDEN: Resolutions of the Local Assembly No. 2680, Knights of Labor, South Bethlehem, Pa., protesting against the present interpretation of the eight-hour law, and recommending the restoration of the state of wages paid the Government employés prior to March 4, 1877—to the Committee on Labor.

By Mr. SPOONER: Papers relating to claim of Mrs. Jane D. Mumford, for pension by bill H. R. 6283—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of O. S. Nash, of Sharpsburg; of C. G. Krebaum, of Havana; of J. M. Smith, of Murrayville; of Linebarger & Darnell, and of C. W. Post, of Springfield, Ill., in favor of the bridge across the Arthur Kill, New York Harbor—to the Committee on Commerce.

Also, petition of Benjamin F. Fox, asking that his claim for quartermaster's stores be referred to the Court of Claims for an investigation—to the Committee on War Claims.

By Mr. STEPHENSON: Petition of citizens of Lind, Waupaca County, and of Marathon County, Wisconsin, in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES STEWART: Petition from certain citizens of Sabine County, Texas, for an appropriation for Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. J. W. STEWART: Petition of Sheldon's Sons and others, of Burlington Manufacturing Company and others, and of Saint Lawrence Marble Company, against reduction of duty on marble—to the Committee on Ways and Means.

By Mr. STORM: Memorial of the savings-banks of the State of New York, praying for the repeal of the silver-coinage act of 1878—to the Committee on Coinage, Weights, and Measures.

By Mr. J. M. TAYLOR: Petition of W. N. Collins, administrator of G. J. Hunt, deceased, of Madison County, and of W. F. Brooks, of Henderson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Papers relating to the claim of Mrs. Elizabeth Toof, of Shelby County, Tennessee—to the same committee.

By Mr. THOMPSON: Petition of John H. McGhee and many others, for a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Papers relating to the claim of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy—to the Committee on War Claims.

By Mr. VAN SCHAICK: Petition of L. Brockway, of Milwaukee, in favor of the passage of House bill 4902 to extend the benefits of the act of March 3, 1879, to certain pensioners whose disabilities are caused by amputation—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Memorial of the Knights of Labor of Tacoma, Washington Territory, and of the Knights of Labor of Seattle, Washington Territory, for the restoration of wages paid to printers in the Government Printing Office—to the Committee on Labor.

Also, paper to accompany House bill 2908, for the relief of John Bradley—to the Committee on Claims.

By Mr. WADE: Petition asking for special-act pension to Peter Humphrey—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of Duncan S. McLaren, for allowance of pay for extra services performed in the military service in the war of 1861—to the Committee on War Claims.

By Mr. WAKEFIELD: Protest of 106 citizens of Granite Falls, Minn., against the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. A. J. WARNER: Petition and papers of Isaac M. Shepard, for relief—to the Committee on Military Affairs.

By Mr. WILLIAM WARNER: Petition of old soldiers of Missouri, indorsing recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of J. V. C. Kames, C. L. Dobson, and 54 others, members of the bar of Kansas City, Mo., indorsing an increase of the salary of United States district judges to $5,000 per annum—to the Committee on the Judiciary.

Also, petition of citizens of Kansas City, Mo., and vicinity, asking the passage of Oklahoma bill, introduced January 28, 1886—to the Committee on the Territories.

By Mr. A. C. WHITE: Petition of Jonathan C. Grumbling, for removal of charge of desertion, &c.—to the Committee on Military Affairs.

Also, petition recommending the granting of a pension to Margaret B. Rupert, widow of Uriah J. Rupert, Company B, One hundred and thirty-ninth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, papers in the case of Henry Ellis—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of citizens of the first Congressional district of Minnesota, on fraudulent dairy products—to the Committee on Agriculture.

Also, petition of L. A. Tennison, Houston, Minn., for readjustment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

Also, petitions of R. E. Thompson, of H. R. Wells, of Tollefron & Graham; and of Hostvet & Houser, asking that all imitations of butter and cheese be labeled with a stamp—to the Committee on Ways and Means.

By Mr. WORTHINGTON: Petition of Local Assembly No. 2719, Knights of Labor, of Galesburg, Ill., for organizing Indian Territory—to the Committee on the Territories.

Also, petition of Assembly No. 415, Knights of Labor, of Bartonville, Ill., for the same purpose—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. GROSVENOR: Of William Boice and many others of Cheshire, Ohio.

By Mr. NELSON: Of citizens of Hubbard, Minn.

By Mr. PLUMB: Of Luke Maloray, Patrick Cosgrove, Hugh Tierny, and 60 others, of Peru, Ill.

The following petitions praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. J. M. CAMPBELL: Of citizens of Blair County, Pennsylvania.

By Mr. GEDDES: Of Mrs. E. A. Gridley, and 33 others, citizens of New London, Ohio.

By Mr. HOPKINS: Of Rev. M. H. Plumb, W. H. Buck, M. D., and 30 others, clergymen, 21 physicians, 17 lawyers, 96 teachers, 180 business men, and 55 officers of temperance and other societies of Mount Henry, Kane, and De Kalb Counties, Illinois.

By Mr. LOWRY: Of Rev. E. C. Faunce and 10 others, clergymen, W. E. Newton, M. D., and 10 others, physicians, 1 lawyer, 34 teachers, 128 business men, and 13 officers of societies of Noble and Stueben Counties, Indiana.

By Mr. T. B. REED: Of Rev. J. C. Osgood, C. P. Gerrish, M. D., and 16 others, clergymen, 3 physicians, 4 lawyers, 8 teachers, 33 business men, and 16 officers of temperance and other societies of York and Cumberland Counties, Maine.

By Mr. J. W. STEWART: Of 252 citizens of Vermont, including 19 clergymen, 16 physicians, 11 lawyers, 23 teachers, 81 business men, and 42 officers of temperance and other societies.

SENATE.

TUESDAY, *March* 9, 1886.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 5876) for the relief of Dinwiddie B. Phillips was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief-justice of the Court of Claims, requesting that $4,000 be placed in the urgent deficiency bill for printing and binding for that court; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of January 13, 1886, certain information in regard to the so-called fast mail west of Chicago; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. My colleague [Mr. VEST] is still confined to his room and unable to transact business, and I present to the Senate for him a petition of the members of Boonville (Mo.) Local Assembly Knights of Labor, earnestly urging the passage of the bill (H. R. 1914) for the restoration of wages in the Government Printing Office. The petition was sent to my colleague, and I present it for him. I move that the petition be referred to the Committee on Printing.

The motion was agreed to.

Mr. COCKRELL. I also present a memorial of citizens of Boonville, Mo., likewise sent to my colleague, remonstrating against the further immigration and importation of Chinese labor into the United States, and urging that such importation and immigration be absolutely prohibited. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL. I also present a petition of Local Assembly No. 1884 of the Knights of Labor, of Moberly, in the State of Missouri, praying that liberal appropriations be made of the surplus revenue for the construction of works of internal improvement of national importance and redistribution among the people in the form of wages of funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear, and indorsing the construction by the Government of the Hennepin Canal. I also present a like petition from the same assembly of Knights of Labor, which was sent to my colleague. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL presented a petition of Knights of Labor of Kansas City, Mo., praying for the opening of the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

Mr. DAWES presented a petition of Knights of Labor of Marlborough, Mass., praying that Congress may be liberal in the expenditure of money for internal improvements, and especially in favor of the early construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of the board of directors of the Boston (Mass.) Merchants' Association, remonstrating against the passage of the bill to regulate the rate of postage on fourth-class mail-matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT. I present a petition of Knights of Labor of the town of Derby, Conn., praying especially that Congress will undertake the construction of the Hennepin Canal, and generally that it will be liberal in appropriations for works of internal improvement. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of the monthly meeting of Friends of Albion, Iowa, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. INGALLS presented the petition of Mary E. Thompson, a citizen of the District of Columbia, praying for relief from excessive taxation and assessments; which was referred to the Committee on the District of Columbia.

Mr. JACKSON presented a petition of citizens of Knoxville, Tenn., praying that Congress at the present session pass a joint resolution submitting to the several State Legislatures a proposition to so amend the national Constitution as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. HOAR. I present a petition of Knights of Labor of Marlborough, Mass., a large manufacturing town in that State, approving and urging upon Congress the policy of liberal appropriations for the construction of works of internal improvement of national importance, the policy which has found expression in the river and harbor bills in past years, and especially in favor of constructing the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WALTHALL presented a resolution adopted by the Legislature of Mississippi favoring an appropriation for the improvement of the Tombigbee River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VAN WYCK, from the Committee on Public Lands, to whom were referred the bill (S. 334) to declare certain lands subject to taxation, and to release and quitclaim to any State, county, or municipality all equity and interest that the United States may have, by reason of the neglect or refusal of any railroad company to pay costs of locating and selecting lands donated by act of Congress, in and to lands sold and to be sold by States, counties, or municipalities for non-payment of taxes by any railroad company, also when costs of surveying and locating lands shall be due and payable by corporations entitled to the same, and for other purposes; and the bill (S. 1518) relating to the taxation of railroad-grant lands, and for other purposes, moved their indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 1812) relating to the taxation of railroad-grant lands, and for other purposes; which was read twice by its title.

Mr. PAYNE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 761) granting a pension to William Webster; and

A bill (S. 283) granting a pension to Isaac N. Minshall.

Mr. PAYNE, from the Committee on Pensions, to whom was referred the bill (S. 653) granting a pension to William Cozzins, submitted an

adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Robert Noble, late of Company A, Nineteenth Maine Volunteer Infantry, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SABIN, from the Committee on Railroads, to whom was referred the bill (S. 980) granting the right of way to the Cinnabar and Clarke's Fork Railroad Company, reported it with an amendment in the nature of a substitute, and submitted a report thereon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. From what committee is the bill reported?

The PRESIDENT *pro tempore*. From the Committee on Railroads.

Mr. CONGER. The subject-matter of that bill has been heretofore before the Committee on Territories. It has been under the charge of that committee and they have made a report upon it

Mr. SAWYER. I think the Senator is mistaken. Perhaps some bill relating to the subject may have been before the Committee on Territories, but a bill similar to this one was reported in the Forty-seventh and Forty-eighth Congresses from the Committee on Railroads.

Mr. CONGER. It is a bill granting the right of way through the Yellowstone National Park.

Mr. SABIN. Yes; over the northern border of the Yellowstone Park. I think the Senator will remember that a motion to refer a similar bill to the Committee on Territories in the last Congress was voted down, and the bill was referred to the Committee on Railroads, and it was reported by the Committee on Railroads at the last Congress.

Mr. CONGER. *Prima facie* I can hardly believe that the Senate would commit such an error as that, but it may possibly be that it was done, perhaps in a thin Senate or something of that kind——

Mr. SABIN. Perhaps in the absence of the Senator from Michigan!

Mr. HARRIS. Mr. President, what is the question before the Senate?

The PRESIDENT *pro tempore*. There is no question before the Senate. Reports of committees are still in order.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 135) granting a pension to Mary A. Tibbets, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Patents, to whom was referred the bill (S. 1034) to amend the law relating to patents, trade-marks, and copyright, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 1813) to amend the law relating to patents, trade-marks, and copyright; which was read twice by its title.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, to report it with sundry amendments. I give notice that to-morrow I shall ask to have the bill disposed of.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

MISSISSIPPI RIVER BRIDGE AT ALTON.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes, to report it favorably with an amendment.

As there is but a single amendment reported to the bill, and for some reasons it is very desirable that the bill should be passed as speedily as possible if the Senate approves the bill, I ask for its present consideration. It is not a very long bill.

Mr. CULLOM. I hope that will be allowed, as it is very important that the work should be proceeded with at an early day.

Mr. HALE. Is it the report of a committee made at this time?

The PRESIDENT *pro tempore*. It is.

Mr. HALE. From what committee?

The PRESIDENT *pro tempore*. From the Committee on Commerce.

Mr. HALE. Let the bill be read.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Commerce with an amendment in section 3, line 6, after the word "above," to strike out "extreme;" so as to read:

The lowest part of the superstructure of said bridge shall be at least 50 feet above high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river.

The amendment was agreed to.

Mr. CONGER. I omitted to note the word "extreme" in the same connection in another place. I ask that that may be also stricken out.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 3, line 21, after the word "above," it is proposed to strike out the word "extreme;" so as to read:

And the spans shall not be less than 200 feet in length in the clear, with two side spans of 300 feet each, and the piers of said bridge shall be parallel with and not be less than 10 feet above high-water mark, as understood at the point of the bridge itself at right angles to the current of the river, and the spans shall location, to the lowest part of the superstructure of said bridge.

The amendment was agreed to.

Mr. CONGER. I may say to the Senate that this bill has all the safeguards for navigation which the Committee on Commerce has so carefully prepared for all bridge bills for rivers of that kind for the last five or ten years.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 1814) granting a pension to William R. Chapman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1815) granting a pension to Solomon Williams; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1816) restoring to the public domain and opening to settlement a portion of the Siletz Indian reservation in the State of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1817) for the relief of John McKernan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 1818) for the relief of Jesse J. Busby; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1819) making an appropriation to pay the expenses of a military expedition for the exploration of the Territory of Alaska; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1820) making an appropriation for the purpose of paying Indian depredation claims which have been audited and approved by the Secretary of the Interior and reported to Congress; which was read twice by its title.

Mr. DOLPH. A few days since I introduced a bill authorizing persons having claims against the Government for Indian depredations to sue in the Court of Claims, and the bill was laid upon the table for future action. I then gave notice that at some time when it would suit the convenience of the Senate I should address the Senate upon that bill. I also ask that the same course may be pursued with regard to this bill. I ask that it may lie upon the table, and I propose to present the two at the same time on Monday next, unless the business of the Senate then should make it inadvisable to do so.

The PRESIDENT *pro tempore*. The bill will lie upon the table.

Mr. BECK (by request) introduced a bill (S. 1821) for the relief of John A. Fairfax; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 1822) for the relief of Maj. E. A. Hancock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1823) to authorize the purchase of a site and erection of a suitable building for a post-office and other Government offices at the city of Allentown, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SABIN (by request) introduced a bill (S. 1824) for the relief of Jearum Atkins; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 1825) granting a pension to Elizabeth Forgey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1826) granting a pension to Andrew J. Burrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1827) for the relief of Bangs, Brownell & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER (by request) introduced a bill (S. 1828) for the indemnification and relief of Renia Carolina Warlick, *nee* Henson, of the North Carolina Cherokees; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMPTON, it was—

Ordered, That the papers in the case of Ernest H. Wardwell be withdrawn from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.; in which it requested the concurrence of the Senate.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

Mr. PLUMB. I move that the Senate proceed to the consideration

of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. It is the bill I gave notice on Friday that I should call up at the earliest moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. MCMILLAN. Is this the bill of which the Senator from Kansas [Mr. PLUMB] gave notice?

The PRESIDENT *pro tempore*. It is.

Mr. MCMILLAN. Is the bill a Senate or a House bill?

Mr. PLUMB. It is Senate bill 149.

Mr. MCMILLAN. Is the bill being now read for information?

The PRESIDENT *pro tempore*. The bill is being read for consideration, the Senate having by unanimous consent ordered it to be done.

Mr. MCMILLAN. Are there any amendments reported by the Committee on Public Lands?

Mr. PLUMB. Yes.

Mr. MCMILLAN. Then I suppose they will be acted on first, before any other amendments are to be offered.

The PRESIDENT *pro tempore*. They will. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the bill.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Public Lands with amendments. The amendments will be stated in their order.

The CHIEF CLERK. In section 5, line 14, after the words "right to," the committee report to insert the words "acquire from the Government, at the price fixed by law;" so as to read:

The person or persons having purchased any of said lands as aforesaid, or their grantees, shall have the right to acquire from the Government, at the price fixed by law, the lands so purchased, not exceeding one quarter-section to any one purchaser.

The amendment was agreed to.

The next amendment was, in section 5, line 18, after the word "purchase," to insert "and the payment of the price thereof;" so as to read:

Upon making proof to the satisfaction of the Secretary of the Interior of the fact of such purchase and the payment of the price thereof, which proof may be first made at the local land office of the district in which said land may be located.

The amendment was agreed to.

The next amendment was in section 6, line 5, to strike out the words "the same" and insert "this act," and in line 6 to strike out the words "this act" and insert "the same;" so as to read:

That all actual, *bona fide* settlers upon any of the lands hereby resumed and which may be decided as aforesaid to belong to the United States, who possess the proper qualifications under the general land laws, and are in actual occupancy thereof at the date of the passage of this act, shall, for the purposes of the same, be considered as having entered upon the same lawfully, and shall be treated as if at the date of their entry upon said land the same had been in fact subject to entry under existing laws.

The amendment was agreed to.

Mr. PLUMB. There is a report which accompanies the bill, but it is longer I think than would be edifying to have read to the Senate, and I think I can state in a much briefer way what I conceive to be the facts and the merits of this controversy.

Mr. MCMILLAN. I should like to have the report read, if the Senator has no objection.

Mr. PLUMB. The Senator has a copy of it, I suppose.

Mr. MCMILLAN. Yes, sir, I have.

The PRESIDENT *pro tempore*. The Senator from Minnesota has a right to have the report read if he desires it.

Mr. PLUMB. Of course there can be but one purpose in that.

Mr. MCMILLAN. Well, I think that is a very gratuitous remark of the Senator.

The PRESIDENT *pro tempore*. The reading of the report being called for, it will be read.

The Chief Clerk read the following report, submitted by Mr. PLUMB January 18, 1886:

The Committee on Public Lands, to whom was referred the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, make the following report:

The bill entire, as agreed upon by the committee and reported to the Senate on the 11th day of January, 1886, is as follows:

"IN THE SENATE OF THE UNITED STATES.

"DECEMBER 8, 1885.—Mr. WILSON, of Iowa, introduced the following bill, which was read twice, and referred to the Committee on Public Lands.

"JANUARY 11, 1886.—Reported by Mr. PLUMB with amendments, namely: Omit the parts inclosed in brackets, and insert the parts printed in italics.

"A bill forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled 'An act for a grant of lands in the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State,' approved May 12, 1864, concerning such of said lands as have been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railroad Company, and have not been by said State conveyed to said railroad company, the United States hereby asserting its revisionary right to all of said lands, or so much thereof as shall be found to have been patented in excess of the amount of land earned by said company, in compliance with the act of Congress aforesaid, and hereby resume possession of the same, subject to the conditions hereinafter named.

"SEC. 2. That the district attorney of the United States for the northern district of Iowa, under the direction of the Attorney-General, shall bring suit at law or in equity in the circuit court for said district against any persons or corporations who are claiming the ownership of the lands granted in said act to the State of Iowa and by said State withheld as aforesaid, so as to fully ascertain and settle all questions as to the interest of the United States in said lands; and any persons or corporations who are claiming any of said lands under the State of Iowa, or by reason of the act of Congress aforesaid, and who are necessary or proper parties, shall be joined as defendants therein; and said court may cause publication to be made, under the laws and rules of court, to bring in non-resident defendants as parties to the suit.

"SEC. 3. That the State of Iowa, or any corporation or person not made a party defendant in such suit, may petition the court to be admitted as a party defendant therein, and may set up any interest such defendant may have in the said lands, in such manner as the court may direct, and have the judgment of the court upon the same.

"SEC. 4. That the parties to such suit, respectively, shall have the right to revise the judgment or decree of the circuit court rendered therein in the Supreme Court of the United States, on writ of error or appeal, under the laws governing appeals and writs of error in civil causes decided in the circuit courts of the United States: *Provided*, That such writ of error or appeal is prosecuted within six months from the date of the enrolling of the final decree in such cause; and said cause shall be advanced on the docket of the Supreme Court so as to be heard as speedily as the other business of the court in which the United States is a party will admit.

"SEC. 5. That if any of the lands mentioned herein are adjudged to belong to the United States, the same shall constitute a part of the public domain, and shall be disposed of as lands of the United States that are subject to homestead and pre-emption entry: *Provided*, That in case any lands so decided to belong to the United States have been sold (not encumbered) by said railroad company, prior to January 1, 1884, to persons who purchased the same in good faith for the purpose of making for themselves homes, and have in good faith occupied the same, or for the purpose of adding to other property occupied by them as homes or for business purposes, the person or persons having purchased any of said lands as aforesaid, or their grantees, shall have the right to acquire from the Government, at the price fixed by law, the lands so purchased, not exceeding one quarter-section to any one purchaser, upon making proof to the satisfaction of the Secretary of the Interior of the fact of such purchase and the payment of the price thereof, which proof may be first made at the local land office of the district in which said land may be located; and upon the proof being made as above within twelve months after the passage of this act, patents shall issue to the party or parties entitled thereto for the land, not exceeding one quarter-section to any one purchaser as aforesaid.

"SEC. 6. That all actual, *bona fide* settlers upon any of the lands hereby resumed and which may be decided as aforesaid to belong to the United States, who possess the proper qualifications under the general land laws, and are in actual occupancy thereof at the date of the passage of [the same] this act, shall, for the purposes of the same, be considered as having entered upon the same lawfully and shall be treated as if at the date of their entry upon said land the same had been in fact subject to entry under existing laws; and in any proceeding to perfect their titles the date of their actual occupancy shall be considered as the date of entry: *Provided*, That such occupancy shall be continuous; and such persons shall have preference in making formal entries at the land-office to the extent of such land as each of said settlers may occupy, not exceeding one quarter-section to each settler, and be entitled to enter under existing laws: *Provided further*, That the Secretary of the Interior shall adopt rules to govern such entries, not inconsistent with the terms of this act; and in case of conflicting claims among alleged actual settlers, he shall, in deciding the same, give preference to the one who may establish prior and continuous occupancy, regardless of the date of entry at the local land-office."

The facts upon which the committee rely for their justification in reporting this bill and advocating its passage are as follows:

In 1864, by an act of Congress approved May 12 (see United States Statutes at Large, volume 13, page 72), a grant of lands was made to the State of Iowa to aid in the construction of railroads, the first section of which grant was in language following, viz:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota, at such point as the said State of Iowa may select, between the Big Sioux and the west fork of the Des Moines River; also, to said State for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude until it shall intersect the said road, running from Sioux City to the Minnesota State line in the county of O'Brien, in said State, every alternate section of land designated by odd numbers for ten sections in width, on each side of said roads; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section, or any part thereof granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest the tiers of sections above specified, so much land in alternate sections or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the State of Iowa for the uses and purposes aforesaid: *Provided*, That the land so selected shall in no case be located more than 20 miles from the lines of said roads: *Provided further*, That any and all lands heretofore reserved to the United States by an act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be and the same are hereby reserved and excepted from the operations of this act, except so far as it may be found necessary to locate the routes of said roads through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States."

Section 2 of said grant fixed double minimum value to the even-numbered sections remaining and lying within the limits of the said grant, and provided for their entry and sale.

Section 3 declared that the lands granted should remain subject to the disposal of the Legislature of Iowa for the purposes aforesaid and no other; and that the railroads should be and remain public highways for the use of the Government of the United States free of all toll or other charges upon the transportation of any property or troops of the United States.

Section 4 of said act is as follows:

"SEC. 4. *Be it further enacted*, That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for 100 sections of land for the benefit of the road having completed the 10 consecutive miles as aforesaid. When the governor of said State shall certify that another section of 10 consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number; and when certificates for the completion of additional sections of 10 consecutive miles of either of said roads are from time to time made as aforesaid, additional sections of land shall be patented as aforesaid until said roads, or either of them, are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid, and none other: *Provided*, That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least 20 miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the State may resume said grant and so dispose of the same as to secure the completion of a road on said line and upon such terms, within such time, as the State shall determine: *Provided further*, That if the said roads are not completed within ten years from their several acceptance of this grant the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided further*, That said lands shall not in any manner be disposed of or incumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid then the said lands undisposed of as aforesaid shall revert to the United States."

The further sections of the grant are not regarded material to a full understanding of the facts by which your committee have been guided in reaching their conclusions, and are therefore omitted.

The Eleventh General Assembly of the State of Iowa, by act approved April 3, 1866, accepted this grant, and as to the line of road first named in the granting act (the one in controversy here and the subject of the bill now under consideration), conferred the same upon the Sioux City and Saint Paul Railroad Company, upon certain conditions therein expressed but not necessary to be here stated. This act of the Legislature of Iowa also authorized the Sioux City and Saint Paul Company to designate the terminal point on the south line of the State of Minnesota to which said road should be built.

Acceptance of the provisions of this act of the Legislature were filed with the secretary of state of Iowa, September 20, 1866. Another act of the same General Assembly, approved April 20, 1866, provides that where any lands are patented to the State under said grant, they shall be held in trust for the railroad company entitled thereto, and deeded to such company as the Legislature shall direct.

The Sioux City and Saint Paul Railroad Company commenced the construction of its road under the provisions of said act of Congress and the act of the Legislature of the State of Iowa above referred to, beginning at the point selected by it on the south boundary line of the State of Minnesota and continuing southwest in the direction of Sioux City, Iowa, upon the line contemplated by the national and State grants, and by the spring of 1873 it had completed and put in operation its road in substantial compliance with said grants to the city of Le Mars, in Plymouth County, a distance of 56$\frac{13}{100}$ miles. Le Mars is distant from Sioux City about 26 miles, in a northeast direction.

Before the Sioux City and Saint Paul Railroad Company began the construction of its road on the south line of Minnesota as aforesaid, a railroad had been constructed by the Dubuque and Sioux City Railroad Company from Dubuque, on the Mississippi River, to Sioux City via Le Mars, so that at the date of the beginning of the construction of the Sioux City and Saint Paul Railroad a railroad already existed and was being operated between Le Mars and Sioux City.

When, therefore, the Sioux City and Saint Paul Company had completed its line to Le Mars, instead of continuing the construction of its road to Sioux City it made an agreement with the Dubuque and Sioux City Railroad Company whereby the latter company permitted the former company to run its through trains from Le Mars to Sioux City over its track, the Sioux City and Saint Paul agreeing in consideration therefor not to continue the construction of its road from Le Mars to Sioux City, and not to do any local business, passenger, freight, or express, between these two points, which agreement has to this day been carried out and still exists.

As before stated, the length of railroad between the south line of Minnesota and Le Mars is 56.13 miles. The governor of Iowa certified to its proper completion in sections of 10 miles, as required by the act of Congress, as follows: On July 26, 1872, to the completion of two sections of 10 miles each; on August 10, 1872, to the completion of one section of 10 miles; on February 4, 1873, to the completion of two sections of 10 miles each. No certificate of completion was ever made by the governor covering the fraction of a 10-mile section, to wit, 6.13 miles of road built from the terminus of the last 10-mile section certfied by the governor to Le Mars.

Lands under the grant were patented to the State of Iowa, as follows:

	Acres.
List 1, patented October 16, 1872, contained	191,464.04
List 2, patented June 17, 1873, contained	205,374.76
List 3, patented January 25, 1875, contained	10,911.41
List 4, patented June 4, 1877, contained	160.00
Total	407,910.21

The last patent was for lands awarded in lieu of lands taken by settlers, and which were claimed to belong to the railroad company under the grant.

Of the lands so patented 212,067.66 acres are within the grant "in place"—that is, composed of the odd-numbered sections within 10 miles on each side of the road as supposed to have been located; and 195,842.55 acres were patented as indemnity—that is, in lieu of odd-numbered sections within 10 miles on each side of the road as above, which had been taken by settlers or otherwise at the date of the location of the line of road. Indemnity lands could be taken from any public lands nearest the odd sections so lost to the company "within 20 miles from the line of said road."

The company was entitled to 10 sections or 6,400 acres of land for each mile of road constructed and embraced within a section of 10 continuous miles. The construction of 5 sections of 10 miles each, as certified by the governor of Iowa, entitled the company to 500 sections, or 320,000 acres, if all the sections were full. This leaves out of account the fractional section of road of 6.13 miles in length, and to which reference will hereafter be made.

By an act of the Fifteenth General Assembly of the State of Iowa, approved March 13, 1874, the governor was "authorized and directed to certify to the Sioux City and Saint Paul Railroad Company any or all lands which are now held by the State of Iowa in trust for the benefit of said railroad company, in accordance with the provisions" of the act of April 20, 1866, heretofore referred to.

But before the passage of this act there had been certified to the railroad company of the lands so granted to the State 322,421.91 acres, being an excess of 2,421.91 acres over the quantity possible to be earned by building the five full sections of road of 10 miles each. No lands were certified under the provisions of the act last above mentioned.

The number of acres of land patented to the State and which have not been certified to the railroad company is 85,457. These lands have been claimed by the railroad company, and the secretary of state of Iowa in his report for 1883 says:

"The president of said railroad company made an application in person for conveyances of all the lands that had been patented to the State for building said road, but the State authorities withheld 85,457.40 acres of the said lands because said road was not completed in accordance with the requirement of the act of Congress."

To this 85,457.40 acres the railroad company has never had any conveyance, either by deed, certification, or otherwise, either from the General Government or from the State of Iowa.

All the said railroad between the southern line of Minnesota and the city of Le Mars (being the entire amount ever constructed by said company under said grant) was so constructed within the time named in the act of Congress granting land for the completion of the entire line.

The line of definite location of said Sioux City and Saint Paul Railroad, as shown by the map of the same on file in the General Land Office, is, for most of the distance from the Minnesota State line to a point opposite Le Mars, about six miles west of the line as constructed.

After it became known that the governor could not or would not certify additional lands to the railroad company under the State law of 1874, above quoted, the conviction that the lands patented to the State of Iowa, and which had not been certified to the railroad company, were public lands of the United States became prevalent, and settlers began to go upon and improve them. A loud demand was made that they should be reconveyed by the State to the United States, and the Legislature of Iowa did thereupon pass the following act:

"CHAPTER 107.—An act to resume all the lands and rights conferred upon the Sioux City and Saint Paul Railroad Company by or under an act of Congress approved May 12, A. D. 1864, to lands not heretofore earned by said company.

"Whereas by an act of Congress, approved May 12, A. D. 1864, entitled 'An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State,' certain lands were granted to the State of Iowa for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of Minnesota, at such point as the said State might select, between the Big Sioux and the west fork of the Des Moines River, which grant was made to, and accepted by, the State of Iowa, upon the conditions, restrictions, and qualifications therein named; and

"Whereas by an act of the General Assembly of the State of Iowa, approved April 3, A. D. 1866, so much of the lands, interests, rights, powers, and privileges as were or might be conferred, in pursuance of said acts of Congress, to aid in the construction of the aforesaid road, were disposed of, granted, and conferred upon the Sioux City and Saint Paul Railroad Company; and

"Whereas said act of Congress further provides that if the road accepting said grant is not completed within ten years from its acceptance thereof, the lands thereby granted and not patented should revert to the State of Iowa for the purpose of securing the completion of said road; and

"Whereas said Sioux City and Saint Paul Company duly accepted said grant on the 20th day of September, A. D. 1866, but has failed to complete or cause to be completed any road on the line adopted therefor, from Sioux City to Le Mars, in said State of Iowa, or any road in lieu thereof:

"SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all lands, and all rights to lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company by said acts of Congress and of the General Assembly of the State of Iowa, which have not been earned by said railroad company by a compliance with the conditions of said grant, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are absolutely vested in said State as if the same had never been granted to said railroad company.

"SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Sioux City Journal, newspapers published in the State of Iowa.

"Approved March 16, 1882."

This act operated to divest the State of Iowa of all title to the lands patented to it and uncertified in so far as they were lands not earned by the railroad company. But for the purposes of the controversy then existing the question as to whether the company had earned any portion of these lands by the construction of the 6.13 miles section was undecided.

Meanwhile the General Land Office had become interested, and the Commissioner addressed the following letter to the governor of Iowa:

GENERAL LAND OFFICE,
Washington, D. C., March 7, 1882.

SIR: By letter from the Secretary of the Interior, dated the 3d instant, I was directed to lay before you a copy of my report to him of January 12th last, in relation to the Sioux City and Saint Paul Railroad, and to request that you furnish this office with a detailed and particular statement of the condition of said road, and of the road from McGregor to Sheldon, now known as the Chicago, Milwaukee and Saint Paul Railway, and also of the lands granted to the State of Iowa by act of Congress approved May 12, 1864, as shown by the State records.

I am also directed to request that you indicate what your action may be in regard to the surrender of the patents issued to the State for the Sioux City and Saint Paul Company, for lands which have not been earned by said company. A list of the lands patented for, but withheld from, the latter company, and a statement of the reasons for withholding them, is more particularly desired.

I inclose a copy of my report of January 12, 1882, aforesaid, and of the Secretary's letter of the 3d instant, and have to request your early attention to the subject-matter thereof.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. BUREN R. SHERMAN,
Governor of Iowa.

This letter was furnished to the register of the State land office, who furnished the required information. Subsequently the Secretary of the Interior took the matter up and addressed the following letter to the governor of Iowa:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1883.

SIR: On the 7th day of March, 1882, the Commissioner of the General Land Office addressed a letter to you in relation to certain lands in your State, granted to the State by the United States to aid in the Sioux City and Saint Paul Railroad, and the road from McGregor to Sheldon, now known as the Chicago, Milwaukee and Saint Paul Railroad, under the act of May 12, 1864. (13 Statutes, 72.)

In reply to that letter Hon. J. K. Powers, register of your State, addressed a communication, November 22, 1882, to the Commissioner, which has been referred to me by him, accompanied with a statement from the General Land Office, together with a copy of the letter addressed to you March 7, 1882.

Referring to these several communications, it appears that the Sioux City and Saint Paul Railroad Company built 56$\frac{13}{100}$ miles of road. This would entitle the company *prima facie* to 360,000 acres of land. But 70,345.67 acres of the above amount fall within the 10-mile limit of both roads, and by the decision of the United States circuit court for Iowa (which is in accordance with the rulings of this Department) each road takes a moiety. The grant is thus diminished by one-half (35,172.83 acres) of the amount of lands falling within the common 10-

mile limits of both roads, leaving 324,827.17 acres as the amount earned. There have been patented to the State for the benefit of said Sioux City and Saint Paul road 407,910.21 acres, from which amount should be taken 40 acres twice patented. The excess, then, of patented lands above the amount the company has earned is 83,043.04 acres. Four patents containing these lands (407,910.21 acres) were issued between October 16, 1872, and June 8, 1877, and as to such excess were issued inadvertently, as the Secretary of the Interior had no authority under the granting act (section 4) to issue patents except upon completion of "any section of 10 consecutive miles."

The register in his report of November 22, 1882, states that 85,457.40 acres have been withheld from conveyance to said company by the State on account of the failure of the company to complete the road as required by the act of Congress making the grant.

The State of Iowa, by an act of her General Assembly, approved March 16, 1882, resumed to the State all "lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company," by "acts of Congress and of the General Assembly of the State of Iowa," because said company had failed to complete said road within ten years from the date of the acceptance of the grant.

The act of Congress making the grant contains the following proviso, viz:

"*Provided further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided further*, That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States." Therefore the 83,043.03 acres of land aforesaid, not having been earned within the ten years by said company by the completion of said road, and not having been used or disposed of by said State within five years after the lapse of said ten years, reverted to the United States.

The State (although regarding the question as unsettled) does not, it would seem, decline to restore such lands to the United States, but in reply to the letter of March 7, 1882, addressed to you, the register states it would be improper to surrender the patents in accordance with the request of the Commissioner, because such patents contain as well the lands which have been earned and transferred to the said company as those which have not been earned and were withheld and are resumed by the State.

He further states that "the governor would not even have authority to relinquish to the General Government any of these lands patented to the State without an act of the General Assembly empowering him to make such relinquishment; and no such law exists."

If there is no authority vested in you or any of the officers of the State to revest the United States with the legal title to the unearned lands, I urge upon you the propriety of obtaining authority from the General Assembly as early as possible, in order that such lands may be restored to the public domain.

Unless some early action is taken looking to that end it would become the duty of this Department to recommend a resort to legal proceedings for the restoration of such lands to the General Government.

I would suggest that the patents containing lands, both earned and unearned, could be surrendered, and cancellation could be made upon the books of the General Land Office as to the unearned lands and a new patent be issued to the State embracing all earned lands, containing a recitation (with other proper recitations) as to taking effect by relation as of the date of the former patents; or, the officers of the State, under proper authority, could by deed reconvey to the United States the unearned lands.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. BUREN R. SHERMAN,
Governor of Iowa.

The letter of the Secretary of the Interior was promptly published, and occasioned great excitement among people far and near who were desirous of obtaining homes upon the public domain. The letter, coupled with the other conceded facts in the case, was very properly regarded as settling the public character of the lands beyond controversy, and such as were then unoccupied were settled upon at once. Following this the Legislature of Iowa again addressed itself to the subject, and an act was passed, as follows:

"CHAPTER 71.—An act to relinquish and reconvey to the United States all lands and rights to lands granted to the State of Iowa by the act of Congress entitled 'An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in the State of Iowa,' approved May 12, A. D. 1864, which have not been earned pursuant to the provisions of said act.

"Whereas by an act of Congress approved May 12, A. D. 1864, entitled 'An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State,' certain lands were granted to the State of Iowa for the purpose of aiding in the construction of a railroad from Sioux City in said State to the south line of Minnesota, at such point as the State might select between the Big Sioux and the West Fork of the Des Moines River, which grant was made to and accepted by the State of Iowa upon the conditions, restrictions, and qualifications therein named; and

"Whereas by acts of the General Assembly of the State of Iowa, approved April 3, A. D. 1866, and April 20, A. D. 1866, the lands, rights, powers, duties, and trusts conferred upon the State of Iowa by said act of Congress were duly accepted on the part of the State of Iowa; and

"Whereas by an act of the General Assembly of the State of Iowa, approved April 3, A. D. 1866, so much of the lands, interests, rights, powers, and privileges as were or might be conferred in pursuance of said act of Congress to aid in the construction of the aforesaid road were disposed of, granted, and conferred upon the Sioux City and Saint Paul Railroad Company; and

"Whereas said railroad company duly accepted said grant but failed to complete said railroad as required by the terms and conditions of said grant; and

"Whereas by an act of the General Assembly of the State of Iowa, approved March 16, A. D. 1882, all lands and all rights to lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company by said acts of Congress and of the General Assembly of the State of Iowa, which had not been earned by said railroad company by a compliance with the conditions of said grant, were absolutely and entirely resumed by the State of Iowa, and vested in said State, as absolutely as though the same had never been granted to said railroad company; and

"Whereas it is desirable that all lands and rights to lands resumed by the State of Iowa as aforesaid should be conveyed to and vested in the United States to the end that such lands shall be made subject to the use of actual settlers, as provided by the acts of Congress relating thereto: Now, therefore,

"*Be it enacted by the General Assembly of the State of Iowa*, That all lands and all rights to lands resumed and intended to be resumed by chapter 107 of the acts of the Nineteenth General Assembly of the State of Iowa are hereby relinquished and conveyed to the United States.

"SEC. 2. The governor of the State of Iowa is hereby authorized and directed to certify to the Secretary of the Interior all lands which have heretofore been patented to the State to aid in the construction of said railroad, and which have not been patented by the State to the Sioux City and Saint Paul Railroad Company, and the list of land so certified by the governor shall be presumed to be the lands relinquished and conveyed by section 1 of this act: *Provided*, That nothing in this section contained shall be construed to apply to lands situated in the counties of Dickinson and O'Brien.

"SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Sioux City Journal, a newspaper published at Sioux City, Iowa.

"Approved March 27, 1884."

After the passage of this act the railroad company sued out of the State district court of Woodbury County, Iowa, a temporary injunction against the governor of the State, restraining him from certifying to the Secretary of the Interior the lands which the Legislature directed him to so certify, and no certification of the lands relinquished by the State of Iowa has ever been made to the Interior Department.

The foregoing are believed to be the material facts in the case. Extended argument would seem to be unnecessary.

The granting act provides specifically that if the road should not be completed within the time named in the act (which has long since elapsed) the lands undisposed of should revert to the United States. The State of Iowa has done all in its power to convey to the United States, by means of the acts above quoted, all the interest originally conveyed by patent from the United States. It is probably necessary, further, that the United States should declare a forfeiture of the unearned lands and assert the reversionary interest provided for in the original act. This the bill reported by the committee provides for.

The State of Iowa being a naked trustee, without interest, it is not claimed that her action in reconveying to the United States the lands, the subject of the trust, can defeat the railroad company, the beneficiary of the trust, of its rights therein.

The question remains therefore to be settled now, just as it would have been if Iowa had not reconveyed, what lands the company have earned by a compliance with the act of Congress. Such lands covered by the grant as they have not earned revert to the Government. It is probable that the company fairly earned ten sections to the mile for the first 50 miles of road constructed, and there can be no claim for lands for any portion of the line between Le Mars and Sioux City, for no road was constructed between those points.

The chief controversy, then, is as to the claim of the company asserted before the committee, and in the last Congress, to lands for the 6$\frac{1}{10}$ miles of road by them constructed and for which no lands were certified by the governor. The authority of the governor in the premises was derived from the act of Congress. Under this he could only certify to the completion of the road in sections of 10 consecutive miles. Any act outside this authority would have been void. The governor therefore could not have certified to the construction of the 6 miles, and without his certificate there could be no lands patented. But even if the Interior Department could have acted independently of the governor, it was circumscribed exactly as the governor was, because it could only patent lands as the road was completed in sections of 10 miles. Thus it is inevitable that there must be legislation before the railroad company can get lands on account of the construction of the 6 miles—that is, if it is to have the lands at all.

The company ask Congress to pass an act affirmatively giving lands for the six miles—that is to say, practically making a new grant, for that is the complexion of it if the original act does not give the lands to the company; and if that act does give the lands to the company then all that is necessary is some proper and effective means of declaring what the law is and enforcing it. The only way to do this is by a suit in the proper court. This the bill of the committee provides for.

The company claim that to have built from Le Mars to Sioux City would have been a useless waste of money, for a road already existed between these places; that they were therefore warranted in stopping at Le Mars and claiming lands for the 6-mile fraction, and especially because they made a running arrangement whereby through trains were run to Sioux City, the terminus fixed by the granting act. To this it is replied:

That the company did not need to build to Le Mars at all. It had a scope of more than 50 miles within which to fix its initial point on the southern line of Minnesota, and could have so located its line as to have run far to the east or to the west of Le Mars, and built through to Sioux City in compliance with the terms and intention of the act of Congress, leaving ample distance between its own and the line of the other company to obtain ample local business for the support of its line.

The fact that the road of the Dubuque and Sioux City Company was nearly completed before the Sioux City and Saint Paul commenced construction is evidence sufficient to support the belief that the latter company built to Le Mars with the purpose and with the intent of stopping there and getting the benefit of a line of road to Sioux City without constructing it, as called for by the act of Congress.

Having taken this choice with their eyes open, they should be obliged to accept of the legal consequences of the same. They consulted their own interest in order to defeat the intention of the act of Congress, and can not now be permitted to plead a lack of knowledge of the legal consequences in order to obtain new rights. Neither can the contract whereby the company agreed with the Dubuque and Sioux City Railroad Company to do no local business between Le Mars and Sioux City, and not to build to Sioux City, be overlooked.

It is altogether probable that this contract, so clearly against public policy and so violative of the intention of the act of Congress under which the lands were granted, would have worked a forfeiture of the entire grant if known and availed of at the proper time. And the committee believe this to be a full and complete offset and answer to the claim of the company to what it is pleased to call "equitable consideration" at the hands of Congress. Their opposition to the bill under consideration is evidence that they do not believe themselves entitled to any lands for the six miles under the law as it now stands. If this is not so, why oppose a bill which snbmits every question at issue to the proper United States circuit court.

Inasmuch as legislation must be had in order that the rights of the Government and the railroad company may be determined, why oppose it now that it is in shape to go forward? The only answer is that the company hope to postpone the final settlement until such time as the settlers, wearied by delay and injured by lack of title, will pay them for their assumed interest in the lands.

The bill under consideration gives to such purchasers of land from the railroad company as have occupied the land purchased in good faith for homestead purposes prior right to purchase such land, not exceeding 160 acres to any one person, at the Government price. This concession may be considered of doubtful propriety, as the railroad company, having neither title nor shadow of it, there is no equity against the Government in favor of purchasers under it. But the committee are advised that there are not over three or four persons who could claim the benefit of this provision, and that their claims are not contested by any other actual settler.

The lands in question being occupied by settlers who went upon them in good faith, with the purpose of making for themselves homes, such persons are protected by the bill as to all lands which may be found by the court to belong to the National Government.

In the opinion of the committee there can be no valid objection to the passage of this bill. If the railroad company believe they are entitled to land for the six-mile section of road built, then they ought to favor the bill, for under it their claims, if valid, will be duly recognized. If they are not so entitled they ought to know that they can not possibly hope to get any lands on account of such construction, for the day of land grants is passed. If this bill will not give the company the lands it desires, it will never get them. But the bill will settle

the controversy that will grow more angry with each succeeding delay, and which will not cease until Congress has taken such action as will result in the final declaration of the legal status of the lands in question.

It has not been necessary to secure the prompt and cordial assent of the committee to this bill to bring into play the ordinary and inevitable sentiment prevailing among right-minded men everywhere in favor of men struggling for the possession of homes upon the public domain against the opposition of the ample capital and widespread facilities for influencing public opinion and legislation and the unscrupulous methods of a railroad corporation.

As a measure of simple justice, inspired by neither fear nor favor, the bill deserves to become a law at the earliest possible moment.

Mr. PLUMB. I shall detain the Senate about ten minutes, I think, in stating this case.

SENATORS' PRIVATE SECRETARIES.

Mr. RIDDLEBERGER. Will the Senator allow me to offer a resolution? If there is objection, of course it will go over until to-morrow, but I think the Senate will adopt it.

The PRESIDING OFFICER [Mr. HARRISON in the chair]. The Senator from Virginia proposes to offer a resolution, and asks for its immediate consideration. It will be read for information. The Chief Clerk read the resolution, as follows:

Whereas the following resolution was presented and passed on the 4th instant, to wit: "That each Senator shall report to the Senate on Monday next the name of his private secretary;" and

Whereas an amendment was offered, accepted, and prevailed that said report should appear in the RECORD on Monday, March 8; and

Whereas but seventeen Senators report the names of their private secretaries: Therefore,

Resolved, That the Sergeant-at-Arms of the Senate be required to report to-morrow the names of the private secretaries of Senators who had certificates of appointment from his office on March 4, and the names of the Senators who had appointed them, other than those whose reports appear in the RECORD of this date.

The PRESIDING OFFICER. Is there objection to the present consideration of this resolution? The Chair hears none.

The resolution was considered, and agreed to.

Mr. LOGAN. I desire to present, for the purpose of having read, a letter bearing on this matter.

The PRESIDING OFFICER. The letter sent to the desk by the Senator from Illinois will be read if there be no objection. The Chair hears none.

The Chief Clerk read as follows:

WASHINGTON, *March* 5, 1886.

MY DEAR SIR: I see by the CONGRESSIONAL RECORD, now before me, that the Senator from Virginia [Mr. RIDDLEBERGER], in some remarks made by him on the 3d of March, used the following language:

"Would it be permissible for me to intimate that while Eads was not on this floor, he has three henchmen here, two of them representing Republican journals and one a Democratic journal, coming to get information, to libel Senators on this floor whenever they can get their type and presses to work," &c.

This charge is a serious one, and, as it is utterly untrue, I hasten to meet it with an emphatic denial. I beg to assure you, in the most positive manner, and without the slightest reservation, that no representative of the press is now or has been, either directly or indirectly, authorized to speak for the ship-railway bill, or for me, upon the floor of either House of Congress, or to any member thereof, and I scorn the imputation that I would authorize or consent to any libelous assault upon a Senator who did not support a measure in which I am interested. I have not now, nor have I ever had, any person whatever employed to represent me or the ship-railway on the floor of the Senate or House, and I challenge the proof that there is any such person or any lobby in its interest either inside or outside of the Capitol. No one is or has been authorized to represent the measure in any way, except the officers of the company.

The Senator from Virginia [Mr. RIDDLEBERGER] has certainly been misinformed and grossly deceived in this matter. It is manifest that it would be a great injustice to me that such a charge should remain on the records of the Senate unsupported by any proof whatever. I therefore ask that the Senate cause the said statement of the Senator from Virginia to be thoroughly investigated.

I have the honor to be, very respectfully, your obedient servant,

JAS. B. EADS.

Hon. JOHN A. LOGAN, *United States Senate.*

Mr. LOGAN. I merely desire that that letter, sent to me to be presented to the Senate, be referred to the Committee on Commerce or any committee, I do not care which, with instruction that they investigate this charge, as the writer requests.

The PRESIDING OFFICER. Will the Senator put in writing his motion or resolution?

Mr. RIDDLEBERGER. What is that?

Mr. LOGAN. I move that the letter be referred to a committee, I do not care which committee, according to the request of the writer.

Mr. HARRIS. The Committee on Commerce has charge of the subject-matter.

Mr. PLATT. I should say the Committee on Privileges and Elections was the proper committee.

Mr. RIDDLEBERGER. I do not care to take up the time of the Senator from Kansas. I do not fear any investigation, nor do I recognize the fact that I am bound to appear before any committee at the suggestion of Mr. Eads or anybody else. I know what I have stated here to be true, and as soon as I can get certain documents, and especially some from Saint Louis, I shall be ready to state to this Senate what I can state with documentary evidence to sustain it.

I care not to what committee that may be referred; I shall appear before none. It is this Senate that I propose to speak to. I say again that if this Senate floor is to be open to vilifiers and blackguards, it certainly ought to be open to ladies and to gentlemen. What statements I shall make and what proofs I shall introduce will be to the country at large and to this Senate with open doors.

The PRESIDING OFFICER. The Senator from Illinois proposes a resolution, which will be read.

Mr. PLUMB. I think under the circumstances I ought not to yield further.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. PLUMB. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The resolution of the Senator from Illinois will be read.

The resolution was read, as follows:

Resolved, That the letter of James B. Eads be referred to the Committee on Rules, and that they be instructed to thoroughly investigate the charge contained therein.

Mr. PLUMB. I suggest that that lie over and be printed.

Mr. HARRIS. I think the first suggestion of the Senator from Illinois was the proper one, that the letter be referred to the Committee on Commerce, which has charge of the subject-matter.

Mr. LOGAN. That is what I desired to do, but different Senators made other suggestions.

The PRESIDING OFFICER. The resolution goes over, so that no present action can be taken on it.

FRAUDULENT IMPORTATION OF CHINESE.

Mr. PLUMB. Mr. President——

Mr. CONGER. I ask the Senator from Kansas to allow me to submit a resolution.

Mr. PLUMB. I yield.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate for its information a certified copy of the report made to the Department by special agent O. L. Spaulding in November, 1885, relative to the charge of fraudulent importation of Chinese into the United States at the port of San Francisco; also the supplemental report regarding the same practice at Port Townsend, Wash., together with the tables accompanying each report.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa, to aid in the construction of railroads in that State, and for other purposes.

Mr. PLUMB. Mr. President, in the year 1864, the lands which are the subject of this proposed legislation were granted to the State of Iowa for the purpose of securing the building of a railroad from a point on the line between Minnesota and Iowa, which is the southern line of Minnesota and the northern line of Iowa, to Sioux City, on the Missouri River, in the State of Iowa, a distance of about 80 miles, perhaps 85 miles. The State of Iowa, in pursuance of an act of Congress, conferred the right to build this road upon the Sioux City and Saint Paul Railway Company. The company had the right to select the point at which it would initiate its work on the line between these two States within the distances of at least 50 miles from east to west. It built 56.13 miles within the time named in the granting act.

When it began its construction a company known then as the Dubuque and Sioux City Railroad Company had built clear across the State of Iowa, and in the progress of its building had built to the town of Le Mars and from Le Mars to Sioux City, Le Mars being northeast of Sioux City about 30 miles. That road, as I said, was completed at the time when the Sioux City and Saint Paul Railway Company commenced its construction. The Sioux City and Saint Paul Railway Company built to this same town of Le Mars, in the direction of Sioux City, from the point at which it originated its work, and there stopped, and the railroad thus built, as I said, was 56.13 miles long, consisting of five sections of 10 miles each, and this fraction of 6.13 miles. The law of Congress provided that the land should be certified to the State for the benefit of the company building the railroad as the road was built in sections of 10 miles; the lands were certified to the State for the purpose of being conveyed to the company on account of the building of these 50 miles of railroad, five sections of 10 miles each, and were by the State of Iowa patented or conveyed to the railroad company; but no lands have ever been conveyed to the railroad company on account of the building of the fraction of 6.13 miles. Between 85,000 and 90,000 acres within the limits of the grant, subject to the grant, are still unconveyed. The whole controversy is as to what shall become of the lands which lie opposite to and conterminus with this fractional section of railroad and of so many lands as lie beyond the completed line of the railroad as may attach to that line as indemnity.

It was claimed on the part of the railroad company before the committee that notwithstanding the fact that they have not built a full section of 10 miles, they were entitled to lands at the same rate per mile for the building of the 6 miles that they would have received if they had built 10 miles, and they asked the committee to so legislate as to give them these lands and restore the remainder of the land to the public domain.

The controversy, therefore, as I said, is as to the lands which the com-

pany claim as belonging to them, if not by law by right, on account of having built this fractional section of road. The committee found, and it is so stated in the report, that the railroad company had the choice of location, and that it not only built to Le Mars voluntarily and therefore is in a condition only to claim that which a strict construction of the law would give it, but that when it built to Le Mars it made a contract with the connecting road whereby it ran its trains to Sioux City, thus making in one sense a through line from the south border of Minnesota to Sioux City, and it also made a contract that it would do no local business between the town of Le Mars and Sioux City, thereby destroying to that extent at least one of the main purposes that Congress had in mind in making the land grant, that is to say, to secure the construction of a railroad between the Minnesota State line and Sioux City which should be operated for the benefit of all the people living along its line as well as those persons who might live beyond either terminus or who might have business over it.

In the course of the investigation it was ascertained that the railroad company filed its map of permanent location upon a line an average of about 6 miles west of the line on which it subsequently built the road. If it had built on that line it would have gone 6 miles west of Le Mars, and therefore would not have joined the railroad of the Dubuque and Sioux City Railroad Company at that point, but would have been necessitated to go farther north to make a connection, and probably in that event would have gone on to Sioux City and carried out the intention of the act of Congress.

Subsequently, and without any authority of Congress, the line of location was changed, or rather the road was constructed upon a line other than the one upon which the withdrawal of the lands had been made, and other than the one which it had filed originally with the Interior Department. Under the decision of the Supreme Court the committee believed that would have been an avoidance of the entire grant; but a portion of the lands having been certified to the railroad company, the committee did not deem it advisable to go into that question, but limited its action entirely to a proposition to send to the circuit court of the United States the question as to what right, if any, the railroad company had by reason of the completion of this fractional section of railroad, declaring at the same time the forfeiture and the reversionary interest of the United States for the purpose of laying a foundation for this suit.

That, as I said, is all the question there is in this bill, as I conceive, simply investing the circuit court of the United States with jurisdiction to determine what rights, if any, the railroad company has by reason of this partial performance, and in the event that the court shall decide that the railroad company has no interest by reason of such partial performance, then the lands which are claimed to pertain to that fractional section of railroad shall revert to the United States and become a part of the public domain.

The bill then provides a plan for the disposition of these lands, giving the preference to settlers, to those who are now upon them, according to the ordinary method whereby the public lands are disposed of.

I do not desire at this time to detain the Senate in a discussion of the bill. If its further discussion shall become necessary in the course of what may occur, I shall then ask to be heard. All I wanted to do now was to make a brief statement of the facts in the case as found by the committee and the embodiment of the result of that finding in the bill which has been read to the Senate.

Mr. McMILLAN. Mr. President, I offer the following amendment; at the end of section 1 add:

> And said company shall be deemed to have earned and be entitled to receive 100 sections of land for each 10 miles, and ratably for fractions thereof, for each continuous portion of its road constructed in the time required by law; the facts of such construction and the quantities and description of land so earned to be ascertained under the direction of the Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. McMILLAN. Mr. President, this matter has been before the Senate on a former occasion. At the last Congress a similar bill was reported from the Committee on Public Lands, and the matter was discussed somewhat at that time. The Senator from Kansas, the chairman of the Committee on Public Lands, has stated pretty nearly as I would state myself the facts involved in the case, although in some respects I shall state facts which modify very materially his conclusions and I think should modify them in the mind of any person considering this matter fairly.

The Senator stated in his opening that the Sioux City and Saint Paul Railroad Company were authorized to construct a line of road from a point on the northern line of Iowa, being the southern line of Minnesota, to Sioux City, in Iowa, a southeasterly course. He also stated that the Sioux City company had a right to select the point on the Minnesota State line from which it would start and run to Sioux City. That is true, but there are other facts in that connection which must be stated in order to present the whole truth.

The Saint Paul and Sioux City Railroad Company is a corporation existing under the laws of the State of Minnesota. That company was authorized by act of Congress and of the State Legislature of Minnesota to construct a line of road from Saint Paul running southwesterly to a point on the southern line of the State of Minnesota, looking to a connection between Saint Paul and Sioux City. This line in Iowa was intended as a continuation and a supplement to the line from Saint Paul to the southern boundary line of the State of Minnesota.

The great benefit which was to result to the State of Iowa from the construction of the road from Sioux City to the Iowa line was because it made a connection with the Saint Paul and Sioux City road on that line to Saint Paul. It opened up to that country a connection with the Mississippi River at Saint Paul, and brought it into communication by direct line by rail with the head of Lake Superior. The great benefit of that connection will be appreciated when it is remembered that Northwestern Iowa, Eastern Nebraska, and all that region is an agricultural country. This direct line of communication by rail from Sioux City to Saint Paul and the head of Lake Superior opened up to that country a line of transportation for all its grain and agricultural products by the waters of the lakes, the great transportation route to New York. They strike at the head of Lake Superior the great water line which communicates between the Western waters and the market at New York and all the Eastern markets. It not only did that, but it opened to all this country, and not only to this country but to the country embraced in the State of Kansas represented by the chairman of the Committee on Public Lands so ably, a market to which they could go for lumber, which they needed so much in the construction of their houses, their fences, and all their building operations. It gave them a lumber market in competition with the Saint Louis market and with the Chicago market, as well as opening up all this country to the agricultural products and giving them the advantage of competition between the great water routes and the railroad lines of the country to the East.

So the Saint Paul and Sioux City road would have defeated the purpose of its creation if it had not made direct connection at the point at which the Saint Paul and Sioux City road struck the northern line of Iowa and the southern line of Minnesota. It had no choice, if it acted in good faith to the people of that country, where it would start on the northern line of Iowa; it had to start where the Saint Paul and Sioux City road terminated, and that was in a direct line between Saint Paul and Sioux City.

So while the statement of the Senator from Kansas may be literally true, that under the act of Congress it had a right to select a point on the northern line of Iowa, perhaps within a range of 50 miles, under that act, where it would start, the fact is that it was compelled in good faith and by existing circumstances to commence at the termination of the Saint Paul and Sioux City road, and the Saint Paul and Sioux City road was composed of the same persons who composed the Sioux City and Saint Paul road, and, as I stated on a former occasion, they were gentlemen who were deeply interested in the development of that country. They were men who resided in that country, whose every interest was involved in the development of the country, whose every feeling was excited and would be gratified in the development of the highest interests of all that region. They were not speculators. They never have been. They were not monopolists. They were men who devoted their money and their means to the development of their own country. They live there; they have been my neighbors; I know them, and they have devoted their whole lives to the development of that section of country, and have done it successfully. So there is here no attempt of any overgrown corporation or any monopoly to grasp the lands of the Government for work which they have not done. All that this company ask is that they may be permitted to have the amount of land specified by the act of Congress for the completion of so much of their road as has been built within the time prescribed by the act of Congress.

Mr. President, another fact is of importance. The Dubuque and Sioux City Railroad was a land-grant road under the laws of Iowa and acts of the Congress of the United States. It was authorized to build a road from Dubuque, as nearly as could be on the forty-second parallel of north latitude, to the Missouri River at a point near Sioux City. If that line had been followed it would have struck the Missouri River below Sioux City and run northward to get to that city. But in 1864, after the land grant to the Dubuque and Sioux City road was made, the company came to Congress and secured an amendment to the grant of land in the original act. In 1864 by the act approved June 2 it was provided—

> That the Dubuque and Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of, their present land grant.

This Dubuque and Sioux City road built its line about the forty-ran second parallel of north latitude to Fort Dodge. From that point it ran in a northwesterly course to strike Le Mars, and from Le Mars turned directly southwest to go to Sioux City; so that it left its original route, which was due east, ran northwesterly to Le Mars, a point on the line of the Sioux City and Saint Paul road, and turned directly southwest to Sioux City, the terminus of the Sioux City and Saint Paul road. So, when the Sioux City and Saint Paul Company built their line to Le Mars, they struck the Dubuque and Sioux City road, which had constructed its line from Le Mars to Sioux City, directly on the route which the Sioux City and Saint Paul road would have been compelled to take had it built its line from Le Mars on down to Sioux City.

The Dubuque and Sioux City road was a land-grant road. It got all

the land it was entitled to for every mile of this road coming out of the direct line on the forty-second parallel of north latitude up to Le Mars and back again to Sioux City. The land grant to the Sioux City and Saint Paul road was intended to secure the line between Sioux City and Saint Paul. The land of the Government had already been used to build the Dubuque and Sioux City road. When, therefore, the Saint Paul and Sioux City road arrived at Le Mars with its line it concluded that it should stop there, because it would have had to construct its road directly along the tracks of the Dubuque and Sioux City road to have arrived at Sioux City; but it did not leave the people of the country without the road. The road was there, a land-grant road, a road under the control of the Government, a road subject to the legislation of Congress to-day; and if any such agreement has been made as is suggested by the Senator from Kansas, any contract of a character such as he has stated, the remedy is ample. But my information in regard to the fact is that there is no contract of that kind. It was neccessary, of course, to make a running arrangement between Le Mars and Sioux City, but that was all, and the Sioux City road had not left the public without ample conveniences at Sioux City for the independent transaction of all its business.

The PRESIDENT *pro tempore*. If the Senator from Minnesota will yield, the hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business.

Mr. PLUMB. I simply wish to give notice that at the close of the formal morning business to-morrow I shall move to take up the bill which has just been displaced by the regular order. The Senator from Minnesota will go on to-morrow?

Mr. MCMILLAN. Yes, I will go on to-morrow morning.

Mr. PLUMB. I give notice that I shall ask to resume the consideration of the bill to-morrow; and the Senator from Minnesota of course will then renew his remarks.

Mr. MCMILLAN. I have no objection to that.

Mr. SPOONER. I desire to offer an amendment to the bill which has just been laid aside, in order that it may be printed.

The PRESIDENT *pro tempore*. The order to print will be made.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the resolutions reported by the Senator from Vermont [Mr. EDMUNDS] from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of papers called for by its resolution of January 25, 1886. The resolutions will be read.

The Chief Clerk read the resolutions attached to the report, as follows:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Resolved, That the provision of section 1754 of the Revised Statutes declaring "that persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office," ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach and to give place to another who has not rendered such service is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

Mr. EDMUNDS. Mr. President, the calm and orderly administration of a constitutional government is a subject in which the Senate, and the House of Representatives, and the President of the United States, and the people are all equally interested, and for which they are all, in their respective stations and places, equally responsible. It is in support of that calm, and orderly, and constitutional exercise of the functions of government that I now address myself to these resolutions.

It has been at least forty years since any occasion of this kind has arisen between the executive department of the Government and the Senate; and when a little more than forty years ago a similar but not the same question arose, it had then been a long time before that any such question, or any question like it, had engaged the attention of the Senate, or the House of Representatives, or the people; for the instances in which there has been evinced the slightest reluctance on the part either of the Executive or the heads of Departments to respond to the calls of either House or of their committees for papers in possession either of the Executive or of the Departments have been very few indeed. Sometimes in a case of political fever, as it might be called, there have been evinced, wide years apart, a reluctance and a hesitation on the part of the Executive or of the heads of Departments to do this thing; and then, that storm being over, the orderly administration of constitutional government went on as before, and either House of Congress on its request or demand, as the case might be, and the committees of either House of Congress acting without a direct and positive authority to send for persons and papers, have always obtained from the Departments on their mere request everything that either House or its committees thought necessary for the proper discharge of their duties.

Now again, after almost half a century, the Senate finds itself confronted by a refusal of the head of the Department of Justice to transmit copies of official papers and documents relating not to persons but to things, relating not to officers but to offices, on file in that Department.

In order that the Senate may perfectly understand how the question stands, I ask the Secretary to read section 1767 and section 1768 of the Revised Statutes of the United States, which I send to the desk.

The PRESIDENT *pro tempore*. The Secretary will read the sections indicated.

The Chief Clerk read as follows:

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

Mr. EDMUNDS. Section 346 of the Revised Statutes reads as follows:

SEC. 346. There shall be at the seat of Government an Executive Department to be known as the Department of Justice, and an Attorney-General, who shall be at the head thereof.

Not the President. Section 362 of the same statutes provides:

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

Section 368 provides:

SEC. 368. The Attorney-General shall exercise general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States.

Section 833 provides:

SEC. 833. Every district attorney, clerk of a district court, clerk of a circuit court, and marshal, shall, on the first days of January and July in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk-hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such returns the fees and emoluments received or payable under the bankrupt act; and every marshal shall state separately therein the fees and emoluments received or payable for services rendered by himself personally, those received or payable for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive. Said returns shall be verified by the oath of the officer making them

Section 349 provides:

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, and an Examiner of Claims for the Department of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to the following salaries: The Solicitor of the Treasury to $4,000 a year, the assistant Solicitor of the Treasury to $3,000 a year, the Solicitor of Internal Revenue to $5,000 a year, the Naval Solicitor to $3,500 a year, and the Examiner of Claims for the Department of State $4,000 a year.

Then section 350 provides:

SEC. 350. The officers named in the preceding section shall exercise their functions under the supervision and control of the head of the Department of Justice.

And then follows the provision as to the appointment of clerks, &c. Section 161 provides:

SEC. 161. The head of each Department is authorized to prescribe regulations not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Under the authority of these provisions the Attorney-General of the United States has made regulations, to be found in the Official Register of the Department of Justice, and the book I read from is the Register

coming up to 1884, the latest copy I have. I have no doubt the regulations are the same now. I read from page 167:

On taking the oath of office, United States attorneys will immediately transmit a copy thereof to this Department. They will, at the earliest practicable period, obtain from their predecessors in office the books, papers, and other property of the United States in their hands.

Whenever a district attorney retires from office he should make a complete inventory of all books in his office belonging to the United States, taking receipts in duplicate from his successor, one of which must be sent to this Department before a final settlement of his accounts can be made.

Mr. Duskin, the district attorney for the southern district of Alabama, was appointed by the President, by and with the advice and consent of the Senate. His commission, if I am correctly informed, read this way:

Chester A. Arthur, President of the United States of America, to all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity, diligence, and discretion of George M. Duskin, I have nominated, and by and with the advice and consent of the Senate do appoint, him to be attorney of the United States for the southern district of Alabama, and do authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the said office, with all the rights, privileges, and emoluments thereunto legally appertaining unto him, the said George M. Duskin, until a successor shall have been appointed and duly qualified.

I say that that is the commission of Mr. Duskin, if I am correctly informed. I have not a copy of it. I do not know but it might have been thought, if it had been called for by the Senate, as one of those things that would bear upon the suspension of Mr. Duskin, and, therefore, not within the authority of the Senate to ask for or to receive. But I take it that that is the form of the commission from the circumstance that after the passage of the law regulating the tenure of civil offices in 1867, this form of commission was adopted by the President of the United States under the advice of the heads of his Departments for all the Departments; and it is proved in evidence as being the form adopted at that time for the government of the Departments, and I know personally in fact that it has been continued until a recent period of time as the proper method under that law of issuing commissions; and I have no doubt the same form is now in use. By this, therefore, if I am correct as to the form of the commission, it will appear that under the broad seal of the United States and the signature of its then President, this gentleman, Mr. Duskin, was authorized and empowered to perform the duties of that office until his successor should have been duly appointed and qualified.

Holding this commission, and so far as we yet know faithfully performing its duties, on the 17th day of July, 1885, the President of the United States, under the authority of the statute I have had read, suspended this gentleman by an order in these words:

EXECUTIVE MANSION, *Washington, D. C., July* 17, 1885.

SIR: Your are hereby suspended from the office of attorney of the United States for the southern district of Alabama, in accordance with the terms of section 1768, Revised Statutes of the United States, and subject to all provisions of law applicable thereto.

GROVER CLEVELAND.

To GEORGE M. DUSKIN, Esq.,
United States Attorney, Mobile, Ala.

On the same day the President of the United States, pursuant to the same statute, issued this letter of authority to the designated person who was to perform the duties:

Grover Cleveland, President of the United States of America, to all who shall see these presents, greeting:

Know ye, that by virtue of the authority conferred upon the President by section 1768 of the Revised Statutes of the United States, I do hereby suspend George M. Duskin, of Alabama, from the office of attorney of the United States for the southern district of Alabama, until the end of the next session of the Senate; and I hereby designate John D. Burnett, of Alabama, to perform the duties of such suspended officer in the mean time, he being a suitable person therefor, subject to all provisions of law applicable thereto.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington the 17th day of July, in the year of our Lord 1885, and of the Independence of the United States of America the 110th.

GROVER CLEVELAND.

By the President:
[SEAL.]

T. F. BAYARD,
Secretary of State.

In that state of things the Senate met at its regular session on the first Monday of December last, and on the 14th of that month the President sent to the Senate the nomination of the same Mr. Burnett, the designated person, in these words:

I nominate John D. Burnett, of Alabama, to be attorney of the United States for the southern district of Alabama, *vice* George M. Duskin suspended.

GROVER CLEVELAND.

That nomination being under consideration, on the 25th of January last the Senate adopted this resolution:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

On the 28th of January, in reply to this resolution, the Attorney-General sent to the Senate a letter, which I ask the Secretary to read, to save my voice.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *January* 28, 1886.

The President pro tempore of the Senate of the United States:

I acknowledge the receipt of a resolution of the Senate adopted on the 25th instant, in executive session, as follows:

"*Resolved*, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama."

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having already been sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Very respectfully, your obedient servant,

A. H. GARLAND, *Attorney-General.*

Mr. EDMUNDS. The question then is, Mr. President, what was the nature of this nomination that the President of the United States sent to the Senate? You will observe that he had not undertaken, in the face of a statute that forbade it, to remove Mr. Duskin from the office of attorney of the United States for the southern district of Alabama, but pursuant to the statute and acting in terms under its authority and under no other authority, he suspended this gentleman from the performance of his duties. This gentleman remained still the attorney of the United States for the southern district of Alabama. He stood in the attitude of a military officer under arrest, as the President of the United States to-day might place the Lieutenant-General of the armies of the United States, General Sheridan; but that would not take General Sheridan out of the Army, I take it.

This act of the President, therefore, did not profess to be and was not an attempt to remove Mr. Duskin, but to withhold from him the right to perform the functions of that office until the judgment of the Senate could be taken in respect of his removal and the appointment of his successor. He takes pains, as he should, in his order of suspension and in his order of designation to state that both are subject to all the laws applicable thereto; and the preceding section of the Revised Statutes, a part of the law of 1867 and of 1869, declared in explicit terms that this man should not be removed except by the advice and consent of the Senate. It is plain, therefore, that he did not undertake to remove him, and that when the nomination of Burnett was sent to the Senate Duskin was the attorney of the United States for the southern district of Alabama. The proposition of the nomination was that Duskin should be removed by the appointment of this selected gentleman, if it should meet with the approval of the Senate, as his successor.

That was the proposition; and therefore if the Senate of the United States were even a jury and had to submit to the judgment of the President of the United States as a judge as to what evidence should be laid before it connected with the case and its relevancy, it would have been relevant on the very issue submitted by the judge to the jury to know what was the conduct and management of that office in the hands of the person whom the President asked the Senate to assist him in displacing permanently by the appointment of a successor. That was the question. It was a question that had arisen before, not between the President and the Senate, but by the predecessors of the present President of the United States in their own councils and with their own Cabinets and under the advice of the heads of their Departments, which the Constitution of the United States authorizes them to require, as to what should be the course of the Executive in the execution of the law which has been read. So on the 4th of August, 1870, a little more than a year after the passage of the act in its present form, General Grant, then President of the United States, took the opinion of his Attorney-General in respect of the execution of the act, which I ask may be read.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *August* 4, 1870.

SIR: Your letter of the 20th of July, 1870, presents the following facts:

Mr. George H. Yeaman was, by the advice and consent of the Senate, commissioned on the 22d day of January, A. D. 1866, to be the minister resident of the United States at Copenhagen. On the 16th day of April, 1869, Mr. C. C. Andrews was, with the advice and consent of the Senate, appointed and commissioned as the minister resident of the United States at Copenhagen. Mr. Andrews never went to Copenhagen, but was transferred to Stockholm, and on the 3d day of June, 1869, during the recess of the Senate, a commission as minister resident at that place was issued, authorizing him to hold the office in the place of General Bartlett, suspended, until the close of the next session of the Senate. On the 15th of March, 1870, Mr. Andrews was confirmed by the Senate as minister at Stockholm, and a commission was issued to him as such.

Mr. Yeaman continued under instructions, and without interruption, to represent the United States at Copenhagen. But, in consequence of the nomination and confirmation of Mr. Andrews, a new nomination of Mr. Yeaman as minister at Copenhagen was sent to the Senate at the beginning of its late session. The Senate adjourned without acting on this nomination.

Upon these facts you address to me the following questions:

1. Whether the laws known as the tenure-of-office acts, so far as they restrain the powers of the President, are applicable to the power to appoint embassadors, other public ministers, and consuls, conferred upon him by the Constitution, article 2, section 2?

2. Whether Mr. Yeaman, after the adjournment of the Senate without acting

on his nomination, may be regarded as the minister resident of the United States at Copenhagen and may receive compensation therefor?

3. Whether, in case it is held that Mr. Yeaman is not entitled to be so regarded, Mr. Andrews, having been confirmed by the Senate, first as minister to Denmark and then as minister to Sweden and Normay, is now entitled to be compensated for services as minister to both courts under the provisions of the act?

4. Whether, in case there is a vacancy in the mission to Denmark, the President may now appoint a minister to that place?

5. Whether, in case it is held that there is not a vacancy, the President may remove the incumbent (whether Mr. Andrews or Mr. Yeaman) and make a new appointment?

I will first answer your second question, "Whether Mr. Yeaman, after the adjournment of the Senate without acting on his nomination, may be regarded as the minister resident of the United States at Copenhagen and may receive compensation therefor?"

He is the minister resident now under his original appointment, unless his functions under that appointment have been lawfully terminated. His functions have not been thus terminated, unless that result has been effected by the nomination, confirmation, and commission of Mr. Andrews in April, 1869.

When there is a succession of persons in the same office, and the accession of one is to displace the other, at what point of time does the transfer take place? This question has not been adjudicated by our highest court, but it has received a careful consideration in a circuit court of the United States, and there it was held that the new commission did not vacate the old one until it was notified to the holder of the latter. (Bonerbank *vs.* Morris, Wall., C. C., 119; see also Willes's Rep., 279; 2 Hale's P. C., 25.)

This was in the case of a domestic office. In the case of a similar succession in a foreign mission, there is good reason for the rule that the holder is not displaced until the successor enters upon his duties. On account of the distance of his post from the seat of government any other rule would often cause serious embarrassment, notwithstanding the means of speedy communication which we owe to modern science. And this rule is well established in practice.

I need not refer you to the numerous instances in the history of our intercourse with other powers in which a minister has remained at his foreign post for months after the nomination, confirmation, and commission of his successor, and has all the time been considered by both governments as the lawful representative of his country. The rule is recognized by the clearest implication in the act of Congress of August 18, 1856, touching the compensation of diplomatic officers, which provides that "no person shall be deemed to hold any such office after his successor shall be appointed and actually enter upon the duties of his office at his post of duty."

The various modes of terminating a diplomatic mission are well fixed in the law of nations, and the only one of them which can have any conceivable application to this case is that of recall; for a removal by the accession of another to the office is, in effect, a species of recall. When there is no personal or national misunderstanding, which is the present case, the retiring minister usually receives from his government a letter of recall, which he presents to the proper officer of the country in which he has served, and this ceremony formally closes his mission. In the case of Mr. Yeaman I am advised that no letter of recall was sent, so that he has never been displaced by this method. Mr. Andrews never having entered upon the duties of his office, his appointment must be regarded as inchoate, and not effectual to remove Mr. Yeaman.

I am not informed that Mr. Andrews asserts any claim to the office in question. No doubt he considers, and properly, that his commission to Copenhagen was vacated by the acceptance of the mission to Stockholm; for although it is not contrary to the law of nations for the same person to be charged with a diplomatic mission to more than one government, yet where the missions are both permanent and require different official residences, and where the appointing power intends no such multiplication of his functions, the acceptance of a new commission signifies that the former appointment is declined.

The nomination of Mr. Yeaman to the Senate for reappointment, though wisely made under the circumstances out of abundant caution, was, in this view, unnecessary, as he was still in the office under a valid commission.

I am, therefore, of opinion that Mr. Yeaman should be regarded as the minister resident of the United States at Copenhagen and as having been such from the time that he first entered upon the duties of the office, and his right to compensation follows of course.

These views dispose of your third and fourth questions. The first I will notice at the close of this opinion.

Your fifth question is this: "Whether, in case it is held that there is not a vacancy, the President may remove the incumbent (whether Mr. Andrews or Mr. Yeaman) and make a new appointment?"

The facts of this case do not destroy or abridge the power which the President has over civil officers under the tenure-of-office acts—that is, a power to suspend the incumbent until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion by the designation of another, to perform the duties of the suspended officer in the mean time.

Your letter also presents the following case: On the 1st day of June, 1869, during the recess of the Senate, Mr. Spaulding (consul at Honolulu) was suspended, and Mr. Adamson was designated to fill the office till the end of the next session of the Senate, and was in due course nominated to the Senate as consul. The Senate adjourned without acting on the nomination.

Upon these facts you inquire—

"1. Whether the failure to confirm Mr. Adamson restores Mr. Spaulding to the consulate?

I think it does. This answer is in conflict with the most obvious inference, from the facts that the tenure-of-office act, as passed in 1867, provided that if the Senate should not concur in the suspension the suspended officer should "forthwith resume the functions of his office," and that in the amendment of April, 1869, this provision is left out. From this omission it may be plausibly argued that Congress could not have intended the failure of the Senate to sustain the suspension to restore the suspended officer. But this argument, in my judgment, is overcome by the force of the terms used in the act. The word suspension, when applied to an office, never signifies a final removal of the officer, but only a pause in his exercise of the office. To suspend is "to debar for a time from the execution of an office." The termination of a suspension of itself restores the suspended officer.

"2. Whether in that event the President can remove Mr. Spaulding?"

I think that he can suspend him until the end of the next session of the Senate, and can designate some suitable person to perform the duties in the mean time. The restoration of Mr. Spaulding by the failure of the Senate to act upon the nomination of Mr. Adamson gives him no new rights in the office. He holds it now by the same tenure as in the previous recess, and is subject to the same sort of displacement, that is, to suspension, but not to absolute removal by the act of the President alone.

The question may arise, whether the President has a right in such cases to suspend for the original causes or is confined to new ones. Under the tenure-of-office act of March, 1867, he was required to report to the Senate his reasons for suspending and the evidence, and the Senate was required directly to concur or refuse to concur in the suspension. The amended act requires no such report from the President and no direct action by the Senate upon the suspension. As that body would not pronounce upon matters which it does not officially know, and upon which its judgment is not required by law, I do not think that its action or its failure to act upon the nomination of the proposed successor can abridge the President's freedom of judgment in the matter of suspension. He may, therefore, suspend for any causes which in his judgment are sufficient, without regard to the time when such causes began to exist.

"3. Whether the President can, in any event, fill the vacancy?"

This inquiry is substantially covered by my answer to the first.

In this opinion I have assumed that the acts known as the tenure-of-office acts are applicable to foreign ministers and consuls. The powerful reasoning of Attorney-General Cushing in 1855 (7 Opins., 186) would withdraw diplomatic and consular appointments from the operation of these statutes and from any regulation by Congress, except in the matter of compensation.

On the other hand, while the tenure-of-office bill was under discussion in Congress, it was not denied that its provisions would reach diplomatic and consular officers, and a constitutional distinction between legislative power over these and over other officers does not seem to have been recognized. Attorney-General Evarts, in an official opinion, treated the act as applicable to the case of a diplomatic officer. (12 Opins., 457.)

Regarding the question, therefore, as doubtful upon authority, and perhaps upon principle also, I have chosen in this opinion to conform to what seems to be the last judgment of Congress upon the subject, reserving for a future occasion a special and thorough consideration of the grave constitutional question involved.

Very respectfully, your obedient servant,

A. T. AKERMAN.

HON. HAMILTON FISH,
Secretary of State.

Mr. EDMUNDS. I should like now to have read the opinion of Attorney-General Devens, much shorter, on the same subject, given to the President of the United States on the 4th of October, 1877.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *October 4, 1877.*

SIR: In connection with our conversation as to the duty of the President in sending in nominations to the Senate, and the effect of a failure so to do upon his part, or upon that of the Senate to act favorably thereon, I submit the following as a brief abstract of the law in relation to this subject:

Suspended officers.—By section 1768 of the Revised Statutes the President is authorized during any recess of the Senate *to suspend* any civil officer appointed with the consent of that body (except judges of United States courts) *until the end of the next session of the Senate*, and to designate some suitable person *to perform the duties of the suspended officer in the mean time.* At such next session, and *within thirty days* after the commencement thereof, the President is, by the same section, required to nominate a person in the place of the suspended officer.

Should the Senate during such session refuse to consent to the appointment of the person so nominated, the President is required, as soon as practicable, to nominate another person for the office to the *same session.*

If the session should not continue thirty days, and previous to its expiration the President may have nominated no one to the Senate in place of the suspended officer, the result would be that immediately upon the termination of the session the authority of the person designated to perform the duties of the suspended officer would cease and the latter become reinstated, for in such case the office is not put in abeyance. The incumbent, however, may be again suspended by the President as before, and the result would be the same when the President has nominated some one to the Senate in place of the suspended officer, but that body adjourns without acting upon the nomination, or after refusing its assent to the appointment. (See 13 Opin., 301.)

Vacancies.—By section 1769 of the Revised Statutes, the President is authorized to fill all vacancies which may happen during the recess of the Senate, by reason of death, or resignation, or expiration of term, by granting commissions which shall expire at the end of the *next session of the Senate.* Within thirty days after the commencement of the session, the President is, by section 1768 of the Revised Statutes, required to nominate persons to fill all vacancies in offices (excepting vacancies in offices which, in his opinion, ought not to be filled) that existed at the meeting of the Senate, whether temporarily filled or not.

If during such next session no appointment, with the consent of the Senate, should be made for the vacancy (whether it at the time be temporarily filled or not), in that case the office is to remain in abeyance until it is filled by appointment with the consent of the Senate.

Accordingly, if the session of the Senate should not last thirty days, and before its expiration no nomination to fill the vacancy may have been sent in by the President, the vacant office (whether temporarily filled or not) would be in abeyance immediately upon the termination of the session, and would so remain until, at a future session, the Senate should consent to an appointment thereto.

It will be seen that an office, the incumbent of which is merely suspended, is in no case placed in abeyance. This condition arises only where the office is vacant.

There is no duty devolved upon the President to send in nominations to the Senate in place of officers suspended or to fill vacancies unless that body shall continue in session for thirty days, although the results above stated follow if the Senate adjourns without confirming those appointed to take the place of suspended officers or to fill vacancies.

In sending in nominations to take the place of officers suspended by the President it is not necessary that any reasons for such suspension should be stated.

Very respectfully, your obedient servant,

CHAS. DEVENS.

THE PRESIDENT.

Mr. EDMUNDS. Thus, sir, it will be seen, in spite of sundry misleading discussions in the public press, and in spite of sundry inaccurate things stated in a message of the President of the United States to this body, and in spite of sundry inaccurate statements in the views of the minority of the Committee on the Judiciary as to what is the case we have now to consider, that by the law as it had been placed on the statute-book, by the action of all the administrations that had existed after the law was passed, and by the action of the present President of the United States himself in obedience to it, he has invited the Senate of the United States to agree with him in removing Mr. Duskin from office by the appointment and commissioning of a successor.

That being so—and it is incapable of dispute—the question is whether, on the theory of the Attorney-General or the President of the United States or the minority of this committee, official papers in the Department of Justice bearing upon the administration of the officer that we are asked to remove are relevant to the subject. I take it there is but one answer to that, although I should say here by way of parenthesis lest I should forget it by and by, that I do not admit and I do not think any member of the Senate will admit that the question of the relevancy of official information that we think we need and call for depends upon anybody's judgment but our own. I do not think the warmest administration man on the other side would say, take it year in

and year out, decade in and decade out, and century in and century out, that it is any part of the constitutional or legal or other mission of the President of the United States or any head of a Department to determine whether official information that exists in the Departments and is desired by either House of Congress is to be sent or not, according to his opinion whether it will be useful to them or relevant to their deliberations. I think I am safe in saying that.

The papers that were called for in the resolution of the Senate, as stated in that resolution, were papers that were "filed" there; and "filing" is a technical term, a term of art in law-making and in law administration. They were papers that were filed in the Department of Justice in relation, as I said a little while ago, not to any man or any officer even, but in relation to the management and conduct of an office; and in respect of such papers, the positive statute-law which has been read to you declares that the Attorney-General, and not the President of the United States, shall be the custodian, and that under his charge and in his custody they shall be held and managed and preserved.. And I might refer, if it were necessary, to another statute in respect of the proof and use of documents and papers and other things in the courts of justice, the old act of 1830 or 1840 or whatever it was, still in the Revised Statutes, that all papers not even filed in, but all the papers in any of the Departments of this Government could and should be proved in courts of justice whenever they were wanted in court for the administration of justice, by copies certified by the head or the chief clerk of that Department.

The men who made those statutes and who made these statutes to which I have referred were laboring under perhaps the delusion—but I think not—that papers which were in a Department, a public Department of the Government, must of necessity be public papers, official papers, papers relating to the administration of the affairs of that Department in some way or other; and certainly that would be true in respect of papers filed. What is an official paper, sir? It is not material to this discussion, because the Senate has not called for anything else. What is an official paper? Suppose a letter were addressed to the President *pro tempore* of the Senate of the United States, as some are every day, as you know, sir, and came to your office as President *pro tempore* of the Senate of the United States, proceeding to state that such a public measure was useful or hurtful; would that be a private paper or a public paper, a private paper or an official paper? I take it there would be but one answer to that question. You would hardly think it within the fitness of things, I take it, that you could carry it to your house, or put it into your pocket, or put it into your fireplace and destroy it. It is addressed to you in your official character, and that is what gives character to a paper of whatever kind it is, whether official or whether private. It is true there may be official papers that are marked confidential, but they are not the less official papers.

Now I take it that out of all the papers which exist in the Department of Justice—and the report of the Attorney-General admits that there they are—there is not one of them on this subject or on any other subject that is not addressed either to the Chief Executive of the United States in his character as such, or to some head of a Department, or some officer of the Department in his character as such, and that is why they are in the Department of Justice or in any other Department. That is what gives them their character.

Mr. President, the suspension of an officer is said by the minority of the committee to be an act solely within the exclusive discretion of the President of the United States. So say the majority of the committee. But is not the suspension of a public officer an official act? The statute says it is; the President says it is. When under his seal and signature and the certificate of the Secretary of State, the attesting witness of the authenticity of the document, he suspends an officer, he does it officially. Of course he has no right to do it privately. It is the President, and not the man, that suspends the officer, and it is therefore an official act. Therefore, every paper which is addressed to the officer exercising that function, in his character as the officer exercising that function and upon that topic, must be an official paper. No matter how vile it may be, no matter how false it may be, no matter how little influence it may produce upon the mind of the officer who has to act upon it, it is not the less an official paper. It does not belong to the man, be he President, or Secretary, or Attorney-General, but it belongs to the officer in his character as an officer. I take it there can be no question of that.

The Attorney-General, it may be added—for, as I say, these remarks that I am now making are quite aside from any questions we have at present before us—the Attorney-General of the United States in his response to this resolution of the Senate makes no hint that any part of the papers there, whether called for or not called for, were private and unofficial and personal or even confidential. Public papers, official papers, were called for. Public papers, official papers, are spoken of, and only spoken of in his response. He says that these papers called for by the Senate relate exclusively to the suspension of Duskin. How relate? Do they relate to the motives of the President of the United States in suspending Duskin, do you suppose? Do you suppose the President or any of his friends had filed in the Department of Justice a statement of his motives in proceeding in the case of Duskin to perform a high, official, and important act? By no means. That would be absurd and ridiculous.

These papers, therefore, on the statement of the Attorney-General, that relate exclusively to the suspension of Duskin, must state facts, or what are alleged to be facts, regarding the conduct of that officer either in his career in doing the business that the laws of the United States impute to him, or in his career as a citizen and man, rendering him fit to be continued in his place or rendering him deserving of being put under civil arrest until his case can be considered in the way that the law has provided. That is what they must be, as we all know. Now, then, if the Senate is called upon, as it is, to assist in displacing this man permanently from his office, the very papers that exist there on the admission of the Attorney-General are papers which relate to the conduct and management of that office while he had possession of it. And yet the minority of the committee tell us that inasmuch as these papers, if they were produced, would not only give us the facts upon which we ought to act for the proposed removal of this man, but would enable us to understand the reason that the President had for exercising that high official act, therefore the Senate of the United States being called upon to pronounce judgment on the official conduct of this man, and the President of the United States having been previously called upon within his jurisdiction to pronounce a judgment upon a similar question about the same man, the Senate can not have the papers, because if they aid in the exercise of their jurisdiction it would disclose the ground upon which the President acted in the exercise of his! If that is not a proposition which would stagger the credulity and amaze the understanding of any intelligent man in a government of laws or in a government of reason, I am quite unable to comprehend what would be.

Have we got to the point where we can know nothing about the operations of this Government,—because all its operations are executive and neither House of Congress has any executive power at all; it only makes laws or the Senate advises treaties and advises appointments; all the operations of the Government are executive, every one of them; and have we come to the day that inasmuch as the President of the United States is the Chief Executive and on his constitutional responsibility must see that the laws are faithfully executed, neither House of Congress can know anything of the facts and circumstances relating to the execution of the laws, because, if they did, they might be able to comprehend the motives and reasons of the President in carrying those laws into execution? Such a statement is shocking, and yet that is the logic of the whole thing, and it is the statement of it in the letter of the Attorney-General, and in the message of the President of the United States, and in the report of the minority of this committee, that however important this official information which exists in the Department of Justice may be to knowing the truth about this case and in other cases, the truth about all others, it can not be given to a branch of the Government that is to act upon the subject, because, if given, the private motives or official motives or reasons of the Executive might be guessed at or known! That would be the end of all information; and that is the reason the Attorney-General gives, that is the reason that he concludes by saying that it would not be for the public interest, under the direction of the President, that the Senate should have these official papers.

Well, the public interest is a subject that we all profess to have a good deal of interest in. It is what we are sworn, as well as the President of the United States, to take care of. The public interest, therefore, according to this letter, will not be promoted by telling the Senate of the United States that is asked help remove this man what the truth is, lest the truth should disclose to the Senate, and possibly to the public, what were the reasons of the President of the United States in exercising an official act! Well, sir, reasons must be tremendously sacred if the facts out of which those reasons grow are never to be revealed lest they might also reveal the reasons.

In this same office, Mr. President, as you will see by the statutes and regulations which were read to you, if the successor of Duskin, the designated depositary of this office, has done his duty, in that very office of Attorney-General at the time this letter was sent to us there was formal evidence of the transfer of the office on the 17th of July, or whatever the day was, from the suspended man to the designated appointee, showing the state of its papers, the state of its property, the state of accounts, everything that related to the management and conduct of the office, a report, a statement, a paper that the statutes of the United States require and authorize the Attorney-General to have and which by his standing regulations he should have and there should be in his office. If this designated depositary of this office has done his duty, there was also within the space of time covered by this resolution of the Senate more than one official report from him to the Attorney-General, which the law commands him to make twice a year and as much oftener as the Attorney-General requires him to make it. And yet it is said that inasmuch as these official reports might disclose to the Senate and to a listening and astonished world the reasons of the President of the United States for performing an act which the statute authorizes him to perform, the truth must be withheld!

It may be also that there are reports, as there should be, within limits, from examiners of the Department of Justice that from quarter to quarter and from half year to half year proceed to the various offices of the district attorneys and marshals in the United States to inspect and examine their books, their accounts, their disbursements, their vouchers,

and the general conduct and management of their offices. They are authorized by law. The Attorney-General is authorized by law to have them. He is authorized by law to regulate their official conduct and to require reports from them, which we all know they make.

Now, what do we know about the reports of these examiners? It may be that a report of one of these examiners in this case will show that the suspended man had been guilty of some dereliction of duty, some gross violation of the important trust confided to district attorneys of the United States, promoting unjust indictments, summoning unnecessary witnesses, packing juries, and so on; and yet it might interfere with the sacredness of the reasons of the President of the United States for suspending him for that cause, that the Senate should be enabled to know it when they are asked to remove him! That is the proposition.

The minority of the Committee on the Judiciary, if I read aright one of their propositions, seem to admit that whatever is official in the various Departments of the Government, either House of Congress in the exercise of its legitimate duties may have,—is entitled as of right to have.

The minority admit, once for all, that any and every public document—

By which I suppose they do not mean speeches of members of the the Senate and House of Representatives, necessarily or exclusively—

The minority admit, once for all, that any and every public document, paper, or record on the files of any Department, or in the possession of the President, relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

That was the proposition of the majority of the committee stated in their report, and as the minority of the committee seem to agree to that proposition, it is probably unnecessary to take time to discuss the authority of either House of Congress as of right, not depending on the discretion of any head of Department, not depending upon the supervising power of the President of the United States, whatever it may be, over the heads of Departments, but depending upon an inherent and essential right in the two Houses of Congress in doing their part to carry on the Government.

But the minority say, and say rightly, that the things they are entitled to know must be things which have some relation to their jurisdiction. That is clear enough, and I think I have satisfied those who have done me the honor to give me their attention that under the law as it stands, acted upon, and executed by the President of the United States the papers that were called for do relate to a function which is to be exercised by the Senate of the United States on the invitation of the President in the removal of one man and the appointment of another.

But I should not like to leave it right there, although it is enough for the purpose of these resolutions. The jurisdiction of the Senate and the House of Representatives, composing the Congress of the United States, is just as broad, ay, even broader than that of the President of the United States. He is an officer to execute law, nothing else. The executive power is vested in a President of the United States, and he is to swear that he will faithfully see to it that the laws are executed. He is not the maker of law, he is not the maker of war or the maker of peace, without the consent of the Houses. Their jurisdiction is infinitely broader than his, and when the Constitution of the United States commanded him in affirmative terms to from time to time give Congress information of the state of the Union—he shall do it, says the Constitution—it had reference to the universal power of knowledge and information of the two Houses of Congress in respect of every operation of the Government of the United States and every one of its officers, foreign and domestic.

That is "the state of the Union." The "state of the Union" is made up of every drop in the bucket of the execution of every law and the performance of the duties of every office under the law, either within its borders or out of it. There is no one mass, no one cue, or quantity, or subject that makes up "the state of the Union," as every gentleman—and there are a good many here who have been members of the House of Representatives, when they go into the Committee of the Whole on the state of the Union—knows. It is the condition of the Government and every part of it, not only its legislative part about which the President of the United States could communicate no information without impertinence, for the Constitution has declared that the two Houses are to regulate themselves, but he is to give to Congress, as a positive command, from time to time, information on the state of the Union; and that is because they are entitled to have it, and they are entitled to have it every time they call for it, and he violates a positive command of the Constitution when on a constitutional call and in a regular way by either House he omits to do it.

That is the reason why, since the beginning of the Government, from its earliest day until now, when either House, in calling for information, feels that there may be a question as to the public interests being involved in undue and early disclosures of some confidential fact which they are entitled to know, they then usually leave it to the President to send the information just then or not according to his judgment as to whether the public interest will be preserved or injured by its being done then.

So, going more broadly than the limitation of the minority of the committee, and speaking for a government of law and a government of the people, I maintain that either House of Congress has a right to know everything that is in the Executive Departments of the Government. I will state the extremest case possible, and that is either House calling on the President or the Secretary of State for information as to the disbursement of the contingent fund for the payment of the expenses of foreign intercourse, which is ordinarily called the secret-service fund. There is the money of the people appropriated from the Treasury under a law which says that a voucher of the President of the United States shall be good with the accounting officers of the Treasury that the money has been properly expended, while in the State Department are the real vouchers which show whether the money has been expended for one purpose or another, or if there be no voucher and no money, it would show, of course, by a simple proposition in arithmetic and common sense, that it had been embezzled.

Suppose some President of the United States two or three years ago, when I believe we appropriated one or two or three hundred thousand dollars, a very large sum of money, for the contingent expenses of foreign intercourse, not long preceding a great political election, should have turned into the Treasury a lump voucher for that whole hundred or two hundred thousand dollars, whatever the amount was. Suppose at the next meeting of the Senate or the House of Representatives they should be of opinion that for the security of good government and as a guard against any corruption and improper use of that money it was necessary that they should know what had become it, would it be within the power of the Secretary of State or the President of the United States to say no? If so, we had better be extremely careful hereafter as to how much money we put into the contingent fund for foreign intercourse, if it is a sealed book to the two Houses of Congress. Nobody has yet ever contended that it was; and there is an instance which I shall show to you as illustrating the extremest case that can be stated, where a Democratic Senate of the United States, if that makes it any better, though I do not think it does, called for that very information, as to what sum of money and how it had been expended by a particular private and secret agent of the United States in another country, and they got it. But, to be sure, the age of reform had not come in. The improvement in public methods, so far as we have yet gone, would seem to be chiefly and most conspicuously the suppression and concealment of public papers, with the best intentions undoubtedly; but I repeat, for the first time in forty years and more, so far as I have been able to discover, has either House failed on its call to get the information that it has asked for from the public Departments of the Government.

In respect of this very instance, which illustrates the importance of standing up for this right of good government, when this resolution was sent to the Attorney-General of the United States and when his reply was made there was, I believe (I am not perfectly sure about the date), pending in another branch of Congress a bill providing for a deficiency of about $185,000 in the Department of Justice for fees of jurors and fees of witnesses, and there was there, I have no doubt, as there is here now, a letter of the Attorney-General of the United States, not sent according to the provisions of the statute through the Secretary of the Treasury as an estimate for a necessary appropriation of the public money, but under an emergency of haste that would not admit of compliance with the regular forms of law (and I make no complaint of it at all; it was perfectly right), a statement that there must be had for this current fiscal year ending on the 30th of June next, a year covering twelve months of purely Democratic control and administration, a deficiency, if I am not wrong in my recollection, of $185,000—$50,000 for jurors and $135,000 for witnesses.

If the case of Duskin, as it fairly does, illustrates the instances of all others—the district attorneys and marshals of the United States, commissioners, everything that goes to make up the autonomy of the administration of justice is an illustration—we have drawn in question, and we had drawn in question then, what has become of the money that was appropriated at the regular session to carry on the administration of justice through the Department of Justice in the United States? Duskin was one of the persons who were to draw upon that fund. He was in his district the very person whose agency more than that of any other man would go to an economical or an extravagant, a just or an unjust expenditure of the public money. Can we not know anything about it? Take the other sixty or seventy districts, whatever the number may be in the United States, that make up the aggregate of this enormous deficiency. If it is denied to us as to Duskin, it must be denied to us as to Dorsheimer; it must be denied to us as to Henry, the marshal for the State of Vermont, and every other marshal, every other district attorney. What then are we to do? Why, the President and the head of the Department of Justice, my good friend, Mr. Garland, might have said to us, if we had passed the resolution while we were acting in a legislative way, as it is called (as if there were any difference in the powers of the Senate, as if it were two bodies, whether it had its doors closed or open!)—if we had sent precisely this resolution, this very bill now before us being pending here, to the Department of Justice and applied it to all the districts in the United States, if the Attorney-General and the President are right now, they would have been right then in saying, "No; we can give you no information as to the management and conduct of those offi-

cers, either district attorneys or marshals, because if we do you may be able to know the reasons why so many of the marshals and district attorneys have been suspended, and that is a matter purely within the constitutional or legal province of the President of the United States; and therefore we will not show our hand, therefore you can not have the information." Can anybody stand up and maintain a proposition of that kind? And yet is not that the position of our good friends the minority of the committee, and their good friend and ally the President of the United States, who, with a courage which is certainly unique, has interjected his supplementary report to the report of the minority before the Senate had even considered it? If the President of the United States and the Attorney-General had been called upon they would have said "no," and there we should be.

Mr. President, is it possible to carry on a government in that way? I think not. And yet the minority say, and so does the President I believe, and so does the Attorney-General certainly, that one of the great imperfections and imprudences and usurpations of which the Senate has been guilty in this instance is that when it passed the resolution the galleries were not quite so full as they are to-day, as if the constitutional relations between the two Houses of Congress and the Executive Departments of the Government, and their respective rights to information, or the denial of it, depended upon whether one House or the other was acting at the time of its call with its doors closed and was doing one kind of business rather than another.

Sir, there are no two bodies here; there are no two jurisdictions here in the Senate. We are one body, with one jurisdiction, and whatever knowledge we get while we are discussing one thing or considering one act is equally applicable to every other subject and every other act that we may consider and do. That is clear enough; and yet, as I say, we are told that for the sole reason that these official papers and documents—and none others were called for (and it is impossible to assume that any others were called for, for the language is so clear that a simpleton who can read or write under the new bill we have passed can understand it)—may disclose the President's reasons they shall not be given, but we shall be required to proceed in the dark.

There was about fifty years ago or more a very celebrated Senator from a Southern State, as all its Senators have been celebrated, and on a similar occasion—not identical, because nothing of the kind in the way of refusal to send official information or papers happened; they were sent, but on a similar topic in executive session concerning the Panama mission—Mr. Hayne, of South Carolina, upon a resolution which it was proposed the Senate should adopt for the purpose of getting possession of all the facts relating to the assembling of a congress of the South American States and the Central American States and the United States, a congress of embassadors at Panama or Mexico or some convenient place, something similar to what is now proposed in reference to the American interests, when some overzealous friends of the President apparently were opposing the resolution, said this, which will be found in the Congressional Debates of the 14th of March, 1826, volume 2, part 1, page 159:

> However gentlemen may be enamored of this new doctrine of confidence in rulers, it is not the ground, I apprehend, on which the Senate ought to act in fulfilling their constitutional duty of giving advice to the President. If we are to act by faith and not by knowledge, we have no business to be here.

I think so, too. Knowledge is denied to us, and if we act in the direction that the Attorney-General and the President desire us to act in putting through the six hundred and forty-three or six hundred and fifty removals and appointments by faith and not by knowledge, then I agree with Senator Hayne, of South Carolina, that we have no business to be here.

There is only one other thing that I wish to say at this time—I find it difficult to speak—and that is, in fairness to the gentlemen on the other side, the minority of the committee, as they say that there had been no instances of a call for papers in such a case as this being obeyed until 1867. I wish to say that taken literally that would be true, because until 1867 there was no statute of the United States that authorized the President of the United States to suspend any officer at all. It is a perfectly easy and safe proposition therefore to make that until 1867 no such case of a call for papers as this existed in which the President or the head of a Department acceded to the demand. Perhaps what they meant to say was that it had not been done in cases where the President of the United States had made a removal in the exercise of authority conferred upon him by law, for I believe every law, or nearly every law, down to 1867 in creating offices provided that they should be held at the pleasure of the President of the United States. Even the four-year office act required that the incumbents should hold their offices for four years, unless sooner removed by the President of the United States. Perhaps the minority meant to say simply that when the President had exercised the power of removal which the law conferred upon him the Senate had never called upon him for the reasons for that removal with success.

Although I dare say some instances can be found, I do not remember any instance of that kind where the Senate called without success, for I think there are few instances where they called at all, and but one that could be considered as having the slightest analogy to this instance. That instance is not mentioned in the report of the minority of the committee, but it may be that it is familiar to them and that they thought, as I did, that it does not touch this case, as it does not. But I will state it.

In 1835, President Jackson, then being the Chief Executive, pursuant to the authority of law, removed a surveyor-general of the territory south of the Tennessee, a man named Wirtz, I think, in vacation, as he had a lawful right to do, and Wirtz was gone. He did not suspend him; there was no law that authorized it. He had the power to remove him, and Wirtz was out of office. He nominated one Williamson, whom he had appointed by special commission, I believe, to fill up that vacancy. The nomination of Williamson being before the Senate, the Senate passed a resolution calling upon the President for the papers and information—I do not remember the language but I will state it broad enough so that I shall not understate it—calling for the papers and information in his possession regarding the behavior of Wirtz, the man who was dead and gone and out of office. General Jackson replied in a message that was very characteristic. He said in substance that the time had come to call a halt; that that was one of the numerous calls of that nature which had been made upon him before that time by the Senate on all sorts of subjects which he had hitherto complied with, but he was going to stop now; that he had removed Mr. Wirtz in the exercise of a constitutional and legal power, and the reasons that he had for doing it were none of the Senate's business. Well, the Senate did not get the papers, if there were any. If I now state anything which does not come within the resolution of the Senate taking off the injunction of secrecy as to papers, &c., I hope the Senate will deal gently with me, as it is so long ago. The Senate the next day or the next day but one, in 1835, without a division and apparently by a unanimous vote, rejected Mr. Williamson, although in the very message of the President of the United States stating that he would not tell them anything about what Wirtz had been doing he took particular pains, at the end of the message, in the most formal way, to state that Williamson was one of the best qualified and most valuable personages he had ever known. Of course I have stated this strongly; but he urged upon the Senate a very strong commendation of Williamson. Within three days afterward Williamson had followed Wirtz into the land of the political hereafter.

That was the end of the affair between General Jackson and the Senate of the United States on the subject of papers about appointments. We all know the character of General Jackson. There was something peculiar about the Wirtz business which the public does not know and that got the old gentleman indignant; but down to that time every species of resolution touching foreign affairs of the most delicate character, touching the operations of the Army, touching rank in the Army, touching every part of administration which belongs not to the Senate but to the President, and belongs to the President just as exclusively as the power to remove or suspend does, if he had a power to remove, as he did under the law, had been passed by the Senate and answered by the President. On every other topic President Jackson, like all his predecessors and like all his successors until to-day, felt bound to and did give to both Houses of Congress every information that they ever called for, excepting as the report of the committee and as the views of the minority state the instance of General Washington, who, while a treaty was pending before the Senate of the United States between us and Great Britain, was called upon by the House of Representatives to send to them copies of the papers and information about that treaty, which he declined to do upon an obvious ground, consistently with all that I have said and which is stated in the report of the majority. That is what both Houses have done.

Now, Mr. President, if it would not take too much time, I should like as a mere matter of interest to the Senators to refer to a few of these instances.

In executive session on the 3d of March, 1806, the President was requested to report all documents and papers relative to the interference of the American minister at Paris in the case of the ship New Jersey. There was not and could not be any possible question pending in the executive session of the Senate regarding the ship New Jersey or the American minister at Paris. The Senate, of course, got the information.

On the 14th of March, 1806, in executive session, the Secretary of the Navy was directed to report the name of a certain person in some foreign country who had sold to a naval officer of the United States some peas that turned out to be unhealthful to the sailors, and some other things relating to the administration of the Navy Department under the direction of the President of the United States in a foreign country. They got that, although Thomas Jefferson was a man who stood up pretty strongly for his rights.

On the 2d of June, 1813, the President was requested to communicate copies, and did communicate copies, of the communications on the subject of the Emperor of Russia being invited to be an umpire in a controversy between us and Spain, there being pending no treaty with Spain at that time and no question, so far as I can discover from searching the Journals, being before the Senate to which that inquiry had particular relation. It was the Senate of the United States, as in these preceding cases that I have read, acting in its highest and best and broadest character of looking out for the welfare of the Union and under-

standing the state of the Union by running its eyes over every object of public interest that the public Departments were carrying on.

Then on the same day the President of the United States was requested to inform the Senate, and did inform the Senate, whether any communications had been received from one Russell, who was an agent of ours, admitting or denying the declaration of the Duke of Bassano as to the repeal of the Berlin and Milan decrees. There was nothing pending about that matter in the Senate, but all students of history, as Senators are, know that on the occasion of the repeal of those decrees the time when it was first known that it was to be done was important, just as our friends in the galleries like to get very early information of what the Senate does with closed doors, or is going to do, as of the greatest possible importance. It had been stated that an agent of the United States had got that information and had given it away in an improper manner; but the detail it is quite unnecessary now to go into; and thereupon the Senate of the United States, in order, I repeat, to keep itself acquainted with the state of the Union and the executive affairs of this Government and the conduct of all its agents, proceeded to call for this information, and got it as a matter of course. It was not exercising a jurisdiction to confirm or reject Russell for anything, or to ratify or reject a treaty. It was getting information in a general way for its general purposes in the exercise of its general duty.

Then on the 30th of December, 1818, the President was requested to communicate the instructions given to the United States minister at Great Britain, a matter acting in the past, referring to diplomatic operations, which the President of the United States, as the executor of its laws and the manager of its foreign intercourse, except in the making of treaties and the appointment of officers, as much as he is the manager of the civil service of the United States or the Commander-in-Chief of its armies, and having as exclusive control over it within the limits of the law and his constitutional duty as he has over the suspension of Duskin, and much more, is called upon to give this information, and does it as a matter of duty.

On the 1st of February, 1822, the President was requested to communicate all such letters and petitions or other papers presented to him relative to the appointment of one Irish as marshal, as well those which oppose as those which request it. There was an instance which brings to my mind a suggestion in the report of the minority of the committee and the argument of their coadjutor, that in respect of all papers relating to appointments, to the fitness of persons proposed to be appointed, the Executive and the heads of the Departments cheerfully send them. Why? Do they send them as an act of grace, as one supreme power, the Queen of Great Britain, for instance, would, as an act of grace, send a copy of a paper in her foreign office to the President of the United States if he asked for it; or do they send them as a matter of duty because the body calling for them as a matter of right desires to see them? Which was it? How is it, my learned brothers on the other side of this Chamber? Do they come in that instance because it is the gracious pleasure of the President of the United States to allow us to see them, or do they come because it is his constitutional duty to send them on the request of the Senate? I say the latter. You will say the latter, of course. Very well.

Now, what is the nature of these papers? They are not addressed to the President and the Senate. We have got three or four barrels of them downstairs. They are addressed to the President of the United States and to the Attorney-General and to whomever. They are sometimes addressed to Senators, and get into the files of the Department of Justice, where they were intended to go. What are they to accomplish? They are to bear upon the mind of the appointing authority in the exercise of a jurisdiction that the Constitution gives to him exclusively, and that is to select out of the army of applicants and their friends one man whom he and he alone can select and nominate. That is his exclusive power. These papers, therefore, are just as sacred and just as private and just as confidential and just as much his own as the papers which recommended somebody else that he did not select, as the papers which accuse somebody that he is to remove of being a Republican, of having been a Union soldier, of having voted for his ticket, of having stated to his fellow-citizens that he believed that the mission of the Republican party was a good one, and that all that had been done for the good of the country in the last quarter of a century had been done by it. All those offenses are charged to him. How does it happen that one paper which relates to a subject exclusively within the control of the President, the selection of the nominee, is a paper that we are entitled to have, and that the other paper, which charges an officer that we have got under the law and who holds the commission of the President in terms until the Senate agree to remove him, is a private and confidential paper that nobody can see? I hope some day somebody will explain that. I think that I could explain it now if I wanted to do so [laughter], an explanation perhaps not within the line of the mere consideration of these resolutions upon its face. Perhaps later we may refer to it. I proceed with my citations from the Executive Journals of the Senate.

On the 13th of March, 1822, the Committee on the Judiciary were instructed to procure from the Secretary of State a letter of Jennings, of Indiana, recommending one Dewey for appointment as attorney of the United States for Indiana. The terms of this resolution instructing the committee to get this paper implied that the power extended to a private paper, so far as such a paper can be a private paper, referring to a letter of a private person, and not describing it as addressed to any public official, but only a letter that the Senate had reason to believe existed as a thing in the Department of State. The Committee on the Judiciary was instructed to get that letter. How did the Committee on the Judiciary get any right to obtain it, for they got it? They got that right from the authority of the Senate, did they not? In no other way. And what was the authority of the Senate to get that letter? It was in the exercise, as my friends the minority of the committee say, and say so clearly, in the exercise of an inherent jurisdiction to have the official eyes of this body see everything that existed within the marble caverns of that Department. They were brick at that time, I suppose; but the letter was got.

On the 10th of April, 1822, the Secretary of the Navy was instructed to report in what situations and for what reasons—think of the audacity of that! I notice that a very high official in a supplementary report to that of the views of the minority now before the Senate states that he has been plied (whatever that may mean) by applications of committees, &c., for reasons, and that leads me to think how audacious the Senate of the United States of 1822 must have been to have absolutely had the hardihood to order the Secretary of the Navy—very likely we had a navy then that might have battered down the Capitol if the President had only directed them to do so—to report in what situations and for what reasons acting appointments of officers are made in the Navy Department, a matter exclusively under the law within the jurisdiction of the President of the United States. The information came; the reasons were given.

On the 13th of January, 1825, the President was requested to report the instructions he had given to Mr. Rush, our minister to England, and his correspondence and the whole of it. I have only made short notice of course of those resolutions. This was at a time when there was not pending before the Senate anything that had direct reference to what Mr. Rush might have been doing in corresponding with the British minister, what he had been saying at the court of London. It was again the glance of the universal eye of the political power that the people had reposed in the two Houses of Congress over the operations of the various Departments of the Government.

On the 30th of January, 1826, the President was requested to inform the Senate whether the Government of Spain had been informed of an application made by the United States for the intervention of the Emperor of Russia, with all the correspondence, &c. There was another occasion of the same character. If the right existed at all, it existed upon the inherent ground of universal jurisdiction. The information came.

On the 15th of January, 1827, the President was requested to communicate—and he did—a copy of the credentials of Mr. Sergeant, minister to Panama, with all the other information upon the subject. That was after the Senate had voted and the House of Representatives had made the appropriation for paying the expense I believe, certainly after the Senate had voted to agree to send a minister to the congress at Panama and he had been confirmed, commissioned, and started on his journey, so that the function of the Senate as a part of the appointing power of a minister, the function of the Senate as a part of the treaty-making power, had been entirely exhausted; and only in its character as a representative of the inherent political sovereignty and freedom of the people did it call upon the President of the United States to know precisely what he, in the exercise of his discretion, not its, had told this commissioned minister to do. He gave the information. It is a pity he had not lived a little later, because he did not wish to do it.

On the 30th of April, 1828, the Secretary of War was directed to report copies of the reports of the Inspector-General of the Army of the United States, confidential as well as others, details of all statements and instructions. If we adopted the theory of the minority and the Attorney-General and the President, that there was any difference in respect of the power of the Senate when its doors were closed or when they were open, we might imagine that if such a resolution had been adopted with open doors there might have been some matter of legislation pending or to be pending in the Senate with which it might have to do; but unhappily in this case for that style of argument the Senate adopted this order in executive session. It was complied with, as a matter of course.

On the 23d of March, 1836, the President was requested to cause the Senate to be furnished with a copy of all the correspondence which took place between the Secretary of War and the delegation of the Cherokee Indians, of which John Ross was a member, between the 3d and the 15th days of March, 1835, which was given.

On the 21st of February, 1844, the President of the United States was requested to cause the following papers to be sent to the Senate at as early a day as it may be convenient to him:

"A copy of the commission by the President to Caleb Cushing, appointing him a representative of the Government of the United States in China.

"A copy of the requisition, warrant, receipt, and all other papers or documents on file in any of the Departments or in any office in either Department of the Government, touching or concerning the payment

from the Treasury of the $40,000 heretofore appropriated for sending a commissioner, &c., to China, or of any part of said sum."

This was in executive session. The resolution was agreed to, and the information was sent.

On the 11th of January, 1853, Mr. Shields, of Illinois, a prominent Democrat of that day, certainly a great general, offered the following resolution:

Resolved, That the Secretary of War be requested to transmit to the Senate in executive session the correspondence of Mr. Schaumburg with the Secretary of War in relation to his claims to continuance as an officer of the Army of the United States.

What had the Senate to do with that on this theory, it being purely a matter under the Constitution and the laws for the President and the Secretary of War? And yet undoubtedly, it having been stated to some Senator that Mr. Schaumburg felt himself to have been in some way wronged, or some other person having been wronged by the appointment of Schaumburg, the Senate of the United States calls for the information which touches that subject, and it gets it.

On the 1st of June, 1870, the Senate adopted a resolution (and it got the information) calling on the President "for information touching any proposition, affair, or design of any foreign power to purchase or obtain any part of the territory of St. Domingo, or any right to the Bay of Samana," a matter entirely extraneous to anything then before the Senate, and falling within the description of information that I have described.

On the 8th of June, 1870, Mr. Sumner submitted the following:

Resolved, That the President of the United States be requested to communicate in confidence to the Senate the instructions of the Navy Department to the Navy officers in command on the coast of Dominica and Hayti, and the reports of such officers to the Navy Department from the commencement of the negotiation of the treaty with Dominica.

And the resolution was answered by General Grant immediately.

On the 12th of December, 1876, coming down to recent times, on motion of Mr. Bayard, then a distinguished Senator in this body and now the head of the Cabinet and heir-apparent to the Presidency of the United States, the Attorney-General—not this present gentleman, but one of his predecessors—was directed to inform the Senate of the total number of deputy marshals employed at the election in November, with a full statement of the causes and necessities of such employment and the object thereof. This call was complied with. On this new theory, there was a direct and violent invasion in respect of the functions and causes and reasons which the Constitution and laws had placed solely within the scope of the executive department, and yet the Senate agreed to it unanimously and the Attorney-General obeyed it immediately.

Then, on the 16th of November, 1877, going again to the Department of Justice, and going now to the administration of justice not in regard to the appointments of officers or anything else than in the mere administration of justice, the Attorney-General was called upon to report all the information, and conduct, and acts and operations about the judicial seizure of logs in some of the Southern States alleged to have been taken from the public lands of the United States, which some of the older Senators remember we had a considerable discussion about afterward when we got at the facts. What business had the Senate of the United States to invade in this instance not only the executive but the judicial department of the country to ask for the information? Where did they get the power?

On the 6th of December, 1877, another Department was called upon to give us copies of all the agreements and contracts that under the law had been made by one of the Departments with the Pacific railroads; and on the 7th of December of the same year the Department of Justice was called upon, or the President—I do not remember which, the Department of Justice I believe—to send in at once a list of all criminal prosecutions and what was being done about them in the State of South Carolina. And on the same day a report was called for of what legal impediment exists in enforcing the laws against the Pacific railroads. On the 11th of December, 1877, the Secretary of the Interior was directed to report by what authority Indians are located at Cimarron; and on the same day the President was "requested to inform the Senate, with a view to the transaction of its executive business, whether in any of the instances of nominations hitherto sent to the Senate, stated to be for appointment in place of officers removed"—as they stood in the nominations—"such removals had been made at the time of sending such nominations to the Senate." The President immediately replied:

To the Senate of the United States:

* * * In reply I would respectfully inform the Senate that in the instances referred to, removals had not been made at the time the nominations were sent to the Senate; the form used for such nominations was one found to have been in existence and heretofore used in some of the Departments, and was intended to inform the Senate that if the nominations proposed were approved, it would operate to remove an incumbent whose name was indicated.

R. B. HAYES.

EXECUTIVE MANSION, *January* 14, 1878.

On the 20th of December, 1878, the Secretary of the Treasury was "directed to furnish the Senate in executive session all papers in his office showing why Lieut. A. M. Devereux was removed from the Revenue-Marine Service," which order was obeyed.

On the 4th of February, 1878, the Secretary of War was directed to report copies of all papers relating to the settlements that he had made for transporting troops on a particular occasion, and on the 4th March of the same year the Secretary of the Interior was directed to report what steps had been taken for the suppresion of timber depredations in Montana; and on the 17th April of the same year, on motion of Mr. BECK, the Secretary of the Treasury was commanded to inform the Senate as to the comparative amount of the consumption of domestic and foreign articles upon which the tariff bore. Where did the Senate get authority to set the Secretary of the Treasury about any such business as that? It is almost impossible to imagine nowadays, Mr. President.

Then on the 24th of May, 1878, the Secretary of the Interior was directed to communicate a copy of a memorial regarding a rehearing in an Indian lands case in his Department, which by the law belonged exclusively to that Department and not to the Senate.

On the 15th of June, 1878, Mr. Hereford, of West Virginia, moved that the Senate order that the Secretary of the Treasury report all the amounts of money that had been paid to syndicates in the sale of the bonds of the United States.

The Secretary of the Treasury was directed on the 16th of December, 1878, to report the amount of deposits in the Freedman's Savings and Trust Company, and on the 19th the Secretary of War was inquired of as to the issuance of arms on requisitions of the Departments of the Interior and Treasury and of Justice, a matter purely executive.

On the 22d of June, 1879, the Secretary of the Interior was directed to report the arrangement with the Lawrence University about Indian children. On the 8th of December, on motion of Mr. Eaton, copies of proceedings were called for regarding the Isthmus canal. On the 19th of January, 1880, the Secretary of State, on motion of Mr. Wallace, was directed to report the number and names of Spanish and American claims before the commission. On the 29th of January, on the motion of Mr. Johnston, a resolution was adopted as to the payment of the Venezuelan awards and the reasons for non-payment, and on the same day a resolution offered by Mr. VEST calling on the President for all information in regard to Max Bromberger's claim against Mexico, and on the 4th of February a resolution of Mr. Kernan directing the Secretary of the Treasury to report the reasons for order 175, as to withholding the publication of statistics of importation. On the 16th of February the Secretary of War was directed to report the names of all Army officers retired since June 18, 1878. On the 25th of February, on motion of Mr. Wallace, the Secretary of the Navy was directed to report as to the dropping of Bellows from the Navy roll.

On the 27th of February a resolution of Mr. MORGAN called for the action of the President in the payment of Mexican awards; also on the 27th of February a report was called for as to suits in New York on patent for canceling postage-stamps; on the 1st of March a report, on the motion of Mr. BECK, was called for from the Secretary of the Treasury in respect of all star-route payments. On the 11th of March, on Mr. COCKRELL's motion, copies of all patents to lands issued to Indian tribes were called for. On the 23d of March a resolution was adopted directing the Secretary of the Interior to report on patents issued to McBride, a private land case apparently. On the 6th of April a resolution passed directing the Secretary of the Navy to report the proceedings of a court-martial on Nicholson. On the 26th of April the President was requested to report a copy of dispatch 938 from the United States minister at Mexico. On the 30th the Secretary of the Interior was directed to report whether there had been any change about the rulings as to public lands. On the 13th of May the Secretary of the Interior was directed to report the correspondence on the rejection of certain bids for wagons. On the 22d of May, on motion of Mr. COCKRELL, the Secretary of the Treasury was directed to report the number, kind &c., of all buildings rented by the United States. On the 27th, on a resolution offered by Mr. Pendleton, the President was requested to communicate whether any supervisor of the census appointed by and with the advice and consent of the Senate has been removed by him or with his consent, and whether a successor has been appointed, all of which the President then with his understanding of his duty very weakly obeyed; a direct invasion, according to our present suggestions, of the rights of the Executive. On the 28th of May, on motion of Mr. BUTLER, of South Carolina, the Secretary of the Treasury was directed to report in ten days copies of all papers, figures, decisions, &c., as to the tax question pending in the courts in New York between the New York Central and Hudson River Railroad Company and the United States.

On the 9th of January, 1879, it was—

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate in executive session the following papers, or copies of the same, now on file in the Treasury Department:

First. Charges against the Superving Inspector-General of Steamboats made by E. Platt Stratton, and dated on or about the 22d of October, 1878.

Second. The answer to said charges by the Supervising Inspector-General, and the supplemental answers, dated respectively November 16 and 18, 1878.

Third. Charges by the Supervising Inspector-General against E. P. Stratton, dated December 14, 1878.

Fourth. Report of the Supervising Inspector-General touching E. Platt Stratton, dated on or about June 21, 1878.

Fifth. Letters, telegrams, and accounts touching boiler explosions and casualties in the district of said Stratton since March, A. D. 1878.

In that connection I ought to call your attention—I seem to have

mislaid the papers—to the proceedings that took place in this body on the removal of Mr. Arthur and Mr. Cornell as collector and naval officer at New York and the appointment of their successors. A resolution was offered late in the extra session, in November, 1877, calling for the papers, the charges, and all the information that bore on the subject of the proposed removal. It was almost the last day of the session. It was not acted upon. When the Senate met in regular session and these nominations were again submitted if they went over—I do not remember how that was—the President of the United States, without waiting for this resolution which had been offered and was pending in the Senate, but on the call of the Committee on Commerce, sent to the Senate his statement of the facts and circumstances and the reasons that led him to propose these removals and these changes, accompanied by a letter of the Secretary of the Treasury, the present presiding officer of this body, explaining in the fullest manner (whether satisfactory or otherwise to all Senators is entirely a question apart from this) every fact and every circumstance and every reason and every argument that bore upon the public question of making a change in those offices. I think I am safe in saying that neither the President of the United States nor the Secretary of the Treasury nor any other of his advisers ever entertained the thought for a moment that it was not the right of the Senate of the United States to go to the bottom of the whole affair and have every fact and every reason that it desired to have or thought would be of any use to it in acting intelligently upon the subject.

I present next a series of original papers, resolutions, &c., and answers to them running through the '27s, and the '32s, and the '42s, and the '44s, and so on down to 1850 and 1853, covering the gap of time that is not included in these other memoranda that I have read, covering every species of information, private papers called for by express resolution of the Senate in one instance, and private papers, private letters written to the President of the United States by some minister of the United States, on a topic that the Senate thought themselves entitled to know about as to the expenditure of the secret service fund by the payment of a secret agent of the President of the United States in obtaining information and carrying on political affairs at London or in France, covering, I repeat, every variety of the functions of government, and yet none of these men, Presidents, Secretaries, Senators, supposed that one was invading the constitutional sacred privacy of the other, but all supposed that whatever they did in their official character they did as constitutional and lawful officers of the Government, and that each in the exercise of the duties that were imputed to it had a right to know all that the other knew, just as by the standing orders of this Senate the President of the United States is entitled to have extracts or the whole of every secret journal that we have.

Mr. HARRISON. And to be here too.

Mr. EDMUNDS. And to be here too, if he likes. Let me run over these instances.

On the 24th of December, 1827, President Adams, in a message to the Senate "in compliance with a resolution of the Senate of the 14th instant, requesting a communication of the instructions to the American minister at London for the negotiation of the convention of the 13th November, 1826, with Great Britain for indemnity to the claimants under the first article of the treaty of Ghent, together with the letters of the minister accompanying and explaining the said convention," transmitted a report from the Secretary of State, together with the documents desired.

On the 29th of March, 1832, President Jackson, in a message to the Senate, transmitted a report from the Secretary of State, in compliance with a resolution requesting the "President to inform the Senate whether any, and if any, what communications have passed between the executive department of the United States and the executive or legislative department of the State of Maine relative to the northeastern boundary, and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a *consideration* to be paid to Maine; and, if so, what consideration is proposed, so far as the same may not be inconsistent with the public interest."

On the 17th of January, 1843, the Senate, on motion of Mr. Huntington, directed the Secretary of the Treasury to communicate to the Senate the names of the persons who, at the time of the appointment of Thomas S. Smith to be collector of the district of Philadelphia in the place of Jonathan Roberts, removed, were employed in the custom-house in that district, as measurers, inspectors of the customs, night inspectors, gaugers, weighers, clerks, or messengers; the names of such of them as, since the appointment of said Smith, have been discharged or removed from their said offices, and the time or times of such discharge or removal; the names of such as have been appointed and employed in the said offices since said Smith entered upon the duties of his said office; the names of all persons who ordered, or requested, or advised such removals and appointments so far as known to the Department; and what agency said Smith had in the same and what reasons he assigned why such removals and appointments should be made; and also to state the time when the said Smith entered upon the duties of his said office, and to communicate to the Senate copies of all documents, papers, or letters in the Treasury Department having relation to or connected with such appointments and removals.

On the 4th of January, 1844, Mr. Benton submitted a resolution, which was agreed to, requesting the President of the United States to communicate to the Senate all the correspondence in the War Department in relation to the proceeedings and conduct of the Choctaw commission then sitting in the State of Mississippi under the Dancing Rabbit Creek treaty.

On the 13th of May, 1844, on motion of Mr. Crittenden, a resolution was adopted requesting the President to inform the Senate whether, since the commencement of the negotiations which resulted in the treaty now before the Senate for the annexation of Texas to the United States, any military preparation has been made or ordered by him for or in anticipation of war, and, if so, for what cause, and with whom was such war apprehended; and what are the preparations that have been made or ordered; has any movement or assemblage or disposition of any of the military or naval forces of the United States been made or ordered with a view to such hostilities? And to communicate to the Senate copies of all orders or directions given for any such preparation or for any such movement or disposition or for the future conduct of such military or naval forces.

On the 22d of May, 1844, the Senate, on motion of Mr. Benton, requested the President to inform the Senate whether any engagement or agreement had taken place between the President of the United States and the President of Texas in relation to naval or military aid or any other aid to Texas in the event of an agreement on the part of Texas to annex herself to the United States; and, if so, all the particulars of such agreement or promise, with the copies of the same, if in writing, and also a copy of all communications, if any have been made, to the President of Texas, informing him of the march and sailing of portions of our Army and Navy and the orders given them to communicate with and report to the said President of Texas.

On the 28th of May, 1844, Mr. Benton submitted a resolution, which was agreed to, requesting the President of the United States to communicate to the Senate a copy of the instructions given in 1829 by President Jackson, through the Secretary of State, to the United States minister in Mexico to procure the retrocession or to purchase the then province of Texas and other territory between the Red River and Arkansas, ceded to Spain by the treaty of 1819.

On the 28th day of May, 1844, on motion of Mr. Benton, the Senate requested the President to communicate to the Senate the whole of the "private letter" from London, with its date, quoted by the American Secretary of State in his letter of the 9th of August, 1843, to the United States chargé in Texas, so far as the same applies to Texas; and all other letters from the same person relative to the annexation of Texas to the United States; also, that the President inform the Senate of the name of the writer of said "private letter," and whether the said writer was employed by the Government of the United States in Europe, and if so, a copy of the instructions under which he acted, or of the letters or papers which accredited him, the character in which he acted, by whom appointed, the amount of money which he received, and out of what fund it was paid.

On the 3d of June, 1844, the Senate, on motion of Mr. Benton, requested the President to communicate to the Senate a copy of the letter from Messrs. Van Zandt and Henderson to Mr. Calhoun, calling his attention to the letter of Mr. Van Zandt of the 17th of February, 1844, to Mr. Upshur, and to which Mr. Calhoun replies in his letter of the 11th of April, 1844.

On the 3d of June, 1844, President Tyler, in answer to the resolution of the Senate of the 28th of May upon the subject of a "private letter" quoted in the instruction from the late Mr. Upshur to the chargé d'affaires of the United States in Texas, dated the 8th of August last, transmitted a report from the Secretary of State, Mr. J. C. Calhoun, to whom the resolution had been referred, who stated in his report that "after diligent inquiry no letter of the character referred to can be found on the files of this Department, nor any evidence that such has ever been placed on them." He is unable to ascertain the name of the writer in question from any documents in possession of the Department, and presumes that the letter referred to in the resolution of the Senate, being private, is among the private papers of the late Mr. Upshur.

On the 3d of June, 1844, the Senate, on motion of Mr. Allen, adopted a resolution requesting the President to lay before the Senate confidentially, the Senate being in executive session, a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to, and occupation of, the Territory of Oregon, since the 4th of March, 1841, also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to that subject since that time.

On the 4th June, 1844, President Tyler, in answer to the resolution of the Senate of the preceding day in executive session, requesting "a copy of a note supposed to have been addressed to the Secretary of State by the diplomatic agents of the Republic of Texas accredited to this Government," transmitted a communication from the Secretary of State, Mr. J. C. Calhoun, who reported that "no such letter as that of which

the resolution requests a copy was addressed by Messrs. Van Zandt and Henderson to the Secretary of State; but in the course of the negotiation of the treaty for the annexation of Texas those gentlemen orally invited the attention of the Secretary of State to the note of Mr. Van Zandt to Mr. Upshur of the 17th of January last."

On the 7th of June, 1844, the Senate, on motion of Mr. Benton, requested the President to inform the Senate whether Mr. Duff Green was employed by the executive government in Europe during the year 1843, and, if so, to communicate to the Senate a copy of all the correspondence of Mr. Green in relation to the annexation of Texas which may have been received from him, if any.

On the 11th of June, 1844, President Tyler, in answer to the resolution of the Senate of the 7th instant, upon the subject of the supposed employment of Mr. Duff Green in Europe by the Executive of the United States, transmitted a communication from the Secretary of State, Mr. J. C. Calhoun, to whom it had been referred, and who reported that "there is no communication whatever, either to or from Mr. Green, in relation to the annexation of Texas to be found on the files of this Department."

On the 12th of June, 1844, the Senate, on motion of Mr. Benton, requested the President to cause the Senate to be informed whether Mr. Duff Green has been paid any money out of the Treasury of the United States, or out of the contingent fund for foreign intercourse, for services rendered since the 4th day of March, in the year 1841, and, if so, how much; and also whether the said Mr. Duff Green has further known claims or demands for such services?

On the 17th of June, 1844, President Tyler transmitted a report from the Secretary of State, J. C. Calhoun, in answer to the resolution of the Senate of the 12th instant, which proceeds to say: "Although the contingent fund for foreign intercourse has, for all past time, been placed at the disposal of the President, to be expended for the purposes contemplated by the fund, without any requisition upon him for a disclosure of the names of persons employed by him, the objects of their employment, or the amount paid to any particular person, and although any such disclosures might, in many instances, disappoint the objects contemplated by the appropriation of that fund, yet, in this particular instance I feel no desire to withhold the fact that Mr. Duff Green was employed by the Executive to collect such information from private or other sources as was deemed important to assist the Executive in undertaking a negotiation then contemplated, but afterward abandoned, upon an important subject, and that there was paid to him through the hands of the then Secretary of State $1,000 in full for all such service. It is proper to say that Mr. Green afterward presented a claim for an additional allowance, which has been neither allowed nor recognized as correct."

The report of the Secretary of State, Mr. J. C. Calhoun, referred to in the foregoing message, after reciting the resolution of the Senate, proceeds to say that—

> The amount of expenditures paid out of the fund for the contingent expenses of foreign intercourse from the 1st of December, 1840, to the 1st of December, 1843, together with the names of the individuals to whom the payments were made, as well as the objects of such payments, may be seen by reference to the letter of the Secretary of State to the Speaker of the House of Representatives, dated December 9, 1841 (Doc. No. 4, State Department), and a report made by the undersigned to the chairman of the Committee on the Expenditures of the Department of State (in answer to resolution of the House of Representatives), dated April 8, 1844 (Rep. No. 484, House of Reps.). From these documents it appears that on the 3d day of November, 1841, there was paid to Mr. Duff Green, out of the funds for the contingent expenses of foreign intercourse, the sum of $500, as bearer of dispatches to London and Paris. And again, on the 9th day of December, 1842, there was paid to the same individual, out of the same fund, the sum of $500 for expenses and compensation as bearer of dispatches to London. These items include all the payments which appear from the files of this Department to have been made to Mr. Duff Green from the 1st day of December, 1840, to the 1st day of December, 1843, and since this last date it does not appear that any amount has been paid by this Department to the said Green, nor any evidence on its files that he has or holds further claims or demands for services against it.

On the 27th of August, 1850, the Postmaster-General, N. K. Hall, communicated to the Senate as follows:

> In compliance with the resolution of the Senate, passed in executive session on the 14th instant, requesting the Postmaster-General "to furnish the Senate in executive session copies of all charges filed in his Department against the deputy postmaster at the city of Milwaukee, State of Wisconsin, before or since his appointment to that office," I have the honor to transmit herewith the accompanying papers, marked "A A," "A," and "B," which are copies of papers on file in this Department containing charges against the deputy postmaster referred to in the resolution of the Senate.
>
> I also transmit the accompanying papers, marked "C," "D," "E," and "F," being copies of papers now on file which are presumed to have been filed in connection with such charges, or with other charges which have been since withdrawn from the files of the Department.
>
> I also transmit the accompanying papers, marked "G" and "H," being copies of papers now on file, from which it will appear that certain charges heretofore made against such deputy postmaster have been withdrawn from the files of this Department.

On the 12th of February, 1853, the Secretary of War, C. M. Conrad, communicated to the Senate as follows:

> In compliance with the resolution of the Senate, passed on the 11th ultimo in executive session, I have the honor to transmit herewith the correspondence of Mr. James W. Schaumburg with this Department, since I have been connected with it, in relation to his claims to continuance as an officer of the Army.

Now, Mr. President, one other thing and I shall have done. The minority of the committee has done us the honor to say, and has said truly—I will not take the time to read it now—that no such spectacle as this happened during the time that the Democrats were in possession of the Senate, from March 4, 1879, to March 4, 1881. And the President of the United States, in his supplementary minority report in the deliberations of this body, has stated with an affluence of rhetoric which is as charming as it is unique, that this statute of the United States and the practice under it had now for many years fallen into a state of "innocuous desuetude." If that were true, it would be one of the means of the President of the United States in discharging the duty that the Constitution imputes to him to take that statute out of its disuse—if I may use a shorter and humbler phrase—and, as he is sworn to do, put it into faithful execution. Well, he has done it if it was in disuse before, but let us see. The amendment to it was passed in 1869. The effect of that amendment has been stated in the opinions of two Attorneys-General under two different administrations. It has been stated in the courts. It is not open to dispute on the face of the statute; it is not open to claim that anybody in this end of the Capitol or at the other end of the Avenue misunderstood its meaning. The Senate of the United States, believing that it had voted right when it passed it in the days of Andrew Johnson, believed it would be wrong if it repealed it in the days of Ulysses S. Grant, because the Senate voted for it on a solid principle. There was a committee of conference and the phraseology was changed. As you see, the President was still required to report within the first thirty days his nominations but not his reasons for his suspensions. That was left to the ordinary operations of the Government. He could have his own reasons. If they were satisfactory to him, it was enough for the performance of his duty. When it came to the action of the Senate, it was not the question of his reasons for suspensions, it was the question of the facts on which the officer was to be removed and the other appointed.

So the then President of the United States understood it as you see by the opinions of his Attorneys-General given to him; so he acted, and at every session of Congress from that day until he ceased to be President; within the first thirty days of the Senate's session, and according to the letter and spirit of the law—for he was an honest President—he sent to the Senate his nominations, the statement of his suspensions, and the proposition to remove the suspended officers, except as happened in two or three cases that I remember of gentlemen where he found that he had made a mistake in the suspension of and revoked it without sending a proposition for the removal of the officer to the Senate at all. What happened in the Senate? The Committee on the Judiciary—which is the only one of which I speak here, as we are the only one now on trial apparently—the Committee on the Judiciary from the time of the passage of that act, as I may state also for all time before as I have found on examination of old papers in the Secretary's office, had been in the habit in respect of appointments of calling on the Attorney-General for all the information that he had, and when it came to the law respecting removals as well as appointments calling for everything regarding proposed removals and suspensions, and accordingly from the time General Grant came in down to this present day the Committee on the Judiciary has had a regular practice that has proceeded without exception, as well when my honored friend Senator Thurman was its chairman in the two years of Democratic ascendency in this body as when I was chairman and as when Judge Trumbull was chairman before me of the Committee on the Judiciary, it never acted upon a nomination or on a removal that it had not personal knowledge about from some member of the committee—and so it seemed to be a pure waste of time—without sending to the Attorney-General for all the papers and information that bore upon that subject, whether it was a removal or a nomination. That was its standing order. It is no new thing, no new practice. No new authority; no change on the incoming of this administration has taken place.

The minority of the committee say that no such spectacle as the Judiciary Committee is presenting to an astonished world and to an astonished and injured President and Attorney-General happened in the Democratic times. Let us see. On the 4th of March, 1879, the Democrats had a majority of this body. Their Committee on the Judiciary was: Chairman, Mr. Thurman; Mr. McDonald, of Indiana; Mr. Bayard, of Delaware, now Secretary of State; Mr. Garland, of Arkansas, the present Attorney-General; Mr. Lamar, of Mississippi, the present Secretary of the Interior; Judge Davis, of Illinois; Mr. Edmunds, Mr. Conkling, and Mr. Carpenter. I have stated what the practice of the committee had been in the time I had had the honor to be its chairman.

On the 24th of March, 1879, immediately after the formation of this committee, I find what I propose to read in the committee letter-copy-book. I do not know but that it is private and confidential, but I will take the liberty of reading it even if it gets to the ears of the Attorney-General and the President of the United States. On the 24th of March of that year sundry nominations came in to fill vacancies; and Judge Thurman—and here is a copy of his bold autograph—says:

> MARCH 24, 1879.
>
> The honorable the ATTORNEY-GENERAL:
>
> SIR: I am directed by the Senate Committee on the Judiciary to respectfully request that you will furnish to said committee such information as may be in the possession of your Department concerning the following nominations, together with any suggestions you may be pleased to make, namely.

Then he states them. All these were to fill vacancies. On the 7th

of April, 1879, there came in a horse of a different color, the same kind of animal that we have here now, and accordingly on that day this letter was written to the Attorney-General:

APRIL 7, 1879.

SIR: Under the direction of the Judiciary Committee of the Senate I have the honor to request that you will communicate to the committee any papers or information in your possession touching the question of the propriety of the removal of Michael Shaeffer, chief-justice of the supreme court of the Territory of Utah, and the appointment of David T. Corbin to that office.

Very respectfully, your obedient servant,

A. G. THURMAN, *Chairman.*

The Hon. ATTORNEY-GENERAL OF THE UNITED STATES.

Alas, for the Democracy of those days! Think, sir, of the infinite idocy, unpatriotism, usurpation of that number of five Senators of the United States of the Democratic party assailing a Republican Attorney-General and a Republican President with the insulting and impertinent inquiry as to papers and information touching a man, to be removed whose successor was nominated to accomplish his removal. And yet those men were in their day and in those times among the head-lights of the Democratic locomotives. There was Thurman—his light is put out—the greatest Democrat in the United States [applause in the galleries] and the best one, and the noblest one, and the bravest one, for he had the courage not long ago in your State, sir, to denounce the Democratic frauds on the ballot. There was Thurman, and there was Joe McDonald, a name familiar in the West as well as in the East as the embodiment of upright Democratic pluck and constitutional law; and there was Garland, whom we all knew here, the leader on the Democratic side of the Senate, and running over with constitutional and statute and reported law, knowing his rights as a Senator and as a member of the committee and knowing his duties; and Lamar, and then all the rest of us on this side, joining in what the present President of the United States calls an impertinent invasion of his rights in asking for information from him. Sir, if I were going to be rhetorical, I should say just here,

O shame! where is thy blush?

That is not the only instance, sir. In every instance in those two years when there came before that committee any suspension or proposed removal in session time that same chairman, with the unanimous consent of all its members, as it had been in all the years before, called for this information and got it.

Under these circumstances it does not appear to me that we can fail to get these papers upon the ground that the statute has become obsolete, gone into a state of "innocuous desuetude." Why, the President of the United States himself has invigorated it by taking it into his own hands and holding it up in the presence of the people of the United States six hundred and forty-three times in six months. He has sent to the Senate of the United States six hundred and forty-three propositions in obedience to that law. I take it, therefore, it is in force. And as my friend from Massachusetts states, it is the statute most frequently acted upon in the intercourse of the Departments of the Government with the Senate of any other in the whole history of the United States, because it relates to a state of circumstances that must frequently come into operation, the change of officers and offices for one reason and another and their suspension. And yet that is the one statute of all those of the United States that the President of the United States seems to be under the impression has fallen into such a state of disuse that nobody is bound to regard it, although he himself has, as he was bound to do by his oath, regarded it in every form and in every particular.

This is all I wish to say now.

Mr. PUGH. Mr. President——

Mr. HARRIS. I desire to ask the Senator from Alabama if it would be more convenient to him to proceed with this debate to-morrow than to proceed at this late hour of the evening.

Mr. PUGH. I am ready now to answer the speech of the Senator from Vermont; but if I commenced to do so I should keep the Senate beyond the usual hour of adjournment, and I should dislike very much to address the Senate after they have been here four hours. I should prefer to have the debate go over until to-morrow.

Mr. HARRIS. Then, with the permission of the Senator from Alabama, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS

Received the 9th day of March, 1886.

UNITED STATES MARSHAL.

Alphonso E. Gordon, of New Jersey, to be marshal of the United States for the district of New Jersey, *vice* William Budd Deacon, commission expired.

RECORDER OF DEEDS.

James C. Matthews, of New York, to be recorder of deeds in the District of Columbia, *vice* Frederick Douglass, resigned.

POSTMASTERS.

Harvey W. Spencer, to be postmaster at Guilford, New Haven County, Connecticut.

James T. Coogan, to be postmaster at Windsor Locks, Hartford County, Connecticut.

Joseph F. Snyder, to be postmaster at La Grange, La Grange County, Indiana.

Wilbur F. Goddard, to be postmaster at Lena, Stephenson County, Illinois.

Thomas J. Hudson, to be postmaster at Winterset, Madison County, Iowa.

William C. Harris, to be postmaster at Fishkill on the Hudson, Dutchess County, New York, *vice* David S. McLaughlin, resigned.

William H. F. Fiedler, to be postmaster at Newark, Essex County, New Jersey, *vice* William Ward, whose commission expired March 7, 1886.

Thomas Morton, to be postmaster at Nebraska City, Otoe County, Nebraska, *vice* P. Schminke, commission expired.

D. W. Cooper, to be postmaster at Bellaire, Belmont County, Ohio, *vice* George M. Wise, whose commission expired March 7, 1886.

William H. Gillespie, to be postmaster at Dayton, Montgomery County, Ohio, *vice* Abram D. Wilt, commission expired.

William H. Woodall, to be postmaster at Huntsville, Walker County, Texas, commission expired March 7, 1886.

Francis C. Sharpe, to be postmaster at Oconto, Oconto County, Wisconsin, commission expired.

Charles J. Porter, to be postmaster at Bethel, Fairfield County, Connecticut, *vice* Amos Woodman, resigned.

Henry W. Clendenin, to be postmaster at Springfield, Sangamon County, Illinois, *vice* Paul Selby, to be removed.

Albert H. Seeley, to be postmaster at Rushville, Schuyler County, Illinois, *vice* Jacob Hammond, commission expired.

James T. Wall, to be postmaster at Methuen, Essex County, Massachusetts, *vice* Samuel G. Sargent, whose commission expires March 10, 1886.

Andrew J. Shakespeare, to be postmaster at Kalamazoo, Kalamazoo County, Michigan, *vice* Lyman W. Gates, commission expired.

The former nomination of the same person having been by mistake written as made in place of Lyman W. Gates, suspended, is withdrawn.

Frank A. Dessert, to be postmaster at Macon City, Macon County, Missouri, *vice* R. W. Caswell, commission expired.

Joseph S. Booth, to be postmaster at Missoula, Missoula County, Montana, *vice* W. H. H. Dickinson, commission expired.

George A. J. Moss, to be postmaster at Pawnee City, Pawnee County, Nebraska, *vice* J. F. Stiegemeier, commission expired.

Charles M. Wilson, to be postmaster at Tecumseh, Johnson County, Nebraska, *vice* L. M. Davis, commission expired.

Henry Van Scoy, to be postmaster at Kingston, Luzerne County, Pennsylvania, *vice* John N. Pettebone, whose commission expires March 22, 1886.

John T. Irion, to be postmaster at Paris, Henry County, Tennessee, *vice* John Anderson, whose commission expires March 29, 1886.

DISTRICT OF COLUMBIA COMMISSIONER.

Samuel E. Wheatley, of the District of Columbia, to be commissioner of the District of Columbia, *vice* James B. Edmonds, whose term of office has expired.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

V. O. King, of Texas, to be secretary of the legation and consul-general of the United States at Bogota, to fill a vacancy.

CONSUL.

Rule Letcher, of Missouri, to be consul of the United States at Rio Grande do Sul, to fill a vacancy.

WITHDRAWAL.

Executive nomination withdrawn, March 9, 1886.

Isaac W. Hortons, to be postmaster at Bethel, Fairfield County, Connecticut.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 1, 1886.

SECRETARIES OF LEGATION.

Henry White, of Maryland, to be secretary of the legation at London.

Charles P. Phelps, of Vermont, to be second secretary of the legation at London.

ASSISTANT TREASURER.

Samuel H. Brooks, of California, to be assistant treasurer of the United States at San Francisco, Cal.

ATTORNEY OF THE UNITED STATES.

Timothy P. Murphy, of Iowa, to be attorney for the United States for the northern district of Iowa.

NAVAL OFFICER OF CUSTOMS.

I. Freeman Rasin, to be naval officer at Baltimore, Md.

INDIAN AGENT.

Henry E. Williamson, of Holly Springs, Miss., to be agent for the Indians of the Crow agency in Montana.

POSTMASTERS.

A. K. Linderman, at Troy, Bradford County, Pennsylvania.
John M. Judd, at Emporium, Cameron County, Pennsylvania.
Darius Dreher, at Stroudsburg, Monroe County, Pennsylvania.
Thomas P. Naughtin, at Manston, Juneau County, Wisconsin.
William Heltzel, at Hanover, York County, Pennsylvania.
William C. Love, at Greensburg, Westmoreland County, Pennsylvania.
Marinus W. Allen, at Titusville, Crawford County, Pennsylvania.
John A. McBeth, at Connellsville, Fayette County, Pennsylvania.
Walter S. Braden, at New Brighton, Beaver County, Pennsylvania.
John H. Koop, at Brainerd, Crow Wing County, Minnesota.
James H. Evans, at Wabasha, Wabasha County, Minnesota.
George E. Finney, at Columbus, Bartholomew County, Indiana.
Lucien B. Bennett, at Worthington, Nobles County, Minnesota.
Stephen Belding, at Washington, Daviess County, Indiana.
Adolph Engelmann, at Belleville, Saint Clair County, Illinois.
Thomas B. Coon, at Kilbourn City, Columbia County, Wisconsin.
Robert W. Cowan, at Ashland, Ashland County, Ohio.
William J. Poulson, at Flemington, Hunterdon County, New Jersey.
Joseph Edelbrock, at Saint Cloud, Stearns County, Minnesota.
J. W. Renfroe, at Atlanta, Fulton County, Georgia.
Samuel E. Lippincott, at Burlington, Burlington County, New Jersey.
William C. Davis, at Elizabeth City, Pasquotank County, North Carolina.
James F. Carwile, at Buffalo, Johnson County, Territory of Wyoming.
William L. Force, at Plainfield, Marion County, New Jersey.

REJECTIONS.

Executive nominations rejected March 1, 1886.

COLLECTORS OF INTERNAL REVENUE.

Eben F. Pillsbury, of Massachusetts, to be collector of internal revenue for the third district of Massachusetts.

Charles H. Chase, of Maine, to be collector of internal revenue for the district of Maine.

Executive nomination confirmed by the Senate March 3, 1886.

CONSUL-GENERAL.

John D. Kennedy, of South Carolina, to be consul-general at Shanghai, to fill a vacancy.

Executive nomination confirmed by the Senate March 9, 1886.

MINISTER RESIDENT AND CONSUL-GENERAL.

Jacob T. Child, of Missouri, to be minister resident and consul-general of the United States to Siam.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 9, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. BEACH, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and joint resolutions was dispensed with. The remainder of the Journal was read and approved.

ALTERATION AND REPAIR OF PUBLIC BUILDINGS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, and recommending special appropriations for alteration and repairs of certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

FORT DOUGLAS, UTAH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate for the enlargement of Fort Douglas, Utah; which was referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT RECEIPTS AND EXPENDITURES AND PUBLIC DEBT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Register of the Treasury, with statements of receipts and expenditures of the Government from 1855 to 1885 and of the public debt from 1791 to 1885; which was referred to the Committee on Ways and Means, and ordered to be printed.

LIGHT ARTILLERY BATTERIES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from Capt. E. R. Warner, Third Artillery, recommending that the present defective organization of light artillery batteries be remedied; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RESERVATION, SAN ANTONIO, TEX.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the commanding general of the Department of Texas, with a petition asking permission to extend a street in San Antonio, Tex., through the military reservation at that city; which was referred to the Committee on Military Affairs.

ROUTES FOR HENNEPIN CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of additional surveys by Thomas H. Handbury of routes for the Hennepin Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

IMPROVEMENT OF SANTEE RIVER, SOUTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a request of the Rivers and Harbors Committee, letters from the Chief of Engineers in regard to the improvement of the Santee River, South Carolina; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

THE RETIRED-LIST OF THE NAVY.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in response to the resolution of the House, a list of the officers of the retired-list of the Navy February 24, 1886, with a statement showing the relative rank of each officer, date of retirement, annual pay, and reasons for retirement; which was referred to the Committee on Naval Affairs, and ordered to be printed.

NORFOLK NAVY-YARD.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting certain papers in response to a resolution of the House calling for information in relation to the Norfolk navy-yard.

Mr. BOUTELLE. Mr. Speaker, if it be in order, I request that this communication of the Secretary of the Navy and the accompanying documents, if they are what I suppose them to be, may be printed and lie on the Speaker's table, in order that I may be able at the first opportunity to submit some remarks which I desire to make to establish my belief that the substantial allegations made in the resolutions submitted by me are sustained by those documents, and that sections 1754 and 1546 of the Revised Statutes have been, as alleged, habitually violated at the Norfolk navy-yard during the last year.

The SPEAKER. The rule of the House requires that the communication be presented by the Chair and referred to the appropriate committee; but by unanimous consent the order which the gentleman asks may be made.

Mr. BEACH. I object.

Mr. EDEN. I object. Let it take its regular course.

The SPEAKER. Objection is made.

Mr. BOUTELLE. I ask unanimous consent——

The SPEAKER. Objection is made by several gentlemen. The communication and accompanying papers will be referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOUTELLE. Mr. Speaker, I shall take the first opportunity I may be able to obtain to submit some remarks on this question.

Several MEMBERS. Regular order.

ELI TAVERNER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of Eli Taverner *vs.* The United States; which was referred to the Committee on War Claims.

WILLIAM PORTER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of William Porter *vs.* The United States; which was referred to the Committee on War Claims.

JOHN VANTRUSE.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of John Vantruse *vs.* The United States; which was referred to the Committeee on War Claims.

JOHN W. DEMORY.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of John W. Demory *vs.* The United States; which was referred to the Committee on War Claims.

REPORT ON PILOTAGE.

The SPEAKER. The Select Committee on Ship-building and Ship-owning Interests ask that there may be a reprint of report No. 838 in relation to pilotage, as the edition heretofore printed has been exhausted. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

COMMON SCHOOLS.

The SPEAKER laid before the House the bill (S. 194) to aid in the establishment and temporary support of common schools; which was read twice, and referred to the Committee on Education.

The SPEAKER. The Chair will state that under the rules of the House this bill will not be printed unless an order to that effect may be made. As it is an important bill perhaps the House——

Mr. SPRINGER. Has it not been already printed by the Senate?

The SPEAKER. The bill as passed by the Senate has not been printed, and without a special order of the House it will not be printed here until reported back from the House Committee.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the bill be printed.

Mr. REAGAN. Does that require unanimous consent?

The SPEAKER. It does.

Mr. REAGAN. I shall object to the reprinting of the bill until the committee acts upon it and reports it back.

JULIA DENT GRANT AND WILLIAM H. VANDERBILT.

The SPEAKER also laid before the House the joint resolution (S. R. 46) accepting from Julia Dent Grant and William H. Vanderbilt objects of value and art presented by various foreign governments to the late General Ulysses S. Grant; which was read twice, and referred to the Committee on the Library.

WITHDRAWAL OF PAPERS.

Mr. GROUT, by unanimous consent, obtained leave to withdraw from the files of the House papers filed by George W. Kingsbury in support of House bill 3805 and House bill 5194, reported adversely in the Forty-eighth Congress.

Mr. WADE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of John C. Geyer.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'HARA, for one week, on account of important business.

To Mr. GOFF, for three days.

To Mr. BLANCHARD, for three days, on account of important business.

To Mr. GUENTHER, for one week, on account of important business.

To Mr. BURLEIGH, for one week, on account of important business.

REPORT OF PUBLIC LAND COMMISSION.

Mr. BARKSDALE. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission; and that the House now proceed to consider the same.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the provisions of joint resolutions approved August 7, 1882, and June 27, 1884, limiting the time for the gratuitous distribution of the Codified Land Laws and History of the Public Domain, be, and the same are hereby, repealed; and the Secretary of the Interior is authorized to distribute copies remaining to the credit of any member of Congress upon the order of said member.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the joint resolution; and the House proceeded to consider the same.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIE S. HOWARD.

Mr. ADAMS, of Illinois, from the Committee on Accounts, reported back favorably the following resolution, with a statement that Willie S. Howard had been employed during the Forty-eighth Congress in the position indicated:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized and directed to employ Willie S. Howard as a page in the subcommittee-room of the Committee on Appropriations during the residue of the present session; the said Willie S. Howard to be paid out of the contingent fund of the House the same compensation as now received by pages of the House.

The House divided; and there were—ayes 77, noes 21.

Mr. REAGAN. No quorum has voted.

The SPEAKER. The point of no quorum having been made, the Chair will appoint as tellers Mr. REAGAN and Mr. ADAMS, of Illinois.

The House again divided; and there were—ayes 117, noes 31.

Mr. REAGAN. I withdraw the point of no quorum, as the majority are evidently in favor of making a lazar-house of Congress.

So the resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. COLLINS, from the Committee on the Judiciary, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1122) relating to the Court of Commissioners of Alabama Claims;

A bill (H. R. 4035) to provide for closing up the business and paying the necessary expenses of the Court of Commissioners of Alabama Claims, and for other purposes;

A bill (H. R. 4041) to establish a commission of Alabama claims;

A bill (H. R. 4536) authorizing and directing the Secretary of the Treasury to pay to the original petitioners in the Court of Commissioners of Alabama Claims in lieu of assignees in bankruptcy;

A bill (H. R. 4928) to authorize and direct the Secretary of the Treasury to pay the judgments of the Court of Commissioners of Alabama Claims, and for other purposes; and

A bill (H. R. 5006) for the creation of a commission to distribute the unpaid balances of the Geneva award fund, and for other purposes.

COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

Mr. COLLINS, from the Committee on the Judiciary, also reported, as a substitute for H. R. 1122, 4035, 4041, 4536, and 5006, a bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bills H. R. 1122, 4035, 4041, 4536, and 5006 were laid on the table.

WHITE HALL NARROWS, NEW YORK.

Mr. JOHNSON, of New York, from the Committee on Commerce, reported, as a substitute for H. R. 3560, a bill (H. R. 6662) to establish a light at White Hall Narrows, New York; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 3560 was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. JOHNSON, of New York, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 3559) making an appropriation for the re-establishment of the light at Watch Point, Lake Champlain, New York; and the same was referred to the Committee on Appropriations.

ADVERSE REPORTS.

Mr. FINDLAY, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1814) for the relief of A. C. Morgan; which was laid on the table, and the accompanying report ordered to be printed.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 184) for the relief of William D. Sprague;

A bill (H. R. 2544) for the relief of Peter Giacchetti;

A bill (H. R. 2157) for the removal of the charge of desertion from the record of Joe Sechrist;

A bill (H. R. 623) for the relief of Benjamin F. Rawlins and Eugene W. Squires;

A bill (H. R. 935) giving a military record to James F. Caskey;

A bill (H. R. 924) for the relief of James Stone;

A bill (H. R. 127) to place the name of William J. Sowell on the rolls of the Arkansas volunteers;

A bill (H. R. 2389) for the relief of Littleton O. Gooch;

A bill (H. R. 2531) for the relief of John Southwick; and

Petition of D. F. Shephard, late captain of Company F, Eleventh Illinois Cavalry, and other officers of said regiment and of citizens of Illinois, praying for the relief of Joseph Dunn, a soldier of said regiment.

Mr. NEGLEY, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 489) for the relief of Nicholas Filbeck;

A bill (H. R. 4182) to amend the military record of Martin Barringer;

A bill (H. R. 2910) for the relief of Jacob Kuntz, alias John Walters;

A bill (H. R. 4472) for the relief of Nathan Branson;

A bill (H. R. 3865) for the relief of William D. Haley;

A bill (H. R. 3552) to remove charges of desertion from the military record of John M. Devore; and

A bill (H. R. 265) for the relief of Mary E. Chumly.

IRRIGATION, COLORADO DESERT.

Mr. LAFFOON, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 3219) to promote the introduction of fresh water on the Colorado desert; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, DAYTON, OHIO.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 856) to pro-

vide for the erection of a public building in the city of Dayton, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, FRANKFORT, KY.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with an adverse recommendation the bill (H. R. 654) for the erection of a public building at Sioux City, Iowa; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING, SIOUX CITY, IOWA.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (S. 763) for the erection of a public building at Sioux City, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, JACKSONVILLE, FLA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 453) for the erection of a public building at Jacksonville, Fla.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALE OF CERTAIN REAL ESTATE, CHICAGO.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with amendments the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

SPOKANE AND CŒUR D'ALENE RAILWAY COMPANY.

Mr. BLISS, from the Committee on Pacific Railroads, reported back with a favorable recommendation the bill (H. R. 5151) creating the Spokane and Cœur d'Alene Railway Company, a corporation in the Territories of Washington and Idaho, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 6482) granting a pension to the soldiers and sailors of the Mexican war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS P. WESTMORELAND.

Mr. LANHAM, from the Committee on Claims, reported the bill (H. R. 6663) for the relief of Thomas P. Westmoreland; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SOWDEN, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 2141) for the relief of Henry Mullen; which was laid on the table, and the accompanying report ordered to be printed.

JABEZ BURCHARD.

Mr. SOWDEN, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 2026) for the relief of Jabez Burchard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. DILLINGER & SONS.

Mr. SPRINGER, from the Committee on Claims, reported back with amendments the bill (H. R. 2133) for the relief of S. Dillinger & Sons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF STATES FOR NATIONAL DEFENSE.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1020) to settle and adjust the claims of any State for expenses incurred by it in the defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 4403) for the relief of Thomas P. Gray;

A bill (H. R. 4549) for the relief of the legal heirs of Fidus Livermore, deceased, &c.; and

A bill (H. R. 878) for the relief of St. Andrew's Lodge, No. 18, of Free and Accepted Masons, of Cynthiana, Ky.

DANIEL S. LOY.

Mr. COMSTOCK, from the Committee on War Claims, reported back with amendments the bill (H. R. 4025) for the relief of Daniel S. Loy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HENRY S. COHN.

Mr. KLEINER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 917) for the relief of Henry S. Cohn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. KLEINER, from the Committee on War Claims, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5519) for the relief of Frederick Klor; and

A bill (H. R. 3515) for the relief of the legal representatives of Lieut. Francis Ware, deceased.

DAVID W. STOCKSTILL.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1800) for the relief of David W. Stockstill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF GREGORY JARRATT.

Mr. RICHARDSON, from the Committee on War Claims, reported back the bill (H. R. 2362) for the relief of the estate of Gregory Jarratt, deceased; which was laid on the table, and the accompanying report ordered to be printed.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with an adverse recommendation the bill (H. R. 3400) to protect the bottlers of the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

Mr. CAMPBELL, of Ohio, from the Committee on the District of Columbia, reported back with an adverse recommendation the bill (H. R. 1613) to amend an act creating the office of steam-boiler inspector for the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

PRINTING OF COMMITTEE REPORTS.

Mr. REID, of North Carolina, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. Res. 73) authorizing the printing of committee reports; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDINGS, DISTRICT OF COLUMBIA.

Mr. SWINBURNE, from the Committee on Ventilation and Acoustics, reported back with amendments a resolution extending the investigations of the Committee on Ventilation and Acoustics to all public buildings owned or occupied by the Government in the District of Columbia; which was referred to the House Calendar, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. GIBSON, of West Virginia. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. Some time ago I introduced a bill (H. R. 5135) to classify labor and equalize the pay of employés under the Government of the United States, and had it referred to the Committee on Labor. I find that yesterday morning, without any notice to me, that bill was reported back to this House from that committee, and that they asked that it be referred to the Committee on Civil Service Reform. I wish to know if a motion now to reconsider the vote by which the bill was referred to the Committee on Civil Service Reform would be in order.

The SPEAKER. It would not. Under the rules of the House a

bill can not be brought back from a committee to which it has been referred by a reconsideration of the vote referring it.

Mr. GIBSON, of West Virginia. Then I ask unanimous consent to recall that bill from the Committee on Civil Service Reform and restore it to the Committee on Labor.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. BUCHANAN. That matter was considered by the Committee on Labor, and they thought the reference perfectly proper. I must object.

ADVERSE REPORTS.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 785) for the relief of William S. Hall; and

A bill (H. R. 564) for the relief of John Lookabaugh.

MISSOURI PACIFIC RAILWAYS AND TELEGRAPH LINES.

The SPEAKER. The hour for the consideration of bills begins at seven minutes past 1 o'clock. The call rests with the Committee on Pacific Railroads, the unfinished business reported by that committee being the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act. The gentleman from Georgia [Mr. CRISP] has forty minutes of his time remaining.

Mr. CRISP. I endeavored on yesterday morning to make plain to the House the present law in respect to the lands granted to these Pacific railroads. I endeavored also to show to the House the evils that had arisen under existing law, so that the necessity might appear for some change. This morning I shall invite the attention of the House, for a short time only, to the various propositions that have been submitted to the Committee on Pacific Railroads, looking to a remedy for the evils that are universally conceded to exist. I shall call attention to the remedy recommended by the Committee on Pacific Railroads, and then I shall, if there be no gentleman who desires to oppose the proposition, ask that a vote may be taken upon it, so that if possible the bill may be disposed of during the hour that we are allowed to-day.

One proposition that has been submitted is to provide that the railway companies shall pay this cost within a given time, or, in default thereof, shall forfeit all right to the lands granted under the original act. Your committee, Mr. Speaker, have not thought it wise, have not thought it prudent to adopt that as a remedy for the existing evil. In the first place, it is a very harsh remedy. In the second place, it is of doubtful legality. If we were dealing solely with the companies, if there were no third persons who had acquired rights under existing laws, even then it would be of doubtful legality; but when we consider the fact that all of these lands, by the express assent of the Government, have been mortgaged; that money has been loaned upon them; that, with our assent, a lien has been put upon them; then, I say the legality of the proposition is more doubtful, and it is unnecessary, and I suggest improper, to invoke a remedy of that character when we can find another as ample, as complete, and as to which there is and can be no objection on the score of legality. The remedy proposed by the committee is incorporated in the bill which is now before us.

That bill is somewhat lengthy; it is somewhat technical—necessarily so, by reason of the technicality of our land laws. The gist of it, however, may be easily explained. The companies are required, within ninety days after the passage of this act, or within sixty days after the filing in the respective land offices in the districts where the lands lie, of plats of the townships embracing the lands—within that time the companies are required to select the lands they are entitled to, and to pay the cost of surveying and conveying those lands. Your committee apprehend that there will be no great trouble in making such selection. The plats will be filed in the public offices; they will contain a survey of all the lands within the limits of the grant, and it will be an easy matter for the railway companies to go into those offices and select the odd-numbered sections to which they are entitled under the law. In the event that the railway companies shall fail to discharge that duty, then we provide that it shall be the duty of the Secretary of the Interior to notify each of the companies of the amount of land which they are entitled to patent under the law, and of the amount of money they are required to pay into the Treasury for the cost of selecting, surveying, and conveying the same, and provide that if any company does not within sixty days thereafter pay such sum into the Treasury of the United States, it shall be the duty of the Attorney-General to institute suit in a circuit court having jurisdiction of the question, to compel the company to pay the amount that is found due to the United States.

That, Mr. Speaker, is a plain remedy. It is such a remedy as would be used by one individual against another. It is such a remedy as seems to your committee to be complete, and at the same time not to be liable to the objection on the part of the railway companies that we are blending together our rights as a creditor and our rights as a Government and using it to their hurt. Therefore your committee prefer that remedy, and recommend that it be adopted instead of the remedy of forfeiture. In this regard permit me to say further that in the Forty-eighth Congress your Committee on Pacific Railroads reported a bill providing for the collection of this money by suit. The House of Representatives amended that bill so as to provide that the remedy should be forfeiture of the lands if payment was not made within the time prescribed. In that shape the bill passed. It went to the Senate. It was referred to the Judiciary Committee of the Senate, and that body adopted the plan which was suggested by the House Committee on Pacific Railroads instead of the plan adopted by the House itself.

I may be permitted to suggest, Mr. Speaker, that the Committee on Pacific Railroads, specially charged with the investigation of the question, and viewing it in every light in which it might be presented, was perhaps likely to devise a plan which would be more equitable and just than any that might be adopted by the House without consideration by a committee and put upon the bill after merely a half or three-quarters of an hour of debate. It is exceedingly desirable to this Government and to the government of the States where these lands lie that this question should be settled. Therefore, Mr. Speaker, when we come to consider the proposition before us it seems to me that it is neither undignified nor unseemly in us to favor, if we can conscientiously do so, a plan that is likely to receive the assent of the other branch of the legislative department of this Government. I would not be understood as saying that the House of Representatives should surrender a conviction formed upon investigation because the legislative body at the other end of the Capitol might not agree with them. I do mean to be understood as saying that where two remedies are presented, either of which might be satisfactory, either of which might accomplish what we all have in view, it is only right and proper to choose that one which meets the approval, or is most likely to meet the approval, of the other branch of the Legislature.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. CRISP. Yes, sir.

Mr. OATES. Will the passage of this bill, in your opinion, render the railway companies any less able than they would otherwise be to make payments on their indebtedness to the Government?

Mr. CRISP. I do not believe, Mr. Speaker, that the passage of this bill would impair to any extent whatever the ability of the railroad companies to pay the debt that they owe to the Government. The Government of the United States has no lien whatever upon this land except for cost of survey, which we are now trying to collect. The land has been mortgaged with the assent of the Government for some $10,000,000, and the Government can in no event have any lien upon this land except for the cost of survey.

Mr. DUNN. And the Government gets nothing for the sinking fund out of the proceeds of the sale of the land.

Mr. CRISP. Nothing whatever. It not only gets nothing, but the proceeds of the sale of the land are not counted as part of the net income of the railroad companies so as to increase the amount coming into the Treasury under the Thurman act. This money is entirely excluded from appropriation in that way, and goes to the payment of the indebtedness which we have agreed they might incur upon those lands.

Mr. DUNN. It goes to the payment of the land bonds entirely.

Mr. CRISP. Therefore I think, Mr. Speaker, there can be objection—at least there should be no objection—to this feature of the proposed remedy.

I now come to consider for a few moments the other feature of the remedy proposed. As I said yesterday, these lands can not be taxed by the States and Territories where they lie for the reason that the legal title to them is in the Federal Government. The legal title is in the Federal Government for one purpose only, that is to secure the payment of the cost of surveying, selecting, and conveying the lands. We have no other right, we have no other lien.

Mr. OATES. I would like to ask the gentleman a question for information. If these companies were obliged to pay the taxes which would be due to the States upon these lands, would or would not that be deducted from the gross earnings, and thereby diminish the 25 per cent. which the companies have to pay to the Government of the United States on their indebtedness?

Mr. CRISP. I do not understand that any expense which might be incurred by these railroad companies in respect of these lands—which, bear in mind, are no part of the railway, are not incident to the railway, are not used by the railroad company as a part of its road—I do not understand that any expense incurred in connection with these lands or any income derived from them affects one way or another the interests of the United States.

Mr. DUNN. If it does, it has no right to do so.

Mr. CRISP. If I understand the question, these railroad companies stand in exactly the same position as an individual owning property. This land is not connected at all with their franchise. It is not necessary, for instance, in order to run a railroad, that the company should own other lands. It is a pure subsidy, disconnected entirely with the uses of the franchise. It is a bounty given to them by the Government to induce them to build the railroad; and when the road is built the lands are no more necessary to the uses of the road than any other species of property might be.

Mr. WEAVER, of Nebraska. May I ask the gentleman a question?

Mr. CRISP. Yes, sir.

Mr. WEAVER, of Nebraska. Yesterday the gentleman stated that it was the amendatory act of 1864 that required the railroad companies to pay the expense of surveying and selecting.

Mr. CRISP. Yes, sir.

Mr. WEAVER, of Nebraska. The gentleman stated further that in the original or the amendatory act there was a provision that the land not disposed of at the end of three years should be subject to entry at the land offices for homesteads.

Mr. CRISP. Yes, sir.

Mr. WEAVER, of Nebraska. Now, there being no time fixed within which the survey and selection should be made, would it not be held by any court that this must be done within a reasonable time; and could that reasonable time extend beyond the time within which the company must exercise its power of sale over that land; that is, three years? If these questions be answered as I think they must be, then these companies have escaped taxation for sixteen years since that reasonable time has elapsed; and ought not their lands to be forfeited?

Mr. CRISP. Mr. Speaker, I have approached this question—and I believe the Committee on Pacific Railroads has approached it—purely as a business proposition. In the determination of it we have not invoked any considerations with reference to the past conduct of these companies, which is considered so reprehensible by many, except their conduct in respect to the particular subject on which we propose to legislate. We have not proposed to put upon them any penalty for the past. We have doubted our right to do this; we have not felt that in an earnest, honest effort to correct abuses in the future we should embarrass ourselves by an effort to punish for abuses in the past. We consider the remedy now proposed as effectual, as complete as the remedy of forfeiture. The end and aim of both would be to collect the costs, and that would be as promptly and satisfactorily done—and I submit sooner done—by suit than by forfeiture.

Mr. WEAVER, of Nebraska. Is there any provision in the bill by which this land will be subject to taxation if there should be delay in collecting the costs of surveying and locating?

Mr. CRISP. Mr. Speaker, I was just coming to that feature of the bill. In view of the fact that there might be some delay in the collection of the amount due to the United States, your committee, following the example of the Judiciary Committee of the Senate, have undertaken to provide a particular remedy for the evil which has existed in reference to immunity from taxation. If the gentleman from Nebraska will examine the bill he will find it provides that as soon as these lands shall be surveyed by the Government, and they have nearly all been surveyed, more than six-sevenths of them have been, they may be taxed by the States and Territories in which they lie, notwithstanding the patent has not issued from the Government of the United States.

You will find in the bill provision that the lien of the United States upon these lands fixed now by a retention of the titles shall be a first lien, and that the purchaser at the tax sale can only get a patent from the United States by paying to it the cost of survey and selection of the particular tract which he buys. In other words, we give the right to tax—but I will not say that, because I do not like to talk of the United States Government granting the right to the States to tax, so I will use another term—in other words, we waive our right to immunity from taxation, conditionally. The State may impose the tax, and the State may enforce the tax by sale of the land, but the cost due to the United States is the first lien on the land, and the purchaser gets no title until he pays to the United States the cost of survey of that particul r tract.

Mr. LONG. Has he his remedy over against the railroad for what he buys?

Mr. CRISP. There is no provision of that sort.

Several MEMBERS. Then the railroad gets the land.

Mr. CRISP. If it is assessed as the property of the railroad and sold, the railroad's right is sold; that is, the right to the land with the burden of cost of survey. The purchaser gets their right but does not get our patent until he pays the cost, which the railroad ought to have paid.

We have restricted to some extent this waiver of our right to immunity from taxation. Gentlemen who live in the Western country understand there are large tracts of country not included in organized counties. Generally the law of these States requires there shall be a certain number of inhabitants within a certain area before they can organize into counties. This bill provides that land in unorganized counties shall not be taxed until we have collected our money. Whenever we have collected our money the right to tax is an inherent and sovereign right in the States and Territories where the land lies, and we have no right to claim for them immunity from taxation.

Mr. WEAVER, of Nebraska. Why should not unorganized counties contribute to your revenue so long as they lie adjacent to organized counties which are required to pay revenue?

Mr. CRISP. I will say that in the same spirit of fairness with which this committee has undertaken to meet this question, we have excluded the unorganized counties, because, as we understand it, a territory large enough to make twenty counties may be attached for taxing purposes to one county, we did not believe it was exactly just that the owners of that vast territory should be required to pay a tax which would be appropriated to building school-houses, to teaching the children, in a place and in a territory where they would never be of value to the owners of this land. You understand the proposition: Individuals pay taxes to support schools, to build court-houses, to build school-houses, and they are supposed to get compensation for their outlay in the proximity of such institutions to them. They are near the court-houses and near the school-houses. The vast unorganized tracts can derive no benefit from any tax imposed on them for the benefit, for instance, of a county which may be 200 miles from the people, and therefore we have felt until we collected our money we would reserve the rights we now have in unorganized counties. As soon as they have sufficient population to organize into counties then, Mr. Speaker, the law operates at once, and it seems to me the rule we have adopted in that respect will prevent injustice.

Mr. COBB. I should like to propound a question to the gentleman from Georgia if he will permit me.

Mr. CRISP. I will be willing to answer any question, but I fear my time is nearly out. How much time have I remaining?

The SPEAKER. The gentleman has eighteen minutes of his time remaining.

Mr. CRISP. Very well; then I will answer the gentleman's question.

Mr. COBB. I understand this bill goes on the general ground that the title to these lands is not in this railroad corporation; that is the legal title.

Mr. CRISP. The Supreme Court has so held.

Mr. COBB. That decision seems to be in conflict with the ruling of the Supreme Court in cases which have preceded it; for instance in the case of Schulenburg *vs.* Herriman. There the Supreme Court holds these grants are grants *in præsenti*, and the title passes——

Mr. CRISP. With condition precedent, if the gentleman from Indiana will permit me to suggest it.

Mr. COBB. No, sir. In the case of Schulenburg *vs.* Herriman the Supreme Court holds these are conditions subsequent and not precedent, and that the title passes at once.

Mr. CRISP. In this case there is an express condition precedent to the vesting of the title, because the act says the title shall not pass until they pay the costs.

Mr. COBB. That is the position I was getting at. I have not examined the statutes in the case now before us and therefore asked the gentleman for information. Of course, if the statute makes that condition it would be necessarily precedent to the vesting of the title and would bring the question within the line of argument submitted by the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Yes; it is very clear. There is no question about it; the Supreme Court in the case of Prescott, to which I can refer the gentleman, rendered a decision covering expressly that ground in this case.

Mr. HOLMAN. Will the gentleman from Georgia permit me to interrupt him a moment to ask a question?

Mr. CRISP. Certainly.

Mr. HOLMAN. This bill if it becomes a law would be the second of the amendatory acts touching the original grants to the Union Pacific system. In the first act it was deemed important to avoid, if possible, the question being raised as to the power of Congress to amend the acts, either that of 1862 or the act of 1864. I wish to inquire if it would not meet the approval of the gentleman from Georgia, as a matter of prudence, to attach to this a provision——

Mr. CRISP. Reserving the right to amend?

Mr. HOLMAN. Yes; reserving the right to amend the act.

Mr. CRISP. I have no objection to that whatever.

Mr. HOLMAN. Will you offer an amendment to that effect?

Mr. CRISP. I have no objection. If the gentleman will submit an amendment it will meet my concurrence.

I desire to say that in this case the committee have carefully preserved all of the rights of the United States. They have expressly provided that nothing in this act shall be so construed as to relieve the railway companies of any forfeiture that may be now or hereafter incurred. While it is true that there can be no forfeiture in this case, because the companies earned the lands as far back as 1869, yet, out of abundant caution, we have ingrafted a provision in the bill providing that nothing in this act shall be construed to relieve them of any forfeiture that may have been incurred.

Now, Mr. Speaker, I desire, if it is the wish of the House—because it is very important that this bill should be passed without delay—to have a vote on it within the hour; and if there be no desire to debate the question further, I shall ask the previous question upon the bill and the amendment suggested by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I have the amendment prepared.

Mr. CRISP. Let it be read.

The SPEAKER. Does the gentleman from Georgia ask the previous question upon the amendment of the gentleman from Indiana as well?

Mr. CRISP. I will hear the amendment read for information first.

The SPEAKER. It will be read for information.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned, as in the opinion of Congress justice or the public welfare may require; or to impair or waive any right or remedy in the premises now existing in favor of the United States.

This act shall be subject to alteration, amendment, or repeal.

Mr. CRISP. I have no objection to that amendment whatever. I now propose, unless some gentleman, as I have said, wishes to be heard further upon the bill, to ask the previous question on the bill and amendment.

Mr. HANBACK. I should be glad to have the gentleman yield to me for five minutes.

Mr. CRISP. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twelve minutes.

Mr. CRISP. I yield five minutes to the gentleman from Kansas [Mr. HANBACK].

Mr. HANBACK. Mr. Speaker, after the very lucid presentation of this case made by the gentleman from Georgia I shall not have any desire to detain the House longer than to say that the Kansas Pacific Railroad runs through my district a distance of 150 or nearly 200 miles; that it runs through counties that have been organized counties for years, and holding lands within the limits of those counties upon which it has never paid a dollar of tax.

Notwithstanding those quite discouraging incidents, which are common with all new counties, these counties have grown up into populations ranging from twelve to fifteen and eighteen thousand people. The lands are public lands of the United States outside of the railroad limits, every alternate section being a part of the public domain; and consequently for years the settlers had to struggle along to build their court-houses and school-houses and meet other necessary expenditures of the counties out of the personal-property tax. Now, it would seem to be only fair that this company—that the Union Pacific Railway Company and the Central Pacific Railway Company—by some wise manner of legislation should be directed in such a way that proper and legitimate taxation may be collected from these lands, and in addition also that the fees due for the costs of surveying, selecting, and conveying these lands should be paid into the United States Treasury. There is no trouble about this matter to my mind. The Committee on the Pacific Railroads have stated correctly—the subcommittee of which the gentleman from Georgia was the chairman—have stated the condition of affairs correctly after a careful and thorough study of the question. This bill is the best product of their thought.

When a man goes into one of these counties under the provisions of this bill, if it shall become a law, he goes to the county treasurer's office and pays the tax assessed against the subdivision of this land. There will be found under the operation of the law also a statement in the county treasurer's office showing the amount of costs due for surveying, selecting, and conveying the lands. It is his duty under the law, before he is entitled to exercise the right of taking possession of the land, to go to the nearest land office and pay to the receiver of public moneys the amount that is due for the cost of surveying, selecting, &c.

Then, provided the railway company does not avail itself of the right it would have to redeem this land under the tax sale when the period of three years shall have passed by, the purchaser at the tax sale would be entitled to a deed from the county treasurer or be entitled to a patent from the United States on payment of the fees due for the selecting. This applies solely to organized counties. Some gentleman on the floor has suggested that five or six men might get together to organize a county. Such a thing is impossible, so far as I know; at least it is in Kansas, because there the law requires there shall be at least 1,500 *bona fide* citizens, which fact shall be ascertained by a census regularly taken, before a county can be organized.

As fast as a county is organized it comes under the provisions of this bill. I submit to the House it is a fair proposition, fair to the States and fair to the roads, and that this bill should pass.

Mr. CRISP. I now call for the previous question on the bill and the amendment.

Mr. WEAVER, of Nebraska. I should like to have two minutes.

The SPEAKER. The gentleman from Georgia has called for the previous question.

The previous question was ordered; and under the operation thereof the amendment proposed by Mr. HOLMAN was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CRISP. I demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTRACT PRISON LABOR.

Mr. JAMES. I call up from the House Calendar for present consideration the bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America.

The bill was read, as follows:

Be it enacted, &c., That it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or contract out the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America.

SEC. 2. That any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned for a term not less than one year nor more than three years, at the discretion of the court, or shall be fined not less than $500 nor more than $1,000 for each offense.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after its passage.

Mr. JAMES. Mr. Speaker, this bill is a very simple one and very plain upon its face. It provides that after its enactment no convicts, no criminals sentenced by the courts of the United States, shall be incarcerated in penal institutions where the contract system exists. There were on the 1st of July, 1885, in the several penal institutions to which the criminals of the United States Government are sent 975 convicts. A considerable proportion of them are sent to those institutions where the contract system obtains. The larger proportion of them are sent to penal institutions where other systems exist.

It is perhaps not known to the members of the House generally that the United States Government owns no penitentiaries or institutions of that kind except that at Fort Smith, Ark., as we heard from the gentleman from Arkansas last week, the Government owns a jail or penitentiary, and that in several Territories there are penitentiaries. But outside of these the United States Government itself does not own or control any of these institutions.

It has been strongly urged that the United States Government itself should organize and control an institution of this kind, where its criminals could be sent, to be managed on the most approved system in the interest of the Government and for the reformation of the criminal. This was urged by Mr. Brewster, when Attorney-General of the United States. The present Attorney-General has, likewise, strongly urged it. The association of prison reformers have strongly urged it. A United States jury in the State of New York, for the southern district, in 1879 urged it in a series of resolutions on the attention of the Government. To such an institution the criminals of the United States Government would be sent, and would be employed; but would not be employed in such a way as that their labor should conflict with honest labor outside of the prison walls.

This bill is in the interest of the honest laborer and of the honest mechanic. The present system, which prevails in certain of the penal institutions of the country, has worked great damage to the honest workman outside of the prison walls. In my own district one industry, a very large one—that of manufacturing hats—has been almost entirely crushed out, and the honest workman is thrown out of employment because the manufacturer can not compete with the labor of the convicts employed by the contractors at the reduced price which they get it.

I do not think it is necessary for me to explain further the objects of this bill. I am ready to answer any questions, if any gentleman desires. If no gentleman desires to ask any question, I move the previous question on the engrossment and third reading of the bill.

I beg leave to append the report on contract convict labor which I had the honor to submit in 1884 from the Committee on Labor in this House. It is as follows:

Mr. JAMES, from the Committee on Labor, submitted the following report, to accompany bill H. R. 995:

The Committee on Labor, to whom was referred House bill 995, respectfully reports that the object sought to be accomplished by said bill is the abolition of what is known as the contract convict-labor system, so far as the prisoners of the United States are concerned.

The United States Government does not own or maintain jails and penitentiaries for its criminals, except as noted below, but its prisoners are sent to the jails, penitentiaries, State prisons, or houses of correction belonging to the several States, under different arrangements as to cost of maintenance to the Government.

The exceptions spoken of are as follows: The Government owns a penitentiary in each of the following Territories: Idaho, Montana, Utah, Washington, and Wyoming, and a jail in Western Arkansas and in the District of Columbia. The number of prisoners of the United States confined in the penal institutions of the several States, according to the Department of Justice, is about as follows:

Alabama	...	Missouri	16
Arkansas	...	Nebraska	2
California	25	Nevada	...
Colorado	...	New Hampshire	19
Connecticut	11	New Jersey	13
Delaware	...	New York	319
Florida	...	North Carolina	...
Georgia	...	Ohio	10
Illinois	138	Oregon	11
Indiana	45	Pennsylvania	50
Iowa	15	Rhode Island	3
Kansas	10	South Carolina	...
Kentucky	1	Tennessee	5
Louisiana	...	Texas	10
Maine	5	Vermont	4
Minnesota	19	Virginia	...
Maryland	...	West Virginia	28
Massachusetts	4	Wisconsin	8
Michigan	250		
Mississippi	...	Total	1,021

The system of contracting out the labor of the criminals obtains in most of

these States. The State of California, under a provision of its new constitution, prohibits the employment of convict labor under the contract system, and requires the employment of such labor, after January 1, 1882, on behalf of the State. The State of Michigan also has the State contract system. The State of Maine and the penitentiary in Eastern Pennsylvania have non-contract systems. In the penal institutions of these non-contract States there are about three hundred of the criminals of the United States Government.

In the State of New York, at the last annual election, the question of the abolition of the contract system was submitted to the popular vote. The result was as follows: A total of 673,534 votes were cast, with a majority *for the abolition of the system* of 138,856. This was the largest vote ever cast in the State of New York upon any proposition submitted to the people by nearly 50,000. During the present session of the Legislature of that State the following law has been enacted:

"The superintendent of State prisons, or any other authority of this State, shall not renew or extend any existing or pending contract or make any new contract for the employment of any convicts in any of the prisons, penitentiaries, or reformatories of this State."

In the penal institutions of the State of New York, as has been stated, are over three hundred of the criminals of the United States Government. Add this number to those now in the prisons of non-contract States, and we have over six hundred, or three-fifths of the United States' prisoners, now serving sentences in the various penal institutions of the country.

At a convention of the National Prison Reform Association, held in New York on February 26, 27, and 28, this year, various schemes of reform were advocated, and the contract system was generally denounced.

Mr. Eugene R. Smith, of the New York Prison Association, said that it would be cheaper for the State of New York to board all of its prisoners at the Fifth Avenue Hotel, if it could insure their reformation, than to maintain the present system.

The advocates of the contract system were unable to refute the statements of those who maintained that under the contract system the reformatory character of the prisons has wholly disappeared, and that by it the tendency is that the convicts are confirmed in their evil ways.

Hon. Charles F. Peck, commissioner of the bureau of labor statistics of the State of New York, in his report of January 10, 1884, says:

"Notwithstanding the fact that this order was made by the Attorney-General of the United States"—

The order sending to the several penal institutions of the State its convicts—"under a law of Congress, I was unable to reconcile the idea that there was not some more potent reason behind all, and pursued the line of inquiry till I discovered the disgraceful fact that both the officials of our State prisons and the county penitentiaries had openly bid for the privilege of maintaining United States convicts, free of all expense to the National Government."

And further:

"As the result of the contract between the Erie County penitentiary officials and the Department of Justice at Washington, the State of New York is to-day supporting United States criminals free of all expense to the National Government, and in their inhuman greed to make their penitentiary pay in dollars and cents two convicts are crowded into one cell, and the rights of honest free laborers outraged."

The evils of the contract system are many, but your committee deem it necessary to only mention the following:

(1) The contract system is wholly adverse to reform, and therefore should be abrogated. The prisoners are treated as if they were so many dumb beasts, being driven to their daily tasks by men whose aim is to get a certain amount of work out of them each day.

Dr. Wines says:

"It places for the entire working day all the prisoners contracted for, to a great extent, under the control of men with no official responsibility; men who see in the convict only so much machinery for making money; men whose only, or at any rate, whose chief recommendation to the position they hold in the prison is that they are the highest bidders for the human beings hired by them. It introduces into the prisons agents of the contractors, who, for the most part, have not only no interest in aiding reform of the convicts, but are too ready to oppose it, by offering mischievous indulgences to the convicts as an inducement to further industrial efforts."

Dr. Wines says further, to show that no reform is possible under this system:

"In former times, especially conspicuous in New York, was the fact of the establishment in the prisons of a power behind the throne greater than the throne; a power well-nigh omnipotent within its sphere; a power that coerces, bribes, and threatens in pursuit of its selfish ends; a power that makes and unmakes officers, imposes and remits punishment through agents whom it has been able to bend to its will, and even stoops to mean devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by the sight of his punishment."

(2) The contract system works great injury to honest labor in many branches of industry. Investigations by committees of State Legislatures has shown this fact repeatedly. The special committee of the Sixty-third General Assembly of Ohio on prison labor, in their report, says:

"The testimony shows conclusively that the contract system carried on in our penal institutions is directly responsible for a large percentage of the reductions which have taken place in the wages of thousands of mechanics during the past four years. Nearly every manufacturer who testified before your committee attributed a large percentage of the reduction in wages to the system which enabled manufacturers who have prison contracts, and who employ large forces of convicts at cheap rates, to go into the market and undersell them. There is little or no room for doubt as to the evil effect of this system upon the interests of free labor. It not only tends to pauperize honest labor, but it is, in a great measure, responsible for the overcrowded condition of many of our penal institutions."

The result of the investigations by the commissioner of the bureau of labor statistics of the State of New York is:

"The contract system of prison labor is directly responsible, to a great extent, for the reduction of wages and loss of employment suffered by mechanics engaged in the same branches of industry which are carried on under the contract system in the prisons."

In the testimony recently published by the Senate Committee on Education and Labor, taken by said committee last summer, are the statements of men representing various trades and trade organizations, which are unanimously in favor of the abolition of the contract system.

Your committee therefore recommend the passage of the bill (H. R. 995), with amendments, as follows;

Insert in section 1, line 5, after the word "corporation," the following words: "Or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated." In line 6 strike out the word "prisoner" and insert the words "said criminals;" and in the same line, after the word "who," strike out the words "are now or."

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I ask that the bill be again reported.

The bill was again read.

The question being taken on the passage of the bill, there were—ayes 51, noes 9.

Mr. BENNETT. I make the point that a quorum has not voted.

Mr. ANDERSON of Kansas and Mr. BURROWS called for the yeas and nays.

The yeas and nays were ordered, 36 members voting therefor.

Mr. CLARDY. I ask that the bill be again read.

Mr. ANDERSON, of Kansas. I object. It has been read twice already.

The question was taken; and there were—yeas 252, nays 8, not voting 64; as follows:

YEAS—252.

Adams, G. E.	Dunn,	Lanham,	Romeis,
Adams, J. J.	Eden,	Lawler,	Rowell,
Allen, C. H.	Eldredge,	Le Fevre,	Ryan,
Allen, J. M.	Ermentrout,	Lehlbach,	Sadler,
Anderson, J. A.	Evans,	Lindsley,	Sawyer,
Atkinson,	Everhart,	Little,	Sayers,
Baker,	Farquhar,	Long,	Scott,
Ballentine,	Felton,	Lore,	Scranton,
Barbour,	Findlay,	Louttit,	Seney,
Barksdale,	Fleeger,	Lovering,	Seymour,
Barnes,	Foran,	Lowry,	Shaw,
Bayne,	Ford,	Lyman,	Singleton,
Beach,	Forney,	Mahoney,	Skinner,
Bingham,	Frederick,	Markham,	Smalls,
Bland,	Fuller,	Matson,	Sowden,
Bliss,	Funston,	Maybury,	Spooner,
Blount,	Geddes,	McComas,	Spriggs,
Bound,	Gibson, C. H.	McCreary,	Springer,
Boutelle,	Gibson, Eustace	McKenna,	Steele,
Brady,	Gilfillan,	McKinley,	Stephenson,
Bragg,	Glover,	McMillin,	Stewart, Charles
Breckinridge, C. R.	Green, R. S.	McRae,	St. Martin,
Breckinridge, W. C. P.	Green, W. J.	Merriman,	Stone, W. J., Ky.
Browne, T. M.	Grout,	Millard,	Stone, W. J., Mo.
Brown, C. E.	Hale,	Miller,	Storm,
Brown, W. W.	Hall,	Mills,	Strait,
Brumm,	Halsell,	Mitchell,	Swinburne,
Buchanan,	Hammond,	Moffatt,	Swope,
Bunnell,	Hanback,	Morgan,	Symes,
Burnes,	Harmer,	Morrill,	Taulbee,
Burrows,	Harris,	Morrison,	Taylor, I. H.
Butterworth,	Hatch,	Morrow,	Taylor, J. M.
Cabell,	Hayden,	Muller,	Taylor, Zach.
Campbell, Felix	Haynes,	Murphy,	Thomas, J. R.
Campbell, J. M.	Heard,	Neal,	Thomas, O. B.
Campbell, J. E.	Henderson, D. B.	Negley,	Townshend,
Campbell, T. J.	Henderson, J. S.	Nelson,	Trigg,
Cannon,	Henderson, T. J.	Norwood,	Tucker,
Carleton,	Henley,	O'Donnell,	Turner,
Caswell,	Hepburn,	O'Ferrall,	Van Eaton,
Catchings,	Herbert,	O'Neill, Charles	Van Schaick,
Clardy,	Herman,	O'Neill, J. J.	Viele,
Clements,	Hewitt,	Osborne,	Wade,
Cobb,	Hill,	Owen,	Wadsworth,
Collins,	Hiscock,	Payne,	Wakefield,
Conger,	Hitt,	Peel,	Ward, J. H.
Cooper,	Holman,	Perkins,	Ward, T. B.
Cowles,	Holmes,	Peters,	Warner, William
Cox,	Hopkins,	Pettibone,	Weaver, A. J.
Crain,	Howard,	Pindar,	Weaver, J. B.
Croxton,	Hudd,	Pirce,	Weber,
Culberson,	Irion,	Plumb,	Wellborn,
Cutcheon,	Jackson,	Price,	Wheeler,
Daniel,	James,	Randall,	White, A. C.
Davenport,	Johnston, J. T.	Reagan,	White, Milo
Davidson, A. C.	Johnston, T. D.	Reed, T. B.	Wilkins,
Davidson, R. H. M.	Jones, J. H.	Reid, J. W.	Willis,
Dingley,	Ketcham,	Reese,	Wilson,
Dockery,	King,	Rice,	Winans,
Dorsey,	Kleiner,	Richardson,	Wise,
Dougherty,	Laffoon,	Riggs,	Wolford,
Dowdney,	La Follette,	Rockwell,	Woodburn,
Dunham,	Landes,	Rogers,	Worthington.

NAYS—8.

Bennett,	Hemphill,	Oates,	Throckmorton,
Crisp,	Jones, J. T.	Perry,	Tillman.

NOT VOTING—64.

Aiken,	Dargan,	Houk,	Pulitzer,
Anderson, C. M.	Davis,	Hutton,	Ranney,
Arnot,	Dawson,	Johnson, F. A.	Robertson,
Barry,	Dibble,	Kelley,	Sessions,
Belmont,	Ellsberry,	Laird,	Snyder,
Blanchard,	Ely,	Libbey,	Stahlnecker,
Boyle,	Fisher,	Martin,	Stewart, J. W.
Buck,	Gallinger,	McAdoo,	Stone, E. F.
Burleigh,	Gay,	Milliken,	Struble,
Bynum,	Glass,	Neece,	Tarsney,
Caldwell,	Goff,	O'Hara,	Taylor, E. B.
Candler,	Grosvenor,	Outhwaite,	Thompson,
Cole,	Guenther,	Parker,	Wait,
Compton,	Hahn,	Payson,	Warner, A. J.
Comstock,	Hiestand,	Phelps,	West,
Curtin,	Hires,	Pidcock,	Whiting.

On motion of Mr. DOCKERY, by unanimous consent the recapitulation of the names of members voting was dispensed with.

Mr. COMPTON. Mr. Speaker, I should like to have my name recorded on this vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. COMPTON. I was not; but it was not my fault.

The SPEAKER. The rule does not permit the gentleman's vote to be recorded now unless he was in the Hall when his name was called.

Mr. COMPTON. I was not present, but if I had been I would have voted "ay."

The following members were announced as paired until further notice:

Mr. OUTHWAITE with Mr. GROSVENOR.
Mr. CANDLER with Mr. LAIRD.
Mr. ARNOT with Mr. STRUBLE.

The following were announced as paired for this day

Mr. ANDERSON, of Ohio, with Mr. THOMPSON.
Mr. CALDWELL with Mr. LIBBEY.
Mr. COLE with Mr. MCCOMAS.
Mr. BLANCHARD with Mr. E. B. TAYLOR.
Mr. FISHER with Mr. BUCK.
Mr. MCADOO with Mr. GALLINGER.
Mr. LANDES with Mr. BURLEIGH.
Mr. STAHLNECKER with Mr. WHITE.
Mr. PIDCOCK with Mr. LEHLBACH.
Mr. DAWSON with Mr. GOFF.
Mr. NEECE with Mr. GUENTHER.
Mr. ROBERTSON with Mr. HOUK.
Mr. BYNUM with Mr. WAKEFIELD.

Mr. GLASS. Mr. Speaker, I was not in my seat at the time the balloting began on this bill, and I therefore am not entitled to vote. I had gone to the Senate Chamber to consult with Senator JACKSON on some official business and remained a few moments to hear the opening remarks of Senator EDMUNDS on his resolution. Had I been in my seat I would have voted "ay" on this bill.

Mr. HIESTAND. Mr. Speaker, I was out of the House when my name was called, but I would like to vote on this bill.

The SPEAKER. Under the rule the Chair can not entertain a request of that sort at this time.

Mr. HIESTAND. I would have voted for the bill.

The result of the vote was then announced as above recorded.

Mr. JAMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills has expired.

FORFEITURE OF RAILROAD-GRANT LANDS.

Mr. VAN EATON asked leave to present and have printed the views of the minority of the Committee on the Public Lands on the bills (H. R. 6658 and H. R. 6659) declaring forfeited certain lands granted to aid in the construction of the railroads named in said bills.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. WELLBORN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. TOWNSHEND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. The first business in order is the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes.

Mr. WELLBORN. I ask unanimous consent that the first reading of the bill for information be dispensed with.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

Mr. WELLBORN. I ask the attention of the committee for a few minutes only to a hurried statement of the general outline and salient features of this bill; and I do so in the hope that such a presentation may in some measure conduce to intelligent action on the bill as well as promote its enactment into law.

I had intended, Mr. Chairman, in presenting this bill to the committee to indulge in some general reflections touching Indian policies, but as under the new rules of the House existing laws can not be changed on general appropriation bills, which are now held to their legitimate office of carrying out existing laws, I have on further consideration concluded to offer no observations on those subjects.

According to the analysis of the Indian bill as made by the Indian Office the various appropriations are grouped into seven classes or under seven heads. First, those appropriations which relate to the current and contingent expenses of the Indian service; second, those appropriations which relate to the fulfilling of treaty stipulations with the various Indian tribes; third, what is called miscellaneous support; fourth, incidental expenses of the Indian service; fifth, miscellaneous appropriations; sixth, appropriations for the purposes of education; and seventh, interest on trust funds. An inspection of this bill will show that in reference to the first class of appropriations it very nearly corresponds with the bill of the last Congress. The amount carried in this bill for current and contingent expenses, constituting the first class of appropriations, is $209,300. The whole amount of appropriations for kindred purposes under the last bill was $219,800, there being in this bill a reduction of $10,500. I will not consume the time of the committee in pointing out the various items which have led to this general result, because were I to undertake to do that I should be carried far beyond the limit of the hour allotted to me.

With reference to the second class of appropriations, those for fulfilling treaty stipulations, the amount carried by this bill is $2,453,697.84, as against an aggregate of $2,583,833 in the last bill, there being a reduction in this class of appropriations of $130,225.

With reference to the third class of appropriations, miscellaneous support, the amount is $1,061,300.

Mr. CANNON. Before the gentleman leaves this class of appropriations I would like to ask him a question. I notice the amount recommended by this bill is in round numbers $100,000 less than the amount appropriated for the current year.

Mr. WELLBORN. One hundred and sixty-three thousand five hundred and eighty-three dollars.

Mr. CANNON The gentleman will allow me to ask whether this reduction is due to the fact that the necessity for making these appropriations has ceased.

Mr. WELLBORN. Very largely. If the gentleman desires it I will give the principal items which have caused the reduction. For instance, $14,100 has heretofore been appropriated under treaty stipulations for the Chippewas at Boisé Fort, in Wisconsin. Those Indians are mostly in Minnesota, but the reservation is in Wisconsin. Then there is another treaty which has expired with the Klamaths and Modocs. This will give about $20,000 of the amount. Then there was appropriated last year $52,125, a balance due the Choctaws under a former appropriation of $300,000 when they admitted the freedman to citizenship in the Choctaw tribe. Then there is dropped out of this bill an item of $41,000, the balance of an appropriation due the Creeks for a large cession of their lands. Those are the principal items, though there are some others. I will state, however, as a matter of justice in reference to the last bill that the greatest part of this reduction has resulted from the expiration of treaties and also from the omission of items which had finished up treaties with the Indian tribes and could no longer be properly appropriated for.

With reference to the next item, general and miscellaneous expenses, the amount carried by this bill is $132,000, against $134,300 in the last bill, being a reduction of $2,300.

Under the next item, miscellaneous appropriations, the amount embraced in this bill is $452,000, as against $434,400 in the last bill. The amount appropriated by the present bill for the support of schools is $1,099,415; the amount carried by the last bill was $1,085,065, being an increase in the present bill over the last bill of $14,300. The appropriation for interest on trust funds is exactly the same in this bill as in the bill of last year, with the exception of $230 which the Indian Office found was no longer needed to be appropriated for.

The general aggregate of the appropriations for the Indian service this year is $5,502,562.84 as against $5,777,451.21, the whole decrease being $274,888.37. The estimates are $548,697 in excess of the bill.

One further remark, Mr. Chairman, and then I shall leave the bill for the consideration of the Committee of the Whole. In the preparation of this bill, the Committee on Appropriations has endeavored to adhere with absolute strictness to the new rule of the House which declares out of order on general appropriation bills any provision changing existing law. This bill is confined to the legitimate office which the rules of the House give to it; and hence there can be found in it no new legislation.

Now, Mr. Chairman, this is all I desire to say, and I will yield a portion of my time to the gentleman from Minnesota [Mr. NELSON], a member of the committee.

How much of my time is left?

The CHAIRMAN. The gentleman has fifteen minutes of his hour remaining.

Mr. WELLBORN. Perhaps the gentleman from Minnesota had better take the floor in his own right, and I will reserve the balance of my time.

Mr. NELSON. Mr. Chairman, I desire to present a few general considerations in connection with the programme and method of dealing with the Indians both in the past and as to the future. With the light and experience of to-day, it seems clear that the fundamental error of the past in dealing with the Indians and in meeting the Indian problem was in treating with and regarding the various savage and nomadic tribes within our borders as quasi-independent nations. This, in view of the status of both the whites and the Indians, was putting both in a false position. It was untrue and unjust to the Indians in their then condition to assume that they had attained the dignity of independent nations.

This erroneous assumption logically led to our system of cumbrous and intricate so-called Indian treaties—a system under which more

injustice has been done the Indian than we can fully measure or are willing to admit. Whenever a portion of the lands roamed over and partially occupied by some savage band of Indians was wanted the executive department would send some shrewd and insinuating agent to negotiate a treaty with the band.

The provisions of the so-called treaty were in the main the suggestions and notions of the agent. The Indians neither comprehended the value of their possessions nor realized what would be a suitable or beneficial recompense and equivalent. Like children carried away with sweetmeats and candies, so were these children of the forest induced oftentimes by beads or other mere baubles to affix their marks to treaties the mere product of a one-sided negotiation, the provisions of which have scarcely been explained, or if explained were hardly understood. And then when the preliminary farce was complete the treaty embellished with some crosses sandwiched in among some pompous, unpronounceable, and oftentimes invented names, was laid before the American Senate, and by it ratified in secret session with all the formality, pomp, and dignity of a treaty with the courts of St. James or St. Petersburg; and then, the ceremony being complete, our concern for the Indians—other than merely fulfilling the provisions of the treaty—wholly ceased. Wilkins Micawber, being about to part with his friend Thomas Traddles, exclaimed:

> My dear Mr. Traddles, I couldn't think of leaving this place without acquitting myself of my obligation to you. I have the pleasure of handing you my I O U; and now, thank God, having liquidated my obligation, I can again breathe the air of an honest man.

So our Government having gone through the pomp and ceremony of a treaty—aside from the mere purpose of fulfilling its obligations—did by its attitude and acts declare that it had thus and thereby fully acquitted itself of all its obligation to the Indian. Such treaties, though literally liquidated, were practically of as little real value to the Indian as Micawber's note was to Thomas Traddles.

The fiction of an independent nation and the paraphernalia of a treaty were not only held to be a decent excuse and apology for a vast and ever-growing land-grabbing policy, but was also the occasion and ground on which the Indian was practically utterly abandoned to himself. The treaty being complete, our people entered into possession of the ceded territory, and the Indians withdrew and receded into the unexplored and unknown wilderness and were there left to continue in their savage mode of life, rendered still more savage and dangerous by the powder and spirits furnished them by mercenary whites.

Nothing was done for the civilization and education of the Indians, but whatever was done had a demoralizing and dangerous tendency. Inducing the Indians to believe they were great, independent nations, giving them liberal and oftentimes extravagant annuities for lands which they themselves hardly felt or realized they owned without teaching them how to make proper use of their annuities, all this tended but to make the Indians more arrogant, greedy, and dangerous neighbors. And whatever more was essential to effect complete demoralization was furnished by association with the lawless elements of our own race. All the education we thus in one way or another gave the Indian tended but to build up and emphasize the savage element in him, and as a consequence we had frequent and sometimes very bloody and serious Indian wars.

Between the wars and the treaties we gradually but steadily encroached upon and pressed the Indian back farther and farther into the wilderness, and there is no telling how long the process would have continued had not the supply of wilderness given out. And as long as we could press the Indian back and keep him out of reach and sight we were content to let him remain in his savage state and paid no attention to his education and civilization. During all this period of Indian maladministration there was a curious variety of public sentiment in regard to the Indian. Those who lived on the verge of civilization and came in daily contact, more or less, with the Indian were prone to regard and treat him as little better than the savage beast of the forest. To the frontiersman there was no Indian so good as the dead Indian.

In the older States, and among those who chiefly knew the Indian through the novels of Cooper and others, there was a tendency to ascribe the noblest virtues and the grandest of human sympathies and aspirations to him, and that these, though always inherent, were not always active and visible, owing solely to the contaminating influence of rapacious white men. The badness of the Indian was wholly an absorbed badness—absorbed from depraved whites. Between these two extreme views the logic of events drove us to a surer, juster, and more rational basis. When the Indian had reached the last patch of wilderness and we were brought face to face with him on all sides, then it dawned upon the sober and better judgment of the country that, while the Indian was by nature and habit a savage, yet that he was, to a very large extent, amenable to processes of civilization, and that it was within our power and clear duty to make him an industrious, useful, law-abiding, and self-supporting citizen. It took some time for public sentiment to crystallize and become active. Old programmes and old prejudices had to be laid aside and overcome; the nation had to undergo a change of faith and heart.

No great cause of human progress ever lacked its apostle and missionary. The cause of Indian education found its Pratt, its Armstrong, and its Cox, who not only demonstrated that the Indian had almost as great capacities for cultivation and improvement as his white brother, and that he could be transformed into as good, useful, and industrious a citizen, but also awakened and aroused the public sentiment to such an extent that the political body, the state, intervened and assumed the duty it had so long neglected. The American people, the state, no less than the Indian, have great cause to thank those noble men and women, the pioneers in a practical useful secular Indian education. In this land of liberty great reforms ever grow from the people up to the state, for such seems to be the essence and spirit of our institutions, and when the state is once thus impressed the problem is a verity. The duty of educating our Indians is no longer an open question, and yet it is not till recently this can be truly said. But since the nation has become fully alive to the subject we have made and are making rapid strides, while our Indian appropriation bills have increased from $4,567,017.63 in 1876, to $5,525,873.64, in this bill, as the following detailed table will show:

Statement of amounts appropriated in the general appropriation acts making appropriations for the Indian service for the fiscal years 1877 *to* 1886, *inclusive, and in the present bill.*

1877	$4,567,017 63	1883	$4,215,603 91
1878	4,769,079 70	1884	5,379,655 91
1879	4,733,875 72	1885	5,903,151 26
1880	4,681,840 85	1886	5,777,451 21
1881	4,657,262 72	1887 (proposed bill)	5,525,873 64
1882	4,587,866 88		

Yet the increase has been mainly in the educational items of the bill, in respect to which there has been broad and generous liberality. The appropriation in the present bill for general educational purposes, aside from treaty items, is $1,099,415.

The foundation for the present extensive general appropriation for industrial schools and other educational purposes was first laid in 1876, the sum of $20,000 being appropriated in the bill of that year. Subsequent appropriations for this purpose have been and are as follows:

1877	$30,000 00	1882	*432,200 00
1878	60,000 00	1883	680,200 00
1879	75,000 00	1884	992,800 00
1880	75,000 00	1885	1,107,665 00
1881	85,000 00	1886 (present bill)	1,099,415 00

*Including Hampton, Carlisle, and Forest Grove, and other general purposes.

The foregoing figures show that the general educational item in 1881 was but $85,000, while the next year it was increased to $432,200, and in the same year the office of Indian school superintendent was established. The increased appropriation and the establishment of this office in 1882 mark the epoch at which our Indian school system was fairly placed on a firm and progressive footing. Since that time, though much remains yet to be done, rapid progress has been made, and the mere tentative stage has been passed, as a glance at the present status of our Indian schools will plainly show.

Our estimated Indian school population is about 36,000 in round numbers. During the fiscal year ending June 30, 1885, the total average attendance at all our Indian schools was 9,314, or a little over 25 per cent. of the school population, distributed among 261 different schools, of which 200 are supported in whole or in part by the Government, 28 by the State of New York, and 33 by religious societies. A record exists of the average attendance at the purely Government day and boarding schools since 1881. From this it appears that in 1882 there were 125 such schools, with an average attendance of 3,764 pupils; in 1883 139 schools, with 5,071 attendance; in 1884 156 schools, with 5,162 attendance, and in 1885 170 schools, with 6,008 attendance, showing a marked and promising increase in the number of Government schools and the total average of attendance, and showing that the schools are in a healthy and progressive state.

The following table shows in detail the variety, number, average attendance, and total cost of our Indian schools, aside from those conducted by the State of New York and religious societies, namely:

Boarding, day, training, and other schools—number, average attendance, and cost.

Kind of schools.	Number.	Average attendance.	Total cost.
Boarding schools under agency supervision	84	4,066.27	$488,974 50
Day schools under agency supervision	86	1,941.90	44,594 15
Training schools	5	1,143.00	234,854 65
Hampton Institute and Lincoln Institution	2	282.00	48,199 39
Schools in States and Territories	23	710.00	80,653 33
Total	200	8,143.17	887,276 02

Hampton and Lincoln are also training schools, but not wholly under Government supervision, and hence named separately.

The names, location, and statistics of the seven Indian training schools referred to above are given in the following table:

School.	Location.	Employés.	Capacity.	Months in session.	Average attendance.	Cost.
Carlisle training school	Carlisle, Pa	38	400	12	475	$79,852 00
Chilocco training school	Chilocco, Ind. T	26	150	12	153	33,000 00
Forest Grove training school.	Forest Grove, Oreg.	25	150	12	189	33,160 00
Genoa training school	Genoa, Nebr	24	150	12	86	27,434 00
Hampton Institute	Hampton, Va	.....	140	12	119	20,944 93
Haskell Institute	Lawrence, Kans	34	320	10	240	51,408 65
Lincoln Institution	Philadelphia, Pa	.....	200	12	163	27,254 46
Total		147	1,510	.....	1,425	273,054 04

The following is a detailed statement of the schools, twenty-three in number:

Number of schools and rate of tuition per contract.	Average number of pupils.	Cost.
6 at $100 per annum	227	$17,166 45
1 at $110 per annum	13	857 23
2 at $120 per annum	112	12,478 66
1 at $130 per annum	50	2,244 31
13 at $167 per annum	308	47,906 68
23	710	80,653 33

In respect to the comparative cost of the different kinds of schools the school superintendent makes the following reflections:

It appears that the cost per capita per month of maintaining and educating a pupil at a Government school is considerably greater than the cost of maintaining and educating a pupil at a contract school. In explanation of this fact it is suggested that the Government does not pay to a contract school the entire cost of a pupil's maintenance and education. The machinery of contract schools is not supplied for the exclusive purpose of maintaining and educating Indian children. The machinery of such schools is usually supplied for other educational or for benevolent purposes. The education of Indian children, under contract with the Government, is generally undertaken either for the purpose of filling a school to its capacity or for benevolent reasons. The Government does not, therefore, pay to these "contract schools" the entire cost of maintaining and educating a pupil. It merely helps the school by contributing a part of the cost of supporting and instructing the Indian children who are placed under contract at such a school.

SUPPLIES PRODUCED AND USED BY SCHOOLS.

At a number of the boarding schools, and at one day school, vegetables and grains were raised on the school farms and fuel was provided by the pupils, all of which supplies were used by the schools producing them. Only twenty-seven out of eighty-four boarding schools and one day school reported the value of supplies of this kind produced and used by said schools last year. (The total value of these supplies was $11,080.01.) Of this amount the Yakima boarding school, Washington Territory, produced $2,899.72; the Puyallup boarding school, $1,141.75; the S'Kokomish boarding school, $1,072.30; the Chehalis boarding school, $763.30, the three last-named schools being located within the limits of the Nisqually and S'Kokomish agency, Washington Territory. These four schools in Washington Territory produced more than half of all the supplies as above reported.

A tabulated statement of the value of the supplies thus produced and used is as follows:

Name of school.	Agency.	State or Territory.	Value of supplies.
Blackfeet boarding and day school	Blackfeet	Montana	$207 4
Crow Creek boarding school	Crow Creek and Lower Brulé.	Dakota	21 35
Lower Brulé boarding school			18 00
Fort Stevenson boarding school	Fort Berthold	do	732 65
Fort Hall boarding school	Fort Hall	Idaho	118 40
Poplar Creek boarding school	Fort Peck	Montana	290 35
Menomonee boarding school	Green Bay	Wisconsin	47 90
Hoopa Valley day school	Hoopa Valley	California	91 59
Neah Bay boarding school	Neah Bay	Washington	267 95
Chehalis boarding school	Nisqually and S'Kokomish.	do	763 30
Puyallup boarding school			1,141 75
S'Kokomish boarding school			1,072 30
Winnebago boarding school	Omaha and Winnebago.	Nebraska	8 75
Kaw boarding school	Osage and Kaw	Indian Ter.	253 17
Osage boarding school			728 64
Pine Ridge boarding school	Pine Ridge	Dakota	162 75
Pottawatomie boarding school	Pottawatomie and Gt. Nemaha	Kansas	231 45
Kickapoo boarding school			254 99
Sac and Fox and Iowa boarding school.			614 76
Absentee Shawnee boarding school.	Sac and Fox	Indian Ter.	118 92
Sac and Fox boarding school			174 10
Santee and Flandreau boarding school.	Santee and Flandreau.	Nebraska	108 95
Sisseton boarding school	Sisseton	Dakota	66 65
Umatilla boarding school	Umatilla	Oregon	191 00
Warm Springs boarding school	Warm Springs	do	59 60
Sin-e-ma-sho boarding school			68 50
Yakima boarding school	Yakima	Washington	2,809 72
Yankton boarding school	Yankton	Dakota	365 12
Total			11,080 01

The following tables show in detail the lands cultivated, crops raised, and animals kept and raised at the reservation, and training schools during the year 1885:

Land cultivated.	Number acres.
By reservation schools	2,436.75
By training schools	1,085.00
Total	3,521.57

Kind of crop.	By reservation schools.	By training schools.	Total.
Corn, bushels	17,370	8,080	25,450
Oats, do	12,973	5,150	18,123
Barley, do	302	.....	302
Wheat, do	3,350	2,695	6,045
Potatoes, do	18,289	3,250	21,539
Turnips, do	4,179	2,090	6,269
Onions, do	796½	50	846½
Other vegetables, do	8,440	3,293	11,733
Fruit, do	1,139	657	1,796
Melons, number	9,947	1,000	10,947
Pumpkins, do	7,019	5,950	12,969
Hay, tons	2,336	486	2,822
Sorghum, gallons	100	.....	100
Butter, pounds	6,952	784	7,736
Cheese, do	736	.....	736
Horses and mules, number	194	57	251
Cattle, do	1,522	493	2,015
Swine, do	867	89	956
Sheep, do	140	.....	140
Fowls, do	1,790	.....	1,790

In respect to this matter the school superintendent observes:

In an attempt to stimulate the Indian agents and school employés into an earnest effort to make the school farm and garden useful and productive, the agents and school superintendents were last spring informed by circular that each school must depend upon its own farm and garden for a large part of the subsistence required by the pupils. That this action had a good effect is proven by the fact that the above figures show an aggregate increase of 17,000 bushels of grain and vegetables over the school productions of 1884; but in this direction all has not been done that should have been done.

From the foregoing statistics it clearly appears that while much has been mapped out and accomplished, there is still a large field to cover and room for much improvement and expansion. All the schools partake more or less of an industrial character—indeed, in many of them the chief object is a practical industrial education, to make the Indian a workman rather than a scholar.

Aside from the schools in New York and schools carried on under the auspices of religious societies, our Indian schools may be classified as reservation day and boarding schools, contract schools, and training schools. Of all these classes the least intrinsic good is accomplished by the reservation day school, for the reason that whatever is done in school is undone at home. The Indian child can not, like his white brother, return from school to a civilized home. He is daily in two atmospheres—that of civilization and that of the savage. What one is daily building up the other is daily tearing down. The system involves a great loss in mental and moral force, and aside from all other objections one chief vice is, that the Indian child does not receive a fair trial. The system is not a fair test of the child's capacity, and should, wherever possible, be abandoned for something better.

By contract schools I refer to those schools in the States and Territories where Indian pupils are educated, per contract, at a certain per capita price. The plan and design of this education is mainly industrial, and excellent work is done at many, if not most, of these schools. The objections to them, if any, are that they are oftentimes, so far as the Indian is concerned, mere adjuncts of larger white schools, where the Indian department is regarded simply as secondary and subsidiary to the main school, and where the industrial character of the education is apt to be more or less lost sight of and overlooked in the zeal for the more purely intellectual training that is naturally connected with a school instituted in the first instance and mainly carried on for the benefit of white pupils. But in this connection let us not overlook the great advantage the Indian child necessarily derives from association more or less close with white pupils—the living human model ever before his eye.

The reservation boarding school, especially where connected with a farm, is no doubt, in the main, the best method for reaching and civilizing the Indians, old as well as young. Such a school not only performs all the functions of an industrial training school for the children, but is also a civilizing force continually operating upon the adult Indians. The children must necessarily feel more happy and buoyant in being near their homes and their parents, while the parents are spared the pain and anguish of having their children removed to distant points, out of sight and reach. Besides, the parents, relatives, and friends of the children can daily witness and observe the pursuits in which the children are engaged, the progress made, and the happy results. And all this will inevitably evoke parental pride and a yearning for something purer and better. The old Indian will delight in the progress of

his child, and while he realizes that he can never fully attain the child's level, yet he will strive to be as much like his child as his beclouded nature will permit; and he will learn to cherish and respect an institution which visibly and in his presence accomplishes so much good. The reservation boarding school not only educates its pupils, but educates more or less the entire reservation population. It is something more than a mere school; it is a silent but effective missionary, civilizing and reforming all, old as well as young, within the radius of its beneficent influence.

The Indian training schools, such as those at Carlisle, Hampton, and Lincoln, are the pioneers as well as the models of modern industrial Indian schools. We owe a debt of gratitude to these institutions and their promoters. They were the first to demonstrate and make clear to us the great capacity of the Indian for education and civilization, and that the Indian could with proper training be made as useful, as industrious a citizen as his white brother. But, more than this, and what was at the time quite as essential, those institutions, their friends and promoters, built up and created in the nation and among our people an interest and zeal in the civilization, education, and welfare of the Indian hitherto unknown, and which was clearly one of the first requisites. These institutions not only educated the Indian, but educated our people to a fuller and more earnest realization of the duty we owed to the Indian. It was under the impulse of this education that our Indian educational appropriations grew and increased so rapidly from year to year, especially since 1881. Without the sentiment in favor of Indian education thus created by those training schools and their promoters, such large educational appropriation as that of the present bill would hardly be granted or tolerated.

These training schools, while they give the pupil the best of training and instruction, are nevertheless not performing that general and beneficent work of civilization accomplished by the reservation boarding school. The removal of the children thousands of miles away from their homes and parents must necessarily be a great source of grief to both parents and children. The children gradually, in the midst of their surroundings, overcome and get the better of such grief. Not so with the parent. To him the absence of the child is a continuing and ever present grief. The very place of the child's absence is to the Indian parent a mystery. A system that carries his child out of his sight and reach can have no charm for the Indian parent. He necessarily doubts its efficacy.

The unknown is always more or less a matter of doubt. Instead of delighting in the education of his child, the parent learns to dread and seeks to avoid it, and this feeling of the parent necessarily percolates and takes possession of the whole tribe; and thus it comes to pass that while these training schools give the pupil a fine training, that as regards the residue of the Indian population they are but spent moral and intellectual forces. For the reason that these institutions afford the highest kind of Indian industrial training, and are so few, they should be maintained in our Indian school system and perform the function of academies or normal schools.

But for the reason that these schools never can be as potent a civilizing factor among our adult Indian population as our reservation boarding schools are, there should be no increase or extension in these training schools. I am convinced that our chief efforts should be devoted to the increase and expansion of our reservation boarding-school system. This is the focal point. This is the leaven which will more or less gradually and ultimately leaven our entire Indian population and engender it with a new heart and new spirit. By keeping up the full vigor of our boarding schools on the reservation we not only educate and civilize both young and old, but we accustom them to the machinery and *modus operandi* of our educational system, and familiarize them with it so that they can in time become competent to operate among themselves a system of common schools similar to that of our white people; and until this stage of progress has been reached the Government must necessarily continue to provide funds, and to supervise, manage, and care for the education of our Indian wards.

But to facilitate and hasten the civilization of our Indians something besides our school system is necessary and imperative. Most of our Indian tribes occupy and wander over vast reservations, without any fixed or settled farms or homes. The very size and immensity of these reservations tend to keep up the roaming and nomadic spirit, and militate against a settled andindustrious life. Besides, it seems the height of extravagance to permit a few semi-civilized Indians to occupy a vast reservation, to clothe and feed them thereon, and to derive no real benefit from the land either for whites or Indians. The first step in the progress of our own race was that from the life of a nomad to that of a tiller of the soil; and so the first step of progress among our Indians must be to become tillers of the soil, become farmers in the fullest and broadest sense of the term. The Indian must be taught to acquire a taste for agricultural pursuits. He must be taught to acquire a taste and zeal for the ownership of land in severalty, and to realize the importance of having a piece of land that he may call his own as against all the world.

The only way in which this spirit and taste can be ingrafted upon our Indians is to break up our large Indian reservations—indeed all of them as such—and to make proper allotments of land in severalty to the Indians, and to sell and dispose of the residue at fair figures, and devote the proceeds to the education and civilization of the Indians. No Indian should be permitted to hold and occupy more land than he can till. The balance should for proper compensation be open to the tillage and settlement of the white man. And the proceeds of this surplus land should be the fund to furnish the means for the education and civilization of our Indians, rather than the extensive appropriations we are now annually making from the Treasury. In other words, our extensive Indian reservations should at once be so utilized as to furnish the Indians with suitable farms and with the funds for their improvement, and thereby the Indians would become wholly self-sustaining and cease to be a burden on the Treasury of the United States. The present bill shows that the Indians are a great financial burden to the Government, and this burden will never cease till we utilize the Indian reservations in the manner indicated.

General Sheridan in his annual report says on this subject:

The Indians are the richest people in this country, as communities. Their reservations include some of the best land, and if divided among the heads of families each family would have thousands of acres. If I may be permitted to suggest, I would recommend that each family be given and located on the 320 acres now provided for them by law in case of actual settlement. The Government should then condemn all the balance of each reservation, buy it in at $1.25 per acre, and with the proceeds purchase Government bonds, to be held in trust by the Interior Department, only giving to the Indians each year the interest on the bonds for their support. Let this money, if you please, be disbursed the same as the money appropriated each year by Congress. The practical working would be about as follows: The Crow Indians, for instance have nearly 4,800,000 acres of land. There are not more than thirty-three hundred of them, and counting five persons to a family—a large estimate—they could be settled separately on 320 acres for each family and then have over 4,500,000 acres left, which the Government could buy of them when condemned. If the proceeds were invested in Government bonds and the interest used for their support, it would be more money than is now appropriated by Congress for their yearly maintenance. It would be their own money, and take the question of annual appropriations for them out of Congress.

Take the Cheyenne and Arapahoe Indians as another example. They have nearly 4,300,000 acres; 200,000 would settle them in severalty, and the 4,100,000 remaining, if purchased by the Government in the manner described, would yield an annual interest sufficient for their support.

The Ute Indians have about 5,100,000 acres, which, if purchased in the same way, would furnish a revenue adequate for their support. The same plan could be extended to cover most of the Indian reservations in the country.

I only propose that the Government should buy these lands for simplicity and safety. Settlers and speculators would buy them and take them at the average of $1.25 per acre. Some of them are now worth eight or ten dollars per acre. In this way the Indians would have perpetual security in the principal until Congress chooses to give it to them to be used as they may see fit. The Government would lose nothing, and the Indians would only be getting the value of their property safely invested. The Indians are not poor; they are only incompetent at the present time to take care of their own property, and therefore require looking after. The treaties we have made with them might interfere with the condemnation and purchase of these lands by the Government, but Congress could easily devise some means of overcoming this difficulty.

In a supplement to his annual report General Sheridan further elaborates and elucidates the views above expressed, as follows:

INFORMATION IN DETAIL ON WHICH THE RECOMMENDATIONS RELATING TO INDIAN LANDS WERE MADE BY LIEUTENANT-GENERAL SHERIDAN IN HIS ANNUAL REPORT.

In my annual report for 1885 I recommended that each Indian family be given and located upon the 320 acres now provided for them by law in case of actual settlement; that the Government then condemn the remainder of each reservation and buy it for $1.25 per acre, and with the proceeds purchase Government bonds, to be held in trust by the Interior Department, giving to the Indians each year the interest on the bonds for their support. I cited in illustration of what would be the practical workings of this suggestion the case of the Crows, the Cheyennes, Arapahoes, and the Utes, but the limits of my report did not permit a full elucidation of the advantages that would accrue to the Indians, nor even an allusion to the large amount of land now lying idle that would thereby be opened to settlement, and increase by so much the material prosperity of the nation.

When it is attempted to deal with this subject more in detail, a difficulty is at once encountered, in that neither the actual area of the various reservations has been accurately determined, nor the numbers of the Indians occupying them known within more than approximate limits. It will, therefore, not be possible to show the exact workings of the method proposed, but only a general summary covering the cases of the larger reservations in each Territory and the most populous of the different tribes.

Since the appropriations for the support of the Indians are not in every case made specifically for those upon any particular reservation, but rather collectively for those inhabiting some State or Territory, in making comparisons with the sum now required for the subsistence of the Indians and the annuities allowed them by treaty, the aggregate for a Territory or several Territories has necessarily been considered rather than for each tribe or reservation.

In Dakota the principal reservations are the Fort Berthold and those inhabited by the various bands of Sioux. The Fort Berthold reservation, with an area of over 2,900,000 acres, has a population of 1,300 people; the others—the Crow Creek, Old Winnebago, and Sioux—an area of nearly 22,250,000 acres and a population of about 25,800. Carrying out the proposals of my report would, in the former case, afford an annual income of over $140,000, and in the latter case a surplus unoccupied by the Indians of over 20,500,000 acres (over 32,000 square miles), or an extent of territory equal to the combined area of the States of New Hampshire, Vermont, Massachusetts, and Connecticut, the proceeds of which, at 4 per cent. per annum, would yield an interest of over $1,000,000. With two of the smaller reservations—the Devil's Lake and South Mountain—area 276,480 acres, population over 1,800—nearly half the land would be required by the Indians; in this case then the income from the surplus would be small, being a little less than $8,000 per annum.

In Montana the Blackfeet reservation contains over 21,500,000 acres and a population of less than 7,000 Indians; the surplus land, equal to the area of the State of Maine, would then return an income of $1,060,000; the Crow reservation mentioned in my report could, in a similar manner, be made to produce an annual sum of $223,000.

Considering all the Indians and reservations in the Territories of Dakota and Montana, we have an aggregate area of over 54,500,000 acres, and a population of less than 45,000. The surplus area of nearly 81,000 square miles (almost equal to the entire State of Kansas) would produce an annual interest of over $2,500,000. The appropriations for the fiscal year ending June 30, 1886, for fulfilling

treaties with these tribes and for their subsistence and civilization and the pay of the employés incident to such undertaking amount to about $100,000 less than this sum.

In Wyoming the Shoshones are located upon the Wind River reservation. One hundred and seventeen thousand dollars per year could be derived from their surplus land.

In Idaho the Fort Hull reservation, occupied by the Bannocks and Shoshones, would in the same way produce each year $55,000; the Cœur d'Alene reservation $28,000. In the two Territories of Wyoming and Idaho the total area of all the reservations is nearly 5,000,000 acres; the total population nearly 6,000. An area of nearly 7,200 square miles, almost equal to the State of New Jersey, would not be required for the Indians, and an income would be yielded of about $235,000—a sum more than $100,000 in excess of the appropriation for the current year.

In Oregon the most populous reservation is the Klamath, with over 1,000,000 acres, but less than 1,000 inhabitants. It would yield nearly $50,000 a year.

In Washington Territory the Yakamas, about 3,200 in number, occupy the reservation of 800,000 acres of the same name. Here the surplus land would bear but $30,000 a year. In Oregon and in this Territory the reservations, with a total population of about 16,000, embrace 8,400,000 acres, or about seven and one-third million acres more than would be required by them under the plan proposed, which would produce per annum $370,000, or about $300,000 more than is appropriated for these Indians.

The different bands of Utes in Utah and Colorado number about 3,650, and their reservations include over 5,000,000 acres, of which the surplus portion would produce a yearly income of $240,000, or about $175,000 more than is being disbursed this year for their benefit.

In New Mexico the Navajoes, on the reservation of the same name, have now over 8,000,000 acres for a population of 23,000 people. Here the surplus land would yield over $330,000 a year.

For the surplus lands of the Mescalero Apache reservation the income would be nearly $20,000.

In Arizona the principal reservation is the White Mountain, with the agency at San Carlos. It embraces more than two and one-half million acres. Considerable uncertainty exists as to its population, but it is probably about 3,000 in the vicinity of the agency, and 2,000 more—making 5,000 in all who are now engaged in farming and in efforts to make themselves self-supporting. The latter would, however, be entitled to all the benefits obtained by the agency Indians in any scheme looking to the promotion of their general prosperity. Carrying out the proposals of my report would leave a balance of considerably over 2,000,000 acres, with, according to the plan advocated, about $110,000 per year.

Considering collectively the Indians of New Mexico and Arizona, we have reservations embracing sixteen and one-half million acres, inhabited by nearly 53,000 people. The surplus land would include about thirteen and three-fourths millions of acres, about equal to half the State of Kentucky, which would yield, according to the plan proposed, nearly $640,000, a sum greater by $350,000 than that appropriated for the current year for the support of these Indians.

In the Indian Territory the Cheyenne and Arapaho, the Kiowa and Comanche, and the Wichita reservations embrace over 8,000,000 acres. The population is about 7,750. The income from the surplus land ($375,000) would come within $75,000 of equaling the amount appropriated. Considering all the Indians in this Territory, we have a total of nearly 80,000, an extent of reservation of thirty-one and one-half millions of acres, excluding the Oklahoma country, which would produce an annual income of about one and one-third million dollars.

The Indian reservations of the United States contain about 200,000 square miles, and their population is about 260,000. Twenty-six thousand square miles would locate each family upon a half-section of land, leaving a surplus of about 170,000 square miles, which, according to the plan I have proposed, would produce annually $4,480,000. This amount exceeds by about $660,000 the entire sum appropriated for the payment of their annuities and for their subsistence and civilization.

The policy advocated in my report would be most advantageously applied gradually, the general government of the Indians being continued according to the methods now in vogue, or such improvement of them as time and experience may suggest. The ultimate development of the suggested policy would, as the Indians advance in civilization and intelligence, result in the return to them of the principal derived from the sale of their lands, which, until such measures were authorized by act of Congress, would be held as a trust for their benefit, and the income applied to their support.

Just think of it. Two hundred and sixty thousand Indians occupy and hold to the exclusion of everybody else 200,000 square miles or 128,000,000 acres of lands. Were every Indian young and old to have allotted to him 100 acres of land, which would average about 400 acres to each family, there would still be a surplus of over 100,000,000 acres. These surplus lands should be sold and converted into cash at the earliest practicable moment. No more land should be left with the Indians than they can subdue and put under cultivation, and whatever land is given to and left with them should be allotted to them in severalty at the earliest moment.

Our expensive and extensive educational system will fail to accomplish the full measure of good, will fail to effect radical and permanent reform, unless in connection therewith we break up all tribal relations, and break up and distribute by allotments and sale our extensive Indian reservations. Tribal life, tribal thoughts, tribal notions and aspirations should be forever emasculated and rooted out. Till this is done no solid basis has been laid—the old weeds and rubbish must be thoroughly removed before the new seed can take full root and grow. Such a land system as the Indian reservation system would be demoralizing and degrading to even our own race, and would lead to mental, moral, and social degradation; and what would thus necessarily and inevitably affect our own race can not but be a millstone round the neck of the Indian.

The Indian should be taught first of all how to own land in severalty, how to improve, cultivate, and raise crops on such land, and how to depend on this land for his maintenance and support instead of looking to the Government. This accomplished the most important step in the civilization of the Indian has been taken. The rest is mere routine work, requiring time, it is true, but nevertheless a task comparatively easy to be accomplished. Whenever the Indian becomes a self-supporting farmer and land-owner then he will cease to be an Indian and begin to be an American citizen, and then "he will have a love for this land as if it were his daughter, his pipes in peace, his tomahawks in war."

Mr. THROCKMORTON. Mr. Chairman, I propose to occupy the time of the committee for the purpose of calling attention to what I conceive to be one of the greatest evils in the administration of our Government. I believe our whole Indian policy as it has been pursued for a great many years is wrong; that there is a vast expenditure of money not warranted by any treaty stipulation, or which will result in any benefit to the Government or to the Indians. And I would ask the patient attention of the committee while I review somewhat in detail the condition of the Indian affairs of the Government, and as minutely as time will permit the prominent features of the bill under consideration.

In common with many others I had hoped with a change in the administration of the Government there would be a change in respect to the management of the Indian affairs of the country. But it seems, in the absence of recommendations of the executive officers of the Government and from the features of this appropriation bill, we are to continue in the same old grooves, with no marked or distinctive change in the policy heretofore pursued or in a reduction of expenditures.

On the contrary, there is a decided increase in a direction not made obligatory by any treaty stipulation and justified by no good results. I allude to the increased provisions of the bill for educational purposes.

The two great political parties of the country have pledged their exertions in favor of economical government, and especially have the Democracy pledged themselves not only to reduce expenditures but also to lower taxation.

I ask, sir, how these pledges are to be redeemed unless we begin here, in this body, where the taxes are levied upon the people and where the expenditures for the support of the Government are authorized.

Mr. Chairman, in the observations which I submit on this measure I do not wish to be understood as reflecting on the Secretary of the Interior or the Commissioner of Indian Affairs. I have the utmost confidence in the ability and integrity of both these gentlemen. I feel fully assured that their exertions will be directed to an honest effort to execute the laws in respect to these matters in the most faithful manner, and at the same time using all the means at their disposal to promote the welfare of the Indians. Nor is it my intention to reflect upon the Committee on Indian Affairs that formulated this bill.

It is the methods and the policy of our Indian management that have gradually grown upon the country until they have become an intolerable burden to which I object, and the viciousness of which I will undertake to point out.

I propose to examine the bill somewhat in detail and see if it is not apparent upon its face that a great saving can be had without impairing the efficiency of the service. I believe a saving of large sums can be secured, and at the same time the efficiency and energy of the service be greatly promoted.

In the first section of the bill before us, on the first and subsequent pages to the seventh, you will find there are sixty regular agents and five special agents, five inspectors, one school superintendent, and a commission of ten citizens appropriated for at a cost to the Government of $120,300.

This can be dispensed with and no injury result to the service. In the first place, there are some agencies not at all needed and others that should be consolidated. The Union agency of the five civilized nations, with the consent of the Indians, should be abolished, and I presume a few others can be as readily disposed of.

These five civilized nations have their own governors, Legislatures, and courts, and are as competent to take care of their affairs as the people of our organized Territories. The Government should transact its business directly with the authorities of these people.

Mr. Chairman, it is a well known fact that in our regular Army we have about one commissioned officer for every eight private soldiers. In many instances and for long periods these officers and privates have but little to do except routine duty at garrisons and outposts. Besides these officers on active duty there are several hundred retired officers drawing three-fourths of the pay they would receive if in active service. Many of them are physically able and doubtless would be glad to be employed in this service with full pay. Many of these officers, from thorough discipline and long experience in Indian matters, would make the best agents and employés that could be selected in the entire country.

Mr. Chairman, no greater folly was ever committed than that of appointing Indian agents from a class of people wholly unacquainted with Indian habits and wants, and whose pursuits in life have afforded them no knowledge of Indian character. On the other hand, there is no class of our people better qualified for these positions by education, experience, and long contact with frontier life and Indian habits than the officers of the Army. These officers are specially trained in a system of accounts that should be adopted at the agencies. They are subject to a military scrutiny and trials by courts-martial for maladministration, neglect of duty, and irregularities that does not obtain among the civilian employés of the Government. We all know as a rule, now and heretofore, that the agents have been selected because of their religious sentiments or on account of the importunities of members of Congress who desire such appointments for their political friends.

Under the system long pursued the military arm of the Government has not been allowed to interfere in Indian matters at the agencies unless called upon by the agents or civil authorities. It is a part of the

history of the country that white women have been carried captives to agencies under the eye of the military forces of the country, and been subjected to every indignity and outrage that savage lust and cruelty could inflict, with no relief to be afforded or invoked from the gallant officers of the Army because they dared not interfere without an application from the agent, too cowardly or timid to demand their assistance. Such a policy in the past has been fraught with the most shameful and shocking disregard of the calls of humanity and the unpardonable neglect of the Government, with its strong arm, to protect the citizen and relieve the sufferings of unoffending, helpless women and children.

Such scenes may occur again. It is high time that such a miserable policy should be abolished. The lessons so recently taught in chapters of cruelty, outrage, and blood inflicted upon the unoffending and unsuspecting people of Arizona and New Mexico by Geronimo and his band should be heeded by this body, and stir the hearts of members of Congress to a determination that laws should be enacted and a policy inaugurated that will preclude such atrocities in the future.

No better plan, in my judgment, can be devised than the appointment of Army officers to the positions indicated, and thus enable these officers, who are held responsible, to preserve the peace of the country.

It is not proposed by me to place the management of Indian affairs under control of the War Department, but simply to require that officers of the Army shall be detailed to act as Indian agents, and that such officers, or retired officers, be selected and assigned to the duties of agents and inspectors; and that the board of citizens now appointed as a commission to aid in the purchase and selection of goods and the school superintendent be selected from the retired-list.

I would favor an entire change and place the whole system under the control of the Army, but I fear it can not be done. What I now propose appears to me to be so proper I trust it may be acceded to.

If we are in earnest in our professions about reform and economy, if we desire to give employment to the officers of the Army in the line of their duty, if we wish to preserve the peace of the frontier and afford protection to the people, if it is desirable to create and build up an efficient Indian management relieved of the pernicious influence of politics, and infuse into it energy, honesty, and economy, the suggestions I make will meet with the favor of the members of this body.

In this connection it is worthy of remark that in a number of treaties with the Indians it is stipulated that officers of the Army are to be selected annually to act as inspectors and report upon the quantity and quality of the goods furnished them. This stipulation, I have always understood, was at the solicitation of the Indians, who had but little confidence in the honesty of their agents. Their contact and acquaintance with officers of the Army induced the belief that they would receive at their hands fair treatment.

Mr. Chairman, no stronger obligation can rest upon the Government than that of a faithful, just, and generous observance of the treaty stipulations entered into with these people, and I emphasize the statement that the United States should not only comply with these requirements, but should be just and generous in the interpretation and fulfillment of them. On the other hand, a strict compliance should be required of the Indians. In this connection I desire to call attention to several treaties for the purpose of showing how faithfully and literally the Government has met these obligations, and then show how far beyond these treaty requirements, to the amount of hundreds of thousands of dollars, the provisions of this bill and many of its predecessors have gone; and while showing the enormous appropriations of money for the benefit of the Indians, in excess of their wants and not dreamed of when the treaties were made, I propose to show how the rights of our own people, intended to be protected by the treaties, have been shamefully neglected by Congress.

For this purpose I will cite the third paragraph of the first article of a treaty concluded with the Cheyenne and Arapaho Indians on the 28th of October, 1868. It will be found beginning on page 129 of the Book of Indian Treaties. I will send it to the desk and ask the Clerk to read it.

The Clerk read as follows:

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States to be punished according to its laws, and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advice with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

Mr. THROCKMORTON. This stipulation, agreed to by the Indians, notwithstanding the large sums appropriated for their benefit in excess of the obligations of the Government, has been constantly ignored by Congress; but as I expect to allude to this subject in subsequent remarks I will leave it for the present. Now, sir, let us examine a little further and see what obligations the Government assumed to these people. I will not detain the House by reading in full the different articles, but summarize them.

The seventh article of the treaty, a paragraph of which has just been read, requires a teacher to be furnished for every thirty children that shall be made to attend school; the ninth article provides that a physician, teacher, farmer, blacksmith, engineer, miller, and carpenter shall be furnished; the tenth article requires the Government for thirty years to annually pay the Indians $20,000, and the same article provides a certain amount and kind of clothing for each Indian, old and young.

Other articles require an agent and interpreter to be furnished, to reside among them; and a storehouse and buildings for the employés were to be erected.

The provisions of the bill before us appropriates the money for each one of these requirements, except in so far as they have heretofore been fulfilled.

The treaty made with the Apaches, Kiowas, and Comanches October 21, 1867, and found beginning on page 318 of this book, and the treaty with Northern Cheyennes and Northern Arapahoes, beginning on page 136, are precisely similar in all respects with the provisions of the treaty just referred to.

Such are the requirements in the several treaties with the Cheyennes and Arapahoes, with the Kiowas, Comanches, and Apaches, and with the Northern Cheyennes and Northern Arapahoes. It will be found that similar provisions are in nearly all the treaties made since the conclusion of the civil war.

By an examination of the bill now being considered it will be found that appropriations are made to carry out these several requirements. When these treaties were concluded the Indians expected no more on the part of the Government.

Now, sir, in order to show how much greater and further the appropriations go, I will invite the attention of the committee to the Official Register, volume 1, for 1885; but before giving the details in respect to employés of the Cheyenne and Arapahoe agency I would have the committee remember that there were only an agent and interpreter, a physician, miller, teacher, farmer, engineer, blacksmith, and carpenter, and additional teachers for every thirty children going to school required by the treaty that should be provided by the Government.

On page 518 of the Register will be found the number and character of the employés at the Cheyenne and Arapahoe agency. In addition to the agent and others required there are thirty-eight employés, not promised or expected by the treaty. There is one clerk, $1,200; and one issue clerk at $900; two additional farmers at $75 per month each, $1,800; one herder at $900, and two additional herders at $480; one butcher, $480, and one assistant butcher, $180; three teamsters, $540; two apprentices, $240; three apprentices, $180; two assistant carpenters, $300; one assistant blacksmith, $180; three industrial teachers, one at $900, one at $600, and one at $480; two matrons, $960; two assistant matrons, $600; one laundryman, $360; two seamstresses, $750; four helpers, $240; one tailor, $150; one baker, $360; two cooks, $600; and, in addition to the six teachers, there is one school superintendent at $900.

The regular treaty employés are paid $8,500, and these thirty-eight additional ones are paid $14,000. Besides these forty-six employés there is a police force consisting of Captain Tall Bull, Lieutenant Black Coyote, and Sergeant Cedar Tree, and nineteen privates, including Bear Louse, Sleeping Wolf, Bobtail Bull, Yellow Calf, and Scabby Horse, receiving $10 and $8 each per month, at a cost of $2,184 per annum, making seventy-six salaried employés at that agency at a total cost of $22,864.

On page 524 will be found the employés for the Kiowa, Comanche, and Wichita agency. Beside the agent and other employés required by the treaty, we find one additional farmer, one clerk, one superintendent and overseer, one herder, one additional farmer, two superintendents and principal teachers, two industrial teachers, three matrons, three seamstresses, three cooks, three laundresses, two helpers, and one baker; but we find no butchers. It is sad to think that other Indians are supplied with butchers and these are unprovided. We find the police here number thirty officers and privates, making sixty-nine employés at that agency at an expenditure about equal to that of the other agency.

By continuing the examination of the Official Register it will be found that the employés at the various agencies run from a few persons in some cases to as high as twenty, thirty, forty, fifty, and even more than sixty persons in others.

The total employés at the sixty agencies, outside of the police force, number 1,094, and the paid employés at the different training schools number 132, besides new ones provided for in this bill not on the Official Register. These added make 1,226, and this number added to the 770 constituting the police force swells the little army of employés in the Indian service to 1,996 persons, at a total cost to the Government of $831,000; of which sum $90,000 alone is for the Indian police. Deduct from this $831,000 $90,000, the police item, and there remains $741,000. Deduct from this sum $137,300 for pay of agents, interpreters, inspectors, and expenses of inspectors and there is left $603,700. Averaging the sixty agencies at $5,000 each, according to my calculation, for pay of physicians, clerks, farmers, engineers, blacksmiths, millers, carpenters, teamsters, and laborers, and you have a further sum to deduct of $300,000, leaving over $300,000 that goes to pay for teachers at the schools and employés used for the schools, including matrons, seamstresses, cooks, bakers, herders, &c. To the gross sum for pay of employés

should be added $15,000 for five inspectors, and the pay for five special agents at $3 per day when on duty.

As the cooks, seamstresses, tailors, herders, butchers, apprentices, stablemen, superintendents of schools, additional farmers, &c., are not provided for in the treaties, under what head and from what source, let us inquire, are these large appropriations derived? Before turning to the bill to show the excuse for these things, I recur briefly again to some of the treaties.

Take the last treaty with the Cheyennes and Araphaoes, on page 132 of the Book of Treaties, seventh article, and you will find it says:

ART. 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

It will be noticed that the section says, "in order to insure civilization" the necessity of education is admitted, and the agent is charged with the duty of seeing that the children attend school, and for every thirty so attending a teacher "competent to teach the elementary branches of an English education shall be furnished," &c. This word "civilization" no where else occurs in the treaty. The same language is used in article 4 of the treaty of May, 1868, with the Northern Cheyennes and Northern Arapahoes, and the word "civilization" occurs nowhere else in that treaty. The same language and same conditions apply in the treaty of August, 1868, with the Kiowa and Comanche Indians. I might continue and show the same modest language in respect to "civilization" and "education" in other treaties, sometimes where only one teacher is required, and again where an additional teacher is required for every thirty children attending school.

Then, sir, may I not ask, was it ever contemplated that these unpretentious requirements in the treaties for agents, interpreters, physicians, engineers, farmers, teachers, blacksmiths, carpenters, and millers should be supplemented with from twenty-five to sixty additional employés, including butchers to slaughter animals for the most expert butchers in the world, whose training from infancy has been in this particular line of work; for cooks to prepare dainty food for a people reared on raw and half-roasted food; bakers to prepare bread for savages who were raised on roasted acorns and mesquite beans; for herders to attend cattle for the most perfect horsemen on earth; for tailors and seamstresses and laundresses to cut and make garments and keep them nicely laundried for people who wear breech-clouts and blankets, and industrial teachers for the laziest creatures on earth.

In answer to this it may be said that these butchers, cooks, tailors, herders, bakers, laundresses, matrons, and seamstresses are not used for the Indians, but are used for the employés and industrial schools. If this is so it is high time an end was put to it. Why should not the agent, physician, and other employés provide for their own butchering, cooking, washing, laundrying, &c.? Their salaries are sufficiently high for this purpose; besides, it is not expected that the Government will keep a hotel for their accommodation. Instead of a tailor to cut the garments, seamstresses to make them, and laundresses to wash and iron for the pupils, these things should be done by themselves or their people. It is a premium offered to idleness. In this connection I would say that the Indian women are noted for fine embroidery of silk and beads on cloth and buckskin. The finest made buckskin hunting-shirt I ever saw, glittering with beads and silk of various colors, with collar and cuffs of otter fur, was made by wild Comanche squaws.

For the purposes of civilization only a teacher is required who can teach the ordinary elements of an English education; then, I ask, where is the authority or necessity of having one grand chief superintendent of schools at a salary of $3,000 and necessary traveling expenses of such superintendent, and one or more superintendents at the different agencies at good round salaries, besides the great number of industrial teachers? Why, when only this ordinary English education is stipulated for, should more than a million of dollars be appropriated for industrial schools and for training schools at points thousands of miles from their homes, necessitating extraordinary appropriations for transportation? No more stupendous folly, no more wasteful use of the people's money was ever perpetrated.

Now, sir, let us examine this bill and see to what immense uses this word "civilization" and its unpretentious meaning as used in the treaties has been applied; and while showing this you will find, in part, under what head such vast sums are derived to keep up these costly and useless establishments called Indian agencies and industrial schools.

Beginning on page 33 of the bill, the first paragraph of that page reads: "For the support and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, $325,000."

Some of the treaties already referred to were made with these tribes, and this sum is in addition to the several sums for annuities, for goods, for pay of agents, interpreters, physicians, teachers, farmers, millers, blacksmiths, engineers, and carpenters, that are provided for in the treaties and appropriated for in previous sections of the bill.

Under this head of "miscellaneous supports" there are thirty-four paragraphs of a similar nature, sometimes varying the words "for the support and civilization of" to the terms "support, education, and civilization of," and sometimes "to promote the civilization and comfort," and in others for their "instruction and civilization."

In these thirty-four paragraphs where the words "support and civilization," "education," "comfort," and "instruction" are used there are appropriations amounting to $1,061,300.

Would it not be interesting to know how much of this is for support, how much for civilization, how much for education, how much for instruction, and how much for comfort? Suppose that one-third of this $1,061,300 is to be used for "education," "civilization" and "instruction," and you have the sum of $300,000 appropriated for the support and maintenance of the schools at the agencies.

Under the head of incidental expenses, beginning on page 38, we find $132,000 are appropriated. There are twelve paragraphs, all of which read for incidental expenses and traveling expenses of agents; and of the twelve paragraphs seven of them include items for "support and civilization." Here you have jumbled up $132,000 for incidentals, pay of employés, support and civilization, and expenses of agents in traveling, &c. The incidentals should be specific, the traveling expenses and support and civilization should each be specific.

It will be remembered that previous paragraphs of this bill under treaty requirements and in addition thereto, as already shown, have provided appropriations for education, schools, and teachers amounting to more than $100,000, besides over $300,000 out of $1,061,000, when support and education and civilization and instruction and comfort are all mixed up in one indistinguishable mass as to what amount is intended to be applied under the respective terms.

This brings me to the consideration of the crowning shame and folly of this miserable and farcical Indian policy.

On page 42 of the bill, under the head of "support for schools," we find the first paragraph appropriates for "day and industrial schools and for other educational purposes not hereinafter provided for; for the purchase, construction, and repair of school buildings; and for the purchase of horses, cattle, and sheep, goats and swine for schools, $700,000.

For support of pupils, purchase of materials, erection of shops, and necessary outbuildings at Chilocco, Ind. T., $34,125.

For Indian pupils in Alaska, $15,000.

For industrial school at Carlisle, Pa., and for transportation of pupils to and from school, &c., $81,000.

For industrial school, two hundred pupils, at Salem, Oreg., pay of superintendent, completion of school building, outbuildings, repairs and fencing, $40,000.

For support of pupils at Genoa, Nebr., $29,750.

For support and education of one hundred and twenty pupils at Hampton, Va., $20,040.

For support and education of three hundred and fifty pupils at Lawrence, Kans., pay of superintendent $2,000 per annum, purchase of material, erection of shops, cottages, outbuildings, and repairs; in all, $68,000.

For support and education of two hundred pupils at Lincoln, Pa., $33,400.

For care, support, and education of three hundred Indian pupils at other schools in the Territories, and other States, $50,100.

For transportation of pupils to and from schools, and to place them under the control of suitable white families, $28,000.

Total $1,099,417, which, added to the $400,000 before appropriated for schools and their support, for civilization, education, and instruction, makes the enormous sum of $1,499,000 to promote the education and civilization of the wild Indian children of the country.

The number of Indian pupils thus provided for at Salem, Hampton, Lawrence, Lincoln, and other States and Territories, is 1,170, the number for Chilocco, at Carlisle and Genoa is not specified, but judging from the large amounts appropriated for these places there will be nearly as many more, say a total of two thousand. This extraordinary provision of $1,099,417 is over and above multiplied thousands before provided in the bill for schools, education, civilization, and instruction. Not counting the $15,000 for Alaska there is $351,000 appropriated for two thousand children at the schools not within the reservations. Outside of Alaska our Indian population is estimated at 260,000. So that by the provisions of this bill largely over $1,000,000 is appropriated for the support, education, and civilization of less than 40,000 Indian children of scholastic age. No part of these appropriations is intended for the five civilized nations, as they have their own academies and schools, supported out of their own funds. Therefore, at least 60,000 should be deducted from the 260,000, leaving 200,000 as the entire population, the children of which get the benefit of these extraordinary sums. Now let us see how many of these children there are. Persons acquainted with the Indians know that they are not prolific. I estimate in this number of 200,000 uncivilized Indians 80,000 fathers and mothers, children of scholastic age 40,000, and under and over scholastic age 80,000. I am satisfied this estimate is rather over than under the true figures.

Mr. Nelson, a member of the committee, in his very interesting speech informs us there are 36,000 children of scholastic age, and 9,000 attending school. This shows the appropriations to be out of all proportion as to good results.

I hold in my hand the report of the State board of education for Texas, also the reports of the comptroller and treasurer, showing the scholastic population of that State for the year ending August 31, 1884, white and colored, amounting to 274,466, representing an estimated population of over two millions of people, and taxable values $520,000,000. There are few States in the Union with a more liberally supported system of common schools than that of Texas.

At the date to which I refer our permanent State school fund, in interest-bearing bonds and interest-bearing land notes and cash in the treasury, amounted to nearly $10,000,000, the accruing interest upon which only can be used.

This permanent fund is increasing daily from the sales and leases of 25,000,000 acres of school lands, and in addition thereto we have a State tax of 12½ cents on the $100 worth of real and personal property, and a poll-tax that goes to the support of common schools. With this magnificent fund and taxation our State, for the year referred to, could appropriate from the State funds only $1,235,097 for the education of two hundred and seventy-four thousand four hundred and sixty-six children within the scholastic age, being greatly less than is appropriated by this bill for the education, support, and transportation of less than forty thousand Indian children, and only nine thousand of them attending schools. It is proper to state that in addition to the permanent State school fund in Texas, and State taxes for support of schools, we have a permanent county fund, besides city and corporation taxes. This simple statement of facts as to number of Indian children and the large sums appropriated for their education will be so startling to the tax-payers of the country that comment is unnecessary. It shows such an extraordinary waste and useless extravagance that language fails to describe it. Comment would be superfluous.

Mr. Chairman, I have said that this appropriation is useless and extravagant. I say so because it is money thrown away. The utmost we can expect to do in the way of education for the Indian is to make the effort to teach him the elements of an ordinary English education. This is provided for in the treaties, and should be faithfully carried out. You can not make a Christian out of a Jew or a Mohammedan, nor can you make a Jew or a Mohammedan out of a Christian. Their religious principles have been grounded into them by centuries and ages of teaching, habits, thoughts, and associations; no more can you change in a day or a generation the teachings, habits, thoughts, and associations of the untutored savage of the mountains and plains.

For centuries they have been reared in the belief that the more atrocities they commit, the more scalps wrung from their foes, the greater their reward in the happy hunting grounds of the hereafter. To illustrate this, I will recount to you a scene I witnessed in 1865, where twenty thousand of these wild people were assembled for the purpose of negotiating treaties with the Confederate States, the State of Texas, and that portion of the five civilized nations that were allied with the confederacy during the civil war.

The commissioners on the part of the southern confederacy tried to induce the Indians to sign an article in the treaty that they would never cross to the south side of Red River, urging as a reason for this request that the people of Texas could not distinguish one Indian from another, as they all dressed and looked alike; that if the Indians making the treaty would agree to the proposition, the people of Texas would know when they saw an Indian south of that stream that he was an enemy and not a friend, that it would avoid mistakes and prevent collision with friends.

With one voice the chiefs participating in the council protested against this proposition. The debate, *pro* and *con*, on both sides, was long and animated. Finally one of the prominent chiefs, of fine form and features, of dignified mien, with great gravity addressed the Confederate States commissioners and the chiefs of the civilized tribes who sat in council with them and said:

MY FRIENDS: When the Great Spirit created the white man He endowed him with qualities different from those He bestowed upon my people. He made the white man to labor with his hands, to cultivate the earth and make it produce corn and wheat for his subsistence. He created him with power to turn streams of water on the thirsty valleys to enrich and vivify the soil, so that he would not only reap abundant harvest but beautify his home. He gave him an inventive genius, so that he could build houses, create villages, and rear great cities. He bestowed him with the faculty to make all kinds of tools and implements with which to build houses, cultivate the soil, and erect great workshops. He gave him the power to catch the lightning's flash, and with it talk to his friends in distant places; to build great wagons that breathe fire and force their way with the speed of the wind across the plains, through the valleys, and over the mountain-tops. These things I have not seen with mine own eyes, but my brothers who have been to see the Great Father in Washington, have seen them.

Your people build ships that cross the great waters and visit the peoples of strange lands; you make the most terrible and destructive weapons of war. The Great Spirit gave you all these qualities, and gave you the rich spots of earth where the rains fall, and made for your use cattle, horses, sheep, hogs, and fowls. But, my friends, when He created the red man, He made him for a widely different purpose and gave him only simple and untutored habits. He did not intend him to labor with his hands for a support. He filled the rushing waters from the mountains with fish, and made the deer, the antelope, the bear, and the buffalo for his support. Instead of making him with a genius like the white man's to be devoted to the arts of peace, He created him with simple tastes and warlike instincts, that he might live by the chase, by war, and by violence. He taught him to live by stealth, and to take from his enemies by force whatever he wanted. For generations and ages back, far beyond the memory and tradition of our people, we have been brought up in the belief that stealing is right, and the more scalps we take from our foes, the more prisoners we capture, the better and more inviting will be the hunting grounds to which we go after death. The Great Spirit made for our use the wolf, the bear, and the buffalo; their meat supplies us with food, and their skins with raiment and material for our wigwams. He gave us these boundless plains from the mountains to the Rio Grande as our domain upon which to roam, where there are no forests, and where the rain seldom falls.

When the cold winds of autumn blow and the leaves begin to fall, the buffalo leaves the Great Lakes and the mountains and travels south, crossing the Missouri River, the Platte, the Arkansas, the Canadian, and Red River, and continues south to the waters of the Brazos, the Colorado, and the Concho, where the winds are soft and the grass green, and there remains until the warm days of spring approach; and then he takes up his march northward and pursues it until he is again upon the waters of the Missouri and Mississippi.

As we can not live in the north in the winter and without the buffalo for support, we are compelled to travel with them as they journey to the south or north. Therefore, if we were to sign this article in the treaty, as you desire, and agree not to go south of Red River, when the buffalo reaches that stream in his southern march he would know nothing of this treaty and such a promise, and would cross over and disappear from our view, while we and our squaws and little children would linger, and shiver, and starve on the northern bank through all the cold months of winter.

My friends, I hope you will see in this plain and simple statement of the truth that your proposition involves a question which to us is one of life or death. We are to-day making a treaty of peace and friendship with you, and with our red brothers of the woods here. We propose to make a great white road of peace between your country and our country, where there shall be no more briars and brambles, no more stains of blood and bleaching bones; but a broad, clean road of peace, as white and pure as the snow from the sky.

We have invoked the Great Spirit to fill our hearts and your hearts with the desire for peace, so that this good end may be accomplished. We hope the Great Spirit will incline your hearts not to press this proposition, fraught with so much mischief to our people. We are making peace with you and our brothers, and will not steal your horses and mules, capture your women and children, or murder your people any more; but we can not live, except by stealing, by war and violence. We have been stealing from the people of Mexico, killing their people, and capturing their women and children always. Our fathers, and their fathers before them, did it, and we must continue to do it.

We can not get to Mexico without crossing Red River, and, to tell you the truth, my young men are now eager for the warpath and hungry for mules and horses, and as soon as we finish this treaty with you and our friends here we are going directly to Mexico.

Mr. Chairman, this is no fanciful sketch, but an actual occurrence.

Such was the speech, and the impression created by it was so profound and striking that the confederate commissioners no longer pressed the proposition.

That savage warrior but expressed the convictions of his heart, and gave utterance to sentiments and feelings inherited from a long line of ancestors that had been inculcated by centuries of teaching, habit, and practice, which can not be eradicated or changed in him or his immediate offspring except by slow, patient, and long-continued processes.

You may take his child and educate him at Carlisle or Hampton, and keep him for years in fretful exile, surrounded by the highest types of civilization, and teach his unwilling hands to learn the handicraft of the white man; but when he returns to his people the longings of his heart will be gratified by returning to the ways of his fathers. Scarcely one in one hundred of those so educated will appreciate the advantages forced on them. On the contrary, in many instances this contact with civilization has rendered them the most cunning and treacherous of their race.

I speak especially of the plains and mountain Indians; there is as marked a distinction between those Indians and the Indians that formerly inhabited the country between the Atlantic Ocean and the Mississippi River as there is between the ferocious wolves of the plains and the dogs of our households. The Indians found by our ancestors on the shores of New England, along the Atlantic and Gulf coast, on the Ohio, the Wabash, and the Mississippi, on the Tennessee and Cumberland, while they lived by the chase and were addicted to war, yet all of them, to some extent, cultivated vines and raised corn and beans, and tobacco where it would grow. No seed was ever planted, no vine was ever cultivated by those to whom I refer.

Philip and Powhatan, the Six Nations, Tecumseh and his people, the Cherokees and Creeks, the Seminoles, the Chickasaws and Choctaws, the Pottawatomies and Miamies, the Shawnees and Delawares, Black Hawk and his people, all lived in regions of vast forests, in the richest valleys, and where the mountain tops were covered with gigantic trees, and in a region where the dews and rains made the earth prolific. The others are the Arabs of America, inhabiting for ages a vast treeless and almost waterless desert, only penetrated at distant intervals by large streams having their sources in the mountains, the very summits of which for hundreds and hundreds of miles are undulating plateaus, as treeless and barren as the plains extending from the Missouri River waters to the Rio Grande. The Indians inhabiting the country at the sources of the great rivers that flow from the west, and along the borders of these streams, are as different in their natures and as distinct and marked in their characteristics from those on the Atlantic coast, and streams that flow from the east into the Mississippi, as the two sections of country are different in all their aspects of soil, climate, and production.

Even these eastern Indians, who have been in contact with civilization for two hundred years and more, and many of them surrounded by it for generations, and who have had the civilizing influences of Christianity inculcated among them by tireless and devoted missionaries all these long years, have made slow and weary progress. With some, through a half century of peace, a happy work has been accomplished, and to-day is yielding rich fruits; with others, where the same processes have been patiently invoked, a barely perceptible progress has

been made. But few of these, if any, have increased in numbers, and others, once strong and powerful tribes, have almost faded from existence.

We should learn from these painful and sad teachings that you can not, in a day or generation, transpose these people from habits and notions woven into them by centuries of teaching, association, and practice, into the ways and habits of our race.

But, sir, I have detained the committee much longer on this point than I intended. Before I conclude I shall ask your attention briefly to the gross injustice you mete out to people who were intended to be protected by the treaties I have cited, while you are lavish in your expenditures for a people who have brought ruin and desolation upon thousands of your own countrymen who look to you for protection. In the early part of my remarks I called attention to those articles in the treaties requiring indemnity to be made out of Indian appropriations when our people suffered loss by reason of depredations.

Mr. Chairman, there are now pending claims for Indian depredations as far back as 1847. These claims have been increasing from that day to the present until now they amount to more than $10,000,000. Some five millions or more of these have been acted upon by the Indians in council, by the agents, the Indian Bureau, and Secretary of the Interior, and been approved, and year after year sent up to Congress for action. During all these long years of weary waiting you have appropriated millions in excess of what is required of you for the Indians, and turned a deaf ear to the entreaties of your own suffering countrymen. It is only now and then that one of these claims has been paid. How much longer are our injured people to wait on the action of the guardians of their rights? Sir, no greater wrong, no more flagrant outrage was ever inflicted upon a long-suffering class of people than has been shamefully meted out by Congress to the claimants referred to. Let us be just and merciful to our own flesh and blood before we waste millions for the education of a savage race, when it can, at most, accomplish but little good.

Mr. Chairman, in conclusion allow me to present in the briefest possible manner my solution of the Indian problem. What I would do so far as this bill is concerned, if the rules permit, would be to insert a provision at its close requiring Army officers, at the end of this fiscal year, to be detailed and selected from the retired-list to act as agents, special agents, inspectors, superintendents of schools, and as commissioners to assist in the purchase of goods and overlooking contracts, and non-commissioned officers and privates to act as clerks at the agencies and as a police force, and a further provision that the appropriations for the industrial schools and the other schools at Hampton, Carlisle, Genoa, Salem, Lincoln, and all of them, should cease with the end of this fiscal year. This would give timely notice to all concerned and prepare the way for reform and economy. It would be better to pass a resolution by the House instructing the Committee on Indian Affairs to bring in a bill carefully prepared for this purpose.

The next great step to accomplish reform, economy, and energy in the Indian service would be, with their consent, to erect the five civilized nations into a Territory, giving them a governor from among their own people, allowing them a Territorial Legislature, that is already provided for by treaties, giving such Legislature jurisdiction of all matters affecting their interests with the General Government, and regulating intercourse among themselves; give them a Delegate on this floor, elected alternately from the several nations, to represent their wishes and interests; and as the less civilized tribes of the Territory are prepared for it admit them into this Territorial government; leave these civilized nations as free to control and dispose of their lands, according to their own views and wishes, as were the people of Kentucky and Texas; allow their national authorities, governors, Legislatures, and courts to administer and execute their own laws, protect the rights of their people, and attend to their own domestic concerns as freely and fully as they are doing to-day; extend the civil as well as the criminal jurisdiction of the Federal courts over them in the same manner as it is extended over the other organized Territories of the country; extend to them citizenship and the protection of life, liberty, and property, as amply as the Constitution and laws extend it over our own people; abolish their agency and deal with them like you do with other free and intelligent people who have churches, and schools, and academies scattered everywhere among them. Do these things, and it will be but a few years until you will have another Territory knocking at your doors for admittance into the sisterhood of States that will be as fair and peerless in all that constitutes a grand and noble State as any now in this galaxy of States.

In respect to other tribes, comply in the most liberal manner with all treaty obligations, and with the weak and needy go beyond this; curtail their reservations, with their consent, by giving an equivalent, but do not crowd them on the same area of land upon which white men would make a comfortable support; enact laws authorizing and requiring the Department to lease portions of their reservations for grazing purposes, utilizing the rich grasses that should not be allowed to go to waste and decay, and by such means affording employment to the Indians as herders and learning them the value of cattle, at the same time making profitable these large tracts of country by producing cheap beef for the millions of toilers of the country, and thus creating a revenue that will largely contribute to the support of the Indians; discontinue the vast sums you have been appropriating for industrial and boarding schools and for the support of sinecures in office, and cut off the large sums for transportation; let them attend their own home schools and the schools of religious denominations among them, and when there is found now and then a bright pupil who would appreciate better advantages send him to an academy in one of the civilized nations, where they exist and are conducted under the auspices of Indians—by encouraging these schools and placing the young savage among his kind, where he will feel more at home; encourage all religious denominations to establish churches and schools among them, and aid these religious schools in a moderate and prudent way; dispense with every civilian employé at the agencies except the interpreters, physicians, engineers, teachers, farmers, millers, carpenters, and blacksmiths required by the treaties. Detail from the Army and take from the retired-list officers to serve as agents, inspectors, and superintendents, and non-commissioned officers or privates to act as clerks. Abolish the Indian police, and instead of encouraging them to ride about in idleness and depend upon the Government for rations and a salary teach them to rely upon their own exertions for a support, and detail non-commissioned officers and privates, changing them from time to time, to act as a police and keep from among the Indians bad white men who violate the intercourse laws; let the Government protect them from the greed of white men who seek a lodgment among them with a view to despoil them of their substance; allot their lands in severalty among them, not by force, but when it is desired, and teach them to value homes that shall not be taken from them, and upon which they may realize the hopes and aspirations of free and independent men, and where their labor will be bestowed for their own comfort without the fear of loss or interference with their concerns and pursuits. Do these things with the wilder tribes and teach them to rely on their own exertions, and by patient persistence in this policy you will gradually make progress with the present generation and greatly elevate succeeding ones.

And lastly, I would suggest a commission to be organized under the direction of the Interior Department whose duty it shall be to investigate the Indian depredation claims as is now being done under the directions of the act of last Congress, but instead of reporting the claims back to Congress give them the powers of a court of equity and authorize them to send for additional evidence if deemed necessary on the part of the Government, with the right of the claimant to introduce additional testimony, and as each claim is finally made up direct a judgment to be rendered by such commission, and when that judgment is rendered make it final. If in favor of the claimant for any sum, the name of the party and tribe of Indians committing the depredation and the amount found to be due to be certified to Congress for an appropriation to pay the same. Out of the sales to the Government of the surplus reservations of the several tribes the Government should be reimbursed for any payments made under the provisions of this regulation.

The Government having been at fault so long in not withholding sufficient sums to pay the approved depredation claims should proceed at once to discharge its obligations to its own people, and no longer delay an act of justice so strongly demanded by every reason of humanity, honesty, and fair dealing. The economies and reforms proposed by me would be just and generous to all the nations and tribes of Indians with whom we have treaty relations; they respond in a fair and liberal spirit to the promptings and demands of humanity; it would enable the Government, without imposing new burdens upon its Treasury, to meet just obligations long since due to its own despoiled, long-suffering citizens; it would result in much needed reforms of abuses that have for many years been corrupting a part of the civil service of the Government, and infuse into our Indian management an energy and efficiency sadly needed and which would result in the greatest good to every interest concerned.

[During the delivery of the foregoing remarks the hammer fell.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that the time of my colleague may be extended to enable him to conclude his remarks.

Mr. BRECKINRIDGE, of Kentucky. If the Chair will recognize me in the absence of the gentleman from Georgia [Mr. BLOUNT] I will yield such time as the gentleman from Texas may require to conclude his remarks.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I yield now such time to the gentleman from Texas as he desires.

Mr. THROCKMORTON then resumed and concluded his remarks.]

Mr. WELLBORN. I move that the committee do now rise.

Mr. BRECKINRIDGE. Mr. Chairman, I desire to reserve the remainder of my time for the purpose of yielding it to the gentleman from Georgia [Mr. BLOUNT].

The CHAIRMAN. The gentleman from Kentucky has forty-eight minutes of his time remaining.

The motion of Mr. WELLBORN was then agreed to.

The committee accordingly rose; and the Speaker having resumed the

chair, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. LOWRY, for one week, on account of important business; and to Mr. BAKER, for Wednesday next and the balance of the week, on account of important business.

And then, on motion of Mr. WELLBORN (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of William Falls, Alexandria County, Virginia—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the savings-banks of New York State, for the repeal of the law directing the coinage of the 412½ grains silver dollars—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Vessel-Owners and Captains' Association of Philadelphia, in favor of the establishment of a nautical school at that port—to the Committee on Naval Affairs.

Also, resolutions of the same, for an appropriation for a new light-house tender for the fourth light-house district, for use on the Delaware River—to the Committee on Appropriations.

Also, resolutions of the same, protesting against the passage of the bill giving the International Navigation Company of Philadelphia, the privilege to buy foreign-built ships and place them under American registry—to the Committee on American Ship-building and Ship-owning Interests.

Also, resolutions of the Philadelphia Maritime Exchange, protesting against the unjust change in the sugar schedule as contained in the Morrison tariff bill (H. R. 5576)—to the Committee on Ways and Means.

Also, memorial of Local Assembly 4136 of the Knights of Labor of Philadelphia, embodying the plans for the construction by the United States of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BUTTERWORTH: Petition of citizens of Tampa, Fla., insisting upon a decent regard for their rights—to the Committee on the Public Lands.

Also, petition of John G. Baxter, for relief—to the Committee on War Claims.

Also, resolutions of the Board of Trade of Cleveland, Ohio, for the improvement of the Saint Mary's River—to the Committee on Rivers and Harbors.

Also, joint resolution of the Legislature of Ohio, that annual catalogues of schools and colleges and annual reports of missionary, educational, and benevolent associations be allowed to go through the mails at pound rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Oak Leather Company and others; and of Halsmann Bros. and others, of Cincinnati, Ohio, in relation to the branding of live stock, &c.—to the Committee on Agriculture.

Also, letter of H. S. Julien, of Cleveland, Ohio, relative to mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COLLINS: Petition of the clerks of the Boston post-office for the passage of House bill 3511 relating to the classification of clerks—to the same committee.

By Mr. CRAIN: Papers relating to the claim of the heirs and legal representatives of G. W. Barns, deceased—to the Committee on War Claims.

By Mr. DAVENPORT: Petition of citizens of Geneva, N. Y., for the passage of bill submitting woman suffrage to the different States—to the Committee on the Judiciary.

By Mr. DUNN: Petition of Assembly 3674, Knights of Labor, of Hot Spring County, Arkansas, in favor of the Hennepin Canal and other public improvements—to the Committee on Railways and Canals.

By Mr. EVANS: Petition of citizens of Montgomery County, Pennsylvania, favoring the prohibition of Chinese immigration into the United States—to the Committee on Foreign Affairs.

By Mr. FREDERICK: Memorial of members of the Society of Friends of Marshall County, Iowa, asking the favorable consideration of Senate bill 355, entitled "A bill to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes"—to the same committee.

By Mr. FUNSTON: Petition of religious association of Friends of Lawrence, Kans., for the passage of Senate bill 355, to promote peace among nations—to the same committee.

By Mr. HAMMOND: Petition of W. M. Durham, M. D., and others, citizens of Atlanta, Ga., for a decrease of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWARD: Petition of 248 citizens of Clark County, Indiana, for the passage of an act granting pensions to soldiers and sailors in the Army and Navy of the United States in the late war—to the Committee on Invalid Pensions.

By Mr. JACKSON: Papers to accompany House bill 2199 for the relief of Mary Thorn—to the same committee.

By Mr. LEHLBACK: Petition of over 9,000 merchants, manufacturers, business and professional men of New Jersey, requesting the passage of Senate bill 121 and House bill 1601, authorizing the construction of a bridge across Arthur Kill, on Staten Island Sound—to the Committee on Commerce.

By Mr. MILLER: Petition of citizens of Gonzales County, Texas, for the improvement of the harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. NEAL: Papers to accompany House bill 6596 for the relief of Mrs. Eliza E. Weir, of McMinn County, Tennessee—to the Committee on War Claims.

By Mr. PEEL: Petition of 175 citizens of Benton County, Arkansas, demanding free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. PRICE: Memorial of the State Bar Association of Wisconsin, in favor of increasing salaries of United States district judges to $5,000 per annum—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of Milwaukee, in favor of the Cullom and against the long and short haul provision of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. RANDALL: Memorial of Stewart Sanderson, relative to marine rams—to the Committee on Naval Affairs.

By Mr. REAGAN: Petition of citizens of Nacogdoches, Tex., praying for action to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. T. B. REED: Petition of J. S. Winslow & Co., in favor of the free pilot bill—to the Committee on Commerce.

Also, memorial of Local Assembly No. 2050, Knights of Labor, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. REESE: Petition of 20 citizens of Wilkes County, Georgia, for national aid to education—to the Committee on Education.

By Mr. SAYERS: Petition of citizens of Blanco, of San Saba, of Travis, of Lampasas, and of Williamson Counties, Texas, for the improvement of harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of savings-banks, for the repeal of the law authorizing the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. STRAIT: Affidavit of William A. Griffin, late postmaster at Carver, Minn., touching an act passed March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. A. J. WEAVER: Memorial of local assembly of Knights of Labor of Lincoln, Nebr., asking for an appropriation for the construction of the Hennepin Canal and for other internal improvements—to the Committee on Railways and Canals.

By Mr. J. B. WEAVER: Petition of M. S. Evans and 245 others, of Kansas, and of S. J. Shearer and 140 others, of Iowa, praying for the organization of the Oklahoma Territory—to the Committee on the Territories.

By Mr. MILO WHITE: Petition of citizens of Saint Charles, Minn., for the passage of House bill 4902—to the Committee on Invalid Pensions.

By Mr. WILSON: Petition of Thomas West, of Jefferson County, West Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of H. T. Morrow, of Berkeley County, West Virginia, praying that war claim of James W. Morrow be referred to the Court of Claims—to the same committee.

Also, petition of J. Ran Rhoderick, of Jefferson County, West Virginia, praying that war claim of Benjamin Welsh, deceased, be referred to the Court of Claims—to the same committee.

By Mr. WISE: Joint resolutions of the General Assembly of Virginia, in reference to the navy-yard at Gosport, Virginia—to the Committee on Naval Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. C. R. BRECKINRIDGE: Petition of 109 citizens of Faulkner County, Arkansas.

By Mr. DAVENPORT: Of citizens of Penn Yan, N. Y.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. JACKSON: Of Rev. William H. Lester and 17 other clergy-

men, 11 physicians, 2 lawyers, 26 teachers, 108 business men, and 57 officers of temperance and other societies.

By Mr. J. T. JOHNSTON: Of Rev. James M. Brown and 17 other clergymen, 9 physicians, 49 lawyers, 85 teachers, 161 business men, and 9 officers of temperance and other societies.

SENATE.

WEDNESDAY, *March* 10, 1886.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with law, a list of names and compensation of persons employed in the Treasury Department during the year ending December 31, 1885.

The PRESIDENT *pro tempore*. The communication will be printed.

Mr. ALLISON. What is it in response to?

The PRESIDENT *pro tempore*. It is the regular statement of the Treasury Department as to employés and their compensation.

Mr. ALLISON. It ought to be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The communication will be so referred. The doubt the Chair had about it was whether the paper itself, a large document, ought not to be referred to the Committee on Printing under the rule.

Mr. ALLISON. I think so.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

The communication was referred to the Committee on Printing.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of March 3, 1886, certain information in regard to the sinking fund; which was referred to the Committee on Finance, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Knights of Labor of Galesburg, Chicago, and Danville, in the State of Illinois, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of members of John J. Mudd Post, No. 545, Grand Army of the Republic, and other citizens of Milton and vicinity, Pike County, Illinois, praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. HOAR presented a petition of Knights of Labor of Lynn, Mass., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. ALLISON presented petitions of Knights of Labor of Fort Madison and Davenport, Iowa, praying for liberal appropriations from the surplus revenue in the Treasury for the construction of works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. SAWYER presented the petition of Samuel Neff and 15 other citizens of Winnebago County, Wisconsin, praying for an appropriation to pay the awards for damages on the Fox and Wisconsin Rivers, in Wisconsin; which was referred to the Committee on Appropriations.

He also presented the petition of J. B. Johnson and 112 other citizens and ladies of Darien, Wis., praying for an amendment to the Constitution of the United States giving the right of suffrage to women in the United States and Territories; which was ordered to lie on the table.

Mr. CONGER presented a petition of Knights of Labor of Decatur, Mich., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Manistee, Mich., praying for the passage of a law prohibiting the working of minor children more than eight hours a day; which was referred to the Committee on Education and Labor.

Mr. MILLER presented a petition of citizens of the State of New York, praying for the passage of a law embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. CAMERON presented a memorial of the Philadelphia (Pa.) Drug Exchange, remonstrating against an increase of the rate of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1319) to increase the pension of Robert D. Fort, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1368) for the relief of Richard H. Porter and James Porter, reported it without amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (H. R. 1557) for the relief of David W. Jones, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 832) for the relief of D. E. Downing, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1064) for the relief of James E. Walter, reported it without amendment, and submitted a report thereon.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2463) for the relief of H. J. T. Moss, reported it without amendment, and submitted a report thereon.

Mr. MILLER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clarke's Fork of the Columbia River, reported it without amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 474) for the relief of George W. Saulpaw, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 756) for the relief of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 1829), for the relief of the Greensburg Limestone Company and others; which was read twice by its title.

Mr. PIKE, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased;

A bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; and

A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1455) for the relief of Ernest H. Wardwell, reported it without amendment.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 1830) granting a pension to Mrs. C. A. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1831) granting a pension to William H. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE (by request) introduced a bill (S. 1832) for the reorganization of the Bureau of Statistics, Treasury Department; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. FAIR introduced a bill (S. 1833) for the relief of B. Reinhart & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON introduced a bill (S. 1834) for the relief of George S. Fisher; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. TELLER introduced a bill (S. 1835) for the relief of Byron R. McIntyre; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1836) for the relief of Libbie C. Montis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 1837) to prevent the illegal sale of all imitations of dairy products, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HOAR introduced a bill (S. 1838) to increase the pension of George R. Hooper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

COLUMBIA RIVER LANDS.

Mr. MITCHELL, of Oregon, submitted the following concurrent resolution; which was referred to the Committee on Public Lands:

Resolved by the Senate of the United States (the House of Representatives concurring therein), That the Secretary of the Interior be, and he is hereby, directed to withdraw for the present from sale and occupation, under any of the land laws of the United States, all lands of the United States lying on and along the Columbia River, in the State of Oregon, and in Washington Territory, adjacent to the

obstructions to navigation in the Columbia River, at the Cascades of the Columbia, and also at The Dalles of the Columbia for a distance from said river at said points respectively of 500 feet from low-water mark.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1884–'85 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America;

A bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; and

Joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission.

SENATORS' PRIVATE SECRETARIES.

Mr. PLUMB. If the morning business has been concluded——

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate a resolution which comes over from yesterday as a part of the morning business. It is the resolution offered by the Senator from Illinois [Mr. LOGAN], and will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. LOGAN, as follows:

Resolved, That the letter of James B. Eads be referred to the Committee on Rules, and that they be instructed to thoroughly investigate the charge contained therein.

Mr. PLUMB. As the Senator from Illinois [Mr. LOGAN] is absent, I move that the resolution lie on the table.

Mr. RIDDLEBERGER. I ask the Senator from Kansas to allow me to make a response to that resolution, in view of what appears in the RECORD this morning.

Mr. PLUMB. The reason I know the Senator from Virginia will understand. I do not desire to commit myself to anything now that would lead to a promiscuous debate. If the resolution lies over, of course when it properly comes up in the next morning call the Senator from Virginia will have an opportunity then to be heard.

Mr. RIDDLEBERGER. I hope the Senator will not make a motion that is not debatable in view of what appears in the RECORD this morning in that letter.

Mr. PLUMB. The Senator from Illinois not being here, it seems to me the Senator from Virginia himself will see——

Mr. RIDDLEBERGER. The Senator from Illinois put the letter on record without offering a motion or a resolution preceding it, and therefore I am not indebted——

Mr. PLUMB. I withdraw the motion to lay the resolution on the table.

Mr. CULLOM. I hope the Senator from Virginia will not insist upon taking up the resolution, as my colleague is absent. He will probably be in the Chamber in a few moments.

Mr. RIDDLEBERGER. The letter was put in the RECORD yesterday in a manner that no other letter, I undertake to say, ever found its way into a CONGRESSIONAL RECORD. It charges me with downright falsehood. I am ready to meet the Senator from Illinois at any time on this floor in debate on the proposition that I made, and I think it is due to me that I should have the earliest opportunity to explain to the Senate how this matter crept into the RECORD.

Mr. CULLOM. I hope the Senator from Virginia will not suppose that anybody desires to prevent him from meeting the resolution or the mover of it. I only made the suggestion as a matter of courtesy to my colleague, who will probably be in the Senate directly, and then the Senator from Virginia will have an opportunity of meeting him in a discussion of the resolution as he chooses. I have no desire to prevent the Senator from making any statement he sees proper about it. I only suggest, as a matter of courtesy to the mover of the resolution, that the Senator from Virginia should delay his remarks until he comes in.

Mr. RIDDLEBERGER. I will do that with the understanding that when he shall come in the matter may be taken up by unanimous consent. If that is understood, I will yield.

Mr. PLUMB. I move that the Senate proceed to the consideration of Senate bill 149.

The PRESIDENT *pro tempore*. Does the Senator from Virginia desire the Chair to put to the Senate the question as to whether he shall have unanimous consent?

Mr. RIDDLEBERGER. I take it for granted, no one objecting, that I have unanimous consent. I should like to have it so stated, for I shall not yield the floor without that being understood.

Mr. HARRIS. I suggest to the Senator from Virginia that he ask, or I will ask, that, the resolution being now in order, it be informally laid aside subject to call, and then whenever the Senator chooses to call it up he may do so.

Mr. RIDDLEBERGER. But I should not like to interrupt a regular debate on some general question.

Mr. HARRIS. I do not think the Senator ought to do that.

Mr. RIDDLEBERGER. Very well; I assent to the suggestion of the Senator from Tennessee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

Mr. PLUMB. I now move that the Senate proceed to the consideration of Senate bill 149, being the bill which was under consideration yesterday morning.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas.

Mr. HOAR. I understood that the arrangement of the Senate by unanimous consent was that there was some resolution which was informally laid aside and that this business was to be taken up by consent without motion.

The PRESIDENT *pro tempore*. That was the understanding of the Chair. The suggestion of the Senator from Tennessee [Mr. HARRIS] was adopted, and the bill mentioned by the Senator from Kansas is now before the Senate subject to be displaced.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment of the Senator from Minnesota [Mr. MCMILLAN], on which the Senator from Minnesota has the floor.

Mr. MCMILLAN. Mr. President, when I was interrupted yesterday by the expiration of the morning hour I was proceeding to show the good faith of the Sioux City and Saint Paul Railroad Company in terminating the construction of their road at Le Mars, having at that point met a constructed land-grant road from Le Mars to Sioux City, their southwestern terminus, pursuing the very route which the Sioux City and Saint Paul Company would have been compelled to follow if they had extended their road. Having terminated the construction of their road at Le Mars, distant from the northern Iowa line 56.13 miles or thereabouts, they would be entitled to the grant of lands prescribed by the act of Congress if they were entitled to an allowance for a fraction of 10 miles. It is claimed that for this fraction of the road they can not be allowed the lands granted by the act of Congress, because the act prescribed that the State should only certify lands to this company upon the construction of each 10 miles of the road.

In illustration of the good faith of the company it will readily suggest itself to the Senate that they might have avoided this difficulty by constructing three miles and a half of road beyond the town of Le Mars, and that would have been a literal compliance with the act of Congress. Yet it would have been of no public benefit, it would have been of no interest whatever to the people of that section of country, and it would have been an injury, a positive injury, to the town of Le Mars, to which they had already constructed their road. So it is evident that the company, whatever course they have pursued in this matter, have acted in good faith.

But further than that, they did not desire to retain the lands appropriated for the remaining portion of the road and prevent settlers from going onto that land. In 1882, I myself introduced a bill in the Senate "to resume to the United States certain lands granted to the State of Iowa to aid in the construction of a railroad in said State," which embraced all the surplus land which would be appropriated to a road from Le Mars to Sioux City. The company have been entirely willing; they have been ready to surrender these lands to the United States to remove all difficulty, so that the Government could resume them, because they saw that it would not be to the public interest to attempt to construct their road farther. This bill was referred to the Committee on Public Lands, but it was not deemed necessary to act upon it. At a subsequent session of Congress a similar bill was introduced by myself and referred to the Committee on Public Lands.

Thus it appears that this company have done whatever they could to place these lands in the possession of the Government and to afford settlers an opportunity of going upon the lands, asking only that they receive the amount of lands to which they were entitled under the act of Congress for each mile of the road actually constructed and put in operation and running to this day as a part of the great railroad system of the Northwest.

There are some further facts which should be taken into consideration in determining this question. This land grant was passed in 1864. At that time all this region of country was comparatively uninhabited. The frontier had not gone so far west as the line of the Sioux City and Saint Paul road. But two years before the passage of this act of Con-

gress, but a short distance east of the line of this road, on the very boundary line of the State of Iowa, the first murder in the Sioux massacre occurred. Adventurous settlers in small numbers had gone then beyond the line of the frontier. A family had settled on Spirit Lake, in the State of Iowa, just south of the boundary line, and the first alarm that was received by the people of the Northwest from the Indians who attacked the white settlers was on the borders of that Spirit Lake. In 1862 the great Sioux massacre, which desolated all that country, which spread terror and alarm throughout the whole region, originated on the shores of that beautiful lake. The track of murder and outrage and desolation extended from there northeast on the very line of this road, up to within 75 miles of Saint Paul, spreading death and destruction all through that country, driving all the settlers who had been there from their homes, and the country remained desolate for years afterward.

It was under circumstances of this kind that Congress adopted the policy of granting public lands for the construction of railroads through that country. It was in order that the people might have the means of transportation and of protection on the frontier that these land grants were made. It was to invite settlers into that country again; it was to enable them to go there and build their homes and protect themselves and that the Government might extend to them the protection which it could do by the construction of these railroads through that country. For that purpose these lands were granted. They were taken from the public domain and appropriated to that purpose in the interest of the settlement and development of that interesting and beautiful country; and they succeeded in doing so. All the section of Northwestern Iowa and Southwestern Minnesota and all the country west of the Missouri River soon filled up, soon became the sites of good homes, soon became intelligent, industrious communities, and the country prospered. It was under circumstances of this kind that this company undertook to build this road, and not because there was other business inviting it, business paying it for the construction of the road, and it asks only that justice be done in regard to this matter.

Now that these circumstances have all changed, now that there are prosperous and thriving and densely settled communities in that region of country, it is anything but fair to say that the land granted and appropriated at that time for the construction of roads so beneficial to the community, which have resulted in such incalculable benefit to the people, shall be denied to the railroad companies.

Mr. President, I suppose the Government has no desire to do injustice here; I suppose no portion of the State of Iowa desires to do injustice; and yet what is the proposition here? It is not that the Treasury of the United States shall receive any benefit from these lands; neither the Government nor the railroad company nor the persons interested in this grant desire any profit to the Treasury of the United States arising from this land grant. They desire that the settlers have these lands, and that they have them on the most advantageous terms that can be proposed to them. Therefore this bill proposes that all the lands to which this company is not entitled shall be appropriated to the settlers who have gone onto them or that shall go onto them. They are brought within the public domain. Persons who have gone onto them as homestead settlers or as pre-emptors under the terms of this bill can obtain title by the payment of the ordinary price established by the laws of the Government in payment for the ordinary public lands. Yet these lands have been greatly enhanced in value; by the very construction of these roads, by the building up of these communities these lands are worth now not the dollar and a quarter per acre, but they are worth from five to fifty dollars an acre, and in some instances much more, but let the settlers have these lands, let them have all that do not belong fairly and justly to the railroad company which has earned the grant under the act of Congress.

The Secretary of the Interior in his letter seems to assume that the company is entitled to lands for each mile of the road actually constructed, for he says in the communication of the 6th of February, 1883, embraced in the report of the Committee on Public Lands:

Referring to these several communications—

Which have been mentioned in a preceding part of the letter—

Referring to these several communications, it appears that the Sioux City and Saint Paul Railroad Company built 56½ miles of road. This would entitle the company *prima facie* to 360,000 acres of land.

Then he goes on to discuss some other questions in regard to the grant; so that it seems to have been considered by public authority that this company was entitled to lands for each mile of road built; and the State of Iowa has done nothing whatever inconsistent with that. No expression of the State of Iowa has been made interfering with the construction of the grant, which would be in favor of the company to the extent I have indicated.

This leaves for the settlers betweeen 85,000 and 86,000 acres of land all through that country of great value, and this amount of land the company desires to place in the hands of the actual settlers. Why should it not be done? So far as I am concerned I ask for the adoption of this amendment only because I believe it to be an act of sheer justice, for the company is entitled to it except for perhaps a technicality which might exist if this reference were made to the courts of justice without any modification of the law. The grant to the State of Iowa prescribed that in the disposition of these lands the States should certify to the company only upon the completion of 10 miles of the road. It does not deny, however, to the State the grant for each mile of road built. A court bound by the technicalities of the law would perhaps be compelled to prevent the company from obtaining a legal title to these lands; but the Senate of the United States, it seems to me, can not afford here to rest upon a mere technicality. These parties have earned the land, and the only reason they are not entitled to the legal title under the law in compliance with its strictest letter is because they deemed it a matter of good faith to stop within a section of 10 miles in the construction of the road.

I trust the Senate will come to this view of the question and will adopt the amendment which I have proposed.

Mr. WILSON, of Iowa, obtained the floor.

SENATORS' PRIVATE SECRETARIES.

The PRESIDENT *pro tempore*. Before the Senator from Iowa proceeds the Chair will lay before the Senate a communication from the Sergeant-at-Arms, which will be read.

The Secretary read as follows:

SERGEANT-AT-ARMS' OFFICE, UNITED STATES SENATE,
March 10, 1886.

SIR: In compliance with the resolution of March 9, namely—

"Whereas the following resolution was presented and passed on the 4th instant, to wit: 'That each Senator shall report to the Senate on Monday next the name of his private secretary;' and

"Whereas an amendment was offered, accepted, and prevailed that said report should appear in the RECORD on Monday, March 8; and

"Whereas but seventeen Senators report the names of their private secretaries: Therefore,

"*Resolved*, That the Sergeant-at-Arms of the Senate be required to report tomorrow the names of the private secretaries of Senators who had certificates of appointment from his office on March 4, and the names of the Senators who had appointed them, other than those whose reports appear in the RECORD of this date"—

I have the honor to transmit the accompanying statement.

Very respectfully, your obedient servant,

W. P. CANADAY,
Sergeant-at-Arms United States Senate.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The communication, with the statement attached, will be printed in the RECORD.

Mr. RIDDLEBERGER. Let it be read.

The PRESIDENT *pro tempore*. The list?

Mr. RIDDLEBERGER. Yes, sir; let it be read.

The PRESIDENT *pro tempore*. The communication has been read; and the list will be read if the Senator from Virginia desires.

The Secretary read as follows:

Statement under resolution of March 9, 1886.

Name of private secretary.	By whom appointed.
John Irwin	Hon. J. H. Mitchell.
E. B. Wight	Hon. N. W. Aldrich.
P. S. George	Hon. J. Z. George.
R. M. Call	Hon. Wilkinson Call.
R. M. Larner	Hon. A. P. Gorman.
George Gilliland	Hon. D. W. Voorhees.
R. B. Green	Hon. Richard Coke.
E. D. Martin	Hon. E. K. Wilson.
M. G. Seckendorff	Hon. J. Chace.
M. S. Quay	Hon. J. D. Cameron.
S. B. Long	Hon. S. B. Maxey.
F. P. Ferris	Hon. C. H. Van Wyck.
S. Hutchins	Hon. M. W. Ransom.
R. B. Cooke	Hon. J. C. S. Blackburn.

Cards were issued to the above private secretaries under section 2, Rule XXXIII of the Senate.

Very respectfully, your obedient servant,

W. P. CANADAY,
Sergeant-at-Arms United States Senate.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. WILSON, of Iowa. Mr. President, a brief statement will answer my purpose in submitting a reply to the remarks of the Senator from Minnesota.

On the 12th of May, 1864, Congress passed an act making a grant of lands to the State of Iowa, the first section of which reads as follows:

That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota, at such point as the said State of Iowa may select, between the Big Sioux and the West Fork of the Des Moines River.

For that purpose that land grant was made. The Sioux City and Saint Paul Company entered into agreement to construct that line of railroad from Sioux City to the south line of the State of Minnesota. That company and the State were confined to a limit of fifteen years in

which to construct that road. Neither the company nor the State, singly or combined, has or have constructed that road in accordance with the terms of the act. It might have been reasonably implied that the construction of the line should commence at Sioux City and proceed toward the southern boundary of the State of Minnesota. The company did not commence the construction at Sioux City, but at the south line of the State of Minnesota. It may be that there is a reason easily ascertainable why the construction should have been commenced at that point instead of the other. Much of the public land had been disposed of on the lower part, or Sioux City portion, of the line. Consequently the construction of the first several sections of 10 miles would not have caused the company to have received the sections provided for by the act, because they had been otherwise disposed of. Therefore it is fair to presume that the company commenced at the south line of the State of Minnesota where they could get nearly a full grant, and proceeded southward until they reached the point at Le Mars.

Mr. McMILLAN. Will the Senator allow me?

Mr. WILSON, of Iowa. Certainly.

Mr. McMILLAN. The object in doing that was to continue the construction of a line of road from Saint Paul southwest; so that the people would have the benefit of the entire line through the State of Iowa to Saint Paul, building a continuation of the Saint Paul line down to the Missouri River.

Mr. WILSON, of Iowa. Certainly; but it would have been just as convenient to have pursued the construction from Le Mars or from a point 3 miles west where they located their line to Sioux City, but for some reason the company stopped their construction at Le Mars. What was the reason? On the last sections stretching from Le Mars to Sioux City there could be but little land earned, for there was none there for the Government to turn over under the grant. Therefore the company would not earn lands under the terms of the grant by constructing the line from Le Mars to Sioux City, because there were no lands there to be earned. Therefore the company stopped at Le Mars. There was a part of the line from Le Mars to Sioux City on which there was no considerable portion of public land at all; and a contest is still being made between this and another company as to the overlapping lands within the grant.

But it was easier to make a running arrangement with another railroad company from Le Mars to Sioux City and save the construction of that part of the line on which they would receive no land and secure to themselves a through connection between Saint Paul, Minn., and Sioux City, Iowa; but in doing that act they violated the very spirit of the law by which Congress conferred upon the State of Iowa and this railroad company the land grant mentioned in the act of May 12, 1864, for as a part of that arrangement, as I am informed and have reason to believe and it is so understood by all the people between those two points, this company which was to have built a continuous line to Sioux City stipulated that between those two points it would conduct no local business whatever.

Mr. McMILLAN. That is denied.

Mr. WILSON, of Iowa. I do not care whether they deny it or not, the practice of the company is to that effect, as the people along that line fully realize in their local business. Therefore the company in no respect is entitled to the lands between these points.

Now it is proposed to amend the grant of 1864 and confer upon this railroad company that has failed to observe the terms of the grant and to comply with its contract a complete grant of land which it could not have received under the act of 1864. The original act provides that this company shall receive—

> Every alternate section of land designated by odd numbers for ten sections in width on each side of said roads; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest the tiers of sections above specified, so much land in alternate sections or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the State of Iowa for the uses and purposes aforesaid.

That is for the construction of that line of road from Sioux City to the southern boundary of the State of Minnesota. It has not been done; it is not proposed that it shall be done. An agreement has been made that it shall not be done. Even under the terms of this grant, if the road had been constructed to Sioux City instead of stopping at Le Mars, there would still have been a shortage of this grant because of the grant to another company, and the lands within the overlapping limits of those grants would have been divided between them, thus preventing the Saint Paul and Sioux City road from getting full one hundred sections of land upon each section of 10 miles of road that it may have constructed.

Now in order to cure that defect and in the face of the failure of the company to construct its line as required by law, it is proposed to amend this bill as follows:

> And said company shall be deemed to have earned and be entitled to receive one hundred sections of land for each 10 miles, and ratably for fractions thereof, for each continuous portion of its road constructed in the time required by law; the facts of such construction and the quantities and description of land so earned to be ascertained under the direction of the Secretary of the Interior.

So it is proposed by this amendment, notwithstanding under the terms of the original grant it were impossible for this company to have full one hundred sections of land to each section of 10 miles, it is now proposed to extend by this amendment the operation of the act of 1864 and confer upon this railroad company, in default of the construction of its line a full hundred sections of land for each 10-mile section and part of section of road constructed by it.

Mr. McMILLAN. The Senator from Iowa will permit me to make a statement?

Mr. WILSON, of Iowa. Certainly.

Mr. McMILLAN. The intention of the amendment was not to enlarge the operation of the original act in any respect except so as to avoid the mere technicality of preventing a certificate for the 6.13 miles which overlap the 5.10-miles section, and the amendment can be modified in any way to suit the Senator to express that view. There was no purpose of the kind he suggests.

Mr. WILSON, of Iowa. Unfortunately the language of the proposed amendment is that the "company shall be deemed to have earned and be entitled to receive one hundred sections of land for each 10 miles, and ratably for fractions thereof." That is the language of the amendment.

Mr. McMILLAN. Insert then "in accordance with the terms of the act of Congress under which the lands were granted." It is only upon the statement of the Senator from Iowa that they would not be able to receive a sufficient quantity of land for the road constructed, that there can be any defect in the amendment.

Mr. WILSON, of Iowa. Why, Mr. President, here is a map showing the limits of the grant between this and another company, and showing conclusively that this company can not receive full one hundred sections of land under the grant of 1864, because it would only receive in the overlapping limits one-half of the lands therein embraced.

It is said then that this amendment is intended only to cover the fractional section of 6 miles constructed by the company to reach Le Mars. In order to do that the company deviated from its line of definite location. If it had not gone into Le Mars with its line, as this map shows, it would have been some 3 or 4 miles west of that point in a direct line for Sioux City, and it had run, established, definitely located, and filed in the Department the line from the southern boundary of the State of Minnesota to Sioux City, Iowa; but when it was found that by this convenient arrangement with another railroad company it could depart from its definitely located line, establish another line to reach Le Mars, and there, by a running arrangement with another railroad, carry its traffic into Sioux City if it was thought best to take that with it, the company took all the risk involved. Take the line as definitely located by this company. This is the line here. [Indicating on the map.] Here is the constructed line. [Indicating.] There is a deviation from the definitely located line on which the grant must be adjusted, and the line of construction is an average of more than 6 miles on that entire portion of the line.

So, then, the company not only has failed to construct its line as it contracted to construct it from Sioux City to the southern line of Minnesota, but it has failed also to construct its line on the one of definite location and in accordance with which the grant must be adjusted. Therefore, sir, this amendment proposes a new and independent grant to a company that has failed to perform the conditions imposed on it by the terms of the original granting act.

I do not wish to take up the time of the Senate in discussing this further. It is a new grant if this amendment goes in; it is a new grant to a company that has failed to observe the conditions of its contract; it is a new grant to a company that commenced its construction for its own convenience at the point where it could get land and omitted to construct over that part of its line that would not secure to it its full proportion of the grant mentioned in the act of 1864.

Mr. McMILLAN. Mr. President——

Mr. RIDDLEBERGER. Is it not proper now to take up the matter that the Senate passed by informally?

Mr. McMILLAN. I will take but a very short time. I simply wish to make one suggestion.

Mr. RIDDLEBERGER. Yes, sir; but 2 o'clock is the hour for the regular order.

Mr. McMILLAN. I shall take but a few minutes. I should not have made any further remarks if I did not feel that the tone of the remarks and the remarks themselves made by the Senator from Iowa who has just taken his seat were not entirely fair. I do not think the Senator has presented this matter in a fair aspect to the Senate.

This railroad company constructed their road from the northern Iowa line down southwest because by doing so every mile of road they constructed was the continuation of an uninterrupted line from Saint Paul, giving direct communication with every mile of road extended with Lake Superior, so that the farmers of that country when the road was continued in process of its construction received the benefit of it, and if they had commenced from the other end there would have been no connection and no benefit until the entire line was constructed.

Then in regard to this amendment there was no intention by the

friends of the amendment to enlarge the grant. It was merely to provide that the technicality which has prevented the State of Iowa from certifying to this company the lands for 6¼ miles of the road constructed because the act required 10 miles to be constructed before the certificate could be issued, should be overlooked.

The State of Iowa has been ready to do that and this is to have it done.

Now, the Senator says it is a new grant. Why, sir, it is no more a new grant than would be the change of a contract. If the Senator from Iowa were to employ me to do six months' labor for him and I should labor five months for him, and, by some sufficient cause, be prevented from performing the other month's labor, then he could say I should not be entitled to remuneration for any part of the labor. I do not believe that is fair. Because they did not construct 10 miles they are not to have lands for the 6¼ miles which they have constructed! That is the position.

All I ask is that the lands be granted for the actual road built and which is now under construction, part of the great system of railways there; and the idea that this great road has made an arrangement of the kind referred to by the Senator from Iowa by which no traffic can be carried upon the road between Le Mars and Sioux City seems of itself to be sufficient—the mere statement of it seems to be sufficient to refute it.

Mr. WILSON, of Iowa. The Senator from Minnesota misunderstood my remark.

Mr. McMILLAN. I must have done so.

Mr. WILSON, of Iowa. I said they had made a running arrangement under which they agreed not to do local business between those two points, not that they shall not conduct their through traffic, but that so far as local business between Le Mars and Sioux City is concerned they will not engage in it.

Mr. McMILLAN. This whole system of roads is under the control of the Chicago and Northwestern Railway Company. Such a portion of this road as this would not be controlled in that way, and so far as the arrangement between the Sioux City and Saint Paul road is concerned that is denied entirely, and I am assured that that was not so. Whatever running arrangement was made, if any, I am not aware of, but no such arrangement as is referred to by the Senator from Iowa was made.

Mr. WILSON, of Iowa. The matter of the control of railroad companies in such cases is one that is exciting a great deal of interest in this country, and that is the reason why the people are endeavoring to get the Congress of the United States to pass some law that shall regulate commerce.

Mr. McMILLAN. That can be done.

Mr. WILSON, of Iowa. Oh, yes, that can be done, and here is one of the very causes for the demand, and it is proposed to reward them by giving them a land grant for that breach of trust.

Mr. PLUMB. Mr. President, it is confessed that this land can not be got by the railroad company unless there is legislation to give it these lands directly or which will provide some way whereby it can get them through the machinery of the courts or of the Land Department. The committee believed that the Senate was not willing now to make a new land grant, and they therefore reported a bill which leaves this case exactly where they find it so far as the rights of the respective parties are concerned, and sends these parties to the courts to ascertain what those rights are.

The proposition of the Senator from Minnesota is that Congress shall make a new grant, because if no grant is needed it must be because the railroad company have already earned the lands under the existing law, and that law we invoke the power of the courts to declare. Therefore this proposition, boiled down, is simply that Congress shall now, in this year 1886, make a new land grant, and that not for the purpose of securing the completion of a new railroad but for the purpose of repairing the mistakes which a railroad company endowed with lands in 1864 has made, and a railroad company that did not carry out the purpose of Congress in making the grant, but instead of that imposed upon the people living along the line of that grant the obligation to resort to another railroad company because this railroad company denied the people of that section of country the facilities which Congress intended they should have.

If the Committee on Public Lands had felt disposed to inquire closely and to bring the action of this railroad company to the test, which some think it should have been brought to, a bill of much more sweeping character would have been brought in, because, as I said yesterday, I believe these parties have forfeited every single acre of their land. But the committee said: "This has been so far settled that the patents have been issued to this company, and we will not interfere with them;" and we went even further and said: "As to the lands which you did not earn in strict compliance with the law, we will send that question to the courts in order that it may be determined whether you have anything on the merits, and if you have anything on the merits, that you shall have."

Now, Mr. President, the Senator from Minnesota, representing this railroad company, is here not only to ask that we shall make this new grant, but he admits that something has to be done before the railroad company whom he represents here can have anything at all. Does he think he is going to get affirmative legislation? Is it not more likely that if they shall prevent the passage of a bill so wise, so just, so equitable as this, and shall operate longer to prevent any legislation whereby this question can be settled, the time will come when that very course of obstruction of theirs will return to destroy that which this bill permits them to keep? I think that the railroad company itself ought to be here asking that a measure of this kind should become a law, rather than by postponing, by obstructing, the passage of a measure of this kind lay up wrath against the day of wrath.

I do not believe for one single instant that the Senate is going to engage at this date in giving new grants of land to railroad companies, wherever located, on any pretext whatever. No company that is just, no combination of persons could ever ask more than this bill gives—simply the privilege of going into court and asserting their right for what they claim they have done. They knew what they were doing. They knew when they commenced to build their railroad from the southern line of Minnesota that a road had already been completed between Le Mars and Sioux City, and they built to that intersection with a full knowledge of the fact. I never before heard of a railroad company that wanted to plead the baby act. I never before heard of one willing to say it had made a mistake in the law and wanted the law-making power to come in and give them something on account of that mistake. The railroad companies bring to their employ sooner or later the men most learned in the law; they know what the law's delays are; they know what the law is; and when these parties built their railroad to Le Mars, thereby preventing themselves from completing this section of 10 miles, they did it with a perfect knowledge of the legal consequences to flow from that act; and I do not want them, as I have said, to be here pleading the baby act and asking us now to relieve them from the legal consequences of that which they did with their eyes open and under legal advice. If they have any rights, the courts are the place to settle them, and it is to the courts that we propose to remit them.

Mr. McMILLAN. Mr. President, in summing up the case on the part of the Committee on Public Lands, it seems to me the chairman has evinced some feeling here which might have been dispensed with.

It would have been well, I think, if the chairman of the Committee on Public Lands had embraced in his report all the facts upon which he intended to rely here. What this company have done, which shows that they are pleading the baby act, I am at a loss to discover. So far as I am concerned here, I only presented this amendment because I believe it would be unjust upon the part of the United States to grant public lands at one time for the purpose of building a road, and when the grantees had complied with the act in the construction of the road to rely upon a technicality to refuse to give them the grant. As I said, the only reason why this road can not receive the lands granted by the original act is because the company constructed 6¾ miles of the road instead of 10, and they did not construct the remaining 3¼ miles because they believed it would be of no public benefit, and if they had constructed those additional 3¼ miles of road, while it would have been a technical compliance with the law it would have been a violation of good faith to the Government and to the people, because if they should thereby have gone with 3¼ miles of this road beyond Le Mars they could have perhaps destroyed that town, they could have interfered with the convenience of the people of the town, they could have built just outside of the town a mile and a half perhaps, to the destruction of the community there and their interests. But they followed the interests of the public, and running the risk of losing all the lands they considered the public interests and complied with them. Now they ask merely to have these lands and that the Government shall not rely upon a technicality by which to defeat the grant.

Mr. PLUMB. Before the Senator takes his seat I will ask him if he believes by legislation the railroad company is entitled to any land for that fractional section of road it built.

Mr. McMILLAN. The original grant prescribed the number of sections for each mile of road that should be granted to the State of Iowa for this line of railroad. In a subsequent section in the grant to the State the law prescribed that the State should certify to the company the lands on the completion of each 10 miles of the road. Now, there may be a technicality there that would prevent the State from certifying the title although the company had earned the land by the construction of the road. Suppose they had built 9 miles of this road and the other mile had not been constructed for a sufficient reason, then because only 9 miles were constructed the Senate of the United States would stand upon a technicality and say, "We will have the pound of flesh." That is what the Senator from Kansas has insisted upon here in his report and remarks. I only ask that the Senate shall decide this matter fairly, do justice about it, and if it is not fair deny the application.

Mr. WILSON, of Iowa. I should like to ask the Senator from Minnesota whether the State of Iowa under the terms of the grant of 1864 could have received from the United States land on a fractional section in order that it might thereafter confer such land upon the railroad company? The act itself provides that—

When the governor of said State shall certify to the Secretary of the Interior

that any section of 10 consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for 100 sections of land for the benefit of the road having completed the 10 consecutive miles as aforesaid.

Mr. MCMILLAN. The original grant in the other section is of the prescribed number of sections for each mile of the road.

Mr. WILSON, of Iowa. But the certificate must be for 10 consecutive constructed miles of road.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN].

Mr. MCMILLAN called for the yeas and nays, and they were ordered.

Mr. RIDDLEBERGER rose.

The PRESIDENT *pro tempore*. Does the Senator from Virginia rise to call up his resolution?

Mr. RIDDLEBERGER. Not to interrupt the roll-call. I simply want to call up the resolution after the roll is called.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. Unless he comes in before the roll-call is concluded I shall withhold my vote.

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], but as I am informed that if he were present he would vote "nay," I will vote "nay."

The result was announced—yeas 11, nays 29; as follows:

YEAS—11.

Brown,	Frye,	McPherson,	Riddleberger,
Conger,	Hoar,	Palmer,	Sawyer.
Dolph,	McMillan,	Platt,	

NAYS—29.

Aldrich,	Coke,	Jones of Arkansas,	Spooner,
Allison,	Eustis,	Logan,	Vance,
Berry,	Gray,	Mahone,	Van Wyck,
Blackburn,	Hampton,	Miller,	Wilson of Iowa,
Blair,	Harris,	Plumb,	Wilson of Md.
Call,	Harrison,	Pugh,	
Camden,	Ingalls,	Saulsbury,	
Cockrell,	Jackson,	Sewell,	

ABSENT—36.

Beck,	Evarts,	Kenna,	Ransom,
Bowen,	Fair,	Manderson,	Sabin,
Butler,	George,	Maxey,	Sherman,
Cameron,	Gibson,	Mitchell of Oreg.,	Stanford.
Chace,	Gorman,	Mitchell of Pa.,	Teller,
Colquitt,	Hale,	Morgan,	Vest,
Cullom,	Hawley,	Morrill,	Voorhees,
Dawes,	Jones of Florida,	Payne,	Walthall.
Edmunds,	Jones of Nevada,	Pike,	

So the amendment was rejected.

Mr. SPOONER. I offer the amendment of which I gave notice yesterday.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 2d instant, approved and signed the act (S. 738) for the relief of James Clifford, and on this day the act (S. 296) for the relief of the legal representatives of John Hatfield, deceased.

SENATORS' PRIVATE SECRETARIES.

Mr. RIDDLEBERGER. I call up the resolution which was laid over subject to my call.

The PRESIDENT *pro tempore*. The Senator from Virginia calls up the unfinished business of the morning hour, which will be reported.

The Chief Clerk read the resolution submitted yesterday by Mr. LOGAN, as follows:

Resolved, That the letter of James B. Eads be referred to the Committee on Rules, and that they be instructed to thoroughly investigate the charge contained therein.

Mr. PLUMB. I give notice that at the close of the morning business to-morrow I shall again move the consideration of the bill which has been under consideration this morning.

Mr. RIDDLEBERGER. Mr. President, I find in the RECORD of this morning a letter to "Hon. JOHN A. LOGAN, United States Senate," and signed by "James B. Eads," which is the foundation underlying the whole investigation called for in the pending resolution. I would like to know, in the first place, how the Senator from Illinois could have gotten this letter into the CONGRESSIONAL RECORD. There was no resolution, no motion relating to it, preceding it.

Mr. LOGAN. Why, Mr. President, if the Senator will allow me, I had nothing to do with its going into the RECORD. I did not ask that it go into the RECORD.

Mr. RIDDLEBERGER. Still it is here. How was it got in under any proper rule of the Senate? I do not mean to say that the Senator got it in there in any offensive sense, but I say that it is in the RECORD without any motion or resolution preceding it.

Now, sir, I could load down the CONGRESSIONAL RECORD with personal letters to me, and many of them that would be unpleasant reading to Senators on this floor, and especially could I do that in a Presidential campaign, and bring them here week after week and insert them here and ask for a Senatorial investigation by a committee.

Who, sir, is Eads? Many people say he is a great engineer, and many others say that he is a great American humbug. He is to come here and have filed in the RECORD a letter that is to arraign me before a committee to answer charges made! Sir, when you put them in this RECORD they are not Eads's charges but they are the charges of the Senator who files them here. That is the way I look at this. Eads can not charge me with falsehood and put it on the RECORD of this Congress, but a Senator can take Eads's letter and make it a part of his own charge against me.

Here it is said, after taking out a part of my own language and sending me to the country on the record as made up on what he chooses to state, that what I presented was "utterly untrue." I mean to say to-day that that is the allegation of the Senator from Illinois as it appears here, and I mean to answer it as such. Sir, I have stood from the start of this question, from the beginning of this matter, in the committee-room, and I mean to continue the contest, against what I believe to be a fraudulent endeavor to make the United States the indorser of the bonds of a bankrupt government.

Mr. LOGAN rose.

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Illinois?

Mr. RIDDLEBERGER. Yes, sir.

Mr. LOGAN. Mr. President, I am perfectly astounded at the Senator's statement that I have charged him with anything. I have made no charge against the Senator.

Mr. RIDDLEBERGER. You presented the letter.

Mr. LOGAN. I did. That does not make any charge by me. I presented a letter of a respectable man in the United States by way of petition asking that a charge against him be investigated. He was charged with having persons on this floor to blacken the reputation of Senators. He asked that that letter be presented to the Senate, and in that he said:

I therefore ask that the Senate cause the said statement of the Senator from Virginia to be thoroughly investigated.

What could I do but present it? I presented it as a mere petition.

Mr. RIDDLEBERGER. It is a personal letter to you.

Mr. LOGAN. Very well, sir. I did it as I will do it for any respectable citizen in the United States. When he asks me to present his petition to the Senate of the United States I will do so; but I meant nothing personal to the Senator.

Mr. RIDDLEBERGER. And I will resent such an imputation as long as I live, come wheresoever it may. It had no right here. It is a personal letter to "Hon. JOHN A. LOGAN," and it had no more right on this RECORD than any personal letter that I may receive.

Now, sir, I repeat, though I am not so great a soldier as the Senator from Illinois, that by slow approaches and parallels I will yet discover and uncover to the people of the United States this conspiracy to make our tax-payers the indorsers of, not Eads, but Eads's ship-canal or railway company. I started in for that, and when you put a coal on a terrapin's back, being slow to move, you make him travel the faster.

I offended nobody; I offended no Senator in any way. When we speak of Eads we speak of him merely as the representative of a ship-railway; that is all. We did not charge him with doing anything; I did not, surely. I have not heard of anybody doing it. We all know that ex-Secretary of the Treasury Windom is the president of that great conception. We all know, who have looked into it, who are the officers of it. Here it is called the Eads ship-railway; and when I spoke of Eads I did not think he was so grand, so big a man as he now appears to be. I therefore mean to say now that I can stand by all that they may hurl against me in this matter. The report that came from the Sergeant-at-Arms this morning is all the vindication I wanted, all that I would want to go to my home against the vile aspersions of the last few weeks. The man who married his second wife while his first lived, and the miserable caricature of a man who can defend his mother in a divorce suit and then betray her, can not hurt me among the people of Virginia, and especially in the community in which I live.

I am bound to answer this now once and for all, and I do dare to say in the Senate that this is a scheme to make the United States Government the indorser of bonds of a bankrupt government; and if we are to do that, if a ship-railway is to benefit this Government and it has ultimately to pay for it, we had better pay for it at the beginning and own it.

Mr. COCKRELL. Mr. President——

Mr. LOGAN. Will the Senator allow me a moment after the Senator from Virginia, as I introduced this letter?

Mr. COCKRELL. Certainly.

Mr. LOGAN. I am very much obliged to the Senator from Missouri for yielding to me. I do not rise to reply to the speech of the Senator from Virginia at all. I merely rise to state facts. The Senator from Virginia had on the floor of the Senate made a charge—at least the RECORD showed it—and Mr. Eads copied it in these words:

That while Eads was not on this floor, he has three henchmen here, two of them representing Republican journals and one a Democratic journal, coming to get information, to libel Senators on this floor whenever they can get their type and presses to work, &c.

This charge was made. I have not seen Mr. Eads for, I think, several

weeks, certainly not for many days; I understand that he is sick at his home in New York; but he sent me this letter and asked me to present it to the Senate, and in it requested that this charge against him be investigated. If there was anything wrong in that I do not understand it. That is what I have done.

Mr. Eads is certainly considered a respectable gentleman in this country. There was a measure that he was connected with before Congress, and he was charged with doing certain things which were improper in his own interest and in the interest of his company. That reflected upon him; and he copied the charge and wrote me this letter, and he asked that it be presented and that the matter be investigated. I presented it for Mr. Eads, as I would present such a paper for any gentleman in the country anywhere who had been assailed, and in his letter he asked that this matter be investigated.

I have not asked anything, except that Mr. Eads's letter be presented and referred to a committee, and that the matter be investigated as he requested. It is only carrying out his request. I have nothing to say as to the charge. I know nothing about it. I hope the letter will be referred to the committee, and that they will examine into it, as Mr. Eads desires they shall do, for the purpose of either vindicating him or of showing that he is guilty of these improprieties that are charged against him.

Now, sir, I do not see why any Senator should take exception to that. I can not understand why any one should take exception to that. It is certainly a right that free citizens of a republic like this have when they are charged with offenses where they can not defend themselves that they should have an investigation to see whether or not they are true. That is all I have done; and I shall ask when the Senator from Missouri shall get through, unless some other Senator wishes to say something, that the resolution be referred to the committee with this letter and that they may have charge of it. That is all I have to do with it.

Mr. COCKRELL. Mr. President, Capt. James B. Eads was for many years a distinguished citizen of the great State of Missouri, which I have the honor in part to represent upon this floor. His name and his character and his genius need no defense, no justification against the assaults made upon him by the distinguished Senator from Virginia. He is known in the United States, and he is known throughout the world; and when all of us shall have passed to that "undiscovered country from whose bourn no traveler returns," when "the places on earth that know us now shall know us no more forever," and we shall have been forgotten, including the distinguished Senator from Virginia, then the genius and the character and the fame and the plans and the works conceived in the brain and executed by the hand of James B. Eads will stand living monuments, and will go down through all time to come.

Mr. RIDDLEBERGER. The Senator has made the speech I should have expected, for I should have supposed an exhorter at a camp-meeting would have said something about the bourn from which no traveler returns. I made no assault upon Captain Eads, and the Senator from Missouri ought to have known it. If he wants to pile injustice upon injustice, let him repeat it again. Possibly he has said the worst that he could of Captain Eads by stating to the Senate that he was from Missouri.

Sir, I said nothing about Captain Eads. I was speaking of a project that is before this country. I was speaking of the effort to make this country the indorser of the negotiable paper of a bankrupt government. Captain Eads is in it, and when I speak of him I speak only of him in that sense in which he is mentioned in the newspapers and everywhere.

I make these remarks so that Captain Eads himself will understand that I do not mean to detract from him, or to reflect upon him in any way. I speak of him because all that we have to consider hereafter is named for him and the lobby that comes here, though he may not know it—and yet his letter does not deny it—maybe the lobby of the officers, the directors, the holders of the stock of the company, and Eads may not know of it.

I make no attack upon him, but I do mean to say that on this floor and at the other end of the Capitol, from information I have gathered there and from information I have ascertained here, known here, there are lobbyists for a scheme to make this Government throw away millions of money without knowing where it is to go. I say it has been done, not as was represented that I said a few days ago by the gentlemen of the press, for we have many gentlemen on this floor representing the press who have a right to come here, but it has been done by those who are paid lobbyists, first to persuade, next to abuse, and next to vilify and blackguard. I deny that I have said anything against Captain Eads.

The Senator from Missouri has said more against him in his remarks than I have in mine.

The PRESIDENT *pro tempore*. The question is on referring the resolution of the Senator from Illinois to the Committee on Rules.

Mr. FRYE. I fail to see why the Committee on Rules should be burdened with an investigation of that kind. I do not see that it has anything to do with the subject-matter. The Committee on Commerce has the subject of Mr. Eads's ship-railway canal before it. I am not aware that the Committee on Rules has the slightest connection with this matter in any direction whatever.

The PRESIDENT *pro tempore*. The question is on referring the resolution.

Mr. INGALLS. Let the resolution be again read.

The PRESIDENT *pro tempore*. The Senator from Illinois made a motion that the pending resolution be referred, as the Chair understood.

Mr. INGALLS. What is to be referred? Let us have it read.

Mr. HOAR. Is the motion to refer the resolution, or that the resolution itself be agreed to?

The PRESIDENT *pro tempore*. The motion is to refer the resolution. The Senator from Illinois made the motion. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the letter of James B. Eads be referred to the Committee on Rules, and that they be instructed to thoroughly investigate the charge contained therein.

Mr. HARRIS. I ask the Senator from Illinois to change his motion so that the communication may be referred to the Committee on Commerce, the only committee of this body that has any jurisdiction of the subject-matter. The Committee on Rules certainly has no earthly connection with or jurisdiction over the subject, and there is no propriety in referring the communication to that committee.

Mr. LOGAN. My first motion yesterday was to refer it to the Committee on Commerce. Somebody objected, and I said I did not care to what committee it went, nor do I care. I am perfectly willing to amend the motion by referring it to the Committee on Commerce.

Mr. MCMILLAN. I hope the Senator from Illinois will not make that motion.

Mr. HOAR. I rise to a parliamentary inquiry. I understand that the Senator from Illinois moved a resolution, which is that the letter read by him be referred to the Committee on Rules, and that they be instructed so and so. I did not understand that he made a motion to refer the resolution. The RECORD certainly contains no statement of any motion to refer. When was the motion made?

The PRESIDENT *pro tempore*. The Senator from Illinois made that motion within a few minutes.

Mr. LOGAN. If I may be permitted, I will change the motion to a motion to put the resolution on its passage, and will change the direction from the Committee on Rules to the Committee on Commerce.

Mr. HARRIS. The Senator modifies his resolution so as to make it a direction to the Committee on Commerce.

Mr. PLUMB. I move to strike out so much of the resolution as requires an investigation. It does not seem to me that there has been anything yet developed to authorize the Senate to specially instruct a committee to enter upon an investigation. I therefore move to strike it out, leaving the matter to go to the committee, and let the committee determine the question for itself in the progress of whatever work it may have before it which is germane to this general subject, which has been so much spoken about, and report to the Senate if necessary.

Mr. MORRILL. I hope the Senator from Illinois will accept that modification.

Mr. LOGAN. I will accept it.

Mr. MCMILLAN. What is the motion?

The PRESIDENT *pro tempore*. The resolution as modified will be read.

The Chief Clerk read as follows:

Resolved, That the letter of James B. Eads be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The motion of the Senator from Illinois is that the resolution itself be referred to the Committee on Commerce.

Mr. RIDDLEBERGER. Before that motion is put, I wish to say again that I do not intend to appear before any committee. What remarks I shall have to make will be made in the Senate. Here from the time that you go into executive session you assail men everywhere all over the country, and you refuse to allow them a chance to be heard. Everything that I say shall be with open doors. I do not believe in the Senate becoming more English than the House of Lords itself. I shall go before no committee. Let Mr. Eads's representative who has put this letter on the CONGRESSIONAL RECORD take care of him on this floor.

Mr. LOGAN. Now, Mr. President, I have certainly dealt kindly with the Senator from Virginia.

Mr. RIDDLEBERGER. Certainly you have, sir.

Mr. LOGAN. But when he talks about my being a representative of Mr. Eads or anybody else, he states that which is absolutely untrue.

Mr. RIDDLEBERGER. I said it in the sense that you represent him to the extent of putting this letter of his on the RECORD.

Mr. LOGAN. Ah!

Mr. RIDDLEBERGER. And you can not deny that.

Mr. LOGAN. The Senator from Virginia will not get into any controversy with me.

Mr. RIDDLEBERGER. No, sir, I hope not.

Mr. LOGAN. Nor will any ill blood be aroused by his statement. To the extent of having presented the letter I am responsible; but when he states that I am a representative of anybody except a general representative in the Senate of the people at large, as I said he states that which is not correct, sir.

Mr. RIDDLEBERGER. Now, General LOGAN, allow me to say——

The PRESIDENT *pro tempore*. The Senator from Virginia will please come to order. The Senator from Illinois has the floor.

Mr. LOGAN. I ask that the letter and resolution be referred to the Committee on Commerce, that they may examine into the matter; and if they deem proper to report to the Senate for the purpose of an inquiry, that they may do so.

Mr. RIDDLEBERGER. What I mean by saying that the Senator from Illinois is a representative is, that when I introduce a bill or resolution into the Senate for a constituent or friend I consider that I am representing him, and I never consider that I do otherwise unless I put the words "by request" on the back of the paper.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. LOGAN. I ask for one moment, that the resolution may be referred to the committee, so that all wrangling at least may be avoided.

Mr. HARRIS. The adoption of the resolution refers it.

Mr. MCMILLAN. I hope the matter will not be referred to the Committee on Commerce.

Mr. LOGAN. I do not want any discussion now, but let it be referred at once.

The PRESIDENT *pro tempore*. Is there objection?

Mr. RIDDLEBERGER. I object, sir.

The PRESIDENT *pro tempore*. The Senator from Virginia objects. The Senator from Alabama [Mr. PUGH] has the floor on the unfinished business, but the Chair will ask him to yield that the Chair may lay before the Senate certain messages from the President of the United States.

Mr. PUGH. Certainly.

JOHN HOLLINS M'BLAIR—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States, which was read:

To the Senate of the United States:

I have carefully considered Senate bill No. 193, entitled "An act for the relief of John Hollins McBlair," and hereby return the same without approval to the Senate, where it originated, with my objections to the same.

The object of this bill is to suspend the provisions of law regulating appointments in the Army by promotion so far as they affect John Hollins McBlair, and to authorize the President to nominate and, by and with the advice and consent of the Senate, appoint said McBlair a first lieutenant in the Army and to place him upon the retired-list as of the date of April 8, 1864, with the pay of his rank from April 30, 1884.

The beneficiary named in this bill was appointed a first lieutenant in the Army from civil life in June, 1861, with rank from May 14, 1861.

It appears from his own testimony, afterward taken before a retiring board, that at the time he was commissioned he was but seventeen years of age.

In October, 1861, he was in the field for five days with his regiment, within which time he participated in no battle, skirmish, or engagement of any kind.

After five days spent in marching and camping he was taken sick, and after remaining in camp six or seven weeks, his illness still continuing, he was granted sick leave and came to Washington.

In June, 1862, he was put on duty in the Commissary Department at Washington and remained there until August, 1863, when he was summoned before a retiring board convened for the purpose of retiring disabled officers.

From testimony before this board it appears that the illness which caused him to leave his regiment was one not uncommon in the Army, and yielded to treatment, so that in April or May, 1862, he was completely cured.

About this time, however, he was attacked with convulsions, which were pronounced by the physicians examined before the board to be a form of epilepsy, and for this cause he was found to be incapacitated for active service.

The medical testimony, while it suggests various causes for this epileptic condition, negatives entirely any claim that these attacks were at all related to the illness which obliged this officer to abandon service with his regiment. He testified himself that he had been told he had one or two convulsions in childhood, but there is no direct testimony that he was subject to epileptic attack before he entered the Army.

The retiring board determined upon the proof that this incapacity did not result from any incident of military service, and therefore Lieutenant McBlair was, in October, 1863, retired wholly from the service with one year's pay and allowances, which is the usual action in such cases, and which was approved by the President.

But in April, 1864, the President, in a review of the case, made an order that instead of this officer being wholly retired he should be placed upon the retired-list as of the date when the action of the retiring board was originally approved.

For about twenty years, and up to April 30, 1884, he remained upon the retired-list and received the pay to which this position entitled him. Quite recently, in consequence of a claim of additional pay which he made upon the Government, his status was examined by the Court of Claims, which decided that the action of the President in April, 1864, by which he sought to change the original disposition of the case upon the findings of the retiring board, was nugatory, and that ever since October, 1863, this officer had not been connected with the Army and had been receiving from the Government money to which he was not entitled.

If the bill herewith returned becomes a law it makes valid all payments made, and if its purpose is carried out causes such payments to be resumed.

The finding of the retiring board seems so satisfactory, and the merits of this case so slight in the light of the large sum already paid to the applicant, while the claims of thousands of wounded and disabled soldiers wait for justice at the hands of the Government, that I am constrained to interpose an objection to a measure which proposes to suspend general and wholesome laws for the purpose of granting what appears to me to be an undeserved gratuity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 10, 1886.

The PRESIDENT *pro tempore*. The message will be printed and lie on the table.

Mr. COCKRELL. The message should be printed and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. It is usual to let such a message lie on the table, and to take it up for a vote on the bill according to the Constitution. However, a motion to refer is in order at any time.

Mr. COCKRELL. I think it had better be referred.

The PRESIDENT *pro tempore*. It is moved that the message be printed and referred to the Committee on Military Affairs.

The motion was agreed to.

REPORT OF THE NATIONAL BOARD OF HEALTH.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Epidemic Diseases, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress the report of the National Board of Health for the year 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 10, 1886.

OMAHA INDIANS IN NEBRASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 5th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, prepared in the office of Indian Affairs, "for the relief of the Omaha tribe of Indians in the State of Nebraska."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 10, 1886.

RICHARD MURRAY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting the petition of Richard Murray, band Seventh United States Infantry, praying to be relieved of his political disabilities; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

RESIGNATION OF SENATE CHAPLAIN.

The PRESIDENT *pro tempore* laid before the Senate the following letter; which was read, and ordered to lie on the table and to be printed:

WASHINGTON, D. C., *March* 10, 1886.

Hon. JOHN SHERMAN,
President pro tempore of the Senate:

I hereby present my resignation as Chaplain of the United States Senate, the same to take effect Monday, March 15, 1886. My appointment as pastor of a church in another city necessitates this severing of relations which have been pleasant to me, and which I hope have not been altogether profitless to the Senate. Thanking you and all the members of the Senate for the uniform courtesy and kindness which have been extended to me during the period of my chaplaincy,

I am, very respectfully, your obedient servant,

ELIAS DEWITT HUNTLEY.

HOUSE BILLS REFERRED.

The bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America was read twice by its title, and referred to the Committee on Education and Labor.

The bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 18) for the further distribution of the Report of the Public Land Commission was read twice by its title, and referred to the Committee on Printing.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The unfinished business will now be proceeded with.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. PUGH. Mr. President, I have expressed my views fully upon the subject of this debate in the report made from the Judiciary Committee by the minority, and the main object I have in now addressing the Senate in reply to the Senator from Vermont is to prevent, if it is in my power to do so—which I admit is a difficult undertaking—the Senator from changing the character of the question between the Senate and the President. The real character of that controversy can not be misunderstood or misrepresented as it arises on facts apparent upon the record and reported by the majority of the Judiciary Committee. When the Senator from Vermont is at the wheel he steers by his own chart. He never runs on straight lines; he never consults other sailors, and he loses his temper when there is any question of the skill of his seamanship; and when the officer of the ship undertakes to select

a crew to man it without his advice and consent, he instantly heads a mutiny. At the risk of incurring the displeasure of my honorable and distinguished friend I shall call a reckoning, so that we may understand where we are and whither we are drifting.

What are the facts by which it is the duty of all of us to be guided? They are few and simple. On the 17th of July, 1885, George M. Duskin, being district attorney for the southern district of Alabama, was suspended by the President, and on the same day John D. Burnett was designated to discharge the duties of that office. On the 14th of December, 1885, the Senate being in session, John D. Burnett was nominated to the Senate to get its advice and consent to his appointment. That nomination was referred to the Judiciary Committee, and it remained there for over a month. In the mean time, on the 20th of December, 1885, the term of office of George M. Duskin expired. On the 25th of January, 1886, one month after the term of George M. Duskin had expired, and when he was no longer an incumbent of that office, the following resolution was sent by the Senate to the Attorney-General:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers—

All documents and papers—

that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

To that resolution the Attorney-General made the following answer:

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution and still remaining in the custody of this Department having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

For what purpose was that information sought of the Attorney-General by the Senate? The majority of the Judiciary Committee state distinctly the purpose for which those papers were sought in the following language:

It will also be observed that the President has not undertaken to remove the incumbent of the office, but has only, in expressed and stated pursuance of the statutes on the subject, suspended that officer, and that the same statutes expressly provide that such officer shall not be removed without the advice and consent of the Senate and that, if that advice and consent be not given, the incumbent would (unless his regular term of office should have previously expired) at the close of this session of the Senate, be restored to the lawful right to exercise its duties. The Senate then, by this nomination, is asked to advise and consent to the removal of the incumbent and to the appointment of the candidate proposed for his place. In exercising its duty in respect of these questions it is plain that the conduct and management of the incumbent is a matter absolutely essential to be known to the Senate in order that it may determine whether it can rightly advise his removal or rightly leave him to resume the functions of his office at the end of its session, as well as whether the candidate proposed has, in the exercise of the office under his designation, so conducted himself as to show that he is competent and faithful.

* * * * * * *

Is it not desirable and necessary to the proper performance of its duties, and in every aspect of the public interest, that the simple facts in regard to what the conduct of these officials, as well as in regard to what the conduct of the persons designated to perform their duties has been, should be made known to the Senate? Have these suspended officials, or any considerable number of them, been guilty of misconduct in office, or of any personal conduct making them unworthy to be longer trusted with the performance of duties imposed upon them by law? If they have, it would seem to be clear that every consideration of public interest and of public duty would require that the facts should be made known, in order that the Senate may understandingly and promptly advise their removal.

It is useless for me to read other passages in the majority report making the same statement, that the use the Senate intended to make of the documents and papers sought from the office of the Attorney-General was to enable the Senate to exercise the power of revising the act of the President in the removal of Duskin. What was the character of the information sought by the Senate from the office of the Attorney-General? The resolution speaks for itself upon that subject.

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers.

Not public documents; not official documents; not public papers; not official papers; but private documents and private papers relating exclusively to the official act of the President in the suspension of Duskin as district attorney. The demand made of the Attorney-General in that resolution was that the private documents and private papers on file relating exclusively to the act of the suspension of Duskin were to be transmitted to the Senate for its use in determining whether the President properly suspended the incumbent. This inquiry was to be made by the Senate with the knowledge of the fact reported in the Official Register in the possession of the Judiciary Committee that more than four weeks before that resolution was reported from the Judiciary Committee and offered to the Senate the term of Duskin had expired.

Then what possible use could be made of the information sought in this case? It was a pure fiction. What could be the use to be made by the Senate of these private documents and private papers if furnished to it by the Attorney-General? What possible practical use could be made of them? The report of the majority is that it was to enable the Senate to discharge a great duty imposed upon it, of making an inquiry as to the propriety of an official act by the President expressly conferred upon him by law, to be exercised within his discretion, during the recess of the Senate. If they had decided that the removal was improper, that it was unwise, what would have been the effect of the decision? Could it have restored Duskin? Was he still an officer suspended? Was he still an officer waiting for the adjournment of the Senate, so that in case no person designated in his place was confirmed, he was to be restored to the duties of the office? Not so; and we are here to-day engaged in an inquiry about a matter from which there can be no possible practical result. It is a moot question merely, and the Senate is thrown into a moot-court in discussing a purely abstract proposition.

How is that act of the Attorney-General refusing, five weeks after the expiration of the term of Duskin, to send those private papers and private documents relating solely to the suspension of Duskin characterized by the resolution to which the solemn sanction of the Senate is asked?

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

The act of the Attorney-General refusing to send private documents and private papers relating to the suspension of a district attorney five weeks after the expiration of his term of office, in obedience to the express orders of the President, is characterized as a violation of official duty, and that violation is denounced as being subversive of the principles of the Government and of good administration. The act is so characterized as to make it a sufficient ground for his instant impeachment.

Here is a resolution calling on the Attorney-General to disregard the positive order of the President not to transmit papers that he states in his message he considered to belong to him exclusively as his private papers, and that act of refusal of the Attorney-General on the order of the President is characterized as an act subversive of the principles of the Government and of good administration.

What sort of relation would obedience to the resolution by the Attorney-General, in defiance of the order of the President, have created between the President and his Cabinet? What is the character of that relation? I will allow the Senator from Vermont himself to define it. In the debate on the passage of the tenure-of-office act the Senator from Vermont used the following language, found in the Congressional Globe, 1869, first session Forty-first Congress, page 179:

But it did seem to the committee, after a great deal of consultation and reflection, that it was right and just that the Chief Executive of the nation in selecting these named secretaries, who by law and by the practice of the country and officers analogous to whom by the practice of all other countries are the confidential advisers of the Executive respecting the administration of all his Departments, should be persons who were personally agreeable to him, in whom he could place entire confidence and reliance, and that whenever it should seem to him that the state of relations between him and any of them had become so as to render this relation of confidence and trust and personal esteem inharmonious, he should in such case be allowed to dispense with the services of that officer in vacation, and have some other person to act in his stead.

Here the Senate is asked to pass a resolution condemning the Attorney-General for obeying the President, whose adviser he was, who stood in that relation of confidence and trust to him stated by the Senator from Vermont. The Attorney-General is asked by this resolution of the Senate to disregard the positive order of the President and thereby make himself liable to instant dismissal from the Cabinet. On the terms of that relation stated by the Senator from Vermont himself President Cleveland could not with self-respect have held that Attorney-General in his Cabinet a single moment after obeying the resolution of the Senate. Is that the way for one co-ordinate department to treat another? Is there to be a request from this great law-making power upon the Chief Magistrate of the country or his Attorney-General that would result in breaking up their relations of confidence and trust and in making the Attorney-General liable to instant dismissal from the Cabinet?

Now, what does the President say upon the action that the Senate asked of his Attorney-General in utter disobedience to his positive order and direction? The President says in his message to this body:

Upon this resolution and the answer thereto the issue is thus stated by the Committee on the Judiciary at the outset of the report:

"The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves."

I do not suppose that "the public offices of the United States" are regulated or controlled in their relations to either House of Congress by the fact that they were "created by laws enacted by themselves." It must be that these instrumentalities were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their construction and unembarrassed by any obligation to the Senate as the price of their creation.

The complaint of the committee, that access to official papers in the public offices is denied the Senate, is met by the statement that at no time has it been the disposition or the intention of the President or any Department of the executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices. While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body. And

though no such paper or document has been specifically demanded in any of the numerous requests and demands made upon the Departments, yet as often as they were found in the public offices they have been furnished in answer to such applications.

The letter of the Attorney-General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution.

There is the statement by the President of a matter of fact within his personal knowledge, and the Senator from Vermont controverts the truth of that statement, having no foundation whatever for the denial. There is a square issue made in the report of the majority of the Judiciary Committee with the President upon a matter of fact that is within his personal knowledge. The President says further:

There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution. The letter was intended, by its description of the papers and documents remaining in the custody of the Department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as were required by the requests and demands which preceded it.

Everything that had been written or done on behalf of the Senate from the beginning pointed to all letters and papers of a private and unofficial nature as the objects of search if they were to be found in the Departments, and provided they had been presented to the Executive with a view to their consideration upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney-General or any other head of a Department "is the servant of the President and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but because I regard the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

Even the committee in its report appears to concede that there may be with the President, or in the Departments, papers and documents which, on account of their unofficial character, are not subject to the inspection of the Congress. A reference in the report to instances where the House of Representatives ought not to succeed in a call for the production of papers is immediately followed by this statement:

"The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government until now any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded."

There is a statement in the majority report that the description of papers given to the Senate by the President are not such as those to which the Senate is entitled.

To which of the classes thus recognized do the papers and documents belong that are now the objects of the Senate's quest?

They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to Executive consideration, many of them are so irrelevant, or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate.

Are all these, simply because they are preserved, to be considered official documents and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would be satisfied with my selection? Am I to submit to theirs at the risk of being charged with making a suspension from office upon evidence which was not even considered?

Are these papers to be regarded official because they have not only been presented but preserved in the public offices?

Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of Department files. If the presence of these papers in the public offices is a stumbling-block in the way of the performance of Senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.

It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion. And I am quite prepared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute, and by members of the House of Representatives and Senators of the United States, than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity, and patriotism of Senators, or ignoring their representations, because they were not in party affiliation with the majority of their associates; and I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate.

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

That makes the issue between the Judiciary Committee of the Senate and the President, and the Senate is asked to support the report of the Committee on the Judiciary by the adoption of the report and the passage of the first resolution reported. That is the issue to be decided by the Senate.

Are the papers called for from the Attorney-General such as the Senate has the right to have in the discharge of any of its duties? The President states that the papers are private, unofficial, and relate to nothing over which the Senate has jurisdiction. The majority of the Judiciary Committee and its distinguished chairman the Senator from Vermont say that this information, although unofficial and private, does enable the Senate to discharge a duty that it has, a power that it claims, of revising the official act of the President in suspending George M. Duskin as district attorney.

That is the undisputed basis of the claim to these private unofficial papers and documents. It is a claim of the power of the Senate to exercise the same control and revision over the act of suspension or removal which is claimed and exercised and given to the Senate expressly by the Constitution of advising and consenting to appointments. There is no mistake about that being the claim asserted by the majority of the Judiciary Committee, and there is no mistake that the resolution reported condemns the official act of the Attorney-General for the reason that he has withheld, on the order of the President, information that he states was composed of private documents and papers that he said were unofficial and private, and withheld from the Senate on the President's positive order because they are private, because they are unofficial, and relate to no duty that the Constitution or law imposes upon the Senate to discharge.

Is there anything in the history of the Government to support this claim? The distinguished Senator from Vermont has presented a large array of what he calls precedents. I undertake to say, and I challenge denial upon the fullest test, that there is no case in the history of the Government for eighty years where any such documents as those called for in the resolution were ever transmitted to the Senate in executive or public session on the order of the Senate upon an Attorney-General or President. My honorable and distinguished friend paraded, in a manner that indicated he was about to achieve a great triumph over the President, the production of a resolution sent from the Judiciary Committee and signed by Allen G. Thurman, as its chairman, upon the Attorney-General. I indorse all that the Senator so well said about Allen G. Thurman. Yes, Mr. President, Allen G. Thurman is the greatest and the wisest and the purest American statesman now living. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Alabama will please suspend. The Chair will admonish the galleries that the slightest evidence of approval or disapproval is in violation of the rules of the Senate, and if repeated the Chair will order such disorderly persons to be expelled from the galleries. The Senator from Alabama will proceed.

Mr. PUGH. I was surprised that the great Senator from Vermont, speaking from this great law-making department of the Government, should invoke the name and fame and authority of that great statesman to sustain the claim the majority are now making upon the Attorney-General for the documents and papers. What had Senator Thurman said upon the floor of the Senate in relation to this very power of removal? In 1869 in the debate upon the amendatory tenure-of-office act, Senator Thurman used the following language:

Believing that the original interpretation of the Constitution is the correct one; that the power of removal from office is an executive power; that the duty of exercising that power is enjoined upon the President by the provision of the Constitution that he shall take care that the laws be faithfully executed; believing that the assent of the Senate is not a necessary and logical result that the Senate consents to appointments; believing that no such inference follows from the concurrence of the Senate in making appointments; and believing, also, that it is wiser that it should be as our fathers settled it, that the offices will be better filled and the laws more faithfully executed if this power is vested in the President alone, I feel bound to vote for an unqualified repeal of the tenure-of-office act.

After that declaration of his opinions upon the question of the power of removal now in controversy the Senator from Vermont invokes an order signed by Allen G. Thurman as chairman of the Judiciary Committee upon the Attorney-General, which I will read to the Senate:

APRIL 7, 1879.

SIR: Under the direction of the Judiciary Committee of the Senate, I have the honor to request that you will communicate to the committee any papers or information in your possession touching the question of the priority—

"Propriety" is the word, not priority. I looked at the original resolution this morning—

touching the question of the propriety of the removal of Michael Shaeffer, chief-justice of the supreme court of the Territory of Utah, and the appointment of David T. Corbin to that office.

Very respectfully, your obedient servant,

A. G. THURMAN, *Chairman.*

The Hon. ATTORNEY-GENERAL OF THE UNITED STATES.

Shaeffer was chief-justice of a Territorial court. What does section 1768 of the Revised Statutes, the tenure-of-office act, say?

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States.

In the section conferring the power of suspension upon the President is an express exception of judges of the courts of the United States. Now the question is whether Territorial judges are embraced in that language. The Senator from Vermont knew that that question was now before a subcommittee of the Judiciary Committee. He knew

that the great Senator and lawyer from New York [Mr. EVARTS] was a member of that subcommittee with the splendid lawyer the Senator from Tennessee [Mr. JACKSON]; and after two weeks or more consideration they had made no report on that question submitted to them of the power of the President in vacation to suspend a judge of a Territorial court.

The Senator from Vermont knew that the Senator from New York [Mr. EVARTS] had expressed the opinion that Territorial judges were not subject to the power of suspension by the President. That is today an open question before the very committee of which the honorable Senator is chairman, and with a declaration by one of the most distinguished lawyers that ornament the bar of this country declaring it to be his opinion that this power of suspension given to the President in section 1768 did not apply to Territorial judges. Then why was it that Senator Thurman, as chairman of the Judiciary Committee, sent that order of inquiry to the Attorney-General? He sent it under section 1767, making them subject to removal, but only by and with the advice and consent of the Senate. There is the authority for the order of Chairman Thurman on the Attorney-General to send in all information and papers relating to the removal, not suspension. Section 1767 reads:

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

The power of removal is to be exercised by and with the advice and consent of the Senate under section 1767. It was in obedience to the provisions of that section 1767 that the order was sent by Chairman Thurman to the Attorney-General to give information in reference to a removal that required the advice and consent of the Senate just as in the case of appointment. It was a request, perhaps, instead of a demand; I am not particular about words.

There is not one single precedent entitled to any consideration on account of its being applicable to the issue now before the Senate; there is not one cited in the speech of the Senator nor one cited in the report of the majority.

There have been some Presidents besides Mr. Cleveland who have sent messages to the Senate of like character with that which I have just read.

WASHINGTON, *December* 12, 1833.

To the Senate of the United States:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate a copy of the paper which has been published, and which purports to have been read by him to the members of the executive department, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices. The executive is a co-ordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what special authority that branch of the Legislature has the right to require of me an account of any communication, either verbal or in writing, made to the heads of the Departments, acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct; and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the proper duties confided to them. Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them, agreeably to the provisions of the Constitution and my solemn oath to support and defend it. I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government to decline a compliance with your request.

ANDREW JACKSON.

I wish we had more Jacksons living. Here is another message:

WASHINGTON, *January* 13, 1835.

To the Senate of the United States:

I have received the resolution of the Senate of the 9th instant, requesting me to communicate "a copy of any report made by any director or directors of the Bank of the United States appointed by the Government purporting to give information to the Executive of certain notes and bills of exchange, discounted at the Bank of the United States for account and benefit of George Poindexter, a member of the Senate; also the name or names of such director or directors.

In my replies to the resolutions of the Senate of the 11th December, 1833—

Which I have just read—

and of 12th of June, 1834, the former passed in their legislative, and the latter in their executive, capacity I had occasion to state the objections to requests of this nature, and to vindicate, in this respect, the constitutional rights of the executive department. The views then expressed remain unchanged; and as I think them peculiarly applicable to the present occasion, I should feel myself required to decline any reply to the resolution before me were there not reasons to apprehend that persons now in nomination before the Senate might probably, by such a course, be exposed to improper and injurious imputations.

The resolution of the Senate, standing alone, would seem to be adopted with the view—

There is an attempt to examine into the uses intended to be made by the Senate of the information sought of the President—

The resolution of the Senate, standing alone, would seem to be adopted with the view of obtaining information in regard to the transactions which may have been had between a particular member of the Senate and the Bank of the United States. It can, however, scarcely be supposed that such was its object, inasmuch as the Senate have it in their power to obtain any information they may desire on this subject from their own committee, who have been freely allowed, as appears by their published report, to make examinations of the books and proceedings of the bank, peremptorily denied to the Government directors, and not even allowed to the committee of the House of Representatives. It must, therefore, be presumed that the resolution has reference to some other matter; and on referring to the Executive Journal of the Senate, I find therein such proceedings as in my judgment fully to authorize the apprehension stated.

Under these circumstances, and for the purpose of preventing misapprehension and injustice, I think it proper to communicate herewith a copy of the only report made to me by any director or directors of the Bank of the United States appointed by the Government since the report of the 19th August, 1833, which is already in the possession of the Senate. It will be perceived that the paper herewith transmitted contains no information whatever as to the discounting of notes or bills of exchange for the account and benefit of the member of the Senate named in their resolution, nor have I at any time received from the Government directors any report purporting to give any such information.

ANDREW JACKSON.

What is the explanation of the opinion of the Senator from Vermont? Where do you find the foundation of the opinion stated by him in every debate he ever had on this subject, in the report from the Judiciary Committee and in his remarkable speech of yesterday? The foundation of that opinion is that the power of removal is not vested in the President by the Constitution either expressly or by implication; but that the power of removal is a legislative power, vested alone in Congress, and that the President has no power over removals or suspensions except such as he derives from and through Congress. That was the precise issue made in the First Congress under the Constitution in 1789; that was the precise issue made by Mr. Clay and Mr. Calhoun in the contest with Andrew Jackson in 1835.

If the power of removal is a creature of the law and there is no power to make the law except the two Houses of Congress, then you find the predicate for the statement by the Senator from Vermont from the Judiciary Committee and in his opinion of yesterday, that either House of Congress has the right to call for these papers by way of information. Under that theory of the Constitution, under that view of the power of removal, the Senator from Vermont is fully justified in stating that either House by virtue of the power it possesses over the matter of removals has a right to call for this information.

In the CONGRESSIONAL RECORD, First session Forty-first Congress, page 114, I find this language used by the Senator from Vermont in the debate on the tenure-of-office amendatory act of 1869:

Mr. EDMUNDS. * * * I did not maintain or admit that the removals of the President authorized by a suspension of this act would be unconstitutional, because I have always maintained, as the Senator from Ohio maintains, that this is a subject of legislative power; that it does not belong to the President by the Constitution, but that it belongs to the law; and that if we suspend this act, having confidence for the moment—to attain an object that we all want to attain—in the present Executive, we merely remit him to the act of 1820 and all the other acts that have provided for these officers, which expressly declare that he may remove them.

In that debate is the expression of the opinion that no doubt the Senator from Vermont entertains to-day. I have no doubt that it is the legal opinion of that distinguished lawyer that under the law-making power of Congress the power of removal can be vested in the Speaker of the House, that it can be vested in the presiding officer of the Senate, that it can be vested in the two Houses jointly, because it is a pure creature of law, under the absolute control of Congress in his view.

Hear what Mr. Calhoun said on that subject in the famous debate of 1835. I read from Congressional Debates, eleventh volume, part 1, 1834-'35, page 554:

I ask the Senators to open the Constitution, to examine it, and to find, if they can, any authority given to the President to dismiss a public officer. None such can be found; the Constitution has been carefully examined, and no one pretends to have found such a grant. Well, then, as there is none such, if it exists at all, it must exist as a power necessary and proper to execute some granted power; but if it exists in that character, it belongs to Congress, and not to the Executive. I venture not the assertion hastily; I speak on the authority of the Constitution itself; the express and unequivocal authority which can not be denied nor contradicted. Hear what that sacred instrument says:

"Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers"—

Those granted to Congress itself—

"and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Mark the fullness of the expression. Congress shall have power to make all laws, not only to carry into effect the powers expressly delegated to itself, but those delegated to the Government, or any department or officer thereof; and of course comprehends the power to pass laws necessary and proper to carry into effect the powers expressly granted to the executive department. It follows, of course, to whatever express grant of power to the Executive the power of dismissal may be supposed to attach, whether to that of seeing the law faithfully executed, or to the still more comprehensive grant, as contended for by some, vesting executive powers in the President, the mere fact that it is a power appurtenant to another power, and necessary to carry it into effect, transfers it, by the provisions of the Constitution cited, from the Executive to Congress, and places it under the control of Congress, to be regulated in the manner which it may judge best.

That is Mr. Calhoun. Mr. Clay, in the same debate, page 518 of the same volume, said:

The power of removal from office not being one of those powers which are expressly granted and enumerated in the Constitution, and having, I hope, successfully shown that it is not essentially of an executive nature, the question arises, to what department of the Government does it belong, in regard to all offices created by law, or whose tenure is not defined in the Constitution? There is much force in the argument which attaches the power of dismission to the President and Senate conjointly, as the appointing power. But I think we must look for it to a broader and higher source—the legislative department. The duty of appointment may be performed under a law which enacts the mode of dismission. This is the case in the Post-Office Department—the Postmaster-General being invested with both the power of appointment and of dismission.

But they are not necessarily allied, and the law might separate them, and assign to one functionary the right to appoint, and to a different one the right to dismiss. Examples of such a separation may be found in the State governments.

It is the legislative authority which creates the office, defines its duties, and may prescribe its duration. I speak, of course, of offices not created by the Constitution, but the law. The office, coming into existence by the will of Congress, the same will may provide how and in what manner the office and the officer shall both cease to exist. It may direct the conditions on which he shall hold the office, and when and how he shall be dismissed.

There is the support the Senator from Vermont has in claiming this to be a legislative power, the exercise of which is under the control of Congress. I read from a letter of Mr. Madison to Mr. Jefferson upon the subject of the debate in 1789, the character of question discussed and the character of the settlement made by the first Congress:

The bills on the two first of these departments have passed the House of Representatives and are before the Senate. They gave birth to a very interesting constitutional question—by what authority removals from office were to be made. The Constitution being silent on the point, it was left to construction. Four opinions were advanced: 1. That no removal could be made but by way of impeachment. To this it was objected that it gave to every officer, down to tide-waiters and tax-gatherers, the tenure of good behavior. 2. That it devolved on the Legislature to be disposed of as might be proper.

That is the opinion of the Senator from Vermont, supported by the opinions of Mr. Clay and Mr. Calhoun.

To this it was objected that the Legislature might then dispose of it to be exercised by themselves, or even by the House of Representatives. 3. That it was incident to the power of appointment, and therefore belonged to the President and Senate. To this it was said that the Senate, being a legislative body, could not be considered in an executive light further than was expressly declared; that such a construction would transfer the trust of seeing the laws duly executed from the President, the most responsible, to the Senate, the least responsible branch of the Government; that officers would intrench themselves behind a party in the Senate, bid defiance to the President, and introduce anarchy and discord into the executive department; that the Senate were to be judges in case of impeachment, and ought not, therefore, to be previously called on for a summary opinion on questions of removal; that in their legislative character they ought to be kept as cool and unbiased as possible as the constitutional check on the passions and parties of the other House, and should, for that reason also, be as little concerned as possible in those personal matters which are the great source of factious animosities. 4. That the executive power being generally vested in the President, and the executive function of removal not expressly taken away, it remained with the President. To this was objected the rule of construction on which the third opinion rested, and the danger of creating too much weight in the executive scales. After very long debate, the fourth opinion prevailed, as most consonant to the text of the Constitution, to the policy of mixing the legislative and executive departments as little as possible, and to the requisite responsibility and harmony in the executive department.

I now come to what I consider a most luminous condensation of the whole argument on this subject, and it is said to have been written by Chief-Justice Chase. It was read by his son-in-law, without naming the author, in the debate of 1869. I ask my friend from Mississippi to relieve me by reading it.

Mr. WALTHALL read as follows:

One of the three following propositions is true:

Either the power of removal is one of legislative jurisdiction; that is to say, deriving its authority from act of Congress and subject to regulation thereby;

Or it is a power vested in the President and Senate jointly, only to be exercised by their concurrent act;

Or it is purely a Presidential prerogative.

1. Is it a subject of legislative jurisdiction? Article 1, section 1, of the Constitution provides as follows: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The Congress, therefore, can exercise no other powers than such as are "granted" as above. The powers granted are such as are expressly defined in terms in the Constitution and such derivative powers as may be necessary to carry them into execution, and they constitute the entire body of the legislative powers of the Government of the United States.

If we look now to the Constitution it will be seen that the only grants of legislative power made thereby are to be found in the ten sections constituting article 1; in three paragraphs in section 1; in one paragraph in section 2, and one paragraph of section 3, article 2; in one paragraph in section 1, two paragraphs in section 3, article 4; and one paragraph of article 5; and if we scrutinize all these provisions it will be seen that not only is there no express grant of power over the subject of removal, but that no such power is rightfully to be derived by implication from any of them as being necessary to carry into effect the express grants of power contained therein.

In this view, having thus surveyed the whole field of legislative powers, we find that, so far as the power of removal is concerned, it is not there, either in express terms or by legitimate implication; and not being there, the inevitable conclusion is that it is not of the domain of legislation, capable either of being created or controlled by act of Congress.

2. Is it a power vested in the President and Senate jointly, only to be exercised by their concurrent act?

The argument relied upon to sustain this proposition is that the power of removal is an incident of the power of appointment, and that whereas the joint action of the President and the Senate can alone give validity to appointment, the power of removal is subject to the same condition of concurrent action on the part of the President and of the Senate. That this position is untenable will readily be seen. The provision of the Constitution whence arises the only authority which the Senate exercises in this regard is contained in the second section of article 2 of the Constitution and is in these words: "And he [the President] shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court and all other officers," &c.

The President "shall nominate, and, by and with the advice and consent of the Senate, shall appoint." This is the precise language, and beyond the authority thus granted the Senate has no other in the appointment of officers. What is this authority? In common parlance it is called the act of confirmation by the Senate; but it is not that as a constitutional fact. It is the power to advise and consent after a nomination shall have been made—nothing more. The power of appointment is an independent power vested only in the President. The President nominates, and, the Senate advising and consenting thereto, the President may or may not appoint, as in his executive right and pleasure he sees fit. The function of the Senate in this matter is simply one of assent or dissent, not controlling even the question of appointment; and when it shall have exercised this function in the manner of assent or dissent its constitutional power is exhausted.

In the authority thus given to the Senate of "advice and consent," not only is there no authority vested in that body, either in express terms or by implication, over the subject of the removal of an officer, but not even over the subject of his appointment. The President may nominate; the Senate may exercise its prerogative of advice and consent, and still the President may not appoint. To assume to derive from the terms of this auxiliary intermediate power, thus vested in the Senate, jurisdiction of the subject of removal of an officer is to give thereto an implied signification broader in the scope of its authority as to removal than that which they contain in express terms as to appointment, a conclusion utterly at conflict with the true canons of constitutional construction.

3. Is it or not purely a Presidential prerogative?

Not being found either as a legislative power or as a power vested in the President and Senate jointly, it must be found in the executive branch of the Government, for it could be lodged nowhere else save in the judicial branch, and no one contends for that. But is it not clear from other provisions of the Constitution that it is vested exclusively in the President?

In the first place that it is an executive function is not to be denied, in all governments as well as in our own and by section 1 of article 2 of the Constitution it is provided that "the executive power shall be vested in a President of the United States of America."

It is derivable also from the provision of the Constitution (section 3 of article 2) which provides that the President "shall take care that the laws shall be faithfully executed." That the power of removal is essential to the faithful execution of the laws can not be gainsaid. And by the established rule of construction that the express grants of the Constitution carry with them by implication all such powers as are necessary for their execution, herein is found a source of authority for the exercise of this power by the President as undeniable as the fact that for the past eighty years it has been universally recognized.

Mr. PUGH. As a direct authority to support the view of Mr. Madison and the view that is understood to be that of Chief-Justice Chase, just read, I desire to read a decision of the Supreme Court of the United States, where the opinion was delivered by Mr. Justice Miller.

Mr. EDMUNDS. Will the Senator kindly tell us what that paper is which was read by the honorable Senator from Mississippi?

Mr. PUGH. A paper read by Senator Sprague in the debate in 1869 on the passage of the amendatory tenure-of-office act.

Mr. EDMUNDS. Signed by anybody?

Mr. PUGH. He introduced it in these words:

I have not heretofore entered upon the constitutional question involved in this measure; but I have in my hand a paper which embodies my ideas in relation to that point, and so far as I am concerned it makes very little difference to me whether it is the judgment of a lawyer, a judge, or anybody else. The judgment is mine, and I believe that it will stand as the constitutional decision of the question at issue.

The belief was, as I have understood, generally expressed that it was the production of Chief-Justice Chase. From whatever brain that argument originated, I defy the Senator from Vermont to answer it.

In Kilbourn *vs.* Thompson, 103 United States Reports, Mr. Justice Miller, delivering the opinion of the court, said:

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to government, whether State or national, are divided into the three grand departments—the executive, the legislative, and the judicial.

That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.

To these general propositions there are in the Constitution of the United States some important exceptions. One of these is, that the President is so far made a part of the legislative power that his assent is required to the enactment of all statutes and resolutions of Congress. This, however, is so only to a limited extent, for a bill may become a law notwithstanding the refusal of the President to approve it by a vote of two-thirds of each House of Congress. So, also, the Senate is made a partaker in the functions of appointing officers and making treaties, which are supposed to be properly executive—

Not legislative—

By requiring its consent to the appointment of such officers and the ratification of treaties. The Senate also exercises the judicial power of trying impeachment, and the House of preferring articles of impeachment. In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision, and in bold lines, in its three primary articles, the allotment of power to the executive, the legislative, and the judicial departments of the Government. It also remains true, as a general rule, that the powers confided by the Constitution to one of these departments can not be exercised by another. It may be said that these are truisms which need no repetition here to give them force. But while the experience of almost a century has in general shown a wise and commendable forbearance in each of these branches from encroachments upon the others, it is not to be denied that such attemps have been made, and it is believed not always without success.

The increase in the number of States, in their population and wealth and in the amount of power, if not in its nature, to be exercised by the Federal Government, presents powerful and growing temptation to those to whom that exercise is intrusted to overstep the just boundaries of their own department and enter upon the domain of one of the others, or to assume powers not intrusted to either of them.

The House of Representatives, having the exclusive right to originate all bills for raising revenue, whether by taxation or otherwise; having, with the Senate, the right to declare war, and fix the compensation of all officers and servants of the Government, and vote the supplies which must pay that compensation; and being also the most numerous body of all those engaged in the exercise of the primary powers of the Government, is for these reasons least of all liable to encroachment upon its appropriate domain. By reason also of its popular origin, and the frequency with which the short term of office of its members requires the renewal of their authority at the hands of the people—the great source of all power in this country—encroachments by that body on the domain of co-ordinate branches of the Government would be received with less distrust than a similar exercise of unwarranted power by any other department of the Government. It is all the more necessary, therefore, that the exercise of power by this body, when acting separately from and independently of all other depositories of power, should be watched with vigilance, and when called in question before any other tribunal having the right to pass upon it, that it should receive the most careful scrutiny.

In looking to the preamble and resolution under which the committee acted before which Kilbourn refused to testify, we are of opinion that the House of Representatives not only exceeded the limits of its own authority, but assumed a power which could only be properly exercised by another branch of the Government, because it was in its nature clearly judicial.

Suppose it had been clearly executive?

The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. If what we have said of the division of the powers of the Government among the three departments be sound, this is equivalent to a declaration that no judicial power is vested in the Congress or either branch of it, save in the cases specifically enumerated, to which we have referred. If the investigation which the committee was directed to make was judicial in its character, and could only be properly and successfully made by a court of justice, and if it related to a matter wherein relief or redress could be had only by a judicial proceeding, we do not, after what has been said, deem it necessary to discuss the proposition that the power attempted to be exercised was one confided by the Constitution to the judicial and not to the legislative department of the Government. We think it equally clear that the power asserted is judicial and not legislative.

If, indeed, any purpose had been avowed to impeach the Secretary, the whole aspect of the case would have been changed.

Why? Because the House had power to originate impeachment, and so could call for information on which to commence that proceeding:

"If, indeed, any purpose had been avowed to impeach the Secretary the whole aspect of the case would have been changed. But no such purpose is disclosed.

There is a recognition of the proposition that when one co-ordinate department intrusted with defined powers calls upon another for information in relation to the exercise of powers belonging exclusively to that other department, it is the duty of the co-ordinate department to inform the other department of the use that is intended to be made of the information, so that it may appear to the other co-ordinate department in possession of the information that it is its duty to transmit it to enable it to exercise a constitutional function or duty. That is precisely the question involved in this case.

But no such purpose is disclosed. None can be inferred from the preamble, and characterization of the conduct of the Secretary by the term improvident, and the absence of any words implying suspicion of criminality, repels the idea of such purpose, for the Secretary could only be impeached for "high crimes and misdemeanors."

Now, Mr. President, let it be true that this is not a substantive executive power of removal vested by the Constitution in the President of the United States alone; let it be true that, like the power of appointment, the Senate shares with the President the power of removal; let it be true that the power of removal is a legislative power and not an executive power, and that the entire regulation of it or the delegation of it belongs alone to Congress under the Constitution—let that all be true, and now I call the attention of the Senate to the expediency and practicability of such a power being exercised by the Senate.

The first witness that I shall introduce upon that subject is President Grant. In his first message to Congress in 1869 be used the following language:

It may be well to mention here the embarrassment possible to arise from leaving on the statute-books the so-called "tenure-of-office acts" and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?

The information sought of the Attorney-General by the resolution of the Senate is to enable it, so says the report, to decide whether it will advise and consent to the removal of these suspended officers, so that if it does not advise and consent to the suspension or removal these suspended officers may by operation of the tenure-of-office act go back into their office when the Senate adjourns. What is that but exercising a power by the Senate of selecting the agents for the President to execute his constitutional duty of seeing that the laws shall be faithfully executed? What is that but compelling him to take into his trust and confidence a man whom he has suspended from office?

Now I will introduce the testimony of two of the most distinguished men who have illustrated the history of the Republican party, Senator Morton and Senator SHERMAN, representative men, who, on their personal experience of two years in this body, passed the following judgment upon the operation of that law and the exercise of the power to-day claimed by the Senate. Senator Morton, in the debate on the amendment of the tenure-of-office act in 1869, found in the Congressional Globe, from which I have quoted, used the following language:

It was said by the Senator from Illinois that from the beginning men's minds have divided upon the question as to whether this power of removal existed in the Executive absolutely or in connection with the Senate. That the President might exercise it absolutely in the absence of legislation or restriction is confessed by the continued practice of the Government for seventy-eight years, down to 1867.

But the Senator says the minds of men were divided before that time on the question. Sir, that division did not amount to much. There have been very few questions raised in this country that there has not been something said on both sides within the last seventy or eighty years; but there has been as strong a union of opinion in favor of the exercise of this power by the Executive, in the absence of legislation, as can be found, perhaps, upon the exercise of any other power that is granted by the Constitution. Moreover, there has been a great unity of sentiment from the first that legislation upon that power was not desirable.

My understanding of the tenure-of-office act is that it was adopted for a special purpose; that it was special in its character; that it was intended to meet a condition of things that had never occurred before in the administration, and which we hope will never occur again. It was not made for all future Presidents. Sir, let me ask this question: If the tenure-of-office act had not been passed when it was, and was not now the law of the land, would it enter into the head of any Senator, of any member of Congress, now to pass such a law? The enactment of the law was brought about by a peculiar state of public affairs.

Senator SHERMAN, in the same debate in 1869, used the following language:

But now, when we appeal to the Senate to yield to the President the same power of removal that has been exercised by Washington and every President from Washington down to Johnson, we are referred to old manuscripts that have never been printed before; we are referred to the debates of Webster, and Clay, and Calhoun, &c.

What is the secret of the whole of it? Why, sir, during Washington's administration the anti-Federalists were opposed to Washington, and opposed to his appointing power; they opposed conferring upon Washington the power to remove the Secretary of State. After Washington's administration expired, and John Adams served his fitful four years, with a majority much of the time in both Houses against him, where were those gentlemen then with their notions about the power of the President and the power of removal? In the time of Jefferson and Madison and Monroe, where were those gentlemen who were afraid of executive authority? Did they propose to repeal any of the laws passed in the time of Washington? Not at all.

In the time of John Quincy Adams, Mr. Benton made a speech, which has been read. Then John C. Calhoun, who had quarreled with Andrew Jackson, took up the banner of Benton and made Benton's speech over again, and Mr. Webster and Mr. Clay joined in. If there was so much danger of this executive power, why did not the Democratic party, with a large majority in both Houses, and with a President on their side, repeal these old laws which conferred upon the President the power of removal?

It always has been so, and it always will be so. Notwithstanding all that will be written and said, the *ins* will try to limit the power of the *outs*, and the *outs* will try to limit the power of the *ins*. There is no doubt about it. When the Democrats are in power the Republicans seek to limit their power. When the Republicans are in power the Democrats, on the other hand, seek to limit their power. So it has been in all times, and I do not think we are any wiser or better than our fathers, and probably no worse.

Again I read from Senator Morton in the same debate:

What is the effect when the Senate becomes a tribunal for the trial of the causes for which men are suspended? Scarcely any officer can be found of any importance who will not have some Senator upon this floor as his friend, and that Senator will stand up and inquire, "What are the causes for which this man has been suspended? I have known him; he is my friend; perhaps I secured him the appointment, and I can not consent to his removal unless there is some tangible and sufficient cause made out." Then the Senate must enter upon the investigation. They must examine into the causes of this man's suspension. Is he an honest officer? If not, what has he done? If he is an incapable officer, wherein has he failed? These are questions we must pass upon.

Each one of these suspensions is a case. If we concur in the suspension after examination, the officer goes out of this Chamber with a blemish upon his character which he can scarcely outlive. If we refuse to concur in the suspension, we say to the world the President has done this man injustice, either intentionally or unintentionally. If he acted in good faith, he acted in ignorance; if he was well informed, then he acted in bad faith or out of malicious feelings toward this man.

The President is in some respects on trial also; and as he is to be put on trial as to whether his judgment has been intelligent or has been an honest one in regard to the man suspended, he must feel a great deal of interest in the result; and if he is to be adjudged in this way he will hesitate a long time before he makes the suspension. He may be satisfied in his own mind that an officer is not doing right, but unless he can procure facts that are tangible in themselves, and that can be laid definitely before the Senate, or can be stated intelligently before a jury, he will not suspend that man, and the maladministration goes on. Will you tell me, sir, that any administration can be conducted efficiently under the operation of that law?

Now, Mr. President, let me suppose that this law remains in force, what will be the effect of it? When we come back here in the month of December—

Here is a description of a state of things existing this very hour—

When we come back here in the month of December we shall find a long docket of these cases of suspensions, perhaps several hundred of them, and they will have to be tried one by one. We take up the first case. That perhaps takes one afternoon or one entire executive session; it may be two or three; and I tell you, sir, that this Senate will not have time, if it devotes its whole time to the consideration of these cases, to pass upon them if the President shall suspend every officer that in his judgment ought to be suspended for dishonesty or inefficiency. It will impose upon the Senate a labor that it can not perform. It will be physically impossible for it to discharge that labor.

There must be responsibility somewhere. The very essence of successful administration under every constitutional government is that the responsibility shall be distinctly located somewhere. Suppose he suspends an officer, and the Senate does not concur in that suspension; that part of the responsibility then belongs to the Senate. It is divided between some sixty or seventy gentlemen on this floor, and the share of each gentleman is very small. If the responsibility is placed between the President and Senate, neither of them will have the whole of it. We divide it up until it amounts to nothing.

Again, from the speech of Senator SHERMAN in the same debate I read as follows:

Has the Senator from Vermont arrrived at that exemplary and forgiving state of mind that he would not be willing to remove any man who disagreed with him in opinion, or, in other words, who was a Democrat, unless he could be convicted of crime upon satisfactory evidence?

Mr. EDMUNDS. Permit me to ask the Senator whether I ought not to have arrived at that virtuous point on true principles of government whether I have or not?

Mr. SHERMAN. I do not think so. I believe that all the leading officers of this Government ought to be in harmony with the political sentiment of the majority, and that although the doctrine of Governor Marcy was rather too bluntly stated in his expression that "to the victors belong the spoils," yet in actual practice, in theory, and in fact no administration of this Government ever did or ever will exist without practically acting upon the rule that to the successful party belong the great offices of the Government. It may not be according to the theoretical codes of morality and public policy which the Federalists talked of when the Democrats were in power, and which the Democrats talked of when the Federalists were in power, but still it is a rule of practical administration which will always be applied in a republican form of government.

Now, in my judgment, the tenure-of-office law can not, with due regard to the public interests, be practically enforced. What has been our experience within two years? When we came back here we were met with piles of documents

which the President sent to us; various papers showing that certain officers of the Government had performed acts which in his judgment amounted to misdemeanor, &c., and for which they were suspended. He gave us specific facts and evidence. These cases were referred to the appropriate committees. What were we called upon to examine? We had to take up and carefully read piles of papers and examine each particular case, like a chancellor or a judge of assize. Every suspended officer contended that he was the most innocent man born since the time of Adam. He demanded a trial, and copies of charges and proof and a formal hearing before the committees of this body, he converting us into a court and jury to try his particular case. If we could not try him, why demand charges and evidence?

If the tenure-of-office act was right in principle, we were bound to examine each case to see whether or not the accused officer was, according to the language of the law, guilty of misconduct in office or crime or had become incapable or legally disqualified. "The result was that some of the committees of this body could not transact their business. These cases were referred, and, after great delay, were reported upon. In one case the accused was tried, convicted, and sent to the penitentiary while we were deliberating whether he was properly suspended or not." The result was that we did not and could not determine them.

There probably will be from five hundred to five thousand removals during the next year in the service of the United States in the ordinary course of the business of this country. The number of officers to whose appointment the confirmation of this body is required I should estimate in round numbers at from five to twenty thousand. We know there are great multitudes of them whose appointments require the confirmation of the Senate. If we have to remain here and act upon the cases of all removals, in order to evade the second section, we put ourselves to a great deal of unnecessary trouble merely to evade one of our own laws. If we adjourn, and leave the President without any power to remove, and only the power of suspension, his hands are effectually tied. He can not suspend a postmaster, or a revenue officer, or any of this vast multitude of officers, unless he is prepared upon satisfactory evidence to make out a case of crime or misconduct in office.

It is practically impossible thus to administer the Government. The practical effect of the tenure-of-office act is to keep bad men in office, to divide the responsibility for their misconduct, to enable the President to shield himself from responsibility, and to destroy the energy, efficiency, and unity absolutely necessary in the executive administration of various departments of the Government. That was the practical effect.

Now, Mr. President, look at the actual result as we know it existed. It was the common practice for applicants for office to run here to members of the Senate and say: "I can get an appointment if I am sure of confirmation." There was not a member of the Senate who was not pressed constantly by his constituents to pass his judgment in advance on the question of confirmation and before his appointment. "I can get the appointment if I am sure of confirmation," which reversed the whole order of proceeding in filling the offices of the Government. The Senate became the appointing power; that was the course of business. The result was that many men who had an acute sense of honor, who wished to be free from all this kind of double complication, would not seek or accept office under an administration so hampered and controlled.

The duty of the Senate is to advise and consent to appointments. The Constitution confers on this body no power to remove. We consent to removals; we advise as to confirmations. When a man is removed from office and another name is sent here we pass simply upon his qualification and fitness for the office; but the Constitution confers upon us no power to proceed in the removal. That is conferred only by the tenure-of-office act. Nowhere else do we derive such a power. By the tenure-of-office act the power of removal, as well as the power of confirmation, is conferred on the Senate; and I say with such a power invested in the Senate it will be impossible to avoid controversy and collision between the executive power and the Senate. We shall share in and finally monopolize the power of the Executive over all the offices of the Government.

Senators must very easily draw distinction between the power of removal and the power of confirmation. The power of confirmation is a resulting power, depending on the previous act of another officer of the Government; and all we say in our act of confirmation is whether or not the person named is a man fit to discharge the duties of the office. That power can not and will not be abused; but the power of removal is a very different power, a power never contemplated to be invested in the Senate.

It seems to me that we are now acting as judges in our own case. If this great power of the Senate is maintained to prevent the removal of any officer of this Government, it is maintained by the Senate for its own behalf. The public judgment will say that, although we are not nominally interested, we are maintaining powers that were never conferred upon the Senate until two years ago, and which were then conferred for a special purpose. In my opinion we ought to be careful that our judgment should be impartial, and not to be influenced by a love of power.

* * * * * * *

We share in one-half of the legislative authority of this Government. We are judges over all officers in the trial of impeachment. We participate with the Executive in the power of appointing to office, also in the power to make treaties. I ask if all these great powers are not sufficient for the ambition of any Senate.

* * * * * * *

As a general rule, it is not wise to mingle the powers of the various departments of the Government. There are three great divisions or departments of the Government that stand apart from each other. They form the triangle of public safety, and upon them rest the safety, order, and good conduct of society. These are the legislative, the executive, and the judicial departments. They have been in exceptional cases mingled. The Senate shares with the President in the appointing power, and also shares with the President in the treaty-making power, &c. It is not wise, in my judgment, to overlook this division of powers.

That is the judgment of two able Senators of great personal experience in the exercise of the power now claimed for the Senate over removals. I read now from Mr. Calhoun in the same speech from which I have already quoted:

The Senator from Tennessee also objects that the measure would be impracticable, and asks, with an air of triumph, What would the Senate do if the reasons of the President should be unsatisfactory? I do not, said Mr. C., agree with those who think that the Senate can or ought to continue to reject the nominations of the President in such cases, until the officer who has been dismissed shall be restored. I believe that course to be impracticable, and that in such a struggle the resistance of the Senate would be finally overcome. My hope is that the fact itself that the President must assign reasons for removals would of itself go far to check the abuses which now exist.

As was proposed in the bill reported from the Judiciary Committee at that time which never passed.

I can not think that any President would assign to the Senate, as a reason for removal, that the officer removed was opposed to him on party grounds. Such is the deceptive character of the human heart, that it is reconciled to do many things under plausible covering which it would not openly avow. But suppose there should be a President who would act upon the principle of removing on a mere difference of opinion, without any other fault in the officer, and who would be bold enough to avow such a reason, Congress would not be at a loss for a remedy, on the principles for which I contend. A law might be passed that would reach the case; it might be declared that the removal by the President, if his reasons should not prove satisfactory, should act merely as a suspension to the termination of the next ensuing session, unless filled by the advice and consent of the Senate.

That is the source of the power of suspension conferred upon the President by the tenure-of-office act in 1867. Here is what Mr. Clay said on the same subject in the same debate:

The next security was that the President, after displacing the meritorious officer, could not appoint another person without the concurrence of the Senate, If Mr. Madison had shown how, by any action of the Senate, the meritorious officer could be replaced there would have been some security. But the President has dismissed him; his office is vacant; the public service requires it to be filled, and the President nominates a successor. In considering this nomination the President's partisans have contended that the Senate is not at liberty to inquire how the vacancy was produced, but is limited to the single consideration of the fitness of the person nominated.

But suppose the Senate were to reject him, that would only leave the office still vacant, and would not reinstate the removed officer. The President would have no difficulty in nominating another, and another, until, the patience of the Senate being completely exhausted, they would finally confirm the appointment. What I have supposed is not theory, but actually matter of fact. How often within a few years past have the Senate disapproved of removals from office, which they have been subsequently called upon to concur in filling? How often, wearied in rejecting, have they approved of persons for office whom they never would have appointed? How often have members approved of bad appointments, fearing worse if they were rejected? If the powers of the Senate were exercised by one man, he might oppose, in the matter of appointments, a more successful resistance to executive abuses. He might take the ground that, in cases of improper removals, he would persevere in the rejection of every person nominated until the meritorious officer was reinstated. But the Senate now consists of forty-eight members, nearly equally divided, one portion of which is ready to approve of all nominations; and of the other, some members conceive that they ought not to incur the responsibility of hazarding the continued vacancy of a necessary office because the President may have abused his powers. There is, then, no security, not the slightest practical security against abuses of the power of removal in the concurrence of the Senate in appointment to office.

Mr. President, I have already consumed much more time than I anticipated. My object was to define the character of this conflict of authority between the President of the United States and the Senate and to fortify the view that I take, which has always been taken by the Democratic party, by authorities commencing in the First Congress and running down to the latest period.

Mr. Cleveland has no fear of an appeal to the people. He is responsible to them. I suppose that the majority in this body have no fear of appealing to the people in favor of the omnipotence of the Senate. I know that we have none in appealing to the people on the omnipotence of the Constitution and the integrity of Mr. Cleveland's administration.

Mr. WILSON, of Iowa, obtained the floor.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Iowa [Mr. WILSON] yield to his colleague.

Mr. WILSON, of Iowa. I will see what my colleague has to say.

Mr. ALLISON. I ask my colleague to yield to me that I may at this time call up for consideration the urgent deficiency bill. I suppose my colleague will not care to go on at this hour of the evening.

Mr. WILSON, of Iowa. I have no objection to that if it be the pleasure of the Senate, retaining the floor when this measure comes again before the Senate.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves that the Senate proceed to the consideration of the bill moved by him.

Mr. EDMUNDS. Let this business be laid aside informally.

Mr. ALLISON. Let it be laid aside informally

The PRESIDENT *pro tempore*. The pending resolutions will be laid aside informally.

Mr. KENNA. That, of course, will leave them the unfinished business for to-morrow?

Mr. EDMUNDS. Yes, sir.

Mr. ALLISON. I do not wish to interfere with that.

The PRESIDENT *pro tempore*. The resolutions will be laid before the Senate prior to adjournment as unfinished business. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was, under the head of "War Department," after line 30, to insert:

Funeral expenses of General U. S. Grant: For the payment of all funeral expenses of the late General and ex-President U. S. Grant, as estimated to Congress by letter of the Secretary of the Treasury February 8, 1886, being House Executive Document No. 62, Forty-ninth Congress, first session, $30,000.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

To enable the Secretary of War to lay a new submarine cable, Block Island Bay, fiscal year 1886, $18,350.

The amendment was agreed to.

The next amendment was, after line 66, to insert:

POST-OFFICE DEPARTMENT.

That the Postmaster-General be, and he is hereby, authorized to transfer from the appropriation for gas for the Post-Office Department, fiscal year 1886, to the appropriation for gas for buildings for the Money-Order and Sixth Auditor's Offices, fiscal year 1886, a sum not exceeding $250.

The amendment was agreed to.

The next amendment was, after line 74, to insert:

That the Postmaster-General be, and he is hereby, authorized to pay, out of the appropriation for rent, light, and fuel for the Post-Office Department for the fiscal year 1886, rent for the building on Capitol Hill used as a branch of the Washington city post-office, at a rate not to exceed $30 per month, for the current fiscal year, or for such part thereof as the said building may be occupied for the purpose aforesaid.

The amendment was agreed to.

The next amendment was, after line 82, to insert:

SENATE.

For miscellaneous items, exclusive of labor, being a deficiency for the fiscal year 1886, $3,000.

Mr. ALLISON. I ask to insert "5" instead of "3" on line 86. On full examination of that item this is necessary.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment by inserting "5" instead of "3," so as to read "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I offer the following amendment to come in just after line 82:

INTERIOR DEPARTMENT.

For repairs to water-tank of the main building of the Freedmen's Hospital and Asylum, Washington, D. C., $260, or so much thereof as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MAXEY. I submited an amendment for the purpose of enabling the Secretary of War to carry out the provisions of the act of June 27, 1882, in respect to adjusting the accounts of various States against the Government. The whole amount asked for is $25,000, and the Secretary says, in a letter to me, filed with the papers, that this amount is necessary before he can carry that law into effect. The claims of the States must all stand aside until he can get the necessary appropriation for clerk-hire, rooms, &c., and he asks that the amount be made immediately available. It is within my knowledge that the States have their agents here for the purpose of getting their claims audited, but they can do nothing until this appropriation is made. I offered an amendment to the bill making an appropriation of $25,000, and had it referred to the Committee on Appropriations.

Mr. EDMUNDS. Is that amendment reported by a committee?

Mr. MAXEY. It was presented by me to the Senate and duly referred to the Committee on Appropriations.

Mr. EDMUNDS. But was it reported to the Senate from a committee?

Mr. ALLISON. I think the amendment is not in order. It is not in the nature of a deficiency. I will state to the Senator from Texas that the committee, after looking the matter over, thought it ought not to go upon this bill even if it is meritorious upon another account.

Mr. MAXEY. Of course I never contend with the Senator from Vermont on a question of rules, but I had supposed according to the rules that when an amendment was offered in the Senate regularly, and regularly referred to the Committee on Appropriations, that placed it in the possession of the committee as something to be considered, and if the committee failed to act upon it the party moving it had a right to call the attention of the Senate to it.

Mr. EDMUNDS. No; it must be reported from a committee, except in certain cases that are mentioned.

The PRESIDENT *pro tempore*. According to the rule it must be reported from a committee.

Mr. EDMUNDS. I should like to ask the chairman of the Committee on Appropriations to explain to us this very large deficiency in the Department of Justice for jurors and witnesses. I am bound to suppose that the committee in some way has been able to be informed as to how this deficiency has occurred, so very large as it is, in this year which is now going on, and has in detail some statement of the various districts and places where the money that was regularly appropriated has been expended and how it happens that there is so much more wanted than Congress supposed in February last was necessary for carrying on the Judicial Department of the Government in this way. I hope the Senator will explain it to us.

Mr. ALLISON. I will send to the Secretary's desk a letter of the Attorney-General and ask that that may be read now.

The PRESIDENT *pro tempore*. The Secretary will read the letter.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, February 2*, 1886.

SIR: The expenses of the appropriations for jurors and witnesses for the current fiscal year (1886) have been so great, that there was available for jurors on the close of Saturday, January 30, 1886, $60,209.60, and for witnesses $4,030.30.

The Department needs, for the remainder of this fiscal year, an appropriation of $50,000 for jurors and $135,000 for witnesses.

At a corresponding period of the last fiscal year Congress appropriated $50,000 for jurors and $100,000 for witnesses.

The expenses of witnesses, however, for the current fiscal year have been so much larger that an additional appropriation of $135,000 ought to made.

The condition of the current appropriation for witnesses appeals forcibly to Congress for an early appropriation, because the $4,030.30 this day available will be soon exhausted.

Estimates of deficiencies are usually presented through the Secretary of the Treasury, but the urgent need of an immediate appropriation is the cause of this application in anticipation of his action.

Very respectfully,

A. H. GARLAND, *Attorney-General*.

The PRESIDENT *pro tempore of the Senate*.

Mr. ALLISON. I will say to the Senator from Vermont and to the Senate that the committee did not examine in detail the expenditures for the current fiscal year.

Mr. EDMUNDS. Did you have them before you?

Mr. ALLISON. We did not have them before us; and I will say to the Senator that it is almost impossible to examine these expenditures in detail by any committee of this body during the fiscal year in which they are made. The truth is that the appropriations made last year for this current fiscal year were not enough, as has been shown from the expenditures from year to year for a number of years.

As the statement of the Attorney-General shows, last year there was a deficiency appropriation of $50,000 for the first item and $100,000 for the second, and the appropriation for the current fiscal year for the first item, fees of jurors, was $450,000. The estimate was $500,000, but in the usual economical processes of the two Houses the estimates and, in many instances, necessary estimates have been pared down. The estimate of the Department for fees of witnesses last year for the current year was $610,000, and the appropriation for the last year was $610,000; and yet there was only appropriated in the bill for the current year $550,000. So, if you will accept the additional estimated amount of $25,000, the expenditures would be the same for this current year that they were last year, after this appropriation is made.

The appropriation last year was $610,000 for fees of witnesses, and the amount was expended, and the appropriation this year when this sum is added will be $25,000 more. The Attorney-General gives some reason why this ought to be done for the current year, but——

Mr. EDMUNDS. You mean in his letter?

Mr. ALLISON. In his letter. I think, however, the Senator from Vermont will agree with me that it is impossible now to ascertain with absolute accuracy or even approaching accuracy the actual expenditures for the current year. These returns, as the Senator knows, are made by quarters, so that the returns have only been made, if they have all been made according to law, up to the 1st day of January last.

As I will frankly state to the Senate, the committee regarded the statements of the Attorney-General and the experience of that office for the last two years as a safe guide in recommending this appropriation to the Senate.

Mr. INGALLS. Mr. President, it would be gratifying if the Senator from Iowa, the chairman of the Committee on Appropriations, would advise the Senate whether the Attorney-General was interrogated, in addition to the letter that has been read, as to the districts or States wherein the deficit had occurred and the additional expenditures in consequence of which this increased appropriation was necessary. I assume that I shall be answered upon this point by the chairman of the Committee on Appropriations that no such inquiry was made. After the accusations which for months and for years have been hurled against the administration of the Department of Justice under Republican Attorneys-General, after it has been declared that thousands and hundreds of thousands of dollars have been expended for political purposes in the Department of Justice, that jurors have been summoned and that cases have been trumped up by political district attorneys to enable witnesses to be summoned from great distances to appear in frivolous cases, and fees paid to them as a reward for political services—after these statements have been made and the announcement has been publicly declared that the administration under President Cleveland and Attorney-General Garland was to be one of economy and reform, after it has been announced that these cases of extravagant expenditure were to be detected and that the country was to be treated with a disclosure as to the corruption and extravagance and profligacy of a Republican administration, I confess that I am somewhat surprised that the chairman of the Committee on Appropriations, without inquiry, without the slightest interrogation upon the Attorney-General, should present here a bill for a deficiency of $185,000, which by his own confession is $25,000 greater than might have been estimated as the expenditure under the preceding year, without asking for some explanation, without asking for some justification on the part of the Department of Justice, without some showing to the country to which we are responsible for the expenditures of this money, as to the extraordinary discrepancy between the loud professions and protestations of this new administration upon the subject of economy and reform in the public service, and this vastly increased appropriation in a Department that has been a shining illustration of the capacity of the Democratic party for continued and continuous defamation.

No language of invective has been sufficiently violent for years past to enable the Democratic party to characterize the administration of the Department of Justice. It has been declared again and again to have

been nothing but a political machine, intended chiefly in the Southern States through the elective machinery by the appointment of superfluous officers, to enable the Republican party to maintain its power and to pay unjustifiable fees to its stipendiaries; and here at the expiration of the first year of this administration of economy and reform the Attorney-General asks, in addition to the appropriations hitherto made, which were declared by the Democratic party to be profligate, unwarranted, and unjustifiable, he approaches and asks for a deficiency appropriation in excess of the amount that was appropriated by the Democratic House of Representatives in their bill—$25,000 in excess of anything that ever was demanded by a Republican administration.

If the Department of Justice needs this money it ought to have it; but I submit, after what we have heard for the last eight or ten years in this body, that it would have been highly appropriate that, before being called upon to vote this excessive appropriation, we should at least have such information as would enable us to say that the criticisms which have heretofore been made upon the expenditures of that Department are unjustifiable and that they were without foundation.

Mr. ALLISON. Mr. President, of course it is very difficult for the Committee on Appropriations, as I said before, to secure accurate statements of these expenditures except by quarters. We found on examination that the expenditures for the courts for the last two or three years were substantially those proposed by the Attorney-General for the current year. I called upon the Attorney-General with reference to these deficiencies, and he stated to me that they were necessary in nearly every State in the Union.

Mr. EDMUNDS. And in the Territories as well?

Mr. ALLISON. I am not so clear about the Territories, except the Territory of Utah. There was not a sufficient sum of money, I think he said, in any State, certainly in very few of the States now, to carry on the spring terms of the United States courts, and that in every State, or nearly so, the courts would be suspended unless this appropriation was made.

Of course I agree that that is rather indefinite information; but it is so definite that the committee were satisfied that this appropriation ought to be made, even should it turn out later that there had been an improvident expenditure of the money already appropriated. It is impossible, as the Senator from Kansas will see, for the committee at this time to make a detailed examination and investigation of the expenditures thus far during the current fiscal year.

I have some sympathy with my friend from Kansas, because I have listened year after year to statements that the Department of Justice had been administered in a spirit of extravagance and profligacy and for personal and political ends. But I believed then as I believe now, that that was a mere method of making charges which only had political foundation and political aims; and I am glad to believe now that this administration, economical and virtuous as it is, and with its zeal for reform, has found it necessary in the administration of the Department of Justice to not only require the sums which we have hitherto appropriated for Republican administrations, but also to have an additional sum of $25,000 beyond any sum that has been hitherto expended, so far as I know, by the Department in former years.

I believe that the Committee on Appropriations have made substantial inquiry with reference to the necessity of these two appropriations, and I do not believe that it is within our power to furnish a detailed statement, as I think Senators will readily see, of the expenditures of the appropriations thus far during the current year. I did not ask the Attorney-General for that information, but I have no doubt we could produce a substantial statement of the expenditures for the first half of the year; but that would only be approximate. The accounts of the marshals and district attorneys, in the nature of things, can not have been adjudicated even for the first two quarters of the present fiscal year.

Mr. EDMUNDS. There would be a report, if they obeyed the regulations, of their operations and expenditures to the Department of Justice.

Mr. ALLISON. There would be such a report.

Mr. VOORHEES. Will the Senator from Iowa allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. VOORHEES. Is it not true that a large proportion at least of this deficiency is made necessary by exceptional litigation going on in Utah under the Edmunds law for its enforcement, as well as a largely increased litigation in New Mexico over land questions? Is it not an expenditure made necessary by the legitimate operations of the courts and largely in those places?

Mr. ALLISON. I believe the Attorney-General makes some account of Utah in his letter, as he did in his conversation with me; but those extraordinary occasions the Senator will know are occurring all the time. There are new and exceptional cases, but they go into the general range of expenditures for each year. So that made no impression upon my mind. I believe that with the United States courts organized as they are, and having the large amount of business that they have before them in almost every State in the Union, these sums are necessary to carry on the administration of those courts from year to year.

I will say another thing, that it is not within the power of an Attorney-General or head of a Department here to absolutely scrutinize with particularity the expenditures in the courts. Many of these items are to be adjudicated by the judges of the courts, and much depends upon the efficiency and the integrity of the district attorneys and marshals throughout the country, and much depends upon the care with which the judges of the courts scrutinize the expenditures in the several courts, because when the accounts come to the Department of Justice with the indorsement or approval of the judges of the courts, as the law authorizes such approval, it is not perhaps within the province of an Attorney-General in every instance to carefully cut down expenditures.

Mr. VOORHEES. I have not exchanged a single word with the Attorney-General upon this subject, nor have I read his report upon the subject, but I inquired for that information which I had a right to suppose was in the possession of the chairman of the Committee on Appropriations.

Mr. ALLISON. I will answer, if I have not already done so, that the Attorney-General does state in his report and in the letter, if I remember correctly, that there are extraordinary expenditures going on in the Territory of Utah. I have no doubt that is true to some extent, but that does not account for the great amount of deficiency here.

The Senator will see that in the first item of $50,000 the deficiency is made wholly because Congress last year did not appropriate money enough. We were told then, in quarters which I need not name, that with a new administration of affairs where we had expended $500,000 $450,000 would be sufficient, and we consented to that appropriation, although $500,000 had been expended for perhaps two or three years before. Now it turns out that the expenditures of this year are likely to be as great as they were last year. That is all it shows.

Mr. HALE. Was there not, in addition to the appropriations given in the annual bills, a special appropriation last year touching Utah, to provide for the extraordinary expenses to which the Senator from Indiana alludes, and to which the Attorney-General has referred, in addition to all that we gave in the regular appropriation act?

Mr. VOORHEES. I understand not.

Mr. ALLISON. I will say that there was a special appropriation.

Mr. VOORHEES. Not for the courts; not for jurors or witnesses.

Mr. ALLISON. Not for those purposes.

Mr. VOORHEES. No, not for the purposes included here. Without knowing whether the Attorney-General had raised this question in his report I supposed it must be so, and I find out at last it is so by the statement of the chairman of the Committee on Appropriations.

Mr. ALLISON. Will the Senator yield to me?

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. VOORHEES. The Senator from Iowa has the floor.

Mr. ALLISON. So I have. The Senator says he finds out at last that it is so. I intended to so state in the beginning, and the letter of the Attorney-General showing that to be one reason was read at the desk.

Mr. VOORHEES. My remark made no reflection upon the fairness and candor of the chairman of the Committee on Appropriations.

Mr. ALLISON. I intended to be perfectly fair.

Mr. VOORHEES. Of course the Senator knows I would be incapable of attributing anything of that kind to him. But I wish to say that this is a growing country; it is enlarging its business, its area of activity, and litigation increases with civilization. Civilization is taking active possession of the Territories, and the expenses of the courts are necessarily increased from year to year, and especially so in the Territory of Utah.

The Senator from Iowa says that to a certain extent these increased expenditures are made necessary by the anomalous condition of Utah. That is all I claim. I did not claim that they were all attributable to the condition of affairs in Utah; but it does not require any Attorney-General's report or the statement of any Senator to show that necessarily the expenses of the courts are enormously increased by the enforcement of the just and proper law known by the name of the Senafrom Vermont. I voted for the law, I believe in its execution, and I believe it is being faithfully executed and working great good, and an increased expenditure on that account is not a fair and legitimate subject of criticism.

I know, too, that the business of the active and enterprising American citizens is increasing largely in the Southwest, in New Mexico, and I need not call attention to the same condition of things in the far Northwest. It is useless to say that there has been extravagance or profligacy in the use of the public money, unless specific items can be pointed out. The Senator from Kansas with his usual eloquence spoke of the arraignments that have taken place heretofore on this floor and in the other branch of Congress on the administration of the Department of Justice. I do not wish to go back into those scenes; but that there were abuses of the fiercest and most criminal character in years gone by, and not merely in spending money but for political ends and aims, I think the future calm, impartial historian will record as beyond doubt. I say that in no party sense, either. Possibly one party in the ascendency would have done just as the other did. I am not prepared to say as to that. One party had fallen in the contest, and it took the con-

sequences, and in many instances they were severe beyond measure and almost beyond the pale of criticism.

I do not think that these scenes and events, however, can fairly be laid parallel with a fair administration of justice here. If there are items of expenditure in the Department of Justice at this time which can be pointed out as improper, unnecessary, or used for unworthy or illegitimate purposes, I stand here to join the Senator from Kansas in condemning them as freely and as far as he will; but not when it comes to vague criticism, and criticism can be made not so vaguely either by the references which I have made to the necessarily increased expenditures for the enforcement of the laws throughout this wide expanding and rapidly filling country.

Mr. PLUMB. Mr. President, it is worthy of note that the amount appropriated for the fiscal year to end on the last day of June next ensuing was about $200,000 more than for the preceding fiscal year. The appropriation for United States marshal fees for the fiscal year ending June 30, 1885, was $612,700, while the appropriation for the year ending the 30th day of next June was $675,000.

Mr. COCKRELL. For what year?

Mr. PLUMB. The first sum is for the year ending the 30th day of June, 1885.

Mr. COCKRELL. For the fiscal year 1885.

Mr. PLUMB. For the fiscal year 1885; the amount being some $63,000 less for the year 1885 than for the year 1886. For United States attorneys $345,000 were appropriated, $325,000 being the regular appropriation and $20,000 special appropriations, making a total of $345,000 for the fiscal year ending June 30, 1885, while the amount appropriated for the present year was $350,000. That made $5,000 more. We appropriated for 1885 for fees of clerks $160,000, and for 1886 $175,000, an addition of $15,000. We appropriated for jurors for 1885 $400,000, and for the same purpose for 1886 $450,000; that is, an excess of $50,000. For witnesses in 1885 we appropriated $500,000 and for witnesses in 1886 $550,000, being an excess of $50,000 on that item.

Mr. BECK. Will the Senator from Kansas include the deficiencies for last year as well?

Mr. PLUMB. I am speaking of the regular appropriations.

Mr. BECK. Does not the Senator know that we gave in the deficiency bill $50,000 for jurors and $100,000 for witnesses, to make that up?

Mr. PLUMB. So I understand; but that is compensated for by the amount we propose to appropriate here. In other words, the deficiencies were less for that year than they are for this year, while the regular appropriations were about $200,000 more. In addition to that we appropriated for this present year $26,000 specially for Utah. The item is found in the sundry civil act approved last March for the current year which I shall read.

Mr. BECK. I want to hear it.

Mr. PLUMB. It reads as follows:

For the expenses of Territorial courts in Utah Territory: For defraying the contingent expenses of the courts, including fees of the United States district attorney and his assistants, the fees and per diems of the United States commissioners and clerks of the court, and the fees, per diems, and traveling expenses of the United States marshal for the Territory of Utah, with the expenses of summoning jurors, subpœnaing witnesses, of arresting, guarding, and transporting prisioners, of hiring and feeding guards, and of supplying and caring for the penitentiary, to be paid under the direction and approval of the Attorney-General, upon accounts duly verified and certified, $26,000.

Mr. BECK. Is there a dollar for the pay of jurors and the pay of witnesses there?

Mr. PLUMB. No; not for the pay either of jurors or witnesses, but the pay of marshal, the expenses of summoning jurors, guarding, and caring for prisoners, are provided for. That was done in anticipation of what has, I suppose, ensued.

Mr. COCKRELL. That was done also in 1885. The same thing was done the preceding year.

Mr. EDMUNDS. No; you have got a larger appropriation for the year now going than you had before.

Mr. PLUMB. Yes. That was done in anticipation of what we have witnessed this year, that is to say, prosecutions under the Edmunds law, and it was a sum designed to cover the class of expenses named, which had been shown by experience to be necessary.

Mr. SAULSBURY. I should like to ask the Senator from Kansas if that appropriation of $26,000 met all the expenditures that have been incurred under the Edmunds law?

Mr. PLUMB. I do not know whether it has met them or not. It is a pretty large sum of money, however. But as I said, in addition to that the appropriations for jurors, for marshals, for witnesses, and so on, were something over $200,000 more for 1886 than they were for 1885. That is a pretty large excess.

I am not speaking of this now for the purpose of saying that a single dollar of it has been unnecessarily expended, but at the risk of repeating to some extent what may have been said before—I just came into the Chamber—I will say that so far as I know no single appropriation bill has become a law in the last ten years, since I have been in the Senate, that there was not a wrangle between the two Houses about the expenses of the Attorney-General's Department, the House of Representatives under Democratic control asserting that the expenses were too large, that they were improvidently made, that the money was corruptly used and so on, and refusing to appropriate in full; and the Senate more or less actively espousing the cause of the Attorney-General, and would finally succeed in securing the appropriation of a considerable portion of what was claimed.

Now I do not know that the Department was or was not mismanaged, as the Senator from Indiana says it was, but if I were going to act upon the same evidence which his party associates have acted upon heretofore, and charge that the Department was corruptly managed for the reason only that the appropriations for it were large and increasing from year to year, then I should formulate an indictment against the present administration with a great degree of confidence. But I do not do that at all, and I did not rise for any such purpose. I assume that every single dollar of what has been called for is legitimate, according to the present system of expenditures. I know that the accomplished lawyer who is at the head of the Department of Justice would not lend himself to the expenditure of a single dollar that he did not believe to be necessary.

Mr. BECK. Let me ask the Senator from Kansas a question. I do not want any wrangle over this matter if I can help it.

Mr. PLUMB. I am trying to get it out of politics, if I can, into which the Senator from Indiana got it.

Mr. BECK. I ask the Senator from Kansas if he does not know that every dollar paid to witnesses and jurors has to be paid upon the certificate of the judges of the courts, and that the Attorney-General can not refuse to have the money paid when the certificates come in?

Mr. PLUMB. Is that any more true now than it was last year or the year before?

Mr. BECK. Is not every judge, with one or two exceptions, now just as he was then, a Republican?

Mr. PLUMB. Is he not just as honest now as he was then, or is he any more honest now than he was then? The reform has not extended that far, perhaps.

Mr. BECK. Therefore I do not see why the present Attorney-General and the present administration are being charged with extravagance in this regard when every one of the accounts was certified by judges who are now and were then Republicans, and the Attorney-General can not refuse to pay them.

Mr. PLUMB. I did not charge anything of the kind at all. I only said that if I were to follow the example which the Democratic party had set for the last twelve or fourteen years in the House of Representatives, and charged corruption simply because the amounts asked for were large, as they assumed to believe, and because they increased from year to year, then I should formulate an indictment against the Democratic party and against the administration with great confidence.

Mr. BECK. I wish to say only one word more.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Kentucky?

Mr. PLUMB. I do.

Mr. BECK. The charges made by the Democratic party have not been as to the mismanagement or wrong action of the courts. The charges have been made because the marshals and deputy marshals have been sent to the polls under Davenport in New York, and under others elsewhere, and have been paid outside of appropriations after Congress had refused to make appropriations to pay them. Hundreds of thousands of dollars have been paid to marshals outside of all appropriations, because it was assumed they had a right to be at the polls and control elections. These are the things that we have complained of and charged, and if necessary we can again prove them. I shall move to go into executive session pretty soon, so that we can look into this matter tomorrow.

Mr. PLUMB. I can only remark in reply that Mr. Davenport and the election machinery in the Attorney-General's Department in Republican times must have been a very economic institution, because it cost $200,000 less to carry on the Department at the time it had charge of elections and was being run by John Davenport than it does now when we are having honest administration!

What I said was simply introductory to what I was about to make use of for the purpose of illustrating what I think is needed now in connection with expenditures in this Department. I repeat now what I said before, that while I have not come to the consideration of this question with any partisan purpose at all I think it is fair to call attention to the fact, as has been done, that the expenses now are much larger than ever heretofore, and that the opposition party is not now doing as the opposition party of the former time did; it is not making a general run and jump at the Department because these expenses have increased. There has been no proposition to deny the proper appropriation, and there was no question of the amount in the committee. On the contrary, the committee said simply what the chairman has expressed here. We found that these expenses were going on, and that the courts were still to be maintained, if at all, by the payment of expenses during the time that will elapse until the close of the fiscal year. We did not think it wise or proper in any sense to stop the administration of justice. We did not deem it necessary to enter into any critical inquiry in regard to this matter, but were perfectly willing to accept the judgment of the Attorney-General as to what was necessary for the remainder of the fiscal year.

I say further what I take pleasure in repeating, that I do not think

any person on this floor on either side of the Chamber imputes to the present occupant of that office a design to use one single dollar of this money either improperly or extravagantly. I have no doubt in the world that he is exercising all the supervision that he possibly can, and I accord to him just as much discrimination in that particular, and just as much integrity and determination to do his full duty as I would claim for anybody else.

Mr. VOORHEES. Will the Senator yield to me?

Mr. PLUMB. I will.

Mr. VOORHEES. I wish to set one matter right. I understood the Senator to attribute to me a purpose or the effect of giving the discussion on this question a political bias. The Senator did not hear his colleague, I presume, in the opening debate.

Mr. PLUMB. He could not have made it any worse than you did.

Mr. VOORHEES. He preceded me; and if the Senator did not hear his colleague I will advise him to read his remarks in to-morrow's RECORD, and see whether they contain any political bias or not. I was simply, in a very faint and feeble and far-in-the-rear manner, trying to follow the footsteps of the distinguished colleague a little in fending off.

Mr. PLUMB. Ah, Mr. President, that is a vain attempt; it will not do me any good for to-day what I shall be able to read to-morrow in the RECORD. I heard the Senator from Indiana say what I think he said rather hastily, and which I do not think there is any evidence for, that there undoubtedly had been a very corrupt administration of the Attorney-General's Office in years preceding. I do not think anybody has any proof of that.

Mr. VOORHEES. I did not say that. I did not use the word "corrupt" in the sense of money, but I said it had been oppressive and had been used for political ends. If that means corruption, it will have to have that meaning. I said I believed that the future impartial historian would say so, and I say it again.

Mr. PLUMB. Does the Senator think that we have got changed in that way for the better now? I suppose he is willing to certify that none of this money would be used for political ends.

Mr. VOORHEES. I think not.

Mr. PLUMB. Or that it will be hereafter so used?

Mr. VOORHEES. If there is any of it so used, I will set an example which never has been set by the Senator's party, and that is, I will help to condemn it. I never heard any condemnation on that subject from him.

Mr. PLUMB. I am not in the habit of replying to charges that are not substantiated. I never have heard in any discussion on the subject on this floor or elsewhere in regard to a misappropriation of money a single scintilla of proof, and yet the contention was always the same. Just as sure as the House of Representatives was in the hands of the Democratic party it refused to make the full appropriation to carry on this Department of the Government, and it was charged that there had been a misappropriation and that a reform was needed. In fact, the idea of the Democratic party seemed to be that the whole Government was administered for political ends. I think it is pretty well administered that way now, but the party does not seem to be enjoying the situation quite as much as we are. They had the fun of the thing while we had the majority and we have the fun of it now.

These expenditures are widely scattered, are going on all over the country in such a way that it is impossible for the Attorney-General, however active and zealous he may be, to properly discharge the other duties of his great office and have that supervision which must necessarily be had by somebody over these expenses in order to bring them within proper limits. And I shall consent to this appropriation with a perfect belief that the Attorney-General has done all that he could do, but with an equal belief that if the matter had been properly managed, if these expenses had been subjected to proper scrutiny, we should not have been confronted by this deficiency, or, at least, so large a one.

The Attorney-General is not responsible for that. Congress is primarily responsible for it. Here are the marshals in every district of the United States, the attorneys and the clerks, the United States commissioners in all of them, and all the paraphernalia and detail of the operations of this great Department being carried on at a great distance from the seat of Government, in a manner without the supervision of anybody, with nearly all the compensation being paid in fees, and with the constant temptation, therefore, before every one to make as much business as possible. The system is wrong. It ought long since to have been remedied; it ought to be remedied now. If it were possible to create an officer, to delegate to somebody the proper authority who could be relied upon to keep this active, thorough scrutiny of all the accounts of all the courts and all the marshals and commissioners and district attorneys and so on, as there ought to be, I have not the slightest doubt the Government would save at least $200,000 every year.

I have brought attention to this for the sole purpose of saying what I have now said about the irresponsible system under which this money is expended and calling the attention of the Senate to it with the hope that out of this discussion would grow some amendment of the system whereby what I believe to be a careless, sometimes undoubtedly a corrupt use, of money is made, not corrupt in a party sense, but corrupt in the personal sense, fictitious fees for marshals, unnecessary fees for services in other cases, and so on. It is within the power of the marshal, as against almost anything the court may do, to run up large bills.

It is true the Attorney-General, as I know he does in some of the districts, says, "You can have only so much money," but a condition of things comes about that seems to require more and the judge says we ought to have more, and the marshal says we ought to have more, and the clerk says we ought to have more, and the Attorney-General yields and the allotment is made greater. He has only a minor control over it. He can not give it that control which he would like to give. And so of the accounts in the Treasury Department. It is true they are revised first by the Attorney-General or some one in his office, but still it is all done at arm's length. Back of it all there ought to be some keen oversight, the drastic hand of some one who not only knows what ought to be expended, but with the courage and the integrity to enforce that knowledge. I am not prepared to suggest a way in which this may be done.

While I am on this subject of deficiencies, I wish to call attention to the fact that while the law prohibits the creation of obligations against the Government beyond appropriations, except in minor cases, every year we appropriate from five to seven million dollars to meet overexpenditures. I have felt sometimes as though one of the remedies would be for Congress to say, "We will not appropriate a dollar, and we will let the public interests for the time being in certain directions go, in order that we may accomplish the greater good of putting a compulsion upon those who spend money to bring their expenses within the amount appropriated by law."

For instance, the law of last year and the year before said in regard to the care of public buildings that the Secretary of the Treasury should bring all those expenses within $300,000, just as plainly nominated as words could make it; and yet among the very first documents met in the Appropriations Committee-room was a request from the Secretary of the Treasury that we give him more money to carry on the public-building service until the end of the present fiscal year, the appropriation being practically exhausted already. I do not speak of that to blame the Secretary. It is part of that custom which has grown up in administration circles—and when I say "administration circles" I speak without any reference to the politics of the head of the administration—but it has come to be so that those people who spend money in the Treasury Department, in the War Department, in the Navy Department, and everywhere, too much regard Congress as only a pliant tool to give them, whenever they demand it, whatever money they want, and if they do not get it in the first instance all they have to do is to create a deficiency, and then they come down to us with the certainty of getting it.

I have seen a good deal of that, as all the other members of the Committee on Appropriations have. I would be glad to stop some great Department of this Government for three or four months in order to enforce upon the men who administer it and the other Departments the fact that when Congress says only a certain amount of money shall be spent it is meant, and that no more is to be spent, and they must cut their coat according to the cloth. But no, they know that administrations come and administrations go, and they go on spending money, and when they have started on a certain scale of expenditure merely fixing the amount of money they are to have will not stop them.

They come to Congress and say, "You will not stop the work of that great Department." There surely will come up at the close some talk about a soldier's claim, some horse claim, or something of that kind. Some poor fellow to whom is owing $100 is made to bring up the rear, is made the means of enforcing a claim on us for additional appropriations. "Give this money or we must cut off these worthy people." The people who have the largest sum, the people who are the least worthy, the people who are to some extent participants in this violation of the law, have had their money and are gone, but now "if you do not give us the balance of this, of course some poor fellow will not get $100 for his horse lost, or some poor soldier will not get his bounty." The few hundred thousand dollars there are in this bill, are simply a bagatelle to the general deficiency bill that will come in and be passed before this Congress adjourns.

Mr. COCKRELL. Mr. President, a great deal of noise is being made over a very small matter. This is what has occurred for years. It occurred last year. On the 3d day of last March we passed through this body a deficiency bill giving $50,000 in one item and $100,000 in another; for fees of jurors $50,000, and for fees of witnesses $100,000, and no great noise was made about it. It was done the preceding year; it has been done almost every year. It is almost impossible for any head of a Department to estimate accurately the exact expenses that will be incurred for jurors and witnesses. There may be very few cases in court requiring the attendance of jurors; there may be very few witnesses, or there may be many witnesses and the jurors may be detained week after week and month after month. Some grand juries will meet and adjourn in a week or ten days; some will be in session for three months; and so it is with the petit jurors.

In 1885 the same kind of an appropriation was made for Utah, $26,000, that is made in 1886. In 1885 the estimates of appropriation for fees of jurors for 1885-'86 were $500,000, and the estimates for fees of

witnesses were $610,000. Four hundred thousand dollars was appropriated for jurors and $500,000 for witnesses. We made an additional appropriation of $50,000 and $150,000. For the fiscal year 1885–'86 the appropriations were $450,000 and $550,000. The same amount is estimated for the fiscal year 1887, $450,000 and $550,000, respectively.

These items occur from year to year. Every year deficiencies are provided for. Some of them I confess that I view in the same light as the Senator from Kansas [Mr. PLUMB], regarding them as violations of the law. This is not a violation of the law, this is not a deficiency already incurred; it is to provide for witnesses and jurors to be summoned in the courts from now till the end of the fiscal year. The cases are pending, and the Attorney-General has simply had the foresight to advise Congress that these amounts are necessary in order that the fees of the jurors and witnesses may be paid when the courts close. I see nothing political in the matter at all, and I see no occasion for anything political in debating it.

Mr. President, the fate of the Democratic administration of this country will not be determined by the criticisms of this item and that item. It will stand upon the record it makes year by year, and when the books are closed and the accounts adjusted at the end of the fiscal year, then it will be responsible for the administration. There may be items of expenditure for some particular thing largely in excess of what they were under Republican administration, and there may be items that will be much smaller than they were, and you can only judge of an administration by its record when that record is completed on the 30th day of June in each fiscal year.

These items are necessary and they are not extravagant; and the Attorney-General or the Department of Justice has very little control over them. The jurors are summoned, the witnesses are subpœnaed, their accounts are passed upon by the judge, and they are audited and allowed by the accounting officers of the Treasury Department where all other accounts are audited and adjusted, and I think the Attorney-General did exactly right in sending to us and asking that this appropriation be made in advance of the time when the jurors and witnesses would be subpœnaed to attend in the courts, and their certificates would be given to them and there would be no money to pay them. That would be incurring an expenditure before the appropriation was actually made.

Now, Mr. President, these items of expenditure for this fiscal year have almost entirely been contracted and have accrued under Republican officials. Over half the United States marshals and district attorneys and nearly all of the judges are Republicans, and there is no occasion for any effort or attempt to cast a stigma upon the Attorney-General or upon the administration because this deficiency has been asked for. If a clean sweep had been made last spring early and all the Republican officials had been turned out and Democrats had been put in, and the expenses had been increased, there might have been a reasonable suspicion.

Mr. PLUMB. I suppose the Senator is going to admit that in that case probably the deficiency would have been about three-quarters of a million dollars.

Mr. COCKRELL. I do not think it would have been quite as large. I think money would have been saved.

Mr. PLUMB. Then why so slow in making changes?

Mr. COCKRELL. I belong to the legislative branch and not to the administrative branch, and those two departments are wholly independent of each other, and it is wrong for either branch to undertake to dictate to or control the other in the exercise of its legitimate duties, or even to ask for its reasons. I admit that if I had had the control of the administrative branch a cleaner sweep would have been made than has been made.

Mr. PLUMB. And you would have taken the risk of a deficiency?

Mr. COCKRELL. I would have taken the risk of a deficiency because, as I say frankly, the incumbents of the offices of marshal and district attorney and offices of that kind are those which every administration, Republican or Democratic, ought to have in sympathy with it. I believe that they are a part and parcel of the administration, and those officers ought be in sympathy with the administration, whether it is Republican or Democratic.

Now, sir, there have been more prosecutions in Utah probably during this fiscal year than in any year that has preceded it. The expenditures have been necessarily large. There have been probably more trials had in some of the district courts in New Mexico than usual. I happen to know of one instance where a judge who was appointed from my own State and went there has had his court almost continuously in session disposing of a large number of cases.

Mr. EDMUNDS. Do you mean United States cases?

Mr. COCKRELL. Yes, sir; a number of them were. As a matter of course a good many of them were not; but there were some of them United States cases, I suppose. I know that his court has been in session all the time nearly, continuously.

Mr. President, I think these items are perfectly legitimate and just, and there is no controversy about them. There never has been so far as I know any controversy about appropriations for jurors and witnesses. I have never heard those items controverted before in the Senate. If they have been, I have forgotten it. I know that different bills have come in and we have passed upon and allowed them without any quibble. As a matter of course, we all know there has been a good deal of contention over the appropriations for United States deputy marshals, and supervisors of elections, and the paraphernalia appointed under the election laws. We all remember the controversy over that subject, but there never has been in either branch of Congress, so far as I know, any controversy in regard to these matters, and I see no occasion for it now.

Mr. TELLER. It seems to me the general complaint made by the Senator from Kansas [Mr. PLUMB] as to deficiencies is hardly fair to the several Departments of the Government in the past or the present. If six or seven million dollars of deficiency are presented to this body every year, it is a very evident proposition that either the Departments have very grossly abused the power given to them or Congress has failed to do its duty. If the Departments have been expending six or seven million dollars a year more than they ought to have done, it seems to me it was the duty of the proper branch of the Government to take such steps as would compel the cessation of that class of expenditure.

Now the fact is, and I have no doubt it will be true with this case as it has been with all others in the past, that the department of the Government which holds the purse and votes the money votes it with a grudging disposition; and the heads of Departments come to the Committees on Appropriations of both branches of Congress as if they were supplicants asking for special personal favors when they come for the purpose of receiving the means of executing the laws which they are sworn to execute. Appropriations are voted to them as if a favor was conferred upon the head of a Department, and more than one Department would have been compelled to close its doors within the last three years, as I know, if it had not made expenditures beyond the amount that had been given by Congress.

Does anybody suppose that the Interior Department should have suspended and cut off its work because it did not have fuel, as it did not have in 1884? The contingent expenses allowed were not sufficient to carry on the work and keep the Department buildings heated. Does anybody suppose that the land offices all over the country should cease their operations because there had been $27,000 less appropriated to pay the land officers than the law had provided their salaries should be? The Departments are compelled to go on and make deficiencies or to close their doors and cease business. I could take the last deficiency bill and call your attention to the fact that nearly every Department was short in the appropriations for lights and fuel. You appoint men to do certain work; you send them into the field, and you provide for them by a per diem. You fail to appropriate a sufficiency of money to pay the actual expenses of travel, and they are compelled to return and stay where they can be of no public service whatever, or else the Department must go on and allow them to incur a debt.

There are two sides to this question. I have not any doubt that some of the Departments are sometimes extravagant; but I think every man who has had any experience in an Executive Department of the Government knows that there is a disposition on the part of the head of that Department, if possible, to keep within the appropriations that are made; but when he finds that it is impossible to do so, he is expected to carry on the business, and if he did not do it he would be censured. You appropriate money for Indians; it is insufficient, and the head of the Department knows that if he keeps the Indians on the rations provided by that appropriation it will be death on the reservation and disgrace to the public service. He knows that the Indians must be either fed there beyond the appropriation or they will make raids upon the settlers, or else they must be kept by the Army there to die for want of food. In a hundred instances of this kind every Department of the Government is compelled to go beyond the appropriations made. Take for instance the very case where the appropriation is said to be insufficient and has been so for several years in this very Department. The courts are organized and men are indicted and put upon trial; how can the Department here beforehand say how many dollars will be wanted for witnesses? How can they say how long the trial will last, or how many people will infringe the law, and how many people shall be punished? You must give to the Department some discretion in these matters.

I have not any doubt but that in every administration there has been abuse of power. I have not any doubt that under any administration since this Government was organized it can be found there are expenditures, sometimes in one Department and sometimes in another, which are improper. I have not any doubt but that has been the case within the last twelve months. I have called the attention of the Attorney-General to what I think is a gross violation of law and a useless expenditure of money. I do not hold him responsible; he has instituted an inquiry, and if he finds the charges are correct I have not any doubt but what he will remedy the evil in a summary manner.

I do not propose to say of this administration what I would not say of any other. There must be some discretion given to the heads of Departments, or else you must vote a sum of money far in advance of what is actually necessary in many instances for the proper conduct of the business of the Departments.

Mr. EDMUNDS. Mr. President, the upshot of the whole of this business is that the total appropriations, putting deficiencies and every-

thing together, for this current fiscal year in the respects that we are now speaking of are to be greater than they were in the year before. That would seem, as the Senator from Kansas stated, to show either that the present administration of affairs was more corrupt and extravagant than its predecessors had been, or that the accusations against the preceding administrations had not been well founded. To my mind there does not seem to be any escape from that dilemma.

I called attention to this matter in the first place, for the simple purpose, in the absence of any specific information, of having the Senate vote under reserve these appropriations that ought to be made. The money is gone, and we must have more money to carry on these affairs. But I want our action to be such that it can not be said afterward that the Senate had approved the expenditures which had already been made by the simple circumstance without any comment that they had passed these deficiencies. I hope no politician and no Democrat and no Republican will complain of that.

Whatever may be the powers of the Executive and of his Departments, if he had any, as he has not under the Constitution and the laws—they are the Departments of the law—whatever may be their powers, I suppose everybody will agree that in respect of the expenditure of money the two Houses of Congress still have some rights of inquiry and comment and consideration left. If that be so, then it would not be thought impertinent, I suppose, to ask how it comes about that this deficiency has occurred. Naturally, no doubt, in a great many respects it is proper to provide for it, to which we all agree, because as I say the money is gone and the Attorney-General (for whose personal honesty and good intentions in every respect I have as great regard as I have for that of any man in the world) has been drawn into this matter in this way. I think it can be accounted for in a way that can be very easily stated, although his appropriations for this year, taking them all together, are greater than his predecessor's, not for the reason stated by the Senator from Indiana as to Utah, for that has been specially provided for although it may be that in some part the expenses have been in excess even of the special appropriations in addition to the general ones.

Mr. COCKRELL. The special appropriation did not refer to jurors and witnesses.

Mr. EDMUNDS. The general appropriation covers all parts of the Government, and is not for any special Territory or special State; it is left entirely to the discretion of the Department of Justice as to where the money is wanted for carrying on the judicial operations of the United States; but I think that the excess of this year—and I am bound to say it fairly and without any reference to what are called party politics—has arisen from the fact that has been stated to me in letters which I have received from persons whom I believe to be people who intend to tell the truth—they may be mistaken—that the new district attorneys to whom more than to anybody else the beginning of excessive expenditures is to be attributed always in the management and institution of prosecutions—that the new district attorneys in their new zeal have gone around and, particularly in the Territories, have thought it fit to institute prosecutions largely beyond the justice of cases and prosecutions, that when they were brought before the new judges in the Territories designated to take the place of those who were suspended——

Mr. COCKRELL. Very few of them.

Mr. EDMUNDS. I think I know that there is a very considerable number of them. Taking the nine Territories, we have got a considerable number of them. I say the judges, as I am informed, have found it necessary to quash or to dismiss instantly these indictments. I am making no political criticism, because it might have happened if the Democrats had been in twenty-five years and the Republicans had come in now. I am not speaking of politics; I am speaking of facts. I am advised that in one Territory a designated appointee of the President got up—I have forgotten the number—a very large number of prosecutions, every one of which, as it is stated (which may be an extravagance; it would be almost impossible to suppose it) when brought into court was immediately dropped.

Mr. COCKRELL. In what Territory?

Mr. EDMUNDS. I do not think, considering the other body that we are supposed to belong to and not this body, as some of these subjects are under consideration there, that I had better name the Territory just now. By and by we shall probably all know. Since I have found out that we are two separate states of being here, I must be a little careful about what I say when we are in this present existence. When we come into another I shall say something else.

There is the real trouble about these expenditures in the Department of Justice. The Attorney-General can not help it otherwise than by giving notice to the official whom the law says he shall supervise that if he finds a given district attorney has been instituting prosecutions, a large proportion of which fall and drop without trial, he will recommend to the President of the United States, if he is a designated man, to dismiss him at once, and if he is a regular man to suspend him at once, and ask the Senate of the United States, which never has yet failed on such an occasion, to agree to his removal. There is where the trouble comes. Before the Attorney-General can know it, when he attributes to Territory A or to the State of Vermont a certain amount of money to be spent for jurors and witnesses and so on, and he has a district attorney who, for the purpose of gain, for the purpose of a misguided zeal, to show how thorough he is, or whatever, proceeds to institute a large number of useless and frivolous and imperfect prosecutions which are immediately dropped when the facts are known, then I say the Attorney-General, if he fails to bring men of that sort to book immediately has failed in his duty. I express no opinion upon any topic that is now before the Attorney-General on any such subject. I may in what I am now told is another place say something about that. That is where the difficulty comes in with regard to these expenses.

Mr. COCKRELL. Will the Senator from Vermont now just imagine himself in the other place and let us know it?

Mr. EDMUNDS. No, Mr. President, I am not an imaginative man; quite the reverse. I am simply a man of facts.

Now as to Utah. Undoubtedly there have been greater expenditures in the courts there for jurors and witnesses and other items of expense than in the year before; but the Attorney-General in his letter asking for these appropriations makes no reference to that circumstance. How far it is an element in this deficiency we have no means of knowing. But I am bound to impute to the Attorney-General as to Utah, as I do most gladly, a thorough desire to enforce the laws there in their fullest and justest and most thorough way; and every penny of money that is necessary in the most liberal way to help him do it I am ready and I believe the Senate is ready to give. And what has been said has not been said with the design of preventing this appropriation which ought to be given, but, as I said before, of having the Senate understand in the absence of detailed reports of these expenditures that it is voting under reserve and is not committing itself to an approval without knowledge of what has gone before.

Mr. MCPHERSON. Mr. President, as this discussion is likely to be prolonged indefinitely and a short executive session is necessary in regard to some matters, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before that motion is put the Chair will lay before the Senate the unfinished business.

Mr. ALLISON. It is important that this bill be passed at an early day, and I called it up now in order that I should not interfere with the regular business.

Mr. MCPHERSON. If we can have a short executive session after this bill is passed, I shall be satisfied.

Mr. BECK. I move that the Senate do now adjourn.

Mr. EDMUNDS. Oh, no; let us finish this bill.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate do now adjourn.

Mr. BECK. I withdraw the motion.

Mr. MCPHERSON, I withdraw the motion for an executive session if we can have a vote on the bill.

Mr. BECK rose.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to speak on the bill?

Mr. BECK. I do, but only to say a word. The charges of mismanagement and corruption in regard to this bill and matters connected with the Attorney-General's office I think will all prove not to be well sustained, but I desire time until to-morrow morning to look into them, and it may be that I shall move to recommit the bill to the committee with instructions to summon the Attorney-General and these officials and see what the facts are; because if there is no mismanagement, no corruption or any such thing as the senior Senator from Kansas intimated, let us go the bottom of the affair, now that we have ample time, and it will be quite as profitable as the discussion which is going on here.

Mr. INGALLS. To which Senator from Kansas does the Senator from Kentucky refer?

Mr. BECK. The Senator now addressing me.

Mr. INGALLS. Will the Senator allow me a moment?

Mr. BECK. I will read the debate in the morning.

Mr. INGALLS. I never cast the slightest imputation upon the Attorney-General. I made no expression indicative of a belief in extravagant or improper appropriation of the money. I merely said what I did say for the purpose of pointing a moral and adorning a tale.

Mr. BECK. I will see in the morning what the RECORD shows that the Senator said, and there see how much is adorned and pointed. [Laughter.]

Mr. MCPHERSON. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I appeal to the Senator from New Jersey to let us pass the bill. We can do it in a few moments.

Mr. MCPHERSON. I supposed the Senator from Iowa consented that we might go into executive session.

Mr. ALLISON. Oh, no.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey withdraw his motion?

Mr. MCPHERSON. I withdraw it again.

The PRESIDENT *pro tempore*. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. CALL. Before the vote is taken on this bill I wish to say a few words.

The laws of this country make it imperative upon the district attorney to present the cases that arise to the grand jury. He has no discretion further than advising them as to what the law is. The marshal is obliged to execute the writs, whatever they are. All is dependent upon the decision of the judge in the approval of the accounts. The law is compulsory. It is not possible that any large portion of this deficiency should have occurred from the mere finding of indictments on frivolous pretexts. That is a very inexpensive proceeding; but under the law the service of process is compulsory, and the mere advice, whether correct or incorrect, that the district attorney gives to the grand jury in finding a true bill is a very small part. It can not possibly increase the expense. The judge may hold his court, as I have known a judge to hold it two days in the week.

How can the Attorney-General or the Congress of the United States or any one else interfere with that discretionary power of the judge? And when he executes his function as a judge holding court in his discretion for one, or two, or three days, there is no power that can supervise the expenses incident to the exercise of this discretionary authority, and here is a bill upon which there can be no such charges predicated. The judge has a power conferred on him independent of Congress, and in the exercise of that judicial function there is no law of Congress that can interfere, and the expenses incident to it must be borne. I know of no way in which Congress can interfere with the action of a judge and the expense incident to it. Therefore, this is a bill for the expenses under which the judges are responsible.

Every item of expense is under the judge's supervision and under his orders. It is to him that the marshal and the district attorney must look to be checked and controlled in order that the number of witnesses that are to be examined, the time that is to be consumed, which is the great expense, the time the judge holds the witnesses and the jurors, and the number of witnesses that he allows to be examined in the trial of a cause, may be supervised by the judge. These are matters which are entirely, as the Senator from Vermont must know better than I, in the discretion of the judge alone, and which Congress can not interfere with.

Therefore, sir, this whole criticism is entirely out of place. The Attorney-General is no more responsible for the deficiency in this bill than are the Senators of this body or the members of the other House.

Mr. COCKRELL. I hope this bill will be permitted to be passed this evening. It is really an important one, and I hope we shall be permitted to finish it.

Mr. ALLISON. We are ready to vote.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business, being the resolutions reported by the Senator from Vermont [Mr. EDMUNDS] from the Committee on the Judiciary, February 18.

Mr. McPHERSON. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The motion to adjourn takes precedence. The question is on that motion.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 10, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LOUTTIT, for two days, on account of important business.

To Mr. STRUBLE, for five days after the expiration of his present leave of absence, on account of important business.

PRINTING FOR COMMITTEE ON EXPENDITURES IN WAR DEPARTMENT.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the resolution of March 8, 1866, to authorize the Committee on Expenditures in the War Department to have printed copies of the testimony and papers relating to the disbursement of the public money by the Chief Signal Office, have instructed me to report the same with an amendment, so that it will read as follows:

"*Resolved*, That the Committee on Expenditures in the War Department be authorized to have printed for the use of the committee the testimony and papers relating to the disbursement of public moneys by the Chief Signal Officer, taken before said committee, and such other matters as may appertain to their investigation, the cost of the same not to exceed $500."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the standing and select committees for reports.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 6664) to increase the naval establishment; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC LANDS, CALIFORNIA.

Mr. HENLEY, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 150) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, READING, PA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1983) to increase the appropriations for the erection of a public building at Reading, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, EL PASO, TEX.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported, as a substitute for the bil H. R. 2420, a bill (H. R. 6665) for the erection of a public building at El Paso, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2420 was ordered to be laid on the table.

PUBLIC BUILDING, LYNN, MASS.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 1098, a bill (H. R. 6666) for the erection of a public building at Lynn, Mass.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1098 was ordered to be laid on the table.

CALVIN GUNN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendments the bill (H. R. 5313) for the relief of Calvin Gunn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IRON MOUNTAIN BANK, SAINT LOUIS, MO.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendments the bill (H. R. 4570) for the relief of the Iron Mountain Bank, of Saint Louis, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ELLIS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3908) for the relief of John Ellis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. NEAL, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 3843) for the relief of John Ellis; which was laid on the table, and the accompanying report ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. PULITZER, from the Select Committee on Reform in the Civil Service, reported back with an adverse recommendation the bill (H. R. 1747) to repeal an act to regulate and improve the civil service of the United States approved January 16, 1883.

Mr. STONE, of Missouri. I ask that the bill, with the adverse report, be referred to the proper Calendar.

The SPEAKER. The bill, with the adverse report, will be referred to the House Calendar, and ordered to be printed.

Mr. STONE, of Missouri, obtained leave to file the views of the minority of the committee on said bill.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. RICHARDSON, from the Committee on Pacific Railroads, reported, as a substitute for H. R. 3752, a bill (H. R. 6667) to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," requiring said Northern Pacific Railroad Company to pay the costs of surveying, selecting, and convey-

ing the lands granted to said railroad; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3752 was ordered to be laid on the table.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. Mr. Speaker, I ask unanimous consent to take up for present consideration Senate bill 141, extending the provisions of the act in relation to the immediate transportation of dutiable goods to the port of Omaha.

Mr. BEACH. I call for the regular order.

The SPEAKER. The regular order is the call of committees under the rule for the consideration of reports. The hour begins at twenty-nine minutes past 12 o'clock.

The Committee on the Militia was called.

Mr. O'NEILL, of Missouri. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. The Committee on Labor was called on yesterday when but seven minutes of the hour remained. Does that comprehend all the time to which a committee would be entitled under the rule?

The SPEAKER. Unless the hour expired while the House was considering a bill called up by the committee, in which event the committee would have so much of the hour next day as would be necessary to conclude the consideration of that bill; but it could call up no other bill.

Mr. O'NEILL, of Missouri. But if a bill was called up within seven minutes of the close of the hour its consideration could go over until the following day?

The SPEAKER. Yes; to the following day.

Mr. O'NEILL, of Missouri. As there are several important measures which have been reported from the Committee on Labor, I ask unanimous consent that next Saturday be set apart for considering reports made by that committee.

Mr. SPRINGER. There is a special order of the House assigning every Saturday for general debate.

Mr. O'NEILL, of Missouri. I ask to have that order vacated.

The SPEAKER. The gentleman from Missouri, from the Committee on Labor, asks unanimous consent that the order of the House heretofore made setting apart next Saturday for general debate in Committee of the Whole House on the state of the Union be vacated, and that that day be set apart for the consideration of the reports from the Committee on Labor. Is there objection.

Mr. CRISP. I object.

Mr. DINGLEY. I hope the gentleman from Georgia will not insist on his objection. The Committee on Labor has only had seven minutes.

Mr. CRISP. It will have its hour when the committee is called in its order.

Mr. DINGLEY. It may be a month or more before the committee is called again.

Mr. WEAVER, of Iowa. I hope the gentleman will not insist on his objection.

Mr. O'NEILL, of Missouri. I ask unanimous consent that the Committee on Labor be allowed one hour to-day.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on Labor be allowed to occupy an hour for the consideration of bills to-day.

Mr. BLAND. There are other committees having important measures to present which are waiting their turn to be called.

The SPEAKER. Does the gentleman from Missouri object?

Mr. BLAND. I would not object to the assignment of next Saturday.

The SPEAKER. Does the gentleman from Missouri object? If no objection is made, the Committee on Labor will be called to-day.

Mr. SPRINGER. I desire to ask the Chair whether the committee is not entitled to one hour to-day, under the rule, for the purpose of presenting reports.

The SPEAKER. The gentleman from Missouri has just asked unanimous consent that his committee should be called to-day.

Mr. BLAND. I thought I had objected to that.

The SPEAKER. The Chair asked twice if the gentleman from Missouri objected and received no response.

Mr. BLAND. I called for the regular order.

The SPEAKER. The Chair did not hear the gentleman call for the regular order. That is equivalent to an objection.

Mr. SPRINGER. I desire to be heard for a moment on the construction of this rule. The rule says:

Whenever any committee shall have occupied the said hour for one day—

Now I hold under the reading of this rule the committee is entitled to one hour of time, when it is called, for the purpose of presenting measures for consideration. The rule otherwise might allow a committee only two minutes. This committee, as I understand, had only five minutes yesterday in which to present reports for consideration.

A MEMBER. Seven minutes.

Mr. SPRINGER. Now I hold under this rule two hours of time are allowed to committees for the consideration of their reports. On the first day they are allowed sixty minutes of time to present reports. I will read the rule further:

And when any proposition shall have occupied two hours on this call, it shall thereafter remain on the Calendar as unfinished business.

I hold that means that each committee is entitled to two hours of time, and that it can not be construed to mean that a committee shall only have a portion of one day. It shall have two hours, one hour to present measures for consideration and another hour, if a matter is unfinished, to complete its consideration.

The SPEAKER. What construction, then, would the gentleman from Illinois put upon that clause of the rule which expressly provides the committee shall not call up any other bill during the hour on the second day? The House concluded the consideration of the bill which was called up by the Committee on Labor yesterday, and if the Committee on Labor has the floor this morning, it must call up another bill in direct violation of the provision of the rule.

Mr. SPRINGER. I suggest that should be construed in connection with the clause of the rule which allows a committee one hour on one day, and another hour the following day for the conclusion of a measure which has been called up. Otherwise, a committee called only two minutes before the expiration of the hour might only be able to call up one bill.

The SPEAKER. But if the committee should be called this morning, what could they do?

Mr. SPRINGER. They could go on till they had occupied one hour.

The SPEAKER. Not under the rule, because it provides expressly:

And whenever any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn.

Mr. SPRINGER. I understand. "The said hour," that means that they must have an hour of time before they can be cut off.

The SPEAKER. The Chair thinks the construction of the rule is well settled by the practice under the old rule in relation to a morning hour, which prevailed in the House before the Forty-sixth Congress.

The SPEAKER resumed the call of committees.

Mr. O'NEILL, of Missouri. Mr. Speaker——

The SPEAKER. The gentleman's requests have been objected to.

Mr. O'NEILL, of Missouri. I understand that, Mr. Speaker, and I now ask unanimous consent that Thursday evening of this week be set apart for the consideration of bills reported from the Committee on Labor.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] asks unanimous consent that on Thursday afternoon next the House take a recess until half past 7 o'clock p. m., and that the evening session be set apart for the consideration of business reported from the Committee on Labor. Is there objection?

Mr. TILLMAN. I object.

PENSIONS FOR MILITIAMEN.

Mr. MORRILL (when the Committee on Invalid Pensions was called). Mr. Speaker, I move to call up a bill (H. R. 4915) in relation to the time for filing pension claims of a certain class.

Mr. BLAND. Mr. Speaker, when the gentleman from Missouri [Mr. O'NEILL] asked unanimous consent that an hour to-day be given to the Committee on Labor I objected. I do not know whether he asked for the regular hour or for an additional hour. If it was for an additional hour, I have no objection.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] asked that the hour set apart under the rules should be devoted to business reported from the Committee on Labor.

Mr. BLAND. If the request was merely for an additional hour, I would not object.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Kansas [Mr. MORRILL].

The title of the bill was read, as follows:

A bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. MORRILL. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill the title of which has just been read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DUNN in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of a bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of paragraph 3 of section 4693 of the Revised Statutes as provides that no claim of a State militiaman on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874, is hereby repealed.

SEC. 2. That the claims of all such persons now pending, or which may be

hereafter filed, shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service.

Mr. MORRILL. Mr. Chairman, the act of July 4, 1864, provided that militiamen wounded or injured while in battle under the command of a United States officer should be placed on the pension-roll the same as enlisted men, but it further provided that they should prove up their claims before the 4th of July, 1867, allowing them but three years. Afterward the act of March, 1873, provided that those claims might be proven up at any time before the 4th day of July, 1874. That law provided not that the claims might be filed at any time before that date, but that they might be proven at any time before that date. That allowed fifteen months for proving those claims. Many claimants were doubtless ignorant of the requirement of the act, and very few had an opportunity to present their claims within the prescribed period. There seems to be no good reason why a man, a member of a State militia, fighting side by side with an enlisted man, under the command of the same United States officer, and wounded or injured in the same battle, should not be allowed a pension on account of his wounds or injuries thus received the same as the enlisted man by whose side he fought; and Congress has invariably taken that view when private bills have been presented. Since the expiration of the limit such bills have been presented at almost every session of Congress, providing for placing on the pension-roll members of the militia who were wounded or injured in battle, and those bills have universally been reported by committees without objection and have received the sanction of the House. The bill under consideration proposes merely to repeal the limitation as to the time of proving up these claims, thus giving the militiaman who was fighting under the orders of a United States officer and was wounded or injured in battle the same privilege in this respect that he would have if he had been an enlisted man. This seems to be just and right.

Mr. LONG. How large a number of pensioners would this change in the law admit?

Mr. MORRILL. In all probability a thousand would cover the whole number—possibly there might be two thousand. The law applies principally to the States of Kentucky, Missouri, Minnesota, and Kansas. In Minnesota it applies to the militiamen who were called out under the orders of the United States Government at the time of the Sioux raid, and it would pension a few of those. The State most affected by the passage of this bill would be Missouri. In that State they had some fifty thousand militiamen called out, and the probability is that a thousand or two were wounded; but many of those called out are doubtless now upon the pension-roll, so that the increase of the roll by the passage of this bill would be very trifling, while it would work an act of justice to a great many individuals who are now deprived of their just rights.

Mr. LONG. Does it apply only to wounded men?

Mr. MORRILL. Only to wounds or injuries in battle, not to disability. Mr. Chairman, several cases of extreme hardship have been brought to my attention owing to my position on the Committee of Invalid Pensions. One case in particular I remember, where the whole force in which a militiaman was serving, under the command of a United States officer, was captured by the rebels, and this man was immediately taken out and shot in retaliation for the shooting of some rebels a few days before. His widow filed her application in 1869 before the expiration of this limit, but did not prove up the case before March 4, 1884, owing, I believe, to her inability to obtain some proof as to the death of her husband's first wife. The result is that she gets no pension from the Pension Office; but she brings her case before Congress, and the Committee on Invalid Pensions very properly granted her application without objection.

I desire to state further that this bill has received the unanimous approval of the Committee on Pensions. General Black, the Commissioner, was present when it was considered in the committee, and it received his hearty indorsement. I can see no reason why there should be any objection to the passage of the bill.

Mr. ROGERS. When was section 4693 passed?

Mr. MORRILL. The first act on the subject was that of July 4, 1864, which provided that all non-enlisted men who were wounded or received injuries in battle should be pensioned if they were under the command of a United States officer. The limitation fixed by that act expired in 1867. In 1873 the time within which claims of this kind might be proved up was extended for fifteen months.

Mr. ROGERS. What is the necessity now for extending it further?

Mr. MORRILL. For the simple reason that claims of this class are constantly coming before Congress, and we are constantly passing them. Every case of this kind that has come up since I have been a member of the Committee on Invalid Pensions has been passed without question. The passage of this bill would relieve Congress of the necessity of passing special legislation in these cases, and it would be a simple act of justice.

Mr. ROGERS. What is the excuse for these persons not having presented their claims long since?

Mr. MORRILL. The limitation as first fixed was a very short one, three years from the close of the war; and everybody knows that immediately after the war, in the excitement that then prevailed, very few pension claims were presented. The limitation as originally fixed expired July 4, 1867. In March, 1873, there was granted an extension of fifteen months, but in the short time during which that extension operated very few were aware that the law had been passed.

Mr. ROGERS. Has there been any estimate of the number of cases to which this bill will apply?

Mr. MORRILL. The estimate is that the number can not possibly exceed two thousand, and may not exceed five hundred. The bill will be confined in its operation almost entirely to the States of Missouri and Kentucky, though there are a few cases in Kansas and some in Minnesota.

A MEMBER. And West Virginia.

Mr. ROGERS. Is there a written report?

Mr. MORRILL. There is.

Mr. ROGERS. I would like to hear that report read.

Mr. MORRILL. I will send a copy to the desk, remarking, however, that it contains no estimate as to the number of cases which the bill will cover.

Mr. HALE. I wish to inquire whether under this bill the widows of soldiers killed in battle will be entitled to pensions.

Mr. MORRILL. Yes, sir. The bill extends the limit so that persons who were wounded in battle may now come in; and in those cases where wounds were received in battle there is record evidence; it is not a matter of proof outside. Besides this, the widows of persons who were killed in battle can come in. The number added to the pension-roll, if this bill be passed, will be very small; and the passage of the measure is a simple act of justice. [Cries of "Vote!" "Vote!"]

Mr. ROGERS. I would like to hear the report read.

The CHAIRMAN. It can be read in the gentleman's time.

Mr. MORRILL. I have no objection to the reading of the report, but I desire first to yield ten minutes to my friend from Missouri [Mr. WARNER].

Mr. ROGERS. I did not understand the gentleman's suggestion.

The CHAIRMAN. The gentleman from Kansas retains the floor and yields ten minutes to the gentleman from Missouri.

Mr. MORRILL. I will yield to the gentleman from Arkansas [Mr. ROGERS] for the reading of the report.

Mr. ROGERS. I want the floor in my own right.

The CHAIRMAN. Does the gentleman from Kansas [Mr. MORRILL] yield the floor?

Mr. MORRILL. I yield the floor to the gentleman from Arkansas, reserving the residue of my time.

Mr. ROGERS. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, submit the following report:

The bill under consideration proposes to repeal the limitation prescribed against persons not enlisted in the Army of the United States, but who, while serving for the time being as members of the militia of any State, under orders of an officer of the United States, were disabled in consequence of wounds or injuries received in any engagement with rebels or Indians.

This class of persons was first provided for in section 9 of the act of July 4, 1864, which also made provisions for the widows or dependents of such persons as may have been killed in such temporary service, provided, however, a claim under said section was prosecuted to a successful issue prior to July 4, 1867. No further provisions for militiamen were made until March 3, 1873, when, under the act of that date, the limitation in this class of claims was further extended to July 4, 1874.

Several States of the Union organized their militia forces during the late war to aid the regular forces of the United States in the suppression of the rebellion. Among the States most forward in organization of their militia forces were Kentucky, West Virginia, Kansas, and Missouri, in particular the latter.

Under an agreement entered into between the President of the United States and the governor of the State of Missouri, the latter, under date of July 22, 1862, called into service all arms-bearing citizens of that State. About eighty regiments were organized, and although not constantly in the service, were more or less in the field aiding and assisting the forces of the United States in driving from the State the numerous raiding parties of the confederates, as well as in the protection of Government property, and in particular in the carrying of the mails, which in those days were transported principally by stage.

A large amount of Government stores at Springfield, Mo., for the use of the armies operating in Missouri, Arkansas, and Indian Territory, were saved from capture by the confederate forces under General Marmaduke by the militia of the State, in January, 1863. Shortly thereafter a raid into the State by General Shelby proved unsuccessful by reason of the timely concentration of the militia forces. The services of the enrolled militia during the invasion of the State by General Sterling Price are historical. The gallantry of these troops, as well as of the militia of Kansas, at the battle of the Little Blue, Missouri, in October, 1864, materially aided in the complete rout of the confederate forces.

Not only were the movements of the Missouri militia controlled by the respective department commanders, who, it may be stated, were the respective commanders-in-chief of these forces, under the agreement heretofore referred to, but, with the exception of a month in 1862, were furnished by the General Government with transportation, subsistence, and clothing.

The militia of other States, in particular during the first year of the war, did noble work for the cause of the Union; in fact were in many localities the only protection of the homes and property of those who sympathized with the Union or had joined the regular volunteer forces of the North, and on many occasions were called upon to meet in battle array the much better organized forces of the confederacy.

A serious outbreak of the then powerful tribe of Sioux Indians in Minnesota, in the summer of 1862, threatened destruction of life and property in a section of the country then unprotected by a military force equal to the emergency. The timely organization of the militia of the State, however, soon restored peace and safety to the community affected by this outbreak, not, however, without serious loss of life and other casualties among the ranks of the militia.

A number of State militiamen wounded in battle, as well as widows, &c., of others who lost their lives while in this temporary service, are now upon the pension-roll, because they were apprised of their rights and were able to substantiate the same within the period prescribed by law, while many others, who were injured under like circumstances, or who lost upon the field of battle a

husband or father, ignorant of their rights, or unable to satisfy the Pension Office of the merits of their respective claims, are, because of the limitation heretofore referred to, shut out from the help which the Government so liberally bestows upon others of its defenders.

Every session of Congress this committee is called upon to take cognizance of a number of cases of this now barred class of claimants.

The merit of this class of cases is, as a rule, not questioned, and Congress has always granted the relief asked for.

Your committee fail to see the propriety in continuing in force the statute which necessitates special action in each individual case arising out of this service, and therefore report favorably on the bill and ask that it do pass.

Mr. ROGERS. Mr. Chairman, I have not had time to give this bill the consideration which it merits. It is on its face an innocent bill and one which would seem to be a simple act of justice. But its terms are broad; and to my mind it may have a much more extensive operation than is now contemplated. Every week we have before us for the action of the House numbers of special cases of soldiers asking pensions who were in the Army proper. My judgment is that meritorious cases of the class to which this bill refers had better be acted on in the same way. If we should now, after this long lapse of time, suffer these persons who were not in the regular military service of the United States to obtain pensions through the ordinary channels of the Pension Office, we shall, in my judgment, open a door which will lead to large inroads on the Treasury. This bill seems to me an unsafe measure. I recollect distinctly that in the last Congress there was before the Committee on Pensions, Bounty, and Back Pay a measure similar to this, applying to the State of West Virginia.

We shall have all these States, West Virginia, Kentucky, Missouri, Kansas, Maryland, Tennessee, and perhaps others, where border warfare was carried on, among the others my own State of Arkansas, coming here making applications under this bill for the pensions which it provides. I am told the pending measure does include all cases of this sort. It will provide for all cases coming from the western portion of my own State, and portions of States lying around the Indian Territory will also be embraced. The door will be thrown wide open for all kinds of testimony; all sorts of methods will be resorted to for the purpose of proving the identity of these persons with the service.

So long as there was a limitation applied to that class of cases, within that period when the testimony was all fresh, before these persons became scattered throughout the country, and the procurement of evidence became difficult, we could arrive at some measure of justice and some degree of certainty; but now, after the lapse of twenty years, and perhaps more, we are called upon again to throw the door wide open, when perhaps most of the witnesses have disappeared, when the public records to a certain extent may have been impaired and lost, and to reopen this whole business, involving additional force in the Pension Office, causing delay to applications far more meritorious than these, of those too who served during the war in the regular service of the Government.

Mr. PETERS. Is it not a fact that these militia organizations are of record in the States?

Mr. ROGERS. My impression is that such will not be found to be the case in many of the States which are embraced under the provisions of this bill. Particularly will such not be the case in those States where the people were divided among themselves during the war. We had an illustration the other day in the State of Kentucky where the members of the same family were divided, and such was the case pretty generally in all the border States. It was so in Arkansas and perhaps in Tennessee, Missouri, and other States. In some of the States the State government itself was identified with the confederacy and there was no militia organization ever kept up by it operating in harmony with the Federal Army. So that my answer to the question of the gentleman from Kansas is, that while in some there may be found records in the States of such militia organizations, there will be found no record in others. My own State, I suppose, is in the latter attitude.

Mr. PETERS. Is it not a fact that the members of the militia of the State of Arkansas were identified with the militia of the other States, and is it not true that such records will be found either in the State of Missouri or the State of Kansas?

Mr. ROGERS. The very fact that the gentleman from Kansas puts to me an inquiry of that sort is proof he is not prepared to answer it; and I can assure him that I have no knowledge which will enable me to affirm or deny the proposition he states, and, therefore, I am not disposed to vote for the pending bill until after more patient and careful consideration, and when I can tell exactly what will be its effect upon the Government.

Mr. PETERS. If the gentleman will allow me I will state I know that in the State of Missouri there was a record kept of all those organizations, and I also know there was such record kept in the State of Kansas.

Mr. ROGERS. That may be all true in reference to the State of Missouri, and it may also be true in reference to the State of Kansas, but the gentleman must recollect that this bill embraces the State of Arkansas, and there is no record of such organizations embracing the persons included in this bill in that State. Besides, Mr. Speaker, I should not have much faith in militia records made up immediately after the close of the civil war. There was not much law in those States at that time, not much order, not much government. Everything was demoralized, and it could not be otherwise. The methods were all loose, unsafe, and uncertain.

Mr. PETERS. I beg leave to add, also, from investigations which I have made in particular cases, that I know there is a militia record in the State of Kentucky.

Mr. ROGERS. That may be true; and still the gentleman does not answer in reference to Arkansas. I find, upon examination of the pension reports, that Arkansas contributed some 7,000 troops to the Federal service. It is not probable that a State which seceded and joined the confederacy would have kept of record a roll of the militia connected at that time with the Union service. It is altogether improbable. I may say, Mr. Chairman, that I regard it as almost certain that there has not been preserved in the State of Arkansas any such record of troops contributed to the Federal service as we are told has been preserved in the State of Missouri and in the State of Kansas, and I should not have much faith in it if it had, and I do not have much faith in them.

Now, I am willing to be as liberal as any gentleman ought to be in these matters, but I am not willing to reopen the door to a particular class of cases, and especially at this late day, after the lapse of twenty years, in behalf of those who served a day, or week, or month, until we have definite data and a well-guarded bill.

Mr. MORRILL. I want to ask the gentleman from Arkansas if he considers that it is throwing the door wide open to allow pensions to men who were shot down in battle under the command of an officer of the United States Government in the defense of the Union?

Mr. ROGERS. Mr. Chairman, that is not the question presented here at all. These people have had their day in court, and they let it pass by. We had fixed a limitation for these cases. The very object of all statutes of limitation is to fix a time when society shall have rest and repose. The question is, shall we disturb that rest now?

Mr. MORRILL. That is all, Mr. Chairman, that this bill proposes to do, and before any man can get a pension under its provisions he must prove to the satisfaction of the Pension Office that he was in the service of the Government, under the command of a United States officer; and the Pension Office, as I understand it, will accept no proof except the records of the War Department.

Mr. ROGERS. That may be all very true; but does not the gentleman see that you must rely upon all sorts of proof to connect the applicant with the military service of the Government? The officer under whose command he claims to have served may have been dead twenty years. If an order ever was given to enroll him in the military service of the Government, the officer issuing the order or directing the service may be dead, and the whole question left to oral proof.

There may be no record whatever of his presence in connection with any branch of the military service of the Government, and yet you open wide the door to the introduction of any kind of proof to connect him therewith.

Mr. PETERS. All of these records, let me state to the gentleman from Arkansas, are on file in the office of the Adjutant-General of the United States Army, and unless the applicant shows by these records that he was in the military service in some State in connection with its militia he would not be entitled to a pension.

Mr. ROGERS. The bill does not make any such distinction. That is a construction of the bill that is given to it by the gentleman from Kansas. It may be or it may not be correct. If it was the desire of the committee to so limit it in its operation they should have incorporated that provision in the bill, or to accomplish the same thing now by an amendment to the bill; but I have yet to hear of any such amendment being offered.

I repeat, so far as my own State is concerned the whole matter is thrown wide open for oral proof. I take it that there is not a particle of evidence in the Adjutant-General's Office which will give any correct roll of the militia of that State during the war. I have no doubt other States are similarly situated. That, Mr. Chairman, is a very certain conclusion from the facts presented. The State was in a condition of rebellion. The government of the State was not identified with the Federal Government at the time, but was identified with the confederate government. It had no officer who could recognize these persons as being identified with the service of the United States.

There is no mode of connecting this service with the service of the Government, except as I have said, by all kinds of irrelevant documents or proofs which may be filed in support of the claim; and if we are, by a bill, to endeavor to do justice, as gentlemen claim, to those States whose military forces were identified with the Government of the United States through the State governments during the war, the same law should be made to embrace those persons who were identified with the military service of the Government during the war but whose State governments were not so identified; and the statement of the gentleman from Kansas, if it be a correct one, that such files are on record in the Adjutant-General's Office, is only an additional reason why no measure of this kind should be made to apply to the States of Kansas, Missouri, or Kentucky which does not apply to my State.

Mr. WADE. Will the gentleman allow me to ask him a question?

Mr. ROGERS. Certainly.

Mr. WADE. I wish to ask if the State of Arkansas did not have a military governor, and if the seven thousand men in the service of the United States were not commissioned by the same governor?

Mr. ROGERS. The seven thousand men of whom I speak belonged to the regular Army of the United States; and I do not know of any governor—any military governor—who had his headquarters in Arkansas at that time. I am rather inclined to think that the only governor that would have been safe in that State at that time would have been a military one, and with troops behind him, if he were attempting to command militia in the interest of the Federal Government.

Mr. WADE. I wish then to inform the gentleman from Arkansas that Governor Phelps, of Missouri, was the military governor of the State of Arkansas, appointed by Mr. Lincoln, and that the militia of the State of Arkansas in the Federal Army had their commissions from the governor of Arkansas, and had just as much of an organization as he asks that they should have had.

Mr. ROGERS. I would like to know just where the gentleman's headquarters were at that time. I suppose they were somewhat in the position of General Pope's when he issued his famous orders—in the saddle.

These, I think, Mr. Chairman, are serious objections to the consideration of this bill. If we are to open up all of these claims again it should be only by a carefully guarded measure. We do not want now, after the lapse of twenty years, to open up these cases on parol testimony alone which must identify these parties with the service of the Government; and if it is to be done at all let it be by such a measure as will operate equally and uniformly upon all the States. For myself I think it is an exceedingly unsafe measure to pass at this time and in this manner.

I yield now to the gentleman from Texas such time as he may require, reserving the remainder of my time.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. EDEN took the chair as Speaker *pro tempore*.

Sundry messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

PENSIONS TO STATE MILITIAMEN.

The Committee of the Whole resumed its session.

Mr. REAGAN. Mr. Chairman, I have had no opportunity to consider the provisions of this bill; but the facts are these: Under the act of 1873 these claims were to have been presented by the 4th day of July, 1874.

By that a period of nine years from the termination of the war in 1865 was covered. Within that time persons might have understood their rights. And from the time of the passage of the first act in 1873, or earlier, they had till the 4th of July, 1874, to present their claims.

That has rested until now, nearly twelve years, or more than eleven years. And now we are asked to pass a general law that is to let in all persons of the class designated and which contains this as its second section:

That the claims of all such persons now pending, or which may be hereafter filed, shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service.

In the report which was read, so far as I could hear it in the confusion around me, there is no pretense of a statement as to the probable number of persons who will apply for relief under this act. No basis of an estimate is presented. There is no indication made to the House of what it is going to cost the tax-payers of this country if you pass this law.

It appears to me when we propose to pass a law a due reference to prudence requires some effort should be made to ascertain approximately at least how many persons there are who would probably be entitled to pensions under the provisions of such an act and what it is going to cost the Government. One thing, Mr. Chairman, is certain, that after the passage of the arrears-of-pension act a very great number of persons in this country discovered they were entitled to pensions that never knew it before. It was rather a remarkable circumstance. And now if we pass this act I suppose we shall have every man that has had rheumatism in the last twenty years here for a pension if he can show by any means he was on any sort of militia duty during the war. The terms of the act are very broad. I will read the third paragraph of the act of 1873.

Mr. WADE. Will the gentleman allow me?

Mr. REAGAN. Yes, sir.

Mr. WADE. I think the gentleman from Texas is a fair-minded man and wants to do just what is right. Now, I desire to state to him that under this law there is no title to a pension unless a man was either killed or wounded in battle.

Mr. REAGAN. Perhaps I am mistaken. I thought it covered everything. Let us see. This third paragraph of the act of 1873, section 4693 of the Revised Statutes, provides as follows:

Any person not an enlisted soldier in the Army serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service.

If it stopped there perhaps the gentleman from Missouri [Mr. WADE] is right in his construction of the law. Let us see what is the next sentence:

But no claim of a State militiaman or non-enlisted person on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

This covers wounds or other injuries received in the service.

Mr. MORRILL. In battle.

Mr. REAGAN. The second section of the bill now pending provides—

That the claims of all such persons now pending or which may be hereafter filed shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service.

Was the language here not meant to cover every possible ground of claiming a pension that could be claimed under the existing law pensioning those who were in the service of the United States? If so, then it opens the whole field to every possible disability of those who were temporarily in the service.

Mr. WADE. May I ask the gentleman from Texas a question?

Mr. REAGAN. Certainly.

Mr. WADE. The language of the second section is "all such persons." Does not the second section tell who those people are? There can not possibly be a claim for a pension under that section except in the case of a man who has been wounded or killed in action.

Mr. REAGAN. The gentleman from Missouri may be right But from the little thought I have been able to give this bill since it has been called up, for I have had no other opportunity to consider it, it seems to me that taking the act of 1873 and this bill together, especially its second section, the effect is to open the door to every possible character of disability, and to give rights to all claimants for pensions just as if they had served regularly in the Army. And twenty years is a long time for a man to wait to find out he is entitled to a pension from the Government of the United States. There may possibly be individual cases of hardship that from some cause or other may have been overlooked; but if so, Congress has shown its readiness in every case of real merit to give whatever relief is deserved by a person who has been in the service of the United States.

There is no trouble on that score. And if a general bill of this sort is to be passed so long after the service was rendered, and all the ailments which afflict men after the middle of life, extending over this long period of twenty years, are to come in to supplement whatever may have been incurred during the brief period of service, we can very well imagine that the list of pensioners under this bill will be a very large one. I want to say again, Mr. Chairman, what I have said before, that no one is more ready than myself to aid in securing a pension for every man that rightfully deserves a pension for services rendered; but I want also to repeat my protest against the reckless manner in which we are proceeding here to pass pension laws. It is well calculated to alarm the country if it does not do so, and I want to submit the suggestion that this going forward with reckless disregard of facts and circumstances and consequences to pass all sorts of pension laws must come to a reckoning before long, because there are a great many tax-payers in this country who do not go upon the pension-rolls, and every bill that is passed like this multiplies the burdens they have to bear. We have just passed a bill appropriating $75,000,000 for pensions. Some time ago we passed a bill for arrears of pensions which we were told, when it was before us, would not cost over $30,000,000, yet when the Commissioner of Pensions came to make his estimate the winter after the bill passed he showed that it would cost $750,000,000! And here we have before us now another proposition of a very general character. The law which it proposes to amend applies to any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians. That language covers not only those who served under the command of a United States officer, not only those who served in the regular militia, but all persons who under any circumstances volunteered and rendered services.

Mr. MORRILL. If the gentleman will permit me, I wish to ask him a question. That law has been in existence since 1864. The gentleman admits that?

Mr. REAGAN. Yes; but limited.

Mr. MORRILL. But is it not a fact that every Commissioner of Pensions during all that period has held that, under the law, no man could get a pension unless he had served under the direct command of a United States officer?

Mr. REAGAN. I do not know, sir, what the rulings have been on that point.

Mr. MORRILL. That is the fact. The chairman of the Committee on Invalid Pensions will so state.

Mr. REAGAN. But when we read this language, we may consider what would be the effect of such a law, what would be the legal ruling upon it—for we have to judge of that for ourselves. This language ap-

plies to several different classes. First, it includes "any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State under orders of an officer of the United States." That is one class. "Or who volunteered for the time being to serve with any regularly organized military or naval force of the United States." That is another class. "Or who otherwise volunteered and rendered service in any engagement with rebels or Indians." That is still another class. That includes persons not belonging to any organized force, not required to have any superior authority whatever over them. A handful of "jay-hawkers" might get pensions under that classification—a body of men who got together and went out on a robbing expedition—and our memories are alive to the fact that a great deal of that was done. Voluntary companies of "jay-hawkers" got together and went out, not to make war as civilized nations make war, but to rob and burn and plunder mercilessly the homes of women and children, yet the men who did that can come here and claim pensions under this law for that sort of service. I insist, Mr. Chairman, that a law that is susceptible of such a construction ought not to be passed; especially with the second section of this bill, which provides "that the claims of all such persons now pending or which may be hereafter filed shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service."

Mr. MCMILLIN. If the gentleman will permit me, I will ask him one question relative to that section of this bill. Would it not give arrears to this class of pensioners?

Mr. REAGAN. I take it for granted that it was intended to give arrears. But, Mr. Chairman, the objections I have already pointed out to this bill seem to me sufficient to prevent its passage. Under it pensions may be given to jay-hawkers, robbers, and murderers, not soldiers. That alone is a sufficient objection. We do not know and can not know, from anything which is stated in the report or upon the floor, how many claimants are to come in under the provisions of this bill or how much money it is to cost the Government. I regret very much that I am not able to discuss this question with as much knowledge as gentlemen who have given more attention to the details of the laws relating to pensions, but I do feel that I ought in every way possible to protest against these extravagant appropriations and provisions for pensions which are made here without any just rule for their allowance.

Mr. ROGERS. Mr. Chairman, I now yield as much of my time to the gentleman from Tennessee [Mr. MCMILLIN] as he desires.

Mr. MCMILLIN. Mr. Chairman, when those who legislated contemporaneously with this service passed the act under consideration there must have been some cause for the limitation of time then adopted. It requires no great sagacity on our part now to see what that cause was; and the question for us to determine is whether that cause never existed, or whether, having existed, its force is so diminished as to justify us in repealing the limitation and throwing open this class of cases for all time to come.

What were the reasons for limiting the time within which applications for pensions should be made in these cases? They were the very best. My time will not permit me to state all that could be enumerated; but a sufficient reason to justify the legislators who passed this act lay in the fact that without the limitation these claims would have continued to come in for years when there was no record evidence upon which the Government could rely concerning the claims. What was the nature of the service rendered by these men? They were not regularly enlisted in the service of the United States; they were not presumed to have a regular army record of enlistment; in the nature of things they could not have such a record. And they could not have a hospital record, which the regular soldier possessed when he was wounded or disabled in the line of duty. Hence the wise legislators who framed the act under consideration provided that it should expire by limitation with the reasonable life of the persons who were contemporaneous with the rendering of the service.

If we repeal that limit, what will be the result? These cases will come here not only this year and next year, but for a quarter of a century or possibly half a century. There is, as I have said, no record evidence of enlistment in these cases, because the men were never regularly in the military service of the United States. There is no hospital record, because in many instances the term of actual service of these men was only a day or perhaps an hour. Hence, when you repeal the limitation now in force and fix no limit, you open the door to the admission of that secondary evidence which, while weak under all circumstances, will be doubly weak here.

A MEMBER. If there is no record of these men's service how are they going to prove they are entitled to pensions?

Mr. MCMILLIN. I presume this bill would allow the admission of that secondary evidence which is allowable in other cases where primary evidence is not obtainable; in other words, the facts entitling the party to a pension would be proved, not by men who were in the military service of the United States, but by militiamen who never enlisted in the United States service, who were never willing to "cross the Rubicon" and "burn the bridges behind them," so far as concerned entering the service of the Government.

Mr. Chairman, I am in favor of a liberal policy in the granting of pensions. No man is more ready than I am to grant pensions where they are deserved. I am ready to give them, and have participated in giving them as cheerfully as any man here. But the very surest basis of adequate pensions to meritorious pensioners is to maintain every barrier that can possibly be erected for the prevention of fraud and the obtaining of pensions by those who are not entitled to them.

I admit that there is a class of militiamen whose services may deserve pensions; and this legislation as passed eleven or twelve years ago was wise, because it limited the time within which these claims should be presented and prosecuted. The intention was that they should be presented while the comrades of the persons making claim were still alive, while the battles in which they took part were fresh in the memory of the participants. But the legislators who adopted this act, knowing the weakness of the proof upon which the parties must rely, provided that the act should expire by limitation in 1874. Now, shall we open the door which has thus been closed? Can we not better trust to the Pension Committee and to this House, which, whatever may be said of it, is never slow in granting pensions to relieve those special cases that may require relief?

The CHAIRMAN. The hour for the consideration of bills under this order has expired and the committee will rise.

Mr. ROGERS. I reserve the residue of my time.

The committee rose; and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; in which the concurrence of the House was requested.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. TOWNSHEND in the chair) and resumed the consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] has forty-eight minutes of his time remaining.

Mr. BRECKINRIDGE. I yield to the gentleman from Indiana [Mr. HOLMAN] so much of my time as he may desire.

Mr. HOLMAN. Mr. Chairman, there is one feature of this bill on which I desire at this time to submit a few remarks. The feature of the measure to which I refer is that in regard to the support of Indian schools. I think that the items of appropriation in regard to schools as they appear in this bill are more satisfactory than in the act of the current fiscal year. This feature of this bill involves a measure of policy which requires, it seems to me, careful consideration. I refer to the appropriation of money for the support of Indian schools in sections of the country beyond the reservations, and also the appropriation for the education of the Indian children in institutions of learning in the various States—institutions not established for the express purpose of Indian education.

The whole appropriation made by the present bill for educational purposes outside of appropriations for schools provided for under treaty stipulations is $1,099,415. Of that sum the bill proposes to expend $700,000 under the following clause:

> For the support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for; for the purchase, construction, and repair of school buildings; and for purchase of horses, cattle and sheep, goats, and swine for schools, $700,000.

I understand, Mr. Chairman, that in the main this sum of $700,000 is intended to be expended within the limits of the reservations. Yet this is not expressed in exact terms. There seems to be, in fact, no restriction imposed on the Commissioner of Indian Affairs in regard to the application of this sum of $700,000 to education as to where it shall be expended. Yet I apprehend that the object of the committee was to designate $700,000 as the sum which should be expended on the reservations in day and industrial boarding schools. After making this specific appropriation for such institutions of education upon the reservations $300,000 is appropriated for the support of Indian children in schools in the States. So I take it this $700,000 is intended to be appropriated for schools within the limits of reservations. That would leave $399,915 to be expended in institutions of learning outside of the reservations and to be expended upon an unequal basis, a less sum than was appropriated for the current fiscal year.

I find for support of pupils at Chilocco industrial school, Chilocco, Ind. T., an appropriation of $34,125; for the support of Indian industrial school at Salem, Oreg., $35,000; for support of Indian pupils at

Genoa, Nebr., $29,750; and for the support and education of three hundred and fifty Indian pupils at Lawrence, Kans., $61,250.

Now, the appropriation for these four institutions is made on the basis of $175 per year for the support of each pupil.

Mr. WELLBORN. If the gentleman will permit me——

Mr. HOLMAN. Certainly.

Mr. WELLBORN. It is not $175 per year for the support of each child at Carlisle. It was reduced to $167 in the last Indian appropriation bill.

Mr. HOLMAN. The gentleman will notice that I have omitted Carlisle. For the support of Indian industrial school at Carlisle, Pa., the appropriation is $80,000; for Hampton, Va., $20,040, and for the Lincoln Institution, Philadelphia, $33,400, upon the basis of $167 per annum for each pupil.

In addition to those sums the amount particularly mentioned of $300,000 for the support of pupils at institutions of learning in the States, $167 for the support of each child, would make in the aggregate with a few other items, the amount of $399,415. There is also an item of $28,000 for the transportation of Indian children to and from the schools.

There are but two points to which I desire to call the attention of the committee. One is as to the day schools provided for by the section of the bill which I have read, and the other in regard to the policy of appropriating money for the transportation of these Indian children from Indian reservations to the centers of civilization and there educating them. Those are the only two subjects to which I propose to speak at this time..

First, as to day schools. I do not know whether the Committee on Indian Affairs have had the necessary time to consider that subject carefully or not, but when the opportunity occurs and the subject is carefully considered I think they will find that the large sums of money we are expending for the support of day schools among the Indians is not productive of satisfactory results. There are day schools on the larger reservations and some upon the smaller reservations in charge of the Government and supported by the Government, while there are in addition a large number supported by the various denominations of Christian people. These schools are perhaps on all the reservations, with the exception of that of the Navajoes and a few of others of the more Southern tribes.

Experience demonstrates it is practically impossible to induce Indian children to attend the day schools in that systematic and regular manner necessary to secure any satisfactory progress. Where the Indians are scattered, as they should be on lands in severalty, where reasonable progress has been made, it is impossible to gather together the necessary number of children to justify a school which will be of any value; neither the desire of the parents to have their children educated nor the influence of the teachers themselves can be depended on to keep the children together. I think everywhere the result is that these schools practically amount to nothing. The number attending is so small, the attendance so irregular, that no progress is made.

That seems to be the judgment of all persons so far as I am informed who have had experience on or an opportunity to investigate the subject. I think, therefore, the Committee on Indian Affairs, after having examined the subject carefully, will reach the conclusion that the day schools under the support of the Government ought to be abandoned, and that the only schools for Indians which can produce any satisfactory result upon the reservations are industrial boarding schools where children are gathered from their homes, from their savage surroundings, and engaged in a regular course of study during ten or eleven months of the current year under the eyes of their teachers at the agencies, where the presence of civilized people will afford them proper supervision and furnish beneficial and civilizing influences.

These industrial boarding schools on the various reservations, as far as I am informed, have produced the most satisfactory results. The attendance has been quite uniform and regular, the children are not too remote from their parents, and fair progress is made. Indeed, sir, even the friends of the Indians would be not only surprised but much gratified at the fair progress that many Indian children in these local industrial boarding schools have made; and I think still more surprised perhaps at the extraordinary interest the parents of the children take, not perhaps in the education of the children but in the children themselves, and the anxiety they feel for their comfort, health, and surroundings, which are manifested in every Indian community.

For these reasons, Mr. Chairman, and for others which I could mention if I had the time at my disposal, I am of the opinion that the day schools ought not to be perpetuated, and that the whole money appropriated for educational purposes on the reservations should be expended in giving efficiency to the industrial boarding schools.

The other feature, Mr. Chairman, to which I have alluded is a still more interesting and important one, and that is the appropriation of money to establish and support schools in the States away from the reservations and supporting Indian children in educational institutions not under Government control in the States.

Mr. WILLIS. Would it interrupt the gentleman from Indiana to ask him a question?

Mr. HOLMAN. No, sir.

Mr. WILLIS. If it will not interrupt my friend in the course of his argument I would like to ask, as a matter of information, to have him state to the committee under what power of the Constitution the Federal Government educates the Indians? I ask it, as I have said, for information, as it is a question that is agitated a good deal just now.

Mr. HOLMAN. Mr. Chairman, the education of the Indian children by the Government was in the beginning the result of treaty engagements entered into between the General Government and the tribes.

Mr. WILLIS. But does not the gentleman know that there is a million of dollars expended outside of the obligation of the treaties?

Mr. HOLMAN. I am coming to that in a moment.

In the main the sytem of educating the Indian children has grown up, as I have said, through the treaties made with the Indian tribes. The practice of making treaties with the tribes began at so early a date in the history of the country and has been so uninterrupted in its progress until a comparatively recent date, that the constitutionality of the proceeding or the power of the President of the United States under the Constitution, by and with the advice and consent of the Senate, to treat with the Indian tribes can not well be called in question, whether it rests upon the power to regulate commerce or not.

In the next place the power is derived from the general control of the Federal Government over its public lands, occupied by the tribes, its original owners, and this is, as to the land itself, a field of unquestioned constitutional power. And also, in the third place, the power of the General Government over the Territories; there the Federal power is also unlimited.

Under these three powers—that is, the power of making treaties with the tribes to educate their children, the power of regulating and controlling the public domain on which these people were located when it was acquired as an incident to the lands, and the power unlimited to legislate touching the Territories of the United States—has grown up, perhaps properly—I think properly—the exercise of this power of providing in some manner for the education and civilization of the Indian children.

When my friend touches on the other question, independent of treaty stipulations, leaving out that power entirely, of educating the Indian children in the States remote from the Territories or from the public lands—when he raises that question, I can only say this on the spur of the moment, not having considered the subject, that these children may be considered as simply removed from the Territories under what might be called an incident to their government, under the power of police regulations over the tribes, and with a view to their education in the interests of the public peace. That seems to me at first blush the only power that the Federal Government would have (if it possesses such power) to establish institutions of learning beyond the limits of the public lands and the Territories for the education of the Indian children. As I understand it, this power is not a direct but an incidental power, and, as I have said, as a police regulation connected with a subject, the public lands and the Territories, over which the Federal Government has complete control.

Mr. THROCKMORTON. May I interrupt the gentleman for a moment?

Mr. HOLMAN. Certainly.

Mr. THROCKMORTON. The Constitution of the United States clearly confers upon the Government the right to make treaties with the Indians?

Mr. HOLMAN. Yes.

Mr. THROCKMORTON. Now, in that respect under what clause of the Constitution do you go beyond the treaty stipulation in this matter of establishing Indian schools?

Mr. HOLMAN. That is just what I am trying to present; that the power of Congress over the subject-matter results from the right of the Federal Government to make treaties with the Indian tribes, from the power of Congress over the public lands, and, incidentally, over the people occupying it, and also its power over the Territories; and that the right and power to remove the Indian children from the territory or the public lands, either without treaty stipulation or in pursuance of treaty, can only be sustained perhaps on the ground of being the exercise of an incidental power growing out of one of the other powers which I have enumerated, and as more in the nature of a power of police regulation, a method of promoting and protecting the peace within the regions of the country, under Federal control exclusively, than upon any other basis.

Mr. CUTCHEON. Will the gentleman permit me?

Mr. HOLMAN. Yes, sir.

Mr. CUTCHEON. I desire to suggest to the gentleman from Indiana this question. I believe it is acknowledged upon all hands that the Army may be employed to keep the Indians upon their reservations and to keep them under proper police regulations. I hardly think that could be derived from the war power; it can only be derived from a general police power. I desire to suggest the question whether or no, if the Army may be employed in this way at the public expense to keep the Indians on their reservations under proper police regulations, if upon the same principle the Indians could not be educated and civilized with a view to the protection of the frontier.

Mr. HOLMAN. Yes, sir; as an incident to the police power.

Mr. CUTCHEON. Whether it arises under the general-welfare clause or anything else.

Mr. HOLMAN. I do not put it upon that ground. I place this power, if it exists, upon the ground that it is a necessary incident to powers clearly conferred by the Constitution upon Congress.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman allow me to interrupt him?

Mr. HOLMAN. Certainly.

Mr. BRECKINRIDGE, of Arkansas. I think the gentleman from Indiana did not show distinctly how this power arose under the power of the General Government over the public lands.

Mr. HOLMAN. It extends only to the Indians, to the aboriginal population. The power of the Government to regulate and dispose of the lands would seem to necessarily imply a supervision over that portion of the population which originally occupied those lands. That portion of the population, according to the uniform policy of the Government from the beginning, is to be provided for on a principle entirely different from that which applies to the rest of the population, which have been treated with as distinct nations. They have been considered in connection with the lands acquired. In order to make the lands available you have adopted for the Indians a different policy from that which would be applied to any portion of the white population of the United States. And this power over the subject-matter affected by the Indians, their relation to the Territories and public lands, would seem to have created an incidental power in Congress.

Mr. BRECKINRIDGE, of Arkansas. I desire to suggest this question to the gentleman: Does not the Government in the treatment of the original occupant of the public lands go further than simply to expend the proceeds of those lands on his education?

Mr. HOLMAN. I think so. But I think the power of legislation over the public lands and Territories which embrace the public lands is a much clearer solution of this question. But the power of Congress to legislate on the subject-matter anyhow seems vested in the Federal Government from the necessity of the case as necessary incidents to other powers. It has always been so held; so that whether you regard the public domain of the United States as a great body of lands or as divided into Territorial governments, in either event the power of Congress over the subject is complete and the education of the Indian children on the public domain, on the reservations, is incident to the other power. Here is a field, the public domain and Territories, where the power of Congress is exclusive.

Mr. BRECKINRIDGE, of Arkansas. One further question, if it does not interrupt the gentleman from Indiana.

Mr. HOLMAN. Not at all.

Mr. BRECKINRIDGE, of Arkansas. Does the Government take any Indian children except those who are under some form of tribal government? Or, in other words, does it educate any who are under any form of what we call civil government?

Mr. HOLMAN. Everywhere the Indians are under some form of tribal government.

Mr. BRECKINRIDGE, of Arkansas. Not all of them.

Mr. RYAN. I think all of them in some form or other.

Mr. HOLMAN. There are Indians scattered over the States of Michigan and Wisconsin and portions of Indiana and elsewhere, but they still seem to have some tribal relations, although not that direct tribal relation which is found in the Indian country or on the great reservations.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Indiana permit me to interrupt him a moment?

Mr. HOLMAN. Certainly.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Indiana it seems to me has brought to our attention quite an important matter. As I understand the gentleman he puts the constitutional ground of defense of this appropriation upon three distinct provisions.

Mr. HOLMAN. Not distinct, but kindred.

Mr. BRECKINRIDGE, of Kentucky. The treaty-making power, the power over the public lands and Territories, and the power to regulate commerce with the Indians.

Mr. HOLMAN. And also the incidental power, the police power, incident to all governments in the execution of other powers.

Mr. BRECKINRIDGE, of Kentucky. Then there is a fourth ground; not exactly constitutional, but growing out of the organization of the Government, what the gentleman calls the police power. Can it be maintained, on any one of these grounds, that the treaty-making power only authorizes the expenditure of the amount of money that is called for by the treaty? I think that is a plain proposition. The second ground is the power of Congress—

To dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Indians do not form part of the territory of the United States in the technical governmental sense of Territories. They have not been formed into Territories. Therefore it must come out of the power to sell and regulate the public lands. Now, is there anything in the Constitution to indicate that the power to sell the land gives us power to do anything with the Indian? And is it not expressly prohibited by the provision of the Constitution that Congress shall have power—

To regulate commerce with foreign nations, and with the Indian tribes.

So that our power to do anything with the Indian tribes is simply to make a treaty with them as with a foreign nation. Or can we under the words "to regulate commerce with the Indian tribes" enter into an educational or charitable system of treating them? It seems to me a matter of importance to call attention to this.

Mr. HOLMAN. No, sir. It does not seem to me that that feature of the power assumed to be conferred upon Congress is specially important. The important power, so far as this subject of expenditure is concerned in its origin and its gradual growth and development, is the treaty-making power. It is to be considered, of course, that as to the scope of treaties the Constitution has not attempted to impose any limitation. Undoubtedly under the long-continued practice of the Government under that provision of the Constitution Congress has the power to treat indefinitely with the tribes for the education of their children.

Mr. BRECKINRIDGE, of Kentucky. And, so far as the treaty stipulation goes, that is the origin of the power.

Mr. HOLMAN. So far as that is concerned, there is no trouble. It is quite manifest that this whole system of educating the Indian children has grown out of the treaty-making power; but still it seems to me, without any reference to the question of the relation of these Indians to the lands (inasmuch as all of them, with rare exceptions, occupy lands either retained within Federal jurisdiction in States or within the Territories), that the absolute power of Congress to legislate over them, like its power over the District of Columbia, would involve the power to legislate for the inhabitants in relation to education as well as to all else, so that it would hardly be necessary to invoke the police power for that purpose.

Mr. BRECKINRIDGE, of Kentucky. One question: Does not the difficulty here suggested, and do not the other difficulties suggested, all point to the necessity of a change of policy on the Indian question—the breaking up of the policy heretofore pursued, and the adoption of a policy that will bring the Indians in some sense within the general rule of citizenship of the United States?

Mr. HOLMAN. That question is beyond the range of the discussion that I have entered upon.

Mr. REAGAN. Mr. Chairman, the power of the Government over the public lands, and the power of the Government over the Territories is not, it seems to me, the proper place to look for the source of power to provide for the education of the Indians; for the territory upon which they are located is presumably their territory. Of course the right of eminent domain is in the Government, but the territory is theirs. Nor do I think the right to educate the Indians comes out of any general mass of powers. It seems to me that it must rest upon the treaty-making power. If we, under the Constitution, can take the children from the Indian tribes and bring them into the States and educate them, we can take children from one State to another to be educated.

I know there is a doctrine now prevalent that we can do a great deal on that subject of education, but I do not know where the power comes from. I do not see where we would get the power to take children from one State at the expense of the Government and take them in another. But I can understand that the Government may rightly provide for matters of education by treaty stipulations with the Indians. We so far recognize the Indians as independent powers as to make treaties with them, and we may stipulate on this subject in such terms and in such manner as may be incident to the treaty-making power. In that way I see how we can make treaties with the Indians upon this subject. Aside from that, however, as a mere matter of policy, I should say that we ought to educate the Indians in their own country and not transport them to a distance to be educated.

Mr. HOLMAN. Mr. Chairman, it is fair for me to state that under this bill and under all our former legislation all the moneys expended under treaties for the education of the Indian children has been expended within the limits of the reservations. If there is any exception to that rule I do not recall it at this time. All the money appropriated for that purpose, whether expended under treaties with Indians in the Territories or elsewhere, if it was appropriated as the result of treaty stipulations, was expended within the limits of the reservations. I am not aware that any treaty has ever been made by the Government providing for the education of Indian children off of their reservations. I do not believe the Indians could be induced to make any such treaty.

I think, Mr. Chairman, that the more we reflect upon this subject the more evident it must appear that this power on the part of the Government, if such a power exists under the Constitution, to remove these Indian children from the Territories and from the reservations to remote points for education must be incident to the power of absolute government over the Territories and over the public lands and the aboriginal population occupying in their own right those lands, and to the police power which is incidental to those general powers. For we have always treated with the Indians for the acquisition of their lands, recognized their original title and their relations to at least a part of the lands acquired.

Upon that foundation it seems to me the practice grew up, and probably it can be from the standpoint of the Constitution sustained upon that ground. That is my view, although I believe that the removal of these children from the reservations was never contemplated in any treaty and is not productive of good to them or to the Indians in any way, but is injurious to the tribes. I believe that that policy should not be

continued, but that, on the contrary, the education of these Indian children should be conducted on the reservations in industrial schools under the eye of the tribes.

In my opinion, such schools, with the necessary practical and indispensable instruction in labor, are the most powerful agent for the elevation of the Indians, and perhaps the only agent that can elevate and civilize them. A properly organized and well-conducted industrial school, operating under the eyes of the tribe, where the children are taught how to work, has a more civilizing tendency than any other feature of policy yet adopted by our Government in dealing with the Indians. For the purpose of correcting a misapprehension which I may have created with regard to the day schools, I wish to say this: I have intended in my remarks to refer to the day schools under Government control, not those under private and denominational management.

It is found that where the day schools are under the control of efficient teachers who have their heart in their work, the teacher occupying the relation of parent to the children, and missionary influences are brought around the tribes, these day schools have produced very happy results, especially on the Pacific coast. In many instances in the Northwest such schools have brought about an advanced state of civilization for the Indians, who are now in a condition to assume the exercise of citizenship and to take their lands in severalty, so that the agencies may properly be abolished. But that has not been the general experience up to this time so far as Government day schools are concerned. These successful day schools have been under the influences of different Christian denominations.

Mr. CUTCHEON. I would ask the gentleman whether the fault is not rather with the administration of the system than with the system itself? Is it not a fact that these day schools have usually fallen into the hands of some dependent or relative of the agent, or some one about the agency who takes charge of the school merely for the sake of the allowance in the way of salary rather than for the purpose of administering to the real wants of the Indians?

Mr. HOLMAN. In some instances that is probably the case, but not in all instances. It is the missionary influence in which the whole tribe are ultimately involved, which, it seems to me, has given those denominational day schools their actual value; and many of them have a very great value. But so far as my own experience extends the day schools under the charge of the Government are not, as I have before said, producing any satisfactory results, and are attended by an inconsiderable number of scholars and only at irregular intervals.

I now come back to the only subject on which I specially desired to address the committee—the expenditure of money outside the limits of the reservations. There is no doubt that the schools at Carlisle, Pa., Lawrence, Kans., Genoa, Nebr., Hampton, Va., and other points in the States, and the movements now in progress to establish industrial boarding schools at Santa Fé, N. Mex., as well as in Colorado and elsewhere, have grown out of a very philanthropic and humane motive; but that motive has not in the whole governed and controlled this movement in its practical operation. It is manifest that this policy can rest upon but one of two ideas. One is that the children shall be taken from their savage homes among the tribes and educated amid civilized surroundings and influences and sent back to their tribes as missionaries of progress and civilization. But experience demonstrates the absolute fallacy of that idea. An extended tour among the Indian tribes, North, Northwest, South, discloses the fact that children returning to their tribes after an absence of two, three, or four years find such a fearful difference, such a chasm between the comforts and refinements of a well organized and conducted school and the savage life to which they are returned, that it produces almost inevitably, especially among the girls, (the effect has been uniform so far as I am informed, except where the pupil continues to be under the eye of the Government) a relapse into barbarism, the more intensified by reason of the very intelligence already acquired.

This I think will be found to be the general experience. There is no sympathy—nothing in common—between the untutored savage and his daughter or son returning from Carlisle or Hampton or the Lincoln Institute. There is no possibility in such cases of any sympathy between the parents and the child; and it is not at all remarkable (the difference being so great and the number of those educated so comparatively small) that the latter go back to the barbarism from which they were originally taken.

Another point, and a matter more to be considered, is that all you can do in regard to the elevation of the Indians is to rescue the children from the barbarism of savage life, educate them, and settle them in the enlightened communities where they are educated, thus saving them at least, and letting the adults of the present generation go. I think, when the fact is considered that in the struggle between the Indian and the white man on an equal footing the Indian inevitably goes down, it is not a wise philanthropy that opens up such a career for those we educate.

This policy of removing the Indian from his tribe, with its surroundings, and attempting to put him at once on the plane of a high civilization can not be successful. Human experience demonstrates it can not be done; and you open a dreary prospect to the boys and girls educated at these schools if you adopt the policy of settling them among a population, no matter how humane, incapable of really sympathizing with them or appreciating the elevation to which you have sought to raise them compared with their former state. In such cases there is a reasonable certainty that sooner or later the educated youth will ultimately seek the land of his tribe and sink back to the level of his kindred. The first experiment of this kind was tried years and years ago in the State of Kentucky under the humane auspices, it is said, of Richard M. Johnson, once Vice-President of the United States.

The assumption that the Indian tribes themselves are incapable of being elevated and humanized is not borne out by experience. Wherever you have found humane people living among the Indians, seeking to educate and Christianize them, the effect is seen in some degree, at least, in a single generation. No person can go to a reservation, especially a small one like the reservation at Yakima, on the eastern spurs of the Cascade Range, where the Indians have been under the influences of the Methodist Church for only a single generation, or among the Flatheads, on the Jocko reservation, Montana, as my friend from Kansas [Mr. RYAN] remarks, where the work has been under the auspices of the Catholic Church, without seeing what has been illustrated in innumerable other instances, the striking effect of Christian civilizing influences upon the Indians in a single generation.

I will mention one other instance. Upon a small stream entering Puget Sound, the Puyallup River, the Presbyterians on one side of the river have sought to advance the Indians in civilization, and on the other side the Catholics have been engaged in the same work. On either side of that little stream the Indian people, fragments of a number of tribes, have grown civilized, lands have been cleared, forests removed, and comfortable homes built. On either side of the stream is a comfortable church building, on one side a Presbyterian church, on the other side a Catholic church; an Indian Presbyterian preacher in the one and an Indian Catholic priest in the other; and every man and woman there is now appealing to the Government that allotments of land in severalty may be made to them, and their homes, the result of their own labor, secured to them and their children.

Mr. Chairman, the experiences to which I have referred are found exclusively, so far as I am informed, upon small Indian reservations, not upon the great reservations. It is therefore to be presumed that it has been the paternal influence which benevolent Christian people have exercised over these Indians which has elevated the whole tribe. Owing to that paternal influence the education of the children has advanced with a cheering degree of progress. Whatever of progress in the education of Indian children has been brought about has been brought about at these industrial boarding schools upon the reservations. These industrial boarding schools are of especial interest to the Indians themselves, on account of the natural interest they feel in their own children. Whatever may be the vices of savage life, the sentiment of devotion of parents toward their children is striking. It is obvious everywhere. It is not at all uncommon to see an old Indian woman walking many weary miles—50 or 70—to reach the Indian industrial boarding school upon a reservation to satisfy herself that her child is well.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HOLMAN. I desire only a few minutes more in which to complete what I have to say.

Mr. PEEL. I will take the floor, and yield a portion of my time to the gentleman from Indiana.

Mr. HOLMAN. I am obliged to the gentleman from Arkansas.

And when that object is accomplished and the Indian woman is satisfied her child is well, she returns in content to her home. The removal of children from the reservation is a severe pang to the parent. Whatever you may think of the untutored savages, nevertheless it is a serious matter to them. The removal of Indian children to remote points in the judgment of some intelligent persons connected with the matter is believed to retard the progress of the Indians and defeat the efforts made for their advancement.

The Indian boarding school necessarily has a farm in connection with it, which is one element in favor of the system and one which will help in securing their advancement. Another element in the same connection is that the lands to be cultivated are the same kind of lands which these boys will be called upon to cultivate when they leave school. It is not like the case of learning to cultivate lands in Pennsylvania or Virginia, but it is learning to cultivate lands which they will cultivate in the future as farms; for, sir, it is mostly through the medium of agriculture they are to advance rather than by the means of mechanical arts. The land, therefore, they are taught to cultivate at an Indian boarding school upon the reservation is the land they are to cultivate in after life. Their instruction there in agriculture is of practical value. Besides that, there are necessarily a great many horses and cattle upon these Indian reservations.

There are on the Pine Ridge agency one hundred and seventy-two yoke of oxen, largely connected with the agency itself, and there are also many horses and mules. These animals have to be cared for, and the Indians can be employed to look after them. All these things have a certain civilizing influence. It impresses these Indian boys with the idea of the benefits and fruits of labor.

There are present all the time six, seven, eight, or nine teachers, in-

dustrial and others. There is a civilized community formed at these agencies which is continually growing whether there is a boarding school there or not. These persons form a body supposed to be interested in the Indians, and they form an element of immense power not only upon the Indian pupils attending the industrial schools, but also upon the Indians who may gather there from time to time to see how their children are getting along. I think it is scarcely possible to name an argument in favor of removing Indian children from the Indian reservations at the several agencies, while every one pertaining to the location of Indian children at industrial schools upon the reservations is not only that they are beneficial to the children, but to the whole Indian people and have a great civilizing effect. If you did not have to take a dollar from the Treasury, and Christian people were willing to educate these children at their own cost, I do not think Congress ought to permit it to be done, because, in my judgment, the results of the removal of Indian children from their reservations and teaching them in schools located at remote points would shock those who had caused them the moment they came to their knowledge.

Mr. LONG. Let me ask the gentleman from Indiana whether any of the scholars ever go back to become teachers at these schools?

Mr. HOLMAN. Occasionally they do. There are a number of instances which come to my mind. I remember one who is employed as a teacher in the vicinity of Standing Rock, in the northern portion of Dakota. I remember another instance of a bright Indian, a full blood, in the vicinity of Pine Ridge agency. There are other instances of the same kind. The testimony of the Indian agents is not favorable to the employment of Indian teachers because of the absence of their power to control the children, which is the great cause of complaint.

But the larger number of Indian children who have gone back to the reservations from the schools of the States have not been employed by the Government and can not be employed by it. They have been employed as far as could be as interpreters, some as teachers, and in other capacities; some as members of the police force; but, as I have said, the greater number have not been and can not be so employed, there being no employment for them.

Mr. STEWART, of Vermont. Will the gentleman permit me to ask him whether in his opinion it is not desirable that a certain number of Indians should receive, elsewhere than on the reservations, an education of a higher order than can be given to them at those local schools?

Mr. HOLMAN. I am glad the gentleman has called attention to that point. The practice of the five civilized nations, I think, indicates the wisdom of that policy. They send off to other schools outside of the Indian Territory every year a given number of children, I believe some thirty-five of the brightest and best scholars. And it seems that this is a very desirable policy.

Here and there, not often, but here and there you find a boy or a girl who desires and is capable of having a higher grade of education than can be obtained at the agency, because the range of education is not and ought not to be very extended there.

Whatever the Indian children learn that has not some connection with labor amounts to but very little. The learning to read and write, arithmetic and geography, which they learn very rapidly, surprisingly so, indeed, the ordinary elements of a common-school education, but coupled with constant instruction in labor-acquiring habits of industry, is the power that must elevate these people.

Here and there, as I have said, a boy or a girl is found showing a proper appreciation and peculiar fitness for advanced studies, who may be sent elsewhere for the benefit of the tribe; and, speaking for myself, I think it to be the part of wisdom to continue a single institution of learning—a single one outside of the limits of the reservations—if this policy is to be continued, and I presume it is, where the brightest boys and girls might receive a higher order of education; not many, but the brightest; for not many would be sent if their selection was left to the teachers who are capable of determining their capacity and fitness.

Mr. CANNON. Let me ask the gentleman from Indiana if it is not true that upon the most careful inquiry which he has been able to make, and from extensive travel among the Indians, that without exception the Indian children educated at Carlisle, Hampton, and elsewhere, off the reservations, who were not given employment by the Government, at a very early period lapsed into barbarism; and if it is not true that their condition was frequently worse than if they had not been educated at all?

Mr. HOLMAN. Oh, yes; that, I think, is to be answered in the affirmative. It may be stated further that those who are familiar with the Indian subject, and who have lived with them, missionaries, agents, and teachers, and especially those military men who have been long stationed among the Indian tribes, but are now identified with them, all, without exception, express the opinion that unless the Government gives to the Indian girl or boy employment—in other words, unless they are supported by the Government, they relapse into barbarism when they return to the tribe; while the Indians educated on the reservation, going home once a year, seeing the old father and mother now and then, keep up their relations with the tribes and are not shocked by a return from civilization to the scenes by which they are necessarily surrounded, but are accustomed to the ways of the tribe and their habits; that such as keep up their relations with their tribes are not so influenced. I think there is little difference of opinion upon that point.

Mr. GLASS. Will the gentleman permit a question?

Mr. HOLMAN. Yes, sir.

Mr. GLASS. I wish to ask if these industrial schools have educated boys in the use of machinery and how to run it, and, if so, have any of them been occupied tending steam-mills or running locomotives?

Mr. HOLMAN. I think that can be answered in some degree in the affirmative.

Mr. RYAN. They have illustrated their capacity.

Mr. HOLMAN. Yes, sir; there are instances where they are employed in saw and grist mills at the agencies in running machinery, but generally there is the supervision of a white man.

Mr. BUCK. I understood the gentlemen from Indiana, if he will permit an interruption, to answer the question of the gentleman from Illinois [Mr. CANNON] in the affirmative.

Mr. HOLMAN. Yes, sir.

Mr. BUCK. Do I understand the gentleman to say that all the Indian children educated at Carlisle, or most of those that leave it, lapse back into barbarism when they return to the tribe—a barbarism worse than before?

Mr. HOLMAN. That was not exactly the form of the gentleman's question.

Mr. BUCK. I understood the gentleman to ask if these children did not lapse back into a worse state of barbarism than before.

Mr. HOLMAN. I did not understand the question as being confined to all the children, but to certain of them who had not been employed by the Government. However, the gentleman himself made that exception, I believe. But besides that, the question of the gentleman from Illinois would not embrace all of the Indians. It embraces the Indians who went from the school to the great Sioux reservation or to the Crow reservation or to the reservations in the Northwest and to certain sections of the country; but it can not be said properly to apply to all of the reservations without exception. But to the extent of my own observation, and from information that I have had from others in the course of an investigation of the subject, I believe that unless the Indians happen to be employed under the Government as interpreters, teachers, or in some other capacity they are very apt to revert, upon their return to the tribe, to the condition in which the tribe itself may be.

Mr. DORSEY. Does not that apply to the blanket Indians, not to Indians who have built houses and have acquired some of the civilization we are trying to teach them?

Mr. HOLMAN. As a general thing even among the blanket Indians there are houses, very unpretending frame or log buildings, I admit. I suppose there must be a thousand houses in a single agency among the Sioux Indians. Under the encouragement of the Government they build a large number of houses and assist in a great deal of the work themselves. The Government furnishes the doors and windows; the Indians haul the logs, &c., and assist in building the houses.

Mr. LONG. In that work have not some of the boys educated at the East assisted?

Mr. HOLMAN. I can not say as to that, because no instance of that kind came under our observation.

Mr. STORM. Will the gentleman permit me a question?

Mr. HOLMAN. Yes, sir.

Mr. STORM. The gentleman stated some time ago the reluctance with which the Indian parents parted with their children. Is it not the policy and direction of the Indian Department to take no Indian child from its parents without their consent; that in every instance there shall be the free consent of the parents before the child can be taken from them?

Mr. HOLMAN. That is the instruction of the Department; but it is not the practice. And when my friend comes to examine the testimony he will find that that rule has very naturally been constantly violated.

Mr. STORM. By whom?

Mr. HOLMAN. By any number of persons. My friend must remember that these children are gathered up——

Mr. WEAVER, of Iowa. Do I understand the gentleman from Indiana to say that these children are kidnaped so as to be brought into the schools?

Mr. HOLMAN. No, sir.

Mr. STORM. The gentleman from Indiana seems to hint that.

Mr. HOLMAN. I do not hint it. I say they do not go to school willingly. The agents are sent into that region of country. The agent understands the policy of the Government is to fill up these schools; and any person who has spent a single day in an agency knows the power of the agency if there are annuity goods or rations to be issued. I think the testimony shows the parents do not consent.

Mr. STORM. Then the law is violated.

Mr. HOLMAN. The parent reluctantly allows the child to go to school on the reservation.

Mr. CANNON. Will the gentleman allow me to show with what reluctance he does so. At Standing Rock, the gentleman will recollect, the testimony of the agent was that he said to the Indians, "I will withhold your rations unless you furnish so many children to go to school on the reservation;" not to go off, not to go to the Carlisle school, but to go to school on the reservation. And then the heads of bands ransack

the bands from center to circumference and gather up the helpless, the dependent, the orphan children, to bring in, because it was so disagreeable to the parents to part with their own children.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me a suggestion just there?

Mr. HOLMAN. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. I notice that most if not all of the appropriations for these Indian schools are gross sums; but they seem to be measured by the number of Indian pupils.

Mr. HOLMAN. That applies to the schools in the States.

Mr. BRECKINRIDGE, of Kentucky. Now is it found in practice that this is a temptation to make children go to these schools unwillingly; because the schools do not get the whole amount appropriated but only the amount of the individual appropriation multiplied by the number of pupils?

Mr. HOLMAN. I can not answer that question; but I suppose not. I take it for granted the humane people, the Christian men and women who interest themselves in these institutions throughout the country, have no possible motive but the benefit of the Indian.

Mr. BRECKINRIDGE, of Kentucky. How do they get the pupils at these schools?

Mr. HOLMAN. I take it for granted they send their agents out. The committee found an agent at Pine Ridge who had been there for a long time gathering children for the Lincoln Institution.

Mr. BRECKINRIDGE, of Kentucky. Do those children go willingly?

Mr. HOLMAN. The agent says they do not.

Mr. BRECKINRIDGE, of Kentucky. Then practically the agent has some means of getting unwilling children, or whose parents were unwilling, and bringing them to these institutions to be educated.

Mr. HOLMAN. There is really no great trouble about it. The agent is all-powerful. If he says to an Indian family or to a band of Indians, "Your rations are to be withheld until a given number of children are brought in," for the time being children are brought in, perhaps reluctantly, but they are brought in.

Mr. BRECKINRIDGE, of Kentucky. That is to say the children are not kidnaped, but the rations of the parents will be either limited or stricken off if the children are not brought in.

Mr. HOLMAN. It is proper for me to say that that applied to getting the children to industrial schools on the reservations.

Mr. BRECKINRIDGE, of Kentucky. Another question.

Mr. PERKINS. I think I must insist on some limit to this general discussion. If these interruptions are to be allowed there is no knowing when the gentleman from Indiana will get through.

Mr. HOLMAN. I will be through in a few minutes.

The CHAIRMAN. How much further time does the gentleman from Indiana ask?

Mr. HOLMAN. Five minutes.

The CHAIRMAN. The gentleman from Indiana asks unamimous consent to continue his remarks for five minutes. Is there objection?

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. Has the education of the Indians at these various places demonstrated the capacity of the Indians for ordinary Anglo-Saxon civilization and its life?

Mr. RYAN. Oh, yes.

Mr. HOLMAN. I think so. I think there are a great many Indians now on the smaller reservations who are perfectly able to take care of themselves. I think you might name a very considerable list of reservations where the agencies ought to be abolished and the lands assigned to the Indians in severalty.

When an Indian gets so advanced that he understands the value of property and the benefit of labor you can safely give him his land. He will settle down upon it and make progress year after year. There are many of the smaller tribes and combinations of fractions of tribes where the Indian is in a condition to assume the rights of citizenship to as great an extent as any of the Indians of Michigan or Northern Indiana. They are able to manage a farm, and to manage it with discretion, and to manage their affairs generally. I would not say that it would be wise to place the titles to the lands entirely under their control, because I think that a long time must elapse, possibly generations, before the Indian can hold his own against the white man.

For that reason I think the title to the lands should be suspended indefinitely until a time is reached when legislation upon that subject can be entered upon with full knowledge of all the facts and the best means of judging what can be safely done. But that the Indian is capable of improvement, capable of mastering the ordinary elements of an English education, capable of learning to work and of understanding the value and importance of labor, has been demonstrated over a very wide field.

Mr. STORM. Will the Indian learn to appreciate those things until he is given his lands in severalty?

Mr. HOLMAN. You may grant lands to the Indians in severalty, but unless they are capable of understanding the nature of the grant, capable of appreciating the idea of separate individual property, the mere assignment of the lands will amount to nothing. We placed a body of Indians down among the Pottawatomies years ago and marked off lands for them; but they left those lands and went up among the Kickapoos. They made very fair progress there; but, with a superstition that is perhaps common to savage life everywhere, they did not even visit again the part of the country from which they departed when they left the lands which had been assigned to them.

Mr. RYAN. Do you think that would have been the case if they had been given lands to which they were attached?

Mr. HOLMAN. I can not say as to that. The Indian is known to have strong local attachments. I think, however, that he must be given time to make some further progress before you can safely give him control of the title of his lands. He must have some further experience of the benefits and advantages of individual industry and individual property. I think, however, as I have said, that a large body of the Indians have already reached a point where lands ought to be assigned to them in severalty.

Mr. STORM. Is not three hundred years a pretty long period in which to learn those things?

Mr. HOLMAN. It has been only within a few years past that the Government has made any effort to advance the interests of these Indian tribes. Only within a few years past has the Government brought within their reach the means of learning by experience the benefits of industry. Whatever had been done during almost the whole of the period to which my friend from Pennsylvania [Mr. STORM] refers was merely the limited work of Christian people.

Mr. LONG. Do you not think that a large part of the improvement and the increased civilization of which you speak has come not directly from the boys and girls educated in these Indian schools at the East, but from the fact that there has been a public sentiment which has found expression through those schools? In other words, has there not been a general influence emanating from the schools in the East which has reacted on the public opinion of the West and resulted in that improvement and advance in civilization?

Mr. HOLMAN. As to that, take such a school as the one which exists among the Flathead Indians; that school has an influence which is felt over a very wide area; tends to elevate to a certain extent all the surrounding people. It should be remembered that the Indian parents understand that they give up their children to the agent. The idea of sending them off to school does not enter into their minds; the idea is that they give them up to the agent. It is easy to see how such institutions as have been established and supported among the Sac and Fox Indians, industrial schools right in the midst of the tribes, are to be credited with a large proportion of the good work done.

Mr. LONG. I agree to that; only it occurs to me that those schools are to some extent the result of the sentiment which established the schools at the East.

Mr. HOLMAN. Well, if you visit those Western tribes you will find that the Indians at some of the schools there made good progress long before the Eastern schools were established.

Mr. MCADOO. What is the value to the Indians of those large reservations which are devoid of game and which they do not cultivate?

Mr. HOLMAN. There is no game any more. My time has expired or I would answer the question more fully.

Mr. PERKINS. Mr. Chairman, I desire only at this time to examine hurriedly some of the provisions of the pending bill, and to notice somewhat hurriedly some of the criticisms that have been made upon it. It was observed on yesterday by the gentleman from Texas [Mr. THROCKMORTON] that this bill was reported much in the old groove or rut of former Indian appropriation bills. It is, perhaps, a sufficient answer to that criticism to say that, under the rules of the House, it could not be otherwise, whatever might have been the views or the disposition of the Committee on Indian Affairs. The power to incorporate into this appropriation bill new legislation has been taken from the Committee on Indian Affairs, and whatever we as members of that committee may have thought of the necessity of some new departure, we were restricted under the rules of the House to consider the propositions that were submitted and providing for the expenditures authorized by law. We found, however, in considering this bill, that the system which had grown up under the supervision of the able gentleman from Indiana [Mr. HOLMAN] and the able gentleman from Illinois [Mr. CANNON] and the able gentleman from Kansas [Mr. RYAN], as well as of the other members of the Committee on Appropriations, was a system that was resulting in great good, and it may be doubted whether with propriety or with good to the country we can depart far from it now.

Criticism is made of the appropriations found in this bill for educational purposes. I might say briefly that the disposition of the committee was to strengthen the educational and Christianizing agencies of the Government at work for the good of the Indian, to add to them if necessary by increased appropriations, and to lessen and cut down expenditures in other particulars. That is to say, we have sought to do that which was calculated to make the Indian self-sustaining and independent of the Government, to cultivate his individuality, to advance his educational and moral interests, hoping that in the end the necessity for this annual appropriation might cease to exist.

As has been suggested, there is found in this bill an appropriation of $1,099,000 for educational purposes. Some of this expenditure is made

necessary in fulfilling treaty obligations, but much of it is independent of treaty stipulations. The right to make this appropriation—the constitutional authority of Congress to provide for the education of this class—has been questioned. The gentleman from Indiana [Mr. HOLMAN] suggested in reply where he found constitutional authority for this appropriation; and I think he might have suggested further that it is found in the "general welfare clause" of the Constitution, which authorizes Congress—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

We find these people among us, occupying reservations set apart for their habitation. We find them in a nomadic, blanketed condition. We believe the public good demands that, as rapidly as may be, these reservations should be broken up; that these tribal organizations should cease to exist; that the "commune" shall be destroyed, and the dignity and protection of the American citizen extended to this people. To do this they must be educated; to do this they must be enlightened; to do this they must be Christianized; and it was the feeling and desire of our committee, as it has been the feeling and desire of the Appropriations Committee heretofore, to strengthen those agencies which are likely to accomplish this result. I think the constitutional authority is clearly expressed in the clause which I have just cited.

When we remember that the first appropriation for this purpose was made only ten years ago, when the insignificant sum of $20,000 was appropriated, is it remarkable that we can not find in these reservations and scattered throughout the country the cultivated, educated Indian that we would like to see or that some gentlemen would expect? This system of education is of recent growth. It is fostered and encouraged by the country; and I believe that the experiment—because I am willing to concede the work is largely experimental—justifies the appropriations we have made for this purpose and the appropriation now reported for the consideration of this House.

Criticism is made of the schools in Pennsylvania, in Kansas, in Nebraska, and other Indian industrial schools; yet in my judgment no school can be found throughout this land, whether upon an Indian reservation or elsewhere, which in the same period has been doing better and more efficient work or which has accomplished more substantial results than the school at Carlisle, Pa.

Mr. CANNON. Will the gentleman permit me a moment? I admit that at Carlisle and other schools which have been referred to the children while in the schools make magnificent progress in education; but I do say that without exception, when they return to the tribes where they must live, if the sustaining influence of the Government is withdrawn, they drop back at once into the savage condition; they are compelled to succumb to the sentiments of the tribe, the evil influences of which they absorb, instead of retaining the good that they have received at Carlisle or elsewhere; so that their condition is worse than if they had never been taken from the reservation.

Mr. CUTCHEON. Why worse?

Mr. PERKINS. I understand the argument made against these Indian schools to be as indicated by the remark of the gentleman from Illinois [Mr. CANNON], and I admit there is some force in it; but I think the apparent foundation for the argument results largely from the fact that this is a new departure; that these industrial schools are of recent creation; that the scholars who have been taken from these Indian reservations return there when educated without the necessary moral support to sustain them or to enable them to break down the ignorance and superstition that surrounds them.

Mr. CANNON. Will the gentleman allow me one further remark?

Mr. PERKINS. Certainly.

Mr. CANNON. The case being, as the gentleman just states, then, instead of sending ten or twelve hundred children now in these schools back into the tribes to lapse into barbarism, as they are sure to do, would it not be wise and humane to make further appropriations for giving them a start this side of the Mississippi River, among the white people, keeping them away from the tribes, thus preserving at least those that we educate?

Mr. PERKINS. Mr. Chairman, there is nothing in this bill that prevents such a policy. There is nothing in this bill that compels the return of these Indians when educated to their reservations. There is nothing which deprives them of the right of becoming citizens of the United States and discharging the responsibilities of such.

But in that connection I was about to make this suggestion, Mr. Chairman: Take one Indian child from the Sioux reservation in Dakota, one from the Winnebagoes in Minnesota or Wisconsin, one from the Kiowa agency in the Indian Territory, one from the Navajoes in New Mexico, and so from reservations scattered throughout the country, educate them at Carlisle, and when educated return them to their reservations; and then, as suggested, the ignorance and superstition which surrounds them works their demoralization and deterioration. But when we have these schools at Carlisle, at Lawrence, at Hampton, and other places working together, educating not one from a single reservation but half a dozen or a dozen from each, and adding to the number each year, then these pupils when returned to their homes will be capable very greatly of defending themselves from the demoralizing effect of their surroundings. They will form an element and influence that will be capable of resisting the evil tendencies of which the gentleman from Illinois has spoken, and will become an educating force for the good of others. Thus we shall find that in the end something more will be accomplished than the education of the individual; and this, I think, is what the experiment will lead to. It has been suggested that we should have reservation industrial schools. I challenge gentlemen to point to a reservation industrial school in the country that has accomplished more or is accomplishing more either for the scholars or for the Indians generally than these industrial schools of which I have made mention. The very objection that is urged against the day schools attaches very greatly to the reservation industrial school; the surrounding influences are such as very greatly to impair its usefulness and power.

But I think the criticism upon the day school is well founded. That is the feeling of this committee. The committee does not propose to appropriate by this bill a dollar to give encouragement to the extension of that system, but simply proposes to carry on those schools that are to-day organized and in existence, and until better advantages are secured. I can say to this House that the disposition of the superintendent of Indian education, as well as of the Commissioner of Indian Affairs, is not to encourage these day schools, but to encourage and build up as rapidly as possible these industrial schools, where more than reading and writing is taught. And we have given by the provisions of this bill discretion to the Commissioner of Indian Affairs. While I differ with him politically, I have confidence in his integrity. I believe he desires that which is only good for these Indians and for the Government, and I think it is but right that the power which is charged with this duty should be given some discretion.

The last Congress appropriated $595,000 for this purpose. We have increased it somewhat, and have reported $700,000. This $700,000 is to be expended in the manner suggested, but the feeling of the committee was and the feeling of the department is that these day schools are accomplishing but little good, but that these industrial schools, at which they are not only taught to read and write, but at which they are taught to farm and to make wagons and the various implements of industry and usefulness, are accomplishing a great work. If any member of this committee would visit the school at Carlisle, under the superintendence of Captain Pratt, or the school at Hampton, under the superintendence of General Armstrong, or the school at Lawrence, in my own State, under the superintendence of Count Grabowski, he would be satisfied these industrial schools are accomplishing a wonderful work in Indian education and progress. Children come there in the blanket condition, without the capacity to speak or understand a word of the English language, and yet at the end of five months they will stand up at the wall and read in good English and write in good chirography words given to them by their instructors. And at Carlisle we find this practice engaged in, which, to my mind, is a praiseworthy one.

After these Indian pupils have been educated for a time and have made sufficient progress they are hired out to the farmers of Pennsylvania, where they may get in addition a practical knowledge of farming. In addition to the scientific knowledge which they acquire of literature and of agriculture, they in this way secure an actual knowledge of farming and business by daily association with the white farmers and American citizens by whom they are surrounded, and with whom and for whom they work in the fields. Captain Pratt engages them to the farmers of Pennsylvania, and the earnings which they make by their labor they get themselves, and these earnings they use for their further improvement. It all serves to make them better citizens, and, as I have already suggested, in my judgment this system when continued and carried on for a series of years, so that we may be able to find the practical effect and benefits of it, will meet with universal approval, and there will be no effort in this House to strike down these industrial schools.

It may be possible, Mr. Chairman, if the question were here to be decided for the first time, these Indian boarding schools might be located nearer these Indians; that is the one at Hampton, the one at Carlisle, and the Lincoln School in Philadelphia. But the Committee on Indian Affairs found these schools in operation; it found them organized and at work, and the question was whether they should be continued or stricken down. Every report which came to us was favorable, and every voice we heard asked that they might be continued. Every importunity was that these schools might be protected and that their usefulness might not be impaired. I believe the results are satisfactory to the people of the country generally, as they are to those who have given the matter special investigation or thought.

Now, Mr. Chairman, I wish to speak briefly of the progress made by the civilized tribes in the Indian Territory. Their accomplishments and achievements demonstrate to this House what the Indian is capable of when civilized and educated. There we find courts organized, there we find schools conducted, and there we find scholars from Carlisle, these young Indians from Hampton, Lawrence, Chilocco, and Lincoln, engaged in good work, instructing in the schools and contributing to the growth and moral improvement of that people. We find churches there, and we find legislative bodies, and as I sat a few months ago in the legislative chamber of the Cherokee Indians at the capital of their Territory and saw them conduct business and witnessed their methods, it

seemed to me that at times at least they might teach lessons of propriety and decorum to this House. If these five tribes have been capable of this growth and this development, if the proper system is adopted, if the proper method be employed, the same result no doubt can be secured for the others.

Mr. THROCKMORTON. Will the gentleman let me ask him to state under what auspices these Indians have made their progress?

Mr. PERKINS. I consent that they did not make this under the auspices of the Government of the United States, or in consequence of appropriations made for them. But my observation is that the Indians generally are making progress to-day in consequence of this new departure on the part of the Government, in consequence of this system inaugurated by the American Congress; and that the system has promoted a more rapid increase in their progress than has ever been witnessed before in the history of this Government. Mr. Chairman, the progress of the Indians to-day is more rapid under this system of education than under the missionary efforts of the various churches of this country. You may go among the Indian tribes of the Pacific coast or of the Rocky Mountain ranges and investigate the condition of these people where the missionaries have been making efforts for years, and the progress they have made is insignificant when compared with the progress of to-day through these efforts and appropriations of the Government.

Now I desire to say that in consequence of the progress made by the civilized tribes not a dollar is appropriated in this bill for their benefit except to carry out treaty stipulations and to provide for one agent at the Union agency in the Territory. They are capable of managing their own affairs, and not a dollar is given by the Government for their education.

They do sustain themselves, and are able to promote their own common interests; and, Mr. Chairman, to-day the proposition is submitted to the American Congress whether it shall be a war of extermination or whether it shall be that better efforts be made to educate and civilize them. We must do one of two things—either exterminate the Indian tribes, drive them to the shores of the Pacific Ocean and into it, or educate them and qualify them for the duties and responsibilities of citizenship.

If we would educate them and qualify them for the duties of citizenship we must make these appropriations for that purpose. We must send teachers among them and instructors to qualify them for these duties. We must send to them farmers, men calculated to teach them the industrial arts and sciences; and let me say that that is the policy of our committee, and for the purpose of accomplishing these things the appropriations are made by this bill.

Why, Mr. Chairman, I would like to suggest for the benefit of this committee that during the year 1884, according to the report of the Commissioner of Indian Affairs, only one white man in all of this land of ours was killed by an Indian. Such is the progress they are making; such to-day is the condition of the Indians of this country that now we scarcely hear of an Indian outbreak or of an Indian depredation, and it is, in my judgment, greatly on account of the better and more liberal policy the Government has inaugurated concerning their treatment, and in dollars and cents it is cheaper than to pursue them with soldiers, or to fight them with cannon and bayonets.

There are about 265,000 Indians in this country. It is estimated that they occupy, or have possession of, 132,000,000 acres of land. This is very generally circumscribed by defined boundaries, marking them on the map as Indian reservations. This gives to each Indian about 550 acres of land.

It gives to the man and to the wife 1,100 acres of land and to the man and wife and four children about 3,300 acres. This the Committee on Indian Affairs believe to be too much. These reservations, we believe, as rapidly as we can educate the Indians and develop their individuality and strengthen them for the duties of life, may be cut down.

These boundaries may be contracted; the great tracts of land thus circumscribed may be broken up and the lands allotted to the Indians in severalty; and in accomplishing that we not only contribute to the moral and mental development of the Indians, but we open up these lands to development and occupation by the white people of the country. That is the feeling of the Committee on Indian Affairs, and we have already reported some bills looking to this consummation and more will be reported. It is the feeling of the committee that the tribal organizations shall be broken up as rapidly as possible. It is the feeling of the committee that the reservations shall not stand in the way of the march of commerce and progress.

It is the belief of the committee that the commune should be destroyed, and the right to the lands given to the Indians in severalty; and it is in the development of that policy, which I believe should be the policy of this House, and for which these appropriations are proposed, which is to bring about the more rapid advancement and progress of the Indians. On to-morrow, perhaps, a bill will be reported from this committee which proposes in part at least to break up the great Sioux reservation in Dakota, a reservation with 22,000,000 acres of land occupied by about twenty-seven thousand Indians, which gives to each man, woman and child on that reservation more than 815 acres of land.

The conviction of the committee is that this is more land than these Indians should have for reservation purposes. The feeling of the committee is that it should not stand there as a barrier to commerce, progress, and civilization. The feeling of the committee is that some portion of that great reservation may be opened up to white settlement, and the homeless of our country invited to go and occupy it, paying to the Government only 50 cents an acre therefor. Then that which will remain, some 13,000,000 of acres according to the provisions of the bill, may be divided in severalty among these Sioux Indians.

The feeling of this committee is, Mr. Chairman, that we should take from the Indians the scalping-knife and give them the pruning-hook. The buffalo and antelope have gradually disappeared and in their stead must come sheep and cattle. The desire of this committee is that the "sun-dance" shall be stricken down, and that in its stead we shall have industrial schools; that the commune shall give way to the dignity and rights of American citizens; that the heathen idols shall give place to the Christian altars, and the tribal organization broken up, and the individuality of the Indian encouraged and developed, and the lands unnecessarily reserved for them opened to the pioneer, that intelligence and thrift may find lodgment there. And it is in keeping with that policy that these appropriations are recommended which have been suggested as extravagant.

It has been suggested in criticism of this bill that perhaps it would be better to return to that old system which was practiced by the Government for many years—dealing with this question through the War Department; and it has been suggested that these Indian agents that are provided for by this bill should be dispensed with and officers of the Army detailed to perform this service. What might be the practical effects on the practical workings of such a system at this time of course none of us can say positively, because it is a matter of conjecture. But we remember there was a long period in the history of this country when Indian affairs were managed and conducted through the War Department; and because of the irregularities growing up under that system, because of the tyrannies practiced, because of the wrongs consummated, because it was not satisfactory to the American people, the control of Indian affairs was taken from that Department and a Commissioner of Indian Affairs created by law.

Mr. THROCKMORTON. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Yes, sir.

Mr. THROCKMORTON. Is it not a fact that during all the time the Indians were under the War Department there was not a single military officer acting as an agent? Were not all the agents civil officers?

Mr. PERKINS. I think the gentleman is right.

Mr. THROCKMORTON. Let me suggest another point. Does the gentleman not know to-day that the Indian Department has had to ask aid of two officers of the Army to act as agents at places where the civil agents could not get along with the Indians? Is it not a fact that military officers have been detailed at the Cheyenne and Arapaho agencies and at the San Carlos agency in Arizona?

Mr. PERKINS. I will say, Mr. Chairman, the officer acting at the Chyenne agency in the Indian Territory since the resignation of Colonel Dyer is doing the work reasonably well and satisfactorily. But I do not concede he is doing it better, nor do I believe it will be done more satisfactorily in the end than it might be done by many others who might be appointed to do the work from civil life. He was appointed there under peculiar circumstances. There was an outbreak threatened by those Indians. It was necessary that a military force should be sent there to restrain them and to threaten them if they broke beyond the boundaries of their reservation; and it was quite proper that an army officer should be sent there temporarily, at least to perform the functions of an agent under such circumstances. But yet I do not concede, and I think that we have nothing in the history of these Departments that would justify any one in saying, that the War Department would manage this business better than it is managed to-day under the supervision of the Commissioner of Indian Affairs.

On yesterday the appropriations made by this bill for the Indians at that agency were criticised; at least the provisions with reference to them were brought to the attention of the House. There is by treaty a small fund due to these Indians, about $87,000 is due to them under treaty stipulations for educational purposes and for their subsistence and support. There are 6,660 of these Indians at the two agencies—they have been concentrated upon that reservation in the Indian Territory. They are blanketed Indians; they have not been educated; they have not been civilized; they have not been Christianized or taught to work. They have been put upon that reservation, and are circumscribed and confined to its boundaries, and the employés mentioned by the gentleman on yesterday are there to restrain them, to educate them, and to Christianize them.

We have agreed by treaty there shall be annually expended for them $86,500. This gives per capita $13. What progress could be made in their education, what progress could be made in their Christianization, what progress could be made for their good if we should appropriate for them but $13 per capita under such circumstances? It is to promote their interests, as I have suggested in my general remarks; it

is to qualify them for the duties of citizenship that we have recommended this appropriation that was criticised by the gentleman from Texas [Mr. THROCKMORTON] on yesterday. I think the gentleman enumerated the employés correctly. But they are to assist them, as I before suggested, and to teach them to farm, and to assist them in breaking up the ground for cultivation; and I may add in this connection that this year the Commissioner of Indian Affairs contemplates breaking up 6,000 acres of land on that reservation for the good of these people, and to educate them, and to teach them the arts of agriculture.

We have not, Mr. Chairman, appropriated by this bill a dollar that we did not believe was for the good of the country, as well as for the good of the Indians, for whom the appropriation is made. Mistakes may have occurred, yet, as I suggested a few minutes ago, the feeling of this committee and its policy is to make them self-sustaining as rapidly as possible. And where we could cut down a dollar from the appropriations heretofore made, that simply went to their subsistence, we cut it down; and this bill is $274,000 less than the bill passed at the last Congress. Some of that reduction results from treaty stipulations having ceased.

Other reductions have been made in keeping with the policy that I have suggested, that where we can take from them appropriations that simply go to their subsistence they should be taken; that they should be made to understand that they have to work; that they should be made to understand that they must qualify themselves for the duties of citizenship as rapidly as possible, and that they must become self-sustaining. The feeling of our committee is that these appropriations shall not continue for all time; and it is to teach these Indians that from year to year these appropriations will be lessened, these annuities or disbursements pared down, until the time will come when there will be no appropriations made for them except it be to carry out treaty stipulations and perhaps to contribute to their education.

Now, Mr. Chairman, that, in brief, is the bill of this committee. As suggested in my opening remarks, under the rules of this House we can not incorporate new legislation in an appropriation bill. We must necessarily observe the established rules, we must necessarily follow the precedents. But we prepared this bill with care; we consulted those agencies from which we thought we could get useful information—information that would aid us in framing a bill that would be satisfactory to this House as well as satisfactory to the country when considered and acted upon here.

In conclusion, I trust that this House, when it comes to consider this bill by paragraphs, will not believe it to be good policy or wise legislation to strike down these industrial schools that have been established in this land. If the question here was as to whether the school at Carlisle should be located there or somewhere nearer the Indian Territory, there would be room, perhaps, for gentlemen to suggest that it might with propriety be located nearer the Indians than where it is now established, and money saved in transportation. But that is not the proposition; that is not the question that is presented here. The question is whether this school, which has accomplished so much, shall be sustained; whether the school at Hampton shall be continued; whether the school at Lawrence and the Lincoln school in Philadelphia, and others that I might mention, shall be sustained and their usefulness continued, or whether we shall cripple them and impair their power of doing good.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty minutes.

Mr. PERKINS. I yield fifteen minutes of that time to the gentleman from Michigan, Mr. CUTCHEON.

Mr. CUTCHEON. Mr. Chairman, I avail myself of this opportunity, while we are discussing this appropriation bill, to ask the attention of the committee for just a few moments to some considerations bearing especially upon this question of Indian education. I premise what I have to say with the remark that the Indian problem is a problem which presses for immediate solution. It is one of those problems which, by the very nature of the case, can not wait. A few years ago the Indians had a vast domain. From the Missouri westward to the Pacific it was theirs; the Great American Desert, so called; the mountain slope beyond; the Pacific coast from Texas to the British dominions, were theirs. But already that vast domain is gone. It is cut up with railroads; new Territories have been organized; new States have come into being; civilization is advancing; settlement is pressing them upon every side, until now, except these Indian reservations, there is no Indian country.

The great demand for the public land, the comparative exhaustion of the public domain, the tendency of the white man to go upon the Indian reservations, as evidenced by what is known as the Oklahoma boom, and the taking up of the Crow Creek reservation—all these things admonish us that the day of the wild Indian is past. It is gone, and it can never return. Civilization, like the atmosphere, is pressing upon them on every side. The Indian question must be solved for weal or for woe, and it must be solved within the next twenty years—in fact, it must be solved at once.

The question now is, what are we going to do with the Indian? The day of the war-path is over. There are no longer any possibilities of Indian tribes pursuing the war-path. These railroads that have permeated their country, the immediate presence of the Army upon all their borders, render it impossible that we shall ever again have to deal with the wild Indian. Then the question comes: After the war-path, what? There are two alternatives. They can be exterminated; they can be obliterated.

As the gentleman from Kansas [Mr. PERKINS] has said, they might perhaps be driven into the Pacific Ocean. But that is not a practicable thing; it is not a possible thing. It is not possible physically, because of their being infiltrated with our own population; it is not possible morally, in view of the present attitude of the civilized world. Then what is to be done? Are they to remain among us a foreign element? Are they to remain not only a foreign but a heterogeneous and dangerous element in the midst of our population? Or are they to be prepared for assimilation and absorption into the great body-politic? It seems to me, Mr. Chairman, that the latter is the only possible alternative that we can elect. But we are told that the Indians are a vanishing race, that they are fast passing away, and that in a few years the last of them will have disappeared.

Mr. Chairman, that is a delusion and a snare. I would say that those most familiar with the Indian question will tell you that within the present boundaries of the United States there are as many native American Indians, aborigines or whatever you choose to call them, as there were upon the day when the Pilgrim Fathers set foot on Plymouth Rock. They are not a vanishing race. They are not going to disappear. The experience and the history of the five civilized tribes of the Indian Territory admonish us that they have not in them the qualities, they have not in them the tendencies, which would make them a vanishing race.

In other words, they are capable of taking on civilization; of being educated; they are capable of self-cultivation; they are capable even of the highest civilization attainable by any race except the Caucasian. They are not going to vanish; they are not going to be obliterated. Then what is to become of them? There is but one answer to this question, and it is our duty as citizens of this Republic to prepare them for the future that is before them. That future must be a future of absorption and of citizenship as members of this great body-politic.

There are to-day about two hundred and sixty thousand of them under the immediate charge of the Indian agents and more are coming. The experience of the five civilized tribes admonishes us that when they have reached a certain degree of comfort and civilization which has now been attained among the Choctaws, the Chickasaws, the Seminoles, the Cherokees, and the Creeks, then instead of vanishing they increase rapidly in numbers.

How, then, are we to prepare them for absorption and citizenship? We must teach them the gospel of self-support. We must teach them the civilizing influence of the ownership of property. We must teach them the rights of citizenship, with all its responsibilities. And among all these influences there is none, I believe, that tends more powerfully to civilization than what I have termed "the gospel of self-support." They must be taught that they are not a band of paupers; that they are to become citizens. They must be prepared for the rights, the duties, the responsibilities of citizenship.

How is this to be done? By education. There is no avenue to their advancement except education. There is education; and then there is education. There is the education of the grammar, the arithmetic, and the spelling book; and there is the education of the farm, of the shop, and the field. We must, it seems to me, combine these two forms of education. We can not take these Indians and put them into the common school as we do our white children. Wherever we put them there must go with their education this idea of self-support—that the Indian is not a beggar or a pauper, to be fed and clothed and supported and cared for by the white man, but that the Indian, like every other man, must be a man for himself, standing upon his individual manhood.

Here is the foundation upon which we must build—the foundation of manhood—the idea that the Indian is a man, with the rights of a man, the responsibilities of a man, the duties of a man; and then just beyond that there must be the education for citizenship. We must proceed upon the theory that the Indian is to become a citizen, with the rights of a citizen, the duties of a citizen, the responsibilities of a citizen. When this education is brought to them, the Indians will prepare themselves for the exercise of these rights, duties, and responsibilities.

We have heard something about the failure of our system of educating the Indians. I undertake to say, Mr. Chairman, that the five civilized tribes in the Indian Territory have made as great advancement in the last fifty years as the Anglo-Saxon race made in five hundred years. Why, sir, this system of Indian education is not ten years old. It is only five years since we began to make appropriations that amounted to anything for Indian schools; and if any gentleman here has ever visited Carlisle, gone through those school-rooms, seen those young men and young women in their classes, witnessed the aptitude with which they seize all learning, whether grammar, geography, arithmetic, art, or any other branch of education, he must have been amazed at the capacity of these wild Indian tribes to assimilate to themselves the influences of civilization.

Some gentleman on the floor smiled audibly when I suggested a mo

ment ago that the five civilized tribes had made as great advance in fifty years as the Anglo-Saxon race in five hundred years. I challenge contradiction of that statement from the truth of history. Fifty years ago these Indians were removed from their several reservations east of the Mississippi and put upon the great Indian reservation west of the Mississippi.

Mr. WEAVER, of Iowa. I do not wish the gentleman's challenge to go unnoticed. I invite him to hear me discuss this question to-morrow.

Mr. CUTCHEON. Very well; I have but fifteen minutes, or I would be glad to yield to the gentleman.

I happen to know something about the condition of these people fifty years ago; not that I then had personal observation, but I know it from missionaries who went among them and with whom I formerly dwelt. They were then barbarians, savages. To-day they have their colleges—as good colleges as many in the Northern or the Southern States; they have their churches, they have their high schools, their common schools, their courts, their legislatures, their governors and other officers. In other words, they stand to-day upon a plane of as high civilization as many so-called civilized peoples who have dwelt in the midst of civilization for a thousand years. And what has been done for the five civilized tribes of the Indian Territory is being done to-day for the Sioux and the Dakotas of the North and for the tribes of the South and West.

Mr. Chairman, we are told that the day school is a failure. Measurably that is undoubtedly true. To a certain extent the day school is a failure; but why? Not because the Indians do not want education; they do want it. Not because the parents do not want their children to attend the schools; they do want them to attend the schools; they are more than eager, they are anxious to have them do so. What, then, is the reason? I will tell you: because your Indian agents are not half paid. You send out men as Indian agents, in many instances, who are wholly unfitted to preside over the destinies of these thousands of half-civilized people.

The Indian agent goes out there on a small salary, and then he sets to work to eke out that salary as best he may. Some relative of the agent is appointed the agency blacksmith; other relatives fill other places as agency employés; and then the agent sends for some sister or cousin or aunt to come and teach the agency school. The teachers do just as little teaching and draw just as much salary as practicable. This is the truth in regard to the day schools.

But as to these industrial schools, they are twice useful. First, they educate young men and young women—give them the foundation of an English education; teach the girls sewing and knitting and other household arts, teach them to take care of a house and make a home for civilized people. They teach the boys farming or the mechanical arts; they educate them as mechanics, shoemakers, &c. While doing this work the boarding school upon the reservation is "twice blessed;" it blesses the children that come within its doors, and then it blesses the entire tribe that gathers around these industrial schools.

There is really where we want to strike. We want more industrial boarding schools on reservations in the Indian country. I think Carlisle, Hampton, Lincoln, Ocean Grove, Chilocco, and Lawrence have done blessed and glorious work for the civilization of the Indian tribes in the last ten years. Yes, Mr. Chairman, in the last five years, for it was only in 1881 this noble work was begun.

There is where the work ought to be pushed and completely done. There is no reflex influence from these other schools at all. There is a good deal of influence upon the boys and the girls themselves; but they go back to barbarism, back to the tepee, back to the blanket Indians. What have you done to enable him to go back to anything but a blanket Indian? You do not issue to him pantaloons or a new coat, and when he has worn out the coat and pantaloons you have given him at the school he has nothing else to do but to become a blanket Indian. You do not help him to property. You do not give him the means to start in his new life. You do not help him to acquire the ways and the status of the white man. What we want to do for these Indians is to give them the civilization of the white man; to give them the home of the white man; to give them the shop of the white man; to give them the school of the white man; to give them the church of the white man—in one word, Mr. Chairman, to give them the civilization of the white man. [Applause.]

That is what they want; that is what they are going to have; that is what the Christianity and civilization of this great nation of 60,000,000 of people are going to give them in the near future. [Applause.]

We can not go backward; we must go forward. There is no other direction in which this nation can go. This is an urgent question which is presented to us to-day, because, as I said in the beginning, it will not wait solution. It demands instant solution at our hands.

Gentlemen may talk about dirty Indians, about lazy Indians, about wild Indians, talk about blanket Indians, but let us tell them that the Indians who have been on the war-path, that the Indians who have worn the blanket and carried the scalping-knife are going to be dead in ten or fifteen years, but these boys and these girls who have had the blessings of Carlisle, of Chilocco, of Lawrence, of Hampton, of Lincoln, and the rest of these industrial boarding schools are the Indians of the future who are just coming upon the stage of action. They are going to be different Indians from their fathers. They are Indians who have never seen a scalping-knife. They are Indians who have never worn a blanket. They are Indians who have never been upon the war-path. They are Indians who are to become American citizens. [Applause.]

Mr. Chairman and gentlemen, they were here before we came, and the Lord only knows whether they will not be here long after we have passed away and gone. [Laughter.] They are "to the manor born." This is their soil. Are they to be strangers, foreigners, aliens, outcasts, outlaws upon the very soil which is theirs, the very soil that gave them birth and which we have taken from them, or are we to treat them as a great and mighty people ought, who are bound in a common destiny? We have taken into the body-politic six millions of freedmen who were for centuries slaves, with all their ignorance, with all their want of manly independence begotten of two hundred years of servitude; we have taken them into our body-politic, and what has been the result? Why, sir, the great negro question is solved by giving the negro race the rights of white men, to be exercised upon their own responsibility.

The way to solve the Indian question is to treat it just as we treated the question of the negro race; that is to say, take them, after due preparation, into the body-politic, and create civilizing influences around them. These are the influences that shall make them fit for citizenship: First, self-support; secondly, ownership of property and citizenship, and, third, education; and now abide these three, self-support, citizenship, and education, and the greatest of these is education. [Applause.]

Mr. CANNON. Mr. Chairman, I have no pride of opinion touching the Indian question, and in what I shall say about it, so far as I can, I shall talk about the facts surrounding him without reference to anybody's schools in Pennsylvania, and after all that is in somebody's district, or anybody's school in Kansas, or anybody's school in Philadelphia, or any Indian children at school in Michigan. If I can while I talk, I will talk about the policy to my mind and from my knowledge that will help the Indians, and at the same time help the white man.

It is not necessary for me to confess that the Indian was here before I was. [Laughter.] There is no doubt about that, or before the time of my friend from Michigan [Mr. CUTCHEON] either. It is only necessary to know that he is here now; that this is a living question with which we have to deal. I am not here to abuse the Indian. He is a savage and I would do him all the good I could, and this Government will do him all the good it can and spend the money liberally, appropriate it every year for his support; but in doing so it is time for us to inquire whether the money we appropriate and the school teachers we send and the children brought East and educated is money that accomplishes or tends to accomplish the objects for which it was appropriated. Let us talk very practically for a little while.

Mr. Chairman, there are about 259,000 Indians in the United States scattered throughout the Western country.

Mr. WEAVER, of Iowa. On a very liberal count.

Mr. CANNON. They are upon reservations covering an area of 137,000,000 acres. New York, if I recollect correctly, has an area of about 31,000,000 acres. I speak of the area of New York so that you can understand how much is the area in the aggregate of the various Indian reservations.

I was curious the other day to wander back through a Congressional debate—imperfectly reported, it is true, over fifty years ago—and I must say I know my friend from Michigan never read that debate, for if he had he would have found nearly two generations ago that gentlemen in the House of Representatives talked just as fervently about the condition of the Indian then as we do now, and spoke of his "early civilization."

So that there have been efforts to civilize the Indians in the past.

Some progress has been made, but we can all see at once that there has not been progress sufficient made but that we may well pause and ask the question if the efforts so far made have been prosecuted upon the right line. If we be upon the right line, then I will pull with the gentleman from Kansas and the gentleman from Michigan just as hard as I can to keep up my end of the double-tree. If we are upon the wrong line, then the money is wasted, and we are injuring white people and the Indians alike by proceeding on that line; because I undertake to say that the child is now living that will see the white people in this country increasing from a population of 60,000,000 as it is now to 250,000,000.

I undertake to say also that in that time these 137,000,000 acres of land, long before we have half that population, will be covered with farms and happy homes, if not partly by Indians, wholly by white people, and we had just as well recognize that fact now. The time has come when we have got to change the policy, because we have got no more country to drive the Indians back to and give him large reservations upon, so that we must meet the question now and consider it in connection with the present territory they occupy.

Now, let us look for a moment at their political organization, as far as they have one, and see if there has been any progress in the same.

The commune still exists with them. There is the head chief and a number of minor chiefs, many of them the heads of bands. Why, gentlemen, because the human animal is savage it does not take from him all ambition. We find that the Indian loves power as much as his white neighbor loves it, and they are in favor, one and all—there may be individual exceptions, but substantially all of them are in favor—of maintaining the tribal relation. You can not find any who will consent to break it up. They do not wish to have it broken up. In fact, whatever we may say, it has not been the policy of the Government to break up that relation, but rather to encourage them in maintaining it. They do maintain it upon the reservations.

Now, I will agree with the gentleman from Michigan that the tribal relation is to be broken up. I have heard it ever since I have been here, year after year; but I have never known any steps to promote that end. It is all lip-service, if you please. The tribal relation still exists.

Another thing. The Indian as a savage had some good traits. Most of them are bad. He made, however, in some respects his own living. If he could not get it any other way he would steal it. If he could not steal it—I am not proposing to abuse him; I feel kindly toward him—he would go on the chase, and the deer, the buffalo, and the antelope afforded him a partial living. The buffalo have disappeared. You can not find half a dozen outside the Yellowstone Park and the immediate adjacent country, and not over a hundred or two there. The deer has gone. The game has gone. What has happened?

The support of the Indian—and when I say of the Indian I mean the subsistence of all of them—devolves upon themselves or upon the Government of the United States, and we appropriate from year to year substantially $6,000,000—for what? Why, sir, to keep our treaty obligations, says somebody. But we go a step farther and also appropriate outside of our treaty obligations for the care, maintenance, and subsistence of the Indians. And the fact is—I speak now largely from what I know from personal observation as well as from inquiry—the fact is that, take the great Sioux tribes, take the savage Indians in the Indian Territory, take nearly all these Indians, we absolutely appropriate the money that buys the beef for them day in and day out, and the flour and other provisions that support the Indian not in labor but in idleness. He does not know how to work, and what is more he does not want to learn how to work.

Yet my friend from Michigan [Mr. CUTCHEON] says we are making giant strides in civilizing these Indians. I wish he was correct. But I do not see it that way. When the buffalo disappeared, when the chase came to an end, when they were surrounded by or interminglied to a certain extent with the powerful white race so that they could no longer go on the war-path and live on the spoils, when the chase no longer furnished provisions, we entered deliberately on the policy of buying our peace or acting as humanitarians and supporting them at the expense of the public Treasury. And we give them a pound or a pound and a half of beef day in and day out, year in and year out, more than the ordinary laborer is able to get in the city of New York or in my city of Chicago. And the Indians fold their hands; they watch their dogs; they do everything that their savage nature leads them to do and they dare do, and the Government issues to them the provisions year in and year out. And yet my friend from Michigan says they are being civilized. I wish they were. But they are being pauperized. That is what is the matter.

As you take from them the wild savage nature, which expended itself upon all who surrounded them and found some outlet in the chase, you take from them what little manhood they had and make paupers of them.

Are you to abuse the Indians for that? God knows I do not propose to do so. The Indian is not half so much to blame for that as we are. But I say the same policy we pursue toward those two hundred and fifty-nine thousand Indians of the United States, if pursued toward two hundred and fifty-nine thousand white people, would pauperize those two hundred and fifty-nine thousand white people, take from them the manhood and the womanhood which they have, and make them drones in the hive of society and worthless as citizens.

Mr. NELSON. Will the gentleman permit me a question?

Mr. CANNON. Certainly.

Mr. NELSON. Are we not in the present bill following the policy that the committee on appropriations have been following during the last ten years?

Mr. PERKINS. And when you had the power to legislate, if you had chosen to exercise it.

Mr. NELSON. Why then turn so suddenly a flank movement on what has been your own conduct and criticise our committee?

Mr. CANNON. I have been unfortunate indeed if through my remarks I have rendered myself subject to that criticism. God knows I have not pride of opinion or in committees. It has not entered into my mind that one committee reported it and another did not. I am dealing with the question, not whether the committee of which I had the honor to be a member was right, but whether this policy is right.

I will say to my friend I wish I had the power to compel every Member and Senator, or I will go further and say every humanitarian, and there are hundreds of them that mean well—I should like to have the power to make them go through this country and pass over these one hundred and twenty-six different reservations and come in contact with these people. Whatever their views might have been heretofore they would change them, in my opinion. I would have stood here twelve months ago and talked as my friend from Kansas [Mr. PERKINS] has talked, but in that time I have had that personal observation of the Indian upon his reservation and have made such inquiries about his condition that I have changed my views wholly. I am not criticising the gentleman from Kansas or his committee unkindly. I am trying to find out what we ought to do to remedy such mistakes as we have made heretofore.

Mr. KING. What remedy do you propose?

Mr. CANNON. I will speak of that a little further on if I have the time, and I hope I will. The first thing you have to do when a patient is sick is to diagnose the case and then to apply the remedy. I want to know first what the condition of the patient is before I speak of applying a remedy.

Mr. CUTCHEON. The gentleman speaks of the Indian. Of course he is speaking now of particular Indians. He is not speaking, for instance, of the five civilized tribes.

Mr. CANNON. I thank the gentleman for the interruption. I speak of the Indians generally, the great mass of them—of course not of all. And right here in reference to those five civilized tribes; has my friend from Michigan ever been among them?

Mr. CUTCHEON. I have.

Mr. CANNON. Well, Mr. Chairman, I want to say that there has been great progress made among those Indians, and especially, I understand, among the Cherokees; but it is the progress of the white blood, and you can find them as they come about your Capitol and before your committees—men that, unless they told you they were Indians, you would fail to recognize the fact.

Mr. CUTCHEON. Are not their chief men of pure Indian blood?

Mr. CANNON. I am not very much acquainted with the chief men generally. The only one I know much about is Bushy Head, and he is a handsomer white man than myself or the gentleman from Michigan. [Laughter.]

Mr. PERKINS. Is it not true as a matter of fact that a majority of the members of the Cherokee Legislature to-day are of full Cherokee blood?

Mr. CANNON. I do not so understand the fact; but let that be as it may, an individual case does not signify a great deal in a discussion of this kind. I am not now talking about the five civilized tribes. I am talking more particularly about the vast mass of the Indians and their condition. A gentleman has asked me what is the remedy. I say first, in general terms, as has been already said here, allot them lands in severalty.

Let them learn that first step in civilization for all individuals and for all races; let them learn that ever since the Almighty issued His command, "In the sweat of thy face shalt thou eat bread all the days of thy life," obedience to that command has been the first step to be taken by any individual or any community in its march toward civilization. [Applause.] The Africans are wild and savage in their native home in Africa, but here they are many millions strong, and they have taken that great step, because under pressure of necessity before they will steal or murder they will work; they support themselves. I wish I could say as much for the Indian, superior in natural intelligence to the savage African as he is claimed to be. Let that be as it may, I wish I could say as much for him as can be said for the African in America. The gentleman from Louisiana [Mr. KING] has asked me to state my remedy.

Mr. CUTCHEON. But in this operation of teaching them to become self-supporting can you take the savage pure and simple and set him to work the first thing? Must not you carry education, in the proper signification of the term, right along with this instruction in self-support? In other words, is not the industrial school the great agency in civilizing the Indian?

Mr. CANNON. You may teach a savage to extract the square root or to calculate the distance from the earth to the sun, but unless he knows before that how to turn his hand, and has character enough to turn his hand, to gain his bread from the soil your teaching will all be in vain.

Mr. PERKINS. Will the gentleman yield to me for a question?

Mr. CANNON. Certainly.

Mr. PERKINS. I wish to ask the gentleman if these children that are educated at the industrial schools, when hired out to the farmers of Pennsylvania, and the farmers of Ohio, and the farmers of Nebraska, do not work as honestly and faithfully and do not manifest just as much willingness to work as any employés?

Mr. CANNON. I will answer my friend with all candor. I visited the school at Lawrence, Kans., and I found the Indian children very bright and intelligent and making remarkable progress under the instruction they received there. But I had been to the tribes of most of those Indian children; I had seen the boys and girls, the scholars who had returned from Carlisle and Hampton, and had witnessed their condition among their own people, and my heart bled for those hundreds of Indian children at Lawrence because I could see at once that what it meant for them was three or four years at Lawrence and then a return to the reservations among their own people, where by the influence of

the "dog" soldiers, by force, by public opinion, by savagery many of the females would be outraged and prostituted and the males forced back into barbarism. I say my heart bled for those Indian children because of what I had seen and learned about the fate of those who had already gone out from these schools.

In company with the gentleman from Kansas [Mr. RYAN], with the gentleman from Arkansas [Mr. PEEL], and with my friend from Indiana [Mr. HOLMAN], I traveled through the Indian country; we made diligent inquiry across the continent on the north and across the continent on the south, and we could not find that there was one student of all the hundreds educated at Carlisle or Hampton or in any of the schools off the reservations but had gone back to their savage life in a very short time, except a few that were employed by the Government of the United States.

Mr. PERKINS. Was not that because thus far, in consequence of the limited capacity of those schools and their limited number, only one or two children from a tribe have been educated at a time, so that when they have returned they have become lost in the multitude of uneducated Indians?

Mr. CUTCHEON. Swallowed up.

Mr. CANNON. "Swallowed up," says the gentleman from Michigan; and so say I. And I say to him, as I have already said in effect, it is cruelty the most cruel to take these children and give them three or four years' education and training at Carlisle, or elsewhere east of the Mississippi, and then permit them to go back to the tribes. Their degradation is worse than that of those who never have been away, because they go back into savage life when they reach the tribe, taking with them the vices of the white man so far as they may have contracted them and retain none of their virtues; and if this appropriation is to continue for this kind of education, I for one stand ready to take a portion of it and provide for settling these Indian children among the white people until they can get a start in life. I would never let them go back among the wild Indians. I would have them incorporated into the body-politic here in the States.

I was about to speak of the remedy. To do that I shall first have to say something of the condition of the Indians in the two great reservations. I might discuss their condition on all the reservations if I had the time, but let us take their condition in the Indian Territory.

Mr. KING. Will the gentleman permit me to ask him a question? Are the scholars from these schools forced to go back to the tribes or do they go back voluntarily?

Mr. CANNON. Forced back! When the mother and father are upon the reservation, when the child was taken away a little savage and has received only the education of three or four or five years at one of these schools and then has been turned out upon the world and has his transportation back to the tribe paid by the Government, what else can he do in his weakness but go back?

Mr. STEWART. Nothing.

Mr. CANNON. Nothing, says the gentleman from Vermont, and that is the proper answer.

Promoters of these schools are anxious to fill them up. Many institutions are anxious to have these children. They go out and compete for them. Notice is given among the different tribes. Says the agent, "Bring in your children, or I will cut off your rations." They cast about to get these children—generally the orphans first—the helpless, the weak, and the defenseless.

I will not stop to refer to many instances, but I will mention one marked case which I have in my mind. In the very depth of winter, with the thermometer at zero, and when the parents of the children were off temporarily from the agency, one of these agents, without notice, took children five, six, and seven years old, and journeyed 150 miles with them through the severe cold that they might be placed in one of these institutions, and suffered very severely.

Mr. CUTCHEON. Will the gentleman state where that occurred?

Mr. CANNON. That occurred at the Sac and Fox agency; and they were taken to Chilocco.

Mr. PERKINS. Is not the Chilocco school in the Indian Territory?

Mr. CANNON. Certainly it is; but the gentleman will understand it is one of those schools like that at Carlisle, carried on upon the same plan.

Mr. PERKINS. Is not the Chilocco school, situated as it is in the Indian Territory with Indian influences surrounding it, as little satisfactory to the department that has charge of this system of education, and does it not make as little progress as any industrial school in the country?

Mr. CANNON. That may be true. I beg my friend to understand, however, that I am not attacking these schools because A or B runs them. I am trying to tell the truth about this service, having no feeling in regard to any individual. I know how dangerous it is sometimes to tell the truth about these matters. I know how the heart-strings of many women and many men—good women and noble men—especially throughout the East, but to a great extent throughout the length and breadth of the country, twine about these institutions. Yet, gentlemen, if those people knew that these children were treated as I have stated, that their fate in the future is to be what it has been in the past, they would suffer their right arms to fall palsied at their side before they would encourage action of that kind. Nor am I abusing Mr. Pratt or anybody else connected with this system. I am trying to get at the facts in regard to this whole matter.

Mr. HOLMAN. Will the gentleman allow me a suggestion?

Mr. CANNON. Certainly.

Mr. HOLMAN. I merely desire to state that a part of the Sac and Fox children referred to by the gentleman as having been taken from the reservation were conveyed to the school at Lawrence, Kans., and another portion to the Chilocco school.

Mr. CANNON. I believe that was the fact.

Mr. HOLMAN. Allow me to add that they were taken without the knowledge of their parents.

Mr. CANNON. Certainly.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. CANNON. With pleasure.

Mr. CUTCHEON. The gentleman was criticising the manner in which the pupils for these schools were obtained.

Mr. CANNON. Only incidentally.

Mr. CUTCHEON. Now, is it not true that the first appropriation for these boarding schools was made in 1881, the system being but five years old, and while at first there was antagonism on the part of the parents to letting the children go away to outside schools, is not the case now very different, and are there not many more pupils offering than the schools have capacity to accommodate? Is not that true?

Mr. CANNON. In reply to that question I will say that it is not true, as I understand the facts. On nearly all of the reservations the children do not go even to the home industrial school without being forced there. As the gentleman from Indiana has said, the agent is supreme. He has the police back of him, and if necessary the Army. He says, "You people have not anything to eat except as I give you rations; bring in your children;" and among the bitterest complaints that we heard were those which arose from the fact that these children were forced even into the reservation schools. The Indian does not want to be educated. Education is not fashionable among the Indians.

Mr. CUTCHEON. Would the gentleman consider it a calamity if the ration were cut off?

Mr. CANNON. If you cut off the ration, as the Indian has no habit of industry, but one of two things can happen; either he goes upon the war-path and in the light of burning homes captures subsistence or he starves.

Mr. CUTCHEON. We have not had many "burning homes" since this educational system went into effect. The little raid of the Apaches is the only thing of that kind that we have had.

Mr. CANNON. If the gentleman thinks that this educational system has affected in the slightest degree the moral tone or the war tone or the peace tone of these tribes he is very greatly mistaken. The Cheyenne Indian upon the Cheyenne and Arapaho reservation is to-day the same Cheyenne he was when his Northern brother a few years ago broke out under the lead of Dull Knife and marched in the light of blazing homes and in a path of blood through Kansas and Nebraska, and he is a magnificent type of the Indian, physically speaking.

Mr. KING. If the system adopted by the Government should continue to be carried on, how long does the gentleman think it will be before the civilized condition of the Indian is brought about?

Mr. CANNON. It will be for ever and a day if the present system is substantially carried on, because by this system of supporting the Indians without labor you make paupers of them and their children. They are pauperized as fast as they grow up, and you never can educate them or civilize them.

Mr. PERKINS. But does not this system of education contemplate work? Are not the children at the industrial schools taught to work?

Mr. CANNON. I grant you they work at the schools; but they do not work anywhere else. No; they do not.

Mr. ROGERS. Educated paupers, that is what they are.

Mr. CANNON. Very many of them are magnificent specimens of physical manhood; but I say again, Mr. Chairman, to send these men back to their tribes to go again into savagery, to remain in the condition from which they came—I say again, Mr. Chairman, with all the force I can command, it is the most cruel thing which could be done short of their death by violence, and even death does not destroy the soul.

Mr. DORSEY. The gentleman himself was at the Pine Ridge agency, and he must recall the number of improvements made there, the lands which were opened up, the fences constructed, and the progress generally made.

Mr. CANNON. It would take me some time to discuss fully in reference to these Indian reservations. My friend asks me whether I did not notice improvements upon the Indian reservation to which he refers when we went there. I did see up and down through the valleys a number of little houses built principally by the Government; that is, the doors and windows, and other things of that kind, were furnished by the Government, and the people upon the reservations put them together. I saw in one or two valleys a few plats of corn, which, to my mind, were a very weak attempt at agriculture. I also saw those Indians come together under Young-Man-Afraid-of-His-Horses, six or seven thousand of them, trooping in, Indians and ponies, and I saw them absolutely relying for their subsistence, not upon the corn, not upon

the wheat, not upon their toil, but the appropriations under the treaty, which was a more substantial subsistence than would be consumed by the average American citizen.

Mr. CUTCHEON. Let me ask the gentleman from Illinois if he had a treaty with the Government to give him a certain sum he would not take the amount which the Government had contracted to give him?

Mr. CANNON. Oh, yes; I would probably be pauperized as they are. I hope I may be allowed to go on with my remarks.

Mr. DORSEY. One question further. Did you not also find there at the reservation——

Mr. CANNON. I hope I will be permitted to go on with my remarks.

Mr. BRUMM. Permit me to ask the gentleman a question.

The CHAIRMAN. Two gentlemen are already upon the floor asking the gentleman from Illinois to yield to them.

Mr. DORSEY. Those civilized Indians are what are termed progressive Indians, while the old Red Cloud Indians made up the obstruction party. Those people who are under Young-Man-Afraid-of-His-Horses are anxious to have their children educated. Is not that true?

Mr. CANNON. I will say to my friend from Kansas I can not go into the whole subject. I can not enter into a discussion in particular as to the difficulties of the Red Cloud party or the anti-Red Cloud party, because it would take a day and a half to exhaust the subject. Most of the Indians who are gathered together at the Pine Ridge agency are in the main savages, the very same savages with which war was apprehended not very long since.

Mr. DORSEY. But have they not made progress?

Mr. CANNON. They are bound to make progress. If the gentleman will do me the honor to listen to me I will tell him the line I would take in reference to these Indians, and just exactly what I would do if I had the power to carry out my views in view of the experience we have already had on this very subject. [Cries of "That is what we want!" and applause.]

Mr. PERKINS. I should like to ask the gentleman a question. [Cries of "Go on!"] Has the gentleman made a computation as to this matter? He is discussing the subsistance or maintenance of these Indians by the Government. [Cries of "Go on!"] I desire to ask him whether he has made a computation to determine how much for the purpose of subsistence is made to these Indians by this bill per capita? Less than $17 to the Indian.

Mr. MILLIKEN. I hope the gentleman from Illinois will be allowed to proceed. We have had all these evils of the system already presented. Now we want to know what is the remedy. [Applause.]

Mr. CANNON. Let us inquire as to the remedy; and to do that let me pay a little more attention for the few minutes remaining to me to the Indian Territory. That is the best known of all these Indian reservations. We passed into the Territory at New Kiowa, and so on down to Cantonment and Fort Reno and out through Oklahoma. The Cheyenne and Arapaho reservation, you will recollect, was the reservation from which the cattle lessees were removed last summer. It contains about 4,297,000 acres. I have it here exactly, but I can not lay my hands upon it.

Mr. HOLMAN. I think it is a little less.

Mr. CANNON. It has upon it thirty-six hundred Indians—Arapahoes and Cheyennes—men, women, and children.

Mr. WEAVER, of Iowa. Thirty-three hundred.

Mr. CANNON. There are a thousand acres of it in cultivation as the result of the efforts of the farmers and of the employés at the different schools and the agency and the Indians out of the over 4,000,000 of acres of that magnificent reservation. These Cheyennes, I will say, are men of fine physical forms. They are the best I ever saw. The gentleman will not forget that last spring or summer, when these very same Cheyennes wanted to go upon the war-path, General Sheridan was then sent down there to quell the disturbance. There was at that time a greater concentration of troops bearing upon that reservation than had been concentrated upon one point since the close of the war.

What next? The cattle-men were put off the reservations, and properly so, as I think I will be able to show you a little later on. The grass grew up and was not consumed by anything except the fire. What next? With troops sufficient to keep the Indians from going on the war-path, and issuing them full rations, including clothing, and with three, yes four, boarding schools for the education of their children, we enlisted three hundred of these Indians as scouts, giving them the pay of a private soldier, with 50 cents a day for their ponies in addition.

Mr. BUTTERWORTH. To help drive the cattle-men off?

Mr. HOLMAN. The army was there to put the cattle-men off; but this was done to give them additional employment. I merely speak of it as a fact, and I do not pretend to criticise it.

Mr. SPRINGER. What has been done with these scouts?

Mr. CANNON. Oh, they are employed in the regular service.

Now, a step further touching the Indian Territory. There are 41,000,000 acres, in round numbers, in that magnificent Territory, and there are about seventy-nine thousand Indians, including those of the civilized tribes, in the Territory. There are yet over 7,000,000 acres of land, leased by these Indians in the Territory, in the occupancy of white men.

Now, if you will go with me a moment longer I will tell you a little bit of history, for it all bears upon the remedy of which I will speak later.

In 1866, you will remember, a treaty was made with the Creeks and the Seminoles, and another with the Cherokees, by which treatics cessions of portions of their lands were made for the purpose of opening them up for settlement by Indians and freedmen.

The lands which we got from the Seminoles and the Creeks were paid for, every acre of it. Several tribes were located upon the lands, the Cheyennes and Arapahoes by executive order taking possession of the reservation known as such. Then the Oklahoma strip was paid for, 1,700,000 acres, but not occupied by anybody; and let me pause here just one minute to say that until a further agreement is made we ought not to occupy it, because we got Oklahoma and that whole territory for a specific purpose, namely, to settle upon it Indians and the freedmen, and now that we do not need it for that purpose the treaty or agreement should be modified, and as I will show you these lands should then be thrown open to settlement.

A little north of that we got the Cherokee outlet, and we settled upon that the Osages and a number of tribes; but there is yet left of that cession about six millions of acres of land west of the Cherokees proper, which they leased to the cattle-men on ten years' or perhaps on five years' leases, which has been for some time and still is in the possession of the cattle-men. That land has been appraised and partly paid for. In 1883 there was an installment of $300,000 paid upon the land according to its appraised value, but under the agreement the Cherokees were entitled to the possession of it until we paid entirely for the land, as I recollect the terms of the treaty. Now white men desire to go into that Territory.

White men desire also to go into the great Sioux reservation, and also into the Blood and Piegan reservations. Everywhere the restless white men are pressing for homes within these magnificent reservations; and, Mr. Chairman, let us pause for a moment and see if he does not, to say the least of it, make a plausible case when he desires to find a home on these lands. Let us look at that a moment while inquiring about the remedy. There are men in Texas, Arkansas, Missouri, and Illinois, and in Kansas, and they look across and see that magnificent Territory of 41,000,000 of acres of among the best land on the continent, an empire as large as the States of Connecticut, New York, and Rhode Island all put together. They see that it is a mild and salubrious climate. They see there the Cheyennes and the Arapahoes and different tribes; they know they are being taxed to support in idleness these Indians and being taxed to keep an army to make them keep the peace. They do not cultivate the land, the game is all gone, they can not utilize the lands, and the fact that they can roam about free and at will over these large reservations makes them very dangerous neighbors to the adjacent settlements.

These white men think it fair and proper that we should do justice to these Indians; but they think also that the Indian title to these lands by agreement should be extinguished, except such portions of the lands as the Indian and his children can utilize in the future, and that the white man should have a home there. Now, there is some equity in that view of the case, because we, with sixty millions of people, are not all wealthy or happy. There is yet some room, Mr. Chairman, for the humanitarian in the great cities of this country like New York or Chicago. Ay, more, there is room for wise and proper legislation under which our own people can work out their salvation in the rapid changes of economic conditions as well as room for sympathy with the toiling people of this country when it is almost of daily note that there is a strike at New York or somewhere else, and the strong arm of the law is called to intervene to beat them down by hundreds with clubs. You know we are not all happy among the white people.

I only speak of this incidentally in passing to show how in the mind of the average white man there is some equity when he makes the demand that the policy should be modified so that he may go in and occupy on these great reservations a part of these lands at a fair price.

Mr. CUTCHEON. Will the gentleman yield to me?

Mr. CANNON. Yes, sir.

Mr. CUTCHEON. The gentleman spoke of our being burdened by taxation to pay these appropriation bills. Is not this the purchase price of the land we took from the Indians and does it not belong to them by treaty?

Mr. CANNON. Some of it does not.

Mr. CUTCHEON. That is granted.

Mr. CANNON. I do not care whether it does or not. I will go as far as any gentleman will go in relieving want among the Indians—ay, or anywhere else.

Mr. BRUMM. Before the time of the gentleman is consumed will he be kind enough to get down to his remedy?

Mr. CANNON. If the gentleman will bear with me and let me talk on this subject I think I will talk about the remedy, and perhaps he will find I am talking about it now if he will do me the honor to continue to listen to me as he has done for the last few minutes.

Mr. BRUMM. With great pleasure.

Mr. CANNON. But when it is proposed to modify these treaties or

these agreements and throw these lands open to white settlement we are met with the declaration everywhere that the Indian must not be brought into contact with the white man, that if you do you contaminate him and demoralize him and he dies. That is what is said. Now, gentlemen, I undertake to say under certain conditions that is not true. It is true in the Indian Territory now because you know that that Indian Territory, so far as the extradition of fugitives from justice is concerned, is a foreign land, ay, worse than most foreign lands, because it is the home of every outlaw that has a mind to put his foot inside it, and there is no power under our laws to take him out. It is a place of refuge for the white people who want to go away from their neighbors through fear or through crime. True, the law says they shall not go there. The peaceable white man, the good law-abiding citizen obeys the law and does not go there. But the outlaw does go there and there remains.

Let us take a step farther. I said a minute ago the cattle-men were put off at the Cheyenne and Arapaho reservation. But as regards the other 7,000,000 acres of land leased in the Indian Territory the cattle-men are there still under void leases.

Mr. WEAVER, of Iowa. And against an express decision of the Attorney-General that they are all illegal.

Mr. CANNON. Yes, under void leases and against the opinion of the Attorney-General, which opinion, I have no doubt, was right, every line of it. God knows why they are not put off; I do not know. And I do not know why you should make fish of one and fowl of another.

Now take the outlaws who find a refuge in the Indian Territory and the cowboys scattered over these 7,000,000 acres of leased land, and their association does damage and destroy the Indian, and such association would demoralize the white man, for that matter.

My friend says, What harm does it do to have these cattle-men spread over those 7,000,000 acres? What harm? Why, sir, the poorest man, whose highest ambition is for 80 or 160 acres of land, casts his eyes over into Oklahoma, that his Government has paid for and that he can not occupy under a technicality—I grant you a proper technicality—and he wants to occupy that land.

Mr. MILLIKEN. What is the technicality?

Mr. CANNON. That it was obtained for a specific purpose. When he gets in and puts his foot upon that soil the whole power of the Army at the command of the Executive is hastily invoked to put him out.

Now, gentlemen, what is a lease? It is a qualified sale. If you can make it for five years, you can make it for ten or one hundred years. If these leases are to run by sufferance for three or four years, sufferance becomes certainty. Yet the poor and humble white man, while he has been put out at the point of the bayonet by the strong arm of the law, passes for 50 miles over this magnificent domain of 7,000,000 acres in the occupancy of the cattle-men.

Mr. SPRINGER. Generally foreigners, too.

Mr. CANNON. I do not know how that may be. I think some of them may be home people. I am not here to abuse them. I speak of the fact. It is this kind of men generally that violate the law, that are permitted to violate the law, if you please, by the Executive. It is this kind of men, who are fugitives from justice and go into the Indian Territory where there is no power to extradite them, that demoralize the Indians. So it has always been. It has always been unlawful for the white man to find a home, or resting-place, or abiding-place inside the Indian reservation from the time the Indians were driven from the Atlantic coast away out West—always unlawful.

The law-abiding man obeyed the law, but the immoral and the reckless man defied it and came into contact with the Indians, and so it will be as long as you continue the reservation system. Now, I will tell you what I would do if I had the power. I would not stop with merely providing that these Indians should have their lands allotted in severalty. I would proceed at once to modify the treaties. But it is objected that the Indians would not modify the treaty? I have no fear of that; it is absolutely necessary for his protection and preservation that he should do so. He can not much longer occupy this Territory to the exclusion of the white man, that even if imperfectly developed would support 3,000,000 of people.

To the north, east, and south are well-settled States; already a railroad passes through from north to south, and from the east to the Arkansas River, soon to be completed to the western border and beyond; other roads are reaching out for construction from Kansas to Texas. Whatever the form, we never have and never will—the Indians being in our domain—treat with them in substance as we treat with foreign nations. We practically make the agreement with them for ourselves and also for them. They are our wards, and disguise it as you may they have no chance for protection in our agreements with them, except such protection as they receive from the sense of right in the white population, from the enlightened Christian conscience of the whole people; and such being the case, we should take every care to see that complete justice is done them; that they are protected from their own ignorance upon the one hand and the greed of dishonest or selfish individual white men on the other, who would keep them in their present state upon reservations that they may prey and fatten upon them.

Having the power, then, to modify the agreement, and the duty as well as the power, I would modify it under the forms of law and in substance. I would do the Indian justice. I would take these 79,000 Indians (I speak of them as a whole, because I can not stop to speak of the equities that belong to one or another community), and I would give each man, woman, and child 80 acres of that magnificent land in severalty. I would put them on it. I would protect them on it. That would leave about 35,000,000 acres in that Territory that ought to be utilized. Then I would make it lawful for the white man to go into that Territory and buy that land in tracts of 80 and 160 acres, at $1 or $1.25 an acre, for settlement and for nothing else. [Applause.] I would let the white man who obeys the law, and who never injured and never will injure the Indian intentionally—I would let him take his implements of husbandry with him and his Bible and march in and settle among the Indians.

A MEMBER. And his courts.

Mr. CANNON. Certainly, his courts, his school-houses, all the appliances of his civilization. And I would have him settle among the Indians. I would not have the Indians off in a little knot at one side—a knot of concentrated barbarism. O, no. I would intersettle them with this sober, Christian, magnificent, yeomanry of ours that has made this country, and that now amid the storm and the tempest and the mutterings preserves the country and will continue to do so.

Mr. TILLMAN. Will the gentleman permit me to ask him a question?

Mr. CANNON. Yes, sir.

Mr. TILLMAN. Unless you entailed the land on the Indians how long would it be before the white men would get it?

Mr. CANNON. I would make it inalienable for a generation, at least, and after I had sold those 35,000,000 acres of land at a dollar an acre, or whatever the price might be, I would hold the money in trust for the Indian. I would use the interest to help to instruct him temporarily in tilling the land and to help to bear his share of the public burdens that his land ought to bear, because I would make the land inalienable, and I would not expect the Indian to pay his full share of taxes like the white man from his own labor at first.

A MEMBER. Would you pauperize him?

Mr. CANNON. No; I would not pauperize him. But the Indian, I apprehend, could not pay taxes upon his land as the white man could, and he would have property enough left in this body of magnificent land to produce interest sufficient to meet his full share of the public burdens until he could stand alone.

Mr. TILLMAN. Could you civilize the Indian enough in one generation to enable him to protect his lands against the white man's efforts to get them away?

Mr. CANNON. If I could not, I would make it inalienable for two or three generations. The result of the policy I have indicated would be a splendid civilization in that Indian Territory and in the large Sioux reservation inside of ten years. I do not think you would ever be able to do much with the adult Indian, but I believe that by intersettling them with the whites, and with ten, thirty, fifty, or a hundred white men to every Indian, the Indians, having the example of industry constantly before their eyes, would learn that if they would eat they must labor, and would rapidly become civilized. Why, gentlemen, if the Indian can not be civilized in that way, then in the very nature of things he will be exterminated; because with only sixty millions of people you know how much territory we have already spread over.

In less than a century we shall have from two hundred and fifty millions to three hundred millions of people, and do you not know that even if you should build walls of steel around these reservations they would not stand against this vigorous, progressive, ever-increasing, ever-advancing white population?

In my opinion, Mr. Chairman, and I speak after some observation and much thought, the legislators who still continue this reservation system and put off for a few years to come entering somewhere upon the line of policy I have indicated, are rendering the future of the Indians a future of certain destruction.

[Here the hammer fell.]

Mr. CANNON. I would like to have a few minutes more.

Mr. NELSON. Mr. Chairman, I will yield the balance of my time, fifteen minutes, to the gentleman from Illinois [Mr. CANNON].

Mr. CUTCHEON. Is it not a fact that these annuities which you say pauperize the Indians are very rapidly expiring, and in a few years will they not all expire and remit the Indians necessarily to self-support?

Mr. CANNON. In reply to that question, I will say to my friend that the Indian on the reservation without help starves or murders. We do not intend that he shall do either. We must continue to feed him; we are obliged to do it until we break up his reservation, and either settle him among the whites or provide for him otherwise.

Mr. MCADOO. What is the use of the large reservation when it is devoid of game?

Mr. CANNON. It is worse than useless to the Indians and useless to the white men. It is demoralizing from every standpoint.

But, says somebody, perchance by way of criticism, "Are the aborigines to be swept out?" Why, gentlemen, if you are to preserve the identity of the Indian character, then you ought to concentrate the Indians upon one compact reservation; and even then you could not do it. If you want to civilize them without breaking up the tribal relation, you should scatter them from one ocean to the other and have only a few together and upon small reservations—the smaller the better.

While talking upon this question, I want to refer to a step that was taken along this line by the last Congress. It was thought of very carefully; it was discussed in the committee-room; it was discussed in the conference committee. The last Congress took a decided step toward the solution of this question—a step that must be followed out before you can solve the question. I read from the Indian appropriation act of March 3, 1885. Listen:

SEC. 8. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening up to settlement under the homestead law the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000 is hereby appropriated.

Congress intended that a step should be taken—the first step in that direction—looking toward the abrogation of those treaties and the throwing open of these lands.

Mr. CUTCHEON. That refers to the Oklahoma territory.

Mr. CANNON. Not only Oklahoma, but the vast region of six million acres embraced in the Cherokee strip that lies just upon the border of Kansas on the south. It is now leased to the cattle-men, who have full possession.

Mr. WEAVER, of Iowa. And no commission has been appointed.

Mr. CANNON. Oh, no; the law has stood a dead letter upon the statute-book. Mr. Chairman, I am not here to say what this statute meant. I am here to say that under the practice of Congress and the Executive an authorization by Congress touching a great public policy is equivalent to a mandate. Yet the Executive has taken no step under that legislation.

A MEMBER. Why not?

Mr. CANNON. "Why not?" My friend from New York [Mr. HEWITT] is not here to make an apology for the Executive upon the ground of inexperience; and if he did, I am informed it would not cover the case. It has been stated upon credible authority that time and time and time again this act has been brought to the attention of the Executive, and time and time again he has failed and refused to take action. During that time the President has sent the Army to put off of lands in Oklahoma the poor squatter. During that time the President through summer and fall and winter has allowed the cattle-men to hold the 7,000,000 acres that the law said he should try by treaty to open to settlement. I am not here to abuse him. I am not here to say that he was controlled by this or that or the other motive. It is not necessary. The act itself, the emergency, and the facts are a more severe criticism than I could make if I had the most bitter tongue of the most bitter man that lives on the face of the earth.

I hope before this Congress adjourns we shall realize what the condition of the Indian is; that we shall take the back track and get upon the right track; that we shall be just to the white man and just to the Indian. I want to civilize and protect him, and to do that we must put him where he can protect himself. I do not care whether he preserves his race identity or not.

I would rather he would lose it and be like the Cherokee governor, Bushyhead, is to-day. His fate is fixed. You and I can not change it. In the onward march of our race, of our civilization, there is no time or place where he can slowly through the centuries grow out of barbarism, retaining his race identity. If we would not have him perish we must incorporate him into the body-politic, into the race—into our race. This can only be done by prompt action, and now is the time to commence. Every year that passes makes the work more difficult; for those white men who believe that equitably they should have homes on these reservations are ever increasing. You may undertake to hold them back month after month and year after year, but if you hold them back much longer they will, supported by the force of public opinion, which makes and unmakes laws, sweep across the boundary, and the hand of no Congress and no Executive dare stay them, because no "body" that ever existed is more responsible to public opinion than we, the representatives of the people.

I will say in conclusion, let us here and now take the proper steps to solve this question. Let us be true to the Indian and true to the white man. Your intentions amount to nothing when ignorance points the way. It takes good intentions and full knowledge, both co-operating one with the other, to enable you to march on safely in the course you take and to succeed in doing the proper thing.

Mr. SKINNER. Let me ask the gentleman from Illinois how that can be done upon any appropriation bill under the rules of the House of Representatives?

Mr. CANNON. Perhaps I ought to ask the pardon of the House for discussing as much as I have done these matters upon this bill. We are speaking of expenditures now for the Indian service, and especially in reference to the education of the Indians, and what else should be done to establish a proper policy in their treatment. While much I have said may not be germane to the paragraphs of this bill, what I have said in the brief time I have addressed the House nevertheless, in seeking to cover this Indian question, is what I believe to be the proper and substantial means in the way of legislation to settle and adjust this vexed Indian question.

Mr. KING. Let me ask the gentleman from Illinois whether the President did not have the order issued to have these cattle-men put off this Indian Territory?

Mr. WEAVER, of Iowa. He never has had the cattle taken off.

Mr. CANNON. The gentleman from Iowa has answered the gentleman from Louisiana. I wish to make further answer to the question of the gentleman from Louisiana as to whether he did not issue the order to the cattle monopolists to get off the Cherokee lands where they occupied millions of acres in that Territory. I do not recollect whether he did, but if he did he ought to have enforced it. [Applause.] That Executive who had the courage to thrust off the squatters who had settled upon claims in Oklahoma certainly ought to have had the nerve and courage to drive off half a dozen cattle-men who had taken their cattle upon these Indian lands. [Applause.]

Mr. KING. The President ordered these men from the Indian reservations. Then, when it was protested there was great destruction of cattle occurring in that section of country, it is well understood he reserved the extension of his order, intending ultimately to cover the whole ground when the season arrived when it could be done without injury to that class of property.

Mr. CANNON. Oh, all times are proper to enforce the law. Why did not the President say to the poor squatter who had taken up his claim in Oklahoma, "I will let you stay over the winter and let your one cow feed upon the grass, but you must get off in spring." My friend, there is no apology for it. He turned the poor squatter off and allowed cattle monopolists to remain. [Laughter and applause.]

Mr. HOLMAN. What the gentleman from Illinois has stated may, unintentionally on his part, lead to some misapprehension as to that order. The Cherokees and a number of other tribes leased their lands to these cattle-men. None of these leases have been approved up to this time. The Arapahoes and Cheyennes also did so, but only by the action of a portion of their people. Those who were dissatisfied with those leases raised a disturbance, which at one time grew to be very serious. In the progress of time, as early as last June, it was feared the difficulty created there upon the Arapaho and Cheyenne reservation might lead to war, and General Sheridan was sent to the Indian Territory. It was there the difficulty occurred. The other Indians were all satisfied with the leases they had made, and only a portion of the Cheyennes and Arapahoes were dissatisfied. In consequence, the public peace was disturbed. The Government up to this time has only interfered for the purpose of preserving order in that portion of the Indian Territory where the cattle leases had produced disturbances of the public peace, and nothing more.

As to the other leases the matter is in suspense, and permit me to say further that there was just this about it: The Cherokees were receiving $100,000 a year for the lease of their lands west of the Arkansas River and the Sacs and Foxes were receiving a handsome compensation also. All these tribes, or the larger part of them in the Indian Territory, were deriving some benefit from the pasture lands, and none were complaining or were dissatisfied with their leases; the whole trouble occurring in the Arapaho reservation alone, and in that case, and in that only, the Government interfered.

The Government has uniformly, both the present administration and former administrations, prohibited men from going on that reservation except those connected with the leases; so that any remark indicating a different policy on the part of the present administration in this respect over those which preceded it is of course unjust. I repeat, the Government never interfered except to preserve the peace in a single instance where the Indians themselves required the interposition of the Government.

Mr. CANNON. Now, Mr. Chairman, just one word——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I ask consent for a moment longer.

The CHAIRMAN. If there be no objection the gentleman will proceed.

Mr. CANNON. I want to answer the gentleman from Indiana on that particular point. I read from the report of the Commissioner of Indian Affairs:

The Attorney-General—

Speaking of these leases—

further holds that in the absence of any treaty or statutory provisions to that effect, neither the President, Secretary of the Interior, nor any other officer of the Government has power to make, authorize, or approve any leases of lands held by Indian tribes.

Now, that decision is broad and is unquestionably correct, and it applies to all of these leases.

The gentleman from Indiana says that we ought not to condemn this administration in effect for doing what the other administration did or failed to do. True, the other administration never tried to ratify these

leases; but I will say to my friend that the full noonday sun of discussion has fallen upon this whole question and the country thoroughly understands it, and you will find that it is no answer or excuse to this administration for failing to carry out the law or as to the power of carrying it out to undertake to hide behind the skirts of the last administration or those that preceded it; and the case is truly a bad one when so able and ingenious a gentleman as my friend from Indiana can find no excuse for the Executive in his failure to perform his duty in the premises except to say, "Well, somebody else did not perform his duty."

Mr. HOLMAN. I do not sympathize with my friend from Illinois in his very disrespectful allusion to the last administration. I do not know that it exhibited any such qualities of weakness as those to which he refers; but let me say that the last Secretary of the Interior under that administration gave a quasi-approval to these leases——

Mr. PETERS. No, sir; the gentleman is mistaken.

Mr. HOLMAN. I am speaking advisedly; that is to say, that when it was submitted to him he did not in terms disapprove of the leases, and they stood where they then stood to this hour, except in a single instance where the public peace demanded the interposition of the Government.

Mr. PETERS. The decision of the Secretary of the Interior was this: That he had no power to approve of these leases; but that when one party occupied the territory and an interloper came in he would protect the occupant of the territory, by consent of the Indians, as against the interloper.

Mr. HOLMAN. That is correct, and that is right. But the moment the public peace demanded the interposition of the administration this power was interposed to preserve it, and to that extent only it was invoked and with reference to these particular tribes to which I have referred.

Mr. PERKINS. I would like to ask the gentleman from Indiana if any administration prior to this was directed by act of Congress to enter into negotiations with the Indians with the view that the Okalahoma country and the Cherokee strip might be settled?

Mr. HOLMAN. No, sir; not to this time. The subject submitted to the discretion of the administration was embodied in the Indian appropriation bill of last year; but my friend has undoubtedly read the report of the Secretary of the Interior and the Commissioner of Indian Affairs which afford an ample answer to his question.

Mr. PERKINS. Did not the answer of the Secretary of the Interior emphasize the necessity for action upon this administration rather than form an excuse or non-action?

Mr. HOLMAN. No; on the contrary, his reason for not advising the formation of that commission can not, I think, be questioned.

Mr. WEAVER, of Iowa, was recognized, and yielded for a motion that the committee rise.

Mr. PEEL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

Mr. NELSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Papers relating to House bill granting a pension to Catharine Whitesall—to the Committee on Invalid Pensions.

By Mr. BEAN: Petition of citizens of Nogales, Ariz., against confirmation by Congress of the Spanish grant by Mexico known as Nogales de Elias—to the Committee on the Public Lands.

By Mr. T. M. BROWNE: Petition of 49 citizens of Wayne County, Indiana, for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BUNNELL: Petition for pure liquors by citizens of Great Bend, Pa.—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BUTTERWORTH: Petition of William H. Hutton and others, of Jennings County, Indiana, asking for pensions to all soldiers and sailors of the late war, &c.—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: Petition of citizens of Allegan County, Michigan, asking a pension for James H. Robbins—to the same committee.

By Mr. CRAIN: Petition of citizens of Gaines County, Texas, favoring an appropriation for the improvement of the bar and harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. C. H. GIBSON: Petition of Corn and Flour Exchange of Baltimore, and of citizens of Talbot County, Maryland, for the improvement of Skipton Creek—to the same committee.

Also, petition for the improvement of Southeast Creek, Maryland—to the same committee.

By Mr. GROUT: Petition of A. A. Miles and 113 others, asking further legislation in behalf of pensioners—to the Committee on Invalid Pensions.

Also, memorial of S. D. Davis, in behalf of soldiers confined in rebel prisons—to the same committee.

By Mr. D. B. HENDERSON: Brief and certificate from George E. Lemon, in relation to House bill 5828 for the relief of Mena Holmes—to the same committee.

By Mr. HEWITT: Petition of manufacturers and others, in favor of the bill giving effect to the reciprocity treaty with the Republic of Mexico—to the Committee on Ways and Means.

By Mr. HILL: Petition of W. H. Booker and 300 others, citizens of Henry County, Ohio, asking for an amendment to the pension laws—to the Committee on Invalid Pensions.

By Mr. HIRES: Petition of many citizens, praying for the passage of House bill 4690 equalizing the right of all citizens to fish in the tide waters of the United States—to the Committee on Commerce.

Also, memorial from the New Jersey State board of agriculture, praying that the Commissioner of Agriculture be elevated to the dignity of a Cabinet position—to the Committee on Agriculture.

Also, memorial from the same, praying diligent investigation as to why American pork is absolutely excluded from Germany, Austria, and other countries—to the Committee on Foreign Affairs.

Also, memorial of same, praying for such laws as will co-operate with those of the different States to prevent the transmission of pleuro-pneumonia and other diseases from one State to another and to thoroughly eradicate the same from our land—to the Committee on Agriculture.

By Mr. JACKSON: Evidence in support of bill for the relief of William Gilmore—to the Committee on Pensions.

By Mr. KLEINER: Papers relating to bill granting a pension to Alonzo H. Griggs, of Company C, Fifty-third Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Petition of O. S. Parker, Company H, Forty-eighth Kentucky Volunteers, for increase of pension under House bill 5271—to the same committee.

By Mr. LANHAM: Petition of citizens of Haskell County, Texas, relating to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of James M. Rodgers, administrator of the estate of James Rodgers; of James M. Rodgers; of Eliza Cox, executrix of the estate of Josiah M. Stephenson, deceased; of R. C. Woodson; of M. M. Lacy; of Mrs. Fannie Meador, administratrix of Pleasant Meador, deceased, and of John C. Bailey, administrator of the estate of Andrew Nichols, deceased, of Marshall County; of Henry C. Nichols, of Hot Springs, Miss.; and of Harriet A. Cheairs, administratrix of Thomas D. Cheairs, of Marshall County, Mississippi, asking for relief under the Bowman act—to the Committee on War Claims.

By Mr. LEHLBACH: Petition of boatmen and others, in favor of the Staten Island bridge—to the Committee on Commerce.

By Mr. LIBBEY: Petition of Mary C. Munt and of Mary E. Stiles, of Prince George County, Virginia, for payment of their war claims—to the Committee on War Claims.

By Mr. LOVERING: Petition of Knights of Labor, Assembly No. 4341, of Chelsea, Mass., and of Knights of Labor, Assembly No. 715, of Lynn, Mass., praying for the relief of the laboring classes by liberal appropriations for public works, and especially favoring the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. McCOMAS: Petition of the executor of James Marker; of H. H. Douglas, surviving administrator of Rev. Robert Douglas; and of Joseph Poffenberger, of Washington County; of Stephen A. Thomas, of Frederick County, Maryland, and of W. M. Blackfort, of Washington County, Maryland, asking payment of their several war claims—to the Committee on War Claims.

By Mr. McKINLEY: Joint resolution of the Ohio Legislature, praying for a training ship to be placed on Lake Erie, &c.—to the Committee on Naval Affairs.

Also, joint resolution of the same, indorsing the erection of a marine hospital at Gallipolis, Ohio—to the same committee.

By Mr. J. J. O'NEILL: Petition of pilots and engineers, asking for refunding of taxes paid since 1852—to the Committee on Claims.

By Mr. OSBORNE: Petition of Col. George N. Richards, Hon. H. B. Payne, and 108 others, citizens of Wilkes Barre, Pa., asking that a pension be granted John F. Mahler, late of Company C, Fifty-sixth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Soden (N. Y.) Grange No. 73, for protection of innocent purchasers of patented articles—to the Committee on Patents.

By Mr. PETERS: Petition of J. W. Humphreys, asking for the passage of a resolution requiring the Postmaster-General to obey the law—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. L. Mock, S. J. Ramsey, and others, citizens of Kingman County, Kansas, praying for equalization of pay—to the Committee on War Claims.

Also, petition of J. W. Dawson and 30 others, ex-soldiers of Barton County, Kansas, asking for pension legislation—to the Committee on War Claims.

By Mr. PIRCE: Petition of Patrick Gillen, president, Farrell Fitzpatrick, secretary, and 109 others, Knights of Labor, Local Assembly No. 4621, of Providence, R. I., for the passage of the Foran bill for the restoration of the wages paid to the employés of the Government Printing Office prior to March 4, 1877—to the Committee on Labor.

By Mr. PRICE: Memorial of H. W. Reed and 22 others, of Spring Brook, Wis., on the subject of adulteration of butter and cheese—to the Committee on Agriculture.

Also, memorial of Mrs. Almon Lampson and 12 others, of Eleva; and of W. S. Foster and 36 others, of Dallas, Wis., in favor of laws embodying the recommendations of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. RIGGS: Petition of John J. Mudd Post 545, and citizens of Milton, Ill., for pension legislation—to the same committee.

By Mr. SCRANTON: Petition of members of the Lackawanna County (Pennsylvania) bar, in favor of the passage of House bill 2124, concerning the judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. SENEY: Paper of John B. Squires, of Ohio, favoring the passage of House bill 1601—to the Committee on Commerce.

By Mr. SESSIONS: Petition of citizens of New York, asking that they be paid balances due them by reason of the inflated currency in which they were paid during the war as soldiers—to the Committee on War Claims.

By Mr. CHARLES STEWART: Petition of citizens of Kaufman County and of Newton County, Texas, for an appropriation for harbor improvement at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. J. W. STEWART: Memorial of Knoxville Marble Company, Knoxville, Tenn., and others, relative to the duty on marble—to the Committee on Ways and Means.

By Mr. STORM: Memorial of Knights of Labor of Lehighton, Pa.—to the Committee on Labor.

By Mr. J. M. TAYLOR: Petition of Mrs. Kate Schultz, of Memphis, Tenn., for relief under the Bowman act—to the Committee on War Claims.

By Mr. WADE: Petition of James Watson, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. A. C. WHITE: Papers in the claim of Lieut. Philip Arner for a pension—to the Committee on Invalid Pensions.

Also, letter of James S. Rulster in the claim of Margaret A. Rupon for a pension—to the same committee.

Also, letter of Hon. E. S. Goblen, of Kittanning, Pa., and papers in the claim of Elizabeth Sirwell—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. WEBER: Of citizens of New York.

By Mr. WOODBURN: Of Henry Donnelley and others of Nevada.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. WILKINS: Of Mrs. C. F. Hicks, Mrs. G. W. Miskimmen, and 6 other ladies, of New Comerstown, Ohio.

By Mr. T. M. BROWNE: Of Rev. M. Mahin, O. M. Berritt, M. D., and 22 other clergymen, 18 physicians, 17 lawyers, 44 teachers, 121 business men, and 49 officers of temperance and other societies, of Henry and Wayne Counties, Indiana.

By Mr. W. W. BROWN: Of Rev. J. W. Darling, A. J. Remington, M. D., and 8 other clergymen, 3 lawyers, 7 teachers, 13 leading business men, and 17 officers of temperance and other societies, of Potter and Sullivan Counties, Pennsylvania.

By Mr. BUCHANAN: Of Rev. James Fricekett, J. J. Curree, M. D., and 13 other clergymen, 8 physicians, 4 lawyers, 3 teachers, 63 prominent business men, and 66 officers of temperance and other societies, of Burlington and Ocean Counties, New Jersey.

By Mr. MITCHELL: Of Rev. J. S. Breckenridge, John Tait, M. D., and 13 other clergymen, 6 physicians, 3 lawyers, 35 teachers, 59 leading business men, and 1,233 officers of temperance and other societies, of New Haven and Middlesex Counties, Connecticut.

By Mr. ROGERS: Of Rev. W. C. Parkam, E. J. Rowland, M. D., and others, including 16 clergymen, 13 physicians, 46 lawyers, 112 prominent business men, and 13 officers of temperance and other societies, of Arkansas.

SENATE.

THURSDAY, *March* 11, 1886.

Prayer by Rev. S. MCCHESNEY, D. D., of Topeka, Kans.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, information as to the amount of money expended by the United States in behalf of the Territory of Utah since the passage of the act of June 23, 1884; which was read.

The PRESIDENT *pro tempore*. The communication will be printed, and referred to the Committee on the Judiciary, if no other committee is suggested.

Mr. HALE. Should it not go to the Committee on Appropriations, unless there is some special investigation going on in the Committee on the Judiciary.

The PRESIDENT *pro tempore*. Does the Senator from Maine move that the papers be referred to the Committee on Appropriations?

Mr. HARRISON. I do not see the Senator from Illinois [Mr. CULLOM] present. I think he introduced the resolution calling for this information, looking to an inquiry by the committee of which he is chairman, the Committee on Expenditures of Public Money.

Mr. HALE. If there is any investigation going on in which these papers are specially needed, of course the communication should go to such committee; otherwise it should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The nature of the communication will be again stated.

Mr. CULLOM. I shall be glad to hear it. My attention was diverted.

The Chief Clerk read the indorsement on the communication, as follows:

Letter of the Secretary of the Treasury of March 10, 1886, replying to Senate resolution calling for information as to the amount of money expended by the United States in behalf of the Territory of Utah.

Mr. CULLOM. There is a bill on that subject which has been referred to the Committee on Expenditures of Public Money, and I move that the communication be referred to that committee.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 8th instant, a list of claims filed by the United States Labor League of America under the act of June 20, 1878, making appropriations for the payment of the workingmen of the District of Columbia; which was read.

The PRESIDENT *pro tempore*. The letter of transmittal will be printed, if there be no objection, without the accompanying statements, which are in print already, and referred to the Committee on the District of Columbia.

COINAGE OF THE SILVER DOLLAR.

Mr. JONES, of Nevada. I desire to present a memorial of the National Bimetallic Coinage Association; and, as it contains information that will be extremely interesting, I am sure, to the Senate, and of transcendent importance to many of the leading industries of the country, I ask the leave of the Senate to submit a few observations upon it, promising not to occupy more than a very few minutes of time.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator will proceed.

Mr. JONES, of Nevada. I shall also ask consent to have the memorial printed in the RECORD for general distribution and information.

The PRESIDENT *pro tempore*. Does the Senator wish to make some observations now?

Mr. JONES, of Nevada. A few.

The PRESIDENT *pro tempore*. The Senator from Nevada will proceed.

Mr. JONES, of Nevada. Mr. President, the special point of the memorial of the National Bimetallic Coinage Association, just presented, is an authentic and detailed exhibit of the phenomenal increase since the demonetization of silver in 1873 of all the agricultural exports of India, such as cotton, rice, rape and mustard seed, hides, linseed, wool, &c., and of the great proportions which the export of wheat, not known to that country before 1874, has since assumed. The memorial also shows in striking lights the disastrous effects upon the similar productions of the United States of this Indian competition, which it properly ascribes to the recent divergence in the relative values of gold and silver.

The proofs are indisputable and conclusive that this divergence is not due in any degree to a fall in silver, which has everywhere risen rather than fallen, but to a great increase in the purchasing power of gold.

Labor, land rents, and all the other costs of agricultural production in India are paid for in silver rupees, kept by free coinage at their bullion value. The rupee is the money of India. Rupee prices there have not risen, but on the contrary have slightly fallen, and consequently the staples of India are produced and sold at the old rupee prices, or a lit-

tle lower. When these staples are sold in England and the other commercial countries of Western Europe whose money is kept at the gold standard, the Indian exporter encounters a heavy fall in the market, but he recoups that loss through the premium on the gold bills of exchange which his sales enable him to draw.

It is probably true that if the present divergence in the relative values of gold and silver should continue indefinitely there would finally be such a readjustment of the silver prices of India that the exporters of its staples could not, as they now do, escape the consequences of the fall in the prices of those staples in gold-standard countries. But in a country of the vast extent of India, with its immense population and with the fixed habits and ideas of an Oriental people, with a money to which it has been immemorially accustomed, its prices must change very slowly, and it may be safely assumed that during the present generation at least the prices of Indian staples in India and in rupees will not be materially affected by changes in their prices in gold-standard countries.

Although the Indian ryot gets no higher prices in rupees for his products than he formerly did, he continues to receive the old prices to which he has been long accustomed, and his agricultural operations are undisturbed. On the other hand, the farmers and planters who produce similar things in gold-standard countries are discouraged and impoverished by the losses which are unavoidable when prices are falling. Under the discouragements of falling markets they send less products to the consuming markets, and a wider outlet is thus opened for the products of India.

It is everywhere admitted in Europe that what is there called the depreciation of silver, but which in reality is nothing but an appreciation in gold, operates as a stimulus and bounty upon Indian exportations, which have amazingly increased since the divergence, dating with 1873, between the two metals. This view is taken by all the leading organs of British opinion, such as the London Economist and London Times, the latter declaring "that the fall in wheat, largely caused by the low rates in gold at which India bills can now be purchased, has rendered it impossible 'by any known expedient' to continue the raising of wheat in England," and that what is threatened there is "the depopulation of the arable districts." In the debates in the Chamber of Deputies in France upon the law passed there about a year ago increasing the import duty upon cereals, the measure was urged on the ministerial side as a necessary offset to the premium obtainable in rupees on sterling exchange, which it was claimed operated as bounty on Indian exportation. The opposition admitted the necessity of such an offset, but insisted that the proposed increase of duty was not large enough for the purpose.

The stimulus of this bounty, so wonderfully felt in the production of such agricultural staples as are now exported from India, is destined to make itself felt in every product to which its soils and climates are adapted, and its capacity in respect to what its lands will yield covers the whole range of human wants, stretching, as that vast country does, from the tropics to the snowy Himalayas. Nor is it felt only in agricultural staples. The same divergence of value between gold and silver which stimulates the exportation of the products of Indian lands discourages to fully as great an extent importations into India from gold-standard countries, and thus furnishes a bounty to Indian manufactures. This has resulted in the rapid multiplication of Indian cotton-mills. Cotton cloths are produced there by expending the same kind of money for which they are sold, while the British manufacturers, producing cotton cloths by an expenditure in gold, must sell them in India for silver and bear the loss of the conversion of that silver into sterling money.

The conclusion seems inevitable that unless silver is reinstated fully as a money metal, the Indian competition, which has been so fatal to us in wheat and so injurious to us in cotton, will make itself seriously felt throughout the whole range of our agricultural productions.

When Cernuschi, the Parisian banker, visited this country in 1876–'77 for the purpose of advising us not to coin silver except in concurrence with Europe, there was no example of the ruin wrought by a single silver standard which he held up oftener or in more impressive language than that of India. From that time to the present day the favorite note of warning of himself and of others against the independent coinage of silver by the United States has been that such a policy would place this country alongside of India. It is certain, however, and is as remarkable as certain, that India is the only considerable country in the world which has enjoyed a steady commercial prosperity since 1873 or which is prospering now, as it is also the only important country which has during all that time kept its mint wide open to all comers for the coinage of silver. During the Indian fiscal year ending March 31, 1873, the year that silver was demonetized, the merchandise exports of India were $276,250,000 and its merchandise imports were $159,355,000, making a total foreign commerce of $435,605,000. During the Indian fiscal year ending March 31, 1883, the merchandise exports were $417,400,000 and the merchandise imports were $260,450,000, making a total foreign commerce of $677,850,000, showing an increase of 55 per cent. in ten years. During the fiscal year ending March 30, 1879, the Indian exports of raw cotton were 332,255,728 pounds, but increased to 691,059,376 pounds during the fiscal year ending March 31, 1883, having thus more than doubled in four years. The expansion in India of all its domestic industries has been as great since 1873 as the growth of its foreign commerce. If this expansion is not the result of its monetary policy it would be hard to show that it has been retarded by that policy, which, instead of being held up as an example to warn, should be regarded as a precedent to guide.

Mr. MORRILL. May I ask the distinguished Senator from Nevada if it is not this fact which oppresses the wheat-grower in Great Britain, that the importer of the wheat can buy rupees for one shilling and sixpence in England to any amount that he chooses, either at the sale of the government exchequer bills or by remitting silver, and then pass the rupees in India for two shillings?

Mr. JONES, of Nevada. There can be no doubt whatever that that is very true; but what is the reason he can buy the rupee for one shilling and sixpence? The only reason is that the annuitants, those who have fixed incomes in the world, desiring to increase the value of that which they receive, entered into a conspiracy to destroy silver as money and take away from it its principal use, to deny to it the royal privilege of coinage; and thus after 1873 reduced it from two shillings on the rupee to one shilling and sixpence.

For a hundred years France alone had maintained the parity of silver and gold at the relation of 15½ to 1. If that relation existed to-day it would be utterly impossible for the East Indies to ship a pound of wheat or a bale of cotton to the Western world.

Let the United States undo the wrong that it did in 1873. Let it again coin the silver. We all know from the large amount of paper in existence in all civilized countries that there is not near enough of silver to meet the monetary wants of the world. Let the United States again coin it and put the rupee to two shillings sterling, and it would be impossible that the Indian competition could affect the wheat-grower, the cotton-planter, or the wool-grower, or the rape and mustard seed grower of the United States.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. The Chair must remind Senators that this debate has proceeded by unanimous consent in the midst of the routine morning business.

Mr. TELLER. I do not propose to debate the question, but I should like to state a fact for the benefit of the Senator from Vermont.

Mr. HOAR. If the Senator will pardon me, I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. This debate is not in order.

Mr. HOAR. I desire to inquire of the Chair whether, upon the presentation of a petition the question of reference is not in order and debatable?

The PRESIDENT *pro tempore*. The practice of the Senate has uniformly been to confine the presentation of petitions to a mere statement of the contents of the paper. The Senator from Nevada obtained unanimous consent of the Senate to proceed in making the remarks he made.

Mr. HOAR. I supposed that the Senator from Nevada proceeded of right. I desire to know from the occupant of the chair if he did not so proceed on a motion to refer the memorial which he presented.

The PRESIDENT *pro tempore*. The Chair does not know that debate may be excluded on petitions, but the rules certainly do confine the statement to be made in the presentation of petitions to a bare statement of the contents.

Mr. TELLER. I do not desire to discuss this question. I want to say as to the wheat question that during the month of November last wheat was sold in Liverpool within half a cent of the price in Chicago, and that was owing to the price of silver.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Nevada to ask that the memorial presented by him be printed in the RECORD.

Mr. JONES, of Nevada. I ask that the memorial, which is an exceedingly interesting and instructive paper, be printed in the RECORD.

By unanimous consent the memorial was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

A memorial of the executive committee of the National Bimetallic Coinage Association.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists are of the opinion that the wisdom of a government is best shown by a strict construction of and in adherence to its own true objects as defined in its constitution. In this way only will the government truly and faithfully protect the rights and liberties of the people. This best advances, too, the public welfare, and lays the foundation for the permanency and prosperity of a republic.

The persistent efforts to decry silver as a currency, and the constant misrepresentations as to its true character as a purchasing power, demand a statement of actual facts, giving at the same time an explanation as to the causes of the general depression in trade, erroneously attributed to the coinage of silver dollars.

The conflict between two such giants as the United States of America and India for supremacy in the markets of the world for their principal agricultural productions, and the uncertainty for the time being as to the issue thereof, are no doubt the primary causes of a general lack of confidence, and its legitimate consequences a general suspension of enterprise and depression of trade.

In 1873 Congress struck the first blow at our wheat, cotton, corn, linseed, and wool interests by the demonetization of silver.

The act of February 12, 1873, dropping the silver dollar from the list of coins which might be struck at the Mint, was passed when there was no gold or sil-

ver in circulation. It did not, at the time, attract in any degree the attention of the country, nor were the nature and effects of substituting the gold standard for the double standard considered by the Congress which enacted it. The act was, however, in the interest of annuitants, bondholders, and the income classes generally both at home and abroad, and it was doubtless by the quietly exercised and unobserved influences from those quarters that the actual demonetization of silver by that law was brought about.

THE WHEAT QUESTION.

The average crop in India is from 10 to 11 bushels per acre, against 15 to 16 bushels in the United States; but India is capable of an immense increase in yield under careful cultivation, and where fertilizers have been applied its yield has increased to 40 bushels per acre. Great as is already the present production of wheat in India it is steadily increasing, its development being limited only by the lack of transportation to the seaboard, an obstacle that is steadily disappearing in the rapid construction of the great railroad and canal system under direct patronage of Great Britain.

It was not until 1874 that the first shipment of wheat from India to Europe was made, and was then only 95,000 bushels; in 1875 it extended to 1,500,000 bushels; in 1876 it exceeded 4,500,000 bushels; in 1877 and part of 1878 over 12,000,000 bushels. During the famine of 1878–'79 the exports fell to about 2,500,000 bushels, but reached in 1880 over 15,000,000 bushels; in 1881 rapidly increased to 38,500,000 bushels; in 1882 the exact amount was 36,485,580 bushels; in 1883 the crop slightly failed, and only 26,021,875 bushels were exported; but in 1884 the crops rose once more to 38,502,285 bushels, while in 1885, up to November, over 42,500,000 bushels were exported, and for over 3,400,000 bushels freight-room had been engaged for Europe.

To obtain such results the English Government has widely and gratuitously distributed among the native ryots or farmers, for the purpose of encouraging them in the use of improved machinery, a number of plows, constructed with a special design and of peculiar style to meet the requirements of their soil. In addition, large quantities of all kinds of plows and other implements, adapted with studious care to the wants of Indian agriculture, have been sent out by the English Government to be sold at a mere nominal price.

Great care has been exercised to select seeds from foreign countries—mostly American—of the best varieties and suitable for the soil of India.

PRICE OF LABOR AND LIVING CONTRASTED.

The Indian ryot or farmer lives in a bamboo hut; cost about 20 rupees or $9.60; his utensils, a few earthenware pots, value 2 or 3 rupees or 96 cents to $1.44. His meals consist of half an anna's (1½ cents) worth of rice or millet seed. His farming outfit consists of rude plow, a primitive wooden cart constructed with his own hands, a grubbing-hoe, a pair of bullocks, a few cows or sheep. He cuts his grain with a sickle, treads it out with his bullocks, winnows it in the air, and carries it to market on his back. If he employs a farm hand it is at about 2 annas (6 cents) per day. These circumstances tend toward an equalization of the terms of competition between the Indian and American farmers in laying down wheat in Europe, but notwithstanding the low wages of India and its increased railroad facilities, it would still be impossible for the Indian ryot to sell wheat as cheaply in Liverpool as the American farmer were it not for the divergence caused by legislation in the relative values of gold and silver.

OUR HEAVY LOSSES.

The exportation of wheat from India during 1884 and the eleven months of 1885 amounted to over 84,400,000 bushels, representing a loss of over $80,000,000 to our farmers and of over 3,500,000 tons of freight to our "granger" railroads, and of over $17,000,000 on their earnings.

It is needless to point out the manifold ways in which such a subtraction from one principal article of our export trade has made itself felt in all employments, and to the detriment of all branches of business.

But this is not all. On the 22d of October last, Indian wheat sold in Liverpool at 89 cents per bushel; while quality for quality compared, brought in Chicago on that day 88½ cents. The cost of transportation, partly by water, of each bushel of wheat from Chicago to New York is a little over 6 cents; the present lay down cost of wheat from New York to Liverpool is.

	Cents.
Free on board and insurance per bushel	1.00
Freight to Liverpool	6.82
Cost of discharging in Liverpool without commission	4.50
Total per bushel	12.32

Add to it 6½ cents from Chicago to New York and the cost of transportation, less commission, is just 18½ cents per bushel, which added to 88½ cost in Chicago brings our American wheat in Liverpool first cost equal to $1.07 per bushel, or 18 cents per bushel more than quality for quality Indian wheat is selling in Liverpool.

This state of affairs is the consequence of the extremely low price for silver bullion which is more or less controlled in the British market. At the present price of silver bullion in London, forty-seven pence per ounce, the exchange on India is one shilling and sixpence per rupee, or 33⅓ per cent. in favor of the British importer of India's wheat, who with one thousand pounds sterling purchases 13,333 rupees instead of 10,000 rupees, which is all he could have purchased for that number of pounds in 1873, and yet the purchasing power in India of the rupee is a little greater now than it was in 1873.

Add, therefore, to the ruling rate of 89 cents per bushel of wheat in Liverpool the 33⅓ per cent. and the price at once advances to $1.19 per bushel. This rate of $1.19 in Liverpool, less freight and other charges from New York to Liverpool, would leave the market price of wheat in New York $1.06⅔ per bushel, in place of 90½ cents, the now ruling rate; and in Chicago it would be equal to $1 in place of 85 cents per bushel as it is now. It is evident from these figures that the restoration of silver to its old place by free coinage would at once enable the American farmer to put Indian wheat out of the European markets.

This price of 89 cents per bushel in Liverpool not only prevents us from exporting our wheat, but actually regulates the market value of it to the detriment of our farmers, who lose from 20 to 25 cents per bushel on their wheat in order to enable them to meet the now ruling low market price in Liverpool. These 20 to 25 cents on our present crop of 1885 of 352,000,000 bushels of wheat mean a loss to the American farmers of from $70,000,000 to $88,000,000.

RAPID DECLINE IN OUR WHEAT EXPORTS.

Let us review the rapid decline in our wheat exports for the past few years.

In 1883 we exported 106,385,828 bushels, for which we received $119,879,341, equal to $1.12⅔ per bushel.

In 1884 our exports declined over 30 per cent., and we exported only 70,349,012 bushels, for which we received $75,026,584 or 1.06\frac{45}{100}$ per bushel.

In 1885 we exported some 84,500,000 bushels of wheat, for which we received only $72,933,097, or 86.32 cents per bushel, while the year previous we got over $75,026,000 for only 70,349,012 bushels, a loss of over 20 cents on each bushel.

Not only has the American farmer been a direct loser by this reduction of the demand and price abroad for his wheat product, but he has indirectly suffered in still greater degree by the resulting depreciation of his whole crop, whether consumed at home or sent abroad; and on the crop of 1885 alone, so far, he has submitted to a loss of over $70,400,000 as compared with last year's price.

This one fact is therefore proved beyond cavil or dispute, and should always be borne in mind, that to destroy the profits of the American wheat-grower it is not necessary that India should raise a crop which will meet the whole demand of Europe; it has but to furnish such a portion of the amount as will prevent an advance in the price to a point which will repay the cost of production by our own farmers.

How important a part the wheat crop of this country constitutes of the total of our exports is shown by the fact that since 1873 to 1883 about 24.85 per cent. of the whole value of our agricultural exports was made up by wheat and flour; yet the latest official statistics for the month of December, 1885, as compared with 1884, show a decline which must create an uneasiness to all who have America's welfare at heart.

Exports of wheat and flour.

December, 1884:	
Wheat, bushels	8,261,153
December, 1885:	
Wheat, bushels	4,211,850

A decline of nearly 50 per cent.

December, 1884:	
Flour, barrels	1,016,617
December, 1885:	
Flour, barrels	757,829

A decline of over 25 per cent., ending with December, 1885, as compared with 1884 and 1883, is shown by the latest official custom-house returns.

Total value of exports of breadstuffs.

July to December, 1883	$88,014,626
July to December, 1884	79,700,507
July to December, 1885	52,998,732

But the contrasts of the average yearly exports of wheat and flour exhibit still greater and more deplorable deficits.

The exports of wheat and flour from 1873 to 1883 were:

Articles.	Exports.	Value.
Wheat ..... bushels...	919,073,737	$1,095,174,727
Yearly average ..... do.....	91,907,373	109,517,472
Flour ..... barrels...	54,001,528	325,308,458
Yearly average ..... do.....	5,400,152	32,530,845

The accumulation of stock on hand January 16, 1886, in the United States as compared with corresponding period of 1885, 1884, and 1883, shows the marked decline in our exports of wheat.

Stock on hand or visible supply:	Bushels.
January 15, 1883	21,909,118
January 15, 1884	33,948,813
January 16, 1885	42,575,703
January 16, 1886	57,108,226

While our exports are gradually decreasing our stocks on hand have rapidly increased from 21,909,118 bushels in 1883 to 57,108,226 in 1886.

In order to comprehend more fully the rapid decline in the exports of wheat from this country, the official returns of the Bureau of Statistics give the following figures:

	Bushels.
Exports of wheat from all ports for December, 1884	8,400,000
Exports of wheat from all ports for December, 1885	3,773,153
Decrease	4,626,847
Twelve months ending with December 31, 1884	81,628,478
Twelve months ending with December 31, 1885	53,025,918
Decrease	28,602,560

If we consider that from 1873 to 1883 inclusive we exported 919,720,637 bushels, or 91,972,063 bushels on the average for each year, the decline from 91,972,063 bushels down to 53,025,918 bushels shows a decrease of 38,946,145 bushels, or a decline of over 57½ per cent. Compared with the exports of 1879, when 122,775,751 bushels were shipped, and in 1880 153,250,685 bushels, and in 1881 150,565,450 bushels, as well as 104,030,584 bushels in 1883, the rapid decline is startling.

The half-yearly returns of shipment of wheat from San Francisco from July 1 to December 31, 1885, compared with 1884, are equally as disturbing:

	Bushels.
July 1 to December 31, 1884	12,447,000
July 1 to December 31, 1885	5,850,000
Decrease, 1885	6,597,000

A loss of over 50 per cent.

The imports of wheat into Great Britain for the four months August (harvest time), September, October, and November, 1885, when compared with corresponding period of 1884 are equally important and exhibit the gradual supremacy India's wheat is gaining in that country:

Wheat from United States:	Bushels.
1884	11,973,160
1885	4,494,879
Decrease	7,478,281
Wheat from India:	
1884	6,833,195
1885	8,867,427
Increase	2,034,232

While the exports of wheat to Great Britain from the United States have decreased by over 7,000,000 bushels, those from India to Great Britain have not only held their own but have increased by over 2,000,000 bushels.

The contrast between the rapid increase in the exportation of wheat from India and the equally rapid decline in the exportation of wheat from the United States is significant and startling. The export of wheat from India in 1879 amounted to 1,972,544 bushels, but has rapidly increased year by year until in 1884 it amounted to 39,202,636 bushels; our own exports have, when compared with corresponding period of 1879, when we exported 122,353,936 bushels, fallen in 1884 to 75,026,678 bushels, a decrease most appalling as well as mortifying.

The decrease in the exportation of wheat from New Orleans exhibits the following: 1880–'81, 6,523,747 bushels, while the year following it fell to 2,474,581 bushels, gradually reaching for the fiscal year September 1, 1884–'85, down to 784,195 bushels; while so far this fiscal year, of which five months have passed, not one bushel has been exported from New Orleans.

CORN QUESTION.

Indian corn, equal in every particular to our own of the same appellation, though of comparatively recent introduction, has increased in favor most rapidly, and there were raised in 1882 in India over 75,000,000 bushels. The first cargo of

India's corn was shipped to Europe in January, 1883. In 1883 the crop was over 120,000,000 bushels; in 1884 over 160,000,000 bushels. It would indeed be one of the curiosities of international trade if from this small beginning in 1882 there should grow, as in the case of wheat, an export trade from India to Europe of equally as great proportions. It is a positive fact that in the central provinces of India alone enough Indian corn can be raised to supply the wants of Europe, to which we have shipped during the year (calendar) of 1885 62,525,742 bushels, and for which we received $33,090,350.

THE COTTON QUESTION.

Unpromising as the outlook for our wheat-producing farmers is, the future for our cotton planters is unfortunately quite as threatening.

India's cotton, owing to the difference of exchange, has already undermined our cotton future in Great Britain and the continent of Europe.

This is a discouraging feature, in view of the abundant crop which is awaiting a market, which forces upon us the alternative of carrying our exportable surplus until buyers are ready to pay higher prices or of selling at a very considerable decline, and in neither case is the prospect a pleasant one to contemplate for those who are carrying cotton under the belief that sooner or later Europe will require our surplus supplies; but above all we ought not to lose sight of the fact that although last year India's cotton crop was a short one, the present crop, just now being harvested, has every appearance of being an overabundant one.

Of the lands in India now devoted to cotton, it may truly be said that they do not produce one-half of what they are capable of producing under a higher system of culture; besides, recent statistics show that there are over 125,000 additional square miles of fertile cotton lands that can be put under cultivation. In the Presidency of Bombay, the great cotton belt of India, there are over 65,000 square miles awaiting only a demand for more India cotton, and with that prospect in view the British Government is at present constructing water ways and railroads.

To form a correct idea of the rapid increase in the export of cotton from the East Indies a statement of the official returns, published by the British Government, will soon convince even the most sceptic.

Exports of cotton from India.

Year.	Exports.	Increase.
	Pounds.	*Pounds.*
1879	332,255,728	.....
1880	442,429,312	110,173,584
1881	508,653,376	66,224,064
1882	630,509,928	121,856,552
1883	691,059,376	60,549,448

In fact in the short space of four years the exports of cotton from India have increased from 332,255,728 pounds to 691,059,376 pounds, or over 358,803,648 pounds, over 100 per cent.

While India on account of cheap silver has thus made rapid strides, our exports show a comparative standstill, but when compared with the increase of our crops a perceptible reduction in percentage becomes apparent.

Cheap silver in 1876 and ever since has helped India on her road to prosperity, while the American planters and cotton factors are subject not only to loss of trade but also on their invested capital.

The progress of India's cotton industry is well illustrated by the statement published in the London Economist of January 2, 1886:

Year.	Number of mills.	Spindles.	Consumption of raw cotton.
			Pounds.
1879	56	1,452,794	107,034,000
1880	56	1,461,590	123,052,400
1881	57	1,513,096	151,595,600
1882	65	1,620,814	159,024,800
1883	67	1,790,388	182,622,400
1884	79	2,001,667	212,546,000
1885	87	2,145,646	238,699,600

During that period India has nearly doubled her spindles and looms, while during the short space of seven years, 1879 to 1885 inclusive, the increase in the production power of her mills has been still greater. The consumption of raw cotton has risen from 107,034,000 pounds to 238,699,600 pounds, an increase of 131,655,600 pounds. Let us contrast our own progress:

	Spindles.	Consumption of raw cotton.
	Number.	*Pounds.*
1879–'80	10,653,435	792,400,000
1880–'81	11,365,000	847,200,000
1881–'82	12,000,000	878,800,000
1882–'83	12,660,000	950,000,000
1883–'84	13,200,000	897,600,000
1884–'85	13,250,000	763,600,000

In 1882–'83 we reached the highest point of consumption, but ever since we have been gradually on the downward path, showing a loss in home consumption of 186,400,000 pounds.

India's exports of cotton yarns and cloths by sea to foreign countries have been somewhat phenomenal:

	Yarns.	Manufactured goods.
	Pounds.	*Yards.*
1876	6,228,000	14,344,000
1877	7,926,000	15,331,000
1878	15,200,000	17,348,000
1879	21,336,000	22,239,000
1880	25,862,000	25,467,000
1881	26,901,000	29,935,000
1882	30,786,000	29,585,000
1883	45,876,000	41,410,000
1884	49,897,000	55,485,000

Comparing the value of India's exports of manufactured cotton goods with corresponding period of our own, the result is most humiliating:

	India.	United States.
	Rupees.	*Dollars.*
1879–'80	16,217,470	13,895,840
1880–'81	19,091,340	13,571,287
1881–'82	20,105,160	13,212,979
1882–'83	25,783,820	12,951,145
1883–'84	28,531,700	11,885,211
1884–'85	33,380,280	11,836,691

While India has more than doubled her exports of manufactured cotton goods, increasing from 16,217,470 rupees to 33,380,280 rupees, we have fallen back from $13,895,840 down to $11,836,691.

The decline in the export of our raw cotton from September 1, 1885 (the commencement of the cotton year), to January 1, 1886, as compared with corresponding period of 1884–'85, was as follows:

September to January—	To Great Britain.	To the Continent.	Total.
	Bales.	*Bales.*	*Bales.*
1884–'85	1,353,012	944,215	2,297,227
1885–'86	1,113,971	919,159	2,033,130
Our loss	249,041	25,056	264,097

How far low prices for silver bullion affect the cotton trade of this country is best exemplified by the following official statistics, published by the New York Chamber of Commerce report of 1885, page 162.

In 1882 the exports of cotton and value paid, compared with 1883 and 1884, were:

Year.	Crop.	Exports.	Value.
	Pounds.	*Pounds.*	
1882	2,455,221,600	1,739,975,961	$199,812,644
1883	3,266,385,320	2,288,075,062	247,328,721
1884	2,649,488,400	1,862,572,530	197,015,204

From the above it will be seen that while we exported in 1884 1,862,572,530 pounds we received only $197,015,204; while in 1882 we exported 1,739,975,961 pounds we received $199,812,644; thus showing that while we had to give 122,606,569 pounds more cotton in 1884 than we did in 1882, we received nevertheless $2,797,440 less. In 1882 the price of silver averaged at 51 1/32d., or $1.136 per ounce, while in 1884 the price fell to 50 1/32d., or $1.113; hence the losses incurred.

Unfavorably as the aforementioned statistics represent our export trade of cotton, the following is yet considerable more so. Since the new cotton year September 1, 1885, there have been greater losses on all who raise or deal in cotton. The price for silver bullion in London declined in eight days from 49*d.* to 48 3/16*d.*, and the price of cotton fell in New Orleans for middling to 9 1/2 cents, and in New York to 10 3/8 cents per pound. Five days after the price of silver buillion was lowered to 48*d.*, and cotton in New Orleans to 9 1/4 cents, and in New York to 10 1/16 cents per pound. A week later the price for silver buillion was lowered in London to 47 1/2 and New Orleans immediately responded with 9 1/8 cents and in New York to 10 1/4 cents for cotton. In October the price for silver buillion fluctuated in London from 47 1/4*d.* down to 47 1/32*d.*, and prices for cotton in New Orleans ranged from 9 3/8 to 9 cents per pound; while in New York it fell to 9 11/16 cents per pound. In November the price for silver touched 47*d.* in London and New Orleans cotton went down to 8 7/8 cents, and in New York down to 9 1/2 cents per pound for middling upland. In December 46 3/32*d.* was reached in London for silver and 8 3/8 cents for cotton in New Orleans and 9 3/8 cents in New York; while in January of this year 46 1/32*d.* was paid for silver buillion and 8 3/4 cents in New Orleans and 9 5/16 cents in New York for cotton.

It must be borne in mind also that the amounts of the crop had nothing in common with the low price paid in 1884 and 1885, and which still continue to rule to this present day. The crop of 1884 was 2,649,488,400 pounds, and the average price throughout the country for middling upland was only 10.54 cents, while the crop of 1883 was over 3,266,385,320 pounds, being 616,000,000 pounds more than that of 1884, yet the average price for middling upland cotton was 10.64 cents, which, when considered on so large a crop of over 6,949,756 bales, is of the greatest significance. The present crop of 6,500,000 bales is equal to 3,000,000,000 pounds of raw cotton, therefore by 449,756 bales or 266,000,000 pounds shorter than that of 1883; yet it is moving slowly at 8 1/4 cents for middling Orleans and 9 7/16 cents for middling upland in New York; and all this in consequence of the low price paid for silver bullion and dictated to us by the London market in the interests of British India.

Mr. C. A. Haslett, of New Orleans, general freight agent, makes the following comparative statement of the rapid decrease of cotton receipts by the Illinois Central Railroad, of which New Orleans is the terminus:

Month.	1882–'83.	1883–'84.	1884–'85.	1885–'86.
	Bales.	*Bales.*	*Bales.*	*Bales.*
September	8,343	14,342	9,607	10,457
October	55,157	79,745	52,555	49,232
November	78,880	75,159	75,770	75,592
December	101,877	81,137	91,034	78,547
January	59,339	24,167	23,678	26,598
Total	303,596	274,550	252,644	239,426

In 1882–'83 that road carried during the first five months of the cotton year 303,596 bales, while for corresponding perion of 1883–'84 it fell down to 274,550 bales, a decrease of 29,046 bales; in 1884–'85 a further decrease of 21,906 bales; and in 1885–'86 a further decrease of 13,218 bales, showing a loss of 64,170 bales, or a loss of 30,159,900 pounds, or 15,080 tons of freight.

WOOL QUESTION.

A few years ago the importation of wool from British India was comparatively unknown; to-day we find that several million pounds are yearly imported into the United States. The quality in general is acceptable for certain requirements, but quality for quality compared with our own fleece, the prices were found too high; hence East India wool has been seldom sold in our markets.

The cheap price paid for silver bullion and the exchange on India regulated thereby, have of late years allowed the British exporters to lay down India wool at a price at which it can be readily sold in our markets.

The present rate of exchange on India purchased in London, in the rupee council bills of the East Indian exchequer, means one shilling and sixpence per rupee instead of two shillings sterling, its former gold value in India, which gives the importer of India wool at the start a profit of 33⅓ per cent.

In addition, the British importer of India wool into this country realizes another large profit out of the reduction of duty by what is a practical undervaluation of the cost of that wool in India. Our laws require the value of foreign silver coins to be estimated according to the gold value of the bullion which they contain. Our custom-house rating of the Indian rupee is therefore 35.7 cents, although it is actually worth and will buy at least as much in India as when it was equal to two shillings sterling, or 48 cents. The price of India wool of all grades from coarse to fine (and some of it is very fine) ranges from 3 to 10 annas, the anna being one-sixteenth of a rupee. This makes the range of cost from 9 to 30 cents of our money, reckoning the rupee at 48 cents, and a purchase of 100,000 pounds of medium grade India wool at 5 annas, or 15 cents of our money, would amount to $15,000. But at our custom-houses, where the rupee is estimated at 35.7 cents, the cost would be estimated at $11,156.25, or at 11.50 cents per pound. By reducing the custom-house valuation to 12 cents per pound, or below, the duty would be reduced from 5 to 2½ cents per pound.

The East India wool importer not only has the undue advantage of an exchange on India, but he imports it at an undervaluation of 2½ cents per pound, or, in other words, is allowed to undervalue on an invoice of 100,000 pounds $2,500, an item worth while fighting for, and which, in a measure, explains the tenacity with which these importers in New York, Philadelphia, and Boston demand the suspension of the silver coinage. In consequence, the imports and stocks of East India wool have increased from almost insignificant proportions to the great quantities given in the annual circular of one of the leading importers of wool in Boston, and will continue to grow rapidly hereafter, if the gold price of silver still remains low, and especially if it goes lower.

Imports of East India wool in Boston.

Year.	Imports.	Increase.
	Pounds.	*Pounds.*
1883	1,021,274	.....
1884	1,390,325	369,051
1885	2,036,883	645,458

Or an increase of 100 per cent. since 1883.

That circular also states the stocks in this country as follows:

Stocks of East India wool in the United States January 1, 1886, 1885, 1884, *and* 1883.

Year.	Boston.	New York.	Philadelphia.
	Pounds.	*Pounds.*	*Pounds.*
1883	2,700	279,300	.....
1884	75,000	133,400	.....
1885	27,000	131,800	7,700
1886	200,000	75,000	416,000

TOTAL STOCKS.

	Pounds.
1883	289,000
1884	365,200
1885	166,500
1886	691,000

An increase in stock on hand of over 100 per cent. since 1883.

LINSEED QUESTION.

The rapid increase of the importation of linseed or flaxseed from India calls equally for special attention. In 1880 flaxseed or linseed sold in New York as high as $2.50 per bushel, but the competition of seeds from India bought with cheap silver bullion soon reduced the price to $2.12½, and again to $2.00 in 1883; $1.90 in 1884, and $1.80 per bushel in 1885.

We imported into the United States from India since 1881 to 1884, inclusive, over 5,159,807 bushels, as follows:

Year.	Calcutta.	Bombay.
	Bushels.	*Bushels.*
1881	503,950	.....
1882	601,286	.....
1883	869,101	347,104
1884	2,469,301	369,065

Increase as compared with 1881, over 400 per cent. New York especially has profited by the decline in the price of silver bullion and increased her imports of East India flaxseed from 42,707,112 pounds in 1883 to 162,408,400 pounds in 1884.

The case is clearly stated in the following from the New York Daily Times of February 5, 1886, and that journal being the advocate of gold monometallism can not be suspected of partiality to the silver cause.

"Farmers saw more money in flaxseed at $1.60 than in wheat at 80 cents a bushel. As a consequence the crop of 1884 was immense, and it was purchased almost entirely by Western crushers. The price was so high that Eastern crushers found they could get their supply from Calcutta at a low rate. On this account from three to four million bushels were imported, and the market was loaded with the same number of gallons of oil more than it needed."

But for the cheap prices for silver bullion such an overimportation could not have taken place. Another phase in this unwarranted competition is well exemplified by the overimportation of castor beans from India in direct competition to the raising of the same product in the State of Missouri.

For the year ending June 30, 1883, there were imported into this country from the East Indies 1,461,325 pounds; while during the year following the amount was increased to 5,142,200 pounds of castor beans.

BUFFALO HIDES QUESTION.

The time when the United States of America took the leading part in supplying the world at large with buffalo hides is rapidly passing away. In fact, instead of our supplying the foreign markets, British India has, within a few years, been able not only to underbid us everywhere, but actually dump her surplus into the United States.

According to the circular of Messrs. Whitney Bros. & Co., of Calcutta, of January 5, 1886, 1,594 bales of buffalo hides were shipped to the United States, of which 1,194 bales for New York and 400 bales to Boston during the month of December, 1885; and for the whole calendar year of 1885 11,299 bales.

In respect to the rapidity of the increase of this trade, the yearly statistics show that in 1883 6,733 bales, in 1884 9,276, and in 1885 11,299 bales were imported direct from the East Indies.

In cowhides, according to report of the New York Chamber of Commerce, there were imported into New York in 1883, 290 bales, while in 1884 the amount increased to 451 bales, and Messrs. Whitney Brothers & Co., of Calcutta, report that during the month of December, 1885, there were shipped 385 bales direct to New York. They also give the total export of cowhides to the United States as 1,076 bales in 1884 and 1,367 bales during 1885.

The shipments of tanned goat-skins, which in 1882 from Calcutta to the United States amounted to only 2 bales, increased in 1883 to 195 bales, and in 1884 to 350 bales.

This yearly report also gives the goods cleared from Calcutta to the United States for the first five days in January, 1886, as follows: 810 bales of buffalo hides, 414 bales of cowhides, 100 bales of tanned sheep-skins, and 240 tons of old iron as well.

RAPE AND MUSTARD SEEDS' QUESTION.

This particular question has the greatest bearing upon the export trade from the Pacific coast, especially San Francisco. Cheap silver bullion has caused a wonderfully rapid increase in the exportation of rape and mustard seeds from India to Europe since 1880, namely:

Exports of mustard and rape seeds from Bombay during calendar year.

	Pounds.
1880	24,375,008
1881	89,176,304
1882	76,142,416
1883	130,772,560
1884	155,592,976
1885	184,374,680

If we could only exhibit such a marvelous increase in any of our exports from 24,000,000 to 184,000,000 pounds it would be as gratifying as it is painful for us to record India's prosperity at the expense of that of the United States of America.

THE RICE QUESTION.

The exportation of rice from this country to Europe has become so insignificant and the importations of East India rice into this country so enormous that special attention has been called by the rice-growers of Louisiana to this important fact. The whole amount of rice exported in 1885 from this country to Europe was only 239,100 pounds, for which we received the munificent sum of $14,689; while during that same space of time we imported 111,954,976 pounds, mostly from India, for which we paid $2,147,918.

While our American rice is for the present hardly known outside of Russia in Europe, the amount of East India rice imported into Europe from India is actually surprising. The following are the exports from India to Europe from 1878 to 1883 inclusive:

	Pounds.
1878	1,842,862,500
1879	2,125,023,200
1880	2,216,630,800
1881	2,726,605,100
1882	2,888,843,600
8	3,125,828,800

The recent decision of the Secretary of the Treasury in favor of the East India so-called broken rice has enabled the importing New York brewers to misrepresent the true value of their invoices, and in consequence thereof 45,494,522 pounds of this so-called broken rice have passed through the New York custom-house undervalued, paying a duty of only $789,233, in place of $1,023,630.34.

DIVERS INTERESTS COMPARED—PEANUTS.

In 1877 a trial lot of 2,240 pounds of peanuts was shipped from India to Europe, but the year following 1,800,300 pounds were exported, gradually increasing to 3,450,300 pounds in 1879, while in 1884 the amount total included 51,880,600 pounds.

OLD IRON.

When Calcutta can clear for the United States for the first five days of January, 1886, 240 tons of old iron and compete with our own home product, of which pig-iron is to-day produced at $8 per ton in Birmingham, Ala., $9 per ton in Tennessee, $12 per ton in West Virginia, and $19 per ton in Pennsylvania, quality for quality always kept in view, the question will soon become of vast interest to Pennsylvania, where there are now so many opponents of silver.

India has iron of great purity spread over the whole country, in most places to be had by light quarrying or collection from the surface; it has chrome iron capable of making the finest Damascus blades; manganiferous ores and splendid hematite in profusion, all of which she is anxious and well able to dump into Pennsylvania, where the high cost of production enables India to compete at a large profit with the aid of cheap silver bullion and favoring exchanges.

LOSS OF TRADE TO NEW YORK CITY.

Cheap silver bullion and the persistent abuse of our silver coinage by the press of New York have been felt in that city in a loss of foreign exports during the past year to the amount of $97,165,803.

To better understand this rapid decline in the foreign commerce of New York city the following official United States custom-house returns need no further explanation:

Decline of foreign export commerce of New York city.

Fiscal year.	Total.	Decrease.
1881	$954,488,906	.....
1882	907,936,465	$46,552,441
1883	892,438,988	15,497,477
1884	870,968,559	21,470,429
1885	773,802,756	97,165,803

In fact since 1881 to 1885, inclusive, New York city's foreign export commerce has declined to the amount of $180,686,150.

RAILROAD INTERESTS OF INDIA.

How great the railroad interests of India are is exemplified by the following expenditure statement taken from Indian balance sheet for 1883, 1884, under the heading "Productive Public Works:"

State railways	£30,030,000 =	$145,945,800
Eastern Bengal Railway	799,000 =	3,888,000
State railways, working expenses	1,706,000 =	8,291,160
State railways, guaranteed interests	3,934,000 =	19,119,240
Eastern Bengal Railways, working expenses	1,997,000 =	9,705,420
Subsidized railways	232,000 =	1,127,520
Frontier railways	103,000 =	500,580
Total	£38,801,000 =	$188,572,860

To which must be added £1,423,000 or $6,905,780 spent for water-ways improvements.

The revenues from these railways and water ways during the same period were:

State railways, gross earnings	£3,082,000
Guaranteed net traffic receipts	3,688,000
East India Bengal railways	4,999,000
Water-way earnings	1,079,000
Total	12,848,000

Equal to $62,441,280.

India's debt on railroad guarantees and raised capital in 1884 was £71,020,000, equal to $345,157,200. When we consider that thirty years ago, 1854, the first railroad of 21 miles was built, the rapid increase since that time to 10,784 miles on the 31st of March, 1884, the possibilities of India's competition, fostered by the London market price for silver bullion, become at once apparent.

So far as the dividends of these Indian railroads are concerned, an extract from the London Economist of June 27, 1885, illustrates their prosperity best.

The Bombay, Baroda, &c., Railroad declared in 1882 a dividend of 11¼ per cent.; in 1883, 12.9 per cent.; 1884, 12¾ per cent.

The East Indian Railroad, a dividend of 12¾ per cent. in 1882; 13¼ per cent. in 1883, and 11¾ per cent. in 1884.

The Indian Peninsula Railroad, 12¾ per cent. in 1882; 12¼ in 1883, and 12 per cent. in 1884.

The Madras Railroad for three years, 1882-'84, 10 per cent. each year.

The Oude and Rohilkund, 1882, 1883, and 1884, 10 per cent. for each year.

The Scinde, Punjaub and Delhi, 10 per cent. for each year, 1882, 1883, and 1884.

South Indian, 30 per cent. in three years, namely, 10 per cent. in 1882, 10 per cent. in 1883, and 10 per cent. in 1884.

THE FALLACY, "DUMPING-GROUND FOR SILVER."

With the re-establishment of the free coinage of silver in this country we have been told that the United States will become the dumping-ground for foreign silver. This assertion manifestly rests on error, and a review of the rates of coinage of the several leading nations in this world will soon dispel all just grounds for such apprehension. On the contrary, with the free coinage of silver re-established in this and other silver-using countries in Europe we shall be confronted with a drain upon us for our silver dollars. Our coinages and that of Mexico are as 1 to 16, which means we give 16 pounds of silver for every pound of gold. The Latin Union, on the contrary, coins at the rate of 1 to 15½; Great Britain in respect to subsidiary coinage as 1 to 14.28. The German Empire as well as all the other nations of South and Central America coin as 1 to 15½, hence the loss on their coins would alone prohibit the exportation of their silver to this country. So far as Mexico with her standard of 1 to 16, equal to our own, is concerned, we have no reason to apprehend any injurious importation of her silver.

Since the discovery of America, 1492, to 1875 Mexico mined 167,651,880 pounds avoidupois of fine silver equal to a yearly average of 438,879 pounds of fine silver valued at $8,777,580. It is admitted also that since 1875 Mexico has produced the following amounts, namely: 6,830,868 pounds of fine silver valued at $149,975,720, or at a yearly average of 683,068 pounds, value $14,997,572.

The largest production of any one year since the discovery of America was in 1883, when Mexico produced 1,476,000 pounds of fine silver valued at $29,250,000. Surely if the whole should, which is not likely, be dumped into the United States the sum of $29,250,000, could and would easily be absorbed by us, enriching us to that amount.

Admitting that Mexico would send us her silver, the free coinage would give in turn only silver dollars or certificates therefor. These coins or certificates not being a legal tender in Mexico would have to be exchanged for our products of the soil or labor, and assuredly there would be no good ground for complaint at such an exchange.

So far as Europe is concerned the amount of freight, insurance, and loss of interest on capital invested and in transit must prevent any sound financial transaction on such a basis.

The only nation in Europe having silver on hand is the German Empire; but that country, after having submitted to a total loss on the sale of silver of 96,551,398 marks and 27 pfennige, or $24,137,849.56 of our money, in consequence thereof, in May, 1879, the chancellor of the empire, Prince Bismarck, ordered the sale of silver to be discontinued. Owing to this decree, which the German Reichstag fully indorsed, the imperial exchequer of Germany immediately put the old thalers again into circulation at their full face value of 3 marks each.

According to the official returns published in the Almanach De Gotha for 1886, the amount of the old thalers thus put into circulation amounted to:

	Marks.	Dollars.
In 1880	12,120,000	= 3,030,000
In 1881	11,285,000	= 2,821,250
In 1882	15,608,000	= 3,902,000
In 1883	17,813,000	= 4,453,250
In 1884	17,463,000	= 4,365,750
	75,289,000	=18,572,250

According to official report transmitted to the German Imperial Reichstag the amount of old silver in thalers on hand amounted to 313,896,000 marks, of which 75,289,000 marks were put into circulation up to 1884 inclusive.

The amount put in circulation during 1885, from reliable, although not official, sources, is estimated at over 25,000,000 marks, leaving a balance of 213,607,000 marks, of which over 5,000,000 marks were absorbed in the recoinage of 1 and 2 mark pieces.

Unless the German Reichstag decides upon resumption of sales of silver we can not expect any silver bullion from that quarter; and even if they should send it here they could receive only standard silver dollars, which not being a legal tender in Germany or Europe will have to be exchanged here for our products—an exchange most welcome.

A RETROSPECT.

The executive committee of the National Bimetallic Coinage Association in presenting this memorial to your honorable body ask for the enactment of laws which will protect the farmers as well as the manufacturers against unjust discrimination in favor of the British East Indies to the direct injury of those interests in the United States.

The losses so far have fallen most heavily upon the wheat-producing States, and whose interests are still in great danger. Next in injury are the Cotton States. These two branches, wheat and cotton, have during the past five months suffered a loss of $70,000,000 to $88,000,000 on the wheat crop, $55,000,000 to $60,000,000 on the cotton crop.

The railroad transportation interests during the same period have suffered a loss on freight at from $15,000,000 to $17,000,000.

While these three branches alone have suffered during the past five months losses from $15,000,000 to $88,000,000 respectively, the miners of our silver-producing States have only lost the amount of $6,800,000, namely, Product of the silver mines during 1885, a whole year, $48,800,000, which they parted with to the United States Mint and to England for shipment to India at $42,000,000; loss, $6,800,000.

With the re-enactment of free coinage the miners of silver will not part with their precious metal below $1.29 per ounce for fine silver, and Great Britain will no longer be able to dictate to us the market price for our silver bullion. Exchange on India must forthwith advance to par, namely, two shillings sterling per rupee wheat to $1.19 per bushel, and cotton to 13½ cents per pound in Liverpool.

As it is certain that the fall of the rupee from two shillings to one shilling and sixpence in gold did not increase rupee prices in India, we may safely conclude that the return of the rupee to its old value of two shillings sterling will not lower rupee prices in India of wheat, cotton, or anything else produced in that country. It must, therefore, be true that with the free coinage of silver, which will put an end to the 25 per cent. premium on gold exchange now obtainable in India, and with the rupee prices in that country remaining unaffected, Indian competition with us in British and European markets need not be feared at all in respect to wheat or corn, and very little in respect to cotton.

Now, in view of the facts herein set forth, we respectfully ask for the enactment by your honorable body of a law similar to the one in force from the foundation of the Government up to 1873 providing for the free and unlimited coinage of silver.

W. W. WEIGLEY, of Philadelphia, Pa.,
Chairman pro tempore,
M. H. SLATER, of Colorado,
IVAN C. MICHELS, of New York,
C. P. CULVER, of District of Columbia,
Of the Committee.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented memorials of Fraser & Chalmers, of the editor of the Literary Life, of the Walter A. Wood Mowing and Reaping Machine Company, of the editor of the Chicago Weekly Occident, and of the W. W. Kimball Company, manufacturers, of Chicago, Ill., remonstrating against the proposed increase of the rate of postage on fourth-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Tampa, Fla., praying for certain legislation in reference to the military reservation of Fort Brooke; which was referred to the Committee on Military Affairs.

He also presented a petition of representatives of savings-banks of New York State, praying for the repeal of the act which directs the coinage of 412½-grain silver dollars; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Illinois State Board of Agriculture, praying for additional legislation to protect the dairy interest; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Knights of Labor of Chicago, Galesburg, Quincy, Geneseo, Coal Valley, and Danville, Ill., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of 33 clergymen, 28 physicians, 17 lawyers, 98 teachers, 175 business men, and 45 officers of temperance and other societies of McHenry, Kane, and De Kalb Counties, Illinois, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. LOGAN. I present a letter of Louis K. Gillson, of Chicago, Ill., inclosing sundry petitions from citizens of Kansas, Utah, Michigan, Missouri, Illinois, Maine, and Minnesota, praying for the passage of a law extending the time for filing bounty claims. I move that the papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRIS presented the memorial of Louis J. Nance, of Cornersville, Tenn., remonstrating against the proposed increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS. I present resolutions adopted by Knights of Labor Lodge 4478, of Roane County, Tennessee, stating that in time of depression the General Government should make liberal appropriations of the surplus revenues for the construction of works of internal improvement of national importance, and redistribute among the people in the form of wages funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and what they wear. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. McPHERSON. I present a memorial of boat-owners, officers, and employés interested in the navigation of the Arthur Kill, or Staten Island Sound, favoring the proposed Staten Island bridge, and protesting against certain misrepresentations of interested parties in overstating the extent of the commerce and tonnage of this arm of the sea. The memorialists do not state what the misrepresentations are, but only state the fact. As a bill on the subject has been reported, I move that the memorial lie on the table.

The motion was agreed to.

Mr. JONES, of Arkansas, presented a memorial of 268 visitors at Hot Springs, Ark., remonstrating against the proposed removal of bath-houses from the Government reservation at that place; which was referred to the Committee on Public Lands.

He also presented a petition of 18 clergymen, 20 physicians, 46 lawyers, 39 teachers, 110 business men, and 9 officers of temperance and other societies, of Arkansas, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part

by money from the national Treasury; which was ordered to lie on the table.

Mr. HALE presented a petition of 16 clergymen, 3 physicians, 11 lawyers, 22 teachers, 45 business men, and 17 officers of temperance and other societies of Sagadahoc and Oxford Counties, Maine, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. HOAR. I present a petition of the Boston preachers' meeting of the Methodist Episcopal Church, setting forth that since the treaty of 1881 between the United States and China most flagrant and grievous outrages have been perpetrated upon Chinese in Wyoming and Washington Territories and the States of Oregon and California and in many places in that portion of the country, and the purpose is still openly expressed of driving out the Chinese inhabitants; that in the course of these outrages not only has much property been destroyed, but many persons have been put to death; that this failure to keep our treaty obligations and the inhuman persecutions and brutal massacres disgrace our country in the eyes of the civilized world and subject it to the just judgments of a righteous God. The petition also sets forth that the safety of our citizens in China is imperiled by the danger of retaliation; that we have no right to expect that people of a heathen country will be more careful of the rights of American merchants and missionaries than people of this Christian country are of the rights of Chinese; and that immediate measures of a most stringent character should be taken, so that the spirit of persecution and lawlessness shall be sternly rebuked and prompt and efficient punishment visited upon the law-breakers. The petitioners pray Congress to enact without delay such measures as may enable the officers of the law to suppress all efforts to persecute and drive out the Chinese and secure to them the same protection afforded to all other persons.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BLAIR. I present resolutions of the New Hampshire State Grange of Patrons of Husbandry, stating that there is a bill now pending before the Committee on Post-Offices and Post-Roads of this body which aims at an increase from 1 to 2 cents per ounce of postage on fourth-class postal matter; that it is directly in the interest of express companies to the wrong of the people, and resolving that they enter their earnest protest against the passage of the measure, and respectfully urging the members in Congress from New Hampshire to strongly oppose the bill or any measure that will increase the rate of postage on fourth-class matter or in any way change the classification of such matter. I move that the resolutions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. BLAIR. I present the petition of C. E. Walker and a large number of citizens of Portsmouth, N. H., owners and masters of sailing vessels engaged in the coastwise and foreign trade, in which they respectfully petition for the enactment of a law to allow the masters and mates of our sailing vessels to be licensed on the same terms and conditions as masters of steamers, and be allowed to pilot their vessels wherever they are found qualified to act, and setting forth their reasons. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BLAIR presented a petition of the General Berry Post, No. 85, Grand Army of the Republic, praying for the enactment of a law providing for the establishment and maintenance by the United States of homes for indigent maimed soldiers of the late armies of the so-called Confederate States; which was referred to the Committee on Military Affairs.

Mr. HAWLEY presented a petition of 31 clergymen, 13 physicians, 19 lawyers, 35 teachers, 172 business men, and 50 officers of temperance and other societies of New Haven, Middlesex, Tolland, and Hartford Counties, Connecticut, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. EVARTS presented four petitions of citizens of New York city, praying for the abolition of the Presidency; which were referred to the Committee on Privileges and Elections.

Mr. WILSON, of Iowa, presented a petition of 14 clergymen, 7 physicians, 5 lawyers, 14 teachers, 70 business men, and 24 officers of temperance and other societies of Johnson, Marshall, Henry, and Washington Counties, Iowa, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

He also presented a petition of the Lynngrove monthly meeting of Friends, in Iowa, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented a petition of 22 clergymen, 6 physicians, 13 lawyers, 33 teachers, 145 business men, and 48 officers of temperance and other societies, of the State of Michigan, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. CULLOM presented the petition of H. H. Colwell & Son, Charles B. Tooker, Cyrus O. Hubbell, and 124 other merchants of New York, praying for the passage of a bill to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,295,000, including the right of way free of cost to the United States; which was referred to the Committee on Commerce.

He also presented petitions of Knights of Labor of Port Byron and Cable, in the State of Illinois, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MILLER presented the petition of Ernst Hain, of Utica, N. Y., praying for the passage of a bill relieving him from the burden of furnishing certain proof in his claim for a pension; which was referred to the Committee on Pensions.

He also presented the petition of citizens of Geneva, N. Y., praying for an amendment to the Constitution of the United States, giving the right of suffrage to women in the States and Territories; which was ordered to lie on the table.

Mr. DOLPH presented resolutions adopted by the Walla Walla (Wash.) Board of Trade, in favor of the annexation of that portion of Idaho known as the "Pan-Handle" to Washington Territory; which was referred to the Committee on Territories.

Mr. INGALLS. I present the petition of a large number of citizens, resident in Lynn, Osage, and Woodson Counties, Kansas, praying for certain legislation upon the subject of temperance. I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL presented a petition of 14 clergymen, 20 physicians, 41 lawyers, 31 teachers, 148 business men, and 31 officers of temperance and other societies, of Scotland, Shelby, Macon, Knox, and Schuyler Counties, Missouri, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury; which was ordered to lie on the table.

Mr. MITCHELL, of Oregon, presented a petition of citizens of Oregon, praying that a portion of the Siletz Indian reservation in Benton County, Oregon, be thrown open to settlement; which was referred to the Committee on Indian Affairs.

Mr. TELLER. I present a petition of Knights of Labor of the city of Denver, State of Colorado, in which the petitioners say that in time of depression the General Government should make liberal appropriations of the surplus revenue for the construction of works of internal improvement of national importance, and redistribute among the people in the form of wages funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear. The petitioners suggest that the construction of the Hennepin Canal by the General Government is an undertaking of national importance and necessity and an improvement that will not only benefit thousands of needy men, but one that will furnish employment for all time to come to thousands engaged in a vast system of internal water traffic between New Orleans, Saint Paul, and New York, that will present an insurmountable check to the greed of monopolies, that will give cheaper bread to the East and cheaper goods to the West, and that it will stimulate commerce, industry, and agriculture everywhere in this great Republic; and in that I am willing to concur.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 520) for the relief of Richard C. Ridgway and others, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 1839), for the relief of Richard C. Ridgway and others; which was read twice by its title.

Mr. MORRILL, from the Committee on Finance, to whom was recommitted the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 1557) for the relief of David W. Jones, reported it without amendment.

Mr. HAWLEY. I am instructed by the Committee on Civil Service and Retrenchment, to whom was referred the bill (S. 839) to repeal

chapter 27 of acts of 1883 relating to civil service, to report the same adversely, and to request that the bill be placed on the Calendar. The repeal proposed by the bill is of the act known as the civil-service act. The committee was not unanimous upon the subject, the majority reporting against the bill—that is, for the maintenance of the act; and the Senator from North Carolina [Mr. VANCE], who introduced the bill, desires that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. LOGAN submitted the views of the minority of the Committee on Military Affairs upon the bill (H. R. 67) for the relief of Fitz-John Porter; which were ordered to be printed.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 1840) for the erection of a public building at Newburg, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LOGAN introduced a bill (S. 1841) granting a pension to Joseph Shull; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1842) granting a pension to Miriam V. Kinney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1843) granting a pension to Dr. John W. Mitchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1844) granting a pension to Orrin P. Cooley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1845) to extend the time for filing claims for bounty; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER introduced a bill (S. 1846) to amend an act entitled "An act for the erection of a public building at Brooklyn, N. Y.," approved June 12, 1882; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1847) for the purchase of land for the Federal building in Brooklyn, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON. I introduce a bill, by request, to the provisions of which I am not committed at all. It is a bill for the annexation of a portion of the Territory of Idaho to Washington Territory and of another portion to the Territory of Montana. This proposition is in the line of some petitions that have been presented and referred to the Committee on Territories. As I said a day or two ago, the committee have already reported a proposition in connection with the bill for the admission of Washington Territory, annexing the whole of the territory referred to in this bill to the proposed State of Washington; but as there is an independent House bill proposing the annexation of this territory to Washington as a Territory now before the Committee on Territories, I ask the reference of the bill to the Committee on Territories.

The bill (S. 1848) to annex a portion of the Territory of Idaho to Washington Territory was read twice by its title, and referred to the Committee on Territories.

Mr. McPHERSON (by request) introduced a bill (S. 1849) for the relief of Julia L. Williams, administratrix of the estate of William P. Williams, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1850) granting a pension to Mrs. Annie C. Owen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 1851) establishing a commission to report to Congress on manuscripts belonging to the Government; which was read twice by its title, and referred to the Committee on the Library.

Mr. WILSON, of Iowa, introduced a bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1853) granting a pension to Isabella Jessup; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 1855) granting an increase of pension to James H. McBurney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1856) for the relief of the estate of Richard Boddy; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BROWN introduced a bill (S. 1857) for the relief of John D. Munnerlyn, of the State of Georgia; which was read twice by its title, and referred to the Committee on Claims.

MARTIN V. MILLER.

Mr. CAMERON. On the 23d of February I was directed by the Committee on Military Affairs to report adversely on the bill (S. 921) to provide for the muster into service of Martin V. Miller as second lieutenant of Company E, Seventieth New York Volunteers, and it was indefinitely postponed. As new and important evidence has been discovered and presented, I move that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill, with the accompanying papers, be recommitted to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

PRINTING OF TESTIMONY.

Mr. CULLOM. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Expenditures of Public Money be authorized to have printed for the use of the committee 50 copies of the testimony taken by said committee in the investigation authorized by Senate resolution of January 27, 1886.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULLOM. I simply desire to say that the investigation under the resolution referred to is being conducted by the committee, and it is thought important that the testimony should be printed for its use as we go along. That is the object of the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

COMPILATION OF INTERNAL-REVENUE LAWS.

Mr. VANCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing, to whom was referred a resolution to print the compilation of the internal-revenue laws of the United States by D. R. Goodloe, be directed to report upon the same; and if their report should be adverse to printing said compilation, that they return the manuscript thereof to the auther.

LIST OF DISTRICT DAMAGE CLAIMS.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on the District of Columbia:

Resolved, That the commissioners of the District of Columbia are hereby requested to forward to the Senate a list of all disallowed claims for damages to property in the District created by the late board of public works, and also a list of all claims filed under the old board of audit and not allowed; the said list to show by whom filed and to state in each case the cause of rejection of said claim.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

Mr. PLUMB. I move that the Senate proceed to the consideration of Senate bill 149.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Wisconsin [Mr. SPOONER] will now be read.

The CHIEF CLERK. It is proposed to add to section 2 the following:

Nothing in this act contained shall be construed to embrace or involve in the litigation to be initiated and carried on under the provisions hereof any lands which the Supreme Court of the United States shall decide, in the cause now in said court pending on appeal from the circuit court of the United States for the district of Iowa, in which the Sioux City and Saint Paul Railroad Company is appellant and the Chicago, Milwaukee and Saint Paul Railway Company, John H. Gear (governor), and others are respondents, to have been earned by the Chicago, Milwaukee and Saint Paul Railway Company by the construction of the portion of the land-grant railway from McGregor, Iowa, to a point of connection with the Sioux City and Saint Paul Railroad at Sheldon, in O'Brien County, Iowa.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Wisconsin.

Mr. SPOONER. Mr. President, I have no objection to the accomplishment of the purpose proposed by the bill as stated by the Senator from Kansas [Mr. PLUMB], but if I may have the attention of the Senate for a very few moments, I think I shall be able to show that if the bill should pass without the pending amendment which I have offered, it will be the perpetration of little less than an outrage upon the property rights of another company with which neither the State of Iowa nor the United States, as I understand it, has any quarrel or any ground for quarrel.

The Senator from Kansas stated all the facts which it was necessary for him to state in order to justify this bill from his standpoint. In 1864 Congress made a grant of land to the State of Iowa to aid in the construction of a railway from Sioux City, on the Missouri River, to the Minnesota State line. That act of Congress provided that the company should be entitled to receive land, or, in other words, that the State should be at liberty to convey lands to a company only upon the completion of the railroad in sections of not less than 10 consecutive miles each. The grant was conferred by the State upon the railway company named in the bill, which did not complete the railroad in aid of which the grant was made. The company built 56 miles, five sections of 10 consecutive miles each, and there it stopped.

The object of this bill, and it is a proper object, is to enable the United States to reclaim, if it has the right to reclaim, and that is to be left to the court to decide, all of the lands embraced in the grant for

that road not earned by the Sioux City and Saint Paul Railway Company.

Now, let me state the facts which are necessary to enable the Senate to understand why, in my judgment, the amendment which I propose should be adopted.

Mr. INGALLS. What is the entire distance between the termini?

Mr. SPOONER. The entire distance between the State line and the end of the constructed road is 56 miles, and I think it is 25 miles from there to Sioux City. Congress in the same act made another grant to which I desire to call, for just one moment, the attention of the Senate:

Also, to said State for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it shall intersect the said road running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State, every alternate section of land designated by odd numbers for ten sections in width on each side of said roads.

The two grants are the same in quantity per mile and general restrictions.

The act provided, as land-grant acts have not very often provided, probably in view of the fact that the act of Congress rendered inevitable a conflict in the grants (both as to the primary and the indemnity limits), that the Secretary of the Interior should select the deficiency lands within the indemnity limits for both roads.

I call the attention of the Senate to the fact that under the act of Congress the road, to aid in the construction of which the second grant was made, was to be built to a point of intersection with the first-named road, which made necessarily a conflict in the grants.

Both lines of road were definitely located and the maps of definite location were filed. The road from McGregor to the intersection point in the county of O'Brien, in the State of Iowa, was 227 miles in length. Both roads being located, action was taken by the Secretary of the Interior, which created the necessity for the amendment. The Secretary of the Interior, Mr. Delano, in violation of the law, as it is now understood to be, but in accordance with a theory then entertained upon the subject, that priority of location gave priority of right in the selection of indemnity lands, patented to the State of Iowa for the use of this one company, the Sioux City and Saint Paul Railway Company, all of the lands in the conflicting limits, both the primary limits and the indemnity limits. About 50,000 acres of the land thus patented is still held by the State of Iowa pending the final determination of the litigation to which I now refer.

When the Chicago, Milwaukee and Saint Paul Railway Company, a corporation of the State which I have the honor in part to represent on this floor, received from the State of Iowa the grant from McGregor to the intersection point, and completed its road in accordance with the act of Congress and in accordance with the legislation of Iowa, it filed a bill in the circuit court of the United States for the district of Iowa, making the governor of Iowa a party and the Sioux City and Saint Paul Railroad Company a party, to declare its right to one-half of the land in the conflicting limits at the intersection point, which the Secretary of the Interior had conveyed for the use and benefit of the Sioux City company.

The circuit court of the United States decreed that the Milwaukee and Saint Paul company was entitled to one-half of the lands in these *conflicting limits*, including the lands which had been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railway Company. Mr. Justice Miller had as a referee, prior to the filing of this bill, arrived at the same conclusion. That suit is pending, on appeal, in the Supreme Court of the United States, and will be reached there to-morrow or Monday.

Every lawyer familiar with land-grant law knows that, under the decisions as they have been repeatedly made by that court, where two grants are made by the same act, and there is a conflict as to the lands within the granted or place limits, the two companies take each a moiety. As to the indemnity limits in a case like this, the Secretary of the Interior being charged with the duty of making the selection, he would have no right to select for one company in preference to the other.

Now, if I have succeeded in showing to the Senate these facts, first that these lands—and I have the proof of it in this record on the table before me—in the conflicting limits were all certified or patented by the Government to the State of Iowa for the benefit of the one company, whereas they should have been patented to the State of Iowa for the benefit of both (and that the court has decided in strict conformity to law that each company is entitled to one-half), then I have shown, if the Senate will look at the language of this bill, the necessity for this amendment.

I call the attention of the Senate to this language:

That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled—

Reciting the title of the granting act—

approved May 12, 1864, concerning such of said lands as have been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railroad Company and have not been by said State conveyed to said railroad company, the United States hereby asserting its reversionary right to all of said lands, or so much thereof as shall be found to have been patented in excess of the amount of land earned by said company, in compliance with the act of Congress aforesaid, and hereby resumes possession of the same, subject to the conditions hereinafter named.

The second section directs the United States district attorney to bring suit involving these lands, including those claimed by the Milwaukee and Saint Paul company.

Thus the bill involves, it will be seen, in this litigation, not only the lands which were patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul company, the company which is in default, but also forty or fifty thousand acres of land which were erroneously patented to the State of Iowa for the use and benefit of this Sioux City and Saint Paul company and which the court has decided the other company is entitled to.

There is no reason why the Congress should cast by this bill a cloud upon the title to the land which the Supreme Court in the case now pending shall determine to belong to the Chicago, Milwaukee and Saint Paul Railway Company. The State of Iowa has had no controversy with that company; the settlers who are referred to in the report upon this bill have had no controversy with that company. There is no controversy whatever as to that company. It completed its railroad, the whole 227 miles, from McGregor to the intersection point, within the term limited by the act of Congress. When the road was built the governor of Iowa certified that fact to the Secretary of the Interior. The necessity for this amendment therefore is that if without it the bill should become a law, Congress will have involved in litigation by the terms of this bill land which another company has earned, as to which there is no controversy; and it would be unfair to cast that cloud upon its title. If the Secretary will please report again the amendment, it will be seen that it only provides that no land shall be embraced in the litigation provided for by this act which the Supreme Court of the United States shall decide to have been earned by this other company, which was patented to that State erroneously.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add at the end of section 2 the following:

Nothing in this act contained shall be construed to embrace or involve in the litigation to be initiated and carried on under the provisions hereof any lands which the Supreme Court of the United States shall decide, in the cause now in said court pending on appeal from the circuit court of the United States for the district of Iowa, in which the Sioux City and Saint Paul Railroad Company is appellant and the Chicago, Milwaukee and Saint Paul Railway Company, John H. Gear (governor), and others are respondents, to have been earned by the Chicago, Milwaukee and Saint Paul Railway Company by the construction of the portion of the land-grant railway from McGregor, Iowa, to a point of connection with the Sioux City and Saint Paul Railroad at Sheldon, in O'Brien County, Iowa.

Mr. WILSON, of Iowa. Mr. President, there is one feature of this case which has not been presented by the Senator from Wisconsin that I think should be brought to the attention of the Senate.

The parties to the record in the case pending in the Supreme Court, as stated by the Senator from Wisconsin, are the Sioux City and Saint Paul Railroad Company, the Chicago, Milwaukee and Saint Paul Railroad Company, and John H. Gear and others, respondents, Gear, at the time of the commencement of the suit, having been governor of the State of Iowa. There is another party having no inconsiderable interest in this controversy who can not be made a party to that case, and therefore does not appear in this record. The interest of the party to whom I refer is thus provided for in the latter part of the fourth section of the act making the grant to these two companies. The proviso reads as follows:

Provided further, That if the said roads are not completed within ten years from their several acceptance of this grant the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided further*, That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States.

Therefore the United States is a party in interest in this controversy, but the United States could not be made a party to the present case. The railroad company could not sue the United States. Hence, in order to settle all of the involvement in this controversy, this bill provides:

That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," &c.

There is a controversy, and a very serious controversy, concerning the amount of land that shall go to these respective companies under the terms of the grant of May 12, 1864, and that controversy is disclosed by the map which I used yesterday, which shows that according to the doctrine maintained now by the Supreme Court of the United States the selections of land should be made in accordance with the line of definite location, whereas the Sioux City and Saint Paul Railroad Company had not constructed a railroad on that line, and in a considerable portion of the overlapping limits of these two grants had deviated from

it, so as to make an average of over 6 miles in deviation between the constructed line and the line of definite location. So then in such an arrangement as these companies may have made with reference to the suit now pending in the Supreme Court of the United States there may be involved, for all that I know, for all that the United States may know, the difference that would arise on the 6 miles deviation in the line of construction as compared with the line of definite location.

Therefore it is well to let this entire case, so far as those overlapping limits are concerned, go into the suit that is provided for by this bill to the courts, in order that the Milwaukee and Saint Paul Railway Company, and the Sioux City and Saint Paul Railroad Company, and the settlers on the lands in dispute, and the United States, and all others concerned and interested may have perfect remedy, and at the end of that suit the whole matter may be adjusted definitely and fully. Unless this case is allowed to go to the courts, as the bill reported by the Committee on Public Lands provides, there will not be a perfect settlement of this controversy. I do not know what character of record has been prepared in that case; I do not know how kindly these two railroad companies, though contending, may have treated each other in the preparation of that case; nor can any one outside of familiarity with the record know how that feature of the case may be. Therefore I ask the Senate to defeat the proposed amendment in order that the entire subject may go to the courts in the case provided for by this bill and be finally and fully and perfectly adjusted.

Mr. SPOONER. Mr. President, I have a profound respect for the ability of the Senator from Iowa as a lawyer, and I am compelled to say that I am profoundly surprised at the argument which he submits to the Senate against this amendment. He does not dispute my statement of fact. I ask the Senate to note that he does not controvert the proposition that the Milwaukee and Saint Paul Railway Company and its predecessor companies built under the legislation of his State a line of railroad under this land-grant act from McGregor, on the Mississippi River, to the intersection point, 227 miles in length. He does not dispute the fact, for he can not dispute the fact, that that entire line of railroad was built within the time limited by the act of Congress. He calls attention to the fact that the Sioux City Company deviated in its line of construction from the line of definite location some 6 miles. That could have no possible effect upon the rights of the Milwaukee and Saint Paul Railway Company, which had filed its own location and which had constructed its road upon its location. It could not, as a matter of law, operate to deprive that company of a single inch or acre of this land, no matter how far the Sioux City and Saint Paul company had deviated from its located line in constructing the road.

Mr. WILSON, of Iowa. Will the Senator contend that if the case now pending should be determined on the line of definite location instead of the line of construction it would not project the grant to the Milwaukee and Saint Paul company that much farther?

Mr. SPOONER. I contend this, and no man can gainsay it, that the land-grant adjustment is upon the located line, and that the deviation in construction does not vary the land-grant limit one inch either way. The Supreme Court of the United States has decided over and over and over again that the right of the State and its grantees is fixed under the land-grant act by the filing of the map of definite location with the Department of the Interior. That gives precision to the granted lands and fixes also the indemnity limits; and a variation from that definite location in the constructed line does not vary the land-grant limits in the slightest degree.

The Senator is not right, as I understand it, in his law, assuming his statement as to the deviation by the Sioux City and Saint Paul Railway Company 6 miles from the located line to be correct. I do not understand that a deviation of a land-grant road of 3 miles or 6 miles or even 10 miles, under certain circumstances, operates to affect the right of the constructing company or of the State to the land. The Senator assumes that the line of the land-grant road must, under the law, be constructed upon the line of definite location. That rule would deprive every land-grant company that has constructed a road of its lands, because I venture to say that no land-grant road has been constructed accurately and exactly upon the line of definite location. The Milwaukee and Saint Paul company, for whose protection I offer this amendment, did not construct its road at all points precisely upon the line of definite location. It varied in one place 3 miles; it varied in another place, I think, 5 miles; and the question was brought to the attention of the Secretary of the Interior and of the Attorney-General. The Attorney-General laid down the law upon the subject, I think, accurately, and his opinion has been since confirmed by the Supreme Court of the United States. He said:

> In order to entitle the State to the benefit of the lands granted, it is necessary that the road should be constructed according to the line of definite location. If a different road be constructed than that definitely located, it can not entitle the State to the benefit of those lands.
>
> The question whether the road constructed is or is not the road as definitely located is a question for the Interior Department to determine in this as in other cases, and one which must be largely within the discretion of the Secretary.

I call the attention of the Senate to this:

> Some deflections must in many cases be expected from the line of the road as definitely located; but it is for the Department to determine whether or not these make of it a different road, or whether there is substantial compliance with the line of definite location. In the exercise of this discretion, it is impossible to lay down any legal rules which could govern in all cases. Deflections which in certain cases might be held not to change the character of the road as definitely located might do so in others. I would suggest that if the deflections be in their character immaterial—if they were made for the purpose of avoiding engineering obstacles which could not otherwise be avoided without exaggerated expense, or to remedy defects in the original location—that such deflections would not destroy the identity of the road constructed with the road of definite location. Upon the whole matter it will be the duty of the Secretary of the Interior to decide whether the road constructed is the road as definitely located.—*Copp's Public Land Laws*, 1882, volume 2, pages 791, 792.

And upon proof as to the engineering obstacles to be met and surmounted, the Secretary of the Interior held in the Iowa case that a deflection of 5 miles did not destroy the identity of the road as a land-grant road based upon the definite location, and ordered the patent to issue to the State. The question was considered by the Supreme Court of the United States in the case of Van Wyck *vs.* Knevals (106 United States Reports, 369). I will read only a word of the decision:

> A deviation of the route without the consent of Congress, so as to take the road beyond the lands granted—

Which in this case was beyond 10 miles from the line of definite location—

> *might, perhaps,* raise the question whether the grant was not abandoned.

There has never been any claim upon the part of the Government that the Milwaukee and Saint Paul Railway Company had failed in its duty in the construction of this road. On the contrary, the only deviation it made was presented to the Department of the Interior, and upon proof explaining why the deflection was made the Department sanctioned it, and it was held to be in accordance with the act of Congress.

Now why should the United States have been made a party to this litigation? Does the Senator from Iowa give to the Senate any reason why the Government should be made a party? What does the Government seek to assert against this company? I ask the Senator from Iowa if the State of Iowa has had any controversy with this company as to its performance of the conditions named in this land-grant act?

Mr. WILSON, of Iowa. The United States has that definite interest which arises from the proviso to the act to which I have already referred, and that is that in case the roads should not be completed within the term either by the companies or the State——

Mr. SPOONER. Allow me. Do you claim that this road was not completed within the time?

Mr. WILSON, of Iowa. That is half of the case. In the event that the two roads should not be completed within the time, either by the companies or the State, then so much land as might pertain to the line of either one or both of the companies who had not constructed their lines should revert to the United States. Now on a part of this grant there are overlapping limits, the lands within which, according to the construction placed upon the law, were to be divided between these two companies. These overlapping limits are determined in part by the line of definite location and the line of construction. I do not know in what position that question appears in the record of the case to which the Senator has referred, but the United States has in that respect a definite interest under the reversionary clause of the proviso to which I have called attention.

Mr. SPOONER. Mr. President, it is a little singular to me, with all deference to the Senator from Iowa, that he should ask the Senate to defeat this amendment because he does not possess certain information which he might have possessed if he had taken the trouble to walk to the Supreme Court room and look at the record.

Mr. WILSON, of Iowa. Of course I am perfectly willing to have the lecture on what I ought to have done in this case; but——

Mr. SPOONER. I did not say you ought to have done it. I said you might have done it.

Mr. WILSON, of Iowa. But lying back of all that is the question as to the real attitude of these two companies toward each other; and whatever I might have found in that respect, the United States is not in that case as a party to protect and defend its interests or the interests of the public.

Mr. SPOONER. The suggestion, made twice by the Senator from Iowa, that there may have been some arrangement or collusion in this litigation between these two companies, would come with greater force from that Senator if it did not come coupled with the assertion that he knows nothing whatever about the record or the issues made in the litigation.

This case was tried before the circuit court of the United States after having first been bitterly fought before Judge Miller, as referee, and I can assure the Senator that it was fought by the counsel on both sides as bitterly as any lawsuit could be contested. That fact, I think, is known in the State of Iowa; there can be no question about that; and the Senate ought not to act, and I think will not act, on the assumption that there could have been any collusion in that litigation, or that collusion could have affected the question which I raise here in any way.

Let me—for I do not wish to take the time of the Senate—call attention again to the situation. Here this bill proposes to involve in litigation 40,000 or 50,000 acres of land, one-half of which were patented erroneously by the United States to the State of Iowa for the benefit of

the Sioux City and Saint Paul Railroad Company, but which have been earned by another company by its construction of a railroad in strict accordance with the legislation of the State of Iowa and within the time limited by the act of Congress. Some of these lands have been sold; some of these lands are occupied by settlers. They have rights to be protected, as well as those for whom the Senator from Iowa speaks in his advocacy of this bill. I do not object to a trial by the appropriate tribunal of the questions which are presented by the alleged default of the Sioux City and Saint Paul company. I voted against the amendment yesterday offered by the Senator from Minnesota in the interest of that company. I expect to vote for this bill if this amendment is adopted. I simply protest here against clouding title by this litigation, without any reason, except the suggestion of the Senator that perhaps there was collusion in that litigation, which I, with greater personal knowledge than he, emphatically deny. I protest against drawing into this litigation lands which upon no just grounds are involved in it.

Mr. WILSON, of Iowa. Mr. President, either I must have been very inaccurate in my statement or the Senator has misunderstood me in order to justify the statement he has made that I hinged my opposition to this amendment on a possible collusion between those companies. I do no such thing. That is an element, certainly a possible element, in the case; but I hinge my opposition to the amendment on the fact that there is an actual conflict between the claims of those companies and the United States and the State of Iowa concerning the lands within the overlapping limits as to whether they shall be disposed of upon one line or the other. It is a substantial, actual, present, and important fact in the case.

Mr. SPOONER. Of course there is an actual conflict between those two companies as to the conflicting limits. I took occasion to state that fact to the Senate, if indeed it needed any statement. The act of Congress itself, which required that one road should intersect the other, made inevitable and necessary that conflict; and that conflict is in process of determination in a proper tribunal. Four or five years ago it was tried in the circuit court of the United States for the northern district of Iowa, and there were other parties to that litigation to protect the rights of Iowa than these two railway companies. They made the governor of Iowa a party to that suit. They probably did so upon the authority of the decision of the Supreme Court of the United States in a Texas case, which has since been overruled, but the governor of Iowa saw fit to appear in that case and to answer in that case by the attorney-general of that State, and from that day up to this moment there never has been any claim or intimation by the State of Iowa that the Milwaukee and Saint Paul Railway Company had not built its road in strict accordance with the act of Congress and in strict accordance with the requirements of the Iowa Legislature. Iowa required that this road should be built to Sheldon; Iowa designated the point of intersection and the road was built to Sheldon. Now for the first time is the intimation here as a reason why all these lands should be involved in this litigation that possibly the State of Iowa has some interest to assert against this company. Mr. President, to emphasize the injustice of the passage of this bill without this amendment I desire to call the attention of the Senate to this fact: That company built 227 miles of railroad for the State of Iowa, a railroad which, if you will go to the Department of the Interior, you will find that the governor of the State of Iowa under the seal of the great State of Iowa certified to the United States Government had been completed to that intersection point in accordance with the act of Congress. That company was entitled, if the grant had been a full grant, to 1,600,000 acres of land in Iowa for the 227 miles. That company has received and will have received if it receives this land (and this amendment only applies to such land as the Supreme Court shall decide belongs to this company, and that ought to be adequate authority on the subject) 500,000 acres and a fraction; so that for building the 227 miles of railroad it is a little over a million acres short of its full grant.

Now I submit to the Senate, begging pardon for having taken so much time in the discussion——

Mr. TELLER. I wish to ask the Senator a question before he sits down. Does this bill as it is reported from the committee authorize all parties having claim or laying claim to these lands to go into court and have that question decided? Is your objection to it that these people would have to twice litigate their title?

Mr. SPOONER. My objection to it is this: The land which is intended to be reached by this bill is land which has been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railway Company which that company by its default never earned——

Mr. MCMILLAN. The Senator is making a statement——

Mr. SPOONER. That is what they claim.

Mr. MCMILLAN. They claim it, but from that position I dissent.

Mr. TELLER. The question I want to get at is whether everybody under this bill who lays claim to this land has the opportunity of going into court and being heard? You understand they have.

Mr. SPOONER. I understand they have. I understand the object of this bill to be, and I shall vote for the bill with this amendment on that theory, to enable the United States to reclaim for the benefit of settlers such lands as the courts shall decide, notwithstanding the patent, that the Sioux City and Saint Paul Railway Company never earned by the construction of road. I do not myself see how the railway company or any one else can object to having that matter disposed of by the courts. My amendment is simply to take out of this litigation lands which the Supreme Court of the United States shall decide were erroneously patented to Iowa for the benefit of the Sioux City company, but have been earned by the Milwaukee and Saint Paul company, which completed its road within the time.

It is no light thing to cast a cloud upon the title to forty or fifty thousand acres of land. It is an easy thing to do. All over the West to-day and the Northwest and the far West men are in feverish anxiety and distress lest they lose their homesteads, their farms purchased of railway companies and acquired under the homestead and other laws of the United States years and years ago, upon suggestions of doubt that have gone out within the last year from Washington. I protest that without good reason this cloud of suspicion which is involved in drawing this mass of land into litigation ought not to be cast upon it by Congress.

The only justification I have, Mr. President, for obtruding upon the attention of the Senate in this matter is the fact that the Milwaukee and Saint Paul company is a corporation of my State; Mr. Alexander Mitchell, an eminent citizen of Wisconsin, is its president; its officers are citizens of my State and constituents of mine, and I have felt it not only to be right upon its merits but my duty to present this matter to the Senate.

Mr. HALE. I wish to ask the Senator one question. If this bill should pass with the amendment offered by the Senator from Wisconsin, what benefit would the parties who are now litigating in the Supreme Court derive from the litigation that has been pressed thus far in that court?

Mr. SPOONER. I do not think it would affect that. The only result of it would be this, that while on Monday or within ten days the Supreme Court of the United States will decide that a portion of these lands have been earned by the Milwaukee and Saint Paul Company, which is not in default, this bill will unjustly cloud the title and bring the lands into a long litigation.

Mr. HALE. Should the court so decide, would any act of Congress passed now—for instance the bill reported by the Senator from Kansas—affect it in any way?

Mr. SPOONER. I do not think that if the company has earned the land any act passed by Congress can operate to take it away. My proposition is simply that the bill throws it causelessly into new litigation and keeps it out of market until this long litigation is ended. That is the point of the amendment.

Mr. INGALLS. Mr. President, I have listened to the reading of this amendment and to the very explicit and forcible argument of the Senator from Wisconsin in its support with the strongest possible predisposition in its favor, but I am unable after an examination of the bill to ascertain in what way the interests of the Chicago, Milwaukee and Saint Paul Railroad Company can be imperiled even if the bill should pass without the amendment.

Let me call the attention of the Senate for a moment to the language of the bill in sections 2 and 3. In defining the duty of the district attorney, after declaring that he shall bring a suit at law or in equity, &c., against all persons or corporations claiming ownership, the second section continues:

> And any persons or corporations who are claiming any of said lands under the State of Iowa, or by reason of the act of Congress aforesaid, and who are necessary or proper parties, shall be joined as defendants therein; and said court may cause publication to be made, under the laws and rules of court, to bring in non-resident defendants as parties to the suit.

Section 3 provides:

> That the State of Iowa, or any corporation or person not made a party defendant in such suit, may petition the court to be admitted as a party defendant therein, and may set up any interest such defendant may have in the said lands, in such manner as the court may direct, and have the judgment of the court upon the same.

Therefore, no matter what may be the decision of the Supreme Court in the case now pending on Monday next or any other day, it is undoubtedly true that the Chicago, Milwaukee and Saint Paul Railway Company would be nominally a party defendant in this case. It must be, because it is one of the parties claiming under the State of Iowa in connection with this grant from the United States.

Mr. SPOONER. It would be without this amendment.

Mr. INGALLS. Yes, it will be without this amendment.

Now, admitting that to be the case, how, if it comes in as a party defendant, is its right imperiled? How is any cloud cast on the title that this company may obtain by virtue of the decision of the Supreme Court in the cause now pending, and which the Senator from Wisconsin says is to be determined on Monday next? I do not know whether it is a suit for specific sections of land or not; I assume that it is, and the decree of the court would declare what sections of land within these disputed limits were the property of the Chicago, Milwaukee and Saint Paul Railway Company under that grant. Suppose the district attorney in Iowa brings the suit in accordance with the terms of this bill without any amendment, and the Chicago, Milwaukee and Saint Paul Railway corporation either is made a party defendant, or, being omitted, appears and petitions to be made a party defendant, as under

section 3 it has the right to do. If the Supreme Court of the United States determines on Monday that the lands specified in the petition there pending are the property of the Chicago, Milwaukee and Saint Paul Railway Company, is there any cloud cast upon that title by the fact of its being made a party defendant in this suit? On the contrary, on the mere statement or presentation or showing that this is *res adjudicata* by the Supreme Court, the last tribunal of resort, can it be said for an instant that these lands would be subject to be again in litigation and that there would be any cloud cast upon their title as established by the decree of the Supreme Court of the United States in the suit now pending? I think not, Mr. President.

It appears to me, with all due deference to the Senator from Wisconsin, that he is unnecessarily apprehensive about the effect of this bill. If I supposed that there could be any possible chance of clouding this title, of disturbing the possession of any settler, or creating any apprehension even in his mind by the passage of this bill without the amendment, supposing that the decree of the Supreme Court on Monday should be in favor of the claim of the Chicago, Milwaukee and Saint Paul Railway Company, then I should see some reason in this amendment; but as it is, I certainly confess I do not.

Mr. SPOONER. The Senator from Kansas and I agree upon the proposition that under this bill without the amendment this land will be involved in the litigation.

Mr. INGALLS. Oh, no; I said that the Chicago, Milwaukee and Saint Paul Railway Company would be a party defendant.

Mr. SPOONER. Would not the land be thereby involved in the litigation?

Mr. INGALLS. If the Supreme Court of the United States upon final appeal on Monday next declare that the lands which are named in and described in their bill are their property—that is, the property of the Chicago, Milwaukee and Saint Paul Railway Company—that is not subject to review by bringing another suit about the same lands in the circuit court of the United States for the district of Iowa.

Mr. McMILLAN. Will the Senator from Kansas allow me to say a word?

Mr. INGALLS. Yes, sir.

Mr. McMILLAN. It is not the section to which the Senator refers that is the operative section in regard to this matter.

Mr. INGALLS. Then let us hear it read.

Mr. McMILLAN. It is the first section.

Be it enacted, &c., That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864, concerning such of said lands as have been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railroad Company and have not been by said State conveyed to said railroad company, the United States hereby asserting its reversionary right to all of said lands, or so much thereof as shall be found to have been patented in excess of the amount of land earned by said company, &c.

The lands in controversy here are lands which have been patented by the General Government to the State of Iowa for railroad purposes under the act of May 12, 1864. That defines the lands, and these lands have been patented to the State, but they have not been conveyed to these companies. The suit now pending to which the Senator refers is a suit between these two railroad companies. It is only to settle a controversy existing between the two railroad companies. But any settlers upon these lands may come in and assert their right to any part of them as against either of these corporations, because by a subsequent section of the bill any person who has settled upon these lands has a right to appear there and has a right to defend the property in any portion of this land in the suit authorized by this bill. The company has not received any lands, but the title is in the State by patent, and the suit between the two railroad companies does not determine anything as between the State and the companies.

Mr. INGALLS. I am very glad indeed to have heard the statement of the Senator from Minnesota, because he has convinced me that this amendment ought not to pass under any circumstances; for if there is nothing to be settled in the suit the Senator from Wisconsin describes pending in the Supreme Court of the United States, if that is merely an interlocutory proceeding, so to speak, between two railroad companies to determine as to their respective rights, then of course that land ought not to be excluded from the operation of this bill.

Mr. McMILLAN. I merely wished to explain to the Senator from Kansas the facts as I understood them, not to influence him one way or the other.

Mr. INGALLS. Of course I may be misinformed. I should like to know from the Senator from Wisconsin what is the nature of the proceedings in the Supreme Court of the United States and what relief is sought and what the decree will declare in case it shall be in favor of the Chicago, Milwaukee and Saint Paul Railway Company.

Mr. SPOONER. I have been exceedingly unfortunate in my statement of facts if I have not made an impression on the Senator from Kansas as to the character of that litigation. It is a suit pending between the Chicago, Milwaukee and Saint Paul Railroad Company on the one hand, and the Sioux City and Saint Paul Railroad Company and the governor of Iowa and the land officer of Iowa—I do not remember his designation—on the other, to determine the rights of the respective companies in the lands within the overlapping limits, to require the governor to make proper conveyance and for a partition of the lands already conveyed to the Sioux City company erroneously by the State.

Mr. INGALLS. Of certain specific lands?

Mr. SPOONER. The decree of the court below is that each company is entitled to a moiety, and the decree appoints commissioners, as is usual in such decrees, to make partition.

If the Senator from Kansas receives the impression from anything I said that the Government of the United States was a party to that litigation he misunderstood me. The proposition I make is this: I think I may safely appeal to the Senator from Iowa who faces me [Mr. ALLISON] to say if it be not true that neither the State of Iowa nor any one in Iowa has had any controversy whatever with the Milwaukee and Saint Paul Railway Company as to the construction of its road under the Iowa legislation to Sheldon.

The completion of that road in accordance with law is certified. And the point I have wished to make plain to the Senate is that the company having beyond any question completed its road in accordance with law and within the time limited by law, Iowa not raising any question, the Government of the United States ought not now by this bill to cast a cloud upon that title by directing the district attorney of the United States to involve all this land in this litigation, because the Senator from Kansas will admit that a law directing the district attorney to involve land in litigation casts a cloud upon the title. I submit to the Senate that no reason has been given why this land should be involved in this long, burdensome, and expensive litigation and kept for years out of the market.

Mr. PLUMB. Mr. President——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the resolutions reported by the Senator from Vermont [Mr. EDMUNDS], from the Committee on the Judiciary, February 18.

Mr. PLUMB. The Senator from Iowa is entitled to the floor on the unfinished business, and I appeal to him to join me in asking the Senate to grant unanimous consent that it may be temporarily laid aside in order that the Senate may continue the consideration of Senate bill 149 with a view of concluding it. I think it can be done in a short period of time, and that course will save the time of the Senate.

Mr. WILSON, of Iowa. I think the consideration of the bill may be concluded this afternoon, so as to allow me to occupy as much time as I care to occupy, and therefore I yield to the suggestion of the Senator from Kansas.

Mr. PLUMB. I ask that the bill shall be continued.

Mr. McMILLAN. I have some further amendments in regard to this bill which I desire to prepare and submit, and it will be more convenient to me to have the matter go over until to-morrow.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota object?

Mr. McMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. Objection being made, the unfinished business is before the Senate.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. WILSON, of Iowa. Mr. President, for the first time in the progress of this Government its executive power is now being used as a means of assault on the characters and reputations of its citizens. I state the fact; and will not now stop to determine whether it is a result of purpose, inexperience, want of thoughtful caution, or other cause whatsoever. It is an unexpected fact; and, doubtless, it would have been expressly guarded against if the framers of the Constitution had believed such a result as we are now experiencing possible in the administration of the executive power under the provisions of that instrument as they prepared them.

The First Congress discovered several serious defects in the Constitution in respect of the personal and private rights of the citizens of the Republic and of the States composing it. This discovery induced the ten articles of amendment proposed by that Congress to the States, and assured their ratification. No one can read those several articles without being impressed by the evident earnestness of purpose of the Congress which framed them, and of the States that adopted them, to give exact and ample protection to the citizen. But it does not seem to have occurred to the framers of the original articles of the Constitution or of the amendments that it was then, or ever could be, necessary to make definite provision to shield the characters and reputations of citizens against assaults by the executive power. It was reserved for the closing years of the first century of the Republic's existence to develop the danger which attends the citizen in this regard.

That this danger should now appear is a curious political phenomenon,

and the method of its appearance is quite as curious as the thing itself. That it is here at all is calculated at first contemplation to induce belief in political evolution, whatever may be our inclinations relative to doctrines advanced in support of that process of development in respect of its action in the field of life and things material. It is another evidence in support of the saying that "it is the unexpected that happens." Who could have anticipated that from the political protoplasmic presence which floated on the bosom of the national Democratic platform of 1884, and whose indefiniteness was expressed in the words, "We favor honest civil-service reform," could have been evolved a result so harmful to the character and reputation of the citizen as the practice of the present national administration? Every stage reached by the peculiar movements of this strange political evolution gave promise of a better result than we now witness and the citizen experiences.

The first stage was marked by the expression of Mr. Cleveland in his letter accepting the nomination tendered to him by the national Democratic convention. In that letter he said:

The selection and retention of subordinates in Government employment should depend upon their ascertained fitness and the value of their work, and they should be neither expected nor allowed to do questionable party service. The interests of the people will be better protected; the estimate of public labor and duty will be immensely improved; public employment will be open to all who can demonstrate their fitness to enter it; the unseemly scramble for place under the Government, with consequent importunity which embitters official life, will cease.

Here, and in these words, the protoplastic presence which floated in the platform seemed to take, in some degree, defined shape. The evolutionary process continued its movements; but its next stage was not reached until Mr. Cleveland, the candidate of his party for the great office of President of the United States, had become President-elect. When the latter character had been assured to him by everything except the counting of the electoral votes and the official announcement of the result thereof, availing himself of the glad Christmas-time, he took occasion to announce in his letter to Mr. Curtis, in language forcefully expressive, that the political evolution was going steadily and resolutely on towards those better conditions and purer practices which would assure the active presence of reform in the methods of executive action. And here is what he wrote after all of the exigencies of the campaign and uncertainties of the election were out of the way and had become things of the past. This is what he said:

That practical reform in civil service is demanded is abundantly established by the statutes referred to in your communication, and that to secure such a result it has been passed in Congress with the assent of both political parties, and by the further fact that a sentiment is generally prevalent among patriotic people calling for a fair and honest enforcement of the law which has thus been enacted. I regard myself pledged to this, because my conception of the true Democratic faith and public duty require this and all other statutes should be in good faith and without evasion enforced, and because in many utterances made prior to my election as President, approved by the party to which I belong and which I have no disposition to disclaim, I have in effect promised the people that this should be done.

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There is a class of Government positions which is not within the letter of the civil-service statute, but which are not so connected with the policy of an administration that the removal therefrom of the present incumbents should not be made during the terms for which they were appointed solely on partisan grounds and for the purpose of putting in their places those who are in political accord with the appointing power.

These expressions marked the second stage reached by the political evolution which took its start in the protoplasmic feature of the Democratic platform of 1884. No one could doubt the marked character of the advance which it indicated. Surely, a beautiful creation must be the final result. This was the expressed belief of those who desired such a termination of the movement; and it intensified the fears of those who did not desire it.

Time moved on, and the political evolution kept pace with it. The 4th of March, 1885, was reached, and Mr. Cleveland became President of the United States in fact and in law. On that, to him, mighty occasion he gave further utterance and told the assembled people and the country that the third stage of the political evolution had been reached. All that he had theretofore said had been but the utterances of Mr. Cleveland, citizen. Now had come the time for Mr. Cleveland, President of the United States, to speak, and he did speak these words, namely:

The people demand reform in the administration of the Government, and the application of business principles to public affairs. As a means to this end, civil-service reform should be in good faith indorsed. Our citizens have the right to protection from the incompetency of public employés who hold their places solely as the reward of partisan service, and from the corrupting influence of those who promise, and the vicious methods of those who expect such rewards; and those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency or the surrender of honest political belief.

This marked the official and highest stage of the political evolution, whose subtle forces had wrought wondrously well in elevating Mr. Cleveland to the Presidency of the United States. But he had no purpose to abandon the habit of proclaiming the doctrines of the political school to which he claimed to have committed his fortunes as candidate and President. He was not content with the announcement on the 4th of March, 1885, that the official and highest stage of the political evolution had been reached; for he renewed the declaration in his first annual message to Congress, and took care to give it great elaboration. He seemed to have most earnest desire to impress the country with the belief that the indefinite protoplasmic presence in the platform on which his party placed him at Chicago had evolved a substantial and forceful political organism, which would purify our politics and bless the country in general, and hence in that message he said:

The report of the Civil Service Commission, which will be submitted, contains an account of the manner in which the civil-service law has been executed during the last year, and much valuable information on this important subject.

I am inclined to think that there is no sentiment more general in the minds of the people of our country than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives large discretion to the commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the commission have much to do with the practical usefulness of the statute and with the results of its application.

The people may well trust the commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

The allurements of an immense number of offices and places, exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office-holding, growing from its indulgence, would pervade our population so generally that patriotic purposes, the support of principle, the desire for the public good, and solicitude for the nation's welfare would be nearly banished from the activity of our party contests and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

Civil-service reform enforced by law came none too soon to check the progress of demoralization.

One of its effects, not enough regarded, is the freedom it brings to the political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office-holding, which follow party supremacy. While partisanship continues bitter and pronounced, and supplies so much of motive to sentiment and action, it is not fair to hold public officials in charge of important trusts responsible for the best results in the performance of their duties, and yet insist that they shall rely, in confidential and important places, upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success. Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service, or who are incompetent, should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoil system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus, in both of these phases, is seen benefit to the public service. And the people who desire good government having secured this statute will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon.

These utterances of Mr. Cleveland, as Presidential candidate, President-elect, and President, contain many things which thoughtful men approve. American politics would be greatly improved if the contests which they induce could be carried on without regard to the possession or acquisition of the thousands of offices created by our laws. Eliminate this factor from the case, and let the minds of our people be given to the public questions, measures, policies, and interests with which our political activities deal, and I do not doubt that most beneficial results would follow. A belief that this would be so is entertained by many thousands and tens of thousands of our most considerate citizens. It was a knowledge of this fact that caused the Democratic party to put into its Chicago platform of 1884 that politico-protoplasmic uncertainty which said: "We favor honest civil-service reform." And it was this knowledge which impelled Mr. Cleveland as Presidential candidate, President-elect, and President to give utterance to the expressions which I have quoted from him.

The convention gave him a bad start by its meaningless expression, and so we need not wonder that he has reached a like result. The political evolution whose several stages he announced as I have indicated has not produced a new species. It has not even improved on the old one. The process did not promise anything better at the beginning, while the end has given something infinitely worse. The high-sounding phrases and generous platitudes which have been thrown around the uncertain and meaningless expression of the platform have not changed it in the least. It is the same now that it was then. It is simply a political hermit crab stowed away in an appropriated shell of that better political organism called reform. It has increased in size and has elaborated its ugliness, but its species has not changed.

Mr. President, the official and unofficial expressions which I have quoted from Mr. Cleveland as citizen and as President of the United States have not been without definite effect on the minds of the people of this country. The people have generously given him credit for sincerity. They listened to his expressions, have read them, and studied

them. They have resolved a belief concerning him and his purposes in respect of the reform about which he has said so much. They appreciated the difficulties surrounding him since the 4th of March last, when he, in pursuance of his election as President of the United States, assumed the executive power of this Republic. They could not always reconcile his action in the matter of suspending competent and faithful public officers with his repeated utterance that such things would not be done by him. He had said to them and to the country, in substance and effect, that public officers holding their places for fixed and definite terms would not be removed for partisan reasons, but only for cause. They believed that he meant what he said. They gave him credit for being a man who had the courage of his convictions. This resulted in a universal belief that charges other than political must be lodged against a public officer before his suspension could be had.

This being the case, it logically followed that whenever an officer was suspended he believed, and the people believed, that some grave charge or charges had been made against him. Indeed, every suspended officer was, by the President's own declarations, made to stand before the country as unworthy of trust or confidence. How could it be otherwise when the President, who alone could make the suspension, had enforced a universal belief that he would not do it except for cause? If this be not a necessary conclusion, then what must be the estimation placed by the people on the word of a President? And if it be a correct idea, what must be the President's idea of fair dealing with the citizen? He has suspended six hundred and forty-three public officers and marshaled them before the country as persons unworthy of trust or confidence. Many of them have requested to be informed of the nature of the charges made against them. This has been denied them, and in this way, as I remarked at the outset, the executive power is being used as a means of assault against the characters and reputations of the cit izens of the Republic. No such outrage as this has been inflicted on the citizens of this country from the first year of our national existence until the incoming of the present administration, its pomp and circumstance of reform to the contrary notwithstanding.

It is a most extraordinary manifestation of reform for the President to place himself before the country as the accuser of the six hundred and forty-three public officers he has suspended, and at the same time deny to them information in respect of the things of which they are accused. If he had said to them, "You are Republicans and I want your places in order that I may confer them on Democrats; hence, if you do not resign I will suspend you and designate Democrats to discharge the duties of the offices which you hold," he would have dealt frankly with them and manifested a manliness which would have challenged respect. But he has said no such thing. On the contrary, he has said quite the opposite, as I have shown in my quotations from his unofficial and official declarations. Hence I repeat that he stands before the country as the accuser of every officer he has suspended, and he asks the Senate to join him in his accusations; and when this body requests to be informed concerning the official and personal conduct of the accused officer, the President, through the heads of the several Departments, flatly tells it that no information will be given. He asks the Senate to become a party to the abuse of the executive power in its assault on the character and reputation of the citizen who may chance to hold an office on the ground that it is his right to so use his discretion regardless of its effect on the citizen or of the responsibility of this body in the matter of the advice and consent which it may give. This is not the warrant of the Constitution. It is contrary to both the theory and the practice of the Government from its beginning to the present time. The President by his own acts and declarations has made his case an exception to all others.

Mr. President, is the demand of the Senate to be informed concerning the subject about which it is to advise and consent unlawful, or even unreasonable? What is the law in this regard? Section 1768 of the Revised Statutes, under which all of the suspensions of officers by the President have been made, says:

> During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time. * * * The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office

What does this mean? Who may exercise the discretion here declared? Not Grover Cleveland, but the President. Grover Cleveland is a person. The President is an officer. The discretion delegated is not a personal discretion. If it were it might be exercised by Grover Cleveland. It is an official discretion, and can only be exercised by the President. The President acts for the organized Government. He occupies a public office; and he has said that "a public office is a public trust." Grover Cleveland may act capriciously and to his own hurt. He may do this in a thousand ways, and be responsible only to himself. The President may not so act. He must act as the law ordains. Caprice is not a part of the law. Official discretion must act for lawful purposes in lawful ways. It may not rightly act from personal motives, nor yet for mere partisan ends. Its movements must be induced by public causes. Hence Grover Cleveland may not suspend from office a civil officer in his personal discretion. The President may do so in his official discretion. What does this imply? Why, that some cause connected with the public good must impel him to act. It is this which vitalizes official discretion. Official discretion is hedged about by law, recognized customs, long practices, and established methods. Not that the latter three conditions may not be modified by official discretion; but that in such case there must be some good and sufficient reason evolved by public consideration for such change.

The President has overlooked or disregarded this rule of official action. The difficulty which surrounds this subject in the present juncture arises from the failure of the President and his advisers to keep in mind the distinction which marks the difference between the individual and the public officer. He and they seem to have confounded personal caprice and official discretion. Hence we need not wonder when, now and then, we hear his supporters speaking of the President's "prerogative," and affirming that it may not be encroached upon. This kingly phrase, which implies that the President may not be questioned or held responsible or accountable for whatsoever he may do in the exercise of his discretion, even though his act may be unlawful, gives tone, and character, and definition to the new order of things which has fallen upon this country in respect of the administration of its executive power.

The outraged citizen who stands arraigned before the country by the President as a person unworthy of confidence and unfit to hold a public office may not inquire concerning the charges made against him, for this is an encroachment on the kingly prerogative of the possessor of the executive power; and if the Senate, when called upon by the President to give its approving advice and consent to his assault on the character and reputation of the citizen, makes request to the head of the proper Executive Department for information embraced in the official files of the Government, in order that common justice, fair play, and opportunity for explanation or defense may be allowed to enter the case, it is coolly told that—

> The President of the United States directs me to say * * * that it is not considered that the public interests will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Thus the assumed kingly prerogative of the President places under lock and key the public records of the country, and denies the information which they contain, even in confidence, to the Senate, notwithstanding the President is, at the same time, asking it to advise and consent to a consummation of the assault, implied from his own professions of reform, which he has made on the character and reputation of the citizen concerned.

Mr. President, if this be reform then the sooner we return to old methods and practices the better. No such thing was dreamed of in the early days of the Government. The Union had but just been formed when, as I have already stated, defects were discovered in respect of the insufficient protection afforded by the Constitution concerning the private rights of the citizen, and this moved the First Congress to propose the ten amendments to the States. Turn to the first of those ten amendments and see how they are almost wholly made up of provisions for the better protection of the citizen in his private and personal rights, and among these several amendments how imperially stands the sixth article. I here quote it in its forceful directness and definite affirmations. It reads as follows, namely:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

This is the rule of fair play which the Constitution interposes between the citizen and the great judicial power which that instrument ordained and established. In it is formulated the jealous care of the Government for the citizen. Nor does it recognize distinctions of wealth, or place, or power, or fame. Be he high or low, rich or poor, known to fame or incased in obscurity, this constitutional shield is over him, and its protection is around and about him. No matter what may be the grade of crime to him imputed, whether the gravest known to the law or the most insignificant found in its definitions, he is entitled to enjoy all of the protective forces organized by this imperial article of the Constitution. It is a superb monument marking the place where our fathers buried the star-chamber practices which charged, tried, and condemned men without notice or hearing.

It does not seem to have occurred to the wise and patriotic men who formulated the first ten amendments to the Constitution that there could exist among the possibilities of our governmental movements such a thing as an organized and irresponsible assault on the characters and reputations of citizens. Hence, when they had provided that "no person shall be * * * deprived of life, liberty, or property without due process of law," and surrounded this declaration with the protect-

ive affirmations and negations which ennoble and beautify our Constitution, they rested in the belief that all had been done for the defense of the rights of the citizen that any exigency could require. They felt that in all of the respects mentioned the judicial power was so surrounded by lines of conservative limitations that the citizen would forever be secure in his rights of whatsoever kind. They knew that all of the protective provisions and defensive limitations that the Constitution ordained for the security of the citizen and his rights applied to both the legislative and judicial powers, and could not have suspected that there was lurking danger in that other factor of government which appears in the words:

> The executive power shall be vested in a President of the United States of America.

Much less could they have suspected that this power would ever be perverted to the office of assaulting the character and reputation of the citizen, and that, too, without affording him opportunity of answer, defense, or explanation. How could they have suspected this when it has required nearly a century of political activity to disclose the possible presence of such a danger? Was not the Government ordained to "establish justice;" and was not all done that the most cautious could suggest to assure that this end should be realized? Let the ninety-seven years that have passed since the adoption of the Constitution give answer to these questions.

I do not appeal to those years because their records are those of uniform manifestations of brotherly love and wholly free from factional strife and partisan bitterness. We know that their pages contain no such beautiful story, but we also know that from the 4th of March, 1789, on down to the 4th of March, 1885, they tell no such story of the exercise of executive power in assault on the good name of the citizen as this country is now experiencing. They do disclose most resolute and embittered conflicts of political parties, and on their pages are recorded relentless strifes of the contending organizations. No one can review the history of those years without learning that it unfolds many events that mar our political movements and show how, oftentimes, zeal for party dominated the better judgments of men.

Cruel assaults upon the characters and reputations of public men frequently appear, but they disclose the negative virtue of having been openly made, and hence gave opportunity for defense. Free use was made of the power of removal from and appointment to office. On many of the banners gathered from the fields of political contests of those years are found the inscription, "To the victors belong the spoils." And the record shows that the spoils were freely and openly appropriated. Nor did the successful party deem it necessary to malign its defeated opponents in order to dismiss them from office and put its members in possession. And about all of this, bad as much of it doubtless was, there was a sort of open-faced manliness that commands respect if it does not induce approval.

There was no departure from the sturdy rule of common justice and worshipful fair-play which assured the citizen a hearing, and gave him opportunity of defense. Nor did the present national administration start on its course in opposition to that rule. On the contrary, it proclaimed its knowledge of the abuses of the past and its determination to correct them through the methods of reform so often projected upon the attention of the country. The utterances of the President were against his present practice, and no less than three members of his Cabinet were fully, personally and officially, committed in opposition to the doctrine contained in the letter of the Attorney-General which occasioned the report and resolutions presented to this body by its Committee on the Judiciary, and which we are now considering. From that report I quote a paragraph, as follows, namely:

> Since the passage of the act of 2d March, 1867, "regarding the tenure of certain civil offices," it has been the practice of the Committee on the Judiciary, whenever a nomination has been made proposing the removal from office of one person and the appointment of another, to address a note to the head of the Department having such matters in charge (usually the Attorney-General) asking that all papers and information in the possession of the Department touching the conduct and administration of the officer proposed to be removed, and touching the character and conduct of the person proposed to be appointed, be sent to the committee for its information. This practice has through all administrations been carried on with the unanimous approval of all the members of the committee, although the composition of the committee has been during this period sometimes of one political character and sometimes of another. In no instance, until this time, has the committee met with any delay or denial in respect of furnishing such papers and information, with a single exception, and in which exception the delay and suggested denial lasted for only two or three days.

Three members of the Cabinet of President Cleveland stepped from positions on the Judiciary Committee of the Senate into the places they now occupy. The Secretary of State, the Secretary of the Interior, and the Attorney-General had, each and all, as stated in the report now under consideration, approved and participated in the practice of calling upon the executive department of the Government for just such character of information as is now, by direction of the President, denied to the Senate. We are bound to assume that these three members of the President's Cabinet believed that it was proper for the committee of which they were members to call for information deemed necessary to its enlightenment in the discharge of its duties, and it is difficult now to understand how they can consistently support the President in his direction to them not to furnish to the Senate itself such character of information as they by their official action affirmed it was the right of one of its committees to request and obtain. The other members of the Cabinet are inexperienced in such affairs, or doubtless they too might be quoted in approval of the opinions and actions of their associates when members of the Committee on the Judiciary of this body. Indeed, it would be unreasonable to expect to find them in occupancy of any other position if they had had experience into which we could look for definition of their opinions.

Mr. President, the uniform and unbroken practice of the Government in respect of the question which the pending report presents is against the denial of information with which the President, through the letter of the Attorney-General, confronts the Senate and obstructs its customary methods of action. I do not except a single administration from this statement. On the contrary I include even the present one; for as I read its movements in the light of the public information which defines them, its present attitude is the result of an afterthought. Its chief, both as candidate and President, had protested too much in respect of civil-service reform and improved methods in the manipulation of public patronage to suit the purposes of his partisan supporters. They could keep silence when the candidate defined his views, for then the need was votes. But when as President he continued his protestations the silence was broken, for then they wanted the offices.

It is not necessary that I shall challenge the sincerity of the President in respect of the declarations made by him both before and after his election. I am quite willing to admit that his-oft-repeated purpose to enforce reform gave way to the resolute pressure of his partisan supporters rather than because they were meaningless when uttered. And so I do not complain that his acts in the respect mentioned do not conform to his professions, but rather of the means and methods by which the change was effected. Were it not for this feature of the case the present conflict between the President and this body, in all probability, would not have transpired; for the issue joined does not invite discussion of the President's power to remove or suspend public officers, as he, in his recent communication to the Senate, and some of his defenders would have the public believe. The issue now joined on the basis of the resolutions reported by the Committee on the Judiciary is quite different in its nature, and is by them defined as follows, namely:

> *Resolved*, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.
>
> *Resolved*, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.
>
> *Resolved*, That the provision of section 1754 of the Revised Statutes declaring—
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> "That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office"—
>
> ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach and to give place to another who has not rendered such service is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

It requires no argument to demonstrate that had the President practiced his reform declarations it is not probable the occasion would have transpired for the formulation of these resolutions. The attempt to invent a method of surrender to partisan pressure, while at the same time proclaiming the shibboleth of reform, brought upon the administration its present predicament and projected the pending issue into our political affairs, and in this feature of the case we again have impressed upon us the truth of the doctrine that it is never quite safe to do wrong.

Mr. President, what was the method invented for the surrender of the professed reform purposes of the administration to the pressure of partisan demands? Simply the star-chamber method of inviting assaults upon the characters and reputations or the personal or official conduct of officers, and denying to them knowledge of the nature of the charges presented and refusing opportunity for answer thereto. It was a simple process, but it was a wrong one. It answered the purpose of the surrender, but it brought a harvest of trouble to its inventors; for those who availed themselves of it acted with singular lack of discrimination, and this, in my judgment, had more to do with inducing the resolution not to comply with the Senate's requests for papers and information in the cases of suspension from office than any question of constitutional law that has been obtruded in justification of such course.

Papers and information called for by at least one committee of the Senate, in the usual course of procedure in such cases, had been supplied, without protest or delay, by the head of the Department addressed, and many of the files so supplied in respect of the charges presented against the officers suspended, and in support of the applications of the persons nominated to the Senate, are still in possession of that committee awaiting final reports to the Senate on the cases to which they refer. It will also be remembered that the President as late as about the 3d of January last gave very definite expression of his purpose not to be plagued with the possession of secrets. It is true that this was

not in form of an official document; but I am advised that the words which I shall quote as his went to the public with his approval. They appeared in the New York World of the 4th of January last, and are as follows, namely:

If there ever was an administration that has no secrets, this is one. I want the business of this administration to be done behind glass doors.

This was courageous, and the country applauded it. But it did not last. Indeed quite an opposite purpose was announced. Papers, documents, records, information, of kind and character never before denied to the Senate or its committees, were converted into administration secrets, and doors of resolute refusal were substituted for those of glass behind which the business of this administration was to be done. Something had gone wrong. The administration had suddenly become weighted down with secrets. The efforts to avoid the force and obligation of the reform pronunciamentoes which I have already quoted had filled the official files of the several Departments with a mass of unpleasant political wares that would not look well behind glass doors, and so the curtains were pulled down, and all concerned were told by the letter of the Attorney-General, sent in response to the resolution of the Senate, that—

The President of the United States directs me to say * * * that the public interest will not be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

And what were these dreadful papers and documents that the Senate had called for? Let the resolution by which the call was made give the answer. Here it is, namely:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

It will hardly be claimed that there is anything in this mildly-phrased resolution that it should have frightened the administration into an abandonment of its glass doors. But it seems to have had that effect. Only three weeks had passed after the President's no-secrets and glass-doors proclamation had gone to the country when the Senate adopted that resolution. What occasioned its adoption? Why, during the recess of the Senate the President had suspended George M. Duskin from the office of United States district attorney for the southern district of Alabama, and designated John D. Burnett to discharge the duties thereof. Soon after the Senate met in December last, Burnett's name was sent in and this body was asked to advise and consent to his appointment in the place of Duskin, suspended. As this is a case of suspension it is quite as important for the Senate to be advised with respect of the suspended officer and his management and conduct of the office as it is for it to be informed concerning the character and qualifications of the person nominated by the President; for if the Senate should fail or refuse to advise and consent to the appointment of the latter, the former remains an officer, and is entitled to enter upon and discharge the duties of the office, unless in the mean time, for other cause than suspension, his right to the office had ceased. The decision of the Supreme Court of the United States in the case of Embry *vs.* United States, 100 United States Reports, 680, sustains this position. The opinion was delivered by the Chief-Justice, and there was no dissent by other member of the court. From the opinion I quote as follows, namely:

When Embry was appointed, the President had the power to suspend him for cause. The law also provided that if suspended he should draw no salary so long as another person was performing his duties. While he was in office, further power of suspension was given the President, with a like provision as to pay. He was suspended. The Senate did not see fit to advise or consent to the appointment of another person in his place, and consequently, on the 15th of July, 1870, when the next session of the Senate ended, he became entitled to enter again on the performance of the duties which pertained to his office. This he did on the 27th of July, but not before.

Embry was suspended under the same law that applies to the case of Duskin. The same result may be reached in Duskin's case or in any other case of suspension as transpired in that of Embry. If the Senate should fail or refuse to advise and consent to the appointment of Burnett, who has been nominated to the office from which Duskin was suspended, the latter will, in the language used by the Supreme Court, be "entitled to enter again on the performance of the duties which pertain to his office." Hence it is all important that the Senate should have the information called for by the resolution of January 25, 1886. It is true that, if the Senate should reject Burnett, or adjourn without acting on his case, the President may again suspend Duskin. But suppose he should not do so, what then? Why Duskin remains in office, and in view of the law and the possible fact the President instructs the Attorney-General to say to the Senate in reply to its resolution that—

It is not considered that the public interests will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Mr. President, we must look elsewhere than in the field of public interest for the true reason for this most extraordinary position of this administration. The President in this particular respect has enlarged upon the blunder which led him to confound personal discretion with that of an official character, as I have heretofore explained. He now confounds the public interest with the partisan interest of his administration. He seems to have forgotten that "a public office is a public trust," and so treats it as created for personal ends and partisan advantage. Hence, he directs his Cabinet officers to deny to the Senate the character of information it has been accustomed to receive in response to its directions to them from the foundation of the Government on down to the month of January, 1886.

What are these personal ends and partisan advantages? They are not to be found in the field of the public interest. Then what and where are they? They are the possession of the public offices in violation of the reform professions which have been so freely given out to the country by resort to the questionable methods that have crammed the official files of the several Departments with charges against officials and citizens so unfounded, unscrupulous, and unsavory that the administration has become frightened at the results its unexampled scheme has produced. The administration has discovered that it has secrets, and glass doors are no longer used. Its manipulation of official patronage, in violation of its own declarations in favor of better methods, has made it the custodian of official files which it has not the courage to disclose. The President directs his Cabinet officers to withhold them from the committees of the Senate and from the Senate itself, and elects to take the alternative of standing before the country as the public accuser of every citizen suspended from office. The legend "no secrets here" is taken down from its place above the "glass doors" of the abode of the administration, and the public official files are stowed away in dark closets under lock and key, all in the name of reform and the public interest.

Mr. President, this course of procedure is not in accord with either the recognized principles or the established practice of our Government. It is an abuse of the executive power which has no justification in our history. It is a movement toward centralization which finds no support in the Constitution. The country will not support it. Some of the President's most efficient supporters in his candidacy for the office which he now holds have pronounced against the position he has assumed. I recently received by mail a circular letter which shows how some of the men whose support aided greatly in the election of the President, and who, in common with many others, believe and affirm that their efforts assured his success, have come to regard his present attitude relative to the question presented by the report now under consideration. I quote the heading of the circular and a part of its contents, as follows, namely:

NATIONAL CIVIL-SERVICE REFORM LEAGUE,
Office, 4 *Pine Street*.

George William Curtis, President.
William Potts, Secretary.
Executive Committee.—Moorfield Storey, Boston; Morrill Wyman, jr., Cambridge; W. W. Montgomery, Philadelphia; J. Hall Pleasants, Baltimore; Sherman S. Rogers, Buffalo; William W. Aiken, Norwich; Edward M. Shepard, William Carey Sanger, Brooklyn; John Jay, Carl Schurz, Everett P. Wheeler, Silas W. Burt, A. R. Macdonough, George William Curtis, Frederic W. Whitridge, New York.

NEW YORK, *February* 19, 1886.

The following resolutions were adopted at a meeting of the National Civil-service Reform League, held in New York city on Tuesday, February 19, 1886:

"Whereas publicity in all matters connected with appointments to and removals from office would serve to discourage the use of public offices for mere partisan purposes, and therefore greatly advance the reform of the public service: Therefore,

"*Resolved*, That the National Civil Service Reform League recommend

* * * * * * * *

"Third. The practical recognition of the principle that recommendations for office as well as the representation of reasons for the removal of officers, addressed to the appointing and removing power, are acts affecting the public interest which should not escape responsibility, and that therefore such recommendations or representations should be regarded and treated, not as private and confidential communications, but as part of the public record."

Some of the names that here appear have gone to the verge of consistency in excusing many of the acts of the President which have conflicted with their avowed principles. But they can not approve of his determination not to give information concerning the acts which have joined an issue between him and the Senate. They can not agree that the character and reputation of the public officer and citizen may be attacked by masked political batteries, firing charges manufactured, it may be by mere greed of office, or it may be by personal malice, or reckless disregard of the good name of the victim, without opportunity of defense. Nor can they agree that the public records comprising the official files of the Executive Departments of the Government may be converted into the private and confidential possessions of the President, to be used by him in disregard of that fundamental principle of the Constitution which affirms the right of the citizen to be informed of accusations against him and of opportunity to make defense. Nor will the people of this country approve such assumptions. They have been too long and too thoroughly educated in doctrines of fair play and even-handed justice to consent to a reversal of the principles, tradition, and practices of the Government in these regards.

The "plain people," as President Lincoln was accustomed to call them, will readily detect that the issue pending between the President and the Senate is in no right sense a partisan contention. They will have no difficulty in coming to a resolution of this issue. They will readily see that the report of the Committee on the Judiciary presents no such miserable partisan issue as would be involved in a mere contention about office-holding. They will not fail to see that the contest is one which involves the integrity of the public records, as they are

contained in the official files of the several Departments, and against that partial mutilation of them consisting of withholding portions thereof from proper inspection in connection with the discharge of official duties by the Senate, the House of Representatives, and their respective committees, when enlightened performance of their respective duties may so require, and that it means the preservation of those proper, lawful, constitutional methods which have been observed from the beginning of the Government to the present time.

Evidences tending to show that the country is now taking this view of the case are multiplying every day, and in all directions. The number of leading journals, to say nothing of those of lesser note, all of which are included in the Democratic press of the country, and now join in condemning the action of the administration in denying the information, documents and papers called for by the Senate, is a forceful indication of the drift of public sentiment. The star chamber method of procedure will never be approved by the people of this country. Any administration that insists upon its establishment will be execrated by the people, for partisan zeal can not outlive that devotion to fair play, exact justice, frank methods, and conservative regard for the rights of the citizen which is characteristic of our people.

This view of the case seems to be impressing itself on the mind of the President. On no other hypothesis can I account for the extraordinary communication he sent to the Senate on the 1st instant. I call it extraordinary because it is entirely foreign to any duty devolved on the President by the Constitution in respect of the relations existing between the executive and legislative departments of the Government. In this regard the Constitution says concerning the duties of the President:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

There is nothing in this language which suggests the sending to the Senate of such a communication as that read from the Secretary's desk on the 1st instant. But as many strange things are transpiring in these days it may be an indication that a new departure is about to transpire in the movements of the executive department of the Government. It may be an indication of the purpose of the President, when any measure is pending in the Senate, and for or against which he may desire to express his views, to send to this body an elaborated formulation of his opinions and have the same read from the desk of the Secretary for the enlightenment of whomsoever will give ear thereto. And if this should prove to be the case it would not be more singular in its character than the declaration of the President, in his communication of the 1st instant, relative to the papers and documents on the official files of the Departments, wherein he says:

I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

This is a most pronounced confounding of the individual and the public officer. It is, probably, the most definite assertion of personalism in our Government that has ever been pronounced by a President of the United States; and it shows how apt one wrong step to lead to another. Having adopted a policy that has filled the official files of the several Departments with a mass of papers which would not look well behind glass doors, what more natural result could follow than the thought that rather than disclose them they will be taken away and destroyed? The papers and documents in most, if not all, instances, I deem it safe to say, carry either official indorsements of departmental officers or clerks or file-stamps on them, and are part of the public records, so recognized in the official briefs of subjects to which they relate, and protected as such by penal sanctions in laws enacted by Congress. Two sections of the Revised Statutes of the United States are instructive in this regard. They are as follows, namely:

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than $2,000, or suffer imprisonment, at hard labor, not more than three years, or both.

SEC. 5408. Every officer, having the custody of any record, document, paper, or proceeding specified in section 5403, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than $2,000, or suffer imprisonment at hard labor not more than three years, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Could there be any more emphatic declaration than these sections contain that papers and documents once placed in the public files are to remain there as parts thereof? When "filed or deposited in any public office or with any judicial or public officer" they become part of the public records, and are no longer the personal possessions of the President, or of any other public officer, or of any other person whomsoever. Neither the law, the uniform practice of the Government, nor anything in our history justifies the President's assertion of personal ownership of such papers and documents.

But this assumed ownership of papers and documents which have become parts of the official files of the Government, is not the only assertion of personalism that occurs in the remarkable communication sent to this body by the President. He assumes that to him alone belongs the power to remove public officers from office. He says:

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

Mr. President, let us see about this. Let us apply to it the test of the Constitution itself:

He shall nominate, and by and with the consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

This is an express delegation of affirmative power. To whom? To the President and the Senate. He may nominate officers, but he can not appoint them except by and with the advice and consent of the Senate. There is no power to remove public officers delegated to any one by express terms of the Constitution. It is not given to the President, nor to the Senate, nor to both combined by express terms. But the power exists. This is admitted by all. But if not by express provision of the Constitution, then how does it come to exist at all? Why, by implication. If by implication, where must it lodge? Why, just where the express power exists. Where is that? In the President and the Senate. Hence, the assumption that the President alone possesses the power of removal is another assertion of personalism which has no justification in the Constitution, and the President himself admits, by his acts, that he gets his power to suspend officers from a law enacted by Congress; for every one of his six hundred and forty-three suspensions has been made under section 1768 of the Revised Statutes.

Mr. EDMUNDS. And he so states in the nominations.

Mr. WILSON, of Iowa. Yes, as the Senator from Vermont says, it is a fact which he states in each and every one of the nominations sent in in cases of suspension.

It would not be difficult, Mr. President, to point out many other positions advanced in the communication sent to the Senate equally as unfounded as those I have mentioned. How could we expect better of a document which rests on no surer foundation than a mistake of fact? And is not this the predicament of the one sent to us by the President? The first sentence of the communication contains a misstatement of the action of the Senate. The mistake which it contains is the pivot on which turns no inconsiderable part of the entire communication. Indeed, if the President had not made this mistake the paper would have presented no semblance of a reason for its preparation. Here is the assertion with which he started out:

Ever since the beginning of the present session of the Senate the different heads of the Departments attached to the executive branch of the Government have been plied with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body.

Every member of this body knows that the Senate has sent no request or demand to any one "requiring the transmission of reasons for the suspension of certain officials during the recess of that body." The resolution of the Senate absolutely negatives this mistake of the President. I have quoted the resolution at length in the early part of my remarks and, therefore, need not to repeat it here; but I can not refrain from expressing my surprise that the President did not recognize the marked difference between the language and form of that resolution and the statement on which he predicated his communication to this body.

Mr. President, I am done with the political Comedy of Errors which the present national administration has been enacting during the twelve months of its existence in respect of its observance of its promises to introduce better methods into the management of public affairs. I sincerely wish it had done better than it has. I trust and believe that my regard for the general welfare of the country will never allow me to rejoice in the blunders or misdeeds tending to its hurt of this or any other administration however much they may promise in the way of advantage to the party organization to which I belong. But I am free to say that the present case is one of no little discouragement when considered in the light of the much that it promised and the little it has performed.

Mr. KENNA. Mr. President——

Mr. PLUMB. The Senator from West Virginia will permit me to make a suggestion. If he does not feel like going on to-night, with the effect of detaining the Senate here somewhat late, I will make a motion to proceed to the consideration of a bill which I think will be acceptable.

Mr. KENNA. To consult my own personal convenience I could go on now, but it would be utterly impossible that I should even hope to get through this evening. Therefore, if it suits the purpose of the Senator from Kansas, I am very glad to yield to his suggestion.

Mr. HARRIS. I desire to suggest to my friend from Kansas that instead of making a motion he ask the unanimous consent of the Senate that the pending resolutions be informally laid aside, and then he can ask the Senate to proceed to whatever he may desire.

Mr. PLUMB. I will accept that suggestion.

Mr. HOAR. If the Senator from Kansas refers to the bill which was

under discussion this morning he knows, I suppose, at any rate I will now make it known to him, that I am opposed to that bill.

Mr. PLUMB. I am sorry to hear it.

Mr. HOAR. I thought it was proper that I should say that to the Senator.

Mr. PLUMB. The Senator has stated it before.

Mr. HOAR. I was about to say that I desire to move an amendment to the bill, which I should have had ready if I had supposed it was to go on this afternoon; but as I supposed it was not going on until morning, I am not quite ready.

Mr. PLUMB. I presume that there will be some discussion on the amendment now pending, and there will be ample time for the Senator to prepare his amendment.

Mr. HOAR. I rather think not.

Mr. PLUMB. I wish to say further, as an excuse for whatever insistance I may make now that the Senate shall go on with the bill, that I have given notice here repeatedly. For two months the bill has been on the Calendar, almost from the very first day when the Calendar was formed, the Calendar number being 30, and if the ingenuity which my friend from Massachusetts possesses had been exercised during all that period of time he could have drawn up his amendment I think before now.

Mr. HOAR. The Senator would, I am quite sure, not think it just to take up a bill unexpectedly out of its order and displace the regular order of the Senate at this hour of the afternoon under these circumstances—a bill which in order will be up unquestionably to-morrow morning.

Mr. PLUMB. I ask the unanimous consent of the Senate that the pending resolutions be laid aside informally in order that I may move to take up the bill which I have indicated.

Mr. EDMUNDS. I wish to say that in the present condition of things, when one of our number lies unburied, dead to our great grief, I do not feel disposed to press a final conclusion of the matter under consideration. But I wish to say, keeping it so that it shall be considered until it is ended, right or wrong, that at the beginning of next week I shall ask the Senate to stick to this business, and not stop at one speech a day but go on and finish it, and so go on to other affairs.

Mr. KENNA. I hope the Senator from Vermont does not understand me as asking for a postponement of the pending matter.

Mr. EDMUNDS. Oh, no.

Mr. KENNA. I am perfectly willing to proceed now, or I can wait until to-morrow, which would be very much better, I think. I do not ask for any delay whatever.

Mr. EDMUNDS. I do not object to the matter being laid aside informally.

The PRESIDENT *pro tempore*. Pending the request of the Senator from Kansas, the Chair feels it to be his duty to lay before the Senate a message from the President of the United States.

DES MOINES RIVER LANDS VETO MESSAGE.

The message was laid before the Senate and read, as follows:

To the Senate of the United States:

I return herewith, without approval, and with a statement of my objections thereto, Senate bill No. 150, entitled "An act to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

This proposed legislation grows out of a grant of land made to the Territory of Iowa in the year 1846 to aid in the improvement of the navigation of the Des Moines River.

The language of this grant was such that it gave rise to conflicting decisions on the part of the Government Departments as to its extent, and it was not until 1860 that this question was authoritatively and finally settled by the Supreme Court of the United States. Its decision diminished the extent of the grant to a quantity much less than had been insisted on by certain interested parties, and rendered invalid the titles of parties who held, under the Territory or State of Iowa, lands beyond the limit of the grant fixed by the decision of the court.

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed, and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

Without detailing the exact language of this resolution and statute, it certainly seems to be such a transfer and relinquishment of all interests in the land mentioned on the part of the United States as to relieve the Government from any further concern therein.

The questions unfortunately growing out of this grant and the legislation relating thereto have been passed upon by the United States Supreme Court in numerous cases; and as late as 1883 that court, referring to its many previous decisions, adjudged:

"That the act of 1862 (C. 161, 12 Stats., 543) transferred the title from the United States and vested it in the State of Iowa, for the use of its grantees under the river grant."

Bills similar to this have been before Congress for a number of years, and have failed of passage; and at least on one occasion the Committee on the Judiciary of the Senate reported adversely upon a measure covering the same ground.

I have carefully examined the legislation upon the subject of this grant, and studied the decisions of the court upon the numerous and complicated questions which have arisen from such legislation, and the positions of the parties claiming an interest in the land covered by said grant; and I can not but think that every possible question that can be raised, or at least that ought to be raised, in any suit relating to these lands, has been determined by the highest judicial authority in the land. And if any substantial point remains yet unsettled, I believe there is no difficulty in presenting it to the proper tribunal.

This bill declares that certain lands which, nearly twenty-four years ago, the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new questions could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is not pleasant to contemplate loss threatened to any party acting in good faith, caused by uncertainty in the language of laws or their conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy for such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right nor lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

A law to accomplish this very object was passed by Congress in the year 1873. Valuable proof is thus furnished by the only law ever passed upon the subject of the manner in which it was thought proper by the Congress at that time to meet the difficulties suggested by the bill now under consideration.

Notwithstanding the fact that there may be parties in the occupancy of these lands who suffer hardship by the application of strict legal principles to their claims, safety lies in the non-interference by Congress with matters which should be left to judicial cognizance; and I am unwilling to concur in legislation which, if not an encroachment upon judicial power, trenches so closely thereon as to be of doubtful expediency, and which at the same time increases the elements of litigation that have heretofore existed and endangers vested rights.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 11, 1886.

The PRESIDENT *pro tempore*. The message will be printed and laid on the table, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.

The message also announced that the House had passed the bill (H. R. 5552) for the relief of James Cain; in which it requested the concurrence of the Senate.

DEATH OF SENATOR JOHN F. MILLER.

Mr. STANFORD. Mr. President, I ask the unanimous consent of the Senate to offer a series of resolutions at this time.

The PRESIDENT *pro tempore*. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN F. MILLER, late a Senator from California.

Resolved, That a committee of five Senators be appointed by the President *pro tempore* of the Senate to take order for superintending the funeral of Mr. MILLER, and that as a mark of respect entertained by the Senate for his memory, his remains be removed from Washington to California in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously; and Mr. JONES of Nevada, Mr. FRYE, Mr. CULLOM, Mr. BUTLER, and Mr. GRAY were appointed as the committee under the second resolution.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] asks the unanimous consent of the Senate to proceed at this time to the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. Is there objection?

Mr. MCMILLAN. When that bill went over this morning I thought the whole day would be consumed in the discussion of the resolutions reported from the Judiciary Committee, and I am not prepared with some amendments that I wish to offer.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota object?

Mr. MCMILLAN. I object.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Kansas.

EXECUTIVE SESSION.

Mr. MCPHERSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and five minutes spent in executive session the doors were reopened.

FUNERAL OF SENATOR JOHN F. MILLER.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary invite the House of Representatives to attend the funeral ceremony of Hon. JOHN F. MILLER, late a Senator from the State of California, in the Senate Chamber, on Saturday, March 13, at 12 o'clock m.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That invitation be extended to the President of the United States and the members of his Cabinet, the Chief-Justice and the associate justices of the Supreme Court of the United States, and the diplomatic corps, to attend the funeral ceremony of JOHN F. MILLER, late a Senator from the State of California, in the Senate Chamber, on Saturday, the 13th of March, at 12 o'clock.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1886.

COLLECTOR OF CUSTOMS.

Edward L. Hedden, of New York, to be collector of customs for the district of New York, in the State of New York.

RECEIVER OF PUBLIC MONEYS.

Henderson M. Jacoway, of Dardanelle, Ark., to be receiver of public moneys at Dardanelle, Ark.

PRINCIPAL CLERK OF SURVEYS.

Frank Gordon, of Atlanta, Ga., to be principal clerk of surveys in General Land Office.

REGISTER OF THE LAND OFFICE.

Charles F. Wikins, of Minnesota, to be register of the land office at Benson, Minn.

POSTMASTERS.

Henry P. Grant, at Helena, Phillips County, Arkansas.

M. A. Barnett, at Madison, in the county of Jefferson and State of Indiana.

Thomas E. Haynes, at Franklin, Williamson County, Tennessee.

Alexander A. Davidson, at Seymour, Jackson County, Indiana.

Nathaniel S. Bates, at Rensselaer, Jasper County, Indiana.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 11, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

OMAHA INDIANS IN NEBRASKA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 5th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, prepared in the Office of Indian Affairs, "for the relief of the Omaha tribe of Indians in the State of Nebraska."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 10, 1886.

REPORT OF BOARD OF HEALTH.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress the report of the National Board of Health for the year 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 10, 1886.

SIGNAL SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an additional estimate from the Secretary of War of an appropriation for the Signal Service for the fiscal year ending June 30, 1887; which was referred to the Committee on Military Affairs, and ordered to be printed.

RICHARD MURRAY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with accompanying papers, the petition of Richard Murray, private, band Seventh Infantry, praying relief from political disabilities; which was referred to the Committee on Military Affairs.

ENCROACHMENTS OF MISSOURI RIVER AT FORT LEAVENWORTH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports and maps showing encroachments of the Missouri River upon the military reservation at Fort Leavenworth, Kans.; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ACADEMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimates from the Superintendent of the United States Military Academy of appropriations for the support of the academy for the fiscal year ending June 30, 1887; which was referred to the Committee on Military Affairs, and ordered to be printed.

REFERENCE OF SENATE BILL.

The SPEAKER also laid before the House the bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read twice, and referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. SAWYER for one week, on account of the death of his daughter.

JAMES CAIN.

Mr. ADAMS, of New York. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5552) for the relief of James Cain, and to bring it before the House for immediate consideration. The bill is reported unanimously by the Committee on Military Affairs.

The SPEAKER. The bill will be read for information, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c, That the Secretary of War be, and he is hereby, authorized to change the record of James Cain, late a captain in the One hundred and fifty-eighth Regiment of Infantry, New York State Volunteers, and to grant to him an honorable discharge, with the rank held by him at the time his connection with the service was severed: *Provided*, That such change of record does not involve any claim for pay or services from the United States.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on ordering the bill to be engrossed and read a third time.

Mr. WARNER, of Ohio. I think there should be some explanation of the bill.

Mr. VIELE. I shall make a very brief statement to the House of the facts in this case, which are in themselves very simple. Mr. James Cain, now a prominent citizen of the State of New York, was an officer in the United States service, mustered in on the 25th of September, 1863, as a captain in the One hundred and fifth-eighth New York Regiment of Volunteers. He was promoted to that position from that of first lieutenant. While he was a first lieutenant he received a leave of absence of twenty-five days, during which period he was taken sick with malarial fever contracted in the line of his duty. He was detained eight days over the time of his leave and reported to his regiment, when he found an order had been published by the commanding general requiring that in all such cases the certificate of a regular Army surgeon should be obtained. He had the certificate of his family physician. Not having the other certificate, he was charged with being absent without leave, was court-martialed, and sentenced to be dismissed from the service. The sentence was so far beyond the offense, if offense there was any, that he might with equal justice have been sentenced to be shot. It is now asked, simply as an act of justice, that, without expense to the Government, he be rehabilitated and restored to the rights be held before that action. The committee are unanimous on the subject.

The SPEAKER. Before this bill is ordered to be engrossed and read a third time the Chair will call the attention of the gentleman from New York [Mr. VIELE] to the fact that the name of the beneficiary is spelled one way in the bill and another way in the report.

Mr. VIELE. The form in which the name appears in the bill, "Cain," is the form in which it stands on the muster-roll.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VIELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDNANCE-SHOP, WASHINGTON NAVY-YARD.

Mr. SOWDEN. Mr. Speaker, I desire to submit a privileged report from the Committee on Expenditures in the Navy Department.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 8, 1886.

Mr. SOWDEN submitted the following; which was referred to the Committee on Expenditures in the Navy Department:

"*Resolved*, That the Secretary of the Navy be, and he is hereby, respectfully requested to furnish to the House of Representatives a statement showing the amount of money expended in the ordnance-shop at the Washington navy-yard for materials, wages, and tools, and the number of guns made, altered, and repaired, and their kinds and sizes; the number of cartridges, their sizes and kinds, purchased; the price paid for the same; the date of purchase, and from whom purchased, from March 1, 1882, to February 28, 1886."

The Committee on Expenditures in the Navy Department report back the accompanying resolution with the recommendation that it be adopted.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. SOWDEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMSHIP CAROLINE MILLER.

Mr. DUNN. Mr. Speaker, the gentleman from New York [Mr. BEACH] objected, under a misapprehension, to taking up the bill granting an American register to the steamship Caroline Miller. He did not know that it was on the Private Calendar. I now ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered as in the House.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship Caroline Miller, owned at the port of Baltimore, State of Maryland, by F. C. Miller, an American citizen, and rebuilt by him at Baltimore, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel's steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same, in all respects as to strength and safety, as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. HENDERSON, of Iowa. Mr. Speaker, I desire to make a parliamentary inquiry. On what Calendar of the House is this bill?

The SPEAKER. On the Private Calendar.

Mr. HENDERSON, of Iowa. Mr. Speaker, in asking unanimous consent are we limited to bills on the Private Calendar?

The SPEAKER. Not at all. Is there objection to the request of the gentleman from Arkansas [Mr. DUNN]?

Mr. HENDERSON, of Iowa. I make no objection, Mr. Speaker; I simply wished to understand the rule.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I rose for the purpose of objecting, but I understand that this case comes under the law, or nearly so, which provides that when a certain amount of repairs equal to three-fourths of the cost of the vessel so repaired is put upon a foreign vessel that has been wrecked, she may receive an American register, the repairs having been done in this country. The policy of Congress has been, excepting as above, and I hope we will adhere to it, not to grant American registry to foreign-built vessels.

Mr. DUNN. The case lacks this of coming within the law: This vessel was wrecked not on the American coast, but just outside it.

Mr. O'NEILL, of Pennsylvania. I understand and make no objection. I submit the point, Mr. Speaker, simply because we have pending in the Committee on Commerce a bill proposing to grant American registers to a number of steamships of the so-called Corbin enterprise and in the other branch of Congress, and here too bills pending to give American registers to foreign steamships proposed to be purchased by another line, the International Navigation Company, which now leases them.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. DUNN]? [After a pause.] The Chair hears none.

Mr. DUNN. Mr. Speaker, I now move that the Senate bill be taken instead of the House bill. They are identical and the House committee has reported both.

The SPEAKER. Is the Senate bill the same as the bill read?

Mr. DUNN. Identically the same.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I think this is a good opportunity for me to call the attention of this House to these bills just referred to by me proposing to give American registers to foreign-built steamships, the propositions if carried out by legislation, in my opinion, affecting the American ship-building interests very injuriously. Let members think of this.

The SPEAKER. If there be no objection the Senate bill will be considered by the House instead of the House bill.

Mr. DUNN. There is not a word of difference between the two bills.

There was no objection.

The bill (S. 491) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the House bill will be laid upon the table.

There was no objection.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill No. 4049, and that the same be taken up and put upon its passage.

Mr. BEACH. Mr. Speaker, I call for the regular order.

Mr. HENDERSON, of Iowa. I supposed, Mr. Speaker, when two bills on the other side of the House had gone through by unanimous consent that this might be allowed to be considered in the same way. It is entirely a local matter.

Mr. DOCKERY. I hope the objection will be withdrawn. Three bills have gone through on this side, and I think the other side ought to be accorded the privilege of passing at least one bill.

Mr. HENDERSON, of Iowa. This is a purely local matter. If the objection is to be insisted upon, and gentlemen on that side are going to be unaccommodating after the courtesy extended on this side by allowing their bills to pass, we shall be forced to make objection hereafter; and in that way the whole House may be incommoded.

The SPEAKER. The gentleman from New York does not withdraw his demand for the regular order. The first business in order is the call of committees for reports to be referred to the appropriate Calendar.

CANCELLATION OF PATENTS.

Mr. HAMMOND. I am directed by the Committee on the Judiciary to report back, with a recommendation that it lie on the table, a resolution of inquiry as to the right of the United States to sue for cancellation of patents for inventions and discoveries.

Mr. PARKER. I beg to dissent from this report, and ask permission to file a minority report.

The SPEAKER. Does the gentleman desire to have this resolution placed on the Calendar?

Mr. PARKER. No, sir.

The SPEAKER. If there be no objection, the resolution, with the accompanying report, will be laid on the table and ordered to be printed; and the gentleman from New York [Mr. PARKER] will have leave to present the views of the minority of the committee, to be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

SALE OF CHEROKEE RESERVATION, ARKANSAS.

Mr. MCRAE. I am directed by the Committee on Public Lands to report back with amendment the bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas. This is a bill designed to facilitate the settlement of the public lands; and as I understand it is a privileged matter, I ask that it be considered immediately.

The SPEAKER. That can not be done during this call. Privileged reports should not be presented during the call of the committees in the morning hour if present consideration of them is desired.

Mr. MCRAE. Am I correct in supposing that this bill is privileged? If so, I will not make the report now.

The SPEAKER. The Chair can not answer that question, as he has not examined the bill.

Mr. MCRAE. It is a bill which seeks to open public lands to homestead settlers.

The SPEAKER (after examining the bill). The Chair thinks this is not strictly a privileged report under the rule. The bill will be referred to the House Calendar, and the accompanying report ordered to be printed.

JAMES H. AYRES.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 4956) to carry out the findings of the Court of Claims in the case of James H. Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. BUCHANAN. I ask leave to file the views of a minority of the committee on this bill.

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] asks leave to present the views of a minority of the committee, to be printed with the report of the majority. It will be so ordered, if there be no objection.

There was no objection.

SAMUEL H. FLEMMING.

Mr. SHAW, from the Committee on Claims, also reported back favorably the bill (H. R. 3173) for the relief of Samuel H. Flemming; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORVILLE HORWITZ.

Mr. SHAW, from the Committee on Claims, also reported back favorably the bill (H. R. 3469) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JUDICIAL PROCEEDINGS IN PENNSYLVANIA.

Mr. MULLER, from the Committee on Claims, reported back with amendment the bill (H. R. 4244) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party; which was referred to the Com-

mittee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

WILLIAM A. AND ADELICIA CHEATHAM.

Mr. NEAL, from the Committee on Claims, reported back with amendment the bill (H. R. 2322) for the relief of William A. and Adelicia Cheatham for money illegally assessed and paid the Government under protest; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAIAH W. LEES AND H. H. ELLIS.

Mr. NEAL, from the Committee on Claims, also reported back with amendment the bill (H. R. 3864) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMILE GUERIN AND CHERI P. MAJOR.

Mr. THOMPSON, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

VACATING AN ALLEY IN THE DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC BUILDING, OSHKOSH, WIS.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (S. 57) for the erection of a public building at Oshkosh, Wis.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONS FOR MILITIAMEN.

The SPEAKER. The hour now begins at twenty-five minutes to 1 o'clock for the call of committees for the consideration of bills, and the call rests with the Committee on Invalid Pensions.

Mr. MORRILL. Before moving to go into committee for the farther consideration of the bill which in behalf of the Committee on Invalid Pensions I called up yesterday, I move that debate be limited to thirty minutes.

Mr. HAMMOND. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. After those thirty minutes have expired will the next committee on the list be called?

The SPEAKER. The motion of the gentleman from Kansas [Mr. MORRILL] is for the limitation of debate to thirty minutes. The bill must be passed and disposed of before the next committee can be called.

Mr. HAMMOND. My question was not completed. What I meant was, after this bill is disposed of will the next committee on the list be called?

The SPEAKER. Yes; after this is disposed of.

Mr. MORRILL'S motion was agreed to; and the debate was limited to thirty minutes.

Mr. MORRILL. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DUNN in the chair.

The CHAIRMAN. The House resumes the consideration of the bill the title of which has already been stated. At the expiration of the hour yesterday the gentleman from Tennessee was holding the floor by consent of the gentleman from Arkansas [Mr. ROGERS].

Mr. MCMILLIN. I have but little to add to what I said yesterday when the hour for the consideration of this class of business had expired. I had already given what I believe was the object of the legislators in limiting the time within which this class of claims could be prosecuted. The law now in force to-day is sought to be repealed. What I wish to say now is, if this bill is to pass, that it ought to fix some limit, even now, within which these claims should be prosecuted. I understand the gentleman from Arkansas [Mr. ROGERS] has an amendment prepared looking to that end, and I think it would be wise to add it to the bill.

Of course, Mr. Chairman, whatever is just to these parties who were injured in the service of the country we all want to do. But in doing that we also want to preserve every barrier which has been erected for the purpose of preventing injustice being done to the tax-payers of the country. I suggest, therefore, we limit the time within which these claims can be prosecuted, say until the 1st of January, 1888. That, it seems to me, would be a wise provision to put on this bill.

Mr. MORRILL. That limit, in my judgment, will hardly be sufficient.

Mr. MCMILLIN. It gives, I think, ample time for the prosecution of these claims.

Mr. MORRILL. I have no objection to its adoption. I have no extra interest in this bill; I am only contending in behalf of these men who were wounded in the service of their country.

Mr. MCMILLIN. I will give the gentleman the reasons why I do this. This class necessarily stands on a different basis with parties who were regularly enlisted in the service of the United States. There are muster-rolls which are proof of the service which has been rendered. There is a regularly organized force under the Government. When they come to consider a claim and the testimony of his comrades who were there with him, they can look at the record and see whether he was a comrade of theirs or not. These cases therefore depend on a different class of evidence from those where the claimants had been regularly enlisted; and we can not be too careful to guard against fraud in their prosecution. Hence the necessity of limiting the time for their prosecution within probably the lifetime of those who are acquainted with the facts.

I have no desire, of course, to do injustice to any of these parties. I have no feeling in the matter. I can readily see that there may be a certain class of claims of the character indicated. But I can also see the necessity for the adoption of some such limitation as I have stated. I understand the gentleman in charge of the bill is willing to put some reasonable limit on it.

Mr. WARNER, of Ohio. I ask the gentleman from Arkansas to yield to me for a few minutes.

Mr. ROGERS. I will yield to the gentleman from Ohio whatever time he desires.

Mr. WARNER, of Ohio. I believe it has been the practice of the Government from its foundation down to grant pensions to those who served in the militia on precisely the same terms and conditions as they have been granted to the regular troops. So long ago as 1806 that provision was made in an act passed then. In 1813 the provisions of the law were even extended to include privateers on the sea.

I will read a few extracts from a speech made by Mr. Choate, of Massachusetts, in 1832, in which he said:

> The truth is, whatever was done or expended in that war for particular defense was done or expended for general defense. Troops stationed to guard the mouth of a river, a line of coast, or a line of frontier contributed to the great object as really as those who fought in the field of continental war. There was no such thing as a local operation or hostility on the part of the enemy. He had one single end steadily in view, and he pursued it, without pause or deviation, from the beginning of the struggle to the close. And whether he assailed Massachusetts or Georgia, whether he cannonaded Cape Ann, or burnt the Jersey farm-houses, or poured down his Indian auxiliaries on the back settlements of Virginia, it was all a combined, comprehensive, singly aimed attack upon the independence of the rising States. Whosoever resisted him anywhere contributed to the cause of independence, and may claim the gratitude and justice of those for whom he helped to win it.

That is quite true of the late war. When a pension is granted for disability, wound, or injury received, it does not matter whether it was received on the first day or the last day of the soldier's service. Nor does it matter whether he was called in for the purpose of repelling an attack at a specific point, requiring the service of only a few days or a few hours, or that he served a longer time. The principle is the same. The only question presented is, was he injured or wounded in that service? If so, it has been always held that he was entitled to a pension. But in this case, as in the late war, there were a great many irregular troops, and sometimes irresponsible parties engaged in hostilities, perhaps sometimes not for the purpose of legitimate warfare.

I submit to my friend, therefore, who has charge of this bill if it ought not to be restricted, if it is not now restricted, to such as belonged to some regularly organized troop of which there is record evidence at the War Department.

Mr. MORRILL. Let me interrupt the gentleman from Ohio to say that the law now regulates that. It provides before the pension can be allowed that the applicant must have been in some regularly organized militia under the command of an officer of the United States; and the regulation of the Pension Office requires that his name shall be borne on the rolls in the Adjutant-General's Office. This bill, as proposed to be passed now, does not change that law or any existing law.

Mr. REAGAN. If I may be allowed, Mr. Chairman, for a moment, I am of the impression that the gentleman from Kansas misreads the present law in making that statement. The statute to which the bill refers relates to three classes, and is in the following words:

> Any person not an enlisted soldier in the Army serving for the time being as a member of the militia of any State under orders of an officer of the United States—
>
> That is the first class—
>
> or who volunteered for the time being to serve with any regularly organized military or naval force of the United States—
>
> That is the second class—
>
> or who otherwise volunteered and rendered service in any engagement with

rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service.

That is the third class. And these provisions do not require the applicant's name to be on any roll as a member of any organized force under any of the laws known to our military service.

Mr. WARNER, of Ohio. It has been the invariable practice, as the history of the Government in the granting of pensions will verify, to limit the granting of pensions for wounds or disability to those serving in some regular troop and not engaged in irregular service as bushwhackers or plunderers.

Mr. MORRILL. That is the rule now. The Pension Office holds that whole clause as applying to those who served under the command of a United States officer; and it is essential that he must have been under the command of some United States officer.

Mr. McMILLIN. But the gentleman from Ohio claims, and I agree with him, that the law should require the applicant to have belonged to some regularly organized service and that fact to be exhibited by the rolls.

Mr. WARNER, of Ohio. Yes; some regularly organized militia or regularly organized troop for service under the command of a United States officer.

Mr. MORRILL. The Pension Office already requires that before the pension can be granted.

Mr. McMILLIN. But, as I understand the gentleman from Kansas, the only requirement is that the applicant should have been under the command of an officer of the United States. Now, the gentleman from Ohio, and I repeat I agree with him in that respect, holds that he should not only have been under the command of such officer, but that he should have belonged to some regularly organized body of troops.

Mr. WARNER, of Ohio. Called out by the governor of the State or some other authorized power.

Mr. MORRILL. This I have already stated is required by the existing law. This bill does not change that law.

Mr. REAGAN. Let me call attention to what the bill before us provides, so that we may not be arguing about a mere theory.

Mr. WARNER, of Ohio. I yield to the gentleman from Texas.

Mr. BROWNE, of Indiana. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. I do not understand that four gentlemen have the right to occupy the floor at the same time.

The CHAIRMAN. The gentleman from Ohio is in possession of the floor.

Mr. WARNER, of Ohio. I yield to the gentleman from Texas.

Mr. REAGAN. Let us see now for a moment what this bill does, so that we will not be discussing perhaps a theory. This bill provides that—

So much of paragraph 3 of section 4693 of the Revised Statutes as provides that no claim of a State militiaman on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874, is hereby repealed.

That is simply a limitation upon the paragraph that is repealed. And then section 2:

That the claims of all such persons now pending, or which may be hereafter filed, shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service.

Now, if you look at the third section of the law of March, 1864, to which this bill relates, you will see that this lets in the three classes to whom I have already referred, and not only lets them in for wounds, but for other disabilities, which embrace everything.

Mr. WARNER, of Ohio. I suggest to the gentleman from Kansas in charge of the bill that he should consent to some modification in the direction I have mentioned.

Mr. BURROWS. Will the gentleman from Ohio yield to permit me to ask a question of the gentleman from Texas?

Mr. WARNER, of Ohio. Certainly.

Mr. BURROWS. I desire to ask the gentleman from Texas if this bill in any way changes the law of 1864?

Mr. REAGAN. I think that it changes the second section of that law.

Mr. BURROWS. But aside from that provision, does it make any change in the law?

Mr. REAGAN. It only repeals, as I said, the limitation upon that law. The bill does not seem to have been drawn very carefully, and I think should be modified as suggested by the gentleman from Ohio.

Mr. BURROWS. It does no more than allow those who have not received pensions under that law to go in and get them? Does it do anything more than that, and are the merits of that law in any way involved?

Mr. MORRILL. I make the point that the time on the other side is consumed.

Mr. WARNER, of Ohio. I desire to offer an amendment, which may be considered as pending, which I think will remove any objection to the bill; that is, to add to the second section these words: "but only record evidence shall be considered in adjudicating such claims."

Mr. MORRILL. I think the gentleman from Arkansas [Mr. ROGERS] has an amendment prepared having the same object in view.

Mr. ROGERS. Mr. Chairman, how much time have I left?

The CHAIRMAN. Three minutes.

Mr. MORRILL. I make the point that the general debate was limited by order of the House this morning to fifteen minutes on each side, and that the fifteen minutes on that side have expired.

The CHAIRMAN. The gentleman from Arkansas yesterday evening had the floor, and had twenty minutes of his time remaining.

Mr. MORRILL. By order of the House the debate was limited to thirty minutes, fifteen minutes on each side.

The CHAIRMAN. The Chair has no knowledge of there being an order that the time should be divided between the two sides. The Chair will inquire if that was the order. [After a pause.] The Chair is advised no such order was made. The debate was simply limited to thirty minutes.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. The gentleman from Kansas [Mr. MORRILL] in charge of the bill has remaining a portion of his time. Will this decision of the Chair cut him off?

The CHAIRMAN. He will have ten minutes of his time before the closing of general debate. The gentleman himself asked for the order limiting debate, and that limits him to ten minutes.

Mr. ROGERS. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. In answer to the objection of the gentleman from Texas [Mr. REAGAN] as to the character of claims for pensions under this bill, it seems to me the terms of the bill itself clearly indicate the class of claims it provides for. The language is:

No claim of a State militiaman.

That is to say a militiaman of any State, enlisted under the laws of the State. How can that take in any person who was engaged in irregular service?

Mr. REAGAN. This is simply to repeal the limitation, and you have to look to the third clause of the section of the law which is extended by this bill.

Mr. DOCKERY. In addition to that the rules and practice of the Pension Office, it is well understood, would confine the benefits of this law to members of regular organizations.

Mr. Chairman, I am heartily in favor of the pending bill, which extends the benefits of the pension laws to State militiamen wounded or injured in battle. I give to this measure my warmest support, because I believe that it is the duty of the Government to pension every soldier disabled in its service, whether such service was rendered under State laws or directly to the Government under the laws of the United States. It seems that such a view has heretofore obtained the unanimous approval of the membership of this House. I feel warranted in making this declaration because of the fact that a large part of the business on the Pension Calendar has for its purpose the relief of claimants who are or will be beneficiaries under this bill.

This House has for years recognized the justness of these claims for relief, and has, without dissent, placed on the pension-roll those militiamen wounded or disabled in the service of the United States; for it is well understood that though the service was rendered under State law, it was in fact for the benefit and protection of the national cause; and no one has been found to object (and one objection would have been fatal at our evening sessions) to the passage of these just measures. Any private bill proposing to pension any given individual wounded or injured in battle would receive with becoming cordiality the favor of both the Committee on Invalid Pensions and the House. Where, then, is the logic or the reason for declining to say in general terms that which we approve so warmly in a particular case? Let us repeal this restrictive legislation, and give over to the Pension Office a large part of the business now transacted at our evening sessions.

Mr. CUTCHEON. This will save the time of the House.

Mr. DOCKERY. Yes, it will save time. Sir, I lived in Missouri during the perilous times of the war, and I know that militia organizations were essential to the safety of the people and the protection of property. Armed bands of irresponsible marauders vexed our peace, plundered our people, and destroyed many lives. These militia soldiers took the place of the regular soldiers, who were needed at the front, and thus in truth constituted an invaluable reserve corps for the Union Army. The gentleman from Kansas [Mr. MORRILL] has given the reasons which led the committee to a unanimous approval of the pending measure. I can see no tenable ground upon which to rest a dissenting opinion. My voice and vote are for the bill.

The same patriotic motives which induced men to enlist in the regular service actuated these militia soldiers when they defended the Government in the border States. They shared in the privations of the march and the dangers of the field, and no technical barrier should be interposed in the way of a proper care for those wounded and disabled in battle.

[Here the hammer fell.]

Mr. ROGERS. I have two amendments which I desire to offer to this bill by way of throwing safeguards around it and making it absolutely certain what class of persons the bill is to cover. The first is in these

words, and I understand is acceptable to the gentleman who is in control of the bill:

Add to the second section as follows:
"That the time within which such claims shall be prosecuted to a successful issue is hereby limited to the 1st day of January, 1888."

The second amendment is this:

Provided, That no one shall be entitled to the benefit of this act whose name is not borne on a properly authenticated roll in the proper office of the United States.

Mr. MORRILL. I ask the gentleman to change a little his first amendment. Instead of limiting the time within which a claim may be prosecuted to a successful issue I suggest to him to make that the limit of the time within which the claim may be filed. Perhaps six months may elapse before the man entitled to a pension hears of this law. He would hardly have time to prove up his claim, considering the necessary delays that occur in the Pension Office. I suggest to the gentleman to make his amendment so as to require the claim to be filed before the 1st of January, 1888. I think that would be more just and equitable.

Mr. ROGERS. Mr. Chairman, I incline to yield that point to the gentleman. I do think, though, that in this class of cases there ought to be some limitation fixed. The matter ought not to be left open until every possible hope of establishing the facts to a certainty shall have passed out of existence. The Legislature, in its wisdom, as early as the passage of this law, thought that there ought to be some limitation upon it. My own judgment is that it is perhaps unwise to disturb it at all; but if it is to be disturbed, if it is discovered now that that limitation was made too short, I still think there should be a limitation in pursuance of the principle which governs in all civilized communities, that there ought to be a period fixed when the Government shall no longer be required to take up and consider at great inconvenience, and great additional expense resulting from the increase of force in the Pension Office, matters which have become utterly stale, and which ought not to be considered under the circumstances.

Mr. MORRILL. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. MORRILL. I yield five minutes to my colleague on the committee [Mr. TAULBEE].

Mr. TAULBEE. Mr. Chairman, before I proceed with my remarks upon this bill I wish to state my objection to the amendment proposed by the gentleman from Arkansas [Mr. ROGERS]. I can see no good reason why, if this bill should pass at all, we should place any limitation whatever in it. The placing of a limitation on a bill granting pensions is, to my mind, a concession that the bill itself is wrong. If it is right to pay a pension now, certainly it would be right to pay it under similar circumstances ten years hence.

Mr. MCMILLIN. If the gentleman will permit me I will offer one suggestion in response to his proposition. As a general proposition I admit the force of it, but there is this fact to justify and urge a limitation here which does not exist elsewhere: These were not regular troops, and the evidence in these cases is dependent somewhat upon those who were not regularly in the service of the United States, so that it is of the utmost importance to limit the time for the filing of that evidence to the lifetime of the parties who could properly testify.

Mr. TAULBEE. I reply to the gentleman that, under the second section of this bill, it is provided that claims presented under this law granting pensions to militiamen shall be governed in their adjudication by the rules and regulations prescribed by the Pension Office. In the first place, under our present laws no pension can be granted to a man whose name is not borne on the records of the War Department. If application is made by a man whose name is not on the roll, it is not the prerogative of the Commissioner of Pensions to grant him a pension or to give him a record. That prerogative touching the record is confined to the Adjutant-General of the United States. He, on satisfactory evidence presented to his office, may grant a record to the man asking for a pension. Mr. Chairman, I consider it no misfortune of the Government that the remedies under this bill are difficult and of a somewhat uncertain character. If a man applying for a pension under this law has to rely on oral evidence, then the more time that elapses between the date of his service and the filing of his application the more hazardous and difficult it is for him to prove his claim and get his pension. The lapse of time operates in favor of the Government and against the applicant.

Mr. ROGERS. And there is a corresponding difficulty and a largely increased expense on the part of the Government in detecting frauds.

Mr. TAULBEE. The Government has not the burden of detecting the fraud in such a case. The Government does not assume any responsibility in that particular. The burden of proof rests alone with the claimant, and no man is entitled to a pension under any circumstances where there remains any presumption that his claim is unjust or fraudulent. He must make good his claim. He must establish it by positive proof and must dissipate any presumption that may exist on the part of the Pension Office that it is not a just and valid claim.

Mr. ROGERS. May I ask the gentleman a question?

Mr. TAULBEE. Mr. Chairman, I can not yield further in the brief time allotted me. I have not as yet been able to approach the main issue of this bill. It is urged as an objection that this legislation will grant pensions to men who have had nothing to do with the regularly organized militia of the States. I undertake to say, sir, that that is a strained construction of the bill. The bill does not propose to re-enact paragraph 3 of section 4693 of the Revised Statutes. It simply proposes to repeal such part of that section as provides that applications for pension under that act shall be prosecuted to a successful issue prior to the 4th day of July, 1874.

Mr. REAGAN. And leaves the article in full force.

Mr. TAULBEE. It leaves the article in full force, which reads thus:

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized militia or naval force of the United States, or who otherwise volunteered and rendered services in any engagement with rebels or Indians.

That, Mr. Chairman, is the law which this bill proposes to perpetuate.

[Here the hammer fell.]

Mr. MORRILL. I now yield four minutes to the gentleman from Missouri [Mr. WARNER].

Mr. TAULBEE. I would like to proceed for one or two minutes more. I had not reached the main point of my remarks.

Mr. HEARD. I ask unanimous consent that the gentleman be allowed to proceed five minutes longer.

Mr. CUTCHEON. But the House has made an order limiting debate.

Several MEMBERS. The time can be extended by unanimous consent.

The CHAIRMAN. General debate was limited by order of the House. The remainder of the time for general debate is at the disposal of the gentleman from Kansas [Mr. MORRILL]. The Chair can not see that it is in order to extend the time.

Mr. MORRILL. I yield four minutes to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER, of Missouri. Mr. Chairman, I had thought when this bill with the report was presented to the House that its provisions were so carefully drawn as to obviate every objection to the passage of such a measure, extending mere justice to a class of men who rendered valuable service during the war in the States of Missouri, Kentucky, Minnesota, Kansas, and possibly other States. The objection is made that these claims are growing old and stale; and it is suggested by the gentleman from Tennessee [Mr. MCMILLIN] that the proof of the claims will not rest with those men belonging to the regular service who, like Cæsar in "crossing the Rubicon," by entering the volunteer Army, "burned their bridges" behind them, but will rest upon the evidence of the militiamen. It is the evidence of these militiamen that the gentleman seems to dread. I think the gentleman is as far from the fact in his estimate of the character of the men who entered the militia from the State of Missouri as he is in his historic illustration with reference to Cæsar "crossing the Rubicon" and "burning his bridges." Cæsar burned no bridges in crossing the Rubicon. The militia of Missouri was composed of true men, not perjurers. The men who composed the militia of the State of Missouri served under the orders of general officers on many fields. Eighty regiments were in the field ready for action in that border State—many from the capture of Camp Jackson, at Saint Louis, until the close of the war. They rendered valuable service at Boonville; they rendered valuable service at Wilson's Creek, under Lyon; they rendered valuable service under that old hero A. J. Smith in pursuing Price and driving him out of the State. They rendered valuable services to their country. There is a record, sir—an honorable record—of every militiaman of that State preserved intact; a record as accessible, as easily reached as the record of any man who served in the Army. They will not now give false evidence, as the gentleman seems to fear, even to secure a pension for a comrade. These men are scattered to-day throughout the length and breadth of the State of Missouri as well as other States of this Union; and I affirm on this floor, without fear of contradiction, that they are among the leading men of the State of Missouri. They embrace men who have occupied the highest positions in the State; and if the only fear of the gentleman is that the allowance of these pensions may be secured by perjured evidence of disreputable militiamen if the limitation is repealed, I say to him there were no such men in the militia from the State of Missouri. One of these men wounded or injured in battle is, in my opinion, entitled to a pension. It should not be denied him. To defeat their just claims I trust this Government will not plead the statute of limitations. It should not make time its paymaster.

Mr. MORRILL. I yield the remainder of my time to the gentleman from Missouri [Mr. HALE].

Mr. HALE. Mr. Chairman, I think some of our friends on this side of the House are unnecessarily alarmed about the force and effect of this proposed measure. I suppose a larger number of persons in the State of Missouri will be benefited by this act than in any other State, and I am satisfied from my knowledge of the condition of affairs there that its provisions will not embrace more than three hundred to five hundred men or widows. It applies only to those who were wounded in battle and to the widows of those who were killed.

Now, as to the regularity of that organization there can be no question whatever. The organization was commenced and maintained under the authority of law. It preserved all that was left of law and order and liberty at the time the war closed. It preserved the property, the homes, the families, and the liberties of the soldiers of both armies, North and South. These men were the brothers, the fathers, or the sons of the hundred thousand Federal soldiers who left Missouri to serve in the Union Army. The man who was wounded or killed in battle, though he belonged to the militia organization, has just the same claims on his country as though he had been in the regular Army.

I hope the House will vote down the amendment proposed by my friend from Arkansas [Mr. ROGERS]. A man should not be held responsible for the fact that delay has taken place in the Pension Office and that his claim was not finally adjudicated within the brief limit of time heretofore fixed.

The CHAIRMAN. The time allowed by order of the House for general debate on this bill has expired.

The Clerk proceeded to read the bill by sections for amendment.

The first section was read, as follows:

Be it enacted, &c., That so much of paragraph 3 of section 4693 of the Revised Statutes as provides that no claim of a State militiaman on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874, is hereby repealed.

Mr. TAULBEE. I move *pro forma* to amend by striking out the last word. When my five minutes expired a short time ago I was proceeding to give my explanation of the effect of this bill in its proposed repeal of the last clause of the third paragraph of section 4693 of the Revised Statutes. The provision of law proposed to be repealed by this bill is in these words:

But no claim of a State militiaman or non-enlisted person on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

This bill as it is proposed, Mr. Chairman, in my judgment, does not extend the benefits of the pension laws to any persons who were not entitled to them prior to the 4th day of July, 1874, and the limitation prescribed in that law was not that these claims should be filed within that time, but that they should be prosecuted to a successful issue; and no man at all acquainted with the mode of procedure in the Pension Office but will understand that in many instances where the cases were complicated, although the claimants were worthy men, depending on the testimony of comrades to establish material facts, the parties interested were subjected necessarily to almost endless delays. The man who filed his claim the day after the passage of this act, and who by reason of some misfortune over which he had no control could not prosecute his claim to a successful issue before July 4, 1874, was deprived of all benefit under this act. This applies not only to those who failed to prosecute their claims to a successful isssue prior to this date, but to those also who since then have filed claims in the Pension Office or who may hereafter file claims.

Now, the fact that a man has failed to file his claim until a late day is no evidence that it is a fraud. In fact many cases are now found in the Pension Office where the evidence shows and where examination by the board of medical examiners establishes the fact that the disability occurred from wounds or disease which was gradual in development, and in some cases years elapsed after the wound or contraction of the disease which occasioned the disability. Unmistakable cases of disability of quite recent development have been established where the wounds or disease occurred twenty years before. It took all this time for the disability to develop to a pensionable degree, although the claimant may have received his injuries in battle during the late war. Under the present rules and regulations of the Pension Office during all this time such cases were not considered to be entitled to pensions, as the germs of the disease contracted in the service or the wounds received in battle had not yet developed to a pensionable degree. Until this late day, for more than twenty years after the close of the war, the injuries received in the service were not of such a character as to entitle them to a pension. This bill simply extends the benefits of the law to those who were so unfortunate as not to prosecute their claims before this time.

There can be no fears entertained, Mr. Chairman, that this second section of the bill will not do this efficiently and enable the Commissioner of Pensions to keep out all fraudulent claims. Every man who is a lover of the right, every man who eschews fraud, can but congratulate himself and the country upon the very efficient manner in which the Pension Office has prescribed rules and regulations, not only to-day but for a number of years, which have had the effect of precluding persons from procuring pensions through fraudulent means. The system of examining in reference to pension cases throughout the country by special examiners is one of the safeguards. Men of experience in the service who understand the rules and regulations of the Pension Office are sent throughout the country to take evidence of men of good repute in the neighborhood of their residence, so that the very best evidence extant touching the matter in issue is procured and filed with the Department. Where there are such suspicious circumstances surrounding a case filed in the Pension Office upon the face of the evidence accompanying a claim as to lead the Commissioner to doubt in reference to a claim, he immediately orders such examination to be made by his agents.

The CHAIRMAN. The gentleman's time has expired.

Mr. WOLFORD. I will take the floor and yield my time to my colleague.

Mr. TAULBEE. I am extremely obliged to my colleague for his courtesy.

Mr. REAGAN. The gentleman from Kentucky was saying, when the hammer cut him off, that the Government was properly guarded against persons getting pensions who were not entitled to them. Now, is he aware, during the month past, seventeen hundred and fifty-two cases were stricken from the list in Boston alone which had been placed there improperly?

Mr. TAULBEE. No; I was not aware of that. But granting that to be true, and I presume it is, it does not contradict my statement.

Mr. MCMILLIN. And I will suggest to my friend from Kentucky there have been found eighteen claims in the Pension Office within the last two months from his own State where false affidavits were filed by one man, who is now in the penitentiary; Little, I mean.

Mr. TAULBEE. That does not contradict what I have said, if the gentleman understood me correctly. I did not say that the rules of the Pension Office precluded the possibility of all fraud. What I meant to say was, and what I believe I did say was, that the rules and regulations of the Pension Office to-day were sufficient to preclude the imposition of fraudulent claims upon the Pension Office. The very fact that the exceptional cases to which reference has been made were detected is an argument in favor of my proposition. The very fact that out of the vast number of claims presented to the Pension Office there have been only a few, and the very fact that the fraud in those instances has been detected and punished, is the very best proof of the effectiveness of the rules and regulations under which the Pension Office is managed. They are the very best proof that the office is well guarded against the successful prosecution of fraudulent claims.

Mr. MORRILL. Mr. Chairman, I must object to the continuation of debate on this bill if the time has expired.

The CHAIRMAN. The time has not expired. The gentleman from Kentucky has three minutes of his time remaining.

Mr. TAULBEE. Mr. Chairman, I was proceeding to say that this bill would not extend the benefits of the provisions of the pension law to any persons who were not entitled to it prior to the expiration of the right of application under the law proposed to be amended. This bill does not provide that persons not upon the rolls of the Army or of some regularly organized militia force within the borders of a State, serving in support of the Union cause, shall receive pensions or the benefits of its provisions.

There is nothing in paragraph 3 of section 4693 of the Revised Statutes which would justify such a conclusion. That section provides—

That members of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered—

that is, in the manner not described by the clause immediately preceding it—

and who were at the time under the command of a regular officer of the United States Army during an engagement with rebels or Indians, and who shall have received a wound or injury in such temporary service, shall be entitled to the benefits of the bill.

If a man at the beginning of the war saw fit to enlist in some State organization, it is no evidence of his disloyalty to the General Government. Such organizations were frequently commanded by Federal officers in support of the Union cause.

I withdraw the amendment.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Arkansas.

Mr. ROGERS. I shall offer my amendment to the second section.

Mr. REAGAN. I desire to offer an amendment to the first section of the bill.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Provided, That the provisions of this act shall not apply to any person except such as were wounded or otherwise disabled in battle in the course of military operations against rebels or Indians.

Mr. MORRILL. Although I regard that as entirely unnecessary I will accept it.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the second section of the bill.

The Clerk read as follows:

SEC. 2. That the claims of all such persons now pending or which may be hereafter filed shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service.

Mr. ROGERS. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the end of the second section:

"And the time within which such claims shall be filed is hereby limited to the 31st day of December, 1887."

Mr. BURROWS. There is no objection to that. [Cries of "Vote!" Vote!"]

Mr. WARNER, of Ohio. I have an amendment pending which I am willing to withdraw, as this substantially covers the ground.

The CHAIRMAN. The gentleman from Arkansas is entitled to the floor.

Mr. ROGERS. Mr. Chairman, there are some observations I desire to make in response to the argument of the gentleman from Kentucky [Mr. TAULBEE] who has just taken his seat. I supposed he was aware that many cases existed where parties had received wounds in the military service of the United States proper and that there were numerous cases where the Army records did not disclose that fact. If he does not know that to be a fact, let me state that some cases of that character have fallen within my own observation, one of a very recent date. This is an instance where a soldier received an injury perhaps in 1863. At the time it was not regarded as serious, indeed he remained on duty, but it has grown from bad to worse, until several years since he became disabled by virtue of it.

This claim is pending, and the records of the Army disclose no evidence of the fact that he was injured in battle at all. And yet in support of his claim he has the unqualified approval of one officer at least who was present when he received the injury and testifies to the fact, and in my opinion he is as justly entitled to a pension as any man who was in the service. So the granting of these pensions contains two difficulties—one on the part of the claimant himself, to establish the injury where the records of the Government do not establish it; and, on the contrary, where the Pension Office has reason to believe that there is any fraud in the claim as presented, it becomes its duty, and the very object of the organization of the special examining division is to inquire into and obtain testimony on such points to show the fraud. Now, after a considerable lapse of time, after the years that have passed since the war, the question is whether these persons who were in a quasi manner connected with the military service of the Government shall be left to present the claims without limitation. But, as I understand, the committee are willing to accept the amendment, and I shall not consume further time upon it.

Mr. TAULBEE. If the gentleman will allow me, I wish to state as a member of the committee and as a friend of the bill that I am opposed to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Arkansas.

The amendment was agreed to.

Mr. ROGERS. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the second section the following:

"*Provided*, That no one shall be entitled to the benefit of this act whose name is not borne on a properly authenticated roll in the proper office of the United States."

Mr. WARNER, of Ohio. If my amendment is pending I withdraw it, as its only object was to keep out irresponsible bushwhackers; and as this accomplishes that object better, I withdraw mine.

Mr. ROGERS. I do not know what view gentlemen on the other side take of this amendment. It was contended on yesterday that this was the principal objection to the bill, that irresponsible parties engaged in border warfare disconnected with any legally authorized and established military organization were included in the provisions of the bill. And, Mr. Chairman, they ought not to be included in its provisions. My friend from Kentucky will remember in the history of Southern Kentucky organizations like that commanded by Champ Ferguson, not connected with any military organization either of the confederate or of the Union Army, which in the main consisted of bushwhackers, murderers, sometimes thieves, who engaged in that sort of warfare under cover of the unsettled state of affairs on the border. This class of persons ought not to be recognized in a state of war, and certainly if recognized at all during a period of civilized war they should not be recognized by the Government after the war and put on a footing of equality with men who joined the regular service, who bore the perils of war and received the wounds for which under the law and the Constitution of the country they are entitled to pension at the hands of the Government.

I say, therefore, if these gentleman are in earnest now that this class of persons are not to be benefited by the operation of this law, this amendment should be adopted which excludes them from the provisions of the bill and confines its operations only to those who belonged to regular military organizations in the State, commanded by Federal officers and recognized as such. [Cries of "Vote!" "Vote!"]

Mr. TAULBEE. I wish to state that the only objection I can urge to that amendment is that it is superfluous; that it is useless. The object it proposes to accomplish is already accomplished by the second section of the bill, which provides for the adjudication of these claims.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Arkansas.

The question being taken, there were—ayes 75, noes 38.

Mr. BRECKINRIDGE, of Arkansas. I demand tellers.

Mr. SPRINGER. A quorum has not voted.

The CHAIRMAN. The Chair will order tellers.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the demand for tellers and make the point there is no quorum.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has made the point that a quorum did not vote, and the Chair directs the gentleman from Kansas [Mr. MORRILL] and the gentleman from Arkansas [Mr. ROGERS] to take their places as tellers.

Before the count by tellers was completed,

The CHAIRMAN said: The hour under the rule has expired, and the committee will rise.

The committee rose; and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4915) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HATCH. I ask unanimous consent to take up for present consideration the bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes.

This is a bill which has passed the Senate. The same bill has been before the Committee on Commerce of this House, has been reported favorably, and is now on the Calendar. I desire to take up the Senate bill for consideration.

The SPEAKER. The bill to which the gentleman refers has bee n by order of the House referred to the Committee on Commerce.

Mr. HATCH. I ask unanimous consent to discharge the Committee on Commerce from the further consideration of the bill, and to bring it before the House for consideration.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Commerce from the consideration of the Senate bill the title of which will be read, and to consider the same in the House.

Mr. BEACH. I demand the regular order.

URGENT DEFICIENCY BILL.

Mr. BURNES. I ask unanimous consent to take from the Speaker's table the bill H. R. 5893, with the Senate amendments thereto, being the urgent deficiency bill, for the purpose of referring it to the Committee on Appropriations.

The SPEAKER. The regular order is demanded by the gentleman from New York [Mr. BEACH].

Mr. BEACH. I withdraw the demand for the regular order for the purpose indicated by the gentleman from Missouri [Mr. BURNES].

There being no objection, the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the year ending June 30, 1886, and for other purposes, with amendments by the Senate, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HATCH. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I desire to ask, for information, if any bill has passed the House this morning by unanimous consent; and, if so, I ask that the title of that bill may be read.

The SPEAKER. That is not a parliamentary inquiry. The Journal will show that.

Mr. HATCH. I would like to emphasize the fact that a bill has been before the House by unanimous consent this morning and passed the House from the State of New York, and that the gentleman who now objects to the passage of a bill that has already been considered by the House and by the Senate comes from New York.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. TOWNSHEND in the chair) and resumed the consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

The CHAIRMAN. The gentleman from Iowa [Mr. WEAVER] is entitled to the floor.

Mr. WEAVER, of Iowa. Mr. Chairman, the question, or rather the group of questions involved in this bill is of the highest importance, because the relation which the various tribes of Indians sustain to the Government of the United States has assumed in the past few years a new phase, and the House and the country are brought face to face with a changed condition of affairs that ought to be well understood by all. In the days when the Government treated with the Indian tribes as separate and distinct peoples or nations, a different rule obtained from that which must now be observed. A new rule and a new order of things must govern Congress and the Executive in dealing with the Indian tribes. I call attention to a section of the Revised Statutes which

seems to be but little understood by the country and even by the members of this House. Section 2079 of the Revised Statutes reads as follows:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

It appears then, Mr. Chairman, that since the 3d of March, 1871—fifteen years past—our Government has not recognized, and does not recognize, any Indian tribe or nation as such. This section of the statute brings the Indian into the relation of ward, subjects him to legislative control, and the Government stands in *loco parentis*, or as the trustee of the estate of the Indian. Now, as a matter of course, the estate of those wards must be managed with reference to two things: First, the interest of the ward; second, the general interest of the people. Let us then approach the discussion of this subject in the light of this statute, and with the understanding that the Indian is simply the ward and the Government the trustee. As a preliminary step to that discussion, I desire to call the attention of the House to a map of the Indian Territory which I have here upon this easel.

This map represents what is known as the Indian Territory. The white disk upon the map [indicating] represents the country occupied by what are known as the five civilized tribes. This red portion of the map near the center of the Territory, constitutes what is known as the Oklahoma country, ceded to the United States by the Creeks and Seminoles by the treaties of 1866. The country between the two lines, which I now indicate, and west of the white disk, constitutes what is known as the Cherokee outlet, or Cherokee strip. The piece of country west of the Cherokee strip, and indicated upon the map, is what is known as the Public Land strip, or Noman's Land, ceded to the United States by the State of Texas in 1850. West of Oklahoma and southwest are the reservations of the Cheyennes, and Arapahoes, the Wichitas, the Kiowas, the Comanches, and the Apaches. These constitute the various subdivisions of the Indian Territory. This Territory contains, including the Public Land strip, 44,154,240 acres of land, an area as great as that of the States of Iowa, Massachusetts, Rhode Island, and New Jersey combined, larger by 266,600 acres than the seven States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware.

Now, as to the character of this country, I call attention to the very able report of the Commissioner of Indian Affairs, page 9, from which I read:

It is situated between the river and the thirty-seventh degree of north latitude, and nearly in the center of the United States east and west. Its climate is delightful, and its resources almost unbounded. While there are some poor lands within its limits, yet, taken as a whole, it is hardly excelled in its natural resources by any other portion of the United States of the same extent. Its soil is adapted to the raising of all the cereals, and cotton is cultivated with profit in some portions of the Territory, and its grazing resources and adaptability to raising stock are unexcelled. It has an abundance of water, with timber in different portions in limited quantities, while an abundance of coal of good quality is found.

But, notwithstanding this is a beautiful country, its present condition constitutes one of the most phenomenal and, I will add, one of the most disgraceful chapters in the history of our Western civilization.

I wish to call attention to what is said by General Miles in his last annual report to the Lieutenant-General of the Army. He says:

The object in reserving the Indian Territory as a place where the scattered tribes of Indians from Texas, Missouri, Kansas, and other States and Territories could be congregated and removed from before the advancing settlements, was humane and judicious; and it has accomplished its mission. The Indian Territory is now a block in the pathway of civilization. It is preserved to perpetuate a mongrel race far removed from the influence of civilized people—a refuge for the outlaws and indolent of whites, blacks, and Mexicans. The vices introduced by these classes are rapidly destroying the Indians by disease. Without courts of justice or public institutions, without roads, bridges, or railways, it is simply a dark blot in the center of the map of the United States. It costs the Government hundreds of thousands of dollars to peaceably maintain from sixty to eighty thousand Indians there when the Territory is capable of supporting many millions of enlightened people.

Such is the language of General Miles. I presume it will be conceded that no man in the United States is better acquainted with Indian life or the condition of that Territory than he.

In the bill before us for consideration there will be found on page 42 an item appropriating $34,125 for the support of the school at Chilocco—a school situated in the Indian Territory about 1 mile south of the Kansas line. Something was said yesterday with regard to the progress of that school. Before reading the testimony on this subject I wish to say here and now that I approve of the policy of establishing industrial schools, properly located, for the benefit of the Indian tribes. It is a benefit to the white man as well as to the Indian. But the conditions surrounding these schools ought to be well understood before appropriations are made. I read from page 48 of the last annual report of Mr. Oberly, the superintendent of Indian schools. Concerning this school at Chilocco he says:

The location of the school is in many respects unfortunate. It is about 1 mile south of the south line of Kansas, within the Indian Territory—a district of country without law that can be made available for the protection of the school from the incursions of the Indians and the raids of the cowboys. The late superintendent, Dr. H. J. Minthorn, says:

"Cattle-men locate their herds on the school farm, come and go through the fences at pleasure, and defy any one who attempts to interfere. A race-course has been laid out on the school farm, and horse-racing and whisky selling have been added to the list. It is safe to say that more drunken Indians may be seen at this school than at all of the agencies in the Territory; and yet should a murder be committed no arrest could be made without it was done by authorities in the State, miles distant. While the appliances for conducting an industrial school are of the first order, the work is constantly marred and every effort neutralized by the lack of some authority to deal with the disturbing elements constantly met with here. * * * The lawless condition around Chilocco, therefore, continues to scandalize the neighborhood and distress the school."

That is an anomalous condition for an industrial school, and these are strange surroundings. Yet we are called upon to appropriate large sums of money to sustain that institution. It does seem to me, Mr. Chairman, that if an Indian school is to be made a success, something more than the appropriation of money is necessary to insure that end.

Mr. PERKINS. Will it interrupt the gentleman if I ask him a question?

Mr. WEAVER, of Iowa. No, sir.

Mr. PERKINS. Is not that criticism very greatly true of every industrial school that may be established upon these reservations?

Mr. WEAVER, of Iowa. Mr. Chairman, if the same criticism is mainly true with regard to every other industrial school in the Indian country, then I say it is time that Congress should call a halt until different conditions can surround those schools. Why, sir, if it be true that cattle-men illegally and forcibly occupy the farms surrounding the industrial schools, cut down the fences and drive through them at will; if it be true that whisky is sold in the immediate vicinity of these schools and that drunkenness is the rule there, then I pronounce the schools a shame and a blot upon civilization. The gentleman from Kansas concedes too much. He is a member of the Committee on Indian Affairs, and knows more about these things than I do. I presume therefore it may be taken as true that this same condition of affairs exists in all these reservations and surrounds all these schools.

Mr. FUNSTON. Will the gentleman allow me a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. FUNSTON. I wish to ask whether the criticism applicable to this particular school applies to industrial schools not in the Territory. Certainly it is not understood that it applies to all industrial schools.

Mr. WEAVER, of Iowa. I understood the gentleman from Kansas [Mr. PERKINS] to ask whether the same criticism would not apply to all these industrial schools.

Mr. PERKINS. On Indian reservations.

Mr. WEAVER, of Iowa. Certainly, on Indian reservations; so that the criticism applies whether the schools be located in the Indian Terrritory or elsewhere in the Indian country, if surrounded by the same demoralizing influences of the cattle syndicates.

Mr. FUNSTON. I only desire to have that matter understood.

Mr. WEAVER, of Iowa. Something was said yesterday by the gentleman from Michigan [Mr. CUTCHEON] with regard to the wonderful progress made by the five civilized tribes. I call the attention of the committee to page 142 of the report of the Secretary of the Interior for the year 1884. I find there the report of the agent at the Union agency, Mr. John Q. Tufts.

It is dated Muskogee, August 29, 1884. He says:

The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles, composing this agency, it is estimated number about 65,000, including white and colored adopted citizens. The number of full-blood Indians is decreasing, while the increased number of mixed-bloods and the adopted white and colored citizens make the population about the same from year to year.

The number of whites is increasing. The cause of this increase is, that the work done in the country is by whites and not by Indians. The mixed-bloods will work some, but the full-bloods hardly ever. Under the laws of the country a citizen is entitled to all the land he may have improved. An arrangement is easily made with a white man who will make a farm for an Indian and give him a portion of the crop for the use of his name, and after a few years give him possession of the farm. Thus it is that more farms mean more white men. The number of whites within this agency who are laborers for Indians, employés of railroad companies, licensed traders, pleasure seekers, travelers, and intruders, must be about 35,000, or half the number of Indians.

This throws a flood of light upon the condition of the five civilized tribes about which so much has been said. It is the official testimony of the agent who resides among them. It shows that the progress of these tribes is not the progress of the Indian, but the progress of the white man. It demonstrates the fact that this progress is not on the part of the Indian but in spite of him, and that the Indian as such is dying out and daily decreasing in numbers. Such is the boasted progress of the five civilized tribes.

These tribes are within the jurisdiction of the United States court for the western district of Arkansas. An article published in the Saint Louis Globe-Democrat of March 5 shows the alarming prevalence of crimes in that district, most of which were committed in the Indian Territory. This article says:

There are twenty-two convicts awaiting transportation to Detroit, all convicted since the first Monday in February. The marshal always holds them here until he gets a car-load, then charters a car and takes them straight through to their destination. This crowd will probably be taken off this week in order to make room in the jail for fresh arrivals, there now being one hundred and ten behind the bars, about as many as can be accommodated. Besides these a large number have been convicted who received short jail sentences.

The eight condemned murderers, under sentence to be hanged on the 23d of April, appear to be the jolliest of all, and, with one exception, none of them are making the least preparation to meet their fate.

In an account of a recent execution at Fort Smith I saw it stated that between sixty and seventy persons had been executed on the same gallows. This is a human sacrifice made and a blood offering poured out to this monstrous condition of affairs in the Indian country. Can this Congress, responsible to the American people, afford to sit idly by and allow such a horrible condition of affairs to be longer continued?

I will now call attention to another shameful state of affairs in the Indian Territory. I read from page 129 of the same report. The agent at the Ponca, Pawnee, and Otoe agency, in his report, August 15, 1884, says:

The most deplorable of all these barbarous customs is the selling of girls in marriage; this practice, I think, is universal. A marriageable girl in a family is considered as much an article of merchandise as a horse or an ox, and is sold to the highest bidder and assumes the married state and the duties of maternity when she is a mere child, and often sorely against her will. An unmarried girl of more than fourteen or fifteen years of age is not to be found. The elevating and refining influence exerted by young ladies in white society is unknown among the Indians. The effect is bad in every way. It cuts short their education at the very point where it would begin to be of some practical advantage. A girl over fourteen or fifteen years of age is seldom found in the schools. It breaks them down physically and they become prematurely old; it degrades the women to a condition little better than slavery.

Such, in brief, is the condition of this Indian Territory, and it constitutes in my judgment one of the foulest blots upon the civilization of this country. It calls for heroic treatment and speedy remedy, only to be found in prompt legislation by Congress. It can not be remedied in any other way. The Indians should be brought into such relations with the Government of the United States as to be amenable to law; then these practices can be prohibited and the law prohibiting them enforced.

I come now to a different branch of the question, the unoccupied portion of this Territory—that portion which has been unoccupied for almost a quarter of a century—certainly for over twenty years; namely, the country ceded by the Creeks and Seminoles by the treaty of 1866, commonly called Oklahoma, and the Cherokee strip, also ceded to the United States by the treaty of 1866. When I use the word "unoccupied" I do not mean to say there are not trespassers there, but the word "unoccupied" I use in its legal acceptation, and mean it is not occupied by any person having the right to be in that Territory. There are no Indians within the territory known as Oklahoma, nor on the Cherokee strip, nor on the Public Land strip lying west—they are all unoccupied. The Cherokee strip contains 6,022,255 acres of unoccupied land; the Public Land strip contains 3,672,640 acres; the land ceded by the Creeks and Seminoles contains 1,887,800 acres, making a grand total of unoccupied country of 11,583,295 acres—larger than the States of Massachusetts, Rhode Island, and New Jersey combined; nearly twice as large as New Hampshire; almost 100,000 acres larger than the States of Maryland, Delaware, and Connecticut.

Then we have the country occupied by the Cheyennes and Arapahoes, who are located by executive order. They have no patents to the lands, nor are they occcupying them by virtue of treaty stipulations. Farther south are the Wichita, Kiowa, and Comanche reservations. The Cheyennes and Arapahoes occupy 4,297,771 acres; the Wichitas, 743,610 acres; the Kiowas and Comanches, 2,968,893 acres; and that also includes the territory occupied by the Apaches, making a grand total occupied by these insignificant tribes of 8,010,274 acres. The population of these reservations is given at 7,500. But this includes a large percentage of whites, half-breeds, and Mexicans and negroes, which would probably reduce the actual Indian population to near or perhaps less than 5,000.

But admitting, Mr. Chairman, that 7,500 is the true census of this part of the territory occupied by the tribes I have named, which is largely in excess of the number which would be found by an exact count, there is sufficient land in these reservations west of Oklahoma, and south of the Cherokee strip, to give to each person 1,100 acres, or more than 4,400 acres to each family of four persons.

Now, if we should give these Indians their land in severalty, at the rate of 160 acres per capita, or 640 acres to each family of four persons, and settle them in the region where they now are they would only require 1,200,840 acres, leaving a surplus of 6,809,794 acres which can be opened to settlement and civilization.

The Osage, the Kansas, the Nez Percé, the Ponca, the Otoe, the Pawnee, the Iowa, the Sac and Fox, the Kickapoo, and Pottawatomie reservations, lying east of Oklahoma and west of the civilized tribes, contain an area of 3,665,365 acres of land with an Indian and mixed population of 5,200 persons. Now, if all these Indians west of Oklahoma and south of the Cherokee strip should be removed on to these small reservations, the combined population would still have 287 acres to each, or 1,148 acres to each family of four, which would be more than ample for all of their purposes. This would leave in the Indian Territory, including the Public Land strip, over 20,000,000 acres of unoccupied land, all available for settlement—an area nearly as large as the State of Indiana. Would this be unjust to the Indians west of the five civilized tribes? With 1,148 acres to each family of four persons, who can reasonably claim that any injustice is being done? If there is any injustice in this policy it would be against the home-seeker, who can only take 160 acres for himself and family.

Now I submit that an Indian has no use for a large area of country after the game upon which he subsisted has been destroyed. What use have these Indians for more than 1,148 acres to a family of four? There is no game on the reservations they now occupy. There is no game in Oklahoma, nor is there any in the Cherokee strip, for reasons which I shall show you later. What rule of justice or of fair dealing requires that a savage who does not occupy the soil for cultivation, who has no more use for it after the game has been destroyed than a wolf, and who is supported by the Government, should be allowed to remain there and roam over millions of acres of land, which he refuses to cultivate, to the exclusion of white settlers who want homes and would cultivate the soil if they had the opportunity? The relation of the Indian is entirely different from what it ever was before in the history of this country, and is it possible that Congress will be dumb to the appeals or deaf to the cries of our landless people who are pleading for homes?

But the question is asked, Do you propose to take the lands from them without their consent? No, sir. Do you propose to take them without paying for them? No, sir, never. Be just to the Indian, be humane to him, but at the same time be humane and just to our own constituents. That is my rule. I know of no better rule than that. I ask nothing else. But I say that fair dealing to the white man and that fair dealing and mercy to the Indians require that this Government shall immediately take steps to open up all of these abandoned and needless reservations to white settlement, to schools, to churches, and to all the benefits of a Christian civilization.

But the suggestion will be made at once that there are certain railroad corporations that have grants which are now in abeyance in this Indian country. In the first place, I deny that there are such grants in the Indian Territory; but out of abundant caution, if there should be any such grants, then I say repeal those acts and forfeit all those grants; for the country should be reserved to homestead settlers and no other class of persons.

If this policy is pursued it is not too much to say that within eighteen months after this vacant country is opened to settlement there will be a million of people there, and they will be knocking for admission into the Union as a State with all the advantages of sisterhood and all the advantages of our American civilization.

Mr. BUCHANAN. Will the gentleman allow me a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. BUCHANAN. What is the use of their knocking when others all ready now for admission can not get in.

Mr. WEAVER, of Iowa. "Knock, and it shall be opened." It does not say "when you first knock it shall be opened." [Laughter.]

Mr. MILLS. Keep knocking.

Mr. WEAVER, of Iowa. Now, Mr. Chairman, I wish to address myself to the question of the intention of the Government as to the further settlement of Indians in this Territory. I call the attention of the committee to page 10 of the last annual report of the Commissioner of Indian Affairs. It is claimed by some would-be philanthropists—good people, but misguided, because they do not understand all the facts connected with the situation in the Indian Territory—that it should be the policy of the Government to settle friendly Indians there. They are unmindful of the fact that Congress on two occasions has expressly forbidden the further removal of Indians to the Indian Territory.

By the act of March 3, 1877, the officers of the Government were prohibited from removing the Sioux Indians or any portion of them into the Indian Territory, and by a subsequent act the removal of the Apaches into that Territory was also forbidden. But the Commissioner of Indian Affairs, on page 10 of his last annual report, after having discussed this question, says:

But a stronger and more potent objection to concentration in the Indian Territory exists than any yet given, and that is the fierce and uncompromising opposition which this proposition meets in the almost unanimous sentiment of the white citizens of the four great States of Missouri, Kansas, Texas, and Arkansas which surround this Territory. Such an array of political power and influence, speaking as one man, is entitled to respect and grave consideration. In a country like ours, where public opinion crystallizes into law, where it makes Presidents, and Congresses, and courts, and commands armies, it can not safely be disregarded. And although the representatives of the other States of the Union might believe that the concentration of the savage Indian tribes of this country in the Indian Territory would be best for the Indians and greatly relieve the Treasury of the United States, as it would, nevertheless I would not advise such a step, even if it should be agreeable to the Indians now scattered over a vast area of country, against the earnest protestations of the people of the four great States referred to.

So that the Government has abandoned all idea of the settlement of any more Indians in the Indian Territory. Now, this being settled is not the duty of Congress plain and unmistakable? If we are not to settle any more Indians there shall the homeless white people be forever excluded from its domain? But it is claimed we have no right to settle white people on Oklahoma or the Cherokee strip, and to that proposition I invite the respectful attention of the committee. The Secretary of the Interior, on page 32, in his last annual report, speaking of Oklahoma, says:

By the third article of the treaty of August 16, 1866 (14 Stat., 766), it is stipulated that "in compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede to the United States their entire domain," consisting of 2,169,080 acres, at the rate of 15 cents per acre.

By the third article of the treaty of August 11, 1866 (*Ibid.*, 786), the Creeks, for the same purpose, ceded to the United States the west half of their entire do-

main, which cession passed 3,402,430 acres, at the rate of 30 cents per acre. The two cessions combined aggregated 5,571,410 acres. The Indians have been paid therefor according to agreement.

They have received the money and the transaction is closed. The country lies unoccupied and has been for more than twenty years. The Cherokee strip was ceded to the United States by the Cherokees also in 1866, for the purpose of settling friendly Indians thereon, and can not now be legally occupied, either by the Cherokees or by their authority, or by white people. I call the attention of the committee to the opinion of Attorney-General Devens, which will be found in 16 Attorney-Generals' Opinions, page 470.

One J. W. Bell, a Cherokee, had, by authority, as he claimed, of the Cherokee Nation, settled upon the Cherokee strip. He was removed by the military. The question was brought to the attention of the Attorney-General by the Secretary of the Interior as to whether Bell had a right, being a Cherokee, to occupy any portion of the Cherokee strip west of 96° after it had been ceded by the treaty of 1866, and, if not, whether the military had the right to remove him. The Attorney-General, after quoting the terms of the treaty, sums up the whole matter in the following language:

The fair interpretation of this article would seem to be that the lands to which it refers were absolutely reserved to the United States, upon the conditions therein named, for the settlement thereon of tribes of friendly Indians. The jurisdiction and possession of the Cherokee Nation, as to the lands from time to time remaining unsold and unoccupied, would give no right to the nation to settle its citizens thereon until the privilege acquired by the United States to settle tribes of friendly Indians in any part of the Territory west of 96° should be satisfied, or, in some authentic way, be renounced. And this being so, no person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation.

On the contrary, it is the duty, as it is the interest, of the nation to prevent its citizens from making such settlement. It appears that Bell produced no evidence that such authority had been given him, but if he had, and the view above taken be correct, the United States, in the maintenance of their treaty privilege, would have been justified in ejecting him.

Now, here is an instance where a Cherokee, a member of the Cherokee tribe, had undertaken to settle on the Cherokee strip after the cession of 1866, and the military force of the United States ejected him, and the Attorney-General decided that that ejectment was rightful, and that his occupancy was contrary to the true meaning and intent of the sixteenth article of the treaty.

And it is equally clear that the Cherokee strip can not be legally occupied by white people as lessees of the Cherokee tribe. This was officially decided by Attorney-General Garland on the 15th of July last in an opinion rendered at the request of the present Secretary of the Interior. This opinion relates directly to the leases of the cattle syndicates now occupying the Cherokee strip, as well as to all Indian leases within the United States. He says:

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned.

No general power appears to be conferred by statute upon either the President or Secretary or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chap. 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases." The act just cited is moreover significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I now wish to point out to this House one of the most disgraceful chapters in the history of this whole controversy over the Indian Territory. I have here a map which exhibits the present condition of the Cherokee strip. Gentlemen will see that it is of variegated colors, having many subdivisions, irregularly shaped, marked out upon it, and that those subdivisions cover every foot of the entire area of this strip, embracing more than 6,000,000 acres.

This, Mr. Chairman, is not a map prepared by the Government of the United States or by any of its officers; it is a map prepared by a cattle syndicate, the "Cherokee Strip Live Stock Association"—a map made for them and defining the boundaries occupied by the different lessees under the syndicate. The map bears this inscription:

This map was compiled from surveys of ranges made for the association in 1883 by S. T. Wood, Fred. Eckert, T. W. Walton, and C. H. Burgess, and is believed to contain the best information accessible for the location of ranches, camps, range-lines, &c.

The syndicate that had this map prepared procured from the Cherokee tribe a lease of this entire Cherokee strip, numbering over 6,000,000 acres. They agreed to pay, and are now paying, to the Cherokee tribe $100,000—less than 2 cents per acre—for the privilege of occupying that country with their herds. But they have subleased it to as many sub-lessees as are indicated by the spots on this map—one hundred in number. They pay to the Cherokees $100,000, and they sublease it for about $500,000 per annum to the different cattle companies now occupying that country—a net profit of $400,000 yearly to this syndicate which holds possession of the strip to the exclusion of white settlers, and in plain violation of section 2116 of the Revised Statutes and of the opinions of the Attorney-General before quoted.

The names and brands of the sublessees are given upon this map and some of them are very significant. In the southwest corner of the strip you will notice a large area of country embracing perhaps from 300,000 to 500,000 acres, including a stream with all its tributaries. This is the lease of "the Dominion Cattle Company, of Canada," as you will observe. Here [pointing] is the New York Cattle Company, and there the Eagle Chief Pool, the Wyeth Cattle Company, and the McClellan Company. In the northeast corner you will find indicated two leases of the Standard Oil Company. Their brand is "O. I. L." They "struck oil" down there. [Laughter.]

These lessees are all pooled and it only costs about 28 cents to raise a steer until he is three years old. How can an honest farmer compete with that kind of thing?

Now, I submit that the question is no longer whether the red man or the white man shall occupy this Cherokee strip. The white man already occupies it. He has been placed there by the Indian himself in violation of law. The real battle is whether the poor man seeking a home, who has but a single yoke of oxen perhaps to draw his family to the Territory, shall have a right to go there taking with him his family, the church, and the school-house, or whether he shall be excluded by the rich foreign and domestic cattle syndicates that are there in violation of law. [Applause.]

That is the question before this country and before this House; and I want to leave this committee and this House without further excuse in dealing with this Indian question. If this monstrous condition of affairs is to continue longer it shall be with the full blaze of the facts streaming upon this House and upon the poople.

Mr. DUNHAM. Why does not your administration enforce the law?

Mr. WEAVER, of Iowa. Well, I am sorry to say, I have no administration. [Laughter.]

Mr. LONG. Why does not the administration enforce the law?

Mr. WEAVER, of Iowa. The gentleman from Massachusetts puts the question in a different shape, "Why does not the administration enforce the law?" I intend to answer that question, and I will answer it fearlessly. I retort upon the gentleman from Illinois [Mr. DUNHAM] and ask him the question, why was it that your administration allowed these cattle syndicates to settle upon that country and infest every acre of the public domain? This was done when Chester A. Arthur was President of the United States.

Mr. DUNHAM. That is not answering the question.

A MEMBER. It is a Yankee way of answering.

Mr. WEAVER, of Iowa. It is a Yankee way of answering, and a very good way; but I will answer directly.

This unlawful occupancy by the cattle syndicate was effected under a Republican administration. Under the administration of Mr. Arthur the poor people tried to go into Oklahoma and were driven out by the military. Mr. Cleveland, on coming into power, found this unlawful condition of affairs in the Indian Territory, and he has not changed the policy of Mr. Arthur except as to the Cheyenne and Arapaho reservation and the Oklahoma country, where he did order the military to eject the cattle syndicate. It was not obeyed as to Oklahoma except by the merest pretense.

Mr. HEPBURN. Did not you claim on the stump last year, and did not all the Democratic speakers in the State of Iowa claim that President Cleveland had removed all these intruders from that Territory?

Mr. WEAVER, of Iowa. I am glad the gentleman has asked me that question; for it affords me an opportunity to apologize to my constituency and to the whole country for having made a statement believed at the time to be correct, but which I now ascertain was not correct. I believed when I was canvassing my State during that campaign that we had entered upon a new era, and that the administration had issued an order which, if not in legal terms, did in effect apply to every cattle syndicate and every herder within the Indian Territory, and that this order was being honestly enforced. But I learn with regret that such is not the case; and I cheerfully state it here, for there is no administration on this earth in whose interest I would conceal the plain truth with regard to this matter.

Mr. RYAN. Will the gentleman allow me to interrupt him a moment?

Mr. WEAVER, of Iowa. Not just now. Mr. Chairman, what excuse can there be? In justice to the present administration, and especially to the very able and conscientious Secretary of the Interior, I wish to say that the occupancy of this territory by cattle syndicates is not pleasant to him, is contrary to his convictions of right, and that he intends as soon as possible, as he has openly signified to the country, to see to it that the syndicates shall be expelled from the whole territory.

But I want to know what excuse there can be for using the military to keep the poor people from entering the territory on the Cherokee

strip, when at the same time the rich cattle companies are permitted to occupy it?

The CHAIRMAN. The gentleman's time has expired.

Mr. SPRINGER. I hope the gentleman from Iowa will be permitted to go on and finish his remarks.

Mr. RYAN. If the Chair will recognize me, I will take the floor at this time and yield a portion of my time to the gentleman from Iowa in which to conclude his speech.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. RYAN. Very well, then; I will yield thirty minutes of my time to the gentleman from Iowa.

The CHAIRMAN. But the Chair has agreed to recognize the gentleman from Massachusetts [Mr. ALLEN]. Is he willing to consent to that agreement?

Mr. ALLEN. How much more time does the gentleman from Iowa want?

Mr. LONG. It is the understanding then that the gentleman from Massachusetts [Mr. ALLEN] shall have his one hour if he needs it?

Mr. RYAN. Certainly.

Mr. ALLEN. I will take the floor when the hour of the gentleman from Kansas has expired.

Mr. RYAN. Before yielding to the gentleman from Iowa, I have a remark or two to make.

Mr. WEAVER, of Iowa. Certainly.

Mr. RYAN. I wish to remind the gentleman that at the last session of Congress this whole question was thoroughly discussed. At the conclusion of that discussion I offered an amendment to the appropriation bill, which authorizes the President of the United States to negotiate with the Creeks, the Seminoles, and the Cherokees, with a view to opening the Cherokee outlet and what is known as Oklahoma, to settlement. I wish to ask him what, if any, action has been taken by the Executive under that law, and whether he does not regard its provision as mandatory? And when he answers that question I desire to ask him another.

Mr. WEAVER, of Iowa. I am familiar with the law passed by the Forty-eighth Congress, and I regard its provision as mandatory. I do not believe it left any discretion either in the Executive or the Department. I have examined also the reasons given by the Secretary of the Interior in his last annual report for not appointing that commission.

In substance they are as follows: That there had been an organization known as the Oklahoma boomers, which had invaded the Indian Territory for the purpose of settling there; that they had been excluded by the order of the President of the United States and ejected by the military, and in consequence of that attempted entry upon the Indian Territory by these boomers, as they are familiarly called, or settlers, he did not think it wise to appoint the commission. In my judgment the excuse is not sufficient, and the commission should have been appointed in accordance with the provision of that law.

Mr. Chairman, the necessities of the people are very great. There are thousands of families all over the land without homes, thousands of men who belong to the labor organizations of the country now out of employment, and I think any legislation on the part of Congress looking to the opening of these unoccupied lands to these homeless people ought to be met and responded to in the amplest and most generous manner.

Mr. RYAN. Now, if the gentleman will permit me, I wish to ask him whether the executive order for the removal of cattle from the Indian Territory did not apply to the lessees in the entire Indian Territory, and whether subsequently some Democratic Senators did not appeal to the President personally to restrict its operation simply to the Cheyenne and Arapaho reservation?

Mr. WEAVER, of Iowa. I will say in response to that question that the executive order applied to the entire Indian Territory. It was so interpreted, as I understand, but whether any different view was taken in consequence of Democratic Senators having visited the President or not, I do not know, and express no opinion. It seems to me, however, the gentleman's question is a little narrow and rather partisan in its character. If I understand the interests at stake in the Indian Territory, there are certain Republican Senators interested as well as Democratic Senators, and some of them do not live very far from the district which the gentleman represents.

Mr. RYAN. But that does not answer my question. I ask you if from personal information you do not know that the order was not executed because of the influence of Senators brought to bear on the present Executive?

Several MEMBERS. What Senators?

Mr. RYAN. Democratic Senators.

Mr. WEAVER, of Iowa. I will say in all candor I know not whether any influence was used on the part of any Senator.

But I do know this, that I came to this city immediately after the inauguration of the President and laid the whole matter before his excellency, using this very map which is now before me. I also laid the same map and the same facts before the Department of the Interior; and I do know that at that time, as soon as it was telegraphed West that Hon. Sidney Clarke of Kansas and myself were here asking for justice for the settlers and opposing these rings and syndicates, this city swarmed with the paid attorneys and representatives of the cattlemen as it swarms now, and I met Senators who I believe to be interested in the cattle syndicates, and who stepped into the Department as I was retiring, and they spoke to me, introducing the subject in an offensive manner—at least one of them did so.

Now, sir, I have been struggling to bring this matter before the country and before the Department for a long time. My appeal is in behalf of the people, for I believe they have been mistreated and trodden down by the cattle-men, the syndicates, and the rich corporations; that they have robbed the people by taking possession of this property.

Mr. BRUMM. May I ask the gentleman a question?

Mr. WEAVER. Certainly.

Mr. BRUMM. Is it a fact that the Senators and the paid attorneys that came here in the interest of these cattle syndicates beat you and the representative men who accompanied you before this administration?

Mr. WEAVER, of Iowa. No, sir; I did not say that. There has been a battle of a year and the battle is not yet ended——

Mr. SPRINGER. Will the gentleman from Iowa permit me to make a statement in answer to that question?

Mr. WEAVER, of Iowa. Certainly.

Mr. SPRINGER. The condition of these leases, or the title to the lands behind them, is different; and therefore the rule that has excluded them from the Arapaho and Cheyenne reservations did not apply to the Cherokee strip——

Mr. BRUMM. Does not the law apply to all of them?

Mr. LONG (addressing Mr. WEAVER, of Iowa). Do you admit that to be a correct interpretation of the situation?

Mr. WEAVER, of Iowa. I will answer that in a moment.

Mr. SPRINGER. If gentlemen will wait until I have finished my statement they will see the obvious bearing of it and admit its accuracy.

The facts are that no complaints came from the Indian tribes there. In this case, however, the Indian tribes complained to the Department of the cattle companies; and upon their complaint to the Secretary of the Interior the cattle companies were excluded from those places. But with reference to the Cherokee strips, the Indians themselves made the leases and desired them to be continued, and protested against setting them aside.

Mr. WEAVER, of Iowa. Now I wish to answer the question of the gentleman from Massachusetts [Mr. LONG]. I claim that before the law there is no difference. There is no difference whatever between the Cherokee strip and the Cheyenne and Arapaho country, no difference whatever in law. The decision of the Attorney-General applies to all alike. But Oklahoma proper is not Indian land. If the Government ejects one class of men from any portion of the Indian Territory I claim that it should exercise its power against the rich corporations which have taken possession of the country. [Applause.]

Mr. BUCHANAN. Then the explanation of the gentleman from Illinois goes into a state of innocuous desuetude. [Laughter.]

Mr. WEAVER, of Iowa. Now a word as to the proper remedy for this bad state of affairs. There is no advantage to be gained here either by the Republican or the Democratic party. The course of both administrations has been the same, except as before mentioned.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. HEPBURN. Did you not in the spring, when you were here a year ago, receive pledges from the administration that the cattle syndicate should be removed, and did you not report that to the people of the West?

Mr. WEAVER, of Iowa. I understood the administration to say in the most emphatic terms that no unlawful occupancy should be permitted in that Territory on the part of any one, be it cattle syndicate or citizens.

Mr. BRUMM. Will the gentleman mention the Senators' names, without reference to parties?

Mr. WEAVER, of Iowa. That would not be in place here. There is a bill now pending before the Committee on Territories which I had the honor to introduce, to organize into a Territorial goverment all the unoccupied portion of the Indian Territory, including the Public Land strip, looking to the speedy opening of it to homestead settlement. That bill also provides for a commission to negotiate with the Indians on the Cheyenne and Arapaho and adjacent reservations; to negotiate with them with a view to their settlement on the small reservations mentioned in the early part of my speech, and with the view of openidg to settlement the reservations which they may relinquish.

Mr. RYAN. Whom does it authorize to negotiate?

Mr. WEAVER, of Iowa. A commission of five persons, to be appointed by the President, who shall have full power to negotiate with these Indians for their removal and for the admission of that part of the country into Territorial government.

Mr. RYAN. If the bill should become a law what reason has the gentleman to believe that it will be respected and executed by the administration?

Mr. WEAVER, of Iowa. I am sure the administration will respect and obey the law.

Mr. RYAN. Has it done so hitherto?

Mr. WEAVER, of Iowa. I admit the law authorizing the appointment of the commission passed by the last Congress has not yet been complied with.

Mr. RYAN. Then you think it is a question of time?

Mr. WEAVER, of Iowa. I had hoped there would be nothing partisan dragged into this debate. I wish to be perfectly fair and frank toward both administrations and to state the facts and only the facts. It will not do for the gentleman from Kansas to assume that this administration would disobey a plain act of Congress organizing this territory and providing for a commission to negotiate with the Indians.

Mr. RYAN. You have just told us it did.

Mr. WEAVER, of Iowa. And I am sorry the gentleman undertakes to drag anything of that kind into this discussion. It does not belong to it.

Mr. RYAN. The gentleman has just declared that the Executive did disregard a public law.

Mr. WEAVER, of Iowa. I have said in my opinion the law was mandatory. I do not know what opinion the Executive may have as to the mandatory character of that statute. I have said in my opinion it was mandatory and ought to have been speedily and promptly obeyed.

Mr. RYAN. It is your judgment it was mandatory?

Mr. WEAVER, of Iowa. It is my opinion. I do not know what the judgment of the Interior Department or the Executive may have been. But I say here and now that in compliance with the demand of public opinion as a matter of simple justice to the poor people needing homes this bill to organize a Territorial government over that portion of the Indian Territory west of the civilized tribes ought to become a law without any delay.

Then steps should further be taken by the Executive and the Department to open up also by negotiation all that part of the country occupied by these blanket Indians in the southwest portion of the Territory. What use have these Indians, now that the game has gone, for any more country than they will have when they remove on these small reservations? They will then have by actual computation, including the Indians now there, 1,144 acres to each family of four persons. We only ask of the Government that this country shall be opened so that a white family of four or more may have 160 acres. I would like to know what rule of Christianity or of philanthropy or of fair dealing between man and man, between the white man and the red man, can require that the Indian who will not cultivate the soil shall have thousands of acres to roam over at his will and which he refuses to cultivate?

The whole question is under the blaze of public opinion. It is to-day one of the most important questions before the public, and this House must meet it. The committee of the House can not ignore it. It can not be ignored without being followed by retributive justice at the ballot-box against any party or any man who steps in here to block the wheels of progress in the interest of these cattle syndicates which are trampling the poor people of the country in the dust and overriding law, administration, and Congress. [Applause.]

Mr. RYAN. I reserve the remainder of my time.

Mr. ALLEN, of Massachusetts. In the time I may use in discussing this question I do not propose to go over the whole Indian policy, nor do I suppose that I can recommend to this House any novel or dramatic features with regard to it. But I can not sit here as a member of the committee having the matter in charge, and as a representative of the Commonwealth of Massachusetts, which has ever stood with willing hand and open purse in aid of every philanthropic movement which tended to the elevation of the human race, without putting myself on record on this great question.

The discussion as it has already gone on has developed a wide range and has brought to the attention of this House one of the living issues of this century; a question which has been continually placed in the back-ground, which has been put to one side, which has been bridged over, until a time has come when it will no longer down at our bidding, but sits at our feast an unwelcome guest.

The march of progress and civilization in this country during the last fifty years has been something remarkable. It has brought to our boundless domain a band of thrifty and intelligent settlers who have established our boundaries, scattered over our broad domain, and who by the very logic of circumstances have now completely surrounded the Indian in his reservation and brought the question of his future to our attention in so direct a manner that it can be no longer shirked or avoided. To-day the march of progress halts at the boundaries of the reservation. The mighty arm of the law has been called in force and has arrested this progress on the boundary line, but the elements of this progress, this seething, active, restless mass of activity, is even now surging and beating against the barrier and can not be much longer delayed or impeded. By delay, by compromise, by a do-nothing policy we may possibly keep it at bay for a while only. This progress is with us; it is a part of us, and we can no more stop its resistless force than we can stop Niagara. It is ordained by Divine wisdom. It is with us and it will remain with us, filling the waste places and causing the wilderness to bloom with the beauty of civilization. And the most we can hope to do is to guide and direct it in the paths of greatest usefulness. It is upon this theory that all our legislation on this question of an Indian policy, if it is wise, will be determined.

We must recognize the fact that the Indian is with us, and is to remain with us; and it is for us, if we wish to accomplish any good work, to recognize this fact by keeping abreast of the times. We shall have to waive under protest, I admit, certain treaty stipulations with the Indian, which guaranteed him certain rights but which the march of events has made it impossible for us to execute, giving him the rights as soon as he is able to obtain them, and dividing with him and with people by whom he is surrounded certain portions of the land. Why, gentlemen, when to the Pilgrims in the Plymouth colony, long years ago, in their first winter, in their desolate and disheartened condition, the friendly Indian came saying, "Welcome, Englishman," he welcomed to the continent all the qualities of energy and thrift and perseverance which characterized the English-speaking race. He was our friend in those earlier struggles, and to-day we do not look to see him go down before the advance of a stronger and brighter civilization, but to see him merge into it and come up through it and by means of it into the best estate he ever knew.

I listened yesterday with great interest to the able presentation of this case which was made by the gentleman from Illinois [Mr. CANNON], and I was delighted to find him, out of his vast fund of information and experience, coming into the same position to which I suppose the legislation of this session is to be directed. For if I understood him correctly, although opposing this bill, he outlined a policy toward the Indian which in many respects is quite up to the advanced idea of the most advanced so-called humanitarian; a policy which looks to the affiliation of white men and Indians by opening up large tracts of reservation lands to actual settlers, and by bringing the civilization of the farmer and agriculturist to the study and imitation of the Indian.

There has, we are told, already been passed by another branch of the law-making power a bill which puts in form almost the sentiments which he uttered here, a bill known as the Sioux or Dawes bill. I believe with him that we can not do these Indians a greater injury or a greater wrong than to pauperize them. We know something of the effect of the "free-soup" charity in our large cities, and we must not practice it on a greater scale among these people. What we need to-day very largely is to break up these reservations and to bring the Indians in contact with the white men, that they may learn and know the white man's ways. The very qualities which the Indian needs to acquire are found to-day, I believe, in the white inhabitants of our Western Territories. I am not willing to admit, as some have said, that the drift of those who are not regarded as in the very best possible estate in some other community has been to settle in the Western Territories, for I believe that in those Territories to-day there are to be found men and women as thrifty, as intelligent, and as good citizens as we are likely to find in many of our more thickly settled communities at the East, men and women whose daily labor is their wealth, and whose labor is also the wealth of the nation; whose habits of industry and thrift are needed every day for their own support, but which ultimately brings competence to thousands and honor to the nation.

These are the people whom we ought to bring in contact with the Indian. Let such people have land beside him and let him acquire their methods and habits. I do not believe that the time has yet come when we should take from the Indian his annuities—those we can not take—and I do not believe the time has come when we should take from him all the funds that are provided for his subsistence. We must feed him for the present, but the aid should be gradually taken away, and the Indians should be made to learn, as many of us have had to learn from bitter experience, that the only way he can come into his best estate is by work. Let the Indian learn by suffering. Let him bear trouble. Yes, let him fall, and let him fall again, provided we stand by to help him and to see that he shall not utterly despair.

I believe it is the Divine purpose to bring him up as every individual and every nation is brought up into its highest estate and greatest benefit through some trial. The Indian can be no exception to the general rule. I am satisfied that the policy of tending the Indian on a pillow and feeding him with a spoon will no longer serve; but only by putting him on his feet and making him walk will he ever be able to stand up a man in the image of his Maker. We should sell a portion of his lands and secure the balance to him so that he may not dispose of it, even by lease, for the period of at least a generation. Then, with the money which is received from the proceeds of his land sales, we can supply him with school-houses and means of education. And by "means of education" I do not mean a high-school or a classical education; but I mean that we shall supply him with farm implements and with a certain amount of instruction how to use them, and the kind of every-day common-school education which will enable him to meet and understand the ways of men. This policy, which has been adopted on some reservations, I would make general.

I have in my mind now the reservation of the Omahas in Nebraska, where the Indians have been urged and induced to take their lands by allotment in severalty. The inclination of those Indians has invariably been to take the bad lands; but by intelligent work they have been brought to a better understanding of their interests and have been made to take and secure the very best lands in their reservation.

And those people to-day are the equal in shrewdness and brightness

to the white man in making their trades. They raise their crops, they carry them in some cases to some distant town or wherever they can realize the largest prices, and although they are poor, yet they are advancing and improving.

Now, the question has been raised whether these schools for which appropriation is made in this bill are of any benefit? I should say, by all means they ought not to be abolished. If any change is to be made let the schools at Carlisle and Hampton and Lawrence be used as training schools for the education of native teachers, who shall be placed in the reservation schools as they are established and be the means of doing a good work among their own people.

I agree with the gentleman from Michigan [Mr. CUTCHEON] who spoke yesterday in regard to the advance in civilization which these several tribes have made. I say that this advance in the last twenty years—yes, in the last ten years—has been remarkable, and the heroic sacrifices made by noble women, the benevolent efforts of institutions organized for that purpose, and the waking up of the American people, are the agencies which have brought about this result. And the work has but just commenced. Patience, and its results will presently appear.

Here is a question upon which we can all unite. There are no bickerings as to party management in the discussion of this question. Every man who has the love of country in his heart wishes to adopt the best means of assimilating these people into our body-politic and investing them, as soon as they are qualified, with the full rights of citizenship.

Mr. Chairman, what I have intended in this disconnected manner to say is this: Give up stickling for the letter of treaty stipulations which the march of events have made it impossible to carry out. Treat the Indian as we should any other problem of like character. Bring him in contact with white people. Make the best trade we can for him while we can. Cut off gradually the money for rations. Increase in great ratio the expenditure for industrial schools upon the reservation. Use the present excellent schools at Carlisle, Hampton, Lawrence, and other places, as training schools for native teachers for the reservation schools, and above all wake up public sentiment on this great question.

I am a believer in the American people whom we represent here. I believe in their honesty of purpose and in their disgust with shams of all sorts, and I am satisfied that when this question is presented to them in its proper light public sentiment will demand an immediate settlement made in honesty and justice. I am sure that if every man in discussing and voting upon this question will only apply to himself the advice of Polonius—

> To thine own self be true,
> And it must follow, as the night the day,
> Thou canst not then be false to any man,

he will have it in his mind to do substantial honesty and justice to these people.

Mr. LONG. How far do the suggestions made by the gentleman from Illinois [Mr. CANNON] differ from the provisions of what is known as the Dawes bill, just passed by the Senate?

Mr. ALLEN, of Massachusetts. I just spoke on that point. I say the suggestions of the gentleman from Illinois agree substantially with the provisions of that bill, which proposes to throw the land open to settlement by a division in the midst of a large reservation, bringing the whites in contact with the Indians on each side.

Mr. Chairman, I yield fifteen minutes to the gentleman from Michigan [Mr. CUTCHEON], and reserve the remainder of my time.

Mr. CUTCHEON. Mr. Chairman, I listened with very much interest and instruction to the very able address of the gentleman from Illinois [Mr. CANNON], and although very reluctantly I interrupted him a few times, there were some points on which I did not feel at liberty to interrupt him, and to which I desire now briefly to advert. For this reason I have asked the gentleman from Massachusetts [Mr. ALLEN] to yield me a few minutes to-day.

In regard to the main policy of the education of the Indians, I believe that the gentleman from Illinois and myself are as one. Yet I hardly know what he meant by an expression which he used in answer to a question from me. I asked him whether he did not think the industrial school is the great agent of civilizing the Indian and the true solution of Indian education. In reply to that plain and to my mind very obvious question, he answered:

> You may teach a savage to extract the square root or to calculate the distance from the earth to the sun, but unless he knows before that how to turn his hand, and has character enough to turn his hand, to gain his bread from the soil, your teachings will all be in vain.

Now, Mr. Chairman, nobody has proposed here to teach the Indian in any of these schools to calculate an eclipse, to estimate the distance of the earth from the sun, to extract the cube root, or do anything of that kind. My question related to industrial education. By that I mean the policy of the Government planting a model farm and a model school in the midst of the Indian reservation, contiguous to the Indian himself, where he shall not only have the open book from which he may learn the English language, the language of the country to which he belongs, but where he can see the various operations of industry as they go forward from day to day—the plowman turning the sod, the carpenter in his shop, the mechanic building houses, all these teaching him by example as well as by precept how to live as a civilized man. This is what I mean by industrial education. If that is what the gentleman from Illinois means, then I heartily extend my hand to him.

Mr. CANNON. If the gentleman will yield to me a moment for reply, I will say that I would educate the Indian as fast as he will retain or utilize his education. But the trouble is, when you come to the practical part of the question, educate him much or little, industrially or otherwise, the hand of necessity does not rest upon him requiring him to labor that he may live, so that when he leaves the industrial school he is overborne by his savage surroundings and becomes a drone and a vagabond.

Mr. CUTCHEON. That brings me, Mr. Chairman, to speak of a topic alluded to by the gentleman from Illinois—the annuity system. This system rests almost entirely upon treaty stipulations. What does the gentleman from Illinois and what do other gentlemen propose? Are we to abrogate treaties or are we to fulfill them? I believe that the furnishing of rations to the Indians under this annuity system is in many instances an unmitigated curse; if we could do away with it I believe it would be a blessing to the Indian. But here is the treaty; it stares us in the face; we are bound to pay these annuities or to repudiate our contract. Is this nation ready to repudiate its contract? This, however, is what I would do: just as fast as these annuities expire I would remit these Indians, all of them, to self-support, to labor, to work. I would do this just as rapidly as it could by any possibility be done.

That brings me now to speak but for a moment on the Indian land policy. I think that has been wrong; but from my standpoint I believe the preservation of these great unbroken reservations where, in the deep wilderness and vastness, hundreds of miles from civilization, these Indians can hide themselves beyond the reach and touch of the white man, is a hopeless system for the Indians. I think, on the contrary, these great reservations should be broken up, just as the gentleman from Illinois [Mr. CANNON] said yesterday, so the touch of civilization should come upon them from every side, from the east and from the west, from the north and from the south.

I would send the railroad with its pulsating life from border to border, that civilization might run along the iron way, bringing with it the newspaper, the school, the church, and the college in their due time, until the Indian should feel he was existing in the touch of civilization, the touch of the white man, the touch of the white schools, the touch of all that goes to make up an English-speaking community.

And I believe for this reason the principle of this bill is correct, as it takes this great Sioux reservation, divides it in two, and sends a great current of civilized life and feeling flowing right through the center of that great wilderness.

That is what we ask. In the same way I should like to see the great mass of the lands now left in the hands of the Indians opened up as fast as it can lawfully be done.

And that leads me to speak on the Oklahoma question. We have heard it treated here, it seems to me, in a spirit that will lead to lawlessness, not waiting the slow, perhaps too slow, movements of the law, but lead men to take the law into their own hands, and do that which we as lawmakers of the country and the executive of the country ought to do in their behalf, that is to open the way to them.

We started right in the last Congress. We provided for the appointment of a commission to negotiate with these Indian tribes and take up and extinguish these Indian titles, in order to open up those Territories to settlement by actual settlers. That was right. But here we stand to-day, on this the 11th day of March, 1886, precisely where we stood on the 3d day of March, 1885, when that became the law. Why do we stand there? What reason is there why we stand there?

The Secretary of the Interior in his report, on page 34, after reciting the amendment of my friend from Kansas [Mr. RYAN] to the appropriation bill of last year, says:

> This provision of law refers not only to the land ceded by the Creeks and Seminoles referred to above, but also to lands ceded by the Cherokees, the status of which is considered herein under the title "The Cherokee outlet."
>
> The unlawful combinations above referred to have rendered it, in my judgment, unwise to appoint this commission. That which gives security to life and property is the spirit of law. Nothing is more dangerous, more fatal to rights of property and personal safety and public order than a spirit of lawlessness. The manifestations of the latter danger should be checked at all times, until the rule of law becomes the daily rule of conduct for our people.

Now, why unwise? In Heaven's name, when there are hundreds and thousands of men who are clamoring and beating at the doors of the Indian Territory for admission to make homes for themselves and families, why is it unwise to appoint this commission? It would seem to me to be an additional reason why you should hasten the appointment of the commission, that negotiations may be entered upon at once to extinguish the Indian title in order that this vast area of arable lands might be thrown open to settlement and cultivation. Delay makes in the opposite direction. It is no explanation. It is an explanation which does not explain. It is a reason which is no reason. The reason these unlawful combinations have been formed to force themselves into the Territory is an additional reason why, in my judgment, the negotiations should be hastened to completion.

But there is another phase of the question I have not heard alluded to in this question between the cattle syndicate and the Oklahoma boomers, as they are called. It is this: I do not think they should be put upon exact parity of reason. The "boomer" goes in as an absolute trespasser in derogation and denial of the absolute title of the Indian to these lands. We all concede the Indian has a title there. We all concede if they went in there unlawfully they would be trespassers upon that land. They can not go in there in derogation and denial of the Indian title.

On the other hand, the cattle-men who go into the Territory and lease the lands from the Indians, by the very act of entering into the lease admit and affirm to the Indians the title, and the Indian gets the rent of the land.

Mr. WEAVER, of Iowa. Let me ask the gentleman from Michigan what right have the cattle syndicates to affirm any title whatever to the Indians? Two Attorneys-General at least have decided that they can not go there lawfully, and if they go they are trespassers upon the land.

Mr. CUTCHEON. You refer now to the Cherokee strip?

Mr. WEAVER, of Iowa. I do.

Mr. CUTCHEON. I am speaking more particularly now with reference to Oklahoma.

Now, Mr. Chairman, by the treaty by which that portion of the Territory was ceded by the Indians to the United States there was an express condition or stipulation of the treaty that it was to be used for the purpose of settling thereon friendly Indians and freedmen. Therefore, until the United States claims this cession for the purpose embodied in the treaty—that is, for the execution of the object for which it was expressly ceded—the United States has no right there whatever, but it remains in the possession of the Indians.

Mr. WEAVER, of Iowa. I beg the gentleman's pardon; it does not remain there, nor have they possession of it or undertaken to lease it. There is not a lease there, I can tell the gentleman. It is occupied without the consent of anybody.

Mr. CUTCHEON. I have understood that the Government conceded the possessory right of Oklahoma to the Indian tribe.

Mr. WEAVER, of Iowa. No, sir.

Mr. CUTCHEON. At least they have a quasi title.

Mr. WEAVER, of Iowa. No, sir; it never has been conceded, nor have the Seminoles ever claimed possession of it, nor ever claimed the right to lease it, nor has it been leased; it is simply occupied by the cattle-men without any authority whatever.

Mr. CUTCHEON. Well, in so far as the Indian has a title, and I suppose it will not be denied by any one that the Indian has some title——

Mr. WEAVER, of Iowa. None in the world in that Territory.

Mr. CUTCHEON. While the "boomers" who go in and take possession are trespassers, not only upon the title of the Government but upon whatever title it may be conceded the Indian has; while, at most, all that can be said of the cattle-men who go in, lease the lands, and pay rent for them, do recognize the title of the landlord, because the tenant is estopped effectually and conclusively from denying the title of the man from whom he obtains his leasehold.

Mr. WEAVER, of Iowa. But the cattle-men never have claimed to have leased the lands there; they never have paid for the use of the land; it is a trespass upon the land, and nothing more.

Mr. CUTCHEON. Now, Mr. Chairman, a word further. I am in favor of opening up this country to white settlement. I believe there is more land there than the Indians have any use for or than it is wise they should be permitted to continue to occupy; but I do claim that if it be taken from them it should be done lawfully, in an orderely mode——

Mr. WEAVER, of Iowa. That is right.

Mr. CUTCHEON. And not in a lawless manner, to encourage lawlessnes; but as law-abiding citizens.

Mr. WEAVER, of Iowa. Nobody finds fault with that.

Mr. CUTCHEON. And I hope we shall raise our voices in encouragement of the Executive to appoint the commission authorized at an early day, so that it shall go into operation with the view that this country may be opened up to actual settlers without unnecessary delay and in a proper manner.

Mr. BRUMM. If the landlord is a trespasser, the tenant is also a trespasser.

Mr. CUTCHEON. Yes, sir.

Mr. BRUMM. And the fact is in this case that the Indians have no right whatever to that Territory.

Mr. PEEL addressed the Chair.

Mr. RYAN. I have, I believe, a portion of my time remaining.

The CHAIRMAN. The gentlemon from Kansas has reserved forty minutes of his time.

Mr. RYAN. I reserve that time.

Mr. PEEL. Mr. Chairman, it was not my purpose at the opening of this discussion to take any part whatever in it; but inasmuch as the debate has assumed quite a wide range, inasmuch as I am a member of the Committee on Indian Affairs that introduced the bill, and inasmuch as I had the honor to be a member of the committee, known as the Holman committee, that investigated the expenditure of the Indian appropriations, I feel it my duty to say at least something upon this very important question.

Before I attempt to discuss the fundamental question of our Indian policy, or our school system with reference to them, I desire to call the attention of the committee to the position assumed by the gentleman from Iowa [Mr. WEAVER] in regard to the Oklahoma and Cherokee outlet territory. I do not think I misunderstood him—but if I did I hope my friend will correct me—that he stated in advocating a policy that would lead to the opening up of that Territory to settlement under the homestead laws to the white settlers of this country; that he is opposed to taking charge of that Territory against the consent of these Indians; that he is opposed to taking charge of this Territory and opening it up to white settlers without just compensation to the original owners, and that it was in keeping with the spirit of the contract with the Federal Government on the one part and the Indians on the other.

But it is a fact well known to the country, and I presume well known to him, that since the act of Congress referred to by my friend from Illinois [Mr. CANNON] on yesterday, the act of the Forty-eighth Congress, to appoint a commission to negotiate further in regard to the sale of these lands—I say that it is a historic fact and every one certainly knows that these five civilized tribes, not only the three from which we bought this Territory but also the Choctaw and Cherokee Nations, having an ultimate interest in the sale of the lands, met in solemn convention, each tribe having its delegate in the convention, and by a resolution unanimously adopted declared that they would not further part with these lands to the United States for the purpose of white settlement.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a moment?

Mr. PEEL. Yes, sir.

Mr. WEAVER, of Iowa. Does the gentleman know that that was a council called at the instigation of the cattle-men, and that there were more cattle-men there than Indians?

Mr. PEEL. In answer to the gentleman's inquiry, I will state to him that the sworn testimony taken by the committee of which I had the honor to be a member showed to the contrary. They then declared in that convention that they would not consent. If that is true, I desire to know of the gentleman from Iowa how he is going to help himself if he proposes taking charge of this Territory only by consent of the Indians; if they will not consent, how is he going to get it?

Mr. WEAVER, of Iowa. I want to state this, so that we may understand each other thoroughly. The question of obtaining consent from these Indian tribes down there is a very different question from what it would have been ten or fifteen years ago. Now every one of these tribes is infested with these cattle-men, and the chiefs and headmen of these tribes are interested in those cattle syndicates. Does the gentleman from Arkansas not know that Chief Bushyhead is himself under the pay of this Cherokee cattle syndicate that has subleased the entire Cherokee strip for $500,000, $100,000 of which goes into the Cherokee fund and the remainder goes to the syndicate? And it is understood, and well understood by everybody, that Chief Bushyhead is one of the beneficiaries by that arrangement, and he appointed delegates from the Cherokee Nation to the council of which the gentleman speaks.

Mr. PEEL. I remember very well the question was propounded to a witness on the stand whether this investigation was instigated by Bushyhead. The evidence shows to the contrary. I do not know anything about the relations Bushyhead occupies to the syndicate. That is not for me to discuss. I call attention to the proposition of the gentleman from Iowa. If he is opposed to taking this Territory without the consent of the Indians, how, if they refuse their consent, is he to get it unless by force?

Mr. WEAVER, of Iowa. I will say to the gentleman that if you will strike down those unlawful cattle syndicates and the tribes are no longer dominated by the cattle syndicates, there will be no trouble in getting a reasonable consent from them.

Mr. HOLMAN. I hope the gentleman from Arkansas will allow me a word in this connection.

Mr. PEEL. I yield to the gentleman.

Mr. HOLMAN. The fact is the Cherokee council, without any dissent, consented to that lease and is in favor of it. And yet the case is entirely different from the case of the Arapahoes and Cheyennes. Of course there is a large and powerful party among the Cherokees who are opposed to the lease. And there the interposition of the Government, for the purpose of preserving the public peace, was absolutely necessary with the removal of the cattle and annulment of the lease. But as regards the Cherokee outlet the case is entirely different. The occupation of that by cattle-men is in conformity with the views of the whole people.

Mr. WEAVER, of Iowa. Does the gentleman claim before this House that that condition of affairs in the Cherokee strip, the occupation and fencing of the lands, the occupancy of that Cherokee strip by cattle syndicates, foreign and domestic, should be allowed to continue when it is illegal, simply because the Indians have consented thereto?

Mr. HOLMAN. I fully agree with the general view of this matter which has been expressed. Every one understands these leases were without authority of law, and the Secretary of the Interior perhaps

did not possess the power to confirm them. I will not say anything as to that; but on that point there is a great diversity of opinion. The probabilities are that the Secretary of the Interior did not possess the power; but the fact is that up to the time that some arrangement can be made by the Government with these tribes which will bring about a more satisfactory result there is no necessity for denouncing the administration for an act that is not disturbing the peace, and which is making a wide tract of country productive and fruitful.

Mr. WEAVER, of Iowa. I wish to say in response to the gentleman from Indiana——

Mr. PEEL. I can not yield further for this, and desire to proceed with my remarks.

Mr. CANNON. Will the gentleman from Arkansas allow me a single remark right there?

Mr. PEEL. Yes, sir.

Mr. CANNON. I wish to say it was an open secret in the Indian Territory, as well as elsewhere, that the alleged lease was made so far as the council took part in it by bribery, and obtained by the aid of the chiefs there co-operating with these cattle-men.

Mr. HOLMAN. That might be all true, but still it was unanimously done, it was said, and there has been no proof laid before Congress that any improper influence was exercised.

Mr. PEEL. I am not on the floor for the purpose of defending these leases or the manner in which they were obtained. I fully agree with the gentleman that in nine cases out of ten they were obtained by fraud, and I have long since declared both privately and publicly they are all void. But I was calling the attention of the committee to the fact that the status of Oklahoma does not necessarily run into the question of the propriety of these leases.

While upon that question I desire to reply for a moment to the apparent censure and strictures passed upon the head of the present administration and Secretary of the Interior by my genial friend from Illinois [Mr. CANNON] on yesterday in regard to the omission on the part of that Department to appoint the commission to negotiate with these tribes with regard to these lands.

I well remember the time the act was passed upon this floor. I approved of the law; I approve it yet; and I would be glad to see that country opened up if it could be done in a legitimate and proper way, but I am opposed to doing it by force or stealth. The censure has been passed here on the head of the present administration by my friend from Illinois [Mr. CANNON], and by other gentlemen who have followed in his wake, that it has violated the law by omitting the appointment of a commission to negotiate with the tribes in regard to the further disposition of these lands.

In addition to the reason given by the Secretary of the Interior in his report, which is that it would be an encouragement of Oklahoma Payne and his mob, there is another reason to be found in the fact, referred to here a while ago, and I think a very conclusive reason, why that commission was not appointed at the time. What common sense would there be in appointing a commission to go and negotiate a trade when the other party with whom we proposed to negotiate had declared in open council or convention that they would not treat with us upon that subject? Again, Mr. Chairman, it is a well-known fact in the history of this country that immediately after the passage of that act there was a threatened outbreak on the part of the Arapahoes and Cheyennes. That threatened outbreak led to the report of General Sheridan, and that report led to the ejectment of the cattle-men from that country. An attempt on the part of the Government to send delegates at that particular time to negotiate about these lands would have inflamed the smoldering fire in the breasts of those savages.

Mr. RYAN. But this negotiation was to be with the civilized tribes.

Mr. PEEL. Yes; but those fellows to the west of there have something to say about it also. It is a well-known fact to my colleagues on the committee that when we were at Cantonment and at Fort Reno it was considered imprudent and even unsafe to talk to those Indians in regard to removing them from their present reservations even to Oklahoma, which adjoins it. So sensitive are they as to all propositions in regard to changes or removals, that it was thought unwise at that moment to even test their feeling upon the question.

Mr. RYAN. But, if the gentleman will allow me, I will remind him that the law to which he refers, relating to the appointment of a commission, has no relation to the Cheyennes or any of their lands.

Mr. PEEL. I understand that.

Mr. RYAN. It concerns simply such interests as the civilized tribes may have there.

Mr. PEEL. I understand that; but the Arapaho and Cheyenne country adjoins this region on the west, and the very fact of a commission being sent into that region to negotiate further in regard to those lands would operate like wild-fire on prairie grass; it would be a bellows applied to the fire already smoldering in the breasts of the savages. Therefore I think the administration was perfectly justified in withholding the appointment of the commission.

But, Mr. Chairman, time changes the face of things, and it may be proper later to appoint a commission for that purpose. When these people come up of their own volition to cede those lands, then I will be very glad to have it done and to see that country opened up. I know it sounds very well in the ears of some people to propose to open it up at once regardless of these considerations. It would sound very well to the ears of many of my own constituents to say that these lands should be opened up immediately for the benefit of the poor men who want to take up land and establish homes and make bread for their families; but I want to act with prudence and justice in the matter.

Mr. CUTCHEON. The gentleman's reason applies to the time last spring of which he speaks, when the military were going there; but would it be equally applicable at the present time? Why should not the commission be appointed now?

Mr. HOLMAN. This was in October.

Mr. SPRINGER. Mr. Chairman, if the gentleman will permit me, I wish to suggest that there seems to be a misapprehension about this commission. There was no commission authorized. There was simply authority to open negotiations.

Mr. HOLMAN. That is all I care to say now.

Mr. PEEL. This Indian question is one that has never been satisfactorily solved. In all my experience I have known only one class of individuals who had a perfect Indian policy in their own judgment—the men who know nothing about the Indian question, who have never come in contact with the Indian, and have never investigated his peculiar character and the peculiar relation he bears to the white people of this country. The more this question is investigated the more embarrassing it becomes to the mind of any man who attempts to solve it with a view to the ultimate civilization of the Indians. To understand it correctly it is necessary to take a retrospective view of their condition and history. When we first came to this continent we found the Indians a wild nomadic race. They were as free as the birds in the air or the fish in the sea. They knew no restraint except their own will. They were self-reliant and self-supporting on the game of the country. They were buoyant and brave in their way. But, as civilization advanced step by step, they were crowded back, still subsisting on game, until, as that gradually disappeared, they were thrown back for support upon the Government. The result has been the destruction of their self-reliance and they are no longer capable of supporting themselves. Their manhood has been destroyed; their self-reliance is gone, and many of them have become common paupers. The object of all of us, I presume, is to free them from this unfortunate attitude, if possible, at some time in the near future to make them self-reliant and self-supporting. I tell you, gentlemen, this will never be done so long as they can lean upon the Government for support.

The question, then, which presents itself, and the most difficult of all, is what course shall the Government pursue? When we appropriate money which we hold in trust for them, or which we give them as a gratuity, what is the best manner of disposing of it, looking to this object which we all so much desire? Some advocate one policy and some another. Some gentlemen advocate on this floor the interspersing and intermingling of the white race with the Indians. I for one am not ready to subscribe to that policy. If you throw the Indians in one common mass, with the white people mixed up with them, you can not have one law to bear upon the white man and another law to bear upon the Indian. The law must be general and uniform, and the Indian when placed on an equality under the law with the white man will suffer badly; he will not last long under such circumstances. Even if we allot to the Indians their lands in severalty or patent the lands to them in their tribal relations, making them inalienable for all time to come, this will not save the Indians, because while the white man on one side may assist him in cultivating his crops or in following a trade may deal fairly with him in every respect, another white man on the other side may be ready to swindle the Indian out of all that he possesses, keeping him a pauper and a slave by depriving him of the fruits of his labor.

There are other methods proposed. Some persons are in favor of collecting and concentrating the Indians on certain reservations and placing over them a Territorial government. Some are in favor of scattering them over the country on smaller reservations. It is hard to tell which of these systems would prove the most beneficial. I presume no man is ready to say with confidence what would be the result of any system until he can see some of its practical workings.

I for one believe that the most certain way of preserving these aborigines of the country is, when they have learned to work, to place them as far as possible upon reservations—I speak now of those not already on reservations—where a white man at least can make a living by agricultural pursuits. But there is one embarrassment which meets us in carrying out this proposition. The Indian is peculiar; he is superstitious; his fondness for home, his attachment for his native surroundings, is very strong indeed. One superstitious notion of the Indians appears to be that if they are removed by the white people from their native home they will never get another. Whether the country where the Indian resides be a sandy desert or the most fertile land on the continent, his feeling is the same. He is loath to give up his old hunting-ground and his old home. Therefore the obtaining of his consent is a very important factor in this proposition.

I have often thought that if some of the more advanced of the Indian people—some, for instance, of the five civilized tribes—would join delegations on the part of the Government and intermingle with these people it would help to destroy that superstitious aversion to migration;

it might induce them to go and look at land of better quality, and in this way, perhaps, their removal would be facilitated.

But, Mr. Chairman, there is one thing upon which I have a firm conviction: whether the Indians remain upon the reservations where they are or be concentrated in some other locality, the first thing is to teach the Indian how to take care of himself. This idea must be instilled into the smallest child as soon as he is able to comprehend it. He must be taught something of the value of property; he must be taught something as to what his hands are made for before you attempt to place him in a higher state of education. The Indian must be taught by practical demonstration and experience that what he is to do is for his own good; that if he accumulates property it is for his own benefit. Until he acquires a taste for the accumulation of property, until he is taught to appreciate the results of his own labor, he will never become self-supporting, because the incentive which prompts you and me and every American citizen to labor for the accumulation of property for our own support will be wanting.

Mr. REAGAN. Does the observation of the gentleman lead him to think that the full-blooded Indian ever can be taught that?

Mr. PEEL. Well, that is a very hard question. I do not know whether it can be done or not. The effort, I believe, has been to some extent successful in some places.

The question of Indian education is one which has attracted the attention of this particular committee of which I have the honor to be a member more than any other branch of the Indian service; and I must say, in all candor, it is the only branch of the Indian problem on which I have any fixed and positive convictions.

My views then in brief are just these. In the last few years we have established schools far remote from the Indian reservations, at Carlisle, for instance, and at Hampton, and various other Indian schools. Now I want it distinctly understood that I am not criticising the capacity or the ability of the teachers, nor do I complain of the character of the work at these various institutions in what I am about to say, but address myself to the result of their work, and that is a failure. I can say without fear of contradiction on the part of any member of the committee to which I have alluded that without a single solitary exception did we find an Indian boy or girl educated at one of these Eastern schools off the reservation, I care not to what extent, who did not in a short time after reaching the tribe relapse back into the savage habits of the tribe unless the Government gave to such Indian an office of some kind by which he or she could make a support. This is not a strange proposition, Mr. Chairman, when properly analyzed. There are but few of the Indian children who leave the tribe for such purposes. There may be but two or three or a half dozen who leave for purposes of education, and the number thus sent is but a drop in the bucket as compared with the balance of the tribe.

These, however, are taken to the schools and are there educated. They are taken charge of by the persons employed for that duty, and they do their work well. I had the pleasure, Mr. Chairman, of visiting the school at Carlisle, and for the teachers at that institution I must say that they are doing remarkably well; but the trouble is they are not doing their work in the right place.

When the pupil is turned loose from the school the Government provides him with means to transport him back to his home among his tribe. Then he comes in collision with the tribal superstitions of his race, and these are stronger than he is, stronger than the teachings of the college or the schools.

The clothing furnished him by the schools soon becomes dirty, greasy, and worn out, and an early and irrepressible conflict comes on between him and his ancestry, until one side or the other is compelled to yield, and of necessity the student, being in the minority, being the weaker party, is bound to succumb, and falls back into the old habits of the tribe, becoming, if possible, a worse Indian than before he was educated. If this be true, and I repeat that in the investigation of the committee it was found to be the case without a single, solitary exception—if this be true, the money spent upon these Eastern schools for the education of the Indian children, notwithstanding that their inventors and founders are entitled to great credit for their philanthropy and charity, is money that is being thrown away.

There is another principle, sir, that applies to this question of removing the children from the reservations and educating them at Eastern schools. There is the humane and moral principle underlying the whole question. It is sufficiently strong to induce me never to give my aid, either by vote or influence, to move another Indian child away from his own people for such a purpose. I know that it goes upon the hypothesis that they are taken away with the consent of the parents, but what kind of consent we are not fully advised.

I remember one instance, and I see my distinguished friend from Kansas [Mr. RYAN] before me and I know he has not forgotten it. While we were at the Sac and Fox agency, in the Indian Territory, taking testimony there, a witness was sworn who testified that while some Indian family was gone, either hunting or visiting, on their return they found their children no better than kidnaped and carried to distant quarters where perhaps they would not expect to see them again. They put it upon the ground that it was done by consent; but it was not with the consent of the Indians. The superintendent of the agency there in charge of the school, who participated in the matter, doubtless acted upon the principle that the parent had consented; but in fact no consent had been given, and to describe it in his own language:

I do not want to give up my children to the agent; it tears out my heart.

What member of this House would entertain a proposition for a moment to let one of his children, eight years old, be taken by anybody, missionary or what not, to be carried thousands of miles beyond his State to be educated under this system? And these Indians do not feel like we would upon this question. They do not comprehend anything of the country beyond what they can see. The Indian does not understand geography as well as we do, and can not understand the proximity of a place as we do by the aid of the locomotive, the telegraph, and the newspapers. Therefore it is a moral wrong and should not be tolerated or encouraged.

Mr. CUTCHEON. Do you think this has been practiced to any considerable extent?

Mr. PEEL. I am not prepared to say to what extent it is done.

Mr. CUTCHEON. But you are not led to believe that it has been frequently done?

Mr. PEEL. Yes, sir; I have been led to believe that it is done. If we propose to educate these Indian children it is certainly the policy of this Government to use such money as belongs to them—such as may be due them under the treaties—or such money as may be contributed as gifts or gratuities, and place it where it will do the most good both for the Indian and the white man, the object being to raise the Indian beyond his present pauperized condition and make him a citizen.

He can not be restored to his original self-reliance upon the buffalo, the deer, and the antelope, because they have gone. If, therefore, you desire to make him self-sustaining and self-reliant again you must do it upon other principles, by teaching him agriculture, by making him a herdsman, by training him in the arts of domestic life. And then, instead of spending so many thousand dollars annually on these Eastern schools, whose managers no doubt believe they are doing their duty and are conferring a great blessing on the Indians, we should concentrate the means we appropriate on the Indian reservation schools. And there we should teach the children not the sciences merely, but we should commence down at the alphabet; commence with the first principles of self-preservation; that is to say, how an individual is to learn, how to take care of himself, and to acquire something to live upon.

If it is a conceded fact that you can not teach these things to the older Indians, the only hope is to instil them into the minds of the children, who will eventually form a nucleus sufficiently large that the balance of the Indians can not overcome. You require in some way to instruct and educate a class to operate on the savage superstition of the balance; and if you place these schools—these agricultural institutions—right in the midst of the Indians, where they can all learn by demonstration and by sight, not only is an advantage conferred upon the little ones who are educated, but it has a reflex influence upon the older ones around.

On several occasions when we visited these schools on the reservations, when the teachers brought out the children for exhibition, the old ones, the old squaws and bucks, with their haggard faces, came around with apparent delight to hear their children recite their lessons. It evidently had a good effect upon them. That is one thing which can not be done by the schools in the East. We lose that advantage when we apply our money to take the children off the reservations.

Then the limit of the education in these schools ought to be extended. Let education be on a lower grade but disseminate it among a greater number. You can more readily take nine-tenths of the community, either Indians or white people, and teach them to such an extent that they will know something about agricultural pursuits and the acquisition of property and the common rudiments of self-preservation, than you can instruct one in the very highest science known to the American people. And when the pupil instructed in science goes back among his own people he finds he has nothing to do and he is bound to relapse or leave the country. Before the effects of this educational system can be fully felt and utilized we must take hold of the proposition in a practical way.

We must educate enough of these children and take them up hill even if it be at a slow pace. It will be sufficient if you can hold the ground you acquired. It is better to do that than to attempt to go much further in one year and lose it all the next year.

How much time have I remaining?

The CHAIRMAN. Twenty-five minutes.

Mr. PEEL. I yield to my colleague from Arkansas [Mr. ROGERS].

The CHAIRMAN. How much time?

Mr. PEEL. All the time I have left.

Mr. ROGERS. Mr. Chairman, I listened with unusual interest on yesterday to the discussion of the Indian question in its general aspects by the gentleman from Illinois [Mr. CANNON]. I have been in the habit of regarding these expeditions around the country to visit Indian reservations and Indian schools as a sort of junketing tours out of which not much good was to come. I looked upon them as a sort of pleasant summer trip, but I concede broadly that if the trip of last summer re-

sulted in the conversion of my friend from Illinois to his present status upon the Indian question the money expended was well spent.

The ability with which he discussed this question I regard as marked. Indeed I regard his speech as the most important deliverance that has been made on this subject, except the report of the Commissioner of Indian Affairs, which I believe to be the ablest document that has been published from that bureau since I have taken any notice of public affairs, and I pause here to express regret that a speech marked with so much ability, so much thought, so practical, containing so much, as I believe, if carried into execution, would result in the promotion of good government in the Indian country, as well as the civilization of the Indians, should have been tainted in the closing portion by an attack on the administration which I think was unmerited and unjustifiable. But it is characteristic of my friend from Illinois to always play his political cards for whatever they are worth; if he ever fails to do it, it is because he either does not get a hand, or does not know how to play it. In this case he did not have the hand, and he did not know how to play the hand he had.

What has been the policy of the Government hitherto in reference to the five civilized tribes? I assert that there is not an Indian treaty from the organization of the Territory to this day that does not recognize the right of these tribes to control their domestic affairs through their tribal and Territorial governments.

True, these treaties cede or grant certain powers to the Government, mainly for the protection and promotion of their own interests and governments, and these powers the Government has exercised usually, if not always, when the Indians required it. So, also, by the treaties certain duties are imposed on the Government, but in the main these duties are discharged only when the tribes require it. To illustrate: By the twenty-sixth section of the treaty of 1866 with the Cherokee Nation it is provided—

That the United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their Territory.

I speak from memory, but I am quite sure similar provisions will be found in the treaties of the other tribes.

A further examination of the treaties will disclose that provision is made for their local governments, patterned after our own, with their governor or chief, their judiciary, and their Legislatures or councils.

To these local governments are confided the domestic concerns of the tribes, to be interfered with only in such cases as the treaties provide for. In some of the treaties, notably the Choctaw treaty of 1866, provision is made for certain classes of white men to go and stay in that country, by complying with the provisions and requirements of the Indian laws. They have gone, very many of them, are there now, and have rights there under the treaty and the Indian laws.

But the moment they refuse to comply with the Indian laws they become "intruders," to use the language of the treaty. Their presence there is "unauthorized," and upon complaints made the Government expels them as is its duty under the treaty.

So also, if white men, whether there with or without authority of law, should stir up domestic strife or engage in hostilities against the tribes, no doubt the power exists under the treaty for the Government to expel them and restore order. It could likewise expel Indians if necessary under similar circumstances. In all such cases the Government has the power to act and it does act.

When trouble sprang up in the Cheyenne and Arapaho reservations, growing out of the presence there of the cattle-men, with an alacrity worthy of a chief magistrate these people with their millions of invested capital were expelled. There was law and a corresponding duty for this action.

How different is the situation in the Cherokee strip. The cattlemen are there peaceable and quiet. They are there by the authority of the Cherokee people, expressed through their legislative body. The Cherokee people derive from them a large revenue. They do not ask their removal or complain of their presence. They allowed them to come there in pursuance of law, enacted by their council in the exercise of the power of managing their domestic concerns as the treaties provide.

Under these circumstances by what authority can the President be held to interfere and expel these men? Are we to assail him because he will not violate the treaties; because he will not interfere with the domestic concerns of the tribes, override their legislative bodies, and usurp power that does not belong to him?

Mr. Chairman, ours is a Government of laws, and our safety and honor is in their observance.

But, sir, this attack recoils upon the gentleman from Illinois [Mr. CANNON], because if these leases to the cattle-men are void, if they were in violation of law, they were executed under the Arthur administration. If not sanctioned and encouraged by that administration, which I believe to be true, the leases were not repudiated, nor was any action had to expel these men from the Territory. Whatever wrong there is in this business, we inherited from you.

I submit, therefore, that this assault on the President and the Secretary of the Interior was unjust. I submit that it came with ill grace from the gentleman from Illinois. I submit that though the leases are void no action was required under existing laws by the President, and that any interference with these people in the absence of disturbance or complaints by the Indians would have been unwarranted and unauthorized.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a moment?

Mr. ROGERS. Yes, sir; but I want to yield first to my friend from Illinois [Mr. CANNON.]

Mr. WEAVER, of Iowa. The gentleman from Illinois yields to me. The Attorney-General of the United States expressly holds that the Cherokee Nation can not lease their lands, that they can not authorize even one of their own tribe to settle on the land known as the Cherokee outlet, and that the removal by the military power of a person, a member of the Cherokee Nation, who had settled upon that land was justifiable and lawful. Again, Attorney-General Garland holds that the Cherokee Nation can not lease those lands, that neither the President nor the Secretary of the Interior can approve any such lease if made, and that such a lease is void. Now, if the lease is void, the parties are trespassers.

Mr. ROGERS. But the Attorney-General has not held that it was the duty of the Government when the Indians permitted those people to go in there to put them out in disregard of the permission of the Indians.

Mr. WEAVER, of Iowa. Yes, sir. Attorney-General Devens expressly decided in the case of Bell that it was the right and the duty of the Government to expel the intruder, although he belonged to the Cherokee Nation.

Mr. ROGERS. That it was the right and the duty of the Government to expel him in violation of the authority and of the wishes of the Cherokee Nation? If Attorney-General Devens ever gave such opinion as that, I should like to hear it.

Mr. WEAVER, of Iowa. I will read the syllabus:

Under article 16 of the Cherokee treaty of 1866 the lands west of the ninty-ninth degree of longitude to which it refers are reserved to the United States upon the conditions there named for the settlement thereon of tribes of friendly Indians. The possession of, and jurisdiction over, these lands until thus disposed of, which are retained by the Cherokee Nation under the same article, give to that nation no right to settle its citizens upon the lands so long as the right reserved by the United States to settle friendly Indians there subsists. Hence, authority to settle there, derived from the Cherokee Nation, is not sufficient:

Held, accordingly, where certain persons claiming to belong to the Cherokee Nation attempted to settle upon the lands mentioned, that their removal therefrom by military authority was justifiable.

Mr. ROGERS. Is that all?

Mr. WEAVER, of Iowa. He further says, speaking of the authority from the Cherokee Nation:

If he had such authority, and the view above taken be correct, the United States in the maintenance of its treaty privilege would have been justified in ejecting him.

Mr. ROGERS. Mr. Chairman, that leaves the subject exactly where I said it did. Let me read the last provision of that treaty:

The Cherokee Nation to retain the right of possession of, and jurisdiction over, all of said country west of the ninety-sixth degree of west longitude until thus sold and occupied—

That is, until the Government had settled friendly tribes upon it, which was the purpose of the original purchase—

after which, their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Now, I had not the particulars of this case to which the gentleman has referred, and, unless the opinion goes further than the syllabus, I do not care what the particulars are. The position I assume, and I believe it can not be successfully controverted, is that these Indians have the right and power, under and by virtue of their treaties, to pass such laws as they see fit allowing the temporary occupancy of their lands by white people; and every one of the five civilized tribes is doing it every year and every day; and I say that when, in pursuance of law, in accordance with their own consent expressed by the council of their nation, they permit this to be done, and do not subsequently attempt to have their contract made with these persons rescinded, there is no duty devolving upon the President of the United States under the existing law which requires him to eject these persons from the reservation.

Mr. WEAVER, of Iowa. The gentleman fails to recognize the distinction which exists between the Cherokee strip and the other lands occupied by the civilized nations. I concede that within the limits of their respective reservations which they have not ceded to the United States, their jurisdiction is complete and exclusive. But I maintain that as to the Cherokee strip which has been ceded to the United States for the purpose of settling friendly Indians upon it, Attorneys-General Devens and Garland have both held that these Indians have no right to settle even their own citizens upon it, nor have they any right to lease it to cattle syndicates or to individuals.

Mr. ROGERS. I have not denied either of those two propositions; but I reiterate that when these people, acting with reference to any part of their territory, which they hold either by virtue of the right of possession as guaranteed by this provision, or by virtue of their original ownership, permit persons to go there temporarily as these persons now

occupying it as cattle-men are doing, and consent to the temporary occupancy, neither the present Attorney-General nor any of his predecessors has decided that it is the duty of the Government, in violation of the wishes of the Indians, to go there and eject these occupants. It may be sound policy to do so, but no such decision has been made; I respectfully submit it is not the law.

Mr. CUTCHEON. I would like to ask the gentleman whether the provision of the treaty which he has read relates to the Cherokee strip?

Mr. ROGERS. Precisely.

Mr. CUTCHEON. Does it include anything else?

Mr. ROGERS. No, sir.

Mr. CUTCHEON. Then it gives them expressly a possessory right?

Mr. ROGERS. It gives them expressly a possessory right by its very terms. And what does possession mean?

Mr. WEAVER, of Iowa. Possession in accordance with the terms of the treaty?

Mr. ROGERS. It does not mean that these Indians can settle white men upon those lands, giving them homesteads, and make titles to them, or anything of that sort, because the very terms of the treaty provide that whenever the Government of the United States shall see fit to settle friendly tribes upon that tract of land the right of possession upon the part of the Indians shall cease; but until that is done the right of possession belongs by the very terms of the treaty to the Cherokee Nation. Moreover, the Government was not paid for these lands. I understand a part payment has been made. The Cherokee people claim that payment was fraudulently made. By the terms of the treaty these lands were not to be paid for until the Government had settled friendly tribes upon them. This has not been done. So that the very strongest position the Government can occupy in relation to these lands is that of a vendee, out of possession and only a part of the purchase-money paid. I do not think that ground is tenable. I believe the title is in the Indian still. I will read Judge Parker's opinion on that point hereafter.

Now, Mr. Chairman, I do not want anybody to understand for one moment that I have one particle of sympathy either with these cattle-men or with the intruders who have gone there in violation of law. But if we propose to open the Indian country, let us do it in some manly, lawful method.

Mr. WEAVER, of Iowa. Do I understand the gentleman from Arkansas to take the position that under the terms of the treaty of 1866 the Cherokee Nation would have a lawful right to lease that Cherokee outlet for any time whatever—for five years or for one day? And in this connection I ask him whether he has examined section 2116 of the Revised Statutes, upon which these opinions of Attorneys-General Devens and Garland are based?

Mr. ROGERS. I do not recollect the section named. But, sir, I need not answer his question; I have already answered it two or three times. The statute states the Cherokee Nation has a possessory right. Now, what is a possessory right if it is not to possess and manage it?

Mr. WEAVER, of Iowa. Section 2116 provides any Indian tribe which leases it——

Mr. ROGERS. Now, I am courteous to the gentleman from Iowa, and I should prefer to finish my sentence instead of letting him finish it.

Mr. WEAVER, of Iowa. Excuse me. I was not aware I was breaking into the gentleman's sentence.

Mr. ROGERS. I will repeat again, the possessory right, by the very terms of the treaty, belongs to the Indian nation. What is a possessory right if it is not a right to possess these lands? The gentleman puts the question to me whether they can convey away their right. What he means by that is whether they can make a contract binding in law. I answer in the negative. It is like an infant who undertakes to deal with an adult; one may be bound, while the other is not. The Indian people, although they made this contract or undertook to make it, the moment they undertake to repudiate it, the very moment they protest against these white men staying there longer, that moment it becomes the duty of the President of the United States to put these white men beyond the limits of the Indian Territory. Until there is some positive law on that subject there is no power or authority in the President, whether the preceding administration or any other administration, to put these men out in violation of the leases of the Indians themselves.

Mr. RYAN. Will the gentleman permit me to ask him a question?

Mr. ROGERS. Yes, sir.

Mr. RYAN. If the Cherokee Nation has the right to the possession of this Cherokee outlet so far as to make a lease with white men for its occupation for any given time whatever, what becomes of the right ceded by that nation to the United States, by way of treaty, to locate friendly Indians on that Territory? It is not at all probable, I have to say to my friend, that the Cherokee Nation would find fault with that. They would not be prejudiced by it. It would be their interest; but, if I understand him, they have a right to enjoy that possession even as against the United States or anybody else by the terms of their treaty unless they can invoke the Government of the United States to protect them in some way.

Mr. ROGERS. Mr. Chairman, I see there is a great deal of misunderstanding as well as misconstruction as to the treaty itself, and I will take the trouble just at this point to read the section of the treaty in full. I have read a portion of it already. It is as follows:

ART. 16. The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree then the price to be fixed by the President. The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Mr. Chairman, I might undertake to elaborate that for a month, but it is just what it says. It is that and nothing more. It is that they may possess it for any purpose that is legal and proper and not in violation of any law. They may permit other persons to possess it. For instance, they may suffer the hay to be cut from it, as they do in other parts of the Territory, on payment of royalty. They may enjoy it. Possession means enjoyment. But when the Government settles friendly tribes upon it then their possessory right *eo instanti* ceases and they have no right longer to possess or enjoy it. That is all there is in it, or that can be made out of it.

Mr. WEAVER, of Iowa. Let me interrupt the gentleman once more——

Mr. ROGERS. I should like to go on and make some progress with my remarks, but I will yield to the gentleman.

Mr. WEAVER, of Iowa. This is what I wish to say to the gentleman. I wish to be courteous to him, and believe I have been. I beg his pardon for having broken into his sentence. The articles read by the gentleman are the very articles which were before Attorney-General Devens at the time he made the decision from which I have quoted. Let me read what he says. He says:

The fair interpretation of this article would seem to be that the lands to which it refers were absolutely reserved to the United States, upon the conditions therein named, for the settlement thereon of tribes of friendly Indians. The jurisdiction and possession of the Cherokee Nation as to the lands from time to time remaining unsold and unoccupied would give no right to the nation to settle its citizens thereon, until the privilege acquired by the United States to settle tribes of friendly Indians "in any part of the country west of 96°" should be satisfied, or in some authentic way renounced; and this being so, no person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation. On the contrary it is the duty as it is the interest of the nation to prevent its citizens from making such settlement. It appears that Bell produced no evidence that such authority had been given him. But if he had, and the view above taken be correct, the United States, in the maintenance of their treaty privilege, would have been justified in ejecting him.

Mr. ROGERS. I propose to read an extract from a judicial opinion bearing on the legal status of the Cherokee outlet, decided by the district court of the United States for the western district of Arkansas:

By the sixteenth article of the treaty of July 27, 1866, between the United States and the Cherokees, it was agreed "that the United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in compact form, in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common, or by their members in severalty, as the United States may decide. Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President. The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude, until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied."

The plain meaning of this provision of the treaty is that when the United States should desire any of the outlet for the settlement of friendly Indians on the same that the Cherokees would sell the same to such Indians and make title in fee-simple to them for the same; the purchase price to be paid by them or the Government of the United States for them to the Cherokees. But until the country, or any part of it, is so sold and occupied, the right of possession and jurisdiction over all of said country west of 96° of longitude to be retained by the Cherokees. Here is a plain recognition of the title of the Cherokees by the Government of the United States with their right of possession and jurisdiction. Inasmuch as there never was any sale by the Cherokees to the Cheyennes and Arapahoes of the country where this offense was committed, and the same was never sold by them and occupied by the Cheyennes and Arapahoes, the country is still in the condition of being set apart and occupied by the Cherokees, and does not come under the designation of Indian country not set apart and occupied by the Cherokees.

Such is the decision of the court on a proper case submitted to it for final judgment. If the gentleman finds it in conflict with the opinion of Attorney-General Devens (I do not think it is) he can take his choice. I believe the opinion of the court is the law of the case upon the question of the right of possession in the Indians. I believe also the contracts or leases to the Indians were void, because any lease for any specified time negates the right of the Government at any time to settle friendly tribes on the lands; in other words, no lease could be made which would nullify the treaty stipulation authorizing the Government to settle the friendly tribes in these lands at its pleasure. But if the leases are void it does not follow that the right of possession and use is not in the Indians, nor does it follow because they are void that it is the duty of the President to put the cattle-men off if they are there by the consent and wish of the Indians. But, after all, take it either way, the President in these matters has only followed the precedents and the practice of the Government ever since the treaty of 1866.

It seems to me, therefore, that the gentleman from Illinois was in a desperate strait for something upon which to attack the administration.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. ROGERS. Yes, sir.

Mr. CANNON. My criticism was that he failed to obey the mandatory statute of appointing the commission. The other assault I made was incidental to that point; and as to the point the gentleman now makes, I desire to say that if the last administration violated the law I stand ready to condemn it; and the gentleman is not as strong or as ingenious as he usually is when he seeks to excuse the present Executive by reference to the alleged shortcomings of the last one.

Mr. ROGERS. My friend discloses the lawyer by a departure in pleading. It is not, Mr. Chairman, expected of me, I apprehend, to answer but one issue at a time; and I do not expect to let my friend dodge the issue.

I send this record to the desk to be read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask to be recognized in my own time. I have been interrupted a great deal. I believe, in fact, I am first on the list on this bill.

Mr. CANNON. I ask that the time of the gentleman be extended.

The CHAIRMAN. The gentleman will be permitted to proceed without objection.

There was no objection.

Mr. ROGERS. I ask the Clerk to read from this RECORD what I send to the desk.

The Clerk read as follows:

Mr. CANNON. The gentleman from Iowa has answered the gentleman from Louisiana. I wish to make further answer to the question of the gentleman from Louisiana as to whether he did not issue the order to the cattle monopolists to get off the Cherokee lands where they occupied millions of acres in that Territory. I do not recollect whether he did, but if he did he ought to have enforced it. [Applause.] That Executive who had the courage to thrust off the squatters who had settled upon claims in Oklahoma certainly ought to have had the nerve and courage to drive off half a dozen cattle-men who had taken their cattle upon these Indian lands. [Applause.]

And again:

Mr. CANNON. Oh, all times are proper to enforce the law. Why did not the President say to the poor squatter who had taken up his claim in Oklahoma, "I will let you stay over the winter and let your one cow feed upon the grass, but you must get off in spring." My friend, there is no apology for it. He turned the poor squatter off and allowed cattle monopolists to remain. [Laughter and applause.]

Mr. ROGERS. That, no doubt, was intended for the Oklahoma "boomers" or some of the gentleman's friends in Illinois.

Mr. CANNON. If the gentleman will permit me, I will say that I stand by it now.

Mr. ROGERS. Very well. Mr. Chairman, there is one way that a man can be made to stand by a question, and that is to bring him back to the record. Now, he says my defense should not have been by showing that we had precedents heretofore, but we should have made our defense independent of the practice of previous administrations. Mr. Chairman, precedents are valuable and practice is valuable. The common law itself is made up of long practice and by precedents; and this has not only been the precedent under the previous administration, but it has been the precedent of the Government from the organization of the Indian country down to the present hour; and yet the President and the Secretary of the Interior are to be assailed in this manner because they have simply followed what the other administrations have done heretofore in the same line.

But now I pass to the other consideration of this question. In the Forty-eighth Congress a section was placed upon the Indian appropriation bill authorizing the President to negotiate for the lands included in this particular territory, of which mention has been made in the following language:

The President is hereby authorized to open negotiations with the Creeks—

Observe the language, "is hereby authorized;" not that he shall open negotiations, or may open negotiations, but he is—

Hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, and March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, his action hereunder to be reported to Congress.

Now the gentleman from Illinois, with unusual solemnity and great physical force, asserted yesterday that this statute was mandatory—that is to say, that when a man is "authorized" to do a thing that he "must" do it. Now I take it that he will not be able to find any lawyer who will examine this statute in the light of recognized rules of construction who will undertake to say, in view of this language of the statute, that the President was compelled to open negotiations.

I assert, Mr. Chairman, that this statute is not mandatory; and in the very nature of things it could not be mandatory in that sense in which the term is ordinarily used. You authorize him to open negotiations. How can he negotiate unless there is somebody to negotiate with. These Indian tribes, as was stated by my colleague, met in general council with delegates representing all the five civilized tribes, and by solemn resolution declared they would not take any steps toward the cession of their rights to the General Government. My information from the Interior Department is "that it was not considered wise to appoint the commissioners unless there was reasonable hope that the result aimed at by the law could be accomplished. All the facts and indications appear to be against the successful accomplishment of the end desired, and the commission therefore was not appointed."

But the statute required no commission to be appointed. The manner of negotiating was not specified. That was left discretionary with the President. That perhaps was the usual way to make these negotiations; but it may be done in any manner deemed prudent and feasible by the President.

Mr. CUTCHEON. Will the gentleman yield to me for a question?

Mr. ROGERS. Yes, sir.

Mr. CUTCHEON. Would not the best way to have found out whether the object could be successfully accomplished or not have been to appoint the commission and try it?

Mr. ROGERS. That depends upon circumstances. Why appoint a commission when these people themselves had said by resolution in a general meeting of their delegates that they would not negotiate. But on the other hand, if the question was only one of discretion as to whether the commission was to be appointed, then the position assumed by the gentleman from Illinois [Mr. CANNON] is conceded; because he said it was mandatory. If it was a matter of discretion there was nothing mandatory in it, and the President might have appointed the commission or not as he saw fit.

But the Secretary of the Interior in his report indicates why it was that he thought it was unwise at that period to appoint this commission, and I submit to my friend that whether he was right or wrong this statement of his takes high ground, it takes the correct ground, it takes the ground, in my opinion, which the gentleman from Iowa [Mr. WEAVER] ought to take, that is, to discourage these men from undertaking by lawless methods to overrun that Indian country without the authority of law.

Mr. BLAND. I would like to ask the gentleman from Arkansas if the failure of the President to appoint this commission does not invite lawlessness in that Territory? I understood that law was enacted for the purpose of preventing lawlessness.

Mr. WEAVER, of Iowa. That was the object of the law.

Mr. ROGERS. If the gentleman from Missouri [Mr. BLAND] will possess his soul in patience he will find that I will come to that.

Mr. BLAND. I have been possessing my soul in patience. I have not interrupted the gentleman before to-day.

Mr. ROGERS. I will read what the Secretary of the Interior says—as I was about to do when last interrupted.

The unlawful combinations above referred to have rendered it, in my judgment, unwise to appoint this commission.

Now, who was to determine whether it was wise or not? Suppose the gentleman from Missouri, or the gentleman from Illinois, or my friend from Michigan [Mr. CUTCHEON] all thought it would have been wiser to have appointed the commission, should the President have acted on the advice of those gentlemen, or on the advice of the distinguished gentleman who presides over that Department, and whose duty it is to know all the facts? Should he have asked them for their advice in their distant homes in Illinois, Michigan, and Missouri? The Secretary proceeds:

That which gives security to life and property is the spirit of law. Nothing is more dangerous, more fatal to rights of property and personal safety and public order than a spirit of lawlessness. The manifestations of the latter danger should be checked at all times, until the rule of law becomes the daily rule of conduct for our people.

The lands reserved for the accommodation of the Indians are undoubtedly much larger in extent than is needed for their wants and accommodation.

All through this report there is breathed on the part of the Secretary of the Interior a desire to see the interests of these people promoted and that country opened, not rapidly as you and I might wish, but nevertheless to have it opened to civilization and settlement by white men as soon as it can be safely done.

He continues:

There can be no harm in recognizing the gradual current slowly tending in the direction of civilized occupation and use of the Indian Territory as the Indians themselves become consolidated upon fewer residential points; but rapacity and lawlessness will not abide the gradual and gentle method of change, and seek by violence and forcible invasion to displace law and treaty and the sense of obligation to both, and ride rough-shod into possession of the lands of the Indian reservations.

Will it not be a lesson, valuable there and valuable elsewhere—

Valuable, Mr. Chairman, in this Chamber—

to show such transgressors that their way is hard, and that nothing will render the Indian occupation more permanent, or postpone the change in the use of these lands longer, than the attempts to invade and by force to obtain possession and enjoyment of them? The outlaws and depredators who imagine they can override the law and violate treaty obligations with the Indians will discover the impossibility of success when they find themselves confronted by the law of the land, strengthened by the civil and military arm, and backed by the moral sentiment of a just people.

Whether we concur with these sentiments of the Secretary of the Interior or not, they take a high ground—ground that insists upon the observance of the moral obligations and the good faith and the duty that we owe to these people by virtue of the terms of the treaty.

But, Mr. Chairman, at the time this law was passed these boomers

were assembled on the border of Kansas ready, if anything was done, to swoop down upon this country and take it all up as rapidly as possible. And the very result and effect of these negotiations for the accomplishment of that end, if successful, was to give these men who had by unlawful combinations undertaken to override this country the absolute control instead of giving the whole country, including those who in a patient and lawful spirit had bided their time, clearly showing their desire to observe the requirements of the treaties and laws of the country, an equal chance for homes.

Mr. HOLMAN. Will the gentleman yield to me for moment?

Mr. ROGERS. Yes, sir.

Mr. HOLMAN. The view expressed by the gentleman from Arkansas is well illustrated in this fact: That the class of persons to whom he has referred were assembled on the southern boundary of Kansas, entered the Indian Territory, established themselves on the North Fork of Canadian River, laid out a town—not one settlement only, but more—on the theory that this Government was intending to open up the territory to white settlers, and they intended to get the best settlement they could obtain.

Mr. WEAVER, of Iowa. Mr. Chairman——

Mr. ROGERS. I wish now to proceed for a little without interruption. So that, Mr. Chairman, not only as borne out by the language of the Secretary of the Interior, but as sustained by the chairman of the subcommittee whose duty it was to investigate that Indian Territory, the action of the Government under these circumstances would have had the appearance of retreating in the face of these people who were seeking to violate the law. I, for one, sir, will go as quickly and as rapidly by proper roads to accomplish the end desired by the gentleman from Iowa [Mr. WEAVER] and the gentleman from Illinois [Mr. CANNON] as any one, but I do not propose to go over law, over the decisions of the court, and over treaty stipulations to accomplish it, in the way chosen by those persons who banded together on the borders of Kansas.

Mr. WEAVER, of Iowa. Mr. Chairman, in reply to what has been suggested by the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Indiana [Mr. HOLMAN] I wish to protest against it being understood in this House that the poor men who assembled on the border of the Indian Territory, with a view of locating their families on lands in that Territory, were lawless men. They were from the States of Kansas, Missouri, Arkansas, and Iowa, and to my personal knowledge a large majority of them were just as law-abiding men as this country affords. When the President of the United States ordered them to leave the Territory they left. Not only that, but I protest against this assault upon those poor people when it is known that the cattle syndicates of this country are occupying that Territory in violation of law. When those corporations are occupying those lands in disregard of the law and of the decisions of two Attorneys-General of the United States it is no time to denounce as lawless the poor men who were trying to go in there to make homes for their families, and I protest against it. [Applause.]

Mr. ROGERS. Mr. "Oklahoma" Payne uttered pretty much that kind of sentiment in my town two or three years ago. He said he was not lawless, but the district court declared upon solemn judgment that he was a law-breaker and convicted him of the offense. The gentleman from Iowa [Mr. WEAVER] says those men were not lawless. Now, Mr. Chairman, I am willing to concede that many of them were duped and did not know what they were doing; but the leaders understood it because they had been taught it by the law and by the action of the courts. They knew that they were law-breakers when they returned into that country, having been already convicted of it in the courts. The rank and file may have been ignorant; assume they were; still their enterprise was no less unlawful. And a word just here. If they had no right in the Indian country, and the Indians did not choose to suffer them to go there, and under the treaty called upon the President and had them put out, what right have they got to demand that the Indians turn the "cattle syndicates" (as the gentleman stigmatizes them) out of the Territory if the Indians were willing they should stay? It is the dog-in-the-manger policy. The argument is, you won't let me stay, and therefore I don't intend you shall let anybody else stay.

That kind of an argument will do for a political hobby; but it is unsound and illogical. The logic of the situation is, that I have no rights there, and therefore I have no business intermeddling with other people who are there.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had adopted the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN F. MILLER, late a Senator from California.

Resolved, That a committee of five Senators be appointed by the President *pro tempore* of the Senate to take order for superintending the funeral of Mr. MILLER, and that, as a mark of the respect entertained by the Senate for his memory, his remains be removed from Washington to California in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

The President *pro tempore* appointed Mr. JONES, of Nevada, Mr. FRYE, Mr. CULLOM, Mr. BUTLER, and Mr. GRAY, as said committee.

INDIAN APPROPRIATION BILL.

Mr. ROGERS. Now, Mr. Chairman, I want to convince the gentleman from Iowa [Mr. WEAVER] that these men were lawless and were law-breakers. I read from the report of the Secretary of the Interior, and at the last session of Congress I published a letter from the district attorney of that district, setting forth in substance these same facts. This is the report of the Commissioner of Indian Affairs:

Payne, with a number of old offenders, was arrested and sent to Fort Smith, Ark., where they were turned over to the United States marshal September 8, 1884. There, it is understood, Payne was released upon his own recognizance of $1,000 and turned loose, and the commanding general reported that he was back at Hunnewell organizing another expedition for the Indian Territory before the troops who took him to Fort Smith could return.

Mr. WEAVER, of Iowa. Does not the gentleman know that Payne and every other man arrested there begged and pleaded with the courts and with the district attorney for a trial?

Mr. ROGERS. And he got it, and was convicted, and he was indicted in the same court when he died.

Mr. WEAVER, of Iowa. Payne was convicted?

Mr. ROGERS. Payne was convicted.

Mr. WEAVER, of Iowa. The court expressly held that Payne had not violated any law.

Mr. ROGERS. Well, that is a question of fact, and I presume I am about as well posted on that subject as the gentleman from Iowa, as I happen to live in the town in which the court sat; and, as I have said, I published in the RECORD at the last session of Congress a letter from the district attorney substantially setting forth what I have now stated. Here is the letter. I will publish it:

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
Fort Smith, Ark., February 1, 1885.

DEAR JUDGE: Your favor of the 28th ultimo relating to the Payne cases is duly received. Payne was not convicted under a criminal statute, but at the time of his death there was a criminal suit pending against him for introducing spirituous liquor into the Indian country. There was also at that time a civil prosecution pending against him for the enforcement of a penal statute against intruders in the Indian country. (Revised Statutes, sections 2147 and 2148.) Prior to this time two other civil suits for the enforcement of this penal statute had already gone to judgment, one at the term preceding Payne's death and the other some two or three years before. The first of these suits was hotly contested, prominent lawyers from Saint Louis being sent here to argue it.

The way the criminal proceeding came to be instituted was because at the time of Payne's last arrest he pointed out to the officers some whisky which he said he had introduced, and that he defied the Government to proceed against him for that; that in such a proceeding the question would be directly raised as to whether the country he and his followers were settling was in the Indian country.

When he was brought here, and I was informed of this matter, I concluded to accommodate him, and filed the information charging him with the introduction. He then made an application to the court for a continuance of the case on the ground of an absent witness, by whom he alleged he could prove that he did not bring the whisky in, but that it was brought by another. I had announced myself ready for trial, and was perfectly willing to try the issue in that way. The case was continued on his motion.

This suit, together with the third and last civil action, abated at his death. At the time the last civil suit was brought against Payne there were suits of the same character brought against each of some twelve or fourteen of his followers. These have all gone to judgment within the last few days.

Very respectfully,

WM. H. H. CLAYTON.

Hon. J. H. ROGERS,
Washington, D. C.

The Commissioner of Indian Affairs proceeds as follows:

He was succeeded by one W. L. Couch, under whose leadership, in the latter part of December, 1884, a large body of armed men again entered the Territory with the avowed object of effecting a permanent settlement, encamping at Stillwater, on the Cimarron River, whence they defied the military to remove them. Couch, the leader, was reported as willing to risk a collision with the troops, as likely to arouse public sympathy and compel favorable action by Congress in opening the coveted lands to settlement.

Mr. Chairman, I will not undertake to read more of this. It appears then that not only were these men lawless in their intrusion, but, by the terms of the report of the Secretary of the Interior, it appears that Couch, their leader, the successor of Payne, announced that he was ready for a collision with the United States troops, the object being to force this matter upon the attention of Congress and to secure legislation.

Mr. Chairman, is that the way we are to be prompted to legislate here? Are these the influences under which the American Congress is to be induced to legislate? But I go back for a moment to my friend from Illinois [Mr. CANNON]. He says the law is mandatory. Let us concede, for the sake of the argument, that it is mandatory. When is it mandatory? Was it the day after the passage of the law? Was it four weeks after the passage of the law? Was it six weeks, ten weeks, twenty weeks, six months, or forty years? When was it mandatory?

Mr. CANNON. The appropriation which you carried will last until the 30th of June; and it was the intention of Congress that the treaties should be modified as far as they could be by the President, and a report made to this Congress for action here.

Mr. ROGERS. The appropriation was only available on the 1st day of last July, so that there is a good long period of time within which this negotiation may take place, if it is found proper and right under all the circumstances that it should take place. So, then, to sum it all up, in the first place, there was nothing mandatory; in the second place, if the act was mandatory, the time within which it was to be executed has not expired, and the President may exercise his own dis-

cretion as to when within that period he will undertake to execute this law.

Now, Mr. Chairman, leaving that branch of the subject, I have but little more to say. I have only undertaken to do justice to the administration in this matter. I desire now to allude very briefly to another branch of this subject.

Mr. BLAND. Will the gentleman allow me a moment?

Mr. ROGERS. Certainly.

Mr. BLAND. I understand that last spring there was some proclamation about removing cattle-men. I would like to know, now that these settlers are removed from that Territory, whether the cattle-men are away. If not, why not?

Mr. ROGERS. I do not know whether the gentleman from Missouri [Mr. BLAND] has been in his seat during the time I have been addressing the committe or not; but I have discussed that subject fully, and I hope he does not want me to discuss it again. So far as concerns all the Territory except the Cherokee outlet, the cattle-men, as I understand the fact, have been put out of the Territory.

Several MEMBERS. Oh, no.

Mr. CANNON and Mr. RYAN. Not at all.

Mr. ROGERS. That is my understanding.

Mr. HOLMAN. They have only been removed by the Government where the disturbance occurred, where an appeal was made to the Government by the Indians—the Cheyennes and Arapahoes.

Mr. ROGERS. There were two places, as I understand, where these cattle-men had congregated. One was upon the portion of country assigned to the Cheyennes and Arapahoes; the other was in the Cherokee outlet. If there were any other parts of the Territory which have been occupied by the cattle-men, of course my remarks do not apply. I am discussing only that part of the question which relates to the Cheyenne and Arapaho reservation and to the Cherokee outlet. I do not discuss any other branch of this question because I have not investigated it. I should not have discussed these points but for the unjust attacks of the gentlemen from Illinois and Iowa on the administration.

But I have said, so far as the Cherokee outlet is concerned—and I repeat my statement now for the benefit of the gentleman from Missouri—the President has no power under the law to put these people out so long as they are peacefully there with the consent of the Cherokee Nation. That is all I desire to say upon that point, except that I presume the others are there under similar conditions.

I now turn to another branch of the subject. It has been said that these people came from Missouri and Kansas and Arkansas. I do not know where they came from; I am utterly indifferent about that. Many men from my own State and from my own district have written to me repeatedly in regard to the opening of this section of country. In discharge of what I regarded as a public duty as well as an obligation of personal friendship, I have told them that if they should go there they would be violators of law; that as yet there was no authority of law for their occupying that region. I have, on the other hand, invited their attention to the fact that the great drift of public sentiment is toward the opening of that country, and that as good citizens they ought to bide their time and take their chances when the law shall have appointed peaceful and lawful methods of accomplishing their desires. I commend that advice to the consideration of those gentlemen who are making speeches here urging people to go into that country in violation of law.

Mr. WEAVER, of Iowa. Who has done that?

Mr. ROGERS. I take it the great part of your speech was in that direction.

Mr. WEAVER, of Iowa. I expressly took occasion to say that I did not want any man to go there in violation of the rights of the Indians; that I desired the Indian title should be first extinguished. It is very strange the gentleman from Arkansas should make such a remark as he has just uttered.

Mr. ROGERS. I withdraw the remark. I accept, of course, the statement the gentleman now makes. But I understood that the great point of his argument was that the Government owned the land and these people had a right to go there.

Mr. WEAVER, of Iowa. Not at all.

Mr. ROGERS. I withdraw the remark; I will not do the gentleman any injustice; but that was my understanding.

Mr. WEAVER, of Iowa. Then the gentleman has been ffghting the air. I wish to make this supplemental remark: All I insist upon is that the Government shall treat alike the cattle syndicates and the other people who undertake to go in there; shall keep both classes out until they can go in lawfully.

Mr. ROGERS. Give the President the law, and my word for it in thirty days you will not find the cattle-men there. You ought to know this. When he felt he had the right he expelled the others.

Mr. WEAVER, of Iowa. The President has the authority now, or else his own Attorney-General is wrong. The law adviser of his Cabinet has decided that these leases are invalid. Why does not the President issue a proclamation and drive the cattle syndicates out? He does not pretend that they have any legal right there; no officer of the Government has so pretended.

Mr. ROGERS. I hope I may now be permitted to proceed without further interruption; for I am nearly through. I have no doubt the gentleman from Iowa thinks the President has the power; but somebody else must determine that question. I have no hope of convincing him. His mind is not on law, but syndicates, and men will differ upon questions of law and questions of power. I wish to say that so far as I am personally concerned I indorse the views of the gentleman from Illinois [Mr. CANNON] with reference to the duty of the Government in relation to the Indian policy generally; and I am not a new convert on that subject. I did not learn what I know about it by a trip to the Indian country last summer; I have learned it by some fifteen years of study in close contact with these people.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. ROGERS. Always.

Mr. CANNON. I would remind the gentleman that all of us have not been so fortunate in our opportunities for information as the gentleman from Arkansas, and it is better to learn even late in life than not to learn at all.

Mr. ROGERS. That is true; and I congratulate my friend upon his having learned something of the Indian question last summer.

I said last session, and I want to repeat it now, that in my opinion the way to develop the Indian country and civilize the Indians is to carry your education of them hand in hand with labor; teach them how to work and give them education at the same time:

> Going hand in hand with this is citizenship, courts, and laws. It is coming to this. We know it. They know it. It is their interest to accept the situation. It is our duty to protect them by humane laws. Sir, it is a favorite theme of sentimentalists that we must hold sacred the treaties; that good morals demand it. Sir, good morals demand, wise statesmanship dictates, and sound public policy requires that we should establish a humane and an honest government in that country, that life and property should be made safe, that peace and order should be maintained. Sir, I would do these people no injustice; I would lift them up by the adoption of a wiser, a more humane, a more honest policy to a higher plane of Christian civilization. Sooner or later it will be done, and the sooner the better for them and for us.

In this lies the correct solution of the Indian question. So long as by lavish appropriation we maintain these people as paupers, whether educated or uneducated, we will have no civilization of them. That is my conviction. The fact is, when you educate him he goes back to his own people and he must take on their customs and habits and methods and ways of living or he is an alien in his own country, ostracised by his own people. We must teach them to work, and at the same educate them. This should be done at their homes. Then we must give them courts and give them law; we must give them law that means protection of life and liberty and the pursuit of happiness. I will read again from what I said at the last session. I quoted from the work of a distinguished philanthropist, as follows:

> Doing things for and giving things to people does not lift them up, if the doing and the giving do not spring a new hope, a new aspiration, a new purpose in them, or in some way vivify into fruitful life some dormant good already in their souls. The test of our usefulness to others is to be found in their character. Do we make them wiser, stronger, braver, truer? Then we have lifted them up by helping them to grow out of their weakness and evil into their strength and goodness. Why is it better to give a poor man a day's work than a day's rations without work? The one gift lifts him up, the other pauperizes him. In all our plans and efforts to lift up the negro, let us remember that our best help to him is whatever most effectually enables him to help himself.

Then I added:

> Sir, this race must be taught to lay aside the hunting-rifle and take up the hoe and the chopping-ax. The Indian will never learn this lesson in schools and colleges. If the few we educate did learn it, when they return to their own people they must go back to their habits and customs, advocate the measures that are popular among the dominant element, right or wrong; doff the spike-tail coat, and stove-pipe hat, and don the hunting-shirt and the navy-six, or they are practically ostracised by their own people. To teach these people to work it must be made honorable among them. The way to make it honorable is to bring them in contact with whites who do work, who desire to improve their condition, who want churches, schools, farms, and homes, and laws that are respected because humanely enforced.
>
> There is a solution of this Indian problem in the Indian Territory. We are upholding these rotten governments there under the pretense of civilizing the Indians. We justify our conduct by clinging to treaties that have served their purpose, and were never intended as anything but temporary expedients. We expected the time would come when the logic of events would enforce a different condition for them. We knew by past history that in the march of civilization these Indian governments must give way.

I was delighted yesterday, Mr. Chairman, when the gentleman from Illinois [Mr. CANNON] came squarely up and recognized the fact that these treaties with the Indian tribes were but expedients for their civilization. They are simply instrumentalities. They have served their purpose so far as the five tribes are concerned. The power is with Congress, and its duty in the interest of good morals, good government, their civilization and development, is to destroy the present systems of government in that country, and give them a government that will afford protection to life and property. By wise legislation bring them in contact with the whites, not as now, with fugitives from justice from other States and the bad and lawless elements congregated there, but with the sturdy, honest farmer and mechanic, who works and is contented with work and a quiet and peaceful home and family. When this is done, their real civilization will begin. Such is the experience of all. It is the testimony of your committee, who have visited the tribes in the great West and seen the results of our present policy.

This does not mean the deprivation of their lands. It does not mean spoliation. All this can be, and should be, scrupulously cared for, and their every right carefully guarded by law. Such I believe our duty,

and nothing short of this consists with wise statesmanship and national honor.

Mr. WELLBORN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had come to no conclusion thereon.

Mr. WELLBORN. Mr. Speaker, the general debate on this bill has now been protracted for three days, sufficiently long. I therefore move that when the House again resolves itself into Committee of the Whole for the future consideration of the bill, all general debate be limited to sixty minutes—one hour.

The motion was agreed to.

Mr. WELLBORN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF CERTAIN TESTIMONY.

Mr. BOYLE. Mr. Speaker, I ask leave to offer a resolution for present consideration on behalf of the select committee to investigate certain telephone matters.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the select committee appointed under House resolution of February 26, 1886, to make inquiry as to certain matters relating to the Pan-Electric Company and the Bell Telephone Company have leave to have printed for the use of the committee the testimony taken by it and such documents and papers relating to matters referred to it as it may require.

Mr. REED, of Maine. Is this the unanimous request of the committee?

The SPEAKER. The Chair understood the gentleman to state that he asked it on behalf of the committee.

Mr. REED, of Maine. Is it the unanimous request of the committee?

Mr. BOYLE. It is.

Mr. SPRINGER. Would it not be proper to change the form of the resolution so as to provide for the printing of a certain number of copies for the use of the committee?

Mr. BOYLE. The desire is to have the testimony printed as it is taken day by day so that the committee may have the use of it.

Mr. SPRINGER. I suggest that the usual custom has been to provide that the testimony be printed, and that a hundred or fifty copies be printed for the use of the committee. This will enable the committee to have the testimony before it day by day for comparison by the witnesses, and also at the end of the term, when the committee has finished its investigation, the matter will be all in print.

Mr. REED, of Maine. That is all proper.

Mr. SPRINGER. The order should be that the testimony be printed, and fifty extra copies for the use of the committee.

Mr. BOYLE. I will so modify the resolution.

The resolution as modified is as follows:

Resolved, That the testimony to be taken by the select committee appointed under House resolution of February 26, 1886, to make inquiry as to certain matters relating to the Pan-Electric Company and the Bell Telephone Company be printed, together with such documents and papers relating to the matters referred to said committee as it may consider necessary, and that one hundred extra copies thereof be printed for the use of the committee.

The resolution was agreed to.

Mr. BOYLE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Mr. Speaker, I renew the request of this morning for unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill 4493 for the purpose of putting the same upon its passage.

Mr. SPRINGER. What is the bill?

Mr. BEACH. I must maintain my objection.

The SPEAKER. Objection is made.

FUNERAL OF HON. JOHN F. MILLER.

Mr. MORROW. Mr. Speaker, the resolution reported from the Senate concerning arrangements to be made for the funeral escort of Senator JOHN F. MILLER, of California, contemplates that similar action be taken on the part of the House, and that a committee be appointed to co-operate with the Senate committee in accompanying the remains to California. I therefore offer the resolution which I send to the desk and ask its present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That a special committee of seven members of the House be appointed by the Speaker to accompany a similar committee appointed by the Senate to escort the remains of Senator JOHN F. MILLER from Washington to California.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. ERMENTROUT for five days.

WITHDRAWAL OF PAPERS.

On motion of Mr. GROUT, by unanimous consent, leave was granted to withdraw papers filed by George W. Kingsbury in support of House bills 3805 and 5194, reported adversely in the Forty-eighth Congress, without leaving copies on file.

On motion of Mr. FELIX CAMPBELL, by unanimous consent leave was granted to withdraw papers in the case of M. E. Urell without leaving certified copies.

And then, on motion of Mr. WELLBORN (at 5 o'clock and 12 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of B. R. Hughes, of Williamson County, Tennessee, asking that his war claim be referred to the Committee on War Claims—to the Committee on War Claims.

By Mr. BARKSDALE: Papers in the claim of Horatio N. Spencer, of Claiborne County, Mississippi—to the same committee.

By Mr. BARNES: Petition of citizens of Washington County, Georgia, in favor of the passage of the Blair bill—to the Committee on Education.

By Mr. BELMONT: Petition of E. M. Lincoln and 93 others, manufacturers, vessel-owners, and business men of Glen Cove, Long Island, asking an appropriation of $20,000 for the improvement of the harbor of Glen Cove, Long Island, N. Y.—to the Committee on Rivers and Harbors.

Also, petition of Vitit Brothers, citizens of Philadelphia, asking the repeal of duties on works of art—to the Committee on Ways and Means.

By Mr. BOYLE: Papers in the case of Jeremiah T. Reed, Company I, Eleventh Pennsylvania Volunteers, and One hundred and ninetieth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Petition of J. P. Braden and 21 others, of Fairview, Ind., for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of 72 citizens of Wayne County, and of Willis Whipple and 101 citizens of Randolph County, Indiana, for the same—to the same committee.

By Mr. CASWELL: Petition of J. B. Johnson and 113 others, praying for the sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CLEMENTS: Papers relating to the claim of John Jumper, to accompany H. R. 5928—to the Committee on Claims.

By Mr. COLLINS: Memorial of the United States Brothers' Protective Association, for the admission free of duty of goods of foreign exhibitors at its fourth annual exhibition—to the Committee on Ways and Means.

By Mr. DAVIS: Petition of John Holmes and 41 others, citizens of Dukes County, Massachusetts, and owners and masters of sailing vessels, requesting the passage of a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Committee on Commerce.

By Mr. DAWSON: Protest by the citizens of Carter County, Missouri, against the enactment of a bankrupt law—to the Committee on the Judiciary.

Also, a bill appropriating money for the improvement of the Saint Francis River, in the State of Missouri—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Memorial of B. C. Adams and 55 other shipowners and ship-masters of Camden, Me., for the passage of bill to put American sailing vessels on the same footing as to pilotage as American steam-vessels—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Eliphalet Thorp and 80 others, of Bristol, Me., for the passage of the bill to place American sailing vessels on the same basis as to pilotage as American steam-vessels—to the same committee.

By Mr. DUNN: Papers in the claims of John B. Keaton, of Arkansas County, Arkansas—to the Committee on War Claims.

Also, petition John B. Keaton, of Arkansas—to the same committee.

By Mr. EDEN: Petition of M. N. Quigley and others, of Windsor, Ill., in favor of the Oklahoma bill—to the Committee on the Territories.

By Mr. ERMENTROUT: Petition of W. F. Strauss and of P. D. Warner, favoring the construction of bridge across the Arthur Kill, New York Harbor—to the Committee on Commerce.

By Mr. EVERHART: Letter of John H. Babb, asking for a hearing on House bill 6295, with sufficient notice to enable heirs to attend—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of T. M. Bell and others, of George Willis and others, and of James Shaw and others, praying that soldiers be paid the difference between gold and the currency paid them during the war—to the Committee on War Claims.

By Mr. GROUT: Memorial of G. N. Brigham, in support of House

bill 3117, granting a pension to W. A. Phillips—to the Committee on Invalid Pensions.

By Mr. HANBACK: Petition of Knights of Labor of Ellis, Kans., praying for legislation to alleviate the distress of the laboring classes—to the Committee on Railways and Canals.

Also, petition of Benjamn F. Wicoff and 40 others, praying for amendment to pension laws as recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. HERMAN: Petition of citizens of Central Oregon, for continued improvement and appropriation for Yaquina Bay, Oregon—to the Committee on Rivers and Harbors.

By Mr. JACKSON: Resolutions of the Sons of Veterans, of Beaver Falls, Pa., requesting the passage of bill for the relief of widow of Colonel Sirwell, of Pennsylvania—to the Committee on Invalid Pensions.

Also, evidence in support of the claim of Willis Gilmore—to the Committee on Pensions.

By Mr. JAMES: Petition of 16 business firms of Winston, N. C., asking for the passage of the James bill (H. R. 1621) to relieve commercial travelers, or drummers, from State or local license laws—to the Committee on Commerce.

By Mr. J. T. JOHNSTON: Petition of R. M. Miller and 270 others, soldiers and citizens of Sullivan County, Indiana, asking for the passage of House bill 3320, pensioning all Union soldiers, &c.—to the Committee on Invalid Pensions.

Also, petition of J. W. Jeffries and 45 others, citizens of Park County, Indiana, asking for the passage of House bill 4842—to the Committee on the Territories.

By Mr. LIBBEY: Petition of the Knights of Labor of Portsmouth, Va., praying for the construction by the Government of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of the Soldiers' and Citizens' National League, asking for pensions to all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. LONG: Memorial of the Boston preachers' meeting of the Methodist Episcopal Church, for the protection of the Chinese—to the Committee on Foreign Affairs.

By Mr. LORE: Petition of Lewis Frederick, for payment for property taken by the United States through the collector of customs at Wilmington, Del.—to the Committee on Claims.

By Mr. LOVERING: Remonstrance of the board of directors of the Boston Merchants' Association against any increase of rate on postage upon fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LYMAN: Petition of 31 citizens of Pottawattamie County, Iowa, urging the passage of House bill 659 in relation to Honey Creek Lake, Iowa—to the Committee on the Public Lands.

By Mr. McCOMAS: Petition of John Ward and 40 other soldiers, that their pay in greenbacks, paid when depreciated, be made up in present coin value—to the Committee on War Claims.

Also, petition of Dr. Daniel Kellers, administrator, Frederick County, Maryland, for payment of war claim—to the same committee.

By Mr. McRAE: Petition of Labor Assembly No. 3674, of Malvern, Ark.—to the Committee on Labor.

By Mr. MILLARD: Petition in the matter of the claim of Hallam Eldridge—to the Committee on War Claims.

By Mr. MILLER: Papers and proofs relating to pension claim of Julius L. Dewey—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of J. Manchester Haynes and 38 others, of Augusta, Me., for the passage of the bill to place American sailing vessels on the same basis as to pilotage as American steam-vessels—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MORRISON: Petition of citizens of Illinois, relating to patents—to the Committee on Patents.

By Mr. MORROW: Petition of citizens on the Pacific coast, concerning the observance by the Government of the United States of its treaty stipulations with China—to the Committee on Foreign Affairs.

By Mr. NEECE: Petition of 800 citizens of Rock Island and Moline, Ill., and Davenport, Iowa, most of whom have been Government employés, praying for the passage of a law to adjust the accounts of laborers under the eight-hour law—to the Committee on Labor.

Also, memorials of the Knights of Labor of Coble and of Port Byron, Ill., praying for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CHARLES O'NEILL: Petition of the New York Commercial Exchange and of many manufacturers and business men of the United States, asking that macaroni and other farinaceous goods be placed back on the duty-list—to the Committee on Ways and Means.

By Mr. PERKINS: Appeal from the workingmen of Kansas, for compensation due them for services rendered the Government after the enactment of the eight-hour law—to the Committee on Labor.

By Mr. PETERS: Petition of officers of Alliance Cemetery Association, for the passage of a bill granting them certain land in Barton County, Kansas—to the Committee on the Public Lands.

Also, memorial of workingmen's committee of Leavenworth, Kans., favoring the eight-hour law—to the Committee on Labor.

By Mr. RANDALL: Petition of marine engineers to have refunded a portion of the tax collected from licensed officers of steam-vessels—to the Committee on Claims.

By Mr. T. B. REED: Petition of Jed Frye & Co. and others, fish dealers in New York city, in favor of close time for mackerel—to the Committee on Ways and Means.

By Mr. SCRANTON: Petition of members of Luzerne County (Pa.) bar, for the passage of House bill 2124, altering the judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. SENEY: Petition of A. B. Brant, of Ohio, for the passage of House bill 1601—to the Committee on Commerce.

By Mr. SPOONER: Petition of Charles C. Van Zant and others, citizens of Newport, R. I., for post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charity Organization Society of Newport, R. I., for postal savings-banks—to the same committee.

By Mr. STEELE: Petition of A. S. Thompson and others, and of George Awalt and 79 others, asking for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. J. W. STEWART: Memorial of George and R. L. Barney, relative to the duty on marble—to the Committee on Ways and Means.

By Mr. W. J. STONE, of Missouri: Petition of William S. Pope, heirs of John J. Roe, and others, citizens of Missouri, owners of vessels, river steamers, and other craft, with property thereon, for compensation for loss of same during the late war, the same having been captured by confederate cruisers within the admiralty jurisdiction of the United States—to the Committee on War Claims.

By Mr. J. H. TAYLOR: Petition of J. C. Harrison and 47 others, of Jefferson County, Ohio, ex-soldiers, praying for the passage of a bill to pay soldiers the difference between gold and greenbacks at the time of their payment in 1864, and for other relief—to the Committee on Invalid Pensions.

By Mr. J. R. THOMAS: Petition of E. M. Low and a large number of citizens of Pulaski County, Illinois, favoring certain pension legislation by the present Congress—to the same committee.

Also, petition of Hardin Bostick and others, citizens of Murphysborough, Ill., favoring the same—to the same committee.

Also, petition for relief of Thomas D. McAlpine—to the same committee.

By Mr. TUCKER: Petition of citizens of Virginia for the increase of salaries of district judges—to the Committee on the Judiciary.

By Mr. WHEELER: Papers relating to the claim of the Mobile Marine Dock Company—to the Committee on War Claims.

Also, petition and papers relating to the claims of James C. Young, of Enoch H. Garner, and of Thomas Hightower, colored—to the same committee.

By Mr. A. C. WHITE: Papers in the case of Philip Arner, for relief—to the Committee on Invalid Pensions.

By Mr. WORTHINGTON: Petition of Assembly 3371, Knights of Labor, of Galesburg, Ill., for Hennepin Canal—to the Committee on Railways and Canals.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. McCOMAS: Petition of John A. Martin and 33 others, citizens of Pekin, Alleghany County, Maryland.

By Mr. EDEN: Petition of John Funk and others, of Shelby County, Illinois.

By Mr. HANBACK: Of J. L. Britendall and 50 others, of Kansas.

By Mr. WAKEFIELD: Of 27 citizens of Lincoln County, Minnesota; and of 46 citizens of Lake Benton, Minn.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. COMSTOCK: Of Hon. Curtis Buck and 16 other lawyers, 9 physicians, 25 clergymen, 36 teachers, 159 business men, and 39 officers of temperance and other societies, of Allegan, Kent, and Ottawa Counties, Michigan.

By Mr. FLEEGER: Of Hon. W. R. Murphy, 6 physicians, 13 clergymen, 46 teachers, 46 business men, and 35 officers of temperance and other societies, of Mercer and Crawford Counties, Pennsylvania.

By Mr. MAYBURY: Of Hon. George A. Starkweather, D. Forbes, M. D., and 2 other lawyers, 11 physicians, 6 clergymen, 14 teachers, 105 business men, and 15 officers of temperance and other societies, of Wayne County, Michigan.

By Mr. MOFFATT: Of William E. P. Royce, 12 clergymen, 3 physicians, 2 lawyers, 9 teachers, 63 business men, and 7 officers of tem-

perance and other societies of Delta, Traverse, and Delaware Counties, Michigan.

By Mr. O'DONNELL: Of 16 clergymen, 12 physicians, 8 lawyers, 10 teachers, 137 business men, and 50 officers of temperance and other societies of Barry, Branch, and Calhoun Counties, Michigan.

By Mr. PIDCOCK: Of Rev. Thomas H. Jacobus and 15 other clergymen, 15 physicians, 12 lawyers, 16 teachers, 92 business men, and 31 officers of temperance and other societies, of Hunterdon and Warren Counties, New Jersey.

By Mr. SWOPE: Of Rev. George Scholl and 15 other clergymen, 15 physicians, 2 lawyers, 16 teachers, 137 business men, 49 officers of temperance and other societies of York County, Pennsylvania.

SENATE.

FRIDAY, *March* 12, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 5552) for the relief of James Cain was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Knights of Labor of Mansfield, Ohio, praying for liberal appropriations for public works, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented resolutions adopted by Knights of Labor of Mansfield, Ohio, favoring an increase of the wages of employés in the Government Printing Office; which were referred to the Committee on Printing.

He also presented a memorial of citizens of Bellville, Ohio, remonstrating against an increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a petition of the local assembly of the Knights of Labor of Nevada, Mo., praying that the Government make liberal appropriations of the surplus revenue for the construction of works of internal improvement of national importance, &c., and indorsing the construction by the Government of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. EVARTS presented a petition of 8 clergymen, 5 physicians, 6 lawyers, 10 teachers, 97 business men, and 17 officers of temperance and other societies, citizens of Otsego and Schoharie Counties, New York, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

He also presented a petition of 16 citizens of New York city, praying for the abolition of the Presidency; which was referred to the Committee on Privileges and Elections.

He also presented the petition of Jacob L. Seixas, of New York city, praying certain legislation touching his claim against the Government of Venezuela; which was referred to the Committee on Foreign Relations.

Mr. HOAR presented resolutions adopted by Knights of Labor of the city of Chelsea, Mass., favoring the construction by the Government of the Hennepin Canal, &c.; which were referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a petition of members of the Linden monthly meeting of Friends of Dallas County, Iowa, praying for the passage of Senate bill No. 355, to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. PLUMB. I present a petition of Knights of Labor of Salina, Kans., praying for the construction by the Government of the Hennepin Canal. This petition has been printed *pro bono publico*, like the former ones on the same subject. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB. I present the petition of Alfred Taylor and other citizens of North Lawrence, Kans., praying for the opening of Oklahoma to settlement by means of the bill known as the Weaver bill. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB presented a petition of Knights of Labor of Coffeyville, Kans., praying for such legislation as will prevent the immigration of Chinese into the United States; which was referred to the Committee on Foreign Relations.

Mr. MILLER presented a petition of citizens of the United States, praying for the passage of the bill providing for the establishment of a system of postal savings-banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Knights of Labor of Seneca Falls, N. Y., remonstrating against the passage of Senate bills Nos. 265 and 1803 and House bill No. 999, relating to pilots and pilotage; which was referred to the Committee on Commerce.

Mr. MCMILLAN presented a petition of citizens of Boston, Mass., and a petition of citizens of Buffalo, N. Y., praying for the passage of a bill to require the testing of chains and anchors and for the better securing of life and property on shipboard; which were referred to the Committee on Commerce.

Mr. BLAIR presented the petition of Albert P. Colby, of Londonderry, N. H., praying for the passage of a bill to extend the time of filing declarations in pension cases; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 766) for the relief of Francis Denmead; and

A bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1805) for the relief of Miss Rosa Wallace, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 1858) authorizing the President to appoint and retire Joseph Dickinson, late a lieutenant-colonel and assistant adjutant-general, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COLQUITT. By the request of a number of citizens of the District of Columbia I introduce a bill.

The bill (S. 1859) to prohibit the sale of intoxicating liquors within one mile of the National Soldiers' Home, in the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 1860) to establish a light-ship off the entrance to Chesapeake Bay; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON introduced a bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL introduced a joint resolution (S. R. 54) referring the controversy between the United States and Venezuela in respect to awards which were rendered at Caracas in favor of citizens of the United States in the year 1868 to the executive branch of the Government; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That the papers relating to claim of the Albemarle and Chesapeake Canal Company be taken from the files and referred to the Committee on Naval Affairs.

GOVERNMENT PIER NEAR LEWES, DEL.

Mr. SAULSBURY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the "Government pier" on the Delaware Bay, near Lewes, in the County of Sussex and State of Delaware, with the view of ascertaining the probable cost of completing the superstructure thereof wholly of iron, so as to render the same available for the interchange of traffic and promotion of commerce, as contemplated by the act of Congress authorizing its construction, and that he furnish to the Senate as early as practicable an estimate of the cost of so completing the same.

FUNERAL OF SENATOR JOHN F. MILLER.

Mr. FRYE. I offer the following resolution and ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the necessary funeral expenses and those of transporting the remains of the late Hon. JOHN F. MILLER to the State of California, as set forth in the resolution of March 11, 1886, upon vouchers approved by the chairman of the committee and audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the law and rule require that such a resolution shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, unless by unanimous consent the Senate otherwise order.

Mr. FRYE. That is what I intended to ask—unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent for the consideration of this resolution at this time. The Chair hears no objection, and the question is on the adoption of the resolution.

The resolution was agreed to.

Mr. FRYE. I take this opportunity to ask to be excused from service on the committee appointed to attend the remains of the late Senator

MILLER to California. I have received information since I was appointed which makes it absolutely impossible for me to go.

The PRESIDENT *pro tempore*. The Chair will withhold action for the present upon the request of the Senator from Maine.

NATIONAL SAFE DEPOSIT COMPANIES.

Mr. PIKE. On the 2d of March I entered a motion to reconsider the vote by which the Senate postponed indefinitely the bill (S. 346) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867, and the bill (S. 62) enlarging the powers of the Washington Safe Deposit Company, and for other purposes. I desire the reconsideration at this time for the purpose of moving a recommitment of the bills.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to reconsider the vote by which the bills named by him were indefinitely postponed. If there be no objection the order of the Senate indefinitely postponing these bills will be reconsidered. The Chair hears none.

Mr. PIKE. I now move that the bills be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following resolution:

Resolved, That the House accepts the invitation of the Senate, and will attend in a body the funeral services of the late Senator JOHN F. MILLER, of California, in the Senate Chamber, on Saturday, March 13, at 12 m.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5218) to provide an American register for the steamship Ozama, of New York city; and

A bill (H. R. 3039) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on sixty hogsheads of sugar.

SAINT PAUL AND SIOUX CITY RAILROAD GRANT.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is in order under the eighth rule.

Mr. PLUMB. Is the formal morning business concluded?

The PRESIDENT *pro tempore*. It is.

Mr. PLUMB. Then I move that the Senate proceed to the consideration of Senate bill 149.

The PRESIDENT *pro tempore*. The morning business being closed, the Senator from Kansas moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, the pending question being on the amendment proposed by Mr. SPOONER to section 2 of the bill.

Mr. PLUMB. Mr. President, I do not design in any respect to impugn the good faith of the Senator from Wisconsin. That is to say, I have no doubt he desires the passage of this bill and that the purpose which he has in mind in the presentation of the pending amendment is entirely justifiable from his standpoint. But I desire to explain to the Senate why I am constrained to oppose it.

This bill is a bill for peace. It is for the purpose of settling a controversy which can never be settled finally until it is settled in the courts. It provides an absolutely impartial tribunal for the purpose of settling the rights of every person, the Government included, to the lands which are the subject of controversy.

The Senator from Wisconsin has stated to me privately, what I have no doubt he will state publicly, that the amount of lands which have been certified to the State of Iowa for the benefit of the Sioux City and Saint Paul Railroad Company and which have not been certified or patented to the railroad company, which as he claims are in controversy between the Milwaukee and Saint Paul Company and the Sioux City and Saint Paul Company, is about 17,000 acres. They are the lands that naturally came in conflict between these two companies by reason of the intersection of the routes of the companies at the point named in the statute granting the lands.

But there is one insuperable objection to this amendment to which no allusion, I think, has been made, and that is this: These lands are described in the bill as the lands which were patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railway Company. That expression is used, not for the purpose of stating a fact, but for the purpose of describing the land. The fact is the title to the lands is not in the State of Iowa. The State of Iowa by its Legislature on the 27th day of March, 1884, as disclosed in the report accompanying this bill, reconveyed to the United States all these lands. It held them only as a trustee. But by the law applicable alike to both companies these lands are bound to go through the hands of the State of Iowa in order that they may finally become the property of the company, unless Congress shall prescribe some other way.

Therefore we must provide now some way whereby these lands may go to those several companies if they are to get them, or they will never get them; that is, a new way, or to reaffirm the old way. In other words, no court now, upon the state of facts as it exists at this moment, can give to either one of these railroad companies one single acre of these lands. The judgment which may be obtained in the case which the Senator from Wisconsin speaks of, now pending in the Supreme Court of the United States, will absolutely be nothing more than an arbitration. It can have no legal effect whatever as determining what is to become of these lands. They can not pass out of the United States until Congress shall have legislated upon that point. I do not mean to say as a matter of fact that even if the Interior Department were now to certify these lands to the State of Iowa, the Legislature of Iowa would not authorize their conveyance to these companies until these issues were determined by a court. This has become the subject of discussion in that State, and the result of the discussion is shown by the action of the Legislature in declining to authorize the conveyance of these lands to the railroad company and to their reconveyance of them to the United States. Therefore, we are to deal with this as a new question so far at least as the title of the lands is concerned, and we must now provide *de novo* as to how that title shall be settled and how it shall pass from the United States if it is to pass at all.

So it is just as essential to the Milwaukee and Saint Paul Railway Company, as claimants for these lands, that there shall be affirmative legislation providing for the determination of their rights and of some way of passing the title to whatever lands they may substantiate their claim to, as it would have been if no legislation had ever been passed.

As I said, this is a bill in the interest of peace. Ever since I have been a member of the Public Lands Committee there has been before that committee at every session of Congress what is known, and what has now become still more famous, as the Des Moines River land case, a case in which Congress sought by legislation to remedy some of the wrongs, or mistakes, or errors, or whatever you may call them, that had grown out of the administration of the act giving lands to improve the navigation of the Des Moines River; and every time Congress acted it made the case worse, until finally we were driven as a last resort to send the question to the courts in order that the issues might be settled in such a way that we could legislate intelligently for the purpose of determining whether it involved the United States, or to recognize the wrong it had done and respond in damages or otherwise.

The situation in regard to these lands is very similar, and no settlement which is not final, as only a judicial determination can be, will prevent the State coming here year after year and year after year until finally we shall do that perforce which we ought to have done in the inception of the controversy.

I do not say that the Senator's amendment has any wider scope than he attributes to it, but I suspect that it would prove to be a Trojan horse. I fear so at least. I do not mean to say that I think there would be collusion between these two railroad companies. It is not necessary to lay such a broad foundation as that to oppose the amendment. The mere suggestion that such might be the case illustrates the unwisdom, I think, of legislation which would not only permit it but would give legal effect to it.

Is there any reason why lands which were granted twenty-two years ago and which have not yet passed to the railroad company, and which by reason of various occurrences set out in the report have finally come back from the State of Iowa to the National Government, should not now be made the subject of contention to ascertain exactly where the title is or where it ought to be? I know the Senator from Wisconsin is sufficiently assured of the rightfulness of the claim of the company in whose interest he has proposed the amendment not to doubt for an instant that it can maintain its claim to these lands in the courts. If that be true, then it runs no risk in the premises; and if it be not true, then he would be the last man in the world to stand here and say that it ought to have that by reason of legislation which it can not get by litigation.

Mr. President, every time we touch one of these land-grant questions there are exposed controversies and contentions about title not only of the most serious kind, but of a kind that affect the people in the communities in which the controversies exist. We are on the threshold now confronted with the necessity of settling these questions that have arisen during nearly forty years of administration of the General Land Office, and we ought to settle them in such a way that at once when we have passed a law it shall be the end of controversy, or if controversy remains it shall only be a controversy to be submitted to the courts, whose judgments once rendered are final. It was because not appreciating the situation the Congresses of 1861 and 1862 and on to 1873, that dealt with the Des Moines River question, that dealt with it in such a way that every time they touched it they left it in a worse condition than it was before.

The bill is so fair that no one has yet attacked its structure, that no one has yet assailed its purpose, and no one has denied that the machinery of it was ample and as perfect as human ingenuity and human language can make it to accomplish the purpose of settling this discussion. Can any one object to that? Is there any one whose rights are so sacred that, though in a condition not to be settled unless we legis-

islate one way or the other, he will not willingly submit those rights to be adjudicated on by the courts of the land? I think not; and I think it is not to the interest, if I may presume to say so, of the Milwaukee and Saint Paul company, or of any other company, to interpose for one single moment to prevent the passage of this bill, or to in any way amend it so that it shall be shorn of any of its jurisdiction with regard to any of the lands which are the subject of controversy, and which by the action of the Legislature of Iowa, have been reconveyed to the United States, and, therefore, the title being perfect in the Government after all this time something must be done which will take that title out.

It is because I believe this bill will promote a just settlement; it is because I know that until a just settlement is made and one which shall have back of it the fiat of the courts, there will be no settlement worth the name in that section of country, that I have assisted in drawing, have reported from the committee, and that I advocate the passage of, the bill; and I think that it would fall short of accomplishing the purpose it has in view, either for the main object which induced its presentation or for that which the Senator from Wisconsin has in view, if it were amended in any essential particular as he proposes to amend it.

Therefore, as I said, this bill representing the judgment of two separate committees of this body, that is the Public Lands Committee at two separate Congresses, confessedly without objection so far as its object is concerned, and with only the objection that it may possibly trench too far in the direction indicated by the Senator from Wisconsin—this bill as it came from the committee ought to receive the sanction of the Senate in order that it may speedily become a law.

Mr. SPOONER. Mr. President, I realize very fully the strength of the combination created by the union of the two Senators, the chairman of the Committee on Public Lands and the Senator from Iowa, against the pending amendment, and I should despair of its adoption by the Senate if I did not think I knew that it ought to be adopted. I can not permit even the Senator from Kansas, for whom I have great respect, to make against the amendment a false issue. He has no right to intimate the possibility that my statement that I was in favor of the bill with this amendment was not made in perfect good faith.

Mr. PLUMB. If the Senator understood me to intimate that he was not acting in perfect good faith at every step, he misunderstood me entirely.

Mr. SPOONER. I stated to to the Senate yesterday as I state to the Senate again to-day, that regarding the bill as a bill of peace, affording an appropriate tribunal for the trial and determination of the controversy which I conceive to exist as to the company named in the bill, which it is alleged has defaulted, I shall vote for the bill with this amendment. The Committee on Public Lands has not passed upon the amendment. The Committee on Public Lands has not considered the amendment, either at the last Congress or at the present Congress. I do not know until the subject was introduced into the Senate yesterday, that any member of the Committee on Public Lands, except its chairman, had ever considered the phase of the question which is presented by the amendment. The bill had been reported to the Senate before the gentlemen who are interested in the amendment and ask to have it adopted for their protection knew of the bill at all, and they have had no hearing upon it. Although they have grave interests at stake in it they have had no hearing upon it before the Committee on Public Lands. So the opinion given against it by the chairman of the committee today is not the opinion of the committee, but is his own opinion simply, which I admit is entitled to great weight.

Now if Senators will take the trouble to look at the report submitted by the Committee on Public Lands, if they will take the trouble to read the speech, very full and very accurate, which the chairman of that committee presented to the Senate in favor of the bill when he called it up, they will find that the phase of it which I am presenting to the Senate is not considered either in the report or in the speech.

Mr. President, the fact must be admitted that this bill involves lands patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railway Company which the courts have decided belong to another company. Because the Government of the United States has a controversy with the Sioux City company on account of its failure to complete its road, why should the Senate of the United States involve in the proposed litigation lands which the court shall decide—and that the highest court in the United States—belong to another company which completed its road within the time prescribed?

There are two phases to this bill. One is the controversy which the Government has with the Sioux City and Saint Paul company, and the other is the relation of the Government to the Milwaukee and Saint Paul company. I stated to the Senate yesterday—and I have the certificate here before me—that the governor of Iowa under the great seal of that State certified that the Milwaukee and Saint Paul company completed its road to the intersection point within the time, and in strict accordance with the act of the Iowa Legislature and with the act of Congress. What reason has the Senator given to the Senate why the lands earned by the Milwaukee and Saint Paul Railway Company should be involved in this litigation? He has given none, and I think that he can give none.

The Senator from Kansas suggested that these lands had been already certified or conveyed back by the State of Iowa to the Government of the United States. He is mistaken. The very act of Iowa which authorizes the governor of that State to convey back certain lands to the United States excepts the lands in these counties, Dickinson and O'Brien.

I do not wish to take up the time of the Senate any further in discussing this amendment. I have submitted it in good faith, and I think it ought to be adopted. Its language is not susceptible of misconstruction. It simply proposes—and that is the whole of it—to take out of the litigation proposed by this bill such lands as the Supreme Court of the United States shall decide have been earned by this other company. Unless some other reason is given to the Senate than has been given why these lands should be involved in this litigation, this amendment ought to be adopted.

The PRESIDING OFFICER (Mr. VOORHEES in the chair). The question is on the adoption of the amendment offered by the Senator from Wisconsin [Mr. SPOONER].

Mr. SAULSBURY. I desire to ask the Senator from Wisconsin in reference to this amendment. Suppose the amendment be adopted, suppose the Supreme Court passes on the question now before it between the railroad companies, what would be the status of the lands?

Mr. SPOONER. As I stated to the Senate a moment ago in answer to the statement made by the chairman of the Committee on Public Lands, the act of the Legislature of Iowa under which certain lands have been conveyed by the governor of Iowa back to the United States excepts the lands in Dickinson and O'Brien Counties, where the lands in question are. The title to these lands is in the State of Iowa. The State of Iowa has not conveyed them to the company pending the determination of this litigation. This litigation will end in a few days. If the Supreme Court of the United States shall decide as the circuit court decided and as Mr. Justice Miller—than whom there is no greater judge living—decided, that the Milwaukee and Saint Paul Railway Company had earned, as it undoubtedly had, one-half of these lands, there is no reason to suppose that the State of Iowa will hesitate to convey the lands to that company. If this bill passes without the amendment the district attorney of the United States must, notwithstanding the decision, embrace these lands in this litigation.

Mr. CONGER. I wish to ask one question of the Senator from Iowa. I ask whether the lands he proposes by his amendment to except out of the provisions of this bill are lands which the circuit court of the United States has decided upon?

Mr. SPOONER. Certainly; they are lands which the circuit court of the United States has decreed, by specific sections, to have been earned by the Milwaukee and Saint Paul Railway Company by the construction of its road, within the time, to the intersection point.

Mr. CONGER. And the suit in which that decision has been rendered has been appealed to the Supreme Court?

Mr. SPOONER. Yes, sir; and will be argued next Monday.

Mr. CONGER. The object of the amendment is that it shall be undisturbed by this act of Congress?

Mr. SPOONER. The object is that whatever lands the Supreme Court shall decide were earned by the Milwaukee and Saint Paul Company shall not be drawn into this litigation.

Mr. WILSON, of Iowa. Mr. President, the Senator from Wisconsin is somewhat at fault with reference to his statement concerning the legislation of the General Assembly of the State of Iowa. The act by which the State resumed these lands was passed in 1882, and is not the act of 1884 to which the Senator refers.

Mr. SPOONER. Will the Senator from Iowa permit me to interrupt him?

Mr. WILSON, of Iowa. Certainly.

Mr. SPOONER. I did not refer to the act of 1882; I referred to the act of 1884.

Mr. WILSON, of Iowa. I so understood the Senator.

Mr. SPOONER. Under which it is said the governor of Iowa has reconveyed to the United States certain lands. I referred to that act for the purpose of calling attention to the fact that the act itself excepts from his authority to convey back to the United States the lands in Dickinson and O'Brien Counties.

Mr. WILSON, of Iowa. I do not understand that a conveyance has been made. The first section of the act of 1882 provides:

That all lands, and all rights to lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company by said acts of Congress, and of the General Assembly of the State of Iowa, which have not been earned by said railroad company by a compliance with the conditions of said grant, be, and the same are hereby, absolutely and entirely resumed by the State of Iowa, and that the same be, and are, absolutely vested in said State as if the same had never been granted to said railroad company.

That is the complete resumption under the act of 1882. The act of 1884 was one which provided in the second section thereof that—

The governor of the State of Iowa is hereby authorized and directed to certify to the Secretary of the Interior all lands which have heretofore been patented to the State to aid in the construction of said railroad, and which have not been patented by the State to the Sioux City and Saint Paul Railroad Company, and the list of land so certified by the governor shall be presumed to be the lands relinquished and conveyed by section 1 of this act: *Provided*, That nothing in this section contained shall be construed to apply to lands situated in the counties of Dickinson and O'Brien.

But this has no reference whatever to the act of resumption by the State. The State resumed the entire body of unearned lands, and the controversy involved grows out in part of the change of line by the company in its construction from that of the definitely located line which it filed in the Department.

The Senator from Kansas, the chairman of the Committee on Public Lands, has said that this is a bill for peace; and it is. If the bill shall pass without this amendment we shall have an opportunity to have peace established. If it shall pass with this amendment, then hereafter, after all has been settled that can be settled under the bill with the amendment, after all that shall have been accomplished, Congress will again be applied to for remedy.

Mr. HOAR. I should like to ask the Senator at some time convenient to him a question.

Mr. WILSON, of Iowa. I will hear it now.

Mr. HOAR. Suppose this amendment be not passed, will it not be the duty of the district attorney under the bill, if it becomes a law, to make parties to the suit persons whose title to their land will have been declared by the Supreme Court of the United States in the pending suit? And, if that be true, will not those persons who have once sustained their title in the highest court of the country be at the risk of having a judgment go against them, exposed to that possibility, or be obliged to again employ counsel and defend themselves anew?

Mr. WILSON, of Iowa. Why, Mr. President, if the case to which the Senator from Massachusetts refers as the one in which these parties may receive a decree establishing their rights, involved all the parties, who may be such, to the record, under the operation of this bill if it shall pass, then I would answer him that for such parties to appear and plead that decree would be a complete answer. But there is no such case pending. The United States is not a party in the pending suit.

Mr. HOAR. I do not quite get the answer of the Senator from Iowa. My inquiry is whether it will not be the duty of the district attorney under this bill, if it remains unchanged, to make parties to the proposed suit persons whose title is in controversy in the pending case in the Supreme Court of the United States, and whether therefore, even if their title is affirmed so far as that case goes between the litigants there, they will not still be compelled to employ counsel and to attend the new case perhaps to the Supreme Court of the United States in order to defend their title over again?

Mr. WILSON, of Iowa. Undoubtedly, if the district attorney should make them parties.

Mr. HOAR. Is he not bound to make them such?

Mr. WILSON, of Iowa. To this suit they would have to do just what any other parties in a suit would do, take care of their own interests, as all parties do take care of their interests in lawsuits; but there is no determination complete relative to the controversy concerning these lands except by the passage of this bill without the amendment of the Senator from Wisconsin.

Mr. MCMILLAN. Will the Senator permit me to ask him a question?

Mr. WILSON, of Iowa. Yes, sir.

Mr. MCMILLAN. Is there any doubt which can arise about the title to these lands, except such as will arise out of the question of performance or non-performance of the conditions of the act by which these lands were granted to the State of Iowa for the purpose of constructing the McGregor road? And if that be so, are not all the parties in interest to that question embraced in the action now pending in the Supreme Court upon an appeal from the decision of the circuit court in Iowa?

Mr. WILSON, of Iowa. I answer the question of the Senator from Minnesota most emphatically in the negative.

Mr. MCMILLAN. I understand the governor of the State of Iowa is a party to that action, and both railroad companies are parties to that action. Under the act of Congress and in the present condition of the case all questions must arise out of that land grant. No person can have any interest in the lands except under that act.

Mr. WILSON, of Iowa. The Senator is mistaken again, for the reason that the act making the grant specially provides that these lands, in case of failure of the company and State to complete the railroads according to the terms of the grant, shall revert to the United States.

Mr. MCMILLAN. But there is no question of failure, because there is a complete performance of the construction of the McGregor road between both termini.

Mr. WILSON, of Iowa. The failure of one involves the overlapping limits as concerning both.

Mr. SPOONER. Do I understand the Senator from Iowa to state to the Senate as a proposition of law that under this land-grant act, if one company built its whole road within the time limited, 227 miles, and the other company failed to construct a few miles of its road, thereby the company which has complied forfeits any of its rights?

Mr. WILSON, of Iowa. No, sir; I hope the Senator does not so understand me; but I can make him a statement which I hope he will understand; and that is to say that although the Milwaukee and Saint Paul Railroad Company has constructed its road to Sheldon, the question involved in the change of the line of definite location and the failure of the Sioux City and Saint Paul company to construct its line does concern the Milwaukee and Saint Paul company so far as the overlapping limits within the grant may be concerned; for if it is to be adjusted on the constructed line then there is one quantity, if it is to be adjusted on the line of definite location then there is another quantity.

Mr. SPOONER. I desire to say to the Senator from Iowa, in justice to myself, that I comprehend the statement which he has just made; but I desire to say to him, in justice to myself, that I understand, as a matter of law, there is no earthly foundation for that statement. Every land grant that ever has been made by the Congress of the United States has been adjusted, as I stated to the Senate yesterday, not upon the line of construction but upon the line of location, and the Supreme Court has decided such to be the law. Twenty years ago the Supreme Court of the United States decided in a case which I had the honor to argue there, that the rights of the State and the company in the land grant were fixed by the filing in the Department of the map of definite location. That map was filed by this company, and the grant and its limits became definite and fixed. The deflection, as I showed to the Senate yesterday, in the line of construction, while it might under some circumstances raise a question as to whether the company had not abandoned its rights under the land grant, does not change and never has been considered as changing in the slightest degree the limits of the grant—either the primary or the indemnity limits—so that the change in the constructed road, which in this particular case was only 3 miles, and it was sanctioned by the Department. has nothing whatever to do with the question of adjustment.

Now, Mr. President, a word more, and I shall trouble the Senate no more upon this amendment. I thank the Senator from Iowa for calling my attention to the act of 1882, and for stating to the Senate that the Senator from Kansas was mistaken in saying that the governor of Iowa had executed any conveyance of these lands back to the United States. The State of Iowa never has resumed or undertaken to resume the lands in this overlapping limit which it had granted to the Milwaukee and Saint Paul Railway Company. The State of Iowa conferred upon the Milwaukee and Saint Paul Railway Company in 1878 the grant from McGregor to the intersection point, expressly including the lands to which it might be entitled in this overlapping limit. The intention of the Legislature was manifestly to give to that company, as it ought to give to that company, its proportion of the lands in this conflict.

I stated to the Senate that the State of Iowa had had no controversy with the Milwaukee and Saint Paul company; that its controversy has been entirely with the Sioux City and Saint Paul company, which alone it could claim was in default, and the act of 1882 proves it. Will the Senate bear with me one moment while I call attention to the preamble of the act?

Whereas by an act of the General Assembly of the State of Iowa, approved April 3, A. D. 1866, so much of the lands, interests, rights, powers, and privileges as were or might be conferred, in pursuance of said acts of Congress, to aid in the construction of the aforesaid road—

That is, the Saint Paul and Sioux City road, not the Milwaukee and Saint Paul road—

were disposed of, granted, and conferred—

Not upon the Milwaukee and Saint Paul company, but—

upon the Sioux City and Saint Paul Railroad Company; and

Whereas said act of Congress further provides that if the road accepting said grant is not completed within ten years from its acceptance thereof, the lands thereby granted and not patented should revert to the State of Iowa for the purpose of securing the completion of said road; and

Whereas said Sioux City and Saint Paul company—

Not the Milwaukee and Saint Paul company—

Whereas said Sioux City and Saint Paul company duly accepted said grant on the 20th day of September, A. D. 1866, but has failed to complete or cause to be completed any road on the line adopted therefor, from Sioux City to Le Mars—

This 24 miles—

in said State of Iowa, or any road in lieu thereof:

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That all lands, and all rights to lands granted or intended to be granted—

Not to the Milwaukee and Saint Paul Railroad Company, which had completed its road through to Sheldon—

and all rights to lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company—

Including its one-half in the overlap, are resumed to the State of Iowa, leaving in the State of Iowa beyond any possible question the lands in the overlap which it had conferred on the Milwaukee and Saint Paul company for completing its road from McGregor to the intersection point. So, then, a part of these lands would be embraced, without my amendment, in the litigation proposed by this bill.

Mr. WILSON, of Iowa. The complete answer to the statement of the Senator from Wisconsin is this, that all of the lands in controversy, both as respects the bill reported from the Committee on Public Lands and his amendment, were conveyed by the United States to the State of Iowa for the benefit of the Sioux City and Saint Paul company.

Mr. SPOONER. But has not the court decided that that conveyance could not change the trust created by the act of Congress; that a part of these lands, although patented by the Secretary of the Interior to Iowa for the benefit of the one company, inured to the benefit of the other?

Mr. WILSON, of Iowa. That is a case in which, as I have already said, one of the very important parties does not appear in the record.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER] which will be read.

The Secretary read the amendment, which was to add to section 2:

Nothing in this act contained shall be construed to embrace or involve in the litigation to be initiated and carried on under the provisions hereof any lands which the Supreme Court of the United States shall decide, in the cause now in said court pending on appeal from the circuit court of the United States for the district of Iowa, in which the Sioux City and Saint Paul Railroad Company is appellant and the Chicago, Milwaukee and Saint Paul Railway Company, John H. Gear (governor), and others are respondents, to have been earned by the Chicago, Milwaukee and Saint Paul Railway Company by the construction of the portion of the land-grant railway from McGregor, Iowa, to a point of connection with the Sioux City and Saint Paul Railroad at Sheldon, in O'Brien County, Iowa.

Mr. SPOONER. I should like to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. INGALLS (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this question.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], but understanding that he would vote for the amendment if present, I vote "yea."

The result was announced—yeas 33, nays 13; as follows:

YEAS—33.

Aldrich,	Frye,	Mahone,	Sewell,
Beck,	Gibson,	Manderson,	Sherman,
Butler,	Gray,	Miller,	Spooner,
Chace,	Hampton,	Morrill,	Stanford,
Colquitt,	Harris,	Palmer,	Voorhees.
Conger,	Hoar,	Payne,	Wilson of Md.
Cullom,	Jackson,	Riddleberger,	
Eustis,	Kenna,	Sabin,	
Evarts,	McMillan,	Sawyer,	

NAYS—13.

Allison,	George,	Pugh,	Wilson of Iowa.
Berry,	Hawley,	Teller,	
Call,	Jones of Arkansas,	Vance,	
Cockrell,	Plumb,	Walthall,	

ABSENT—29.

Blackburn,	Dolph,	Jones of Nevada,	Platt,
Blair,	Edmunds,	Logan,	Ransom,
Bowen,	Fair,	McPherson,	Saulsbury,
Brown,	Gorman,	Maxey,	Van Wyck,
Camden,	Hale,	Mitchell of Oreg.,	Vest.
Cameron,	Harrison,	Mitchell of Pa.,	
Coke,	Ingalls,	Morgan,	
Dawes,	Jones of Florida,	Pike,	

So the amendment was agreed to.

Mr. MCMILLAN. I offer the following amendment, to follow the amendment just adopted by the Senate:

Nor any lands which the Supreme Court of the United States shall decide in said cause to have been earned by the Sioux City and Saint Paul Railroad Company.

I think the Senate understands the facts here very fully from the discussion which has just taken place. The lands embraced in this action are located midway upon the Saint Paul and Sioux City road, as it has been constructed under the act of Congress. These lands lie in place along the constructed road of the Sioux City and Saint Paul Railroad Company. There is no difference whatever between the question presented in the amendment just adopted and in this, except that the Sioux City company did not complete its road entirely to the terminus on the Missouri River at Sioux City, but it has constructed through these lands, and in 10-mile sections the lands have been earned by the company under the act of Congress, and these are part of the lands in place along the road. Fifty miles of the road have been actually built in sections, and these are part of the lands which have been earned by the construction of that road, and cannot be taken from this company, because the Supreme Court has settled that question beyond all doubt; and the question as to the division of the lands in the overlapping limits between these companies is pending in the action referred to by the Senator from Wisconsin. The supreme court there will determine the right of the Sioux City and Saint Paul road to the moiety of their lands remaining after the portion disposed of by the amendment just adopted. I think the Senate understands the question very fully, and it is not necessary for me perhaps to discuss it further.

Mr. CONGER. Will the Senator allow me to ask of him a question?

Mr. MCMILLAN. Yes, sir.

Mr. CONGER. If I understand the proposition aright, if the 6½ miles that have been built had been 10, in the natural process the land would have been allotted to this road; and the only doubt about it was that under the law the lands were to be given to the road on the completion of each 10 miles.

Mr. MCMILLAN. Yes, sir.

Mr. CONGER. But as there is an overlapping between the two roads, and this company only built 6½ miles——

Mr. MCMILLAN. No; 56½ miles of the road have been built. For 50 miles the company earned the lands in five 10-mile sections. For the rest of the road the company has received no lands, and the amendment I offered at the opening of the discussion was for the purpose of permitting the company to have lands for the 6½ miles constructed for which lands have not been allowed.

Mr. CONGER. That is what I understood. If there had been 10 miles constructed, there would have been no question, as I understand.

Mr. MCMILLAN. None whatever.

Mr. CONGER. This is to give land for what was actually constructed, although not 10 miles?

Mr. MCMILLAN. Yes; this is right on the road in place.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Minnesota [Mr. MCMILLAN].

Mr. PLUMB. I do not know but that it is the purpose of the Senate to so amend this bill that it shall accomplish no object whatever except that of keeping this matter before Congress until the end of time. This amendment of the Senator from Minnesota is designed for that purpose, and will undoubtedly aid in accomplishing it. This bill refers to lands which have been patented to the State of Iowa and which the State of Iowa, feeling that the railroad company had not earned, has reconveyed to the United States. The title in these lands is in the General Government to-day.

Mr. MCMILLAN. Will the Senator from Kansas permit me to call his attention to a matter in regard to that statement? These lands are in the counties which are excepted from the lands to be conveyed by the State of Iowa, and they are in the State of Iowa in trust for this company.

Mr. PLUMB. The Senator knows as well as he knows anything that that company will never get a single acre of these lands unless it gets them as the result of some judicial decision, or unless it succeeds, as it undoubtedly hopes to do, in wearing everybody out, and so at the end of a long and hopeless struggle getting something to which it is not by the law entitled.

The purpose of the Senator in this matter is very plain, of course. Here is a fact which I will venture to restate again to the Senate: There are about 85,000 acres of these lands which were not earned in accordance with the terms of the granting act, and I call attention to the fact that the granting act, as shown by the copy which is contained in the report, was not a grant of so many acres per mile, but of so many acres per section of 10 miles. The railroad company did not complete the railroad, and the last part of its construction was not the construction of a section of 10 miles. The State of Iowa, therefore, refused to transfer the lands to the railroad company, and they remain in that condition to-day; and the Legislature of the State of Iowa, for the purpose of preventing the governor from even assuming to do that, by an act duly passed and approved, said what amounted substantially to a direction to him not to do it; and the Interior Department, acting upon that question, as it had a right to do, decided that these lands were not the property of the railroad company, but were lands which the Government ought to resume for the purpose of opening them to settlement. On that statement settlers have gone upon them.

Now, we propose simply to send this question to the courts to ascertain whether these parties are entitled to the lands or not, the Government asserting its reversionary interest in them for the purpose of laying the foundation for the suit, and the courts to decide all the interests there are in controversy. The Senate proposes to except first this and then the other. Why should we not take out all of them and be done with it? The decision of the case pending in the Supreme Court will not determine the question as between the Government and the railroad company at all. The railroad company can not set up in that suit any rights against the Government, and the Government can not set up any rights against the railroad company. The Government is not there at all. Therefore it will decide no fact that is necessary for the purpose of determining what is the essence of this controversy, to wit, whether this railroad company has earned the land or not. Yet it is proposed affirmatively here to give to it certain lands which have become a subject of litigation between this railroad company and another railroad company, to which litigation the Government is not a party, and in which, of course, it can set up no right.

Mr. MCMILLAN. The Senator from Kansas is certainly mistaken in the presentation he has made of the granting act in this instance. The lands were granted to the State of Iowa for a certain number of sections per mile of road. That was the granting clause. A subsequent portion of the act prescribed that the State should certify these lands to the company whenever they completed 10 miles of their road, and for each 10 miles completed the Government was to convey the lands. It was the mode of the execution of the trust that was limited to the 10-mile sections, although that does not, I think, make any very great difference in the principle here. This company proceeded to construct 56 miles of road. For each 10-mile section in 50 miles they have earned the quantity of land prescribed by the act of Congress. These lands were patented to the State of Iowa in trust for this purpose in connection with other trusts that they were to execute. They have not conveyed the lands in these two counties because of the conflict between these two railroad companies, a dispute having arisen between them as to the lands which should be conveyed. In resuming the lands and directing them to be reconveyed to the United States the State of Iowa has excepted the lands in the two counties, Dickinson and O'Brien,

which lie at the middle of the road as constructed by the Sioux City company, at the junction of it and the Milwaukee and Saint Paul road.

There can be no doubt about their having the lands upon the five 10-mile sections; most of them have been certified to the company; these have been reserved; and the parties interested in this matter are all involved in the suit pending in the Supreme Court, the State of Iowa represented by the governor of the State, and the two railroad companies. That suit is to determine, of course, the lands which are due to the Milwaukee and Saint Paul company, and they are merely to take from the lands which have been patented to the Sioux City road by the decree of the court. So the court must pass upon the title of the Sioux City road to the entire grant before it can determine the right of the Milwaukee and Saint Paul company to their portion of it.

Now, in a case of this kind where the company have gone on and constructed their road far beyond these lands, why throw them into litigation again when they are passed upon by the Supreme Court of the United States and are merely taking from the Saint Paul and Sioux City company a portion of that to which they are entitled by reason of the construction of their road?

Mr. PLUMB. Does the Senator mean to say that in the suit now pending in the Supreme Court there will be any issue to be decided by the court as between the Government and this railroad company?

Mr. MCMILLAN. The court must pass upon the grant to the Saint Paul and Sioux City road. These lands are in the Saint Paul and Sioux City grant.

Mr. PLUMB. Does the Senator mean to say that the court can pass upon the question whether this road was built within the proper time or not?

Mr. MCMILLAN. As between these companies and the State of Iowa they must of course determine the right to these lands.

Mr. PLUMB. Not as between the companies and the General Government.

Mr. MCMILLAN. The General Government is not a party except as the act of Congress is involved which has been passed by the General Government; and there can be no doubt about the whole question being involved. This does not involve any lands to which this company are not entitled, but they are on the same footing exactly as the other company.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN].

Mr. MCMILLAN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR (when the name of Mr. DAWES was called). My colleague [Mr. DAWES] is paired with the Senator from Texas [Mr. MAXEY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote on this amendment, and therefore I withhold my vote.

Mr. MAXEY (when his name was called). In the absence of the Senator from Massachusetts [Mr. DAWES] I am paired with him and do not vote. I do not know how he would vote on this amendment, and therefore I decline to vote.

The roll-call was concluded.

Mr. KENNA. On the last roll-call I voted under a misapprehension. On this I am at liberty to vote.

Mr. MANDERSON. The Senator from Kentucky [Mr. BLACKBURN] having returned, I desire to vote.

The result was announced—yeas 10, nays 29; as follows:

YEAS—10.

Conger,	McMillan,	Sabin,	Stanford.
Dolph,	McPherson,	Sawyer,	
Hoar,	Palmer,	Sherman,	

NAYS—29.

Allison,	Colquitt,	Ingalls,	Pugh,
Berry,	Eustis,	Jackson,	Teller,
Blackburn,	Evarts,	Jones of Arkansas,	Vance,
Butler,	Gibson,	Kenna,	Walthall,
Call,	Gorman,	Mahone,	Wilson of Iowa.
Chace,	Hampton,	Manderson,	
Cockrell,	Harris,	Mitchell of Oreg.,	
Coke,	Hawley,	Plumb,	

ABSENT—36.

Aldrich,	Edmunds,	Logan,	Ransom,
Beck,	Fair,	Maxey,	Riddleberger,
Blair,	Frye,	Miller,	Saulsbury,
Bowen,	George,	Mitchell of Pa.,	Sewell,
Brown,	Gray,	Morgan,	Spooner,
Camden,	Hale,	Morrill,	Van Wyck,
Cameron,	Harrison,	Payne,	Vest,
Cullom,	Jones of Florida,	Pike,	Voorhees,
Dawes,	Jones of Nevada,	Platt,	Wilson of Md.

So the amendment was rejected.

Mr. HOAR. I move to amend by inserting after the word "entry," in section 5, line 5, the following words:

Provided, That if the President of the United States shall be satisfied that the Sioux City and Saint Paul Railroad Company have constructed their road for any portion of a section of 10 miles, and have refrained for good reasons from constructing the same for the remainder of such section, and that such refraining from constructing the same has been for the public advantage, he may cause patents to be issued to said road for such proportion of the lands which would have been earned by the completion of said 10 miles as the amount of road already built bears to said 10 miles.

I understand that the point in the bill which this amendment affects is exactly this: The United States granted to the State of Iowa some public lands for the purpose of constructing railroads within its borders. It authorized the governor of that State, when a section of 10 miles was completed, to issue a patent for a certain quantity of land. The United States provided for two railroads in that arrangement. It turned out that one of the railroad companies came down and built its railroad over lands embraced within the termini of the other. The Sioux City and Saint Paul company were entitled to go on and build their road in the same neighborhood, and thereby compel the United States under the law to give two land grants for those 10 miles instead of one—one to each company. Thinking that that was not desirable for the public or desirable for them, they stopped and brought their road to a termination at the end of six miles and a fraction, leaving the remainder of the 10-mile section unfinished. Then they proceeded to convey their property to a trustee in favor of some capitalists, who loaned at 7 per cent., if I am not mistaken, paying out the entire amount of the money, receiving their bonds secured by this mortgage, on which bonds they have received neither principal nor interest for some years.

It seems to me that, if that is true, it is just that the United States should let this company have the lands for the six-tenths that it built, and not set up a mere technical answer that they were not to have any lands unless the 10-mile section was completed. And it is not an answer to that proposition to attack railroads, or to say that other railroads in times past have done all sorts of wrong things. It seems to me that the Senate is capable of taking the railroads of this country and the citizens of this country and all other public interests alike and of dealing out to them absolute justice, without fear or favor.

This bill will take away from the United States the possibility of doing what it thinks just in regard to these bondholders, because it provides that the United States shall resume these lands unless the legal title has been parted with, and then, some of them being worth considerably more than a dollar and a quarter an acre, they shall be sold out to certain settlers at the original pre-emption price.

The amendment provides that if the President of the United States shall be satisfied on inquiry that this road refrained from completing that section of 10 miles for good reasons, and, further, that that refusal was a benefit to the public, so that the road did not do it for its own advantage, but the United States has been the gainer by it, he shall be authorized in that case to issue a patent for so much of the lands as the proportion of road actually built bears to a section of 10 miles. It seems to me that this is as absolutely fair and just a proposition as can be put into words.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. PLUMB. I think one tribunal to settle this question is enough; but of course the effect of this amendment is to practically render nugatory all the remainder of the bill, because with the President by it is deposited the entire jurisdiction after all. The controversy in this bill is in regard to lands which it is claimed belong to a fractional section of the road. There is something very remarkable in the determination of this company never to submit its rights to the adjudication of a court. Why all at once this sudden confidence in the President of the United States? Why this distrust of the courts of the United States? It is simply for the purpose of enabling somebody to get up a juggle whereby this railroad company will have something which the law did not entitle it to have. Why does not the Senator from Massachusetts come out in a manly way and propose to make these people a new grant, and be done with it? We know all the facts that the President can ever find out. They have all been stated here by Senators who are familiar with them, who are in combination and concert with the parties in interest and with this railroad company.

The fact is that they built to Le Mars not to subserve any public interest whatever. I have heard a good deal of the gushing philanthropy of this railroad company lately. It is a new idea to me that railroad companies ever did anything *pro bono publico*. When they started their line on the south boundary of the State of Minnesota they had more than 50 miles within which to locate the point of beginning. They could have located it in such a way as to have gone 30 miles west of Le Mars, and gone in a straight line clear down to Sioux City. The policy of Congress was to have a line built all the way. Instead of that they knowingly built up against a railroad which was built before ever they started, and stopped there, and then made a contract with that railroad company that in case they would let them run their through trains over its line they would not do an item of local business between Le Mars and Sioux City, thus depriving all the people of that section of country of the local benefit of the railroad.

There never has been a more flagrant violation of public right, a more complete contempt for the public, than is exhibited by the claim of this railroad company to these lands, and it is an afterthought. For more than ten years after they completed their railroad they never set up a single claim to these lands. It was not until the public was aroused on the subject, until the fact that the lands lying there idle became the subject of inquiry among people who would like to be settlers, that

the railroad company came in and set up any claim to them, and then they sought to do it by indirection, just as they are seeking here in every way to impede the settlement of this question by the courts in order that their legal rights may be determined as they should be and as the rights of others are determined.

Who ever heard of submitting a question of this kind to the President of the United States? Did Congress ever before lack the courage to make a railroad grant if it wanted to? Why say to the President, "If you want to you may take 85,000 acres of land out of the public domain and endow a railroad company with it?" No, sir; if there is to be a new grant made, if we are to endow this railroad company with new lands to which they are not entitled, let us have the manliness to come out and say so, as other statutes have said so, and not get behind the skirts of the President of the United States.

Mr. HOAR. Mr. President, this company was constrained to build its road from one terminus to another, and it started and went as nearly by a straight line from the terminus of beginning to the terminus of completion as you can put down on a map. There is scarcely a divergence from a straight line on the map. When it got to its last 10 miles it found another chartered road which had come around with a long curve, and came in there within its chartered limits and gone to the very territory which the continuance of this straight line would have brought this straight road into, and it was a land-grant road also; and the two roads would have come within 4 or 5 miles of each other. What then did this company do? If it had gone on and completed its road the Government would have had to pay out for the entire section of 10 miles two sets of land grants; and thereupon it stopped, it made its terminus at the line of the other road and saved just that amount to the United States.

The Senator from Kansas talks about our making a new land grant and not going to the courts. If you go to the courts, of course the technical legal answer is open to the Government; that is, you are not to have any land except on a certificate that a section of 10 miles was completed, and you have only built 6. This amendment proposes to waive that technicality, that injustice, that wrong, and to say that if the President of the United States on investigation finds these two things to be true: first, that this road stopped for a good reason; second, that it conferred an advantage on the public by so doing, he shall have the power to issue to it patents for its lands for the proportionate part.

Now, I would like to ask any Senator within the sound of my voice what there is unmanly, or retreating behind anybody's skirts, or indirect in making that proposition to the Senate? It is a clear and straightforward proposition. Everybody who votes against it knows what he is voting against, and everybody who votes for it knows what he is voting for.

The precise thing which I say ought to be done and claim ought to be done is, that if this railroad did not complete its full 10 miles because another land-grant railroad had taken up a part of its territory, and that was a benefit to the public, instead of Congress requiring it to go on and complete the section it would, if the case arose at the passage of the first law of Congress, of course have said "no;" and I propose that under these circumstances the President is to waive the technicality.

Mr. PLUMB. The Senator from Massachusetts misstates the facts entirely, undoubtedly unconsciously. In the first place, when this company commenced to build its road under this land grant every mile of the road built by the other company was already constructed and had been several years before. So when it commenced its construction upon the line which it ultimately adopted it knew just exactly where it would lead; that is, to this constructed line.

Mr. HOAR. A straight line.

Mr. PLUMB. It was not a straight line, except by reason of the fact that they elected to take a point of beginning which made it a straight line, for they had more than 50 miles of leeway in which to start the road.

Mr. McMILLAN. If the Senator will permit me——

Mr. PLUMB. If the Senator will let me alone——

Mr. McMILLAN. I think it is important that the Senator should get the facts correctly.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield?

Mr. PLUMB. I do not.

The act of Congress said that they should commence on "the south line of the State of Minnesota at such point as the said State of Iowa may select, between the Big Sioux and the west fork of the Des Moines River," a space of more than 50 miles, and the State of Iowa was authorized by the act to build from any point it chose within that limit. When the company commenced their construction in the first place for the purpose of getting the withdrawal of lands they staked out the line which they filed in the office of the Secretary of the Interior, which averages more than 6 miles west of the line on which they built, but subsequently coming to an arrangement with the other railway company which had already built its line they changed that line and built 6 miles west and came down and effected the junction, and then, as I said, in order to make use of that for their own purposes, in order to get rid of building 25 miles of railroad because there were not lands enough remaining to give them one hundred sections for every mile down to Sioux City, they did not complete it because they were not going to get the profit. There is the milk in that cocoanut. So for the purpose of enabling them to stop construction they made a contract with this other railroad that if they would let them join at Le Mars they would do no local business between those two points, and thus they cut the people of that section of country out of the benefit of competition.

Now what is the use of the Senator from Massachusetts leaving this question to the President? He has decided it himself. He says it was unjust; he says they did this thing for a great public purpose and they saved the Government some of the land, and they accomplished the purpose Congress had in view, and if Congress had known beforehand the thing would have been done they would have authorized it to be done. Then why does he want to leave it to the President when he has decided it already? Why does he not have the manliness to come out and say, "I will give these parties the lands notwithstanding they have not complied with the law?" It is a new grant. That is all there is about it. It is true as the Senator from Massachusetts says; they technically did not comply with the grant; in other words, they did not comply with the law under which alone they could get the grant, and he advises us now to make them a grant and put them in as good a condition as they would have been if they had complied with the law.

I think that this power of waiving errors, or this permission to waive errors and what are called technicalities, ought not to be invoked in favor of a railroad company least of all other corporations or all other persons, natural or artificial. They have got in their employ the best lawyers in the land. They constantly keep in their employ men of that kind. They went down there to Le Mars under legal advice, undoubtedly. They took their chances, and I have no doubt that same legal advice was to the effect that they were not entitled to these lands because they never set up any claim to them for more than ten years later. They did not even mortgage them, and that is a very considerable circumstance, because I never knew of a railroad company before that did not mortgage not only all that it had but all its expectations near and remote. It did not even mortgage these lands. It knew it had no right to them, but it has been prompted by somebody to come here, and it has found Senators like the Senator from Minnesota and the Senator from Massachusetts, who, of course with proper motives, are now determined that these lands shall be taken from the public domain by legislation and given to a railroad company which did not earn them and has no more right to them than a railroad company in the State of Kansas has.

Mr. McMILLAN. Mr. President, I endeavored to interrupt the Senator from Kansas for the purpose of getting the truth to the Senate. I am aware that the Senator from Kansas has no other desire in advocating this bill than to do an act of public justice, and in doing that it is not his desire to mislead the Senate. As the chairman of one of the great committees of the Senate, he does not wish to present anything here that is not true in regard to these matters. He does not wish to mislead the Senate. But suppose that this company has done anything which it has not done, or that it has violated its duty in any way, yet the presentation of the case as the Senator has made it would do great and violent injustice in this instance.

He said that these lands were granted to the State of Iowa for the construction of a road from the northern line of Iowa, and that the company had fifty miles of a margin in which it could locate its point of commencement; and on the face of the law, on the letter of the law it had, but the object of the law, the purpose of it when applied to existing circumstances, was very plain and beyond doubt, because a railroad had been constructed to the northern line of Iowa from Saint Paul which gave direct connection from this region not only with Saint Paul but clear to Lake Superior, and brought them directly to the great water way to the East, which enabled these farmers to get their grain to market and conferred upon them the purpose of competing for the market with all the great trunk lines of railroad crossing this continent. That was the purpose of getting them to the water channel there, and it was to extend that connection to the Missouri River that this grant was made. The connection had already been made to the northern line of Iowa at a particular point where the road struck that line, and this grant was intended to continue the road on down southwest and afford those people a market, and the same company which had built the road from Saint Paul southwest to the Iowa line built this Sioux City and Saint Paul road farther southwest into this agricultural region, and gave them a market for their grain.

So the point at which they were to commence on the northern line of Iowa was absolutely fixed; and if this company had commenced to build at any other place it would have been a violation of their duty and defeated the purpose of the people of Iowa and of the act of Congress in making a grant of land for the purpose in view.

Here is the line of the road, the most direct line that could have been constructed from the head of Lake Superior down to the town of Le Mars, where this road stopped, and it stopped why? It stopped at Le Mars only because it found constructed from that point farther southwest a railroad under the land grant of the United States for 24 miles on the direct line which this road would have pursued had it been extended.

Talk about bad faith or interfering with communities! These people by the construction of this road have had opened to them competition with all the great lines of transportation by railroad across the continent. That is what they were seeking. They were looking to the great Northern lakes, and this line goes from the Missouri River up to Lake Superior and is a part of the great line connecting with the Union Pacific Railroad.

No, Mr. President, the statement of the Senator from Kansas presents this case in a light which is deceptive. You can not get at the truth by it. Of course I would not intend to intimate anything else than that it was unintentional. The point was fixed by the construction of the road, and that enabled them to go on and build it, and having terminated the road at the town of Le Mars they built up the town, they gave a market to the farming community around there, and bestowed upon them advantages which they will continue to reap as long as the agricultual settlements continue there.

Mr. WILSON, of Iowa. I wish to say, in reply to the statement of the Senator from Minnesota with respect to the point of commencement on the southern line of the State of Minnesota that the determination of that place of commencement was entirely within the hands of this company, because this was but a part of the company that constructed down through Minnesota to the southern line of that State.

Mr. MCMILLAN. So as to strike the northern line of Iowa.

Mr. WILSON, of Iowa. Exactly; so that the two companies, one in Minnesota and one in Iowa, forming practically one, had the whole thing in their own hands, and they had the play of 50 miles within which to determine where they would start the line.

Mr. MCMILLAN. Not at that time.

Mr. WILSON, of Iowa. At that time.

Now, I do not care to occupy the time of the Senate in repeating what has been said; but I do wish to enforce one consideration upon the minds of Senators, and that is this: When the Senator from Massachusetts and the Senator from Minnesota make an appeal here on the ground of the good faith of this company in the discharge of its duty they are planting themselves on a basis that can not stand. The law fixed the duty of the company, and that was to build a road from Sioux City to the south line of the State of Minnesota. Instead of that they commenced at the south line of the State of Minnesota and built south to the town of Le Mars; and when they got there they did not make an intersection with the other road embraced within the act of 1864. They there found another company that had its land grant on to Sioux City, had constructed its road, and by obtaining its land thereby consumed the greater part of the land between there and Sioux City.

Mr. MCMILLAN. Will the Senator from Iowa permit me to call his attention to a statement there?

Mr. WILSON, of Iowa. Certainly.

Mr. MCMILLAN. The Illinois Central had an act passed in 1864 by which it was permitted to change its line from some point in the State of Iowa, some town there, and instead of running due west ran northwest out of its course to Le Mars and then southwest to Sioux City; but while it was permitted to change its line its land grant was not changed, and it took its grant away down south of that along the original line of survey.

Mr. WILSON, of Iowa. Notwithstanding that fact, the land grant made to the Illinois Central and to the Milwaukee and Saint Paul and to this company overlapped each other.

Mr. MCMILLAN. That would not have interfered with this company getting the land.

Mr. WILSON, of Iowa. But it does interfere, because overlapping the grant the lands within the overlapping limits would be divided up.

The PRESIDENT *pro tempore*. The Senator from Iowa will pause. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be announced.

The CHIEF CLERK. The resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. KENNA] is entitled to the floor on the pending resolutions.

Mr. PLUMB. I would not, of course, interfere with the convenience of the Senator from West Virginia, but I am sure that we can dispose of this matter in a few moments if he will yield.

Mr. KENNA. I have no objection to yielding for a very few moments, but I wish to dispose of the matter I have in hand to-day, and I do not want to be too late in the evening.

The PRESIDENT *pro tempore*. Is there objection to laying aside informally the pending business with a view to continuing the consideration of the bill which has been before the Senate?

Mr. KENNA. I can not consent to that arrangement except with a limit as to time.

Mr. PLUMB. I will yield to the Senator from West Virginia at any moment he shall see fit to demand the floor.

Mr. KENNA. How long does the Senator suppose it will take to finish the bill?

Mr. PLUMB. I do not suppose it will take more than ten minutes.

Mr. KENNA. I shall very cheerfully wait ten minutes.

The PRESIDENT *pro tempore*. If there be no objection the consideration of the pending bill will be proceeded with. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was rejected—ayes 8, noes not counted.

The bill was reported to the Senate as amended.

Mr. MCMILLAN. I ask for a separate vote on the last amendment I offered.

The PRESIDENT *pro tempore*. The amendment having been defeated, the Senator will have to renew it in the Senate.

Mr. MCMILLAN. I shall renew it when the question is disposed of on concurring in the amendments made as in Committee of the Whole.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. [Putting the question.] The noes appear to have it.

Mr. HOAR. I appeal to my friend from Kansas that it is not quite fair to let the amendment of the Senator from Wisconsin [Mr. SPOONER] be lost in his absence. He is away under the belief that at 2 o'clock the unfinished business would come up. I shall not press my amendment any further.

Mr. PLUMB. I shall not ask for a separate vote on the amendment of the Senator from Wisconsin, though of course, if the Senator from Iowa desires a separate vote, it is his right to demand it.

The PRESIDENT *pro tempore*. As no separate vote is demanded on concurring in the amendment of the Senator from Wisconsin, the Chair will again put the question on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. MCMILLAN. I now renew the last amendment I offered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add to section 2, as amended, the following words:

Nor any lands which the Supreme Court of the United States shall decide in said cause to have been earned by the Sioux City and Saint Paul Railroad Company.

Mr. MCMILLAN. I offer this amendment because I think there is no difference in the principle between the provisions of this amendment and the amendment which was adopted in Committee of the Whole and concurred in by the Senate, offered by the Senator from Wisconsin. The companies are in the same suit. The lands are precisely in the same situation, with one single exception as to the terminus of this road.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 85) for the relief of B. Jennings;

A bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.;

A bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal revenue, and other civil offices, and a United States jail in the city of Fort Smith, Ark.; and

A bill (S. 806) granting a pension to Mary B. Holmes.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The unfinished business will now be proceeded with.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. KENNA. Mr. President, I was impressed, as I have no doubt others were, by the anomalous conditions which characterized the proceedings of this body on the 9th day of this month. The Senator from Vermont [Mr. EDMUNDS], who, whether it be so in fact or not, is recognized throughout this country as the father of this movement of obstruction to legitimate executive power, had occupied the floor for two or three hours. He had done so with the capacities which we all know him to possess. He had made, it is to be presumed, as the country expected that he would make, all that could be made of the issues involved in this controversy. He had argued with elaboration and with great skill issues of his own creation, and had come to confront the membership on this floor as he had come to confront the American people with a proposition very candidly and frankly stated in the early part of his speech. I shall not go in detail into the report that lies on your table, nor shall I at this moment undertake to discuss the resolutions which accompany it; but shall prefer for my own convenience, and I trust for the equal convenience of those who may hear me, to treat the issue as presented by the Senator himself.

Is this body as a part and parcel of the legislative branch of this Government entitled to call upon the executive department in any one of its forms or divisions or subdivisions and to receive in turn such

documents and papers as come within the definition of public and official papers as laid down by the Senator from Vermont? That as a primary proposition is the issue which is involved here to-day. Let us see what the definition of such papers is as prescribed by the author of this entire movement. The Senator from Vermont said:

What is an official paper, sir? It is not material to this discussion because the Senate has not called for anything else. What is an official paper? Suppose a letter were addressed to the President *pro tempore* of the Senate of the United States, as some are every day, as you know, sir, and came to your office as President *pro tempore* of the Senate of the United States, proceeding to state that such a public measure was useful or hurtful; would that be a private paper or a public paper, a private paper or an official paper? I take it there would be but one answer to that question.

I am obliged to state that in my conception every Senator on this floor took it at the same time that there could be but one answer to that question. But to my surprise, and I do not doubt to the surprise of all, the Senator from Vermont proceeded:

You would hardly think it within the fitness of things, I take it, that you could carry it to your house, or put it into your pocket, or put it into your fireplace and destroy it. It is addressed to you in your official character, and that is what gives character to a paper of whatever kind it is, whether official or whether private. It is true there may be official papers that are marked confidential, but they are not the less official papers.

Now I take it that out of all the papers which exist in the Department of Justice—and the report of the Attorney-General admits that there they are—there is not one of them on this subject or on any other subject that is not addressed either to the Chief Executive of the United States in his character as such, or to some head of a Department, or some officer of the Department in his character as such, and that is why they are in the Department of Justice or in any other Department. That is what gives them their character.

Mr. President, the suspension of an officer is said by the minority of the committee to be an act solely within the exclusive discretion of the President of the United States. So say the majority of the committee. But is not the suspension of a public officer an official act? The statute says it is; the President says it is. When under his seal and signature and the certificate of the Secretary of State, the attesting witness of the authenticity of the document, he suspends an officer, he does it officially. Of course, he has no right to do it privately. It is the President, and not the man, that suspends the officer, and it is therefore an official act. Therefore, every paper which is addressed to the officer exercising that function, in his character as the officer exercising that function, and upon that topic, must be an official paper. No matter how vile it may be, no matter how false it may be, no matter how little influence it may produce upon the mind of the officer who has to act upon it, it is not the less an official paper.

In my judgment, what appears on the face of the papers here is not the real object of this controversy, but primarily the Senator from Vermont in that definition of what constitutes an official paper has defined for himself and for the Senate and for the country the issue upon which we are contending. If addressed to you, sir, in your character and capacity as President *pro tempore* of the Senate, that and that alone makes it an official paper to the use of which every Department and functionary of this great Government is entitled, It may come from a Pottawatomie Indian, signed by him in his original dialect, involving the remote contingency of the scalping of the officers and members of this Senate, and yet, according to that definition, it is an official paper.

The Senator from Vermont proceeded to demonstrate, assuming his theories to be correct, that the Senate of which he is a member has a right to go into every Department of this Government, to go to the White House and to the Treasury, to the War Department and to the State Department, to the Post-Office Department and everywhere, whether acting in executive session or in open session, ransacking the archives of those Departments of the Government and wringing from them papers coming within the definition which I have read. Yet the very mockery of this situation seemed by some providential interposition to exhibit itself within a few moments after he had concluded. No sooner had the honorable Senator taken his seat than as is customary in this body some Senator moved that the Senate proceed to the consideration of executive business, and the bells which are arranged here for the convenience of members of this honorable Senate began to tingle throughout this end of the Capitol.

A body of gentlemen composing a part of this co-ordinate branch of the Government, having listened to the argument which undertook to show that all mankind shall have no secret from us, was admonished by the clanging of those bells that the time had come when the Senate would put on its robes of royal purple and the rest of mankind must go. Five thousand brave men and fair women were expelled from your galleries. The eyes of the American press were closed there. The doors rattled, the sentinels took their posts, and as a fitting testimonial, at the conclusion of the speech of the honorable Senator from Vermont, the Senate was resolved into the darkness of its ancient secrecy. As the files marched out and the officers assumed their posts as guards of the great privileges asserted here for the Senate and denied everywhere else, the thought came to my mind how abundantly practices may ingraft themselves upon the human composition and how little perhaps members of this body in the whole of the consideration of this important subject had given reflection to the fact that for a hundred years and more this and this alone has been the star chamber of the American Republic.

Sir, the Senator from Vermont would deny privacy or confidence to every paper in any Department of the Government. Let us see where his doctrine would lead. Suppose that some respectable citizen of this Government to-day, or some vile man profiting by the suggestion of the Senator from Vermont, should choose to address a letter to the President *pro tempore* of the Senate of the United States in which he declared that the question involved in this debate is a purely moot question; that nobody supporting it has any faith in it; that it is only the third or the fourth stage of the change of position and status occupied by those who advance it since the beginning of this controversy, and urging the President *pro tempore* of the body to advocate it on the theory that it may prove to be a profitable make-shift in order to maintain in their present positions a hundred thousand Republican office-holders and to prostitute to party ends the present executive department of this Government. That might be vile, it might come from a vile source, and yet under the declaration and definition of this issue as laid down by the Senator from Vermont that would be an official paper, that would be a public paper by the very fact of its being addressed to the presiding officer of this body in his official capacity, and that paper would be subject to any uses to which we chose to subject it.

Suppose some vile man, and of course he would have been a vile man to do it, should have addressed the presiding officer of this body some weeks ago a letter in which he stated, "You are behind the times; the Senator from Vermont is moving in advance of you in this matter. It is a popular issue among our people. It may result in the maintenance of a large number of Republicans in responsible and lucrative positions. Do not allow him to take the advance. Do not let that Senator take the initiatory. Look to the approaching national convention of 1888. Look to your laurels. Take the floor yourself when the gentleman is not in. Take the floor yourself. The Senator from Vermont has not yet prepared his report; but take the floor yourself. This issue must be met. There is nothing pending in the Senate upon which to take the floor, unless it be a silver resolution introduced by the Senator from Louisiana [Mr. EUSTIS], but take it nevertheless." Suppose some vile man, and of course he would be vile to write such a letter, should have addressed a letter of that character to the President *pro tempore* of the Senate in his official capacity, that paper, according to the definition of official public documents by the Senator from Vermont would be a paper to which the Senate and the House of Representatives and the whole Government would be entitled. The severity of insinuation it contained would not affect it. It would be, according to the Senator from Vermont, an official paper, and must be preserved for the beck and call of every co ordinate department of Government.

Suppose, to make a still further illustration, some other vile man should have addressed a letter to the presiding officer of this body in which he declared that the President of the United States in his civil service communications had announced, from his interpretation of those communications, that men were only to be removed for cause, and that the Senator who takes the initiatory in framing and forming and maturing the issues with the Executive which shall have the practical effect of enabling the Republican majority on the floor of the Senate to stand between those who held office in this country under former administrations and those who may aspire to it under this will advance himself with that vast army of political implements, that letter too would be an official paper under the definition laid down by the Senator from Vermont to which the Senate and the House, the executive and judicial departments of this Government, would be under any and all circumstances entitled, and to do with it as they pleased.

Mr. President, this country knows that the Senator from Vermont is a lawyer of ability. This country knows that he is a Senator of ability. The Senator from Vermont himself knows after his long years of service in this body, the prominent position which he has occupied in his day touching so many controversies and so many questions of public importance, that the press to which he appealed openly in the course of his argument would give to the country utterances from him which the people of the United States would have a right to receive and accept as in the nature of judicial declarations. Who will undertake to say that any citizen would question for instance a statement of fact and of record made in his place on this floor by the Senator from Vermont? The honor to any man in this life which reaches that measure of public confidence is one not to be despised, but which carries with it or ought to carry with it its full measure of responsibility.

I desire to call the attention of the Senate to a declaration made by the Senator from Vermont in the report submitted by the Judiciary Committee in this case and to another in the course of his remarks the other day. After stating broadly the right of the Senate to any and all papers which may be found in the Executive Departments of the Government, the report proceeds in this language:

A qualification of this general right may under our Constitution exist in the case of calls by the House of Representatives for papers relating to treaties, &c., under consideration and not yet disposed of by the President and Senate.

In the course of the Senator's remarks he used the language which I shall read, and which I may have occasion hereafter to reread in part at least. After speaking of the Wirtz case, and of General Jackson's attitude toward it, the Senator from Vermont stated as follows:

On every other topic President Jackson, like all his predecessors and like all his successors until to-day, felt bound to and did give to both Houses of Congress every information that they ever called for, excepting as the report of the committee and as the views of the minority state the instance of General Washington, who, *while a treaty was pending before the Senate of the United States between us and Great Britain*, was called upon by the House of Representatives to send to them copies of the papers and information about that treaty, which he declined to do upon an obvious ground, consistently with all that I have said and which is stated in the report of the majority.

Why did the Senator from Vermont state that this inquiry was addressed to President Washington while a treaty was pending before the Senate of the United States between us and Great Britain? We all know the reverence the American heart has for the great man who led us safely through the Revolution and first occupied the Presidential chair. We all know that the case in which the American people have deliberately reversed his judgment has not occurred. We all know with what power the fact would strike the American mind that President Cleveland stands flat-footed in the position occupied by his illustrious first predecessor. Why would the Senator from Vermont stand on this floor and announce that the treaty between the United States and Great Britain was still pending when that inquiry was made? Would he shut his eyes to the record that lay before him? If he did I will take the liberty of calling his attention to it.

On the 1st day of March, 1796, the following message was received from the President of the United States:

Gentlemen of the Senate and of the House of Representatives:

The treaty of amity, commerce, and navigation concluded between the United States of America and His Britannic Majesty having been duly ratified, and the ratifications having been exchanged at London on the 28th day of October, 1795, I have directed the same to be promulgated; and herewith transmit a copy thereof for the information of Congress.

G. WASHINGTON.

UNITED STATES, *March* 1, 1796.

That was the communication by President Washington to the House of Representatives of a consummated treaty between this country and Great Britain—no pending negotiations, but concluded. There was no apology for a refusal to furnish the House of Representatives or the people of the country with the information asked for on the ground that it touched pending negotiations, and if there had been any such difficulty the resolution of the House of Representatives more than covered it. I shall read the resolution passed by the House of Representatives.

Mr. SAULSBURY. What is the date?

Mr. KENNA. March 24, I think. I find it in the proceedings of the day prior to the 25th, and I presume Congress met on that day, which would make it the 24th. The resolution passed by the House of Representatives reads as follows:

Resolved, That the President of the United States be requested to lay before this House a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, communicated by his message of the 1st of March, together with the correspondence and other documents relative to the said treaty; excepting such of said papers as any existing negotiation may render improper to be disclosed.

The very resolution of the House itself on its face and in terms excepted from its demand upon the President any paper whatever which might touch any unfinished negotiation between this country and Great Britain touching that or any other matter. There was the treaty pending before the House of Representatives and awaiting their action to carry it into effect. There was a matter of practical legislation submitted to that House by the fact of that treaty. There in the Presidential office was General Washington, who, if any mortal man was ever devoid of partisan prejudice was that man, who if any man on earth was ever actuated solely by patriotic, disinterested motive was that man. I will take the liberty of reading an extract or two from his reply:

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution has not expressed.

Permit me to say in passing that the Senator from Ohio recently asked from his place on this floor what right the President had to inquire for what reason we asked for documents. General Washington says:

Except that of an impeachment, which the resolution has not expressed. I repeat, that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require, to be disclosed; and in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.

But not to the House. That body was demanding it in vain.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

G. WASHINGTON.

There for the first time in the history of this Government, upon a respectful demand of the House of Representatives touching the merits of action proposed to be enacted by them to carry into effect a treaty which had been consummated, the President of the United States, in sole regard for the maintenance of the dignity and the prerogatives of his high office which he was sworn to maintain, declined, as he ought to have declined, a proposed intermeddling by the House in something which did not concern it.

The Senator from Vermont made another statement, which, in view of the reliance we have all had upon the accuracy of his researches, somewhat surprised me, I confess. After speaking of the Wirtz case, in which General Jackson declined to send papers asked for by the Senate, the Senator from Vermont said:

That was the end of the affair between General Jackson and the Senate of the United States on the subject of papers about appointments.

"About appointments" comes in there qualifying very appropriately.

We all know the character of General Jackson. There was something peculiar about the Wirtz business which the public does not know and that got the old gentleman indignant; but down to that time every species of resolution touching foreign affairs of the most delicate character, touching the operations of the Army, touching rank in the Army, touching every part of administration which belongs not to the Senate but to the President, and belongs to the President just as exclusively as the power to remove or suspend does, if he had a power to remove, as he did under the law, had been passed by the Senate and answered by the President.

I presume that the Senator from Vermont had forgotten that perhaps the most bitter controversy that has occurred in the history of this Government between either of the branches of the legislative department and the executive occurred between the Senate and President Jackson touching that very question of the transmission of papers on the request of the Senate.

After General Jackson had ordered the removal of the deposits, and had gone so far as to remove a Secretary of the Treasury and substituted him by another in order to effect that removal, it was made known by the public press of the country that in the course of those events he had promulgated to his Cabinet a paper containing his views on that subject. Not only was that paper read to his Cabinet, but it was promulgated to mankind; it went into the newspapers, onto the public highways and byways. Everybody had it. There was no citizen of this Republic, however humble, who had not seen that paper if he wanted to see it. Mr. Clay, of Kentucky, offered the following resolution:

Resolved, That the President of the United States be requested to inform the Senate whether a paper under date of the 18th day of September, 1833, purporting to have been read by him to the heads of the several Departments, relating to the deposits of the public money in the Treasury of the United States, and alleged to have been published by his authority, be genuine or not; and if it be genuine, that he be also requested to cause a copy of the said paper to be laid before the Senate.

That was an inquiry touching a document which, as I have stated, had been given to all the world. There was no secrecy, no privilege about it, save and except the privilege of the executive department to protect itself against unwarrantable interference by a co-ordinate department of the Government. But when that interference was attempted it was repudiated in that as in every other instance of that illustrious man. President Jackson's reply was as follows:

To the Senate of the United States:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The executive is a co-ordinate and independent branch of the Government equally with the Senate; and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversation I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct; and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man, under any circumstances, to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government, to decline a compliance with your request.

ANDREW JACKSON.

Mr. President, there is something said in the report of the majority of the committee which practically adopts the whole report made in 1842, I think, touching the removal of a Mr. Sylvester by Hon. John C. Spencer, Secretary of War. I shall have occasion later to refer again to that report. I only desire to do so now in order to indicate, as the report itself does, the fact that in that instance when papers touching a removal by the Executive or by one of his principal subordinates were asked for by the Senate they were declined, as they had been by President Jackson and by President Washington before. In his response the Secretary of War said:

The letter dismissing Mr. Sylvester was made a public record of the Department, and I therefore transmit a copy of it herewith, agreeably to your request. There is no other paper of the description specified in your request or relating to the subject on the files of this Department, nor is there any in my possession which is not of a confidential character. The faithful discharge of the duties devolving upon heads of Departments frequently renders it of essential importance to preserve confidential communications he has received as such, and private honor as well as public policy forbids that a pledge thus given should be violated.

A little later a communication was made by the Senate to Mr. Tyler. I beg to say in this connection that these are cases in which the issue was made between the Executive and the Senate. No man denies, so far as I am aware, the perfect freedom of the Senate to call upon the President of the United States for any private letter in his pocket if it chooses; but I take it no rational man will deny the perfect right with the same freedom to decline the invitation of the Senate if the Executive chooses.

In the ordinary friendly intercourse between the executive and legislative departments of this Government, except where some reason sat-

isfactory to the Executive has occurred to prevent it or interfere with it, communications have been made over and over again; and let me say here that communications have been made to the Senate at this session by the present executive department touching some matters involved in this very controversy.

I know a case in my own State, so does the Senator from Kentucky [Mr. BECK] who sits before me, so does the Senator from Indiana [Mr. VOORHEES] who sits before me, in which inquiry was made for papers touching the conduct of an officer before the person nominated assumed the functions of the office. Those papers were sent here as the Executive had the undoubted right to do in response to the inquiry either of the Senate or of a Senator. So the fact that papers have been communicated in this case or in that case, in one case or in many cases, has just about as much to do with the settlement of this issue as the thirty men whom the culprit found who had not seen him steal the pig. They make no issue; they involve no issue. The precedents of constitutional prerogative as it has been ascertained and maintained from Washington to this day are those in which the Executive denies the power of the Senate as a matter of right to apply for or receive such papers.

On the 9th of January, 1844, Mr. Allen submitted the following resolution:

Resolved, That the President be requested to lay before the Senate, confidentially, the Senate being in executive session, a copy of any instructions which may have been given by the Executive to the American minister in England, on the subject of the title to, and occupation of, the Territory of Oregon since the 4th of March, 1841; also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to that subject since that time.

June 3, 1844; adopted.

The reply of the President was as follows:

To the Senate of the United States:

The resolution of the Senate of the 3d instant, requesting the President to lay before that body, confidentially, "a copy of any instructions which may have been given by the Executive to the American minister in England, on the subject of the title to, and occupation of, the Territory of Oregon since the 4th of March, 1841; also a copy of any correspondence which may have passed between this Government and that of Great Britain in relation to the subject since that time," has been received.

In reply, I have to state that in the present state of the subject-matter, to which the resolution refers, it is deemed inexpedient to communicate the information requested by the Senate.

JOHN TYLER.

WASHINGTON, *6th June*, 1844.

And that was the last of that issue, as far as I have been able to discover.

When there had recently been a change of administration, and, without going fully into details, when the administration was in harmony with Mr. Webster, of Massachusetts, who occupied a seat on the floor of the Senate, Mr. Bradbury submitted a resolution for consideration, which I shall read. This was in 1849, and I beg the Senate to observe the precise analogy of the resolution to the whole line of inquiry which now in one form and another is addressed to the present Executive. Mr. Bradbury's resolution was in the following words:

Resolved, That the President be requested to cause to be laid before the Senate all charges which have been preferred or filed in any of the Departments against individuals who have been removed from office since the 4th day of March last, with a specification of the cases, if any, in which the officers charged have had an opportunity to be heard, and a statement of the number of removals made under each Department.

That resolution went through a long trial in the Senate. It came up time after time; it was set for one special occasion after another; it strung out through the whole of one session and through nearly the whole of the next one, and it finally died within this Chamber, or the old one, as all similar resolutions ought to have done. However, in the course of the debate on that resolution Mr. Webster, who it was so well understood had taken strong ground against the constitutional power of removal by the President, made a speech, from which I propose to read. I state that there had been a change of administration in those days, without reference to the fact that there has been recently a change of administration, and some one had gotten mad in those days without the remotest intimation that anybody is mad now. Mr. Bradbury offered the resolution, which is in line and in keeping with those which caused this controversy. Mr. Webster was in the Senate, and I beg to read a brief passage from a speech made by him on the subject of the propriety of the resolution which I have read. Mr. Webster said:

But, sir, since the practice has become a settled practice, since every administration has indulged in it, and since it must now be considered, as the legal construction of the Constitution, that it is one of the powers of the President to remove incumbents from offices which they hold, it follows, as a necessary and as an inevitable consequence, that this power, thus legally vested in the President, must be exercised by him as independently of our control as any other power that is to be exercised by him under the Constitution. If he holds the power, he holds it to be exercised at his own control and discretion. And I see no ground upon which we can call upon him to give us reasons for the manner in which he exercises that power, any more than we can call upon him to give reasons for the manner in which he exercises any other power under the Constitution.

* * * * * * *

The powers of the Departments are not all mixed up in a jumble.

In the hurry of the discussion I was about to omit to read two papers which I believe I am right in saying I did not read, and without which I hardly believe that the discussion would be even approaching to what from my standpoint it ought to be. Among the archives of the State Department there is an old and very interesting record which shows the preparation by Mr. Webster of a form not for the transmission of papers, but for the declination to transmit papers to the United States Senate. It is an old and a venerable document, prepared not long after his great war with President Jackson. As it is in line and keeping with what I have quoted from his observations, I want to read the substance of two letters:

To honorable ——.

These are mere forms. I am not aware that any one of them was ever communicated to the Senate. I only know from the fact of their preparation that they were very maturely deliberated upon and prepared carefully, and ready for communication while Mr. Webster was Secretary of State when the occasion required. It is suggested to me that the papers are in his handwriting, but of that fact I am not sure of my personal knowledge.

SIR: I have the honor to acknowledge the receipt of your letter of the ——, desiring me to send you the papers on file relating to the nomination of —— —— to be ——.

The letters accompanying this will be, I presume, very satisfactory testimonials of Mr. —— fitness for the office; but I take occasion to say, that, in this Department letters of this description, though usually communicated on request to the Senate or its committees, unless in peculiar cases there be reason for withholding them, are not considered as public letters, and therefore are not placed on the official files. When sent to the Senate, or its committees, they are understood to be sent in confidence, and it is expected that they will be returned when the occasion has passed.

I am, sir, &c.

To Hon. ——,
Chairman of the Committee on —— of the Senate.

That is one. Another reads as follows:

Hon. —— ——,
Chairman of the Committee on —— of the Senate:

Letters recommending individuals to office are not considered as official communications any more than verbal recommendations. They are not kept on the public files, and it has not always been the case heretofore, as I learn, that they have been preserved. So far as may be proper, however, it will give the Department great pleasure to afford the committee any information in its possession. I send you several communications respecting the persons mentioned in your letter, which, when examined by the committee, I will thank you to cause to be returned.

Well, Webster did not live to this day and generation to witness the conditions which are now about to be brought about in that very line.

There was a partial change of administration in 1874. A House of Representatives largely Democratic was elected in that year, and the House in which the Democrats controlled the majority met the following year. They were rather unused to power in those days, and one of the first things they undertook to do was to inquire of President Grant something about the manner in which he exercised his executive functions. They went even so far as to ask him where he did it; they may have intended to ask him when; they undoubtedly asked him how; and as illustrative of the views of that distinguished man while he occupied the White House I crave the privilege of reading a short extract from his answer to that inquiry. It is dated May 4, 1876. President Grant said:

I have never hesitated, and shall not hesitate, to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give, or which my judgment may suggest to me, or a request from either House may indicate to me, will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress in which is vested the legislative power of the Government) to require of the Executive—an independent branch of the Government co-ordinate with the Senate and House of Representatives—an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or of impeachment.

The inquiry in the resolution of the House as to where executive acts have, within the last seven years, been performed, and at what distance from any particular spot, or for how long a period at any one time, &c., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

Why is it that Senators will rise on this floor and declare that the Executive has no right to know for what purpose we call for papers, when in every instance, from the foundation of the Government to this day, where any issue of any kind has arisen between the two co-ordinate branches of the Government, the President has assumed the right to know, and not knowing has declined to communicate the papers demanded in such a manner?

The Senator from Ohio [Mr. SHERMAN] addressed the Senate some days ago on this subject of the communication of papers. Among other things he said:

That we have a right to call for information of any kind whatever in any Department of the Government, whether it be by written order or by parol, I do not think there is the slightest doubt. Indeed, but for that we could not legislate; but for that we could not act wisely in executive session.

He said again, and I desire to call especial attention to his language, in answer to an interruption:

Let me have my say, if my friend will allow me. There was no doubt about that—

Speaking of the construction of this same law—

The idea of a distinction between papers public and private in the public records never occurred until during the present administration and to meet an exigency.

The Senator from Vermont, alluding to the case of Arthur and Cor-

nell and to the action of President Hayes, made a statement to which I desire to call attention. He said:

In that connection I ought to call your attention—I seem to have mislaid the papers—to the proceedings that took place in this body on the removal of Mr. Arthur and Mr. Cornell as collector and naval officer at New York and the appointment of their successors.

I do not want to read the whole extract, but simply a sufficient part to give application to what I propose to say:

I think I am safe in saying that neither the President of the United States nor the Secretary of the Treasury nor any other of his advisers ever entertained the thought for a moment that it was not the right of the Senate of the United States to go to the bottom of the whole affair and have every fact and every reason that it desired to have or thought would be of any use to it in acting intelligently upon the subject.

For the first time in the history of this Government and to meet an emergency, says the Senator from Ohio, this distinction between a public and a private paper is submitted. Neither President Hayes nor his Secretary of the Treasury ever dreamed of it. And, says the Senator from Vermont, the Senate has a right to go to the bottom of the whole affair. With the permission of the Senate we will go to the bottom of the whole affair, and I will ask the Secretary to read a letter which I send to the desk.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, *November* 17, 1877.

SIR: Your letter dated the 15th instant was received only this morning, and I take the earliest moment to reply to it.

To answer in an official way the questions put to me would not only compel me to violate that trust and confidence reposed in me by the President, necessary for the transaction of the business of this Department, but to disclose papers of a confidential character filed in the Department and require me to enter into the discussion of questions totally immaterial to the nominations submitted to the Senate. I do not think it within the just limits of the intercourse of the Senate with executive officers to answer in writing, or even verbally, all the questions submitted by you, nor have I ever known such an instance.

The President has the power to nominate to the Senate a proper person for collector of the port of New York, whether that office be already vacant or not, and it is within the power of the Senate to either confirm or reject.

These are independent powers. No law requires the President to give the reasons for his nominations, and it does not appear that in this case the Senate even has directed this inquiry. The tenure-of-office act required of the President the reasons of a suspension made during the recess of the Senate, but this provision, after a very brief period, was repealed. To answer your questions would compel me to state to a committee of the Senate the reasons of an appointment by the President, to disclose confidential communications between the President and the Secretary, and to enter into an arraignment and accusation of the officers superseded. In the free exercise of independent powers it is the common practice, as we both know, for members of the Senate to have full conference with the heads of Executive Departments on all matters in which the concurrent action of the President and the Senate is required, and therefore it will give me pleasure to confer with the committee, or any member of it, on the subject of the fitness of the appointment of Mr. Roosevelt to the office of collector of the port of New York.

It will also give me pleasure to furnish to you, or to the Committee on Commerce, or to any member of the committee, in the usual way, the several reports of the commission on the New York custom-house, upon which mainly the action of the President was taken. As the investigation progressed these reports made it of the highest public importance that a change should be made in the leading officers of that service. It was because abuses were thus developed that the President was convinced that it was incompatible with the public service to retain in their present positions the collector and naval officer.

The other cases mentioned by you under the same envelope will be governed by what is here stated, and within these limits I will be happy to confer with you or the committee at your convenience.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. ROSCOE CONKLING,
Chairman Committee on Commerce, United States Senate.

Mr. KENNA. I very respectfully submit now that the Senator from Ohio [Mr. SHERMAN] will find on reflection that "this emergency" is not the first time when he has heard of the distinction being made in the papers in the Departments of this Government as between a private and a public paper.

I propose now to state what I believe to be the simple truth, and to state it candidly and I state it deliberately, that, looking at the history of this controversy from the day of its inception down to this moment in the light of every fact and every detail it has developed, the one question and the only question involved in this entire procedure is the single one as to whether the present chief of the executive department of this Government shall be allowed in fulfillment of his obligations to the people to administer it through agencies of his own choice, or be compelled by the obstructive power of a majority in the Senate to be held by the public to an accountability for an administration of his high office through agencies not only not of his choice, but agencies lacking his confidence, unworthy of his faith, wanting in the approval of his judgment, and actually interested in a multitude of cases in bringing him and his administration into disrepute.

That is the whole of this case, regard it as you may, darken it by a multiplicity of words, inaugurate these inquiries by demands for reasons for suspensions, multiply the inquiries by demands for papers which show them, take one other step backward and modify your request again and ask for the papers on file, one still further step backward and ask for the conduct of the former incumbent in the office as the resolution in Duskin's case has done, and in the eyes of the Senate and in the eyes of the whole country the issue is presented in the one form at last, and that is whether a Democratic administration shall appropriately perform its functions in the face of a negative and obstructive majority on the other side of the Chamber. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. BLACKBURN in the chair) rapped for order and said: Expressions of approval or disapproval are not permitted in the galleries.

Mr. KENNA. Why, Mr. President, let me show to the Senate the form in which this demand is presented to the executive department. The Senator from Ohio [Mr. SHERMAN] declared that we have no right to demand the reasons of the Executive. No Senator on this floor has ever contended or asserted that we have a right to ask for the reasons which have actuated the Executive in making a suspension from office; and yet let the Secretary read the letter which I send to the desk, and see where this controversy began.

The Chief Clerk read as follows:

COMMITTEE ON FINANCE, UNITED STATES SENATE,
January 5, 1886.

DEAR SIR: Referring to the accompanying nomination of Samuel Flower, *vice* P. Felix Herwig, supended, will you please communicate to the Committee on Finance, United States Senate, the reasons for such suspension, or the papers on file in your Department which show the reasons for this suspension.

Very truly, yours,

JUSTIN S. MORRILL, *Chairman.*

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.

Mr. KENNA. That was the beginning of this controversy; that was the issue which was first presented to this administration by the Senate through one of its committees, and the Senator from Ohio [Mr. SHERMAN] who declared on this floor that we had no right to ask reasons of the Executive is a member of the committee which sent that communication. Sir, I may be more or less of a partisan than many others; I may go further than more conservative men in my theory of what the election of a President of the United States means. I think I know, if I know anything, that when you take the marshals and the collectors and the consuls, the postmasters and all the vast numbers of officers throughout the length and breadth of this country, organized as by their appointments under former administrations they have been organized into a great political agency, the people of this country having a right to demand a change; however hurtful to the popular instinct these agencies may be, that change can only be effected by the election of a President to carry out the public will.

When the people of the United States elected Grover Cleveland to the Presidency it was not more a choice of men than a choice of means and instrumentalities. The change to make this Government conform to the popular will may involve the proposition that marshals shall go, that collectors shall go, that postmasters shall go, that consuls shall go, and that ministers shall go, all of them so far as they are agents in the administration necessary to carry out its policy shall go. On the theory of political selection and the bringing the machinery of government into harmony with its general policies they may all have to go. They all ought to go. But the naked question is as to the power of the President of the United States in the exercise of the functions of his office to adapt his administration by all the agencies which surround it to the performance of the duties which he has in charge.

It has been said, however, I need not say where, that the present Executive had committed himself against making changes in office; that his civil-service letter to Mr. Curtis, that his inaugural message, and that various utterances from him had placed him in a position in which it was enough to damn and blacken the character of any man to be removed by him; that an officer's suspension means and must mean that the incumbent removed is injured in character and reputation. I have read, I think with as much care as I was capable, every utterance of the President on this subject, and I have gone through the utterances of his predecessors on a similar line, and in the course of my inquiries I think I find that the declaration was made very early in our history which practically covers the position now occupied by President Cleveland. I beg to read from a letter written by Mr. Jefferson on March 29, 1801:

The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion; those who have done ill, however, have nothing to hope.

Where is the declaration in any communication of President Cleveland stronger than that; and yet in that same connection, consistently with every word that I have read, Mr. Jefferson went on to say in that and in other letters:

All appointments to civil offices during pleasure, made after the event of the election was certainly known to Mr. Adams, are considered as nullities. I do not view the persons appointed as even candidates for the office, but make others without noticing or notifying them. Mr. Adams's best friends have agreed this is right. 2. Officers who have been guilty of official malconduct are proper subjects of removal. 3. Good men to whom there is no objection but a difference of political principle, practiced on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals. The courts being so decidedly Federal and irremovable, it is believed that Republican attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the Republican part of our fellow-citizens, which, I believe, is the main body of the people.

Going on then to declare that the Republican element which he represented would finally procure its just share in the administration by deaths, resignations, &c., in part, he proceeds in this wise:

To these means of obtaining a just share in the transaction of the public busi-

ness shall be added one other, to wit, removal for electioneering activity or open and industrious opposition to principles of the present government, legislative and executive. Every officer of the Government may vote at elections according to his conscience, but we should betray the cause committed to our care were we to permit the influence of official patronage to be used to overthrow that cause.

Mr. Jefferson thought it consistent with the declaration that political opinion should suffer no invasion by him, that those who had acted well in their places should have nothing to fear, and those who had acted ill had nothing to hope. Nevertheless, he would conform his administration to his own policy in the disposal of every office within his gift. Now, let us see what President Cleveland has said on this subject, and see whether his declarations are any broader and whether his reservations are not as broad. He said:

There is a class of Government positions which are not within the letter of the civil-service statute, but which are so disconnected with the policy of an administration—

In the very outset of this declaration, in the very first sentence of this declaration, in its very first clause is a recognition of the fact that persons occupying certain places whose official duties are connected with the policy of the adminstration are subject to removal; and every effort to disguise or misrepresent that letter has been an attempt to put the present Executive in a false position, rendering him apparently inconsistent because of his removal of Republican politicians from office—

which are so disconnected with the policy of an administration that the removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they were appointed solely on partisan grounds, and for the purpose of putting in their places those who are in political accord with the appointing power; but many men holding such positions have forfeited all just claim to retention—

Many holding positions for terms fixed by law, but still disconnected with the policy of the administration—

because they have used their places for party purpose in disregard of their duty to the people, and because, instead of being decent public servants, they have proved themselves offensive partisans and unscrupulous manipulators of local party management. The lessons of the past should be unlearned, and such officials, as well as their successors, should be taught that efficiency, fitness, and devotion to public duty are the conditions of their continuance in public place, and that the quiet and unobtrusive exercise of individual political rights is the reasonable measure of their party service.

Now, I ask any candid man in the Senate if every line in that letter which bears on this subject is not in precise accordance with the utterances of Mr. Jefferson? And I ask further if any candid man can ascribe to the President by virtue of these utterances any embarrassment whatever in such attempt as he may have made to conform the administration of the Government in all its departments not only to the principles which he espoused, but to the principles and policies upon which he was elected.

The question is his power to do this, and upon that question I desire to say a few words, presenting succinctly my own view of a subject which has been one of much discussion, involving the true interpretation of the Constitution.

The Constitution provides that "the executive power shall be vested in a President of the United States of America." (Article 2, section 1, clause 1.) It will be observed that the Constitution does not provide that the executive power shall be vested in a President and Congress or in a President and the Senate or in a President and the House of Representatives or in a President and in anybody else, but in a President.

The Constitution further provides that "he shall take care that the laws be faithfully executed" (article 2, section 3), and "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint," &c. (Article 2, section 2, clause 2.)

Looking to the Constitution, in the absence of this last clause, it is not difficult to perceive the purpose for which the practically uniform construction of a hundred years has declared the clause to have been inserted. In its absence the President, upon whom was broadly conferred the executive power of the Government, would have had complete control over both appointment to office and removal from it.

The power either to appoint or to remove could never have been asserted as a legislative power—it is repugnant to the whole idea of legislation. Congress, in the very nature of its organism, could not exercise it. The numbers embraced in its bodies, the infrequency of their sessions, the periods of their vacations, the physical obstructions in the way of their constant attention to a subject which, in order to maintain the Government in the full operation of all its functions, would have required and has required constant treatment as well as the inherent quality and definition of legislative character, combined to preclude the idea that in any sense the power to appoint or to remove could be embraced in legislative range. This proposition is conceded in practice even by those who deny it in word, because in every quarter where the Senate is asserted to be a part of the appointing power it is continually asserted to possess, to that extent, executive functions.

"We are executive officers also," said the Senator from Ohio [Mr. SHERMAN] recently, "because we participate to a certain extent with the President in making an appointment." So on all hands, notwithstanding Mr. Webster's great assault on the right and power of removal as an inherent executive function, that function whether claimed to be vested exclusively in the President, or in the President and Senate jointly, or to be subject to regulation and control by Congress has been accepted as embraced within the definition of executive powers. It is useless to deny that it could not have been vested in the courts, for nobody anywhere has ever asserted for the judiciary further power over the subject than such as has been conferred touching inferior officers under the express language of the Constitution.

Thus, in the absence of the clause referred to, the full control over both removals and appointments would have stood vested in the President. There was nowhere else to put it. Its classification carried it to the Executive as an inherent and necessary part of executive prerogative, and no construction can take it away. But while the general clause was allowed to stand without qualification, conferring full power of removal upon the President, the power of appointment was subjected to that measure of supervision by the Senate which gave it a negative voice against selections by the President for office. This is a negative power, touching only the matter of appointment; it reaches no further; it is exceptional; it is a single qualification limiting a general grant, and it is to be construed strictly. Thus, the power of removal is vested exclusively in the President.

The power of nomination is a function pertaining exclusively to the President and it is as independent an executive act as any other provided by the Constitution.

The right to give or withhold advice and consent is confided to the Senate. It is likewise an independent act of the Senate, but it reaches only the appointment.

After the advice and consent of the Senate the power of appointment is still an independent, separate, and distinct power of the President. He may nominate a person to office; the Senate may advise and consent to the appointment, and still the President may make or not make the appointment at his pleasure. The Senate is no part of the appointing power. It can exercise no more the power of appointment than the President can exercise the power of legislation.

The difference is that the President may exercise a qualified negative over the power of Congress to pass a law, the Senate may exercise actual negative against a particular appointment to office. But the power of the Executive in comparison is even broader, for he is obliged by the Constitution to recommend to Congress legislation which he deems the public welfare to demand, while the Senate within the constitutional range can not even suggest to him the name of the best and ablest citizen of the Republic to the commonest and humblest office. Thus the Constitution stands, and thus, with a single exception born of political excitement and bitterness and arbitrary power in 1867, which will be discussed hereafter, the Constitution has been construed by every department of the Government for a hundred years.

The debate of 1789 is so familiar to the Senate that it is useless for me to undertake to discuss it. We all know that upon the bills for the establishment of the Department of Foreign Affairs, as the Department of State was then called, and the establishment of the War Department and the establishment of the Treasury Department, the great debate arose for the first time and in the First Congress which involved the question of the power of the Executive to remove from office. We all know how ably Mr. Madison led that debate, so ably, indeed, that no discussion of the question has occurred from that day to this which is not practically based upon his utterances at that time. We all know further that so jealous were that Congress of the impairment of the prerogative of either of the co-ordinate departments of this Government, that when the very bill on the Calendar conferred upon the Executive the right to remove the Secretary of War the provision was stricken out and so amended and reinserted as to make it a confession of the power as a constitutional prerogative and not a conferring of it by an act of the Legislature. Mr. Chancellor Kent, in discussing this precedent, says:

This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as of decisive authority in the case. It applies equally to every other officer of Government appointed by the President and Senate whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of that Department, because he is invested generally with the executive authority, and every participation in that authority by the Senate was an exception to a general principle, and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty, and might often be requisite to fulfill it.

In the Opinions of the Attorneys-General—I do not want to read elaborately—the same matter has been discussed at considerable length, and, I believe, with a pretty general concurrence of views. In volume 2 of the Opinions of the Attorneys-General, page 1419, I read the conclusion of an opinion of the then Attorney-General, Mr. Legaré:

If any authority were needed to enforce considerations which seem so obvious and conclusive in themselves, I think the celebrated debate on the power of removal in the First Congress would furnish it. The whole country seems to have acquiesced in the argument of Mr. Madison in favor of that power, drawn from the character of executive power and responsibility and from the irresistible necessity of the case.

From the same volume, page 2123, from an opinion of Attorney-General Crittenden, I read as follows:

That the President has, by the Constitution of the United States, the power of removing civil officers appointed and commissioned by him, by and with the advice and consent of the Senate, where the Constitution itself has not otherwise provided, by fixing the tenure during good behavior, has been long since settled, and has ceased to be a subject of controversy or doubt.

In the great debate which arose upon that question in the House of Representatives shortly after the adoption of the Constitution, Mr. Madison is reported to have said: "It is absolutely necessary that the President should have the power of removing from office; it will make him in a peculiar manner responsible for their conduct, and subject him to impeachment himself if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct so as to check their excesses. On the constitutionality of the declaration I have no manner of doubt."

And the determination of Congress was in accordance with his views, and has been since invariably followed in practice by every President of the United States.

I hold in my hand now a book from which I desire to read a single sentence from each one of two volumes. I read from Bancroft's History of the Constitution of the United States. At the beginning of the first volume he says:

Scarcely one who wished me good speed when I first essayed to trace the history of America remains to greet me with a welcome as I near the goal. Deeply grateful as I am for the friends who rise up to gladden my old age, their encouragement must renew my grief for those who have gone before me.

I read that single clause to indicate the time, labor, and thought given by that gentleman to the writing of the history of the American Constitution. If there be in all this wide world an entirely disinterested authority on this great subject, I believe none will deny that it is to be found in that book. On page 190 of the second volume, after discussing the failure to establish an executive council in the convention which framed the Constitution, he says:

The failure to establish an efficient council led the convention most reluctantly to vest the Senate with some control over acts of the Executive.

The failure of the project for an executive council led the convention most reluctantly to invest the Senate with some control over the acts of the Executive. On the next page he says:

Had the consent of the Senate been made necessary to displace as well as to appoint, the Executive would have suffered degradation; and the relative importance of the House of Representatives a grave diminution. To change the tenure of office from the good opinion of the President, who is the employer and needs efficient agents in executing the laws, to the favor of the Senate, which has no executive powers, would create a new fealty alien to the duties of an officer of the United States.

So, sir, we came to 1820 in our history. What was known as the first tenure-of-office act was passed in that year, limiting to four years the duration of certain public offices. At the end of that act was placed the power of removal from office at pleasure. So that up to that time there was no let or hinderance about the constitutional power or prerogative of the Executive to remove incumbents from office. Speaking of the clause which limited the tenure to four years, Mr. Jefferson, writing to Mr. Madison, said:

It is more baneful than the attempt which failed in the beginning of the Government to make all officers irremovable but with the consent of the Senate.

And in replying to that letter Mr. Madison said:

If the principle of the late statute be a sound one, nothing is necessary but to limit appointments held during pleasure to a single year, or the next meeting of Congress, in order to make the pleasure of the Senate a tenure of office instead of the President alone.

Then came the great debate of 1835. It has been alluded to very often and it will doubtless be alluded to oftener hereafter; that debate in which Webster, Clay, and Calhoun were united in a common assault upon the Executive power over removals; that debate which was aimed at the passage of an act restraining the power of removal; a debate which resulted likewise in a failure by the House of Representatives to concur in that construction of the Constitution, and the failure of the proposed law. Fifty years after, characterizing that debate and those who conspicuously figured in it, the contemporary comments of an eminent man are instructive as well as interesting.

At the session of Congress in 1835—

Says the author from whom I read—

an organized assault upon the President's power of removal was made in the Senate, in which the champion of nullification and the champions of a national bank were conspicuous leaders. Jackson had crushed nullification and killed the bank, and the embittered champions of both united in an attempt to cripple and curb his power. The record of that abortive experiment appears in the journals and debates of the Senate, and it is full of instruction.

The coalition of Webster, Calhoun, and Clay upon that occasion was unnatural, and in the nature of things could not endure. They were rivals for public favor, and all of them aspirants for the Presidency; their constitutional views were inharmonious and to a great extent conflicting, and it was very certain that if successful in putting down Jackson they would break with each other. In fact they did break apart within twenty-four months, with mutual reproaches and recrimination. But for a time their union was, apparently, earnest and sincere. If not one of affection, it was was at least one of common interest and common passions. And those men came to the encounter with the President fully equipped for war. They were in the highest credit as leaders of debate; their speeches went everywhere, and reached and were read by all. The woodchopper in the forests of Maine, the planter by the Southern gulf, the pioneer of the far West, and the banker, merchant, and workman in the great cities of the East, were alike delighted and charmed by them, and now and hereafter the scholar in his study must indorse and applaud the contemporary popular judgment upon their merits.

Mr. Calhoun brought to debate a power of analysis and a clearness of thought which no speaker in the American Congress has ever excelled. His style was masterly for his purpose. No meretricious ornament disfigured, and no diffuseness weakened it. It was clear, strong, simple, condensed. His language was, in fact, as simple and as pure as Franklin's, and, like that great master of composition, he commanded fit words at will. To hear him was to believe in his sincerity, in his candor, in the depth and integrity of his convictions. In delivery he combined earnestness with dignity, and the known purity of his life added a moral sanction to his spoken words.

Mr. Webster, as a speaker on great occasions, ranks, perhaps, first among Americans. In parliamentary eloquence he was, in some respects, superior to Burke, and it may be predicted with confidence that his reputation will endure. He will be honorably mentioned when the great speakers of the world are classified, and their performances are reviewed. He was not "godlike," but he was great, and his blows in controversy were the blows of a giant.

For immediate effect upon an audience the speeches of Mr. Clay were not inferior to those of his coadjutors. In fire, dash, and enthusiasm, he was a very Rupert of debate, and in impassioned retort a master. In demeanor and delivery impressive and graceful, he was yet upon occasion terrible in invective, and sometimes overbearing in will. He was fitted to lead in great struggles—to win admiration from foes—and to take, as of right, a splendid position in the history of his time.

These were the men who stood forward to question the removing power of the President and to deprive that power of all logical support. But they wholly disagreed with each other about the source of the power, and also, in the main, about its regulation. The argument of each one of them was destructive of the arguments of the others. Their views were not only diverse, but inconsistent, and not only inconsistent, but contradictory. One of them derived the power from the power to appoint, and vested it by implication in the President and Senate; another, admitting its executive nature, placed the control and regulation of it in Congress, by virtue of the last clause of the eighth section of the first article; the third argued inconclusively—against all reason and authority—that it was rather legislative than executive in its nature, and therefore classed it among the incidental powers of Congress!

If anything were needed to confirm our acceptance and approval of the Marshall and Madison expositions of the appointing and removing powers of the Government it would be furnished by that debate of 1835. Before questioning the settled construction of the Constitution upon the subject of removals from office, "the dauntless three" should have at least agreed upon the new construction to be substituted for it, and prepared themselves to vindicate the new departure by harmonious and consistent reasoning.

Mr. Clay apologized for the fact that for then forty-six years the power of removal had been conceded under the Constitution to the President by saying that no abuse of it had occurred, and hence there had been no necessity for raising the question; but if the power were not conferred upon the President by the Constitution, in the absence of the conferring of it by law a single act would have been an abuse, a multitude of those acts a multitude of abuses; and the facts do not account for the absence of statutory enactment within that period. Speaking of the power of removal by the President—I read from 2 Calhoun's Works, page 330—Mr. Calhoun said:

But while I thus severely condemn the conduct of the President in removing the former Secretary and appointing the present, I must say, that, in my opinion, it is a case of the abuse, and not of the usurpation of power. The President has the right of removal from office. The power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposits.

Only a year later, and only when that gentleman was involved in a war with the President, only when he was called on to sustain the issue which now confronts us, did he suddenly discover that the general clause vesting Congress with power to carry the granted powers into execution conferred on Congress the right to legislate on the subject, and to take away the powers under the form of regulation. Up to that time he, as Mr. Clay and Mr. Webster, had agreed that by the daily practice of the Government the Constitution conferred on the President the power of removal, and until there was war between them not a single one of the great trio questioned the power. Mr. Webster declared in the same line of discussion:

In the first place, then, I have to say, that I did not vote for the resolution on the mere ground of the removal of Mr. Duane from the office of Secretary of the Treasury. Although I disapprove of the removal altogether, yet the power of removal does exist in the President, according to the established construction of the Constitution; and therefore, although in a particular case it may be abused, and, in my opinion, it was abused in this case, yet its exercise can not be justly said to be an assumption or usurpation.

Not long afterward, in making his speech in which he assailed the executive prerogative of removal from office, and at the same time that he supported a bill expressly conceding it, he yet accepted it as a settled proposition in the following language:

The bill, it is to be observed, expressly recognizes and admits the actual existence of the power of removal. I do not mean to deny, and the bill does not deny, that at the present moment the President may remove these officers at will, because the early decision adopted that construction, and the laws have since uniformly sanctioned it. The law of 1820, intended to be repealed by this bill, expressly affirms the power. I consider it, therefore, a settled point; settled by construction, settled by precedent, settled by the practice of the Government, and settled by statute.

So, Mr. President, as Mr. Morton in the debate of 1869 declared, the question of the power of removal by the President of the United States as a function vested in him by the Constitution was for seventy-eight long years acquiesced in by every department of this Government. Those years embraced the period from the beginning of the Government to 1867, when an anomalous condition of things arose with which we are all familiar. I would devote a few words to it but for the fact that another has done so in so much better language than I can hope to do.

I received a day or two ago the second volume of a book entitled "Twenty Years of Congress," written by Mr. James G. Blaine, a former member of the Senate, a former Secretary of State, a former member of the House of Representatives, a former Speaker of the House of Representatives, a gentleman who came within a fraction over a thousand votes of being in a position to be the happy recipient of the warfare on the executive power which is now proposed to be consummated by the resolutions on your desk. Of course that war would have come all the same; of course if there had been a thousand votes different in New York it never would have affected the attitude of a great majority on this floor! Of course if the result had been the other way instead

of the way it was, our friends constituting a majority here would have made the same warfare upon James G. Blaine, their Executive, elected by them, as they are engaged in now with Mr. Cleveland, who was elected by somebody else. Mr. Blaine, speaking his mind on this as he has had the habit of doing on all topics, speaking of the act of 1867, says:

The bill was not passed, however, without considerable misgiving on the part of many members of both Houses who voted for it. It was an extreme proposition—a new departure from the long-established usage of the Federal Government, and for that reason, if for no other, personally degrading to the incumbent of the Presidential office. It could only have grown out of abnormal excitement created by the dissensions between the two great departments of the Government. The bitterness engendered resembled that which always distinguishes a family quarrel. The measure was resorted to as one of self-defense against the alleged aggressions and the unrestrained power of the executive department. But the history of its operation and of its subsequent modification, which practically amounted to its repeal, is one to which the Republican party can not recur with any sense of pride or satisfaction. As matter of fact, a Republican Congress, largely composed of the same members who had enacted the law, indirectly confessed two years later that it could not be maintained. Regarded only in the light of expediency at the time, it could readily be demonstrated (as was afterward admitted by candid men among those who supported it) to be a blunder—a blunder all the more censurable because the act was not needed to uphold the reconstruction policy of Congress, in aid of which it was devised.

While I have this book in my hand I will take the liberty of reading what the distinguished author says on the subject of the act of 1869, which was passed pretty nearly by the same men who passed that of 1867, and of which he speaks as follows:

When the bill reached the Senate, there was a disposition on the part of some leading members of that body to pass it as promptly as it had been passed by the House. Mr. Morton urged that it be put on its passage without referring it; but the Senate was not prepared for such haste, and, on motion of Mr. Trumbull, the bill was sent to the Judiciary Committee. That committee reported it without delay to the Senate, with an amendment in the form of a substitute. The House bill was a simple repeal in the fewest possible words. The Judiciary Committee now proposed that instead of an absolute repeal, the tenure-of-office act "be, and the same is hereby, suspended until the next session of Congress."

This was a lame and impotent conclusion, and did not command the support or even the respect of the Senate. Mr. Thurman, a member of the committee that reported it, made haste to announce that he had not approved it. He treated the proposition for suspension as a practical confession that the tenure-of-office act "is to be enforced when it will have no practical effect, and is not to be enforced when it will have practical effect." The chief defenders of the proposition to suspend the act were Mr. Trumbull, Mr. EDMUNDS, and Mr. Schurz. Mr. EDMUNDS, pressed by Mr. Grimes to furnish a good reason for suspending the act, replied that "owing to the peculiar circumstances that have attended the last administration it is desirable that there should be an immediate and general removal of the office-holders of the country as a rule, and as an agency for that removal, subject to our approval when we meet again in confirmation of their successors, these bad men being put out, we are willing to trust this Executive with that discretion."

Mr. Blaine proceeds:

Coming from a Senator of the United States, this declaration was regarded as extraordinary. The "bad men" to whom Mr. EDMUNDS referred were the appointees of President Johnson, and every one of them had been confirmed by the Senate of the United States when the Republicans had more than two-thirds of the body. If these appointees were "bad men," why, it was pertinently and forcibly asked by the aggrieved, did not Mr. EDMUNDS submit proof of the fact to his Republican associates and procure their rejection? He knew, the accused men declared, as much about their characters when their names were before the Senate as he knew now when he sought, behind the protection of his privilege, to brand them with infamy. To permit them to be confirmed in the silence and confidence of an executive session, and then in open Senate, when their places were wanted for others, to describe them as "bad men," seemed to them a procedure not to be explained on the broad principles of statesmanship, or even on the common law of fair dealing.

* * * * * * *

The amendment of the Judiciary Committee providing for a suspension of the law until Congress should meet again—a period of about eight months—was so objectionable that it won no substantial support from Senators. There was something so baldly and shamelessly partisan in the proposition to suspend the act just long enough to permit President Grant, without obstruction or incumbrance, to remove the Democrats whom President Johnson had appointed to office that the common instinct of justice, and even of public decency, revolted.

The tenure-of-office act was either right or wrong, expedient or inexpedient, constitutional or unconstitutional, and it was easy to see that men could honestly differ as to its character in these respects. But it was impossible to comprehend how a candid legislator could maintain the constitutionality and expediency of the act, and then propose to suspend it for that specific period of General Grant's administration, when, if needed at all, it would be most needed. Within the eight months next ensuing the President would probably make more removals and appointments than for the remainder of his term, and it was just for this period that Mr. Trumbull, Mr. EDMUNDS, and Mr. Schurz urged that the law be made inoperative—inoperative in order that removals of Democratic office-holders for good cause, and for no cause except that they were Democrats, might in every way be expedited.

There is much in this chapter relevant to this particular feature of this controversy which I should like to read, but I do not desire to take the time to do it. I will, however, read the closing paragraph, which I commend to those who aided in the enactment of the law of 1867 and so soon after participated in the enactment of the law of 1869. Concluding a passage on that subject, Mr. Blaine says:

Casting off all political disguises and personal pretenses—

And why should we not do that? We ought to do it here; we ought to do it now, so that we may understand this matter precisely as it is—

Casting off all political disguises and personal pretenses, the simple truth remains that the tenure-of-office law was enacted lest President Johnson should remove Republican office-holders too rapidly; and it was practically repealed lest President Grant should not remove Democratic office-holders rapidly enough.

[Laughter.]

The Senator from Vermont was in Congress when both those laws were passed. He gave his very active adherence to the proposition of the first one, and then proposed to suspend for eight months the act of 1867 by the act of 1869. He it was, I think, who made the motion to recommit the bill providing for the suspension, and it was recommitted, and the bill reported was rapidly passed with only a slight amendment. I want to do that Senator the justice, however, to show you to-day the consistency, the absolute and perfect consistency, of his support of the act of 1867 and his support of the modification in the act of 1869. Referring to the debate in 1867, I find him making this declaration:

But the committee have recommended the adoption of this rule respecting the tenure of officers as a permanent and systematic and, as they believe, an appropriate regulation of the Government for all administrations and for all time.

This was in 1867—"for all administrations and for all time." "All administrations," you see, were not broad enough to cover it, but "for all time" the law was to be enacted; and still that proposition was not broad enough. The Senator, on another day in the course of the debate, made use of this language:

I do not, therefore, choose to submit to the imputation for a single moment that there is, either in this bill or out of it, in respect to the spirit in which it is proposed, any attempt to advance anybody's political views whatever, or to aid anybody's friends.

That was in 1867. Now, in order that I may not be misunderstood, I want to read the last clause over again:

I do not, therefore, choose to submit to the imputation for a single moment that there is, either in this bill or out of it, in respect to the spirit in which it is proposed, any attempt to advance anybody's political views whatever or to aid anybody's friends.

I read now from the Globe for March, 1869, page 107, and from a speech by the Senator from Vermont, in which he said:

Now, what do we propose to do? We propose, in order as we had hoped to meet the views of our own political friends, who had seen, or thought they had seen, practical difficulties in administration under this law, to give, by an act of generous confidence in the present Executive, to him during the next recess of Congress a complete power to sweep out of office the persons who now hold it.

I assert without the fear of successful contradiction that the Senator from Vermont was perfectly consistent in both declarations, for he was working for his political friends like a Turk in 1867, and like a beaver in 1869, and that is the whole spirit and the meaning and effect of this controversy here to-day. Let this country understand that a party which commanded a majority in both Houses in 1867 passed for Andrew Johnson a law which, afterward being repealed, is proposed to be substituted now, in the absence of a majority in the other branch of this Congress, by the performance of a committee of this body, composed of a majority from that side on this floor, and enforcing the behests of a Republican caucus.

I will read a few lines from the acts of 1867 and 1869, and submit to any honest lawyer in or out of this Chamber whether that law now is in any form whatever to embarrass the Executive from suspending during vacation, except through such obstruction as the arbitrary will of a majority on this floor may interpose. The second section of the act of 1867 provided:

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid—

That is appointed by and with the advice and consent of the Senate—

excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended.

The act of 1867 provided—and in its absence there was no such law, there had been no such law in the history of the Government touching either suspensions or removals—that the President might suspend officers who were guilty of misconduct in office. That provision by the act of 1869 was repealed. The act of 1867 provided that the President might suspend persons who were guilty of crime, and that provision was repealed. "Or who for any reason might become incapable or legally disqualified to perform their duties," and that provision was repealed. The act of 1867 provided that the President should send his nominations to take the place of the suspended officer to the Senate within twenty days after its next session began, and that provision was repealed and substituted by one making it thirty days. But mark you this, the act of 1867 provided that the President should send the reasons for which he had made the suspension and the evidence of those reasons, and that provision was repealed.

Now let me ask any candid-minded Senator what is the proposition

before us but to require the heads of Departments and the chief executive officers to send us the reasons which actuated the President in making a suspension, or the evidence which supplies the reasons, and thus a practical re-enactment by the Senate of a law which both Houses of Congress once enacted and since repealed? What else can you make of it?

But it is said these officers are suspended by the President until the end of the next session of the Senate; we are therefore called upon to act on the question of the removal of these parties.

Sir, the language of the act of 1869 forever precludes any such construction. Under the act of 1867 when the President sent a nomination to the Senate, if the Senate failed to concur in that nomination the suspended officer immediately resumed the functions of his office. That act undoubtedly required action by the Senate with reference to the suspension or removal. Under the act of 1869 the President sends the nomination to the Senate. The Senate can not act on the question of suspension. It is especially precluded by the act from doing so, because instead of the question of advising and consenting to the removal or to the suspension being submitted, the act provides that if a nomination sent to the Senate be not confirmed the President shall as soon thereafter as practicable send in another.

Why send a nomination to the Senate when the Senate has already acted on the ground that the Senate is opposed to the removal of the incumbent? If the act contemplated that the Senate should act on that removal, why not have provided, as intelligent men must have provided, that if the Senate failed to assent to the nomination the suspended officer should forthwith resume his functions? Discretion is given by the statute. It is not to make the Senate Chamber a graveyard for character and have one man whose name comes in defeated because the Senate does not want the suspended officer removed. If the man put in his place is not confirmed, another name comes from the President, and still another, and still another. The Senate all the time goes through the idle process of referring nominations to a committee, inquiring into the propriety of the nomination, having determined in the first instance that the suspension ought not to be made, and receiving one after another of the nominations the President sends here without an inquiry into their fitness and determined in advance to defeat them.

I submit that no candid-minded lawyer can read those two acts without the clear conviction that the act of 1869 was intended to be precisely what Mr. Blaine declares it to have been, a practical repeal of the act of 1867. The President suspends an officer until the end of the next session of the Senate; he makes a nomination to succeed him; you approve or disapprove it. You may put it on the ground that you reject his proposition to suspend the officer. You are estopped to raise that question. That man is suspended until the end of the next session of the Senate. The moment it ends, what matter to you or me whether by operation of law the suspended officer gets back or not?

By an act of the President, his mere signature, he gets out again. Adhere to the form if you will, but the law puts in the hands of the President, independent of the constitutional question, the absolute and arbitrary power to suspend a public officer; and yet we are met by the proposition that in all these matters the President must submit without law to every degradation, to every humiliation, to every demand by the Senate which is made under a law which has been denounced by its own friends and supporters as the result of the feverish excitement of the time when it was enacted and which has been "practically repealed."

I had intended to read a few extracts from some of the arguments made in 1869 when the law was modified.

The report of the Committee on the Judiciary here says that the President of the United States, notwithstanding his civil service sentiments, sent to the Senate within thirty days after its meeting six hundred and forty-three suspensions. It would have been at least fair if the committee had stated that these six hundred and forty-three suspensions covered a period of eight months, as they did. The law required the President to send to the Senate within thirty days of its meeting the nominations to succeed every officer suspended by him during the previous recess, and that number amounted to six hundred and forty-three as reported by the committee. But in 1869, when General Grant assumed the functions of the executive office, he sent to the Senate six hundred and eighty removals within seven weeks, and during six weeks of those seven the original act of 1867 was still in force. That is so, as shown by the files of the Senate.

In eight months President Cleveland sent in six hundred and forty-three, while in seven weeks, and for six weeks of those seven the tenure-of-office act of 1867 was in force, President Grant sent to the Senate six hundred and eighty removals, of which he withdrew in a short time ninety-seven, leaving five hundred and eighty three, and they did not come fast enough! The popular demand to carry out the policy indicated by Mr. Blaine's chapter which I read to the Senate was so great, it was so strong, that a gentleman now a member of the Senate and at that time a member of the House offered an amendment which I want as a matter of historical interest to read to the Senate. Bear in mind that the act was pending which was passed and which made the modification of the act of 1867 under which we are living and acting to-day.

The Senator from Illinois [Mr. LOGAN], a Senator whom we all respect for his open and manly methods of dealing with all questions, recognizing the popular haste of his party, forgetting doubtless for the time being any question of Constitution, of statute, or anything else save the pressure which impelled him, offered the following amendment:

Provided, That all civil offices, except those of judges of the United States courts, that were filled by appointment by the President of the United States, by and with the advice and consent of the Senate, before the 4th of March, 1869, shall become vacant on the 30th day of June, 1869.

Every civil officer in the United States, except judges who hold by constitutional tenure, was to be stricken down in a day by this amendment. President Grant was to be overwhelmed in an hour by the fact that one hundred thousand offices, whose incumbents were called upon to help in administering the affairs of this great Republic, were vacant. And still we hear through the solemn formality of a report of a committee of the Senate a loud protestation against the removal of six hundred and seventy-three Republicans by a Democratic President in eight months!

In the course of the debate in 1869 Mr. Morton made some observations which I believe are worthy of attention at this moment. He said:

Mr. MORTON. Mr. President, I shall detain the Senate but a very few minutes. I do not intend to go into the argument of the law on this question. I take it that there are some questions of constitutional law that can be settled by time, and especially by contemporaneous exposition. After the Constitution was formed came the First Congress. That Congress was largely composed of the men who framed the Constitution; and that Congress passed upon this very question. That Congress found this power to reside with the President; and that construction was acquiesced in for seventy-eight years; and yet we are now told that there is nothing settled. Now, we have technical constructions of the Constitution resorted to to overturn the contemporaneous exposition of the Constitution that was acquiesced in for seventy-eight years. I have heard no argument made here that I can regard as otherwise than technical, that I can regard as otherwise than far-fetched; and when we consider that it is technical, and when we consider that the very men who made the Constitution decided against that construction, and the country acquiesced in that decision for three-quarters of a century, it is too late to come forward with a n acute and subtile and technical construction of the Constitution.

In another part of his discourse Mr. Morton said:

I believe it is a true principle, and that political parties can only be managed successfully upon the principle, that where the party in power have the right to remove those who are opposed to them in principle and to place in power those who are equally good and honest but agree with them in political principles, that power shall be exercised. I think that, other things being equal, it is right to make such changes. I believe that it is proper that the Executive of this nation should have his subordinate officers in harmony with himself in political opinion. Not only his Cabinet, but those in responsible positions, other things being equal, should be men who agree with him in his general line of policy.

Then, speaking of the act of 1867 particularly, of which he was seeking to aid the repeal, he says:

It makes the President a common informer. That is the character in which it places him, that of a common informer, to inform the Senate in regard to the delinquencies, the inefficiency, or the corruption of an officer, and the Senate is then to proceed to the trial. It puts him in a position that is not honorable to his high character, and one in which he should never be placed.

I desire to read simply in passing the following observations of Mr. Morton also:

Therefore, sir, all these constitutional arguments denying to the President the power of removal, and insisting that that power is vested by the Constitution in the Senate and President jointly, are of no more importance than a mere display of Chinese fireworks in the presence of a real battle.

Now I desire to read a few extracts from a speech made by Mr. SHERMAN, of Ohio, who was in Congress in 1867, when that act was passed, and also in Congress in 1869, when the act of 1867 was modified. Speaking of the proposition to suspend the act of 1867, Mr. SHERMAN said:

Why, sir, if it ought to be suspended for one year it ought to be repealed. If there is any object whatever for this law to accomplish it ought to exist during the next recess of the Senate. The whole power is to be transferred to General Grant for one year. He may remove any one for any cause whatever; and then, after everybody that is in is turned out, the doors must be shut on all future Presidents, all future administrations. Is that what the Judiciary Committee mean? Suppose that at the end of four years the people of the United States, the common masters of us all, should change their mind, and General Grant's administration should not meet their approval, and some other administration should come in, would you then deny to the new administration a power which you concede to General Grant for one year? Why, sir, the public voice and the public judgment would denounce that as partisan legislation, and all the power, all the authority of the great Republican party could not defend and maintain such a doctrine.

That is precisely the doctrine which the Senator himself is undertaking to defend. The Senator from Ohio said further:

If this act is repealed removals may be made without the consent of the Senate, and the only question the Senate will act upon in that case will be the question of the confirmation of the new appointee.

Speaking of the act which was in force at that time, and of the necessity that the President should furnish personal information touching removals and appointments, the Senator from Ohio said:

But if you ask me whether the incumbent is guilty or not guilty under the tenure-of-office act, I can not answer without a knowledge of details only known to executive officers charged with public trusts. They are the proper persons to judge of removals and the cause of removals; we are the proper persons to judge of the standing and character of persons appointed to office.

Speaking of the enforcement of the tenure-of-office act, the Senator from Ohio said:

Now, in my judgment it can not, with due regard to the public interests, be practically enforced. What has been our experience within two years in the

revenue service? After we adjourned two years ago many cases of fraud arose in that service. What was the result? When we came back here we were met with piles of documents which the President of the United States sent to us; various papers showing that certain officers of the Government had performed acts which in his judgment amounted to misdemeanor, crime, &c., and for which they were suspended. He gave us specific facts and evidence. These cases were referred to the appropriate committees. What were we called upon to examine? We had to take up and carefully read piles of papers and examine each particular case like a chancellor or a judge of assize. Every suspended officer contended that he was the most innocent man born since the time of Adam—

And they do yet—

He demanded a trial and copies of charges and proof and a formal hearing before the committees of this body, he converting us into a court and jury to try his particular case. If we could not try him, why demand charges and evidence? If the tenure-of-office act was right in principle, we were bound to examine each case to see whether or not the accused officer was, according to the language of the law, guilty of misconduct in office or crime, or had become incapable or legally disqualified. The result was that some of the committees of this body could not transact their business.

That is precisely the attitude in which we are sought to be placed now:

These cases were referred, and after great delay were reported upon. In one case the accused was tried, convicted, and sent to the penitentiary while we were deliberating whether he was properly suspended or not.

If Senators do not move a little more rapidly than heretofore, history may repeat itself in more than one instance.

Mr. LOGAN. It has already.

Mr. KENNA. The Senator from Illinois suggests that it has already repeated itself. I have no doubt that it will often do so. But what does that mean, except that the effort to get rid of the act of 1867 was because of the necessity of freeing the Senate from precisely the conditions into which we are to be thrown by this universal demand for papers in every case of suspension? There is no law; the law was repealed; but the will of the committee or of a majority is to be substituted for law, and in every case we are told by the resolutions on the Clerk's desk in which the papers failed to come the Senate is to refuse its affirmance of a nomination.

I presume if the resolution means anything it means the assertion of a principle. If the resolutions involve necessarily, as they must be intended to involve, the principle that the Senate can not with dignity and self-respect act upon suspensions except upon the communication of these papers by the Executive, then it can not act upon them in any instance, no matter from what source the information comes, as long as the Executive declines. Had not the Senate as well resolve itself into a hostile attitude, lash itself into a fury, and declare that if somebody somewhere does not furnish us information on certain topics it will not pass any law, as to say that unless the President sends information from the Departments here touching suspensions it will not make any confirmations?

No, Mr. President, without law, by the act of a mere majority here, if that majority shall be led to indorse the action of the committee, and in violation of both Constitution and law, the present Executive is sought to be placed in the attitude in which Mr. Morton denounced the act of 1867 as placing the Executive then, that of a common informer. He suspends a citizen from office and nominates another. The Senate sends to him to procure the papers touching the suspension.

The action of the majority here is not as fair to the Executive even as the law of 1867, because under the law of 1867 the President at least knew that when he made his case for a suspension he made his whole case and would be judged by it. Now, I may go to him, any gentleman may go to him, and hand him a wagon-load of papers. He may wade through them from one end to the other, he may discard them, send them to the Treasury, send them to the Post-Office Department, to the War or Navy Department, or put them in his own closet as utterly unworthy of consideration, and the next day you, sir, may go and upon your assurance as an individual Senator he may make a suspension. The Senate comes along and asks him for papers. He sends those papers down here, and that case goes to the appropriate committee, to the Senate, and to the country as one involving action upon evidence which was not even considered.

Then what? The committee in making its report brings with it the report made in the House in 1842, and brings it approvingly. Let me call your attention to it, and through it to the attitude in which the committee would place the Senate. Let us look at the report which is brought in here approvingly by the Committee on the Judiciary. The report states:

Mr. Sylvester having been removed by Hon. John C. Spencer, Secretary of War, your committee thought it was proper to notify him of their proceedings, and therefore directed its chairman to inform him of the readiness of the committee to receive any communication which he might desire to make to it, to summon and take the testimony of any witnesses he might wish to have examined, and to invite him to attend its meetings. In reply, the honorable Secretary informed the chairman that he did "not desire to make any communication to the committee, or to have any witnesses summoned by it, or to attend its meetings."

There is where this report would place the present Executive. He is asked to furnish to the Senate papers touching a suspension from office. He knows, and the head of the Department that sends them here knows, that those papers contain no fact upon which the Executive has acted. They well know that the administration must be misrepresented here, that it must be misunderstood here, and misunderstood by the entire country, or else the Executive must follow those papers into the recesses of your committee-room, bringing, as that committee suggested to Mr. Spencer, such witnesses as they wanted to examine, and there create what the Senator from Ohio denounces as courts of assize in every committee-room of the Senate. The misfortune would be that in every single instance of the forty or fifty committees to consider these nominations the court would be composed of eight to seven!

"Where is the President of the United States?" asks the American citizen when he treads these streets. Over before the Committee on the Judiciary prosecuting John Jones to get him out of office as marshal. "Where is the Secretary of the Treasury?" Over before the Committee on Finance, with his subordinates and witnesses, making a police court of that committee to establish a reasonable cause for the suspension of Bill Wright as collector in West Virginia. "Where is the Postmaster-General?" asks the American citizen as he walks these streets. Echo answers where, as my friend [Mr. VOORHEES] suggests. Over before the Committee on Post-Offices and Post-Roads of the Senate, trying to prove by witnesses he has summoned that Sam Johnson, who was postmaster at some place in the United States, ought to be removed for larceny or some other sort of rascality, for drunkenness, or even because he is perverting the position he holds and antagonizing the administration under which he holds it. So would the committee by the resolution prostitute every feature of the executive department of this Government into mere prosecutors and informers, to be called upon, examined, held here or sent back to the discharge of their appropriate functions at the pleasure of the Senate. Mr. President, that will not do! That will not do!

When President Cleveland assumed the functions of the office of Chief Executive of this Government I do not believe there is a citizen in the land who had any reason whatever to doubt or did doubt that he came to the discharge of the duties of that office determined, as far as in him lay, to devote conservative patriotic application to the discharge of his obligations. I believe I speak within bounds when I say that this whole country knew that the one great idea of service to the country in an acceptable manner in the high capacity in which it had selected him for that service was his first, his only aspiration. I would fail to express my own candid conviction now if I did not say that looking back over the long line of predecessors in that office, and confronting as he may the issues presented here, he will be the last to be first in surrendering its high prerogatives. The Senate may continue, as his message indicates, to ply him and his various subordinate Departments with harassing and embarrassing applications and issues. It may defeat every nomination that stands before it for consideration. It may assert, arbitrarily or otherwise, its forms of assault upon every prerogative granted by the Constitution of the country. But I mistake that man if he does not stand firmly to his post, maintaining, as it is his sworn duty under the Constitution of his country to maintain, every prerogative of his high office, and transmit it unimpaired to his successors. Like Alpine's oak on Alpine peak amid Alpine storm, "The stronger she blows the firmer she roots him!"

Mr. CULLOM. Mr. President——

Mr. LOGAN. It is so late in the day that I suppose my colleague will not desire to proceed this afternoon, and therefore I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Illinois yield to his colleague for the purpose indicated?

Mr. CULLOM. I yield, if it is understood that I shall have the floor to proceed on Monday.

The PRESIDING OFFICER. The Senator from Illinois will have the floor on Monday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had appointed Mr. JOSEPH MCKENNA, of California; Mr. J. THOMAS SPRIGGS, of New York; Mr. J. A. LOUTTIT, of California; Mr. J. B. MORGAN, of Mississippi; Mr. WILLIAM P. HEPBURN, of Iowa; Mr. POLK LAFFOON, of Kentucky, and Mr. SETH L. MILLIKEN, of Maine, the committee on the part of the House to accompany a similar committee on the part of the Senate to escort the remains of the late Senator JOHN F. MILLER from Washington to California.

EXECUTIVE SESSION.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 9, 1886.

SECRETARY OF LEGATION.

Pendleton King, of North Carolina, to be secretary of the legation of the United States at Constantinople.

TERRITORIAL SECRETARY.

William B. Webb, of Billings, Mont., to be secretary of the Territory of Montana.

POSTMASTERS.

George W. Morse, to be postmaster at Waterbury, in the county of Washington and State of Vermont.

Frank T. Spinney, to be postmaster at Medford, in the county of Middlesex and State of Massachusetts.

William D. McMaster, to be postmaster at Woodstock, in the county of Windsor and State of Vermont.

James T. Blain, to be postmaster at Brunswick, Glynn County, Georgia.

Mary Houston Gillespie, to be postmaster at Aberdeen, Monroe County, Mississippi.

Edward H. Lucas, to be postmaster at Florence, Darlington County, South Carolina.

William J. Wallace, to be postmaster at Norwood, Norfolk County, Massachusetts.

Edward P. King, to be postmaster at Hawkinsville, Pulaski County, Georgia.

Thomas Ingalls, to be postmaster at Marblehead, in the county of Essex and State of Massachusetts.

Henry L. Kenyon, to be postmaster at Northfield, in the county of Washington and State of Vermont.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 12, 1886.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SENATOR JOHN F. MILLER.

The SPEAKER. The Chair lays before the House resolutions of the Senate, which will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 11, 1886.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JOHN F. MILLER, late a Senator from California.

Resolved, That a committee of five Senators be appointed by the President *pro tempore* of the Senate to take order for superintending the funeral of Mr. MILLER, and that as a mark of respect entertained by the Senate for his memory, his remains be removed from Washington to California in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

C. C. ANDREWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State and recommending an appropriation to reimburse C. C. Andrews, late consul at Rio Janeiro, for extra clerk-hire; which was referred to the Committee on Claims, and ordered to be printed.

LEGISLATIVE EXPENSES OF MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an additional estimate from the Secretary of the Interior of an appropriation for legislative expenses of Montana Territory for the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES E. BEHLE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, and recommending an appropriation to reimburse Charles E. Behle, special examiner, Pension Office, for loss incurred while on duty; which was referred to the Committee on Claims, and ordered to be printed.

COMMISSIONS ON REVENUE COLLECTIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the acting Commissioner of Internal Revenue, recommending the repeal of the provision of section 3314 of the Revised Statutes allowing commissions on collections to collectors of internal revenue; which was referred to the Committee on Ways and Means, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. DOCKERY. On yesterday the Secretary of War transmitted a letter to the House in reference to the encroachments of the Missouri River upon the military reservation at Fort Leavenworth, Kans. It was referred to the Committee on Military Affairs. It was designed for the use of the Committee on Rivers and Harbors; and I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the Secretary's communication, and that it be referred to the Committee on Rivers and Harbors.

There was no objection, and it was so ordered.

DENTON & SAGE.

Mr. DUNHAM. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 3039) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on sixty hogsheads of sugar.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,549.67 be, and the same hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the repayment to Messrs. Denton & Sage, commission merchants, of the city of Chicago, of certain custom dues paid by them on 60 hogsheads of sugar, which were destroyed by fire, before delivery to them, in the great fire in Chicago, October 8 and 9, 1871.

SEC. 2. That the Secretary of the Treasury is hereby authorized to pay such sum to Messrs. Denton & Sage upon the execution by them of a proper receipt therefor.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIRECT TAX UNDER ACT OF 1861.

Mr. CASWELL. I ask unanimous consent to offer for present consideration the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby requested to furnish to the House a statement of the account, as it appears from the books of the Treasury, between the United States and the several States and Territories, of the direct tax laid and apportioned to the States and Territories by the act of Congress approved August 5, 1861, with the balances due from or unpaid by any State or Territory to the United States, and a detailed statement of the assessment and collection of any portion of said tax in any State or Territory. Also the statement of any set-off of claims due to the States and Territories and applied on such tax, together with such information as shall show the condition of accounts.

Mr. BLAND. Has that resolution been before any committee?

The SPEAKER. It has not.

Mr. BLAND. I object to the present consideration of the resolution. Let it be referred.

Mr. CASWELL. I will state that the Secretary of State has carefully prepared this information, but there has been no request from the House that he should furnish it. At his suggestion I prepared the resolution that the information might come through that channel, through which he desires it to come. I think there can be no objection to it.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] objects.

Mr. RANDALL. Let it go to the proper committee. It will come back within a few days.

The SPEAKER. Objection is made to the present consideration of the resolution, and it is referred to the Committee on the Judiciary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, communicated to the House a resolution of the Senate inviting the House of Representatives to attend the funeral ceremony of Hon. JOHN F. MILLER, late a Senator from the State of California, in the Senate Chamber on Saturday, March 13, at 12 o'clock m.

FUNERAL OF SENATOR JOHN F. MILLER.

The SPEAKER. The Chair lays before the House a resolution of the Senate.

The Clerk read as follows:

Resolved, That the Secretary invite the House of Representatives to attend the funeral ceremony of Hon. JOHN F. MILLER, late a Senator from the State of California, in the Senate Chamber, on Saturday, March 13, at 12 o'clock m.

Mr. MORROW. I offer the resolution which I send to the desk in relation to the subject-matter of the Senate resolution.

The Clerk read as follows:

Resolved, That the House accept the invitation of the Senate, and attend in a body the funeral services of the late Senator JOHN F. MILLER, of California, in the Senate Chamber, on Saturday, March 13, at 12 o'clock m.

The resolution was agreed to.

AMERICAN REGISTER FOR STEAMSHIP OZAMA.

Mr. LORE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of House bill 5219, to provide for an American register for the steamship Ozama, of New York city, and that the same be taken up for present consideration.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship Ozama, owned at the port of New York, by William P. Clyde, an American citizen, and rebuilt by him at Wilmington, Del., to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-vessel, steam-boiler, steam-pipes, and the appurtenances of said boiler, and cause to be granted the

proper and usual certificate issued to steam-vessels of the merchant marine, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances will be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States and are of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found to be of sufficient strength and safety.

Mr. RANDALL. Is there a report upon that bill?

The SPEAKER. The Chair is not informed.

Mr. DINGLEY. This bill has been unanimously reported from the commitee.

Mr. RANDALL. I do not know that the bill is wrong in any respect; but I think the report should be read.

Mr. FELTON. I object to the present consideration of the bill.

Mr. HAMMOND. Regular order.

The SPEAKER. Objection is made.

Mr. LORE. Mr. Speaker——

The SPEAKER. Is the call for the regular order withdrawn?

Mr. RANDALL. No, sir; it is not.

The SPEAKER. The regular order is demanded.

The morning hour for the presentation of reports of committees now begins. This being Friday, reports of a private nature are in order. Before proceeding with that order the Chair will present certain personal requests of members.

LEAVE OF ABSENCE.

Mr. BENNETT, by unanimous consent, was given indefinite leave of absence, on account of sickness.

Mr. HEWITT, by unanimous consent, was granted leave of absence indefinitely, on account of sickness.

Mr. HIESTAND, by unanimous consent, obtained leave of absence for four days, on account of important business.

ORDER OF BUSINESS.

Mr. LORE. Mr. Speaker, the objection to the present consideration of House bill No. 5219 is withdrawn.

The SPEAKER. The regular order has been demanded, which is equivalent to an objection.

Mr. RANDALL. Mr. Speaker, the call for the regular order is withdrawn.

The SPEAKER. The objection to the present consideration of the bill indicated by the gentleman from Delaware [Mr. LORE] and the demand for the regular order being withdrawn, if there be no further objection the bill is before the House for present consideration.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LORE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. By instruction of the Committee on Commerce, I move that House bill No. 902 be made a special order for Tuesday, April 13, and that the consideration of it be continued from day to day until disposed of.

The SPEAKER. The gentleman from Texas [Mr. REAGAN], on behalf of the Committee on Commerce, asks unanimous consent that Tuesday, the 13th day of April, be set apart for the consideration of the bill indicated by him (which the Chair understands is the interstate-commerce bill), and that the consideration of it be continued from day to day thereafter until completed.

Mr. BUCHANAN. I object.

Mr. REAGAN. The gentleman understands, I suppose, that this is the unanimous request of the Committee on Commerce?

LEAVE TO PRINT.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks made yesterday on the Indian appropriation bill.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska, asked unanimous consent to offer a resolution for reference.

The SPEAKER. The resolution will be read for information, after which the Chair will ask for objection.

The resolution was read.

Mr. SPRINGER objected, and the resolution was not received.

The SPEAKER. The Chair will proceed with the regular order, which is the call of the committees for reports.

SAMUEL C. FISHER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3321) for the relief of Samuel C. Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE H. GAINES.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5234) granting a pension to Jesse H. Gaines; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT E. STEPHENS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5525) granting an increase of pension to Robert E. Stephens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. CRAVENS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3308) to increase the pension of John R. Cravens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 571) for the relief of Rosanna Flahiff;

A bill (H. R. 516) for the relief of Patrick W. Kennedy;

A bill (H. R. 5592) granting a pension to John G. Murray;

A bill (H. R. 513) granting a pension to Mary Bagley; and

A bill (H. R. 3329) for the relief of Jacob Ging.

ALMIRA RUSSELL HANCOCK.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CAROLINE STURTZ.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES T. REBER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3831) granting a pension to Charles T. Reber; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK J. LEESE.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3624) granting a pension to Frederick J. Leese; which was referred to the Committee on the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. NEVIL.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3623) granting a pension to William H. Nevil; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY HILL.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 5085) for the relief of Mary Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AMELIA J. GILL.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3489) granting a pension to Amelia J. Gill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOPHIA F. BIXBY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4027) granting a pension to Sophia F. Bixby; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES E. BOLLES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 1136) granting a pension to Charles E. Bolles; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA A. FISHER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3152) granting a pension to Eliza A. Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET COFFEE.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1108) granting a pension to Margaret Coffee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1103) granting a pension to Mabelle R. Bulkley;
A bill (H. R. 1129) to increase the pension of Daniel J. Byrnes;
A bill (H. R. 1115) granting a pension to Betsey M. Murray;
A bill (H. R. 1101) restoring the name of Horace Trask to the pension roll;
A bill (H. R. 1082) granting a pension to Mary A. Bickerdyke; and
A bill (H. R. 5217) granting a pension to Austin L. Frink.

ABEL J. LEWIS.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6381) granting a pension to Abel J. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT MONAHAN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2755) granting a pension to Robert Monahan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5804) granting an increase of pension to James Delane;
A bill (H. R. 4791) granting an increase of pension to Samantha R. Lapham;
A bill (H. R. 2807) granting a pension to Orlando T. Sowle;
A bill (H. R. 2808) granting an increase of pension to William F. D. Bailey;
A bill (H. R. 4347) to increase the pension of Davis S. Clark; and
A bill (H. R. 2806) granting an increase of pension to Samuel Boice.

JOHN G. SHAWBELL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 686) to grant a pension to John G. Shawbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN T. PENNINGTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2940) granting a pension to John T. Pennington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA HOLLANDS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6019) granting a pension to Maria Hollands; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LURENA WAGES.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back the bill (H. R. 6668) granting a pension to Lurena Wages; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SANFORD C. WILLHOITE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3972) granting a pension to Sanford C. Willhoite; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GILBERT A. PHILIPS.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 918) granting a pension to Gilbert A. Philips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. STOUT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1841) granting a pension to George W. Stout; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed.

CHARLOTTE BUCK.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3614) granting a pension to Charlotte Buck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER FALKNER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5779) granting a pension to Peter Falkner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIMON J. FOUGHT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 1902) granting an increase of pension to Simon J. Fought; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HANNAH BABB HUTCHINS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 5278) to increase the pension of Nathaniel G. Frost; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CONGER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6002) granting a pension to George W. McCloud, and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6009) for the relief of John S. Herwick;
A bill (H. R. 6564) granting a pension to William Apperly;
A bill (H. R. 6007) for the relief of N. V. Crouch;
A bill (H. R. 624) for the relief of William E. Ward; and
A bill (H. R. 6004) for the relief of Edwin Moon.

MARY E. JOHNSON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 4132) for the relief of Mary E. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE SCHAEFER.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 413) granting a pension to George Schaefer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE M. JONES.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with amendments the bill (H. R. 561) for the relief of Jesse M. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. SEAY.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back with favorable recommendation the bill (H. R. 4899) for the relief of John H. Seay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back with adverse recommendation the bill (H. R. 616) for the relief of R. H. Shropshire; which was ordered to be laid on the table, and the accompanying report printed.

Mr. PERRY, from the Committee on War Claims, reported back with adverse recommendation the bill (H. R. 2650) for the relief of W. H. Lee; which was ordered to be laid on the table, and the accompanying report printed.

COMPENSATION OF CERTAIN PHYSICIANS.

Mr. HOWARD, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 60) to compensate physicians for services rendered under an order of the United States court for the northern district of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS GILBEAU.

Mr. LYMAN, from the Committee on War Claims, reported back with favorable recommendation the bill (S. 718) for the relief of Francis Gilbeau; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on War Claims, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 3649) for the relief of Alexander Montgomery; and

A bill (H. R. 825) for the relief of Silas H. Clark.

MARY E. CASEY.

Mr. DORSEY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 5003) for the relief of Mary E. Casey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* [Mr. DUNN]. This completes the call of the standing and select committees of the House.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar.

IDA A. RICHARDSON AND OTHERS.

The first business on the Private Calendar, coming over as unfinished business from the last session of the committee, was the bill (S. 178) for the relief of Ida S. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson and Caroline Augusta Urquhart.

The CHAIRMAN. The gentleman from Iowa [Mr. LYMAN] is entitled to the floor.

Mr. LYMAN. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman from Iowa has thirty-five minutes of his hour remaining.

Mr. LYMAN resumed and concluded the remarks begun by him on March 5. [See pages 2120–2123.]

[Before Mr. LYMAN had completed the above remarks the hammer fell.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SPRINGER. If I can be recognized in my own right, I will yield a portion of my time to the gentleman from Iowa.

The CHAIRMAN. The Chair will state that the gentleman from Kentucky [Mr. STONE], a member of the committee, is next entitled to the floor in his own right, and has forty minutes of his time remaining.

Mr. STONE, of Kentucky. I ask unanimous consent that the gentleman from Iowa be allowed an extension of time to complete his remarks. I do not desire to give him my time.

Mr. LYMAN. I desire less than five minutes more.

The CHAIRMAN. The gentleman from Kentucky [Mr. STONE] asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes.

There was no objection.

Mr. LYMAN resumed and concluded his remarks.

Mr. STONE, of Kentucky. I yield twenty minutes of my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Whenever a claim is presented against this Government that I think ought not to be paid I shall oppose it by my voice and vote. Whenever a claim is presented that in my judgment ought to be paid, the fear that it will open the door to an abuse will not deter me from giving it my support. I believe that this Congress will always be strong enough to close the door tight against spoliation and fraud whenever it ought to be closed.

This money, Mr. Chairman, for which this claim is made was not seized to sustain the Army. It was not taken as a war measure. It was money collected upon an insurance policy upon real estate. It is not for property that was destroyed by our armies because such destruction was deemed necessary, because such property undestroyed might be used for the benefit of the rebellion. This bill is to refund money which was collected by the officers of the United States and turned into the public Treasury.

The gentleman from Iowa [Mr. LYMAN] has called the attention of the committee to the numerous statutes passed by Congress under which this property could be condemned. Yet twenty-four years have elapsed and no proceedings to condemn have ever been instituted. I believe it can be demonstrated that these claimants are legally entitled to this money. Ought not, then, the Government during the period of twenty-four years to have instituted its proceeding in a court, in which the parties to this controversy might be brought before the court and these questions adjudicated upon and the question determined whether this money ought to be confiscated or not?

But, sir, I am not going to discuss this question upon that narrow ground. At the time when these claimants left the city of New Orleans General Butler was in command at that place. He went there with full power from the General Government for the government of that city and for adopting such measures as he believed necessary and proper for the development of the sentiment of loyalty in the State of Louisiana, for the bringing back of that State into the Union. He went there with full power as the minister, the representative, of this Government. This city was in his possession. He was the governor and ruler of it. Possessed of all these powers, clothed with them by the General Government, he saw fit to address to these claimants this letter:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 23, 1862.

MESDAMES: I have the pleasure to inform you that my necessities, which caused the request for permission to use your house during your absence this summer, have been relieved. I have taken the house of General Twiggs, late of the United States Army, for quarters. Inclined never on slight causes to use the power intrusted to me to grieve even sentiments only entitled to respect, from the courage and ladylike propriety of manner in which they were avowed, it is gratifying to be enabled to yield to the appeal you made for favor and protection by the United States.

Yours shall be the solitary exception to the general rule adopted that they who ask protection must take upon themselves corresponding obligations, or do an equal favor to the Government. I have an aged mother at home who, like you, might request the inviolability of hearth-stone and roof-tree from the presence of a stranger. For her sake you shall have the pass you ask, which is sent herewith.

As I did myself the honor to say personally, you may leave the city with no fear that your house will be interfered with by any exercise of military right, but will be safe under the laws of the United States. Trusting that the inexorable logic of events will convict you of wrong toward your country when all else has failed,

I remain, your obedient servant,

BENJ. F. BUTLER,
Major-General.

Mesdames SLOCOMB and URQUHART.

General Butler wrote that letter and delivered it to these claimants not privately, but publicly. For some good reason he, the military governor of the city of New Orleans, gave them this letter, and the question presented here to-day is whether the Government of the United States will repudiate the governor it sent to the State of Louisiana in those trying times. What political policy underlay this I do not know. I know this act was done publicly by him. He gave to these women this letter, and said to them, "You may leave this city and your property shall not be disturbed by the Federal Army."

I, sir, for one, intend to respect that official act of General Butler, and in voting to respect it I shall find no precedent against my voting, whenever I deem it my duty, against any other claims that may be presented here.

Let us look a little further on and see how General Butler himself——

Mr. LYMAN. May I ask the gentleman from New York a question?

Mr. HISCOCK. Certainly.

Mr. LYMAN. Does that letter refer to this lady's property generally or only to her residence?

Mr. HISCOCK. That question is best answered by another letter from General Butler, which I shall read:

MADAM: For anything I have done in getting the restoration of your property I neither require nor desire thanks. When you left New Orleans, I pledged my faith, and I supposed the faith of the Government, that your property should not be disturbed.

I put upon the letter the construction General Butler himself puts upon it in his letter of September, 1865.

Mr. BOUTELLE. Had General Butler any such authority?

Mr. HISCOCK. I am asked if General Butler had any authority! I answer that he was there with life and death in his hands. He was the military governor of New Orleans, martial law prevailed, and he was ruling the city as its military governor, the civil law being suspended.

Mr. BOUTELLE. But he was not above giving reasons for his acts.

Mr. HISCOCK. My friend says that General Butler was not above giving reasons for his acts. Perhaps he was not. He is not here to be catechised upon that point. We all know how his acts there in many respects were criticised. I remember it; the gentleman remembers it; and for reasons—political, I doubt not—General Butler deemed it wise to give this letter to these ladies. I have read you in part what he thought

about the repudiation of that letter by the military authorities after he had left the city.

Mr. BOUTELLE. If the gentleman will permit, I would like to ask him a question in order to make my meaning plain. I wish to ask him whether the correspondence here indicates that General Butler gave this safeguard in consideration of some private or of some public service that had been rendered by these parties?

Mr. HISCOCK. I can not answer the question.

Mr. BOUTELLE. It is a very important question.

Mr. HISCOCK. I do not know. It is enough for me that he gave the letter, and gave it openly and publicly, and that it was advertised throughout the country. General Butler gave this letter, making this case, as he himself stated, a single, solitary, exceptional instance, pledging to these ladies, as he afterward said, that their property should be protected and their rights respected. I will read again this letter of September 25, 1865. General Butler thus writes to Mrs. Slocomb:

MADAM: For anything that I have done in getting the restoration of your property I neither desire nor require thanks. When you left New Orleans, I pledged my faith, and I supposed the faith of the Government, that your property should not be disturbed. By acts on the part of those in authority thereafter, for which there can be no palliation except ignorance of the fact or of their duty, that pledge was not observed. To restore my faith as far as possible I aided in procuring the restoration of the property. I could do no less in honor. A sense of this has prevented my replying to the kind notes of thanks from Mrs. Urquhart.

That is the construction put upon his own letter by General Butler. He was regarded by the Government of the United States as the best man to put in command in New Orleans at that time. We of the North were satisfied with his administration of the civil government there; and for one, I propose, by my vote and my voice, to stand by the measures which he saw fit to adopt.

Mr. BOUTELLE. Will the gentleman permit a question in this connection?

Mr. HISCOCK. Yes, sir.

Mr. BOUTELLE. Does not the letter of General Butler which he gave to these ladies apply distinctly to the protection of their house and nothing else?

Mr. HISCOCK. Mr. Chairman, in answer to that, I can only say that I do not so understand the letter.

Mr. BOUTELLE. Read it.

Mr. HISCOCK. I have read it, and it speaks for itself. I do not so understand it, and General Butler did not so understand it.

Mr. BOUTELLE. He says so.

Mr. HISCOCK. Mr. Chairman, the gentleman still says that General Butler says thus and so.

Mr. BOUTELLE. Read it for yourself.

Mr. HISCOCK. I have read it, and it has been read to the House, and I do not so understand it. The gentleman must not ask me a question and expect that I will answer it as he wishes if I do not so understand the case.

Mr. BOUTELLE. Will the gentleman read the letter again?

Mr. HISCOCK. I have read it to this committee.

Mr. BOUTELLE. I will read it if the gentleman will permit. My question is entirely a fair one. I ask the gentleman whether General Butler does not say in that letter: "As I did myself the honor to say personally, you may leave the city with no fear that your house will be interfered with by any exercise of military right," &c.

Mr. HISCOCK. Well, a part of this claim, I understand, is for the insurance money collected on account of the destruction of that house by fire.

Mr. LYMAN. No; that was other property. There is no claim of that kind about the house.

Mr. CANNON. Was the property that was destroyed in the dwelling-house?

Mr. LYMAN. No; it was a store-room that was burned.

Mr. HISCOCK. How near the house?

Mr. LYMAN. I do not know.

Mr. HISCOCK. Connected with it, I suppose?

Mr. LYMAN. Oh, no.

Mr. WADSWORTH. The intention certainly was not to protect only one particular piece of property.

Mr. HISCOCK. Then, Mr. Chairman, the opposition is put upon this narrow ground, that simply the house of these ladies was to be protected. I do not so understand the letter. It is unnecessary for me to read it again. We have here General Butler's own construction of that letter. He believed he gave these ladies a pledge that their property should be protected, and that they should have the benefit of it. Now I will answer the question of the gentleman from Maine. What would these people naturally expect? They left the city of New Orleans holding this letter of General Butler, who was in command of the city; they went away from the city with his knowledge and consent under the pledge contained in this letter. What did they understand? What did they have a right to understand was the effect of that pledge?

Mr. BOUTELLE. I should suppose they would understand that the letter meant just what it said.

Mr. HISCOCK. Now, Mr. Chairman, let us go a little further into this report. I will read another letter from General Butler:

At your request, as attorney for Mrs. Slocomb and Mrs. Urquhart, I gave you a statement of the facts in regard to the matter as far as I have any knowledge. When I came to New Orleans I learned that Mrs. Slocomb, while a fast friend of the confederate cause, while her son was serving in the confederate army, yet had manifested her sense of right and justice by refusing to allow the debts which she owed her Northern creditors to be confiscated, and, resisting that very extraordinary and unjust enactment of the confederate congress, had paid and had made arrangements to pay her debts.

I do not know, sir, but in this action on the part of this lady General Butler found a justification for this letter which he gave her. A high-toned lady, owing debts in the North, she had refused to take advantage of that act of confiscation; ay, more, had refused to allow those debts to be confiscated and had paid her Northern creditors. It speaks well for her. Possibly that was the reason which urged the commanding general to give her this letter. Doubtless there were sufficient circumstances justifying him in what he did, otherwise he would not have given her that letter—circumstances doing credit to her honor and to his sense of justice and of the proprieties of statesmanship.

Let us go on a little further in this case. I read a part of the report:

As long as General Butler remained in command the pledge given by him was strictly observed; but General Butler was shortly thereafter succeeded by General Banks, and about August 1, 1862, a general order was issued by the latter under which all the real estate owned by the claimants was taken possession of by his quartermaster. It is believed that General Banks was ignorant of the pledge given by his predecessor. A portion of said property was used for various military purposes, and the residue was turned over to B. F. Flanders, the supervising special agent of the Treasury in that city; the rents thereof were collected by him, and were duly accounted for to the Treasury Department.

* * * * * * *

On being informed of these facts Mrs. Slocomb made repeated applications for permission to return to New Orleans for the purpose of taking possession of her property.

Mr. LYMAN. The only application about which there is a hint in the entire case was late in 1864, when some friend of hers wrote a letter to General Banks asking that she might return; and he, after investigation through the provost-marshal and other officers, refused to allow her to return—for good reasons, I presume.

Mr. HISCOCK. Mr. Chairman, the only response that I can make to the assertion of my friend from Iowa [Mr. LYMAN] is that the report from which I have just read was presented to the Senate by Senator MANDERSON; and I understood the gentleman from Illinois [Mr. ROWELL], when upon the floor the other day, to indorse this report.

[Here the hammer fell.]

Mr. STONE, of Kentucky. I desire to yield further time to the gentleman from New York.

The CHAIRMAN. How much?

Mr. HISCOCK. I do not ask for more than five minutes.

Mr. STONE, of Kentucky. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. HISCOCK. The Senate Committee on War Claims made this report to the Senate and the gentleman from Illinois reported it to the last House:

On being informed of these facts Mrs. Slocomb made repeated applications for permission to return to New Orleans, but permission was refused, and all the parties remained at their country seat until the close of the war, without in any manner participating therein.

If she had returned to New Orleans and taken possession of her property it would not have been confiscated.

Mr. LYMAN. She did not attempt to return to New Orleans until late in 1864. She left the city in 1862.

Mr. HISCOCK. I can only say again, in response to the gentleman, that I find here in the report this statement of facts——

Mr. LYMAN. I have investigated, and I know.

Mr. HISCOCK. I find it stated in this report that upon learning her property had been seized she immediately sought to return to New Orleans; that she made frequent applications to be allowed to do so; that her applications were refused, and that she remained at her country seat, taking no part in the war.

Mr. LYMAN. There is no evidence where she was.

Mr. HISCOCK. The gentleman says there is no evidence. I know that this is a report made by a Senate committee, presented to that body, I believe, by a gallant Union soldier, a gentleman in whose judgment I have great confidence; and I do not believe he has any sympathies which would lead him to favor the payment of claims which ought not to be paid. And as I said a moment ago I understood the gentleman from Illinois [Mr. ROWELL] to indorse this report and this statement of fact.

We have, then, these claimants leaving the city, relying upon this letter of General Butler, upon which he has put a construction; we find this property taken during their absence—the property of this woman, who had insisted on paying her Northern creditors; and we find her, on learning of the seizure of her property, endeavoring to return to the city of New Orleans, her property having been seized in violation of a pledge which had been given by the military governor sent by the United States to that city. In the fact that such a pledge ought to be redeemed I find sufficient reason for voting to pay back this money to these claimants. The redemption of this pledge of General Butler is a sufficient reason in my view for my vote, and I have no fear, as the gentleman from Iowa seems to have, that this vote will stand in my way as a precedent to prevent me from voting against the payment of claims which ought not to be paid.

Mr. BLANCHARD. Mr. Chairman, I regret that I find myself physically unable by reason of the contraction of a severe cold to argue this case *in extenso*, as I had hoped to be able to do.

The petition of these claimants, all of whom are ladies, and were during the war non-combatants, was first presented to the Forty-third Congress. It was reported favorably by the War Claims Committee of the House. No action was taken on it during that Congress because the bill was not reached in its regular order on the Calender. Again, in the Forty-fourth Congress, this bill received the unanimous favorable action of the House Committee on War Claims. It was not considered by the House because, like in the previous Congress, not reached on the Calendar. In the Forty-fifth Congress the War Claims Committee again reported the bill favorably without a dissenting voice; and during the second session of that Congress it came up for action in the House, and was passed by the House. It was not acted on by the Senate because not reached on the Senate Calendar. Bills for the relief of claimants were introduced in the Forty-sixth and Forty-seventh Congresses, but no reports from the Committee on War Claims in these Congresses appear to have been made.

In the Forty-eighth Congress the House Committee on War Claims reported the bill favorably; and the Senate Committee on War Claims did likewise, so that in that Congress it appeared with favorable reports upon the Calendars of both Houses.

In the Forty-ninth Congress this bill was again reported favorably by the Senate Committee on War Claims, and was passed by the Senate during the present session some weeks ago. It has been reported favorably by the Committee on War Claims of the House, and is here now, having at its back five favorable reports of the House Committee on War Claims and two favorable reports of the Senate Committee on War Claims. It stands here having passed both Houses of Congress—the House in the Forty-fifth Congress and the Senate during the present Congress.

In all these efforts, Mr. Chairman, to pass this bill there has been but one single dissenting voice, so far as the reports in the case show, and that is the minority report of the gentleman from Iowa [Mr. LYMAN]. In the Forty-eighth Congress the report made from the House Committee on War Claims was made by the gentleman from Illinois on my right [Mr. ROWELL], and in the Senate by the Senator from Nebraska [Mr. MANDERSON].

Now the claim upon which this bill is founded grows out of peculiar circumstances existing in 1862 in the city of New Orleans. In May, 1862, the city of New Orleans surrendered to the army of the United States commanded by General Benjamin F. Butler. In taking possession of the city of New Orleans General Butler issued a proclamation, one extract from which I will read:

That all rights of property of whatever kind will be held inviolate, subject only to the laws of the United States.

In June, 1862, about one month after the capture of the city of New Orleans, Mrs. Cora A. Slocomb, a widow lady, with her two daughters, one of them at that time unmarried and the other the wife of Col. David Urquhart, with three little children of Mrs. Urquhart, applied to General Butler for permission to do what they had done for years before, that is, to retire to a summer home which they had in North Carolina. They asked General Butler for permission to go to their country seat at Flat Rock, in the mountains of North Carolina. General Butler took the request of these ladies into consideration and the next day he had an interview with them, and wrote them a letter also in which he gave all of them the permission they asked for to pass out of his lines.

The gentleman from Iowa [Mr. LYMAN] was mistaken in referring to the record as showing that this permission did not include any one but Mrs. Cora A. Slocomb.

Mr. LYMAN. Will the gentleman from Louisiana call my attention to that pass anywhere in the record?

Mr. BLANCHARD. I will before I get through.

Mr. LYMAN. Where is it?

Mr. BLANCHARD. Sir, the pass of General Butler included the three of these ladies, and their affidavits are on file in this record showing it.

The only condition General Butler exacted from these ladies was that they should not aid or abet the cause of the Confederate States during their retirement in the mountains of North Carolina. They gave that promise, and not only that, the record shows Mrs. Slocomb repaired, before leaving the city of New Orleans, to the office of the provost-marshal and there took an oath that she would not give aid or comfort to the cause of the Confederate States.

Mr. LYMAN. Will the gentleman state where that is to be found?

Mr. BLANCHARD. I will, and I am sorry the gentleman from Iowa has so misunderstood and misapprehended the record that he did not see that statement in it. I do not believe he intended in any way to misconstrue the record, but he has unwittingly been led into that which has that appearance. There is here a statement, which I will send to the Clerk's desk and have read, of the agent of Mrs. Slocomb to the supervising special agent of the Treasury Department immediately after the seizure of the property, in which it appears Mrs. Slocomb, before leaving the city of New Orleans, went before the provost-marshal and took the oath I have referred to. It was not an oath of allegiance to the United States; that was not exacted by General Butler; but it was an oath that she, on her part, would comply with the promises made to General Butler that during her retirement to the mountains of North Carolina she would not aid or abet the cause of the confederacy.

Mr. Chairman, these ladies did retire, all three of them. They retired to their country home in North Carolina, and the record shows that fact. The gentleman from Iowa [Mr. LYMAN] was very greatly mistaken when he said the record did not show it. The record further shows that they remained there, making repeated efforts, and the gentleman from New York [Mr. HISCOCK] was correct in that statement—making repeated efforts to return to New Orleans after the pledge given them by General Butler had been violated and their property seized. The permission to return, however, was persistently denied them by order of General Banks. They remained at their country seat in North Carolina until some time in 1864, when the evidence in the record shows they went to Mobile in order to be as near New Orleans as possible, permission to re-enter that city being denied them.

Now after General Butler gave them this pledge in 1862, during all the time he remained in command at New Orleans the pledge was faithfully observed and carried out to the letter.

Mr. WARNER, of Missouri. Will the gentleman yield for a question?

Mr. BLANCHARD. I will.

Mr. WARNER, of Missouri. Does not the gentleman base the recovery of this claim upon the pledge made by General Butler to these ladies?

Mr. BLANCHARD. I do.

Mr. WARNER, of Missouri. The gentleman will admit by the record that the disloyalty of the claimants is shown?

Mr. BLANCHARD. I will come to that——

Mr. WARNER, of Missouri. I wish to ask another question following that. Will the gentleman from Louisiana inform me if General Butler ever gave any interpretation as to what he thought his pledge to them covered?

Mr. BLANCHARD. He did.

Mr. WARNER, of Missouri. What?

Mr. BLANCHARD. I will read it presently. Just give me time.

Mr. WARNER, of Missouri. Then I will ask this further question——

Mr. BLANCHARD. I can not yield further.

Mr. WARNER, of Missouri. Just this question in connection with what has preceded it.

Mr. BLANCHARD. I beg the gentleman not to interrupt me further. I will cover all the points he has in view in the progress of my remarks.

Mr. WARNER, of Missouri. I merely wish to read an extract in General Butler's own words upon this point.

Mr. BLANCHARD. I will read it if the gentleman will give me time.

During all the time General Butler remained in New Orleans the pledge which had been given was kept to the letter. It was faithfully adhered to, and it was not until August, 1863, fifteen months afterward, that the property of claimants was seized in violation, unwittingly it may have been on the part of General Banks, of the pledge which his predecessor had given. Immediately after this seizure in August, 1863, the agent, whom Mrs. Slocomb had left in charge of her property and that of her daughters when she retired from New Orleans pursuant to the pass and permit of General Butler, addressed a communication to Hon. Benjamin F. Flanders, the agent of the Treasury Department, which I now send to the desk and ask the Clerk to read.

The Clerk read as follows:

NEW ORLEANS, *August* 28, 1863.

Hon. BENJAMIN F. FLANDERS,
Agent of Treasury Department:

Your petitioner in presenting his case for your consideration begs that you recognize the principles that the United States Government is equally or more desirous to protect loyal citizens than to punish disloyal ones, and that, according to the terms of the confiscation act and the proclamation of the President, the Government takes no cognizance of treasonable offenses committed prior to September 23, 1862, by persons who on that day have ceased to support the rebellion. Your petitioner respectfully represents that in the month of June, 1862, Cora A. Slocomb asked of Maj. Gen. B. F. Butler permission for herself and daughters to go to Flat Rock, N. C., there to remain during the existence of the rebellion, and asked the protection of the United States in the enjoyment of their property.

She confessed to the General that although ardently attached to the Union, and a strong supporter until the commencement of hostilities, since the participation of members of her family in the rebellion her sympathies had been enlisted with the opposers of the Government under which she had lived so long and happily. General Butler took her petition under advisement, and after several days wrote her a letter stating that he was happy to be able to yield to her appeal for favor and protection from the United States. He assured her that she should be the only exception to the general rule adopted, that those who receive the protection of the Government must take upon themselves corresponding obligations. With this assurance, and after having registered, under oath, at the office of the provost-marshal, a promise that she would give no aid to the enemies of the United States, she proceeded to Flat Rock, in the mountains of North Carolina, leaving your petitioner as agent in charge of her property and that of her daughter. Your petitioner urges that in no sense can this property be classed as "abandoned," inasmuch as the proprietors have an agent in charge, and their presence in an insurrectionary district is by special grant of the highest authority in this Department at time of their departure.

Your petitioner respectfully urges that inasmuch as Mrs. Slocomb never took

the oath of allegiance to the Confederate States, a return to her allegiance was legally accomplished by her abstaining from further assisting the confederate cause according to her obligations on record at the office of the provost-marshal. Your petitioner also urges that the promise contained in General Butler's letter places her in the same attitude to the law as if she had sworn allegiance to the United States previous to her departure. Your petitioner believes that there is no pretense upon the part of the officers of the Government that either of these ladies have broken their obligation to the provost-marshal.

Your petitioner begs you to consider that the laws of the United States take cognizance of acts, not sentiments, and that treason consists only in an overt act against the Government. Your petitioner begs you to take into consideration that ladies are ruled rather by their affections than their reason, and that this peculiar attribute which God has given them should shield them from as strong censure as the sterner sex. He begs you to reflect upon the state of society consequent upon the estrangement of wives from husbands, mothers from sons, sisters from brothers, and respectfully urges that, dark as the rebellion is, such a state of society is infinitely less preferable even though men embrace a bad cause with desperate resolution. What would you have thought of Mrs. Slocomb if her son was brought to her arms from the bloody field of Shiloh, she had held up her hand in indignant abhorrence and refused to stanch his wounds, or neglecting those tender offices which only a mother can fulfill, sat down with stolid indifference, and counsel with herself whether or not she should give aid and comfort to an enemy of the United States?

Your petitioner further urges that he has the right from Mrs. Slocomb and her daughter to appropriate their incomes to the extinguishment of his, your petitioner's, indebtedness to loyal citizens of the United States, which indebtedness, in consequence of which your petitioner having dissolved from his partner and assumed the liabilities of C. A. Slocomb & Co., amounted, on the advent of General Butler's forces in New Orleans, to $278,000, which amount your petitioner, by the employment of the incomes of said Cora A. Slocomb and Ida H. Slocomb, together with sales of hardware belonging to your petitioner, has reduced to $228,000. Your petitioner deprived of the enjoyment of these incomes will be driven by the urgency of his credits into insolvency and have his property ruinously sacrificed; and your action in taking into custody the property of these ladies before a competent court has decided their property confiscated works to your petitioner irreparable injury. Your petitioner feels sure you desire to avoid such a result. Your petitioner asks that, to save him from commercial disaster and dishonor, as well as in respect to the solemn promise of a major-general of the United States—

First. That the property of Cora A. Slocomb and Ida A. Slocomb be discharged from your custody unconditionally to your petitioner.

Secondly. If you will not grant the first, he asks that he be allowed to continue the enjoyment of the incomes by furnishing good and solvent security that, when a court of competent jurisdiction shall decide the property of these ladies confiscated to the Government, he will pay to the Government all such moneys as he has collected. There is no possibility that wrong can be done to the United States in granting the latter.

Your petitioner appeals to your knowledge of the high character of these ladies as known in this community, and asserts what is not known in this community, and which his financial relations toward them only enabled him to discover, that their lives are an unceasing routine of charity and benevolence to the poor and unfortunate.

Your petitioner most solemnly declares upon the knowledge incident to a charge of their financial matters that during the rebellion in New Orleans the larger portion of their donation was to the free market and other kindred objects rather than to purposes having in direct view the overthrow of the Government.

Your petitioner, looking hopefully forward to the time when yourself and these ladies will again enjoy in this city the blessing of a great and humane government, deeply impressed with the consistency of your conduct in being first, last, and always a Union man, and confident that the United States Government does not desire vengeance upon women, submits his petition with entire faith. You will find it consistent with the duty you owe and have always so loyally paid the Government you serve to grant his prayer.

H. F. BALDWIN.

Mr. BLANCHARD. Mr. Chairman, that paper——

Mr. LYMAN. Permit me to interrupt you a moment. I want to understand what that paper is and by whom signed?

Mr. BLANCHARD. It is signed by H. F. Baldwin.

Mr. LYMAN. Who is he?

Mr. BLANCHARD. He was a member of the commercial firm of C. A. Slocomb & Co., a mercantile establishment in New Orleans prior to the war.

Mr. LYMAN. What has it to do with this case?

Mr. BLANCHARD. He was the agent of Mrs. Slocomb, having charge of her property there; and this communication bears date of August 28, 1863, and is among the papers constituting the record of this case.

Mr. LYMAN. Is it verified?

Mr. BLANCHARD. It is the statement of Mr. Baldwin, but not sworn to.

Mr. JOHNSTON, of Indiana. It is not verified.

Mr. BLANCHARD. It is a document in reference to the case which comes from the archives of the War Department, and a part of the evidence in the record.

Mr. LYMAN. I understand, if I remember reading the Congressional Directory correctly, that the gentleman from Louisiana is a lawyer. I wish to ask him if, as a lawyer, he thinks this would be evidence in any court in this country?

Mr. BLANCHARD. We are not sitting here, sir, as a court, bound down by the strict rules which obtain in courts with respect to the introduction of evidence. The gentleman knows that as well as I. This is a statement which is in the record, which got into the record by reason of having been sent there from the archives of the Treasury and War Department; and it is incomprehensible that the gentleman from Iowa failed to see it there. If he had seen it he surely would not have made the statement that there was nothing in the record to show that these ladies had gone, all three of them, to the mountain region of North Carolina and remained there. Now I confront him with this statement which shows it, and I will confront him with others which show the same thing.

Mr. LYMAN. The gentleman has not answered my question. If he declines to do so, all right. My question was, whether he considers that evidence.

Mr. BLANCHARD. Mr. Chairman, even any kind of a paper, offered as evidence in a court of law and unobjected to, goes in as evidence.

Mr. LYMAN. Then you say that is evidence.

Mr. BLANCHARD. I do say it is evidence.

Mr. LYMAN. That is an answer to my question.

Mr. BLANCHARD. I hope the gentleman from Iowa will not misconstrue what I say into anything offensive to him. I relieve him of any imputation of willfully misapprehending the record or misstating it. But that he has done so through error must be apparent.

The gentleman from Iowa made the further statement that there was nothing in the record to show—so I understood him—that these ladies had made repeated efforts to return to New Orleans.

Mr. LYMAN. Now let me correct the gentleman.

Mr. BLANCHARD. I hold in my hand another paper which appears in the record.

Mr. LYMAN. Before the gentleman reads that will he allow me a word?

Mr. BLANCHARD. Yes, sir.

Mr. LYMAN. I said in my remarks, or, if not, I intended to say it on these points the gentleman is referring to, that there is no evidence in the record, and I still say nothing has been shown to the contrary; there is no evidence that they took the oath of allegiance or any other oath that they would obey the laws of the United States. That paper has been read for that purpose, but I say now there is no evidence in that paper.

Mr. BLANCHARD. I do not yield to the gentleman from Iowa to inject a speech within mine. I say that paper is there legitimately. It comes from the files of the War or Treasury Department. It is there without objection. The statement was made in August, 1863, at a time not suspicious, and was made by the agents of these ladies. It recites that Mrs. Slocomb went to the provost-marshal's office in New Orleans and subscribed to the oath referred to. If this was not true would it not have been an easy matter for Mr. Flanders, the agent of the Treasury Department, to whom the communication is addressed, to have gone to the office of the provost-marshal in New Orleans and discovered the falsity?

Mr. LYMAN. Would it not have been as easy for them to have taken steps to verify it?

Mr. BLANCHARD. Mr. Chairman, I hold in my hand a paper dated New Orleans, January 12, 1864, addressed to Brigadier-General Bowen, provost-mashal-general of Louisiana.

It is as follows:

DEAR SIR: Permit me to ask of you a permit in the name of Mrs. Cora A. Slocomb and daughter, Miss Ida A. Slocomb, now residing at Flat Rock, North Carolina, to pass the lines and return to their homes in this city.

The ladies left this city in June, 1862, under a special permit from Major-General Butler, and now desire to return to their homes.

A compliance with the above will greatly oblige.

Yours, respectfully,

JOHN B. PECK.

No. 4 Canal street.

Mr. KLEINER. What is the date of that letter?

Mr. BLANCHARD. The date is January 12, 1864; that is another paper in the record which comes there from the archives of the Government.

Mr. LYMAN. May I ask who Mr. Peck is?

Mr. BLANCHARD. Mr. Peck was the agent of these ladies, who succeeded Mr. Baldwin in that capacity.

Now, Mr. Chairman, I hold in my hand another letter, dated March 3, 1864. It is signed by Dr. Monro Mackie, who was a reputable physician in the city of New Orleans. It is addressed to Maj. Gen. N. P. Banks. I will not read it all, but will read an extract which I have marked:

These ladies—

Not one of them, but all three of them—

applied to General Butler and obtained from him permission to go, together with a written permission to protect their property until their return.

Properly appreciating the generous conduct of General Butler, they have lived during their absence in retirement at their country seat among the hills of North Carolina, and have religiously abstained from any act or expression which might release the Government from the pledge given to them by its agent.

That is another paper, Mr. Chairman, which I found legitimately in the record when I obtained the papers constituting the record from the gentleman from Iowa himself.

Mr. LYMAN. Of course the gentleman claims that that too is evidence.

Mr. BLANCHARD. I do claim it is evidence. Now I hold in my hand four affidavits. The gentleman from Iowa has objected to the statements already cited, because they were not attested by the oath of the parties. I hold four affidavits showing the same state of facts, namely: that the permission given by General Butler included all three of these ladies; that they all three retired to Flat Rock, North Carolina, and there remained; and that they made repeated efforts to return to New Orleans, but without avail. I need not read all of them, but I will read a portion of one of the affidavits, which shows what I desire to establish

in this connection. The paper from which I now read was a petition addressed to the Forty-third Congress, and is attested by the oath of the party. I hope the gentleman from Iowa considers it evidence. I am only reading one extract from it:

Your memorialist further avers that application was several times made by friends in her behalf—

This is the statement of Mrs. Cora A. Slocomb—

for permission for her to return to New Orleans. But this permission was refused, and she and her daughters continued to reside in their mountain home, taking no part in the struggle that was raging around them.

This is attested by the oath of Mrs. Slocomb. Here is a similar statement under oath from Mrs. Caroline Augusta Urquhart, one of the ladies included in the permit of General Butler. Here is another affidavit to the same effect from Miss Ida A. Slocomb, now Mrs. Richardson. Lastly, I hold in my hand an affidavit of Dr. Monro Mackie, not the paper from which I read just now, but an affidavit, in which he reiterates the statement that these ladies retired from New Orleans upon the permit of General Butler, and remained at their country home during the whole period, without in any manner aiding or abetting the confederate cause, thereby complying with their promise to General Butler, and that they made repeated efforts to return to New Orleans, but without avail. No one can object that these affidavits do not constitute evidence.

Mr. Chairman, the property belonging to these ladies seized by General Banks in 1863, fifteen months after they left the city pursuant to the permit of General Butler, amounted in value, in the aggregate, to nearly $500,000.

To be exact, I hold in my hand the inventory, which shows that there was $487,000 worth of real estate so seized.

Now, Mr. Chairman, the evidence in this record shows that the greater part of this property was used by the Army for army purposes, and for that part of it there is not one dollar of compensation asked or proposed in this bill. That part of the real estate which was not used actually by the Army of the United States and for military purposes was turned over to B. F. Flanders, supervising agent of the Treasury Department, and the rents of the property so turned over to him were collected by him and accounted for to the Treasury, and it is to that part of the claim of these ladies that this bill refers, and to that part alone. I desire to emphasize the fact that no part of the $38,000 which this bill calls for is sought as compensation for property used by the Army or for military purposes. The bill refers only to rents collected from that part of the property which the Army had no need for and did not use, and which General Banks turned over to the special agent of the Treasury Department to collect the rents and account for them to the Department. So this is not a case of property taken and made use of by the Army.

A part—to wit, $14,300—of the amount included in the bill arose in this way:

Miss Ida A. Slocomb, then a young lady, one of the ladies who obtained this permit from General Butler, owned four stores on New Levee and Tchapitoulas streets, New Orleans. Notwithstanding the fact that they were under seizure by order of General Banks and in possession of Mr. Flanders, the special agent of the Treasury Department, Miss Slocomb caused those stores to be insured, and I hold in my hand a certified copy of the policy of insurance. They were burned down in January, 1864, and a very short time after they were burned, within a few weeks, the following letter was addressed to the president of the insurance company:

OFFICE CHIEF QUARTERMASTER, DEPARTMENT OF THE GULF,
New Orleans, January 20, 1864.

Sir: In obedience to superior orders, I require you to pay over to me at this office the amount of $15,000, being the amount of cash due by the company over which you preside to Miss Ida A. Slocomb on the policy of insurance for risk taken on her four buildings recently destroyed by fire on Tchapitoulas street.

This order must be complied with at once. A failure on your part will incur the penalties of General Orders 73 and 82, of date 18th September and 17th October, 1882.

JOHN W. McCLURE,
Captain A. Q. M.

CHARLES SAGORY,
President of Merchants' Mutual Insurance Company.

In obedience to that order, the Mutual Insurance Company, in which Miss Slocomb had caused her stores to be insured, paid over the money to this officer, and I have here his receipt for it, which I will read if it is called for.

Mr. WADSWORTH. Let us pay the money back as quickly as possible.

Mr. BLANCHARD. I say so too This money was paid over to this officer of the United States and was accounted for to the Government. Now, Mr. Chairman, I ask why, in the name of justice, in the name of common right, this property, taken in violation of a pledge which the agent of the Government of the United States, General Butler, had given, issued as I have stated, destroyed by fire, and the insurance for such destruction collected by the Government of the United States—why ought not that money be paid over to the beneficiaries of this bill?

Mr. Chairman, a good deal has been said about the construction to be placed upon the letter written by General Butler to these ladies. Here are General Butler's three letters. They speak for themselves. He gives his own interpretation of what he meant by the first letter. I will not take time to read again the letters which were read by the gentleman from New York [Mr. HISCOCK], but I will read extracts from them.

General Butler, in his letter dated September 25, 1865, when these ladies first made an effort to recover their property and these funds, wrote to them:

When you left New Orleans I pledged my faith, and I supposed the faith of the Government, that your property—

Not "your house" merely. In using the word "house," in his first letter, General Butler meant it as synonymous with estate, possessions, whatever these people owned—what the Slocomb family possessed at that time.

When you left New Orleans I pledged my faith, and I supposed the faith of the Government, that your property should not be disturbed. By acts on the part of those in authority thereafter for which there can be no palliation except ignorance of the fact or of their duty, that pledge was not observed.

Those are his words; that was his interpretation of the pledge he gave these claimants.

In his letter to Mr. A. T. Stone, a gentleman living in Baltimore who was the attorney of these ladies, General Butler, under date of June 20, 1873, says:

At your request, as attorney for Mrs. Slocomb and Mrs. Urquhart, I gave you a statement of the facts in regard to the matter as far as I have any knowledge. When I came to New Orleans I learned that Mrs. Slocomb, while a fast friend of the confederate cause, while her son was serving in the confederate army, yet had manifested her sense of right and justice by refusing to allow the debts which she owed her Northern creditors to be confiscated, and, resisting that very extraordinary and unjust enactment of the confederate congress, had paid and had made arrangements to pay her debts. She was peaceably residing at New Orleans, and did nothing after the advent of the United States troops in the city to merit any animadversion of the commanding general. In an interview I had with her and her daughter, for reasons that seemed to me entirely sufficient, I gave them the pledge of the general commanding that so long as they did no act of hostility to the United States that their property—

Not their house, merely—

that their property in New Orleans should not be disturbed nor interfered with; and upon that assurance they desired a pass to go to some country residence in North Carolina.

Then he goes on to state that the acts which constituted a violation of that pledge were unjust and arbitrary.

Now, Mr. Chairman, I desire to read one other paper only, and I call particular attention to this document which I hold in my hand. It is an affidavit made by William H. Wiegel, "late major and acting adjutant-general, brevet colonel and provost-marshal, Eighth Army Corps."

Major Wiegel says:

BALTIMORE, *June 24, 1873.*

In the year 1862 I was in the city of New Orleans, La., and had the honor of serving on the staff of Maj. Gen. B. F. Butler, United States Army, as an aid-de-camp; and while there, in the line of duty, became acquainted with Mrs. Slocomb and her daughters, who were respected for their true nobleness and kindness, and because they, in direct violation of the act of the so-called "confederate congress," refused to allow their debts to Northern creditors to be seized for the use of the so-called "Confederate States."

I believe they were friendly to our people; and in an interview between them and General B. F. Butler—

This is the statement of General Butler's aid-de-camp—

I believe they offered their dwelling or residence to the major-general commanding for the use of himself and his officers, which he nobly and generously declined. He treated them with great respect and esteem, and I believe gave them a safe conduct through our lines. I also know that he gave them a pledge—

Mark this language—

I also know that he gave them a pledge of protection for their valuable property, which was sacredly kept by him and his officers.

If, as I am informed, any officers of the United States Army or Government made any seizure of any of their moneys, valuables, or property after General B. F. Butler retired from the command of that department, it was unjust and disgraceful; in violation of the usuages of war; derogatory to the dignity of the Government, and a violation of the written protection given them by Maj. Gen. B. F. Butler, whose word had also been pledged, and who had guaranteed the good faith of the Government that their property would be protected.

WILLIAM H. WIEGEL,
Late Maj. and A. A. Gen., Brt. Col. and Provost-Marshal Eighth A. C.

Sworn and subscribed to before me this 24th day of June, 1873; and I hereby certify that I know the affiant and know him to be entitled to full faith and credit.

Witness my hand.

W. H. HAYWARD,
Justice of the Peace of the State of Maryland in and for the City of Baltimore.

Now, Mr. Chairman, I will not weary the Committee of the Whole longer in the discussion of this case. I have endeavored to present the facts as I find them in this record intelligently and fairly. I have attempted to distort nothing. It is true that Mrs. Slocomb was in sympathy with the confederate cause from the beginning of hostilities up to the time of the surrender of the city of New Orleans. She does not deny that. General Butler was cognizant of that fact. He did not require of her an oath of allegiance to the Government of the United States, but for reasons good and sufficient to himself, representing there the sovereignty of this great Government as its duly accredited agent, he said to these three ladies, one then unmarried, one of them a married lady, and one a widow, "You have my permission to retire to the mountains of North Carolina, and your property here in the city of New Orleans shall be kept inviolate for you."

On the strength of that assurance of the Government of the United

States these ladies did leave the city. That pledge was kept by General Butler, and their property remained in the possession of the agent of these ladies until August, 1863—fifteen months after the pledge was given—before that pledge was violated.

All these funds belonging to these ladies, collected from their property, have been turned into the Treasury of the United States. They are not here asking any gratuity or bounty at the hands of the Government of the United States. This is not a case of that sort. They simply point to the fact that by the records of the Department, as they plainly appear (and that fact is not disputed), their money is in the Treasury of the United States. They simply ask that Congress, carrying out the pledge made to them by General Butler, will direct that these moneys be refunded to them.

Mr. Chairman, I have no interest whatever in this case except the desire that even-handed justice be done to these ladies. They are not constituents of mine. I have never met one of them personally. Two of them reside in the city of New Orleans. I live in the extreme northwestern part of the State. One of them is now, and has been for years past, an honored resident of the city of New York. Though I have never met one of them, I know of them well by repute. They are among the best people in the State—ladies of high social station, of eminent Christian character and virtues, of great refinement and culture, and of exemplary lives.

Mr. KLEINER Mr. Chairman, it is not my purpose to speak long, for in my opinion too much time has been devoted to the discussion on this bill already.

In the first place, I believe that ours is about the meanest Government on the face of the earth, so far as the payment of moneys due to claimants is concerned. To-day we owe hundreds of millions of money justly due to claimants, some of it being due over one hundred years. Think of it! This Government withholds just dues from its own citizens by the millions by brute force alone, causing distress and bankruptcy because it fails and refuses to keep its obligations and contracts inviolate.

Sometimes, as in the case now under consideration, armed force is invoked to help along the spoliation altogether unwarranted by either law, equity, or the necessities of our country in times of peace or war.

Mr. Chairman, for over twenty years the legal representatives of Cora A. Slocomb, of the city of New Orleans, have been appealing to the Congress of the United States for justice. That is all they ever did ask for, and it is all they ask for now.

It is not denied that the Government owes them nearly $39,000, which sum lies in the Treasury to-day. It is not claimed by even the most ardent opponent that this money was "contraband of war" and therefore subject to confiscation at the time of its seizure by the agents of the Treasury. I regret, therefore, to see the gentleman from Iowa [Mr. LYMAN] pursuing these claimants, these poor, defenseless women, from their homes in the city of New Orleans to the mountain recesses of North Carolina. His zeal in this unholy cause could not be improved upon were the object of his search "criminals hunted down for crime."

Within the last twelve years nearly as many favorable reports from the committees of both the Senate and the House in the interest of these claimants have been made on the ground that the seizure was unauthorized and illegal.

Now, in 1862, under a passport furnished to these claimants by the then commanding officer at New Orleans, General Butler, whose powers were that of a military governor, an absolute dictator, whose acts were sanctioned by Congress and President Lincoln, recognized the position of these claimants by granting them protection to life and property in the following letter:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 23, 1862.

MESDAMES: I have the pleasure to inform you that my necessities, which caused the request for permission to use your house during your absence this summer, have been relieved. I have taken the house of General Twiggs, late of the United States Army, for quarters. Inclined never on slight causes to use the power intrusted to me to grieve even sentiments only entitled to respect, from the courage and ladylike propriety of manner in which they were avowed, it is gratifying to me to be enabled to yield to the appeal you made for favor and protection by the United States.

Yours shall be the *solitary exception* to the general rule adopted that they who ask protection must take upon themselves corresponding obligations, or do an equal favor to the Government. I have an aged mother at home who, like you, might request the inviolability of hearth-stone and roof-tree from the presence of a stranger. For her sake you shall have the pass you ask, which is sent herewith.

As I did myself the honor to say personally, you may leave the city with no fear that your house will be interfered with by any exercise of military right, but will be safe under the laws of the United States. Trusting that the inexorable logic of events will convict you of wrong toward your country when all else has failed,

I remain, your obedient servant,

BENJ. F. BUTLER,
Major-General.

Mesdames SLOCOMB and URQUHART.

Under this passport given by General Butler they were permitted to leave the city and go into the mountains of North Carolina, where they had a country seat.

Under that order and others, written and oral, they left their property in the keeping as a trust of the officer of the United States who promised that none of it should be molested or destroyed.

Soon after General Butler's retirement from the command of the department of New Orleans and the succession of General Banks the pledges made to claimants were violated, their money was seized, their property destroyed, at least some of it was burned to the ground, and the insurance money due thereon collected and deposited in the Treasury of the United States where it is to-day aggregating the following sums:

To Mrs. Cora Ann Slocomb, for rents collected	$12,246 40	
For dividends on gas stock	468 60	
		$12,715 00
To Miss Ida A. Slocomb, for rents collected	5,675 00	
Amount of insurance collected from Merchants' Insurance Company	14,300 00	
Dividends, gas company stock	504 00	
		20,479 00
To Mrs. Caroline A. Urquhart, rents collected		5,467 15
Total		38,661 15

This sum has been in our Treasury for more than twenty years, all of it illegally obtained and illegally withheld by this great and magnanimous nation, without a shadow of right save such as might and force can give. It goes without question that had Mrs. Slocomb remained in New Orleans, and not relied on the pledges made to her before leaving as to the safety of her property, she would not be here now asking for what was always hers by right, because she would never have been dispossessed of it.

I believe the gentleman from Iowa stands solitary and alone in his opposition to this bill. He cites law and precedents innumerable, such as suit his purposes, but leaves out the fundamental principles of justice applicable here. The gentleman would have us punish the descendants of those late in rebellion. Chancellor Kent, volume 2, page 388, holds a different view from that of my friend. The judgment of this House must determine for itself as to the relative value of these two opinions. Kent's opinion rests under the disadvantage, it will be claimed, of having been delivered too long ago, and no doubt his loyalty in comparison with that of the gentleman from Iowa will also be open to criticism. I quote from the above volume as follows:

By a bill introduced into Parliament by Sir Samuel Remilly in 1814, and afterward under modifications passed into a law, corruption of blood in cases of felony, except murder, was abolished. The ingenious and spirited defense of the law of forfeiture which was made by Sir Charles Yorke in the middle of the last century, and in which he insisted that it stood on "just social and comprehensive principles and was a necessary safeguard of the state, whether built on maxims of monarchy or freedom," has failed to convince the judgment or satisfy the humanity of the present age.

As before stated, my friend from Iowa cites law—the same kind which Shylock invoked when he demanded not only his victim's treasure but his life also—law manufactured by Congress for the ostensible purpose of benefiting the people, but administered, as my friend would apply it, to plague and oppress them. Let him who doubts this fact listen to the wail of distress that comes here from the oppressed laborer, from every hamlet in our land.

Law! In my opinion we have altogether too much law here, such as it is, and but devilish little justice. [Laughter and applause.]

The gentleman from Iowa, if he has any conscience at all, has one all shriveled up, into which the sunshine of humanity never casts a ray; his heart frozen as solid as an iceberg, into which the joys and consolations of a righteous life never penetrated. Who can wonder that a man with such a dilapidated frame should find his chief delight in hunting down these defenseless women in the hope that he may despoil them of their birthright. God pity the man who is so far gone as to stand up here in this court of the nation for two long mortal hours, clawing the air and calling upon the evil spirits below to smite with their vengeance the beneficiaries of this bill.

I pity him in his wretched loneliness; for so far as I can learn, his report here to-day is the only minority report which has found its way into the different Congresses during the last twelve years.

In the Forty-third Congress a report was brought into this House awarding these claimants the money belonging to them which is now in the Treasury. In the Forty-fourth as well as in the Forty-fifth Congresses favorable reports were made. So, too, in the Forty-eighth and Forty-ninth Congresses, in both Houses, and this identical bill having already passed the Senate without division.

Mr. LYMAN. Is it not true in one of the prior Congresses—I will not say which—Mr. Holman and other members of the War Claims Committee submitted a minority report?

Mr. KLEINER. That has not been brought out.

Mr. LYMAN. Is it not true?

Mr. KLEINER. I have not seen any such report.

Mr. LYMAN. If you will examine the record you will see there has been a report like that which I have indicated.

Mr. KLEINER. Possibly there may. I do not know whether my colleague [Mr. HOLMAN] will vote for the bill or not; he is here to answer for himself.

But, sir, I desire to introduce a witness in the shape of a report made by B. F. Flanders, special agent of the Treasury, which fully sustains my position:

OFFICE SUPERVISING SPECIAL AGENT TREASURY DEPARTMENT,
Third Agency, New Orleans, August 14, 1865.

SIR: The letter of the Assistant Secretary of the Treasury, dated July 20, relating to the case of Mrs. Cora A. Slocomb and her daughter, Ida A. Slocomb,

and Caroline A. Slocomb, wife of David Urquhart, has been received. And, on this case, I have the honor to report the following facts:

The properties of Mrs. Cora A. Slocomb and her daughters, Miss Ida A. Slocomb and Mrs. Urquhart, were seized by the military authorities and turned over to this agency by Capt. J. W. McClure, A. Q. M., for which I executed my official receipts, dated August 11 and 13 respectively, 1863, as per copies herewith annexed, marked A, B, C, and D.

Upon investigation it was found that only three buildings belonging to Mrs. Cora A. Slocomb had been taken possession of by the military authorities, two of them for strictly military purposes, and part of the other, a hotel, was occupied as quarters for troops, and the stores underneath by private parties, the rent of which was collected by Capt. McClure, A. Q. M.

H. F. Baldwin, a partner of the commercial firm of Cuthbert H. Slocomb & Co., applied to me for the release of the properties belonging to Mrs. Cora A. Slocomb and Miss Ida A. Slocomb. A copy of said petition is hereto annexed and marked E. For the reasons therein stated I released the property to the said Baldwin, under bond and security. But in January, 1864, the said Baldwin was drowned while attempting to cross Lake Pontchartrain in a skiff; whereupon I ordered the local special agent in charge of abandoned property to take possession of all the property belonging to Mrs. and Miss Slocomb turned over to me by the military authorities, together with all other property reported by said Baldwin as belonging to Mrs. Cora A. Slocomb. A copy of the seizure is herewith inclosed and marked F.

The rents collected on the different houses amount to $17,921, as per abstracts marked C and H.

The property of Mrs. Urquhart was taken possession of when turned over by the military authorities, and the rent collected therefrom amounts to $5,467.15, as per abstract marked I. The expenses for taking care of the above-mentioned houses are not included in the expenses enumerated; neither is the expense of collecting the rents. The proportionate amount on each property for collecting rents, &c., is about $22.

The residence of Mrs. Cora A. Slocomb has been occupied by H. F. Baldwin up to the time of his death, when Major-General Banks ordered the house to be vacated; and it has been since then occupied by officers of his staff, and others, and at present it is occupied by Maj. Gen. P. H. Sheridan.

The other houses for which no rent is collected are in military possession, for which the respective vouchers are on file in this office.

As to the collection of insurance money on property destroyed by fire, owned by Ida A. Slocomb and the dividends upon stock in the New Orleans Gas Company, I am unable to give any information, no moneys having been turned over to me by the military authorities as derived from such sources.

Of the past political status of the parties, I can only say that they were rebels, having supported the rebellion in this city up to the time of the arrival of Major-General Butler by money and influence. David Urquhart, the husband of Mrs. Urquhart, was a rebel colonel on the staff of the rebel general, Joseph E. Johnston; and Cuthbert H. Slocomb, son of Mrs. Cora A. Slocomb, was captain of the fifth company of the rebel Washington Artillery of this city, and remained in the rebel army till the surrender of Robert E. Lee.

Permission having been granted Mrs. Cora A. Slocomb and her two daughters by Major-General Butler to go beyond the Federal lines, she went and remained there until the surrender of all the rebel armies, and has only lately returned to this city.

A copy of General Butler's letter granting the permission is herewith inclosed, marked K. This is a correct copy of the original, which I have seen signed by General Butler's own hand.

It is claimed by the daughter of Mrs. Slocomb that the permission included them; whether such was its intent I do not know. I do know, however, that the daughters went out with their mother.

While General Butler remained in command of this department the property remained in the hands of Mrs. Slocomb's friends or agents. It was seized by the officers of General Banks soon after he took command here. The Slocomb family were all active promoters of the rebellion till the capture of the city; but I have no proof that they have aided or countenanced the rebels since they left the city with General Butler's permission and went to live among them.

Very respectfully,

BENJAMIN F. FLANDERS,
Supervising Special Agent, Third Agency, T. D.

This report demonstrates the fact that if these claimants had not received permission to leave the city of New Orleans and the safety of their property guaranteed to them during their absence, they would have remained at home to protect it. Therefore it was a breach of national faith to pledge them protection while they were present and violate the same as soon as they were gone.

It is further true that as soon as claimants heard of the destruction of their property and the seizure by the agents of the Government of what was left, they demanded permission to come back from their mountain retreat and save what they could. Even this was denied, and for three years the spoliation went on and the rightful owners, however willing, were prevented from saving it by the army of occupation.

Now, Mr. Chairman, I believe that in every case like this this strong Government should not be permitted to escape its responsibilities and obligations any more than obtains to that of a private citizen. It can not afford to repudiate its just obligations simply because the citizen is too weak to make a successful resistance. Whenever it is able to do so the wrongs of the humblest citizen should not go unredressed for a moment. This Government, founded upon constitutional rights and supported by the will and consent of the governed, must be as swift in correcting its own errors as it is vigilant in correcting those against it, whether caused by a foreign or domestic foe. In this way alone can you perpetuate the national faith and secure the approval of the people.

With the passport of the Government in their possession these ladies felt secure. How secure is now a matter of history, for their property and money were seized and turned into the Treasury. It lies there to-day, and this bill merely provides that it shall be returned, as so much stolen property, to the rightful owners.

In justice to General Butler it is proper to say that while he controlled the department at New Orleans the pledges heretofore made were faithfully kept, and only when the department fell into the hands of another were they violated.

ENROLLED BILLS SIGNED.

The committee rose informally; and the Speaker having resumed the chair, Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 85) for the relief of B. Jennings;

A bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.;

A bill (H. R. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.; and

A bill (H. R. 806) granting a pension to Mary B. Holmes.

IDA A. RICHARDSON AND OTHERS.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I realize the fact that there has been a considerable amount of time already taken up in the consideration of this measure, and I realize further that there are some other bills following this upon the Calendar in which parties are very much interested, and I shall, therefore, be very brief in my remarks.

I perhaps would not be called upon to say anything if it were not for the remark of my colleague from Indiana [Mr. KLEINER] that the gentleman from Iowa [Mr. LYMAN] stood alone in his opposition to this bill. I voted with him in the committee against the majority report, and as he is thus assailed by a member of our committee as being the only living man who ever opposed this bill, I feel it to be my duty to stand by him as best I can.

Now, I shall not attempt to follow the argument of my colleague from Iowa, because he has caused the statutes to be read and has read from the decisions of the courts, in which he shows the absolute right of the Government to take possession of this property. I am led to the conclusion that his argument is unanswerable from the fact that gentlemen who favor this bill have seen fit to make their arguments in reply without attacking his legal ground. Even the learned and ingenious gentleman from New York [Mr. HISCOCK] did not dare to attack his legal argument, nor did the gentleman from Louisiana [Mr. BLANCHARD] nor the gentleman from Indiana [Mr. KLEINER]. Mr. KLEINER is compelled to use the very queer expression that "there is too devilish much law against them" in this case, and they want justice and not law. Therefore I am driven to the conclusion that the friends of this bill are bound to admit that from a legal standpoint they have no standing in this committee, and that the statute is against them, that of August, 1862 and 1863, which gave the military power of the Government the right to take and confiscate this property as they did the property of every other rebel in Louisiana. Then they are driven back to the sole position that they rely for the recovery, upon the letter of authority given by General Butler.

Now, I lay down this proposition: That if these people forfeited the right to this property under the law, General Butler under his orders had no right to pick out from the mass of the people there three citizens in the city of New Orleans and give them particular and peculiar rights that the law did not grant to them. If the property was to be forfeited, it was to be forfeited upon two conditions. One was that they were not loyal citizens, and the other that by the act of Congress the property was subject to forfeiture. General Butler in the face of that statute can not give any rights which they had not by virtue of the law; and if their property was forfeited by virtue of the law, which these gentlemen by their arguments admit, then he had no power to take from the Government the right to take possession of this property.

But conceding now for the sake of argument that General Butler had the right to do what he did, and as the gentlemen who favor the bill base their right to recovery upon that authority, I ask the committee and this Congress to hold them to the record and the right that General Butler gave and nothing more.

Gentlemen make the assertion now that when the friends of this measure say that General Butler gave them—that is to say, the parties interested here—universal amnesty, that he gave the universal right to go beyond the limits of his military district, and that all their property should be protected during their absence. I claim that when that assertion is made they are traveling clear outside of the record. Why, the gentleman from Louisiana arraigns my colleague on the committee from Iowa [Mr. LYMAN] because he says there is no evidence in the record of certain facts, and attempts to contradict him by reading the petition of a man who was appealing to the General Government himself to have this property turned over, in which he alleges they took the oath of allegiance, in a paper not under oath. I admit if the gentlemen were to present the many statements of fact that could be made here not under oath, which this House must accept as evidence if it accepts it in this and similar cases, you could readily prove that Fort Sumter was never fired upon. But that was not the point which the gentleman from Iowa makes. He makes the point that there was no evidence in this case. Now if the committee will bear with me for about a minute, here is the famous letter written by General Butler, upon which these gentlemen rely, and what is it?

> As I did myself the honor to say personally, you may leave the city with no fear that your house will be interfered with by any exercise of military right, but will be safe under the laws of the United States.

Ah, but, say our opponents, that applies to all the property of these

parties. I reply that no lawyer construing this letter as a legal document can hold that it applies to anything but the house in which they live, and why? Because you have got to construe that paragraph in this letter with the rest of the letter, which is:

I have the pleasure to inform you that my necessities, which caused the request for permission to use your house during your absence this summer, have been relieved.

It appears that he demanded the use of their house, their private house, for his headquarters, and in this letter he informs them that the necessity for the use of the property has been relieved. Then he says "you can leave the city with the assurance that your 'house' will be protected," not your store-room.

Mr. WADSWORTH. Do you suppose that General Butler in writing that letter intended to reserve the right to despoil the balance of the property of that lady?

Mr. BUCHANAN. That is not the question presented here.

Mr. JOHNSTON, of Indiana. I am not here to answer as to what General Butler intended. But the gentlemen who favor this bill are basing their whole claim to have it passed upon the force of General Butler's letter. I am here to construe it according to its legal meaning and import.

Mr. KLEINER. Will the gentleman give way for a question.

Mr. JOHNSTON, of Indiana. Yes, sir; and I will answer it, if I can.

Mr. KLEINER. Will the gentleman state by what right is this $38,000 belonging, as we claim, to these claimants now in the Treasury of the United States?

Mr. JOHNSTON, of Indiana. Why did not you answer the argument made by the gentleman from Iowa [Mr. LYMAN] when he read the statutes and decisions of the Supreme Court? You have taken an hour and a half to reply to him and not one of you has touched the legal argument he has made. That money is in the Treasury of the United States for two reasons: Because Congress believed that if a man or a woman was a traitor to the country they should forfeit their property. It is there because that statute is in existence and because these people were not loyal. That is the reason it is there.

Now I trust gentlemen will not attempt to lead me away from the line of the argument I am making. I say that letter applied to the dwelling-house and not to the store-rooms and other property. General Butler says: "I have taken the house of General Twiggs for headquarters; consequently I do not want yours." Then he says, "You may go beyond the lines; your house that I have been negotiating with you about shall be protected, but not your gas stock, not your other property. And why? Because that comes under the law of the United States, and under that they have the right to take your property as abandoned if you leave it. I will stand by you and see your house is protected. But if you pass beyond my lines into the rebel country you must take your chances of having your other property taken under the law."

Mr. SOWDEN. Will the gentleman from Indiana allow me to ask him a question?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. SOWDEN. Did this woman who is the claimant in this case take up arms against her Government or do any other overt act of treason?

Mr. JOHNSTON, of Indiana. No, sir; but all the male relatives she had in the world did, her sons and sons-in-law; and she did what was more detrimental to us—she gave her money to carry on the war.

Mr. SOWDEN. What evidence is there of that?

Mr. JOHNSTON, of Indiana. The evidence is in the record.

Mr. KING. There is not a line of such evidence.

Mr. JOHNSTON, of Indiana. I may remark here that there is nothing in this statute that makes any distinction as to the loyality of parties on account of sex. It applies to all alike.

General Butler looked upon this woman as being disloyal. She makes no pretense to prove that she was loyal. He says:

Trusting that the inexorable logic of events will convict you of wrong towards your country when all else has failed.

The general in his letter that gave her the right to go and that agreed to protect her property said to her: "You are not loyal to the flag of your country, but I hope that the inexorable logic of events will yet convince you that you are wrong, and cause you to return to your allegiance to the Government."

They say that General Butler meant by this letter to cover all the property. They attempt to construe the letter in that sense, and in order to do that they bring the evidence of General Butler in September, 1865, after he had ceased to be agent of the General Government—after he ceased to have any power to bind the General Government. They then asked him for another letter in which they requested him to construe his former letter, and upon that construction they rely. In that letter he says:

MADAM: For anything I have done in getting the restoration of your property I neither desire nor require thanks. When you left New Orleans I pledged my faith, and I supposed the faith of the Government, that your property should not be disturbed. By acts on the part of those in authority thereafter, for which there can be no palliation except ignorance of the fact or of their duty, that pledge was not observed.

Now, notice this:

I am far too used to obloquy to mind a little more or less.

I call the attention of gentlemen to this:

Your claim for the property in your house must rest, if anywhere, upon my pledge to you when in command.

Why, sir, he has construed that first letter himself as applying to the house, and to nothing else.

Your claim for the property in your house must rest, if anywhere, upon my pledge to you when in command.

Showing that in 1865, when he had just come out of the Army, when the war was just over, he then understood that all the protection he gave her was to the house that he had negotiated with her about as headquarters, and he so construes this himself.

Even if you seek in passing this bill to make it an exception to take this case out of the law, to take it out of the force and effect of the statute, and to give these parties their property back, and do not seek to make it a precedent by which you shall return every dollar of property taken by the force of that statute, I ask you in all candor, I ask you here as legislators for the people to protect their rights and to guard the Treasury, and in order to do that I ask you to stand by that letter and construe it strictly, and put the construction upon it that General Butler put upon it himself, and that is that he pledged himself to protect the property in her house and no other.

Mr. BRADY. Will the gentleman yield for a question?

Mr. BLANCHARD. Will the gentleman from Indiana permit me to ask him a question?

Mr. JOHNSTON, of Indiana. One at a time. I will hear first the question of the gentleman from Virginia [Mr. BRADY].

Mr. BRADY. The gentleman stated a while ago that no legal argument had been submitted in support of this claim. I beg leave to call his attention to Senate Report No. 846, in the Forty-eighth Congress, which contains this language:

Under these circumstances——

Mr. JOHNSTON, of Indiana. Wait a moment.

Mr. BRADY. This is the report of the committee.

Mr. JOHNSTON, of Indiana. Well, I am not going to answer a question in which the gentleman puts my statement in his own way and does not put it correctly. I did not say that there had been no legal argument presented. I said that the gentleman from Iowa [Mr. LYMAN] had made a legal argument here against the bill which upon its face was unanswerable, and that the gentlemen upon the other side had ignored that argument and had virtually conceded that his position was correct.

Mr. BRADY. But the gentleman will see that that statement of his was misleading. If he will listen to what is set forth in this report he will see that there is a legal argument, and I think a strong legal argument, made in favor of the bill.

Mr. JOHNSTON, of Indiana. I understand the gentleman's position, but he can not force me into saying something that I did not say. Now, what question does the gentleman from Louisiana wish to ask me?

Mr. BLANCHARD. I was going to ask the gentleman why it was, if General Butler's letter referred only to the protection of the house, that for fifteen months after that pledge was given this other property remained unmolested in the hands of the agent of its owners, who are now claimants here.

Mr. JOHNSTON, of Indiana. I do not know, sir. I was not down there, and I can not tell anything about the surroundings.

Mr. BLANCHARD. But is not that fact a practical construction of General Butler's letter?

Mr. JOHNSTON, of Indiana. I suppose there was some reason for it. Did not they collect the rents for the property?

Mr. BLANCHARD. The property was not siezed until fifteen months afterward.

Mr. JOHNSTON, of Indiana. But did not they collect the rents?

Mr. BLANCHARD. No, sir; not until fifteen months later—not until after General Banks took command, in August, 1863.

Mr. JOHNSTON, of Indiana. Well, I do not know what the reasons were. I suppose there was a good deal of other property there that was not taken possession of; and what peculiar reasons induced General Butler not to take possession of this property I am not here to state. Neither are we on this side here to answer what it was that prompted General Butler to pick these ladies out and give them a special permit to leave. They may have had some influence over him that I know nothing about.

Mr. PETERS. Will the gentleman yield to me for a question?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. PETERS. I wish to ask the gentleman whether, in all probability, the fact that this lady, Mrs. Slocomb, had been a Union woman and opposed to secession, may not have been the reason for General Butler's partiality?

Mr. JOHNSTON, of Indiana. No, sir.

Mr. BROWN, of Pennsylvania. He was partial to that kind of ladies.

Mr. JOHNSTON, of Indiana. As to the question of loyalty, they make no attempt to prove that these parties were loyal. They can not place the claim upon that ground. They have to place it solely upon the

ground on which it is placed by the gentleman from New York [Mr. HISCOCK] and the gentleman from Illinois, the ground that General Butler gave this lady permission to leave the city and agreed to protect her property.

Mr. BROWN, of Pennsylvania. And that he was the best possible judge of what ought to be done under the circumstances.

Mr. JOHNSTON, of Indiana. They put it upon the further ground that General Butler was the best possible judge as to what should be done in the case, but when they put it upon that ground I ask them to construe General Butler's letter as it reads, and not to ask us to believe that because he agreed to protect a house he thereby agreed to protect all the other property which this lady left behind her when she voluntarily went away.

Mr. KLEINER. If the argument of the gentleman is to hold, why did not the Government properly confiscate this money or other property?

Mr. JOHNSTON, of Indiana. I am not here to answer that. I am here to answer the case that the gentlemen on the other side have made in their arguments. If it is put now on the ground suggested in the gentleman's question, then every dollar of property that was taken by virtue of a military order must be refunded. When he is met upon the legal proposition, and upon the question of the effect of this letter of General Butler, the gentleman comes back and asks me why the military authorities did not do this, that, and the other thing. I am here to deal with the facts as I find them in this record, and when I do that I have discharged my duty to my constituency by looking after their interests.

Mr. SOWDEN. If the legal view is to prevail, could that property be legally confiscated without this lady being tried and convicted of disloyalty?

Mr. JOHNSTON, of Indiana. Well, it appears to have been done. I will answer the gentleman by a little story. Out in our country a man went to his lawyer one time and said: "Look here, John, if I see a man knocking another down and beating him, can I arrest him and put him in jail?" "No; you can not;" said the lawyer. "But I tell you I can," replied the other, "because I have done it." That is a sufficient answer to the gentleman's question.

It can be done, because it has been done by the authority of General Butler, the man on whose action this claim for relief is based. It is too late now to discuss that question. I infer from the form of the questions put to me that gentlemen on the other side are undertaking to base this claim upon the ground that the taking possession of this property was military usurpation and that therefore every dollar must be refunded. If gentlemen are putting it on that ground, let them come up and make the issue fairly; let them argue the question from that standpoint; let them not come here and seek to divert me from answering the argument which has already been made.

Mr. Chairman, I have occupied more time than I had intended, and more than I would have occupied but for the numerous interruptions of my friends.

Mr. STONE, of Kentucky. Mr. Chairman, so much time has been consumed in the discussion of this bill that I feel to prolong the debate may possibly be giving more consideration to the arguments made against it than they merit. Still, Mr. Chairman, I feel it due to myself to explain my connection with this claim and give briefly my reason for advocating its passage. The bill in its present form passed the Senate some time in the month of February, was reported to this House, and referred to the Committee on War Claims. It was then referred to the gentleman from Iowa [Mr. LYMAN] as a subcommittee. After due consideration he reported the bill back to the committee and asked that the bill be reported to the House adversely. He gave his reasons for his opinion, and from his statement of the case I became satisfied that the claim was just and should be paid.

Upon my motion the committee decided to report the bill favorably to the House, and then I was put in charge of the bill, reported it to the House, and the gentleman from Iowa [Mr. LYMAN] presented a minority report signed by himself. I have no interest in the matter—do not even know any of the parties interested in the claim—but I find that these ladies were living in New Orleans when General Butler took possession of that city in 1862, and that after he had been awhile in the city they asked permission from him to go to their summer home in North Carolina, and also asked for the protection of their property during their absence. General Butler gave them the leave asked for, and also his pledge that their property should be protected and kept intact for them. Some months afterward General Butler was relieved, and General Banks took command at New Orleans.

Some time after General Banks took command he issued his famous order, "General Order No. 202," under which a large amount of property was taken possession of and used by the Army. The Slocomb property was included in that amount. Four storehouses belonging to the estate were afterward burned. These storehouses were insured by Mrs. Slocomb before her departure from the city. General Banks's quartermaster collected the amount of insurance from the insurance company and paid it into the United States Treasury. He collected rents for other property belonging to the Slocomb estate and dividends on gas stock owned by them and paid that also into the United States Treasury or used it for maintenance of his troops.

The Supreme Court of the United States has decided in the case of the Planters' Bank *vs.* Union Bank (16 Wallace, 494), that said Order No. 202 was unauthorized and void, and therefore the taking of this property, and afterward collecting the proceeds and attempting to put it beyond the reach of its real owners was illegal and unjustifiable. As I have said, I have simply found these facts to exist, and am convinced that the Government now has this money in its vaults unjustly and without a shadow of right, and I believe it should be paid back at the earliest moment possible. I believe the Government should be held as strictly to account as an individual, and that the citizen should not be required to suffer unjustly for the simple reason that the Government has the power to take and hold his property. No other construction can justly be put on this case than that the Treasurer finds himself in charge of this money without legal right, and is holding it simply as a trust, waiting for the necessary legislation to empower him to pay it to its rightful owner.

Mr. Chairman, I am one who believes that the Government is bound, or should be bound, by that constitutional provision that says that "private property shall not be taken for public use without just compensation." I believe that the man who contributed of his money or property of any kind for the immediate necessities of the Army is as much entitled to pay as the man who converted his property into money and put it into bonds. The citizen who lived in the path of the Army had his property destroyed and in many instances his home left in ashes, but that class of people come here only to be turned away with the assurance that this Government is not paying for casualties of war.

I believe this is wrong and that all just claims growing out of the war properly chargeable to the United States Government should have been paid years ago, or as fast as the increasing prosperity of the country would have justified their payment without making taxation burdensome to the people; or, in other words, that the Government should have paid these claims as rapidly as it was able, and I believe that we are in a condition now to adjust them, and that it should be done at the earliest possible moment.

But this case is not what is termed a casualty of war, but the deliberate collection of money by the officers of the United States Government without any real legal authority.

This whole case rests upon General Butler's authority to grant the permission to these ladies to leave the city of New Orleans and pledge the faith of the Government to the protection of their property. General Butler was in New Orleans at that time as the sole representative of the authority of the United States Government. At the time he entered the city he made known to the people of the city the terms upon which they could remain in possession of their property. These terms were very stringent, and he made only one exception, and that was in the case of Mrs. Slocomb and her daughters.

In that case, for reasons sufficient to himself, and which he clearly set forth in his letter of June 23, 1862, to them, he permitted them to leave the lines of the United States Army and go to their home in North Carolina. Now, I hold that the United States Government was pledged to the protection of their property by this letter of General Butler's. He being the sole representative of the United States Government in New Orleans at that time, all acts of his as the commanding general of the United States Army were regarded as valid, and were observed to the letter by all the departments of the United States Government, and the permision given to these ladies should not and can not be regarded as an exception. I hold that the United States Government can not afford to be found disregarding its sacred obligations to the citizens with whom it makes contracts. This order of General Butler's was as binding, under the circumstances, as could have been any act of the Government of the United States, and as long as General Butler remained in command the pledge given by him was strictly fulfilled, and was never violated until after General Banks had taken possession of the city.

All the facts in this case are admitted. It is admitted by those who oppose the bill that the property was in New Orleans; that General Butler gave the letter to these ladies permitting them to leave the city, and that the promised protection to their property was given; it is admitted that the stores were burned and the insurance money collected, that the dividends from the gas stock were collected, and that rents were collected, and that all this money was turned into the Treasury or used to maintain the troops; but it is denied that the contract or obligation of General Butler was binding upon the Government, because these ladies were said to have been disloyal.

The gentleman from Iowa [Mr. LYMAN] has made a technical argument to try to prove that the Government ought not to pay a just claim, and the only reason that he has given, and upon which he attempts to maintain his opposition, is, that these ladies were disloyal. But the gentleman forgets that all history holds to condemnation those who, as conquerors, make terms with a capitulating people and then violate them; and he forgets also that the Government of the United States had a right through its chosen representative to make a contract with these people, notwithstanding their sympathies, that should be as binding as any contract that the Government could make with any one. The Government of the United States has no more right to disregard the contract made by General Butler in this instance than it has to disregard the terms of capitulation given by General Grant to Lee's army at Appomattox. This

was a contract made with the citizens of a capitulating city, and the terms at Appomattox were made with a like capitulating people.

The first thing to be considered is the validity of the order of General Banks of the 17th of August, 1863. The city was in quiet possession of the United States forces; it had been captured more than fifteen months before that time, and undisturbed possession was maintained ever after its capture. Hence, the order was no attempt to seize property *flagrante bello*, nor was it a seizure for immediate use of the army; it was simply an attempt to confiscate private property, which, though it may be subjected to confiscation by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war. Still, as the war had not ceased—though it was not flagrant in the district—and as General Banks was in command of the district, it must be conceded that he had the power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the Government or by effect of Congressional legislation.

The pledge had been given by General Butler that the rights of property should be respected, and in his order dated May 1, 1862, he said that all rights of property, of whatever kind, would be held inviolate, subject only to the laws of the United States. This, as was remarked in the case of the Venice, only reiterated rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union. That action, it was said, indicated the policy of the Government to be, not to regard districts occupied and controlled by Union troops as in actual insurrection or their inhabitants as subject, in most respects, to treatment as enemies. Substantial, complete, and permanent military occupation and control was held to draw after it the full measure of protection to persons and property, consistent with the necessary subjection to military government. I do not assert that anything in General Butler's proclamation exempted property within the occupied district from liability to confiscation as enemies' property, if, in truth, it was such; all that we claim is, that, after that proclamation, private property in the district was not subject to military seizure as booty of war.

But admitting, as we do, that private property remained subject to confiscation, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. These acts were passed on the 6th of August, 1861, and on the 17th of July, 1862. No others authorized confiscation of private property, and they provided the manner in which alone confiscation could be made; they designated the Government agents for seizing enemies' property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commander, as such, to effect any confiscation. It is, therefore, of little importance to inquire what, under the general laws of war, are the rights of the conqueror, for during the recent civil war the Government of the United States asserted no general rights, in virtue of conquest, to compel the payment of private debts to itself; on the contrary, it was impliedly disclaimed, except so far as the acts of 1861 and 1862 asserted it. These enactments, declaring that private property belonging to certain classes of persons might be confiscated in the manner particularly described, are themselves expressive of an intent that the rights of conquest should not be exercised against private property, except in the cases mentioned and in the manner pointed out. Therefore I hold that the seizure of this property was wholly without authority of law.

But the gentleman from Iowa says the most serious and weighty objection to the bill now under consideration is the undisputed disloyalty of the beneficiaries. Let us apply a test to their loyalty. Before the United States troops took possession of the city of New Orleans the Slocombs were engaged in the hardware business, and, as is usually the case, in the transaction of their business owed considerable sums of money to Northern creditors. The Confederate States congress passed an act requiring all persons within the seceded States who owed debts to Northern people to pay the amount of those debts into the treasury of the Confederate States government. The Slocombs disregarded that act of the Confederate States congress and did pay large sums of money, to the amount of all their indebtedness, to their creditors in Pittsburgh and other places North.

It is not denied that the brother of one and the son of another were officers in the confederate army, nor is it denied that the sympathies of these ladies were with their family and their friends; but after the capture of New Orleans General Butler was satisfied that whatever their sympathies or sentiments may have been, their conduct was such that it not only did not manifest itself in any hostility to the Federals or in any leaning to the confederate cause during his occupancy, but the conduct of these ladies which had come under his view had entitled them to particular consideration and to the safeguard which he promised and extended to them. That they had kept their pledge to General Butler after leaving New Orleans must have appeared to the satisfaction of the President of the United States in 1865, when he granted them a pardon and ordered the restoration of their property; for one of the facts brought out in the case is, that in 1865 the President of the United States issued an order restoring to the Slocomb family what was left of their property in New Orleans; and it is also brought out that he expressed regret that it was not in his power to return it all, the money which had gone into the Treasury being beyond the reach of any power except the legislative action of Congress.

The attempt to prejudice the interests of these ladies and their minor children by the suggestion that the son of one and brother of another were officers in the confederate army is unworthy of the position of a member of the House of Representatives of the United States in this day and generation, and it is surprising to find, at this late day, men in the Congress of the United States who allow their political prejudices to carry them so far as to hinder them from doing strict and exact justice to any and all the Government creditors. But, Mr. Chairman, it seems to me, if I may judge from my short experience, that a great part of the time of Congress is taken up with the drawing of hair-splitting distinctions on this question of claims. I have seen much of that sort of thing in connection with war claims, and some effort is continually being made to throw such obstructions in the way as to hinder, instead of expedite, the adjustment of just and legal claims of persons who suffered loss during the war.

We find that it has been the settled rule of practice in the past, and so continues, to try to convince the House in one case that a man's place of residence should make his claim unjust, while in another case it is what a man thought that should make it unjust; for instance, it is said that no claims must be paid to people, no matter what their politics or how loyal to the Government, who lived in States declared to be in rebellion, and then, on the other hand, that no claim must be paid to a man who lived in loyal territory however just the claim or however well recognized as just and proper by the officer in command at the time the property was taken or the loss occurred, unless such claimant can show vouchers for his property given by an officer in command, and he himself is proven to have been not only not disloyal, but positively and affirmatively loyal.

So, in one instance, a man's loyalty avails him nothing but the territory in which he lived, and in another case the territory in which he lived avails him nothing, but it is his supposed opinion that decides his case.

But the gentleman from Iowa claims that if these people had any right to this property their remedy was in the common-law courts. He is a good lawyer, and he knows that the common-law courts have no jurisdiction in cases of this character—not even the Court of Claims, which is clothed with a very limited and special jurisdiction. This case comes within that portion of the jurisdictional power of the Government which Congress reserves to itself; and the assertion that claims will not be reported favorably to this House where they have been rejected by any other tribunal can not be true as to cases of this character, for all through the years past since the war claims rejected by other tribunals of the Government have been reported upon favorably and passed by the Congress of the United States. Even this case has been reported favorably to one branch or the other of Congress at least seven different times. This claim was not rejected in the sense Mr. LYMAN intends; neither the War nor the Treasury Department had jurisdiction or was authorized to act. But if they had rejected this claim the evidence shows very fully that it comes within Mr. LYMAN'S exception.

Again, it is said that the evidence leads to the very strong implication that these parties released all claims growing out of this seizure, as against the Government, when their property was returned to them. This assumption or insinuation is absolutely negatived by the uncontroverted evidence in the case. The evidence shows that this property was composed of property held in trust for minors, and that no such a release could be granted by the parties holding it in trust. The claimants—or those of them who were then living—were put into possession of a portion of their property, which was under the control of the executive department, and from that time to this day they have been petitioning the legislative department, which has control of the balance, for its restoration, as the evidence and reports of the several committees of Congress abundantly attest. Some of the beneficiaries were either not born, or were infants, at the time of the appropriation by the United States, under circumstances which the Supreme Court of the United States has decided unauthorized and void, and all the presumptions of law are in favor of, and not against, minors everywhere. As to the elder ladies, one of whom has since died, and who was one of the administrators to guard the succession of her deceased husband for the benefit of her children and grandchildren, in whom, by the law of domicile in Louisiana, all right, title, and interest in the property immediately vests by death of the principal ancestor, there could not have been any release by them of the claims for this poperty.

The motive that induced General Butler to make this contract with these ladies by the issuance of his order has been treated with a mysteriousness by the opponents to this bill that is certainly very hard to explain. General Butler conceals nothing, nor does he attempt to conceal anything as to his reasons for giving the order, but gives his reason in the most manly and positive terms. He says that it was because Mrs. Slocomb reminded him of his own aged mother left at home, and that the application for this leave and this protection had brought it to his mind that, possibly, his mother might some day be compelled to ask mercy at the hands of a stranger. What grander or nobler sentiment could actuate the bosom of a human being? What a grand spectacle,

when we see a commanding general, clothed with the highest military power and his brow flushed with the pride of victory, with thousands of men at his command, ready and willing to execute any order, stopping at the sight of a face, in the moment of his triumph, that reminds him of his mother and allowing the recollection of that mother to so take control of his mind and his actions as to lead him to do a noble and a generous deed to a stranger who only brings her memory up before him! It but shows the manliness of the man, and however much prejudice in the past may have been to the detriment of General Butler's fame the making public of this one act will soften every heart in which there exists a spark of human fellow-feeling and love toward him who ruled with an iron hand a southern city that fell in his way as conqueror. For, Mr. Chairman, there are three sentiments that must live in the human breast to make the patriot—love of God, love of country, and love of kind; and he who loves his kind, who is a philanthropist, gives the highest evidence of a pure and unadulterated patriotism; and, for myself, however much of enmity may have been in my breast toward General Butler in the past, the finding of this one bright spot in his record is enough to show me that there are always to be found in men who do great deeds some traits of nobleness of soul.

The gentleman from Indiana [Mr. JOHNSTON] has appeared upon the scene, and has grown very vehement, and has told one anecdote that it appears to me embodies his whole argument, and that was with regard to the peace officer who had arrested an offender without a warrant and imprisoned him. When told that he could not arrest a man without a warrant he asserted that he could, because he had already done so. That, in my opinion, is the sum and substance of his argument—because by force this money was taken and put into the United States Treasury, therefore it is legally and rightfully there, and should not be given to its proper owners; or, in other words, that might makes right, no matter if helpless and defenseless women are the sufferers.

Mr. Chairman, the speeches that have been made against this bill were not made, I am sure, for this House, but were made to be used as campaign material in the coming Congressional canvass in the districts in which the gentlemen reside. They are magnificent campaign speeches, and may be used with grand effect in some sections of the country; but in the section from which I come harmony and good will prevail among those who were engaged upon the different sides of the recent conflict at arms, and I had thought that it was universal throughout the country, but since I came to this Hall I have learned, to my astonishment, that, at least with partisan politicians, it is not true. I have heard no subject discussed in this House, no difference what the immediate question was, that the war and its horrors and its issues have not been brought in and made the main theme; and the terms "rebel" and "traitor" have been hurled at those of us on this side of the House who were on the side of the South in that conflict without measure and without stint, and I wish to say right here that these terms have fallen upon us like water on a duck's back, and that we realize that they are only made for campaign purposes, and perchance to arouse us into saying imprudent things. But I want to assure these gentlemen who expect such results that we are no longer to be made angry by these terms; we are not here to lose our temper; we are not here to say indiscreet things. As for myself, I claim to be as loyal to the flag that floats over the Capitol as any man who breathes the free air of America, no matter from what section of the country he comes. I have given evidence of it sufficient and convincing.

Three years of my youth were given to the cause of the South and one year of my manhood, but more than twenty years of the best of my life have been given to loyalty and devotion to the Union. They have been spent in an attempt to aid in advancing the material interests of the country, and I hold that what advances the interests of one section advances the interests of all. Many of us on this side of the House lived in a country at the close of the war that was devastated and ruined; its homes were desolated and its property destroyed; widows' weeds and sackcloth and ashes, with broken hearts and homeless wanderers, were the characteristics most commonly to be met with. We turned no longing eye toward the Treasury of the Federal Government, but by an earnest application of brain and muscle, aided by genial sunshine and grateful showers, went to work to build anew, and, by the blessing of God, we have rehabilitated that once desolate country, and to say that we love that country can not be imputed to us as disloyalty, because, as I have said before, he who loves his country can not be disloyal. We have indulged in no whinings or repinings for the past, but have put that behind us, and, like good men and true, have endeavored to go forward in that direction, and with those aims and purposes that tend to make this the grandest and noblest country on earth.

In pursuit of that end we believe that the just obligations of the Government should be paid, and we come here without prejudice, without political bias, willing and anxious to see justice done in every direction to all those who have just and legal claims against this Government. And we believe that we are maintaining the honor of the Government and aiding in the upbuilding of the country by using our votes and our influence toward the securing of payment to the humble dweller in any section of the country whose claim against the Government is found to be just and right; and we believe this action to be as honorable, too, as when we provided for the payment of the interest and principal to those who hold the bonds of the United States Government. I want to practice the strictest economy, but I want my voice and my vote to be found always requiring the United States to do justice to its humblest citizen, and I am willing to be tried by the record I make; and when this Congress shall have adjourned, I intend that all my actions while a member shall point in the direction I have indicated.

Mr. BUCHANAN. I rise to a parliamentary inquiry. Is it necessary to move that the committee rise? May not the gentleman move that the bill be laid aside to be reported favorably? Then we can continue our work upon the Private Calendar.

The CHAIRMAN. That is a matter within the discretion of the gentleman from Kentucky [Mr. STONE].

Mr. STONE, of Kentucky. I move that the committee rise. When this bill is disposed of in the House we can go back into Committee of the Whole.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported back from the Committee of the Whole House on the Private Calendar with a favorable recommendation the bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson and Caroline Augusta Urquhart.

Mr. STONE, of Kentucky. I move the previous question on ordering this bill to its third reading.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time.

Mr. STONE, of Kentucky. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. LYMAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered; there being—ayes 15, noes 92; less than one-fifth voting in the affirmative.

The bill was then passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNERAL OF HON. JOHN F. MILLER.

The SPEAKER announced the appointment of the following special committee to accompany a similar committee of the Senate to escort the remains of the late Senator JOHN F. MILLER from Washington to California: Mr. MCKENNA, Mr. SPRIGGS, Mr. LOUTTIT, Mr. MORGAN, Mr. HEPBURN, Mr. LAFFOON, and Mr. MILLIKEN.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House resolve itself again into the Committee of the Whole House on the Private Calendar. I think we can dispose of several bills before the arrival of the time when it will be necessary for the committee to rise.

The motion of Mr. SPRINGER was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair), and resumed the consideration of the Private Calendar.

ESTATE OF FRANK SOULÉ.

Mr. MCKENNA. In view of the fact that I have been appointed a member of the committee to escort the remains of the late Senator MILLER to the Pacific coast, and that I shall possibly be absent from the House for three weeks, I ask unanimous consent that the Committee of the Whole now take up for consideration the bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond.

Mr. SPRINGER. There are only two or three bills ahead of this, and I think that in view of the fact that the gentleman from California [Mr. MCKENNA] is obliged to go away we should extend to him the courtesy he asks.

There being no objection, the Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, &c., That the estate of the late Frank Soulé, formerly collector of internal revenue of the first district of the State of California, and C. C. Webb, Ira P. Rankin, J. J. Felt, F. H. Waterman, James Dows, Samuel Soulé, the estate of W. H. Dana, deceased, James McM. Shafter, John Center, Horace Kilham, and Samuel Brannan, sureties of the said late Frank Soulé, by bond to the United States bearing date January 12, A. D. 1876, be, and they are hereby, released from any liability that may have accrued in the office of said collector during his term of service; and the proper officer of the United States Treasury Department be, and he is hereby, authorized and directed to cancel and discharge said liability, whether the same be pending in court or has become a judgment.

Mr. MCKENNA. The facts out of which this bill has arisen are these: Mr. Frank Soulé was collector of internal revenue for the first internal-revenue district of California. He received from the assessor of said district the assessment books, which however were incorrectly computed; that is, no computation or addition of one column had been made, but on the contrary was entirely omitted—and items also from other columns had been omitted. He receipted to the assessor for the

total amount computed, and when he turned over the money and settled finally he settled according to those computations, not knowing that an embezzlement had been committed by the aid of one of his clerks acting in collusion with one or more of the assessor's clerks. This embezzlement was discovered after he had gone out of office. He was not informed of it until fourteen or sixteen months, and when he was it was too late to fix the responsibility where it belonged, and too late to recover from the clerk or clerks who had actually embezzled the money. His bondsmen and himself, in order to ascertain the extent of the fraud and in the hope of finding out who had committed it, instituted the very suit which resulted in the judgment which was found against them.

Mr. REED, of Maine. What is the amount of the judgment?

Mr. MCKENNA. Eleven thousand seven hundred and twenty-four dollars and twenty-three cents. So convinced were the jury which tried the case that Mr. Frank Soulé had not been guilty of any neglect, that on the contrary he had employed out of his private means clerks to keep the work of his office up and in good condition, that it was only on the express condition, or, rather, in obedience to the express injunction of the district judge who tried the case, that they brought in a verdict against him. I will have read what the jury which tried the case had to say on this subject.

The Clerk read as follows:

We, the jury before whom was tried the case, The United States *vs.* Frank Soulé and his bondsmen, in the circuit court of the United States, at the February term of said court, in the year A. D. 1875, certify that we rendered a verdict against Mr. Soulé and his sureties in favor of the United States for the sum of $11,744.23 in obedience to the instructions of Judge Sawyer. We further certify that from the evidence it was, and now is, our opinion that no part of said embezzlement arose from any default or negligence on the part of said Frank Soulé. We also certify that it satisfactorily appeared to us that Mr. Soulé was internal-revenue collector a little over four years, during which time he collected and paid into the Federal Treasury nearly $20,000,000.

We therefore respectfully and earnestly recommend that Congress pass a bill to relieve the said Frank Soulé and his sureties from the payment of said sum.

(Signed): E. Gordon, foreman; George W. Bell, Cornelius Storm, A. Roman, S. S. Morton, W. C. Paddock, Phineas Haskell, J. Spaulding, Charles Metzar, Thomas Rogers, and G. C. Hall.

Mr. MCKENNA. Now, unless some gentleman wishes to be heard on this matter, I will move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. EDEN. I wish to ask the gentleman a question.

Mr. MCKENNA. Certainly.

Mr. EDEN. If I caught the remarks of the gentleman correctly the money was collected and the loss occurred on account of embezzlement by the clerk of the collector.

Mr. MCKENNA. Yes, sir.

Mr. EDEN. Had the collector the appointment of his own clerk?

Mr. MCKENNA. Yes; but the loss was incurred by a collusion between the assessor's clerk or clerks and the clerk of the collector.

Mr. EDEN. It could not have occurred but for the clerk he himself had appointed.

Mr. MCKENNA. There had to be a combination of course to make the fraud effective.

Mr. EDEN. Then if this bill passes the precedent will be established that where a collector of revenue appoints a clerk and that clerk embezzles the funds of the Government Congress will relieve the collector of all responsibility. This collector was responsible for the appointment of his defaulting clerk.

Mr. MCKENNA. That does not necessarily follow; but, if it did, there are abundant precedents to justify the passage of this bill. The Government did not furnish him with enough clerks to verify the computations, and it was in consequence of the lack of clerical force this fraud was possible. It is shown this collector not only employed out of his private means clerks to keep his work up, but that he worked his clerical force even on Sundays.

Mr. EDEN. No matter whether the books were correct or not, the money was collected.

Mr. MCKENNA. It was, or there would not have been any embezzlement and no occasion for this proceeding.

Mr. EDEN. It seems to me it is a novel thing to relieve this collector of responsibility for defalcation of a clerk whom he himself had appointed.

Mr. MCKENNA. It is not a novel thing, for it has been shown this officer was guilty of no negligence, but that he discharged the duties of his office as well as he could with the force furnished him by the Government. I ask for a vote on my motion.

The motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

ALFRED M'MURTRIE.

The next business on the Private Calendar was the bill (H. R. 2066) for the relief of Alfred McMurtrie.

The bill was read.

Mr. GEDDES. The gentleman from Pennsylvania [Mr. HIESTAND] who has charge of this bill is not present, and I ask it be informally passed over.

There was no objection, and it was so ordered.

THOMAS M'BRIDE.

The next business on the Private Calendar was the bill (H. R. 4836) for the relief of Thomas McBride.

The bill was read.

Mr. GEDDES. I also move that that bill be informally passed over.

The motion was agreed to.

MARY E. WHITEHEAD.

The next business on the Private Calendar was the bill (H. R. 4837) for the relief of Mary E. Whitehead.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Mary E. Whitehead, of Phillips County, State of Arkansas, the sum of $1,178 out of any money in the Treasury not otherwise appropriated: *Provided*, That the same be accepted in full as compensation for all property belonging to her taken or used by the United States Army during the late civil war.

Mr. LYMAN. I ask for the reading of the report which accompanies that bill. I think it a sufficient explanation.

The report (by Mr. LYMAN) was read, as follows:

The Committee on War Claims, to which was referred the petition of Mary E. Whitehead, Fannie C. Metzger (*nee* Clements), Henry C. Clements, and Minnie E. Clements, heirs at law of Alexander G. Clements, deceased, respectfully reports:

That in 1862 the United States forces, under command of Maj. Gen. S. R. Curtis, occupied the city of Helena, in the State of Arkansas. The petitioners herein were then the owners of a plantation near said city, Mary E. Whitehead being the widow of one A. G. Clements, who died in 1860, and the other claimants his then minor children. They then occupied the plantation as their home, and under the laws of the State of Arkansas the widow was the owner of one-third of the property and the children of two-thirds. The minors have all since reached their majority. The property was owned by said A. G. Clements at the time of his death.

On the occupation of the city of Helena a portion of the troops under General Curtis camped upon the land of petitioners; the length of time is not material in the view which we take of the claim. But the Quartermaster's Department took possession of the barns, sheds, stables, feed-lots, and corrals on the premises and used the same for a period of nineteen months, and also used timber from the plantation for fuel.

The claim was presented to the Southern Claims Commission, which found the value of the property taken to be $3,534, of which one-third, or $1,178, would belong to the petitioner, Mary E. Whitehead, and two-thirds, or $2,356, would belong to the said children. The Claims Commission allowed the claim of the children, after making some small deductions, but rejected the claim of the mother on the ground that the loyalty of Mrs. Whitehead had not been sufficiently established.

In this finding your committee think a manifest injustice has been done Mrs. Whitehead. In the opinion of your committee her loyalty, at a time and place when it cost something to be loyal, is fully established. Your committee is satisfied with the finding of the commission as to the value of the use of the property, and that the petitioner, Mrs. Mary E. Whitehead, should be paid $1,178.

Your committee herewith reports a bill for that purpose (H. R. 4837), and recommends that it do pass.

Mr. HOLMAN. There are two questions which may be considered in connection with this bill, properly, it seems to me; and one is as to the opening up of the adjudications of the Southern Claims Commission. I think there must have been but few instances up to this time where that has been done; I do not recollect of any.

My friend on my right [Mr. EDEN], tells me that he recalls one instance where this has been done.

We have already provided by law for two tribunals, one established on the 4th of July, 1864, to consider and adjudicate upon claims of an irregular character growing out of the war, occurring in States not in rebellion; and in harmony with that was provided the Southern Claims Commission, either in 1869 or 1870. I think, for the examination of claims in those States that were in insurrection prior to that time, there were pending before those respective tribunals (the latter tribunal lasting for some ten or twelve years) in the prosecution of their labors a vast body of claims in very small amounts, but covering an aggregate of some sixty or seventy thousand in all.

Now, it has been generally assumed that inasmuch as these tribunals had been appointed by law (the Southern Claims Commission, out of which this grows, which had very extraordinary powers, power to go at the expense of the Government to investigate a claim to the scene or locality of the claim and take testimony both for the claimant and in behalf of the Government, an impartial commission, accorded facilities for getting at the facts even beyond those ordinarily possessed by courts of justice) that a sufficient opportunity had been offered for the prosecution of such claims; and the question now presented is whether it is good policy in view of the very small proportion of these claims allowed where a thorough examination was made before the Southern Claims Commission (only about 7 per cent. in all being allowed, and a larger percentage under the act of July 4, 1864), I say it is a question as to the policy of opening up these adjudications by such a measure as this. It opens an extensive field of Congressional action under both laws, the act of July 4, 1864, and the Southern Claims Commission. If neither of these tribunals had been created, Congress might naturally expect the claims to come here for consideration, for when there is no court of relief the citizen may well demand a hearing before Congress.

But since these tribunals have been created, one of them having long since performed its duties and disbanded, and the other rapidly approaching the completion of its work, its existence as a tribunal terminating in the course of a year or two, are we prepared now to say

that it is wise policy to open up again this class of claims for consideration?

In both instances these tribunals were invested with extraordinary powers. They were permitted to send commissioners to the location where the claims were said to arise and examine all the facts, both for and against the Government as well as for the claimant; and I repeat, it is a serious question, and one which ought to have been considered and discussed in this report as to the propriety of Congress opening them up after this long lapse of time. For it is manifest now that we must at this late date rely upon purely *ex parte* testimony for the purpose of impeaching the judgments of tribunals possessed of all the powers that could be conferred upon them to make a thorough and careful examination in view of the subject-matter referred to them; an examination more convenient, more comprehensive, better for the claimants under any law than any court of justice, and yet tribunals with full judicial powers. The claims allowed by these judgments or findings of both the tribunals have all been adjudicated except the allowances, and I refer now to the act of the 4th of July, 1864, made during the last fiscal year or prior to last December.

I think I am justifiable in speaking very freely upon this subject, as I reside in a region of the country where a large body of these claims arose; and I feel confident that there is not a gentleman here who would consent upon appeal to attempt to go into this region of country where the laws apply and have Congress review the decisions made, especially as involving questions of loyalty. Here are judgments rendered upon testimony taken after the organization of the claims commission for and against the claims, when all parties were represented, the Government as well as the party in interest, and it is now proposed to reopen and reverse these upon *ex parte* testimony, taken solely against the Government. I repeat, Mr. Chairman, I regret exceedingly that the subject has not been more thoroughly considered in the report of the committee as to the propriety of opening up that class of claims, and how far *ex parte* testimony shall be allowed to impair the judgments already rendered, and in countless instances where the money has been already paid. In most of these cases which have been adjudicated, where amounts have been allowed less than the original claim, the testimony for the Government could not at this late day be again procured. They must be decided on purely *ex parte* testimony. But there are bills now pending to review these judgments in many cases (and I call them judgments, though they were but awards or allowances) where there had been already a proper adjudication by these tribunals.

This property, if I understand the report correctly, was situated within the limits of the district then in a state of insurrection against the General Government.

The Army of the Government was in this district, and the property was occupied by Federal troops. Now, I think that Congress up to this time, as I had occasion to say a few days ago, has never, in considering the general question, gone to the extent of proposing to pay for overt acts of spoliation by the Army or Navy, or for property occupied by the Army at the seat of war; and in the only important legislation touching the subject of late years, the act of 1882, by which these claims were referred to the Court of Claims, that class of claims is expressly excluded, and the reverse of that must be established before the court acquires jurisdiction. That is to say, the loyalty of the claimant is to be established, and the fact must appear that the claimant is not barred by the statute of limitations, and also is not founded upon an act of spoliation, or for the rent or occupation of property by the Federal troops at the seat of war.

I presume no government has ever been able to go to the extent of providing payment for the occupation of property in the ordinary operations of an army. This opens a very wide field, and I am sorry that the committee had not thought proper and that the honorable gentleman who presents this report had not thought proper to have discussed both those propositions more broadly, so that we should have had before us the ground on which the committee believed *ex parte* testimony should be sufficient to set aside judgments which had been rendered upon impartial testimony for and against the claim, and also as to the propriety of going back on the general policy of Congress of not paying for the occupation of property in the ordinary operations of the armies, which in some instances would be found to embrace whole towns and considerable cities.

Mr. LYMAN. In preparing this report from the Committee on War Claims I had not conceived it necessary in reference to a claim of this kind, and one which to me and to the entire committee seemed so entirely just and plain, to embody in the report all the evidence that was before the committee. There is probably no member upon this floor who has been more inclined to pursue a conservative course in allowing these claims growing out of the late war than I have been. Such has been my record, I think, upon the committee, and, so far as I have had occasion to vote on these questions, such has been my record in this House.

Now, in reference to the first objection made by the gentleman from Indiana that this matter has been adjudicated by a proper tribunal whose decision ought not to be disturbed I heartily concur in all he says upon that subject as a general principle and as a general course of policy for this House to pursue. And such has been the practice and policy of the committee and the policy of the House during this session of Congress. I say the practice and policy, as I understand it, is that where a claim has been passed upon by a competent tribunal it will not be disturbed by this House unless it shall be manifest an injustice has been done. The committee has endeavored to confine itself entirely and closely to that principle, and we thought in reporting in favor of paying Mrs. Whitehead $1,178 that we were adhering to that well-established policy and practice.

The only objection made to the claim in the Southern Claims Commission was the fact that Mrs. Whitehead had not established her loyalty. The property was owned by herself and her two children.

Mr. EDEN. Will the gentleman allow me a question?

Mr. LYMAN. Yes, sir.

Mr. EDEN. Is there anything for rent involved in this bill, or is it merely for supplies taken by the Army?

Mr. LYMAN. It is for both. The supplies furnished consisted of wood taken off Mrs. Whitehead's premises and used for fuel. And the rent allowed for the use of the premises is not for what was occupied by troops encamping upon her farm, as they did—I know that to be the fact, because my own regiment encamped upon her farm. There is no charge for anything of that kind. But the quartermaster's department took possession of her buildings, of her feed-yard and the corral on her farm, and used them for twenty-one months. For two months of the time she was paid. She claims, although the evidence is not clear on that question, that there was a contract by which she was to be paid rent for her premises, and in that she is corroborated at least by the fact that one quartermaster did pay her two months' rent.

Mr. HOLMAN. But that was not authorized by law.

Mr. EDEN. Can the gentleman state what proportion of the sum allowed in the bill is for rent and what for supplies?

Mr. LYMAN. I can not. The testimony in the case would show that.

Mr. EDEN. I will state what is my reason for making this inquiry. It appears that this case was before the Southern Claims Commission, and they had no jurisdiction over questions of rent; they had jurisdiction only of supplies. I made the inquiry, because the testimony they took would not have had any bearing on the question of rent, because they had no jurisdiction over that.

Mr. LYMAN. As I was saying, the only objection made to Mrs. Whitehead's claim by the Southern Claims Commission was that her loyalty had not been established. They allowed the two-thirds of the claim that went to her children, who were mere children at the time of those occurrences. Their claim was allowed, being two-thirds, and it was paid for the benefit of the children. Her claim was disallowed by reason of the fact that the Southern Claims Commission was not satisfied as to her loyalty.

It has been established by the rule of the committee and by the practice of this House that where a manifest injustice has been done by findings of the tribunals which had jurisdiction of these matters Congress will take cognizance of them.

Mr. HOLMAN. Will the gentleman allow me a question right there?

Mr. LYMAN. Yes, sir.

Mr. HOLMAN. The testimony before the Southern Claims Commission was testimony both in favor of this lady and against her.

Mr. LYMAN. Yes, sir.

Mr. HOLMAN. And it was taken through a public channel, so that it was impartial. Now was not the testimony on which my friend from Iowa is acting here entirely *ex parte* testimony.

Mr. LYMAN. No, sir; I am coming to that. Mr. Chairman, I was alluding to the proposition that if injustice has been done by the Southern Claims Commission, Congress will take cognizance and give relief. We had before the committee the report of the Southern Claims Commission; we had the evidence taken by the commissioner, reported to the commission, and on which the commission acted. There is additional evidence; but, without regard to the additional evidence which was produced before the committee, which of course was *ex parte*——

Mr. HOLMAN. Affidavits?

Mr. LYMAN. The testimony taken for the commission was by both affidavits and personal examination.

Mr. HOLMAN. Yes; and that testimony was taken on the ground. Now this evidence which your committee have considered in overruling the decision of the commission—what is the form of that?

Mr. LYMAN. I was about to say that the additional testimony which was before the committee was in the form of affidavits and was, of course, *ex parte*. But, laying that testimony out of the case and considering alone the testimony that was before the commission, I am at a loss to know, and I think every member of the committee is at a loss to know, on what theory that commission, with all due respect to their judgment as lawyers and judges, found that this lady was not loyal.

Mr. BUCHANAN. Your committee examined carefully the testimony on that point?

Mr. LYMAN. Yes.

Mr. BUCHANAN. And they are satisfied of the loyalty of the claimant?

Mr. LYMAN. Yes, sir; all of them. I might say that the testimony is almost without dispute that during the entire war Mrs. Whitehead was loyal to the Government.

Mr. BUCHANAN. Another question. In view of the bill that we have just passed, is the question of loyalty of much account anyhow?

Mr. LYMAN. I think not. I think it has nothing to do with it.

Mr. HAMMOND. Why don't you stop, and let us pass the bill?

Mr. LYMAN. Will you pass it?

Mr. HAMMOND. Yes.

Mr. LYMAN. Mr. Chairman, I move that the committee rise and report this bill to the House.

Mr. HOLMAN. Mr. Chairman, I have a word further to say on this bill. It seems to me that if we are to proceed upon this plan any of the judgments of the Southern Claims Commission, or of any other judicial tribunal, can be easily set aside. Here was a tribunal duly organized, composed of three judges nominated by the President of the United States and confirmed by the Senate, armed with full power to consider such cases. That tribunal did consider this case, and especially this particular point and decided this case, and now a committee of Congress (which of course means one gentleman who is of course a very good lawyer), after the lapse of all these years, takes up the case, considers it again, and comes to the conclusion that the tribunal which decided the case made a mistake; comes to the conclusion, too, not upon testimony taken on the ground, but upon *ex parte* evidence; or, as a friend suggests, by actually considering the very testimony upon which the tribunal acted—a review of the case, so to speak, upon error apparent on the face of the record.

Mr. Chairman, I think that if our ordinary judicial proceedings were to be subject to review in that manner, and were to be set aside by the casual opinion of a gentleman who, whatever his ability, can not of course devote his mind so entirely to making an investigation of this character as can a judge, we should soon get into difficulty.

Mr. McRAE. Will the gentleman yield for a question?

Mr. HOLMAN. Yes, sir.

Mr. McRAE. Is the precedent set by this bill any more dangerous than the one set by the bill which has been passed here releasing a collector from a debt of $11,000 decreed by the solemn judgment of a court?

Mr. HOLMAN. I do not see much parallel between the two cases. In the one case there is an appeal to the equity of Congress upon all the facts to say whether we will give relief or not, and from time immemorial Congress has granted relief in such cases. In that case even the judges who tried it thought, I believe, that, applying the strict rules of law, injustice had been done.

Mr. McRAE. If the gentleman will permit me, the only difference I see between the cases is that in the one case the Government released a man from an obligation to pay over that which belonged to it, and in this case it agrees to pay to this claimant that which belongs to her.

Mr. HOLMAN. If my friend assumes that the Government is to pay for all property occupied by the Army during the war, then I concede that from his standpoint his proposition is correct. I do not believe, however, that that should be the policy of this Government. In this case we are not informed how much of the claim grows out of rent and how much is for the burning of fences—spoliation—for it is not pretended that any of this property was taken in the regular way by the Army. I observe that in these matters a precedent is always set by taking a strong case. The claimant here is a lady. That is one strong point. The next strong point is that the claim is for a small amount. Then, next week when a case comes up involving thousands or perhaps hundreds of thousands of dollars, it will probably be passed by the House following this precedent, and thus we shall have the judgment of a committee of Congress reviewing and overruling the decision of an impartial tribunal, based upon testimony taken impartially upon the ground—overruling it, too, upon the face of the record of that tribunal, as appears in part to have been the case here. While I have never indulged the hope that Congress could approach a question like this in a judicial spirit, because we deal with cases of this kind rather from the standpoint of legislation than from a judicial standpoint, I do think it is greatly to be deplored that questions of this character should be reviewed by Congress in this way after they have been decided by the properly constituted tribunals.

This claim, if it should have been considered at all, should have been considered by another tribunal. Years ago I heard this House appealed to over and over again in behalf of claims on the ground that the party had no standing anywhere in court, and that this Government could not act so basely as to deprive the citizen of property, or of compensation for property, without a fair and just hearing. But these claims coming before us now have, most of them, been regularly adjudicated. We have established a tribunal with ample facilities for the hearing of such cases. Suppose this case had been referred by Congress or by the Committee on War Claims to that tribunal; suppose that court had made a finding upon the question of loyalty; suppose a mistake had been made, and suppose a review were asked by a tribunal as competent as the one that pronounced the judgment—then we would all feel that we stood upon the bed-rock of justice, making no mistake, setting no bad precedent. But here we are asked to reverse the decision of a court of justice and allow this claim either upon *ex parte* testimony or upon a review by a committee of Congress of the testimony upon which a court of justice has acted.

Mr. PETERS. Do I understand the gentleman to say that this applicant could now go to any court and ask that court to consider this case.

Mr. HOLMAN. Application can not be made to the Court of Claims in regard to the claim for rent—of course not. Congress, by a deliberate act, well considered and long discussed, has expressly excluded such questions from the consideration of that court. The partiality of this proposed legislation, its purely class character, is apparent. The Court of Claims can not consider whether in the course of the operations of your Army a town or city has been occupied, and can not allow for the payment of rent which may have accrued under such circumstances. That you have not proposed to allow the court to determine; yet such an allowance is made in this bill.

As to the other property that may have been taken—the wood that was burned, the fences that were destroyed, the inevitable spoliations resulting from the operations of the Army—the claim for that could now be presented, unless probably it is barred by the statute of limitations. In this bill you remove that bar——

Mr. PETERS. The gentleman will allow me one further question. If an injustice has been done to this claimant upon the question of fact in this case——

Mr. LONG. What fact? Loyalty?

Mr. PETERS. The question of loyalty. If an injustice has been done to the claimant upon this question of fact she has no remedy unless by the passage of a bill in Congress.

Mr. HOLMAN. That is true. But I put this point to my friend: Here was a tribunal with ample opportunity to investigate the case; that tribunal has investigated it and pronounced judgment.

Mr. ROWELL. Is the Southern Claims Commission the tribunal that investigated it?

Mr. HOLMAN. Yes, sir.

Mr. ROWELL. The gentleman will allow me to say I recollect examining a case where that Southern Claims Commission put it into their record that they refused to allow a certain claim because they could not conceive that the quartermaster would permit it to run six months without payment, although the quartermaster's accounts showed he had not made any payment.

Mr. HOLMAN. Therefore I suppose my friend would argue that the finding of the Southern Claims Commission is not entitled to much respect. But let us see who constituted this claims commission? Judge Aldis, of Vermont, who has been engaged in many high employments under the Government since that day; Judge Ferriss, of New York, for many years and until recently the Second Auditor of the Treasury, and ex-Senator Howell, of Iowa. Now that tribunal may have made some mistakes, it may be plausibly supposed it did, but is Congress to assume that it did? Is a committee of Congress, acting upon the judgment of a single gentleman, to conclude that that tribunal has made a mistake? I hardly deem it necessary for me to defend the adjudication of such men as I have named. Judge Aldis is recognized as a man of very high ability as a lawyer; Judge Ferriss, who formerly for many years was honored by a seat on this floor, and who went from here to take part in the deliberations of this commission, is one of the ablest men.

I only desire to express my dissent from the policy growing so common—an instance of it occurred on the last day when we went into Committee of the Whole on the Private Calendar and another has occurred to-day—of overruling the decisions of established tribunals of justice upon the judgment of a member of this House who can have given the subject but little consideration; for the action of the Committee on War Claims or any other committee of this House means very often the action of but a single gentleman.

The question being taken on the motion of Mr. LYMAN that the bill be laid aside to be reported to the House with a recommendation that it pass, the motion was agreed to.

Mr. SPRINGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the Private Calendar had directed him to report back sundry bills with a recommendation that they do pass.

ESTATE OF FRANK SOULÉ.

The House proceeded to the consideration of the first bill reported from the Committee of the Whole House on the Private Calendar, being a bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond.

The bill was orderd to a third reading, was accordingly read the third time, and passed.

MARY E. WHITEHEAD.

The next business reported from the Committee of the Whole House

on the Private Calendar was the bill (H. R. 4837) for the relief of Mary E. Whitehead.

The question being taken on ordering the bill to be engrossed for a third reading, it was determined in the affirmative; there being—ayes 49, noes 13.

The bill was accordingly read the third time.

The question being taken on the passage of the bill, it was determined in the affirmative; there being—ayes 66, noes 10.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MCKENNA moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, by unanimous consent the Committee on Claims was discharged from the further consideration of the bills of the following titles, and the same were referred to the Committee on War Claims:

A bill (H. R. 6492) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle; and

A bill (H. R. 3713) for the relief of William Ervin.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. BENNETT, indefinitely, including to-day, on account of sickness.

To Mr. HOUK, for five days, on account of important business.

To Mr. SHAW, for two days, on account of important business.

And then, on motion of Mr. EDEN (at 4 o'clock and 32 minutes p. m.), the House took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the resolution under which this evening's session is held.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. WINANS. I move that the House resolve itself into Committee of the Whole House for the consideration of the class of business provided for in the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar under the special order which has been read. The Clerk will report the first bill.

JANE M. LANGLEY.

The first business on the Private Calendar was the bill (H. R. 2254) for the relief of Jane M. Langley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Langley, widow of Loudon L. Langley, late sergeant-major of the Thirty-third United States Colored Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK BAUMAN.

The next business on the Private Calendar was the bill (H. R. 4589) granting a pension to Frederick Bauman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bauman, late a corporal of Company B, of the One hundred and third Regiment New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH CHALFANT.

The next business on the Private Calendar was the bill (H. R. 2011) granting a pension to Joseph Chalfant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Chalfant, late a private in Company L, Sixth United States Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BOONE.

The next business on the Private Calendar was the bill (H. R. 473) granting a pension to William Boone.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Boone, late a private in Company F, Eighty-eighth Indiana Volunteers.

The amendment of the committee was read, as follows:

Add these words:

"Subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. SUFFALL.

The next business on the Private Calendar was the bill (H. R. 553) granting a pension to William J. Suffall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Suffall, late of Company B, Twenty-first Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY S. WEBSTER.

The next business on the Private Calendar was the bill (H. R. 4960) granting a pension to Mary S. Webster.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, from the date of January 10, 1869, subject to the provisions and limitations of the pension laws, the name of Mary S. Webster, dependent mother of Charles T. Webster, late a private in Company H, Forty-second United States Infantry, who died from disease contracted in the line of duty in the military service of the United States.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 4960, beg leave to submit the following report:

This bill was favorably reported to the Forty-fifth Congress by the Committee on Invalid Pensions. After a reinvestigation of the case, your committee decide to adopt that report as its own, which is as follows:

"That the said Charles T. Webster enlisted into the military service of the United States in June, 1861. At the battle of Spottsylvania Court-House, in 1864, he lost an arm. For this wound he was discharged and granted a pension, which he continued to draw until he enlisted into the regular Army, in the Forty-second Regiment United States Army, on the 14th June, 1867.

"The evidence shows that the claimant was poor, and depended upon the soldier for support.

"After the amputation of his arm he suffered great pain at times, for the relief of which he was accustomed to take opiates.

"On the 9th of January, 1869, his command was stationed at Madison Barracks, New York. On that day he, while suffering the most intense pain from his wound, took a large dose of laudanum, from the effects of which he died.

"The Pension Bureau rejected the claim of his mother for a pension on the ground that the soldier committed suicide.

"The Surgeon-General says, in substance, that it is his opinion that death resulted from his wound which he received in the service and in the line of his duty. He also says that it is well known that in very many cases mutilations received during the war have led to the habitual use of opiates, and death from an overdose taken to relieve pain consequent upon wounds is held as an accidental consequence of such wound."

The committee are fully satisfied from the evidence that the death of the soldier was not suicidal, and therefore recommend the passage of the bill with amendments, as follows: Strike out in the fourth line of the bill all after the word "pension-roll" to the word "subject," in the fifth line; also all after the word "infantry" in the ninth line of the bill.

Mr. ELY. I hope, Mr. Chairman, the amendment offered by the committee will not be adopted, and I wish to state in a few words my reason for such hope, and in doing so I desire to say that I do not propose to antagonize the Committee on Invalid Pensions, but trust, upon the facts in this case, they will be pleased to support the bill as it was introduced by myself in the early part of this session.

The reason why this man has not had a pension, as he is shown clearly entitled to have, is on account of a blunder in the Pension Office in the first place and the neglect of Congress to pass his bill when it was favorably reported by the Committee on Invalid Pensions in previous Congresses. Indeed, I will observe, this committee find, as the committees in previous Congresses have done, the reason why the claim was rejected, when it was seasonably made before the statute of limitations was passed, was because the Committee of Pensions at that time made a blunder; and I venture to affirm it was a gross and inexcusable blunder, because whoever has examined this claim has not failed to see it was a blunder.

This man early in the civil war enlisted in the Union Army, served his country faithfully for nearly four years, when he lost an arm in battle, and was discharged on account of that disability.

Mr. CONGER. What is the blunder that has been committed?

Mr. ELY. It is that the Commissioner of Pensions found that the man had committed suicide.

Mr. CONGER. Did he not?

Mr. ELY. He did not. Three committees of Congress, namely: one in the Forty-fifth Congress, one in the Forty-sixth Congress, and the Committee on Invalid Pensions in the Forty-ninth Congress, have reported this bill, and all find the fact to be that he did not commit suicide.

This report says:

The committee are fully satisfied from the evidence that the death of the soldier was not suicidal; and therefore recommend the passage of the bill with amendments.

Now, sir, having had her claim rejected by the Pension Office unjustly and improperly, and as I maintain and as I believe negligently rejected, she then as soon as possible came to Congress and petitioned the Forty-fifth Congress to give her a pension, and the Committee on Invalid Pensions in that Congress recommended that she should have a pension; and their report was adopted by the present Committee on Invalid Pensions. Her case was not reached in the Forty-fifth Congress, and then she came to the Forty-sixth Congress, and the Committee on Invalid Pensions in that Congress, in harmony with what had been done in the preceding Congress, recommended that a pension should be given to her, but for some reason or other Congress did not act upon the bill which that committee had recommended.

This woman was poor. She was the object of charity for the very necessaries of life, and she became discouraged. Having met with the fate that she did at the hands of the Government in whose defense her son had laid down his life, she omitted to come to the Forty-seventh and the Forty-eighth Congresses with her claim, and some friends of hers in this Congress came first to my friend, Mr. LOVERING, who introduced them to me, and I introduced the bill in her behalf into the House. The committee have found, in harmony with the committees of two previous Congresses, that the woman was entitled to a pension, and has been entitled to this pension all these years.

Now, I recognize the wisdom of the general rule which the Committee on Invalid Pensions have adopted for their guidance, but every rule has its exceptions, and if there is any exception to a rule which is founded upon valid reasons, upon right and justice, Mr. Chairman and gentlemen, it is that when a person has seasonably applied for a pension to which beyond all cavil and question he was entitled, and that not through his fault but through the wrongdoing of the agents of the United States Government that pension has not been allowed, that pension has been disregarded, and sixteen or seventeen years have been allowed to elapse during which the pension has been withheld and the pensioner thrown upon the charity of the cold world all this time, I say that is an exception to the rule and one that merits our immediate consideration.

Mr. DOCKERY. I would like to ask the gentleman a question. You insist that the bill should carry arrears?

Mr. ELY. Yes, sir.

Mr. DOCKERY. You insist also, as I understand it, that the Commissioner of Pensions made a mistake in disallowing the pension on the ground stated?

Mr. ELY. I do.

Mr. DOCKERY. Then I would suggest in all kindness that this mistake ought to be rectified in the Pension Office. There is no trouble in securing this rectification on new evidence at any time. She can get a new hearing there, and if she can establish the fact as stated then she will get arrears anyhow.

Mr. ELY. After all these years to again send this poor woman back to the Pension Office to there begin the trouble anew to secure her pension would be an act of hardship and injustice. She has waited for the Pension Office to right the wrong for sixteen or seventeen years.

Mr. DOCKERY. I would desire to put her in a position where she could get arrears if she is entitled to them.

Mr. ELY. But under the present law she would not get arrears.

Mr. DOCKERY. I understood you to state that the claim was rejected on account of a mistake.

Mr. ELY. Yes, her claim was rejected because of a blunder, as I claim, in the office.

Mr. DOCKERY. But if it was a blunder it can be righted, and she would then get the arrears.

Mr. MORRILL. There is no difficulty in the world about it. I would take the contract to get such a case through the office in ten days.

Mr. WINANS. And it would carry arrears under those circumstances.

Mr. ELY. Mr. Chairman, I maintain that here and now is the time and place when this woman should be righted. We have the right and the power. What reason or propriety is there in the suggestion that this woman, after all of these delays, and after all of this hardship and wrong, should be turned back into the Pension Office again? This is nothing to me; I do not even know the applicant. I never have seen her; but I know the facts, because they have been reported upon by three committees of Congress. I know the facts, because they are presented to me by respectable people in Massachusetts. Why then should she be thrown back into the office? It seems to me to be adding another hardship to what she has already suffered.

Mr. DOCKERY. But she could get the pension if the facts are as you represent them before the Pension Department in less time than you could pass this bill through Congress.

Mr. PETERS. Let me ask the gentleman a question. There are many cases in which the Pension Department decides a certain way upon a question of fact, rejecting an application for a pension. A bill is introduced into this Congress, and the Committee on Invalid Pensions refers to the findings of the Commissioner on Pensions on the question of fact, and the pension bill is passed and the pension granted. Now there are a number of cases of that kind which have gone through the House, and it is the uniform practice of this committee not to grant arrears. Is it not the fact in this case that the Commissioner of Pensions passed upon the questions of fact as to whether this was a case of suicide, and passed upon it in such a way as to declare it to be a suicide?

An appeal was taken to this House and a bill was introduced. The Committee on Invalid Pensions say they do not believe it was suicide, and therefore recommend granting the relief sought. Now, I do not see, in all candor, that this bill should be any exception to the usual rule.

Mr. ELY. Mr. Chairman, it is substantially as the gentleman from Kansas states. But I will say this much: That this case differs from others in this respect. I do not know what any Commissioner of Pensions may say in regard to it; but this much I have to say: That when three committees of three different Congresses of the United States, with the same facts before them as the Commissioner of Pensions had, have decided in favor of this claim, I have a right to claim that the Commissioner made a mistake as to the facts. Is not that so? If any gentleman can deny that and say it is not a fair statement of the case I wish he would do so now.

Mr. PETERS. But the point I make is that the Commissioner of Pensions makes a mistake in passing on questions of fact in one-third of the cases brought to this House.

A MEMBER. Two-thirds.

Mr. PETERS. Yes, it may be in two-thirds of the cases brought to this House. I remember a case in which an application was made for a pension on account of an injury received in the Black Hawk war. The only evidence that could be obtained was that of two comrades who were illiterate and could not write and signed their names by marks. The Pension Office did not consider that sufficient evidence to affirm the question of fact necessary in the case, and therefore rejected the claim. The case was appealed to the House. In the last Congress the appeal was taken up by the Committee on Pensions, and a bill was favorably reported to the House and passed by the House. That man would have been entitled to arrears on the theory of the gentleman from Massachusetts, because the Commissioner of Pensions made a mistake in his finding of the facts.

Mr. ELY. Not at all, if I understand the gentleman's statement of the case correctly. That was a case where the man was not satisfied with the witnesses that were produced. Now, the witnesses here were the same.

Mr. MORRILL. He was satisfied with the witnesses, but not with their evidence.

Mr. ELY. Precisely. That is where the difference lies. Now, passing by that, I wish to inquire what gentlemen have to say about the action of the Forty-fifth and Forty-sixth Congresses, that let this poor widow go without her pension after a committee had reported favorably on her bill. Who did the wrong? Did she or did the United States Government? Whose wrong was it? And who shall bear the effects of the wrong? This unfortunate and poor widow, who lost her sole dependence in the death of her husband, as this committee find? Or shall the United States? Judge you. You have the power. You can decide it. I leave it to you to say who shall bear the burden that the wrong entailed—she who was guiltless of any wrong, or the Government, which was guilty of the whole wrong?

Now, another thing; because I do not intend to rise in my place here on a question of this sort unless I think I have some ground on which to stand. A committee of the Forty-sixth Congress reported to this House a bill in exactly the same words in which I introduced this bill in this Congress. Why did they report in favor of arrears back to 1869 unless it was right? It was because it was right, and for no other reason in the world; because they saw that here was a case that should be made an exception to the rule. And as I stated before, it is unreasonable, and I submit it to the Committee on Invalid Pensions that it is unreasonable, to establish a rule and say that there never shall under any circumstances be an exception to it.

As I have said, a committee of a former Congress reported the bill with arrears back to 1869. Why should we not adopt that bill?

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendments submitted by the committee.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN LITTLE.

The next business on the Private Calendar was the bill (H. R. 4539) granting a pension to Ann Little; reported by Mr. LOVERING from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Little, widow of John Little, late a private in Company A, Eleventh Regiment Massachusetts Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY LOUISA SPICER.

The next business on the Private Calendar was the bill (H. R. 5506) granting a pension to Emily Louisa Spicer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Louisa Spicer, widow of Commodore William F. Spicer, late of the United States Navy, and pay her a pension of $50 per month from and after the passage of this act.

The Committee on Invalid Pensions reported the following amendments:

In line 4, strike out the words "place on the pension-roll, subject to the provisions and limitations of the pension laws, the name" and insert "increase the pension."

In line 8, strike out the words "a pension" and insert the words "at the rate."

In line 9, insert the words "in lieu of the pension now received by her."

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Emily Louisa Spicer, widow of Commodore William F. Spicer, late of the United States Navy, and pay her at the rate of $50 per month from and after the passage of this act, in lieu of the pension now received by her.

Mr. PETERS. I call for the reading of the report in that case.

The Clerk commenced to read the report.

Mr. PETERS. I withdraw the call for the reading of the report.

Mr. PRICE. I want to antagonize that bill and to vote against it so far as to send it into the House when there is a quorum to vote on it. I desire to do this in consistency with the declaration I have made and other gentlemen have indorsed, that this whole system of increasing pensions according to rank is vicious.

Mr. MORRILL. You can do that when we get back into the House.

Mr. PRICE. I only desire that the bill shall not pass through the committee without an agreement that there shall be a vote in a full House. I do not wish the bill to pass without an opportunity being given to the majority of the House to act upon it.

The amendments recommended by the committee were adopted.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. PRICE. Before voting upon that question, I desire to say that I do not want a vote taken in that way unless upon the agreement that the bill shall not be put upon its passage until we have a quorum.

Mr. MORRILL. That is the understanding.

Mr. PRICE. Very well; with that agreement I will let it take its course.

RINALDO R. SOMES.

The next business on the Private Calendar was the bill (H. R. 5284) granting a pension to Rinaldo R. Somes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rinaldo R. Somes, late a lieutenant of Company I, Fifth New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLIE ANN BRADLEY.

The next business on the Private Calendar was the bill (H. R. 5394) granting a pension to Sallie Ann Bradley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Twenty-fourth Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIA W. ELLIS.

The next business on the Private Calendar was the bill (H. R. 1782) granting a pension to Cornelia W. Ellis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Cornelia W. Ellis, widow of Edmund C. Ellis, late of the United States Navy, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANN MILLER.

The next business on the Private Calendar was the bill (H. R. 1816) granting a pension to Mary Ann Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to put the name of Mary Ann Miller, widow of Hamilton Miller, late a private in Company F, Third Ohio Volunteer Infantry, on the pension-roll, at the rate of $8 per month.

The Committee on Invalid Pensions recommended amending the bill by striking out in lines 6 and 7 the words "at the rate of $8 a month" and inserting the words "subject to the provisions of the pension laws."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL JACKS.

The next business on the Private Calendar was the bill (H. R. 4219) granting a pension to Daniel Jacks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of tne Interior is authorized and directed to place on the pension-roll the name of Daniel Jacks, late of Company E, United States Artillery.

The Committee on Invalid Pensions recommended amending the last line of the bill, so as to make it read "of Company E, Second United States Artillery."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL KAIN.

The next business on the Private Calendar was the bill (H. R. 1821) granting a pension to Daniel Kain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Kain, late a private in Company K, Twenty-seventh Ohio Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MINERVA T. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 4111) granting a pension to Minerva T. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Minerva T. Thompson, widow of Joseph Thompson, deceased, late a private in Company D of the Sixth Regiment of Missouri Cavalry Volunteers, who died of disease contracted while in the service, and to pay her the sum of $8 per month from the date of the death of her late husband, being the 24th day of April, 1868, so long as she shall remain the widow of said deceased soldier; and $2 additional per month for her minor child Joseph Alexander Thompson, from the 25th day of July, 1866; and also $2 additional per month for her minor child Hugh D. Thompson, from the date of his birth, being the 11th day of April, 1867, until said minor children each arrived at or shall arrive at the age of sixteen years.

The Committee on Invalid Pensions reported an amendment striking out all after the word "volunteers," in line 8, to the end of the bill.

Mr. CLARDY. Mr. Chairman, I got a point from the remarks of the gentleman from Massachusetts [Mr. ELY]. [Laughter.] This is a case somewhat analogous to the one which was under consideration when he spoke a while ago, and I want to say, in continuation of his remarks, that if the application was made for a pension within the time prescribed by law and the bureau should have granted the pension, but has failed to do so, and the claimant is forced to come here, I can not see any reason why he should be deprived of arrears. This House is like a court of equity. The claimants come here because the law, on account of its universality, can not grant them relief.

The claims that are passed by this House ought to be as strong in equity as the claims that are allowed by the Pension Bureau. Because of the absence of certain kinds of proof required by law in this case of Minerva Thompson her claim was rejected, and now, after she has been for years an applicant before the Department, seeking to establish her claim, she is informed that it has been rejected, and she comes to this House and makes proof which ought, in my opinion, to have established her claim before the Pension Bureau. If it did not, it was because the law required a peculiar kind of proof which she happened to be unable to adduce, and now, an old woman, after having claimed a pension for years, she is offered a pittance of $8 a month from the date of the passage of this bill, while other persons who exercised no more diligence than she did, but who were more fortunate in being able to supply the peculiar proof required by the Pension Bureau, get not only the $8 a month, but in addition the gratuity given by act of Congress in the form of arrears of pension.

Mr. Chairman, I do not know that I desire to antagonize this amendment formally, because if I should succeed in getting it beaten the bill might be beaten also. [Laughter.] Therefore I feel that, having said this much, I had better perhaps let the committee vote upon the question.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARIA K. RITTER.

The next business on the Private Calendar was the bill (H. R. 5693) for the relief of Maria K. Ritter.

Mr. MORRILL. I ask that this bill be passed over informally until a hearing can be had before the Commissioner of Pensions.

The CHAIRMAN. If there be no objection that order will be made. There was no objection.

MARY JANE CONRAD.

The next business on the Private Calendar was the bill (H. R. 944) for the relief of Mary Jane Conrad.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Conrad, widow of James Conrad, deceased, late of Maysville, in the State of Kentucky, formerly of the special service, war of 1861.

Mr. PETERS. Mr. Chairman, in view of the discussion which we have had in the House upon the bill for pensioning certain militiamen, I merely wish to call attention to the fact that in this case the soldier whose widow it is proposed to pension was a member of the Kentucky State militia. That is all I desire to say.

Mr. TAULBEE. While that is true, the company to which this militiaman belonged was at the time under the command of General William Nelson, a general of the Union Army, and was killed during an engagement with confederate soldiers.

Mr. WARNER, of Missouri. I wish merely to say that I commend the committee for its action in reporting this bill to pension the widow of a member of the Kentucky State militia.

Mr. WOLFORD. Mr. Chairman, I desire to say that in Kentucky, Missouri, and several other States of this Union when the great struggle was making for the life of this nation all the males who were of age went into the army on the one side or the other—those of rich families generally going into the confederate army and those who were poor into the Union Army. A few boys and old men were left at home to take care of the women, to plough, to raise corn, and keep the women and children from starving. When Morgan came to Kentucky, when Pegram came to Kentucky, when Price went to Missouri these boys who had staid at home came forward in many cases to assist in the defense of their State. I remember a notable case in the State of Kentucky when boys of sixteen and seventeen years left their plows standing in the furrow and joined the militia. In one battle, which I remember, with General Pegram, there were under my command two brothers—one of them a member of my division, while the other had come from the plow that morning to fight for his country. He came at the call of the provisional governor, because the regular governor of the State refused to muster soldiers in. He came and put himself in the ranks; and I placed him right by the side of his older brother. I thought it best for the militia and the regular trained troops to stand together in that fight, for it was a terrible fight.

In that battle both those boys were shot. One had his right leg broken, the other had both legs broken. The younger boy who had that morning left his plow standing in the furrow lay there a cripple; both legs had to be amputated. I sent both home. I thought myself justified in doing so, because I had no place to take care of them. One of them is drawing a pension. The other, because he did not make his application in time under the law, which has now expired, has never drawn a pension. He is poor; the "wolf is at the door." That plow stood in the furrow till it rotted, for there was nobody else to take it. I think if there ever was a righteous measure it is that which proposes to allow pensions to these militiamen who came from their homes and burned with patriotism, all alive to the interests of their country, ready to shed their blood and lay down their lives for the country they loved. [Applause.]

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELEANOR FOUST.

The next business on the Private Calendar was the bill (H. R. 5100) granting a pension to Eleanor Foust.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor Foust, widow of James Foust, deceased, late a private in Company H, Thirteenth Regiment Tennessee Volunteer Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS M. MOORE.

The next business on the Private Calendar was the bill (H. R. 6389) granting a pension to Francis M. Moore.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Moore, late a private in Company F, Nineteenth Regiment Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARTHA A. MARBLE.

The next business on the Private Calendar was the bill (H. R. 5678) for the relief of Mrs. Martha A. Marble.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Marble, the widow of George F. Marble, late hospital steward of Company C, First Regiment of Minnesota Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROSINA HEINEMAN.

The next business on the Private Calendar was the bill (H. R. 1651) for the relief of Rosina Heineman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosina Heineman, dependent mother of William Heineman, formerly a member of Company E, Second Regiment New York State Mounted Rifle Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH MANZ.

The next business on the Private Calendar was the bill (H. R. 1593) for the relief of Sarah Manz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Manz, dependent mother of Christian G. Manz, alias John Stevens, formerly of Company H, Sixty-seventh Regiment New York State Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES HASENZAHL.

The next business on the Private Calendar was the bill (H. R. 1652) for the relief of Frances Hasenzahl.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Frances Hasenzahl, widow of Christopher Hasenzahl, formerly a member of Company C, Thirteenth Regiment New York State Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN SAUER.

The next business on the Private Calendar was the bill (H. R. 5038) for the relief of Stephen Sauer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Sauer, formerly a member of the Fourth Battery, Wisconsin State Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN CRYMBLE.

The next business on the Private Calendar was the bill (H. R. 1548) for the relief of Ellen Crymble.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Crymble, widow of Stephen Crymble, formerly a member of Company E, Seventy-ninth Regiment New York State Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN LEDDY.

The next business on the Private Calendar was the bill (H. R. 4615) for the relief of Ann Leddy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Leddy, of the city of New York, in the county of New York, in the State of New York, widow of Thomas Leddy, late a private in Company I of the Seventeenth Regiment New York Volunteers, and to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under sixteen years of age, from and after the 29th day of October, A. D. 1864, the date of the death of her said husband.

The amendment of the committee was read, as follows:

Strike out the following words:

"And to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under 16 years of age, from and after the 29th day of October, A. D. 1864, the date of the death of her said husband."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMMA M. SHINER.

The next business on the Private Calendar was the bill (H. R. 5331) granting a pension to Emma M. Shiner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Shiner, widow of Robert T. Shiner, late a private in Company B, Third Regiment New Jersey Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES DUNBAR.

The next business on the Private Calendar was the bill (H. R. 3836) granting a pension to James Dunbar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Dunbar, late a private in Company I, Second Regiment of Delaware Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JENET L. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 5702) granting a pension to Jenet L. Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jenet L. Johnson, widow of John Johnson, late a private in Company K, Fifteenth Regiment of New Jersey Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

TIMOTHY DRISCOLL.

The next business on the Private Calendar was the bill (H. R. 4517) granting a pension to Timothy Driscoll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-list, subject to the laws regulating pensions, the name of Timothy Driscoll, late a private in Company A, First Maine Light Artillery Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

POLLY BELDEN.

The next business on the Private Calendar was the bill (H. R. 4400) granting a pension to Polly Belden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to put the name of Polly Belden, of Westmore, Vt., dependent mother of Hemom Belden, late of Company E, Ninth Regiment Vermont Volunteers, on the pension-roll, subject to the limitation of the pension laws.

The amendment of the committee was read, as follows:

Strike out the word "Hemom" and insert "Hemam."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN HUNTER.

The next business on the Private Calendar was the bill (H. R. 1990) granting a pension to John Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hunter, late of Company H, Second Pennsylvania Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES W. COLVILLE.

The next business on the Private Calendar was the bill (H. R. 3148) granting a pension to James W. Colville.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the limitations of the pension laws, the name of James W. Colville, late a private in Company C, Fourth Pennsylvania Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMELIA M. GREEN.

The next business on the Private Calendar was the bill (H. R. 2193) granting a pension to Amelia M. Green.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amelia M. Green, widow of Rev. John M. Green, late a chaplain in the Army of the United States, she to receive a pension of $240 per year.

The amendment of the committee was read, as follows:

Strike out the following words:
"She to receive a pension of $250 per year."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH E. VAN HORN.

The next business on the Private Calendar was the bill (H. R. 4723) granting a pension to Joseph E. Van Horn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Van Horn, late veterinary surgeon of Company B, Fourth Pennsylvania Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL FROST.

The next business on the Private Calendar was the bill (H. R. 4374) granting a pension to Samuel Frost.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to rerate the pension of Samuel Frost, late a lieutenant of Company F, Eighty-fourth Illinois Regiment, and pay him a pension of —— dollars per month, in lieu of the pension now granted him.

The amendments of the committee were read, as follows:

Amend the title so as to read: "A bill to increase the pension of Samuel Frost."

Strike out the word "rerate" and insert the word "increase;" also, in line 6, before the word dollars, insert the words "twenty-four," so it will read, "to increase the pension of Samuel Frost, late a lieutenant of Company F, Eighty-fourth Illinois Regiment, and pay him a pension of $24 per month, in lieu of the pension now granted him."

Mr. BUCHANAN. I should like to have some reason for thus increasing the pension.

The CHAIRMAN. The report will be read.

Mr. BUCHANAN. That is hardly necessary. If some member on the floor will state the reason for it——

Mr. NEECE. I will state for the benefit of the committee, Mr. Chairman, that this man was wounded in the ankle at the battle or Stone River. He is pensioned for that wound, but not for the gangrene which has got into his system and prevented the wound from healing. That gangrene has gone on to such extent his whole system has become poisoned by it. His eyelids are constantly dropping, and because of this general debility the committee were of the opinion his pension should be increased as recommended by the bill.

Mr. BUCHANAN. I do not wish to object, but merely to know why the surgeons did not properly rate this pensioner in the first instance.

Mr. NEECE. Simply because the medical board have not been able to trace the gangrenous poison to the wound. The trouble seems to be muscular, as indicated by the falling of the eyelids. His family and local physicians, however, are satisfied the wound was the cause of the gangrene.

Mr. WOLFORD. What is the increase which is proposed?

Mr. NEECE. From $15 to $24 a month.

The amendments were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRY M'ELHINNY.

The next business on the Private Calendar was the bill (H. R. 429) granting a pension to Harry McElhinny.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harry McElhinny, late of Company C, One hundred and second Illinois Volunteers, and pay him a pension at the rate of $8 per month.

The amendment of the committee was read, as follows:

Strike out the words "at the rate of $8 per month" and in lieu thereof insert the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL W. HEARD.

The next business on the Private Calendar was the bill (H. R. 4031) granting a pension to Rachel W. Heard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel W. Heard, widow of Nathan Heard, a second lieutenant in the service of the United States in the war of 1812, and in service at or near Boston with the Seventh Division Worcester Artillery from September 14, 1814, to October 31, 1814.

The amendment of the committee was read, as follows:

Strike out the following words: "And in service at or near Boston with the Seventh Division Worcester Artillery from September 14, 1814, to October 31, 1814.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISABELLA J. RAMSDELL.

The next business on the Private Calendar was the bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the rate of pension of Isabella J. Ramsdell, widow of David D. Ramsdell, who for over thirty years was a marine in the United States service, to $30 per month, and that the same begin at the death of her said husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1884.

Mr. PERKINS. Let us have the report read in this case.

The report (by Mr. BRADY) was read, as follows:

This case was before the Committee on Pensions during the Forty-sixth Congress, also during the Forty-eighth Congress, and favorable reports were made thereon, which your committee is satisfied is a correct statement of facts, and

therefore adopt the report made to the Forty-eighth Congress as their report. It further appears by the petition of Isabella J. Ramsdell, filed during the present session, that she is destitute and in a crippled condition, caused by the nursing and lifting her husband, who was entirely helpless during his two years' confinement in hospital prior to his death. The committee regard this as a specially meritorious case, and recommend that the bill do pass.

The following are the reports made to the Forty-eighth Congress and Forty-sixth Congress:

[House Report No. 349, Forty-eighth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of Mrs. Isabella J. Ramsdell, having had the same under consideration, respectfully report:

The committee find, from the petition and papers filed in the original pension claim, that the petitioner is the widow of David D. Ramsdell, who was a member of the United States Marine Corps for thirty-one years eleven months and eleven days, who, having been discharged the service, was admitted to a pension, and subsequently was admitted to the Naval Asylum at Philadelphia as a beneficiary. His history will appear more fully from the following letter, granting him admission to the institution above named:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., October 14, 1876.

SIR: Referring to your application of the 12th instant, and the Fourth Auditor having verified your services as seaman and marine thirty-one years eleven months and eleven days in the Navy, a permit is herewith granted for your admission to the Naval Asylum at Philadelphia, which please find inclosed. The governor of the asylum has been notified accordingly, and upon presenting yourself with this permit and the delivery of your pension certificate will receive you as a beneficiary of the institution. Inclosed also is your pension certificate.

Respectfully,

J. C. HOWELL, *Chief of Bureau.*

DAVID D. RAMSDELL,
United States Marines.

It further appears in evidence that this pensioner, David D. Ramsdell, died in the Naval Asylum hospital at Philadelphia on the 24th day of September, 1877, of disease contracted in the service.

The petitioner has minor children, and is destitute.

In view of the fact that the pensioner, David D. Ramsdell, died of disease caused by the service, and of his long service as a marine, your committee believe that his widow, Isabella J. Ramsdell, is a proper person to be placed on the pension-rolls.

[House Report No. 1189, Forty-sixth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Isabella J. Ramsdell, having had the same under consideration, respectfully report:

We find from the petition and the papers filed in the original pension claim that the petitioner is the widow of David D. Ramsdell, who was a member of the United States Marine Corps for more than thirty years, who having been discharged the service was admitted to pension, and subsequently was admitted to the Naval Asylum at Philadelphia as a beneficiary. His history will more fully appear from the following letter granting him admission to the institution above named:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., October 14, 1876.

SIR: Referring to your application of the 12th instant, and the Fourth Auditor having verified your service as seaman and marine thirty-one years eleven months and eleven days in the Navy, a permit is herewith granted for your admission to the Naval Asylum at Philadelphia, which please find inclosed. The governor of the asylum has been notified accordingly, and upon presenting yourself with this permit and the delivery of your pension certificate will receive you as a beneficiary of the institution. Inclosed also is your pension certificate.

Respectfully,

J. C. HOWELL, *Chief of Bureau.*

DAVID D. RAMSDELL,
United States Marines.

It further appears in evidence that this pensioner died in the Naval Asylum hospital at Philadelphia on the 24th day of September, 1877, the cause of his death being paralysis, superinduced by the arduous service he had rendered his country in his many enlistments.

The petitioner made application for pension January 15, 1878, which was rejected February 4, 1878, on the ground that "sailor died out of service subsequent to March 4, 1861, of disease contracted prior to March 4, 1861." The petitioner has minor children and is destitute.

Your committee believe that the cause of death of the pensioner was laid while in the service and that it was superinduced thereby; and, in view of that fact, and in consideration of the long service of the sailor and marine, we deem the petitioner a proper person to be admitted to the pension-roll as his widow.

We therefore report favorably upon her prayer, and recommend the passage of the accompanying bill granting a pension to Isabella J. Ramsdell.

Mr. PERKINS. Mr. Chairman, I have no doubt from the reading of the report that this lady should be pensioned; but I do not know any reason, nor does the report disclose any, why an exception should be made in her favor and arrears be granted to her. If the gentleman will permit the bill to be made to conform to the general practice of the House in this respect there will be no objection to its passage.

I understand it is giving a larger pension than is ordinarily given to widows, and at the same time gives a pension to date back from her husband's death.

Mr. BRADY. The gentleman will see, by reference to the report which has just been read, that this is a peculiarly strong and meritorious case. This lady for two years nursed her husband during his illness, and spent all of her means to that end, and is now in a helpless condition, being sick and disabled on account of this care of her husband.

Mr. PERKINS. I understood from the reading of the report that her husband had been admitted to some hospital.

Mr. BRADY. That is true, but she followed him there, and it was there that she nursed him. It is true, also, that on account of that service, attending to him, helping to lift him and performing other duties in connection with nursing for a period of two years, she has become so afflicted that she is perfectly helpless as well as destitute. She already receives a pension under a special act of Congress of $8 a month. She also has, according to that report, as the gentleman will observe, minor children who are dependent upon her, and it is a case that has been considered by the committee in every way worthy of special action of Congress. The bill itself grants a pension of $30 a month, but the other pension to which she is now entitled will be deducted from that.

Mr. MCMILLIN. Let the bill be again reported.

The bill was again read.

Mr. MCMILLIN. I move to strike out of the bill all after the word "month," in the seventh line.

The Clerk read as follows:

Strike out of the bill the words "and that the same begin at the death of her husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1884."

Mr. MCMILLIN. I do this because it has been the uniform custom of the committee not to grant arrears, and it is a custom that should be observed. I see no reason for making an exception in this case.

Mr. WILLIS. Mr. Chairman, there are two objections to this bill to my mind. One has been already stated, which is that the bill carries arrears. The other is that I see nothing in the report, and I speak of it without any knowledge of the facts, at all to warrant a pension of $30 a month. I have in my own district many very meritorious cases where, judging by the report in this case, the applicant should receive $25, $30, or even $50 a month; and I do not understand that it has been the policy of Congress, certainly there is no law to that effect, to grant pensions of this size under these circumstances.

Upon the very face of this bill it is apparent that this party was not by law entitled to a pension at all. It appears that the Pension Office, and we all know the breadth and generosity, if you please, of the examinations that obtain in the office——

Mr. BRADY. I think to the contrary.

Mr. WILLIS. And we all know that the evidence there is entirely *ex parte* and how loose that kind of evidence is; and if under these circumstances, if I understand the report correctly, this party was unable even by *ex parte* evidence to secure a pension, I do not see how we can in justice not only grant it here but grant such an increase as this. The bill proposes not only to continue the pension already in force, to which of course we have no objection, but to extend it to double, even to quadruple it. Is that proper? How can we do that and justify ourselves to our own claimants? If there is a proposition here to bring in a general bill, let us bring it in and discuss it upon its merits; but I do submit that by singling out a special case here, making an exception of it, giving a larger pension than others are allowed to receive, we create dissatisfaction and discontent among the persons who have similar bills pending; it brings an undue pressure upon Congress for the passage of such bills, and we place ourselves and every member of the House at a great disadvantage to our constituents; because, Mr. Chairman, I can not go to my worthy constituents, who are suffering, and whose cases are just as good as these, and tell them I can not get a pension for them of $25 a month, for they immediately answer, "Why, by a bill number so-and-so Mrs. So-and-so is receiving just such a pension," and I am prevented from giving that explanation of my failure I otherwise could give. I repeat, it puts every member at a disadvantage. I do protest, therefore, against the passage of bills of this character increasing pensions in such cases. If we are to legislate in this manner let us increase them in all cases. Let us pass a bill like that we recently passed and for which I voted, increasing all the pensions of widows as a class. If there are special particular reasons that exist in this case for increasing so largely as this increases a pension, which can only be increased by a special act of Congress and not by the action of the Department, I have not yet heard them stated.

I make these remarks in the interest of other pensioners and as a protection for myself when I am called on to explain to my own worthy suffering pensioners why their pensions are not increased.

Mr. BRADY. I have no desire to take up the time of the committee in an elaborate discussion of this case; but I am quite sure that the gentleman who has just taken his seat does not fully understand its merits.

In the first place, I beg to differ with the gentleman as to the rulings of the Pension Department in these pension cases. My experience has been, and I believe it will be generally conceded, that the rulings of the Pension Department have been harsh and severe, and that they have been in the habit of rejecting cases worthy in every respect on mere technicalities.

In regard to this case, here is a man who served in the Marine Corps with a splendid record for nearly thirty-two years. By order of the Chief of the Bureau of Yards and Docks he was placed in a Government hospital and remained there for nearly two years, and instead of the Government nursing him his wife nursed him. He being a heavy man, she became crippled and disabled in lifting him and spent her means. On account of that servitude as a nurse and attending to her husband she has become physically unable to perform any duty or work whereby she can earn a living, and she has two children in a destitute condition.

I am opposed to establishing precedents by granting pensions except in cases peculiarly meritorious; but I can not conceive of a case more worthy of favorable action than the one I have presented.

Mr. BUCHANAN. What pension is this claimant receiving now?

Mr. BRADY. Eight dollars a month and $2 for each of her minor children.

Mr. BUCHANAN. By special act?

Mr. BRADY. Yes, sir; by special act of Congress.

Mr. RICE. I was not aware this bill was on the Calendar, or that this case was before the House or the committee. But when the original claim for the pension which this lady is now receiving was before the House I became informed of the character of the woman and of the justice of her claim. As the gentleman from Virginia has said, this is not an ordinary case. It is a case where the husband spent a generation, or a time equal to a generation nearly, in the service of the country, and he lost his health, became entirely crippled and broken down, and went to the hospital to die, and was there nursed by this woman, his wife, whom I saw at that time, and whom I know to be a worthy and meritorious woman. She has also lost her health. She is a woman who has been enabled to live with tolerable comfort until the death of her husband, when her resources all went, and she is now destitute and dependent upon her pension and upon her friends.

I do not believe my friend from Kentucky [Mr. WILLIS] would have any difficulty in explaining to his constituents his vote making a somewhat exceptional case of this infirm and broken-down widow of a man who gave not two or three months or two or three years but a lifetime to the service of his country, and whose widow is now left in the circumstances under which this petitioner comes and asks for this bill which the committee most properly, as it seems to me, have seen fit to recommend favorably in her behalf.

Mr. MATSON. I am very loath, Mr. Chairman, to oppose the recommendation of the Committee on Pensions, and I do it in no spirit of criticism, but because I think this would be a very bad precedent. The proposition of this bill is to increase this woman's pension because of her disability. Now it seems to me that is a field which this Congress can not afford to enter upon. Her pension is to be increased because she is disabled. No law has ever recognized that principle at all. Widows are pensioned because of the death of their husbands, and it seems this widow had to come to Congress to get a pension at all.

Mr. BRADY. She was disabled in nursing her husband in hospital.

Mr. MATSON. It makes no difference how the disability occurred. Any disability not the result of some vice would be quite as meritorious so far as her title to a pension is concerned as that. The nursing of her husband was only the discharge of her duty as a wife. I think Congress can not afford to enter upon this field. And she has been the beneficiary of Congress already. The original pension was given to her as a matter of grace. She could not get it through the ordinary channel and had to come to Congress in order to get it. I think this bill should not pass. There is only one safe rule for Congress to be guided by, and that is to treat all these people as nearly alike as you can. That is the only possible way to get justice. Even then, perhaps, exact justice will not be done; but you come near it by following that sort of principle.

Mr. BUCHANAN. I desire to make a suggestion to the gentleman who has this bill in charge. I see it is introduced by the gentleman from New York [Mr. JAMES], who is not present this evening. My suggestion is to lay aside the bill informally without losing its place.

Mr. RICE. I know this lady lives in Brooklyn, which is represented by Mr. JAMES.

Mr. BRADY. I yield five minutes to the gentleman from Kentucky [Mr. WOLFORD].

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] asks unanimous consent that the bill be laid aside informally. Is there objection?

Mr. BRADY. I must object to that for the present.

Mr. ELDREDGE. Before the gentleman from Indiana [Mr. MATSON] takes his seat I wish to ask him a question. He says that this woman has been once already the beneficiary of Congress, and that the pension she now draws was given her by act of Congress. I wish to ask the gentleman whether every pension bill passed here to-night reported from his committee is not in the same category—whether in every case the pension is not granted by Congress because the Pension Bureau would not grant it.

Mr. MATSON. Oh, no doubt of that; but when these parties who have once been pensioned by act of Congress come again for an increase of pension I think we ought to let them stand aside and give some one else a turn.

Mr. WILLIS. This is supplementing what Congress has already done for this claimant.

Mr. MATSON. Exactly.

The CHAIRMAN. The gentleman from Virginia [Mr. BRADY] is entitled to the floor.

Mr. PERKINS. I wish to ask the gentleman from Virginia a question. How much did the husband of this claimant draw per month for his services while living?

Mr. BRADY. I am not advised as to that.

Mr. PERKINS. Fourteen dollars or $15 per month?

Mr. BRADY. About that, I suppose.

Mr. PERKINS. Now, does the gentleman think that this woman should receive from the Government as a pension twice as much per month as her husband received in his lifetime for his services?

Mr. BRADY. I think that under the circumstances of the case and for the reasons stated the proposed pension ought to be granted. I now yield five minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Chairman, in a former Congress I investigated this case, and I think I know all the facts. The husband of this woman was not a soldier but a marine, and served his country as a marine for thirty and odd years in the most difficult and perilous service that is known. The report about him was that he was a man of excellent character, honest, perfectly temperate, with no bad habits whatever, and that he broke down in the service of his country. He became sick, and as a mark of honor was placed in a hospital.

Mr. WILLIS. Will my colleague permit me to ask him where this brave soldier served?

Mr. WOLFORD. I want to answer your remarks here, and I will not have time to answer your question in five minutes. If my time were extended, I would. [Laughter.] Mr. Chairman, I say this man broke down in the service of his country and was placed in the hospital. His wife went and nursed him and ruined her own health while nursing him. Now I want to answer my colleague from Kentucky [Mr. WILLIS]. He says he can not go before his constituents and justify himself if he votes for this bill.

Sir, I can go to my constituents and say to them whenever you furnish a man that has served his country thirty-odd years on the boisterous ocean, in toil and peril, in war and in peace, I will vote him a pension of $30 a month. I will vote it for such a man in my own State, I will vote it for him in Brooklyn, I will vote it in any place where a man can be found to have rendered such service to his country. Is the whole life of a man nothing? Is he to serve his country for thirty and odd years in every kind of danger and break himself down and die of disease, and then are we to hear that there are thousands of other cases equally meritorious, and that therefore he must not have a pension?

If there are thousands of other such cases, then the proper thing to do is to give them all equal pension. Do not say that if you give a poor little pension to a man who has served his country for a whole lifetime you can not face your constituents. A man spends his life in his country's service and at last breaks down; his wife goes to him and nurses him and tries to keep him alive until her own health breaks down and she is helpless; and then are we to be told that such a woman shall not receive a proper pension because we can not face our constituents? I am astonished at my colleague! I would say to my constituents, "This man honored his country; let his country honor him. He served his country; let his country do right by him and his widow."

Mr. Chairman, we all know that there have been pensions allowed by this very Congress in cases where the services were not as meritorious as in this case, pensions of $30 a month; but I am about to move to reduce this pension to $20. Surely nobody can begrudge $20 a month to the widow of this gallant man. Surely nobody can begrudge $20 a month to her who stood by the man who gave his life to his country. He is dead and her health is ruined, and you tell me that man and wife both may ruin their health in the service of the country and yet that the poor little sum of $20 or $30 a month is to be denied them by a great nation like this that honors its soldiers.

Sir, if you do not give it to others, the proper thing to do is to come up and give it to them. Do not plead your own wrong. Do not stultify yourselves and the Congress of the United States by saying, "We have done wrong; we have denied justice in hundreds of other cases, and therefore we can not do right in this case." That is no argument.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. BRADY. Mr. Chairman, I move that this bill be laid aside informally, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection it will be so ordered.

There was no objection.

MARY E. FILLEBROWN.

The next business on the Private Calendar was the bill (H. R. 1138) to increase the pension of Mary E. Fillebrown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary E. Fillebrown, widow of the late Commodore Thomas Scott Fillebrown, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTATE OF MALITTY ROSE.

The next business on the Private Calendar was the bill (H. R. 2585) for the relief of the estate of Malitty Rose.

The bill was read, as follows:

Be it enacted, &c., That the United States pension agent at Knoxville, Tenn., be, and he hereby is, authorized to pay to the administrator of the estate of Malitty Rose, deceased, the sum of $1,556.68, out of any money he may have placed to his credit for the payment of pensions; the said sum being due on account of reissue certificate No. 3259, issued to said Malitty Rose prior to her death, as widow of Elias Rose, a private in Captain McCoy's company, United States infantry.

Mr. CONGER. I would like to hear the report in this case.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2585) for the relief of estate of Malitty Rose, submit the following report:

That it appears from the papers now on file in the Pension Office that Malitty Rose was the widow of Elias Rose, a private in Captain McCoy's company, United States infantry, engaged in the Florida war. Under act of Congress approved February 3, 1853 (section 4732 R. S.), the said Malitty Rose was granted a widow's five-year one-half-pay pension; said pension commenced December 3, 1853, and expired December 3, 1858.

On June 3, 1858, six months before the expiration of her five-year grant, an act (now section 4725 R. S.) was approved, continuing that class of pensions for life. After the expiration of the five-year grant the Pension Office dropped the name of Malitty Rose from the roll and did not continue her a pensioner for life, as provided by said act of June 3, 1858.

On March 29, 1879, she made application for restoration and accrued pension from date her name was dropped from the pension-roll. On June 9, 1879, she was restored to the roll, and paid a pension from date of completion of evidence in accordance with section 4713 Revised Statutes. This section provides that when an application has not been filed within three years of the termination of the pension previously granted, the pension under said application shall commence from date of completing the evidence. The claimant made several unsuccessful attempts, between the years 1879 and 1885, to get a reversal of above decision as to arrears; finally she took her case on appeal to the Secretary of the Interior, who, on March 5, 1885, rendered a favorable decision, using the following language: "It is believed by the Department that the provisions of section 4713 should not be applied to this case, for the reason that the name of Mrs. Rose was on the roll when the act of June 3, 1858, was passed, and that the act could have been properly executed in her case without requiring of her an application. The act continued the pension she was receiving at the date of its passage, and the certificate for the continued pension might properly have been issued without any action on her part," and directed that a reissue certificate be issued for amount of accrued pension, namely, $1,556.68.

On March 17, 1885, the Pension Office notified her attorney that the reissue certificate had that day been issued and sent to the pension agent at Knoxville, Tenn.

On April 9, 1885, over three weeks after the issue of her certificate, and the pension agent had been directed to pay her the amount of accrued pension, the claimant died.

The administrator signed the vouchers and returned them to the agent, demanding payment. He was denied. He applied to the Commissioner of Pensions to direct the payment as asked, who, in a letter to the attorney, dated July 22, 1885, declined to do so, giving as a reason the law as expressed in section 4718 Revised Statutes. He then appealed to the Secretary of the Interior, asking payment upon the ground that the Government should not profit by its own wrong in first dropping the name of Malitty Rose from the rolls in direct opposition to the provisions of act of June 3, 1858, which declared the pension should continue for life; second, in refusing payment of accrued pension in June 9, 1879, and thereafter until March 5, 1885; third, in the long withholding of the vouchers (over three weeks) and negligence of duty by the pension agent; and fourth, that the decision of March 5, 1885, was rendered by a competent tribunal; hence the question was *res adjudicata;* the character of pension had ceased, and was thereafter one of the settlement of a judgment against the United States.

This appeal was decided adversely to the estate by the Secretary of the Interior, upon the ground "that no equity powers in the matter are vested" in his Department. The administrator of the estate of Malitty Rose now applies to Congress for relief.

From the facts before us we are satisfied that it was through no neglect on the part of the claimant in applying for or in proving her claim that she was kept from enjoying the use of the money that clearly belonged to her, but that it was through the erroneous acts of the agents of the Government, particularly of the pension agent in retaining the vouchers in his hands for so long a period as three weeks, more than sufficient time to have closed the matter up; that had it not been for this last act of negligence the vouchers and money would have reached the claimant before her death and the estate would have been benefited thereby.

The principles of equity apply to prevent the United States from reaping the benefit of the wrong acts of their agents and in favor of those who would have been benefited had it not been for said acts.

The theory advanced, that the decision of March 5, 1885, is a judgment and carries with it an obligation of debt, is sufficient within itself to warrant the granting of the relief asked for in the accompanying bill.

Your committee therefore report the accompanying bill without amendment, and recommend that it pass as reported.

Mr. MATSON. Mr. Chairman, it strikes me that the passage of this bill would establish a dangerous precedent. The proposition, as I understand, is to give to the estate of this woman something over $1,000 for the benefit either of her creditors or her heirs; for she herself is dead and beyond the reach of any pension. Now, I do not see any reason why the Government of the United States should pay this money in that way. It is not stated that this woman has left any minor children or other relatives who were dependent upon her. It may have been wrong to have kept her pension from her; the officers in the Pension Department may have decided wrongfully; but I see no equity in any claim of her creditors to this pension money. If she had obtained it during her lifetime it would not have been subject to the payment of debts; her creditors would not have obtained any benefit from it.

Mr. PETERS. If there were any heirs would not this money go to the heirs instead of the administrator; and the bill being drawn so as to give the money to the administrator, is not that evidence that there are no heirs?

Mr. MATSON. I presume so. Under the law pension money is not subject to the payment of debts. In my judgment this bill ought not to pass. I think it would establish a dangerous precedent, for there are many other claims of this kind. I think there are a dozen before our committee.

Mr. WHITE, of Pennsylvania. Mr. Chairman, I reported this bill from the Committee on Pensions, and I believe the relief proposed is just and legal; unquestionably it is equitable. If the representatives of the Government of the United States have any idea of being honest they will pass this bill. I have no interest whatever in this matter; I have no knowledge of the parties, except so far as I have learned of them through the evidence, which I believe to be trustworthy, and I will lay it before the House. I have, however, this much interest, that I think the Government of the United States ought to try to be honest, and ought to be willing to pay its just debts. I believe such a debt to exist in this case.

Malitty Rose was granted a five-year one-half-pay pension under act of Congress February, 1853. Before the expiration of this five-year grant Congress passed an act, now section 4725 Revised Statutes, which provided that her pension should continue to her for life in the following terms: And they (the widows) are hereby granted a continuance of such one-half-pay pension under the following terms and limitations, namely, to such widows during life. At the expiration of her five-year pension the Government ceased to pay her her pension, in direct opposition to the instructions and provisions contained in the above-quoted law.

In 1879 she made an application for restoration and the pension which had accrued between the date of her being dropped from the rolls, December 3, 1858, and the date of her application, March 29, 1879. The Government granted her a restoration and a widow's pension from June 9, 1879, that being the date of the completion of her evidence, and refused to pay her the accrued pension on the ground that she was barred from claiming the same under section 4713 Revised Statutes, which reads:

In all cases in which the cause of disability or death originated in the service prior to the 4th day of March, 1861, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of the pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing, by the party prosecuting the claim, the last paper required to establish the same.

From this time until 1885 she made repeated attempts to secure the payment of this accrued pension, but was refused by the Commissioner. On March 1, 1885, she appealed to the Secretary of the Interior. The action of the Commissioner of Pensions was reversed, and she was declared to be entitled to the accrued pension as claimed. He held that under the terms of the act of June 3, 1858, now Revised Statutes 4725, she was improperly and wrongfully dropped from the rolls, and section 4713 Revised Statutes could not operate to bar her as claimed. He directed that a reissue certificate be issued, and she be paid the amount of accrued pension, namely, $1,556.68.

On March 1885, the Pension Office sent her reissue certificate to the pension agent at Knoxville, Tenn. On April 9, 1885, three weeks thereafter, she died. Three days after her death the pension agent sent to her address the vouchers, or receipts, for the payment of the above-named sum. Her administrator signed the same in his official capacity, and demanded payment. He was denied under the provisions of section 4718 Revised Statutes, which reads as follows:

If any pensioner has died, or shall hereafter die, or if any person entitled to a pension, having an application therefor, pending has died, or shall hereafter die, his widow, or if there is no widow, a child, or children, of such person under sixteen years of age shall be entitled to receive the accrued pension to the date of death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, and if no widow or child survive no payment whatever of the accrued pension shall be made or allowed.

An appeal from the above decision to the Secretary of the Interior was taken, who sustained the position taken in the following language:

The provisions of section 4718 Revised Statutes govern in every case in which the direct beneficiary under a pension certificate has deceased. Alleged wrong and neglect upon the part of the Pension Office or pension agencies do not give rise to title not otherwise conferred by law. The Government is not responsible for the torts or laches of the pension agent.

The facts that I have narrated do not sustain the ground taken by the Government. I call attention to the fact that the Government first erred in dropping the name of Malitty Rose from the rolls and denying her the money which she was entitled to as the widow of a soldier for over twenty-five years, as is acknowledged by the Secretary of the Interior in his opinion of March 5, 1885.

Again, the Government, through its agents, was guilty of neglect and wrong in delaying the payment for over three weeks after the issue of the certificate. I take the ground that after a certificate had been issued for the payment as above stated, section 4718 Revised Statutes could not bar its payment, inasmuch as that section does not contemplate any wrong or delay. The law as defined in this section manifestly contemplates applications for pension where no rights have previously accrued. This case differs from such cases in that her right to a pension never ceased after the date of the act which made her a pensioner for life. I also take the further ground that after the issuing of the certificate the nature of the obligation became twofold—not only was it accrued pension that was due Malitty Rose, but it was a debt due her from the Government.

The money due her differs from the pension that may accrue to a claimant through the dropping of his name from the rolls because of certain information which the Pension Office may have become possessed of that would seem to debar the pensioner from a pension, and which the law provides he may be paid when he shall prove the falsity of such information. It differs in that the money that was due her arose from the willful dropping of her name from the pension-roll in the face of an act which provided she should be kept thereon during life. The fact that this money was wrongfully withheld from her imparts a sacredness to

the obligation thereby incurred. Not only is the money due her as a pensioner, but as a pensioner who has been wrongfully kept from the same. After the certificate was issued it became a matter of absolute debt on the part of the Government, and was due as a matter of settlement of a judgment rendered by a competent tribunal.

I refer to the opinion of Attorney-General Nelson, dated August 28, 1843, in which, while discussing the case of Commodore Porter, his widow claiming the balance of pension due him under a decision of Secretary Paulding during the life of the commodore, which granted him certain pension, he uses the following language:

The decision of Secretary Paulding, upon the application of Commodore Porter, was in the nature of a judgment rendered by a tribunal of competent jurisdiction, which settled the rights of the claimant and put him upon the footing of an acknowledged creditor, to an ascertained amount, of the Government. As such creditor he might at any time during his life have demanded payment, which would not and could not rightfully have been refused him.

The fact of his forbearance of that demand does not, I think, extinguish his debt; but it remains due, and can be discharged only by payment to his legal representatives. * * * In the view I have taken of this case, the sum due is in the precise predicament of any other money to which the commodore at the period of his death was entitled. It is so much money in the hands of the Government to his credit, which belongs since his death to his executor if he has left a will, or to his administrator if he has died intestate.

Mr. BROWN, of Pennsylvania. The position of my colleague is that this case comes under that rule?

Mr. WHITE, of Pennsylvania. It comes precisely under that rule. If the law as there laid down is worth anything, this claim ought to be paid.

Mr. PETERS. Is there not this difference: At the time of the rendering of the decision which the gentleman has just read was not the widow of that commodore living?

Mr. WHITE, of Pennsylvania. I do not know whether she was or not.

Mr. PETERS. I think so from the language of the opinion.

Mr. WHITE, of Pennsylvania. She may have been living. But I call attention to the language of this decision.

It is so much money in the hands of the Government to his credit, which belongs since his death to his executor if he has left a will, or to his administrator if he has died intestate.

Mr. PETERS. Unquestionably, if this woman were living she would be entitled to this money; but she being dead and having left no heirs (as I think is manifest from the reading of the bill, which provides for the payment of this money to the administrator), I do not believe it ever has been the policy of the Government to devote money which should have been appropriated to pensions to the payment of the debts of the party after death.

Mr. WHITE, of Pennsylvania. As I understand this case, this is not for the payment of debts. I understand the money will go to minor heirs.

Mr. WARNER, of Missouri. Are there minor heirs?

Mr. WHITE, of Pennsylvania. I do not know that of my own knowledge, but I so understand the case. And without a measure of this kind the heirs can not come in and claim this money.

Mr. WARNER, of Missouri. If it could be established that there are minor heirs, minor children——

Mr. WHITE, of Pennsylvania. I have no certain knowledge upon that point.

Mr. WARNER, of Missouri. If that could be established, it would change the entire posture of this case.

Mr. MORRILL. There can not be any minor children. This was an old lady.

Mr. BUCHANAN. Would the gentleman from Pennsylvania [Mr. WHITE] be content to have the word "estate" struck out and the word "heirs" inserted? I do not think it ought to be limited to minor heirs.

Mr. PERKINS. If the gentleman from Pennsylvania will permit me, I would like to make a statement.

Mr. WHITE, of Pennsylvania. Certainly.

Mr. PERKINS. Mr. Chairman, as I understand this bill and report it is a very different proposition from what most of us contemplated as they were first read from the desk. This pension was allowed before the death of the person pensioned. It is not a representative coming in now to prosecute to completion a pension claim, as she had prosecuted her pension claim to completion before she died. It had been allowed and determined in her favor before her death, and before her death the certificate had issued, with vouchers to pay to her the amount which the Department had found due to her. The pension agent at Knoxville had been directed to pay her that amount which the Department had found in her favor, but before she was advised of that fact, and before the vouchers could be returned, she died. Now this bill authorizes the representative of her estate to receive that from the Government which the Government had already allowed and found in her favor.

I do not think that it is a pension bill. I think if the Speaker of the House had understood the proposition when it was proposed to be referred to the Committee on Pensions it would never have been referred to that committee, but under the rules of the House as we now have it here, and as the bill and report came from the Pension Committee, I think, the committee having found the facts and reported its conclusion, we may authorize, notwithstanding the committee in the first place, in my judgment, never had properly jurisdiction of the matter, but, on the contrary, that it should have gone to a different committee. But this committee, Mr. Chairman, having considered it, and under the rules of the House we being authorized to consider bills coming from this committee, I think we can dispose of it equitably under the circumstances. The facts are as I have suggested, and, that being the case, it seems to me the representative of this estate is entitled to this money.

Mr. MORRILL. Not entitled to it under the general law.

Mr. HEPBURN. Is it not the law in a case of this kind that where money is not actually received by the pensioner it is returned to the Treasury? Is not that the general law?

Mr. MORRILL. Yes; that is the general law.

Mr. PERKINS. Where the certificate or draft has gone from the Commissioner of Pensions or the auditing officer to the claimant, but before it is placed in the hands of the claimant the claimant dies, I understand under such circumstances it will be returned.

Mr. MORRILL. But the draft had not been issued in this case.

Mr. PERKINS. But the certificate and vouchers had.

Mr. BUCHANAN. There is an additional difference in this case from a case arising under the general law. In the first place, this woman was rightfully on the pension-roll by a law passed many years ago, giving her a pension of five years' duration, but before the expiration of that five years, by no fault of hers and solely through the fault of the Government, she was dropped from the rolls. So she could never have been required to make any application. The requirement arose from the wrongful act of the Government agent. Had she not suffered from that wrongful act this woman would have been paid year by year had she lived.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. WHITE, of Pennsylvania. I also refer to the opinion given by Attorney-General Caleb Cushing, dated June 9, 1856, in the case of Jesse Lovering, recorded (Opinions of Attorneys-General, volume 7, page 717, edition 1856), in which he refers to the opinion of Attorney-General Nelson in the following language:

Nor is it the question of a pension or arrears of pension adjudicated to a party but remaining unpaid in the hands of the Government. That case seems to be settled upon sound principles. (Mr. Nelson's opinion of August 28, 1843, Opinions, edition 1851, page 1627.)

In this case not only was the decision of the Secretary of the Interior rendered granting her the money, but the certificate for the payment of the same had been issued, and the pension agent ordered to pay the money thereon. If the ground taken by the Attorney-General above named is correct, and it undoubtedly is, then the money appropriated by bill 2585 is due the estate of Malitty Rose, and no quibble should be made over the passage of said bill.

The position taken by the Secretary of the Interior in denying payment of accrued pensions on the ground that section 4718 Revised Statutes prohibited the same, and that "the Government is not responsible for the torts or laches of the pension agent," is a remarkable one indeed. I had always supposed that the principal is responsible for the act of his agent.

Granting, for the sake of argument, that the estate has no legal claim against the Government because of the issuing of the pension certificates, there can be no dispute as to their equitable rights; a stronger equity case could not well be imagined. Such being the fact, it is wholly within the province of Congress to pass such an act as will secure to them their right. And this the bill 2585 provides for. Let it be passed, and the skirts of the Government cleared of an undoubted wrong which has been sustained for over a quarter of a century.

Now, Mr. Chairman, by that act of 1858 no one disputes this woman should have received and enjoyed her pension during the quarter of a century she was illegally kept out of it, as decided by competent authority. They placed her on the rolls in 1879. She does not make any application for a pension; she is entitled to it now. She says: "Give me what you owe me according to the law and the decision." This, then, would go to her representatives under the law. And I apprehend that in this case the equities are so strong that the House will pass the bill and say that this estate, no matter to whom it goes, whether to the administrator or the legal representatives, let it be minor or not, should be paid this amount of money.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

The question was taken; and on a division there were—ayes 19, noes 10.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET B. HARWOOD.

The next business on the Private Calendar was the bill (H. R. 81) granting a pension to Margaret B. Harwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of

Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of $50 a month from and after the passage of this act.

Mr. PRICE. I do not call for the reading of the report in this case, but I can not let that go by without asking a vote of the committee upon it.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

The question was taken, and it was decided in the affirmative.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee do now rise.

Mr. MORRILL. Let us go on a few minutes longer and get over a few more cases.

The motion that the committee rise was not agreed to.

MRS. LAURA HENTIG.

The next business on the Private Calendar was the bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Laura Hentig, widow of Edmund C. Hentig, late a captain in the Sixth Cavalry, United States Army, and to pay her a pension at the rate of $50 per month, in lieu of that now allowed her.

The report (by Mr. ZACH. TAYLOR) is as follows:

This case presents some strong reasons for an increase of pension, and we recommend that the bill do pass, after having been amended by striking out "fifty," in the seventh line, and inserting in place thereof "thirty."

Mr. MATSON. I move that the committee do now rise.

The question was taken; and upon a division there were—ayes 15, noes 15.

So the motion was not agreed to.

Mr. BUCHANAN. This bill seems to have been reported by Mr. TAYLOR, of Tennessee, who is not here. He says in the report that there are strong reasons for the increase of the pension, but these reasons do not seem to be embodied in the report. I ask, therefore, that the bill be passed over informally, retaining its place on the Calendar.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BRADY. The other bills from the Committee on Pensions on the Calendar immediately following this are also reported by Mr. TAYLOR, who is absent; I move, therefore, that the committee rise.

Mr. HALE. I represent the next bill on the Calendar, and I hope that motion will not be insisted upon.

Mr. BRADY. I withdraw the motion.

WILLIAM J. OWINGS.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

The bill is as follows:

Whereas, in conformity with an act of Congress approved March 9, 1878, certificate numbered 25639, for original-service pension, dated March 6, 1883, was issued to Henry Owings, a private in Capt. James Dudley's company of Kentucky militia in the war of 1812; and

Whereas said Henry Owings died December 28, 1881, before said certificate was issued, leaving no estate whatever, and no widow or child under sixteen years of age; and

Whereas William J. Owings, of Randolph County, Missouri, a son of said Henry Owings, had the entire care and support of his father, the said Henry Owings, for ten years immediately preceding his death, he being then very old and enfeebled by age, having died on the date aforesaid in his eighty-fourth year; and

Whereas under existing laws no money can be drawn on said pension certificate except an amount sufficient to pay the expenses of the last sickness and burial of said deceased pensioner, a sum wholly inadequate to reimburse said William J. Owings for his support of the deceased pensioner in his old age; Therefore,

Be it enacted, &c., That the Commissioner of Pensions is directed to pay to William J. Owings, of Randolph County, Missouri, the amount of pension which had accrued to Henry Owings, deceased, at the time of his death, December 28, 1881, by virtue of certificate numbered 25639, for original-service pension, dated March 6, 1883.

Mr. MCMILLIN. Let us have the report in the case.

The report (by Mr. ZACH. TAYLOR) is as follows:

It appearing from the papers on file with the committee, in the shape of affidavits and documents from the Pension Office, that the recitations in the preamble of House bill 4097 are true, your committee recommend that the bill do pass.

Mr. MATSON. Mr. Chairman, I move that the committee now rise. This matter is certainly going to excite a great deal of controversy. By the time we pass the bills through the House already recommended by the committee it will be quite late.

The question was taken; and there were—ayes 14, noes 15.

So the motion was not agreed to.

Mr. HALE. Mr. Chairman, I can add but little to the facts embodied in the bill and the report. The report itself states the fact that the recitations in the preamble of the bill are correct. The papers are on file in the Pension Office.

I have personal knowledge of some of the facts in the case, not a great deal. I knew this old soldier at the time of his death and for years prior to it. He was one of the oldest men in Randolph County, perhaps in the State of Missouri, when he died. He left no estate. This son had taken care of him for years before his death. The bill is to pay the amount of the accrued pension to the date of his death to the son. As I understand the law, only an amount sufficient to pay the last sickness could be drawn by the administrator. In this case it would be very hard to say when the last sickness began. He was very old and very feeble—bedridden years before he died. This son, one of a large family, was the only one who took care of him, spent money on him, and cared for him in his last sickness, and buried him. It is comparatively a small sum of money, I do not know exactly the amount, but a very small sum, a few hundred dollars. It is only just and equitable that the bill should pass.

Mr. MATSON. Mr. Chairman, the bald proposition submitted to us by this bill is to pension a man who never served the United States a single day. That is all there is of it. We are asked to pension a man who was not dependent upon anybody at all and to pay him a pension, or a large sum of money as a pension, while it does not show that he served the country in a military capacity a single hour. I say it is not right. There are many such cases. One case is now pending before the Pensions Committee where the party has been urging the committee to allow a payment of $6,000 which has accrued. The father was helpless and was pensioned at $72 per month. This is an effort to pension a man who never served the Government a day. If we are to vote great sums of money in the shape of pensions to men who never served the Government a single day it will break up the pension business and discredit it more than anything else. It will not do. It is not right.

Mr. PRICE. There are two other considerations, it strikes me, that ought to have some force: First, in the passage of this bill we are determining who are the legal representatives of this deceased soldier. For my own part I have not sufficient evidence to determine that question. Then we are voting an indefinite amount. The gentleman who introduced this bill says it will only be a few hundred dollars. But it may amount to several thousand dollars. There should be some limit to the amount. And as I have said, there should be better evidence than this House has that this man is the legal representative of the soldier, who may have had some claim against the Government. And thirdly, I say the whole principle of this bill is wrong, and it should not pass this House.

Mr. ROGERS. I had no idea of taking any part in the discussion on a pension question this evening. But I am not willing to let this bill pass without making some suggestions in regard to it.

In the first place it is clear to me this bill never had any business before the Committee on Pensions. If the point of order had been made it would certainly have gone to the Committee on Claims. I do not suppose that when the House authorized these evening sessions they ever dreamed that any business would be transacted except the passage of pension claims.

There is a general law on this subject. Within my brief experience here two cases have fallen under my observation of the very class to which this one belongs. One was that of the widow of a soldier of the war of 1812. Her certificate was issued and reached her home two days before her death, but she was in that state that she was unable to make any assignment to any person to collect it. The result was I was appealed to to take the certificate and obtain the amount. The only method under the law was to apply to the Treasury Department and show that the representative of the pensioner was *entitled* to it by reason of expenses incurred in the pensioner's last sickness and for her burial charges. That is permitted by the general law.

Another case recently occurred where an army surgeon died. He had only one son. The widow survived but a short time. A certificate was issued under similar circumstances, and within the last ten days the certificate was sent to me and I was compelled to to return it, because the pensioner had left ample means to bear the funeral charges and the expenses of his last sickness.

We ought not to depart from the principle established by precedent and practice. In my judgment, if the attention of the House of Representatives was called to the fact that eight or ten or twenty members under the order of the House met here to pass pension bills on Friday evenings, and instead of that passed claims bills of this kind, the order certainly would be modified. If at these evening sessions private claims outside of pension bills can be brought here and be disposed of by a dozen members by common consent, I say that is not a safe thing to indulge in.

For one I am unwilling this measure should be disposed of in this way. It went to the Committee on Pensions improperly. It is before this committee to-night improperly. I admit that since it has come here reported from the Pensions Committee the Chair would now overrule any point of order. But if the point had been made at the proper time, then the matter would not have gone to the Committee on Pensions, and it should not have come here to-night.

I invite the attention of the Chair to this provision of the rule:

All proposed legislation shall be referred to the committee named in the preceding rule, as follows, namely: Subjects relating to the pensions of all the wars of the United States, other than the civil war, to the Committee on Pensions.

"Subjects relating to all the wars of the United States other than the civil war." This does not relate to the wars of the United States. This does not relate to any pension matter; it has to do with appropriating a sum of money out of the Treasury to compensate a son who

took care of his father in his last days of illness; it is not a pension; it is not in the nature of a pension; it has no relation to a pension. I do not think the House should take jurisdiction of a matter of this kind. It is a clear and distinct violation of the rules of the House and of the jurisdiction conferred on the House at these Friday evening sittings by special order, and I am not willing that this bill should pass until it is acted upon by this body in a full House, when it can have proper consideration. I therefore move that the committee rise. It is useless to occupy more time on this bill to-night.

Mr. PRICE. I desire to make this suggestion to the gentleman from Arkansas. Could we not make an arrangement by which this bill should go into the House to be acted upon when a quorum is present?

Mr. ROGERS. I am willing to agree to that. And at the proper time I will move to refer these bills to the Committee on Claims.

Mr. BROWN, of Pennsylvania. Including the one which has already been laid aside to be reported to the House?

Mr. ROGERS. Yes, sir.

Mr. BRADY. I make the point of order that this committee has no right to take action of any other than pension matters.

The CHAIRMAN. The Chair will cause the special order to be read, under which the House meets on Friday evenings.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

The CHAIRMAN. The bill that is under consideration by the Committee of the Whole is unquestionably reported from the Committee on Pensions, and it is a private bill; and there is no question about the jurisdiction of this committee or of the House over this bill to-night under the special order. There is doubt in the mind of the Chair as to whether under this special order the committee can go outside of the order to refer this bill or any other bill to any other committee.

Mr. ROGERS. Permit me to say, Mr. Chairman, that I did not make the point of order. I am entirely with the Chair upon that proposition. What I said was that the bill was improperly referred to the Committee on Pensions.

The CHAIRMAN. The Chair understood the gentleman to say that the bill was improperly before this committee.

Mr. ROGERS. Now? Not at all, sir. It is properly before this committee, but it was improperly referred to the Committee on Pensions.

The CHAIRMAN. The Chair has always construed this rule rigidly, and has repeatedly refused to entertain even a motion for unanimous consent that a member of the Committee on Invalid Pensions might come here on Friday night and report a bill so as to place it upon the Calendar; simply because the rule says that only reports from the two committees named, private bills on the Calendar, shall be considered at these Friday evening sessions.

Mr. BRADY. Mr. Chairman, I made the point of order, because I understood the gentleman from Arkansas to say that he moved to refer these two bills to the Committee on Claims.

Mr. ROGERS. I said that if it was in order I would do so at the proper time.

Mr. DOCKERY. Mr. Chairman, why can not a motion be entertained at this time to report this bill to the House with the recommendation that it be referred to the Committee on Claims?

The CHAIRMAN. That can be done.

Mr. DOCKERY. If the gentleman in charge of this bill will consent, I will move that it be reported to the House with the recommendation that it be referred to the Committee on Claims.

The CHAIRMAN. That motion is in order. The gentleman from Missouri [Mr. DOCKERY] moves that the bill under consideration be laid aside to be reported to the House with the recommendation that the Committee of the Whole House be discharged from its further consideration, and that it be referred to the Committee on Claims.

Mr. HEPBURN. Mr. Chairman, I always regret when I am compelled to differ with the gentleman from Arkansas [Mr. ROGERS] after he has oracularly spoken with regard to any matter of parliamentary law. I do it with great diffidence, but I submit, sir, that this bill has been referred by the House to the Committee on Invalid Pensions, and that the statement of the gentleman or anybody else that it has been improperly referred is entirely gratuitous. There is no evidence of that at all.

The House of Representatives has the power to refer its business to any committee it chooses, and there is nothing before this committee to satisfy me that this bill was not referred by unanimous consent to the Committee on Pensions, that it was not properly so referred, that it was not properly reported to this House, or that it is not now properly before this Committee of the Whole. The simple fact that it might have been referred in the ordinary way to another committee is not to my mind satisfactory proof that the course I have spoken of was not in fact taken by the House.

The CHAIRMAN. The Chair will interrupt the gentleman from Iowa [Mr. HEPBURN] for a moment, to have read for the information of members the official record upon the bill.

The Clerk read as follows:

January 18, 1886.—Read twice, referred to the Committee on Invalid Pensions, and ordered to be printed. February 3, 1886.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions, March 2, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

The CHAIRMAN. Gentlemen will see by this record that this bill has been twice acted on by the Speaker of the House. It was first referred to the Committee on Invalid Pensions; that committee was discharged from its consideration, and under the order of the Speaker the bill was referred to the Committee on Pensions, and by that committee it was reported to the House and was placed upon the Private Calendar.

Mr. PETERS. Mr. Chairman, it often occurs in the House that a bill is introduced and the Speaker decides that it should go to a certain committee, but by the action of the House it is sent to another committee. In other words, the House by its action can send a bill to any committee that it sees fit.

Mr. BUCHANAN. Mr. Chairman, I hope that this proposed reference will not be made, for it would be equivalent to killing the bill. I am a member of the committee to which it is proposed to refer this bill. We have already had referred to that committee during this session about eighteen hundred bills. Over one thousand remain unacted upon, simply because with the most arduous attention to the duties of that committee the members have been unable to act upon them. To refer this bill to the Committee on Claims is, therefore, its certain death. May not an arrangement be made that it be left on the Private Calendar for action on Friday—not Friday evening?

Mr. BRADY. I move that the committee now rise. It is evident that we are wasting time in this discussion.

Mr. PRICE. I ask the gentleman to withdraw that motion long enough to enable me to make a proposition which I hope will meet the approbation of the House.

Mr. BRADY. We are wasting a great deal of time in the discussion of questions of parliamentary law; and from present indications this discussion may go on for two or three hours.

Mr. PRICE. No time will be wasted by the motion which I propose to make. I desire to submit a proposition that these four bills to which exceptions are taken be sent back to the House to be acted on when a quorum is present. At that time let the House do what it pleases.

Mr. BRADY. I have no objection to that.

The CHAIRMAN. The Chair will state that as to the bills which have been already laid aside to be reported to the House, the gentleman's proposition would have to be made after the rising of the committee.

Mr. PRICE. I know that this arrangement can only be made by general consent——

Mr. BRADY. After the committee rises.

Mr. PRICE. But we can consent now that when the committee rises we shall adopt that course.

Mr. BRADY. That is a matter for after consideration. I insist on my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

SANFORD GOIN.

Mr. TAULBEE. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 5870) granting a pension to Sanford Goin; and that it be recommitted to the Committee on Invalid Pensions.

There being no objection, it was ordered accordingly.

PENSION BILLS PASSED.

Bills of the following titles, reported without amendment from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 4589) granting a pension to Frederick Bauman;
A bill (H. R. 2011) granting a pension to Joseph Chalfant;
A bill (H. R. 553) granting a pension to William J. Suffall;
A bill (H. R. 4539) granting a pension to Ann Little;
A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;
A bill (H. R. 5394) granting a pension to Sally Ann Bradley;
A bill (H. R. 1782) granting a pension to Cornelia W. Ellis;
A bill (H. R. 1821) granting a pension to Daniel Kain;
A bill (H. R. 944) for the relief of Mary Jane Conrad;
A bill (H. R. 5100) granting a pension to Eleanor Foust;
A bill (H. R. 6389) granting a pension to Francis M. Moore;
A bill (H. R. 5678) for the relief of Mrs. Martha A. Marble;
A bill (H. R. 1651) for the relief of Rosina Heineman;
A bill (H. R. 1593) for the relief of Sarah Manz;
A bill (H. R. 1652) for the relief of Frances Hasenzahl;

A bill (H. R. 5038) for the relief of Stephen Sauer;
A bill (H. R. 1548) for the relief of Ellen Crymble;
A bill (H. R. 5331) granting a pension to Emma M. Shiner;
A bill (H. R. 3836) granting a pension to James Dunbar;
A bill (H. R. 5702) granting a pension to Jenet L. Johnson;
A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 1990) granting a pension to John Hunter;
A bill (H. R. 3148) granting a pension to James W. Colville; and
A bill (H. R. 4723) granting a pension to Joseph E. Van Horn.

Mr. PRICE (when the bill (H. R. 1138) to increase the pension of Mary E. Fillebrown was reached) said: I desire that this bill be laid aside till we get through the passage of bills to which there is no objection.

The SPEAKER *pro tempore*. That will be done if there be no objection.

Mr. MATSON (when the bill (H. R. 2585) for the relief of the estate of Malitty Rose was reached) said: At the proper time I desire to move that this bill be recommitted to the Committee on Pensions.

The SPEAKER *pro tempore*. The bill will be laid aside informally for the present.

Mr. PRICE (when the bill (H. R. 81) granting a pension to Margaret B. Harwood was reached) said: I desire that this bill be laid aside to be considered after the disposition of bills to which there is no objection.

The SPEAKER *pro tempore*. The bill will be laid aside informally for the present.

Amendments to the following bills reported from the Committee of the Whole House on the Private Calendar were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 4960) granting a pension to Mary S. Webster;
A bill (H. R. 1816) granting a pension to Mary Ann Miller;
A bill (H. R. 4219) granting a pension to Daniel Jacks;
A bill (H. R. 4111) granting a pension to Minerva T. Thompson;
A bill (H. R. 4615) for the relief of Ann Leddy;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 2193) granting a pension to Amelia M. Green;
A bill (H. R. 429) granting a pension to Harry McElhinny; and
A bill (H. R. 403) granting a pension to Rachel W. Heard.

EMILY LOUISA SPICER.

Mr. PRICE. Let the bill (H. R. 5506) granting a pension to Emily Louisa Spicer be set aside from those reported from the Committee of the Whole House with amendments.

The SPEAKER *pro tempore*. The Chair hears no objection, and that will accordingly be done.

SAMUEL FROST.

Mr. NEECE. What has become of the Samuel Frost bill?

The SPEAKER *pro tempore*. That bill has been reported from the Committee of the Whole House with an amendment to the title and it will now be acted upon.

The amendments to the bill (H. R. 4374) granting a pension to Samuel Frost were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill to increase the pension of Samuel Frost."

Mr. MATSON moved to reconsider the several votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF MALITTY ROSE.

Mr. MATSON. I now move, Mr. Speaker, that the bill (H. R. 2585) for the relief of the estate of Malitty Rose be referred to the Committee on Claims.

Mr. HATCH, of Missouri. Mr. Speaker, I make the point that under the special order of the House that motion is not in order.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening session private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. HATCH. I make the point, Mr. Speaker, that the consideration of a bill on the Private Calendar reported from the Committee on Pensions or from the Committee on Invalid Pensions does not carry with it the power under that special order to remove the bill from this Calendar and send it to another committee of the House.

Mr. ROGERS. Mr. Speaker, at the risk of being regarded as oracular I beg to differ with my friend from Missouri. Now, what does consider mean? If we can take up a bill and dispose of it finally, either by passing it or rejecting it, it seems to me we can make any other disposition of it which may to us seem best. We can lay it on the table or send it to any other committee. The order covers bills reported from the Committee on Invalid Pensions and from the Committee on Pensions (this is one of them; I do not know from which committee it has come), and also bills reported from the Judiciary Committee removing political disabilities. It occurs to me if we can dispose of a bill finally and forever we may make any other disposition of it. To consider involves any action on the part of the House.

Mr. MATSON. I suggest, Mr. Speaker, that a court which has jurisdiction and the right to make final disposition of a matter has the right to make any interlocutory order during the proceedings. This motion to refer to the Committee on Claims is in the nature of an interlocutory order, and I think there can be no question about the power of the House to take that action.

Mr. PETERS. If the point of order of the gentleman from Missouri is correct, then this House can enter into no arrangement by which a bill may go to the Calendar to be considered as unfinished business when the House next assembles to consider this class of business.

Mr. WHITE, of Pennsylvania. I would inquire what bill is under consideration?

The SPEAKER *pro tempore*. The bill (H. R. 2585) for the relief of the estate of Malitty Rose.

The Chair is ready to rule upon the point of order.

Mr. WHITE, of Pennsylvania. I should like to be heard for a moment before final action is taken upon that bill.

The SPEAKER *pro tempore*. The Chair has had read the order under which the House assembles to-night, and begs leave to state that the limitation therein is as to the character of business that shall be entered upon, and is not a limitation as to what the House shall do with that business when under consideration. The Chair is of opinion that this is the turning point in the question.

Now, the Chair thinks it will not be insisted that as to the bills reported from the Committee on Pensions, Invalid Pensions, and those reported from the Committee on the Judiciary removing political disabilities, there is any limitation that applies, by the order under which the House now assembles, which would exist if these bills were being considered at any other time than on Friday evening, and the question is whether the House in limiting the class of business to be considered has limited the method in which it shall be considered, or limited the House in the course it shall take with reference to it.

The Chair is of opinion that no such limitation is intended; and that the House to-night, while it could not enter upon any other than the three classes of reports mentioned in the order, has as plenary power over those three classes of business as it would have at any other time, and therefore overrules the point of order, and thinks the House may commit the bill.

Mr. WHITE, of Pennsylvania. In regard to this bill I will just state that I do not think it was improperly committed in the first instance to the Committee on Pensions. I believe that it was undoubtedly within the power of the Speaker of the House to refer the bill to the Committee on Pensions under the rule, as it is unquestionably a pension matter, and I believe it was properly before that committee and was properly reported by them, and without objection passed the Committee of the Whole and is now on its final passage before the House.

Now there is no doubt of the power of the House in recommitting to the same committee; but to change the disposition of the bill, or to take away all right of the committee to the consideration of the bill when on its final passage after it has been referred, and undoubtedly by a power which the House had, even if it was admitted that it had been improperly referred to it, I think there is great doubt. For if this does not apply to the Pension Committee it is hard to tell what committee it applies to. It is entirely a pension matter, clear and plain. This House made no objection to the reference or to action being taken on it at that time.

I have no objection to any action on the bill that will put it before the whole House. I am willing to risk its merits before the whole House when every member is in his seat, for if they have any respect for the law or common honesty it will undoubtedly pass.

Mr. PERKINS. I wish to offer a substitute for the motion of the gentleman from Indiana, that the bill be laid aside to retain its place on the Calendar, to be considered in full House when it may be reached on the Calendar.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. PERKINS. Then I ask unanimous consent that that order be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. PRICE. To facilitate matters and obtain action as rapidly as possible, I move that the three bills of the House, numbered 1138, to increase the pension of Mary E. Fillebrown; 81, granting a pension to Margaret B. Harwood; and 5506, granting a pension to Emily Louisa Spicer, take the same order as this, and go over as unfinished business, to be considered by a full House at any time that they may be reached. I ask consent that they retain their places on the Calendar, and take

this course, and the sooner action is taken upon them by a quorum in the House the better.

Mr. MATSON. I have one suggestion to make. I think the House will be a little impatient to have the bills thrust upon them at any other time than Friday, when private bills are called up for consideration.

The SPEAKER *pro tempore*. The Chair is of opinion that they would go over until Friday.

Mr. MATSON. The Speaker of the House ruled on last Monday that when the previous question had been ordered upon the passage of a bill it came up for consideration and final action on Monday.

The SPEAKER *pro tempore*. That would be the case if the bill had been engrossed and read the third time, and the previous question had been ordered upon its passage. In this case the previous question is not ordered.

Mr. MATSON. I do not want the bills to be unduly thrust upon the House.

Mr. WHITE, of Pennsylvania. Are not these bills on their passage now?

The SPEAKER *pro tempore*. Not on their final passage now. They were laid aside, objection being made to them at the time, by consent; and they were not included in the list of those ordered to be engrossed and read the third time.

Mr. ELY. I desire to make this inquiry: Whether if these bills are passed over by unanimous consent until next Friday, when we will have a quorum of the House present, they will then take precedence of other private bills?

The SPEAKER *pro tempore*. That is a point the Chair would hardly like to decide at this time. It would depend on what action is taken hereafter to-night on them and on the state of other business when the subject is resumed.

Mr. BRADY. In the case of the bill increasing the pension of Mrs. Mitchell, considered in the Committee of the Whole two Fridays ago, the action contemplated was taken, but it was overruled by the Speaker and the House. That bill came up on Monday last as unfinished business.

Mr. WINANS. The previous question having been ordered on it.

The SPEAKER. Where the previous question is ordered on a bill it comes up the first thing the next day after reading the Journal. The previous question has not been ordered on these bills, and that is the reason why the Chair did not like to forestall the action that might be taken by the House when they should come up. Is there objection to the motion of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Papers relating to the claim of Mary S. Darden, of Hinds County, Mississippi—to the Committee on War Claims.

By Mr. BLOUNT: Petition of L. R. Casan, administrator, praying that the war claim of James Stevens, late of Wilkinson County, Georgia, be referred to the Court of Claims—to the same committee.

By Mr. BOUTELLE: Petition of citizens of Millbridge, Me., for a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. C. E. BROWN: Papers relating to the claim of Enoch Jacobs—to the Committee on Claims.

By Mr. T. M. BROWNE: Petition of M. V. Coons and 53 others, citizens of Jay County, Indiana, for an increase of pension for the disability of deafness—to the Committee on Invalid Pensions.

By Mr. BUCK: Memorial of Hartford, Conn., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. BURROWS: Petition against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CANDLER: Petition of Thomas J. Gastly and others, citizens of Habersham County; of Hon. John W. Owen and others, citizens of Toccoa, and of Hon. James Withrow and others, citizens of Georgia, for national aid to education—to the Committee on Education.

Also, petition of producers and manufacturers of American marbles—to the Committee on Ways and Means.

By Mr. CONGER: Memorial of Linden monthly meeting of Friends, of Dallas County, Iowa, and of Stewart monthly meeting of Friends, of Iowa, praying for legislation to promote peace among nations, for the creation of a tribunal of international arbitration, and for other purposes—to the Committee on Foreign Affairs.

By Mr. CRAIN: Papers in the case of John Friery and of Joseph E. Wilson—to the Committee on Claims.

Also, papers in the case of heirs of David G. Burnett—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of District Assembly 83, Knights of Labor, of Manistee, Mich., in favor of prohibiting the employment of persons under twenty-one years of age in mines or factories for more than eight hours per day—to the Committee on Labor.

By Mr. DINGLEY: Petition of Samuel Watts and others, ship-owners and ship-masters, of Thomaston, Me., and of New York city, for the passage of a bill to place American sailing vessels on the same basis as to pilotage as American steam-vessels—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ERMENTROUT: Petition of T. D. Sticktee and others, for the passage of the bill authorizing the construction of the Arthur Kill bridge—to the Committee on Commerce.

Also, memorial against tax on alcohol—to the Committee on Ways and Means.

Also, paper relating to the case of Rebecca Rhoads and of H. L. Gaul, for pensions—to the Committee on Invalid Pensions.

Also, letters of Captain Kellers, for the passage of the bill authorizing the three-battalion organization of infantry—to the Committee on Military Affairs.

Also, letter of Capt. George M. Randall, advocating the passage of the Manderson bill—to the same committee.

Also, resolutions of Typographical Union No. 86, of Reading, Pa., opposing the passage of Senate bill 191—to the Committee on the Judiciary.

Also, resolution of Philadelphia Drug Exchange against the increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Board of Trade of Reading, Pa., opposing increase of postage on fourth-class matter—to the same committee.

By Mr. EUSTACE GIBSON: Petition of steamboatmen and citizens of the Ohio and Kanawha Valleys, praying for an appropriation for the purpose of dredging and opening the shoals in the Great Kanawha River, and for other purposes—to the Committee on Rivers and Harbors.

Also, sundry petitions of citizens of the Ohio and Kanawha Valleys, and steamboatmen, praying for the establishment of a United States marine hospital at Point Pleasant, W. Va., and to make said town a port of entry—to the Committee on Commerce.

By Mr. HALE: Petition of citizens of Sullivan County, Missouri, in favor of law recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Letter from the editors of the Dubuque (Iowa) Telegraph, Trade Journal, Herald, and Times, remonstrating against an increase of postage on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, paper from the Iowa State Teachers' Association, favoring the passage of the Blair educational bill—to the Committee on Education.

By Mr. HERMAN: Petition of the Zena Spring Valley Grange, Oregon, that the 412½-grain silver dollar be placed on a par with the gold dollar, and to this end that a pro rata part of the bonded indebtedness be paid in silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of city council of city of Portland, Oreg., asking that the Crater Lake National Park in Oregon, now set apart by the President, be also set apart by act of Congress—to the Committee on Public Buildings and Grounds.

By Mr. JAMES: Petition of 30 business firms of Greenville, Ala., asking for the enactment of House bill 1621, to prevent the imposition of State or local license upon commercial travelers—to the Committee on Commerce.

By Mr. J. T. JOHNSTON: Petition of Jackson Van Hook and 300 others, soldiers and citizens of Montgomery County; and of J. M. Plunkett and 52 others, soldiers and citizens of Montgomery County, Indiana, asking for the passage of House bill 3320, pensioning all Union soldiers—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Petition of Judge C. C. Ball, R. D. Vance, B. G. Wilt, and others, citizens of Henderson, Ky., asking for a public building in the city of Henderson—to the Committee on Public Buildings and Grounds.

By Mr. LINDSLEY: Petition for the passage of laws asked for by the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MILLS: Petition of J. Z. Miller and others, citizens of Bell County, Texas, praying for improvement of Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. MOFFATT: Petition of J. M. Wilkinson, Daniel H. Ball, T. B. Spear, and 50 others, citizens of Marquette, Mich., for the enlargement and greater security of the harbor at Marquette, Lake Superior—to the same committee.

By Mr. MORROW: Petition of citizens of California, in favor of a protective duty on chicory—to the Committee on Ways and Means.

Also, memorial of Assembly No. 855, Knights of Labor, of Sacramento, Cal., favoring the construction of the Hennepin Canal by the National Government—to the Committee on Railways and Canals.

By Mr. NEAL: Petition of Elizabeth F. Carter, of Warren County, Tennessee, asking for an invalid pension—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Papers in the case of John A. Wagner, for relief—to the Committee on Military Affairs.

By Mr. PERKINS: Resolutions of Local Assembly No. 3175, Knights

of Labor, of Coffeyville, Kans., demanding legislation prohibiting Chinese immigration to the United States, and requiring a tariff duty of not more than $2 nor less than $1.25 per day from each party giving employment to Chinese labor, this tariff to be paid to the Government each thirty days in advance; and demanding other legislation to carry these provisions into effect—to the Committee on Labor.

By Mr. SAYERS: Petition of W. A. Little, in reference to pay of the general-service men—to the Committee on Military Affairs.

By Mr. SCRANTON: Petition of members of the Bar Association of Monroe County, Pennsylvania, for passage of House bill 2124, providing an additional place for holding the United States courts in the western district of Pennsylvania—to the Committee on the Judiciary.

By Mr. SINGLETON: Petition of Mrs. Mary Vance, widow of J. J. Vance, deceased, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPOONER: Additional evidence relating to House bill 6283, granting a pension to Jane D. Mumford—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of J. T. Brotherton and 75 others, of Roll, Ind., asking for unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. E. B. TAYLOR: Petition of citizens of Ohio, praying for the preservation of the public domain—to the Committee on Agriculture.

By Mr. J. R. THOMAS: Papers in the claim of A. J. Duncan, of Nashville, Tenn.—to the Committee on War Claims.

By Mr. VAN SCHAICK: Petition of citizens of Wood County, Wisconsin, asking that the right of suffrage be extended to women, and that the clause in the Edmunds bill disfranchising the women of Utah be stricken out—to the Committee on the Judiciary.

Also, memorial of the city of Manitowoc, Wis., for the erection of a suitable breakwater for the harbor at that city—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Papers relating to the claim of Thomas H. Reynolds and of William N. Phillips, of Lauderdale County, Alabama—to the Committee on War Claims.

By Mr. A. C. WHITE: Affidavit in support of House bill 6266, for the relief of Philip Arner—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition of citizens of Minnesota for regulation of fraudulent dairy products—to the Committee on Agriculture.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of Rev. William E. Wolcott and 30 other clergymen, 28 physicians, 24 lawyers, 54 teachers, 105 business men, and 32 officers of temperance and other societies of Essex and Middlesex Counties, Massachusetts.

By Mr. BOUTELLE: Of Rev. George W. Chester and 13 other clergymen, 7 physicians, 13 lawyers, 35 teachers, 119 business men, and 39 officers of temperance and other societies of Aroostook, Penobscot, Piscataquis, and Washington Counties, Maine.

By Mr. FULLER: Of Rev. Newell W. Bexby and 13 other clergymen, 9 physicians, 3 lawyers, 13 teachers, 125 business men, and 11 officers of temperance and other societies of Clayton, Howard, Mitchell, and Fayette Counties, Iowa.

By Mr. T. J. HENDERSON: Of Hon. L. E. Rice and 15 other lawyers, 28 clergymen, 9 physicians, 47 teachers, 83 business men, and 82 officers of temperance and other societies of Whiteside, Lee, and Putnam Counties, Illinois.

By Mr. HINES: Of Rev. George H. Neal and 18 other clergymen, 6 physicians, 2 lawyers, 8 teachers, 104 business men, and 32 officers of temperance and other societies of Gloucester, Salem, and Camden Counties, New Jersey.

By Mr. STRAIT: Petition of Hon. James Hunter and 1 other lawyer, 4 physicians, 5 clergymen, 21 teachers, 69 business men, and 6 officers of temperance and other societies of Rice and Goodhue Counties, Minnesota.

SENATE.

SATURDAY, *March* 13, 1886.

FUNERAL SERVICES OF SENATOR JOHN F. MILLER.

The Chaplain, Rev. E. D. HUNTLEY, D. D., offered the following prayer:

Let us pray.

Almighty God, help us to come into Thy presence with thanksgiving, and into Thy courts with praise; for that Thou art good Thy wondrous works declare; and Thy goodness extendeth even unto us, for as individuals Thou hast greatly blessed us, and as a nation Thou hast set us as a city upon a hill whose light can not be hid.

Grant, we pray Thee, that the light which is within us may never become darkness, but may it be so replenished that across the darkest night our institutions may flash signals of encouragement and cheer to the weary, heavy-laden peoples of the earth.

Again Thy servant Death has come among us and brought a glad release to a weary, patient sufferer. We thank Thee that our brother was enabled through grace to triumph in the presence of forces which dissolved this earthly tabernacle and hastened his moving into the building of God, that house not made with hands, eternal in the heavens. Help us to live like him, that like him we also may know, when our heart and our flesh faileth, what it is to have Thee as the strength of our heart and our portion forever.

We beg the sweet ministries of grace for the afflicted family. Accompany them on their sad, long, lonely journey to their distant home; and in Thine own good time may they be permitted to rejoice again in the companionship of him who has preceded them into the region of the blessed, the land of the hereafter.

We ask it in the name of Jesus Christ, our Mediator and Redeemer. Amen.

The PRESIDENT *pro tempore*. By order of the Senate the usual business will be suspended this day to enable the Senate to participate in the funeral ceremonies deemed appropriate on the death of JOHN F. MILLER, late an honored member of this body from the State of California.

At five minutes past 12 o'clock the members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk, and headed by the Speaker and Chaplain, entered the Senate Chamber. The Speaker was escorted to a seat at the right of the President *pro tempore* of the Senate; the Clerk and Chaplain at the Secretary's desk; and the members of the House were escorted to the seats on the floor provided for them.

They were soon followed by the Chief-Justice and associate justices of the Supreme Court of the United States, the diplomatic corps, and the President and his Cabinet Ministers, who were respectively escorted to the seats assigned them on the floor of the Senate Chamber.

At half past 12 o'clock the casket containing the remains of the deceased Senator was brought into the Senate Chamber, preceded by Rev. WILLIAM A. LEONARD, D. D., rector of Saint John's church, of Washington city, and escorted by the committees of arrangements of the two Houses and pall-bearers selected from the Loyal Legion, and followed by members of the family and friends of the deceased.

The burial service of the Episcopal Church, with appropriate collects from the offices of the church, was read by Rev. Dr. LEONARD.

The benediction was pronounced by Rev. Dr. HUNTLEY, Chaplain of the Senate.

The PRESIDENT *pro tempore*. The funeral ceremonies deemed appropriate to this occasion in the Senate Chamber are now terminated. We consign all that is mortal of our brother to the custody of an officer of the Senate and a committee of its members, to be conveyed to his home on the Pacific, and there committed for burial to those who have honored him and loved him so much when living. The Senate as a body will now attend the remains to the station.

Mr. CONGER. I move that the Senate adjourn with a view to attend the funeral to the station.

The motion was agreed to; and (at 12 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 13, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty and Eternal God, from whom we come, to whom we go, our days upon the earth are as a hand-breadth, and yet Thou biddest us in this theater of time to bear ourselves as sons of the Highest and heirs of immortality. Help us, we beseech Thee, by temperance, chastity, patience, gentleness, long-suffering, love of truth, honor, to purge ourselves from the stains of this earthly mold, to walk in humility and reverence before Thee; so that when our end on earth shall come there shall be none of the skulking of cowardice nor the fear of death; but may we calmly as Thy children enter Thy presence, and at Thy right hand with open vision behold the realities of character, of Thy nature, and that which Thou hast prepared for us, men on earth, men in heaven, sons of God. We ask through Jesus Christ our Lord. Amen.

FUNERAL OF SENATOR JOHN F. MILLER.

The SPEAKER. In compliance with the order made yesterday the House will now repair in a body to the Senate Chamber to attend the funeral services of the late Senator MILLER, of California.

The House, headed by the Speaker, accordingly (at 12 o'clock and 3 minutes p. m.) proceeded to the Senate Chamber.

The House reassembled at 12 o'clock and 57 minutes p. m.

Mr. MCKENNA. I think, Mr. Speaker, it would not be improper for this House to adjourn again in respect to the memory of the late Senator MILLER. Therefore I make the motion that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of Robert Potts, for a pension—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: Memorial of William H. Gill, praying for authority to prosecute a suit in the Court of Claims to recover the proceeds of cotton which was the property of the memorialist—to the Committee on the Judiciary.

By Mr. CANDLER: Petition of W. T. Nesbitt and 70 others, citizens of Norcross; and of Hon. R. D. Winn, Hon. J. D. Spence, and 205 others, citizens of Gwinnett County, Georgia, for national aid to common schools—to the Committee on Education.

By Mr. EVERHART: Petition of citizens of Pennsylvania, requesting legislation for the purpose of applying surplus money to internal improvement, &c.—to the Committee on Railways and Canals.

By Mr. JOSEPH: Papers in the claim of William Ivers, of Santa Fé, N. Mex.—to the Committee on War Claims.

By Mr. LANDES: Petition of C. W. Sanger and 43 others, citizens of Xenia, Clay County, Illinois, praying for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. LONG: Memorial of Knights of Labor, Local Assembly No. 3979, of Campello, Mass., in behalf of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MILLS: Petition of citizens of Bell County, Texas, praying for deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. NEAL: Petition of F. A. Carden and Nancy C. Carden, widow of D. D. Carden, deceased, for pay and bounty for service in the Fourth Cavalry, Tennessee Volunteers, by the said F. A. Carden and D. D. Carden—to the Committee on War Claims.

Also, petition of J. M. Morrison, of Warren County, Tennessee, asking that the Postmaster-General be required to obey the act of March 3, 1883, in regard to the salaries of certain postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. ROMEIS: Petition of A. Kisman and 70 others, citizens of Vermillion, Ohio, asking for an appropriation to improve harbor—to the Committee on Rivers and Harbors.

By Mr. SCRANTON: Petition of members of Wyoming County (Pennsylvania) bar, for passage of House bill 2124, concerning judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. CHARLES STEWART: Petition of certain citizens of Fort Worth, Tex., requesting that Fort Worth be made a port of entry—to the Committee on Commerce.

By Mr. THROCKMORTON: Petition of citizens of Sherman, Tex., asking for a sufficient appropriation to insure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Wichita County, Texas, for the same—to the same committee.

By Mr. TUCKER: Petition of Mrs. Fannie J. Weekes, of Virginia, for relief—to the Committee on the Post-Office and Post-Roads.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. DOCKERY: Of 110 citizens of Daviess County, Missouri.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CANDLER: Of Hon. J. D. Spence, Hon. R. D. Winn, and 205 others, citizens of Gwinnett County, Georgia; of W. T. Nesbit, Hon. J. P. Simmons, and 70 others, citizens of Norcross, Ga.

SENATE.

MONDAY, *March* 15, 1886.

Prayer by Rev. E. D. HUNTLEY, D. D.

The Journals of the proceedings of Friday and Saturday last were read and approved.

ELECTION OF CHAPLAIN.

Mr. EDMUNDS. I beg to offer a privileged resolution at this time, if there be no objection, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That Rev. John G. Butler, of the city of Washington, be, and he hereby is, appointed Chaplain to the Senate in the place of Rev. E. D. Huntley, who has resigned.

Mr. EDMUNDS. I ask for the present consideration of the resolution, if there be no objection.

The resolution was considered by unanimous consent.

Mr. EDMUNDS. Before the question is put on agreeing to the resolution, I wish to state, although I know it is not common to say anything, that I am sure all of us may express in this informal way, as it is not customary to do it formally, our good wishes to our retiring Chaplain, whose intercourse with us personally has been so agreeable, and our hope that his future may be as pleasant as his past has been.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 3039) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on sixty hogsheads of sugar, was read twice by its title, and referred to the Committee on Finance.

STEAMSHIP OZAMA.

The bill (H. R. 5219) to provide an American register for the steamship Ozama, of New York city, was read twice by its title.

Mr. FRYE. The Committee on Commerce has reported a bill for the relief of that vessel in terms exactly like this, and therefore I ask unanimous consent that this bill instead of being referred to the Committee on Commerce may take the place of the Senate bill already on the Calendar, and that the Senate bill may be indefinitely postponed.

The PRESIDENT *pro tempore*. Are the bills of the same character?

Mr. FRYE. They are exactly word for word.

The PRESIDENT *pro tempore*. The Senator from Maine asks that House bill 5219 may take the place on the Calendar of the Senate bill reported favorably from the Committee on Commerce. If there be no objection that order will be made. The title of the corresponding Senate bill will be read.

The SECRETARY. A bill (S. 1403) to provide for an American register for the steamship Ozama, of New York city.

The PRESIDENT *pro tempore*. If there be no objection this bill will be postponed indefinitely. It is so ordered.

PETITIONS AND MEMORIALS.

Mr. CONGER presented a petition of Knights of Labor of Ingersoll, Mich., and a petition of Knights of Labor of Bay County, Michigan, praying for the construction by the Government of the Hannepin Canal; which were referred to the Committee on Commerce.

Mr. MCMILLAN presented a memorial of Knights of Labor, Local Assembly No. 4707, of Winona, Minn., praying for liberal appropriations from the surplus revenue for the construction of works of internal improvement of national importance, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of the Minneapolis monthly meeting of Friends, Minnesota, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon, presented a memorial of the Chamber of Commerce of Astoria, Oreg.; which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America:

The Chamber of Commerce of Astoria, Oreg., would represent to your honorable body that the necessities of deepening the channel and improving the bar at the mouth of the Columbia River are manifestly constantly increasing.

The continued tide of immigration and consequent settlement and development of the State of Oregon, the Territories of Washington, Montana, and Idaho, is producing a vast trade which passes to and from the ocean by the Columbia River.

The growing commercial importance of the portion of country forming the Columbia River Basin is shown by the following figures:

In 1880, 63 vessels with cargoes, foreign, aggregating in value $4,181,352 crossed the Columbia River bar.

In 1885 (a year of general commercial depression), the clearances, foreign, over the bar were 118 vessels aggregating 120,000 tons with cargoes valued at $8,530,429, independent of the San Francisco and coastwise shipments, which aggregated in value $5,000,000 more.

The volume of trade is also swelled by the extension of the Northern Pacific and Oregon Short-line Railways.

Owing to the imperfection of the channel, the tax per ton is nearly $1.25.

The Engineer Corps began last year the work of building a jetty to improve the channel, which is in every way satisfactory, and recent examination by a committee appointed by this chamber demonstrates that the work already done is substantial and that the plan adopted by the board of engineers will, if carried to completion, surely accomplish the desired object of securing a permanent deep channel over the bar.

That there is urgent need that the work should be prosecuted vigorously and rapidly to insure speedy completion, and there is no doubt that if the work can be carried on without intermission the total cost may be reduced by thousands of dollars.

The chamber therefore urges upon Congress the importance of appropriating the full amount of $1,330,000 for the carrying on of the work the present year, as recommended by the Chief of Engineers; and, in order that the work shall be resumed at as early a day as possible, would suggest the advisability of assuring

the engineer in charge that an appropriation commensurate with the importance of the work will be made, so that he may be in a position to call for bids on contracts for stone and other materials necessary before the resumption of the work.

By order of the Chamber of Commerce of Astoria, Oreg., February 27, 1886.

J. Q. A. BOWLBY,
President Astoria Chamber of Commerce.

Attest:
[SEAL.] E. C. HOLDEN, *Secretary.*

Mr. MITCHELL, of Oregon, presented a memorial of the Chamber of Commerce of Astoria, Oreg., which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America:

The Chamber of Commerce of Astoria, Oreg., respectfully memoralize your honorable body to cause to be established a United States life-saving station at a suitable point on the south side of the entrance to the Columbia River, for the following reasons:

First. For the protection of the lives and property of the two thousand fishermen employed by the salmon canneries each year from the 1st of April to the 31st day of July, pursuing in open boat their dangerous calling in these waters.

Second. On account of the large annual increase of the number of vessels crossing in and out of the mouth of the Columbia River at all times of the year, exposing, as a matter of course, more and more lives to the dangers of the bar; also, the list of disasters which have in the past occurred to shipping, proves that more ships go ashore on the south than the north side of the entrance.

Third. That the ship-channel over the bar is much nearer the southern than the northern shore line at the mouth of the river, and in heavy weather in case of accident a life-saving crew stationed on the south side could rescue endangered lives long before it was possible for the crew on the north side, owing to the distance, to reach the scene of disaster.

This chamber would represent that during every fishing season the lives of many fishermen have been lost which might have been saved had the station now applied for been established. The salmon fishing grounds are nearest the southern shore, and it is not an unfrequent occurrence for fishing boats to be caught suddenly at the turn of the tide and capsize in the breakers; the occupants frequently regain their boat, but being unable to right it drift out to sea and are lost for want of that assistance a life-saving crew stationed here could render.

The cost of the establishment of a life-saving station at the point desired would be small as to the Government buildings made vacant by the removal of the troops from Fort Stevens could be utilized for the purpose.

Therefore, this chamber, in the interests of common humanity, urgently requests that this memorial may receive favorable consideration at your hands.

Ordered by the chamber, this 27th day of February, 1886.

J. Q. A. BOWLBY,
President of Astoria Chamber of Commerce,

Attest:
[SEAL.] E. C. HOLDEN, *Secretary.*

Mr. MITCHELL, of Oregon, presented a petition of citizens of Oregon praying that an appropriation of $300,000 be made for the completion of improvements at Yaquina Bay; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of Knights of Labor of Silver Flume, Colo., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. SEWELL. I present a petition signed by ladies residing in Morris County, New Jersey, headed by Mrs. Theodore F. Randolph, the widow of my late distinguished predecessor in this body, and numerously signed by some of the leading women in that section, praying for the establishment of postal savings-banks. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SPOONER presented a petition of the Knights of Labor of Whitewater, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. FRYE presented petitions of Knights of Labor of Frankfort and Saco, in the State of Maine, praying that liberal appropriations be made for works of internal improvement, and indorsing the plan for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition a petition of 14 clergymen, 7 physicians, 7 lawyers, 8 teachers, 33 business men, and 16 officers of temperance and other societies of York and Cumberland Counties, Maine, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. MAXEY presented a petition of Knights of Labor of Jefferson, Tex., praying for the restoration of wages in the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. JACKSON presented the petition of Tom W. Neal and other citizens of Dyer County, Tennessee, praying that Congress detach the county of Dyer from the eastern division of the western judicial district of Tennessee, and attach the same to the western division of the district; which was referred to the Committee on the Judiciary.

Mr. WALTHALL presented a petition of Knights of Labor of McComb city, Miss., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. BUTLER presented a memorial of citizens of Boisé City, Idaho, remonstrating against a division of that Territory; which was referred to the Committee on Territories.

Mr. DAWES presented petitions of Knights of Labor of Milton, Lynn, and Lowell, in the State of Massachusetts, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of 31 clergymen, 25 physicians, 24 lawyers, 45 teachers, 102 business men, and 32 officers of temperance and other societies, of Essex and Middlesex Counties, Massachusetts, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. LOGAN. I present a petition of the State Assembly of Knights of Labor of Illinois, setting forth the condition of the labor interests of the country and praying for the construction by the Government of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN presented a petition of 35 clergymen, 15 physicians, 13 lawyers, 53 teachers, 190 business men, and 76 officers of temperance and other societies, of Whiteside, Lee, and Putnam Counties, in the State of Illinois, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. SAWYER presented a memorial of the Woman's Suffrage Association of Wood County, Wisconsin, in favor of submitting a sixteenth amendment to the Constitution to the several States conferring the elective franchise on women; which was ordered to lie on the table.

He also presented a memorial of merchants and shippers of the city of Superior, Wis., remonstrating against the consolidation of the ports of Superior, Wis., and Duluth, Minn., with the custom-house at Duluth; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of 34 clergymen, 33 physicians, 35 lawyers, 51 teachers, 191 business men, and 34 officers of temperance and other societies, of the State of Illinois, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

He also presented a petition of Knights of Labor of Belleville, Ill., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HARRISON presented a petition of 23 clergymen, 18 physicians, 9 lawyers, 44 teachers, 100 business men, and 49 officers of temperance and other societies, of Henry and Wayne Counties, Indiana, and a petition of 18 clergymen, 9 physicians, 49 lawyers, 85 teachers, 161 business men, and 9 officers of temperance and other societies, of Clay, Montgomery, and Parke Counties, Indiana, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which were ordered to lie on the table.

He also presented petitions of Knights of Labor of Wabash, Oakland, and South Bend, in the State of Indiana, praying that liberal appropriations be made for public works, and especially for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. HOAR presented petitions of Knights of Labor of Campello, Lowell, Milton, and Rockport, in the State of Massachusetts, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. BROWN. I present the petition of John W. Rankin, a member of the committee on legislation of the National Wholesale Druggists' Association, praying that the tax on alcohol to be used in medicine and the arts be materially reduced or that the act which imposes it be entirely repealed. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented resolutions adopted by local assemblies of Knights of Labor of Schuylkill County, Pennsylvania, and of Phœnixville, Pa., favoring the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of Reading, Pa., remonstrating against the proposed increase of postage on fourth-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 26 clergymen, 21 physicians, 1 lawyer, 64 teachers, 150 business men, and 54 officers of temperance and other societies, of Mercer and Armstrong Counties, Pennsylvania, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

He also presented resolutions adopted by McLean Post, No. 16, Grand Army of the Republic, of Reading, Pa., favoring the passage of the bill pensioning ex-Union soldiers who were confined in confederate prisons; which were referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Pittsburgh, Pa., praying for the passage of the bill for the restoration of wages in the Government Printing Office; which was referred to the Committee on Printing.

Mr. INGALLS. I present a petition, numerously signed by property-holders and residents of the city of Washington, praying for the favorable consideration of the bill relating to the removal of steam-railroads within the city, and for the establishment of a union depot. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS presented petitions of the Knights of Labor of Salina and Wamego, in the State of Kansas, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of Peter O'Farrell, Frank H. Osborne, and James Whitlock, corresponding committee for the workingmen of Kansas, representing, in the first place, that Congress enacted that eight hours should be a day's work after June 25, 1868; second, that the workingmen who now claim compensation worked ten hours per day between June 25, 1868, and August 15, 1872; third, that they received extra pay for the time between June 25, 1868, and May 19, 1869; fourth, that payment was withheld from May 19, 1869, to August 15, 1872; fifth, that the claims for the additional compensation are audited and allowed to be correct and just; and the petitioners ask for an appropriation to pay the amount so found to be due.

I can only add, Mr. President, that I believe this claim is just and honest, and that the Government has been disgraced by its evasion of the law of Congress, and these claims are entitled to be paid.

I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DOLPH. I present a petition of the Chamber of Commerce of Astoria, Oreg., praying that the full amount of $1,330,000, estimated as the amount which can be profitably expended during the year by the engineer in charge, be appropriated for the improvement of the Columbia River, Oregon. A similar petition has been presented by my colleague and ordered to be printed in the RECORD. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. DOLPH presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the establishment of a life-saving station on the south side of the mouth of the Columbia River; which was referred to the Committee on Commerce.

Mr. DOLPH. At the last Congress an act was passed approved on the 31st of January, 1885, forfeiting a portion of the land grant of the Oregon Central Railroad Company between Portland and Astoria and McMinnville. There were lapping grants, the Northern Pacific having a grant for its main line from Portland to Puget Sound, which interfered with the grant of the Oregon Central. The settlers in Washington Territory on the north side of the Columbia River found the question as to the right of which company was entitled to the land under this grant, or would have been if the roads proceeded under the terms of the grant, undecided in the Land Office. When they undertook to file their claims under the provision of the second section of that act for the land upon which they had settled, the land officers at the local land office declined to receive their papers. The consequence is that there is a large number of settlers under that grant who have not been able to procure their titles. I present a memorial of the Chamber of Commerce of Astoria setting forth the facts and praying that the provisions of section 2 of the act of January 31, 1885, be extended for one year; and as the memorial is brief I will ask that it be read.

The PRESIDENT *pro tempore*. If there be no objection the memorial will be read.

The memorial was read, and referred to the Committee on Public Lands, as follows:

To the Representative of the Territory of Washington and the Representatives of the State of Oregon:

The Chamber of Commerce of Astoria, Oreg. desires to call your attention to the sad condition of affairs in Pacific, Wahkiakum, and perhaps part of Cowlitz Counties, in the Territory of Washington, owing to the forfeiture of the Oregon Central Railroad grant.

A great many settlers for the last ten years have been clearing and making homes upon lands in those counties purchased from the Northern Pacific Railroad Company. When the act of forfeiture of the Oregon Central Railroad passed January 31, 1885, they paid no attention to it, as they did not think it affected their lands.

Some time in the summer or fall following, the honorable Commissioner ruled that the Oregon Central Railroad Company's grant extended across the Columbia River, and embraced many lands in the counties above named.

Owing to the lateness of the ruling and the confusion in the land office at Vancouver, many settlers did not become aware of their condition until the act of forfeiture had expired as to its protective features, which was January 31, 1886.

There is now much excitement and many attempted efforts to jump claims and take away the hard earnings of *bona fide* settlers. It is reported that at Skamokawa a vigilance committee of settlers has organized to protect themselves against jumpers. Those who have not exhausted pre-emption and homestead rights can yet protect themselves to the extent of 160 acres, but many have not those rights and are therefore without remedy if the ruling of the honorable Commissioner should be sustained. There are a few instances also of private corporations that are carrying on the business of canning, and perhaps other enterprises which have valuable improvements on the lands they occupy that seems not to have been provided for in the original forfeiture act.

This body then asks that you cause the second section of the act of January 31, 1885, to be extended another year, and that it be worded so as to include private corporations, or pass such other act or measure as would seem best adapted to protect the rights of these persons.

That you confer with the Land Department to the effect that late applicants under homestead and pre-emption laws holding under the railroad may be preferred to jumpers.

Ordered by the Chamber, February 27, 1886.

Respectfully,

J. Q. A. BOWLBY,
President Astoria Chamber of Commerce.

Attest:
[SEAL.]

E. C. HOLDEN, *Secretary.*

Mr. ALLISON. I present a petition of the National Greenback party of the State of Iowa relating to various topics, chiefly in respect to public lands and the money of the country. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. ALLISON presented a petition of Winneshiek County (Iowa) Friends, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a petition of J. H. Coornish & Co. and a large number of other citizens of Osage, Iowa, praying for the enactment of a law requiring all imitations of butter and cheese manufactured or sold in the United States or used on the tables of public eating-houses to be labeled with a United States stamp; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of E. E. Herrick and a large number of citizens of Cherokee, Iowa, praying Congress to so amend the Constitution of the United States as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Knights of Labor of Saint Louis and Nevada, in the State of Missouri, praying that liberal appropriations be made for the construction of works of internal improvement of national importance, and especially for the construction of the Hennepin Canal by the Government; which was referred to the Committee on Commerce.

Mr. EVARTS presented a petition of 31 clergymen, 14 physicians, 22 lawyers, 66 teachers, 175 business men, and 62 officers of temperance and other societies, of Saint Lawrence, Chenango, Madison, and Niagara Counties, State of New York, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 26 citizens of Mansfield, Iowa, praying Congress to pass a joint resolution submitting to the several State Legislatures a proposition to so amend the Constitution of the United States as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented a petition of 17 clergymen, 8 physicians, 11 lawyers, 37 teachers, 106 business men, and 25 officers of temperance and other societies, of Humboldt and Hardin Counties, Iowa, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. PLUMB presented a petition of Knights of Labor of Muscotah, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition of Knights of Labor of Olean, N. Y., praying that liberal appropriations be made for internal improvements, and especially favoring the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. SABIN presented a petition of citizens of Saint Charles, Minnesota, praying for the passage of the bill granting an increase of pension to soldiers who have lost a limb; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, asked to be discharged from its further consideration and that it be referred to the Committee on Finance; which was agreed to.

Mr. JACKSON, from the Committee on the Judiciary, to whom was referred the bill (S. 969) to authorize the employment of law clerks or stenographers for the justices of the Supreme Court of the United States, reported it with amendments.

Mr. JACKSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions, to ask to be discharged from its further consideration and that it be referred to the Committee on Public Lands.

Mr. LOGAN. The bill involves a mere question of law, and I do not see why it should go to the Committee on Public Lands. It certainly does not relate to public land. There is no land in the city of Chicago that is public land. The point involved is a mere technical question as to the title of the State of Illinois, and it is wholly a legal question. The question in reference to the title has been before the Judiciary Committee at a former Congress and reported upon. I hope that the bill will remain with the Judiciary Committee. I introduced the bill. I was on that committee at a time when the same question came up before, and I do not see anything in it except a question as to whether the land belongs to the State or whether it belongs to the city, and as to whether the Government has any interest in it or not.

Mr. JACKSON. The committee took a different view of the bill. As there had been a dedication of this land for public uses, the Judi-

ciary Committee thought that the matter belonged appropriately to the Committee on Public Lands. I only reported it by direction of the committee.

Mr. LOGAN. The dedication was not a dedication to make it public land, but it was a dedication for a park for the city. It is a mere question as to whether the city has a right to sell, or whether the State has a right to sell, and whether the Government of the United States claims any title whatever in the property.

I hope the Senator from Tennessee will allow the bill to be recommitted to the Committee on the Judiciary, and if the Judiciary Committee will allow me to come before them, not to make an argument, but to call their attention to the preceding laws that have been passed in reference to the question, they will find that it is purely a legal question, and a question as to whether or not the Government of the United States has any title in the property at all. If not, the State or city can dispose of it. That is the whole question.

Mr. JACKSON. I certainly have no objection to the suggestion of the Senator from Illinois to have the bill recommitted.

Mr. LOGAN. I hope it will be recommitted so that the matter may be further looked into.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be recommitted to the Committee on the Judiciary.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 992) for the relief of Jerome Madden, of California, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes, reported it without amendment.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 870) to provide that where any railroad property is taken into the possession of any United States court, and such railroad shall not have been completed, the net earnings of said railroad shall be applied to the completion of the same, reported adversely thereon; and the bill was postponed indefinitely.

POSTAL LAWS AND REGULATIONS.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably, with an amendment, the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations. I ask for the present consideration of the bill, as it is of importance that it should be immediately passed.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment reported by the Committee on Printing was, in line 5, before the word "copies," to strike out "seven thousand five hundred" and insert "seventy-five thousand."

Mr. MANDERSON. I ask that the letter of the Postmaster-General be read showing the necessity for that change. The bill as it came from the House had a clerical error which the amendment is designed to correct.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 13, 1886.

SIR: I respectfully beg to call your attention to the bill (H. R. 4420) which has passed the House and in the Senate been referred to the committee of which you are chairman, because of a clerical error as it appears to have passed the House.

The number of copies authorized by the bill as I find it printed by the Senate is 7,500, while the bill as it was originally introduced was for 75,000 copies. By reference to the report made by Hon. Mr. BARKSDALE, from the Committee on Printing in the House (being Report No. 568) it will be seen that the committee intended to and did recommend 75,000 copies. The estimate given in the bill of $17,475 was for 75,000 copies, not for 7,500. It will be readily observed that every postmaster ought to have a copy of the Rules and Regulations, besides a good many other officers of the service. Sixty thousand copies of the Monthly Guide are distributed to the officials of the service. It is a fair estimate that a similar number of these regulations will be at once required for distribution, while 15,000 more will be kept in stock for further supply.

From these facts I presume the necessity for an amendment of the bill to conform to its original intention will be apparent.

I have the honor to be, very respectfully, yours,

WM. F. VILAS,
Postmaster-General.

Hon. CHARLES F. MANDERSON,
United States Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Printing.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CONGER. Let the amendment be reported.

The PRESIDENT *pro tempore*. The bill as amended will be read.

The Secretary read the bill as amended, as follows:

Be it enacted, &c., That for printing and publishing a new edition of the Laws and Regulations of the Post-Office Department, consisting of 75,000 copies, there is appropriated $17,475; such edition to be prepared under the direction of the Postmaster-General and printed at the Government Printing Office. No extra compensation shall be allowed to any officer or clerk of the Department in preparing or superintending the publication of such edition. The Postmaster-General may authorize the sale of copies of such edition, not needed for the use of the Department, to individuals, at the cost thereof with 10 per cent. added; the proceeds of such sales to be deposited in the Treasury as part of the postal revenues.

Mr. CONGER. Was the amendment to correct the number?

The PRESIDENT *pro tempore*. That was the amendment.

Mr. CONGER. Instead of 7,500 to make the number 75,000?

The PRESIDENT *pro tempore*. It was said to be a clerical mistake.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on March 13, 1886, approved and signed the act (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of California, and his sureties on his official bond; and

A bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson and Caroline Augusta Urquhart.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 1862) for the relief of the Omaha tribe of Indians in the State of Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1863) for the relief of W. T. H. Forman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAXEY introduced a bill (S. 1864) to establish a port of delivery at Fort Worth, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PUGH introduced a bill (S. 1865) to pay I. C. Hamner, as administrator of George M. Hamner, deceased, the proceeds of certain cotton; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER (by request) introduced a bill (S. 1866) to provide for the publication of the proceedings of the annual meetings of the national convention of chiefs and commissioners of labor bureaus of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BUTLER introduced a bill (S. 1867) for the relief of Louisa Kearney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORRILL introduced a bill (S. 1868) providing for an extension of the Executive Mansion; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1869) to establish an additional land district in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon. I introduce two bills by request. I know nothing about them.

The bill (S. 1870) for the relief of S. Dingee & Co., their executors, heirs, and assigns, was read twice by its title, and referred to the Committee on Claims.

The bill (S. 1871) for the relief of Daniel Webster Zantzinger was read twice by its title, and referred to the Committee on Patents.

Mr. PIKE introduced a bill (S. 1872) granting a pension to Ellen M. Burpee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 1873) for the relief of Calvin Gunn; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1874) for the relief of the Iron Mountain Bank of Saint Louis, Mo.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1875) for the relief of Levi Koontz; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1877) to repeal sections 1, 2, 3, 4, 5, 6, 7, and 9 of the act of Congress approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes;" which was read twice by its title.

Mr. COCKRELL. I ask that the bill and the accompanying papers, which I send to the desk, may be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Chair suggests the Committee on Finance.

Mr. COCKRELL. Very well; let the bill and papers be referred to the Committee on Finance.

Mr. CONGER. I ask the Senator if the bill relates to the establishment of interior ports of entry?

Mr. COCKRELL. It relates in part to that, but more as to the mode of transporting imported merchandise into the interior ports.

Mr. CONGER. That subject has been under the charge of the Committee on Commerce heretofore. I hope it will not be divided All that subject of interior transportation of goods, their appraisal, and the custom-houses to which they are sent, and the ports, has been under the charge of the Committee on Commerce.

Mr. COCKRELL. My own judgment is that there are provisions in the bill which would properly go to both the Committee on Commerce and the Committee on Finance.

Mr. CONGER. Let the bill be read, if it is short.

Mr. COCKRELL. It is quite a long bill.

Mr. CONGER. If it contains those subjects I hope it may go to the Committee on Commerce that has charge of them.

Mr. COCKRELL. Let it go to the Committee on Commerce.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce, with the accompanying papers.

Mr. LOGAN introduced a bill (S. 1878) granting a pension to Ann Lally; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VAN WYCK (by request) introduced a bill (S. 1879) for the relief of William Wolff; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1880) for the completion of a public building at Nebraska City, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON introduced a bill (S. 1881) granting a pension to Jared D. Schofield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 1882) to repeal parts of an act relating to tax on the business of real estate agents in the District of Columbia, approved June 20, 1872; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL introduced a bill (S. 1883) to refer the claim of the owners of the property known as Tift's Wharf, at Key West, Fla., to the Court of Claims for adjudication; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 1885) authorizing a survey of the Calumet River, in the State of Indiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

CHANGE OF INAUGURATION DAY.

Mr. INGALLS. I introduce a joint resolution proposing an amendment to the Constitution of the United States. As it is brief and relates to a subject of public interest, I ask that it may be read at length and then referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States was read the first time by its title, and the second time at length, and referred to the Committee on Privileges and Elections, as follows:

Whereas the first President of the United States was not inaugurated until the 30th day of April, 1789; and

Whereas the day which was chosen by the Continental Congress for the installation of the new government then established by the Constitution, the 4th day of March, does now cause a public inconvenience in unduly curtailing and limiting the second session of every Congress; and

Whereas it is fitting that the one hundredth anniversary of the inauguration of George Washington as the first President of the United States be commemorated by the inauguration of his successor in 1889 upon the same day, and that this should be the day hereafter for the beginning of successive administrations of the Government: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States as part of the Constitution, namely:

"ARTICLE XVI.

"The term of office of the President and the second session of the Fiftieth Congress shall continue until the 30th day of April in the year 1889; and the 30th of April shall thereafter be substituted for the 4th of March, as the commencement of the official term of the successive Presidents, Vice-Presidents, and Congresses of the United States."

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 429) granting a pension to Harry McElhinny;
A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 553) granting a pension to William J. Suffall;
A bill (H. R. 944) for the relief of Mary Jane Conrad;
A bill (H. R. 1548) for the relief of Ellen Crymble;
A bill (H. R. 1593) for the relief of Sarah Manz;
A bill (H. R. 1651) for the relief of Rosina Heineman;
A bill (H. R. 1652) for the relief of Frances Hasenzahl;
A bill (H. R. 1782) granting a pension to Cornelia W. Ellis;
A bill (H. R. 1816) granting a pension to Mary Ann Miller;
A bill (H. R. 1821) granting a pension to Daniel Kain;
A bill (H. R. 1990) granting a pension to John Hunter;
A bill (H. R. 2011) granting a pension to Joseph Chalfant;
A bill (H. R. 2193) granting a pension to Amelia M. Green;
A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 3148) granting a pension to James W. Colville;
A bill (H. R. 3836) granting a pension to James Dunbar;
A bill (H. R. 4031) granting a pension to Rachel W. Heard;
A bill (H. R. 4111) granting a pension to Minerva T. Thompson;
A bill (H. R. 4219) granting a pension to Daniel Jacks;
A bill (H. R. 4374) to increase the pension of Samuel Frost;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 4539) granting a pension to Ann Little;
A bill (H. R. 4589) granting a pension to Frederick Bauman;
A bill (H. R. 4615) for the relief of Ann Leddy;
A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;
A bill (H. R. 4837) for the relief of Mary E. Whitehead;
A bill (H. R. 4960) granting a pension to Mary S. Webster;
A bill (H. R. 5038) for the relief of Stephen Sauer;
A bill (H. R. 5100) granting a pension to Eleanor Foust;
A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;
A bill (H. R. 5331) granting a pension to Emma M. Shiner;
A bill (H. R. 5394) granting a pension to Sally Ann Bradley;
A bill (H. R. 5678) for the relief of Mrs. Martha A. Marble;
A bill (H. R. 5702) granting a pension to Jenet L. Johnson; and
A bill (H. R. 6389) granting a pension to Francis M. Moore.

The foregoing thirty-seven pension bills, received this day from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PUGH, it was

Ordered, That the papers in the case of I. B. Hamner, as administrator of George M. Hamner, deceased, be taken from the files and referred to the Committee on Claims.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. EDMUNDS. I move that the report of the Committee on the Judiciary on the subject of the letter of the Attorney-General be reprinted. I understand from the document office that the edition is exhausted, and there are no further copies for Senators.

The PRESIDENT *pro tempore*. If the Senator will allow, the occupant of the chair, to meet the demand for the report, has a resolution prepared covering the same subject, if he will accept it as a substitute.

Mr. EDMUNDS. Certainly, with pleasure. I withdraw my motion.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read as follows:

Resolved, That there be printed for the use of the Senate 5,000 extra copies of the report of the Committee on the Judiciary, together with the views of the minority, upon the letter of the Attorney-General declining to transmit official records and papers concerning the administration of the office of district attorney southern district of Alabama.

Mr. HOAR. Would it not be well, if so large a number of that document is to be printed containing all these other things, that the President's message should also be contained in the same document?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts make that motion?

Mr. HOAR. I make that suggestion.

The PRESIDENT *pro tempore*. It is moved that the message of the President be added.

Mr. EDMUNDS. That will have to go to the Committee on Printing to get an estimate, and will require the concurrence of the other House, being extra copies, perhaps.

The PRESIDENT *pro tempore*. The cost will be less than $500.

Mr. EDMUNDS. With the President's message the edition may cost more than $500.

Mr. HOAR. It is very short.

The PRESIDENT *pro tempore*. The resolution, with the accompanying amendment, will be referred to the Committee on Printing.

Mr. EDMUNDS. In that view of the case, I renew my motion to reprint this document now wanted immediately, if the action of the other House is required on the resolution.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the adoption of an order, which will be read.

Mr. EDMUNDS. It is merely a motion for a reprint of the committee's report, which is not usually put into the form of a written order.

The PRESIDENT *pro tempore*. The order will be made if there be no objection.

ORDER OF BUSINESS.

Mr. HOAR. If the morning business is over, I move to proceed to the consideration of Senate bill No. 9.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Mr. FRYE. I desire to inquire whether that is to be considered under Rule VIII?

Mr. HOAR. No; I propose to take it up, not under Rule VIII, and proceed to its consideration.

Mr. FRYE. Then it will occupy the attention of the Senate and be the unfinished business at the close of the day?

Mr. HOAR. I do not understand that that makes it unfinished business. It merely takes the remainder of the morning hour until 2 o'clock.

Mr. FRYE. That is the inquiry which I meant to address to the Senator.

Mr. HOAR. Then it requires another action of the Senate to take it up again. But I hope it may be completed this morning if we proceed to its consideration.

Mr. INGALLS. I understood the President of the Senate to rule on that parliamentary question, that if a bill is taken up by a vote of the Senate during the morning hour it is not displaced by the arrival of 2 o'clock.

Mr. HOAR. I did not so understand it.

Mr. INGALLS. That I understood to be the ruling of the presiding officer.

The PRESIDENT *pro tempore*. That it was not displaced?

Mr. INGALLS. Yes; that is to say, that the consideration of the bill continued beyond 2 o'clock.

Mr. HOAR. I shall not ask that it go beyond 2 o'clock.

The PRESIDENT *pro tempore*. The Chair does not understand that he ever so decided.

Mr. VAN WYCK. Pending that motion, I move that the Senate proceed to the consideration of House bill No. 545.

Mr. INGALLS. Let its title be reported.

The PRESIDENT *pro tempore*. Before this matter passes away, lest the Senate may fall into a misapprehension as to the effect of the adoption of such a motion, the Chair will state that he did not undertake to decide that when a bill was taken up within the morning hour it displaced the unfinished business coming up at 2 o'clock; but in the particular case to which the Senator from Kansas refers the unfinished business itself was the bill taken up on motion in the morning hour and continued; and such was the decision of the Chair in that case.

Mr. INGALLS. I am unable to understand how the fact that the unfinished business was the bill that was taken up could change the parliamentary law. Still I agree with the Chair in its present ruling, and am very glad to know that it has reversed its former opinion.

The PRESIDENT *pro tempore*. It was founded entirely on the fact stated.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. VAN WYCK] rose to address the Chair. The pending motion is not debatable.

Mr. HOAR. I was about to ask unanimous consent. I suppose the motion of the Senator from Nebraska is not in order.

Mr. INGALLS. Yes, it is.

Mr. HOAR. Let me make my statement, please. I suppose when a motion is made to take up one bill that it is not in order under the rules of the Senate to move to amend that motion by proposing to take up another; but if the bill which the Senator from Nebraska refers to is the pension bill, which he has under charge, I shall not press my motion, but shall give way to his motion, giving notice that to-morrow morning, or whenever that is out of the way, I shall renew this motion.

Mr. VAN WYCK. I move that the Senate proceed to the consideration of House bill 545.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts withdraw his motion?

Mr. HOAR. If the Senator from Nebraska wishes to take up the pension bill, of which he has already given notice several times, I do not desire to have this bill and that put in an antagonism to each other. I, therefore, will withdraw my motion for the time being, giving notice that to-morrow morning, the pension bill being out of the way, I shall try to call up the Presidential count bill.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Nebraska will be read by its title.

The SECRETARY. A bill (H. R. 545) to increase the pension of widows and dependent relatives of deceased soldiers and sailors.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the bill.

The motion was agreed to.

Mr. MORRILL. I ask the Senator from Nebraska to give way informally to take up a House bill which was recommitted to the Committee on Finance for the purpose of amendment. That amendment having been agreed upon by the Committee on Finance, it is rather important that the bill should be passed promptly. I ask, therefore, that House bill 5544 be taken up.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate to take up for consideration the bill indicated by him, displacing temporarily the pending order.

Mr. VAN WYCK. It will not lead to debate?

Mr. MORRILL. No.

DUTIES OF TREASURER OF THE UNITED STATES.

The PRESIDENT *pro tempore*. The bill will be taken up subject to objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

The PRESIDENT *pro tempore*. The amendments of the Committee on Finance will be stated.

The SECRETARY. In line 10, page 2, after the word "the" where it occurs the third time in the line, insert the words "Treasurer of the."

Mr. MORRILL. I suggest that the Secretary read the bill as proposed to be amended by the committee. That will show conclusively how it has been amended.

The PRESIDENT *pro tempore*. The Secretary will read the bill as it will stand as amended, if there be no objection.

The Secretary read as follows, the amendment being to strike out the words between brackets [ ] and to insert the words in *italics*:

Be it enacted, &c., That section 304 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the assistant treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States; and in the event of the absence or illness of either the *Treasurer or the* assistant treasurer [or himself, the Treasurer, with the consent of the Secretary of the Treasury, may] *or both, the Secretary of the Treasury may, on the nomination of the Treasurer*, appoint, *for a term not exceeding thirty days at one time*, from among the clerks in the Treasury, any one of said clerks to be acting assistant treasurer during such absence or illness: Provided, however, That *no such appointment shall be made until* the official bond given by the principal of the office shall be [held] *made in terms* to cover and apply to the acts *and defaults* of the persons *so* appointed [to act in his place in such cases]. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the assistant treasurer, for whom he acts."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments proposed by the Committee on Finance.

Mr. INGALLS. It seems to me that the word "nomination," in line 13, is inappropriate, and I suggest that it be stricken out and that the word "recommendation" be inserted in place of it.

Mr. MORRILL. There is no objection to that. The word "nomination" is the usual phraseology, however.

Mr. INGALLS. "Nomination of the Treasurer?"

Mr. MORRILL. Yes; but I have no objection to the word "recommendation."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. In line 13, strike out "nomination" and insert "recommendation," so as to read, "on the recommendation of the Treasurer, appoint," &c.

The PRESIDENT *pro tempore*. That amendment to the amendment of the committee will be considered as agreed to if there be no objection. The question is on agreeing to the amendments of the committee as amended.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 304 of the Revised Statutes of the United States authorizing the temporary appointment of an acting assistant treasurer."

PENSIONS OF WIDOWS AND DEPENDENT RELATIVES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

The amendment reported by the Committee on Pensions was, in section 1, line 7, after the word "month," to strike out:

And nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years.

And to insert:

And in addition thereto the pension of widows shall be increased at the rate of $4 per month for each child under the age of eighteen years, of the husband on account of whose death the claim has been or shall be granted, which shall be in lieu of the rate of $2 per month allowed by existing law for children under the age of sixteen years; and when such child or children shall, under section 4703 of the Revised Statutes, receive less than $4 per month, such child or children shall, in addition, be paid so as to make such pension $4 per month.

The amendment was agreed to.

Mr. VAN WYCK. The amendment increasing the pension of minor children to $4 per month having been agreed to by the Senate as recom-

mended by the Committee on Pensions, I desire to have two other amendments adopted. These amendments are in keeping with the subject-matter of this bill. They are precisely the same features that were placed by the Senate upon a House bill during the last session of Congress.

I do not desire any postponement of this bill by any means; but I desire that the bill should embrace what properly belongs to it—the same features precisely and only those that were placed upon a House bill at the last session of Congress by the Senate. If the Senate will bear with me a moment I will refresh their recollection when I call their attention to the fact that during the last Congress a private bill to give a pension to one Sarah B. Jackson came from the House, and the Senate, as they deemed it proper, attached an amendment to that bill increasing the pensions of widows from eight to twelve dollars per month. They also proposed that pensions of dependent relatives, fathers, and mothers should be increased from $8 to $12 per month; and the Senate also placed this amendment upon the bill, which was perfectly germane to it:

SEC. —. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

That amendment, together with the increase of the widow's pension, was placed upon the House bill one year ago. Now, whatever may be the fate of this amendment to-day, I desire to allude to it for this reason: Senators know and the country knows that the Senate has already been arraigned, charged with neglect of duty in not more speedily passing the increase of pensions to widows and dependent relatives. I refer to this fact now to show that the Senate did its full measure of duty one year ago and placed it as an amendment on a House bill, and in the House the amendment was assented to by the House committee, and if it had then been passed, during the year past and gone the beneficiaries of this provision would have been receiving the benefit of it. The trouble was that the House chose rather to spend its time in a contested-election case and was determined to make no concession for any legislation, however wise and provident, and the only concession made was when they relinquished long enough to allow a bill to pass to place General Grant upon the retired-list.

The facts show that the Senate was not subject to that criticism, and all I ask now is that just what the Senate then presented to the House and what the House committee assented to shall be placed in this bill. Some friends say put it in an omnibus bill. Certainly not. I did take occasion a few days ago to say that I believed every measure of pension or of increase should stand upon its own merits. I took occasion to say that in regard to the Mexican pension bill, which has sometimes been loaded with amendments, I said that that should stand upon its own merits. In consequence of that remark of mine the statement has been made that I was more willing to give to the Mexican war soldiers a pension than I was to give it to the soldiers of the Union Army for disability and to their dependents, which is not so. I would give it more readily to the latter than to the former, but I would give to both, and I would let each measure be considered standing on its own merits.

There is no omnibus bill where this clause can be inserted. This is the bill providing for the pensions of dependent relatives and parents. We provide an increase from $8 to $12, and here above all other places should be inserted the amendment I have just read and which, as I have stated, was placed upon a House bill at the last session by the Senate. I did propose also, which has been sought for a long time as a matter of justice, to add another amendment:

In case such minor child is insane, idiotic, or otherwise helpless, the said pension shall continue and be paid during the existence of said disabilities.

And if a provision of that kind should be placed in the pension law, there is no other place where it so properly belongs. We are providing for the pensions of minors, and if the Senate believes that an idiotic or insane or helpless child should receive the same pension which it received during its infancy or up to eighteen years of age, here and now is the proper place to put the provision. Is it not necessary that a child surrounded by those conditions should receive a pension as much as one under sixteen or eighteen years of age, who is perfectly well and active? It will not do to say, as is sometimes argued, that the State makes provision. The State makes provision in the poor-house for the idiotic; but I trust that argument will not be adduced here as a reason why the idiotic or insane child of the soldier should be turned into the poor-house.

Mr. President, these are the only two propositions I desire to insert, and I only ask for these because the main one was inserted in the very bill which we proposed last session. That they are legitimate and proper and can in themselves receive no opposition, I think is clear.

The Senate was anxious one year ago, and it is anxious to-day, that this bill shall speedily become a law; and whatever amendments the Senate places upon this bill—one has been placed upon it already—it will be no more delayed by putting these two features upon the bill, which will be but little expense to the Government and will be the recognition of a correct and proper principle. Their insertion will make no further delay because I will say to Senators that I propose after this disagreement, as has been done in other cases, to ask at once that a committee of conference may be appointed, which will make this a privileged question in the House and secure prompt action. If the House refuse to accede, then certainly it will be in the power of the Senate to withdraw the amendments and pass the bill simply as it came from the House.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator to offer an amendment?

Mr. VAN WYCK. I desire to offer the two amendments which I have indicated.

Mr. SEWELL. The proposition coming from the House was simply an increase of the widow's pension from eight to twelve dollars a month. The committee, recognizing the analogy of the child to the widow, thought that it would be germane to the bill to increase the pension to the children, which has been a subject mooted for some time; and the committee, and I think the members of the Senate generally, recognize that it is an act of justice that the present pension of $2 a month shall be increased, as is proposed by the committee in this bill, to $4, and that the time during which it is enjoyed shall extend from sixteen to eighteen years of age.

Mr. COCKRELL. Will the Senator from New Jersey explain why the increase of the age from sixteen to eighteen years is made?

Mr. SEWELL. Simply because children at the age of sixteen are not very well able to take care of themselves; they have not received that class of education which would enable them at the present day to have the necessary information to make a livelihood for themselves.

The propositions that the Senator from Nebraska desires to add to this bill were considered by the committee; and while they would be willing to report and probably will report them in another bill, they were not willing that they should be attached to this one. Delay may be occasioned by that course. I think the passage of this bill is an act of justice to the widows and children, and it ought not to be delayed by tacking on to it any proposition. I hope the Senate will not entertain the amendment.

Mr. LOGAN. I said when this bill was up before that I hoped it would pass the Senate as it came from the House. My object then was merely to suggest that a fear existed that something might befall it in going back again, and the amendments might not be agreed to. But the committee have agreed to increase the rate of pensions of children to $4 a month. I shall make no opposition to that so far as I am individually concerned, although I think it would have been better to pass the bill just as it came from the House, and report these other propositions in a separate bill; but this amendment having been adopted, I hope the Senator from Nebraska will not encumber it with others. I know his interest in people of this kind who are unfortunate and his desire to promote their comfort, and it is very commendable in him; but I trust he will not offer these amendments, not that I am opposed to them, for I am ready to vote for them in a separate bill, and will do anything I can individually to promote their passage if they are so reported, but I hope they will not be offered to this bill. This bill having been amended once, if the Senate pass it as amended, and then ask for a committee of conference on that particular subject, you may get the bill through soon; but if amended in several respects so as to go to the other House presenting various questions some doubt may arise as to whether it will finally pass or not.

I hope that neither House will be responsible for the defeat of this bill at this session. I do not mean to say that either the House or the Senate desires such a thing; but it is unfortunate sometimes that bills are defeated without intention on the part of either House by amendments which delay them and embarrass them so that they can not be agreed to. I know that bills have been lost in that way in both Houses where both Houses were for the body of the bill and the principle involved in it. So I trust the Senator will not offer any further amendment, with the understanding that these amendments that he now proposes (at least I will say so for myself) are not objectionable in a bill that may be reported from the committee and doubtless will pass the Senate and then go to the House, and they can take it up as well as take up this bill. So I hope the bill will not be embarrassed.

Mr. HARRISON. I wish to make a suggestion simply. It seems to me that one of the amendments proposed by the Senator from Nebraska introduces a new subject into the bill, that of dependent relatives, and I agree with the Senator from Illinois that it is perhaps as well under the circumstances to withhold that, as it is not strictly germane to the subject of widows' pensions. But our committee have very appropriately considered the question of an increase of pensions to children as directly connected with the widows' pension, because in certain cases it goes to the widow in contributing to the support of the children. Our committee here have extended the age to eighteen years; that amendment has been agreed to by the Senate. It seems to me that the other amendment offered by the Senator from Nebraska, namely, that in case of mental or physical disability the pension should be continued as long as that disability continues, is directly in the line of the amendment which the committee has agreed to; and if one of the Senator's amendments should be dropped and the other agreed to, it seems to me the bill would be in a shape where no objection could be taken to it in its consideration in the House. We have extended the period

to eighteen years, and the Senator from New Jersey has justified that extension in what he has said. Now, is it not entirely germane to say that in case either from physical or mental cause the period of infancy, the period of inability and of dependence, is extended beyond eighteen years of age, the pension should be continued during the continuance of the disability?

Mr. INGALLS. Mr. President, the prime mistake, as it appears to me, has been in agreeing to any amendment whatever to this bill. I desired that this proposition submitted to us by the House, confessedly just, to which there can be no objection, should be promptly agreed to by the Senate and thus have an end of it. That was a distinct proposal to increase the rate of widows' pensions from eight to twelve dollars a month. The committee have seen fit to report, and the Senate has seen fit to adopt in Committee of the Whole, an amendment which, as the Senator from Indiana says, is germane, but that has done all the mischief that is anticipated from delay. We had it in our power this morning by a simple vote on the bill as it came from the House to confer unspeakable happiness upon thousands of widowed women in this country, simply by agreeing to this bill as it came from the House of Representatives without any amendment, and then it would have gone forward for signature to the President and would have been approved, and that would have been the end of it, so far as concerned us. Now by agreeing to that amendment the bill goes back to the House. The Senator from Nebraska says that there is to be a committee of conference asked for, which makes it privileged. Very true; but it still renders it liable to delay. There still remains the difficulty of the consideration of the bill, the possibility of a want of agreement between the committees of the two Houses; and therefore the postponement of what is admitted by everybody to be a measure that ought to pass, that has the concurrence of all men of both parties in both Houses of Congress.

Now, where is the wisdom in amending this bill at all? But, it having been amended, I want to ask the Senator from Indiana and the Senator from Illinois how is it logically possible now to reject any amendments *which* are appropriate? Why should not the Senate, having amended the bill by the addition of a new feature, add those now proposed by the Senator from Nebraska which are equally just and advantageous? I can see no objection to that, and the bill having been amended, I am not able to justify myself in voting against those amendments. I should be glad to do so, if the opportunity could be offered to vote against all amendments to the bill.

Mr. MORRILL. That question will come up in the Senate.

Mr. INGALLS. But unless the amendment already adopted can be disagreed to in the Senate, there is no logical reason for resisting any amendment that is agreed to be just and wise. I should hope, therefore, that the Senator from Nebraska when this bill reaches the Senate would ask for a reconsideration and that the amendment might not be agreed to, to the end that by concurring this morning in this particular bill we may have an end of the subject and leave these other matters to be considered when other bills come up hereafter.

Mr. VAN WYCK. The Senator from Indiana desires, although the two amendments I have proposed are both properly germane to this bill, that one of them should be withdrawn, while he thinks it is proper to adopt the other. I have no other feeling or desire about this matter than every other Senator on the floor. I fail to understand the force of the proposition that as when this bill came from the House it contained something that all of us desired we should pass it without amendment. I can not call to mind that the Senate have refused to place in a bill matters which were germane to the subject, which they equally as much desired. The Senate, as I have stated, more than a year ago desired all these propositions to be incorporated into the statutes. It was no fault of the Senate that that was not secured; neither do I propose to say that it was any fault of the House. It is a matter of regret that subjects of pension should be used as foot-balls between political parties. It is a subject too sacred and too important to have any consideration of that kind attached to it. I alluded to what occurred last year only to show that the Senate was not liable to the criticism which had been charged against it. I charge no political considerations there or here, because none properly attach to the subject.

I remember when the Mexican pension bill came to the Senate, Senators believed that that was a just and true measure; it should have been passed alone upon its merits; yet that did not prevent the Senate committee from placing various amendments upon it, and it did not prevent Senators from voting for those amendments. Those amendments connected all the wars with the Mexican war; they were not germane properly except that they were generally on the subject of pensions. Why did not the consideration prevail then that we should place no amendment upon the Mexican pension bill? That view could have been urged then with far more force. These subjects, if not placed in this bill, can be placed in no other and will be placed in no other.

This House bill re-enacts in terms that the pension for minors shall be $2 per month. We have been told time and again of the great generosity of the American people toward those who fought its battles and their wives and their children. We have been told that we are the grandest nation on the earth in paying pensions. We ought to be, whether we are or not; but merely the fact that the minor child was turned off with a beggarly $2 per month we could not point to with a great deal of pride as evidencing very great generosity! Two dollars per month! Would you re-enact that to-day? Would you propose now to say that the minor child should receive only $2 per month? Yet this bill contains it, contains it as a distinct proposition that the minor child shall receive $2 per month. Do the Senators desire to vote for $2 a month as a square proposition for the minor child? Yet this bill as it came from the House had that clause in which Senators would be required to vote for if they voted for the bill just as it came here. These are the words:

> And nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years.

Why not say with some little generosity, of which we claim a great deal, that a minor child shall not receive less than $4 per month? We do not imperil this bill by that. The crippled and the insane child, I propose, shall receive $4 per month while the disability lasts. Who can object to that? We are legislating for widows. There are not many of them left and not many of the children left under the ages here specified. But if there are any, should they live in Washington and the boy is old enough to ride up Capitol Hill on horseback, you have a heartless corporation here which makes him work fifteen or sixteen hours a day. This minor child works for the street-car companies fifteen or sixteen hours a day for a few cents; and yet we claim that we are a generous Christian people! We are legislating in this bill about widows and dependent relatives and minor children; and the committee has proposed to put a small increase for minor children. It is said, put no dead weight on this bill. Why, sir, this slight increase belongs to the minors, and they ought to have it, as well as the widows who make 25 cents a day in the city of Washington being employed from morning to night. Actually a soldier's widow can make 25 cents a day sewing from morning to night, and the minor child working fifteen or sixteen hours a day can get a few cents!

What has started this sudden spasm that it will not do to perfect the bill? We had no such caution a year ago; but this bill necessitates a new rule that we have never had before, and that is, what is germane and proper to the bill shall not be put there, when the Senate put all this there one year ago. It was submitted to their consideration, and they believed it to be right.

Now Senators know that a refusal to put these amendments here is a defeat of these measures, because there is no other bill to which they can be properly proposed as amendments. There never will be time to consider them as an independent measure, and they will pass here or they will not pass at all, and the question is whether they can pass at all.

We see it stated in some of the papers in the money centers that there must be more conservatism on this matter of pensions. Introduce your conservatism, but do not strike the widow who makes only 25 cents a day by stitching from morning until night; do not strike the father and mother who are almost at the grave; do not strike the minor who can get a few shillings a day by working fifteen hours a day. Conservatism does well sometimes, but here it springs only from the money centers and on pension grants. They are not so conservative about other things, but the pension grants are alarming things, especially when the pension goes to the widow, the worn-out father and mother, or the minor child!

We all like economy. Oh, yes, it is all very well; but this cry springs from the money centers. It does not come from the great muscle of this land that pays the most taxes. The people who toil are not finding fault with what you pay out for pensions. The complaint does not come from the workshop, or the farm, or the counter. Oh, no; but the money centers have become alarmed! You see it in the great city of New York. An elegant statue was proposed to be erected, and a great city with its host of millionaires can not find money enough to build even the pedestal to hold it, and they appeal to others for aid; to the men who drive the street-cars, who work for sixteen or seventeen hours a day, and who then do not get money enough to break their fast. They are appealed to to raise enough money to complete a pedestal to receive the great work of Bartholdi. In the city of New York is the body of the great Grant. They have a great committee, of six hundred, I believe, to do what? To beg of the poor soldiers and car-drivers to pay out money enough to erect a monument to Grant in the city of New York. That is whence the complaint comes about the enormity of the pension-list?

Mr. President, I have only one duty to perform in this matter. I suppose if it was proper one year ago for the Senate, after mature consideration, to pass all of these provisions, it is proper they should be re-enacted now. There is no danger of delay. We can secure action by the House. There is no likelihood of adding too much to the pension-roll. There is not a minor child on the pension-roll but would ask my friend from Illinois and my friend from New Jersey and my friend from Kansas to stop just long enough to protect this very class. In whose interest do they oppose the amendment? In the interest of the pensioners? No; because their interest lies in a completion of this bill. The mother's interest lies in giving her minor $4 a month. The dependent relative is obliged by the fact that you can make a legislative declaration that if her poverty exists to-day she shall be entitled to be considered a pensioner.

There need be no delay. A committee of conference can be asked for at once. Certainly that request will be heeded by the House, for they take great pride in this measure. They say it is their own bill, and they desire to have all the glory of it, and I am willing they should have; but I would rather add to that glory by making the bill more perfect, and it will take but a trifle out of the Treasury of the United States.

Mr. BUTLER. How much?

Mr. VAN WYCK. Not very much. We have already put in a clause raising the pension of minors from two to four dollars per month. I have a statement of the number benefited. The number of children on the pension-roll, as shown by the annual report of the Commissioner of Pensions for the fiscal year expiring June 30, 1885, was 16,332. It may be a matter of interest to know that the total number of minor children who are on the pension-roll as such is 2,252, the total number of widows with children who are on the pension-roll is 7,770, making a total of 10,022, and the whole number of children in all on the roll is 16,332.

As I said, all persons interested in this House bill are interested in the amendments which I propose, and they would gladly beg you, if they could be heard, that you should put these amendments on even though the effect should be to require two or three or four days more to pass the bill. As I say, we propose a committee of conference, which will be a privileged question in the House, and then if the House refuse it it is an easy matter for the Senate to recede from its amendments. The Senate at least will be going in that direction and doing those things which they believe ought to be done and which one year ago they did do.

Mr. BLAIR. Mr. President, the amendments which are being pressed by the Senator from Nebraska were considered in the committee, and there was strong support of them and some dissent from the majority report. I said myself to the Senator that if he saw fit to move the amendments I would support them in the Senate so far as I was concerned. The committee had agreed to an amendment which compelled the return of the bill to the House. That point being fixed, I could see no reason why these other topics which are cognate to the bill itself and which are as meritorious as the bill itself should not also be considered in connection with it.

The necessity of an increase of the widow's pension all admit; but the widow is as a rule younger than the parent of the soldier. The class of dependent relatives who are provided for only in case of necessity are very old people as a whole, and they are fast passing away. Any delay in relief comes to them with especial hardship; and if any class justly should receive the help of the country who are not now provided for it is certainly these aged dependent parents. They can not wait; and it seems to me that we ought to consider their case now if we do anybody's.

We have increased the pension to the minor children from two to four dollars. We have already extended the age from sixteen to eighteen years. Both those points are already concurred in by the Senate so far as the children are concerned; then there is only one other class to be provided for by legislation, and that is the minor who is physically or mentally disabled continuing after the age of sixteen, or as it now will be of eighteen years, to be so disabled.

The reason why the minor child is provided for up to sixteen and has been by the general law hitherto is, of course, his minority, his disabilty either mental or physical or both, to provide for himself. All the reason that there is for providing for the minor child at all continues to exist as long as the disability exists; and, certainly, the disability of a minor child at the age of sixteen who is without mind or without body, or without both, is greater than that of any healthy child, mentally and physically, who has reached that age. It seems to be exceedingly unjust on the part of the Government to pass these disabled minor children, mentally and physically disabled—to pass them over to the support of the ordinary pauper establishments of the country. So great an outrage has this been considered on our sense of justice that in every instance as far as I know, when a relief by special act has been asked for, the Senate and House have concurred at once in the justice of the claim by passing a bill. There are some scattered all over the country, and there is a class who find it especially difficult to reach the Government in search of the aid that they are entitled to, and by a general provision they ought to be provided for.

So it seems to me that this appeals to the sense of justice of all classes so strongly that every one of these points should be considered without opposition in the House, and the sensible thing for us to do will be to provide for all at once. It will save future bills, future discussions, and future consideration in both Houses and will put an end to the matter by doing justice to all these several parties.

The PRESIDENT *pro tempore*. No amendment is now pending.

Mr. MORRILL. I have received a great many letters urging me to promote the passage of the widows' pension bill. I have not received any in relation to any other part of the subjects presented, and I have regretted that this bill should have been so long delayed. I also regret now that there is any amendment to it. I foresee that the bill will be delayed by considerations as to the propriety of increasing the age from sixteen to eighteen years, and also as to the amount that will be involved. I shall vote against all amendments, but I shall vote for the bill whether the amendments be adopted or not.

Mr. COCKRELL. Mr. President——

The PRESIDENT *pro tempore*. There is no amendment pending.

Mr. INGALLS. What became of the amendments offered by the Senator from Nebraska?

The PRESIDENT *pro tempore*. They have not yet been offered; the Senator said he would offer them.

Mr. VAN WYCK. I read the amendments which I propose to offer.

The PRESIDENT *pro tempore*. The Senator has not sent them to the Chair.

Mr. VAN WYCK. The Senator from Missouri will allow me. At the suggestion of the Senator from Indiana I am willing that the first amendment which I read shall be withdrawn; but I shall insist on the second amendment which provides for the idiotic or insane children.

The PRESIDENT *pro tempore*. The Senator from Nebraska now offers an amendment, which will be read.

The SECRETARY. It is proposed to insert after the word "month" in section 1, line 20:

And in case said minor child is insane, idiotic, or otherwise helpless, that the said pension shall continue and be paid during the existence of either of said disabilities.

The PRESIDENT *pro tempore*. Does the Senator from Missouri desire to address the Chair?

Mr. COCKRELL. I do not. I simply wished to know the condition of the bill, so that when it came into the Senate objection could be made to the adoption of the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska.

Mr. BUTLER. Will the Senator make some explanation of that amendment?

Mr. PAYNE. Mr. President, I hope this amendment will not be agreed to, and I hope when the Senate acts on the amendment already passed upon in Committee of the Whole it will be rejected.

This matter was considered in the Committee on Pensions. The committee was not full, but some members who were there were very reluctant to interfere at all with the bill as it came from the House of Representatives. I for one prefer very much to pass the bill just as it came from the House. Very liberal provision is made by the bill in regard to widows, which I believe received the unanimous concurrence of the committee, and then came this proposed amendment to raise the allowance to minor children from two to four dollars a month, which did risk and endanger the passage of the bill by Congress. It looks to me very doubtful whether the bill can be got through if it is amended in this way.

The Senator from Nebraska has alluded to a matter which we had before the Committee on Education and Labor, where the wages to sewing women was agitated. The Senator from Nebraska appeared before that committee and examined witnesses, and it was found that there was one woman somewhere in the District of Columbia, a maiden lady, by the way, who had no children to provide for, who said she was making a certain article of clothing on which she made 25 cents a day wages; and yet she rented a room, dressed very respectably, and appeared to be in good health. I stated to the Senator from Nebraska that it seemed a little singular that the wages of laboring women in the District of Columbia should be so low. There appeared an agent of some sort of society here to assist women, who made some very interesting statements before that committee. She had found this aged woman who got 25 cents a day. But she went further and charged—and I refer to this only to show the unreliable nature of such testimony—that in this city there existed a state of things which she alleged to be true and capable of proof, that there were eight hundred women in the Departments under this Government indirectly supported there for the accommodation of members of Congress and officers of the Departments. I merely refer to this to show that my friend from Nebraska appears to have been a little upset in his calm judgment in reference to these matters by testimony adduced from sources that could make such statements.

I hope the Senate is not disposed to be carried away by the sympathies and the eloquence of my friend from Nebraska. If we pass this bill as suggested by the honorable Senator from Vermont as it came from the House, all agree to its propriety in the House and in this body, and so much can be accomplished; but if we go beyond it and take up the idiotic and the insane and the otherwise helpless children in the United States, it will be very difficult for the Secretary of the Treasury and the Committee on Finance to estimate the draft that will be made upon the Treasury.

I trust, therefore, that not only will this amendment now offered by the Senator from Nebraska be disapproved by the Senate, but that in the Senate we shall get rid of the other amendment already adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

Mr. COCKRELL. I am opposed to any amendment, and I shall vote "nay."

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS] who has been called out of the Senate for a few moments.

The roll-call was concluded.

Mr. DOLPH. I am paired with the Senator from Maryland [Mr. GORMAN]. I withhold my vote, not knowing how he would vote.

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON] who is absent.

The result was announced—yeas 25, nays 22; as follows:

YEAS—25.

Blair,	Evarts,	Miller,	Teller,
Bowen,	Gray,	Mitchell of Oreg.,	Van Wyck,
Call,	Harrison,	Palmer,	Voorhees,
Cameron,	Hawley,	Plumb,	Wilson of Iowa.
Conger,	Logan,	Sawyer,	
Cullom,	McMillan,	Sherman,	
Dawes,	Manderson,	Spooner,	

NAYS—22.

Aldrich,	Chace,	Ingalls,	Pugh,
Berry,	Cockrell,	Jackson,	Vance,
Blackburn,	Coke,	Jones of Arkansas,	Walthall,
Brown,	Colquitt,	Maxey,	Wilson of Md.
Butler,	Edmunds,	Morrill,	
Camden,	Hampton,	Payne,	

ABSENT—28.

Allison,	Gibson,	Kenna,	Ransom,
Beck,	Gorman,	McPherson	Riddleberger,
Dolph,	Hale,	Mahone,	Sabin,
Eustis,	Harris,	Mitchell of Pa.,	Saulsbury,
Fair,	Hoar,	Morgan,	Sewell,
Frye,	Jones of Florida,	Pike,	Stanford,
George,	Jones of Nevada.	Platt,	Vest.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the resolutions reported by the Senator from Vermont [Mr. EDMUNDS] from the Committee on the Judiciary, February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers, on which the Senator from Illinois [Mr. CULLOM] is entitled to the floor.

DEATH OF REPRESENTATIVE HAHN.

A message from the House of Representatives, by Mr. CLARK, its Clerk, conveyed to the Senate the intelligence of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana, and communicated the action of the House thereon.

Mr. CULLOM. I feel it my duty to yield to the Senator from Louisiana [Mr. EUSTIS], who desires to make a motion in connection with the announcement just made from the House of Representatives.

Mr. EUSTIS. Mr. President, it is my melancholy duty to announce to the Senate the death of Hon. MICHAEL HAHN, a Representative of the State of Louisiana.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Will the Senator pause till the message referred to shall be laid before the Senate?

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 15, 1886.

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral, and to escort the remains of the deceased to their place of burial, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. EUSTIS. I offer the following resolutions and move their adoption:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for superintending the funeral and escort the remains of the deceased to the place of burial, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were unanimously agreed to.

Mr. EUSTIS. As an additional mark of respect to the memory of Mr. HAHN I move that the Senate adjourn.

The PRESIDING OFFICER. The committee will be named during the day. The Senator from Louisiana moves that the Senate adjourn.

The motion was agreed to unanimously; and (at 2 o'clock and 11 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty God, we bow before Thee in reverence, stillness, and humility. In its last session this House stood in the presence of the coffined dead and paid its tribute of respect to the memory of a departed Senator. Since then the blows of death have fallen twice upon this House. The wife of a Member has been called away, and now a Member has passed through the gate of death. We humbly beseech Thee to comfort and cheer the bereaved, the husband and the children of the departed wife, the wife and children of the departed Member. Oh, come Thou unto them with the only solace and consolation which can cheer in such an hour. Release us all from the gloomy superstitions concerning death which have held the minds of men in terror for so many ages, and may the light of Christ's life and resurrection shine into our hearts and upon our paths, and may we comprehend that death is only the passage to another life—a higher, a nobler life for the good and virtuous man true to his principles, true to his duty, his country, and his God; and bring us all at last, whether our earthly life be brief or long, to rejoice in Thy presence and in the higher activities of Thy upper kingdom. We pray, through Jesus Christ. Amen.

The Journals of the proceedings of Friday and Saturday were read and approved.

DEATH OF HON. MICHAEL HAHN.

Mr. ST. MARTIN. Mr. Speaker, it becomes my painful duty to announce the death of my colleague, Hon. MICHAEL HAHN, a Representative from Louisiana, who died last night at his lodgings in this city. I will not detain the House now with any remarks of tribute to his memory. Meanwhile I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to take order for superintending the funeral and to escort the remains of the deceased to their place of burial, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. BLAND. Pending the question on those resolutions I ask that the order of business of to-morrow be considered as of Monday for the introduction of bills, &c.

The SPEAKER. The gentleman from Missouri asks unanimous consent that to-morrow may be set apart for the transaction of the same business which would be in order to-day.

Mr. SPRINGER. I object.

The objection of Mr. SPRINGER was subsequently withdrawn.

The SPEAKER again submitted Mr. BLAND'S request for unanimous consent.

Mr. RANDALL. That includes motions for the suspension of the rules?

The SPEAKER. It does.

Mr. RANDALL. Then I object.

Mr. MILLS. I feel no concern in regard to the introduction of bills, but we ought to have one day in a month on which the committees can be called.

Mr. RANDALL. I do not object to the committees being called.

Mr. MILLS. That is all we ask.

The SPEAKER. As the Chair understands the gentleman from Pennsylvania [Mr. RANDALL], he does object to the call of committees for motions to suspend the rules.

Mr. RANDALL. No; but to individual motions.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks unanimous consent that to-morrow may be set apart for the transaction of the same character of business that would be in order to-day, which includes the call of committees for motions to suspend the rules. Is there objection?

There was no objection, and it was so ordered.

The resolutions offered by Mr. ST. MARTIN were then adopted unanimously.

Accordingly (at 12 o'clock and 22 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of C. R. Barnes, of Clay Centre, Kans., for reduction of duty on burlaps—to the Committee on Ways and Means.

Also, memorial of Knights of Labor of Salina, Kans., favoring the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Joseph M. Galbreath and 50 others, citizens of Scandia, Kans., in favor of bill pensioning Col. E. W. Penny—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3106, for the relief of Mary Clark—to the Committee on Claims.

Also, petition of George Crilly, of Castalia, Dak., in favor of Des Moines River bill—to the Committee on the Public Lands.

By Mr. BAYNE: Papers relating to the bill granting a pension to Sarah Harbaugh, widow of George F. Harbaugh—to the Committee on Invalid Pensions.

Also, communication of the Trades Assembly, District No. 3, Knights of Labor, Printers' Assembly, No. 1630, and Typographical Union No. 7, of Pittsburgh, Pa., in favor of House bill 1914—to the Committee on Labor.

Also, resolutions of Knights of Labor, of Pittsburgh, Pa., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

Also, remonstrance of the workingmen of Natrona, Pa., employed in the manufacture of soda, against House bill 5576—to the Committee on Ways and Means.

Also, resolutions of the Trades Assembly of Western Pennsylvania, setting forth the conclusion that the frequent efforts to change the tariff laws have a most injurious effect upon the interests of the constituents of the members of said assembly, &c.—to the same committee.

Also, papers in the claim of William McAdams, surviving partner of Macks & McAdams, of New Orleans, La.—to the Committee on War Claims.

By Mr. BLISS: Petition of Baldwin Cann, late first lieutenant Fourth New York Cavalry, for relief—to the same committee.

By Mr. BRAGG: Petition of Saint Paul and Pacific Coal and Iron Company and others against the consolidation of the ports of Superior and Duluth with custom office at Duluth, Minn.—to the Committee on Ways and Means.

Also, petition of the mayor and board of aldermen of Manitowoc, Wis., for an appropriation for a breakwater at that place—to the Committee on Rivers and Harbors.

By Mr. T. M. BROWNE: Petition of Charles Peetsmyer and 25 others, citizens of Wayne County; of Alson S. Woody and 57 other citizens; of J. B. Williams and 41 others, citizens of Randolph County, and of Joseph Edgar and 117 others, citizens of Randolph County, Indiana, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of George F. Andrews and 57 others, of Albany, Ind., for a service pension for the Union sailors and soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. BURNES: Petition of W. H. Blake and C. M. Green in behalf of Local Assembly No. 1989, Knights of Labor, of Saint Joseph, Mo., for the construction of the Hennepin Canal and other works of internal improvement as a means of alleviating the distress among laboring men—to the Committee on Railways and Canals.

By Mr. BURROWS: Petition against the suspension of the silver coinage—to the Committee on Coinage, Weights, and Measures.

Also, petition favoring woman suffrage—to the Committee on the Judiciary.

By Mr. CANNON: Evidence to go with bill H. R. 6432—to the Committee on War Claims.

By Mr. CARLETON: Resolutions of Local Assembly No. 83, Knights of Labor, of Manistee, Mich., in favor of the eight-hour law, &c.—to the Committee on Labor.

Also, resolutions of Local Assembly Knights of Labor, No. 83, Manistee, Mich., in favor of placing lumber, salt, &c., on the free-list—to the Committee on Ways and Means.

By Mr. COLE: Memorial of the Knights of Labor of Baltimore, in favor of building the Hennepin Canal and the Delaware and Maryland Canal—to the Committee on Railways and Canals.

By Mr. COLLINS: Memorial of Thomas J. Gagan and others, citizens of Boston, Mass., and of citizens of Iowa, for the repeal of the "Comstock laws," so called—to the Committee on the Judiciary.

By Mr. CONGER: Memorial of Walnut Centre monthly meeting of Friends, of Iowa, praying for legislation to promote peace among nations, &c.—to the Committee on Foreign Affairs.

By Mr. COOPER: Petition of John McCoy and others, of West Jefferson, Ohio, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of Hesperia Grange, 495, of Michigan, asking for the regulation of oleomargarine, butterine, &c.—to the Committee on Agriculture.

By Mr. DIBBLE: Papers in the claim of Frank P. Murphy—to the Committee on Claims.

By Mr. DINGLEY: Statements in the case of bill (H. R. 6466) granting a pension to Eliza Humes—to the Committee on Invalid Pensions.

By Mr. FORD: Petition of Polish Assembly No. 3500, Knights of Labor, of South Bend, Ind., praying Congress to expend surplus revenue in construction of the Hennepin Canal and other like projects—to the Committee on Railways and Canals.

By Mr. GEDDES: Memorial of the Knights of Labor, of Mansfield, Ohio, for liberal appropriations for the construction of public improvements—to the same committee.

By Mr. GOFF: Petition of Nathan J. Coplin, administrator of the estate of George Bastable, late of Harrison County, West Virginia—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of Jeremiah Bird and many others, protesting against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HARMER: Petition of Joseph Van Holt, father of Thomas Van Holt, private Company A, Thirteenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

Also, memorial of Knights of Labor of Philadelphia, in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of the commercial organizations of Philadelphia, in favor of the establishment at the port of Philadelphia of a quarantine station for the importation of neat cattle, similar to those existing at Portland, Boston, New York, and Baltimore—to the Committee on Agriculture.

By Mr. HOUK: Petition of Thomas Whitehead, of Blount County, Tennessee, praying for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of many citizens of Knoxville, Tenn., praying for an amendment to the Constitution granting to women the right to vote—to the Committee on the Judiciary.

By Mr. JAMES: Petition of W. S. Meyre & Bro. and 23 other firms of Westminster, Md.; of 27 merchants and hotel proprietors of Gainesville, Tex.; of 13 business firms of Natchitoches, La.; and of J. N. Martin & Co. and 27 other firms of Newberry, S. C., praying for the enactment of House bill 1621, whereby commercial travelers may be relieved from State and local license laws—to the Committee on Commerce.

By Mr. KLEINER: Memorial of Knights of Labor of Oakland City, Ind.—to the Committee on Railways and Canals.

By Mr. LYMAN: Memorial of Knights of Labor of South Norwalk and of Bridgeport, Conn., in favor of Hennepin Canal—to the same committee.

By Mr. McKINLEY: Petition of members of Akron (Ohio) Independent Tariff Club, protesting against any further reduction of the tariff—to the Committee on Ways and Means.

By Mr. MILLER: Petition of citizens of Lavaca County, of New Ulm, Austin County, and of Hope, Lavaca County, Texas, for the improvement of the harbor of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORRILL: Petition of Knights of Labor of Wamego and of Muscotah, asking for appropriation for the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of committee of workingmen employed in military service in Department of Missouri, asking for an appropriation to pay them for extra labor in accordance with audited claims—to the Committee on Claims.

Also, petition of John Willcott and others, for relief—to the same committee.

By Mr. MORRISON: Memorial of Knights of Labor of Belleville, Ill., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. NEAL: Petition of Mrs. Nancy R. Summers, of Grundy County, Tennessee, asking for pay for supplies furnished the United States Army during the late war—to the Committee on War Claims.

By Mr. NEGLEY: Petition remonstrating against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

Also, petition of Local Assembly, No. 300, Knights of Labor, of Pittsburgh, Pa., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. PAYNE: Petition of E. B. Parsons and others, for improvement of Great Sodus (New York) Harbor—to the Committee on Rivers and Harbors.

Also, petition of H. M. Bard and others, of Mexico, N. Y., for amendment to patent laws exempting innocent purchasers of patented articles from liability for infringement—to the Committee on Patents.

By Mr. PETERS: Petition of Savey, Brinkman & Roberts, of Great Bend; of Mulkey Grain Company, of Hutchinson, and of Emerson & Eales, of Bunton, Kans., favoring modification of duty on burlaps—to the Committee on Ways and Means.

Also, statement of W. J. Wood, Company C, Thirteenth Kentucky Cavalry—to the Committee on Invalid Pensions.

Also, memorial of Knights of Labor of Dodge City, Kans., favoring internal improvements, especially the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of George Schneider and 42 others, citizens of McPherson County, Kentucky, favoring the opening of Indian Territories—to the Committee on Territories.

By Mr. PETTIBONE: Petition of Solomon S. Crosswhite, asking a pension, by reason of wounds received in the United States service—to the Committee on Invalid Pensions.

By Mr. PHELPS: Petition from clergymen, physicians, and leading

citizens of Morristown, N. J., praying for the establishment of post-office savings-banks—to the Committee on the Post-Office and Post Roads.

By Mr. PIRCE: Petition of William R. Reynolds, president, and others, of the Rhode Island Pharmaceutical Association, for an appropriation of $25,000 to provide for making experiments in the cultivation of foreign medicinal plants in the United States under the supervision of the Department of Agriculture—to the Committee on Agriculture.

By Mr. PRICE: Memorial of the county board of supervisors of Saint Croix County, Wisconsin, for a law providing that railroads shall not charge more for carrying commodities for a shorter than a longer distance—to the Committee on Commerce.

Also, remonstrance of citizens of Douglas County, Wisconsin, against proposed change in collection district—to the same committee.

Also, petition of citizens and business men of Superior, Wis., for a new district to inspect boilers—to the same committee.

Also, memorial from Franklin City, Wis., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. REAGAN: Petition of citizens of Houston County, Texas, praying for action to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. SCRANTON: Petition of members of Wayne County (Pennsylvania) bar, for passage of House bill 2124, altering judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. SENEY: Paper of H. C. Bowen relating to postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SNYDER: Petition of John W. McCreery and others, of Raleigh County, West Virginia, protesting against the passage of a bankrupt act—to the Committee on the Judiciary.

Also, petition of W. A. James, A. S. Trimble, and others, of Nicholas County, West Virginia—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Memorial of Chamber of Commerce of New York in relation to storage of merchandise in bonded warehouses—to the Committee on Commerce.

Also, memorial of A. Foster Higgins and others, relating to foreign bills of lading—to the same committee.

Also, remonstrance of workingmen of Natrona, Pa., against House bill 5576—to the Committee on Ways and Means.

By Mr. STEELE: Petition of Jacob Koontz and 40 others, of Browers' Corners; of John L. F. Thomas and 40 others, of Zanesville; of P. R. Goble and 60 others, of Gobleville, and of W. F. Davis and 15 others, of Mill Grove, Ind., for unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Knights of Labor of Wabash, Ind., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CHARLES STEWART: Petition of citizens of Newton, Tex., for an appropriation for continuing the work of harbor improvement of Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. TAULBEE: Protest of citizens of Estill County, Kentucky, against the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. E. B. TAYLOR: Petition of citizens of Ashtabula, Ohio, praying for the establishment of a life-saving station at that place—to the Committee on Commerce.

By Mr. TOWNSHEND: Memorial of the State of Illinois, to accompany House bill 6409—to the Committee on Claims.

By Mr. TUCKER: Petition of citizens of Highland County, Virginia, against the enactment of a bankrupt law—to the Committee on the Judicary.

Also, petition of citizens of Virginia, for increase of salaries of district judges—to the same committee.

By Mr. A. J. WARNER: Petition of N. A. Daniels and 62 others, soldiers and citizens of Cambridge, Ohio, asking that soldiers be paid the difference between greenbacks and gold for their services during the war—to the Committee on War Claims.

By Mr. WHEELER: Petition of William P. Shelton, for a pension—to the Committee on Invalid Pensions.

Also, petition of Richard Facion, for removal of charge of desertion, &c.—to the Committee on Military Affairs.

Also, petition of Mary F. Parham and of James M. Newby, of Limestone County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Letter relating to House bill 4728, granting a pension to Elizabeth Sirwell—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition of L. C. Porter Milling Company, for a reduction of the duty on burlaps—to the Committee on Ways and Means.

Also, memorial of the Knights of Labor of Winona, Minn., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. WHITING: Petition of Wales T. Wilder, for special-act pension—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. GIFFORD: Of John Brickley and others, of Green Valley, Dak.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BURNES: Of citizens of the District of Columbia.

By Mr. COOPER: Of citizens of Madison, Marion, and Union Counties, Ohio.

By Mr. DINGLEY: Of citizens of Sagadahoc and Oxford Counties, Maine.

By Mr. ELLSBERRY: Of citizens of Highland and Brown Counties, Ohio.

By Mr. EVERHART: Of citizens of Chester and Delaware Counties, Pennsylvania.

SENATE.

TUESDAY, *March* 16, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

FUNERAL OF REPRESENTATIVE HAHN.

The PRESIDENT *pro tempore* announced as the members of the committee on the part of the Senate to escort the remains of the late Representative HAHN to the place of burial in the State of Louisiana, Mr. EUSTIS, Mr. VANCE, and Mr. BUTLER.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of January 29, 1886, copies of drawings and report of a recent survey of the Nicaraguan canal route made by Civil Engineer A. G. Menocal, United States Navy; which was read.

The PRESIDENT *pro tempore*. The papers are on the table of the Secretary—a large bundle.

Mr. EDMUNDS. I move that the papers be printed, and, with the letter, referred to the Committee on Foreign Relations. It is of great public importance, and therefore, although they are voluminous, as I know something of their nature, I think it necessary that they should be printed.

The PRESIDENT *pro tempore*. It is moved that the communication and the accompanying papers be printed and referred to the Committee on Foreign Relations. That order will be made if there be no objection.

Mr. CONGER. Why should the matter go to the Committee on Foreign Relations?

The PRESIDENT *pro tempore*. It is not for the Chair to answer.

Mr. EDMUNDS. I will state to my friend from Michigan that the subject of building that canal in a foreign country, and the relations of the United States to it, has always been considered as properly referred to the Committee on Foreign Relations, as the Senator may remember on some recent occasions, bills reported, and all that.

The PRESIDENT *pro tempore*. Does the Senator from Michigan make any motion in respect to the reference?

Mr. CONGER. No, sir; I will not make any motion in regard to it. However, I should like to have that committee examine the subject carefully, and I am willing to leave it there.

Mr. EDMUNDS. That we certainly shall do.

The PRESIDENT *pro tempore*. The communication and accompanying papers are referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 3d instant, a report of the Adjutant-General showing dates of transfer to the Interior Department of abandoned and other military reservations; which, with the accompanying papers, was ordered to lie on the table, and be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of December 17, 1885, information in relation to land-grant railroads in the State of Kansas; which was read.

The PRESIDENT *pro tempore*. This communication, and the accompanying papers, which are voluminous, will lie on the table.

WASHINGTON GAS-LIGHT COMPANY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Washington Gas-light Company, transmitting, in response to a resolution of the 3d instant, certain information in regard to the

capital stock, dividends, &c., of that company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Mrs. Lyndall, Mrs. Savage, Mrs. McNeil, and 115 other citizens of Columbus, Ohio, praying for the passage of a sixteenth amendment to the United States Constitution prohibiting the States from disfranchising citizens on account of sex; which was ordered to lie on the table.

He also presented a petition of the Dover, Ohio, monthly meeting of Friends, praying for the passage of Senate bill 355, to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. EDMUNDS. I present the petition of a considerable number of clergymen, physicians, lawyers, teachers, business men, and officers of temperance and other societies, all residing in the State of Vermont, praying for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia and the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury. I believe that bill has been reported.

Mr. MORRILL. Favorably.

Mr. EDMUNDS. Favorably. I ask that the petition be laid on the table, and I hope the committee having the bill in charge will get it up as soon as possible.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. DOLPH presented a petition of Knights of Labor of Salem, Oreg., praying that liberal appropriations be made from the surplus revenue for the construction of works of internal improvements of national importance, and heartily indorsing the plan for the construction of the Hennepin Canal by the National Government; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition of several hundred citizens of Erie County, New York, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. CHACE presented a petition of 11 clergymen, 4 physicians, 1 lawyer, 27 teachers, 42 business men, and 48 officers of temperance and other societies of Providence County, State of Rhode Island, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. HALE presented the petition of S. G. Haskell and other citizens of Deer Isle, Me., praying for legislation to protect American merchant vessels from undue exaction for pilotage; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Portland, Me., praying for legislation in favor of the construction of works of internal improvement of national importance, and especially for the construction of the Hennepin Canal by the Government; which was referred to the Committee on Commerce.

Mr. ALDRICH presented a petition of Knights of Labor of Providence, R. I., praying for the construction by the Government of the Hennepin Canal and other works of internal improvement; which was referred to the Committee on Commerce.

Mr. WILSON, of Maryland. I present a petition of Knights of Labor of Baltimore, Md., praying that the Government make liberal appropriations of the surplus revenue for the construction of works of internal improvement and of national importance, and among other works for the construction of the Hennepin Canal and the Chesapeake and Delaware Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL presented the petition of Mrs. Charlotte A. Cleveland, Mrs. Henry Stagg, and 42 other citizens of Saint Louis, Mo., praying for the passage of a sixteenth amendment to the United States Constitution prohibiting the States from disfranchising citizens on account of sex; which was ordered to lie on the table.

Mr. HARRISON presented a petition of Knights of Labor of Michigan City, Ind., praying that liberal appropriations be made for public works, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Rush Creek monthly meeting of Friends, State of Indiana, praying Congress to pass the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the board of commissioners of Idaho County, Idaho, remonstrating against the annexation of the northern part of Idaho Territory to Washington Territory or State; which was referred to the Committee on Territories.

Mr. CAMERON presented resolutions of the Board of Trade of Williamsport, Pa., remonstrating against any reduction of the duty on manufactured lumber; which were referred to the Committee on Finance.

He also presented a petition of Knights of Labor of Pittsburgh, Pa., favoring the passage of the bill (H. R. 1914) for the restoration of wages in the Government Printing Office; which was referred to the Committee on Printing.

He also presented petitions of Knights of Labor of Philadelphia and Columbia, Pa., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Lieutenant Stephen Potts Post, No. 62, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., and a petition of William H. Keim Post, No. 76, Grand Army of the Republic, of Reading, Pa., praying for the pensioning of ex-Union soldiers who were confined in confederate prisons; which were referred to the Committee on Pensions.

He also presented a petition of 11 clergymen, 3 physicians, 28 lawyers, 17 teachers, 83 business men, and 19 officers of temperance and other societies of Susquehanna and Wayne Counties, Pennsylvania, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. HARRIS presented the memorial of Dr. J. R. Iler, of Protemus, Tenn., remonstrating against any increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Franklin Rives and others, proprietors of the Congressional Globe building and grounds, in Washington, praying for the purchase of that property for the use of the Government Printing Office; which was referred to the Committee on Printing.

He also presented the petition of Dr. O. M. Wozencraft, praying for quarantine regulations against infected cattle; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES presented petitions of Knights of Labor of North Adams and Rockport, in the State of Massachusetts, praying for liberal appropriations for public works, and especially for the speedy construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. BLAIR. I present a petition of Post No. 69, Grand Army of the Republic, Department of Missouri, praying for legislation in accordance with the recommendations of the national pension committee of the Grand Army of the Republic with relation to pensions, which are set forth in the petition itself. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLAIR. I present the petition of Prosperity Local Assembly No. 3611, Knights of Labor, of New Hampshire, praying for the organization of a Territorial form of government over the Indian Territory, the opening up of the Indian Territory to settlement under the homestead laws, the allotment of lands in severalty to Indians on their present reservations, and the purchase of the surplus lands of the reservations, to the end that the land may be saved from speculators. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BLAIR. I also present the petition of David Morrison, of Raymond, N. H., who is connected with the Grand Army of the Republic, Post No. 51, in that State, in which he sets forth his views upon some public questions of the day, and desires their proper consideration. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLAIR presented a memorial of Knights of Labor of Nashua, N. H., remonstrating against the repeal or amendment of the mechanics' lien law now in force in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. INGALLS. I present resolutions adopted by the Knights of Labor of the town of Muscotah, in the State of Kansas, duly authenticated by the signatures of its officers and the seal of the assembly, praying for aid in the construction of the Hennepin Canal. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. INGALLS presented resolutions adopted by Knights of Labor of Topeka and Harper, in the State of Kansas, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of Moses Ke-o-kuk, Ma-kose-to, Nom-on-noy, and Charles Keokuk, chiefs and headmen of the Sac and Fox Indians, now located in the Indian Territory, praying for legislation to carry out the stipulations of the treaty of October 14, 1868. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WILSON, of Iowa, presented the petition of Paton monthly meeting of Friends, in Greene County, Iowa, praying for the passage of Senate bill 355 to promote peace among nations and for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. PAYNE presented a petition of 21 clergymen, 25 physicians, 22 lawyers, 31 teachers, 210 business men, and 27 officers of temperance and other societies, of the State of Ohio, praying for the enactment of a

law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. ALLISON presented a petition of 16 clergymen, 9 physicians, 3 lawyers, 18 teachers, 156 business men, and 16 officers of temperance and other societies of Clayton, Howard, Mitchell, and Fayette Counties, in the State of Iowa, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. COKE presented a memorial of citizens of Sweetwater, Tex., remonstrating against the proposed increase of the rate of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Knights of Labor of Marshall, Harrison County, Texas, praying that liberal expenditures of the public money be made in works of public improvement and for the passage of a bill providing for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 477) to allow drawback on imported materials used in the manufacture of tobacco, snuff, and cigars exported from the United States, to report it adversely, and to ask that it be indefinitely postponed.

Mr. ALDRICH. As the Senator from Virginia [Mr. MAHONE], who is interested in the subject, is now absent from the Chamber, I suggest that the bill be placed upon the Calendar.

Mr. MORRILL. Let it go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 476) to repeal section 3151 of the Revised Statutes of the United States concerning inspectors of tobacco and cigars, to report it adversely. I may say that the chief feature of the bill is to make a change so that the Government will have to assume the expense of inspection instead of the manufacturer and the exporter. The committee thought that as the matter is entirely under the control of the Commissioner of Internal Revenue as to fees, they might be reduced to any point, if they are exorbitant at the present time, so as to make them less exorbitant. Therefore the bill is reported adversely, but I ask that it may be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 674) granting an increase of pension to Mrs. Ellen M. Mitchell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1363) granting a pension to William Blanchard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 231) granting a pension to Jennette S. Kent, reported it with amendments, and submitted a report thereon.

He also, from the same committee, reported a bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein; which was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1490) to amend article 103 of the Rules and Articles of War, reported it with an amendment, and submitted a report thereon.

GOVERNMENT SURVEYS, ETC.

Mr. ALLISON. The joint commission appointed under the act of July 7, 1884, consisting of three members of the House and three members of the Senate, to consider the organization of the Signal Service, the Coast and Geodetic Survey, the Geological Survey, and the Hydrographic Office of the Navy Department with a view to secure greater efficiency and economy of administration, instruct me to report the testimony and to ask that it may be printed. I will say that at no distant day we hope to make a further report upon the subject.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the joint commission indicated by him, submits the testimony taken by the commission, and asks that it be printed. That order will be made if there be no objection.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 1887) for the relief of certain persons who were discharged from the military service of the United States because they were minors; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1888) granting a pension to Nathan Collins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 1889) for the relief of Anna Dummett, sister and only heir of Capt. Douglass Dummett, deceased, late a pensioner of the United States, for injuries received in the old Florida and Indian war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 1890) for the relief of A. L. Shotwell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1891) for the relief of D. W. Price; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1892) granting an increase of pension, by way of arrears, to Maria A. Rousseau; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Maryland, introduced a bill (S. 1893) for increase of pension of E. M. Wyman, widow of Robert Harris Wyman, late a rear-admiral in the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1894) to amend an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," approved January 31, 1885; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DAWES (by request) introduced a bill (S. 1895) authorizing the Secretary of the Interior to create a commission to try and to dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 1896) to regulate the practice in adjusting claims in the Pension Office and proceedings in cases of appeal in pension claims from decisions of the Commissioner of Pensions to the Secretary of the Interior; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 1897) granting a pension to Alexander Trimble; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1898) granting to the city of Marquette, Mich., certain lands for a public park; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, of Oregon, it was

Ordered, That the papers in the case of Jacob Fritz, of The Dalles, Oreg., be taken from the files and referred to the Committee on Claims, there being no adverse report.

RAILROADS IN CHARGE OF UNITED STATES COURTS.

Mr. CALL. Yesterday the Senator from New York [Mr. EVARTS], from the Committee on the Judiciary, reported adversely the bill (S. 870) to provide that where any railroad property is taken into the possession of any United States court, and such railroad shall not have been completed, the net earnings of said railroad shall be applied to the completion of the same, and the bill was indefinitely postponed. I ask that the vote by which the bill was indefinitely postponed may be reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the order by which the bill was indefinitely postponed will be reconsidered and the bill will be placed on the Calendar with the adverse report of the committee. The Chair hears no objection.

PENSIONS OF WIDOWS AND DEPENDENT RELATIVES.

Mr. VAN WYCK. I move that the Senate proceed to the consideration of House bill 545.

Mr. DOLPH. I wish to suggest that three or four weeks ago there was a little bill that was up and partly considered in the morning hour, and it would not take more than five or ten minutes to dispose of it. I hope the Senator from Nebraska will give way.

Mr. VAN WYCK. I trust the pension bill will only take a few minutes. There is nothing further to do about it, I think.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

Mr. MANDERSON. I offer an amendment at the request of the Senator from Connecticut [Mr. HAWLEY], which I send to the desk to be read. The amendment is to come in at the end of section 2 of the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The SECRETARY. At the end of section 2 it is proposed to add:

Provided, That this section shall not be construed to apply to the adjutant-general of a State or any other agent of a State authorized by the laws thereof to serve free of charge as the pension agent of the soldiers or ex-soldiers of said State.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. MANDERSON. I am informed by the Senator from Connecticut, at whose request I present the amendment, that in Connecticut and in several other States of the Union the adjutant-general of the State is by law required to give attention free of charge to all pension cases arising within the State. Section 2, if it shall pass without this proviso, would seem to prevent the operation of such State laws and this

gratuitous action on the part of the adjutant-general. I therefore hope that the proviso will be added to the section.

Mr. VAN WYCK. There can be no objection to that.

Mr. MILLER. Let it be read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Secretary read the amendment of Mr. MANDERSON.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. INGALLS. I move that the Senate disagree to the amendments made as in Committee of the Whole.

The PRESIDENT *pro tempore*. The question will be put on concurring in the amendments. The Chair supposes that will present the question the Senator from Kansas wishes.

Mr. INGALLS. That will present the question.

The PRESIDENT *pro tempore* put the question on concurring in the amendments and declared that the noes appeared to prevail.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. How many amendments are there?

The PRESIDENT *pro tempore*. Three.

Mr. HALE. Can the vote be taken on all at once?

The PRESIDENT *pro tempore*. It can by general consent, or any Senator may ask for a separate vote on each amendment.

Mr. HALE. I should like to have the amendments read.

The PRESIDENT *pro tempore*. The amendments will be read.

Mr. INGALLS. I understand that there are two amendments.

The PRESIDENT *pro tempore*. There are three amendments.

Mr. INGALLS. One reported by the committee and two offered by the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDENT *pro tempore*. One reported by the committee, one offered by the senior Senator from Nebraska [Mr. VAN WYCK], and one by the junior Senator from Nebraska [Mr. MANDERSON].

Mr. INGALLS. Let them be read.

Mr. HALE. Let us first have the amendments read that came from the committee with its sanction.

The PRESIDENT *pro tempore*. The committee amendment will be first read.

The SECRETARY. The amendment reported by the Committee on Pensions and agreed to as in Committee of the Whole was, in section 1, line 7, after the word "month," to strike out:

And nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years.

And to insert:

And in addition thereto the pension of widows shall be increased at the rate of $4 per month for each child under the age of eighteen years, of the husband on account of whose death the claim has been or shall be granted, which shall be in lieu of the rate of $2 per month allowed by existing law for children under the age of sixteen years; and when such child or children shall, under section 4703 of the Revised Statutes, receive less than $4 per month, such child or children shall, in addition, be paid so as to make such pension $4 per month.

Mr. INGALLS. Now let us have the other amendments read for information.

The PRESIDENT *pro tempore*. They will be read.

The SECRETARY. The second amendment is, after the word "month," in line 20, to add:

And in case said minor child is insane, idiotic, or otherwise helpless, that the said pension shall continue and be paid during the existence of either of said disabilities.

The PRESIDENT *pro tempore*. The remaining amendment will be read.

The SECRETARY. At the end of section 2 add the following proviso:

Provided, That this section shall not be construed to apply to the adjutant-general of a State or any other agent of a State authorized by the laws thereof to serve free of charge as the pension agent of the soldiers or ex-soldiers of said State.

The PRESIDENT *pro tempore*. The question is on concurring in these amendments, on which the yeas and nays have been ordered.

Mr. COCKRELL. If the amendments are concurred in, will it be in order then to add to them?

The PRESIDENT *pro tempore*. The bill will still be open to amendment. It would not be in order to strike out parts of the amendments already adopted.

Mr. INGALLS. But the bill will still be open to amendment?

The PRESIDENT *pro tempore*. The bill will be open to amendment. The Secretary will call the roll on the question of concurring in the amendments made as in Committee of the Whole.

The Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK].

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. CULLOM. I desire to state that the Senator from Connecticut [Mr. PLATT] is at his room sick, and he instructed me to say that if he were present he would vote against these amendments.

Mr. DOLPH (after having voted in the affirmative). It slipped my mind for the moment that I am paired with the Senator from Maryland [Mr. GORMAN]. Therefore I ask leave to withdraw my vote. I do not know how the Senator from Maryland would vote on the pending question.

Mr. COCKRELL. My colleague [Mr. VEST] is still detained from the Senate by illness. He is paired with the Senator from Kansas [Mr. PLUMB], and the Senator from Kansas not being present I do not know how they would vote.

Mr. PIKE. I am paired with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 24, nays 20; as follows:

YEAS—24.

Aldrich,	Evarts,	Manderson,	Spooner,
Blair,	Frye,	Mitchell of Oreg.,	Stanford,
Call,	Gray,	Palmer,	Teller,
Conger,	Harrison,	Sawyer,	Van Wyck,
Cullom,	Logan,	Sewell,	Voorhees,
Dawes,	McMillan,	Sherman,	Wilson of Iowa.

NAYS—20.

Allison,	Cameron,	Hampton,	Payne,
Berry,	Chace,	Harris,	Pugh,
Blackburn,	Cockrell,	Ingalls,	Vance,
Brown,	Coke,	Jackson,	Walthall,
Butler,	Gibson,	Jones of Arkansas,	Wilson of Md.

ABSENT—31.

Beck,	George,	McPherson,	Platt,
Bowen,	Gorman,	Mahone,	Plumb,
Camden,	Hale,	Maxey,	Ransom,
Colquitt,	Hawley,	Miller,	Riddleberger,
Dolph,	Hoar,	Mitchell of Pa.,	Sabin,
Edmunds,	Jones of Florida,	Morgan,	Saulsbury,
Eustis,	Jones of Nevada,	Morrill,	Vest.
Fair,	Kenna,	Pike,	

So the amendments were concurred in.

Mr. INGALLS. I voted against the amendments, not because I was opposed to the principle, but because I did not desire to delay action upon the bill as it came from the House. The bill having been amended, the objection of course is now avoided; the bill is to return to the House and further amendments are germane and appropriate. I, therefore, move to amend the bill by inserting what I send to the desk.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. It is proposed to add at the end of the bill the following additional section:

SEC. —. That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension; and in the consideration of any and all claims for pensions in consequence of death from or for disability resulting from disease contracted in the service during the late civil war, the person on whose account the said pension is claimed shall be conclusively presumed to have been sound and free from disease at the date of entering the service."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. LOGAN. Mr. President, I have a word to say on that amendment. I was very anxious when the bill came from the House, and so stated, that it should be taken up and passed as the House passed it. The Senator having it in charge, however, was desirous to have certain amendments made to it for the betterment of the bill; I presume that was his intention; and he persisted in offering them against the protest of quite a number of Senators who were very anxious for the bill to pass as it came from the House.

I find no fault whatever with that, sir; but if one amendment can be agreed to by the other House another amendment which is right should be added; and if any amendment that has been offered to the bill is of itself entirely consistent with the idea of pensions and correct in every proposition, it is the amendment offered now by the Senator from Kansas. Why? It proposes that pensions shall commence from the date of the discharge where the disability occurred prior to the discharge, and where the disability occurred subsequent to the discharge, then that the pension shall commence at the date of the disability.

I desire to ask but one question. Why should not a pension commence at the date of the disability? What does a law granting a pension mean? It means that a pension shall be granted for a disability. At what time shall it be granted? The man is entitled to the pension the very day the disability occurs, and why? Because of the disability. If he is entitled to the pension because of the disability then he is entitled to it from the commencement of the disability.

The only argument that can be made against this proposition is the amount of money it takes. There is no soundness in that argument, because if the party had applied for a pension when the disability occurred he then would have received the amount of money that he was entitled to under the law, which has since been only accumulating in

the Treasury to his credit, if the Congress of the United States are willing to adopt the principle that ought to be applied to all pensions.

Will any one tell me that if a man loses his arm or his leg in battle he is not entitled to a pension the very moment he receives that wound? Under the law he is; and if he is entitled to that pension at the moment he receives that wound I should like to know why is he not entitled to the pension relating back to the time he received the wound? There is no reason, as I said, except the reason that it takes more money. That is no argument; it is the argument that a man would himself make against paying a debt because it had run so long that he thought it ought to be forgiven.

Now, is the Government going to say to men who are entitled to pensions, "You did not apply for your pension five years ago, and therefore you are not entitled to it?" Why are they not entitled to it? They are not entitled to it merely because Congress has passed an act providing that unless a pension is applied for at a certain time the amount of money due the party shall be retained in the Treasury of the United States; in other words, it is a statute of limitation on a man's leg. A man has lost a leg or an arm, and a statute of limitation is passed by Congress against that man's leg or arm that is gone; that is, that he shall not receive pay for it unless he applies at a certain time.

There are many reasons for applications not being made. What are they? Many men say, "I do not want a pension; I will not ask the Government for a pension." Why? "I can live without it." That is one reason. I could say—but I dislike to mention myself—that I was entitled to a pension early in the war and have been ever since, but I have never asked for it and never expect to; but if I was to ask for it I should take it for granted at least that I was entitled to a pension the day I received my wound, for it would be for the wound that the pension would be granted. I only refer to this as an illustration. Other gentlemen here are in the same position. Some men who have pensions have them because of their wounds. Why, then, if they have them because of their wounds, should the pension not commence at the time the wound was received or the disability was incurred? I should like to know.

I will say that no bill ever passed Congress that benefited the people of the United States more for the amount of money that was embraced in it than the arrearage-of-pensions act when it passed. It distributed the money among the people who were entitled to it and relieved their wants and necessities, and, in fact, as is well known, at that very time the general distribution of that sum was not only a benefit to those who were the recipients of the fund, but it was a general benefit to the country at the time. It increased the prosperity of the people. I would not throw money out of the Treasury merely for that purpose; I would not ask any one to do it on that account, but because I believe it is honest and just to those men who are entitled to pensions that the pension should commence with the commencement of the disability or injury at whatever time that may have been.

Now, sir, if a contract exists between the Government and the soldier, as does under a law enacted many years ago, what is it? There is an agreement between the Government and the soldier that if he enlists in a war the Government will pay him a pension for injuries that he may receive during the term of service, whether those injuries result from wounds or from disability occurring from other causes. This agreement was made, and is always made by the Government with the soldier, and is made now. Whether it is in the law or not, it is an implied agreement that exists between the man who serves the country and the country that he shall at least, if he is wounded or disabled, receive a pension of such character as Congress shall deem suited to the disability.

So, then, if this bill is to be amended at all, and inasmuch as it has been amended, believing this amendment more meritorious than any one which has been offered, I shall vote for it and hope it will pass.

Mr. BUTLER. Will the Senator from Kansas explain how much money will be required to carry out this amendment?

Mr. INGALLS. I have no idea how much money will be required. It will depend entirely on the number of applications which may be made.

The fact in regard to this matter is that the principle that is enunciated in this amendment has been applied to every pensioner whose application was filed prior to the 1st of July, 1880. This merely extends the application of that principle to those whose pensions may be granted in cases where the application has been filed since that date.

Mr. BUTLER. Has any estimate ever been made as to the cost?

Mr. INGALLS. There have been a great many estimates made, many of them wild and unfounded and based entirely on conjecture. The only positive factor in the problem is based upon the calculation of those whose applications have been filed already since 1880. How much would be expended in consequence of those that may be filed hereafter is, of course, an unknown quantity. However much the amount might be, the question does not appear to me to be pertinent to the subject, inasmuch as the only inquiry that could be made is whether or not the principle is just. If the obligation is an existing one, the question ought not to be how much it will cost to comply with it, but whether the condition is such that the application should be made at this time.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. LOGAN called for the yeas and nays, and they were ordered.

Mr. MCPHERSON. Let the amendment be again read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read the amendment proposed by Mr. INGALLS.

Mr. COCKRELL. I find in the Revised Statutes of 1873 that section 4709 reads as follows:

SEC. 4709. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

That, I believe, was enacted about 1868. I have not had time to refer to the original statute. I find that section 4717 reads as follows:

SEC. 4717. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army, or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

Section 4713 provides:

SEC. 4713. In all cases in which the cause of disability or death originated in the service prior to the 4th day of March, 1861, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the 6th day of June, 1866, shall be affected by anything herein contained.

Those provisions were in force for a long series of years, and I believe there is scarcely a class of claims of any character as to which there is not a limitation. Claims originating under the act of July 4, 1864, not presented prior to the 1st day of January, 1880, are barred, and they can not be prosecuted now. Claims for horses lost by soldiers in action during the war are also barred, and various others; and it seems that up to 1879 it was the uniform policy of the Government, the uniform policy of all parties in power up to that time, to have some limitation as to these matters.

I find another limitation in the statutes which works a very grave injury to many soldiers in Missouri. Section 4722 provides:

SEC. 4722. The provisions of this title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was co-operating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under circumstances herein set forth, shall be entitled to the benefits of this title. But the pensions on account of such militia shall not commence prior to the 3d day of March, 1873.

There is another section which bars all claims of the Missouri State militia not presented prior to the 1st day of July, 1874. I read from clause 3 of section 4693:

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

Not only had the claims to be filed prior to that time, but to be prosecuted to a successful issue and granted; but there are a large number of very meritorious cases in Missouri which are now barred under that provision of the statute; and I can not vote for any extension or removal of the limitation which does not include also the Missouri militia.

Mr. BUTLER. Is it in order to offer an amendment to the amendment?

The PRESIDENT *pro tempore*. It is in order.

Mr. BUTLER. I offer an amendment to the amendment, to come in after what has been already read.

The PRESIDENT *pro tempore*. The Senator from South Carolina offers an amendment to the amendment, which will be read.

The SECRETARY. After the word "service," at the end of the amendment of Mr. INGALLS, it is proposed to add:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who, being duly enlisted, actually served fourteen days with the Army or Navy of the United States in Mexico or on the coasts or

frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried.

Mr. BUTLER. I have offered the amendment in perfect good faith. I think if we are to be just, we had better be just all around and extend that justice to the Mexican-war soldiers as well as to the soldiers of the late war, for whose pensions I have voted with great pleasure and shall so vote again. I have offered this amendment as an amendment to the amendment of the Senator from Kansas.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from South Carolina to the amendment of the Senator from Kansas.

Mr. BUTLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. Let the amendment be read.

Mr. BUTLER. My amendment is an addition to the amendment of the Senator from Kansas. I ask that all be read together.

Mr. CONGER. I ask that the amendment of the Senator from South Carolina be reported separately.

The PRESIDENT *pro tempore*. The amendment last offered by the Senator from South Carolina will be read.

The Secretary read Mr. BUTLER'S amendment to the amendment.

Mr. WILSON, of Iowa. I fear that we are likely to reach a result similar to that which was arrived at in the last Congress with reference to the general question of pensions, by placing numerous amendments upon the bill which came from the House, sending it back there, and by delay losing all. I voted for the amendment reported by the Senate Committee on Pensions; I am in favor of the amendment offered by the Senator from Kansas with reference to the extension of the limitation of arrearages; but in order to avoid the possible danger of losing the entire bill, I now wish to state that if the present amendments shall be voted down I will then move to reconsider the vote by which the amendment of the committee was adopted with the hope that we may reach the bill just as it came from the House, and pass it without any amendment whatever, depending upon further action on the part of the Senate and House to provide for the subjects contained in the present proposed amendments.

Mr. COCKRELL. I would suggest to the Senator from South Carolina, and he will doubtless accept it, that it be inserted in his amendment "at the rate of $8 per month."

Mr. BUTLER. I accept that.

The PRESIDENT *pro tempore*. The Senator from South Carolina modifies his amendment to the amendment.

Mr. JACKSON. Mr. President, this is a very important amendment, and I wish to call the attention of the Senate to the facts connected with it.

In the Forty-eighth Congress, when the Commissioner of Pensions was called upon to report what the extension of the arrears of pension act to January 1, 1885, would cost as applied to the number of cases then filed, the Commissioner reported to the Pension Committee that it would take $246,000,000 to extend the arrears-of-pension act up to the 1st of January, 1885. What it would take to extend it to all claims filed since or that may hereafter be filed, it is impossible to state. If such amendments are to be acted on accurately, or if they are adopted here, I shall move that the bill with all the amendments be recommitted to the committee, so that we may investigate and see what expenditure will be involved in the propositions.

Mr. WILSON, of Iowa. If it is in order, I will at this time make the motion to reconsider the vote by which the Senate agreed to the amendment reported to the bill by the committee, in order that we may avoid the necessity of taking votes on the pending amendments and determine the question at once. I hope therefore that that reconsideration may be had and that the Senate then will pass the bill just as it came from the House, and we can consider this other subject at some other time and in independent measures.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa, which is not debatable.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. VAN WYCK. I only want unanimous consent to say a word.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nebraska speaking on the question of reconsideration, which under the rules is not debatable?

Mr. VAN WYCK. I do not intend to oppose any suggestions made by Senators in this matter. The committee have done what they considered their duty, and as a Senator believing as I do, I have done what I considered my duty—nothing factious, nothing political. If now the Senate think that all these amendments shall be withdrawn, I most cheerfully accede to it; but the amendments which have been placed on the bill by the Senate, if not retained there, never, never will find a place in the laws of this country. I am satisfied so far as the discussion has gone in both ends of the Capitol that no further or other increase of pensions will be made at this session of Congress than those which appear in this bill for the increase of the pensions of widows.

Indications in the House of Representatives show that no further or other increase will be allowed there.

I only asked one simple thing, that the minors shall be protected to this meager extent and to keep the idiotic and insane and helpless children of dead soldiers from spending their days in a poor-house. That was all. Feeling as I did that the only guarantee or bounty which we shall get must be obtained here and now, was the reason I have urged, probably too persistently, this matter upon the attention of the Senate. I have discharged my duty fully. I propose no opposition to the suggestion or motion of the Senator from Iowa. I know that my friends who feel as warmly as I do and whose suggestions have a right to more consideration than mine, have urged that this matter should not be pressed. They fancied they found in it a peril at the other end of the Capitol to the bill itself. I did not so conceive. I thought any antagonism that might come or any divergence of opinion could easily be arranged. If the House refused to accede, we could withdraw the amendments and have the bill passed pure and simple as it came from the House.

This is all I desire to say in explanation of my own action, and I must of course assent to the judgment of friends in the Senate. I have no desire outside of the wishes of the friends of the bill who feel as keenly and as warmly as I do for these propositions, and if they desire that this course shall be taken let it be done.

Mr. LOGAN. I desire to call the attention of the Senator who offered this amendment to the concluding paragraph as left in:

> And to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war.

That is entirely unnecessary, because if they were soldiers or sailors they would receive the pension anyhow. I suggest that the Senator strike that clause out. I think it would perfect his amendment.

Mr. BUTLER. I shall do so with great pleasure.

The PRESIDENT *pro tempore*. The Senator from South Carolina modifies his amendment. It is not open to amendment otherwise.

Mr. LOGAN. I desire now to make another suggestion to the Senator from South Carolina, which I hope he will accept. I suggest the addition of this proviso:

> *Provided*, That this act shall not apply to any person who now remains under disabilities under the Constitution of the United States.

That has always been in every Mexican pension bill that has been passed.

Mr. BUTLER. I accept the modification.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent of the Senate that his motion to reconsider be now put, not being in order at this time pending another question. Is there objection? The Chair hears none.

Mr. BLAIR. I object.

The PRESIDENT *pro tempore*. The Senator from New Hampshire objects.

Mr. COCKRELL. Has not the Senator the right to make a motion to reconsider?

The PRESIDENT *pro tempore*. Under the rule, which the Chair will read, a motion to reconsider can be entered, but can not now be put pending another question. The Secretary will read the twenty-second rule.

The Secretary read as follows:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business.
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend;
which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. BLAIR. I find there is a somewhat general disinclination to vote on these amendments until the question of reconsideration is determined. For my own part I want to vote on them all, but I feel under some obligation to defer to the wishes of so many of my friends, and I withdraw my objection.

The PRESIDENT *pro tempore*. There being no objection, the question is on the motion of the Senator from Iowa to reconsider the vote adopting in the Senate the amendments made as in Committee of the Whole.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendments made as in Committee of the Whole.

The amendments were non-concurred in.

The PRESIDENT *pro tempore*. The bill now stands as it came from the House.

Mr. INGALLS. Now I ask unanimous consent to withdraw the amendment I offered.

Mr. BUTLER. We will all go down together, and of course I withdraw mine.

The PRESIDENT *pro tempore*. The Senator from Kansas asks leave to withdraw the amendment offered by him. If there be no objection the amendment is withdrawn. The Senator from South Carolina also withdraws his amendment. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. INGALLS. The amendment proposed by the committee is not agreed to?

The PRESIDENT *pro tempore*. All the amendments are disagreed to. The bill stands just as it came from the House of Representatives. The question is on the passage of the bill.

The bill was passed.

Mr. CONGER. Should not the title be amended?

The PRESIDENT *pro tempore*. There has been no amendment made to the bill requiring a change of the title.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had appointed Mr. LOUIS ST. MARTIN, of Louisiana; Mr. A. B. IRION, of Louisiana; Mr. C. P. SNYDER, of West Virginia; Mr. W. W. ELLSBERRY, of Ohio; Mr. F. D. ELY, of Massachusetts; Mr. G. W. E. DORSEY, of Nebraska, and Mr. JOSEPH LYMAN, of Iowa, the committee on the part of the House to join a similar committee on the part of the Senate to take order for superintending the funeral of Hon. MICHAEL HAHN and to escort the remains of the deceased to the place of burial.

Tne message also announced that the House had passed a bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883; in which it requested the concurrence of the Senate.

STEAMSHIP OZAMA.

Mr. FRYE. Order of Business 261, being the bill (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city, which was a steamer that was wrecked——

The PRESIDENT *pro tempore*. Does the Senator move its consideration?

Mr. FRYE. I am going to ask unanimous consent to consider it. It was a steamer that was a total wreck, was saved by Virginia salvors, and was repaired at an expense of $50,000. It does not come within the law, because the wreck was just outside the line. The bill has been reported favorably from the Committee on Commerce unanimously in both branches; it has passed the House, and is here. American mechanics and salvors have received $50,000 laid out on it. The steamer is ready for sea, and the expense of detaining her is very great, indeed. She can not sail until she gets this register. I ask unanimous consent that the bill may be put on its passage now.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent of the Senate to proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city.

Mr. CONGER. I ask the Senator whether the proper officer designated to issue the register should not be the Secretary of the Treasury instead of the Commissioner of Navigation?

Mr. FRYE. This is the bill which the Secretary of the Treasury sent, after an amendment had been made by himself, and it is approved by him, the same one reported to the Senate by our committee, and it has now come from the other House.

Mr. CONGER. I think the circumstances of this vessel would bring it within the spirit of the law which would authorize the Secretary hinself to issue an American register, except that the wreckage was beyond the marine league provided for in the present law. That being the situation of the vessel, much as I am opposed to the general registry of foreign vessels, I have joined in the report of this bill and think it ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL RECOMMITTED.

Mr. DAWES. I move that the bill (S. 715) to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes, be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I now move in pursuance of notice that the Senate proceed to the consideration of the Presidential count bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

UMATILLA INDIAN LANDS.

Mr. DOLPH. I ask the Senator from Massachusetts to give way for a few moments until Order of Business 134, being the bill (S. 1210) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patent therefor, is taken up and the consideration of it concluded. It was partly considered about three weeks since.

Mr. HOAR. I will yield to the Senator for that purpose, reserving my right if the bill takes any long debate to object to its continuance.

The PRESIDENT *pro tempore*. The Senator from Massachusetts yielding, the Senator from Oregon asks for the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Indian Affairs is still pending. It will be read.

The SECRETARY. After the word "heretofore" it is proposed to insert "lawfully;" so as to read:

Provided, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner nor to any extent beyond or different from that to which it has been heretofore lawfully appropriated.

Mr. DOLPH. The amendment was moved under a misapprehension of the facts. It would destroy the entire purpose of the bill.

As was stated by the Senator from Massachusetts [Mr. DAWES], the ditch was constructed a mile in length, and a grist-mill was constructed at a cost of $100,000 under a license from the Interior Department, a license which is revocable. The present owners of the mill purchased the property supposing that it was a permanent right. Therefore if the word "lawfully" is inserted it will destroy the entire purpose of the bill, because the very object of this bill is to get a lawful right and a continuing right to the water. When they purchase the land of the Indians under the provisions of this bill it carries with it the right to the water which they must necessarily purchase. So this amendment ought not to be adopted.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

Mr. DOLPH. There are other amendments offered by the Senator from Vermont to which I have no objection.

The PRESIDENT *pro tempore*. The further amendments will be reported.

The SECRETARY. The next proposed amendment is, in line 20, after the word "the," to strike out the words "approval thereof by the;" and after the word "Secretary," in the same line, insert:

Being satisfied that such appraisal is just, and his approval thereof in writing.

After the word "them," in line 24, insert "within three months next after such approval;" so that the clause will read:

And thereupon, and upon the Secretary being satisfied that such appraisal is just, and his approval thereof in writing, it shall and may be lawful for him to make sale of the said lands, at their appraised value, to the said William S. Byers, Robert G. Thompson, and Jeremiah Barnhart; and upon payment by them, within three months next after such approval, in full of the purchase-price thereof, together with all costs and expenses incurred in the premises, the Secretary shall cause a patent to be issued to them for the lands purchased.

Mr. DOLPH. There is no objection to those.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HOAR. This bill was recommitted to the Committee on Privileges and Elections on the suggestion of an amendment by the Senator from New York [Mr. EVARTS]. That amendment has been in substance adopted by the committee after a careful comparison of views between that Senator and the Senator from Vermont [Mr. EDMUNDS], who was the author of the bill, or at least was the author of the general scheme that the bill contains, and reported it in a former Congress. The committee have reported a substitute embodying the amendment, but have had the original bill and the amendment so reprinted that it will disclose to the Senate where the amendment departs from the original

bill. I therefore ask unanimous consent that the substitute may be read and treated as an original bill.

The PRESIDENT *pro tempore*. The substitute proposed will be read at length.

The Secretary read as follows:

That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the Legislature of such State shall direct.

SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

SEC. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors with and at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President; and section 136 of the Revised Statutes is hereby repealed; and if there shall have been any final determination in a State of controversy or contest as provided for in section 2 of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative votes of both Houses. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the evidence mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State tribunals determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of the tribunal of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State. When the two Houses have voted they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Mr. HOAR. I desire to propose one or two verbal amendments to this bill, which I suppose will be adopted as of course; they are merely to correct errors in the transcription. In line 16, section 3, I desire to strike out the words "with and." This does not change the meaning of the bill, and makes the English better.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 16, section 3, after the word "electors," it is proposed to strike out the words "with and;" so as to read:

And such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as, &c.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to.

Mr. HOAR. Then, in the fiftieth line of section 4, I move to strike out the word "tribunals" and insert the word "authorities."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 50, section 4, after the word "State," it is proposed to strike out the word "tribunals" and insert "authorities;" so as to read:

But in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection.

Mr. GEORGE. I should like to have the Senator from Massachusetts explain the effect of the amendment substituting the word "authorities" for the word "tribunals."

Mr. HOAR. That substitution has been made all through the bill. This is a mere verbal substitution to correspond with the others. In all the previous parts of the bill that substitution has already been made. I will explain it in a moment, if the Senate will allow, when these verbal amendments have been made.

The PRESIDENT *pro tempore*. The amendment is considered as agreed to.

Mr. HOAR. Then, in line 56 of the same section, I move to strike out the words "of the tribunal."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 56 of section 4, after the word "decision," it is proposed to strike out the words "of the tribunal;" so as to read:

The votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws.

The PRESIDENT *pro tempore*. This amendment is considered as agreed to.

Mr. HOAR. Mr. President, it wants five minutes of the time when the unfinished business would under the rule be laid before the Senate; and, although I do not anticipate any considerable debate upon this bill as it now stands, I think I shall not ask the Senate to dispose of it in those five minutes, because it is important that every Senator who desires to offer any views upon the bill or listen to any should have that opportunity. I will, however, state——

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] desires to present a question, if the Senator from Massachusetts will allow his remarks to go over.

Mr. MANDERSON. I simply want to present a resolution.

Mr. HOAR. Then I will ask unanimous consent—and I will answer the question of the Senator from Mississippi to-morrow morning if the Senate gives it consent—that this bill may go over and may be taken up at the close of the routine morning business to-morrow morning, that it may stand to-morrow in the same place that it has now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate that the pending bill shall be taken up after the routine or regular business of the morning hour to-morrow. Is there objection? The Chair hears none, and that order will be made.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. MANDERSON. I ask consent to make a report from the Committee on Printing at this time, and I ask that the resolution reported be acted on at once. I am instructed by the Committee on Printing to report back favorably the following resolution:

Resolved, That there be printed for the use of the Senate 5,000 extra copies of the report of the Committee on the Judiciary, together with the views of the minority, upon the letter of the Attorney-General declining to transmit official records and papers concerning the administration of the office of district attorney, southern district of Alabama.

Mr. COCKRELL. I should like to amend that by adding "and the message of the President."

Mr. MANDERSON. That is part of the resolution.

The PRESIDENT *pro tempore*. The amendment of the committee will be reported.

Mr. MANDERSON. The committee does not recommend any amendment. It came to the committee in that form.

The PRESIDENT *pro tempore*. It must be treated as an amendment. The following amendment is proposed——

Mr. MANDERSON. Then the committee will recommend its adoption.

The SECRETARY. It is proposed to add to the resolution "and the message of the President."

The amendment was agreed to.

Mr. SAULSBURY. I inquire whether the resolution provides for printing the views of the minority as well as the report of the majority?

Mr. MANDERSON. That is also included.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, passed June 3, 1864.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond; and

A bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson and Caroline Augusta Urquhart.

HOUSE BILL REFERRED.

The bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883, was read twice by its title, and referred to the Committee on Printing.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. CULLOM. Mr. President——

Mr. MORRILL. I ask the Senator from Illinois to allow me to occupy a few minutes in relation to a matter introduced by the Senator from West Virginia [Mr. KENNA] in his speech on Friday.

Mr. CULLOM. I yield to the Senator from Vermont.

Mr. MORRILL. Mr. President, when the Senator from West Virginia [Mr. KENNA] was on the floor talking on the subject which is now brought to the attention of the Senate again he read a letter that was signed by me as chairman of the Committee on Finance. If it only related to myself I should not take any notice of it, but in justice to the committee I feel bound to call attention to it, because the Senator represented that that letter was the beginning of the controversy with the present administration in relation to the submission of papers in regard to suspended officers.

Mr. President, it will be noted that the letter as printed read as follows:

COMMITTEE OF FINANCE, UNITED STATES SENATE,
January 5, 1886.

DEAR SIR: Referring to the accompanying nomination of—

Leaving off the names—

suspended, will you please communicate to the Committee on Finance, United States Senate, the reasons for such suspension, or the papers on file in your Department which show the reasons for this suspension?

Very truly, yours,

JUSTIN S. MORRILL, *Chairman.*

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.

When we arrived here early in December last it was promulgated that this administration, and especially the Treasury Department, was to be administered on business principles, and, therefore, the Committee on Finance pursued their usual routine of business and sent a letter, as they had long been in the habit of doing, to the Secretary of the Treasury in identically the same terms as this one which was read by the Senator from West Virginia in relation to the suspension of a collector of an internal-revenue district—it is no matter where—and we received from the Department of the Treasury the following response:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 18, 1885.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, making inquiry as to the reasons for the suspension of—

I leave the names blank—

from the office of collector of internal revenue for the twenty-first district of ——, and asking that any papers in reference thereto be forwarded to the Finance Committee of the Senate.

I have to say, in reply, that Mr. —— was appointed collector of internal revenue for the district named on the 29th day of July, 1882. During the recess of the Senate the President, and this Department, became satisfied that Mr. —— was not discharging the duties of his office efficiently, or in accordance with proper business methods.

As evidence of his unfitness a letter written by him to the Private Secretary of the President, without previous communication of any kind, is hereto annexed.

There are no other reasons for such suspension in any papers on file in this Department.

Yours, respectfully,

DANIEL MANNING.

Hon. JUSTIN S. MORRILL,
Chairman of the Committee on Finance, United States Senate.

That was a letter giving abundant and satisfactory reasons for the suspension of this man, and there were also other papers sent and received, and I wish to say that the papers in support of the reasons given by the Secretary were so satisfactory to the Committee on Finance that it was unanimously reported—I believe I am trespassing. I say, then, that this person seemed to have as high a confidence in his ability in the position of an internal-revenue collector as Sancho Panza had in his ability to discharge the duties of governor of a certain island and he was about the same kind of politician, with equal qualifications, as I should judge.

It would seem that here was an example set that we might very well be allowed to follow and did follow; and it is the same policy we have pursued ever since I have been a member of the Committee on Finance, and we have never had a refusal until recently of full and satisfactory replies to any application to the Treasury Department for papers or information.

Mr. President, there is this one important consideration. When a man is proposed for an office it has always been the practice of the Committee on Finance, if there were any charges made against his character, official or personal, to give his friends and the person himself an opportunity of making a proper defense. We have even at this session gone so far in two instances as to permit the parties themselves to appear before the Committee on Finance to make any explanation of the charges or any argument in their defense that to them might seem proper.

Let me say that it would seem to appear as justice and equity to all parties that the parties who are about to quit office, to be turned out, if they are worthy of it, should go with as clean a bill of health as the parties that are to succeed them. That is the only point in the controversy so far as the Committee on Finance have made it; that is to say, if there were charges or reasonable grounds of suspicion that there were any charges against any parties suspended, they had a right to know it, or they had a right to know it if their record was a clean and correct one. The reputation of a man going out of office is as precious as that of the man coming in.

Mr. GEORGE. May I ask a question?

Mr. MORRILL. Certainly.

Mr. GEORGE. I desire to know whether or not this Sancho Panza collector that you turned out appeared in response to the charges—the one to whom that letter referred?

Mr. MORRILL. The letter over his own signature was a sufficient indication of what the qualifications and character of the man was. Now, Mr. President——

Mr. GEORGE. Do I understand the Senator then to say that no opportunity was given to that man to appear and defend his character?

Mr. MORRILL. He could not defend his illiteracy and he could not defend some other points, and did not ask it, which it is unnecessary to mention.

Mr. GEORGE. He was turned out then because he was illiterate, was he?

Mr. MORRILL. I do not say that. I wish to show that the Secretary of the Treasury ever since the law organizing the Department was established was subject to the following statute law by which the Department itself was organized, passed in 1789. I do not read the first part of it but I read the latter part:

To execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

By this it is perfectly clear that we have a right to call upon the Secretary of the Treasury to come before a committee of this body or to bring papers. The present presiding officer of this body when he was Secretary of the Treasury was called before the Committee on Finance, brought papers, and was subjected to two or three hours of examination, and gave us valuable information. No one will accuse that distinguished gentleman with not knowing his rights or with lowering the dignity of his office by so appearing and obeying the summons of the Senate.

Now, Mr. President, there is only one thing in relation to this matter that we do not insist upon, which is that the Department shall give reasons for removals, because that might be imposing too large an amount of labor and difficulty, but we have insisted that we should have such papers as were necessary for our action here in disposing of the cases that we have before us.

THE ISSUE AS TO DUSKIN.

Mr. CULLOM. Mr. President, the basis of the discussion which has

been going on in the Senate for several days is a resolution directing the Attorney-General to transmit to the Senate copies of all documents that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States for the southern district of Alabama, and the answer of the Attorney-General declining to transmit any papers relating to the suspension from office of Duskin, the former incumbent of that office, who was suspended during vacation.

The refusal of the Attorney-General to furnish the papers called for in this case is a denial of the right of the Senate, whose duty it is to legislate concerning the administration of public affairs, to inquire into the management of a public office at any time it may deem proper; and the excuse offered for this refusal is the fact that during the period of time covered by the resolution the incumbent of the office was suspended and another person designated to perform his duties.

The majority of the Senate maintain its right to pass such a resolution and that it is the duty of the Attorney-General under the law to obey it, while the minority of the Senate come to the support of the President and the Attorney-General and deny that it is the duty of the latter to obey the resolution.

It is assumed by the minority that the purpose of the Senate in passing the resolution was to inquire into the suspension of Duskin, and the Senator from Alabama [Mr. PUGH] disposes of the subject by saying that we are discussing a purely abstract proposition, that Duskin was suspended and Burnett appointed on the recommendation of the delegation in Congress from Alabama, and that Duskin did not complain. Let us see what Duskin himself says on that subject. I find the following letter in a recent issue of the New York Tribune:

To the Editor of The Tribune:

SIR: I had not intended to say anything in relation to my suspension from the office of United States attorney of the southern district of Alabama until the Attorney-General or the President had given some reasons therefor; but as the minority of the Judiciary Committee of the Senate have seen proper in their report upon the resolutions offered by Senator EDMUNDS concerning the office of district attorney for the southern district of Alabama to say that "Duskin has made no complaint to the Judiciary Committee, the President, or the Attorney-General that he was wronged by suspension," and that "the committee was fully informed that Burnett was recommended to the President by all the members of Congress from Alabama on personal knowledge of his high character," thereby seeming to intimate that I considered the President's action in suspending me just and proper, and that my character was not in the knowledge of the members of Congress from Alabama such as Mr. Burnett's, I ask leave in The Tribune merely to say that I did not complain to the Attorney-General or to the President, because I did not believe the President had been able to resist the importunities of Democratic politicians to have Republicans removed from office and their places filled by their own party friends, however sincere he might have been in his declaration that he would not remove an officer simply because he was a Republican; and that I had been removed because I was one, an offensive one perhaps, for I had dared to entertain and express my own political opinions on all proper occasions and to denounce publicly on the stump and in the United States court-room ballot-box stuffing and frauds at elections in the district. I did write to Senator EDMUNDS, the chairman of the Judiciary Committee of the Senate, and ask him to give me an opportunity to refute any charges that might have been made against my personal character or against my integrity and efficiency as an officer. I had been up to the time of my suspension United States attorney for the southern district of Alabama for about twelve years, and there had never been a truthful charge made against me by any one that I had not faithfully performed the duties of the office; and no President, Attorney-General, or any other officer of the Government ever made a complaint against me during that time. The papers, letters, reports, and documents pertaining to the office during the terms I held it are on file in the Departments at Washington, and will clearly show how faithfully, honestly, and economically I discharged my duties; and I confidently challenge a comparison of them for any given time with those placed there by my successor. And as to my good character as a man, I am willing to leave that to the honorable Senator from Alabama who presented the minority report to the Senate, to whom I am personally known.

GEORGE M. DUSKIN.

MOBILE, ALA., *March* 6, 1886.

These, sir, are the reasons given by Mr. Duskin himself why he had made no noise about the action of the President. But it appears that he appealed to the Judiciary Committee, or its chairman, for a hearing. Whether the fact that Duskin had made speeches against ballot-box stuffing was any part of the reason for such a unanimous request from the Alabama delegation for his suspension and Burnett's appointment I am unable to say. The Senator says this Senate is thrown into a moot court to discuss abstract propositions, as Duskin's term expired four weeks before we called for the papers. Sir, it is not a moot proceeding when we are seeking to find out whether an American citizen has been unjustly treated by having false charges, slanderous statements, and secret assaults made against him and filed in the Department to which he was formerly attached to blacken his character and injure his good name.

The Senator also says that the Attorney-General, in refusing the papers to the Senate, acted under orders from the President, and seems to think a disobedience of Presidential orders by the Attorney-General would be a great calamity, as it would disturb the confidential relations between the President and his Cabinet, and might result in the loss of his office. I can imagine a greater calamity to this country than that a Cabinet officer should lose his office. But the law should be obeyed, whether such a disaster is averted or not. The Attorney-General is an officer of the law. He holds an office created by law. Its duties are defined by law; and it is his duty to obey the law, whether it costs him his office or not.

THE PRACTICE OF CALLING FOR PAPERS.

Again, the Senator says in his minority report that during eighty years, from 1789 to 1867, there can not be found a single case like the one we are discussing. Well, sir, the truth is, as stated by the Senator from Vermont [Mr. EDMUNDS] in his report and remarks, that there can be found very few instances where information has been called for of any kind in which it has not been furnished. It may be that there can not be found a case where the facts are all exactly like this one. Neither are there any two things in all nature exactly alike, but there are nevertheless hundreds that are substantially alike. So in this matter. There are many cases alike in principle, if not in all the facts. The prominent fact is that when either branch of Congress has called for any information it has generally been furnished, and in the exceptional cases in which it was not the refusal was not based on constitutional prerogative. Some Presidents have asserted their independence as a co-ordinate branch of the Government and then furnished the information sought by either branch of the law-making power.

The Senator from Alabama finally lands the defense of the conduct of the administration in refusing the papers in the Duskin case on the broad platform that the power of removal is in the President alone, and that any law which attempts to interfere with its free exercise is unconstitutional. But when the President suspended Duskin he did it under the tenure-of-office act. So the case stands, that the President proposes to obey the law in getting men out of office, and then denies its constitutionality when the Senate says to him that under that law we have a right to inquire into his act of suspension, and to do that intelligently we need all the papers on file. The President uses the law in suspending men from office, and then in a volunteer message to the Senate he questions the constitutionality of that law and intimates that we are attempting to interfere with his high and mighty prerogative as the chief executive officer. Verily, consistency is not a jewel conspicuously worn in these days of Jeffersonian simplicity.

Now, Mr. President, let us consider the argument of the Senator from Alabama in relation to the letter read by the Senator from Vermont from Mr. Thurman, who formerly occupied a seat on this floor and who has been represented, and I think truly, as the greatest Democrat on American soil—a letter in which Mr. Thurman as chairman of the Judiciary Committee called for certain papers. The Senator from Alabama says that Mr. Thurman was calling for papers or information in relation to the removal of Shaeffer as chief-justice of Utah, and that that office did not come under the provisions of the tenure-of-office act, as judges were excepted from the terms of that law. The Senator therefore assumes that there is nothing in that case pertinent to this discussion. Let us see. I believe that Territorial judges do come under the provisions of that law, and the language of the letter indicates that Mr. Thurman and the committee believed so too. Mr. Thurman's letter reads:

APRIL 7, 1879.

SIR: Under the direction of the Judiciary Committee of the Senate, I have the honor to request that you will communicate to the committee any papers or information in your possession touching the question of the propriety of the removal of Michael Shaeffer, chief-justice of the supreme court of the Territory of Utah, and the appointment of David T. Corbin to that office.

Very respectfully, your obedient servant,

A. G. THURMAN, *Chairman.*

The Hon. ATTORNEY-GENERAL OF THE UNITED STATES.

Is there anything in that letter to indicate that Mr. Thurman believed that the office of a Territorial judge was not covered by the tenure-of-office act? The letter plainly shows that Mr. Thurman and the committee desired to know whether President Hayes had not done Judge Shaeffer and the public service a wrong in suspending him, and that they wanted to see the papers lest they and the Senate might do either Judge Shaeffer or the country an injustice.

I desire to say here a little outside of the record that I believed then and I believe now that the President of the United States did do Judge Shaeffer a wrong in suspending him from that office, because I believed then and I believe now that he was doing his whole duty as chief-justice of that Territory.

But suppose the Senator is right in saying that the Territorial judges are excepted from the law. If he is, he takes issue with the present Executive, who has suspended a number of them under the authority of that law.

I assert again that the Senator from Alabama if he undertakes to defend Mr. Thurman in his calling for the information in that case puts it under the Constitution alone without the law, and then the Senator from Alabama says that under the Constitution the President of the United States has the right to make removals, and it is none of the Senate's business or anybody else's business except the people's. So in either event, whether he refers to it under the law, or outside of the law under the Constitution, I say that the position of the Senator from Alabama is entirely indefensible. If the Senator is right, he is defending Mr. Thurman in doing what he asserts most positively he had no right to do. If the Senator is right, Mr. Thurman was attempting to interfere with the Chief Executive in the exercise of what we are told is his absolute power of removal under the Constitution by asking for the papers in the case of an officer who was not suspended under the tenure-of-office act, but under the Constitution. No matter which alternative is accepted, the defense of the President and the Attorney-General for their course in the particular case before us is gauzy and will not hold together.

WHAT ARE OFFICIAL PAPERS.

The honorable Senator from West Virginia [Mr. KENNA] has criticised the definition given by the honorable Senator from Vermont of a public paper, and in doing so has gone beyond the bound of reason, far into the domain of the absurd.

The importance or relevance of papers must be judged by their substance.

The hypothetical letters from "a vile man," suggested by the vivid imagination of the Senator from West Virginia, coming, as he says, from "a vile man," his vileness evidenced by their substance and their irrelevancy to any public question apparent to all, would of course be admitted to have no place on the public files; no matter what form of address had been used, such letters would properly and unhesitatingly be destroyed by their recipient. It would be unnecessary to seek any legal warrant for their destruction. The simple law of common sense would justify it, and no one knows that better than the Senator himself.

Now, the Senator has given free rein to his imagination and the result has been some hypothetical letters altogether improbable. On the question whether they were in good taste I will say nothing.

Following the idea suggested by the honorable Senator, I will describe a possible, in fact I think a very probable, communication to a public official, and inquire whether it would be a public or private paper.

Let me ask that it be supposed that A, who is a Republican, holds a Government office in some town, and that B, who is a Democrat, wants it. Such a state of things can be easily imagined, I am sure. The picture is so simple, so lifelike, that surely all will recognize it as something they have lately seen.

B therefore is out and wants to get in. He draws up a paper in which he charges all sorts of offenses against A—misconduct in office, "offensive partisanship," anything, so it is a charge. This paper is couched in legal phrases perhaps; it bears all the semblance of an information or a true bill of indictment. B signs it, perhaps makes oath to it; others who are friends to B join him in the charges.

The document is completed and duly forwarded to the President of the United States, and by him duly filed in the proper Department. Along with it, perhaps, or following close on its heels, is B's application, which is also duly filed, probably in the same box or pigeon-hole.

I emphasize the word "filed," for it may be shown to be an important word in this discussion. Assume for the moment that the President is right in holding that papers addressed to him concerning appointments or removals are not necessarily public papers. Assume, if you please, that he might read them and at once destroy them. They had perhaps (I only say perhaps) not fully reached the point at which they became public papers. But, sir, after he has read them and forwarded them to the Department to which they relate, and the file mark of that Department has been stamped upon them, they cease to be, if they ever were, private papers. I hold in my hands some letters from the public files of one of the Departments. They were furnished on the call of the Committee on Territories. I will indicate something of their character and read the file-mark which appears upon each individual letter.

These letters were in response to that committee before the discovery was made that all these vast amounts of documents or papers that get into the public files are private. What are the facts in reference to them, as the records of the Departments show? Here is one [exhibiting] stamped "Department of the Interior, appointment division, received 29th of August, 1885; Tombstone, Arizona, August 3, 1885." And so every single document in this package [exhibiting], which has been forwarded by A, B, and C, all over the country, in favor of the appointment of a given individual therein named, has the stamp of the Department on it. When these papers were put in the Department that stamp was put upon them; and I say if they ever were private papers, after that they became public papers beyond any possible question.

I will not stop to read the statute in reference to abstracting papers from the files, as it is claimed that this administration has the right to do. The theory is that all this mass of documentary evidence which has come into the possession of the different Departments of the Government, through the hands of the President perhaps, is his personal property and that he has a right to read it and destroy it or do what else he pleases with it. I say not. Papers once so filed become public property and are protected by the statute, sections 5403 and 5408.

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than $2,000 or suffer imprisonment, at hard labor, not more than three years, or both.

SEC. 5408. Every officer, having the custody of any record, document, paper or proceeding specified in section 5403, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than $2,000, or suffer imprisonment at hard labor not more than three years, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Were the doctrine to obtain that these papers continue to remain the private property of whomever addressed to, where would it lead? Would any one assert that ex-President Hayes or ex-President Arthur—the only two living ex-Presidents I believe that we have—could now go into the Departments and withdraw and destroy all such letters written to them while they held office, because they were only placed there for their convenience? Surely not, and I am unwilling to believe that the President of the United States or anybody connected with him believes any such thing.

But to return to the subject of B's effort to get A's office, and the paper he files to effect his object:

Acting upon the charges thus presented the President suspends A and designates—note the word designates—B to fill the office temporarily. Will the Senator from Alabama contend that such a document so filed is private, and that it is not in the province of the Senate to call for it when considering the propriety of confirming B in said office and thereby making A's removal complete?

B may be a perjurer, or may have deceived the President by statements utterly false, the evidence of which is to be found only in the papers filed by him.

The fear that such things may be prompted the call for papers, the refusal of which has resulted in the present controversy. If the President has truly said that he suspends no officers except for good cause, some such papers must have been filed. Indeed such documents have been invited by the present administration, as evidenced by a letter written by the present Postmaster-General, which I beg to read:

"OFFENSIVE PARTISANSHIP"—CELEBRATED CIRCULAR OF THE P. M. G.

[Confidential.]

POST-OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
Washington, April 29, 1885.

DEAR SIR: The continued illness of Mr. Hay will delay his coming for some time yet to the Department, and I think it desirable that some action should be taken in the way of removals, and am impatient to assist our people in securing relief, to which they are justly entitled, from partisan postmasters.

I have had a conference with the Virginia delegation, and they will soon bring in their cases, and I shall hope to make the earliest removals in that State. As soon as they shall be ready, and I hope within a week, I desire to appoint from three to ten in a county in Virginia, and amounting to several hundred altogether.

I had intended to write yourself and the Democratic delegation from Ohio to meet me this week and consider the plan upon which we should proceed in making removals in Ohio, but I understand it will be inconvenient for some of them to travel hither now, and it has occurred to me that perhaps the same end might be accomplished by writing.

I shall beg you, therefore, to consider the suggestions I make as to the methods of procedure, and if you can adopt them and get some cases ready within the next two or three weeks, I think within the month of May I can give substantial relief that will take away the importunity and discontent.

I think that from 15 to 20 per cent. of the fourth-class postmasters in Ohio might be removed within the next two months and great good accomplished thereby, if our people will adhere to a proposed plan.

That is, in fact, to pick out the most obnoxious and offensive partisans in each county to the number of a sixth to a quarter of all, and choose first-class men to take their places. I will require no more proof of partisanship in these selections than the affirmation of knowledge on the part of a Representative or Senator that the postmaster has been an active editor or proprietor of a Republican newspaper, printing offensive articles, easily shown by the slips, or a stump speaker, or a member of a political committee, or officer of a campaign club, or organizer of political meetings, or that his office has been made the headquarters of political work, or that his clerks have been put into the performance of political duties. Possibly other acts of equal force may be noted in some cases.

If the Representative does not know the fact, it should be established by some affidavit of some person whom he can affirm to be of unquestioned credibility or by some documentary evidence.

In recommending for appointment, I beg the Representative will state the age, business, and what kind of business experience, and a description of the business character of the applicant, and also his habits and standing in the community, and where there are various candidates, I shall be obliged by any explanations the Representative can give. This necessarily imposes a little trouble, and yet not very great, but it seems to me reasonable to require very extraordinary care and trouble to be taken to represent surely the facts.

The earliest removals and appointments of this kind will challenge the keenest scrutiny. The former must be justifiable, and the latter beyond criticism. Some mistakes have perhaps occurred, and our adversaries are keenly interested to make the most of every fault, because they have perceived a strong current of general disapprobation of the purposes of the administration.

In rendering this justice to our people, which consists of the removal of enemies and substitution of our friends, I feel that it is very desirable to proceed with extreme care, and that I am correctly representing the President's wishes and purposes in earnestly soliciting that every step may be taken accordingly. I may add that as the common good is infinitely beyond the welfare of any one person, however great his place, so appointments to further a mere personal end should be absolutely forbidden, and recommendations upon that basis may well expect disfavor.

I shall very willingly take up the case of any district or of any county, whenever they are ready; and I shall be glad if the Representative can personally attend and go over them. Papers should be sent in as soon as possible, and will be then carefully briefed in the Department; and when so made ready appointments can be made with great rapidity.

Should you think it desirable to have a personal conference before this is begun, I shall be very glad to meet the delegation, but as I have felt it desirable to relieve them of unnecessary journeying and expense, I have written a similar letter to each Representative from Ohio, and respectfully solicited responsive action in accordance with the spirit of it.

Very truly yours,

WILLIAM F. VILAS,
Postmaster-General.

Mr. EDMUNDS. That must be an official document. It is signed officially.

Mr. CULLOM. The Senator from Vermont suggests that this must be an official document, as it is so signed; but it seems to have been regarded as "confidential" at the time it was issued.

I desire to notice this letter a little more particularly. At the very outset of the letter the Postmaster-General says that the continued illness of the First Assistant, who has since passed away, delays action by the Department, and he continues:

I think it desirable that some action should be taken in the way of removals,

and am impatient to assist our people in securing relief, to which they are justly entitled, from partisan postmasters.

The people of this country were not moving fast enough for this administration. They were not getting ready for removals as fast as this reform administration thought they ought, and hence, as the mouthpiece of the administration, having announced their determination in the beginning of the administration to let everybody alone who was doing his duty, and as the people took them somewhat at their word, the Postmaster-General finally says he is impatient to get relief to his friends from the political enemies who are holding these offices, and he thereby invites the public to come to the relief of the administration and make cases for the removal of "partisan postmasters," as he saw proper to term them. Again he says:

As soon as they shall be ready, and I hope within a week, I desire to appoint from three to ten in a county in Virginia, and amounting to several hundred altogether.

There was an election coming on in Virginia, and the Postmaster-General, this reform officer, invites the people to come to the rescue, and tells them when they do get ready he will be able to appoint at least from three to ten in a county, and will get rid of several hundred in a little while! Again he says:

I shall beg you, therefore, to consider the suggestions I make as to the methods of procedure, and if you can adopt them and get some cases ready within the next two or three weeks, I think within the month of May I can give substantial relief that will take away the importunity and discontent.

By this time the people had begun to apply for themselves, and he thought if they would help that in a week he would take away some of the importunity that was pressing upon him for changes.

Let us go a little further:

That is, in fact, to pick out the most obnoxious and offensive partisans in each county to the number of a sixth to a quarter of all, and choose first-class men to take their places. I will require no more proof of partisanship in these selections than the affirmation of knowledge on the part of a Representative or Senator that the postmaster has been an active editor or proprietor of a Republican newspaper, printing offensive articles, easily shown by the slips, or a stump speaker.

He not only is anxious to go at this work, but he tells the people of the country how to make cases, and that they must hunt for the newspaper-men and the active editors or proprietors of Republican newspapers, and if they can be shown to be offensive by slips from the papers, or if they have been making speeches—

Or a member of a political committee or officer of a campaign club, or organizers of political meetings, or that his office has been made the headquarters of political work, or that his clerks have been put into the performance of political duties.

All these things he enumerates, which I think take in about everybody who is of any account, so that the people may understand how to go to work to make up charges against men who are in office, and he may give relief to the friends of the party. But lest none of those allegations in the indictments should be sufficient he adds another clause:

Possibly other acts of equal force may be noted in some cases.

I should think it probable that the honorable Postmaster-General had practiced law and that he had filed sometimes in the courts a declaration on a promissory note. All lawyers know that we generally put in one count declaring specifically upon the note, and for fear we may make a mistake we then put in the common count, so that we catch the man on the note and get a judgment anyway. So the Postmaster-General in this specific series of allegations that he makes, lest he has not made a full case, puts in the common count, so that anybody can be removed under it if persons see proper to make charges against him. Now, let us go a little further:

If the Representative does not know the fact, it should be established by some affidavit of some person whom he can affirm to be of unquestioned credibility, or by some documentary evidence.

There is the very foundation. He invites the people of this country, if they want a man turned out of office and have not the information themselves, to get somebody to file documentary evidence against him so that he may be able to make a case and turn him out. That is the kind of evidence that we are after to-day. We want the heads of these Departments to produce that documentary evidence in the case of A, B, C, and the six hundred or seven hundred men who had been removed from offices which are Presidential, so that we may know and that the world may know whether the men had their characters maligned and slandered or not. Let us go a little further:

The earliest removals and appointments of this kind will challenge the keenest scrutiny.

The Postmaster-General knew that he was doing a thing which was not in harmony with the avowed ideas of civil-service reform of his chief; and hence he says that the early removals will be scrutinized carefully and closely, and the moving spirits must be careful to make strong cases against that class of men.

So I might take up the time of the Senate in singling out items in this letter of the Postmaster-General, showing that right there was the beginning of the hypocrisy, I may say, of this administration in going back upon what they had pledged to the country, and at the same time undertaking to defend what they were doing. The Postmaster-General not only writes this letter himself, but he indicates in it that he has written the letter by the consent and understanding of the President of the United States, because he refers to the President and says they must be careful to keep the record all right.

Now, sir, if such papers are on file, they have become public papers; they are pertinent to our inquiry as to the fitness of the men proposed for office; we are entitled to them, and the President ought in good faith and obedience to law to produce them. If there are no such papers on file, let him say so, and the country will then be able to judge of his assertions that he has redeemed every pledge he has made to the people.

ALLEGED PRECEDENTS AGAINST CALLS FOR PAPERS.

The Senator from West Virginia then proceeds to cite a few precedents for the refusal by the Presidents and heads of Departments to furnish papers or information called for by one or the other of the Houses of Congress. In his investigation he seems to have discovered very few instances in which information called for has been withheld. Now, sir, assuming that all these cases were directly or even approximately analogous to the present controversy, would they establish a rule as against the hundreds, and, for all I know, thousands of cases in which calls for papers and information on all conceivable subjects have been promptly complied with?

But let us see how far they have any analogy to the question now in controversy.

The Senator cites the case of the refusal by President Jackson to furnish the Senate with a copy of a paper that had been published in the newspapers, purporting to have been read by him to his Cabinet officers, "relating to the deposits of public money in the Treasury of the United States," &c. There is no evidence that such a paper, if it existed, was in the nature of an official communication to any one, or that it was ever placed upon the files of any Department, or that it was even in existence at the time it was called for. In fact, from the description we have of it in the Senator's speech, it was more in the nature of a memorandum of what he desired to say to his Cabinet, and I do not suppose any one would assert the right of Congress to call upon the President for a report of all conversations he may have had with the members of his Cabinet. We are not asking anything of that sort now.

The Senator then cites the case in 1842, when the Secretary of War refused the House of Representatives information which they asked concerning the cause of removal of one Sylvester from a clerkship in the War Department.

This refusal was discussed by a committee of the House of which Hon. Garrett Davis was chairman, in which the action of the Secretary of War was condemned and the right asserted of either House of Congress to any and all papers on file in any of the Departments.

The next instance cited was in 1844, when President Tyler declined to furnish the Senate with "a copy of any instructions which may have been given by the Executive to the American minister in England on the subject of the title to and occupation of the Territory of Oregon since March 4, 1841," &c. The President, in reply, said he deemed it inexpedient in the then state of the subject-matter to furnish the information.

These are about all the cases he finds where calls for papers or information were met by refusals.

The Senator then proceeds to call attention to a resolution once offered in the Senate, which does not seem to have been adopted, proposing to call on the President for information concerning charges preferred against persons who had been removed from office. Why the resolution was not adopted the Senator fails to state and I do not know; but whatever the cause, there is no argument in it that we can not properly call for the information we are now seeking to obtain from the Executive Department.

Without, therefore, discussing the question whether the information called for in the cases cited by the honorable Senator was properly or improperly withheld, as precedents they are not in point in the present controversy, and are, in my opinion, only resorted to to cover up the real issue and to confuse the public mind.

But the climax of the Senator's argument was reached when he produced some musty documents which he said he had nearly forgotten to have read, although I think he would have lost nothing had he quite forgotten them. These documents, he said, were found in the archives of the State Department, and he for some unknown reason concludes that they were penned by Daniel Webster. They bear no date, they are addressed to no one, and no one signs them. They may possibly have been deposited in the State Department by some overzealous supporter of the Presidential prerogative for the convenience of the present Executive, as we are told other papers are deposited, and the Senator may have been made the innocent agent through whom these documents are to be palmed off on the public as genuine blanks once prepared for use by the State Department. A fusilade of such blank cartridges as these can not affect the matters really at issue, but they may perhaps, in the lack of a better defense, serve a useful purpose by beclouding the questions under discussion. There is no evidence given to show that such letters were ever used by the State Department in its correspondence with the Senate, and consequently, even supposing them to have been all the Senator claims for them, they were discarded and never used, because they could not properly be employed.

RESPONSIBILITY FOR THE CONTROVERSY.

I desire to enter my protest against what seems to me to be a studied effort on the part of those responsible for the present controversy between the President and the Senate to divert attention from the questions really at issue. In the first place, I protest against the assumption that the Senate by any action it has taken has sought to provoke this controversy. On the contrary, I assert that it has been provoked, and needlessly provoked, solely by the President and his advisers, who must alone bear the responsibility for whatever delay in the public business has been or may be occasioned.

During the year that has elapsed since the present administration came into power, I know of no instance in which the Senate has in any respect whatsoever failed to treat the administration with proper and impartial consideration, and with even and exact justice. The majority of this Senate, though not in political accord with the President, have not sought to offer any factious opposition to his administration, whatever may have been our opinions concerning some of its remarkable performances during this brief but Utopian era of reform.

The Senate has gone even farther than this. It has not only not offered any factious opposition for partisan purposes, but has treated the present administration precisely as a Republican administration would have been treated. No action has been taken which would not have been taken under similar circumstances had a Republican occupied the executive chair. No new rules have been adopted and no methods of procedure have been invented for the purpose of embarrassing an Executive who happens to be of a different, although perhaps undefined, political faith.

The fairness of this Republican Senate toward the present administration is illustrated by its record in matters of legislation as well as in the confirmation of appointments. How was it, sir, on the question of the Presidential succession? During the last Congress, when the administration was in the hands of the Republican party and we supposed it would continue to be, the Republicans of the Senate favored the passage of a bill changing the line of the Presidential succession. This measure was passed by the Republican Senate, but failed in the Democratic House. There was no politics in the measure then. Congress adjourned, and in time the present administration came into power. In time the Vice-President passed away, and the existing law, which could not be changed without our consent, assured the succession, in case of the death of the Presieent, to whomever the majority of this Senate might be pleased to designate by election as President *pro tempore*.

This was the situation of affairs when the present Congress convened, and the continuance of the Democratic administration depended upon but a single life. Memorable and melancholy events in the history of the Presidential office emphasize the uncertainty of this tenure. There was now the question of party advantage to be considered in connection with the Presidential succession. What is the record of this Republican Senate under these unusual circumstances? The first bill proposed, considered, and passed by this body at the beginning of this session was the Presidential succession bill passed by the Senate in the last Congress. This measure secured to the present administration beyond peradventure the control of the Government for the full term of four years, and it is needless to say that it was now promptly passed by the Democratic House and promptly approved by the Democratic President.

By this action, which is unprecedented in the history of political legislation, this Republican Senate voluntarily transferred its undisputed title to the Presidential succession into the hands of the Democracy, and demonstrated beyond question its disposition and determination to rise above mere partisanship in the performance of its public duties and in its attitude toward the present administration.

It is shown by the recent report of the Judiciary Committee that the course pursued by that committee in regard to the nominations made by the present Executive has differed in no respect from that which has been followed without question or objection for many years, both during the time when the Senate was under Democratic control and when it was under Republican control. This statement is not controverted in the report of the minority of the committee, so far as I have been able to observe, and it may therefore be safely assumed that the Senate has been proceeding in regular order and according to custom in these cases.

I submit, therefore, that under these circumstances the Senate can not fairly be charged with having been influenced by partisan considerations in any action that we have taken in reference to the nominations now pending, or with having by our action provoked the present controversy.

Now, sir, what has given rise to the present controversy? This Senate found itself charged with the duty of considering whether it could or would approve of the action of the President in suspending nearly seven hundred civil officers and in naming an equal number of men to take their places. This was not a small or trifling task to engage in. It sought in good faith to procure the papers on file in the several Departments relating to certain suspensions and nominations for the purpose of intelligently and wisely performing its duty in each case before it. It followed a course of action which had been followed without objection for many years, as the honorable Senator from Vermont [Mr. MORRILL] stated just before I commenced to address the Senate; and he is one of the oldest Senators in service upon this floor. The committees having such cases under consideration had been in the habit of sending for and receiving whatever papers were on file relating to any given case. So well was this custom understood that for a time no objection was made, and the committees were not denied the papers for which they asked, by the Departments called upon; but suddenly the leaven of reform began to work and a halt was called. Then, and not till then, did the present controversy begin. Then, and not till then, did the administration discover that the papers filed in cases of suspensions were not official papers, that they were private papers which belonged to the President, and that the Senate had no right even to politely ask for them, first, because they were private; second, because they belonged to the President, who had the right to burn them if he saw fit; and, third, because the Senate had nothing to say about suspensions or about removals from office at any rate.

It remained for an Executive who had proclaimed that public office was a public trust, and who was supposed to be conducting the public business behind glass doors, to make these interesting discoveries.

This discovery by the President raises the question whether the President has, as is claimed, the absolute power of removal of all civil officers except the judges. This carries with it the question more directly at issue, whether the Senate has authority to inquire into the action of the Executive in making suspensions from office, and in making such inquiry to require the production by the Executive Departments of papers on their files.

POWER OF REMOVAL.

Upon the question of the power of removal from public office by the President the Constitution, as we all know, is silent. The power, however, has been assumed to exist in the Executive, and for many years it was exercised by the President unchecked by any law of Congress. But the question has been often raised and ably discussed. The advocates of Executive prerogative largely base their opinions upon the noted precedent of 1789, when the question was raised in the First Congress on the consideration of an act for the creation of a department of foreign affairs, at the head of which should be a secretary to be appointed by the President, by and with the advice and consent of the Senate, and to be removable by the President. A motion to strike out the words "to be removable by the President" was made, and after discussion lost. This precedent is discussed in the somewhat famous report of the Morehead committee of the Senate in 1844, in which the reasons are assigned why the failure to strike out the words "removable by the President" should not be regarded as a precedent and followed as a proper construction of the constitutional power of the President on the subject. Attention is called in that report to the fact that Washington was then the President; that "he was the nation's first and most beloved citizen;" that "he had safely conducted the armies of his country through all the emergencies of the war of the Revolution to independence and peace;" and that "such was the universal confidence of his countrymen in his purity, patriotism, wisdom, and worth" that the representatives of the people in Congress did not hesitate to place in his hands any power that was not expressly prohibited by the terms of the Constitution.

The Morehead committee said:

> That such a precedent, established at a time and under circumstances like these, should be regarded as transient only and subject to be reconsidered by Congress whenever experience should demonstrate the necessity.

Resting upon the precedent of 1789 the power of removal or suspension was exercised without serious question during the *first thirty or* forty years of the existence of the Government, and the fact is that for five successive administrations the power of removal or suspension from office was seldom resorted to, and when resorted to was, with rare exceptions, exercised for just cause. During the time from Washington down to the beginning of Jackson's administration, according to the Morehead report, which I doubt not was correct, there were only one hundred and twelve removals made, and of course, such being the fact, there was nothing to awaken in Congress or the country an apprehension of danger arising from unchecked executive power.

Mr. EDMUNDS. And all those the law expressly authorized.

Mr. CULLOM. And all those, as the Senator from Vermont says, were expressly authorized. With the accession of Jackson to the Presidency a new era commenced, and the doctrine that "to the victors belong the spoils" had full sway. The question of regulating the exercise of executive power then began to be agitated, and became a more serious question on the public mind. In 1826, however, the question had been raised when Mr. Adams removed certain officers and a committee appointed to inquire into the expediency of reducing the patronage of the Executive. The committee reported in favor of regulating appointments by law. Its report asserted the power of Congress to legislate on the subject, and Mr. Randolph stated that it could not be answered.

In 1835 another committee was raised by the Senate to inquire into the extent of the executive patronage, and that committee, by Mr. Calhoun, submitted with its report two bills, one of which provided that the President should lay before Congress every four years the names of

all defaulting officers and agents charged with the collection and disbursement of public money whose commissions should be vacated, and also made it the duty of the President in all cases of nominations to fill vacancies occasioned by removals from office to assign the reasons for which such officers had been removed. The bill requiring the President to assign reasons for removals was passed by the Senate by a large vote.

Mr. President, it has been difficult at any time in the nation's history to secure legislation having for its object a limitation of the exercise of executive power in the disposition of official patronage. For many years of the Government's history removals or changes in office were comparatively few, and hence the country did not become alarmed lest the scramble for place should interfere with the proper administration of public affairs. While the constitutional power of the Executive to remove and the power of the Senate in the matter of removals and appointments were occasionally discussed, yet no such condition of affairs as exists to-day existed before the days of Jackson, and in those earlier days the people naturally failed to take much interest in the question as compared with the feeling for the last few years upon the subject.

The first check put upon the action of the President by actual legislation in the direction of restraint was the tenure-of-office act of 1867. While no statute had previously been enacted to restrain the President in the appointment and removal of civil officers, yet I think the fair conclusion to be drawn from the debates of Congress and the expressions of men whose opinions are entitled to respect is that the power exists in Congress to legislate to regulate the executive authority in the matter of removals from office. Such power was believed in by Hamilton, than whom no greater man, in my judgment, ever lived in the American nation, and who did more to map out the organization of this Government than any other man who had anything to do with it. That view was supported by Fisher Ames, by Calhoun, by Benton, by Webster, by Clay, and, coming down to the days when the tenure-of-office act was under discussion, by such men as Carpenter, and I believe it is understood all over this country that an abler lawyer had scarcely ever existed in his time in this country, and by Sumner, and I think by the majority of the earlier statesmen, as I have said, whose opinions would be accepted by the American people. Such power was assumed and exercised by Congress in the enactment of the tenure-of-office act. That act, as amended in 1869, stands upon the statute-book to-day, and, in the absence of judicial construction to the contrary, must stand as valid and in full force. That law, section 1767 of the Revised Statutes, provides that—

> Every person holding any civil office to which he has been or hereafter may be appointed, by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment with the like consent and advice of a successor in his place.

Section 1768, a part of that law, gives the President the power during the recess of the Senate to suspend any civil officer (except judges of the courts of the United States), appointed by and with the advice and consent of the Senate, until the end of the next session of the Senate. On the adjournment of the Senate at its session following such suspension the suspension runs out and ceases to exist, and if no appointment of a successor has been made with the advice and consent of the Senate the office would revert to the original incumbent. I think no other view can be sustained. Mr. Trumbull, who was a Senator from Illinois at the time, was chairman of the Judiciary Committee of the Senate and chairman of the conference committee on the part of the Senate to adjust differences between the Senate and House on the bill to amend the tenure-of-office act. That conference in 1869 resulted in the passage of the law as it now stands, and in explaining its provisions as arranged by the conference committee Mr. Trumbull said in the Senate:

> The only change made is this: As the bill passed the Senate it required a positive affirmative vote on the part of the Senate disagreeing to the suspension before the old officer could go back. As the committee of conference report it, the officer would go back at the end of the session unless somebody else was confirmed in his place. The authority of the President to suspend extends to the end of the session and no further, and, of course, the old officer then takes possession of his office.

In his extraordinary message to this Senate on the 1st instant the President, referring to the tenure-of-office acts of 1867 and 1869, said:

> The constitutionality of these laws is by no means admitted. But why should the provisions of the repealed law (of 1867), which required specific cause for suspension, and a report to the Senate of "evidence and reasons," be now, in effect, applied to the present Executive instead of the law afterward passed (in 1869) and unrepealed, which distinctly permits suspensions by the President in his discretion, and carefully omits the requirement that "evidence and reasons" for his action in the case shall be reported to the Senate?

It is true that the existing law does not in terms require the giving of "evidence and reasons." It does, however, limit the power of suspension. The President can not under the law remove an officer except with the advice and consent of the Senate. He can only suspend for a certain period. The limitation put upon the suspension by the President was for some purpose. What could that purpose have been unless what it seems to have been, namely, to give the Senate an opportunity to determine whether the action of the President was warranted and wise, and to approve that action by confirming the successor named by him, or disapprove it by rejecting? The effect of the law then is to make the Senate unquestionably a party to the act of removal as well as the act of appointment. The law means this, or, it seems to me, means nothing.

That being the case, the Senate has not merely the right to inquire into the action of the Executive in suspending a civil officer, but a duty to inquire is imposed upon the Senate by that law by the only natural and reasonable construction that can be put upon it. The Senate, therefore, is responsible as well as the Executive in the appointment and substitution of civil officers.

NECESSITY OF SENATE'S POWER TO OBTAIN INFORMATION.

A man may be grievously wronged, by removal from an office to which he has been appointed by and with the advice and consent of the Senate, upon charges of wrongdoing, which, though believed by the President, may have no foundation in fact. It is the right of the person so wronged to appeal to this Senate for vindication. Experience has shown that an Executive may be led to suspend upon *ex parte* statements, and that too, without any very careful inquiry into their truth or falsity.

Can it be that such wrongs can be perpetrated in this country, and, contrary to the legal maxim, have no remedy? I think not. I contend that a duty devolves upon the Senate to see in so far as it can that such wrongs are not perpetrated. How can the Senate discharge that duty intelligently unless they can be made acquainted with the facts? How can Senators say that they consent to and approve the action of the Executive if they are denied all knowledge of the ground of such action? The duty was not imposed upon the Senate without the right by natural implication to get at the information necessary to intelligently discharge it. Where can the information be found? Only in the Executive Departments of the Government. This is now denied us by the Executive. Look, then, at the position of the President! A law stands upon the statute-books, and is one of the laws he has solemnly obligated himself to see faithfully executed. That law, by the only reasonable construction that can be put upon it, imposes a duty upon the Senate, in the discharge of which it is necessary for the Senate to have access to certain papers on file in the Executive Departments. These the President denies to the Senate. He stands, therefore, in the position of blocking by his own act the operation of a law he is bound to see faithfully executed.

Every consideration of justice to the men against whom charges of wrongdoing have been made, every consideration of respect for the law, to say nothing of considerations of courtesy due from one branch of a common government to another, should suggest a prompt compliance on the part of the President with the request of the Senate for papers from the public files upon which he has acted in suspending civil officers. Without such information may not the Senate of the United States make itself party to great wrongs to worthy and deserving citizens by blindly indorsing the action of the Executive, while the law plainly makes it its duty to investigate and act with deliberation?

Or, on the other hand, may not the Senate, for the want of proper information in the premises, commit a wrong on the Government itself, by refusing to consent to the removal of an officer, whose removal the good of the public service really demands?

It may be argued that the Senate should make its own investigation as to the fitness or unfitness of persons who are nominated to or suspended from office. Nothing could be more specious.

These men are suspended, it is to be presumed, upon specific charges made and filed against them. They do not know with what they are charged, or by whom. How can such charges be answered? How can the Senate find out whether the officer was properly suspended?

Suppose, for example, charges are made against a civil officer by a political opponent who wants the office himself, and is so eager to secure it that he will even resort to falsehood and perjury to secure the suspension. Would the Executive put a premium upon perjury by throwing around the statements of such a person the veil of secrecy to protect him from the consequences of his statements falsely made?

In these times, when the "very hungry and very thirsty," the fasters of twenty-five years, are scrambling for seats at the official feast, let us pause and consider before we act.

May we not, if we do not beware, find ourselves confirming men in public offices whose very falsehood or perjury brought about the suspension of those whose places they are nominated to fill. Let me say here, and I believe the record will bear me out, that we have had since the Senate has been in session exactly such a case as that, where it was ascertained that the man had made false representations and he was rejected by the Senate as per consequence.

Will this Senate consent to the removal of an honest public officer and the appointment of a dishonest man in his place? Certainly not. Does the President desire anything of this sort? Surely I think not. Then let him produce the papers upon which suspensions have been made.

These papers are not only necessary for the information of the Senate in deciding upon the propriety of suspensions, but are absolutely necessary in order that we may be fully satisfied whether or not the person nominated is a fit and proper person for the office.

I desire to have it distinctly understood that I am not making these

remarks and detaining the Senate because I want any Republican put back in office. That is not the ground we are taking here. We are caring nothing on that subject, so far as I am concerned at least.

The question what constitutes good ground for suspension or removal does not enter here, though I for one am willing to concede large latitude to the Executive in the exercise of his discretion of suspension. Yet the Senate is bound under some circumstances to inquire into reasons for suspension of officers, though not necessarily in all cases. An officer may be suspended for just cause. Common report and general information may justify the suspension. In very many cases the President's action may not be called into question, and the Senate may not feel called upon to do more than approve.

But that is not the position of the Senate to-day with reference to many nominations now before it for action. Hundreds of men who have been suspended from office in whose places nominations have been made are appealing to the Senate for justice, not to get back their office, but to know on what grounds they were removed, having failed to ascertain the ground of suspension from the President. They have been summarily relieved of responsible offices for "cause," as they are given to understand. They are under the stigma of having been removed from office, after the President had proclaimed to the country that he would only suspend for good cause. The Executive has turned a deaf ear to their appeals to be informed what offenses are laid at their doors. In some cases their proffered resignations have been refused only that they might be subjected to the humiliation of being removed from office. They have been given no opportunity to be heard in their own defense, and can not even learn with what crimes they are charged.

I will take the liberty of saying here that I called upon the head of one of the Departments of this Government when he had made a suspension and politely asked him to give me copies of the charges which had been made against the removed or suspended officer, so that he and I might know upon what ground he had been suspended, and to this day I have heard nothing from that distinguished officer upon the subject, and nobody else has heard anything, so far as I know.

Can it be that here in our capital city has been set up a star-chamber court, where citizens are tried, convicted, sentenced, and sentence executed without one word of defense being heard or permitted, and that there exists no authority in the whole Government to question such a cruel and arbitrary power, or outside of the charmed circle no one able to learn the facts on which action is taken? I can not believe it. The idea of trying and convicting a person of charges of any sort without a chance of making a defense is abhorrent to all principles of right and justice.

Grant, if you please, for the sake of the argument, that the President rightly exercises his authority when he suspends from office one whose fault is that he differs from him on political questions. The President may perhaps be justified in making his administration politically harmonious. These questions I am not discussing, because they have nothing to do with the question now at issue.

But, I say, granting the right of the President to remove officers for political reasons, that should not in justice deprive the officer from the right to know the cause of his removal. To be removed from office because of one's honest political belief and principles is no disgrace. To be removed because of failure to do one's duty, or possibly for "offensive partisanship," stands as a blot upon one's record. I say perhaps "offensive partisanship" is disgraceful, for I do not know exactly what it is. It is a newly discovered offense, and not defined by statute. Whatever it is, I say that an officer suspended should be permitted to know the nature of the charges made against him. He should be accorded at least the same consideration as a person would have who should be arraigned in court to answer a criminal charge. I venture the assertion that there is scarcely a Senator within the sound of my voice who does not in his heart believe that simply what we are asking for here, the papers upon which these suspensions have been made, ought to be exhibited so that the world and the man suspended may know what the charges are against him, if there are any.

But the Executive denies to officers whom he dismisses from the service of the Government all knowledge of the cause for their dismissal. He denies to the Senate of the United States that knowledge, while at the same time asking the Senate to approve his acts and make them complete.

I will again concede a point for one moment for the sake of the argument. Suppose the President to be right in his position that the Senate has no legal warrant to call upon him for the papers showing charges against officers whom he has suspended—that such a demand on the part of the Senate is an encroachment upon his prerogative. Is he justified, because of a punctilious regard for a prerogative, in placing under a cloud of disgrace men who have held civil offices, and so far as the world knows or can find out have been guilty of no offense, and denying them the same right that the law of the land accords the meanest thief or criminal? Ought they not at least to be allowed to know with what they are charged?

But I will not admit the existence in one man of such power over the fate and character of citizens. It is incongruous in a government of law. It is only known in countries where one man is the law. It can not be that it exists here.

NATURE OF THE CONTEST.

Let me say that this is not a contest on a part of the majority of the Senate to interfere with the rightful prerogative of the President or to in any way blockade his administration of the law. The Senator from West Virginia, I believe, stated that the real purpose in this inquiry was not to get the papers, but it was to interfere with the President's right to administer this Government as he saw fit, being responsible to the people for its administration. I undertake to say that there is nothing in this discussion outside of what appears upon the record, and that is, substantially, to defend the hundreds of men who have been suspended, after the President and the Postmaster-General had declared that they would remove nobody except for cause when they removed hundreds of men against whom every one in the Senate knows no cause existed, unless it may have been that they were Republicans and not Democrats.

If facts have been furnished the Executive in writing and filed in the Government Departments justifying the suspension of public officers, why not give them? If officers, high or low, have proved recreant to their trusts why shield them from the condemnation they deserve? The mere statement of the Executive that he has suspended, with the implication that it carries that such suspension was deserved, is not sufficient, and the Senate should not, as it can not in my opinion, put upon the action of the President the seal of its approval while he refuses the papers we may require from which to learn the ground of his action in any given case.

Is it true, as we have often been told of late, that "a public office is a public trust," and in the hands of the Executive and the Senate jointly to bestow? Or is it the sole property of the Executive to give and take at will? Is the "advice and consent of the Senate" to a removal a mere perfunctory act to be performed at the behest of the Executive, as his clerk engrosses his letters or his proclamations? Will the gentlemen upon either side admit that they occupy that humiliating position?

We might now assume that the Executive in making suspensions was only attempting to make his administration politically harmonious in all its branches, as has been done under some previous administrations. But, sir, this conclusion is precluded as to the present Executive by his own words. In his letter of acceptance of the Democratic nomination for the office of President Mr. Cleveland used these words:

> The selection and retention of subordinates in Government employment should depend upon their ascertained fitness and the value of their work.

Again, after he had been chosen by the suffrages of the people to fill the high office of President he wrote a letter, which was published, to the National Civil Service Reform League of New York, in which he expressed his approval of the civil-service act, and made the following declaration of his position toward officers coming under the tenure-of-office act:

> There is a class of Government positions which are not within the letter o the civil-service statute, but which are so disconnected with a policy of an administration that the removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they were appointed solely on partisan grounds or for the purpose of putting in their places those who are in political accord with the appointing power.

Can we for one moment suppose that a serious man, chosen by a great party and afterward by the people for the office of President, would pen words of such weighty import in idle jest? Did the President jest when he said that competent officers should be retained until their terms expired, and if removed by him it would be because they were not "decent public servants?" If, then, the President has acted in good faith, he has suspended officers only in cases where they have failed in their duty. Their political opinions have cut no figure. They have been guilty of wrongs of which the world should know, and of which the Senate, a party to such removal, should certainly know.

In his recent message President Cleveland said:

> It has been claimed that the present Executive having pledged himself not to remove officials except for cause, the fact of their suspension implies such misconduct on the part of a suspended official as injures his character and reputation, and therefore the Senate should review the case for his vindication.

A little further on he said:

> If in any degree the suggestion is worthy of consideration, it is to be hoped there may be a defense against unjust suspension in the justice of the Executive.

The "justice of the Executive" forsooth!

> Upon what meat doth this our Cæsar feed,
> That he is grown so great?

Consider now the reasoning with which a suspended official must content himself: He held an office with a fixed tenure. He was assured by the Executive that he would not be suspended except for good cause. He is nevertheless suspended. He asks what cause existed for the suspension. He is not conscious of having committed any wrong or of having failed in any duty. Therefore, he thinks he is wrongfully suspended. But, while he may not know why he was suspended, or of what he has been accused, he is met by the comforting assurance from the President himself that he is defended from unjust suspension by the infallible "justice of the Executive." The executive justice must be infallible; else what defense can it be against unjust suspension? Hence, having been suspended, the officer must believe—indeed, he is not per-

mitted to doubt—that he has done wrong, though for his life he does not know what wrong he has done, nor can he find out.

This will not do. The theory that the king can do no wrong is long since exploded among enlightened nations. It never had a foothold in this land and never will have.

The President declares in his message that "not a suspension has been made except it appeared to my satisfaction that the public welfare would be improved thereby."

A very diplomatic statement this, but evidently intended to convey the impression that he claims to have kept his pledge to suspend only for good cause. With that view of the meaning of his statement I challenge its correctness. I make the assertion boldly and without fear of successful contradiction that in the State of Illinois public officials have been suspended by the present Executive than whom no more faithful and efficient public servants can be found, and against whom no charge of official misconduct can be sustained. If these men were not suspended simply and solely for political reasons, what in heaven's name were they suspended for?

I am not attempting to shield political friends from the loss of their offices, but I do propose to enter my protest against a secret star chamber trial and conviction of men whom I know and all their neighbors know to be honest men. These offices might be taken from them without injury to their character. It is not the loss to these men of their offices against which I am protesting, but the unwarranted reflection upon their good name which attaches to the manner in which their offices are taken from them. If the President has acted in good faith in these acts of suspension, I assert that he has been deceived. If charges have been filed against these men they should be permitted to examine them in the clear light of day. If no charges stand against them it is but right that the people and these men should know it. Where then are the reasons for concealment in this matter?

I desire for a few moments to refer to a document; and if we could get a report from the Postmaster-General to-day upon the cases of suspensions and removals, including Presidential offices and the fourth-class post-offices as well, all the postmasters whose offices are in that Department, I anticipate that we should get very much such a report as the one I hold in my hand. It is a report by the Postmaster-General in response to a resolution of the House of Representatives—House of Representatives, Executive Document No. 96, Thirty-ninth Congress, second session, dated February 18, 1867, made before the tenure-of-office law was passed in 1867. The report gives a *verbatim* list of all the men who were suspended and the reasons therefor. "Jacob E. P. Porter," for instance, "removed for political reasons." "William Mills, removed for political reasons," and so on through the list of all the States. This report was made by Postmaster-General Randall in 1867, just a little while before the tenure-of-office law was passed.

Let us see what the showing is that he makes in reference to appointments and removals. The whole number of removals was 1,644. Of this number 1,283 were for political reasons; 92 to give place to soldiers; 64 for failures to bond; 45 were supersedures by change of site of offices; 23 for unfaithfulness in office; 17 were caused by misapprehension of facts in the appointment of postmasters; 17 were caused by postmasters moving away; 16 were caused by postmasters abandoning offices; 8 were for intemperance; 9 because the postmasters were unsatisfactory to the citizens; 8 because of political reasons and neglect of duty; 3 to give place to widows of deceased soldiers; and so on through, giving the whole list of the removals that had been made by that Postmaster-General, and showing exactly the ground upon which each man was removed. The result was that the one or two thousand men who were removed did not go out to the country with their characters blackened by an assumption or presumption based on the position taken by the administration that nobody was to be removed from office except for good cause, but the reason was asserted in connection with each man's name that he was removed for political considerations, or if he was a rascal that fact was announced.

This report was made in February, 1867, and the tenure-of-office law was passed on the 2d of March, 1867, so that it came under the Constitution. The Postmaster-General in those days did not think that he was greater than the great legislative department of the Government, and that he could say, "Thus I will, and thus I will not," but in response to a resolution of the House of Representatives, they having nothing to do with his Department so far as confirmations were concerned, the Postmaster-General furnished the list of all removals and gave the specific reasons in each case. If the present Postmaster-General had done that, or even if the administration had not in the first place laid the foundation of beclouding the characters of men who have been removed or suspended, there would have been none of this discussion to-day. But the fact is otherwise. The gentlemen who are out of office care nothing for that fact, I assert, so far as any man in Illinois is concerned, but they do care to know whether any man has sneakingly skulked into the Post-Office Department and filed affidavits there, invited by the Postmaster-General, to blacken their characters, to come up against them perhaps in ten years, or against their family name after they are dead and gone. That is what we want to know here. That is the only reason why I have any feeling upon the subject at all, and I propose, so far as I am concerned, to stand here and defend the honest men who have been in office in Illinois against any unjust aspersions or suppositions upon their honesty of purpose and honesty of action as private citizens and as public officers as well. It is in my opinion contrary to law and a violation of the rights of individuals to deny them this privilege.

Has the President forgotten his own words, when, in accepting the nomination at the hands of the Democratic party for the office of President, he said:

> I believe that public temper is such that the voters of the land are prepared to support the party which gives the best promise of administering the Government in the honest, simple, and plain manner which is consistent with its character and purposes. They have learned that mystery and concealment in the management of their affairs cover tricks and betrayal.

Sir, are there "tricks and betrayal" behind the "mystery and concealment" to which the present administration has resorted? It is for the Executive to show that there are none. The production of the papers called for by the Senate alone will settle the question and satisfy this Senate and the people.

A refusal to produce them must and will be taken by the people as a plea of guilty to "tricks and betrayal," the extent of which the Executive is not willing the country should know.

Mr. MAXEY. Mr. President, the real question underlying the resolutions accompanying the report of the majority of the Committee on the Judiciary is one of unusual importance, affecting the harmonious relations contemplated by the Constitution between the executive and the Senatorial branch of the legislative department. The Duskin case, of course, is simply seized upon as an occasion to raise an issue with the Executive on a grave question of constitutional power. Duskin had ceased, by the expiration of his term, if not by his suspension, to be an officer of the United States before the resolutions were presented. Perhaps his was as good a case as another, for the purpose of the majority reached far beyond that case. It is well also to understand that the first resolution, which declares "That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send copies of the papers called for," &c., is aimed, not at the Attorney-General nor at his refusal, but at the President of the United States, and he who expects him to be guilty of the moral cowardice of yielding his deliberate convictions as to the constitutional powers vested in him as Executive reckons without his host.

On the first day of this month the President sent to the Senate a message in relation to the subject-matter now before the Senate. The resolutions and report of the majority of the Committee on the Judiciary were then pending. They were condemnatory of the course of the President on the very matter to be tried. Where does the Senate derive authority to condemn the head of a co-ordinate Department of the Government except as a court upon impeachment coming from the people's representatives? But as the Senate had assumed to try, had he not a right to be heard? Who knew as well as he the facts on which he acted? Yet when the message was read, the Senator from Vermont [Mr. EDMUNDS], who had taken the lead in this arraignment, declared from his seat that the message very vividly brought to his mind the communications of King Charles I to Parliament, telling them what they ought and ought not to do, &c. Is the Senate an *ex parte* inquisition? Is but one side to be heard? Who made the Senate judge over the political Israel of America? Not the Constitution, surely.

Sir, the fatal indecision of character which brought Charles Stuart under the power of Cromwell, and his head to the block, by the sentence of a court organized to convict, will not be found in Grover Cleveland. He who may attempt to play the rôle of Cromwell will find that this is not the country nor this the occasion, for the President stands on firm ground, backed by the Constitution and the people, while the unhappy Charles Stuart was violating the constitution and had estranged the people. The Cromwell has not yet been born who can, in the name of the Senate, grasp the constitutional power vested in the Executive. Still, that the majority will support the resolutions no one doubts, but that they will be condemned by that great body of triers who make Presidents and Senators I have no sort of doubt.

The speech of the Senator from Alabama [Mr. PUGH], on behalf of the minority of the Committee on the Judiciary, was fully up to the expectations of his party friends, among whom his ability, enriched by ripe experience, is recognized. The speech of the young Senator from West Virginia [Mr. KENNA] was beyond the expectation of his most sanguine friends, although much was expected. To what they so well said I beg to add my contribution, and I shall present, as concisely as I may be able, the reasons which will control my action. The resolutions of the committee are as follows:

> *Resolved*, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.
>
> *Resolved*, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.
>
> *Resolved*, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers, the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Resolved, That the provision of section 1754 of the Revised Statutes declaring—

"That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office"—

ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier, whose faithfulness, competency, and character are above reproach, and to give place to another who has not rendered such service, is in violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

The scope of the resolutions is more fully developed by the majority report and the speech of the Senator from Vermont [Mr. EDMUNDS] in support of the report and resolutions. The minority present their views and conclusions in a paper of marked ability.

It is well to note that however disguised the motive of the majority may be, the real object is to compel the President, sooner or later, to discover to the Senate the reasons which influenced him in making suspensions and removals. It is an attempt to do indirectly what confessedly can not be done directly. The report which seeks to support and explain the resolutions will, I think, fully sustain this view. That report may be divided into three heads; the first, a collection of what the majority are pleased to consider precedents, and which have no bearing on the real question; the second, an arraignment of the President for what the majority are pleased to term a violation of his pledge, and which is simply a stump speech injected into what ought to be a report on a grave constitutional issue between one of the co-ordinate Departments of the Government and one branch of another, and entirely outside the question at issue; the third part is a twin of the second, being also a stump speech addressed to the soldier element, and manifestly having no relations whatever to the issue. The report is nominally addressed to the Senate, and that is all.

Complaint is made that there have been six hundred and forty-three suspensions under the present administration. The complaint that the people who elected the present Executive make is that there have not been ten times six hundred and forty-three removals. The significance of the election of November, 1884, as I construe it, was a change from Republican to Democratic principles, methods, and policies. A Democratic administration was desired and expected, root, stem, and branch. Genuine civil-service reform demands that the Executive, who is required by the Constitution to take care that the laws be faithfully executed, should have the selection of honest and competent agents, in accord with the policy indicated by his election. Any attempt to conduct an administration through officers hostile to its policy will necessarily prove a failure.

The Republicans—wise in methods—urge a power in the Senate which, if carried out, keeps or aims to keep the "ins" in and the "outs" out, in violation of the will of the people expressed through the ballot-box. And, however much this object may be disclaimed, it results all the same.

THE ISSUE.

Stripped of all unnecessary verbiage, the simple issue is, where and in whom is the power of removal lodged by the Constitution? There is no escape from it, no evasion of it. The minority in the Senate, representing the majority of the people, stand upon the decision of the fathers, recognized from the First Congress under the Constitution, in 1789, by all succeeding Congresses, by the courts, by the commentators, by the people without successful question by any party, Federal, Democrat, Whig, or Republican, down to the year 1867. And then for the first time in the history of this country Congress assumed to control the question of removal from office. I step aside a moment from the line of my argument to sketch the occasion for the act of 1867.

What were the circumstances under which that claim was made? Andrew Johnson occupied the Presidential chair. Angry disputes between him and Congress resulted in complete estrangement and mutual distrust. He had been elected by the Republican party. They believed that he had abandoned their party and returned to the fold of the Democratic party from which he had unhappily strayed; and the Republicans being in an overwhelming majority in both Houses, determined to bend him to their will, or, at all events, to so trammel him that he could not be in the way of their policy. Under these circumstances the act of March 2, 1867, was passed. This act may be found in United States Statutes at Large, volume 14, page 430. I beg to call your attention to the first, second, and sixth sections of the act:

Be it enacted, &c., That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

* * * * * * *

SEC. 6. *And be it further enacted*, That every removal, appointment, or employment, made, had, or exercised, contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors, and, upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding $10,000, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court: *Provided*, That the President shall have power to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointment shall have been advised and consented to by the Senate.

This act in the calm light of sober reflection is amazing. It stands out in bold relief without a counterpart in the history of this Government. It shows to what extremes grave legislators may go in times of high party excitement. Two years afterward some of the principal features of this most arbitrary and oppressive act were modified, and others swept from the statute-book, and the act approved April 5, 1869 (volume 16, page 6), was substituted. I read that act, so that its provisions may be contrasted with those of the act of 1867:

An act to amend "An act regulating the tenure of certain civil offices."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sections of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, be, and the same are hereby, repealed; and in lieu of said repealed sections the following are hereby enacted:

That every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 2. *And be it further enacted*, That during any recess of the Senate the President is hereby empowered, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the United States courts, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion by the designation of another, to perform the duties of such suspended officer in the mean time; and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the suspended officer, and shall, during the time he performs his duties, be entitled to the salary and emoluments of such office, no part of which shall belong to the officer suspended; and it shall be the duty of the President within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

SEC. 3. *And be it further enacted*, That section 3 of the act to which this is an amendment be amended by inserting after the word "resignation," in line 3 of said section, the following: "or expiration of term of office."

Approved, April 5, 1869.

It will be found by the record of the proceedings of the Forty-first Congress, first session (Congressional Globe, page 40), that the House by the unusually large vote of 138 to 16 voted for the total repeal of the act of 1867. The bill went to the Senate and was amended by striking out the repeal and substituting suspension of the statute till the first day of the next ensuing session. This was rejected by the House. The debate in the two Houses will show that the ablest Republicans in both Houses were in favor of the total repeal or a material modification. After various efforts at compromise the present statute was agreed on, and as I proceed I will show the construction in the House given to the conference report which became the act. The persistency with which the Senator from Vermont and those acting with him held to the principle of Senatorial control embodied in the original act alone retained any of it.

The House was unquestionably for a total repeal. The principle of Senatorial control over removals is retained from the act of 1867 in the act of 1869. And this last act further provides that during any recess of the Senate the President is empowered in his discretion to suspend, &c., thus claiming to grant by law the power of suspension, but conceding it at his discretion. If he is empowered to suspend, what has the Senate to do with it? The Democratic party from its foundation has recognized the power of removal to be vested in the President by the Constitution.

It has been said in this debate that the President possessed the power of removal because prior to 1867 the law conferred it. If by law is meant a statute and not the Constitution the assertion is unwarranted.

The acts of 1789 organizing the Departments of Foreign Affairs, Treasury, and War did not pretend to grant to the President the power of removal, but recognized the fact that the power was already in him by the Constitution, and this fact was constantly recognized till the act of 1867

I now return to the line of argument I was pursuing and from which I digressed in order to embody the facts stated in these remarks in relation to the history of the acts of 1867 and 1869 with a view to their use further on.

First. By Article I, section 1, the Constitution vests in Congress exclusive power of legislation in respect to all matters therein granted.

Second. By Article II, section 1, the executive power is vested in the President.

Third. By Article III, section 1, the judicial power is vested in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish.

In these articles and sections the great powers delegated to the United States by the Constitution are partitioned among the three co-ordinate departments of equal dignity and in all respects independent of each other, save and except in the matters specially named in the Constitution. Neither can encroach upon the well-defined boundary of the other, and for convenience I transcribe these sections and the parts of the Constitution which bear upon the question at issue.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1, Constitution.)

The executive power shall be vested in a President of the United States of America. (Article II, section 1, Constitution.)

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. (Article III, section 1, Constitution.)

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments. (Article II, section 2, clause 2, Constitution.)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session. (Article II, section 2, clause 3, Constitution.)

He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. (Article II, part of section 3, Constitution.)

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors. (Article II, section 4, Constitution.)

Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

The general grant to the President and investiture of executive power is of all executive power, save and except as qualified in the matter of treaties and appointments. The general grant of legislative power to Congress is of all legislative power, save as modified or restricted by clause 2, section 7, Article I, granting to the President a qualified veto power. There is no blending of legislative or executive with judicial powers.

The Constitution declares that "the executive power shall be vested in a President of the United States of America." He has the vested right, solely and exclusively, to exercise that power, save as it may be qualified by clause 2, section 2, Article II of the Constitution. As to exceptions out of a general power, the Supreme Court says:

This court, in construing the Constitution as to the grants of power to the United States and the restriction upon the States, have ever held that an exception of any particular case presupposes that those which are not excepted are embraced within the grant or prohibition, and when no exception is made in terms none will be made by mere implication or construction. (Rhode Island *vs.* Massachusetts, 12 Peters, 637; and cites 6 Wheaton, 378; 8 Wheaton, 489, 490; 12 Wheaton, 438; 9 Wheaton, 206, 207, 216.)

If there be in the Constitution an exception to the general grant of executive power to the President it is in what relates to treaties and appointments, and it is with the latter only that it is necessary now to deal. Let us first look into the question of appointment.

IN WHOM IS THE POWER OF APPOINTMENT VESTED?

The language of the Constitution, to my mind, makes the point entirely clear. "He [the President] shall nominate, and, by and with the advice and consent of the Senate, shall appoint," &c. The sentence is just as clear as if it had read: "He shall nominate, and, by and with the advice and consent of the Senate, *he* shall appoint," &c. But if there could be a question raised that this is the true meaning, it is settled by the Supreme Court of the United States in the case of Marbury *vs.* Madison, 1 Cranch, Chief-Justice Marshall delivering the opinion, as follows:

First. The nomination. This is the sole act of the President, and is completely voluntary.

Second. The appointment. This is also the act of the President, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate.

Third. The commission. To grant a commission to a person appointed might perhaps be deemed a duty enjoined by the Constitution. "He shall," says that instrument, "commission all the officers of the United States." (Page 154.)

And again:

The appointment being the sole act of the President, must be completely evidenced when it is shown that he has done everything to be performed by him. (Page 156.)

Again:

The last act to be done by the President is the signature of the commission. He has then acted upon the advice and consent of the Senate to his own nomination. The time for deliberation is passed. He has decided. His judgment on the advice and consent of the Senate concerning his nomination has been made, and the officer is appointed. The appointment is evidenced by an open, unequivocal act, and being the last act required from the person making it, necessarily excludes the idea of its being, as far as respects the appointment, an inchoate and incomplete transaction. (Page 156.)

UPON WHOM DOES THE RESPONSIBILITY REST?

The responsibility for the faithful execution of the laws by the very terms of the Constitution rests on the President, and in the nature of things the executive power vested in him by the terms of that instrument embraces the power of intrusting this execution to faithful and competent agents, and if he finds one who is faithless or incompetent he not only has the power but it is a solemn duty to remove the faithless or inefficient incumbent.

Power and responsibility must in any well-ordered government go hand in hand.

The President is responsible under his oath of office to the people, not to the Senate. If he willfully fails or criminally neglects to take care that the laws be faithfully executed he is liable to impeachment by the House and trial and conviction by the Senate, sitting not in its legislative, not in its executive, but in its judicial capacity as a court under the Constitution to try the impeachment, and under oath as such court, as follows, administered to each member of the Senate before trial had, to wit: "I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——, now pending, I will do impartial justice according to the Constitution and laws. So help me God." And when the Chief Magistrate is on trial the Chief-Justice of the United States presides. Yet in the pending resolutions, the Senate, sitting in its legislative capacity, without impeachment from the House, assumes to condemn the President, and further assumes the power against his will to force him to retain officers whom he can not trust; and yet if the laws are not faithfully executed he may be held criminally responsible, because the Constitution holds him responsible for their due execution. It is true that he might plead that he was forced by the Senate to keep the faithless agents. Who are his triers? The same Senate.

But suppose it should be manifest to the Representatives of the people that the Senate was obstinately obstructing the due execution of the laws, what can the House of Representatives do? They can not impeach Senators, because they are not civil officers of the United States, and it would be folly to impeach an officer in whose favor the triers—the Senate—had already entered judgment. Thus by this bending, this distortion of the Constitution, this destruction of its harmonious arrangement, its great aim, an efficient, faithful administration of the Constitution and laws, is thwarted. I can not conceive how any man can find in the Constitution warrant for the claim that the President can not remove without the consent of the Senate.

The Constitution specially confers upon the Senate the power to "advise and consent" to the appointments—not to make appointments, but to advise and consent to appointments; and when that advice and consent are had the duty of the Senate is performed and the President appoints. But nowhere does the Constitution declare that the Senate shall advise and consent to removals. And as the duties of the Senate are legislative, not executive, and as both appointments and removals are executive in their natures, and in no sense legislative, and as the "advice and consent" to the appointment—not partnership in making the appointment—are superimposed on the executive power of appointment vested in the President and an exception to the general grant, the exception, by all the rules of law, must be strictly construed.

The Senate can extend its power not one whit beyond this special exception, and no other power—removal or any other—can be superimposed upon the limited power of "advice and consent" in matters of appointment. And had the Constitution not specially required the "advice and consent" to appointments, the vested executive power of the President would have clothed him with the sole power of making appointments without such advice and consent, precisely as it now does in matters of removals; for let it be kept in view that "an exception of any particular case" (as in this case "advice and consent" to an appointment) "presupposes that those which are not excepted are embraced within the grant" (as in this case of executive power to the President), and that when "no exception is made in terms," as there undoubtedly is not of "removal" from the general grant of executive power, "none will be made by implication."

I therefore hold that by the very terms of the Constitution the power of removal is vested alone in the President. The term "executive power" is equal to all its parts, and removal is an essential part or element of executive power, and the Constitution in granting executive power to the President necessarily grants the power of removal, and it nowhere restricts its exercise.

Those who claim that the appointment is the joint production of the President and Senate insist that the power of removal is an incident of the power of appointment, that the same power which appoints can remove, and that removals can not otherwise be effected. To my mind

this is a transparent fallacy. Senators are appointed by State Legislatures; Representatives, by the people; the people, in the manner prescribed by the Constitution, appoint the President; the President, the Senate advising and consenting, appoints judges; but in not one of these cases does the power which appoints remove. I do not place the power of removal as an incident to the power of appointment, but it is, in my judgment, clearly a substantive power vested in the President by the Constitution, to the end that he may "take care that the laws be faithfully executed."

But if the position that the same power which appoints must remove have any force and prove anything, it proves too much for its advocates; for if the argument I have made and the authorities offered, including the decisions of the Supreme Court, prove anything, they prove that the President appoints, and so by that theory the President may remove.

But before passing to a consideration of the tenure-of-office act of 1867, amended by the act of 1869, I wish to fortify the argument already made by authorities which will command the respect of all, and I shall quote copiously, not only because of the great weight of the distinguished characters whom I shall cite, but because the authorities are not all of ready access to the people who will read the debate now going on.

THE GREAT DEBATE OF 1789,

in the House of Representatives, on the very question now before the Senate, has never been surpassed in research or ability in the deliberations of Congress or any other deliberative body. It was conducted on all sides with that dignity and decorum which should mark all debates, but especially one involving a question of constitutional construction of the highest moment. This debate was opened in the House of Representatives May 19, 1789, on a motion of Mr. Madison as follows:

Mr. Madison moved that it is the opinion of the committee that there shall be established an executive department, to be denominated the department of foreign affairs, at the head of which there shall be an officer to be called the secretary to the department of foreign affairs, who shall be appointed by the President by and with the advice and consent of the Senate; and to be removable by the President. That there shall be a Treasury Department, &c. That there shall be a War Department, &c. Mr. Vining seconded the motion. (Annals First Congress, volume 1, pages 370, 371.)

Many of the ablest minds in that Congress, a number who had participated in framing the Constitution, and all contemporaries of its framers, took part in the debate, among whom were Mr. Madison, Mr. Boudinot, Mr. Ames, Mr. Sedgwick, Mr. Smith of South Carolina, Mr. Goodhue, Mr. Gerry, Mr. Baldwin, Mr. Clymer, Mr. Benson, and Roger Sherman. Mr. Madison at the outset of the debate spoke as follows:

I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses. On the constitutionality of the declaration I have no manner of doubt.

And again, at a later day, Mr. Madison said:

It is evidently the intention of the Constitution that the First Magistrate should be responsible for the executive department; so far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him he is not responsible to his country. Again, is there no danger that an officer, when he is appointed by the concurrence of the Senate, and has friends in that body, may choose rather to risk his establishment on the favor of that branch than rest it upon the discharge of his duties to the satisfaction of the executive branch, which is constitutionally authorized to inspect and control his conduct? And if it should happen that the officers connect themselves with the Senate they may mutually support each other, and for want of efficacy reduce the power of the President to a mere vapor; in which case his responsibility would be annihilated and the expectation of it unjust.

And further on in the same speech:

The question now resolves itself into this, Is the power of displacing an executive power? I conceive that if any power whatever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office, by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his executive power, to make such appointment? Should we be authorized, in defiance of that clause in the Constitution, "The executive power shall be vested in a President," to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted that we should not be authorized to do this, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first only authorized by being excepted out of the general rule established by the Constitution in these words: "The executive power shall be vested in the President."

The judicial power is vested in a supreme court, but will gentlemen say the judicial power can be placed elsewhere, unless the Constitution has made an exception? The Constitution justifies the Senate in exercising a judiciary power in determining on impeachment; but can the judicial power be further blended with the powers of that body? They can not. I therefore say it is incontrovertible, if neither the legislative nor judicial powers are subjected to qualifications other than this demand in the Constitution, that the executive powers are equally unabatable as either of the others; and inasmuch as the power of removal is of an executive nature, and not affected by any constitutional exception, it is beyond the reach of the legislative body.

I invite your attention to the following able and lucid argument of Mr. Boudinot:

Mr. BOUDINOT. This is a question, Mr. Speaker, that requires full consideration, and ought only to be settled on the most candid discussion. It certainly involves the right of the Senate to a very important power. At present, I am so impressed with the importance of the subject that I dare not absolutely decide on any principle, although I am firmly persuaded we ought to retain the clause in the bill; and, so far as it has been examined, I agree that it is a legislative construction of the Constitution necessary to be settled for the direction of your officers. But if it is a deviation from the Constitution, or in the last degree an infringement upon the authority of the other branch of the Legislature, I shall most decidedly be against it. But I think it will appear, on a full consideration of this business, that we can do no otherwise than agree to this construction, in order to preserve to each department the full exercise of its powers, and to give this House security for the proper conduct of the officers who are to execute the laws.

The arguments adduced are to show that the power of removal lies either in the President and Senate, or the President alone, except in the cases of removal by impeachment. There is nothing, I take it, in the Constitution, or the reason of the thing, that officers should be only removable by impeachment. Such a provision would be derogatory to the powers of Government and subversive of the rights of the people. What says the Constitution on the point? (I fear, sir, it has not been rightly comprehended.) That the House of Representatives shall have the sole power of impeachment; that the Senate shall have the sole power to try all impeachments; and judgment shall not extend further than to removal from office, and disqualification to hold it in future. Then comes the clause declaring absolutely that he shall be removed from office on impeachment for and on conviction of treason, bribery, or other high crimes or misdemeanors.

It is this clause which guards the rights of the House and enables them to pull down an improper officer, although he should be supported by all the power of the Executive. This, then, is a necessary security to the people, and one that is wisely provided in the Constitution. But I believe it is nowhere said that officers shall never be removed but by impeachment; but it says they shall be removed on impeachment. Suppose the Secretary of Foreign Affairs shall misbehave and we impeach him; notwithstanding the clearest proof of guilt, the Senate might only impose some trifling punishment and retain him in office, if it were not for this declaration in the Constitution.

Neither this clause nor any other goes so far as to say it shall be the only mode of removal; therefore we may proceed to inquire what the other is. Let us examine whether it belongs to the Senate and President. Certainly, sir, there is nothing that gives the Senate this right in express terms; but they are authorized, in express words, to be concerned in the appointment. And does this necessarily include the power of removal? If the President complains to the Senate of the misconduct of an officer and desires their advice and consent to the removal, what are the Senate to do? Most certainly they will inquire if the complaint is well founded. To do this they must call the officer before them to answer. Who, then, are the parties? The supreme executive officer against his assistant; and the Senate are to sit as judges to determine whether sufficient cause of removal exists. Does not this set the Senate *over the head of* the President? But suppose they shall decide in favor of the officer, what a situation is the President then in, surrounded by officers with whom by his situation he is compelled to act, but in whom he can have no confidence, reversing the privilege given him by the Constitution, to prevent his having officers imposed upon him who do not meet his approbation.

But I have another more solid objection which places the question in a more important point of view. The Constitution has placed the Senate as the only security and barrier between the House of Representatives and the President. Suppose the President has desired the Senate to concur in removing an officer and they have declined; or suppose the House has applied to the President and Senate to remove an officer obnoxious to them and they determine against the measure, the House can have recourse to nothing but an impeachment, if they suppose the criminality of the officer will warrant such a procedure. Will the Senate then be that upright court which they ought to appeal to on this occasion when they have prejudged your cause? I conceive the Senate will be too much under the control of their former decision to be a proper body for this House to apply to for impartial justice.

As the Senate are the *dernier ressort* and the only court of judicature which can determine on cases of impeachment, I am for preserving them free and independent, both on account of the officer and this House. I therefore conceive that it was never the intention of the Constitution to vest the power of removal in the President and Senate; but, as it must exist somewhere, it rests on the President alone. I conceive this point was made fully to appear by the honorable gentleman from Virginia [Mr. MADISON] inasmuch as the President is the supreme executive officer of the United States.

Mr. Vining, in reply to Mr. White's proposition that the same power that appoints must remove, and, according to Mr. White, the President and Senate appoint, and therefore it takes the President and Senate to remove, said:

It may be contended, on the gentleman's principles, that the President shall have the power of removal because it is he who appoints. The Constitution says he shall nominate and, under certain qualifications, appoint. The Senate do not appoint; their judgment only is required to acquiesce in the President's nomination. Where, then, is the natural responsibility placed? Because, where that is, ought to be the power of removal. The Constitution contemplates no other principle. If we were to insert a contrary one, the Government must go to destruction.

Mr. Boudinot, in another speech from the one before quoted, said:

Now, let us take the Constitution, and consider, from the terms and principles of it, in whom this power is vested. It is said by some gentlemen to be an omitted case; I shall take up the other principle, which is easier to be maintained, that it is not an omitted case, and say the power of removal is vested in the President. I shall also take up the principle laid down by the gentleman from Virginia [Mr. White] at the beginning of his argument, that agreeable to the nature of all executive powers, it is right and proper that the person who appoints should remove. This leads me to consider in whom the appointment is vested by the Constitution. The President nominates and appoints; he is further expressly authorized to commission all officers. Now, does it appear from this distribution of power that the Senate appoints? Does an officer exercise powers by authority of the Senate? No; I believe the President is the person from whom he derives his authority. He appoints, but under a check; it is necessary to obtain the consent of the Senate; but after that is obtained, I ask who appoints? Who vests the officer with authority? Who commissions him? The President does these acts by his sole power, but they are exercised in consequence of the advice of another branch of the Government. If, therefore, the officer receives his authority and commission from the President, surely the removal follows as coincident.

And further on in the same speech he declared:

Gentlemen say they have a sufficient remedy for every evil likely to result from connecting the Senate with the President. This they propose to do by allowing the power of suspension. This, in the first place, does not answer the end, because there is a possibility that the officer may not be displaced after a hearing before the Senate; and, in the second place, it is entirely inconsistent with the whole course of reasoning pursued by the gentlemen in opposition. I would ask them if the Constitution does not give to the President the power of removal, what part is it that gives the power of suspension? If you will in one case construe the Constitution, you may do it in another, for I look upon it as dangerous to give the power of suspension by implication as to give the full

power of removal. Gentlemen, observe that I take it for granted that the President has no express right to the power of suspension, and that if he is to exercise it, it must be drawn by constructive reasoning alone from the Constitution. If we are to exercise our authority, we had better at once give a power that would answer two valuable purposes than one altogether nugatory. In the first place, it would entirely separate the legislative and executive departments conformably to the great principles of the Constitution; and, in the second place, it would answer the end of the Government better and secure real benefits to the Union.

And this may be found in the same speech:

These being the principles on which I have formed my opinion, in addition to what was stated, I do conceive that I am perfectly justified to my constituents and to my oath to support this construction. And when I give my vote that the President ought to have the power of removal from office, I do it on principle; and gentlemen in the opposition will leave us to the operation of our judgments on this as well as every other question that comes before us. For my part, I conceive it is impossible to carry into execution the powers of the President in a salutary manner unless he has the power of removal vested in him. I do not mean that if it was not vested in him by the Constitution it would be proper for Congress to confer it; though I do believe the Government would otherwise be very defective, yet we would have to bear this inconvenience until it was rectified by an amendment of the Constitution. For my part, I would adhere to every principle contained in it, however defective, and not infringe it for any purpose whatever. In so doing we shall be justified by our constituents and have nothing to dread from these apprehensions which have been held out; because I trust in the good sense of our fellow-citizens that while we do our duty, they will not be backward on their part to conform to theirs.

Mr. Madison in the progress of the debate said:

I do not conceive that this question has been truly stated by some gentlemen. In my opinion it is not whether we shall take the power from one branch of the Government and give it to another; but the question is, to which branch has the Constitution given it?

Mr. Ames said:

It must be admitted that the Constitution is not explicit on the point in contest; yet the Constitution strongly infers that the power is in the President alone. It is declared that the executive power shall be vested in the President. Under these terms all the powers properly belonging to the executive department of the Government are given, and such only taken away as are expressly excepted. If the Constitution had stopped here, and the duties had not been defined, either the President had had no powers at all or he would acquire from that general expression all the powers properly belonging to the executive department. In the Constitution the President is required to see the laws faithfully executed. He can not do this without he has a control over officers appointed to aid him in the performance of his duty. Take this power out of his hands, and you virtually strip him of his authority; you virtually destroy his responsibility—the great security which this Constitution holds out to the people of America.

* * * * * * *

The President, I contend, has expressly the power of nominating and appointing, though he must obtain the consent of the Senate. He is the agent; the Senate may prevent his acting, but can not act themselves. It may be difficult to illustrate this point by examples which will exactly correspond. But suppose the case of an executor, to whom is devised land, to be sold with the advice of a certain person, on certain conditions; the executor sells, with the consent, and upon the conditions required in the will; the conditions are broken—may the executor re-enter for the breach of them? Or, has the person with whom he was obliged to consult in the sale any power to restrain him? The executor may remove the wrongful possessor from the land, though perhaps by the will he may hold it in trust for another person's benefit. In this manner the President may remove from office, though when vacant he can not fill it without the advice of the Senate.

We are told it is dangerous to adopt constructions, and that what is not expressly given is retained. Surely it is as improper in this way to confer power upon the Senate as upon the President; for, if the power is not in the President solely by the Constitution, it never can be in the President and Senate by any grant of that instrument. Any arguments, therefore, that tend to make the first doubtful, operate against the other, and make it absurd. If gentlemen, then, doubt with respect to the first point, they will certainly hesitate with respect to the other. If the Senate have not the power, and it is provided that they have it not, by the arguments on both sides, the power either vests with the President or the Legislature; if it is at the disposal of the latter, and merely a matter of choice with us, clearly we ought not to bestow it on the Senate, for the doubt whether the President is not already entitled to it is an argument against placing it in other hands.

* * * * * * *

The executive department should ever be independent and sufficiently energetic to defeat the attempts of either branch of the Legislature to usurp its prerogative. But the proposed control of the Senate is setting that body above the President; it tends to establish an aristocracy.

Mr. Baldwin said:

The main ground on which the question is made to rest is that, if we adopt this clause we violate the Constitution. Many of the gentlemen who advocate the present motion for striking out, would, if they could do it with consistency to the Constitution, be in favor of the clause. We have been reminded of our oaths and warned not to violate the solemn obligation. This injunction has come from so many parts of the House that it arrested my whole attention for a few minutes; and then they produced us the clause in the Constitution, which directed that officers should be appointed by and with the advice and consent of the Senate. They then tell us that they should be removable in the same manner. We see the clause by which it is directed that they should be appointed in that manner, but we do not see the clause respecting their removal in the same way. Gentlemen have only drawn it as an inference from the former; they construe that to be the meaning of the Constitution, which we construe the reverse. I hope, therefore, gentlemen will change their expression, and say we shall violate their construction of the Constitution and not the Constitution itself. This will be a very different charge, unless the gentlemen pretend to support the doctrine of infallibility, as it respects their decisions; and that would, perhaps, be more than the House would be willing to admit, and more than the people in this country are accustomed to believe.

* * * * * * *

Gentlemen proceed in their constructions, and they ask, why did not the convention insert a clause in the Constitution declaring the removal to be in a manner different from the appointment? They tell us that it must naturally have occurred to them, and that here and there was the proper place to insert such a clause. Now, let me ask them also, if theirs is the natural construction, why the convention, after declaring that officers should be appointed by and with the advice and consent of the Senate, did not add to be removed in like manner? It must have as naturally occurred to insert the one as the other. It is very possible that such a clause might have been moved and contended for; but it is hardly probable it would meet with success from those who opposed giving the Senate any check or control whatsoever over the powers of the President, much less was it probable that those gentlemen who opposed it there should wish to enlarge it by construction; for my part, I hope to never see it increased in this way. What of this nature is brought in by the letter of the Constitution, let it be there; but let us never increase evils of which we have some right to complain.

Mr. Vining said:

Suppose the President desires to remove a bad officer and the Senate refuse; what is to become of your impeachment? I say, sir, that the House of Representatives, combined with your Executive, would be unable to procure the dismission of an officer who is hourly betraying his trust, and that in the most open, flagitious manner. If your proofs are clear as a mathematical demonstration, it is all in vain; your tribunal, which is to decide upon the impeachment, has prejudged the question.

* * * * * * *

Who, let me ask, is the Chief Magistrate under this Government? The President. What are his duties? To see the laws faithfully executed; if he does not do this effectually he is responsible. To whom? To the people. Have they the means of calling him to account, and punishing him for neglect? They have secured it in the Constitution by impeachment, to be presented by their immediate representatives; if they fail here they have another check when the time of election comes around. But what are the duties, and what is the responsibility of the Senators? In their legislative capacity it is not intended that they shall assist the President; it is an additional executive authority. Is it compatible with the principles of the Constitution that the Legislature should assume executive power, or is it done in order to make itself responsible? Surely not. But if it was admissible, what degree of responsibility is acquired through the Senate? They are not the representatives of the people; they are the representatives of the State sovereignties, as was well observed by the honorable gentleman from Pennsylvania [Mr. Scott]; who are nothing less than accountable to the people. They may have a policy to pursue not altogether consistent with the *salus populi*, and are only responsible to the State sovereignties.

I call your attention to the following very able argument of Mr. Sedgwick:

Why, therefore, will gentlemen contend that the influence which one branch of the Legislature has over the Executive vests that branch with executive powers? The doctrine of the Constitution is the reverse of this. I shall not undertake to say that it is with more plausibility contended that the power of removal is constitutionally in the President; because the powers of government being distributed among distinct bodies, and all executive powers being invested in him, he, therefore, has it of course. But I think the fact may be as fairly inferred upon the principle of the gentleman from Virginia [Mr. White] in favor of the President, who expressly nominates and appoints, as in favor of the President and Senate. But these arguments have been held up in so many points of view that it will be time misspent further to dwell upon them; it was with another view that I arose.

It will be agreed on all hands that this officer, without observing on the subject at large, is merely to supply a natural incompetency in man. In other words, if we could find a President capable of executing this and all other business assigned to him, it would be unnecessary to introduce any other officer to aid him. It is, then, merely from necessity that we institute such an office; because all the duties detailed in the bill are, by the Constitution, pertaining to the department of Executive Magistrate. If the question respected the expediency I should be content to advocate it on that ground. If expediency is at all to be considered, gentlemen will perceive that this man is as much an instrument in the hands of the President as the pen is the instrument of the secretary in corresponding with foreign courts. If, then, the secretary of foreign affairs is the mere instrument of the President, one would suppose, on the principle of expediency, this officer should be dependent upon him. It would seem incongruous and absurd that an officer who, in the reason and nature of things, is dependent on his principal, and appointed merely to execute such business as is committed to the charge of his superior (for this business, I contend, is committed solely to his charge), I say it would be absurd in the highest degree to continue such a person in office contrary to the will of the President, who is responsible that the business be conducted with propriety, and for the general interest of the nation.

The President is made responsible; and shall he not judge of the talents, abilities, and integrity of his instruments? Will you depend on a man who has imposed upon the President, and continue him in office when he is evidently disqualified, unless he can be moved by impeachment? If this idea should prevail, which God forbid, what would be the result? Suppose even that he should be removable by and with the advice and consent of the Senate, what a wretched situation might not our public councils be involved in!

Suppose the President has a secretary in whom he discovered a great degree of ignorance, or a total incapacity to conduct the business he has assigned him; suppose him inimical to the President, or suppose any of the great variety of cases which would be good cause for removal and impress the propriety of such a measure strongly on the mind of the President without any other evidence than what exists in his own ideas, from a contemplation of the man's conduct and character day by day—what, let me ask, is to be the consequence if the Senate are to be applied to? If they are to do anything in this business, I presume they are to deliberate, because they are to advise and consent. If they are to deliberate, you put them between the officer and the President. They are then to inquire into the causes of removals; the President must produce his testimony. How is the question to be investigated? Because I presume there must be some rational rule for conducting this business. Is the President to be sworn to declare the whole truth and to bring forward facts? Or are they to admit suspicion as testimony? Or is the word of the President to be taken at all events? If so, this check is not of the least efficacy in nature.

But if proof be necessary what is then the consequence? Why, in nine cases out of ten, where the case is very clear to the mind of the President that the man ought to be removed, the effect can not be produced, because it is absolutely impossible to produce the necessary evidence. Are the Senate to proceed without evidence? Some gentlemen contend not. Then the object will be lost. Shall a man, under these circumstances, be saddled upon the President who has been appointed for no other purpose but to aid the President in performing certain duties? Shall he be continued, I ask again, against the will of the President? If he is, where is the responsibility? Are you to look for it in the President, who has no control over the officer, no power to remove him if he acts unfeelingly or unfaithfully? Without you make him responsible you weaken and destroy the strength and beauty of your system. What is to be done in cases which can only be known from a long acquaintance with the conduct of an officer?

POWER OF REMOVAL.

I read from the decision in *ex parte* Hennen, as follows:

The power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate; and the great question was, whether the removal was to be by the President alone, or with the concurrence of the Senate, both constituting the appointing power.

But it was very early adopted as the practical construction of the Constitution, that this power was vested in the President alone. And such would appear to have been the legislative construction of the Constitution.

These are the words of Mr. Justice Thompson in deciding the matter of Duncan M. Hennen, January 7, 1839 (13 Peters, page 258). And I cite from 1 Court of Claims Reports, in the case of Gratiot *v.* United States. After quoting from Story on the Constitution, the court adds:

He then gives the history of removals and of the question whether such power should be exercised by the President and Senate or by the President alone; and he states the fact that in 1789 Congress affirmed the power in the President alone.

This power in the President has never been questioned since, either as to civil or military officers.

This was the language of Loring, J., October 2, 1865, 1 Court of Claims Reports, page 260.

WHERE IS THE POWER OF REMOVAL LODGED?—THE VARIOUS POSITIONS ON THIS POINT.

It will be observed that in the great debate of 1789 the positions argued were:

First. The power of removal is in the President as an essential part of the executive power vested in him by the Constitution.

Second. The power of removal is incident to the power to appoint, and as the advice and consent of the Senate are necessary before an appointment can be made the power of removal is conjointly in the President and Senate.

Third. The Constitution provides the only grounds of removal, to wit, by removal from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanor, and having provided that the House of Representatives shall have the sole power of impeachment, and that the Senate shall have the sole power to try all impeachments, no other mode or manner of removal can be exercised.

Fourth. That the Constitution not having in express terms vested the power in any one of the co-ordinate Departments, it is within the appropriate purview of Congress to provide for removals under its power to make all laws necessary to carry into execution the granted powers, and those who take this position assume that the power must in the nature of things be embraced in some of the granted powers.

Fifth. That the matter of removal is a case omitted, and strangely enough argue that the omission may be supplied by legislation.

I have never heard of any other positions.

The weakness of the second, third, fourth, and fifth positions was abundantly shown in the debates of 1789, and it was decided that the power of removal was vested by the Constitution alone in the President, which settlement stood the test of assault for a period of seventy-eight years, until the unhappy controversy arose between President Johnson and Congress in 1867. The calm, temperate, logical debate by the contemporaries of the Constitution assuredly should have more weight than a decision arrived at for a special purpose and under the pressure of high party excitement; and the vote of the House in 1869, only two years later, shows that a large majority of the Representatives of the same party (Republican) which enacted the law believed that the time had come when the law should be repealed and a return made to the path which had been followed for more than three-quarters of a century, blazed by the fathers.

UNITY INCREASES EFFICIENCY AND RESPONSIBILITY.

Chancellor Kent says:

Unity increases not only the efficiency but the responsibility of the executive power. Every act can be immediately traced and brought home to the proper agent. * * * There will be much less temptation to depart from duty, and much greater solicitude for reputation when there are no partners to share the odium or to communicate confidence by their example. (1 Kent's Commentaries, side page 272, and cites Constitution of England, De Lolme, page 111.)

Whether this unity is broken by the imposition of a council or an unwarranted joining of the Senate with the President in matters of removal, the unity is equally destroyed, the responsibility intended by the Constitution to be in the Executive is divided, jarring and confusion are inevitable, and an unseemly wrangle of this unnatural and forced partnership offends the people and brings trouble and discord in the body-politic.

Justice Story says:

But independent of any of the lights derived from history, it is obvious that a division of the executive power between two or more persons must always tend to produce dissensions and fluctuating counsels. (Story on Constitution, section 1423.)

Is not the spectacle now exhibited before the American people conclusive evidence of the wisdom of the above remark of Justice Story? In violation of the unbroken precedent of seventy-eight years, in which at one time or another Federals, Democrats, Whigs, and Republicans had controlled the administration, a dangerous departure was taken in time of high excitement, and to-day behold the evil! Is there any man so blind as not to see the object of the majority of the Judiciary Committee in this struggle? I leave the question as to the matter of appointment and removal upon the argument I have endeavored to make and upon the supporting authorities cited, and confidently maintain that these points are established, namely:

First. That the sole power of appointment is in the President, but as a condition precedent to its exercise the advice and consent of the Senate must be had.

Second. The executive power is vested by the Constitution in the President, and the power to remove is an executive power, in which, by the Constitution, the Senate has no part with the President. The power of removal is in him and him only.

And the question thus settled by the First Congress, sustained by the courts and commentators, acquiesced in by both Houses of Congress and by the people, is too deeply embedded by principle, precedent, judicial authority, and acquiescence to be overturned.

THE SENATE HAS NO CONSTITUTIONAL AUTHORITY FOR THE DEMAND MADE.

If the argument is sound and authorities reliable, it follows irresistibly that the Senate has no constitutional power to demand of the President his reasons for removing an officer, or the evidence, documentary or parol, which moved him to the removal. It is clear that if the Senate had the constitutional right claimed, it has also the right to demand the parol statements made to the President in support of a removal, to send for books, persons, and papers, and open a high court of conscience, or a court of scandal if you please, with the President for the accused, and the suspended officer for prosecutor. Admit the power claimed and all else follows.

The Constitution fortunately has circumscribed the boundary of the three great departments, and recognizes no superiority of one over the other, and gives to the Senate no power over the conduct of the President accused by it of dereliction, nor at all unless the people's representatives bring the alleged offender by impeachment found by the grand inquest before the Senate for trial. The Senate has no more right to require or demand of the President the papers or verbal communications on which he acts in removals than he has to demand the motives of the Senate or the testimony on which it acts in rejecting a nomination.

The whole claim is without the shadow of constitutional warrant. The President is not responsible in any sense to the Senate. He is responsible to the people, and if he is guilty of an impeachable offense, he is responsible therefor to the people's representatives, and if impeached by them, then, and then only, is the Senate called on to act.

If the power of removal is in the President, he acts on the responsibility involved in the grant of executive power vested in him by the Constitution. It is he, not the Senate, who is required by the Constitution to "take care that the laws be faithfully executed," and should the Senate by its action compel the retention of bad men or inefficient men, it is invading the executive power vested by the Constitution in the President.

THE SENATE IS NOT SUSTAINED BY THE TENURE-OF-OFFICE ACT.

But has the Senate, under the act as found on the statute-book, the right to inquire directly or indirectly into the motives of the President for suspension?

It is clear that their purpose is to compel a disclosure of his motives. It is too clear to be successfully disputed. The papers addressed to the discretion of the President by any one and every one in office and out of office who sees proper to write to him are to be laid before this tribunal, and from them, ignoring verbal communications, the triers assume that the President must have reached his decision. Therefore when the papers are had the object is accomplished; the reasons, as they will assume, which influenced the President's discretion, are disclosed. The Senator from Ohio [Mr. SHERMAN], in a debate to be found in the CONGRESSIONAL RECORD of the present session, February 9, No. 37, page 1176, says:

The Senator from Delaware asks me why we should try to control the exercise of the discretion of the President? Nobody proposes to do it. He is as independent as we are; but he must not control our discretion. He must not prevent us from having the same sources of information that he has. The information comes to him first, because he performs the first act in appointment; that is, he makes the nomination? Was the former incumbent an unfit man, was he a corrupt man, a thief, or defaulter, or the like? Our discretion must be enlightened by the information that he has; and I say, therefore, that we have the right to call for that information.

The Senator says nobody proposes to control the President's discretion, yet his argument is that the Senate does have that right, does propose to pass judgment on his decision, and to determine whether or not the officer was righfully suspended, although by the terms of the law the President is empowered the sole judge of the question of suspension, and is authorized to act on his own discretion in making the suspension.

During any recess of the Senate the President is authorized in his discretion to suspend, and that suspension continues until the end of the next session of the Senate. Then he is directed to nominate within thirty days after the commencement of each session persons in the place of all persons suspended. Is the Senate called on by that act to advise and consent to the suspension? So far from it, the act vests the President with the power to suspend at his discretion the officer until the adjournment of the next ensuing session. As the officer is lawfully suspended, and as the Senate is not required to advise and consent thereto, what has the Senate to do with it?

The President by the act is instructed to nominate, &c., and the nominee, it is admitted, can not be appointed except upon the advice and consent of the Senate. Here it has the right to investigate the character of the nominee, but manifestly the act contemplates vesting

the President with the power to suspend an officer for reasons satisfactory to him to the end that he might take care that the laws be faithfully executed, reserving to the Senate its constitutional power of looking to the qualifications of the nominee before giving advice and consent to his appointment. And this is the more manifest when the acts of March 2, 1867, and of April 5, 1869, are compared and contrasted, and we consider the mischief complained of in the act of 1867 and the remedy applied by the act of 1869. I have already quoted both acts in full.

It seems to me that gentlemen who insist that the Senate has the right to look into the reasons for suspension as a predicate for action upon the nomination wholly overlook the act of 1869, and argue as if the act of 1867, and the whole of it, is in full force. That the act of 1867 was regarded by an overwhelming majority of both Houses as oppressive is manifest. The House by a vote of 138 yeas to 16 nays passed a bill to repeal the tenure-of-office act of March 2, 1867. (Congressional Globe, first session Forty-first Congress, 1869, March 10, page 40.) Among the yeas may be found all of those members of the Senate now who were then in the House, Messrs. ALLISON, BECK, CONGER, DAWES, LOGAN, VOORHEES—two Democrats and four Republicans. The expression in the Senate was quite general for a total repeal or material modification. The debate in the Senate as well as in the House is instructive. There was no debate in the House on the passage of the bill, but a free debate on the various conference reports. It was with manifest reluctance that the House agreed to any amendment, preferring, as shown by their vote, a decided and strong preference for unconditional repeal. It will be seen that Mr. Bingham, of the House Judiciary Committee and of the conference committee, explained to the House the effect of the bill as agreed on in conference. I call attention to this—the question of Mr. Davis and the answer of Mr. Bingham:

Mr. DAVIS (Republican). Does the first section of the Senate amendment remain untouched, according to the report of the committee of conference?

Mr. BINGHAM (Republican). It does. But the first and second sections of the tenure-of-office law are wholly repealed, and there is inserted in lieu of those sections the first section of the amendment of the Senate and the second section as amended by the conference committee. In other words, the limitations upon the power of the Executive imposed by the first and second sections of the original tenure-of-office act are wholly repealed.—*Congressional Globe*, first session Forty-first Congress, page 402.

Mr. Butler, of Massachusetts (then Republican), also of the conference committee, said:

I will endeavor to give my understanding of the report of the committee in connection with the provisions of the bill and the Constitution. It will be observed that the Senate amendment provides for the suspension of an officer by the President and the designation of some person to fill his place till the end of the next session of Congress. That is done in his discretion. Then it further provides that the designated officer shall have all the powers and emoluments of the office. Then it further provides that the Senate may vote first upon the nomination sent in by the President to fill the vacancy, which shall be done within thirty days, and if the Senate declines to agree to his nomination, then the suspended officer may be reinstated, and the President can not put him out; for, although he might suspend him again after the end of the session, yet I do not think that would be within the spirit of the law, after a vote of the Senate under the provision of the amendment, which says there may be an affimative vote on the suspension.

Now, the amendment agreed to by the committee of conference strikes out all that gives the Senate power to reinstate a suspended officer, but provides that where the Senate refuse to concur in the nomination of a person in the place of the suspended officer, then the President shall send in another nomination. This leaves the effect of the constitutional provision and of the other section of the act just this: That if the President does not send in a satisfactory nomination, then the place remains vacant at the end of the session, precisely as it is now under the Constitution, independent of the tenure-of-office law, with the power in the President to again suspend the objectionable officer, if the construction is not as it is claimed, that the office then is in abeyance, or vacant, which is the same thing.

In other words, as I understand this, it is practically only the substitution of a power of suspension instead of a power of removal with all the effect of a power of removal, supposing the tenure-of-office law was not in existence. I should have preferred to have arrived at the like result which this amendment does by the shorter way of repealing the tenure-of-office law, and I am free to say that I think this amendment upon the question of removal and reinstatement of officers leaves the tenure-of-office act as though it never had been passed so far as the power of the President over the executive officers is concerned.

The first section of the amendment to which my attention is called by my colleague [Mr. BANKS] of course leaves the power over removal in terms as it stands in the tenure bill. But the second section substitutes the power of suspension. The contest between the Senate and the House in that matter is upon the difference between the power of suspension and the power of removal; suspension having in effect all the incidents that removal has. That is all the difference. In its practical workings it is a difference in name in my judgment, and upon a difference in name I think the two Houses ought not to divide in a matter of this importance. That is to say, the first section says an officer shall not be removed without the advice and consent of the Senate; but the second section says he may be suspended and another man put in his place, and in case the other man is satisfactory to the Senate, then the officer is removed and the substitute becomes the officer; but in case the substitute is not satisfactory to the Senate, then the place becomes vacant and the officer is removed in that way.

A MEMBER. That operates as a removal.

Mr. BUTLER, of Massachusetts. Practically that operates as a removal. I do not think—and every member, I apprehend, will agree with me in that—the power of the President is changed from what it is under the Constitution or the power of any officer to hold on, as against the President. Just see where he would have more power under the Constitution. He has power to nominate an officer in case of a vacancy while the Senate is in session. They may or they may not concur. Suppose they do not concur. The session comes to an end and there is a vacancy.

Mr. LOGAN. Will the gentleman answer a question?

Mr. BUTLER, of Massachusetts. I am very glad to answer any question.

Mr. LOGAN. As the bill now stands, with the report of the committee of conference, is not the difference between it and a repeal the difference between tweedledee and tweedledum—leaving four sections for the punishment of men violating a law which does not exist?

Mr. BUTLER, of Massachusetts. Perhaps I should not state it quite as broadly as the gentleman does, but in practice I think the difference is right the other way—between tweedledum and tweedledee. [Laughter.]—*Congressional Globe*, first session Forty-first Congress, page 403.

I call your attention to the remarks of Mr. LOGAN on the conference report, showing clearly and tersely his understanding of the report as agreed on, which is the act as it now stands:

Mr. LOGAN. I do not desire more than a few minutes of time. I have been one of those in favor of the repeal of this law, and whether satisfied or not with the report of the committee of conference I shall vote for it, and desire to give my reasons for so doing.

The objection to the amendment from the Senate the other day was this: they provided in that amendment that the President should have the right to suspend from office, but if the person nominated or designated in his place should not be confirmed by the Senate, then if the Senate affirmatively refused to concur in the suspension, the suspended officer should again be clothed with official robes. My objection was this, if they should concur in the nomination, then if the Senate should stop right there and take no further action the office would become vacant; but if the Senate at a future time should vote affirmatively against the suspension, then it revived the office in the party suspended. That was my objection to it, and for this reason, in the provision of the Constitution which allows the President to nominate and the Senate to consent, requiring the assent of both when an officer was suspended, the office became vacant; then if at a subsequent time the Senate could by an affirmative action put an officer back in office, I say that was putting executive power in the hands of the Senate without the consent of the President. Hence I maintained that it was unconstitutional. I believe it was. That was my proposition and that was my statement.

Now, sir, the conference committee, whether because that point was made or not makes no difference to me, have stricken from the bill that which was obnoxious. It relieves the bill of that portion which clearly to my mind was unconstitutional. What have they left? They have left the shadow of the substance and nothing more. Although I should prefer a bill of two lines: "Be it enacted, &c., That the civil tenure-of-office law, approved at such a date, is hereby repealed," although I would have preferred that, yet, inasmuch as the Senate have some pride of opinion, and the House have some pride of opinion, and the Republican portion of the House are divided in reference to this question, and the Senate and House had chosen a committee of members representing both sides of that question, I am willing to vote for the report which they have made. In their agreement they have done, in my judgment, what I would have done, except they have employed different language from that which I would have employed. I would have said "repealed," but they have said in a great many words what amounts to the same thing.—*Congressional Globe*, first session Forty-first Congress, page 405.

I beg to call your attention to the speech in the House of Representatives of Hon. Noah Davis, of New York, a Republican, March 26, 1869, which for force and a thorough understanding of the question in all its bearings is not, as I think, excelled by any speech in either House. In the course of that speech Mr. Davis said:

The President removes or suspends a faithless officer, and behold here arises in the Chamber of one of the branches of the Legislature another power to interfere with that removal. What then? According to the provisions of this act the removed officer becomes the prosecuted officer. The law appeals on his behalf to the Senate. He surrounds that body with every influence he can bring to bear, and in substance puts the President himself on trial. The officer seeks to show that the President has been unjust. The President seeks to vindicate his action, and the issue thus joined is to be tried amid the blinding passions of party prejudice.

The Senate, if of a party opposed to the President, will shield its partisans, and party allegiance will cover frauds and even crimes under the excitement of political struggles. Can we not see that in the long future of this country we are opening the door to incessant turmoil and strife? And what is there in the judgment of the Senate to make it more valuable to the country than the decision of the President? The Senate sits and acts in such cases under the seal of secrecy. What reasons govern or what motives impel its action may never be disclosed. It is free from official and as well from individual responsibility—for who can know how a majority is made up unless the Senate chooses to disclose? It is not directly responsible to the people, who can reach it only by a circuity which is little better than no popular remedy. Its true functions are legislative, and its duties in the proper discharge of those functions ought not to be interfered with by incessant strifes for the retention of office. With these new powers it will eventually become an oligarchy, acting in secret and without responsibility, feared and hated by the people, baffled as often as may be by the President, and thwarted by its co-ordinate legislative body. The laws it enacts will be tainted by the passions excited by contests over the possession of office.

There is but one sound rule on this subject, and that is to confine the executive power to a single head, as the Constitution has done, and hold that head to a strict responsibility. I have never seen this rule better expressed than is done in the constitution of Massachusetts by the hand of the elder Adams:

"In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers or either of them; the executive department shall never exercise the legislative and judicial powers or either of them; the judicial department shall never exercise the legislative and executive powers or either of them; to the end that it may be a government of laws and not of men."

Our safety lies in adherence to this wise and most salutary rule which the framers of the Constitution intended to prescribe.

* * * * * * * *

I know that gentlemen press upon the House the circumstances under which the civil-tenure law was enacted. I am not here to discuss those circumstances; but under the solemn sanction of the oath I took on entering this body I affirm my belief that under no condition of things can an exigency arise that will justify Congress in transferring the executive power of the President to itself or to either branch of the Legislature. It would be folly to bring that power to this House, although we, like the President, are the representatives of the people and directly responsible to them. But it would be madness to give it permanently to the other branch, and thus create an oligarchy, responsible neither to the people nor to the President nor to the courts nor to the States nor to this House, nor even to themselves."—*Appendix to Congressional Globe*, Forty-first Congress, first session, page 5.

Mr. President, the issue is fairly joined and presented. Upon it the two parties go to the country I believe that the President could not with self-respect, with respect to his great oath of office, with respect

to his duty to take care that the laws be faithfully executed, yield to a demand laden with mischief, as unwise as it is destructive of the admirable distribution of powers among the co-ordinate departments of the Government made by the Constitution.

Mr. DOLPH. Mr. President, on the 17th day of July, 1885, the President of the United States, pursuant to the provisions of section 1768 of the Revised Statutes, suspended George M. Duskin from the execution of the duties of the office of district attorney for the southern district of Alabama, and on the same day, pursuant to the same statute, designated J. D. Burnett to perform the duties of such suspended officer in the mean time, and on the 14th day of December, 1885, he nominated said Burnett to be attorney of the United States for the southern district of Alabama *vice* George M. Duskin, suspended.

On the 25th day of January, 1886, having failed to obtain from the Department the information necessary to enable them to act intelligently on the nomination, the Committee on the Judiciary reported to the Senate a resolution, which was adopted, and which is as follows:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States for the southern district of Alabama.

On the 1st day of February, 1886, the Attorney-General, in response to the resolution, sent to the Senate a communication, the concluding portion of which is as follows:

It is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

This communication having been referred to the Committee on the Judiciary, on the 18th day of February that committee submitted a written majority report accompanied by the following resolutions, which I ask the Secretary to read.

The Secretary read the resolutions appended to the report, as follows:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Resolved, That the provision of section 1754 of the Revised Statutes declaring—"That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office" ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach and to give place to another who has not rendered such service is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

Mr. DOLPH. I do not propose to discuss the question raised by these resolutions as to the right of Congress or either branch thereof, as the legislative department of the Government, to be informed as to the manner in which the laws have been executed, as to the condition of the public service and the state of the Union, and for that purpose to have access to the public documents on file in all the Departments of the Government.

Upon this question I shall content myself with saying that I fully concur in all that was so ably said by the Senator from Vermont, the chairman of the Committee on the Judiciary. But as to the question in whom under the Constitution the power of removal of Federal officers appointed by and with the advice and consent of the Senate is lodged, which I suppose involves the right of the Senate to have the information which can be acquired from documents on the files of the Department which have been filed for the purpose of procuring official action and upon which official action has been had in the suspension of or is proposed in the removal of Federal officers, I have decided views to which I propose to give expression; but before doing so I desire to devote a few moments to the proposition contained in the last resolution reported by the committee.

The minority of the Committee on the Judiciary, in their report referring to this resolution, say:

The minority of your committee can not close their report without expressing surprise at the appearance in the majority report of the following resolution:

"*Resolved*, That the provision of section 1754 of the Revised Statutes declaring—

"'That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier whose faithfulness, competency, and character are above reproach, and to give place to another who has not rendered such service, is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.'"

* * * * * * *

The minority of your committee fully indorse section 1754 of the Revised Statutes, and heartily favor its faithful execution; but their information and belief satisfy them that under its operation during the administrations of Republican Presidents partisan and political influences and considerations have governed in a great degree in the selection of the intended beneficiaries of that statute, so that no equal and just distribution has been made by Republican Presidents among the meritorious class described in the law, as is doubtless desired alike by Republican and Democratic soldiers and marines who were comrades in a common cause.

The minority also say in that report that the reporting of this resolution by the majority of the committee is another evidence that the intent of the whole proceeding is to obtain a partisan and political advantage. I will not imitate their example and charge that their indorsement of this section of the Revised Statutes is insincere or that it is made from improper motives, but I have a right to show, if I can, that these provisions for the benefit of ex-Union soldiers, of the scarred and disabled veterans of the Union Army, have been disregarded by the present administration, although if in doing so I should prove that these champions of the executive prerogative, so called, are not in harmony with the administration.

I hold in my hand a report of the employment committee, Grand Army of the Republic, Department of the Potomac, adopted at the session of the encampment held at Washington, D. C., January 21, 1886, from which I quote the following:

While the employment committees of former years were principally engaged in securing employment for applicants, and with fair success, the present committee have, we regret to report, owing to conditions that will be mentioned hereafter, received but little encouragement in proportion to the amount of labor expended in this direction. Indeed, this has been an "off year" for the class we represent. The gloomy forebodings of Commander Alexander, in his address to the last department encampment, seem to have been realized. But we have the pleasure of knowing, however, that in the few cases where employment was secured much real misery was relieved and a few homes and firesides made happier.

By far the greatest amount of our labors for the last year has been expended in seeking the reinstatement of comrades discharged from their positions in the Executive Departments, and in endeavoring to secure the retention in their places of those who had employment.

As far as we can learn there have been seventy-eight comrades of the Grand Army of the Republic discharged from Government employ during the last year, also a large number of ex-Union soldiers and sailors who are not affiliated with us, and many of the wards of the Grand Army. Of those comrades who have been discharged or who have been requested to tender their resignations, this committee has been solicited to use its influence in securing a reversal of departmental action in thirty-seven cases, in which we have been successful in ten cases, and this has been effected only by constant and repeated importunity.

* * * * * * * *

It may be well to state here that President Cleveland and the heads of the several Executive Departments have been exceedingly kind and courteous, and have patiently listened to our oft-repeated requests in the interest of our comrades, but the same can not be said of some holding subordinate positions.

That any ex-Union soldier or sailor holding office under the Government should have cause for anxiety about his official tenure, provided his official and personal record is good, is somewhat strange when it is remembered that Congress has passed laws, which have never been repealed, but are now in full and binding force on those having the execution of them, and which not only prefer such for appointment, but also protect those who are in Government employ from discharge. It is also somewhat humiliating that we must knock at the doors and beg for that recognition which is not only ours by right, but is acknowledged both by statute and by public sentiment.

In the present instance it is known that the discharge of our comrades has not been occasioned by a reduction of the force, nor is it believed to have been caused, except in rare instances, by any supposed inefficiency or personal dereliction, for it is doubtful that those who saved a nation are skulkers, shirks, and bummers in these "piping times of peace." Nor can it be said that the civil-service act was ever intended to place an obstruction in the way of those holding office at the time of, or at any time since, its passage, provided always that the office-holder was capable, efficient, and honest.

The law upon the statute-books seems to be ample to carry out the full intent and meaning of the legislators, and yet it has been repeatedly violated. Before the war closed, in which we were all participants in a greater or less degree, Congress passed the following act, which was approved by President Lincoln March 3, 1865:

"Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices." (Section 1754, Revised Statutes.)

In 1876, much of the work of the Departments incident to the war having been settled, the appropriations for the years 1876-'77 were considerably reduced, requiring some reduction in the clerical, messenger, and laboring force, but that ex-Union soldiers and sailors might not be discriminated against, the following law was passed, which was approved by our comrade and late commander, President Grant:

"*Provided*, That in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors." (Section 3, chapter 287, Laws 1876.)

It is estimated that of the total number of employés in the Departments in Washington the soldier element is about 30 per cent., and it is believed that nearly 40 per cent. of all who have been discharged come from that class—there is certainly a large percentage against us. It almost, indeed, amounts, in some places, to ostracism and a practical nullification of law.

Now, if our comrades have not been removed from their positions on account of inefficiency, nor by reason of a reduction of force, what then is the reason? Is it to make places for others? While this may be true with regard to those holding places in the unclassified service of the Departments, it should not be applied to those of our comrades who were in the classified service, for the vacancies made by their removal can be filled only in a manner prescribed by law, namely, a civil-service examination, and therefore the desired end could not be attained in that way. The reason, then, for such removals must be sought for elsewhere. But whatever the reason may be, provided it is not for incompetency, the question naturally arises, why is it that the class we represent should ever be made the special object for removal; who is responsible, and what is the remedy?

Heretofore, while there may have been some reason to find fault with the appointing power in failing to appoint, there has been but little opportunity to criticise for failure to retain our comrades in office. Provided a comrade had a good personal and official record, he felt tolerably secure in his position, and that without regard to party affiliation. It was believed, and the belief was put into practical effect, that even though an ex-Union soldier was so offensively

partisan as to cast his vote against the dominant party, yet such an act on his part did not operate as a bar to his holding an office under the Federal Government, nor outweigh the good he had done the Union in fighting her battles at a time when offensive and defensive partisanship, on the right side, was at a premium. Then what great unpardonable political sin have our comrades at this late date committed to render them obnoxious to some of those in power and cause a boycott to be placed upon them? Nor is this the worst feature of the case, bad as it may be. Not satisfied with looking with disfavor upon the "boys in blue," it has sometimes seemed as if the "boys in gray" were to be recognized as prodigal sons returning from their wanderings for whom the fatted calf was to be especially devoted. We have seen a comrade whose army record was of the very best, and whose civil-service record was irreproachable, degraded from a high position that he won by meritorious service and his place filled by one who was in armed rebellion against the Government.

It is with much regret that we feel obliged to refer to such matters, but a strong sense of duty toward our comrades and this encampment compels us to state the facts as we find them. We have never questioned an applicant for appointment, reinstatement, or retention with relation to his party affiliation. All we asked was that he should come to us with an indorsement from his post employment committee that he was in good standing in his post and bore a good reputation for intelligence, honesty, and industry.

A remark has been made by one holding a prominent position in one of the Executive Departments that "the soldier business is played out." Perhaps it is with some people who were too cowardly to risk their precious bodies to the shot and shell of rebellion, and the deprivations, sickness, and arduous duties incident to Army life, but preferred to remain behind and furnish moldy hardtack, rotten beef, shoddy clothing, and chicory coffee to those who were fighting their battles.

I have no means of knowing how many of the six hundred and forty-three persons who were suspended from office by the President during the recess of the Senate were ex-soldiers of the Union or disabled soldiers, but I know there were a great many. Several cases have come under my observation of one-armed and one-legged veterans whose families were left in destitution when they were suspended from the duties of their offices, and other persons who had performed no military service to the Government were designated to perform the duties and receive the emoluments of the office, and this report just read discloses a state of affairs in the various Executive Departments of the Government here which if the minority of the Committee on the Judiciary are sincere in their indorsement of the section of the Revised Statutes in question they can not approve of.

Who are these persons who are discriminated against in the Departments? Not all of them able-bodied ex-Union soldiers, but some are disabled soldiers who were honorably discharged from military service on account of disability by reasons of wounds and sickness incurred in the line of their duty, men who on the march, upon the battlefield, and in rebel prisons suffered for the cause of the Union. These statutes which have been referred to are a practical recognition by the Government of the obligation of the nation to the men who participated in the great conflict, and who by their glorious deeds and heroic sacrifices carried our flag to victory and saved the Union.

Neither the Grand Army of the Republic nor the ex-Union soldiers nor the people generally will be deceived by any indorsement of this statute when it comes to be known, as it must shortly be, that in the indiscriminate suspensions which have been made by the Chief Executive during the recess of the Senate these war-scarred disabled veterans have formed no exception, and that in the Departments they are discriminated against to such an extent that, in the language of the committee which I have read, it amounts in some places almost to ostracism and to a practical nullification of the law.

Mr. McPHERSON. Will it interfere with the Senator if I should ask him a question right there? I will not do so if he prefers not to answer me.

Mr. DOLPH. I prefer to answer any question when I close my remarks.

Mr. McPHERSON. It is one pertinent to the remarks now being made by the Senator. That was the reason I interposed.

Mr. DOLPH. At the close of my remarks I shall be glad to answer any question I am able to respond to, but just at this time I prefer to proceed in the order which I have blocked out for my remarks.

Mr. EDMUNDS. I understand the Senator from Oregon would prefer not to go on further to-night. It has now got to be 5 o'clock, and I think we may possibly adjourn without impropriety; but I hope the Senate to-morrow will sit still later, so as to get on and finish the question pending. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 16, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SALARIES OF OFFICERS OF UNITED STATES MINT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, and asking that the salaries of the examiner of mints and the computer of bullion be increased to $2,500 per annum; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

BRIDGE ACROSS LEFT HAND RIVER, MINNESOTA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers and Major Charles H. Allen, Corps of Engineers, in relation to the construction of a bridge across the Left Hand (Nemadji) River by Douglass County, Minnesota, and referring to the necessity of legislation by Congress assuming control of the subject, in order to prevent obstruction of navigation; which was referred to the Committee on Rivers and Harbors.

INDIAN DEPREDATION CLAIMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting, in compliance with the provisions of the Indian appropriation act of March 3, 1885, lists of Indian depredation claims filed in the Indian Bureau and remaining unpaid; which was referred to the Committee on Indian Affairs, and ordered to be printed.

TRES ALAMOS LAND CLAIM.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, inclosing a letter from the Commissioner of the Land Office relative to the private land claim "Tres Alamos," Arizona Territory; which was referred to the Committee on Private Land Claims.

ELIZABETH MULVEHILL VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of Elizabeth Mulvehill against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WADE, for ten days, on account of important business.

To Mr. O'NEILL, of Missouri, for one week.

To Mr. PLUMB, for ten days, on account of illness in his family.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. GLOVER, until Tuesday next.

To Mr. HOUK, for five days, on account of important business.

REMOVAL OF MATERIAL FROM GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE. Mr. Speaker, I ask unanimous consent to take up from the House Calendar the bill H. R. 4982 and put it upon its passage.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read the title, as follows:

A bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 16, 1883.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WEAVER, of Iowa. Mr. Speaker, I wish to ask the gentleman from Mississippi [Mr. BARKSDALE] whether this will lead to debate?

Mr. BARKSDALE. Not at all, sir. It is only necessary to have a letter from the Public Printer read to show the necessity of this legislation, and I am sure there can be no objection to the immediate consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLAND. Mr. Speaker, I do not desire to object if the bill will not lead to debate and occupy time.

The SPEAKER. The gentleman must either object or not object.

Mr. BARKSDALE. I trust there will be no objection to the consideration of this bill. It is really necessary for expediting the public business.

There was no objection.

The Committee on Printing recommended the amendment of the bill as follows: In line 7, strike out the words "four thousand" and insert the words "fourteen thousand five hundred;" so as to make the bill read:

Be it enacted, &c., That to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883, the sum of $14,500 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Several MEMBERS. Regular order.

JEFFERSONVILLE LEVEE APPROPRIATION.

Mr. BROWNE, of Indiana. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. I will state it by presenting the resolution which I send to the desk.

The SPEAKER. The gentleman from Indiana, as a question of privilege, offers the resolution which the Clerk will read.

The Clerk read as follows:

Whereas there was pending in the Forty-eighth Congress a bill containing, among other matters, an appropriation of $50,000 for a certain improvement of the Ohio River at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; and

Whereas it is charged by a reputable citizen of Indiana that during the pendency of said measure a person or persons, then officers of the House of Representatives, exacted, collected, and accepted from a person or persons interested in the success of the said appropriation a large sum of money upon the pretense or for the purpose of influencing Congress, or some committee thereof, or members or Senators in their official action thereon; and

Whereas it is also charged that the person or persons so exacting, collecting, and accepting said sum of money for the purpose aforesaid are officers and employés of this House: Therefore,

Be it resolved, That the Committee on Reform in the Civil Service be, and is hereby, instructed to inquire into the truth of said charges and report the facts to this House; and to enable the said committee to thoroughly investigate said charges it is hereby authorized to send for persons and papers; and a sum sufficient to defray the necessary expenses of this inquiry is hereby appropriated out of the contingent fund of the House.

The resolution was adopted.

Mr. BROWNE, of Indiana, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. In accordance with the order made yesterday the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions. Under this call petitions and memorials of State and Territorial Legislatures are in order, and also resolutions of inquiry addressed to the heads of Departments.

CONGRESSIONAL FUNERAL COMMITTEES.

Mr. OATES submitted the following resolution; which was referred to the Committee on Rules:

Resolved by the House of Representatives of the United States of America, That from and after the adoption of the resolution the Speaker shall not entertain nor put to a vote any motion, resolution, or proposition to appoint a committee or designate any member of the House to accompany the remains of any deceased Representative or Senator to any point beyond the corporate limits of the city of Washington, D. C.

ESTATE OF JAMES A. WARE.

Mr. HERBERT introduced a bill (H. R. 6669) for the relief of the estate of James A. Ware, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUSAN MALONE.

Mr. WHEELER introduced a bill (H. R. 6670) granting a pension to Susan Malone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RISING SUN LODGE, DECATUR, ALA.

Mr. WHEELER also introduced a bill (H. R. 6671) to pay Rising Sun Lodge, No. 29, A. F. M., of Decatur, Ala., for building, &c., burned by United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 461 REVISED STATUTES.

Mr. ROGERS (by request) introduced a bill (H. R. 6672) to amend section 461 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ABSTRACTS OF LAND RECORDS.

Mr. ROGERS (by request) also introduced a bill (H. R. 6673) to authorize the Commissioner of the General Land Office to expend certain moneys received for furnishing abstracts from the records of the office; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MICHAEL DOLLHOFER.

Mr. ROGERS also introduced a bill (H. R. 6674) granting a pension to Michael Dollhofer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. HOOK.

Mr. ROGERS (by request) also introduced a bill (H. R. 6675) to increase the pension of Mary B. Hook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL FOSTER.

Mr. PEEL (by request) introduced a bill (H. R. 6676) to grant a pension to Samuel Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISS ROSA WALLACE.

Mr. McRAE introduced a bill (H. R. 6677) for the relief of Miss Rosa Wallace, of Washington, Ark.; which was read a first and second time, referred, by unanimous consent, to the Committee on the Post-Office and Post Roads, and ordered to be printed.

ESTATE OF WILLIAM A. OLD.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 6678) for the relief of the estate of William A. Old, deceased, which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES COURTS IN CALIFORNIA.

Mr. HENLEY introduced a bill (H. R. 6679) to regulate the fees of clerks, &c., in the United States courts in the district of California; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

RUFUS D. CURTIS.

Mr. WAIT introduced a bill (H. R. 6680) granting an increase of pension to Rufus D. Curtis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SORGHUM AND BEET SUGAR.

Mr. LORE submitted the following resolution; which was referred to the Committee on Agriculture:

Resolved, That the Commissioner of Agriculture be directed to furnish for the information of the House a copy of department circular of June 6, 1882, offering a premium of $1,200 each for the ten best statements of the process and methods of making sorghum sugar; and a like sum for each of the two best statements regarding the manufacture of beet sugar; and a copy of the award of the committee appointed to carry the provisions of the circular into effect; and also copies of all the correspondence between the department and the Delaware Beet-Sugar Company in relation to the same; and also a statement of the amount of awards, and to whom.

ELIAS CLARK.

Mr. CRISP introduced a bill (H. R. 6681) granting a pension to Elias Clark; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AMELIA S. PARSONS.

Mr. DUNHAM introduced a bill (H. R. 6682) granting a pension to Amelia S. Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER AT PIERRE, DAK.

Mr. DUNHAM also introduced a bill (H. R. 6683) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLARK WILLSON.

Mr. RIGGS introduced a bill (H. R. 6684) to grant a pension to Clark Willson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM A. LUTZ.

Mr. HITT introduced a bill (H. R. 6685) for the relief of Abram A. Lutz, of West Point, Stephenson County, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALIEN CONTRACT LABORERS.

Mr. ROWELL introduced a bill (H. R. 6686) to amend an act entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February 26, 1885;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DANIEL WILLBORG.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 6687) granting an increase of pension to Daniel Willborg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BISHOP.

Mr. CANNON introduced a bill (H. R. 6688) for the relief of William Bishop, late a private in Company E, Seventy-ninth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. HILL.

Mr. HOPKINS introduced a bill (H. R. 6689) granting a pension to William P. Hill, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN C. PHILLIPS.

Mr. PAYSON (by request) introduced a bill (H. R. 6690) for the relief of John C. Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD W. WYATT.

Mr. SPRINGER introduced a bill (H. R. 6691) granting a pension to Edward W. Wyatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERDINAND PLOCHER.

Mr. SPRINGER also introduced a bill (H. R. 6692) for the relief of Ferdinand Plocher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. DUCKSTEIN.

Mr. SPRINGER also introduced a bill (H. R. 6693) granting a pension to William H. Duckstein; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK SCHLENK.

Mr. MORRISON introduced a bill (H. R. 6694) granting a pension to Frederick Schlenk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET J. WOODS.

Mr. MORRISON also introduced a bill (H. R. 6695) to restore to the pension-roll Margaret J. Woods, formerly Margaret J. Tate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. MORRISON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That it shall be in order when any general bill or proposition to increase the rates or amounts of pensions or to grant pensions to persons not previously entitled thereto by law is under consideration to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions.

ALBERT HILL.

Mr. TOWNSHEND introduced a bill (H. R. 6696) for the relief of Albert Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINERVA A. ROSS.

Mr. TOWNSHEND also introduced a bill (H. R. 6697) granting a pension to Minerva A. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HARDIN.

Mr. TOWNSHEND also introduced a bill (H. R. 6698) granting a pension to William Hardin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOSS OF LEG OR ARM.

Mr. TOWNSHEND also introduced a bill (H. R. 6699) to increase the pensions of those who have lost a leg or an arm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BURKITT.

Mr. TOWNSHEND also introduced a bill (H. R. 6700) granting a pension to James Burkitt, in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES LAMKINS.

Mr. WARD, of Indiana, introduced a bill (H. R. 6701) granting a pension to James Lamkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AZARIAH T. WHITTLESY.

Mr. KLEINER introduced a bill (H. R. 6702) for the relief of Azariah T. Whittlesy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES SAMUELS.

Mr. KLEINER also introduced a bill (H. R. 6703) granting a pension to James Samuels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE M'FERSON.

Mr. KLEINER also introduced a bill (H. R. 6704) for the relief of Theodore McFerson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH B. BURTON.

Mr. OWEN introduced a bill (H. R. 6705) for the relief of Joseph B. Burton, late of Company A, Seventy-second Indiana Regiment; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ELIZA C. HENDRICKS.

Mr. BYNUM introduced a bill (H. R. 6706) granting to Mrs. Eliza C. Hendricks, widow of Thomas A. Hendricks, deceased, late Vice-President of the United States, one year's salary of said office, less the amount paid said decedent in his lifetime; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN SAGE.

Mr. BYNUM also introduced a bill (H. R. 6707) for the relief of John Sage; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TILMAN BUSH.

Mr. BYNUM also introduced a bill (H. R. 6708) granting a pension to Tilman Bush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOCH WEATHERS.

Mr. COBB introduced a bill (H. R. 6709) for the relief of Enoch Weathers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRUISE OF REVENUE-STEAMER CORWIN.

Mr. CONGER submitted the following resolution; which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 3,000 additional copies of the report (Documents No. 429, Forty-seventh Congress, and No. 601, Forty-eighth Congress, to be bound in one volume) of Capt. C. L. Hooper, United States Revenue Marine, upon the cruise of the revenue-steamer Corwin in the Arctic Ocean, 1881, for the use of the Treasury Department.

ANTON GARTHOEFFNER.

Mr. FULLER introduced a bill (H. R. 6710) granting an increase of pension to Anton Garthoeffner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL M'DERMOTT.

Mr. FULLER also introduced a bill (H. R. 6711) for the relief of Michael McDermott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM N. CANADY.

Mr. HOLMES introduced a bill (H. R. 6712) for the relief of William N. Canady; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN G. AYERS.

Mr. STRUBLE introduced a bill (H. R. 6713) granting a pension to John G. Ayres, late of Company A, Seventeenth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SQUIRE A. DAVIS.

Mr. STRUBLE also introduced a bill (H. R. 6714) for the relief of Squire A. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL JOHNSON.

Mr. STRUBLE also introduced a bill (H. R. 6715) for the relief of Daniel Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, HARLEM, IOWA.

Mr. LYMAN introduced a bill (H. R. 6716) granting a condemned cannon and carriage to Harlem Post, No. 197, Grand Army of the Republic, at Harlem, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAIAH A. LOVE.

Mr. PETERS introduced a bill (H. R. 6717) granting an increase of pension to Isaiah A. Love; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. STARR.

Mr. PETERS also introduced a bill (H. R. 6718) granting a pension to William H. Starr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT CHAWNER.

Mr. FUNSTON introduced a bill (H. R. 6719) to pension Robert Chawner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. J. PARMER.

Mr. FUNSTON also introduced a bill (H. R. 6720) to pension A. J. Parmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. WESTERHOUSE.

Mr. RYAN introduced a bill (H. R. 6721) granting a pension to John H. Westerhouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. ADAMS.

Mr. RYAN also introduced a bill (H. R. 6722) granting a pension to John C. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI W. CAMPBELL.

Mr. RYAN also introduced a bill (H. R. 6723) for the relief of Eli W. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELL S. NEWELL.

Mr. RYAN also introduced a bill (H. R. 6724) for the relief of Russell S. Newell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM M. SWARTZ.

Mr. MORRILL introduced a bill (H. R. 6725) granting a pension to William M. Swartz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM STUBER.

Mr. PERKINS introduced a bill (H. R. 6726) granting a pension to Adam Stuber; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE M. DOWELL.

Mr. PERKINS also introduced a bill (H. R. 6727) granting a pension to George M. Dowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. MILLER.

Mr. HANBACK introduced a bill (H. R. 6728) for the relief of James L. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED G. ROMINE.

Mr. HANBACK also introduced a bill (H. R. 6729) for the relief of Alfred G. Romine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC DOMAIN IN THE ARID REGIONS.

Mr. HANBACK also introduced a bill (H. R. 6730) to utilize the public domain in the arid regions, and to provide for the subdivision and disposal thereof, and for other purposes; which was read a first and second time.

Mr. HANBACK. This bill relates to the public lands within railroad grants. I ask that it be referred to the Committee on Pacific Railroads.

The SPEAKER. Does the bill in any way affect the rights of the railroad companies to the lands granted to them by the Government?

Mr. HANBACK. It does not.

The SPEAKER. Then it can only go to the Committee on Pacific Railroads by order of the House. Under the rule it would go to the Committee on Public Lands.

Mr. HANBACK. It is to open up these lands for settlement. I move that it be referred to the Committee on Pacific Railroads.

Mr. PAYSON. What is the subject of the bill?

The SPEAKER. The Clerk will read the bill.

The bill was read.

Mr. HANBACK. I withdraw the motion to refer the bill to the Committee on Pacific Railroads.

The bill was referred to the Committee on the Public Lands, and ordered to be printed.

CONSTRUCTION OF TELEGRAPH LINES.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 6731) to amend an act to aid in the construction of telegraph lines, approved July 24, 1866; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THE LATE HON. MICHAEL HAHN.

The SPEAKER announced as the committee to escort the remains of the late Hon. MICHAEL HAHN from Washington to New Orleans Mr. LOUIS ST. MARTIN, of Louisiana; Mr. A. B. IRION, of Louisiana; Mr. C. P. SNYDER, of West Virginia; Mr. W. W. ELLSBERRY, of Ohio; Mr. F. D. ELY, of Massachusetts; Mr. G. W. E. DORSEY, of Nebraska, and Mr. JOSEPH LYMAN, of Iowa.

GENERAL S. S. FRY.

Mr. WOLFORD introduced a bill (H. R. 6732) for the benefit of General Speed S. Fry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

Mr. WOLFORD also introduced a bill (H. R. 6733) to refer the claims of the Eastern Cherokee Indians to the Court of Claims; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN W. ALVES.

Mr. LAFFOON introduced a bill (H. R. 6734) for the relief of John W. Alves; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 3244 REVISED STATUTES.

Mr. TAULBEE introduced a bill (H. R. 6735) to amend subdivisions 4 and 5 of section 3244 of the Revised Statutes of 1878; which was read a first and second time, referred to the Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

BRICE SHEPHERD.

Mr. TAULBEE also introduced a bill (H. R. 6736) for the relief of Brice Shepherd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL A. B. WOODFORD.

Mr. TAULBEE also introduced a bill (H. R. 6737) to pay Samuel A. B. Woodford, of Clark County, Kentucky, for whisky taken by order of General Sturgis for the use of the Medical Department of the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. RICE.

Mr. TAULBEE also introduced a bill (H. R. 6738) for the relief of John M. Rice; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. BAKER.

Mr. TAULBEE also introduced a bill (H. R. 6739) for the relief of John W. Baker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEZEKIAH E. VIBBART.

Mr. HALSELL introduced a bill (H. R. 6740) to remove the charge of desertion from Hezekiah E. Vibbart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

M. H. CARSON.

Mr. W. J. STONE, of Kentucky, introduced a bill (H. R. 6741) for the benefit of M. H. Carson, of Smithland, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CERTAIN SUITS IN UNITED STATES COURTS.

Mr. WILLIS introduced a bill (H. R. 6742) to enable certain persons to sue in United States courts without payment of or security for costs; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. WILLIS also offered the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That of the report of the Commissioner of Education for 1884-'85 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

A. CUSIMANO & CO.

Mr. ST. MARTIN introduced a bill (H. R. 6743) for the relief of A. Cusimano & Co.; which was read a first and second time, and by unanimous consent referred to the Committee on Ways and Means, and ordered to be printed.

JACOB POSS.

Mr. FINDLAY (by request) introduced a bill (H. R. 6744) for the relief of Jacob Poss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH H. WOOD.

Mr. FINDLAY also introduced a bill (H. R. 6745) for the relief of Mrs. Sarah H. Wood, of Baltimore, Md.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAL SAVINGS-BANKS.

Mr. MCCOMAS introduced a bill (H. R. 6746) to establish post-office savings-banks as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Offices and Post-Roads, and ordered to be printed.

MARY A. THOMAS.

Mr. MCCOMAS also introduced a bill (H. R. 6747) granting a pension to Mary A. Thomas, a volunteer nurse in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROADWAY AT ANNAPOLIS, MD.

Mr. COMPTON introduced a bill (H. R. 6748) for the construction of a roadway at Annapolis, Md., to connect the national cemetery at said city with the city and grounds of the Naval Academy and the United States naval cemetery at said city; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. ANNA M. CLARK.

Mr. COMPTON also introduced a bill (H. R. 6749) for the relief of Mrs. Anna M. Clark, widow of the late Michael N. Clark, lieutenant United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT COBB POINT, MARYLAND.

Mr. COMPTON also introduced a bill (H. R. 6750) for the establishment of a light-house at Cobb Point Bar, at the mouth of the Wicomico River, in the State of Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET O'NEILL.

Mr. DAVIS introduced a bill (H. R. 6751) granting a pension to Margaret O'Neill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUSINESS OF COMMITTEE ON LABOR.

Mr. LOVERING submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Thursday, March 25, and Thursday, April 1, after the second call of committees, be assigned and set apart for the consideration of such business as may be presented or indicated by the Committee on Labor; this order not to interfere with the consideration of general appropriation bills.

SARAH E. WEATHERBEE.

Mr. RANNEY introduced a bill (H. R. 6752) to place on the pension-roll the name of Sarah E. Weatherbee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ALICE E. TRAVERS.

Mr. CARLETON introduced a bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM THOMPSON.

Mr. CARLETON also introduced a bill (H. R. 6754) for the relief of William Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. M. C. MILES.

Mr. CARLETON also introduced a bill (H. R. 6755) granting a pension to Mrs. M. C. Miles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE WITT C. BOWEN.

Mr. CUTCHEON introduced a bill (H. R. 6756) for the relief of De Witt C. Bowen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SECTION 2599 REVISED STATUTES.

Mr. CUTCHEON also introduced a bill (H. R. 6757) to amend section 2599 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BREVET RANK IN THE ARMY.

Mr. CUTCHEON also introduced a bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HISTORY OF HOUSE RULES.

Mr. BURROWS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Journal Clerk be directed to prepare for publication a history of the rules of the House of Representatives, including the debates on the several revisions thereof, together with a full index thereto, which said history when completed shall be printed under his direction for the use of the House; and such clerical assistance as he may require in the execution of this order shall be paid out of the contingent fund of the House subject to the approval of the Committee on Accounts.

PUBLIC BUILDING, SAINT PAUL, MINN.

Mr. GILFILLAN introduced a bill (H. R. 6759) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse and the repair of the existing United States building at said place, and appropriating money therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORFEITURE OF LAND GRANTS.

Mr. STRAIT introduced a bill (H. R. 6760) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DANIEL H. PRIEST AND OTHERS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 6761) for the relief of Daniel H. Priest and five comrades; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES COURTS IN MISSISSIPPI.

Mr. VAN EATON introduced a bill (H. R. 6762) to create additional courts in the State of Mississippi and to regulate the terms thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

G. BARBARA ROESCH.

Mr. WAKEFIELD introduced a bill (H. R. 6763) granting a pension to G. Barbara Roesch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN MISSISSIPPI.

Mr. CATCHINGS introduced a bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; and

A bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The message also communicated the following action of the Senate:

IN THE SENATE OF THE UNITED STATES, *March* 15, 1886.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for superintending the funeral and to escort the remains of the deceased to the place of burial, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

March 16, 1886.

The President *pro tempore* appointed Mr. EUSTIS, Mr. VANCE, and Mr. BUTLER the committee on the part of the Senate.

Attest:

ANSON G. MCCOOK,
Secretary.

FELIX R. BUSTER.

Mr. HATCH introduced a bill (H. R. 6765) granting a pension to Felix R. Buster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. ANTHONY.

Mr. GLOVER introduced a bill (H. R. 6766) granting a pension to Charles H. Anthony; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ABIGAIL CARNAHAN.

Mr. GLOVER also introduced a bill (H. R. 6767) for the relief of Mrs. Abigail Carnahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. LEES.

Mr. GLOVER also introduced a bill (H. R. 6768) granting a pension to William J. Lees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LARWOOD.

Mr. GLOVER also introduced a bill (H. R. 6769) granting a pension to Jacob Larwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERDINAND KOEHLER.

Mr. GLOVER also introduced a bill (H. R. 6770) granting a pension to Ferdinand Koehler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK OSBURY.

Mr. GLOVER also introduced a bill (H. R. 6771) granting an increase of pension to Frederick Osbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS QUAIN.

Mr. GLOVER also introduced a bill (H. R. 6772) granting an increase of pension to Thomas Quain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EMMA ROTTY.

Mr. GLOVER also introduced a bill (H. R. 6773) granting a pension to Mrs. Emma Rotty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRUNO SCHULTZ.

Mr. GLOVER also introduced a bill (H. R. 6774) granting a pension to Bruno Schultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENNIS SHINE.

Mr. GLOVER also introduced a bill (H. R. 6775) granting a pension to Dennis Shine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE THENN.

Mr. GLOVER also introduced a bill (H. R. 6776) granting a pension

to Catharine Thenn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ZIMMERMAN.

Mr. GLOVER also introduced a bill (H. R. 6777) granting a pension to John Zimmerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL LINCOLN.

Mr. GLOVER also introduced a bill (H. R. 6778) granting a pension to Daniel Lincoln; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

QUINCY A. BALCH.

Mr. GLOVER also introduced a bill (H. R. 6779) granting a pension to Quincy A. Balch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. HAVENS.

Mr. BURNES (by request) introduced a bill (H. R. 6780) granting a pension to Henry B. Havens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GUTHREY.

Mr. BURNES (by request) also introduced a bill (H. R. 6781) for the relief of William Guthrey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BILLARD.

Mr. BURNES (by request) also introduced a bill (H. R. 6782) granting a pension to John Billard; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GENERAL SHIELDS'S SWORDS.

Mr. HALE introduced a bill (H. R. 6783) to purchase of the widow and children of the late General James Shields certain swords; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE PRINTING.

Mr. BLAND submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Coinage, Weights, and Measures be permitted to print such arguments and statements and other matters pertaining to the coinage question as the committee may deem worthy of printing.

BIMETALLIC COIN ASSOCIATION.

Mr. BLAND also submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House 10,000 copies of the memorial of the committee of the Bimetallic Coin Association, as it appears in the CONGRESSIONAL RECORD of March 12, 1886 (proceedings of the Senate of March 11), introduced by Senator JONES.

ABRAHAM L. SCOTT.

Mr. HEARD introduced a bill (H. R. 6784) granting a pension to Abraham L. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. BUCK.

Mr. STONE, of Missouri, introduced a bill (H. R. 6785) restoring William G. Buck to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM JONES.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6786) granting an honorable discharge to Abraham Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN P. LEGG.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6787) for the relief of John P. Legg, administrator of Archibald C. Legg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. G. BOLLINGER.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6788) granting a pension to H. G. Bollinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WELSH.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6789) to correct and amend the military record of John Welsh so as to remove the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. ALFRED CURTIS.

Mr. STONE, of Missouri, also introduced a bill (H. R. 6790) for the relief of Capt. Alfred Curtis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESERVE AGENCIES, NATIONAL BANKS.

Mr. WARNER, of Missouri, introduced a bill (H. R. 6791) to amend section 5192 of the Revised Statutes of the United States relating to reserve agencies; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CLAIMS FOR PROPERTY OCCUPIED BY UNITED STATES ARMY.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6792) authorizing the appointment of a commission to investigate the claims of loyal citizens for the use, occupancy of, or damage to real estate situated in States not in rebellion, used or occupied by the Army of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYNE AND THOMAS C. WOOD.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6793) for the relief of Payne and Thomas C. Wood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW GLEASON.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6794) for the relief or Andrew Gleason; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH CASTEEL.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6795) for the relief of Mrs. Sarah Casteel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WENDELIN KRUMM.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6796) to place the name of Wendelin Krumm on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. BOWLING.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. ACUFF.

Mr. WADE introduced a bill (H. R. 6798) granting a pension to William D. Acuff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL LESTER.

Mr. WADE also introduced a bill (H. R. 6799) granting a pension to Daniel Lester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH J. RAY.

Mr. WADE also introduced a bill (H. R. 6800) for the relief of Elizabeth J. Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELANDER M. MOONEYHAN.

Mr. WADE also introduced a bill (H. R. 6801) granting a pension to Elander M. Mooneyhan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WATSON.

Mr. WADE also introduced a bill (H. R. 6802) to restore to the pension-roll the name of James Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT OMAHA, NEBRASKA.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 6803) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISA A. PHILLIPS.

Mr. DORSEY introduced a bill (H. R. 6804) to increase the pension of Louisa A. Phillips, widow of James C. Phillips, lieutenant Company G, Ninety-fourth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. WETZEL.

Mr. DORSEY also introduced a bill (H. R. 6805) to increase the pension of M. Wetzel, late private Company I, Thirty-ninth Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK HEINE.

Mr. DORSEY also introduced a bill (H. R. 6806) to increase the pension of Frederick Heine, late of Company A, One hundred and nineteenth Illinois Cavalry; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. PIERCE.

Mr. DORSEY also introduced a bill (H. R. 6807) granting a pension to Henry A. Pierce, late of Company K, Second Nebraska Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARNY H. RIEPE.

Mr. DORSEY also introduced a bill (H. R. 6808) granting a pension to Barny H. Riepe, late private Company I, Tenth Regiment Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. HERRON.

Mr. DORSEY also introduced a bill (H. R. 6809) granting a pension to John R. Herron, late private Company A, Ninth Iowa Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT CONCORD, N. H.

Mr. GALLINGER introduced a bill (H. R. 6810) to increase the appropriation for the erection of a public building at Concord, State of New Hampshire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES ANDERSON.

Mr. GALLINGER also introduced a bill (H. R. 6811) granting a pension to James Anderson, late of Company B, Fourth Regiment New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET LUCAS.

Mr. HAYNES introduced a bill (H. R. 6812) grating a pension to Margaret Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN PORK IN EUROPE.

Mr. PHELPS submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be, and is hereby, requested to transmit, if not incompatible with the public interest, copies of all correspondence between his Department and the representatives of France, Germany, Austria, and any other European country which has partially or entirely restricted the importation of American pork, referring to the facts of such exclusion or restriction and the reasons therefor.

Mr. PHELPS. I also send to the Clerk's desk a memorial of the State board of agriculture of New Jersey, and ask unanimous consent that it be printed in the RECORD. It concerns an important subject—the exclusion of American pork from some of the markets in Europe. It will not occupy more than twenty-five lines.

There being no objection, the memorial was referred to the Committee on Foreign Affairs, and was ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives of the United States in National Congress assembled:

Whereas the extreme low price of pork (which is one of the largest crops of the American farmer) is seriously affecting the profits of agriculture in this country; and

Whereas the President, in his recent message to Congress, says: "I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstration of the absence of sanitary danger in its use, but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria, and other countries where such food products are absolutely excluded without present prospect of reasonable change;" and

Whereas the President does not in his message give the information as to the reasons or cause why American pork is absolutely excluded in Germany, Austria, and other countries: Therefore,

Resolved, That the State board of agriculture of New Jersey do hereby request our representatives in Congress to make diligent investigation into this matter, and endeavor to secure such changes as may be necessary to relieve this important industry from the restrictions now imposed upon it by other countries.

By order of the New Jersey State board of agriculture.

E. BURROUGH, *President.*

Attest:

WM. S. TAYLOR, *Secretary.*

CHARLES FOX.

Mr. PHELPS also introduced a bill (H. R. 6813) granting a pension to Charles Fox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN SMITH.

Mr. RICE (by Mr. PHELPS) introduced a bill (H. R. 6814) granting a pension to Stephen Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT BOYD.

Mr. PIDCOCK introduced a bill (H. R. 6815) granting a pension to Robert Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW MUCKLIN.

Mr. PIDCOCK also introduced a bill (H. R. 6816) granting a pension to Andrew Mucklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROWN.

Mr. PIDCOCK also introduced a bill (H. R. 6817) granting a pension to Thomas Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRENIUS G. STRYKER.

Mr. PIDCOCK also introduced a bill (H. R. 6818) granting a pension to Cyrenius G. Stryker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CONNER.

Mr. PIDCOCK also introduced a bill (H. R. 6819) granting a pension to William Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS HONEYMAN.

Mr. PIDCOCK also introduced a bill (H. R. 6820) granting a pension to Augustus Honeyman; which was read a first and second time, referred to the Committee on Invalid Pension, and ordered to be printed.

BENJAMIN F. WEAN.

Mr. PIDCOCK also introduced a bill (H. R. 6821) granting a pension to Benjamin F. Wean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. FULLER.

Mr. PIDCOCK also introduced a bill (H. R. 6822) granting a pension to John B. Fuller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER P. HOFFMAN.

Mr. PIDCOCK also introduced a bill (H. R. 6823) granting a pension to Peter P. Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SAVERCOOL.

Mr. PIDCOCK also introduced a bill (H. R. 6824) granting a pension to James Savercool; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. BAYLOR.

Mr. PIDCOCK also introduced a bill (H. R. 6825) granting a pension to James R. Baylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, JERSEY CITY.

Mr. MCADOO introduced a bill (H. R. 6826) making an appropriation for extending and repairing the post-office building at Jersey City, N. J.; which was read a first and second time, referrred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. MCADOO also introduced a bill (H. R. 6827) concerning pensions to surviving and dependent parents of deceased soldiers whose only sons were disabled in the service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GODSON.

Mr. MULLER introduced a bill (H. R. 6828) granting a pension to John Godson, late of the United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BALDWIN CANN.

Mr. BLISS introduced a bill (H. R. 6829) for the relief of Baldwin Cann, late first lieutenant Fourth New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HEIN.

Mr. HEWITT introduced a bill (H. R. 6830) for the relief of Samuel Hein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUSINESS OF TREASURY DEPARTMENT.

Mr. HEWITT (by request) also introduced a bill (H. R. 6831) to facilitate the business of the Treasury Department; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CATHARINE SATTLER.

Mr. DOWDNEY introduced a bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ATTENDANTS IN UNITED STATES COURTS.

Mr. ADAMS, of New York, introduced a bill (H. R. 6833) to regu-

late the compensation of attendants of the courts of the United States; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

HENRY OSTERHELD.

Mr. STAHLNECKER introduced a bill (H. R. 6834) for the relief of Henry Osterheld; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. G. WILLIAMS.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 6835) for the relief of F. G. Williams, administrator of Mrs. J. P. Williams, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH DICKINSON.

Mr. MERRIMAN (by Mr. TIMOTHY J. CAMPBELL) introduced a bill (H. R. 6836) authorizing the President to place Joseph Dickinson, late a lieutenant-colonel and assistant adjutant-general United States volunteers, on the retired-list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JANE YOUNG.

Mr. FELIX CAMPBELL introduced a bill (H. R. 6837) to place Jane Young, widow of Adam Young, late master-at-arms United States Navy, on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. WHALEN.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 6838) for the relief of James A. Whalen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN NEARY.

Mr. SWINBURNE introduced a bill (H. R. 6839) to place the name of John Neary on the Army retired-list; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH WILLIAMS VERY.

Mr. SWINBURNE also introduced a bill (H. R. 6840) for the relief of Sarah Williams Very; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPERIENCE S. MILLER.

Mr. SWINBURNE also introduced a bill (H. R. 6841) for the relief of Experience S. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLARD SHELDON.

Mr. JOHNSON, of New York, introduced a bill (H. R. 6842) restoring to the pension-roll Willard Sheldon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD DONNELLY.

Mr. JAMES (by request) introduced a bill (H. R. 6843) for the relief of Archibald Donnelly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGRAND E. SCRAFFORD AND OTHERS.

Mr. PARKER introduced a bill (H. R. 6844) for the relief of Legrand E. Scrafford & Co. and others; which was read a first and second time, referred, by unanimous consent, to the Committee on Ways and Means, and ordered to be printed.

HELEN WAYNE.

Mr. PAYNE introduced a bill (H. R. 6845) granting a pension to Helen Wayne, widow of Robert Wayne, late private Ninth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSEY WESTOVER.

Mr. PAYNE also introduced a bill (H. R. 6846) granting a pension to Betsey Westover, widow of Diodorus Westover, late a private United States Army in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PROTECTION OF DISTILLERIES, ETC.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 6847) to amend section 3332 of the Revised Statutes so as to effectually prevent the wrongful seizing, mutilation, or destruction of stills and other distilling apparatus, and to punish revenue officers guilty of violating these prohibitions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISTILLERY STOREKEEPERS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 6848) to amend section 3255 of the Revised Statutes so as to provide for the abolition of storekeepers at small distilleries, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUNISHMENTS FOR VIOLATIONS OF REVENUE LAWS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 6849) to mitigate the severity and to moderate the horrors and cruelty of the punishments imposed for violations of the internal-revenue laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GARY DONALDSON.

Mr. WEST introduced a bill (H. R. 6850) granting a pension to Gary Donaldson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW ALBRO.

Mr. WEST also introduced a bill (H. R. 6851) for the relief of Andrew Albro; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF INTERNAL-REVENUE LAWS.

Mr. REID, of North Carolina, introduced a bill (H. R. 6852) to reduce the number of internal-revenue officers, reduce the tax on fruit-brandy, provide a better and more economical administration of the internal-revenue laws, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BLAIR EDUCATIONAL BILL.

Mr. REID, of North Carolina, also submitted the following resolution; which was referred to the Committee on Rules:

Resolution instructing the Committee on Education to report Senate bill 194, entitled "A bill to aid in the establishment and temporary support of common schools," and commonly known as the Blair bill.

Whereas during the first session of the Forty-eighth Congress, in the month of April, 1884, the Senate passed and sent to the House of Representatives for its concurrence a bill similar to the one referred to in the title above mentioned, which said bill was never acted upon by the House of Representatives during the said session, nor at the second session of said Congress; and

Whereas the Senate has recently passed said Senate bill 194, and sent it to the House of Representatives, requesting concurrence therein; and

Whereas it is reported that the House Committee on Education has postponed the consideration of said bill until the third Monday of April next, a time when the session may be too far advanced and the Calendar of the House too much crowded to secure a proper consideration of said bill; and

Whereas the Legislature of the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Louisiana, Alabama, Mississippi, Arkansas, and Kentucky have requested their Representatives and instructed their Senators in Congress to aid in securing temporary Federal aid to the common schools of the several States; and

Whereas the State superintendents of public instruction for the States of Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Tennessee, and Kentucky, appointed as a committee to represent the educational convention assembled from said States at Atlanta, Ga., have heretofore memorialized Congress, setting forth the immediate and pressing educational wants of the Southern States of the Union and praying for speedy action in aid thereof; and

Whereas the passage of said bill would enable the States hereinbefore mentioned to extend the blessings and advantages of a common-school training to all indigent and illiterate children resident therein, more especially to the children of citizens who are compelled to labor for low wages in the shops or on the farms, and have not the means requisite to provide an elementary education; and

Whereas it is undemocratic, unrepublican, unjust, and unfair, as well to the constituents of members of this House who represent the States above named as to the poor children of the whole Union, more especially to those residing in the South, who are without the necessary facilities of a common-school education, to prevent action on said bill by unusual delay in reporting on the same, and not allowing a full and fair discussion and consideration thereof by the House: Therefore,

Be it resolved, That the Committee on Education, to whom was referred said Senate bill 194, be directed to report the same to the House forthwith with such recommendations as to said committee may seem proper.

INLAND WATER WAY FROM NEW YORK TO FLORIDA.

Mr. SKINNER introduced a bill (H. R. 6853) to provide an inland water way from New York to Florida; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BARKER, WILLIAMS, AND OTHERS.

Mr. COX introduced a bill (H. R. 6854) for the relief of Barker, Williams, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL SERVICE.

Mr. COX also introduced a bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

W. T. SAND.

Mr. COWLES introduced a bill (H. R. 6856) granting a pension to W. T. Sand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOREKEEPERS.

Mr. COWLES also introduced a bill (H. R. 6857) to amend section 3255 of the Revised Statutes and to abolish storekeepers at whisky distilleries of the capacity of ten bushels per day or less; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT TO RULE XXXIV.

Mr. HILL submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXXIV of the House of Representatives be so amended as to read as follows:

After the word "consideration," in line 14, add, "and the Commissioner of Agriculture, Commissioner of the General Land Office, Commissioner of Patents, Commissioner of Pensions, Commissioner of Indian Affairs, and the Commissioner of Internal Revenue.

DENNIS O'NEILL AND OTHERS.

Mr. HILL also introduced a bill (H. R. 6858) for the relief of Dennis O'Neill, Josiah L. Venable, George H. Boston, James A. Jennefer, Otho Branson, William Blake, and James W. Davenport, Dennis O'Neill & Co., contractors; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARION BROWN.

Mr. EZRA B. TAYLOR, introduced a bill (H. R. 6859) granting a pension to Marion Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH ANZER.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 6860) granting a pension to Joseph Anzer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD A. SMITH.

Mr. BUTTERWORTH introduced a bill (H. R. 6861) for the relief of the legal representatives of Edward A. Smith, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. G. CARPENTER.

Mr. BUTTERWORTH also introduced a bill (H. R. 6862) for the relief of E. G. Carpenter, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS DAUM.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 6863) granting a pension to Francis Daum, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WILLSON.

Mr. McKINLEY introduced a bill (H. R. 6864) granting a pension to William Willson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS D. SHAW.

Mr. McKINLEY also introduced a bill (H. R. 6865) granting an increase of pension to Thomas D. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. HAND.

Mr. McKINLEY also introduced a bill (H. R. 6866) to remove charges of desertion against the record of George W. Hand; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ALMIRA V. BROWN.

Mr. WILKINS introduced a bill (H. R. 6867) for the relief of Mrs. Almira V. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILBUR F. HINMAN.

Mr. FORAN introduced a bill (H. R. 6868) for the relief of Wilbur F. Hinman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRY BARTON.

Mr. FORAN submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Harry Barton $600, being the difference between his pay as a folder at $900 per annum and that of a clerk in the folding-room at $1,200, from March 10, 1884, to March 10, 1886, and the amount herein authorized and directed shall be paid out of the contingent fund of the House and be made immediately available, subject to the approval of the Committee on Accounts.

INTERNATIONAL SHEEP AND WOOL SHOW, PHILADELPHIA.

Mr. IKE H. TAYLOR introduced a joint resolution (H. Res. 138) to print 10,000 copies of the report of the Commissioner of Agriculture on the international sheep and wool show held in Philadelphia in September, 1880; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

UNRESTRICTED COINAGE OF SILVER DOLLARS.

Mr. LITTLE introduced a bill (H. R. 6869) relative to the unrestricted coinage of silver dollars on an international ratio; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HENRY NEWYEAR.

Mr. LITTLE also introduced a bill (H. R. 6870) for the relief of Henry Newyear; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MIRIAN JUDY POST, G. A. R., BLOOMINGBURG, OHIO.

Mr. LITTLE also introduced a joint resolution (H. Res. 139) authorizing the Secretary of War to furnish Mirian Judy Post, Grand Army of the Republic, of Bloomingburg, Ohio, twelve condemned muskets, and accouterments; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN R. BROWN.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 6871) for the relief of John R. Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER M. WHITTAKER.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 6872) for the relief of Alexander M. Whittaker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. RANDALL introduced a bill (H. R. 6873) relating to the construction of public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AXEL W. ANDERSON.

Mr. RANDALL also introduced a bill (H. R. 6874) granting a pension to Axel W. Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER PETER D. LAMBERT.

Mr. RANDALL also introduced a bill (H. R. 6875) referring the claim of Arthur P. Paynter for damages to the schooner Peter D. Lambert and cargo to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMMODORE WILLIAM T. TRUXTUN.

Mr. SCOTT introduced a bill (H. R. 6876) for the relief of Commodore William T. Truxtun; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MISS VIRGINIA GREER.

Mr. SWOPE introduced a bill (H. R. 6877) for the relief of Mrs. Virginia Greer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN VOGEL.

Mr. BOYLE introduced a bill (H. R. 6878) granting a pension to John Vogel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS GEHM.

Mr. BOYLE also introduced a bill (H. R. 6879) granting a pension to Louis Gehm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

P. A. HIGHT.

Mr. BOYLE also introduced a bill (H. R. 6880) granting a pension to P. A. Hight; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA A. BOWLEN.

Mr. BOYLE also introduced a bill (H. R. 6881) granting a pension to Eliza A. Bowlen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL RICE.

Mr. BOYLE also introduced a bill (H. R. 6882) granting a pension to Michael Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY O'NEAL.

Mr. BOYLE also introduced a bill (H. R. 6883) granting a pension to Henry O'Neal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

I. M. AND S. T. GRAY.

Mr. BOYLE also introduced a bill (H. R. 6884) for the relief of I. M. and S. T. Gray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLARA GEISER.

Mr. ERMENTROUT introduced a bill (H. R. 6885) granting a pension to Clara Geiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. S. GAUL.

Mr. ERMENTROUT also introduced a bill (H. R. 6886) granting a pension to H. S. Gaul; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA RHOADS.

Mr. ERMENTROUT also introduced a bill (H. R. 6887) granting a pension to Rebecca Rhoads, dependent mother of John G. Rhoads; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. WITHEROW.

Mr. JACKSON introduced a bill (H. R. 6888) to remove the charge of desertion from the record of William P. Witherow and grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM FORD.

Mr. JACKSON also introduced a bill (H. R. 6889) granting a pension to William Ford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA F. WILSON.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 6890) granting a pension to Amanda F. Wilson, widow of John G. Wilson, company K, One hundred and fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. KLINESMITH.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6891) to increase the pension of George W. Klinesmith, late a private Company H, Twenty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMPSON CREAMER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 6892) to increase the pension of Thompson Creamer, late a private Company H, One hundred and ninetieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH ROCKEL.

Mr. STORM introduced a bill (H. R. 6893) granting a pension to Joseph Rockel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY ANN RUSE.

Mr. OSBORNE introduced a bill (H. R. 6894) for the relief of Sally Ann Ruse, mother of George A. Ruse, deceased, late a lieutenant in Company D, One hundred and forty-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH HARBAUGH.

Mr. BAYNE introduced a bill (H. R. 6895) granting a pension to Sarah Harbaugh, widow of George F. Harbaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER ELSER.

Mr. BOUND introduced a bill (H. R. 6896) to increase the pension of Peter Elser, Two hundred and first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HIPPLE.

Mr. BOUND also introduced a bill (H. R. 6897) granting a pension to Henry Hipple, late of Company H, One hundred and seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CONNELLY.

Mr. BOUND also introduced a bill (H. R. 6898) to remove the charge of desertion from the military record of Thomas Connelly, Company G, Ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HUGH DONLY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 6899) to allow pay to Hugh Donly for his services as a soldier the same as if he had been borne on the muster-rolls of his company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVY WARRANT OFFICERS.

Mr. HARMER introduced a bill (H. R. 6900) giving rank to warrant officers of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CONVEYANCE, ETC., OF REAL ESTATE IN THE DISTRICT.

Mr. HEMPHILL (by request) introduced a bill (H. R. 6901) to amend the law in relation to the conveyance and devise of real estate in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

POLICE COURT OF THE DISTRICT.

Mr. HEMPHILL also introduced a bill (H. R. 6902) to abolish the police court and office of justice of the peace in and for the District of Columbia and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DR. JOHN TEMPLETON.

Mr. PETTIBONE introduced a bill (H. R. 6903) for the relief of Dr. John Templeton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. T. LARKIN.

Mr. HEMPHILL introduced a bill (H. R. 6904) for the relief of G. T. Larkin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILKINS W. WAGGONER.

Mr. CALDWELL introduced a bill (H. R. 6905) for the relief of Wilkins W. Waggoner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS.

Mr. RICHARDSON introduced a bill (H. R. 6906) to authorize the auditing and allowance of claims for use and occupation or destruction of buildings in the late war which were used alone for educational or religious purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES M. KENNERLY.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 6907) for the relief of Charles M. Kennerly, of Henry County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

N. H. WHITLOW.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6908) for the relief of N. H. Whitlow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD ODLE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6909) for the relief of Richard Odle, of Benton County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. N. PAYNE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6910) for the relief of R. N. Payne, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

V. B. WALKER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 6911) for the relief of V. B. Walker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT LINGAR.

Mr. HOUK introduced a bill (H. R. 6912) granting a pension to Robert Lingar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOCH CRAWFORD.

Mr. HOUK also introduced a bill (H. R. 6913) for the relief of Enoch Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD G. SHARP.

Mr. HOUK also introduced a bill (H. R. 6914) granting a pension to Richard G. Sharp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM HAMMOND.

Mr. HOUK also introduced a bill (H. R. 6915) for the relief of Abram Hammond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A COMMON STANDARD SILVER COIN.

Mr. REAGAN (by request) introduced a bill (H. R. 6916) to provide for a conference of the American nations on a common standard silver coin, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THE RETIRED-LIST OF THE ARMY.

Mr. REAGAN also presented the following resolution; which was referred to the Committee on Military Affairs:

Be it resolved by the House of Representatives, That the Secretary of War be requested to transmit to the House of Representatives a full and complete list of the officers now on the retired-list of the Army, with their respective rank or relative rank, their annual pay and allowance, and the specific reasons and grounds upon which they were placed on the retired-list.

JUDICIAL SALES.

Mr. THROCKMORTON introduced a bill (H. R. 6917) to provide for the protection of the interests of the United States in judicial sales, sales by receivers or mortgagees; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEWIS M. STRONG.

Mr. GROUT introduced a bill (H. R. 6918) to increase the pension of Lewis M. Strong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH ANN WILLIAMS.

Mr. GROUT also introduced a bill (H. R. 6919) granting a pension to Sarah Ann Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL MANNING.

Mr. STEWART, of Vermont, introduced a bill (H. R. 6920) granting a pension to Michael Manning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAURICE REEDY.

Mr. STEWART, of Vermont (by request), also introduced a bill (H. R. 6921) granting a pension to Maurice Reedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM JOSLIN.

Mr. STEWART, of Vermont, also introduced a bill (H. R. 6922) for the relief of William Joslin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. LINDNER.

Mr. LIBBEY introduced a bill (H. R. 6923) to increase the pension of William M. Lindner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE GOSPORT NAVY-YARD.

Mr. LIBBEY also presented a joint resolution of the General Assembly of Virginia, requesting the Secretary of the Navy to make the Gosport (Norfolk) navy-yard the central navy-yard of the country; which was referred to the Committee on Naval Affairs.

BUSINESS OF THE DISTRICT OF COLUMBIA.

Mr. BARBOUR offered the following resolution; which was referred to the Committee on Rules:

Resolved, That the second Monday of each calendar month hereafter during the continuance of the Forty-ninth Congress, after the call of States and Territories for bills and joint resolutions, be, and the same hereby is, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

JOHN W. FAIRFAX.

Mr. BARBOUR also introduced a bill (H. R. 6924) for the relief of John W. Fairfax; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES W. ADAMS.

Mr. BARBOUR (by request) introduced a bill (H. R. 6925) for the relief of Charles W. Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY APPLE.

Mr. TRIGG introduced a bill (H. R. 6926) granting a pension to Henry Apple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY G. DENNIS.

Mr. TRIGG also introduced a bill (H. R. 6927) for the relief of Henry G. Dennis, of Giles County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY T. HARTMAN.

Mr. TUCKER introduced a bill (H. R. 6928) for the relief of Henry T. Hartman; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. TUCKER introducted a bill (H. R. 6929) to repeal sections 1767, 1768, 1769, 1770, 1771, and 1772 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMON SCHOOLS.

Mr. WISE introduced a bill (H. R. 6930) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

MAURICE RUDDLESDEN.

Mr. GIBSON, of West Virginia, introduced a resolution for the relief of Maurice Ruddlesden; which was referred to the Committee on Accounts, and ordered to be printed.

JOHN HENRY BALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6931) to remove the charge of desertion from John Henry Ball, of Company D, Seventh Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. A. PETTY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6932) granting a pension to J. A. Petty, late a private in Company B, Sixth Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HARRIS MARPLE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6933) granting a pension to John Harris Marple, of Company A, Seventeenth West Virginia Volunteers; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID LATTIN.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6934) granting a pension to David Lattin, a member of Company G, Fifth West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. CLARK.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6935) granting a pension to William J. Clark, of Company B, Eleventh Regiment West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB E. ISRAEL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 6936) granting a pension to Jacob E. Israel, late of Company M, First Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSTRUCTION OF NAVAL VESSELS.

Mr. GOFF submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be directed to inform the House of Representatives of the present condition of the Chicago, Boston, and Atlanta; what progress has been made in their construction; what obstacles, if any, exist to their early completion, and when in his opinion they will be ready to be placed in commission. Also that he inform the House what steps have been taken toward the construction of the two cruisers and two gunboats authorized by the act of March 3, 1885, in what manner they are to be built, when work upon them will be commenced, and what time will be required in completing them.

GEORGE D. PAUL.

Mr. BRAGG introduced a bill (H. R. 6937) for the relief of George D. Paul, of the Fourth Michigan Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. MELLON.

Mr. BEAN introduced a bill (H. R. 6938) for the relief of John A. Mellon for loss of boat; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARTESIAN WELLS.

Mr. BEAN also introduced a bill (H. R. 6939) to encourage the sinking of artesian wells west of the Mississippi River; which was read a a first and second time, referred to the Committee on the Territories, and ordered to be printed.

HENRY GREBE.

Mr. GIFFORD introduced a bill (H. R. 6940) for the relief of Henry Grebe, acting second lieutenant of the Ninety-third United States Colored Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORPORATIONS IN TERRITORIES.

Mr. GIFFORD also introduced a bill (H. R. 6941) to amend section 1889 of the Revised Statutes of the United States relating to the Legislative Assemblies of Territories creating corporations; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

EDUCATION IN TERRITORIES.

Mr. GIFFORD also introduced a bill (H. R. 6942) to set apart section 36, township 111, range 62, Dakota Territory, for educational purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREDERICK VOLLRATH.

Mr. GIFFORD also introduced a bill (H. R. 6943) granting a pension to Frederick Vollrath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GUTTMAN, FRIEDMAN & CO.

Mr. JOSEPH introduced a bill (H. R. 6944) for the relief of Gutt-

mann, Friedman & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTIN LACOME & BROTHER.

Mr. JOSEPH also introduced a bill (H. R. 6945) for the relief of Augustin Lacome & Brother; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JUAN MARIA BACA.

Mr. JOSEPH also introduced a bill (H. R. 6946) for the relief of the heirs of Juan Maria Baca, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF GASPAR ORTIZ Y ALARID.

Mr. JOSEPH also introduced a bill (H. R. 6947) for the relief of the heirs of Gaspar Ortiz y Alarid, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, FORT WORTH, TEX.

Mr. WELLBORN introduced a bill (H. R. 6948) for the erection of a public building at Fort Worth, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS I. PATTERSON.

Mr. NEECE introduced a bill (H. R. 6949) to increase the pension of Thomas I. Patterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK STEPP.

Mr. NEECE also introduced a bill (H. R. 6950) granting a pension to Frederick Stepp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WERNER LENTZ.

Mr. MORRISON introduced a bill (H. R. 6951) for the relief of Werner Lentz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES RIDDLE.

Mr. McCREARY (by request) introduced a bill (H. R. 6952) granting a pension to Charles Riddle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEFICIENCY CLAIMS, POST-OFFICE DEPARTMENT.

Mr. TAULBEE introduced a bill (H. R. 6953) to appropriate a sum of money to pay deficiency claims from the Post-Office Department prior to July 1, 1882; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOSEPH T. BOYD.

Mr. SYMES introduced a bill (H. R. 6954) for the relief of Joseph T. Boyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZENAS BIGELOW.

Mr. SYMES also introduced a bill (H. R. 6955) for the relief of Zenas Bigelow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JERUSHA SPARKS.

Mr. HERMAN introduced a bill (H. R. 6956) for payment to Jerusha Sparks, surviving widow of A. J. Bolon, deceased, for property destroyed by Yakima Indians in Washington Territory in 1855; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GARRETT CROCKETT.

Mr. HERMAN also introduced a bill (H. R. 6957) for payment to Garrett Crockett, of Josephine County, State of Oregon, of the sum of $3,600 for property destroyed by hostile Indians in Southern Oregon in 1855; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HERMANN BAUMHAGER.

Mr. HERMAN also introduced a bill (H. R. 6958) for increase of pension (invalid, late war) of Hermann Baumhager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WYATT HARRIS.

Mr. HERMAN also introduced a bill (H. R. 6959) for relief of Wyatt Harris, late captain of Company I, Twenty-fourth Regiment Infantry Missouri Volunteers, and compensation for money and property taken from him by confederate officers while prisoner of war by capture of Union forces at Union City, Tenn., by confederate troops under General N. B. Forrest; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RIVER NAVIGATION IN OREGON.

Mr. HERMAN also submitted the following resolution of inquiry; which was referred to the Committee on Rivers and Harbors:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, requested to furnish this House with information as to the advisability and increased cost of extending ship navigation above Portland to the Willamette Falls, on the Willamette River, in Oregon.

ALBERT H. HUTCHINSON.

Mr. BOUTELLE introduced a bill (H. R. 6960) to remove the charge of desertion from the record of Albert H. Hutchinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEMBERS OF WYOMING COUNCIL, ETC.

Mr. CAREY introduced a bill (H. R. 6961) to fix the number of members of the council and house of representatives of the Territory of Wyoming, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CHARLES E. BLAKE.

Mr. DINGLEY introduced a bill (H. R. 6962) granting a pension to Charles E. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILES THURTLEFF.

Mr. DINGLEY also introduced a bill (H. R. 6963) granting a pension to Giles Thurtleff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY TO CERTAIN SOLDIERS LATE WAR.

Mr. MILLIKEN introduced a bill (H. R. 6964) to amend an act approved March 3, 1863, entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, approved July 22, 1861," so as to authorize the payment of $100 bounty to certain soldiers discharged for disability incurred while in the military service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COURT-HOUSE, COLUMBIA COUNTY, WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 6965) to authorize Columbia County in Washington Territory to issue bonds for the construction of a court-house; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LEGISLATIVE ASSEMBLY, WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 6966) to change the time of meeting of the Legislative Assembly of Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

POLYGAMY.

Mr. VOORHEES also introduced a joint resolution (H. Res. 140) proposing an amendment to the Constitution of the United States prohibiting polygamy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIAN ANNUITY GOODS AND OTHER SUPPLIES.

Mr. HAILEY introduced a bill (H. R. 6967) to provide for advertising and letting contracts for furnishing annuity goods and other supplies to Indian agencies, and to provide for inspectors at Indian agencies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY RAINS.

Mr. HAILEY also introduced a bill (H. R. 6968) to pay Mary Rains, of Idaho, for property destroyed by Indians in Idaho in 1879; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SAMUEL F. ROWE.

Mr. GUENTHER introduced a bill (H. R. 6969) granting a pension to Samuel F. Rowe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. VAN WAGENEN.

Mr. LA FOLLETTE introduced a bill (H. R. 6970) for the relief of James H. Van Wagenen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL HARTMAN.

Mr. DAVENPORT (by request) introduced a bill (H. R. 6971) for the relief of Michael Hartman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF THE MALL.

Mr. SPRINGER introduced a bill (H. R. 6972) to enlarge the eastern end of the Mall and to lay out an avenue through said Mall, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. SPRINGER. I desire to submit in connection with this bill some maps and other documents.

The SPEAKER. They will be forwarded to the Committee on Public Buildings and Grounds.

REPORT ON CONDITION OF INDIANS, ETC.

Mr. HOLMAN, from the Select Committee on Expenditures for In-

dians and the Yellowstone Park, reported a bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the condition of the Indians and Indian affairs, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CANNON. I desire to ask the gentleman from Indiana if he now makes a report or merely introduces a bill?

Mr. HOLMAN. I introduce a bill accompanied by a report.

Mr. CANNON. The gentleman is now making the report of the select committee?

Mr. HOLMAN. Yes, sir.

Mr. CANNON. I desire, Mr. Speaker, permission to present the views of myself and my colleague from Kansas, with the request that they may be printed to accompany the report of the committee.

Mr. HOLMAN. I trust my friend will allow me a moment. I have treated that simply as a portion of the report of the committee, and report all together.

Mr. CANNON. Very well. That is satisfactory.

The SPEAKER. The views of the minority of the committee will, therefore, be printed with the report of the committee.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the committees, under the order of the House made on yesterday, for motions to suspend the rules.

ALABAMA CLAIMS COMMISSION.

The Committee on the Judiciary was called.

Mr. COLLINS. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted, &c., That the proper accounting and disbursing officers of the Treasury be, and they are hereby, authorized and directed to audit and pay the compensation not already paid of assistant counsel on behalf of the United States, subordinate clerks, accountants, computants, expert examiners and assistant examiners, janitors, messengers, watchmen, and scrub-women employed by the Court of Commissioners of Alabama Claims prior to the 1st day of January, 1886, at the rate of compensation fixed by said court, and in accordance with vouchers approved by said court and certified by the presiding judge thereof, and also to audit and pay all other necessary expenses of said court up to the day last mentioned, approved and certified in the manner aforesaid, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be reimbursed out of the unappropriated moneys of the Geneva award fund.

SEC. 2. That the said accounting officers are hereby also directed to allow to Andrew H. Allen, in the settlement of his accounts with the Treasury Department under his appointment as disbursing agent, made by the Secretary of State on July 20, 1882, all sums of money which he may have paid, covered by vouchers approved and certified as described in the preceding section, and also compensation for his services as such disbursing agent, at the rate fixed by the Secretary of State in his letter of May 2, 1883, up to the 1st day of January, 1886, so far as he has not already been paid.

SEC. 3. That the powers of the clerk of said court are hereby extended for an additional period, not to exceed six months from and after the termination of said court, on the 31st day of December, 1885, for the purpose of closing up the business of his office, and for depositing the records, documents, and all other papers of the court or its officers in the office of the Secretary of State, as provided in the act re-establishing said court, and the act therein referred to; and said clerk is hereby authorized to employ such assistance as he may deem necessary for the purpose of enabling him to carry into effect the provisions of this act, not to extend in number those heretofore employed, said assistants to be paid monthly, at the same rate of compensation heretofore paid them, from and after said 31st day of December, 1885, on vouchers certified by said clerk, under the direction of the Secretary of State, from said Geneva award fund; and all disbursements shall be made by said clerk, under the direction of the Secretary of State. The Secretary of State is hereby authorized and directed to make sale of all furniture and other property in and about the building used and occupied by the said court, and which were procured for the use of the court and the officers and employés thereof, at such time and place and in such manner as he shall deem most advantageous to the Government, and to cover the proceeds of such sale into the Treasury.

SEC. 4. That it is hereby made the duty of the Secretary of State, with the assistance of the clerk of the said court, to immediately after the passage of this act make an estimate of the cost and expenses for the salary and pay of the clerk and employés under him, and all other necessary incidental expenses, for and during the time from said 31st day of December, 1885, not to exceed six months as aforesaid, as shall be judged necessary, as aforesaid, for completing the journals, records, and other entries and business of said court required to be completed, and for putting in order, arranging, and delivering to the Secretary of State all said records, journals, documents, papers, and other property lately appertaining to said court and which are hereinabove named: *Provided, however*, That the said expenses provided for in this section to be estimated as aforesaid shall not exceed the sum of $15,000; and that any sum which may remain of the amount so estimated and deducted from the said fund for the purpose named in this section shall be by the Secretary of State covered into the Treasury of the United States; and the said Secretary of State shall further make an estimate of the net amount which will probably be realized and covered into the Treasury from the sale of the furniture and property hereinbefore named.

SEC. 5. That the amount which shall be paid out and distributed in payment and satisfaction of the judgments of the first and second class which are now existing as rendered by the said court against the Geneva award fund, and in payment of the expenses, salaries, and other outlays contemplated and provided for in this act, and in the act re-establishing the said court, approved June 5, 1882, shall be ascertained in the following manner: To the sum of $9,703,904.89, this being the amount of the said Geneva award fund remaining in the Treasury, as disclosed by the Treasury report of June 30, 1877, and the letter of the Secretary of the Treasury to the chairman of the Committee on the Judiciary of the House of Representatives dated April 22, 1884, shall be added the premium realized from the sale of certain bonds in which the said fund was invested, namely, the sum of $385,100.07, making $10,089,004.96; and to this sum shall further be added the estimated value of the said furniture and property, as provided for in section 4 of this act; and from the aggregate sum so ascertained shall be subtracted the estimated cost of the services and expenses provided for being estimated in section 4 of this act, and also the amount provided for in section 1 of this act, together with all the other expenses of the court; and from the amount so ascertained shall be further deducted the aggregate of the judgments of the first class which have already been paid, and the balance shall be applied as follows: First, to the payment of the judgments of the first class yet remaining unpaid as provided in said act, approved June 5, 1882, and the residue shall be paid out and distributed pro rata upon the judgments in favor of claimants of the second class, as provided in said last named act. And the amounts so ascertained as aforesaid are, for the purpose of making the payment aforesaid, hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is a second demanded?

Mr. WARNER, of Ohio. I would like to have some explanation of the bill.

Mr. COLLINS. I hope a second will be considered as ordered by consent.

There was no objection, and a second was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes for and fifteen against the bill. The Chair will recognize the gentleman from Massachusetts [Mr. COLLINS] in support of the motion, and the gentleman from Ohio [Mr. WARNER] in opposition.

Mr. WARNER, of Ohio. I do not desire to debate the bill, but simply asked time so that an explanation might be given.

Mr. COLLINS. I do not think, Mr. Speaker, that after a brief explanation of the terms of this bill there will be any opposition whatever to its passage. Its sole purpose is to close up the business and make as speedy payment as possible of the funds committed to the Court of Commissioners of Alabama Claims; and its passage is necessary for the purpose of that speedy payment, as well as for the settlement of some disputes which have arisen between the owners of this fund and the accounting officers of the Treasury.

The fund stood in the United States Treasury on the 30th of June, 1877, at $10,089,004.96; that is the fund available for the distribution. From that date until the passage of the act of 1882 there was a very sharp contest among the different classes of claimants in and out of Congress for the distribution of that fund.

The act of 1882 finally settled the policy of Congress on that point and formed a new court or commission for the distribution of the fund to two classes of claimants. That court, on the 31st of last December, finished its judicial work. The first-class claimants will be paid in full. The second-class claimants will receive about 54 per cent. of the claims approved.

It seemed to the committee, after looking over some six bills presented for their consideration, to be necessary and only necessary to accomplish three things by this bill, which was reported in lieu of all the others. First, to give sufficient time for the clerical work to be finished, which, we were satisfied, could not be done under the provisions of the act of 1884 which limited it to the 30th day of May of the present year. Therefore this bill provides that an additional period, not exceeding two months, shall be given for finishing the clerical work of the court and transmitting its property and papers in good order to the State Department.

In the second place, under the provisions of the acts of 1882 and 1884 subordinate officers found necessary to be employed by the court were not provided for. The court assumed the responsibility of employing a sufficient force to do the business, and the amount for their payment until last September was favorably passed upon by all the accounting officers by the Secretary of State and by the Department of Justice. From the time that their accounts were suspended down to the time that the court ceased its judicial work they were paid by counsel representing the vast majority of the creditors of the fund, who decided in behalf of all the creditors that these subordinate officers were necessary, that their compensation was reasonable, and that the court could not finish its business without employing them.

We provide in the third place for immediately ascertaining what that fund shall be; we provide the Secretary of State shall appraise the value of the property on hand and add it to the fund, subtracting $15,000 to pay for closing up the court for a period not exceeding six months, and that the balance shall be immediately available for distribution among those who shall have proved their claims. The creditors of the fund are unanimous in desiring to have these payments made. They make them out of their own pockets. It costs the United States nothing. And the Committee on the Judiciary were unanimous in deciding that this bill was necessary, and that no other bills were necessary in order to reopen the vexed question as to who should have title to this fund. The claims have all been approved under sanction of Congress at the expense of the litigants; and we believe that this Congress should close the long chapter which began at Geneva and should end here.

Mr. TUCKER. An administration *de bonis non*.

Mr. WARNER, of Ohio. I understand this bill makes no appropriation out of the Treasury outside of the fund itself?

Mr. COLLINS. Not one cent.

Mr. WARNER, of Ohio. I yield my time.

The SPEAKER. The question is on the motion made by the gentleman from Massachusetts [Mr. COLLINS] to suspend the rules and pass the bill, with the verbal amendments appearing upon the face of the bill, two words having been corrected.

The question having been taken, two-thirds voted in the affirmative; and the bill was passed.

RECEIVERS OF NATIONAL BANKS.

The Committee on Banking and Currency was called.

Mr. MILLER. I move to suspend the rules and pass the bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864.

The bill was read, as follows:

Be it enacted, &c., That whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his said trust, to the extent of any and all equities that such trust may have in any property, real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which said property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be so sold, and the value of the equity his said trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of said trust as may be necessary to purchase such property at such sale.

SEC. 2. That such request, if approved by the Comptroller of the Currency, shall be, together with the certificate of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts, and indorsement of approvals, shall be filed with the Treasurer of the United States.

SEC. 3. That whenever any such request shall be allowed as hereinbefore provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which such allowance was made: *Provided, however*, That all payments to be made for or on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury, for such purpose only and in such manner as he may determine and order.

Mr. DINGLEY. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is a second demanded? Unless a second is demanded and ordered by the House no debate is in order.

Mr. PETERS. I demand a second.

There being no objection, the second was considered as ordered.

The SPEAKER. Thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. MILLER. The act of Congress organizing national banks provides that where a bank has *bona fide* debts it may take liens on real estate or personal property to secure those debts. The bank itself while in existence has power to buy in this property at judicial sale or private sale, or any other, but the receiver of a national bank has no such power. He represents the creditors, and there is no law of Congress authorizing the receiver after he has foreclosed the lien to buy in property so as to prevent loss to the creditors of the bank; because the receiver represents the creditors of the bank, and not the bank itself. There can not be a receiver of a national bank until it has gone into liquidation. This bill authorizes a receiver when he has a judgment against real estate or personal property, and when a decree of foreclosure has been made, so that there is a judicial sale of the property, to apply to the Secretary of the Treasury, stating the amount of the lien on the property and the value of the property, and to get authority from the Secretary of the Treasury to bid so much upon the property at the judicial sale so as to prevent it from being sacrificed.

Mr. MILLS. In whose name is he to buy it?

Mr. MILLER. It is to be bought in the name of the receiver of the bank.

Mr. MILLS. And he has to sell it again for distribution?

Mr. MILLER. Just as he disposes of all other property belonging to the bank.

Mr. BEACH. The bill is in the interest of the creditors?

Mr. MILLER. Yes, sir.

Mr. MILLS. Then it takes two sales under this bill to make a distribution of the proceeds among the creditors.

Mr. MILLER. Yes. The trouble has been heretofore that the property has been sacrificed and the creditor can not get any benefit unless he is given a right to make a bid. This will permit him to bid, and that will protect his lien. He may not buy the property at all, because he is limited in the amount of his bid. Further, in order to prevent collusion between the receiver and anybody else, the law provides that the Comptroller of the Currency shall draw the money and pay it out in case there is a purchase under this bill, so that the interests of the public are perfectly protected. This legislation is in the interest of the creditor, and I think there can be no objection to the passage of the bill.

Mr. HOLMAN. Mr. Speaker, this bill was not very distinctly heard when it was read, nor has the explanation made by the gentleman from Texas been distinctly heard throughout the House, and therefore I ask that the bill be again reported.

The bill was again read for information.

Mr. DINGLEY. Mr. Speaker, as I understand this bill, it simply gives receivers of banks the same power in reference to the purchase of any equities that may exist upon real estate or upon personal property that the directors of the bank have; only it must be exercised with the approval of the Comptroller of the Currency and the Secretary of the Treasury.

Mr. MILLER. Yes.

Mr. DINGLEY. It is simply to protect the trust?

Mr. MILLER. Yes.

The SPEAKER. If there be no further debate, the question is on the motion of the gentleman from Texas [Mr. MILLER] to suspend the rules and pass the bill.

Mr. COBB. I ask for a division.

The House divided; and there were—ayes 111, noes 9.

So the motion was agreed to, and the bill was passed.

CONSIDERATION OF SILVER COINAGE BILL.

Mr. BLAND. Mr. Speaker, on behalf of the Committee on Coinage, Weights, and Measures, I move to suspend the rules and pass the resolution which I send to the desk to be read.

The resolution was read, as follows:

Resolved, That House bill No. 5690, for the free coinage of silver, be made the special order for Saturdays, March 20 and March 27 instant, also Saturday the 3d of April next, and that the same be again taken up on Tuesday, April 6, after the morning hour, for the consideration of bills reported by committees, and so to continue from day to day until disposed of: *Provided*, That, unless sooner ordered by the House, the previous question shall be pending thereon at 3 o'clock Thursday, April 8. This order not to interfere with revenue or general appropriation bills, except on said Thursday, April 8 next, for the final disposition of this order.

Mr. HISCOCK. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded. The Chair will appoint as tellers the gentleman from New York [Mr. HISCOCK] and the gentleman from Missouri [Mr. BLAND].

Mr. ADAMS, of Illinois. Mr. Speaker, is it in order for me at this time to request the gentleman from Missouri [Mr. BLAND] to consent to a modification of his resolution by striking out the last part of it, so that the time when the previous question shall be ordered may be left undetermined until we have had two or three days' discussion, and know that all gentlemen who desire have had an opportunity to express their views on the subject?

Mr. BLAND. I think, Mr. Speaker, the time had better be fixed.

The question was taken; and the tellers reported—ayes 97, noes 28.

So a second was ordered.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate. The Chair will recognize the gentleman from Missouri [Mr. BLAND] to control the time in support of the resolution, and the gentleman from New York [Mr. HISCOCK] to control the time in opposition to it.

Mr. BLAND. Mr. Speaker, the House will notice that the order proposed to be made is simply to use Saturday, a day which, so far, under a special order of the House, has been generally devoted to the discussion of this subject. It is proposed now to use for the consideration of this bill three successive Saturdays—next Saturday, Saturday week, and Saturday two weeks; then that the bill shall be taken up again on Tuesday, April 6, after the hour for the consideration of bills reported from committees; that the discussion shall continue on Wednesday and Thursday, April 7 and 8, and that the previous question shall be considered as ordered at 3 o'clock on Thursday. This gives three Saturdays for the consideration of the bill and a part of three other days after the consideration of bills in the morning hour. This arrangement ought not to interfere, I think, with general appropriation or revenue bills except on the last day. I do not see how there can be any objection to discussing this question on some proposition pending before the House, instead of in the irregular and desultory manner in which it has been discussed so far this session.

Mr. HISCOCK. Mr. Speaker, it is not my intention to discuss the merits of the bill which it is proposed to consider. That bill has been reported to the House adversely, and this resolution asks this House to consider that adverse report. I can see no good that can come of the discussion. I recognize the fact that at least a majority of this House is opposed to the suspension of silver coinage; I do not believe that a majority of this House is in favor of unlimited silver coinage; and I perhaps may as well say that one of the purposes I had in view in demanding a second on this proposition was to get, if I could, a test vote on that question. If gentlemen believe that silver coinage should be suspended, for them there is no profit in this discussion, for they must recognize the fact that in view of the well-understood sentiment of the House the present silver-coinage law will not be repealed by this House. If gentlemen are in favor of having the law remain as it is, then there is no profit in this discussion. It is only in the direction of free and unlimited coinage that there can be any reason for this discussion whatever.

I now yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I voted for the second on this resolution for reasons directly opposed to those stated by my friend from New York [Mr. HISCOCK]. I think that this subject should be discussed by Congress; that the views of different members should be

given to the country; that we should be made to understand the question thoroughly ourselves, and so far as our discussions may tend to enlighten those who have not the same opportunities that we have, they should be spread all over the country.

I am in favor of the suspension of the coinage of silver. I am absolutely and utterly opposed to the free coinage of silver. I believe that a discussion of this subject will enable members to present such facts, such statements, such arguments drawn from experience and from the logic of past events as must convince the mind of any man who will scrutinize this subject closely that the free coinage of silver would be the greatest calamity that could befall the country, and that even the continued coinage of the present debased or clipped currency under existing law is an injury to the country which Congress must soon repair, or it must bear the brunt of having inflicted that injury on the country by non-action.

I am therefore in favor of the six days' discussion proposed by this resolution; and I was desirous of proposing to my friend [Mr. BLAND] that those six days of discussion should not be interrupted by the intervention of any general appropriation bill or revenue bill or any other measure that would prevent the House from devoting the entire six days to the discussion of this bill.

[Here the hammer fell.]

Mr. HISCOCK. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I shall vote against the motion of the gentleman from Missouri, for the reason that I believe at this time no legislation on this subject is good legislation. I have no sympathy with a considerable class of people in this country who want gold exclusively for currency because it is the dearer, nor have I sympathy with the class at the other extreme who want silver to the exclusion of gold because it is the cheaper. I believe there is a wise course between the two that four out of five persons in all sections of this country want to see pursued.

The two hundred million of silver dollars, 20 per cent. less in value intrinsically than an equal number of gold dollars, do circulate side by side at par with gold, the Government making the profit, the seigniorage being about 20 cents on the dollar, or $5,000,000 a year on the amount we are now coining. I believe that for some years to come we can continue the coinage of silver, the Government getting the seigniorage or profit, and that this silver will circulate side by side with gold. In the mean time, as these years are passing by, opportunity is given to our Government to make an international agreement with other Governments as to what the ratio shall be as between the two metals. And I believe that we shall be able to do it, so that this matter shall be set at rest forever.

I am not willing to favor free coinage of silver at this time, instead of following the conservative path that we are now upon, the Government taking the seigniorage or profit on this coinage. Free coinage means a profit of 20 cents on each dollar coined; $20,000,000 on each $100,000,000 coined shall go into the pockets of the bullion-holder or the speculator instead of going into the Treasury of the United States, and I fear and believe it would mean a single silver standard in a very short time. I say again I want the unit to rest upon both metals, and rest there permanently.

I can see no good that this discussion will beget. Gentlemen who are vain enough to think they have a monopoly of information on this question are mistaken. I believe the country fully understands the question, and that it is the part of wisdom for us to devote ourselves to legitimate business upon which we can legislate. We can not legislate on this question. There is revenue legislation coming up for consideration. The appropriation bills are to pass. A bill touching interstate commerce and for the control of railways is pressing for consideration. I might mention various other matters. In the mean time spring is advancing and the hot weather is soon to be on us. I want to be practical; and because I want to be practical, because I want to consider these important matters that we ought to consider and can consider, I am not willing to set aside several days in the most valuable part of this session to the consideration of a bill that is reported adversely from the committee and has no possible chance of being enacted into law.

[Here the hammer fell.]

Mr. HISCOCK. I yield three minutes to the gentleman from New York [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the Committee on Coinage, Weights, and Measures instructed their chairman to offer the resolution which he has submitted; but as my colleague [Mr. HISCOCK] seems to desire to make this a test vote as to the question of free coinage, I wish to say in behalf of the majority of the committee who made this report that, considering this a test vote, we shall be obliged to vote against the resolution. I realize the importance of the consideration and discussion of this question, for I know that the business interests of the country are suffering very much from the delay; but we shall get the time in due course in the regular way on the call of the committee. With the understanding that this is a test vote I shall vote against the resolution.

Mr. HISCOCK. I desire to say in response to the gentleman from Pennsylvania [Mr. BAYNE] that entertaining on this general question the views that he does—recognizing as he must (and I may say that I sympathize with him) the fact that this agitation, if it results in anything, is to result in the unlimited coinage of silver, I can see no reason why the agitation should be kept alive, the business interests of the country being disturbed by it, while we resolve ourselves into a debating society upon the adverse report made by a committee of this House.

What time have I left?

The SPEAKER. The gentleman has three minutes of his time remaining.

Mr. HISCOCK. I will reserve that time.

Mr. BLAND. How much time have I remaining?

The SPEAKER. Fourteen minutes.

Mr. BLAND. I will yield two minutes of that time to the gentleman from Kansas.

Mr. PETERS. I am one of those in favor of turning the light upon this question. I do not believe the advocates of silver are afraid of discussion. The whole scope of the resolution which has been offered by the gentleman from Missouri is to give to the discussion of this measure the right of way before this House, so that those who are in favor of it can present their arguments in favor of it and those opposed to it can present their arguments against the proposition involved in what is called the silver question. We have made some advance thus far in this matter. At the beginning of this session the feeling of this House on this question was mere conjecture. Now it is conceded by those who favor the suspension of silver coinage that no such proposition can pass through this House. I feel that still further discussion on the question may even bring them to admit the fact that not only will there be no suspension of silver coinage, but that coinage will be made free so far as the sentiment of this House is concerned.

The gentleman from New York [Mr. HISCOCK] and the gentleman from Illinois [Mr. CANNON] say that no good can come out of this discussion; that we can accomplish nothing. I say, Mr. Speaker, the molding of the sentiment of this House is the molding of the sentiment of the people, and the sentiment as it has thus far been indicated is in sympathy with the feelings of the majority of the people of the United States.

The SPEAKER. The gentleman's time has expired.

Mr. BLAND. I will now yield for three minutes to the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I shall vote for the consideration of the bill mainly for the reasons offered by my colleague from Pennsylvania [Mr. BAYNE]. Like him, I am in favor of a free and open discussion of this question. I am confident, however, that, instead of gain being made in the direction he suggests, it is likely to be entirely in the other direction. I believe, sir, we are moving toward free coinage in this country. I do not pledge myself to vote for this bill. I concede frankly that for absolute and unlimited free coinage I am not prepared to take that step at this time. But I want to go in that direction; I want to go further than we have yet gone, and because I believe discussion will move us in that direction, in the direction the people are going, in the direction the people want their representatives to go, is the reason why I am anxious this discussion should go on. I am not afraid of it. I believe bimetallism and unlimited coinage of both metals in this country are gaining ground daily. It is the right side for the people. The prosperity of this Republic depends upon the use of silver the same as gold for money.

The demonetization of silver, to my mind, would be the death-knell to the present prosperity we enjoy over other nations. I differ with my friend from Illinois [Mr. CANNON], because I do not believe we can discuss the question too much. The people are intensely interested in this question. No subject can be discussed which will interest them as this does. All the light we can get from the vantage-ground we hold as their representatives they have a right to demand at our hands. It is not proposed to consume very much time in discussing it. Because I have every confidence in the justice of the cause of ultimate free coinage of silver I believe I am for the fullest investigation. By all means let the discussion proceed.

The SPEAKER. The gentleman's time has expired.

Mr. BLAND. I will yield now for two minutes to the gentleman from Iowa.

Mr. WEAVER, of Iowa. Mr. Speaker, I think all attempts to discuss free coinage or unrestricted coinage are vain under the rules determining the length of debate at the present time. The single question for our consideration is the propriety of setting a time for the consideration of this bill. The gentleman from New York [Mr. HISCOCK] twice, in the limited time allotted to him upon his side of the House, said the only thing which could come from the discussion would be unlimited coinage. Is it right to have this matter discussed? It is the one great question of the world, and it is a question that ought to have and must have ample time for consideration. That is all the friends of this resolution ask. It is a subject occupying to-day the attention of the American people to a greater degree perhaps than any other question now before this country.

It is due to them, Mr. Speaker, it is due to the majority of this House,

that there shall be ample opportunity to discuss a question of such vital importance and magnitude. I repeat that is all we ask, and when that is done we will take the chances on the vote in this House.

I will yield now one minute, if I have that time remaining, to the gentleman from Ohio, Mr. WARNER.

Mr. WARNER, of Ohio. Mr. Speaker, this is not a question of free coinage or of no coinage——

The SPEAKER. The gentleman from Iowa has exhausted the two minutes yielded to him.

Mr. WEAVER, of Iowa. I did not understand that I had occupied the entire time.

Mr. BLAND. I yield one minute to the gentleman from Ohio.

Mr. WARNER, of Ohio. That is long enough to say that the proposition presented here is not as between free coinage and no coinage, nor is it a question of the suspension of coinage or continuing the coinage of silver; but it is whether this House will give this time to the consideration of the most important question now before the world.

Mr. WEAVER, of Iowa. That is it.

Mr. WARNER, of Ohio. That is the whole question. When that subject is before the House, when the discussion of the bill has commenced, when the bill is presented here for consideration, it may be amended, it may be modified, any other proposition may be substituted in its place; and the only question now with which we have to deal is whether the House will give this time to consider this great subject or not.

Mr. BLAND. Mr. Speaker, I reserve the remainder of my time. How much time is remaining?

The SPEAKER. The gentleman has six minutes.

Mr. HISCOCK. Then we will vote on the resolution.

Mr. BLAND. I would like, Mr. Speaker, to make a parliamentary inquiry: Whether or not, occupying the affirmative of this proposition, I have the close of the discussion?

The SPEAKER. There is no rule of the House on that question where a motion to suspend the rules, as in this case, is pending.

Mr. BLAND. Then I will proceed.

As has been stated by the gentleman from Ohio [Mr. WARNER], this is not a question of free coinage or the suspension of coinage. It is whether or not the House proposes to stultify itself before the great American people on this question. This House, by an order setting apart every Saturday, for the past month has been discussing this measure, and this only. Will the gentleman from Pennsylvania [Mr. BAYNE] or the gentleman from New York [Mr. HISCOCK] say that we are to discuss this question here during this Congress and yet not have the manhood or the courage to go on record before our constituents upon the subject? It will not be done. The gentleman——

Mr. BAYNE. I voted for the resolution.

Mr. BLAND. I understood that you—or possibly it was the gentleman from Illinois who occupied that position.

Mr. CANNON. Oh, I am ready to vote at any time.

Mr. BLAND. I hope I will not misrepresent any gentleman.

Now, as I said before, gentlemen can not escape going upon the record upon this question, nor can you escape the consideration of the question during this Congress. This resolution is simply to curtail the time by fixing a period when this measure may be properly debated and amended and a vote be taken upon it. It would come up in its regular order anyhow in the course of two or three weeks. Do you gentlemen want to see this question antagonize your appropriation bills, your commerce bills, your unfinished bills, or the Calendars of the House? Do you wish the House to be here all summer discussing whether this or some other bill shall be considered? For I want you to remember that you will have it so unless you will consent to fix a time when this measure may be properly considered and considered in the House. So far as I am concerned, and I believe a majority of the House are of the same opinion, we are in favor of going on record on this measure. The very fact, Mr. Speaker, that it has been discussed in order and out of order, that it is being discussed now in this House and before the American people above all other questions, is a clear intimation of the fact that the House will simply stultify itself by refusing; and every member here who goes to his constituents must apologize for not having the manhood and the courage to meet this question and consider it. I do not want to go to my constituents in any such way, and I do not propose to. We must discuss it.

Gentlemen talk of the policy of foreign governments. We are a nation of sixty millions of people and are supposed to be independent. We are supposed to have manhood and courage enough to adopt a policy of our own without waiting for the step-motherly care of the Queen of Great Britain or the fatherly care of Bismarck.

I am somewhat astonished at my friend on the Committee on Coinage from New York [Mr. JAMES]. He is in here with the majority report, but now is retreating from his own report. I had supposed, in the organization of this House, that this was the most important question that would be considered before Congress, a question paramount to all other questions; and we come in here with a bill, and my friend has the majority of the committee, yet he seems afraid to trust the House upon that majority report.

We of the minority desire to overturn that majority and show to the country that this House is not in favor of suspension, but on the contrary is looking for a further coinage of silver, even though it may be free coinage. What time have I left?

The SPEAKER. The gentleman has two minutes remaining.

Mr. BLAND. I reserve that time.

Mr. HISCOCK. I recognize the fact that the gentleman from Missouri will present this question to the House at all seasons, at least when it is proper, and I want the gentleman to fully appreciate that I, at least, am always willing to go on record and allow my vote to express my views. The reason why I oppose this resolution I will repeat.

There can but one affirmative outcome result from this discussion, and that is the free and unlimited coinage of silver. This bill is in here on an adverse report.

Mr. BROWN, of Pennsylvania. Can not the bill be amended if brought before the House for action?

Mr. HISCOCK. The gentleman asks me if the bill can not be amended. Does he believe it will be amended so as to restrict or limit coinage? Certainly not. The only result of it, if any affirmative result comes from it, will be the free, unlimited coinage of silver.

Mr. BROWN, of Pennsylvania. You give up the fight entirely.

Mr. HISCOCK. I have made my opposition to that here, as I intend to do on all proper occasions.

Mr. BLAND. I yield what remains of my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. No question has agitated the country during the last year more than the silver question. The resolution now before the House simply asks that a day be fixed by the order of the House for a discussion of that question. The people expect us to discuss it; they are discussing it; all the world is discussing this question, and I desire that this House shall fix a day for its discussion, to be followed by a day of voting, as distinguished by the discussion on Saturday, when there is no vote contemplated.

The people have asked a decision upon this question. Congress is expected to decide it, and we must decide it one way or the other. That decision can only be brought about by the resolution of the gentleman from Missouri [Mr. BLAND]. It does not involve the question of suspension of coinage or of unlimited coinage, but it involves the question of allowing the people's representatives to be heard upon this subject, and also to vote upon it before we adjourn. Therefore I am in favor of the resolution and hope it will be adopted.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BLAND] to suspend the rules and adopt the resolution which he has submitted.

Several members called for the yeas and nays.

The yeas and nays were ordered.

Mr. COMPTON. I call for the reading of the resolution.

The resolution was again read.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 178) for the relief of Ida S. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson and Coroline Augusta Urquhart; and

A bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond.

CONSIDERATION OF COINAGE QUESTION.

The question was taken; and there were—yeas 179, nays 87, not voting 57; as follows:

YEAS—179.

Anderson, J. A.	Curtin,	Hemphill,	McCreary,
Arnot,	Daniel,	Henderson, J. S.	McMillin,
Barbour,	Dargan,	Henderson, T. J.	McRae,
Barksdale,	Davidson, A. C.	Henley,	Miller,
Barnes,	Davidson, R. H. M.	Herbert,	Mills,
Bayne,	Dockery,	Herman,	Mitchell,
Bland,	Dorsey,	Hill,	Moffatt,
Blount,	Dougherty,	Hires,	Morrill,
Boyle,	Dunn,	Hitt,	Morrison,
Brady,	Eden,	Holman,	Morrow,
Breckinridge, C. R.	Eldredge,	Houk,	Neal,
Breckinridge, W. C. P.	Ellsberry,	Howard,	Neece,
Brown, W. W.	Felton,	Hudd,	Negley,
Burnes,	Findlay,	Hutton,	O'Donnell,
Burrows,	Ford,	Irion,	O'Harra,
Bynum,	Forney,	Johnston, J. T.	Outhwaite,
Cabell,	Frederick,	Johnston, T. D.	Owen,
Caldwell,	Fuller,	Jones, J. H.	Payson,
Campbell, J. E.	Funston,	Jones, J. T.	Peel,
Candler,	Gay,	Kleiner,	Perkins,
Carleton,	Geddes,	La Follette,	Perry,
Clardy,	Gibson, C. H.	Laird,	Peters,
Clements,	Gibson, Eustace	Lanham,	Pettibone,
Cobb,	Glass,	Lawler,	Pidcock,
Cole,	Goff,	Le Fevre,	Price,
Compton,	Green, R. S.	Lore,	Randall,
Comstock,	Green, W. J.	Lovering,	Reagan,
Cowles,	Hale,	Markham,	Reid, J. W.
Cox,	Hammond,	Martin,	Richardson,
Crain,	Harris,	Matson,	Riggs,
Crisp,	Hatch,	Maybury,	Rogers,
Culberson,	Heard,	McAdoo,	Romeis,

Rowell,	Stahlnecker,	Taylor, Zach.	Weaver, J. B.
Ryan,	Stephenson,	Thomas, J. R.	Wellborn,
Sadler,	Stewart, Charles	Thomas, O. B.	Wheeler,
Sayers,	St. Martin,	Thompson,	White, A. C.
Scott,	Stone, W. J., Ky.	Tillman,	White, Milo
Seney,	Stone, W. J., Mo.	Townshend,	Wilkins,
Sessions,	Storm,	Trigg,	Willis,
Seymour,	Struble,	Van Eaton,	Wilson,
Shaw,	Swope,	Ward, J. H.	Winans,
Singleton,	Symes,	Ward, T. B.	Wise,
Skinner,	Tarsney,	Warner, A. J.	Wolford,
Sowden,	Taulbee,	Warner, William	Worthington.
Springer,	Taylor, J. M.	Weaver, A. J.	

NAYS—87.

Adams, G. E.	Cutcheon,	Kelley,	Reed, T. B.
Adams, J. J.	Davenport,	Ketcham,	Rice,
Allen, C. H.	Davis,	Lehlbach,	Rockwell,
Baker,	Dingley,	Lindsley,	Sawyer,
Beach,	Dowdney,	Little,	Smalls,
Belmont,	Dunham,	Long,	Spooner,
Bingham,	Ely,	Lyman,	Steele,
Bliss,	Evans,	Mahoney,	Stewart, J. W.
Bound,	Everhart,	McComas,	Stone, E. F.
Boutelle,	Farquhar,	McKinley,	Strait,
Bragg,	Gallinger,	Merriman,	Swinburne,
Brown, C. E.	Grout,	Millard,	Taylor, E. B.
Buchanan,	Guenther,	Muller,	Taylor, I. H.
Buck,	Harmer,	Nelson,	Tucker,
Bunnell,	Hayden,	O'Neill, Charles	Turner,
Butterworth,	Haynes,	Osborne,	Viele,
Campbell, Felix	Henderson, D. B.	Parker,	Wait,
Campbell, J. M.	Hewitt,	Payne,	Wakefield,
Cannon,	Hiscock,	Phelps,	Weber,
Caswell,	Holmes,	Pindar,	West,
Collins,	James,	Pirce,	Whiting.
Conger,	Johnson, F. A.	Ranney,	

NOT VOTING—57.

Aiken,	Dawson,	Jackson,	Plumb,
Allen, J. M.	Dibble,	King,	Pulitzer,
Anderson, C. M.	Ermentrout,	Laffoon,	Reese,
Atkinson,	Fisher,	Landes,	Robertson,
Ballentine,	Fleeger,	Libbey,	Scranton,
Barry,	Foran,	Louttit,	Snyder,
Bennett,	Gilfillan,	Lowry,	Spriggs,
Blanchard,	Glover,	McKenna,	Throckmorton,
Browne, T. M.	Grosvenor,	Milliken,	Van Schaick,
Brumm,	Hall,	Morgan,	Wade,
Burleigh,	Halsell,	Murphy,	Wadsworth,
Campbell, T. J.	Hanback,	Norwood,	Woodburn.
Catchings,	Hepburn,	Oates,	
Cooper,	Heistand,	O'Ferrall,	
Croxton,	Hopkins,	O'Neill, J. J.	

So the rules were suspended (two-thirds voting in favor thereof), and the resolution was adopted.

Mr. SOWDEN. Mr. Speaker, I move that the reading of the names of members voting be dispensed with.

Mr. SPRINGER. I object.

Mr. O'FERRALL. Mr. Speaker, I am paired with the gentleman from Wisconsin, Mr. VAN SCHAICK. I should have voted "ay" and he would have voted "no."

Mr. BLOUNT. Mr. Speaker, I change my vote from "no" to "ay."

Mr. DOUGHERTY. I change my vote from "no" to "ay."

Mr. HALL. Mr. Speaker, I have been absent on committee work by order of the House. If I had been present, I would have voted "ay."

Pairs were announced as follows:

Mr. NORWOOD with Mr. FLEEGER, on all political questions, until further notice.

Mr. BENNETT with Mr. MCKENNA, until further notice.

Mr. MORGAN with Mr. HEPBURN, until further notice.

Mr. SPRIGGS with Mr. MILLIKEN, until further notice.

Mr. BROWNE, of Indiana, with Mr. COMSTOCK, until further notice.

Mr. BYNUM with Mr. WAKEFIELD, until further notice.

Mr. WADE with Mr. DIBBLE, until further notice.

Mr. LAFFOON with Mr. LOUTTIT, until further notice.

Mr. CROXTON with Mr. LIBBEY, on all questions, until further notice.

Mr. LOWRY with Mr. ATKINSON, for this day.

Mr. OATES with Mr. HANBACK, on this vote.

Mr. DAWSON with Mr. BRUMM, for this day.

Mr. ERMENTROUT with Mr. PLUMB, for this day.

Mr. THROCKMORTON with Mr. COOPER, for this day.

Mr. BALLENTINE with Mr. ELY, for this day.

Mr. HALSELL with Mr. WADSWORTH, on this vote. Mr. HALSELL would vote "ay," Mr. WADSWORTH, "no."

Mr. ROBERTSON with Mr. HEISTAND, for this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. MCCOOK, its Secretary, informing the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5445) to increase the pension of widows and dependent relatives of deceased soldiers and sailors; and

A bill (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1210) authorizing the Secretary of the Interior to make sales of certain lands of the Umatilla Indian reservation to William S. Byers and others and to issue patent therefor.

INTERSTATE-COMMERCE BILL.

Mr. REAGAN. Mr. Speaker, under instruction of the Committee on Commerce, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the rules of the House be suspended, and that Tuesday the 13th day of April be fixed for the consideration of House bill 902, to regulate interstate commerce and to prevent unjust discrimination by common carriers, and that its consideration be continued from day to day until finally disposed of, not to interfere with revenue or appropriation bills, and that said bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is a second demanded?

Mr. BINGHAM. I demand a second, Mr. Speaker.

The SPEAKER. A second is demanded, and the Chair will appoint the gentleman from Pennsylvania [Mr. BINGHAM] and the gentleman from Texas [Mr. REAGAN] to act as tellers.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. If there be no objection it will be so ordered. The Chair hears none. Thirty minutes will be allowed for debate, fifteen minutes in support of the resolution and fifteen minutes against it. The Chair will recognize the gentleman from Pennsylvania [Mr. BINGHAM] to control the time in opposition to the resolution, and the gentleman from Texas [Mr. REAGAN] to control the time in support of it.

Mr. BINGHAM. Mr. Speaker, if any gentleman on this side of the House desires time to speak on this question I am willing to yield it, but in the mean time let the gentleman from Texas [Mr. REAGAN] proceed.

Mr. REAGAN. Mr. Speaker, the object of the committee in offering this resolution is to secure the setting of a day for the consideration of the bill now before the House, and it may be proper to say that this resolution speaks the unanimous voice of the Committee on Commerce. The bill in its main features has been so often discussed here that its character and object are pretty well understood. The bill as now presented has been amended in several particulars, and some important amendments have been adopted. It relates to a subject which, perhaps, as much as any other has commanded the attention and excited the interest, the hopes, and the wishes of the people of this country.

All I deem it necessary to say now is that, the subject being of so great general interest, the committee felt justified in asking the House to set a time for its consideration. It has been suggested to me by gentlemen on the floor that it would have been well to fix a limit to the discussion of the question; but gentlemen, I think, may trust that the friends of the measure, if the House should determine to set this bill for consideration, will place a proper limit on the discussion, and not allow it to run to any unreasonable extent so as to interfere with the consideration of other matters properly claiming the attention of the House.

I reserve the remainder of my time.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I do not concur with the suggestion of the gentleman from Texas [Mr. REAGAN] as to limiting debate on this bill. Should it be reached upon the 13th of April I would be opposed to limiting debate. In the last Congress there was debate upon this subject extending through two or three weeks until the question really was exhausted, gentlemen favoring and those opposing the bill being allowed full latitude of discussion. It is now proposed to bring the question up again in this House, and I think the House will want to debate the measure extensively. Every gentleman desiring to speak upon it should be permitted to do so, because while on the one side it is considered a very important bill, I wish to state that on the other side, so far as I am concerned, I regard what is called "the Reagan bill," for the consideration of which this resolution proposes to fix a day, as an exceedingly unimportant measure. I, and others who think with me, desire to debate this question fully. A minority of the Committee on Commerce design bringing into the House within a very few days a report expressing their views, and also a bill intended as a substitute for the bill of the majority and containing provisions which the minority of the committee can sustain. On behalf of that minority I will say that I do not suppose any one gentleman of the minority desires not to have an interstate-commerce bill passed, but if legislation on this subject is needed, a bill should be passed which will meet the wants of the country at the present time and will not disturb vested rights—a bill which will control to a certain extent the manner of shipment, while giving carriers a voice as to what should or should not be done.

The committee has authorized the gentleman from Texas, its chairman, to make this motion for a suspension of the rules in order to fix a day to consider this subject. I desire, if it be in order now, to reserve all points of order upon this bill. At the same time I wish to say that I shall not vote to suspend the rules if I understand it is the design of the gentleman from Texas to check debate in any way, to close debate before every member of the House desiring to speak has given his views. I will ask the gentleman from Texas, if he will permit me, whether it is his design in any way to limit debate on this bill if it should be reached on the 13th of April?

Mr. REAGAN. So far as I am concerned I shall be disposed to allow reasonable debate; but I should not desire to see the debate run to an unreasonable extent. The subject has been so much discussed heretofore that I take it a very great length of time will not be required for its discussion. But I desire to see full and fair debate.

Mr. O'NEILL, of Pennsylvania. Well, Mr. Speaker, I desire to see debate until the question is exhausted by argument on both sides. I do not wish to see the debate limited; it was not limited in the last Congress. I hope that before many days the minority of the committee will bring before the House their report and a substitute bill, so that when members come to examine "the Reagan bill," authorized to be reported by the Committee on Commerce, they may at the same time take into consideration the report of the minority of the committee and the measure which the minority are willing to vote for and hope to see this House sustain.

Mr. BINGHAM. I yield to the gentleman from New Jersey [Mr. BUCHANAN] so much of my time as he may desire.

Mr. BUCHANAN. I desire to make an inquiry. If this resolution be adopted and the consideration of the bill when it is reached should not be concluded on Thursday will it run into Friday, which is private-bill day? The resolution, as I understand, is absolute in its terms, and it seems to me to be obnoxious to that objection.

Mr. REAGAN. In drawing the resolution I did not think of private-bill day; but I will ask consent of the House to modify the resolution so as to except private-bill day from its operation.

The SPEAKER. The Chair will say to the gentleman from Texas it has been heretofore decided that when a bill is made a special order for a particular day and from day to day thereafter, the measure does not occupy the time of the House on Friday unless that be one of the days specially named. In the absence of any such express language, the rule of the House setting apart that day for the consideration of private bills is not interfered with.

Mr. BUCHANAN. Then the effect of this resolution, if adopted, will be to put this bill, which is now very near the foot of the Calendar, up to the head of the Calendar on the morning of April 13. Now I do not understand the propriety of giving precedence to the work of one committee in this way. I do not know that I have any particular objection to this bill; but there are other bills equally meritorious, equally important, which are farther up on the Calendar; and it seems to me they should not be displaced.

A MEMBER. What are they?

Mr. BUCHANAN. We have four bills from the Committee on Labor; and the other day, after having used seven minutes of the hour, when we asked for an additional fifty-three minutes it was denied to us. When we asked that Thursday night be set apart for the consideration of our business, that was denied us. When we asked that on Saturday we should have this time, it was denied us; and one of those objections came from a member of the Committee on Commerce. These are bills demanded by the voice of the laboring men of this country; and we ask that nothing shall be done to displace them upon the Calendar.

Mr. REAGAN. I yield now for three minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. Mr. Speaker, the gentleman from Pennsylvania [Mr. O'NEILL] says this interstate-commerce bill is an unimportant measure.

Mr. O'NEILL, of Pennsylvania. No, I did not exactly say that.

Mr. HENLEY. I do not yield.

Mr. O'NEILL, of Pennsylvania. What I said was that the bill which was presented by the committee and which is called the Reagan bill is an unimportant measure.

Mr. HENLEY. Mr. Speaker, I understood the gentleman, and I think the House did, to speak as I have quoted him, but at all events I am quite certain the gentleman said something the tendency of which was to belittle the Reagan bill. That was the substance of his observation, and he was followed in that by the gentleman who succeeded him in the debate.

Mr. O'NEILL, of Pennsylvania. I do not wish to be quoted as saying this was not an important question.

Mr. HENLEY. I decline to yield further. Mr. Speaker, there is no piece of legislation now before this Congress, or which has come before antecedent Congresses, which has more profoundly stirred the pulses of the American people and created a more widespread solicitude than this same matter of the regulation of interstate commerce. And it has been by reason of just such measures of antagonism as we now see on this floor that it has been hitherto retarded, delayed, or defeated; that is, by dilatory means and by belittling the bill itself by saying that other measures are of greater importance and the like. Why, sir, the importance of this bill to the people upon the Pacific coast, whom I in part represent, is beyond calculation. It is seen in the present condition of affairs, because for the first time in the history of these railroads we find a person can go from here to San Francisco for $50, which is as much as the fare should ever have been. This results from the fact that the pools have been broken and some measure of justice is being meted out to the people at this time. Pass this Reagan bill, respond to the public sentiment throughout the nation demanding its passage, and then we may have some means, some facilities for transportation, for getting from one side of this continent to the other, commensurate with its cost. Forbid, break up this iniquitous pooling which destroys competition, and the people will be the beneficiaries.

Mr. Speaker, the gentleman from New Jersey [Mr. BUCHANAN] deprecates putting this bill at the top of the Calendar. A friend near me says that is the very place where it ought to go. It ought to be there, Mr. Speaker, because the people have said in convention, they have said in every available way, through every avenue by which public opinion can be formulated or expressed, that interstate commerce should and ought to be regulated, and regulated as I believe in the method and by the manner provided by the distinguished gentleman from Texas [Mr. REAGAN] who, if he transmits nothing else to posterity, the association of his name with this interstate-commerce measure will exalt him in the estimation of generations to come.

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. Before the gentleman takes his seat I desire to say this——

Mr. REAGAN. Not in my time.

Mr. BINGHAM. I will yield the time to my colleague.

Mr. O'NEILL, of Pennsylvania. The gentleman from California has not yet had an opportunity to see the report which will come from the minority of the Committee on Commerce. He has not had the opportunity to see the bill which will be recommended for passage by the minority of that committee. It is the bill which it is proposed to pass instead of the Reagan bill, as it is called.

Mr. HENLEY. I saw it at the last session of Congress.

Mr. O'NEILL, of Pennsylvania. But the gentleman has not seen the bill recommended by the minority of the Committee on Commerce at this session.

Mr. HENLEY. It necessarily must be similar to the minority report of the last session.

Mr. O'NEILL, of Pennsylvania. All I have to say is this: That however important it may be to have the regulation of interstate commerce, and however necessary to pass such a bill for that purpose, it will be found the measure recommended by the minority of the committee is in every way superior to that presented by the majority of the committee.

Mr. HENLEY. That minority report comes from the identical source from which the minority report came at the last Congress, and I surmise it is about the same. We can readily judge what it is.

Mr. ADAMS, of New York. I rise for the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of Illinois. Is it in order now to move an amendment to the resolution?

The SPEAKER. It is not in order. It is a motion to suspend the rules and pass the resolution,

Mr. REAGAN. I yield for two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I shall vote for this resolution to fix a date to consider this bill. It is an important bill to the whole country. It is a measure demanded by the people, and one we must consider sooner or later. Opposition to the bill, in my opinion, comes from influences which are inimical to the best interests of the people.

Mr. BINGHAM. Are there any petitions on file for the passage of this bill?

Mr. O'NEILL, of Pennsylvania. Not one.

Mr. BAYNE. It is recommended by the boards of trade. It is asked for by shippers and by the public press. The demand for such a measure has been made on all hands.

Mr. BINGHAM. I am informed there is not one petition on file in this Congress asking for any such measure.

Mr. BAYNE. I do not know whether there has been or not, but I know shippers from one end of the country to the other ask Congress shall take some action in favor of doing away with unjust discrimination.

Mr. LONG. It may be, but it has all died out.

Mr. DUNHAM. I ask the gentleman from Pennsylvania to name a board of trade that has asked the passage of this Reagan bill.

Mr. BAYNE. I do not know that I can name one specially. Resolutions, however, have been presented here coming from boards of trade; and I know they have passed upon the question. I know too that the appeal is made by the shippers of this country and by the people generally to Congress to have some action taken to regulate this matter.

Mr. REAGAN. I now yield two minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, the question of interstate commerce, next to the currency question, is the greatest question agitating the minds of the people of this country to-day, and both are labor questions in the broadest possible sense of the term. This bill affects every village and hamlet in the land, and should for a score of valid reasons have a regular and speedy hearing in this House, during which it may be discussed and voted on by the representatives of the people. Let us place ourselves squarely on record concerning this important bill.

Mr. REAGAN. I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes of his time remaining.

Mr. REAGAN. While I am on the floor I would like to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. If this order is made will it interfere with the introduction of bills or the suspension of the rules on Mondays?

The SPEAKER. The rules of the House, while they set apart Friday, as stated by the Chair a few moments ago, for the consideration of private bills, do not specifically set apart Monday for the suspension of the rules, but simply provide that it shall be in order on that day to move to suspend the rules. If the gentleman from Texas will call up his bill on Monday the question of consideration could be raised against it, as has been frequently decided heretofore, and it is then for the House to determine whether it will go on with the bill on Monday or whether it will proceed with the other order of business which is in order on that day, namely, the motion to suspend the rules.

Mr. REAGAN. If I can have the consent of the House I will modify the resolution so as not to embrace Monday to interfere with the regular business on that day.

The SPEAKER. The matter rests entirely under the control of the gentleman if this resolution shall be adopted. If the gentleman does not call up the bill on Monday there will be no conflict.

Mr. REAGAN. Then I will inform the House that I will not call it up on Monday.

Mr. DUNHAM. Or on any Monday.

Mr. DINGLEY. I desire to know, Mr. Speaker, if this resolution should be adopted if it will not deprive the House of the two morning hours, one for the call of committees and one for the consideration of bills, while this bill is under consideration?

The SPEAKER. The Chair thinks, from the terms of this resolution, if adopted, that the gentleman from Texas might call this bill up immediately after the reading of the Journal if he saw proper to do so, in which case, as the Chair has just stated, the question of consideration could be raised, and the House would determine which business it preferred to go on with; whether the bill to which this resolution refers or the regular order of business fixed in the morning hour.

Mr. DINGLEY. If the gentleman from Texas will give me his attention a moment, I would like to know if we can not have the assurance from him that this bill will not be called up at a time to antagonize the morning hour?

Mr. REAGAN. I will say to the gentleman from Maine that I will not, in the event of the adoption of this resolution, interfere with the morning hour.

The SPEAKER. The Chair will state that the morning hour is one thing and the hour for the consideration of bills quite another.

Mr. REAGAN. I will embrace both hours in this statement.

The SPEAKER. If there be no further debate, the question is on the motion of the gentleman from Texas to suspend the rules and adopt the resolution.

Mr. REAGAN. I yield three minutes to the gentleman from Georgia [Mr. BLOUNT]. [Cries of "Vote!" "Vote."]

Mr. BLOUNT. I have no desire, Mr. Speaker, to consume the time of the House if the House wishes to vote now. If agreeable to the gentleman from Texas, at whose request I have taken the floor, I would yield the time that the House may now take a vote.

Mr. REAGAN. Very well.

The SPEAKER. The question is on the motion of the gentleman from Texas to suspend the rules and adopt the resolution.

Mr. REAGAN, Mr. BLOUNT, Mr. HENLEY, and others demanded the yeas and nays.

The yeas and nays were ordered.

Several MEMBERS. It is not necessary to consume time by a roll-call.

Mr. REAGAN. If in order, Mr. Speaker, I will ask consent to withdraw the demand for the yeas and nays, as there seems to be a disposition on the part of the House to save the time occupied in calling the roll.

The SPEAKER. The demand was made by the gentleman from California and sustained by the House. The gentleman can move to reconsider the vote by which the yeas and nays were ordered.

The Clerk will call the roll.

The question was taken; and there were—yeas 196, nays 44, not voting 83; as follows:

YEAS—196.

Anderson, J. A.	Cabell,	Curtin,	Ford,
Baker,	Caldwell,	Cutcheon,	Forney,
Barksdale,	Campbell, J. E.	Daniel,	Fuller,
Barnes,	Candler,	Dargan,	Funston,
Bayne,	Cannon,	Davenport,	Geddes,
Beach,	Carleton,	Davidson, A. C.	Gibson, C. H.
Blanchard,	Catchings,	Davidson, R. H. M.	Gibson, Eustace
Bland,	Clardy,	Dingley,	Glass,
Blount,	Clements,	Dockery,	Goff,
Bound,	Cole,	Dougherty,	Green, W. J.
Boyle,	Collins,	Dunham,	Grout,
Breckinridge, C. R.	Comstock,	Eden,	Hanback,
Breckinridge, W. C. P.	Conger,	Eldredge,	Hale,
Brown, W. W.	Cowles,	Everhart,	Hall,
Burrows,	Cox,	Farquhar,	Halsell,
Butterworth,	Crain,	Felton,	Harris,
Bynum,	Crisp,	Foran,	Hatch,
Haynes,	Long,	Peters,	Swope,
Heard,	Lore,	Pettibone,	Tarsney,
Hemphill,	Lovering,	Pidcock,	Taulbee,
Henderson, D. B.	Martin,	Pindar,	Taylor, J. M.
Henderson, J. S.	Matson,	Price,	Taylor, Zach
Henderson, T. J.	Maybury,	Reagan,	Thomas, J. R.
Henley,	McAdoo,	Reid, J. W.	Thomas, O. B.
Herbert,	McCreary,	Reese,	Thompson,
Herman,	McKinley,	Richardson,	Tillman,
Hewitt,	McMillin,	Robertson,	Townshend,
Hitt,	McRae,	Rogers,	Trigg,
Holman,	Miller,	Romeis,	Tucker,
Holmes,	Mills,	Rowell,	Van Eaton,
Houk,	Moffatt,	Ryan,	Viele,
Howard,	Morrill,	Sadler,	Wakefield,
Hudd,	Morrison,	Sayers,	Ward, J. H.
Hutton,	Morrow,	Seney,	Ward, T. B.
Jackson,	Muller,	Sessions,	Warner, A. J.
James,	Neal,	Shaw,	Warner, William
Johnson, F. A.	Neece,	Singleton,	Weaver, A. J.
Johnston, J. T.	Nelson,	Skinner,	Weaver, J. B.
Johnston, T. D.	Oates,	Smalls,	Weber,
Jones, J. H.	O'Donnell,	Sowden,	Wellborn,
Jones, J. T.	O'Ferrall,	Springer,	Wheeler,
Kleiner,	O'Hara,	Stephenson,	White, Milo
La Follette,	Outhwaite,	Stewart, Charles	Wilkins,
Laird,	Parker,	Stewart, J. W.	Willis,
Lanham,	Payne,	Stone, W. J., Ky.	Wilson,
Lawler,	Payson,	Stone, W. J., Mo.	Winans,
Le Fevre,	Peel,	Storm,	Wise,
Lehlbach,	Perkins,	Struble,	Wolford,
Little,	Perry,	Swinburne,	Worthington.

NAYS—44.

Adams, G. E.	Campbell, Felix	Kelley,	Phelps,
Adams, J. J.	Campbell, J. M.	Ketcham,	Rice,
Allen, C. H.	Caswell,	Lindsley,	Rockwell,
Arnot,	Dowdney,	Mahoney,	Seymour,
Bingham,	Evans,	Merriman,	Spooner,
Boutelle,	Gallinger,	Millard,	Steele,
Bragg,	Green, R. S.	Mitchell,	Strait,
Brown, C. E.	Guenther,	Negley,	Van Schaick,
Buchanan,	Hayden,	O'Neill, Charles	Wait,
Buck,	Hires,	Osborne,	West,
Bunnell,	Hiscock.	Owen,	Whiting.

NOT VOTING—83.

Aiken,	Davis,	Hopkins,	Ranney,
Allen, J. M.	Dawson,	Irion,	Reed, T. B.
Anderson, C. M.	Dibble,	King,	Riggs,
Atkinson,	Dorsey,	Laffoon,	Sawyer,
Ballentine,	Dunn,	Landes,	Scott,
Barbour,	Ellsberry,	Libbey,	Scranton,
Barry,	Ely,	Louttit,	Snyder,
Belmont,	Ermentrout,	Lowry,	Spriggs,
Bennett,	Findlay,	Lyman,	Stahlnecker,
Bliss,	Fisher,	Markham,	St. Martin,
Brady,	Fleeger,	McComas,	Stone, E. F.
Browne, T. M.	Frederick,	McKenna,	Symes,
Brumm,	Gay,	Milliken,	Taylor, E. B.
Burleigh,	Gilfillan,	Morgan,	Taylor, I. H.
Burnes,	Glover,	Murphy,	Throckmorton,
Campbell, T. J.	Grosvenor,	Norwood,	Turner,
Cobb,	Hammond,	O'Neill, J. J.	Wade,
Compton,	Harmer,	Pirce,	Wadsworth,
Cooper,	Hepburn,	Plumb,	White, A. C.
Croxton,	Hiestand,	Pulitzer,	Woodburn.
Culberson,	Hill,	Randall,	

So the rules were suspended and the resolution adopted—two-thirds voting in favor thereof.

Mr. DUNHAM. I ask unanimous consent to dispense with the reading of the names.

Mr. WARD, of Illinois. I object.

The Clerk proceeded to read the names.

Mr. HATCH. I ask unanimous consent that the further reading of the names be dispensed with. It is consuming time unnecessarily.

The objection to dispensing with the reading of the names was withdrawn.

The following members were announced as paired until further notice:

Mr. ELLSBERRY with Mr. LYMAN.

Mr. SNYDER with Mr. DORSEY.

The following members were announced as paired for the rest of this day:

Mr. HILL with Mr. BURNES.

Mr. IRION with Mr. HARMER.

Mr. ST. MARTIN with Mr. WADSWORTH.

Mr. CULBERSON with Mr. MCCOMAS.

Mr. HAMMOND with Mr. REED, of Maine.

Mr. SCOTT with Mr. RANDALL.

The result of the vote was then announced as above stated.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House do now adjourn.

Mr. HATCH. I hope the House will not adjourn. I ask the gentleman from Illinois to withdraw his motion for the present. There is a bill reported by the Committee on Agriculture which we desire to have passed. I do not think it will occupy five minutes.

Several members called for the regular order.

The question being taken on the motion to adjourn, there were—ayes 78, noes 76.

Mr. HATCH. I ask for tellers.

Tellers were ordered, 48 members voting therefor.

The SPEAKER. The Chair appoints the gentleman from Illinois,

Mr. MORRISON, and the gentleman from Missouri, Mr. HATCH, to act as tellers.

The House divided; and the tellers reported—ayes 78, noes 85.

So the House refused to adjourn.

TRANSFER OF APPROPRIATION.

The Committee on Agriculture was called.

Mr. HATCH. I am instructed by the Committee on Agriculture to move to suspend the rules and pass the bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriation.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Agriculture be, and is hereby, authorized to transfer from the unexpended balance of the appropriation for a laboratory, Department of Agriculture, 1885, a sum not to exceed $1,800 to the appropriation for purchase and distribution of valuable seeds, 1885.

Mr. HATCH. Mr. Speaker—— [Cries of "Vote!" "Vote!"]

The SPEAKER. The motion is to suspend the rules. Is a second demanded?

A second was not demanded.

The question being taken, the rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

COMMITTEE VACANCIES FILLED.

The SPEAKER announced vacancies on committees filled as follows:

Committee on Elections—Mr. ROWELL, in place of Mr. HAHN, deceased.

Committee on Levees and Improvements of the Mississippi River—Mr. HUDD, in place of Mr. RANKIN, deceased.

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Elijah P. Myers, of Loudoun County, and of Chilton Shumake, of Fauquier County, Virginia, praying that their war claims be referred to Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Memorial of New Orleans Chamber of Commerce, asking the abrogation of the Hawaiian treaty, and also favoring present rate of tariff on sugar—to the Committee on Ways and Means.

By Mr. BOUND: Petition of Peter Elsen, of Company C, Two hundred and first Regiment Pennsylvania Volunteers, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of Henry Hipple, jr., late of Company H, One hundred and twenty-seventh Regiment Pennsylvania Volunteers, for a pension—to the same committee.

By Mr. BOYLE: Papers in the claim of Arthur W. Paynter—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of Knights of Labor of Pine Bluff, Ark., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BUTTERWORTH: Joint resolution of the Legistature of Ohio, for a marine hospital at Gallipolis, Ohio—to the Committee on Naval Affairs.

Also, joint resolution of the same, for the placing of a training ship on Lake Erie—to the same committee.

By Mr. BYNUM: Petition of monthly meeting of Friends, for the passage of Senate bill 355, to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. CLARDY: Memorial of Local Assembly No. 3489, Knights of Labor, of Saint Louis, Mo., for the construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

Also, memorial of Prosperity Assembly, Knights of Labor, of Saint Louis, Mo., urging the passage of House bill 1914—to the Committee on Labor.

Also, memorial of the same, against the passage of what is known as the Dingley pilotage bill—to the Committee on Commerce.

By Mr. A. C. DAVIDSON: Petition of Local Assembly No. 4214, Knights of Labor, of Selma, Ala., recommending internal improvements for the benefit of laboring men—to the Committee on Railways and Canals.

By Mr. DAVIS: Petition of C. F. Baker and 29 others, citizens of Dennis, Mass., owners and masters of sailing vessels, for the passage of a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Committee on Commerce.

By Mr. DORSEY: Petition of John R. Hewon, for a pension—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petitions of New York savings-banks, in favor of the suspension of the coinage of the Bland dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. EVERHART: Petition of 62 voters and 81 non-voters of Kennett Square, Chester County, Pennsylvania, and vicinity, on the subject of liquor traffic in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FINDLAY: Papers in the claim of John E. O'Donnell, to accompany bill—to the Committee on Claims.

By Mr. FORAN: Petition of District Assembly No. 47, Knights of Labor, of Cleveland, Ohio, relating to the importation of old barrels free of duty—to the Committee on Ways and Means.

By Mr. FORD: Petition of Knights of Labor of Michigan City, Ind., asking appropriation of surplus funds in Treasury for the work of internal improvements—to the Committee on Railways and Canals.

By Mr. FORNEY: Petition of Mary Rollins, of Cherokee County, Alabama, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of A. J. Parmer, for pension—to the Committee on Invalid Pensions.

Also, petition for pension for Robert Chawner—to the Committee on Pensions.

By Mr. GALLINGER: Memorial of Knights of Labor of Nashua, N. H., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. EUSTACE GIBSON: Petition of Emma L. Newman, of Macon County, West Virginia, praying that the war claim of Mary Newman, deceased, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Petition of Frederick Vollrath, for invalid pension—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of Good Intent Lodge, Knights of Labor, of Wellsburg, and of Local Assembly No. 4208, Knights of Labor, of Huntington, W. Va., for legislation in behalf of the labor interests of the country—to the Committee on Railways and Canals.

Also, petition of William McCrosky, Company C, First Veteran West Virginia Infantry, to accompany House bill 5140—to the Committee on Military Affairs.

Also, petition in the case of Riley H. Smith, for a pension—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of Sarah Ann Williams and others, in support of bill granting a pension to Sarah Ann Williams—to the same committee.

By Mr. GUENTHER: Memorial of the mayor and board of aldermen of Manitowoc, Wis., asking for further improvement of the harbor at Manitowoc—to the Committee on Rivers and Harbors.

Also, petition of citizens of Winnebago County, Wisconsin, praying for the payment of awards made by United States commisioners, for damages sustained by the improvement of the Fox and Wisconsin Rivers—to the Committee on Appropriations.

By Mr. HAILEY: Petition of citizens of Idaho County, Idaho Territory, praying Congress to pay for property destroyed by Joseph's band of Nez Percé Indians in 1877—to the Committee on Claims.

By Mr. HALL: Petition of citizens of Louisa County, Iowa, for the passage of a bill embodying the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Papers in the claim of Michael Kneis, of Fulton County, Georgia—to the Committee on War Claims.

By Mr. HAYDEN: Memorial of John McClary Perkins, for the impeachment of Thomas L. Nelson, district judge of the United States for Massachusetts—to the Committee on the Judiciary.

By Mr. HEWITT: Resolutions of the Chamber of Commerce of New York State, in favor of granting authority to erect a bridge over Arthur Kill—to the Committee on Commerce.

By Mr. HIRES: Petition praying for the passage of a joint resolution requiring the Postmaster-General to obey the act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. HISCOCK: Petition against patents—to the Committee on Patents.

By Mr. HOPKINS: Petition of E. R. Pearsall, S. K. Grimes, and others, for a law putting oleomargarine, butterine, and all imitations of butter under control of the Internal Revenue Department—to the Committee on Ways and Means.

Also, petition of G. W. Smith, D. W. Boutelle, and others, for the same—to the same committee.

By Mr. HOUK: Petition of W. J. Hartle, of Kingston, Tenn., for the passage of a joint resolution requiring the Postmaster-General to obey the terms of the act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mrs. Sophia C. Gray, of Madison, Ind., praying for the passage of an act extending the time for filing claims for bounty under the act of July 28, 1866—to the Committee on the Judiciary.

By Mr. F. A. JOHNSON: Petition of Willard Sheldon, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of monthly meeting of Friends at Rush Creek, Parke County, Indiana, asking for the passage of Senate bill 335, to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of Silas Hewitt and Fred J. Schlosser, representing the Knights of Labor of Poughkeepsie, N. Y., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LANHAM: Petition of citizens of Comanche County, Texas, relating to deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LINDSLEY: Petition of Erving Holcomb and others, for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. LITTLE: Petition of Henry Newyear, for removal of charge of desertion—to the Committee on Military Affairs.

Also, memorial of the Dover monthly meeting of Friends, of Clinton County, Ohio, praying for the passage of Senate bill 355, relating to international arbitration—to the Committee on Foreign Affairs.

By Mr. LYMAN: Petition of Harlan Post No. 197, Grand Army of the Republic, of Harlan, Iowa, for condemned cannon and carriage for monument purposes, to accompany bill—to the Committee on Military Affairs.

Also, resolutions of the board of supervisors of Fremont County, Iowa, asking the improvement of the Missouri River at Nebraska City—to the Committee on Rivers and Harbors.

Also, certificate of S. E. Bondish and others, of Audubon County, Iowa, in support of House bill 6008, for the relief of A. M. Harrington—to the Committee on Pensions.

Also, petitions, statements, and certificates of physicians and others of Audubon County, Iowa, in support of House bill 6008, for the relief of A. M. Harrington—to the same committee.

Also, petitions of citizens of Council Bluffs, resolutions of common council, and petition of park commissioners of said city; of 127 citizens, and of 22 citizens, and of 74 citizens of Pottawattamie County, and of 44 citizens of Mills County, Iowa, asking for the passage of House bill 659, relating to Honey Creek, Iowa—to the Committee on the Public Lands.

By Mr. NEECE: Petition of Knights of Labor of Monmouth, Ill., praying for the passage of the law to adjust the accounts of laborers under the eight-hour law—to the Committee on Labor.

By Mr. PETERS: Petition of Merritt M. Gookins and 315 citizens of Harper County, Kansas, opposing Chinese immigration—to the Committee on Foreign Affairs.

Also, memorial of Knights of Labor of Harper, Kans., favoring the Hennepin Canal and other improvements—to the Committee on Railways and Canals.

By Mr. PETTIBONE: Petition of James Lane Post, No. 13, Grand Army of the Republic, Department of Tennessee and Georgia, for pension for all Union soldiers—to the Committee on Invalid Pensions.

Also, petition for the relief of Joseph H. Beal, late Company B, Third Tennessee Mounted Infantry—to the Committee on War Claims.

By Mr. McCOMAS: Memorial of J. Y. Shantz & Sons, of Berlin, Ontario—to the Committee on Appropriations.

By Mr. MILLER: Papers relating to claim of J. W. Whitfield and others for compensation as registers and receivers of public moneys—to the Committee on Claims.

By Mr. MORRISON: Memorial of Anna M. Schenck, widow of Frederick Schenck, Company G, Eighty-second Illinois Volunteers—to the Committee on Invalid Pensions.

Also, memorial of Margaret J. Woods, for a pension—to the same committee.

By Mr. RANNEY: Paper in the claim of Joseph Richardson, for increase of pension—to the same committee.

Also, memorial of the Knights of Labor of Milton, Mass., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. T. B. REED: Memorial of the Knights of Labor, No. 4196, of Saco, Me., in favor of the Hennepin Canal—to the same committee.

By Mr. ROCKWELL: Memorial of Local Assembly 4141, Knights of Labor, of North Adams, Mass., indorsing the Hennepin Canal—to the same committee.

Also, petition of Wendell Phillips Local Assembly, No. 3118, Knights of Labor, and of Adams Local Assembly, No. 3856, Knights of Labor, for the organization of Oklahoma Territory, &c.—to the Committee on the Territories.

By Mr. ROGERS: Petition of Michael Dollhafen, for an invalid pension—to the Committee on Invalid Pensions.

Also, memorial of Knights of Labor touching the duty of Congress—to the Committee on Railways and Canals.

Also, a bill to remove the rock shoals in Fourche River, Arkansas, in the interests of navigation—to the Committee on Rivers and Harbors.

Also, a bill to construct a dike in the Arkansas River near the town of Dardanelle, Ark., in the interest of navigation—to the same committee.

Also, a bill to repair and preserve the dike in the Arkansas River at Fort Smith, in the interests of navigation—to the same committee.

By Mr. ROMEIS: Memorial of the Knights of Labor of Toledo, Ohio—to the Committee on Railways and Canals.

By Mr. RYAN: Petition of Knights of Labor of Scranton, Kans., praying for the passage of the Hennepin Canal—to the same committee.

By Mr. SAYERS: Petition of citizens of Fort Worth, Tex., for the establishment of a port of entry and delivery at Fort Worth, Tex.—to the Committee on Commerce.

By Mr. SENEY: Remonstrance of J. B. McMeans and others against House bill 5576—to the Committee on Ways and Means.

By Mr. SCRANTON: Petition of members of Susquehanna County (Pennsylvania) bar, for the passage of House bill 2124, relating to judicial districts of United States courts in Pennsylvania—to the Committee on the Judiciary.

By Mr. SPOONER: Memorial of Local Assembly, No. 2085, Knights of Labor, of Providence, R. I., for construction of works of internal improvement, including the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. SPRINGER: Letter, with map, from the board of commissioners of the District of Columbia relative to the new "Monument" avenue—to the Committee on the District of Columbia.

Also, papers relating to claim of Charles P. Chouteau and others.

Also, papers relating to the pension claim of Edward W. Wyatt—to the Committee on Invalid Pensions.

Also, paper of S. W. Allerton relative to the shipping of live-stock—to the Committee on Commerce.

Also, petition of A. J. Davis and of J. W. McHarry, for the Arthur Kill bridge—to the same committee.

By Mr. STAHLNECKER: Petition of New York Travelers' Protective Association, favoring the abolition of tax upon commercial travelers—to the Committee on Commerce.

By Mr. STEELE: Petition of H. C. Templeton and 30 others, of Jadden, Ind., for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENSON: Petition of L. S. Rouse and 24 others, citizens of Belle Plain, Wis., in favor of the free coinage of silver—to the same committee.

Also, remonstrance of workingmen of Natrona, Pa., against House bill 5576—to the Committee on Ways and Means.

By Mr. J. W. STEWART: Papers in the case of William Joslin for relief—to the Committee on Claims.

By Mr. W. J. STONE, of Kentucky: Petition of V. J. Smith, of Hickman, Ky., asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. STONE, of Missouri: Petition of Knights of Labor of Nevada, Mo., for the Hennepin Canal—to the Committee on Railways and Canals.

Also, evidence in the case of Willis W. Fink for a pension—to the Committee on Invalid Pensions.

By Mr. STORM: Memorial of Knights of Labor, Local Assembly No. 4641, for the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Joseph Rochel, for a pension—to the Committee on Invalid Pensions.

By Mr. SYMES: Petition from Delta County, Colorado, allowing pre-emption of desert land, &c.—to the Committee on Public Lands.

Also, resolutions of district assembly of Denver, Col., in favor of Hennepin Canal—to the Committee on Railways and Canals.

Also, resolutions of Knights of Labor of Silver Plume, Col., for same—to the same committee.

Also, resolution relating to the enlargement of soldiers' home at Leavenworth, Kans.—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Petition of Mrs. C. A. Ashley, of Hardin County, Tennessee—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Mrs. Eliza N. Marshall, executrix of James Marshall, of Fayette County, Tennessee, asking that her war claim be referred to the Court of Claims—to the same committee.

Also, a bill to improve the harbor of Memphis, Tenn.—to the Committee on Rivers and Harbors.

By Mr. TRIGG: Petition of David Graham and others, asking that the present duty on ores and certain raw materials be retained—to the Committee on Ways and Means.

Also, petition of Edward Davies and others, Knights of Labor, for the relief of certain laboring classes—to the Committee on Railways and Canals.

By Mr. TUCKER: Petition of citizens of Virginia, for increase of salaries of the district judges of the United States—to the Committee on the Judiciary.

By Mr. VOORHEES: Memorial of the Chamber of Commerce of Tacoma, Wash., praying for the retention by Congress of the duty now imposed on coal and lumber now imported into the United States and to permit no decrease of the same—to the Committee on Ways and Means.

Also, petition of the Knights of Labor of Rainier Assembly, No. 250, of Tacoma, Wash., favoring House bill 1914—to the Committee on Labor.

Also, petition of 57 citizens of Washington Territory, praying for an appropriation for the removal of the obstructions to navigation in the Upper Columbia River—to the Committee on Rivers and Harbors.

By Mr. WAIT: Petition of Rufus D. Curtis, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of Knights of Labor of Bridgeport, Conn., for aid in constructing the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. WAKEFIELD: Remonstrance of 55 citizens of Vivian, Minn., against increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Petition of Lafayette Post, No. 3, Grand Army of the Republic, Department of Indiana, asking donation of $10,000 for purchase of ground for burial of soldiers of the United States in war

for the Union, of Northern Indiana, and for a monument—to the Committee on Military Affairs.

By Mr. WILLIAM WARNER: Petition of Grand Army Encampment of Missouri, in support of bill placing Andrew J. Smith on the retired-list with rank of brigadier-general—to the same committee.

By Mr. WEBER: Petition asking construction of Hennepin Canal, and for other similar projects of internal improvements—to the Committee on Railways and Canals.

By Mr. WELLBORN: Petition of citizens of Fort Worth, Tex., for a public building—to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: Petition of Stephen White, for a special act for arrears of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Limestone County, Alabama, for relief—to the Committee on Labor.

By Mr. A. C. WHITE: Paper in the case of Elizabeth Sirwell, for a pension—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Eleven petitions, numerously signed, of citizens of Minnesota, for the regulation of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

By Mr. WILLIS: Petition of Louisville charity organizations and others, for the establishment of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Louisville Board of Trade, touching further coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Hon. John T. Gathright and others, citizens of Louisville, Ky., relative to post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, papers in the claim of Thierman & Frost—to the Committee on Claims.

By Mr. WISE: Petition of Knights of Labor of Richmond, Va., asking an appropriation to build the Hennepin Canal—to the Committee on Railways and Canals.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. HALL: Of citizens of Danville, Iowa.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. ARNOT: Of citizens of Schuyler, Seneca, and Tompkins Counties, New York.

By Mr. C. R. BRECKINRIDGE: Of citizens of White and Woodruff Counties, Arkansas.

By Mr. W. W. BROWN: Of citizens of Sullivan, McKean, and Tioga Counties, Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Cambria County, Pennsylvania.

By Mr. FREDERICK: Of citizens of Marshall and Johnson Counties, Iowa.

By Mr. R. S. GREEN: Of citizens of Monmouth County, New Jersey.

By Mr. HILL: Of citizens of Defiance, Paulding, and Fulton Counties, Ohio.

By Mr. HOPKINS: Of citizens of Boone, Kane, and McHenry Counties, Illinois.

By Mr. LONG: Of citizens of Bristol and Plymouth Counties, Massachusetts.

By Mr. O'DONNELL: Of citizens of Eaton and Barry Counties, Michigan.

By Mr. SESSIONS: Of citizens of Cattaraugus, Chautauqua, and Allegany Counties, New York.

By Mr. W. J. STONE, of Missouri: Of citizens of Bates and Vernon Counties, Missouri.

By Mr. TARSNEY: Of citizens of Shiawassee and Gratiot Counties, Michigan.

SENATE.

WEDNESDAY, *March* 17, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 9th instant, two reports of Special Agent O. L. Spaulding in relation to the charge of fraudulent importation of Chinese into the United States; which, with the accompanying papers, was, on motion of Mr. CONGER, referred to the Committee on Commerce, and ordered to be printed.

Mr. PLUMB. I move that the communication from the Secretary of the Interior furnished to the Senate yesterday in response to a resolution which I offered on the 17th of last December, transmitting information in relation to land-grant railroads in the State of Kansas, be referred to the Committee on Public Lands, without printing.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of John Ball Post, Grand Army of the Republic, of Mowrystown, Ohio, praying for additional pension legislation; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Fremont, Ohio, praying that liberal appropriations be made for works of internal improvements, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Grange No. 1002, Patrons of Husbandry, of Northrup, Ohio, praying for prompt and favorable action on House bill No. 5190, to enlarge the power and duties of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a memorial of Knights of Labor of Pittsburgh, Pa., remonstrating against the passage of House bill No. 999 and Senate bills Nos. 265 and 1003, relating to pilots and pilotage; which was referred to the Committee on Commerce.

Mr. HARRISON presented a petition of Knights of Labor of Goshen, Ind., praying that liberal appropriations be made for public works, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. BERRY presented a petition of Knights of Labor of Pine Bluff, Ark., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HOAR. I present the petition of John Arthur Lynch, a citizen of the United States, praying for the survey of a line for a railway from the northwestern boundary of the United States through British Columbia to Alaska. The petition states with a great deal of force and clearness important reasons with reference to our foreign commerce, its relation to the development of railway lines in India and Canada, and the possible construction of a line through the Chinese Empire. I suppose it would be proper that it should go to the Committee on Foreign Relations rather than to the Committee on Commerce, as it relates to a foreign railway proposed to be constructed by the United States. I have a bill in regard to the same matter which I shall introduce when that order of business is reached.

I move that the petition be referred to the Committee on Foreign Relations, and I ask unanimous consent that it be printed as a document. I have examined it, and it is well worth the attention of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the petition be printed as a document. If there be no objection that order will be made. The petition will be referred to the Committee on Foreign Relations.

Mr. HOAR presented the petition of George Bliss, of Warren, Mass., and a petition of members of the Grand Army of the Republic in Massachusetts, praying for the passage of the bill (S. 1783) granting an increase of pension to George Bliss; which were referred to the Committee on Pensions.

Mr. CONGER presented a petition of 15 clergymen, 7 physicians, 2 lawyers, 13 teachers, 85 business men, and 21 officers of temperance and other societies, citizens of Michigan, and a petition of 11 clergymen, 11 physicians, 5 lawyers, 47 teachers, 88 business men, and 34 officers of temperance and other societies of Shiawassee and Gratiot Counties, Michigan, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which were ordered to lie on the table.

He also presented a petition of Knights of Labor of Otisville, Mich., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Mount Clemens, Mich., praying for the passage of the bill (H. R. 1914) for the restoration of wages in the Government Printing Office; which was referred to the Committee on Printing.

Mr. MANDERSON presented the petition of Allen Root and other citizens of Nebraska, praying for legislation to place all imitations of and substitutes for butter under the control of the Internal Revenue Department; which was referred to the Committee on Agriculture and Forestry.

Mr. PALMER presented a petition of Knights of Labor of Manistee, Mich., praying for the enactment of a law making it a misdemeanor to employ persons under twenty-one years of age more than eight hours a day in any manufacturing, mining, or mercantile business; which was referred to the Committee on Education and Labor.

He also presented a petition of Knights of Labor of Decatur, Mich.,

praying that Congress relieve the distress of the laboring classes by liberal appropriations for public works of national importance; which was referred to the Committee on Commerce.

He also presented a petition of managers of the savings-banks of the State of New York, praying for the repeal of the law directing the coinage of the 412½-grain silver dollars; which was referred to the Committee on Finance.

Mr. EVARTS presented petitions of Knights of Labor of New York, Jefferson, Orleans, and Niagara Counties, in the State of New York, praying for liberal appropriations for public works by the United States Government, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. EVARTS. I present a communication in the nature of a memorial from the Chamber of Commerce of the State of New York, in favor of the construction of a bridge across the Arthur Kill, between the States of New York and New Jersey. I ask that the recital and the resolutions of the Chamber of Commerce, which are quite brief, be read, and that they and the whole communication from the Chamber of Commerce be printed in the RECORD.

The preamble and resolutions were read, and the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

The construction of a bridge across the Arthur Kill, between the States of New York and New Jersey.

At a special meeting of the chamber of commerce, held Saturday, March 13, 1886, the following report and resolutions, submitted by the committee of the chamber on internal trade and improvements, were unanimously adopted:

To the Chamber of Commerce:

Your committee on internal trade and improvements, to whom was referred the preamble and resolution, presented at the last regular meeting of the chamber, favoring the early passage of a bill now before Congress authorizing the construction of a railway viaduct across Arthur Kill, a navigable stream between New Jersey and New York, respectfully report as follows:

There are two bills now before Congress touching this subject—one known as Senate bill No. 121, and the other as House of Representatives bill No. 5864. These bills were identical when introduced in the two Houses of Congress, but Senate bill No. 121 has been reported with some amendments, and its passage in the amended form recommended by the Committee on Commerce of that body. Your committee are of the opinion that the amendments thus proposed are of sufficient importance to make Senate bill No. 121 preferable; they therefore recommend its consideration only by the chamber. Both bills, however, are hereto attached for your information.

Senate bill No. 121 would authorize and make lawful the construction of a bridge across Staten Island Sound, known as Arthur Kill, by the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, or either of them, under certain conditions named in the bill, the most important of which may be briefly stated, as follows:

It is provided that all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over it and in the use of its machinery and approaches, for reasonable compensation, to be fixed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree. It is also provided that the plan and location of the bridge shall be submitted to the Secretary of War for his approval, and until he approve the same the bridge shall not be built. The provisions of the bill as to details of construction, operation, and maintenance seem wise and ample.

A representative of those most interested in the navigation of the Kills, composing Staten Island Sound, appeared before your committee and opposed favorable action by the chamber respecting either of the bills before Congress, on the ground that the place of construction of the bridge should be definitely located in the bill. Your committee are of the opinion, however, that the provisions of the bill in this respect are wise, and that any controversy which may arise as to the location of the bridge should be left for adjustment, as the bill provides, to the Secretary of War, who (as stated in the report of the Senate Committee on Commerce), "will doubtless be governed in his action by the report of engineer officers thoroughly familiar with the sound, and who are eminently qualified to determine what is properly a question of engineering." While opposing favorable action by the chamber, on the ground stated, the same representative, however, declared himself decidedly in favor of a bridge over the Arthur Kill to connect the shores of New Jersey with those of Staten Island.

In conclusion, your committee, having given the subject such investigation as the brief time given them in which to report would allow, are of opinion that the construction of the proposed bridge, and the judicious and honest development of the water front of Staten Island, which is quite sure to follow, will be of incalculable benefit to the commerce of the country, without sacrifice of or injury to any commerce now existing along or passing through the water way proposed to be bridged.

Your committee, therefore, recommend the adoption by the chamber of the preamble and resolution referred to them, namely:

Whereas the terminal accommodation in the harbor of New York is now severely taxed by reason of the great growth of the commerce of the port, and any enlargement of the facilities for the receipt, storage, and shipment of the exports and imports should be by every lawful means encouraged; and

Whereas there are miles of the water front of the west side of the harbor, comprising the Staten Island shore, only partially developed and improved because of its separation from the mainland by the Arthur Kill, or Staten Island Sound, thereby rendering said shore inaccessible to railway communication; and

Whereas a bill is now before the Senate of the United States, known as Senate bill No. 121, authorizing the construction of a railway bridge across the Arthur Kill, being a navigable stream between the States of New Jersey and New York, and the provisions of the said bill having been approved of by the engineers of the War Department:

Be it therefore resolved, That this chamber respectfully and earnestly desires to impress upon members of Congress the advantage of the early passage of the said bill, because of the benefits that will flow from the construction of this bridge, not only to the port of New York, but to the commerce of the entire country.

Resolved, That a copy of the foregoing report and resolution, authenticated by the signatures of the president and secretary and by the seal of the chamber, be sent to the President of the United States, to the Secretary of War, and to each member of Congress.

Respectfully submitted.

FRANKLIN EDSON, *Chairman.*

NEW YORK, 12th *March*, 1886.

A true copy.
[SEAL.]

JAS. M. BROWN, *President.*
GEORGE WILSON, *Secretary.*

Mr. DAWES presented a petition of Knights of Labor of Methuen, Mass., praying that liberal appropriations be made for works of internal improvement, and especially for the early construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. INGALLS presented a petition of the executive officers of the Association for Works of Mercy in the District of Columbia, praying that certain additional appropriations be made; which was referred to the Committee on Appropriations.

Mr. PIKE presented a petition of the State of New Hampshire, by the governor of that State, praying full reimbursement of national bounties advanced to recruits mustered into the service of the United States under the President's call of October, 1863; which was referred to the Committee on Claims.

Mr. FRYE. I present a petition of the president, vice-president, and officers of a charitable association in Washington, D. C., and certain other ladies, praying legislation for the legal protection of young girls in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a joint resolution of the General Assembly of the State of Maryland; which was read, and referred to the Committee on Military Affairs, as follows:

Senate joint resolution pertaining to the defense of the seacoast of the United States from a foreign foe.

Whereas in time of peace every nation ought to prepare for war; and

Whereas the armored ships and heavy ordnance in use generally in the navies of the various nations of the world require for adequate defense on land the best fortifications and heaviest guns that ingenuity and money can provide; and

Whereas Chesapeake Bay and its tributaries pass through and render possible access by war vessels to the finest sections of Maryland and Virginia, including also the District of Columbia and the national capital, as also a means of interrupting or destroying a large and valuable section of American commerce by an enemy; and

Whereas the entrance to Chesapeake Bay is of such a character that defense by torpedoes is difficult, if not impossible, and can only be defended, if at all, by armored ships of war, monitors, or other floating batteries, against a hostile fleet; and

Whereas, by reason of the prohibition of the Federal Constitution, the several States are incompetent to make any provision for their own defense, and the revenues and finances of the United States are in such a condition as to warrant the expenditure of a sufficient sum of money for the defense of the seacoast of the United States: Therefore,

Be it resolved by the General Assembly of Maryland, That we respectfully urge upon the Congress of the United States the necessity of making immediate provision for placing the seacoast of the country in a condition for successful defense against a foreign enemy, and we request our Senators and Representatives from Maryland to use every legitimate means to promote such measures and appropriations as will tend to attain the above general object, and more especially the protection of Chesapeake Bay and its tributaries by land fortifications and floating vessels and batteries of the most approved models.

EDWIN WARFIELD,
President of the Senate.
JOSEPH B. SETH,
Speaker of the House of Delegates.

Mr. WILSON, of Maryland, presented petitions of Knights of Labor of Baltimore and Westernport, in the State of Maryland, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. GEORGE presented the petition of Susan A. Shelby, of Washington, D. C., praying reimbursement for the loss of property taken by the United States Government during the late war; which was referred to the Committee on Claims.

Mr. COCKRELL presented a petition of Knights of Labor of Kirksville, Adair County, Missouri, praying that liberal appropriations of the revenues of the Government be made for the construction of works of internal improvement of national importance, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CALL. I present several papers intended to be submitted to the Senate for reference to the Committee on Public Lands, relating to the selection of homesteads made by settlers who are citizens of Florida of United States lands for swamp and overflowed lands. The petition of N. N. Scott and M. B. Taylor, of Fort Ogden, Fla., states that improper selections have been made by parties who never laid eyes on the land; that the special agent of the Land Office was said to have investigated certain lands there, and to have caused the patenting of the same when they were not subject to the swamp and overflowed land grant. The petition states that great grievances have been suffered by settlers and homesteaders in that State on that account. A similar statement is made by John K. Liles, of Fort Ogden, Fla. I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. JONES, of Arkansas, presented a petition of 19 clergymen, 14 physicians, 19 lawyers, 15 teachers, 100 business men, and 42 officers of temperance and other societies of White and Woodford Counties, State of Arkansas, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 996) for the relief of

Leslie Bassett, reported it without amendment and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 885) to relieve the State of Colorado from charges on account of ordance stores furnished to the State and Territory, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Jacksonville, Fla., for military purposes, reported it with amendments, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 953) for the relief of Arthur L. Fisk, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 836) for the relief of William M. Shimmins and George H. McPherson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 972) for the relief of Thomas P. Morgan, jr., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petitions of Rebecca T. Bowen, James A. Brown, A. S. Cheney, George L. Gray, and Handy Summerline, praying to have their claims referred to the Court of Claims under the provisions of the so-called Bowman act, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petitions.

Mr. EVARTS, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 1008) for the relief of Victor Beauboucher, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1041) for the relief of William B. Gropp, of Newport, R. I., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 4837) for the relief of Mary E. Whitehead, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the petition of John C. Myers, formerly consul-general at Shanghai, China, praying for the reimbursement of moneys expended in exposing alleged "frauds and irregularities" in office of Oliver B. Bradford and George F. Seward, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a joint resolution (S. R. 56) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France; which was read twice by its title.

Mr. FRYE. The Senator from Vermont [Mr. EDMUNDS] desired me to say that he dissents from this report.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 16) for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru, moved its indefinite postponement; which was agreed to; and submitted a report accompanied by a bill (S. 1899) for the relief of Mrs. Lizzie Maynadier Phelps, widow of Capt. Seth Ledyard Phelps, late minister of the United States to Peru; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 348) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 812) granting a pension to Mrs. E. A. Benham, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 197) to increase the pension of Florence Murray, reported it without amendment, and submitted a report thereon.

C. B. BRYAN & CO.

Mr. DOLPH, from the Committee on Claims, to whom was referred the following resolution—

Resolved, That the claim of Messrs. C. B. Bryan & Co., of Memphis, in the State of Tennessee, for the value of a boat and its lading of coal, destroyed by collision with the United States snag-boat De Russy, in the Mississippi River, November 17, 1879 (said boat and cargo being valued by said claimants at $3,643.60), be referred to the Court of Claims, in conformity to the provisions of section 1059, Revised Statutes—

reported it without amendment, and submitted a report thereon.

STORAGE OF GOVERNMENT PRINTING OFFICE MATERIAL.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883. As an emergency exists in regard to the rental of the Globe building, which is occupied in part by the Public Printer, I ask for the present consideration of the bill.

Mr. EDMUNDS. Let it be read.

Mr. ALLISON. Let it be read in full for information.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $14,500 to enable the Public Printer to continue in effect the provisions of the "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883.

Mr. MANDERSON. In February, 1883, on account of the crowded condition of the Public Printing Office, and because of fears that were entertained as to the safety of the building, Congress passed an act authorizing the renting of storage rooms. Under the provisions of that act rooms were rented in the old Congressional Globe building for storage purposes. The last appropriation for the payment of the rent of those rooms was entirely used on the 20th of February of this year. The bill proposes to appropriate sufficient money to pay the rental of the rooms rented until June 30, 1887; that is, for the rest of the present fiscal year and for the coming year. I ask that a letter from the Public Printer be read by the Secretary to show the necessity of this measure.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., February 1, 1886.

SIR: In regard to the special appropriation for removal and storage, I beg to say that the annual rental of the Globe building, as now occupied, amounts to $2,664.

The removal necessitates the employment of extra laborers, watchmen, and team, requiring an annual expenditure of $6,630. This latter expenditure is sometimes paid out of the appropriation for printing and binding, but I think it is more properly chargeable to the appropriation for removal and storage.

This office occupies five rooms in the Globe building, amounting to 16,000 square feet, and this storage room is not only absolutely necessary, but more is required.

I inclose herewith memorandum of the various rooms, and the amount paid; also the total rent paid since the passage of the bill.

It will require about $14,500 from February 20, 1886, to June 30, 1887, to pay the whole expense of removal and storage, and I respectfully request that this amount be substituted for that mentioned in my former letter.

The leases are made for a term not exceeding six months, which would enable the Public Printer to promptly occupy the new building should Congress order the same.

The above appropriation is imperatively required for the safety of the employés of the Government Printing Office, the particulars of which were set forth in the debate by Governor Anthony, chairman Senate Committee on Printing, at the time of the passage of the removal and storage act.

Very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. E. BARKSDALE,
Chairman Committee on Printing, House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer a certain appropriation; and

A bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

BILLS INTRODUCED.

Mr. PIKE introduced a bill (S. 1900) for the final settlement of the claims of the State of New Hampshire for the reimbursement of national bounties advanced to recruits mustered into the service of the United States under the President's call of October, 1863; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 1901) granting a pension to George Fetterman;

A bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg; and

A bill (S. 1903) granting a pension to Mrs. A. M. Smith.

Mr. BECK introduced a bill (S. 1904) granting a pension to Allen P. Jacobs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 1905) for the protection of the hotel proprietors; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOAR introduced a bill (S. 1906) to extend the general land and mining laws of the United States over the Territory of Alaska; which was read twice by its title.

Mr. HOAR. I have not read the bill, and I introduce it by request; but it comes from a source which satisfies me that it is a bill deserving of attention. I move its reference to the Committee on Territories.

The motion was agreed to.

Mr. HOAR. I introduce from the same source, also by request, another bill.

The bill (S. 1907) to facilitate the settlement and develop the resources of the Territory of Alaska, and to open an overland commercial route between the United States, Asiatic Russia, and Japan, was read twice by its title, and referred to the Committee on Foreign Relations.

HOUSE BILLS REFERRED.

The bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer a certain appropriation was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

TIMBER DEPREDATIONS.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to examine the nature and extent of the alleged use and destruction of timber on the public lands adjoining the line of the Northern Pacific Railroad, particularly by the Montana Improvement Company; also by what authority they take said timber, and what, if any, additional legislation is necessary to protect timber on the public domain, with power to send for persons and papers.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the bill (S. 1532) to regulate commerce be made a special order for Tuesday, March 30. It is an important bill, and I think that justice to the public requires it to be considered as soon as possible.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion?

Mr. HOAR. I have no objection, but I desire to be heard on the question.

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects.

Mr. CULLOM. May I inquire of the Senator from Kansas if he rose to object to the motion I made in relation to the bill to regulate commerce?

Mr. PLUMB. I did.

The PRESIDENT *pro tempore*. The motion will be entered on the record in the form of a resolution for consideration to-morrow. It goes over under objection.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The morning business is now closed. Under the order of the Senate yesterday the Chair lays before the Senate the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon. The Senator from Massachusetts [Mr. HOAR] has the floor upon the bill.

Mr. VAN WYCK. Will the Senator from Massachusetts yield one moment that I may ask to place on its passage Senate bill 1127, a pension bill to correct the name of a soldier in an act that was passed at the last session of Congress? It is a bill introduced by the Senator from Kansas [Mr. PLUMB] and reported by the Senator from New Hampshire [Mr. BLAIR] on behalf of the chairman of the committee; and as the Senator from New Hampshire is not now present, I ask that the Senate put the bill on its passage. It is No. 208 in the Order of Business.

Mr. HOAR. I will yield for that motion, the pending bill being laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Nebraska, with the consent of the Senator from Massachusetts, moves that the Senate proceed to the consideration of the bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

The motion was agreed to.

SARAH HAGUE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague. It proposes to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague, so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hague, dependent mother of William Hague, late of Company L, Sixth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HOAR. Mr. President, the Senator from Mississippi [Mr. GEORGE] yesterday asked a question as to the significance of a verbal amendment then made substituting the word "authority" for "tribunal" in several places where the latter occurred in the original draught of this bill, which question I undertook to answer this morning. I wish to take a minute or two only in regard to the bill as it now stands.

The present condition of the law in regard to the counting of the vote for President and Vice-President would render it almost impossible to accomplish that result in case of any difference of opinion between the two branches, and indeed in case of any serious question which might arise, without some special legislation or the adoption of some special rule at the time of ascertaining the result of any particular election. In other words, we have been compelled, for the last four or five Presidential elections, in one or two cases to adopt a standing joint rule, which was abrogated by the refusal of one House or the other to submit to its authority; or in one case by a statute passed in 1877; and in the two cases since 1876, by a special joint rule or order adopted to apply to the particular and special case. Now, every Senator will admit that this condition of things constitutes a great and serious public danger, and that we should be absolutely false to our official obligations if we did not endeavor to remedy it and to provide against the danger.

This bill fails to provide for a decision of the case and the admission of the electoral vote of a State where there are two rival State governments and those rival State governments present two competing sets of electors for the counting of their votes; and everybody who knows the present condition of the public opinion, the opinion of the two Houses, knows that it is impossible to provide in the present condition of opinion for a common arbiter between these two branches in that case. That is not provided for now. If the next Presidential election occur without any new law or new rule, and in any State in the country there be two State governments and an existing civil war or a conflict between these two competing governments not amounting to war, and the two Houses of Congress so differ in political opinion that one favors the claim of one State government and the other of the other, there is no method now by which the electors representing either of those governments can be counted in making up the result.

So then the criticism on this bill that it does not provide for that case by settling between those two claimants which of the two is the lawful State government, is a criticism on the existing condition of the law. It is one which, in the present condition of political sentiment in Congress, it is utterly impossible to deal with; and it seems to me that no just criticism can be made upon the present bill, because it improves upon the existing condition of things in all other respects and removes and provides for all other possible and conceivable dangers.

The bill provides that in case there be but one return from a State, that return shall not be rejected without the concurrence of both Houses of Congress. In case the State itself has provided by its own law an instrumentality for the final determination of all such questions, by a law passed more than six days before the assembling of its electoral college, the decision of the State is to be taken as valid in all cases. So I believe that this bill will remove from the public all dangers which are likely to arise in this country for generations in regard to the peaceful and proper determining of the result of the Presidential elections.

When the bill was up before, it was criticised by the Senator from New York [Mr. EVARTS] as seeming by its phraseology, using the words "tribunal" and "court," to invite a judicial interference with what, in the judgment of that Senator, should be a political process. The bill has been changed in that particular by substituting the language of the second section, that when the State shall have provided for the final determination of any controversy or contest by judicial or other methods of procedure, its decision shall be final, then instead of using the word "tribunal," as before, using the word "authority" for the State functionaries who are to settle this question. It is supposed that the criticism has been met by that modification.

That is the only substantial change in the bill, except that the bill also as now drafted provides that the executive of the State shall immediately after the canvass or final ascertainment of the election of electors in accordance with the laws of the State, transmit that canvass and final ascertainment to the Secretary of State to be published in some newspaper by him designated, and also that a copy of that certificate shall be sent with the electoral vote by the electors in the way now provided by law to the President of the Senate.

I have stated all the change which has been made in the bill, and I hope it will meet the nearly unanimous approbation of this body.

Mr. GEORGE. I desire to ask the Senator from Massachusetts a question before he takes his seat, and that is, if this bill makes any provision for a case where the executive of a State being opposed in political feeling and sentiment to the electors as they may have been elected shall fail or refuse to make the certificate required at his hands? In a case of that sort, I ask if any provision has been made for determining the vote of the State? Without the certificate of the governor how can the vote of the State be ascertained and counted?

Mr. HOAR. I suppose that no law can make provision for the fail-

ure of public officers to perform their duty in all cases. I believe Mr. Webster once stated in an important debate that if the members-elect of the United States Senate should refuse to assemble there was no earthly provision which would prevent the Republic from going to pieces; and so if the States and the people refuse to perform their duty. The Constitution itself provides for the sending of the electoral votes to the President of the Senate; and the old act of Congress of 1792 passed soon after the first inauguration of the Government made no provision for the case of the supreme executive authority of a State refusing to give the electors certificates of their election, or of the proper State officers refusing to send those evidences here. I suppose if the governor of a State or the officer to whom that function is committed were to refuse to perform his duty, or if the electors of a State were to refuse to send their votes after they had cast them to the President of the Senate, those are cases not now provided for, through which the State might lose its vote. At any rate we can not undertake to go through the list of all the officers and provide against a neglect of all of them. Suppose the President of the Senate should burn up the votes after they were conveyed to him and before they were to be opened. You can conceive at every step in a republican government the possibility of some person on whose conscientious and faithful discharge of official duty the going on of the Government in an orderly manner depends refusing to perform his duty. No legislation can provide for such cases in advance.

Mr. GEORGE. Mr. President, as a member of the Committee on Privileges and Elections that reported this bill, I was unable to concur in the conclusions at which that committee arrived.

There are some valuable provisions in this bill, and among them is the provision which prescribes the mode and manner in which the actions of the States shall be certified to Congress. Another is the effect given to a determination made in pursuance of the law of the State as to who were legally and constitutionally appointed electors. But there are some very grave omissions in this bill, and among them is the one to which I have just called the attention of the Senator from Massachusetts.

There is no provision in this bill for the case of a recusancy on the part of an executive officer of a State to make the proper certificates by which we can have the vote of that State ascertained and counted, according to our duty under the Constitution; and it is no answer to that to say, as the Senator from Massachusetts has said, that there are cases in which we can not provide for a dereliction of duty on the part of officers charged with duties under the Constitution. It is not beyond the competency of Congress to make provision for the ascertainment of the vote of a particular State or any State on a Presidential election, whether the governor of that State shall perform his duty or not. It is within the competency of Congress to provide other means to ascertain how the vote of that State was cast, notwithstanding the dereliction on the part of the governor.

Another great omission is the leaving unsettled the question raised by an amendment offered by the Senator from New York [Mr. EVARTS]. That amendment raised this question, which is not settled in this bill: What is to be done, when the vote of a State may be rejected, with reference to the aggregate number of votes, a majority of which is necessary to elect a President? Under the present apportionment there are 401 electoral votes. If 20 of those were rejected and not counted, the question is whether a person receiving a majority of the 381 which are counted, and not receiving a majority of the 401 which may have been appointed, is to be regarded as elected President of the United States, or whether the case has happened in which the House of Representatives shall exercise their power to elect.

This is a very grave and a very important question, and it ought not to have been left unsettled by this bill. It would be entirely immaterial whether the vote of a particular State was counted or rejected if when it was rejected there was still a person voted for as President who had a majority of all the electoral votes. In that case the rejection would have no effect upon the determination of the Presidential election; but if it be that the person having the majority only of votes which are counted is to be President, there will be a temptation on the part of the one House or the other to reject votes in order that a person not having a constitutional majority may be declared President. That is a grave defect.

If it be assumed, as I understood the Senator from Massachusetts to say on a former occasion when debating this bill, that he is President who receives a majority of the votes actually counted when that number is less than a majority of the whole number appointed, I insist that that would be a plain violation of the Constitution. The Constitution provides:

> The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors—

Not "counted," but—

appointed.

Now under this bill, on a difference between the two Houses, the Senate may affirm by its vote that one set of electors from a State have been duly appointed and the House of Representatives may affirm on its part that another set of electors have been appointed. In that case there has been no legal determination that there has been no appointment from that State, but an affirmance by one House that one set has been appointed and an affirmance by the other House that another set has been appointed. So the case as it stands is not that electors have not been appointed in particular States—that is conceded by the action of both Houses—but the situation is that the Houses fail to agree as to who have been appointed, the fact of appointment being asserted and affirmed by both Houses. In a case of that sort, if the person having the largest number of votes which are actually counted and less than a majority of the whole number which have been actually appointed shall be President of the United States he will be President in violation of the Constitution, as I understand it, and as I think it is plainly written.

Then, there is another very serious objection to this bill, and that goes to its very marrow and pith. It is in the mode, or rather in the tribunal, which this bill establishes for the purpose of ascertaining the votes that are to be counted. The Constitution says:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

That means this plainly and unequivocally: First, a command to count the votes; second, a command to count them in the presence of the two Houses. They can not be constitutionally counted in any other mode or in any other presence. To count a vote necessarily involves first the ascertainment of the vote to be counted. When, therefore, the Constitution commands that the votes shall be counted in the presence of the two Houses, it commands necessarily that the necessary and that the essential steps and processes in the counting shall be performed in their presence. So, when the Constitution says the votes shall be counted in the presence of the two Houses, it means that everything involved in the process of counting shall be done then and there and in that presence. You can not count or enumerate a thing until you first ascertain what that thing is. To count in the Constitution means as well ascertainment of the thing to be counted as an enumeration of the thing after it has been ascertained. There is no escape from this argument. You can not count effectually unless the thing to be counted is ascertained. Ascertainment therefore is a logical and necessary part of the process of counting, as much so as enumeration.

Mr. HOAR. May I ask the Senator from Mississippi a question?

Mr. GEORGE. Yes, sir.

Mr. HOAR. I ask whether it would not be equally true to say that in case of an electoral vote you can not ascertain the thing to be counted until you count it? You have got to take the votes one by one and ascertain whether they belong to a certain category.

Mr. GEORGE. I do not exactly understand the question of the Senator. I will answer it though in this way, that counting in the Constitution means first the ascertainment of the vote to be counted, then the arithmetical enumeration of the votes, the footing of them up, and seeing who has the largest number.

Mr. HOAR. Then, if my friend will permit me to vary my question a little, would he not withdraw the last proposition he made? I understand him to affirm that before the process of counting, using the word "counting" in its constitutional sense, can advance you have got to ascertain the thing to be counted. I understood him to say that is counting.

Mr. GEORGE. My proposition is that counting involves two things, ascertainment and enumeration.

Mr. HOAR. I thought the Senator stated it differently, and said that before you could count in a constitutional sense you must ascertain.

Mr. GEORGE. I thought I made myself very well and plainly understood that the word "count" as used in the Constitution involved two processes—ascertainment and enumeration. That being established, that the word "count" does involve these two processes—and I do not understand the Senator from Massachusetts to deny that, but to correct me for, as he supposed, stating it differently—what results? We are commanded to "count" in the presence of the two Houses. Counting involves ascertainment as well as enumeration. Then, without violating the Constitution, how can you separate these two necessary processes involved in the word "count," and require the ascertainment to be made somewhere else and the enumeration only to be made in the presence of the two Houses? There is no affirmative answer to that proposition, as I conceive.

Now, sir, if the ascertainment is a part of the counting process, and the most essential part of it, and the Constitution requires this whole counting process to be done in the presence of the two Houses, then the next question is by what method you will perform these two processes. You can not perform them by the two Houses in joint convention, each in the same room and acting separately. The ascertainment and counting must be in the presence of both. That means not only the corporeal presence, the assemblage of both in the same room, but it means also the understanding or intelligent presence, or in other words that the process shall be so conducted that each House and each member of each House may understand it fully as it goes on.

Well, is it not the absurdest thing in the world that the two Houses should come into the same room, one presided over by the President of the Senate and the other by the Speaker of the House, and in order to

comply with the Constitution each one, one on one side of the Hall and the other on the other side of the Hall, going through this process of ascertainment?

When the Constitution commands the counting and ascertainment to be done in the presence of the two Houses, in the intellectual and understanding presence of the two Houses, it also commands that it must be done in that mode by which the two Houses and the members thereof may understand it and supervise it; and that can only be done by treating the two Houses as the Constitution treats them for this purpose, as constituting one body.

The Constitution says that we shall meet together and the votes shall be counted in the presence of the two Houses. I have shown that can only be done by the two Houses acting as one joint assembly; and this bill now under consideration treats that as so, so far as the enumeration is concerned. This bill provides that the two Houses shall meet together in the Hall of the House of Representatives, and that the President of the Senate shall be the presiding officer. How can he be presiding officer unless they constitute one assembly?

It furthermore provides that he shall preserve order. How can he preserve order if they be in fact two assemblies, organized for separate action, as in case of performing legislative duties? The bill furthermore provides that objections may be made in this joint assembly to the counting of a vote. Up to that point the bill itself treats the two Houses, when met together for the purpose of the electoral count, as one joint assembly; but right there when an objection is made and the real and substantial business for which the Constitution calls them together, the bill provides for a dissolution of this assembly, and then provides, after the two Houses have acted separately upon the question of ascertainment, that then there shall be another joint assembly and the other process of the counting be carried on. In other words, the bill treats this joint assemblage as one assembly for all the purposes of enumeration and compels them to separate for all the purposes of ascertainment, the two processes being involved necessarily in the word "count," which the Constitution requires to be done in the presence of an assembly composed of both.

I say there is no authority in the Constitution for that; and right here that is a conclusive answer to any argument of the two Houses acting separately in the matter, because the Constitution provides in the first article, seventh section, and third clause:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

And shall have no effect unless approved by him. So the Constitution ordains that if it is necessary that these two Houses shall consider this question of ascertainment separately, and if the concurrence of one House to the action of the other be necessary, as this bill says it shall be, then it follows that that joint or concurrent vote, order, or resolution must be submitted to the President of the United States. Certainly it was not the intention of the framers of the Constitution to provide for a state of things of that description. But it is impossible to escape from the express language of the Constitution that "every order," not every bill, not every act, not every statute, but every "order," every "resolution," every "vote," in the language of the Constitution, to which the concurrence of the two Houses is necessary, shall be presented to the President for his signature. That I think is a conclusive objection to the mode prescribed in the bill for ascertaining the electoral vote by the separate order or vote of each House.

Mr. HOAR. May I inquire of my honorable friend if he thinks that provision of the Constitution applies to constitutional amendments?

Mr. GEORGE. I will answer that by saying that in order to pass a constitutional amendment a majority of two-thirds is required, which is the exact majority which can overrule the President's veto.

Mr. HOAR. That is after it has been presented to the President.

Mr. GEORGE. I do not know whether that is so or not. It may be that in practice a resolution proposing an amendment to the Constitution is not presented to the President; but if the practice has obtained of not presenting it to him it is because in the first instance it has to pass each House of Congress by a majority, which dispenses with the veto or overrules it.

Mr. HOAR. Does the Senator understand that the joint rules of the two Houses must be presented to the President because to their validity they require the concurrence of the two Houses?

Mr. GEORGE. I believe that the joint rules of the two Houses are secured in this way: By a provision in the Constitution each House is authorized to determine the rules of its own procedure, and in the exercise of that power the Senate may make rules for its separate action, and may also make rules besides its own separate rules for its joint action with the House, and in the same way the House may perform that function, and in that way reach joint rules.

So I stand upon the words of the Constitution itself: every order, every resolution, every vote (questions of adjournment alone excepted) to which the concurrence of the two Houses may be necessary shall be presented to the President.

Mr. HOAR. If the Senator will pardon me one moment——

Mr. GEORGE. I am very glad to be interrupted if I am wrong.

Mr. HOAR. I put this question to the Senator with a view of calling his attention to the consideration that the provision that every order, vote, or resolution to which the concurrence of both Houses is necessary shall be presented to the President, except in a case of adjournment, never has been held anywhere, so far as I know, to apply to anything but legislative matters which are to take effect upon the people by the authority of the Congress. There are all through the Constitution, among the powers of these two Houses, powers which require the concurrence of the two Houses for their exercise, but which, not relating to legislation, are never held to require the assent of the President or to be presented to the President.

Now as to the matter of a constitutional amendment, it is true that a constitutional amendment can not be constitutionally presented to the States for their adoption except by a two-thirds vote of each House of Congress thinking it necessary; but if the Senator's argument was a sound one, that would not prevent the operation of the provisions that it should be presented to the President in the first instance, because his reasons for rejection might change the mind of the two-thirds which had originally presented it. But the only instance, I believe, in our history where a constitutional amendment has been sent to the President of the United States was one which was sent to President Lincoln, which he returned to Congress saying that he did not understand that he had any authority in the matter.

So in the matter of joint rules; we get the authority to pass joint rules from the Constitution, of course, as we get all the rest of our authority; but if this proposition of the Senator's was true we should be obliged to send our joint rules to the President for his consideration, if that is a universal and comprehensive proposition that all matters to which the assent of the two Houses is necessary must be submitted to the President—all votes, orders, or resolutions.

In other words, as I understand it, it has been the uniform construction of the Constitution that in regard to the matter of counting the electoral vote, conferred upon the two Houses as the majority of both Houses conceive by the Constitution itself, as in the matter of joint rules, as in the matter of amendments to the Constitution, they stand upon the separate power which is given for those purposes, and are not included in the phrase which is found in the section of the Constitution relating to legislation, and which is intended only to apply to that.

Mr. GEORGE. I am very glad the Senator has interrupted me because it enables me just here to make a conclusive answer to the objections which he urges.

I think it may be true that this clause which I have read only refers to legislative business, the art of making laws; but the answer I make to the Senator is that nowhere in the Constitution can the two Houses act separately, the concurrence of both being necessary to the validity of an act, except on legislative business. The Constitution only grants to Congress, that is to the Senate and House of Representatives, requiring their concurrent action, legislative powers; and that is one of the greatest objections to the provisions in this bill, that it undertakes, in violation of the scheme of the Constitution, in violation of the grants of the Constitution, to confer upon the two Houses acting separately and yet concurrently, the concurrence of the two being necessary to the validity of the act, upon a matter which is not legislative business.

What kind of business is it? It certainly is not legislative business. It is the ascertainment of a fact and a very important fact to this country. Where do you get the power under the Constitution for the two Houses acting separately and yet concurrently to discharge any other duty except a legislative one?

And that brings me to the last objection I intend to urge against this bill; and that is that this is not a legislative function which ought to be considered separately by the two Houses, but it is rather in the nature of a judicial function; and when the Constitution imposes on us the duty of counting the votes in the presence of the two Houses, it certainly meant that we should adopt that form in the performance of that duty which would enable us to discharge it. Why, certainly, sir, it would be an anomaly in jurisprudence, it would be an anomaly surely in Anglo-Saxon jurisprudence, that for the ascertainment of a single fact, the rendering of an operative judgment upon the ascertainment of a fact should be committed to two separate tribunals, each acting independently of the other, and each having a veto upon the other. By that sort of a tribunal no judicial function has ever been performed. We require unanimity in juries, that twelve men shall agree to a verdict, but they are one body; they consult and confer with each other, and they arrive at a conclusion as the result of that conference; but nobody ever proposed to have two juries to try a case. We have a court sometimes composed of an even number of judges, and the result may be a division between the judges, and there may be a provision or there may be none, for one or the other to rule the case; but it has never been that two courts having equal power can be charged with the determination of the same case.

For these reasons, Mr. President, I have found it my duty to nonconcur with the report of the committee on this bill. I have submitted these remarks not with a view of influencing the action of the Senate, for that is impossible, as they have considered the bill on former occasions, but simply to put on record my reasons for dissent to a very objectionable bill.

The PRESIDENT *pro tempore*. The question is on the amendment

proposed by the Committee on Privileges and Elections in the nature of a substitute.

Mr. HOAR. I understood there was an agreement to treat that as the original bill.

The PRESIDENT *pro tempore*. If there be no objection the substitute will be treated as an original bill. The Chair hears no objection.

Mr. SAULSBURY. I desire to say that I was not in the Committee on Privileges and Elections when this substitute was proposed. I have, therefore, not had time to examine it; I do not know what its provisions are, and therefore withhold my vote on the bill, not because I might not vote for it if I had made a careful examination of it, but as a member of the committee I have felt it my duty to say that I withhold my vote because I have not had time to examine the bill and ascertain what its provisions are exactly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 16th instant, approved and signed the act (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; and it was thereupon signed by the President *pro tempore*.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, being a revised list of papers on file in the Department of State touching the unpaid claims of citizens of the United States against France for spoliations prior to July 31, 1801.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 17, 1886.

REPORT OF SHIPPING INTERESTS OF GERMANY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Commerce:

To the Senate of the United States:

In response to the resolution of the Senate of the 17th of February, requesting to be furnished with a copy of the report made by the consul-general of the United States at Berlin upon the shipping interest of Germany, I transmit a report of the Secretary of State upon the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 17, 1886.

AGRICULTURAL PRODUCTS.

The PRESIDENT *pro tempore*. The Chair also lays before the Senate a message that came from the President, but, probably by mistake, is not signed, though it comes in due official form. The Chair presents it, and it will be read.

The Secretary read as follows:

To the Senate:

In compliance with a resolution of the Senate of February 9, 1886, I herewith transmit a report from the Secretary of State, with its accompanying documents, relative to the commerce between the United States and certain foreign countries in cereals and the cotton product during the years 1884 and 1885.

EXECUTIVE MANSION, *March* 16, 1886.

The PRESIDENT *pro tempore*. This message is accompanied by a large number of documents. It is not signed by the President.

Mr. COCKRELL. I move that the message be returned to the President to receive his signature before it is printed.

The PRESIDENT *pro tempore*. That order will be made.

LOSSES OF OFFICERS AND SOLDIERS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of War; which was read:

WAR DEPARTMENT, *Washington City, March* 16, 1886.

SIR: I have the honor to acknowledge receipt of the resolution of the Senate of the 3d instant, "That the Secretary of War make to the Senate a report showing the action and proceedings had to date under the act of March 3, 1885, including the claims in full as presented and as recommended for allowance, and any difference in views between the officers of the War and Treasury Departments in regard to the same."

The Department supposes that the act referred to in the resolution is chapter 335 of the laws of the Forty-eighth Congress (23 Stat., 350), which provides "for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States."

In answer thereto I forward herewith the original papers in the claims referred to and the reports and recommendations of the board of officers convened June 15, 1885, to take into consideration the proviso in the act which requires the Secretary of War to decide what articles are "reasonable, useful, necessary, and proper for such officer or soldier while in quarters engaged in public service in the line of duty."

I also forward copy of two communications of the Third Auditor of the Treasury setting forth his views upon the act, dated November 13 and December 17, 1885. Also the decision of the Second Comptroller, of January 16, 1886, that claims must first receive the action of the Secretary of War before they can be definitely acted upon by the accounting officers.

It will be seen from the papers that the claims are prepared by the claimants alone, in many cases from memory, and from their nature they can not be fully corroborated by any disinterested evidence, the only statement of the claimant that is susceptible of proof from the records of the Department being the station or locale of the officer or soldier at the time of the loss, and where Government property was lost or destroyed at the same time.

The circuitous mode by which a conclusion must be reached in any case also deserves attention. The claimants present their claims to the Third Auditor of the Treasury, who may require certain proof in support thereof. (See circular of the Third Auditor of April 25, 1885, herewith.) When the evidence is received the papers are forwarded to the Secretary of War to decide what articles are reasonable, necessary, useful, and proper, without any statement from the Auditor that the loss is proved. The action of the Auditor is in accordance with the before-mentioned decision of the Comptroller, from which it appears that the Secretary of War must perform the same duty in a claim without a particle of merit that is incumbent upon him in one of undoubted worth. The papers in the claim of S. L. Fremont, formerly lieutenant, Third United States Artillery, is an illustration of the point, and also of the extent and variety of the claims which may be presented under the act.

I have confined myself to the requirements of the resolution, in forwarding the papers therein called for, and as they are originals, I beg they may be carefully preserved and returned to this Department when no longer required by the committee.

Very respectfully,

WILLIAM C. ENDICOTT,
Secretary of War.

The PRESIDENT *pro tempore of the United States Senate.*

Mr. COCKRELL. That report is made in response to a resolution presented by myself; and while those are original papers, they ought to be printed. It will be impossible for the Committee on Military Affairs to consider the question fairly and properly unless the documents are printed. I do not suppose they are so voluminous that it will be necessary that they should go to the Committee on Printing.

The PRESIDENT *pro tempore*. The bundle is before the Chair.

Mr. COCKRELL. I see; but I suppose they are not very closely written and only on one side. If they go to the Printing Office they ought not to be treated as most of the manuscript that goes there is and thrown away. They ought to be returned and not destroyed. That can be done, I presume.

The PRESIDENT *pro tempore*. An order can be sent for their return.

Mr. COCKRELL. I move, then, that the papers be printed and referred to the Committee on Military Affairs, and, when printed, that the originals be returned by the Public Printer and then returned by the Secretary of the Senate to the Secretary of War.

The PRESIDENT *pro tempore*. That order will be made.

HOUSE BILL REFERRED.

The bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased, was read twice by its title, and referred to the Committee on Finance.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I ask leave to make a motion, not for consideration at this time but that it may be in order to-morrow. I move that the bankruptcy bill, being Senate bill 714, be made the special order for a week from Wednesday. I desire to have it stand after the bill proposed by the Senator from Illinois [Mr. CULLOM]. I do not desire to take up this motion until after the motion of the Senator from Illinois is disposed of.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. DOLPH. I do not understand the purport of the motion, but I know the Senator from Connecticut [Mr. PLATT] desires to take up the bill for the admission of Washington Territory.

The PRESIDENT *pro tempore*. The motion goes over.

Mr. HOAR. I will say for the information of the Senator and the Senate that I do not propose to antagonize the suggestion of the Senator from Connecticut. If he brings up the question of the admission of Washington Territory I shall give way with the bankruptcy bill until that also is disposed of. I wish merely to have the matter in position for action.

The PRESIDENT *pro tempore*. The motion is entered and goes over until to-morrow.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock being nearly at hand the Chair will, with the unanimous consent of the body, lay before the Senate the unfinished business.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. DOLPH. Mr. President, I am aware that the question of the power of removal of officers appointed by the President by and with the advice and consent of the Senate is not a new question.

It was discussed in the public press of the country prior to the ratification of the Constitution by the States. The author of the Federalist interpreted the Constitution as vesting the power of removal, like that of appointment, in the President and the Senate, and so far as I have been able to ascertain there was at that time no different public interpretation of the Constitution upon the subject; and it was upon this apparently universally accepted construction that the Constitution was ratified by the States. It has been at different times, since the adoption of the Constitution, discussed in Congress. It was discussed for several days at the first Congress in connection with the establishment of the Department of State. It was again discussed in 1835 in connection with the proposed repeal of the tenure-of-office act of 1820. The report made by Hon. Garrett Davis, of the House of Representatives, in 1842, which is appended to the majority report of the Judiciary Committee of the Senate at this session, and said majority report are able and comprehensive reviews of the whole question.

At the second session of the Thirty-ninth Congress at which the tenure-of-office act was passed, and again in 1869, when that law was amended, it was the subject of an exhaustive discussion by the ablest members of both branches of Congress, and it has again during the debate upon the pending resolutions been ably and thoroughly discussed. I do not expect to add anything upon the question to what has been already said.

But inasmuch as the President in his recent message to the Senate contends that the power to remove officers appointed by and with the advice and consent of the Senate is vested by the Constitution in the President alone, and that position is maintained by the leaders of his party in this body, and in view of the importance of the question, involving as it does the structure of the Government, and the fact that it is now before this body as a practical question, I am not disposed to let the present opportunity pass without briefly expressing my views upon it.

It will not be denied that the powers of each of the co-ordinate departments of the Federal Government are derived from the Constitution alone. If a power is not conferred by an express provision of the Constitution and is not fairly implied from some express provision and necessary to carry into effect some express power, it does not exist.

The power of the President to appoint public officers is contained in the following clause of section 2 of Article II of the Constitution

> He shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.
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> The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

It will be perceived that while the power to nominate is absolute in the President, the power to appoint is restricted, and, unless made to fill a vacancy happening during the recess of the Senate, must be made by and with the advice and consent of the Senate.

The power of the Senate to advise and consent or to withhold consent to the appointment of an officer is as absolute as the power of the President to nominate. The removal from an office created by law necessarily involves the appointment of some person to fill it, and removals from office are made almost entirely by the appointment of another person to the office. This method of removal appears to have been the only one contemplated by the framers of the Constitution, and hence no express provision was made upon the subject. It will not be claimed that there is any express provision in the Constitution conferring upon the President alone the power of removal from office. Such a power, if it is to be found, is an implied power. That is to say, it must appear by necessary implication that the power of removal by the President alone is necessary to carry into effect some express power conferred upon him. I do not find in the Constitution any warrant for such a construction. The reasonable and general rule upon the subject of appointments to and removals from office is that they are united, that the one is the counterpart of and coextensive with the other.

In my judgment the power of appointment and removal of officers who under the Constitution and laws are appointed by and with the advice and consent of the Senate are inseparable. An office once created by the action of Congress and the approval of the President can not be destroyed without the concurrent action of the two Houses of Congress. The President can not appoint one of the four thousand civil officers, or of the officers of the Army and Navy required to be confirmed by the Senate, without the concurrent action of that body.

If the power of appointment and removal are separable, and the power of removal is vested in the President alone, the continuance of the Government as an organized society depends upon the pleasure of the President. In an hour by the stroke of a pen he could virtually destroy the whole official fabric, and having destroyed it he would be powerless to reconstruct it.

The right and power of the Senate to consent or withhold its consent to the removal of Federal officers in my judgment does not depend upon the tenure-of-office act. It is a constitutional power, and applies to those officers confirmed by the Senate whose terms of office are not fixed by law as well as to those who hold for fixed terms. The power of the Senate in the matter is coextensive with the power of the President. The President has an unrestricted power to nominate; the Senate has an absolute power under the Constitution to advise and consent or to withhold its consent. The power to suspend an officer for sufficient cause during the recess of the Senate as a matter of public convenience or necessity is now conferred by law upon the President, but an officer suspended is restored to office by operation of law unless the Senate consents to his removal.

When this question arose in the Senate at the present session of Congress, not being familiar with the legislative and judicial constructions which had been placed upon the Constitution concerning it I examined it so far as I was able and became convinced that under the Constitution the power of removal of officers appointed by and with the advice and consent of the Senate is vested in the President and the Senate, and not in the President alone, and that the tenure-of-office act as amended in 1869, now sections 1767, 1768, and 1769 of the Revised Statutes, so far as it relates to the removal of such officers, is but declaratory of the constitutional rule upon the subject.

I do not intend to enter into an argument in support of this construction at this time. I prefer to quote from the speeches of others and to adopt as my own arguments which ought to carry conviction on account of their own weight as well as on account of the acknowledged ability of those who made them, and to which I could not add and from which I would not subtract.

That eminent statesman and able lawyer, Daniel Webster, whose exposition of the Constitution in relation to the respective powers of the Federal and State Governments was accepted by the people of the North, maintained by the armies of the Union upon many a battlefield and determined to be correct by the arbitrament of the sword, in a speech made in the Senate in 1835 upon the bill to repeal the act of 1820 fixing the terms of certain officers, discussed this power of removal in his usual able, lucid, and forcible manner. To my mind, his arguments upon that occasion in favor of the proposition that the power of removal is vested by the Constitution in the President and the Senate are unanswerable. I do not see how any mind unembarrassed by precedents and unbiased by prejudice can fail to be convinced of the soundness of his arguments. Mr. Webster said:

> It appears to me, however, after thorough and repeated and conscientious examination, that an erroneous interpretation was given to the Constitution in this respect, by the decision of the First Congress; and I will ask leave to state, shortly, the reasons for that opinion, although there is nothing in this bill which proposes to disturb that decision.
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> The Constitution nowhere says one word of the power of removal from office, except in the case of conviction on impeachment. Wherever the power exists, therefore, except in cases of impeachment, it must exist as a constructive or incidental power. If it exists in the President alone, it must exist in him because it is attached to something else, or included in something else, or results from something else, which is granted to the President. There is certainly no specific grant; it is a power, therefore, the existence of which if proved at all is to be proved by inference and argument. In the only instance in which the Constitution speaks of removal from office, as I have already said, it speaks of it as the exercise of judicial power; that is to say, it speaks of it as one part of the judgment of the Senate in cases of conviction on impeachment. No other mention is made in the whole instrument of any power of removal. Whence, then, is the power derived to the President?
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> It is usually said by those who maintain its existence in the single hands of the President, that the power is derived from that clause of the Constitution which says: "The executive power shall be in a President." The power of removal, they argue, is, in its nature, an executive power; and, as the executive power is thus vested in the President, the power of removal is necessarily included.
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> It is true that the Constitution declares that the executive power shall be vested in the President; but the first question which then arises is, What is executive power? What is the degree, and what are the limitations? Executive power is not a thing so well known, and so accurately defined, as that the written constitution of a limited government can be supposed to have conferred it in the lump. What is executive power? What are its boundaries? What model or example had the framers of the Constitution in their minds when they spoke of "executive power?" Did they mean executive power as known in England, or as known in France, or as known in Russia? Did they take it as defined by Montesquieu, by Burlamaqui, or by De Lolme? All these differ from one another as to the extent of the executive power of government. What, then, was intended by "the executive power?" Now, sir, I think it perfectly plain and manifest, that, although the framers of the Constitution meant to confer executive power on the President, yet they meant to define and limit that power, and to confer no more than they did thus define and limit. When they say it shall be vested in a President, they mean that one magistrate, to be called a President, shall hold the executive authority; but they mean, further, that he shall hold this authority according to the grants and limitations of the Constitution itself.
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> They did not intend, certainly, a sweeping gift of prerogative. They did not intend to grant to the President whatever might be construed, or supposed, or imagined to be executive power; and the proof that they meant no such thing is, that immediately after using these general words they proceed specifically to enumerate his several distinct and particular authorities; to fix and define them; to give the Senate an essential control over the exercise of some of them, and to leave others uncontrolled. By the executive power conferred on the President, the Constitution means no more than that portion which itself creates, and which it qualifies, limits, and circumscribes.
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> A general survey of the frame of the Constitution will satisfy us of this. That instrument goes all along upon the idea of dividing the powers of Government, so far as practicable, into three great departments. It describes the powers and duties of these departments in an article allotted to each. As first in importance and dignity it begins with the legislative department. The first article of the Constitution, therefore, commences with the declaration that "all legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The article goes on to prescribe the manner in which Congress is to be constituted and organized, and then proceeds to enumerate specifically the powers intended to be granted, and adds the general clause conferring such authority as may be necessary to carry granted powers into effect. Now, sir, no man doubts that this is a limited Legislature; that it possesses no powers but such as are granted by express words or necessary implication, and that it would be quite preposterous to insist that

Congress possesses any particular legislative power, merely because it is in its nature a legislative body, if no grant can be found for it in the Constitution itself.

Then comes, sir, the second article, creating an executive power; and it declares that "the executive power shall be vested in a President of the United States." After providing for the mode of choosing him, it immediately proceeds to enumerate, specifically, the powers which he shall possess and exercise, and the duties which he shall perform. I consider the language of this article, therefore, percisely analogous to that in which the Legislature is created; that is to say, I understand the Constitution as saying that "the executive power herein granted shall be vested in a President of the United States."

In like manner the third article, or that which is intended to arrange the judicial system, begins by declaring that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish." But these general words do not show what extent of judicial power is vested in the courts of the United States. All that is left to be done, and is done, in the following sections, by express and well-guarded provisions.

I think, therefore, sir, that very great caution is to be used, and the ground well considered, before we admit that the President derives any distinct and specific power from those general words which vest the executive authority in him. The Constitution itself does not rest satisfied with these general words. It immediately goes into particulars, and carefully enumerates the several authorities which the President shall possess. The very first of the enumerated powers is the command of the Army and Navy. This, most certainly, is an executive power. And why is it particularly set down and expressed, if any power was intended to be granted under the general words? This would pass, if anything would pass, under those words. But enumeration, specification, particularization was evidently the design of the framers of the Constitution, in this as in other parts of it. I do not, therefore, regard the declaration that the executive power shall be vested in a President as being any grant at all, any more than the declaration that the legislative power shall be vested in Congress constitutes, by itself, a grant of such power. In the one case, as in the other, I think the object was to describe and denominate the department, which should hold, respectively, the legislative and the executive authority; very much as we see, in some of the State constitutions, that the several articles are headed with the titles "legislative power," "executive power," "judicial power;" and this entitling of the articles with the name of the power has never been supposed, of itself, to confer any authority whatever. It amounts to no more than naming the departments.

If, then, the power of removal be admitted to be an executive power, still it must be sought for and found among the enumerated executive powers, or fairly implied from some one or more of them. It can not be implied from the general words. The power of appointment was not left to be so implied; why, then, should the power of removal have been so left? They are both closely connected; one is indispensable to the other; why, then, was one carefully expressed, defined, and limited, and not one word said about the other?

Sir, I think the whole matter is sufficiently plain. Nothing is said in the Constitution about the power of removal, because it is not a separate and distinct power. It is part of the power of appointment, naturally going with it or necessarily resulting from it. The Constitution or the laws may separate these powers, it is true, in a particular case, as is done in respect to the judges, who, though appointed by the President and Senate, can not be removed at the pleasure of either or of both. So a statute, in prescribing the tenure of any other office, may place the officer beyond the reach of the appointing power. But when no other tenure is prescribed, and officers hold their places at will, that will is necessarily the will of the appointing power; because the exercise of the power of appointment at once displaces such officers. The power of placing one man in office necessarily implies the power of turning another out. If one man be Secretary of State, and another be appointed, the first goes out by the mere force of the appointment of the other, without any previous act of removal whatever. And this is the practice of the Government, and has been from the first. In all the removals which have been made, they have generally been effected simply by making other appointments. I can not find a case to the contrary. There is no such thing as any distinct official act of removal. I have looked into the practice, and caused inquiries to be made in the Departments, and I do not learn that any such proceeding is known as an entry or record of the removal of an officer from office; and the President could only act, in such cases, by causing some proper record or entry to be made, as proof of the fact of removal. I am aware that there have been some cases in which notice has been sent to persons in office that their services are, or will be, after a given day, dispensed with.

These are usually cases in which the object is, not to inform the incumbent that he is removed, but to tell him that a successor either is, or by a day named will be, appointed. If there be any instances in which such notice is given without express reference to the appointment of a successor they are few, and even in these such reference must be implied, because in no case is there any distinct official act of removal, that I can find, unconnected with the act of appointment. At any rate, it is the usual practice, and has been from the first, to consider the appointment as producing the removal of the previous incumbent. When the President desires to remove a person from office he sends a message to the Senate nominating some other person. The message usually runs in this form: "I nominate A B to be collector of the customs, &c., in the place of C D removed." If the Senate advise and consent to the nomination C D is effectually out of office and A B is in his place. The same effect would be produced if the message should say nothing of any removal. Suppose A B to be Secretary of State and the President to send us a message saying merely, "I nominate C D to be Secretary of State." If we confirm this nomination C D becomes Secretary of State and A B is necessarily removed.

I have gone into these details and particulars, sir, for the purpose of showing that, not only in the nature of things, but also according to the practice of the Government, the power of removal is incident to the power of appointment. It belongs to it, is attached to it, forms a part of it, or results from it.

If this is true, the inference is manifest. If the power of removal, when not otherwise regulated by Constitution or law, be part and parcel of the power of appointment, or a necessary incident to it, then whoever holds the power of appointment holds also the power of removal. But it is the President and the Senate, and not the President alone, who hold the power of appointment; and therefore, according to the true construction of the Constitution, it should be the President and Senate, and not the President alone, who holds the power of removal.

The decision of 1789 has been followed by a very strange and indefensible anomaly, showing that it does not rest on any just principle. The natural connection between the appointing power and the removing power has, as I have already stated, always led the President to bring about a removal by the process of a new appointment. This is quite efficient for his purpose, when the Senate confirms the new nomination. One man is turned out, and another put in. But the Senate sometimes rejects the new nomination; and what then becomes of the old incumbent? Is he out of office or is he still in? He has not been turned out by any exercise of the power of appointment, for no appointment has been made. That power has not been exercised. He has not been removed by any distinct and separate act of removal, for no such act has been performed or attempted. Is he still in, then, or is he out? Where is he? In this dilemma, sir, those who maintain the power of removal as existing in the President alone are driven to what seems to me very near absurdity. The incumbent has not been removed by the appointing power, since the appointing power has not been exercised. He has not been removed by any distinct and independent act of removal, since no such act has been performed.

They are forced to the necessity, therefore, of contending that the removal has been accomplished by the mere nomination of a successor; so that the removing power is made incident not to the appointing power, but to one part of it; that is, to the nominating power. The nomination, not having been assented to by the Senate, it is clear, has failed at the first step in the process of appointment. But though thus rendered null and void in its main object as the first process in making an appointment, it is held to be good and valid nevertheless to bring about that which results from an appointment; that is, the removal of the person actually in office. In other words, the nomination produces the consequences of an appointment, or some of them, though it be itself no appointment and effect no appointment. This, sir, appears to me to be anything but sound reasoning and just construction.

But this is not all. The President has sometimes sent us a nomination to an office already filled, and before we have acted upon it has seen fit to withdraw it. What is the effect of such a nomination? If a nomination, merely as such, turns out the present incumbent, then he is out, let what will become afterward of the nomination. But I believe the President has acted upon the idea that a nomination made and at any time afterward withdrawn does not remove the actual incumbent.

Sir, even this is not the end of the inconsistency into which the prevailing doctrine has led. There have been cases in which nominations to offices already filled have come to the Senate, remained here for weeks or months, the incumbents all the while continuing to discharge their official duties, and relinquishing their offices only when the nominations of their successors have been confirmed and commissions issued to them; so that, if a nomination be confirmed, the nomination itself makes no removal; the removal then waits to be brought about by the appointment. But if the nomination be rejected, then the nomination itself, it is contended, has effected the removal. Who can defend opinions which lead to such results?

These reasons, sir, incline me strongly to the opinion that, upon a just construction of the Constitution, the power of removal is part of, or a necessary result from, the power of appointment, and, therefore, that it ought to have been exercised by the Senate concurrently with the President.

At the same session of Congress another distinguished statesman and profound student of the Constitution, John C. Calhoun, taking up the examination of the question, biased in favor of the doctrine of the absolute power of the President to make removals from office, but finding no express or implied authority in the Constitution to warrant such a doctrine, became convinced that the so-called legislative construction by the first Congress had been erroneous, and ably advocated the power of Congress to restrict executive patronage. I quote briefly from a speech made by him in the Senate upon the bill to repeal the act of 1820:

Mr. Calhoun said: The question involved in the third section of the bill, whether the power to dismiss an officer of the Government can be controlled and regulated by Congress, or is under the exclusive and unlimited control of the President, is no ordinary question, which may be decided either way without materially affecting the character and practical operation of the Government. It is, on the contrary, a great and fundamental question, on the decision of which will materially depend the fact whether this Government shall prove to be what those who framed it supposed it was—a free, popular, and republican Government, or a monarchy in disguise.

If the power to dismiss is possessed by the Executive, he must hold it in one of two modes, either by an express grant of the power in the Constitution, or as a power necessary and proper to execute some power expressly granted by that instrument. All the powers under the Constitution may be classed under one or the other of these heads; there is no intermediate class. The first question then, is, has the President the power in question by any express grant in the Constitution? He who affirms he has, is bound to show it. That instrument is in the hands of every member; the portion containing the delegation of power to the President is short. It is comprised in a few sentences. I ask Senators to open the Constitution, to examine it, and to find, if they can, any authority given to the President to dismiss a public officer. None such can be found; the Constitution has been carefully examined, and no one pretends to have found such a grant. Well, then, as there is none such, if it exists at all, it must exist as a power necessary and proper to execute some granted power; but, if it exists in that character, it belongs to Congress and not to the Executive. I venture not this assertion hastily; I speak on the authority of the Constitution itself—an express and unequivocal authority which can not *be denied* or contradicted. Hear what that sacred instrument says:

"Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers (those granted to Congress itself), and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." Mark the fullness the expression. Congress shall have power to make all laws, not only to carry into effect the powers expressly delegated to itself, but those delegated to the Government, or any department or officer thereof; comprehending, of course, the power to pass laws necessary and proper to carry into effect the powers expressly granted to the executive department. It follows that, to whatever express grant of power to the Executive the power of dismissal may be supposed to attach; whether to that of seeing the laws faithfully executed, or to the still more comprehensive grant, as contended for by some, vesting executive powers in the President, the mere fact that it is a power appurtenant to another power, and necessary to carry it into effect, transfers it, by the provisions of the Constitution cited, from the Executive to Congress, and places it under its control, to be regulated in the manner which it may judge best. If there be truth in reasoning on political subjects, the conclusion at which I have arrived can not be resisted. I would entreat gentlemen who are opposed to me (said Mr. C.) to pause and reflect; and to point out, if possible, the slightest flaw in the argument, or to find a peg on which to hang a doubt. Can they deny that all powers under the Constitution are either powers specifically granted, or powers necessary and proper to carry such into execution? Can it be said that there are inherent powers comprehended in neither of these classes, and existing by a sort of divine right in the Government? The Senator from New York [Mr. Wright] attempted to establish some such position; but the moment my colleague touched it with the spear of truth, he, Mr. W., shrunk from the deformity of his own conception. Or can it be asserted that there are powers derived from obligations higher than the Constitution itself? The very intimation of such a source of power hurled from office the predecessor of the present incumbent. But if it can not be denied that all the powers under the Constitution are comprised under one or the other of these classes, and if it is acknowledged, as it is on all sides, that the power of dismissal is not specifically granted by the Constitution, it follows by an irresistible and necessary consequence, that the power belongs not to the Executive, but to Congress, to be regulated and controlled at its pleasure.

Another no less distinguished statesman, one whose eloquence was only surpassed by his patriotism, who was beloved by his party as no

other party leader has been in this country, who for almost half a century was a central figure in the political history of the United States, and who is reputed to have declared, after an unsuccessful race for the Presidency, "I would rather be right than to be President," Kentucky's favorite son, Henry Clay, during the same session said:

Mr. Clay rose and said he held in his hand four resolutions which he wished to present, and which he was desirous should be considered at no very distant day. They presented subjects of grave inquiry and of deep importance, involving the purity of the administration, if not the very durability of the Government. The three first resolutions assumed that the Constitution gave no power of removal from office by the President of the United States at his pleasure. He was fully aware that this power was conceded to the President by the first Congress which sat under the Constitution. But since that period, except in an incidental discussion here four or five years ago, it has never been discussed in Congress. He had carefully looked into the Constitution, as it related to the power of removal in the President, and the result was that the power was not reposed in the President in the instance indicated in the resolutions. He believed the assertion of the power by the First Congress was improvident, and not the least reason for this opinion was the confidence which that Congress reposed in the wisdom, the prudence, and the patriotism of the first President—the Father of his Country. And as to the precedent, the fact was worthy of consideration; and, while he conceded that it was made, he contended that it was made with qualifications which have been utterly disregarded by this administration.

The doctrines of this administration, and the principles of its supporters, as avowed in the discussion upon the deposit question, are that all persons are bound to conform to the will of the President, no matter how opposite that will may be to their own opinion and judgment. The total number of employés under the Government is estimated to be at least 40,000; and, if we look at the Blue Book, where only a portion of them are registered, the estimate will be found to be much below the true mark. If we suppose that this mass of 40,000 officers are actuated by one spirit, governed by one impulse, and by one mind, it would not be difficult to anticipate that the day was not far distant when the efforts of the people to restrain this enormous power would be vain and unavailing. It was a settled axiom in free governments that a standing army was dangerous in time of peace. That is, such an army as, being distinguished by their dress from the rest of the community, was capable of being seen and estimated.

But how different from this was this army of forty thousand men, dispersed over the whole country and obeying one common impulse, ready to rally round and carry into effect the purposes and objects of the Government, and how much more dangerous than that army against which the fears of the people have been directed. And the time would come when, if it was not soon checked, it would as certainly decide the succession to the Presidential chair as the pretorian band of ancient Rome decided on the disposition of the imperial crown. He hoped gentlemen would soon turn their attention to the subject seriously, examine the Constitution carefully, and not intrench themselves behind one solitary precedent; he admitted the force of precedent: it was entitled to respect, but yet it was only evidence.

He therefore invoked gentlemen to point out the part or parts of the Constitution which gave to the Chief Magistrate the power contended for. He had looked for it in vain. The effect of the plan indicated by the resolutions was to secure the independence of the officer, to place him less under the control of one man, to restore that equilibrium in the Government which was wanting, and which, if permitted to go on, would lead to the total absorption of the powers of government by one head, to the exclusion of all other departments. He was guided in this movement by considerations of public good, and he looked to the operations of government, and its effects upon the institutions of the country. He submitted the resolutions, moved that they be printed, and made the order of the day for the first Monday in April.

1. *Resolved*, That the Constitution of the United States does not vest in the President power to remove, at his pleasure, officers under the Government of the United States, where offices have been established by law.

2. *Resolved*, That in all cases of offices created by law, the tenure of holding which is not prescribed by the Constitution, Congress is authorized by the Constitution to prescribe the tenure, terms, and conditions on which they are to be holden.

3. *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law that in all instances of appointment to office by the President, by and with the advice and consent of the Senate, other than diplomatic appointments, the power of removal shall be exercised only in concurrence with the Senate; and when the Senate is not in session that the President may suspend any such officer, communicating his reasons for the suspension to the Senate at its first succeeding session; and if the Senate concur with him, the officer shall be removed; but if it do not concur with him, the officer shall be restored to office.

4. *Resolved*, That the Committee on the Post-Office and Post-Roads be instructed to inquire into the expediency of making provision by law for the appointment, by and with the advice and consent of the Senate, of all deputy postmasters whose annual emolument exceeds a prescribed limit.

Citations of like character might be given in great numbers from the speeches of the most eminent statesmen made during the debates in the First Congress, and in 1835, 1867, and 1869, and from official reports and public documents; but those already made will answer my present purpose, which is only to present the arguments in favor of that construction of the Constitution which vests the power of removal in the President and Senate. This question is not to be decided upon the preponderance of the opinions of statesmen, however eminent, of any party or any age. It is a judicial question, and whenever it comes before the courts for determination must be decided according to the usual rules of constitutional construction.

I have said that the authors of the Federalist ably maintained that under the Constitution the power of removal was vested in the President and the Senate. I hold in my hand a copy of the Federalist, and read from Letter No. 75, which it is believed, and probably upon good evidence, was written by Mr. Hamilton. He says:

It has been observed in a former paper that "the true test of a good government is its aptitude and tendency to produce a good administration." If the justness of this observation be admitted the mode of appointing the officers of the United States contained in the foregoing clauses must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union, and it will not need proof that on this point must essentially depend the character of its administration.

And in the same letter I find:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though in general a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to preventing the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

I quote now from article No. 76, also written by Mr. Hamilton:

It has been mentioned as one of the advantages to be expected from the co-operation of the Senate, in the business of appointments, that it would contribute to the stability of the administration. The consent of that body would be necessary to displace as well as to appoint. A change of the Chief Magistrate, therefore, would not occasion so violent or so general a revolution in the officers of the Government as might be expected, if he were the sole disposer of offices. Where a man in any station had given satisfactory evidence of his fitness for it a new President would be restrained from attempting a change in favor of a person more agreeable to him, by the apprehension that a discontinuance of the Senate might frustrate the attempt, and bring some degree of discredit upon himself. Those who can best estimate the value of a steady administration will be most disposed to prize a provision, which connects the official existence of public men with the approbation or disapprobation of that body, which, from the greater permanency of its own composition, will in all probability be less subject to inconstancy than any other member of the Government.

To this union of the Senate with the President in the article of appointments it has in some cases been suggested that it would serve to give the President an undue influence over the Senate, and in others that it would have an opposite tendency, a strong proof that neither suggestion is true.

To state the first in its proper form is to refute it. It amounts to this: The President would have an improper influence over the Senate, because the Senate would have the power of restraining him. This is an absurdity in terms. It can not admit of a doubt that the entire power of appointment would enable him much more effectually to establish a dangerous empire over that body than a mere power of nomination subject to their control.

Let us take a view of the converse of the proposition: "The Senate would influence the Executive." As I have had occasion to remark in several other instances, the indistinctness of the objection forbids a precise answer. In what manner is this influence to be exerted? In relation to what objects? The power of influencing a person, in the sense in which it is here used, must imply a power of conferring a benefit upon him. How could the Senate confer a benefit upon the President by the manner of employing their right of negative upon his nominations? If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer that the instances in which the President could be personally interested in the result would be too few to admit of his being materially affected by the compliances of the Senate. The power which can originate the disposition of honors and emoluments is more likely to attract than to be attracted by the power which can merely obstruct their course. If by influencing the President be meant restraining him, this is precisely what must have been intended. And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment and would in a great measure avoid its evils.

The advocates of the exclusive executive power of removal say "this question has been settled by legislative construction," and we are referred to the act passed by the First Congress to create the Department of Foreign Affairs for such construction.

I will, at the risk of repeating some things which have been said by others during this debate, briefly examine this legislative construction.

At the First Congress, and on June 16, 1789, the House of Representatives resolved itself into a Committee of the Whole upon the bill for establishing an executive department to be denominated the Department of Foreign Affairs. The first clause of the bill, after recapitulating the title of the officer and his duties, contained the following words: "to be removable from office by the President of the United States." This clause gave rise to a discussion which extended until the 24th of June, when the bill, having been amended, passed the House. In that discussion it was ably contended by Mr. White, of Virginia, and others that the clause was unconstitutional; that the Constitution having vested the power of appointment in the President and the Senate the power of appointment to and dismissal from office were necessarily united in their natures, and therefore the power of removal was vested by the Constitution in the President and the Senate.

It was contended by others that an officer appointed by the President and Senate could be removed only by impeachment. It was contended by Mr. Madison, and his opinion was shared in by the majority of the House, that the power of removal under the Constitution was in the President alone, but the power was not claimed by Mr. Madison to be a power to remove an officer at pleasure. He contended substantially that the power of removal could only be legitimately exercised for cause, and would not enable the President to retain an unworthy man in office, because if an unworthy man should be continued in office by an unworthy President the House of Representatives could impeach him and the Senate remove him, and he also contended that it would be maladministration and an impeachable offense for the President to displace from office a man whose merits required that he should be continued in it.

Upon this subject I ask the Secretary to read the portion which I have marked of a speech made by Mr. Madison in the House of Representatives upon the bill referred to on the 17th day of June, 1789.

The Secretary read as follows:

It is to be remarked that the power in this case will not consist so much in continuing a bad man in office as in the danger of displacing a good one. Perhaps the great danger, as has been observed, of abuse in the executive power lies in the improper continuance of bad men in office. But the power we contend for will not enable him to do this, for if an unworthy man be continued in office by an unworthy President the House of Representatives can at any time impeach him, and the Senate can remove him whether the President chooses or not.

The danger then consists merely in this: The President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. But what can be his motives for displacing a worthy man? It must be that he may fill the place with an unworthy creature of his own. Can he accomplish this end? No; he can place no man in the vacancy whom the Senate shall not approve; and if he could fill the vacancy with the man he might choose, I am sure he would have little inducement to make an improper removal. Let us consider the consequences. The injured man will be supported by the popular opinion; the community will take side with him against the President; it will facilitate those combinations, and give success to those exertions which will be pursued to prevent his re-election. To displace a man of high merit, and who from his station may be supposed a man of extensive influence are considerations in the mind of any man who may fill the Presidential chair. The friends of those individuals and the public sympathy will be against him. If this should not produce his impeachment before the Senate, it will amount to an impeachment before the community, who will have the power of punishment by refusing to re-elect him.

Mr. DOLPH. The bill was finally amended by striking out the clause "to be removable by the President," and by amending the second section, which provided that there should be a chief clerk, to be appointed by the secretary of foreign affairs, and who, in case of vacancy, should have charge and custody of all records, &c., so as to provide that whenever the said principal officers should be removed from office by the President of the United States, or in any other case of vacancy, such chief clerk should have charge and custody of all records, &c., which language, it was understood, implied the existence of the power of removal by the President. Thus amended the bill passed the House June 24, 1789, by a vote of 29 yeas to 22 nays, a majority of 7. The deliberations of the Senate at the first session of Congress were had with closed doors, and the debates were not reported. The bill passed the Senate July 18, 1789, by the casting vote of the Vice-President, the Senate being equally divided.

The passage of the bill in that shape was, as Judge Story substantially says in his Commentaries, in a large measure due to the exalted character of the first Chief Magistrate and the confidence of the people in his patriotism and integrity. This legislative construction grew out of a supposed public necessity, and the power of removal by the President was understood to be restricted to removals for cause rendering the same necessary for the protection of the public interests. It was not at that early day for a moment contended by any one that the power of removal was coextensive with the executive will, governed by no law, dependent upon no necessity, to be exercised without question, without responsibility, and without re-examination.

Whatever value attaches to the action of the First Congress upon this subject the advocates of the absolute power of removal in the President are entitled to; but it amounts only to this, that the majority of the House of Representatives and one-half the Senators of the First Congress held to that opinion. The fact that Congress for a number of years had no occasion to change that construction is entitled to but little weight.

It will not be contended that a legislative construction of the Constitution by one Congress is binding on another Congress. A conclusive construction of the Constitution and the laws enacted in pursuance thereof can only be made by the department of the Government intrusted with the judicial powers. If legislative construction makes the law of the case, then, as we shall presently see, the law is at present, and has been for more than twenty years, settled in favor of the construction of the Constitution which confers upon the President and the Senate the power to remove officers appointed by and with the advice and consent of the Senate.

The next Congressional legislation that I am aware of, which is important to be considered in this connection, was the act of May 15, 1820 (3 Stats., 582), entitled: "An act to limit the term of office of certain officials therein named and for other purposes." Section 1 of that act was as follows:

SEC. 1. That from and after the passage of this act all district attorneys, collectors of customs, naval agents, receivers of public moneys for lands, registers of land offices, paymasters of the Army, the apothecary-general, the assistant apothecary-general, and the commissary-general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years, but shall be removable from office at pleasure.

Section 2 provided the times at which the commissions of officers named in the first section of the act then in office, unless vacated by removal from office or other cause, should cease and expire. It was during a debate in the Senate upon a bill to repeal this act that Webster and Calhoun made the speeches from which I have quoted.

It will be observed that while the officers named in the first section of the act were removable from office at pleasure, it was not stated whether it was at the pleasure of the President alone, or at the pleasure of the President and Senate. Under the act, however, the President exercised the power of removal.

By the act of June 3, 1864, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," it was provided in a section of the act still in force and now section 325 of the Revised Statutes, as follows:

The Comptroller of the Currency shall be appointed by the President on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President upon reasons to be communicated to the Senate.

This act, which has been the law of the land for nearly twenty-two years, is inconsistent with the existence of an absolute power of removal in the President, and is a distinct assertion of the power of Congress to require the President to communicate to the Senate his reasons for the removal of an officer. It was passed during President Lincoln's administration.

The seventeenth section of an act entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July 17, 1862 (12 Stats., 596), provides that—

The President of the United States be, and hereby is, authorized and requested to dismiss and discharge from the military service, either in the Army, Navy, Marine Corps, or volunteer force, any officer, for any cause, which in his judgment either renders such officer unsuitable for or whose dismission would promote the public service.

Here it will be seen, that Congress *authorized*, during the war of the rebellion, the President to remove certain officers of the Army and Navy.

This act was also passed during President Lincoln's administration, and appears to have been a war measure. It is inconsistent with the proposition that the President had already, under the Constitution, the power of removal of such officers.

The act of March 3, 1865 (13 Stats., 489), provides that in case any officer of the military or naval service thereafter dismissed by the authority of the President shall make application in writing for a trial, setting forth under oath that he has been wrongfully and unjustly dismissed, "the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he was dismissed, and if such court-martial shall not award dismissal or death as the punishment of such officer, the order of dismissal shall be void. And if the court-martial aforesaid shall not be convened for the trial of such officer within six months from the presentation of his application for trial, the sentence of dismissal shall be void."

The fifth section of the Army appropriation act of July 17, 1866, contained the following clause:

And no officer in the military or naval service shall in time of peace be dismissed from the service except upon and in pursuance of the sentence of a court-martial to that effect or in commutation thereof.

By the first of these acts Congress provided for an appeal from the action of the President in dismissing an officer of the Army or Navy to a tribunal having power to reverse and nullify the action of the President, and by the second it undertook to prevent the removal of such officers by the President except in the execution of the judgment of a court-martial.

There is no distinction possible between officers of the Army and Navy and civil officers, so far as the power of removal is concerned.

And it will be observed that the first act, which was a far greater interference with the exercise by the President of the power of removal than the tenure-of-office act of 1867, was passed during President Lincoln's administration.

Upon the proposition that there is no distinction under the Constitution as to the power of removal of an officer of the Army and Navy and the power of removal of a civil officer, the Lansing case, in the sixth volume of Opinions of Attorneys-General, is in point. The opinion is by Attorney-General Cushing. He says:

I am not aware of any ground of distinction in this respect, so far as regards the strict question of the law, between officers of the Army and any other officers of the Government.

Then he says again:

I observe only that, so far as regards the question of abstract power, I know of nothing essential in the grounds of legal conclusion which have been so thoroughly explored at different times in respect of civil officers, which does not apply to officers of the Army.

The tenure-of-office act of March 2, 1867, amended in 1869 (now sections 1767, 1768, and 1769 of the Revised Statutes), was a deliberate legislative construction of the Constitution upon the power of removal. The vote by which it passed, and the utterances of the leading members of both Houses of Congress concerning it show that the legislative construction of the First Congress has been deliberately reversed. The bill passed the House over President Johnson's veto March 2, 1867, by a vote of 133 yeas to 13 nays, not voting 21, and passed the Senate the same day by a vote of 35 yeas to 11 nays. The first section as amended in 1869, now section 1767 of the Revised Statutes, provides that—

Every person holding any civil office to which he has been, or hereafter may be, appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment with the like advice and consent of a successor in his place except as herein otherwise provided.

By a section of said act, now section 1768 of the Revised Statutes, the President is authorized during the recess of the Senate at his discretion to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person to perform the duties of the office in the mean time, and is

required within thirty days after the commencement of each session of the Senate to nominate persons in the place of all officers suspended; and it is provided that if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person at the same session of the Senate for the office.

And by section 1769 the President is authorized to fill vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office by granting commissions, which shall expire at the end of the next session thereafter. And it is provided that if no appointment by and with the advice and consent of the Senate is made to fill an office so temporarily filled by the President during the next session of the Senate the office shall remain in abeyance.

Nothing could be more positive or certain than this law. By these several sections no officer embraced within their provisions is to be removed unless the Senate advises the President to make the removal. The President may appoint a person to fill a vacancy during the recess of the Senate who is to hold only until the adjournment of the next session of the Senate, when, if the Senate has not advised and consented to an appointment to fill the office, the office is to remain vacant, and the President has no power to make a further appointment. The President may suspend an officer during the recess of the Senate and designate some person to perform the duties of the office, who is to hold until the close of the next session of the Senate, but the President is required to report the suspension to the Senate and to nominate a person to fill the place within thirty days after the Senate meets. The Senate is thus required to advise the President to remove the old officer and to appoint a new one. If the Senate refuses to advise the President to appoint the person nominated, he may nominate another person during the session.

If the Senate refuses to advise the President to remove the old officer he is *ipse facto* restored to the office when the Senate adjourns. He may maintain an appropriate legal proceeding for the recovery of the possession of the office and the salary and emoluments attached thereto, and it appears to me that from these several provisions an implication arises that an officer so restored to office shall not again be suspended for the same cause.

It was contended by the junior Senator from West Virginia in his very able speech on Friday last, if I understood his argument correctly, that the act of 1869 repealed the act of 1867 so far as that act restricted the removal of Federal officers by the President alone. I have a good opinion of the legal acumen of that Senator, and I do not believe that anything but the pressure of a supposed political necessity would have so warped his judgment and have elicited from him such an opinion. In my opinion the Senate ought to be governed by the act of 1869, for, although, if I thought that by that act the President alone was authorized to remove officers appointed by and with the advice and consent of the Senate, I should be compelled to believe the act unconstitutional, because an interference with the constitutional powers of the Senate, I myself should nevertheless be governed by it until it was repealed or declared unconstitutional by the Supreme Court of the United States. But such is not the intent or meaning of the act.

The trouble with the Senator's argument appears to me to be that he does not distinguish between a suspension and a removal. He says:

> The President suspends an officer until the end of the next session of the Senate. He makes a nomination to succeed him. You approve or disapprove it. You may put it on the ground that you reject his proposition to suspend the officer. You are estopped to raise that question. That man is suspended until the end of the next session of the Senate. The moment it ends what matter to you or me whether by operation of law the suspended officer gets back or not? By an act of the President, his mere signature, he gets out again.

If all this is admitted, still the power of the President is a power to suspend only. He may abuse that power intrusted to him to be exercised in proper cases during the recess of the Senate where the interests of the public service requires its exercise and use it to promote the personal fortunes of his friends and the interests of his party, but the power, nevertheless, is only a power to suspend. The definition of the term is "temporary delay, interruption, or cessation." I understand it to be admitted by the Senator that if the officer suspended is not removed by the appointment by and with the advice and consent of the Senate of another person to fill the office, the suspended officer is restored to the office.

If the argument were that because the President can, in the opinion of the Senator, under this law suspend an officer, so restored to office, a second time, the Senate will do a profitless thing to refuse to advise and consent to the removal of the suspended officer, there would be some force in it. But when it is contended that for this reason the advice and consent of the Senate is not necessary to the removal of such an officer, the fallacy of the argument is apparent. The conclusion of the Senator does not follow from his premise. The practical effect of the law if abused by the Executive is one thing, the power of the Senate under it, upon which the right of the present controversy to some extent depends, is another. That an officer suspended under the provisions of the act of 1869 is restored to office if the Senate does not see fit to advise and consent to the appointment of another person in his place, as was stated by the junior Senator from Iowa, was decided by the Supreme Court of the United States in the case of Embrey *vs.* The United States, 100 United States Reports.

Embrey was suspended from office by the President after the passage of the act of 1869. The Senate refused to advise and consent to the appointment of another person in his place, and the Supreme Court say, "consequently, on the 15th of July, 1870, when the next session of the Senate ended, he became entitled to enter again on the performance of the duties which pertained to his office."

Embrey, therefore, although suspended under the act of 1869, was not removed because the Senate did not consent to his removal, and he was restored to office under the operation of the act.

There have been some decisions of the Federal courts bearing upon this question of the power of removal.

In *Ex parte* Hennen, 13 Peters, the Supreme Court of the United States laid down the doctrine that "in the absence of all constitutional provisions or statutory regulations it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment.

The senior Senator from Texas in his speech on yesterday quoted from this case the following:

> The power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate; and the great question was, whether the removal was to be by the President alone, or with the concurrence of the Senate, both constituting the appointing power.
>
> But it was very early adopted, as the practical construction of the Constitution, that this power was vested in the President alone. And such would appear to have been the legislative construction of the Constitution.

This was said in January, 1839, and was strictly true as a historical recital. The practice had been up to that time for the President to make removals. The First Congress, as all have seen, had placed such a construction upon the Constitution. But in this very case the Supreme Court decided that as the power to appoint Hennen clerk of the United States district court had been conferred by law upon the district judge, and as no express provision had been made for removal, the power of removal also was as an incident to the power of appointment vested in such judge, and the practice then in vogue of removals by the President alone of officers confirmed by the Senate was cited as an exception to the general rule. The statement of the court was only as to what the then practice in regard to removals of such officers was, and the then existing legislative construction, without any intimation that such construction was the true construction of the Constitution.

And the Supreme Court has never decided the question. On the contrary, in the case of Embrey *vs.* The United States, heretofore cited, the court, while it construed and gave effect to the tenure-of-office act of 1869, distinctly announced that it did not pass upon the question of the constitutionality of the act.

In the case of Blake *vs.* United States, 13 Otto, page 227, the proviso of the fifth section of the Army appropriation act of July 7, 1866, before referred to, was construed. The court said:

> Two constructions may be placed upon the clause of that section without doing violence to the words used. Giving them a literal interpretation, it might be construed to mean that although the tenure of Army and naval officers is not fixed by the Constitution, they shall not in time of peace be dismissed from the service under any circumstances or for any cause or by any authority whatever, except in pursuance of the sentence of a court-martial to that effect, or in commutation thereof. Or, in view of the connection in which the clause appears, following as it does one in the same section repealing provisions touching dismissals of officers by the President alone, and to assignments by him to command of troops without regard to seniority of officers, it may be held to mean that whereas under the act of July 17, 1862, as well as before its passage, the President alone was authorized to dismiss an Army or naval officer from the service for any cause which, in his judgment, either rendered such officer unsuitable for, or whose dismissal would promote the public service, he alone shall not thereafter in time of peace exercise such power of dismissal except in pursuance of a court-martial sentence to that effect or in commutation thereof. Although this question is not free from doubt, we are of opinion that the latter is the true construction of the act.

This decision has been claimed to be a decision sustaining the power of Congress to prevent the President from removing officers of the Army and Navy, appointed by and with the advice and consent of the Senate, except for cause, to be established by the judgment of a court-martial. It does not go to that extent, as it was not necessary to do so. The court held only that a removal made by the President with the advice and consent of the Senate, which was Blake's case, was not prohibited by the act in question, expressing doubt as to the power of Congress by legislation to impair the power of the President and Senate acting together to remove an officer, but expressing no doubt and raising no question as to the power of Congress to restrict the power of removal by the President alone, as was done by the act.

It has been contended that the constitutionality of the tenure-of-office act may be placed upon the power of Congress to regulate the exercise by the President of executive powers, and by fixing the official tenure of public officers to control the executive power of removal. If, as is claimed by the advocates of the power of the President to remove Federal officers without the consent of the Senate, such power is conferred upon him by the Constitution, and the removal of such officers is the exercise of purely executive functions, it would be beyond the power of Congress to abridge it. But the author of the tenure-of-office act and the distinguished statesmen who advocated its passage in Congress, as well as the opponents of the measure, all understood and so declared that the act was wholly incompatible with the existence of such an absolute power in the President. President Johnson in his

veto message cited the so-called legislative construction of the Constitution by the First Congress, and Mr. Madison's remarks in the House of Representatives upon the debate upon the bill to establish a department of foreign affairs, the decision of the Supreme Court in *Ex parte* Hennen, Mr. Justice Story's and Mr. Chancellor Kent's Commentaries upon the Constitution, and placed his veto squarely upon the proposition that the power of removal of officers to whom the act applied was vested in the President alone by the Constitution, and that the act was, therefore, an unconstitutional interference with the powers of the President.

Hon. George H. Williams, then Senator from Oregon, and who was the author of the bill, in advocating its merits in a speech in the Senate on January 14, 1867, said—

I ask the Secretary to read what I have marked.

The Secretary read as follows:

I referred to the case of *Ex parte* Hennen, where the power of removal was held to be an incident of the power of appointment. All respectable authorities sustain that position. Now, is that law or not? Will some of these honorable Senators, who contend for the existence of this power in the President, tell me whether that opinion of the Supreme Court, deliberately pronounced, is or is not the law of the land? I assume that it is the law, because it has been sustained by other authorities and is not denied; and if it be the law, then I say that this bill stands upon an immovable foundation, because the power of appointment is undeniably vested in the President and Senate of the United States. One can not appoint without the other. Now, is it good logic to argue that the power of removal is incident to the power of appointment—the power to appoint is in the President and Senate, and therefore the President has the right to remove? Is it not just as good logic to argue that the power of removal is incident to the power of appointment—the President and the Senate appoint, and therefore the Senate may remove? But, sir, the correct logic is, that the power of removal is incident to the power of appointment; the President and the Senate appoint; therefore the President and the Senate may remove. There is no constitutional prohibition, there is no statutory regulation upon this subject, to prevent the application of that doctrine; and I say that unless gentlemen can overthrow the opinion of Alexander Hamilton, the opinion of the Supreme Court in the case of Marbury *vs.* Madison, the opinion of the Supreme Court in the case of *Ex parte* Hennen, they can not escape from the conclusion that the consent of the Senate is necessary to the removal of an officer to whose appointment it was necessary to have the advice and consent of the Senate.

Mr. DOLPH. And Senator SHERMAN, during the debate upon the bill, said:

But this is the position of affairs: the Congress of the United States now intend to assert the power of the Senate to prevent removals from office. We have seen within the last year the spectacle of the whole revenue service upturned. Why? To reward partisans to betray a party. That was the purpose; everybody knows it. Last fall certain executive officers entered the shambles and removed by wholesale persons appointed to collect revenue, the most unpolitical office in the world, for the purpose of controlling the election of members of Congress, thus deranging our financial system. The evil of this course became so palpable that men of all parties desired some change. When we came to examine the Constitution of the United States we found that the framers of the Government contemplated a control over the power of removal; that the true construction of the Constitution required that the Senate shall take part in the removal of an officer as well as in his appointment, and we now by law assert the principle that the President of the United States shall not, without the assent of the Senate, remove an officer appointed with the consent of the Senate, except in certain cases. The correctness of that principle the Senator himself concedes, for he says that if he looked to the Constitution alone he would say that was right, but he thinks a different construction has prevailed. The whole history of that construction has been debated in the Senate, and we now propose to go back to the true interpretation of the Constitution and say that the power of removal ought not to exist in any man unless it is restrained by the power of the Senate. That is the true constitutional rule.

There can be no doubt that the tenure-of-office act of March 2, 1867, and the amendatory act of 1869 were and were intended to be a legislative constructions of the Constitution upon the question of the power of removal from office, and emphatic declarations by Congress that the consent of the Senate is necessary for the removal from office of any officer confirmed by it.

As we have seen, Mr. Madison, to whose ability and personal influence the construction put upon the Constitution as to the power of removal by the House of Representatives at the First Congress was largely due, believed that removals could only be properly made and would only be made for cause, and from the formation of the Government until Jackson came to the Presidency it was the accepted theory and the constant practice that removals were not to be made for political reasons. Under Jefferson and the second Adams there was great pressure for removals, but the first six Presidents made only seventy-three removals in the forty years covered by their terms. Washington made nine, all for cause; John Adams nine, none for political reasons; Jefferson thirty-nine, which he claimed were made for sufficient cause; Madison five; Monroe nine; John Quincy Adams two; Jackson, from March 4, 1829, to March 4, 1830, seven hundred and thirty-four. President Cleveland during the recess of the Senate, a period of about eight months, made six hundred and forty-three suspensions, and up to the 9th of February, 1886, the whole number of nominations made by him since March 4, 1885, was one thousand seven hundred and seventy-two; the number exclusive of Army, Navy, and Revenue Marine Service, one thousand six hundred and eighty-two. Of the vacancies the number caused by death was twenty-four, by resignation four hundred and seventy, by expiration of term four hundred and two.

The minority of the Committee on the Judiciary appear to have been under a misapprehension as to the extent to which the suspension of civil officers appointed by and with the advice and consent of the Senate had been carried. They say in their report:

Nearly twelve months have elapsed since the President's inauguration, and six hundred and fifty will more than cover the whole number of removals or suspensions. Had the number reached as many thousands as hundreds he would not have by this time made an equal division between the two national parties of the offices not embraced in the civil-service law.

I have no means of determining the exact number of Federal officers appointed by and with the advice and consent of the Senate.

Mr. Dorman B. Eaton, who, I suppose, may be considered an authority upon the subject, in an article upon "Removals from office," which appears in the Cyclopedia of Political Science, Political Economy, and United States History, a work published in 1882, and which article in all probability was written during that year, states that the number of the non-elective officers of the United States nominated by the President and confirmed by the Senate is about thirty-five hundred. Although not so stated, it is possible that civil officers are meant. The increase in the number of such officers, including postmasters at offices which have become Presidential since that date, will certainly not increase the number beyond four thousand. Out of these four thousand offices up to the 9th of February last sixteen hundred and thirty-two had been filled by the present administration by appointment or by designation under the act of 1867.

The following statement, showing the whole number of some of the principal civil officers appointed by the President and confirmed by the Senate, the number of changes up to February 9 last, and the number of resignations and suspensions, will show the rapidity with which the leaven of civil-service reform has worked since March 4, 1885:

Out of 85 internal-revenue collectors, there had been at that date (March 9) 79 appointments and designations of persons to fill the places of suspended officers, there having been 11 resignations and 61 suspensions.

Out of 2,248 postmasters whose appointments are Presidential, there have been 955 appointments and designations, 267 resignations, and 78 suspensions.

Out of 107 registers of land offices there have been 44 appointments and designations, there having been 11 resignations and 24 suspensions.

Out of 107 receivers of public moneys at land offices 53 changes have been made, there having been 17 resignations and 20 suspensions.

Out of 120 collectors of customs there have been 65 appointments and designations, there having been 7 resignations and 45 suspensions.

Out of 60 surveyors of customs there have been 19 appointments and designations, there having been 4 resignations and 12 suspensions.

Out of 96 United States attorneys there have been 46 changes—11 resignations and 28 suspensions.

Out of 61 Indian agents 35 have been changed, there having been 16 resignations and 13 suspensions.

Out of 18 pension agents there have been 12 appointments and designations, there having been 3 resignations and 6 suspensions.

Out of 241 consuls there have been 81 appointments and designations, 7 resignations and 57 suspensions.

Out of 64 United States marshals there have been 43 appointments and designations, 11 resignations and 24 suspensions.

It should not be supposed that the very large number of resignations which have taken place since March 4, 1885, have been entirely voluntary. In many cases, indeed I think in most cases, they have been made upon requests from the Departments and because officials preferred to resign rather than to be removed.

It will be seen that suspensions from office of officers appointed by and with the advice of the Senate have been very general. Not only is this true of internal-revenue collectors, appraisers of merchandise, ministers, and consuls who do not hold for fixed terms, but it is also true of officers whose terms are fixed by law.

I may not comprehend what civil-service reform is, but whatever it means I understand both political parties to be committed to it, and I have supposed that as it was contained in the political platforms and in letters of acceptance of Presidential candidates, it forbade removals from office of competent officials for political reasons.

The Democratic platform in 1872 contained the following:

We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that the honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and public station become again a post of honor.

And the Democratic platform of 1876 contained the following:

Experience that proves efficient, economical conduct of governmental business is not possible if the civil service be subject to change at every election, be a prize fought for at the ballot-box, be a brief reward of party zeal, instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition.

The Democratic platform of 1880 declared for thorough reform of the civil service, and that of 1884 for honest civil-service reform.

The Republican platform of 1872 declared that—

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

The platforms of 1876 and 1880 contained as emphatic declarations in favor of civil-service reform.

The platform of 1884 contained the following:

The reform of the civil service, auspiciously begun under Republican administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all executive appointments, and all laws at variance with the objects of existing reformed legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectively avoided.

Mr. Blaine in his letter of acceptance, in speaking of civil-service reform, said:

Impartiality in the mode of appointment to be based on qualification, and security of tenure to be based on faithful discharge of duty, are the two ends to be accomplished.

Mr. Cleveland in his letter of acceptance said:

The selection and retention of subordinates in Government employment should depend upon their ascertained fitness and the value of their work, and they should be neither expected nor allowed to do unquestionable party service.

In his inaugural address he said:

The people demand reform in the administration of the Government and the application of business principles to public affairs. As a means to this end civil-service reform should be in good faith enforced. Our citizens have the right to protection from the incompetency of public employés who hold their places solely as the reward of partisan service and from the corrupting influence of those who promise, and the vicious methods of those who expect such rewards. And those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency, or the surrender of honest political belief.

And in his first message to Congress he said:

The allurements of an immense number of offices and places exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension; and the mania for office-holding growing from its indulgence would prevert our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitation for the nation's welfare would be nearly banished from the activity of our party contests, and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

In an editorial in the Civil Service Record for December, which publication I assume may be justly considered as an exponent of the principles of civil-service reform, under the caption of the President's message, the question of the repeal of the four-years' term law is referred to in connection with the President's recommendations upon the subject of civil service as follows:

We regret that the President did not see fit to recommend the repeal of the four-years-term law. That law is now the most obvious obstacle to the further progress of reform principles, and its repeal is the piece of work in national legislation to which reformers are especially directing their efforts. It ought to go at once. We should have been glad if the President had added the weight of his recommendation to the demand for its repeal. It may be that his party can not yet be induced to accept this further application of reform principles. They may wish to wait until there has been more of an "equalization" of the offices between the Democrats and the Republicans, before abolishing this convenient machinery for getting rid of Republicans and substituting Democrats. Yet the Democrats have now a strong interest in repealing the law. They need to do it, in order to stand well with the reformers and independents, without whose votes they can not hope to remain in power. And they also need to do it, because it will most effectually protect their own Democratic appointees in the event of their defeat at the polls.

At the annual meeting of the Boston Civil Service Reform Association, held on the evening of December 10, 1885, Hon. Carl Schurz, who is, or claims to be, an expounder of the principles of civil-service reform, addressed the meeting, and in the course of his remarks said:

It is an outrage upon the right of the people to good government, when a victorious party wantonly disorganizes the administrative machinery to reward its members with a monopoly of official emolument at the expense of the public interest. It is, therefore, a gross violation of the true democratic principle when the non-political administrative service is made a partisan service. What, in this respect, true democracy means may be learned from the first and greatest apostles of the democratic faith in American history.

American Democrats who desire to enforce especial respect for their creed are apt to call themselves Jeffersonian Democrats. They ought, therefore, above all things, to hold Jefferson's principles and teachings in high esteem. What were those principles and teachings with regard to the matter in question? When Jefferson became President, the offices under the Government had long been in the hands of the Federalists, just as when Cleveland became President the offices had long been in the hands of the Republicans. The pressure for a general change, "a clean sweep," was very strong and urgent in both cases. What did Jefferson do? Turn all the Federalists out to fill the places with his own partisans? By no means. He made a few removals for cause, and filled those places and a few more otherwise vacated with members of his party. Why did he put members of his party in? In order to make the service a partisan service? By no means. The Federal offices had been almost exclusively in the hands of Federalists. Jefferson put some Republicans in, so that the service should, in future, be less a partisan service than it had been before. Each party was to have a share of it. He put some Republicans in, and left a good many Federalists in by way of a distinct and emphatic protest against the vicious doctrine that the public service should be filled with members of one political party alone. He proclaimed his doctrine in this respect in words which have become famous. "This done," he said—that is, the principle being practically vindicated that the public service should not belong to one party alone, but to all in common—"this done, I shall return with joy to that state of things where the only question concerning a candidate shall be, 'Is he honest? is he capable? is he faithful to the Constitution?' and not, 'Does he belong to the ruling party?'"

* * * * * * *

I know full well that those who would accomplish a great reform must have patience. They must have that patience which appreciates slow progress and will not be discouraged by temporary reverses; that patience which will not at once insist upon all or nothing, but will advance carefully, step by step, from one result to another. But the necessity of patience does not justify that timidity which shrinks back at every appearance of contradiction. It is such timidity which tells us to-day that this is no time for agitating the repeal of the four years' term law, because public sentiment is not yet prepared for it. What the state of public sentiment in that respect may be I don't know. But I do know that we should never have had the civil-service law and the competitive system for subordinate appointments had the matter not been agitated and urged before public sentiment seemed to be prepared for it. As soon as the law was in operation public sentiment turned out to be much better prepared for it than had been supposed. If public sentiment is not prepared yet for the repeal of the iniquitous four years' term law, then it is high time to prepare it. It is time to bring home to the popular understanding the manifold evils which that law has already wrought and is bringing forth. It is time to explode the false pretenses upon which it was erected, and upon which it is still defended as necessary to republican government. It is especially time to expose the gross ignorance or the arrant hypocrisy—at any rate, the glaring inconsistency—of these supporters of it who, calling themselves Jeffersonian Democrats, trample under foot Jefferson's principles, and uphold the spoils system, the rule of privilege and favoritism, in the name of Democracy.

The editor of the Record and Mr. Schurz appear to have been laboring under a very grave misapprehension as to the position taken by the President and his political advisers upon the question of the power of removal. I believe I should do them both an injustice if I did not attribute to them, in advocating the repeal of the four years' term law, the motive of desiring to prevent the removal of all those officers now holding for a fixed term at the expiration of their terms by operation of law, and to give an additional security and permanence to the tenure of office. The object aimed at by those civil-service reformers appears to be to make the tenure of civil officers a tenure during good behavior, and to limit removals from office to removals for cause.

They certainly do not advocate the doctrine now contended for by the President and by gentlemen on the other side of this Chamber, that all officers except the judges of the courts (whose tenure of office is fixed by the Constitution) are removable at the pleasure of the President without restriction and without the assignment of cause, and they could not have known that out of seventeen hundred and seventy-two changes in office made by President Cleveland during the first eleven months of his term there were six hundred and forty-three suspensions and four hundred and seventy resignations, many of which were made in pursuance of requests from the several Departments, which, under the circumstances, partook more of the character of demands.

When it was proposed in Congress in 1835 to repeal the act of 1820, fixing the tenure of certain officers, it was also proposed to couple with the repeal of the act a provision requiring the President when he removed any officer to lay the cause of the removal at the time of nominating his successor before the Senate, and thus practically restrict removals to removals for cause. I think Mr. Schurz, when he made the remarks quoted, must have supposed that the force of public opinion which had been to some extent crystallized in the platforms of the great political parties, and had found expression in the letters of acceptance of the candidates of those parties for the Presidency at the last and at preceding elections, and in the inaugural address and annual message of the present Chief Executive, would be sufficient to prevent the indiscriminate removal of officers whose terms were not fixed by law, and could not have known that neither such officers nor those holding for fixed terms under the position now taken by the leading members of the dominant party in this body, and adopted as the policy of the administration, hold by any tenure except the arbitrary will and unchecked caprice of the Chief Magistrate.

Under any other supposition it would be difficult to explain the statement in the editorial quoted that the Democrats have now the strongest interest in repealing the law, and that "they also need to do it because it will most effectually protect their own Democratic appointees in the event of their defeat at the polls," for it could not have been supposed that a Democratic President at discretion could remove from office all officers holding for fixed terms as well as those whose terms were not fixed by law, and that a Republican President, should one be elected in 1888, could not remove the appointees of his predecessor because they in effect would hold during good behavior, unless civil service is for the Republican party only and political promises are binding only upon it.

The junior Senator from Iowa in his recent speech upon the pending resolutions read a portion of a circular issued the 19th ultimo by the National Civil Service Reform League. I will incorporate it entire in my remarks, adding that every resolution meets my approval. It is as follows:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
New York, February 19, 1886.

The following resolutions were adopted at a meeting of the National Civil Service Reform League, held in New York city on Tuesday, February 15, 1886:

"Whereas publicity in all matters connected with appointments to and removals from office would serve to discourage the use of public offices for mere partisan purposes, and therefore greatly advance the reform of the public service: Therefore,

"*Resolved*, That the National Civil Service Reform League recommend—

"First. The abandonment by the Senate of the United States and by the several State senates of the practice of discussing and determining upon the confirmation or rejection of nominations for office in secret session.

"Second. The enactment of laws making it the duty of public officers intrusted with the power of appointment and removal to put upon public record in every case of removal the reasons therefor, or in the absence of such legislation the introduction, observance, and enforcement by the competent authorities of the practice of regularly recording the reasons for the removals made.

"Third. The practical recognition of the principle that recommendations for office as well as the representation of reasons for the removal of officers, addressed to the appointing and removing power, are acts affecting the public interest which should not escape responsibility, and that therefore such recom-

mendations or representations should be regarded and treated not as private and confidential communications but as a part of the public record."

At the same meeting the following resolutions were also adopted:

"*Resolved*, That the members of this league have seen with pleasure the propositions made in the United States Senate, that members of the Senate and House of Representatives be prohibited by law from taking part in solicitations for public office, and desire most earnestly the passage of such a law at this session of Congress.

"*Resolved*, That the Civil Service Reform League protests against any change of existing civil-service laws, giving such preferences to any class of citizens as shall substantially impair the competitive merit system."

Attest: WILLIAM POTTS, *Secretary*.

I presume no one will claim that all these officers who were suspended during the recess of the Senate were inefficient officers, men of bad character, or were guilty of any breach of the law under which they held their offices, and many of them could not be justly charged with offensive partisanship. They were suspended under a claim of the absolute power of removal in the Chief Executive and for reasons satisfactory to him, but which he declines to give to the Senate although they were formally made and reported to the Senate under the provisions of the tenure-of-office act.

The President has in most instances nominated the persons designated by him to perform the duties of the office to fill the places of such suspended officers. By this he has said in effect, "Gentlemen of the Senate, during the recess of your body I have suspended six hundred and forty-three Federal officers, and I now propose to remove them from office and I ask you to advise and consent to their removal and the appointment of persons whom I have nominated to fill their places."

I, for one, when asked to advise the President to remove these officers, desire to know why they should be removed.

The law provides, as we have seen, that removals shall not be made except by and with the advice and consent of the Senate. The law contemplates, I think, that the cause for which it is proposed to remove an officer shall be laid before the Senate, and that if the cause is deemed sufficient by the Senate and only in that case the officer shall be removed.

If the Senate has no information upon the subject it certainly can not act intelligently, and should not, in such a case, advise the President to remove an officer unless there are other and controlling reasons which render such a course expedient. The Senate under the Constitution and laws having the power to prevent the removal of officers whose successors must be appointed by and with its advice and consent, the practical question is, what is the duty of the Senate in the premises? It is conceded by all that the President should be allowed to choose those officers upon whom he must rely for advice and assistance in shaping the policy of his administration, and no Senate has ever or ever will refuse to confirm such nominations. The President should be permitted without embarrassment by the action of the Senate to appoint heads of Departments and their assistants, the heads of bureaus and foreign ministers, but the great body of public officers appointed by and with the advice of the Senate perform judicial and executive duties only, under laws enacted by Congress, and have nothing to do with the policy of an administration, their tenure of office should not depend upon caprice or discretion of any officer of the Government, and their appointment and removal should, so far as practicable, be regulated by law.

The majority of the Senate, if sincere in their political opinions, must believe, the parties suspended being as well qualified to discharge the duties of their respective offices as the persons who have been nominated to fill their places, that the public service will be better subserved by their retention in office than by their removal. How is the majority of the Senate to justify its course if, notwithstanding this, without question and without inquiry as to the causes for removal it indiscriminately confirms the nominations in these cases of suspension?

Is there so little to be gained by contending for the power of the Senate, for a correct construction of the Constitution, and will the public business suffer so much by a prolonged controversy that the Senate had better abandon its constitutional prerogatives and consent to the removals of all suspended officers without question?

If so, let us assume the responsibility, put our action upon that ground, and go before the country with that excuse. I admit that the action of the Senate in these suspended cases must of necessity, to a considerable extent, be determined by practical considerations. It is the undoubted duty of the Senate to refuse to surrender the power conferred upon it by the Constitution, but when that has been duly asserted the extent to which it shall be exercised, perhaps, should be to some extent determined by questions of expediency.

The terms of many of the suspended officers have expired since their suspension, others have left the country or have made other business arrangements. In these cases and others where the circumstances are similar and it does not appear, and there is not reasonable ground to apprehend that the suspensions have been made upon secret and false charges, but have been made solely for political reasons, it may be expedient to confirm the nominations, on account of the present condition of the public service—a condition for which the Senate is in no way responsible—and such action placed upon such grounds may be taken without a relinquishment by the Senate of its constitutional powers or an abandonment of the position upon this subject steadily adhered to by it for more than twenty years past.

The resolutions under consideration if adopted will leave the Senate at liberty to do this. By them it is only asserted that it is the duty of the Senate in cases where public documents on file in the executive department, an inspection of which is deemed by the Senate necessary to enable it to act intelligently upon a proposed removal from office when called for by it are withheld, to refuse to advise and consent to that removal.

Mr. President, what I have said upon this question has not been said by way of complaint of the President's course in the matter of removals. I do not undertake to construe his public declarations; I leave that for his political friends. Those who hold to the doctrine that the power of removal is absolutely vested in the President under the Constitution probably think that he has made too few suspensions.

It has been said during this debate that the Senate is engaged in a controversy with the President for the sake of keeping Republicans in office. I disclaim any such motive for what I have done, or what I shall do in this matter. I know the universal sentiment on this side of the Chamber is that the interests of the Republican party are not subserved by keeping Republicans in office. There is no desire or intention of raising an issue with the administration for that purpose. It has been said by members upon this side of the Chamber that they intended to treat the present administration precisely as they would have treated his predecessor under similar circumstances. I do not believe there is a Senator on this side who will not do that.

I am disposed to go further, and if the President shall say to the Senate in the case of any suspended officer that there are charges against him or facts concerning the conduct of his office which are furnished for the consideration of the Senate, and upon which his removal is proposed, I for one will consent to the removal if there appears to have been reasonable ground for the suspension, although the cause assigned does not, in my judgment, justify the removal. But when the President says to the Senate only, "I have, during the recess of the Senate, suspended A B, and now propose with your advice and consent to remove him and appoint C D to the place; the suspension was made in the exercise of my discretion; I decline to inform you whether there were any charges filed against A B, or any showing of facts made as to his fitness for the office or the manner in which he conducted it," the Senate must either say "We know of no reason why A B should be removed, and therefore withhold our consent," or it must abandon the intelligent exercise of its constitutional powers.

The propriety and justice of giving a man proposed to be removed from office upon charges of wrongdoing an opportunity to vindicate his good name, and the necessity of the Senate being informed of the nature of such charges for that purpose, was admirably stated by the Senator from Illinois [Mr. CULLOM] in his speech yesterday, from which I quote:

A man may be grievously wronged by removal from an office to which he has been appointed by and with the advice and consent of the Senate upon charges of wrongdoing, which, though believed by the President, may have no foundation in fact. It is the right of the person so wronged to appeal to this Senate for vindication. Experience has shown that an Executive may be led to suspend upon *ex parte* statements, and that, too, without any very careful inquiry into their truth or falsity.

Can it be that such wrongs can be perpetrated in this country, and, contrary to the legal maxim, have no remedy? I think not. I contend that a duty devolves upon the Senate to see in so far as it can that such wrongs are not perpetrated. How can the Senate discharge that duty intelligently unless they can be made acquainted with the facts? How can Senators say that they consent to and approve the action of the Executive if they are denied all knowledge of the ground of such action? The duty was not imposed upon the Senate without the right by natural implication to get at the information necessary to intelligently discharge it. Where can the information be found? Only in the Executive Departments of the Government. This is now denied us by the Executive. Look, then, at the position of the President! A law stands upon the statute-books, and is one of the laws he has solemnly obligated himself to see faithfully executed. That law, by the only reasonable construction that can be put upon it, imposes a duty upon the Senate, in the discharge of which it is necessary for the Senate to have access to certain papers on file in the Executive Departments. These the President denies to the Senate. He stands, therefore, in the position of blocking by his own act the operation of a law he is bound to see faithfully executed.

Every consideration of justice to the men against whom charges of wrongdoing have been made, every consideration of respect for the law, to say nothing of consideration of courtesy due from one branch of a common government to another, should suggest a prompt compliance on the part of the President with the request of the Senate for papers from the public files upon which he has acted in suspending civil officers. Without such information may not the Senate of the United States make itself party to great wrongs to worthy and deserving citizens by blindly indorsing the action of the Executive, while the law plainly makes it its duty to investigate and act with deliberation?

Or, on the other hand, may not the Senate, for want of proper information in the premises, commit a wrong on the Government itself by refusing to consent to the removal of an officer, whose removal the good of the public service really demands?

It may be argued that the Senate should make its own investigation as to the fitness or unfitness of persons who are nominated to or suspended from office. Nothing could be more specious.

These men are suspended, it is to be presumed, upon specific charges made and filed against them. They do not know with what they are charged, or by whom. How can such charges be answered? How can the Senate find out whether the officer was properly suspended?

Suppose, for example, charges are made against a civil officer by a political opponent who wants the office himself, and is so eager to secure it that he will even resort to falsehood and perjury to secure the suspension. Would the Executive put a premium upon perjury by throwing around the statements of such a person the veil of secrecy to protect him from the consequences of his statements falsely made?

The majority of the Committee on the Judiciary, after reciting in

their report the public declarations of the President contained in his annual message, say:

This highly important and valuable official communication in the presence of six hundred and forty-three suspensions from office would seem to lead to the conclusion that this number of the civil officers of the United States selected to be suspended and removed had been so derelict in the performance of their functions or guilty of such personal misconduct as to put them in the category of unfaithful public servants deserving dismissal by the President and the Senate and the condemnation of their countrymen. In such a state of things we think that the common sense of justice and fair play that is so much prized, as we believe, by the people of the United States would require that in some way this large body of men should have an opportunity to know the substance of their alleged misdoings in order that they may either admit their guilt or, denying it, explain their conduct, or show that the accusations against them were selfish and wicked pretexts, and set up for the mere purpose of obtaining their suspension and ultimate dismissal from office in order that others less capable and worthy might at once receive the honors and emoluments of their places. It is known to every Senator that, so far as the Senate has had to do both with removals and appointments, it has for a great number of years been its practice, when any officer or person was before it for removal or appointment against whom any serious accusation has been made which would, if true, influence the action of the Senate in the case, to cause the person concerned to be informed of the substance of the complaint against him and give him an opportunity to defend himself; and it is also known that at this very session a very considerable number of instances of that kind have occurred and are daily occurring. If the Senate is proceeding upon a false principle in such instances, it is high time that its course in these respects should be reversed, and that hereafter it should act upon such accusations without any knowledge other than that derived from the accusers, and leave the victims of such injustice to console themselves with the reflection that all parties are now engaged in an effort to reform the Government.

Why should the facts, as they may appear from the papers on file, be suppressed? Is it because that, being brought to light, it would appear that malice and misrepresentation and perjury are somewhat abundant, or merely that faithful and competent and honorable officers have been suspended and are proposed to be removed, under the advice and consent of the Senate, in order that places may be found for party men because they are party men or are the special objects of party favor?

How does it happen in this time of suggested reform and purer methods in government that for the first time it is thought important that the historic and administrative facts relating to the official and personal conduct of officers of the United States should be withheld and that the administration of the Government should proceed with a secrecy and mystery as great as in the days of the Star Chamber?

The President in his message of the 1st instant says:

Though the propriety of suspensions might be better assured if the action of the President was subject to review by the Senate, yet if the Constitution and the laws have placed this responsibility upon the executive branch of the Government, it should not be divided nor the discretion which it involves relinquished.

I entirely agree with this proposition, and so do we all, but when the President asks that a suspended officer shall be removed, the responsibility for the removal is placed by the Constitution and laws upon the President and the Senate, and the power and discretion of the Senate should not be relinquished.

The President says:

I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment.

The Senate has not claimed that the President is responsible to it, nor has it claimed the right to have the actions or official conduct of the President submitted to it for judgment. It has only asked that when the President requests its official action, namely, its advice and consent to the removal of a public officer, the proper Department shall transmit for information copies of official documents on file in the Department upon which the removal of such officer is proposed and which it is supposed will furnish information to the Senate to enable it to act intelligently. The President is not responsible to the Senate, but every officer of this Government under our Constitution and laws, from the President to the constable and from the Chief-Justice to the justice of the peace, is amenable to the Constitution and the laws.

The President, in his message, says:

I regard the papers and documents withheld and addressed to me or intended for my use and action, purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control.

The assumption is most extraordinary that papers and documents addressed to the President or heads of Departments intended to induce official action and upon which official action has been based, such as the suspension of a public officer, and upon which it is proposed that a public officer shall be removed from office, and upon which the Senate is asked to advise and consent to the removal, and which have been treated as public and filed in the Departments, should be claimed to be "still completely under the control of the President and of the heads of Departments."

It appears to me that in the face of the legislative constructions of the Constitution of 1865, 1866, 1867, and 1869, which have been acquiesced in until the present time, in face of the tenure-of-office act, now in full force, the Senate can not justly say that the responsibility for the wholesale removal of Federal officers, which would take place if the President's nominations in case of suspensions are confirmed indiscriminately, rests with the President alone. I, for one, am not willing to say so. If the tenure-of-office act is unconstitutional, the courts have power to declare it so, but Congress alone has power to repeal it. I do not consider the right of the Senate under the Constitution and the laws to give or withhold its advice and consent to the appointment and removal of public officers as a matter which can be waived. It is not a personal matter. The power vested in the Senate is a public trust to be faithfully executed for the public welfare. It is the duty of the Senate to freely accord to the Chief Magistrate the unobstructed exercise of all the power the Constitution has conferred upon him. But it is equally the duty of the Senate to insist upon the exercise of whatever power is conferred upon it by the Constitution and the laws.

The question of protecting officers who have been suspended from the consequences of false and secret charges made to secure their removal is worthy of consideration. The question of how a certain course will affect the transaction of the business of the Senate and the public service should not be ignored, but the great and controlling question is, what is the right course? When that is determined, so far as I am concerned, I am desirous of seeing it pursued with dignity and firmness, and am willing to trust the country to vindicate the wisdom of so doing.

Mr. COKE. Mr. President, a discussion of the issue between the Senate and the President would be very incomplete without some reference to the constitutional power of the President over the subject of removals from office. An affirmation in the most solemn form of the existence of the power in the President to remove officers without the advice and consent of the Senate was made in 1789, in the First Congress, after a debate the most noted for exhaustiveness and ability in the history of the Government. No man has been able since to say anything new or original on the question, the great minds engaged in that discussion having left nothing more to be said. If it had not already been done so copiously in the report of the minority of the Judiciary Committee and in the speeches of those who have preceded me in this debate, I would quote from the great arguments of 1798 in defense of the power of the President as then settled; but this having been done so fully I shall content myself on this point with a brief statement of my views without elaboration.

In order to a consideration of the proposition that the tenure-of-office law is repugnant to the Constitution and ought to be treated as a nullity, I invite attention to the partition of the powers of the Government among three great departments, the legislative, executive, and judicial, in the following provisions of the Constitution:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1.)

The executive power shall be vested in a President of the United States of America. (Article II, section 1.)

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. (Article III, section 1.)

Thus are divided all the powers possessed by this Government between three great independent and co-ordinate departments, which check and balance each other. The independence of these departments each of the other is a distinguishing feature of the Government established by the Constitution. One department makes laws, another expounds them, and the third executes them. A union of all three of these powers in the same hands, or of any two of them, would fill the definition of a despotism, hence their distinctness and independence from and of each other has been severely guarded in the Constitution.

The only mixing or commingling of powers in the Constitution is when the Executive may check the legislative power with the veto and require two-thirds of each House to overcome it, and when a check is placed upon the power of the Executive in making treaties and appointing officers by requiring the advice and consent of the Senate, and when the Senate under the Presidency of the Chief-Justice of the Supreme Court sits as a court of impeachment and performs judicial functions. Subject to these exceptions, there is no commingling of powers except in the appointment of certain inferior officers, which may be vested elsewhere by Congress than in the President, but each great department is separate from, independent of, and co-ordinate with the other; that is to say, all executive power is in the President, all legislative power is in the Congress, and all judicial power is in the courts.

The underlying question in the contest now pending between the President and the Senate is whether the power to remove officers is vested by the Constitution solely in the President, or in the President subject to the advice and consent of the Senate.

I here read the clauses of the Constitution bearing upon this question:

The executive power shall be vested in a President of the United States of America. (Constitution, Article II, section 1, clause 1.)

He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States. (*Idem*, Article II, section 3, at end.)

He shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments. (*Idem*, Article II, section 2, clause 2.)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session. (*Idem*, Article II, section 2, clause 3.)

Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, [those conferred upon Congress] and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. (*Idem*, Article I, section 8, clause 18.)

That the power to remove officers as well as to appoint them is an executive power, nobody questions or doubts. That it is absolutely necessary that the power to remove shall reside somewhere, and shall be exercised so that incompetent, inefficient, dishonest, and corrupt officials shall be displaced and good and efficient men put in office, is equally unquestionable. No government can be administered without the exercise of this power. Yet the Constitution nowhere mentions it; indeed, is absolutely silent on the subject. It can not be assumed that the great masters of the science of government who framed the Constitution overlooked or omitted this absolutely necessary power. They provided for filling the offices, vesting in the President the power to appoint by and with the advice and consent of the Senate.

This mingling of the executive with the power of one of the branches of the legislative department of the Government is a notable exception to the well-guarded separation and distinctness preserved with but one other exception, to wit, the treaty-making power between the executive and legislative departments. By all the rules of construction this exception must be strictly construed, must be restricted to the plain and reasonable meaning of its terms, and must not be extended to embrace more than those terms imply. The President's power to appoint is subject to the "advice and consent of the Senate," because the Constitution so provides, but the Constitution does not provide for the advice and consent of the Senate to removals from office. Without this provision in the Constitution nobody would doubt the power of the President at will to appoint and to remove all officers (except judges), because the power of appointment and of removal of officers is purely an executive power, and all executive power is expressly by the Constitution vested in the President.

The advice and consent of the Senate to the exercise of the power of appointment by the President is a check upon, a restriction and qualification of, the general executive power vested in the President. It can readily be seen that this was deemed necessary, because it would be impossible for the President from his personal knowledge to select officers throughout the broad expanse of this country for the execution of the laws, and the Senate, composed of men of high character coming from every State in the Union, could properly be presumed to possess the knowledge necessarily wanting in the President in this regard. It may, too, have been thought that a check upon the power of appointment was necessary to curb the power of an ambitious man in the office of President. But no such check has been placed in the Constitution upon the power of removal, confessedly in the absence of any qualifying provision, embraced in the grant of all executive power to the President. It would seem that the familiar maxim, "*Expressio unius exclusio alterius est*," is eminently applicable here. When we look for the reason of the failure of the Constitution to qualify the power of removal vested in the President in the general grant of all executive power, as it qualifies the President's power of appointment, we find it strong, clear, and abundant.

The President "shall take care that the laws be faithfully executed." How can he correct mistakes in making appointments without the power of removal? How can he exercise supervision and control over his official agents appointed for the enforcement of the laws without the power of removal of dishonest, incompetent, and inefficient officers? How can he carry out the policies which have received the indorsement and approval of the people in his election without agents in harmony with his purposes, and how can he have these without the power of removal? Ought the President to be held responsible, as he is by the express terms of the Constitution, for the faithful execution of the laws unless invested with the power to remove faithless official agents?

Is the Senate responsible for the enforcement of the laws? Not at all; that responsibility is placed on the President, and on him alone. Can he execute the injunction of the Constitution, that he shall "take care that the laws be faithfully executed," with a hostile Senate sustaining the official instrumentalities furnished him by the Constitution to carry out its injunction, in opposition to him, and to his purposes and policies? Most clearly he can not. With the power of removal vested in the President he can justly be held responsible for a faithful execution of the laws, while if in the President and Senate nobody is responsible, because when the responsibility is divided out between the Senators and President, as has been truly said, the share of each is so small as to amount to no responsibility at all, and responsibility is the only security for good government. A knowledge of the faithlessness or inefficiency of officers, requiring their removal, is peculiarly within the province of the President, whose duty it is to supervise and superintend them in the discharge of their respective functions, and outside of the province or cognizance of the Senate. Every consideration of reason sustains that construction of the Constitution suggested by its terms and the necessary implications from them.

I will read here some passages from the opinion of Chief-Justice Marshall in the noted case of Marbury *vs.* Madison, reported in 1 Cranch, which throws much light on this subject, and which by common consent, from the day of its delivery to this hour, expresses the proper view of the questions discussed. In that case Chief-Justice Marshall said:

These are the clauses of the Constitution and laws of the United States which affect this part of the case. They seem to contemplate three distinct operations: (1) The nomination. This is the sole act of the President, and is completely voluntary. (2) The appointment. This is also the act of the President, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate. (3) The commission. * * * This is an appointment made by the President, by and with the advice and consent of the Senate, and is evidenced by no act but the commission itself. In such a case, therefore, the commission and the appointment seem inseparable; it being almost impossible to show an appointment otherwise than by proving the existence of a commission. Still, the commission is not necessarily the appointment, though conclusive evidence of it. * * * The appointment being the sole act of the President, must be completely evidenced when it is shown that he has done everything to be performed by him.

* * * * * * *

The last act to be done by the President is the signing of the commission. He has then acted on the advice and consent of the Senate to his own nomination. The time for deliberation has then passed. He has decided. His judgment on the advice and consent of the Senate concurring with his nomination has been made, and the officer is appointed. This appointment is evidenced by an open, unequivocal act. * * * That point of time must be when the constitutional power of appointment has been exercised: And this power has been exercised, when the last act required from the person possessing the power has been performed. This last act is the signing of the commission. * * * The transmission of the commission is a practice directed by convenience, but not by law. It can not, therefore, be necessary to constitute the appointment which must precede it, and which is the mere act of the President. * * * The appointment is the sole act of the President; the acceptance is the sole act of the officer, and is, in plain common sense, posterior to the appointment.

The President nominates; the Senate consents to the nomination or refuses assent to it. If the latter, the President may nominate the same person again and again, as often as he is rejected, as was repeatedly done by General Jackson. The President alone can suggest a person for appointment. The sole power and office of the Senate is to consent or refuse its assent to the appointment of the person named by the President. If the Senate consents to a nomination, or, in common parlance, confirms it, it still rests in the discretion of the President to appoint the person thus confirmed or not. He may refuse to appoint notwithstanding the consent of the Senate, and nominate another and different person for the place. It will be noted that this power, this discretion of the President, to appoint or not, as he chooses, remains in him after the Senate has exhausted all its power over the subject and has nothing further to do with it, because it has confirmed the nomination, and that is the end of the power of the Senate over it.

The other act to be performed is purely executive, and is the voluntary act of the President, to be performed or not as he determines, and that is the issuance of the commission, the only evidence of the appointment. If, after the Senate has confirmed the nomination and has exhausted its power over the subject, the President discovers that he has made a mistake in nominating the man, or for any other reason deems it his duty not to commission him, he has the admitted right to refuse to do so. Having this right before the issuance of the commission, how can that purely voluntary executive act, with which the Senate has nothing to do, deprive the President of the power possessed before it was performed, of correcting his mistake in making the nomination without consultation with or the consent of the Senate?

I confess, Mr. President, that I am unable to perceive, when the whole matter rests in the discretion of the President after the Senate has exhausted all its power over the subject, how a purely voluntary executive act such as the issuance of a commission can have the effect of reviving the exhausted jurisdiction of the Senate and reattaching it to the subject, so as to compel the President to ask the Senate's consent to a removal. I can imagine no reason why the discretion to appoint or not as he may determine which remains after the Senate has acted, in the President, does not survive to him in the power of removal after the commission is issued. To hold that it does so survive is simply to continue in the President the power confessedly in him up to the time when he issues the commission, and is as necessary for the public good after as before that act.

I here send to the Clerk's desk to be read a paper embodied in quotation marks in a speech of Senator Sprague, of Rhode Island, made in the debate of 1869 on the tenure-of-office law. The Senator did not give the name of the author, but common report at that time, I am reliably informed, attributed the authorship to Chief-Justice Chase. The argument is so comprehensive and exhaustive, and at the same time is so terse, clear, and unanswerable, that it leaves nothing more to be said on the subject:

One of the three following propositions is true:

Either the power of removal is one of legislative jurisdiction; that is to say, deriving its authority from act of Congress and subject to regulation thereby;

Or it is a power vested in the President and Senate jointly, only to be exercised by their concurrent act;

Or it is purely a Presidential prerogative.

1. Is it a subject of legislative jurisdiction? Article 1, section 1, of the Constitution provides as follows: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The Congress, therefore, can exercise no other powers than such as are "granted" as above. The powers granted are such as are expressly defined in terms in the Constitution and such derivative powers as may be necessary to carry them into execution, and they constitute the entire body of the legislative powers of the Government of the United States.

If we look now to the Constitution it will be seen that the only grants of legislative power made thereby are to be found in the ten sections constituting article 1; in three paragraphs in section 1; in one paragraph in section 2, and one paragraph of section 3, article 2; in one paragraph in section 1, two paragraphs in section 3, article 4; and one paragraph of article 5; and if we scrutinize all these provisions it will be seen that not only is there no express grant of power over the subject of removal, but that no such power is rightfully to be derived by implication from any of them as being necessary to carry into effect the express grants of power contained therein.

In this view, having thus surveyed the whole field of legislative powers, we find that, so far as the power of removal is concerned, it is not there, either in express terms or by legitimate implication; and not being there, the inevitable conclusion is that it is not of the domain of legislation, capable either of being created or controlled by act of Congress.

2. Is it a power vested in the President and Senate jointly, only to be exercised by their concurrent act?

The argument relied upon to sustain this proposition is that the power of removal is an incident of the power of appointment, and that whereas the joint action of the President and the Senate can alone give validity to appointment, the power of removal is subject to the same condition of concurrent action on the part of the President and of the Senate. That this position is untenable will readily be seen. The provision of the Constitution whence arises the only authority which the Senate exercises in this regard is contained in the second section of article 2 of the Constitution and is in these words: "And he [the President] shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers," &c.

The President "shall nominate, and, by and with the advice and consent of the Senate, shall appoint." This is the precise language, and beyond the authority thus granted the Senate has no other in the appointment of officers. What is this authority? In common parlance it is called the act of confirmation by the Senate; but it is not that as a constitutional fact. It is the power to advise and consent after a nomination shall have been made—nothing more. The power of appointment is an independent power vested only in the President. The President nominates, and, the Senate advising and consenting thereto, the President may or may not appoint, as in his executive right and pleasure he sees fit. The function of the Senate in this matter is simply one of assent or dissent, not controlling even the question of appointment; and when it shall have exercised this function in the manner of assent or dissent its constitutional power is exhausted.

In the authority thus given to the Senate of "advice and consent," not only is there no authority vested in that body, either in express terms or by implication, over the subject of the removal of an officer, but not even over the subject of his appointment. The President may nominate; the Senate may exercise its prerogative of advice and consent, and still the President may not appoint. To assume to derive from the terms of this auxiliary intermediate power, thus vested in the Senate, jurisdiction of the subject of removal of an officer is to give thereto an implied signification broader in the scope of its authority as to removal than that which they contain in express terms as to appointment—a conclusion utterly at conflict with the true canons of constitutional construction.

3. Is it or not purely a Presidential prerogative?

Not being found either as a legislative power or as a power vested in the President and Senate jointly, it must be found in the executive branch of the Government, for it could be lodged nowhere else save in the judicial branch, and no one contends for that. But is it not clear from other provisions of the Constitution that it is vested exclusively in the President?

In the first place, that it is an executive function is not to be denied, in all governments as well as in our own; and by section 1 of article 2 of the Constitution it is provided that "the executive power shall be vested in a President of the United States of America."

It is derivable also from the provision of the Constitution (section 3 of article 2) which provides that the President "shall take care that the laws shall be faithfully executed." That the power of removal is essential to the faithful execution of the laws can not be gainsaid. And by the established rule of construction that the express grants of the Constitution carry with them by implication all such powers as are necessary for their execution, herein is found a source of authority for the exercise of this power by the President as undeniable as the fact that for the past eighty years it has been universally recognized.

This argument amounts to absolute demonstration, and has never been answered and can not be.

The experience of the country under the operation of the tenure-of-office law of 1867, which led to its practical repeal by the amendment of 1869, demonstrating as it did that it is impossible for a body organized as the Senate is to participate with the President in the exercise of the power of removal without fatally obstructing the proper exercise of the functions both of the legislative and executive departments, and bringing the executive, a great co-ordinate department of the Government, into contempt and disparagement, while aggrandizing out of all proportion the powers of the Senate, which is the farthest removed from the people of all the branches of the Government and the least responsible, converting it into an executive directory, and making of it what Mr. Jefferson says all "executive directories become, mere sinks of corruption and faction," is a powerful, indeed an unanswerable, argument in favor of that construction of the Constitution, so consonant with its theory, so logically consistent with its terms, and so convenient of execution, which vests the power of removal exclusively in the President. For it must be admitted that the framers of the Constitution did not mean to confer a power upon the Senate from the execution of which the evil results so graphically depicted by President Grant, Senators Morton and SHERMAN, and Mr. Blaine, the great leaders of the Republican party, as having ensued legitimately and necessarily from it. I invite attention to the unanswerable arguments of these great party leaders against the claim of the Senate to power over removals, based upon actual experience of its exercise under the act of 1867.

I read from the first message of President Grant to Congress on this subject:

It may be well to mention here the embarrassment possible to arise from leaving on the statute-books the so-called "tenure-of-office acts" and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?

I read now the testimony of Mr. SHERMAN, then and now a Senator from Ohio, given in the debate of 1869:

Has the Senator from Vermont arrived at that exemplary and forgiving state of mind that he would not be willing to remove any man who disagreed with him in opinion, or, in other words, who was a Democrat, unless he could be convicted of crime upon satisfactory evidence?

Mr. EDMUNDS. Permit me to ask the Senator whether I ought not to have arrived at that virtuous point on true principles of government, whether I have or not?

Mr. SHERMAN. I do not think so. I believe that all the leading officers of this Government ought to be in harmony with the political sentiments of the majority, and that although the doctrine of Governor Marcy was rather too bluntly stated in his expression that "to the victors belong the spoils," yet in actual practice, in theory, and in fact no administration of this Government ever did or ever will exist without practically acting upon the rule that to the successful party belong the great offices of the Government. It may not be according to the theoretical codes of morality and public policy which the Federalists talked of when the Democrats were in power, and which the Democrats talked of when the Federalists were in power, but still it is a rule of practical administration which will always be applied in a republican form of government.

Now, in my judgment, the tenure-of-office law can not, with due regard to the public interests, be practically enforced. What has been our experience within two years? When we came back here we were met with piles of documents which the President sent to us; various papers showing that certain officers of the Government had performed acts which in his judgment amounted to misdemeanor, &c., and for which they were suspended. He gave us specific facts and evidence. These cases were referred to the appropriate committees. What were we called upon to examine? We had to take up and carefully read piles of papers and examine each particular case, like a chancellor or a judge of assize. Every suspended officer contended that he was the most innocent man born since the time of Adam. He demanded a trial, and copies of charges and proof and a formal hearing before the committees of this body, he converting us into a court and jury to try his particular case. If we could not try him, why demand charges and evidence?

If the tenure-of office act was right in principle we were bound to examine each case to see whether or not the accused officer was, according to the language of the law, guilty of misconduct in office or crime, or had become incapable or legally disqualified. "The result was that some of the committees of this body could not transact their business. These cases were referred, and after great delay were reported upon. In one case the accused was tried, convicted, and sent to the penitentiary while we were deliberating whether he was properly suspended or not." The result was that we did not and could not determine them.

There probably will be from five hundred to five thousand removals during the next year in the service of the United States in the ordinary course of the business of this country. The number of officers to whose appointment the confirmation of this body is required I should estimate in round numbers at from five to twenty thousand. We know there are great multitudes of them whose appointments require the confirmation of the Senate. If we have to remain here, and act upon the cases of all removals, in order to evade the second section, we put ourselves to a great deal of unnecessary trouble merely to evade one of our own laws. If we adjourn, and leave the President without any power to remove, and only the power of suspension, his hands are effectually tied. He can not suspend a postmaster, or a revenue officer, or any of this vast multitude of officers, unless he is prepared upon satisfactory evidence to make out a case of crime or misconduct in office.

It is practically impossible thus to administer the Government. The practical effect of the tenure-of-office act is to keep bad men in office, to divide the responsibility for their misconduct, to enable the President to shield himself from responsibility, and to destroy the energy, efficiency, and unity absolutely necessary in the executive administration of various departments of the Government. That was the practical effect.

Now, Mr. President, look at the actual result as we know it existed. It was the common practice for applicants for office to run here to members of the Senate and say: "I can get an appointment if I am sure of confirmation." There was not a member of the Senate who was not pressed constantly by his constituents to pass his judgment in advance on the question of confirmation and before his appointment—"I can get the appointment if I am sure of confirmation," which reversed the whole order of proceeding in filling the offices of the Government. The Senate became the appointing power; that was the course of business. The result was that many men who had an acute sense of honor who wished to be free from all this kind of double complication, would not seek or accept office under an administration so hampered and controlled.

The duty of the Senate is to advise and consent to appointments. The Constitution confers on this body no power to remove. We consent to removals; we advise as to confirmations. When a man is removed from office, and another name is sent here, we pass simply upon his qualification and fitness for the office; but the Constitution confers upon us no power to proceed in the removal. That is conferred only by the tenure-of-office act. Nowhere else do we derive such a power. By the tenure-of-office act the power of removal, as well as the power of confirmation, is conferred on the Senate; and I say with such a power invested in the Senate it will be impossible to avoid controversy and collision between the executive power and the Senate. We shall share in and finally monopolize the power of the Executive over all the offices of the Government.

Senators must very easily draw distinction between the power of removal and the power of confirmation. The power of confirmation is a resulting power, depending on the previous act of another officer of the Government; and all we say in our act of confirmation is whether or not the person named is a man fit to discharge the duties of the office. That power can not and will not be abused; but the power of removal is a very different power, a power never contemplated to be invested in the Senate.

It seems to me that we are now acting as judges in our own case. If this great power of the Senate is maintained to prevent the removal of any officer of this Government, it is maintained by the Senate for its own behalf. The public judgment will say that, although we are nominally interested, we are maintaining powers that were never conferred upon the Senate until two years ago, and which were then conferred for a special purpose. In my opinion we ought to be careful that our judgment should be impartial, and not to be influenced by a love of power.

* * * * * * *

We share in one-half of the legislative authority of this Government. We are judges over all officers in the trial of impeachment. We participate with the Executive in the power of appointing to office, also in the power to make treaties. I ask if all these great powers are not sufficient for the ambition of any Senate.

* * * * * * *

As a general rule, it is not wise to mingle the powers of the various departments of the Government. There are three great divisions or departments of the Government that stand apart from each other. They form the triangle of public safety, and upon them rest the safety, order, and good conduct of society. These are the legislative, the executive, and the judicial departments. They have been in exceptional cases mingled. The Senate shares with the President in the appointing power, and also shares with the President in the treaty-making power, &c. It is not wise, in my judgment, to overlook this division of powers.

I now read from the debate of 1869 some of the utterances of Senator Morton, of Indiana, on the same subject.

What is the effect when the Senate becomes a tribunal for the trial of the

causes for which men are suspended? Scarcely any officer can be found of any importance who will not have some Senator upon this floor as his friend, and that Senator will stand up and inquire, "What are the causes for which this man has been suspended? I have known him; he is my friend; perhaps I secured him the appointment, and I can not consent to his removal unless there is some tangible and sufficient cause made out." Then the Senate must enter upon the investigation. They must examine into the causes of this man's suspension. Is he an honest officer? If not, what has he done? If he is an incapable officer, wherein has he failed? These are questions we must pass upon.

Each one of these suspensions is a case. If we concur in the suspension after examination, the officer goes out of this Chamber with a blemish upon his character which he can scarcely outlive. If we refuse to concur in the suspension, we say to the world the President has done this man injustice, either intentionally or unintentionally. If he acted in good faith, he acted in ignorance; if he was well informed, then he acted in bad faith, or out of malicious feelings toward this man.

The President is in some respects on trial also; and as he is to be put on trial as to whether his judgment has been intelligent or has been an honest one in regard to the man suspended, he must feel a great deal of interest in the result; and if he is to be adjudged in this way he will hesitate a long time before he makes the suspension. He may be satisfied in his own mind that an officer is not doing right, but unless he can procure facts that are tangible in themselves, and that can be laid definitely before the Senate, or can be stated intelligently before a jury, he will not suspend that man, and the maladministration goes on. Will you tell me, sir, that any administration can be conducted efficiently under the operation of that law?

Now, Mr. President, let me suppose that this law remains in force, what will be the effect of it? When we come back here in the month of December we shall find a long docket of these cases of suspensions, perhaps several hundred of them, and they will have to be tried one by one. We take up the first case. That perhaps takes one afternoon, or one entire executive session; it may be two or three; and I tell you, sir, that this Senate will not have time, if it devotes its whole time to the consideration of these cases, to pass upon them if the President shall suspend every officer that in his judgment ought to be suspended for dishonesty or inefficiency. It will impose upon the Senate a labor that it can not perform. It will be physically impossible for it to discharge that labor.

There must be responsibility somewhere. The very essence of successful administration under every constitutional government is that the responsibility shall be distinctly located somewhere. Suppose he suspends an officer, and the Senate does not concur in that suspension; that part of the responsibility then belongs to the Senate. It is divided between some sixty or seventy gentlemen on this floor, and the share of each gentleman is very small. If the responsibility is placed between the President and the Senate, neither of them will have the whole of it. We divide it up until it amounts to nothing.

I read again from the work recently published by Hon. James G. Blaine. Speaking of the tenure-of-office act of 1867, he says:

The bill was not passed, however, without considerable misgiving on the part of many members of both Houses who voted for it. It was an extreme proposition—a new departure from the long-established usage of the Federal Government, and for that reason, if for no other, personally degrading to the incumbent of the Presidential office. It could only have grown out of abnormal excitement created by the dissensions between the two great departments of the Government. The bitterness engendered resembled that which always distinguishes a family quarrel. The measure was resorted to as one of self-defense against the alleged aggressions and the unrestrained power of the executive department. But the history of its operation and of its subsequent modification, which practically amounted to its repeal, is one to which the Republican party can not recur with any sense of pride or satisfaction. As matter of fact, a Republican Congress, largely composed of the same members who had enacted the law, indirectly confessed two years later that it could not be maintained. Regarded only in the light of expediency at the time, it could readily be demonstrated (as was afterward admitted by candid men among those who supported it) to be a blunder—a blunder all the more censurable because the act was not needed to uphold the reconstruction policy of Congress, in aid of which it was devised.

Who, Mr. President, can doubt the dangerous and obstructive influence upon the Government and the corrupting influence upon the Senate to flow from an exercise of the power sought to be wrested from the Executive and appropriated by the Senate by the resolutions now before this body? And who, sir, can doubt after reading what these distinguished party leaders have said, is the result of an effort by the Senate to exercise the power claimed, the utter impossibility and impracticability of its exercise by this body?

When to these considerations is added the legislative construction of the Constitution, given on this subject by the first Congress assembled under it in 1789 before adverted to, composed in large part of the framers of the Constitution, in the enactment of laws for the establishment of the Department of Foreign Affairs (now of State) and of the War Department, and of the Treasury Department, in which the power of removal was expressly held, after a debate led by Mr. Madison, regarded as the greatest in the history of Congress, to be a constitutional prerogative of the Executive and vested solely and exclusively in the President, and that this construction advocated with matchless power by Mr. Madison, who has been called the Father of the Constitution, and approved by George Washington, the Father of his Country, who as President signed the bills containing it, stood unbroken and unchallenged for seventy-eight years, approved over and over again in repeated and most solemn decisions of the Supreme Court of the United States and by every commentator who has written on the Constitution from Kent and Story to Bancroft, sustained by every President from Washington to Andrew Johnson, by every Attorney-General of the United States, and by every statesman and public man of any political party who figured in or out of Congress during the same period, it would seem that the argument has been exhausted, and that the precedent established ought to be immovable, and beyond the reach of innovation.

But, Mr. President, nothing is impossible or sacred with blind, unreasoning partisanship. In 1835, for the first and only time in their great careers, Clay, Calhoun, and Webster, moved by a common hatred for Andrew Jackson, forgot their own differences, and for the purpose of curbing his power made a combined assault upon the great precedent established by Washington and Madison, at that time for more than a half a century treated as a final and irrevocable settlement of the question, and this, although each one of them had repeatedly in official and public utterances approved it. The precedent remained unmoved and unharmed by their attack, mighty as was their combined power, while they never recovered from the crushing defeat. In 1867, under circumstances on which I will not dwell, because they are fresh in the memory of the country, an overwhelming Republican majority in the two Houses of Congress confessedly, as the debates on the tenure-of-office law of 1867 and 1869 abundantly and conclusively show, passed the law of 1867 for the sole purpose of obstructing Andrew Johnson's administration in disposing of the offices of the Government and of securing to the Republican Senate a controlling power over them.

It was for this purpose, when the country had just emerged from a long and bloody civil war and was in a condition bordering closely on revolution, when passion and excitement ran high and reason and judgment were unsettled, that the law of 1867, overthrowing the construction of the Constitution which had been established and observed for eighty years, was enacted, an act regarded as a blunder and spoken of publicly with expressions of regret since, by the broadest minded, ablest, and most honored leaders of the Republican party—an act which the same Republican majority that passed it made haste, in 1869, upon the recommendation of President Grant, to practically repeal by the law of that date.

Never before was a great principle, deeply imbedded in the Constitution and judgment and history of the country, disturbed under conditions so exceptional, and never before was one virtually and practically restored under circumstances implying a higher tribute to its correctness, its wisdom, and its justice. A brief experience of two years only was needed to vindicate the wisdom and sagacity of the great patriots who in 1789 established and fixed it, and to extort from those who had rudely shaken it an acknowledgment of their great error.

I read sections 1 and 2 of the tenure-of-office act of 1867, which were repealed in 1869:

Be it enacted, &c., That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

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I now read sections 1 and 2 of the act of 1869, which were substituted for repealed sections of the act of 1867; also section 3 of the act of 1869, being an amendment of the section of the same number of the act of 1867:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sections of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, be, and the same are hereby, repealed; and in lieu of said repealed sections the following are hereby enacted:

That every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 2. *And be it further enacted*, That during any recess of the Senate the President is hereby empowered, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the United States courts, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion by the designation of another, to perform the duties of such suspended officer in the mean time; and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the suspended officer, and shall, during the time he performs his duties, be entitled to the salary and emoluments of such office, no part of which shall belong to the officer suspended; and it shall be the duty of the President within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to

advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

SEC. 3. *And be it further enacted*, That section 3 of the act to which this is an amendment be amended by inserting after the word "resignation," in line 3 of said section, the following: "or expiration of term of office."

I now read from the debates upon the act of 1869, as they occurred just before its passage, showing the construction and exposition of this act by those who enacted it:

Senator Morton said:

The first section repeals the first and second sections of the present law, and those are the objectionable sections. The next section authorizes the President during the recess of the Senate to suspend any officer whose appointment has been made by and with the advice and consent of the Senate, and to appoint another person to take his place, who shall be duly qualified according to law, and the person thus appointed to take the place is to hold until the end of the next session of the Senate, unless before that time some person is appointed by the President and is confirmed by the Senate.

The main difference between this amendment and the old law is that it relieves the President entirely from the necessity of sending his reasons to the Senate for a suspension; it provides that the suspension may be made in his discretion; and in the next place it relieves the Senate from any duty to consider the suspensions. The present law requires the Senate to pass upon all suspensions, either to concur or non-concur. The amendment relieves the Senate from any duty in passing upon suspensions, but the Senate may pass on the suspension in its discretion, and if, upon a vote, it shall refuse to concur in any suspension, the effect of that is that at the end of that session the former incumbent will take his place again, will go back to his office. Then, of course, the President may instantly suspend him again; so that, in point of substance, it is within the power of the President to say that the law amounts to nothing.

But if the Senate takes no action at all upon the suspension, and if no person is confirmed for the office during that session, at the end of the session the office is declared to be vacant, and the President may fill it in the ordinary way under the Constitution. I believe I state the effect of the proposition correctly, that if the Senate shall take affirmative action and refuse to concur in the suspension then the person who has been temporarily appointed will hold to the end of that session, but at the end of that session the old incumbent will go back into his office unless the President shall instantly suspend him again. If the Senate take no action on the suspension one way or the other—of course they are not required to act—and fail to confirm anybody in the mean time, then at the end of the session the office is declared to be vacant, and the President may fill it in the ordinary way.

This amendment relieves the law of all its practical difficulties; that is to say, it does not require the President to give reasons; he may suspend for any reason or for no reason at all. It relieves the Senate from the duty of considering suspensions, which I have before argued was a duty that was incapable of being performed. But it does reserve to the Senate the power of vetoing a removal by the President. That is the substance of the power reserved, that the Senate, by affirmative action non-concurring in a suspension, may thus veto a removal by the President, and at the end of the session the officer temporarily appointed goes out and the incumbent comes back; but this veto practically will amount to nothing, because the President may instantly suspend him again, and so it goes on. It preserves the shadow rather than the substance. It is an imperfect shadow of a substance that has already fled; a bad photograph of a dead body. But, sir, while I shall not oppose it and make no argument against it, I will simply say that personally I can not vote for it, because by reserving the veto power of the Senate, the power to veto a removal in the way I have described, it does violate the theory I hold on this subject.

Mr. LOGAN, then a member of the House of Representatives, said:

I do not desire more than a few minutes of time. I have been one of those in favor of the repeal of this law, and whether satisfied or not with the report of the committee of conference I shall vote for it, and desire to give my reasons for so doing.

The objection to the amendment from the Senate the other day was this: they provided in that amendment that the President should have the right to suspend from office; but if the person nominated or designated in his place should not be confirmed by the Senate, then if the Senate affirmatively refused to concur in the suspensions, the suspended officer should again become clothed with official robes. My objection was this: if they should concur in the nomination, then if the Senate should stop right there and take no further action, the office would become vacant; but if the Senate at a future time should vote affirmatively against the suspension, then it revived the office in the party suspended. That was my objection to it; and for this reason: in the provision of the Constitution which allows the President to nominate and the Senate to consent, requiring the assent of both when an officer was suspended, the office became vacant; then if at a subsequent time the Senate could by an affirmative action put an officer back in office, I say that was putting executive power in the hands of the Senate without the consent of the President. Hence I maintained that it was unconstitutional. I believe it was. That was my proposition and that was my statement.

Now, sir, the conference committee, whether because that point was made or not makes no difference to me, have stricken from the bill that which was obnoxious. It relieves the bill of that portion which clearly to my mind was unconstitutional. What have they left? They have left the shadow of the substance and nothing more. Although I should prefer a bill of two lines: "Be it enacted, &c., That the civil tenure-of-office law, approved at such a date, is hereby repealed," although I would have preferred that, yet, inasmuch as the Senate have some pride of opinion, and the House have some pride of opinion, and the Republican portion of the House are divided in reference to this question, and the Senate and House had chosen a committee of members representing both sides of that question, I am willing to vote for the report which they have made. In their agreement they have done, in my judgment, what I would have done, except they have employed different language from that which I would have employed. I would have said "repealed," but they have said in a great many words what amounts to the same thing.

Mr. Bingham in the House said:

Now, what the Senate has done—and this is the point that I desire to make before this House and before the country—is substantially a repeal of the tenure-of-office act in so far as it fetters executive action. It is because the Senate has done this that I desire the House to concur, acting in this matter upon the principle of statesmen, to do what we can do in the right direction though we may not be able to do all that we would. The obligation is upon us, and I appeal to the conscience of gentlemen, if we intend to give the President an opportunity to discharge his trust free from the fetters imposed upon him by the tenure-of-office act, to concur in the Senate amendment, which does substantially repeal that act in so far as it fetters the Executive.

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If not by concurring in this amendment we shall have attained what certainly is of very great consequence. We shall have repealed the first section and the second section of the tenure-of-office act. We shall have given the President power to suspend every civil officer without assigning any reasons for so doing and without being challenged by anybody.

These utterances of leading representative men of the Republican party are simply specimens of those which characterized the entire debate, showing the animus which inspired the passage of the act of 1867 and the controlling motives for its virtual repeal in 1869. Throughout the debate the undercurrent of opinion, breaking out frequently and repeatedly into the strongest and most emphatic expression, was that the law of 1867 was a blunder to be receded from, and that the amendment then adopted and now on the statute-book was a practical repeal of it. Especially was the expression emphatic and unqualified without a dissenting voice that the law of 1869 restored to the President in effect the same power as to removals that he possessed prior to the passage of the act of 1867.

It is under the act of 1869, thus expounded by the ablest men and greatest leaders of the Republican party, negativing every point they make, that the Senator from Vermont and the majority of the Committee on the Judiciary find their authority for the extraordinary demand made upon the President, and for the still more extraordinary resolutions pending before the Senate. The demand upon the executive department is made in the following resolution:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

Why in executive session, in connection with the consideration of the suspension of the district attorney of the southern district of Alabama and the appointment of his successor, is a demand made for copies of all documents and papers filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of said district attorney? Under the law as it now stands, null and void though it is claimed to be for unconstitutionality, if admitted to be valid and constitutional, it is confessed on all hands that the President is free and unfettered and can suspend officers in vacation of the Senate, within his discretion, without accountability to anybody.

That portion of the act of 1867 which required his reasons and evidence for making suspensions reported to the Senate was expressly repealed by the act of 1869, and since that time there has been no power under this Government authorized to revise or question his conduct or motives in making suspensions. The commissions issued by the President during the recess of the Senate, both under the law of 1869 and Article II of the Constitution, which authorizes the President to "fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session," are beyond the reach of the Senate, and the action of the President in making suspensions is equally so. Having no jurisdiction over the subject and no power to do anything with it, the demand for the President's reasons for his action is an impertinent intermeddling by the Senate with a matter with which it has nothing to do, and has been properly treated by the President as such.

The right of the Senate to copies of all papers on file relating to the fitness of Burnett, who was nominated to fill the place of the officer proposed to be removed, is admitted, because the appointment can only be made by and with the advice and consent of the Senate, and its fitness to be made is a proper subject-matter of inquiry by the Senate. All such papers have been promptly furnished in this and in all other cases. The answer of Attorney-General Garland to the Senate resolution, the material portion of which I now read, shows this:

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Very respectfully, your obedient servant,

A. H. GARLAND, *Attorney-General.*

In demanding more than has been freely and promptly furnished by the President, the Senate has required all that could have been demanded of him under the law of 1867, which was repealed, as I have shown, for the express purpose of relieving the President from such accountability.

I here read from the message of the President sent to the Senate on the 1st day of March, and ask that it be remembered that the utterance is an official one from the sole representative of a great department of the Government, the equal of and co-ordinate with the other departments. He says:

Ever since the beginning of the present session of the Senate, the different heads of the Departments attached to the executive branch of the Government have been plied with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for the papers touching the conduct of such officials, or for all papers and documents relating to such suspensions, or for all documents and papers filed in such Departments in relation to the management and conduct of the offices held by such suspended officials.

The different terms from time to time adopted in making these requests and demands, the order in which they succeeded each other, and the fact that when made by the Senate the resolution for that purpose was passed in executive session, have led to a presumption, the correctness of which will, I suppose, be candidly admitted, that from first to last the information thus sought and the papers thus demanded were desired for use by the Senate and its committees in considering the propriety of the suspensions referred to.

Though these suspensions are my executive acts, based upon considerations addressed to me alone, and for which I am wholly responsible, I have had no invitation from the Senate to state the position which I have felt constrained to assume in relation to the same, or to interpret for myself my acts and motives in the premises.

In this condition of affairs I have forborne addressing the Senate upon the subject, lest I might be accused of thrusting myself unbidden upon the attention of that body.

But the report of the Committee on the Judiciary of the Senate, lately presented and published, which censures the Attorney-General of the United States for his refusal to transmit certain papers relating to a suspension from office, and which also, if I correctly interpret it, evinces a misapprehension of the position of the Executive upon the question of such suspensions, will, I hope, justify this communication.

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Upon this resolution and the answer thereto the issue is thus stated by the Committee on the Judiciary at the outset of the report:

"The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves."

I do not suppose that "the public offices of the United States" are regulated or controlled in their relations to either House of Congress by the fact that they were "created by laws enacted by themselves." It must be that these instrumentalities were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their construction, and unembarrassed by any obligation to the Senate as the price of their creation.

The complaint of the committee that access to official papers in the public offices is denied the Senate is met by the statement that at no time has it been the disposition or the intention of the President or any Department of the executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices. While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body. And though no such paper or document has been specifically demanded in any of the numerous requests and demands made upon the Departments, yet as often as they were found in the public offices they have been furnished in answer to such applications.

The letter of the Attorney-General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution. The letter was intended, by its description of the papers and documents remaining in the custody of the Department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as were required by the requests and demands which preceded it.

Everything that had been written or done on behalf of the Senate from the beginning pointed to all letters and papers of a private and unofficial nature as the objects of search, if they were to be found in the Departments, and provided they had been presented to the Executive with a view to their consideration upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney-General or any other head of a Department "is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but because I regard the papers and documents withheld and addressed to me or intended for my use and action, purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

Even the committee in its report appears to concede that there may be with the President, or in the Departments, papers and documents which, on account of their unofficial character, are not subject to the inspection of the Congress. A reference in the report to instances where the House of Representatives ought not to succeed in a call for the production of papers is immediately followed by this statement:

"The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government, until now, any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded."

To which of the classes thus recognized do the papers and documents belong that are now the objects of the Senate's quest?

They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to executive consideration, many of them are so irrelevant, or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate.

Are all these, simply because they are preserved, to be considered official documents and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would be satisfied with my selection? Am I to submit to theirs at the risk of being charged with making a suspension from office upon evidence which was not even considered?

Are these papers to be regarded official because they have not only been presented but preserved in the public offices?

Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of Department files. If the presence of these papers in the public offices is a stumbling-block in the way of the performance of Senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.

It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion. And I am quite prepared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute, and by members of the House of Representatives and Senators of the United States, than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity, and patriotism of Senators or ignoring their representations because they were not in party affiliation with the majority of their associates; and I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate.

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate, by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension during the recess of the Senate of Federal officials.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded to its legislative duties the right to advise and consent to appointment to office and to sit as a court of impeachment it conferred upon that body all the control and regulation of executive action supposed to be necessary for the safety of the people; and this express and special grant of such extraordinary powers, not in any way related to or growing out of general Senatorial duty, and in itself a departure from the general plan of our Government, should be held under a familiar maxim of construction to exclude every other right of interference with executive functions.

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The requests and demands which by the score have for nearly three months been presented to the different Departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials. Upon a refusal to confirm I shall not assume the right to ask the reasons for the action of the Senate nor question its determination. I can not think that anything more is required to secure worthy incumbents in public office than a careful and independent discharge of our respective duties within their well-defined limits.

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It has been claimed that the present Executive having pledged himself not to remove officials except for cause, the fact of their suspension implies such misconduct on the part of a suspended official as injures his character and reputation, and therefore the Senate should review the case for his vindication.

I have said that certain officials should not, in my opinion, be removed during the continuance of the term for which they were appointed solely for the purpose of putting in their place those in political affiliation with the appointing power; and this declaration was immediately followed by a description of official partisanship which ought not to entitle those in whom it was exhibited to consideration. It is not apparent how an adherence to the course thus announced carries with it the consequences described. If in any degree the suggestion is worthy of consideration, it is to be hoped that there may be a defense against unjust suspension in the justice of the Executive.

Every pledge which I have made by which I have placed a limitation upon my exercise of executive power has been faithfully redeemed. Of course the pretense is not put forth that no mistakes have been committed; but not a suspension has been made except it appeared to my satisfaction that the public welfare would be improved thereby. Many applications for suspension have been denied and the adherence to the rule laid down to govern my action as to such suspensions has caused much irritation and impatience on the part of those who have insisted upon more changes in the offices.

The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment.

In this communication the President has given a concise, clear, and at the same time comprehensive and perfectly just statement of the whole question of difference between the executive department of the Government and the Senate. Honesty, courage, manliness, devotion to duty, and an inflexible determination to maintain intact the prerogatives of the great office confided to his keeping by the people, breathe through every line and sentence of this remarkable and forceful state paper. The feeble attempt, by indirection and verbal jugglery for small political and partisan purposes, to evade the law and coerce from the President under another name his reasons for the suspension of an officer by demanding "copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama" is in this message stripped to nakedness of all disguise and forced in its uncovered deformity to stand comparison before the public gaze with the open, honest, straightforward methods of a statesman in the fearless and conscientious discharge of high public duty.

It is a paper which should be read by every voter in all this country, to whatever party he may belong, for the mass of voters of all parties are honest and interested in politics only that good government may result, and no honest, patriotic citizen can read and understand the report of the majority of the Judiciary Committee and the answer of the President thereto without feeling that the President is intrinsically right, and, in view of his conservatism, his firm resistance to the just demands of his party friends in the matter of removals from office, which I by

no means approve, that the assault upon him is utterly wanton and unprovoked, without a shadow of excuse or justification, made for the purpose of deceiving and misleading the people in the hope of securing a party advantage without reference to the public good.

The public press of the country and the speeches of Republican Senators on this floor proclaim and avow what is matter of common and public notoriety, that the object and purpose of this extraordinary proceeding by Republican Senators, while admitting that they have no right to demand the President's reasons for suspending officers, is by indirection and through a mere pretext to extort these reasons from him, hoping to make a little political capital by distorting them, and to justify themselves in obstructing the President in carrying on the Government; and last and greatest of all, to enable them to hold on to the offices of the Government notwithstanding the popular verdict which placed a Democratic majority of forty in the House of Representatives and a Democratic President in the White House at the last election, and through them demands a change of men, as well as of measures, wherever in the judgment of the President a change may be necessary.

The Senator from Vermont commenced his argument in support of the pending resolutions by saying that he rose to speak in behalf of a "calm and orderly and constitutional exercise of the functions of Government." I shall not question the sincerity of the honorable Senator, but claim to be myself sincere in believing that this whole proceeding is intended to embarrass the administration of the Government and defeat the will of the people as expressed in the last election.

It seems that the majority of the Senate is forgetful of the fact that the President of the United States is the great executive head of the Government, and that as such he has power and prerogatives as clearly defined and as fully guarded in the Constitution as are those of the other Departments. They seem to forget that the President, when he responds to the demand of the Senate and furnishes promptly all the public and official papers asked for and says courteously to the Senate that the other papers not furnished are not official papers but his own private papers, some of them confidential communications, is backed by 55,000,000 of people who indorse him as truthful, honest, wise, just, patriotic, loyal, and consequently as one who ought to be believed when he makes an official statement under the sanction of his official oath.

The President has made that statement in solemn form in his message to the Senate; and coming as it does from one great department of the Government to a part of another co-ordinate department, it should, by all the rules which govern or should govern these departments of Government in their intercourse with each other, be held to import absolute verity. Upon no other theory can harmony be preserved and frequent and exasperating collisions between the great departments of the Government be averted. A due regard for the "calm and orderly" administration of the Government should have prompted the honorable chairman of the Judiciary Committee to have withdrawn the pending resolutions upon the incoming of that message. The monstrous proposition that the President can have no private or personal or confidential papers, documents, or letters in the Departments is asserted in the report of the majority of the Judiciary Committee. I interpose, as a conclusive answer to this, the solemn statement of the President to the Senate that he has such papers and documents in all the Departments—his own private papers handed over by him to the several members of his Cabinet—for safe custody. The President, it does seem, ought to be believed when he says that these papers are of no interest to the public.

He has them in his possession, and ought to know. But, Mr. President, I will not discuss a proposition which denies to the President of the United States a right possessed by the humblest citizen in this country of protecting his private and personal correspondence, for he has told the Senate that he is ready to furnish copies of all public papers and documents in any of the Departments, and that these which he will not furnish are his own papers, in which the public has no interest.

Think for a moment, Mr. President, of the condition in which the President would be placed under the operation of the rule laid down by the Senator from Vermont. The President has vested in him all the executive power of the Government; that power which enforces the laws and appoints and removes officers. Who would write to the President recommending the removal of a dishonest officer? Who would write him of suspicions that an officer was faithless? Who would write him warning him against a bad man seeking an appointment? Who would advise him of anything going wrong if all these letters were to be open to the public and liable at any time upon the suggestion of partisan malice to be published to the world? The President would be isolated; his sources of information would be cut off, and his efficiency as an executive officer greatly impaired. In all our courts certain confidential communications are protected on grounds of public policy, and where is a higher public policy than that which protects the President in withholding his private and personal papers from the public gaze when through that means the entire executive department of a great government receives increased vigor and efficiency.

In refusing courteously but firmly to deliver upon demand of the Senate papers referring to the suspension of officers, a matter resting solely within the discretion of the President, with which the Senate has no concern and over which it has no jurisdiction, and in refusing to deliver copies of private, unofficial, and personal papers, while tendering to the Senate promptly all public and official papers and documents in the Departments, the President has walked in the path trodden by all his predecessors. George Washington, the first President, established the first precedent in a similar case and the record has been read in this debate to establish it.

Andrew Jackson more than once maintained the prerogatives of the Presidential office by refusing to comply with demands of the same character, and John Tyler and President Grant, and even Mr. Hayes, all in notable instances, the records of all which have been read in this debate by the Senator from West Virginia [Mr. KENNA], have done just what Mr. Cleveland has done so well in this case. Mr. Cleveland has illustrious company and an unbroken line of precedent to support him. The chairman of the Judiciary Committee, with all his ability and research, and although challenged by the Senator from Alabama [Mr. PUGH] to produce an instance in which a demand like this upon President Cleveland has been acceded to by a President of the United States, has failed to find one. He has not shown a single one. All such demands have from the beginning of this Government, the time of Washington, been repelled as invasions of the executive domain without a single exception. Whenever the question has been made it has been decided as Mr. Cleveland has determined it.

Mr. President, since I have been a member of this Senate, and it was during the administration of Mr. Hayes, the Senate was for two years under Democratic control. We could have hatched up plausible but dishonest pretexts for rejecting every nomination sent to the Senate by the Republican President. We could have embarrassed the administration of the Government by factious opposition, while protesting to the country that we favored a "calm and orderly" administration of the Government; but the Democratic majority pursued no such methods. They aided the Republican President by a prompt confirmation of his nominations, all Republican, and I remember no instance of a contest over a nomination involving any heat or feeling that did not originate between Republicans. All went on as smoothly as if the Senate had been in political accord with the President. Let the country mark the contrast now that the positions of parties are reversed. A Republican Senate absolutely refuses to act upon the nominations of the President, except upon conditions which require him to depart from all the precedents of his office, to sacrifice his convictions of constitutional duty, and his own self-respect.

Mr. WILSON, of Maryland. Mr. President, in the view I shall take of the resolutions before the Senate, I shall not attempt to recast any part of the great historic debate upon the question where the power of removal from office resides—whether in the President alone, or in the President and the Senate, or whether it is an implied power to be regulated by Congress. I shall rather aim to argue the question upon postulates derived from our political history, from undisputed constitutional principles, from the course of legislation, and from common sense—all of which will, I think, lead us to conclusions utterly at variance with the view substantially, though not avowedly, taken by the majority of our Judiciary Committee; for, strange to say, one of the greatest difficulties in this debate is to determine what is the real question before us.

Stripped of all the illusory power which words can be made to assume in order to conceal one's real aims, that view we hold and undertake to prove to be this: That when the President, in the recess of the Senate, has suspended an official to whose original appointment the advice and consent of the Senate was required, the Senate has the power, when considering the question of confirming his successor, to demand the President's reasons for such suspension.

Our Republican friends deny that they have raised any such issue, and assert that they have only asked for papers relating to the conduct and management of a given office during a given time. We none the less contend that their purpose is to reach the President's reasons, and that if such is not their purpose it would be the easiest thing in the world to say so. When further pressed to declare their real design, they reply that it may be this, it may be that, and it may be the other; and when they can make no other reply, we are informed that the President has no right to inquire what their purpose is, and that all he or his Cabinet officer has to do is to respond to their demand, regardless of what aim they may have in view. But, sir, we do not propose to allow ourselves to be parried in any such way.

We, as Democrats, are not willing to consent that the President of the United States, a coequal and co-ordinate branch of this Government, shall be degraded into a mere official clerk of the Senate, a mere machine who has no right to think, and whose unquestioning duty it is in silence to obey our behests. The senate of Rome, in the height of its grandeur, and when most imbued with its patrician spirit, could scarcely have treated a petty proconsul with less consideration and courtesy than Senators on this floor seem disposed to treat an independent branch of this Government, simply because it has dared to address to them a calm and polite message, claiming as its own certain letters which we imperiously demand, and which a Republican Attorney-General has officially declared to be its private property. Poor indeed in spirit and dwarfed into political insignificance must a President be when he dare not address a polite communication to this Senate upon what

he thinks concerns the rights of his own high office, which the Senate itself has brought in question. If so vital a subject as the true boundary-line between great departments of this Government does not involve "the state of the Union," then indeed will it be difficult to find one that will.

Sir, we aver that if the object of the majority of the Judiciary Committee is to reach the President's reasons, then it is utterly illegal and inadmissible. We further insist that their refusal frankly to disclose their real purpose is an implied admission that it is what we charged it to be. We further contend that the whole history of this controversy, from its incipiency down to the present time, proves beyond a doubt that the objective point of the majority of the Judiciary Committee is to reach the President's reasons, or what they will be sure to consider such. When the first notes of the intended assault upon the President were sounded, we were told all along the line that he had announced his purpose not to remove any public officer without cause, and that the majority must have the President's reasons for suspensions, in order to see whether he had not removed faithful officials upon false or frivolous charges, and to vindicate the reputations of men thus unjustly accused. This cry we heard in committee-rooms, in the Senate, in street-cars, in hotels, in the public press, everywhere. After a while, the language of the demand was slightly modified, and we were told that they must have all papers connected with appointments and suspensions. And finally, after weeks of deliberation, under the lead of crafty counselors, came formal demands, not for reasons, not even for papers connected with suspensions, but for papers referring to the management and conduct of certain offices between certain dates, always covering the period between the 4th of March in the last year and the date of any given suspension, doubtless to be followed, if successful, by like demands in all similar cases.

Why Senators should pursue this sinuous method of attack is indeed strange, unless they mean to concede that they have no right to ask for the President's reasons, but that it is fair, manly, and legal to do by indirection what they have no earthly right to do in a straightforward manner. Sir, a fortress is no less attacked when sappers and miners are inch by inch undermining its walls than when a storming party mounts the deadly breach. In spite of all this skillful word-fencing, they know, we know, the world knows that their real object is to reach the President's reasons for suspensions, and thus to form a justification, upon either the grant or the refusal of their demand, for some ulterior purpose they may have in view. To show beyond the chance for denial that their object is to reach the President's reasons for suspensions, it is only necessary to listen for five minutes to one of the speeches on the other side, when you will hear such object either openly expressed or necessarily implied.

Has, then, the Senate the power to demand of the President his reasons for suspensions? In whatever form the majority of this body choose to phrase their demand, the same arguments which will negative the question just asked will show how illogical is their position. So far in the history of this country we rejoice, sir, that there is not here, as in some old effete monarchy of the East, any magic power in forms to override and control the very life and substance of things.

Now, Mr. President, the most cursory reader of our history knows that there have never been but two theories of construction with respect to this right of removal practically adopted and enforced. The one which obtained for seventy-eight years held that the President exercised an absolute and unqualified power to remove public officers at his discretion, subject only to an accountability to that great court of impeachment organized by the Constitution. The other theory declared that the power of removal was an implied power which Congress could regulate at its pleasure. As we all know, the first Congress, under the lead of Mr. Madison, declared the first of these theories to be the true construction of the Constitution. They did not attempt to confer that power by acts of Congress upon the President, but their acts were purely declarative that this right of removal was an integral part of executive power, which legislative acts could neither give nor take away. From that time to 1867 this power was everywhere practically conceded to be in the President. Text writers so classed it. No act of Congress ever attempted to restrain or qualify it. No judgment of any court ever called it in question. No statesman of any note ever even contended that the President could, without an act of legislative power, be compelled to render to the Senate the reasons for a removal. In 1826 the Senate, under the lead of Mr. Benton, in vain endeavored to have an act passed making it incumbent on the President to give such reasons, all the time conceding his right of removal. With a similar concession Mr. Webster, Mr. Clay, and Mr. Calhoun strove, in 1835, to impose a like restraint, with a like failure. All these great statesmen conceded that without an act of Congress imposing some restraint the President could rightfully, as he had done from the beginning, exercise the absolute and unqualified power of removal. They attempted to impose a restraint, just such in effect as this body is now striving by its unassisted powers to arrogate to itself; but having failed in their effect it never occurred to their minds to claim that what they had in vain invoked the power of Congress to do the power of the Senate could alone virtually accomplish.

In fact, sir, before the act of 1867 was passed, there was just about as much ground for the doctrine that the Senate could drag the President to its bar and demand his reasons for removals as there is in physics for the notion that two solid bodies can occupy the same space at the same time. The Senate may, prior to that time, have asked for papers relating to removals, but the instances were few indeed. Only two cases seem to have been unearthed by the searching scrutiny which this controversy has aroused. One was the call upon Mr. Monroe, in 1822, for papers opposing the appointment of Irish as marshal, and the other was the call upon General Jackson, in the case of Wirtz, for like information. In the latter case we know that the request was indignantly refused; in the former, as the majority report does not state otherwise, we presume the call met a similar fate.

But in 1867 a Republican Congress, forced by the exigencies of their deadly conflict with Andrew Johnson, and flushed with the imperial power of a two-thirds majority, adopted for the first time the theory sought to be enforced in 1826 and in 1835, and proceeded not only to make it the duty of the President to assign reasons for removals, but also adopted other most stringent provisions, which placed the President at their feet and paralyzed the whole executive branch of the Government. So harsh and grating was this law, so severe the friction in the joints of Government, especially with respect to this very matter of the assignment of reasons, that in the year 1869 some of the ablest debaters on the Republican side, especially Senators Morton, Carpenter, and our President *pro tempore*, declared it to be onerous, cumbersome, and impossible of execution. Whatever differences might have then prevailed in Congress respecting the repeal of any other provision of the original tenure-of-office act of 1867, there was a practical unanimity as to the repeal of this obligation upon the President to send to the Senate his reasons for removals. This part of the act of 1867 was expressly intended to be repealed, and was beyond question repealed. The fact that an act of Congress was deemed necessary to impose such a duty upon the President is plain proof that no such duty was before incumbent on him, and that the Senate had no right or power, directly or indirectly, to impose it upon him. The fact that such a law stands repealed is proof beyond contradiction that the President is released from any such duty under the law, and is not to be drawn again by any act of Senatorial *finesse* within its folds. And we have before seen that he is bound by no law of custom or precedent in our antecedent history, but that, on the contrary, the theory then most widely prevalent, and the universal usage under that theory, rendered such an amenability of the President to the Senate too incongruous to be seriously entertained and too unreasonable to be admitted into practice.

But, sir, the argument does not stop here. The act of 1869 expressly empowered the President in his discretion to make suspensions. What earthly power, then, can challenge him in the exercise of his discretion, unless he has used it so corruptly as to call for impeachment? That discretion before the act of 1867 was unrestrained by any law, and since the act of 1869 no law on the statute-books speaks a syllable looking to the slightest restriction. Surely it needs no argument to show what common sense and solemn legal decisions affirm, that no court and no single branch of the legislative power can interfere, unless by impeachment, to call the President in any manner to account for the mode in which he has seen fit to exercise that discretion. We are guilty of a bold usurpation if we attempt to constitute ourselves his mentors, his guardians, and practically his masters, in the discharge of a duty strictly pertaining to the executive office, with which neither Constitution nor law gives us a right to interfere. Our rights and duties are solely confined to advice and consent with respect to appointments, whether we look to the Constitution or any law passed in pursuance thereof, unless it be the case of a term officer during the session of the Senate. We have not, therefore, a shadow of right to demand of the President his reasons for suspensions.

But, sir, Senators may again respond that they ask for no such reasons, but that they only demand the production of papers relating to the conduct and management of given offices between certain dates. Sir, the principle that things which are equal to the same thing are equal to each other does not alone obtain in mathematics. This demand, as they have made it, must bring to us, if it be obeyed, all papers connected with any charges against the suspended official, inasmuch as such charges plainly refer in some sense to his management of his office. Then the demand might as well be at once made for all papers relating to such charges against the suspended officer. Such we all know is their objective point, and it would be much more ingenuous at once and openly thus to make their demand. And still further, as their well-known purpose in getting at the charges in such papers is to reach the President's reasons for suspensions, it would be not only far more candid but vastly more fair to ask him at once for such reasons, for every one knows that as soon as the charges in those papers are read by Senators they will loudly protest that they were the President's reasons, although it is perfectly clear that he may have had other and controlling motives, derived from oral information or from evidences of incompetency or shortcomings otherwise supplied. And thus the grossest injustice may be done to the President by this brilliant device for obtaining his reasons. And being a mere device for doing indirectly what they virtually acknowledge they have no right to do directly, it is entitled to even less consideration than a direct demand itself.

If it were necessary to add anything further to the argument, it must be apparent to every candid mind, as a Republican Attorney-General in a reported opinion has said, that all letters to the President which have been written to enlighten his discretion upon the subject of removals are private papers, which he could, without challenge from any quarter, destroy as soon as received, or send back to their authors, or keep in his own possession, or, as is usually done, send to the proper Department to be briefed and kept for his own convenience, or could at any time withdraw and dispose of at his pleasure. They are in no respect public documents, showing the mode in which public business has been transacted, or whether the provisions of law or the rules of the Department have been observed. They are simple representations from outsiders as to their views of the fitness or unfitness of a man to be retained in office. To call such letters official documents would seem to be a piece of thorough red-tapeism, worthy only of a first-class circumlocution office.

In most cases such letters are written in confidence, and often, when statements are made in them with the utmost truthfulness and honesty of purpose, they would have never been made at all if it had been supposed they would have been blazoned forth to the world. Senators pass rules to prevent the disclosure of what they may say in this Chamber respecting the characters of the President's nominees. A committee of this body may in its discretion withhold all charges made against the President's nominee, and is never permitted at all to disclose the name of the author of such charges. Then Senators should not complain if the President declines to communicate to them what his friends have said to him about the characters of the appointees of a former administration, especially when the information is sought, not for the good of the public service but to enable his interrogators to score a political point against him. If secrecy is to be abolished let the process be begun right here in this body, which has ever been its chosen seat.

But, sir, an appeal has been made to precedents as settling this question, and, as we think, with most inconclusive effect. It is certainly the President's constitutional duty to give information to Congress of the state of the Union. Apart from this injunction a reasonable comity between the two branches of the Government would inspire the President to impart all information in his possession which would enlighten Congress in all matters of legislation. Such is the plain design of the duty laid upon the President in the Constitution and upon the Secretary of the Treasury by the Revised Statutes, and the rules of comity do no more and no less. That the President should have been constantly asked for such information was not only reasonable but clearly in accordance with law. That he should have been frequently asked by the Senate for information relative to treaties was in strict consistence with his constitutional relations to this body. That he should have, times without number, advised with the Senate with respect to his nominees for office is in conformity both with the spirit and letter of the Constitution. But the reasons which are apparent in all these cases utterly fail when it comes to removals or suspensions. Under the universal rule and practice before 1867 the removals were made under the unrestricted discretion of the President, and such is the case now with respect to suspensions under the plain and unchallenged meaning of the act of 1869.

A treaty is no treaty, and a nomination is no appointment, unless the Senate consents. A suspension is a suspension, whether the Senate consents or not. The Senate can not in any wise consider the question of a suspension unless a nomination is first before them. The only question before us under a pending nomination is the fitness or unfitness of the nominee, whether we look to the Constitution or any act of Congress. The charges that may have been made against the suspended officer can not enlighten us as to the nominee's fitness; all that their consideration can do is to fan the flame of partisanship and to cause the majority here, in a spirit of retaliation, to reject the President's nominee be he ever so good.

The call for all papers relative to the conduct and management of an office by a suspended officer, made in executive session while the question of the confirmation of his successor is pending, can in the nature of things have no reference to any proposed legislation. It must relate to the question of the confirmation of his successor, and to nothing else. If the Senate, through such papers, learns the ground of such suspension, it may, and if it acts in a partisan spirit doubtless will, reject the new nominee. The call for these papers, then, leading to no legislation which would alone justify it, but leading inevitably to what Senators on the other side will not claim they have any right to do—to a review and a judgment upon the President's discretion, we are utterly at a loss to know upon what foundation of reason or of law it can be based.

Mr. President, we were asked by one of the Senators from Ohio a few weeks ago whence came this new-fangled idea that the President can say what papers shall be sent to the Senate and what shall not? We answer: in the very nature and reason of things. There is an obligation, constitutional and legal, upon the President to send to the Senate all papers which may aid this body to legislate for the public welfare, and, if not incompatible with existing circumstances, all information relating to treaties. There is at least a high moral obligation upon the President to advise with the Senate, if requested, touching his nominations. But there is no obligation, constitutional, legal, or moral, upon him to give us any information relating to his reasons for suspensions. He who runs, it seems to me, can see the difference between the two kinds of information and the papers embodying them. The President, in whose custody such communications really are, and to whom they belong as much as any Senator's correspondence belongs to him, can not fail to see the distinction, and he owes the duty to his high office not to allow any inappropriate precedents or any far-fetched comparisons between as honest and unambitious a Chief Magistrate as we have ever had and the most perfidious and despotic king who ever sat on England's throne to mislead or drive him into impairing its rights and immunities.

No doubt, sir, thousands of precedents can be found where the President has imparted information respecting matters of legislation to the Senate at their request. No doubt hundreds of cases can be found where the President has given reasons why a nominee should be confirmed. But the majority of our Judiciary Committee have toiled in vain to find prior to 1867 a single case in which the Senate or one of its committees has ever made such a demand as they claim to be justified by precedents. They have brought to light two cases, it is true, where such a demand was made by committees of the House of Representatives; in the first of which, that of Sylvester in 1842, the Secretary evidently declined, as did Secretary Sherman in reply to a similar request of Mr. Conkling, to furnish letters which he considered confidential; and in the last of which the House, as the great national inquest, was evidently looking toward the impeachment of Andrew Johnson, who was then loudly accused of a corrupt use of patronage and of other offenses. In either of these or any like cases the House of Representatives could only call for such information with a view either to impeachment or new legislation; whereas our call can have only been made with reference to the exercise of our quasi-executive function, and, if it be inappropriate to that end, is utterly misplaced and inadmissible.

But, Mr. President, the majority report informs us that since the passage of the act of 1867 it has been usual for the Judiciary Committee to send to the proper Department a request similar to that sent to Mr. Garland, and that in no instance has the committee met with any denial till this time. But they fail to tell us that these requests were made of Republican administrations, which could only turn out Republicans to make room for Republicans, and when a suspension, presumably not being based upon political grounds, must have been for cause. Political friends of parties suspended under such circumstances naturally sought to know the grounds of suspension, which a President of their own faith could not well refuse to give, not as a matter of right, but of courtesy as well as policy. They also fail to tell us that none of the present Cabinet officers has refused to give to any suspended officer, or to any Senator representing him, information as to the charges made against him, only declining, as do our own committees under our own rules, to make known the authors of such charges. They also fail to tell us that if any committee of this Senate or Senator had politely requested of any head of Department papers relating to suspensions, and there had been reasonable ground for the belief that such request was *bona fide* made, looking to the good of the public service or even to the good name of the suspended official, such papers would have doubtless been granted, as in fact they were by several Departments in the early days of this session; but that when the majority of the Senate made such a demand as a matter of right, a claim which had hitherto never been heard of, and when they had set out on this line upon a crusade against the President, with a view to nothing else than gaining a political vantage ground in a trial of strength before the people, then the President and his friends deemed it proper for him to stand upon his rights and to recur to the true principles and ancient usages of our Government with respect to removals or suspensions.

A departure from such principles and usages had never arisen from any other cause than that comity which naturally led one branch of the Government to respond to a respectful request of another. But when the same information came to be demanded as of right and with a hostile intent, I do not believe that we ever had a President who would have yielded to such a claim. We have had one at least who would have rejected it in much more nervous language than Mr. Cleveland has used. That man was Andrew Jackson, who, as we were informed by the Senator from Vermont on the opening of this debate, responded to such a request (not a demand) with the curt reply that the Senate had better mind its own business and let his alone. It is very pertinent to inquire here why it was that when Andrew Jackson chided the Senate for impertinence in sending for his private letters, written to enlighten his own discretion in discharging his own executive functions, he was not arraigned before the country as trampling upon the Senate's rights and privileges? I know of no sufficient answer to the question, unless it be that certain Senators, filled with lofty ideas of Senatorial power, did not live in those days.

But, sir, the majority report insists that the Senate is specially called upon, both by the act of 1869 and by the President, in the case of every suspension, to advise and consent with regard to the removal of the suspended official, and therefore that they are entitled to all letters addressed to the President bearing upon his merits or demerits, so that their judgment may be informed about the propriety of his restoration to his office, as the President's discretion was enlightened touching his

suspension. We deny that the last tenure-of-office act of 1869 either bears or was ever intended to bear any such construction. Section 1767 of the Revised Statutes provides that every term officer appointed by and with the advice and consent of the Senate shall serve out his term, unless sooner removed by and with such consent, except as in the next section provided. Then the next section, which is plainly intended to make an independent provision for the necessities of removals in the recess of the Senate, specially authorizes the President, in his discretion, to suspend any man during such recess, be he a term or a non-term officer, till the end of the next session of the Senate, and to nominate to that body at such next session a person in the place of the man suspended; and if the Senate during such next session shall refuse to advise and consent to the confirmation of the President's nominee, then the President shall nominate another person to the same session of the Senate.

The sole duty imposed upon the Senate under the terms of this law is to confirm or reject the President's nominee. And that this is also the primary and controlling purpose of the law is proved by the fact that although we pronounce the suspended officer as pure as snow in character and as to his duties perfection itself, we can not thereby restore him, but immediately upon our refusal to confirm the first nominee of the President the law calls upon the President to nominate a new man, whose rejection leads to the same result, and so on to the end of the session; not one word being said about the restoration of the suspended official, but such results being left to flow consequentially, if at all, from our failure upon a presumed honest effort to find a Presidential nominee whom we are willing to confirm. Does not this show most clearly that the design of the act of 1869 is simply to get a good officer in the place of the suspended party whom the President has pronunced not to be a man whom he can trust for some cause, either political or personal, to aid him in the execution of the laws; and that it is not intended to devolve upon the Senate the primary duty of trying and passing judgment on the suspended party and then of rejecting the President's nominee if such suspended officer is found in our judgment to be a good and faithful officer? The object of the act of 1867 was, on the contrary, by its express terms, to first try and pass judgment upon the person suspended, and to that end to force from the President all papers and information pertinent to such trial. The act of 1869 repealed, and was intended to repeal, all this, as its terms plainly declare; and yet Senators, by their artful constructions, are trying to inject into this act of 1869 all the obnoxious and repealed features of the act of 1867. Surely never did a miser part from his worshiped treasure more unwillingly than some Senators on this floor from the unnatural and dangerous powers which the convulsive energies of a political revolution accidentally threw into their hands.

To enable us the better to get an insight into the true construction of the act of 1869, let us suppose the end of the session reached to which the President is to send in his nomination in the case of a suspension, and let us further suppose that no confirmation of a Presidential nominee has been had. What sort of a restoration is this which the old incumbent will get? At the President's will it will be a fiction and not a fact—momentary, profitless, a mere apple of Sodom. According to the received construction, which the Senator from Vermont has quoted approvingly, the President can at once resuspend, and so the process may go on to the end of his term of office. And no one can doubt that the President will, and no one can blame him if he does, use every means the law gives him to prevent his political adversaries from factiously thrusting upon him an officer whom he has, for reasons satisfactory to himself, pronounced unsafe to be trusted by him in the execution of the laws.

And thus this beautiful specimen of legislation, which this Senate forced upon the country in spite of President Grant's protest and against an overwhelming majority of the other House, brings us to this issue, that a law which the majority of the Senate contends was intended to curb the power of removal by the President over all offices which, by the law of their creation, are to be filled by and with the advice and consent of the Senate actually confers upon the President the power to fill such offices during almost his whole term of office without any such advice and consent at all. And so all this magnificent campaign inaugurated by the majority of the Judiciary Committee, this heavy bombardment of the White House by the Senator from Vermont, and the fiery assaults by the Senators from Iowa, Illinois, and Oregon, is to accomplish this wonderful result, and nothing more, that the Senate must have the President's private letters to help them to form a judgment as to the fitness of a suspended officer to be restored to his place, into which, after all, we can not put him, but can only lead the poor fellow to the door and there leave him shivering out in the cold. But our friends will at least have the satisfaction of knowing that they have fought a gallant battle, even if they have won a barren victory.

And now, Mr. President, what else can be the object and aim of this great strategic movement upon the Executive, unless it be a maneuvering for political position? From the able generalship under which the campaign is conducted and the flourish of trumpets with which the onset is preluded, the world is led to believe that some momentous enterprise is on foot, which will deeply stir the hearts of men and vitally affect the interests of the people. Yea, and so it is; for is not the fair fame of Republican officials at stake? Some evil-disposed speakers and some reckless newspapers, not having the fear of God and of the Republican party before their eyes, have dared, during the late Presidential campaign, to sing as a chorus to their speeches and writings "Turn the rascals out;" and therefore Republican Senators, fired with a righteous indignation, must spend months of time to demonstrate the falsity of a political battle-cry by ransacking the country over for affidavits proving how immaculate have been these martyrs to their political faith. They never tire of telling us, moreover, that President Cleveland has said he would turn out no man unless for cause, and as he has suspended hundreds of Republican officials before their terms expired we are bound to infer that he has received and sustained charges upon which these suspensions have been based. And Senators must have these papers so as to be able to vindicate their suspended friends from fraudulent accusation.

Now, sir, do not our Republican friends know that they are calling upon the President in effect to do what Republicans and Democrats in 1869 deliberately determined, by a solemn act of Congress, that the President should no longer be required to do? Do they not also know that they are voluntarily and illegally assuming, for partisan purposes, to do what the Senate and the other House declared it was impossible to do without a reckless waste of time which should be devoted to the honest business of the country? What our honored presiding officer then in debate declared "could not be practically enforced with a due regard to the public interests" for want of time during any session of Congress of any reasonable duration? What Senator Morton said "would impose upon the Senate a labor it can not perform, and which it would be physically impossible for it to discharge?" What Mr. Carpenter declared to be "too cumbrous for the Senate to dispose of?" We have been told that the President has sent to the Senate about six hundred and forty cases of suspensions out of the thousands of Presidential appointments in the country. If our committees attempt to investigate all such cases (and certainly it will not do in this righteous crusade to pretermit the case of a single one of their suffering innocents), a large portion of the time usually allotted to a long session must be given to this whitewashing process, which should be devoted to the pressing needs of public business.

But, sir, let us suppose these investigations begun. Do Senators for a moment suppose it to be possible that the President and the heads of Departments, aided by the knowledge of Senators and Representatives as to facts, have been so precipitate and reckless in their action that they have not been well assured as to the truth of charges in the most of such cases? Is it not probable, after full investigation by our committees, that there will be found good grounds of grave suspicion in many other cases? And now suppose that in some cases the charges can be disproved; it will not show that the President has acted unfairly, but only that he may have been misled. In many of these the parties accused would doubtless prefer that the charges should sleep forgotten or unknown in the pigeon-holes of a Department rather than that superserviceable friends should drag them to light and raise an uproar around their heads. In the very case before us—that of Duskin—the man never made any complaint and asks for no vindication. Why, then, I ask, should Senators desire to raise issues over charges made in letters to the President, when we do not even know that they were the real grounds of suspension, and when, if they were, the parties charged are seeking no investigation, and when, if they do, any one could have gone to the head of the Department and upon a polite request have learned what the charges were, so that the parties concerned could, if they had been able, have vindicated themselves before their neighbors and friends at home, where ninety-nine hundredths of them were alone ever heard of?

The purposes of vindication would have been thus more fully answered than by the waste on our part of months of time that belong to important legislative work. And such vindication could have been thus reached without calling upon the President to disgrace his high office by becoming a common informer before the country, and thereby stirring up strife and feuds all over the land. Our Republican friends are doubtless humane and sympathetic gentlemen, sensitively jealous of the fair fame of their suffering brethren; but I must confess I do not see how this crusade of theirs can accomplish any real private or public good. It would rather seem to be a most capital device to waste the public time and to foment private strife. And still they are quite as horrified at our unwillingness to help them on in their enterprise as was the immortal Stiggins over the profane refusal of Tony Weller to contribute toward the scheme of that reverend gentleman's society of lovely females to send flannel waistcoats and moral pocket-handkerchiefs to the shivering and benighted pickaninnies of the West Indies. It would be a piece of profanity to say that one scheme is about as suggestive of any real moral or physical good as the other. We will not therefore attempt the comparison.

But, Mr. President, it is not only the professed object of this demand upon the President to vindicate the fair fame of their martyred brethren, but it is no doubt also their aim to convict the President of being faithless to his professions as a civil-service reformer by showing he has, upon false or frivolous charges, or without any at all, removed good Republican officials and put Democrats in their places. To emphasize

this accusation, they have over and over again alleged that Mr. Cleveland has pledged himself to turn no Republicans out of office without cause. So often and so confidently has this assertion been made that it has come to be accepted as an undoubted truth even among some of the President's friends. The President has told us what I always knew, that this charge is utterly untrue, and that in no public utterance has he said so in words, or even in substance, as the word "cause" is usually and properly understood. The President never expressed himself more emphatically on this subject than in his letter to Mr. Curtis just after his election. He then renewed his pledge to enforce the civil-service law; and he who says he has not kept his pledge must either be blind to passing events or too warped by party prejudice to speak the truth. He therein claimed that all offices connected with the policy of the administration of the Government were exempt from even the spirit of the civil-service law. He further stated that there were certain offices outside of that law which were so clearly of a purely clerical or ministerial nature as to be within its spirit, and that in his opinion incumbents of such offices, being faithful and efficient, should not be displaced, simply because they were Republicans, to make room for others, simply because they were Democrats. But he at the same time declared that all office-holders who had manifested more of the *esprit du corps* of soldiers fighting the battles of their party than of civilians intent upon the faithful discharge of duty—men who were ever prostituting their official character and position by acting as busy, blatant, and offensive partisans—would receive no favor at his hands. To incur his condemnation he has never said that an office-holder must be guilty of any special act of misfeasance or of nonfeasance, such as is ordinarily meant by the word "cause," and such as is described in the first tenure-of-office act as equivalent to that word. It was only necessary that they should be offensive partisans.

What then, Mr. President, becomes of this famous presumption that every man who has been suspended must, under the President's declared policy, be necessarily charged with some offense of a criminatory character? While he has never said he would only turn men out for such a cause, he has repeatedly stated that he would suspend for intemperate partisanship. When we remember that for twenty-four years prior to the 4th of March in the last year an appointment to office by a Republican President was generally equivalent to an enlistment to fight Republican battles in season and out of season, by all means known to the most approved (and sometimes unapproved) party tactics, the presumption is vastly stronger that any given suspension was made for such a political cause (which the most of our friends on the other side would consider an honor rather than a demerit) than for any cause importing a personal disgrace. The whole pretext, then, for this Republican onslaught upon the President is swept away. The whole groundwork of the famous protoplastic evolutionary speech of the Senator from Iowa dissolves into thin air, and the speech itself vanishes away with it, with all its portentous accusations that Democratic President, Cabinet, and Senators are engaged in a vile conspiracy to destroy the characters and reputations of American citizens. Like the Knight of La Mancha, he and his coadjutors have sallied forth to vindicate those whose reputations have never been assailed. They are fighting nothing but the figments of their own imaginations. But if driven from this ground, they take the other, that they will confirm no man nominated in the place of a person suspended solely for a political offense and with no charge of any personal misconduct or delinquency against him, then will Republican Senators be justly chargeable with an attempt to re-enact, out of the plentitude of their own power, all the repealed portion of the act of 1867, by requiring not only that the President shall be compelled to give his reasons, but that those reasons, in order to justify a suspension, shall import some dereliction in duty or offense against the law. Then Senators should not complain if they find the outside world charging that there is an attempt in this land of freedom to set up an odious oligarchy whose seat is to be the Senate of the United States.

Mr. President, I have no doubt that if the President could be made to give us his reasons for suspensions, it would turn out that very many of them would be found based upon this purely political ground. And when we consider the extremely partisan character of the service for the last twenty-four years, we scarcely think our Republican friends should show so bitter a spirit over the course the President has pursued. With a spirit of moderation which our Republican friends fail to appreciate, and which our Democratic friends find it most difficult to understand, Mr. Cleveland still keeps in office tens of thousands of Republicans, many of them having been bitter partisans during their official terms, now at the end of the first year of his administration; while scores of thousands of Democrats are pressing forward with a keen scent and a hunger sharpened by a long, long fast of twenty-five years, striving to enter the promised land. Men high in position, the chosen leaders of their party, with great ardor and consummate skill, are marshaling these thronging and expectant hosts, and are laying siege to the lone man who is guarding the fort of civil-service reform. Like some great leader in one of the remarkable awakenings of the human mind, he stands the embodiment of the spirit of reform; because he believes that the methods of the fathers of the Republic are essential to the purity and permanence of our Government; because he believes that the warnings of Clay, Webster, and Calhoun against the dangers of a sweeping change in the offices upon every change of political dynasty are full of the deepest significance; because he believes that the reasons which in 1882 led large majorities in both Houses of Congress to adopt the present civil-service law were sound and conclusive; because he believes that, unless party platforms are party frauds, the professed creeds of the two great parties of the country in 1884 demonstrated that a large majority of the people of the country are in favor of this species of reform, and finally, because in his inmost convictions he believes he is right.

I must confess, Mr. President, I can discern nothing great or noble, nothing but the littleness of partisan politics, when I see the President's political adversaries striving by every imaginable device, by every species of partisan misrepresentation and special pleading, to cover over with the disgraceful mantle of an imputed hypocrisy a Chief Magistrate who, in the midst of such unprecedented trials and innumerable obstacles from friends and foes, stands firm as a rock in the defense of a principle he feels to be right and which such multitudes of patriotic men believe to be the last refuge of good and honest government. And I must say to the President's friends who are not in full accord with him on this line of policy that I see nothing in his principles or in his policy to provoke either derision or invective. We who are Democrats and you who are Republicans voted for candidates upon platforms which professed loyalty to civil-service reform. Whatever our status then may be on this question it behooves us to remember he at least is consistent.

Sir, much harsh criticism has been poured upon the President's expressed intention to hold offensive partisanship as a ground for suspension. I must confess I can not see, upon the principles of civil-service reform, which he fully avows, that his position on this point is untenable, much less deserving of the contemptuous rejection awarded it by many. To the man who adopts the creed, which, upon its first annunciation in this body, was received with words of deep condemnation, to say nothing of alarm, that "to the victors belong the spoils," the President's attitude doubtless looks absurd. He who believes at this day that Mr. Cleveland in any degree adheres to this stalwart creed of politics must be a doubting Thomas of the first water. He believes, as did Mr. Jefferson, that a public office is in fact and not in name a public trust, and that a public officer should devote himself to the duties of his office and not to party work. He believes with all the fathers of the Republic, and with Webster, Clay, Calhoun, and hosts of our ablest and purest statesmen, that an immense army of office-holders, drilled, organized, and equipped to fight the battles of their party, would be a most powerful engine to overthrow the liberties of a free country; and that men who are paid out of the public Treasury to do the whole people's work have no right to use their time and the influence, money and prestige which their official positions give them to control the elections of the country.

He believes that this immense army, dependent for the very means of existence upon one will which gave and can take away their livelihood, could be most effectually used to perpetuate power and to become the bulwark of tyranny. Hence he desires to divorce official life from the bitterness and intensity of party strife. It is not his aim to deprive the citizen of his true freedom of thought or action; but he does desire to free him from a political thraldom which will compel him not only to vote, but to work and give for the party ticket or to lose the bread upon which he feeds. To the man who can and will think it is plain that the attitude of the President with respect to offensive partisanship has no reference to any excess of political zeal of any officer before his induction into office. It is solely with official intermeddling with the manipulations of party politics that he proposes to deal.

Mr. President, although I can not, in anything I have said or can say, speak *ex cathedra*, yet looking over the list of suspended office-holders as they stand on the files of the Senate, I feel very sure that in a large number of cases the changes have been made on this ground of offensive partisanship. And I feel sure, too, that the lists of office-holders have not been yet fully purged. While this may afford to our Democratic brethren comfortable ground for hope of a further enjoyment of the flesh-pots of Egypt, it can be no just ground of complaint to our Republican friends of the stalwart class, who profess that they can look on with perfect equanimity while, for political reasons, the guillotine is doing its work and the heads of their partisan followers are falling into the basket. For if these men do not die a political death for political reasons, then no man ever did or ever can.

And, in fact, no Republican of any stripe can justly find fault with the mild and generous course of President Cleveland with respect to suspensions, except those pre-eminently fair-minded and unselfish men who, not content that their party friends on the civil lists have had a monopoly of the vast patronage of this country for twenty-four years and have consumed some $600,000,000 of the public money, still expect and desire that the civil-service law, like an angel with a flaming sword, shall continue to guard their paradise of office-holding against the intrusion of unhallowed Democratic feet. When we hear such men singing the praises of the civil-service law and demanding that the

President shall extend its reach far beyond its actual scope simply to keep their friends in office, we, as Democrats, are thankful for the rule of offensive partisanship, which is our key at once to open the door of the promised land and to close the mouths of our stalwart friends, who rejoice in martyrdom for opinion's sake.

And now, Mr. President, if the executive department, which is a co-equal and co-ordinate branch of our Government, does not choose to allow itself to be catechised by us as to its reasons for exercising its discretion in a matter exclusively appertaining to its own duties, what do our Republican friends propose to do about it? Warning, threatening notes have been already heard that they may conclude to refuse confirmation to all appointments in cases of suspensions, and to appeal to the country for their vindication. We accept the issue. We hold such a position to be that of obstructionists, of men who by the rule of numbers and therefore of sheer force, and not by virtue of law or right, are doing their best to stop the wheels of Government. We are convinced that a large majority of the people of this country—all the Democrats and many Republicans—hold to the doctrine that the power of removal rightfully belongs to the President, and that Congress has no right to pass laws to hamper and control that power; and *a fortiori*, that this Senate has no right, by any device in lieu of such law, to arrogate any part of such power to itself. We believe further that the people fully understand the demands you have made upon the President through the heads of Departments—that they consist on the one hand of nothing but a deceptive and misleading form of words, and on the other of nothing but misunderstood and misapplied precedents.

We feel assured, too, that the adoption of the tenure-of-office act of 1867 was not the deliberate choice of the American people, but was foisted upon the Government as a revolutionary measure in revolutionary times. We know that Congress in 1869, in partial obedience to the demands of the people, repealed the worst features of the act of 1867. We know that General Grant in less than twelve months from the passage of the act of 1869, mild as it comparatively is, declared it to be "inconsistent with a faithful and efficient administration of government." We know that in December, 1869, the House of Representatives, coming fresh from the people, voted by a majority of 6 to 1 to wipe out the last vestige or the tenure-of-office acts and to leave the President with his full power of removal, as he had always, except for two years, possessed it; and that again in 1872 another House of Representatives, breathing the will of an earnest people, reiterated the demand for repeal by a most decided vote. While the people have beheld the Senate thus holding on with a tenacious grasp to what so large a majority believe to be, even in its minimized form, a usurped power, we have seen President after President—Garfield, Arthur, Cleveland—all patriotically and unselfishly indorsing the passage of civil-service laws, whereby the control of their administrations over appointments would be abridged, because they believed that the purity and efficiency of the service could be thus promoted. The people have seen, too, with no slight disapproval, the ease with which the President's purely executive power of removal from office could, under a law professing to regulate it, be practically annihilated and usurped by the Senate. And they know full well that it is the branch of the Government which is the least popular in its character that is ever seeking to enlarge its powers and is most loath to unloose its hold upon whatever it has once managed to inclose within its grasp.

And having seen all this enacted before their eyes and having demanded and obtained the repeal of one of the most obnoxious provisions of the first tenure-of-office act, whereby the President was compelled to assign his reasons for suspensions, we feel doubly sure that the people will indignantly repudiate the attempt now being made by a majority of the Judiciary Committee, by a mere device, by a trick of words, to bring into renewed life what they thought a solemn act of Congress had stamped out of existence. Sir, the gage of battle which some Republican leaders at least have thrown down we promptly take up, feeling fully assured of a successful issue before the tribunal of the people.

Mr. BECK. Mr. President, the Senator from Maryland in his very logical and able speech, which I did not care to interrupt while he was progressing, seemed to wonder why Mr. Duskin was not here contending for himself. The Senator from Vermont and all the Judiciary Committee, the present Attorney-General being then one of them, know very well that Mr. Duskin was nominated in March, 1881, and the Senate did not see fit to confirm him. He was again appointed after the adjournment of that session of the Senate and nominated in October, 1881, and the Senator from Vermont did not feel justified even in reporting him to the Senate for confirmation at that special session.

Mr. EDMUNDS. Mr. President, I rise to a question of order as a matter of duty. The Senator is violating the rules of the Senate in referring to proceedings in executive session.

Mr. BECK. There is no executive session here involved. The records show and the public papers show three nominations of Duskin; and it was because the Senator from Vermont knew that he was unworthy that he expected to entrap this Executive into a compliance with——

Mr. EDMUNDS. I again rise to a question of order.

Mr. BECK. I will submit to the question of order.

Mr. EDMUNDS. The Senator from Kentucky has stated that the Senator from Vermont did not feel justified in reporting a certain nomination in executive session.

Mr. BECK. He did not do it.

Mr. EDMUNDS. I call the Senator to order, Mr. President, and I say that the Senator from Kentucky is out of order in stating any such thing, whether it be true or false, which I do not remember.

Mr. BECK. I insist that nominations are public acts, and the public press of the country shows the fact that Mr. Duskin was nominated in March, 1881, again in October, 1881, and again in December, 1881, and that his nomination was not acted upon by the Senate until December, 1881, and the public press of the country shows it.

Mr. EDMUNDS. That is not what the Senator stated. He stated that the Senator from Vermont did not feel justified in making a certain report in executive session. That I state, Mr. President, is out of order, and I ask the Chair to decide it.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that the Senator from Kentucky, if he desires to keep within the rules of order, can not properly mention here what has occurred in executive session.

Mr. BECK. I did not speak of anything that occurred in executive session. I spoke of the public fact that the Senator from Vermont was chairman of the Judiciary Committee during the sessions of March, 1881, of October, 1881, and of December, 1881, and twice the records and the public press show that he did not see fit to act upon this man's name.

Mr. EDMUNDS. Again the Senator is out of order, if the Chair will enforce the rules.

The PRESIDENT *pro tempore*. The Senator from Kentucky has an undoubted right to refer to public facts such as a nomination, but——

Mr. BECK. And to-morrow I will prove the public fact I state by the press of the country.

Now I will go further. The records of an investigation held in the House of Representatives, which are published and which I will produce, show that in his connection with Strobach, the marshal, he was an utterly unfit man to hold the place from which he was removed, and the Senator from Vermont himself knows that fact. And I think I will produce the record from the then Attorney-General of the United States, Mr. Brewster, a Republican Attorney-General, verifying that fact; and I hope in executive session to require and by a vote of the Senate to compel the Senator from Vermont to produce evidence which he has before his own committee, to show the unfitness of that man to hold any place of honor, profit, or trust. And I hope to prove that his effort to make the issue in this case in regard to Duskin was because he believed Duskin's case was so bad that the Democratic administration would be glad to prove how bad it was, and then he could claim it as a precedent in good cases. I hope to prove that all this movement now made with such a flourish of trumpets—no, I will not say what I expect to prove, for I can not do it perhaps in parliamentary language.

Mr. EDMUNDS. Mr. President, I must leave entirely in silence what the Senator from Kentucky has stated in regard to affairs in executive session. I feel bound in honor not to make any allusion to any such subjects. The ideas of Senatorial honor, under the rules, of the Senator from Kentucky and my own are entirely different. Perhaps mine are wrong; perhaps his are right. Every Senator is sworn to a faithful performance of his duty as a Senator according to the regulations of the Senate that are made under the Constitution. If the Senator from Kentucky thinks it is honorable to garble and misstate the existence of circumstances occurring with closed doors of course I have no criticism to make upon his sense of what is honorable and right. I can not under the rules of the Senate and my oath make any reference to what has taken place under any circumstances when the doors are closed. Therefore I can make no reply to what the Senator from Kentucky has said on the subject to which he has alluded that transpired in executive session.

As to the other part of the affair, of what the reports in the Attorney-General's Office will show about Mr. Duskin——

Mr. BECK. I did not say the Attorney-General's Office; I said in the Committee on the Judiciary of which the Senator is chairman.

Mr. EDMUNDS. What the Senator from Kentucky said was that a report made to or by Mr. Brewster, an Attorney-General of the United States, somewhere and at some time, would show a certain thing. I can not allude to what the Judiciary Committee has or has not done. When some day I have leave to allude to it, I will endeavor to defend the honor of that committee and each one of its members; but I shall not violate my oath or my honor by doing it now, whatever other gentlemen may choose to do.

Now, then, if the reports in the Attorney-General's Office in the time of Mr. Brewster or any other time show that Mr. Duskin is or is not a good officer, I do not know, and I do not care. If there be reports in the Attorney-General's Office concerning Mr. Duskin, it was precisely those things that the Senate desired to know when it passed its resolution. It appears that the Senator from Kentucky can get at what the Attorney-General and the President of the United States consider to be confidential and private communications, when the Senate of the United States can not; and that is an advantage which the Senator from

the State of Kentucky has over the body of which he is a member; and that is undoubtedly an advantage which the administration considers to be, as all the Democratic Senators do I presume, of very considerable importance.

But what the Senator from Kentucky can get it appears that the Senate can not. What the Senate asked, and what it only asked for, was a report of official papers and documents on file in the Department of Justice respecting the conduct and management of an office covering a period of time embracing six months of a suspended officer and six months of the officer whom we are asked to appoint, in order that the Senate might see how this office in the public service had been managed by its respective occupants, whether money had been embezzled, whether false indictments had been brought, or whether the office had been, under both of them, or either of them, well and honestly administered. That is what the Senate asked the Attorney-General to report, and nothing else.

Now if, as the Senator from Kentucky states, Mr. Duskin has been a bad officer and a bad man, it is of the highest importance for every reason, which I need not go into in detail, that not only the Senate of the United States but the House of Representatives should know it; and how papers relating to anything that he has done in the nature of misconduct either in office or out of office connected with public affairs can be confidential private communications that belong to the President alone I am quite unable to understand. But I did not intend to go further into this business now than to make the statement that I have.

Mr. BECK. I desire to say to the Senator from Vermont that his resolution, as I understand it, directed to the Attorney-General, only extends, I think, to the 1st day of January, 1885, and I desire to say to him further that I have never seen a paper in the Attorney-General's office relative to Mr. Duskin, nor have I ever asked to see one, nor have I ever spoken to the President of the United States in regard to Mr. Duskin; and, as to my honor and my oath, I hope they are as sacred as those of the Senator from Vermont. If they were not at least as good as his I should not have as much regard for myself as I have. I propose to stand upon my integrity as a man and a Senator, and I say that a forty-parson power would not do justice to much of the hypocrisy that is now presented to the Senate under the pretense of desiring to see public justice!

Duskin was known to be an unfit man for the place he occupied, and nobody knows it better than the Senator from Vermont. He selected this particular case, in my judgment, because he believed that the executive power knowing that Duskin was unfit, and knowing that the Springer resolution and the Springer investigation connected him with Strobach, the marshal of Southern Alabama, to such an extent as to show that he was unfit to retain his place, and knowing that the present Attorney-General, then a member of his committee, was as well aware of that fact as he is, he would develop the unfitness of that man, and that would give him an excuse in other cases in order to bring scandal before the country to seek to make the struggle to obtain what he knows and what the country knows and what the Senate knows he has no right to demand from the Executive, who has been given an absolute discretion over the power of suspension. When I said to the Senator from Maryland that notwithstanding the able and exhaustive speech he had made showing the absurdity of this effort, he was not aware perhaps of how cunningly this game had been worked up hoping to get the executive officers in a trap, knowing that they had an absolutely good case against Duskin, the Senator from Vermont had to rise and talk about his honor and his oath and his integrity and to compare them with mine. I am willing to stand by the comparison. Thank God, whatever I say I say boldly, openly; I mean what I say. I do not stand on the corners of the street and say, "Thank God, I am not as other men," and pray aloud to make men believe that I have all the virtue and all the integrity and all the godliness extant.

When I meet a great public question, I meet it; I meet it fairly. I may make blunders, and I may make mistakes, but I have more respect for the man who meets his enemy in the open field and either knocks him down or takes a fair knock-down, than I have for the man who stabs his brother under the fifth rib when he is taking him by the hand and asking him, "How is it with thee, my brother?" I do not believe in secret ways. I do not believe in phariseeism. I do not believe in hypocrisy. I do not believe in circumventing anybody. And I believe I will move now, in order to see whether I am stating what was not true or not—and if I can not move it now I will at the first opportunity—that all the proceedings in March, 1881, all the proceedings in October, 1881, all the proceedings in December, 1881, all the papers filed in the Judiciary Committee, and all the proceedings had before the Judiciary Committee in the case of the nomination of Duskin shall be made public so that the country can judge whether what I say is true or not.

If I have falsified anything I will take it back; and if I have not I want a chance to prove it now, since comparisons are made between the oath and the honor of the Senator from Vermont and of myself. I make that motion now and will let it lie over until to-morrow morning, or I will do it in the first executive session if it is not in order to do it now.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion is not in order now, but the Senator may ask unanimous consent of the Senate to make it.

Mr. BECK. I ask unanimous consent.

Mr. EDMUNDS. That is not in order in open session.

Mr. BECK. I shall move that the nominations which were discussed in March, 1881, October, 1881, and December, 1881, and all the papers and journals and records made in the Committee on the Judiciary in the Duskin case be made public.

Mr. EDMUNDS. That motion is not in order in open session.

The PRESIDENT *pro tempore*. The Chair is of opinion that as the motion itself will lead necessarily to a violation of the rules it must be made in executive session.

Mr. BECK. I shall make it the first executive session when I shall have a right to make it.

The PRESIDENT *pro tempore*. Pending another question it is not in order.

Mr. EDMUNDS. And I shall undoubtedly agree with the Senator from Kentucky, as I do, in a very large part of what he has said. When he said that he does not pretend to be better than other men, I am bound to agree with him. Yes; I am bound to agree with him; it would be impolite not to do so. When he said that he compares honor, I agree with him about that. He has his own views of what is honorable, and I have mine. I suppose, however, both being democrats, we are both entitled to our opinions as to what is honorable.

All that the Senator said was simply a plain, manifest, I will not say intended, violation of the rules and orders of the Senate in his referring to considerations of reports of committees or want of reports of committees in executive session. Perhaps the Senator is not conscious that he violated the rules in that regard. I doubt that he is, because everything provided by our rules is the right thing at the right time and in the right way. But he did that thing, and it was in respect of that that I called the attention of the Chair.

Mr. BECK. Where did the Senator from Vermont get the Thurman letter which he read the other day?

Mr. EDMUNDS. The Senator from Vermont got it from the letter-books of the Judiciary Committee under an order of the Senate, made after lying over one day on the objection of the Senator from Delaware and by vote the next day, the Senator from Delaware saying that he was perfectly satisfied that it should be done. The Senator from Vermont therefore in getting the letter of Judge Thurman got it under the order of the Senate taking off the injunction of secrecy from it. Perhaps the Senator from Kentucky can see the distinction. I think he can.

Mr. BECK. I can see a barn, but I can not see a fly on a barn-door and not see the barn, I take it.

Mr. EDMUNDS. Undoubtedly the Senator has seen a good many barns, I have no doubt; but I should be obliged to say he had not seen much of anything else, the way he goes on.

Mr. BECK. I have not seen the fly.

Mr. EDMUNDS. No, the Senator never takes anything on the fly. [Laughter.]

Mr. BECK. Nor on the sly either. [Laughter.]

Mr. EDMUNDS. I come again, Mr. President, to Duskin. The Senator from Kentucky says that this particular resolution of the Senate was devised, as he has now discovered, to entrap the President and the Attorney-General into reporting the official facts on file in the Department of Justice which show that Duskin is an improper officer, in order to make a precedent for entrapping the President and Attorney-General into reporting on other cases where they have slaughtered a man upon charges, on the invitation of the Postmaster-General or somebody else, that are false and fabricated; and that therefore the administration is going to be unveiled before the people of the United States by being entrapped into telling the truth about a bad officer, and so be led to tell the truth about a good officer. That certainly is an amazing attitude for the administration to occupy, and I take it the Senator from Kentucky represents it on this occasion. It will not give the official information that it possesses on the files of that Department about a citizen whom it asks us to remove or assist in removing, because giving that official information in a case that we should be able to act upon if we knew the facts that are upon the papers, for fear that in another instance, where an officer has been accused falsely and by invited perjury of offenses that he never committed, the conduct of the administration will be brought into reproach. That is its attitude, and I will leave it just there, Mr. President.

Mr. SPOONER obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate numbered 3 and 4 to the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes; that it had disagreed to the amendments of the Senate numbered 2, 6, and 7, and that it had agreed to the amendments of the Senate numbered 1 and 5, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city; and

A bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof," passed June 3, 1864.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask that House bill 5893 with the action of the House of Representatives be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore.* If there be no objection the bill with the action of the House of Representatives on the Senate amendments will be referred to the Committee on Appropriations. It is so ordered.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move, with the consent of my friend from Wisconsin [Mr. SPOONER], that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore.* The Senator from Wisconsin retaining the floor, on the resolutions reported by the Committee on the Judiciary, the Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 56 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received this 17th day of March.

UNITED STATES MARSHAL.

Zephaniah T. Hill, of Colorado, to be marshal of the United States for the district of Colorado, *vice* Walter A. Smith, commission expired.

UNITED STATES CONSUL.

Richard M. Stadden, a resident of Manzanillo, to be consul of the United States at that place, to fill a vacancy.

ASSISTANT SURGEON IN THE NAVY.

Louis William Atlee, a resident of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

COMPTROLLER OF THE CURRENCY.

William L. Trenholm, of South Carolina, now a Civil Service Commissioner, to be Comptroller of the Currency, in the place of Henry W. Cannon, resigned.

CIVIL SERVICE COMMISSIONERS.

Charles Lyman, of Connecticut, now chief examiner of the Civil Service Commission, to be Civil Service Commissioner, in the place of Dorman B. Eaton, resigned.

John H. Oberly, of Illinois, to be a Civil Service Commissioner, in the place of William L. Trenholm, nominated to be Comptroller of the Currency.

COLLECTOR OF CUSTOMS.

John F. McDonnell, of Florida, to be collector of customs for the district of Saint Mark's, in the State of Florida, which office is now vacant, the term of office of Joseph Hurst having expired.

POSTMASTERS.

Thales E. Givens, to be postmaster at Abingdon, Knox County, Illinois, *vice* A. B. Cochran, resigned.

Archibald P. Pounds, to be postmaster at Danville, Hendricks County, Indiana, *vice* Albert H. Kennedy, to be removed.

Frederick W. Verbarg, to be postmaster at North Vernon, Jennings County, Indiana, *vice* W. S. Prather, resigned.

Zacheriah L. Bicknell, to be postmaster at East Weymouth, Norfolk County, Massachusetts, *vice* A. J. Garey, commission expired.

Charles A. Hemenway, to be postmaster at Framingham, Middlesex County, Massachusetts, *vice* George F. Heartwell, commission expired.

William R. Baker, to be postmaster at Booneville, Cooper County, Missouri, *vice* Joseph A. Eppstein, deceased.

William G. Buckner, to be postmaster at Brownsville, Saline County, Missouri, *vice* Milo L. Laughlin, to be removed.

James T. Dunn, to be postmaster at Stanberry, Gentry County, Missouri, *vice* Alexander R. Stockton, resigned, to take effect April 1, 1886.

Samuel S. Harris, to be postmaster at Cape Girardeau, Cape Girardeau County, Missouri, *vice* August Bierwirth, whose commission expires March 22, 1886.

Miles Goodman, to be postmaster at Virginia City, Storey County, Nevada, *vice* David O. Adkinson, commission expired.

George M. Dawes, to be postmaster at Washington, Warren County, New Jersey, *vice* Joseph E. Fulper, whose commission expires March 22, 1886.

J. Mount Smith, to be postmaster at Hightstown, Mercer County, New Jersey, *vice* Charles Keeler, whose commission expires March 22, 1886.

Nelson G. Foshay, to be postmaster at Peekskill, West Chester County, New York, *vice* Alexander D. Dunbar, whose commission expires March 29, 1886.

Harry Hall, to be postmaster at Catskill, Greene County, New York, *vice* Joseph F. Joesbury, deceased.

John M. Hengstler, to be postmaster at Defiance, Defiance County, Ohio, *vice* George W. Deatrick, resigned to take effect March 31, 1886.

Henry C. Baird, to be postmaster at Athens, Bradford County, Pennsylvania, whose commission expires March 15, 1886.

Joseph Powderly, to be postmaster at Carbondale, Lackawanna County, Pennsylvania, *vice* Edward Y. Davies, commission expired.

R. B. Long, to be postmaster at Tyler, Smith County, Texas, *vice* Albert F. Hunt, whose commission expires March 29, 1886.

P. A. Smith, to be postmaster at Navasota, Grimes County, Texas, commission expired.

P. H. W. Spencer, to be postmaster at Greenville, Hunt County, Texas, *vice* Jefferson Scoonover, whose commission expires March 29, 1886.

WITHDRAWAL.

Nomination withdrawn March 17, 1886.

Frederick W. Verbary, to be postmaster at North Vernon, Ind.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 17, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk commenced the reading of the Journal of yesterday's proceedings.

Mr. ROGERS. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and resolutions.

There was no objection.

The Journal was approved as read.

RICHARD JOSEPH.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a list of suspensions made by the late First Comptroller in the accounts of Richard Joseph, disbursing clerk of the Interior Department, and recommending legislation conferring authority to pass to the account of said clerk the amounts suspended; which was referred to the Committee on Expenditures in the Interior Department.

EXPENDITURES OF DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting a statement of expenditures for the Department of Agriculture for the fiscal year ended June 30, 1885; which was referred to the Committee on Agriculture, and ordered to be printed.

BILLS FROM SENATE REFERRED.

The SPEAKER also laid before the House bills of the House of the following titles, with Senate amendments; which were referred as follows:

A bill (H. R. 5544) to amend section 304 of the Revised Statutes—to the Committee on the Judiciary.

A bill (H. R. 4420) to authorize the publication of a new edition of The Postal Laws and Regulations—to the Committee on Printing.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred as follows:

A bill (S. 1210) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla reservation in Oregon to William S. Byers and others and to issue patent therefor—to the Committee on Indian Affairs.

A bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes—to the Committee on the Public Lands.

WITHDRAWAL OF A REPORT.

By unanimous consent the Committee on the Public Lands obtained leave to withdraw Report No. 965, in reference to fresh water on the Colorado desert.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DIBBLE, for five days, on account of important business.

To Mr. GILFILLAN, on account of a death in his family.

To Mr. BROWNE, of Indiana, indefinitely, on account of sickness in his family.

To Mr. COMPTON, indefinitely.

To Mr. NORWOOD, for ten days, on account of important business.

HEIRS AT LAW OF JAMES STEWART.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased, and that it be put upon its passage. It is a bill on the Private Calendar, and I think it can elicit no discussion.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to William D. Stewart, Thomas H. Stewart, William D. Stewart (guardian of the minor children of James Stewart, jr., deceased), M. F. Turner, R. M. McMillan, M. J. Powdon, and E. A. Dodd, heirs at law of James Stewart, deceased, of the county of Sumter and State of Georgia, the sum of $60 each, being the amount paid by each of said persons to the United States as excise tax on succession to property as heirs at law of said James Stewart, deceased, when in fact they were not liable for any sum whatever.

SEC. 2. That the sum of $420 be, and the same is hereby, appropriated from the Treasury of the United States for the purpose of enabling the Secretary of the Treasury to pay said claim.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. HOLMAN. Perhaps the gentleman from Georgia [Mr. CRISP] had better explain the bill.

Mr. CRISP. The persons named in this bill are the heirs at law of James Stewart, deceased. Mr. Stewart died intestate, leaving a considerable estate, consisting mainly of realty. There was existing a mortgage given by him upon this estate. The beneficiaries mentioned in this bill, his heirs at law, succeeded to the property covered by the mortgage and paid the amount of $60 each as a succession tax. Soon thereafter the mortgage was foreclosed in the circuit court of the United States, and under the judgment of foreclosure the property was sold as the property of the ancestor, James Stewart, so that these heirs in fact succeeded to nothing; they were ousted and evicted. When application was made to the Treasury Department for the refunding of the tax, the reply was made that the money would be refunded but for the statute of limitations, which required that application for the refunding should be made within two years. The heirs could not make the application in two years, because the final judgment that evicted them was not had until after the lapse of that time. This bill is unanimously reported from the Committee on Claims, and I think there can be no objection to its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

DIRECT TAX.

Mr. CASWELL. Mr. Speaker, I submit a privileged report from the Committee on the Judiciary, and ask its present consideration.

The Clerk read the report, as follows:

"HOUSE OF REPRESENTATIVES, *March* 12, 1886.

"*Resolved*, That the Secretary of the Treasury is hereby requested to furnish to the House a statement of the account, as it appears from the books of the Treasury, between the United States and the several States and Territories of the direct tax levied and apportioned to the States and Territories by the act of Congress approved August 5, 1861, with the balances due from or unpaid by any State or Territory to the United States, and a detailed statement of the assessment and collection of any portion of said tax in any State or Territory; also a statement of any set-off of claims due to the States and Territories and applied on such tax, together with such information as will show the condition of the account."

The Committee on the Judiciary report the accompanying resolution back to the House and recommend its adoption. We think the information requested important, as bearing upon several bills pending before the House.

The resolution was adopted.

Mr. CASWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

BUSINESS AT FRIDAY EVENING SESSIONS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to have the special order of the House of January 15, 1886, amended by inserting the words "granting pensions," after the word "bills," in the third line, so as to make the order conform to what the House supposed it to be and what has been the uniform practice in reference to Friday evening sessions. If anybody desires I shall be glad to explain the reason why this is necessary.

Mr. RANDALL. Mr. Speaker, there was some business done at the session last Friday evening which did not come within the order or the practice which usually governs at such sessions, and I understand that the proposed amendment is intended to guard against that occurring again.

My understanding of the original resolution as offered and adopted was that the business of the Friday evening sessions should be confined to pensions and should not extend to claims.

The SPEAKER. To pensions and bills removing political disabilities.

Mr. RANDALL. Yes; to both classes of pensions, but not to claims.

Mr. ROGERS. If the House will permit, I wish to make a brief statement, which I think will enable every member to understand this matter. By some inadvertence a claim reached one of the pension committees—either the Committee on Pensions or the Committee on Invalid Pensions—and was reported back by the committee. That claim came up for consideration at the Friday evening session. Now, the House never intended that any measure should come up at the Friday night sessions except bills granting pensions (reported either by the Committee on Invalid Pensions or the Committee on Pensions) and bills for the removal of political disabilities. Certainly it was never intended that a private claim should be considered at one of those evening sessions, when very few members are present, and when practically nothing is done except by consent. With the amendment proposed the order will read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions and bills reported from the Judiciary Committee to remove political disabilities only be considered.

This will be the form of the order if the amendment be adopted; and it is the spirit and intention of the existing order. I propose only to insert the two words "granting pensions," so that no bill can be taken up at a Friday night session except bills granting pensions and bills removing political disabilities.

Several MEMBERS. That is right.

Mr. ROGERS. That was the original understanding.

Mr. TAULBEE. I would like to know, and I think the House would like to know, whether it is not the fact that the "claim" to which the gentleman from Arkansas has referred was of this nature: A pension certificate was issued, and before the vouchers were signed the proposed beneficiary of the pension died, and the heirs or legal representatives came to Congress and asked relief. The bill referred to proposed to give to these persons the amount which had been found due to the original applicant for a pension. The bill when introduced was referred to one of the pension committees. I do not think it was our committee, the Committee on Invalid Pensions, for I think we have at all times refused to consider such bills. I wish that this matter may be understood by the House in order that it may clearly appear that neither of the pension committees has undertaken to assume jurisdiction of any matters not legitimately referred to it. This was a claim growing out of an application for a pension.

I believe I represent the sentiment of the Committee on Invalid Pensions when I say we do not want to take jurisdiction of cases like that to which I have just referred; nor do we intend, if it can be avoided, that such claims be passed at Friday evening sessions. We desire that those sessions be devoted to the relief of pensioners; and I believe the records of those sessions will bear me out in the statement that the members of those several committees have endeavored to carry out in good faith the intention of the House in ordering those sessions.

The SPEAKER. This debate is not in order except by unanimous consent.

Mr. HATCH. As chairman of the Committee of the Whole at the Friday night session I ask the indulgence of the House to make a brief explanation in regard to this bill. The gentleman from Arkansas [Mr. ROGERS] assumes that the bill to which he refers is simply a private claim, and should have been referred to the Committee on Claims. The history of the bill, as it will be found in the RECORD of last Saturday morning, is just this: The bill when introduced was first referred to the Committee on Invalid Pensions, which committee returned it to the House for a change of reference; and it was, by direction of the Speaker, referred to the Committee on Pensions, by which committee it was reported to the House. When the question was raised on last Friday night, the Chair decided that as the bill was on the Private Calendar and had been reported from the Committee on Pensions it was embraced within the order.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. RYAN. Mr. Speaker——

The SPEAKER. The Chair must first ascertain whether there is objection to the consideration of this resolution.

Mr. RYAN. I desire to ascertain what the effect of this proposed modification will be. If it is what I suppose, I shall object.

The SPEAKER. The Chair will state that if the order be modified as proposed by the gentleman from Arkansas, the sessions of Friday after the recess will be devoted exclusively to the consideration of private bills granting pensions reported by the Committee on Invalid Pensions or the Committee on Pensions, and bills removing disabilities reported by the Committee on the Judiciary.

Mr. RYAN. But suppose, as has happened in several instances, a bill which relates to a pension that has been granted to a person already deceased be referred to the Committee on Invalid Pensions, would that be excluded?

The SPEAKER. Unless it were a bill granting a pension it would be excluded.

Several MEMBERS. That is right.

Mr. RYAN. Well, I shall not object.
The SPEAKER. Is there objection?
Mr. BEACH. I call for the regular order. I shall object.

PETROLEUM AND LEAF-TOBACCO.

Mr. WAIT. I am directed by the Committee on Foreign Affairs to submit the privileged report which I send to the desk.
The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 1, 1886.

Mr. BUCK submitted the following resolution; which was referred to the Committee on Foreign Affairs:

"*Resolved*, That the Secretary of State be requested to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague, touching the subject of taxation of petroleum in Holland and in the Dutch colonies and that of the export therefrom of leaf-tobacco to the United States."

Attest:

JOHN B. CLARK, JR., *Clerk*.

The Committee on Foreign Affairs, to whom was referred the resolution calling for copies of the correspondence between the Secretary of State and the United States minister at The Hague, submit the following report:

The correspondence called for relates to the proposed measures of retaliation on the part of the Government of the Netherlands by way of an increased duty on petroleum imported into that country from the United States by reason of the duty imposed by the United States on leaf-tobacco. The committee are of opinion that the information contained in this correspondence should be in possession of the House of Representatives, as it concerns the subject-matter of a bill (H. R. 4434) relating to duties on tobacco; and they therefore recommend the adoption of said resolution.

The SPEAKER. The question is on agreeing to the resolution reported by the committee.
The resolution was adopted.
Mr. WAIT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been demanded and insisted on, committees will now be called for reports for reference.

ADVERSE REPORTS.

Mr. TUCKER, from the Committee on the Judiciary, reported back adversely bills of the following titles; which were severally laid on the table:
A bill (H. R. 1194) for the judicial finding of law and facts in cases of claims against the Government, and for other purposes;
A bill (H. R. 2777) to enlarge the jurisdiction of the United States district courts and to open the same to all claims against the Government;
A bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic demands other than war claims against the United States; and
A bill (H. R. 5557) for the judicial ascertainment of claims against the United States.

SUITS AGAINST THE UNITED STATES.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF CIRCUIT COURTS, ETC.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate removal of causes from State courts, and for other purposes, approved March 3, 1875; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER BAYOU BARNARD.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the the State of Mississippi; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER RED RIVER, BROWN'S FERRY, TEXAS.

Mr. CRISP, from the Committee on Commerce, also reported back with amendment the bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River, at or near Brown's Ferry, in Cooke County, Texas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS RED RIVER.

Mr. CRISP, from the Committee on Commerce, also reported back with amendment the bill (H. R. 4765) to authorize the Red River Bridge Company, of Texas, to maintain a bridge across Red River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER COOSA RIVER.

Mr. CRISP, from the Committee on Commerce, also reported back with amendment the bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company, of Alabama, to erect a bridge across the Coosa River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. IRION (by Mr. CRISP), from the Committee on Commerce, reported back adversely bills of the following titles; which were laid on the table:
A bill (H. R. 4430) providing for the establishment of a life-saving station on the southern coast at the entrance of the harbor of San Francisco;
A bill (H. R. 4429) providing for the establishment of a life-saving station on the northern shore at the entrance of the harbor of San Francisco;
A bill (H. R. 4175) establishing additional life-saving stations on the coast of North Carolina;
A bill (H. R. 3666) establishing an additional life-saving station on the seacoast between Point Judith and Watch Hill, R. I.;
A bill (H. R. 3665) establishing an additional life-saving station on the northwest side of Block Island, R. I.;
A bill (H. R. 3487) establishing additional life-saving stations on the seacoasts of the United States; and
A bill (H. R. 1076) establishing additional life-saving stations on the sea and lake coasts of the United States.
Mr. IRION (by Mr. CRISP), from the Committee on Commerce, also reported a bill (H. R. 6975) to establish additional life-saving stations; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOUNDARIES OF COLLECTION DISTRICTS IN OHIO.

Mr. REAGAN, from the Committee on Commerce, reported back favorably the bill (H. R. 6538) to define the boundaries of the northern districts of Miami and Sandusky, in the State of Ohio; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PORT OF ENTRY, MOUNT DESERT FERRY, MAINE.

Mr. O'FERRALL, from the Committee on Commerce, reported back favorably the bill (H. R. 1026) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNSERVICEABLE ORDNANCE.

Mr. DARGAN, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1077) for replacing unserviceable ordnance issued to the militia in the States and Territories; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FOREIGN MAILS.

Mr. RIGGS, from the Committee on the Post-Office and Post-Roads, reported back adversely the resolution of inquiry, introduced by Mr. ZACH. TAYLOR March 1, in reference to foreign mails.
On motion of Mr. ZACH. TAYLOR the resolution was referred to the House Calendar, and the accompanying report ordered to be printed.

TERRITORIAL UNIVERSITIES.

Mr. FORAN, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 5504) to amend an act entitled "An act to grant land to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes;" which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PURCHASERS OF SWAMP LANDS, ETC.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 4792) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and indemnify certain States; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TITLE TO LANDS IN SAGINAW BAY, MICHIGAN.

Mr. VAN EATON, from the Committee on the Public Lands, also reported back favorably the bill (H. R. 1571) to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SAINT LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported back with favorable recommendation the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARTESIAN WELLS, NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported back with favorable recommendation the bill (H. R. 2853) to provide for the boring of artesian wells in the Territory of New Mexico; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, PORTSMOUTH, OHIO.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1884, a bill (H. R. 6976) to erect a public building at Portsmouth, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 1884 was ordered to be laid on the table.

PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with favorable recommendation the bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HALSELL, from the Committee on Patents, reported back with adverse recommendation the bill (H. R. 5354) for the relief of Peter K. Dederick; which was ordered to be laid on the table, and the accompanying report printed.

ELIZA FRANCESCO.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 6044) granting a pension to Eliza Francesco; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEREMIAH M. FITGER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1945) granting a pension to Jeremiah M. Fitger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC CARLETON.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1889) granting a pension to Isaac Carleton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID T. ELDERKIN.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5995) granting a pension to David T. Elderkin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH LUCE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5997) granting a pension to Elizabeth Luce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. M'CLELLAND.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6003) for the relief of John H. McClelland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. CRAMBLETT.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6000) granting a pension to George W. Cramblett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WALTER A. PHILLIPS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3117) granting a pension to Walter A. Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 5991) granting an increase of pension to John W. Gaylord; which was ordered to be laid on the table, and the accompanying report printed.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 6075) for the relief of James L. Holden; and

A bill (H. R. 4774) granting an increase of pension to George S. Hawley.

MARY NORMAN.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 6192) granting a pension to Mary Norman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

FRANK MANHART.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6130) granting a pension to Frank Manhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK SHERBINAW.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6023) for the relief of Frank Sherbinaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM F. MILLER.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4405) for the relief of William F. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH MULHOLLAND.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6134) granting a pension to Hugh Mulholland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES MORGAN.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4824) granting an increase of pension to James Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI M. STARNE.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6020) granting a pension to Levi M. Starne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EUPHEMIA R. SMITH.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6150) for the relief of Euphemia R. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. C. DAVIS.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6125) granting a pension to W. C. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER FORSYTH.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3946) to increase the pension of Alexander Forsyth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEANDER W. COREY.

Mr. MORRILL (by Mr. PETERS), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6012) to increase the pension of Leander W. Corey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. STAPLETON.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4797) granting a pension to Robert H. Stapleton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported

back the bill (H. R. 1631) to increase the pension of Julia S. Finney, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

PARMELIA SMITH.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 6092) granting a pension to Parmelia Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID M'KINNEY.

Mr. SCOTT, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 792) granting a pension to David McKinney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPHINE DA COSTA THOMAS.

Mr. WOLFORD, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. SPRINGER, from the Committee on Claims, reported back bills of the following titles, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on War Claims; which motion was agreed to:

A bill (H. R. 6108) for the relief of the legal representatives of Horatio N. Spencer, deceased; and

A bill (H. R. 4866) for the relief of Frank H. Nichols.

ESTATE OF W. B. THAYER.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1264) for the relief of George H. Roberts, administrator of the estate of William B. Thayer, deceased, the surviving partner of Thayer Brothers, and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY I. TODD.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation a bill (S. 30) in lieu of H. R. 874, for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bill No. 874 was laid on the table.

DAVID L. BRAINARD AND OTHERS.

Mr. BUCHANAN, from the Committee on Claims, also reported back with an amendment the bill (H. R. 1541) for the relief of David L. Brainard and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID WARD.

Mr. GALLINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4388) for the relief of David Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWAY A. GRANT.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2817) for the relief of Edway A. Grant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LIZZIE D. CLARKE.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 32) for the relief of Mrs. Lizzie D. Clarke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LUCY ANN LEE AND ALLEN G. LEE.

Mr. TIMOTHY J. CAMPBELL (by Mr. RICHARDSON), from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 100) for the relief of Lucy Ann Lee and Allen G. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. HIGGINS.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4180) for the relief of John M. Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

ADVERSE REPORTS.

Mr. GIBSON, from the Committee on Expenditures in the Department of Justice, reported back adversely bills of the following titles; which were severally laid on the table.

A bill (H. R. 26) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

A bill (H. R. 283) relating to the compensation and duties of United States attorneys, marshals, and other court officials, and for other purposes; and

A bill (H. R. 1712) to abolish fees and perquisites of the United States district attorneys, marshals, clerks, commissioners, and deputy marshals, and provide salaries for the same;

A bill (H. R. 1718) fixing the compensation of United States marshals and district attorneys;

A bill (H. R. 3607) fixing the compensation of jurors in United States courts;

A bill (H. R. 4639) to abolish fees and perquisites of United States district attorneys, marshals, clerks, commissioners, and deputy marshals, and provide salaries for the same;

A bill (H. R. 5500) fixing the compensation of United States marshals and deputies, and for other purposes;

Mr. GIBSON, from the Committee on Expenditures in the Department of Justice, also reported, in lieu of the foregoing bills laid on the table, a bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. GIBSON. This bill is reported by the instruction of the committee, with the understanding that when it comes up for consideration some of the members of the committee may desire to move to alter in individual cases the fees provided in the bill.

ASSISTANT CIVIL-SERVICE EXAMINER.

Mr. COX, from the Committee on Civil Service Reform, reported back with a favorable recommendation the bill (H. R. 5216) to provide an assistant civil-service examiner; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

JOHN ERPELDING.

Mr. WEST, from the Committee on Patents, reported, as a substitute for the bill H. R. 4454, a bill (H. R. 6978) for the relief of John Erpelding and Nicolaus J. Erpelding, administrators of the estate of Nicolaus Erpelding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 4454 was laid on the table.

BARGE MICHIGAN.

Mr. TARSNEY, from the Committee on Commerce, reported back favorably the bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROSE A. M'MANUS.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4884) granting a pension to Rose A. McManus; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. OCTAVE PAVY.

On motion of Mr. NEECE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5136) granting a pension to Mrs. Octave Pavy; and the same was referred to the Committee on Pensions.

ST. PATRICK'S CHURCH, WASHINGTON, D. C.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C.; which was referred to the

Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH, DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour for the consideration of bills called up by committees begins at two minutes after 1 o'clock.

CLAIM OF FLORIDA.

Mr. DOUGHERTY (when the Committee on Claims was called) said:

By direction of the Committee on Claims I move that the House resolve itself into committee of the Whole on the state of the Union for the consideration of the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. SPRINGER. I want to make a statement in regard to this bill. The Committee on Claims directed that this bill be called up first; but they desire within the hour to take up another bill, and it was understood that the consideration of this bill should not be prolonged so as to prevent the consideration of the other.

The SPEAKER. That is an understanding among the members of the committee.

Mr. SPRINGER. It was understood, however, that the committee did not give consent that this bill take up the whole time allowed to the committee. If the bill should be antagonized so as to threaten to extend beyond the hour, the committee will ask that the bill be laid aside or withdrawn in order that the other bill may be taken up.

The SPEAKER. The gentleman from Florida moves that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the bill indicated.

Mr. WARNER, of Ohio. But under no agreement.

The SPEAKER. That is a mere statement made by the gentleman from Illinois [Mr. SPRINGER].

The motion of Mr. DOUGHERTY was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MCMILLIN in the chair), and proceeded to the consideration of the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

The bill was read, as follows:

Whereas under the joint resolution of Congress approved March 3, 1881, directing the Secretary of War to investigate the claim of the State of Florida against the United States for the suppression of Indian hostilities between the years 1855 and 1860, the said Secretary of War did investigate said claim, and ascertained the amount due to the said State to be $224,648.09, as returned to Congress in the letter of the Secretary of War dated May 22, 1882, in Executive Document No. 203; and

Whereas there were certain items in said State claim which the Judge-Advocate of the United States Army deemed best to "be passed upon by the accounting officers of the Treasury, under proper equitable rules provided by legislation in that behalf;" and

Whereas there is now held by the Treasury of the United States, in trust for the Indian trust fund, certain bonds of the State of Florida aggregating the sum of $132,000; and

Whereas there has been credited upon the account of said bonds of the State of Florida certain moneys due said State under the act approved March 3, 1845, entitled "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes;" and

Whereas certain other moneys are due said State under the act approved March 2, 1855, entitled "An act for the relief of purchasers of swamp and overflowed lands:" Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the said State of Florida, as found and reported in said letter of the Secretary of War dated March 22, 1882, and under the acts above cited, and to pay to the said State such sum of money as he may find to be due the said State (under the aforesaid letter and acts, and also any further sums that may be found to be due the said State on any other account); and in making such settlement he shall retain the whole, or so much thereof as may be necessary, of said allowance or settlement, and apply the same to the payment of the principal and interest, or either, of said bonds of the State of Florida held as aforesaid, or to the reimbursement of the United States of moneys advanced by the United States on account of interest due on such bonds, and shall demand of said State, and allow to it, for the purpose of such settlement, the rate of interest stipulated in said bonds.

SEC. 2. That the Secretary of the Treasury shall allow said State to file such further evidence as the State may have to establish the right of the State to demand of the United States the payment of the items of said claim disallowed or suspended by the Secretary of War in the said report of the Judge-Advocate of the United States Army, and to include in such evidence all other payments made by said State for services, and to pay such sum so ascertained due the said State. And there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to carry out the provisions of this act.

SEC. 3. That this act shall take effect immediately upon its passage.

The amendments reported by the committee were read, as follows:

In lines 18 and 19 of section 1 insert after the words "allow to it" the words "upon said claim or claims."

In line 8 of section 2 strike out the words "and to pay such sum so ascertained due the said State" and insert "and shall adjust and settle the claim of the State therefor and shall pay such sum as may be ascertained to be due the State thereon."

Mr. DOUGHERTY. I ask that the report of the committee be read as a part of my remarks.

The report (by Mr. DOUGHERTY) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, beg leave to submit the following report:

In accordance with the requirements of the joint resolution of Congress approved March 3, 1881, the Secretary of War has investigated, audited, and made a report to Congress, May 22, 1882, of the amount due the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860 (Ex. Doc. 203, Forty-seventh Congress, first session).

The expenditures grew out of the Seminole war of 1855, 1856, and 1857, the State authorities being compelled, in the presence of an anticipated and subsequently actual outbreak of the Indians, to call forth the militia of the State, the force of United States troops then on duty being inadequate to the protection of the people. The report of the Secretary of War (Ex. Doc. 203) fully sets forth in detail the items of expenditure allowed and disallowed, the total amount found due the State being the sum of $224,648.09.

It is established that the funds at the command of the executive of the State of Florida in the years referred to were insufficient to equip, supply, and pay the troops in the field, and relying upon the approval given by the President of the United States, through the Secretary of War, on the 21st day of May, 1857, of the services of these volunteers, the State Legislature, in order to provide their equipment and maintenance, authorized the issue of 7 per cent. bonds.

A portion of the bonds, amounting to $132,000, was sold by the governor to the Indian trust fund of the United States, and the proceeds of such sale were disbursed by the treasurer of the State for the "expenses of Indian hostilities," as appears from his report to the legislature for the year ending October 31, 1857 (Ex. Doc. 203, Forty-seventh Congress, first session). Another portion was hypothecated to the banks of South Carolina and Georgia as security for a loan of $222,015, and $192,331 of this loan was disbursed directly by a disbursing agent of the State in payment of "expenses of Indian hostilities," including pay of volunteers (Ex. Doc. 203, Forty-seventh Congress, first session).

This case is one where the Government, through the President of the United States by the Secretary of War, promised to pay these troops when mustered into the United States service, and they would have been long since paid by the Government if so mustered, but the mustering officer arrived in the State after they had been mustered out, and the State was compelled to borrow money with which to pay them (see letter of Secretary of War hereto appended).

Congress has universally paid interest to the States where they have paid interest. We cite the cases where interest has been allowed and paid for moneys advanced during the war of 1812-'15, as follows: Virginia, act March 3, 1825 (4 Stat. at L., p. 132); Maryland, act May 13, 1826 (4 Stat. at L., p. 161); Delaware, act May 20, 1826 (4 Stat. at L., p. 175); New York, act May 22, 1826 (4 Stat. at L., p. 192); Pennsylvania, act March 3, 1827 (4 Stat. at L., p. 241); South Carolina, act March 22, 1832 (4 Stat. at L., p. 499); Maine, act of March 31, 1851 (9 Stat. at L., p. 626); Massachusetts and Maine, act of July 8, 1870 (16 Stat. at L., p. 198).

For advances for Indian and other wars the same rule has been observed in the following cases: Alabama, act January 26 (4 Stat. at L., p. 344); Georgia, act March 31, 1851 (9 Stat. at L., p. 626); Georgia, act March 3, 1879 (20 Stat. at L., p. 385); Washington Territory, act March 3 1859 (11 Stat. at L., p. 429); New Hampshire, act January 27, 1852 (10 Stat. at L., p. 1); California, act of August 5, 1854 (10 Stat. at L., p. 582); California, act August 18, 1856 (11 Stat. at L., p. 91); California, act June 23, 1860 (12 Stat. at L., p. 104); California, act July 25, 1868 (15 Stat. at L., p. 175); California, act March 3, 1881 (21 Stat. at L., p. 510); and in aid of the Mexican war (see statute of June 2, 1848).

Attorney-General Wirt, in his opinion on an analagous case, says:

"The expenditure thus incurred forms a debt against the United States which they are bound to reimburse. If the expenditures made for such purposes are supplied from the treasury of the State, the United States reimburse the principal without interest; but if being unable itself, from the condition of its own finances, to meet the emergency, such State has been obliged to borrow money for the purpose, and thus to incur a debt on which she herself has had to pay interest, such debt is essentially a debt due by the United States, and both the principal and interest are to be paid by the United States (see Opinions of Attorneys-General, volume 1, page 174)."

Thus it will be seen that the precedent for the payment of interest, under the rule adopted for the settlement of claims of war of 1812-'15, and Indian wars above cited, is well established.

The committee are of the opinion that the urgent necessity for the services of these troops, and the action of the President and the Secretary of War, are well established, and create an equitable obligation on the part of the General Government, and as it is clearly shown by Executive Document 203, Forty-seventh Congress, that the State of Florida not only borrowed money from the Indian trust fund, but also from the banks of the States of Georgia and South Carolina, for their payment, upon which the State has since paid interest, your committee have concluded to recommend the passage of the bill, with the following amendments:

In line 18 of section 1, after the word "it," insert the words "upon said claim or claims."

In line 8 of section 2 strike out the words "and to pay such sum so ascertained due the said State," and insert the words, "and shall adjust and settle the claim of the State therefor, and shall pay such sum as may be ascertained to be due the State thereon."

WAR DEPARTMENT, *Washington, D. C., May* 21, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanations as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD.
Secretary of War.

His excellency JAMES E. BROOME,
Governor of Florida.

Mr. DOUGHERTY. I yield to my colleague [Mr. DAVIDSON].

Mr. DAVIDSON, of Florida. Mr. Chairman, this bill comes from the Committee on Claims with a unanimous report in its favor. Its purpose is to effect a settlement between the United States and the State of Florida of claims held by each against the other. Having this object in view, I introduced in the House of Representatives of a former Congress a joint resolution, which is as follows:

That the Secretary of War be, and he is hereby, authorized and directed to investigate, ascertain, and report to Congress, as soon as practicable, the amount of the claims of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. In making such investigation the said Secretary is di-

rected to receive and consider such testimony as he may deem necessary or proper for or against claims, including the muster-rolls of the State troops, and such other official data as may be on file in the War Department.

In submitting his report to Congress the said Secretary shall not include any payments or allowances made by the State in excess of the amounts allowed by law at the time in behalf of troops regularly in the service of the United States. (21 Stat., 520.)

This resolution was passed by Congress, and in accordance with its provisions the Secretary of War made the required investigation and report. From that report, which is found in Executive Document 203, first session Forty-seventh Congress, it appears that the United States Government is indebted to the State of Florida in the sum of $224,648.09 for expenses incurred in suppressing Indian hostilities in that State during the years 1855, 1856, and 1857.

Florida claimed a larger amount, but the officers of the War Department in stating the account disallowed certain items because of missing vouchers, vouchers unreceipted, and lost muster-rolls. The Judge-Advocate-General of the United States deemed it best, as he states in his report, which is also found in this executive document, that these items "should be passed upon by the accounting officers of the Treasury under proper equitable rules provided by legislation in that behalf."

Mr. LONG. Is there any provision in the bill for the offset of the direct tax?

Mr. DAVIDSON, of Florida. No, sir, not in the bill; but if it be necessary an amendment in regard to that matter may be offered. I do not think, however, any amendment is necessary.

Mr. LONG. Then this does not differ in that respect from the Georgia bill which is now pending.

Mr. DOUGHERTY. I will state to the gentleman from Massachusetts that Florida owes only $33,000 of that war tax, $40,000 having been paid. This bill was drawn to cover that.

Mr. DAVIDSON, of Florida. One fact was ascertained beyond doubt by the investigation made by the Secretary of War—that the General Government is indebted to the State in the sum of at least $224,648.09 after disallowing certain items. And the General Government in addition to this amount is indebted to the State of Florida on account of the "five per centum" accruing under the act of Congress of March 3, 1845, entitled "An act supplementary to an act for the admission of Florida and Iowa into the Union, and for other purposes." (United States Statutes at Large, volume 5, page 788.) The amount due on that account, as appears in a statement furnished me by the Commissioner of the General Land Office, was on the 30th day of June last $40,736.94. The communication is in these words:

Sir, the estimated amount due the State of Florida on the 30th of June last on account of the 5 per cent. accruing to her under act of March 3, 1845, is $40,736.94.

Moreover, the General Government owes the State of Florida under the provisions of the "swamp land indemnity" act, approved March 2, 1855, and entitled "An act for the relief of purchasers and locators of swamp and overflowed lands" (United States Statutes at Large, page 134). The exact amount of that indebtedness I have not with me.

As I have already stated, the object of the bill is to bring about a settlement between the United States and the State of Florida. The Treasurer of the United States holds for the Indian trust fund bonds of that State to the amount of $132,000. These bonds were issued in 1857, and draw interest at 7 per cent. per annum. The amount due to the Government on these bonds on the 1st day of January, 1886, was $221,200, principal and interest.

These bonds, as it appears from the report of the Committee on Claims, were sold by the governor of Florida to the Indian trust fund, and the proceeds of the sale were disbursed for "expenses of Indian hostilities," the very expenses which the State by this bill asks the United States to pay.

In a communication dated April 12, 1882, addressed by Hon. W. D. Bloxham, then governor of Florida, to Hon. Robert T. Lincoln, then Secretary of War (which can be seen in the report to which I have alluded, Executive Document 203), the following appears:

The payments of these expenses of Indian hostilities by the State were made in good faith, and upon full recognition and approval of the State authorities, and, I may add, with borrowed capital, upon which the State is now at this date paying interest.

I will also add that no portion of these disbursements has ever been reimbursed by the United States.

Also in the same report, under Abstract A, Exhibit No. 13, will be found a message from Hon. M. S. Perry, then governor of Florida, to the General Assembly of that State. It is dated, "Executive Department, Tallahassee, December 9," 1859, and the following is an abstract from it:

It has always been claimed, and I believe never denied, that the duty of suppressing Indian hostilities devolved upon the General Government, and that Government had long ago endeavored to effect their removal, and assumed the right to permit them to remain in the State, and withdrew the protection which the people had a right to expect. On the breaking out of hostilities the people on the frontier, for want of the protection which it was the duty of the Federal Government to give, found it necessary to embody themselves and perform the service which the exigencies of the times imposed upon them, and in doing so they had to abandon their usual occupations and suffer all the privations incident to an exposed frontier life. Under these circumstances the State felt it due to her own citizens to provide for their payment, relying on the justice of the General Government to refund to her the amount which she felt it her duty to pay.

The justice of such a demand can not rightfully be disputed, and it is hoped will at once be recognized. I therefore recommend that the General Assembly will, either by memorial or resolutions, or such other mode as they deem best, request of Congress the passing of a law refunding to the State the amount she has expended.

The loan made by the State to enable her to pay the just claims of her citizens falls due in April next, for the payment of which $346,000 of the bonds of the State have been hypothecated, by virtue of authority in me vested by the above-recited acts; and as the Federal Government may fail to refund in time the amount thus advanced by the State, I would recommend that the governor be authorized to sell, at their fair market value, so many of the bonds as may be found necessary to pay the loan at maturity, rather than permit them to be thrown upon the market at the option of the parties holding them, in the event of the payment not being otherwise provided for.

Mr. Chairman, the General Government owes this debt to the State of Florida. It is pledged to pay it, for the promise was virtually made by the President of the United States through the Secretary of War in 1856 and 1857. This will appear from the following correspondence then had by the Secretary of War with the governor of Florida:

WAR DEPARTMENT, *Washington, January* 8, 1856.

SIR: Official accounts received from Florida indicate the renewal of the difficulties with the remnant of Indians residing in the southern portion of that peninsula.

To be prepared for such emergency—it being impracticable to send re-enforcements of regular troops—Bvt. Col. John Munroe, of the United States Army, who is charged with conducting the military operations in that quarter, has been authorized, should he deem their services necessary, to call on your excellency for an auxiliary volunteer force of five companies. Should Colonel Munroe avail himself of the discretionary authority thus conferred, I am instructed by the President to request that his requisition may be complied with, and to express the hope that the State authorities will give to the measure their cordial co-operation.

The volunteers will be received for six months, unless sooner discharged. Colonel Munroe will designate an officer of his command to muster the several companies at such time and place as you may appoint, and he will furnish any information that may be desired in respect to organization, pay, &c., of the volunteers.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

His excellency JAMES E. BROOME,
Governor of Florida, Tallahassee, Fla.

WAR DEPARTMENT, *Washington, January* 21, 1856.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 31st ultimo in relation to the late outbreak of the Indians in Florida and offering any militia force that the Government may need to aid in quelling it.

In reply I have to inform you that previous to the receipt of your letter I addressed a communication to you requesting that five companies of volunteers might be called into the service of the United States. I have to refer you to that letter, dated the 8th instant, for the views of the Department in the matter.

Very respectfully, your obedient servant,

JEFFERSON DAVIS,
Secretary of War.

His excellency J. E. BROOME.
Governor of Florida, Tallahassee, Fla.

WAR DEPARTMENT, *Washington, May* 21, 1857.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant asking an approval of the service of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His excellency J. E. BROOME,
Governor of Florida, Washington.

WAR DEPARTMENT, *Washington, May* 28, 1857.

SIR: The President of the United States requests that, to aid in suppressing Indian hostilities within Florida, you cause to be detached, without delay, from the militia thereof, in accordance with a late suggestion of your own, not exceeding ten companies of mounted volunteers, to be reported by companies to the commanding officer of the United States troops engaged in that service, as fast as they can be detached, in order that the same may be duly mustered into the service and pay of the United States.

With the ten companies, a colonel, lieutenant-colonel, and major, may be mustered; with eight, a lieutenant-colonel and major; and with six companies, only a lieutenant-colonel. In either case, one adjutant, one quartermaster, each with the rank of first lieutenant, and not exceeding three medical officers, may also be mustered into service.

A copy of this requisition will be sent to the commanding officer of the United States troops in Florida, with instructions to detach proper mustering officers to meet the volunteers at convenient points, and to correspond with you on that point and all others connected with the vigorous prosecution, on the part of the United States, of the said hostilities.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His excellency J. E. BROOME,
Governor of Florida, Tallahassee.

From this correspondence it is evident that the United States Government needed the aid of Florida volunteers to quell the Indian outbreak in that State in 1855. The service was performed with the approval and in accordance with the request of the General Government, and the State of Florida paid for that service. The amount of expenses thus incurred has never been refunded. This bill provides for its payment—provides for a settlement between the United States and the State of Florida. The State is anxious to make a settlement—just such a settlement as honest men make with each other. It wants to pay what it owes, principal and interest, and asks the United States to do likewise.

As to the payment of interest by the United States Government, the precedents for it are numerous. In a report from the Committee on Claims of the Senate (Report No. 8, Forty-ninth Congress, first session), made January 6, 1886, I find more than fifty statutes cited, showing

that Congress has allowed interest. In all of these cases the claimants were private individuals.

In an opinion of Attorney-General Wirt, found in "Opinions of the Attorneys-General," volume 1, page 724, he says:

The principle is this: the United States are bound by the relation which subsists between the General and State Governments to provide the means of carrying on war; and, as a part of the business of war, to provide for the defense of the several States. When the United States fail to make such provision, and the States have to defend themselves, by means of their own resources, the expenditure thus incurred forms a debt against the United States which they are bound to reimburse. If the expenditures made for such purpose are supplied from the treasury of the State, the United States reimburse the principal without interest; but if, being itself unable, from the condition of its own finances, to meet the emergency, such State has been obliged to borrow money for the purpose, and thus to incur a debt on which she herself has had to pay interest, such debt is essentially a debt due by the United States; and both the principal and interest are to be paid by the United States. So that, whenever a State has had to pay interest, by reason of her taking the place of the United States in time of war, such interest forms a just charge against the United States.

According to this rule interest has been paid to the following States for advances during the war of 1812–'15: Virginia (U. S. Stats. at L., vol. 4, p. 132), Maryland (U. S. Stats. at L., vol. 4, p. 161), Delaware (U. S. Stats. at L., vol. 4, p. 175), New York (U. S. Stats. at L., vol. 4, p. 192), Pennsylvania (U. S. Stats. at L., vol. 4, p. 241), South Carolina (U. S. Stats. at L., vol. 4, p. 499), Maine (U. S. Stats. at L., vol. 9, p. 626), Massachusetts and Maine (U. S. Stats. at L., vol. 16, p. 198). And in Indian and other wars the same rule has been observed in the following cases: Alabama (U. S. Stats. at L., vol. 9, p. 344), Georgia (U. S. Stats. at L., vol. 9, p. 626), Washington Territory (U. S. Stats. at L., vol. 11, p. 429), New Hampshire (U. S. Stats. at L., vol. 10, p. 1), California (U. S. Stats. at L., vol. 11, p. 91).

From the foregoing it will be seen that the precedent for the payment of interest is well established. Congress has invariably, I think, allowed interest to the States in cases where they paid interest. Of the cases cited none were more meritorious than the one now under consideration. Florida asks that the General Government shall do to her as it did to the States which have been mentioned. About the justice of her claim there can be no doubt. The money has been long due and the State needs it. Our Government, great and rich as it is, must not repudiate its debts, must not be dishonest.

I therefore earnestly hope that the bill will be passed.

Mr. BURROWS. I understand the object of the bill is to settle up all outstanding accounts between Florida and the United States.

Mr. DAVIDSON, of Florida. Yes, sir.

Mr. BURROWS. I desire to inquire whether in this calculation you have taken into account $33,922 which the State of Florida owes the United States in direct taxes?

Mr. DAVIDSON, of Florida. I understand that an amendment will be offered to meet that.

Mr. LONG. Let me introduce an amendment to cover that.

Mr. DOUGHERTY. I will yield to the gentleman from New Jersey [Mr. BUCHANAN], who has an amendment to offer on that subject.

Mr. BUCHANAN. Mr. Chairman, with reference to the suggestion just made by the gentleman from Michigan [Mr. BURROWS], I desire to say that this bill was reported early from the Committee on Claims, and at a time when the war-tax matter was not as thoroughly understood by the committee as it is now. After the bill was reported to the House the attention of the committee was called to this matter, and there was an understanding among its members that an amendment should be offered covering the point to which the gentleman has already alluded, and to which, as I understand, the gentleman from Florida has no objection, but is willing to accept. The gentleman from Wisconsin [Mr. PRICE] has prepared such an amendment, and I ask unanimous consent that he be allowed to introduce it at this time.

Mr. PRICE. Mr. Chairman, I apprehend if this amendment, to which the gentleman from New Jersey has alluded, is heard and understood by the House, it would very much abridge the time to be taken up in the controversy on this bill. I send to the desk the amendment and ask that it be read.

The Clerk read as follows:

Amend by inserting at the end of section 2 the following:
"And the Secretary of the Treasury shall offset against the amount hereby appropriated whatever balance may exist against said State of Florida on account of the direct war tax of August 5, 1861, and acts amendatory thereto."

Mr. DAVIDSON. I accept that amendment as far as I have power to accept it.

Mr. DOUGHERTY. I move the adoption of the amendment.

Mr. WARNER, of Ohio. Mr. Chairman, it seems to me that the direct-tax question, to which this refers, does not properly belong to the settlement of this claim and should not be included in it.

Mr. SPRINGER. This provides a set-off for amounts due by the State of Florida to the General Government.

Mr. WARNER, of Ohio. But this question of the direct tax, the war tax, relates to a number of States, and not exclusively to the State of Florida. When that bill is taken up which embraces the claims of all of the States, then it will be proper that a disposition be made of the subject, which will apply to all States alike, and not to the State of Florida alone, while it is left undisposed of as to all the other States.

Mr. DOUGHERTY. In reference to the suggestion of the gentleman from Ohio, if the matter is to be settled as the gentleman proposes——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. WARNER, of Ohio. I do not think the direct tax is a debt due from the State at all, and for that reason it does not belong in this settlement. That is the point I had in view.

Mr. PRICE. I supposed, Mr. Chairman, that as I had the consent of the committee to offer that amendment I would have the privilege of making a brief explanation of its provisions.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa.

Mr. PRICE. I merely wish to state now that at the suggestion of some friends I shall ask consent to withdraw the amendment I have offered, for the reason that a member of the Committee on Claims has embodied the same idea in the shape of an amendment the language of which it is thought will more satisfactorily cover the point that I intended to embrace in my amendment. With the consent of the committee I will therefore withdraw the amendment and allow his to be offered.

The CHAIRMAN. The gentleman has the right to withdraw the amendment.

Mr. PRICE. Then I withdraw it.

Mr. BUCHANAN. The amendment which I shall now offer, that of the gentleman from Wisconsin having been withdrawn, is identical with that reported by the committee on other bills, and it avoids, in my judgment, the objection urged by the gentleman from Ohio [Mr. WARNER]. The amendment is in the following words:

Add to section 2:
"*Provided*, That the balance remaining due of the direct tax, apportioned to the State of Florida by the direct-tax act of August 5, 1861, be held and treated as a proper set-off against the claims of the State of Florida in the adjustment herein required, unless Congress shall otherwise provide by general law, releasing all claims for said direct tax or refunding all payments of such tax heretofore made."

It will be seen that that leaves the matter remaining in abeyance in the United States Treasury until some general law regulating the whole question is passed, when Florida will come in under the operation of that general law, and be placed on an equality with every other State in the Union in that respect.

Mr. DOUGHERTY. I move the adoption of the amendment.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, there is one feature in this bill to which I wish to ask the attention of the gentleman from Florida for a moment. I refer now to the first preamble which the bill recites in the following words:

Whereas under the joint resolution of Congress approved March 3, 1881, directing the Secretary of War to investigate the claim of the State of Florida against the United States for the suppression of Indian hostilities between the years 1855 and 1860, the said Secretary of War did investigate said claim, and ascertained the amount due to the said State to be $224,648.09, as returned to Congress in the letter of the Secretary of War, dated May 22, 1882, in Executive Document No. 203; and.

The bill then provides that the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the said State of Florida, as found and reported in said letter of the Secretary of War dated March 22, 1882, and under the acts above cited, and to pay to the said State such sums of money as he may find to be due. As to that item there is, as I understand it, nothing to be found. The Secretary of War did investigate the claim of the State, as the preamble already cited sets forth, and ascertained the amount due to the State to be $224,648.09. Now, as to that item the Secretary of the Treasury is directed to make that payment. There is to be no other inquiry as to the items composing that general result; but that is accepted as a basis as far as it goes. But nowhere in these papers does that letter of the Secretary of War appear; and I do not know upon what basis this rests.

But a large number of States, five or six, including my own, have the same question I apprehended that is presented here before the House. I apprehend the important item of this $224,000 grows out of the method of the adjustment of these former claims.

Now, if gentlemen will go to the trouble of looking into the subject they will find there has been legislation appropriating money during the period covered by the report; that up to the year 1859 there has been legislation appropriating moneys to these various purposes. Now, if my friend from Florida has anything which may throw light on the whole transaction I think he should submit it to the House.

Mr. DOUGHERTY. Here is the letter which has been referred to.

Mr. HOLMAN. Let it be read.

Mr. DOUGHERTY. The committee has considered this letter; and all of the facts on which the committee have based the report are facts of documentary evidence and contained in this letter. I hold here in my hand the letter of the Secretary of War, containing all the information.

Mr. HOLMAN. When was it published?

Mr. DOUGHERTY. In the first session of the Forty-seventh Congress.

Mr. HOLMAN. Not since then?

Mr. DOUGHERTY. No, sir.

Mr. HOLMAN. I knew it was a document not readily within our control. If that letter has been the basis of the large item of this claim it appears to me it should have been incorporated as a matter of convenience in the report, so that we should have had before us the basis on which the main item rests.

Mr. BURROWS. Let it be read.

Mr. DAVIDSON. I was about to read extracts from the letter. In my remarks a short time ago, after going through all the accounts——

Mr. HOLMAN. My friend from Florida [Mr. DAVIDSON] spoke from a remote point of the Hall, and down here we were not able to hear his remarks distinctly.

Mr. DAVIDSON. I will read a part of the Judge-Advocate's report:

Amounts to be reported to Congress in the view taken by me of the provisions of the joint resolution of March 3, 1881, are as follows:
Abstract A, $154,623.66.

Then Abstract B is stated at so much; then Abstract C, Abstract D, Abstract E, Abstract F, Abstract G, Abstract H, Abstract I, Abstract K, and account of J. M. Cooper. All of these items appear in this executive document, making a total of $224,648.09.

An amount—

Says the Judge-Advocate—

less by $54,598.58, than that of the claim as submitted by the State.

Mr. HOLMAN. That does not furnish any information as to what the claim is for. We have the acts of Congress before us showing the appropriations during these periods.

Mr. BURROWS. I would suggest to the gentleman from Florida that he have Exhibit A read.

Mr. DAVIDSON. Each one of these exhibits shows in detail what the money was expended for.

Mr. BURROWS. Have one of them read.

Mr. WARNER, of Ohio. I would ask the gentleman from Florida how much of this whole claim is interest.

Mr. DOUGHERTY. The principal is $224,000. The whole amount the State of Florida will be likely to get under this bill will be $375,000.

Mr. LONG. After the deduction?

Mr. DOUGHERTY. Yes, sir.

Mr. WARNER, of Ohio. I understand it to be a sum which has been ascertained by the accounting department to be due, and that it embraces all that is found to be due.

Mr. DAVIDSON. That is the report made by the Secretary of War.

Mr. WARNER, of Ohio. What is the date of the report?

Mr. DAVIDSON. The report was made soon after the resolution was passed by the Forty-seventh Congress; as soon as the directions of the resolution could be complied with.

Mr. SPRINGER. I think the committee understands this bill now sufficiently to rise and report it to the House.

Mr. DOUGHERTY. There are two verbal amendments to be made.

Mr. HOLMAN. I am sorry to take a different view from the gentleman from Illinois [Mr. SPRINGER]. I do not think we have the data sufficiently before us yet.

Mr. SPRINGER. I desire to state to the committee——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HOLMAN. Yes, sir.

Mr. SPRINGER. I desire to state to the committee that the Committee on Claims had an understanding that the consideration of this bill was not to consume the hour, and if it should be indicated by the discussion that it would consume more than the hour, the committee would rise and the Committee on Claims would be permitted to call up another bill. Therefore as the gentleman from Indiana [Mr. HOLMAN] desires further to discuss this bill, I move that the committee rise.

Mr. WARNER, of Ohio. Oh, no; let us complete this bill. There was no agreement in the House, only a statement by the gentleman from Illinois.

Mr. SPRINGER. Good faith to the Committee on Claims requires that it should control this hour, and I hope gentlemen will not prevent that understanding from being carried out.

The CHAIRMAN. Of course an agreement on the part of the Committee on Claims does not bind the House. But the gentleman can test the matter by moving that the committee rise.

Mr. SPRINGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, had come to no resolution thereon.

JURISDICTION OF COURT OF CLAIMS.

Mr. SPRINGER. Mr. Speaker, I call up for consideration the bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic claims and demands other than war claims against the United States.

The bill was read.

Mr. SPRINGER. I move that the House again resolve itself into Committee of the Whole for the purpose of considering the bill just read.

The motion was agreed to.

The SPEAKER. Before the House goes into committee, the Chair will state that he is advised that this bill is on the House Calendar and not in Committee of the Whole.

Mr. SPRINGER. Then I ask unanimous consent that the vote by which the House has just resolved itself into Committee of the Whole be reconsidered.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That jurisdiction is hereby conferred upon the Court of Claims to investigate and make a finding of fact in any claim or demand, other than war claims, against the United States, pending before any committee of the Senate or House of Representatives, or before either House of Congress, upon the same being referred to the court under this act: *Provided*, That all claims and demands not finally presented to said court by the claimant or claimants within the period of two years after such claims and demands have been referred to the court under this act shall be forever barred.

SEC. 2. That the court is required to promptly consider all claims and demands referred under this act and presented to the court, under such needful rules and regulations as it may adopt, and subject to the provisions of existing laws not inconsistent with this act. That on the first day of every December session of Congress the clerk of the Court of Claims shall transmit to each House of Congress a full and complete statement of the findings of fact in each claim or demand investigated under this act and not theretofore reported, stating what amount, if anything, is due the claimant or claimants; whether the claim or demand is founded upon any act of Congress, or upon any contract, express or implied; the laches or diligence of the claimant or claimants in presenting the claim or demand against the United States; and such other findings of fact and conclusions of law as the court shall deem material to enable Congress to pass upon such claim or demand. That until such claim or demand is finally investigated and reported upon to Congress by the court as herein provided, neither House of Congress shall consider the same, by bill or otherwise, in reference to allowing any such claim or demand.

SEC. 3. That whenever any private or domestic claim or demand, other than war claims, against the United States is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall there be proceeded with as herein provided. When claims and demands are referred to the court under this act, by any committee of the Senate or House of Representatives, such committee shall, before the end of the session of Congress at which such reference was made, report the fact in writing to the House of Congress by which such committee was appointed. That nothing in this act shall be construed as committing the United States to the payment of any such claim or demand, and that no judgment shall be entered thereon by the court.

SEC. 4. That at the adjournment of each Congress, all bills relating to private and domestic claims and demands, other than war claims, against the United States, which may be pending in either House of Congress or before any committee of either House, shall, by the Secretary of the Senate and Clerk of the House respectively, be referred to the Court of Claims, together with all papers relating thereto, as hereinbefore provided; and all such claims and demands shall be investigated by the court as provided in this act. The Secretary of the Senate and the Clerk of the House shall enter in the Journals of the respective Houses, and in the CONGRESSIONAL RECORD, a statement showing what bills have been so transferred.

SEC. 5. That after the passage of this act neither House of Congress shall consider or entertain, for any purpose other than that of referring the same to some judicial tribunal or commission under existing law, any private or domestic claim or demand against the United States which involves the investigation of facts, other than war claims, until such facts shall have been investigated by such judicial tribunal or commission and the findings of fact reported to Congress.

SEC. 6. That it shall be the duty of the Attorney-General, or his assistants under his direction, to appear for the defense and protection of the United States in all cases which may be transmitted to the Court of Claims under this act.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. SPRINGER. Mr. Speaker, as we have but two minutes to-day in which to consider this bill, and as it must go over until to-morrow, I will simply now ask members to give the subject such attention as they can in the interval. The report upon the bill was printed in full in the RECORD of February 17, and can also be found in the document-room. That report explains the provisions of the bill in full. To-morrow the gentleman from Missouri [Mr. WARNER] will address the House on the subject, and I ask members to have the report before them at that time so that they may intelligently consider the measure. Its object is briefly this, to provide that hereafter, before this House will consider claims against the United States other than war claims, the facts shall be ascertained by the Court of Claims.

Mr. TUCKER. It is like the Bowman act.

Mr. SPRINGER. It is substantially the same, except that the Bowman act included war claims and also contained a provision which excluded everything that was barred by the statute of limitations, so that the act practically amounted to nothing. The reason we have excluded war claims from the provisions of this bill is that our committee has no jurisdiction of such claims. The bill as reported relates only to subjects of which the Committee on Claims has jurisdiction. Its object is to remove from the consideration of Congress the great mass of these private claims.

Mr. GIBSON, of West Virginia. Mr. Speaker, I desire to give the gentleman notice that when this bill comes up to-morrow I shall move an amendment striking out the words "other than war claims."

Mr. TUCKER. Mr. Speaker, I wish to make a single remark before the debate closes. I reported from the Committee on the Judiciary to-

day a bill which covers this whole question. It gives jurisdiction to the Court of Claims and to the district and circuit courts of the United States to try suits upon all claims brought against the United States at law or in equity.

Mr. SPRINGER. Mr. Speaker, I should like to have unanimous consent that all these bills on this subject be considered together to-morrow.

The SPEAKER. The hour for the consideration of bills has expired.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864; and

A bill (H. R. 5219) to provide for an American register for the steamship Ozama, of the city of New York.

JURISDICTION OF COURT OF CLAIMS.

Mr. TUCKER. Mr. Speaker, in compliance with the desire of several gentlemen upon the floor, I ask unanimous consent that the bill reported by me this morning from the Committee on the Judiciary, to authorize suits against the United States, be printed in the RECORD of to-morrow morning for the information of members.

Mr. MORRISON. I am compelled to object, Mr. Speaker. I have denied the same privilege to other gentlemen.

URGENT DEFICIENCIES BILL.

Mr. BURNES, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 3 and 4.

They recommend non-concurrence in the amendments numbered 2, 6, and 7.

They recommend concurrence in the amendment numbered 1, with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

"To reimburse the appropriations for the Quartermaster's Department of the Army for the expenses attending the funeral of General Grant, paid by authority of the executive order directing General Hancock to give General Grant an imposing funeral, $12,037.93.

To pay the three items of expense referred by General Hancock to the Secretary of War, namely, for hire of stenographer, $195; telegrams received and sent, $452.83; mileage expenses, $353.68; in all, $1,001.51, or so much thereof as the Secretary of War may find to be due and unpaid.

To pay the bill of Stephen Merritt, undertaker, for embalming, burial casket and ornamentation thereof, canopy, catafalque, and other necessary articles and services furnished by him at reasonable prices, and which remain unpaid, $6,303.75, or so much thereof as may be necessary and found upon examination by the Secretary of War to be just and proper charges.

They recommend concurrence in the amendment numbered 5, with an amendment, as follows:

At the end of the bill insert the following:

"WATER SUPPLY, DISTRICT OF COLUMBIA.

"The sum of $5,000, or so much thereof as may be necessary, to enable the Secretary of War to preserve from flooding or other injury, during the suspension of operations thereon, the tunnel now being constructed under authority of an act to increase the water supply of Washington city, and for other purposes, approved July 15, 1882, the said sum to be subject to all the provisions and restrictions of said act and of the act approved July 15, 1884, making appropriations for the expenses of the government of the District of Columbia, as to its apportionment and settlement between the United States and the District of Columbia and the refunding thereof."

Mr. BURNES. Mr. Speaker, I promised the gentleman from Texas [Mr. WELLBORN] in charge of the Indian appropriation bill that I would move the previous question on this report in ten minutes. A brief explanation therefore is all that can be expected on this occasion.

The report just read recommends concurrence in the Senate amendments numbered 3 and 4. These two amendments are practically but one amendment. They have relation simply to the transfer by the Postmaster-General of a portion of the gas fund for the Post-Office Department to the fund for supplying gas in the Money-Order and Sixth Auditor's Office to the amount of $250. This is regarded as necessary, and necessary immediately. It has relation to appropriations of the current year, of course.

The report recommends non-concurrence in Senate amendments numbered 2, 6, and 7. Amendment No. 2, in which the committee recommend non-concurrence, proposes to authorize and enable the Secretary of War to lay a new submarine cable between the Rhode Island coast and Block Island, a distance of about 12 miles, at a cost of $18,350. This is not a deficiency. It is a new and original enterprise—an original undertaking—a new work. It is in no sense a deficiency. It should go to some other committee.

It is not, so far as the Committee on Appropriations could ascertain, a continuation of any work now in progress, nor is it for the repair of any work authorized by existing law. This, perhaps, is about all that need be said now in regard to this item. As to the merits of the proposition, something might be said, and doubtless will be said hereafter.

I think it proper to add that if there is any urgency in this item of appropriation it is not an urgency that affects the interests of the Government; it is not an urgency in behalf of the public service in any Department of the Government, but may be an urgency on the part of the boarding-house keepers on Block Island, a letter from one of whom is transmitted with the estimate.

Amendment No. 6 appropriates $260 for the repair of the water-tank on the main building of the Freedmen's Hospital and Asylum in Washington. We recommend non-concurrence in this item, for the reason that we have been unable to find any necessity for the appropriation. Doubtless by the further action of the Senate or in conference we may learn that there is some necessity for it; but as at present advised we have not felt authorized to recommend concurrence.

Amendment No. 7 is an appropriation of $5,000 for miscellaneous items, exclusive of labor, for the use of the Senate. These miscellaneous items have not been designated in any manner to us. Why the "labor" should be "excluded" is probably owing to the fact that my distinguished colleague [Mr. O'NEILL] is a member of the wrong House, or this deficiency may be the result of the action of the Senate in giving each Senator a secretary at the public expense. If so, the House may wish to know it even if it should speak—

In a bondman's key,
With 'bated breath and whisp'ring humbleness.

As at present advised—or unadvised, rather—we have been constrained to recommend non-concurrence in this item.

A brief explanation of the action of the Committee on Appropriations with regard to Senate amendment No. 1 is no doubt desired by the House, and I am authorized to make it. It is an item appropriating $30,000 to pay the expenses attending the imposing pageantry in New York on the 8th of August last, when the mortal remains of ex-President Grant were finally interred. Having, in constant devotion to the cardinal principles of my party, earnestly opposed the election of this great and successful soldier to the Presidency in his two memorable contests of 1868 and 1872, I would have surrendered the duty now devolved upon me to one of my esteemed Republican colleagues but for the fact that a conclusion was reached in committee, after much consideration, which was entirely satisfactory, as I understand it, to the representatives thereon of both sides of the House.

In justice to several distinguished gentlemen on this floor, who, when this bill was first discussed in Committee of the Whole House on the state of the Union, emphasized their determination to oppose all appropriations proposed to be made to pay liabilities incurred without lawful authority, it ought to be stated that no particular statute has been found authorizing expenses of this character to be incurred; or, being incurred, to be paid. There are precedents—many precedents—and they appear to have been sustained by public opinion, or rather forbearance, until but few, it seems, care to look for authority in either the Constitution or the laws.

General Hancock was directed to take charge of the public ceremonies and give the distinguished dead an imposing funeral at the public expense. He was also instructed to report such expenses, and, as far as possible, to classify them under proper heads of appropriations for the support of the Quartermaster's Department of the United States Army. As our report agrees to the Senate amendment with an amendment of our own, it must be stated that while we have reduced the amount from $30,000, as proposed by the Senate, to $19,343.19 as amended by us, we have made a full and complete appropriation for every legitimate or possibly legitimate expense.

General Hancock, who alone was empowered to contract or incur expenses, and who was charged with the duty of approving the bills therefor, reported and approved bills aggregating $12,037.93. Some other items, about which General Hancock must have had some doubt because he did not approve them, but which he reported as possibly entitled to payment, amount to $1,001.51. The first-mentioned amount was paid out of the funds of the Quartermaster's Department; the latter amount has not been paid. The proposed amendment of the House reimburses the Quartermaster's Department and appropriates the $1,001.51.

These were all the items that General Hancock approved or recommended directly or indirectly for payment or that were paid by him. But the undertakers—Merritt & Son—after having received $7,860 for items in two bills rendered to General Hancock, bring in a third bill for $6,303.75, which was not approved by General Hancock because the items were contracted or furnished—if they were furnished—prior to the order directing General Hancock to take charge of the arrangements. For this third bill, however, we appropriate because of its supposed relation to the honored subject of that mournful occasion. The Secretary of War is directed, as the best protection we can interpose, to examine the items of this third bill with reference to the reasonableness of the charges and the receipt of the articles charged.

Thus it will be seen we appropriate: To reimburse the Quartermaster's Department, $12,037.93; to pay items of expense about which General Hancock had doubt, $1,001.51; and to pay Merritt & Son's third bill, $6,303.75, making a total, as before stated, of $19,343.19.

The remaining items involved in the Senate amendment—and which we have been unable to approve—amount to $10,656.81. They are claims made to refund to the militia organizations of New York amounts alleged to have been paid to their own militia bands of music for their

services and music according to union rates. The attempt to get them allowed against the Government was evidently the result of an afterthought. Militia General Shaler's communication shows the fact. They were not approved or authorized as expenditures by General Hancock. There was no authority in law or in fact for them as charges against the United States. We can not allow these bills in favor of the militia regiment of New York attending upon that occasion with their bands of music or their drum corps without making similar allowances in favor of our friends who came from Massachusetts, from New Jersey, from Philadelphia, from Chicago, and elsewhere all over this broad land, and incurred similar expenses.

The military establishment of the State of Massachusetts, as I am informed, expended over $10,000 in sending militia and bands of music to participate in these ceremonies, yet Massachusetts has asked no compensation or return. I understand that the great city of Chicago, represented on that occasion in a like manner, has declined to present any bill. I was not quite accurate in saying that the whole of this $10,656.81 was for the militia of New York. Let me be accurate now. For the band of the "Old Guard," of New York city, $217 are claimed; for Seventh Militia, $964; for Eighth Militia, $730; for Ninth Militia, $1,010; for Eleventh Militia, $514; for Twelfth Militia, $613; for Twenty-second Militia $1,004; for Sixty-ninth Militia, $516; for Seventy-first Militia, $892; for horses, saddles, and bridles for First Militia Battery, $509; for Second Militia Battery, $683; for thirty-five saddle-horses for militia, $350—$10 each per day!—making a militia total of $8,002, to say nothing of militia sashes, quarters, clerks, stenographers, &c., for nearly all the remainder of the amount disallowed. New York has had a good deal to do about General Grant, his funeral, and his place of interment. It is not seemly that we should be asked to pay her citizens for attending the last ceremonies in honor of this illustrious soldier.

But in justice to that great Commonwealth it should be stated that this latest attempt to take money from the Treasury not properly owing to any one is not New York's. Neither the city nor the State is in any respect responsible for this industrious and energetic effort. It may be charged alone to a somewhat noted militia general of that State, who appears to have conceived the idea of making the United States pay the militia bills alluded to. Unless the general is a claim agent, he is a very benevolent and generous militiaman. The letter which I now send to the Clerk's desk will throw much light upon the question of animus with regard to the getting up of these claims. The Clerk will please read the letter.

The Clerk read as follows:

HEADQUARTERS FIRST DIVISION N. G. S. N. Y.,
New York, August 11, 1885.

I am directed by Major-General Shaler to ask you to send in your bill for music on the occasion of the obsequies of General Grant, it being his intention to make an effort to relieve you of the expense. Please send the bills in triplicate, receipted, itemizing the number of band musicians, drum corps, the drum-major, and band leader, with the rate of compensation for each, according to the scale of prices established by the Mutual Musical Protective Union, and include both parades.

Very respectfully,

CARL JUSSEN, *Col. and A. A. A. Gen'l.*

Mr. BURNES. Let the Clerk read what is written on the margin.

The Clerk read as follows:

Sent to each brigade commander and to each regimental commander direct.

Mr. BURNES. Now, Mr. Speaker, I have simply to say that I have no word of denunciation for the author of that letter. It seems in his anxiety to please the militia of New York he voluntarily reminded them that the United States owes them something; a fact which probably they never otherwise would have thought of. I am proud in the belief that the militia of New York would never have sent in any such bills but for the influence of that letter, which they must have regarded as an order from their brigade commander. This amendment of the Senate included all these items, covering the militia claims, and we desire to go into conference unless the Senate recedes.

It is known to the House generally that a tunnel is being constructed in connection with the water-works. Some complication has arisen in regard to it, but it has become necessary pending this complication to pump out the water to preserve the work which has been already done. Hence we have put in an amendment on the part of the committee to appropriate $5,000 for that purpose in order to prevent the work done going to destruction.

Now, having given this brief explanation, I feel obliged to redeem my promise to the chairman of the Committee on Indian Affairs to call for the previous question.

Mr. BUTTERWORTH. I understand the proposition is to non-concur in the amendment relating to the Block Island cable. I understand the Secretary of War has recommended it as important to the coast commerce of the country this cable should be repaired at once.

Mr. BURNES. I will say to my friend from Ohio that if I had time to explain this whole matter fully he would admit beyond all doubt there is at least no urgent necessity for it. I say now in the presence of the gentleman from Maryland [Mr. MCCOMAS], one of my colleagues on the committee, that we had an interview with a representative of the War Department, who conceded there was no urgent necessity for it, and that if completed in September or October it would be in ample time for the winter's storms. If it be a meritorious proposition and a deficiency, we can put it in the general deficiency bill.

Mr. HENDERSON, of Iowa. I wish to ask, for information, whether the $30,000 added by the Senate was included, as I understand, in the estimate of the Secretary of War?

Mr. BURNES. Yes; the Senate acted on the estimate of the Secretary of War.

Mr. HENDERSON, of Iowa. The Secretary of War submitted the whole estimate?

Mr. BURNES. Yes; the Department submitted an estimate of that sort.

Mr. HENDERSON, of Iowa. The Department submitted the estimate for the whole $30,000.

Mr. BURNES. The Department estimated for the $30,000; but, I presume, without a complete examination of all the evidence we have been compelled to examine or consider.

Mr. SPOONER. Before the gentleman from Missouri calls for the previous question, I hope he will give me opportunity to say something about the Block Island cable.

Mr. BURNES. As a condition precedent to my getting the floor I had to pledge the gentleman from Texas to move the previous question in ten minutes; but as the constituents of my friend from Rhode Island are interested in this item, I think it will meet the approbation of the Speaker if I yield to the gentleman ten minutes.

Mr. SPOONER. It is hardly fair to make statements, as the gentleman has done in reference to this Block Island cable, without giving some opportunity for reply. The gentleman is mistaken in the fact he has suggested, which I would like to call to the attention of the House.

Mr. CANNON. How much time does the gentleman want?

Mr. SPOONER. Ten minutes.

Mr. CANNON. I hope that will be granted to him.

Mr. BURNES. Very well; that is all right. The gentleman asked for ten minutes, and it was granted.

Mr. SPOONER. Mr. Speaker, the gentleman from Missouri [Mr. BURNES] has stated that the Senate amendment providing for a submarine cable in Block Island Bay was for an original work, and not for something existing under the law at the present time.

I would say, in reply to that, that the gentleman is certainly very much mistaken. The telegraphic cable was first laid in Block Island Bay, connecting the mainland with the island, as a part of the Signal Service telegraph system. That cable was a very light one, and consequently insufficient to sustain the violence of the storms that beat around that coast; and after frequent repairs it finally, in October last, in a great storm, was swept away entirely. The object which the Senate amendment has in view is to replace that cable.

It is in the direction of repairing that part of the telegraphic line affording communication between the mainland and the island, and whatever the gentleman may believe concerning the matter in connection with that cable, it is a work of public importance and necessity; and I submit to him that he has been very seriously mistaken when he undertakes to claim that it is for private benefit only, and not for public advantage.

When that cable was first laid it was at the suggestion not only of people in my own State and locality, but upon representations made by the Chamber of Commerce of the State of New York, and upon the recommendation of a number of marine insurance companies in New York and Boston and other localities, as well as upon the urgent request of the large ship-owners from New England and New York and along down the southern coast. This locality is one of great danger upon our coast.

We have upon Block Island two life-saving stations and two light-houses. The island is 10 miles at sea from its nearest point to the mainland. The signal service there has been a most important part of that branch of our service. The signals are visible from all the surrounding waters, and have been guides to the commerce which passes in that locality to a greater extent, I am prepared to say, than upon any other part of our entire coast. It is at the entrance not only of Narragansett Bay, but also of Long Island Sound. A great amount of foreign and domestic shipping of all kinds passes in that vicinity. The storm signals there are important to our commerce, both that passing in and out of Long Island Sound and of Narragansett Bay, and also that passing to and from Boston and northern and southern portions of our coast.

Mr. BUTTERWORTH. May I interrupt the gentleman from Rhode Island to ask a question? I understood from my colleague on the committee [Mr. BURNES] that in a conference with some officials of the Signal Service he was informed that it would be in time if the appropriation for the repair of this cable was made by the 1st of October. Let me ask what is the condition of that coast between now and that time which would render a delay a matter of any serious moment?

Mr. BURNES. I would like to suggest to my friend from Rhode Island to let us dispose of this matter at once, and I will pledge my earnest, faithful consideration of the subject in the committee when we come to the consideration of the deficiency bill. We will hear him upon this question, and I pledge him now in the presence of my col-

league [Mr. McComas] on the committee, who was present when the interview to which I have heretofore referred took place, and I know he would not suspect me of giving a partisan coloring to the matter, that the representative of the Signal Service was before us for two hours or more and we made a most careful and thorough investigation of the subject. He only claims that the cable was necessary for operation during the storms of winter, so far as any of the services of that department are concerned. So far as the summer season is concerned, of course the necessities of the case are not so great.

But, I repeat, I pledge my friend from Rhode Island that we will consider the matter in due time, and that he shall have a hearing before the committee; and that as the time is now pressing, and other bills are waiting for consideration, and my friend from Texas is looking at me as if with daggers in his eyes, I beg that he will allow this matter to go to the Senate without delay.

Mr. SPOONER. As I said to the gentleman from Missouri in a conversation with reference to this subject only the other day, I have no desire to press it upon the House except as a matter of legitimate business and commercial necessity. When the gentleman from Missouri, however, speaks of the necessities of the "boarding-houses upon Block Island," as he is pleased to call them, he is as much mistaken as in reference to any other suggestion concerning this matter which has been improperly made.

It is no disadvantage to the Government certainly, and its service that a revenue is obtained every year, as it is obtained, from the use of this Government cable by private parties.

Mr. BURNES. Two hundred and fifty dollars a year to the Treasury.

Mr. SPOONER. I beg the gentleman's pardon. I have a statement here from the officer in charge of that station at Block Island. This relates to the year 1885, commencing with January of the year and ending on the 13th of October, when the cable was swept away, covering a period of only about nine months of the year. The receipts at Block Island in that year were not $250, but were $693.87, of which he says:

If you wish to know the amount of money including other lines, multiply the results given each year by 2, and the aggregate will be approximately correct as showing the total receipts.

Which, as I understand him, means that the $693.87 received, as I have said, are the receipts at the Block Island end of the line; but that there was a corresponding amount paid for the service at the mainland for telegrams to Block Island, making an aggregate of nearly $1,400 instead of $250, as the gentleman states, and that was for only about nine months in the year 1885.

It certainly is no disadvantage to the Government that upon this appropriation now asked for it receives more than 7½ per cent. upon that investment in the term of nine months from private business running over that line, an amount which may be fairly said to be at the rate of 10 per cent. for the twelve months of that year. The gentleman says this is not a deficiency appropriation——

The SPEAKER. The ten minutes allowed to the gentleman from Rhode Island have expired.

Mr. SPOONER. I did not understand that I was limited to ten minutes.

The SPEAKER. The Chair understood the gentleman from Missouri to yield ten minutes.

Mr. SPOONER. I understood the gentleman to say ten or fifteen minutes.

Mr. BURNES. In reality I said two and a half minutes, but the Chair understood me to say ten.

Mr. RANDALL. I would like to say a word. It is not necessary at this time to discuss the merits of a submarine cable from Block Island to the mainland. If the Committee on Appropriations under the rules have authority at any time to insert that proposition in any of the bills of which they have control it would naturally go into the sundry civil bill. This is confessedly not urgent. Moreover, in my judgment it is not a deficiency at all, and has therefore, under any guise in which it may be presented, no place in this bill.

Mr. SPOONER. If the gentleman will pardon me, I insist this is an urgent deficiency for the reason I was about to state.

Mr. RANDALL. It is not a deficiency. It is a proposition to lay a new submarine cable.

Mr. SPOONER. The Secretary of the Treasury of the present administration reports it as a deficiency.

Mr. RANDALL. I think I am as good a judge of that as he is.

Mr. SPOONER. Possibly; but I accept the official statement of the Secretary.

The SPEAKER. The gentleman from Missouri [Mr. Burnes] demands the previous question.

Mr. SPOONER. I hope the previous question will not be ordered.

Mr. RANDALL. I hope it will be.

The question being taken, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. SPOONER. I call for a division.

The House divided; and there were—ayes 70, noes 37.

So (further count not being called for) the previous question was ordered.

The SPEAKER. Unless separate votes are demanded on the various amendments, the Chair will put the question on agreeing to the report made by the committee.

Separate votes were not demanded.

The report was agreed to.

Mr. BURNES moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. Townshend in the chair) and resumed the consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes.

Mr. RYAN. I yield ten minutes to the gentleman from Michigan [Mr. Cutcheon].

Mr. CUTCHEON. I desire during the ten minutes that the gentleman from Kansas has courteously yielded to me to further discuss in detail to some extent, some objections which have been made, and especially by the gentleman from Illinois [Mr. Cannon], whom at this moment I do not see in his seat, which I regret, because I desire his attention to what I am about to say as well as the attention of the rest of the committee.

The gentleman from Illinois, in debating this bill and while on the subject of Indian education, used the following language:

I admit that at Carlisle and other schools, which have been referred to, the children while in the schools make magnificent progress in education; but I do say that without exception, when they return to the tribes where they must live, if the sustaining influence of the Government is withdrawn, they drop back at once into the savage condition; they are compelled to succumb to the sentiments of the tribe, the evil influences of which they absorb, instead of retaining the good that they have received at Carlisle or elsewhere; so that their condition is worse than if they had never been taken from the reservation.

And again the gentleman from Illinois used the following language:

In company with the gentleman from Kansas [Mr. Ryan], with the gentleman from Arkansas [Mr. Peel], and with my friend from Indiana [Mr. Holman], I traveled through the Indian country; we made diligent inquiry across the continent to the north and across the continent to the south, and we could not find that there was one student of all the hundreds educated at Carlisle or Hampton, or in any of the schools off the reservations, but had gone back to their savage life in a very short time except a few that were employed by the Government of the United States.

In another place he uses the expression that they had gone back "to the blanket." The other day when we were discussing this bill I did not have in my possession the data, which I knew to exist, from which understandingly and authoritatively to discuss this question. I now hold in my hand a little pamphlet issued by the Hampton school, containing the results of an investigation by what I will call a commission sent out by that school last summer and fall for the express purpose of investigating and reporting upon the results and effects of the education which the Indian girls and boys had received at Hampton. And I might say, in passing, this pamphlet itself is an illustration of what the Indian and negro boys educated there can do, for it is printed in the school's printing office, and is entirely printed by the boys and girls of these two races, the Indians and the negroes.

The first article of this pamphlet, the title of which is "Hampton Institute; its work for two races," bears the signature of M. F. A. I take that to be a lady connected with the institute. This, at all events, is issued by the authority of the school. The first statement to which I desire to call the attention of the committee at the present time is the following:

Of the one hundred and forty-five Indians who have returned after three years here to their homes two-thirds are doing well as teachers, farmers, mechanics, laborers, &c., while not one has become a renegade, their great difficulty being the want of steady employment.

This report was made last November.

Mr. STORM. By what school?

Mr. CUTCHEON. It is issued by the Hampton Institute, and is entitled "The Hampton Institute; its work for two races."

Mr. CANNON. Will the gentleman allow me a remark just there?

Mr. CUTCHEON. Yes, sir.

Mr. CANNON. I do not know the gentleman who issued that pamphlet, but I am of opinion that he is the gentleman who gathers up these children, and one of that army of office-holders who will always oppose reforms upon the Indian bill.

Mr. CUTCHEON. Mr. Chairman, as I have but a few minutes, I desire to proceed as rapidly as I can. The next article in this pamphlet is by a well-known lady, Miss Helen W. Ludlow. Miss Ludlow was detailed last autumn to go among the Sioux, and investigate at the agencies on the several reservations, expressly and specifically, the condition of the Hampton boys and girls.

This is her testimony:

HAMPTON'S INDIAN STUDENTS AT HOME.

BY HELEN W. LUDLOW.

In this practical age every cause that appeals to the people must be put to the most practical of tests. So, therefore, must the cause of Indian education.

First, there is the school test. Will Indians study? Can they learn? Hampton answers with her hundred and forty Indian students, acquiring all the branches of elementary education through the medium of a language itself the most difficult of their studies; with her thirty Indian members of the normal school keeping up with their English-speaking comrades in all its classes; with her nine Indian graduates who have completed the full normal course, one of them contemplating a professional education.

Then there is the industrial test. Will Indians work? Can they be broken into civilized pursuits?

Hampton answers with her farms and work-rooms and training-shops, where Indian apprentices are working under white masters and side by side with a race long trained to labor, as farmers, carpenters, harness-makers, blacksmiths, tinsmiths, shoemakers, printers, tailors, seamstresses, house-workers, producing results that stand the most impartial and inexorable of all tests, that of the market.

Thousands of visitors from every section of the country and from abroad have for the last six years seen the application of these tests of the school and industrial training in Indian education at Hampton. They are virtually, perhaps, no longer in question among intelligent people.

There remains the home test—most practical, most important, crucial. Will the Indians stay civilized? Or is it true, as a Western paper feelingly puts it, that "the Indian boys and girls in our various institutions of learning show themselves to be apt scholars, but the experience is that as soon as they are returned to their tribe they don the blanket and return to the customs of their fathers and mothers."

Is this the "experience?" Hampton has no wish to work for a cause whose failure is a foregone conclusion; no right to ask for help in such a work.

To study this and the general Indian question on the ground that the school itself and the friends of the red man might better know the actual facts about him I was sent out last July, and spent the summer in the West, visiting especially the Sioux reservations in Dakota, from which most of our Indian students come, and where over a hundred of them, returned to their homes within the last five years, are now living. There, if anywhere, the answer should be found. And, when it is found, should it not be acted upon?

In my exceedingly interesting journey, which I wish could be as easily taken as the trip to Hampton by all who are honestly interested in the question, I visited five agencies along the Missouri River in Dakota and one in Wisconsin, where were living seventy-three returned Indian students—twenty-seven young women and girls, forty-six young men and boys, who had been returned to their homes from Hampton at different times, from one to five years ago. Forty-five of these I saw myself, talking with them freely, and visiting most of their homes. Of all, I had separate and full accounts from their agents, missionaries, teachers, employers, and acquaintances. The agencies I visited were Yankton, Lower Brule, Crow Creek, Standing Rock, and Fort Berthold in Dakota—staying four to ten days at each, and two days at the Menomonee reservation in Wisconsin.

This is the record, good and bad:

Of the seventy-three, four and only four, "don the blanket." One of these is an epileptic girl, another a consumptive boy who was only a few months at Hampton, and in his weakness finds his accustomed dress the easiest—wearing his blanket as a white invalid would his dressing gown. The other two are young women who, though not considered good material at Hampton, ought to know better, but have married in Indian style and gone back to Indian life.

Mr. CANNON. Will the gentleman allow me to interrrupt him there?

Mr. CUTCHEON. Certainly.

Mr. CANNON. I do not know this lady——

Mr. CUTCHEON. She is a teacher at Hampton.

Mr. CANNON. I do not know how many of these Indians, of whom she speaks, are employed by the Government, nor does she tell us; but as against her statements I submit, not *ex parte* statements, made not under the obligation of an oath, nor the statement of a party in interest, but the concurrent testimony, taken under oath, of witnesses at the agencies that these Indians, without exception, unless where they have been employed by the Government, have relapsed into barbarism.

Mr. CUTCHEON. Now, Mr. Chairman, I will proceed. Miss Ludlow further says:

Four others are reported as "bad," have done nothing criminal, and keep themselves in citizen's dress, but are "lazy and troublesome," their influence and example on the wrong side. Nineteen more have not had a continuously good record, but are doing fairly well now. One of them went back to his blanket for a time, but the influences of the new life were not wholly lost and have started him again in the white man's road, as great a witness to their power perhaps as could be given.

Forty-six have done very well indeed—some of them very remarkably so—constantly since their return working as they had opportunity; the boys at their trades, farming, or other manual labor, clerking or teaching; the girls as teachers or assistants in the schools, helping their parents or keeping house for themselves, five having married since their return home.

Forty-six out of seventy-three—would it be a bad proportion for the honor-roll of any white "institution of learning?" And to these may fairly be added six, who, after spending one or more years at home with a good record, returned to school at their own desire, and were doing well there when I was at their homes. Three of the forty-six have since followed their example.

Of the fifteen who have died at their homes, the only one who even partially returned to Indian garments did so because he was too weak to work for others, but pathetically begged to be buried like a white man in the citizen's clothes sent him by a kind friend. One young man yielded to the temptations of a military camp and died in consequence; two others did not do continuously well. The rest did all as well as they had physical strength and opportunity, two of them very finely.

I have not included in these figures the agency of Cheyenne River, because I stopped there but a few hours, and obtained only a general instead of a detailed report. It was that "the Hampton students are doing generally well. None have returned to camp life."

Twenty-eight girls and boys sent home in July to various agencies are also not included. Twenty-one of these I saw myself, or were reported to me as having gone to work and promising well.

I pass now to what this lady says about the Indians at Lower Brule:

AT LOWER BRULE.

We shall see what a Hampton Indian girl can be in her parent's home—a home of the better class: helpful, cheerful, the main stay and quiet influence for good. We shall see, too, what a Hampton returned student can do for his Indian father—an old chief, stubbornly opposed to progress—when he takes a manly stand for right; shake his prejudices and change his heart to work for education instead of against it. We shall find one of the Hampton Indian families, father, mother, and baby boy, soon to move into the house built for them by the father who learned his trade at Hampton, and helped build his cottage there.

[Here the hammer fell].

Mr. RYAN. I yield ten minutes more to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I thank the gentleman for his courtesy. I read further from this lady's testimony:

Among the twenty-two returned students, six girls and sixteen boys, we shall find alas, the four reported "bad and troublesome," and two of those who have "returned to the blanket"—of whom there were four out of seventy-three, you will remember. Of the rest, two are "doing fairly well;" twelve have done very well since their return, working, two as teachers, the rest as farmers, or attending school or helping at home. The young men who have just returned are also at work. One of them will return to the East to study for the ministry.

At Crow Creek we find all of the Hampton boys at work, under the fostering care of Agent Gasmann: a teacher, a carpenter, blacksmiths, farmers, a policeman—ten or a dozen, counting the newly arrived, who do not mean to be behind the rest and are greatly encouraged at finding work all ready for them. Of the ten young women and girls—four of them new-comers—two are wives who returned with their husbands. One, married in Indian fashion, completes the list of the four returned to the blanket; the rest are doing well; three of them are in delicate health. If we call at the two-story house of Chief Wizi we shall find that he has kept the best room in it for his granddaughter, our little Amy. It is what we should expect of this Christian chief, who, when his grandson died at Hampton years ago, called his people together and told them: "If only one of our children returns to teach us the white man's road it would be worth the loss of all the rest."

At Standing Rock let us first join our rejoicings with his four thousand Indians over the reappointment of their good "father" Agent McLaughlin for another four years. It means to them a new lease of life and hope and progress; to us, some faith that public sentiment, and its servant the Government, are growing wise enough to recognize first-rate work, and leave it unspoiled by partisan politics.

We hear only good reports from our sixteen Hampton boys and girls; even the three who seemed for a time on the wrong track are doing well; two of them are married and settled. None have ever gone back to the blanket, and none have died.

Among the many signs of progress on this most interesting agency, perhaps it was natural that to me one of the most interesting was a little white school-house on the edge of the camp of the late "hostiles," part of Sitting Bull's band; a little white school-house with a belfry, and in the doorway two Hampton girls standing to greet their unexpected guests: Rosa, the graceful, dignified young teacher, and Frances, the smiling housekeeper, proud to show their pretty school-room and their tidy little *menage*. I did not wonder at all to hear that a Congressman prominent in Indian legislation was surprised by that sight of the results of Eastern education into the expression of his admiring conviction, "Well, this solves the Indian problem!"

Perhaps one of my distinguished friends here is the very Congressman here referred to.

Given such trained teachers in such a school-house to every thirty Indian children on the reservations, and how long will the solution take?

Another Hampton girl is her husband's assistant teacher in a school for eighty on a remote part of the reservation between two farming settlements, one of them from Sitting Bull's band, scattered out on their separate farms under the agent's wise encouragement.

Of the young men, one has married a daughter of old Sitting Bull, but instead of living on his rich father-in-law, as he might, supports his wife by his carpenter's trade learned at Hampton. Another, with his wife and fine little boy, lives at the agency in charge of the Government stables, is accumulating stock of his own, and doing well in every way. Two are blacksmiths, two herders; one little fellow of fourteen, whom we hated to part with at Hampton, we find putting up his cows for the night. He takes care of his mother's farm with his hired man, and is the head of the family. The new-comers all went to work at once in the harvest-field. Four from this agency have voluntarily gone to Hampton a second time for a further course of training. The desire for education is so wide awake and eager on this reservation that the pressure of applicants for Hampton was greater than could be responded to this fall. It would have been easy to bring on thirty or more at once.

Now, I submit that the statements which I have read from the report of this lady who went upon these reservations, who visited the agencies, saw these boys and girls and talked with them, are not in harmony with the statement of the gentleman from Illinois [Mr. CANNON] that he could not find a single one of all the students of these schools that had not gone back to the blanket. There is a discrepancy.

Mr. CANNON. I am sure the gentleman does not desire to do me an injustice.

Mr. CUTCHEON. Certainly not.

Mr. CANNON. Yet his remarks have that effect when he makes me occupy the broad position that he has just stated.

Mr. CUTCHEON. I read the gentleman's remarks at the beginning, so that I had my text.

Mr. CANNON. I did not happen to be here when the gentleman read my remarks; but my statement was (as my remarks must have shown, if the gentleman read the whole of them) that we failed to find a single one of all these students that had not gone back to the blanket or barbarism, except where the Government gave them employment.

Mr. CUTCHEON. "Except a few" is the gentleman's language.

Mr. CANNON. The gentleman in his remarks just now appeared to ignore the exception I had made.

Mr. CUTCHEON. The exception seems to take in pretty nearly all except four.

Mr. CANNON. The gentleman if he had inquired would have found that in every instance referred to in the statements he has read, including that of Rosa Bareface and the carpenter who married Sitting Bull's daughter, these people are under the pay of the Government, are sustained by the agency, either at the agency or within half a mile of it, and the Indian police and the Army are there to give them support.

Mr. CUTCHEON. The gentleman's statement was broadly in the following words:

We could not find that there was one student of all the hundreds educated at Carlisle or Hampton, or in any of the schools off the reservations, but had gone back to savage life in a very short time, except a few who were employed by the Government of the United States.

Mr. CANNON. And so I say now.

Mr. CUTCHEON. The "few" amount to sixty-nine out of seventy-three. Out of seventy-three that have come from Hampton but four have gone back to savage life.

Mr. CANNON. Does that include all that these schools have turned out?

Mr. CUTCHEON. All that have gone from Hampton.

Mr. CANNON. I spoke of Carlisle, Hampton, and the other schools.

Mr. CUTCHEON. I have not the figures in regard to Carlisle; I hope to have them before I get through with the discussion.

Mr. CANNON. Will the gentleman allow me right here?

Mr. CUTCHEON. Certainly.

Mr. CANNON. Has the gentleman taken into consideration the many schools—the Lincoln Institute and others all over the country—that have been educating these children even before the Carlisle school was established?

Mr. CUTCHEON. I said at the beginning of my remarks that I was prepared with facts and figures to discuss only the Hampton school. I hope to have information in regard to others before we get through with this debate.

I read further from the testimony of this same lady:

This completes the list of Hampton's returned students whom I saw or heard from in Dakota. Of the four young men at the Menomonee agency in Wisconsin, three of whom I talked with, two have not done continuously as well as they might but for the temptation to drink, though both have worked well at times. One other has always been industrious. One, who completed the normal course at Hamptom, one of its first Indian graduates in 1882, I heard teach three classes very successfully. It was far better work than I have heard from some white teachers. I felt proud of our Hampton boy.

Two or three questions remain to be answered.

"If Eastern education is so effective, why not send all the Indian children to Eastern schools, and give up those of the agencies? Why not at least keep all who do go East and never return them to the dangers of reservation life?"

To the first question the sufficient answer is, you can not; the bulk of the work will always have to be done in the West. Of the forty-one thousand Indian children of school age, it can not be expected that over five thousand can be educated off the reservations; perhaps not over fifteen hundred east of the Mississippi.

As for the second, you would not get any children, with the consent of their parents, for such a purpose; and, if it were possible, would it be desirable? The love of Indian parents for their children is the strongest—it seems to me the best—trait in their character. Call it animal instinct if you will, it is the strongest hold one can have on them. It seems to me, rather, a divinely appointed means of grace and progress into better things. There are those who will yield to the temptations of camp-life—some would fall before those of civilized society—but the influence of those who take a bold stand for the right, like young Medicine Bull at Lower Brule, or who live simply honest, industrious lives, as so many of our returned students have been able to do, can not be calculated. And, it seems to me, there is a reflex influence for good in such a life for others, that a life of mere consideration of one's own advantage will miss.

We had a little colloquy here the other day in regard to the day schools. This is what Miss Ludlow says in regard to the day schools:

The day school and boarding school right among them have an influence upon an Indian community as real as a New England school-house has on an Eastern one; far less in degree—then all the more needed. It is an important fact, also, which should be well understood, that the conditions of life on the reservation are so far changing under these and other influences, that the returned student does not return to one howling waste of barbarism, but finds a progressive party to which he can ally himself for support and association, even among his own people; a progressive party in the minority, but active and increasing in numbers and strength.

"Then why not educate all in the West, and save transportation?"

The answer to that is easy, too. In the first place, there are not such facilities in the Western schools—especially for normal and industrial training—as Eastern ones afford, even counting out the great educational influence of travel and contact with Eastern civilization. If there were such facilities, irregularity of attendance and the absence of good home influence would make them of less avail. Strong confirmation of this statement comes just as I write in a letter from a missionary among the Pi-Utes of Nevada, requesting admission for a promising Indian boy at Hampton. He says:

"We have schools here at the reservation, but it is not advisable for him to attend, as they are not as good as the public schools, and, being constantly in the midst of the tribe, he unavoidably would grow up full of Indian notions."

He adds:

"I have been among these Indians for three years and have reached two conclusions:

"First. These people can be best civilized by educated teachers of their own.

"Second. Those teachers must be educated outside of reservation schools, such as those with which I am acquainted.

"In the second place, the education of Indians at Eastern schools is needed to educate white public sentiment at the East. While there is no thinning out of the Western schools, and every child brought East is a clear gain in Indian education, this impulse to Eastern public sentiment has done more than anything else to help the general cause of Indian education and civilization. Every school at the agencies—Government or mission—has felt its lift. As it has been put: It is not too much to say that every child on the reservations has shared indirectly the benefit of the Eastern schools."

I have not time to read further from what Miss Ludlow has written, but I wish to read the testimony of another well-known lady, Miss Elaine Goodale, also of the Hampton Institute, in regard to the civilization of these Indian tribes. She was among these people and also spent months in the Northwest among the Dakota Sioux. She says:

There are hundreds of Indians on almost every agency, living on and cultivating the land, who ought to receive titles, properly protected for a certain number of years. An official survey is greatly needed, and allotments should be made at once to all who desire them. I saw most striking evidences of general progress in civilization at the mission settlement before mentioned, 65 miles above Cheyenne River agency. Six years ago these were wild "blanket Indians;" now they are living in comfortable log houses, cultivating farms of from 5 to 15 acres each, cutting from one to several hundred dollars' worth of hay, wearing citizen's clothing, and most have accepted Christianity. They are nearly self-supporting, receiving only one-quarter rations, and some stay at home and follow the plow rather than make the three days' journey necessary to draw them. The women have fully kept pace with the men. I found them neatly dressed, in neatly kept and well-furnished homes, with well cared-for children.

There is an example of what education has done for the Cheyenne River Indians—not solely the education of the school-house, but also the education of the missionary, who brings with him the Christian home and sets it down in the midst of the Indians, teaching them the household arts, teaching them how to carry on a civilized home. More is to be accomplished in this way, I grant, than by the school book; but I am illustrating the fact that what we want is the immediate contact of civilization with these Indians, so that they can see civilization progressing before their eyes, see how Christian women live, how they provide for their families and bring up their children.

I read one further quotation:

The educational problem, than which nothing can be more important, was studied by me in the light of school work at all the agencies. A curious sort of logic seems to prevail regarding Government schools among the Indians. It is said that they are not doing their work perfectly, and consequently that we do not need any more of them. The truth is, that the system of reservation schools is not a system at all, but a series of disconnected experiments. The agent should not have entire responsibility for the school work at his agency, not so much because he is likely to abuse his trust by the appointment of incompetent relatives, as because the schools need more time, thought, attention, than he can by any possibility give.

* * * * * * * *

I visited six agency boarding schools, four of which impressed me as very creditable; in two the discipline and general management were particularly fine. The inferior teaching is the weakest point. These positions offer few inducements to first-rate teachers.

As to the day school, she says:

The day school in the Indian village is, to my mind, the most important and the most neglected point in the whole field. Its contact with Indian life is closer than that of any other; its influence is great and ought to be greater than it is.

And again she says:

It may easily be seen that the benefit of all this to the community is not to be measured by the average attendance in school or by the proficiency of the children in mental arithmetic or the Third Reader. It is their object-lesson in civilization. The neatly-kept rooms, the neatly-dressed teacher, the regular hours, countless details are seen and studied and more or less unconsciously imitated.

That is the strong point in the day school, that it is "an object-lesson in civilization" planted in the midst of the Indians. Miss Goodale truly says:

There is no time to be lost in fulfilling our promises to the Sioux and establishing good day schools, under competent general supervision, in every Indian village.

Of the Cheyenne River Mission school she says:

The success of the school among the Indians may be inferred from the fact that there were eighty applicants this year when only forty can be admitted.

By treaty with the Sioux people we are obliged to furnish one school-house and one teacher for every thirty children of school age of this great Sioux Nation, numbering 30,000. We have not done it. It is said to be impracticable. I do not know there is anything impracticable about it. Certainly it would be a beneficent thing if we could carry out that treaty as we are bound by our contract to do.

If we could set down in each Indian community one "little white school-house with a belfry" and a bell summoning daily the children to this interesting and beautiful "object-lesson" in civilization "it were a consummation devoutly to be wished."

[Here the hammer fell.]

Subsequently Mr. CUTCHEON was granted leave to publish with his remarks the following telegram:

CARLISLE, PA., *March* 17, 1886.

Hon. B. M. CUTCHEON,
House of Representatives, Washington, D. C.:

Letter just received. We have returned to forty-five tribes four hundred and thirty-eight pupils. I have received information that thirty-four are now employed as teachers, &c., in agency and other schools; that forty-two are working for Government at agencies; that twenty-seven are farming for themselves; that fifty-six are attending agency or other schools as pupils; that nine are employed as clerks in the stores; forty-one are reported as doing nothing. Sixty-three have died. Of the balance I have no certain information, but know that a good proportion are employed as scouts and policemen. Since school began, October, 1879, we have had one thousand and forty-one students. Of these I have sent into families hereabouts, for longer or shorter periods, seven hundred and sixteen, coming from all tribes; twenty-four being Apaches and a full proportion being Sioux, Kiowas, Comanches, Cheyennes, and others of the so-called "bad tribes." Only seven of this whole number have been charged with criminal conduct. We always require that unsatisfactory pupils be returned to the school. Forty-two were so returned. Eighty-four are out at present. These attend school among the whites, and are mainly in excess of the number appropriated for, and without material cost to the Government.

This system qualifies for a change from tribal and reservation life to that of a citizen, and begets the desire for it. Scarcely a student but is able to take care of himself or herself among a civilized people at the end of their five years' course. So far as my somewhat extended information goes, the committee's visits to agencies seem to have been of the briefest character. I invited and urged Mr. HOLMAN to bring his committee to Carlisle. He made two promises that he would do so, but he did not. It would seem important that the coroner should at least view the corpse. I have read the speeches of Mr. CANNON and Mr. HOLMAN and others carefully, and trust that the committee will furnish the

minutest report, with names of witnesses and evidence taken. Looking at the black sheep alone, the best institutions in the world will stand condemned. It is the murderers and housebreakers in the great city whose work is fully paraded in the morning papers, and not the work of the 800,000 non-criminal citizens.

In regard to the cost of Carlisle as compared to agency boarding-schools, see on page 30, near top, this year's report of Indian schools superintendent, that the per capita cost per month of agency boarding-schools is $14.55, or $174.60 per annum. Congress gave us last year $175 per capita. Our work continues and the training goes on the full twelve months. Agency boarding-schools remand their children to camp for two or three months, and education goes backward in the tribes. The industrial systems and examples are at the minimum, and the whole tendency is to consolidate, unify, and strengthen the tribes as such and create petty nations, as Choctaw, Creek, &c. Here, with a great mixture of tribes and surrounded by civilization, that feeling is broken up, and we educate in loyalty to the Government and individual manhood, which would continue and grow on to perfection in proper soil. Citizenship and industry are the great influences here, while, *per contra*, there is no place in the United States where citizenship and industry are at a greater discount than upon an Indian reservation. The million dollars the Indian Commissioner recommends for education this year is objected to. I hear nothing outside of Congress that warrants the views expressed. It ought to be two millions for next year. The beneficence of one man (Stephen Girard) gives nearly $500,000 annually for the education and support of eleven to twelve hundred fatherless lads from the slums of Philadelphia, who have no such claims upon him as the helpless Indian youths have upon the United States. Turn on all the light and the most competent and experienced investigation you can, both here and all over the field, and you will then adopt means big enough to release the Indian quickly from his ignorance and reservation prison.

R. H. PRATT, *Capt. and Supt.*

Mr. RYAN. Mr. Chairman, I did not intend to participate in the general debate on this bill, simply because the discussion of the Indian policy, it seems to me, would perhaps have been more appropriate on a bill which it is supposed will soon be brought before the House for its consideration and action relative to the Sioux reservation. So far as the provisions of the pending bill are concerned there is not much room for discussion or controversy. The bill, in the light of existing policy, of existing treaty and existing law, has been, it seems to me, intelligently and wisely prepared in the main. I take the liberty to express this judgment because, as the older members of the House well know, I have been charged with the duty of assisting in the preparation of the Indian appropriation bill during the last four years. During that time I was rather an enthusiastic advocate of the policy of educating Indian children in the centers of civilization, and at all times urged liberal appropriations for that purpose.

During the last summer I was charged with others by this House with the duty of investigating this question, among others, on the reservations themselves, and we discharged that duty as far as it was practicable for us to do so. I did not find a single instance, in all our investigation, of any Indian child who had been educated in any of the centers of civilization who had returned to his home who had not also returned to the condition of barbarism in which his tribe was at the time he returned, except those only who were sustained and held up by having been given employment by the Federal Government.

And with all due respect to my friend from Michigan [Mr. CUTCHEON] I have this to say to him. I think he will not find a single instance in the cases to which he has called the attention of the House where the child has sustained himself after having returned to his tribe, except where he has been given employment, and thereby has been sustained and held up by the Federal Government. I was compelled on that investigation to change my mind touching the policy of instructing Indian children in the centers of civilization. You lifted them rapidly, suddenly, from the very lowest depths of barbarism to the highest plane of our civilization. You isolated them from all their kindred, from all their original barbarous surroundings. You placed them in a position where they were surrounded only by the Anglo-Saxon civilization which we all enjoy and of which we boast as being the highest that exists. They made rapid progress. They made progress which was a marvel to all of us, and I do not mean to say that the money which was thus expended was injudiciously or unwisely expended. It illustrated to the American people everywhere in their own midst the capacity of the Indian for advancement, for development, for progress in civilization. It demonstrated the fact that he is capable of that development which shall give to him and his people a fair degree at least of Anglo-Saxon civilization. And in that respect creating a conviction of that kind everywhere, it has been useful in solving the great question of the civilization of the Indians. But beyond that I have seen no satisfactory results.

When his education has been thus completed amidst the best civilization we have, in schools to which we send our own children, where he enjoys all the advantages, all of the luxuries, if you please, of our own civilization, you hurl him down with violence into the very depths of the barbarism from which you took him.

He is there immediately surrounded by influences of a degrading character. If there is no employment given him by the Government, and if the white man does not take him by the hand and hold him up, if he does not have this assistance and this aid, the rude hand of barbarism seizes him and drags him down in every instance. He returns to his tribe, to his people, to the barbarism from which you took him, and the result is he derives no benefit from the education which you have given him.

But not so when you educate him properly in the midst of the tribal surroundings. There his daily progress is watched with interest by the tribe, and all of the beneficial influences of civilization shed their light not only over the child who is being educated, tending to elevate him, but lifts up the tribe to a greater or less extent in every instance. The tribe becomes accustomed to the elevation you give to the child, and when he finally returns to his tribe there is no shock, no sudden change, no rude awakening to conditions and influences with which he and his people are not already familiar. He returns to surroundings which have been elevated to some extent by the efforts to elevate him, for the education of the child has to some extent lifted the barbarism from the parent and from the tribe itself, and he finds no difficulty in maintaining the standard to which he has been trained.

I do not care now, sir, to pursue this subject further than to say that I will go as far as the farthest in making appropriations for the industrial education of the Indian children upon the reservations. I believe no more powerful agency can be employed to civilize the Indian and to educate his children.

The schools we have already established at Government expense, Carlisle, Salem, Genoa, Chilocco, and Haskell Institute, it is perhaps well to maintain, but I do not think it advisable to establish others remote from the reservations.

Mr. CUTCHEON. I suppose you would educate them in the English language, would you not?

Mr. RYAN. Yes, sir; I would.

I believe that labor and the education of the children should always go hand in hand; and when they go hand in hand in the presence of the Indian tribes they have a powerful influence in civilizing and elevating the Indian people.

I wish now to call the attention of the House for a moment to the views of one who has had long experience among the Indians as an educator, and who impressed favorably the entire committee. I shall read a portion of the testimony of this man who has been a missionary among the Indians for a long period of time. We found him engaged in his Christian work at the Pine Ridge agency among the Sioux Indians, and thought him as intelligent and as clear upon the subject of Indian education as any gentleman with whom we came in contact during all our summer work. He says in reference to this subject:

SCHOOLS ON AND SCHOOLS OFF RESERVATIONS.

As to the comparative merits of boarding schools at or near agencies where the children are educated in the presence of their own people, and surrounded by the influences, customs, and ideas, out of which the effort is being made to elevate them, and those schools in which children are taken for long distances from their homes, and surrounded wholly, for a period of years, by the atmosphere of a high civilization, and the influences which come to them from it alone, to the entire exclusion of all thought, and almost of accurate remembrance of the life which their own people are living at home, and to which they themselves must return when their school days are over, my opinion is, that the preference should be strongly in favor of the agency school. As supplementary to the work done by agency schools, and as a means for giving opportunities for higher culture and more thorough training to graduates of agency schools who prove themselves capable and desirous of it, I think the schools in the midst of civilization will accomplish a most useful work; but without the preliminary work done by the camp day school, and the agency boarding school, will accomplish very little in permanent results, and tend rather to discourage the few who are educated at them than to elevate the whole people by the influence which such pupils will be able to exert when they return to their homes. Pupils educated in the midst of their own people, and in the face of the old life which we endeavor to induce them to abandon, are subject to no shock or disappointment in going out from the schools to the camps and to take up again their life in their respective homes, and are, on that account, much stronger to maintain the standard they have acquired under the influence of their teachers. On the other hand, those who are educated at schools in centers of civilization are comparatively weak when suddenly returned among their own people, and, so far as I have been enabled to observe, have but little moral courage to maintain the standard acquired, and, exercising but little influence among the masses, tend rather to fall back themselves into the old ways utterly dispirited. It is but natural that it should be so, and unless strong and active civilizing influences are kept constantly bearing upon the people in their homes and nuclei of civilization formed to which these pupils can return and draw strength, the work put upon them in those schools will, for the most part, fade out and be lost as water poured upon the sand.

That is in accord with the testimony of every intelligent educator we met in the Indian country.

Mr. CUTCHEON. What is the name of this witness?

Mr. RYAN. The witness to whom I referred is Rev. William J. Cleveland. Now a word in regard to the day schools. While I do not mean to be understood as saying that the day school is a total failure I do mean to be understood as saying that the money we expend for day schools could generally be more profitably expended by using it for industrial schools on the reservations.

The day school has no attraction for the child of the savage. It should be borne in mind that members of the Indian tribes that are uncivilized send their children to school reluctantly; and therefore it has been found impracticable, in almost all cases, to maintain a day school among such tribes of Indians in any degree of efficiency. And before, in my judgment, day schools should be maintained to any extent civilization in the tribes ought to proceed so far that there should be an inclination on the part of the parents to educate their children.

Mr. CUTCHEON. Will the gentleman yield to me for a question?

Mr. RYAN. Yes, sir.

Mr. CUTCHEON. I would like to ask the gentleman if he makes this as a universal statement as to the day schools, or merely as a general statement.

Mr. RYAN. I thought I had qualified my statements by saying that among the wilder tribes I think the day school is almost a total

failure; that in order to maintain a day school with any degree of efficiency there must be such a degree of civilization in the tribe as has created a desire on the part of parents to educate their children. I do not refer to industrial schools; these are a grand success on all reservations.

Mr. CUTCHEON. May I call the gentleman's attention to the fact that in that community of which I spoke on the Cheyenne River, which consisted six years ago of blanket Indians, last season they had twice as many applications for admission—and this was a mission school not a United States school—as it was possible for them to receive or accommodate? It is a matter, therefore, rather of administration, I apprehend, than otherwise.

Mr. RYAN. It may be a matter of administration, to some extent. The methods employed in administration may be judicious or they may be unwise. However, the school you refer to is, I think, an industrial school. And the point I have to make is this: That you have to beget a desire on the part of parents to educate their children before they will send them to a day school. Where the child may at will go and come the tendency among the wilder tribes is to encourage the children to stay away, and it is frequently the case that the parents go and take them out, and usually the child goes to school, if at all, so irregularly as to do it little or no good.

Now I want to say one word, Mr. Chairman, upon another question that has cropped out in this discussion and which relates perhaps more particularly to the Indian policy. That we have arrived at a period when the Congress of the United States ought to act promptly upon the idea that there must be a change of policy can not, it seems to me, be questioned. We have been pursuing a policy for many years which has had a tendency to keep the Indian in his present savage and barbarous condition rather than to lift him up to a plane of independence.

The policy has been to feed the Indian to keep him from fighting, whereas it ought also to have for its object his early preparation for self-support and the preservation of his manhood. Take, for instance, our treaty with the Sioux Indians—to my mind a most unwise treaty, prejudicial to the civilization of the Indian as any treaty that was ever made, so far as I have any knowledge of treaties. You provide in that treaty a certain amount of rations for each Indian. The provision is ample and more than ample. It is, to say the least of it, more than many of the hard-working people in this country enjoy. Then you say in the same treaty to them, "You shall have in addition to such subsistence a premium of $10 a year for roaming and hunting; you who engage in agriculture shall have a premium of $20 a head." The premium of $20 a head I can understand. It was designed to stimulate these Indians to engage in agriculture. But I never could quite understand why the Government should provide amply to feed an Indian and then in addition to that pay him $10 per annum to roam and hunt. The policy that hires these savages to roam and hunt at a compensation of $10 per capita and their subsistence besides would seem the very acme of national folly.

Now, you expect those men to engage in agriculture. What incentive have they? In the first place there is not one of them who has a spot of God's green earth he can call his own; not one. He does not know but the ground he cultivates to-day or to-morrow may be the ground tilled by another next year. He engages in agriculture only just enough to oblige the Great Father, just enough to enable the agent to make an encouraging report. He reasons: "What do I want to raise crops for? The Great Father is bound by treaty to give me my corn and cattle, and everything I need?" If you furnish him a market for what he produces he would have some incentive; but in violation of your treaty obligation you deny him such market.

Now, I want to call your attention to the testimony upon this subject of the gentleman to whose testimony upon Indian education I called the attention of the House a moment ago.

In reply to a question by Mr. RYAN, Mr. Cleveland stated:

> I can not conceive of any stronger stimulus to industry which can be brought to bear upon these people at the present time than the carrying into effect of article 5 of the treaty of 1868 in which the Government agrees to assist them in finding a market for, or in purchasing from them itself, their extra produce. If the Indians saw that bushels of potatoes, corn, &c., meant ready cash when delivered at the agency, or at some purchasing depot provided them, they would soon cease to cultivate the ground on the present insignificant scale, simply with the idea of pleasing the authorities and barely satisfying the letter of their treaty obligation, and, instead of being simply consumers, would, I am satisfied, soon convert themselves into large producers. During the past two years I have observed that the desire to earn money has increased very rapidly among them, and that wherever there is work, such as freighting, furnishing cord-wood, herding, or other things with which they are familiar and that they can do, a large portion of them are quite eager to avail themselves of any opportunity which offers. A very important consideration in this connection is that they receive cash for all work done. This disposition to earn money is growing among them.

Mr. LONG. Is not that high evidence of a tendency toward civilization?

Mr. RYAN. Yes, it is high evidence, undoubtedly, of a disposition to advance, and ought to be encouraged; but when the methods of the Government embarrass and repress it, then I say there ought to be a change of policy. My own idea is that we have arrived at a period when we can give to almost every Indian in the land his own home without power of alienation for a generation or two. It is said by some that there are tribes not fit for that; but I do not believe there are many such. I believe the time has come when civilization has pressed the Indian so far back, and is threatening to push him rapidly farther and farther toward the setting sun, that if we would protect him at all we must give him an indefeasible title to a spot which he can call his own absolutely and to which no one else can have any claim. Then what he acquires beyond that must be acquired by his industry and his thrift.

Mr. CUTCHEON. I am with you there.

Mr. RYAN. The Indian Territory is no exception. The principle should apply to all the reservations, wherever it is practicable. There are, perhaps, some where it is not, but they are the exceptions. At the last session of Congress this whole subject was exhaustively discussed on this floor. Civilization had already pressed upon all sides against the Indian Territory, and invasions had been repeatedly made by persons who claimed that they had a right under existing law to go into that portion of the Territory called Oklahoma, but who, perhaps, were mistaken. This impression seems to have arisen from the fact that the Government had bought and paid for it.

At all events, the Army of the United States had to be employed again and again to keep them out and to protect the Indian in his rights. After that discussion here it seemed to be the judgment of Congress that the time had come for taking measures to secure the Indian in his right and to open that territory to white settlement. I offered an amendment to the appropriation bill, which was adopted, authorizing the President of the United States to negotiate with three of the civilized tribes—the Seminoles, the Creeks, and the Cherokees—for what is known as the Cherokee outlet and Oklahoma. For some reason, which was doubtless satisfactory to the President, whose motives I do not call in question at all, no commission was appointed and no step was taken to execute that law. A few days ago when my friend from Iowa [Mr. WEAVER] was discussing this bill in a most interesting way I asked him some questions which he chose to regard as having a partisan character. In fact, however, I did not ask him any question with a view to impugning the good faith, the purity of purpose, or the motives of any Senator or of any executive officer, but simply to remind him that the present administration seems, from his own standpoint, to be about as grievously at fault in this matter as the last one which he had so bitterly denounced on the stump. I do not myself believe that anything of a partisan character can legitimately enter into this discussion.

In the course of the debate here it was maintained that there were many reasons why the President did not execute that law. One gentleman urged that the execution of it might irritate the Cheyennes and Arapahoes, who never claimed any sort of interest in any of the lands referred to. The Secretary of the Interior, for whose ability and purity of character I have a profound respect, has urged another reason which I think can not be regarded as sufficient. The substance of his reason is that because some men had gone into that territory and were threatening to enter it again, as he thought unlawfully, he did not propose to be bulldozed. In other words, he did not deem it good policy to attempt such negotiations, although Congress had so directed, simply because there were parties threatening to go into that territory and make settlement and establish homes for themselves. I do not think that can be regarded as a sufficient reason, whether the provisions of the law were mandatory or not. It was urged here that the provisions of the law were not mandatory, but left the matter entirely in the discretion of the President, and that he was at liberty to determine whether he should enter upon the negotiation or not; but, Mr. Chairman, I have always understood it to be the rule that when Congress authorizes the President to do a thing that is equivalent to a command, because, out of respect to the Executive, mandatory language is never employed. Do gentlemen understand that when Congress expressly authorizes the Chief Executive to do a particular thing, and does not expressly provide that he may exercise his discretion in the matter, he may set up his own will and judgment against the will of the people duly expressed under constitutional forms?

Gentlemen do not want us to think that, I know. I am sure the President of the United States would wish to be delivered from friends who urged such a defense.

It was argued by the gentleman from Arkansas [Mr. ROGERS] that, so far as the Cherokee outlet is concerned, the Cherokee Nation had a lawful right to lease the same to white men, subject only to the right of the United States to take possession of any portion of this territory at any time for the settlement of friendly Indians. Mr. Chairman, the gentleman from Arkansas is the only lawyer who, having given the subject one moment's thought, has ever reached any such conclusion. On this point he is directly in conflict with the legal judgment of the present administration, as well as that of past administrations, and in my view he is also squarely in conflict with the express provisions of the law. If the Cherokee Nation has a right to lease for one year any portion of that Cherokee outlet ceded by them to the Government for certain purposes in 1866—if the Cherokee Nation has a right to make a lease for a year, or two years, subject only to the right of the Government to enter upon the land for the specific purpose stated in the treaty, then it has a right to cover that vast body of land with leases for any purpose under heaven, for an indefinite period.

Mr. WEAVER, of Iowa. It has done that.

Mr. RYAN. Certainly; it is already covered by leases; but I am talking about the right to do it. If they have a right to do that, then they can lawfully make a lease which will shut out settlement in that territory for all time to come, unless the Government chooses to locate friendly Indians there; and everybody knows that the Government chooses to do no such thing.

But the gentleman seemed rather weak in that position when he said, in response to a question of the gentleman from Iowa [Mr. WEAVER], that the Attorney-General had not decided that the Government had a right to put off these cattle-men, even if they were there as trespassers; and in reply to another question, he said: "Give the President the law, and he will put them out"—I think he said in sixty days. He was going to make short work of it!

[Here the hammer fell].

The CHAIRMAN. The gentleman's time has expired.

Mr. RYAN. Can I have just a few moments more?

Mr. WELLBORN. I would gladly accommodate the gentleman, but under the order of the House the time for debate was limited peremptorily. I will endeavor to compress my remarks as much as possible, and if I should have any time remaining I will gladly give it to the gentleman. But in justice to what I desire to say I can not yield further time now, though I would be delighted to do so if I could.

Mr. CANNON. I will ask unanimous consent that the time for general debate be extended.

The CHAIRMAN. The House has fixed the hour at which the debate shall close, and the Committee of the Whole has no power to change it.

Mr. STORM. When will that time expire?

The CHAIRMAN. It has expired.

Mr. BURROWS. Is it the purpose of the gentleman from Texas [Mr. WELLBORN] to conclude the consideration of this bill to-night?

Mr. RYAN. If it would not be objectionable to the gentleman from Texas or anybody else I would like permission to proceed perhaps about ten minutes without any encroachment on the time of the gentleman from Texas.

Mr. HOLMAN. I hope there will be no objection to that.

Mr. WELLBORN. How much time does the gentleman want?

Mr. RYAN. Not more than ten or fifteen minutes.

Mr. WELLBORN. I shall be compelled to object to any extension of the time.

The CHAIRMAN. The Committee of the Whole has no power to change the order made by the House.

Mr. CANNON. Would it be in order to move that the committee rise so that the House may extend the time?

The CHAIRMAN. That motion would be in order.

Mr. WELLBORN. When the House adopted the order limiting debate the motion to reconsider was laid on the table, so that even in the House the order could not be rescinded.

The CHAIRMAN. That is a question for the House. Of course the motion that the committee rise is in order. Does the gentleman from Illinois [Mr. CANNON] insist on the motion?

Mr. CANNON. Will the Chair inform me whether the motion to reconsider the order made by the House was laid on the table?

The CHAIRMAN. The Chair is informed that it was.

Mr. CANNON. Well, I will at any rate move that the committee rise.

The motion was not agreed to.

Mr. BURROWS. Will the gentleman from Texas now respond to the inquiry I made a while ago, whether it is his purpose to conclude the consideration of this bill to-night?

Mr. WELLBORN. I will state to the gentleman from Michigan that it is my purpose to conclude the general debate as soon as possible, and then I shall press the consideration of the bill under the five-minute rule to as late an hour this evening as the patience of the House will allow. Whether we shall reach a conclusion to-night I am unable to say.

Mr. WELLBORN. Mr. Chairman, when I called up this bill for consideration a few days ago my purpose was not to engage in any general debate that might be precipitated on it, and I would not now depart from the purpose then formed were it not for certain unjust criticisms and attacks made on the bill, which I can not and will not suffer to pass unchallenged. My remarks of course will be of a desultory character, because responsive strictly to these criticisms and attacks.

I shall first give attention to the remarks of my colleague [Mr. THROCKMORTON], and I do so because it seems he is the only person on this floor who has undertaken to make a general assault along the whole line against this bill.

The first criticism made by the gentleman from Texas I find near the beginning of his speech, and it is in this language:

> In common with many others I had hoped with a change in the administration of the Government there would be a change in respect to the management of the Indian affairs of the country. But it seems, in the absence of recommendations of the executive officers of the Government and from the features of this appropriation bill, we are to continue in the same old grooves, with no marked or distinctive change in the policy heretofore pursued or in a reduction of expenditures.
>
> On the contrary there is a decided increase in a direction not made obligatory by any treaty stipulation and justified by no good results. I allude to the increased provisions of the bill for educational purposes.

Now, Mr. Chairman, in opposition to this statement of the gentleman from Texas, I shall do nothing more than place the facts of the situation before the committee. The amount carried by this bill is, in round numbers, five million and a half of dollars, being $274,000 less than the bill of the last year. The increase to which the gentleman from Texas alludes, that of educational items, is $14,350. Yet the gentleman emphasizes the slight increase for educational purposes, and utterly ignores the large reduction of $274,000 in the aggregate of the bill.

Leaving out of count the small increase in the educational appropriations, the reduction in the bill is $299,000 as compared with the bill of last year, while the increase to which the gentleman refers is only $14,350. And yet he says that there is no "marked or distinctive change in the reduction of expenditures, but, on the contrary, a decided increase in a direction not warranted by treaty stipulation," &c.

All I ask is that the intelligent representatives who constitute this great presence will take the facts of the situation and compare them with the statement of the gentleman from Texas, and then each for himself draw his own conclusion.

The next criticism of the gentleman from Texas on the bill relates to the Indian agencies. He says he would reduce these agencies by abolishing some and consolidating others. After this reduction has been effected he would then detail officers from the Army to act as Indian agents. If the gentleman from Texas will examine Title XXVIII of the Revised Statutes of the United States he will find there is a general provision that the President may in his discretion appoint any military officer to discharge the duties of an Indian agent. To incorporate in this bill a peremptory provision that an Indian agent shall be taken from the Army would be a manifest change of existing law; and I am sure my colleague from Texas is not so unfamiliar with the rules of the House as not to know that a provision changing existing law is out of order on a general appropriation bill.

Mr. THROCKMORTON. Will the gentleman permit me to interrupt him?

Mr. WELLBORN. Certainly.

Mr. THROCKMORTON. I wish to say that nowhere in the remarks I submitted the other day did I presume this bill could be amended in that respect. I only suggested that in the future the Indian policy should be corrected by some bill for that purpose. But I said nowhere it was to be done in this bill.

Mr. WELLBORN. That is a sufficient answer then to the House of the criticism in this respect the gentleman has made on this particular bill.

But I can not permit the gentleman's criticism on this question to pass unchallenged. I enter an earnest but emphatic protest against his proposition to detail Army officers to perform the duties of civil life. But I do not believe with the gentleman from Texas, that Army officers are better qualified for the duties of Indian agents than men drawn from civil life. True, many of them have had experience with the Indians, as suggested by the gentleman, but has not this experience been in fighting them in the field rather than in managing and directing them as is the custom at Indian agencies. Intelligence, integrity, and firmness, I take it, are the leading qualities necessary to make an efficient agent. Find these qualities combined in a man in civil life and give him a few months experience with the Indians and he will make as good or better agent than an Army officer. Besides, I believe in confining Army officers strictly to their appropriate Army spheres. If there is a redundancy of officers in the Army, this would be an excellent reason for reducing their number but not for placing them in positions which should be properly and rightfully filled by civilians. Besides, experience has shown that the management of Indian affairs under Army officers is far more extravagant than under civilians. A notable instance of this, I am advised by the Indian Office, is presented by this bill. The Arapaho and Cheyenne agency is in charge of an Army officer, who is a gentleman of superior intelligence, an officer of fine military attainments, and in every respect a true soldier. Yet, I am told by the same authority, that this is one of the most, if not the most, extravagant agencies in the whole service. In the very nature of things it does not seem to me that military education would develop those qualities necessary to an economic administration of civil affairs.

I have before me an interesting speech on the question of detailing Army officers for civil duties from one of the most illustrious, greatest, and grandest men that ever represented Texas in the American Congress, General Houston. The occasion of the speech was the consideration of what was known as the civil appropriation bill. In this bill was an appropriation of $300,000 for continuing work on the custom-house in New Orleans. An amendment to this appropriation was proposed to the effect that no Army officer should be placed in charge of the work, nor detailed to act as assistant superintendent or architect in the construction of the building, &c. This amendment gave rise to debate upon the general question of employing Army officers in civil duty. I quote one or two extracts from General Houston's speech:

> This subject is one in which I have felt some interest, and after the discussion

which has taken place, I should not deem myself discharging my duty, if I did not advance such objections as I think exist to the general plan of selecting military officers from the Army for the purpose of discharging civil duties.

* * * * * * *

To employ them in civil capacities is injustice to the community in general. It cuts off all competition. There is no encouragement for persons in civil life to qualify themselves for such trusts when they are precluded as they must be by the employment of the officers of the Army. If officers of the Army are to be selected for the surveys of rivers and harbors and the construction of all public works, civilians will lose the stimulus necessary to keep up that rivalry and emulation which is beneficial to society and redounds to the justice of the citizens. Why, sir, you are told these are gentlemen of scientific qualifications. Be it so, but their science is abstract, not practical. These are practical matters and require men of practical sense to accomplish them. It is not a gentleman who has acquired all the science of figures on the blackboard, and who has made the prettiest forts for imaginary warfare, who can do such things in practical reality.

Furthermore, these gentlemen are appropriate to the Army. Their business is to fight in time of war, and in time of peace to qualify themselves for the discharge of their duties in war. If we were to rely alone on the officers to discharge all the civil trusts, and it should become necessary to marshal our forces on our own soil or to invade a foreign country, of course these gentlemen will be withdrawn from their employment in civil life and ordered to the Army; and what then will become of all these improvements which require military men of science? When you withdraw these gentlemen, whose science and knowledge have been appropriated to these purposes, you leave a complete blank in the practical affairs of the country, and nothing can be done that is necessary to be done in that way. But we are told so many of these officers are educated from time to time in the Military Academy and if we do not employ them in this way they will be idle. If they are educated at the Military Academy it is a preference of accident or design by which they receive that advantage from the country. If they do not choose to return to the walks of civil life, but appropriate themselves exclusively to the Army, let them compete with each other in everything that is officer-like and military, and not block the path of civilians to preferment and pecuniary advantage appropriate to their spheres. Confine the officers strictly to the trusts confided to them by the Government and give them a fair recompense, but let civilians strike forward and compete for that position to which they are entitled.

Thus it will be seen that General Houston took strong, bold, aggressive ground against the proposition to employ Army officers in civil pursuits, though I concede, as already indicated, that he was discussing the question not with reference to the Indian service but other civil employments. He stoutly maintained the propriety of restraining Army officers strictly to their appropriate military duties.

Mr. Chairman, I do not use these extracts in the hope of changing the opinions of the gentleman from Texas, but, following the analogy of the old story about Blackstone, I read them merely to show the gentleman how outrageously mistaken on this question was the grand old hero of San Jacinto. [Laughter.]

The next criticism the gentleman indulges on the bill relates to alleged wastefulness and extravagance in the Indian service. In illustration and proof of his criticism in this respect he has cited two agencies in the Indian Territory, the Cheyenne and Arapaho agencies, and has given the number and the compensation of the employés at them.

I have not had an opportunity, or if I have had have not availed myself of it, to examine and compare the official register with the statement of the gentleman from Texas, but I assume, of course, that the statement he made is correct. To the enumeration of these employés and their salaries I make no objection; but I do object to the gentleman's statement of the uses to which, by implication at least, he asserts that some of the employés at these agencies are devoted.

I will read the paragraphs to which I have reference. I now quote from his own speech:

Then, sir, may I not ask was it ever contemplated that these unpretentious requirements in the treaties for agents, interpreters, physicians, engineers, farmers, teachers, blacksmiths, carpenters, and millers should be supplemented with from twenty-five to sixty additional employés, including butchers to slaughter animals for the most expert butchers in the world—

I stop right here, Mr. Chairman, to say that the beef provided by the Government for the support of the Indians is issued, of course, in rations to them, and any one acquainted with the Indian character knows that it would not do to permit the wild savage to slaughter the animals for himself. But this is not the material point I am considering. But note the following:

for cooks to prepare dainty food for a people reared on raw and half-roasted food—

What does that mean? It implies that the Indian Office is employing "cooks," to use the gentleman's own language, to prepare dainty food for the savage Indians who have been reared on raw or half-roasted food. Why, there is not on the American continent employed in the Indian service a cook for any such purpose. But further the gentleman says—

bakers to prepare bread for savages who were raised on roasted acorns and mesquite beans—

The same remark applies to that statement. Bakers are not employed for the purpose of preparing food for the wild savage. But further—

for herders to attend cattle for the most perfect horsemen on earth—

In passing, in reference to that it may be proper to say that at some agencies it has been shown by experience that it is in the interest of economy to purchase cattle not only alive, but sometimes to purchase them with a view of pasturing them for months. Of course between the date of purchase and the date of slaughtering the animals for consumption they must be cared for by herders—

But mark next—

for tailors and seamstresses and laundresses to cut and make garments and keep them nicely laundried for people who wear breech-clouts and blankets.

Now, what does that mean? It implies, Mr. Chairman, that the Indian service, the Government of the United States, yea, a Democratic administration, is employing tailors and seamstresses and laundresses, as the gentleman from Texas says, to cut garments and keep them nicely laundried for a savage race who wear breech-clouts and blankets!

Now, it is not necessary, Mr. Chairman, surely for me to enter the statement here that nowhere in the Indian service can a tailor or seamstress or laundress be found who is used for any such purpose.

But, further, the gentleman says:

In answer to this it may be said—

Ah! in answer. Then the gentleman from Texas knew that there was an answer to this feeble attempt at wit and ridicule—

In answer to this it may be said that these butchers, cooks, tailors, herders, bakers, laundresses, matrons, and seamstresses are not used for the Indians, but are used for the employés and industrial schools. If this is so, it is high time an end was put to it. Why should not the agent, physician, and other employés provide for their own butchering, cooking, washing, laundrying, &c.?

I answer, Mr. Chairman, that they do. Nor is there in the whole Indian service a cook, a baker, a tailor, a matron, a seamstress, or a laundress, except those employed in the Indian schools. And right here I want to state—of course these facts are not stated on my own personal knowledge, but on the authority of the Commissioner of Indian Affairs—that all of the agents and other employés at the various agencies, outside of their salaries, receive no other emoluments whatever except the rents of the houses they occupy. The furniture—household and kitchen furniture—is bought and paid for by the agent or employé as the case may be.

Mr. Chairman, I regret extremely the necessity which has constrained me to tax the patience of the committee with these details; but, sir, the irregular and unlawful practices, as charged by the gentleman from Texas, are matters of the gravest moment; and, going out to the country without challenge or contradiction, necessarily create the impression that the executive officers of this Government who are charged with the conduct of Indian affairs are not only constantly violating the law but are grossly prostituting to improper uses the lawful agencies of the service. It may not be improper to inquire here, who is the executive officer of the Government directly responsible for the management of Indian affairs? Is he an official devoid of experience and intelligence? Is he an official of questionable personal integrity? Is he an official disposed to profligacy and extravagance? Why, sir, it is a sufficient answer to these questions to say that J. D. C. Atkins is the present Commissioner of Indian Affairs—a gentleman whose high fortune it was to serve for twenty years upon this floor, five years of which time he was at the head of the Committee on Appropriations; and during all this long period of honorable service he testified by his acts the existence within himself of those qualities which constitute excellence in a public character and pre-eminently distinguished himself as an economist. During his legislative career his energies were largely devoted to the reduction of public expenditures and the economic administration of the Government in all its branches. This able and worthy official is incapable of sanctioning the irregular, unlawful, and vicious practices which it has been the pleasure of the gentleman from Texas to charge against the Indian service.

But, Mr. Chairman, is the Indian service an extravagant service? Right here let me say that in round numbers the Indian bill, this bill, carries five and a half million dollars. Assume that there are two hundred and sixty thousand Indians in the country, and you have a little more than $21 for each Indian for the year. Now, I want to read in this connection an extract from the report of the last Indian Commissioner. He says:

I am not aware that any report from this office has ever shown just how much the Government contributes from the United States Treasury to feed and clothe the two hundred thousand Indians who are its wards, outside of the five civilized tribes. The public at large finds from the proceedings of Congress and the public press that $5,000,000 in round numbers have been appropriated for the Indian service, and this gives to each Indian $25, which, if true, would not enable any person, either white or Indian, to live very luxuriously, for it is a fraction less than 7 cents a day. But small as this is, it is by no means the worst feature of the case, because after deducting from the $5,000,000 the money due the Indians, and which the Government only holds in trust for them, and then deducting cost of transportation and other legitimate and necessary expenses, it is found, by a careful examination of the accounts, that the Indians actually get of the money belonging to the Government, to feed and clothe them, only about $7 per annum per capita, or a fraction less than 2 cents a day for each Indian. It takes from the Treasury of the Government $1,000 a year for each soldier in our Army, whose chief business it is to see that peace is preserved on the frontier, while it takes from the same source for each Indian only $7.

Now, gentlemen sit here on this floor year after year and vote $25,000,000 to the support of the Army—$1,000 for each soldier, whose chief business it has been to hold the Indian in subjection and protect the whites from hostile irruptions and predatory incursions; and yet when a bill is presented accomplishing the same purpose at one-fifth the cost and in a peaceable and more effectual method they lift their hands in holy horror at the enormity of the appropriation. I say to

the gentlemen, if they are earnestly in search of some method of reducing expenditures cut down the appropriation for the Army; it is no longer needed as of yore for Indian purposes. Thank God, in the grand march of events there has been discovered a less expensive and more effectual and more peaceable method of dealing with the Indians than through the bloody instrumentalities that inevitably pertain to the military arm of the Government.

There have been but two Indian policies, the war policy and the peace policy. The former at enormous cost restrains and controls, for the time being, without any ultimate good, by the application of force. The latter, at immeasurably less cost, restrains and controls and elevates for all time by making the individual Indian a better and more intelligent man.

The gentleman from Texas says, were it in his power he would remit the Indian Bureau to Army management. My prayer is, that such a dire calamity may never befall the Republic and particularly the Indian tribes within its borders.

There is another view, however, of this question of alleged extravagance. In considering the provisions which we are now making for the support and civilization of the Indians and the provisions which are yet to be made for them it is well to remember what have been our transactions with them in the past. Through these transactions we to-day own what once they possessed. These transactions, with some notable exceptions, are anything but creditable to our people and our Government. Indeed, Mr. Chairman, I think I venture not too much when I say that the history of the Indian race since its contact with the white race has been a dark record on the part of the latter of violated treaties and neglected promises, of fraudulent devices and treacherous practices. Why, sir, so long has this course been persisted in that we have entirely forfeited the confidence of the Indian.

I read a few days ago an amusing incident illustrating the opinion which the Indian has of the white man. The incident referred to occurred in an interview between an Arapaho chief, Little Raven, and the then Commissioner of Indian Affairs, some eighteen years ago. This interview is thus substantially related by the Commissioner: I endeavored, he says, to explain to Little Raven something of heaven and something of hell; and I told him all good men, white and red, went to heaven and all bad ones went to hell. Little Raven laughed immoderately. I inquired the cause of his merriment. When he recovered his breath he said: "I am much pleased with what you tell me of heaven and hell and the characters that go to each place. Good notion! Heap good! for if all the white men are like those I know, when the Indian goes to heaven very few white men will trouble him there; pretty much all go to t'other place." [Laughter.]

I heard another incident related a few days ago in the room of the Committee on Indian Affairs by Reverend Doctor Sunderland: An Indian chief from the Northwest on a visit to Washington said, in a conversation with an official in the Indian Office—perhaps, Mr. Chairman, [Mr. STORM in the chair] you remember the incident, "I do not want you to send to us any more of your white men from Washington. Our people do not want them among us, because they are all liars, and the bald-headed ones are the worst liars." [Great laughter.]

Now, Mr. Chairman, seriously, we have seized, as some one has said, upon the Indian's heritage, and it is a grand and magnificent heritage. Through its seizure, the Indian to-day is an alien and a stranger in his native land—a land within whose bosom the bones of his ancestors have slept for centuries. Sir, when I throw my eye upon this map of the Republic; when I reflect on its mighty domain, reaching from the great lakes of the north to our southern sea, and covering the vast stretch between the two oceans that wash our eastern and western shores; when I reflect that this vast imperial territory has been wrested from the Indian race without any sort of adequate compensation, I am filled with amazement that gentlemen should complain that this Government is dealing too liberally with the Indian. Not only am I filled with amazement; but, sir, the depressing conviction forces itself upon my mind that in the sight of Him who holds in His hand the destinies of nations, as well as the fortunes of individuals, no atonement will be acceptable for the multiplied wrongs done the Indian race save the elevation of the remaining Indians to the plane of our civilization, and their investiture with the richest of earthly boons—American citizenship. [Applause.]

The next critcism of the gentleman from Texas [Mr. THROCKMORTEN] on this bill relates to the educational items. With all kindness to my colleague, I must say that his remarks on this subject, with their usual proneness to error, strike at the very best features of the bill. Mr. Chairman, I repeat there is no feature of the bill, in my judgment more valuable, none to which I would cling with greater tenacity than the educational feature. Mr. Chairman, the education of the Indian is imperatively demanded by two considerations:

First. As an act of justice.

Second. As a measure of public economy. And by education, let me say right here that I mean not merely the knowledge acquired from books, but instruction also in all the manual avocations of civilized life. Teach them to become farmers, blacksmiths, carpenters, shoemakers, mechanics, in a word all the manual trades common among us, and along with this give them the rudiments of an English education—reading, writing, and arithmetic. None of the industrial schools on or off the reservations undertake to do more.

Reversing the order of the statement of these reasons, let us look at the question first from an economical standpoint. The Indians are here, and were before we came, and two hundred thousand of them, say, uncivilized. What shall we do with them? Pen them up on their reservations and butcher them as cattle? Even a man with a heart of adamant would condemn this. Shall they remain in their present condition and continue a perpetual charge upon the Government? No one will say "yes." What, then, is to be done? All answer, force them to work, and thus make them self-supporting. In this I concur most heartily. But how is it to be accomplished?

By immediately withholding from them the subsistence which the Government is now furnishing, and thus forcing them to labor? Why, Mr. Chairman, what would be the effect of this? There are twenty-seven thousand of the wild Sioux in Dakota, six or seven thousand Apaches in Arizona, of the ninety-three thousand Indians in the Indian Territory nineteen thousand of them may be said to be uncivilized, or but partially so; in a word, there are scattered through different sections of the country, in round numbers, two hundred thousand of the uncivilized tribes. Suppose you suddenly withdraw the aid the Government is now giving, and thus reduce them to starving conditions, they would inevitably leave their reservations and scatter devastation and ruin broadcast over the land; and to remedy this state of things would cost the Government money enough to feed them for a hundred years. What, then, is to be done? The gentleman from Illinois says, give them at once allotments of land in severalty, accompanied with the injunction, "In the sweat of thy face shalt thou eat bread all the days of thy life." The injunction is wise and of divine inspiration, and should be applied whenever possible; but the Indian must be fitted for civilized pursuits before he can follow them. The last step in the progress of the Indian toward civilization is the allotment to him of his lands in severalty; I mean to say rather, the last step is the breaking up of his tribal relations, and the individualizing of the man by allotting to him his lands in severalty.

This, however, I repeat, is the last step in the progress toward civilization. Before it can be ventured upon preparatory stages must be be passed. And right here is the vulnerable point in the argument of my friend from Illinois [Mr. CANNON]. The gentleman has not magnified the importance of allotting to the Indians their lands in severalty. The infirmity of his argument is that he has set the wrong time to do it. Why, Mr. Chairman, I can scarcely sketch in my own mind a picture more fearful, more terrific than would be the reality following the execution of the plan of the gentleman from Illinois. Suppose a day were fixed for its execution. Suppose the day be to-morrow. On that day, before the sun goes down, the reservation lines are all wiped out, the Indian is put upon his allotment and told to labor. The white men pour into the reservations and make their settlements. How long, think you, could the Indians remain upon their separate allotments? How long, think you, would it be before they would begin to gather in predatory bands? Why, Mr. Chairman, think of it! Turn loose two hundred thousand untamed Indians upon this country, and two millions of armed soldiers would be inadequate to the protection of the lives and property of our people.

It is true, sir, that ultimately the Indian would be subdued and exterminated; but only after the expenditure of billions of treasure and the sacrifice of thousands of precious lives. I repeat, sir, that the allotment of lands to the Indians in severalty is important—indeed, it is the great goal toward which the philanthropy and the justice of this Government are tending; but it is the final step, and before it is taken the Indian must be prepared for it. I may state in passing that the Committee on Indian Affairs have now in process of preparation a bill looking to this end, and I will state, moreover, that there are to-day in existence several Indian tribes which are ready for this allotment as soon as the necessary legislation is perfected. But, I again repeat, as my friend from Kansas [Mr. PERKINS] has suggested, that before you destroy the commune and establish individual ownership of property among the Indians they must be fitted for the change by preparatory stages, and I declare to-day as my solemn, deliberate judgment that the only adequate preparation will be found to be through the education of the Indians.

By education, let me repeat with emphasis because I wish not to be misunderstood, I mean not merely the knowledge acquired from books; I mean also instruction which will enable them to become farmers and mechanics, and, in short, will prepare them for all the various manual avocations of life. Along with such instruction I would give them the ordinary rudiments of an English education. I am met with the proposition that the Federal Government has not the constitutional power to educate the Indians.

The gentleman from Texas [Mr. THROCKMORTON], and perhaps others, the other day, by questions propounded to the gentleman from Indiana [Mr. HOLMAN] and by one or two sentences in his speech, questioned the constitutional power of the Federal Government to educate the Indians beyond the requirements of treaty stipulations. I was gratified at the promptitude with which the gentleman from Indiana [Mr. HOLMAN] answered those questions, and also by the suggestion

of the gentleman from Michigan [Mr. CUTCHEON] that it had been the uniform practice of the Government to protect the white citizens of the country through the instrumentality of the Army, and that if the protection of this Government could be extended in that manner it certainly could be given by other equally efficient means.

If I had to answer this question, however, as to the constitutional power of the Government to educate the Indians beyond treaty stipulations, I should put it, as I understood the gentleman from Indiana to do, upon the police power of the Government, not only incidentally drawn from express provisions, but the police power which pertains to the Government by reason of its very existence.

But aside from all that, appropriations for this purpose have been too long sanctioned by usage to be now an open question. Why, sir, before this present Union was formed, we find the Continental Congress under the old articles of confederation anpropriating money to educate Indian youths at Dartmouth College. Sixty-seven years ago the American Congress enacted a law appropriating $10,000 for the education of the Indians; and the law was based upon considerations of charity and benevolence to the Indians. As this was the first law making appropriations upon this subject, I will give it in full.

An act making provision for the civilization of the Indian tribes adjoining the frontier settlements:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing against the further decline and final extinction of the Indian tribes adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby, authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties.

SEC. 2. *And be it further enacted*, That the annual sum of $10,000 be, and the same is hereby, appropriated for the purpose of carrying into effect the provisions of this act; and an account of the expenditure of the money, and proceedings in execution of the foregoing provisions, shall be laid annually before Congress.

Approved March 3, 1819. (United States Statutes at Large, volume 3, pages 516, 517.

When that law was passed, the War Office, which then had charge of Indian affairs, formulated at once rules and regulations to execute the purpose of Congress. Not only that; but in 1822, three years afterward, Mr. Calhoun, then Secretary of War under President Monroe, made a report to Congress in which he used language to which I desire to call the particular attention of those gentlemen who now insist that the Government has no power to educate the Indian races of this continent. Before reading the language of Mr. Calhoun I wish to state in passing that I have carefully searched the record of the proceedings of Congress in reference to that appropriation, and I find not even a doubt broached in either branch of Congress upon the constitutional power of the Government to make the appropriation. Here is what Mr. Calhoun, as Secretary of War, said:

Unless some system can be devised gradually to change this relation, and with the progress of education to extend over them our laws and authority, it is feared that all efforts to civilize them, whatever flattering appearances they may for a time exhibit, must ultimately fail. Tribe after tribe will sink, with the progress of our settlements and the pressure of our population, into wretchedness and oblivion. Such has been their past history, and such, without this change of political relation, it must probably continue to be. To effect it, many difficulties present themselves. It will require the co-operation of the General Government and the States within which the Indians may reside. With a zealous and enlightened co-operation it is, however, believed that all difficulties may be surmounted, and this wretched, but in many respects noble race, be ultimately brought within the pale of civilization. Preparatory to so radical a change in our relation toward them, the system of education which has been adopted ought to be put into extensive and active operation. This is the foundation of all other improvements. It ought gradually to be followed with a plain and simple system of laws and government such as has been adopted by the Cherokees; a proper compression of their settlements, and a division of landed property. By introducing gradually and judiciously these improvements, they will ultimately attain such a state of intelligence, industry, and civilization as to prepare the way for a complete extension of our laws and authority over them.

* * * * * * * *

As far, however, as civilization may depend on education only, without taking into consideration the force of circumstances, it would seem that there is no insuperable difficulty in effecting the benevolent intention of the Government. It may be affirmed, almost without qualification, that all of the tribes within our settlements and near our borders are even solicitous for the education of their children. With the exception of the Creeks, they have everywhere freely and cheerfully assented to the establishment of schools, to which, in some instances, they have contributed. The Choctaws in this respect have evinced the most liberal spirit, having set aside $6,000 of their annuity in aid of the schools established among them. The reports of the teachers are almost uniformly favorable, both as to the capacity and docility of their youths. Their progress appears to be quite equal to that of white children of the same age, and they appear to be equally susceptible of acquiring habits of industry. At some of the establishments a considerable portion of the supplies are raised by the labor of the scholars and teachers.

With these indications, it would seem that there is little hazard in pronouncing that, with proper and vigorous efforts, they may receive an education equal to that of the laboring portion of our community.

Mr. Chairman, when I heard the expressions of gentlemen on this floor a few days ago questioning the constitutional power of the Federal Government to educate Indians beyond treaty requirements, and when I afterward read this language of John C. Calhoun, sanctioning and approving not only the constitutionality but the expediency of these appropriations, I could, but for the sake of his world-wide fame, breathe an earnest, fervent prayer that in the providence of God it had been granted to the great Carolinian to have gathered wisdom from the lips of our modern statesmen, in order that he might not have departed so far from constitutional paths.

But, Mr. Chairman, not only is the education of the Indian race demanded as a measure of public economy, but it is also demanded as an act of justice to make appropriations for this. Do you ask me upon what I rest this duty? Let me here quote from a speech of Senator Houston touching this point:

Sir, let us cast our thoughts back some centuries ago. When from the rock of Plymouth an Indian chief descried the white sail of the Mayflower approaching he fixed his eye upon it, fancying it was some spirit of the deep coming toward him, and little did he anticipate that the wrongs of his people were then commencing. We came like the serpent into the garden of Eden, insidiously, when no danger was apprehended, with suggestions of kindness and of friendship. The white men were received by the Indians, were supplied with the articles which they needed. The serpent was believed, and the peace and happiness of a world destroyed by that confidence; and, sir, when the Indian nations received the white man here, they were betrayed and ruined. Overconfidence has destroyed them, and though, under Providence, great benefits have been conferred upon humanity, and I rejoice in it, it furnishes no reason why we should continue the wrong and perpetuate the injury. Sir, the Israelites in their exodus, when bitten by serpents, looked upon the symbol in the wilderness and were healed; but the Indians have found nothing to heal the injury which has been inflicted upon them by the white man. A Redeemer was given to the world, but the Indians have as yet found no savior. They have no salvation to look to but in the justice of this Government. Is it not time that justice, tardy justice, be done?

And so, I answer, not upon treaty stipulations. What care we for treaties? What regard has been shown to them in the past? We have adhered to them just so long as it suited our convenience to do so. But whenever they have stood in the way of the advancing, swelling, surging tide of white emigration and civilization, they have been swept away as straws before a mountain torrent. I will tell you the ground upon which I place the duty of this Government to educate the Indian tribes within our borders. Not, as I have just said, upon narrow and flimsy foundations of treaty stipulations, but keeping in view the great fact that we have to-day without adequate compensation the best, the richest part of the Indian's heritage, the fairest heritage on which the sun shines, I place the duty of the Federal Government to educate him upon the great principles of eternal justice, principles ordained by the councils of nature before the birth of time, regulating and to continue regulating the affairs of men until the last page of human history has been written, and then, when earthly establishments are gone, destined still to be administered throughout the infinite ages of eternity. [Applause.]

In conclusion, Mr. Speaker, I want to emphasize the criticism I have made in reference to the remarks of the gentleman from Illinois [Mr. CANNON]. That gentleman, always able, is usually deliberate and conservative, but I think this House has never listened to more reckless counsel than that which he gave it a few days ago; and particularly was he unwise when he invited us to take the back track. "Let us," he said, "take the back track and get on the right track." I say to the gentleman from Illinois that we are now upon the right track and that we have been upon the right track for four years, ever since, under the auspices of the gentleman and his associates on the Committee on Appropriations, the real, practical work of Indian education was begun under the advice of Mr. Calhoun given sixty-seven years ago. We are on the right track. I tell you the education of the Indian race of America is the solvent of the Indian problem.

I want to say a a word in reference to the position of my colleague touching Indian schools. There are three classes of Indian schools. The question of education is the important one, and should be settled in some way or other. There is the Indian day school upon the reservation; then there is the industrial boarding school upon the reservation; then there is the industrial training school off the reservation.

In reference to the third class of schools there is a diversity of public sentiment. Some maintain the schools off the reservations are not of sufficient value to justify the expenditure; others maintain they are, and that they should be maintained. For one, I believe these schools off the reservations are valuable and ought to be supported. I would not expand the system, but I would keep it up to its present dimensions.

"But, oh," gentlemen tell us, "when the infant Ute goes back from these reservation schools he resolves back into barbarism! You must remember, Mr. Chairman, this system is still tentative. It has been in existence only three or four years, and I concede if you take one youth educated at Carlisle and put him back among his tribe he will yield to his associations and adopt the habits and customs of savage life again. But let me say this before I pass, that the education he received at Carlisle, the aspirations there implanted in his bosom for a higher destiny are not dead; they simply slumber.

Now sir, these Indian schools are sending these increased numbers of educated Indian youths back to the Indian tribes. Carlisle is sending from forty to fifty. The Lincoln Institute is sending some, and the Lawrence school at Kansas is sending some. So if we maintain this system we will soon have in every tribe an association, so to speak, a nucleus which barbarism will not be able to crush out, a nucleus of civilization leading to grand results which will spread all over the Indian tribes.

For that reason I would maintain the industrial schools off the reservations.

Now, in reference to the industrial schools on the reservations there is but one sentiment. No gentlemen who have given this subject considerate thought—or rather I will put the statement in this shape: During the time these schools have been in existence, and I have been in the position to come into contact with gentlemen who have given them careful thought and attention, I have never heard but one dissenting voice as to the practical value of these schools, and that was the voice of the gentleman from Texas a few days ago.

Now, the last class of schools is the Indian day school, and that is the school which the gentleman from Texas would perpetuate; but I declare to you to-day that the only question in reference to them is whether they are of sufficient value to merit any appropriation at all. He would repudiate the two schools which confessedly confer benefits on the Indian himself and encourage that Indian day school which seems to be of less value than any other.

Now, let me say in conclusion that we must not take the back track. Let me tell you again we are on the right move, and unless obstructed the train is in motion, and it is moving forward, its speed is increasing from day to day, and unless obstructed in its progress it will soon reach its point of destination, of civilization and citizenship of the American Indian. [Applause.]

Mr. Chairman, I, for one, have an abiding faith that this issue will be reached at no distant day. I have faith, sir, in the American people. I believe the solution of the Indian question has been discovered. I believe that the American people have the intelligence and the courage to complete it. I have unfaltering confidence in the manhood of this country, in its intelligence, its integrity, and its courage, and I have reason for this confidence, as have all of us, because its loftiness, whether developed in northern latitudes or beneath southern skies has been signally illustrated at every stage in our country's growth.

Mr. Chairman, to this manhood, whose wisdom has been approved in peace and courage illustrated in war, now that it is thoroughly aroused to the magnitude and the pressing exigency of this Indian problem, may be safely left its settlement, and that settlement will be effected upon terms just to the Indian and honorable to our Government. God speed the day when it will be thus settled! God speed the day when this wretched, this unfortunate people, through the benevolence and through the energy of the American people and the American Government, will be rescued from degradation and barbarism and lifted to the plane of our own civilization and fitted for the duties and responsibilities and the blessings of American citizenship. When that day does come, sir, better satisfied will we be with ourselves as American citizens, while humanity everywhere will break forth in praise and plaudit over the noblest consummation which on this planet public justice, quickened by private philanthropy, has yet been permitted to achieve. [Applause.]

I now ask that the committee proceed to consider this bill by paragraphs.

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs for amendment and debate under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes, namely.

Mr. WELLBORN. By direction of the Committee on Indian Affairs I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6, page 1, after the word "Department" insert the words "for the year ending June 30, 1887."

Mr. WELLBORN. That needs no explanation. In the bill the fiscal year is not fixed. This amendment simply fixes it.

The amendment was adopted.

The Clerk read as follows:

For pay of sixty agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

* * * * * * *

At the Navajo agency, at $2,000.
At the Mescalero agency, at $1,800.

Mr. HOLMAN. Mr. Chairman, I sought to obtain the floor while the Clerk was reading the provision providing for the pay of the agent at the Pueblo agency. I sought the floor to inquire of the gentleman from Texas, the gentleman in charge of this bill, whether the committee has considered the propriety of reducing the number of these agencies or of consolidating some of them with others, especially agencies of this class. The gentleman from Texas will remember, of course, that this Pueblo agency is located at Santo Fé, and there is no reservation in this immediate neighborhood. The Pueblo Indian reservations extend over a wide portion of New Mexico and are generally small communes of people who are entirely self-supporting. They have in their midst, at a somewhat central point, under the auspices of the Presbyterian Church, an industrial boarding school partly supported by the Government, and it does not seem to me that any benefit can result from perpetuating that agency.

Mr. WELLBORN. I will state, Mr. Chairman, in response to the gentleman from Indiana, that the Committee on Indian Affairs has had this matter of consolidating certain agencies under consideration, and I suppose I violate no confidence of the committee-room when I say it is the judgment of the committee that certain agencies can be consolidated. I do not know that we had the particular one mentioned by the gentleman from Indiana under consideration, but there were a number of agencies mentioned, principally in Washington Territory, around Puget Sound——

Mr. PEEL (from his seat). This one was considered.

Mr. WELLBORN. I am informed by the gentleman from Arkansas that in reference to this there was a question. The committee took under consideration the propriety of the consolidation of the agencies; but inasmuch as they are provided for in the last appropriation bill we concluded that it would be perhaps obnoxious to the rule of the House to abolish any of those provided for, and the conclusion of the committee, therefore, was to prepare a general provision or general bill in relation to the subject, consolidating all of those agencies that we believed ought to be consolidated and to abolish those which were unnecessary. It was not deemed wise, however, to undertake it here.

Mr. HOLMAN. I do not think that any question would be raised as to the power of Congress, or of the House under its rules, to omit an appropriation. The agency, it is true, can not be abolished in a formal way, but the mere failure to appropriate the money——

Mr. WELLBORN. If it be an office provided by law what would be the attitude of the Government toward the officer?

Mr. HOLMAN. I certainly do not think we have placed ourselves in the extraordinary attitude that an unnecessary office must be appropriated for.

Mr. WELLBORN. Not at all; but we have placed ourselves in this attitude, that in the judgment of this House it is unwise to legislate on appropriation bills. If the office becomes unnecessary, remove it by proper instrumentalities, but hold the appropriation bill to its legitimate functions.

The CHAIRMAN. The Chair will state that no motion is pending.

Mr. HOLMAN. My motion is to strike out the clause.

I apprehended that some injury to the public service might result from the abolition of a rule which had been found to work admirably in the interest of the Government for some ten years, but if the result has been reached under our rules that you can not abolish on an appropriation bill an unnecessary office but must appropriate the full amount required by some existing law, why then the injury done is quite serious.

Mr. WELLBORN. I do not, of course, question the power of the House to fail to appropriate.

Mr. HOLMAN. The House, I presume, is scarcely prevented from refusing to make an appropriation even by the present rules. But if such be the fact we ought to retrace our steps at once.

Mr. CUTCHEON. I desire to ask the gentleman from Indiana what is his deliberate judgment as to whether, if we fail to appropriate for this agency, the agency still continuing by law, there would be a deficiency?

Mr. HOLMAN. I suppose not. I suppose it would result in the discontinuance of the agency, and that the agent would have no more claim on the Government at the termination of the present fiscal year. I believe it would be so held by the Department. I think where Congress has failed to make an appropriation of money for an office it has never been held that the present person holding that office might go into the Court of Claims to enforce his claim.

[Here the hammer fell.]

Mr. HOLMAN. I move to strike out the last clause of this provision in order to say a word or two with regard to this particular agency. And I do so because a great many others are in the same condition. It is proposed that the Indians shall be placed in a condition of self-support, and that we shall approach that condition of things gradually, not rashly, so as to defeat the object we have in view. The truth is the Pueblos are about as well advanced as the population around them. They are in every sense self-supporting. You do not appropriate a dollar for their support and have never done so. They are an industrious body of farmers, not very progressive, I admit, but still they have been in a comparatively civilized condition for many generations, not only self-supporting, but in the main a comparatively intelligent body of people.

These pueblos are communes. The Pueblo Indians live in houses of the same class of houses as you find generally in New Mexico, that came down to them from the last generation. If the intention of Congress is to keep agencies to make the Indians self-supporting, then where you apply no money for their benefit, but simply have agencies to look after them and visit their little villages from time to time, I must say I see no reason why an agency should exist there at all. This agency is 12 miles off from the nearest pueblo. They are scattered all over that section of country of which Santa Fé is the center. I think the appropriation is not required. We have there a military post; yet we rent buildings for the agency, we necessarily employ a clerk, and of course incur other incidental expenses connected with the agency.

Mr. CANNON. I want to say a single word supplementary to what the gentleman from Indiana has just said. I have no doubt, having

had, I believe, substantially the same means of information by observation and otherwise that the gentleman from Indiana had—I have no doubt that this appropriation can be stricken out without doing the public service any harm. As the gentleman from Indiana has said, the Pueblo Indians in New Mexico are in that condition that they require no agent. They require no attention at the hands of the Government. I shall vote for the amendment of the gentleman from Indiana to strike out that appropriation.

Mr. MORRISON rose.

The CHAIRMAN. The debate is exhausted on the pending amendment.

Mr. HOLMAN. I withdraw it that the gentleman from Illinois may renew it.

Mr. MORRISON. I renew the amendment. If this agency is useless and can be dispensed with, it may be done by striking out the appropriation and refusing to appropriate for it. Then it will be competent and legal for the Commissioner of Indian Affairs to dispense with the services or agency not appropriated for. In this way, and under the rules as they are, all unnecessary agents may be dismissed and the cost of the service reduced to its actual needs. It would be the duty of the Commissioner to so reduce it.

The fault of the committee which has reported this bill and this item to continue this agency, if it has committed any fault at all, seems to be that it had too much respect and admiration for the action of its predecessors on the Appropriations Committee in framing Indian appropriation bills. I have no doubt the gentleman from Texas who reports this bill has followed exactly in the footsteps of his predecessor, and has appropriated for all the agents that have been heretofore and were last year appropriated for by the gentleman from Indiana [Mr. HOLMAN].

Naturally enough we might all of us believe that what the gentleman from Indiana, with his long experience and his well-known character for economy, found it necessary to appropriate for this agency last year might rightly be repeated this year. No one knows better than the gentleman from Indiana how to rid the public service of useless officers or agents, through a bill for the purpose, whenever he desires so to do. He is too old and experienced a legislator to undertake to convince this legislative body that it can not rid itself of unnecessary officers or expenditures because it may not legislate on appropriation bills. None of us will be freed from the responsibility of extravagant appropriations by hiding behind the rules of this year or the last, when the appropriation was the same under the old rules.

Mr. HOLMAN. I took occasion to say, Mr. Chairman, that if the appropriation was not made the office would be abolished.

Mr. SPRINGER. Mr. Chairman, I rise to oppose the amendment. The pending motion is to strike out lines 73 and 74, as follows: "At the Pueblo agency, $1,800." The gentleman from Indiana [Mr. HOLMAN] states that there is no necessity for an agency for the Pueblo Indians. In one respect there is no necessity; that is to say, we do not pay those Indians any annuities, and that part of the duty of an Indian agent is not required as to the Pueblo Indians. But gentlemen who understand the condition of the tribes in New Mexico and Arizona will remember that there are many other matters in which they are deeply interested in connection with the General Government that an agent ought to look after. In the Territory of New Mexico the Pueblos are settled upon reservations ceded to them by the United States, which are on an average about 17,000 acres in extent. The Indians held those lands in common, cultivating a portion of them and using the other portions for pasturage.

It is well known to those who have visited that part of the country that there are continual depredations upon the Indian lands by white settlers. The white men are always endeavoring to get leases from the Indians or to make contracts with them, greatly to their detriment and frequently to their oppression and outrage. It is known that there is a trading post at each of the agencies, or at least at many of them, and that these trading posts bring upon the reservations a great number of white people, and the controversies that are continually arising between the Indian on the one hand and the whites upon the other require the attention of an agent of the United States Government, who in all these cases will act as an umpire, as a judge, as a friend of the Indian, and for the Government of the United States, in protecting the Indians in their rights.

Mr. HOLMAN. Will the gentleman allow me to interrupt him?

Mr. SPRINGER. Certainly.

Mr. HOLMAN. I concede that occasionally such a necessity as the gentleman describes arises for the presence of an officer representing the United States Government. But, in the first place, are not those Indians about as intelligent as the Mexican population generally of that part of the country? Do they not live and carry on their farming in about the same manner? And, secondly, are not those Indians in a condition to be properly protected wherever protection is required by the ten agents of the Indian Bureau, the five inspectors, and the five special agents? Are not the duties which the gentleman from Illinois [Mr. SPRINGER] describes just the duties which ought to devolve upon those ten agents? When you consider the limited number of agencies in the United States, only sixty in all, and remember the Government has these ten agents with appropriations for traveling expenses, it seems to me that we have all the agents that are necessary to look after such matters as those to which my friend from Illinois refers.

Mr. SPRINGER. That is very true, Mr. Chairman, so far as the general business of the Department is concerned; but the gentleman knows that those agents are subject to the orders of the Department, are constantly going from one place to another, and are seldom more than a few days at any one place. On the other hand, these difficulties between the Indians and the whites are continually arising, and require prompt attention. Furthermore, these Department agents do not speak Spanish, the only language in which they could hold communication with the Pueblo Indians.

The next provision in the bill is for the agent at the Navajo agency. If we are to strike out this appropriation for the Pueblo agency because we do not pay the Pueblos annuities, the item for the agents for the Navajoes ought to be struck out also, because we do not pay them any annuities. The Navajoes are a very rich tribe. They have a vast amount of pasture land, and they are continually getting into trouble with the settlers, and it is necessary that an agent should be constantly on hand for the purpose of preventing difficulty.

Mr. PERKINS. If the gentleman will permit me, I will ask him whether the duty of the agent for the Pueblos does not largely consist in protecting them from trespassers?

Mr. SPRINGER. Certainly. In that respect the duties of that agent are precisely similar to the duties of the other Indian agents. The only respect in which the duties of the Pueblo agent differs from those of other agents is in the fact that he has no annuities to pay, and that is the smallest part of the duties of any agency.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MORRISON] to strike out lines 73 and 74.

Mr. MORRISON. I withdraw the motion.

Mr. HOLMAN. I renew the motion. I wish to say, Mr. Chairman, that the views expressed by the gentleman from Illinois [Mr. SPRINGER] would, under other circumstances, have a great deal of force, because these Pueblo Indians, although self-supporting, do, probably, require some care; but I do not see what these ten special agents are employed for, unless it is to perform just such duties. This reservation is small, the Indians are engaged largely in agriculture and are entirely self-supporting, and have been so ever since we have owned that Territory. As gentlemen are aware, they are citizens under the treaties by which we acquired that region of country.

Mr. WELLBORN. Mr. Chairman, I hope that the amendment will not prevail. There is no doubt that the services of agents on these reservations are necessary, and to send out a special agent from the Indian Office here would cost immeasurably more than the salary of the local agent.

The House divided on the motion of the gentleman from Indiana [Mr. HOLMAN] to strike out lines 73 and 74; and there were—ayes 43, noes 69.

So the amendment was not agreed to.

The Clerk read as follows:

At the Quapaw agency, $1,500.

Mr. RYAN. I want to call the attention of the gentleman in charge of this bill to the paragraph just read. In the law for the current year it was provided, I believe, that not more than $1,200 of any moneys appropriated by the act should be expended for clerical labor at this agency. I wish to inquire why this limitation has been stricken off in this bill.

Mr. WELLBORN. It appeared to the Committee on Indian Affairs that the limitation to which the gentleman refers in the bill of last session was an exception to the rule in regard to all the other agencies. On inquiry I could find no satisfactory reason for the continuance of the limitation; and in order to preserve the harmony of the bill I struck it out. If there be any reason why the limitation should be continued, I would be glad to hear the gentleman state it.

Mr. RYAN. My recollection is that the limitation was inserted last year because a much larger sum had been expended at that agency and the expenditure was believed to be unnecessary. The agency is a small one, and it was thought that an expenditure of $1,200 at that agency for clerical services was sufficient. If the limitation is now struck out it would seem to be a sort of suggestion to those who have the management or control there that they may use a much larger sum for clerical services. It seems to me the limitation was wise in view of the fact that a much larger sum was expended for clerical services at that place and the expenditure was believed to be unnecessary.

Mr. WELLBORN. The gentleman means there had been such unnecessary expenditure prior to last year?

Mr. RYAN. I think so.

Mr. WELLBORN. Does the gentleman make any proposition in reference to the matter?

Mr. RYAN. I suggest an amendment.

Mr. WELLBORN. I have no authority from the committee to accept the amendment, but for myself I can say that I am perfectly in-

diferent in the matter, and that if there be any reason for inserting such a limitation in this bill I have no objection to its insertion.

Mr. RYAN. Then I move to amend by adding to this paragraph these words: "And not more than $1,200 of any moneys appropriated by this act shall be expended for clerical labor at this agency."

Mr. REAGAN. Is there any reason to believe that so much as $1,200 will be needed?

Mr. RYAN. I can not give any assurance that $1,200 will be absolutely required; but I have no doubt some clerical force is necessary at that agency. This is simply suggested as a limitation. It is supposed that $1,200 will be ample.

The amendment of Mr. RYAN was adopted.

Mr. WELLBORN. I had hoped, Mr. Chairman, that we should make greater progress in this bill to-day than has been made. But I find, from evidences around me, that members are becoming somewhat impatient, and in deference to their wishes I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

Mr. WEAVER, of Nebraska. I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I shall object.

Mr. LONG. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Richard Anderson for $60 due him as lamp-lighter in the District of Columbia—to the Committee on Claims.

By Mr. BARRY: Petition in the claim of Thomas B. Smith, of Mississippi—to the Committee on War Claims.

By Mr. BUCHANAN: Petition from 66 citizens of Ellwood, N. J., asking for passage of bill indorsed by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of H. F. Johnson and others, and of M. N. Lird and others, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. CASWELL: Petition of S. C. Carr, master State Grange of Wisconsin, and Clinton Bobbitt, secretary of the State agricultural society, praying for correction of the law relating to the duties upon tobacco—to the Committee on Ways and Means.

Also, petition for relief from the Knights of Labor of Whitewater, Wis.—to the Committee on Railways and Canals.

By Mr. COLE: Memorial of Knights of Labor of Baltimore, in favor of construction of the Hennepin Canal and kindred projects—to the same committee.

By Mr. COX: Memorial of Knights of Labor of Raleigh, N. C., in behalf of Hennepin Canal—to the same committee.

By Mr. CRAIN: Petition of Knights of Labor of Galveston, Tex., in favor of the Hennepin Canal—to the same committee.

By Mr. A. C. DAVIDSON: Papers relating to the claim of Jeremiah Johnson—to the Committee on War Claims.

By Mr. ERMENTROUT: Resolutions of the bar of Seattle, Wash., relative to recent disturbances—to the Committee on the Territories.

Also, memorial of Gabel, Jones & Gabel, advocating the passage of bill granting the Baltimore and Ohio Railroad the right of way through the State of New Jersey—to the Committee on Commerce.

Also, memorial of Henry C. Bowen, opposing the increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of workingmen of Natrona, Pa., against the passage of House bill 5576—to the Committee on Ways and Means.

Also, memorial of Charles G. Carpenter, asking for the passage of House bill 4902—to the Committee on Invalid Pensions.

Also, resolution of Keim Post, Grand Army of the Republic, advocating the passage of the Logan pension bill—to the same committee.

Also, resolutions of McLean Post, Grand Army of the Republic, of Reading, Pa., for the same—to the same committee.

By Mr. EVERHART: Petition of 48 voters and 7 non-voters, of 48 voters and 16 non-voters, of Chester County, Pennsylvania, for the prohibition of the manufacture, importation, and sale of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FORD: Petition of Assembly 3812, Knights of Labor, for use of surplus in the Treasury in aid of internal improvements, and particularly the Hennepin Canal scheme—to the Committee on Railways and Canals.

By Mr. GLASS: Petition of James Gillespie, of Lauderdale County, and of John E. McCorkle, heir of William Scott, deceased, of Dyer County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Papers in support of House bill 6918, to increase the pension of Lewis M. Strong—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of the members of the bar of Keokuk, Iowa, for increase of compensation of United States district judges—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition from 135 crippled soldiers of the late war, asking for the passage of House bill 4902, increasing pensions to amputated cases—to the Committee on Invalid Pensions.

Also, papers from the Union Mill Company, of Waterloo, Iowa, in relation to the duty on burlaps—to the Committee on Ways and Means.

Also, memorial from the bar of Sioux City, Iowa, praying for the passage of the Senate bill increasing salary of United States judges—to the Committee on the Judiciary.

By Mr. T. J. HENDERSON: Papers in the case of Col. Peter V. Hagner, for relief—to the Committee on Military Affairs.

By Mr. HISCOCK: Petition against patents—to the Committee on Patents.

By Mr. HUDD: Memorial of the mayor and common council of Manitowoc, Wis., ship-owners and merchants of Manitowoc and Milwaukee, Wis., and Chicago, Ill., praying that a breakwater be built at the mouth of Manitowoc River outside of the pier now being constructed, said breakwater being required for the purpose of protecting the shipping in said river—to the Committee on Rivers and Harbors.

By Mr. IRION: Papers in the claims of James C. Cain, of East Baton Rouge Parish, Louisiana, and of Asahel Curtis, of Morehouse Parish, Louisiana—to the Committee on War Claims.

By Mr. JAMES: Petition of T. F. Marshall and 60 others, business firms of Yankton, Dak., and of Taylor Hardware Company and 31 other firms, of Taylor, Tex., asking for the enactment of House bill 1621 for the relief of commercial travelers from State and local license laws—to the Committee on Commerce.

By Mr. LA FOLLETTE: Petition of W. H. Halford and 75 others, citizens of Bloomington, Wis., praying for a Government railroad from the Mississippi River to Lake Michigan instead of the proposed canal—to the Committee on Railways and Canals.

By Mr. LIBBEY: Petition of Robert Potts, for a pension—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of Charles Riddle, for father's pension—to the same committee.

Also, petition of Knights of Labor of Laurel County, Kentucky, for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. McKINLEY: Petition of Troy Steel and Iron Company, Union Steel Company, and Joliet Steel Company, protesting against further reduction of the tariff, especially on steel rods—to the Committee on Ways and Means.

By Mr. MARTIN: Papers in the claim of John Belcher, of Jefferson County, Alabama—to the Committee on War Claims.

By Mr. MORGAN: Papers in the claim of Elizabeth J. Brunson, of Marshall County, Mississippi—to the same committee.

By Mr. NEGLEY: Petition asking that the words "giving the title of the publication or publications, and the number of copies inclosed, and" may be added to section 231 of the postal laws of 1879—to the Committee on the Post-Office and Post-Roads.

By Mr. NELSON: Memorial from Duluth, Minn., concerning the abolition of the Presidency—to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial from Manayunk, Pa., concerning the abolition of the President—to the same committee.

By Mr. PAYNE: Petition of A. Babcock and others; of E. C. Stone and others, of Scribo, and of J. J. Hale and others, for an amendment to the patent laws—to the Committee on Patents.

By Mr. PAYSON: Petition of sundry citizens of Kankakee County, Illinois, on the subject of oleomargarine, butterine, and all imitations of butter—to the Committee on Agriculture.

By Mr. PERKINS: Resolutions of the Kansas Division of Travelers' Protective Association, asking for legislation prohibiting the several States and Territories from imposing upon commercial travelers representing wholesale houses in other States a license tax—to the Committee on the Judiciary.

Also, petition of J. B. Opperman and others, ex-soldiers and citizens of Baxter Springs, Kans., for an appropriation of $10,000 to grade and macadamize the road from Baxter Springs to the cemetery in which are buried the soldiers who fell as victims of the Quantrill massacre—to the Committee on Military Affairs.

By Mr. PETTIBONE: Petition of Jesse Rogers, of Claiborne County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. REAGAN: Petition for the erection of a public building at Fort Worth, Tex.—to the Committee on Railways and Canals.

By Mr. RICHARDSON: Petition of Mrs. E. C. Howell, asking that

claim of Samuel Warren, deceased, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Memorial of Knights of Labor of Sandusky, Ohio—to the Committee on Railways and Canals.

By Mr. SAYERS: Memorial of Assembly 2182, of Austin, Tex., asking for the construction of the Hennepin Canal—to the same committee.

Also, memorial from the citizens of Fort Worth, Tex., asking the erection of a public building at Forth Worth, Tex.—to the same committee.

By Mr. SCRANTON: Petition of members of Bradford County (Pennsylvania) bar, for the passage of House bill 2124, providing an additional place for holding United States courts in western district of Pennsylvania—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of 27 citizens of Crystal Lake, Wis., in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of the laboring men, tradesmen, and business men of Marinette, Wis., praying for the restoration of wages in the Government Printing Office—to the Committee on Labor.

By Mr. W. J. STONE, of Missouri: Statement to accompany bill introduced by Mr. Stone, of Missouri, for the relief of Capt. Alfred Curtis—to the Committee on Claims.

By Mr. ZACH. TAYLOR: Papers in the claim of John R. Jones, of Fayette County, Tennessee—to the Committee on War Claims.

By Mr. O. B. THOMAS: Memorial from West Salem, W. T., concerning the Presidency—to the Committee on the Judiciary.

By Mr. THROCKMORTON: Papers of James M. Grigsby, of Montague, Tex., containing proofs to accompany House bill 6312, for his relief—to the Committee on Claims.

By Mr. TOWNSHEND: Petition in behalf of pension to William Collinsworth—to the Committee on Invalid Pensions.

By Mr. TURNER: Petition of Hon. J. S. Clifton and 71 others, citizens of Miller County, Georgia, asking aid to common schools in the States, to be apportioned on the basis of illiteracy—to the Committee on Education.

By Mr. VAN EATON: Papers and memorials, asking for additional courts in the State of Mississippi, to accompany House bill 6762—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Resolutions adopted by iron-workers of Bay View, Milwaukee County, Wisconsin, protesting against passage of the so-called Morrison bill, and against further agitation of tariff questions—to the Committee on Ways and Means.

By Mr. A. J. WARNER: Petition in behalf of James Frazier, asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. WELLBORN: Petition of citizens of Johnson County, of Dallas County, of Ellis County, of Bosque County, and of Clifton, Tex., for improvement of Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

Also, petition of citizens of Arlington, Tex., for the improvement of Sabine Pass Bar, Texas—to the same committee.

Also, petition of citizens of Fort Worth, Tex., that Fort Worth be made a port of entry and delivery—to the Committee on Commerce.

By Mr. WHEELER: A bill to require the officer of United States Engineers in charge of the improvement of the Tennessee River to report the condition of certain streams which empty into the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. A. C. WHITE: Petition for a pension to Elizabeth Sirwell—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition of S. Eaton, ex-postmaster at Albert Lea, Minn., for readjustment of salary—to the Committee on the Post-Office and Post-Roads.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. THROCKMORTON: Of 91 citizens of Parker and Wise Counties, Texas.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. ELDREDGE: Of citizens of Lenawee County, Michigan.

By Mr. HOLMES: Of citizens of Humboldt and Hardin Counties, Iowa.

By Mr. SCRANTON: Of citizens of Luzerne County, Pennsylvania.

By Mr. WHITING: Of citizens of Worcester and Hampshire Counties, Massachusetts.

SENATE.

THURSDAY, *March* 18, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect of the Treasury as to the necessity of special appropriations for alterations and repairs to certain public buildings, and also as to the need of a deficiency appropriation for repairs and preservation of public buildings for 1886; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting a letter from the president of the board of trustees of the Reform School of the District of Columbia, stating that at a meeting of the board of trustees it was thought advisable that the Senate bill relating to the Reform School should be so amended as to receive into it boys under the age of sixteen years; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions of the senate and house of delegates of Virginia, which, though not under seal, seem to be signed, and will be read.

The resolutions were read, and referred to the Committee on Finance, as follows:

Resolved, That it is the sense of the senate of Virginia that the proposition now pending in the Congress of the United States to place foreign iron ores on the free-list is unwise, and, if adopted, will greatly injure the iron interests of this State and retard the development of the same.

Passed the senate March 1, 1886.

J. D. PENDLETON, *C. S.*

Resolved, That it is the sense of the house of delegates of Virginia that the proposition now pending in the Congress of the United States to place foreign iron ores on the free-list is unwise, and, if adopted, will greatly injure the iron interests of this State and retard the development of the same.

Agreed to by house of delegates of Virginia (yeas 48, nays 14) March 1, 1886.

J. BELL BIGGER, *C. H. D.*

The PRESIDENT *pro tempore* presented petitions of Knights of Labor of Athens and Kent, in the State of Ohio, praying for liberal appropriations for the construction of works of internal improvement and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Freehold Local Assembly, No. 2161, Knights of Labor, of Kent, Ohio, praying for the opening of the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of 19 clergymen, 16 physicians, 37 lawyers, 34 teachers, 160 business men, and 8 officers of temperance and other societies, of Wyandott, Highland, and Brown Counties, Ohio, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. SAWYER presented petitions of Knights of Labor of Marinette and Whitewater, Wis., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. DAWES. I present a petition of the Knights of Labor, Local Assembly No. 2692, of Springfield, Mass., praying that the usual annual appropriation of $400,000 for the purpose of the manufacture of arms at the Springfield armory be not reduced, and expressing the opinion that it is false economy and a cruel policy to cut down the appropriation and thereby augment existing distress and suffering, and that to continue this uniform appropriation will promote true economy, inasmuch as it will continue the production of arms at a reasonable price and keep together the present organization of skilled workmen, enabling the Government in case of war to at once make its own arms.

I trust that these reasons will commend themselves to the Committee on Appropriations. They express my views heartily. I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES presented a petition of 20 clergymen, 21 physicians, 10 sawyers, 38 teachers, 138 business men, and 64 officers of temperance and other societies of Worcester and other counties in the State of Massachusetts, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. BERRY presented a petition of 244 resident citizens of Hot Springs, Ark., praying legislation to protect the Government structures upon the Hot Springs reservation, and also, for the interest and convenience of visitors and the local community, to provide for the removal within a reasonable time of all the structures on the reservation that are

occupied by private individuals. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. COCKRELL. I present a petition of the District Assembly No. 107, Knights of Labor, of the State of Missouri, signed by Irwin C. Goodenough, district M. W., and Frank G. Ells, district R. S., praying that liberal appropriations be made for works of public improvement of national importance, and especially for the construction of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa. I present a petition of the Alliance of Ladies organized for the promotion of social purity, and composed of delegates appointed by the pastors of the several religious denominations of Washington city and of the Woman's Christian Temperance Union of the District of Columbia earnestly praying for the passage of the bill introduced by the Senator from Maine [Mr. FRYE] providing for the legal protection of young girls in the District of Columbia. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PLATT presented a petition of Knights of Labor of South Norwalk, Conn., and a petition of Knights of Labor of Bridgeport, Conn., praying that liberal appropriations be made for works of internal improvement of national importance, and especially for the speedy construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. CAMERON presented a petition of certain postmasters of Pennsylvania, praying for the passage of the bill (S. 318) to authorize the readjustment of the compensation of postmasters at certain fourth-class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Assembly No. 3202, Knights of Labor, of Paxton, Pa., praying for the construction of works of internal improvement, and especially of the Hennepin Canal, by the General Government; which was referred to the Committee on Commerce.

He also presented a petition of 55 citizens of Cochranville, Chester County, Pennsylvania, and a petition of 28 other citizens of Pennsylvania, praying for the passage of a bill prohibiting the liquor traffic in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of 143 citizens of Kennett Square, Chester County, Pennsylvania, praying for the passage of a law prohibiting the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 143 citizens of Kennett Square, Chester County, Pennsylvania, and a petition of 55 citizens of Cochranville, Chester County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were ordered to lie on the table.

He also presented a petition of 55 citizens of Cochranville, Chester County, Pennsylvania, and a petition of 143 citizens of Kennett Square, Chester County, Pennsylvania, praying for an amendment to the Constitution which will prohibit henceforth the manufacture, importation, and sale of all alcoholic beverages throughout the United States; which were ordered to lie on the table.

Mr. COKE presented a petition of citizens of Fort Worth, Tex., praying for the erection at that place of a building to be used as a post-office and for internal-revenue and other purposes; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Knights of Labor of Austin, Travis County, Texas, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. PAYNE presented a petition of 17 clergymen, 11 physicians, 1 lawyer, 27 teachers, 88 business men, and 59 officers of temperance and other societies, of Lucas and Ottawa Counties, Ohio, and a petition of citizens of New London, Ohio, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which were ordered to lie on the table.

Mr. HARRISON presented a petition of Knights of Labor of Clay County, Indiana, praying that liberal appropriations be made for public works, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of John M. Cannady and 164 other citizens of Idaho Territory, remonstrating against the passage of any bill for the division of that Territory; which was referred to the Committee on Territories.

Mr. FRYE presented a petition of 10 clergymen, 13 physicians, 14 lawyers, 14 teachers, 102 business men, and 29 officers of temperance and other societies of Waldo and Somerset Counties, Maine, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. CONGER presented petitions of Knights of Labor of Essexville and Flint, in the State of Michigan, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. PALMER presented petitions of Knights of Labor of Bay City, Otisville, and Ingersoll, in the State of Michigan, praying Congress to relieve the present distress of the laboring classes by liberal appropriations for public works of national importance; which were referred to the Committee on Commerce.

He also presented a petition of Griffith & Co., James Wood, and 112 other merchants of New York, praying that Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for improving Harlem River, New York; which was referred to the Committee on Commerce.

Mr. MILLER presented a memorial of Local Assembly No. 457, Knights of Labor, of Jefferson County, New York, favoring a liberal appropriation for internal improvements, and especially the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of 31 clergymen, 24 physicians, 13 lawyers, 35 teachers, 138 business men, and 41 officers of temperance and other societies of Cattaraugus, Chautauqua, and Allegany Counties, New York, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 68) for the relief of William P. Chambliss, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CHACE introduced a bill (S. 1908) to amend section 4004 of the Revised Statutes providing for additional pay for postal cars; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS (by request) introduced a bill (S. 1909) for the relief of W. H. Ward; which was read twice by its title, and referred to the Committee on Patents.

Mr. CALL introduced a bill (S. 1910) to provide for the erection of a building for marine barracks at the navy-yard at Pensacola, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. TELLER (by request) introduced a bill (S. 1911) relating to procedure in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1912) granting certain lands to the Territory of Wyoming for public purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 1913) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT introduced a bill (S. 1914) to incorporate the National Light and Fuel Company; which was read twice by its title.

Mr. PLATT. I should like to say one word with regard to this bill. I do not know any of the gentlemen who are named in the bill as incorporators, and there are some amendments which I should desire to see incorporated in the bill; but I introduce it because I believe that something should be done to provide the District of Columbia with a better service of light than it has at the present time. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BLAIR introduced a bill (S. 1915) for the relief of Mrs. Clara Morris; which was read twice by its title.

Mr. BLAIR. I ask the especial attention of the Committee on Claims to this case. That committee has already once considered it, but only upon partial evidence. Much additional evidence has been obtained, which I now present to accompany the bill, and I have become profoundly convinced from a careful examination of it that this lady ought to have her pay. I ask that the Committee on Claims examine the evidence carefully. This lady, whom we see here in the Capitol, the evidence shows, rendered valuable service to the Government during the war at great personal risk. A considerable amount of furniture owned by her had been appropriated by the Government for the use of freedmen who were in the charge of the Government, in occupation thereof by the Government, and the furniture was destroyed while so used, amounting to $3,000 or $4,000, and she never has been able to get compensation for it. I think from the additional testimony the justice of her claim will be very apparent.

I move that the bill with the accompanying papers be referred to the Committee on Claims.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of Alexander Moseley be taken from the files and referred to the Committee on Claims, there being no adverse report.

BINDING OF CENSUS SCHEDULES.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior is hereby authorized to have bound, at the Government Printing Office, the schedules of the Second, Third, Fourth, and Tenth Censuses of the United States.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions the morning business is closed, and the Calendar is in order.

Mr. COCKRELL. The Calendar!

Mr. CULLOM. I desire to call up the motion that I made yesterday to make the bill (S. 1532) to regulate commerce a special order for Tuesday, March 30.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the bill named by him be made a special order for Tuesday, March 30, at 2 p. m.

Mr. ALLISON. Before that is done I desire to report from the Committee on Appropriations the urgency deficiency bill and to ask for its immediate consideration. I think it will take but a few moments to dispose of it, and it is very important that the bill should be returned to the other House to-day.

Mr. CULLOM. I do not think there will be any objection to my motion; and I wish to get it out of the way. It is merely to set down the bill for consideration on the 30th of March.

Mr. ALLISON. Of course I am at the mercy of Senators. It requires unanimous consent to consider the appropriation bill to-day, which I desire to secure.

Mr. CULLOM. I do not think there will be any objection to considering the appropriation bill, nor do I think there will be any objection to the motion I make.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the motion made by him in respect to the bill (S. 1532) to regulate commerce. He moves that it be made the special order for Tuesday, March 30, at 2 o'clock p. m. Is there objection? The Chair hears none, and that order is made.

Mr. PLATT. Mr. President——

Mr. HOAR. I now call up a similar motion which I made at the same time in regard to the bankruptcy bill.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts was recognized by the Chair.

Mr. PLATT. I intended to make objection, at least temporarily, to the motion of the Senator from Illinois. I did not understand that an objection was called for to the motion, but to the consideration of the motion at the present time.

The PRESIDENT *pro tempore*. It is not too late for the Senator to interpose.

Mr. PLATT. I should like to say a word on the motion.

The PRESIDENT *pro tempore*. The Senator from Connecticut is in time.

Mr. PLATT. I do not object absolutely to the making of this special assignment, but I think I ought to say that I feel I am entitled to have considered immediately after the present unfinished business the bill for the admission of Washington Territory as a State. That bill was before the Senate at the last Congress, and I gave way to other matters supposed to be of pressing importance. It has been for a long time before the Senate on the Calendar, has been passed over on the Calendar, and I have felt that I was entitled to its consideration at various times; but I have given way because it was supposed that matters of more pressing importance should come first.

I think there is no measure before the Senate of more importance than this. I do not suppose that the special order which is asked for will be likely to interfere with the consideration which I desire that bill shall receive, and therefore I make no objection to this order further than to state that if it should interfere with the motion which I propose to make to take up the Washington bill immediately after the present unfinished business is completed I shall at that time feel as if I ought to antagonize it.

Mr. CULLOM. Let me say one word. I have not understood or believed that the order I have asked for will interfere at all with the desire of the Senator from Connecticut to consider the bill to which he refers, and I hope under the circumstances, as that Senator has been detained from the Senate unavoidably for a few days, that he will be allowed to call up the bill immediately on the conclusion of the pending business if he desires to do so.

The PRESIDENT *pro tempore*. If there be no objection the order asked for by the Senator from Illinois will be entered. The Chair hears no objection.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I now call up the motion which I made to fix the bankruptcy bill for the day next after the bill of the Senator from Illinois, Wednesday, March 31. As I stated yesterday, I shall not antagonize the bill which the Senator from Illinois has in charge.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, in pursuance of notice, moves that the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States be made a special order for Wednesday, March 31, 1886, at 2 o'clock p. m. Is there objection?

Mr. TELLER. I object.

The PRESIDENT *pro tempore*. Then the Chair will submit the question to the Senate, the Senator from Massachusetts having introduced the motion yesterday. The question is on making the bankruptcy bill a special order at the time stated. [Putting the question.] Two-thirds being required, the Chair is not able to announce the result.

Mr. HOAR. I ask for the yeas and nays. I desire to say that I shall not antagonize the matter of the Senator from Connecticut [Mr. PLATT] or that of the Senator from Maine [Mr. FRYE]. I merely want to have the bankruptcy bill set down in its order.

Mr. FRYE. I did not make any objection.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on the motion of the Senator from Massachusetts.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If authorized, I should vote "nay."

The roll-call was concluded.

Mr. DAWES. I am paired for the day with the Senator from Louisiana [Mr. GIBSON], but I am informed that he would vote in the affirmative, and with that understanding it is that I have voted in the affirmative.

Mr. BUTLER. My colleague [Mr. HAMPTON] has been called home by illness in his family. He begged me to pair him in case of any yea-and-nay vote, but this not being a political question I have not thought it necessary to do so, but simply to explain why he is not here to vote.

Mr. MORRILL (after having voted in the affirmative). At the moment my name was called I voted, forgetting that I am paired for an hour or two with the Senator from Tennessee [Mr. HARRIS]. I withdraw my vote. I do not know how the Senator from Tennessee would vote.

Mr. COCKRELL. My colleague [Mr. VEST] is necessarily detained from the Senate Chamber by illness. He is paired with the junior Senator from Kansas [Mr. PLUMB], who is not present. My colleague would vote "nay" if he were here and not paired.

Mr. PALMER (after having voted in the affirmative). I was not aware when I voted that the Senator from North Carolina [Mr. VANCE] is absent this morning. I am paired with him, and withdraw my vote.

The result was announced—yeas 33, nays 14; as follows:

YEAS—33.

Aldrich,	Dolph,	McMillan,	Sewell,
Allison,	Edmunds,	Manderson,	Sherman,
Blair,	Evarts,	Miller,	Stanford,
Call,	Frye,	Payne,	Walthall,
Cameron,	Hale,	Pike,	Wilson of Iowa,
Chace,	Harrison,	Platt,	Wilson of Md.
Conger,	Hoar,	Pugh,	
Cullom,	Jackson,	Riddleberger,	
Dawes,	Jones of Arkansas,	Sawyer,	

NAYS—14.

Beck,	Butler,	Ingalls,	Van Wyck,
Berry,	Cockrell,	Ransom,	Voorhees.
Blackburn,	Coke,	Saulsbury,	
Brown,	Colquitt,	Teller,	

ABSENT—28.

Bowen,	Gray,	Logan,	Morrill,
Camden,	Hampton,	McPherson,	Palmer,
Eustis,	Harris,	Mahone,	Plumb,
Fair,	Hawley,	Maxey,	Sabin,
George,	Jones of Florida,	Mitchell of Oregon,	Spooner,
Gibson,	Jones of Nevada,	Mitchell of Pa.,	Vance,
Gorman,	Kenna,	Morgan,	Vest.

The PRESIDENT *pro tempore*. Two-thirds of the Senators present having voted in favor of the motion, it is carried.

URGENT DEFCIENCY APPROPRIATION BILL.

Mr. ALLISON. I now report from the Committee on Appropriations the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and I ask for present consideration.

The PRESIDENT *pro tempore*. The Senator from Iowa asks for the present consideration of the amendments to this bill. The Chair hears no objection, and they are before the Senate.

Mr. ALLISON. The Senate inserted on page 2 of the bill an item of $30,000 for the funeral expenses of General Grant. The House of Representatives concurred in that amendment with an amendment which is found on page 5 of the last print of the bill, and which I ask the Secretary to read. I will say, however, before it is read, that the Senate Committee on Appropriations recommend concurrence in the amendment of the House of Representatives to the Senate amendment.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives to the Senate amendment will be read.

The SECRETARY. In lieu of the matter proposed by the Senate amendment the House propose to insert the following:

To reimburse the appropriations for the Quartermaster's Department of the Army for expenses attending the funeral of General Grant, paid by authority of executive order directing General Hancock to give General Grant an imposing funeral, $12,037.93.

To pay the three items of expense referred by General Hancock to the Secretary of War, namely: For hire of stenographer, $195; telegrams received and sent, $452.83; mileage expenses, $353.68; in all, $1,001.51, or so much thereof as the Secretary of War may find to be due and unpaid.

To pay the bill of Stephen Merritt, undertaker, for embalming, burial casket, and ornamentation thereof, canopy, catafalque, and other necessary articles and services furnished by him at reasonable prices, and which remain unpaid, $6,303.75, or so much thereof as may be necessary and found upon examination by the Secretary of War to be just and proper charges.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to, if there be no objection.

Mr. ALLISON. Before the amendment is agreed to, I desire to say that the Senate Committee on Appropriations and the Senate found this clause for the funeral expenses of General Grant in the deficiency estimates and placed at $30,000. It seems on an examination of the papers in detail that some of the items may be regarded as irregular. General Hancock, who had charge of the funeral, recommended the absolute payment of certain of these expenses, and some of them were actually paid out of the regular appropriations for the Army. There were, however, incurred in addition to these expenses some $11,000 that do not seem to have had the approval of General Hancock. In order that the Senate may be put in possession of the circumstances which led to the estimate of the Secretary of War I ask that the letter which I send to the desk, with the indorsements thereon, may be read.

The Secretary read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., November 3, 1885.

GENERAL: I have the honor herewith to return the vouchers and accounts in the matter of the expenditures for the funeral of General U. S. Grant, United States Army, retired.

As Major-General Hancock was authorized to do whatever was necessary and proper for the purpose of burying General Grant with imposing military ceremonies, it is recommended to the honorable the Secretary of War that the vouchers covering the expenditures made under his direction be paid from the current appropriations as classified in the accompanying estimate of funds, on the ground that such payments are expected by the creditors and appear to be warranted by the instructions given General Hancock. Of the sums required for this purpose $5,480.92 can not be spared from the appropriation for incidental expenses without seriously crippling the service of the Army for the entire year. On this account it is further recommended that the amount required to make this sum good to the appropriation for the current year be reported to Congress as a deficiency for this year.

The expenditures made for the funeral, for which accounts are here presented, not directly authorized and directed by Major-General Hancock ought to be paid when an appropriation shall be made by Congress for the purpose; and it is also recommended that an estimate be made and presented to Congress, asking for this additional sum in the usual deficiency bill for the purpose indicated.

If so directed the proper estimates covering all necessary expenditures will be prepared in this office and presented to the honorable Secretary of War for his action.

It should be remembered that in the opinion of this office the bills presented by the undertaker should be carefully and critically examined and duly audited by the paying officer before final payment.

The approved bills for $12,037.93 belong to appropriations as follows:

Incidental expenses	$5,480 92
Army transportation	6,525 51
Barracks and quarters	31 50
	12,037 93

Amount of bills which have not been approved by General Hancock, $15,195.05. Of this sum $6,303.75 belong to the bills presented by the undertaker.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General United States Army.

To the ADJUTANT-GENERAL,
United States Army.

Quartermaster-General, November 3, 1885, returns the vouchers and accounts in connection with the expenditures for the funeral of the late General U. S. Grant.

As General Hancock was authorized to do what was necessary and proper, recommends that the vouchers made under his direction be paid, and that the matter be reported to Congress as a deficiency this year.

Also makes suggestions in regard to the payment of the accounts not directly authorized and directed by General Hancock.

WAR DEPARTMENT, *December 26, 1885.*

Respectfully returned to the Quartermaster-General for payment of the vouchers approved by General Hancock, after action has been taken as suggested in the fourth paragraph of this letter.

The Quartermaster-General will also prepare the proper estimates for submission to Congress.

WILLIAM C. ENDICOTT,
Secretary of War.

Respectfully returned to the honorable the Secretary of War with special estimate for $27,388.03.

I have the honor to recommend that Congress be asked for appropriation.

It is suggested that the estimate be made for $29,684.03, which amount would include the $1,001.51 paid by the Pay Department, and $1,294.49 paid by the Subsistence Department.

Upon reconsideration it is deemed best to ask for a special appropriation to be designated "funeral expenses of General U. S. Grant," from which the entire cost of the obsequies may be paid and expenditures from appropriations for this or other Departments made before the granting of this appropriation reimbursed.

S. B. HOLABIRD,
Quartermaster-General United States Army.

QUARTERMASTER-GENERAL'S OFFICE, *January 2, 1886.*

Request for remittance of the following sums to chief quartermaster's division of the Atlantic to pay authorized expenditures has been made.

January 4, 1886, namely:

Incidental expenses	$5,480 92
Barracks and quarters	31 50
Army transportation	6,525 51
Total	$12,037 93

WAR DEPARTMENT, *February 15, 1886.*

Respectfully returned to the Quartermaster-General, an estimate for the amount ($30,000) having been submitted to Congress. See page 15 of House Executive Document No. 62, Forty-ninth Congress, first session.

By order of the Secretary of War.

JOHN TWEEDALE,
Chief Clerk.

Mr. ALLISON. It will be seen from these papers that the expenditures directly incurred by General Hancock are provided for in the amendment suggested by the House of Representatives. Certain other expenses were incurred by State and municipal authority for which bills have been filed in the War Department, and the Quartermaster-General and Secretary of War have recommended their payment; but the House of Representatives after consideration seems to be of the opinion that these expenses ought not to be included in this urgent deficiency bill, and the Senate committee recommend a concurrence in that view.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the House of Representatives to the amendment of the Senate.

The amendment to the amendment was agreed to.

Mr. ALLISON. The next amendment, No. 2, the House disagreed to on the ground that it is not an urgent deficiency. I desire to put in the RECORD a telegram received by our committee from the Secretary of War respecting this appropriation.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

WAR DEPARTMENT, *March 18, 1886.*

To Hon. W. B. ALLISON, *Senate:*

The item $18,350 for the cable at Block Island is necessary and should be included in the urgent deficiency bill. Any statement to the contrary must have been made without a full knowledge of the subject.

WILLIAM C. ENDICOTT,
Secretary of War.

Mr. ALLISON. The Committee on Appropriations concur in that statement made by the Secretary of War, and therefore recommend that the Senate insist on the amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate insist on its second amendment. The amendment will be read.

The SECRETARY. Amendment No. 2, made by the Senate, was, under the head of "War Department," after line 37, to insert:

To enable the Secretary of War to lay a new submarine cable, Block Island Bay, fiscal year 1886, $18,350.

The motion to insist was agreed to.

Mr. ALLISON. The House of Representatives agreed to amendment No. 5 with an amendment. The Senate Committee on Appropriations recommend that the Senate concur in the amendment of the House to the Senate amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. The amendment of the House of Representatives to the fifth amendment of the Senate is to add:

Water supply, District of Columbia:

The sum of $5,000, or as much thereof as may be necessary, to enable the Secretary of War to preserve from flooding or other injury during the suspension of operations thereon the tunnel now being constructed under authority of an act to increase the water-supply of Washington city, and for other purposes, approved July 15, 1882; the said sum to be subject to all the provisions and restrictions of said act and of the act approved July 5, 1884, making appropriations for the expenses of the government of the District of Columbia as to its apportionment and settlement between the United States and the District of Columbia, and the refunding thereof.

The amendment of the House of Representatives was concurred in.

Mr. ALLISON. The Committee on Appropriations recommend that the Senate insist upon its sixth amendment, being an item of $260 for the repair of the water-tank on the main building of the Freedmen's Hospital and Asylum, and I desire that the letter of the surgeon-in-chief of this hospital, the letter of the Secretary of the Interior, and the letter of the Secretary of the Treasury may be read in the order which I have named.

The PRESIDENT *pro tempore*. The papers will be read.

The Secretary read as follows:

FREEDMEN'S HOSPITAL,
Washington, D. C., February 18, 1886.

SIR: The tank on the main hospital building, which has a capacity of 3,000 gallons, has suddenly commenced to leak. On examination, I find that the lining is so decayed that it can not be repaired. It is important that it be relined at once, as otherwise the hospital will be without water. The present lining is lead. I desire to replace it by iron, as the lead is more perishable, and there is also danger of poison. A careful estimate has been made, and it will cost $260.

I would like an item inserted in the emergency deficiency bill covering this demand.

Very respectfully,

C. B. PURVIS, M. D.,
Surgeon-in-Chief.

Hon. L. Q. C. LAMAR,
Secretary of the Interior, Washington.

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1886.

SIR: I have the honor to transmit herewith a communication from the surgeon-in-chief of Freedmen's Hospital, submitting an estimate of $260 for repairs of water-tank on the main hospital building, and requesting that it be included in the emergency deficiency bill.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The Hon. SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, *February 25*, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate for an appropriation of $260 to repair the water-tank on the main building of the Freedmen's Hospital, Washington, D. C., submitted by the Secretary of the Interior with the request that it may be inserted in the emergency deficiency bill for immediate use.

Respectfully, yours,

D. MANNING, *Secretary.*

The Hon. SPEAKER *of the House of Representatives.*

Mr. ALLISON. It will be seen from this printed document that the surgeon-in-chief, the Secretary of the Interior, and the Secretary of the Treasury recommend that this item be inserted in this bill. The House of Representatives seems to have been without information on this subject. The Committee on Appropriations recommend that the Senate insist on its amendment.

The motion to insist was agreed to.

Mr. ALLISON. There is still another amendment, No. 7. I ask that it be read.

The Secretary read Senate amendment No. 7, as follows:

For miscellaneous items, exclusive of labor, being a deficiency for the fiscal year 1886, $5,000.

Mr. ALLISON. There seems to have been no information furnished to the Committee on Appropriations elsewhere with reference to this item. I will say that it is not usual to furnish detailed statements to the House of expenditures in the Senate or to the Senate of expenditures in the House. It is usually understood that these two bodies are able to regulate and control their contingent expenses, although information, I believe, is always open with reference to the expenditures of the contingent fund of the Senate. I will only add that the Senate is perfectly familiar with the fact that this item is necessary. I move, therefore, that the Senate insist on this amendment.

The motion was agreed to.

The PRESIDENT *pro tempore*. All the amendments to the bill are now disposed of. The Calendar is in order.

BRIDGES OVER WILLAMETTE RIVER.

Mr. DOLPH. We have reached the Calendar now. There is upon the Calendar Order of Business 300, a bridge bill which passed the Senate at the last session and has been reported favorably by the Committee on Commerce precisely as it passed the Senate. I think it will take no time, and I move to take it up for consideration.

Mr. DAWES. I hope the Senator will let us have the Calendar. It has been so long since we have seen the Calendar that it does one good to have it reached.

Mr. DOLPH. The result will be that we shall get hold of one of the bills providing for the payment of some claim that is purely private, the discussion of which will occupy the whole morning hour, and then we shall not go to the Calendar again for a month.

The PRESIDENT *pro tempore*. The Chair must remind Senators that debate is not in order on this motion. The Senator from Oregon moves that the Senate proceed to the consideration of the bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

The question being put, a division was called for; and the ayes were 11.

Mr. CULLOM. May I ask that the question be stated again?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon.

Mr. DAWES. If there is any special reason for taking up this bill out of order——

Mr. DOLPH. There is a special reason. It is a local matter, which will take but a moment. There will be no discussion.

Mr. CULLOM. Let us hear the title of the bill.

The PRESIDENT *pro tempore*. It will be read again.

The SECRETARY. A bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

The PRESIDENT *pro tempore*. The Chair will again put the question and request Senators to vote one way or the other.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAWES. I have no knowledge of this bill and no disposition to throw any obstacle in its way; but I call the attention of the Senator from Oregon to the indefiniteness of the first section and suggest to him the propriety of making it a little more definite. As I understand the section, this railroad company can build bridges anywhere it pleases in Oregon.

Mr. DOLPH. "South of Oregon City," it says; but as to all the bridges to be built the plan and location must be submitted to the Secretary of War. In fact, here all that will be needed will be one bridge across the Willamette River. The bill was submitted at the last session of Congress to the Secretary of War and the local engineers in charge of the Government works and reported upon. It has been again submitted this Congress to the Secretary of War and reported upon. It was examined by the Committee on Commerce at both sessions. It passed the Senate at the last session, precisely the same bill, word for word.

Mr. DAWES. That may be a reason why I should not have made such an inquiry, but it might not be a reason why somebody ought not to have made the inquiry. Will the Senator point out where the Secretary of War is authorized to locate the bridge? If that is so, that will satisfy my inquiry. It may be so; I have not followed the bill quite close enough to see. If there is any effect to be given to the language of the first section of this bill it is the railroad company, not the Secretary of War, that is to locate, for it says——

Mr. DOLPH. In section 3, about the middle of the page, I think the Senator will find it.

Mr. DAWES. I will read what troubles me:

That the Astoria and Winnemucca Railroad Company, a corporation duly organized under the laws of Oregon, be authorized and permitted to build railroad bridges across the Willamette River, south of Oregon City, at such point as it may select—

"It," not the Secretary of War, is to locate the bridge "at such point as it may select." I do not know but that is satisfactory to the people of Oregon, but I should not like to have such an authority as that let loose in Massachusetts. Then it goes on and says—

and across such other navigable streams or sloughs within the State of Oregon as it may be necessary to bridge along the line of said railroad or along the line of any of its branches.

The other bridges are to be along the line of the railroad, but this first bridge is anywhere the company pleases on this particular river except that it be south of Oregon City. I would suggest to the Senator that he make that subject to the approval of the Secretary of War.

Mr. DOLPH. If the Senator will look at section 3, line 11, on page 3 of the bill, he will find:

Said bridge or bridges shall be built and located under and subject to such regulations for the security of navigation of navigable rivers or sloughs as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of any such bridge, and a map of the location, giving for the space of 1 mile above and 1 mile below the proposed location the topography of the banks of the river or slough, &c.

So far as a bridge as distinct from the line of the railroad is concerned that is not contemplated for a moment, nor do I think it could be built under this bill. This is a railroad company, building a line from Winnemucca to Astoria. In doing so they will necessarily cross Willamette River. They propose to cross above Oregon City, where there is an obstruction to navigation. They are to either build a bridge so high that all the commerce of the river can pass under it, or they are to build a draw-bridge at a point to be approved by the Secretary of War, constructed according to a plan to be approved by the Secretary of War, under directions to be approved by the Secretary of War, and when they have built it the Secretary of War has power to require them to change it at any time and every year after it is built at their own expense, and Congress can amend or repeal the bill at any time. If there ever was a bridge bill guarded——

Mr. DAWES. This is as to everything except the location.

Mr. DOLPH. I think the question of location is well covered. If not, I would not ask the Senate to pass the bill myself. I am not afraid of anything being let loose on Oregon.

Mr. CONGER. I may say that as far as it was possible for the Committee on Commerce to define the safeguards and localities, it has been done in this bill as in others; but in that country it is uncertain at what point the necessities of engineering may require the road to cross the Willamette River, owing to the hilly country. I think I am very particular as to obstruction to navigation, and I am sure the bill contains all the safeguards that will be necessary for the navigation of that stream above where it is usually navigable now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES IN WASHINGTON TERRITORY.

Mr. CULLOM. There is just one other bridge bill on the Calendar, Order of Business 301, which passed the Senate last year and which has been scrutinized by the War Department two or three times. I ask that that be put on its passage also.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in line 11, section 1, to strike out the words "or hereafter," before the word "projected;" so as to read:

That the Bellingham Bay Railway and Navigation Company, a corporation duly organized under the laws of Washington Territory, its successors or assigns, be, and is hereby, authorized to construct, maintain, and operate bridges, and approaches thereto, over the Nooksack River, in the county of Whatcom, the Skagit River, in the county of Skagit, and the Stillaquamish and Snohomish Rivers, in the county of Snohomish, at the points where the said company's lines of railways, as now projected, cross said rivers respectively.

The amendment was agreed to.

The next amendment was, in section 3, line 17, after the word "persons," to strike out "owning" and insert "controlling;" so as to read:

And the authority to erect and continue any and all said bridges shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require; and all such structures shall, upon such revocation, be removed, at the expense of the owners thereof, or the persons controlling and operating the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. BLAIR. I ask unanimous consent to take up Senate bill 182, Order of Business 154. It is the bill to provide for a commission on the subject of the alcoholic liquor traffic. It has been passed by the Senate five times already, and is in a condition where it will go through without discussion, I think.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the considerarion of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF CHARGES OF DESERTION.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of Order of Business 239, being the bill (S. 1471) to remove the charge of desertion from the rolls and records in the Office of the Adjutant-General of the Army against certain soldiers.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I move that the words "forever barred" be stricken out of the bill, leaving the other limitation as it is, which I think will accomplish the purpose just as well as the absolute bar.

Mr. LOGAN. Declaring it forever barred would not prevent its being passed on by Congress again. It is a mere declaration.

Mr. CONGER. But there is no necessity for these words to effect the object of the bill. The limitations are sufficient without it.

The PRESIDENT *pro tempore*. The amendment of the Senator from Michigan will be stated.

The SECRETARY. After the word "years," at the end of line 4 of section 3, it is proposed to strike out the words "shall be forever barred and;" so as to make the section read:

SEC. 3. That all applications for relief under this act shall be made to and filed with the Secretary of War within a period of five years from and after its passage, and all applications not so made and filed within such period of five years shall not be received or considered; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. CONGER. That is sufficient.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SCIENTIFIC TEMPERANCE INSTRUCTION.

Mr. BLAIR. I move to take up Senate bill 1405, in reference to scientific temperance education.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States.

Mr. ALLISON. Section 4 should be stricken out. The bill will take effect on its passage whether that section is in or not.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out section 4 of the bill, which will be read.

The Secretary read as follows:

SEC. 4. That this act shall take effect on its passage.

The amendment was agreed to.

Mr. INGALLS. If there is any report, I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. BLAIR February 8, 1886, as follows:

The Committee on Education and Labor, to whom was referred Senate bill 797, entitled "A bill to provide for the study of physiology and hygiene, and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies," have considered the same, and report a new bill, in the nature of a substitute for the original bill, and recommend its passage, and that the original bill be indefinitely postponed.

This measure is an attempt to apply to the schools within Federal control, and where the Congress is primarily responsible for the proper education of the youth, the provisions of laws now in active operation in fourteen States, to wit, Vermont, New Hampshire, Maine, Massachusetts, Michigan, New York, Pennsylvania, Wisconsin, Kansas, Nebraska, Oregon, Alabama, Nevada, Rhode Island, also Washington Territory, and in all of which such laws were enacted without opposition from any political party and generally, if not always, with great unanimity on the part of the legislative power.

This bill is one against which it is difficult, not to say unnatural, to urge an objection. It seems to command the spontaneous and earnest support of every man who does not hate children and seek an opportunity to transmit misery to posterity. Its only object is to give to the rising and coming generations accurate and scientific knowledge of certain substances which are sure to be dangerous to their welfare if the temptations which they present are encountered in ignorance of their true nature.

Not a single suggestion has been developed in the deliberations of your committee which was not made to perfect the bill so far as possible, and to secure with the more certainty its wise and benevolent purposes.

In reporting this bill favorably, and earnestly recommending its passage, your committee discharge a grateful duty with a sincere pleasure, which is enhanced by the unanimity of their action. The stenographic report of the eloquent and powerful addresses delivered before the committee in support of the bill are thought to be of such value as to demand their preservation. They will be found appended to this report, the brevity of which is justified by their conclusive force.

The PRESIDENT *pro tempore*. Does the Senator from Kansas ask for the reading of the appendix?

The Secretary proceeded to read "Appendix—Temperance education bill."

Mr. ALLISON. I suggest to the Senator from Kansas that the reading of the appendix be waived.

The PRESIDING OFFICER (Mr. SEWELL in the chair). If there be no objection the reading of the appendix will be waived.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. I ask unanimous consent to take up Senate bill No. 777, Calendar No. 171.

By unanimous consent, the bill (S. 777) to increase the efficiency of the Army of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 3, line 2, after "shall," to insert "from and after July 1, 1886;" in line 5, after "quartermaster," to strike out "and commissary;" in line 6, after "sergeants," to insert "of cavalry, artillery, and infantry;" in line 11, after "cavalry," to insert "and light;" in the same line, after "artillery," to insert "and infantry;" in line 12, after "dollars," to strike out "corporals of artillery and infantry, $18;" in the beginning of line 13, to insert "saddler-sergeants of cavalry, $22;" in line 14, before "blacksmiths," to insert "artificers;" at the end of line 15, to insert "wagoners, $17;" in line 16, after "trumpeters," to strike out "of cavalry;" in line 18, after "dollars," to insert "hospital stewards, $40 for first-class, $30 for second-class;" in line 20, after "dollars," to insert "post quartermaster-sergeants and commissary-sergeants, $34;" in line 27, after "engineers," to insert "and ordnance;" in line 28, after "engineers," to insert "and ordnance;" in line 30, after "service," to insert "on the active-list;" so as to make the section read:

SEC. 3. That the monthly pay of the following enlisted men of the Army shall, from and after July 1, 1886, during their first term of enlistment, be as follows: Sergeant-majors of cavalry, artillery, and infantry, $26; quartermaster-sergeants of cavalry, artillery, and infantry, $23; chief trumpeters of cavalry, $22; principal musicians of artillery and infantry, $22; first sergeants of cavalry, artillery, and infantry, $24; sergeants of cavalry, artillery, and infantry, $20; corporals of cavalry and infantry, $18; saddler-sergeants of cavalry, $22; saddlers of cavalry, $18; artificers, blacksmiths, and farriers of cavalry, $18; wagoners, $17; trumpeters, $16; musicians of artillery and infantry, $16; privates of cavalry, artillery, and infantry, $16; hospital-stewards, $40 for first class, $30 for second class; ordnance-sergeants of posts, $34; post quartermaster-sergeants and commissary-sergeants, $34; sergeant-majors of engineers, $36; quartermaster-sergeants of engineers, $36; sergeants of engineers and ordnance, $34; corporals of engineers and ordnance, $23; musicians of engineers, $16; privates (first class) of engineers and ordnance, $18; privates (second class) of engineers and ordnance, $16; and said rates of pay hereby established shall be increased for continued service on the active-list, as provided by sections 1281, 1282, 1283, and 1284 of the Revised Statutes.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to add to section 3 the following proviso:

Provided, That the pay of a retired enlisted man shall be three-fourths of the pay of his rank under this section at date of retirement and $8 per month in lieu of allowances.

Mr. LOGAN. After asking the Paymaster-General to make computation in reference to that, he informed me it would approach $9. So I think it would be fairer to insert "nine" instead of "eight." I move to so amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. I ask the Senator from Illinois if there is any objection, before the amendments reported by the committee are further taken up to my making a motion to strike out section 2, as I shall be called from the Senate in a few moments.

Mr. LOGAN. I have no objection to the motion being entertained.

Mr. HALE. I move to strike out section 2.

The PRESIDENT *pro tempore*. The section will be read for information.

The Secretary read section 2, as follows:

SEC. 2. That the number of enlisted men in the Army, including an engineer battalion of five hundred and twenty men, hospital stewards, and one thousand Indian scouts, be, and hereby is, established as a force not to exceed thirty thousand men.

Mr. MANDERSON. I desire to say to the Senator from Maine that it is my purpose to move an amendment to section 2 in the proper order, after the amendments proposed by the committee shall have been acted on; that is, to insert substantially the infantry battalion bill.

Mr. LOGAN. I will say to the Senators that if they will let us get through with the amendments already proposed to the bill by the committee, then I will not object to going back and having amendments offered to any section.

Mr. HALE. My reason for making the request was that I shall not be in the Senate after a little while; but if the bill is to go over, as I suppose it will at 2 o'clock——

Mr. LOGAN. I will consider the amendment as offered.

Mr. HALE. Evidently the bill can not be completed to-day.

Mr. LOGAN. I should like to have the amendments of the committee acted on, and then I shall not object to any amendment being offered.

Mr. PLATT. I am glad to have the Senator from Maine withdraw his proposed amendment at this time, because when that section is considered I desire to move to make the Army under this bill 50,000 instead of 30,000.

Mr. HALE. My object is precisely the reverse. I do not think the Army ought to be increased.

The PRESIDING OFFICER. The Senator from Maine having withdrawn his amendment, the amendments of the committee will be reported in their order.

The next amendment reported from the Committee on Military Affairs was, in section 4, line 5, after the words "and that the," to strike out "pay proper of such soldier" and insert "sum of $20 per month;" so as to read:

SEC. 4. That officers of the Army stationed at military posts apart from settlements may, with the approval of the department commander, each employ one private soldier as a servant: *Provided*, That the consent of such soldier shall be first procured, and that the sum of $20 per month during the period of such employment shall be charged against the officer employing him.

The amendment was agreed to.

The next amendment was, to strike out section 7, in the following words:

SEC. 7. That the officer detailed to duty as the governor of the military prison at Fort Leavenworth, Kans., shall have the local rank of colonel, with the pay and allowances of said grade while on said duty.

The amendment was agreed to.

The next amendment was, to insert, as section 7:

That the pay of chaplain shall be, from the 1st of July next, $1,800 per annum.

The amendment was agreed to.

The next amendment was, in section 8, line 1, after the word "line," to insert "except regimental quartermasters;" in line 3, after the word "compensation," to strike out "($10 per month);" and in line 4, after the word "acting," to strike out "assistant;" so as to make the section read:

SEC. 8. That officers of the line, except regimental quartermasters, detailed for duty as acting assistant quartermasters, shall be allowed the same additional compensation as is now allowed by law to acting commissaries of subsistence.

The amendment was agreed to.

The next amendment was, in section 13, line 2, after the words "enlistment of," to strike out "one hundred and fifty;" so as to make the section read:

SEC. 13. That the Secretary of War be, and hereby is, authorized to cause the enlistment of competent instructors for post schools, who shall have the rank and pay of commissary-sergeants.

The amendment was agreed to.

The next amendment was, to insert, as section 14, the following:

SEC. 14. That commissioned officers of the Army on the active-list are hereby authorized to make deposits of money with any army paymaster, not to exceed one-half pay in any one year; and all the provisions and restrictions of the act of May 15, 1872, "establishing a system of deposits," are hereby made applicable to such deposits: *Provided*, That officers are hereby authorized to withdraw their deposits on the completion of each and every term of three years' service from the date of their first deposit under this act at such frontier posts as may be designated by the Secretary of War.

Mr. LOGAN. The words "at such frontier posts as may be designated by the Secretary of War" were stricken out.

The PRESIDING OFFICER. The paper is not so printed.

Mr. LOGAN. I move to amend the amendment by striking out those words which occur after the word "act," in line 10.

The PRESIDING OFFICER. If there be no objection that amendment will be made to the amendment of the committee. The Chair hears no objection. The question is on the amendment of the Committee on Military Affairs as amended.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, to insert, as section 15, the following:

SEC. 15. That the act of May 15, 1872, "establishing a system of deposits for enlisted men," is hereby so amended as to apply only to enlisted men on the active-list.

The amendment was agreed to.

The next amendment was, to insert, as section 16, the following:

SEC. 16. That hereafter the inspections made of paymasters' accounts, offices, their duties, &c., shall be made by officers of the Pay Department detailed for that purpose, on the recommendation of the Paymaster-General, by the Secretary of War, such detail among paymasters not to be continued for more than one year; other paymasters shall be detailed and so on, in each year alternating the detail.

Mr. HALE. I ask the Senator from Illinois one question about a portion of that section. It provides:

That hereafter the inspections made of paymasters' accounts, offices, their duties, &c., shall be made by officers of the Pay Department detailed for that purpose, on the recommendation of the Paymaster-General, by the Secretary of War.

Would not that in effect give the power of designation for this duty not to the Secretary of War, who is the head of the Department, but to the Paymaster-General, his subordinate? And does the Senator desire that?

Mr. LOGAN. I have no objection to changing that; but I do not see any objection to that even. The Paymaster-General is in charge of the Pay Department and responsible for it, and certainly it would be his duty to select the best men he could find for the purpose of making that inspection. The Secretary of War certainly would not know who the best men were except as they should be suggested to him by an officer. Hence we put in the name of the Paymaster-General, because he, being the responsible head of the Pay Department, would be more likely to suggest proper men than one who knew nothing about them.

Mr. HALE. I have no doubt that any prudent, careful Secretary of War would confer and consult with the head of the Pay Department; but I should not like to see anything embodied in the statute law that takes away the authority of the head of the Department.

Mr. LOGAN. I have not the slightest objection to the amendment. There was no design in it whatever, except merely to have it so that it would be consistent with the duties of the office.

Mr. HALE. I think so, but I think as the section stands now the Secretary of War would have no right to make such designation unless it was recommended by the Paymaster-General. I do not think that is a good feature, and therefore I move to strike out the words "on the recommendation of the Paymaster-General," in line 4.

Mr. LOGAN. I have not the slightest objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Military Affairs.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LOGAN. There are some other amendments I desire to offer, which are moved at the suggestion of the Secretary of War. In line 5 of section 1, after the words "garrison court-martial," I move to strike out the word "shall" and insert the word "may;" so as to read:

That hereafter, in time of peace, all offenders in the Army charged with offenses now punishable by a regimental or garrison court-martial may be brought before a summary court.

The amendment was agreed to.

Mr. LOGAN. In line 6, after the word "officer," I move to insert the words "of the line." That is done with a view of protecting medical officers and so on from performing that duty. It would then read:

May be brought before a summary court-martial, which shall consist of the commissioned officer of the line second in rank at the post or station of the offender.

The PRESIDING OFFICER. The Chair would suggest a change of that language.

Mr. LOGAN. What is the suggestion?

The PRESIDING OFFICER. Say "a commissioned officer of the line;" so as to read: "which shall consist of a commissioned officer of the line."

Mr. LOGAN. That is right.

The PRESIDING OFFICER. If there be no objection this amendment will be adopted. The Chair hears no objection.

Mr. LOGAN. Now, in line 5, section 3, before the word "quartermaster," I move to insert "regimental," so as to read "regimental

quartermaster." That is to prevent the provision applying to post-quartermasters.

The amendment was agreed to.

Mr. LOGAN. In line 4 of section 13 I move to strike out "commissary" and insert the word "ordnance;" so as to make the section read:

That the Secretary of War be, and hereby is, authorized to cause the enlistment of competent instructors for post schools, who shall have the rank and pay of ordnance-sergeants.

Mr. COCKRELL What is the difference in the pay?

Mr. LOGAN. Only about $4.

The amendment was agreed to.

Mr. LOGAN. I have a suggestion from the Secretary of War that I wish to offer, so that it may be looked into and considered. I am not so very sure about it myself; I have not thought sufficiently about the subject; but I desire to offer it now, and I can withdraw it afterward if I deem it necessary to do so. After the word "court-martial," in line 16 of section 1, I move to insert:

And regulations shall be established by the President prescribing a definite and graded penal code for the guidance of the summary courts provided for in this section in awarding punishment to offenders convicted before such courts

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. LOGAN. I am not sure that I want this amendment myself, but I offer the amendment and I ask that it be printed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. COCKRELL. I ask that the bill with the amendments already adopted and those proposed be printed again.

Mr. LOGAN. I shall be glad to have that done.

The PRESIDING OFFICER. That order will be made.

Mr. HALE. I give notice that I will move to-morrow to strike out section 2.

Mr. MANDERSON. I send to the Chair a proposed amendment to this bill.

The PRESIDING OFFICER. The amendment will be received and printed.

POST-OFFICE DEPARTMENT BUILDING.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the resolutions reported by the Senator from Vermont [Mr. EDMUNDS] from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. BROWN. Mr. President——

Mr. MORRILL. I ask my friend from Georgia to allow me to call up a bill I have been waiting a month to have considered, and it is rather important that it should be passed upon so that it may go to the House and receive consideration there. It is for a site for the post-office in this city. It is Order of Business 158.

Mr. BROWN. If it can be passed without any discussion I shall not object.

Mr. MORRILL. It will not be discussed. It has passed almost unanimously heretofore once or twice.

Mr. BROWN. Then I yield for a few moments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square No. 406, of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print additional copies of the Statistical Abstract of the United States for the year 1885.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TUCKER, Mr. ROGERS, and Mr. J. W. STEWART managers at the conference on its part.

INDIAN TRAINING SCHOOL IN OREGON.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared by the Commissioner of Indian Affairs "to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training school."

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 18, 1886.

PROCEEDS OF SALES OF INDIAN RESERVATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared by the Commissioner of Indian Affairs providing for the use of certain funds, proceeds of Indian reservations, covered into the Treasury under the provisions of the act of March 3, 1883, for the benefit of the Indians on whose account the same is covered in.

The subject is recommended to the favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 18, 1886.

AGRICULTURAL PRODUCTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In compliance with a resolution of the Senate of February 9, 1886, I herewith transmit a report from the Secretary of State, with its accompanying documents, relative to the commerce between the United States and certain foreign countries in cereals and the cotton product during the years 1884 and 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 18, 1886.

Mr. EDMUNDS. I move that the message and accompanying documents be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENT.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. VAN WYCK. I offer an amendment to the pending resolutions.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The amendment will be read.

The SECRETARY. It is proposed to amend by adding to the second resolution:

And in all such cases of removal the matter of confirmation shall be considered in open session of the Senate.

The PRESIDING OFFICER. The amendment will be printed and lie over.

Mr. BROWN. Mr. President, it seems to me there is but a single question in issue between the President of the United States and the majority of this Senate. The question is, has the President the power to remove a Federal officer, when, in his opinion, the public interest requires such removal, without the advice and consent of the Senate, or is his power of removal confined to cases where the Senate advises and consents to the removal? This is an important question. If the Constitution confers the power of removal in such cases upon the President, then the Senate has no right to interfere with him in the exercise of that power, but if the Constitution does not confer the power of removal upon the President and does confer upon Congress the right to legislate upon the question of removals, then we must look to the acts of Congress in determining who has the right to exercise the power of removal.

Now, let us examine for a moment the constitutional provisions on this subject. The Constitution, Article II, section 1, declares that—

The *executive power* shall be vested in a President of the United States of America.

In Article II, section 3, the Constitution declares that—

He [the President] shall take care that the laws be faithfully executed.

In section 1 of Article II it declares that before he enters on the execution of his office the President shall solemnly swear that he will faithfully execute the office of President of the United States.

These provisions of the Constitution, without other limitation, would seem to vest the full and entire executive power of the Government in the President, and not only to vest the executive power in him, but to enjoin upon him that he shall take care that the laws are faithfully executed, and to this end the Constitution adds the solemn sanction of his official oath.

What is the executive power of this Government which is vested in the President of the United States? It embraces the power and duty of taking care that the laws are faithfully executed. Taken without limitation or qualification, it confers on the President the power to appoint at his pleasure such officers, the offices having been established by Congress, as are necessary to the full, honest, and faithful execution of the laws of the United States; and if in any case any officer or agent so appointed by the President should fail properly to discharge the duties assigned him, whether from incompetency, malpractice, neglect of duty, or from any other cause whatever which rendered him practically inefficient, or which proved him to be unfaithful to his trust and dishonest, the President would have the undoubted power to remove him and put another in his place who would faithfully discharge the duties assigned to him.

It follows, therefore, conclusively to my mind that the President, possessed of the entire executive power of this Government, commanded

by the Constitution to see to it that the laws are faithfully executed and who has sworn faithfully to discharge that trust, does possess, unless there is some other qualification in the Constitution to limit his power, the absolute right of appointment and removal of officers necessary to aid in the execution of that great trust. If, in other words, the Constitution contained no other provisions on that subject except those which I have read, it seems to me there could be no question of the absolute power of the President to remove a corrupt or inefficient officer, or indeed to remove any officer, when in his opinion the public interest requires a change, and to appoint a successor.

I do not believe this position can be successfully controverted.

Now, Mr. President, after the Constitution has in explicit terms conferred upon the President this high, plenary, and absolute power of executing the laws constitutionally passed by Congress, by what qualifications has the Constitution limited this power? The power conferred upon the Executive by the provisions of the Constitution already referred to to execute the laws, being full, plenary, and absolute, we must look to the Constitution itself for such limitation of those powers as the framers of that instrument thought proper to impose.

What are the limitations imposed by the Constitution? Article II, section 2, of the Constitution puts a limitation on his power of appointment. It declares that he (the President) shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and he shall nominate and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of Departments.

Now, here is a limitation upon the absolute power of appointment conferred on the President as possessor of the otherwise full executive power, to wit: That in the appointment of embassadors and the other officers mentioned he must have the advice and consent of the Senate before the appointment is complete. The portion of the Constitution here quoted would therefore in all cases of offices established either by the Constitution or by law give the President the appointing power with the advice and consent of the Senate; but he could make no appointment without their advice and consent in any case, and neither the Congress of the United States nor any other authority, if the limitation stopped here, could take from him the plenary power of appointing all officers of the United States, by and with the advice and consent of the Senate.

But the Constitution does not stop here. After conferring this power on the President and Senate of appointment of all officers, it provides that Congress (and here is where the power of Congress comes in) may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments. Now what part has Congress to act in this matter if it keeps itself within the limits of the Constitution? It has no power of appointment and no power to direct appointments; but the President alone, by the advice and consent of the Senate, has a right to make all appointments until Congress by law has thought proper to vest the appointment of inferior officers either in the President alone, in the courts of law, or in the heads of Departments. Congress has, therefore, under the Constitution no power whatever to vest the appointment of any inferior officer in any person or Department except the President alone, or the courts of law, or the heads of Departments, nor has Congress the right to put any limitation upon the appointing power of the President which has not been placed there by the Constitution. Congress can say that the President may appoint inferior officers without the advice and consent of the Senate, but it has no right to say that the President may appoint any superior officer without the consent of the Senate.

Congress has power to create offices but it has no power to change the constitutional mode of appointing officers, and it has no power to confer the appointment of inferior officers on anybody but the President, or the courts of law, or the heads of Departments. Congress does therefore possess the power to divest the authority of the President and the Senate to appoint inferior officers, but it has no power to limit the jurisdiction of the President or the Senate over the appointment of superior officers. Congress may by law invest the courts or the heads of Departments with the appointment of all inferior officers without any interference by the President or the Senate, but it can not limit the authority of the President and Senate in making appointments in any other manner than that prescribed by the Constitution, nor can it vest the appointing power in any other person or tribunal, except in the three instances just mentioned.

When Congress has declared that the appointment of any inferior officer shall be vested in the President alone, it has interfered only in part with the power of the Senate over the question of appointments. It has divested the jurisdiction of the Senate in case of such inferior officers, and left their appointment to the President alone; but if Congress thinks proper to confer the power on the courts of law or the heads of Departments, it thereby divests the jurisdiction of the President and the Senate over the appointment. But Congress can only do this by law, and when it is done Congress has exhausted its power over appointments. Beyond that, it can take from the President no power of appointment or removal which the Constitution has conferred upon him, and it can divest the Senate of no jurisdiction it has over the subject of appointments.

But it will be observed that the provisions of the Constitution last referred to say nothing about removals from office. No one questions that the power resides somewhere to make removals of officers employed in the execution of the laws of the United States. Who has that power? Clearly Congress does not have it as the legislative department of the Government, for there is no provision of the Constitution that confers it on Congress.

Does the Senate possess it? No provision of the Constitution confers it upon the Senate.

In case of appointments the Constitution declares that the President may make them by and with the advice and consent of the Senate, therefore the Constitution gives the Senate jurisdiction in such cases; but I find no provision in the Constitution which gives the Senate any jurisdiction over the subject of removals or any right of interference in case of removals. As Congress as the legislative branch of the Government does not possess the power, and it is not claimed that the judicial department possesses it, and as the Constitution has not conferred the power on the Senate, who does possess the power to remove incompetent or unfaithful officers?

I answer that the power rests in the President and in him alone. In the President is vested the executive power of the United States of America, and he alone is required to take care that the laws are faithfully executed, and he alone has sworn faithfully to execute the office of President of the United States, upon whom the power is conferred. It is clear, therefore, to my mind that neither the Congress of the United States, nor the House of Representatives, nor the judicial department, nor the Senate of the United States possesses any power whatever over the subject of removals of officers engaged in the execution of the laws under the appointment of the President, with the advice and consent of the Senate.

Now, Mr. President, it seems to me very clear that the above is the true construction of the Constitution. But let us see what has been the contemporaneous construction, for if there is doubt as to its meaning every lawyer knows that we look prominently, among other things, to the contemporaneous construction of the statute or the Constitution for its true meaning.

In 1789, when the First Congress assembled, the question of the organization of the Government under the new Constitution became a difficult and embarrassing one.

Mr. Boudinot, a distinguished Representative from the State of New Jersey, presented to the House of Representatives in Committee of the Whole the question of the necessity of organizing the great executive departments of the Government, which were not in existence. He desired the committee to consider how many Departments there should be, and moved that there be established in aid of the Chief Magistrate three Executive Departments, to be severally denominated the Departments of Foreign Affairs, Treasury, and War. (See Annals of Congress, volume 1, page 368.)

Mr. Madison moved that it is the opinion of this committee that there shall be established an executive department to be denominated the Department of Foreign Affairs, at the head of which there shall be an officer to be called the Secretary of the Department of Foreign Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, and be removable by the President.

Mr. Madison, the great constitutional lawyer, who was justly termed the Father of the Constitution, in the first proposition that was made, drew sharply the line between the powers of the Senate and the President.

This first Cabinet officer was to be appointed by the President with the advice and consent of the Senate and removable by the President. This led to a long discussion in which a number of members participated, some for and some against. But I shall quote especially from Mr. Madison on account of his eminent abilities, and because he had more to do in making the Constitution, and probably understood it better, than any other man living at the time. He says:

I think it absolutely necessary that the President should have the power of removing from office. It will make him in a peculiar manner responsible for their conduct and subject him to impeachment himself if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct so as to check their excesses. On the constitutionality of the declaration I have no manner of doubt.

Some contended that an officer could not be removed except by impeachment; others, that he should be removed by the President with the advice and consent of the Senate, but Mr. Madison said he had no manner of doubt as to the constitutionality of his removal by the President alone.

During the discussion Mr. Benson said he thought this an important question, and one in which they were obliged to take the Constitution by construction, for although it detailed the mode of appointing to office, it was not explicit as to supersedure. This clause therefore would be a mere declaration of the legislative construction on this point. He thought the importance and necessity of making the declaration that

the Chief Magistrate might supersede a civil officer was evident, and he therefore voted in favor of the clause as it stood.

Mr. Vining said there were no negative words in the Constitution to preclude the President from the exercise of this power, but there was a strong presumption that he was invested with it, because it was declared that all executive power should be vested in him except in case where it is otherwise qualified; as for example he could not fully exercise his executive power in making treaties unless with the advice and consent of the Senate, the same in appointment to office. He had no doubt but that the Constitution gave this power to the President, but if doubts were entertained he thought it prudent to make a legislative declaration of the sentiments of Congress on this point. Mr. Goodhue said:

He wished to make the President as responsible as possible for the conduct of officers who were to execute the duties of his own branch of the Government. If a removal and appointment were placed in the hands of a numerous body, the responsibility would be lessened. He admitted that there was a propriety in allowing the Senate to advise the President in the choice of officers. This the Constitution had ordained for a wise purpose, but there could be no real advantage arising from the concurrence of the Senate to the removal, but great disadvantages. It might beget faction and party, which would prevent the Senate from paying proper attention to public duties. Upon the whole he concluded the community would be served by the best men when the Senate concurred with the President in the appointment, but if any oversight was committed it could best be corrected by the superintending agent. It was the peculiar duty of the President to watch over the executive officers, but of what avail would be his inspection unless he had a power to correct the abuses he might discover?

Again, Mr. Madison says:

It is said that it comports with the nature of things that those who appoint should have the power of removal, but I can not conceive this sentiment is warranted by the Constitution. I believe it would be found very inconvenient in practice. It is one of the most prominent features of the Constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof. Anything therefore which tends to lessen that responsibility is contrary to its spirit and intention, and unless it is saddled upon us expressly by the letter of that work I shall oppose the admission of it into any act of the Legislature. Now, if the heads of Departments are subjected to removal by the President alone, we have in him security for the good behavior of the officer. If he does not conform to the judgment of the President in aiding the execution of the duties of his office he can be displaced. This makes him responsible to the great executive power and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department. But if the President shall join in a collusion with this officer and continue a bad [man in office, the case of impeachment will reach the culprit and drag him forth to punishment.

But if you take the other construction, and say he shall not be displaced but by and with the advice and consent of the Senate, the President is no longer answerable for the conduct of the officer. All will depend upon the Senate. You here destroy the real responsibility, without obtaining even the shadow; for no gentleman can pretend to say that the responsibility of the Senate can be of such nature as to afford substantial security. But why, it may be asked, was the Senate joined with the President in appointment to office if they have no responsibility? I answer, merely for the sake of advising, being supposed from their nature better acquainted with the character of the candidates than an individual; yet even here the President is held to the responsibility—he nominates and with their consent appoints. No person can be forced upon him as an assistant by any branch of the Government.

Mr. Clymer said:

The power of removal was an executive power, and as such, belonged to the President alone by the express words of the Constitution, "The executive power shall be vested in a President of the United States of America." The Senate were not an executive body, they were a legislative one. It was true in some instances they had a qualified check over the executive power, but that was in consequence of an express declaration in the Constitution. Without that declaration they would not have been called upon for advice and consent in case of appointment. Why, then, shall we extend their power to control that which is naturally in the Executive, unless it is likewise expressly declared in the Constitution?

Mr. Vining said:

It is well known that the Senate are to decide upon an impeachment made by the House. Now, can they be impartial judges when they have already given their judgment in the case? Suppose the President communicates his suspicions to the Senate respecting the malfeasance of a public officer, and they, from factious or party views, or indeed for want of information, refuse their consent to the removal, can they be the equal and unbiased judicature which the Constitution contemplates them to be?

He thought they could not.

The motion of Mr. Madison was carried by a very considerable majority in favor of declaring the power of removal to be in the President, and the same construction prevailed in the Senate.

Referring to this act of the Congress of 1789 in the case of Marbury *vs.* Madison, Chief-Justice Marshall says:

By the Constitution of the United States the President is invested with certain important political powers in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties he is authorized to appoint certain officers who act by his authority and in conformity to his orders. In such cases their acts are his acts, and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists and can exist no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the Executive, the decision of the Executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing a department of foreign affairs. This officer, as his duties were prescribed by that act, has to conform precisely to the will of the President. He is the mere organ by whom his will is communicated.

Again he says:

Where the head of a Department acts in a case in which the Executive discretion is to be exercised in which he is the mere organ of executive will, it is again repeated that any application to a court to control in any respect, his conduct would be rejected without hesitation.

Chancellor Kent, that great legal luminary, in his Commentaries, volume 1, page 334, speaking of the action of the Congress of 1789 in reference to the power of the President to make removals, says:

This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as of decisive authority in the case. It applies equally to every other officer of the Government appointed by the President and Senate whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officer in the Executive Department ought to hold at the pleasure of the head of that Department, because he is invested generally with the executive authority, and every participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly.

Farther down the page he says:

It may now be considered as firmly and definitely settled, and there is good sense and practical utility in the construction.

The Supreme Court of the United States, Mr. Justice Thompson delivering the opinion in Hennen's case, 13 Peters's Reports, 259, says:

But it was very early adopted as the practical construction of the Constitution that this power [of removal] was vested in the President alone. And such would appear to have been the legislative construction of the Constitution.

Again, referring to the difference in phraseology between the act establishing the Naval Department and that establishing the other Departments, he says:

The change of phraseology arose probably from its having been the settled and well understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer was by the President and the Senate.

Speaking of the power of removal, Mr. Justice Harlan, in delivering the opinion of the Supreme Court in Blake's case, 13 Otto, says:

But it was early adopted as a part of the construction of the Constitution that this power was vested in the President alone. And such would appear to have been the legislative construction of the Constitution.

He then cites, first, Kent's Commentaries, 309; 2 Story on the Constitution, 4th edition, sections 1537 to 1540, and notes; and, 2d, Marshall's Life of Washington, 162; Sergeant's Constitutional Law, 372; and Rawle's, chap. 14. He then adds:

During the administration of President Tyler the question was propounded by the Secretary of the Navy to Attorney-General Legaré whether the President could strike an officer from the rolls without a trial by court-martial, after a decision in that officer's favor by a court of inquiry, ordered for the investigation of his conduct.

His response was:

Whatever I might have thought of the power of removal from office, if the subject were *res integra*, it is now too late to dispute the settled construction of 1789. It is according to that construction, from the very nature of executive power, absolute in the President, subject only to his responsibility to the country [his constituents] for a breach of such a vast and solemn trust. (*3 Story's* Commentaries on the Constitution, 379, section 1538.)

It is obvious that if necessity is a sufficient ground for such concession in regard to officers in the civil service, the argument applies *a multo fortiori* to the military and naval departments. I have no doubt, therefore, that the President had the constitutional power to do what he did, and that the officer in question is not in the service of the United States. The same views were expressed by subsequent Attorneys-General.

(Citing a number of cases).

In Du Barry's case, Attorney-General Clifford said that an attempt to limit the exercise of the power of removal to executive officers in the civil service found no support in the language of the Constitution, nor in any judicial decision, and that there was no foundation in the Constitution for any distinction in this regard between civil and military officers.

In Lansing's case the question arose as to the power of the President in his discretion to remove a military storekeeper. Attorney-General Cushing said:

Conceding, however, that military storekeepers are officers, or at least quasi officers of the Army, it does not follow that they are not subject to be deprived of their commissions at the will of the President. I am not aware of any ground of distinction in this respect so far as regards a strict construction of law between officers of the Army and any other officer of the Government. As a general rule, with the exception of judicial officers only, they all hold their commissions by the same tenure in this respect. Reasons of a special nature may be deemed to exist why the rule should not be applied to the military in the same way as it is to civil officers, but the legal applicability to both classes of officers is, it is conceived, the settled construction of the Constitution. It is no answer to this doctrine to say that officers of the Army are subject to be deprived of their commissions by the decision of a court-martial. So are civil officers by impeachment. The difference between the two cases is in the form and mode of trial, not in the principle, which leaves unimpaired in both cases alike the whole constitutional power of the President.

It seems unnecessary in this case to recapitulate in detail the elements of constitutional construction and historical induction by which this doctrine has been established as the public law of the United States.

I observe only that, so far as regards the question of abstract power, I know of nothing essential in the grounds of legal conclusion, which have been so thoroughly explored at different times in respect to the civil officers, which does not apply to officers of the Army.

The same officer subsequently, when required to consider this question, said that—

The power has been exercised in many cases with the approbation, express or implied, of the Senate, and without challenge by any legislative act of Congress. And it is expressly reserved in every commission of the officers both of the Navy and Army. (8 Opinions, 231.)

Such, says Judge Harlan, was the established practice in the executive department, and such the recognized power of the President up to the passage of the act of July 17, 1862.

Speaking of the power of the President to make removals, Attorney-General Devens (15 Opinions, 431) states, with much reason, that—

So far as it gives authority to the President, it is simply declaratory of the long-established law.

We have then the concurrent testimony of our most distinguished commentators and judges, such as Marshall, Kent, Story, Sergeant, Rawle, and of many of the most distinguished of the Attorneys-General of the United States, such as Legaré, Clifford, Crittenden, Cushing, Devens, and several others; and we have a number of the most distinguished Republican statesmen of the present day, as well as the unbroken practice of the different Presidents through all the administrations down to 1867, to the effect that it was the settled construction of the Constitution for the first seventy-eight years of the existence of the Government that the President had the power, in the exercise of his sound discretion, without consulting the Senate, to remove Federal officers, whether civil or military.

So much for the constitutional construction which prevailed for the first three-quarters of a century of the life of the Republic.

Unfortunately, about the end of that period the two sections of the country became engaged in civil war. At the end of the unfortunate struggle the dominant party which then controlled Congress by more than two-thirds majority, at a time when passion and prejudice were at the highest, found in the executive chair a President who had been elected by them to the Vice-Presidency, who had been a Democrat all his life, and had been put upon the Republican ticket because he was a consistent Union man and what was called a "War Democrat." Andrew Johnson, who became President by the unfortunate death of Mr. Lincoln, was not in accord with the party that placed him in power. The feeling of antagonism became intensified, and the Republican Congress determined that he should not exercise the same constitutional powers which had been exercised without successful contention as to their authority continuously by other Presidents for three-quarters of a century; and to hedge in the President, so that he might not exercise these powers, which had been conceded without interruption to his predecessors, Congress passed the act of 1867 during the period when excitement and prejudice were at their highest point. The two first sections of that act were in the following language:

SECTION 1. That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized at any time before reporting such suspension to the Senate, as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

Mr. President, this act was thoroughly radical. It reversed the ruling and practice of the Government for the last three-quarters of a century. It denied absolutely the power of the President to make removals without the advice and consent of the Senate. It did not permit such removals unless it was shown by evidence satisfactory to the President that misconduct in office, or crime, or incapability, or legal disqualification to perform the duties of the office existed in the incumbent. It made the suspension until the next meeting of the Senate and until the case should be acted upon, and required the President to report the case to the Senate within twenty days after its meeting with the evidence and his reasons for his action, and in the event the Senate failed to advise and consent to the removal it reinstated the original incumbent. Either the construction of the Fathers who made the Constitution, and of a long line of Presidents, and the opinions of many of the most distinguished lawyers and jurists of this country were radically wrong, or this act was a palpable violation of the Constitution of the United States.

As already stated, it was passed by a large majority at a time of high political excitement to serve a party purpose and to throw obstructions in the way of a President who was very obnoxious to the party in power.

On May 2, 1869, a change of administration having taken place, General Grant having been elected President, that distinguished officer sent a message to Congress recommending the repeal of this act, which I think I do not characterize too strongly when I say it was conceived in passion and brought forth in prejudice, and should, as General Grant recommended, have been swept from the statute-book without delay.

The party in power having refused to do this, they passed an act on the 5th day of April, 1869, by which the two sections of the act of 1867, which I have quoted, are declared to be repealed, and in lieu of said sections the following was enacted:

First. That every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, *except as herein otherwise provided.*

SEC. 2. That during any recess of the Senate the President is hereby empowered, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the United States courts, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the suspended officer, and shall, during the time he performs his duties, be entitled to the salary and emoluments of such office, no part of which shall belong to the officer suspended, and it shall be the duty of the President within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

Now, Mr. President, the two first sections of the act of 1867 are essentially at variance with the act of 1869. The first act, as already stated, was passed in a time of high political excitement and prejudice.

Two years later, passion and prejudice had in a great measure subsided, and the Congress were in better condition to consider the great question with which they were dealing. It is true that section 1 of the act of 1869 retains the substantial provision of section 1 of the act of 1867, to the effect that an officer holding office to which he has been appointed by and with the advice and consent of the Senate shall not be removed by the President without the advice and consent of the Senate, "*except as herein otherwise provided.*"

The second section provides otherwise in case of all suspensions made by the President during the recess of the Senate. The act of 1867 limits the President during the recess of the Senate in making suspensions to cases where he can show misconduct, or crime, or incapability, or disqualification, and he is bound to report the suspension to the Senate, with the evidence and reasons for his action. Now if this were the law to-day, and it were passed without violation of the Constitution of the United States, there would be no question that the Senate in acting upon the case of a suspended Federal officer would have the right to call upon the President not only for the papers in his possession which related to the removal, but for all the evidence he might possess in the case. This was the absurd extent to which the act of 1867 was carried in violation of the fundamental law of this land. So much for the act when it was intended to operate upon the administration of Andrew Johnson. Let us see how it stands when it was arranged for the benefit of the administration of General Grant.

Section 2 of the act of 1869 must be construed in connection with the first section of that act, which, as already stated, denies to the President the power to remove an officer who has been appointed by and with the advice and consent of the Senate without the like advice and consent of the Senate, but adds the significant words "except as herein otherwise provided." And it is herein otherwise provided as to all suspensions made during the recess of the Senate, and instead of being made on charges as already mentioned, the President is empowered to make then in his discretion. As stated by Chief-Justice Marshall in the case to which I have already referred—

Whatever opinion may be entertained of the manner in which the executive discretion may be used, still there exists and can exist no power to control that discretion. The rights being intrusted to the executive discretion, the decision of the Executive is conclusive. If the President has willfully and corruptly abused his discretion there is a remedy by impeachment.

The act of 1867 contemplates the separate action of the Senate, first on the proposition to suspend the officer, and then on the proposition to appoint his successor. The act makes it the duty of the President to report to the Senate such suspension with the evidence and reasons for his action in the case; and if the Senate shall concur in such suspension (clearly contemplating a vote of the Senate on the question of suspension) and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer. This contemplates a report by the President to the Senate of such suspension, with his reasons for the removal, and the action of the Senate upon it, and a notification to the President that they have consented to the removal; and when the President has received such notice, it provides that he may *thereupon* remove such officer, and it adds, "by and with the advice and consent of the Senate" (contemplating another vote) appoint another person in his place. Under the act of 1867 the Senate

has to act first upon the proposition to suspend or remove the officer, and if they concur the President may then make the removal, and after the removal has been made, there being a vacancy, of course the President may nominate some one to fill the vacancy, and the Senate may consent, or refuse to consent, to the appointment.

In place of these provisions of the act of 1867 the act of 1869 simply makes it the duty of the President, as in case of all other vacancies, to nominate some proper person to fill the place, and if the Senate during such session refuses to consent to the appointment, not the removal, then it is made the duty of the President to nominate another person as soon as practicable to said session of the Senate for said office.

So you will observe, Mr. President, that the act of 1869 repeals all the important provisions of the act of 1867, which the political party that enacted it could not endure for two years, and leaves the President to act with unlimited discretion in the matter of suspensions during the recess of the Senate.

Again, the act of 1867 and the act of 1869 are very unlike in another respect. The act of 1867 provides that if the Senate shall refuse to concur in such suspension such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing the duties in his stead shall cease. The act of 1869 makes no provision for the resumption by the suspended officer of the functions of his office in any case. It provides that if the Senate during such session shall refuse to advise and consent to an appointment in place of any suspended officer, then, and not otherwise, the President shall do what? Reinstate the suspended officer? No. The President shall nominate another person as soon as practicable to said session of the Senate for said office.

Here, then, the unlimited power of suspension of Federal officers during the recess of the Senate is conferred absolutely upon the President in his discretion, and when he has suspended such officer there is no power in the Senate or in any other tribunal, without the consent of the President, to reinstate the suspended officer. So that he may, as provided in the first section of the act of 1869, "hold such office during the term for which he shall have been appointed," or hold it for a single day. The act of 1867, as already stated, made provision for reinstating him. The act of 1869 denies to the suspended officer the right to be reinstated and "hold such office during the term for which he was appointed." It treats the case as a vacancy, and makes it the duty of the President, as soon as practicable, to nominate another person in case the Senate refuses to confirm the person nominated as his successor. If the act of 1869 had intended that the officer be reinstated it would have made provision for a vote of the Senate on the removal of the suspended officer, as in case of the act of 1867.

The statute makes no such provision, and confers upon this Senate no power to vote on the question of removal. If it is contended that the vote on the confirmation of the nominee of the President, if unfavorable, is a vote against the removal of the original incumbent and works a rejection of the nominee and reinstates the incumbent, then the subsequent provision of the statute which declares in such case that the President shall, as soon as practicable, nominate another person to fill the place is a simple absurdity. In other words, if the vote of the Senate to reject the nominees is to be taken as a vote against the removal of the suspended officer, why is it necessary to have two or more votes against the suspension? If the President nominates another person for the office and the Senate then refuses to confirm that person, which one of the votes, and both are required by the statute, is the vote against the removal, and which is the vote on the confirmation of the nominee? How is the President to know when he is informed that the Senate has rejected the nominee whether it did it because it was unwilling to remove the suspended officer or because of the alleged incompetency or bad character of the nominee?

Did the first vote of rejection mean that the Senate was opposed to the removal or that the nominee was an improper person, and what was the meaning of the second vote of the Senate on the confirmation of the second nominee? How many votes rejecting nominees are necessary to indicate the will of the Senate that they will not consent to the removal of the original incumbent, and if a vote against the nominee amounts to a refusal to remove the incumbent, why not reinstate him in his office as soon as the first vote of rejection has been had, and why does the statute direct the President as soon as practicable to make another nomination to fill the place? The very fact that the President is required, in case of a rejection of the nominee, to make another nomination to fill the same place shows conclusively that Congress intended to treat it as a vacancy and make it the duty of the President to fill it as other vacancies are filled, by continuing to make nominations until a person shall be nominated who commands the consent of the Senate. Is it necessary for the President to make two nominations of persons to fill the place of the suspended officer and take a vote of the Senate on each before it can be said that the Senate has refused to concur in the removal by such vote?

Suppose, as in case of other vacancies, that the Senate should reject the second nominee, why might he not send a third and a fourth, and if the Senate should reject each, which vote of rejection of the nominee was the vote refusing to consent to the removal of the suspended officer? Was it the first? No, because the statute provides for another nomination and a second vote, not on the removal, but on the confirmation, and who can doubt in that case that if the Senate should reject the second nominee, the President, by virtue of the power vested in him by the Constitution, would have the right to make a third, or a fourth, or as many more as might be necessary until the Senate should confirm some worthy nominee? But it may be said that in such case the Senate would refuse to confirm any nominee. We can not suppose that the Senate would do so unjust and absurd an act as to refuse to confirm a second nominee if he were worthy and well qualified and there were no good cause of rejection. We can not suppose the Senate would act upon its prejudice, its passion, or its feeling of hostility to the President in confirming or rejecting a nomination made by him. Such action would lower the dignity of the Senate and do gross injustice to the individual.

But suppose I am wrong about all this, and when the Senate has rejected a first and second nominee to fill the place of the suspended officer—for both votes are required by the statute—and has adjourned without consenting to the appointment of any one to fill it, that such adjournment by the Senate without action restores the suspended officer to his office, still he is not reinstated, so that he can, under the language of the first section of the act, "hold such office;" for no one, I apprehend, will question the right of the President the very hour that the Senate has adjourned to issue another order suspending him, and appointing a proper person to take the office with its emoluments. Bear in mind, then, Mr. President, that there is no provision in the act of 1869 that practically reinstates the suspended officer in his office. The Senate has no power to reinstate him and authorize him to "hold his office." He can not under any possibility without the consent of the President, after he has once been suspended, hold the position for a single hour. If the President suspends him again as soon as the Senate adjourns he is practically out of office until the adjournment of the next session of the Senate, and nobody will deny, I suppose, that the President in his discretion may suspend him from time to time as often as there is a recess of the Senate and appoint another person to hold the office until the end of the next session of the Senate. If the Senate during each session refuses to confirm the nominee, it is made the duty of the President not to reinstate the suspended officer, but at each session to nominate another person to fill the office.

But it has been argued here that the Supreme Court of the United States, in Embry's case, United States Reports, volume 100, has decided that the suspended officer is reinstated after the Senate adjourns without confirming his successor. An examination of that case will show that the Senator who used it was mistaken as to the point decided. The question raised was not one of the right of the suspended officer to be reinstated in his office, but it was a question who had the right to the salary during the time of the suspension, and the Supreme Court decided, and all that it did decide was, that the suspended officer had no right to the salary during the time, but that the person who filled the office and did the duties was entitled to the salary. That was the decision, and it was all that was decided. In that case, the First Assistant Postmaster-General had notified the suspended officer after the adjournment of the Senate to resume the duties of the office until the case could be submitted to the Attorney-General, and no question had been raised about the effect of the suspension or his right to be reinstated. It was an action brought by the suspended officer for the salary during the time he was out of office.

Chief-Justice Waite says, in delivering the opinion:

> We have had no difficulty in reaching the conclusion that the appellant is not entitled to recover. The important constitutional question which has at times occupied the attention of the political departments of the Government ever since its organization, and which was brought to our attention in the argument, is not, as we think, involved. The question here presented is not one of office, but of salary. Wherever the power of removal from office may rest, all agree that Congress has full control of salaries, except those of the President and judges of the courts of the United States.

The question before the Supreme Court of the United States in Embry's case, therefore, was a question of salary, and the Chief-Justice expressly disclaims even the consideration of the question as to whether the President had the right to make removals from office, or whether the Senate had a right to be consulted. The decision, therefore, practically has no bearing on this question.

Then, as neither the Senate nor any other tribunal has any power to prevent the suspension, in the discretion of the President, during the recess of the Senate, and as neither the Senate nor any other power in this Government can practically reinstate the suspended officer, what has the Senate to do with the case of suspension or removal? It has no jurisdiction and no power to control it, and it usurps an authority not conferred upon it by the Constitution or the laws when it attempts to interfere. It has no more right to demand of the President the evidence on which he acted or the reasons for his action than it has to demand of the Supreme Court the reasons for the decision made by that court, or to demand of the House of Representatives the reasons why it refused to pass a bill passed and sent to it by the Senate. It has no more power over the subject than the President has to require the Senate, when he has nominated a person to fill a vacancy, to give the reasons for the rejection of such person or to produce the papers that influenced the action of the Senate. The attempt is a naked, bald usurpation on the part of this Senate.

Mr. President, the absurd act of 1867 never was the law of this land. It is in plain and palpable violation of the provisions of the Constitution to which I have referred. It attempted without authority to limit the legitimate power which the Constitution confers upon the President in making removals from office.

I conclude, then, that the provision of the Constitution which confers upon the President the executive power of the United States confers the right subject to the qualifications afterward mentioned, to appoint or remove any and all officers of the United States. The unlimited executive power of a State certainly carries with it the power of appointment and removal of the persons to fill the offices designated by law as necessary to the complete execution of the executive power. This executive power vested by the Constitution in the President has the following limitations:

That the President has no power to remove a judge of the United States courts.

That the President's appointing power is subject to the advice and consent of the Senate.

That Congress has no power to limit the appointing power of the President and Senate in case of superior officers.

That Congress has the power by law to divest the appointing power of the President and the Senate in case of inferior officers, by conferring the power of appointment on the courts of law or the heads of Departments, or it may divest the power of the Senate over the question by conferring the power of appointment of inferior officers upon the President alone. But this power rests with the President and Senate until Congress has vested it in the President alone, or in the courts of law, or in the heads of Departments; and Congress can vest it nowhere else.

That Congress has no appointing power, but it may by law confer on the President or the courts of law or the heads of Departments the appointing power in case of inferior officers.

That the executive power, which includes the power of appointment and removal, when conferred without other limitation, is still left in the hands of the President with the qualifications as to treaties and appointments already mentioned.

That the executive power vested in the President confers on him the power of removal in all cases of appointments made with the advice and consent of the Senate, and that power is not limited as in the case of the appointing power by any other provision of the Constitution.

The legislative department of the Government has no right to limit it, because the Constitution has conferred it upon the President without limitation. The Senate has no right to limit it, because the Senate possesses only such powers as are conferred upon it by the Constitution, and the Constitution confers upon the Senate no authority to limit the President's power of removal which he possesses as an important part of his executive power.

I hold, then, that the President possesses under the Constitution, except in the case of judges of the United States courts, the unlimited power in his discretion to remove all Federal office-holders appointed as above mentioned by the President with the consent of the Senate, and for the exercise of that power he is neither amenable to Congress nor the Senate, unless he acts corruptly, in which case he may be reached by the power of impeachment. But neither the Congress nor the Senate has any power to call upon him to account for any act of removal in any other manner. Neither the legislative department of the Government, nor the executive department, nor the Senate, nor any other officer of the Government, has the right to require him to produce any papers which he may have inspected while acting upon the case, or to give any reasons whatever for his exercise of the discretion vested in him by the Constitution of the United States.

I therefore conclude that the attempt made by the majority of this Senate to compel the President to deliver to the Senate the papers upon which he may have acted in the matter of a suspension or removal from office is not founded on any authority conferred upon this Senate by the Constitution or laws of the United States.

The people of this country constitute the high court of appeals, and it is the judgment of that high court not that the President has used the power of removal too freely, but that he has failed to use it with sufficient energy.

If there is any charge against him in the popular mind, it is not the charge of commission but the charge of omission, not that he has made mistakes in making appointments or removals from office (doubtless like all other men he has made mistakes), but that his greatest mistake has been that he omitted to use the power of removal with sufficient activity.

When the people of the United States called the President to the high and responsible position he now fills, and placed in his hands as a sacred trust the executive power of this Government, they expected in carrying out his policy that he would put in office, and retain in office as his assistants, persons of ability and integrity who concur in his policy and are ready with zeal and energy to render important and faithful service in carrying it into execution. It was not the intention of the people that all the executive offices of the Government should be filled, or partly filled, with political spies, plotting how they can soonest overthrow the administration, and sympathizing more with those who, from the outside, make war upon it than they do with the President and with his friends who are attempting to sustain its policy, which is intended to advance the best interests of the whole people of this country.

Let the President exercise the power conferred upon him by the Constitution of the United States, and remove from office those who are not in accord with his administration and not ready to do faithful service in aiding to carry out his policy, and fill their places with honest, capable men who are friends of the administration, and the universal acclaim of the Democracy and the honest masses of this country will be, "Well done, thou good and faithful servant!"

Mr. President, the people, that high court of appeals of last resort, from whose final decision there is no appeal, to whom alone the President is responsible for the manner in which he exercises his discretion in the matter of removals from office, when they have heard the arguments and considered the case on its merits, will order a nonsuit, the cost to be paid by the plaintiffs, in the great case of George F. Edmunds and Company, Republican managers of the Senate, *versus* Grover Cleveland, President of the United States.

Mr. SPOONER. Mr. President, I make no attempt to disguise the fact, or to apologize for it, that the fortunes of the Republican party are very dear to me and that I wish that party, here and elsewhere, to reap every fair partisan advantage which may be taken from the blunders and from the shortcomings, if any such there are or shall be, of this administration. But I trust I do not forget, and shall not forget, that I am a Senator of the United States as well as a Republican, and that as a Senator my first duty always is to the people, and that I have no right to take action here to subserve a party interest which would be harmful to the interests of the people.

I deny for myself, and I have authority to deny for every Senator upon this side of the Chamber, the statement so often made on the other side that we desire, or are willing, to harrass, hamper, or embarrass the President in the proper exercise of executive functions. Such a motive would be unworthy, and should not be so lightly imputed.

The principle involved in this controversy, to my mind, is far above the question as to who shall hold the offices in the country. If I mistake not the real question in debate, it involves a principle essential to the orderly conduct of the Government. May I go back to the case before the Senate as made by the resolution adopted by the Senate, the only action thus far taken by the Senate, demanding papers of the Attorney-General? This is the resolution:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers "that have been filed in the Department of Justice since the 1st day of January, A. D. 1885"—

Now, note—

in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

That was the demand formulated, not by any Senate committee, but by the Senate, upon the Attorney-General. Allow me to call attention once more to his response, which I venture to say is the most remarkable response that ever came from an executive officer to the legislative department of the Government:

I acknowledge the receipt of a resolution of the Senate adopted on the 25th instant, in executive session as follows.

Stress at the outset, it will be observed, is laid upon the fact that the action of the Senate was had in executive session. Let me ask what has that to do with the power of the Senate? Is the Senate one body with one set of powers and functions when it sits with open doors and another and different body when it chooses to transact its business in secret? Does any Democratic Senator on this floor pretend for one moment that if the Senate chose for some reason, satisfactory to itself, to vote upon a bill with closed doors and that bill should be passed by the other House and approved by the President, it would not be a valid law? Would it not be a legitimate exercise of the legislative function of the Senate, though done with closed doors instead of under the eye of the people?

But to return to the response of the Attorney-General:

I acknowledge the receipt of a resolution of the Senate adopted on the 25th instant, in executive session, as follows:
Resolved—

Setting forth the resolution—

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett—

The Senate had not called upon the Attorney-General for any papers relating to the fitness for office of John D. Burnett—

recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George W. Duskin.

Not denying at all but admitting the existence of the papers mentioned in the resolution, and that they were filed in that office, he continues:

It is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

It will be borne in mind that the "papers and documents" called for were any filed in relation to the management and conduct of the office of district attorney. If there were none such it would have been easy for the Attorney-General to have said so.

Look at the bald case as it stands before the Senate and before the

people, unaided by the message which the President sent upon the same subject, and which is in some sense an additional statement of fact. The Senate calls for certain papers, filed within a given period in a public department, touching the management of a public office. An executive officer of the United States, recognizing the fact that the papers are in his custody, not denying for a moment their existence, says to the Senate, by direction of the President, that "it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session."

Is it to be admitted that a Cabinet officer, even by direction of the President, shall be at liberty to refuse to transmit any papers to the Senate in executive session unless satisfied that the purpose for which the Senate desires them is one which in his opinion is wise and proper? Is it to be assumed by an executive officer or by the President that because a nomination is pending in the Senate of a person to fill an office that the Senate may not in executive session lawfully call for the papers filed in a Department touching the conduct of that office?

If Burnett had been confirmed and Duskin had been thereby removed, could the Senate be denied the production of the papers mentioned in the resolution? Even though called for in executive session who will so contend? Does the fact that the nomination was pending change the character of the papers or the Senate's power to demand, and its right to receive and inspect them?

If George M. Duskin were still in office discharging the duties and functions of the position, and the Senate in open session, or in executive session, should pass this resolution calling for those papers, would the Attorney-General or would the President hesitate for one moment to transmit them? Suppose the House of Representatives had passed the resolution, instead of the Senate, upon what theory could the Attorney-General, either of his own motion or upon the direction of the President, refuse to transmit them?

It has always been supposed that either the House of Representatives or the Senate had plenary power to investigate the Departments, had abundant authority to examine the Cabinet officers, even to bring them before the committee, with all papers in the office which would tend to show its condition, and the manner in which it had been conducted. It may be done in order to expose corruption; it may be done in order to uncover defects in the organization of a Department; it may be done in order that Congress obtain the information essential to the application of a corrective by new legislation. Such power in great fullness must of necessity exist, to be exercised under varied conditions and circumstances, and with many different purposes.

Is this not the attitude? The President, not denying that there may be circumstances under which either the House or the Senate would be entitled to such papers, to demand them and compel their production, assumes that they are wanted for a purpose which in his judgment is not within the jurisdiction of the Senate. If for any purpose within the power of the Senate it can direct under any circumstances the Attorney-General, or any other Cabinet officer, to transmit to the Senate papers touching the conduct of a particular office, then it is essential to the orderly conduct of the Government that the executive officer should assume that the papers are desired for a legitimate purpose. Or has it come to this, that the Senate or the House demanding the production of papers, which either may rightfully demand for some purpose, must go with Eastern salaam to the Department door, bound to disclose, first to the Attorney-General or the President, the precise purpose for which the papers are desired, under penalty of not receiving them at all?

How would it look, in response to a resolution adopted by the Senate asking that the Attorney-General or the Secretary of the Interior transmit to the Senate papers like these, in their very nature official, relating to the transaction of the public business, for the President to transmit to the Senate a message of this nature: "If you desire these papers you must first indicate to me the purpose for which you desire them, and if after having disclosed that purpose I think they are within your jurisdiction, and that the purpose to be subserved is a legitimate purpose, I shall transmit them; otherwise not?"

Would that be in effect any different from this response of the Attorney-General? Would it not be humiliating? Would it be anything less than a one-man government? Would it do anything less than enable the President of the United States to shut out at his will the sunlight of investigation from all the public offices? Must the Senate, must the House—because if he may require the performance of that precedent condition of the Senate he may of the House—first advise him of the purpose and submit to his judgment as to whether it is a legitimate one?

The resolution interprets itself, and relates upon its face to papers which no man can deny are in their nature public. The President by a message, as to the propriety of which I have nothing to say, tells us, not that there are no such papers on the files, but that there were other papers filed during that period which he considers private and confidential papers.

I shall spend little time in discussing the question in the abstract as to what constitute private and confidential papers in distinction from public papers to which the Senate or House has the right of inspection. I concede, of course, that there may addressed to the President, and doubtless are, many papers which are confidential. No one questions that; but I deny that papers addressed to the head of a Department or to the President of the United States touching the conduct of an officer, of such a character that they may be properly acted upon by either the head of the Department or the President, proper to be placed upon the files of the Department, relating to the transaction of the people's business in one of the people's offices, can by any magic become the private and confidential and secret papers of the President himself.

The President in his message says:

> They consist of letters and representations addressed to the Executive or intended for his inspection."

What of it? We all know that many of the charges formulated and transmitted from time to time by citizens against public officers are in the form of letters. They are transmitted, of course, for the inspection of the President. They are intended to attract his attention; they are intended by the writers to secure his action.

He says—

> They are voluntarily written—

Certainly. No one supposes they are involuntarily written; no one supposes they are written compulsorily. Does that make or tend to make them private and confidential?

He continues—

> and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control.

What of it? I have known several times of charges against public officers being sent by private citizens to the head of a Department and to the President of the United States. That is generally the case. Are they for that reason private and confidential? Certainly not. Must papers which relate to the conduct of the public business necessarily be signed by some official, or invited or instigated, to render them public and proper for the files, or to render them, if upon the files, open to the Senate or House.

The President says in his message (but the Attorney-General did not say in it his response) that—

> There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution.

It is not pretended that no papers were filed relating to the conduct of the office, and of the officer, during the period mentioned in the Senate resolution, but the claim is that they are not official.

The President says they are withheld "because I regard the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain."

It is idle to refine upon it, for while it may be difficult to define the boundary line between papers which are to be fairly considered public and those which are secret and private, no fair-minded man having occasion to pass upon the question can debate upon it for one moment. The President knows, any executive officer knows, when he looks at a paper and reads it, whether it belongs upon the public file or should find its way into the waste-basket. Any paper of such a character, especially if it contains charges considered worthy the action of the head of a Department or the Executive, placed upon the files by them, must be considered a public paper. If not, what papers are public? If a President chose to exercise to the extreme the power which is suggested by the present Executive, what papers would you find on the files? Only such as he chose to say were public and official. I submit to the Senate, I submit to the people, that the character of the paper must be determined not by the will of the Executive, but by the nature of the document itself, the subject to which it relates, the action it tends to evoke.

Senators on the other side claim, however, that this is not an investigating resolution. They say that it does not fairly express the purpose which the Senate had in view in adopting it. They say to us that we are fighting under cover. The minority of the Judiciary Committee say so in their report, and they guess at the real purpose, as they declare it, of the Senate. I have no right to speak for any Senator but myself, but speaking for myself, I want to say to the minority of the committee that they have guessed correctly. I have no desire so far as I am concerned to make any false issue here, or to cloud any real issue. When I voted for that resolution I had not heard any suggestion of misconduct upon the part of Duskin. I did not vote for it, I frankly say, upon the theory that we were proposing to investigate in an ordinary way that office; I voted for it under the theory which is reprobated by Senators on the other side, that in passing upon the question as to whether we would advise and consent to the removal of Duskin and the appointment of Burnett, we had a right under the law to all the information in the Department upon that subject. I assert now the proposition that the Senate has a right to obtain of a Cabinet officer upon demand, and of the President upon request, such infor-

mation to enable it to act intelligently upon the question as to whether it will advise and consent to a proposed removal.

The Senators on the other side will not, I think, charge that the issue so far as I am concerned is not broad enough. Is the proposition sound in law? I want no other principle of law to guide me to a conclusion in favor of the right of the Senate to the information upon that theory than is found in the report submitted by the minority of the committee and the message which the President has seen fit to transmit. I call the attention of the Senate to the statement of the law in the report submitted by the minority of the Judiciary Committee. It is very guarded and very advisedly made, and is sufficiently broad and accurate for the purposes for which I desire to use it:

The minority admit, once for all, that any and every public document, paper, or record—

Note this, if you please—

on the files of any Department, or in the possession of the President, relating to any subject whatever over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction. It is on this clearly-defined and well-founded constitutional principle that, wherever any power is lodged by the Constitution, all incidents follow such power that are necessary and proper to enable the custodian of it to carry it into execution. Whether the power is granted to Congress, or either House, or to the President, or any Department or officer of the Government, or to the President by and with the advice and consent of the Senate, the principle is as fundamental as the Constitution itself that all the necessary incidents of such grants accompany the grants and belong to and can be exercised by the custodians of such powers, jointly or severally, as they may be vested by the Constitution.

It is on the application and enforcement of this unquestioned rule of construction that either House of Congress has the right inherent in the power itself to direct the head of any Department or request the President to transmit any information in the knowledge of either—

Note that—

or any public or official papers or documents, or their contents, on the files or in the keeping of either, provided such papers or documents relate to subjects, matters, or things in the consideration of which the House making the call can use such information, papers, or documents in the exercise of any right, power, jurisdiction, or privilege granted to Congress, or either House, or to the President by and with the advice and consent of the Senate.

Here, in a lawyer-like way, and in a bold way as lawyers ought to state their case, the minority, without shuffling or technicality, place the question upon this proposition: If the Senate of the United States has any jurisdiction over the subject-matter to which papers relate, or to which information in the hands of a Department officer or in the hands of the President relates, then they say unqualifiedly, and it would seem to be unmistakable law, the Senate has a right to the inspection of such documents and a right to elicit such information. The President, placing it upon a little different ground, recognizes the same principle, and in doing this he only follows the example of Washington in somewhat the same language upon the same subject, and of every Executive from Washington down, thus:

To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials.

Why? Because under the Constitution the Senate is a factor in the act constituting, on the whole, the appointment of the officer; because, in the language of the minority of the committee, the Senate under the Constitution has jurisdiction over "the subject-matter." Hence it is that as to nominations sent to the Senate, information, upon the request of the Senate, is transmitted; not partial information, we are bound to assume. When the President says to us "I invite the fullest scrutiny," that means that he will give to the Senate, necessarily and essentially, the benefit of all information, formal or informal, which he has in his possession, whether on file or not, fairly and properly bearing upon the question as to which the Senate is to act. It does not mean that the President shall transmit to the Senate simply the papers in his custody or on the files in favor of the nominee. It does not mean that he shall make a partial presentation of the facts. It does not mean that the information shall be garbled. It means that in a full, fair way he shall give to the co-ordinate branch acting with him under the Constitution, in a jurisdiction which is conceded, all the information which he possesses essential to intelligent action upon the subject.

Now, sir, if it be true that the Senate of the United States exercises under the law the same function precisely in the matter of removals from office that it does as to the matter of appointments, then, upon the argument of Senators, upon the concession of the minority of the committee, upon the statement of the President, upon the law as it always has been, the Senate has a right, and it is not to be charged with partisanship for insisting upon that right, to ask that the information shall be transmitted to it to enable it intelligently to act upon the question before it.

This brings me to a brief consideration of the legal question as to whether the Senate has any part or function to perform with the President in the matter of removals from office, and I invite the attention of the Senate to that subject. I wish to consider it under the law, not as Mr. Madison thought the law ought to be; not as his excellency President Cleveland thinks the law ought to be; not as the Senators on the other side think the law ought to be; not as the Senator from Ohio thought the law ought to be; but as the law is. It seems very clear and plain; too plain, almost, for debate. Will Senators bear with me in a careful reading of this law, which I find bound for easy reference in the Manual of the Senate?

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed, by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed—

As to the language thus far read, construction has no office to perform, for language can not make plainer the intent of the framers—

unless—

What?

unless sooner *removed*—

How?

by *and with the advice and consent of the Senate*, or by the appointment, *with the like advice and consent*, of a successor in his place, except as herein otherwise provided.

I believe the practice has been almost from the beginning of the Government—it was so stated by Mr. Webster in 1835, and is so stated by Judge Story—that a removal from office ordinarily takes place by virtue of the appointment of a successor, which includes the confirmation. But this law recognizes apparently two methods of removal and provides distinctly and unqualifiedly that no man appointed by and with the advice and consent of the Senate and qualified and having entered upon the duties of his office shall be removed in either of these ways except by and with the advice and consent of the Senate.

There may be a direct proposition to remove, and that may be tendered to the Senate and it would be within the jurisdiction of the Senate to pass upon the question if so tendered. It may be—and the one does not differ in essence from the other—a proposition to remove by the confirmation of a successor by and with the advice and consent of the Senate. The law contemplates either mode. I thought for a time—and I am not sure yet as to what the true construction of the statute ought to be—that this law is confined to offices of definite term; but I will not stop to discuss that. I make this proposition, and I challenge the attention of Senators on the other side to it, that by that section it is clearly and unequivocally provided that one appointed to office by and with the advice and consent of the Senate can only be removed by and with the advice and consent of the Senate. If the words "except as herein otherwise provided" were not in the statute, I apprehend no man would be found to dispute the accuracy and correctness of the proposition.

Now, what is "herein otherwise provided?" Is there anything in that law provided which weakens the force of section 1767?

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion—

To do what?

to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time.

To my apprehension, one source of confusion in this debate is the constant confounding in the argument on the other side of the Chamber of the removal with the suspension. The President is authorized to "suspend." That is a word of well-settled signification. It is not technical. It is to receive the ordinary construction. It does not mean to remove. It is a lesser word than the word "remove." The power to suspend any civil officer does not involve the power to remove him. Does any lawyer dare to say that the word "suspend," as used in section 1768, has the same meaning as the word "remove," as used in the preceding section? To suspend is one thing; to remove is another. To suspend the writ of habeas corpus is one thing; to obliterate it and destroy it would be another. To suspend an officer is not to depose him. It is to interrupt his function. It is to cause his function to cease for a time. It is in its essence and in its nature temporary and not permanent. The word "suspend," if that were alone used in the section, would be sufficient to convey the full intent of the law; but in every line of the section Congress manifested an intent to make it clear, too clear for mistake, that the power given to the President was only the power to suspend an officer, leaving to the Senate unemasculated in any wise the power given by section 1767 to participate in the matter of removal. Let us proceed with an analysis of this section:

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate—

He can not even suspend except in a qualified way. The power of suspension even, here given, is limited by this language—

until the end of the next session of the Senate—

Does that look like the power of removal?—

and to designate—

Not to appoint. If any officer of the United States is appointed—that is, nominated by the President and confirmed by the Senate—his appointment is evidenced by a commission. This provides for no com-

mission. It is a mere designation—nothing more, nothing less—of some suitable person subject to be removed in his discretion—

by the designation of another to perform the duties of such suspended officer in the mean time.

That is, during the suspension; until the end of the next session of the Senate, unless in the mean time by the action of the Senate the office has been filled by a new man. That is not all—

And the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall during the time he performs the duties of such officer—

That is, of the suspended officer not now habilitated with the power and functions of his office, but still an officer in the eye of the law, with his functions simply suspended—

and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended.

Why provide here with such care that no part of this salary should belong to the officer suspended if our friends on the other side are right in saying that there is no distinction in the law between the removal and suspension? Every clause and word and sentence in a statute, if I remember the canon of construction, is to be construed so that it shall mean something and not be insignificant or impute an absurdity to the men who framed it.

The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not—

And then to make it doubly plain that where the officer had simply been suspended the word "vacancy" does not cover it, it adds—

and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

That is not all. Section 1769 declares—

The President is authorized to fill all vacancies which may happen during the recess of the Senate.

More than one of the Senators on the other side talked about the office being in abeyance because of the adjournment of the Senate. Let us see how careful Congress was to provide that the office should not be in abeyance because the officer was suspended.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate—

The language of the Constitution, I believe—

by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacaney in such office.

Expressio unius est exclusio alterius.

Now, Mr. President it seems—and the argument might be elaborated almost without limit—impossible for any lawyer to sincerely argue that under this statute a man suspended from office is removed from office. A crucial test, however, of that question is this: Suppose a man to be suspended from office until the end of the next session of the Senate and some one designated to perform the functions in the mean time, and the Senate does not see fit by its advice and consent to allow that suspension to ripen into a removal. What then? Does the suspended officer go back into the office? If he does, of course it follows to the apprehension of any one that he was only suspended, not removed. Can there be any question about it under the law?

The term of office, if one may use that expression, of the officer designated to discharge the duties of the suspended officer is only until the end of the next session of the Senate. Now, suppose the Senate does not see fit during its session to advise and consent to the removal either as a direct proposition or by confirming a successor, what happens? The President exercises again if he chooses the power of suspension, does he not? He can not nominate a new man, using the word "nominate" in its proper sense within the meaning of the Constitution, because the Senate's session is at an end. All the power he has is to exercise again the power of suspension. Whom does he suspend? He does not suspend the "designated" officer, who served until the end of the session. He went out with the "end of the session." He suspends again the officer who had been suspended, and who under the law, by the end of the session without action upon the part of the Senate, had become rehabilitated with all the functions and duties of his office. Nothing, it seems to me, can be plainer than that.

Why, then, do the great lawyers on the other side of this Chamber—and I concede their ability and learning—constantly tell the Senate and tell the people that the power of suspension under this statute is the same thing precisely as the power of removal? But while it would seem that no authority is needed to show that the power given the President is only a power of suspension and that he can not remove without the action of the Senate, beyond the language of the law itself, there is evidence outside of the act itself that such was the understanding of its framers. I will not stop now to read to the Senate any extracts from speeches, but I recall to the memory of Senators the fact that Lyman Trumbull in 1869, then, I think, chairman of the Judiciary Committee, a great lawyer, now a great Democrat—in explaining to the Senate the effect of the act as reported by the conference committee, unequivocally stated that under the law the suspended officer would go back. Mr. Morton, who has been so many, many times quoted by the Senators on the other side, said the same thing. There was no misunderstanding upon it in that debate. There is no room for question about it, looking at the debate. Some said, as the distinguished Senator from Illinois, then a member of the House, said, that it was practically a removal. Why? Manifestly only because the person did not remain in the office if the President saw fit to exercise again the power of suspension.

The Supreme Court of the United States, if I can understand a legal decision, has expressly decided under this very act that the suspended officer, if before the end of the session he is not removed in one of the two ways indicated, either of which requires the advice and consent of the Senate, goes back to his office. The Senator from Iowa [Mr. WILSON] in the very able argument which he submitted the other day referred to this case, but I desire to bring to the attention of the Senate some language in it which the Senator from Iowa did not need to read, aad therefore omitted. I refer to the case of Embry *vs.* The United States (100 United States Reports, 680). This was the case:

April 20, 1867, the President duly commissioned A as deputy postmaster at Nashville, Tenn., for the term of four years, subject to the conditions prescribed by law, and May 5, 1869, under the act of April 5, 1869—

The act we are now considering—

signed an order suspending him from office until the end of the next session of the Senate, and designating B to perform the duties of that office. A delivered the office to B May 27, 1869. The nomination of B was sent to the Senate at its next session, which terminated July 15, 1870, and on that date it was rejected. Pursuant to instructions from the Post-Office Department, A took possession of said office July 25, 1870. B, when holding the office, received the salary.

A took it into his head that he was in office all the time, and that, although suspended from the discharge of the functions of the office, he was nevertheless entitled to the salary, and sued the United States for the salary, which brought very clearly and necessarily before the court the construction and legal effect of this act of 1869 upon the point to which I am calling attention.

Now, will you allow me to read a word from this decision, if I may be permitted to appeal from my friend from West Virginia to the Supreme Court of the United States, upon this question?

When Embry was appointed, the President had the power to suspend him for cause.

That was before the act of 1869 had been passed giving him power to suspend at his discretion.

The law also provided that if suspended he should draw no salary so long as another person was performing his duties. While he was in office, further power of suspension was given the President, with a like provision as to pay. He was suspended. The Senate did not see fit to advise or consent to the appointment of another person in his place, and consequently, on July 15, 1870, when the next session of the Senate ended, *he became entitled to enter again on the performance of the duties which pertained to his office.*

That is not all. The court further say:

This he did on the 27th of July, but not before. His present claim rests not on any contract with the Government, either express or implied, but upon the act of Congress which provides for his salary. We so held in United States *vs.* McLean, 95 United States, 750. To adjudge in his favor would be to make a new law, not to enforce an old one. *Although he was lawfully in office*—

That is, during the suspension—

he was not entitled to pay or emolument while not performing its duties, because of his suspension.

It is true his lawful suspension ended on the 15th of July, but he did not resume possession until ten days afterward. In the mean time the person designated for that purpose performed his duties. Under these circumstances the law gave the salary to the actual incumbent and not to him. The delay was an incident to the suspension, and does not seem to have been unreasonable. No more time elapsed than was necessary to give the proper notice and transfer the possession.

Will any lawyer say under this decision (and it seems so plain from the language of the statute as to need no decision whatever) that there is no distinction in the law between a suspension and a removal? Can it be said that if the Senate fails to act upon the question of removal and adjourns without action, that under that decision the suspended officer does not go back into office? Not at all. The suspended officer goes back into the office subject to a second, or a third, or a fourth, or a fifth exercise of the power of suspension, if the President sees fit.

Here seems to me to be one fatal weakness in the President's case. The Senator from West Virginia, to whom it is only a fair concession to say that he made an able and powerful presentation of the case from his standpoint, saw the danger-point but could not avoid it. He was too good a lawyer to seriously try. He said:

That man is suspended until the end of the next session of the Senate. The moment it ends, what matters it to you or to me whether by operation of law the suspended officer gets back or not? By an act of the President, his mere signature, he gets out again.

That is all the admission necessary to sustain my contention.

This brings me again to announce the proposition for which I contend, and that is that under the law as it stands the President has simply power to suspend an officer appointed by and with the advice and consent of the Senate, and that he has no power under the law to

remove such an officer except by and with the advice and consent of the Senate. If I am right about that, what becomes of this case? Senators on the other side admit, because they are compelled by the Constitution to admit, that the Senate is a factor in the appointment; that the Senate acts with the President by its advice and consent in confirming; and because of our jurisdiction over that subject the minority committee says, the President says, and everybody says that we are entitled to have transmitted not only the papers upon the files of the Department touching upon the question efficient to enable us to discharge in an intelligent way that duty of advice and consent, but beyond that the papers in the custody of the Department officer or in the possession of the President.

If it be true that we have the same power precisely as to removal that we have as to confirmation, how can the President of the United States treat as public, papers and documents relating to the nomination, and as private and personal property the same papers and documents, and letters and information relating to the removal? There is not such great magic in departmental files, nor is there so great magic in the use of words as to enable any lawyer to make that distinction, and to be able to say to us, "You are entitled to all these papers and information as a part of the appointing power, to enable you to act intelligently; you are equally a part of the removing power, but you are not entitled to have the papers and information of the same character to enable you to discharge that function."

Under the law of 1867 the power of suspension was not discretionary. The causes upon which it might be exercised were defined, and the President was required to communicate to the Senate within twenty days after the first day of its next meeting the fact of suspension, with the evidence and reasons for his action in the case, and the Senate acted upon the matter of suspension simply, consenting or refusing to consent, as it might see fit. No name was sent, under that act, to the Senate for confirmation until the question of suspension had been passed upon and the removal thereby effected.

I know of no one who pretends to claim that such is the present state of the law upon the subject. Speaking for myself, I freely concede that the President is vested with the discretionary power of suspension. What limit there is, if any, outside of the letter of the law to the exercise of that power I do not care here to discuss.

I concede that it is not within the province of the Senate, under the law as it stands, to request or demand of the Executive that he communicate to the Senate the reasons for the exercise of this discretionary power. But when the President tenders to the Senate, by the nomination of one to take the place of a suspended officer, a proposal that the suspension shall by the action of the Senate become a removal, the Senate is entitled, upon request, to the benefit of the same measure of information, to enable it to act intelligently upon the question of removal, that it is to enable it to act intelligently upon the question of confirming a nomination. The fact that the President was guided in exercising the power of suspension by the same papers and information would not make the papers, documents, and information any less essential to intelligent action upon the part of the Senate, and certainly can not justly be urged against its right to such information.

The fact suggested by the President that some of the letters and papers had no influence, or may have had no influence, upon him in exercising the right of suspension would be a cogent argument perhaps if the Senate were seeking in any wise to sit in judgment upon his exercise of that right, but such is not the position of the Senate. The papers and information are not desired in order to enable the Senate to be able to decide whether the act of suspension was a blameworthy or praiseworthy act. They are wanted to enable the Senate to decide, not whether the President did what the Senate approves, but to enable the Senate to discharge intelligently, by aid of pertinent papers and information, a question within its jurisdiction, and devolved upon it by law, to wit, whether it shall advise and consent to a vacation of the office. In this view papers that might have been deemed entitled to little or no weight by the President, the Senate, equally intent upon discharging its duty, might consider entitled to weight.

Mr. President, when in the history of this country has a power been asserted so dangerous, so liable to be abused, so susceptible of being made subversive of the public good, as the power which the President substantially asserts, to treat papers relating to the conduct of a public office, and a fit foundation in any sense for his official action, as private, confidential papers, his own personal property, to be removed at his will, as he intimates, from the files of the Department, to be buried in the White House cellar, if he chooses, to be carted off to Buffalo if he pleases, because, forsooth, he acted upon them in exercising his power of suspension?

I take it you will hardly find a paper on the files of the Department touching the conduct of a man suspended from his office that would not somewhat affect and bear upon the question of his suspension, and which would not likewise enable the Senate to judge rightly of its duty in the matter of removal; and if the mere fact that the President acts upon the papers, makes them sacred and his own, shuts out the sunlight from a public office, prevents the Senate from discharging a duty devolved upon it by law, then it rests in the power of any Executive to lock the door upon the House of Representatives and upon the Senate, too, and to defeat any investigation of public servants. I, of course, do not intimate that the present Executive would so use that power if it existed. It is no part of my purpose to question his good faith. I am not called upon to do that, and I do not do it.

Let me remind Senators on the other side, as bearing upon the question of the power of the President to make papers private or public, as he chooses, and to remove or destroy at will, provided only he has acted upon them in suspending officers, a little quotation from Mr. Madison, which they so often make in demonstrating the unconstitutionality of this act. Mr. Madison said in the debate of 1789, as to the power of removal:

> Perhaps the great danger, as has been observed, of abuse in the executive power lies in the improper continuance of bad men in office. But the power we contend for will not enable him to do this; for if an unworthy man be continued in office by an unworthy President, the House of Representatives can at any time impeach him and the Senate can remove him, whether the President chooses or not.
>
> The danger then consists merely in this: The President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate, for such an act of maladministration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.

Will you be kind enough to tell me how the House of Representatives could impeach a President for a wanton exercise of the power of removal, if it existed, a wanton exercise or refusal to exercise the power to remove, if it be the right of the President, at his will, any moment when he chooses to do it, to turn all the files of the office, except papers official in form, upon which he had acted in exercising a power exclusively in him, into private and confidential papers, and to thereby place them beyond reach of committees of either House of Congress? Exercise the power of impeachment and give the President the power at his will to destroy all evidence upon which alone that power could be exercised! It is idle; it can not be maintained for a moment.

Look at it in another view. To-day the circumstances are exceptional; to-day there is a Democratic administration, only a year of whose existence has passed, with a vast number of Republicans in office. It happens, therefore, that in every case in which the President suspends, he suspends a Republican official for the purpose of putting in a Democratic official. This fact, with the added fact that the majority in this body is Republican, enables Democratic Senators to say that in resisting the claim of the President, however high our motive, we are fighting to keep Republicans in office. But remember we are not making a precedent which is to last only until all Republican office-holders are deposed; we are not stating a question for to-day alone. Here is an issue made between the Senate of the United States and the President of the United States, and it is not of our making either, solemnly framed, conspicuous in its nature, which will outlive us.

Let us suppose, to show the result of this claim of the President, if allowed, that time has gone on, that Republican officials by the expiration of their terms and removals and death have been displaced, and the offices are filled with Democrats. Suppose out in Wisconsin John Smith writes a letter to the Postmaster-General or to the President, telling him that John Jones, the Democratic postmaster at some point at a given time robbed the mail. It is a private letter; it was "voluntarily written," as the President says; it was not invited by the Postmaster-General or by the President, but it is a letter which relates to the conduct of the public business; it is a letter which invokes the action of the executive department; it is a paper which, although in letter form and unofficial, makes a charge against the official character of a Democratic office-holder. It is investigated and the man is suspended. That happens not only in one State but in twenty States, as it will happen. You will have dishonest men in office, as all administrations have had and will have.

Suppose the Senate wants to ascertain by an investigation, independent, if you please, or not independent, of the question as to whether it will consent to the removal of that suspended man from office by confirming a new Democrat to the place what the conduct of the suspended official was. Under the new theory of administration you can not have that letter or others upon the same subject. Why? Because the President acted upon that in exercising the discretionary power of suspension, and you have nothing to do with that power.

I defy any Democratic Senator to show upon this doctrine what is to prevent the President of the United States, if he sees fit, from shutting out from the people all knowledge of dishonesty in the administration. If he suspends upon the charges of dishonesty, uninvited, sent in by citizens in form of letters or affidavits, then it is in his power to keep the people in ignorance of corruption by treating the papers as private and confidential because sent to him to guide him in exercising the power of suspension, which is his alone, and in that way he could protect his administration against the indignation of the people by keeping them in constant and utter ignorance of the truth.

No, no, that can not be the law. I submit to the Senate, I submit to the people, it never could have been intended that the business of a public trust should be private. It never was intended that the doctrine "public office is a public trust" should apply everywhere but to the Executive. It never could have been intended that the trustee of an express trust could, at his will, make private and his own property

evidence of his transactions in the trust and keep out from the *cestui que trust* all knowledge; and yet that is what this doctrine now asserted amounts to.

What answer is made to the argument based upon the tenure-of-office act? We are told by the President of the United States that the tenure-of-office act is in a condition of "innocuous desuetude." Those words have become famous. The mention of them provokes a smile, but, upon my soul, there is in them, in that connection, nothing for me to smile at. This is a government of law. The law is around us all. No man is too great to be subject to it; no man is too low to be protected by it. I am sorry the President of the United States ever used those words. It is a dangerous time when the chief executive officer of a great nation, with an oath registered in Heaven "to take care that the laws be faithfully executed," proclaims in a message to the Senate and to the people that a statute has fallen into *harmless* disuse. All over the United States to-day we hear mutterings of discontent. Some grave and thoughtful men turn blanched faces to the future. In more States than one large combinations of men have stopped the wheels of commerce. Long lines of railway have fallen into *harmful* disuse. If ever there was a time when all good citizens should inculcate respect for the law it is now. Tell me, if you please, how the people of the United States can be expected to yield cheerful and ready obedience to laws, some of which bear harshly upon them, it may be, when the first citizen of the Republic, himself charged with their execution above all other men, says to the world that a statute can *harmlessly* fall into *disuse?*

But the fidelity of the present Executive to law is not to be fairly judged by this standard. His conduct is better than his philosophy. As the Senator from Vermont said the other day, he has constantly executed this law. He not only sends us messages day after day suspending under its provisions, but without it he could not suspend an officer at all.

The Senator from West Virginia, whom I am glad to call my friend, gave utterance to a fit companion piece for this doctrine of "innocuous desuetude" when he talked the other day about the "practical repeal" of the statute. It was a strange sentence to come from a lawyer; and although he read it from a great author, I deny the possibility of it to a lawyer. A statute is repealed or it is not repealed. There is no middle ground. If it is repealed it is gone, it is dead; it is, except as to vested rights, as if it never had existed. If it is unrepealed it is alive, it is virile; and to say that it is "practically" repealed is to impeach whoever is charged with its execution.

Mr. President, what else is said in order to break the effect and force of this statute? Senators on the other side read at length from your speech in 1869 to show that the act was, in your opinion, an impracticable act and that it ought not to have been enacted. They read also from the speech of Mr. Morton and others. To what end? Is the question pending now before the Senate whether we shall repeal the statute or not? No, sir; the question is whether we shall obey it or not. When the time comes to act upon its repeal I may not be far from my friend from West Virginia, but I am sworn now, as the President is, and as we all are, to obey it. The Senate to whom you argued that the law would be impracticable in execution and ought not to be passed did not agree with you. It passed and is the law, and, as the Senator from Massachusetts [Mr. HOAR] suggests, and says truly, when you were Secretary of the Treasury you obeyed it.

Now, that is not all. Senators on the opposite side of the Chamber take time to show that Senators on this side are inconsistent. What of it? I deny that it has been shown; but suppose it were true, that is not the question at issue between the President and the Senate.

Another thing these Senators say, and the President says it in his message, applying it even to papers confessedly official, is that the Senate, notwithstanding this act, has nothing whatever to do with the question of removal. He says the constitutionality of this act is not admitted. He asserts, and Senators assert, going back to 1789, that under the Constitution of the United States the President alone, untrammeled and unrestricted, has the power of removal from office. That is another strange proposition to come from an executive officer.

I think Senators on the other side say of us that in our position we are trenching upon the border line which the Constitution draws between the different departments. You say we are usurping the function, the constitutional prerogative of the Executive, and in the same breath that you berate us for usurping the constitutional prerogative of the Executive, the Executive, with your support, usurps the constitutional prerogative of the judiciary. Who gave the President of the United States or Senators on this floor the power to declare the tenure-of-office act unconstitutional? The Constitution created a tribunal for the purpose of settling such questions. It is the rule that even the highest courts will not hold an act unconstitutional unless its unconstitutionality be clear. The courts even resolve every doubt in favor of the law. It needs no argument to show that no executive officer can systematically disobey a statute upon the ground that in his opinion it is unconstitutional. It would be only one step from that to disobeying a statute because he deemed it to be inexpedient. No, Mr. President, it is a law upon the statute-book. We must obey it, and the President must obey it until the Supreme Court has decided it to be unconstitutional or until it shall have been repealed. There is no middle ground in harmony with the safety of the people or the principles of good government.

Moreover I deny that the tenure-of-office act is unconstitutional. I will not take much of the time of the Senate to discuss that question, but I desire, as it is the burden of the argument on the other side, to refer to it briefly.

The question as to where is lodged, under the Constitution, the power of removal from office is not a new one. It was debated early in the life of the Government. Three contentions—my friend from Maryland said "two"—have been maintained regarding it, each having able and distinguished men for its adherents.

Mr. WILSON, of Maryland, rose.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly. I always yield with great pleasure.

Mr. WILSON, of Maryland. I did not say there were only two contentions. I said there had been three views which had been theoretically entertained originally, but they finally settled down practically to two.

Mr. SPOONER. I beg the Senator's pardon. I did not intend, of course, to misstate him. I remembered only that portion of his speech in which he said, I think, that there were two and only two, and stated what they were, as I understood him.

One class argue that the power of removal from office is an executive power, that the Constitution vests the executive power in the President, that this power is unrestricted, with the single exception of the Senate's right to advise and consent to nominations and to act upon treaties, and that the exception is to be strictly construed, and his executive power therefore is unlimited in the matter of removals. This class also fortify the position by the clause which requires the President "to take care that the laws be faithfully executed," insisting that he can not discharge that function unless he has power to discharge instanter unfaithful, and to appoint in their places, faithful officers. This ground was maintained by Mr. Madison in the great debate which took place in 1789 on the bill to create the Department of Foreign Affairs, now the Department of State, and it is only a fair tribute to the ability of Mr. Madison to say that in all the argument made in behalf of that contention since, no man has been able to add to that which he submitted.

Another contention has been that the power of removal is incident to the power of appointment; that under the Constitution and by the practice of the Government one is removed only by the appointment and confirmation of a successor; that as the Senate is a part of the appointing power, it follows inevitably that no man appointed by and with the advice and consent of the Senate can be removed except by and with the advice and consent of the Senate.

The third contention is that the Constitution is silent as to the power of removal; that it does not confer it expressly upon the President, or upon any other department of the Government; that it is not an executive function, and that the framers of the Constitution intentionally left that instrument silent upon the subject in order to leave to Congress the power to regulate by law the subject of removals from office. I shall not attempt abstract discussion upon the subject.

For a long time the practical exposition put upon the Constitution in 1789, by a vote of 34 to 20 in the House, and the casting vote of the Vice-President in the Senate, was considered to have settled the construction in favor of the unlimited power of removal by the President in the absence of statutory regulation. But strong arguments were repeatedly made against it, and it has always been considered that the fact that George Washington was the then President had much to do with the adoption of that construction. The diary of the debate kept by Mr. Maclay, a Senator from Pennsylvania, read to the Senate on the discussion of the tenure-of-office act in 1869 by Mr. EDMUNDS, clearly shows that the question was debated with great spirit on both sides, and that caucusing and appeals in behalf of the President had much to do with the result—a tie in the Senate as it was.

Pending the adoption of the Constitution its enemies asserted as an argument against it that it gave the President the power of removal, while its friends, including Mr. Hamilton and Mr. Madison, defended it by placing upon its provisions a different construction. In 1789 Mr. Madison had changed his mind. It is not recorded that Mr. Hamilton ever changed his.

The power was not exercised to any extent until 1826, and in the light of our times it was not exercised then.

In 1835 Mr. Clay and Mr. Calhoun and Mr. Webster attacked the construction as to power of removal, and denied absolutely, not all on the same ground, however, the binding effect of the practical exposition made by the act of 1789.

In 1818 Mr. Wirt, then Attorney-General, gave the first official opinion upon the subject coming from that office, that where Congress had not undertaken to restrict the tenure of office by the act creating the office, a commission would issue to run during the pleasure of the President, but if the tenure of the office was fixed by law, then the commission must conform to the law.

In 1826 a committee of the Senate, consisting of Mr. Benton, of Missouri; Mr. Macon, of North Carolina; Mr. Van Buren, of New York;

Mr. Dickerson, of New Jersey; Mr. Johnson, of Kentucky; Mr. White, of Tennessee; Mr. Holmes, of Maine; Mr. Hayne, of South Carolina, and Mr. Findlay, of Pennsylvania, was appointed to take into consideration the question of restraining the power of the President over removals from office, and a report was made, in which they said among other things, "not being able to reform the Constitution as to the election of a President we must go to work upon his powers, and trim down these by statutory enactments, wherever it can be done by law," and for this purpose reported six bills, one to regulate the publication of the laws and public advertisements, another to secure in office faithful collectors and disbursers of the revenues, the first section of which vacated the commission of all officers, after a given date, charged with the collection and disbursement of the public moneys, who had failed to account for such moneys on or before the 30th day of December preceding; and the second section enacted that at the same time a nomination is made to fill a vacancy occasioned by the exercise of the President's power to remove from office the fact of the removal shall be stated to the Senate, with a report of the reasons for which such officers may have been removed. Also a bill to regulate the appointment of postmasters and a bill to prevent military and naval officers from being dismissed the service at the pleasure of the President, by inserting a clause in the commission of such officers that "it is to continue in force during good behavior," and "that no officer shall ever hereafter be dismissed the service except in pursuance of the sentence of a court-martial or upon address to the President from the two Houses of Congress."

In 1830 Mr. Holmes introduced and discussed in the Senate a series of resolutions which contained, among other things, an assertion of the right of the Senate to inquire, and the duty of the President to inform them, when and for what cause any officer has been removed in the recess.

In 1835 Mr. Calhoun, Mr. Southard, Mr. Bibb, Mr. Webster, and Mr. King, of Georgia, were elected a committee to consider the subject of executive patronage, and the means of limiting it. That committee, with but one dissenting voice, reported a bill, which provided in its third section—

That in all nominations made by the President to the Senate to fill vacancies occasioned by removal from office the fact of the removal shall be stated to the Senate at the same time that the nomination is made, with a statement of the reasons for such removal.

This is the precise section reported by Mr. Benton in 1826, and passsd to a second reading in the Senate. After much discussion the bill passed the Senate—31 yeas, 16 nays.

Thus it will appear that the practical exposition of 1789 was from time to time repudiated by some of the ablest men the legislation of this country has ever known.

Mr. Clay said, in 1835, in the debate:

It is legislative authority; it creates the office, defines its duties and may prescribe its duration. I speak, of course, of the offices not created by the Constitution.

It would be well for our Democratic friends to bear in mind this distinction and to devote their argument a little more to the inferior officers which are left expressly to the jurisdiction of Congress; and the Senator from Vermont [Mr. EDMUNDS] calls my attention to the fact, which I had not known, that the Supreme Court of the United States at this very term has decided that Congress may regulate the term of the inferior officers and that the executive officers can not turn them out, which ought to be considered satisfactory authority in support of the tenure-of-office act, at least so far as it applies to offices not mentioned in the Constitution. I continue the quotation from Mr. Clay:

I speak, of course, of the offices not created by the Constitution, but the law, the office coming into existence by the will of Congress, the same will may provide how and in what manner the office and officer shall cease to exist. It may direct the conditions on which he shall hold the office, and when and how he shall be dismissed. Suppose the Constitution had omitted to prescribe the tenure of the judicial oath, could not Congress do it? But the Constitution has not fixed the tenure of any subordinate offices, and therefore Congress may supply the omission. It would be unreasonable to contend that although Congress in pursuance of the public good brings the offices and the officer into being and assigns their purposes, yet the President has a control over the officer which Congress can not reach and regulate.

The precedent of 1789 was established in the House of Representatives against the opinion of a large and able minority, and in the Senate by the casting vote of the Vice-President, John Adams. It is impossible to read the debate which it occasioned without being impressed with the conviction that the just confidence reposed in the Father of his Country, then at the head of the Government, had great if not decisive influence in establishing it. I think consequently that the decision of 1789, which implied a power of removal separate from the appointing power, was erroneous, but I think the decision of 1789 has been established and recognized by subsequent law as the settled construction of the Constitution, and that it is our duty to act upon the case accordingly for the present, without admitting that Congress may not, if necessity shall require, reverse the decision of 1789.

Mr. Clay concluded:

I think the Legislature possesses the power of regulating the condition, duration, qualification, and tenure of office in all cases where the Constitution has made no express provision upon the subject.

Daniel Webster, who used to be considered pretty good authority on the Constitution, says:

I think then, sir, that the power of appointment naturally and necessarily includes the power of removal, where no limitation is expressed, nor any tenure but that at will declared. The power of appointment being conferred on the President and Senate, I think the power of removal went along with it, and should have been regarded as part of it and exercised by the same hands. I think the Legislature possesses the power of regulating the condition, duration, qualification, and tenure of office in all cases where the Constitution has made no express provision on the subject. I am, therefore, of opinion that it is competent for Congress to decide by law, as one qualification of the tenure of office, that the incumbent shall remain in place till the President shall remove him for reasons to be stated in the Senate.

Hon. Thomas Ewing, of Ohio, one of the ablest lawyers of the country, spoke at length upon the question of removals, maintaining that the Constitution does not confer on the President alone the power of removal; that it is a matter of legislative provision, subject to be vested, modified, changed, or taken away at their will, and if it is not regulated at all by law it rests in the President, in conjunction with the Senate, as part of the appointing power.

Mr. Justice Story says, volume 2, section 1357, Story on the Constitution:

It is observable that the Constitution makes no mention of any power of removal by the Executive of any officers whatsoever. As, however, the tenure of office of no officers except those in a judicial department is by the Constitution provided to be during good behavior, it follows by irresistible inference that all others must hold their offices during pleasure, unless Congress shall have given some other duration to their office.

As far as Congress constitutionally possesses the power to regulate and delegate the appointment of inferior offices, so far they may prescribe the term of office, the manner in which and the person by whom the removal, as well as the appointment to office, shall be made. * * * The language of the Constitution is: That the President shall nominate and, by and with the advice and consent of the Senate, appoint, &c. The power to nominate does not naturally or necessarily include the power to remove, and if the power to appoint does include it, then the latter belongs conjointly to the Executive and the Senate. In short, under such circumstances the removal takes place in virtue of the new appointment by mere operation of law. It results, and is not separable, from the appointment itself.

During the administration of President Washington few removals were made, and none without cause. Few were made in that of the first President, Adams. In that of President Jefferson the circle was greatly enlarged, but yet it was kept within narrow bounds, and with an express disclaimer of the right to remove for differences of opinion, or otherwise than for some clear public good. In the administrations of the subsequent Presidents, Madison, Monroe, and J. Q. Adams, a general moderation and forbearance were exercised, with the approbation of the country, and without disturbing the harmony of the system.

Mark this—

But at all events it will be a consolation to those who love the Union and honor a devotion to the patriotic discharge of duty, that in regard to inferior offices (which appellation probably includes ninety-nine out of a hundred of the lucrative offices in the Government) the remedy for any permanent abuse is still within the power of Congress by the simple expedient of requiring the consent of the Senate to removals in such cases.

This power was frequently asserted prior to 1867. On the 15th of May, 1820, Congress provided (volume 3, Statutes at Large, page 582) for the term of offices of certain officers therein named to be four years, but made them removable at pleasure. By the second section of the same act Congress removed from office all the officers therein commissioned, in providing a date when each commission should expire.

By the act of July 17, 1862, Congress provided (voulme 12, Statutes at Large, page 596)—

That the President of the United States be, and he is hereby, authorized and requested to dismiss and discharge from the military service, either in the Army, Navy, Marine Corps, or volunteer force in the United States service, any officer for any cause which in his judgment either renders such officer unsuitable for, or whose dismissal would promote, the public service.

The commissions of such officers ran during the pleasure of the President, and yet Congress passed this act of authority, which it would not have done except as a legislative construction of the Constitution that he did not possess the authority without the enactment.

Congress, February 12, 1863 (12 Statutes at Large, 665), passed the act providing for the office of Comptroller of the Currency, which authorized the President, on the nomination of the Secretary of the Treasury, by and with the advice and consent of the Senate, to appoint that officer, and declared that he should hold his office for the term of five years, unless sooner removed by the President, by and with the advice and consent of the Senate. By the act of June 3, 1864, there was added that he shall be removed upon reasons to be communicated to the Senate.

By the act of July 13, 1866, Congress enacted:

That no officer in the military or naval service shall in time of peace be dismissed from the service except upon and in pursuance of the sentence of a court-martial to that effect.

By the the law passed in 1873 (section 343 Revised Statutes) Congress authorized the appointment of the Director of the Mint, and provided that he may be removed by the President upon reasons to be communicated to the Senate, and President Cleveland—against whom I have no improper word to say—has removed the Director of the Mint and sent to the Senate, as in law bound to do, a message communicating his reasons for that removal.

Now, Mr. President, it is kindly suggested to me—and I avail myself of it, as I was ill when I commenced to talk and have been growing no better very rapidly—that I may stop here and conclude what little I have to say to-morrow.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received this 18th day of March, 1886.

UNITED STATES CONSUL.

Henry C. Crouch, of Kingston, N. Y., to be consul of the United States at Milan, to fill a vancancy.

FOR APPOINTMENT BY TRANSFER IN UNITED STATES ARMY.

Second Lieut. Selah R. H. Tompkins, of the Seventh Infantry, to be second lieutenant Seventh Cavalry, March 12, 1886, with rank in the cavalry of the service from August 28, 1885.

Second Lieut. Lorenzo P. Davison, of the Seventh Cavalry, to be second lieutenant Eleventh Infantry, March 12, 1886, with rank in the infantry arm from August 28, 1885.

POSTMASTERS.

J. E. Putmant, to be postmaster at Willow, Colusa County, California, *vice* William Johnson, commission expired.

William Kirkwood, to be postmaster at Sullivan, Moultrie County, Illinois, *vice* Aaron Miley, commission expired.

R. A. Perkins, to be postmaster at Canton, Fulton County, Illinois, *vice* Clarence E. Snively, to be removed.

John C. Strader, to be postmaster at Geneva, Kane County, Illinois, *vice* Benjamin Burton, commission expired.

Samuel H. Buck, to be postmaster at New Orleans, parish of Orleans, Louisiana, *vice* Washington B. Merchant, resigned.

George P. McKenney, to be postmaster at Saco, York County, Maine, *vice* Samuel F. Chase, whose commission expires March 22, 1886.

Jeremiah C. Byrnes, to be postmaster at Ware, Hampshire County, Massachusetts, *vice* John W. Cummings, whose commission expires March 22, 1886.

James C. Holmes, to be postmaster at Saint Charles, Saint Charles County, Missouri, *vice* George R. Buckner, resigned.

John S. Preston, to be postmaster at Shelbina, Shelby County, Missouri, *vice* John S. Chandler, to be removed.

Frederick J. Klein, to be postmaster at Bryan, Williams County, Ohio, *vice* Robert D. Dole, commission expired.

T. C. Oltorf, to be postmaster at Marlin, Falls County, Texas, *vice* William Killebrew, whose commission expires March 29, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 12, 1886.

MAJOR-GENERAL.

Brig. Gen. Alfred H. Terry, to be major-general, March 3, 1886.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

V. O. King, of Texas, to be secretary of the legation and consul-general of the United States at Bogota.

JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be a justice of the peace for the District of Columbia, to reside in Georgetown, D. C., *vice* Jenkin Thomas, deceased.

CONSUL.

John Woessner, of Texas, now vice-consul at Saltillo, to be consul of the United States at that place.

PENSION AGENT.

John D. Anderson, at Augusta, Me.

INDIAN AGENT.

John W. Cramsie, of Fort Totten, Dak., who was recommissioned during the recess of the Senate, when his term of office had expired, to be agent for the Indians of the Devil's Lake agency in Dakota.

UNITED STATES ATTORNEY.

Henry W. McCorry, of Tennessee, to be attorney of the United States for the western district of Tennessee.

SURVEYOR OF CUSTOMS.

Daniel O. Barr, of Pennsylvania, to be surveyor of customs in the district of Pittsburgh, in the State of Pennsylvania.

INDIAN INSPECTOR.

Eli D. Bannister, of Lawrenceburg, Ind., who was commissioned during the recess of the Senate, to be an Indian inspector.

UNITED STATES MARSHAL.

William C. Jones, of Kansas, to be marshal of the United States for the district of Kansas.

INSPECTOR OF STEAM-VESSELS.

Matthew O'Brien, of Louisiana, to be supervising inspector of steam-vessels for the tenth district.

RECEIVER OF PUBLIC MONEYS.

Robert W. Hutchins, of Eureka, Cal., to be receiver of public moneys at Humboldt, Cal.

COLLECTORS OF INTERNAL REVENUE.

Andrew Welch, of Illinois, to be collector of internal revenue for the second district of Illinois.

Cornelius Voorhis, of Missouri, to be collector of internal revenue for the fourth district of Missouri.

POSTMASTERS.

M. O. Bowdoin, to be postmaster at Griffin, Spalding County, Georgia.

Thomas J. Hudson, to be postmaster at Winterset, Madison County, Iowa.

Thomas J. Franisco, to be postmaster at Cuyahoga Falls, Summit County, Ohio.

Frank A. Dessert, to be postmaster at Macon City, Macon County, Missouri.

Ebenezer Barber, to be postmaster at Marseilles, La Salle County, Illinois.

Edward R. Pemberthy, to be postmaster at Houghton, Houghton County, Michigan.

William H. Woodall, to be postmaster at Huntsville, Walker County, Texas.

Andrew J. Shakespeare, to be postmaster at Kalamazoo, Kalamazoo County, Michigan.

John H. Bewley, to be postmaster at Smyrna, Kent County, Delaware.

Samuel S. Kemp, to be postmaster at Maywood, Cook County, Illinois.

John S. Finley, to be postmaster at Holly Springs, Marshall County, Mississippi.

Joseph F. Snyder, to be postmaster at La Grange, La Grange County, Indiana.

Wilbur F. Goddard, to be postmaster at Lena, Stephenson County, Illinois.

Cary T. Pope, to be postmaster at Hillsborough, Highland County, Ohio.

Albert H. Seeley, to be postmaster at Rushville, Schuyler County, Illinois.

C. S. Brady, to be postmaster at Newark, Licking County, Ohio.

Waters B. Miller, to be postmaster at Cape May, Cape May County, New Jersey.

W. H. H. McIlyar, to be postmaster at Cambridge, Guernsey County, Ohio.

John S. Rogers, to be postmaster at Beloit, Mitchell County, Kansas.

Samuel L. P. Stone, to be postmaster at Urbana, Champaign County, Ohio.

Frank Kneedler, to be postmaster at Phillipsburgh, Warren County, New Jersey.

Thomas W. Poindexter, to be postmaster at Dillon, Beaver Head County, Montana.

Gustavus Schuasse, to be postmaster at Rapid City, Pennington County, Dakota.

A. T. Bitters, to be postmaster at Rochester, Fulton County, Indiana.

James H. Richardson, to be postmaster at Quincy, Adams County, Illinois.

James Benton, to be postmaster at Colfax, Whitman County, Territory of Washington.

Dudley S. Nye, to be postmaster at Marietta, Washington County, Ohio.

John McAusland, to be postmaster at Mills City, Custer County, Territory of Montana.

James P. Lowell, to be postmaster at Waynesborough, Franklin County, Pennsylvania.

Willis L. Grimes, to be postmaster at Batavia, Kane County, Illinois.

Benjamin Tobias, to be postmaster at Washington, Tazewell County, Illinois.

Isaac D. Lear, to be postmaster at Salem, Marion County, Illinois.

E. P. Jaycox, to be postmaster at Sandwich, De Kalb County, Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 18, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. DARGAN. Mr. Speaker, I wish to make a correction of the Journal. The bill reported back by me yesterday from the Committee on Military Affairs (H. R. 1077) is stated to have been reported back without amendment. It was reported with amendments.

The SPEAKER. The correction will be made.

The Journal was then approved.

HEATING APPARATUS IN PUBLIC BUILDINGS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending an appropriation for heating apparatus in certain public

buildings; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT BROOKLYN, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending an extension of limit of cost of the public building at Brooklyn, N. Y., and the purchase of additional land adjoining the site thereof; which was referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President by Mr. PRUDEN, one of his secretaries.

He further announced that the President had approved and signed a bill and joint resolutions of the following titles, namely:

A bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart;

Joint resolution (H. Res. 105) to print 12,500 copies of the eulogies on Reuben Ellwood, late a Representative in Congress; and

Joint resolution (H. Res. 124) to print 31,000 copies of the eulogies on Thomas A. Hendricks, late Vice-President of the United States.

FORT PORTER, BUFFALO, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of War, submitting an estimate for rebuilding Fort Porter, Buffalo, N. Y.

Mr. FARQUHAR. Mr. Speaker, I ask to have the letter of the Secretary of War referred to the Committee on Appropriations.

The SPEAKER. The Chair thinks this should properly go to the Committee on Military Affairs. The Chair will state to the gentleman from New York that under the rule of the House the Committee on Appropriations can not report on appropriation except in pursuance of exisiting law, and on an examination of this communication the Chair is not able to see that there is any law now in force authorizing the construction of this building.

Mr. FARQUHAR. Permit me to state, Mr. Speaker, that this estimate did not come in with the regular letter of appropriations from the Department owing to the fact that the report in this case was withheld for the purpose of securing some further data upon the subject. Otherwise it would have appeared in the regular estimates.

The SPEAKER. Is there a law authorizing the construction of the building?

Mr. FARQUHAR. I judge so. I ask unanimous consent that this be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

OREGON WAGON-ROAD COMPANIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House calling for information in relation to lands patented to the Oregon Central Military Wagon-road Company, the Willamette Valley and Cascade Mountain, and the Dalles Military Wagon-road Companies; which was referred to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WORTHINGTON for this day, and to Mr. MORRILL for fifteen days, on account of important business.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. NEGLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House No. 4232.

The SPEAKER. The bill will be read, subject to objection.

Mr. BEACH. I object. It is not necessary to consume time in reading the bill.

Mr. NEGLEY. If the gentleman will allow the title of the bill to be read I am sure he will not object.

Mr. BEACH. My objection is not on account of the subject-matter of the bill, but is based entirely upon a different ground. I must maintain the objection.

Mr. NEGLEY. I trust the gentleman will not insist upon his objection. This is a bill to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va. The gentleman did not object on yesterday when a measure of far less importance was disposed of, a measure not pertaining to the soldiers of the country.

The SPEAKER. But still the gentleman has the right to object.

Mr. NEGLEY. Undoubtedly he has the right to object; but we do not honor his right.

REPORT ON INDIAN AFFAIRS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to offer a resolution for reference to the Committee on Printing.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That there be printed 3,000 additional copies of the report of the Select Committee on Expenditures for Indians and the Yellowstone Park; 2,500 copies to be for the use of the House, and 500 to be for the use of the committee.

The resolution was referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. REAGAN. I desire to ask consent to introduce some bills for reference merely.

Mr. BEACH. I object.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill H. R. 5539 and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The Clerk proceeded to read as follows:

A bill (H. R. 5539) for the relief of James G. Martin.

Be it enacted, &c.—

Mr. NEGLEY. Mr. Speaker, if a claim for the soldiers of the Union can not be considered, this claim, which is of a private nature, can not be considered either under the rule. I therefore object. [Cries of "Regular order!"]

CRUISE OF THE CORWIN.

Mr. BARKSDALE. I desire to present a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following resolution, have considered the same, and respectfully recommend its adoption:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the revenue-marine steamer Corwin in the Arctic Ocean in the year 1885, with all accompanying documents."

The resolution was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES.

Mr. BARKSDALE. I present another privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the accompanying resolution, have duly considered the same, and report it back to the House with an amendment:

"*Resolved*, That the Committee on Coinage, Weights, and Measures be permitted to print such arguments and statements and other matters pertaining to the coinage question as the committee may deem worthy of printing."

The amendment recommended by the Committee on Printing was as follows:

Add to the resolution the following proviso:

"*Provided*, That the cost of printing such arguments, statements, and other matters shall not exceed the sum of $500."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. FARQUHAR. I present a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the Senate concurrent resolution providing for the printing of 15,000 additional copies of the statistical abstract of the United States for the year 1885, having duly considered the same, instruct me to report it back to the House and recommend its passage. The estimated cost of printing the same is $1,361.60:

"*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1885; of which 5,000 copies shall be for the use of the Senate and 10,000 for the use of the House of Representatives."

Mr. SPRINGER. I should like to have some information about the character of this work. I believe this is a publication which has not heretofore been published at the Printing Office.

Mr. FARQUHAR. It is at the Government Printing Office.

Mr. SPRINGER. But not heretofore authorized to be published. I would like to know the extent of the work.

Mr. FARQUHAR. This is the general statistical abstract which has been in the hands of members for a week or two. It sets forth the whole of the statistical information prepared by the Bureau of Statistics under direction of the Secretary of the Treasury, principally of exports and imports. It is valuable for use by the Committee on Ways and Means and other committees on expenditures.

Mr. SPRINGER. Then it has been published heretofore?

Mr. FARQUHAR. The usual number of copies have been printed this year, and this resolution provides for the printing of an additional number for the use of the House and Senate.

The resolution was agreed to.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the standing and select committees for reports.

ADVERSE REPORT.

Mr. TUCKER, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 4744) to repeal section 3701 of the Revised Statutes of the United States; which was laid on the table, and the accompanying report ordered to be printed.

SECTION 3336 OF REVISED STATUTES.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXPORT TOBACCO MANUFACTORIES.

Mr. HARRIS, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 2522) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. COLLINS, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 5369) to establish a uniform system of bankruptcy throughout the United States; which was laid on the table, and the accompanying report ordered to be printed.

ADMINISTRATION OF OATHS.

Mr. COLLINS, from the Committee on the Judiciary, also reported back with a favorable recommendation the bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States, so as to allow oaths to be administered by notaries public; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. COLLINS, from the Committee on the Judiciary, also reported back with amendments the bill (H. R. 1119) to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIABILITY OF VESSEL-OWNERS.

Mr. CALDWELL, from the Committee on Commerce, reported back with an adverse recommendation the bill (H. R. 3653) to limit the liability of owners of vessels; which was laid on the table, and the accompanying report ordered to be printed.

LICENSING TOWING VESSELS.

Mr. DUNHAM, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL LIGHT-HOUSE DISTRICTS.

Mr. CLARDY. I am instructed by the Committee on Commerce to report, as a substitute for sundry bills referred to the committee, a bill authorizing the construction of additional light-house districts.

The SPEAKER. The Chair will state to the gentleman from Missouri that a substitute can not be reported for several bills. A substitute is an amendment, and can apply only to one bill. If the gentleman desires to report the bill he has sent up in lieu of the other bills, and will send those bills to the Clerk's desk so that they can be disposed of by the House, the Chair will entertain the report.

Mr. CLARDY. I desire to call the attention of the Chair to the statement on this point on page 453 of the Digest.

The SPEAKER. There is no difficulty about reporting a substitute. A substitute is simply an amendment, and it is not in order to amend several bills by one proposition. But the gentleman can report this as a new bill.

Mr. CLARDY. Mr. Speaker, I ask the Chair to have read the paragraph in the Digest to which I refer.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Under the practice of the House for many years, where a substitute is reported by a committee for a bill, or, as is often the case, for a number of bills, the substitute alone is considered, the original bill or bills remaining with the committee. The substitute is read the first and second time, is numbered, and becomes to all intents and purposes an original bill. This has been found much more convenient than the old practice when bills were not printed as now. Formerly it was the practice to treat a substitute as an amendment in the nature of a substitute, to wit, by striking out all after the enacting clause and inserting the matter proposed or recommended by the committee in lieu of that referred to.

The SPEAKER. But the difficulty in the case now presented to the House is that the very title of the bill which the gentleman reports shows that it is a substitute for several bills, the numbers of which are given. Now all those bills can not possibly come up at once for consideration, and therefore a substitute for them all can not be adopted. If, as the Chair has already suggested, the gentleman will make this a separate and independent bill, the report will be correct. The title can be changed, and the bill will take the place, or rather will embrace the subjects, of all the bills in lieu of which it is reported.

Mr. CLARDY, from the Committee on Commerce, reported a bill (H. R. 6979) authorizing the construction of additional light-house districts; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. CLARDY. Mr. Speaker, I am directed by the Committee on Commerce to ask that that committee be discharged from the further consideration of the bills which I send to the Clerk's desk, and that they be referred to the Committee on Appropriations.

While the bills and the accompanying letters do not show that the work is in continuation of improvements already in progress, the annual report of the Light-House Board does show that fact in all these cases.

On motion of Mr. CLARDY, the Committee on Commerce was discharged from the further consideration of bills of the following titles; which were severally referred to the Committee on Appropriations:

A bill (H. R. 3579) making an appropriation for the establishment of a light-house at Harbor Island, North Carolina;

A bill (H. R. 3446) making an appropriation for the establishment of a light-house on Moose Peak, Mistake Island, west entrance to Bay of Fundy, Maine;

A bill (H. R. 3261) making an appropriation for the establishment of a light-house at Anclote Keys, Florida;

A bill (H. R. 3233) making an appropriation for the establishment of a light-house at Destruction Island, Washington Territory; and

A bill (H. R. 243) making an appropriation for the erection of a light-house on Dog Island, Florida.

PROMOTION OF GRADUATES OF UNITED STATES MILITARY ACADEMY.

Mr. BRAGG, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 223) to regulate the promotion of graduates of the United States Military Academy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IRON PIER AT FORTRESS MONROE, VA.

Mr. FINDLAY (by Mr. BRAGG), from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 6611) providing for the construction of an iron pier at Fortress Monroe, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MICHAEL P. SMALL.

Mr. FINDLAY (by Mr. BRAGG), from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4616) for the relief of Michael P. Small; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE K. OTIS.

Mr. STRAIT, from the Committee on the Public Lands, reported back favorably the bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land warrants lost while in the possession of the officers of the Government; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT JACKSON, TENN.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 3707, a bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 3707 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LEWIS TYNS.

Mr. WOLFORD, from the Committee on Pensions, reported back with amendment the bill (H. R. 247) granting a pension to Lewis Tyns; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES V. MESLER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 6182) for the relief of Charles V. Mesler;

which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

A. A. THOMAS.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (S. 391) for the relief of A. A. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AUGUSTUS D. SAYLOR.

Mr. BUCHANAN, from the Committee on Claims, reported back favorably the bill (H. R. 4682) for the relief of A. D. Saylor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

OWNERS AND OFFICERS OF BRIG OLIVE FRANCES.

Mr. NEAL, from the Committee on Claims, reported back with amendment the bill (H. R. 1015) for the relief of the owners and officers of the brig Olive Frances and others on board said brig; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. T. MARSHALL.

Mr. NEAL, from the Committee on Claims, also reported back with amendment the bill (H. R. 3922) for the relief of S. T. Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanping report ordered to be printed.

RICHARD C. RIDGWAY AND OTHERS.

Mr. NEAL, from the Committee on Claims, also reported back favorably the bill (H. R. 1980) for the relief of Richard C. Ridgway and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

W. C. PHILLIPS.

Mr. SMALLS, from the Committee on War Claims, reported back adversely the bill (H. R. 2394) for the relief of W. C. Phillips; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT YONKERS, N. Y.

Mr. COLE (by Mr. JOHNSTON, of North Carolina), from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1606, a bill (H. R. 6981) to erect a public building at Yonkers, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 304 REVISED STATUTES.

The call of committees for reports having been concluded,

Mr. TUCKER said: I am directed by the Committee on the Judiciary to report back with the amendments of the Senate the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States. The committee recommend that the House disagree to the amendments of the Senate and ask a conference.

There being no objection, the House proceeded to the consideration of the amendments of the Senate, which were non-concurred in.

The SPEAKER. If there be no objection, a conference with the Senate will be asked.

There was no objection.

The SPEAKER announced the appointment of Mr. TUCKER, Mr. ROGERS, and Mr. STEWART of Vermont as the conferees on the part of the House.

INVESTIGATION OF CLAIMS AGAINST THE UNITED STATES.

The SPEAKER. The hour for the consideration of bills called up by committees begins at three minutes past 1 o'clock. The call rests with the Committee on Claims. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 5314) conferring jurisdiction upon the Court of Claims to investigate private and domestic claims and demands, other than war claims, against the United States.

Mr. SPRINGER. I yield ten minutes to the gentleman from Missouri [Mr. WARNER.]

Mr. WARNER, of Missouri. Mr. Speaker, the bill now under consideration was referred to the Committee on Claims, and after careful consideration was reported back to the House with a unanimous recommendation that it do pass. The committee of this Congress that has under consideration private and domestic claims other than war claims against the Government is, I apprehend, no exception to the rule which has prevailed with reference to committees of previous Congresses that have had such claims under consideration; and, sir, the committee felt that they could hope for no greater measure of success than had followed the labors of the committees in previous Congresses. We were confronted in that committee and are now confronted with over fifteen hundred claims, running in amounts from a few dollars up to millions of dollars. Those claims are presented upon *ex parte* evidence. Many of the claims are entitled to consideration at the hands of the Government, while many are simply thrown into the Congressional lottery to take their chances, to see whether they will draw a prize in the manner in which these matters are being disposed of by Congressional action on *ex parte* evidence. The just and unjust stand an equal chance.

At the last Congress there were referred to the Committee on Claims, if my memory serves me aright, nine hundred and thirteen claims. Of those, one hundred and sixty-three were reported back to the House, and only twelve ever received the concurrent action of both branches of Congress so as to become laws. The aggregate amount appropriated in all bills of a private nature that passed the last Congress was $24,844.09. Congress is, it is safe to say, the most expensive, as well as the most dilatory, tribunal before which these claims can be investigated. The Committee on Reform in the Civil Service of the Forty-fifth Congress used this language:

It is hardly too much to say that a person with a just claim upon Congress might almost as well abandon it as pursue it, and that no one with an unjust claim, if only plausible, persistent, and needy, need be without some hope of success.

The evils, as well as the folly, of attempting, or rather pretending, to adjudicate private and domestic claims by Congressional investigation is much more apparent now than in the Forty-fifth Congress.

It would be safe, sir, to state that the time consumed in the consideration of some one of these claims costs the Government more than the entire amount appropriated to pay all the claims which are finally allowed by the Government in any session. The question that presents itself to a gentleman on that Committee on Claims and should present itself to any member of Congress is, is it the policy of this Government to pay its just claims and to see that unjust claims shall not be paid, or is it the policy of the Government to keep the word of promise to the ear of the citizen while we most effectually break it to his hope?

I received yesterday a letter which illustrates the opinion of a constituent of a member of this House at home. He writes of a bill which has been introduced by his Representative and says: "My friend, Hon. ——, has introduced a bill, and by an industrious effort has secured its reading a first and second time and had it referred to your committee." [Laughter.] He evidently felt his Representative in Congress was looking after his interest, and that a man who could secure the reading of the bill twice and have it referred to a committee had it on the highway to its speedy allowance. If he had been in the Committee on Claims, if he had seen the wrecks strewed along the highways and byways of Congress of the men who had pursued their honest claims against the Government until relieved by death, leaving their claims against the United States as a legacy to their children—for if a man does not belong to the favored few an ordinary lifetime is far too short to get a claim through Congress—the chances are that my friend who had his bill read twice and referred to the committee if now young will be old before it ever gets to the third reading. [Laughter.]

Mr. DINGLEY. You will find the same wrecks upon the Private Calendar.

Mr. WARNER, of Missouri. It is suggested also that the Private Calendar is filled with the same wrecks. That is true. Then the bills that are reported are permitted to sleep the sleep that knows no waking. The position of the Committee on Claims is simply this: We come before Congress with this bill; we say if it is the prerogative of Congress to entertain these claims, let it entertain them in good faith. Let us deal honestly with claimants. I do not use too strong an expression on the part of men having just demands against the Government.

To meet this, sir, the bill under consideration does not go as far as many members might wish it to go. I am willing to concede possibly I would be willing to go further myself than the provisions of this bill go. But, sir, your committee felt this bill was a step in the right direction, and if a conservative measure of this kind were presented we felt it would receive the approval not only of this House, but of the other branch of Congress, and become a law. It provides, in short, for referring all private and domestic claims, other than war claims, against the Government to the Court of Claims for a finding of fact in each case. And when that finding is made it shall be reported back to Congress by the court for appropriate action.

Mr. STEWART, of Vermont. Is not that the law now?

Mr. WARNER, of Missouri. I thank the gentleman from Vermont for asking me the question whether that is not the law now. I say no, it is not; and I say so understandingly. Under section 1 of the Bowman act there is provision made for reference to the Court of Claims by the committee. The Bowman law is entitled "An act to provide for the relief of Congress," but the only relief granted by the act itself especially is in the title of the act. [Laughter.]

Mr. PETTIBONE. That is so.

Mr. WARNER, of Missouri. The gentleman must know, and if there is any controversy on the question I have the law here, that the statute of limitations applies to every matter referred to the Court of Claims. Under section 1059 of the Revised Statutes it is provided that the Court of Claims shall have jurisdiction to hear and determine all claims founded upon any law of Congress, upon any regulation of an Executive Department, and upon any contract, expressed or implied, with the Government of the United States, as well as all claims which may be re-

ferred to the court by either House of Congress. The Bowman act gives any committee of Congress before which a claim is pending which involves the investigation and determination of facts authority to refer the claim to the Court of Claims for a finding of fact, but prohibits the court from entering any judgment thereon.

Yet, sir, as the honorable gentleman must know, by the second section of the Bowman act the Court of Claims can not consider any claim against the United States which is barred by virtue of the provisions of any law of the United States. Section 1069 Revised Statutes forever bars any claim against the United States in the Court of Claims, unless the petition setting forth a statement thereof is filed in the court within six years after the claim first accrued, except in cases in which the claimant comes within some of the disabilities enumerated in the statute; then the limitation is three years after the disability is removed, provided that the claim accrued during the disability of the claimant. This embraces married women, persons beyond seas, minors, &c.

Mr. STONE, of Massachusetts. Is not the gentleman from Missouri mistaken as to the statute of limitations barring all these claims?

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HISCOCK. I hope the gentleman from Illinois will allow him to proceed with his remarks, as I would like to ask him a single question.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. SPRINGER. I will yield five minutes longer to the gentleman from Missouri.

Mr. WARNER, of Missouri. In answer to the gentleman from Massachusetts, let me call his attention to 19 Court of Claims, in Ford, administrator, against the United States, page 519. The syllabus of the case is as follows:

The provision of the Bowman act, that this court shall not have jurisdiction of any claim which is now barred by virtue of the provisions of any law is not confined to a law of limitation or to any express law barring the claim in express terms, but extends to every law which has the effect of barring it.

And in that same decision the court say that the statute of limitations applies to all cases which are referred for the mere finding of fact, &c. I think the gentleman from Massachusetts [Mr. STONE] will concede that I have not overstated the proposition.

Now, sir, the provisions of this bill have in effect repealed every statute of limitation—every statute of limitation with reference to the presentation of a private and domestic claim other than war claims against the Government save this, that if the claimant does not file his petition in the Court of Claims within two years after the claim shall have been referred by Congress or by the committee to the Court of Claims then the claim shall be forever barred.

Do you wish to repeal the statute of limitation? Your actions would indicate that you do. Every member on this floor by his act in introducing bills for the relief of private individuals (and you only do so when the claimant has no standing in court because of the statute of limitation, or unless it be a claim that is addressed solely to the discretion of Congress)—by our action in such cases we establish the fact that we are in favor of removing the bar of the statute of limitation in individual cases; that is, in every case when asked by a constituent to introduce a bill for his relief we do so.

I submit that the Congress of the United States, assembled for legislative purposes, is hardly a proper body for the investigation of disputed facts necessary to a proper determination of these private claims. Let the facts be investigated by a judicial tribunal, where in each case they may be determined in accordance with the rules of evidence, where witnesses may be examined and cross-examined, so that the honest claimant may have that which belongs to him, and thus insure the rejection of fraudulent claims.

This bill provides further, that at the adjournment of each Congress the Clerk of the House of Representatives and the Secretary of the Senate shall refer all private and domestic claims pending which have not been referred by the respective committees to the Court of Claims for a finding of fact the same as others referred to it by the committee, and that a record shall be kept of such claims so referred, which shall be entered in the Journals of the respective Houses and also in the CONGRESSIONAL RECORD.

And if the claims so referred when reported back to Congress by the court are not finally acted upon during the session at which they are reported, they shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

It is safe to say that not 25 per cent. of the private claims that are thrown into the Congressional hopper—where the chaff is not at all times separated from the grain—would ever enter their appearance for a judicial investigation in a court. Those claims that are meritorious will be so declared. They will come back to Congress with a finding of fact upon which we can act intelligently and justly; that is, do even and exact justice to the claimant and the Government.

If it is the policy of Congress to have the facts in each claim before it before passing upon the claim, in order that the citizen, in a reasonable time, may be paid that to which he is honestly entitled, and to insure the rejection of claims without merit, then Congress should, in the opinion of your committee, pass this bill. But if it is the purpose to continue these private claims from generation to generation, obstructing general legislation, then there should be no change; for the mind of man would be at a loss to suggest any other mode of procedure for passing upon private claims against the Government under the practical workings of which so little can be accomplished at so great an expense as the present system.

It is fair to assume that Congress is not afraid to trust the judiciary to ascertain the facts and to declare the conclusions of law as to such facts in any controversy, whether it be one between citizens or between a citizen and the United States. It is to be regretted that this Republic of ours should refuse to open its courts to any of its citizens having just demands against the Government. The evils, delays, and injustice of examining and passing upon private claims resulted in the establishment of the Court of Claims to repress a mischief and to advance a remedy. Yet many private and domestic claims can not be prosecuted in that court, they being barred by the statute of limitations. A just claim of the citizen against the Government should not be discharged by time; it should be paid regardless of its age. The claimant should be given the privilege of going into such court as the Congress shall designate, at least to establish fully the facts upon which he bases the claim or demand.

This language I used in the report on this bill with the unanimous approval of every member of the Committee on Claims.

In the Forty-fifth Congress a committee of the House in reporting upon the evils resulting from Congress attempting to investigate these private claims used the following language:

How numerous these cases have become may be seen from the fact that while from the Twenty-eighth to the Thirtieth Congress the private bills and petitions of all kinds averaged only 525 in a Congress—of which the great body belonged to the class for which judicial tribunals have been since established—of late years the number of private bills alone belonging to the exceptional classes, relief for which rests in the discretion of Congress, amount in a session of Congress to about 2,500, or about five for each day Congress is in session. The gross injustice this necessarily occasions to meritorious claimants, and the inducement it offers for the presentation and pressure of groundless and unworthy claims is obvious.

Then it was thought, and justly so, that the fact that 2,500 private bills were introduced into one session of Congress made it the obvious duty of that body to devise some other means for their determination. That duty is more apparent now than then. At this session of Congress there have been introduced 7,885 bills, more than two-thirds of which are for private claims. It is safe to estimate that before adjournment the number will reach fully 10,000—more than 7,000 of which will ask for private legislation. The following table will show the number of bills and joint resolutions introduced into each Congress since 1861:

Congress.	Senate bills.	Senate resolutions.	House bills.	House resolutions.	Total.
Thirty-seventh Congress	433	137	613	158	1,341
Thirty-eighth Congress	485	128	813	182	1,608
Thirty-ninth Congress	635	184	1,234	305	2,358
Fortieth Congress	980	244	2,023	476	3,723
Forty-first Congress	1,375	326	3,091	522	5,314
Forty-second Congress	1,652	15	4,073	592	6,332
Forty-third Congress	1,362	20	4,891	162	6,435
Forty-fourth Congress	1,293	33	4,708	196	6,230
Forty-fifth Congress	1,865	72	6,549	250	8,736
Forty-sixth Congress	2,224	167	7,257	419	10,067
Forty-seventh Congress	2,509	143	7,685	367	10,704
Forty-eighth Congress	2,671	135	8,290	347	11,443

The cost of printing bills and joint resolutions of Congress from 1862 to 1885, both inclusive, is $641,515.52. For this session of the Forty-ninth Congress the cost is estimated by the Public Printer at $100,000. Two-thirds of these amounts are for printing bills of a private nature. The cost of printing the bills referred to the Committee of Claims of the House in the last Congress was $8,000, while only twelve bills so referred ever passed Congress, for claims amounting in the aggregate to $24,844.09. Many of the claims before the Committee on Claims of this House have been before almost every Congress for the last quarter of a century; a few did service in the First Congress and are now being prosecuted by the great-grandchildren of the original claimants. From Congress to Congress the Government has paid more for printing the bills and reports in many cases than the claims amount to.

This bill contains a provision that after the reference of claims to the court they shall not again be considered by either House of Congress except for the purpose of reference until they are reported upon by the Committee on Claims.

Mr. STEWART, of Vermont. Is that constitutional?

Mr. WARNER, of Missouri. I presumed that question would be asked. In answer, Mr. Speaker, to that I will state that the Judiciary Committee of this House reported an exactly similar bill. Mr. O'Connor, from the Committee on Reform in the Civil Service, in the Forty-sixth Congress, I think—the report will show—made a similar report. In answer to the gentlemen's question, Is that constitutional? I take it for granted that every member on this floor understands that under the Constitution the right of petition is guaranteed. All must know that the humblest citizen of the country has the right to send his petition to Congress, and that every member of Congress has the right to rise in his place and introduce a bill to grant relief; and that nothing short of an express amendment to the Constitution could prevent it.

But, sir, I apprehend also that it is within the power of this Congress at least to enact a general law, that when a petition covering the claim

or a class of claims comes before Congress it may refer that claim or that class to a court for the ascertainment of facts before its consideration for allowance; or Congress may take the claim and make a special exception to the general law, as has been done in special acts in military matters during this Congress.

Mr. STEWART, of Vermont. It would have no binding effect upon a succeeding Congress.

[Here the hammer fell.]

Mr. WARNER, of Missouri. I hope I will be allowed a little additional time.

Mr. SPRINGER. I will allow the gentleman a few minutes longer.

Mr. HISCOCK. I wish to ask a question, or make a suggestion rather, to which I would like to have an answer from some member of the Committee on Claims. I would like to ask in the first place if it is the opinion of this committee that there is any class of claims for which there is not now an adequate remedy for their adjudication and payment where there is a legal liability on the part of the Government? My understanding is that practically all of the claims that come to Congress are founded upon a basis of real equity, upon which the claimants ask for relief as a matter of course from Congress and from the Government; but I did not or do not understand that there is any very considerable number of claims turned away without remedy now where there is a legal liability on the part of the Government to pay them.

Mr. LONG. Does not the gentleman from New York think it worth while to provide for the claims where there is not a legal remedy?

Mr. HISCOCK. It is very questionable——

Mr. WARNER, of Missouri. If the gentleman from New York will permit me, I will answer his question.

Mr. HISCOCK. Permit me first to answer the gentleman from Massachusetts [Mr. LONG]. What I would say is this: that it is perhaps very questionable whether the Government could afford to have all the claims which may be pending referred to the Court of Claims.

Mr. LONG. For the ascertainment of facts.

Mr. HISCOCK. Yes; for the ascertainment of facts. I fancy Congress would then have to constitute itself into a court for the adjudication of claims.

Mr. WARNER, of Missouri. The gentlemen from New York will now permit me to answer the question addressed to me. I will read section 1069 of the Revised Statutes:

> Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives, as provided by law, within six years after the claim first accrued.

Then I say to the gentleman every claim founded on contract, express or implied, or an act of Congress—every claim, however meritorious it may be—unless it be presented to the Court of Claims within six years after it has accrued, is forever barred. And I say to the gentleman further, that under the rules which have been adopted by the Court of Claims the question as to the limitation is a jurisdictional fact. In the cases before the Court of Claims the party must show in his petition that his claim accrued within six years prior to the filing of his petition. If he does not so show, upon motion he is compelled to make his petition or declaration more specific, and show the time when the claim accrued. If it accrued more than six years before the filing of the petition, then, under the rules, it must be dismissed.

Now, about the Bowman act. I do not know how the limitation found its way into that act. It must have been put there for a purpose, and that purpose would seem to have been to defeat the very objects intended to be accomplished by the act. I read from section 2 of the Bowman act:

> Nor shall the said court have jurisdiction of any claim against the United States which is now barred by the provisions of any law of the United States.

Look at the absurdity of this provision. It provides for the accounting of certain claims for supplies, &c., furnished the military forces of the United States during the late war. The act is passed nearly eighteen years after the close of that war—that is, after the demand accrued. How could such a claim be presented under this act, passed in 1883, within six years after the claim accrued? The insertion of this statute of limitations in the Bowman act by way of amendment defeated, as I apprehend, the very object intended by its framer.

I concur in the remark of the gentleman from Massachusetts, we should provide for the payment of claims where now there is no legal remedy. It should not be the purpose of this Government to pay its debts with time. Time should not be made the paymaster of the Government. Why not let the court make a finding of fact in all these cases? It is not possible that Congress is unwilling to trust the judiciary of the nation even to the extent of an ascertainment of the facts in these cases.

Mr. HISCOCK. Let me make one other suggestion to the gentleman from Missouri. So far as the claims are concerned that are referred to the Court of Claims, the statute of limitations applies. So far as concerns all claims which are founded on contract and for the payment of which an appropriation has been made, those are all audited by the several auditing officers——

Mr. WARNER, of Missouri. There is no question about that.

Mr. HISCOCK. And no statute of limitations whatever applies to them. Now, then, what I would like to know is this: What special claims there are that are barred by that statute of limitations and that go to the Court of Claims that the auditing officers of the Government do not have power to pass upon independent and regardless of that statute.

Mr. WARNER, of Missouri. I am most unfortunate in my attempt to express my ideas. If I had made myself clear the gentleman from New York would not have so far misunderstood what I have said. I have said that all claims that are founded upon contract, express or implied, or that rest upon an act of Congress, that are not presented to the court in six years from the time they accrued—all such, however just or meritorious they may be, are barred by the statute of limitations, and of those there are thousands, many of which you have referred to the Committee on Claims, and they are being considered. Fifteen members have been assigned to pass upon the merits of those claims and report them back to Congress. For what purpose? Presumably for allowance, if meritorious, without regard to the statute of limitations. Are we dealing honestly by those claimants? Should the Government not pay every honest demand against it without regard to its age? I for one think it should. But under the present method of Congressional investigation of these claims they will never be paid. Let us provide a tribunal in which the claimant may judicially establish the facts of the justness of his claim.

Mr. HISCOCK. The gentleman misunderstands me.

Mr. WARNER, of Missouri. I decline to yield further for the present. I will yield the floor in a moment. I wish to call the attention of the House to one fact. In the last Congress the number of these private claims was a crying evil.

Mr. LONG. You give the United States a chance to defend against these claims.

Mr. WARNER, of Missouri. Yes; as is suggested to me, we give the United States a chance to oppose these claims. If these cases go to the Court of Claims the witnesses may be brought into court. It is made the duty of the Attorney-General, or his assistants under his direction, to appear in defense of the Government; whereas now it is no reflection on any member of Congress or any member of a committee to say that too often in the allowance of these claims kissing goes by favor.

I have said that Congress is not only the most expensive, but at the same time the most dilatory, tribunal before which claims against the Government that demand an investigation of fact could be determined. Here is a body of men of 409 members—Senators, Representatives, and Delegates—each getting a salary of $5,000 a year, sitting as a court, spending much time over claims involving small amounts. Yet the expense of the Congressional tribunal might be overlooked if the claims were passed upon. It is safe to say that there are now more claims pending before the Committee on Claims than will be disposed of by Congress in the next quarter of a century, if we may judge the future by the past. I am authorized to say for the Committee on Claims that they are deeply impressed with the necessity of legislation in the direction indicated by the bill under consideration.

The accumulation of private claims has been so great within the last twenty-five years as to burden several of the committees of Congress and to retard action upon a great proportion of the claims referred, at the same time compelling members, elected to participate in the examination and discussion of national subjects, to devote their time to the investigation of these private claims. The committee is confronted with the fact that, work as it may in the ascertainment of the facts upon which the claimant seeks redress, it is beyond its power to give anything like a satisfactory examination to but a very small portion of the claims before it. It is also aware of the further fact that but a few of the cases reported will ever receive the consideration of Congress. The liquidation of private claims by Congress time has demonstrated to be expensive as well as dilatory. It should be the wish of every honest claimant, as well as that of the Government, to have the facts in every claim ascertained by a court after a thorough examination of the witnesses for and against the claims. When the facts are so found, then, and not till then, can Congress satisfactorily or expeditiously pass on the private and domestic claims now pending before this committee.

Although the committee can not suppose that the accompanying bill is the best possible substitute for the present very objectionable system of passing upon claims referred to it, yet it believes that this bill will furnish a remedy for many of the evils complained of; it is, at least, a step in the right direction. The bill may be obnoxious to the objection that it does not go far enough in affording a remedy to claimants. However true that may be, certain it is that, under its provisions, the facts will be ascertained under due forms of law, so as to protect the interests of all concerned; that if it becomes a law, and its provisions are strictly adhered to by Congress, it will afford relief now practically denied to those having claims against the Government, and will give members more time to attend to general legislation.

[Here the hammer fell.]

Mr. SPRINGER. Now, Mr. Chairman, I yield ten minutes to the gentleman from West Virginia [Mr. GIBSON], who desires to move an amendment with regard to war claims. While I yield for that, I do not yield to admit the amendment, unless the House shall vote down

the previous question hereafter when the motion for that purpose is made.

Mr. GIBSON, of West Virginia. Mr. Chairman, on yesterday, when this bill was called up, I gave notice that I should at the proper time move to amend it by striking out of line 5 the words "other than war claims," and by making the same amendment at every other place where those words occur in the bill. I am in favor of the general object of this bill. I concur in what the gentleman from Missouri [Mr. WARNER] has so well said as to the duty of this Government to its citizens and the duty of this Congress in its legislation. So fully do I concur with him, that I feel it to be absolutely necessary, if we desire to accomplish anything at all by this bill, that the amendment which I propose shall be made.

The object of the bill is to save Congress from the exercise of judicial power. If these words, "other than war claims," are not struck out, no bill can go before the Court of Claims until Congress has passed upon it judicially to determine whether it is or is not a war claim. A large mass of all the claims that come before Congress arise out of the war in some shape or other. What does the gentleman mean by "war claims?" Does he mean claims for the destruction of property by the Army? Does he mean claims for property purchased for the use of the Army but not paid for? Does he mean something done by the citizen for the benefit of the Army or for the benefit of the Government during the war? What class of war claims does he refer to in this bill? The bill, if this provision be left in it, will be utterly incapable of being executed. But there are still greater objections to it. If it is right that the people of this country should be paid by the Government what is honestly due them, why should not the man who has a just "war claim" receive his pay as well as one who has a claim of some other character? Shall not the man who furnished from his stock of provisions quartermaster or commissary stores for the support of the Army receive compensation as well as he who has a claim for a rebate of the tax on tobacco, on whisky, or on some other commodity? If it is right that one class of claims should be paid, why should not all just claims be paid? If it is dishonest to refuse to pay one class of honest claims, why is it not dishonest to refuse to pay all claims that are founded in justice?

Why, sir, take this very Congress; the claims classified as "war claims" that have been introduced in this House number 2,235, while those classed as simply "claims" number only 1,519. The claims for pensions referred to the Committee on Pensions are only 309 in number, while those referred to the Committee on Invalid Pensions number 2,266. So that the claims arising from the war, and which may be included under the term "war claims," are as great in number as the pension bills introduced at this session. Yet gentlemen undertake to say that they are doing justice to the people of the country by a bill which would exclude from a hearing a large majority of all the claims against the Government. Why is this? Is it because the bulk of these claims are in one section of the country? Is it possible that the bill is drawn in this form in order that the relief granted under it shall go to the people of one section and be denied to the people of another? I am not one of those who believe that the Government of this country is like a captured city, to be "looted" by those who have captured it. I believe this is a great Government for the people and for all the people, and therefore that a bill of this sort, undertaking to guarantee justice to the people, should guarantee it to every man in every section of the country. If a man in a Southern State who has a war claim has not such a claim as he can establish before the court under the law, why he will be turned out of court. If he has such a claim and is entitled to recover, the court will allow his claim; and no man who desires to do justice should have any objection to that.

I yield the balance of my time to the gentleman from Tennessee [Mr. PETTIBONE].

The CHAIRMAN. The gentleman from Tennessee will suspend a moment while the House receives a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883.

The message also informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; and

A bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

The message further informed the House that the Senate had concurred in the House amendments numbered 1 and 5 of the Senate to the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and insisted upon their amendments numbered 2, 6, and 7 to said bill, disagreed to by the House.

INVESTIGATION OF CLAIMS AGAINST THE UNITED STATES.

Mr. PETTIBONE. This Congress presents the same spectacle which has been presented by every Congress of which I have been a member. I know that the time of members is taken up continually by urgent demands on the part of their constituents, by petitions and proofs sent up here in immense quantities, and they are compelled, out of a sense of justice and right, to introduce bills for the relief of A, B, or C.

Now, I find in this proposed bill the expression "other than war claims." I desire to have that phrase stricken out, believing that all just claims against this Government ought to stand upon the same foundation. If the Government owes the debt, if the party has done something for the Government or furnished property to the Government, and it was right that the service should have been rendered or the articles furnished, the Government ought not to cut out his claim for compensation.

But what do you mean by this expression "war claims?" Claims of what war? The Revolutionary war? The war of 1812? The war with the Creek Indians? The war with Mexico? Or the great civil war? There is nothing here to determine this question. But take as an illustration a case that came up the other day. A case, involving a contract between the quartermaster at Nashville and a private citizen, went to the War Claims Committee, and the vital question turned out to be, was it a contract or not? The Quartermaster's Department said that they could not settle the matter as it stood; and this House passed the bill. It seems to me that this distinction is simply a means "how not to do it." All claimants having legitimate claims against the Government ought to have the same tribunal where they can present the facts, where the facts may be found and reported to this body, which is manifestly incompetent to make such investigations.

A MEMBER. But the claimant may be disloyal.

Mr. PETTIBONE. The question of loyalty will come up necessarily. I do not want to have any man paid who was not loyal.

[Here the hammer fell.]

Mr. SPRINGER. I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, it seems to me a little premature for the House to consider this bill when a bill more comprehensive in its provisions was reported yesterday by the Judiciary Committee. I am not sensitive upon the question of jurisdiction as between these two committees; but the House will remember that at an early period of the session the question came before the House whether the Judiciary Committee or the Committee on Claims should take jurisdiction of this general subject, and the House decided that the Judiciary Committee should do so. We have taken all the bills, including that of the distinguished gentleman from Missouri, and have reported a comprehensive measure on the subject, which I am sorry to say is not yet printed, and can not now be laid before the House. I will, however, state succintly what that bill provides.

It provides in reference to all claims under the Bowman act which are referred to the Court of Claims, if the court finds that under the provisions of existing law, or of the new bill reported by the Judiciary Committee, it has jurisdiction to render judgment, the court shall render judgment in the case and not send it back to Congress. So that this measure goes further than the bill before the House in providing a remedy for the claimant. It enables the court, when it finds it has jurisdiction of the claim, to render judgment without sending the matter back to Congress.

Mr. WARNER, of Missouri. Do you propose to repeal the statute of limitations?

Mr. TUCKER. We do to this extent: We provide in the bill a statute of limitations as to all claims arising more than six years prior to the passage of the act; so that any claim originating within six years immediately preceding the passage of the act will come within the jurisdiction of the Court of Claims or the district or circuit courts of the United States.

Mr. WARNER, of Missouri. Is it not a fact that all such claims arising within the last six years have now a standing in court if they are founded on contract, express or implied, or upon an act of Congress?

Mr. TUCKER. But the gentleman will allow me to say the provisions of our bill go away beyond the present jurisdiction. The present jurisdiction of the Court of Claims embraces all matters arising under an act of Congress, or a regulation of an Executive Department, or upon contracts express or implied, and all other matters referred to the Court of Claims by Congress. We go further, and propose that any claim of a citizen under the Constitution of the United States, or under a law of Congress, or under a regulation of an Executive Department, or upon any contract express or implied, or for damages liquidated or unliquidated depending on claims redress for which might be found against the United States in any court of law, equity, or admiralty, shall be within the jurisdiction of the Court of Claims, and shall also be within the jurisdiction of the district and circuit courts of the United States, the jurisdiction of the latter tribunals as to all amounts up to $10,000 being concurrent with that of the Court of Claims. So that under the

bill which we propose the citizen may sue for all claims up to $10,000 either in the district or circuit court of the United States or in the Court of Claims and have his claim adjudicated, while for all claims beyond that amount he may sue in the Court of Claims.

Mr. WARNER, of Missouri. What provision does the bill of the gentleman make for claims more than six years old?

Mr. TUCKER. The provision of the bill is that the jurisdiction provided shall not extend to any cause of action which occurred more than six years before the passage of the bill.

Mr. MILLS. What do you do with those cases which have been pending in Congress?

Mr. TUCKER. As to all those cases, Congress may act upon them and refer them to the court.

Mr. WARNER, of Missouri. One more question. If the bill now before the House should pass—and the gentleman enters no protest against it, except on the ground that it is not broad enough—if it should pass, and the gentleman's bill also pass, the one would not conflict with the other?

Mr. TUCKER. I will come to that point in a moment.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I have yielded to others for debate all the time I can spare; I must now resume the floor myself.

Mr. RANDALL. This is an important bill, and we ought to be allowed to understand it fully.

Mr. SPRINGER. I do not wish the whole discussion to be on one side. I desire that the friends of the bill should be heard.

Mr. TUCKER. Mr. Speaker, I was going to say to the House that I do not wish to be put in an unfriendly attitude to the bill, because I am in sympathy with its purposes. But would it not be better to postpone the consideration of this bill until we can fix a time for the consideration of the larger bill, so that whatever is defective in the larger may be cured and supplemented by the one now pending? I wish, therefore, if the gentleman will allow me——

Mr. SPRINGER. I can not yield to any motion. If he will pardon me, I think I can explain in five minutes' time that the bill now before the House and that reported by the Judiciary Committee do not conflict in the slightest degree, and that the two bills can pass, and pass at this session; that they refer not only to different subject-matter but to a different time. The bill pending relates solely to the claims which have been here, and are familiar to the old members, for the last fifteen or twenty years. The one referred to by the gentleman from Virginia [Mr. TUCKER] applies to none except those in which cause of action has accrued within six years. In such cases I have no objection to authorizing the court, where the facts are all in possession of living witnesses, to hear, adjudicate, and determine, and enter judgment as his bill provides. It is a good bill, and I hope it will pass the House. But it will not affect a single bill on the Calendar of the House of which I have any knowledge. On the contrary, the pending bill relates to those claims which have been pressed upon the attention of Congress during the last century.

Mr. WARNER, of Ohio. And these the gentleman proposes to put upon the retired-list.

Mr. SPRINGER. I want now to show what it is this pending bill provides. It provides simply in these cases, instead of conferring on the Court of Claims jurisdiction to enter judgment, that the Court of Claims shall investigate and make a finding of fact in any claims, other than war claims, against the United States, and report all the facts, stating in such report what amount, if anything, is due the claimant or claimants; whether the claim or demand is founded upon any act of Congress, or upon any contract, express or implied; the laches or diligence of the claimant or claimants in presenting the claim or demand against the United States, and such other findings of fact and conclusions of law as the court shall deem material to enable Congress to pass upon such claim or demand; that until such claim or demand is finally investigated and reported upon to Congress by the Court as herein provided, neither House of Congress shall consider the same, by bill or otherwise, in reference to allowing any such claim or demand.

Mark! What for? "To enable Congress to pass upon such demand or claim."

Mr. DINGLEY. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Yes; in one moment. These cases now upon the Calendars of the two Houses, and especially in the House itself, are getting to be an intolerable burden upon members. They are introduced here at every session of Congress. The honorable gentleman from Missouri [Mr. WARNER] has shown by his report that in the past twenty-five years we have paid more than half a million of dollars to print private bills, many of which are still pending in Congress, very few of them having been disposed of.

The Committee on Claims therefore has tried to devise some means of sweeping this immense Calendar from Congress, sending the cases to the Court of Claims to have the facts ascertained and a report from that judicial body as to what if anything is due the claimants. It does not confer all the jurisdiction provided for in the bill of the gentleman from Virginia. These two bills, in connection with one to which I will refer in a moment, will in my judgment complete the necessary legislation on this subject.

Mr. HAMMOND. Let me ask the gentleman from Illinois a question. He says this will sweep away all these old claims, that Congress shall take no jurisdiction of them hereafter. Now, how does he get around the constitutional right of petition?

Mr. SPRINGER. Petitions may be received for the purpose of reference to the Court of Claims to ascertain the facts. The right of petition is preserved. The claimant comes before Congress and presents his case and the claim is referred to the Court of Claims, as I have already stated, in order that the claimant may be permitted to judicially establish the facts upon which his claim rests.

Mr. REED, of Maine. What are we going to do with them when they come back?

Mr. SPRINGER. If the claimant has a just claim the report of the Court of Claims will be considered by Congress and allowed in the usual manner.

Mr. REED, of Maine. How are you going to consider them?

Mr. SPRINGER. "Sufficient unto the day is the evil thereof." The Congresses that come after us will take care of that. It will certainly be easier to consider the cases after the facts have been judicially found than it is under the present system.

Mr. REED, of Maine. And when a thing is so plain it is going to result in absolutely nothing, is the House to refer an illusive thing like this to men who are making good claims before Congress?

Mr. SPRINGER. The pending bill is not illusive.

Mr. REED, of Maine. It is absolutely illusive.

Mr. SPRINGER. The gentleman from Maine mistakes entirely the object of the proposed legislation.

Mr. REED, of Maine. I do not mistake the object of it or the result of it. The object is good, but the result will be nothing.

Mr. SPRINGER. Well, I want the gentleman from Maine to remember this fact, that while we are now oppressed with the investigation of facts in all of these cases, and the very elements of justice in each case are required to be investigated upon *ex parte* testimony, we desire that such investigation shall be referred to a court of claims for adjudication, so that this court, with reference to this part of the investigation, may aid us in determining the law and the facts upon which the case is founded. After this is done and the case is reported back to Congress, then Congress will do the best it can to afford relief.

Mr. HAMMOND. I wish to state to the gentleman from Illinois that his explanation on the point suggested by my question is very unsatisfactory. I think the bill is unconstitutional in that particular.

Mr. SPRINGER. I am very sorry, Mr. Speaker, to be compelled to differ with such a distinguished lawyer as the gentleman from Georgia; but I do not understand that the right of petition to this Congress or to any subsequent Congress, after this measure shall have become a law, will be denied in any manner or is interfered with to any extent. I do not understand that the right of petition requires Congress to grant the claim whether right or wrong.

Mr. HAMMOND. But it does require you to consider it, which this bill does not.

Mr. SPRINGER. We refer petitions now through the petition-box to committees without reading them or without announcing the fact in the House. We have just as much right to refer these petitions to the Court of Claims as we have to fifteen members of this body; and it is no deprivation of the right of petition to say that we shall make such reference in order that the facts upon which it is based may be properly brought out and established.

Mr. MCMILLIN. And the bill itself provides that when the facts are ascertained they shall be reported back to Congress.

Mr. SPRINGER. Certainly.

Mr. STEWART, of Vermont. Let me ask the gentleman from Illinois a question in reference to this particular clause of the bill:

That until such claim or demand is finally investigated and reported upon to Congress by the court as herein provided, neither House of Congress shall consider the same by bill or otherwise, &c.

Suppose, now, they do not report back at all; will the gentleman tell us how we are going to act upon it under this provision of his bill?

Mr. SPRINGER. I am not indulging any such a supposition as that the Court of Claims will not do its duty. I have no doubt that it will and that these reports will be made, and promptly, too. It is a legal presumption always recognized that all public officials will do their duty. That court is a creature of Congress, as much so as is the Joint Committee on Printing or on the Library, and we have as much right to refer bills to it as we have to refer them to any joint or standing committee of the House; and we can always presume upon prompt compliance with the orders of the House in one case as well as in the other. There is nothing irregular or unusual in this proposed legislation. It will greatly aid Congress in disposing of the public business, relieve Congress of an intolerable burden, and afford honest claimants a means of establishing their claims in a judicial manner.

Now as to the amendment to strike out "war claims," it is sufficient to say that the committee had no jurisdiction of the subject-matter embraced under that term.

Mr. DINGLEY. Will the gentleman from Illinois pardon me for a moment? I wish to ask him what is intended by the term "war claims." Does he refer simply to those arising from the military or naval operations of the Government in time of war?

Mr. SPRINGER. I will answer that question after I have answered

the other point as to the intention of the committee in drawing the line between these two classes of claims. It was our purpose in making that distinction to draw the line exactly where the House draws it in its reference of bills to the two committees of Claims and War Claims, and to leave the question just where the rules of the House leave it in that respect.

Mr. DINGLEY. The rule of the House to which the gentleman refers is just as indefinite as the terms of the bill.

Mr. McMILLIN. That provides for all claims growing out of any war in which the United States shall be engaged.

Mr. HOLMAN. That is right.

Mr. McMILLIN. So that it will embrace every war that the Government has been engaged in, and all of the claims growing out of it. But this bill, if the gentleman from Illinois will permit me, stops at the threshold, for more than half of the bills introduced here are war claims or claims of some kind growing out of some war in which the Government has been engaged; and there is no reason, as Congress retains jurisdiction and control of these matters, that it may not submit all, and in my opinion we should submit them.

Mr. SPRINGER. I am glad the gentleman from Tennessee has referred to the fact. I have consulted with the gentleman from Ohio, the chairman of the Committee on War Claims, and he has assured me that his committee will mature a bill covering war claims as a separate measure. I want to remind the House that the term "war claims" covers a vastly different field from these civil claims, and we must define in that bill the extent to which we will go in allowing damages arising from the operations of the war; we must determine questions of loyalty and the operation and effect of the President's proclamation of amnesty. All of these questions must be considered and settled, and such a bill should come in and have a separate standing for itself and by itself. For that reason the Committee on Claims left out this class of claims, and also because of the fact, as I have already stated, that we had no jurisdiction of the subject. I hope when the Committee on War Claims brings in this bill that it will be passed, and that this will be passed; and also that the bill reported from the Committee on the Judiciary, to which the gentleman from Virginia refers, will be passed, with some amendments which need not now be stated. If this House shall secure such legislation during this session, we can return to our constituents with the assurance that this Congress has accomplished more for the best interests of the people of this country than has been accomplished by any of its predecessors for the last twenty-five years.

Mr. WARNER, of Ohio. Let me call the attention of the gentleman from Illinois to the language of the fourth section of this bill, which seems to be tantamount to allowing every member of Congress to refer bills to the Court of Claims. This section provides that those bills which have not been referred prior to the adjournment of Congress shall be sent by the Clerk of the House and the Secretary of the Senate to the Court of Claims. Under that on the last Monday of the session numbers of bills may be introduced by members which can not be acted upon by the committee, and that of course is tantamount to permitting every member of Congress to refer these bills himself, practically the same as permitting every claimant to go to the Court of Claims himself.

Mr. SPRINGER. That is exactly what we believe to be proper and right in the matter.

Mr. WARNER, of Ohio. That, then, is the object of the committee?

Mr. SPRINGER. The object of the committee is to allow every citizen of the United States to have a test of the question as to the validity of his claim against the Government in a legal way. Let him have access to the court, take his claim there, let the court pass upon it, and refer it here if it is a proper claim.

Mr. GIBSON, of West Virginia. But your bill shuts out two-thirds of them.

Mr. SPRINGER. We will not cover that subject, but when the gentleman from Ohio has brought in his bill on that subject I will aid in passing it. I desire to have this bill passed to-day, and for that purpose I move the previous question.

Mr. PERKINS. I would like to ask a question of the gentleman before the previous question is ordered.

The SPEAKER. The previous question is demanded.

Mr. GIBSON, of West Virginia. There was a distinct understanding that my amendment would be considered.

Mr. SPRINGER. I stated distinctly that I could not admit the gentleman's amendment except for discussion.

Mr. GIBSON, of West Virginia. Then let us vote down the demand for the previous question.

The question being taken, there were—ayes 61, noes 52.

Several MEMBERS. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers.

Mr. SPRINGER. As a vote by tellers will carry us over the hour, the bill must go into the order of unfinished business. I therefore withdraw the demand for the previous question, and I ask unanimous consent that when this bill is again taken up for consideration the bill from the Judiciary Committee and any other bill on the subject may then be considered. I want to meet all these questions.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when this bill is next reached as unfinished business the bill reported from the Committee on the Judiciary on the same subject and any other bill, as the Chair understands, reported on the same subject, may be considered with it. The Chair would suggest that there may be some difficulty about providing for the consideration of several bills together.

Mr. SPRINGER. My desire is that a bill which may be reported from the Committee on War Claims may be considered with the others.

Mr. GIBSON, of West Virginia. Is this the proposition, that any other bill that may be considered may be passed as a substitute for the bill of the gentleman from Illinois?

The SPEAKER. The gentleman from Illinois did not so state. He desired unanimous consent that when this bill comes up again as unfinished business other bills on the same subject may be considered with it.

Mr. GIBSON, of West Virginia. I object to that, unless it is the understanding that any other bill may be adopted.

Mr. SPRINGER. Certainly that would be the understanding.

The SPEAKER. The Chair supposes that under such an order it would be in order to move other bills as substitutes for this one.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Would such an order prevent the consideration of the other bills in the morning hour?

The SPEAKER. The Chair thinks they would not lose any privilege they now have. Is there objection to the request of the gentleman from Illinois?

Mr. BRECKINRIDGE, of Kentucky. Is the demand for the previous question still pending?

The SPEAKER. It has been withdrawn. If there be no objection to the request of the gentleman from Illinois it will be so ordered.

There was no objection.

Mr. WARNER, of Missouri. I ask unanimous consent to extend my remarks in the RECORD, and to submit some tables as to the expense of publishing bills, &c., which I did not have time to submit during the hour.

There was no objection.

Mr. SPRINGER. I would like to have the same privilege for myself and any other gentleman who may desire it.

The SPEAKER. If there be no objection the same privilege will be extended to other gentlemen who have addressed the House on this bill.

There was no objection.

The SPEAKER. The hour for the consideration of bills has expired.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. TOWNSHEND in the chair) and resumed the consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

The Clerk resumed the reading of the bill, and read the following paragraph:

At the Union agency, at $1,800.

Mr. RYAN. I move to strike out the last word.

This agency is one established by the Government for the five civilized tribes. My own judgment is that there is but very little public necessity for this agency. The important uses for which it was established have partially ceased to exist, and those which still remain do not seem to have been performed by that agency; the principal one of which still remaining is to exclude from the Indian Territory all persons not duly authorized to be there.

In this connection I again call attention to the position taken by the gentleman from Arkansas [Mr. ROGERS] in regard to the lawful authority of the Executive to exclude unauthorized persons from the Indian Territory. It will be borne in mind that in the general discussion he took the broad position that those persons who by the consent of the Cherokee Nation now occupy that portion of their territory west of the ninety-sixth meridian could not be removed by the Executive because there was no law authorizing the President of the United States to interpose the power of the Government for that purpose. I am of opinion he was gravely in error, as I stated in the course of the remarks I had occasion to make yesterday. He is in conflict with all the legal judgment of all administrations and all judicial tribunals that ever passed upon the subject. And I stated then what I undertake now to repeat, that he is also in conflict with clear and express provisions of law about which there can be no ambiguity and no room for misconstruction.

In the treaty of 1866, the one to which the gentleman called the attention of the House, there is a clause excluding all persons from the

Cherokee country, or rather making it unlawful for any persons to enter the territory of the Cherokee Nation except such as are specifically authorized by that treaty to enter such territory. Those authorized to enter are mentioned specifically and are of several classes: sutlers, persons duly authorized by the Government to trade with the Indians; persons perhaps who have permits to pass into or through the same; persons who may be engaged in the construction of the railway which this treaty authorizes to be constructed through it, &c. But all others, says the treaty, are unauthorized and shall be excluded by the Government of the United States. The following is its language.

[Here the hammer fell.]

Mr. CANNON. I yield to the gentleman from Kansas [Mr. RYAN].

Mr. RYAN. The language of the treaty is this:

And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States.

Here it is expressly provided that the Indian agents shall remove from the Cherokee Nation all persons not specifically authorized by that treaty to enter or remain therein. The treaty expressly provides who may so enter, how, and for what purpose. All others, says this treaty, are "prohibited." And the agent shall remove them. How remove them? Why, in the manner provided in the intercourse laws. How is that? Why, by the Indian agent, subagent, or the Commissioner of Indian Affairs. And the President is authorized to use the Army for that purpose. This prohibition applies to all persons not specifically excepted in the treaty itself, and nobody will pretend that the lessees now occupying that country are among the excepted classes.

Let me call attention now to those Indian intercourse laws. Section 2147 Revised Statutes provides:

The Superintendent of Indian Affairs and the Indian agents and subagents shall have authority to remove from the Indian country all persons found therein contrary to law. And the President is authorized to direct the military force to be employed in such removal.

Section 2149 of the Revised Statutes provides that—

The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

Then section 2150 provides that—

The military forces of the United States may be employed in such manner and under such regulations as the President may direct, first in the apprehension of every person who may be in the Indian country in violation of law, and in conveying him immediately from the Indian country by the nearest convenient and safe route to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law.

Here, Mr. Chairman, are direct, affirmative, positive provisions of law imposing a duty upon the Executive to remove from the Cherokee lands and the Cherokee Nation all persons not authorized to go there under the treaty of 1866. That duty has been neglected as well by the past administration as by the present. My object in calling attention to it is to refute the position taken by the gentleman from Arkansas [Mr. ROGERS], that there is no duty imposed by law upon the Executive to remove from the Cherokee Nation those persons who are now occupying it under void leases—determined to be void by all the judicial and other authorities that are authorized to pass upon the subject.

Now, Mr. Chairman, far be it from my purpose to make any reflection upon gentlemen prosecuting that honorable and useful industry that is being carried on in that Territory under leases with the Indians. They are entitled to the favorable and just consideration of all men. It is a most valuable industry.

[Here the hammer fell.]

Mr. PETERS was recognized, and yielded to Mr. RYAN.

Mr. RYAN. I say, Mr. Chairman, that the industry in question is a valuable and useful one to mankind, and one which never ought to be dealt with unjustly or harshly under any circumstances; and in any event the law should be so executed as to do those engaged in it no injustice. But, sir, there is only one safe rule for all executive officers to pursue in a Government like ours; that is, to faithfully and fearlessly execute the law and perform all the duties and all the functions that the law affirmatively and positively imposes upon them. No other course is safe. No other course can be approved by the people of this country, and unless, with regard to this particular Territory, the executive shall faithfully execute the law, there will be little opportunity for this Congress to inaugurate a change of policy for the benefit alike of the American people and of the Indians themselves.

Mr. PERKINS. Mr. Chairman, supposing the motion of the gentleman from Arkansas [Mr. RYAN] is made in good faith——

Mr. RYAN. I withdraw the motion.

Mr. PERKINS. Well, Mr. Chairman, it was only to that proposition that I desired to speak.

The Clerk read as follows:

107. At the Mackinac agency, at $1,000.

Mr. THROCKMORTON. Mr. Chairman, I move to strike out line 107. In making this motion I desire the attention of the committee for a few minutes.

On yesterday I listened attentively to the criticisms of my colleague from Texas the chairman of the Committee on Indian Affairs on the views presented by myself and others touching the Indian policy of the Government. While I heard a good deal of gushing sentiment, very prettily uttered, I heard no solid, substantial reason given for the extravagance and folly of our Indian management.

The speech reminded me of an anecdote I might repeat, if not too broad for this presence, but the application is that the speech was a little thin but quite copious.

The gentleman has said that the Indian has suffered from the rapacity of the white man. That may be so, but not from the action of the Government. The Government has always acted justly to the Indian, and every word and action of mine has been in favor of the most liberal treatment of the Indian question. The five civilized nations, after wars and troubles, were bought out and given as fair a portion of this continent as the sun shines upon, and as an evidence of good treatment are the richest people to-day within my knowledge.

In place of the industrial schools, I propose to encourage Christian denominations to erect churches and schools among them; and for this purpose the Government should give a fair portion of what it now gives to industrial schools, believing the money would be better applied and do more good than is now secured by its lavish expenditure for cooks and laundresses, tailors, seamstresses, butchers, and herders.

In reply to my suggestion that officers on the active and retired list of the Army be detailed as Indian agents, he quoted a saying of General Houston in regard to Army officers and their unfitness for duties pertaining to civil life. In answer to that I have to say that I apprehend General Houston's remark was made upon some other subject, and not in connection with the one under consideration. I have further to say in reply that a Democratic House of Representatives some years ago passed a bill through this body placing the entire management of Indian affairs under the control of the War Department. I apprehend that judgment, if not so brilliant, was equal in solidity to the judgment of my colleague.

The chairman of the Committee on Indian Affairs has said that with my usual proneness to error I had made mistakes in respect to Indian schools.

Mr. WELLBORN. Oh, no, Mr. Chairman; I never made any remark about my colleague's "usual proneness to error." I would not think for a moment of making any such general charge.

Mr. THROCKMORTON. I am glad to hear my colleague's explanation.

However that may be, I have to say if it is a mistake on my part to point out and oppose the policy of appropriating nearly $400,000 for the transportation of twenty-two hundred or twenty-three hundred Indian youths to distant parts of the country for education, of appropriating $700,000 for repair and construction of school-houses and for the purchase of provisions to support such as attend the industrial schools—to point out the appropriation of $1,000,000 for the support, civilization, instruction, education, and comfort of the Indians in such manner that you can not distinguish how much is for support, how much for civilization, or how much for instruction and education; if it is a mistake to allude to the millions that are due our own people, whose homes have been desolated and property taken and who are entitled to pay under treaties, and who are left to wait while millions are appropriated for their despoilers; if the suggestion that a different policy be pursued is an error on my part, then I am quite content to leave it to the country, to the tax-payers, and the people who have suffered to determine wherein the proneness to error lies—whether with me or with the chairman of the Committee on Indian Affairs. In relation to the amendment I have offered, it will be remembered that in the remarks I submitted some days ago in respect to the management of Indian affairs I suggested the abolishing of some of the agencies and the consolidation of others. I believe the amendment offered a moment since by the gentleman from Kansas should have been adopted, and I believe that this Mackinac agency should be abolished.

Mr. HOLMAN. Mr. Chairman, I do not rise to oppose the amendment, but I wish to call the attention of my friend from Texas [Mr. WELLBORN] to the fact that the views expressed by his colleague [Mr. THROCKMORTON] touching many of these agencies are undoubtedly well founded. The Blackfoot agency and the Fort Peck, Fort Belknap, and Fort Berthold agencies ought clearly to be consolidated. I think a very cursory examination of the subject will convince any gentleman that those agencies, instead of being distinct, should be one agency, under the control of one agent.

As to the motion of the gentleman from Texas to strike out the Mackinaw agency, the gentleman will remember that the remarks of my friend from Illinois [Mr. CANNON] were received with great favor the other day when he proposed that the Indians be made self-supporting—independent citizens. Now, this Mackinac agency has reference to men who are citizens and voters of the State of Michigan. It does not apply to wild tribes of Indians, but to citizens and voters, living on

their separate possessions. I think that the policy of maintaining that agency is entirely indefensible. You might just as well apply the principle of Government protection to any other body of citizens. It is certainly entirely anomalous to appoint an agent on the part of the Federal Government to look after the affairs of men who are citizens of a State of the Union. Such a proceeding, it seems to me, detracts from the manhood of the people. If you can apply this principle of Government protection to citizens of the State of Michigan who happen to be of Indian descent, why should not the Federal Government extend similar care, protection, and control over citizens elsewhere? When these people have become, as I think these particular Indians have, self-supporting and independent, when they have ceased to belong to tribes and have become a portion of the citizens of a State, this assumed care by the Government ought to cease.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. HOLMAN. A motion was made to strike out the Mackinac agency.

The CHAIRMAN. The Chair did not understand that a motion was made.

Mr. THOCKMORTON. I intended to test the sense of the Committee of the Whole on that proposition.

Mr. SKINNER. If the motion is not withdrawn, I wish to say that wherever there is an agency there must be necessity for an agent; and no one will say that the compensation at the point now under consideration is too large.

Mr. PEEL. I move *pro forma* to amend the amendment by striking out the last word. I agree fully with my friend from Indiana [Mr. HOLMAN] and my friend from Texas [Mr. THROCKMORTON] that there are a great many of these small agencies which should be consolidated, the Indians under the care of the agency being considerably advanced in civilization; but in my judgment it will not do to dispense with an agency at any place where there is money of the Government to be disbursed or any public business to be transacted, unless we provide some substitute for the agency. It will not do to merely strike out the appropriation and discontinue the agency when there is no act of Congress authorizing a consolidation and no authority for any provision to take the place of the agency. It seems to me it would be very impolitic to abolish any one of these agencies until measures are taken for consolidation and for controlling the business of the Government at the particular point.

Mr. HOLMAN. My friend will allow me to say that if there are any installments or annuities due to the Indians within the limits of what is known as the Mackinac agency the amounts are exceedingly small, and can be paid by the Commissioner of Indian Affairs without the least embarrassment through his special agents or through his inspectors, of whom there are ten. There is no trouble whatever about that. These Indians are not congregated upon the little island of Mackinac at the head of Lake Superior; they are scattered over the country in both peninsulas of Michigan, on their farms, engaged in the ordinary pursuits of white men. If they still continue to receive small annuities, those, as I have said, may be paid without the least embarrassment through the numerous officers at the command of the Indian Bureau; no trouble whatever about it. All Indians of this class, where the Indians are citizens, not gathered together as a body of Indians to be looked after, but scattered over the country and engaged in the ordinary avocations of life—there is no necessity for retaining Indian agents to pay annuities, as sometimes the annuities are a mere bagatelle, which can be paid once a year instead of employing an agent for that purpose all the year round.

Mr. SKINNER. The gentleman is mistaken in reference to what I said. As I understand it this bill does not provide the agency simply to pay for the agent at the agency. As I understand the rules of the House we are not permitted to bring in any new legislation in an appropriation bill. To do away with this agency would, in my opinion, be new legislation. Then so long as the agency is there it is our duty to provide for the pay of the agent at that agency. We propose at some future time to report from the Committee on Indian Affairs a bill consolidating a great many of these Indian agencies. When that is done, then an appropriation to pay an agent at an agency which has been done away with will be a dead-letter and we will lose nothing by passing this bill as it is.

Mr. NELSON. If I understand the amendment of the gentleman from Indiana it is to strike out Mackinac agency. Now, if that gentleman will examine the report of the Indian Commissioner for 1884, which is the last full report that has been published, he will find that there are over nine thousand Indians at this agency, divided into four different bands, as follows:

Bands.	Number.	Total.
Pottawatomie, of Huron	77	77
Chippewa, of Saginaw, Swan Creek, and Black River	2,500	9,500
Chippewa, of Lake Superior	1,000	
Ottawa and Chippewa	6,000	

A large number of these Indians are still uncivilized. I will quote the letter of the agent, to be found on page 147:

MACKINAC AGENCY, MICHIGAN, *Ypsilanti, September* 9, 1884.

SIR: I have the honor herewith to submit my annual report.

During the year I have repaired seven school-houses and established three new schools, namely, at Munising and Iroquois Point, on Lake Superior, and at Hannahville, in Menominee County. There should be two or three others but for want of Government buildings, and I have not deemed it best to ask for them. There are now eleven schools in the agency, and the percentage of attendance shows a good increase upon that of 1883.

The Indians are engaged in farming, fishing, lumbering, and miscellaneous work. The severe weather of the early spring cut off some crops, so that while more acres have been cultivated, yet the net results in crops are not so large as in the preceding year.

I have by every means induced the Indians to go upon lands, and many have done so, but more should. The Indian is a good farmer in a small way only, but the settlement of white farmers around him has been a help by way of example. Fishing has been very poor, and those who have followed that work have obtained a precarious support. Such I have strongly urged to go upon land, but their love of water is such that they will not give up their fishing.

In all the schools I have religious teachers, who make the moral advancement of the children a special work by my directions. This instruction is general and not sectarian, and in most of the settlements the work of the teachers constitutes all the religious care these people have. They are isolated and too poor to pay anything either for schools or preaching.

No epidemic has been among them, and the bane of the Indians, drunkenness, has largely decreased, especially among the Lake Superior Indians.

I have during the year steadily impressed upon the minds of the Indians the fact that the land, money, tools, &c., supplied them by the Government are not gratuities, but given in accordance with treaties, which will soon be fulfilled, when they must depend upon themselves. Its effect has been to stimulate many, especially the young, to get land and prevent those owning land from parting with it for a trifle, as has been the case in former years. I counted it very important that they should well understand this and shall continue to urge it.

I have allotted several thousand acres of land during the year, and there are thousands of acres yet to be given when parties shall have arrived at the proper age.

The objects kept in view this year were to encourage individual industry, especially by taking land, make the schools more efficient, the attendance larger, and generally to teach these Indians to care for themselves and get houses and homes for their children. I have succeeded partially, and hope for better results in the same direction.

Very respectfully,

EDWARD P. ALLEN, *Indian Agent.*

The COMMISSIONER OF INDIAN AFFAIRS.

Now, the point I desire to make, Mr. Chairman, is this: Here are a large number of Indians, nearly ten thousand of them, who are still a great way from being civilized. They are still not able to take care of themselves, and there is as much occasion to retain an agent there to take care and manage these Indians and look after their welfare as at other points at which agents are now employed.

Mr. WELLBORN. While I am scarcely able to talk, because of the condition of my voice, still I feel it necessary to say a word or two in reply to the gentleman from Indiana.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WELLBORN. I will move then to strike out the last word.

Mr. PEEL. I will withdraw my amendment.

Mr. WELLBORN. I will renew it for the purpose of making a remark or two. I wish to read, in addition to what has been already read by the gentleman from Minnesota, these words from what the agent says:

I have allotted several thousand acres of land during the year, and there are thousands of acres yet to be given when parties shall have arrived at the proper age.

He then goes on to give the various other duties at that agency.

I wish to say to the gentleman from Indiana [Mr. HOLMAN] there are ninety-five hundred Indians tributary to this agency, and that it is absolutely necessary for the protection of the Indians, the execution of the allotment law is absolutely necessary to have the agency at Mackinac.

Mr. HOLMAN. The gentleman is aware these Indians are citizens and voters in that State.

Mr. WELLBORN. Many of them are and many of them are not. I wish to make a general remark, and then I will not undertake to tax my voice further on this particular bill. Wherever there is a reservation with any considerable number of Indians it is an absolute necessity to have an agent on that reservation. We all know from experience that the whites are pressing upon all these reservations, and unless you have an agent there to protect the Indians you can not keep out intruders. The committee sent it to the Indian Office for investigation, and we were informed to abolish this Indian agency would require special examiners to be sent out, costing ten times the pay of these Indian agents.

The gentleman, while I give him credit for his efforts to economize expenditures, in this particular instance would but swell the expenses of this Department and not reduce them.

Mr. HOLMAN. Let me ask the gentleman from Texas to what employment are the five Indian inspectors and five special agents put if it is not for the performance of just such duties as looking after the subjects for which the agents are paid?

Mr. WELLBORN. They are subject to the control of the Secretary of the Interior, I will say to the gentleman from Indiana; they are the agencies and instrumentalities, the responsible instrumentalities, by which the Secretary of the Interior gains knowledge in reference to the various Indian tribes scattered throughout the country. Or, in other words, to use the expression of the Secretary, they are the "eyes and

the ears" of the Interior Department, and are designed to do just such duties as the gentleman has suggested, and which have been found absolutely essential for the service.

Mr. HOLMAN. Now, in reference——

Mr. WELLBORN. Just let me get through with one question at a time. The duty of the Indian inspector is not to act as an Indian agent, but to find out what the agents do, and if they violate the law to report it to the Interior Department.

Mr. HOLMAN. That is all very well——

Mr. WELLBORN. It is all very true.

Mr. HOLMAN. It is well enough to make expenditures for this purpose where the agency extends over a large area of country, or where it expends a large amount of money for the distribution of annuity goods, Indian supplies, &c. But any gentleman who will pass through the various Indian agencies can not fail to perceive that ten agents authorized to be employed in this case—that is to say, five Indian inspectors and five special agents to look after the Indian affairs—can not have any very material duties to perform, unless it be such duties as are supposed to be performed by the local agents, to look after the interests of the Indian, his rights as well as those of the white man, and generally such other duties as the agent performs. But here is a case to which I have already called attention, where these Indians have their homes right in the midst of the white men, surrounded by white people, and have been surrounded for an entire generation at least. They are Indians whom we have treated as citizens of this country. They are voters of the State of Michigan, as I understand, and yet it is proposed to keep up the guardianship of the Federal Government over them. I do not want to see the Government exercising a guardianship over any portion of the people that is not necessary. It is a very objectionable feature to me.

Mr. WARNER, of Ohio. Do I understand the gentleman to say that these are citizens and voters of the State of Michigan?

Mr. HOLMAN. I was so informed.

Mr. WELLBORN. Some of them are.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Texas [Mr. THROCKMORTON].

The amendment was rejected.

The Clerk read as follows:

Necessary traveling expenses of one Indian school superintendent, including incidental expenses of inspection and investigation, $1,000: *Provided*, That he shall be allowed $4 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

Mr. HOLMAN. I wish to ask my friend from Texas in charge of this bill if this is not an unusual discrimination? I refer to the proviso appended to this paragraph:

That he shall be allowed $4 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

The next clause but one of this bill provides for the incidental expenses of the Indian agents, and allows $3 per day when actually employed, exclusive of transportation and sleeping-car fare. There seems to be no reason for a distinction between the amount allowed to the interpreters and the special agents as to the cost of living, independently of the cost of transportation.

By the general law all of the agents of the Government are paid the same sum now, at $3 per day for expenses and transportation. That is the rule in regard to the special agents of the Internal Revenue Bureau and the great body of the agents that we employ. It has gradually worked itself into that form; and, therefore, I would like to ask my friend why it is that the Indian inspectors are placed upon a different footing.

Mr. WELLBORN. The provision to which the gentleman refers relates now to the superintendent.

Mr. HOLLMAN. Yes; the gentleman is correct. But why is the superintendent of Indian schools placed upon a different footing from others engaged in a like duty as far as necessary and incidental expenses are concerned?

Mr. WELLBORN. In answer to the gentleman from Indiana I will say that when the estimates came in that discrepancy and difference between the allowance for the Indian school superintendent and the Indian agents arrested my attention, and I inquired of the Indian Office why it should exist. I was informed by the financial clerk that it was at the suggestion of the Secretary of the Interior, and the reason given was that the superintendent was called to New York more frequently than elsewhere for the purpose of looking after supplies for the Indian schools, and that his expenses while there when he goes on with the Indian Commissioner were necessarily higher than the expenses of the agents, who travel over the Western country mostly. That is the reason.

Mr. HOLMAN. How is it possible that the superintendent of the Indian schools can be put to any considerable expense for traveling expenses beyond the expense incurred by the agents?

Mr. WELLBORN. His duties call him frequently to New York.

Mr. HOLMAN. But are not his duties right out among the Indians themselves? Is not that the main field of his operations?

Mr. WELLBORN. His duties are more frequently in Washington perhaps.

Mr. HOLMAN. What was the appropriation last year?

Mr. WELLBORN. The same.

Mr. CANNON. Will the gentleman from Illinois allow me for a moment? Up to this time the debate on this paragraph has been proceeding by unanimous consent; no amendment has been offered, and no point of order is pending.

The CHAIRMAN. There is a *pro forma* amendment pending.

Mr. CANNON. I did not even understand that to be the fact. I was listening pretty carefully, because I wanted to see whether my friend from Indiana was to let lines 133, 134, and 135 pass without making the point of order. That clause changes existing law; it gives $4 a day for traveling expenses to this Indian school superintendent—a most unexampled increase. I want to call the attention of my friend from Indiana, who is familiar with this matter, to the question whether or not a point of order should not be made on that clause.

Mr. HOLMAN. I am pleased to answer the gentleman that I understood the appropriation was made last year.

Mr. WELLBORN. It has been raised a dollar a day.

Mr. HOLMAN. There was no intimation that there was any legislation upon this bill, and for that reason there has been no point of order raised. How is it that my friend from Illinois [Mr. CANNON] did not happen to make the point of order?

Mr. CANNON. I supposed my friend from Indiana would do so.

Mr. HOLMAN. Suppose your friend from Indiana was not aware of the fact that the clause was liable to the point of order?

Mr. WELLBORN. I am not going to adhere to any strict technicalities. If there is anything in this bill which should go out on a point of order, let it go.

Mr. HOLMAN. I make the point of order this is new legislation, inasmuch as it increases a salary upon an appropriation bill.

Mr. WELLBORN. What salary?

Mr. HOLMAN. The per diem allowance.

Mr. WELLBORN. Do you find that in the bill of last year?

Mr. HOLMAN. I presume it was $3 a day. I am looking to see.

Mr. SKINNER. The appropriation for this purpose in the bill of last year was $1,500.

Mr. HOLMAN. This is new legislation in this, that the mode of compensation under the existing law is so much per year. Now it is changed to $4 a day. Let it be $3, as in a subsequent paragraph.

Mr. WELLBORN. I want to give the gentleman some information about that, if he will allow me. The compensation heretofore has not been made at the rate of $3 per day, but it has been paid under regulations of the Interior Department, which required the school superintendent to itemize every item of cost. But to settle this question let the gentleman put it at $3.

Mr. HOLMAN. That will do. I move to strike out "$4" and insert "$3" in line 133.

Mr. SKINNER. I move to strike out the last word.

If there is to be any new legislation at all I say that the compensation ought to be $4 a day. The Indian Office showed to the satisfaction of the Committee on Indian Affairs that this had cost during last year more than $4 a day. In the last appropriation bill there was no provision limiting the allowance at all, and the superintendent of Indian schools was required to make out a bill of expenses, and when that bill of expenses came in, if approved by the Secretary of the Interior and the Commissioner of Indian Affairs, it was paid. Last year it amounted to fully $4, and in many instances more than $4 per diem.

If this is to be changed at all, if the bill which has been reported from the committee is changed, let it go back exactly as it was last year, and let so much money be appropriated for these traveling expenses without any provision of this kind at all.

Mr. HOLMAN. I wish to call the attention of my friend from North Carolina to the fact that this is a very ample salary to begin with.

Mr. SKINNER. I make the point of order against the amendment of the gentleman from Indiana that it is new legislation. The original provision has been stricken out on the ground of its being new legislation.

The CHAIRMAN. Does the point of order made by the gentleman from North Carolina go to the entire item or to the amendment offered by the gentleman from Indiana?

Mr. SKINNER. To the amendment offered by the gentleman from Indiana.

Mr. HOLMAN. I apprehend there will be no trouble about this. I wish to call the attention of my friend from North Carolina to the fact that this salary is a very ample one, and that our whole legislation on the face of this bill as to all the other persons who are required to travel is to pay $3 a day and cost of transportation. Now I see no reason for making a discrimination here. The office is vacant and we can act impersonally with regard to it. I am glad to see the chairman of the Committee on Indian Affairs acquiesces in the proposition.

The CHAIRMAN. Will the gentleman from Indiana point to the law?

Mr. HOLMAN. The gentleman from North Carolina made the point of order on my amendment, which is to strike out $4 and insert $3.

Mr. SKINNER. The gentleman from Indiana made a point of order on the item as reported by the committee, which is this:

Provided, That he shall be allowed $4 per day for traveling expenses.

It was conceded that that was liable to the point of order, and it went out on the point of order. Then the gentleman offers an amendment with the same provision, only making it $3 a day. I want to call the attention of the gentleman to the fact that this item is a reduction. The amount appropriated last year was $1,500. In this bill it is made $1,000. I make the point of order on the gentleman's amendment that it is new legislation.

Mr. HOLMAN. I think my friend from North Carolina misapprehends the state of the case. There is no point of order pending on my part.

Mr. SKINNER. Did not you make the point of order?

Mr. HOLMAN. I suggested that the point of order might be made.

Mr. SKINNER. But did not you make it?

Mr. HOLMAN. I have made no formal point of order, Mr. Chairman; or if I have, I withdraw it.

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. HOLMAN] was about to make a point of order upon the provision in the bill allowing this officer $4 per day, when the gentleman from Texas [Mr. WELLBORN] said he was willing that the paragraph should be amended so as to make the amount $3 a day; whereupon the gentleman from Indiana [Mr. HOLMAN] withheld his point of order.

Mr. WELLBORN. Mr. Chairman, my understanding was that the gentleman from Indiana [Mr. HOLMAN] made the point of order as against the original proposition. I then stated that while the original point of order was too late, still, if there was anything in this bill that ought not to be in it under the rules of the House, so far as I was personally concerned I wanted it struck out. The gentleman from Indiana [Mr. HOLMAN] then proposed that the amount allowed should be $3 instead of $4. Personally, I said I had no objection to that; but the gentleman from North Carolina [Mr. SKINNER] immediately arose and said that he did object, and he then made the point of order against the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. SKINNER. If no point of order was made by the gentleman from Indiana [Mr. HOLMAN], then of course the original proposition stands; and if he proposes to amend it, we can vote upon that amendment. All I want is to take the sense of this committee upon the question whether the superintendent of Indian schools shall be allowed for traveling expenses $4 a day or $3 a day or whether we shall not set any limit at all.

Mr. HOLMAN. My friend from North Carolina [Mr. SKINNER] is aware that this is one of the best paid officers in the service, independent of this compensation.

Mr. SKINNER. He deserves to be well paid.

Mr. HOLMAN. The late superintendent was a very valuable public officer, I admit, but the office is vacant, and I am very glad that we can deal with the subject now entirely unembarrassed by personal considerations. All I ask is that this officer shall be placed as to expenses upon the same footing with the others.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. SKINNER] insist upon his point of order?

Mr. SKINNER. The gentleman from Indiana [Mr. HOLMAN] made the point of order first.

Mr. HOLMAN. There is no point of order pending.

The CHAIRMAN. If there is no point of order pending, the Clerk will continue the reading of the bill.

Mr. SKINNER. All I want is to have a vote upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN. The Chair understands that no point of order is raised. The question then recurs upon the amendment of the gentleman from Indiana reducing the amount from $4 to $3 a day.

The House divided; and there were—ayes 15, noes 32.

So the amendment was rejected.

The Clerk read as follows:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and of the Commissioner of Indian Affairs, also traveling and incidental expenses of five special agents, at $3 per day when actually employed, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employés, and for pay of five special agents, at $2,000 per annum each, $40,000.

Mr. SKINNER. Mr. Chairman, I desire to amend that paragraph by inserting, in line 145, after the word "employés," the words "not otherwise provided for."

Mr. CANNON. Mr. Chairman, I must reserve the point of order upon that amendment until I understand the necessity for it. It seems to me that the language of the bill "for pay of employés" is broad enough.

Mr. SKINNER. Mr. Chairman, that was inserted by the committee out of abundant caution, but as there are some employés not provided for, we deemed it best to make the amendment as I propose, so as to exclude those who are provided for. Some are provided for and some are not.

Mr. CANNON. Mr. Chairman, I think I must insist upon my point of order.

The CHAIRMAN. What is the point of order?

Mr. CANNON. That it would change existing law.

Mr. SKINNER. I withdraw the amendment.

The Clerk read as follows:

For purchase of clothing, as per same article, $12,000.

Mr. RYAN. I move to strike out the last word of this paragraph for the purpose of asking my friend who has charge of this bill to explain the proposed increase.

Mr. HOLMAN. If the gentleman will allow me, I wish to reserve the point of order upon this provision.

Mr. RYAN. Yes, sir.

Mr. WELLBORN. Mr. Chairman, that increase was made entirely on the recommendation of the Commissioner of Indian Affairs. He said he thought it was necessary, and on his recommendation the committee determined to recommend an increase of $1,000 over the appropriation of last year.

Mr. RYAN. Mr. Chairman, that is one of those flexible provisions in the treaty which may be complied with by the expenditure of more or less money according as the Department may deem best. The Commissioner can buy expensive articles or he can buy articles that are not expensive, and I doubt the propriety of this increase, but, as a point of order is pending, I shall not discuss the merits of the question.

Mr. NELSON. Mr. Chairman, in reply to the criticism of the gentleman from Kansas [Mr. RYAN] I have to say that this is one of the unliquidated items that we find in treaties. It allows the Indians a certain amount of clothing per capita, and this proposed increase is based upon the idea that the clothing to be provided during the next fiscal year will cost more than the clothing provided during the current fiscal year. That is the ground upon which the increase is proposed. In this treaty, as in many others, you will find a provision for a certain amount of clothing without any specification in dollars and cents as to how much it shall cost. It is in the nature of an unliquidated amount.

Mr. RYAN. Certainly. It is in the nature of an unliquidated amount; and if we appropriate $25,000 it simply enables the Department to purchase more costly clothing.

Mr. NELSON. That is not it at all.

Mr. RYAN. There is an appropriation of $12,000 provided for here; and the point I make is that this is one of those flexible provisions of a treaty authorizing certain articles of clothing to be purchased.

Mr. NELSON. Certainly; we are aware of that.

Mr. RYAN. Now, the amount to be expended depends altogether upon the quality of that clothing; and if the executive department has more money it will buy a better article of clothing, or rather a finer article, though perhaps not so well adapted to the uses for which it is intended.

Mr. NELSON. The gentleman states only a part of the proposition. The amount to be appropriated does not necessarily depend on the price of the clothing in itself, but on the variation of prices in one year as compared with another. It is a fact, which the figures will prove, that the prices of clothing next year are liable to be higher than they have been in the past year. This is what the additional $1,000 is based upon.

Mr. RYAN. I think the quality of clothing which can be bought for $11,000 will answer the purpose of those savages who are wearing blankets.

Mr. SOWDEN. I wish to ask the chairman of the Committee on Indian Affairs whether the number of Indians to be supplied with clothing has not increased?

Mr. WELLBORN. I desire to state—and it has occurred to me since the gentleman from Kansas [Mr. RYAN] has been on his feet—that there has been an advance in civilization among these Indians; many of them have thrown off their blankets, and the number wearing the clothing of civilized people is greater now than last year. I now remember that was the reason assigned for this increase.

In connection with this very agency, I wish to state that the Commissioner of Indian Affairs informs me—and I believe he was with the commission that visited the Territory—there has been within the last year the most wonderful progress among these Indians; that they are now breaking up 6,000 acres of land. I believe he told me they have bought many miles of wire fence; and I understand he confidently expects that in the next bill the item for the support of these Indians can be very largely reduced.

Mr. STEELE. Would the gentleman have the Committee of the Whole understand that the advance of these Indians in civilization is due to the visit of gentlemen of this House?

Mr. WELLBORN. I have no doubt that it exerted a civilizing influence over the Indians. [Laughter.]

Mr. RYAN. Those Indians have, perhaps, made very rapid progress since we were there. I have no doubt they have leaped into agricultural pursuits with remarkable rapidity since we were there, and have become fitted for wearing excellent clothing of broadcloth, and that it is the duty of the Government to make provision for them accordingly. Still I think the public service will be as well subserved if the quality of the goods should be made more serviceable and not quite so costly. I think an appropriation of $11,000 will suffice for the clothing of these Indians, who were in such a savage condition but a few months ago that nearly the whole Army of the United States had to be employed in keeping them from an outbreak.

Mr. STEELE. Does the gentleman object to the Indians wearing breeches instead of blankets?

The CHAIRMAN. Does the gentleman from Kansas [Mr. RYAN] offer an amendment?

Mr. RYAN. A point of order was made by my friend from Indiana [Mr. HOLMAN].

The CHAIRMAN. The Chair did not understand that any point of order was made.

Mr. HOLMAN. While the gentleman from Kansas was speaking I announced that I reserved a point of order; but, on reflection, I can see how utterly impossible it is to get along with an appropriation bill without legislation. I have always anticipated this trouble. In view of this difficulty I do not press the point of order.

Mr. PEEL. I desire to confirm what has been said in regard to the increase of the Indians entitled to this appropriation for clothing under treaty stipulations. As has already been remarked, many of these treaty provisions are of a flexible nature. If gentlemen will investigate they will find that the articles of clothing to be furnished by the Government to these Indians upon an appropriation of $12,000 must certainly be of a veay cheap grade.

Mr. RYAN. The gentleman will allow me to ask whether the last appropriation was not made upon the basis of a number of Indians that a subsequent census has shown to be largely in excess of the actual number. Does not the census taken since the last appropriation was made show that there are some 2,800 Indians less than were contemplated when the appropriation for the current year was made?

Mr. PEEL. That may be true in the aggregate——

Mr. RYAN. That being so, how can this increased appropriation be justified?

Mr. PEEL. If any gentleman will make an examination as to the articles specified by the treaties to be furnished to these Indians per capita, and will estimate the value of ordinary goods out of which this clothing must be made, he will find that the aggregate cost would be far in excess of any appropriation we have ever made for this purpose. I am satisfied that in the last five years we have not appropriated anything like what is required under these treaties.

Mr. RYAN. I can not see the propriety of increasing the appropriation where there has been a decrease of over 33⅓ per cent. in the number of Indians appropriated for, and I therefore move to make the amount eleven instead of twelve thousand dollars.

Mr. WELLBORN. I wish to say one word, and then we shall have a vote. The reason for the increase is the one I have stated. The Indian Office tells me the number of Indians now wearing civilized clothing are in excess of those supplied for the present year.

The amendment was disagreed to.

The Clerk read as follows:

CHIPPEWAS, PILLAGERS, AND LAKE WINNEBAGOSHISH BANDS.

For thirty-second of forty installments of annuity, in money, per third article of treaty of February 22, 1855, and third article of treaty of May 7, 1864, $10,666.66.

For thirty-second of forty installments of annuity, in goods, per same articles of same treaties, $8,000.

For thirty-second of forty installments, for purposes of utility, per same articles of same treaties, $4,000; in all, $22,666.66.

Mr. WELLBORN. I will submit an amendment, by direction of the Committee on Indian Affairs, and then request the gentleman from Minnesota [Mr. NELSON] to explain it.

The Clerk read as follows:

Insert, after the last word in line 206, the following:

"To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $10,000, to be immediately available, but any agreement made shall not take effect until ratified by Congress."

Mr. HOLMAN. I reserve the question of order on that amendment.

Mr. NELSON. Mr. Chairman, this amendment is offered by the unanimous direction of the Committee on Indian Affairs. It is based upon a special message of the President of the United States, submitting a special estimate for this very appropriation. It did not reach the notice of the Committee on Indian Affairs until after they had prepared and reported the pending bill. That special message of the President is dated January 25, 1886. In this message the President recommended, in view of the destitute condition in which several bands of the Chippewas in Minnesota were placed, that a small appropriation of $15,000 should be made for the purpose of negotiating a proper treaty with them. It is stated by the Commissioner of Indian Affairs—

That the removal and consolidation of the various bands of Chippewas now occupying separate reservations in Minnesota, as well as the scattered bands who reside outside the limits of the reservations to which they respectively belong, has long been felt to be a most desirable object of accomplishment.

The friends of the Indians have persistently urged the movement, and bills have repeatedly been introduced in Congress having that object in view.

The Indians it is proposed to remove to White Earth now occupy reservations in Minnesota as follows: Lake Winnebagoshish (which includes Cass Lake and White Oak Point), Leech Lake, Mille Lac, Fond du Lac, Grand Portage, Bois Forte, Deer Creek, and Vermillion Lake. Besides these there are a large number scattered throughout the State, belonging to one or the other of the several bands occupying these reservations, whom it is equally desirable to place on the White Earth reservation.

Now, these Indians live upon petty reservations in the midst of timber. They have no other lands left to them. Their annuities are about to expire, and they are in a poor and destitute condition. The President of the United States recommends an appropriation be made for the purpose of negotiating treaties with them, to the end that this land which they possess, and which is of no value to them, brings them no income, and is of no use for agricultural purposes, may be sold, and these Indians may then be consolidated on another reservation where they can engage in agriculture.

Mr. LONG. Among white men?

Mr. NELSON. Yes, that they may be located among white men and engage in agriculture upon land which can be cultivated.

The President recommended $15,000 and the committee reduced the appropriation from the estimate to $10,000.

Mr. LONG. It is understood, of course, these Indians are to consent before any agreement shall be considered final?

Mr. NELSON. Of course.

Mr. LONG. Would it not be as well to publish the special message of the President?

Mr. NELSON. I would be very glad to have that done.

Mr. LONG. The gentleman has only referred to it, and as it fully explains not only the necessity for this appropriation, but also that it is asked for by Bishop Whipple and others interested in the welfare of these Indians, perhaps it would be better it should go upon the record.

Mr. NELSON. Very well. It is as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation, providing for negotiations with the various tribes and bands of Chippewa Indians in the State of Minnesota, with a view to the improvement of their present condition.

It is requested that the matter may have early attention, consideration, and action by Congress,

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 25, 1886.

DEPARTMENT OF THE INTERIOR, *Washington, January* 16, 1886.

To the PRESIDENT:

I have the honor to submit herewith a report of 14th instant from the Commissioner of Indian Affairs, presenting, with recommendation, an item which he suggests be inserted in the Indian appropriation bill, providing for negotiations with the several tribes and bands of Chippewa Indians in the State of Minnesota for modification of existing treaties, &c.

A copy of a letter from Bishop Whipple, of Minnesota, on the condition of these Indians, accompanies the report of the Commissioner.

The object sought to be obtained by the proposed legislation, which has my concurrence, is the gathering together and placing upon the White Earth reservation, in said State, of the various tribes and bands of said Indians who are now either located upon minor reservations or wandering at large through the State. The Commissioner informs this Department that the Indians upon the White Earth reservation are desirous of making arrangements for the proposed consolidation, and states that the measure proposed has long been a most desirable object of accomplishment for the improvement of the condition of the Indians referred to.

I therefore respectfully request that the subject may be presented to Congress for the early attention and action of that body.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR, *Secretary.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, *Washington, January* 14, 1886.

SIR: I have the honor to acknowledge the receipt, by your reference the 16th ultimo, for my "careful consideration," of a communication from Right Rev. Bishop Whipple, of Minnesota, dated October 14, 1885, suggesting the advisability of calling the chiefs of the several bands of Chippewa Indians in said State to this city, with a view to negotiating an agreement through them for the removal and consolidation of the several tribes and bands of said Indians on the White Earth reservation, said State.

Since the receipt of said communication, a paper in the form of a petition has been received from the chiefs and headmen of the White Earth reservation, asking that a delegation from said reservation be permitted to visit Washington to urge the proposed consideration and consult upon other matters.

Upon this subject I have to state that the removal and consolidation of the various bands of Chippewas now occupying separate reservations in Minnesota, as well as the scattered bands who reside outside the limits of the reservations to which they respectively belong, has long been felt to be a most desirable object of accomplishment.

The friends of the Indians have persistently urged the movement, and bills have repeatedly been introduced in Congress, having that object in view.

The Indians it is proposed to remove to White Earth now occupy reservations in Minnesota as follows: Lake Winnebagoshish (which includes Cass Lake and White Oak Point), Leech Lake, Mille Lac, Fond du Lac, Grand Portage, Bois Forte, Deer Creek, and Vermillion Lake. Besides these there are a large number scattered throughout the State, belonging to one or the other of the several bands occupying these reservations, whom it is equally desirable to place on the White Earth reservation.

I do not deem it essential that the particulars in each case should be stated, or that the conditions and wants of the several tribes or bands should be discussed separately in detail. Their condition is very much the same. If not in all respects equally deplorable, it is safe to say that they are all rapidly retrograding, and, if left as they are, it will not be long before they are reduced to a condition of utter hopelessness.

The consolidation of the Chippewas on the White Earth reservation appears to have been a popular theme in the reports and correspondence of this office for years. The annual reports and other records abound in suggestions and recommendations having that object in view, and yet nothing satisfactory has been accomplished.

Every one who has visited the Indians in an official capacity and looked into their condition, whether inspector, special agent, or agent in charge, has had the same story to tell of idleness, poverty, and steadily-increasing degradation. So of the missionaries and other friends who have had occasion to go among them. All have borne testimony to the wretchedness of their condition, at least as regards the larger portion of them, and there seems to have been but one opinion as to the proper remedy to be applied—removal to the White Earth reservation.

Take the case of the Mille Lac band, by way of illustration. They occupy a reservation east of the Mississippi River, near the center of the State, which

they ceded to the United States in 1863, reserving the right to remain there during good behavior. The stipulation in regard to continued occupancy was—

"That owing to the heretofore good conduct of the Mille Lac Indians they shall not be compelled to remove so long as they do not in any way interfere with or in any manner molest the persons or property of the whites."

Although they have thus far managed to avoid a forfeiture of their right to remain on the ceded lands, the feeble tenure by which they have held them has been a great obstacle to their advancement, and has prevented anything being done for their improvement and advancement toward civilization.

The Indians have never been willing to remove, and their right of occupancy has thus far been respected by the Government, to the exclusion of white settlers who have long been clamoring for possession.

There has been a strong pressure from the outside for their removal, owing to the fact that the reservation is rich in pine timber. This, being known to the Indians, has had a tendency to increase their opposition to removal, and it would seem that their chief aim and ambition has been simply to avoid a forfeiture of their rights on the reservation.

Their present condition is most pitiable. Their reservation is almost worthless for agricultural purposes, their scanty food supply being obtained from the natural products of the soil—roots and berries—or by hunting and fishing.

What little money they obtain is mostly spent for whisky, and although effort has been made to break up the traffic with them, drunkenness and vagabondism has been on the steady increase.

Inspector Armstrong, who visited them in October last, speaks as follows:

"The Mille Lac Indians number about nine hundred and fifty. They are now drifting along the settlements and railroad towns, bartering berries and prostituting their women for whisky. They are a drunken, idle, and worthless lot of Indians. They can be seen at the stations, and many travelers form their ideas of Indians from seeing these miserable specimens. They should be gathered together and forced to go upon the White Earth reservation, where they properly belong."

Rev. T. A. Gilfillan, a well-known and highly respected missionary among the Chippewas for over thirteen years, says:

"The condition of the Mille Lac band scattered from within 40 miles of Minneapolis, along by Mille Lacs to Brainerd, and of the White Oak Point band scattered from the line of the Northern Pacific Railroad to Lake Winnebagoshish, over a vast country, is most dreadful.

"It is the open, festering sore of the State of Minnesota, and one that calls for instant attention from all who have any feelings of humanity. The white people about Mille Lac have very properly petitioned for the removal of these Indians to the White Earth reservation, where they own jointly with those now there, but if the door be closed against them where are they to go? * * *

"As I have visited every two months or oftener the Indians on the Red Lake, Cass Lake, Lake Winnebagoshish, and Leech Lake reservations, and have done so for years, and know them personally and speak their language, as well as visiting at rare intervals the Mille Lacs and White Oak Point bands, I ought to know something of what I speak. The Red Lake Indians are not suffering much from the evils spoken of, and perhaps need not be removed. The Cass Lake and Winnebagoshish are suffering a good deal, while the condition of the Mille Lac and White Oak Point bands is shocking beyond description."

As has already been remarked, the condition of the several bands is much alike. It is well illustrated in the foregoing remarks concerning the Mille Lac and White Oak Point bands. They have not all reached their level of degradation, it is true, but there are conditions peculiar to each case, which makes it important that the same remedy should be applied to all.

The Lake Winnebagoshish, Cass Lake, and Leech Lake Indians have but little land fit for cultivation. They have no gardens, if we except a few cultivated by the Leech Lake Indians, and their almost sole dependence has been the wild-rice crop, and the small game, which is now fast disappearing.

The construction of dams and reservoirs at the headwaters of the Mississippi River, authorized by the act of June 14, 1880, and subsequent act of March 3, 1881, has in large measure destroyed their means of support, and if the Indians are not speedily removed they will soon be reduced to a state of pauperism and absolute dependence upon the charity of the Government.

Provision was made in said acts for the payment of damages sustained by all friendly Indians in the construction of said dams and reservoirs, but as yet no settlement has been made with those who suffered loss thereby, for the reason that the Indians have refused to accept the amount of money set apart for that purpose. For a history of this matter, see House Executive Document No. 76, Forty-eighth Congress, first session.

Neither the Bois Forte band, in the northern part of the State, nor the Indians of the Grand Portage reservation, in the extreme eastern part, are making any progress.

Of the Bois Forte band, Inspector Thomas recently wrote: "Their condition is no better than it was twenty years ago. Should the Government withhold assistance from them, it would simply mean turning them out to die."

Whisky drinking is their great curse, as with the Mille Lac band, and there is but little hope for them where they are.

The Fond du Lac Indians are self-supporting and are reported to be making some progress. They have no agent with them, and until two years ago there had been no employé of the Government residing on the reservation for years. Their condition is better than that of any of the other bands, but I think it would be well to include them in the plan of consolidation. They are surrounded by the worst influences, and the most recent account we have of them describes them as "living a life of licentiousness and drunkenness. (Inspector Thomas, December 9, 1885.)

All of the Chippewa reservations in this State, except Vermillion Lake, are treaty reservations, and the removal and consolidation, if effected, must be done with the consent of the Indians and co-operation of Congress.

It has been estimated that there are over 200,000,000 feet of pine timber on the Mille Lac reservation; on the Fond du Lac, 300,000,000; on Leech Lake, Cass Lake, Lake Winnebagoshish and White Oak Point, 1,000,000,000 feet, having an aggregate value of from three to four million dollars.

The Grand Portage reservation is rocky and barren, and of not much value, either for timber or agricultural purposes. Probably the Grand Portage and Bois Forte reservations would not bring at public sale more than enough to pay the cost of removing the Indians to White Earth.

The area and population of the several reservations it is proposed to abandon and dispose of are as follows:

Reservation.	Population.	Area.
		Acres.
Lake Winnebagoshish (including Cass Lake and White Oak Point)	2,138	320,000
Leech Lake	.....	94,440
Mille Lac	942	61,014
Fond du Lac	400	100,121
Grand Portage	298	51,840
Bois Forte (including Deer Creek and Vermillion Lake)	698	131,629

Beside the reservation Indians there are about fifteen hundred full-bloods and half-breeds scattered over the State, who ought to be gathered on the White Earth reservation, at least the larger portion of them.

The White Earth reservation, where it is proposed to consolidate and permanently settle the Chippewas, is said to be the garden spot of Minnesota. It has an area of 796,672 acres, or 1,245 square miles. The present population is 1,736. Nearly all of this land is susceptible of cultivation, is well watered and timbered, and every way capable of sustaining a large population.

If the consolidation could be effected, the sale of the abandoned reservations would enable the Department to settle all the Minnesota Chippewas (I do not include the Red Lake Indians) on good lands and give them a fair start in the direction of self-support. A large surplus would be left for educational and other beneficent purposes; the cost of transportation would be greatly reduced, and, what is more than all, the Indians would be rescued from their present peril, and it might be reasonably expected that in time they would rise to the level of their brethren now occupying the White Earth, of whom Bishop Whipple recently wrote, "There is not in the State a more orderly Christian community than the Indians of the White Earth reserve."

While it may not be desirable to remove any of the Red Lake and Pembina Chippewas from the Red Lake reserve, I think it very desirable to include them in the negotiations.

They own and occupy an immense area of country north of White Earth, which has never been ceded to the United States; the Indians still retaining all their original rights in the soil. The reservation is estimated to contain about 3,200,000 acres or 5,000 square miles. Nearly one-half of this vast area is believed to be tillable land. It is occupied by less than 1,100 Indians. The timber on their reservation is of almost incalculable value, and if a portion of it only could be disposed of for the benefit of the Indians it would make them rich. As it is, owing to the remoteness of the reservation from the agency logging operations are being successfully carried on from both sides of the international line, and the northern portion of the reservation especially is being despoiled of much valuable timber without profit to the Indians or the Government. It is impossible to protect the timber from wholesale theft under the present system.

The Red Lake and Pembina bands, occupying this reservation, have much more land than they need, or can possibly make use of, and it is understood they are willing to sell a portion of it.

If it should be found that the White Earth reservation is not large enough to accommodate all the Chippewas in Minnesota, and I think it somewhat doubtful, a portion of the Red Lake reservation might be secured for that purpose, which is an additional reason for having the Indians of that reservation included in the negotiations. In my judgment, the best way to begin this movement is to send a commission to each of the several tribes and bands throughout the State, duly empowered to enter into negotiations with them, as was recently done in the case of the Sioux Indians in Dakota.

Bishop Whipple suggests that a delegation from each of the tribes be invited to visit Washington, but I am of opinion that more could be accomplished by sending a commission to them. I would select for that responsible duty men who are familiar with the history and surroundings of the Indians, and known to be interested in their welfare.

The work to be accomplished is of the utmost importance, involving not only the future well-being of eight or ten thousand Indians, but in no slight degree the material interests of the State in which they reside.

The most favorable conditions exist at White Earth for testing the humane policy of the Government, and in my judgment there should be no delay in beginning the work.

In case of some of the bands, the treaty provisions whereby they have hitherto, for many years, received material aid from the Government have run out, and the gratuities now aggregate more than all that they derive through unexpired treaties.

The sale of the surplus reservations would create a fund which would relieve the Government of this burden, and put the Indians in a prosperous condition.

In view of the importance attaching to this work, the patient and laborious duties that will be required of the commission, and the length of time likely to be involved in negotiating with the numerous bands throughout the State, and visiting the scattered communities of non-reservation Indians, where necessary, I think not less than $15,000 should be appropriated and made immediately available.

The expense of the Sioux commission, to which reference has been made, was about $13,000.

I have had prepared, and herewith transmit, a draught of an item intended for insertion in the Indian appropriation bill, and would respectfully recommend that it be transmitted to Congress with your favorable indorsement.

Bishop Whipple's letter is returned herewith, and two copies of this report are inclosed.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians, in the State of Minnesota, for such modification of existing treaties with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000, to be immediately available; but any agreement made shall not take effect until ratified by Congress.

FARIBAULT, MINN., *October* 14, 1885.

I respectfully suggest that you should call the chiefs of the Chippewas to Washington at as early a day as consistent.

(1) They have suffered very great wrongs by the building of dams on the Mississippi.

(2) They own large tracts of valuable pine land, which is year by year injured by fire.

(3) The Indian annuities have expired or will soon.

(4) They have little or no funds for civilization.

(5) The Leech Lake, Cass Lake, Winnibagoshish, Oak Point, Sandy Lake, and Mille Lac Indians can not be protected where they are or led to civilization.

(6) There is abundant land at White Earth of the best quality. The White Earth Indians will for a fair consideration give all that is needed for the other Chippewas.

(7) Great care must be taken to secure only those chiefs who can control their people and whose influence is on the side of civilization.

I do not believe that it is possible for a commission to make a treaty in the Indian country. It can be done at Washington.

I respectfully suggest that great care shall be taken to select proper representatives of the different bands, as well as the interpreters who are to accompany them. If you can do this, you will, I am sure, under God be the instrument of saving this poor race.

Assuring you of my high regard, yours, faithfully,

H. B. WHIPPLE,
Bishop of Minnesota.

MEMORANDUM.

(1) No almshouses for able-bodied men to graduate savage paupers.

(2) All funds except for aged, infirm, and sick, widows and children, to be expended as rewards for labor.
(3) Provision for schools in each settlement.
(4) Lands to be given on actual settlement in severalty and inalienable.
(5) Provision for police administration of law.
(6) White Earth reservation to be kept for their inheritance forever.

Hon. Mr. LAMAR,
Secretary of the Interior.

The amendment was again read.

Mr. HOLMAN. I reserved the point of order on the amendment because it is not authorized by law. It is clearly not a provision of any law or any appropriation bill. All gentlemen must see legislation on appropriation bills is inevitable; that you can not get along without legislation on appropriation bills. You have never done so, and never will unless you adopt a rule which will be absolutely fatal to the efficiency of the public service under the present organization of the legislative branches of the Federal Government. Therefore I do not feel justified myself in insisting on the point of order.

But I wish to say a word, Mr. Chairman, as to the amount proposed to be appropriated. It has been stated the President recommends $15,000, and that the committee has reduced that amount to $10,000, to negotiate with these Chippewas west of the Mississippi River, extending over a portion of country which can be reached in a week. It means the designation of one or more Indian inspectors, and the appointment of two or three gentlemen to go there for the purpose of this negotiation. A committee of the House, consisting of the gentleman from Kansas [Mr. RYAN], the gentleman from Illinois [Mr. CANNON], the gentleman from Arkansas [Mr. PEEL], and myself, traveled to almost every important agency of the country, and spent enough time to understand the condition of the various Indians located upon these Indian reservations in every section of the United States, taking up over three and a half months, and $4,200 was found to be an ample amount.

I know it is thought to be unwise to object to small appropriations, but there is no reason why a sum should be appropriated beyond the needs and wants of the service. From experience I should judge $5,000 will be more than ample, but I am not inclined to raise any objection to the amount proposed by the committee.

Mr. NELSON. I wish to say in reply to the remark of the gentleman from Indiana that I have faith enough in this administration to believe they will not expend more than is necessary. The committee of this House to which the gentleman has referred had unlimited power, and yet he tells us only $4,200 was expended. If it be found that less than $10,000 is required for this purpose no more will be expended than is found necessary.

Mr. SOWDEN. I move an amendment to the pending amendment by inserting, after the word "dollars," the words "or so much thereof as may be necessary."

Mr. NELSON. I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was adopted.

The Clerk read as follows:

Iowas:
For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1886, at 5 per cent. per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, $2,875.

Mr. ROGERS. Mr. Chairman, I move to strike out the three last words.

While temporarily absent from the Hall a few moments since the gentleman from Kansas, Judge RYAN, renewed the attack made some days ago on the administration for not removing the cattle-men from the Cherokee outlet, although they are there by the consent and in accordance with the wishes of the Cherokee Nation, which nation owns, and by the express terms of the treaty, have the right of occupancy and jurisdiction over that Territory.

The gentleman cites in support of the power and the duty of the President to remove these cattle-men sections 2147 to 2150, inclusive, of the Revised Statutes of the United States. Want of time will not permit of my reading these sections; but it will be seen that these sections only permit or authorize the removal of persons who are in the Territory "contrary to law," or who are there "without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians."

I have never controverted these sections of the statute. They have no application to the cattle-men, simply because they are not in the Territory "without authority" or "contrary to law," nor has the Commissioner found that "their presence is detrimental to the peace and welfare of the Indians." On the contrary, they are there by the consent of the Indians, in pursuance of law, and their presence yields a large revenue to the nation, instead of being detrimental to the Indians.

The gentleman also cites the last paragraph of the twenty-seventh article of the treaty of 1866, which reads as follows:

And all persons not in the military service of the United States not citizens of the Cherokee Nation are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, &c.

But he is careful not to read the preceding article of the treaty, which is as follows:

The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections and against hostilities of other tribes. They shall also be protected against—

What? Why, against—

interruptions or intrusions from all unauthorized citizens who may attempt to settle on their lands or reside in their territory.

Nobody pretends that the cattle-men are in the Territory either to "reside or sojourn" in the sense these words are used in the treaty. They are not there to "settle" on the lands. They are not "intruders," for an intruder is one who enters without invitation or permission. They have been guilty of no interruption of the Indians, for they wish them to remain and to derive an income from them for the grass otherwise going to waste and a total loss.

Therefore they do not come under the statutes quoted or the treaty provisions requiring the removal of persons unlawfully in the Territory.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. STORM took the floor, and by consent yielded his time to Mr. ROGERS.

Mr. ROGERS. My friend from Kansas falls into two mistakes: First, he ignores or overlooks the fact that for a half century, if not always, the settled policy of the Government has been to preserve the autonomy of these Indian governments, not to destroy them; to encourage them in the management of their local and domestic concerns, not to override their laws and disregard their methods of controlling their own Affairs.

It is only when their laws are in conflict with the Constitution and laws of the United States or the treaties made that the Government interferes, except to support and encourage them in the act of self-government.

That has been the policy we adopted and pursued to hasten them along the road to civilization.

The next mistake is (and I emphasize that point) in supposing that the Cherokee people hold the lands by mere right of occupancy. They own the fee to these lands. The gentleman shakes his head [referring to Mr. RYAN]; I give you the benefit of my authority for saying so.

Attorney-General Devens (16 Opinions, 430) said of the Cherokee title:

The effect of the conveyance by the United States to the Cherokee Nation of this vast tract of land upon the purchase made by them under the treaty of 1835 was to vest in the tribe a fee-simple to said tract. (Holden *vs.* Joy, 17 Wallace, 211.) This tribe did not hold this tract of land by the ordinary Indian title, which is one of occupancy only, which may be continued indefinitely. In such case the fee-simple to the land is in the United States. The effect of this sale to the Cherokees was to separate distinctly the tract from the public lands of the United States and vest it in private ownership.

So much for Attorney-General Devens as to the Cherokee title to their lands generally.

In United States *vs.* Ben Reese, May term, 1879, Judge Parker said of this very outlet:

The Indian title being a bare qualified or determinable fee, with only the possibility of reversion, and not the right of possession, in the United States, all the estate is in the Cherokee Nation of Indians.

He held the same doctrine in United States *vs.* Rees, 5 Dillon, and also in United States *vs.* Rogers.

In the latter case Judge Parker said:

The Cherokee Nation of Indians hold what is known as the Cherokee outlet by substantially the same kind of title it holds its other lands. The title to all their lands is obtained by grant from the United States. This title is a bare qualified or determinable fee, without the right of reversion, but only the possibility of reversion, to the United States. This in effect puts all the estate in the Cherokee Nation.

That is what Judge Parker decided last summer after full hearing. That is substantially what every court has decided that has undertaken to pass on the question of the title by which these Indians hold their lands.

The next mistake these gentlemen fall into is this: They say the Indians ceded their lands by the sixteenth article of the treaty of 1866. They did no such thing. There is nothing in the sixteenth article of the treaty that even squints at that. No Attorney-General and no court has so held, so far as I know.

In United States *vs.* Rogers, Judge Parker, in construing the sixteenth article of the treaty, says:

The plain meaning of this provision of the treaty is that when the United States should desire any of the outlets for the settlement of friendly Indians in the same, the Cherokees would sell the same to such Indians and make title in fee-simple to them for the same, the purchase price to be paid by them, or the Government of the United States for them, to the Cherokees. But until the country or any part of it is so sold and occupied, the right of possession and jurisdiction over all of said country west of 96° of longitude to be retained by the Cherokees.

What can be plainer than this, unless it be the treaty itself, which admits of no other construction? Notwithstanding this, you say the Indians can not permit this land grazed and collect a revenue therefor, and that the presence of the cattle-men is unlawful, because the statute prohibits leases. I deny it. The leases may be void, because the

statute makes them so; but the grazing is lawful, and the President is not authorized, under the existing circumstances, to drive these men off this outlet.

Let us see.

In United States *vs.* Hunter, 21 Federal Reports, page 615, Judge Brewer, of the Kansas court, said, in construing 2116 and 2117 of the Revised Statutes touching the right of the Indians to permit the grazing of their lands, that—

> This imposes a penalty on any one who without the consent of an Indian tribe drives live stock to range and feed on the lands of such tribe. This implies that an Indian tribe may consent to the use of their lands for grazing purposes, or, at least, that if it does consent no penalty attaches; and if the tribe may so consent it may express such consent in writing, and for at least any brief and reasonable time.

In United States *vs.* Rogers, Judge Parker said of this very outlet:

> The nation has collected at different times a grazing tax from white men who were grazing their stock on it. Individuals have gone out and lived on it and now live on it.

Finally, in United States *vs.* George Cook (19 Wallace, 59), the Supreme Court said, on the subject of the right of the Indians generally to dispose of the grass on their reservations by grazing it, that—

> The fee was in the United States, subject only to the right of occupancy. This is the title by which other Indians hold their lands. * * * The right of use and occupancy by the Indians is unlimited. They may exercise it at their discretion. * * * These are familiar principles in this country, and well settled as applicable to tenants for life and remaindermen. But a tenant for life has all the rights of occupancy in the lands of a remainderman. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainderman the Indian may do upon their reservations, but no more.

I do not suppose anybody will contend that a tenant for life could not permit his lands grazed. If not, the Indians may do likewise say the court. And this decision relates to Indians holding by occupancy only. How much stronger is the case when the Indians hold the fee. It will be remembered the statute invalidating leases was in force when this decision was made. It will be remembered, too, the Cherokees hold their lands by patent. Congress may by legislation override a mere treaty, but the Supreme Court holds it can not destroy vested rights or invalidate patents. These are the errors into which the gentleman has fallen.

I will notice one other point.

On the 3d of December, 1884, the Senate appointed a committee to investigate the whole question of these Indian leases. It was to do its work in the recess, and did do it.

Therefore the Secretary of the Interior said when he came to prepare his report:

> The immediate consideration of the subject of these leases by this Department became absolutely necessary. Had it not been that delay was dangerous, and postponement of action would have been at the risk of much destruction of life and property by Indian hostilities, the prospects of which had greatly alarmed the people of Kansas and other parts of the country, I should have preferred to have refrained from any action looking to a determination of the question of the legality of these leases, or disturbing the status of the matter as it existed when I assumed charge of this Department, until the Senate committee could make its report and action be had thereon by Congress.
>
> Forced as the Department was by the circumstances and necessities of the case to take prompt action on the matter, I submitted, on July 8, 1885, for the opinion of the honorable Attorney-General certain questions propounded, with a view of ascertaining whether there was any law warranting the making or the existence of said leases.
>
> The Attorney-General held in his opinion, rendered July 2, 1885, that "no general power appears to be conferred by statute upon either the President or Secretary or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes," and that "Indian tribes can not lease their reservations without the authority of some law of the United States."
>
> The alleged leases being thus held to be without warrant of law, and as their existence upon the Cheyenne and Arapaho reservation had been found to be the main cause of the complaints of those Indians, the President, after full consideration of the matter, declared them void and of no effect, and determined that all unauthorized persons upon that reservation, including the cattle-men, with their herds of cattle, should remove therefrom, and he accordingly issued his proclamation on July 23, 1885, to that effect. I now have the satisfaction to state that the reservation is entirely free from cattle-men and their herds.

The Senate committee addressed a letter to the Secretary of the Interior, asking for information about these leases.

In his response the Secretary says:

> The privilege to graze cattle is but a license, not a lease. It carries no interest in the lands occupied.

He then says he did "treat the leases as amounting to license, to be revoked by the Indians at will."

That is all I have contended for.

[Here the hammer fell.]

Mr. ROGERS. Can I not have an extension of time?

Mr. WELLBORN. We desire to make progress with this bill, and I must object.

Mr. WARNER, of Missouri. I shall claim the right to reply to the gentleman from Arkansas even on this bill.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] has been recognized.

Mr. RYAN. The position taken by the gentleman from Arkansas [Mr. ROGERS], if it has any legal significance at all, is that the Cherokee Nation have an absolute title in fee-simple to the land in controversy, and that, therefore, they may exercise unqualifiedly such rights over that land as an individual may exercise over lands which he holds in fee-simple. If these Indians hold that sort of a title to the lands, then they have a right—a lawful right—to convey them. If they hold the only estate that there is in those lands, then they have a lawful right to lease them for any term.

It has been held by every authority that has ever passed upon the subject that they hold no such fee—no such unqualified estate in the lands, and that the leases they have made are void. When you admit a person is there for a specific purpose, and then admit that the purpose is in violation of law, I can not see how you escape the provisions of law that provide a person shall be removed from there if he is there in violation of law, for you admit he is there for an unlawful purpose.

Mr. ROGERS. Not in violation of law, but in pursuance of law.

Mr. RYAN. Now, the opinion of the present Attorney-General is simply in accord with the opinion of his predecessors in office. Presumably they are lawyers of a high order. They are selected from all the people of the United States for their great learning and ability as lawyers. The present incumbent, passing upon this very question, says:

> But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.
>
> I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned.
>
> No general power appears to be conferred by statute upon either the President or Secretary or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chap. 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases." The act just cited is moreover significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.
>
> In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

In other words, the Cherokee Nation has no more right to lease their lands than other tribes of Indians. The treaty itself, which has just been read by the gentleman from Arkansas, declares that all persons not authorized by that treaty to go into that Territory are there in violation of law. And then it refers to the other provisions to which I called the attention of the House—namely, the intercourse laws for the remedy. And what is the remedy? The law declares that it shall be the duty of the agent to remove them from the Territory, and the duty of the Executive if necessary to employ the army for that purpose.

Mr. ROGERS. I withdraw the formal amendment.

Mr. WEAVER, of Iowa. I renew it. In reply to the remarks of the gentleman from Arkansas [Mr. ROGERS], I wish to call the attention of the committee to section 2116 of the Revised Statutes:

> No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution.

Upon the plain language of that statute Attorneys-General Devens and Garland have rendered their opinions to the Interior Department that any attempt to settle upon these lands is contrary to law. Attorney-General Devens said that any attempt, even on the part of the Cherokees, to settle members of their tribe on the Cherokee strip west of 96° was unlawful, and that the military were authorized to eject them. Now, if such settlement was unlawful, and the military was authorized to eject such settlers, I want to ask the gentleman from Arkansas [Mr. ROGERS] if the ejectment of the cattle syndicate from the Cherokee strip would not be lawful to-day? If the Cherokee Nation can not go there, then certainly they can not authorize white men to go. There is no such thing as avoiding this argument. If you eject one class of intruders you must eject the other also. I hold it to be the plain duty of the Government to eject the cattle companies and to eject them now. The Government has taken positive steps, has even used the military to keep the home-seekers out of that Territory, while at the same time it permits the cattle syndicates to remain there. The gentleman from Arkansas [Mr. ROGERS] admits that the leases are contrary to law.

Mr. ROGERS. I say that the leases are void.

Mr. WEAVER, of Iowa. Yes; the gentleman says that the leases are void, but that the rights acquired under the leases are valid.

Mr. ROGERS. I did not say that.

Mr. WEAVER, of Iowa. How do they get any right, then?

Mr. ROGERS. They get it by license from the Cherokee Nation.

Mr. WEAVER, of Iowa. There is no difference between the word "license" and the word "lease" when used in connection with the occupancy of these cattle-men. Your "license" is only a verbal lease.

Mr. ROGERS. Oh, yes.

Mr. WEAVER, of Iowa. The word "license" is not found in this statute, but the word "lease" is. Can the Cherokees do verbally what they can not do in writing? Can they permit what they can not au-

thorize? To so hold would be to annul the law by indirection, and to accomplish by circumlocution that which can not be accomplished directly. The statute is very broad and is intended to cover just this sort of thing, as Attorney-General Garland holds in his opinion.

Mr. ROGERS. Mr. Chairman——

The CHAIRMAN. The debate upon this amendment is closed.

Mr. ROGERS. I renew the amendment. Mr. Chairman, I resume where I left off. When the Senate committee called upon the Secretary of the Interior for information he responded, and in that response he made use of this language, "The privilege to graze cattle is but a license, and not a lease." My friend from Iowa [Mr. WEAVER] does not distinguish between these two things. He thinks that if I allow him to come into my house, he has a right to stay there. He has a right to stay there, but only so long as I permit him to stay.

Now, Mr. Chairman, in support of that position, the Senate committee in the Forty-fifth Congress, when the present Attorney-General was a member of the Senate, reported upon this very question, and sustained by their report (which I hold in my hand) the views here expressed by the Secretary of the Interior——

Mr. WEAVER, of Iowa. Will the gentleman yield for a question?

Mr. ROGERS. I can not. I have only five minutes. It is said that these people have no title, and that all the authorities are that way. Where is the authority for that opinion? They are not cited. I thought I had before me when I began this discussion the decision of the Supreme Court where it is held that they do hold a fee, but it turns out that it is only the one in which the court passed upon this direct question of the right of the Indians to graze their lands.

Mr. Chairman, that is all I contend for, that these Indians have a right to permit these persons to come in there on such terms as their council agrees to, but that they have to go out at the will of the Indians. That is what Judge Brewer has said; that is what Judge Parker has said; that is what the Secretary of the Interior has said in this report; that is what the Senate committee have said, and finally and lastly, that is what the Supreme Court of the United States has said in United States *vs.* George Cook, 19 Wallace, 591.

Now, sir, I can not help it if gentlemen here are unable to distinguish between the question of the right of these parties to graze on these lands and the question of the validity or invalidity of these contracts. That is no fault of mine. I might have no contract at all in writing of any sort, or, if I had one, it might be in violation of the statute and void, and yet I might have a valid license or permission to graze my cattle on that ground; a right which the President of the United States would have no authority to interfere with until such authority was given by Congress.

Mr. WEAVER, of Iowa. Mr. Chairman——

Mr. WELLBORN. Mr. Chairman, this debate has extended so long that I am compelled, with regret, to move that the committee rise.

Mr. WEAVER, of Iowa. I ask the gentleman to withhold his motion. I will occupy only a moment.

Mr. WELLBORN. Well, I will withhold it.

Mr. WEAVER, of Iowa. The gentleman from Arkansas [Mr. ROGERS] steers clear of the direct decision of Attorney-General Devens in a case where a Cherokee, before the days of the cattle barons, settled upon the Cherokee strip and was removed by the military. He undertakes to make a distinction between a license and a lease, but in this instance, under the language of the statute, I claim that there can be no such distinction, and the Attorney-General so held, practically, when he justified and sustained the action of the military in ejecting Bell. If the license in such cases may be held good, the Government has no power to eject the cattle syndicates or any other intruder. If the Indians have a right to give those parties a "license" for a year, they may give a license for five years (in fact the licenses or leases do run for five years); if for five years, they may give licenses for twenty years or fifty years or one hundred years. That gives them practical control over the Territory, although the Attorney-General holds that—

The fair interpretation of this article would seem to be that the lands to which it refers were absolutely reserved to the United States, upon the conditions therein named, for the settlement thereon of tribes of friendly Indians. The jurisdiction and possession of the Cherokee Nation as to the lands from time to time remaining unsold and unoccupied would give no right to the nation to settle its citizens thereon until the privilege acquired by the United States to settle tribes of friendly Indians "in any part of the country west of 96°" should be satisfied or in some authentic way renounced; and this being so, no person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation. On the contrary, it is the duty, as it is the interest, of the nation to prevent its citizens from making such settlement. It appears that Bell produced no evidence that such authority had been given him. But if he had, and the view above taken be correct, the United States, in the maintenance of their treaty privilege, would have been justified in ejecting him.

Note this language. "No person attempting a settlement on these lands can justify under any authority given by the Cherokee Nation." The gentleman from Arkansas [Mr. ROGERS] says they can justify under a license.

The Clerk read as follows:

For salaries of two matrons to take charge of the boarding-schools and two assistant teachers, $2,000; one farmer, one carpenter, and two millers, $3,000, per fifth article of treaty of June 9, 1863; in all, $5,000.

Mr. RYAN. I move to strike out the last word merely for the purpose of making an inquiry of the gentleman in charge of this bill. I see that the amount proposed to be appropriated here for these salaries is $5,000, whereas in the current law the amount is only $3,500. The salaries, I believe, are not prescribed by the treaty.

Mr. WELLBORN. The employés are prescribed by the treaty, and if the gentleman will take the number and make the calculation, he will find that $3,500 will not pay them.

Mr. RYAN. Does the treaty provide what the salaries shall be?

Mr. WELLBORN. Not at all.

Mr. RYAN. We paid these salaries at the rate of $3,500, and now you propose to increase the amount to $5,000.

Mr. WELLBORN. Yes, sir; because $3,500 is insufficient.

Mr. RYAN. You think that an inadequate salary.

Mr. WELLBORN. I am satisfied of it, and I examined the matter carefully.

Mr. RYAN. I shall make no motion in regard to the matter.

The Clerk read as follows:

NORTHERN CHEYENNES AND ARAPAHOES.

For eighth of ten installments, to be expended by the Secretary of the Interior, for each Indian engaged in agriculture, in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, as per sixth article of treaty of May 10, 1868, and agreement with the Sioux Indians approved February 28, 1877, $30,000.

Mr. SKINNER. I move to amend by inserting between the word "and" and the word "agreement," in line 410, the words "for subsistence as per." That is merely a formal amendment to correct the language.

The amendment was agreed to.

Mr. RYAN. My friend from Texas who has charge of this bill will notice that there is an increase here of $5,000. What is the occasion for it?

Mr. WELLBORN. These Northern Cheyennes and Arapahoes are the Indians for whom the appropriation in the last bill was insufficient, so that in the early days of this session we had to authorize the taking of $12,000 from the emergency fund of $50,000 to provide for the support of these Indians. The amount appropriated last year was entirely insufficient, as is shown in the annual report of the Commissioner of Indian Affairs. In my judgment, there ought really to have been an increase of $10,000 instead of $5,000.

The Clerk read as follows:

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, an engineer, per seventh article of same treaty $9,000; in all, $51,000.

Mr. HOLMAN. I move to amend by striking out the last word. I wish to inquire whether there is not an increase in this item.

Mr. SKINNER. This is for the Northern Cheyennes and Arapahoes, and was explained a moment ago by the gentleman from Texas [Mr. WELLBORN] in answer to an inquiry of the gentleman from Kansas [Mr. RYAN].

Mr. WELLBORN. There is an increase of $5,000. As I have just explained in response to the gentleman from Kansas, the Northern Cheyennes and Arapahoes were in great destitution, as shown by the annual report of the Commissioner of Indian Affairs; and in consequence of that, by a resolution passed in this House at an early day of the present session, $12,000 was taken from the emergency fund to provide for these Indians, the amount of the appropriation made last year being insufficient.

Mr. HOLMAN. There is, then, altogether an increase of $10,000.

Mr. WELLBORN. Five thousand dollars. I am, however, satisfied that the increase ought to have been $10,000.

The Clerk read as follows:

Otoes and Missourias:

For fourth of twelve installments, being the last series, in money or otherwise, per fourth article of treaty of March 15, 1854, $5,000.

Mr. WEAVER, of Nebraska. I move to amend by inserting after the clause just read the amendment which I send to the desk.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederate Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than five years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. WELLBORN. I reserve a point of order on this amendment.

Mr. WEAVER, of Nebraska. I know that the amendment is subject to a point of order; but I had hoped that no one would raise such a point, because the proposition embraced in the amendment is for the mutual advantage of the Indians and the settlers. The authority proposed to be confided to the Secretary of the Interior in this matter is only to be exercised where and to the extent that it shall be seen to be advantageous both to the Indians and the settlers.

Mr. WELLBORN. Will the gentleman be kind enough to state the substance of his proposition?

Mr. WEAVER, of Nebraska. It provides that the Secretary of the Interior, where it is seen to be advantageous both to the Indian and the settler, may extend the time of payment not to exceed five years. This land was sold at a high price. The original law provided that one-third

of the purchase-money shall be paid in cash, one-third in one year and one-third in two years. By the provisions of that law the settler was required to make two payments before he could raise any crop on this land. The time for making the payment has passed by, and the settlers are at present unable to pay. Under the provisions of this amendment they will pay interest annually at the rate of 6 per cent. There certainly can be no disadvantage to the Government.

Mr. HOLMAN. I suggest the propriety of inserting in the amendment, after the word "authorized," the words "in his discretion;" otherwise the language of the provision might be regarded as imperative.

Mr. WEAVER, of Nebraska. I have no objection to that modification.

Mr. WELLBORN. I shall have to insist on the point of order.

The CHAIRMAN. The Chair rules that the amendment is not in order.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall reservation, in Idaho Territory, including pay of employés, $18,000.

Mr. SKINNER. I move to add, after the word "dollars," the following: "To be taken from the funds now in the Treasury belonging to the Indians."

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses of Indian service in Montana: For general incidental expenses of the Indian service, including pay of traveling expenses of agents, $5,000.

Mr. SKINNER. I move to strike out "pay of," in line 931, so it will read "traveling expenses of agents."

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses of Indian service in Oregon: For general incidental expenses of the Indian service, including traveling expenses of agents, in Oregon, support and civilization of Indians at Grand Ronde and Siletz agencies, $10,000, and pay of employés at the same agencies, $6,000; in all, $16,000.

Mr. HOLMAN. At Grand Ronde and Siletz agencies there is a body of civilized Indians who have little or no connection with the agency. They apparently hold their lands in severalty, although allotments for that purpose have not yet been made to them. Surely there is no occasion whatever for any agency among these civilized Indians.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. HOLMAN. No; I will not submit an amendment, but I trust when my friend's committee come to consider the bill consolidating these Indian agencies and reducing the number he will not forget the case of these Indians at Grand Ronde and Siletz agencies.

Mr. WELLBORN. That is one of the cases to which reference has already been made.

Mr. HOLMAN. The gentleman's committee will find, I think, a large number of these agencies which are absolutely unnecessary.

Mr. WELLBORN. The Commissioner recommends it to be done in that case.

The Clerk read as follows:

Incidental expenses of Indian service in Washington Territory: For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies and the support and civilization of Indians at Colville and Nisqually agencies, $16,000.

Mr. RYAN. I move to strike out line 961 in order to suggest to my friend from Texas the current law provides that $16,000 shall also cover incidental expenses. He seems to have left out that provision in relation to the Cœur d'Aléne reservation.

Mr. WELLBORN. It has no connection with this.

Mr. RYAN. After the word "agencies," in line 961, I move to insert:

And pay the employés, including those for Cœur d'Aléne reservation."

The CHAIRMAN. The gentleman will please send up his amendment, so that it may be read from the Clerk's desk.

Mr. HOLMAN. That would seem to be proper. These Indians are civilized and self-supporting, and the amendment is in harmony with the other provisions.

The amendment was adopted.

The Clerk read as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for; for the purchase, construction, and repair of school buildings; and for purchase of horses, cattle and sheep, goats and swine for schools, $700,000.

Mr. WELLBORN. I submit the following amendment, to come in after "dollars," in line 1011:

Amend by adding after the word "dollars," in line 1011, page 42, the following:

"And of this amount $1,500 may be used for necessary expenses of school superintendents and teachers in holding conferences with the superintendent of schools in relation to school matters: *Provided*, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000; and the entire cost of any day-school building to be so built shall not exceed $600: *And provided further*, That the school year of the Indian schools herein appropriated for shall be held to include all usual and necessary vacations: *And provided further*, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding year has been expended, and said report shall embrace the number and kind of school-houses erected and their cost, as well as cost of repairs, name of every teacher employed and compensation allowed, the location of each school, and the average attendance at each school."

Mr. HOLMAN. I reserve the point of order on that amendment.

Mr. SKINNER. I wish to state that really this amendment was originally a part of the bill as it was directed to be reported from the Committee on Indian Affairs, but somehow or other in revising the proof it was dropped out.

Mr. PERKINS. It is for the purpose of specifying how this money is to be expended.

Mr. HOLMAN. In order to present my point of order, I ask that the pending proposition as it stands in the bill, that is, that the text and the amendment may be read together.

I perceive a portion of the amendment is in the law of the present current year, and it may be when taken altogether that it constitutes the law for the present year. I am not able to say at present whether it does or not.

The paragraph and the amendment were read.

Mr. HOLMAN. Mr. Chairman, the amendment as read appears to be a proviso to the present law. It makes an appropriation for the support of the day and industrial schools, except as to the first clause, which proposes to appropriate $1,500 of the amount for a conference to be held by teachers of the Indian schools. That is not covered by the present law, and I take it for granted is subject to the point of order, as no such expenditure is provided for. I do not wish to make the point of order upon any portion of the amendment except the first clause of it, which is a new expenditure of money, and I am not able to perceive the exact purpose of it.

The CHAIRMAN. Does the gentleman apply the point of order to the first clause of the bill which has been read in this connection?

Mr. HOLMAN. No; to the first clause of the amendment.

Mr. PERKINS. I would like to say to the gentleman from Indiana that the present superintendent of Indian education thought it well to allow this $700,000 appropriated by this provision of the bill, to be used in part for having these consultations of superintendents or conferences with those engaged in educational purposes in connection with the Indians, in order that they might be able to perfect and harmonize a system which would be uniform in its operations for all of the Indians who are deriving benefit from these schools.

Mr. HOLMAN. But it seems to me to be most incredible that such a conference is possible. These reservations, as a rule, are so remote from each other and the distances so great between them that it would seem to be absolutely impracticable. You can not bring the teachers together.

For instance, it is not less than 90 miles from Pine Ridge to Rosebud, and the distances between other agencies is equally great in many cases much greater, for the schools are scattered very wide apart from each other all over the country.

Mr. PERKINS. It was not contemplated, however, that any one convention should be held at which all of these persons engaged in the education of the Indians should be assembled.

Mr. HOLMAN. But no material number of them I think could be so assembled.

Mr. PERKINS. And it was thought by the Committee on Indian Affairs that in this clause as it stands now there was authority for this contemplated convening of the teachers, all being for general educational purposes; but yet in order that there might be no controversy as to the assembling of the superintendents for such purposes it was thought better to make it clear and explicit in the bill itself.

Mr. HOLMAN. Is my friend able to cite an example of where such an assembly could be held for such purpose?

Mr. PERKINS. Why, here is the school at Carlisle, Pa., and one at Philadelphia, and one at Hampton, where a convention might easily be held, where the teachers could be brought together at very small expense to the Government and very great benefit to the Indians. So also in the Western territory there are a great many of these schools within a radius of two or three hundred miles which could be assembled together in convention and an institute could be held that would be a benefit to the system. As I have said, in order to make what we believe to be the law clear this has been inserted.

Mr. HOLMAN. It seems to me to be entirely impracticable. Besides, the simple system of education devised for the Indian children does not, in my opinion, involve any complicated details or methods such as are given to enlightened communities of people. It is not available for any good to them to spend money in that way, when, in the very nature of things, your educational influences, if exerted to the best advantage, must be in the Indian section of the country. I do not like to raise my voice against anything that promises a benefit to the Indians; but this, to say the least, is a very doubtful advantage.

Mr. PERKINS. It does not increase the appropriation.

Mr. HOLMAN. But where it is proposed to make an expenditure designed, it seems to me, to remove the whole Indian system of education, which we now employ, from where it ought to be, right there upon the ground where they are to live, I think it is not only unwise but is calculated to produce injurious effects.

I take it for granted, as to the point of order, that the law of the

present year, the current year, would be the law for the purposes of the rule touching the appropriation of money.

Mr. PERKINS. If the Chair will observe the law as it is now, the existing law, I think he will find that this expenditure is already authorized; and hence we are not, in reference to this clause, authorizing a new departure or providing for it. We are somewhat limiting the expenditure that may be made by the superintendent of Indian education, and that is all.

Mr. CUTCHEON. Mr. Chairman, when the Indian appropriation bill was pending before the Committee of the Whole two years ago, I offered an amendment to this portion of the bill to define the duties and limit the powers or authority of the superintendent of the Indian schools. We had constituted a superintendent of Indian schools, and yet there was not a line of law upon our statute-books defining his powers, his duties, or his authority. I attempted by amendment to do that, but it was stricken out on the point of order, as is attempted here. We have a superintendent of Indian schools. The gentleman who has been filling that position, a very intelligent, capable gentleman, has just been transferred to another field of duty, and I hope the gentleman who follows him will be as much interested and earnest as Mr. Oberly has been; but what we ought to have is unity in this system of education. That can be accomplished without expenditure. We have no such thing as a system in our Indian schools.

We have a number of Indian schools scattered here and there from ocean to ocean and from the Gulf to Canada, and yet there is no such thing as a system of schools. An agency school is a unit by itself, an integer. There is no correlation between them; there is no correlation between the different boarding schools; there is no correlation between the contract schools, the Lincoln and Carlisle schools. What we need is to bring these separate schools into unity, harmony, and contact, so that the teachers and agents connected with them can, by comparison of views in regard to their experience, devise the best system for them. I think the amendment is not only in order, but that it is a most beneficent one that will work great good.

Mr. HOLMAN. Does the gentleman from Michigan know that at least 50 per cent. of the large sum of money appropriated for the education of the Indians does not go to that purpose at all? There is so much machinery about it, such an army of persons employed, as to absolutely exhaust the money that we intend for the benefit of Indian education. And you will find schools all over the West with a small number of children—ten, fifteen, or twenty—and with a great army of employés—teachers, assistant teachers, and others. It will be seen that we necessarily frame this appropriation bill in such a manner as to give unlimited latitude to the superintendent. The gentleman now in that office is not only thoroughly competent for the position, but he has the welfare of these Indians very much at heart.

Mr. CUTCHEON. I understand that.

Mr. HOLMAN. He is doing the best he can, but these schools are spread over such an extent of territory that he can not supervise all the persons interested in frittering away the money intended for the education of the Indians. I do not like, therefore, when a scheme comes up, still further to divert the sum appropriated for giving instruction in the simple rudiments of education. I feel it is simply taking that much more from the Indian children.

Mr. CUTCHEON. The fault of the system is this: That while we have a superintendent of Indian schools it is impossible for him to superintend them. They are scattered from ocean to ocean, through the length and breadth of the land, and no superintendent can visit all these schools on all the reservations. But is it not possible the teachers can be brought together at some central points where he can organize a system?

Mr. HOLMAN. My friend from Michigan favors a policy that produces that result. He is in favor of the idea of extending schools to the seaboard and bringing to them children from beyond the Mississippi River. That, of course, renders it impossible that the services of one superintendent can amount to anything. You have brought the children from the proper place for their education and sent them to remote places where they can not be visited.

Mr. CUTCHEON. They are the easiest of all, however, to be visited.

The CHAIRMAN. Does the Chair understand the point of order made by the gentleman from Indiana is insisted on?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. To the text of the bill as well as the amendment?

Mr. HOLMAN. I do not insist on applying the point of order now to the text of the bill, for the reason that it is not only the present law but also provides a very proper division of the money proposed to be appropriated by the text of the bill. As the bill stands now the whole $700,000 are placed at the discretion of the Secretary of the Interior or the Commissioner of the Land Office, without any specification as to how the money shall be employed. This cures that to a very large extent, and I think it proper enough and do not make the point of order on that. And I do not see how the point of order ought to be pressed against the text of the bill; for however it may change existing law, it does not produce any injury. My point of order applies to the first clause of the amendment.

The CHAIRMAN. The Chair then understands the gentleman from Indiana to confine his point of order to the amendment of the gentleman from North Carolina [Mr. SKINNER].

Mr. HOLMAN. To the first clause of that amendment.

The CHAIRMAN. The Chair thinks the amendment is an independent proposition and must be treated as a whole.

Mr. HOLMAN. I do not wish to make the point of order against the whole amendment.

The CHAIRMAN. The Chair is of opinion, if the gentleman makes his point of order against the amendment of the gentleman from North Carolina, the amendment must be treated as a whole. But the gentleman from North Carolina may, if he chooses, modify his amendment.

Mr. SKINNER. I will modify it by leaving out the first clause, if the Chair rules the amendment out.

The CHAIRMAN. The Chair must hold that if a portion of the amendment is out of order the whole amendment is. The Chair is clearly of opinion that a portion is out of order. That portion which limits the appropriation the Chair is not now required to pass upon. The Chair rules the amendment out of order.

Mr. SKINNER. I now submit the amendment with the fifteen-hundred-dollar clause stricken out.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The CHAIRMAN. Is the amendment which the gentleman from Indiana now presents intended as an amendment to that of the gentleman from North Carolina?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. The Clerk will first read the portion of the amendment offered by the gentleman from North Carolina which he has now stricken out.

The Clerk read as follows:

And of this amount $1,500 may be used for necessary expenses of school superintendents and teachers in holding conferences with the superintendent of schools in relation to school matters.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

Twenty-two thousand five hundred dollars of which shall be expended for the support and education of one hundred and fifty Indian pupils at the Saint Ignatius industrial boarding school on the Joko reservation in Montana Territory, at $150 each per year, $22,500.

Mr. SKINNER. I have no objection personally to that amendment, although I have no authority to admit it.

The question being taken on Mr. HOLMAN'S amendment, it was agreed to, and Mr. SKINNER'S amendment as thus amended was adopted.

Mr. HOLMAN. Mr. Chairman, the pending provision as now amended begins with these words: "For support of Indian day and industrial schools." I move to amend by striking out the words "day and." In support of this proposition I wish to say a few words.

It will be observed that there are already made in this bill many appropriations which must go to the support of day schools; that is to say, nearly all the specific appropriations in the preceding part of the bill will be expended in part in support of day schools. I do not see how this can be otherwise. Almost all these appropriations which are to be expended under treaty stipulations provide for the employment of a teacher, along with a blacksmith, &c. Hence I say that all the way through the bill day schools are provided for. Now I think that as to this appropriation of $700,000 the whole of it should be confined to industrial boarding schools, which I think should be on the reservations.

Mr. CUTCHEON. Mr. Speaker, I desire to oppose the amendment of the gentleman from Indiana. The specific appropriation for day schools outside of appropriations under treaty stipulations is a very small one. It amounted in the last bill, I believe, to only $44,000 in the aggregate. This, as I understand, is simply for the support of day schools for those tribes, and upon those reservations as to which there are no treaty stipulations.

Mr. HOLMAN. That is not exactly the result, because there are day schools supported by that expenditure of $44,000 on almost all the reservations.

Mr. CUTCHEON. I suppose the amount which would be appropriated for day schools under this "blanket" clause, as we may call it, would not vary largely from the amount appropriated last year—about $40,000. I think that while the day school is very much inferior in regard to its teaching and in regard to other characteristics to the boarding school, while it is less educational and civilizing in its effect, nevertheless we can plant day schools where we can not plant boarding schools. Where we can not secure the larger and more beneficent form of education we can put out the little $500 school-house, with the little $500 teacher, if you please, and in this way we can reach a mass of ignorance and barbarism which can be reached in no other possible way. One of these schools, as is said by Miss Goodale in the article from which I read yesterday, is an object-lesson in civilization planted in the midst of the tribe, planted upon the reservation where every Indian father and mother can see it. The little white school-house, with its little belfry and bell, is an educating influence, teach-

ing not only the children, but Indian parents as well, the fundamental idea of education and civilization. I hope the Committee of the Whole will not vote to strike out the appropriation for these day schools, because although they are not what we could wish them to be, they are very much better than nothing, and we owe it to these people that they should be continued.

Mr. HOLMAN. I think the expenditure of that $44,000 is without any good results. Where Indian teachers, trained at the institutions established for that purpose or educated at home, have been employed in the education of the Indian children I admit that there have been good results, and I would be perfectly willing that this $44,000 be expended in the employment of Indian teachers.

Mr. LONG. Why, then, insist on the amendment?

Mr. HOLMAN. What I object to is the expenditure of this money in the way in which it is now being expended. If it were provided that the teachers of these day schools should be only Indian teachers I would have no objection.

Mr. CUTCHEON. That would give a field for the graduates of these different institutions.

Mr. HOLMAN. I do not propose to press my motion. I withdraw it, and move to amend by inserting after the word "purposes," in line 1008, the words "on the reservation." By way of comparison of the schools on the reservations with those off the reservations I wish to state that we have now in operation on the reservations boarding schools to the number of 60, organized and supported entirely by the Government; we have of boarding schools on the reservations under contract 13. In addition to those we have 6 boarding schools on reservations which are supported in part by the Government and in part by charitable contributions, making the whole number of industrial boarding schools on the reservations 79. Now there is the source through which you will educate these Indians if you educate them at all. If you are to improve these tribes, whether the present generation or the next, it will be through these industrial boarding schools.

Mr. CUTCHEON. What schools would the gentleman's amendment cut off?

Mr. HOLMAN. None at all. It would merely prevent the present system from becoming broader. Here is a new school going up in Colorado, a new school in Santa Fé, outside of the reservation; new schools are springing up all the time. This can hardly be otherwise, with several hundred thousand dollars of expenditure and with a constant pressure on all hands to locate new institutions. We have now seventy-nine of these boarding schools—very efficient schools—some of them model schools. While I have not visited those in the States, I undertake to say the schools on the Pacific coast at Puyallup and on the Jocko reservation are schools which compare favorably with those in the States. I believe that no more orderly or admirably conducted schools can be found among the whites or Indians anywhere. These schools are worthy of encouragement no one can doubt, for they are the source by which you are not only to educate the children of the Indians but to civilize and educate the Indians themselves. Besides, Mr. Chairman, they are connected with the labor in which these Indians are to engage hereafter. The same kind of agriculture and the same kind of labor are imposed as that which they will have to resort to in the future in the cultivation of their own lands. If the system of irrigation is used in the cultivation of the soil when they are ready to engage in these industrial pursuits they will go to work having been accustomed to just that sort of labor.

Mr. PERKINS. I submit the point of order that it is new legislation.

The CHAIRMAN. Does the gentleman insist on his amendment?

Mr. HOLMAN. I have offered the amendment.

Mr. CHAIRMAN. What is the point of order?

Mr. PERKINS. It is that it is new legislation.

Mr. HOLMAN. I think that point of order comes a little late, after the long discussion which has taken place on the amendment.

Mr. WELLBORN. The gentleman did not give an opportunity to anybody to submit the point of order, as he held the floor all the time.

The CHAIRMAN. The Chair is inclined to believe that the point of order can not be made except in the first instance, and certainly it is not in order to submit the point after an extended debate has occurred upon it.

Mr. HOLMAN. If it is now to be understood that after debate you can raise a point of order, then a new rule will have to be adopted in this House.

The CHAIRMAN. The gentleman is correct and the point of order comes too late.

Mr. HOLMAN. The amendment is a limitation on the appropriation itself.

The CHAIRMAN. The Chair did not hear the gentleman reserve the point of order.

Mr. WELLBORN. But the gentleman did make it.

Mr. PERKINS. The amendment has not been read yet from the Clerk's desk. The gentleman from Indiana said he would offer it, and then proceeded to discuss it. The Chair has not stated it to the House, nor has it been read.

Mr. HOLMAN. I offered it in the usual way.

Mr. PERKINS. It has not been read from the desk, nor has it been stated to the House.

Mr. HOLMAN. I said I would withdraw the first amendment and offer another.

Mr. PERKINS. It is not before the House.

Mr. STORM. I recollect distinctly that the gentleman in the course of his remarks, without stopping for objection, simply said, "I withdraw the amendment," and then went right on and said he proposed to offer an amendment after the word "purpose"—he went right on and gave no opportunity for raising the point of order.

Mr. PERKINS. It has not been read.

Mr. HOLMAN. I said I offered it in the usual way. I did not suppose any more formal statement was necessary. The Chair will remember how it was.

Mr. SPRINGER. The point of order having been decided, I suppose we can go on. I call for a vote.

The CHAIRMAN. Under the first clause of Rule XVI, the Chair understands it has heretofore been held that unless an amendment has been read from the Clerk's desk or stated by the Chair the point of order could not be properly considered as coming too late.

Mr. HOLMAN. I wish to be heard on the point of order.

The CHAIRMAN. The Chair understands that is the opinion of the former Speaker. The Chair will therefore hold that the point of order does not come too late.

Mr. CANNON. I wish to hear the amendment read.

The CHAIRMAN. It never has been read from the Clerk's desk.

Mr. CANNON. Very well, then; let it be read from the Clerk's desk now.

The Clerk read as follows:

In line 1008, after the words "educational purposes," insert the words "on the reservations."

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic; and

A bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HOLMAN. Mr. Chairman, a word now upon the point of order. I hope the Chair will observe that the whole of this language embodied in this portion of the bill is new. No such phraseology has been heretofore employed nor has any portion of it been the law:

For support of Indian day and industrial schools and for other educational purposes not hereinafter provided for, * * * $700,000.

The first terms I have read are a part of the present law for the current year; that is, "for the support of the Indian day and industrial schools."

Now, the question is, and that is the sole question presented here, whether you can impose a limitation upon expenditures of money to be appropriated under the existing rules of the House or not. Here it is proposed to limit this expenditure of money provided in this section of the bill to the Indian reservations, and not beyond. I repeat, then, the question is whether or not, under the existing rules of the House that control the committee, any limitations can be imposed. It seems to me, Mr. Chairman, that a mere statement of the case decides it, for I believe I have never known it to be held under any of the rules of the House that you can not limit by a proposition the expenditure of money; that is, that you can not limit the form or method of the expenditure of the money; and I am not aware that it has been held anywhere that such a limitation is not in order. It is but a limitation upon the expenditure of the money in this case, directing that it shall be expended on the reservations and not elsewhere.

Mr. SOWDEN. Let me ask the gentleman a question, whether the limitation he would impose here would not abolish schools already in existence off the reservation?

Mr. HOLMAN. I understand the apprehension of my friend from Pennsylvania, and I will state that this has nothing whatever to do with the gentleman's schools in Pennsylvania or anywhere else. It does not touch a school east of the Mississippi River, but it is sought to prevent the abuse which has grown up out of the use of this fund, and to which I have had occasion heretofore to refer in my remarks upon this bill——

Mr. SKINNER. Does it not affect the Albuquerque school in New Mexico?

Mr. CUTCHEON. Or that at Chilocco?

Mr. HOLMAN. No, sir. That is specially provided for, I believe.

Mr. SKINNER. It is not.

Mr. PERKINS. Not in this bill. There is no specific appropriation here for the school at Albuquerque.

Mr. HOLMAN. I took it for granted that as the Chilocco school was specifically provided for the Albuquerque school was also, though it is not necessarily one of the system. However, that is not material, for that is within the limits of a reservation. But as a matter of fact the Chilocco school is not embraced by any subsequent provision. I repeat, however, that does not touch the case, for I myself as well as all other gentlemen would be interested in providing for the Chilocco school exactly in the manner that its best friends could wish it to be provided for.

Mr. PERKINS. But the Chilocco school is provided for in the bill, while the Albuquerque school is not.

Mr. RYAN. And it is not on a reservation?

Mr. HOLMAN. Well, it is right on the edge of a reservation, and it is a case which can be readily provided for in the bill if it should be affected by any such provision as this.

Mr. PERKINS. I insist on the point of order.

Mr. CANNON. I desire, if I can be heard on the point of order, to make a single remark in reference to it. I do not believe, Mr. Chairman, that the amendment of the gentleman from Indiana is subject to the point of order; and if it should be so held, that it is not subject to the point of order, it should be adopted, and if there be any oversight as to the Albuquerque school or otherwise——

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the mind of the Chair is in the same condition as to the point of order made upon this amendment as when the Chair decided the question a moment ago. The Chair is of opinion that it is not in order and is subject to the point of order of the gentleman from Kansas. The Chair, of course, however, will hear the gentleman if he desires to discuss it, but thought it proper to state that he was of the same opinion upon the subject.

Mr. CANNON. I should like to be heard for a moment only.

Mr. BEACH. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BEACH. I desire to know whether the Chair has not already decided the point of order and so announced?

The CHAIRMAN. But the Chair has stated his willingness to indulge gentlemen upon the point of order to see whether there can be a new hearing.

Mr. CANNON. Mr. Chairman, the disorder of this committee has been such that no man upon the floor, sitting even where I do now, can tell what is taking place in the committee. When the Chair indicated that it had decided the point of order it was the first intimation I had of the decision. I failed to hear him, and I certainly should have desired to be heard for a minute or two on this point before its decision; and now, as the Chair has signified his willingness to indulge me for a moment, I wish to make a remark, namely, that so far as this section of the bill is concerned, commencing with line 1001 and ending with line 1011, no man can put his finger upon a provision of law anywhere that authorizes it. And yet it does run in the different appropriation bills. Now, if that be true, that there is no general law authorizing any of these appropriations, then it expires with the close of this year unless the House makes some further provision for its continuance.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the gentleman from Indiana made the point of order against the text of the bill to which he alludes some half an hour ago. He subsequently withdrew the point of order, and since then the text has been amended, so that now any point of order which the gentleman may contemplate to the text of the bill could not be entertained.

Mr. CANNON. I am aware of that, but the very statement of the proposition shows, in my opinion, the amendment of the gentleman from Indiana is in order for this reason, that here is an appropriation which is made without any general law, and if we are making an appropriation without any general law it is in order to determine how that appropriation shall or shall not be expended.

Mr. HISCOCK. I desire to offer the amendment which I send to the desk. As I understand, the bill has been read to the close of line 1011. I offer the amendment to go in at the close of that line.

The Clerk read as follows:

At the end of line 1011 add:

"Always provided that no part of the money appropriated by this act shall be expended in the transportation from or support of Indian pupils or children off their reservations respectively if removed without the free and unconstrained consent of their parents, or those standing in that relation to them by their tribal laws, respectively.

Mr. PERKINS. I reserve the point of order on that amendment.

Mr. HISCOCK. I would like to hear the point of order stated.

Mr. PERKINS. The point of order is that the amendment is new legislation.

Mr. HISCOCK. It is not new legislation. It simply tells how the money shall be expended.

Mr. PERKINS. It is imposing restriction and limitation not in keeping with existing law.

Mr. HISCOCK. There is no existing law on the subject. You have a provision which appropriates a certain sum of money, and this simply provides a limitation on its expenditure, which has always been held to be in order.

Mr. PERKINS. The appropriation bill of last year is the existing law on this subject.

Mr. HISCOCK. The appropriation bill of last year expires with the current year. I desire to say further, it has been always held that any provision was amendable by placing upon it a limitation as to how the money should be expended and providing the channels through which it should be expended.

Mr. RYAN. I suggest to the gentleman to leave out the words "and unconstrained."

Mr. HISCOCK. I agree to that.

The CHAIRMAN. The Chair is of opinion that as modified the amendment is in order. It is a limitation on expending the money appropriated, which the Chair is of opinion is in order.

Mr. HISCOCK. The reason I offer this amendment is on account of the assertions that have been made on this floor by gentlemen that these Indian children are kidnaped; that they are forced, by the threat of starvation, from their tribal relations; that in inclement seasons of the year, under duress exercised over their parents or those standing *in loco parentis* to them, they are taken from their tribes and carried away. I offer this amendment to provide against that.

I assume that the gentleman from Indiana [Mr. HOLMAN] and others would not have deliberately made these charges upon this floor unless they are true. I am in favor of industrial schools, but I do not believe that this is the way to humanize the Indian, to elevate the Indian, by trampling down the relations existing between parent and child. If they are to be educated, educate them upon their reservations. If they are willing to leave their reservations, and if their parents are willing they should leave their reservations, then I am willing they should go. But I am unwilling, I can hardly believe there is a member of this committee who is willing, that by force, by fraud, by coercion, by threat of starvation these children should be taken from their reservations and carried away from their parents. I hope the amendment will be adopted.

Mr. PERKINS. I have no authority from the committee to accept the amendment. Yet I may say there is no disposition on the part of the committee to oppose it.

Mr. HISCOCK. Let the amendment be again read to show what words have been stricken out.

The amendment was again read as modified by striking out the words "and unconstrained."

Mr. REAGAN. I will vote for the amendment as an expression of opinion; that is all I understand it to be. There is no penalty to be enforced by it.

The amendment was adopted.

Mr. HISCOCK. As I understand it, my amendment covers all the money appropriated by this bill.

Mr. CANNON. Let it be read again.

The CHAIRMAN. The amendment comes in after the amendment already adopted of the gentleman from North Carolina [Mr. SKINNER].

The Clerk commenced to read the amendment, as follows:

Always provided that no part of the money appropriated by this act shall be expended.

Mr. HISCOCK. That is right. I now offer another amendment. If it is considered subject to the point of order, I hope the point of order will not be insisted upon.

The Clerk read as follows:

Any person who shall remove an Indian child from his or her reservation without such consent shall be guilty of a misdemeanor, and be punished by a fine not exceeding $100 or by imprisonment not exceeding thirty days, and if an officer or agent of the Government, shall be dismissed from the service.

Mr. HISCOCK. I hope no point of order will be made on that amendment.

Mr. PERKINS. I make the point of order that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of the paragraph the following:

"No portion of said sum of $700,000 shall be expended in the support of schools beyond the limits of the Indian reservations except such sum as the Committee on Indian Affairs shall deem it expedient to expend in support of the Indian school at Albuquerque."

Mr. STORM. I make the point of order on that that it is new legislation.

Mr. HOLMAN. It is simply a limitation on the expenditure of the money.

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

Mr. STORM. I desire to hear the amendment read again.

The Clerk again read the amendment.

Mr. HOLMAN. Mr. Chairman, I desire to state that this provision does not affect the existing schools east of the Mississippi; it simply seeks to prevent the establishment of any more.

Mr. CUTCHEON. Is the Forest Grove school in Oregon on the reservation?

Mr. HOLMAN. That is provided for separately.

Mr. STORM. The intention of the gentleman from Indiana [Mr. HOLMAN] may be as he states, but, for the life of me, I can not understand that the amendment does not mean otherwise.

Mr. HOLMAN. That is the intention of the proposition. If the gentleman can show otherwise, I will modify it.

The question was taken on the amendment offered by Mr. HOLMAN; and there were—ayes 33, noes 73.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point that no quorum has voted. The Chair appoints the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Kansas, Mr. PERKINS, to act as tellers.

The tellers reported—ayes 41, noes 98.

So the amendment was rejected.

Mr. HOLMAN. Mr. Chairman, I do not insist on a further call.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., and for transportation of Indian pupils to and from said school, $80,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $167, exclusive of transportation, for the support and education of each pupil actually maintained in and supported and educated at said school; but actual cost of transportation and other expenses of such pupils as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt while in charge of said Indian industrial school $1,000; in all, $81,000.

Mr. PEEL. Mr. Chairman, I make a point of order on that paragraph that it contains new legislation. It provides for an officer, the superintendent of the school, as well as providing his salary. The office does not exist by law otherwise than in the appropriation bill of last year, which will expire on the 30th of June at the time when this bill will take effect.

Mr. RANDALL. I will inquire of the gentleman whether he applies his point of order to the entire paragraph, or only to the part in which Captain Pratt is mentioned by name?

Mr. PEEL. I apply it, Mr. Chairman, not so much to the provision for the salary as to specifying this officer by name; not that I have any objection at all to Captain Pratt, but I think this is a vicious practice, and one which would destroy the very purpose of the new rule. If a provision of this kind can be continued in a general appropriation bill simply because it is found in the appropriation bill for the preceding fiscal year, on the same principle we might go back and take up every solitary item that is in the appropriation bill of last year and incorporate it in this one. My point of order is directed to the fact that this paragraph creates an office and makes this officer superintendent of this school without his being appointed by the authority authorized by law to make such appointments. It takes the appointment out of the hands of the Secretary of the Interior and the Commissioner of Indian Affairs and makes it by law in a general appropriation bill. I think such legislation is vicious in principle.

Mr. STORM. Mr. Chairman, I desire to be heard on the point of order. If this were the first time that the name of Captain Pratt had appeared in an appropriation bill in this way I would agree that it had no place here, but it has been in every appropriation bill since 1881, and there is some motive back of this action which prompts the attempt to strike down this gentleman at this time and in this way. I do not accuse the gentleman from Arkansas [Mr. PEEL] of sharing in that spirit, but I understand the opposition to Captain Pratt is inspired by some one in the Indian Office, and I have only to say that when it is attempted in this way to strike down one who has done more for the cause of Indian education than any other man in this country, one who is not only a brave soldier but a skilled educator of the Indian, a pioneer in the cause of Indian education, it will be ill appreciated by the friends of Captain Pratt throughout the whole country, and I beg of my friend from Arkansas [Mr. PEEL] not to make this point now in order to gratify the spleen or the vanity of some one who perhaps fancies that he has not been fairly treated by Captain Pratt. It is most unfortunate that four appropriation bills have passed this House with Captain Pratt's name in and now for the first time it is found to be a mistake.

Mr. PEEL. Mr. Chairman, I assure my colleague on the committee that I have no such feeling at all myself. It is principle that I am working for. I think I am right, and therefore I must insist on the point of order.

Mr. NELSON. Mr. Chairman, I desire to say a word upon this point of order. This very provision in reference to Captain Pratt is in the last appropriation bill. If it is to be held that this is not in continuation of existing appropriation, then I submit that over half the items in this appropriation bill would be amenable to the same objection and might be stricken out on the same point of order.

The CHAIRMAN. If this were offered as a new proposition or amendment to this bill the Chair would unquestionably rule it out of order. But the Chair finds a similar provision in the law for the current year, and therefore the Chair is in doubt as to whether this would not fall within the rule that where an appropriation is in continuation of an appropriation for a public object already in progress it may be held to be in order. The Chair very much doubts whether this is not such an appropriation, and for that reason the Chair prefers to submit the question for the determination of the committee, in accordance with the precedents heretofore established as to doubtful and important questions of order.

Mr. HOLMAN. Mr. Chairman, this is a question springing up at the very threshold of the application of the new rule; and the inquiry arises at once whether the rule, in referring to "existing law," means a permanent enactment of Congress or a temporary appropriation.

Mr. LONG. What is the difference?

Mr. HOLMAN. One is simply a law of appropriation, the other is a permanent enactment.

The CHAIRMAN. The Chair will submit to the Committee of the Whole the question whether the point of order made by the gentleman from Kansas is well taken.

Mr. LONG. An appropriation act is a law; and if that object has been previously authorized by a law, whether in the form of an appropriation for a single year or a permanent law extending over many years, it comes within the rule as having been previously authorized.

The CHAIRMAN. In reply to the suggestion of the gentleman from Massachusetts [Mr. LONG] the Chair would say that the bill passed last year, known as the current appropriation bill, expires on the 30th of June next.

Mr. LONG. Still this is authorized by that law.

The CHAIRMAN. The Chair has grave doubts on that question, and desires to submit it to the committee.

Mr. BLOUNT. I ask to be heard for a moment on the point of order. I agree with the gentleman from Indiana [Mr. HOLMAN] in thinking that this is a very important question and one which ought not to be passed over lightly. We are now beginning to operate under the new rule; but while this is true, the phrase "changing existing law" has had a fixed significance in this House for the last ten years without any variation so far as I know. The object of the provision was to prevent any committee on appropriations from reporting in any general appropriation bill a proposition for which there was not specific authority in the terms of a statute. For instance, you provide from year to year in a general appropriation bill for the officers of the Navy. The provision of existing law under which you do this is the law organizing the Navy, creating the offices, prescribing the salaries. If you adopt the other construction, that because there has been an appropriation in the previous bill, upon which no point of order was raised, you therefore have existing law as authority for a new appropriation, then there is hardly anything that is not in order on an appropriation bill.

Take for instance your sundry civil appropriation bill, containing miscellaneous items that vary from year to year, embracing one year some matters and another year other matters. On that bill items are sometimes admitted upon which no question of order is raised because the necessity of the appropriation induces acquiescence on the part of the House. But because we have provided one year for a given item in an appropriation bill gentlemen can not undertake to say that Congress has provided for that as a permanent service.

When the Committee on Appropriations by the rule are required to confine their appropriations to the provisions of existing law, the intent, as I understand, is that they shall provide for a service that has been contemplated by statute. They simply provide the means for the execution of a general law.

Mr. HOLMAN. That expresses it exactly.

Mr. BLOUNT. Now, it is proposed to insert in this bill a provision to pay a certain sum to a given officer by name. Appropriations of this character have been admitted on some occasions by unanimous consent when they had reference to employés of this House; but I do not think anybody has ever entertained the idea that such appropriations were in order. They have never been so held when the question has been raised, though I have known several instances where the question was raised and subsequently withdrawn out of kindly feeling to our employés.

Mr. WELLBORN. Does the gentleman mean to say that such an appropriation has been held out of order where the employé had been named in a preceding bill?

Mr. BLOUNT. Yes, sir, identically that case, where he had been named in a preceding bill.

Why, sir, this bill relates to the next fiscal year. The bill to which reference has been made provides merely for the current year, and no more; in doing that, it exhausts itself. Mr. Chairman, I do trust that we shall not put upon our rule a construction which will overturn the significance heretofore uniformly given to the terms of the rule by all the rulings made from that chair.

Mr. WELLBORN. Does the gentleman say that this proposition changes existing law?

Mr. BLOUNT. I do, most emphatically.

Mr. WELLBORN. What is the existing law?

Mr. BLOUNT. If there is no law for it, you are putting it there in violation of law.

Mr. WELLBORN. Will the gentleman answer my question; What is the existing law?

Mr. BLOUNT. If there is no authority for this particular service, then you have no right to insert it in the bill at all; it is new legislation.

Mr. WELLBORN. There is already existing law for the payment to this man by name.

Mr. BLOUNT. The gentleman says that there is existing law to pay Captain Pratt by name.

Mr. WELLBORN. There has been for four successive years.

Mr. BLOUNT. But each different time it has been placed on an appropriation bill, and would have been subject to a point of order. That does not make a general law on the subject.

Mr. LONG. Has not this expenditure been "previously authorized by law?"

Mr. BLOUNT. Why, Mr. Chairman, that is simply dallying with words.

Mr. LONG. Those are the words of the rule.

Mr. BLOUNT. They have never been held in any such narrow sense as that. Because you have once gotten through an illegal appropriation in a general appropriation bill and nobody has made any question of order upon it, is it to be maintained that the general law is changed and that you can do the same unlawful thing ever afterward?

Mr. BRECKINRIDGE, of Kentucky. I understand that there has been an appropriation of this kind made annually for four successive years.

Several MEMBERS. Yes.

Mr. BRECKINRIDGE, of Kentucky. Then the question is whether the term "existing law" in this rule means a continuing law, a law which by its own force continues to operate, or whether it means a mere temporary allowance for a single year.

Mr. BLOUNT. The law creating the service is to be taken as a guide by Congress in making the appropriation.

The CHAIRMAN. The time has arrived when the question should be submitted to the committee.

Mr. RANDALL. This point of order reaches further than members are aware of, and it is one which may come up upon every appropriation bill. It may be the means of increasing largely the expenses of the Government. Therefore those who wish to examine it in all its bearings should have the opportunity to do so carefully and with sufficient time. I therefore ask the gentleman from Texas will make the motion to rise and give us the opportunity we ought to have to consider the point of order.

A MEMBER. Will the gentleman go on with the bill to-morrow?

Mr. RANDALL. Yes; I am willing to take it up to-morrow, so far as my vote is concerned.

Mr. WELLBORN. It had been my hope to finish this bill this evening and I so told numerous parties who were waiting in that expectation, but when I am appealed to to allow opportunity to investigate a point of order I do not think it would be right or proper for me to resist such appeal. I therefore move the committee rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. SPRINGER having resumed the chair as Speaker *pro tempore*, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FORAN, by unanimous consent, was granted leave of absence for one week, on account of important business.

And then, on motion of Mr. BLAND (at 5 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of John E. Tebrey; of John R. Darne, of Fairfax County; of William Hough; of J. B. Beans, of Loudoun County, and of Mrs. Ruth Formshil, widow of John Formshil, deceased, of Alexandria County, Virginia, asking that their several war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of Sarah Combs, deceased—to the same committee.

By Mr. BARNES: Petition of H. D. Leitner, for pay as postmaster under act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. BAYNE: Resolutions of the executive board of Assembly 1620, Knights of Labor, of Pittsburgh, Pa., requesting the defeat of House bills 265 and 1003, relating to pilots and pilotage—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. C. E. BROWN: Papers in the claim of Thomas Matthews and others—to the Committee on Claims.

By Mr. W. W. BROWN: Memorial of the Williamsport (Pa.) Board of Trade, protesting against the passage of any law reducing duties on lumber—to the Committee on Ways and Means.

By Mr. BUCK: Memorial of certain Knights of Labor, concerning appropriations—to the Committee on Railways and Canals.

By Mr. CLARDY: Resolution of the president and directors of the Saint Louis public schools, in Missouri, in favor of the passage of the Blair bill—to the Committee on Education.

By Mr. COX: Petition of George L. Tounofski and 19 others, citizens of Wake County, North Carolina, asking the opening of Indian Territory—to the Committee on the Territories.

By Mr. DAVENPORT: Petition of citizens of New York, against increasing postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of Watson B. Kelly and 69 others, citizens of Harwick, Mass., owners and masters of sailing vessels, asking for the passage of a law allowing masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Harvey S. Cook and 78 others, in favor of the establishment of telephonic communication between life-saving stations on Cape Cod, Massachusetts—to Committee on Commerce.

Also, petition of J. E. Crowell and 213 others, for the same—to the same committee.

By Mr. ERMENTROUT: Petition of T. L. Fritch & Bros., of Mertztown, and of W. H. Reinoche, of Reading, Pa., for the Arthur Kill bridge—to the same committee.

Also, memorial of G. B. Hotchkin praying for pension to H. S. Gaul—to the Committee on Invalid Pensions.

By Mr. FREDERICK: Petition of citizens of La Porte City, Black Hawk County, Iowa, asking the change of the boundaries of judicial districts of Iowa—to the Committee on the Judiciary.

Also, petition of vinegar manufacturers, protesting against the passage of House bill 3973—to the Committee on Ways and Means.

By Mr. GUENTHER: Petition of Christian women of Green Lake County, Wisconsin, asking for an amendment to the Constitution prohibiting the disfranchisement of any citizen on the ground of sex—to the Committee on the Judiciary.

By Mr. HALL: Memorial of the General Assembly of Iowa for the establishment of a branch of the soldiers' home for the Northwest in the State of Iowa—to the Committee on Military Affairs.

By Mr. HALSELL: Memorial of the Local Assembly 3893, Knights of Labor, of Central City, Ky., for the construction of public works, Hennepin Canal, &c.—to the Committee on Railways and Canals.

By Mr. HERMAN: Petition and papers to accompany House bill 6273—to the Committee on Claims.

By Mr. HIESTAND: Petition of the "Lancaster Association of Prisoners of War," in favor of pensioning prisoners of war—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of 430 commercial travelers assembled at Syracuse convention, January, 1886, to abolish license fees—to the Committee on Commerce.

By Mr. J. H. JONES: Petition of citizens of Wilberger County, Texas, for sufficient appropriation to secure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, memorial of the Knights of Labor of Galveston, Tex., favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LIBBEY: Petition of the Soldiers and Citizens' National League, in favor of pensioning all honorably-discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. MCMILLIN: Petition of John R. Dunn and others, for pensioning John M. Gilbert, of De Kalb County, Tennessee—to the same committee.

By Mr. MOFFATT: Papers in the claim of Thomas Chambers—to the Committee on Claims.

By Mr. O'DONNELL: Petition of 147 citizens of Leslie, Rives, and Jackson, Mich., praying for the enactment of a law putting oleomargarine, butterine, and all imitations of butter under the control of the internal-revenue department, with a tax sufficient to defray the expenses of enforcing the law—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Petition of James Peak, asking for a pension—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Resolutions of Board of Trade of Wilkes-Barre, Pa., relating to public building at that city—to the Committee on Public Buildings and Grounds.

By Mr. PETERS: Petition of William J. Wood, for special-act pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of the mayor and board of aldermen of Manitowoc, for the improvement of that harbor—to the Committee on Rivers and Harbors.

Also, memorial of the local assembly of Knights of Labor, Eau Clair, Wis., for liberal expenditures of public money in internal improvements—to the Committee on Railways and Canals.

Also, memorial of savings banks, favoring suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. ROCKWELL: Petition of Local Assembly, Knights of Labor, of Springfield, Mass., that the annual appropriation for manufacture of arms be the same as usual—to the Committee on Military Affairs.

By Mr. SAWYER: Petition of Samuel Parker and many others, asking that manufacturers alone be liable for royalties and infringements of patents—to the Committee on Patents.

By Mr. SAYERS: Memorial of Knights of Labor, of Galveston, Tex., favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. SCRANTON: Petition of members of Pike County bar, Pennsylvania, for passage of House bill 2124 to alter the judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. SPOONER: Petition of Alphonse O. Drake, of Company E, Second Regiment Rhode Island Volunteers, for invalid pension—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of William Tibbits and 30 others, of Trask, Ind., asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENSON: Petition of 69 citizens of Marathon, Wis., favoring the free coinage of silver—to the same committee.

Also, memorial of Local Assembly No. 4254, city of Marinette, Wis., favoring the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. E. F. STONE: Petition of Knights of Labor of Gloucester, Mass., for the Hennepin Canal—to the same committee.

By Mr. TAULBEE: Protest of citizens of Perry County, Kentucky, against passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. E. B. TAYLOR: Memorial of the Knights of Labor of Kent, Ohio, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. WAIT: Resolution of the General Assembly of Connecticut, asking that back pension be granted to Mrs. Betsey A. Mower, widow of Maj. Gen. Joseph A. Mower—to the Committee on Invalid Pensions.

Also, memorial of Knights of Labor of Lodge 4116, at Colchester, Conn., for an appropriation for construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Affidavit and statement of citizens in behalf of George Chambers, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to pension of Mrs. Barbara Frichs—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. MCCOMAS: Of 27 citizens of Franklin, Md.

By Mr. NEAL: Of citizens of Chattanooga, Tenn.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Bedford County, Pennsylvania.

By Mr. CONGER: Of citizens of Adair and Madison Counties, Iowa.

By Mr. DAVIS: Of citizens of Dukes and Bristol Counties, Massachusetts.

By Mr. HIRES: Of citizens of Cape May, Gloucester, and Salem Counties, New Jersey.

By Mr. JACKSON: Of citizens of Washington and Lawrence Counties, Pennsylvania.

By Mr. SAWYER: Of citizens of Genesee and other counties, New York.

By Mr. SENEY: Of John D. Sears and others, of Ohio.

By Mr. WEBER: Of citizens of Sanborn, Niagara County, New York.

SENATE.

FRIDAY, *March* 19, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DUTIES OF TREASURER OF THE UNITED STATES.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MORRILL. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MORRILL, Mr. ALLISON, and Mr. VOORHEES were appointed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of the Treasury in regard to the proposed extension of the court-house building in Brooklyn, N. Y., and the purchase of additional land for that purpose; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of the Treasury as to the advisability of increasing the limit of the cost of the public building at Hannibal, Mo., from $93,000 to $130,000; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of Connecticut; which was read, and referred to the Committee on Pensions, as follows:

State of Connecticut, January session, 1886.

House joint resolution No. 79, commending the application of Mrs. Betsey A. Mower for allowance of back pension.

Resolved by this Assembly, That recognizing the eminent services rendered to the Union cause during the war of the rebellion by the late Maj. Gen. Joseph A. Mower, we commend to the Congress of the United States the application of his widow, Mrs. Betsey A. Mower, for allowance of back pension, believing that the granting of the same would be a simple act of justice to the family of one of the most gallant and distinguished of the volunteer officers of the Union Army.

Resolved, That the secretary of state be, and hereby is, requested to forward a copy of the foregoing resolution to the presiding officers of the Senate and House of Representatives and to each of the Senators and Representatives in Congress from this State.

STATE OF CONNECTICUT,
Office of Secretary of State, ss:

I, Charles A. Russell, secretary of the said State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the General Assembly of said State, do hereby certify that I have compared the annexed copy of the resolution commending the application of Mrs. Betsey A. Mower for allowance of back pension with the original records of the same now remaining in this office, and have found the said copy to be a correct transcript thereof and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 17th day of March, 1886.

[SEAL.] CHARLES A. RUSSELL,
Secretary of State.

Mr. SAWYER presented a petition of Knights of Labor of Milwaukee, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. SEWELL presented a resolution adopted by Vineland (New Jersey) Grange No. 11, remonstrating against the passage of the bill proposing to increase the postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Knights of Labor of Warren County, New Jersey, praying for the opening of the Oklahoma lands in the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the Knights of Labor of Phillipsburg, N. J., favoring the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MAXEY presented petitions of Knights of Labor of Austin and Marshal, in the State of Texas, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MAXEY. I present a petition of various citizens of Wood County, Texas, addressed to the Senators and Representatives from the State of Texas, but evidently designed as a petition to Congress, praying that an appropriation be made for the improvement of Galveston Harbor. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. HALE presented a petition of Knights of Labor of Lincolnville, Me., and a petition of Local Assemby No. 4639, Knights of Labor of Maine, praying that liberal appropriations be made for works of internal improvement, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. BLACKBURN presented a joint resolution of the Legislature of Kentucky, favoring an appropriation for the improvement of the navigation of the Licking River; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Legislature of Kentucky, favoring the passage of a bill preventing the retirement of Rear-Admiral James E. Jouett, United States Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of citizens of Kentucky, praying for the passage of a bill for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. HARRIS presented a petition of Knights of Labor of Tracy City,

Grundy County, Tennessee, and a petition of Knights of Labor of Campbell County, Tennessee, praying that liberal appropriations be made for works of internal improvement, and especially for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. COLQUITT. I present a petition praying for the favorable action of the Congress of the United States upon the bill to prohibit the sale of liquor within 1 mile of the Soldiers' Home grounds. The petition is signed by the Board of Commissioners, by General Sheridan, by the Adjutant-General, by the Surgeon-General, by General Hunt, the governor of the Soldiers' Home, and other officers of rank and eminence, and by five hundred and odd citizens living within the territory marked out in the bill. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a joint resolution of the Legislature of Maryland; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution requesting Congress to appropriate money to make a continuous navigation from Chincoteague Bay, in Virginia, to Delaware Bay, at or near Lewes, Del.

Whereas by an act of the Congress of the United States, passed July 5, 1884, a survey has been made under the direction of the War Department of the United States of Lewes Creek and Rehoboth Bay, Delaware, Assateague and Chincoteague Bays, Maryland, with a view to form a continuous inland navigation from Chincoteague Bay, in Virginia, to the Delaware Bay, at or near Lewes, Del., and a report most favorable in its character, showing the importance to commerce of the work, and the small amount of money necessary to complete it, has been submitted to the Secretary of War by the engineers in charge; and

Whereas the importance of this projected work to a large number of the people of this State is apparent: Therefore,

Be it resolved by the General Assembly of Maryland, That the Senators and Representatives from this State in the Congress of the United States be, and they are hereby, urgently requested to use all honorable means to obtain an appropriation from Congress to prosecute said work to completion.

JOSEPH B. SETH,
Speaker of the House of Delegates.
E. M. WARFIELD,
President of the Senate.

Mr. COCKRELL. I present a petition of 7 clergymen, 10 physicians, 6 lawyers, 15 teachers, 54 business men, and 9 officers of temperance and other societies, of Bates and Vernon Counties, in the State of Missouri, praying for the enactment by Congress of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury. As the bill has already passed the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL. I present a petition that was sent to my colleague [Mr. VEST], who is necessarily detained from the Senate by reason of illness. It is a petition of Knights of Labor of Kirksville, Mo., praying that liberal appropriations be made for the construction of works of internal improvements, and especially for the construction of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLATT presented a petition of Knights of Labor of Colchester, Conn., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MCMILLAN presented a petition of 4 clergymen, 5 physicians, 3 lawyers, 20 teachers, 67 business men, and 12 officers of temperance and other societies of Rice and Goodhue Counties, Minnesota, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. CAMERON presented a petition of Knights of Labor of McKean, Pa., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of 55 citizens of Cochranville, Pa., praying for the prohibition of the manufacture and sale of all alcoholic beverages in the District Columbia; which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by Sons of Veterans of Beaver Falls, Pa., favoring the passage of an act granting a pension to Elizabeth Sirwell, widow of Col. William Sirwell, late colonel of the Seventy-eighth Pennsylvania Volunteers; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present the petition of 150 settlers on the Des Moines River lands, praying for the passage over the veto of the President of the bill recently passed by both Houses and vetoed by the President to quiet title of settlers on the Des Moines River lands. The petition is brief, and I ask that it may be printed in the RECORD without the names and without being read.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, citizens and settlers upon Des Moines River land of the Des Moines Valley and State of Iowa, hereby very respectfully and earnestly petition your honorable body to take into consideration once more the settlers' bill, and pass the same over the veto of the President.

Our reasons for petitioning thus are these: We believe that the President, in refusing to sign our bill, has done an unjust and unrighteous act, inasmuch that it has deprived us of the opportunity of presenting our case before the proper tribunal; and by so doing, has deprived us of our rights and allowed our homes to remain in jeopardy and ourselves a prey to land-grabbers and thieves. And by so doing he has tacitly sustained these river-land thieves to continue persecuting and driving us from our homes. For further cause, we wish to say that these lands were settled in good faith by us, believing them to be Government lands; and resting upon that belief, the settlers have built up homes after years of persecution, until now all that they have are on these lands. Having confidence, however, in the rectitude of our purpose, the justice and righteousness of our cause, we believe that should our case come before the Supreme Court of the United States in the manner directed by the settlers' bill, the true facts will be brought to light, the dark clouds removed from our homes, while the rightful owners will have possession of their own. For the granting of this petition we most humbly pray.

Mr. WILSON, of Iowa. I also present the petition of 450 citizens of Webster County, Iowa, praying for the passage of the bill to quiet title of settlers on the Des Moines River lands, which was passed by both Houses and vetoed by the President. I move that this petition be printed, without the names, in the RECORD.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States:

The undersigned, citizens of Webster County, Iowa, believing that the measure recently passed by your honorable bodies to quiet title of settlers on the Des Moines River lands is a just one and should become a law, and believing that the President's veto of the said bill was made through ignorance of its true merits, and after an only partial investigation of the facts in relation to this question, respectfully pray your honorable bodies that you will pass this bill over the President's veto, that the same may become a law, and this long controversy, of over thirty years' duration, may be brought to a final termination. And your petitioners will ever pray.

Mr. WILSON, of Iowa, presented a petition of 22 clergymen, 16 physicians, 9 lawyers, 80 teachers, 168 business men, and 45 officers of temperance and other societies of Davis, Wapello, Monroe, and Mahaska Counties, Iowa, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

He also presented a petition of the Honey Creek (Iowa) monthly meeting of Friends, praying for the passage of Senate bill 355, to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. MANDERSON. I present a petition of mail-carriers of Lincoln, Nebr., which is informally addressed to the Senators from Nebraska, but evidently intended for the Senate, praying for the passage of a bill constituting eight hours a day's labor for letter-carriers. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. DOLPH presented a memorial of the Chamber of Commerce of the city of Tacoma, Wash., remonstrating against the removal of duties on coal and lumber; which was referred to the Committee on Finance.

Mr. RIDDLEBERGER. I present three petitions of Knights of Labor of Richmond and Chesterfield, in the State of Virginia, under the seal and signatures of the officers of the lodges, and as they all pray for the construction by the Government of the Hennepin Canal I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. HARRISON presented petitions of Knights of Labor of Carbon and Frankfort, in the State of Indiana, praying that liberal appropriations be made for public works, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of Weiser city, Idaho, remonstrating against the proposed division of that Territory; which was referred to the Committee on Territories.

Mr. CALL. I present a memorial of pilots on Apalachicola Bar, Apalachicola, Fla., remonstrating against the passage of the bill for the abolition of compulsory pilotage. This memorial is signed by Robert F. Yont, Joseph Buzzet, Domingo Cattanitti, and other pilots upon that bar. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a communication in the nature of a petition, sent to me by Horace Anderson, of Ellerslie, Hernando County, Florida, praying for the forfeiture of the land grant made in 1856 to the State of Florida for the construction of a railroad from Amelia Island to Tampa, in the State of Florida. The letter states that by the inclosed copy of a letter written by the writer to S. J. Wailes, commissioner, his grievances will be seen in full, which is only one case out of many others caused by this land grant in which the honest settlers of the country have been in every way oppressed and injured and deprived of their rights to settlement and homestead. This case, he states, is one that demands the action of Congress. I move the reference of the paper to the Committee on Public Lands.

The motion was agreed to.

Mr. MILLER presented a petition of Knights of Labor of Niagara County, New York, praying that liberal appropriations be made for in-

ternal improvements, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. INGALLS presented resolutions adopted by Knights of Labor of Labette County, in the State of Kansas, praying that liberal appropriations be made for works of internal improvement, and expressing views in favor of the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MCPHERSON presented a petition of 16 clergymen, 2 physicians, 6 lawyers, 5 teachers, 76 business men, and 20 officers of temperance and other societies of Monmouth County, New Jersey, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. BROWN. I present a petition of the Atlanta Society of Medicine, favoring the efforts which have been made to secure a favorable consideration of the claims of yellow-fever inoculation by our Government, and urging the passage of the bill providing for a medical commission to investigate this prophylactic measure. I move that the petition be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. PLUMB presented a petition of certain members of local posts of the Grand Army of the Republic of Kansas, praying the passage of what is known as the "Weaver bill;" which was referred to the Committee on Military Affairs.

He also presented a petition of the Knights of Labor of the Trevellick Assembly, of Parsons, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Kansas, praying for the passage of the legislation recommended by the national pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. BECK presented a resolution of the Legislature of Kentucky; which was read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, March 16, 1886.

SIR: I have the honor to transmit herewith a duly certified copy of a resolution of the General Assembly of the Commonwealth of Kentucky, entitled "Resolution requesting Kentucky members of Federal Congress to use their influence to secure an appropriation from the Government to lock and dam the Licking River in Kentucky," approved February 25, 1886.

Very respectfully,

J. PROCTOR KNOTT.

Hon. J. B. BECK, *Washington.*

[Resolution No. 31.]

Resolution requesting Kentucky members of Federal Congress to use their influence to secure an appropriation from the Government to lock and dam the Licking River in Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That our Senators and Representatives in the Federal Congress be, and they are hereby, requested to use their influence in securing an appropriation from the Federal Government for the purpose of locking and damming the Licking, Cumberland, Green, and Trade Water Rivers in Kentucky.

CHAS. OFFUTT,
Speaker of the House of Representatives.
JAMES R. HINDMAN,
Speaker of the Senate.

Approved February 25, 1886.

J. PROCTOR KNOTT.

By the governor:

J. A. MCKENZIE, *Secretary of State.*

COMMONWEALTH OF KENTUCKY, *Office of Secretary of State.*

I, J. A. McKenzie, secretary of state for the Commonwealth aforesaid, do hereby certify that the foregoing is a true and correct copy of resolution No. 31, approved February 25, 1886.

In testimony whereof I have caused my official seal to be hereunto affixed, at Frankfort, this 12th day of March, A. D. 1886.

[SEAL.] J. A. MCKENZIE, *Secretary of State.*

Mr. BECK presented a resolution of the Legislature of Kentucky; which was read, and referred to the Committee on Naval Affairs, as follows:

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, March 16, 1886.

SIR: I have the honor to transmit herewith a duly certified copy of a resolution of the General Assembly of the Commonwealth of Kentucky entitled "A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a bill preventing the retirement of Capt. James E. Jouett, of the United States Navy," approved March 8, 1886.

Very respectfully,

J. PROCTOR KNOTT,

Hon. JAMES B. BECK, *Washington, D. C.*

Joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a bill preventing the retirement of Capt. James E. Jouett, of the United States Navy.

Whereas the conspicuous and laudable heroism displayed in battle by Capt. James E. Jouett, of the United States Navy, on the occasion of his capture and destruction of the armed vessel Royal Yacht, at Galveston, Tex., on the night of November 7, 1861, and on the occasion of his capture of the war steamer Selma, at Mobile, Ala., on the 11th of August, 1864, not only won for him the admiration of the people of this Commonwealth, in which he was born and reared, but justly entitle him to the thanks of Congress: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested to use all honorable means to procure the passage of such a bill as will, in proper acknowledgment of his distinguished gallantry on those occasions, prevent his retirement from active service, unless upon his own application, until he shall have been fifty-five years in the Navy.

CHAS. OFFUT,
Speaker of the House of Representatives.
R. G. HAYS,
Pro tempore Speaker of the Senate.

Approved March 8, 1886.

J. PROCTOR KNOTT.

By the governor:

J. A. MCKENZIE, *Secretary of State.*

COMMONWEALTH OF KENTUCKY, *Office of Secretary of State.*

I, J. A. McKenzie, secretary of state for the Commonwealth aforesaid, do hereby certify that the foregoing is a true and correct copy of resolution No. 36, approved March 8, 1886.

In testimony whereof I have caused my official seal to be hereunto affixed, at Frankfort, this 12th day of March, A. D. 1886.

J. A. MCKENZIE, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2428) for the relief of V. F. Gorrissen, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 173) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on the District of Columbia, to whom was referred the petition of Martha J. Coston, praying for the opening of Vermont avenue, in the city of Washington, asked to be discharged from its further consideration; which was agreed to.

Mr. HARRIS. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 852) to provide eight magistrates for the District of Columbia, who shall have civil and criminal jurisdiction as therein provided; to define the jurisdiction, powers, and functions of said magistrates; and to abolish the police court and office of justice of the peace in and for said District, &c., to report it adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. HARRIS. As a substitute for the bill just indefinitely postponed I report a bill to create four police magistrates for the District of Columbia, to define the jurisdiction, powers, and functions of said magistrates, and provide a jury for the police court, and for other purposes; and I ask that it be printed and recommitted to the Committee on the District of Columbia.

Mr. RIDDLEBERGER. The Senator from Tennessee will allow me to ask him when did the committee direct that the first bill that he reported should be indefinitely postponed? I had not so understood.

Mr. HARRIS. That is precisely what I understood the action of the committee to be this morning.

Mr. RIDDLEBERGER. I was in committee all the time. My understanding was that the bills were to be reported back with the request to be printed and recommitted. That was my understanding; and I never heard but one bill read in committee.

Mr. HARRIS. The bill was postponed indefinitely to prevent the necessity of reprinting a long bill, for which the committee had, as I understand, instructed me to report a substitute. I will ask then, as there is a misunderstanding upon the part of one member of the committee, to reconsider the vote by which Senate bill 852 was indefinitely postponed.

The PRESIDENT *pro tempore.* If there be no objection the vote will be reconsidered.

Mr. RIDDLEBERGER. I will reply to the Senator from Tennessee by stating to him very clearly that the bill which was indefinitely postponed was not read in the committee.

Mr. HARRIS. That is all very true, but it was understood by the committee. However the object of the Senator is quite accomplished by my suggestion.

Mr. RIDDLEBERGER. Certainly it is, but I do not like the statement that I am doing what the committee would not otherwise have done as an exception to the rule of the committee. The bill was not read in committee.

Mr. HARRIS. I regret that any statement of mine should be distasteful to the Senator.

Mr. RIDDLEBERGER. It is not.

Mr. HARRIS. But I state the fact.

Mr. RIDDLEBERGER. We understand each other.

The PRESIDENT *pro tempore.* If there be no objection, the motion to reconsider will be agreed to.

Mr. HARRIS. I want the vote reconsidered.

The PRESIDENT *pro tempore.* That has been done.

Mr. HARRIS. Now I will offer the bill that I proposed to report as a substitute as an amendment to Senate bill 852, and I ask that the amendment be printed and recommitted to the committee.

The PRESIDENT *pro tempore.* That order will be made if there is no objection.

Mr. HARRIS. There is no necessity for reprinting the original bill.

Mr. COLQUITT, from the Committee on Post-Offices and Post-Roads,

to whom was referred the bill (H. R. 274) for the relief of John A. Morris, reported it without amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 654) declaratory of the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 1516) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Winona, State of Minnesota, to the opposite shore of said river, in the State of Wisconsin, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1491) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, State of Minnesota, to the opposite shore of said river, in the State of Wisconsin, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 576) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or Lake) at any accessible point between Prescott, Wis., and Taylor's Falls, Minn., reported it with amendments.

BILLS INTRODUCED.

Mr. BOWEN introduced a bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McPHERSON (by request) introduced a bill (S. 1917) for the relief of certain drafted men; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VAN WYCK introduced a bill (S. 1918) authorizing the Secretary of the Interior to extend the time of payment to purchasers of lands of the Otoe and Missouria and of the Omaha Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN introduced a bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and appropriating money therefor; which was read twice by its title.

Mr. McMILLAN. I present a communication from the Secretary of the Treasury approving and recommending this measure; which I move be referred with the bill to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. McMILLAN introduced a bill (S. 1920) to increase the appropriation for the erection of the public building at Minneapolis, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS (by request) introduced a bill (S. 1921) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed the 3d day of March, 1803; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. RIDDLEBERGER introduced a bill (S. 1922) to amend chapter 18 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE (by request) introduced a bill (S. 1923) to improve the consular service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 1924) to amend section 3962 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL introduced a bill (S. 1925) to provide for the purchase of two adjustable steam-docks, one to be placed at Pensacola and the other at Key West, Fla.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB (by request) introduced a bill (S. 1926) to increase certain pensions; which was read once by its title.

Mr. COCKRELL. Let that bill be read at length. I should like to hear it read.

The bill was read the second time at length, and referred to the Committee on Pensions, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to cause to be placed on the pension-roll the names of all pensioners of that grade of total disability where the pensioner now receives $8 per month at the rate of $25 per month; and all of those pensioners who receive over $8 per month and not over $16 per month shall be placed on the pension-roll at the rate of $30 per month, to take effect from the passage of this act.

FRENCH SPOLIATION CLAIMS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of the revised list of papers touching unpaid claims on account of French spoliations prior to January 31, 1801, transmitted by the President of the United States on the 17th instant, be printed; of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by the Department of State.

VICTOR BEAUBOUCHER.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Calendar is now in order.

Mr. EVARTS. I beg to ask attention to Calendar number 356, which is a House bill that was referred to the Committee on Foreign Relations. It was reported by me by direction of that committee in favor of the bill without amendment. I submitted a brief report in favor of it, which was presented by the Committee on Foreign Affairs of the House.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of Order of Business 356, being the bill (H. R. 1008) for the relief of Victor Beaubouchcr.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of State to audit the expenditures of Victor Beaubouchcr, late consul of the United States at Jerusalem, made in 1866 and 1867, and to determine what allowance, if any, shall be made to him upon principles of justice and equity; and the Secretary of the Treasury is directed to pay to Beaubouchcr such sum as may be awarded by the Secretary of State, not to exceed $4,000.

Mr. COCKRELL. I should like either to hear the report read or some explanation of the bill.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. EVARTS March 17, 1886:

The Committee on Foreign Relations, to whom was referred the bill (H. R. 1008) for the relief of Victor Beaubouchcr, having considered the same, beg leave to report it back with the recommendation that it pass, submitting herewith the report made by the Committee on Foreign Affairs (H. R. Report No. 28, Forty-ninth Congress, first session), in which they concur, and which they ask may be reprinted and made a part of this report.

[House Report No. 28, Forty-ninth Congress, first session.]

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 1008) for the relief of Victor Beaubouchcr, beg leave respectfully to report:

Victor Beaubouchcr was, at the time concerned, the consul of the United States at Jerusalem. He received the appointment from President Lincoln, although still a French subject, in recognition of gallant services in the Union Army. In that cause he had lost one of his legs.

In the winter of 1866-'67, the colony of misguided Americans who had been led to settle at Jaffa, under the fanatic lead of Rev. G. J. Adams, were brought to the verge of destitution. They had neither food nor money, nor resources to procure either. Under these circumstances, Beaubouchcr came to their rescue and made constant trips between Jerusalem and Jaffa, and rendered all the aid he could. He made advances, to relieve their immediate necessities and to aid their escape from Palestine, to the amount of $3,618.80 in gold. He asks the Government to repay this without interest.

His application, indorsed by Secretary Fish, was transmitted to Senator Sumner, then chairman of the Committee on Foreign Relations. A bill, introduced by Mr. Sumner, granting the relief sought, was passed in the Senate. It seems never to have been pushed in the House, Beaubouchcr's infirmities and health and possible absence preventing him from giving personal supervision to his case.

The same causes, possibly aided by a feeling of discouragement not unnatural to his race or to any one else under the circumstances, seems to account for subsequent delay in its prosecution. The committee find in this delay nothing to invalidate their faith in the justice of Beaubouchcr's demand, which at the time received the indorsement of the American minister at Constantinople, Mr. E. Joy Morris; Governor Perham, of Maine, and Mr. Israel Washburn, collector of the port of Portland, who seem to have had a personal acquaintance with and regard for the claimant.

The unhappy colonists, to the number of forty or more, mainly Maine folk, declared their appreciation and gratitude for his services in a letter to him, now in the files of the State Department.

And, as before noted, the Department itself recommended some appropriation to reimburse him for his outlays. Under these circumstances, the committee have no hesitancy in recommending the passage of the accompanying bill, which leaves the adjustment of the amount, under fair limits, and all other details to the discretion of the Secretary of State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS COUNTY RAILROAD COMPANY.

Mr. SEWELL. I move that the Senate proceed to the consideration of the bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, to insert as an additional section the following:

SEC. 2. That the authority heretofore granted to the Central Railroad of New Jersey to construct a railroad through the property of the United States used by the Government as a powder depot near Dover, N. J., be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

LIVE-STOCK HIGHWAY.

Mr. COKE. I move that the Senate proceed to the consideration of the bill (S. 721) to establish a national live-stock highway, and to promote commerce in live-stock between the States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments, in section 1, line 6, before the word "settlement," to strike out the word "sale," and after the word "settlement" to strike out the words "pre-emption, or location for any purpose whatever, under any law" and to insert "and sale under the land laws;" so as to read:

That the public lands in range numbered 41, along the east line of the State of Colorado, it being a fractional range, averaging about 2 miles in width, be, and is hereby, reserved from settlement and sale under the land laws of the United States for the period of ten years, and is hereby set apart as a national live-stock highway for such period.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOURTEENTH KANSAS CAVALRY VOLUNTEERS.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 352, being Senate bill 387.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. RANDALL.

Mr. DAWES. A few days since, when the Calendar was up, Order of Business 72, being Senate bill 367, was objected to by the Senator from Kansas [Mr. INGALLS], who will make no further objection, and I ask that the bill may be considered now. It is a bill which has passed both Houses twice, and the same bill has at this session passed the House of Representatives, and is now before the Senate.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 367) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

Mr. DAWES. I ask unanimous consent that the House bill which has passed that branch precisely like this may take the place of it.

The PRESIDENT *pro tempore*. If there be no objection the House bill of the same tenor will be substituted, and the House bill will now be considered as before the Senate.

The bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report in that case?

The PRESIDENT *pro tempore*. There is a report on the Senate bill, which is the same in terms.

Mr. COCKRELL. I should like to hear it.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DAWES January 20, 1886:

The Committee on Naval Affairs, to which was referred the bill (S. 367) "authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy," beg leave to report the same to the Senate, with the recommendation that the bill do pass.

This recommendation is based upon facts which are presented in a report made to the House of Representatives, Forty-seventh Congress, which report was adopted by the Committees on Naval Affairs of both branches Forty-eighth Congress, and is also adopted and made a part of this report. (Appendix.) To summarize the case, it appears that Mr. Randall entered the service in July, 1861, as acting master; that he was an officer of conspicuous gallantry and ability, winning promotion from grade to grade until, in March, 1865, he became a lieutenant-commander, with which rank he was honorably discharged from the volunteer service December 19, 1865. Less than a year later he was appointed in the regular Navy, and, beginning again at the foot, had, in 1870, reached the rank of lieutenant. After twelve years' service in that grade, he was ordered before a medical board to be examined for promotion, and was rejected for the reasons stated in the following extract from the report of the board:

WASHINGTON, *February* 10, 1882.

[Extract from the report of the medical examining board for promotion in the United States Navy, in the case of William P. Randall, lieutenant United States Navy.]

Each member of the board then proceeded to make a careful physical examination of the candidate, which being concluded, the board decided thereupon as follows: We hereby certify that Lieut. W. P. Randall, United States Navy, is not physically qualified to perform all his duties at sea, and do not recommend him for promotion. He has right inguinal hernia, which, according to a written statement made by Medical Director Charles Martin, United States Navy, and which was presented to the board, occurred in the line of duty on board the United States ship Cumberland February 22, 1862. He is nearly deaf in left ear; he is green blind, together with a general feeble color sense.

J. M. BROWNE,
Medical Director and President.
DAVID KINDLEBERGER,
Medical Inspector and Member.
JOHN C. SPEAR,
Medical Inspector and Member.

JOHN C. DULIN, *Recorder.*

The committee is especially impressed with the fact that the disabilities which prevented his promotion to the rank he now seeks had existed during practically the entire period of his service; that the hernia and deafness were caused by injuries received in the line of duty aboard the Cumberland, and that throughout his twenty years of service they had not interfered with the prompt and entirely efficient performance of his whole duty.

APPENDIX.

Lieutenant Randall has recently failed of recommendation for promotion to the grade of lieutenant-commander on the active-list because of physical infirmity wholly. But for these infirmities, which are mainly the direct results of hard and faithful service in war, Mr. Randall would have been unanimously recommended for promotion by the examining board.

The record of this officer is an admirable one. The retired-list of the Navy was created and intended for the protection of just such men as Mr. Randall, and we could wish that it contained no names less worthy than his.

Mr. Randall was an experienced navigator at the opening of the war of 1861, and was about to sail in command of a whaling ship at that time. He gave up his command, offered his services to the United States, and on the 24th of July, 1861, was appointed an acting master in the United States Navy. He was ordered to the Cumberland, and served on that vessel at the capture of Forts Clarke and Hatteras, and in the contest with the Merrimac, at Newport News, March 8, 1862, he was in command of the after pivot-gun, which was the last gun fired on the ship in that memorable contest. On the 28th of May, 1862, he was promoted to the rank of volunteer lieutenant, and served on the gunboat Port Royal through the summer of 1862. From January 26, 1863, he commanded the United States bark Pursuit, until August 12, 1864, and from that date he commanded the United States bark Restless until February 23, 1865, when he took command of the United States steamer Hendrick Hudson, and remained in that command until March 9, 1865.

On the 17th of March, 1865, he was promoted to the rank of volunteer lieutenant-commander. On the 19th of December, 1865, he was honorably discharged from the United States Navy with the rank of lieutenant-commander.

On the 22d of November, 1866, he was appointed as acting master; March 12, 1868, he received a commission as ensign in the regular Navy, and was promoted as lieutenant March 11, 1870.

Since that time Mr. Randall has served in that rank, and has rendered very valuable service to the Government, as appears by his record herewith reported. His record is without spot or stain. He was desirous of remaining on the active-list, but when the time for his promotion came he was found mentally and morally qualified, but physically disqualified, and was retired as a lieutenant. We think that his service and record entitle him to retirement as lieutenant-commander, the rank which he reached on his own merits and record in the volunteer service, and before he entered the regular Navy.

In proof of his worth and merits as an officer, we append hereto a letter signed by members of the retiring board and other officers of the Navy. Such an indorsement ought to entitle Mr. Randall to favorable consideration.

NAVAL RECORD.

Lieut. William P. Randall was born in New Bedford, Mass. In 1861 was about to sail in command of a whale ship when the war commenced; was furnished with a certificate signed by the president of every insurance office in the city, to the effect that their offices would insure any vessel under his command at the lowest rates of insurance; without further indorsement was appointed an acting master in the United States Navy July 24, 1861, and ordered to the United States ship Cumberland, serving on that vessel at the capture of Forts Clark and Hatteras, and afterwards in the engagement with the Merrimac at Newport News, March 8, 1862, at which time he had command of the after pivot-gun (which was the last gun fired from that ship). May 28, 1862, promoted to the rank of volunteer lieutenant and ordered to the gunboat Port Royal, Commander George W. Morris, which vessel did good service in the James River through the summer of 1862, and joined the East Gulf squadron in the fall of that year. January 26, 1863 (being at that time the executive officer), detached from the Port Royal and ordered to command the United States bark Pursuit; commanded this vessel until August 12, 1864, when he was detached and ordered to command the United States bark Restless; these vessels were engaged in blockading the coast of Florida, and while commanded by Lieutenant Randall did much injury to the enemy, for which he received two complimentary letters from the admiral commanding (Admiral Stribling), with orders to read them on the quarter-deck at muster. February 23, 1865, took temporary command of the United States steamer Hendrick Hudson (Restless undergoing repairs at Key West), and went to Saint Mark's for General Newton, United States Army, and staff, March 9, 1865. Promoted to the rank of volunteer lieutenant-commander March 17, 1865; detached from United States bark Restless and ordered to take the prize steamer Ruby to New York; arrived in New York with the Ruby April 14, 1865, and waited orders until August 17, 1865, when he was granted four months' leave of absence; on December 19, 1865, was honorably discharged from the United States Navy, with the rank of lieutenant-commander. October 30, 1865, presented himself to the examing board at Hartford, Conn., for admission to the regular service, and was rejected on account of injuries received in the line of duty during the engagement between the Cumberland and Merrimac, but obtained permission from Washington for examination. He presented himself the second time November 22, 1866, and on December 7, 1866, received an appointment as acting master on temporary service, and was ordered to the United States steamer Peoria, which vessel went to the West Indies and returned with the yellow fever on board. Detached from her in Norfolk, Va., and went to the hospital July 29, 1867; was on sick-leave until September, 1867, when he was ordered to the United States receiving ship Ohio, March 12, 1868 (three years and three days after receiving his appointment as a volunteer lieutenant-commander). He received a commission as ensign in the regular Navy October 12, 1868. Detached from the Ohio and ordered to command the United States steamer Leyden December 18, 1863. Promoted to master January 27, 1869, and detached from the Leyden and ordered to the United States steamer Narragansett. Joined the Narragansett in Havana, March 17, 1869. In July the Narragansett went in quarantine at Portsmouth, N. H., with yellow fever on board, when he was detached and ordered to the Boston navy-yard. September 1, 1869, ordered to command the United States steamer Palos. In October, 1869, was detached from the Palos and took command of the United States steamer Leyden. Commissioned as lieutenant March 21, 1870. May 18, 1870, detached from the Leyden and ordered to the monitor Saugus. Joined the Saugus at Havana June 4, 1870. September 30, 1870, detached from the Saugus and ordered to command the United States steamer Mayflower. Detached from the Mayflower November 3, 1870, and ordered to the United States receiving ship Ohio, navy-yard, Boston. May 5, 1871, temporarily detached from the Ohio and ordered to Key West, Fla., as executive officer, to assist in bringing the Saugus to Philadelphia. June 22, 1871, returned to the Ohio. September 15, detached from the Ohio and ordered to the United States steamer Iroquois. January 15, 1872, detached from the Iroquois and ordered to the United States steamer Canandaigua. August 4, 1874, detached from the Canandaigua at Key West, and sent home by medical survey (with Chagres fever) on sick-leave. November, 1874, ordered to the ordnance department, navy-yard, Boston. June 10, 1875, ordered to torpedo station, Newport, R. I. October 10, 1875, detached from torpedo station and ordered to the United States receiving ship Ohio, navy-yard, Boston. October 28, Ohio's crew all transferred to the receiving ship Wabash. April 16, 1877, granted six months' leave of absence. October 15, 1877, ordered back to the United States receiving ship Wabash. September 2, 1878, ordered to the Ranger, Asiatic station, as executive officer. Detached from the Ranger February 20, 1880. March 10, 1881, ordered

as member of a board to organize search for the steamer Jeannette. April 7, 1881, ordered to special duty under the Bureau of Navigation. Placed on the retired-list of the Navy February 15, 1882.

WASHINGTON CITY, *February* 17, 1882.

In consideration of the good record and long service of Lieut. Wm. P. Randall, United States Navy, and as the disabilities that prevented his promotion on the active-list are physical and incurred in the line of duty, the undersigned believe that if he is placed on the retired-list of the Navy with the rank of lieutenant-commander it will be an act of justice to a deserving officer who held this rank during the late civil war.

JOHN L. WORDEN,
Rear-Admiral, U. S. N.,
T. H. PATTERSON,
Rear-Admiral,
JNO. C. FEBIGER,
Rear-Admiral,
JOHN RODGERS,
Rear-Admiral, U. S. N.,
C. R. P. RODGERS,
Rear-Admiral,
Members of Retiring Board.
WM. G. TEMPLE,
Commodore.
JOHN H. UPSHUR,
Commodore.
S. R. FRANKLIN,
Commodore.
J. G. WALKER,
Captain, Chief of Bureau of Navigation.
J. C. P. DE KRAFFT,
Commodore, Hydrographer, Bureau of Navigation.
P. C. JOHNSON,
Captain, Chief Signal Officer, Bureau of Navigation.
R. R. WALLACE,
Captain, U. S. N.
EARL ENGLISH,
Commodore, U. S. N., Chief of Bureau of Equipment and Recruiting.
THOS. SCOTT FILLEBROWN,
Captain.
ED. T. NICHOLS,
Rear-Admiral, U. S. N., Chief of Bureau of Yards and Docks.
DAVID AMMEN.
Rear-Admiral, U. S. N.

Mr. INGALLS. What is the condition, if the Senator from Massachusetts will inform us, of the naval retired-list at this time?

Mr. DAWES. I am unable to answer that question. The simple fact in this case, and the only ground upon which this relief can be properly asked, is this: This man went into the volunteer navy and for his gallantry rose to the office of lieutenant-commander. He then retired with the volunteer navy and was re-appointed in the regular Navy at the foot of the list. He then rose to the point of lieutenant. When he came to be examined for promotion to the grade of lieutenant-commander it was discovered that he was physically disabled, and that that physical disability originated in the volunteer service upon the Cumberland in its last battle with the Merrimac; that he there received an injury which developed into an incapacity for promotion at that time, and he was retired as lieutenant. If it had not been for that circumstance, that injury, he would have then been retired as lieutenant-commander. All the members of the board have signed a recommendation that he be retired as lieutenant-commander, as he would have been retired according to existing law if it had not been for this injury which he received. He was the man who fired the last gun on the Cumberland in its fight with the Merrimac, and received the commendation of all the officers, including Admiral Worden. That is the ground.

Mr. COCKRELL. I suggest an amendment. The bill reads:

That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. William P. Randall, United States Navy, a lieutenant-commander on the retired-list of the Navy.

It should be "and to place him on the retired-list with that rank." He can not appoint a man on the retired-list.

Mr. DAWES. That is right.

Mr. INGALLS. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. After the word "lieutenant-commander," in line 6, it is proposed to insert "and to place him," and after the word "Navy," in line 7, to insert "with that rank;" so as to read:

Appoint Lieut. William P. Randall, United States Navy, a lieutenant-commander, and to place him on the retired-list of the Navy with that rank.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. INGALLS. The title of the bill should be amended.

The PRESIDENT *pro tempore*. Is an amendment to the title proposed?

Mr. COCKRELL. Let us hear the title read.

The SECRETARY. "A bill authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy."

Mr. COCKRELL. It should be "A bill authorizing the President of the United States to appoint William P. Randall a lieutenant-commander in the United States Navy, and place him on the retired-list of the Navy."

The PRESIDENT *pro tempore*. The title will be amended to correspond with the body of the bill; and Senate bill 367, on the same subject, will be indefinitely postponed.

JABEZ BURCHARD.

Mr. CAMERON. I move that the Senate proceed to the consideration of Senate bill 570, Order of Business 71.

The motion was agreed to; and the bill (S. 570) for the relief of Jabez Burchard was considered as in Committee of the Whole. It provides for the allowance to Jabez Burchard, assistant-engineer on the retired-list of the Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board.

Mr. COCKRELL. Is there any report in that case?

Mr. CAMERON. There is a report.

Mr. COCKRELL. Let it be read.

The PRESIDENT *pro tempore*. The report is not at the desk.

Mr. CAMERON. Here is the report. I send it to the desk.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read the following report, submitted by Mr. CAMERON, January 20, 1886:

The Committee on Naval Affairs, to whom was referred the bill (S. 570) for the relief of Jabez Burchard, having had the same under consideration, beg leave to submit the following report:

This bill having been fully and thoroughly considered by this committee during the first session of the Forty-seventh Congress, the report then made by the committee to the Senate is herewith adopted and made part of this report.

[Senate Report No. 156, Forty-seventh Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 738) for the relief of Jabez Burchard, having had the same under consideration, beg leave to submit the following report:

A bill for the relief of Jabez Burchard passed the Senate at its last session, and a bill for his relief passed the House Committee on Naval Affairs also at the last session of Congress, but was not reached on the Calendar of the House, containing several thousand bills.

The bill, as now introduced, provides that the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubuc; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy September 1, 1870, as second assistant engineer, and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor at Key West, Fla., in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned, and sent home. After remaining on sick-leave for nearly a year he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes, and was again condemned by a medical survey and sent home. After his arrival home he placed himself under the treatment of Dr. P. D. Keyser, an eminent oculist, who pronounced his disease to be one of the worst forms of inflammation of the retina. While in this condition he was ordered before the retiring board at Washington, which board decided that he was unfit for duty by reason of disability which did not originate in the line of duty. This decision placed him on the retired-list with the rate of pay of $500 per annum. The report of the medical officers on the retiring board is as follows:

NAVAL RETIRING BOARD, *Washington, D. C., October* 12, 1874.

SIR: We have examined Jabez Burchard, assistant engineer, United States Navy, and find him affected with chronic retinitis. He had been twice condemned by medical survey of disease for the eyes, and there is no evidence on record that his disability originated in the "line of duty." He is at present unfit for duty, and, in our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

Respectfully, &c.,

GEORGE PECK,
Medical Inspector.
DAVID KINDLEBERGER,
United States Naval Surgeon.

Commodore J. W. NICHOLSON,
President Naval Retiring Board.

Mr. Burchard asserts that when he appeared before the retiring board he was wholly unprepared with essential and necessary proof, such as a certificate from his family physician, who had known him from childhood, and other important testimony, to show that the disease did originate in the service, not deeming it necessary, but that he relied solely upon the merits of his case, which he supposed would be clearly evident from a simple statement of the plain facts of the same.

From a very careful and diligent examination of the papers in this case, your committee are of the opinion that the decision of the retiring board was erroneous and unjust, as will appear from the following certificates from Dr. P. D. Keyser, surgeon at Wills's Eye Hospital, Philadelphia, and Dr. William T. W. Dickeson, the family physician of Mr. Burchard, which show very conclusively that the disease with which he is unfortunately afflicted was contracted in the line of duty while in the service of the United States, and that it was not hereditary.

1630 ARCH STREET, PHILADELPHIA, *May* 2, 1876.

Mr. Jabez Burchard, assistant engineer, United States Navy, came to me in October, 1873, suffering from a severe attack of retinitis, which has assumed a chronic form.

This affection of the eyes is the result of his duties on monitor service, the great heat and severe changes of light, &c. I can find no signs of any constitutional (acquired or congenital) disease.

He has been under my treatment up to the present date, and is still and always will be incapacitated for any use of his eyes.

P. D. KEYSER, M. D.
Surgeon, Wills Eye Hospital, Philadelphia.

This is to certify that I am personally acquainted with Dr. P. D. Keyser, and know him to be among the first physicians and oculists in this city.

L. G. WUNDER,
Chief Clerk, Philadelphia Post-Office.

I hereby certify that I am acquainted with Dr. P. D. Keyser, a physician in good standing, and further that the foregoing is his certificate.

Witness my hand and official seal this 3d day of May, A. D. 1876.

ROBERT R. SMITH,
Magistrate of Court No. 8, Philadelphia.

MEDIA, PA., *May 4*, 1876.

I certify that I have known Jabez Burchard, assistant engineer, United States Navy, since he was a child, and can positively assert that there never was any hereditary disease about him; that he was in a sound physical condition on entering the United States service, and had always good eye-sight until sent home from duty on board the monitor Terror.

In his present condition, from chronic retinitis, he is absolutely unable to use his eyes from the painfulness caused by this disease.

WILLIAM T. W. DICKESON, M. D.

DELAWARE COUNTY, *ss:*

On this 4th day of May, A. D. 1876, personally appeared before me, a notary public of the Commonwealth of Pennsylvania, residing in said county, William T. W. Dickeson, M. D., who, being duly affirmed according to law, says that the above facts are true as he verily believes.

Affirmed and subscribed before me the day and year above written.

A. P. OTTEY, *Notary Public.*

From the following letter of the former Secretary of the Navy, Mr. Robeson, to the Fourth Auditor of the Treasury, it will be seen that it was the opinion of the Navy Department that the disease was incident to the service:

NAVY DEPARTMENT, *Washington, March* 1, 1877.

SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the Department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

Very respectfully, &c.,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. S. J. W. TABOR,
Fourth Auditor of the Treasury.

The following is a letter from the Secretary of the Navy to Hon. A. A. Sargent, former chairman of the Committee on Naval Affairs of the Senate, which gives a concise history of the whole subject:

NAVY DEPARTMENT, *March* 14, 1878.

SIR: I have the honor to acknowledge the receipt of your letter of this date inquiring, on behalf of the Naval Committee of the Senate, what were the reasons for placing Second Assistant Engineer Jabez Burchard on the retired-list on furlough pay, and why it is now desirable to change his status.

January, 1874, Mr. Burchard was ordered before a retiring board, the finding of which was that he was affected with chronic inflammation of the retina, and was consequently, at the time, unfit for duty, but "not incapacitated within the meaning of the law."

In October, 1874, he was again ordered before the retiring board and found incapacitated for service, and that there was no evidence that the incapacity originated in the line of duty.

The President concurred in opinion with the retiring board, and directed that Second Assistant Engineer Burchard be retired on "furlough pay," and he was so retired.

In 1876 Mr. Burchard appealed to the Secretary of the Navy to examine into his case, which he regarded as one of peculiar hardship, and filed certain papers in support of his claim that his disease originated in the line of duty, and asked that the President be requested to nominate him for transfer from the furlough to the retired pay list.

Copies of these papers are herewith inclosed. The solicitor of the Navy, to whom these papers were referred, reported: "The evidence is so strong as to prove that Burchard's loss of eyesight was caused by exposure in the perform ance of duty, that I respectfully advise that he be nominated for transfer from the furlough to the retired pay list."

No nomination for a transfer was made, but instead thereof the Secretary of the Navy, March 1, 1877, informed the Fourth Auditor of the Treasury that, upon a full review of the case of Mr. Burchard, he was of opinion that the causes which incapacitated him from active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers under section 1588 of the Revised Statutes.

It appears that this view was accepted by the Fourth Auditor, and that Mr. Burchard was paid for the time he had been on the retired-list the difference between furlough pay and retired pay.

On the 10th January, 1878, the Second Comptroller called on the Department for a copy of so much of the decision of the retiring board in Mr. Burchard's case as related to the question whether or not the causes were incident to the service, and, it is understood, decided, quite properly it is thought, that Mr. Burchard could only receive the higher pay by transfer, under section 1588 of the Revised Statutes, and gave directions to check against him the difference of pay he had received.

As he was getting only "furlough pay," or half of "leave of absence pay"—$500 a year—the checkage of this difference, which he had received, against this small sum of $500 per annum was a peculiar hardship. Mr. Burchard therefore applied to the Department for a recommendation to the President for his nomination from the furlough to the retired pay list.

Under all the circumstances—that is, the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view; that he had received the difference of pay; that a checkage against his small pay of $500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with nor retired for immoral conduct—I consider the case as one calling for my favorable action, and his name was submitted to the President for nomination from the furlough-pay to the retired-pay list.

A copy of the report of the medical officers on the retiring board is herewith inclosed; also a copy of a statement made by Burchard before the board.

Very respectfully, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

Hon. A. A. SARGENT,
Chairman Committee on Naval Affairs, United States Senate.

Mr. Burchard was subsequently nominated for the retired-list of the Navy, so that he could lawfully receive 75 per cent. of sea-pay, and he was confirmed by the Senate. He was accordingly transferred from the furlough to the retired pay list April 1, 1878, to take effect from the date of his retirement, October 26, 1876. The Comptroller, however, still adhered to his former decision that Mr. Burchard could not receive that rate of pay without a special law of Congress allowing the same. Hence this bill.

A bill for the relief of Mr. Burchard was reported from the Committee on Naval Affairs of the House of Representatives at the last session of Congress on the very last day of the session, but failed to receive the final action of that body for want of time. The report submitted by Mr. Frank Jones, on behalf of the committee, at that time, shows that that committee held to the same views in relation to the justice of the bill that your committee do. The report is as follows:

"It appears from evidence furnished from the Navy Department that Assistant Engineer Burchard was retired in October, 1874, on account of defective vision, incapacitating him for active duty, and that a board of officers reported that his disability resulted from injuries received not in the line of duty. He was consequently placed upon furlough pay. In 1876 he appealed to the Secretary of the Navy for a re-examination of his case, and furnished evidence in support of his claim that his disease resulted from injuries received in the line of his duty. The evidence was so strong in support of the fact that Mr. Burchard lost his eye-sight by exposure in the performance of his duty that the Secretary considered it just that he should be transferred from furlough to the retired-list of the Navy, and he ordered the accounting officer of the Treasury to allow him 75 per cent. of the sea-pay of his grade, which he was accordingly paid.

"But a new Comptroller coming into office, ruled, under the opinion given by the Attorney-General, that having been retired by a report of a board of officers, stating that his disability was not the result of injuries incurred in line of duty, he was entitled to but 50 per cent. of sea-pay. Afterward Secretary Thompson, with a view to give him 75 per cent. of sea-pay, recommended that he be nominated for the retired-list of the Navy, and the President so nominated him; and after an examination of all the papers in connection with the case the Senate confirmed the nomination. He was accordingly put on the retired-pay list of the Navy. But the Comptroller still decided that such nomination and confirmation could not give him the 75 per cent. of sea-pay without an act of Congress, and in this decision he was sustained by the Attorney-General. There was therefore no recourse left Mr. Burchard but to appeal to Congress. In his letter to the chairman of the Senate Naval Committee, Secretary Thompson said: 'Under all the circumstances, and considering the probabilities that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view, and that he had received the difference of pay; that a checkage against his small pay of $500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with or retired for immoral conduct, I consider the case as calling for my favorable action, and his name was submitted to the President for transfer from furlough-pay to the retired-pay list.'

"Considering all the facts and circumstances in connection with this case, the committee report favorably thereon, and recommend that the bill ought to pass."

Mr. Burchard is entirely incapacitated from pursuing any avocation that requires the use of his eyes, and is, therefore, debarred from the pursuit of any occupation by which he might earn a sufficient income for his support.

Should the bill recommended by your committee pass, Mr. Burchard will receive pay at the rate of $1,275 per annum, or 75 per cent. of the sea-pay of his grade, his pay at present being $850 per annum, or 50 per cent. of the sea-pay of his grade.

The following statement is incorporated in this report for the information of the Senate, which shows the rate at which Mr. Burchard has been paid since his retirement:

Jabez Burchard retired October 26, 1874, and paid as follows:

From October 26, 1874, to June 30, 1875, at $950 per annum (248 days)		$645 48
From July 1, 1875, to March 31, 1877, at $500 per annum		875 36
From April 1, 1877, to June 30, 1877, at $1,275 per annum		317 28
From July 1, 1877, to September 30, 1877, at $1,275 per annum		321 37
From October 1, 1877, to December 31, 1877, at $1,275 per annum	$321 37	
Checked in first quarter, 1878	80 43	
		240 94
From January 1, 1878, to January 31, 1878, at $1,275 per annum		108 29
From February 1, 1878, to March 31, 1878, at $500 per annum		80 33
From April 1, 1878, to June 30, 1878, at $1,275 per annum	$317 88	
Disallowed by Comptroller	105 96	
		211 92
From July 1, 1878, to September 30, 1878, at $850 per annum		214 25
From October 1, 1878, to December 31, 1878, at $850 per annum		214 25
From January 1, 1879, to March 31, 1879, at $850 per annum		209 59
From April 1, 1879, to June 30, 1879, at $850 per annum		211 92
From July 1, 1879, to September 30, 1879, at $850 per annum		214 25
From October 1, 1879, to December 31, 1879, at $850 per annum		214 25
Paid by certificate April, 1877, difference between 75 per cent. of $1,700 per annum ($1,275) and 50 per cent. of $1,900 per annum ($950) from October 26, 1874, to June 30, 1875		220 82
Difference between $1,275 and $500 per annum from July 1, 1875, to March 31, 1877, inclusive		1,356 79
Paid by certificate April 15, 1879, difference between $500 and $1,270 per annum from February 1, 1878, to March 31, 1878, and amount checked by paymaster first quarter 1878 ($80.43)		205 70

N. B.—This officer received the pay at $1,275, or 75 per cent. of the sea-pay at $1,700 per annum from date of retirement, October 26, 1874, to March 31, 1878. April 1, 1878, it was changed to 50 per cent. of $1,700 ($850), and he is so paid to December 31, 1879, last return in.

Your committee are of opinion that this is a very meritorious case, and one that appeals to the magnanimity and justice of Congress.

The bill is therefore reported favorably, and its passage is earnestly recommended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourn to-day, it be to meet on Monday next.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on this day, approved and signed the following bills:

An act (S. 85) for the relief of B. Jennings; and

An act (S. 806) granting a pension to Mary B. Holmes.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I move that the Senate proceed to the consideration of Order of Business 204, being the bill (S. 276) granting a pension to Philip C. Enders.

Mr. HARRISON. Will not the Senator from Wisconsin enlarge his motion, so as to take up pension cases favorably reported on the Calendar?

Mr. SEWELL. Commencing with the preceding case, Order of Business 203.

Mr. SAWYER. Very well, I have no objection.

The PRESIDENT *pro tempore*. Does the Senator change his motion so that the pending pension cases be taken up in their order?

Mr. SAWYER. Yes, sir; those favorably reported.

The PRESIDENT *pro tempore*. It is moved that the pension cases favorably reported shall be taken up in their order and considered. Is there objection? The Chair hears none. Pension bills favorably reported from the Committee on Pensions will be considered in their order.

Mr. SEWELL. I think the first case is the one preceding the one called up by the Senator from Wisconsin, Order of Business 203.

MARGARET A. BLAKE.

The bill (S. 359) granting a pension to Margaret A. Blake was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Margaret A. Blake, widow of George A. H. Blake, late colonel of the First Cavalry and a brevet brigadier-general in the Army, at the rate of $30 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP C. ENDERS.

The bill (S. 276) granting a pension to Philip C. Enders was considered as in Committee of the Whole. It proposes to place the name of Philip C. Enders, late a private in Company C, Twenty-seventh Regiment Wisconsin Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY BATTORFF.

The bill (S. 264) granting a pension to Nancy Battorff was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Battorff, widow of James Battorff, late a private in Company F, Thirty-eighth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. KING.

The bill (S. 362) granting a pension to James H. King was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of James H. King, late a private in Company D, Ninth Indiana Legion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. BRIDGET RUSH.

The bill (S. 475) granting a pension to Mrs. Bridget Rush was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Bridget Rush, dependent mother of the late Patrick Rush, a private in Company F, First Vermont Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES M'NEIL POTTER.

The bill (H. R. 1625) for the relief of Frances McNeil Potter was considered as in Committee of the Whole. By it the Secretary of the Interior is authorized to increase the pension of Frances McNeil Potter, daughter of the late General John McNeil, United States Army, from $20 to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SUSAN GILMAN.

The bill (S. 811) granting a pension to Mrs. Susan Gilman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Susan Gilman, widow of Pliny R. Gilman, late of Company E, Twelfth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NOAH NELSON.

The bill (S. 1125) granting a pension to Noah Nelson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Noah," to strike out "Davis" and insert "Nelson;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Noah Nelson, late of Company I, Twelfth Indiana Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET B. HARWOOD.

The bill (S. 284) granting a pension to Margaret B. Harwood was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, at $50 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISS REBECCA MILLER.

The bill (S. 813) granting a pension to Miss Rebecca Miller was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll the name of Miss Rebecca Miller, daughter of the late Brigadier-General Miller, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY O. HILL.

The bill (S. 683) granting a pension to Henry O. Hill was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Henry O. Hill, late a private in Company B, First New Hampshire Volunteers, and Company D, Fifteenth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ADALINE M. PUTNAM.

The bill (S. 814) granting a pension to Mrs. Adaline M. Putnam was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Adaline M. Putnam, mother of the late Haldimand Sumner Putnam, late colonel of the Seventh New Hampshire Volunteers, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. BLAKE.

The bill (H. R. 2021) granting a pension to Margaret A. Blake was announced as next in order.

The PRESIDENT *pro tempore*. A Senate bill of the same title has been passed. The House bill will now be considered, and the vote by which the Senate bill was passed will be reconsidered, and the bill itself indefinitely postponed instead of passed.

The bill (H. R. 2021) granting a pension to Margaret A. Blake was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from New Jersey to the fact that the House bill does not fix the rate of pension, whereas the Senate bill does fix the rate.

Mr. SEWELL. Perhaps the House bill should be amended by fixing the rate of pension as the Senate committee fixed it in the other bill. Let it be read, that we may understand its precise terms.

The PRESIDENT *pro tempore*. The House bill will be read again for information.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of Margaret A. Blake, widow of George A. H. Blake, late colonel of the First Cavalry and a brevet brigadier-general in the United States Army, subject to the provisions and limitations of the pension laws.

Mr. SEWELL. That is sufficient to carry $30 a month with it. I ask that the House bill be passed and that the Senate bill be indefinitely postponed.

The PRESIDENT *pro tempore*. Senate bill No. 359 has already been indefinitely postponed. The House bill is now before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET D. MARCHAND.

The bill (S. 226) granting a pension to Margaret D. Marchand was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WEBSTER.

The bill (S. 761) granting a pension to William Webster was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of William Webster, late a sergeant of Company I, Twenty-first Missouri Regiment of Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. MINSHALL.

The bill (S. 283) granting a pension to Isaac N. Minshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac N. Minshall, late of Company F, Eleventh Ohio Volunteers, and Company C, Seventy-fifth Ohio Volunteer Infantry, with arrears from the date of disability.

Mr. PLATT. Mr. President——

Mr. SEWELL. There is a report in the case. I ask that it be read.

The Secretary read the following report, submitted by Mr. PAYNE March 9, 1886:

The Committee on Pensions, to whom was referred the bill (S. 283) granting a pension to Isaac N. Minshall, with arrears from the date of disability, submit the following report:

The claimant served from June 20, 1861, to June 2, 1864, in Company F, Eleventh Regiment Ohio Volunteers, and from September 29, 1864, to July 26, 1865, in Company C, Seventy-fifth Regiment of Ohio Volunteer Infantry.

The claimant filed his claim on April 19, 1880, alleging that at Jacksonville, Fla., about June 15, 1865, he contracted a low fever, which resulted in paralysis in January, 1866.

There is no record of any disability in the service, and claimant had no treatment while in the service or after discharge until paralyzed.

The proof shows that claimant was sound and in good health at the time of enlistment, with no predisposition to paralysis.

There is evidence of malarial fever while in the service and at the time of discharge, and of paralysis from January, 1866.

The claim has been several times rejected by the Department, the medical examiners having reported that in their opinion the paralysis was not due to nor connected with any fever contracted in the service.

There is, however, considerable medical testimony tending to show that the paralysis was in some measure the result of fever contracted in the service.

One of the medical witnesses (Dr. Small) testifies that he was called to attend the claimant on January 6, 1866, and found paralysis of the left side, and treated him till March 28, 1866. His opinion is that the paralysis was caused by exposure while in the Army. He says that paralysis could not be the result of fever simply, but that there might be some inflammation accompanying the fever to cause it, and he thinks there was an inflammation of the brain or spinal cord in this case.

Three or four other medical experts give it as their opinion that paralysis might result from malaria or climatic fever.

While the claim was rejected for want of record evidence of alleged fever in the service or at discharge, and for want of satisfactory proof connecting the paralysis with the service, the examiners report the claimant to be in a condition of great hardship.

At the present time the claimant is an inmate of the National Military Home at Dayton, Ohio, and, being afflicted continuously with paralysis he is in a very enfeebled state.

In view of all the circumstances and the conflict of testimony on the part of the medical witnesses, the committee report, recommending the passage of the bill.

Mr. COCKRELL. I move to strike out the last words in the bill, "with arrears from the date of disability."

Mr. SEWELL. I was about to make that motion myself.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to strike out the words "with arrears from the date of disability."

Mr. SEWELL. I will state in explanation that it was not the intention of the committee that the bill should be reported in that way.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. TIBBETS.

The bill (S. 135) granting a pension to Mary A. Tibbets was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Tibbets, mother of Edward I. Tibbets, late a private in Company K, Eighty-second Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT D. FORT.

The bill (H. R. 1319) to increase the pension of Robert D. Fort was considered as in Committee of the Whole. It proposes to increase the pension of Robert D. Fort, formerly a member of Capt. Richard Benson's company of Tennessee militia, who was in the military service in the year 1814, to $40 per month, in lieu of the pension of $8 per month he is now receiving.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. JACKSON March 10, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1319) to increase the pension of Robert D. Fort, having examined the same, respectfully report:

That the claimant was a soldier of the war of 1812; was honorably discharged after faithfully and efficiently performing his duties during said war. He was pensioned under the act of 1871. He is now blind, at the advanced age of ninety-one years, and very poor. His wife is eighty-one years of age, and is also totally blind and helpless. They have two sons, who are poor and with large families dependent upon them, and they are unable to assist in the support of their aged parents. In the opinion of your committee this aged soldier should under the circumstances receive additional bounty from the Government which he faithfully served, and they accordingly recommend the passage of the House bill for his relief.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELLEN M. MITCHELL.

The bill (S. 674) granting an increase of pension to Mrs. Ellen M. Mitchell was considered as in Committee of the Whole. It proposes to increase the pension of Ellen M. Mitchell, widow of Maj. William G. Mitchell, assistant adjutant-general, United States Army, brevet colonel and brigadier-general, to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BLANCHARD.

The bill (S. 1363) granting a pension to William Blanchard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Blanchard, late a corporal of Company D, Sixth Vermont Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNETTE S. KENT.

The bill (S. 231) granting a pension to Jennette S. Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Kent," to strike out "G" and insert "S," and in line 7 to strike out "private" and insert "corporal;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jennette S. Kent, dependent mother of James S. Kent, late a corporal in Company G, Second Regiment of United States Sharpshooters.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE MURRAY.

The bill (S. 197) to increase the pension of Florence Murray was considered as in Committee of the Whole. It directs an increase of the pension of Florence Murray, widow of the late Rear-Admiral Alexander Murray, from thirty to fifty dollars a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. E. A. BENHAM.

The bill (S. 812) granting a pension to Mrs. E. A. Benham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. E. A. Benham, wife of the late General Henry W. Benham, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. The bill that was before the Senate yesterday morning to increase the efficiency of the Army, I intended to call up this morning, and I came up here for the reason that I wanted to get it postponed, because I am not well enough to go into any debate this morning. I ask the unanimous consent of the Senate that it be made the special order for Monday morning.

Mr. BLAIR. During the morning hour?

Mr. LOGAN. Yes, sir. It is Senate bill 777.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that Senate bill 777, which was under considertion in the morning hour yesterday, be made the special order during the morning hour on Monday. Is there objection? The Chair hears none, and that order will be made.

PENSION OF SOLDIERS AND DEPENDENT RELATIVES.

Mr. BLAIR. I move to proceed to the consideration of Senate bill 1886, Order of Business 347.

The motion was agreed to; and the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein, was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any report with the bill?

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR March 16, 1886:

Mr. BLAIR, from the Committee on Pensions, submitted the following report, to accompany bill S. 1886, being an original bill, the passage of which is recommended by the committee, entitled as follows: "A bill for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein," the passage of which is recommended by the committee.

Mr. COCKRELL. I think the Senator from New Hampshire ought not to ask in the short remaining time we have here the consideration of a bill of this importance with such a report as that giving us no facts and no data and no general information, but simply a naked recommendation, and when this bill was only reported from the committee on the 16th, two days ago, and I doubt if any Senator outside of the Committee on Pensions has even read the bill. I did not know myself it was on the Calendar. I think it is rather placing us and himself at a disadvantage to ask that the bill shall now be considered. I hope the Senator will consent without any objection that the bill shall be deferred until some time next week when it can be called up. I think we shall not have time in the fifteen minutes left to-day to discuss a bill of this importance or to consider it and understand exactly what we are doing.

Mr. BLAIR. This is a portion of a measure which has been before the country for several Congresses. It is a portion of a bill which was

passed by the Senate during the last Congress after very full discussion. It contains certain sections of what is known as the Mexican pension bill with the amendments made in the Senate. So the subject is one with which the honorable Senator from Missouri is entirely familiar, as are most of the Senators composing this body. It is now well along in the session. All these pension projects have been thoroughly considered and discussed, and I certainly do not see any reason why the Senator should complain that no very elaborate report from the committee is made since it is a unanimous one, as far as I know at least. Besides all that, it is a measure with which the Senate is familiar and upon the discussion of which we may well enter, even if we do not conclude it at this time. I did not suppose there would be any occasion for much discussion. I do not propose to enter into any. If the Senator from Missouri desires to be heard I hope he will proceed or any others who have anything to say about it, and if we do not get through to-day I propose to call it up soon and press it as fast as I may upon the attention of the Senate.

Mr. VAN WYCK. Will the Senator from New Hampshire yield to me a moment for the passage of a bill?

Mr. BLAIR. I suppose, if the design is to use up the time until 2 o'clock——

Mr. VAN WYCK. This will take but a few moments.

Mr. BLAIR. There are but a few moments left.

Mr. VAN WYCK. It is a bill which is reported unanimously from the Committee on Public Lands.

Mr. BLAIR. Is a pension bill to be postponed for these bills?

Mr. VAN WYCK. This will elicit no discussion and no objection.

Mr. BLAIR. I object.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations.

DUTIES OF TREASURER OF THE UNITED STATES.

Mr. MORRILL. I desire to call the attention of the Chair to the fact that upon the committee of conference appointed on the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States was placed a member, the Senator from Indiana [Mr. VOORHEES], who does not appear to be present in the Senate to-day. I ask that the committee may be filled by substituting some other name.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kentucky [Mr. BECK] will take the place of the Senator from Indiana [Mr. VOORHEES] on the committee of conference.

Mr. BECK. I have engagements on committees which detain me, and I suggest that the Senator from New Jersey [Mr. MCPHERSON], who is a member of the Finance Committee, is not engaged and I am.

Mr. MORRILL. Very well.

The PRESIDENT *pro tempore*. The Senator from New Jersey [Mr. MCPHERSON], then, will be placed upon the conference committee if there be no objection.

EXECUTIVE BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the Secretary of the Treasury, which will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, *March* 18, 1886.

HON. JOHN SHERMAN,
President pro tempore United States Senate:

SIR: I have received a resolution adopted by the Senate in executive session February 24, 1886——

The PRESIDENT *pro tempore*. The Chair will withhold the communication at present.

Mr. PLATT. I inquire whether it is marked "executive" or not.

The PRESIDENT *pro tempore*. It is not marked "executive."

Mr. PLATT. Then I submit it belongs to the Senate in open session.

The PRESIDENT *pro tempore*. The Chair will feel bound to submit the matter to the Senate in executive session.

Senate bill 1886, which was called up by the Senator from New Hampshire, is before the Senate.

Mr. COCKRELL. What has become of that document?

The PRESIDENT *pro tempore*. The document has been withheld because on examination it was found to be an executive document. It was not so marked, and therefore the Chair was having it laid before the Senate.

Mr. COCKRELL. If it were not marked "confidential" I suppose——

The PRESIDENT *pro tempore*. That must be determined by the Senate.

Mr. BLAIR. Regular order!

PENSIONS OF SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. Senate bill 1886, which has been read, is before the Senate. There being but five minutes to 2 o'clock, the Chair suggests whether it had not better remain as unfinished business.

Mr. BLAIR. It can not occupy that position, as I understand, in the morning hour.

The PRESIDENT *pro tempore*. There is no such thing as unfinished business of the morning hour, and therefore it will gain no advantage by being left undisposed of.

Mr. BLAIR. I know that, but I hoped the bill would be disposed of this morning. I am not sure yet that we can not do that. There has been artifice resorted to to use up ten or fifteen minutes that might be devoted to its discussion. I ask for the regular order and that the rules of the Senate may be enforced, which will give us about three minutes more.

Mr. COCKRELL. What is the regular order, Mr. President?

The PRESIDENT *pro tempore*. The Senator from New Hampshire is speaking upon the bill which is before the Senate. Does the Senator yield?

Mr. VAN WYCK. Mr. President——

Mr. BLAIR. I yield only that the consideration of this bill may proceed.

Mr. VAN WYCK. I appealed to the Senator from New Hampshire a moment ago to allow the passage of a bill——

Mr. BLAIR. Regular order!

The PRESIDENT *pro tempore*. The Senator from Nebraska has the floor upon the pension bill which is pending.

Mr. VAN WYCK. Yes, sir, and I was making a suggestion to the Senate on the pension bill. I was saying that I asked the Senator from New Hampshire a moment ago to consent to the passage of a bill which would be unopposed at this time, but he very much preferred to exhaust ten or fifteen minutes on the pending bill.

Mr. BLAIR. The Senator will allow me——

Mr. VAN WYCK. The Senator is out of order. I decline to yield. I am doing about what the Senator wants, though he does not know it, at this moment of time.

Mr. BLAIR. Mr. President——

Mr. VAN WYCK. I have the floor on the pending bill. There are some points in the pending bill that the Senator from New Hampshire does not seem to understand, and I was going for a few moments, not to give him a little information, but to state some points that it would be well for the Senator to understand.

I desire that the pending bill shall receive proper consideration at the hands of the Senate. To do so I think it is incumbent that the Committee on Pensions, of which the Senator and myself are members, and understand the effect of this bill, should seek to do justice to other measures and other interests on this floor; and therefore in the interest of this bill it was exceedingly impolitic, in my judgment, to thrust it into the morning hour, which is supposed to be given to the consideration of bills that provoke no discussion. It is now the pending bill for consideration, and when it shall have passed away from the consideration of the Senate this morning, then I want the Senator from New Hampshire to understand that hereafter the Calendar will be commenced at the beginning and continued to the end of each morning, unless there is to be a proper treatment indulged in by one member of the Senate to another and from one measure to another.

Mr. ALLISON. "Unless the Senate otherwise orders."

Mr. VAN WYCK. If the Senate order otherwise, very well; but we have not been proceeding by order of the Senate, but by the mere desire of individual Senators. This morning unanimous consent was given that we proceed with bills of a special class that had been unanimously and favorably reported by a committee. They were considered and we passed to the end of them, with the expectation and understanding that other bills which received no opposition should also be taken up in their course and receive the same treatment and consideration which the pension bills had received. Therefore it would have been proper—no, I will not say proper—it would have been courteous to other interests and to other Senators that when those pension bills had received the approbation of the Senate and passed into laws at least an intimation should have been given that it was not proposed to consider a measure which would bluff all other bills out.

The pending bill can receive the consideration of the Senate upon one day's notice. There is no difficulty about that. It can be put where it should be and where it can be fully considered after 2 o'clock has been reached on any day——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair——

Mr. VAN WYCK. I hope the Senator from New Hampshire is satisfied.

Mr. BLAIR. Regular order!

The PRESIDENT *pro tempore*. The regular order will be stated.

The SECRETARY. Resolutions expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of papers called for by its resolution of January 25, 1886, as in violation of his official duty, &c.

The PRESIDENT *pro tempore*. On this question the Senator from Wisconsin [Mr. SPOONER] is entitled to the floor.

Mr. BERRY. Will the Senator from Wisconsin yield to me to give a notice? I tried to get the floor to call up Order of Business 191, being the bill (S. 1484) to authorize the Kansas and Arkansas Valley

Railway to construct and operate a railway through the Indian Territory, and for other purposes. I now give notice that I shall ask the Senate to consider it at the conclusion of the morning business on Monday next.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary, February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send to the Senate copies of certain papers.

Mr. SPOONER. Mr. President, I regret that even in the heat of debate I should have occupied so much of the Senate's time as I find I have done, and I proceed with the discussion on my part this morning under the promise of brevity.

When I yielded the floor yesterday I had called to the attention of the Senate many acts from 1820 down to the present passed in the exercise of this power to regulate the tenure, &c., as to offices created by Congress.

Now a few words as to the circumstances under which the tenure-of-office act was passed and as to the men who passed it. Senators on the other side are constantly referring to a legislative exposition of 1789 in which the Senate was a tie and the majority in favor of their contention very small indeed in the House of Representatives. They choose to ignore in the debate the legislative exposition of later times. The tenure-of-office act was passed in 1867. It was passed, it is said, in the midst of great party excitement. So it was; but every measure from 1861 down to 1867 could be abrogated or held in abeyance upon the same pretense.

Those years were the distressful years of war and blood and the exciting, anxious, turbulent opening years of reconstruction. The Congress of the United States from 1861 down to 1867, and later even, passed every act which it passed in time of excitement, but the tenure-of-office act received the careful consideration of Congress. It was passed after discussion in both Houses. Men were here, and able men, on the Democratic side to present the same arguments against its passage that Senators to-day present in favor of its being violated or held to have been repealed without express repeal; but the Congress of the United States saw fit to pass it. The President of the United States, Andrew Johnson, saw fit to veto it, as he had a right to do. He presented to the Senate the same arguments against it in his veto message which have been presented on this floor during this debate, the force and effect of the legislative exposition of 1789 and the decision in *Ex parte* Hennen. Every argument and every point was exhausted in that veto message, and the Senate, with the argument before it in solemn and official form from the President, saw fit to pass the act, and the President says in his message that it was passed by a Congress "determined upon the subjugation of the Executive to legislative will."

One may safely appeal to the history of the time and to the character of the men who passed it in reply to that method of attack upon this law. May I read the names of the Senators who voted to pass the bill of 1867 against the veto of the President? Messrs. Anthony, Cattell, Chandler of Michigan, Conness, Cragin, Edmunds, Fessenden of Maine, Fogg, Foster, Fowler, Frelinghuysen, Grimes of Iowa, Harris, Henderson, Howard of Michigan, Howe, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Sprague, Stewart, Sumner, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson, Yates.

Many of those men were long since borne to "the lone couch of everlasting sleep," but no man can call the roll of American statesmen and have it complete without most of these names. William Pitt Fessenden, of Maine, a great lawyer, a wise legislator, a patriot and a man upon whom constitutional obligations did not rest lightly, a man who saw fit, even at the expense of popularity in his own party, to vote against the impeachment of Andrew Johnson, Charles Sumner of Massachusetts, who had done so much and suffered so much for pure principle sake, Frelinghuysen of New Jersey, Chandler of Michigan, Grimes of Iowa, Howe of my own State, a man of stainless life, profound thought, and strong convictions—and their associates—these were the men who during all the years of the war had wisely, calmly, constitutionally stood at the helm, by Lincoln and the Army and Navy, that the Government might be preserved; these were the partisans who a little later enacted the legislation under which, thank God, every State is represented to-day in the Senate of the United States. Is no weight to be given to that practical legislative exposition of the Constitution? Is that act to be impeached by the suggestion from the President of the United States, that it was passed in violation of law, in breach of constitutional duty, by a partisan Congress to bring under the yoke a duly-elected Executive? The first name on the roll of the other House is the name of the Senator from Iowa [Mr. ALLISON], and if you read through the list you find there the names of men who stand the embodiment in this country of what is true and strong and wise in legislation and in statesmanship. If this country has in its legislative history any jewels worth keeping, they are many of the names recorded in favor of that measure.

But, sir, the constitutionality of the tenure-of-office act ought to be considered in this country at least as *res adjudicata*, and that without reference to decisions of the Supreme Court of the United States. Under it, as it was passed in 1867, the House of Representatives saw fit in the exercise of a power devolved upon it by the Constitution to present articles of impeachment against the then President, Andrew Johnson. Eight out of the eleven articles of impeachment were for violation of the tenure-of-office act. The managers, I think every one of them, discussed its constitutionality with elaboration. The gentlemen who represented the President upon that great occasion, chief among whom was the Senator from New York who sits before me, whose fame as a great lawyer ceased many years ago to be only national [Mr. EVARTS], discussed its constitutionality. The Senate of the United States sitting as a high court of impeachment, under the sanction of an added oath, considered and decided the question. Thirty-five Senators, I think it was, most of them able lawyers, deliberately prepared opinions intended to place upon the record their judgment, and the grounds of their judgment, are recorded as in favor of the constitutionality of that act, and three who voted for acquittal, Fessenden, Trumbull, and Henderson, regarded the act as constitutional, but voted upon other grounds. Yet we are told to-day again, and a hundred years from now the same thing will doubtless be asserted if there is party necessity for it, that under the Constitution the President is supreme, absolute in his power of removal, beyond the reach of Congress, because in 1789 by a tie in the Senate and a small majority in the House, and upon the basis of the debate then had, there was a legislative exposition that way.

But it may safely be said that when Andrew Johnson passed out of office and General Grant came into office as president the partisan feeling alleged to have existed in 1867 had passed away and more quiet, more peaceful times had come. General Grant in the flush of victory, loved by the American people then as his memory is loved by the American people now, clothed by the suffrages of the people with the functions and power of President, deemed by the people under the providence of God the chief savior of the Republic, was not satisfied with the act of 1867. He manifested a clear desire at the outset of his administration that it should be taken from his way. The Senate stood like a rock against it. There was upon the question of its constitutionality as well as upon the question of its expediency a debate almost unexampled for ability and research. The House of Representatives yielded promptly to the request for its repeal. The Senate, not laboring under excitement then, was unwilling to yield it.

The chairman of the Judiciary Committee, Mr. Trumbull, of Illinois, in reporting the bill, had said of it in 1867:

> The committee have recommended the adoption of this rule respecting the tenure of offices as a permanent and systematic, and, as they believed, an appropriate regulation of the Government for all administrations and for all time.

I shall trouble the Senate by reading for but a moment from that debate. Mr. Morton, of Indiana, who has been quoted so many times on the other side in this debate as opposed to the tenure-of-office act, was not opposed to it on constitutional grounds. He argued that it was impracticable, just as did Mr. SHERMAN, of Ohio; but Mr. Morton said, on page 89 of the RECORD:

> Mr. President, I believe the tenure-of-office law is constitutional. I have never entertained serious doubts upon that question. The power of removal in the hands of the President may be limited, it may be regulated, but in the absence of that limit and in the absence of that regulation, it may be exercised by the President as it was for seventy-eight years.

Mr. Fessenden, of Maine, who was bitterly opposed to the act on grounds of expediency, said of its constitutionality:

> I was not opposed to it because I believed it to be unconstitutional. On the contrary, I had the impression, and I have it still, that the Congress might impose upon the President, in the administration of that particular duty, the restrictions that that act did impose.

Mr. SHERMAN, of Ohio, who has been quoted so freely by the gentlemen on the other side for some purpose, I do not precisely know what, had this to say as to its constitutionality:

> One question at least has been settled by the recent legislation of Congress, and that is the power of Congress to regulate removals from office. This has been settled not only by the impeachment trial, but by the repeated action of both Houses, acquiesced in now by all the departments of the Government. The power of removal is not a constitutional but a legal power. The Constitution does not confer the power of removal upon the President or upon the Senate, or upon both, or upon any other branch of the Government, but leaves that, with a great variety of other powers, to be regulated and controlled by law. When the Constitution is silent the law prevails.

Among others who took part in the debate in 1869 was a Senator from my own State, Mr. Carpenter, regretted by all the people of Wisconsin. He was accounted by the courts, high and low, and by the bar of the United States to be a great constitutional lawyer, and the echoes of his silvery voice still linger, a pleasant memory, about this Chamber. In an able argument he defended the constitutionality of the act. May we not consider the question rightly settled until the courts shall have held otherwise?

If I have spoken to any purpose whatever it has been to show among other things that under the law as it stands the President has no power to remove an officer appointed by and with the advice and consent of the Senate except by and with the advice and of consent the Senate; that he may suspend at his discretion within the limits of the act, and that when he nominates to the Senate a person to fill a vacancy the only question for the Senate to determine is, Is the nominee a fit and competent man to discharge the duties of the office? If the Senate think

(and they are entitled to full information from the Executive upon that subject) him a proper man, he is to be confirmed.

When a nomination is sent to the Senate to take the place of a suspended official, the question first to be decided then by the Senate is, Shall we advise and consent that the suspension by the President shall ripen into a removal? Shall we advise and consent to the removal of the man from office? And upon this question it is likewise entitled to full information from the Executive; and this being determined in the affirmative, the question occurs, Do we advise and consent to the appointment of the person whose name is sent to the Senate?

Possessing, therefore, the right to call for papers and information from the executive department of the Government necessary to enable the Senate to discharge with fidelity and intelligence its duty under the law in the matter of removals, it can not forego that right when in its opinion its exercise is necessary.

It can not suffer, by its acquiescence, the principle as to papers, now asserted by the executive department, to grow into precedent. It is not a question of etiquette, nor is it a question of politics. It is very far above either.

The Senate has no right to trench upon the prerogative or powers of the Executive. The maintenance, sacred and inviolate, of the prerogatives of the three great co-ordinate departments of the system under which we live, as the fathers framed it, is essential to the permanency and success of our Government. Neither should be permitted to trench upon the other, and neither may permit any impairment, through aggression or concession, of its constitutional faculties and prerogatives.

The Senate can not yield the principle that in any case or under any circumstances the files of the Departments, evidencing the conduct of public offices, shall be secret from the inspection, or that any paper or letter bearing upon the conduct of a public office, placed upon the files of any Department, or in custody of any executive officer, and which ought to be placed upon the files of any Department, can, at the will of anybody, even though it be the President, become personal and subject to removal or destruction.

The Republican majority in the Senate is bound, too, by every consideration of justice, to exercise this right for information as to all nominations sent to it by the President, where, in its opinion, it is necessary in order to protect the good name of suspended officials, whom the Senate is invited to unite in removing from office.

And this brings me to a few words as to the cause of this controversy, and the responsibility for it—a line of remark political, not legal, but justified and called for by the suggestions upon the subject in the debate and in the President's message.

We are living under a Democratic administration. I regret it, as a Republican, but it is a fact.

When Mr. Cleveland entered upon the office of President he found Republicans filling the offices of the country.

I think I may safely say that the people of the United States expected, as soon as it might be done with due regard to the public business, that Republicans would be replaced by Democrats. I think it was expected that the verdict of the people at the last national election would be construed into a desire for a change in the offices of the country.

I have thought there were two courses, and two only, fairly open to President Cleveland as to the distribution of offices not included within the scope of the civil-service law.

I do not, in what I have to say upon this subject, question his desire to give the people a good government, nor do I impute to him a purpose, or even a willingness, to import into the administration methods which are neither fair nor manly; but, nevertheless, they have come.

It was open to the President to adopt the policy that no man with a fixed term of office should be removed from that office until the term expired, if he had been faithful and true to the trusts with which he was clothed and so continued to be. This course, if found to meet popular approval, would have compelled every succeeding administration to follow the example. No man would have been removable for cause, except for a cause which, under any administration, ought to work a removal.

Or he might have adopted the policy of filling the offices, as far as he and his party advisers might deem it consistent with the transaction of the public business, with new men of his own political faith, believing in the principles of his party.

Either policy would have been defensible upon principle.

I admit that much is to be said in favor of leaving faithful men in office during their terms. Much likewise I think is to be said in justification of a policy that changes in the offices with change of the administration is in the interest of the people, and that an administration has a right to use as its instrumentalities political friends instead of political enemies, for I assume that in this country men in office as well as men out of office will belong and ought to belong actively and openly to one party or the other.

I know I am not considered orthodox upon this subject from the extreme civil-service standpoint.

I think an administration which must be by one political party or the other would better serve the people in the end, all things considered, if it took to itself the sole responsibility of administration rather than to divide the responsibility as in a sense it does by continuing in the offices throughout the country men appointed by an administration of a different political faith.

I am not unmindful of the fact that this is termed the spoils system, and that he who even admits it to be in the slightest degree defensible is by many patriotic men denounced as a spoilsman. I deny that it is justly to be termed a "spoils" system. It is not, in my view, a distribution of offices as a matter of spoils, but a natural incident to the change in administration from one political party to another.

No one will pretend that any man should be permitted to hold an office for which he is unfit, either by reason of want of capacity or want of integrity, because of any great party service he may have rendered. But the offices throughout the country are not, as a rule, offices requiring peculiar training. Citizens are abundant everywhere, in every community, in each party, competent in every way to discharge the functions of most of the offices without previous experience in them.

It is said, "divorce the offices from politics." Why? What is there about politics, except in a few great cities where men combine for local plunder, that should be so offensive and dangerous? I know it is said that there is danger that the change of offices with change of administration will debauch the politics of the country, and that the political campaigns will be turned into a scramble for office, and the people will lose sight of principle. This is not a new suggestion. It is one of the unfulfilled prophecies of 1826 and 1835.

At the last election there were 10,480,000 votes cast. How impossible that such a people, governing themselves, can be led, as a people, from contests for principle to contests for office?

There is not a man on the other side of this Chamber, I venture to say, who is not a partisan leader in his State. There is hardly a Senator on either side of this Chamber who has not again and again, year in and year out, had occasion to address the people in his State and in other States upon political issues. Did it ever occur to you, when you stood facing American citizens by the thousand in a heated political campaign, they listening to every word you uttered, that they had any thought about the offices; that they lost sight for a moment of the principles at issue between the two parties; that the inspiration of their cheers, the interest which flushed their faces and brightened their eyes, was the contemplation of office-holding? Not at all. There is no such danger to the American people.

You say that we have had for the last twenty-four years in this country this partisanship which corrupts the service and tends to debauch the people. Have we? The Republican party may confidently challenge to their administration the investigation and attention and criticism of the world. The records show, as I understand it, that while the expenditures of public money year after year increased, while the army of officials grew, the percentage of loss in disbursements and collections diminished. I hope the party now in power will do as well.

The President saw fit to adopt neither policy upon the subject. Either would have been manly, definite, and defensible, and there was no fair middle ground between them.

Mr. Cleveland early, and before he was inducted into office, attempted to formulate in his letter to Mr. Curtis the policy which was to govern his administration of public affairs so far as the offices were concerned. He said:

> That practical reform in the civil service is demanded is adundantly established by the fact that the statute referred to in your communication to secure such result had been passed in Congress with the assent of both political parties, and by the further fact that a sentiment is generally prevalent among patriotic people calling for a fair and honest enforcement of the law which has been thus enacted.
>
> I regard myself pledged to this, because my conception of the true Democratic faith and public duty requires that this and all other statutes should be in good faith and without evasion enforced, and because in the many utterances made prior to my election as President, approved by the party to which I belong, and which I have no disposition to disclaim, I have in effect promised the people that this should be done.

Here he gave or renewed his promise to enforce the civil-service statute. I am not here to-day to suggest that he did not intend to enforce it, nor do I suggest that he has not tried to enforce it in good faith, nor do I make any attack upon that statute. On the contrary, I am in favor of it. It is wise and beneficent, and that it is a genuine reform has been abundantly demonstrated. I am willing to extend its provisions, but I think it neither practicable nor wise to attempt to extend it to the great body of office-holders who discharge their duties in the midst of the people.

The controversy between the President and the Senate in no wise relates to his administration of this statute. Any statement to the contrary is misleading.

Not content with pledging himself to carry out the civil-service law, which had been passed, as he says, with the assent of both parties, and which every one in the country expected him to carry out, because they knew he must when he took the oath of office swear to carry it out, Mr. Cleveland continued:

> There is a class of Government positions which are not within the letter of civil-service statute, but which are so disconnected with the policy of an administration that removals therefrom of present incumbents, in my opinion, should not be made during the terms for which they are appointed solely on partisan grounds, and for the purpose of putting in their places those who are in political accord with the appointing power.

Am I mistaken in the opinion that this language was generally and justly construed as a declaration by the newly-elected President to the country that men of fixed term at least, who had been and continued to be faithful in the discharge of public duty, would continue, independent of party considerations, in office until the expirations of their terms?

I have believed, and still believe, that thousands of Republican office-holders would have resigned but for this proclamation.

Mr. Cleveland continued:

> But many now holding positions have forfeited all just claim to retention, because they have used their places for party purposes in disregard of their duty to the people, and because, instead of being decent public servants, they have proved themselves offensive partisans and unscrupulous manipulators of local party management.

This language, not only by its own force but in view of what preceded it, means more than mere partisanship; it means more than offensive partisanship, as defined later by the administration. I know of no one who thinks a person should be retained in a public office by any administration who prostitutes his place to party purposes and becomes an "unscrupulous manipulator" of party management. A man of honor may well object, with bitterness and indignation, to being convicted upon such an indictment and suspended without a hearing.

Then came the circular of the Postmaster-General, which, while intended for limited operation and for a special purpose, came to the public, and is understood to have been more generally acted upon than was at first proposed. The gentleman whose name is signed to this circular is my personal friend. He was a gallant soldier, and would not willingly do an unmanly thing; but I think I hazard nothing in the remark that this circular calling for charges, challenging the activity of informers, has not commended itself to the fair-minded men of either party as an improved method of administration. It was probably the best possible device whereby the difficult performance could be accomplished of keeping men in office who had faithfully discharged the duties of the office, and yet turning out for political reasons men who had faithfully discharged the duties of the office. I can not forbear to enter my protest against the philosophy of this circular.

I hope no Republican will be induced to lodge a complaint against any Democratic office-holder upon the grounds stated in it, and I should dislike, although I might do it, to vote to confirm a Democrat to an office, who will take it upon the condition laid down in this circular—that he will abdicate the functions of an American citizen, will not be an active editor or proprietor of a newspaper printing offensive articles, or a stump speaker, or a member of a political committee, or officer of a campaign, &c. The American people have demanded no such thing and I trust will demand no such thing of its office-holders. I should dislike to see the principle of this circular, as a whole, brought permanently into the administration of affairs. Better at once embalm and lay away, if possible, every office-holder until the end of his term, and let his wife or some other political non-combatant discharge the duties of the office. Honest partisanship is honest citizenship. There is more danger of our citizens caring too little than too much for politics.

There have been sent to the Senate over six hundred and forty nominations in place of Republican officials suspended. From the letter of the President we have a right to assume that not one of these men has been suspended solely because of partisanship. From the circular of the Postmaster-General we have a right to assume that many of them have been suspended for partisanship, and that of a very inoffensive kind.

The Senator from Maryland [Mr. WILSON] said that doubtless very many of those who have been suspended have been suspended "for political reasons." Doubtless some have been suspended for causes affecting their personal and official honor. Is it not a matter of vital interest to each one of these suspended officials to know under which class his case falls—whether he has been suspended upon a charge which if true involves a stain upon his character or only upon the charge of having been too active a Republican?

Upon what principle is the Senate of the United States invited to advise and consent to the removal of these suspended officials and at the same time denied all knowledge and information, though upon the files of the Departments, as to their conduct in office?

A suspended official writes me from Wisconsin a letter, in which he says:

> I do not want the office. I have discharged, as far as I could, faithfully its duties, but I want to know whether any charge has been made against me affecting my official character. If I have been removed for political reasons I make no complaint. If I have been charged with anything affecting my honor I want to know it and to be heard upon it.

Is this an unreasonable request for an American citizen to address to a Senator from his State? Is it not out of harmony with the American sense of fair play that such a request should be denied? Is a system under which a suspension is brought about, which makes secret and beyond the reach not only of those affected by it, but of the Senate, the ground therefor, entitled to public approval?

Another man who writes me a letter of the same purport I have known for twenty years. He was suspended upon a charge of the nature of which he is not informed. He is an honorable, high-minded gentleman; was a faithful official, so far as I know or he knows. He was a soldier who stood in the shock of battle in defense of the Union, not once, but many times. Can I, as a Senator, advise and consent that the suspension shall become a removal, in enforced ignorance as to his conduct in office? Would you feel at liberty, Mr. President (Mr. CALL in the chair), to advise and consent to a removal in such a case if the suspended officer were of your own political faith, from your own State, and appealed to you not to retain him in office, but to protect his name? I ask any Democratic Senator if he would be willing to do it?

A letter comes to me from the Indiana city in which I was born, as to one suspended from office upon charges, I am advised. This man was pointed out to me in my boyhood as one who entered the Mexican war in his young manhood as a drummer, and who, throwing away his drum on the field of battle, did the part of a soldier, with musket in hand, and fought his way up to the grade of an officer. This man entered the Army in 1861, and rose from the position of captain, by faithful service, long continued, in many battles, under our flag, to be a major-general. Can I advise and consent, as a Senator, to his removal from office, not knowing whether the charges against him involve personal dishonor? Is that the way for us to conduct our part of the people's business? These cases are illustrations of very many.

If we have, as I insist, a clear right to be advised of the conduct in office of the suspended official, could there be any higher reason for insisting upon that right than that thereby we are enabled to protect the character of good men?

Certainly there was no design in the methods which have been adopted, or in the course which the President has taken in resisting the demand by the Senate for information, to perpetrate any wrong upon the character of citizens; but that such is the effect there can be little doubt.

Men who are suspended from office upon charges affecting their character are entitled, upon every principle of fair play, to know what those charges are, and to meet them. They are also entitled to know whether they are suspended upon such charges or not.

When are these papers, now secret, to be revealed? When, and by whom, is the injunction of secrecy to be removed from them? May they not later come out into the daylight to taint the memory and torture the family of some man who has passed away from earth, and who might have answered them could he have known their purport?

The people too have a peculiar right to know, and to know fully, the conduct of public officers. That, of all things, should not be kept confidential. The removal from office of an unfaithful servant is but the slightest punishment for his delinquencies. His greater and more adequate punishment is found in the finger of scorn, always pointed at one guilty of a betrayal of a public trust. Such publicity also protects the people against the danger of restoring, through ignorance, an unworthy man to public office.

Is not every legal reason and every public interest in favor of the position of the Senate in this controversy?

You must not tell us that we are struggling with the President to keep Republican officials in office. That is in no sense true. If there be a Senator upon this side who has either such desire or purpose I have not met him. We expect you to take the offices, and we only ask that they be taken in an open, manly way.

The success of a national administration is a matter of great popular interest. Any one who for party purposes would desire its failure would be too narrow and mean a partisan to be a good citizen. I do not wish to see it embarrassed or obstructed in any right course. I will not help to do that, nor, I think, will any Senator on this side help to do that. I am willing to resolve every doubt, consistent with fair treatment to the citizen, in favor of the administration in this matter, and I hope the way may be open to us; but I for one can not, under my oath as a Senator, yield what I deem to be the right of the Senate to inspect papers touching the conduct of office by a suspended official, when in its judgment it is for any reason essential to intelligent action upon the subject of a removal; nor am I willing to blindly participate in an act of removal when I have reason to think I shall thereby, as a Senator, join in placing a stain upon the name of an innocent man, unheard.

Mr. President, it is due to myself to say that I have proceeded with great embarrassment, from illness, with my remarks.

Mr. SAULSBURY. Mr. President, I shall detain the Senate but a short time. I am fully satisfied that I can utter no word and make no suggestion which will strengthen the arguments which have been presented on this side of the Chamber in support of the position assumed by the minority of the Judiciary Committee and the President of the United States, but I can not consent that my position in reference to this question, which has occupied so much of the time of the session and which has been, as I think——

The PRESIDING OFFICER (Mr. CALL in the chair). The Senator from Delaware will suspend. There is too much noise on the floor and in the galleries.

Mr. SAULSBURY. I beg to say that if I can have the attention of the Chair and of a few of my friends immediately around me, I do not care for the attention especially of the galleries.

I was proceeding to say that I could not consent that my support of the position of the President of the United States, believed to be in perfect accord with his constitutional rights, and so ruthlessly assailed by

the majority of the Judiciary Committee and by the speeches made upon the other side, should rest simply upon a silent vote.

I do not expect to give my approval to all the measures favored by the present administration as enunciated in the annual message of the President; I do not expect to give my advice and consent to all the nominations which he may send to the Senate; but in a question where the President of the United States stands squarely upon his constitutional rights, endeavoring to defend the dignity and character of the office to which he has been elevated by the people of this country, it gives me pleasure to support him in the maintenance of his constitutional rights, and from which he is sought to be driven by his political enemies.

The Senator who was last upon the floor [Mr. SPOONER] assumed and declared that this controversy has been thrust upon the Senate by the President of the United States. Sir, the President of the United States has sought no controversy with the Senate. He was well aware that his administration could be interrupted and embarrassed by a hostile Republican Senate, and he had every inducement to keep himself in harmony as far as possible with the majority of the Senate, who would have to pass upon his nominations. Therefore the assertion that the President of the United States has thrust this controversy upon the country and upon the Senate is wholly without foundation. The President has done no such thing. But the contention has been brought here by the Republican side of the Chamber, and more especially by the Judiciary Committee of the Senate.

What are the facts? President Cleveland was elected by his countrymen to the chief executive office in the fall of 1884. He entered upon the discharge of that office a little more than a year ago. He came into office finding at least 95 per cent. of the offices filled by his political enemies. Common justice would have said that at once there should have been an abdication of a least one-half the offices by the men who held them, so that the President might adjust the offices between the different political parties of the country. But no resignations, or very few, were tendered from any of the officers of this country. However, the President proceeded cautiously. Unused to the exercise of power, the administration proceeded with a caution and forbearance that is unparalleled in the history of administrations; and when we met here in December, or reconvened the first of the present year, the President had sent to the Senate but six hundred and forty-three removals of Presidential officers subject to Presidential control out of from fifteen thousand to seventeen thousand subject to his control. I say that such magnanimity toward political opponents has not been exercised by any administration for the last fifty years.

Sir, you heard the other day, and no man has questioned it, that President Grant in seven weeks after he came into office had removed six hundred and eighty officers; and yet President Cleveland removed but six hundred and forty-three in the first eight months of his Presidential term. What then was done by the Senate? Let us see who is responsible for this controversy. The nominations in cases of suspensions and removals sent here by President Cleveland have been before the Senate for three months, and yet they have been suffered to slumber in the committee-rooms of this Senate or to remain unnoticed upon the Executive Calendar. Why has that been done? Because the Republican side of the Chamber set itself to work deliberately, premeditatedly, I will not say with malice aforethought, to see if they could devise some scheme by which they could forestall the President and prevent the removal of their partisan friends from office. It is because of the action of the Republican side of this Chamber, and more especially because of the action of the Committee on the Judiciary of the Senate, that this controversy to-day is before the country, that this controversy is here in the Senate obstructing the regular performance of the duties devolving upon the Senate in the confirmation of appointments to office.

Mr. President, what was the motive, if we must go into motives? The Senator who preceded me undertook to examine the motives of the President of the United States, and if motives are to be inquired into we may ask what were the purposes of the Republican side of the Chamber and of the Judiciary Committee of this body in thus obstructing the executive business laid before it. There are but three possible reasons: first, to protect their political friends in the places which they now fill; or, secondly, to make some point against the present administration in the hope of returning back into power; or, thirdly, a deliberate purpose of divesting the executive department of the Government of its rightful constitutional powers and investing the Senate with the performance of executive duties with which it has no possible concern.

The Senator who preceded me denies that there is any desire on the part of the Republican side of the Senate to protect the Republican officials now in office. If that is true is it not strange that the nominations of the President remain unacted upon? Is it not strange if such is the case that this controversy has been precipitated by the Republican side of this Chamber, claiming, what has never heretofore been claimed, that they have a right to supervise the removals or suspensions of the President of the United States? In other words, that they have a right to see every private letter, confidential letter, every paper memorandum that has been sent to the President or any head of a Department before they will act.

Sir, I have looked at the report of the majority of the Judiciary Committee, and I do not hesitate to say that while I find appended to that report the names of distinguished Senators, able lawyers, men of high character and standing in the country, a more disingenuous, unfair, unjust presentation of this controvesy never emanated from a committee of any deliberative body. What do they say? I read from the report:

> The important question, then is, whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves.

The President of the United States has said to the Senate that every official document, every official paper, was subject to the inspection and examination of the Senate; and yet this committee says "the question, then is, whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves." The controversy is because the President will not deliver to the Senate unofficial papers, private papers, confidential papers, not that he will not deliver official papers. So there is an attempt to impose on the country by a false presentation of the question at issue, and the committee has not done justice to the President or justice to the people of the country or to itself in the deliberate statement it has made.

The Judiciary Committee, in order to sustain the views which they present in this document, have copied at great length a report made by Garrett Davis in 1842 in the House of Representatives, and yet they took special care not to state that Garrett Davis, upon the floor of the Senate at a subsequent period, twenty-five years thereafter, had openly and publicly repudiated his utterance of the sentiments which he had embodied in that report, and fail to present to the Senate so that the Senate might know just what were the views of Mr. Garrett Davis, whose report was introduced with commendation. Let us see what Mr. Garrett Davis said on that subject, and I submit whether it would not have been fair and proper in the Judiciary Committee when they undertook to influence the action of this body by the presentation of a report of Garrett Davis to state that Mr. Davis had subsequently repudiated his own conclusions, and that therefore they must both be taken together. Here is what Mr. Garrett Davis said in the Senate on the 29th of March, 1869:

> Some twenty-five years ago I adopted the opinion that the power of removal belonged jointly to the President and the Senate as a sequence from the power of appointment; but subsequent and through examination of the subject has convinced me that I was in error; and the experiment of the civil-office-tenure bill has demonstrated the evils and impracticability of the President and the Senate conjointly executing this power, and vindicated the wisdom of the founders of our Government in confiding it exclusively to him.

I submit that this alone would corroborate what I have said, that a more unfair and more unjust presentation of the question at issue between the President and the Republican side of this Chamber never was embodied in any report that emanated from any committee of this body.

What is the question? The question is whether the President of the United States shall abdicate a power conferred upon him by the Constitution—the power of removal—and subordinate his high office to the supervision and control of the Senate of the United States. That is the question; and as an excuse for assuming that position the Judiciary Committee of this body and the Republican side of this Chamber claim the right to inspect the private papers of the President of the United States, not the official papers, not the public documents, all of which are accessible to any committee of this body or to any Senator in this body who sees proper to call for them, as we are informed by the special message of the President himself.

But now, sir, why should they want to look into private papers sent to the President? Of what earthly value could they be? Doubtless there is in every Department of the Government an accumulation of letters signed by people from every part of the country in reference to public officers, some asking to have an office given to them, some asking that their friends may be appointed to office, some saying that a certain man, perhaps, has not discharged his duties faithfully. I do not know their contents; I am left to imagination, for I have never had the curiosity to delve among the letters that are filed away in some dark recess, some basement story of some Department of this Government, but I am left to imagination—I suppose that there are letters of this description, some of them marked "confidential," some of them and a large number of them have never been read by the President of the United States or by any head of any Department of this Government. The fact that the President does not see proper to place those letters at the disposal of the Republican side of this Chamber is made the excuse for not confirming the appointments sent here by the President. That is made the excuse, but the true purpose and *animus* is to assume jurisdiction and a supervisory control by the Senate of the United States over the executive powers belonging to the President.

Recurring to the question of whether one purpose of this dilatory and obstructive policy pursued is to protect in office the Republican incumbents, let me ask why is it if gentlemen are so anxious, as they claim, that Republicans should abdicate the offices and resign, that they do not advise them to do so? Why is it that they take special pains to delay

the confirmation of men whose names are sent here to supersede Republican officials? No, sir; this question has been forced on the President. I assert here and now that he can not, with a decent regard to the high trust reposed in him, comply with the unlawful demands of the Senate and abdicate his own powers and subject his power of removal to the supervision of the Senate of the United States.

I shall not go into any discussion of the tenure-of-office act. I hold that that act is unconstitutional. I hold that the power resides in the President of the United States, by the Constitution itself, to make removals from office, and that every attempt now or heretofore made to limit and control the exercise of his power of removal, conferred upon him by the Constitution of the United States, must *ex necessitate* be unconstitutional; and I do not hesitate to say that if I were President of the United States I would so treat it. When Andrew Johnson was President of the United States, for whom the tenure-of-office act was made, and over whom it was held *in terrorem*, he tried to make an issue in the courts, and his Republican opponents attempted to impeach him—filed articles of impeachment against him. He was under their power, and two-thirds of the House of Representatives and of the Senate were his political enemies. I believe he had the courage, if he had not known that the forces marshaled against him were sufficient to oust him from his office, to have disregarded the tenure-of-office act. Mr. Cleveland has not attempted to disregard it, but has sent suspensions here in conformity to the act of 1869; but in doing that he has not abdicated the functions of his office, nor can he divest the executive office, if he were to try, of its constitutional powers given to it by the Constitution. So far as he is individually concerned he might waive the exercise of a constitutional prerogative in deference to a statute made by Congress, but he can not divest the office itself of its constitutional functions.

This question of constitutional power has been debated almost *ad nauseam*. I shall not myself enter into the discussion of it at any great length, but I desire to cite some authorities which have not been cited in this debate, bearing on the subject. I shall repeat no authority that I understand has been presented by anybody else in this Chamber.

Let me say that the Constitution invests the President of the United States with all executive power, subject to certain provisions, wherein he must consult the Senate in reference to appointments and in relation to the making of treaties; and it is his duty also, under the Constitution, to see that the laws are faithfully executed. This investiture of the executive office with executive powers is inherent in the office, and can not be divested from it except by constitutional amendment. No statute that Congress can make, no resolution that it can pass, no attempt to infringe upon the constitutional rights belonging to the President, can itself be valid.

This question was early settled, as has already been stated, in the first Congress that met after the Constitution was adopted. In that Congress were men who had participated in the formation of the Constitution, who had sat in the convention that made the Constitution, who had instructed the people of the country as to its import. They sat in the two Houses of Congress in 1789, and they passed upon this question deliberately after full and mature discussion. I shall not cite the debates because they have already been cited. But I want to quote what Mr. Marshall, in his Life of Washington, said about that declaration of the meaning of the Constitution, because I understand it has not been cited in this debate. I cite it for two purposes; first, to show that this power is inherent, by the terms of the Constitution, in the executive office; and, second, to exclude the idea that it was a power conferred by Congress at that time. As this authority has not been cited, I will read more fully than I should otherwise do what Mr. Marshall says on the subject:

> In organizing the departments of the executive, the question in what manner the high officers who filled them should be removable came on to be discussed. Believing that the decision of this question would materially influence the character of the new government, the members supported their respective opinions with a degree of earnestness proportioned to the importance they attributed to the measure. In a Committee of the Whole House on the bill "to establish an Executive Department to be denominated the Department of Foreign Affairs," Mr. White moved to strike out the clause which declared the Secretary to be removable by the President. The power of removal, where no express provision existed, was, he said, in the nature of things, incidental to that of appointment. And as the Senate was, by the Constitution, associated with the President in making appointments, that body must, in the same degree, participate in the power of removing from office.
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> Mr. White was supported by Mr. Smith, of South Carolina, Mr. Page, Mr. Stone, and Mr. Jackson.
>
> Those gentlemen contended that the clause was either unnecessary or improper. If the Constitution gave the power to the President, a repetition of the grant in an act of Congress was nugatory: if the Constitution did not give it, the attempt to confer it by law was improper. If it belonged conjointly to the President and Senate, the House of Representatives should not attempt to abridge the constitutional prerogative of the other branch of the Legislature. However this might be, they were clearly of opinion that it was not placed in the President alone. In the power over all the executive officers which the bill proposed to confer upon the President, the most alarming dangers to liberty were perceived. It was in the nature of monarchical prerogative, and would convert them into the mere tools and creatures of his will. A dependence so servile on one individual would deter men of high and honorable minds from engaging in the public service; and if, contrary to expectation, such men should be brought into office, they would be reduced to the necessity of sacrificing every principle of independence to the will of the Chief Magistrate, or of exposing themselves to the disgrace of being removed from office, and that too at a time when it might be no longer in their power to engage in other pursuits.
>
> By the friends of the original bill, the amendment was opposed with arguments of great force drawn from the Constitution and from general convenience. On several parts of the Constitution, and especially on that which vests the executive power in the President, they relied confidently to support the position, that, in conformity with that instrument, the power in question could reside only with the Chief Magistrate; no power, it was said, could be more completely executive in its nature than that of removal from office.
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> But if it was a case on which the Constitution was silent, the clearest principles of political expediency required that neither branch of the Legislature should participate in it.
>
> The danger that a President could ever be found who would remove good men from office was treated as imaginary. It was not by the splendor attached to the character of the present Chief Magistrate alone that this opinion was to be defended. It was founded on the structure of the office. The man in whose favor a majority of the people of this continent would unite, had probability, at least, in favor of his principles; in addition to which the public odium that would inevitably attach to such conduct would be an effectual security against it.
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> After an ardent discussion, which consumed several days, the committee divided, and the amendment was negatived by a majority of 34 to 20. The opinion thus expressed by the House of Representatives did not explicitly convey their sense of the Constitution.

Now mark:

> Indeed, the express grant of the power to the President rather implied a right in the Legislature to give or withhold it at their discretion. To obviate any misunderstanding of the principle on which the question has been decided, Mr. Benson moved in the House, when the report of the Committee of the Whole was taken up, to amend the second clause in the bill so as clearly to imply the power of removal to be solely in the President. He gave notice that if he should succeed in this he would move to strike out the words which had been the subject of debate. If those words continued, he said, the power of removal by the President might hereafter appear to be exercised by virtue of a legislative grant only, and consequently be subjected to legislative instability, when he was well satisfied in his own mind that it was by fair construction fixed in the Constitution. The motion was seconded by Mr. Madison, and both amendments were adopted. As the bill passed into a law it has ever been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

That is what John Marshall said in reference to the declaration by the Congress of 1789. But the question has been before the courts, and it has been decided in court that the provision of the Constitution conferring executive power on the President and requiring him to see that the laws be faithfully executed, was an investiture of the office with absolute control over officers, rendering them subject to removal at the executive pleasure.

I cite a Pennsylvania case, 5 Sergeant and Rawle's Reports, where this question came up in 1820. It came up under the constitution of Pennsylvania, which is identical in terms with the Constitution of the United States, investing the President with executive power and requiring him to see that the laws are faithfully executed. I want also to say that this opinion was delivered by as able a judge as ever sat upon an American bench, Chief-Justice Tilghman, and his associates were John B. Gibson and Thomas Duncan. So far as Judge Tilghman and Judge Gibson are concerned, the profession everywhere in this country recognize that there were no abler judges that ever sat upon an American bench, not even the Supreme Court of the United States has had abler men upon it than these two Pennsylvania judges. I will not take time to do more than state the case as narrated in the opinion of the court. A party had held an office under some particular statute, but in 1790 the State changed her constitution and invested the governor with executive power. He removed the incumbent of the office and appointed another. The old incumbent took the case to the courts, and claimed that the governor could not remove him from the office. The supreme court of Pennsylvania, after hearing the case, which was ably argued on one side by the two Ingersolls, J. R. Ingersoll and C. J. Ingersoll, and on the other side by J. Sergeant, after reviewing the arguments and stating the case, proceed to say:

> It is, therefore, the opinion of the court, without doubt, that by our present Constitution the power of appointment is vested in the governor.
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> 2. But, granting the power of appointment to be in the governor, it is denied that he has the power of removal. This denial is founded on two reasons: 1. That the constitution does not give the governor the power of removal, even in cases where he has the express power of appointment. 2. That the tenure of this office is during good behavior.
>
> As to the tenure of ministerial offices in general, there can be no doubt but it is during the pleasure, unless the law by which the office is established order it otherwise. This is not a new question. It engaged the attention of the Congress of the United States, soon after the formation of the Federal Constitution, by which the President nominates and appoints, by and with the advice and consent of the Senate. There was some plausibility in the argument, that the tenure of officers should be at the pleasure of the President and Senate, because the President could not appoint without the consent of the Senate; and the Constitution is silent as to the power of removal. Yet, it was determined, with general approbation, that the pleasure of the President was the tenure of office. A main reason for this was, that the President, being vested with the supreme executive power, was bound to carry the laws into operation, which can only be done through the intervention of officers. If these officers are not removable at his pleasure, he is relieved from that responsibility to which it is for the public good to hold him. An officer is not appointed for his own sake, but for that of the public. If he misbehaves, the sooner he is removed the better, because the country suffers every moment that he continues in office.

So that the legislative construction of 1789 of the constitutional provision is affirmed by a decision made, as I before remarked, by as high a court as any judicial tribunal that ever sat in any State of this Union.

This question has been before the Senate at various times since 1789. It came up in 1822; it came up more especially and emphatically in 1830, and from that to 1835, during the administration of President Jackson. It will be remembered that President Jackson removed the Secretary of the Treasury, Mr. Duane, and appointed the late Chief-Justice Taney as Secretary of the Treasury. Mr. Duane had refused to comply with the President's request or demand that he should remove the public deposits from the United States Bank at Philadelphia, and President Jackson, without consulting the Senate, removed the Sec-

retary of the Treasury and appointed another. His power to do so was not questioned then by the Senate. The Senate, I believe, confirmed Mr. Taney, and he removed the deposits. Then when Congress met the Whigs of that day opposed to General Jackson attempted to find fault with his action, both in regard to the removal of Duane and the removal of the deposits. They first attempted to see if they could not frame some attack upon the administration for the removal of Duane, but they ultimately changed their course and attacked the administration of General Jackson for the removal of the deposits, and that matter was discussed during the rest of the Presidential term of General Jackson, and it occurred before his re-election. The people sustained General Jackson; he was re-elected to office, but the Whig opposition attacked him in every point, and I believe that it was after his re-election that the resolutions, which were finally expunged, were passed declaring that his act was in derogation of the Constitution and the laws.

This question came up again more emphatically, and to which I wish to refer now because it has not been referred to in this debate, in 1856. There are members of the Senate who remember that controversy perhaps. In 1855, during the administration of President Pierce, the Congress of the United States heard complaints of the inefficiency of the naval officers of the country, and passed a law authorizing the creation of a board to inquire into the efficiency of the naval officers, and to make report to the Secretary of the Navy. That board was composed of fifteen distinguished naval officers. They examined into the efficiency and qualifications and fitness for service of all the officers of the Navy, and they recommended the retirement of some one hundred and fifty or two hundred naval officers, some of whom had contracted habits of dissipation, some of whom were deemed disqualified by age for the service, and by the action of the President they were placed on the retired-list or dropped from the rolls—some of them, I believe, were dropped and some of them were placed on the retired-list, to the number of about one hundred and fifty.

The consequence was that from every State in this Union the friends of the naval officers who had been dropped were clamoring for a redress of grievances and sent their petitions to the Senate, sent their petitions to the other House of Congress at the session which met in December, 1855, asking that some remedy be applied to this wholesale retirement of naval officers. The question was introduced in December, 1855, and continued the prominent question before the Senate up to July, 1856. In that debate no man took a more prominent part than a distinguished member of this body from my own State, Mr. John M. Clayton. I need not tell the Senate who Mr. Clayton was. I need not tell the Senate that he was able to cope with the ablest men in this Chamber in debate. He measured swords with the most formidable and the strongest men in this body; and I say here and now from a careful examination of his discussion upon the Clayton-Bulwer treaty that he presented stronger arguments, more conclusive demonstrations of the justice and the propriety of that treaty than were presented on the other side by Mr. Cass and Mr. Douglas, or any of the men who debated that question. Mr. Clayton discussed this question of removal, and I want to introduce his view of the question, because not only of his high character but also because his opinions on that subject have not been presented in this debate. I quote first from his speech made in this Chamber February 18, 1856.

Let me say that the board of naval officers which had recommended the retirement and dropping of so many naval officers was severely attacked, but in all this debate I have not been able to find a single utterance of any man against the power of the President to remove those officers from the Navy-rolls or to place them on the retired-list. Mr. Clayton was brought so prominently into this debate, because Captain, afterward Admiral, Du Pont was a member of that board, and, I believe, its president. Mr. Clayton was interested in that great officer, and no man could ever assail a prominent citizen of Delaware while Mr. Clayton was upon this floor without his coming forward to his defense; and that fact made him prominent in this debate, because his friend and a citizen of his own State was assailed most violently in the debate. But I say again, from what examination I have been able to give to that discussion, the power of the President to remove even naval officers or civil officers or military officers was not called in question. I now proceed to read from the speech of Mr. Clayton, made in February, 1856:

It is well enough always when you go about a thing to look to what you have power to do. I do not see how we can afford redress in the manner which gentlemen have suggested. I have stood on this floor, as my friend from Georgia and other friends here well know, many long years ago, contending against the extension of executive power—contending that there was too much of it in the country—and particularly in reference to removals from office. But the practice of the Government is settled; the commission of every officer, naval, military, or civil, runs during the pleasure of the President. He can make and unmake; and it is in vain for us to say that he has not the power. We may complain of the exercise of it; we may believe there has been an abuse of it. If you choose to go to the extent which Mr. Madison said you might go, in the debates of 1789, you can have him impeached by the other House, and this body can try him; but there is no other remedy. You can not reverse the action of the Executive. You have but the remedy pointed out by the framers of the Constitution in 1789, and no other.

Sir, if a strong case were presented where a man had been wronged under this law, where I myself was convinced that he had been wronged (and I trust I shall always be open to conviction), I should seek for some means of redress, and I should not be contented until I had found some, if it be possible, but I am utterly unprepared to say what that means would be. I should inquire diligently of others if they could not find some mode in which we could do justice, inasmuch as we had been in some degree, however small, accessory to the injustice. For myself, I should be in favor of restoring the officer, if we could do it by unanimously applying to the President to put him back. If that could not be done, I should seek some mode of indemnifying him for the wrong. I can not presume that wrong has been committed; I can not undertake to say that this, that, or the other man was injured by the action of the board until I have proof of the fact.

There is the opinion of Mr. Clayton in 1856—and he had served in the Senate at various times from 1829—that the power of removal belonged exclusively to the President of the United States under the Constitution of the country. This question continued before the Senate and Mr. Clayton delivered another elaborate speech in the month of July following on the same subject, and I want to read an extract from that speech:

But if I have a settled opinion on any subject, it is fixed that the President of the United States, untrammeled of Congress, has the exclusive power of removing public officers from both the Army and the Navy. That I have understood to be the fixed law of this country *ab urbe condita*, and it is bottomed upon more than one hundred thousand precedents—for there have been more than one hundred thousand commissions, civil, military, and naval, issued, every one of which bears on its face that the incumbent of the office holds it during the pleasure of the President. Is it not astonishing that if the construction now put on the Constitution be correct, George Washington never discovered it? He was the first man who ever issued one of these commissions, and every commission issued during his administration was, in the language of your law, during the pleasure of the President. So, too, of Thomas Jefferson. I think he knew something about the Constitution. So, too, of James Madison; and every President you have ever had has issued his commissions in the same terms; and it is vain to attempt to get up a distinction between the Army and Navy and civilians. They are all removable at the will of the President. I do not go into the discussion so far as relates to the various cases already alluded to and others that might be cited; but I desire now, in order to put the fact on record, to allude to one circumstance that occurred during my public life which I believe has never got into the public debates or the public prints.

I remember the time well when the Senate was agitated upon the great question of the removal of the deposits. I remember the celebrated resolutions of Mr. Clay, which were afterward condemned and expunged by order of the Senate. I remember well that one of the leading resolutions introduced by that distinguished gentleman at that day directly declared against the removing power of the President, in the case of the dismissal of William J. Duane, who had refused to remove the deposits. The subject was discussed from week to week, from month to month, and at last it came to a vote. Now, mark what occurred then. Not a single Whig Senator in the Senate voted to sustain Mr. Clay in the resolution which he had introduced. Not a single man of them, besides himself, would agree to support the proposition which he laid down, that the President had not the removing power. What was the result? I was present at a consultation behind your chair, sir, when John Tyler and myself insisted on his changing the resolution, and you will find, by referring back to the debates of the day, that he did change his resolution at the suggestion and entreaty of his friends. I was one of them.

But the resolution as it stood and was adopted by the Senate was drawn not by Henry Clay, but by John Tyler, who is now alive and will prove the fact. The resolutions, as passed, did not deny the removing power of the President; they only denied the legality of the "late executive proceedings." That was the language of the resolutions. They declared those proceedings to be in derogation of the Constitution and the law. They attacked the removal of the deposits; they attacked the specie circular; but they left every man free to vote on them without committing himself to this question, which not a single Whig in the Senate besides Mr. Clay was willing to do. I refer back to this circumstance because I have personally a fresh recollection of it, and the record will confirm what I have stated. I say that although those were high party times, and although at that day there was an anxious disposition to condemn the action of the President for the removal of William J. Duane, if it could be done as a constitutional act, there could not be found on the floor of the Senate a single Whig Senator besides Mr. Clay who would agree to do it.

That is from a speech made July 15, 1856, as reported in the Congressional Globe. That was not the only speech which Mr. Clayton made on the subject. I find one in the Appendix to the Globe of the first session of the Thirty-fourth Congress. I quote this because from my knowledge of Mr. Clayton I know the value of his opinion on any proposition and because his opinion has not heretofore been adduced in this debate. This is the speech published in the Globe of March 31, 1856:

Mr. CLAYTON. Mr. President, in the whole course of my experience as a member of this body I do not recollect the discussion of any question in the course of which so many Senators have so often departed from the great landmarks and fundamental principles of our Government as in that now before us. I came into the Senate on the 4th of March, 1829, when President Jackson was first inaugurated, and at the succeeding session of 1829-'30 the great question which agitated this body was in relation to the President's power of removal. I was one of those who were then called National Republicans, afterward denominated Whigs. A large majority of the Senate at that time was composed of gentlemen then called Jackson men, who some time after assumed the name of Democrats. On our side of the Senate, some of us undertook to question the removing power. At first there were some—but very few—who denied the existence of such a power. I was one of these who exerted themselves to the utmost to find some mode of restraining the exercise of this power. I entertained then, and do yet entertain, abhorrence of the tyranny extended to the victims of political warfare.

In a speech on the resolution of Mr. Foote in 1830 I denounced this tyranny, and throughout that and succeeding sessions of Congress I labored not only to discountenance and condemn it, but to restrict the practical application of the power within the limits of what I then held to be the spirit of the Constitution, but I did not, and could not, deny the existence of the power, and I will venture now to say that by recurring to the debates of that day there can not be found more than one or two instances in which any Senator ventured to deny the existence of the power in the President. On that occasion, representing a party of men who held themselves to be greatly aggrieved by the hundreds and thousands of removals from office which the President made—sensitive for the very reasons which have been stated to-day by the honorable Senator from Georgia [Mr. Iverson] in relation to the character of those who were removed, we sought for any and every measure which we thought could be constitutionally resorted to as a means of redress. We proposed, as you will find by looking to the Journals of that period, resolutions inquiring into the causes of the removal of persons who had been ejected from office, and we desired the determination of the propriety of each removal before the Senate acted on the nominations which were made by the President.

So that the tactics of our Republican friends are not new in this Chamber.

We discussed the question at length. You will find by looking back to the history of that period that Mr. Barton, of Missouri, introduced such resolutions as I have mentioned, and discussed them with great ability. You will find that, in every instance when the question was moved, the Democratic party, then called the Jackson party, unanimously voted down every resolution denying or calling for the reasons of executive removals. By referring to the debates of that day you will find that every debater on the Democratic or Jackson side of the Senate denied utterly the power of the Senate to look behind the nominations and inquire into the causes of removal. Such, I repeat, was not my opinion. I say again, I endeavored at the time to vindicate the opposite position, but I was voted down. The party with which I was associated was always beaten upon that question. We were voted down at every succeeding session whenever the question was raised, throughout the whole of my Congressional career; and there never was an instance in which it was decided that the Senate of the United States had authority to limit or control the removing power of the Executive.

The result was that, as a majority of the sovereign States of the Union held that doctrine for twenty-five years or more, I at last acquiesced in what I could not prevent, and was forced to succumb to the views of the majority. All my political friends finally yielded and gave up the point, considering that the voice of the people of the United States had sustained our opponents on the whole matter in difference between us. We finally abandoned, not by any public recantation, but by our silence, resistance to the removing power, as a point of political controversy; and hence, for many years past, you have scarcely heard a word on this topic in the Halls of Congress.

Ever since the days of General Jackson each successive President had exercised this power of removal without question from any quarter whatever. He has exercised it in every instance without control, without record, without trial, and without giving notice to the party accused. No man has contended for years past that a person removed from office had a right to demand from the Executive of this country the reason for which he was removed, or might require a trial before he was removed, or the production of a record to show the grounds for his removal, or that notice should be given him, and that he should be heard anywhere in regard to the removal. We had in vain denounced the tyranny of the proscriptive policy, and we yielded, however reluctantly, to the popular will.

Just what Mr. Clayton said, in reference to what the commissions bore on their face, that they were held at "the pleasure of the President," is true of naval commissions. I have not looked into civil commissions or into military commissions, but I did take the pains to go to the office of the Secretary of the Navy, and I find that the commissions to-day bear upon their face that they hold their offices at "the pleasure of the President." Whether this is true of civil officers I do not know, for I have not examined the commissions; whether it is true of military commissions I do not know, but after the action of 1789, during the administration of President Washington, the formula of commissions was adopted in conformity with the declaration of the Congress of 1789 that removals were at the pleasure of the President, and the commissions to the naval officers at least indicate that that has been the judgment of the country from that day to this, for the commissions have not been altered.

I am aware that there was some legislation in 1865 in reference to removals of military or naval officers unless on the judgment of courts-martial. That relieves the executive department no doubt just as it relieved President Pierce in 1855 to have the report of a retiring board in order that he might exercise his constitutional function of removing naval officers. So the President, in regard to military commissions, retains the power of removal inherent in his office, and it is not affected by the legislation of 1866 in reference to military officers, nor by the action of Congress in 1867 in reference to the tenure-of-office act. The constitutional power still inheres in the President, though he may think it proper to follow the statutory provisions in the exercise of his inherent power of removal, in conformity with the wishes of Congress, but it is nevertheless true that legislation has not deprived him of his constitutional function of removal from civil office.

Mr. President, the existence of political parties in this country is, I had almost said, absolutely necessary to the proper administration of public affairs; perhaps in all governments opposition parties are essential to the proper administration of government, and it is especially true in this country. The minority party can exercise a most salutary influence upon the action of the majority, and our Republican friends on the other side of this Chamber occupy a position to-day where they can render valuable service to the country. If, properly appreciating their position, they follow in proper paths, they can exert the most salutary and beneficial influence on the administration of public affairs. I recall the position of the Democratic party, to which I belong, when I first came to the Senate. We were but few. When I took my seat there were but eight Democratic Senators on this floor holding over. When I came in we were a body of thirteen, but I remember that we made war upon what we conceived oppressive measures of the majority, how we restricted their appropriations of the public money by holding up to public gaze the extravagance of the Republican majority, having then a majority in this House of two-thirds or three-fourths, and a majority in the other House, and possessing the Executive Departments. I became so infatuated with the minority position that I confess I have never felt a very great anxiety to be in the majority in the administration of Government.

As I say, that feeble minority of Democrats at that day did exert a most salutary influence upon the legislation of Congress in restraining the excesses of the Republican majority in this Chamber and in the other House. So I say our Republican friends on the other side of the Chamber, if they would rise up to the dignity of their true position, if they would abandon all obstructive processes, all factious processes, and act as sentinels and guards over the public interests of this country, they could restrain any improper tendency on the part of the Executive or of the Democratic majority in the House to excess in the appropriations or in the extravagant use of the public money for any purpose, as well as excesses in other matters, by resistance and exposure of improper measures before the country.

But, let me say that while such is the proud position which the other side of this Chamber ought to occupy, its position to-day as demonstrated by its action in reference to this question is that of an obstructive party, hindering the due exercise of the executive powers of this Government, and from the very habit of opposition there is imminent danger that the other side of this Chamber may descend from the high position it ought to occupy down to a mere cabal and faction.

What is the position which the Senate occupies to-day? The time was when great men and great parties met in the Halls of Congress and discussed measures of government and administrative policies; but to-day the Senate is degraded by a scramble for the retention of offices in the Republican party. If some one who in other days had witnessed in the old Chamber the debates in advocacy and opposition on questions of government and policies of administration should appear in these galleries and look down on the attitude of the majority of the Senate in a contest which it has forced upon the President for the inspection of his private papers, with what sadness would he contemplate the change that has taken place. Perhaps retiring with bowed head from a scene so humiliating, he would recall the exclamation, "Thou art the man, but oh! how fallen."

I should be glad to see the Senate relieve itself from the impression which this discussion is calculated to make and resume the high position it ought to occupy, and not degrade itself by seeking to degrade the executive department of the Government.

Mr. COLQUITT. Mr. President, I am conscious that this is a very unpropitious hour to engage the attention of the Senate. The debate has been protracted; it has been conducted with signal ability and great historical research; and it is not unnatural that the patience of the Senate has been wearied, or that the novelty of the subject has been lost to the public. I promise, however, that I shall be very brief in the remarks that I have to make. I shall not follow at length the line of argument or of precedent which has been pursued by others.

The question has been debated so ably, and so many precedents and arguments which have been presented by those who have considered it have related almost entirely to the power of the President to make removals from office, that it seems to me it is hardly necessary to continue the discussion upon that line.

Mr. RANSOM. Mr. President, it is now late, and if it be agreeable to the Senator from Georgia I will move an adjournment, so that he may have the floor for Monday.

Several SENATORS. Let us have an executive session.

Mr. COLQUITT. It will be agreeable to me if I can be heard early on Monday morning. I shall not occupy a great length of time in the discussion. The Senate is wearied, and it is more from regard to their comfort than to my own that I yield to the motion of my friend from North Carolina.

Mr. EDMUNDS. I wish to say, if I may by unanimous consent, that while I shall not oppose this adjournment, I hope the Senate will be willing, as the Senator from Delaware says this is such a frivolous matter, to stay and put an end to it on Monday, no matter how long it takes.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. COLQUITT. Yes, sir.

Mr. RANSOM. I move that the Senate adjourn.

Mr. COCKRELL. There is some executive business, I understand.

Mr. EDMUNDS. There is not enough executive business to bother about now.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 19, 1886.

The House was called to order at 12 o'clock m. by Mr. CRISP, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *March* 19, 1886.

SIR: I hereby designate Hon. C. F. CRISP to preside as Speaker *pro tempore* during this day.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Prayer by Bishop MCTYERE, of Tennessee.

The Journal of yesterday's proceedings was read and approved.

PROCEEDS OF SALE OF INDIAN RESERVATIONS.

The SPEAKER *pro tempore* laid before the House the following mes-

sage from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared by the Commissioner of Indian Affairs, providing for the use of certain funds, proceeds of Indian reservations, covered into the Treasury under the provisions of the act of March 3, 1883, for the benefit of the Indians on whose account the same is covered in.

The subject is recommended to the favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 18, 1886.

INDIAN TRAINING SCHOOL, SALEM, OREG.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill prepared by the Commissioner of Indian Affairs, "to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training school."

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 18, 1886.

URGENT DEFICIENCIES.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriation for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, with Senate amendments thereto; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. HALE for ten days, on account of important business.

REFERENCE OF SENATE BILLS.

The SPEAKER *pro tempore*, in pursuance of the rule, laid before the House Senate bills; which were severally referred as follows, namely:

The bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President and to provide for and regulate the counting of the vote for President and Vice-President and the decision of questions arising thereon—to the Select Committee on the Election of President and Vice-President.

The bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

The bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

The bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia and in the Military and Naval Academies and Indian and colored schools in the Territories of the United States—to the Committee on Education.

WITHDRAWAL OF PAPERS.

On motion of Mr. PAYSON, by unanimous consent, leave was granted to withdraw from the files of the House certain original papers presented to the Committee on Military Affairs in the Forty-fourth Congress in relation to the bill of the House No. 76, there being no adverse report.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HAMMOND. Mr. Speaker, I was not observing on yesterday when the Committee on the Judiciary reported back the bill (H. R. 1119) to establish a uniform system of bankruptcy throughout the United States. I desire leave to file the views of the minority in opposition to the report of the committee upon that bill.

The SPEAKER *pro tempore*. If there be no objection the minority of the committee will be permitted to file its views, to be printed with the report of the committee.

There was no objection, and it was ordered accordingly.

CORRECTION.

Mr. WELLBORN. Mr. Speaker, I rise to make a correction of the RECORD. On page 2498 of the record of the proceedings of this morning I am reported as using this language:

Oh, no Mr. Chairman, I never made any remark about my colleague's "usual proneness to error." I would not think for a moment of making any such general charge.

That is correct as far as it goes; but I also made an explanation of the application which was made of the words "proneness to error," and stated that they were applied by me to the speech of my colleague from Texas which I was then criticising, and not to him personally. In other words, my criticism was on the speech and not on him personally; the former was legitimate, while I think the latter would have been improper.

Mr. THROCKMORTON. In this connection I desire to state that I notice some errors in the printed report of the remarks I made on yesterday. I ask leave to correct these errors, and I also ask permission to extend my remarks in the RECORD.

The SPEAKER *pro tempore*. The gentleman from Texas can make any corrections he desires by handing them to the Official Reporters. The gentleman asks leave to extend his remarks on the Indian appropriation bill. Is there objection?

There was no objection.

POSTAL LAWS AND REGULATIONS.

Mr. REID, of North Carolina, from the Committee on Printing, by unanimous consent reported back the bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations, with an amendment by the Senate, and moved that the amendment of the Senate be concurred in.

The amendment was read, as follows:

In lines 2 and 3, strike out "7,500" and insert "75,000."

Mr. REID, of North Carolina. The bill at it passed the House provided for the printing of 75,000 copies. A typographical error makes it 7,500. The amendment of the Senate is to correct that error. The amount appropriated is the same.

Mr. BRAGG. Is that a private bill?

The SPEAKER *pro tempore*. It is not a private bill.

The amendment of the Senate was concurred in.

ORDER OF BUSINESS.

Mr. HATCH. I ask unanimous consent to make a report from the Committee on Agriculture.

Mr. BEACH. I object.

BUSINESS OF FRIDAY EVENING SESSIONS.

Mr. MATSON. I ask unanimous consent that the order for the sessions on Friday evening may be so modified as to confine the business to a consideration of bills granting pensions and bills to remove political disibilities. There seems to be some apprehension that bills of a different character may be by inadvertence referred to the Committee on Pensions or the Committee on Invalid Pensions, and by them reported, and that thereby an imposition might be made on the House. To make the order more specific I ask unanimous consent that the words "granting pensions" may be inserted in the order after the word "bills." I think there can be no objection to that.

Mr. DOCKERY. That is right.

The SPEAKER *pro tempore*. The Clerk will report the order as it will stand if amended.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the amendment to the special order offered by the gentleman from Indiana?

There was no objection, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington;

A bill (S. 901) to grant to the Astoria and Winnemucca Railway Company the right to construct bridges over navigable water courses;

A bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square No. 406, of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office; and

A bill (S. 1471) to remove the charge of desertion from the rolls and records in the Office of the Adjutant-General of the Army against certain soldiers.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Friday, the Chair will proceed to call committees for reports on bills of a private nature.

NICHOLAS DAILEY.

Mr. BRAGG, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3026) removing the charge of desertion from the military record of Nicholas Dailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS DUNCAN.

Mr. BRAGG, from the Committee on Military Affairs, also reported, as a substitute for H. R. 4737, a bill (H. R. 6982) for the relief of Thomas Duncan; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4737 was laid on the table.

TWELFTH MICHIGAN VOLUNTEER INFANTRY.

Mr. BRAGG, from the Committee on Military Affairs, also reported, as a substitute for H. R. 4057, a bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under Special Orders, No. 92, War Department, Adjutant-General's Office, dated March 1, 1866; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4057 was laid on the table.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4661) authorizing the President to appoint to the position he held when mustered out, and, if he deems it advisable, to place on the retired-list William Welsh, late a captain of the Twenty-fifth United States Infantry;

A bill (H. R. 4623) to place Hospital Steward Jeremiah Phelan on the retired-list;

A bill (H. R. 3071) for the relief of Albert P. Cunningham;

A bill (H. R. 4239) to remove the charge of desertion from Joseph P. Swope, late a member of Company A, Eleventh Pennsylvania Cavalry;

A bill (H. R. 3913) to remove the charge of desertion against Frank Wempe;

A bill (H. R. 6217) for the removal of the charge of desertion against the record of Eli Haines;

A bill (H. R. 3813) for the relief of Charles B. Pease;

A bill (H. R. 3962) for the relief of Charles Hentz;

A bill (H. R. 4724) to remove the charge of desertion from the military record of Jacob Smith;

A bill (H. R. 4495) for the relief of Thomas G. Milligan;

A bill (H. R. 2602) for the relief of Ephraim Hess;

A bill (H. R. 4486) for the relief of Charles Davidson;

A bill (H. R. 3745) for the relief of James W. Schaumburg;

A bill (H. R. 5073) to correct the muster-roll of Company B, Twelfth Ohio Infantry, as to the name of Andrew C. Miller, late second lieutenant of said company;

A bill (H. R. 4215) for the relief of Elias Haine; and

A bill (H. R. 3157) for the relief of Charles M. Blake.

On motion of Mr. BRAGG, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 498) for the relief of George T. Dudley, and the same was referred to the Committee on War Claims.

ERNEST BEECHNER.

Mr. VIELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 20) authorizing the Secretary of War to remove the charge of desertion from the record of private Ernest Beechner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES P. COWENS.

Mr. VIELE, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 359) for the relief of James P. Cowens; which was laid on the table, and the accompanying report ordered to be printed.

MARY A. LITTLE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 567) granting a pension to Mary A. Little; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADAM GASTON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALTHEA A. FRASNER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 515) granting a pension to Althea A. Frasner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GREENVILLE R. HALE.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6039) for the relief of Greenville R. Hale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADAM FELTNER.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6045) granting a pension to Adam Feltner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CLARISSA TAFT.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EVALINE A. WHITE.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1560) for the relief of Evaline A. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALGERNON S. FLAGG.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4026) granting a pension to Algernon S. Flagg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN OWENS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1117) granting a pension to John Owens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5507) granting a pension to Elizabeth Clune;

A bill (H. R. 6086) granting a pension to Dileno Robinson; and

A bill (H. R. 6085) granting a pension to George Norwood.

MRS. ELIZABETH HUMES.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6466) granting a pension to Mrs. Eliza Humes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES A. CHASE.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6372) granting a pension to Charles A. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 4396) to pension Harriet R. Harrington; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM J. HUDSON.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4850) for the relief of William J. Hudson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE KENNEDY.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6639) granting a pension to Catherine Kennedy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5993) granting a pension to Henry Hever;

A bill (H. R. 5905) to grant a pension to James C. Garrison;

A bill (H. R. 5994) granting a pension to Curtis L. Snyder; and

A bill (H. R. 5906) granting a pension to Georges W. Nokes.

CHARLES SEBRING.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3135) granting an increase of pension to Charles Sebring; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. SNYDER.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2803) granting a pension to John H. Snyder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRISON W. MOORE.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 6339) for the relief of Harrison W. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMELINE ROBERTS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 3741) granting a pension to Emeline Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTIN TAYLOR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1330) granting a pension to Martin Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM ANTES.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 5329) granting a pension to William Antes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT BEARD.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5899) to place the name of Robert Beard on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STEVENS W. MERRILL.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4461) granting a pension to Stevens W. Merrill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. ORENDORFF.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4685) for the relief of John A. Orendorff; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REBECCA MARCHANT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2054) granting a pension to Rebecca Marchant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL S. HALL.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3162) granting a pension to Samuel S. Hall; which was laid on the table, and the accompanying report ordered to be printed.

ANDREW GLEESON.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 6794) for the relief of Andrew Gleeson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE C. ELLISON.

Mr. HOWARD, from the Committee on Claims, reported a bill (H. R. 6984) to provide for the reimbursement of costs and expenses in certain judicial proceedings and for the relief of George C. Ellison; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

F. E. FOLSOM.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (H. R. 97) for the relief of F. E. Folsom; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. GEDDES, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 3416) for the relief of Samuel Bailey; and the same was referred to the Committee on Invalid Pensions.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 831) for the relief of Thomas B. Gossom, administrator;

A bill (H. R. 854) for the relief of W. P. Hendricks;

A bill (H. R. 5968) for the relief of Patrick Fitzpatrick; and

A bill (H. R. 829) for the relief of Samuel E. Carpenter.

Mr. SMALLS, from the Committee on War Claims, reported back adversely the bill (H. R. 5710) for the relief of Benjamin J. Hevenor; which was laid on the table, and the accompanying report ordered to be printed.

ROMAN CATHOLIC CHURCH, CHATTANOOGA, TENN.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported a bill (H. R. 6985) for the relief of the Roman Catholic church, of Saint Peter and Saint Paul, at Chattanooga, Tenn.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, also reported back adversely the bill (H. R. 2403) for the relief of William H. Wright; which was laid on the table, and the accompanying report ordered to be printed.

PRIVATE CALENDAR.

Mr. SPRINGER. I move that the House now resolve itself into the Committee of the Whole for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

ALFRED M'MURTRIE.

The first business on the Private Calendar was the bill (H. R. 2066) for the relief of Alfred McMurtrie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alfred McMurtrie, of Luzerne County, Pennsylvania, out of any money in the Treasury not otherwise appropriated, the sum of $115, for hay, corn, and oats taken for the use of and used by the Army of the United States, with interest from January 1, 1864, at 6 per cent.

The report (by Mr. HIESTAND) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2066) for the relief of Alfred McMutrie, report as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 1840, first session of the Forty-eighth Congress, a copy of which is hereto appended.

The committee adopt the said report as their own, and report back the bill, and recommend its passage with an amendment, as follows:

In line 8, after the words "United States," strike out the following: "with interest from January 1, 1864, at 6 per cent."

[House Report No. 1840, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5583) for the relief of Alfred McMurtrie, submit the following report:

The facts of the case are these: That on the 5th of December, 1863, and January 18, 1864, Captain Miles, of the Twenty-first Regiment Pennsylvania Cavalry, took from the claimant, in Luzerne County, Pennsylvania, the following quartermaster's supplies, to wit: 1,300 pounds of hay, 30 bushels of corn, and 50 bushels of oats, and gave receipts and vouchers for the same; that the price agreed upon at the time was, for the hay, $25 per ton; for the corn, $1.62 per bushel, and for the oats, $1 per bushel, amounting in all to $115.

February 9, 1883, Mr. Quimby, an agent of the Quartermaster's Department, who was charged with the duty of investigating this claim, after reviewing the evidence, says:

"The records of the office of the adjutant-general of this State [Pennsylvania] show that on the 23d day of August, 1883, the Twenty-first Regiment Pennsylvania Cavalry was ordered to Harrisburg, whence a detachment, consisting of Companies C, E, K, L, and M, was sent on duty to Pottsville and Scranton, Pa. George L. Mills, captain Company L, Twenty-first Regiment Pennsylvania Cavalry, was mustered into the service of the United States August 10, 1863, and was mustered out February 20, 1864. From the evidence annexed, no question exists in my mind but that the forage claimed for was actually consumed by Government animals, and that it was delivered and receipts given to claimant therefor and lost as alleged. I respectfully recommend that if, upon examination, the said receipts are found not to have been presented and paid, this claim be allowed for the full amount claimed."

After an examination to ascertain if the receipts were presented and paid, the Third Auditor, on the 16th day of July, 1883, reported "No payments to Alfred McMurtrie, of Luzerne County, Pennsylvania."

The amendment of the committee was read, as follows:

In line 8, after the words "United States," strike out the following:
"With interest from January 1, 1864, at 6 per centum."

The amendment of the committee was agreed to.

On motion of Mr. HIESTAND, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M'BRIDE.

The next business on the Private Calendar was the bill (H. R. 4836) for the relief of Thomas McBride.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas McBride the sum of $1,000 in full compensation for the barge Henry Bartley, lost while under charter to the United States Government.

Mr. WARNER, of Missouri. Let the report be read.

The report (by Mr. HIESTAND) was read, as follows:

The Committee on War Claims, to whom was referred the petition of Thomas McBride, beg leave to report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 587, first session of the Forty-eighth Congress, and are in substance as follows:

[House Report No. 587, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1365) for the relief of Thomas McBride, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report of Committee on War Claims No. 1919, second session Forty-seventh Congress, a copy of which is hereto appended.

The committee adopt said report as their own, and report back the bill, and with the recommendation that it do pass.

The Committee on War Claims, to whom was referred the bill (H. R. 1391) for the relief of Thomas McBride, report as follows:

That this claim is for compensation for the barge Henry Bartley, lost while under charter to the United States Government. Claim stated at $1,000.

It appears from the proof submitted that the barge when lost was in the military service of the United States, under a charter-party which contained a stipulation as follows:

"The war risk will be borne by the United States; the marine risk by the owners until under orders south of Cape Henry (the southern cape of Chesapeake Bay), after which the marine risk will be borne by the owners until they reach that latitude on their return."

The evidence shows that the loss of the barge was in latitude north of Cape Henry, and was occasioned by a marine risk.

The testimony of John Tucker, Capt. H. C. Hodges, and A. C. Hall is offered to show the following, namely: That Mr. Tucker, then assistant Secretary of War, hired this barge from A. C. Hall, agent for the claimant; that the agreement then made was that the United States should bear all the risks, both war and marine; that a charter-party was not then drawn up because of pressure of business, but that the boat went immediately into the service; that Captain Hodges had been detailed by the Quartermaster-General to execute charter-parties for such boats as should be hired by Mr. Tucker; that some time after the entry into service of this barge a charter-party was filled up by a clerk of Captain Hodges, and was executed by Captain Hodges and A. C. Hall, and through inadvertence the clause above quoted was not stricken out.

This claim was filed in the Treasury Department on the 25th of March, 1863, and on the 11th of January thereafter, to wit, 1864, the Third Auditor addressed a letter to the claimant, in which he stated that in his opinion the evidence showed that the barge was lost by a marine risk while in latitude north of Cape Henry, and as the charter-party showed that he had assumed such risk the United States was not liable. In response to said letter the claimant asserted that the actual agreement was that the United States should bear the marine risk, and that it was through mere inadvertence that the clause to the contrary was allowed to remain in the charter, and offered to file evidence to establish the said fact. Thereupon the Third Auditor decided not to receive such testimony, and addressed the claimant as follows, to wit:

"TREASURY DEPARTMENT, *February* 3, 1864.

"SIR: I have received your letter of the 25th ultimo, in which you say that you have called on Mr. John Tucker in regard to your claim for the loss of your barge Henry Bartley, and have been informed by him that he has forwarded a letter to this office from Capt. H. C. Hodges, assistant quartermaster, United States Army, in which he states that the marine risk on all the barges chartered for the McClellan expedition was assumed by the United States; and that he (Tucker) wrote that if any of the charter-parties read otherwise it is owing to the omission to erase the clause in which the marine risk was assumed by the owners, and was entirely unintentional. In reply I can only say that parol evidence can never be admitted to vary a written contract, when there can be no question as to its provisions, although it is sometimes admitted to explain an ambiguous clause. Your only relief is to Congress for relief."

The affidavit of Captain Hodges, filed with the papers, is to the effect that he chartered the barge Henry Bartley by direction of Hon. John Tucker, then Assistant Secretary of War, with the understanding that the Government would assume the marine risk, and through mistake the words to the contrary were not stricken from the charter.

In view of the foregoing statement of facts your committee are constrained to hold that the claim is valid, and report back the bill with the recommendation that it do pass.

Your committee adopt the said report as their own, and report herewith a bill, and recommend its passage.

On motion of Mr. HIESTAND, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMMA H. FISH.

The next business on the Private Calendar was the bill (H. R. 1185) for the relief of Emma H. Fish.

Mr. GEDDES. My colleague on the committee [Mr. LYMAN] having charge of this bill requested that it should be informally passed over, not to lose its place upon the Calendar. He is necessarily absent from the House, as the House knows, on official business. I make that motion.

The motion was agreed to; and the bill was informally passed over, not to lose its place on the Calendar.

ALEXANDER K. SHEPARD.

The next business on the Private Calendar was the bill (H. R. 33) for the relief of Alexander K. Shepard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Alexander K. Shepard, of Tuscaloosa, Ala., the sum of $17,268.53, out of any money in the Treasury not otherwise appropriated.

The report (by Mr. MCKENNA) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 33) for the relief of Alexander K. Shepard, have examined the same, and report as follows:

The facts on account of which Mr. Shepard claims relief were ascertained and reported to the House by the Committee on Claims in the first session of last Congress, also by the Senate committee in the second session of said Congress. The investigation of this committee coincides with that of said other committees, and their conclusions are adopted by us, except we think that Mr. Shepard should be allowed the full amount stated in the bill as not beyond the remedy he is entitled to. The passage of the bill is therefore recommended.

The reports above referred to are hereto attached and made part hereof.

[Senate Report No. 1339, Forty-eighth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 688) for the relief of A. K. Shepard, have examined the same, and report as follows:

The material facts of this case are set out in the report of the House Committee on Claims, made at the last session of the present Congress, and which is here adopted, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 28) for the relief of A. K. Shepard, submit the following report:

The evidence in this case shows that on the 15th day of December, 1865, the Government of the United States sold in the city of Selma, Ala., at public outcry, after due notice given, a large lot old iron, brass, and copper, the *débris* and material on hand of the naval gun foundry and arsenal of the late so-called Confederate States. The said sale was made by the collector of customs for the port of Mobile, Ala., acting under the express authority and direction of the Secretary of the Treasury of the United States. That A. K. Shepard became the purchaser of said material at the price of $17,268.53, and paid the same by order of the President of the United States to General Wager Swayne, assistant commissioner of the Freedmen's Bureau, and in charge of the Department of Alabama. That soon after Shepard obtained possession of said iron, &c., he was dispossessed of the same by John Hardy, the marshal for the district of Alabama, who acted under the orders of Richard Busteed, United States district judge for the district of Alabama, and that the said marshal, by order of the said judge, sold the said iron, with instructions to hold the proceeds subject to his orders. That in conformity with said order the marshal deposited only the sum of $5,858.80 in the First National Bank of Selma, though he received a sum therefor five times greater, at least $30,000. That on the 30th day of May, 1871, the said court dismissed the suit for libel and ordered the money deposited in the First National Bank of Selma, as stated above, to be paid to the said Shepard, thus establishing the validity of the first sale of the said property as made by the Government on the 15th day of December, 1865, and the legal rights of the said Shepard.

That before the said decision was made the First National Bank of Selma had failed and passed into the hands of the Comptroller of the Currency for the United States for liquidation, and that on the 8th day of June, 1874, the said Comptroller paid the said Shepard the sum of $2,050.52 as his pro rata share of the dividends arising from the assets of the said bank, and on the 22d day of December, 1882, paid the said Shepard the further sum of $679.62 as his portion of the final distribution of the assets of said First National Bank of Selma, Ala.

That before the said Shepard was dispossessed of the said iron, brass, and copper he had sold a small portion of the same, amounting in the aggregate to $1,504.77; that he paid out for guarding and protecting said material $1,424.45, which left him the net sum of $80.32, which, together with the sum of $2,730.14 received from the Comptroller, makes a total net balance received by him of $2,810.46, without any allowance for the heavy court expenses and other necessary outlays in pursuit of his rights, which are shown to equal that amount.

In consideration of all which your committee report favorably and recommend the passage of the bill.

From the paper before your committee it appears that before the seizure of the property by the marshal Shepard had contracted with responsible parties to sell the lot of scrap-iron, &c., purchased by the Government at prices which would have realized him a profit of at least $12,731. It appears that the marshal first seized the property under the direction of the United States district attorney, who shortly thereafter instituted proceedings in district court, at the May term, 1866, for and on behalf of the United States, to have said property confiscated because it had been used and employed in aiding and promoting the rebellion. This libel was filed on the 20th of July, 1866. The warrant of seizure was promptly issued, came to the marshal's hands on the 30th July, 1866, and on the same day the marshal made affidavit that the property could not be protected, &c., and asked for an immediate order of sale. This was approved by the district attorney, and the order was at once made by the judge. It appears from the evidence that the marshal sold the property for about $30,000; but does not appear to have accounted for the funds, except to the extent of the $5,858.80 deposited in the First National Bank of Selma. While the Government is not generally liable for the wrongful acts of its agents and officers, the present case is so exceptional in its character as to make it simply an act of justice to return to said Shepard his purchase-money, less the amount already received. The Government sells him property to which it had the absolute and unquestioned title and places him in possession of the same; other agents of the Government, disregarding the title thus obtained, deprive him of possession, sell the property over again under an *ex parte* order made without notice, and the funds thence arising are lost in great measure while in the custody of the Government. Claimant is entitled to this relief. We therefore report back the bill to the Senate with the recommendation that it do pass.

The purchaser of property from the Government has certainly, in equity and good conscience, the right to expect that the Government will not itself either defeat the title or disturb the possession which it has vested in or conferred upon its vendee.

But aside from this view of the case, it may well be claimed that when the Government takes into its possession and custody property under a claim of ownership or of right to subject the same to forfeiture, which is not valid, there is an obligation resting upon it to protect and preserve the property or its proceeds against loss by its own agents, to the end that the same may be restored to the rightful owner.

The whole proceeding in the present case was a most remarkable one, and it would be an act of great injustice not to protect the Government vendee, or at least make him whole by returning him so much of his purchase-money as he has not already received. The bill proposes to repay to him the entire amount of purchase-money, $17,268.50. It appears that the claimant has already received the sum of $2,810.46, and your committee concur in the conclusion of the House report that this sum should be deducted from the amount of purchase-money paid, $17,268.50, which will leave the sum of $14,458.04 that should be returned to him. Your committee accordingly recommend that the bill be amended by striking out, in lines 3 and 4 of the bill, the words "seventeen thousand two hundred and sixty-eight dollars and fifty cents," and inserting in lieu thereof the words "fourteen thousand four hundred and fifty-eight dollars and four cents," and, as thus amended, that the bill do pass.

Mr. BUCHANAN. Mr. Chairman, this bill was reported by my colleague upon the committee [Mr. MCKENNA]. As is known to the House, he is at present absent attending the funeral of Senator MILLER, and requested me in his absence to take charge of the report when it came before the House. I understand that the bill was reported by the gentleman from Alabama [Mr. MARTIN], to whom I now yield so much time as he may desire.

Mr. MARTIN. Mr. Chairman, the report accompanying this bill, which has been read, is so full and complete as to the details of the claim on which the bill for the relief is founded, that it seems to me that I can add little, if anything, to it, and as I am not disposed to consume unnecessarily the time of the House I shall do no more than answer, or undertake to answer, such questions as may be asked with reference to the bill by any gentleman upon the floor who is disposed to

make inquiry about it. I think the whole matter connected with it is set out fully in the report of the committee, and if there be no disposition to discuss it, or no desire for further information, I ask that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Mr. Chairman, I wish to inquire of my friend from Alabama, in view of the fact that both Houses agreed upon a less sum in the last Congress, that is to say the sum of $14,458.04, instead of the amount set forth here in this report, whether it would not be better, and as likely to do ample justice to the claimant, to accept the conclusions of the two Houses in the last Congress as to the sum which should be paid to this claimant instead of adopting the present bill?

I regard the case as very strong and clear upon the facts set forth; the only question would seem to be as to the propriety of making a deduction of the $2,810.46 which has been already received by the claimant from the proceeds of the money paid into the bank.

Mr. MARTIN. Mr. Chairman, in reply to the gentleman from Indiana I wish to state that although a part of the money which was realized from the sale of this property came into the hands of Mr. Shepard, yet it did not amount to more than a small proportion of what were the profits upon the property realized, and which he would have realized himself had he been permitted to collect the money.

And further, every dollar of money that came into his hands, as he has testified under oath, was expended in necessary costs of litigation, which litigation was brought about without his consent and contrary to his wishes; indeed, litigation into which he was absolutely forced. He did not receive a solitary cent for it, and has spent since the 15th of December, 1865, out of this money, more than $1,700 on this account.

All that this bill seeks to do is to restore to him the sum of money which he expended in making a purchase from the Government of property which the Government had the right to sell, and which it delivered after it sold to him, and which was afterward by authority of the Government taken from him.

That sum of money which he paid for this property was paid by direction of the President of the United States to General Wager Swayne, and was covered into the Treasury of the United States.

Now, my friend from Indiana suggests that, as it was recommended in the reports made to the Senate during the Forty-eighth Congress, and also to the House in that Congress, that a smaller sum be paid than this bill recommends, it would be advisable to accept that modification of the present bill. But, sir, it occurs to me that when we look into the facts of the case and find that this claimant has not received a solitary dollar of the money paid out upon a sale had by order of the Government, and when we look at the further fact that the Government received, and that there went into the Government Treasury, over $17,000 of this man's money, of which he has been deprived for a period of twenty-one years, it seems to me that there is no reason why we should deduct that sum which was afterward taken from him for the purpose of paying the court, interest, and other expenses incident to the litigation into which he was forced. I hope, therefore, that my friend from Indiana will not insist upon the modification which he suggests. I do not think Mr. Shepard ought to lose the money, and I am sure a statement of the facts do not warrant the adoption of a provision which would force him to lose it.

Mr. WARNER, of Ohio. Mr. Chairman, I remember this claim. It was before the committee in the last Congress, and was favorably reported.

Mr. BUCHANAN. The gentleman can compress his remarks within five minutes?

Mr. WARNER, of Ohio. I will not occupy but a few minutes.

Mr. BUCHANAN. I will yield the gentleman five minutes.

Mr. WARNER, of Ohio. If the gentleman from New Jersey wants the floor I will yield it to him now and will take it in my own right hereafter.

Mr. BUCHANAN. I am willing to afford ample opportunity to discuss the bill, but I do not want to be understood as yielding the floor.

Mr. WARNER, of Ohio. I will take the floor in my own right.

Mr. BUCHANAN. I ask that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio. I was proceeding to say that this was favorably reported to the House by the committee of the last Congress, but for a smaller sum, for the reason that it was thought that Mr. Shepard should be allowed what he had actually paid in. To go beyond that, it seems to me, we should consider what he had lost, if he has sustained any loss, over and above this sum.

This bill proposes now to give him a round sum of $17,000; and it proposes to allow him a sum of some two thousand and odd dollars, which he had received, as compensation against any loss he might have sustained on account of expenses which he incurred. This, I think, can hardly be sustained logically. If he is entitled to anything more it must be a specific or determinable sum, which can be exactly ascertained.

Mr. FORNEY. But he paid out over $1,400 taking care of this property.

Mr. MARTIN. It was over $1,700.

Mr. WARNER, of Ohio. But this bill proposes to give him just what he had received out of the money he had paid into the bank, and not to attempt to cover his expenses or losses. I submit we should either draw the line on the exact sum which he paid in, or else should cover his expenses and his losses outside of that. There is no consistency in allowing this additional round sum as an offset. I agree with my friend from Indiana [Mr. HOLMAN] that it would be better to accept the recommendation of the committees of both Houses of the last Congress, and allow the actual sum.

Mr. BUCHANAN. In response to the gentleman from Ohio, I will say there is no round sum or lumping in this bill whatever. The committee were satisfied from evidence before them that the amounts disbursed by this gentleman in protecting his rights against the unauthorized acts of United States officials exceeded by a considerable amount the moneys which he had received. They are willing, therefore, to allow him that credit. That is the whole situation in a nutshell. Unless there be any other motion to be submitted, I insist on my motion that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

J. M. LOBBAN.

The next business on the Private Calendar was the bill (S. 416) for the relief of J. M. Lobban; reported from the Committee on Claims with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, instructed to direct Maj. G. B. Dandy, quartermaster, United States Army, to issue duplicate check numbered 20, for $4,608.50, dated April 26, 1884, in favor of J. M. Lobban, on the Stock-Growers' National Bank, Cheyenne, Wyo., in place of one lost on or about May 3, 1884: *Provided*, That the Secretary of War be satisfied the same has not been paid: *And provided further*, That said J. M. Lobban shall first execute a bond, with sureties to be approved by the Secretary of War, in due form, to save the United States harmless against any loss or injury by reason of such duplicate check or the payment of the original.

The report (by Mr. MCKENNA) was read, as follows:

That they recommend the passage of the bill with the following amendment: After the word "paid," in line 9, insert, "he shall instruct the Omaha National Bank, of Omaha, Nebr., to pay such check."

The Stock-Growers' National Bank, Cheyenne, Wyo., on which the check mentioned in the bill was drawn, has ceased to exist; hence the necessity for the amendment.

Mr. BUCHANAN. I move the adoption of the amendment.

Mr. SPRINGER. I desire to have the report corrected. Instead of the words "ceased to exist" it should be "ceased to be a United States depository." The statement in the report does injustice to the institution.

Mr. BUCHANAN. I suppose by unanimous consent the report can be corrected as it will appear in the RECORD.

The CHAIRMAN. The remarks of the gentleman from Illinois [Mr. SPRINGER], which will appear in the RECORD, amount to a correction.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

E. P. M'NEAL.

The next business on the Private Calendar was the bill (H. R. 4839) for the relief of E. P. McNeal; reported from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. P. McNeal, of Hardeman County, Tennessee, the sum of $12,781.81, out of any moneys in the Treasury not otherwise appropriated, the same to be in full compensation for all property taken from the said NcNeal by the United States Army during the war.

Mr. STONE, of Kentucky. Unless some gentleman objects, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Let the report be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the petition of E. P. McNeal, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be as stated in House Report No. 443, Forty-fifth Congress, second session, which report is hereto annexed and made a part of this report.

[House Report No. 443, Forty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of E. P. McNeal, having considered the same, submit the following report:

E. P. McNeal resided in Hardeman County, Tennessee, during the war. The claim is for lumber, wood, horses, mules, and farm produce alleged to have been taken and used by the Army in 1862, 1863, and 1864. It was filed in the office of the Quartermaster-General, under the act of July 4, 1864, and finally rejected by him in October, 1874, for the reason, as assigned, that that officer was not convinced that the claimant was loyal. In rejecting the claim the Quartermaster-General expressed a purpose not to reopen it on the additional evidence presented, "in justice to thirteen thousand claimants whose claims are still undecided and who have rights to be heard."

It would certainly be a hardship if the petitioner must be permanently deprived of his rights solely on account of a lack of force in the Quartermaster-General's Office, and the grounds relied upon for bringing the case before Congress appear sufficient.

By joint resolution No. 99, first session Thirty-ninth Congress, the provisions of the act of July 4, 1864, were extended to the loyal citizens of the State of Tennessee; McNeal took the oath of allegiance to the Government of the United States in July, 1862, prior to the taking of his property. Under the construction uniformly given to that act, when a person took the oath of allegiance and kept it faithfully he is held loyal thereafter. The question arose in McNeal's case in

1863. On the occupation of that section by the Federal Army in 1862, a large quantity of his cotton was seized and sold, and he applied to the Secretary of War for the restoration of the proceeds. The application was referred to Judge-Advocate-General Holt for his opinion, from which the following extracts are taken:

* * * "The sixth section of the act of 17th July, 1862, declares that if any person being engaged in armed rebellion against the Government of the United States, or aiding or abetting such rebellion, shall not within sixty days after public warning and proclamation by the President, cease to aid, countenance, or abet such rebellion, and return to his allegiance to the United States, all the estate and property, moneys, stocks, and credits of such person shall be liable to seizure, &c. This must be construed to be a declaration by implication that, if such person does comply with the requirements of the statute, his property of every kind shall be protected from seizure. The exemption for complying with the law must necessarily be held to be as broad and comprehensive as the penalty denounced for a failure to do so. What support, or aid and comfort beyond the contract referred to, had been previously given to the rebellion by the petitioner does not appear; but, whatever it may have been, he, on the 22d of July, 1862, five days after the passage of the law, returned to his allegiance and took the oath which has been already mentioned. This appears to have been done in good faith, and it is not alleged or pretended that he has since violated that oath or been guilty of any disloyal practices. It is quite clear, therefore, that if this cotton or its proceeds can be regarded as his property, it was not liable to seizure under the sixth section of the act of 17th July.

* * * "A great principle of public policy is involved in this case, and no technical objections should be allowed to restrain or embarrass its operations. It was the object of Congress to induce those in rebellion against the Government to lay down their arms and return to their allegiance, and to prevail on them to do so a complete amnesty for the past, with limited exceptions, has been offered by solemn legislative enactment. When the terms thus proposed have been accepted and complied with by a citizen previously in rebellion, good faith, as well as the best interests of the Government, require that the full benefits of this legislation and of this policy shall be secured to him.

"I recommend, therefore, that Brigadier-General Ross be ordered at once to pay over to the petitioner the $10,000, the proceeds of the cotton, and which he now holds awaiting the decision of the War Department upon the question raised."

This decision was approved by Hon. E. M. Stanton, then Secretary of War, in November, 1862, and the proceeds were paid to McNeal accordingly.

The petitioner's loyalty was again passed upon favorably by the accounting officers of the Treasury in November, 1871, and the sum of $1,294.04 was paid him on vouchers for hay, corn, fodder, &c., taken and used by the Army in August, September, and October, 1862. These vouchers had been originally filed in the Office of the Quartermaster-General as a part of this claim, and were presented to the Treasury Department for settlement with the acquiescence of the Quartermaster-General. The proof offered in support of loyalty was the same as now offered, with the exception of such proof as has since been filed. The case was referred by the Treasury Department to the Bureau of Justice in the War Department for opinion as to the sufficiency of the proof of McNeal's loyalty. After considering the effect of the oath of July, 1862, and going over the testimony critically and at length, the opinion concludes:

"There are thus twelve witnesses, unimpeached in their character, who under oath affirm the continued loyalty of the claimant—not as 'reputed,' nor as gathered as hearsay, or any popular estimate of him, but as a fact within their own knowledge, derived from intimate and long-continued personal intercourse with him, and from constant personal observation of his conduct. Among these are three officers of the Government who, being unassailed, are, by their position as its trusted agents, entitled to its confidence. Not a single witness who has spoken under the sanction of an oath has charged the claimant either with disloyal conversation or with practices of any kind inconsistent with the obligations of allegiance assumed by him in July, 1862. Opposed to this array of testimony is the statement found in the printed voucher and the certificate of Assistant Quartermaster Eddy; but these speak only of reputation and of the sayings of certain 'Union men,' not named, not under oath, and not subjected to cross-examination. In response to these, and sufficient to neutralize them, is the certificate of Assistant Quartermaster Clary, stationed at Memphis, Tenn., that the claimant, though originally a secessionist, having, on the occupation of Bolivar by the Federal troops, taken the oath of allegiance, the report was that 'he had fulfilled its conditions.' Guided to its conclusion solely by the evidence on file, this bureau can not but regard the claimant's loyalty as established so far as any issue of fact can be settled by human testimony."

This opinion is signed by J. Holt, Judge-Advocate-General. It was concurred in by the accounting officers of the Treasury, and the vouchers were paid as stated.

Since these vouchers were allowed and paid by the Treasury Department, other testimony as to loyalty has been taken, and is now presented.

W. H. Morgan, late assistant adjutant-general and brevet brigadier-general, testifies that he was for some time during the war assistant adjutant-general for the district of West Tennessee; that he was well acquainted with McNeal, and that he was regarded as a Union man by the military authorities after 1862; that as soon as the Federal troops reached his neighborhood he was one of the first to take the oath, and his conduct was such as to gain for him the confidence of the officers. The witness concludes:

"Any one who states that McNeal was disloyal from the first moment he had an opportunity to take the oath must do it from mistaken information or personal motives."

Josiah Deloach, postmaster at Memphis, Tenn., testifies that he has been well and intimately acquainted with McNeal for many years past, and that since he took the oath of allegiance in July, 1862, "he has at all times been loyal to the Government of the United States, and kept his said oath inviolate."

Thomas G. Patrick testifies "that said E. P. McNeal, since he took the amnesty oath, under President Lincoln's proclamation, in July, 1862, has at all times been true and loyal to the Government of the United States, and a supporter of the same."

D. J. Benner, chief quartermaster on General Hurlburt's staff, while that officer commanded at Bolivar, and who has been before the committee, testifies:

* * * "The said McNeal had the reputation of being an unqualified Union man, and was so considered by those persons, residents of that section of country, whose loyalty the Government has fully recognized; it was a matter of common report that he took the oath of allegiance at the very earliest opportunity, and that he faithfully lived up to his obligation. I always, while stationed at Bolivar, and when hearing his name mentioned in Memphis, believed him to be a consistent Union man, and have never had any reason since to change that opinion."

If any doubts existed in the minds of any as to McNeal's loyalty upon the settlement of his vouchers by the Treasury Department, it would seem that they ought to be wholly removed by the positive testimony taken subsequently. The committee are of the opinion that the testimony abundantly justifies the conclusion that the petitioner was loyal within the meaning of the act under which he seeks relief.

McNeal owned two plantations, one near Bolivar, and the other some 12 miles distant. These appear to have been in a good state of cultivation, and there is no question as to his ownership of the property. Some twenty-five witnesses testify to the taking of the property by the United States Army, and to quantity or numbers and value. Of these upward of twenty made affidavits to the taking and conversion in 1865, when the circumstances relative thereto were probably fresh in memory. The account was made out in July, 1865. The case has been investigated by officers of the Quartermaster-General's Department, and no question has been raised as to the validity of the claim so far as relates to the property. The witnesses include Pyboss, postmaster at Bolivar; Boyle, an internal-revenue officer; Col. D. J. Benner, late an assistant quartermaster; D. E. Coon, late colonel of the Second Iowa Cavalry; and a number of citizens of evident respectability. Colonels Benner and Coon have been before the committee in person. The former testifies that about 10,000 bushels of corn and 80,000 pounds of fodder were taken in 1862 by himself and by an officer acting under him. He also corroborates the taking of the lumber and wood. Colonel Coon testifies to the taking of eight mules and 600 bushels of corn. The amount claimed was $16,642, which is somewhat reduced by throwing out a small portion which was not deemed sufficiently proved, and by substituting prices allowed by the Quartermaster-General at the various dates of the taking of the items charged.

The account is stated as follows:

9,895 bushels of corn, at 50 cents	$4,947 50
790 bushels of corn, at $1	790 00
80,600 pounds of fodder, at 75 cents per cwt	604 50
300 pounds of hay, at $15 per ton	2 25
13,504 feet of lumber, at $15 per 1,000	202 56
865 cords of wood, at $2 per cord	1,730 00
1,000 cords of wood (timber), at $1 per cord	1,000 00
24 mules, at $125 each	3,000 00
1 horse	150 00
2 horses, at $115 each	230 00
Wagon and harness	125 00
Total	12,781 81

"The committee recommend the passage of the accompanying bill."

The committee therefore adopt said House report as the report of this committee, and recommend that the amount named in that report be allowed.

Your committee report the accompanying bill and recommend its passage.

Mr. WARNER, of Ohio. This is a case which seems to have a surplus of loyalty in it; seldom do we get so much in any one case. [Laughter.] There is enough to serve a man for either side or both sides.

Mr. MCMILLIN. But there was not enough to satisfy the Quartermaster-General.

Mr. WARNER, of Ohio. I make no question about the loyalty of the claimant, but I would like now to hear something about the claim itself.

Mr. STONE, of Kentucky. We find this claim is established by the proof. We find that this property was taken in the fall of 1862, during the year 1863, and in 1864, and was used by the United States Army. We find also that Mr. McNeal had receipts and vouchers for this property, and that the fact of the taking of it and its value are proven by more than twenty-five witnesses. In fact, there never has been any question made in the investigation of this claim about the property having been taken and used by the Army.

The only question that has been made at all has been with regard to the loyalty of Mr. McNeal, and, as suggested by my friend from Ohio [Mr. WARNER], the loyalty of Mr. McNeal is more than abundantly established; so much so that at one time Mr. McNeal was paid by the authorities of this Government $10,000 in one payment for cotton that had been taken and sold and the money gone into the hands of the authorities of the Government. And at another time his loyalty was so clearly established that he was paid by the Quartermaster-General some $1,200 for some property not included in this account.

When this claim was filed the Quartermaster-General refused to pay it because there was a question about Mr. McNeal's loyalty. The only question as shown by the evidence about his loyalty was this: Two quartermaster's agents had been down there and had examined witnesses and got up all the evidence possible with regard to Mr. McNeal's loyalty, and the evidence shows it was clearly proven; but one of the agents of the Quartermaster's Department wrote privately to the Quartermaster-General that there was a report that Mr. McNeal was disloyal.

There was no testimony to show his disloyalty. No witnesses were examined, but the Quartermaster-General then refused to open the case because there was a mass of cases standing behind this one awaiting investigation. The committee thought that was a very flimsy excuse—that the Government of the United States could not afford to do justice to one of its citizens, because a number of other citizens had had claims waiting. There was not a dissenting voice in the committee; the report was unanimous in favor of the passage of the bill. I reserve the balance of my time.

Mr. HOLMAN. I notice that the purpose of the proof in this case is to establish the loyalty of the claimant after the month of July, 1862, and after the Federal forces took possession of that portion of Tennessee. There is no tendency in the testimony to establish loyalty prior to that time. That seems to be entirely ignored.

Mr. RICHARDSON. Will the gentleman permit a suggestion?

Mr. HOLMAN. Excuse me a moment. Now, Mr. Chairman, inasmuch as this involves a principle, I have risen merely to inquire whether or no this report is the unanimous report of the Committee on War Claims, both upon the question of loyalty and in regard to the value of the property?

Mr. STONE, of Kentucky. Yes, sir.

Mr. RICHARDSON. It is the unanimous report.

Mr. HOLMAN. The only other ground of objection to this bill that I wish to call attention to is one of which I have already spoken. That

is the question of the policy of opening this large class of claims. There is a very great body of them, and undoubtedly many errors have been committed in dealing with them; but there is certainly some force in the proposition that when a tribunal has been furnished for the adjustment of such claims, and the claimants have had their day in court, the matter ought to rest there.

Mr. GEDDES. Mr. Chairman, I think I ought to say a word on this case. The action of the committee is not at all inconsistent with the policy suggested by the gentleman from Indiana [Mr. HOLMAN], but seeks to be on that line. If a claim has been fully investigated by the accounting officers, or any of the Departments, I agree with the gentleman from Indiana [Mr. HOLMAN] that we ought to be very reluctant to open up and reconsider such a case. I am not prepared, however, to say that a case might not occur where it would be entirely proper for us to do so and where we would be called upon to do so. Now, if a case can ever occur where a committee would be justified in doing that, and would be called upon to do it, this is that kind of a case. It was not investigated on its merits in the Department; it was not rejected on its merits in the Department. It was investigated and rejected, and then an opportunity was given the claimant to take additional testimony. The case was still pending, but when that additional testimony was presented and submitted the case was rejected upon the sole ground that there was not a sufficient clerical force in the Department to give the claimant a hearing and investigate the matter.

Mr. WARNER, of Ohio. Will my colleague allow me to ask him a question?

Mr. GEDDES. Certainly.

Mr. WARNER, of Ohio. By whom were these accounts and these vouchers examined and made up? By the accounting department, or by the committee?

Mr. GEDDES. Oh, by the accounting department; not by the committee.

Mr. WARNER, of Ohio. Then the accounting department finds the claim correct according to the vouchers?

Mr. GEDDES. Yes. Now, Mr. Chairman, as to the question of loyalty, two very thorough investigations were made, and they resulted in favor of the claimant.

Mr. HOLMAN. After July, 1862.

Mr. GEDDES. After July, 1862. Well, Mr. Chairman, I want to be considered as occupying the position that the door of repentance is always open. I want to be considered as prepared to maintain the proposition that, if a man started out for the confederacy and saw the error of his ways, and then repented and came over to the Union side and was thereafter a thorough Union man, his original fault ought not to be charged up to him and his property taken on that account.

Mr. WARNER, of Ohio. If he came in in time to hurrah for the flag you would give him the appropriation? [Laughter.]

Mr. GEDDES. Yes, sir. And, Mr. Chairman, there is a principle involved. It is not a mere matter of sentiment. The Government of the United States and the Union men of the country were seeking at that time to enlist the sympathies and the judgment of the men that were engaged in the confederate cause, and particularly was that the case in the State where this claim originated, where there was such a diversity of sentiment on the Union question and where the struggles of the representatives of the Government were all directed to the point of inducing men to abandon their rebellious course and come into the Federal lines. The President's proclamation was issued not as a trick, not as a device, not as a mere unmeaning thing. It was an act full of meaning, full of principle, and full of just sentiment. Now, then, if a man obeyed that proclamation of the President, laid down his arms, took the oath of allegiance, and thereafter remained faithful to the Government of the United States, I deny our right, I deny my right, to stand up here at this late day and thrust in his face the fact that, prior to taking that oath, he had given some aid and some comfort to the rebellion.

Why, Mr. Chairman, we have a distinguished illustration on the floor of this House of the correctness of the position I now take. One of my colleagues on the Committee on War Claims started out on the confederate side, served the confederacy for a time, and, as he said in committee this morning, served it truly and loyally and with all the ability he had; but when he left the confederacy he left it for good, and he staid away; and no man has doubted his loyalty ever since, his fidelity to the Government, or the valuable services that he rendered to the Union cause.

Mr. RICHARDSON. I call the attention of the gentleman from Ohio [Mr. GEDDES] to the fact that the gentleman of whom he is speaking is not in his seat.

Mr. GEDDES. I refer to Mr. SMALLS, of South Carolina. I want to say a word now in regard to the nature of the claim itself; for, even if a man were loyal, he ought not to be paid unless his property was taken. In this case there was a thorough investigation of that question. This report shows that twenty-five witnesses testified on the subject, and all but two of them with full knowledge of the facts. Let me invite the attention of the committee to the fact that Col. D. J. Benner, afterward an assistant quartermaster of the United States Army, and D. E. Coon, late colonel of the Second Iowa Cavalry, with a large number of other witnesses, testified to the facts.

The two gentlemen I have named were before the investigating committee in person, and testified to the taking of this property. It seems to me, therefore, the loyalty of the claimant is clearly established, as well as the fact that the property was taken, and its value.

The question being taken on the motion of Mr. STONE, of Kentucky, that the bill be laid aside to be reported to the House with the recommendation that it do pass, the motion was agreed to.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. The gentleman who reported this bill desires that it be passed over informally, without losing its place on the Calendar. There are several bills of a similar character coming from the Committee on Private Land Claims, which the chairman of that committee desires shall remain on the Calendar without prejudice. The committee is about to report a general bill designed to cover all these cases, and prefers that these cases should be adjudicated under the provisions of a general law.

Mr. HALSELL. In view of the fact just stated by the gentleman from Illinois [Mr. SPRINGER] that the Committee on Private Land Claims is now maturing a bill of a general character which, if it should become a law, will dispose of these cases much more satisfactorily than by taking them up separately, I ask unanimous consent that this bill be laid aside informally, not to lose its place on the Calendar.

The CHAIRMAN. The gentleman from Kentucky [Mr. HALSELL] asks on behalf of the Committee on Private Land Claims that this bill be laid aside informally, retaining its place on the Calendar. If there be no objection that order will be made.

There was no objection.

THEODORE W. TALLMADGE.

The next business on the Private Calendar was the bill (H. R. 1905) for the relief of Theodore W. Tallmadge.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior of the United States be, and is hereby, authorized and directed to issue and deliver to Theodore W. Tallmadge land-scrip by which the said Theodore W. Tallmadge, or his assigns, upon the presentation thereof to the proper officers of the Land Department, shall be entitled to enter 160 acres of the surveyed public lands of the United States, not mineral or otherwise appropriated, granted to him in lieu of bounty-land warrant numbered 69651, misappropriated by an employé of the United States land office at Stevens' Point, Wis.

Mr. THOMPSON. I ask that the report in this case be read.

The report (by Mr. THOMPSON) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 1905) directing the Secretary of the Interior to issue and deliver to Theodore W. Tallmadge land-scrip by which he shall be entitled to enter 160 acres of the surveyed public lands of the United States, not mineral or otherwise appropriated, to be granted to him in lieu of bounty-land warrant numbered 69651, misappropriated by an employé in the United States land office at Stevens' Point, Wis., have had the same under consideration, and report that said bill ought to pass.

The committee find that bounty-land warrant No. 69651, for 160 acres of land under the act of March 3, 1855, issued July 14, 1857, to Robert A. Lockard, became the property of Theodore W. Tallmadge, and was located in his name through one George W. Stover, his agent, at the land-office at Stevens' Point, Wis., September 26, 1857, upon the southeast ¼, section 13, township 27 north, range 5 east, containing 160 acres, and a duplicate certificate of said location was then and there issued to him. The said warrant, however, was assigned in blank, that is, the name of Tallmadge was not inserted in the transfer, but a blank space was left therefor. Taking advantage of this omission, one Alexander Krembs, then a clerk in the land office at Stevens' Point, Wis., inserted his name in this blank space, so that said warrant appeared to have been duly assigned to him, and the same was located in his name at said office, May 26, 1858, on the northwest ¼, section 34, township 28, range 6, Wisconsin. A report of this last location was duly made to the General Land Office, but no report was ever made of the location made by Tallmadge. Tallmadge, on the 30th day of July, 1860, applied to the General Land Office for a patent for the land so located by him, and then learned for the first time of the subsequent location by Krembs. Tallmadge then made application for the cancellation of the Krembs entry and the restoration of the said warrant to himself, but the General Land Office refused his application, and issued a patent on the Krembs entry for the land located by Krembs. Tallmadge alleges that this was done upon the ground that Krembs had conveyed the land located by him to an innocent purchaser. Tallmadge acted in good faith in the location made by him, and received the proper and legal voucher therefor, which is still in his possession unredeemed, but has been deprived of all benefits thereof through the fraud of an employé of the land office at Stevens' Point, as before stated.

Under these circumstances we think the bill for his relief should pass.

Mr. THOMPSON. I move that this bill be laid aside to be reported to the House with a recommendatien that it do pass.

The motion was agreed to.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 218) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. I understand it is the desire of the Committee on Private Land Claims that this bill be laid aside informally in the same manner as was the other bill of this character.

Mr. OSBORNE. While I was at the Land Office this morning an amendment was suggested to this bill which I think should be adopted. In order that I may have an opportunity to lay the amendment before the committee, I ask unanimous consent that the bill be laid aside informally, retaining its place on the Calendar.

The CHAIRMAN. The Chair hears no objection, and that order will be made.

LAND GRANT IN ARIZONA TERRITORY.

The next business on the Private Calendar was the bill (H. R. 3216) to confirm the title to that certain land grant "Tres Alamos," in Arizona Territory.

Mr. GREEN. Mr. Chairman, since this bill was reported, a communication has been transmitted to the House by the Interior Department, purporting to come from persons claiming to be actual settlers upon the lands affected by the bill. After consultation with other members of the committee, I ask that the bill be laid aside informally, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

JAMES PRICE.

The next business on the Private Calendar was the bill (H. R. 2935) for the relief of James Price.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to James Price, of Lewis County, Missouri, the sum of $1,000, being the amount erroneously and unlawfully collected from him on a bond and turned into the Treasury of the United States.

Mr. HATCH. I ask that the report in this case be read.

The report (by Mr. JOHNSTON, of Indiana) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2935) for the relief of James Price, submit the following report:

The committee have given this case due consideration, and find the following to be its history and the facts:

Some time in the spring of 1862 one William T. Morris, of Lewis County, in the State of Missouri, was arrested by the military authorities for disloyalty, and in order to secure his release from said arrest, on the 17th day of April, 1862, entered into a bond payable to the State of Missouri in the penal sum of $1,000, conditioned that he would faithfully keep the conditions of an oath of allegiance that day taken, a copy of which was attached to said bond and became a part thereof, the said James Price and one S. B. Harment becoming sureties thereon.

That some time in October, 1862, after the execution of said bond, the said William T. Morris, the principal therein, left said county of Lewis.

That in May, 1863, a military commission for the said county of Lewis took a forfeiture of said bond upon the evidence of three witnesses, two of whom swear to rumors and one swears to having seen him with a squad of rebel soldiers in July or August, 1862, and upon this evidence the said commission demanded the payment of said bond, and under threats demanded payment of the same by the sureties thereon; whereupon, on the said 14th day of May, 1863, the said James Price, as one of said sureties, paid to one William Odor, provost-marshal and chief of said military commission, the sum of $1,000 in satisfaction of said bond, which was duly receipted for by him. The transcript of said proceedings furnished by the Adjutant-General of the Army shows that said sum of $1,000 so collected was duly accounted for to the United States Government by said Odor, and has been held by the Government ever since.

The claimant shows by his own affidavit that at the time of said forfeiture and payment he protested with said commission that said Morris had never violated the condition of said bond, and asked for time to find the whereabouts of said Morris, which was refused. He shows by the affidavit of said Morris that he never violated the conditions of said bond; that he remained in said county of Lewis until the last of October, 1862, when he went into the State of Illinois to work, and denies being in any rebel service after the execution of said bond; that he staid in the State of Illinois until the last of March, 1863; from there he went to the State of Iowa, and in April of that year he started overland with some friends to the State of California, arriving there about the 5th day of August, 1863, and continued to reside in said State until 1871, when he returned to the State of Missouri. All of said evidence is corroborated by witnesses, who swear they were with him at the times and places as specified in his said affidavit.

One William Locket swears that during said year 1862, between the last of April and the last of September, he worked with said Morris and slept with him every night, and that he was not away from home during that time.

One D. F. Stafles swears that said Morris worked for him, in said county of Lewis, from some time in April, 1862, to September, 1863, and was there all the time. If there is any reliance to be placed in human evidence, the said Morris was in said county of Lewis all the time from April, 1862, to September that year, and was working there during that time, and was not with said squad of rebel soldiers testified to. The committee concluded from all the evidence that the said witness who testified to having seen said Morris with a squad of rebels was mistaken in the person he saw. That is the most charitable view to put on it. The committee are of the opinion that said claim is just, and recommend that the bill do pass.

Mr. JOHNSTON, of Indiana. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

ESTATE OF JOEL C. FRAZIER.

The next business on the Private Calendar was the bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,684.10 to Henry Williams, administrator *de bonis non* of the estate of Joel C. Frazier, deceased, late of Harrison County, Kentucky, the same being for quartermaster's stores, consisting of horses, corn, wood, &c., taken from the said Frazier by the military forces of the United States.

The amendments reported by the committee were read, as follows:

In lines 5, 6, and 7 strike out the words "three thousand six hundred and eighty-four dollars and ten cents to Henry Williams" and insert "$1,908 to Caleb W. West."

In line 10 strike out the word "corn."

The amendments were agreed to.

Mr. WARNER, of Ohio. I ask that the report in this case be read or that some explanation be given.

The CHAIRMAN. The report will be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased, submit the following report:

The committee find the facts to be as stated in House Report No. 1240, Forty-sixth Congress, second session, which report is hereto annexed and made a part of this report, and is as follows:

Dr. Joel C. Frazier, for many years prior to 1862, and afterward till the date of his death, in May, 1863, owned a farm of about 600 acres, just outside of the limits of the town of Cynthiana, Ky.

In January, 1862, J. J. Landrum, a lieutenant-colonel, then commanding the Eighteenth Regiment Kentucky Volunteers, took from the said Frazier 56 cords of wood, for the use of the troops under his command, of the value of $2.75 per cord, and became indebted for hauling in the sum of $4, making $158.

He executed a voucher for these items on behalf of the State of Kentucky, for the reason that his regiment had not then been mustered into the service of the United States, and for these items the claim is made for $158 against the United States.

Colonel Landrum also occupied a house on said farm for a hospital from February 20 to July 17, 1862, the use of which was reasonably worth the sum of $60. He also occupied as an encampment 15 acres of land on said farm for the same period, worth $15 per month, making $75.

General Ben. P. Runkle, commanding the Forty-fifth Ohio Volunteer Infantry, encamped on said farm about the 25th of July, 1862, and occupied 15 acres of land for his encampment from that time to September 2, 1862, and the value of that occupation was $18.50.

During his occupation the soldiers under Runkle's command used corn from a 27-acre field on said farm, both for themselves and horses, and in September, 1862, at the approach of the rebel forces under Kirby Smith, cut down all that remained of said corn, to enable them better to see the approach of the enemy.

How much of this corn was used by the soldiers, how much for the food for the cavalry horses, and how much was cut down and left to rot, is a mere matter of conjecture. The evidence leaves the question entirely unsettled. To suggest amounts would be simply a guess.

On the 14th day of June, 1864, General S. G. Burbridge, after a battle with the rebel General John H. Morgan, in which he lost a part of his cavalry horses, took from the farm of Dr. Frazier, then deceased, fourteen horses belonging to the assets of his estate, of the average value of at least $125 each.

For these items Nancy Frazier, the widow and executrix of the last will of Joel C. Frazier, in 1871 filed her claim with the Quartermaster-General, asking to recover from the United States, as follows:

For 56 cords of wood, $2.75 per cord	$154 00
Hauling 7 loads of wood	4 00
Rent of house, 6 rooms, for hospital	117 60
Rent of 15 acres blue-grass	70 00
Rent of 15 acres blue-grass, for encampment	18 50
1,350 bushels of corn, 80 cents	1,080 00
7 horses, at $160 each	1,120 00
2 gray horses, $160 each	320 00
2 sorrel horses, $160 each	320 00
2 brown horses, $160 each	320 00
1 roan horse, $160	160 00
Total	3,684 10

The said Dr. Frazier died testate, and by his last will and testament devised and directed: First. That after payment of his just debts his land and slaves should go to his wife during her natural life, "with full power to do everything with them in according to her *viewers*, with the exception of their sale." Second. With the exception of ten head of horses and fifteen of cattle, to be selected from his stock by his wife, he ordered the sale of all his horses and cattle. Third. He bequeathed to his wife his carriage and such pair of horses as she should select in addition to the ten above named, &c., and directed that the hogs and sheep remain on the farm and all farming utensils more than was needed to be sold. Fourth. He bequeathed to Susan Redmon $3,000, to be paid out of the proceeds of the estate at his wife's decease. Fifth. After the death of his wife, he "ordained" that all of his estate not otherwise "ordered" be jointly devised among the three children of his son Hubbard W. Frazier, deceased, "the forms of law to govern in the distribution," and he nominated his wife executrix of his will.

Said will was duly proved and admitted to probate, and the widow accepted the trust and administered the estate until her death, in 1872, when Henry Williams was appointed and qualified as the administrator *de bonis non* of Dr. Frazier's estate.

Dr. Frazier was undoubtedly loyal, all admit that, and it is conceded his wife was as unmistakably disloyal.

The three grandchildren named in the will were minors at the death of Dr. Joel C. Frazier, their ages being at that time twelve, nine, and seven, respectively.

This case was exhaustively examined on the facts by the Quartermaster-General and the Third Auditor of the Treasury prior to January 31, 1874. A special agent of the Department made two examinations and reports; a large volume of testimony was taken, comprising over one hundred pages of closely written matter

On the first examination and report the Quartermaster allowed:

For rent of house five months	$60 00
For rent of 15 acres of land five months	75 00
Making	135 00

He declined to allow for the wood, $158, because when taken the troops for whose use it was taken were not mustered into the service of the United States, and therefore the wood was not strictly quartermaster stores; but he did decide it was a proper claim against the Adjutant-General's Office. He declined to allow anything for the corn claimed to have been taken by Colonel Runkle's men. He further decided that the horses, under the circumstances when taken, belonged to Mrs. Frazer, under her husband's will, and as her loyalty was unproved, nothing would be paid on account of the horses.

After this determination, the report was recalled by Acting Quartermaster-General Ingalls, and a large amount of additional evidence was taken, but on consideration, January 24, 1878, Quartermaster-General Meigs declined to reopen the case or change his conclusion, and then the same was referred to Congress and a bill presented for the relief of Dr. Frazier's estate.

The committee are unwilling to review the facts found by the Quartermaster-General. While the committee think that the evidence tends strongly to prove that a considerable amount of corn was used by Runkle's command for the use of the horses therein, they will not disturb his finding, especially as the amount taken would be simply a conjecture, but they think the wood and hauling should be paid for, as no one disputes it, except it is determined that it should have been paid by the Adjutant-General's Office instead of the Quartermaster's Department.

Has a proper conclusion been arrived at, as a matter of law, touching the horses for which the claim was made? At the time Dr. Frazier died there were on his plantation about thirty head of horses. These horses were assets of the estate; twelve might become the sole property of Mrs. Frazier by her selection. No suggestion is made and no proof is offered that Mrs. Frazier ever did select any of the fourteen horses as her own that were taken by Burbridge's command. On the contrary, it shows she selected other animals under the will as her own, and of these she gave a part to her friends and a part remained on the farm, and at her death were treated as assets of her estate. These fourteen horses, when taken for the use of the Army, were simply assets of the estate of

Dr. Frazier, held by the administratrix in trust, to be sold and the proceeds to go to pay debts, the $3,000 legacy, and the remainder to the minor grandchildren as residuary legatees. The title of Mrs. Frazier was simply in her representative capacity, and it was unimportant whether she was loyal or disloyal. Her conceded disloyalty could not defeat the claim.

Your committee therefore recommend that the items of said account be allowed as follows:

For 56 cords of wood, at $2.75 per cord	$154 00
Hauling 7 loads of wood	4 00
14 horses, at $125 per head	1,750 00
Total	1,908 00

Although favorably passed upon by the Quartermaster-General, we are unwilling to allow the claims for the use and occupation of the house for a hospital or the blue-grass lot for a camping ground. If they are already allowed, as it seems to us they are, we need not audit them again; and if they are not, we do not think on principle they should be paid. Their occupation was but an incident to necessary armed occupation of that part of the country for the general good. It was a military necessity.

The committee therefore recommend that the bill be amended by striking out the words "three thousand six hundred and eighty-four dollars and ten cents," in lines 5 and 6, and inserting in lieu thereof the words "one thousand nine hundred and eight dollars," and also by striking out the words "Henry Williams," in line 6, and inserting in lieu thereof the words "Caleb W. West," and as thus amended we recommend the passage of the bill, the amendments being indicated in the accompanying bill.

Mr. STONE, of Kentucky. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Inasmuch as this case has been examined, as stated in the report, by the Quartermaster-General and the Third Auditor of the Treasury, I make no objection to the passage of the bill; but I ask my friend from Kentucky whether he would object to inserting in the bill the words "which shall be received in full of all demands of said estate against the United States."

Mr. STONE, of Kentucky. There is no objection to that amendment.

The amendment was agreed to.

The motion of Mr. STONE, of Kentucky, was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PRIVATE LAND CLAIMS IN ARIZONA TERRITORY.

The next business on the Private Calendar was the bill (H. R. 3235) to confirm title to certain land claims in Arizona Territory.

Mr. HALSELL. This bill belongs to the class of cases to which I referred when last on the floor. I ask unanimous consent that it be laid aside informally, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection, that order will be made.

There being no objection, it was ordered accordingly.

J. D. MORRISON.

The next business on the Private Calendar was the bill (H. R. 5187) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $408.10 to J. D. Morrison, surviving partner of C. M. & J. D. Morrison, of Rockbridge County, Virginia, being the excess of taxes improperly collected by them, by duplicate assessment, for whisky distilled by them in January, 1866.

Mr. TUCKER. I move the bill be laid aside to be reported to the House with the recommendation that it do pass. The report of the committee is quite a long one, and without asking for its reading I will merely state, in order to save the time of the House, that this bill has been before Congress for a good many sessions—indeed, ever since I came here as a member of Congress, now a good long while ago.

It passed the House in the Forty-seventh Congress unanimously, but failed in the Senate for want of time. It passed the Senate in the Forty-eighth Congress, but failed in this House for want of time.

Mr. WARNER, of Ohio. Was that the case we adjourned on?

Mr. TUCKER. Yes; the session died when I stood in this place begging the House to consider this bill. It returns an amount of $408 of taxes illegally exacted just twenty years ago. The Government has already made enough in the shape of interest to pay the principal; and now all we ask is the repayment of the principal.

The motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LIZZIE D. CLARKE.

The next business on the Private Calendar was the bill (H. R. 958) for the relief of Mrs. Lizzie D. Clarke.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Mrs. Lizzie D. Clarke, widow in community of Thomas L. Clarke, deceased, late of New Orleans, tutrix of his minor child and administratrix of his estate, the sum of $60,000, for the loss of the steamboat Belle, said steamboat being the property of said Thomas L. Clarke, and lost on the Rio Grande River while under lease by the Government of the United States under contract with the owner, the said Thomas L. Clarke.

Mr. TUCKER. That bill also has been passed in the Senate and is now before the House, and on the Private Calendar. The case was referred to the Committee on Claims of this House and that committee has reported upon it favorably and with unanimity. At the proper time I will ask that the House bill be reported to the House with the recommendation that it be laid upon the table, and then that the Senate bill be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Let the report be read in the first instance.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill H. R. 958, respectfully report:

The facts in the case are well ascertained by the record in the case of Thomas L. Clarke *vs.* United States, in the Court of Claims (10 Ct. of C. Cases, 604), and in the same case in 95 U. S. Sup. Ct. Rep., 539. The depositions of a number of witnesses, among whom is Maj. O. O. Potter, quartermaster, United States Army, with whom the contract was made, are in the record, and the papers from the Third Auditor's Office of the Treasury Department have been laid before the committee.

The facts deduced from this evidence are these:

In September, 1865, just after the close of the civil war between the States, and before the confusion incident to a state of war had subsided, at a time when the Government by its armies was attempting to restore order and to suppress any straggling forces which might still be in hostility to the Government, Brigadier-General Steele was in command of the United States forces at Brownsville, on the Rio Grande, in the State of Texas. It was important in his view to carry military stores and other supplies from Brownsville up that river to Ringgold Barracks. He had no transportation at hand by land or water.

In the Mexican waters and on the Mexican side of the river at Matamoros there was a steamer called the Belle, in the hands of, and belonging to, Thomas L. Clarke. Maj. O. O. Potter, quartermaster of the Army, was sent to Matamoros to procure this steamer for Government use in conveying stores to the Ringgold Barracks. Being in Mexican waters she could not be seized or impressed into service; and Major Potter, quartermaster, under the authority of General Steele made a verbal contract with Mr. Clarke, the owner, by which it was agreed to pay $150 per day for hire, and to pay for her loss, if such event should occur upon her trial trip to Ringgold Barracks; with the further understanding, that if she should be found to be suitable for the service, a written contract would be made for her future use. It further appears there was no other vessel on the river within our territory which could be procured.

There was no mode of insuring the vessel at that time and in that quarter, and the owner relied upon the contract of the Government, through its quartermaster, to pay for her if lost on the trip.

Upon these terms the Belle was delivered to the officer, brought to Brownsville, loaded, manned by the Government, and started on her trip. It appears that she was very heavily loaded, and that in making a turn in the river she ran against its bank, was snagged, and sunk, a complete loss, in 30 feet of water, and then drifted down-stream, and was buried in a sand-bank.

The owner made claim for hire and loss of vessel to the Department; then by petition to the Court of Claims, where it was dismissed, and then appealed to the Supreme Court.

That court decided that under the act of June 2, 1862 (12 Stat., 411) the contract was invalid because not in writing, but that as the contract had been executed by the claimant, in the delivery of his vessel for public use, a recovery for the hire on a *quantum meruit* should be allowed, and at the price agreed upon, but that there could be no recovery for the loss. From the judgment of the court there was a dissent by three justices, Miller, Field, and Hunt, through a strong opinion by Mr. Justice Miller, who held the statute prescribing the need of a written contract to be directory, not mandatory. There is nothing in the opinion of the court, or in the dissenting opinion, which indicates any thought in the mind of the court that the contract against loss was *ultra vires*, or that it would have been invalid if it had been in writing. Nor did counsel for the Government seem to have raised this point. The inference from the emphasis laid on the fact the contract was not in writing would rather be that it would have availed the claimant, had it been written, to recover for the loss.

The court, however, had done justice to the claimant as to the hire upon an implication of a contract to pay hire, because the verbal contract had been executed on his part. And had the loss occurred from carelessness, it would seem from the language of the court he would have received its value. But as there was no proof of carelessness there was no ground to recover for the loss on a contract held to be invalid.

Under these circumstances, the decision being made in 1877-'78, the claimant appeals to Congress on the ground that, though the unwritten contract be technically invalid, as the promise to insure the owner against loss was the inducement held out in Mexican waters to bring the Belle into the hands of the Government, it is not just for the Government to avoid the liability for loss on this technical plea (and a doubtful one until by a divided court it was decided to be valid). It would be a fraud on the owner to offer inducement to get possession of the Belle, and then to repudiate it without notice to the owner of the invalidity of the contract because it was not made in writing.

Your committee feel the full force of this argument. Good faith in transactions between man and man would condemn such a plea after such inducement, and courts of equity have never permitted the statute of frauds to be used as a defense when the defense would work a fraud. The highest good faith should mark the conduct of a government to its citizens; and while its courts may be constrained to decide against a claim because based on a contract void for some technical defect, yet when the appeal is made to the supreme authority it behooves the Government to do justice to the party in like manner as if the contract had been formal and valid.

Your committee thought it best, however, to inquire of the War Department whether under the law and regulations of the Army the contract in question would have been held binding had it been in writing. The question and full answers of the Quartermaster-General are hereto appended marked A.

By this answer it appears that the only limit to the power of a quartermaster or other officer to contract for means of transportation and other supplies, especially in time of war, is the public necessity; that in this case it was great and pressing; that in like cases the present Quartermaster-General while quartermaster on this very river had purchased vessels and the accounts for their value had been passed by the Treasury. If a contract to buy the Belle would have been valid it follows *a fortiori* that a contract of hire with a promise to pay for hire if lost during the service would be valid.

Your committee on the facts therefore think the Government is in justice bound to pay for the value of the vessel; that was assessed at $60,000. Major Potter thinks that is fair. No intimation appears it is not. It is certified as proved by the Court of Claims.

This bill was favorably reported by this committee and a committee of the Senate in the Forty-eighth Congress; and the committee of the Senate at this session have again reported it favorably. Your committee add an extract from the last Senate report, stating a new ground for a favorable report in the case:

"In addition to what is said in the foregoing report and communication from the Quartermaster-General, the contract made between the owner of the steamer Belle and the quartermaster, as above set forth, may be recognized as coming fairly within the exception as to written contracts promulgated in Army Regulations, paragraph 1048, which is in the precise language of the act of March, 1861 (12 Stat. at L., page 220), and provides as follows:

"'When immediate delivery or performance is required by the public exi-

gency, the article or service required may be procured, by open purchase or contract, at the place and in the mode in which such articles are usually bought and sold or such services engaged between individuals.'

"In the present case 'the public exigency' for the use of the boat exi-ted. The officer in command of the department directs his quartermaster to contract for its immediate employment, which was done, and the boat passed into the possession and service of the Government, with the express agreement that if lost in that service the owner should be paid her value. The question of the Government's legal liability to make good that loss was decided by a divided court against the owner because the contract was not in writing, but that does not meet either the merits of the claim or the measure of the Government's just obligation. The boat is shown to have been worth, at time of loss, the sum of $60,000."

Your committee report back the accompanying bill, and recommend that it do pass.

A.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 16, 1885.

SIR: I have the honor to reply to your inquiry of February 11, 1885, in the matter of the claim of Thomas L. Clarke for the steamer Belle, as hereinafter written, viz:

Question 1. "Under the law and regulations of the Department had a quartermaster authority, with the orders of the general commanding in the field or at a station, or as matters were in 1865 (September) on the Rio Grande, to make a contract in writing such as Major Potter did with Thomas L. Clarke, binding the Government to be responsible for the loss of the vessel; or to make such contract orally?

"If it had been in writing under the act of Congress referred to in the report of the case in 95 United States Reports would it have been held valid, and would the War Department have paid the claim for the loss?"

Answer. The district of the Rio Grande was under the command of Maj. Gen. Fred. Steele, United States Volunteers, and his chief quartermaster was Maj. O. O. Potter, quartermaster, volunteers. A large military force of cavalry had already arrived upon the Upper Rio Grande, or was expected from Shreveport, La., marching across Texas to San Antonio and throwing out sufficient forces to take possession of the frontier from Ringgold Barracks to Fort Duncan, near Eagle Pass. These troops had to be supplied by way of the Gulf to Brazos Santiago, and thence by boat to Brownsville and to Ringgold Barracks.

The navigation of the Rio Grande is at all times difficult and dangerous, and in time of war doubly so, owing to the narrowness of the stream and the bushy character of the growth on its banks. It has a shifting channel, and means of concealing guerrillas and bushwhackers generally along its course to Ringgold. General Steele had instructions to supply the troops up the river. Boats to navigate the river have usually been built heretofore specially for that purpose, drawing (loaded) about 3 feet of water.

General Steele appears to have found such a boat in Matamoras, under the Mexican flag. A boat thus situated, at such a time of war and difficulty of replacement, was of the greatest value to the owner. Naturally the owner would decline to let the boat go out of his hands without full guarantee and insurance as to her safety and return to his possession. No other insurance for such navigation was possible, except that of the Government. The vessel was obtained and manned, loaded and dispatched to Ringgold, under a bargain allowing a reasonable rate per day, thus showing that the owner did not cover his risk by exaggerated rates, but by exacting a promise that if lost she should be paid for on certain terms agreed upon. In my opinion the two officers operating in that district, with the authority and responsibility devolving upon them, were justified in the course they took, and were actually compelled by their duty to promise what they did if the boat could be secured in no other way. The law is mostly silent in war except the law of good faith. The regulations do not provide for emergencies, and this was a tremendous one. If this case were in exact conformity to all the forms applicable in peace, it never would have reached the Halls of Congress.

As to precedents: In 1863 on the arrival of the expedition to the Rio Grande at Fort Brown three steamers were found under the Mexican flag tied up at Matamoras, on the Mexican side of the river, in precisely similar circumstances; they were obtained by the present writer under the orders of the military commander present on a verbal promise of the payment for their full value; they were delivered over for immediate service, manned and wooded, and the money for their purchase was duly paid subsequently in New Orleans, and the accounts were passed at the Treasury. Operations without these boats would have been impossible on that river; so it was with the steamer Belle, belonging to Mr. Clarke. I do not wish to argue this case, but it is apparent to me that the owner would not regard the question of fault or no fault in the loss of the steamer. She was in other hands than his own and she was actually lost, and that fact was conceded; if lost by negligence, act of the enemy, or any other cause, the owner was to be paid for his boat precisely the same. It seems strange that it is legal to recognize the verbal agreement in just so far as the few days' hire is concerned and repudiate the rest of the agreement as concerns the loss of the boat. The penny is paid and the pound denied. I look upon this case as one of purely good faith under the pressure of war, and, therefore, as overriding all ordinary precedents and rules.

In my judgment Major Potter and his commander had full and sufficient authority to do what they did do; that is, to do all that was needful and necessary to carry out their instructions as to the military operations depending upon themselves in any practicable or possible way by hiring anything out of their reach that could not be impressed and by impressing any means of conveyance at hand. This was true, whether the matter of agreement was reduced to writing or (time not admitting) leaving it in verbal form, so that it was fully and fairly understood by the parties thereto. Now, it was so far well understood that the property was transferred from the owner, and moved from the Mexican side of the river to the Texas side, and placed in the hands of our officers. Clarke executed his part of the agreement, and the Government, in my judgment, should do its part. There were no telegraph lines in 1865, and no other swift means of communication between the Government and its forces on the Rio Grande. All the intermediate country between Washington city and the Rio Grande was boiling with war, and covered with resulting confusion. The officers responsible for conducting operations on that remote frontier had to stand alone and act as best they might in order to secure success and avoid failure. The responsibilities of such a period can be but imperfectly passed upon in the light of the happy peace that rests upon this great capital to-day.

In conclusion, to my mind the reduction of this agreement to writing would not have changed materially its binding force. It was absolutely impracticable in the nature of things to conform to the statute of 1862, cited in proceedings of the Court of Claims in this case.

Most respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General, U. S. A.

Hon. J. RANDOLPH TUCKER,
Chairman Judiciary Committee, House of Representatives.

Mr. TUCKER. I now ask that Senate bill 32, for the relief of Mrs. Lizzie D. Clarke, of New Orleans, to be taken up, in order that it may be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I rise for the purpose of asking a question rather than to discuss the pending bill. Of course I have no objection, if the committee acts upon the matter favorably, to allow the Senate bill to be passed instead of the House bill. There is one feature of this case which seems to be worthy of at least a moment's attention. In the statement of the case by the committee the following passage occurs:

The court, however, had done justice to the claimant as to the hire upon an implication of a contract to pay hire, because the verbal contract had been executed on his part. And had the loss occurred from carelessness, it would seem from the language of the court he would have received its value. But as there was no proof of carelessness, there was no ground to recover for the loss on a contract held to be invalid.

Upon the whole case it is quite clear the Government ought to treat this as a valid contract. The Government having obtained control of this vessel by parol agreement, the only one which could be made, the vessel being at the time outside of our jurisdiction, Congress would no doubt be authorized in view of the decision of the Supreme Court to do exactly what justice demands. I do not know to what extent the judgment of the Supreme Court made reparation for the value of this property. I understand there was recovery as to the hire of the vessel.

Mr. EZRA B. TAYLOR. For a few days only.

Mr. CASWELL. Twelve hundred dollars for eight days.

Mr. HOLMAN. If the amount were considerable I should insist, as a matter of justice on the part of the Government to the claimant and to itself, that the amount so paid ought to be considered as part payment in discharge of the contract. There were a great many of these contracts entered into during the war with the Government, and the Government having paid the entire war risk, amounting in some cases to a considerable sum, where the amount is large the amount paid should be deducted from the amount allowed. This contract having been only for a few days, I do not object.

Mr. TUCKER. My friend from Indiana broadly concedes the propriety of the bill. I will not detain the House further than to state that this case has been favorably reported by the committees of the two Houses at the last and present Congresses. I move that the bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans, be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Mrs. Lizzie D. Clarke, widow in community of Thomas L. Clarke, deceased, late of New Orleans, tutrix of his minor child and administratrix of his estate, the sum of $60,000, for the loss of the steamboat Belle, said steamboat being the property of said Thomas L. Clarke and lost on the Rio Grande River while under lease by the Government of the United States under contract with the owner, the said Thomas L. Clarke.

Mr. TUCKER'S motion was agreed to; and the Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The bill (H. R. 958) for the relief of Mrs. Lizzie D. Clarke will be reported to the House with the recommendation that it be laid upon the table.

There was no objection, and it was so ordered.

FRANCIS H. SHAW.

The next business on the Private Calendar was the bill (H. R. 2995) for the relief of Francis H. Shaw.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to grant to Francis H. Shaw, late captain of Company C, Fifty-fifth Illinois United States Volunteer Infantry, an honorable discharge and muster-out of the service of the United States.

SEC. 2. That nothing in this act contained shall be held to authorize the payment of any money to said Francis H. Shaw on account of the honorable discharge and muster-out as hereinbefore provided.

Mr. LAIRD. Mr. Chairman, I reported this bill, and, as is apparent, nothing is asked from the Government by Captain Shaw except an honorable discharge. He was dismissed from the service of the United States peremptorily, without trial by court-martial, without investigation, by the general commanding the army, without a hearing, and in the face of the fact that a vast preponderance of testimony shows that Captain Shaw was without blame.

The facts were that this officer, in command of the Fifty-fifth Illinois Volunteers when the operations in and about Atlanta, Ga., were going on, had held this regiment as skirmishers in an advanced and exposed position where the men had been under fire for seventy-two hours, and without food, without water, at which time he received an order from Lieutenant Martin, of the staff, to advance in company with the Fifty-seventh Ohio Volunteers.

Captain Shaw replied that under the circumstances, in the condition in which his men were at the time, he did not feel that he ought to order his regiment forward until the general commanding his brigade was advised as to the condition of his troops. The object of the order was that he should take and hold a still more advanced position in the line, requiring of necessity men who were alert and upon their guard

and not worn out by excessive service. He asked, therefore, that the order, or rather that the execution of the order by himself, should be suspended until the officer in command of the brigade should be advised of these circumstances. This request of his, for the suspenson of the execution of the order until the general in immediate command should be advised of the condition, was reported by Lieutenant Martin of the staff back to the brigade commander as a peremptory refusal on the part of Captain Shaw to take his regiment into action. This report of the lieutenant of the staff was transmitted to the officer commanding the brigade, by him to the division commander, and through him to General Howard, commanding the Army, and became the basis of the summary dismissal of Captain Shaw from the service of the United States, such dismissal being without a day in court being allowed to the accused. He had positively no hearing whatever.

While the committee recognized that the exigencies of the service might have denied to Captain Shaw at that time a trial by court-martial, they also recognize the fact that the exigencies of justice and fair dealing demanded that he should not have been summarily dismissed from the service of the Government without at least a hearing before the officer commanding the department, and who assumed the authority to dismiss this officer.

This, I believe, is in brief a fair statement of the facts of the case, and I now yield so much time as he may desire to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Chairman, this bill provides, as my friend on the committee from Nebraska [Mr. LAIRD] has just explained, for the honorable dismissal of an officer who was dishonorably dismissed without a hearing after four years of——

Mr. STEELE. It provides for the restoration.

Mr. HITT. Yes; for the honorable discharge and muster-out of an officer who was dishonorably dismissed without a hearing after four years of faithful, brave, efficient service without a blemish upon his character as a soldier and as a man from the day when he enlisted as a private until he had risen by sheer merit to the command of the regiment. In the language of his associate officers, fifty of them signing it, at the very time of this unjust, abrupt dismissal he was ever considered "a first-class commander, sharing with his regiment, once proud and strong, all the hardship which reduced it to a fragment." In that very hour of his dismissal the officers and soldiers who were eye-witnesses gave their testimony of his noble character and conduct and their protest against this wrong. They knew and declared that he had never disobeyed orders nor deserved this cruel, arbitrary blow, ending his career as a soldier; and if their voices had reached President Lincoln, to whom their petition was addressed, he would have been restored to them and to honor.

The facts in this sad case which my friend from Nebraska has just stated have been pressed upon me again and again by the affectionate remembrance and intense regard of the soldiers who served with Captain Shaw, who were in the regiment which he commanded at that time, who cherish his memory to this hour with a kind of religious affection, following up his cause with unwearied zeal in order that justice may be done him at last. But it was not so much for the purpose of restating the facts which have been just given that I have risen, as to explain the cause of this long delay, now over twenty years, which may in the minds of some members tend to prejudice this bill.

When this officer was so harshly dismissed, conscious that he had done all a soldier's duty, stung with a sense of wrong done him, he turned away and went silently home, refusing utterly to say one word even in protest. His brother officers unanimously signed a paper stating the facts and appealing for redress to President Lincoln, but Mr. Lincoln, it is now discovered, never saw that paper. In the tumult and confusion of the terrible struggle around Atlanta it never reached the President of the United States. Captain Shaw went home with a wounded spirit, strong in the verdict of his own conscience, and determined that he would abide by the result of time and the final judgments of men. Years went by and he gave no sign, nor would he suffer others to plead in his name. But his comrades of the old Fifty-fifth made persistent application to him to be permitted to urge his cause, until finally in 1884 his consent was obtained, and an appeal was sent to me to be presented to Congress for his relief.

In giving his consent to their action in making this effort for his sake Captain Shaw said, in words worthy a brave soldier, sorely hurt by this cruel wound harder to bear than the wounds he received on the field of Shiloh:

Should the efforts of my comrades in arms to correct what they have always considered a grievous injustice be successful I shall rejoice, and especially for my children's sake; if my unintentional misdemeanor is judged worthy lifelong punishment, I must continue to suffer in silence, as I have done so many years. My conscience has never accused me of any unfaithfulness to my country; never of any breach of military law. I have always believed myself unjustly dealt with in consequence of a misunderstanding of the facts in the case.

This patriotic man, who was engaged in a lucrative business when the war broke out, left it to go into the service of his country as a private soldier. He took part in nine important battles, and displayed such high soldierly qualities, courage, coolness, modesty, efficiency, as raised him from the ranks—from the position of a private soldier—up to the command of the regiment. The ground upon which he was dismissed, the alleged refusal to take his troops into action under an order, was manifestly a mistake, a misunderstanding, for there is the testimony of two brother officers, who were present and saw what took place when the order was given, and they heard his reply. Their testimony shows that his words did not indicate that he acted in a spirit of disobedience; and he himself states he had no idea that he had committed the heinous offense of disobeying his superior officer. His command was utterly exhausted by the long-continued fighting before Atlanta.

On that 4th of August, 1864, they had been without sleep for three nights and four days, under a murderous and destructive fire; they were holding an exposed point far in advance of our line and within three hundred yards of the enemy in his entrenchments, an enfilading fire on their right flank, with less than twenty rounds of ammunition remaining. Then came the aid-de-camp of General Lightburn and ordered him to advance across a ravine to a hill beyond. He replied by calling the young officer's attention to the desperate condition of the men, and asking that the general be made to know it before they were pushed on to a position where the safety of the whole line would depend on their vigilance. At that moment the men were watching each other to prevent men from falling to the ground asleep in the utter and last exhaustion of nature. In the new position to which he was ordered to lead them they would, had they captured it, have been compelled to lie down on their faces or be swept off by the enemy's fire. Captain Shaw, not thinking of disobedience, said he wanted his commander to know the condition of his men, which made the execution of that order impossible. Colonel Mott says after he and Lieutenant Martin had heard Captain Shaw, the aid-de-camp, Lieutenant Martin, said: "I will report the matter, and you await further orders." Captain Shaw had no thought of disobedience, and neither then nor at any other time did his courage falter. But the young officer was irritated, made a report that was probably not just to Captain Shaw, and the general in haste condemned him. Without warning or trial he was dismissed. There was no time for a court-martial in the tremendous strife then at its height around Atlanta. The protest of his comrades to the President was unheard; and the injustice thus hastily done has been silently borne by this uncomplaining hero through all these years. Is it surprising that his comrades of the old Fifty-fifth Illinois at their annual reunions always rise to do honor to his wounded name, and repeat the story of their love for their old commander and their indignation at this continuing wrong? In the last Congress I introduced this bill, and the committee, after careful examination, recommended that it pass; but it was crowded over and failed, with thousands of other bills that never reached a vote. Again the Committee on Military Affairs has recommended it to this Congress, and I trust that the House will to-day vote to blot out this false record and place this soldier before the world stainless as he stood on the morning of August, 1864, at the head of his haggard heroes.

Mr. LAIRD. I move that the bill be laid aside and reported to the House with the recommendation that it do pass.

The motion was agreed to.

COL. HENRY J. HUNT.

The next business on the Private Calendar was the bill (H. R. 37) to change the rank of an officer on the retired-list of the Army, reported from the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to select from among the colonels now on the retired-list of the Army of the United States one person who has served in the late civil war as chief of artillery of one of the principal armies of the United States, and to place him on said retired-list with the rank and pay of major-general from the date of his retirement: *Provided*, That the officer so selected has been borne on the active-list of the Army for more than forty years as a commissioned officer of artillery: *And provided further*, That he held at the date of his retirement the brevet rank of major-general, conferred by the President, by and with the advice and consent of the Senate, for distinguished services in said war.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 37) to authorize the President to change the rank of officers on the retired-list of the Army, having considered the same, beg leave to submit the following report:

We find that the only officer of the Army who can be affected by the bill is Col. and Bvt. Maj. Gen. Henry J. Hunt.

We find that a bill was introduced in the Forty-eighth Congress to attain the same object; that it was favorably reported by the Committee on Military Affairs of both the Senate and House, and that it passed the House of Representatives by more than a two-thirds vote.

The committee adopt the report of the Committee on Military Affairs of the Forty-eighth Congress, which we incorporate and make a part of this report, and report back the bill with a recommendation that it do pass.

[House Report No. 122, Forty-eighth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army, beg leave to report:

Colonel Hunt's active service with troops, as shown by the official record hereto appended (Appendix A), has extended over a period of more than forty-four years. He has held the rank of major-general by two brevets, one in the volunteer and one in the regular service. He performed the duties of major-general for nearly eight years, of which four were during the late war. For three years he was chief of artillery of the Army of the Potomac, and successfully conducted this important and difficult service. It never has been questioned that his conduct met the approbation of the successive commanders of that army and of General Grant. His brevet of major-general of volunteers

"for gallantry and distinguished conduct at the battle of Gettysburg, and for faithful and highly meritorious services from the Rapidan to Petersburg," antedated all brevets of the same grade conferred at the close of that campaign, and Major-General Meade subsequently recommended his promotion to a full major-general. Although his command was equal in extent to that of an army corps, he is, so far as known, the only permanent corps commander who did not receive the rank of full major-general. This rose from the fact that in his arm of the service (the artillery) there was no such promotion as in the other arms.

The Adjutant-General, in the first year of the war, held that a battery was a company, and as the law authorizes not more than one brigadier-general for every four regiments (40 companies), the largest army could have no more than one brigadier of artillery.

On the other hand, the General-in-Chief, in the second year of the war, held that each battery was a regiment commanded by a captain, and that consequently field officers were unnecessary, and orders were issued to exclude them from the service. (General Orders No. 126, 1-62.)

For the remainder of the war both theories were acted on. The artillery was deprived of generals because a battery was a company, and of field officers because a battery was a regiment.

The result was the immediate stoppage of promotion in the artillery. Consequently, as soon as an artillery officer developed high ability he was offered the promotion in other arms that was impossible in his own. In this way the other surviving commanders of batteries in the Mexican war, George H. Thomas, John F. Reynolds, and W. T. Sherman, were in 1861 appointed brigadier-generals of infantry, and rose to great distinction. General Hunt was repeatedly offered such commands; but because his skill and experience as an artillerist were essential to the success of his arm, the Government would not permit him to leave it. Thus, his very ability prevented his advancement by confining him to the artillery, where there was little or no promotion.

While receiving the pay of a colonel, or at most of a brigadier-general, Colonel Hunt was subject to all the expenses of a major-general commanding a corps. His command being scattered over a great extent of ground, many of his officers, riding long distances to confer with him, had to be kept over night and entertained. Moreover, many foreign officers and other guests at the headquarters of the Army, were billeted on him. As no extra allowance was given him for these unusual expenses he was obliged to pay them himself, and in this way expended more than $2,000 a year beyond his pay. In other words, he served his country in a position of the greatest responsibility and peril and paid $2,000 a year for the privilege, so that he had in this way, at the end of the war, exhausted his slender private resources.

As has been said, Colonel Hunt's command was fully equal to that of a corps. At the battle of Gettysburg, for example, his artillery consisted of sixty-five batteries (three hundred and sixty-four guns), with over eight thousand men, seven thousand horses, and large trains of ammunition and stores, the whole divided into fourteen brigades. At the investment of Petersburg his command was even more extensive, for he there had sole control of the siege operations south of the Appomattox, which embraced the entire Army of the Potomac and one corps of the Army of the James. And it is to be borne in mind that his duties, unlike those of a general of infantry, were double, being, first, those of a commander of troops on the field of battle, and, secondly, those of an administrative officer having charge of ammunition trains and supplies. And yet no major-general of artillery was admissible, although there were issued during the war one hundred and fifty-six commissions of major-general.

Had promotions to the highest grades of the Army been by seniority, as it is in the Navy, Colonel Hunt would have been for years a major-general, and, when retired, the senior of that grade.

As a retired officer he is now properly eligible to the rank whose duties he performed during the war, and was performing at the date of his retirement. Precedents for such promotions are numerous. Besides the cases of Colonels Robinson and Sickles, and Lieutenant-Colonel Carroll and Major Ricketts, who were retired as major-generals under the general acts of August 3, 1861, and July 28, 1866, there is the case of Brigadier-General Ord, retired on his brevet rank of major-general by special act, January 28, 1881, and of Col. S. P. Heintzelman as major-general, by joint resolution April 10, 1869; Colonel Crawford, as brigadier-general, by special act of March 3, 1875; and Colonel Emory as brigadier-general, by special act of June 26, 1876.

To illustrate the saving by the Government in consequence of restricting the chief of artillery to the grade and the staff of a brigadier-general, instead of those of a major-general commanding a corps, the following tables are given:

Pay of a major-general during the war, per annum	$5,368 50	
Staff, five lieutenant-colonels	11,272 50	
Three aids	5,445 00	
		$22,086 00
Average pay of General Hunt as colonel and brigadier-general	3,453 50	
One inspector-general	2,254 50	
One assistant adjutant-general	1,561 50	
Two aids	2,966 00	
		10,235 50
Saving per annum		11,850 50
Saving for the four years of war		47,402 00

The esteem in which Colonel Hunt is held by his companions in arms is shown by the accompanying request in aid of this bill, signed by all the chiefs of the military bureaus of the War Department (Appendix B).

Your committee therefore recommend the passage of the bill.

APPENDIX A.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1884.

Statement of the military service of Henry J. Hunt, of the United States Army, compiled from the records of this office.

He was graduated at the U. S. Military Academy and appointed second lieutenant Second Artillery July 1, 1839; promoted first lieutenant June 18, 1846; captain, September 28, 1852; major Fifth Artillery, May 14, 1861; lieutenant-colonel Third Artillery, August 1, 1863; colonel Fifth Artillery, April 4, 1869; colonel and additional aid-de-camp, September 28, 1861; and brigadier-general of volunteers, September 15, 1862, "for meritorious services."

He received the brevets of captain United States Army, August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco;" major United States Army, September 13, 1847, "for gallant and meritorious conduct in the battle of Chapultepec;" colonel United States Army, July 3, 1863, "for gallant and meritorious services in the battle of Gettysburg, Pa.;" brigadier-general United States Army, March 13, 1865, "for gallant and meritorious services during the siege of Petersburg, Va., and in the campaign terminating with the surrender of the insurgent army under General R. E. Lee;" major-general United States Army, March 13, 1865, "for gallant and meritorious services in the field during the war;" and major-general of volunteers, July 6, 1864, "for gallant and distinguished conduct in the battle of Gettysburg, and for faithful and highly meritorious services in the campaign from the Rapidan to Petersburg, Va." He served with his company at Detroit, Mich., from August 30, 1839, to October 15, 1839; at Buffalo, N. Y., to September 21, 1840; at Madison Barracks, New York, to August 13, 1841; at Fort Adams, R. I., to August 29, 1843; at Fort Hamilton, N. Y., to October 3, 1844, and at Fort Columbus, N. Y., to August 15, 1845; conducting recruits to October 19, 1845; with company at Fort Adams, R. I., to June 1, 1846; with Light Battery *en route* to, and in, Texas, and in the war with Mexico (commanding battery from November 18, 1847, to June 24, 1849), to July 14, 1848; *en route* to, and at, Fort Columbus, N. Y., to October 11, 1848, and at Fort McHenry, Md., to July 1, 1849; on leave to December 15, 1849; with company at Fort Monroe, Va., to December 5, 1852, and at Fort Moultrie, S. C., to June 15, 1853; commanding light battery at Fort Smith, Ark., to August 16, 1853, and at Fort Washita, Ark., to November 24, 1853; on leave to March 30, 1854; commanding battery at Fort Washita, Ark., to November 14, 1856; member of board revising the system of light artillery tactics to September 30, 1857; commanding battery at Fort Leavenworth, Kans., to May 28, 1858; in the field on the expedition to Salt Lake, Utah, for the relief of Col. A. Sidney Johnston, to August 3, 1858, and at Fort Leavenworth, Kans., to August 31, 1858; member of board revising the system of light artillery tactics to March 22, 1860; commanding battery *en route* to, and at, Fort Brown, Texas, to December 13, 1860; on leave to January 2, 1861; commanding troops at Harper's Ferry, Va., to April 2, 1861; commanding battery at Fort Hamilton, N. Y., to April 6, 1861; *en route* to, and at, Fort Pickens, Fla., to June 27, 1861; *en route* to Washington, D. C., and in the field, Virginia, to July 26, 1861; chief of artillery, defenses of Washington south of the Potomac, to September 16, 1861; commanding artillery reserve Army of the Potomac, at Washington, D. C., to March 10, 1862, and in the field, Virginia (Peninsula campaign), to August 21, 1862, being also employed as member of a board to fix number and caliber of guns at permanent fortifications and field batteries from November 26, 1861, to some time in March, 1862, and president of the board to report upon the various kind of rifled cannon and ammunition therefor, and to examine projectiles to replace those in use in the Army of the Potomac from November 1, 1861, to some time in January, 1862; forwarding batteries from Acquia Creek to General Pope's army in Virginia from August 22, 1862, to some time in September, 1862; chief of artillery, Army of the Potomac, from September 5, 1862, to June 27, 1865 (assigned and on duty according to his brevet rank of major-general from December 29, 1864, to April 30, 1865); commanding artillery division, Department of Washington, to some time in August, 1865, and the district of the frontier at Fort Smith, Ark., from September 13, 1865, to March 24, 1866.

He was honorably mustered out as brigadier-general of volunteers April 30, 1866.

He was appointed president of the permanent artillery board, in reference to the interest and efficiency of the artillery arm, in session from April 2, 1866, to August 29, 1866; on permission to delay to January 18, 1867; member of board to determine the caliber and proportion of rifled guns for the armament of fortifications to February 27, 1867; commanding Fort Independence, Massachusetts, to April 29, 1867; Fort Sullivan, Maine, to February 5, 1869, Fort Jefferson, Florida, to April 5, 1869; regiment and post of Fort Adams, Rhode Island, from May 20, 1869, to July 28, 1870, being also in command of the Canadian frontier from Lake Ontario to Lake Champlain, with headquarters at Malone, N. Y., during the Fenian disturbances April and May, 1870; commanding the district of North Carolina, July 28 to September 13, 1870, and Fort Adams, Rhode Island, to July 4, 1871; member of board preparing a system of general regulations for the administration of the affairs of the Army to May 23, 1872; commanding post of Fort Adams, Rhode Island, to March 2, 1873; on leave to April 23, 1873; commanding Fort Adams, Rhode Island, to August 24, 1874; on court-martial duty at Fort Sanders, Wyoming, to September 26, 1874; commanding Fort Adams, Rhode Island, to November 30, 1875, and at Charleston, S. C., to November 12, 1876; under orders of the Secretary of War to February 21, 1877; commanding post of Charleston, S. C., to April 12, 1877; on leave to June 20, 1877; commanding post of Charleston, S. C., to April 21, 1879, and Atlanta, Ga., to September 19, 1879; on court-martial duty in Kansas to December 3, 1879; commanding post of Atlanta, Ga., to December 21, 1880; on duty in Washington, D. C., to January 6, 1881, and commanding the Department of the South at Newport Barracks, Kentucky, according to his brevet rank of brigadier-general, to March 3, 1883, and as colonel to September 14, 1883, when he was retired from active service by operation of law under the provisions of section 1 of the act of Congress approved June 30, 1882.

In the war with Mexico he was attached to Duncan's battery, and was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Churubusco, Molino del Rey, storming of Chapultepec, assault on the Garita San Cosmé, and capture of the city of Mexico. In this campaign he was twice wounded. He commanded his battery at the battle of Bull Run, Virginia, July 21, 1861; commanded the artillery reserve in the Peninsular campaign of 1862. At the siege of Yorktown, the battles of Gaines's Mill, Garnett's farm, White Oak Swamp, Glendale, Turkey Bend, and Malvern Hill. As chief of artillery he commanded the artillery of the Army of the Potomac in the subsequent campaigns of that army, being engaged in the battles of South Mountain, Antietam, and Fredericksburg, in 1862; Chancellorsville, Gettysburg, Rappahannock Station, in 1863; Wilderness, Spottsylvania Court-House, North Anna, Totopotomoy, Cold Harbor, assaults of Petersburg, June 15-18, 1864; siege of that place and its capture, and was present at the capitulation of the Army of Northern Virginia, at Appomattox, April 9, 1865. All the siege operations at Petersburg were placed under his general direction by the following orders:

[Special Orders No. 43.]

HEADQUARTERS ARMY OF THE UNITED STATES,
City Point, Va., June 27, 1864.

In all siege operations about Petersburg, south of the Appomattox, Brig. Gen. H. J. Hunt, chief of artillery of the Army of the Potomac, will have general charge, and be obeyed and respected accordingly. Col. H. L. Abbot, in charge of the siege trains, will report to General Hunt for orders.

By order of Lieutenant-General Grant.

T. S. BOWERS,
Assistant Adjutant-General.

One army corps of the Army of the James co-operated with the Army of the Potomac south of the Appomattox; also the siege trains under Colonel Abbot were used for the operations of both armies.

R. C. DRUM,
Adjutant-General.

APPENDIX B.

WAR DEPARTMENT,
Washington City, January 15, 1884.

SIR: I have the honor to transmit to you a testimonial of all the chiefs of the military bureaus in this department, showing the high estimation in which they hold the public services of General Henry J. Hunt, in relation to whom a bill has lately been introduced in the House of Representatives.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

General W. S. ROSECRANS,
Chairman Committee on Military Affairs,
House of Representatives.

WASHINGTON, D. C., *January* 11, 1884.

The undersigned desire to express their gratification that a bill has been introduced into the House of Representatives placing Bvt. Maj. Gen. Henry J.

Hunt on the retired-list with the rank of major-general. General Hunt was distinguished in the Mexican war; and in the late war his reputation as a gallant, efficient, and thorough soldier rose with his services, which were distinguished in the highest degree in almost every battle fought east of the Alleghanies. Forty-four years of such service richly and justly deserve recognition by Congress.

The undersigned heartily concur in this proposed action by Congress, and strongly recommend that this bill become a law.

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.
D. B. SACKET,
Brigadier and Inspector General, U. S. A.
WM. B. ROCHESTER,
Paymaster-General, U. S. A.
R. MACFEELY,
Commissary-General of Subsistence, U. S. A.
S. B. HOLABIRD,
Quartermaster-General, U. S. A.
R. MURRAY,
Surgeon-General, U. S. A.
H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major-General.
W. B. HAZEN,
Chief Signal Officer.
D. G. SWAIM,
Judge-Advocate General.
R. C. DRUM,
Adjutant-General.

Mr. WHEELER. Mr. Chairman, I trust there will be no opposition to this bill, and if there is none, and there be no objection, I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. PRICE. There is some slight opposition to the bill.

Mr. WHEELER. If there is, I claim the floor.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] is entitled to the floor for one hour if he desires it. He can occupy it now or he can yield at this time to the gentleman from Wisconsin [Mr. PRICE] and reserve his time.

Mr. WHEELER. I will reserve my time.

Mr. PRICE. I only desire for a moment the attention of the House. I understand as well as any gentleman can it is a thankless effort or task to undertake to stem the tide of sentiment that has too long governed the action of this House in the appropriation of pensions based on rank, and purely on rank and position. All that has been said, or may hereafter be said, eulogistic of the character and military record of General Hunt, I fully indorse now. But I look abroad over this country and I find there is an amount of unrest that causes thoughtful men to fear for the consequences of a dissatisfied rebellion, turbulent feeling among the masses, arising mainly from a conviction forced upon their minds by our acts that we are unjust as between those who serve and those who govern.

Looking over the statutes, I find it cost us last year $1,113,000 to pay our retired Army list. I do not know that that is a dollar more than it ought to be. But I do know, if you continue this practice, you may continue it until the hour shall have arrived when the people will rebel, if they are not already in a condition of rebellion against a system based upon simply official position.

Will you tell me that the man who commanded, bright, brilliant, gallant, brave, daring as he may have been, is the only one entitled to the gratitude of this American people? Will you tell me that as an American Congress we can sit here day after day and year after year legislating in the interest of these men because of their conspicuous gallantry, while other men equally brave, equally self-sacrificing, equally devoted to principle are starving in squalid homes and dying in poor-houses all over the country? I tell you the system is unjust in itself and disastrous in its consequences and will react against us some time unless we remedy the wrong.

Look over the retired-list of your Navy and you will find that $778,000 were appropriated to it last year. I understand there are two conditions in which men may be retired; and those reasons for retirement are certainly entitled to consideration on the part of the Government. One is when an individual is retired because of age. That is part of the contract. The other is when by reason of wounds received in the service he has become disqualified from duty, in which case he is entitled to be retired with three-fourths pay. That also is part of the contract. You will find that last year $55,000 were paid to men mentally and physically disqualified, but not so disqualified from any cause attributable to the service.

As I have said, this whole principle is unjust in its operation and disastrous in its consequences. We have no right to expect the people to be attached to the institutions of our country if you continue in this line by making the rich richer and the poor poorer.

Bring in, if you will, one broad comprehensive pension bill making a distinction between those who served and those who commanded. I might consent to such a general bill; but I protest in the name of honesty and of the American people against singling out individual cases in this way. Take this man who has been receiving, according to the report, $3,450 a year. You propose to make his pay over $5,000. The report says we have been saved the difference between these two amounts. And, therefore, because he has not received the highest compensation known to the law in the highest position in the Army, his pay must now be increased from three thousand dollars and odd to five thousand dollars and odd. This proposition has only to be looked at for one minute, and regarded by the light of facts outside the atmosphere which pervades this Chamber, to be recognized as repugnant to every principle of justice and to the fundamental idea of our political and social system that every American has the right to be equal to every other American. His was not the only patriotism; his was not the only gallantry.

I venture the prediction that when applications are made here for other men who served in the ranks, men as brave, as gallant, as capable of leading (they could not all be leaders), you will leave them neglected, forlorn, forsaken, and will thus intensify the feeling of popular indignation which, if you continue this practice of legislating for favorites, must produce results greatly detrimental to the interests of the whole country. Gentlemen say we must reward and encourage these men because we shall need them in positions of command in the event of another war. Sir, I grant that we shall need commanders, but if these recognitions are intended to stimulate men to exhibit the characteristics of daring and military leadership, if that is your motive, I ask, where are the objects, where are the stimulants, that will induce men to take up arms and rush to fill the ranks of your armies? Are you pursuing this course of policy in the expectation that your next army is to be made up of those in command only? Whether that is your purpose or not your policy will inevitably have that tendency. I can show you on my table scores of letters from men who served in the ranks of the armies of the Union, who say in substance, "We would not enlist again nor have our children to enlist if the present policy of legislation in these matters is to be continued." In the long three years that I have had any personal knowledge of Congress I have never known but one of these outrageous propositions beaten by the House, and that was on last Monday week.

In that case it was proposed to raise a pension from $30 to $50 a month, and this House deliberately and intelligently defeated the proposition. Here is a bill involving the same principle, because in that case the proposed increase was based solely upon the fact that the applicant was the wife of a major. In this case a colonel or a brigadier-general is to be the beneficiary, and gentlemen seem to be tumbling head over heels after each other to see which can get there first to pass the bill. I believe that if there was a proposition here to vote a pension of a million dollars to a brigadier-general with a sore toe, men would advocate it and vote for it who would not be willing to vote a pension of two dollars and a half to a man who served under him in the ranks and who risked his life as bravely and gallantly as any leader ever did. I make no fight on the leaders. I hold that when a man assumes leadership he is not necessarily any less a good man on that account; but I hold also that when he steps down and goes back among the people whence he came, he becomes one of them again and is entitled to no more consideration, no more reward, and no more blame because of his leadership than any of his equally worthy fellow-citizens.

Mr. Chairman, I would not be regarded as among those who say that a man in an official position must necessarily be a bad man, or that a man because he is in the possession of wealth must necessarily be a bad man; but neither wealth nor position is any index to me of the strength of the claim that a man has upon the justice or the generosity of his country.

Mr. WHEELER resumed the floor, and yielded five minutes to Mr. PETTIBONE.

Mr. PETTIBONE. Mr. Chairman, I do not agree with my eloquent friend from Wisconsin [Mr. PRICE], that because I can not do justice all at once to all men I therefore will not do justice to any particular individual. I believe, sir, in doing what I can when I can, and it is enough always to control my vote for me to know that I am dealing with the case of some citizen who, for distinguished merit, for distinguished courage, for distinguished skill and capacity, has deserved well of the Republic. I am heartily in favor of the passage of this bill, and I say to the gentleman from Wisconsin [Mr. PRICE] that it does not become any civilian who staid at home during the war to criticise what we soldiers desire to do for each other. Mr. Chairman, the gentleman says that he does not favor any stimulant being offered for distinguished service, for distinguished devotion, for distinguished ability. There is where he and I differ *toto cælo*. I would give such stimulants—stimulants of reward, of honor, of fame—to every worthy soldier of the Republic, so that we may have leaders in time of need upon whom we can depend. And, sir, as a volunteer soldier, I repel the statements which the gentleman says are contained in his letters, that if we do such things as this bill contemplates his constituents or his correspondents will never again rally to the defense of the country. I will tell you what sort of soldiers those men were. They were bounty-jumpers; not the boys that went to the front. The young men that went to the front did not go for pay. I know of young men who resigned places worth $100 a month and more to eat "hard-tack" and bacon and fight those gentlemen over there for $13 a month. It will be ill for America when the idea prevails that because we give a pension, because we give a mark of distinction to a veteran general whose gallantry and skill, as I verily believe, turned the tide of battle at Gettysburg, the country is going to be ruined and all the patriotism taken out of the bosoms of the men who carry the muskets. It is false, and I repel it.

Mr. WHEELER resumed the floor and yielded ten minutes to Mr. PETERS.

Mr. PETERS. Mr. Chairman, in the last Congress I opposed a bill similar to this having for its purpose the placing of Colonel Hunt on the retired-list as a major-general. I do not desire to occupy to-day much time on this question. I am opposed to this bill because I do not think it is right. I differ entirely from my friend from Tennessee [Mr. PETTIBONE] in regard to the efficiency of the artillery service at Gettysburg; but I do not think the efficiency or inefficiency of the artillery at Gettysburg has anything to do with the bill before the House.

The main reason urged for the passage of this bill is the fact that Colonel Hunt, during the war, had tendered to him and might have accepted the position of major-general, but for various reasons, which to him seemed sufficient, declined to accept that promotion. I say, Mr. Chairman, in all candor, that ends the matter as far as this bill is concerned. He has no claim upon this country or this Congress which entitles him now to come and ask that Congress give to him what he declined to accept during the war. He not only declined to accept this promotion, according to the report of the committee, but by doing so he kept meritorious officers under him from receiving promotion to which they were entitled. In this way he did an injustice to a large number of officers who were doing as valuable service during the war as he did, and who were entitled to the promotion which he prevented them from receiving by refusing to accept promotion when it was offered to him. His services were no greater than those rendered by a large number of other officers in the military service during the war.

Another reason that is urged in favor of promoting Colonel Hunt now to the position of major-general is the fact that he was subjected to enormous expense by reason of his being the chief of artillery. I think that is a very flimsy excuse to be presented in any report as a reason why we should at this late day place this gentleman upon the retired-list of the Army as a major-general.

Aside from other considerations, the war is now over, and this gentleman is not in needy circumstances. It is not urged that the salary which he receives as a colonel on the retired-list is not sufficient to maintain him during the remainder of his life. I can not, therefore, look upon this bill in any other light than a proposition to give to him a certain amount of money which he does not need to make him comfortable in his declining years, while it is taking it from others who do need it.

The bill seems to me unjust in principle and one which should not be tolerated. I simply desire to enter my protest against any bill of this kind, especially the one before the House; and I call upon all those who are in favor of correct principles to vote against its passage.

Mr. WHEELER addressed the committee. [See Appendix.]

Mr. PRICE. I yield now for fifteen minutes to the gentleman from Indiana [Mr. JOHNSTON].

Mr. JOHNSTON, of Indiana. Mr. Chairman, I do not feel like opposing any bill the object of which is to promote a soldier for meritorious and gallant service in behalf of his country. But I do feel called upon to oppose this bill for several reasons. I believe I can speak for this side of the House as well as for myself that we are thankful to the gentleman from Alabama [Mr. WHEELER] for the lecture for our action toward the soldiers. And in answer to him I will say we will try to take care of our soldiers if we are permitted to do so.

Now, with several other gentlemen upon this side of the House, I have thought the principle is a wrong one to select out one particular soldier and give him promotion and distinction while there are thousands of other men who were as gallant and as meritorious who are left uncared-for, unrewarded, and neglected.

Let us see exactly how this matter stands. If I understand the position of this gentleman, he was taken by the Government when a boy, educated at its expense at the Military Academy at West Point, selected out because he happened to be one of the favored few to be educated at the expense of the General Government, graduated at that military institution, and then entered the service as an officer of the regular Army. He served in that capacity, adopting a service of his own choosing, until he was old enough to go upon the retired-list. Now this bill proposes to give him a rank upon the retired-list which he did not have while he was on duty in the service; a distinction this House would not confer on any volunteer officer of the Army, I do not care how gallant or how meritorious he may have been.

But, sir, I object to it for a further reason; and I will object to it although I do not know whether there is another member on my side of the House who will agree with me. I see by the public prints the President of the United States has decided that in making appointments to the Military Academy at West Point and to the Naval Academy at Annapolis he will prefer the sons of officers of the regular Army and Navy over the sons of the private soldiers who carried the flag and saved their country. For one I do not believe that principle is a right one. I do not believe because a boy happens to be the son of a man who was educated at the expense of the Government at West Point or the Naval Academy he should have preference in being selected to go to one of these institutions over the son of a private soldier or sailor who may have been more meritorious and braver.

Now, sir, this bill leads right along in that same channel, that because you once educated a man at West Point you must not only look after him forever but he must be singled out; and because he has been educated by the Government he must have special privileges thrown around him, thus establishing a privileged class, which I do not believe to be right. It is following right along in the same position I understand the President to have taken that he will select out and promote only this favored class and the sons of this favored class and leave the rank and file of the country, while the son of the poor laboring man or soldier who may have carried a musket and knapsack for four years must stand back. For one, I am opposed to the introduction of any such canker of aristocracy into our system. I am opposed to any class arrogating to itself the privilege of preference in promotions and that all others must stand back. I say the principle is wrong, whether there is any member on this side of the House who will agree with me or not. I say to the gentleman from Wisconsin [Mr. PRICE] I will stand by him and vote against this bill as a matter of principle.

He is already retired with the full rank he was entitled to or earned in the service, and you had just as well go back and say you will take some private soldier out of the ranks and have him mustered as a captain as to pass this bill. Why, Mr. Chairman? Simply because of the fact that the soldier was too big a coward to rush to the front and do his full share of the fighting; he did not go to the front; he was not disabled or killed, and therefore he kept himself safe, and if the other man had kept out of the way he would have got the promotion. That is just the same principle embodied in this bill. You seek to promote this man now because there were some circumstances at the time that kept him from getting the promotion. Why, any circumstances that kept him from getting the promotion would justify the passage of the bill if you can find justification for it on such a report as this.

I do not believe the bill is right, for it makes a special object of this man, while you say to the thousands of men, equally brave, equally determined, equally meritorious, we will not grant you relief, but we will take up an isolated case—the case of a man mentioned here—because he happened to be a graduate of West Point, and promote him to the exclusion of every other soldier.

I say, sir, that is not right, and I will be found in opposition to the principle embodied here whenever a vote is taken upon the question.

Mr. PRICE. I yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. SPRINGER. I hope the gentleman from Tennessee will yield to me just a moment.

Mr. MCMILLIN. Very well.

Mr. SPRINGER. I merely wanted to correct a statement of the gentleman from Indiana [Mr. JOHNSTON] in regard to a publication that he has seen in the newspapers to the effect that the President stated he would recommend the sons of Army and Navy officers exclusively for appointment to positions in the Academies at West Point and Annapolis as against the sons of the private soldiers of the Army.

Mr. JOHNSTON, of Indiana. I should have remarked, Mr. Chairman, in this connection, that I saw this in a Democratic newspaper. I do not know, therefore, whether it is true or not. [Laughter.]

Mr. SPRINGER. I do not know whether it is true or not, either; but the gentleman stated it upon his authority, and I supposed the intimation was that he believed it to be true. But I want to assure him that the President of the United States has made no such statement. If anything whatever has been said upon the subject it was simply to the effect that our Army and Navy officers, having no fixed place of residence in the country, have as a consequence no members of Congress to whom they can apply for the appointment of their sons to these positions. As to the soldiers, they are all over the country; they are in our Congressional districts; their sons are eligible to appointment from the Congressional districts, and consequently their interests are looked after by their Representatives.

Mr. JOHNSTON, of Indiana. That applies I presume only to the appointments to be made by the Executive, not to those which are made by members of Congress.

Mr. SPRINGER. As I understand it, the gentleman has reference now to the twelve who are to be appointed at large. This class of appointments was intended for the benefit of the officers of the Army and the other citizens who have no fixed abodes, and who consequently can not have their sons appointed through the members of Congress.

Mr. JOHNSTON, of Indiana. As a matter of fact is it not true that he did appoint sons of the regular officers of the Army?

Mr. SPRINGER. That list was intended expressly for that purpose. As I have said, it applies to the sons of officers of the regular Army and officers of the Navy who have no fixed place of abode in the Congressional districts, and also to citizens of the District of Columbia for instance, who can not get any such appointments from the Congressional districts because they have no representation or no representatives through whom they can be appointed. The gentleman knows, of course, that before such appointments can be made the applicant must swear that he has been a resident of the district from which he is appointed for at least twelve months preceding the date of the appointment. Therefore if it was not for this list the sons of the Army officers and citizens of the District of Columbia would be deprived of the possibility of sending their sons to the academy.

Mr. JOHNSTON, of Indiana. Can not the son of a regular Army officer enter if he is successful in his competition for the place just as well as any other boy?

Mr. SPRINGER. He can, of course; but not unless he has been a resident of the locality for the time fixed. The gentleman will observe, when he gets authority to make an appointment of a boy, that the fact that he has been a resident of his district for the twelve months immediately preceding will be a prerequisite.

Mr. JOHNSTON, of Indiana. But he has got a home somewhere.

Mr. ROGERS. No; not within the terms of the law making these appointments. This implies citizenship.

Mr. McMILLIN. Mr. Chairman, there was a bill introduced in the last Congress for the purpose of bestowing the benefaction that is intended by this bill upon Colonel Hunt by name. That bill failed to become a law. This bill seeks to accomplish the same result in a different way. In the title of the bill, as it has been read, his name does not appear as the beneficiary; but the object of the bill is the same. We find that the opening sentence of the report is as follows:

We find that the only officer in the Army who can be affected by the bill is Col. and Bvt. Maj. Gen. Henry J. Hunt.

The question is whether the House is ready to enter upon this species of class legislation for the benefit of individuals. It is not claimed that General Hunt did not obtain the rank he earned in the line of his soldierly action during the war. It is not claimed so far as I can see that any discrimination was made against him during the war. This bill was here and was discussed in the last Congress, and it was stated in the debate that took place, which I will not take the time of the House to recur to and read—it was stated very specifically that he chose this line in preference to any other. And who would not rather be the chief of the artillery division of the great Army that the Government of the United States mustered than be in a subordinate place with even a little higher rank? He chose his place.

In the last Congress one of the foundations on which the claim was proposed to be rested was that this officer had spent large sums of money in the entertainment of those who had come into contact with him during the war. It has been found by experience that that is not a good basis upon which to rest a claim looking for an appropriation from the Treasury.

The question here is, Shall we enter upon this legislation? What demand is there for it? What excuse is there for it? Have we not tens of thousands of men in this country who fought as valiantly as Colonel Hunt did? And in making that comparison I am not proposing to be invidious, for that he was brave, that he was efficient, that he had all the ability necessary to discharge all the duties that devolved upon him, I not only admit, but state with pride and to his credit. But if we begin here where is the practice to stop? Where are we to draw the line? We legislate for General Hunt to-day. General somebody else will come to-morrow. It is true the time fixed in this bill is after forty years of service. But who can tell that next year it will not be thirty years of service; that the year following it will not be twenty years; and that in place of Congress devoting its time to the public measures to meet evils and wants that cry loudly for remedy and for relief, our time will be frittered away in considering special cases that are of a questionable propriety, and establishing precedents that can result in injury and injury only?

I have not the pleasure of a personal acquaintance with General Hunt. I have no feeling in the matter save to do what is best in legislation; and in doing that we must remember that the action of to-day becomes the precedent of to-morrow, and the custom of times following.

Now, is there sufficient excuse for this? Is it claimed by any member that the salary which this officer gets as a colonel is not sufficient to sustain him? No man will be rash enough to say that. If I remember correctly Colonel Hunt gets over $3,000, without any expense or cost entailed on him by his position except that of his own living and without any duties to perform. What is the reason for this increase? Why should we go into this class of legislation? It must be remembered that to-day he gets more than three-fourths of the governors of the States receive, notwithstanding that they have multiform duties and many kinds of expenses to meet out of their salaries.

I would be slow to do injustice to any man. But I do not think it is injustice to let one American citizen, protected by the laws and the Constitution of his country, take the same fate that falls to the lot of all the other citizens. It is not simply the amount of money involved in the bill. It is not simply the elevation of this officer to a different rank. But it is the class legislation, taking one citizen that has no more bravery than another, no more claims upon the Government than any other man who sacrificed his health and his life for the good of his country, and elevating that one man. It taxes the humble man who earns but $150 a year to pay this man more than $5,000 a year. There is no justice in it. It is not demanded in the interest of wise legislation. No precedent can be claimed for it; and I insist, Mr. Chairman, that this soldier will evince the highest type of patriotism and of that manliness which is of the very essence of good citizenship by taking the same lot that is given to all citizens by that flag and by our common Constitution and common laws, and living contentedly under them.

The CHAIRMAN. The gentleman from Wisconsin [Mr. PRICE] has fifteen minutes remaining.

Mr. PRICE. I shall reserve that time until the gentleman from Alabama [Mr. WHEELER] shall have occupied his time.

Mr. WHEELER. I understand the chairman of the Committee on Military Affairs desires to take an hour in his own right.

Mr. REED, of Maine. If no one else takes the floor at this time, I desire to make some remarks.

The CHAIRMAN. The gentleman from Maine is recognized.

Mr. REED, of Maine. I think there is enough in this bill in its phraseology and its peculiar characteristics to awaken the attention of the House, not merely to this bill, which is perhaps of itself of little consequence, but to the whole class of bills of like character, and to the kind of business to which the House is invited. Here is a bill which when it was originally introduced specified the name of the individual who has been the subject of discussion in the House. It is evident that careful consideration has induced his friends to abandon that form of bill. And why? Because the Constitution of the United States declares that all officers, with certain exceptions, shall be appointed by the President of the United States, and not by the legislative branch of the Government. This bill, therefore, was changed because the other form of bill, which was like the Fitz-John Porter bill, was unconstitutional.

Now, how does it treat the situation? There are four descriptions of the officer who is to receive the honor of Presidential selection. First, he must be on the retired-list; second, he must have been chief of artillery in one of the large armies of the United States; third, he must have held an artillery commission for forty years; and last, he must have been retired with the rank of major-general and the thanks of Congress. What does that mean? It means General Hunt. This, as a gentleman has observed in familiar phraseology, this is "whipping the devil around a stump;" but it is a confession that there is a stump. It is an admission that this is an attempt on the part of the legislative branch to usurp the powers of the executive—a thing not to be desired nowadays. If we discard this kind of legislation, when presented directly, as unconstitutional, why should we pass upon it when it is presented in the guise of a fraud? Does an unconstitutional act become any better on account of a fraudulent evasion of the Constitution? Why, see the field of honest endeavor that is opened to this House by a bill of this kind. We are to take charge of the distribution of rewards among Army officers in a war that had its last throes more than twenty years ago; we are to adjudicate upon all the claims of favor, upon the jealousies, upon the personal pride, upon the personal hopes, of the officers of the armies that participated in the last war. Are you prepared to undertake that? Think of the time and the eloquence and the maps that were spent upon the case of one man at the beginning of this session. Think of the time of the public that was wasted because that question was forced upon us. Are we to have these things forced upon us day after day? If they are presented and presented with any considerable force we must debate them. Is it not worth while to give measures of this kind, by our vote to-day, such a quietus that we need be troubled with them no more?

We have a docket encumbered beyond parallel with business that legitimately belongs to us under the Constitution. Do we want to add to it a long list of cases like this, of which we have no constitutional control whatever?

Mr. SPRINGER. I would like to ask the gentleman from Maine a question.

The CHAIRMAN. Does the gentleman from Maine yield?

Mr. REED, of Maine. With the greatest pleasure.

Mr. SPRINGER. I wish to ask the gentleman whether there is any difference between the bill for the relief of Fitz-John Porter, which he pronounces unconstitutional, and the case of General Grant.

Mr. REED, of Maine. I think so.

Mr. SPRINGER. Will the gentleman state what the difference is?

Mr. REED, of Maine. Oh, no. I am not giving instruction in legal distinctions to the gentleman from Illinois. It would be absolutely impossible for me. I should have to start from the ground. [Laughter.]

Mr. SPRINGER. Yes. I think it would be impossible for the gentleman to point out the difference, for there is none, so far as the power of Congress is concerned.

Mr. LAIRD. Mr. Chairman, there are some questions of fact involved in this matter to which I wish to address myself. The distinguished gentleman from Maine [Mr. REED] presents an issue of law, and he supports it by the fact that a like attempted encroachment upon the powers of the Executive has recently been met with a striking rebuke. Well, Mr. Chairman, from my standpoint, and possibly from the standpoint of the distinguished gentleman from Maine, the American Congress is about as competent to exercise both the legislative and executive functions as the gentleman at the other end of the Avenue [laughter], at least I will answer for my share of the responsibility. But to the question of fact. I had not intended to say anything about this, because I am not particularly anxious to inflict myself upon the House, but I understand something of the facts from personal knowledge, and if General Hunt, the old chief of artillery of the Army of the Potomac, is to go down in this House to-day, I want the honor of going down with him.

General Hunt, to my personal knowledge, is as poor as Lazarus and he is as proud as Lucifer. I do not believe that for all the rewards that can come to him by virtue of your favorable action upon this bill he would submit himself for a moment to the sneers and reflections of the gentlemen upon this side of the House. I trust that if we discuss him at all we shall discuss him respectfully, as becomes us in the case of a man of whom it can without question be said that he stood at the head of the most conspicuous branch of our military service and earned a right to the title that was bestowed upon the knight of old—that of being without fear and without reproach. And as he was then he is now and will be forever.

My friend from Kansas [Mr. PETERS] finds in the fact that General Hunt, then commanding the artillery of the Army of the Potomac, refused to accept promotion a grievous fault. I admit, sir, that therein General Hunt sinned against the judgment of the gentleman from Kansas—a judgment formed a quarter of a century after the fact. I admit that therein he may have sinned against the judgment of some gentlemen who were conspicuous in the pursuits of peace during the four years of war when this man commanded a conspicuous arm of your service.

I apprehend, Mr. Chairman, that some of us might not be so round and fat and sleek and mighty physically, shining like the shield of Achilles to-day, if we had undergone even a part of the vicissitudes of war which fell to the lot of General Hunt.

General Hunt, for the good of the service of his country, saw fit at that time to make himself an example of self-sacrifice. Does it become the American Congress to forget that in twenty-five years? General Hunt, at the head of your artillery service at the battle of Gettysburg, so massed his batteries upon Cemetery Ridge and so managed his branch of the service that Pickett's splendid charge broke harmlessly, bloody wave on top of bloody wave, against the foot of Cemetery Ridge, where Hunt's artillery stood. The sagacity of that officer upon that field—a field which chiseled the faces of brave men with terror, and which, when night closed, was strewn with the bodies of eighty thousand mangled men—the sagacity of that officer upon that field in reserving his ammunition for the confederate infantry may have made it possible for the flag of the Union to float in peace above this Capitol to-day.

Does it become the American Congress in the course of twenty-five years to forget this? Mr. Chairman, I submit there is this equity. General Hunt was willing to sacrifice himself to the demands of the service, and to the demands of a country then *in extremis*, and admitting this, shall we forget the mighty equity which springs from his brave sacrifice? So far as I am concerned, I speak as one of the people supposed to be opposed to this kind of legislation, for I belonged to the class of "mudsills" of the Army; and I believe my record will show that on every occasion where the opportunity has offered I have voted for that infamous class legislation called the placing of private soldiers upon the pension-roll. Am I thereby estopped from paying a proper tribute to the self-sacrificing leader when he is presented in his own proper person?

Mr. Chairman, I wish to say a word for the private soldiers (and as the Irish pilot said about the rocks in New York Harbor when his ship struck, I was one of them), that I think if they were here to listen to the expression of extraordinary solicitude for their rights and interests on the part of certain gentlemen—a solicitude which exhibits itself in a disposition to condemn all recognition of the leader, they would dispose of such professions much less respectfully than the gentleman now addressing the House is compelled to do. In view of the tender regard for one another's feelings which is enforced by the rules of the House I leave it to the imagination of the gentlemen to determine without restraint of rule the literal exactions of that estimate.

Mr. WARNER, of Missouri. Will the gentleman allow me to ask him one question for information? As he is a member of the Committee on Military Affairs, I would like him to state what is the pay now being received by Colonel Hunt as a retired officer?

Mr. LAIRD. I am frank to answer that I do not know. It is not a question of dollars and cents.

Mr. BRAGG. I will answer. It is $2,625.

Mr. STEELE. I think the chairman of the Committee on Military Affairs [Mr. BRAGG] is mistaken. Probably he does not count in the longevity pay.

Mr. BRAGG. After five years' retired-pay the longevity-pay commences, and is estimated on the retired-pay proper, the officer drawing after five years' service 10 per cent., after ten years' service 20 per cent., and so on.

Mr. STEELE. I think a colonel after twenty years' service gets $4,500, and when retired gets three-fourths of that amount.

Mr. BRAGG. I have the official Army pay-roll before me.

Mr. STEELE. What, then, is the pay of a colonel after twenty years' service?

Mr. BRAGG. The pay of a colonel on the retired-list is $2,625.

Mr. STEELE. What is the pay of a colonel after twenty years' service?

The CHAIRMAN. Gentlemen will suspend their remarks. The Committee of the Whole will rise informally to receive a message from the Senate

MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed the bill (S. 812) granting a pension to Mrs. E. A. Benham; in which the concurrence of the House was requested.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 5344) to amend section 304 of the Revised Statutes of the United States; agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MORRILL, Mr. ALLISON, and Mr. MCPHERSON.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1008) for the relief of Victor Beauboucher;
A bill (H. R. 1319) to increase the pension of Robert D. Fort;
A bill (H. R. 1625) for the relief of Frances McNeil Potter; and
A bill (H. R. 2021) granting a pension to Margaret A. Blake.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 135) granting a pension to Mary A. Tibbets;
A bill (S. 197) to increase the pension of Florence Murray;
A bill (S. 226) granting a pension to Margaret D. Marchand;
A bill (S. 231) granting a pension to Jennette S. Kent;
A bill (S. 276) granting a pension to Philip C. Enders;
A bill (S. 283) granting a pension to Isaac N. Minshall;
A bill (S. 284) granting a pension to Margaret B. Harwood;
A bill (S. 362) granting a pension to James H. King;
A bill (S. 364) granting a pension to Nancy Battorff;
A bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas;
A bill (S. 475) granting a pension to Mrs. Bridget Rush;
A bill (S. 570) for the relief of Jabez Burchard;
A bill (S. 674) granting a pension to Mrs. Ellen M. Mitchell;
A bill (S. 683) granting a pension to Henry O. Hill;
A bill (S. 721) to establish a national live-stock highway, and to promote commerce in live stock between the States;
A bill (S. 761) granting a pension to William Webster;
A bill (S. 811) granting a pension to Mrs. Susan Gilman;
A bill (S. 813) granting a pension to Miss Rebecca Miller;
A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam;
A bill (S. 1125) granting a pension to Noah Nelson;
A bill (S. 1363) granting a pension to William Blanchard; and
A bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company.

COL. HENRY J. HUNT.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. LAIRD. Mr. Chairman——

Mr. SPRINGER. Would it be agreeable to the gentleman from Nebraska [Mr. LAIRD] to yield now for a motion that the committee rise, retaining his right to the floor when this subject is resumed? I do not think we shall have time to pass all the bills which have been laid aside for a favorable report if this discussion continues.

Mr. LAIRD. Is the course suggested by the gentleman from Illinois [Mr. SPRINGER] agreeable to the gentleman from Alabama [Mr. WHEELER]?

Mr. WHEELER. It is.

Mr. LAIRD. Then I will yield for the motion that the committee rise. Of course it is understood that I retain my right to the floor.

The CHAIRMAN. When the consideration of this bill is resumed, the gentleman from Nebraska [Mr. LAIRD] will be entitled to the floor.

Mr. SPRINGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having resumed the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 33) for the relief of Alexander K. Shepard;
A bill (H. R. 4836) for the relief of Thomas McBride;
A bill (H. R. 4839) for the relief of E. P. McNeal;
A bill (H. R. 1905) for the relief of Theodore W. Tallmadge;
A bill (H. R. 2935) for the relief of James Price; and

A bill (H. R. 2995) for the relief of Francis H. Shaw.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased; and

A bill (H. R. 2066) for the relief of Alfred McMurtrie;

An amendment to an act (S. 416) for the relief of J. M. Lobban, was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

J. D. MORRISON.

A bill (H. R. 5187) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, was laid on the table, and, on motion of Mr. TUCKER, by unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was ordered to a third reading, was accordingly read the third time, and passed.

MRS. LIZZIE D. CLARKE.

The bill (H. R. 958) for the relief of Mrs. Lizzie D. Clarke was laid on the table; and the bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans, was ordered to a third reading, was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. Some pension bills reported from the Committee of the Whole House on the Private Calendar remain over and I presume come up now as unfinished business. Is it not in order to dispose of those pension cases coming over from last week?

The SPEAKER *pro tempore*. As the Chair understands the action taken at the preceding night session on these bills they are not in order and will not be until at a night session their consideration has been resumed. The Chair is informed the matter has been investigated by the Speaker of the House and he has come to that conclusion; that is, that until further order is taken at a night session they can only be considered at a night session.

THE COMMITTEE ON COMMERCE.

Mr. CLARDY. I am directed by the Committee on Commerce to ask for present action on the following resolution.

The Clerk read as follows:

Resolved, That Saturday, April 10, after the reading of the Journal, be set apart for the consideration of resolutions authorizing the construction of bridges across navigable rivers, the establishment of light-houses and ports of entry, and bills relating to the Life-Saving Service reported from the Committee on Commerce.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I have no objection to the first and last series of bills mentioned, but as to the others it seems to me there is nothing of a pressing character in them. Let the resolution be again read.

The resolution was again read.

Mr. HOLMAN. Ports of entry should come up in the regular way; but I have no objection to the others.

Mr. CLARDY. I will modify the resolution in that respect by striking out the words "ports of entry."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution as modified? The Chair hears no objection, and the resolution is before the House.

Mr. DUNHAM. I offer the following substitute for the resolution.

Mr. COWLES, of North Carolina. I object to the resolution.

The SPEAKER *pro tempore*. It is too late.

Mr. HOLMAN. I make the point of order against the proposed substitute that where unanimous consent has been given to a particular measure a substitute can not be offered of an entirely different nature.

The SPEAKER *pro tempore*. When the question is before the House for consideration by unanimous consent it stands in the same position as if it came up in regular order, and it is subject to amendments which are germane.

Mr. HOLMAN. Unanimous consent was given only for the purpose of receiving and adopting the resolution introduced by the gentleman from Missouri [Mr. CLARDY].

The SPEAKER *pro tempore*. Unanimous consent was granted for the introduction of the resolution for consideration, and as the Chair heard no objection the resolution came before the House.

Mr. DUNHAM. Let my amendment be read.

Mr. EDEN. I wish to give notice that if, when unanimous consent is given to consider a resolution from a committee to set apart a day for the consideration of a certain class of bills, the resolution is to be open to all sorts of amendments, in the future unanimous consent will not be given.

The SPEAKER *pro tempore*. That is a matter exclusively for the House to determine. The Chair has no control over it whatever.

Mr. CLARDY. I demand the previous question upon the resolution and also upon the substitute if that be held in order.

Mr. BUCHANAN. I ask that it be read.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

Resolved, That Saturday, April 10, immediately after the morning hour, be set apart for the consideration of bills reported from the Committee on Commerce other than the Eads ship-railroad bill and the bill for regulation of interstate commerce.

Mr. BUCHANAN. But the original resolution was by motion of the gentleman who offered it modified. I thereupon asked that the modified resolution be reported to the House in order to ascertain what it was upon which we were called to vote. It has not yet been read from the desk.

The SPEAKER *pro tempore*. The Clerk will report the resolution of the gentleman from Missouri as now modified.

The Clerk read as follows:

Resolved, That Saturday, April 10, after the reading of the Journal, be set apart for the consideration of bills authorizing the construction of bridges across navigable rivers, the establishment of light-houses, and bills relating to the Life-Saving Service reported from the Committee on Commerce.

Mr. CLARDY. On that I demand the previous question.

Mr. ROGERS. Let me ask, Mr. Speaker, how does the other proposition come before the House?

The SPEAKER *pro tempore*. The Chair submitted the request of the gentleman from Missouri [Mr. CLARDY] for unanimous consent for the consideration of the resolution which has just been read. The Chair asked if there was objection and no objection was made. The subject was then before the House for action. The gentleman from Illinois [Mr. DUNHAM] then moved as a substitute for the original resolution of the gentleman from Missouri that which has been read.

Mr. ROGERS. Has that been withdrawn?

The SPEAKER *pro tempore*. It has not been withdrawn, as the Chair understands. The gentleman from Missouri now moves the previous question upon the resolution and the substitute.

Mr. ROGERS. I want to give notice, Mr. Speaker, that we can not pass that resolution without a quorum of the House.

Mr. RANDALL. I would like to ask the gentleman from Missouri to indicate specifically to the House what character of bills is embraced in that resolution?

Mr. CLARDY. The resolution specifies the bills.

Mr. REAGAN. I think if the House understood the resolution which was offered by the gentleman from Missouri there would be no opposition to it. The Committee on Commerce has reported a large number of bridge and light-house bills and bills of that character, which members are especially interested in having some disposition made of, and which are not likely to lead to any contest on the floor of the House. The object of the Committee on Commerce, and its whole object, is simply to get a day set apart so as to enable us to get them before the House and acted upon in accordance with the wishes of many of the members of the House. I will state that it is not our purpose, and we do not propose to introduce any bill that will be controverted.

Mr. MCADOO. Let me ask the gentleman from Texas if it is the intention of the committee under that resolution to call up the bill to bridge the Arthur Kill; for if it is, I can tell him that there will be a very decided contest over it.

Mr. REAGAN. It is not the purpose to call up any bills which would lead to a contest.

Mr. BUCHANAN. It is important to understand exactly what bills the gentleman proposes to call up before such consent can be given.

The SPEAKER *pro tempore*. The previous question has been ordered, and debate is not in order.

The previous question was ordered.

Mr. DUNHAM. Mr. Speaker, I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. Has the previous question been ordered on the passage of the resolution and the amendment or simply upon the resolution?

The SPEAKER *pro tempore*. It has been ordered upon the resolution and the amendment.

Mr. ROGERS. I wish to make a parliamentary inquiry. I want to know what the vote now about to be taken is on.

The SPEAKER *pro tempore*. The Clerk will again report the substitute offered by the gentleman from Illinois [Mr. DUNHAM] upon which the vote is now to be taken.

The substitute was again read.

Mr. DUNHAM. If the House will allow me a moment I will explain the reason for offering that as a substitute. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on agreeing to the substitute of the gentleman from Illinois.

The substitute was not agreed to.

The question recurring on the adoption of the original resolution offered by Mr. CLARDY, the House divided; and there were—ayes 52, noes 17.

Mr. DUNHAM, Mr. MCADOO, and others. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. CLARDY and Mr. DUNHAM were appointed tellers.

Mr. WISE. I move that the House take a recess in obedience to the order of the House for Friday evening sessions.

The SPEAKER *pro tempore*. The House is now dividing upon a question, the point of order being made that no quorum is present; and hence the motion for a recess is not in order.

Mr. DUNHAM. Mr. Speaker, I have just been informed by members of the Committee on Commerce that the gentleman from Missouri was instructed by the committee to offer this resolution to-day in the form in which he has presented it. I was unaware of that instruction by the committee, and not desiring to act against my own committee, I withdraw the call for a quorum.

Mr. BUCHANAN. I renew it.

The CHAIRMAN. The gentleman from Virginia will then take the place of the gentleman from Illinois as one of the tellers.

Mr. CLARDY. I hope the gentleman will not insist upon that demand in view of the statement made by the gentleman from Texas.

Mr. BUCHANAN. I withdraw it.

So (no further count being demanded) the resolution of Mr. CLARDY was adopted.

Mr. HATCH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PILOTAGE.

Mr. HAMMOND submitted the views of the minority on the bill (H. R. 6390) to abolish compulsory pilotage as to American sailing vessels; which was ordered to be printed with the views of the majority.

And then, on motion of Mr. SPRINGER (at 4 o'clock and 47 minutes p. m.), the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

The SPEAKER *pro tempore* (Mr. CRISP). The Clerk will report the special order under which the House meets this evening.

The Clerk read the order, as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. MATSON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of business under the special order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider bills upon the Private Calendar under the special order.

MARIA K. RITTER.

The first business on the Private Calendar was the bill (H. R. 5693) for the relief of Maria K. Ritter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria K. Ritter, of Cass County, Missouri, widow of H. K. Ritter, deceased, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5693) for the relief of Maria K. Ritter, submit the following report:

We find that Maria K. Ritter is the widow of Capt. Henry K. Ritter, of Company H, One hundred and eighty-fourth Pennsylvania Volunteers, who enlisted May 12, 1864, and was discharged July 14, 1865. June 3, 1864, at the battle of Cold Harbor, Va., he received a gunshot wound in the left hand, rendering his hand, as the report made at the time says, comparatively useless. In August, 1865, he applied for a pension, which was allowed, and received by him until his death in 1879.

It is alleged that during his service he contracted chronic diarrhea, which, it is claimed, was the cause of his death. The hospital record shows that March 31, 1865, he was "sick in quarters with diarrhea;" April 12, "in hospital with diarrhea;" June 1 to 8, "in quarters, no diagnosis;" June 26, "sick with diarrhea." The examining board at Pleasant Hill, Cass County, Missouri, report in July, 1874, that partial paralysis of the arm had resulted from the gunshot wound.

Albert J. Briggs testifies to an intimate acquaintance with the soldier from 1866 until his death; that during all that time he suffered from chronic diarrhea; that about ten days before his death he had a severe attack and was much debilitated and weakened by it. Saw him several times during his last illness and conversed with the attendants, and believes that chronic diarrhea was the principal cause of his death.

Samuel Perry testifies to an acquaintance from 1870, and during all the time he was troubled with that disease; that he saw him quite often before he was taken with fever, and that he knows he was hardly able to leave his bed on account of chronic diarrhea; was his nurse during his last illness, and that he suffered terribly with that complaint. G. F. Whitman testifies that he was a near neighbor and nurse, and fully corroborates the statements made by last witness. I. M. App, as near neighbor and nurse, testifies to the same. This is also corroborated by George W. Schuyler, another neighbor. The attending physician gave as the cause of his death, pneumonia complicated with chronic diarrhea.

Dr. E. E. Gilmore testifies that a few days after soldier's death he consulted with the attending physician as to the cause of Captain Ritter's death, and that the doctor stated that he did not die of pneumonia; that the lung trouble was not of sufficient extent to produce death but that he died of constitutional debility resulting from his condition of long standing. John Crum testifies that he often heard Captain Ritter say that the chronic diarrhea would cause his death; that he had no hope of recovery. Two Army surgeons also testify to their treatment of him for the disease while in the service.

The case was thoroughly investigated by two special examiners, who took the testimony of some thirty witnesses, all of whom corroborate the evidence already recited. Both of the examiners expressed their belief that the case was meritorious.

The attending physician testified that the captain died from exhaustion, and not from asphyxia. The evidence is overwhelming that the soldier contracted chronic diarrhea in the service; that he suffered with it until his death. That he had pneumonia during his last illness is not questioned, and the case was rejected on the theory that the latter disease was the immediate cause of his death.

The probabilities are that had he not been attacked with pneumonia he would have lingered several days longer. It is equally probable that had he never suffered with chronic diarrhea he would now be alive.

Your committee are forced, from the testimony submitted, to the conclusion that the light attack of pneumonia would not have resulted in death had it not been for his enfeebled condition resulting from long years of suffering with the other disease, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. Mr. Chairman, that bill for the relief of Maria K. Ritter was passed over informally at the last Friday evening session at the request of Mr. MORRILL, of Kansas, who thought the case would be allowed in the Pension Office. He is not here at present, but I think the bill had better be passed over.

The CHAIRMAN. If there be no objection, the order just made will be reconsidered, and the bill will retain its place upon the Calendar.

There was no objection, and it was so ordered.

ISABELLA J. RAMSDELL.

The next business on the Private Calendar was the bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the rate of pension of Isabella J. Ramsdell, widow of David D. Ramsdell, who for over thirty years was a marine in the United States service, to $30 per month, and that the same begin at the death of her said husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1884.

Mr. MATSON. That bill was pretty fully discussed at a former evening session, and I ask that it be now passed over informally.

Mr. JAMES. Mr. Chairman, I was not present at the session when this bill was discussed. I would like to have some action taken on the bill, and I am prepared to make a statement of the facts, if the committee desire.

Mr. MATSON. There is no objection to hearing the gentleman's statement.

Mr. JAMES. Mrs. Ramsdell made application for a pension in the Forty-sixth Congress, and a bill granting it passed both the House and the Senate; but, being passed on the last day of the session, it was overlooked in some way and was not signed. In the Forty-seventh Congress no action was taken in the case. In the Forty-eighth Congress I introduced a bill granting her a pension and it passed the House, with arrearages. When the bill went to the Senate the arrearages were stricken out. Now, the facts of the case are these: This Mr. David D. Ramsdell served thirty-two years in the marine service. He served in the Florida war, in the Mexican war, and on the coast of China, and he also did some service in the war of the rebellion. His health, however, was completely broken down while he was in China. From 1868, when he left the service, until 1876, when, according to the statement of this report, he went into the United States marine hospital at Philadelphia, he was cared for by his wife, and she exhausted the little private property which she had in her own name in supporting him and caring for him. Then he went into the asylum, where he died in 1877. From 1877 until this time Mrs. Ramsdell has been entirely dependent upon the benevolent people about her, except in so far as she is supported by the pension, which she began to draw a little over a year ago.

The case is one of peculiar merit from the fact of the great length of service of Mr. Ramsdell. As I have stated, he served thirty-two years and was broken down in the service, and his wife was broken down in caring for him after he became disabled, so that she is now dependent upon the benevolence of her friends. Besides, she has an invalid daughter whom she has to support, and a young son who earns $3 a week. That is the extent of her income. Possibly the bill carries more than it ought to carry, and I am willing that it shall be amended so as to satisfy the views of the House.

The CHAIRMAN. The Chair will inform the gentleman from New York that there is an amendment pending which was offered by the gentleman from Tennessee [Mr. MCMILLIN]. The amendment will be reported by the Clerk.

The Clerk read as follows:

It is proposed to strike out the following: "And that the same begin at the death of her said husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1884;" so that the bill, if amended, will read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed

to increase the rate of pension of Isabella J. Ramsdell, widow of David D. Ramsdell, who for over thirty years was a marine in the United States service, to $30 per month."

Mr. MATSON. Mr. Chairman, the facts just stated by the gentleman from New York [Mr. JAMES] are the same that were stated here the other night; at least I do not remember that he has stated anything new. The proposition is to increase this widow's pension to $30 per month on account of her own physical disability and of the long service of her husband. That is an extraordinary proposition. There is another fact in the case which has been suggested to me, but which the gentleman from New York omitted to state, namely, that this lady now receives a pension by favor of act of Congress, having been unable to prove her claim in the Pension Office. It seems to me that we can not afford to make this kind of precedent, grading the pensions of widows by their own disabilities. I think it would be a dangerous precedent to establish. The question was very fully discussed the other night, and I am willing that this bill shall take the course that other unusual bills have taken; that is, that it shall be reported to the House to be acted upon next Friday. I am willing to make an agreement after we get into the House that all these bills that are of an extraordinary character shall be acted upon in the day session next Friday, when we can have a full House, or at least a quorum of the House, to vote on these extraordinary propositions. I make this suggestion in the interest of the business of these Friday evening sessions.

Whenever it becomes apparent that those of us who see fit to come here on Friday night have undertaken to pass bills that are extraordinary, that are innovations on the regular routine of pension business, our Friday evening sessions will be endangered, because the House will be necessarily alarmed at this extension of the privilege granted under the order.

The CHAIRMAN. Is there objection on the part of the gentleman from New York [Mr. JAMES] to the proposition of the gentleman from Indiana [Mr. MATSON]?

Mr. JAMES. I do not care to object to it.

The CHAIRMAN. Then, if there be no objection, the bill will go to the House with a favorable recommendation, to be acted upon, as suggested by the gentleman from Indiana, next Friday. The question is first on the amendment of the gentleman from Tennessee [Mr. MCMILLIN].

The amendment was agreed to.

The CHAIRMAN. The bill as amended will be laid aside to be reported to the House with the understanding stated by the gentleman from Indiana.

Mr. PETERS. I desire that the report in this case shall be printed in the RECORD, and also all other reports on bills acted upon this evening, whether they are read or not.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that the report in this case has already been printed in the RECORD.

Mr. PETERS. Then the order may be made as to the other reports.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

Mr. PERKINS. In order that there may be no misunderstanding, I wish to inquire whether we can secure action upon this bill next Friday except by ordering the previous question?

The CHAIRMAN. That is a matter rather to be determined when the committee rises and we get back into the House.

Mr. PERKINS. I make the suggestion now whether we shall order the previous question on these bills with the understanding that they will not be called up until next Friday.

The CHAIRMAN. The Chair believes that is the understanding.

MRS. LAURA HENTIG.

The next business on the Private Calendar was the bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig; reported from the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Laura Hentig, widow of Edmund C. Hentig, late a captain in the Sixth Cavalry, United States Army, and to pay her a pension at the rate of $50 per month, in lieu of that now allowed her.

The committee recommended the following amendment:

In line 7 strike out $50 and insert $30.

The report (by Mr. ZACH. TAYLOR) is as follows:

This case presents some strong reasons for an increase of pension, and we recommend that the bill do pass, after having been amended by striking out "fifty," in the seventh line, and inserting in place thereof "thirty."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

WILLIAM J. OWINGS.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings, reported by Mr. Zach. Taylor, from the Committee on Pensions.

The bill was read.

The CHAIRMAN. The gentleman from Missouri who introduced that bill is absent, and requests the present occupant of the chair to ask the committee to allow the bill to retain its place on the Calendar without prejudice.

Mr. PERKINS. Might not that bill be embraced in the arrangement we entered into a few minutes ago?

The CHAIRMAN. The Chair has stated the request of the gentleman from Missouri, and would prefer that that request should be acceded to.

There being no objection, the bill was passed over without prejudice

BETSEY MARTIN.

The next business on the Private Calendar was the bill (H. R. 4395) to grant a pension to Betsey Martin, reported by the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey Martin, widow of Jesse Martin, late of Capt. John Wheatley's company of Vermont militia, in the war of 1812 (her claim in the Pension Office was numbered 2668), said pension to commence from the date of the act of Congress granting pension to widows of soldiers who served in the war of 1812 with Great Britain.

The committee recommended the following amendment:

After the words "the war of 1812" strike out the following:
(Her claim in the Pension Office was numbered 2668), said pension to commence from the date of the act of Congress granting pension to widows of soldiers who served in the war of 1812 with Great Britain.

The report (by Mr. ZACH. TAYLOR) is as follows:

The Committee on Pensions, to whom was referred House bill No. 4395, recommend that it pass as amended by the committee, which amendment is as follows: Strike out all after the word "twelve," in the eighth line.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN DUBACH.

The next business on the Private Calendar was the bill (H. R. 704) granting a pension to Benjamin Dubach; reported by the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Benjamin Dubach, dependent father of Adolph Dubach, deceased, late a private in Captain Fleming's company, Tenth Kansas Volunteers, subject to the conditions and limitations of the pension laws.

The committee recommended the following amendment:

In line 6 strike out the words "Captain Fleming's company" and insert in lieu thereof "Company K."

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 704) granting a pension to Benjamin Dubach, submit the following report:

We find that claimant is the father of Adolph Dubach, who enlisted in Company F, Fifth Regiment Kansas Volunteers, subsequently Company K, Tenth Kansas, August 12, 1861, and who died in service February 23, 1862, of hemorrhage of the lungs. The evidence submitted shows that the father was a man of small means, carrying on a farm, in which he was aided and assisted by his son, a stout, robust boy of nearly eighteen years of age; that for a number of years the father supported himself by his own labor. He is now past the allotted age of three-score years and ten, unable to work, penniless, and dependent for support upon relatives.

The law requires the father to prove that he was unable to support himself and was dependent upon the son at the time of the latter's death. This is not claimed, as the father was then a strong and hearty man. He is now unable to perform manual labor, and is dependent. Congress has repeatedly decided, by the passage of similar acts, that present dependence, and not dependence at time of death of soldier, ought to govern in these cases.

Your committee recommend the passage of the bill.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA A. WEEKS.

The next business on the Private Calendar was the bill (H. R. 2975) granting a pension to Eliza A. Weeks; reported by the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Weeks, widow of David P. Weeks, late a private in Captain Crosby's company, Second United States Dragoons, and pay her a pension of $12 per month.

Mr. PERKINS. Let the report be read in that case. It is a little different from the usual cases. It fixes the pension, without any amendment by the committee, at $12 a month.

Mr. BRADY. That is the law now, so far as the action of this House is concerned.

The report (by Mr. THOMPSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2975) granting a pension to Eliza A. Weeks, submit the following report:

David P. Weeks was a member of Captain Ashby's company, Second United States Dragoons, and was wounded at the battle of Micanopy, Fla., in June, 1836. The ball which wounded him struck near the base of the left thumb, passing the entire length of his arm, shattering the bone throughout, and entered his body near the armpit and is supposed to have lodged near the heart. The arm was amputated. He died suddenly of heart disease on the 4th day of May, 1885, aged seventy-four years; and there is ground to believe that the disease of which he died was induced by his wound.

Eliza A. Weeks, his widow, was married to him in 1838, and lived with him

until his death. During his lifetime he drew a pension of $30 per month. The bill provides a pension of $12 per month for his widow, and your committee recommend its passage.

Mr. PERKINS. As that is or will be in a few days the rate fixed in the general law, I move that the following words be stricken out:

To pay her a pension of $12 per month.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT H. ANDERSON.

The next business on the Private Calendar under the special order was the bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia; reported by the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, &c., That Robert H. Anderson, of the State of Georgia, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The report (by Mr. TUCKER) is as follows:

The Committee on the Judiciary respectfully recommend that the bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia, be passed by the House of Representatives.

Mr. Robert H. Anderson's petition accompanies this report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SILAS JAMES.

The next business on the Private Calendar was the bill (H. R. 2793) granting a pension to Silas James; reported by the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Silas James, late of Company D, Thirteenth Regiment of Michigan Volunteers.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2793) granting a pension to Silas James, have had the same under consideration, and beg leave to submit the following report:

Silas James enlisted February 27, 1864, as private in Company D, Thirteenth Michigan Volunteers, and was mustered out May 18, 1865. He applied for pension on account of rupture of both sides October 14, 1875, alleged to have been incurred while carrying timber for Government buildings at Chattanooga, Tenn., in April, 1864.

The records of the War Department show that claimant entered No. 14 general hospital, Nashville, Tenn., November 20, 1864, with inguinal hernia, and that he remained under treatment therefor, at different hospitals, until February 28, 1865.

The case has been in the hands of several special examiners to determine its merits. By this examination it is shown beyond a doubt that claimant was sound prior to and at date of his enlistment. From his own testimony it appears that at the time of the injury he was one of a detail under command of Captain Slayton, of the regiment employed in the erection of Government storehouses at Chattanooga, and that while assisting in carrying a heavy piece of timber it slipped and caught him across the groin. Claimant had been in service but a short time. The members of the company were nearly all strangers to him, and those who knew him were not present at the time of the injury; hence his inability to furnish the testimony of eye-witnesses.

Captain Slayton, upon being interviewed by the special examiner, failed to recall the circumstances under which claimant received the alleged injury. He has since filed an affidavit in which he states that he has given the case considerable thought recently, and by correspondence has refreshed his memory sufficiently to state that he was present at claimant's examination at the enrolling office and knows that he was sound, and further that he received an injury by the rolling of a heavy piece of timber while building Government warehouses at Chattanooga, for which affiant sent him to regimental hospital. Understood at the time that the injury was a rupture, but did not see it. Comrade Edwin Henderson testifies before the special examiner that he was not present at time of the incurrence of the disability, but saw the rupture about two weeks thereafter, and that claimant then wore a double truss.

Comrade McConnell testifies that claimant was injured in some way while employed under Captain Slayton, but can not now recall the nature or extent of the injury. Surgeon Goodale testifies that in the spring of 1864 he fitted a double truss on some one connected with the Engineer Brigade, but does not remember the name of the patient.

A number of claimant's comrades were interviewed by the several special examiners, but having had but little acquaintance with him for reasons heretofore stated, were unable to furnish additional information.

Medical examinations show a condition of the inguinal region of left side justifying a rating at one-half of total.

The case was returned to the Pension Office by Supervising Examiner Williams July 6, 1885, with the recommendation that the same be allowed. It was rejected, however, by the board of review, because the evidence was not deemed sufficient to show origin of disability in the service.

Your committee are of opinion that it is shown beyond any reasonable doubt that claimant was a sound man at enlistment; that during his service he received an injury which resulted in inguinal hernia, for which he was under treatment a considerable length of time, and that he has been disabled therefrom more or less ever since; and therefore report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH W. PUTNEY.

The next business on the Private Calendar was the bill (H. R. 4346) granting a pension to Elijah W. Putney; reported by the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elijah W. Putney, late of Company I, Second Regiment of Minnesota Cavalry.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 4346) granting a pension to Elijah W. Putney, have had the same under consideration, and beg leave to submit the following report:

Putney enlisted October 31, 1863, in Company I, Second Minnesota Cavalry, and served until mustered out, November 22, 1865. He filed application for pension November 8, 1877, on account of piles, alleged to have been contracted in August, 1864, while on a long and fatiguing march on the plains of Dakota.

There is no record evidence of the origin or existence of the disability in the service, neither is there any medical evidence of treatment therefor in service or since. In support of the claim we find the affidavits of the captain and two comrades of the claimant as to origin, and those of four neighbors and three members of his family to show soundness at enlistment and existence of piles at discharge, and continuous disability therefrom ever since. The captain testifies that during the latter part of his service claimant complained of piles, but affiant can not remember to what extent he was afflicted. Comrades Cater and Bundy testify that claimant was first attacked with piles on the second march of the command from the Missouri River to Fort Wadsworth, and that thereafter he was excused from duty much of the time, as he was wholly unfit for same. Affiants attribute the disability to long riding on horseback.

This claim was rejected by the Pension Office in 1881 on the ground of there being no record evidence at the War Department of the alleged disease, and because of the inability of the claimant to furnish medical evidence of its existence in the service or at date of his discharge.

This action was approved by the Secretary of the Interior June 13, 1883. In his letter of that date he says:

"There is evidence tending to prove prior soundness. There is also evidence tending to prove that appellant had piles in the service and at the time of his discharge."

And further on:

"The evidence considered together, while it tends to prove that the claimant suffered from piles while in the service, is not deemed to be sufficient to prove that the disease was contracted in the service or was due to his army life."

Since the affirmation by the Department of the rejection of the claim, the case has been specially examined. The original witnesses, as well as a number of other persons who have been intimately acquainted with claimant before and since his service, have been thoroughly examined, and a perusal of their testimony convinces your committee that claimant was free from piles at time of his enlistment, and that from long marches he did contract this disease, which has disabled him ever since.

Notwithstanding this cumulative and corroborative testimony, the claim has again been rejected on grounds similar to those given in the original rejection.

Your committee are of opinion that the evidence fully establishes the merit of the claim in spite of the absence of medical evidence, and being shown by the several medical examinations since 1878 to be disabled in a pensionable degree, believe claimant entitled to the relief asked for, and therefore report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

A. SCHUYLER SUTTON.

The next business on the Private Calendar was the bill (H. R. 1937) for increase of pension to A. Schuyler Sutton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, in lieu of the pension he is now receiving, to take effect from and after the passage of this act.

Mr. ELLSBERRY. Let the report be read.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1937) granting an increase of pension to A. Schuyler Sutton, submit the following report:

A bill for the relief of this claimant passed the Senate in the Forty-eighth Congress, but failed consideration in the House. After consideration your committee adopted the printed report of the Senate Committee on Pensions, Forty-eighth Congress, as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 3370) to amend an act entitled 'An act granting a pension to A. Schuyler Sutton,' approved June 4, 1872, have examined the same, and report:

"This case was considered by this committee during the second session of the Forty-seventh Congress, and a favorable report made thereon, which is quoted in the report of the House committee (House Report No. 1212, Forty-eighth Congress, first session), as follows:

"'At the breaking out of the civil war A. Schuyler Sutton, who had seen honorable service during the war with Mexico, was an attorney-at-law in successful practice at Norwalk, Ohio. He enlisted as a private soldier in the Ninety-fifth Ohio, and having acquired a knowledge of military tactics during his former service, greatly assisted in the organization, drill, and discipline of the new regiment. There is satisfactory evidence that Sutton had received assurances from Governor Tod, of Ohio, that he should be commissioned as lieutenant-colonel of the regiment. It is certain that he was acting in that capacity when, at the battle of Richmond, Ky., on or about August 30, 1862, he received the wound for which he was originally pensioned. Owing to the fact that he had not been commissioned, the Pension Office rated him as a private soldier, and allowed him a pension at the rate of $8 per month, which was subsequently raised to $15. By an act of Congress, approved June 4, 1872, his pension was increased to $30 per month from that date.

"'Your committee believe that it would be an act of simple justice to this soldier to grant him a pension at this rate, dating from his discharge, deducting the amount received by him during the intervening period. His wound has had the effect of blasting his life. His jaws are so anchylosed as to prevent the mastication of solid food. The senses of sight and hearing are much impaired, and he is a constant sufferer from violent facial neuralgia. Being unable to open his mouth sufficiently, and by reason of disorganization of the soft and bony tissues occasioned by the wound, he is unable to employ the ordinary means of cleanliness, and his breath is consequently horribly offensive.

"'In the opinion of your committee the evidence in the case justifies the conclusion to which it has arrived, "that the disability for which he is now pensioned existed at the time of his discharge." We therefore report the bill back to the House with the recommendation that it do pass, so amended that A. Schuyler Sutton be pensioned at the rate of $40 per month from and after the passage of this act.'

"'This bill passed the House (Forty-seventh Congress) to date from passage of the act, and passed the Senate with an amendment to date from March 4, 1883. It was called up by the House for concurrence March 3, but on objection was laid over, and failed to become a law.'

"Your committee think it would be unwise to pass the bill as it came from the

House, allowing pension from March 4, 1883, and therefore recommend the passage of the bill with amendments, granting pension at $40 per month in lieu of pension of $30 heretofore allowed, and that such increase take effect only from the passage of this act."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH WARNER.

The next business on the Private Calendar was the bill (H. R. 5729) granting a pension to Elizabeth Warner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth Warner, widow of Harrison Warner, late a corporal of Company G, One hundred and eighty-second Regiment Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. ELLSBERRY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5729) granting a pension to Elizabeth Warner, submit the following report:

We find that claimant is the widow of Harrison Warner, who was enrolled as a corporal on the 19th day of September, 1864, in Company G of the One hundred and eighty-second Regiment Ohio Volunteers, and who was discharged therefrom on the 7th day of July, 1865. That at the date of the death of said soldier, September 14, 1877, there was a claim pending in the Pension Office for invalid pension, on account of disease contracted in the service aforesaid. After the death of said soldier the claimant herein attempted to complete the claim, which was, on the 21st day of March, 1879, finally rejected on account of failure to prove treatment in Government hospital.

The evidence in this case shows that Harrison Warner, husband of claimant, was prior to his entry into the service a man of sound physical health, free from disease of any character, as shown by the testimony of Drs. R. W. Purdy and D. M. McConaughy, and Samuel Smith, Harvey Conner, A. M. Lang, L. L. Conner, and others who were neighbors of and intimately acquainted with him for many years previous to the war. While doing guard and other duty at Nashville, Tenn., on or about May 15, 1865, he became sick and unable to perform duty of any kind. The records show that he was not treated in general hospital, but from his own statements, corroborated by the testimony of his captain, lieutenants, and comrades, received treatment from Dr. Fear, who was a member of the same company, for what was then called "liver trouble" which continued during the remainder of the time he was in the service, and at the time of his discharge he was so feeble that his comrade, Samuel Kelly, had to procure a conveyance to convey him from the train to the point where the regiment was discharged. Capt. A. M. Lang and Lieut. L. L. Conner both give positive proof to his having disease of the liver from on or about May 15, 1865, up to and after his discharge from the service. Dr. D. M. McConaughy, who was the family physician prior to his entry into the service, testifies that he was a man of sound health at the time of his enlistment. On his return from the service, he was, on the 25th day of July, 1865, called upon to visit him at his home, and found him suffering with chronic hepatitis. He continuously treated him from that date up to the year 1870, with no perceptible improvement, his disease resulting in jaundice, entirely disabling him for the performance of manual labor.

Dr. R. A. Stephenson, now United States examining surgeon, testifies that in January, 1870, he was called upon to give treatment to Mr. Warner, and found him suffering from chronic hepatitis; continued to treat him for said disease until he died in September, 1877. At no time during his illness was he able to perform manual labor, in consequence of the disease aforesaid.

Dr. John Shackelford, United States examining surgeon, residing at Maysville, Ky., certifies that on June 17, 1874, he carefully examined Mr. Warner, late a corporal in Company G, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and found him permanently disabled with chronic enlargement of the liver and sympathetic irritation of lungs. The soldier died, leaving the claimant, his widow, and three helpless little children, without means of support. In our opinion this claim should have been allowed by the Pension Department, as the evidence is full, positive, and clear that the disease was contracted in the service and caused the death of the soldier. This is one of the cases requiring the attention of Congress and deserving immediate consideration.

In view of all the evidence in this case, your committee recommend that the accompanying bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. GILLESPIE.

The next business on the Private Calendar was the bill (H. R. 1344) granting a pension to William H. H. Gillespie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Gillespie, formerly of Company I, First Regiment Missouri State Militia.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1344) granting a pension to William H. H. Gillespie, submit the following report:

Your committee find that claimant enlisted August 1, 1863, in Company I, First Regiment Missouri State Militia, and was discharged October 29, 1864, on account of amputation of the left arm. Application was made for a pension in 1865, but was rejected on the ground that the wound resulting in amputation was not received in line of duty.

The facts in this case, as established by a special examination ordered by the Pension Department, are as follows:

On the morning of the 1st of August, 1864, claimant, returning from picket duty to his quarters, found his comrades eating watermelons, and was invited to join them, which he did. The men had been amusing themselves by throwing the rinds at each other. Claimant, joining in the sport, threw a piece of rind at Comrade Davidson, who quickly dodged, and the missile struck William J. Fuller, another comrade. Fuller, being a man of violent temper, became at once incensed, and commenced an attack upon the claimant with stones and bricks. Claimant at once retreated to an upper room of the building in which they were quartered, and secreted himself. Remaining there for a short time, until he supposed his comrade's rage had passed away, he ventured out, when Fuller sprang upon him, stabbing him in the left arm, inflicting a wound which made amputation of the arm necessary nine days after. The special examiner, in his report, says:

"All the witnesses agree that Fuller was ill-tempered and easily vexed; that claimant was a mild, peaceable man, and neither of them drinking liquor, and that Gillespie was in sport, and fully believe all Gillespie did was in sport, and he never once anticipated the dire result, and dearly has he paid the penalty. He is a very poor man, and bears a good character in the community."

It would seem that this claimant received this wound through no fault of his, that he had violated no order, and that a pension should have been allowed him by the Department. If the Government accepts into service an insane man, it ought to be held responsible for the acts of that man.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JAMES B. RUSSELL.

The next business on the Private Calendar was the bill (H. R. 5692) granting a pension to James B. Russell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James B. Russell, late first lieutenant of Company H, Second Regiment East Tennessee Cavalry, and pay him a pension from and after the passage of this act.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5692) for the relief of James B Russell, submit the following report:

We find that claimant was first lieutenant of Company H, Second Tennessee Cavalry, enlisting October 10, 1861, and resigning March 9, 1863; that in 1871 he filed an application for a pension, alleging weak eyes and weakness of breast. This application was rejected on the ground that he could not prove the disability to be due to the service. The certificate of disability given by the surgeon of the regiment February 26, 1863, reads:

"I have carefully examined J. B. Russell, first lieutenant of Company H, Second Tennessee Cavalry, and find that he is suffering from chronic bronchitis and dysentery. He has been unable for duty for over a month; his constitution is so impared and broken down, and being now in his forty-ninth year, I am of opinion that he will not again be fit for public service."

James Baker, Elizabeth Baker, and Lieut. S. D. Best testify to claimant's soundness at enlistment. The latter testifies that Lieutenant Russell was obliged to leave the service on account of his eyes. R. Long and J. Bearont testify as to origin in service and treatment by the regimental surgeon.

Dr. A. L. Canich, regimental surgeon, testifies to treating claimant for sore eyes in February, 1863. Capt. S. P. Rowan testifies to claimant's discharge for disability of eyes and back. Several witnesses, including two physicians, testify as to existence of disability at discharge and continuance since. The examining surgeon at Newtonia, Mo., reports in 1871 that he is blind in right eye, the vision of left eye is dim, and suffering from chronic bronchitis. The examining surgeon, Pineville, in 1874, reports the eyes the same as the other surgeon, but finds no bronchitis. The same surgeon, in 1882, reports his eyes the same, and says he is very much emaciated, weighing only 112 pounds.

The evidence shows him to have been intensely loyal to the Government and very active in its support.

He is now seventy-two years of age, poor, and unable to do anything for his support.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HENRY BARR.

The next business on the Private Calendar was the bill (H. R. 2179) granting a pension to Henry Barr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Barr, father of Jacob Barr, late a private in Company A, One hundred and third Regiment Pennsylvania Volunteers, and pay him a pension from the 25th day of April, 1885.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out all after the word "volunteers."

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was submitted the bill (H. R. 2179) granting a pension to Henry Barr, have considered the same, and submit the following report:

Henry Barr is the father of Jacob Barr, late of Company A, One hundred and third Regiment Pennsylvania Volunteers.

By act of Congress Susannah Barr, mother of Jacob Barr, drew a pension of $8 per month from July 5, 1884, to April 25, 1885, which is the date of her death, and it is now proposed by this bill to continue her pension to her husband, Henry Barr.

As the report submitted by the Committee on Invalid Pensons to the Forty-eighth Congress embodies the facts connected with present claimant, your committee adopt it as their own, attach it hereto, and recommend the passage of the bill with the following amendment: Strike out all after the word "volunteer," in line 8.

[House Report No. 1599, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5821) granting a pension to Mrs. Susannah Barr, respectfully report:

That Susannah Barr is the mother of Samuel Barr, who enlisted in the military service of the United States as a private in Company G, One hundred and third Regiment Pennsylvania Volunteers, December 1, 1861, and died in the military prison at Andersonville, Ga., July 8, 1864; also of Jacob Barr, who died from wounds received in the service of the United States in hospital in Philadelphia, Pa.

This claim was rejected by the Pension Office May 3, 1882, on the ground that claimant was not dependent at the date of soldiers' deaths.

It appears from the testimony of Dr. Ross, United States examining surgeon, of Clarion County, Pennsylvania, that the husband of claimant is a feeble old man, over seventy-four years of age, and is suffering from a stroke of palsy of the left side, and has no use of the left arm, and but little use of the left leg; walks with difficulty, and is disqualified from the performance of any kind of manual labor.

Dr. Samuel D. Meals testifies, February 2, 1881:

"That he has been claimant's family physician since 1863, and especially since 1864; that the husband was not able to follow usual occupation as a farmer at that time; that in the years 1866, 1867, 1868, 1869, 1870, and every year since to the present time, he has noticed him failing, and July 11, 1876, he had a stroke of paralysis, since which he has not been able to perform any labor."

It appears from the evidence in this case that claimant's husband was the owner of a farm in Perry Township, Clarion County, Pennsylvania, which he sold in 1864, though the deed was not recorded until 1866, for $6,234, and that

September 29, 1865, he purchased three acres of land in Callensburg, in same county and State, paying therefor $900. He owned no farm after the purchase of the property in Callensburg. The house and lot was assessed at $325 up to 1880. The property owned in Callensburg is shown by a copy of the notice of sale to have been sold on execution to satisfy judgments against husband of claimant and other parties. The personal property of claimant's husband is shown to have never exceeded $300, and the proceeds of the sale of the farm, in 1864 was exhausted in the payment of debts; the deceased soldier contributed of his earnings prior to and during his military service to the support of this claimant, who is now entirely without means of support, and has been since the death of the soldier.

The amendment was agreed to.

There being no objection the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY MERRILL.

The next business on the Private Calendar was the bill (H. R. 4631) granting a pension to Mary Merrill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Merrill, widow of Alexander Merrill, late a private in Company L, Twelfth Tennessee Cavalry.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4631) granting a pension to Mary Merrill, have had the same under consideration, and submit the following report:

Claimant's husband enlisted as a private in Company L, Twelfth Regiment Tennessee Cavalry, April 19, 1864, and was discharged July 14, 1865. Died January 23, 1869. The soldier at the time of his death was a pensioner of the United States for disability contracted in the service of the United States and in the line of duty. Widow's claim was rejected on the ground that bronchitis, of which her husband died, was not the effect of disability incurred in the service and for which he was pensioned. The record of the Surgeon-General's Office shows that soldier was recommended for discharge at post hospital, Leavenworth, Kans., by reason of chronic hepatitis and varicose veins contracted since his last enlistment. Unfit for Veteran Reserve Corps. Disability one-half.

Officer's certificate of disability shows that soldier was "disabled on the march from Nashville, Tenn., to Tullahoma, Tenn., in the month of June, 1864. His horse fell with him, and seriously injured him, since which date he has not been able to do duty as a soldier, and that he is disabled in the left hip and breast." This certificate is signed by J. C. Boyer, captain Company L, Twelfth Tennessee Cavalry.

A. P. Calaher, colonel commanding post, states in certificate of disability for discharge, that "this soldier has been a willing and obedient soldier, but has been afflicted for a long time on account of chronic hepatitis and varicose veins, contracted since his last enlistment."

Dr. W. D. Whitted, a reputable physician of Henderson County, North Carolina, testifies, under oath, that "he was personally acquainted with widow's husband, having attended him as his physician in his last illness; that he died of bronchitis contracted while in the United States Army; that soldier was always a devoted adherent to the Union cause, and during the war passed through the rebel lines and enlisted in the Federal Army."

In view of all the testimony of record in this case, regardless of the physician who attended soldier in his last illness, and whose testimony strongly corroborates the record testimony, your committee can easily trace the soldier's cause of death to the disability incurred while in the service of the United States and in the line of duty. They therefore unanimously recommend the passage of the bill granting the widow the pension she so richly deserves in her old age and great poverty.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROXANA V. ROWLEY AND SON.

The next business on the Private Calendar was the bill (H. R. 5306) granting a pension to Roxana V. Rowley and son.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Roxana V. Rowley, of Winona, Minn., widow of the late Franklin Rowley, first lieutenant of Company D, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and her son under sixteen years old.

The amendments reported by the committee were read, as follows:

At the end of the bill strike out the words "and her son under sixteen years old."

Amend the title so as to read: "A bill granting a pension to Roxana V. Rowley."

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5306) granting a pension to Roxana V. Rowley and son, have had the same under consideration, and submit the following report:

Roxana V. Rowley is the widow of Franklin V. Rowley, late first lieutenant Company D, One hundred and ninety-fourth Begiment Ohio Volunteer Infantry.

Claimant's husband enlisted in the service of the United States February, 1865; resigned May, 1865; made application for pension April, 1880, and his claim was rejected. Soldier died September 20, 1881, of chronic disease of the liver, causing great emaciation, obstinate constipation, and jaundice.

Widow's claim filed May 8, 1882, and rejected on the ground that the disease of which the soldier died, "liver disease," existed prior to and at the time of his enlistment into the service of the United States, as shown by medical testimony on file in the case, and that the report from the War Department fails to show that soldier was sick during enlistment.

The medical testimony alluded to as on file in the case is that of Doctor Sisson, who states that in 1865—probably about September, 1865—he visited and attended claimant's husband, who was then suffering from a severe and protracted sickness, considered disease of the liver, accompanied and attended with all the painful symptoms diagnostic of bilious colic—pain, tenderness, enlargement, cramping in the right hypochondriac region and of the duodenum, jaundice, and constipation. The sufferings were severe, and continued for weeks and months, with occasional intervals of improvement, to be followed by relapses, emaciation, debility, and inability to labor. Affiant can not state the condition of soldier's health at the time of enlistment, nor while in the service, though claimant stated to affiant his health was bad while in the Army. In a private letter to the Commissioner of Pensions, bearing date of July, 1883, Doctor Sisson states that he treated soldier in 1854 for dyspepsia.

R. B. Carter, late lieutenant of soldier's regiment, testifies that he was well acquainted with soldier at the time of his enlistment as lieutenant of Company D, and that he was then a sound and healthy man, and was present when he was sworn in; and that while in the service of the United States and in the line of duty, during the month of March, 1865, at Charlestown, in West Virginia, where no tents of sufficiency were furnished, and being just called from home and exposed to cold, sleet, and snow, soldier contracted a severe cold, which unfitted him ever after for duty as a well man, and finally he succumbed to the disease and resigned on account of his disability. Affiant was acting as adjutant of the regiment at the time, and that the facts stated by him were acquired by a personal knowledge while acting as such adjutant.

Robert H. Brewster testifies that he is at present (December, 1885) judge of the probate court of Meigs County, Ohio. That he was well acquainted with claimant's husband, who kept a store in the village of Danville, about 2 miles from residence of affiant, during the years 1853, 1854, and 1855, and saw him frequently up to the time of his enlistment. That during all the period of his (affiant's) acquaintance with soldier he attended to his business, and affiant never knew or heard of any disability, but regarded soldier as an able-bodied man.

David W. De Lay also testifies to soundness of soldier prior to enlistment.

S. H. Guthrie and James McFarland, in a joint affidavit, say that they were for over thirty years well acquainted with claimant's husband before he enlisted; that they lived in the neighborhood where he lived for a long time; saw him weekly; he was a mechanic and did their work. That they are fully satisfied that at the time he entered the Army he was a healthy man, and that they never knew or heard anything to the contrary, and that he was a good, sober, moral man.

Dr. Franklin Staples, who treated claimant's husband, also testifies as to his condition before his death, being similar to that at death described by Dr. Sisson, who treated him shortly after he returned home from the Army.

Dr. J. Q. A. Vale also treated soldier for lung trouble early in the year 1866.

Benjamin Sisson also testifies that he knew soldier for five years immediately preceding his enlistment, and that he was a sound, healthy man at that time, and that soldier returned home sick and suffering in 1865.

A large amount of lay testimony, showing soundness of soldier prior to his enlistment and his enfeebled condition at the time of his discharge, was produced. The physician who treated him shortly after his discharge described quite vividly his condition, and stated that he knew nothing about claimant's condition at the time of his entering the service of the United States, save that he (soldier) told him that his health was bad while in the Army.

From a careful examination of this case it is shown that the claim was rejected on account of the private letter of Dr. Sisson, in which he stated that he treated soldier for dyspepsia in 1854. Your committee can not indorse a rejection based on such an unfair and, to say the least, unsupported statement; and they are of opinion that widow's claim to a pension has been sufficiently established. They therefore recommend the passage of the bill, after amending the same by striking out all after the word "infantry," in line 8 of the bill; also by striking out the words "and son" from its title.

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DARIUS M. SEAMAN.

The next business on the Private Calendar was the bill (H. R. 1279) granting a pension to Darius M. Seaman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Darius M. Seaman, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteers.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1279) granting a pension to Darius M. Seaman, having had the same under consideration, submit the following report:

The claimant was a private in Company C, One hundred and fiftieth Pennsylvania Volunteers. On the 20th day of December, 1862, he received a gunshot wound in the left forearm, said wound causing a withering of the arm, so that it is now very nearly lifeless and perfectly useless. The said wound was received by accident. While standing resting on his gun it was accidentally discharged, the ball lodging in said arm.

The ball was extracted, taking out of the arm about four inches of the bone, which greatly disabled claimant, and incapacitated him from manual labor a greater part of his time.

The claim was rejected on the ground that said wound was not received in the line of duty and in the service of the United States.

Lieut. Col. H. S. Huidekoper, of claimant's regiment, states that soldier was with his company (C, One hundred and fiftieth Pennsylvania Volunteers) in the war of 1861, and was accidentally wounded December 20, 1862, by the discharge of his own gun, the ball passing through the left forearm, for which he was honorably discharged. This testimony is further corroborated by H. H. Davis, lieutenant of claimant's company, who testifies from a personal knowledge of the circumstances.

Your committee are of the opinion that soldier was in the line of duty at the time of receiving the gunshot wound in the left forearm; and following an uninterrupted line of precedents in this class of cases by Congress, recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH P. HENSLEY.

The next business on the Private Calendar was the bill (H. R. 1707) granting a pension to Elijah P. Hensley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elijah P. Hensley, late of Company K, Third Regiment North Carolina Mounted Infantry.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1707) granting a pension to Elijah P. Hensley, have had the same under consideration, and submit the following report:

The claimant was admitted to a pension of $4 per month on the rolls of the Raleigh (N. C.) agency, December 17, 1868, commencing August 8, 1865, and paid to include March 3, 1877; was dropped from the roll August 3, 1877, on the ground that the pensioner was not in the service and line of duty when wounded, as shown by the report of Special Agent Ragsdale, dated May 31, 1877.

Claimant was a member of Company K, Third North Carolina Mounted Volunteers, having enlisted in said company in February, 1865, and was wounded

at Indian Creek, Yancey County, North Carolina, March, 1865, having been cut off from his command in Tennessee, on House Creek, near Greeneville, Tenn. At the time claimant was wounded he was detailed by Colonel Kirk to join T. O. and J. W. Guthrie and others to get rations for themselves; that they returned within one hour and a half, but found that the command had left. The claimant with others then started for a point of safety in North Carolina, and to join their command, when overtaken and shot by the enemy, and wounded as alleged.

It appears that some time in 1877, owing to causes not material to this report, information was furnished the Pension Office that said claimant was not wounded in the line of duty. On this point there is a conflict of testimony on the time of claimant reaching his command, but none as to his being shot by rebels while in search of provisions for his command as he was detailed to do.

Your committee are of the opinion that claimant is entitled to a pension, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES N. HAIR.

The next business on the Private Calendar was the bill (H. R. 4977) granting a pension to James N. Hair.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James N. Hair, late a private in Company I, First Battalion Minnesota Volunteers.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4977) granting a pension to James N. Hair, have had the same under consideration, and submit the following report:

The claimant alleged that while in the line of duty on the 15th of June, 1865, he was attacked with measles *en route* between Chicago and Pittsburgh, and was left in hospital at Harrisburg, Pa., and from thence to Little York, Pa., in Government hospital, where he was discharged, and that said disease resulted in nearly the entire destruction of the sight of both eyes.

Claimant enlisted on the 12th day of April, 1865, as a private in Company I, First Battalion Minnesota Volunteers, and was discharged June 15, 1865.

The claim was rejected on the ground that the disease of the eyes did not originate in service, and medical referee does not admit that same is the result of measles.

The record of the Adjutant-General's Office shows claimant "present May and June, 1865; absent, left sick at Harrisburg, Pa." Company was stationed at Chicago, Ill., April 30, 1865. The command to which the company belonged was transferred from the Army of the Potomac June 10, 1865, to the Army of Tennessee. Left Army of the Potomac at Munson's Hill, Va., June 16, 1865; joined Army of Tennessee at Louisville, Ky., June 21, 1865. He was mustered out on detached muster-out roll June 15, 1865, at United States general hospital, York, Pa., with remark, "Entered hospital May 15, 1865."

Claimant swears that while *en route* with his company from Fort Snelling, Minn., to Washington, D. C., he was taken sick with measles, and left at Harrisburg, Pa., on or about May 10, 1865, and transferred from there to Little York, Pa., about May 16, 1865; that he is unacquainted with the names of the attending surgeons of either hospital, and is, therefore, unable to furnish the evidence in regard to treatment for measles, unless it is shown by hospital records.

E. D. Cooper, orderly sergeant Company I, First Minnesota Volunteers, testifies that he was and is now well acquainted with James N. Hair, who served as private in Company I; that on trip from Saint Paul, Minn., to Washington, D. C., in the month of May, 1865, and while in the line of duty, said Hair was taken sick, and left at Harrisburg, Pa., in hospital.

J. B. Bamcord, late first lieutenant Company I, First Minnesota Volunteers, testifies that he is acquainted with claimant; that claimant contracted the measles while in the line of duty; that on or about April 25, 1865, while in camp at Fort Snelling, two men were taken sick with measles, and that said James N. Hair was exposed thereto, and that on or about May 9, 1865, while *en route* from Fort Snelling to Washington, D. C., and while in Chicago, Ill., the said claimant was taken sick with measles; and on or about May 12, 1865, was left in hospital, sick with same disease, at Harrisburg, Pa.; and about one week thereafter transferred from Harrisburg to Little York, Pa.; and on June 15, 1865, was mustered out of service,

There is an abundance of evidence showing that claimant was sound at the time of his enlistment; and as to his having sore eyes on his return home from the service, in August, 1865, J. A. Elleson and Norman Hicks both testified that claimant returned from the Army in August, 1865, so nearly blind that he could scarcely recognize any one—eyes badly inflamed, and discharged for nearly six months; after this, appeared to get some better, so that he could move around without a guide. At the time of his return he said his sore eyes was the result of the measles—caught cold. From discharge to the present he has been two-thirds disabled. V. C. Whitcomb testifies that he was a member of Company G, First Minnesota Volunteers; was sent to Little York Hospital in Pennsylvania, and he became acquainted with claimant, who was being treated for sore eyes. Claimant told him the disease was the result of measles, and at the time of his discharge, in June, 1865, claimant was almost blind.

Dr. W. B. Steere, medical examiner, states:

"In the examination of James N. Hair for original pension, I stated that the disease of the eye had the appearance of being the result of staphyloma. I can not account for the peculiar appearance of the opacity (leucoma) in any other way. It is not like the nebula or leucoma arising from corneitis. It is different from anything I have met or seen described. It looks as if there had been a partial staphyloma of the cornea. Viewed under a magnifying glass there are several points which look like cicatrices from puncture. On the whole, I think there is considerable doubt about it being a direct result of measles, although that may have been a remote cause of the opthalmia."

E. C. Cross, another examining surgeon, states:

"The applicant has cicatrices covering one-half lower side of each pupil, that does seriously interfere with vision; I can not say whether permanent or not, for I do not know what a skillful oculist might do toward removing them. They appear as if soreness might have been produced by measles. The scars on his eyes disable him fully one-half. I can get no evidence of syphilis after a most careful inspection of the applicant naked. He says he had measles in the Army."

The medical examiner will not state positively that condition of eyes may not be traced to effect of measles for which claimant was treated in the hospital. Your committee believe that the soldier is entitled to the doubt, should any exist, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES WYANT.

The next business on the Private Calendar was the bill (H. R. 5705) granting a pension to Charles Wyant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Wyant, late of Company K, One hundred and fiftieth Regiment New York Volunteers.

The report (by Mr. PINDAR) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 5705, beg leave to submit the following report:

That the claimant, Charles Wyant, enlisted September 5, 1862, in Company K, One hundred and fiftieth Regiment New York Volunteers, and was discharged June 22, 1865.

His application for pension was filed June 22, 1885, and was rejected January 25, 1886, upon the ground that "there is no record of alleged rupture and alleged inability of claimant to furnish any proof of origin or existence of alleged rupture in service or any definite proof of its existence at discharge."

Claimant testifies as follows:

That he is unable to comply with the requirements of the Pension Office for the reasons that he can not furnish the testimony of any physician or physicians who have attended him since the date of his discharge from the military service of the United States, showing the history and degree of the alleged rupture during each year, the dates and duration of all treatment administered and a full description of the disability described in all its phases owing to the fact that after his discharge and after his return home he applied for medical and surgical treatment to Dr. Isaac F. Van Vlich, a physician and surgeon then practicing in the village of Rhinebeck, N. Y., and said physician pronounced his disability to be a rupture, and placed upon this claimant such a truss as is usually worn in such cases of physical disability, which he has continued to wear around his body ever since that time till the present period, renewing the same from time to time when necessary; that the said Isaac F. Van Vlich died about ten or twelve years ago, and he has never been treated by any other physician or surgeon since that time, but has treated himself as best he could by following out the instructions given him by his late physician; nor was he ever treated or placed in any hospital while in said military service; and further declares that previous to the 20th day of February, 1865, he was detailed as blacksmith for the brigade in the corps to which his regiment was attached, and marching along with the wagon-train the said train was surprised and attacked by the Sixth Georgia Confederate Cavalry, at Fayetteville, N. C., and claimant was severely struck by a cavalryman with the butt-end of a large carbine rifle in his private parts, below his stomach, and the next morning thereafter the said rupture showed itself by a black and blue bunch appearing and protruding from the abdominal cavity, and it has so continued to protrude therefrom, growing worse and larger each year until in consequence he can not perform more than one-half day's labor; that he was taken prisoner by the confederate forces at Fayetteville, at said attack, and placed in prison at Raleigh, N. C., and after a short time was removed to Salisbury prison, and then removed to Danville prison, and finally confined in Libby prison, Virginia, and after his exchange he went to Parole Camp, Maryland, and remained there until his discharge, and was not able to rejoin his regiment."

James M. Sheak, sergeant of Company F, One hundred and fiftieth Regiment New York Volunteers, testifies that he has been acquainted with claimant thirty years past; that claimant was taken prisoner by the Sixth Georgia Confederate Cavalry at Fayetteville, N. C., February 20, 1865, and that claimant was a sound and able-bodied man at and prior to enlistment.

Archibald L. Ostrum, second lieutenant Company K, One hundred and fiftieth Regiment New York Volunteers, testifies substantially the same as Sheak, and that the claimant was a sound and able-bodied man at and prior to enlistment, as far as he knows; and that he has no interest in this claim.

Robert J. L. Marshall and Alonzo C. Noxon testify that they have been well and personally acquainted with claimant for thirty years past, and that before he enlisted he was a perfectly sound and healthy man, and never complained of rupture or any other disability of their knowledge or belief; that he could do a full day's work day after day without intermission, but since his discharge from the military service he has complained of rupture, and left his work at blacksmith shop, complaining of great pain.

John J. Burch testifies that he is a blacksmith by trade, and he has had claimant in his employment for the past six or seven years, and claimant has always complained of rupture, and has frequently been obliged to leave his work and go to his home for relief from the pain caused by said disability; that he can not do more than one-half the work of a person in sound physical health, and when claimant performs much hard labor one day he is unable to work for one or several days thereafter.

Dr. Cornelius S. Van Etten testifies that he has never been called upon to treat claimant for rupture, or knew he had rupture until the said claimant applied to him to make a physical examination on this 17th day of October, 1885, and that said Wyant had a complete rupture or hernia, and that he was wearing a truss therefor.

The examining board at Kingston state that claimant is ruptured in right side and wears a truss, and is entitled to a one-half rating.

The committee deem the proof sufficient to entitle claimant to a pension, and recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET A. JACOBY.

The next business on the Private Calendar was the bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret A. Jacoby, widow of Sandford Jacoby, late of Company F, Seventieth New York Volunteers.

The report (by Mr. PINDAR) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby, submit the following report:

That Sandford Jacoby, the husband of the claimant, enlisted April 20, 1861, in Company F, Seventieth Regiment New York Volunteers, and was discharged July 1, 1864. The soldier's claim for pension was submitted for admission December 1, 1884, and approved for total deafness and chronic diarrhea, granting him a pension for $5 per month, commencing July 1, 1864, and ending September 7, 1875, date of soldier's disappearance. The widow's application was filed July 17, 1885, and rejected by the Department August 6, 1885, upon the ground that fact, date, and cause of soldier's death not shown and inability of applicant to furnish the necessary proof.

The basis of the claim is that while the soldier was engaged in the battle of Gettysburg, Pa., July 2, 1863, by reason of concussion from discharge of artillery, he was rendered almost totally deaf, and also contracted chronic diarrhea, by reason of which he was totally disabled for military duty; that he never recovered, but has been totally deaf in right ear ever since, and afflicted with chronic diarrhea.

Claimant testifies that when her husband returned from the Army in 1864 he was suffering from chronic diarrhea and deafness contracted while in the service; that while residing with deponent at Greene, Chenango County, New York, on or about the 7th day of September, 1875, he left and has never been heard from since; that she made diligent search and inquiry for him and that she has been unable to ascertain or learn anything about him, and that she verily believes he is now deceased; that he had been sick for a week before he left and had done no work; that he was despondent by reason of his said disabilities and did not seem to be in his right mind; that he was not then able to support deponent, and that she has not received any support from him since.

Dr. Charles M. Lawrence, of Port Jervis, N. Y., testifies that he treated soldier upon his discharge and return from the Army for chronic diarrhea and deafness, and has treated him at frequent intervals for said disabilities up to 1873, when he removed to Greene, Chenango County, New York, and that said diseases were likely to prove fatal.

Dr. Marcus M. Wood, of Greene, Chenango County, New York, testifies that he treated soldier for deafness and chronic diarrhea at intervals from 1873 to 1875, and that the diarrhea laid him up about half the time until the summer of 1875, when he left town. He was then suffering from both of those disabilities, which probably have proven fatal before this date (August 20, 1883). Have no doubt that his complaints were caused by exposure while in the service.

Jane Brown testifies that she is a sister of soldier's wife; has always lived near her said sister during her residence at Port Jervis, N. Y., which has been continuous since her marriage, except for six or seven years, when she lived at Greene, Chenango County, New York, during which time she was deserted by her husband, and since that time her sister has resided at Port Jervis, N. Y.

Adela Cunningham, Murates Beach, Henry P. Bates, and Lucius P. Clark all testify that the said Sanford Jacoby disappeared in 1875, and have never seen him since.

The decision of the Secretary of the Interior, regarding the presumption of death, is as follows:

"That cases arise in which it is impossible to obtain positive proof of the soldier's death, but the presumption of his death from causes connected with the service is so strong as to justify the allowance of a claim for pension made on behalf of his widow, children, or dependent relatives.

* * * * * * *

"The presumption of common law is that a person who has been absent and not been heard from for seven years is dead. The presumption may properly be accepted under the pension law, and if, when last heard from, soldier was suffering from serious disease contracted or injury received in the line of duty in the service, it may be presumed that his death occurred from such cause if there is nothing in the circumstances to rebut such presumption."

Your committee are of the belief that the proofs, with the fact that the soldier has not been paid his pension since the date of his disappearance, justify the presumption that the soldier is dead, and that his death was the result of disease contracted while in service in the line of duty, and recommend that the bill do pass.

There being no objection, the bill was reported to the House with the recommendation that it do pass.

LIEUT. JOSEPH PROST.

The next business on the Private Calendar was the bill (H. R. 5307) granting a pension to Lieut. Joseph Prost.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Joseph Prost, late a lieutenant of Company E, Fifty-fifth Regiment New York Volunteers.

The report (by Mr. PIDCOCK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5307) granting a pension to Lieut. Joseph Prost, submit the following report:

The soldier states that he enlisted August 28, 1861, as orderly sergeant in Company E, Fifty-fifth Regiment New York Volunteers, and was promoted to be a second lieutenant of said company October 1, 1861. In his declaration for pension he alleges that he was injured in back, while marching with his regiment, by falling down the embankment of a creek and striking his back across a tree and injuring his spine, at Yorktown, Va., on or about August 10, 1862.

The claim was submitted for admission June 14, 1883, by the examiner at the Pension Office, but rejected on report of the special examiner of the office in the field, to whom the case had been referred for personal examination, on the ground of claimant's inability to prove that he incurred his alleged injury in the service.

The alleged disability having been contracted over six months after soldier was mustered into service, by rulings of the Pension Office, prior soundness is presumed and admitted.

The following is a copy of the surgeon's certificate on which the soldier was honorably discharged September 16, 1862:

"This is to certify that Second Lieut. Joseph Prost, of Company E, Fifty-fifth Regiment New York State Militia, has been carefully examined by me, and found him actually unfit for duty, and now affirmed, that he has by the fatigues of the last campaign become so weak that he is unable to follow his regiment, and will remain for some time unable to perform his duties.

"F. PETARD,
"*Surgeon Fifty-fifth Regiment New York Volunteers.*

"SEPTEMBER 17, 1862."

Francis A. Schilling, first lieutenant Company H, Fifty-fifth Regiment New York Volunteers, testifies that he was well acquainted with the claimant, who was at the same time second lieutenant of Company E, same regiment; that on the 25th day of August, 1862, while in active service at Yorktown, Va., said claimant, while in charge of the picket guard, and in the act of crossing a stream, by walking a log lying across the same, slipped and fell, striking his back upon a knot or projection on said log, and was thereby severely injured, and was brought into camp by one of said picket guard; that in September of the same year the claimant was duly discharged, by order No. 248, made by Major General Halleck, because of the injury above mentioned.

In reply to office letter of January 23, 1883, he states, that the facts relating to the injury received by Lieut. Joseph Prost are correctly stated in his former declaration, and that he knows of his personal knowledge that in the middle of August, 1862, he, while in charge of the picket guard, fell down, struck and hurt his back on a log, in attempting to walk across a creek; that thereafter, and by reason of said injury, he was unable to do any actual service, and was consequently discharged; that he has seen claimant many times since his discharge, and knows that he is still suffering from said injury.

Before the special examiner, Mr. Schilling testified to the receipt of the injury to back by Lieutenant Prost, stating that he was informed of the manner in which it occurred from men who were with Prost at the time, by Dr. Petard, who told him Prost was unable to march, and he had put him (Prost) in an ambulance, and from Prost himself.

Capt. John H. Tissot, of claimant's company and regiment, testified before the special examiner that he got leave of absence July 12, 1862, leaving Lieutenant Prost in command. Returning to the company at Yorktown, Va., August 1, 1862, he found Prost complaining of general weakness and claimed that he had been injured, and did not think Prost performed any regular duty after he (Tissot) rejoined the company. He states further that it is his opinion that Prost contracted disability in the service.

Several other witnesses were sworn whose testimony is very much similar to that given by Captan Tissot, showing that claimant was weak and sickly in service, and claimed it resulted from the alleged fall, but state they have no personal knowledge of the contraction of the disability.

Dr. Isidore P. Latour testifies that he has attended and prescribed for the claimant very frequently since 1869; that he has been and is now affected in the dorsal regions of the spinal column with very severe pains, extending downward to the lower extremities, assuming the form of double sciatica, accompanied with numbness, rendering him wholly unfit to perform manual labor; and from personal examinations and the history of the case, believes the injury was incurred as stated by claimant.

Dr. Henry A. Hopper testifies that he has been a practicing physician since 1847; that he has recollection of the surgical treatment, some time between 1866 and 1869, by his father, Abraham Hopper, M. D. (now deceased), upon Lieut. Joseph Prost, for an injury to his spine, said to have been received in the United States service; that in conversation with his father he has understood it to have been the opinion of his father that the injury to claimant was permanent, and would likely disqualify him from engaging in manual labor.

From testimony of persons intimately acquainted with him it is shown that the claimant on his return home was in a very critical condition; that he was attended by a Dr. Nicholas Hamerer (now dead) for a number of years for his injury to his back and spine; and that he has been a constant sufferer from his disability and unable to perform continuous labor.

Dr. T. B. Hood, of the Pension Office, June 25, 1883, reported:

"I am of the opinion that claimant has been disabled since discharge by cause alleged."

The claim was probably rejected because the proof of disability was general, and not from eye-witnesses to the injury.

Your committee, considering that from the testimony of officers of the regiment and the certificate of the surgeon it appears the claimant was weak and sick in service, are of the opinion that the disability was contracted there, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH CROWLEY.

The next business on the Private Calendar was the bill (H. R. 5332) granting a pension to Elizabeth Crowley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Crowley, widow of Thomas Crowley, late of Company G, Ninth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5332) granting a pension to Elizabeth Crowley, submit the following report:

The husband of claimant was a pensioner at the rate of $8 per month for gunshot wound of left shoulder until his death, January 26, 1882. The widow, in her declaration for pension, alleged that death from softening of the brain resulted from the gunshot wound received in the service, and for which the soldier drew pension.

The Pension Office rejected her claim on the ground that death from softening of the brain, and consequent paralysis, was not the result of wound of left shoulder.

Dr. William Hackett, the family physician of the soldier at the time of his death, testifies that he treated soldier during the years 1879, 1880, and 1881 for chronic bronchitis, neuralgia of left breast, and softening of the brain; that his mind has been somewhat affected since he knew him; that the softening of the brain increased during the year 1881, the last three months of which he was confined to the house or bed with wandering mind, loss of speech, and loss of use of limbs till death occurred, January 26, 1882; that during said years soldier's physical condition was such that his disability to labor might be averaged at one-quarter during the whole time.

That he received a wound of the left subscapular region of the chest during the war. Its location was not positively determined, as no autopsy was held after death.

That ever since his discharge he had a cough, with pain in left chest and side, and during the last three years there was pain and swelling of left testicle. That taking the history and symptoms into consideration, it is affiant's opinion that the wound helped to produce direct cause of death.

In an additional affidavit the doctor says that the direct cause of death was softening of the brain.

That the sympathetic nerves of left side were injured by the wound, and there were frequent neuralgic attacks which weakened the system and deranged digestion from constant irritation and helped to produce the condition of the brain from which he died.

Dr. Alpaugh, another physician who also attended the soldier during his last illness, says:

"I attended the soldier during his illness. He died January 26, 1882. The immediate cause of death was exhaustion from inanition, caused by softening of the brain. The minute or contributing cause was undoubtedly a wound in the upper part of the chest, which he received during his service in the Army."

The examinations made of the soldier's wound during his lifetime by surgeons, under order from the Pension Office, develop the fact that the ball inflicting wound entered in front of left shoulder, about the middle of the clavicle, and came out near the upper and inner part of the scapula, and that quite a number of bones were discharged from the openings. It would seem that the upper part of the left lung had been wounded, as at times the soldier was troubled with spitting of blood.

The soldier from the evidence in the case was a constant sufferer from his disabilities from discharge until death. The wound through his chest destroying part of the nervous system, reduced him so that he became greatly debilitated, and, though somewhat remote, may have produced softening of the brain.

The case is one which should be allowed, being possessed of merit, and your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. E. A. BENHAM.

The next business on the Private Calendar was the bill (H. R. 229) granting a pension to Mrs. E. A. Benham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place on the pension-roll the name of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry

W. Benham, deceased, and that she be paid a pension of $50 per month from and after the passage of this act.

The report (by Mr. HUTTON) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 229) granting a pension to Mrs. E. A. Benham, beg leave to report:

That Mrs. E. A. Benham is the widow of Bvt. Maj. Gen. Henry W. Benham. He was graduated from the Military Academy and promoted to the grade of brevet second lieutenant in the Corps of Engineers July 1, 1837, and died June 1, 1884, having served his country faithfully and well as engineer and soldier for a period of nearly thirty years.

As a testimonial to his patriotism, fidelity, and courage, and his personal and official worth, the order of Brigadier-General Newton is made a part of this report.

Both as an engineer and as a soldier, General Benham made a record of which any man might feel proud. During a period of thirty years of the most efficient and faithful service he was the recipient of the highest commendations from Generals Taylor, Wool, Scott, Totten, McClellan, Sherman, Hooker, Meade, and Grant, with a record rarely equaled, perhaps never surpassed, by one of his rank.

Your committee report the bill favorably, and recommend its passage.

GENERAL ORDERS, No. 9.

HEADQUARTERS CORPS OF ENGINEERS, UNITED STATES ARMY, *Washington, D. C., June 5, 1884.*

It becomes the painful duty of the brigadier-general commanding to announce to the Corps of Engineers the death of a brother officer.

Col. Henry W. Benham, Corps of Engineers (retired), brevet major-general, United States Army, died in New York city on the evening of June 1, 1884.

General Benham was graduated from the Military Academy and promoted to the grade of brevet second lieutenant in the Corps of Engineers July 1, 1837.

He served as assistant engineer upon the improvement of Savannah River, Georgia, 1837-'38; as superintending engineer of the repairs of Fort Marion and of Saint Augustine sea-wall, Florida, 1839-'44; of the repairs of defenses of Annapolis, Md., 1844-'45; of repairs of Fort Mifflin, Pennsylvania, and Fort McHenry, Maryland, 1845; and of repairs of Forts Madison and Washington, Maryland, 1846-'47; in the war with Mexico, 1847-'48, being engaged in the battle of Buena Vista, February 22, 23, 1847, where he was wounded; as assistant engineer in the repairs of the defenses of New York Harbor, 1848-'49; as superintending engineer of the construction of the sea-wall for the protection of Great Brewster Island, Boston Harbor, 1849-'52; of the construction of Buffalo light-house, New York, 1852, and of the Washington navy-yard, 1852-'53.

He was on duty as assistant in charge of the United States Coast Survey Office, Washington, D. C., and in Europe in connection therewith, from March, 1853, until November, 1856; as superintending engineer of the construction of Forts Winthrop and Independence, Boston Harbor, Massachusetts, 1856-'57; of the survey of site for fort on Clark's Point, New Bedford, Mass., and repair of Fort Adams, Newport Harbor, Rhode Island, 1857-'58; of the construction of the fort at Sandy Hook, 1858-'61; of the Potomac Aqueduct, 1860, and as engineer of the quarantine commissioners of New York Harbor, 1859-'60.

He served during the war of the rebellion, 1861-'66, as chief engineer Department of the Ohio, May-July, 1861, being engaged upon the staff of Brig. Gen. T. A. Morris, in military operations in Western Virginia, at Laurel Hill, July 6-11; in command of the troops engaged in the combat of Garrick's Ford, July 13, 1861, and as acting inspector-general, Department of the Ohio, August 5-16.

Promoted to the rank of brigadier-general of volunteers August 13, 1861, he took part in the campaign in West Virginia, August-November, 1861, being in command of a brigade at New Creek, August 16, 1861; in action at Carnifex Ferry, September 10, 1861, and the pursuit of the enemy from Cotton Hill to Raleigh County, Virginia, November 12-16, 1861. He was in command of the northern district of the Department of the South March to June, 1862, being present at Tybee Island, Georgia, during the bombardment and capture of Fort Pulaski April 10, 11, 1862, and engaged, in command, at the attack on Secessionville, James Island, South Carolina, June 16, 1862. From September, 1862, to February 28, 1863, he was on duty as superintending engineer of the construction of the fortification at Portsmouth Harbor, New Hampshire. Assigned to the command of the engineer brigade, Army of the Potomac, he was engaged in superintending the construction of ponton bridges across the Rappahannock for the passage of the Army of Chancellorsville, April 29-May 5, 1863; at Franklin's Crossing, in the face of the enemy, June 5, 1863, and over the Potomac, at Edwards Ferry, June 21, 1863. From July, 1863, to May, 1864, he was in charge of the ponton depot at Washington, D. C.

From June, 1864, to June, 1865, he was in command of the engineer brigade, Army of the Potomac, being engaged in superintending the construction of a ponton bridge, 2,200 feet long, across the James River, at Fort Powhatan, June 15, 1864; in the construction and command of the defenses of City Point, Va., October, 1864, to April 2, 1865; in holding the captured lines at Petersburg, April 2, 1865; in repairing bridges across the Appomattox and Staunton Rivers, April 3-23, 1865, and on march to Washington, D. C., May-June, 1865. Since the close of the war General Benham served as superintending engineer of the construction of Fort Winthrop and Fort Independence, Massachusetts, from 1865 to 1882; of Fort Warren, Massachusetts, from 1867 to 1882; of works on Long Island Head from 1869 to 1882; of the defenses of Provincetown, Mass., from 1866 to 1870, and from 1872 to 1877; of the construction of Boston Harbor sea-walls from May, 1866, to April, 1873, and of Fort Montgomery, New York, and the inner defenses of New York Harbor, the forts at New York Narrows, and of Sandy Hook, New York, from July, 1877, until June 30, 1882, when he was retired from active service by the operation of law.

General Benham was promoted successively from the grade of lieutenant to that of colonel of engineers and brigadier-general of volunteers, having declined the appointment of major in the Ninth Infantry, tendered him in March, 1855.

He received the brevets of captain, United States Army, "for gallant and meritorious conduct in the battle of Buena Vista," February 23, 1847; colonel, United States Army, "for gallant and meritorious services in the battle of Garrick's Ford, Va.," July 13, 1861; brigadier-general, United States Army, for "gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under General Robert E. Lee," March 13, 1865; major-general, United States Army, for "gallant and meritorious services during the war," March 13, 1865, and major-general of volunteers, "for gallant and meritorious services during the war," March 13, 1865.

The record of General Benham's services and his zeal in the discharge of his duties form the best tribute to his memory.

As a testimonial of respect for the memory of the deceased, the officers of the Corps of Engineers will wear the usual badge of mourning for thirty days.

By command of Brigadier-General Newton:

JOHN M. WILSON,
Major of Engineers, Bvt. Colonel U. S. A.

Mr. PRICE. I would like to have the bill amended so as to provide that this lady be placed on the pension-roll subject to the provisions and limitations of the pension laws.

Mr. WOLFORD. I understand that a Senate bill similar to this has been passed by that body, and I desire that it be substituted for the House bill.

Mr. HUTTON. Mr. Chairman, as the gentleman from Kentucky [Mr. WOLFORD] has just stated, the Senate has passed a bill substantially the same as this bill of the House. I ask unanimous consent that the Senate bill may be taken up and recommended to the House for passage, and that this bill be reported with a recommendation that it lie on the table.

The CHAIRMAN. The Senate bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. E. A. Benham, wife of the late General Henry W. Benham, at the rate of $50 per month.

Mr. PRICE. I have no objection to substituting the Senate bill for the House bill; but, if the Senate bill is under consideration, I move to amend by striking out the concluding clause (which fixes the pension at the rate of $50 per month) and substituting a clause that this lady be pensioned subject to the provisions and limitations of the pension laws.

Mr. BRADY. I trust that the amendment submitted by the gentleman from Wisconsin [Mr. PRICE] will not prevail. It is customary to grant to the widows of major-generals in the Army pensions of $50 per month. There are a number of precedents——

A MEMBER. Thirty-nine.

Mr. BRADY. Thirty-nine! There are some forty-four.

Mr. CONGER. Was this soldier a general officer?

Mr. BRADY. He left the service with the rank of major-general.

Mr. CONGER. By brevet?

Mr. BRADY. By brevet.

Mr. CONGER. But he was only a lieutenant, as I understand.

Mr. BRADY. No, sir; he was a colonel in the regular Army and a general in the volunteer service.

Mr. CONGER. What was his rank as a volunteer?

Mr. BRADY. A brigadier-general. And he was a colonel in the regular Army. The report of the committee, as presented by the honorable gentleman in charge of this bill, presents all the facts in the case as strongly as it can possibly be done, and therefore I do not propose to detain the House by going over them.

Mr. CONGER. Do I understand the gentleman to say that this man was only general by brevet?

Mr. BRADY. He was a colonel in the regular Army, but he was a brevet brigadier-general in the volunteer service. He rendered gallant and distinguished service in the Army of the Potomac as a brevet brigadier-general in the volunteer service. He gained as much distinction and rendered service equally as valuable as that of others in whose cases pensions were granted precisely as it is proposed to grant a pension in this case. I see no good reason why this case should be made an exception to what seems to have been the general course of precedents in this regard. Nor do I see any good reason why the amendment of the gentleman from Wisconsin [Mr. PRICE] should be adopted, nor why his reasons should prevail, except the one he offers in every case of this sort. And I trust I do not misrepresent the position of the honorable gentleman, that he strenuously objects to the granting of a pension of $50 in any one of these cases—not especially in this case, but in any case—because he objects to the granting of any higher pension in any of these cases than that which is authorized by law, and which in this particular case would be $30 a month instead of $50, which the bill proposes to grant.

Now to recapitulate without going into all the facts of the case, which have been so fully presented, as I have already stated, by the report of the committee, this is a case equal to any of those heretofore passed by Congress, embracing forty-odd precedents of similar character. I have in my possession a list of thirty-odd cases furnished to me by the Commissioner of Pensions a few weeks ago. Since then Congress has added to the list until we have from forty to fifty cases similar to this, not one of which in my judgment is stronger or more entitled to consideration than the one now pending.

Mr. PRICE. The gentleman does not properly state my position, although he has unconsciously erred, but it is this: I do not care whether the pension be $30, $50, or $500; that is no object to me; I claim our revenues are not sufficient, and that we will never live long enough to pay properly the men who fought our battles and won our victories; the point I make is this, and I hope the gentleman will not have any reason to misstate it in the future, that there is no good reason why this House or this Congress should make any distinction between officers and privates in the granting of pensions for services during the war. It is not right, it is not just, it is not honest, and for one I do not wish to do a dishonest thing unless I get something for doing it. [Laughter.]

Mr. BRADY. It may not be honest according to the opinion of the gentleman from Wisconsin, but such is not the opinion of Congress, for it has granted precisely similar pensions in some forty or fifty cases which have already become precedents.

Mr. PRICE. Do you wish to make another speech, or will you allow me to make my own? [Laughter and applause.]

Mr. BRADY. I yield the floor, and the gentleman from Wisconsin will proceed.

Mr. PRICE. Here we have precisely the same vicious argument over again and again on the part of this committee, and in every one of these vicious cases, so that whenever a man can find no other reason, no equity, no justice, no common sense in a proposition, he falls back upon the same assertion, that it ought to be done because they have done precisely the same mean thing away back yonder. [Laughter.] I do not care anything about these precedents. No precedent can make what is wrong right. What I object to is providing in these special cases—that is, in the case of these officers—the pension shall be fixed at $50 a month, while in the case of John Smith, back of the hills, the pension is put down "subject to the rules and limitations of the pension laws." I oppose this unjust distinction. I believe the law should fix the amount of the pension, and that in all cases where pensions are granted they should provide a pension in accordance with the provision of the law upon the statute-book.

Now, sir, I am willing that this bill shall be reported to the House with the recommendation that it do pass, but upon the distinct understanding that the vote shall be taken in the House when a quorum is present. I am not willing that this or any other bill changing existing law should pass unless by a vote in a full House.

Mr. BRADY. Let me inquire of the gentleman from Wisconsin why an officer of the Army in time of war or in time of peace receives greater pay than a private soldier?

Mr. PRICE. Because it is the custom and in accordance with business principles that we should pay for one kind of talent more than for another.

Mr. BRADY. And that is just this case.

Mr. PRICE. It is to be presumed this officer while serving in the Army went on horseback, while at the same time John Smith trooped after him on foot, the man on horseback of course receiving larger compensation than the man who served on foot. He had greater ability and of course received larger pay.

Mr. LOVERING. It is the first time I ever heard of a man in the Navy riding a-horseback. [Laughter.]

Mr. PRICE. I was not aware nor am I yet that this is the case of a naval officer. Even if it were, I doubt whether three-fourths of those who are in the Navy could tell whether some of the men serving as officers were on foot or horseback. [Laughter and applause.]

I lay it down as a principle, Mr. Chairman, that the general law should provide exactly the pension which should be received in all these cases; and when a bill is passed here it should be provided that the pension should be in accordance with the rules and regulations of the general law.

Mr. BRADY. Why does not the gentleman introduce a general bill?

Mr. PRICE. I have introduced half a dozen common-sense bills and had them referred to this same committee, but so far I have not the least reason to believe any one of them will ever be reported back into this House. I have introduced a bill here, referred it to that committee, that every man who served in the Union Army during the war should be pensioned—every one of them. But I do not see any indication or disposition on the part of that committee to consider and act upon anything of the kind. But I will not occupy any more time. That is the position I occupy and would like to maintain it.

Mr. SEYMOUR. Mr. Chairman, I trust the gentleman from Wisconsin will not insist upon the position which he takes in reference to this case. I am certain he would not do so if he had read the whole report, and I am quite certain he has not read it in full, at least I so infer from the evidence furnished by his own remarks. Had he read it he would have seen that this is the very last case that should be used for the purpose of breaking the long line of precedents established by Congress in the granting of pensions such as this. I repeat, sir, the whole report was not read. I do not believe, if it had been read, that there is a man on this floor who would not assent that this is the last case that should be used for the purpose of making such an objection.

I take it upon myself to say—for I had the honor to introduce this bill—that there is not a more meritorious case among the whole fifty or more cases that have heretofore passed Congress granting such relief. There is not one in the entire list that has a higher claim than this one. Why, sir, this man, now for more than thirty years, commencing in the Mexican war with meritorious and useful services for the Government, fairly gave his whole life, every hour of it, when his services were called for to the service of his country, taking part as he did in all the great and memorable military operations during that period. He leaves a widow who has a claim upon us greater than that of any of those who have heretofore been pensioned at this amount.

I have said if the whole of this report had been read it would show that no stronger case could be presented than this. The report speaks of the long line of meritorious services in which this officer was engaged. It speaks of building bridges in times of exigency; but it does not tell you, Mr. Chairman, of the building of one of these bridges—I forget which—by this brave man, when instead of standing on the brink and directing how it should be done, being informed that it must be built with the greatest expedition for the safety of the Army, plunged into the cold water, and by the side of the workmen themselves lent his own assistance to the speedy work of its construction, not only conducting the work and directing its operation, but actually helping by manual labor to build the bridge.

I believe if it was not for that service which he rendered to his country his widow would not be a widow to-day, applying here for that help which she is now compelled to ask this Government for, because she would still have been relying upon his own strong arm. I do not believe that any man can read this report without acknowledging the truth of this statement.

Why it was only a week ago, my friend from Wisconsin then present, when precisely a similar case was before the House and he permitted that bill to pass and did not object or take the same position that he takes with reference to this; nor did he then require that that should go to the House to be voted upon when a quorum was present.

That was a proposition to pay a $50 pension—not as meritorious a case as this; and I beg him now not to take the most meritorious case of all and make this break in the line of precedents. I make this appeal because I am satisfied there is no man present who would not come to the conclusion to which this committee came upon an examination of the report. I ask the gentleman therefore for the sake of consistency—permitting as he did a similar bill to pass a week ago—not to plant himself right in the path of this meritorious bill, but wait until a bill comes in against which his strictures may be properly applied.

Mr. PRICE. What bill do you refer to?

Mr. SEYMOUR. I refer to the bill against which you alone voted on the last Friday's session—the bill granting a pension to Margaret B. Harwood.

I do not know whether my friend from Wisconsin has been in the habit of attending these evening sessions or not. During the last session of the House I was here night after night, and I may be permitted to say that I have seen many of these bills pass, and in my opinion none of them were more meritorious than this.

Mr. PERKINS. Does not the report in this case show as a matter of fact that this man reached the rank of brigadier-general of the volunteer service and the brevet rank of major-general?

Mr. SEYMOUR. Yes, sir; the report shows it.

Mr. PETERS. Mr. Chairman, I do not think it is right to make an exception in this case. I regret to differ with my friend from Connecticut [Mr. SEYMOUR], whose judgment I so much esteem, but it has been the invariable rule of the House in matters of this kind to give to the widow of a colonel—and we have passed numbers of such bills—a colonel who fell upon the field of battle, who gave his life for his country, and that is more than this gentleman gave—I say it has been the custom to give to the widow of such colonel only $30 a month. Now, I do not think it is right, I do not think it is justice to these widows to make an exception of this kind, and give to this one a larger pension than we have given under the general law. It is only in some exceptional cases where a pension has been given, and I have never approved of a single case where such pension has been granted at a rate higher than $30 a month to the widow of a major-general. This man was not a major-general, but by brevet only; and the custom has been to give to the widow of an officer above the rank of lieutenant-colonel $30 a month.

Mr. MATSON. That is the law.

Mr. PETERS. And I can not see why it is that an exception should be made here when we have a number of cases where colonels and lieutenant-colonels have fallen upon the field of battle and we give their widows but $30 a month.

The long line of service rendered by this man to his country, while it is creditable to him, yet does not demand from this Government any more recognition than the services of the man who laid down his life for the country. This man, as I understand, was educated at West Point at the expense of the Government, and the Government gave him his position in the regular Army. And all that might be urged as a reason why this man is not entitled to any more consideration than the man who volunteered in the service of his country and fell on the field of battle, reaching only the rank of colonel. To the colonel's widow we give only $30, and to give what is here proposed to the widow of this brevet-general is doing an injustice and an injury to the widow of every colonel who fell on the field of battle.

Mr. PRICE. I have been charged with inconsistency by the gentleman from Connecticut [Mr. SEYMOUR]. I will say I have sat here to-day with House bill No. 81 on my desk with an amendment prepared to strike out all after the word "Navy," in the seventh line, which takes off the sum of $50. I distinctly objected to that a week ago. That bill and three others were objected to by me, and by agreement were passed over, as I understood. The RECORD does not show that, but it shows that I objected.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin and the gentleman from Connecticut that the bill referred to is on the Calendar as unfinished business and is still pending.

Mr. PRICE. Then my objection was taken, and I am not inconsistent, though I may be wrong. But I desire to test the sense of the committee upon the proposition to amend by striking out the last clause of the bill, which indicates the amount to be paid.

Mr. WOLFORD. I desire to say a few words in order to see if I can

not get my distinguished friend from Wisconsin [Mr. PRICE] to think right about this question.

Mr. PRICE. You will not change the view I take.

Mr. WOLFORD. I think I can. The gentleman from Wisconsin and the other gentleman over the way are evidently laboring under a mistake. This man, it is true, was a colonel in the regular Army; and I supposed everybody knew that a colonel of the regular Army was a general in the volunteer Army.

Mr. BROWN, of Pennsylvania. Since when, and by what law?

Mr. WOLFORD. By the law of the United States made during the war of the rebellion in its darkest days and acted on through the whole of the war. It has never been controverted until I heard it controverted to-night that a colonel in the regular Army has the rank of brigadier-general in the volunteer army. I want the attention of my friend from Wisconsin and of my friend over the way to this point. How did this officer come to be a brigadier-general? He was commissioned brigadier-general—he was not a brevet-brigadier, but he was commissioned brigadier-general for gallant and meritorious service upon the battlefield, because he had so marshaled his men; because he had so shown that great individual bravery and that great collective genius for marshaling men as to save the lives of an army; because he had under his control the lives and characters and happiness of thousands of men.

It was because he showed his extraordinary ability, because he showed that he was distinguished for his quickness of thought, that he was distinguished for that aptitude for command which is the characteristic of our great men and displays the great man when the occasion offers. A thousand occasions might have offered to a man of inferior intellect and he never could have made himself distinguished like this gallant general.

For that distinguished service the country said and the President of the United States said he shall be a general, and he was commissioned as a general. Then again he went on showing his great mind, his great soul, his great heart, and led his hosts on to victory. He went on till he was brevetted a major-general. A higher mark can not be made than was made by this officer. It is true he did not have the commission of a major-general. But he received his brevet for gallant and brave and meritorious services, for the depth of mind and heart and soul that grasped the condition of the country and the condition of the Army, that took him into the front and the lead of the great fight to redeem this country and save the Union. And he did more than most men did for the salvation of the Union.

I know my friend from Wisconsin [Mr. PRICE], when he comes to think of it, will not say for a moment that such services as these are to be put upon the common plane; that the humblest private can do the same thing. The private soldier might have the mind and the heart and the soul of the general, but he had nothing to do but to take care of himself and obey orders. He had no responsibility. Whose life, whose honor were in the hands of the private save his own? But the general that commands has the life and honor and happiness of the whole army under his control. For that reason General Grant was a greater man than my friend from Wisconsin [laughter], however much he may talk about the common level of humanity. For that reason General Hancock was a greater man than the men who did not do the service he did; and the country has recognized that fact.

The world has recognized all along the line of human history that the man who does the most for his country is loved most by the country. That is the order of God Almighty.

He that does much will receive much in the great Day of Judgment. That applies to him that does most for his country, and who, sir—I take up the word of my distinguished friend who has preceded me—who ever did more for his country than this report shows was done by this officer? I do see some force in the position of men who sit back here and say, "Although there is no law, we will make a law unto ourselves, and say that none but the widows of general officers shall receive a pension of $50 a month;" but that is no reason for opposing this bill. Here is the widow of a general officer, an absolute brigadier-general and a brevet major-general, who did the duties of a major-general.

Mr. PETERS. Will the gentleman permit me to ask him a question?

Mr. WOLFORD. Yes, sir.

Mr. PETERS. Where did this colonel serve?

Mr. WOLFORD. Did you hear the report read? [Laughter.] Now, I do not want that report read again. Mr. Chairman, neither of these distinguished gentlemen who are opposing this bill listened to the report, and there, in a nutshell, is the secret of their opposition; neither of them has listened to the report, but they just come in here resolved that they will set up a rebellion in the camp of humanity. [Renewed laughter.] They come here prepared to say that what all the world regards as true is false, and that what all the world calls good is bad. I wish the gentlemen had time to read that report, for then there would be no need of my arguing this case. [Laughter.] I hope the gentleman from Kansas [Mr. PETERS] will read the report, and I hope he will postpone voting against this righteous bill until he has read it, because no man ever did more for his country than this officer.

Now, Mr. Chairman, I turn to my friend from Wisconsin [Mr. PRICE] and I want to talk to him kindly. [Laughter.] I know that he is not going to the extreme of saying that he will call a quorum on us if we do not let him dictate to the whole Congress. Now, sir [addressing Mr. PRICE], I want to talk candidly and kindly to you for a minute. [Laughter.] You are in a minority in this Congress. If there is another man in this Congress or anywhere else that believes as you do about pensions all I have to say is, God help that man. [Renewed laughter.] Being in a minority, then, are you going to set yourself up here and say that the wisdom of ages that has come all along down the stream of time, the wisdom which declares there is a difference between the officer and the private—are you going to set yourself against that and say, "If I can not control by my reasoning (and the gentleman is a powerful reasoner), if I can not control by my eloquence (and does not he rise to a great degree of eloquence when he has a mind to?), if I can not control by my reason or by my eloquence I will compel you to bow to my will by calling a quorum on you?" [Great laughter.]

[Here the hammer fell.]

Mr. JOHNSTON, of Indiana. Mr. Chairman, by attending these Friday evening sessions I certainly have learned a great deal about the great men of this country. I did not know before that we had so many great men. [Laughter.] Every time any gentleman wants us to grant a big pension to a widow, we are told that her husband was the greatest man in the world, and my friend from Kentucky [Mr. WOLFORD] makes the same speech that he has made to-night in every case where he wants a pension increased. In every case the lady's husband was the biggest man living.

Mr. WOLFORD. That is the sort I am for. [Laughter.]

Mr. JOHNSTON, of Indiana. Then my friend from Missouri [Mr. WARNER], who is not present at this moment, comes in and asks us to pension a widow out there at $24 a month because her husband was the gamest man on top of the earth. [Laughter.] And so it goes; every time they want an increase of pension for a widow they put it on the ground that her husband was a very great man. Now, the pension is not to the man; it is to the widow.

Mr. BINGHAM. She is his natural heir.

Mr. JOHNSTON, of Indiana. Then if she is his heir let her take what property he has left, and do not run your hand into the pocket of sombody else for her benefit.

Mr. BINGHAM. He has left her an inheritance of courage and devotion to duty.

Mr. JOHNSTON, of Indiana. Then she ought to be rich upon it. Courage is not dollars and cents.

Mr. BINGHAM. In such cases it ought to be requited with dollars and cents.

Mr. JOHNSTON, of Indiana. Then, Mr. Chairman, if that be true, you must pick out one private here and another private there, and pension the widow of one at one rate and the widow of the other at another rate, because one was a man of more brains or a braver man than the other, though each did his duty. I understand the position of the gentleman from Wisconsin [Mr. PRICE] to be this: That the widows of every class shall be treated alike; the widows of privates alike, the widows of colonels alike, and the widows of generals alike, and that we shall not pick out a case here and there and make it special. That I understand is the gentleman's position, and he is right. That is the true theory, because, as the Chairman of the Committee on Invalid Pensions has well said, the pension goes to the widow for her support, not for the gallantry of her husband. You can single out isolated cases all over the land where the same kind of arguments would be good in favor of pensioning one widow at a higher rate than another.

Mr. DOCKERY. Mr. Chairman, I do not wish to occupy the time of the House in needless discussion, because there are other cases on the Calendar that demand consideration. I desire to say, however, in answer to the remarks of the gentleman from Indiana [Mr. JOHNSTON] that my colleague [Mr. WARNER, of Missouri] is not here to-night——

Mr. JOHNSTON, of Indiana. I understand that.

Mr. DOCKERY. But I plead guilty for him to the fact that he did say Nat. M. Gwynne was one of the most gallant men in the Army. I will add that my colleague was justified in saying that, because the Congress of the United States had singled this man out for special recognition on account of his gallantry.

Mr. PRICE. The gentleman does not refer to the case now under consideration?

Mr. DOCKERY. No, sir; but to the case to which the gentleman from Indiana [Mr. JOHNSTON] has alluded.

Now, I want to ask the gentleman in charge of this bill (because I am somewhat in doubt as to the proper action to be taken upon it) whether the report shows that this gentleman was a brigadier-general?

Mr. HUTTON. It does.

Mr. DOCKERY. I wish to ask also whether the law makes a difference in the pensions paid to the widows of brigadier-generals and colonels?

Several MEMBERS. It does not.

A MEMBER. The general law makes no distinction.

Mr. HUTTON. I do not know that the law makes any distinction as to pensions between the widows of colonels and those of brigadier-

generals. But this House has made a difference. I believe the general policy of the House has been to give to widows of brigadier-generals a pension of $50 a month.

I wish to repeat what my friend from Connecticut [Mr. SEYMOUR] has just said, that no more meritorious case than this has been presented to this House. General Benham has a record that has not been equaled, so far as I know, by that of any other man for the number of years in which he was in the service or the faithfulness of that service—service both as a skillful engineer and as a brave soldier. Entering the service in 1837, his record is not surpassed by that of any other man of whom I have any knowledge. He died a poor man. His widow, who is to-day old and feeble and poor, comes here, and, in view of her husband's long service, asks this House to give her a pension upon which she can live comfortably the remainder of her days. What is proposed in this case is only what has been done in the cases of other widows under like circumstances. I do not believe that it is necessary to argue this question a single moment. I believe that the record presented to this Committee of the Whole is sufficient to secure favorable action on this bill. I hope the amendment will be voted down.

Mr. JOHNSTON, of Indiana. Is this widow drawing a pension now?

Mr. HUTTON. Yes, sir. This bill is to increase the pension from $25 to $50.

Mr. BRADY. I think my frend [Mr. HUTTON] is mistaken on that point. Mrs. Benham, as I understand from her daughter, is not now drawing a pension.

Mr. HUTTON. Then I am mistaken.

Mr. ZACH. TAYLOR. She is drawing a pension of $20 a month as the daughter of General McNeill.

Mr. BINGHAM. But she is not drawing pension as the widow of General Benham.

Mr. ZACH. TAYLOR. No, sir.

Mr. BRADY. I know from her daughter that she is not drawing a pension.

Mr. BINGHAM. Is not drawing a pension as the widow of General Benham.

Mr. JOHNSTON, of Indiana. Will she draw two pensions if we pass this bill?

Mr. BRADY. She can not draw two pensions.

The question being taken on the amendment of Mr. PRICE, there were—yeas 5, nays 31.

Mr. PRICE. I suggest to gentlemen here that they let this bill go to the House with a favorable recommendation and that it be voted upon by the House when there is a quorum present. I do not wish to see this bill passed unless it be by a quorum.

The CHAIRMAN. The gentleman from Wisconsin asks that this Senate bill may be laid aside to be reported to the House with a recommendation that it pass, but with the understanding that it shall not be taken up in the House to-night.

Mr. BRADY. Would it not be proper that such an arrangement should be made in the House instead of in committee?

Mr. PRICE. We can make the understanding now.

Mr. BRADY. Is it in order for the gentleman to make that motion?

The CHAIRMAN. The gentleman asks unanimous consent that the bill may be laid aside with the understanding that it be reported favorably to the House, but that it be not taken up in the House to be voted upon to-night, but come up in the regular order of Friday's business.

Mr. LOVERING. What will be the status of the bill when it comes before the House? There were some bills which went over last Friday night as unfinished business; and my supposition was that they would come up to-day at the regular session of the House as unfinished business.

The CHAIRMAN. The Chair will state that if when this bill is reached in regular order to-night the previous question be ordered upon it, and it then goes over, it will, as the Chair understands, come up as unfinished business next Friday.

Mr. PERKINS. It can be laid aside with the understanding that in the House we order the previous question.

Mr. DOCKERY. If the previous question be ordered, the bill will come up on Monday morning.

Mr. WOLFORD. That is the ruling of the Speaker.

Mr. DOCKERY. Yes; I think the Speaker ruled that in such a case the bill would come up on the succeeding Monday morning.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Wisconsin?

Mr. WOLFORD. Before determining whether I will object I want to make a parliamentary inquiry. If the bill goes to the House, is there to be, after the previous question, such debate allowed as the parties may agree on? I do not want the bill to be voted on in the House without the House having an opportunity to understand what it is.

The CHAIRMAN. The Chair will state that the rule fixes the limit of debate in such cases—fifteen minutes on each side.

Mr. WOLFORD. Very well.

The CHAIRMAN. The Chair will again state the proposition of the gentleman from Wisconsin. The gentleman asks unanimous consent that the Senate bill be laid aside with the recommendation that it pass, and with the understanding that after the previous question shall be ordered upon it in the House it shall go over as unfinished business. Is there objection?

Mr. MATSON. I would suggest a further agreement, that instead of coming up after the reading of the Journal on Monday next, it shall be disposed of on Friday after the reading of the Journal.

Mr. BRADY. The understanding is that it is to come up as unfinished business.

Mr. BINGHAM. Let me state, Mr. Chairman, that two weeks ago, when the case of Mrs. Ellen Mitchell came before this House in its limited membership, it went over by unanimous consent, and the presumption was it would go over to the Friday succeeding, but the Speaker, on examination of the rules, determined it could not be considered on Friday. Therefore I came to the session of Friday a week ago and made the motion that the bill come up by unanimous consent immediately after the reading of the Journal on Monday morning. I presume it is the purpose of the gentlemen in the interest of the Benham bill it should come before a full House. Therefore I suggest, under the ruling of the Speaker one week ago when this motion was entertained on the Mrs. Mitchell bill, that it be agreed it shall come up immediately after the reading of the Journal on Monday next. I stated that evening, "I ask unanimous consent, and trust the chairman of the Committee on Invalid Pensions will concede it, that the previous question may be considered as ordered on the engrossment and third reading of the bill and also on its passage, and that it may go over for the present, which will throw it over until Monday next as unfinished business." The Speaker ruled on Monday morning that motion carried it into the House immediately after the reading of the Journal, allowing fifteen minutes of debate on each side on the assumption that no debate had previously been accorded to it.

Mr. MATSON. It was that precedent to which I had reference.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that was the statement of the Chair heretofore made, that if the previous question was ordered on the engrossment and third reading of the bill it would go over as unfinished business.

Mr. MATSON. It would go over to the next day the House was in session when unfinished business was in order. Now, what I wish to say is this: That there has been complaint about pension bills considered here in night sessions going over as unfinished business and interfering with the general business of the House. The sentiment seems to be that that class of business should be taken up on Friday instead of on Monday, and therefore I wish to incorporate this further understanding, that this matter, as well as some others which have been passed over, should come up on Friday next, immediately after the reading of the Journal, instead of on Monday next, to be disposed of in a full House at that time.

Mr. WOLFORD. Would not the gentleman be willing to insert in the unanimous consent that when the bill itself came up on Friday next fifteen minutes of debate shall be allowed on each side?

Mr. MATSON. That is provided for in the rules.

Mr. WOLFORD. I think not, and therefore I would like to have that inserted as a part of the understanding. For one, I should like to have some explanation in reference to the provisions of this bill before called upon to vote upon it.

The CHAIRMAN. The Chair will now state the request with the modification suggested by the gentleman from Indiana. The gentleman from Wisconsin [Mr. PRICE] asks by unanimous consent this bill be laid aside with the understanding when reached in the House the previous question shall be considered as ordered, and that it shall be voted on after the reading of the Journal on Friday next in its regular order.

Mr. BINGHAM. The House will not recognize it on Friday next.

A MEMBER. But the Speaker will.

Mr. BRADY. Friday has been set apart for the consideration of private bills.

Mr. MATSON. I ask it shall be inserted as a part of the understanding that the bill shall be taken up next Friday immediately after the reading of the Journal.

Mr. BRADY. Does that set aside the consideration of private bills on Friday?

The CHAIRMAN. The Chair hears no objection, and the Senate bill will be reported to the House with the recommendation that it do pass, and that the bill H. R. 229 be laid on the table.

SURGEON ALFRED M. OWEN.

The next business on the Private Calendar was the bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions.

The bill was read, as follows:

Be it enacted, &c., That Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Alfred T. Owen, minor children of the late Surgeon Alfred M. Owen, United States Navy, be, and they are hereby, granted and allowed a pension of $25 each per month, to date from the 23d day of August, 1883, on which day the said Surgeon Alfred M. Owen died, and to continue until each child shall respectively attain the age of twenty-one years; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen on the

pension-roll at said rates, in lieu of the pensions now paid them. In paying the pensions from the day of Surgeon Alfred M. Owen's death to the date of the passage of this act, the Secretary of the Interior is directed to deduct from the amounts herein allowed the sums already received by the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, or their lawful guardian.

The report (by Mr. SCOTT) was read, as follows:

The naval career of the deceased officer, which began in May, 1869, was one of exceptional credit, and was made conspicuous by an unusually wide range of duties by sea and land. From his entry into the service until his death he was constantly employed, exercising professional attainments of a very high order, and that he dignified every duty assigned him by the zeal, courage, fidelity, and intelligence displayed in its execution is the testimony of all who knew him.

He was always conscientious, earnest, skillful, kind, and courteous, commanding thereby the affection and confidence of the sick, and the respect and admiration of his superiors.

In February, 1882, he reported for duty at the navy-yard, Pensacola, and a few months later was combating the much-dreaded yellow fever. By his judicious sanitary provisions and personal force and courage he established a cordon of environment which preserved the naval station from the plague which devastated the neighboring city. At the height of the epidemic, when the physicians of Pensacola had been cut off by the fell disease, he bravely volunteered to go into the city to attend the afflicted.

In the following summer (1883) he was without medical assistance, performing the quadruple duty of surgeon of the navy-yard, surgeon of the naval hospital, surgeon of the reservation, and quarantine officer of the lower bay.

A return of the fever was looked for. Every officer who could be spared was permitted to leave, and this brave officer could have been detached upon application, but he scorned the thought.

August 14, 1883, the fever reappeared. Overexertion and exposure to the sun had caused Surgeon Owen a partial sunstroke in July, and while yet suffering from this, he was, on August 16, himself seized with the fever. For two days there was no one on land to treat the hero, and on the 22d he died. His faithful wife was untiring in her efforts at his bedside, and within a day or so after his death she was stricken with the same disease; at midnight of the 29th she was buried by his side.

They left behind them four children, between the ages of three months and eight years, each of whom and their nurse also had the fever.

The committee therefore recommend that the amounts named in the bill be allowed to the four children of the deceased.

Mr. MATSON. I understand the proposition is to pension these children at $25 a month, and there being four of them the proposition would amount to giving $100 per month to the children of this surgeon. This bill is a very extraordinary one, and I think in order to shorten matters it should take the course of the one just disposed of. I ask by unanimous consent, therefore, it shall be allowed to go over with the same understanding.

Mr. BRADY. Before that, to which I shall object, I desire to submit another proposition, that in the absence of Mr. SCOTT, who has reported this bill, I ask unanimous consent that it be passed over informally, retaining its place on the Calendar.

Mr. MATSON. I suppose that Mr. SCOTT will be present when it comes up if it goes over until Friday, and he can be heard in the House as well as at any other time in the committee if the bill is passed over.

Mr. BRADY. Yes; but it has been a courtesy usually extended.

Mr. MATSON. I have no objection whatever to that course if the gentleman prefers it.

The CHAIRMAN. Without objection the bill will be passed over informally, retaining its place on the Calendar.

There was no objection, and it was ordered accordingly.

MARY HOWARD FARQUHAR.

The next business on the Private Calendar was the bill (H. R. 1201) for the relief of Mary Howard Farquhar.

The bill is as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Major and Bvt. Lieut. Col. Francis V. Farquhar, Corps of Engineers, United States Army, and daughter of Maj. Gen. Alpheus S. Williams, United States Volunteers, at the rate of $50 per month, in lieu of the pension which she now receives.

Mr. CONGER. Let the report be read.

The report (by Mr. SCOTT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1201) granting a pension to Mary H. Farquhar, after duly considering the same, report it back, and recommend its passage with the following amendment: Strike out the word "fifty" and insert the word "forty."

In consideration of the long and faithful services of Major and Bvt. Lieut. Col. Francis M. Farquhar, and the necessities of his widow, Mary H. Farquhar, your committee believe that a pension of $40 per month is not excessive under the circumstances, and respectfully recommend that it be granted.

Mr. PETERS. That bill, I think, Mr. Chairman, had better take the course of the others.

Mr. MAYBURY. Mr. Chairman, I sincerely hope that this bill will be reported favorably to the House. The report hardly does the case justice, and I say this without intending to reflect in the least upon the gentleman who made it; but the facts are simply these: Colonel Farquhar died in the city of Detroit some four years ago, and it was a matter of common notoriety that his death was hastened, if not caused directly, from the effect of hardship suffered in the service. He died in the prime of his life, leaving a widow and two infant children. The report does not, as I have said, state the facts upon which the increase of pension is asked, namely, the early demise of Colonel Farquhar, which is chargeable directly to the hardships suffered in the service not only on the frontier and in the war of the rebellion, but afterward in the construction of a public work along the northern frontier, a work that stands to-day as a monument to his skill and faithfulness. An added inducement in the mind of the committee to make this report was the fact that Mrs. Farquhar was the daughter of the late General Alpheus S. Williams, a soldier of three wars, who commanded the Ninth Army Corps of the Army of the Potomac, and as gallant and faithful a soldier as ever drew a sword.

I hope, therefore, that this House will not refuse this very small amount to Mrs. Farquhar to aid her in bringing up her little children.

Mr. MATSON. Mr. Chairman, if this was the only case of this kind perhaps the House could act without doing injustice, but the difficulty is that all of these widows, at least a great many of them, think they ought to have their pensions increased; and it is a pretty tolerably safe proposition now to say that if you are going to enter upon this thing you will have to increase all of them. That is the sum and substance of it.

Mrs. Farquhar is doubtless a most estimable lady; her husband, as well as her father, won distinction; both were gallant and efficient officers; but she gets exactly the same pension that the widows of other officers get whose husbands held similar positions.

Mr. LAIRD. What command had he?

Mr. MATSON. He was an engineer officer.

Mr. LAIRD. Of what rank?

Mr. MATSON. The rank of major.

This lady is now getting a pension of $25 a month, and each of her children gets an allowance of $2 a month.

Now, I have said so often to this House that I do not like to repeat it, but it seems to me to be necessary, that while the bills which were passed here to increase the pensions of the widows of general officers have been allowed, not generally without much opposition, still I think that not only the members of the House but the country itself is beginning to get a little tired of even that. They are coming to the conclusion that this thing is going a little too far. We had just as well face the fact now, for I tell you the people of this country are getting tired of high pensions; and why? Because of the fact that there are thousands of the widows of soldiers to-day who are getting no pension at all.

Mr. PRICE. That is it.

Mr. MATSON. That is the reason. It is not because they are disposed to be illiberal, but because one woman gets a pension of $50 a month, while many others get less than that and a great number of them get nothing at all. The people do not approve of these things; and the trouble about the matter is that so far as the House is concerned we will be bothered by all of them coming in and asking increases unless we put a stop to this system of legislating. There is no reason why there should be any exception. I do not see a single reason stated, nor have I heard one in the ingenious and able argument of the gentleman from Michigan [Mr. MAYBURY]. The fact that the husband of this lady died young is cited; but the country got that much less service from him. The general proposition laid down in these cases has been heretofore that the man served a lifetime, or something of that kind; that he wore himself out. But here the proposition is reversed, and we are told that he died in a very short time—died early in his service, that he did so little or had so little opportunity to provide for his widow.

It only shows, Mr. Chairman, to what sort of resorts those who here advocate these unequal pensions are driven in order to maintain them. I shall insist that this bill ought to take the same course that others have taken. I insist on it for this reason, not only on the ground of the impolicy of granting unequal pensions, but in the interest of the business of this House and its Friday night sessions, because the House will not tolerate a departure from its well-established rules by the mere handful of men who may assemble here, if we go and widen this matter of granting pensions until a large number of persons shall come here pressing their claims and annoying Congress with claims which ought not to be provided for by special act.

Mr. DOCKERY. It is not my habit to interpose an objection to any proposition that meets the favor of a majority of any body assembled to consider a given measure. But I must object to carrying over these measures to the day sessions of Friday. The House has by special order set apart Friday evening to consider bills reported from the Committee on Pensions and from the Committee on Invalid Pensions. The day session of Friday is set apart for the consideration of private bills of a different character and which are generally meritorious.

Now, if we are to establish the rule that because one member objects we shall then by unanimous consent carry over these measures to the day session of Friday the result will be to deny justice to hundreds of claimants who are now asking relief at the hands of Congress and who are entitled to it. For my part I am willing to submit to the voice of those assembled here to transact this business, and if we can not do business in that way I hope some other method will be devised, because I shall certainly object to carrying over these measures to each succeeding Friday and occupying the Friday afternoon session with business which has been committed by a special order of the House to the sessions of Friday evening.

Mr. ERMENTROUT. I hope the gentleman from Missouri [Mr. DOCKERY] will not insist on his objection. It seems to me it comes too late after the action of the committee on the Benham case. If there was to be any objection to this course of proceeding—and it is a

course of proceeding which has been sanctioned by the House heretofore—it should have been taken at its inception, and not now.

The committee should not be called upon to make fish of one and flesh of another. This order has been made in the Benham case and in other similar cases in my recollection since I have been a member of this House; and I do not think it is becoming for any member of the committee who has been present while such orders have been made to object now. I hope, therefore, while the gentleman from Missouri knows his own duty better than I can tell him—I hope on account of the high regard we all entertain for his character for consistency and desire to do what is right he will withdraw all objection to this bill taking the course which was indicated in the Benham case.

Mr. DOCKERY. I believe I have a consistent record in regard to standing by the voice of the majority, and I do not think any one can charge me with attempting to exercise a one-man power. I am willing to abide by the voice of the majority, whether it be six, or twelve, or twenty-four. But I have protested, and I now renew the protest, against the habit of sending over these bills to our Friday afternoon sessions. I do not desire to interpose any objection to any pension. The gentleman from Pennsylvania [Mr. ERMENTROUT] has not been so often present perhaps as I have been at these Friday evening sessions, but my recollection is I have voted for every pension bill that has been offered to this House since I became a member of Congress, and I propose to continue to take the same course. I am not objecting to this bill on its merits. I simply desire it shall be considered now and passed.

Mr. RANDALL. Is it not better to pass the bill by a full House than by a House with twenty-five or thirty members present?

Mr. DOCKERY. I think not. However, if the gentlemen interested in this bill desire it I shall withdraw the objection.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the bill under consideration may be laid aside and voted on in the House under the same order as Senate bill No. 348. Is there objection?

Mr. ZACH. TAYLOR. I regret very much to interpose any objection to the consideration of these bills in a full House. But we have thousands of claimants whose business is set for consideration on Friday afternoons. This, I think, is the fourth bill which it has been proposed to-night to transfer to the Friday afternoon session. This proceeding tends to destroy all action on all other kinds of claims. These bills, it is proposed, shall come up next Friday immediately after the reading of the Journal. I think that was the arrangement. Now, as far as regards making fish of one and fowl of another is concerned the committee did that in this Benham case. It is one of thirty or forty cases, and this distinction is made in regard to it. I shall certainly object in this case.

The CHAIRMAN. The Chair understands the gentleman as objecting to the request of the gentleman from Indiana [Mr. MATSON].

Mr. ZACH. TAYLOR. I shall have to do it, though I regret it.

Mr. RANDALL. Then the reason which actuates the gentleman, as I understand it, is that he desires to give these other claims, these war claims, &c., a freer scope on Friday as against pensions.

Mr. ZACH. TAYLOR. That is it. The agreement, if the gentleman from Pennsylvania will allow me to say so, was made before he came into the Hall, so that these cases should be taken up on Friday afternoon immediately after the reading of the Journal. That was the order in the Benham case, and it is now desired that the like order should be made in succeeding cases. That was the order and the agreement made in the Benham case, and it was moved that a like order should be made in the succeeding cases.

Mr. RANDALL. A great many of us here take more interest in these pension cases than in cotton claims or war claims, and I think there ought to be harmony between those who feel on the one side as you [Mr. ZACH. TAYLOR] do and on the other side as I do. I do not think these pension cases interfere at all with the other business, as they are disposed of very rapidly.

Mr. ZACH. TAYLOR. Mr. Chairman, I want to say that I show my willingness to pass these pension cases by coming to these Friday night sessions which are set apart expressly for such cases. I attend all these sessions, and if other members were as ready to come here to discuss these questions as they are to discuss war claims and claims of other kinds we should make better progress. I want to have as much harmony as possible. I want these bills passed. I would have voted for the Benham bill with a great deal of pleasure. I do not know about these other bills, because I was not in the committee when they were considered; but, as my friend from Missouri [Mr. DOCKERY] says, I am willing to submit to the will of the majority, whether it be in a House of thirty or fifty or three hundred members.

Mr. RANDALL. The difficulty in the Benham case was that the gentlemen here present, being a minority of the House, were not willing to take the responsibility of action upon that bill, and we ask only that the same be done in reference to this bill.

A MEMBER. There was a call for a quorum.

Mr. ERMENTROUT. We are willing to abide by the action of the majority present, but the trouble is that those who are outvoted here are not willing to do that.

The question was taken on the amendment striking out $50 and inserting $40; and it was agreed to.

The CHAIRMAN. The question now is, Shall this bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. PRICE. Mr. Chairman, I want the House distinctly to understand that if they pass this bill they are raising to $40 a month a pension which we put at $25 a month, and which we ought to keep at that rate.

Mr. MATSON. The law fixes it at $25 a month.

Mr. PRICE. This bill makes it $40 a month, which the law does not.

Mr. WOLFORD. This bill will be a law if it passes.

Mr. PRICE. But the general law does not fix it at that rate. Now I could object, but I will not. I will put it to the House to say whether they will pass this bill to oblige certain most elegant gentlemen who are not often with us at these sessions, but are here to-night, to beg through a special bill.

Mr. WARNER, of Ohio. Mr. Chairman, before a vote is taken I wish to protest against making this an exceptional case and giving this widow $40 a month, while the widows of other officers of the same rank who were killed in the war, or who have since died from injuries received in the service, are getting but $25, and other widows but $8 or $12. Ample reasons have been given why this should not be done. The essence of injustice is that you single out one case from many and grant in that case special favors and special privileges.

No reason has been shown here to-night which in my judgment warrants this exceptional action. This was an engineer officer who undoubtedly performed faithful service and was amply paid for his service during his lifetime. Neither he nor his widow have any claim upon us more than thousands of other widows of officers of the same rank. There is gross injustice in a measure of this kind, and I do not believe it would go through a full House, or the House with a quorum; but gentlemen who have an interest in the bills that are placed on this Private Calendar to be considered at these evening sessions come here with their friends for the purpose of voting them through. If it were in order, I think it would be the duty of some member to move that every other widow of an officer of this rank should be placed on the pension-roll at the same rate of pension as this bill gives to this widow.

Mr. WOLFORD. If you move it I will second it. [Laughter.]

Mr. WARNER, of Ohio. That would not be in order.

Mr. WOLFORD. It would be right.

Mr. WARNER, of Ohio. We ought not to forget that somebody must pay these pensions. This Government has no fund out of which it can be paid except as it collects the money from the people who first earn it. It has first to be earned by somebody; and when we remember that the average earnings of the seventeen millions of men in this country who labor for a living is not over $30 per month, out of which they have to support themselves and rear and educate their families, we can appreciate the injustice of granting special pensions of this character.

Is there any more reason why this widow should be pensioned at $40 a month than the widows of other officers who were killed in the service? If there is any such reason, where is it? None has been given here to-night. As my friend from Indiana [Mr. MATSON] has well said, to grant to a major's widow living on one side of the street a pension of $25 a month and to the widow of another officer of like rank living on the other side of the street a pension of $40 a month is manifestly unjust, and for one I shall vote against this bill.

Mr. MAYBURY. Mr. Chairman, I hope the House will indulge me a single moment. I shall not trespass long upon its time.

It has been asked where is the reason for the exception in this case? The reason for the exception is in the fact that this lady is the widow of an officer who died in the service, for, as I have already stated, his death was hastened and, indeed, caused by his faithful discharge of duty in the Army. The reason for the exception is found also in the fact that she stands here as the dependent widowed daughter of a major-general of the Army of the United States. If she stood here to-night not as the widow of Colonel Farquhar, but simply as the dependent daughter of General Williams, what would be the rating of her pension? She would stand before this House to be rated as the daughter of a deceased major-general. What then would be the rating of her pension? There is the ground of the exception in this case.

Mr. BROWN, of Pennsylvania. In that case she would not have any rating.

Mr. MAYBURY. I ask what would be the rating before the House. I am not speaking of the ordinary rating under the law. I ask what would this House hold her entitled to, she occupying that position as the dependent daughter of a deceased major-general? [Cries of "Vote!" "Vote!"]

The question being taken on agreeing to the motion to lay the bill aside to be reported to the House with a favorable recommendation, there were—ayes 15, noes 25.

So the motion was not agreed to.

SARAH O. DRUMMOND.

The next business on the Private Calendar was the bill (H. R. 2623) granting a pension to Sarah O. Drummond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and lim-

itations of the pension laws, the name of Sarah O. Drummond, widow of John Drummond, a soldier of the war of 1812.

The report (by Mr. WHITE, of Pennsylvania) is as follows:

The Committee on Pensions, to whom was referred House bill 2623, beg leave to submit the following report:

The claimant, Sarah O. Drummond, filed her claim in the Pension Office May 1, 1879, as widow of John Drummond, and as there was not record and positive evidence of the service of John Drummond as a soldier in the war of 1812, the claim was rejected November 29, 1880. From the papers, evidence, and letters on file in said case there is little, if any, doubt that said John Drummond did service in the war of 1812; that he was taken prisoner and taken to England; afterward returned to this country, and was married to this applicant on the 26th day of August, 1824; had five children, all of whom are dead, two dying in infancy; that she is very poor, aged (about seventy-nine years old), and helpless.

And under all the facts and circumstances of the case the committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WATERS.

The next business on the Private Calendar was the bill (H. R. 5074) granting a pension to James Waters.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James Waters, formerly a member of Captain Weatherbye's company of Pennsylvania militia, and who was in the military service in the war of 1812, to $25 per month, in lieu of the $8 per month he is now receiving under his pension certificate numbered 25506.

The report (by Mr. WHITE, of Pennsylvania) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5074) increasing the pension to James Waters, submit the following report:

The claim in this case is one of merit. The pensioner, James Waters, is about ninety years of age. He draws a pension, certificate No. 25506, of $8 per month. In his letter, under oath, submitted to us, he says:

"I served in the war of 1812; I was born in the year 1797, in Philadelphia; emigrated to Oregon in the year 1843; my health is very poor; my eye-sight is nearly gone; I have no means of support except my pension of $8 per month; I served five years in the regular Army; I served six months in the Florida war as first lieutenant; I served in the Indian war in Oregon in 1847 as colonel; I am not able to do any work; I am badly crippled; will be ninety years old February 22, 1886."

The judge of the county states under oath that he has known Col. James Waters for twenty-five years; that for at least ten years last past he has been in failing health, and suffering the disabilities of extreme old age; feeble in body, almost entirely blind, hearing almost gone; is poor, and has no means of support other than his small pension.

The postmaster of his town states that the old veteran is poor; yes, very poor, and suffering more than the usual amount of the infirmities of life, crippled in body, blind, or almost so, hearing impaired, in fact helpless, and that his pension of $8 per month is entirely too small to furnish him the comforts of life, leaving him without attendance, medical or otherwise.

Your committee see the force of the statement, and admit the necessity of an increase of the pension. They are therefore unanimously of the opinion that said pension should be increased to such a sum as would give this aged and honorable veteran at least a comfortable support during the balance of his few remaining days that he may have to linger on the shores of time, with vision gone, vitality lost, hearing impaired, waiting for the roll-call on the other side. Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH LEFFMAN.

The next business on the Private Calender was the bill (H. R. 5706) granting a pension to Elizabeth Leffman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Leffman, widow of Lewis Leffman, late an ordnance sergeant in the United States Army, to take effect from the passage of this act.

The amendment reported by the committee was read, as follows:

At the end of the bill add the words:

"And that she be paid a pension of $30 per month."

The report (by Mr. WHITE, of Pennsylvania) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5706) for the relief of Elizabeth Leffman, beg leave to submit the following report:

Elizabeth Leffman, for whom the pension is asked in this bill, is the widow of Lewis Leffman, deceased, who was an ordnance sergeant, United States Army, who did active, gallant, and meritorious service in the Army of the United States for over forty-three years, at the end of which term he was placed on the retired-list by act of Congress, and has since died. The committee would simply note the language of his commander, Major De Russy, as follows:

"This old soldier is so generally known to the commanders of the Army that any indorsement concerning him seems superfluous. He has served long and most faithfully, illustrating few of the faults and all of the virtues of the veteran. He loves to dwell upon his interviews with distinguished military officers, most of whom, either dead or living, have expressed an interest in him."

General Hancock, in forwarding the papers, speaks of him as "this deserving old soldier."

Your committee deem it a simple act of justice that the widow of—in the language of General Hancock—"this deserving old soldier," she being aged, infirm, and in very needy circumstances, being now about seventy-six years old, be pensioned.

The committee would further recommend that the bill be amended by adding to the end thereof "and that she be paid a pension of $30 per month."

And, as thus amended, your committee recommend that the bill be passed.

Mr. WEBER. I desire to call attention to a clerical error in that report. The term of this man's service should be stated as fifty-three years, instead of forty-three. This is a case unexampled in the history of our country.

Mr. JOHNSTON, of Indiana. I believe this bill proposes simply to place this lady on the pension-roll under the provisions and limitations of the pension laws; but the committee by the amendment propose to give her more than she asks.

The question being taken on the amendment reported by the committee, it was not agreed to; there being—ayes 12, noes 16.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it pass?

Mr. WEBER. I rise to a parliamentary inquiry. Upon a motion to reconsider, can the merits of this case be stated to the House? I think the amendment would not have been voted down if the case had been understood. I had supposed I would have an opportunity to explain the amendment.

The CHAIRMAN. The Chair will state to the gentleman that the motion to reconsider is not in order in Committee of the Whole.

Mr. WEBER. Have I the right to state the merits of this case?

The CHAIRMAN. The Chair will recognize the gentleman to speak upon the bill if he so desires, or the gentleman can move an amendment.

Mr. WEBER. I move to amend so as to fix the rate of pension at $25 instead of $30, as proposed in the amendment of the committee.

Mr. Chairman, I had hoped that a simple statement of this case would be sufficient to commend the measure to the favorable consideration of every member present. I was the more inclined to that belief when I heard the gentleman from Indiana [Mr. MATSON] say a few moments ago that if this were the only case he would not object. I desire to say this is the only case of its kind; it is unexampled in the history of the country. Sergeant Leffman served his country continuously for fifty-three years. He died about a year ago at the age of eighty-eight, leaving a widow now seventy-six years of age, who was dependent upon him. She is feeble and in needy circumstances.

So meritorious were the services of Sergeant Leffman considered that Congress in 1879 passed a bill placing him on the retired-list with full pay and allowances. I desire to read briefly from the report made in that case. I will not read it all, but only a brief extract:

We venture to affirm that there are but few soldiers in any army in the world of longer service and none with better record. The committee is glad to note the affectionate language of his commander, Major De Russy, in his reference to Sergeant Leffman. It speaks well for both. Major De Russy says:

"This old soldier is so generally known to the commanders of the Army that any indorsement concerning him seems superfluous. He has served long and most faithfully, illustrating few of the faults and all of the virtues of the veteran. He loves to dwell upon his interviews with distinguished military officers, most of whom, either dead or living, have expressed an interest in him."

General Hancock, in forwarding the papers, speaks of him as "this deserving old soldier."

No more graceful or merited tribute could be shown this veteran of more than half a century's service than to grant his petition and retire him on the full pay and allowance of an ordnance-sergeant, and the committee report the accompanying bill and recommend its passage.

Sergeant Leffman was a character well known to the older Army officers, and one to whom they paid as much deference and respect as though he bore stars on his shoulders.

This is a pension to an enlisted man of fifty-three years' service, which entitled him to equally as much recognition, or his widow, as though he had secured a star. It is not a dangerous precedent to establish, Mr. Chairman, because I presume no other case will come before Congress similar to this. We do not ask a pension because she is a widow of a sergeant of the Army, but because she is the widow of a soldier who served fifty-three years—a widow who shared with him through his whole military life the hardships incident to the service—not the case of a wife who lately married a soldier in order that she might enjoy the benefits of his service, but she has shared his trials during that long life of usefulness to the country.

I am willing in this case this favor shall be granted; I am willing that in this case the door be widely opened, for it admits one with a claim unexampled in the annals of the nation, and because I believe we may safely inscribe over its portals "Here may pass every widow who can furnish a record similar to this."

[Here the hammer fell.]

The question recurred on Mr. WEBER'S amendment.

The committee divided; and there were—ayes 23, noes 11.

So the amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL BAKER.

The next business on the Private Calendar was the bill (H. R. 5061) granting a pension to Samuel Baker.

The bill was read, as follows:

Be it enacted, &c., That the pension of Samuel Baker, a soldier of the war of 1812, be, and the same is hereby, increased to $20 per month, on account of wounds received in the line of duty while a volunteer in said war.

The report (by Mr. BRADY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5061) granting a pension to Samuel Baker, submit the following report:

Samuel Baker, of Jackson, Ohio, was mustered into the military service of the United States on the 26th day of February, A. D. 1814, at London, Franklin County, Pennsylvania, as second sergeant in Captain Duren's company, Col. James Fenton's regiment, and served through the Canada campaign, participating in all the battles of that campaign until Lundy's Lane, where he was severely wounded, and soon after discharged from the service. He is now eighty-eight years of age and in needy circumstances.

The committee after due consideration report the bill back to the House with amendment, and as amended recommend its passage.

The amendment of the committee was read, as follows:

Strike out the word "twenty" and insert "twenty-five."

Mr. BRADY. I will state, Mr. Chairman, that this is a similar case to the one just passed by the committee.

Mr. JOHNSTON, of Indiana. I thought the gentleman from New York said there was no similar case on record.

Mr. WOLFORD. This is a soldier eighty-eight years old and wounded.

The question recurred on the amendment of the committee.

The committee divided; and there were—ayes 9, noes 18.

Mr. BRADY. No quorum. [Cries of "Oh, no!"] This committee passed a bill a few moments ago of the same character, granting $25 a month.

The CHAIRMAN. The Chair will appoint tellers if the point of order is insisted upon.

Mr. BINGHAM. Do not do that; make your fight in some other way.

The Chair appointed as tellers Mr. MATSON and Mr. BRADY.

Mr. BRADY. I withdraw the point of no quorum.

So the amendment was rejected.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

Mr. BINGHAM. Oh, no! Let us go on for ten minutes longer.

Mr. MATSON. What have you got? [Laughter.]

The motion to rise was disagreed to.

SAMUEL C. FISHER.

The next business on the Private Calendar was the bill (H. R. 3321) for the relief of Samuel C. Fisher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Fisher, formerly a member of Company H, One hundred and sixteenth Regiment Indiana State Infantry Volunteers.

Mr. McCOMAS. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3321) for the relief of Samuel C. Fisher, submitted the following report:

Claimant was captain of Company H, One hundred and sixteenth Regiment Indiana Volunteers, and was mustered in the service August 17, 1863, and honorably discharged March 1, 1864.

He filed his application for a pension July 28, 1879, alleging that at Tazewell, Tenn., on the 20th of January, 1864, while serving on detached duty as post commissary, the Union forces were surprised by the confederates before daylight, stampeding the teams; that while in the act of mounting, his horse tramped on his right foot and mashed it severely. He alleges no one saw the injury done, for everybody was looking after their own interests. Claimant was not at any time with his regiment after the incurrence of the injury or in any hospital. His claim was rejected because of no record or satisfactory proof of origin in service and line of duty.

An examination of the papers on file in the Department shows that Thomas D. Cole, Samuel Battinger, John R. Messner, and other neighbors of claimant testify to his having been a sound, healthy man prior to enlistment.

H. C. Frame, private in claimant's company, testifies that at Tazewell, Tenn., in January, 1864, claimant, while in the line of duty, had his right foot mashed by a horse tramping on it. The affiant saw claimant brought to town and saw comrades dressing his wounds. There was no regimental surgeon with the detachment. Claimant was not able to take charge of his company after the injury.

James F. Buckles testifies that claimant was post commissary at Tazewell, Tenn., and he was his orderly. That some time in latter part of winter of 1863 the Union forces were surprised by the rebels one morning before daylight and a stampede took place. Affiant saw claimant immediately after when he was limping. Claimant's horse was shod with heavy shoes.

Lieut. Col. G. O. Behm, of the Sixteenth Indiana Volunteers, says that claimant was acting as post commissary at Tazewell, Tenn., January 20, 1864. On that date the rebels attacked our forces and drove in the pickets, and there was a stampede among the teams, and claimant had charge of the teams at said time and place; claimant was injured as he alleges.

Claimant is unable to furnish any medical testimony of treatment for several years subsequent to the war; the physician who treated him is dead.

Thomas D. Odle testifies that he saw claimant immediately after the war, upon his return from the service in the spring of 1864, when he complained of his foot and leg hurting him; he walked lame, and has ever since; claimant has been unable to perform manual labor.

William Lincoln testifies that when claimant was mustered out he was badly crippled and has been ever since, and can not do manual labor.

Dr. O. D. Benson testifies to being acquainted with claimant twelve years; that he has received a fracture of the second and third metatarsus bones of right foot and most of the phalanges of same foot, causing anchylosis of the metatarso, phalangal articulation, and atrophy of the muscles of the foot. The injury renders claimant unable to perform manual labor.

Dr. De Hart testifies that he has known claimant eight years; he is disabled, as described by Dr. Benson.

Dr. Ross testifies to substantially the same condition of claimant.

Several neighbors of claimant corroborate these witnesses as to the continued suffering from the injury since the war and his inability to perform manual labor.

Special examination conducted at claimant's home in June, 1884, shows considerable diversity of opinion as to when claimant incurred the injury for which he asks a pension.

Your committee have carefully examined all the evidence bearing on the case and believe the injury was contracted in the service and in the line of duty, as claimant alleges. He is an old man, broken in health, and unable to support his family. We therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JESSE H. GAINES.

The next business on the Private Calendar was the bill (H. R. 5234) granting a pension to Jesse H. Gaines.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Gaines, late first lieutenant of Company G, Second Regiment Michigan Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5234) granting a pension to Jesse H. Gaines, have had the same under consideration, and beg leave to submit the following report:

Gaines enlisted May 25, 1861, in Company G, Second Michigan Volunteers; re-enlisted as a veteran December 31, 1863; was captured in action before Petersburg, Va., July 30, 1864, and remained a prisoner of war until April, 1865. Was mustered as first lieutenant May 2, 1865, and honorably discharged July 18, 1865.

On December 15, 1876, he filed an application for pension on account of disease of heart and kidneys. In support of his claim he filed a number of affidavits, to some of which reference should be made.

Capt. George Cook testifies to claimant's soundness up to date of capture, and to his poor health upon return from rebel prison.

Comrade Philip Schneider testifies that he met claimant in rebel prison at Danville, Va., in February, 1865, who then looked emaciated, and that he continued in very poor health during the remainder of his service.

Mrs. Melinda Burt testifies that she was acquainted with the claimant for years before his enlistment; that he came to her house immediately after his release from rebel prison, at which time he looked so emaciated and was in such poor health that she could hardly recognize him.

James Oliver testifies that he met claimant in the fall of 1865, at which time he was unable to perform manual labor.

Claimant received no medical treatment while in the service, hence there is no record of the alleged disabilities. While at home on furlough, and subsequent to his muster-out, he was treated by Dr. Badger, since deceased; consequently no treatment is shown prior to 1868, since which time he has been under treatment for disease of heart by Doctors Clark, Green, Bonine, and others, as appears from their several affidavits in the case. The fact that claimant was treated by Dr. Badger immediately after discharge is shown, however, by the testimony of William J. Oliver, a gentleman of excellent reputation, who states that he was informed by said doctor that claimant then suffered from disease of heart.

The evidence not being deemed sufficient by the Pension Office to warrant favorable action in the case, it was placed in the hands of a special examiner. The testimony taken during the examination is of the highest character. The claimant as well as the witnesses enjoy excellent reputation.

This testimony establishes beyond a doubt that claimant was a sound man at time of his enlistment; that during his confinement in rebel prison his health became seriously impaired; that upon his release he required medical attendance; that disease of heart developed shortly thereafter, and that he has been a constant sufferer therefrom ever since.

Notwithstanding the special examiner's recommendation for the allowance of the claim, it was rejected upon the ground that there is no record, medical, or other satisfactory evidence of the origin of the disabilities in the service and line of duty, or medical or other satisfactory evidence of their existence at discharge or prior to 1867. Much stress is laid by the Pension Office upon claimant's admission that he did not know until probably a year after discharge that he was suffering from disease of heart. Why this frank statement on the part of the claimant should prejudice his rights in the premises, when it is well known that hypertrophy of heart, the disease from which he is suffering, is slow of development and may exist for years without its presence being known or its disabling influences being felt, your committee are unable to see.

The long and meritorious service of this gallant soldier, followed by long confinement in rebel prison, should not be lost sight of in the consideration of this bill; and while your committee fully agree with the Commissioner of Pensions, so far as his action affects the claim on account of kidney disease, yet we are fully convinced of the merits of the claim on account of heart disease, from which claimant is suffering in a great degree, as shown by the medical examinations in the case, and therefore report favorably on the bill and ask that it do pass, in order that he may receive the pension to which he is entitled for disease of heart contracted while in the military service of the United States.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT E. STEPHENS.

The next business on the Private Calendar was the bill (H. R. 5525) granting a pension to Robert E. Stephens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Robert E. Stephens, late of Company K, Seventy-first Regiment Indiana Volunteers (afterward Sixth Indiana Cavalry), at the rate of $36 per month, in lieu of $24 per month heretofore allowed him, as specified in pension certificate 52479.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5525) granting an increase of pension to Robert E. Stephens, submit the following report:

Robert E. Stephens was a member of Company K, Seventy-first Indiana Volunteers (afterward Sixth Indiana Cavalry), and was mustered into service July 24, 1862, and discharged on May 25, 1865, on surgeon's certificate of disability for fracture of right radius and ulna, also loss of right index finger by amputation, received in the service and in the line of duty, and for which he is now receiving a pension for total third-grade disability.

In April, 1865, claimant filed his declaration for increase, alleging chronic diarrhea and mucous enteritis of the entire colon, and fecal accumulation of the colon, the results of sickness contracted in the line of duty. The records of the War Department disclose that claimant was in hospital at Lexington, Ky., from September 15 to September 29, 1863, for remittent fever, and from there was ordered to Convalescent Camp, Nelson, Ky., where he contracted chronic diarrhea, for which he was treated and from which he has never recovered. He further alleges he is broken down in health, and has been compelled to give up business by reason of his additional disability. The claim was rejected on the ground that the Pension Office could not grant the increased pension recommended by the board of examining surgeons by reason of the present law.

Claimant files, in support of his claim for increase, the affidavit of Dr. Lewis Shepard, a practicing physician of fifteen years' standing, as follows:

"That since April, 1875, I know that R. E. Stephens has been under medical treatment almost continually. I treated him and advised him to treat with

others, who gave him treatment without much relief. His symptoms were distress of the stomach, pains in route of colon, bowels sometimes loose, sometimes constipated, and great nervous depression; also soreness, distention, and uneasiness of some parts of the bowels. Diagonsis, chronic enteritis. He is still suffering from these symptoms."

Dr. Clark Leavitt, a reputable physician of twenty-five years' standing, testifies:

"Was well acquainted with claimant since the war, and a close obsever of his health, and treated him continually for fifteen years since 1865, and that his health was bad. He suffered from derangement of the liver and stomach. I treated his ailments time after time. These inconveniences and pains have been at times very severe, and there is little hope that he will recover from them."

Joseph B. Cheadele testifies:

"Was a member of Company K, Seventy-first Indiana Volunteers (afterward Sixth Indiana Cavalry), and was intimately acquainted with claimant, and was his bunk-mate. He further declares that on or about September 29, 1863, from exposure incident to the service and eating unwholesome food, claimant contracted chronic diarrhea; that he continued to be afflicted at intervals with said disease until discharged, and since then to the present time; that he is now and has been for years a physical wreck, totally disabled from performing labor of any kind. He knew from his own personal knowledge claimant had to decline an excellent business offer more than a year ago on account of his physical afflictions. I was acquainted with him prior to the war, and knew him to be a physically sound and healthy man."

The board of examining surgeons on May 2, 1885, report existence of disabilities alleged in his declaration for increase, and rate them at one-half total.

Your committee are of the opinion that the disabilities alleged were contracted in the service and in the line of duty, and therefore report the bill favorable with the following amendment: Strike out the words "thirty-six" and insert the words "twenty-eight," and we recommend the bill, so amended, do pass.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. CRAVENS.

The next business on the Private Calendar was the bill (H. R. 3308) to increase the pension of John R. Cravens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John R. Cravens, who now holds pension certificate numbered 170713, to $30 per month, in lieu of the pension now received by him.

The report (by Mr. MATSON) was read, as follows.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3308) to increase the pension of John R. Cravens, having considered the same, report as follows:

This claimant, the late Lieut. Joseph R. Cravens, enlisted August 8, 1862, in Company G, Ninety-fourth Illinois Volunteers, and was discharged February 22, 1865, and filed his application for pension February 26, 1875, for right inguinal hernia, incurred May, 1863, in Missouri, while in line of duty; was granted a pension on a total rating for said disability June 29, 1879.

The claimant's disabilities having constantly increased, totally disabling him for manual labor, he filed an application for increase of pension for additional disability, neuralgia of head, face, and eyes, vertigo, and loss of sight, as a result of sunstroke received while in the trenches during the siege of Vicksburg, July 1 and 2, 1863.

This latter application was rejected by the Pension Office, on the ground that the disability was probably the result of causes existing prior to his entering the service.

The evidence and papers in this case are very voluminous, the case having been subjected to three or four special examinations.

From the evidence now on file in this case the following facts appear to be clearly proven:

The claimant was entirely free from hernia, neuralgia, or loss of sight prior to enlistment, and that he has suffered continually from hernia, vertigo, neuralgia, and loss of eyesight since his discharge, and in support of these statements the following strong and unimpeachable evidence is given:

First Lieut. M. E. Ferguson, Peter Jacoby, L. D. Taylor, Leroy W. Parks, L. A. Pike, William C. Pike, Chancy Howard, Daniel Rowland, James M. Harly, W. C. Hamilton, A. L. Moore, and Aaron Buckles swear that they were personally and well acquainted with claimant before and at the time of his enlistment, and that he was entirely free from neuralgia, hernia, impaired vision, and vertigo.

Dr. A. F. Cummings, a physician of long experience and excellent standing, testifies that he has known claimant since boyhood, and was his father's family physician from time claimant was fourteen years old. "I was intimately acquainted with him, and about a year of the time he was a medical student in my office. I never knew or heard of his being afflicted with neuralgia, defective vision, or vertigo prior to his enlistment, but personally know he has been a sufferer continually since his return from the Army."

Second Lieut. L. N. Woodcock testifies that he was well and personally acquainted with claimant prior and up to the time of his enlistment, and knows he was entirely free from impaired vision up to the time of and for a year after enlistment, and that after the siege of Vicksburg he was compelled to wear glasses, and complained of pains in the head and eyes, the result of sunstroke at Vicksburg.

Dr. A. L. Stewart, assistant surgeon of claimant's regiment, testifies that he examined him carefully at the time of his enlistment, and at that time claimant was entirely free from hernia, vertigo, neuralgia, or impaired vision. (Standing and veracity of Dr. Stewart verified by the board of surgeons at Bloomington, Ill.)

Colonel McNulty testifies that he was well acquainted with J. R. Cravens prior to and at the time of his enlistment, and that he personally knows claimant was a vigorous and sound man at the time of his enlistment, and that he personally knows J. R. Cravens to have received a sunstroke in the trenches while in line of duty at the siege of Vicksburg, about July 1, 1863, and that claimant, from the result of the same, thereafter became very much enfeebled and disabled, and his discharge finally became necessary as a result of said disability. (This witness's standing and service are verified by the Adjutant-General.)

Lieutenant-Colonel Laughlin, a practicing physician before the war, and now secretary of the board of United States examining surgeons at Bloomington, Ill., testifies that he examined claimant at Vicksburg in July, 1863, and found claimant suffering from the effects of sunstroke, and that claimant afterward became very much enfeebled and debilitated from effects of the same; that he was discharged as being unfit for military duty.

Regimental Surgeon Ross testifies that he was surgeon of claimant's regiment from November 19, 1862, to August, 1865, and that he examined claimant for right inguinal hernia, after a long and tiresome march in Missouri, and found him suffering from the same; and claimant was carried to his tent at Vicksburg July 1, 1863, and was examined by Dr. Laughlin, an accomplished physician and surgeon, who pronounced him suffering from a severe heat (*coup de soleil*), from which claimant afterward became very much debilitated, resulting in claimant's discharge as being unfit for military service.

Claimant testifies that he was at the time of his enlistment and discharge a practicing physician, and that for three years after his discharge he traveled in the hope of recovering his health, and he, in consultation with physicians he met during his travels, treated himself.

Dr. Laughlin also swears that he knew claimant intimately from 1868 to 1878, and that during that period he was frequently called to examine him, and found him suffering from an affection of the optic nerve and thickening of the cornea, which greatly impaired his vision. Claimant was also suffering from neuralgia and vertigo, a result of sunstroke received at Vicksburg, July, 1863.

Dr. Kaggs also swears to the same state of facts.

Dr. J. T. Jones, late assistant surgeon of the One hundred and thirty-second Indiana Volunteers, testifies that he has known claimant intimately since 1880, and that he has examined him frequently during this period and found him suffering continuously from neuralgia in the head and shoulders and also affecting his eyes, impairing his vision, and vertigo, a result of a morbid condition of the meninges of the brain and upper portion of the spinal chord, as a sequel of a *coup de soleil*, an that his disability is now continuous.

The board of examining surgeons at Olney, Ill., examined claimant June 14, 1880, namely: Height, 5 feet 6 inches; weight, 124 pounds; age, 50; pulse, 136; respiration, 24; and find claimant suffering from neuralgia, inguinal hernia, vertigo, and defective vision. His condition is such as to render him entirely unfit for manual labor.

The board of United States examining surgeons at Indianapolis, Ind., examined claimant January 31, 1883, namely: Height, 5½ feet; weight, 120; age, 53; pulse, 98; respiration, 19; and find him suffering with right inguinal hernia, neuralgia, vertigo, and impaired vision. They find his disability as described above to be equal to and entitling him to total (¼).

The board of United States examining surgeons, North Vernon, Ind., examined claimant July 7, 1884, namely: Age, 54; height, 5½ feet; pulse, 97; temperature, 99½; respiration, 16; weight, 120 pounds; and they find claimant suffering from right inguinal hernia, severe neuralgic pains in head, eyes, and chest; totally incapacitated for manual labor, his heart very irregular, 103 maximum per minute. They find the disability as above described to entitle him to a third-grade rating.

After a critical examination of the evidence submitted in this case, your committee, in consideration of the clear and incontrovertible evidence of the highest character, medical and from his fellow-officers, showing that claimant was entirely free from the disabilities from which he is now a constant sufferer, and that said disabilities were contracted in the service in line of duty, and that his disability is now permanent and constantly increasing, report the bill favorably, with the recommendation that it do pass, with the following amendment:

Strike out the word "thirty," in line 6 of said bill, and insert instead thereof "twenty-four;" and also strike out the word "John," in line 4, and instead insert "Joseph;" and that the title be amended accordingly.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALMIRA RUSSELL HANCOCK.

The next business on the Private Calendar was the bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army, and to pay her at the rate of $2,000 per annum, to take effect from and after the passage of this act, and subject to all the provisions and limitations of the pension laws.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5841) granting a pension to Almira Russell Hancock, having had the same under careful consideration, respectfully submit the following report:

General Hancock was an illustrious actor in the critical hours and dark days which overshadowed the history of this country. It will never be disputed that he met all the demands of these great and memorable occasions with a patriotic self-consecration and with a matchless soldiership that was fruitful of good fortune to his country. Recorded results of General Hancock's part in preserving the Union adorn our military annals. Gazetted for skill and gallantry on the earlier battlefields upon which he figured, his record at Gettysburg and in the desperate struggles of the Wilderness is an imperishable and priceless remembrance. Believing in the institutions of his country, he defended them with ardent zeal and at the cost of his blood. On great battlefields, where valor met valor, and where decisive results of war occurred, Hancock was often an eminent figure. There should be no scant gratitude to a soldier who lives in the annals of war for the Union among its most splendid characters.

His death was a source of universal public grief, as his life had been a public blessing. It was followed by quick testimonials in his honor throughout the land. Every form of popular and official demonstration attested appreciation of a heroic defender of the Republic. Enemies whom he overcame in battle are his eulogists in company with the men he led against them.

He has passed into history without challenge of his honor and his success, where honor and success can be successfully challenged if there be flaw in either. Soldiers are judges and critics of soldiers. Before the tribunal of soldiers Hancock's career is already of final record. Of military success he left abundant memorials. Of his magnanimity Americans he defeated in war are cheerful witnesses.

His services were all that could be demanded of patriotic endeavor and devotion. As a type of American patriotism General Hancock will live in the history of his country and in the hearts of his countrymen regardless of sectional or party divisions.

Brave in war, "tender and true" in peace, his sympathies and active benevolence were to the last days of his life freely and almost lavishly expended in behalf of his sick and suffering comrades, their widows and their orphans. No appeal from them ever fell upon his unlistening ear. The very last effort of his life was the dictation of a letter, which he had not strength to sign, making a strong appeal in behalf of the widow of a deceased officer.

Supplementary to this report are papers which are official statements of General Hancock's services to his country; services which his countrymen recognize as the sufficient and eloquent plea for what General Hancock would have wished Congress to do for his widow.

The nature of the service in which General Hancock was engaged, the constant drain upon his pecuniary resources, made necessary by the position he occupied, and the further tax upon his means by his full-handed generosity to unfortunate comrades, has left his widow in straightened circumstances and to some extent dependent on private liberality. This a grateful country should not permit. This committee can not do better than to quote from the report of the Senate Committee on Pensions of the Forty-eighth Congress, which report

was ably drawn up by Mr. CULLOM on the bill granting an increase of pension to the widow of General George H. Thomas. This report concludes as follows:

"Although a pension of this amount has only been granted by Congress in one instance, in the case of the widow of Admiral Farragut, excepting the larger pensions to the widows of deceased Presidents, the committee believe that the widow of George H. Thomas should receive the greatest possible consideration at the hands of Congress, and that the unusual and exceptional allowance proposed in her case is a fitting and very appropriate recognition of the nation's indebtedness to her most distinguished husband."

Your committee agree fully with the foregoing sentiments, and considering this one of the exceptional cases in which it becomes their duty to recommend a departure from ordinary precedent and policy, they heartily and unanimously recommend the passage of the bill.

A.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, February 25, 1866.

Statement of the military service of Winfield S. Hancock, late of the United States Army, compiled from the records of this office:

He was a cadet at the United States Military Academy from July 1, 1840, to July 1, 1844, when he was graduated and appointed brevet second lieutenant, Sixth Infantry; was promoted second lieutenant, June 18, 1846 (regimental quartermaster June 30, 1848, to October 1, 1849, and regimental adjutant October 1, 1849, to November 7, 1855), and first lieutenant January 27, 1853; appointed captain and assistant quartermaster November 7, 1855; promoted major and quartermaster November 30, 1863; appointed brigadier-general United States Army August 12, 1864, for "gallant and distinguished services in the battles of the Wilderness, Spottsylvania, and Cold Harbor, and in all the operations of the Army in Virginia, under Lieutenant-General Grant," major-general July 26, 1866.

He was appointed brigadier-general United States Volunteers September 23, 1861, and major-general November 29, 1862, and vacated his commission in the volunteer service July 26, 1866.

He received the brevet of first lieutenant United States Army August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico," and of major-general United States Army, March 13, 1865, "for gallant and meritorious services in the battle of Spottsylvania, Va."

The Senate and House of Representatives of the United States of America in Congress assembled, resolved (joint resolution approved April 21, 1866), "that in addition to the thanks heretofore voted by joint resolution, approved January 28, 1864, to * * * and the officers and soldiers of the Army of the Potomac for the skill and heroic valor which, at Gettysburg, repulsed, defeated, and drove back, broken and dispirited, the veteran army of the rebellion, the gratitude of the American people and the thanks of their representatives in Congress are likewise due, and are hereby tendered, to Maj. Gen. Winfield S. Hancock, for his gallant, meritorious, and conspicuous share in that great and decisive victory."

He joined his regiment October 13, 1844, and served therewith in the Indian Territory to April, 1847; on recruiting service to July, 1847; *en route* to and with regiment in the war with Mexico to July, 1848; at Jefferson Barracks, Mo., to September, 1848, and Fort Crawford, Wis., to April 30, 1849; on leave to September 23, 1849; with regiment at Saint Louis and Jefferson Barracks, Mo. (on leave August 2 to September 2, 1851, and July 19 to September 19, 1853), to November 15, 1855, when he accepted appointment as captain and assistant quartermaster, United States Army, and was ordered on duty in Florida, where he served in the campaign against the Seminole Indians to August, 1857; at Fort Leavenworth, Kans., to October, 1858, with the Army in Utah and *en route* to and in California to August 21, 1861, when he left for Washington, D. C. He commanded a brigade in Smith's division, Army of the Potomac, from September 27, 1861, to March 14, 1862; the first brigade, second division, Fourth Army Corps, to May 18, 1862; the first brigade, second division, Sixth Corps, to September, 17, 1862; the first division, Second Corps, to May 21, 1863, and from June 1 to 8, 1863; the Second Corps from May 22 to 31, and June 9 to July 4, 1863, when, having received a gunshot wound of the thigh in the battle of Gettysburg, Pa., July 3, 1863, he left his command and was absent on account of wound until December 29, 1863, upon which date he resumed command of the Second Corps and served in the Army of the Potomac until Jannary 12, 1864; recruiting for his corps to March 24, 1864, and in command of the corps in the Army of the Potomac to November 25, 1864; organizing the First Army Corps (veteran) and commanding the same at Washington, D. C., to February 26, 1865, and also, in addition to the corps, the Middle Military Division to July 17, 1865, and the Middle Department to August 9, 1866; commanding the Department of the Missouri to September 11, 1867; the fifth military district to March 16, 1868; the Division of the Atlantic March 31, 1868, to March 19, 1869; member of the court of inquiry in the case of General Dyer to May 15, 1869; commanding the Department of Dakota from May 17, 1869 (president of a board to examine officers unfit for the proper discharge of their duties from October, 1870, to January 11, 1871), to December 3, 1872; the Division of the Atlantic and Department of the East from December 16, 1872, to October 29, 1873; Division of the Atlantic to November 8, 1877, and Division of the Atlantic and Department of the East to February 9, 1886, when he died.

J. C. KELTON,
Acting Adjutant-General.

B.

EXECUTIVE MANSION,
Washington, D. C., February 9, 1886—4 p. m.

To heads of Departments:

Tidings of the death of Winfield Scott Hancock, the senior major-general of the Army of the United States, have just been received. A patriotic and valiant defender of his country; an able and heroic soldier; a spotless and accomplished gentleman, crowned alike with laurels of military renown, and the highest tribute of his fellow-countrymen to his worth as a citizen, he has gone to his reward.

It is fitting that every mark of public respect should be paid to his memory. Therefore it is now ordered by the President that the national flag be displayed at half-mast upon all the buildings of the Executive Departments in this city until after his funeral shall have taken place.

DANIEL S. LAMONT,
Private Secretary.

[General Orders No. 8.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE.
Washington, February 10, 1886.

The following order has been received from the War Department:

WAR DEPARTMENT, *Washington, D. C., February* 9, 1886.

With profound sorrow the Secretary of War announces to the Army that Maj. Gen. Winfield Scott Hancock died to-day at Governor's Island, in the harbor of New York.

He was born at Norristown, Pa., February 14, 1824. Upon graduating from West Point he entered the Army July 1, 1844, as second lieutenant of the Sixth Infantry. After a short service in the Indian Territory he accompanied his regiment to Mexico and took part in the brief but brilliant campaign which ended in the capture of the Mexican capital. He won a brevet for gallant and meritorious services at Contreras and Churubusco, where he displayed those splendid qualities which, later and in a wider field, placed his name among the great soldiers of our Army. On his return from Mexico he served against the Seminole Indians, and was engaged in quelling the disturbances in Kansas and Utah. Upon the breaking out of the war of the rebellion he was appointed brigadier-general, and soon after major-general of volunteers. His eminent services as commander of the Second Army Corps are inseparably connected with the eventful career of the Army of the Potomac.

A soldier without fear, a citizen without reproach, a patriot without guile, he will ever be a noble and impressive figure in our history; and his countrymen will always recall with pride and pleasure his heroic and inspiring conduct during those last memorable hours on the field of Gettysburg. For his meritorious and conspicuous share in that great and decisive victory he has received the gratitude of the American people and the thanks of Congress.

The flag will be placed at half-staff at all military posts and stations, thirteen minute-guns will be fired on the day after the receipt of this order, and the usual badges of mourning will be worn for thirty days.

WM. C. ENDICOTT,
Secretary of War.

By command of Lieutenant-General Sheridan:

R. C. DRUM,
Adjutant-General.

Official:

J. C. KELTON,
Assistant Adjutant-General.

Mr. MATSON. Mr. Chairman, there are two cases, I think, or possibly three precedents, similar to this one—the case of the widow of Admiral Farragut and also of the widow of General George H. Thomas being of this same character. The last case to which I have referred was passed by the last House, and in a full House. I think this case should be passed in that way also. It had better take that course. It is very extraordinary and out of the ordinary field of business of our Friday evening sessions. I believe the gentleman from Pennsylvania [Mr. BINGHAM] who champions the bill now presented, the friend of General Hancock, will consent to that course being taken.

Mr. BINGHAM. Mr. Chairman, permit me to say that I hope the gentleman from Indiana will make no objection in the present case; for I believe it can be passed, and ought to pass, without an objection in the House to-night. The precedent is so well established in the case of Mrs. Admiral Farragut, to which he has referred, as well as in the case of Mrs. George H. Thomas, wherein the services of these officers, the distinguished soldier and sailor, are almost equally commensurate, that the House of Representatives, in its full session at the last Congress, placed itself positively on record that, when services were so marked and distinguished as in the case of General Hancock, there can be no demurrer or question about passing this bill. There certainly can be no objection where the record of such services as were rendered by the distinguished General Hancock is made up. Therefore, I say I trust and believe we will have no objection to the consideration of the bill now, and without the necessity of formally referring it to the House in full session.

It is a proposition which I believe commends itself to the judgment of the representatives of the people, and I am convinced that it will commend itself to the heart and sympathy and the generosity not only of this House, but of the whole American people. I trust, therefore, the gentleman will not press his proposition, but will allow the bill to pass, as Mrs. General Thomas's bill has been indorsed by a full House, as Mrs. Farragut's has been so indorsed, and that no exception will be made in this case where the services of General Hancock were so pre-eminent.

Mr. PRICE. Mr. Chairman, the gentleman from Pennsylvania is a little too sanguine in his anticipations; and while it is an unfortunate fact that both of the bills referred to by him have been indorsed by both Houses of Congress, it is equally apparent that they have not been indorsed by the people of this country, nor ought they to be indorsed.

I am not a military man, Mr. Chairman, but from the best information I have been able to gather on inquiry from those who are acquainted with the facts, I learn that there has been paid to General Hancock, brilliant, brave, generous, magnificent in all his proportions as we all recognized him to be as a military man, the sum of $165,000 during the last twenty-two years, besides perquisites and other compensation which would make a sum at least equal to one-half the amount which I have named.

Mr. BINGHAM. He helped to save the life of the country.

Mr. PRICE. And so did thousands and tens of thousands of others, as determined, as brave as he, but in a different capacity; men just as deserving, and nothing has been given to their families to keep them from starving. Thousands of them left widows who are not pensioned to this day.

Mr. BINGHAM. My interruption was made in good nature.

Mr. PRICE. A man may speak the words of truth and earnestness, and yet not be angry. I am in earnest upon this question.

The fact is, Mr. Chairman, it is our duty to teach men in high positions habits of economy in their every-day life; teach them to live as my constituents and I am compelled to live, and not encourage them in extravagance. We must teach them to live in such a way that when old age comes, or death comes, they will not depart, leaving their families as pauper pensioners upon the Government that they served, and depend upon it to reward them.

Such a policy as this contemplates is detrimental to the whole principle of manhood and equal rights. Its tendency is vicious and corrupting; for it is liable to create a spirit of reckless, wasteful expenditures. We

should rather teach these men to live on a basis of economy; not to live to the utmost of their means, up to their last dollar, indulging in an array of fuss and feathers, champagne and luxury, and then die and leave their families nothing but their dependence upon the Government. I repeat, let them exercise the same economy that I do and my constituents exercise, and then they would be self-supporting and not leave dependent families.

The compensation of a major-general or any other man occupying a high rank in the military service is extremely liberal. It is not so meager that he can not be self-sustaining. I do not know whose measure this is particularly, but I am going to assist in this one effort to break down a system that tends to weaken a man's self-reliance, a system that even the eloquent and distinguished gentleman from Pennsylvania can find no excuse for except upon the score of precedents heretofore adopted. He proposes now to increase the number of precedents, and no man can find an argument for it. It shocks every principle of manhood. It violates every known cardinal idea of equal rights and equal justice. It is a principle that tends to create a privileged class, and fosters and induces an expenditure on the part of public men not in harmony with their surroundings or with the principles of simplicity and economy commended by every good man, including Grover Cleveland.

Let me tell you what he says: "Men in official positions should not forget that they are still of the people and may do much by their plain habits of living to inaugurate and encourage a system of economy among the people that tends much to national prosperity." And further: "That the right of the Government to assess the earnings of the people is bounded by the necessities of the Government economically administered."

That one utterance of Mr. Cleveland if crystallized into political action would place his name high among the statesmen of ancient and modern times.

Unfortunately, and it is a marked symptom of the decadence of the times, it has not been put in practice either at the other end of the Capitol or in this House.

A MEMBER (in his seat). *O tempora! O mores!*

Mr. PRICE. The gentleman should speak louder; I did not hear him. I do not like a man who strikes below the belt. [Laughter.]

I may as well sum up the whole matter in this way: It is cowardly for a man to strike another when he is manacled. It is equally so to take advantage, unless it be absolutely necessary, of the one-man power to defeat the wishes of the majority. But I insist the suggestion of the gentleman from Indiana must be complied with, because that bill can not pass here to-night.

Mr. BINGHAM. I have no desire to antagonize the gentleman who has just spoken. I regret the necessity of taking this bill before the House in its full session. I remember distinctly having heard, and having seen in the RECORD, the same argument and the same speech made by the gentleman one year ago at an evening session in connection with the pension to the widow of Major-General George H. Thomas. In that case the gentleman threw the bill before the House in full session, and the House in full session cordially and willingly by a large majority conceded the $2,000 pension. If the gentleman's position is to be obstructive in this case, of course I must yield. But if the gentleman will withdraw his opposition, I think it would be such a graceful and such a generous act, that I am satisfied the gentleman's own constituents would applaud him.

I had hoped that when this question came before this assembly to-night, convened for the special purpose of passing pension bills, the widow of General Hancock would be allowed to stand side by side on the record as the House has fixed it with the widow of Farragut and the widow of Thomas. Of course I can not object if the gentleman proposes to be obstructive. Only I thought it would be delightful if this thing could be done in a generous way.

I do not know that I can argue this question without losing control of my feelings. For four years I fought and served on the staff of General Hancock. And in a question as to what should be becoming to vote to his widow, I say I regret that by the precedents of this House I am forced to fix the sum at $2,000. The bill introduced by the gentleman from New York [Mr. PULITZER] placed the widow of Hancock in line with the widows of the ex-Presidents of the United States. That would be more in accord with my feelings; for, with the exception of Lincoln, I know of no man of modern times who has done more for his country, for civilization, for humanity, for liberty than Hancock has done. [Applause.]

But if the gentleman proposes to place himself in an obstructive position—and I make use of that term honestly and sincerely—I have not a word to say. I trust that he will let this question come before this House to-night, and if it should be determined against me I am willing to accept the alternative. But I do not wish to be put in the position of having to yield to the simple objection of one gentleman.

The gentleman from Wisconsin [Mr. PRICE] will remember that one year ago, when the case of Mrs. Thomas was before the House, he took exactly the same position; but the judgment, the sentiment, the liberality, and the magnanimity of the House condemned that position. I ask the gentleman to-night to let the case go through as a case of this kind should go through—the tribute of the representatives of the people to the widow of one of the grandest and most chivalric soldiers of our war. [Applause.]

Mr. PRICE. I desire to make a correction of the statements just made by the gentleman from Pennsylvania [Mr. BINGHAM]. The gentleman evidently labors under a mistake. He is mistaken in saying that I made the same speech here one year or two years ago as I have made this evening.

Mr. BINGHAM. I have your speech here before me.

Mr. PRICE. That the same sentiment is embodied in a speech I may have made here last year or the year before may be true. That speech was made extemporaneously. My remarks to-night have been made extemporaneously. They were made awkwardly I presume then, and they have been made awkwardly perhaps now. But it could not have been the same speech.

The gentleman from Pennsylvania says his feelings will not permit him to take anything else than this. I will tell the gentleman a man's feelings are the poorest guide he can have in legislating. If a sense of duty allowed me to consult my feelings in matters of this kind I would pension them all and give them all $2,000. But we have not got the money; and the strictest necessity requires that we shall treat them all as nearly alike as practicable. If we do not we will be condemned by the people, and if the Government merits and receives the condemnation of the people it will of course grow weaker every day. Pursue this course, and the child is now born that will see our Government broken into a thousand atoms.

I know as a general rule it is a commendable feature in human character to be liberal. But a consideration of that kind ought not to govern us in our action here. We are not voting away our own money. We are voting away the money of the people, for which we are accountable, and we are not justifiable in voting a single dollar unless for value received.

I know the House in the case referred to by the gentleman from Pennsylvania by its vote overruled me. But I know, too, that the gentleman from Pennsylvania two weeks ago had an experience in the case of a pension bill that the sentiment of the people is changing on this floor. Three years ago when I came here first the proposition to increase the pension of a major-general's widow would not have been opposed perhaps by thirty contrary votes. But two weeks ago all the eloquence of the gentleman from Pennsylvania could not obtain the passage of his bill in a full House.

Encouraged by that step in the right direction I have assumed to say here that this case must be submitted to a quorum of the House, and that a higher plane of statesmanship must govern in the disposal of this bill than governed two years ago in the case of Mrs. Thomas.

Mr. RANDALL. What was the suggestion of the gentleman from Indiana [Mr. MATSON]?

Mr. MATSON. I made the suggestion that the bill should be reported favorably, and that when we get into the House it should go over with a number of others to be considered at the session of Friday next.

Mr. RANDALL. I suggest Monday instead of Friday.

Mr. MATSON. It was mainly with reference to the business of the committee of the gentleman from Pennsylvania [Mr. RANDALL] that I proposed Friday.

Mr. RANDALL. The gentleman from Tennessee [Mr. ZACH. TAYLOR] has objected to this bill being considered on Friday, and therefore I suggest Monday.

Mr. BINGHAM. Mr. Chairman, do I understand that the gentleman from Wisconsin [Mr. PRICE] really takes the ground that he objects in this case?

Mr. PRICE. Mr. Chairman, I have not come to the place where I can take that ground yet. The gentleman from Indiana [Mr. MATSON] has made a suggestion.

Mr. BINGHAM. Then let us take a vote, and if the gentleman from Wisconsin [Mr. PRICE] is not going to object, we can soon dispose of this bill.

Mr. PRICE. I have not said that I would not object either.

The CHAIRMAN. The question is on the motion that this bill be reported to the House with the recommendation that it do pass.

The motion was agreed to.

CAROLINE STURTZ.

The next business on the Private Calendar was the bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers, having had the same under consideration, respectfully report:

That claimant's husband was pensioned for wound of the neck and lower jaw, and died April 26, 1872, of apoplexy. The medical referee rejected the widow's claim because "there is no reason at all to refer to the wound as a factor in the

case. The soldier died, I have no doubt, of cerebral apoplexy, in which the wound has no agency at all." The Secretary of the Interior, to whom this case had been appealed, in his review of it, states:

"The evidence in this case shows that the deceased soldier was a sufferer from a severe gunshot wound of face and lower jaw, and his health by reason thereof has been declining since his discharge from the service; that at the time of his death he was engaged in working over a fire, it being a very warm day, and it is alleged that in consequence of his debilitated condition, resulting from said wound, was stricken down and overcome with the heat, and that the effects of the heat, together with the wound, caused his death. There is no evidence in the case tending to show that the soldier's sudden death was connected as a result with the gunshot wound on account of which he was pensioned. Dr. Rutledge states that had he (the soldier) not been suffering with the wound aforesaid, affiant is clearly of opinion he would not have died, as the work or the heat of themselves were not sufficient to have caused his death."

As your committee has had occasion frequently to observe, it is often a matter of extreme difficulty to trace the consequences either of a wound or a disability through many years of suffering until it results finally in death, and to know exactly how much to attribute to the wound or how much is due to extraneous causes. They are assisted in this case very much by the clear evidence given by Dr. Jarrett, who testifies as follows:

"I was called on to attend Jacob Sturtz on or about the 14th of June, 1865, for wound received while in the Army; said wound was situated in the lower jaw, and was very extensive, involving nearly one-half of the jaw. Caries of the bone took place and a greater part of the bone was discharged in the form of pus, mingled with fragments and ossicula of bone; and I further state that the said wound was in my judgment the primary cause of the said Sturtz's death."

Dr. Rutledge, who was also decedent's physician, states "that he was working over a fire, it being a very warm day, and death was caused partly by the wound and partly by the heat." Here is the evidence of two attending physicians, one of whom states directly that apoplexy was the result of the wound, and the other that it was partly the result of the wound and partly the result of excessive heat. On general principles it may be stated that the direct effects of excessive heat in any given case are dependent largely upon the physical condition at the time of the person who is subjected to it, so that a degree of heat which may be innocuous to a perfectly robust man may produce death in a debilitated and broken-down constitution. Applying this principle to the case in hand, your committee find no difficulty in coming to the conclusion that soldier's death was the result of injuries received in the service, and they therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES T. REBER.

The next business on the Private Calendar was the bill (H. R. 3831) granting a pension to Charles T. Reber.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Reber, late surgeon of the Forty-eighth Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3831) granting a pension to Charles T. Reber, have had the same under consideration, and submit the following report:

This claimant was mustered in October 1, 1861, and was discharged February 23, 1863. Re-entered the service August, 1863, as surgeon United States Volunteers, and was discharged January 29, 1866.

He alleges that in the summer and fall of 1862, while on the campaign in Maryland, he contracted disease of the stomach and liver. He further states that while acting as surgeon, and in line of duty from the Rapidan River to Antietam, from August 14 to October 6, 1862, he contracted inflammation of the stomach and intestines, together with the liver and its appendages, caused by overwork, loss of rest, and insufficient, indigestible food, and that he treated himself for the same until he obtained leave of absence on account of sickness, October 6, 1862. He states further that these ailments have continued, becoming more aggravated with the passage of years, until he is now largely disabled from the practice of his profession and the means of procuring a living. His claim was rejected because of no record or other sufficient evidence of incurrence while in the Army.

The claimant explains the insufficiency of his medical record of treatment while in the service by the fact that, being the surgeon in charge of his regiment, part of the time with no assistance, with great sickness prevailing among the men, he was necessarily obliged to treat himself. He diagnoses his disease as beginning with diarrhea and piles, culminating in an attack of enterocolitis, which compelled him to ask for leave of absence for twenty days. That during the following winter he found he could not endure the fatigue and exposure of active service in the field, and offered his resignation, promising to re-enter the service if able to do so.

After the battle of Gettysburg he did re-enter as assistant surgeon. During said service he had numerous mild attacks of indigestion, biliousness, and diarrhea, but notwithstanding his protests and appeals he was retained in the service until mustered out, January 29, 1866. He goes on to describe how his disease increased in severity, becoming more aggravated, until it resulted in severe attacks of colic, accompanied by decided swelling in right epigastrium and hypochondrium. He mentions quite a number of physicians who have treated him for this affection during the intervening years, some being now dead, and the testimony of others he is, for various reasons, unable to procure. Your committee are satisfied, however, that he was well and hearty when he entered the service; they are also reasonably well assured that he contracted disease as stated from overwork and exposure, and also that it has continued up to the present time.

As to the present condition of claimant the evidence is full and complete.

Dr. D. R. Van Reed testifies that in the spring of 1876 he treated claimant, in consultation with other physicians, for chronic inflammation of the duodenum and gall-ducts, accompanied with spasm of the gall-ducts and bladder, and since then has frequently treated him for same complaints up to the present time.

Dr. William G. Wilson testifies that he has been intimately acquainted with claimant for sixteen years; has seen him almost daily during that time; attended him, in consultation with other physicians, for attacks of colic arising from congestion of liver; that he knows claimant has had other attacks of same nature for which other physicians attended him, and that the debility resulting from these attacks has materially incapacitated him from business pursuits.

Examining Surgeon Barnard, in his examination made in July, 1883, "found a large floating tumor; probably the duodenum involving the duct, and probably the gall-bladder may be implicated."

The full board of examiners made a special and thorough examination of this case, under instructions from Dr. Hood, medical referee. They report:

"We find no evidence of inflammation of the stomach or intestines or of any tumor in the side, but chronic hepatitis involving all the ducts, the stomach, duodenum, and intestines sympathizing. The liver is now abnormally large, indurated, and a little sensitive to the touch, and there has recently been obstruction of the ducts from calculi. The skin is of a deeply jaundiced hue over the entire body, digestion poor, and general nutrition bad. Such paroxysms as he has just passed through occur three or four times a year. The president of this board saw him in one of these attacks about six weeks ago. The pain was very severe. Our opinion is that disability was incurred in the service."

There is no question as to the continuance of the disability since this claimant was discharged from the service, and a study of the history of this surgeon while in the service has convinced this committee that the disability was incurred directly in the line of duty, and also that, from the nature of the case, it would be extremely difficult or altogether impossible to furnish such proof as would meet the requirements of the Pension Office. They therefore report favorably and recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRED. J. LEESE.

The next business on the Private Calendar was the bill (H. R. 3624) granting a pension to Fred. J. Leese.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fred. J. Leese, late of Company M, One hundred and ninety-eighth Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3624) granting a pension to Fred. J. Leese, respectfully report:

This claimant was enrolled September 7, 1864, and was honorably discharged at camp near Washington, D. C., June 3, 1865. He alleges that while in line of duty at camp near Petersburg, Va., on November 15, 1864, he contracted chronic diarrhea, from exposure to the weather and severe work in the building of fortifications; that he has been a sufferer from said disease ever since. The proof as to his freedom from disease previous to service is satisfactory. After his discharge he mentions the names of three physicians who treated him for chronic diarrhea, but alleges satisfactory reasons why he is not able to procure their affidavits. He has also been procuring from Druggist Weis during the last four years various prescriptions and remedies for chronic diarrhea. Dr. Davis testifies that claimant was an office patient for about eight weeks during the year 1872 and was treated for chronic diarrhea. Dr. Kalloch testifies that he treated him for chronic diarrhea in the year 1871.

Henry Ketzenmoyer testifies that while in military service and in camp near Petersburg, Va., he first noticed soldier's ailment; that he lay sick in his tent, and that affiant made a decoction of white-oak bark and gave it to him to allay and stop his diarrhea, but that it was ineffectual, and then he applied to the surgeon, whose name is, he is informed, H. A. Grim; from that time on he knew applicant intimately and continuously to the present; that he had this ailment at time of discharge and several times since; it is now in chronic condition; that he is not able to do any heavy work and at times is entirely disabled. Charles Y. Levan states that claimant has been in his employ for the past eleven years, "and a more sober and industrious man can not be found; his disease is chronic diarrhea, and ever since he has been with us carries medicine in his dinner-pail, which he must take daily; oftentimes he is compelled to cease work on account of ailment." The board of examining surgeons, January 23, 1884, state that an examination made at that date reveals the following facts:

"Claimant alleges having on an average about five stools per day; when the attack is severe many more, slimy and bloody in character. In general appearance claimant is not of vigorous health, pale complexion, flabby muscles, tongue furred and fissured, abdomen tender and somewhat tympanitic, increased dullness over liver, no definite trouble of spleen. The speculum shows great irritation and inflammation of the rectum."

The testimony shows that claimant incurred diarrhea while in the Army, and that it has continued ever since, interfering materially with his ability to earn a living; and your committee therefore report favorably, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP, as Speaker *pro tempore*, having resumed the chair, Mr. HATCH reported that the Committee of the Whole House had had under consideration business upon the Private Calendar, and had instructed him to report to the House sundry bills with various recommendations.

The SPEAKER *pro tempore*. The Clerk will report the bills reported from the Committee of the Whole.

The Clerk read the title of the first bill, a bill (H. R. 5506) granting a pension to Emily Louise Spicer.

Mr. WHITE, of Pennsylvania. Mr. Speaker, I rise to a question of order. At the last evening session there were four bills passed over informally which I think should take precedence of the bills reported from the committee to-night. What I want to get at is some way of disposing of those bills which were passed over at last Friday evening's session.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Pennsylvania that the bill the title of which has just been reported by the Clerk is the first of the bills passed over informally on last Friday evening.

Mr. MATSON. Mr. Speaker, I ask unanimous consent that the House make an order in relation to these bills that are now upon the calendar of unfinished business and those which have been reported by the Committee of the Whole House this evening under this special agreement, and that those bills be taken up next Friday immediately after the reading of the Journal, that the previous question be ordered upon the engrossment and third reading of each bill, and that they then be considered. This includes all the bills to which there is any objection.

Mr. ZACH. TAYLOR. Mr. Speaker, will that carry out the order that was attempted to be made here to refer these bills for the relief of Mrs. Benham, Mrs. Owen, and Mary Howard Farquhar to the House

for consideration on Friday next immediately after the reading of the Journal?

The SPEAKER *pro tempore*. The Chair understands that to be the proposition of the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. The bill for the relief of Mrs. Farquhar has been reported adversely, and therefore it goes out. The bill for the relief of Mrs. Owen remains on the Calendar, retaining its place. The Benham bill goes over, of course.

Mr. ZACH. TAYLOR. Because a special order was made in regard to the Benham bill; but I understood that that would probably be the last bill which would be referred to the full House for consideration on Friday after the reading of the Journal. I thought that would be the last; but when we got going in that direction to an extent which would cut off all other business I felt it my duty to object, and I shall renew that objection now.

The SPEAKER *pro tempore*. There are four bills which have come over from last Friday night's session and two or three that have been reported to-night to which the proposition of the gentleman from Indiana refers.

Mr. ZACH. TAYLOR. Mr. Speaker, would it not be well to let the bills go over and take their position at the head of the Calendar next Friday evening, except those as to which the committee has made a special order to-night?

The SPEAKER *pro tempore*. The Chair will make known the request of the gentleman from Indiana [Mr. MATSON], which requires unanimous consent.

Mr. GALLINGER. Under the rules of the House Friday is set apart for the consideration of private business. Now, I happen to be a member of the Committee on Claims, which is devoting from two to six hours almost every day to the consideration of reports. We have now sixty reports on the Calendar; and I shall be compelled to object to this order being made so as to displace the regular order.

The SPEAKER *pro tempore*. Objection is made.

Mr. McCOMAS. Would the gentleman object if the proposition were so modified as to have the Hancock case considered on Monday and the remaining cases on Friday?

Mr. ROGERS. I desire to suggest what may be a solution of this question. At this late period of the session Monday is not occupied entirely with the introduction of bills. I therefore propose that the previous question be considered as ordered now on these four bills, together with the other three that have been laid aside, so that they will come up next Monday immediately after the reading of the Journal.

Mr. BINGHAM. What are the three bills laid aside to which the gentleman from Arkansas [Mr. ROGERS] has just referred?

The SPEAKER *pro tempore*. There were four bills laid aside on last Friday night.

Mr. BINGHAM. What bills have been laid aside to-night?

Mr. MATSON. None yet.

Mr. BINGHAM. Only two, as I understand—the Benham bill and the Farquhar bill.

Mr. ZACH. TAYLOR. I would be glad to have that order made. I know of no objection to it on the part of any one.

The SPEAKER *pro tempore*. The gentleman from Arkansas asks unanimous consent that the previous question be considered as ordered on the four bills named, and that they be not voted on to-night, but by unanimous consent be considered on next Monday morning immediately after the reading of the Journal.

Mr. PRICE. I move that there be added to that proposition the Hancock bill.

Mr. BINGHAM. Wait till we reach that.

Mr. PRICE. We are taking up all these out of their order.

Mr. BINGHAM. Then we will take up that in its order.

The SPEAKER *pro tempore*. The four bills referred to are first in order. Those four bills were laid aside last Friday evening. The Chair will ask again whether there is objection to the proposition of the gentleman from Arkansas. The Chair hears no objection, and it is so ordered.

The bills reported from the Committee of the Whole House on the Private Calendar to which there was no objecton will now be taken up and passed.

PENSION BILLS PASSED.

Bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally taken up, ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 2793) granting a pension to Silas James;
A bill (H. R. 4346) granting a pension to Elijah W. Putney;
A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;
A bill (H. R. 5729) granting a pension to Elizabeth Warner;
A bill (H. R. 1344) granting a pension to William H. H. Gillespie;
A bill (H. R. 5692) for the relief of James B. Russell;
A bill (H. R. 4631) granting a pension to Mary Merrill;
A bill (H. R. 1279) granting a pension to Darius M. Seaman;
A bill (H. R. 1707) granting a pension to Elijah P. Hensley;
A bill (H. R. 4977) granting a pension to James N. Hair;
A bill (H. R. 5705) granting a pension to Charles Wyant;
A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;
A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost;
A bill (H. R. 5332) granting a pension to Elizabeth Crowley;
A bill (H. R. 2623) granting a pension to Sarah O. Drummond;
A bill (H. R. 5074) to provide increase of pension to James Waters;
A bill (H. R. 5061) granting an increase of pension to Samuel Baker;
A bill (H. R. 3321) for the relief of Samuel C. Fisher;
A bill (H. R. 5234) granting a pension to Jesse H. Gaines;
A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;
A bill (H. R. 3831) granting a pension to Charles T. Reber;
A bill (H. R. 3624) granting a pension to Fred. J. Leese;

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

When the bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army, was reached,

Mr. PRICE said: I ask that this bill be laid aside for a separate vote.

The SPEAKER *pro tempore*. The bill will be temporarily laid aside.

Amendments to the following bills were agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 704) granting a pension to Benjamin Dubach;
A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell;
A bill (H. R. 4395) granting a pension to Betsey Martin;
A bill (H. R. 2975) granting a pension to Eliza A. Weeks;
A bill (H. R. 2179) granting a pension to Henry Barr;
A bill (H. R. 5706) for the relief of Elizabeth Leffman;
A bill (H. R. 5525) granting increase of pension to Robert E. Stephens;
A bill (H. R. 3308) to increase the pension of John R. Cravens; the title was amended so as to read "A bill to increase the pension of Joseph R. Cravens;" and
A bill (H. R. 5306) granting a pension to Roxana V. Rowley and son.

MRS. LAURA HENTIG.

Mr. MATSON. I ask that the bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig be included in the order moved by the gentleman from Arkansas [Mr. ROGERS], and that it shall go over until Monday next after the reading of the Journal, to be voted on under the operation of the previous question.

There was no objection, and it was so ordered.

MRS. E. A. BENHAM.

The SPEAKER *pro tempore*. The bill (H. R. 229) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased, in accordance with the recommendation of the Committee of the Whole House on the Private Calendar, will be laid upon the table.

The bill (S. 812) granting a pension to Mrs. E. A. Benham was ordered to a third reading, and it was accordingly read the third time; and the bill went over under the operation of the previous question to be voted on after the reading of the Journal on Monday next under the order of Mr. ROGERS.

ROBERT H. ANDERSON.

The bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

ALMIRA RUSSELL HANCOCK.

The SPEAKER, *pro tempore*. The question next comes up on the bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army.

Mr. PRICE. I move that bill be included in the motion of the gentleman from Arkansas.

Mr. BINGHAM. State what that order is.

The SPEAKER *pro tempore*. That the bill be considered as having been engrossed and read the third time, and the previous question as ordered on the vote to be taken after the reading of the Journal on Monday next.

Mr. BRADY. Let the Hancock bill be taken up first.

Mr. PRICE. My proposition is that it be included in that order.

Mr. RANDALL. The request of the gentleman is an objection.

Mr. BINGHAM. I want a vote now.

Mr. RANDALL. You can not have a vote if it be objected to.

Mr. BINGHAM. If that is the fact I am perfectly willing to let it be included. If gentlemen will not call a quorum, I desire to have a vote to-night.

The SPEAKER *pro tempore*. In that case the question is on the engrossment and third reading of the bill.

The question was put, and the Chair declared the ayes seemed to have it.

Mr. PRICE. I call for a division.

The House divided; and there were—ayes 25, noes 4.

Mr. PRICE. No quorum.

Mr. RANDALL. The only way to pass the bill is to accede to the request that it be included in the order.

Mr. BINGHAM. I had hoped we would be able to pass it here to-night.

Mr. PRICE. I now suggest by unanimous consent the bill be included in the order, and let it go over to be voted on next Monday after the reading of the Journal.

There was no objection, and it was ordered accordingly.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of citizens of Tompkins County, New York, relative to pensions—to Committee on Invalid Pensions.

Also, petition of citizens of Seneca County, New York, protesting against fraud under the patent laws of the United States—to the Committee on Patents.

By Mr. BARBOUR: Papers in the case of Emanuel E. Downham and Henry Strauss—to the Committee on Ways and Means.

Also, papers in the claim of Theodore Teed, of Alexandria, Va.—to the Committee on Claims.

By Mr. BINGHAM: Petitions of citizens of Philadelphia, Pa., asking for the establishment of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petition of citizens of Machias and of Harrington, Me., in behalf of a law to permit the masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. W. C. P. BRECKINRIDGE: Memorial and resolution of the General Assembly of the Commonwealth of Kentucky, to secure an appropriation to lock and dam the Licking, Cumberland, Green, and Trade-Water Rivers—to the Committee on Rivers and Harbors.

Also, memorial and resolution of the General Assembly of the Commonwealth of Kentucky, requesting the passage of a bill to prevent the retirement of Capt. James E. Jouett, of the United States Navy—to the Committee on Naval Affairs.

By Mr. W. W. BROWN: Memorial of the Knights of Labor, Assembly No. 3903, of Eldred, and of the Knights of Labor, Assembly No. 4364, of Aiken, Pa., praying for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Post No. 355, praying for the passage of the several pension bills recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition in favor of the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CONGER: Petition of members of Bear Creek monthly meeting of Friends, of Dallas County, Iowa, praying for legislation to promote peace among nations, &c.—to the Committee on Foreign Affairs.

By Mr. COWLES: Petition of citizens of Catawba County, North Carolina, asking for national aid to education—to the Committee on Education.

Also, petition of citizens of Cleveland County, North Carolina, asking that a bill be passed to pay expenses of postmasters of the third and fourth class for rent, light, fuel, and for other relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Petition of Local Assembly 2366, Knights of Labor, of Cadillac, Mich., in favor of liberal appropriations for public works, and especially for the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of ladies of Manistee, Mich., and of business men and citizens of Manistee, Mich., favoring an amendment to the Constitution guaranteeing the right of suffrage to women—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of Humphrey W. Seabury and 31 others, citizens of New Bedford, and owners and masters of sailing vessels; of John Holmes and 41 others, citizens of Dukes County, and owners and masters of sailing vessels, requesting the passage of a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DINGLEY: Memorial of Assembly 4595, Knights of Labor, of Auburn, Me., in favor of an appropriation for building the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of officers of Society for Protection of Young Girls in District of Columbia, for legal protection for young girls—to the Committee on the District of Columbia.

By Mr. EVERHART: Petition of 50 voters and 39 non-voters and of 62 voters and 81 non-voters of Chester County, Pennsylvania, praying for a law prohibiting the sale and manufacture of alcoholic beverages in the District of Columbia—to the Select Committee on Alcoholic Liquor Traffic.

By Mr. FISHER: Memorial of Knights of Labor of Manistee, Mich., asking for an eight-hour law—to the Committee on Labor.

Also, memorials of the Knights of Labor of Bay City, of Essexville, and of Oscoda, Mich., for liberal appropriation for public improvements—to the Committee on Railways and Canals.

Also, memorial of Knights of Labor of Oscoda, Mich., against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. FUNSTON: Petition of citizens of Wellsville, Kans., for the passage of House bill No. 3183—to the Committee on the Judiciary.

By Mr. GIFFORD: Petition of the Chamber of Commerce of Bismarck, Dak., for a more equitable distribution of the appropriation for the improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. HALSELL: Petition of 3,500 citizens, praying for the purchase by the United States Government of the franchise of the Green and Barren River Navigation Company in Kentucky, and opening said rivers to the commerce of the country—to the same committee.

By Mr. T. J. HENDERSON: Memorial of Knights of Labor, Local Assembly No. 3739, of Geneseo, Ill., favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HOLMES: Petition of Isaac Crouse and 175 others, Des Moines River land settlers and citizens of Webster County, Iowa, praying for the passage of the bill for the relief of said settlers, notwithstanding the veto of the President—to the Committee on the Public Lands.

Also, protest of citizens of Boone County, Iowa, against the passage of a bankrupt law—to the Committee on the Judiciary.

Also, petition of W. H. Mitchell and 43 others, ex-soldiers and citizens, and of T. B. Kaufman and 36 others, ex-soldiers and citizens of Wright County, Iowa, praying for the passage of the bill embodying the recommendations of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of 29 merchants and manufacturers of Troy, N. Y.; of 42 commercial travelers of New England, and of 21 merchants and manufacturers of Richmond, Va., to abolish license fees imposed on commercial travelers—to the Committee on Commerce.

Also, petition of the "alliance of ladies organized for the promotion of social purity" and of the officers of the Woman's Christian Temperance Society of the District of Columbia, asking for the enactment of Senate bill 1765—to the Committee on the District of Columbia.

By Mr. LIBBEY: Petition of Hon. C. H. Causey and others, citizens of Nansemond County, Virginia, praying for an appropriation for the improvement of the Nansemond River, Virginia—to the Committee on Rivers and Harbors.

By Mr. LONG: Petition of Staples Phillips and 61 others, to allow domestic sailing vessels the same privileges as to pilotage that are allowed domestic steamers—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. LYMAN: Resolution of the General Assembly of the State of Connecticut commending the application of Mrs. Betsey A. Mower, for allowing back pension—to the Committee on Invalid Pensions.

Also, resolution of the General Assembly of the State of Connecticut, relative to the duty on tobacco—to the Committee on Ways and Means.

By Mr. McCOMAS: Petition of Knights of Labor of Barton, Md., in favor of Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of same, to pay employés of the Public Printing Office better wages—to the Committee on Labor.

Also, petition of Thomas N. Pindle, for payment of money due him as assistant assessor and deputy marshal—to the Committee on War Claims.

Also, petition of George Hoing, of Alleghany County; of James B. Elgin, of Montgomery County; of estate of Joseph P. Fleming, of Frederick County; of Isaac Ramsburg, of Washington County, and Eli Bowman, of Montgomery County, Maryland, for payment of their war claims—to the same committee.

Also, petition of James H. Elgin; of David Coffman, and of Eliza S. Jones and others, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. McKINLEY: Petition of soldiers and sailors of Akron, Ohio, praying that every soldier or sailor of the late war be granted a pension—to the Committee on Invalid Pensions.

Also, petition of Knights of Labor Assembly No. 190, of Thomastown, Ohio, indorsing the plan for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MERRIMAN: Petition of Henry C. Potter and others, for the establishment of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLARD: Petition of W. W. Mallory and others, for additional pension legislation—to the Committee on Invalid Pensions.

Also, petitions of John Stebbins and others, and of L. E. Kinney and others, of New York, for postal savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, statement with regard to clerks in Departments—to the Committee on Appropriations.

By Mr. O'HARA: Petition of the Rapides Educational Society, praying for the passage of the Blair bill—to the Committee on Education.

By Mr. CHARLES O'NEILL: Petition of the Philadelphia Board of Underwriters, favoring the placing of a fog-trumpet and light-ship off Cape Charles—to the Committee on Commerce.

By Mr. PAYNE: Petition of S. S. Peirson and others, of Newark, Wayne County, New York, for postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PETTIBONE: Petition of Elzira Hamilton, of Claiborne County, Tennessee, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. RANNEY: Petition of George H. Peters and others, relating to pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. T. B. REED: Petition of J. S. Windslow & Co., in favor of the free pilotage bill—to the same committee.

By Mr. RICHARDSON: Petition of Miss Sallie Burch, asking to have her claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. SCRANTON: Petition of members of Columbia County (Pennsylvania) bar, for passage of House bill 2124 concerning the judicial districts of Pennsylvania—to the Committee on the Judiciary.

By Mr. STEELE: Petition of A. L. Hiatt and 27 others, of Fiat; of Charles Turner and 40 others, of Spiker; of Joseph Lewellin and 50 others, of Waikel; and of William Vardeman and 40 others, of Jalapa, Ind., asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. J. W. STEWART: Petition of Michael Manning, of Hyde Park, Vt., for a pension —to the Committee on Invalid Pensions.

Also, memorial of the Georgia Marble Company, of Chicago, Ill., relative to duty on marble—to the Committee on Ways and Means.

By Mr. TAULBEE: Resolution of the General Assembly of the Commonwealth of Kentucky, entitled "Resolution requesting Kentucky members of Federal Congress to use their influence to secure an appropriation from the Government to lock and dam the Licking River, in Kentucky," approved February 25, 1886—to the Committee on Rivers and Harbors.

By Mr. J. M. TAYLOR: Petition of George W. Gowen, for increase of pension—to the Committee on Invalid Pensions.

By Mr. VAN SCHAICK: Memorial of Knights of Labor of Milwaukee, Wis., favoring liberal appropriations for internal improvements, so as to distribute among the people in the form of wages money taken from the people by taxation on what they eat and wear; also, indorsing plan for construction of Hennepin Canal—to the Committee on Railways and Canals.

By Mr. WILLIAM WARNER: Papers in the claim of Joseph C. Irwin & Co.—to the Committee on Claims.

By Mr. J. B. WEAVER: Petition of Lomane Smith, of Winamac, Ind., and 164 others, praying that all honorably discharged soldiers be placed on the pension-roll, and for other kindred legislation—to the Committee on Invalid Pensions.

Also, petition of Joseph Payton and 199 others, praying for arrears of pensions, and for other pension legislation—to the same committee.

Also, petition of George W. Cunningham and 55 other soldiers, praying for the passage of the bill to pay the soldiers the difference between gold and greenbacks—to the Committee on War Claims.

Also, petition of A. Hamilton and 35 others, of Iowa, for Congress to lend money to the people, not more than $10 per capita, when called for by a joint resolution of the Legislature of any State—to the Committee on Banking and Currency.

Also, petition of Thomas F. Barbee and 23 others; and of A. Hamilton and 50 others, of Iowa, for the organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. WOODBURN: Papers relating to the claim of James Whitehead—to the Committee on Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. B. WEAVER: Of E. N. Birdsall and 100 others, of Illinois; of L. E. Keller and 55 others, of Dakota; and of R. M. Williams and 33 others, of Dakota.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FULLER: Of citizens of Winneshiek, Mitchell, and Floyd Counties, Iowa.

By Mr. ROWELL: Of citizens of De Witt, Logan, and McLean Counties, Illinois.

By Mr. SENEY: Of William Harman and others, of Seneca County, Ohio.

By Mr. J. W. STEWART: Of citizens of Franklin, Chittenden, and Addison Counties, Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 20, 1886.

The House was called to order at 12 o'clock m. by Hon. JOHN B. CLARK, its Clerk.

The CLERK. In the temporary absence of the Speaker, the Clerk has called the House to order, and nominations for Speaker *pro tempore* are now in order.

Mr. MORRISON. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That CHARLES F. CRISP, a Representative from the State of Georgia, be, and he is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

Mr. CRISP accordingly took the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

Mr. BEACH. I object. I think we had better get along with the reading of the Journal to-day and save so much time on Monday.

The Journal was accordingly read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. COMSTOCK until March 23, on account of important business.

REFERENCE OF A SENATE BILL.

The SPEAKER *pro tempore*, under the rule, laid before the House a bill (S. 721) to establish a national live-stock highway and to promote commerce in live-stock between the States; which was referred to the Committee on Commerce.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That House bill No. 5690, for the free coinage of silver, be made the special order for Saturdays, March 20 and March 27 instant, also Saturday, the 3d of April next, and that the same be again taken up on Tuesday, April 6, after the morning hour for the consideration of bills reported by committees, and so to continue from day to day until disposed of: *Provided*, That, unless sooner ordered by the House, the previous question shall be pending thereon at 3 o'clock, Thursday, April 8. This order not to interfere with revenue or general appropriation bills, except on said Thursday, April 8 next, for the final disposition of this order.

FREE COINAGE OF SILVER.

The SPEAKER *pro tempore*. The Clerk will report the bill which is made the special order for to-day under the order of the House just read.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act all holders of silver bullion of the value of $50 or more, standard fineness, shall be entitled to have the same coined into standard silver dollars of 412½ grains troy of standard silver to the dollar, upon like terms and conditions as gold is now coined for private holders; that the standard silver dollar heretofore coined and herein provided for shall be the unit of account and standard of value in like manner as now provided for the gold dollar, and shall be a legal tender for all debts, public and private, except where otherwise stipulated.

SEC. 2. That so much of the provisions of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal tender character," as provides for issuing certificates on the deposit of silver dollars, shall be applicable to the coin herein named; and so much of the said act of February 28, 1878, as provides for the purchase of silver bullion to be coined monthly into standard silver dollars, be, and the same is hereby, repealed.

SEC. 3. That the Secretary of the Treasury is hereby authorized to adopt such rules and regulations as may be necessary to enforce the provisions of this act.

Mr. LANHAM. Mr. Speaker, I ask that the report of the minority as well as the majority of the committee be printed in the RECORD in this connection.

There was no objection, and it was so ordered.

The majority report (by Mr. JAMES) is as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred the bill H. R. 5690, submit the following report:

That they have carefully considered the same, and the majority is of the opinion that the passage of such a bill would be injurious to the public interest, and, with an expression of their unqualified condemnation, they report the same adversely, and ask that it be put upon the Calendar.

The views of the minority, submitted by Mr. BLAND, are as follows:

Gold and silver have been used as precious metals, and for the purpose of commercial exchange, from time immemorial, and have, from the beginning of civilization, been recognized as money at certain ratios of value. One of the fundamental principles of metallic money is that nature supplies the volume; the stock on hand of gold and silver throughout the world, together with that which from time to time is being extracted from the mines, constituting the monetary supply. Consequently, the volume is not subject to the control of the legislator.

Without going into the history just at this time of metallic money in the various countries of the world, suffice it to state that gold being used in one country exclusively, silver in another, and still others both gold and silver, as standard of money, constitutes the world bimetallic.

Recognizing this fact, and the further fact that by common law both gold and silver were money in the colonies, our fathers constituted this country bimetallic when they provided that the States should make nothing but gold and silver legal tender for the payment of debts, and by the first act (1792) authorized the coinage of both gold and silver as the full legal-tender money. Also, recognizing the principle that nature, in the manner stated, should supply the volume of money, the only duty that devolves upon the legislator is to establish, by law, the ratio of value for the coinage of the two metals, and to provide for the unlimited or free coinage of both at the ratio established. They opened the mints

of the Government to all comers of gold or silver bullion to be stamped or struck into legal-tender coins.

Having done this, the law of supply and demand regulated the volume. This was our monetary system from 1792 until 1873, when, under the pretext of amending the mint act, the provision that authorized the coinage of a legal-tender silver dollar was omitted, and thus, in effect, demonetizing silver.

Without discussing the circumstances under which this demonetization was done or the purposes for which the same was accomplished, it may be said that the act was passed at a time when the country was on a paper basis, neither metal being in circulation. Therefore, it was done at a time when legislation, with reference to the coin circulation of the country, was not likely to attract the attention of the people.

This act was clearly an infraction of the true theory of bimetallism, and in conflict with the Constitution. It assumes that Congress should exercise the power of controlling the volume of money, by prohibiting the coinage of one of the monetary metals recognized in the Constitution. If, under the Constitution, Congress has the power to prohibit or limit the coinage of silver, so it has that of gold.

To admit that it can demonetize one of the metals is to admit that it can demonetize both; therefore the gold monometallists, who are so swift in their denunciations of the Supreme Court for holding that Congress has the power to issue paper legal-tenders, should consider the result of their own theory of monetary science. For, if Congress has the power to demonetize the metals, it must necessarily result in exercising the authority claimed by the decision of the Supreme Court—that is, in printing legal-tenders and forcing them into circulation.

As a constitutional question, it is here claimed that Congress has no lawful right to demonetize either gold or silver; but it is the plain duty to provide for the coinage of both at some regulated value or ratio. The Constitution says "the Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coin." Again, "No State shall * * * make anything but gold and silver coin a tender in payment of debts."

By the mint act of 1792 the silver dollar as it is now coined—that is to say, a dollar containing three hundred and seventy one and a quarter grains of pure silver, was made the standard of value, and was continued until 1873, when it was dropped from the coinage.

One of the most important questions connected with the restoration of silver to where it was before this change, is the question of the public debt. As compared to gold, silver is now depreciated. It is therefore claimed that it will not be in good faith to our public creditors to pay them in silver dollars. Without going into facts and figures it is generally admitted that the bullion contained in the silver dollar will purchase as many of the necessaries of life at this time, and more, than it would have done when dropped from the coinage; and more than in 1855, or '65, or in '70. Consequently, as compared to commodities, it has not depreciated; but owing to the change in Germany from the single silver standard to the gold standard in 1870 and the suspension of silver coinage by France and other states in the Latin Union, the demand for gold has been very great, and, consequently, compared to silver, its value appreciated. Again, as is well known, the refunding acts of 1870 and 1871 provided for refunding the whole public debt into a coin debt, and that the principal and interest of the bonds authorized should be paid in coin of the standard value of 1870. At that time the silver dollar (412½ grains) was the standard of value, and the coin called for in the bond was that dollar or the gold dollar (25.8 grains), at the option of the Government. There is this inscription on face of bonds of the 5 per cent. funded loan of 1881:

"This bond is issued in accordance with the provisions of an act of Congress entitled 'An act to authorize the refunding of the national debt,' approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November, in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority."

Also, on the face of the United States 4 per cent. bond:

"This bond is issued in accordance with the provisions of an act of Congress entitled 'An act to authorize the refunding of the national debt,' approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority."

All the interest-bearing coin obligations of the Government now outstanding were issued by virtue of this act, except the 3 per cent. bonds issued under the act of 1881, or since silver coinage was resumed, and are payable in either gold or silver coin. Therefore, to restore the silver dollar and compel its payment in the redemption of these obligations would be no violation of contract or of good faith on the part of the Government toward its creditors.

The opponents of the free coinage of silver insist that because Germany changed her monetary system from the single silver standard to the gold standard, and because France and the Latin Union have suspended the coinage of silver, that therefore it would not be safe for us to restore it; that to restore silver would have the effect of displacing gold from circulation, and we would be placed upon a single silver standard. This matter should receive some investigation and consideration.

It is here claimed, in the first place, that a double standard necessarily implies that the Government adopting it recognizes the principle that the debtors may have the right of payment at their option in the cheaper metal. Gold was cheaper than silver from 1834 until 1873 and afterward, and was used by the people and the Government, and no one ever claimed or pretended that there was any violation of contract or good faith as between debtor and creditor. No one then insisted that the amount of gold in the gold dollar should be increased so as to correspond with the value of the silver dollar. (We think it may be said, possibly, it was because we had no public creditors.)

The restoration of silver here will necessarily give a demand for it that has not existed since 1873, and will have the tendeney to restore it to a parity with gold, and it is believed will so restore it; but whether it be so or not it is insisted that we owe no debt that is not legally and morally payable in silver, and even should we go to a single silver standard no harm would come of it.

The effect of law upon the subject of maintaining the parity of the metals is illustrated by the history of France. That government in 1803 adopted the ratio of 15½ of silver to 1 of gold, giving free coinage to both metals at this ratio. As a consequence that ratio was maintained from 1803 to 1874, when she suspended the coinage of silver. Even the German demonetization did not depreciate silver. The action of the French Government in limiting the coinage and finally suspending it first broke the parity between the two metals.

And right here it may be well to refer to a statement made by Mr. Cernuschi before the United States Silver Commission, in 1876, to a question by Mr. Bogy, as follows:

"By Mr. BOGY:

"Q. By retaining 16 here and 15½ there, our silver would, of course, go right to France. Would not that compel France to abandon the bimetallic system?

"A. The policy of France would be not to coin, but to wait. France committed a great mistake when, in 1874, after the example given by Belgium, she limited the coinage of silver. This has been a great mistake. If France had continued to coin silver freely, the German silver would have flowed into France, and some gold of France would have flowed into Germany, but silver would have maintained everywhere its value relatively to gold. In limiting the mintage a difference has been created between the value of bullion and the value of coin." (See page 37, "Nomism or Legal Tender," by H. Cernuschi.)

This statement of Mr. Cernuschi is a complete answer to a subsequent statement he made in his pamphlet called "The Great Metallic Powers," and on page 21, as follows:

"Why is not the coinage of siver free in France? Because, were the coinage free, all the gold would emigrate, and France, deprived of gold, would no longer have a monetary medium either with England, or with Germany, or with the United States.

"France therefore can not, will not, resume the coinage of silver, unless it be at the same time resumed, firstly, by the United States, and, secondly, by England or Germany.

"Very venturesome would be those who should recommend the United States of America to undertake single-handed what France will undertake only triple-handed."

This pamphlet was evidently inspired by Mr. Manton Marble, who was sent by the Government to investigate the subject in European countries in the interest of the gold monometallists, as this pamphlet seems to have reached every member of Congress with the compliments of Mr. Marble.

Inasmuch as the first statement of Mr. Cernuschi is a complete answer and set-off to the second, we here leave him and his argument thus neutralized.

France, by this unlimited coinage, at the ratio of 15½ to 1, did maintain the parity of the two metals throughout the world from 1803 to 1874, when she ceased to coin silver. This ratio of 15½ of silver to 1 of gold was the great regulator of the parity of the two metals, notwithstanding the enormous output of gold in California and Australia in 1850.

Further illustrating the operations of the French bimetallic law, we quote from Mr. Weston on the silver question, pages 118 and 119, as follows:

"THE LAW OF THE DOUBLE STANDARD.

"When the double standard exists, the debtor pays gold or silver at his option, and of course pays always in the cheapest medium. When the difference becomes appreciable, the actual currency tends to be wholly of this cheapest medium, and the dearer goes to other markets as money, or is absorbed in other uses. This employment as money of the medium which is for the time being the cheapest makes a demand for it, and prevents its becoming still cheaper, or, in other words, prevents its greater depreciation, which it restrains always within reasonable limits.

"We had a memorable example of that between 1850 and 1860, when the new and great supplies of gold from Australia and California came suddenly and simultaneously upon the world. The expectation of a depreciation of gold was general, and this apprehension was so great in Germany and Belgium that those countries actually demonetized gold. The depreciation did not come, and the preventing cause was the steadying effect of the double standard, and notable in France. The actual currency of that country was, in 1850, almost exclusively silver, but it changed very largely to gold when the new supplies cheapened that metal. As Professor Hansen, of the Berlin University, said in 1868:

"'Europe, or rather the whole civilized world, is indebted to French law for its escape from the perturbations in the relative prices of gold and silver menaced by the enormous arrivals of gold from Australia and California. A large part of these arrivals was used in France, where gold replaced silver.'

"W. Stanley Jevons, an English writer of merit, estimates this absorption of gold in the currency of France, down to 1859, at one hundred millions sterling, or nearly $500,000,000. The statements of the gold coinage at the French mints tend to show that the estimates of Mr. Jevons are too low. During the seventeen years of the reign of Louis Philippe, ending at the commencement of the California discovery, this coinage was £8,600,000, or at an average annual rate of £500,000. From 1850 to 1858, both inclusive, this coinage was £129,587,735, or at an annual average rate of £14,343,082. The increase beyond the rate of the preceding seventeen years is £121,000,000. The degree in which gold had replaced silver in the French currency is reflected in the state of the cash resources of the Bank of France, which, in March, 1876, consisted of 1,325,000,000 francs in gold and 495,000,000 francs in silver."

As is stated here, Germany and Belgium, fearing an inundation of gold, demonetized it in 1857. Notwithstanding this demonetization on the part of other states, France continued to coin gold and silver freely, and thus preserved the parity of the two metals during the enormous output of gold in California and Australia.

Another important principle of bimetallism is here brought to view—that is to say, the nation that uses both gold and silver at fixed ratios her people have the advantage of using for the time being the most abundant or cheaper metal, and are not subject to those constant contractions of the volume of money and the depressions of trade incident to the people using the one standard; but the main question to be discussed here is: Would it be safe for this country to coin silver free, Europe remaining as it is? It may be safely assumed that European countries can not further demonetize silver without great disaster to themselves.

Indeed, the discussions now all point to restoring it, not to further demonetize it; and even in Great Britain, a single gold-standard country, her best statesmen and wisest financiers are agitating the question whether or not the bimetallic standard in Great Britain would not bring relief to her starving populations. And so it is in Germany.

Again, all the silver in Europe now in circulation as money is at a par with gold, at the ratio of 15½ to 1; that is to say, it is worth 3 cents more in a dollar there than here, as compared to gold. For this reason, no silver in European countries could come to us should we restore silver to an unlimited coinage at our ratio of 16 to 1; for it is not to be supposed that France, for instance, would be willing to lose $18,000,000 in order to exchange a part of her silver for a portion of our gold, or the whole of it.

Another important matter to consider in this connection is, that our national, banking system is fast going out of existence. The payment of the public debt, rapidly going on, will soon wipe out the foundation of the national-bank circulation, and there must be something to take its place.

On November 1, 1882, the circulation of the national banks was $362,727,747. It is now $315,847,686, thus showing a great contraction in the circulation of the national banks. This contraction for the past year was $15,545,461.

The question is, What is to supply the vacuum created by the retirement of the national-bank notes? We must either issue legal-tender notes to supply it, or else provide for some other system of banking, or else give unlimited use to silver. So the question must be fairly met, Shall this supply be a coin circulation, or shall it be credit money?

We had always supposed that the gold monometallists were the peculiar advocates of hard money—honest money; that the idea of issuing paper legal-tenders of any sort was a dangerous theory to them. If they are sincere and honest in their convictions, then they should join with those who favor the restoration of silver, and demand that such paper circulation shall give way to the unlimited use of silver and gold.

No one will pretend to say that should we restore silver to unlimited coinage there is a possibility of acquiring more than a sufficiency of that metal to take the place of the three hundred and fifteen millions of national-bank notes now rapidly disappearing. The silver certificate is the best substitute for the bank note.

This question may also be regarded in another aspect, and that is, granting that silver should not reach the parity of gold (what is meant by a parity of gold under the process of free coinage is simply that in so far as you give to silver an increased use as money, thus far you release or relieve so much gold), the increased use of silver appreciates the value of that metal.

The decrease in the use of gold, as a consequence in the increased use of silver, will decrease the value of gold, and while silver rises gold will fall and the two will reach a parity midway. But should silver remain 2, 3, 4, or 6 per cent. below the parity of gold, we would be in the same condition we were from '34 to '73, when we were using a gold dollar worth from 3 to 6 cents less than the silver dollar.

The great advantage claimed for gold is, that it is more convenient for large transactions than silver, more portable, and, in proportion to value, easier handled, but now that neither metal is used in large transactions, gold is piled away in bank vaults for bank paper, and in Government vaults for Government certificates. And the same may be said with regard to silver, except in minor transactions. Therefore the advantage claimed for gold is dissipated.

Silver is in circulation here. And so it is even in Great Britain and Germany, and in all other gold-standard countries. Silver is the money of the great mass of the people. It marks the transactions of all retail trade, not only in silver-standard countries, but in gold-standard countries and in double-standard countries. It is therefore the mud-sill of commerce. The business of the world rests upon these silver coins used in retail trade. It is silver that is the money of the world, and not gold.

But were it possible that some new silver mine or silver supply should be discovered by which at once six hundred millions of silver could be dumped down upon us, and our six hundred millions of gold displaced and dumped down upon European countries, it would be a great relief to both hemispheres. The result would be an increase in the monetary supply in European countries of gold that would set the machines of industry in motion, giving the starving laborers of those countries employment, and enabling them to purchase our commodities.

We have had in times gone by a market for our great Western products of corn, wheat, and meats, and in the South of their cotton and sugar, and in the East of their manufactured goods. We want that market again.

The silver placed in circulation here would place us upon a sound metallic basis, revive industries, and put the millions of laboring men now out of employment to work, giving them bread; our revenues would swell, although the taxes would be lighter per capita upon the great masses of the people, because a greater number of them would be enabled to pay taxes. In this way our national debt would soon be a thing of the past. It may be said that those owning fixed incomes, Government bonds, State and railway mortgages, and others who have incomes from these liens would not receive the same amount of labor, or the products of labor, for a dollar they are now receiving; but what they lose in that regard they would gain by sharing in the general prosperity of the people.

Another phase of the question might be alluded to, in so far as our Government debt is concerned. By the act of 1870 that converted it into a coin debt instead of a legal-tender paper debt, providing, as is stated, for payment in the standard dollar (412½ grains) or the gold dollar (25.8 grains), and, inasmuch as at that time silver had unlimited or free coinage, as well as gold, that debt is therefore bottomed on the law of the silver dollar (412½ grains), and on the further law of the free and unlimited coinage of that dollar. Consequently, it is a specific contract, so to speak, payable in the standard silver dollar, and whether that dollar be a legal tender for any other debt or not, the people have a right to pay these bonds in silver at the rate of 412½ grains to the dollar.

Should a proposition be made to pay off these bonds in silver at the rate of 412½ grains to the dollar, not coupled with any legal-tender capacity beyond that, or in the payment of other debts, we would hear complaints and remonstrances from the bondholders. He would demand that his dollar, although a silver dollar, should be received like other money in payment of all debts. And so the people may demand that the public creditor shall be required to take the same money they have to take. Again, as to the question of the free coinage of silver sending gold out of the country, we reply that debtors have the right to demand the free coinage of silver under our Constitution and laws, and especially under the contract with our bondholders, even should we by so doing drive gold out of the country.

On the other hand, it is a violation of the public faith of the Government toward its people, and a violation of the law of 1870, providing for the payment of the bonds in the standard silver dollar, and a violation of the law which existed at that time which gave the silver dollar unlimited coinage, now to limit or suspend its coinage in order to compel the payment of that debt in gold.

While debtors have the legal right, by restoring silver, to demonetize gold, if you please, creditors have no right to demonetize silver in order to compel payment in gold.

But we are constantly being advised to wait the concurrence of Great Britain, Germany, and France, or at least one of those countries, before we further coin silver. England, in 1816, at the instance and advice of Lord Liverpool, not at ours, adopted the single gold standard. Germany, in 1857, at the instance of the bondholding and income aristocracy, demonetized gold. This was done to protect the moneyed interests from what was called the threatened inundation of gold from the California and Australian gold mines. Again, in 1870-'71, for a similar reason, Germany turned about and demonetized silver, in anticipation of the inundation of silver from our silver mines. In demonetizing gold in 1857, then silver in 1870-'71, going back to the gold standard, Germany never took counsel of us or consulted our interests. Just the contrary. Her aim was to outlaw the wealth of our mines—to prevent her subjects from paying the taxes and annuities that supported the ruling classes in the cheap gold of California, and again, in the cheap silver of Nevada. This was done in the face of the fact that these debts were contracted in the very metal each time outlawed.

The practice is sought to be enforced here by the same interests among us. But Germany, unlike us, has no bimetallic constitution; she did have a ruling class.

France never has been hostile to silver. France has about $600,000,000 of silver in circulation to-day, twice the amount we have, yet wealth, population, territory, and all essential demands for money are vastly on our side.

Our fathers, when they adopted a constitutional standard of value based on gold and silver; when they gave free or unlimited coinage to both metals, in 1792 made the silver dollar of to-day the unit of value, the money of account, never entertained the thought of asking the concurrence of other nations. It was too soon after the Declaration of Independence for that. Our mints were always open to the free and unlimited coinage of both gold and silver for eighty-one years. During all this time our public and corporate debts were insignificant. Now our bonded debts are fabulous. They are held by a few who seek to speculate in them by monetary tactics and financial legislation to the end that the value of this particular property shall not only be maintained, but constantly increased—in fact, doubled.

Any one who can not see that our public debts are a menace to our prosperity, if not to our free institutions, is blind. Not a dollar should be held in the Treasury that can be applied to the payment of these debts.

At the expense of being tedious by repeating, we beg again to refer to the French bimetallic law, and thus give an historical instance of the power of unlimited coinage to tie the metals together and maintain their parity at a fixed ratio. France in 1803 adopted the ratio of 15½ of silver to one of gold. France opened her mint to the unlimited coinage of both metals at this ratio. Both were made a full legal tender for all debts, public and private. From 1803 to 1874, over seventy years, France continued the unlimited coinage of the metals, gold and silver. During the whole of this period, and up to the day she closed her mints against the silver of her enemy, Germany, gold and silver were at a parity throughout the world at the French ratio of 15½ to 1. Notwithstanding the fabulous output of gold in California and Australia, coupled with the German demonetization of gold in 1857, before referred to, France continued to coin free, and this prevented the decline of gold feared by Germany. A few French statesmen and financiers were eager for the suspension of gold coinage by France. Among them M. Chevalier, who gave as to gold the same direful prophecies that our chevaliers now predict for the fate of silver.

The French bimetallic law, however, falsified and set at rest all these false prophets and predictions. France refused to demonetize gold in 1857. The victory at Sedan had not then happened. It had happened in 1874. France saw an opportunity for retaliation by closing her mints to German silver—this to hamper and probably prevent the German monetary revolution. It had the desired effect. Germany has been unable to exchange her silver for gold except at a sacrifice she can not make. France will not let her have her gold. Germany can not get it elsewhere. The consequence is Germany is gold monometallic only in name. She is in practice bimetallic to-day, having over $200,000,000 of silver in circulation, alongside of her $350,000,000 of gold. Had France continued the coinage of silver she would probably have most of the $200,000,000 of German silver and Germany a like amount of French gold, but both would have been at par at the ratio of the French 15½. Nobody would have been hurt, for France could spare $200,000,000 of her gold and then have $600,000,000 left—more than England or the United States has to-day—France now having $800,000,000 of the yellow metal. Had France forgotten Sedan and continued silver coinage as she continued gold coinage in 1857, there would be no silver question to solve. The two metals would have remained at a parity. Are we not able to take the place of France in history by coining both metals free?

Let us compare the power of the two countries. France in territory is not as large as the State of Texas with a population of only 37,000,000. We have a territory of over 3,000,000 square miles, or over 2,000,000,000 acres of land, and a population of not less than 55,000,000 of busy people, and increasing at the rate of more than 1,000,000 annually. No limit can be fixed to the numbers our fertile continent will receive and maintain.

The most timid must see that we can dictate the value of silver and gold. We can, at our ratio of 16 to 1—*i. e.*, 16 ounces of silver to be equal in value to 1 of gold—maintain that practical parity by giving both metals equality at our mints.

Undo the wrong of 1873 by restoring silver to unlimited coinage. The example of France warrants us in doing it. Justice to debtors demands it.

The money will be eagerly absorbed by our industrial classes. The gold certificate and silver certificate now circulating side by side at par will continue to do so.

Should the silver certificate displace the bank note, so be it.

The national debt ought to go, and with it, if necessary, the bank note.

Let silver and silver certificates take the place of national bonds and bank notes. We will thus substitute good money for bad, and rid ourselves of an interest-bearing debt—a debt over which all this controversy arises; a debt the manipulation of which has cost us half a billion of dollars. It is at the bottom of all our financial tricks and monetary legerdemain; a constant source of corrupt legislation and downright swindling. With this debt, and the banks on top of it, out of the way, the money of the Constitution will return to bless us.

The mints of our Government are open at all times to the free and unlimited coinage of gold. The miners and the owners of gold bullion have the right to take their gold to the mints and demand its coinage into such pieces as they prefer and the law authorizes; or if they do not prefer to wait for its coinage, they are paid for their gold immediately in cash, rated at the amount it will coin. The mint, therefore, affords a steady, constant, and unvarying market for all the gold that comes.

The gold miner does not produce a commodity to be hauled upon the markets and sold to the highest bidder to run the risks of bulls and bears, the depressions of hard times and falling prices. He extracts dollars and cents, because he can at all times have it coined into money. This money he himself puts in circulation by such investments as he may see proper to make. Not so with the silver miner or owner of silver bullion. Silver is prohibited from free access to our mints. The free coinage of silver that existed from 1792 till 1873 was prohibited practically by the law of the latter year. By that law the coinage of full legal-tender silver was suspended. The subsequent law of 1878 authorizing the coinage of the standard silver dollars limited and restricted the coinage of such dollars. Herein was its defect—a defect imposed upon the friends of silver as a compromise in order to secure any law at all upon the subject.

The law of 1878 authorized the Secretary of the Treasusy to purchase not less than $2,000,000 nor more than $4,000,000 worth of silver bullion monthly, to be coined as purchased into standard dollars. Under this law the Secretary goes into the market to purchase silver at its lowest rates. The Government thus becomes the depreciator or bearer of silver. This makes silver bullion mere commodity, and all that part of the commodity that must wait its turn at the mint is necessarily discounted. Its rate of discount must be in proportion to the time it must probably wait before it can go to the mint. Like all other commodities that fail to find a constant and unvarying price fixed either by law or contract, silver bullion must necessarily fluctuate in value. It must be borne in mind that we refer to the uncoined bullion, for the coined standard silver dollar is now and always has been at a par with gold, because it has always been a legal tender to the same extent as gold. If the mints were open to silver the same as gold, so that all comers with silver could have it coined into legal-tender money, or, if preferred, could demand and receive legal-tender money for it, then, of course, there could be no discount or depreciation of silver bullion below the price paid for it at the mint. All the silver thus coined or exchanged by the owner would be put in circulation by the miner or owner of the bullion the same as gold, and would not be, as it is now, subject to the adverse whims of the Treasury officials, who heretofore have tried how to keep it out of circulation.

This brings us logically to the point that the coinage of silver must be free and unlimited, or placed upon the same footing as gold, in order to preserve the parity or equality in value of the two precious metals.

The gold craze has, however, reached that stage that its advocates tell us it is not safe for us to coin silver free, because, as they allege, it is not the standard of money among a sufficient number of nations for us to adopt it.

What are the facts? We give here tables taken from the United States Silver Commission report of 1877, showing the standard of money and population of the different countries, as follows:

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Germany	42,000,000
Canada, Cape of Good Hope, and Australian colonies	7,000,000	Norway	1,700,000
		Sweeden	4,300,000

SILVER-STANDARD COUNTRIES.

	Population.		Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Eucador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000	France	36,200,000
Roumania	4,000,000	Belgium	5,100,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,600,000	Italy	26,800,000
Chili	1,900,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

These estimate show that over 700,000,000 people have adopted silver as the sole standard of money, and over 180,000,000 have the double standard, gold and silver, thus constituting a total of more than 900,000,000 who use silver as a standard money. Only 92,800,000 have the single gold standard.

We are the producers of silver. Nearly one-half the world's production of silver comes from our mines. The greater value we give to it at home the more it will be worth abroad and the more value to us our mines become. But the great benefit to be derived from the unlimited coinage or use of silver as a money is in bringing it into competition with gold, so as to lower the value of gold, or, what is the same thing, raising the value and price of all labor and the products of labor, and thus prevent that fall in prices and depression in trade consequent upon measuring all values with the single gold standard, as is now being attempted, the results of which are being felt everywhere. At least four-fifths of the fifty-five or sixty millions of American people desire silver to be restored to its constitutional rights of free coinage. The only classes seriously opposing it are the bondholders or fixed-income class, who scheme for the enhancement of their special property. Bonds, mortgages, and all fixed securities have the amount or value specified in so many dollars and cents. It is easy to increase their real value by increasing the value of the dollars and cents in which they are to be paid. To demonetize silver and require payment in gold only, while it may not change the amount called for in the bond, does double its value by doubling the value of the money in which the bond is to be paid, hence this class, with some honorable exceptions, are opposed to silver. We have also the national banks.

Their interests against silver is tenfold. First, they are required to hold bonds as security for their circulation; they have the bondholders' interest. Again, they seek to control absolutely the volume of money; that they can not do if silver is permitted to fill the channels of circulation.

INCREASING THE BULLION IN THE DOLLAR.

Some of those who favor the bimetallic standard claim that we should change the ratio so as to coin silver at its bullion value. This ignores the fact that silver is depreciated by the Government. Silver was demonetized. That act depreciated silver. It is not coined now except on Government account and in limited amounts. This coinage is utterly impotent to restore silver. What is demanded is that the Government, instead of depreciating silver by its laws, shall throw the weight of its wealth and power in the scale in favor of silver by giving it unlimited use as money. In doing this the Government will simply have righted a wrong. After this has been done, if silver is still below gold to such a degree as to disturb the equity of contracts, there might be a reason for changing the ratio. But it is not justice to the debtor class that his Government should by its laws first depreciate silver and then take advantage of its own wrong by coining it at the ratio of this depreciation. Since 1878 we have been coining full legal-tender silver at the ratio of 16 to 1. All existing debts and contracts are based upon that relation, and especially those incurred since we commenced coining silver.

But this change of ratio may require a reduction of the bullion in the gold dollar, as was done in 1873.

We have always measured gold by silver, and in 1837 reduced the value of the gold dollar. The strange part of the present controversy is that those who talk mostly of increasing the bullion in the silver dollar ignore the fact that it is gold that has appreciated; that the bullion in the silver dollar will buy as much of commodities now as at any time during the last quarter of a century.

Why not then be just to debtors and decrease the value of the gold dollar if any change is required to keep the two metals in concurrent circulation.

We here present a table showing that the proposition to increase the bullion in the silver dollar so as to make it equal to the bullion in the gold dollar will add to the burden of debtors over $2,438,000,000.

This is shown in the following table, by adding 20 cents to the dollar on the total debt ascertained and estimated, namely:

Statement of the national, State, county, municipal, and railroad debt in the United States, and an estimate of the individual real and personal mortgage debt.

United States, 1885	$1,438,542,995
Aggregate State, funded and unfunded, 1885	262,175,245
Territorial, 1880	179,178
County, 1880	123,877,668
Municipal	698,270,199
Railroad, funded, 1884	3,669,115,772
Individual mortgages (estimated)	6,000,000,000
Total	12,192,161,057
20 per cent. increase	2,438,432,211

This statement is taken from Mr. Spofford's almanac, except as to the estimated individual debts, which is gathered from the most reliable sources that can be had, and which is too low rather than too high, and the enormous amount of debt not in the form of liens is wholly left out. Sufficient, however, is stated to show the very great injustice involved in the proposition.

Aside from these considerations, the world's ratio now is 15½ to 1, or a value given to silver of 3 cents to the dollar more than ours.

THE CONSUMPTION OF GOLD AND SILVER IN THE ARTS.

Mr. Burchard, our former Director of the Mint, made a very able and exhaustive research and report upon this subject. In his annual report for the year 1881 he says:

"From a review of the information published in this and preceding reports, and other authorities, I estimate, including the annual consumption in the United States of $11,000,000 of gold and $6,000,000 of silver, the annual consumption of the world in ornamentation, manufactures, and the arts is at least $75,000,000 gold and $35,000,000 of silver."

The greater the wealth of the world, the greater will be the demand for gold and silver in ornamentation and in manufactures and the arts. It may therefore be safely assumed that the consumption will greatly increase from year to year. Indeed, some authorities now estimate the consumption of gold in this way to equal the annual supply, thus leaving nothing to replenish a circulation demanded by the great increase in population and business volume constantly going on. Added to this, the startling fact also appears that more than one-fourth of the world's production of silver is thus consumed. The last annual report of the Director of the Mint gives the production of gold in the world as $95,292,369, and of silver at $115,147,878.

On this showing it is quite apparent that all fears of the country being inundated with silver are wholly unfounded. The Old World must in the future absorb silver to keep up its monetary supply. There is no gold with which to do it. We also must give a larger use to silver if we expect to continue prices even at the present low levels. We have nothing else to take the place of the rapidly disappearing three hundred and fifteen millions of national-bank paper.

LEGAL TENDER.

The most important function of money in modern trade and commerce is its legal-tender power.

If gold only is legal tender, then debtors must depend upon this one metal to pay debts. All the silver and other products of Christendom, except gold, would not pay a dollar of debt unless they could be exchanged for gold. Should the world come to the gold unit as the sole legal tender, that metal might become so valuable, as compared with other commodities, and so scarce in proportion to the enormous demands made upon it, that the money barons of this and other countries, controlling a few hundred millions of gold, might control the destinies of nations and absolutely dominate the welfare of mankind.

Believing that the unlimited coinage of silver is the logical solution of the silver question, and since gold and silver seem to have been the constitutional money intended for the use of the States in adjusting their legal-tender laws, and for other reasons herein stated, and yet others that might be urged for restoring silver to where it was before it was demonetized by the act of 1873, we recommend the passage of House bill No. 5690, which aims at that result. Without indorsing all the statements made in the argument of Mr. Dexter A. Hawkins before our committee, we append the same hereto as containing valuable statistics and data pertaining to the subject herein discussed.

R. P. BLAND,
SAMUEL W. T. LANHAM,
WILLIAM D. BYNUM,
Of the Minority.

APPENDIX.

(SILVER COINAGE.)

WHAT IS FOR THE INTEREST OF THIS COUNTRY.

Silver and gold have been money since commerce began. It is safe to assume that they will continue to be money so long as commerce exists.

WHAT METALS NATIONS USE.

Of the organized peoples on the globe, those having a population altogether of 800,000,000 use only silver money as unlimited legal tender; those having a population of 200,000,000 use as unlimited legal tender both silver money and gold money; while those having altogether a population of about 100,000,000 use only gold money as unlimited legal tender; but even these last are unable to carry on their industries without a large amount of silver of limited legal tender, with which in fact the retail business is done; and this in amount is necessarily larger than all the domestic wholesale business.

RATIO OF VALUE BETWEEN THE TWO METALS.

In 1785 France fixed the ratio of the relative value, as money, between gold and silver, at one pound weight of pure gold to fifteen and a half pounds weight of pure silver; all Europe soon adopted this ratio and has substantially adhered to it ever since.

We adopted in 1792, in establishing a mint, the ratio 1 to 15, and finding that wrong, we in 1834 changed to 1 to 16; that is the ratio here now. Under the first ratio the gold was exported to pay foreign debts; under the second, up to 1873, the silver was.

MONETARY UNIT.

When the mint was established and began to coin silver and gold, Congress enacted (chapter 12, section 9) that the silver dollar should be the monetary unit of this country. It called this coin "dollars or units," and valued all other coins in these silver dollar "units." No gold dollar was authorized for fifty-seven years (1849); and until there was a gold dollar it was not practicable to have a gold dollar unit. The eagle, for example, was to be of the value of ten of these silver dollar "units," and fractions of the eagle in proportion.

The silver-dollar unit has never been changed a particle in the amount of pure silver it contains. The monetary unit to be an honest unit should not change. The silver dollar remained the sole monetary unit until, without the knowledge of the people or even of the President who signed the act, it was in 1873 demonetized. Then for the first time in eighty-one years it ceased to be our sole monetary unit.

The parties who prepared the law demonetizing the silver dollar evidently were conscious of destroying our sole monetary unit, and of the necessity of enacting some other and new monetary unit to take its place; hence they inserted in section 14 of the act demonetizing the silver dollar that the gold dollar "shall be the unit of value."

Had the gold dollar, as the honorable Secretary of the Treasury mistakenly intimates in his annual report, page xxv, been up to the act of 1873, equally with the silver dollar, our monetary unit, there would have been, on demonetizing the silver dollar, no need of enacting (L. 1872, chapter 131, section 14) that the gold dollar "shall be the unit of value;" for if there had been two monetary units, when Congress destroyed one of these two units, the other unit would still remain. But if only one existed, and Congress destroyed that, there was a necessity of immediately establishing a new unit, and Congress did so.

VARIATIONS IN WEIGHT OF GOLD IN OUR GOLD COINS.

It is well for the good name of the country that Congress did not, before it demonetized silver, give to gold the character of monetary unit. The unit of money should not in weight of pure metal be a variable quantity. The gold dollar varied three times in its quantity of pure metal in the first forty-five years of its theoretical existence. I say "theoretical" for the reason that it had no actual existence till 1849. From 1792 to 1834 the gold dollar was supposed to contain 24.75 grains of pure gold; from 1834 to 1837 it was supposed to have 23.20 grains; and from 1837 up to the time of the first coinage of the gold dollar, 1849, it was supposed to have 23.22 grains of pure gold. In 1849, for the first time, it came into actual existence, and with 23.22 grains of pure gold in it; and it has continued ever since that date when coined to contain that amount.

ERROR IN REPORT OF SECRETARY OF THE TREASURY.

The claim that from 1792 to 1873 the monetary "unit was embodied by law in either metal" (annual report Secretary of Treasury 1885, page 25), rests simply upon the two facts of unlimited legal tender and legal equivalence of value of gold to silver at certain weights, though one of the metals, gold, changed in weight three times in that period, while silver has not varied at all. Those two facts in law fortunately are not sufficient to embody in a metal the character of monetary unit. It requires a statute to confer that character, and until 1873 such a statute as to gold did not exist.

If legal tender and legal equivalence of one metal to another one which is the monetary unit conferred that character upon the former, then the silver dollar when remonetized in 1878, having both these characters (L. 1879, chapter 20, section 1), would have become the monetary unit equally with the gold dollar. When it was remonetized its former character of monetary unit should by clear terms of the statute have been restored to it, but it was not.

FLUCTUATIONS IN SUPPLY OF GOLD.

Stability in a metal is essential to make it a safe unit of value. Gold, from the

changeable quantity of its production at different periods, is unsuited for that purpose.

From 1520 to 1840, three hundred and twenty years, the weight of the gold produced in the world varied from 2 per cent. to 7 per cent. of the weight of the gold and silver together produced. But in 1850 the California mines, and soon after the Australian mines, began to pour out gold in immense quantities, and from 1850 to 1855, five years, the weight of gold produced was 18 per cent.; from 1855 to 1860, five years, it was 19 per cent.; from 1860 to 1865, five years, it was 14 per cent.; from 1865 to 1870, five years, it was 13 per cent., by weight, of the annual joint production of the two metals.

After 1870 the weight of the production of gold fell off to 8 per cent. Silver is much steadier. Take the twenty years from 1850 to 1870; the world's annual output of silver was only twice as great as its annual output in the ten years from 1810 to 1820, while for the former period the annual output of gold was more than sixteen times what it was for the latter period.

A metal so variable in quantity as gold is unsuited to be the unit of value in commerce. It exposes business to a succession of ruinous inflations and contractions, and in the long run, as in England, makes the poor poorer and the rich richer. It introduces an element of chance or gambling into business.

ENORMOUS OUTPUT OF GOLD.

Up to 1875 our country has produced 4,457,420 pounds weight avoirdupois of gold, and Australia 3,986,400. These two countries together had in forty years added to the world's stock of gold 8,443,820 pounds weight avoirdupois, or more than 37 per cent. of the world's production for the last four hundred years.

The United States alone have in the last forty years produced of gold $1,710,000,000, and notwithstanding the great hue and cry about our flood of silver, our output of it was in that period only $710,000,000.

The world's greatest annual output of silver was for the twenty years ending with 1800. It averaged 1,933,932 pounds weight avoirdupois, which, at our ratio of value, 16 to 1, was equivalent to an annual output of 120,871 pounds weight of gold. But in the twenty years ending with 1870, the period of the greatest production of gold, the annual output of that metal averaged 429,327 pounds weight avoirdupois, being for twenty years more than three and a half times in value what it had been of silver for any such length of time for four centuries.

TWENTY YEARS AGO CAPITALISTS WISHED TO DEMONETIZE GOLD.

Had the world been monometallic, with gold alone as the monetary unit, this sudden and enormous increase in the amount of gold would have wrought disaster to the whole creditor interest. Fortunately, except England, it was bimetallic, and yet this large and sudden influx of gold frightened the creditor interests in Europe to such an extent that they began to demand the demonetization of gold. Holland, Belgium, and Portugal demonetized most of their gold coinage or ceased to coin; and Russia prohibited the export of silver lest, if gold were demonetized, she might be left without metallic money. France, always conservative in monetary matters, instead of yielding, as invited, to the gold panic, appointed a commission to inquire into the matter. Finally, in 1865, the Latin Union was formed, that now comprises France, Belgium, Switzerland, Italy, and Greece. This, having a population of over 74,000,000 commercial people in the heart of Europe, acted as a balance-wheel or governor to the European monetary machine in the two metals.

THE STOCK OF GOLD AND SILVER IN THE WORLD.

In 1810, it is estimated by experts, there was forty-five times the weight of silver in use as money that there was of gold. That is, the silver money then at our ratio of 16 to 1 was nearly three times the value of the gold money.

Taking the last estimates of the statisticians and bringing them down to this year, by adding the output of the mines to that date, the amount of money in the world of the two metals is now respectively as follows:

Gold	$3,513,000,000
Silver	3,750,000,000

This gives about 48 per cent. of gold and 52 per cent. of silver as the world's ratio.

WHAT IS THE RATIO OF DIFFERENT COUNTRIES?

If the two metals were relatively evenly distributed, each nation would have nearly as much money of one metal as of the other.

Since Germany attempted to demonetize silver, nations containing about one-twelfth of the organized population of the globe use only gold as unlimited legal tender, while twice as many, those comprising one-sixth of the population of the world, use both gold and silver as unlimited legal tender, and the international commercial relations of these two classes are intimate. Our country for five years was induced to demonetize silver, but now belongs to the bimetallic class.

From all these circumstances combined, notwithstanding two-thirds of the population of the globe use only silver as money, it has come about that while the universal ratio of the two kinds of money in use would be 52 per cent. of silver to 48 per cent. of gold, yet in the above countries that use both there is now a higher percentage than that of gold money and lower percentage of silver money.

France, the head of Latin Union, has in round numbers—

Gold	$900,000,000
Silver	600,000,000
Total gold and silver coin	1,500,000,000

That is, 60 per cent. gold and 40 per cent. silver.

Germany, since she forced a war indemnity of $1,000,000,000 in gold or its equivalent from France and demonetized silver, is reckoned as on a monometallic gold basis; but yet she is practically still bimetallic, for the logic of business is stronger than Bismarck or the statutes; and her money now consists, not of gold alone, but of gold $342,000,000, and silver, half of which is full legal tender, $214,000,000; total, only $556,000,000; or 61 per cent. gold and 39 per cent. silver. Her population is larger than France by seven million, yet she has but a little more than one-third as much money.

The German people have suffered so great financial disasters in the attempt to change from bimetallism to gold that they are now demanding the full restoration of silver. A bill in that direction passed the Reichstag lately.

England, with a population nearly as large as France, has for sixty-five years been on a gold basis; and silver is legal tender only for debts not exceeding $10; but she has all the time been obliged to make constant use of the demonetized metal. Her money consists of gold, $587,000,000, and of silver, $93,000,000; total, only $680,000,000, or not half as much money as France, 86½ per cent. of which is gold and 13½ per cent. of silver. But though kept at this starvation limit of silver by the government refusing to coin more, yet this 13½ per cent. of silver does most of the work—that is, the retail business of that country.

Through her monometallism she has repeatedly lost gold to such an extent that her bank has been unable to replenish its stock of gold promptly from her own people and has sent to the bank of bimetallic France for aid, and has received it.

WHAT IS THE PROPORTION NOW IN THIS COUNTRY?

If to the amounts of the two kinds of money in this country June 30, 1885, as reported by the Director of the Mint, we add the coinage since, and also add the bullion at the mints awaiting coinage, we find that the gold in this country February 1 was $623,000,000, and the silver, including fractional coinage, was $300,000,000; total for 60,000,000 people, $923,000,000; say, 68 per cent. of gold and 32 per cent. of silver.

WHAT PROPORTION IS FOR THE INTEREST OF THIS COUNTRY?

Now, assuming that we do not increase our stock of gold a dollar, so that it remains at $623,000,000, yet to bring our proportion of silver to gold up to the world's ratio of 52 of silver to 48 of gold, we should have now, instead of $300,000,000 of silver, $675,000,000. In other words, we require a further coinage of silver to the extent of $375,000,000; then our proportion of the two metals would be the average of the world. Nations to-day are so intimately connected through commerce, steam, and electricity, that in the long run the world's proportion, instead of a private, peculiar, and abnormal proportion, is the easiest to maintain, and the best.

OUR POSITION REQUIRES THE WORLD'S RATIO.

Our geographical situation makes the world's ratio greatly to our interest. To the east of us are England, Germany, and the Scandinavian countries, about 100,000,000 of people, who are all trying to screw themselves down to a gold basis; and the Latin Union and the rest of Europe, say 200,000,000, that use both metals. Our chief exports to these two classes are food and raw materials, which exhaust our country and enrich them. A small part of these, when manufactured and sent back to us, pay us the purchase price of the whole, and the remainder enables them, at great profit, to supply the rest of the world with goods. If we manufactured these raw materials ourselves, before exportation, it would give employment to millions of citizens and utilize our unlimited supply of coal and water power now lying idle, and create for us immense wealth.

To the south of us on this continent, and to the west of us in Asia, are 800,000,000 people who use only silver and who are the chief market for manufactures and the principal source of lasting profit in foreign trade. Our interest lies in cultivating and developing commerce with them and bringing their trade to our country instead of letting it go to Europe. To do that successfully we must have silver.

A balance of trade against us in Europe calls for gold; while if it arises from transactions with the 800,000,000 silver-using people it will call only for silver.

This fortunate geographical position makes it clear that it is for the interest of this country to attain to and preserve that proportion between the two kinds of money which is the average of the world, and for that reason will be permanent. That will enable us to deal easily, safely, and largely with all the above three classes of nations. Nature has given us within our own borders mines of the two metals that will soon, if we have wisdom enough to coin their products, put us in a position to control exchanges, and make New York, and not London or Paris, the money center of the world.

If the present silver law was executed up to the maximum limit fixed by Congress, in a few years we should have $2,000,000,000 of coin, silver and gold. This would give us nearly the amount per capita as the Republic of France.

AMOUNT OF MONEY REQUIRED IN THIS COUNTRY.

We have now of gold and silver	$923,000,000
United States notes	346,000,000
National-bank notes	318,000,000
Fractional currency, about	7,000,000
Total money for 60,000,000 people	1,594,000,000

or $26 per capita. This is none too much. As the population and business increase we shall need more, not less. France, a much more compact country than ours, and the soundest country in the world financially, and a republic, has in addition to its $900,000,000 of gold and $600,000,000 of silver between $500,000,000 and $600,000,000 of paper, making a total of $2,000,000,000. This is $52 per capita of her population, or twice as much as we have. She does not find that too large a sum. We should not if we had it.

We certainly, then, have not too much money now; and to avoid disaster we must take care that its volume is not reduced.

HOW TO KEEP UP THE SUPPLY OF GOOD MONEY.

With the payment of our debt the national-bank notes, based upon Government bonds, are steadily disappearing. Their place must be supplied by coin or its equivalent; otherwise a contraction of about forty millions a year will follow, and a consequent depression of business and absorption of property by capitalists.

The output of our mines will easily furnish the mints the silver to do this; and it costs the people nothing to buy and pay for this silver, because it may be done in silver coin or coin certificates. In this way, in a few years, our three hundred and eighteen millions of paper money, based on nothing but a promise, and a promise, too, that within twenty-five years last past has been at one time worth only 40 cents silver to the dollar, will become three hundred and eighteen millions of silver dollars, whose weight has never varied in the ninety-four years of their existence, or certificates for coin held in trust by the Government to redeem these certificates at the pleasure of the holder.

The domestic trade of the country, estimated at $25,000,000,000 per year, is now done, and from the habits of our people always will be done, chiefly with paper representing money. These certificates, representing coin in the Treasury, are the best kind of paper money ever devised by man.

So long as the Government buys the silver at the market price and coins it into standard dollars, these dollars within this country necessarily under the present law will have the same purchasing power and paying power that the gold dollar has.

It is the duty of Congress to provide for and secure the business and prosperity of this country and not of foreign countries, and to take care of the $25,000,000,000 of home trade.

Our foreign trade, both imports and exports, is only about 15 per cent. of our domestic trade. Our exports for the last twelve years have paid for our imports and left an average credit balance in our favor of more than $100,000,000 per year. Unless the business of the country is disturbed by legislation in the interest, not of ourselves, but of foreign countries, this credit balance will continue. But if it is disturbed, and a debit balance is produced, this debt will have to be paid to the gold-using countries with gold and to the silver countries with silver; hence the necessity of keeping both in quantities so large that a draft upon either need not disturb our financial position. The coining of our whole available product of both silver and gold will enable us to do this.

The theory that the possession of a large amount of full legal-tender silver is going to make it more difficult, as the gold monometallists say, for us to pay abroad an adverse balance of trade has no foundation in fact. It is pure fiction. Logically it is like assuming that a large corn crop disables us from exporting wheat when there is foreign demand for wheat, or that large wheat crops hinder the export of corn whenever other nations require that cereal. The truth is, the more we have of either the greater is the amount we can pay out or export of the other without inconvenience. If we had only gold, as desired by the enemies of silver coinage, and that departed to pay debts to gold-using nations, we should have no coin left as a basis of our paper money, and that would vary as heretofore from par to 60 per cent. discount; but if we hold both, the temporary departure of one will only bring the other for the time being more into use, and will support our paper and keep our industries active.

COINING SILVER DOES NOT EXPEL GOLD.

Ever since it was discovered that silver in 1873 was demonetized, we have heard steadily from gentlemen who think nothing in finance is right unless it is approved in London, that the restoration of silver to the place that up to 1873 it had always held would be the ruin of this country. The ablest opponent of silver in New York, the late Isaac Sherman, declared the day that the law passed that the act of 1878, restoring silver, would drive out our gold; would precipitate upon us all the United States bonds held in Europe, and would disarrange and prostrate our industries. When told that all monetary history indicated that it would have the opposite effect, viz, that it would bring gold here by increasing our prosperity, that it would help the nation so much by stimulating business, that no foreigner would send home our bonds for sale or payment till he was compelled, Mr. Sherman was quite ready to stake his reputation as a financier upon the result. Well, history and the result are before us.

Germany, in 1873, as soon as she had secured her war indemnity, $1,000,000,000 gold, from France, pursuing the "blood and iron" policy of Bismarck, thought she saw an opportunity to crush France again, financially, as completely as she had already done it on the field of battle by simply discrediting silver. She had emptied France of gold, and now by demonetizing silver she expected to destroy the value of that, which was all the money that was left in France, and so leave her without money except irredeemable bank notes. It was done. The silver of Germany was called in, demonetized, and sold to England in such quantities that in 1876 its price had fallen 20 per cent. The German mints were worked to their full capacity coining the French gold into German marks to supply the place of the demonetized silver. No country ever had so favorable an opportunity as Germany to change from bimetallism to gold. She had reduced the metallic reserve of the Bank of France to $79,000,000, and she held French indemnity obligations falling due that bid fair, she thought, to prevent any gold from accumulating in Paris for many years.

The German gold theorists were in high spirits. But, as afterward in the case of their New York brother, they found that everything went the other way. Silver, which really does the work, being discredited, the German industries from one end of the empire to the other were thrown into confusion; millions of subjects were, from time to time, left in idleness, and it took but a short time for Germany, by beggaring her own industries, to lose more than the thousand millions of gold she had taken from France.

The gold, as fast as she coined it, disappeared to a great extent from the realm and went back to France. Soon the Bank of France was found to hold $400,000,000 of coin, half of which was gold, and much of this gold the new German coins. Finally, to save herself from ruin, Germany has had to stop the sale of silver, and retain in circulation more than a hundred million dollars of full legal-tender silver, besides as much more of the new coinage not full legal tender. To gold theorists this course of things was all wrong, but to the plain man of affairs all right.

After paying the indemnity, France had her silver left. It was by law full legal tender within the republic, and in fact within the whole Latin Union. It does all the industrial work, carries on the retail trade, keeps up both production and consumption. Frenchmen were all busy; Germans were idle. The foreign demonetization of silver did not affect in the least its domestic value and use as money, and France had $600,000,000 of it. The result is that Germany, with seven million more population than France, has now of her thousand millions of gold obtained from France, together with her whole domestic stock, only $342,000,000 left, and only $214,000,000 of silver—total, $556,000,000—while France has $900,000,000 of gold and $600,000,000 of silver; total, $1,500,000,000. The possession of full legal-tender silver helped France to recover back in a short time her whole stock of gold.

Similar results in our country followed the restoration of silver. February 28, 1878, when the silver act became law, the total amount of gold coin and bullion awaiting coinage then in this country was only $228,716,114.

This, according to the gold theorists, should have immediately begun to leave us. Instead of that it has steadily increased, until now, according to the last calculation, we have $626,426,641 of gold, or an increase of about $400,000,000 since 1878. Our Government bonds did not come back except when they were called for payment, and interest was stopped so as to compel their presentation. Our industries were not disarranged or prostrated, but became unusually active and prosperous. In short, as the late Isaac Sherman said to me before he died, everything has happened that to the mind of a goldite should not, and what should has not. Everything in the business world goes just the opposite way from what the opponents of silver teach. Their theories from the very nature of things are wrong. They, as it were, want water to run up hill, notwithstanding ever since creation it has run the other way.

EFFECT OF STOPPING SILVER COINAGE.

The enemies of silver, had they the power, would demonetize it now, as they secretly did in 1873. All their arguments at bottom come to that. They can not accomplish this at once as they did in 1873, because the eyes of the people are now open; hence they modestly demand only the stoppage of its coinage. But their model of perfection and wisdom in finance is England, therefore what they are aiming at is plain. It is to degrade silver, as England has, to a subsidiary coin, and limit the quantity to what we now have.

Half of the coin money in the world is silver. Half of ours ought to be silver. Demonetize it, limit it to what we now have, or degrade it to a token coin, and half the unlimited legal-tender coin money, the measure of value in the world, ceases to be money, but becomes merchandise. The other half has double duty to perform—each dollar has to buy twice as much as now—and prices, from the very nature of things and the necessities of the situation, will be squeezed down, as now in England, until they meet the gold dollar. The debtor will be forced to give twice as much property or labor as now to pay his creditor. No one knows this better than the capitalists, who alone are carrying on this war against silver. Our prosperity would cease, as Germany's did, while we were making the transition. Millions of people would be thrown out of employment; industries would either change hands or be broken up. The property, as in England, would be absorbed by the few, while the many would become mere tenants or day laborers.

In 1876 silver, demonetized by Germany three years before, had fallen as bullion 20 per cent. If we now demonetize it or stop the coinage, which for the future amounts to the same thing, it being one of our great products, we shall throw upon the London market forty millions per year that we ought to coin. Its price as bullion will go down 20 per cent. more. England will get it at 60 per cent., instead of paying 100 per cent. She will ship it to her mints in India, where two hundred and fifty million of people under her rule use only silver for money. She will there coin it at par into rupees and sycee, buy with it from ryots, who work for 8 cents a day, her whole supply of wheat, which she formerly took of us, and land it at Liverpool and London at prices that would bankrupt and starve our American farmers. Her import of wheat from India has in eight years risen to 800 per cent., until it is already in amount one-half of the wheat and flour she takes from us.

An unlimited supply to her from India is only a question of railroads and irrigating canals. Six millions sterling, or $30,000,000, are appropriated there this year for these. She proposes to continue these works till the wheat and cotton lands of India are reached and brought under cultivation. So long as we furnish her with cheap silver she will push this business with the utmost vigor and profit; until, in a few years, if the opponents of silver succeed, our wheat export to England will cease, and English merchants will lay down in New York wheat from India at 75 cents a bushel. Eight years ago she imported from India 4,000,000 bushels; in 1884, over 30,000,000, and last year, 1885, from simply two ports, Kurrachi and Bombay, 33,284,012 bushels, which was an increase in one year from these two ports alone of 11,859,982 bushels.

England has in India a country as large as ours from the Rocky Mountains to the coast of Maine and from the lakes to the Gulf, with three great river drainage areas like that of the Mississippi, extending from the Himalaya Mountains to the Indian Ocean, with every kind of climate from perpetual snow to torrid heat, and every variety of soil, and 250,000,000 of cheap laborers all using silver alone for money. We have only to stop coining silver, break down its price, throw our output at whatever it will bring upon the London market, and in a very few years we not only shall not export a bushel of wheat to England, but all our common grades of cotton will be left on our hands, for she can cause her India subjects, at 8 cents a day, to raise all the short-staple cotton she can manufacture.

With this prospect staring them in the face, and wheat and cotton down to the lowest profit limit, it is not strange that the intelligent people in the wheat-growing and cotton-raising States are opposed to this war on silver. It is a war carried on by English and American capitalists against American labor and prosperity. In this country, fortunately, labor has the intelligence and the votes to protect itself.

SILVER HAS NOT FALLEN IN VALUE.

The function of money is to enable us conveniently to buy the necessaries and luxuries of life; and the true measure of the price of any kind of money, at a given date, is what it will buy of these.

Take a hundred articles of merchandise generally used by man to-day, and a silver dollar or a pound weight of silver bullion will exchange for more of them than at any time in the last twenty years; therefore it is not true that silver has actually fallen; it has really risen. But in the last thirteen years it has not risen so much as gold; so, while as to other things it has risen, it has, relatively to gold, fallen.

If the one hundred millions of people who unwisely demonetized silver were more than the one thousand millions who have not, silver would have actually fallen. Our gold advocates are near-sighted; they can not see beyond Great Britain, though that is not the world; it is not even a continent, but an island that potentially might be dropped into one of our lakes. They are chiefly bankers and their retainers, dealers in foreign exchange, or capitalists who frequently visit or entertain Englishmen, and who live with an eye single to their own interest; they seem to think that what apparently would for the moment benefit them must be for the permanent good of the country. Hence they argue that debts should be paid always in the dearest money, and that money should be made scarce and dear by confining it to gold, so that with their capital they can obtain the greatest possible amount of the products of the labor of others.

The fall in the value of silver bullion relatively to gold bullion has not in any way been caused by an overproduction of silver, for there has been none. This country is the largest producer, and its production of silver for the last forty years has been only $710,000,000, while of gold it was $1,710,000,000. This shows no overproduction of silver, but a very great overproduction of gold; and if we take in the rest of the world the excess of gold production is much greater, for it has for a long period, say from 1850 to 1870, for instance, been three times the production of silver. What, then, has caused silver to fall relatively to gold; or, rather, why has gold risen?

In 1873 Germany, with a population of	40,000,000
Sweden, Norway, Denmark, and Portugal, with	10,000,000
And the United States, with	50,000,000
Total	100,000,000

people, had just demonetized silver and began to scramble and struggle for gold. They changed silver from money with a fixed value to merchandise, and merchandise, too, that had but one market, London, and that market required only the supply for British India, $40,000,000 per year. This was but half the world's production; in fact, it was just about our annual production.

The necessary and inevitable effect was what it always is when twice as much merchandise is thrown upon the market as the market calls for—the price starting in 1873 at 103, fell by 1876 to 80. Gold would have fallen a great deal more than that had these countries demonetized gold instead of silver. Our people by 1876 began to agitate for the resumption of specie payments. They then discovered that Congress, without their knowledge, had demonetized silver and made it impossible to resume in gold alone without great distress. They then demanded the restoration of silver. By 1878 Congress heard the loud call of the people, and it was done. In 1879 specie payments were resumed.

Had the act of 1878 been fully carried out, as Congress intended, everything would have gone on well. Our whole output of silver would have been coined, and by this time we should have had four hundred and fifty million silver dollars as a basis, with gold for currency, instead of half that sum. And England, instead of buying our silver at 80 and paying it at par for wheat and cotton in India, and breaking down the price of ours 20 per cent., would have had to buy her wheat and cotton of us at fair prices.

We lost in the sale of silver as merchandise, and we lost again by having our market for wheat and cotton depressed by this new competitor, where labor is only 8 cents a day.

The same influences and parties that secretly demonetized our silver in 1873 and opposed its restoration in 1878 evidently persuaded the Government to only half carry out the law, and they now clamor for its entire repeal.

These influences and parties are English, not American. Their bodies are with us, and may have been born or naturalized here, but their souls and ideas and principles are English.

WE SHOULD NOW HAVE AN AMERICAN POLICY.

We have been under the tutelage of foreigners and monarchists about long enough. We are of age now. We are numerous enough, rich enough, and intelligent enough to have a national policy, and a political economy, as well as a system of government, adapted to our own needs and geographical position.

WHAT HAS BEEN THE EFFECT IN THE PAST OF ADOPTING ENGLISH POLITICAL ECONOMY INSTEAD OF AMERICAN?

The mint up to June 30, 1885, had coined gold, $1,389,981,508.50; of silver, $434,224,610; total, $1,824,205,118.50. Our mines have produced of gold and silver bullion, not sent to the mint but chiefly exported, $600,000,000. Total domestic product, $2,424,205,118.50; and yet with this enormous production and coinage, exceeding that of any other nation in the world, we had in 1878, when silver was restored, only about $200,000,000 of coin in the country.

When considered from the American standpoint the cause of this is plain: Up to 1876 our industrial and economic laws were so adjusted, having either a low protective tariff or a high one counterbalanced by high internal taxation, so that with few and unimportant exceptions the balance of trade was steadily against us.

EFFECT OF AN AMERICAN POLICY.

But by that date the political intelligence of the people, seconded by acts of Congress, had so adjusted taxation, direct and indirect, that our own industries and people, instead of those of foreign countries, were favored.

The balance of trade then turned and set steadily in our favor until our credit balance for ten years, up to the 30th of June last, amounted to $1,546,300,652, less

of course what we have been cheated by the fraudulent undervaluation of goods coming in under the ad valorem clauses of our tariff.

This American policy and the restoration of silver has enabled us to pay a large part of our indebtedness abroad; to call home and pay the United States bonds; to keep at home all our gold and all our silver that the Government would coin; and to draw from Europe on balance $118,000,000 of her gold. In 1881, when we drew from Europe $91,000,000 gold in one year, I had the pleasure of showing through the assay office in New York an English manufacturer who before that had sold largely to this country, but had lost the trade through our making the same goods. He saw lines of drays coming up from the steamer and dumping tons of heavy iron-bound boxes at the door of the assay office. On being told they were sovereigns from the Bank of England he was quite taken aback, and on going through the store-rooms and the subtreasury and seeing $250,000,000 gold and $100,000,000 of silver he remarked with long face that he couldn't understand it.

DUTY OF CONGRESS.

What Congress should do is to let well enough alone, and not disturb our industrial and economic laws that are producing so good results in keeping the balance of trade in our favor and enabling us to retain our gold. Congress should also take care that the Treasury Department in good faith carries out the silver act of 1878 to the full extent of the output of our silver mines, less what is required for the arts. This will require about $40,000,000 coinage of silver a year. This can be done by simply changing one word in the law, namely, two to three, so that the minimum monthly purchase of silver shall be three millons instead of two. That Department should also be required to issue coin or coin certificates for coin in payment for silver bullion, and also exchange certificates whenever called for, so that the volume of our money should not be decreased as the debt is paid.

In paying obligations that call simply for coin the Treasury Department should not be permitted to discriminate against any one kind of coin to the injury or inconvenience of the Government or the people when that kind of coin fulfills the contract.

The demand of the gold monometallists that more silver should be put in the dollar is without fact or reason to sustain it and should not be heeded. We now put 3 per cent. more silver in a dollar than any European nation, and also as much as any other nation. To put in more silver is equally as dishonest as to put in less. The one oppresses the debtor, the other cheats the creditor. Money should remain the same. If the laws as above indicated are carried into full effect, silver in due time will recover its equality of bullion value with gold at our ratio to gold, and in a very few years we shall hold more gold and more silver than any other nation in Christendom; and we shall have a paper currency better than that of the Bank of England, because ours will be based on the two metals, while hers is based on only one, and hence subject to twice as much fluctuation as if based on the two; and the small stock of that one held by England often compels her from time to time to change the rate of legal interest to all points between 2 per cent. and 10 per cent., besides exposing her merchants to periodical squeezes from the distinguished gentlemen who govern the Bank of England.

DEXTER A. HAWKINS.

111 BROADWAY, NEW YORK, *February* 15, 1886.

Mr. JAMES. Mr. Speaker, I am informed that there are several gentlemen who have prepared speeches upon this subject and desire leave of the House to have them printed in the RECORD. I would ask unanimous consent that such members as choose to exercise that privilege be permitted to print their remarks.

The SPEAKER *pro tempore*. Without objection that order will be made.

There was no objection, and it was so ordered.

Mr. JAMES. Mr. Speaker, before I enter upon the subject of debate I desire to say a few words in way of personal explanation.

I am a business man. I am not a lawyer nor am I a professor, neither has my life been closely interwoven with the interests of practical politics, but I have attended to the business of a merchant. It may seem presumptuous, therefore, that I regard my mandate from my constituents in Brooklyn to be a member of this body, and my mandate from the Speaker of this House to serve on the Committee on Coinage, Weights, and Measures, as a warrant for taking the time of the House in setting forth and in maintaining my views on the subject now under consideration.

People are more wont to look to the lawyer, to the professor, and to the political leader for light on these questions than to plain business men. But unfortunately, Mr. Speaker, this habit of looking to the lawyers, the professors, and the recognized political leaders does not seem to have produced good results in this matter of the coinage of the silver dollar. We have tried it for eight years nearly, and here we are now in a slough. How are we going to get out of it? That is the question. The car of state is very nearly being ditched. It is not a question of doing something great, it is a question of getting out of something bad. It is not a question of making good time on the road, it is a question of getting the wheels out of the slough. It is a question of making salvage that is before the Committee on Coinage, Weights, and Measures and this House. What are we going to do about it? That is as far as the country has got on the silver question. Things have gone on from bad to worse, and this is the outcome of the leadership of the lawyers, the professors, and the authorized leaders of politics.

It is through these circumstances, Mr. Speaker, that it has been borne in upon me that it is not out of the way for a business man to take a hand in the debate. Without laying claim to anything particularly meritorious I may at least claim to be heard. There is all the more reason for this from the fact that the monetary question is peculiarly a business question. On final analysis—getting down to bed-rock—the monetary question is a question of prices, a matter of buying and selling; and so it is, as I have said, peculiarly a business question.

Then, again, Mr. Speaker, I ask the attention of this House to what I have to say because the business men of the country are, after all, a very numerous and influential class. They need waking up; they need it in my district, they need it in your district. Gentlemen, I am afraid we shall find that they need it in all of our districts.

I wish to be entirely frank about this matter. I am afraid that the business men of the country have not been doing their duty to the country. They have been buying and selling and have let high politics alone, even when high politics affected them most seriously. In this they have failed in their duty to themselves and to the country.

I have no doubt that if the business men had had the power to deal with the silver question the team of State would not have been stalled in the mire as it is now, and it is largely their fault that it is so, for they knew what the end would be. They should have spoken out from one end of the country to the other; they should have insisted that their advice be followed. If I speak, therefore, of business men in my district, of business men in your district, business men in all of our districts needing to be waked up, I do it for the purpose of urging you, gentlemen of the House, to talk this matter over with them as you see them, and to elicit expressions of opinion from them upon this mighty and far-reaching subject. I think it will do good to have this comparison of views.

I want to see the sovereign people performing their functions in this business of money legislation. To handle this question wisely and to the best interests of all we need the advice of the men of business in our constituencies. If my own voice could reach beyond this floor I would gladly see to it that the business men throughout the country should at least have one loud call to join their forces for a righteous handling of this great question. If this could happen, enlightenment and instruction must follow a discussion so general amid a people so sensible and so practical as ours. I believe we should be practically unanimous after hearing from them in voting a measure which would close the current chapters of the history of compulsory coinage. What that measure should be I am here to maintain.

I have given study to the facts which make the theories upon this issue, and have measured the measures proposed with the same spirit of determination to be right which I applied to my own business while in India, where I handled the rupee, or in New York, where I sold the products of the East. The result may be summed up in these words: the so-called demonetization of silver has been from the start a great business blunder. I do no not wish to be misunderstood by either the extreme gold men on one side or the extreme silver men on the other, in my use of this term. I speak of the demonetization of silver. They presumably think I mean the anti-silver law passed by Congress in 1873, and the revision of the statutes in which the silver dollar was spirited away. Well, I do not. Perhaps they think I ought to mean it if I speak of demonetization. I do not think so. I say that I am right and that they are wrong, for it is more than a question of words, Mr. Speaker; it is a question of ideas. In the first place, who demonetized silver? My friends here talk as if the United States had done it.

The so-called demonetization, which is in fact only an effort at demonetization (a partial outlawry of silver) is the culmination of a joint undertaking. The chief quota of outlawry belongs to the nations that controlled most silver and gold. France and her allies of the bimetallic, free-coinage union controlled nearly two-thirds of the metallic money of Europe.

With their alternative free coinage, coining all that came, whether gold or silver, at an express valuation by weight, they held the par steady for generations. England's anti-silver quota had been subscribed and paid so long that it had all been spent. Germany's quota to the fund was very large; in fact the responsibility for the evil results which followed demonetization in Europe is chargeable to the action of Germany.

After the capture of Paris, in 1871, a series of anti-silver and pro-gold laws were enacted, followed in 1873 by direct acts of calling in silver coin to be sent to the melting-pot, and thence to the bullion market. France saw that if she continued the coinage of silver she was simply "bulling" the market for German silver, and was paying out gold for a metal that would become a burden to her if Germany's action should be followed by other nations. She therefore stopped its coinage. The action of France was thought to be necessary, but it was very unfortunate. She felt that she could not afford (by keeping her mints open to silver) to enable Germany to transmute her stock of silver into gold, taking French gold for demonetized German silver. It was not agreeable to France to "bull" silver for Germany's benefit, and face the uncertainties of the monetary future with the added burden to carry off the rejected silver of Germany.

It was said in 1870 by a leading statesman in Europe, Peer-Herzog, that the anti-silver campaign is like a steeple-chase—those that demonetize first will win the prize, and those that come later will pay for all the demonetization that has preceded theirs. Each was, therefore, in a hurry to demonetize for fear the other would demonetize first; each afraid to keep up silver coinage because the other rejected it. The impetus given by Germany's attack was passed along the line, and one after the other of the mints of Europe was closed to silver. Now, when I say this was a business blunder I do not say that it was a blunder of each nation acting by itself and in the sole alternative of keeping up free coinage within its own borders of all the silver that might come, or, on the other, of closing its mints. If it had been a simple choice between these two courses there would seem to have been no way other than to stop.

As the case was presented to France in 1874 and to Holland in 1875 it was the only safe alternative to be pursued. There are occasions in one's business experience when the question arises, "Shall we sell or hold?" Our neighbors, like ourselves, are loaded with the same article; if we sell it is at a sacrifice; if we hold there is a loss; but if we combine and arrange we can all sell at a profit.

But suppose you can not arrange, or think you can not, and therefore do not try, what is the result? You force sales; the bottom is knocked out of the market, and down goes the price. It was a great blunder of the nations as a whole, and it was a blunder of each single nation in so far as that single nation could have stopped the ruinous course of all. No one nation could afford to have the others unload upon it. In point of fact there was neither sense nor reason in any nation trying to unload. It was a blunder to try; each nation as it closed its mints to silver helped to depreciate the stock of silver coin it had on hand, helped to render the money basis of its valuations insecure, and helped to re-enforce the momentum of Germany's attack on the stability of the existing valuations of property throughout the world. The result was insecurity, uneasiness in the money markets, and a great check to business activity.

I am aware that there has been a widespread habit of ignoring these facts. It was fashionable, so to speak, at one time to shout for the single gold standard and for the demonetization of silver. Those who did the shouting do not care at this time to be known. For several years they tried to conceal the harm they produced but they could not. The facts are against them. The business of Europe was done with both metals; by legislative enactment one is stricken down and becomes non-exportable except as bullion. Now, who will presume to maintain that a country like Holland can do business as easily and successfully with its twenty millions of gold, full weight and exportable, and eighty millions of non-exportable because depreciated token money, as with one hundred millions of full-weight exportable money? To depreciate the scope of that eighty millions or, in other words, to strike it with lameness, was bad business. Yet Germany and France had forced Holland into this position, and so she stopped coining silver and took to coining gold, doing what she could to increase her stock of this metal.

The outlawry of silver in Europe reduced a thousand millions of silver to the condition of inexportable, non-international, depreciated money; in other words, to the condition of tokens which are a burden to the state and the business community. Now, all this never would have occurred if there had not been anti-silver laws. Had it not been for these there would have been no depreciation of silver. Hence it is I say that the outlawry of silver was an immense business blunder and a great business loss for each nation affected by it. The story of the last ten years in Europe is a story of business depression unexampled in history, and the main cause of the depression lies where any business man can see it if he takes the trouble to look, namely, in the series of laws in the different states of Europe artificially contracting the metallic basis of valuations and making insecure a foundation which should have been solid.

Gentlemen, do you want evidence of these facts? I doubt if you do. The history of these ten years in each country is one of business crippled, of marking down of prices, and suffering in every direction. You know how it has been in our own country and can imagine how it has been in other countries. Take England as a sample for Europe and read Thorald Rogers and Robert Giffen in 1879 (document of conference of 1878). Read Mr. Goschen's address in Manchester in July, 1885, and Robert Giffen in Contemporary Review for June, 1885; also, recall the fact that a royal commission is to-day investigating the cause of the depression of trade. What it all means for Germany is plainly stated by Baron von Mirbach in an address from which I shall quote later.

But permit me, Mr. Speaker, to bore a little deeper into the facts. Let us look at the state of affairs in Europe as a whole. We see the nations of Europe engaged in a sort of monetary war, each nation laying an embargo upon the silver coin of other nations and upon new silver from the mines. A state of affairs is thus produced which is expensive to their treasuries and injurious to the industries and the trade of each. What is the cause? Practically the start was made by Germany, and was a monetary continuance of the invasion of France. The action of Germany forced the Latin Union to adopt the German embargo on silver; it forced Holland to do the same thing, and France's embargo forced Germany to give up her sales of silver in 1879. I desire to make this thought clear. This anti-silver movement practically involves national hostilities, national pride. But let us go one step further and ask how it came about that Germany forced Europe into this embargo.

Here we touch upon a vast question. Who can measure all the information and prejudice of the savants who sought to control national action? About the time of our war a "craze" seemed to take hold of the economists, and it became fashionable to be an anti-silver man, an anti-bimetallist, a gold single-standard man.

This is the gist of the facts. You can read the story in the books of the conferences from 1867 to 1881. Now, we have heard repeatedly from the extreme silver men that this anti-silver movement has been and is a great conspiracy of the creditor class, of the bondholders of the civilized nations, and that they worked up this sentiment for selfish ends. Such is not the truth. The professors of political economy of a generation which directed thought were not what is called "the servile hirelings of bloated bondholders." These men thought they were reformers, and they meant well, but their foresight was incorrect. They made a mistake. The outcome of their work was an enormous business loss which they had not foreseen, and was consequently a great business blunder.

The end is not yet. We are only in the midst of this craze, which, as has been well said, was the outcome of scientific error, re-enforced by national pride, and uniting the chief nations of Europe in a joint attack upon silver. Now, how is this movement to be reversed? It is a great question; those who have carefully studied the reports of the two international conferences called by the United States can form an idea of the extent and intricacy of the subject. People talk of the lack of success of those conferences. They do not comprehend how vast a matter we were trying to handle; nor do they comprehend the innumerable difficulties in the way arising through national pride, blind selfishness, and a reluctance to being taught which the commissioners had to meet.

Now, let me turn to the question, how has our coinage of the silver dollar operated upon Europe?

I affirm with certainty that it has operated injuriously to the success of the effort to restore bimetallic free coinage. There is one thing, Mr. Speaker, which we may take for granted: there is a good deal of human nature in Europe as well as in America—Europeans are men, and they are not devoid of sense. If you or I were European and lived in the midst of prejudice as general as that which induced the politicians of European nations to commit themselves to an anti-silver policy, and when those great bodies, which move so slowly, had already moved and taken a stand, I think we should consider it a very pleasant thing if a great and wealthy nation across the sea would take hold and help us out without asking any help in return.

The coinage of silver by the United States eased up the situation for the gold monometallists of Europe. The statesmen who committed themselves and their countries to monometallism found allies in the United States, and of this number not one more efficient than the gentleman from Missouri [Mr. BLAND]. Outside of what the coinage of silver has been doing all the time, it has been a constant promise for the future that they are to be "let out" more completely. I can not understand, Mr. Speaker, why the extreme silver men fail to see that they are really the cat's-paws of European monometallists. I do not use the word in any way offensively—but it is strong, in so far as they seem to be picking the chestnuts out of the fire. Perhaps there may be a tinge of blind self-interest in the ground they take, or, if that does not suit, let us suppose that they have found the silver question a much more momentous one than they have hitherto contemplated and do not now care to face it in all its diverse bearings. Perhaps they have thought that silver is a "local issue," as a certain distinguished gentleman once remarked with reference to the tariff. If so, they were again mistaken.

It is more than a local issue, it is an international one, and it is because the silver men have failed to comprehend this fact that they have gone on in their blind, selfish advocacy of a financial policy which has operated as disastrously at home as it has abroad, and which threatens at this moment to strike down with paralysis the commercial and industrial interests of the country. With these views and under these circumstances I do not hesitate to say that the coinage under the Bland act has been from the beginning and is now a colossal business blunder. The advocates of the measure proposed and expected it to restore the price of silver, but it has steadily declined as compared with gold from an average price of $52\frac{9}{16}d.$ per ounce in 1878 to an average of $48\frac{9}{16}d.$ in 1885, and at this time it is quoted in London at $46\frac{1}{2}d.$ per ounce. Such are the facts, and here we are with the silver question still on our hands.

If it had not been for the passage of the Bland bill in 1878, I believe that long ere this silver would have been remonetized in Europe, and that in Europe and the United States the mints would have been open to the free coinage of silver as they are to gold, and that the two metals would have been at a parity one to the other at a fixed ratio, as agreed upon.

The true friends of silver, the people who want silver restored to its proper place relatively to gold, as it was before its outlawry in Europe began, all recognize this. They have said it in print continually. The European bimetallists have fought a good fight; they have been in battle array all these years fighting for the cause of silver.

But during these years they have said and felt that the men in the United States who desire to keep up a local silver coinage when other nations have stopped are the enemies of bimetallism. Our bimetallist friends are there carrying on a fight against stupidity in high places, and those who ought to be their friends, who claim to be their friends, are all the time encouraging their enemies to hold out, encouraging them with present help and with promises for the future; in fact, many of these men who called themselves bimetallists have now thrown off the mask and are pronounced silver monometallists, and demand free coinage. Now, Mr. Speaker, these European bimetallists are the men beside whom we ought to stand and with whom we ought to join forces; they are our friends. We ought to help them in their struggle with indifference and prejudice in high places and

with the gold monometallists who want the single standard through error or greed.

To do this we must follow the advice of those who know something about the importance of the international side of the controversy, and suspend the coinage of silver, in order that we may help our European bimetallist friends to accomplish that which is of paramount importance to us—namely, the remonetization of silver in Europe. But why have we not done this? Because our people have not understood the question. The silver mine owners, in their greed for present gains, have not looked to the future. They have been content to take the best price they could get for their bullion on a declining market rather than wait until international bimetallism is restored, when their profits would be largely increased. They have kept up a cry against bondholders and the "gold-bugs" of New York whereby they have deceived the people; they have flooded the country with their publications, and have had, as they have now, large sums of money at their disposal for manipulating public sentiment; in fact, they are thoroughly organized, with a headquarters in this city.

The true friends of bimetallism are undoubtedly largely in the majority, but they are scattered and are fighting at odds against an organized force. But I predict that it will be as it was in the days of the "greenback craze," that when the people come to understand the question they will speak out for the suspension of the coinage of the standard dollar as they spoke in no unerring tone at the period to which I refer.

It may be that they will not learn the lesson except by further financial disaster consequent upon continued coinage. But, under any circumstances, this is a campaign in which there can be but one successful issue, namely, the re-establishment of silver in its proper place relative to gold through international agreement. Until this is accomplished there must be no surrender. The fight must be maintained. Coinage under the Bland law must be suspended entirely, for to continue coinage under this law is but organized chaos for the United States.

The continuance of the present law is sure to thoroughly disarrange the monetary system and to further shake public confidence. It is the very indefiniteness of the continuance of coinage without concurrent coinage in Europe that so completely alarms business men; and I say this as a representative of the business interests which are concentrated in and around New York. New York is the commercial and financial center of the nation. That which affects the business interests of New York affects the business interests of the entire country, and *vice versa*.

With some regret I say that I have often felt chagrined at remarks made upon this floor concerning New York; there seems to be an impression that her interests are inimical to those of the great West and South; that her merchants are moved largely by motives of narrow selfishness, and that it is her "bloated bondholders" who are the conspirators against silver and who are seeking to bring about the single gold standard for their own profit. This is an eminently unfair characterization. There are extreme silver men in New York, in fact I see it charged in certain metropolitan journals that the seat of the agitators (I do not use the word conspirators) for free and unlimited silver coinage is in New York. Undoubtedly there are extreme gold men there also, but during the last two years important lessons have been learned, the subject has been studied in the light of new experience, and to-day New York as a State is pronouncedly in favor of international bimetallism.

So I have said, New York has studied this question in the light of events—and New York stands to-day on the side of the minority in Berlin and the minority in London who are trying to get the majority to surrender the citadel of the single gold standard and so to establish international bimetallism universally. Remember, gentlemen, that New York is a great city, that great cities sympathise with each other and naturally look at many things in the same way. When London was shouting for gold, Paris for gold, Berlin for gold it was quite natural that New York should also shout for gold. I regret that this was so, and think that it was a mistake, but it was a very natural one.

Now, as I have intimated, the great mass of the merchants and bankers are international bimetallists who demand that silver be restored by treaty agreement to its proper place in relation to gold, and these men will not be satisfied until it is accomplished, for they recognize it as the only true solution of the silver problem. They recognize the fact that a gigantic business blunder was committed when silver was stricken down by the European nations, and though some of them may at the time have thought the course a wise one they have long since repented having had any sympathy with it. Gentlemen, there can be no general prosperty upon a sound basis in this country until silver is restored through concurrent action of the nations agreeing to open their mints once more to free coinage at a fixed ratio with gold. The result of eight years' experience has shown to the true friends of international bimetallism that the enactment of the Bland law was a gigantic mistake as it has been the principal hindrance to the settlement of the question upon a broad international basis.

Judge Buckner, of Missouri, who served six terms in this House, was one of the ablest advocates of the Bland bill. In a speech made during the closing days of the Forty-eighth Congress he said:

> Our people are thoroughly bimetallic, and will never be content with a monetary circulation composed exclusively either of gold or silver. Their traditions as well as their interests demand the use of both metals—with the values of each regulated at such ratio as that neither shall be degraded to the condition of a mere money token, and both shall perform their part in the commercial exchanges of the world, on terms of perfect equality.
>
> This can only be done by the concerted action of the chief nations of Europe with our Government; and to bring about this concert of action the first step must be taken by us, and that step should be to suspend the operation of the silver coinage act for a time, in whole or in part, and at once enter upon negotiations with European nations to establish a fixed ratio of valuation between the two metals, and open their mints to the free coinage of both gold and silver on such terms as may be agreed upon. If we pursue our present policy there is nothing more certain than that the gap between the market value of the two metals will continue to grow wider and wider, and this country will be compelled to make choice between gold or silver monometallism. I would regard either as a great calamity to this country and the world, and I have an abiding conviction that the present is an opportune period for taking prompt and decisive action on this important question.

As a business man, and speaking from a business standpoint, I say that proposition is a sound one. But I desire to be understood that I am not opposing silver; I recognize its importance with gold as a coin of our Government. I have more confidence in it than the distinguished Senator from Colorado [Mr. TELLER], if he meant what he is reported to have said in his speech of January 19. His words are as follows: "Suspension will degrade silver to such an extent that it will cease to be a money metal."

In this one sentence he has given away his cause. He evidently has no respect for the article. In his view the only thing that keeps it a money metal is the coining of two million Bland dollars per month! Preposterous!

If silver had no better advocates its cause would be lost. What, cease to be a money metal when Europe holds a thousand million of it as full legal tender, when it is still the standard of Austria and Russia and when all Asia uses it as money, whether coined or not, to say nothing of Mexico, Central America, and most of the countries of South America! Silver, had it a voice, might well cry, "Save me from my friends" if they be such as the Senator from Colorado.

We can continue the present anomalous law of compulsory coinage of two millions per month, or we can take the panacea proposed by the honorable member from Ohio [Mr. WARNER], permitting the holders of silver bullion of standard fineness to carry it to the Mint and receive therefor Treasury certificates, or the plan proposed by the honorable Senator from Ohio [Mr. SHERMAN], whereby the Secretary of the Treasury is authorized to purchase not less than 2,000,000 nor more than 4,000,000 ounces of silver per month, of standard fineness, for which coin certificates are to be issued on the cost of the bullion; we can continue as we are, or adopt either of the above plans or any one of the half dozen other plans proposed, but, in my judgment, they are all but temporary expedients and should not be entertained by the Congress of the United States.

Free coinage is what we want to accomplish, and in my opinion it can only be done through the medium of suspension. So long as this coinage continues and uncertainty exists as to our future course, so long it is easy for European statesmen to put off dealing seriously with the question. But a date for suspension would, as has already been well said, serve as "a notice to quit." Opinion in Europe is reassuring on this point. In Germany the convention of agriculturists has repeatedly discussed the silver question in its general assemblies and expressed itself in favor of the international double standard as being in the interest of German agriculture. During the past year the distress of these interests became so much greater that the executive committee of the convention felt it to be its duty to address an earnest petition to the Diet, and a resolution favoring the international double standard was passed November 12.

Up to January 11 of this year petitions for the "establishment of the international double standard under guarantee of treaty" had been sent to the chancellor and to the Reichstag from two hundred and seventy-eight agricultural associations. These associations (varying in the numbers of their membership) represented all parts of Germany. I find, for example, that all the provinces of Prussia proper were represented; all the provinces of Saxony, Lübeck, Hanover, Anhalt, Westphalia, Schleswig-Holstein, Würtemburg, Bavaria; in fact all parts of Germany. In all eight hundred petitions had come to the chancellor and the Reichstag up to a recent date praying for the international double standard. That the pressure in Germany is very strong we are getting evidences almost daily. On January 22 a remarkable speech was delivered by Finance Minister Scholz before the Landtag. Among other things he said:

> I have therefore observed with some regret how wide a circle has been drawn into sympathy with this agitation, and especially that the agricultural interest, now in a pitiful condition, which demands our sympathy, has been led to hope that it can find therein the means of bettering its existence.

Of course Mr. Scholz being a minister of finance puts on a brave front as a gold monometallist, but he said of himself that he was not "a fanatical advocate of the single gold standard," and that he was "not insensible to the heavy losses which had been incurred by the demonetization of silver." Baron Von Mirbach (to whom I have already referred), a nobleman of Eastern Prussia and a leading member of the Diet, in an address to the people of Germany entitled "The serious injury done by the gold standard to those engaged in agriculture, in the mechanical arts, to manufactures, to laborers, to all who labor with hand and mind," says:

> The establishment of the gold standard in Germany was a serious mistake, as

the chancellor of the empire himself has said. It cost the country, that is the tax-payers, over 70,000,000 marks (seventeen and a half million dollars), and injured the entire population that lives by labor, and benefited only those who had money.

If Prince Bismarck had not stopped the further sale of the thalers (silver) in the year 1879 we should have suffered more than twice the loss already borne.

And further:

It is true that most people do not understand the monetary question, and this is so much to be lamented, for no question is of such far-reaching, practical importance for the weal or woe of all classes of labor, nay for the happiness of the citizen. It is much more important than the question of protection, in fact than all the issues of economic politics, which are so much discussed to-day. If it were only understood by the majority of the people they would raise a storm which would sweep the gold standard away as wind sweeps away chaff.

Dr. Otto Arendt, secretary of the "German association for the double standard under guarantee of treaty," writes, under date of January 12, 1886:

We need both metals. The equilibrium between them has been broken by the experiment of the gold standard. No single state is in position to restore that equilibrium; an international agreement is necessary. All states except England are ready for such an agreement if Germany decides to join. If we leave this one nation in its isolation the monetary problem which seems so difficult will be solved. Future generations will instance among the greatest aberrations of the human mind the idea and the experiment of the gold standard which has brought such unspeakable misery upon the world.

On February 11 a Reuter telegram from Berlin stated that the motion introduced by Herr Huene in the Reichstag on behalf of the conservatives, urging a new and searching inquiry into the currency question, with a view to ascertaining whether it would be better to adhere to monometallism or return to a double standard, was adopted by a vote of 145 to 119. The result is a great triumph for the international bimetallists. Gentlemen, I could produce evidence almost indefinitely to show that Germany is alive to the importance of a settlement of this question, and with a little more pressure would be ready to agree to an arrangement, but so long as we are bound by law to continue indefinitely to grind out at least two millions of Bland dollars per month we greatly retard if we do not directly prevent success. With one more quotation from Minister of Finance Scholz I will make no further reference to Germany.

In the speech to which I have already referred he alluded to the embarrassments of the United States, from which, he said with pride, that Germany was free, because she had stopped the coinage of silver. Is it not obvious that it is desirable that we now enter upon a course whereby we may be relieved and shift the embarrassment upon them; in other words, allow Germany to "lie awake nights" over the silver question instead of continuing to do so ourselves? To me everything indicates that Germany is in a condition where pressure is sure of producing a favorable result.

Turning to France, I think I am safe in saying that, judging from her past history and from recent action, she would not be slow to consent to enter into negotiations to establish international bimetallism.

From the London Bullionist of February 6 we learn that an official decree had been promulgated appointing a permanent commission to consider the monetary question in France and other countries. I can say on excellent authority that there is not a prominent man in Holland who is not an international bimetallist. The chief powers comprising the Latin Union are France, Belgium, Switzerland, and Italy.

Concerning France I have already spoken. Of the remaining states I can say without hesitation that international bimetallism through guarantee of treaty will be to them the solution of a serious problem.

Turning to England, we find that the friends of the double standard are waging a hand-to-hand fight with the advocates of the gold standard, and that latterly the conflict has become very sharp. On January 22 the annual meeting of the "International Monetary Standard Association" was held in London. Henry H. Gibbs, ex-governor of the Bank of England, presided, and among other things said, that "he believed that the royal commission (of which he is a member) on the depressed condition of trade in Great Britain would report that the present condition of the silver question had an important bearing on the depression."

The meeting before adjourning resolved to form a gold and silver league on a popular basis. At Manchester, on the evening of February 16, a large and important silver meeting was held, including many members of Parliament and prominent silver advocates. Mr. Grenfell, ex-governor of the Bank of England, a prominent bimetallist, denounced the government for refusing to answer questions connected directly with the currency, and declared that the people had a right to the information for which those questions called.

On the 23d of February a meeting of the chambers of commerce of Great Britain was held at London.

The meeting, by a vote nearly unanimous—

Resolved, That the depreciation of silver and its present tendency to disuse as money are disturbing trade generally, and England's Eastern commerce in particular.

Another resolution adopted contained the following language:

We urge the Government to unite with other countries in an endeavor to restore silver to its former function as a legal tender, thereby giving it a permanent instead of a fluctuating value.

Mr. Morton Frewen, in a letter to the Pall Mall Gazette, in September, said:

There is no question of the day of the same importance to England as is the question of the future of silver. We in England require to know betimes what action Congress will take on this issue. A fall of 12 pence in the price of the ounce of silver has contracted the imperial revenue of India to the extent of some £6,000,000 sterling, and, far worse than even this, has absolutely dislocated our commercial relations with all those nations which use silver.

He further shows that the suspension of the coinage by the United States of the two million or more standard dollars per month would put England and her Indian empire in a position of extreme and, from our point of view, well-deserved difficulty. Mr. H. Schmidt, in a paper entitled "The future of silver," read before the institute of bankers in London on March 18, 1885, admitted that the proposed suspension of the Bland act was chiefly directed at England, but not so much directly as indirectly, through India, and that the immediate result would be disastrous. While I have no doubt that we could force Great Britain into a very awkward position, and while the minority party which favors the remonetization of silver is very active and aggressive, yet her people as a whole are extremely conservative, and the effort might prove unsuccessful.

International bimetallism can be accomplished, however, without England, for it existed without her from 1816, when she demonetized silver, until 1871. It was then that Germany began her attack upon silver in endeavoring to follow the example of England and became a gold single-standard country.

This brief review of the state of opinion in Europe shows that the scheme of getting the nations to agree upon the measure of mutual benefit which the United States proposed to them in 1878, and again in 1881, is a practical one, based upon the enlightened self-interest of the various nations whose agreement is sought. It shows that the obstacle to success is the indifference, the dullness and ignorance, of men in power in those governments; and, further, it shows the practical difficulty of getting nations to move.

Every member of this House realizes the difficulties of getting laws enacted or of getting the Departments or the executive head of the Government to do something new, something out of the ordinary course, and particularly if that something implies that there has been a blunder which will be shown by a change in the plan of action. You gentlemen should be the first to recognize the practical difficulty of which I speak. You know that nations move slowly, following in the rear of an enlightened public sentiment. You, of all others, ought to be able to see that what these high officials need in order to get them to move faster is to be shaken up. They need to be brought face to face with their responsibilities in the eyes of all the world, and the opportunity ought not to be afforded of seeking refuge behind a pretext of any character, no matter how adroit it may apparently be.

Now, gentlemen, the measure which I advocate will accomplish this result in every nation in Europe. A date fixed by us for suspension of the coinage of the standard dollar, unless there shall be international concurrence before this specified time, is a summons left in the hands of every European statesman who has any responsibility to his country, to his sovereign, or to his constituents; a summons which he can not forget or ignore, to wake up and take hold of this question in order to bring about its settlement upon the only basis which can possibly be permanent and satisfactory, the basis of international bimetallism through treaty agreement to open mints to the free coinage of silver at an established ratio to gold.

The honorable member from Ohio [Mr. WARNER] in his remarks upon this floor quoted Pliny as saying that "Gold was a curse." In Article X, on "National problems," he also quotes from the same writer and uses the following language:

Pliny speaks of the introduction of the gold denarius as a "crime committed against the welfare of mankind." If the introduction of gold coins into the Roman republic was for the purpose of increasing the money standard, then the denunciation of Pliny was not unmerited.

Mr. Speaker, I take it that every member has heard of Pliny and has a wholesome respect for an ancient Roman who could so far triumph over the ravages of time as to transmit an anti "gold-bug" message to the Forty-ninth Congress in a land that was not heard of until fourteen hundred years after his death. I can imagine a "gold-bug" writhing under the application of Pliny, and I see the constituencies of silver rejoicing over the unexpected re-enforcement which they owe to the learning of the honorable gentleman from Ohio. It is, however, my painful duty to tell the honorable gentleman that "all that glitters is not gold." Information is great, but accuracy is greater.

I hold in my hand a copy of the works of the aforesaid Pliny, and I find him on page 111, volume 6, talking of silver ore as another folly of mankind.

The melancholy fact is that the gentleman did not read far enough. This great Roman whom he has seen fit to throw at our heads was not an anti-gold man or an anti-silver man; he was an anti-money man. He believed in barter; he objected to money, and his reasoning was excellent. He objected to men's spending time in digging after money when they ought to have been digging after chemicals and drugs. He was writing a book on natural history, and he was a medical enthusiast, and spared nothing in his praise of medical knowledge. His idea was that men should be searching for remedies to cure diseases rather than to be spending their time in making iron for swords, or mining silver and gold for luxury and pleasure.

But, gentlemen, I am not here to vindicate Pliny, or to pick flaws in the literary productions of the member from Ohio, but I stand before

you to bear testimony to the fact that the entire argument of the advocates of the standard silver dollar rests upon flimsy foundations, and will not pass inspection, therefore it is bound to break down. The same inaccuracy which I find in this citation from Pliny goes through the entire argument of the extreme silver men.

Take, for example, the minority report on the bill (H. R. 5690) now before the House, signed by Mr. BLAND, Mr. LANHAM, and Mr. BYNUM. I find on page 10 a statement about the various countries of the world and their money. Here is a list of gold-standard countries—countries where this metal is the standard money, where any owner of gold bullion can take it to the mint and get it turned into money at par.

Next is a list of double-standard countries, where one would suppose that gold and silver were the standard, and where the owner of gold or silver bullion could get it coined into money at par. Among others the United States of America is down as being a double-standard country. How is this? Can any owner of silver bullion take it to our mints and get it coined at all, or, in fact could he go to any of the important countries in that list with his silver and get it coined into money at par? No, of course not; so here is a false statement, as I look at it. Can any one maintain that that statement is not meant to mislead? But where did that statement originate? It comes from the report of the silver commission of 1876, printed the following year, before the enactment of the Bland law in 1878, and when gold was the standard of value and sole full metallic money. The statement is misleading today; it was more misleading in 1877.

France is in the list as being a double-standard country; Belgium, Italy, Switzerland, the Latin Union, which stopped the coinage of silver on private account in 1874 and stopped it on government account in 1878. France a double-standard country, when it is ten years since she has coined silver! Holland has coined none since 1875. It is charitable to suppose that the men who prepared that statement in 1876 were asleep, and that they thought every one else was asleep. Such misrepresentation of facts as these are all made in one interest. The report of 1877 was made in that same interest. The very basis of the argument of this interest is full of fallacies.

Why, gentlemen, if this table gave a true picture of the monetary condition of the commercial nations we should not be arguing this question in this House at this time, for we should not have any "silver question" on our hands. The standard dollar would be worth a dollar and three cents, instead of eighty; in fact, it is a question whether the trade-dollars and the standard dollars would not go to the melting pot to be sold as bullion to be exported to the double-standard countries, where it could be converted into money at the ratio of 15½ to 1.

If the Latin Union and Holland were true double-standard countries, as the table represents—that is, if silver could be taken to their mints and coined into money at the ratio of 15½ to 1—we should practically be in the condition we were in before the war, a double-standard country, but with gold alone flowing to our mints for free coinage. You can see why it was worth while for the attorney of the silver interest to prepare such a table; it is misleading and calculated to deceive, whether intentionally or through error I leave to you to decide. Whoever places any reliance upon it gets a distorted view of the situation. It ignores the main facts that every one should know who has to deal with the silver question.

I appeal to my friends on the Committee on Coinage, Weights, and Measures, who signed the minority report, to expunge that table from said report. I suggest to those gentlemen who have published it in their speeches to add a postscript, or to follow them, as they have been sent out, with a circular letter to this effect: "Error corrected. Instead of double-standard countries, as published in my speech, please read countries which were once double-standard countries but which are no longer such as they coin only gold."

Then follows the list of countries; after which add, "These countries hold more silver than the United States holds of gold and silver together, and if Mr. BLAND'S bill should become a law these countries may be expected to send silver sufficient to buy up all of our gold and leave us with the silver standard. In any case, this measure would ruin the prospects of international bimetallism."

For ten years the agitators for immoderate coinage here have held out this prospect to the gold men of Europe, and so have helped to prevent the success of bimetallism. These agitators for immoderate coinage are the men who have done most to keep down the price of the products of the West and South. Here is something which my friends BLAND, LANHAM, MCCREARY, LAFFOON, and CLEMENTS, of the House, and Mr. JONES, of the Senate, should have pasted upon their speeches and reports. If they do not do it themselves some one must do it for them.

Gentlemen, this line of tactics is not confined to this House, but it has invaded the Senate, spreading itself upon eight columns of the RECORD; I allude to the memorial of an association which is called the National Bimetallic Coinage Association. The true object of this association is the immediate sale of silver through inducing the representatives of the West and South to sacrifice their real interests to the imagined interests of silver States. Senator JONES, of Nevada, introduced this memorial on March 11. We find in it the same erroneous statements.

I ask all candid men if I am not warranted in finding evidences of a conspiracy of silver men to deceive the people and to mislead their representatives in Congress. The silver commission of 1876 and 1877, the minority report of the Committee on Coinage, Weights, and Measures of this Congress, and the memorial just alluded to all pervert facts upon the silver question. What does it mean? It means a good many things, but among others, and an important one to the silver-mine owners, it means a market for their production. They want to sell their silver; they claim protection from the Government; in fact, it has occurred to me that it would be cheaper for the people if the Government did protect them by paying a subsidy to the mine-owners rather than to pursue the present unfortunate policy.

In my judgment the silver-mine owners have gone too far; they have overestimated themselves. If they had been more modest in their claims they would have realized more than they have done. It was their fortune to have their private interests tied fast to one of the great interests of mankind, and they were so elated that they began to think they could control the monetary interests of the country. The silver men are trying to run the silver question, and the most they have done is to do harm to the cause of silver. Alas, for silver, if it only had such friends as these!

Now, gentlemen, let us take another long look at the principal facts that concern the past, the present, and the future of silver. These facts are, that down to a few years ago a combination of the chief nations coined all the silver that was offered at the mints at a fixed ratio to gold, which combination was broken up in the manner I have explained. This Government started a movement to get the nations to combine on restoring silver. That work is now in progress. It is in the hands of its friends in Europe who are working their way toward success. They ask our help; they ask us not to weaken them by continuing our coinage at the ratio of 16 to 1.

And now comes the same old cry for free and unlimited silver coinage, which from the beginning has encouraged the gold men of Europe to hold firm in the position they have taken. Gentlemen, I appeal to the sober second thought of this House to stifle this cry, which is really, though its authors may not know it, treason to the true interests of the country.

Gentlemen, this country is for bimetallism; it is for the restoration of silver to its former rights side by side with gold, rights which it had and which were guaranteed by international concert, and which shall be given and guaranteed by international concert again. The country, I say, is for an international ratio. This country is not in favor of a local ratio.

Let me tell my colleague on the committee [Mr. BLAND] that we are neither red Indians nor Chinese; that this ratio of 16, or more correctly 15.988, on which the present dollar is coined is not a "totem" nor "medicine" nor a little "joss" to our people. What they want is to see silver as good as gold, and no local ratio can accomplish that result. The ratio of 16 to 1, and free coinage, means the silver standard. I congratulate the three members of the minority who signed the minority report that they have been frank in saying that they "see no harm in coming to a single silver standard."

Now, Mr. Speaker, this country does want the single silver standard. It will not have it. The only reason why they tolerate the existing coinage of silver is because they have not fully understood the question. Error has been spread abroad throughout the land, and the Government Printing Office is being further used for its dissemination. It is time to call a halt, and I appeal to all men who care for the best interests of the people to unite in an effort to suspend compulsory coinage and for the accomplishment of international bimetallism. [Great applause.]

[During the delivery of the foregoing remarks the hammer fell.

Mr. FINDLAY. I ask unanimous consent that the gentleman from New York be permitted to occupy fifteen minutes more time.

There was no objection.

Mr. JAMES then resumed and concluded his remarks as above.]

Mr. O'DONNELL. Mr. Speaker, during the brief period that I have been a member of this House I have heard many able speeches upon the subject of silver and gold, mainly upon the former, and I have concluded, friendly as I am to silver, that there can be no question as to the truth of the apothegm of the German poet, "speech is silver, silence is golden."

While we have devoted much valuable time and thought to silver and gold, which yields but $80,000,000 per year in this country, the product of gold in California being $13,600,000, and in the other States and Territories $17,200,000, making a total of $30,800,000, the production of its white companion in monetary transactions, silver, is $48,800,000, making as I said, less than $80,000,000, or to be more specific, both of the precious metals being but $79,600,000 in value, we find our people are paying out each year $158,417,808 for a necessity, and no general effort is made to cheapen this article. I allude to sugar.

HISTORY OF SUGAR.

Sugar has become one of the necessaries of life, and every year adds to the amount consumed by each individual in this country. This esculent, now so much in demand in every household in this land, is an adjunct of our civilization. Sugar is supposed to have been known to

the ancient Jews, and we read of it in the East Indies 325 B. C.; therefore it has been known for twenty-two hundred and ten years. The Orientals were wont to employ the juice of the cane as a beverage, while in the second century it was prescribed as a medicine by Galen. Sugar was brought to Europe from Asia in 625, and it grew so popular that it was quite largely consumed in 1150. In 1497 the English began to favor it, and the demand and supply grew so great that it sold for 8*d.* per pound. Eighteen years after the discovery of America the Spaniards and Portuguese introduced it into this country, and here it has ever since been a favorite article of food. To go back only to 1850, in that year the people of this country consumed 538,932,000 pounds, while last year the consumption was 2,915,789,153 pounds, to say nothing of the 26,336,301 gallons of molasses. These figures indicate that the partiality for sugar among our people increased faster than did our population. To show the exact amount of sugar used in this country during the last fiscal year I would give the following official figures:

	Pounds.
Product of Louisiana, estimated from last year's crop	287,712,230
Imports	2,717,884,653
Total imports and production	3,005,596,883
Less exports, nearly all refined	258,163,890
Remaining for consumption	2,747,432,993

Now, allowing for wastage in refining, &c., and estimating the consumption at 2,700,000,000 pounds and the cost to the consumers at 5½ cents per pound, the value would be $148,500,000.

As you will see by the above table, the imports and production of cane and beet sugar during the last fiscal year were about 3,000,000,000 pounds. The cost of the imported sugar, including the duty paid and excluding freight and other charges, was about 5 cents per pound. The freight and other charges would bring its cost fully up to 5 cents per pound, and the value of the domestic product is greater per pound than the imported. Estimating the cost of the whole at 5 cents per pound as landed on our shores and at the plantations in Louisiana, the cost of the imports and product would be about $150,000,000. I have mentioned in this huge amount only the imported and domestic cane and beet sugar. To this should be added beet, sorghum, maple, and glucose sugar grown on our soil. The production of maple sugar in this country last year was 58,016,000 pounds; sugar from molasses, 105,860,160 pounds; beet and sorghum, 4,480,000 pounds. These last-mentioned sugar products amount to 168,356,160 pounds, worth about $8,417,808. Adding this to the imports and products of Louisiana would make the cost to our people to be $158,417,808 per year. Nor is this all. To these figures should be the addition of sirup and molasses, the amount of which last year was as follows:

	Gallons.	Value per gallon.	Value.
Imported molasses	34,128,640	$0 20	$6,889,909
Domestic molasses	14,653,608	35	5,128,763
Glucose molasses	28,000,000	28	7,840,000
Sorghum molasses	18,000,000	30	5,400,000
Maple molasses	1,796,048	60	1,077,629
Total	96,578,296		26,336,301

You add the above amount, $26,336,301 to the amount it costs us for sugar, $158,417,818, and you find the sugar bill, embraced in sugar, molasses, and sirup, of this country for one year to be $184,754,119, or $3.35 for each person in the United States. I should here state that the item domestic molasses was as follows: Produced in Louisiana, 11,761,608 gallons; in all other Southern States, 2,892,000 gallons.

Now let us look at the cost of flour to our people:

	Bushels.
The wheat crop is	512,763,900
Estimated allowance for seed	65,266,239
Leaving	447,497,661
Deduct amount exported	84,653,714
Remaining for consumption	362,843,947

The remainder, reduced to flour at 4½ bushels to the barrel, would give 80,631,988 barrels of flour. Of this the export was 10,648,145 barrels, leaving 69,983,843 for consumption, which, at $5.50 per barrel, would amount to $384,911,136.

It will be observed that while the consumption of flour costs us not quite $7 for each person, they pay out for sugar $3.35 for each inhabitant.

Our people are very fond of sugar, as only one nation shows a greater consumption, and that is England, the official tables showing the amount to be 68 pounds per capita among the Britons, while we consume 60 pounds for each person, which demonstrates the consumption is fast increasing here, as in 1867 it was 29 pounds per capita and in 1884 it averaged 54 pounds, showing in seventeen years more than doubled consumption per capita, the figures this year being 60 pounds for each person residing under our flag. Other peoples are not given to consuming the product as much as ours, as the quantity consumed in Scandinavia is 22 pounds per capita, 21 pounds in France, the same in Germany, 16 pounds each in Belgium and Holland, 14 pounds in Austria, 7 pounds in Russia and Italy, while in Spain and Portugal 5 pounds suffice for each inhabitant.

TAXATION ON SUGAR.

Sugar being an article of such general consumption has frequently been a source of revenue to nations. In 1685 a tax was levied by England under James II, and it was kept on but equalized in 1846, followed by a reduction in 1848. Then the Crimean war was the pretext for increasing it in 1855, not to be reduced until 1857; this tax was maintained by the English Government until 1874, though in the interim it was decreased frequently. To-day, in the United States, more than 25 per cent. of the duties collected come from sugar. Last year we imported 2,578,993,335 pounds of sugar, entered for consumption, paying an average rate of duty of 1.97 cents per pound, which was 89.13 cents per capita, amounting in the aggregate to $50,885,916. Added to this we imported 169,652,783 pounds of sugar from the Hawaiian Islands, which was free from duty. The consumption per capita was 48.14 pounds of the imported article. In addition we imported 32,278,468 gallons of molasses, paying a duty of 4 cents per gallon on 32,206,819 gallons, yielding a revenue of $1,289,224, or 2.26 cents per capita. Seventy-one thousand six hundred and forty-nine gallons came from the Sandwich Islands, having free entrance to this country. The consumption of imported molasses was 0.57 gallon for each person last year. You will see the revenue collected by this Government last year from sugar and molasses amounted to $52,175,140—a large sum for sweetening life, or 91.39 cents import tax for each man, woman, and child in the country.

Mr. Speaker, in pondering over these facts and figures and realizing that this was the greatest manufacturing nation in the world, I marveled that the United States of America could not produce its own sugar and molasses. Investigation has proven to my mind that the land is capable of supplying our people with all the sugar they can consume. We have the soils and climate essential to grow this staple article. Knowing this, I thought the time had come to render this nation wholly independent of others for our sugar supply. Believing thus, on the 5th day of January, 1886, I offered the following bill, which I send to the clerk's desk to be read.

The Clerk read as follows:

A bill to repeal the duty on sugar and provide for the payment of a bounty for the cultivation of sugar in the United States of America.

Be it enacted, &c., That from and after the 1st day of July, A. D. 1886, all duties now levied on the importation of sugar into the United States of America be, and the same are hereby, repealed: *Provided*, That no sugar shall be permitted to be imported from any country whose government imposes an export duty thereon.

SEC. 2. That there shall be paid from the Treasury of the United States of America the sum of 1 cent per pound as a bounty to all persons, corporations, companies, or societies cultivating sugar within the boundaries of the said United States of America, be the same produced from cane, beets, or sorghum; the said bounty hereby authorized to be paid for each pound of refined sugar cultivated in the United States of America and sold in the markets of this or any other country, the payment of said bounty herein provided to be made under such rules and regulations as shall be prescribed by the Secretary of the Treasury and Commissioner of Agriculture, acting jointly, to provide methods for carrying out the provisions of this act; and the sum of $8,000,000 is hereby appropriated for such purpose from any moneys in the Treasury not otherwise appropriated: *Provided*, That the bounty herein authorized shall be expended for sugar grown during the years 1886 and 1887 in said United States of America.

Mr. O'DONNELL. This bill, Mr. Speaker, on the day that it saw the light was read twice, referred to the Committee on Ways and Means, and ordered to be printed. It was printed, and then went to the cemetery of the committee, where it has enjoyed a sweet sleep ever since, undisturbed until summoned from its resting-place to-day. It is a gratification to have its provisions read to this House, and I trust its reading has been pleasant to you. The Committee on Ways and Means are a disappointment to me; so far as this measure is concerned it has found only ways that are dark and means that are not favorable to cheap sugar for the country. I say to them, "How sweet a plant have you untimely cropped."

As I look over this bill, I find it defective in many ways. The amount in bounties sought to be given is too small, and its provisions do not extend into enough years. I wish some gentleman would move an amendment to make the bounty 2 or 3 cents per pound for raw sugar, and extend the benefits for a period of five or even ten years, in order to encourage capitalists to make investments, thereby giving them confidence of a practical protection, which would lead to establishments of large magnitude. In a few years they would be independent of the sugar growers of the world, thereby giving us the great desideratum, sugar at low prices, grown on American soil.

My object in introducing the bill, Mr. Speaker, was to carry out, if possible, the recommendations of the President of the United States. You will remember in his first message to this Congress he alluded to the reduction of taxation. In that document he made the following observation:

The reduction should be made in the revenue derived from a tax upon the imported necessaries of life. We thus directly lessen the cost of living in every family of the land, and release to the people in every humble home a larger measure of the rewards of frugal industry.

What measure could be devised for this purpose better than the one I have brought to your attention? You will, if you pass this bill with the amendment I have suggested, take off the tax on this important necessary of life, and thus directly lessen the cost of living in every family in the land and at the same time give many of them employment. Many members complain because the President did not more specifically point out the way to diminish taxation. Perhaps the Executive had in his mind the idea that some member of this House would offer such a bill as I have had the honor of presenting and he felt delicate in mentioning the matter before the bill aforesaid saw the light. I sincerely hope this is the state of the case. I want to tell you, Mr. Speaker and gentlemen, that this is not a question of tariff or free trade; it is, pure and simple, a question of affording sugar cheap to the people and providing labor to the unemployed. This is the whole question summarized. On this there can be no sectional feeling; it is a peaceful conquest over difficulties, and it is time, for "a nation can not always feed on the strong meat of great controversies."

Therefore, having shown the crying need of some practical effort to give our citizens sugar at a lower price, as one of the means at hand I desire to call attention to

BEET SUGAR.

I will speak as briefly as I can of the cultivation of beet sugar and the enormous product thereof. The antiquity of the sugar-bearing beet is attested by Theophrastus, the Greek moralist and naturalist, the pupil of Plato and Aristotle, who lived until A. D. 287, who described the saccharine qualities of the plant. In 1590 it is mentioned by De Serres, and we have accounts of its appearance in England in 1548, while in 1782 it was largely used in France for food for man and animals. The root is believed to have had its origin in Germany, on which nation it has conferred wealth and prosperity. It was utilized as food until 1747, when Margraff, a scientist dwelling in Berlin, by patient experiments learned of the great wealth of sugar existing in the humble plant. But, like nearly all friends of the race and devotees of science, he died without seeing his discovery become the great benefactor of mankind he had hoped, and for which he had toiled and given the best years of his life. Half a century after, a pupil, Achard, likewise a scientist, remembered the researches of his tutor, and applied himself to the task until in 1797 he presented to the Academy of Science of France specimens of sugar from the beet, and made the declaration that the article could be produced for what in our money would be 6 cents per pound. Ridicule, doubt, and contumely followed the utterances of the savant, and the labor of years provoked a storm of derision. Yielding to the solicitation of Achard, the French scientists at last hearkened to him, and after patient investigation made the declaration that sugar might be secured from the beet, but in their judgment it could never supplant the cane sugar. The subject was shortly after abandoned in France, the decision of the scientists causing the beet soon to pass out of men's minds.

Not so in Germany. The Teutonic men of science gave to the discovery the attention which it merited, and in a few years practical experiments were made at Freyburg, Cunern, Athaldsleben, and Strehlen, in Lower Silesia. By the aid of perfected methods good sugar was made, although the cost was very large for each pound. This was the beginning of a great industry in Europe, which has proven of much advantage to the people thereof. As the methods were made more perfect for securing the product, in 1809, when Napoleon had issued his decrees of Berlin and Milan, establishing the continental blockade, whereby the yield of England's colonies was prohibited admission, the new sugar enterprise enjoyed what we term in this country a "boom," and in consequence the sugar of the beet of necessity became an article of commerce. Germany was not unmindful of the triumphs of science, and extended substantial encouragement, which resulted in the multiplication of factories and much attention being given to the growth of the plant. The King of Prussia was generous with the sweet infant industry, and gifts of money and schools of instruction to educate the people in approved methods of culture were the evidences of the royal appreciation. The royal regency of Silesia attested its satisfaction at the schools established by Government bounty. In Germany the industry had fairly become established when devastating war swept away the labor of years. As peace came the revival of the project was quite slow. In 1836 the business was again inaugurated, and all over that nation the factories sprang up, growing rapidly and multiplying, receiving assistance from the government, until the beet sugar, though yet aided by bounties, now contributes to support the government whose fostering hand gave it life and strength. Every year, from the beginning until now, the government lent its aid to the project, thereby adding to the stability and magnitude of the product. The result is that last year Germany placed upon the market 1,150,000 tons of this sugar.

I have hastily sketched the origin and great success of sugar cultivation in Germany. Now we turn to France. The French, observing the outcome of the venture in Germany, gave consideration to the matter. Napoleon, great warrior and far-seeing statesman as he was, saw the inestimable advantages of the discovery, and sought to promote thereby the good of his people and interests of the nation's commerce. He issued an imperial decree, and in that document gave utterance to a sentiment which should be the motto of our people, "Let manufacturing establishments multiply everywhere." Then he adopted the means for direct encouragement of the beet-sugar industry by the establishment of experimental farms and schools, to be presided over by competent chemists, where students, land proprietors, and farmers should be instructed in the knowledge essential to the cultivation of the beet and the methods of extracting the sugar therefrom. For that purpose, burdened as his empire was with debt and war, he appropriated one million francs ($200,000), to be paid from the budget of 1811, and then prohibited after a certain day the importation of the sugar of the Indies as being of English manufacture and commerce. Societies in France also offered handsome premiums. As a result, in that year nearly 17,000 acres of sugar-beets were sown in the different portions of France, yielding almost 99,000 tons of roots. As this crop was ready for gathering, forty factories were prepared to handle it. It was estimated the yield would be more than three million pounds of sugar, but the crop was not all worked. When the emperor had reckoned the supply of sugar from his venture and the expenditure for working the same, he discovered that each pound produced had cost about 45 cents. But he had faith in the purpose and his will asserted itself. In 1812 he established special schools for the manufacture of beet-root sugar, issued five hundred licenses to manufacturers, and encouraged them by immunity from taxation for the period of four years. That season the wise emperor saw impossibilities disappear before his efforts, and he found three hundred and thirty-four factories running and the cost of production reduced to 15 cents per pound to the manufacturers. The high prices had decreased the consumption, and it was estimated the 7,000,000 pounds produced would supply half the needs of the people of the empire.

Prior to the establishment of the beet-sugar industry France imported 52,000,000 pounds of sugar annually, which fell to less than 11,000,000 each year after the beet-sugar was grown on French soil. Napoleon pursued his way, and by the beet-sugar product dealt his enemy, the Englishman, a terrible blow, and "the injurious consequences produced in that country from an interruption of their commerce with the continent," to use his words, afforded the ruler of the French much comfort. He boldly announced the French would be enabled to do without the sugars of the Indies, which conclusion gave him great satisfaction, as he concluded it would seriously impair the resources of the English. The Britons were alarmed at the industry so ardently fostered by the Emperor of the French. Louis Napoleon states that the English sought to break down the growing "infant industry" by offering Achard $100,000 "if he would publish a work declaring that he had been carried away by his enthusiasm," and that the results were not such as he had expected. Failing in securing the aid of the savant, it is related the English induced an eminent scientist of their country to issue a volume demonstrating the worthlessness of the sugar made from beets. These acts had no effect on Napoleon, who adhered to his policy of subsidizing, and though badly crippled by maintaining armies and navies, he still lent assistance to this division of the products of France. At the downfall of Napoleon this measure of his wisdom was fiercely attacked by the Bourbons and it fell into decay. Amid the general wreck of war and onslaught on the industry by the French rulers one factory survived at Arras, in 1815, and from the devastation and losses by conflict the business took a new start, and year by year slowly progressed, helped by the government all the time, until to-day the manufacture of indigenous sugar is a source of wealth to France and happiness to its people. A heavy duty for years helped the growth of the enterprise. Although the bounty still rewards the producer, the great supply is a source of revenue to the French Government.

Russia was not an indifferent observer of the trials of Germany and France to produce their own sugar, and the Emperor of all the Russias saw at once the feasibility of the plans of his neighbors and was not slow in extending aid in a liberal manner to those who would successfully cultivate beet sugar on Russian soil. In 1813 the ruler issued a ukase that all lands of his subjects on which sugar factories were established should be exempt from taxation, and in those days that constituted a generous bounty. Furthermore, he gave the proprietor of the first factory a present of $39,000 as an encouraging reward for his enterprise. Before the possibilities of success were fairly developed in Russia the war paralyzed the projected sugar operations, but with the return of peace the ruler of the Muscovites sought to supply his people with sugar grown on Russian soil, and the bounty is yet paid to bring about sugar production, with large success attending the effort.

Mr. Speaker, I have hastily sketched the development of beet sugar growth in Germany, France, and Russia. I have no time to speak of the methods employed to secure the same end by Austria, Belgium, and Holland. I have shown the marvelous development of this branch of sugar-production by government aid in bounties. As a consequence there is now more beet sugar produced than there is of cane, as you will see by the following exhibit, which is authentic.

BEET SUGAR.

	Tons.		Tons.
Germany	1,150,000	Holland	50,000
France	315,000	California	1,250
Austria	540,000		
Russia	380,000	Total	2,526,250
Belgium	90,000		

CANE SUGAR.

Cuba	570,000	Java	380,000
Porto Rico	60,000	British India exports	45,000
Trinidad	55,000	Brazil	220,000
Barbadoes	60,000	Manila	175,000
Jamaica	18,000	Louisiana	94,000
Antigua	16,000	Peru exports	30,000
Martinique	42,000	Egypt	30,000
Guadeloupe	41,000	Hawaiian Islands	80,000
Demerara	90,000		
Reunion	36,000	Total	2,080,000
Mauritius	128,000		

The table I have given shows that the beet-sugar product of the world exceeds that of cane sugar by 446,250 tons per annum. And yet, I repeat, it is an infant industry, whose growth is stimulated by nations by liberal bounties. Germany, France, Austria, Russia, Belgium, and Holland encouraged the cultivation of beet sugar, and the result is those countries produced last year 5,052,500,000 pounds of sugar, and they are so well satisfied with the result of their investment in bounties that they maintain them yet, giving their own people the article at low prices and affording it at cheap rates to the inhabitants of other nations.

The inquiry is made, can beet sugar be produced in the United States? Of this there can be but little doubt. The climatic conditions are such that New England, New York, Michigan, portions of Wisconsin, Minnesota, Dakota, Pennsylvania, and Ohio are suited for beet culture. California last year produced 2,500,000 pounds. It is evident in those States named the sugar-yielding beet will thrive, and with the knowledge of the methods of culture now obtainable failure is not to be thought of, and this country can, if it will, bestow a saccharíferous blessing upon mankind. If the sugar beet will flourish on the steppes of Russia, as it certainly does, it will in this land. In Maine, in two years (1879 and 1880) sugar and sirup from beets were made to the value of $200,000, and I have no doubt if the assistance had been extended that should have been, the people of Maine would now be in the enjoyment of sugar grown in their own State.

Production of sugar is not the only profit from the growing of the beet. The pulp is admirably adapted for feeding sheep and cattle, and these animals fatten wonderfully fast on the residue from the sugar-mill. The growth of the beet enriches the land, and prepares it for cereals in such manner that the yield is increased. It affords an excellent soil food. In 1853, Louis Napoleon, after much study and observation, declared that where the beet is grown the selling value of the land considerably increased, the wages of workmen have followed the same ascending progression, and the general welfare has improved in a wonderful manner. This epitomizes what we need in this country. In those sections where beet culture has become firmly established the value of land has greatly enhanced. It cheapens sugar, affords employment, enriches land, increases its value, is profitable to the cultivator, and aids progress and prosperity.

SUGAR FROM SORGHUM.

There is another sugar-cane which will flourish in most every portion of the United States of America. This is the saccharum, known as sorghum. The people of this country have had practical knowledge of this cane for over a third of a century, when it was introduced into this land from China and flourished moderately for many years. It is closely allied to the sugar-cane, and when cultivated with that knowledge now so generally understood will yield large returns. It has been known in Asiatic countries for thousands of years, and is one of the greatest benefactors of mankind. A large portion of the inhabitants of the East Indies and Turkestan subsist on this cereal, as it with them occupies the place of maize, and man and beast live upon it—the people upon the seed, while the stalks and blade afford forage. Good authority assures us that for thousands of years the seed of sorghum has furnished food in greater abundance for both humanity and animals than has wheat and corn combined. As to its merits for sugar-producing there is no doubt. In the county where I live I have seen first-rate sugar from this cane, and it was produced by necessarily crude methods. In Japan it is officially announced that half the supply of sugar for the Japanese was grown from sorghum. It appears the children of the moon are further advanced in sugar-culture than are the progressive Americans. They produce 65,000,000 pounds of this sugar each year. In China they produce 1,000,000 tons, the larger part being from sorghum, enabling them to export 55,000 tons. Their methods of sugar-production are very primitive, too. Even in New Jersey, in the last four years, 1,259,535 pounds of sugar from sorghum have been produced, not to mention the great amount of sirup from the same State.

Sorghum, though known through the ages, has not yet taken the place it should occupy with us. It is adapted to all soils and climates, and, if given half a chance, will thrive anywhere. It is like unto a goodly portion of mankind—susceptible of improvement, and will develop along with our civilization. It will grow where corn will, and is a close connection of the maize, though possessing far larger saccharine qualities. It is a hardy, vigorous cereal, and is the step-child of science; it will yet solve one of the greatest of the economic problems in the economical world. It took a vigorous start in Europe at one time, but the beet terminated its existence, and sorghum was relegated to the lowly ranks of fodder and fire-wood. But the world knows its sugar-secretion products, and will yet give it the position in our resources it merits. Its content of sugar is so great, that it deserves a nation's bounty to encourage the development of which it is capable. It will yet be accorded its place in industrial science. Its cultivation in this country as a sugar product was abandoned, as I believe, owing to the imperfect methods in use for the extraction of the juice. The patient hand of science has obviated this difficulty, as I will presently endeavor to show. The cultivation of sorghum increases the fertility of the soil and is a general benefit.

For more than a century our people have endeavored to find sugar in some product indigenous to our soil. Abigail Adams tells us, in a letter to John Adams in 1777, of the efforts made, and with considerable success, to obtain molasses and sugar from corn and the attention devoted to the practical experiments. But these became obsolete, and the early fathers wearied of their plans, the enthusiasm dying out, and with the close of the Revolutionary war they abandoned the means intended to substitute the sugar of the West Indies. Their efforts were to secure sugar from corn. This plan is yet thought of, and we have glucose. I do not know the amount of sugar and molasses secured each year, but it is considerable, as there are twenty factories, in seven States, with $10,000,000 capital, requiring 61,000 bushels of corn each day, giving employment to nearly five thousand workmen, paying $2,058,750 in wages, consuming $13,703,000 worth of material, the total product being valued at $18,270,000 per annum, and they make money. It is time for this generation to take up the matter of sugar.

I have shown what other peoples have done with the sugar beet. Sorghum is easier to grow, and it contains crystallizable sugar in such measure as will yield profit to those who raise it. The imperfect experience heretofore had demonstrates that this country can supply all its people with sugar from sorghum alone and also export in quantity. I am aware there have been frequent failures, not so disastrous, however, as attended the beet when first tried. Correct cultivation will bring success. Intelligent tillage and improved appliances for extracting the sugar will demonstrate the immense value of sorgho, and add a new factor to the agricultural products of America. We know that excellent sugar has been made from sorghum; that fact can be demonstrated in this capital. If that can be done here, it certainly can be in other portions of this country. The plastic nature of this plant, adapting itself to climatic conditions, and yielding saccharine juices which can be crystallized into sugar, point the wisdom of promoting its cultivation. We know analysis has shown and experience confirmed that sorghum is very rich in those constituents that readily crystallize into sugar. I have said it will flourish in most any portion of the country; trial will yet demonstrate the meteorological conditions requisite for its successful propagation.

I look to sorghum as affording one of the true economic solutions of a great and pressing problem. In 1884 it is estimated that 1,000,000 pounds of sugar were produced from this cane, notwithstanding the crudeness and inefficiency of the machinery employed. Scientific research is placing sorghum in the catalogue where it belongs. When this plant has had the attention that has been given to the beet it will stand higher in the estimation of the sugar producers, and the obstacles to securing its product will be removed. It is conceded by scientists who have studied the question closely that when the knowledge of climate and soil has located those areas where it will thrive best, that "5,000,000 acres of land will produce all the sugar required for this country for several years to come." I have dwelt at some length upon the sugar-producing qualities of sorghum. It has other merits. It will not only make good sugar and a corresponding quality of sirup, but affords excellent cakes, superior to the buckwheat. It will give us the cake and furnish the sirup from the same—a commendable combination. Its seed is equal to corn for raising stock, the bagasse makes good firewood, the skimming furnishes pure vinegar, the pressed stalk makes a good wrapping paper, while other portions are the best of fertilizers. What more can be asked of any plant?

BOUNTIES.

I am aware, Mr. Speaker, of the prejudice existing in this country to subsidies for any class. The feeling is not without reason. But in this matter the proposed bounties will prove a benefit to all the people—to capital and labor alike. You will remember that Alexander Hamilton, confessedly one of the ablest men of his time, the great friend of the industrial growth of his country, proposed bounties for the production of sugar. (See communication to the House of Representatives, December 5, 1791.) This great financier thought sugar production merited national encouragement. He was of opinion that the difficulties in bestowing bounties were not sufficiently great to countervail the advantages of which they were productive, and that they were in some cases indispensable. The case under consideration is one of these. New Jersey looked with favor on the effort to grow sugar on its own soil, and passed an act to encourage the manufacture of sugar in that State. The result is a large sugar factory is in operation at Rio Janeiro (New Jersey), near Cape May, where in the last four years

1,259,535 pounds of sugar from sorghum has been produced. The State paid a bounty of $12,594.85 for this sugar, and on 31,128 tons of cane additional bounties to the amount of $31,128.

Germany to-day pays a bounty of 4.80 marks per 100 kilograms of beet sugar, or in our money $1.16 for each 220 pounds. France does more than its neighbor, giving 9.15 francs for each 100 kilograms, equivalent to $1.80 for 220 pounds. Russia gives a bounty of 1½ cents per pound. The people of this country will wonder why they are not cared for as well as those of the Old World. If you provide bounties which will result in giving our inhabitants cheap sugar, grown on American soil, you will place the Forty-ninth Congress as among the wisest, most profound, mankind-loving, and humanity-benefiting of any bodies with legislative functions that ever assembled. Ah! gentlemen, see the place you may, if you will, occupy in the annals of your country and in the estimation of the world if you encourage the industry I am speaking to you about. In the parliament of man this Congress will be embalmed in the hearts of coming generations—if it helps along the effort to give the people good sugar at low prices. Remember this bounty will go to a class of our citizens who are rarely recognized or remembered, the farming community—the class who confer great benefits but rarely receive them. If the United States should dispose of a few millions of dollars from its bursting vaults of idle wealth to establish a great industry which could only benefit the entire people, it will, in my judgment, be an act of wisdom—ay, of sound statesmanship. Surely we should profit by the prescience of the rulers of the Old World, who realized the good they could confer on their countrymen by the establishment of an industry which has brought bountiful blessings not only on their people, but neighboring nations. Let us gather wisdom from them and in this matter follow in their footsteps.

On this question of bounties let us look at home. In the grand and prosperous State of Michigan, which Commonwealth I have the honor in part to represent on this floor, its Legislature wisely encouraged the production of salt. In 1840, while the State was sparsely populated, $5,000 was appropriated to help the development, and up to 1842 over $20,000 had been expended, and that year $15,000 more were appropriated. The experiments were not as successful as hoped for. In 1859 all property on which salt was produced was exempted from taxation and 10 cents bounty for each bushel of salt was authorized. The consequence was the salt product was increased from 4,000 barrels to 125,000 per year. Then the Legislature fixed the bounty at 10 cents per barrel, exempting the lands, blocks, machinery, and product from taxation. The production nearly doubled the next year, and 243,000 barrels were thrown on the market, to be again doubled in the following year. The good work went on, until now over 3,000,000 barrels of Michigan salt are offered for sale each year at wonderfully low prices. The Michigan legislator who proposed this wise measure to build up he salt industry of the Peninsular State encountered much opposition t to his measure, as the good people of Michigan were then prejudiced against bounties. But the father of the law stood by and secured its enactment, and now has the satisfaction of seeing the wisdom of his views more than vindicated, and beholds his State manufacturing nearly half of the salt now consumed in the United States. The bounty in all did not, it is calculated, equal the cost of the hoops alone upon the packages of salt shipped from the State last year. Good authority states the progress of salt manufacture in Michigan during the four years of bounties was greater than in the Kanawha Valley in fifty years, and the development of this industry in Michigan in five years was larger than at the Onondaga salt springs in forty-two years. Michigan now leads any other section in the magnitude of its saline product. You will see Michigan men have reason to think well of the excellent influence of bounties in building up an industry which supplies a necessity at very low prices.

HOW OUR CITIZENS PAY TRIBUTE TO OTHER COUNTRIES.

By our present system of sugar supply we not only pay a duty to our own Government on our imported sugar, but we pay an export duty to other countries. We get sugar free of duty from the Sandwich Islands, but that is of no advantage to our people, as it simply builds up a monopoly on the Pacific coast, and while we lose the revenue we do not cheapen sugar. As to the export duties, Cuba, Porto Rico, Brazil, the British West Indies, and other governments—twelve in all—levy a tax on every pound of sugar or gallon of molasses sent from their shores, and our people pay the same. It is the unwritten law of this nation that we pay no tribute to any foreign kingdom or principality, and yet we are every year contributing to sustain the governments of the sugar-producing nations. It was once the shibboleth of a great party, "Millions for defense, but not one cent for tribute." We have changed all that; we have adopted its antithesis; we do not give a cent for defense, but we pay millions for tribute. We support the laborers of other lands and pay a round sum to maintain their governments, and all this to secure an article of food we must have. Is this statesmanship? It is utterly repugnant to our system of national government. You may discuss tariff and free trade and gold and silver as you will to the end of the session, but here is a great wrong on our people, our Government, and our institutions utterly unheeded, forgotten, overlooked, and not realized, while it is grinding us all. Good judges hold that 75 per cent. of our importations of sugar come from export-taxing countries, so that we are every year paying enormous sums of money (gold, too) to keep the machinery of the governments of other countries running. You will see by the table I append of the export-taxing countries that we are paying a tribute to foreign nations in the shape of export duties on sugar to the amount of $3,301,561.57 each year.

This valuable table comes from the Bureau of Statistics of the Treasury Department, an admirably conducted bureau, I am pleased to say.

mports of sugar and molasses into the United States from the below-named countries, with the rates and estimated amounts of export duties collected in the respective countries when exported to the United States during the year ending June 30, 1885.

Countries.	Articles.	Exported.		Rate of export duty.	Estimated amount of export duty collected.
		Quantities.	Values.		
Brazil *a*	Sugar, pounds	329,294,639	$6,834,103	8 per cent	$546,728 24
Costa Rica *b*	do, do	1,500	60		
Guatemala *c*	do, do	5,397,704	201,036	20 cents per quintal	10,795 41
San Salvador *f*	do, do	6,861,560	246,376	50 cents per quintal	34,307 80
China *c*	do, do	1,888,406	44,341	1 mace 2 card. per 100 catties	4,169 60
Danish West Indies	do, do	10,048,008	250,862		
Do	Molasses, gallons	238,514	40,692		
French West Indies *g*	do, do	26,288	5,258	1 franc per hectoliter	192 06
Do *gg*	Sugar, pounds	45,724,233	1,104,240	2.92 francs per 100 kilograms	116,712 54
British West Indies *d*	do, do	282,270,638	6,896,699	4½ to 14 cents per cwt. ($8.65)	218,003 66
Do	Molasses, gallons	997,394	150,245	1½ to 9½ cents per cwt. ($4.88)	4,780 37
British Guiana *c*	Sugar, pounds	34,118,761	909,923		
British Honduras *d*	do, do	1,722,773	50,717		
Hayti *a*	do, do	1,299,912	30,623		
Do	Molasses, gallons	7,564	1,120		
Dutch Guiana *c*	do, do	84,205	5,326	5 per cent	266 30
Do	Sugar, pounds	2,238,797	36,019	do	1,800 95
Dutch East Indies *c*	do, do	7,721,862	247,254	0.63 francs per 100 kilograms	4,258 89
San Domingo *f*	do, do	42,523,746	1,332,684	25 cents per quintal	106,309 37
Do	Molasses, gallons	113,337	16,034	1 cent per gallon	1,133 37
Cuba *f*	do, do	23,660,978	2,726,710	13 cents per 100 kilograms	153,475 45
Do	Sugar, brown, pounds	1,115,045,360	30,442,097	35 cents per 100 kilograms	1,770,236 37
Do	Sugar, refined, do	910	56	40 cents per 100 kilograms	1 44
Porto Rico *f*	Sugar, do	159,799,898	4,200,888	22 cents per 100 kilograms	159,466 47
Do	Molasses, gallons	6,039,923	1,213,709		
Philippine Islands *gg*	Sugar, pounds	179,503,732	4,307,438	13½ cents per picul of 140 lbs	173,092 88
Total			61,294,510		*h* 3,301,561 57

a Consular Reports No. 44, 1884. *b* Consular Reports No. 51, 1885. *c* Foreign Tariff Report No. 551, Senate, Forty-eighth Congress, 1884. *d* Bradstreet's, No. 397, February 6, 1886. *e* Annales du Commerce Eterieur, Paris, 1884. *f* Department of State, letter to Hon. JAMES O'DONNELL, M. C., of March 13, 1886. *g* Consular Reports No. 3, January, 1881. *gg* Messrs. Willett & Hamlen, brokers, 102 Wall street, New York. *h* Or 5.5 per cent. ad valorem.

This is not a sweet morsel to masticate and ruminate over. I am gratified, sir, that bill 1226 (the measure I have alluded to, and which I had the honor of introducing, as I have already told you) proposed to prohibit importations from the countries whose laws exacted this tribute. I was rejoiced to observe that the chairman of the Committee on Ways and Means, a gentleman whom I esteem, when he offered his tariff-reducing bill, took notice of that portion of bill 1226, and incorporated a segment of the many good things therein. I wish he had

embodied other propositions contained in that bill. I am obliged to the gentleman for the portion he did condescend to accept, while sorrowing over the omission to embrace the many other desirable features intended to promote the happiness of our people.

IN AID OF LABOR.

The passage of a bill like the one I have outlined will help solve the labor problem. Napoleon declared his sugar establishments gave employment to laborers who would otherwise be idle; that they organized and elevated labor. As we look over the land and behold those living in enforced idleness it is apparent something to bring about the ideas of Napoleon is speedily needed here. Disguise it as we may, Mr. Speaker and gentlemen, the legislative department of the Government must eventually settle this problem which has vexed the ages. Those who would gladly labor but seek in vain for occupation are looking to this Congress to devise means that shall lead to employment for the idle. They know they willingly aid the Government when it is in distress, and they have a right to believe the legislative department of their Government will project enactments to relieve them from the lamentable effects of the paralysis of trade which has stricken our nation. They do not want the Government to care for them, but they demand that their representatives in this free Republic shall at least take the same interest in the welfare of its citizens as the monarchies of the Old World exhibit for their subjects. To supply our people with home-grown sugar would give employment to many thousands who are now idle, but anxious to labor. Why, ten years ago France gave employment to seventy thousand persons in its sugar industries—the number is greater now—and Germany and the other beet-sugar countries have many thousands engaged in this occupation in its various channels. In the small output in California $150,000 per year is expended among workmen and farmers for labor and material. By supplying our own sugar it would not only be afforded cheaper to the poor man as well as the rich, but open an avenue leading to steady occupation summer and winter. By such law as I suggest you commence to allay the uneasy and dissatisfied feeling among those who toil and bring to them profitable employment and general content—a duty every government owes to its citizens. This will be the commencement of prosperity, the harbinger of the good times we all wish and hope for. They only ask you to plant the flower of prosperity; "the dew by which such blossoms are nourished is called the sweat of man's brow."

AMERICAN SCIENCE AIDS THE EFFORTS FOR CHEAP SUGAR.

Heretofore the effort to cultivate sugar in this country from sorghum and beets has been rendered almost nugatory by our imperfect methods for its extraction. This disadvantage is rapidly passing away, for American ingenuity and science have discovered means whereby 98 per cent. of all the sugar contained in sorghum, cane, or beets is speedily, easily, and thoroughly extracted and manufactured into an article which is merchantable. And the methods now employed leave no waste, but turn everything into value. Late experiments in Spain and in our own country prove that the system of diffusion and carbonatation will enable us to produce sugar at a low price and at the same time give us a good article. Step by step the sugar growers of this land are enabled to overcome every difficulty, and the late practical demonstration of the utility of the processes insures cheap sugar for Americans, grown on American soil, cultivated and manufactured by the workingmen and machinery of America. Now all that remains to bring about this great benefit and aid to progress is to pass the bill 1226, with the amendments I have suggested.

WHAT WE SHOULD DO.

Mr. Speaker, I have occupied a great deal of time on this question, which I regard as vital to the welfare of this country and its inhabitants. I trust the Forty-ninth Congress will give this subject that consideration it so well deserves, thereby initiating a measure to assist our people to produce an article that is indispensable to them and their comfort. In doing this you will not cripple the sugar-growers of the South, but, on the contrary, help them. Let us cease paying tribute to other governments; let us stop giving employment to laborers of other nations, and instead afford work for our own people; let us wipe out the taxes we collect on this esculent, and thereby lighten the burden on every dweller on our soil. As has been eloquently remarked in this Chamber, the God of nature has formed this land for man's enjoyment, and let man carry out the design of a wise Providence. Pass this bill 1226, enlarging its provisions, and you relieve distress, you promote prosperity, you augment industry, you bestow with bounteous hand the element of progress, giving employment to the unemployed, developing the nation's wealth and resources, benefiting alike the humble and the wealthy, adding to the comfort of every resident, helping the poor, in fact "making the hard way sweet."

Mr. Speaker, for the purpose of more generally informing the people on the nature of the processes of diffusion and carbonatation mentioned above, I desire to add a full description of each as obtained from the chemist of the Agricultural Department, a department not recognized to the extent it eminently deserves, and for this purpose append the same to my remarks.

The processes of diffusion and carbonatation.

DIFFUSION.

The process of diffusion is based upon the physical phenomenon known as osmose. When crystallizable and amorphous bodies are in solution and separated by a thin membrane from pure water or a less dense solution of the same substances, it is found that the crystalloid body passes rapidly through the membrane until the two liquids are practically equally saturated by it. The colloid body, on the other hand, tends to form an equilibrium much more slowly—so much so, indeed, that by the time the crystalloid has distributed itself evenly in the two liquids the colloid is still nearly all in the original solution. By a repetition of this process it is possible to effect an almost complete separation of the two bodies. In a sugar-producing plant the cell walls, within which the sugar is contained, are the membranes through which this osmose goes on. By bringing the finely sliced substance of such a plant into contact with successive portions of warm water almost every trace of the sugar passes out and the water passes in to take its place. It is thus seen that diffusion is quite different from maceration. In the latter process the material from which the extraction is to be made is first reduced to a pulp and the cell walls ruptured. The extraction is just as perfect in maceration as in diffusion, but soluble crystalloids and colloids are alike removed.

In practice the process of diffusion may be briefly described as follows: The cane is cut into thin slices not more than one-quarter inch in thickness. These chips are now carried to vessels called cells connected together with a rather complicated system of pipes and valves and together forming the "battery." Three of the cells are first filled with warm water. As the liquid passes from one cell to another it goes through a system of copper pipes surrounded with steam. This apparatus is called a "calorisator." By it the liquid can be raised to any required temperature. The cell having been filled with chips, the warm water is admitted. In the best arranged batteries, it enters from the bottom of the cell. As soon as the second cell is filled with the chips, the warm water is turned into the first cell entering from the top. This fresh water forces out the liquid in the first cell, which is already partially saturated with sugar, through the calorisator and into the second cell, entering again from the bottom. When the third cell is full of chips the fresh water is again turned into the top of the first cell, forcing its contents into the second but entering at the top of the second—and driving in turn the contents of the latter, still further saturated with sugar, into the third. This process goes on, the liquid entering every cell, except the one containing the fresh chips, from the top, until all the cells of the battery but two are brought into play. As is seen, the process is a continuous one. In a battery of ten cells, eight are always under pressure, one filling and one emptying. A moment's thought will show why the liquid should always enter from the top except in the case mentioned. In each case the charge of liquid which is to be forced out contains more sugar and is of a higher specific gravity than that entering. Coming in from the top, the *light liquor forces* the heavier out with a minimum of admixture, whereas, should the current set the other way the heavy liquor above would become so thoroughly mingled with the lighter juice entering from below that the object of the process would be largely defeated.

Allowing the liquid to enter the cell containing the fresh chips from below is merely a matter of convenience. Each cell is furnished with a valve at the top to allow the air to escape as the liquid enters. This device works better when the liquid enters from the bottom. To accomplish this, however, one extra set of valves has to be employed and therefore this arrangement is often omitted.

A study of the outline of the process given above will show that the juice which is drawn off to be sent to the defacators was taken from the cell last filled with chips; that is, it is the juice which is most highly charged with sugar. The cell which is emptied each time is at the opposite end of the line and contains the chips which have had sixteen successive diffusions, eight for the eight charges of juice drawn off, and eight for the successive transfer of juice from cell to cell.

CARBONATATION.

The process of carbonatation, in the manufacture of beet sugar, is conducted as follows: To the juices obtained by diffusion or pressure is added lime in the proportion of from 1½ to 3 per cent., according to the amount of impurities present. After thoroughly mixing, the limed juice is pumped into tanks which are furnished with a steam-jacket for heating the mass, and have, in the bottom, a coil of perforated pipe connected by an air pump with the source of carbonic acid, usually a lime kiln. The gas is now pumped through the juice until nearly all the lime has been precipitated in the form of carbonate. The temperature is now raised to the boiling point, which operation has the double purpose of causing the precipitate to settle rapidly and to decompose any sucro-carbonate of lime that has been formed, and which, being insoluble, would otherwise cause a loss of product. The carbonated juice is now sent to settling tanks or a filter press, and the clean juice is again mixed with lime, but not more than ½ per cent., and again carbonated until all the lime possible has been thrown down. After passing again through the filter press and also through the bone black, if desired, the juice is thoroughly purified, and is ready for the double or triple effect.

In applying this process to cane juices certain changes in it had to be made to suit the different nature of the juices to be treated.

Many of the impurities in cane and beet juices are the same, and hence, in general, what is true of the treatment of one can also be predicted of the other. But there is one radical difference. Beet juice contains no sugar which will reduce an alkaline copper solution, that is, none of those sugars commonly known as glucose. On the other hand cane juices, and especially those obtained from sorghum, contain a great deal of that substance. As is well known to chemists, lime, especially at a high temperature, acts vigorously on glucose, forming with it black and bitter compounds which would be likely to seriously interfere with the products, especially the molasses.

To avoid these dangers the experiments were conducted as follows: First of all the quantity of lime which was used was made as small as possible. Cane juices apparently require less lime than those of beets, and the maximum which it was found necessary to use was 1½ per cent. Next, the temperature was carefully looked after. It was found that if during the process of carbonatation the temperature was not allowed to rise above 40° C., no serious decomposition of the glucose took place. When all but two-tenths of 1 per cent. per liter of the lime was precipitated at this temperature the heat was applied and the liquid carried as rapidly as possible to the boiling point.

It is evident that all idea of a second carbonatation would have to be abandoned. Indeed, the filtered liquid of the first process afforded a juice which was remarkably pure, and which did not seem to require any further treatment.

It had been the hope of the chemist to try the process of carbonatation on a large scale in connection with the trial of diffusion, but when it was decided to make the diffusion experiment in duplicate he saw all of the available funds already engaged, and was compelled to give up the idea.

After reaching Kansas, however, he was informed by Messrs. Parkinson and Scovell that they had on hand an air-pump and tanks which could be fitted for carbonatation at small expense, and also filter-presses. When this was known it was determined to make the trial even at the risk of being somewhat short of funds for the two diffusion experiments. Accordingly a lime-kiln was built, connections made, and the experiment made.

The kiln was built of stone, 6 feet internal diameter at bottom, 2 feet at the top, and 2 feet high. It was lined with fire-clay brick. At the bottom three doors were

constructed for the purpose of removing the burnt lime. Three furnaces were also built, external to the kiln. These were constructed of fire-clay brick and were fed with coke. The limestone was put in at the top of the kiln as occasion required. The top was covered with a plate of cast-iron, having a circular door in the center which was removed when limestone was to be added or when the gas-pump was not working. Near the top two 4-inch pipes on opposite sides served to carry off the gases when the pump was in motion. Since these gases had a temperature of several hundred degrees on leaving the furnace it was necessary to wash and cool them before they passed through the pump and into the carbonating pans. For this purpose the gases, as they left the furnace, were conducted into an iron vessel, where they were brought into contact with a spray of cold water, which washed them of impurities and cooled them to a proper degree for use. Since the volume of gas was greatly reduced by the process, a single 4-inch pipe was sufficient to connect the washer with the air-pump.

When the process of carbonatation first begins large quantities of foam are formed, which, unless some means of preventing it are used, pours over the sides of the pan and produces considerable loss. To avoid this, some lard is added to the liquid, and near the top of the pan a steam pipe is placed with a row of small holes directed inward and upward. The steam issuing from these apertures into the foam prevents it from going over the sides of the pan. After the operation is once well under way no further trouble from foaming is experienced. Although all the apparatus except the kiln was improvised for the purpose, the success of the experiments was most gratifying, showing a product which for purity and flavor was far superior to that obtained by the ordinary methods. In addition to this it must not be forgotten that by the process of carbonatation all loss in scums is avoided. There is no skimming of the juice. All the impurities go down with the precipitated lime and the whole is collected in hard cakes between the plates of the filter-press, where, just previous to being removed, they are washed with a little warm water to extract any sugar they may contain. It is believed that in a factory working 150 tons of cane per day the saving in this respect alone for one year would be enough to pay the cost of an entire carbonatation apparatus.

The fact that sorghum cane yields a large amount of coloring matter to the diffusion juices alone renders the use of diffusion without carbonatation unsuitable to that plant. The process of carbonatation appears to entirely remove this coloring matter and the juice, which enters the carbonatation pans a dirty red, emerges from the filter-press a limpid and light lemon-colored liquor.

So much can not be said for the process in respect of the gums which sorghum juice contains or which are so readily produced in it by the mucous ferment, to which the diffusion juice is so obnoxious. Unhappily no method of removing these soluble gums has yet been discovered.

In conclusion, it can be said that the Department is much encouraged by the results of the experiments made, while it still realizes the many difficulties to be overcome before all the problems connected with successful sugar manufacture are solved. With the continued sympathy and support of those interested in the sugar industry and with that material aid which it can so justly and so hopefully ask of the Congress it seems reasonable to expect that the beginnings which have been made will lead to results alike creditable to the Department of Agriculture and beneficial to the country.

Mr. SEYMOUR. Mr. Speaker, whatever shape the present discussion may assume during its progress and before a final vote is taken, I believe that the practical question, the question in which the country is most interested, is the one to which our attention has been called by the President and the Secretary of the Treasury, namely, whether the present compulsory coinage of silver dollars shall continue or be suspended. At any rate I shall assume, as in duty bound in courtesy to the intelligence of this House, that a free-coinage act, freighted with all the dangers necessarily involved in it, will not be precipitated upon an unwilling country, and shall address myself to the arguments pertinent to the practical questions involved—arguments which, if worth anything for the purposes for which I shall use them, are of double value and significance against propositions for free coinage.

The discussion of the questions under consideration necessarily leads into the fields of conjecture. The situation is in many respects anomalous, and full precedents for action are hardly to be expected. Instead of the judicial temper which these facts ought to excite, a strong tendency is everywhere manifested in the opposite direction. A disposition is exhibited on the part of the advocates of the continued and unlimited coinage of silver dollars to denounce the motives of those entertaining a different opinion. They have not hesitated to speak of them as conspirators against the welfare of the country, as combined together to defraud and oppress the poor. They have accused them of covertly attempting to enrich themselves in violation of law and in the face of contract obligations.

The silver controversy has, by them, been described as a contest between the bondholders and those having fixed incomes on the one side, and the laborers, middle classes, and debtors on the other. The most unjust attacks have been made and the most dangerous passions appealed to. On the other hand those favoring a restriction of coinage are not slow to suggest that it is the selfishness of those interested in the production of silver metal and in putting and keeping it at an unnatural price, far above its intrinsic and commercial value, which has, to an extent, debauched public opinion until it is blind to the financial dangers which are threatened by its unlimited coinage. They insist that, under such debauched public sentiment, a large debtor constituency are clamoring for action which will in effect scale their indebtedness down by 20 per cent. or more, and clamoring for it, under whatever disguise, because it will thus reduce their indebtedness. So that instead of a conspiracy by the creditors against the debtors it is a conspiracy of the debtors against the creditors, which, if successful, may, indeed, temporarily help the debtor, but in the long run will injure even such debtor as only unsound financial measures can, and to every other poor man will be a savor of death unto death.

Having recourse to a very common expedient, the advocates of unlimited coinage assume in their arguments that all who favor present suspension are monometallists and favor the demonetization of silver. The object of such unwarranted assumption is not far to look for when we consider how much easier it is to attack an extreme view than to argue against a moderate and conservative view and how strong is the temptation to exaggerate the opinions of an opponent whose conservative opinions it seems difficult to attack. It does not require a financier to discover that the question whether we shall have dollars of different worth is very different from the question whether we shall have dollars composed of two different metals. There is no necessary connection between the two questions, nor is the policy of bimetallism attacked by disparaging the policy of continuing to buy silver far in excess of any demand for it as coin.

All sides in this controversy are agreed in one thing. All insist that no class of people is so deeply interested in the establishment and permanence of a sound financial policy as the poor and the men of moderate means. They are the men first to feel the dire effects of hard times and business stagnation. They feel it, not as the rich man does, in the necessity for sacrificing this or that article of luxury, but it comes to them in the shape of want, hunger, and distress. All sides ought also to be agreed in another thing, namely, to so shape legislation that the laborer may be protected against the evils incident to an unsound financial policy. And as prophecies are in order in this discussion, I prophesy that the laboring class will have bitter cause to regret it if the silvery stream is permitted to rise until it drives gold out of circulation and substitutes itself instead as our sole circulating medium.

The arguments in favor of a double standard for our currency, in the present condition of affairs, seem conclusive. I know it is assumed and asserted, as already suggested, that the opponents of free coinage are combined in favor of actually demonetizing silver and making gold the sole medium of circulation; yet, as every well-informed man knows, the assumption is gratuitous and the assertion unfounded. Both are made for the double purpose of exciting prejudice and furnishing an excuse for arguments which are utterly foreign to the real issue. Can any one be ignorant that one of the strongest reasons urged in favor of the present suspension of our coinage act is that it is a decided step which will do more to induce the countries comprising the Latin Union and other foreign nations to co-operate with us in measures looking to a common ratio between gold and silver, and to establishing internationally the use of bimetallic money, than any thing else we can do?

The argument in favor of bimetalism being conceded, no one contends that it is good policy to permit the two metals, of which our principal coins are made, to differ as between their intrinsic value and their coin value, if it can be helped or any more than it can be helped. Certainly it would be bad policy to enact, or permit to remain on the statute-book, laws which necessarily lead to that result, unless, indeed, some overwhelming necessity compels it. In a sound state of finances a gold dollar and a silver dollar will be of equal intrinsic value, and any wide departure from that equality must excite alarm. And, to quote the language of General Walker at the international monetary conference of 1878, "if there is any one thing which political economy declares with an unfaltering voice it is that the principal money, circulating in the hands of the people of any country, should be of full metalic value."

The act of February 28, 1878, commonly known as the Bland act, provided, among other things, that—

> There shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than two million dollars' worth per month, nor more than four million dollars' worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars, &c.

This law is believed, by the best financial talent of the country, to be subject to the objection just mentioned of contributing by its continued operation to a dangerous difference in the value of gold and silver money, thus exposing us to all the evils which result from such a situation. For this, and for other reasons which I shall shortly give, its suspension is demanded by a large, patriotic, and highly intelligent body of our fellow-citizens. On the other hand, its distinguished author and those who belong to his school of ideas not only defend the working of the present law, so far as it goes, but insist that its only fault is that it does not go far enough, and propose free and unlimited coinage of silver dollars as the true policy for the future.

I desire fairly to present the facts which the advocates of suspension consider pertinent to the discussion, to state the arguments drawn from such facts and the conclusions to which they naturally lead. I have no pet theory to vindicate, no constituency which desires anything but the best interests of the whole country and jealous regard for the welfare of the laboring man. While failing to participate in the more extreme anticipations of immediate danger from a continuance of the present law, yet I think it has proved to be an unwise law, one that continually leads toward danger and is sure in the end to bring disaster. The Treasury vaults, heaped up with silver dollars, pronounce in unmistakable terms against its necessity, and it stands in the way of that international concurrence respecting the ratio of gold to silver which is desired by all bimetallists in this country as the

surest if not the only means of preserving to both metals the monetary positions to which they are entitled.

Among the more significant facts to which the advocates of a suspension of coinage point as bearing upon the subject and influencing their judgment may be mentioned the following: In 1835, fifty years ago, the intrinsic value of the silver dollar, as measured by the equivalent of the gold dollar, was $1.012. In 1874 it was $1.004. Between those dates the variation was very slight, the highest point reached being $1.055 in 1865, and the lowest $1.003 in 1843.

In 1874 the value of silver began to fall. Various reasons are given for its decline. The action of Germany in demonetizing it and thereby throwing upon the world's market, as a commodity, the large amount which had theretofore been used as currency was no doubt a principal one. It was mainly such action on the part of Germany that decided the states which compose the Latin Union to first restrict the coinage of silver and then, in 1878, while we were passing laws for its compulsory coinage, to suspend it entirely. I have not heard such fall in the value of silver attributed to the enmity of the then administration, nor to hostile action on the part of our Government officials to prevent its circulation, though it is persistently asserted to-day that the assumed hostility of the present administration is a chief cause of its present depreciation. Nor have I discovered that the passage of the Bland act, though invoked on every hand, when under discussion as the great panacea for the surrounding evils, was of any effect in sustaining the value of the metal in whose interest it was passed. For in 1874 the intrinsic value of the silver dollar, measured by the gold standard, was 0.988; in 1875, 0.964; in 1876, 0.894; in 1877, 0.929; in 1878, 0.891; in 1879, 0.868; in 1880, 0.885; in 1881, 0.880; in 1882, 0.878; in 1883, 0.868; in 1884, 0.860; and in November, 1885, 0.805, with a still downward tendency.

As also pertinent to the discussion the further facts are suggested: That foreign exchange is calculated in gold; that gold is the standard of value in the foreign commerce of the United States as well as of the nations of Europe; that the countries from whence come more than four-fifths of our imports, and to which we sell all but a very insignificant portion of our exports, use the gold standard; that with free coinage of silver into legal-tender dollars there was a demand for the coinage of only $8,045,838 from 1793, when the first were coined, down to the year 1878, since when, under the unnatural law of compulsion, some two hundred and fifteen millions have been coined. The exact amount, as given in the recent report of the Treasurer, Mr. Jordan, was, October 31, 1885, $213,259,431, of which only $49,442,089 were in circulation, leaving $163,817,342 in the Treasury. Against this latter sum were outstanding silver certificates in circulation to the amount of $93,146,772, leaving in the Treasury $50,670,570. Or, if there should also be deducted, as some insist, the $31,906,514 of silver certificates which have been paid into the Treasury and are held as cash, on the theory that they will be paid out again and so require silver dollars to be kept in hand to redeem them, then leaving in the Treasury 18,763,956 silver dollars, or considerably more than double the entire number coined for the previous eighty-five years, and lying as useless as if the metal from which they were coined was still undiscovered in the mines.

Upon the question whether a portion of the silver dollars lying in the Treasury can in any proper sense be said to be in quasi circulation because of the outstanding silver certificates, it should be borne in mind that so long as such certificates are "receivable for customs, taxes, and all public dues," there is little likelihood of their being redeemed with silver dollars. So that practically the statement is correct that of the two hundred and thirteen million and over silver dollars coined since 1878 less than fifty millions are in actual circulation.

Another impressive fact is contained in the same report, namely, that during the past year, for the first time since 1878, notwithstanding the alleged increasing demand for the silver dollar, more of them were returned to the Treasury than were issued from it, the excess being $1,196,934. So there are now two silver streams running into the Treasury—one of fresh coined dollars, and another of dollars which, after a forced and feeble circulation of short duration, hasten back to the only place which is tolerant of them.

It also further appears that while the total amount outstanding has been increasing, up to the end of the year 1884, as the amount coined increased, yet the percentage of the outstanding to the total coinage has fallen from 30.8 per cent. in 1881 to 18.8 per cent. at the close of the fiscal year 1885, the strongest possible demonstration that we are coining faster than the demand warrants.

The Treasurer says:

> It is apparent that the execution of the coinage act is gradually converting the funds of the Treasury into standard dollars. Every exertion has been made to give an extended circulation to these coins, but without the success which the large expenditure incurred would warrant.

Now, Mr. Speaker, with these and other well-understood facts before them, the advocates of suspension argue that the silver dollar can not keep its proper relation with the gold standard if the compulsory coinage of silver continues, and much less if free coinage should be established; that the addition of two million silver dollars per month must necessarily result at last in the substitution of silver for all the gold the Government owns, it being hardly possible that the continued payment of that amount of gold for the required amount of silver should bear any other fruit; that hoarding of gold will then be in order, withdrawing it from circulation, putting it at a higher and higher premium, and finally resulting in a practical demonetization of it for domestic transactions; that when silver begins to approach gold in amount there will be a premium on the hoarding and export of gold measured by the difference of value of the two metals, a hoarding which has already commenced and the effects of which are already perceptible.

I know it is said, and truly said, that since 1878 the imports of gold have exceeded the exports by something like $20,000,000 a year and that we have a much larger stock of gold in the country now than then. All of which shows that the increase of silver dollars has not yet reached the point where it begins to drive gold out of the country faster than it comes in, and the disturbance has not begun. Even as, only the other day, this city was as undisturbed by the flood of waters as if the ice was not piling up beyond Georgetown to break into ruin and disaster only when more and more water should be added to the flood behind it, so except to the watchful eye of experience and anticipation our prosperity is not injuriously affected by the present accumulation of silver dollars, but the time must come if the present coinage is continued, and in the subtle changes of financial relations no one can tell how quickly, when the safe proportion between gold and silver money, already terribly out of joint, will be completely overthrown and the silver, as it has done before, will sweep everything away before it.

Mr. Speaker, these and the kindred arguments which are urged seem to me entitled to great weight and to be worthy of grave consideration, especially in view of the fact that the remedy for the anticipated trouble by a temporary and tentative suspension of compulsory coinage is so easy and safe of application. They are the arguments of men versed in the science of finance; men whose patriotism and unselfish devotion to the best interests of the country will survive all attacks upon their motives. Nor are they the arguments of to-day alone. Nor are the warnings first heard from this administration. The Secretary of the Treasury under the last administration, Mr. McCulloch, in his annual report for the year 1884, after discussing the subject of coinage and giving a table which he says shows that there was October 31, 1884, no surplus gold in the Treasury and that the reserve had been trenched upon, and that no plethora existed except of silver dollars, for which there was no demand, proceeds as follows:

> After giving the subject careful consideration I have been forced to the conclusion that, unless both the coinage of silver dollars and the issue of silver certificates are suspended, there is danger that silver, and not gold, may become our metallic standard. This danger may not be imminent, but it is of so serious a character that there ought not to be delay in providing for it. Not only would the national credit be seriously impaired if the Government should be under the necessity of using silver dollars in payment of gold obligations, but business of all kinds would be greatly disturbed; not only so, but gold would at once cease to be a circulating medium, and severe contraction would be the result. The United States is one of the most powerful of nations, its credit is high, its resources limitless; but it can not prevent a depreciation of silver unless its efforts are aided by leading nations of Europe. If the coinage of silver is continued in despite of the action of Germany in demonetizing it and the limitation of its coinage by what are known as the Latin nations, there can be but one result: silver will practically become the standard of value. Our mines produce large amounts of silver, and it is important, therefore, that there should be a good demand for it, at remunerative prices, for the outlays in obtaining it. The suspension of its coinage might depress the market price of silver for a time, but the ultimate effect would doubtless be to enhance it. * * * The very necessities of the commercial world will prevent a general and continued disuse of either gold or silver as money. The European nations which hold large amounts of silver must sooner or later come to its rescue, and the suspension of coinage in the United States would do much to bring about, on their part, action in its favor. But, whatever might be the effect of the suspension of the coinage upon the commercial value of silver, it is very clear that the coinage can not be continued without detriment to general business and damage to the national credit.

Thus spoke President Arthur's Secretary of the Treasury.

The present administration, with no uncertain sound, announces its participation in the same fears and emphasizes the same warnings. It will not avail to attack the President's motives nor to denounce him as engaged in a great conspiracy against silver. No attack could be weaker. The people have long since learned to respect his judgment and to honor his motives. He, in common with the thousands of practical financiers who hold the same opinions, may possibly be mistaken; but to accuse him of acting in the interest of bondholders and creditors against any less favored class is to be willfully blind to his entire public life and to confess the weakness of a cause that depends upon such methods for success.

The coinage of silver as provided for in the present law will, of course, operate more slowly in bringing about the anticipated evils than a free-coinage act would. But in the end the result will be pretty much the same. To be sure, under the present law, and it is an advantage in its favor as between it and free coinage, individuals can not purchase silver at say 80 cents and taking it to the Mint turn it into 100 cents by having it coined.

It has been argued during this discussion, either here or in the Senate, that the Government by buying at a depreciated price and issuing at par makes the difference and no one is the loser; that, therefore, in one sense the depreciation inures to the advantage of all citizens alike. But how does the Government make the difference? It issues what cost but 80 cents as 100, thereby making 20 cents; but it is obliged to take back "for customs, taxes, and all public dues" at 100 cents what is worth only 80, thereby losing 20 cents. And, besides, the argument

shows an entire failure to appreciate the advantage, nay, the financial necessity, of preventing, if possible, the metals which comprise a country's currency from parting company in respect to their values—a necessity which no authority upon the subject which I have ever consulted fails to insist upon. One who seriously makes the argument would no doubt consider it a supreme stroke of financiering if the Government, returning to wampum as a medium of commerce, should purchase shells at a penny apiece and issue them for dollars, thereby making 99 cents for each dollar issued.

The tables, to which reference has already been made, show that silver steadily continued to fall after the legislation of 1878, and, considering that it is the metal of one of our legal-tenders, that it has long since reached an alarming point of depreciation.

Mr. Speaker, this is not the first time in this country or in other countries that silver has fallen in its relative value to gold. It fell early in the present century owing to causes which will presently be suggested, and President Jefferson during his second term summarily and of his own motion ordered its coinage to be suspended. Mr. Upton, late Assistant Secretary of the Treasury, in a work recently published by him declares that Mr. Jefferson took this course in a crisis similar to the one upon which we have fallen, for the purpose of preventing the expulsion of gold coin by the cheaper silver, and to stimulate its circulation side by side with silver, in the importance of which he was as firm a believer as is the present Executive.

Professor Laughlin, in his History of Bimetallism in the United States, says that he can find no proof that the reason attributed by Mr. Upton for Mr. Jefferson's action is the correct one. It may be that Mr. Upton, knowing that gold was being expelled from circulation by the cheaper silver, knowing that the President suspended the coinage of the latter, and further knowing that there was a rally in silver from 1805 to 1813, inferred, without sufficient proof, that the step was taken for the purpose of preventing the further withdrawal of gold from circulation and arresting the further decline of silver. From 1805 to 1836 no silver dollars were coined. At the latter date the amount of silver dollars that had been coined for circulation was, all told, only 1,439,517. From 1836 to 1873 there were coined 6,606,321. From 1875 to the present that coinage has amounted to the enormous sum of two hundred and fifteen million silver dollars, and yet, let me again recall the fact, from 1836 to 1875 the intrinsic value of the silver dollar, compared with the gold, was, always, above par, while from 1873 to date it has always been below par.

I know the efforts that are made to explain away the significance of this showing; they are ingenious and varied, sometimes conflicting and almost always angry, but it must stand for what it is worth. Such depreciation can not be charged to the discontinuance of the coinage of silver dollars in 1873, because that act did not take away the legal-tender quality of those already coined but left them with all the properties they ever had. To be sure in 1874, by what was probably an error of the revising committee, the legal-tender attribute of the silver dollar was taken away for payments exceeding $5, but in 1878 that attribute was restored by the Bland bill, and the stimulus of an artificial and compulsory issue of not less than two millions per month was added. But to no purpose; it did not check the fall in value, as it must have done had such fall been due, as some fondly say, to the act of 1873. I have already suggested that an oft-repeated argument in favor of the Bland bill of 1878 was that it would put a stop to further depreciation and restore the proper relation between gold and silver.

A quotation from the remarks of Mr. Bundy, of New York, will illustrate the anticipations which were freely indulged in at that time. In speaking upon this point, he said:

> But, Mr. Speaker, while I am aware that silver to-day relatively to gold is at a discount I desire to negative the supposition even that I advocate the silver dollar as a cheap means of paying the nation's creditors. I am firm in the belief that silver should be utilized for other purposes than the arts and as a commodity, with merely commercial value, and that the restoring its usefulness as money will go far toward restoring its former value—the equal and superior of gold. And while I can not now go into the discussion of that topic I am convinced that but a short time will be needed to remove all possible infirmities of silver as a legal-tender coin.

The predictions of 1878 have not been fulfilled. Is there no other line of policy worth trying? Other countries are said to have resorted to the expedient of suspending its coinage to keep their silver coin from falling in value. The Secretary of the Treasury in his recent report to Congress cites the action of France to that effect as one.

The fears of those who favor present suspension of silver coinage in this country, that unless similar action is taken here the cheaper silver will drive out of circulation the dearer gold, and that the natural and historical consequences of such a condition will surely follow, are not unreasonable. To entertain and express such fears is not necessarily to conspire against the welfare of the country nor willfully to attempt to defraud the poor. Is it not a general rule established by experience that as between the different coins of the realm the cheaper metal tends to expel the dearer?

In our own country, at the beginning of the century, silver became cheaper than gold and a considerable amount found its way to the Mint. In 1809 1 pound of gold was worth in market 16½ pounds of silver, though the legal relation of 1 to 15 remained unchanged. So gold became a commodity; it was sent abroad to pay for imports, and silver became the circulating medium. Mr. Jefferson, as already stated, during his last administration, caused the coinage of silver to be suspended. In 1834 Congress changed the legal ratio of the two metals from 1 to 15 to 1 to 16 by reducing the weight of pure gold in the gold eagle from 247.5 grains to 232 grains. This made gold money cheaper than silver money, and the latter in its turn became the unit of account, and the cheaper metal, this time gold, drove the dearer out of circulation and silver became a commodity.

But I must hasten to conclude. With silver falling in value, with an enforced coinage of two million silver dollars a month, with no demand for them sufficient to put what are coined into circulation, with past experience and the united voices of statesmen and financiers warning us against the dangers likely to result from over silver coinage, with an easy remedy at hand, what shall we do? Shall we continue the present law, or, what is worse, extend its operations, and risk a financial crash which will silence the busy industries of the field and shop, or shall we seek to avoid the danger by suspending the present operation of the law from which so many disturbances are predicted?

As I said at the outset the discussion of this subject leads into the fields of conjecture. Possibly the predictions indulged in may not be fulfilled whatever course is pursued. Some new and unforeseen factor may intervene and change the natural current of events. But I do not understand how any thoughtful man can escape the conviction that there is danger, nor be unwilling to give credit to the disinterestedness of those who seek to avert it by safe action.

No public harm can come from suspending the coinage act until, at least, the dollars already heaped up are drawn into circulation and a demand for further coinage is felt by some one besides the producers of silver—a business demand which will indicate that the interests of trade are requiring it. And, what is of great importance just now when Germany is showing signs of interest in the matter, we shall, by such suspension, do much to force England, who, notwithstanding her gold standard, has great interest in the maintenance of silver as currency, but is content to let us fight the battle for silver so long as we are content to do it. We shall force her to become our ally in seeking to establish an international ratio between silver and gold, without which the fight can not be successful. If suspension is impossible, nay, if free coinage is possible, there is consolation in the reflection that our credit is so good and our resources so immense that the country can stand a great deal of unwise legislation and still survive long enough to repeal it.

Mr. Speaker, I can not better sum up the situation nor better present the fears which I entertain, and the arguments which compel me to entertain them, than by quoting a few words from the report of Mr. Cannon, Comptroller of the Currency—words admirable as well for their candor and moderation as for their sound reasoning and accurate inference. He said:

> The Comptroller, in his last report to Congress, stated that he believed the operation of the present law, which compels the coinage of two million standard dollars per month, weighing only 412½ grains each, with unlimited legal-tender quality, would eventually bring financial disturbance upon the country, and he is still of the same opinion. * * *
>
> The discontinuance of the coinage of the silver dollar by our Government might perhaps have a tendency to bring about some agreement with other nations and the fixing of a standard for a series of years. It is, however, evident that the coinage of the standard silver dollar under the present law is in excess of the requirements of the country and should be discontinued. If we continue to add these dollars to our circulating medium, and they continue to accumulate in the Treasury, the Government must of necessity pay some portion of its obligations in that coin; and if the Government should pay its interest and other obligations and redeem its bonds in standard dollars the business of the country would immediately go to a silver basis. What effect this would have it is difficult to predict. It would appear, however, that gold would go to a premium, which would compel its being held, to a certain extent, as an article of merchandise, and it would not circulate as money. This would probably occasion contraction in credits and financial disturbance.

Let no man deceive himself in this matter, nor yet be deceived by the persistent attempts to create class jealousies and to array capital and labor in a seeming conflict.

Nothing is more discouraging than the growing tendency to exaggerate rather than to lessen class distinctions, and to array men of different occupations against each other. I say men of different occupations, because in this busy country the really idle are so few that it would be ridiculous to make a significant class of them. Nearly all are laborers, and those who contribute nothing to the common wealth by the labor of the hand or the ofttimes more exhausting labor of the brain are of little account in the problem.

I do not understand why capital and labor are not alike interested in the proper solution of the question at issue. Self-appointed leaders of the workingmen are prating of cheap money. But money, even where there is no question of equivalency between two coin metals, may be too cheap; cheap enough to mean, to the very men whose cause they so ignorantly champion, dear food, dear fuel, and dear clothing.

The more abundant money is the less its relative purchasing power; and those who labor for wages, producing nothing to sell on their own account, while they may get more money in volume for their work when money is cheap, will find, by the law of natural compensation, that its purchasing power is diminished in proportion. And so those who produce to sell, while their products grow dearer as money grows cheaper, yet they too are subject to this general law of compensation

when they in turn are obliged to exchange the money they have received for their own products for articles produced by others.

There may most certainly, also, be a scarcity of money, as urged by the gentleman from Texas [Mr. MILLS] in his recent speech. A scarcity which, when it reaches a certain point, will produce all the evils so eloquently depicted by him. No one disagrees with him on that point or is second to him in deploring the disasters which such a scarcity might bring about. But neither asserting the fact nor deploring the consequent evils touches, or even tends to touch, the question at issue, except to beg it.

The real contention is whether, with our present stock of gold and silver money, the aggregate being, January 1, 1886, of gold, as estimated by the Director of the Mint, $553,810,148, and of silver $293,293,872—an amount so large as to shut out the argument of scarcity as an excuse for further coinage, at least until some way is found to entice silver dollars from the Government vaults out into the tide of circulation—I say the contention is whether with this stock on hand our compulsory coinage can be continued without dangerous results. It is a question upon which men may honestly differ, and I suppose do honestly differ, notwithstanding the persistent attacks upon motives which the latitude of debate in the present day seems to permit among gentlemen.

Mr. Speaker, there is a safe and happy mean between too much and too little money; between too much and too little of one kind of money in a bimetallic country which comes, if it comes at all, through the natural law of supply and demand, aided by such wholesome laws as experience may dictate and disinterested legislation enact.

As one anxious to advocate every such wholesome law, to the end that the prosperity of our country and the true interests of labor may be thereby advanced, I am compelled to favor the suspension of the coinage of silver dollars and to protest against any and all legislation in favor of free coinage such as is contemplated in the bill the adverse report to which is now under consideration—a bill which, if it should become a law, would, in my deliberate judgment, produce a financial panic which would involve every section of our beloved country in a common disaster.

Mr. WEAVER, of Iowa. Mr. Speaker, if I can get unanimous consent I wish to make a proposition to gentlemen who desire further to debate this question——

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] is entitled to the floor.

Mr. BURNES. I ask the gentleman to yield to me for a moment.

Mr. HEMPHILL. I will do so.

URGENT DEFICIENCIES.

Mr. BURNES. Mr. Speaker, I respectfully ask unanimous consent of the House to make a privileged report, which will not occupy more than a half minute's time of the House.

The SPEAKER *pro tempore*. The report, will be read, subject to objection.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations of the Government for the year ending June 30, 1886, and for other purposes, together with the amendments numbered 2, 6, and 7 of the Senate thereto, having considered the same, beg leave to report as follows:

That the House further insist upon its disagreement to the said amendments numbered 2, 6, 7 of the Senate, and ask a conference on the same.

Mr. REED, of Maine. What is the order under which the House is now sitting?

The SPEAKER *pro tempore*. The Clerk will report the order for to-day.

Mr. BURNES. I will state to the gentleman that this is contrary to the order heretofore made setting apart this day, and this report can be made only by unanimous consent.

Mr. REED, of Maine. I think it is hardly a fair proposition to put the onus of making an objection upon any individual member.

The SPEAKER *pro tempore*. The Chair will state that under the order of the House to-day the silver bill is made a special order for consideration and debate.

Mr. REED, of Maine. It is not our regular Saturday session for debate?

The SPEAKER *pro tempore*. No; the order is unlike that. Is there objection to the request of the gentleman from Missouri?

There being no objection, the report of the committee was considered and adopted.

The SPEAKER *pro tempore* announced as conferees on the part of the House Mr. BURNES, Mr. RANDALL, and Mr. MCCOMAS.

FREE COINAGE OF SILVER.

Mr. WEAVER, of Iowa. The suggestion I was about to make was this: That we do something to make this more of a debate than it can possibly be if we are to sit here for several days merely to listen to essays. I suggest that both sides yield to courteous interruptions and questions, in order to give this more the character of debate, and so as thereby to elicit the truth and the exact situation. I have no doubt the gentleman in charge of the bill will say on behalf of the silver men that his side are willing that the debate should be of the character I have suggested, and I ask gentlemen on the other side to concur in the suggestion.

The SPEAKER *pro tempore*. The Chair submits that that is a question which is under the control of the gentleman who occupies the floor for the time being as to whether he shall yield or what interrogatory he shall answer.

Mr. WEAVER, of Iowa. Certainly; but gentlemen who now know whether they are to occupy the floor can say whether they will object to interruption. What I desire is to have an understanding that an interrogatory shall not be considered an intrusion.

Mr. BLAND. There are a number of gentlemen who have not been heard upon this question and who are not present. The suggestion of the gentleman from Iowa is one that would have to meet the approval of every member who desires to address the House, and it could not be carried out except by the consent of all the gentlemen who are going to participate in the debate.

Mr. HEMPHILL. How much time remains to the gentleman who last occupied the floor?

The SPEAKER *pro tempore*. The gentleman from Connecticut [Mr. SEYMOUR] reserves the remainder of his time.

Mr. SEYMOUR. I yield it to the gentleman from South Carolina.

Mr. HEMPHILL. How much of the gentleman's time is yielded to me?

The SPEAKER *pro tempore*. Ten minutes.

Mr. HEMPHILL. I ask the Chair to notify me when I shall have occupied an hour. I desire to transfer the time now yielded to me to another gentleman.

The SPEAKER *pro tempore*. The gentleman from South Carolina will proceed.

Mr. HEMPHILL. Mr. Speaker, the question as to the financial policy of our Government as it relates to the present coinage of the precious metals is of the greatest possible import to the people of the whole country. It should receive deliberate and unbiased consideration. I may be excused for saying that it has not in my opinion been so treated by many of those who have addressed this Congress in favor of the further compulsory coinage of silver.

Instead of discussing this as a naked question of finance which should stand or fall on its own merits, the burden of their argument consists in an attack upon the honesty of the press, the patriotism of property-owners, and the good sense of the President and the Secretary of the Treasury.

The absolute want of proof on the part of these gentlemen in support of such charges they attempt to supply by the strength of their assertions and the vehemence of their denunciation and abuse of those who dare to differ with them in opinion. They ought to know and remember that the hard names they apply and the cruel manner in which they attempt to hold these people up to the contempt of mankind do not answer the points made against them and contribute nothing to the solution of the great problem before us. And whatever may be the motive of such speeches—and as to that I say nothing—the effect is to prejudice the minds of the people against the President and those who with him seek some wise and conservative settlement of this momentous question; they tend to forestall public opinion, and to stampede the people into the adoption of a policy that many prudent men believe will work to their everlasting injury.

But the gentlemen on the other side have not been more reckless in their charges than in the statement of the issue now pending before this Congress. They reiterate that it is a question of the demonetization of silver. They do not show that any measure is pending for that purpose, or that any one here advocates such a doctrine. On the contrary, no such bill has been before the committee, none is pending in the House, and no man has advanced such a notion on this floor.

The real problem is this: The Secretary of the Treasury being now by law compelled to coin two millions of silver dollars per month, whether the business of the country requires it or not, it being confessed that silver bullion is, and has been for a number of years, continually depreciating in value; that in the opinion of many thoughtful and patriotic citizens we are threatened with a fall from a gold to a single silver standard of value, thus throwing gold to a premium and putting $600,000,000 of this metal out of circulation, with the attendant loss and ruin, the question is, what, if anything, can be done to avert this calamity, and if possible restore the two metals to an equivalency and have them both float as money.

But four expedients have been suggested, and these I will endeavor to discuss.

First. To continue the present compulsory coinage of silver at the rate of $2,000,000 per month irrespective of the demands of business or the laws of trade.

Second. To establish free and unlimited coinage of silver for all comers.

Third. Require the Secretary of the Treasury to keep in his vaults at least $20,000,000 as a reserve fund, and whenever the requirements of trade or the wants of the people reduce that sum then a sufficient amount shall be coined to restore it.

Fourth. To suspend the compulsory coinage now; or if preferred, suspend at a future day, with a provision for a commission in this latter case to secure an international bimetallic union if possible.

In all of these the silver already coined is to remain in circulation as full legal-tender money.

In any discussion of this question it should be remembered that while we have as a circulating medium gold, silver, national-bank notes, and Treasury notes, the last two are not really money but merely representatives of money, and that the only genuine money is that which has an inherent value of its own. That alone is real money which does not depend for its value on law but on the precious metal that is in it, so that its real value is equal to its legal value, and whether minted into money or melted into bullion it is worth the same thing.

The standard silver dollar as now coined by this Government has neither a dollar's worth of silver in it nor is it even a promise to pay a dollar in the future. And every time the Government buys in the market 80 cents' worth of silver and stamps it as a dollar and pays it out to one of its citizens as such it stamps a falsehood on the face of its own coin and wrongs the man to whom it is paid.

It would be equally as honest and as just to purchase 80 cents' worth of gold, falsely stamp it as containing 100 cents, and pay it out as a dollar. Shall we continue to require the Secretary of the Treasury to perpetrate this gross injustice, and by forcing this cheap money on the country run gold to a premium, put the coin of this metal, amounting to over $600,000,000, out of circulation?

We might as well recognize the fact that there are certain laws of finance as fixed and invariable as the laws of the physical universe, and while various collateral forces may obstruct for a time their easy operation still their general trend and current remain always the same. One of these is that the cheaper money in circulation will eventually drive out the dearer. No one may predict the exact time when this will happen, but experience shows that its eventual occurrence is certain. Some of our friends seem to think that this rule is not applicable to us; that by some means or other Congress has been strong enough or smart enough to repeal Gresham's law, and they point to the fact that silver though only four-fifths of the value of gold still floats with it at par. But the question is how long will this continue, for what length of time will silver be able to resist this power that tends continually to pull it down to its real level?

A man may inflate a balloon with gas and send it high up into the heavens, and as it proudly floats above the clouds he may point to it as conclusively showing that there is no such law as that of gravitation tending to draw all things to the earth, or that he had successfully set it at defiance. But if unusual pressure come upon his machine, or the inflated surface be pricked, the gas escapes and the whole thing collapses and falls to the ground, with the theory of its master, in a tremendous crash and in obedience to the very law he was just proving to his own satisfaction had no existence. The same unhappy fate will attend upon those who deny the principles of Gresham's law or think we shall escape its operation.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Yes, sir.

Mr. WEAVER, of Iowa. I wish to ask the gentleman by what standard he measures the value of the silver dollar when he says it is only worth 80 cents?

Mr. HEMPHILL. I shall come to that directly, and show that by the statutes of the United States a "unit of value" has been fixed; and if we judge the silver dollar by the standard we have fixed for our own convenience, this is a legitimate argument and a necessary consequence of the standard we have established.

Mr. WEAVER, of Iowa. But the law the gentleman refers to was passed before the passage of the Bland act. The Bland act virtually restored the silver dollar as a unit of value the same as the gold dollar.

Mr. HEMPHILL. I do not see how the law can virtually restore 80 cents to be a dollar, when you have the statute to which I have referred unrepealed.

Mr. WEAVER, of Iowa. By what law is the silver dollar only worth 80 cents?

Mr. HEMPHILL. You can take a dollar of silver or of gold and buy 80 cents worth of silver and make a dollar of it.

Mr. WEAVER, of Iowa. If you can do that, is it not worth a dollar?

Mr. HEMPHILL. It is not, from the simple fact that it costs the Government 80 cents and costs the people a dollar.

Mr. WEAVER, of Iowa. Then it is all right if they can pass it for a dollar.

Mr. HEMPHILL. We will come to that directly. But the function of money is not merely to pass from one man to another.

Mr. McCREARY. Will the gentleman permit me a question?

Mr. HEMPHILL. Yes, sir.

Mr. McCREARY. Is it not true that some thirteen years ago the silver dollar was worth 103 cents in gold?

Mr. HEMPHILL. Yes, sir.

Mr. McCREARY. Was there any desire then to have the gold dollar recoined so as to put it on a par with silver?

Mr. HEMPHILL. I do not know that there was any such desire.

Mr. McCREARY. If we should cease to agitate the question, is there not some hope that the silver dollar may become equal in value with the gold dollar?

Mr. HEMPHILL. Some people have that hope, and others have not. The sentiment of the country is divided on that subject.

Mr. TILLMAN. Will my colleague permit me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. TILLMAN. Can the Gresham law operate on any money that pays debts and taxes?

Mr. HEMPHILL. My notion about money is this: that it is not only the measure of value but that it is in itself value; it is wealth itself. And the man who has a gold dollar has that the metal of which is worth 100 cents; and he can store it away, and one hundred or fifty years hereafter it will be worth what it pretends to be. But a man who has a silver dollar is compelled to take it at 100 cents when it cost the Government 80 cents. And if you take away the support of the United States statute which makes a man take it, and it falls to 80 cents, the man who has a dollar in silver loses 20 cents while the man who has a gold dollar loses nothing.

Mr. PERKINS. May I ask the gentleman from South Carolina a question?

Mr. HEMPHILL. Yes, sir.

Mr. PERKINS. What is it that makes the gold dollar worth 100 cents?

Mr. HEMPHILL. The inherent value of gold.

Mr. PERKINS. Then how was it in 1873 when the silver dollar was worth more than the gold dollar?

Mr. HEMPHILL. The real question is, can we ever bring it back to the same point.

Mr. BROWN, of Pennsylvania. Was it not the effect of the law demonetizing silver which put gold up and silver down?

Mr. HEMPHILL. There are a great many things which have helped to keep silver down. One is the great fuss you are making to persuade people to take it against their will.

Mr. WARNER, of Ohio. Will the gentleman yield to me?

Mr. HEMPHILL. Yes, sir.

Mr. WARNER, of Ohio. As the question of the Gresham law is an important one will my friend state——

Mr. WADSWORTH. Mr. Speaker, I object to these interruptions.

Mr. WARNER, of Ohio. I do not know that the gentleman from Kentucky is entitled to object if the gentleman from South Carolina yields.

Mr. WADSWORTH. I would like to hear the gentleman from South Carolina proceed with his own discussion of the question.

Mr. WARNER, of Ohio. I presume the gentleman from South Carolina is his own keeper. I do not know that he has placed himself under the special charge of the gentleman from Kentucky. The gentleman from South Carolina has alluded to the Gresham law——

Mr. WADSWORTH. Have I a right to object?

Mr. WARNER, of Ohio. I do not wish to interrupt the gentleman from South Carolina unless it be agreeable to him. I quite agree in Gresham's law when it is correctly stated, and I ask the gentleman what he understands by Gresham's law.

Mr. HEMPHILL. I understand by it that eventually the cheaper money must drive out the dearer. That is the general proposition.

Mr. WARNER, of Ohio. Quite true. But to what extent? Will a million dollars drive out a hundred millions of dollars?

Mr. HEMPHILL. Oh, no.

Mr. WARNER, of Ohio. Correctly stated; then, will not the cheaper money drive out the dearer to the extent of its own volume, but no more?

Mr. HEMPHILL. I do not know but that is so.

Mr. WARNER, of Ohio. I think there is no question about the correctness of Gresham's law as I have stated it.

Mr. HEMPHILL. The only question is as to the extent of its operation and what its effect will be.

Mr. WARNER, of Ohio. No, not quite that. The only question then is, the extent of the cheaper money. It will drive out the dearer to the extent of its own volume. A hundred millions of cheaper money will drive out a hundred millions of dearer money; two hundred millions of cheaper will drive out two hundred millions of dearer; but your present silver coinage, if no more be added, can never drive out the gold now in circulation, under Gresham's law.

Mr. HEMPHILL. I agree with the gentleman. If we coin no more we shall be safe, but suppose we go on coining silver?

Mr. WARNER, of Ohio. If you add a hundred millions of silver suddenly, then, undoubtedly, that will expel a hundred millions of the dearer money, but only a hundred millions.

Mr. HEMPHILL. I do not say that it is going to drive out every bit of it, but it will drive out a great deal, and if he can not have two kinds of money, one worth only 80 cents and the other 100 cents, though both are called dollars, and as we have been using for fifty years the kind which is worth 100 cents to the dollar, wherein is the benefit to the people from the proposed change? Why not keep the gold, as we have it here?

Mr. WARNER, of Ohio. Will the gentleman yield further?

Mr. HEMPHILL. I think I had better go on.

Mr. WARNER, of Ohio. I will not use the gentleman's time unless he is willing to yield.

Mr. HEMPHILL. I should be perfectly willing to yield, but for the reason that it takes up so much time and does injustice to gentlemen who are to follow me.

Mr. WARNER, of Ohio. I understand that. I am perfectly satisfied.

Mr. TILLMAN. Will my colleague allow me to state more fully what I meant by the question I asked him a while ago?

Mr. HEMPHILL. Certainly.

Mr. TILLMAN. Measured by the gold standard of value, it is estimated that the gold dollar is worth about $1.25 as compared with the silver dollar, putting that at 100 cents. The gold dollar therefore is regarded by some to-day as more valuable and it is commercially more valuable than the silver dollar. The silver dollar, again, is much more valuable than the greenback or than the national-bank bill; and yet the greenback, or the national-bank bill, or the silver dollar, or the gold dollar, either one of them will equally pay a debt or a tax. If that be so, how does Gresham's law operate upon either of the four, as long as either of them is a dollar with which a debt or a tax can be paid?

Mr. HEMPHILL. In answer to that, I would say that the greenback and the national-bank note do not pretend to be real money. No man accepts them under the impression that they are real money, because they bear stamped on their faces the promise of the Government to pay real money in the future. Therefore, a man who takes a national-bank note or a greenback does not take it relying upon its inherent value; he relies upon the credit of the Government. But the man who takes a gold or a silver coin stamped by the Government as a dollar has a right to rely upon the honesty of the Government, and to expect that the coin which is thus stamped by the Government as a dollar is worth 100 cents, and if it is not, he is fooled as many wise men have been. Therefore, I say, and the gentleman from Ohio [Mr. WARNER], who agrees with you upon the silver question, admits, that if we continue to push these silver dollars upon the country they will drive out so many gold dollars.

Mr. WARNER, of Ohio. Provided nothing occurs to absorb the extra coinage. But if population increases at such a rate as to call for fifty millions additional money, then those fifty millions will not drive out any gold.

Mr. HEMPHILL. That is a matter about which there is a difference of opinion.

The history of gold and silver money in this country proves the existence and effect of this great principle.

From 1792 to 1834 the ratio of the two metals established by law in the United States was 15 ounces of silver to 1 of gold, whereas the world's ratio was 15½ of silver to 1 of gold. That is, the value of the silver in our coin being comparatively less than in any other country drove gold out of circulation and we were on a single silver basis all these years.

In 1834 Congress undertook to readjust the ratio between the two metals and fixed it at 16 to 1, the world's standard in the mean time continuing at 15½ to 1. The result of this change was that gold coin became comparatively less valuable here than elsewhere and drove silver out of the country, and we have been since that time on a single gold basis.

These changes in the influx and efflux of the two metals were effected by a statute relating simply to their nominal value. How much more certainly must the same result follow from the laws of finance operating upon their real value.

That this has been the experience of the country is admitted by gentlemen on the other side. A distinguished Senator from Louisiana [Mr. EUSTIS], in a speech on this subject recently, said that—

> From 1792 to 1834 we had a silver period; from 1834 to 1853 and from 1853 to 1873 we had a gold period, and it was for this reason that in 1834 the fineness of the gold dollar was changed, and in 1853 the fineness of the subsidiary coin was changed, so that its debasement amounted to nearly 6 per cent.

And the gentleman from Texas [Mr. MILLS], who now pleads so eloquently for the double standard, beside other similar admissions was led to state in his recent speech on this floor that—

> The fact is we have never been a double-standard country, much as it has been talked about on this floor and elsewhere. The United States has been a single-standard country, but laboring all the time under the delusion that it was a double-standard country.

Whether the people of the United States have been under a "delusion" I am unable to say; but this is certain, they have been prosperous and happy in the past; they have made great strides in the development of the wonderful resources of this magnificent country, so that the extent of their business is now almost beyond computation, and this has been accomplished confessedly under the single standard of value. There can be neither justification nor excuse for forcing on the country a monetary policy directly in the teeth of all our past history, and which, in the opinion of many of the most prudent men of the land, threatens to unsettle values, disarrange business, and stop the wheels of progress, simply for the purpose of maintaining a financial "delusion" among the people, whom we are under the most solemn obligations to serve honestly and openly.

Those of our citizens whose memories go back for twenty-five years, to the war period, need no further reference to history for proof that gold will soon disappear when a cheaper currency is forced into circulation, and that instead of serving the people as currency it will become an article of merchandise to be manipulated by the gamblers of Wall street.

Now, while I would be glad to see the two kinds of coin floating together at par in their proper spheres and ratio, and will support any measure that will produce that result, still if we must have the gold or silver alone, in the future as in the past, I prefer the former—

First. Because according to the estimates there is in the world $3,780,000,000 of silver money, $3,220,000,000 of gold coin—being about 54 per cent. of silver as against 46 per cent. of gold; while 769,000,000 people use silver alone as against 93,000,000 that use gold alone. If this money is distributed in any degree according to population, there must necessarily be a much larger proportion per capita among the gold-using people than among those using silver. And if we can have but one metal we should adopt that which will give to us the largest amount per capita to our population.

Mr. WARNER, of Ohio. Where does the gentleman get those figures?

Mr. HEMPHILL. I have taken them from Mr. REAGAN'S speech. I thought the best way to deal with this question was to take up the arguments which the gentlemen who advocate compulsory silver coinage have put off upon us here, and see whether they were really as weighty as they were claimed to be by those who put them forth.

Mr. WARNER, of Ohio. I was only asking the gentleman's authority for the statistics he read.

Mr. HEMPHILL. I understand. I do not suppose that any man who is in favor of forced silver coinage ever makes a mistake, and therefore I have taken these figures from the speech of the gentleman from Texas [Mr. REAGAN].

Second. In our own country we have over $600,000,000 of gold and only something over $200,000,000 of silver. Estimating our population at 50,000,000 we have $12 of gold per capita as against $4 of silver. We have been confessedly a gold-using country since 1834, and certainly no sufficient reason has yet been assigned for such a change in our policy as will bring us to another standard and reduce our metallic money to one-fourth of its present volume. In such an event what is to become of the great debtor class of the country of whom we have heard so much? Has any plan been yet suggested by which they can make one dollar do the work of four? Gentlemen should pause and reflect on this unless they intend to grind the face of the poor and crush these people to the dust of the earth.

Third. Gold is the standard of value in those nations from which we received 87 per cent. last year of all our imports, and to which we sent more than 92 per cent. of all our exports. The price of cotton, which is the chief export product of all our Southern country, is in a large degree measured by the market in England, and hence it is of supreme consequence to our farming interests that we should not have a different standard of value from that by which our great staple is measured. If our farmers are to be paid for their cotton in silver at a discount of 20 per cent., as compared with gold, the day of their prosperity is, in my opinion, forever gone.

The relative value of silver and gold will be fluctuating in the future as in the past. The cotton-buyer must make an allowance for this and will be very apt to put himself on the safe side; and by the time a deduction is made from the value of the cotton for freight, insurance, storage, sampling, mending, weighing, and for the difference in value between silver here and gold in Liverpool, there will be little or nothing coming to the seller.

And I appeal to the gentlemen who represent Southern constituencies on this floor to consider well before they adopt a policy which bids fair to turn over the great body of the agriculturists of that portion of our country to the tender mercy of speculators and money-sharks.

Fourth. The nations of the earth have been divided according to their monetary standard as follows: Great Britain, Germany, Norway, Sweden, Denmark, and Portugal as gold standard countries; the United States, Colombia, Venezuela, Chili, Uruguay, Paraguay, Greece, Holland, Belgium, France, Switzerland, Italy, Spain, and Japan as bimetallic gold and silver standard countries, and Russia, Austria, Egypt, British India, Mexico, Central America, Ecuador, and Peru as silver-standard countries. A very slight acquaintance with history will suffice to show that in those in which gold is the standard civilization, riches, prosperity, and happiness much more abound among all classes than in those using silver as the standard.

Fifth. Gold is much the most valuable and the most stable of the two metals.

It is said, however, that gold and silver have not parted company. But it can not be denied by any one that gold and silver bullion are daily getting apart in value, and that the silver that was worth 90 cents when the present law was enacted is now worth less than 80, and is continually depreciating. And as it is impossible for any two men standing back to back to walk in different directions and not part company so is it impossible for two metals to continually separate and still keep

together. The two men may separate slowly and reluctantly, still if they keep moving they must eventually come to the distance when the eye and voice of the one will no longer reach the other. So these two metals have put distance between them slowly, but with an unvarying step they have grown apart for years, and it is only a question of time when the bonds of the law that now bind the coins of the two will be powerless to longer hold them together.

If that day ever comes, then the cheaper money must become the money of account and the standard by which all values shall be determined; the prices of all property of every kind, that have been for over fifty years gauged by one standard, must be adjusted to the new one; the products of the farm, factory, and shop must be sold upon a different basis; the wages of labor must be arranged by a different measure and the business of the country adjusted to the new prices. In the midst of this confusion legitimate business will stand still, for prudent men will not risk their means when no calculation can forecast the results. The shrinkage of values that will follow, the depression of business that will ensue, and the suffering of the poor, whose daily employment must supply their recurring wants, will be fearful to contemplate.

A great deal has been said in this discussion in denunciation of the stock-jobbers of Wall street; but let it be remembered that if there is one thing that these people long for and delight in more than another it is in a fluctuating and uncertain market. If it does not exist naturally they endeavor to make it by creating "corners" and other like operations. It should also not be forgotten that the immense fortunes in this country gathered into the hands of a few people, and which rise up in such threatening proportions, were made almost without exception during and subsequent to the war, when gold was at a premium and the business of the country was conducted on a cheap and fluctuating basis of value. That was the heyday of millionaires, and nothing will contribute more to the same baneful result than for Congress to afford them the same opportunities.

Some persons are bold enough to claim that silver is not depreciating, and strenuous effort is made by figures of arithmetic and figures of rhetoric to prove that this is so.

It seems to me that this question can be readily settled so far as this country is concerned. The act of Congress of February 12, 1873, declares that the gold dollar shall be the "unit of value" for the United States. This was a deliberate settlement of the "unit of value," by which, as a standard, the ratio of all other money should be determined. Measured by this standard, the silver dollar is only four-fifths of the value of the unit dollar, although it is stamped as if it were a real dollar. Now, it is conceded on all sides that the silver in a silver dollar was formerly worth as much as the gold in a gold dollar, and that now it sells for 20 per cent. less. To hold that this is not a depreciation from the universal standard fixed for the United States is a palpable and manifest error.

No one would be bold enough to contend that when the bushel is fixed upon as the unit of quantity or the yard-stick as the unit of length that 3 pecks should be forced on people as a full bushel or 30 inches as a good yard; and yet that is just as reasonable and as honest as to say that 80 cents is a full dollar.

A distinguished citizen of this country and a strong friend and supporter of silver recently said in a letter to the gentleman from Ohio [Mr. WARNER] that—

It is not fair or reasonable to insist that 412½ grains of silver shall make a legal-tender dollar when, for the reasons above stated, its intrinsic value is far less than the gold dollar, the unit of value which we ourselves have established.

Mr. WARNER, of Ohio. Will the gentleman allow me a question at this point?

Mr. HEMPHILL. Yes, sir.

Mr. WARNER, of Ohio. Has not the demonetization of silver gradually augmented the value of gold?

Mr. HEMPHILL. That may possibly be one of the results, but I do not think the——

Mr. WARNER, of Ohio. Then the gold standard is not the same standard or measure that it was ten years ago; it has itself been altered by the demonetization of silver.

Mr. WEAVER, of Iowa. By legislation.

Mr. WARNER, of Ohio. By legislation.

Mr. HEMPHILL. Well, if we mean to act honestly we ought to repeal the statute or else have the money conform to it—one thing or the other.

Mr. WARNER, of Ohio. I quite agree with the gentleman.

Mr. HEMPHILL. As long as we have this unit of value it is unfair to force people to take something which is not equal to that unit.

Mr. WARNER, of Ohio. I quite agree with the gentleman. But when he said a while ago that that act was deliberately passed, did he weigh the word "deliberately?"

Mr. HEMPHILL. Yes, sir.

Mr. WARNER, of Ohio. Does not the gentleman know that there were not probably fifty persons, out of the whole population of the United States, who knew that that act was being passed?

Mr. HEMPHILL. Does not the gentleman from Ohio [Mr. WARNER] know that this matter was called attention to in the report of the Comptroller of the Currency three times, and that the bill was submitted to over thirty gentlemen in different parts of the United States, and does he not know that it was reported upon by a committee of the Senate, and that 500 extra copies were printed for the Treasury Department for distribution throughout the country? Does he not know that it was printed thirteen times by order of Congress, was here at five different sessions; and does he not know that two gentlemen referred to these facts in speeches upon this floor?

Mr. WARNER, of Ohio. I do not.

Mr. HEMPHILL. Well, if you do not you had better go and find out the facts.

Mr. WARNER, of Ohio. I know that the facts are not as the gentleman states them. The fact is that while a certain bill was printed, this provision of the law came in in a conference report, and hardly anybody heard of it until it became a law, and the President who approved the bill did not know that this provision was in it, as he afterward stated.

Mr. HEMPHILL. Well, the people at large can not be held responsible for the stupidity or the ignorance of the President of the United States, whoever he was at that time—I do not remember.

Mr. WARNER, of Ohio. General Grant was President.

Mr. HEMPHILL. This thing is certain, that the people are not to be held responsible for the negligence or the ignorance of their representatives, except as they may be responsible for sending Representatives here who did not understand their business. This measure was for a long time in this House, it was put in print and was spoken of upon the floor of the House, and if people will not look and see what is before them, I do not know that others should be blamed for that.

I continue the quotation from this silver man:

* * * If the silver men are not blind they must see that, measured by our own "unit of value," 412½ grains of silver are worth much less than they were twenty years ago, and that it is gross injustice to attempt to force the depreciated dollar into the currency.

But silver has not only declined here as compared with our unit of value; it has depreciated in all the markets of the world.

The following table, prepared by the Director of the Mint, shows the ratio of silver to gold each year since 1687:

Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.	Year.	Ratio.
1687	14.94	1727	15.24	1767	14.85	1807	15.43	1847	15.80
1688	14.94	1728	15.11	1768	14.80	1808	16.08	1848	15.85
1689	15.02	1729	14.92	1769	14.72	1809	15.96	1849	15.78
1690	15.02	1730	14.81	1770	14.62	1810	15.77	1850	15.70
1691	14.98	1731	14.94	1771	14.66	1811	15.53	1851	15.46
1692	14.92	1732	15.09	1772	14.52	1812	16.11	1852	15.59
1693	14.83	1733	15.18	1773	14.62	1813	16.25	1853	15.33
1694	14.87	1734	15.39	1774	14.62	1814	15.04	1854	15.33
1695	15.02	1735	15.41	1775	14.72	1815	15.26	1855	15.38
1696	15.00	1736	15.18	1776	14.55	1816	15.28	1856	15.38
1697	15.20	1737	15.02	1777	14.54	1817	15.11	1857	15.27
1698	15.07	1738	14.91	1778	14.68	1818	15.35	1858	15.38
1699	14.94	1739	14.91	1779	14.80	1819	15.33	1859	15.19
1700	14.81	1740	14.94	1780	14.72	1820	15.62	1860	15.29
1701	15.07	1741	14.92	1781	14.78	1821	15.95	1861	15.50
1702	15.52	1742	14.85	1782	14.42	1822	15.80	1862	15.35
1703	15.17	1743	14.85	1783	14.48	1823	15.84	1863	15.37
1704	15.22	1744	14.87	1784	14.70	1824	15.82	1864	15.37
1705	15.11	1745	14.98	1785	14.92	1825	15.70	1865	15.44
1706	15.27	1746	15.13	1786	14.96	1826	15.76	1866	15.43
1707	15.44	1747	15.26	1787	14.92	1827	15.74	1867	15.57
1708	15.41	1748	15.11	1788	14.65	1828	15.78	1868	15.59
1709	15.31	1749	14.80	1789	14.75	1829	15.78	1869	15.60
1710	15.22	1750	14.55	1790	15.04	1830	15.82	1870	15.57
1711	15.29	1751	14.39	1791	15.05	1831	15.72	1871	15.57
1712	15.31	1752	14.54	1792	15.17	1832	15.73	1872	15.63
1713	15.24	1753	14.54	1793	15.00	1833	15.93	1873	15.92
1714	15.13	1754	14.48	1794	15.37	1834	15.73	1874	16.17
1715	15.11	1755	14.68	1795	15.55	1835	15.80	1875	16.59
1716	15.09	1756	14.94	1796	15.65	1836	15.72	1876	17.88
1717	15.13	1757	14.87	1797	15.41	1837	15.83	1877	17.22
1718	15.11	1758	14.85	1798	15.59	1838	15.85	1878	17.94
1719	15.09	1759	14.15	1799	15.74	1839	15.62	1879	18.40
1720	15.04	1760	14.14	1800	15.68	1840	15.62	1880	18.05
1721	15.05	1761	14.54	1801	15.46	1841	15.70	1881	18.16
1722	15.17	1762	15.27	1802	15.26	1842	15.87	1882	18.19
1723	15.20	1763	14.99	1803	15.41	1843	15.93	1883	18.40
1724	15.11	1764	14.70	1804	15.41	1844	15.85	1884	18.57
1725	15.11	1765	14.83	1805	15.79	1845	15.92	1885	19.41
1726	15.15	1766	14.80	1806	15.52	1846	15.90		

In these three hundred years silver has fallen greatly in price as compared with gold. In 1687 it required 14.94 ounces of silver to buy one of gold, whereas now it takes 19.41 ounces to pay for the same thing; *i. e.*, it requires about one-third more silver than in the first-named year.

The decline in the value of silver has been attributed to many causes. The most potent of these probably, in its immediate effect, is that Germany, France, and other nations lately associated with France, have ceased to coin it.

In this country, however, nothing has contributed more to its decline than the extreme efforts that are here made to put it into circulation by force.

Mr. WARNER, of Ohio. But I thought that "Gresham's law" circulated the cheaper metal; that it was the cheaper metal that went without pushing.

Mr. HEMPHILL. "Gresham's law" is like all other laws—like the law of gravitation——

Mr. WARNER, of Ohio. Subject to exceptions?

Mr. HEMPHILL. No; not subject to exceptions; but there are many things that come into operation upon a question of this character; and it is a great mistake to say that any man can fix a date when "Gresham's law" will come into operation.

Mr. WARNER, of Ohio. Is it not in operation all the time?

Mr. HEMPHILL. Yes; it is in operation all the time; but when it will show its effects is another thing. I will ask the gentleman why this silver money does not get into circulation throughout the country. Will the gentleman answer?

Mr. WARNER, of Ohio. I am glad of an opportunity to answer.

Mr. HEMPHILL. If the gentleman can answer I shall be glad to hear him.

Mr. WARNER, of Ohio. It is just the opportunity I want. The silver money and all the other money in the Treasury—$200,000,000 in excess of the demand liabilities of the Government—is there as surplus revenue gathered from taxes. It can only go out by appropriations of Congress or by payments on the public debt. If the gentleman from South Carolina would bring here all the wealth of his State he could not get $100 out of the Treasury for it.

Mr. HEMPHILL. That is very true.

Mr. WARNER, of Ohio. That is why it does not circulate. It is collected there by taxation, and locked in. Your Treasurer can not pay it out. "Gresham's law" can not haul it out.

Mr. HEMPHILL. We will see after a while whether the Treasury Department has not used every effort to put it out, and whether it is not the fact that the people will not take it. I think I shall be able to show that the people return this silver just as fast as it is put out.

Mr. WARNER, of Ohio. One hundred and seventy-four million dollars of debt are now due. The payment of the debt will take it all, and much more.

Mr. HEMPHILL. The history of mankind does not show that good money requires any power behind it; it goes on its own merits; and when business men hear the Representatives on this floor so earnest in their efforts to push this silver they become suspicious and reluctant, and begin to inquire if the white metal is really as good as the yellow, as is pretended. Such inquiry is apt to be fatal to the acceptance of the silver.

It is contended, however, that the silver dollar still passes as such at its nominal value, although its real value is much less. This is true, and it has deceived many people, and therein lies an element of the grossest injustice to the citizen. Whatever be the nominal or law-given value of coin over its intrinsic value is pure inflation. It is to that extent "fiat money." The legal value of our silver dollar is maintained for the time above its real value by the act making it a legal tender; so that one-fifth of its value rests solely upon the act of Congress, and the only assurance the citizen has that this fictitious value will continue even for a time is the faint hope that Congress will continue of the same mind on this special point that it was in 1878, but of a totally different mind from what it was in 1873. So that if Congress shall at any time withdraw the legal-tender function of the silver dollars they will at once fall to their real value, and every citizen of the Republic owning silver coin would find that in the twinkling of an eye his money had fallen 20 cents on the dollar, and what was one day worth 100 cents would the next be worth only 80.

Mr. BROWN, of Pennsylvania. That is prophecy.

Mr. HEMPHILL. Has such a thing ever happened?

Mr. WARNER, of Ohio. No.

Mr. BROWN, of Pennsylvania. It has not happened; and you can not prove it.

Mr. HEMPHILL. Let us see. The trade-dollar was by the act of 1873 made a coin of the United States and a legal tender for any sum not exceeding $5. From 1873 to 1878 it was the only silver dollar coined at our mints. In 1876, when $15,400,000 had gotten out and into the pockets of the people, Congress deprived them of their legal-tender quality, the Treasury refused to receive them, and they are worth now in consequence only about 85 cents on the dollar. I ask whether that is not the proof?

Mr. BROWN, of Pennsylvania. That is demonetization.

Mr. HEMPHILL. That may be demonetization; but it is taking away the legal-tender function.

Mr. WARNER, of Ohio. Certainly.

Mr. HEMPHILL. If you restore the legal-tender function of the trade-dollar it will command as good a price as the standard silver dollar.

Mr. WARNER, of Ohio. There is no doubt about that.

Mr. BROWN, of Pennsylvania. And if you demonetize gold where will it go?

Mr. HEMPHILL. We are talking about silver. I say, so far as that is concerned, you can get 100 cents for your gold dollar in Liverpool to-day.

Mr. BROWN, of Pennsyvania. But suppose all the commercial nations of the world should treat gold as silver has been treated, does the gentleman presume to say that silver would remain down and gold would continue to be where it is?

Mr. HEMPHILL. That is the point exactly. We are trying to run this country on a silver basis as if we were the only nation on earth, as if we could manage this financial question all our own way. Gentlemen say that if other countries would do with gold what has been done with silver, gold would go down. That may be true; and it is the fact that the action of other countries does affect the value of these metals that makes it so important for us to act in concert with them instead of trying to control the price by our solitary action.

Mr. BROWN, of Pennsylvania. The gentleman who preceded you [Mr. JAMES] showed that other nations—Germany and England—were already moving in the direction of remonetizing silver on account of the present status of this question.

Mr. HEMPHILL. England is very late coming to that conclusion. She has been about eighty years finding out the proper policy on this question. And there are some pretty smart people in England.

Mr. BROWN, of Pennsylvania. And some people worship England more than they do America.

Mr. HEMPHILL. That applies, I suppose, to those who change their minds on this subject—who used to be for gold and are now for silver.

In 1873 Congress refused to recognize the standard silver dollar as one of the coins of the United States, although it had been such for eighty years, and in 1874, with $8,000,000 coined, deprived it of its legal-tender quality. In 1878 it began to coin it again, putting in 90 cents' worth of silver, and to-day it puts in less than 80 cents to the dollar. This is now a legal tender and is received at the Treasury. The Government, then, is in this very peculiar and anomalous condition of receiving at its Treasury one of its dollars containing 412½ grains of silver, and repudiating another containing 420 grains of the very same metal. It multiplies its inferior coin at the rate of twenty-four millions annually, while it refuses to recognize its better money already coined. And it has been stated, how truly I am unable to say, that the Government has at one time or another, in the past thirty years, repudiated every coin of its issue from the copper cent to the double eagle.

In view of such varying and illogical conduct on the part of the Government and the loss thereby of millions already sustained by our citizens, is it any wonder that the people are slow in taking these dollars when they realize that one-fifth of their value rests wholly upon the action of Congress? And those of us who desire to see the country enjoying an honest and stable currency can not be blamed if we insist that the people shall be provided with a coin that is really what it pretends to be, and that depends for its value upon the metal that is in it, and not on the varying notions of an ever-changing Congress.

Mr. WARNER, of Ohio. The gentleman has been so kind in yielding to interruptions that I can not resist the temptation to ask another question.

Mr. LONG. Then the gentleman's time ought to be extended.

Mr. WARNER, of Ohio. We will do that. The gentleman says that one reason why the people do not accept the silver circulation is because 20 per cent. of the value of a silver dollar is the result of legal tender and because the people have doubts whether it will remain permanently at the present figure. Now, I ask, do the people hesitate to take greenbacks, the entire value of which depends, according to the gentleman's theory, upon their legal-tender quality? If they hesitate to take silver because 20 per cent. of its value is dependent on legal tender, why do they not hesitate still more to take the greenbacks, the whole value of which rests on that basis.

Mr. HEMPHILL. The greenback has the promise of the Government behind it. A man can take a greenback to the Treasury and get gold dollars for it.

Mr. WARNER, of Ohio. But the promise of the Government is to pay in these very silver dollars.

Several MEMBERS. Oh, no.

Mr. WARNER, of Ohio. There is no promise of the Government to pay the greenbacks in gold.

Mr. HEMPHILL. If you put behind the greenbacks a dollar which is not worth more intrinsically than the greenbacks, the people will refuse to receive them, and very properly.

This question has been discussed by some gentlemen as if money was only a measure of value, as the yard-stick is the measure of length. But this is a misleading statement of the true characteristics of money. Real money, in addition to being the measure of wealth, is itself wealth, and the citizen who has $1,000 in good money is as rich as one who has $1,000 of any other property. It is not enough to say of money that it will pay debts by force of the United States statutes. We ought to be able to affirm that its true value is the same as that at which the citizen is compelled to accept it. Anything less than this is not honest.

Many thrifty and economical people in this country, far removed from banks and centers of trade, annually lay aside from their hard earnings some gold and silver coin against the day when they shall be no longer able to earn their living. It is but fair that they should know that the silver coin bearing the Government stamp, and which they have stored away, is not really worth what they were compelled to accept it at, and that they are liable at any time to see their dearly-bought savings melting away before their eyes like the snow before the summer's sun.

Mr. WARNER, of Ohio. But under "Gresham's law" silver is the money that ought to circulate.

Mr. HEMPHILL. That is the only law under which it ought to circulate; it ought not to circulate under any law of the United States.

Mr. WARNER, of Ohio. But the gentleman says it does not circulate, and still insists that the "Gresham law" is in force.

Mr. WEAVER, of Iowa. The gentleman from Ohio [Mr. WARNER] does not controvert the proposition I am about to state, and I do not know anybody who does. If the value of the silver dollar is to be measured by the gold dollar we concede that it is not as valuable as the gold dollar; but we claim that the gold dollar is not the proper measure.

Mr. WARNER, of Ohio. I can not quite agree to that. [Laughter.]

Mr. HEMPHILL. The gentleman from Ohio does not agree with the gentleman from Iowa.

Mr. WEAVER, of Iowa. Yes, he does agree with me that gold is not the proper measure of the value of the silver dollar.

Mr. WARNER, of Ohio. Certainly; that is right. I agree with the gentleman so far.

Mr. WEAVER, of Iowa. That is all that I said.

Mr. HEMPHILL. What is the measure?

Mr. WEAVER, of Iowa. The measure is that which the Constitution provides. The Constitution of the United States says that Congress shall have power "to coin money and regulate the value thereof." It must be regulated by law, not by the bullion market.

Mr. LONG. The law says that gold is the unit of value.

Mr. WEAVER, of Iowa. The law said that before the Bland dollar was coined. When the Bland act was passed it virtually provided that gold and silver should be the unit of value.

Mr. WARNER, of Ohio. The unit of value is not the same thing as the standard of value.

Mr. WEAVER, of Iowa. No.

Mr. HEMPHILL. One thing is true: whenever you fix a unit, that is a measure.

Mr. WARNER, of Ohio. Not necessarily a measure.

Mr. HEMPHILL. Certainly. What is a half-dollar but half the unit? What are two dollars but double the unit?

Mr. WARNER, of Ohio. The unit might have been made, as Robert Morris suggested, the cent, the one-hundredth part of a dollar. In the foundation of our Mint and our coinage system it was seriously contemplated to make the unit a cent instead of a dollar. A unit is the single thing in a monetary system. The value of silver, let me say, is what it will buy.

Mr. BYNUM. I insist that the gentleman from South Carolina shall be permitted to proceed without further interruption.

Mr. HEMPHILL. I will do so, if gentlemen will permit.

I can conceive of no harder fate than that these good people should be deceived by their own Government, and in their old age, instead of enjoying the means which they so frugally gathered up, they should find themselves turned adrift upon the cold charity of this world to eat the bitter bread of dependence. We have now before this House a petition signed by the representatives of over a million laboring people, praying this Congress to save them and their fellows from this cruel fate.

Honest money for honest people is all we ask, and it is what the public has the right to demand.

No doubt those of our countrymen, good and true men, who entertain this view will be greatly astounded to know that they are denounced here as greedy, avaricious gold monometallists—money-sharks and conspirators, not only against their own countrymen but against the whole human race. But it is pleasant to note that there are a number of Representatives upon this floor who are willing to advocate this great principle of honesty in money notwithstanding the bitterness of the invective and denunciation by the gentlemen upon the other side.

It appears from the official sources that from July 1, 1878, to June 30, 1885, we coined over two hundred million standard silver dollars, and that the profit to the Government was over $25,000,000. When we remember that the Government is supposed to be doing this for the benefit of the people, and that the actual expense of coining is only 1½ cents per dollar, it does seem that there must be something radically wrong and rotten in a financial system by which the Government makes a clear profit of $1 in every $8 for simply stamping the bullion.

It is said, however, that this profit is not lost, but goes into the public Treasury. That is true, and the enormous amounts that go into the public Treasury is one of the stupendous evils of this day. The riches of a nation should be in the pockets of its people, and not in the treasury of its government. And it is peculiarly hard upon our people to pay as much as they do in taxes into an overflowing Treasury and then have the Government make a net gain of many millions for simply coining their money.

The clear profit of coining a million legal silver dollars at the present price of silver bullion is $200,000. Does any man believe that with such a reward at stake men will be able to resist the temptation of illegal and counterfeit coinage? Even if the United States has no citizens to engage in this enterprise Canada and other adjoining countries can furnish them, and no doubt this country is already bountifully supplied with this unwarranted coin.

Have the judgment and predictions of the gentlemen who first advocated and passed the present law and who still ask the country to follow their lead been verified in experience? They prophesied eight years ago with great earnestness, with great fallacy, but no doubt with equal honesty, that silver would soon equal gold in value, and, in fact, would exceed it. But the 90 cents in the dollar, instead of becoming 100, has fallen to 80. What a satire upon the financial wisdom of these gentlemen!

The present law as a scheme for furnishing a sure and reliable market for the sellers of silver bullion has been quite a success; but as a plan for the restoration of silver to an equality in value with gold, it must stand out as one of the magnificent failures of this age.

It seems, according to the view of the distinguished gentleman from Texas [Mr. MILLS], the past and present devoted advocate of the Bland act, that notwithstanding our efforts to restore and maintain the bullion price of silver we find ourselves to-day in a more pitiable condition in that respect than any nation on earth. This is his melancholy confession:

> Why, silver is dearer in Europe than it is here. Every kind of silver is higher in Europe, higher in India, higher in every country on the earth than it is here, whether it is coined silver or manufactured silver or bullion silver.

So that we are in the humiliating position of having followed for eight years a financial policy under the leadership of these gentlemen that is worse than vain.

A very strenuous and persistent effort has been made to give out the impression that all those who do not favor the further compulsory coinage of silver are gold monometallists and working for that metal only. The truth is, that many of the most distinguished advocates of silver are earnestly favoring the suspension of the present coinage.

Mr. Cernuschi, an able friend of bimetallism and the author of a number of works on this subject, concludes a recent treatise as follows:

> So long as the bimetallic treaty proposed in 1881 by the United States and France is not accepted either by England or by Germany, not one silver 5-franc piece should be coined in France, not one silver dollar should be coined in the United States. In no form, under no pretext, should silver currency be increased, neither in France nor in the United States.

Mr. S. Dana Horton, one of the ablest and the most extensive writers on this subject, a strong bimetallist and a delegate from this country to both the international conferences in Paris in 1878 and 1881 to establish a bimetallic union, favors the suspension of the present coinage and says that the chief obstructionists to an international agreement are these men who insist upon the continuance of the present law.

Mr. Walker, consul-general of the United States at Paris, who attended a meeting of the delegates of the Latin Union in 1885, is of the same opinion; and even the gentleman from Ohio [Mr. WARNER] admits "that the present situation is not satisfactory, is not logical or consistent with sound monetary principles."

It must be apparent to any one who will view the question without prejudice that as long as the United States will continue to coin silver, and run all the risk of financial disaster by attempting to float two metals of different values, other nations will very willingly let us do it. If we will take care of the cheaper and depreciating metal they will content themselves with the better one. And every day we continue alone this coinage we postpone by that much the chances of an international agreement by which alone can we ever hope to swing the par of the metals and maintain them at a fixed and permanent ratio.

The second plan proposed for the remedy of the evils we are now suffering from is that of free coinage of silver to all comers. It ought to be a sufficient answer to this proposition to say:

First. Bimetallism in the sense of free coinage of both metals is no longer of force in any country of the world.

Second. If silver coinage be made free, then any and every person in any part of the world having 80 cents' worth of silver could have it coined into a dollar which our citizens would be compelled to accept at its full nominal value, but which would be taken only at 80 cents in any other country on the globe.

Here it would pass at its nominal value, anywhere else at its real value. Are we prepared to turn our citizens over to the speculators and gamblers of every nation on earth?

Mr. Horton, above quoted, expressly warns us against such a plan. He says:

> The task for European monetary diplomacy was, how to maneuver the United States out of its adhesion to the policy of bimetallic union, and into the scheme of coining silver without limit all alone.

Such a policy would, in my opinion, bring us with greater rapidity than even the present law to silver monometallism, and while this is the manifest and logical result of the plan in such high repute among some gentlemen on this floor, it would be so clearly unjust and detrimental that it has not yet found one acknowledged advocate.

No one has pretended to claim that in India or Mexico, or in any other portion of the world where silver coinage is absolutely free and open, the bullion is now or has been for a number of years on a par with gold. They give us no reasons to believe such a result will be produced here; and when we remember that the price of silver is confessedly affected by the action of foreign countries which our legislation can not control, it must be manifest that we can not singly and alone hope to control the silver market. Considering the millions of people interested and the immense business to be affected, we can not afford to undertake free coinage now without some data to base a judgment upon,

relying simply upon the prophetic vision of some sanguine spirits, whose predictions in the past have not tended to inspire us with confidence in their present efforts.

Third. If the compulsory coinage be dangerous, and the free and unlimited coinage still more perilous, it would seem the dictate of sound sense to adopt some other policy.

A bill is now pending in this House which provides that the Government shall keep in its vaults a reserve of 20,000,000 silver dollars, and if at any time the requirements of trade or the wants of the people reduce this amount, then the Secretary of the Treasury shall purchase bullion and coin a sum sufficient to replace the amount drawn out. In this way the Treasury would serve as a great reservoir from which this money could be drawn by any of the legitimate demands of business, and it would seem that it ought to be satisfactory to any reasonable man on the other side. It would avoid the compulsory features of the present law, and would practically test the vexed question as to whether or not the people really prefer silver money to gold or paper. If they do, as many contend, this will create a demand for silver bullion in our own markets which will increase its price and tend to bring it nearer to an equality with gold. By this means we may possibly reach the day when our silver dollar will be inwardly what it is outwardly, and when it will go from hand to hand on its own merits, not relying any longer upon the compelling force of a United States statute.

Fourth. If the above plan be not acceptable, then we should either suspend now or at a future day, say one or two years hence, and provide for the appointment of a commission of able financiers and diplomats, who in the mean time should endeavor to secure the agreement of other nations to coin silver with us on a fixed ratio. With such an arrangement we could probably control the price of silver bullion, and thus be able to continue its coinage without danger. This plan I know has the approval of some of the ablest friends of silver and bimetallism, men of unquestioned ability and character, true friends of silver and the best interests of the country, who realize that the present headstrong course of coining silver at a ratio not now nor heretofore used by any other nation on earth is only putting an insurmountable obstacle in the way of the final and satisfactory solution of this problem.

A great deal has been said by the gentlemen on the other side, in the treatment of this question, who modestly assume to be the only representatives of the people on this floor, about the rich man and the poor man, claiming that gold is the money of the former and silver of the latter.

It is exceedingly unfortunate that there should be a tendency to divide our people along the line of wealth, and thus create a prejudice of one class against another. A far better way to judge a man is by the size of his soul and not by the size of his pocket. If he is an honest, patriotic, and upright citizen he is just as much a man whether he has one dollar or many. I can see no reason why a poor man should be paid in a different dollar from his rich neighbor. Wherein lies the justice of paying one class of our citizens in a dollar, the gold in which is worth 100 cents in every part of the world, and another set in another dollar, the silver in which is worth only 80 cents, but which they are compelled to accept by force of their own laws?

I wonder that any man is found bold enough to advocate such a nefarious doctrine.

There seem to be some men, however, in this world so excessively and exuberantly fond of the poor man that they are willing to make him poor and keep him poor just that they may have the pleasure of gushing over him and talking about him in public. But they never go any farther. If he etxends his penniless hand in want they drop into it a tear or a few well-turned sentences of unalloyed demagogism of standard weight and fineness, and with these they expect to satisfy his wants. [Applause.]

If we take some of the speeches we have heard from the other side about the poor man and strip them of their eloquence, rhetoric, declamation, and denunciation, whatever may be the intention their policy is to pay the toiling millions of this country for an honest day's labor in a dishonest dollar. And the cold winds of winter are not more chilling or more unkind than are these men who would treat these poor people in this cruel manner under the flimsy pretext of doing them a kindness.

I believe if the great body of the people of the country apprehended the facts connected with this issue and understood what was being done in their name they would repudiate the whole thing as a sham and a humbug.

The poor people of this country are entitled to as good a dollar as anybody, and if my vote will help to give it to them they shall certainly have it. As it is now, what costs the Government 80 cents costs them 100, and yet that is called honest.

The people at large, so far as I can see, desire an honest and stable currency, and in an amount sufficient for the legitimate business of the land. There is no reason for saying that they prefer silver to any other money; in fact the figures show that they do not. Let us see.

From 1792 to 1873 there was absolute free coinage at the United States mints for silver bullion to all comers, and yet in that long period there was only coined eight million silver dollars; that is to say, $100,000 a year under free coinage as against twenty-four million a year under the present forced coinage. Is it not strange that during that three-fourths of a century when we were getting the merest pittance of silver dollars that no cry came up from the people demanding more? The truth is that during the greatest portion of that period the owners of silver bullion could ship it to France and other European nations, and have it coined at a profit of 3 per cent. over coining it here, and so long as that continued we were left to take care of ourselves. But when the mints of European countries were closed against silver, and it began to depreciate in price at once, and so suddenly, a great hue and cry starts up that the people are demanding the coinage of silver dollars. And some of our friends on the other side have presented to our astonished vision a beautiful picture of the "silver king" and the poor man marching arm in arm on the high road to prosperity. It is a splendid exhibition in fancy of that fraternal affection that we all long to see existing between the different classes of citizens, but when stripped of its rhetorical surroundings and adornments it only means that one man has 80 cents' worth of silver that he wants to palm off on the other for a dollar. [Applause.]

In order to get this silver money out of the Treasury and into circulation the Government has paid and continues to pay the charges of transportation from the mints or Treasury to any part of the United States. It does not pay such expenses on any other money.

From the last report of the Treasurer it appears that the amount of silver dollars shipped from the mints to various points to June 30, 1885, was $96,000,000, of which there only remained outstanding on that date $38,000,000, and that the cost to the Government of moving these coins was $430,313.76, and that the holders paid more to get it back into the Treasury than the Government did to get it out among them. That can hardly be called a much-desired coin when the people will pay more to return it to the vaults from whence it came than it costs the Government to get it out.

Last year the amount of this money coined was $28,528,552, and of this sum the Treasurer succeeded in issuing $16,627,691, at a cost to the Government of $62,985.40; but there was returned to the Treasury in the same time $17,824,625, so that the result of the year's operations was that the people had returned to the Government $1,196,934 more than they had taken, and it had cost the Treasury over $62,000 to accomplish it. The Secretary of the Treasury in his recent letter says:

I have labored to promote the circulation of silver with unremitting energy. I have pressed its circulation at a constant expense to the Treasury when other forms of lawful money could have been circulated without such cost. I have pressed its circulation at the expense of the United States notes (ones and twos), which, as fast as redeemed, have been reissued only in larger denominations. I have pressed its circulation at the expense of the circulation of national-bank notes. I have upheld its value by never compelling its receipt by any creditor of the Government, and never failing to provide by exchange or transfers whatever currency might be preferred.

But, notwithstanding these strenuous efforts and this heavy expense, the total amount of silver in actual circulation is only 18.8 per cent. of the total coinage, and there is over $79,000,000 in the Treasury to-day neither in circulation nor represented by certificates.

Now, see the absurdity of the claim that the people prefer the silver dollar to any other, when the Government pays the expense of shipping it to them and yet there remains over $79,000,000 in the Treasury that nobody calls for.

Some of the speakers have argued that, owing to the scarcity of gold, as they contend, it was necessary to coin the silver even at its present market value, in order to supply the country with a sufficient circulating medium.

But is it a fact that gold is becoming scarce? In a recent article on this subject by one of the most distinguished students and statisticians of this country it is estimated that the amount of gold in use per capita of the world's population is $3. That taking the increase of population at fourteen millions per annum, and the gold product for the year at $95,000,000, he finds that $7.50 is the gold increase in a single year per capita of the increase of population. That is, gold dollars have increased two and a half times as fast as the population, and the gold product of the mines for 1884-'85 would supply each person born into the world in that time with as much gold as the average above stated and leave a surplus of $43,000,000 to go into the arts.

Has it decreased in this country? Let the following table, furnished by the Director of the Mint, and accepted and used by the gentleman from Texas [Mr. REAGAN], answer this question.

Statement showing the estimated amount of gold and silver coin and bullion in the United States on the 1st of January each year from 1878 *to* 1885 *inclusive.*

Year.	Gold coin.	Gold bullion.*	Total.
1878	$218,000,000	$10,671,164	$228,671,164
1879	273,000,000	5,275,424	278,275,424
1880	327,000,000	61,634,318	388,634,318
1881	395,000,000	95,260,851	490,260,851
1882	487,000,000	87,977,602	574,977,602
1883	524,000,000	51,981,432	575,981,432
1884	552,000,000	66,406,346	618,406,346
1885	563,000,000	63,422,646	626,422,646

* In mints and New York assay office.

This shows that we had on January 1, 1885, nearly three times as much gold as we had seven years prior to that, and sets at rest all theories as to gold growing scarce in this country.

It is said, however, that we are endeavoring to demonetize one-half the debt-paying money of the world and to reduce by one-half the value of all the property in the universe. This is certainly a sweeping and a grave charge.

But let us examine the facts. Silver constitutes 54 per cent. of the metallic money of the world; it is used to the exclusion of gold by seven hundred and sixty-nine millions of people, and in conjunction with gold by one hundred and eighty-seven millions more; it is not proposed by any one to deprive the silver already coined of its full monetary use; the total annual output of the silver mines of the United States, of which we only coin one-half, is comparatively so small that it would not pay for one-half the hen eggs yearly consumed by our own people; and the laws of this Congress on silver coinage or anything else do not operate beyond the limits of our own country. In view of these simple and undeniable facts is it not absolutely absurd to accuse any one of seeking to demonetize one-half the metallic money of the whole universe simply because it is proposed to stop coining silver until some plan can be devised to maintain its value? Is it to be expected that the hundreds of millions of population in India, Russia, Mexico, and other countries in which silver is the only metallic money in use, who are thousands of miles away from us, are to surrender their only coin because of any act of this Congress? Some gentlemen appear to have an abnormally developed conception of the powers of this body; but while they may be and are great, they do not extend beyond the ability to save or ruin our own financial and commercial affairs.

There is not the faintest ground to suppose that silver will cease to be used as money; for if we should never again coin an ounce of it there are many nations on the earth, with a population ten times as great as ours, using silver alone, who will gladly purchase the entire products of the mines at its full market value and change it into coin for their own use.

Does not the other proposition, that this is a plan by the rich moneylenders to reduce the property of all the world by one-half of its value and double the value of gold and by this means oppress the poor, appear equally untenable? The poor are not one-tenth part as much interested in maintaining the value of property as the rich. Look for a moment at the hundreds of millions of dollars invested in real estate in our great cities, in the long lines of railways, steamship companies, coal mines, iron mines, and manufacturing establishments. Do these belong to the poor? If not, what earthly reason can be assigned for the rich working to reduce all this property to one-half its value? Under this theory we would expect to find the stockholders of a great railroad heavily burdened with outstanding bonds and mortgages, as all of them are, deliberately devising a plan to reduce the value of their property one-half and doubling the time and labor required to lift the debt under which they are laboring. It is safe to assert that the history of mankind furnishes no example of such extreme folly.

This class of arguments bear their own refutation stamped upon their face. They are nothing but very transparent financial bugaboos, that do not even rise to the dignity of universal contempt.

Let us look for a moment at the prosperous nations of the earth to learn, if we may, something from their experience in this matter. It is a well-known fact that no silver has been coined in Great Britain since 1816; in Germany since 1871, and in France since 1879. Has any man been reckless enough to assert that silver money in these countries has been "struck down" or destroyed; that gold has been doubled in purchasing power or property reduced to one-half its former value. On the contrary, the gentleman from Texas [Mr. REAGAN] has proved most satisfactorily that silver still floats at par with gold and other currency notwithstanding the action of these Governments. He says:

The Director of the Mint, in his annual report now before us, shows on the authority of our foreign ministers that in Great Britain and Ireland, with their $580,500,000 in gold, their $95,000,000 silver, and their $199,160,115 of outstanding bank notes, all are taken in business transactions at par; that in France, with her $848,000,000 of gold, $595,000,000 of silver, and her $574,675,197 of outstanding notes of the Bank of France, the gold and silver and notes of the Bank of France are at par and a legal tender; * * * that in Germany, with her $325,000,000 of gold, $211,000,000 of silver, $33,602,327 in government notes, and $252,655,564 in bank notes, the coin and paper are received indiscriminately at par.

Now, if with the cessation of silver coinage these nations and others that could be named are on such a firm and satisfactory financial basis, why do these gentlemen predict such direful results in this country from following identically the same course?

If we examine a little further into the history and present conditions of the nations we will find that Great Britain is the richest country on earth, and that all others are her debtors. Her commerce covers all the seas, and her flag is unfurled in the ports of all nations. She has long supplied the wants of civilized countries with the handiwork of her well-paid laborers, and is to-day pushing her way into the dark continent to clothe the naked millions of that barbarous land.

How has England achieved this most enviable position? Certainly not by coining silver, for she has not indulged in that for near a century. And while our friends say that England has grown enormously rich on a wrong financial policy, still if we can bring these United States to the same condition as the mother country, have all nations debtors to us, and conduct our entire people to that contentment and happiness that comes with prosperity and wealth, I for one will not disdain to follow her example. That would be indeed a glorious result, worthy of the noblest ambition of statesmen and patriots, and toward the accomplishment of which I would count myself happy in being able to render the slightest aid; for I most desire of all earthly things to contribute something during the years of my active manhood to the true development of this great country and to the amelioration and improvement of the condition of that generous people who have chosen me to this high office, and with whose good name I shall be proud to have mine associated as long as anything said or done by me shall be remembered among the sons of men. [Great applause.]

[During the delivery of Mr. HEMPHILL'S remarks, the hour having expired, the time was continued, by unanimous consent, until he had concluded.]

Mr. BYNUM. Mr. Speaker, I desire to occupy the attention of the House for a time in the discussion of the measure now before it looking to the free coinage of the silver dollar. I do not expect that I shall be able to say anything that will change the opinion of any member of the House; in fact, I doubt if there will be a single change wrought by the entire discussion of the question; and yet I believe that no better use can be made of the time of the House than that which has and will be taken up in the examination of this important matter. It is by this means that the people will become educated upon the subject and be prepared to give a correct and intelligent expression of their views when the proper time arrives for them to speak.

The President and Secretary of the Treasury have strongly recommended the suspension of the coinage of silver dollars. A partisan and supporter of the administration, possessing unlimited confidence in the integrity and patriotism of the Executive and his Secretary, I have and expect, whenever and wherever I consistently can, to support their views and uphold their policies. I am, however, upon this question compelled to dissent from the views expressed by the President in his message and the Secretary in his report. In this discussion I shall try, as I always have done, to be fair, just, and honorable. While I may regret that the President and Secretary entertain the views expressed, I am glad that they have declared them in language that can not be misunderstood or misinterpreted. They have given to those entertaining contrary opinions timely notice and ample opportunity to answer. The opposition to the views of the President and Secretary by members of their own party has no political significance. It is a difference of opinion as to policies and not as to fundamental principles.

Opposition—

It has been well said—

when restrained within due bounds is the salubrious gale that ventilates the opinions of the people, which might otherwise stagnate into the most abject submission. It may be said to purify the atmosphere of politics, to dispel the gross vapors raised by the influences of ministerial artifice until the Constitution, like a mighty rock, stands full disclosed to the view of every individual who dwells within the shade of its protection.

Having signed the report of the minority of the Committee on Coinage, which recommends the passage of the bill making the coinage of silver dollars free and unlimited, occupying advanced ground, I ought to be able to give some plausible reason, whether satisfactory or not, for the position I occupy.

The Bland bill which passed the House on the 5th day of November, 1877, by an overwhelming vote, provided for the free and unlimited coinage of the silver dollar containing 412½ grains, as provided in the act of January 18, 1837. The bill was amended in the Senate so as to require the Government to purchase not less than two million dollars' worth of silver bullion, and to coin not less than two nor more than four million dollars, per month. The friends of silver, in the presence of a hostile administration, were willing to accept the compromise measure. Had the spirit and intention of this law been honestly carried out by the coinage of the maximum limit, or the product of our own mines, it is more than probable that the problem would have been settled before this either by the adoption of free coinage or by suspension. The execution of this law, however, has been in the hands of the enemies of the silver dollar; coinage has been restricted to the minimum limit, and the excess of bullion produced from our mines thrown upon the market as a commodity. The effect of such a policy only tended to further depress the market value of silver bullion.

I am in favor of the free coinage of silver because I believe it to be a palpable

VIOLATION OF THE CONSTITUTION

and of the rights of the States and the people to in any wise limit or restrict the coinage of either metal. By the articles of confederation the right of coining money belonged concurrently to the States, Congress possessing only the exclusive right to regulate the alloy and value. Can it be inferred that when the States parted with the right to coin money and consented to the restriction upon their powers to make nothing but gold and silver a legal tender they intended that the Federal Government should coin or not coin money as Congress might determine? Did they intend by this concession to become dependent upon the will of legislation, or to continue to rely upon natural resources, which had been the policy of all governments from the foundation of the world, to furnish the supply of money?

Following the adoption of the Constitution, Congress in 1792 adopted the first law upon the subject of coinage. This law authorized the coinage of both gold and siver, and, with slight modifications as to relative proportions, notwithstanding we coined in 1851–'52 $119,460,680 of gold, remained unchanged till 1873, when silver was demonetized. This act may fairly be taken as an interpretation of the provisions of the Constitution. Upon the constitutional powers of the Government Mr. Blaine in 1878 said:

I believe gold and silver coin to be the money of the Constitution, indeed the money of the American people anterior to the Constitution, which the great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare either metal should not be money. Congress has, therefore, in my judgment no power to demonetize either any more than to demonetize both * * * If therefore silver has been demonetized I am in favor of remonetizing it. If its coinage has been prohibited I am in favor of ordering it to be resumed. If it has been restricted I am in favor of having it enlarged.

The advocates of continued coinage and of free coinage are confronted at the threshold of this discussion with the statement that the further coinage of silver

WILL DRIVE GOLD FROM THE COUNTRY.

This argument, if it may be called an argument, is not new or original. The same objection was made to the enactment of the present law.

Senator Wadleigh, in opposing it, said:

I am in favor of a double standard if it can be maintained, but the passage of this measure will result in driving all the gold from this country and giving us the single standard of silver. The cheaper metal will drive away the dear. Two hundred millions of gold now in the country would, without this pernicious agitation, ere now have crossed the frail barrier of 1½ per cent. which separates it from paper currency and gone into our circulation, to restore hope and confidence and given strength and vigor to all business operations. The success of this measure will drive it to other enlightened and commercial nations and leave to us the debased and bulky money which nearly every progressive nation in Europe has ceased to coin and which supplies the few and degraded wants of the poor and ignorant millions of Russia, China, India, and Mexico.

Senator Matthews said:

It will at the same time expel from circulation and permanently keep out of circulation all gold coinage as effectively as if gold were expressly prohibited by law.

Senator Sargent said:

I object to this bill because it will banish gold from the country. * * * A piece of gold coin will not be seen in use in any part of the country, even in the Pacific States, unless it is held by our specific-contract act, after this bill is in full operation.

Let us briefly examine the facts and see how near these prophecies have been verified. The Comptroller of the Currency in his last report gives the following estimates of gold coin and bullion in the country at the dates fixed:

January, 1879	$278,310,126
November, 1882	547,256,262
November, 1883	581,970,254
November, 1884	585,611,872
November, 1885	586,727,787

The amount of gold coin in the country at the time of the passage of the present law did not exceed $200,000,000. The amount at the present time may fairly be fixed at $600,000,000, showing an increase in our gold coin since the remonetization of silver in 1878 of $400,000,000. From 1873, the time when silver was demonetized, to 1878 when it was remonetized, a period of five years, the exports of gold exceeded the imports by $123,754,210, an average loss of $24,750,842 per year, while from that time in 1878 to the present time, a period of eight years, the imports have exceeded the exports about $200,000,000, an increase of $25,000,000 per annum. Nor is this condition of affairs peculiar to the United States and to be attributed wholly to our great resources, but it is true of other nations, giving to silver the greatest latitude as money.

Mr. Dexter A. Hawkins, of New York, in a very able address before the present Coinage Committee, said:

Germany, in 1873, as soon as she had secured her war indemnity, $1,000,000,000 gold, from France, pursuing the "blood and iron" policy of Bismarck, thought she saw an opportunity to crush France again, financially, as completely as she had already done it on the field of battle by simply discrediting silver. She had emptied France of gold, and now by demonetizing silver she expected to destroy the value of that, which was all the money that was left in France, and so leave her without money except irredeemable bank notes. It was done. The silver of Germany was called in, demonetized, and sold to England in such quantities that in 1876 its price had fallen 20 per cent. The German mints were worked to their full capacity coining the French gold into German marks to supply the place of the demonetized silver. No country ever had so favorable an opportunity as Germany to change from bimetallism to gold. She had reduced the metallic reserve of the Bank of France to $79,000,000, and she held French indemnity obligations falling due that bid fair, she thought, to prevent any gold from accumulating in Paris for many years.

The German gold theorists were in high spirits. But, as afterward in the case of their New York brother, they found that everything went the other way. Silver, which really does the work, being discredited, the German industries from one end of the empire to the other were thrown into confusion; millions of subjects were, from time to time, left in idleness, and it took but a short time for Germany, by beggaring her own industries, to lose more than the thousand millions of gold she had taken from France.

The gold as fast as she coined it disappeared to a great extent from the realm and went back to France. Soon the Bank of France was found to hold $400,000,000 of coin, half of which was gold, and much of this gold the new German coins. Finally, to save herself from ruin, Germany has had to stop the sale of silver, and retain in circulation more than a hundred million dollars of full legal-tender silver, besides as much more of the new coinage not full legal tender. To gold theorists this course of things was all wrong, but to the plain man of affairs all right.

After paying the indemnity, France had her silver left. It was by law full legal tender within the republic, and in fact within the whole Latin Union. It does all the industrial work, carries on the retail trade, keeps up both production and consumption. Frenchmen were all busy; Germans were idle. The foreign demonetization of silver did not affect in the least its domestic value and use as money, and France had $600,000,000 of it. The result is that Germany, with 7,000,000 more population than France, has now of her thousand millions of gold obtained from France, together with her whole domestic stock, only $342,000,000 left, and only $214,000,000 of silver—total, $556,000,000; while France has $900,000,000 of gold and $600,000,000 of silver—total, $1,500,000,000. The possession of full legal-tender silver helped France to recover back in a short time her whole stock of gold.

The Bank of France shows a steady gain in her gold reserve, while that of England and Germany, the gold-mint countries, with great effort remain stationary. Notwithstanding these facts the advocates of suspension of silver coinage are as fruitful as ever with prophecies. The gentleman from Pennsylvania [Mr. SCOTT] and the gentleman from Maryland [Mr. FINDLAY] are able to portend with certainty the dreadful consequences that will surely follow if the coinage of silver is not stopped. The prophecies of these gentlemen in the face of the facts are of no value, except that they show that they have been universally wrong, the reverse of what they claim always coming true; and in this manner the House may derive some valuable information and be able, with certainty, to arrive at a correct conclusion. The facts are that gold and silver are the only moneys of consequence in the world. Gold being the more valuable and the easiest transported has become the international money, and is used largely in the settlement of balances of trade, while silver, the less valuable, is more convenient for small transactions and is better adapted to the wants of the people in their dealings with each other.

Silver pays the laborer for his work in the field, in the manufactory, in the shop and in the mine. It purchases his provisions from the grocer, pays his rent and clothes his family. As well said, "It is the people's money." Take away silver and you destroy the industries of the people which furnish the balance of trade in our favor, and our gold will leave us to square the account. Give to American labor plenty of silver and it will furnish products that other nations will purchase and pay for in gold. Gold will not be driven out so long as the balance of trade is in our favor; it will not remain when the balance is against us. Gold is, and ever has been, an unreliable money. The great interests of our people, transacted largely upon confidence and credit, should have a basis neither timid nor cowardly.

If you confine the people of this country to the single standard of gold, periods of depression more lasting and more terrible than we have ever experienced will be our portion. As well said by Senator INGALLS:

No enduring fabric of national prosperity can be builded on gold.

GOLD IS THE MONEY OF MONARCHS.

Kings covet it; the exchanges of nations are effected by it. Its tendency is to accumulate in vast masses in the commercial centers, and to move from kingdom to kingdom in such volumes as to unsettle values and disturb the finances of the world. It is the instrument of gamblers and speculators, and the idol of the miser and thief. Being the object of so much adoration, it becomes haughty and sensitive, and shrinks at the approach of danger, and whenever it is most needed it always disappears. At the slightest alarm it begins to look for refuge. It flies from the nations at war to the nations at peace. War makes it a fugitive. No people in a great emergency ever found a faithful ally in gold. It is the most cowardly and treacherous of all metals. It makes no treaty that it does not break. It has no friend whom it does not sooner or later betray. Armies and navies are not maintained by gold. In time of panic and calamity, shipwreck and disaster, it becomes the chief agent and minister of ruin. No nation ever fought a great war by the aid of gold. On the contrary, in the crisis of greatest peril, it becomes an enemy more potent than the foe in the field; but when the battle is won and peace has been secured gold reappears and claims the fruits of victory.

Driven to cover by the facts, upon the proposition that silver will expel gold, the advocates of suspension say that we have all the silver we can use, all that will circulate upon a par with gold, and that if we coin more the monetary

VALUE OF THE TWO METALS WILL PART.

Of all the sophistries advanced, this is the most fallacious. Will some gentleman tell me what relative uses they perform as money, after being coined by the Government, that will cause them to separate? After being officially stamped as money and given full legal-tender power, what advantage will one possess over the other? When will a silver dollar pay less than its monetary value—when will a gold dollar pay more? The power of sovereignty within the confines of the Government fixes the relative values of the two coins as money, and the values of the materials of which they are made as commodities in the markets can have no influence upon their circulation.

The fiat of the Government gives to one the same qualities as the other, and it is beyond the power of individuals to discriminate except by specific contract. What evidences have these claimants to support their assumptions? Can they furnish any proof in support of their declarations? We have, in round sums, $600,000,000 of gold and $200,000,000 of silver, or three in gold to one in silver. France has $900,000,000 in gold and $600,000,000 in silver, or one and a half in gold to one in silver. Germany, upon a monometallic gold basis, has $340,000,000 of gold and $215,000,000 in silver, being a fraction over one and a half in gold to one in silver. The silver coins of France contain but 15.50 parts, while ours contain 15.98 parts to one of gold.

If France and Germany can maintain at par one dollar of silver to one and a half of gold upon the relations of 15½ to 1, why can we not

maintain an equal proportion at the relation of 16 to 1? It is false to pretend that there is any power beyond that of the Government that can fix the relations of the two metals as money. France and Germany fix the relation at 15½ to 1, and the two coins circulate side by side upon an equality. In England $90,000,000 of subsidiary coin circulates upon a par with gold at the relation of $14\frac{2}{10}$ to 1. In our Government $70,000,000 of subsidiary coin, containing but 385⅘ grains to the dollar, circulates upon an equality with the silver dollar containing 412½ grains, and the national banks last year exchanged $5,000,000 of gold coin for this coin in preference to silver dollars. So long as the two coins perform the functions of money they must circulate upon an equality.

Again the advocates of gold approach us with open hands and smiling countenances, but I fear with a dagger concealed beneath their cloaks. "Oh," they say, "we want silver! We are bimetallists, but we

WANT AN HONEST DOLLAR.

Suspend coinage and we will drive England, Germany, and other nations to bimetallism, and then the price of silver bullion will appreciate and our dollar will be worth a hundred cents." To the friends of silver I wish to say, "Be not deceived." A suspension of coinage means demonetization. How are we to compel England to adopt bimetallism by throwing into her lap from thirty to fifty millions worth of silver bullion every year to further depress the market and give to her silver so cheap, to develop her cotton and wheat fields in India, that American farmers will be driven from foreign markets and probably compelled to beg for protection at home.

The effect of such a policy was forcibly stated by Mr. Hawkins, as follows:

Its price as bullion will go down 20 per cent. more. England will get it at 60 per cent., instead of paying 100 per cent. She will ship it to her mints in India, where 250,000,000 of people under her rule use only silver for money. She will there coin it at par into rupees and sycee, buy with it from ryots, who work for 8 cents a day, her whole supply of wheat, which she formerly took of us, and land it at Liverpool and London at prices that would bankrupt and starve our American farmers. Her import of wheat from India has in eight years risen 800 per cent., until it is already in amount one-half of the wheat and flour she takes from us.

We should remember that the discriminations made against silver is what has already driven the bullion value of the silver dollar, as compared with gold, down to 80 cents. In 1872 and 1873 Germany, Denmark, Norway, Sweden, and later Holland, demonetized silver. The action of these governments had a double effect—it increased the demand for gold, thereby appreciating its value; it decreased the demand for silver, thereby depreciating its value. At that time the silver in our dollar was above par. The states of the Latin Union, at that time possessing an abundance of silver, were compelled, as a matter of self-protection, to close their mints to this unnatural stream. Our country without silver coin, with an immense debt to pay, every dollar of which, by every principle of law and equity, of honesty and justice, was payable in silver coin, was the desert upon which this current should have been turned. Such a policy would probably have averted the great panic of 1873, which swept across the continent like a besom of destruction marking its course by a destruction of values never before witnessed.

The motives which caused the American Congress to demonetize silver at this period are difficult to fathom. It is said, however, that $500,000 was raised in London and placed in the hands of Mr. Ernest Seyd, of that city, who was sent here as the agent of foreign bondholders and capitalists to accomplish the object. Mr. Seyd, we are informed, made many valuable suggestions to the committee framing the revision of 1873 which were adopted. Silver was demonetized without the consent or the least knowledge upon the part of the people. True, Congress succeeded in partially restoring it to its position, so far as the law was concerned, but in so far as its actual use it has never been remonetized. It has been relegated to the position of a subsidary coinage by every Secretary of the Treasury, and the Government has been kept constantly upon a gold standard and occupies that position to-day.

With all this discrimination against it, silver has held a place in all the governments of the world, performing the functions of a medium of exchange between the great body of the people. It pays the laborer for his wages and purchases the food that feeds and the garments that clothe his family, and does this upon a par with gold. Free coinage will make the silver in a dollar worth a hundred cents. It will do more, it will make wheat and cotton, homes and farms, sweat and muscle, worth a hundred cents to the dollar.

But, Mr. Speaker, I desire to meet, if possible, what is considered by many of the friends of silver as the insurmountable objection to free coinage. No one will controvert the fact that if the free and unlimited coinage of silver will not drive our gold away it is far preferrable to the present law. The great objection urged to free coinage is that the bullion in the silver dollar being purchasable for 80 cents, there would be a profit of 20 cents on the dollar to individuals in taking gold out of the country and bringing in silver, that this profit would expel our gold and place us upon a silver standard. This objection, I confess, is forcible, and if founded in fact is unanswerable.

In the discussion of this proposition there is one question which I have already presented that must be kept clear and distinct in the mind. It is the question which gentlemen upon the other side have persistently befogged and beclouded in this discussion—the difference between the monetary and the bullion value of the silver dollar. Eighty cents' worth of silver bullion can be purchased by our Government to-day, with gold or silver, and coined into a dollar, but the dollar when coined and put in circulation is the equivalent of 100 cents, and it can not be reduced again to bullion without an absolute loss to the holder of 20 cents. The silver coins of all countries circulate upon a par with gold; they have a monetary value equal to gold; to change them from money or coin to buillion would entail an actual loss upon the holders of the difference between their monetary and bullion value.

The coins of France will not be melted down and sold to us at a loss of $130,000,000. Germany has, to the detriment and sorrow of her people, experienced this folly to the extent that she will not try it further. There is, then, no danger of the coins of other governments being sold to us as bullion. But it is said they will be brought here and coined without this sacrifice; that they will simply be converted from French and German coins into American coins and exchanged for our gold. This will not be done. Keeping in mind the fact that these coins circulate upon a par with gold in their respective countries, they can not be converted into an equivalent here, because as compared with our dollar they are worth less than 97 cents. To exchange their silver for gold at our ratio would entail a loss of $25,000,000 upon France and Germany. There is, then, I think, no danger of the coins of Europe coming to us under free coinage.

The only question then is, can we withstand the annual supply of silver? Can we absorb all that which other nations do not need and thereby advance the price of bullion to its monetary value. Whenever the supply of silver is coined into money it will have a money value. No citizen in this or any other country will part with the silver in a dollar for less than a hundred cents when he can have it coined into a hundred cents. The annual production of silver is given by the Director of the Mint at $115,000,000, and he estimates that $35,000,000 is used in ornamentation, manufactures, and the arts, leaving $80,000,000 to be coined into money.

The annual production of gold is estimated at $95,000,000. The lowest estimate of the consumption of this metal in ornamentation, manufactures, and the arts is $75,000,000 per annum, and many statisticians claim that the entire product is thus consumed. It is apparent that as wealth increases the consumption of gold in manufactures and the arts, if not now, will shortly exceed the supply, and the whole world, now striving for trade and commerce, will have to resort to silver to supply the increasing demand.

Table compiled by the silver commission, showing the nations and populations using the double standard, the gold standard, and the silver standard.

DOUBLE-STANDARD COUNTRIES.

	Population.		Population.
Greece	1,400,000	France	36,000,000
Roumania	4,000,000	Belgium	5,000,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,900,000	Italy	26,800,000
Chili	1,600,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Norway	1,780,000
Canada, Cape of Good Hope, and Australian Colonies	7,000,000	Sweden	4,300,000
Germany	42,000,000	Total	87,080,000

SILVER-STANDARD COUNTRIES.

Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

It will thus be seen that about 200,000,000 of people use both gold and silver, 100,000,000 gold, while 800,000,000 use silver.

It is claimed, however, that this table is not of value because the people using silver are degraded, poor, and ignorant. Believing that commerce and not population is the better test I have compiled the following table showing the balances of trade (which calls for money) of the different nations given. These balances are taken from the American Almanac, and are chiefly for the years 1883 and 1884:

Gold-standard countries.

BALANCE AGAINST.

Great Britain	$471,254,930
Germany	68,624,000
Norway	36,279,815
Australia	100,082,925
Canada	24,991,547
Total against	$701,233,217

BALANCE IN FAVOR.

Sweden	7,784,000
Leaving a net balance against of	693,449,217

Double-standard countries.

BALANCE AGAINST.

Greece	$8,301,920	
Roumania	27,851,389	
France	236,160,260	
Belgium	34,596,260	
Italy	50,688,500	
Spain	34,885 519	
Total against		$392,383,848

BALANCE IN FAVOR.

Colombia	3,353,000	
Venezuela	1,600,000	
Chili	22,201,500	
Uruguay	26,830,000	
Paraguay	134,000	
Japan	5,195,424	
United States	163,637,762	
Total in favor		222,950,686
Leaving a balance against of		169,433,162

Silver-standard countries.

BALANCE AGAINST.

Peru	$3,006,119	
China	8,491,770	
Total against		$11,497,889

BALANCE IN FAVOR.

Russia	62,843,340	
Austria-Hungary	50,000,000	
Egypt	21,577,000	
Mexico	16,455,496	
Ecuador	1,193,641	
British India	104,709,876	
Total in favor		256,779,353
Leaving a balance in favor of		245,281,464

These statistics disclose a remarkable state of facts. They show that the balance against the nations using gold was $693,449,217, while the balance against those using the double standard was only $169,433,162, and that the nations using the silver standard had a balance in their favor of $245,281,464. Gentlemen have been pleased again and again to call attention to the fact that the largest part of our trade was with Great Britain. True, but what signifies that when the balance is always largely in our favor? I have in pursuance of this argument compiled, as fully as possible, another table showing the balances of our trade with these different nations for the year 1885:

Gold-standard countries.

IN FAVOR OF THE UNITED STATES.

Great Britain	$161,392,495	
Norway and Sweden	508,607	
Australia	7,795,799	
Canada	3,164,466	
Total		$172,861,367

AGAINST THE UNITED STATES.

Germany		1,018,962
Leaving a balance in our favor of		171,842,405

Double-standard countries.

IN FAVOR OF THE UNITED STATES.

Belgium	$17,773,165	
Spain	7,287,123	
Colombia	3,241,292	
Chili	1,606,482	
Total		$29,908,062

AGAINST THE UNITED STATES.

Greece	$207,820	
France	10,226,402	
Italy	2,518,491	
Venezuela	3,265,971	
Uruguay	1,052,274	
Japan	8,700,551	
Total		$25,971,509
Leaving a balance in our favor of		3,936,553

Silver-standard countries.

AGAINST THE UNITED STATES.

Peru	$1,022,785	
China	9,896,669	
Austria-Hungary	3,031,043	
Mexico	926,147	
British East Indies	13,588,889	
		$28,465,533

IN FAVOR OF THE UNITED STATES.

Russia		4,671,297
Leaving a balance against us of		23,794,236

It will, therefore, be seen that the nations using gold pay us each year about $170,000,000 and the nations using gold and silver about $4,000,000, while we pay to the nations using silver about $25,000,000. We are constantly gaining gold from the gold nations and giving silver to the silver nations and yet the advocates of suspension would have us think that it was our gold instead of our silver that we were in danger of losing. Of the $80,000,000 of silver to be coined each year we produce, exclusive of that used in manufactures and the arts, about $35,000,000. There is then left but $45,000,000 to be consumed by eight hundred millions of people, having a balance of trade in their favor of near $250,000,000 annually. Will these nations absorb this amount of silver?

India, with her two hundred and fifty millions of people, and with a circulation of but a little over $4 per capita, with balance of trade in her favor of $100,000,000 each year, starting upon a career of improvement and advancement which threatens our agricultural interests, must necessarily consume several hundred millions of silver before her demands are fully supplied. Thirty million dollars are appropriated this year to be expended in improvements. India was once "a sink of silver," and the prospects are that she will again become such to a greater extent than ever. It is fair to presume that this $45,000,000 of silver can be used elsewhere more profitably than in the United States, and that all we will be called upon to coin, if that, will be our own product.

Can we stand a coinage of $35,000,000 per annum? In 1851, with but little more than one-third of our present population, we coined $62,614,492 of gold. I not only believe we can stand the same, but that we must have it to save the people from financial destruction and ruin.

What is our real condition? Have we as much money as we need? The following table gives the circulation of the different countries in paper and coin:

Countries.	Per capita.	
	Paper.	Coin.
Australia	$9 03	$25 01
Belgium	11 38	23 93
Cuba	32 17	22 07
France	15 16	39 41
Great Britain	5 77	19 31
Netherlands	18 92	18 34
United States	17 63	16 88

When we consider the almost unlimited expanse of our territory, the unbounded resources of our country, we at once conclude that we need at least as much of a circulation per capita as any other nation.

Our manufactured products in 1880 were $5,369,557,191, while those of France were only $2,350,252,500. Our agricultural products the same year amounted to over $2,225,000,000. With a production of $8,000,000,000 per annum, with 130,000 miles of railroad with a traffic of $800,000,000 a year, with a domestic trade estimated at $25,000,000,000 per year, with a population increasing at the rate of 3,000 per day, we should not fear a plethora of money from the free coinage of silver.

We have to-day $1,594,000,000 in coin and paper. It will take $1,376,000,000, nearly as much more, to give us the amount per capita that France has. For one I am in favor of opening the mints and letting the bright stream flow through the channels of trade and commerce unimpeded until "idle money becomes as unproductive as idle labor." Let us try the experiment. If it proves a failure we can easily abandon it before any serious harm is done.

We are told that—

SILVER WILL NOT CIRCULATE;

that we already have more than the people want; that out of a coinage of $220,000,000 but $50,000,000 are in circulation, while $170,000,000 are in the Treasury and can not be forced out. I am free to confess that silver is not a convenient money and that it will not circulate to any large extent so long as something more convenient can be substituted for it with safety. The people want neither gold nor silver for the great bulk of transactions. They want paper money, and they will never permit the Government to abandon this policy. It is not because they have an antipathy to silver, not because they believe it cheap money, that it does not circulate, but because its representative, the silver certificate, is just as good and more convenient.

The Treasurer tells us that the use of certificates tends to make the silver dollar more unpopular. Why not say that the silver certificate is more popular than the coin, which is the fact. The demand for these certificates in 1880 and 1881 was so great that $66,000,000 were taken and paid for in gold coin, and this demand continued until the Secretary of the Treasury issued an order stopping the exchange. The same argument can with equal force be made against gold. The Comptroller of the Currency in his last report says:

The issue of gold certificates having been discontinued by the Government, and the amount of gold coin having rapidly increased, the banks in New York found it necessary to establish a depository of gold coin for the convenience of the clearing-house. This depository at the present time is the Bank of America, by which bank certificates of deposit were first issued on October 14, 1879. The amount of such certificates outstanding on January 1, 1880, was $25,610,000, and on October 1, 1883, was $22,955,000. The largest amount of coin on deposit was on January 21, 1882, namely, $45,533,000, the capacity of the vault having been increased since 1880.

Silver certificates will circulate upon a par with gold, and by the use of certificates, under free coinage, there need never be an idle dollar in the Treasury. If we are not to provide a currency in this manner, how are we to provide it? Our national-bank circulation is based upon the national debt, and with its rapid payment is fast disappearing. On November 1, 1882, this circulation amounted to $362,727,747. Now it is only $315,847,686, a contraction of $46,880,061. The contraction for the last year was $15,545,461. Our greenbacks are but a part of the debt and must be paid. How, then, are we going to fill this vacuum? There is no better, if any other, way than to issue certificates based upon coin in the Treasury. Under such a system every dollar of paper money would be the representative of a dollar in coin, and nothing better can be conceived.

SILVER IS CHEAP MONEY.

We are told that silver is cheap money, that it is unjust to creditors and a fraud upon the laboring men.

The advocates of gold have loudly proclaimed, and in tones of great sympathy, that the continued coinage of silver will so cheapen money that prices will immeasurably go up and the laboring classes be the greatest sufferers. The disinterested philanthropy of the man who opens his vaults, views his gold, and laments that money is likely to become cheap, to the great detriment and injury of the working classes, is wonderful. These gentlemen, however, are the first to discover that cheap money means low wages. It has always been the prevalent idea that money was fixed and unchangeable, and that it was the price of commodities that fluctuated. True, when the price of commodities is high, money may be said to be correspondingly low; and when commodities are low, money may be said to be high.

Labor has always been considered the first and greatest of commodities. When money is cheap, prices are inflated and wages go up. When money is dear, prices are depressed and wages go down. There is not a laboring man to be found who does not know that when prices are up wages are not only high but work plenty; that when prices are down wages are low and work difficult to obtain. When prices are falling there is discontent and disaster; when they are rising there is pleasure and prosperity. As truly stated by the silver commission:

A rise in the value of money and a fall in general prices are the greatest evils which can befall the world. * * * An increasing value of money and falling prices have been and are more fruitful of human misery than war, pestilence, or famine. They have wrought more injustice than all the bad laws which were ever enacted.

The effects of dear money and falling prices upon labor was forcibly stated by the commission, as follows:

Labor, unlike money, can not be hoarded. The day's labor unperformed is so much capital lost forever to the laborer and to society. It being his only capital, his only means of existence, the laborer can not wait on better times for better wages. Absolute necessity forces him to dispose of it on any terms which the owners of money may dictate. These are the conditions which surround the laborer throughout the commercial world to-day. The labor of the past is enslaving the labor of the present, at least that portion of the labor of the past which has been crystallized into money is enabled through a shrinkage of its volume and while lying idle in the hands of its owners to increase its command over present labor and over all forms of property and to transform vast numbers of honest and industrious workmen into tramps and beggars. These laborers must make their wants conform to their diminished earnings. They must content themselves with such things as are absolutely essential to their exisience. Consumption is therefore constantly shrinking toward such limits as urgent necessities require. Production, which must be confined to the limits indicated by consumption, is constantly tending toward its minimum, whereas its appliances, built up under more favorable conditions, are sufficient to supply the maximum of consumption.

Thus idle labor, idle money, idle machinery and idle capital stand facing each other, and the stagnation spreads wider and wider. The future affords no hope or prospect of improvement, except through a change in financial policies. Prices have been persistently falling throughout the world since 1873, and as fast and as far in specie-paying countries as elsewhere. If the policy of chaining the industry and commerce of the world to a single metal be persisted in by the United States, Germany, and other European countries acting in concert with them, money must still rise in value and prices must continue to fall. The depression in productive industry will become more deathless and the number of idle laborers will indefinitely multiply.

These words are no less true to-day than when penned eight years ago. I am as loath to utter words that would excite any feelings of hostility between labor and capital as any one, but I feel that I would not be discharging my duty to my constituency, and especially to the laborers I represent, did I not make their condition known. I am familiar with their troubles and wants. I have talked with them, associated with them, until I am confident I know their anxieties and distresses.

I speak for as many laboring men in diversified pursuits as any man upon this floor, and when I tell you that a large portion of them are and have been idle for months, yea, years, while the balance are working on short time at reduced wages, you may gain some idea of the hardships and struggles through which they have passed. They are law-abiding, intelligent, and industrious; they are struggling by every honest and honorable effort, by mutual aid, and by organization to keep their heads above the billows until the shore is reached; but unless there is a change in the financial and other policies of this Government I fear their struggle will be hopeless.

Sir, I am no alarmist, but I am willing to meet great and serious questions when brought face to face with them, and I know, and if others do not they soon will know, that the greatest problem Congress has to solve is the labor question. Our laws relating to finances and revenue, trade and commerce, must be so adjusted as to give the greatest advantages to those who toil in the fields and in the mills, in the factories and in the mines. Our advance as a people depends upon the prosperity of our laboring classes, and our security as a nation upon the respect they have for its laws and institutions.

There is another fact involved in the suspension of coinage more appalling than all others. It is frightful to contemplate what the abject condition of the people might be

SHOULD SILVER MONEY BE STRICKEN DOWN.

The world to-day contains but $3,513,000,000 of gold, a sum insufficient of itself to answer our own demands twenty-five years hence. Strike down $3,750,000,000 of silver and a contraction of values will follow that will swallow up in the vortex of bankruptcy and ruin every individual who owes a considerable debt. Our indebtedness has been estimated as follows:

Statement of the national, State, county, municipal, and railroad debt in the United States, and an estimate of the individual, real, and personal mortgage debt.

United States, 1885	$1,438,542,995
Aggregate State, funded and unfunded, 1885	262,175,245
Territorial, 1880	179,178
County, 1880	123,877,068
Municipal	698,270,199
Railroad, funded, 1884	3,669,115,772
Individual mortgages (estimated)	6,000,000,000
Total	12,193,161,057

Suspend the coinage of silver, contract your national debt bank currency at the rate of $15,000,000 a year, and let the banks of New York lock up the gold, and then picture to yourselves the condition of our Western people, where almost every home and farm is under mortgage to Eastern capital. The dreadful consequences of such a policy were forcibly illustrated by the silver commission in their report, where they say:

At the Christian era the metallic money of the Roman Empire amounted to $1,800,000,000. By the end of the fifteenth century it had shrunk to less than $200,000,000. During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only thing consistent with the instincts of self-preservation. All public spirit, all generous emotions, all the noble aspirations of man shriveled and disappeared as the volume of money shrunk and as prices fell.

It is because of the shrinkage of values as well as the detriment to labor that I raise my voice and utter a protest against this crusade that has been in the past so successfully waged in behalf of the moneyed interests, to the utter and almost complete destruction of the welfare of the people.

The people of the West are in debt; their farms, their homes, and in many instances their beds, are mortgaged. They have been paying exorbitant rates of interest to the East until they are impoverished. The prices of their products have fallen, their lands shrunk in value, until they begin to stagger beneath the weight of their burdens. They are energetic, laborious, and patriotic. During the days when the nation's body was bleeding from a hundred wounds and its life trembling in the balance they poured out their richest blood and treasure that it might be saved. They faced the death-dealing grape and canister upon a hundred fields that this Government might be preserved as one great indissoluble nation, and they now ask that in the majesty of its strength and power its great strong arm shall not be raised to at one blow strike them down to want and beggary. [Great applause.]

Mr. STONE, of Missouri. Mr. Speaker, I take it that statesmanship is never directed to better purpose than when it aspires to make the great masses of people contented and happy. Every government is indebted to the individual citizen. It owes him something more than the mere protection of his person and the right of property. The humblest citizen has a right to demand that the laws be just, and that the impartial spirit of perfect equality shall pervade them; and he has a right to complain whenever any law is enacted or any policy pursued which tends in its effect to confer advantages not common to all. Nay, more; it is not too much to say that a government has no moral right to enact a law or enforce a policy in the benefits of which the great masses of the people affected by it can not ordinarily participate, much less enact a law or enforce a policy which confers special privileges or opportunities upon a few to the possible detriment of the many.

The prosperity and happiness of the greatest possible number should be the highest aim of government, and all the policies of government, legislative and administrative, should be directed to that end. Mere statutory enactment, it is true, can not make a nation prosperous or a people happy. Those conditions must depend mainly on individual endeavor. The silent words within the lids of a law-book can not take the place of the husbandman in the field or the artisan in the workshop. There must be both good government, wisely administered, and a brave, intelligent, industrious, and frugal people to uphold it, in order to secure the best results, and good results ought always to be achieved, where those conditions exist.

Wherever you find a country possessing good natural advantages, in-

habited by brave men and noble women, who love their homes and their country and have bold hearts and willing hands, you ought to find a contented people. If you do not you are apt to find something wrong at the sources of political power—something wrong with the government. You are apt to find it despotic, corrupt, or at fault in its economic policies. Just over the blue sea Ireland stands, a miserable picture before the world. And yet the eloquence of her orators, the songs of her poets, the prowess of her warriors, the blood of her martyrs have demonstrated her capacity for great achievement in all the spheres of human endeavor and given her the first place on that page of history dedicated to patriotism.

A country that has given to the world such names as Ireland has ought not to be what Ireland is, and would not be except for the domination of that power whose iron hand upholds a vandal policy within her borders which makes serfs of her heroes. The woes of Ireland are due to unjust laws, oppressive policies, and bad government. There are somber pictures all over Europe. In all the empires from St. Petersburg to Madrid there is deep and perilous discontent. In all those countries there are great peoples with great histories, and in all of them there is everything necessary to human comfort and happiness, from the plains of the Volga to the Danube and the Rhine, and still on to the "sunny lands" where summer winds sweeping over southern seas are sweetened with blooming orchards and the melting fruits that hang, like wine-drops, on bending vines. But everywhere, instead of the people being prosperous, light-hearted, and happy, there is disorder, discontent, unrest, and tumult.

In Russia the people are crouching like famished wild beasts, seeking and inventing opportunities to destroy. In Germany they are sullen and uneasy. In Spain there is in every house a sense of insecurity and danger. And even in conservative London, within a month past, a furious mob trampled law and order under its feet, and fifty thousand hungry men plundered at pleasure. There is something wrong somewhere. Those conditions are not the outgrowth of natural causes. They are evils that spring from the blighting waste of bad government. The truth is, Mr. Chairman, that nearly all the great evils that afflict mankind in the aggregate are the result of bad government in some form or other.

Sir, it would seem that if there is any spot on this green earth where the sun of prosperity ought to shine along the pathway of industry—any country beneath the stars where light hearts ought to be found in every home—it is in this favored land of ours. There is scarcely a blessing that God can give that this country has not received. We are the masters of a continent equal to all Europe in area, and rich in all the bounties that generous nature can bestow. In shadowy forest and grassy plain; in soil and climate; in adaptability, capacity, and variety of production; in mineral deposits; in the precious metals that interlace our mountain ranges like glittering webs of wonder, and need only the enterprising hand of labor to be exposed; in commercial waters, from the vast oceans around us to the great rivers that pour their turbid floods across the continent into the blue and laughing waves of the sea; in industrial development and progress, exhibiting among its material results 550,000,000 acres of land in actual cultivation, yielding an annual production valued at more than $4,500,000,000, and over 200,000 manufacturing establishments adding annually to the world's productions $5,500,000,000—with 115,672 miles of railroad, nearly one-half of all there is in the world, and enough to belt the earth four times and more, stretched like iron arms in every direction across the country and constituting the nation's great highways of commerce and travel; while 154,650 miles of telegraph wire—more than there is in Great Britain, France, Germany, and Austria combined—is spread like a great spider-web over the continent, flashing intelligence from post to post both day and night; in devotion to intellectual and moral culture and development, which gives among its results three hundred and seventy prosperous colleges and universities scattered through the States, and a public school to almost every neighborhood, requiring an annual expenditure of more than $100,000,000 to support them, with magnificent public and semi-public libraries in easy reach of every citizen of the Republic, so that with these advantages we stand to-day in the front rank of the most enlightened nations of the world; in all these things, Mr. Chairman, and in everything affecting the natural and artificial growth of the country, and the moral and intellectual conditions of our people, this land has been blessed abundantly.

I say, sir, in a country like this, unequaled in its resources and marvelous development, and inhabited by a brave, free, moral, enlightened, enterprising, aggressive people—still a new country, striding forward in its progress to a maturity yet far in the future, while all the world is contributing to its population, wealth, and power—it would seem if prosperity and peace could find a habitation anywhere on earth it would be in the homes of our people.

In the aggregate our people have been prosperous—marvelously so; and as a rule a prosperous people are a contented people, but ours are not contented. While we congratulate ourselves and boast to others about our national development, and the growth of our power and resources, we know that among the people and in their homes there is complaint, unrest, and discontent. The anomaly exists of a phenomenal aggregate prosperity, of an incalculable increase in national wealth, while the great masses of the people whose hands have created this prosperity and wealth are individually poor. The prosperity which has distinguished our national career in recent years, though it has been great, has not been healthful, because it has not been distributed among the industrial classes of the country—our farmers, artisans, and laborers, who comprise the great body of our people. They are in debt, but not because they are extravagant; they are poor, but not because they are indolent; they are without employment, but not because they are unwilling to work.

The bureaus of statistics exhibit a constant augmentation of aggregate wealth, while evil reports of hard times, destitution, discontent, and disorder are flooding in upon us from every quarter of the Union. Why is this? Why is it that in the midst of this apparent general prosperity there is a cloud over the hearts and homes of our people? To my mind the answer is a simple one. The powers of this Government have not been administered in the interest of the masses. That is a statement no honest man ought to make who does not candidly believe it. I do so believe it, and hence I do not hesitate to assert it, whatever may be the danger of misconstruction or censure. The great truth that all men are created equal, and endowed with the unalienable rights of life, liberty, and the pursuit of happiness, and that governments are instituted to secure those rights, deriving their just powers from the consent of the governed, is asserted in the Declaration of Independence, and it is declared in the very preamble of the Constitution that it was ordained and established to promote the general welfare and secure the blessings of liberty to the people. That is the true purpose of all good government, and when it is administered in that spirit it is wise, beneficent, and just; but when it departs from that rule it is fraught with oppression, danger, and disaster.

Every executive and legislative act, every policy of the Government, should have for its inspiration and motive the promotion of the happiness and prosperity of the whole people of the whole country. There is about this Government no characteristic of paternity, no halo of divinity. It is the mere incorporate creation of the people, the agent of the people, deriving all its powers from their hands, in trust, to be exercised for their benefit, and it is an abuse of the trust whenever any policy is attempted which has not for its supreme aim and end the welfare of the greatest possible number. These are old and familiar principles, but they are just as sound and absolutely essential to good government to-day as when they first found form in the conscience and hope of mankind.

But in recent years those old principles have not been potential, they have not prevailed in the practical administration of the powers of Government. Was it for the benefit of the masses that 200,000,000 acres of the public lands were bestowed as a gratuity upon a dozen railroad corporations, and in a way that practically exempts them from taxation? Was it for the good of the people that the Government created these corporations, endowed them with this princely domain, indorsed their obligations for multiplied millions, and then surrendered to them the control of our interior commerce with unrestricted power over the profits of labor and production? Was it for the good of the people that the Government adopted a policy that benefited a few local interests and laid the foundations of a few great individual fortunes, but which lost us our supremacy over the seas, left our sea-fronts defenseless for want of a navy to protect them, and our commerce at the mercy of the merchant marine of foreign nations, who have no pride in our growth at home nor interest in our commercial prosperity abroad, except in so far as they realize a profit as the carriers of our trade?

Was it for the benefit of the masses that a policy was adopted that enables a few lumber merchants to amass millions by compelling every man who builds a roof over his head to pay enormous tribute into their coffers? Was it for the benefit of the people that a system of laws was enacted under the operation of which a few thousand have been able in a short time to accumulate vast fortunes at the expense of those who sow and reap, who toil in the workshops and delve in the earth, and which at the same time lays the heaviest burdens of Government upon the galled shoulders of the poor by imposing the weight of taxation on the necessaries of life? Was it in the interest of the people that Congress passed a law in 1869 declaring that bonds to the amount of $2,500,000,000 should be paid in gold and silver coin, which, prior thereto, were payable in paper as well as coin, and for which the holder paid the Government in paper when he bought them, and that, too, at a time when, by reason of the doubtful issue of the war, paper had depreciated until it was worth only 50 cents on the dollar? Was it in the interest of the masses that, influenced by the fear of the bondholder that the act of 1869 might be repealed and the original contract revived, Congress was induced to pass the act of 1870 by which the old bonds were exchanged for new ones, providing on their face that they should be paid in standard coin alone, and be exempt from every species of taxation? Was it in the interest of the masses that Congress passed another law in 1873 striking silver from the coinage of the country, thereby depriving the people of the opportunity, if not the right, to pay any part of their enormous public debt in that metal, and leaving them empty-handed to meet their vast obligations in gold alone? Is it in the interest of the people, since the coinage of silver has been partially restored, that the Secretaries of the Treasury uniformly refuse to utilize the silver in

the Treasury vaults in the payment of either the principal or interest of the public debt, and pursue a policy which tends to dishonor and degrade this money of the people, made such by the Constitution of the country? Is it in the interest of the people that a stupendous banking system has been organized, furnished with capital, and clothed with powers that give it practical mastery over the finances of the country?

Sir, these questions need no answer. They find response in the sad results to which they point—in the complaints, discontent, and distress of the people. Public policy has been turned from its legitimate channels, and we have drifted into vicious systems. A thing has grown up in this country called the "money power." If it has not a tangible individuality, it is a positive reality. There are a number of great corporations scattered over the country controlling enormous properties, whose individual stockholders own estates worth from $10,000,000 to $200,000,000, which they have been enabled to accumulate suddenly and rapidly by reason of the opportunities for plundering the masses conferred upon them by wicked legislation and vicious public policies. These great interests are organized into associations and syndicates, and banded together in alliances in such a way that they can co-operate with discipline and system. Over the commercial and monetary affairs of the country these organizations have become omnipotent. They are able to expand or contract the circulating medium almost at pleasure, create and alter financial conditions to accommodate their purposes, and extort at will from the tired hand of labor.

The greatest officers of the Government are under the witchery of their influence, and the pliant hinges of legislation are bent as they command. The council-rooms of these great associations are the schools in which are now taught our politics and economics, and their graduates are the ideal statesmen of the country. No wonder, with their disciplined organization and splendid equipment, they have been able to overwhelm opposition and enforce their demands in the past, and there need be no surprise if they win new victories in the future. The battle is on already. This money power is making another advance. In 1873, by surreptitious means, the silver dollar was eliminated from the coinage of the country. In 1878 it was partially restored. Now we are confronted with a proposition to repeat the policy of 1873 and cease coining silver dollars altogether. Is it an improper statement, one that ought not to be made by a man who desires to be just, who does not wish to mislead his countrymen or practice the arts of the demagogue, to say that this attack upon silver coinage is inspired by the money power? This much I do know—that the bondholders, banking associations, and great money syndicates are demanding the repeal of the act of 1878 and the suspension of the coinage of standard silver dollars. I know the appeal is made in the name of labor. I know it is said that the prosperity of the industrial classes demands suspension. By almost every mail I receive some book, pamphlet, or circular from some great establishment admonishing me of my duty as a Representative, and replete with argument intended to convince me that I can best serve my constituents—the farmers, miners, mechanics, and laborers who sent me here—by voting to contract the circulating medium and increase the burden of taxation.

Sir, all these abuses of power to which I have alluded—all these wrongs that have been done under the forms of law, have been perpetrated in the name of the people. "O Liberty! what crimes have been committed in thy name!"

But, sir, I know the voice of the masses is against this thing. I know the toiling, debt-ridden millions are opposed to the discontinuance of silver coinage and the practical demonetization of silver. Why should they not be? Why should silver be demonetized? Is it because the volume of our circulating medium is too great? Is it because we have absolutely too much money in this country? The per capita circulation in France, the most prosperous country in Europe, is one and two-thirds times as great as that of the United States, and the average circulation of Great Britain, France, and Germany is equal to that of the United States.

When we consider the extent of our territory, the character and diversity of our industries, the cost of production, the difficulties of communication, the expense of transportation, the habits and needs of our people, and the fact that this is still a new country requiring money as well as muscle to develop it, and that our population is constantly and rapidly augmenting, the logic of common sense would teach us that a larger per capita circulation is required to meet our conditions than is required in those older countries where large populations are crowded into small territories and all their industries are in close proximity. The area of France is 204,030 square miles, with an average population of 190 to each square mile; in Germany there are 208,624 square miles, with 217 people to each; in England, Ireland, and Scotland, 121,571 square miles, with 290 people to each. They are close, compact communities. There is contiguity of residence and business, and money circulates rapidly and readily from hand to hand and from place to place. Many of our States are alone almost as large, and one larger, in area than either of the three countries I have designated, while in the United States there are 3,602,990 square miles, with an average of only fourteen human beings to the square mile. The volume of circulation which would be sufficient for a population jammed together as they are in England, France, or Germany would no more meet the requirements of our conditions than would the red blood which keeps life in a humming-bird supply the veins and arteries of an ostrich. Besides, as I have already said, we are a debt-burdened and debt-paying people. The Director of the Mint reports the form and location of our circulating medium on July 1, 1885, as follows:

	In Treasury.	In national banks.	In other banks and general circulation.	Total.
Gold bullion	$66,847,095			$66,847,095
Silver bullion	4,654,586			4,654,586
Gold coin	179,952,890	$90,758,947	$271,462,799	542,174,636
Silver dollars	165,413,112	7,000,000	31,471,269	203,884,381
Fractional silver coin	31,236,899	1,897,554	41,805,367	74,939,820
Gold certificates	13,593,410	74,816,920	51,491,316	139,901,646
Silver certificates	38,370,700	3,139,070	98,813,370	140,323,140
United States notes	45,047,378	79,701,352	221,990,236	346,738,966
National-bank notes	9,945,710	23,465,388	285,165,613	318,576,711
Fractional currency	3,285	489,927	6,470,963	6,964,175
	555,065,065	281,269,158	1,008,670,933	1,845,005,156

Thus it will be seen that our total possible circulation is $1,845,005,156. Of this at least $100,000,000 of coin—gold coin—is permanently retained in the Treasury to secure the redemption of the United States notes. So that if we treat the remainder as available circulation we have $1,745,005,156, which is about $34 per capita of our population. In a compilation of statistics recently made by Mr. Spofford, Librarian of Congress, our national, State, county, and municipal indebtedness is stated at about $2,892,286,738, which is over $57 per capita. So that for every dollar in circulation there is $1.58 of public indebtedness, to say nothing of that vast, unknown quantity which aggregates the sum of private indebtedness.

These public debts must be paid, these private debts must be paid, local governments must be supported, our children must be educated, our families must be fed and clothed, our commerce and trade must go on, our development must go on, the increase in our population and the enterprises of our people must go on—and to the end that all these things shall be done there must be an easy, liberal circulation of money among the people or there will be stagnation, poverty, and distress. Our most prosperous eras have been those when money was plentiful and circulated freely from hand to hand. Then enterprise was on the wing, the products of labor found welcome in the markets of the country, and labor itself rejoiced in constant employment at liberal wages, and the people were contented and happy. Whenever the conditions have been reversed the result has been reversed. No, sir; the coinage of silver should not be discontinued because of any plethora in the present volume of our circulation.

But, it is said, the coinage of the standard silver dollar should be stopped because it is a cheap dollar—an 80-cent dollar. An "80-cent dollar," indeed! If that is true, how happens it?

I have an instructive table here, to which I invite the attention of the House and the country, showing the value in gold of the standard silver dollar of 412½ grains for a period of forty years:

Years.	Value in gold.	Years.	Value in gold.
1834	101.62	1854	104.26
1835	101.20	1855	103.95
1836	101.72	1856	103.95
1837	100.98	1857	104.69
1838	100.88	1858	103.95
1839	102.36	1859	105.22
1840	102.36	1860	104.58
1841	101.83	1861	103.10
1842	100.77	1862	104.16
1843	100.34	1863	104.06
1844	100.88	1864	104.06
1845	100.46	1865	103.52
1846	100.56	1866	103.63
1847	101.20	1867	102.67
1848	100.88	1868	102.57
1849	101.30	1869	102.47
1850	101.83	1870	102.67
1851	103.42	1871	102.57
1852	102.57	1872	102.25
1853	104.26	1873	100.46

Thus it will be seen that for forty years this contemptible old dollar commanded a premium. On the very day that it was struck by a coward hand in the dark in 1873 it was worth more than gold. But it was full of menace to the bondholder, the national banks, and the money-power. The great mines of the West were increasing in number and productive capacity. The swelling stream of treasure they were pouring into the mints was expanding the volume of our circulation, and assured the early payment of our non-taxable bonded debt and the downfall of the national banking system. So the coinage of silver was forbidden, and the doors of the mints were closed against it. From

that day to this it has been assailed in every conceivable form. What with Congress legislating against it, with the Executive Departments discriminating against it, with the banks condemning it, with the metropolitan press denouncing it, with skilled debaters inveighing against it in these halls and throughout the country, with an army of financial colporteurs scattering tracts full of appalling prognostication and evil prophecy, if it is not stripped of its eagles and its image of liberty, it is a miracle that the old thing has any life left in it. But still it is here holding its own. Still it is here the favorite of the common people, who resolutely refuse to be divorced from it. Quoted in the bullion markets at a discount, the coined dollar goes serenely on its way, returning the friendship of the poor man by buying for him more of the comforts of life than it was ever able to do before, and conquering its enemy, the great banker who covers it with contumely and reproach, by forcing him to falsify his profession of faith by his practice, for not one can be found who will exchange 100 cents in silver for 80 cents in gold, or make any exchange except upon terms of perfect equality. Certainly in all the local uses to which money can be put, in all the domestic affairs of our people, whether in the banks or out of them, silver is the peer of gold. No, sir; there is no reason in this view of the case why silver should be debased and dishonored.

But, we are told, if we do not stop piling up these silver dollars, if the Bland act is not repealed, gold will take wing and fly affrighted from the country, and we will be reduced to the barbarous condition of silver monometallism. This is the strong point of the advocates of suspension. We are told that the great powers of Europe have practically ceased the coinage of silver and have adjusted their monetary affairs to the single standard of gold, which they say has resulted in depressing the value of silver all over the world; and that if we go on maintaining both metals as legal-tender money, in spite of the difference in their value, our gold will be displaced by foreign silver as one of the inevitable results of international trade and exchange.

We are told that the time is fast approaching when the American who buys in Europe can pay only in silver, and, as he is compellsd to trade on a gold basis, will have to pay $1.20 (perhaps more) for every dollar's worth of goods he buys; while the European who receives the silver can return it here and use it at par in his purchases in this country, and that such inequality can only result in speedy disaster to our commerce and ruin to our people. The theme is enlarged and amplified in divers ways, but always before our terrified vision is kept the spectral panorama of stagnated industry, expiring commerce, wretched people, and crumbling power. Some of these philosophers have been so good as to send me books full of these discussions and prophecies, and luminous as midnight in their exemplifications of the science of finance. I have essayed to go through some of them. I approached the task with a feeling akin to that which inspired the old Greeks who sought wisdom from the Delphic oracle, and with about as good result.

Through all these discussions runs the mysticisms of the doctrinaire. Dogmatic in assertion, they announce their speculative opinions with an air of supreme authority, indifferent alike to the logic of experience and the facts of history. If the facts of history, if the experiences of the past throw any light upon the future, then we have little reason to apprehend the dangers with which the anti-silver philosophers threaten and seek to intimidate us. The truth is the coin balances are in our favor. In 1885 we exported $8,477,892 in gold and imported $26,691,696, a balance in our favor of $18,213,804; and of the gold imported $17,679,600, or nearly three-fourths, came from England, Germany, and France. At the same time we exported $33,753,633 in silver and imported $16,550,627, a balance against us of $17,203,006. Of the silver imported into this country only $36,444 came from England, France, and Germany. In other words, notwithstanding the Bland act was in full operation, and notwithstanding the price of silver was quoted lower than for fifty years, in 1885 we actually imported over $18,000,000 more gold than we exported, and at the same time exported over $17,000,000 more silver than we imported. That is one fact.

Another fact is that the wage-workers in England, France, and Germany are ordinarily paid in silver, and that metal circulates freely in those countries, and in all the great commercial countries of the world. There is more silver in the Bank of France to-day, to say nothing of what may be in the hands of the people, than our entire silver coinage amounts to, and it circulates as a legal tender, and will buy as much as gold. For domestic uses silver is as good as gold in all the great powers of Europe, as well as in America.

Another fact is that silver is being constantly coined in England, France, and Germany. In 1882 Great Britain coined $1,021,381 in silver, and not a dollar in gold; in 1883 she coined $6,831,169 in gold and $6,201,517 in silver; in 1884 she coined $11,309,819 in gold and $3,204,824 in silver. In 1882 Germany coined $3,167,085 in gold and $6,407,157 in silver; in 1883 she coined $21,002,897 in gold, and $594,564 in silver; in 1884 she coined $13,723,494 in gold, and $114,319 in silver. In 1882 France coined $722,206 in gold, and $223,853 in silver. In 1883 no work was done at the mints of France. In 1884 she coined $23,160 in silver, and none in gold. So far, then, as these three great powers—the most enlightened commercial powers of Europe—are concerned, silver is still coined at their mints and circulates among their peoples.

Again, the coinage of the world, so far as reported, in 1884 was $99,459,240 of gold and $90,039,443 in silver. In view of all these facts contradicting the speculative theories of our financial philosophers and of the further fact that silver comprises more than one-half the metal money of the world, I see no good reason for apprehending that the continued coinage of silver at our mints will drive gold from our borders.

Then, sir, if it be true, as I hold it is, that the extent of our circulating medium is not such as to demand a reduction of its volume; if the people have confidence in silver money and it circulates freely among them and answers the requirements of domestic trade, if its continued coinage does not endanger our commerce or imperil our interests abroad, why should it be further discredited by unfriendly legislation? What interest of the masses can be subserved, in what way can their prosperity be promoted, by such a policy? I can understand why the bondholder and the money-lender should desire this thing. I can understand how such a policy would increase the value of their securities, add to the purchasing capacity of their money, and enlarge their power over the business of the country. It is simply one more advantage they seek. But I can not see any reason why the great industrial classes of our people should desire it. They do not desire it. Their interests, their prosperity, and happiness point the other way—to an increase in our circulation, to the free and unlimited coinage of silver upon an equality with gold. In that direction the faces of the people are turned, and though the opposition is better prepared and equipped for battle, I have never known the will of the people to be thwarted when they are once aroused and determined. I think this issue had as well be fought out now as hereafter. There is no good in delay. The lines are drawn; let the fight go on. Let the question of supremacy between the people and the money power be settled. If Mammon is master, the people like galled jades must wince and bear it, and we will go on as we have been. But if the people themselves are sovereign, then we can make the close of this contest the auspicious beginning of a new and better era when all the policies of administration and all the powers of government shall be administered and enforced with an eye single to the prosperity of the whole people of the whole country. I shall be glad to see our skies brighten with the rising sun of that new day. It does not require the eye of prophet or poet to see the picture that lies beyond it—of fresh vitality in all our varied industries, with the burdens of taxation decreased and decreasing, with our commerce and finances freed from corporate control, with our old supremacy on the high seas restored, and best of all, as a consequence of these things, a beautiful and prosperous country thronged with happy homes, in and out of which the people are passing ever with light step and buoyant hearts. [Applause.]

Mr. CULBERSON took the floor.

Mr. LANHAM. If my colleague will yield to me I will move to adjourn, as it is late.

Mr. CULBERSON. I will, with the understanding that I am to retain the floor.

The SPEAKER *pro tempore*. The gentleman from Texas will have the floor as soon as the subject shall be resumed.

LEAVE OF ABSENCE.

By unanimous consent indefinite leave of absence was granted to Mr. THOMPSON.

And then, on motion of Mr. LANHAM (at 4 o'clock and 43 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers in the claims of Isaiah B. Beans and of W. N. Hough, of Loudoun County, and of John Fornshil, of Alexandria, Va.—to the Committee on War Claims.

By Mr. BUTTERWORTH: Papers in the claim of Cornelius Phetzing—to the same committee.

By Mr. CLARDY: Memorial of Prosperity Assembly No. 3784, Knights of Labor, of Saint Louis, Mo., against the passage of the Dingley pilotage bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. COLLINS: Petition for postal savings-banks from citizens of Charlestown, Mass.—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of C. F. Baker and 29 others, citizens of Dennis, Mass., and owners and masters of sailing vessels, for the passage of a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DUNHAM: Petition of M. J. Neahr & Co. and others, citizens of Chicago, Ill., asking for a modification of the proposed duty on burlaps—to the Committee on Ways and Means.

By Mr. EVERHART: Two petitions of 50 voters and 39 non-voters, of Pomeroy, Pa., praying for a commission to investigate the effects of alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FLEEGER: Two petitions of citizens of Butler County, Penn-

sylvania, for the passage of pension laws recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of Knights of Labor of Clarksburg, W. Va., Local Assembly No. 1497, praying for legislation in the interest of labor—to the Committee on Railways and Canals.

By Mr. GROSVENOR: Petition and affidavits of S. C. Beckwith and 60 others, of McConnellsville, Ohio, asking favorable action on bill granting a pension to Stafford Palmer—to the Committee on Invalid Pensions.

Also, petition of George Anderson Cassidy, for relief—to the Committee on Military Affairs.

Also, memorial of James Tipton and others, of Lick Run, Ohio, in favor of House bill 3183, to prohibit aliens from acquiring title to lands, &c.—to the Committee on the Judiciary.

Also, petition of William H. Lee and 205 others, for the passage of pension laws asked for by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of J. S. Roseberry, M. D., and 100 others, for same—to the same committee.

Also, memorial of James M. Tipton and Charles E. Starr, on behalf of Local Assembly No. 1778, Knights of Labor, of Lick Run; and of Local Assembly No. 453, Knights of Labor, of Nelsonville, Ohio, in favor of liberal appropriations for public improvements—to the Committee on Railways and Canals.

Also, petition of L. A. Harper and 45 others, of Stewart; of Z. K. Baker and 54 others, of Eureka; and of Israel Dennis and 40 others, of Hemlock, Ohio, for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. GUENTHER: Resolutions by Typographical Union No. 211, of Oshkosh, Wis., relating to the international copyright bill—to the Committee on the Judiciary.

By Mr. HALE: Memorial of Huntsville (Mo.) lodge of Knights of Labor and of Mooresville Knights of Labor, asking the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HISCOCK: Petition in regard to patents—to the Committee on Patents.

By Mr. KLEINER: Petition of James Dillon, of Velpen, Ind., for relief on account of loss of flatboat during the late war—to the Committee on War Claims.

By Mr. LONG: Memorial of Knights of Labor, Local Assembly No. 1431, of West Quincy, Mass., in behalf of Hennepin Canal—to the Committee on Railways and Canals.

By Mr. NEAL: Memorial of Knights of Labor of Tracy City, Tenn., asking that liberal appropriations be made for the construction of works of internal improvements, &c.—to the same committee.

By Mr. PERKINS: Petition of J. A. Wells and 120 others, ex-soldiers and citizens of Erie, Kans., asking for the equalization of the pay of the soldiers of the late war with the bondholders and creditors of the nation—to the Committee on War Claims.

Also, resolutions of Local Assembly No. 2489, Knights of Labor, of Parsons, and Local Assembly No. 2842, Knights of Labor, of Arkansas City, Kans., for liberal appropriations for internal improvements—to the Committee on Railways and Canals.

By Mr. PETTIBONE: Petition of W. C. Emmert and 36 others, asking an appropriation for Nolachucky River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. RANDALL: Petition of Frederick Alexander Blancjour, to have the charge of desertion standing against his military record removed—to the Committee on Military Affairs.

By Mr. SESSIONS: Petition of citizens of Jamestown, N. Y., asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENSON: Petition of 10 citizens of Marble, Waupaca County, and of 30 citizens of Blaine, Portage County, Wisconsin, favoring the continued coinage of silver—to the same committee.

By Mr. A. J. WEAVER: Memorial of Local Assembly 2107, Knights of Labor, of Wymore, Nebr., asking an appropriation for the Hennepin Canal and for other internal improvements—to the Committee on Railways and Canals.

By Mr. J. B. WEAVER: Petition of Knights of Labor of Avery, Iowa, joining with 52 other assemblies Knights of Labor, praying for law authorizing unlimited coinage of silver, that the volume of currency shall not be contracted, and for other legislation—to the Committee on Coinage, Weights, and Measures.

Also, petition of D. E. Brown and 50 others, citizens of Iowa, praying for the opening of Oklahoma Territory—to the Committee on the Territories.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. PAYSON: Of citizens of Iroquois and Marshall Counties, Illinois.

SENATE.

MONDAY, *March* 22, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending special appropriations for the heating apparatus of certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

SPA SPRING AT BLADENSBURG, MD.

The PRESIDENT *pro tempore* presented a letter from James Crutchett, of Washington, D. C., presenting to the Government of the United States a certain piece of land at Bladensburg, Md., upon which is situated a chalybeate mineral spring, for the use of the people of the United States; which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the select and common councils of the city of Philadelphia, Pa., remonstrating against the passage of bills to admit foreign-built ships to American registry; which were referred to the Committee on Commerce.

He also presented petitions of Knights of Labor of Toledo, Lick Run, Chillicothe, and Zanesville, Ohio, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. CULLOM presented a petition of citizens of Cooke, Gallatin County, Montana Territory, praying for the construction by the Government of a wagon-road through the Yellowstone National Park, in order to afford a means of communication between the mining camp at Cooke and Cinnabar; which was referred to the Committee on the Territories.

He also presented a memorial of Isaac H. Knox and 92 other shippers, producers, and commission handlers of live cattle at the national stock-yards at East Saint Louis, Ill., remonstrating against certain provisions of Senate bill 1715, to regulate the transportation of live stock; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Knights of Labor of Peoria, Galesburg, and Chicago, Ill., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented resolutions adopted by Local Assembly No. 1640 of the Knights of Labor of Peoria, Ill., in favor of the enforcement of the laws restricting Chinese immigration; which were referred to the Committee on Foreign Relations.

He also presented a petition of Knights of Labor of Peoria, Ill., praying for the adjustment of the claims of workingmen under the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of Knights of Labor of Peoria, Ill., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. WILSON, of Iowa. I present a joint resolution of the General Assembly of the State of Iowa, in reference to the bill passed by the two Houses of Congress providing for the relief of settlers on the Des Moines River lands; which I ask may be read, and ordered to lie on the table for the present.

The joint resolution was read, and ordered to lie on the table, as follows:

Whereas the General Assembly of the State of Iowa has, at different sessions, by memorials and joint resolutions, expressed the sympathy of the State with its citizens who, in good faith and under the invitation of the officers of the United States Government, settled upon the lands lying within the limits of what is now known as the grant to the Des Moines Navigation and Railroad Company, and the urgent desire of the State that Congress should promptly pass a bill looking to proceedings quieting the title to such settlers, and permitting them to own and to continue to occupy the homes they have made on said lands; and

Whereas a bill has passed both Houses of Congress having for its purpose to secure to said settlers the peaceful possession and title to the homes they have created by their labor and the expenditure of their means through many years, and to which they are justly entitled, and the eviction from which must inevitably cause them severe hardships and very great pecuniary loss, which bill the President of the United States has refused to approve: Therefore,

Be it resolved by the senate of the Twenty-first General Assembly of the State of Iowa (the house of representatives concurring), That the Iowa delegation in Congress merit the thanks of this General Assembly, which are hereby tendered, for their efficient efforts in obtaining the passage of said bill.

Resolved further, That it is with deepest regret that this General Assembly has learned of the veto of said measure by the President; and that by this veto the President has disappointed the just expectations of the people of Iowa.

Resolved, That the secretary of state is hereby directed to forward to each of our Senators and Representatives in Congress a certified copy of these resolutions.

I hereby certify that the above and foregoing is a true copy of the concurrent resolutions as the same appear on file in my office.

In witness whereof I hereunto set my hand and affix the great seal of state. Done at the capitol in Des Moines this 18th day of March, A. D. 1886, of the Independence of the United States the one hundred and tenth and of the State of Iowa the fortieth.

[SEAL.]

FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa. I also present a joint resolution of the General Assembly of the State of Iowa, favoring the enactment of certain legislation granting pensions to soldiers of the Union Army of the late war who were, during that time and while in the discharge of duty, captured and confined in confederate prisons, &c., which I ask may be printed in the RECORD and referred to the Committee on Pensions.

Mr. HARRIS. Do I understand the Senator to ask that the memorial be printed in the RECORD?

Mr. WILSON, of Iowa. It is very brief.

The PRESIDENT *pro tempore*. It is a joint resolution of the General Assembly of Iowa.

Mr. HARRIS. If it be from the General Assembly, of course I have no objection. I did not understand that it was from the General Assembly.

Mr. WILSON, of Iowa. It is from the General Assembly of the State.

The memorial was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Memorial and joint resolution by the house, the senate concurring.

Resolved, That our Senators and Representatives in Congress are requested to use all their influence and votes, at the earliest time possible, for the passage of an act for the pensioning of soldiers of the Union army of the late war who were during that time, while in the discharge of duty, captured and confined in confederate prisons; and that the secretary of state is requested to furnish each of our members in Congress a copy of this resolution.

Approved March 13, 1886.

I, Frank D. Jackson, secretary of state of the State of Iowa, hereby certify that the foregoing joint resolution and memorial is a true and correct copy of the original on file in my office.

In witness whereof I hereunto set my hand and affix the great seal of the State. Done at the capitol at Des Moines this 13th March, A. D. 1886, of the Independence of the United States the one hundred and tenth and of the State of Iowa the fortieth.

[SEAL.]

FRANK D. JACKSON,
Secretary of State.
D. W. SMITH, *Deputy.*

Mr. WILSON, of Iowa. I also present a joint resolution of the General Assembly of the State of Iowa, in opposition to the passage of certain bills now pending in Congress in relation to manufactures of vinegar; which I ask may be printed in the RECORD and referred to the Committee on Finance.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Joint resolution and memorial for the protection of Iowa manufacturers.

Whereas there has been introduced into the Congress of the United States two certain bills, being Nos. H. R. 3291 and H. R. 3973, said bills being, in substance and effect, to compel all vinegar manufacturers, who distill low wines, either to pay the regular distiller's tax or buy their high wines from the distillers, or cease the manufacture of vinegar—in either event the increase in price to the consumer and the flooding of the market with cheap acid vinegar, as was the state of affairs previous to the present law: Therefore,

Be it resolved by the General Assembly, That the passage of such a law as is proposed in said bills would work great hardship to the consumer and the manufacturer of vinegars in the State of Iowa, and destroy, to a large extent, the present home market for corn, now furnished by the numerous manufacturers of vinegars in the State of Iowa.

Resolved, That our Senators be instructed and our Representatives requested to work and vote against said bills.

Resolved, That the secretary of state is hereby instructed to promptly forward to each of our Senators and Representatives in Congress a properly attested copy of this resolution.

Approved March 13, 1886.

I, Frank D. Jackson, secretary of state of the State of Iowa, hereby certify that the foregoing joint resolution and memorial is a true and correct copy of the original on file in my office.

In witness whereof I hereunto set my hand and affix the great seal of the State. Done at the capitol at Des Moines this 13th day of March, A. D. 1886, of the Independence of the United States the one hundred and tenth and of the State of Iowa the fortieth.

[SEAL.]

FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa, presented a petition of the Pleasant Plain monthly meeting of Friends of Iowa, praying for the passage of the bill (S. 355) for the creation of a tribunal for international arbitration; which was referred to the Committee on Foreign Relations.

Mr. WILSON, of Iowa. I present also the proceedings of Local Assembly 3623 of the Knights of Labor of Stuart, Iowa, approving of the bill passed by Congress granting relief to the settlers on the Des Moines River lands and praying for the passage of the bill over the veto of the President. The proceedings of the local assembly come addressed to me officially, but evidently intended for the consideration of the Senate. I ask that they be received and laid upon the table.

The PRESIDENT *pro tempore*. That order will be made.

Mr. SAWYER presented a petition of citizens and ladies of Augusta, Wis., praying for the adoption of a sixteenth amendment to the Constitution of the United States, prohibiting the disfranchisement of any citizen on account of sex; which was ordered to lie on the table.

He also presented a petition of Knights of Labor of Racine, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented resolutions adopted by Typographical Union No. 211, of Oshkosh, Wis., remonstrating against the passage of Senate bill 191 on international copyright, and favoring the passage of Senate bill 1178 on the same subject; which were referred to the Committee on Patents.

Mr. COKE. I present the petition of Mrs. Rachel A. Gould, of Dallas, Tex., the widow of William P. Gould, late a private in Company H, Third Wisconsin Volunteers, who died of disease contracted during the war, leaving two minor children. She prays that a pension be granted her for the children. I move that the petition, with the accompanying papers, be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HARRIS. I present a petition of the corporate authorities of the city of Memphis, Tenn., of the Cotton Exchange of the same city, and the Merchants' Exchange of the same city, praying for appropriations necessary to the protection of the harbor of that city. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HARRIS presented a petition of 15 clergymen, 7 physicians, 4 lawyers, 19 teachers, 51 business men, and 14 officers of temperance and other societies, of Franklin and Coffee Counties, Tennessee, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of Knights of Labor of Huntsville, Randolph County, Illinois, and a petition of Knights of Labor of Lamar, Barton County, Missouri, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present two petitions from Knights of Labor of Mooresville, Livingston County, in the State of Missouri, praying for the construction by the Government of the Hennepin Canal, one of which was sent to my colleague [Mr. VEST], who is detained from the Senate by illness, and the other was sent to myself. I move that they be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. I also present a similar petition from District Assembly No. 107 of the Knights of Labor of Kansas City, Mo., which was sent to my colleague [Mr. VEST] and in whose name I present it to the Senate. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. I present the petition of William D. Bush, a leading citizen of Saline County, in the State of Nebraska, praying for the establishment of a branch mint at Kansas City, Mo., and for the free coinage of gold and silver. I move that the petition be referred to the Committee on Finance, and ask their careful consideration of it.

The motion was agreed to.

Mr. DAWES presented petitions of Knights of Labor of Boston and Lowell, in the State of Massachusetts, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. LOGAN presented petitions of Knights of Labor of Port Byron, Chicago, Cable, Belleville, and Peoria, in the State of Illinois, and a petition of Knights of Labor of Knox County, Illinois, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of citizens residing in different parts of the United States, praying that scientific temperance instruction may be introduced into the schools of the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Knights of Labor of Peoria, Ill., praying for the prohibition of Chinese immigration into the United States; which was referred to the Committee on Foreign Relations.

He also presented the petition of Sophia C. Gray, of Lenox, Iowa, praying for the extension of the time for filing bounty claims; which was referred to the Committee on Military Affairs.

He also presented a petition of the Lancaster (Pa.) Association of ex-Union Prisoners of War, praying for the passage of Senate bill 779 granting pensions to ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of Pleasant D. Powers, of Weakley County, Tennessee, praying for the correction of his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of Knights of Labor of Peoria, Ill., praying for the restoration of the rate of wages that prevailed in the District of Columbia prior to March, 1877; which was referred to the Committee on Education and Labor.

He also presented a petition of ex-Union soldiers of Windsor, Ill., praying for the passage of a bill to equalize bounties; which was referred to the Committee on Military Affairs.

He also presented a petition of Knights of Labor of Peoria, Ill., praying legislation to enforce the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of Pomona Grange, of Coles County, Illinois, praying that the office of Commissioner of Agriculture be made a Cabinet office; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 5 clergymen, 10 physicians, 2 lawyers, 8 teachers, and 45 business men, of La Salle and Grundy Counties, in the State of Illinois, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. FRYE, presented a petition of Knights of Labor of Auburn, Me., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Augusta, Me., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented a petition of the monthly meeting of Friends of Windham, Me., praying for the passage of Senate bill No. 355 to provide for the creation of a tribunal for international arbitration, &c.; which was referred to the Committee on Foreign Relations.

Mr. HARRISON presented petitions of Knights of Labor of Elkhart and Peru, in the State of Indiana, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a memorial of Montie B. Gwin and 80 other citizens of Caldwell, Ada County, Idaho Territory, remonstrating against the proposed annexation of a certain part of that Territory to Washington Territory; which was referred to the Committee on Territories.

Mr. MORRILL. I present the memorial of White River (Vermont) Pomona Grange, remonstrating against the increase of the rate of postage on fourth-class mail matter, favoring the bill creating a department of agriculture and labor, whose secretary shall hold a seat in the President's Cabinet, and against any bill placing corn, oats, potatoes, and hay on the free-list. I hardly know to what committee the memorial should be referred. It seems to relate to Education and Labor, to the Post-Office, and to the Finance Committees. I will move to refer it to the first-named committee.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Education and Labor, if there be no objection.

Mr. CAMERON presented the petition of Mrs. Mary Von Kusserow, of Philadelphia, Pa., widow of the late Col. Charles Von Kusserow, of the United States volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Coal Bluff, Pa., praying for the construction of works of internal improvement of national importance, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the lithograph printers of Philadelphia, Pa., favoring the passage of the bill restoring the wages of employés in the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. MANDERSON presented a petition of the Knights of Labor of Hastings, Nebr., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented a petition of Knights of Labor of Salem, Oreg., praying for the construction of the Hennepin Canal and other works of national importance; which was referred to the Committee on Commerce.

Mr. MILLER. I present a petition signed by 500 mercantile firms of the city of New York, principally belonging to the Produce Exchange, engaged in the shipment of grain and flour, praying for the passage of a bill authorizing the construction of a bridge across Staten Island Sound known as Arthur Kill. As the bill has been reported favorably, I ask that the petition lie on the table, and I hope to be able to call up that bill at an early day and have it put on its passage.

The PRESIDENT *pro tempore*. The petition will lie upon the table.

Mr. MILLER presented petitions of Knights of Labor of Troy and Corning, in the State of New York, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of Knights of Labor of Salada, Colo., praying that liberal appropriations be made for works of internal improvement, and especially the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. BROWN. I present a petition of the bar of the city of Savannah, Georgia, in which they set forth the very defective condition of the house in which the United States courts are held and in which the post-office is located at that place; and they pray for the passage of the bill that has already passed the House of Representatives appropriating $200,000 to erect a proper building in the city of Savannah for the accommodation of the United States courts, the post-office, the revenue department, &c. I move the reference of the petition to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CALL presented a petition of B. Colom, H. W. Reddick, and 57 other citizens of Point Washington, Fla., praying for the forfeiture of the land grant made in 1856 to the State of Florida for the construction of railroads; which was referred to the Committee on Public Lands.

Mr. HALE presented the petition of Thomas Glennon, late a private in Company K, Fifth New York Heavy Artillery, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PLUMB presented petitions of the Knights of Labor of Topeka and Arkansas City, in the State of Kansas, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Abilene, Kans., praying for the unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. CONGER presented a petition of Knights of Labor of Lapeer, Mich., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of 25 clergymen, 9 physicians, 18 lawyers, 35 teachers, 80 business men, and 45 officers of temperance and other societies, of Allegan, Kent, and Ottawa Counties, Michigan, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1868) providing for an extension of the Executive Mansion, reported it without amendment.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 838) granting an increase of pension to General Benjamin F. Kelly, reported it without amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 975) for the relief of Mathilda Victor, reported it with an amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 33) for the relief of Alexander K. Shepard;

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

A bill (H. R. 1905) for the relief of Theodore W. Tallmadge;

A bill (H. R. 2066) for the relief of Alfred McMurtrie;

A bill (H. R. 2935) for the relief of James Price;

A bill (H. R. 2995) for the relief of Francis H. Shaw;

A bill (H. R. 4836) for the relief of Thomas McBride; and

A bill (H. R. 4839) for the relief of E. P. McNeal.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate numbered 2, 6, and 7 to the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. RANDALL, and Mr. MCCOMAS managers at the conference on its part.

The message further announced that the House had passed the following bills:

A bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans;

A bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia; and

A bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison.

The message also announced that the House had passed the bill (S. 416) for the relief of J. M. Lobban, with an amendment, in which it requested the concurrence of the Senate.

The message further requested the Senate to furnish the House with an engrossed copy of the bill (S. 831) for the relief of George A. Storrs, of the State of Texas, the orignal having been mislaid in the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1008) for the relief of Victor Beauboucher;

A bill (H. R. 1319) to increase the pension of Robert D. Fort;

A bill (H. R. 1625) for the relief of Frances McNeil Potter;

A bill (H. R. 2021) granting a pension to Margaret A. Blake;

A bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; and

A bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office, approved February 6, 1883.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the urgent deficiency appropriation bill.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I move that the Senate still further insist upon its amendments numbered 2, 6, and 7, and agree to the conference asked for by the House of Reprsentatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 1927) granting a pension to Ann Elizabeth Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1928) granting a pension to Philander C. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1929) for the relief of John C. Phillips; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 1930) granting a pension to John Duffy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1931) for the relief of M. Emma Haverstick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1932) granting a pension to Mrs. M. Augusta Barnes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1933) granting a pension to Edward Hall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1934) granting a pension to Joseph E. Hobson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 1936) to set apart section 36, township 111, range 62, Dakota Territory, for educational purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1938) for the relief of Herman Baumhager; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DAWES. For the purpose of having it in the Senate print, I introduce a bill which has already been communicated to the Senate in a special message from the President.

The bill (S. 1939) to authorize the expenditure of certain Indian moneys covered into the Treasury was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DOLPH introduced a bill (S. 1940) to amend section 5192 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1941) to enable the Northwest Trading Company, a private corporation organized under the general laws of Oregon, to purchase certain lands in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. ALLISON introduced a bill (S. 1942) for the relief of Hiatt & Co.; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1943) granting a pension to Caroline C. McNair; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 1944) for the relief of Edward S. Armstrong; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. At the instance of the Merchants' Exchange of the city of Saint Louis I introduce a bill.

The bill (S. 1945) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 1946) granting a pension to Frances C. Ferguson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1947) to regulate the payment of annuities to the Sac and Fox Indians of the Mississippi; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BLAIR, it was—

Ordered, That the papers in the case of Mary C. Ringgold be taken from the files and referred to the Committee on Pensions.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. LOGAN submitted the following resolution; which was read:

Resolved by the Senate of the United States, That the sessions of the Senate commonly known as executive sessions, so far as they apply to nominations, confirmations, or rejections, shall hereafter be held with open doors, and that a public record of the same shall be kept the same as in legislative sessions.

Mr. LOGAN. I ask that the resolution lie upon the table, with a view of calling it up some morning on a future day and submitting a few remarks in reference to it. I do not wish to have it referred to a committee at this time.

The PRESIDENT *pro tempore*. The resolution will lie on the table, if there be no objection.

REMOVAL OF FOURTH-CLASS POSTMASTERS.

Mr. INGALLS. On the 4th day of March instant I offered a resolution, which was agreed to by the Senate unanimously, calling on the Postmaster-General for information as to the number of fourth-class postmasters removed since the 4th day of March, 1885. Eighteen days have elapsed, and as the resolution called for nothing but the numbers of the removals, not asking for names or dates, it required merely a computation from the official registers of the Department, which it appears to me might have been done within two or three days at the utmost. I have no desire to assume that there has been any disinclination on the part of that officer to comply with the request of the Senate, but the information sought for was necessary in some remarks that I hoped to submit on the resolutions reported from the Judiciary Committee, and I know of no reason why the delay should have occurred. I therefore ask for the adoption of the resolution that I send to the desk.

The PRESIDENT *pro tempore*. The Senator from Kansas asks for the adoption of a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Postmaster-General be directed to inform the Senate whether he received the resolution of March 4, calling for information as to the number of fourth-class postmasters removed in each of the States and Territories since March 4, 1885, and if said resolution has been received, why it has not been answered, and when a response may be expected.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT *pro tempore*. The resolution will lie over under the rules and be printed.

Several SENATORS. Regular order.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the morning business is closed, and the Chair, under the order of the Senate, lays before the Senate the bill (S. 777) to increase the efficiency of the Army of the United States as the unfinished business of the morning hour.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States.

The PRESIDENT *pro tempore*. The pending question is on an amendment proposed by the Senator from Illinois [Mr. LOGAN], which will be read:

The SECRETARY. At the end of section 1 add:

And regulations shall be established by the President prescribing a definite and graded penal code for the guidance of the summary courts provided for in this section in awarding punishment to offenders convicted before such courts.

Mr. LOGAN. Before that amendment is acted on, I desire to turn back to line 6 in section 1 of the bill. The Secretary of War suggests that as the provision is left in the bill the use of the word "line" would exclude the Engineer and Ordnance Corps, and he asks me to have it amended so as to include the two. After the word "line," in line 6, I move to insert the words "engineers, or ordnance;" so as to read:

May be brought before a summary court, which shall consist of a commissioned officer of the line, engineers, or ordnance, second in rank, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HALE. Will the Senator from Illinois permit me to present at this time the amendment of which I gave notice?

Mr. LOGAN. Certainly.

Mr. HALE. I now rise for the purpose of moving the amendment of which I gave notice on Thursday last, and that is to strike out section 2 of the bill. That section reads as follows:

SEC. 2. That the number of enlisted men in the Army, including an engineer battalion of five hundred and twenty men, hospital stewards, and one thousand

Indian scouts, be, and hereby is, established as a force not to exceed thirty thousand men.

My object, of course, in moving this amendment is to prevent, what I believe is not necessary, an increase of the Army of the United States. I am strongly of the belief that a force of twenty-five thousand enlisted men, that number being what is now provided for by existing law, is ample for all emergencies that may fall upon the Army of the United States.

Since 1874 this has been the limitation, and no investigation of mine, no examination into the subject, shows that the Army to-day is less efficient than it was twelve years ago. The Army to-day, if all the reports are correct made by its superior officers whose duty it is to report to Congress, is in better condition, man for man, than it was in 1874, when the limitation of twenty-five thousand men was fixed. There are less desertions, there is less drunkenness, the *morale* of the Army is better. Certainly there never were a brighter and abler set of men since the days of the war than now make up the officers of the Army of the United States.

For twelve years the Army of the United States with its present numbers has served all the purposes for which we maintain an army. It has conducted most important Indian warfare and always successfully. It has maintained a guard and protection upon our immense frontier line, and the raids and inroads of the Indians have from year to year grown less. I undertake to say that to-day there is largely less for our Army to do than there was in 1874 when this limitation of twenty-five thousand men was fixed, as it has remained ever since.

Since the debate opened upon this bill on Thursday last I have been looking over the different reports, the somewhat extensive literature that lies about all of the different measures and propositions for the reorganization of the Army, which came to a head in the year 1873–'74, and my investigation leads me to have no doubt that there was then more for an army of twenty-five thousand men to do than there is to-day.

In 1873–'74 both Houses of Congress investigated this whole subject most carefully and I think very thoroughly. The testimony of the great officers in the Army was taken upon the whole question of reorganization, upon the numbers of enlisted men and officers, of the duties to be performed, and of the necessities of the service. I find that General Sherman, in testifying before the Committee on Military Affairs of the House of Representatives, as found in their report made in 1874, in answer to certain questions put to him by General HAWLEY, then a member of the House and a member of the Military Committee, speaking of a certain regiment of cavalry, said:

That regiment is, therefore, strung from the Pacific Railroad, in the neighborhood of Cheyenne, northward through the Rocky Mountains up to Fort Ellis, in Montana—at least eight hundred miles of frontier. They are in the presence of probably three thousand of the most dangerous and hostile Indians on this continent.

Mr. HAWLEY, of Connecticut. Three thousand fighting men?

General SHERMAN. Yes. Sitting Bull, Bull Bear, Red Cloud, and these fellows can have three thousand Sioux for actual war if occasion arises.

I might, if I desired to take up the time of the Senate, follow this volume through, and everywhere in the testimony of General Sherman and General Sheridan and other leading officers of the Army is the disclosure of the situation at that time calling for the need of an efficient military force on our western frontier.

I find also in Senate documents in the Forty-fifth Congress, third session, that in the Senate of the United States General Burnside, then a Senator from Rhode Island, "from the Joint Committee on the Reorganization of the Army, submitted the report which I hold in my hand to accompany bill S. 1491," which provides for a most elaborate reorganization of the Army in line and staff, in enlisted men and officers; and I find that in accordance with the request of the committee different officers of the Army made an estimate of how the different parts of the Army, the different services, cavalry, infantry, artillery, &c., should be distributed upon a basis of twenty-five thousand enlisted men. General Sherman makes an estimate, as do General McDowell, General Townsend, and other well-known officers of the Army, showing that as the committees proceeded in this investigation the basis of twenty-five thousand men, that which we now maintain, more and more made a lodgment in the minds of the committee as a suitable number. The upshot of all that legislation was that in the Congress succeeding the law was established which has been maintained unbroken ever since, that the limitation of the enlisted men in the Army of the United States should be twenty-five thousand. There it has remained from that day to this.

For some years afterward the reports of the Secretary of War and sometimes of the General of the Army contained in them recommendations that the number should be increased to thirty thousand, but after a while, Congress in no way changing the limitation of twenty-five thousand, these requests were withdrawn, the increase was abandoned, and for the last several years I do not find it in any report either of the Secretary of War or of the General of the Army or of any leading officer of that branch of the service. I do not find that the Secretary of War desires it now; I do not find that the General of the Army desires it now, from the reports that they have submitted. And certainly if in the wisdom of Congress upon a full investigation nearly thirteen years ago twenty-five thousand men were found to be sufficient for all the purposes of our Army twenty-five thousand men or less than that would be ample to-day.

I undertake to say that the purposes for which an army may properly be employed, that the needs which may arise from day to day, and largely these are in the great West, are much less than they were thirteen or fourteen years ago. Why, Mr. President, during that time since 1873–'74 most important Indian wars have been carried on, have been fought and have been ended successfully by the Army of the United States with the numbers of men that Congress had given in 1873–'74—most important Indian wars. I have here a pamphlet which gives a list of the different Indian wars which the Army has put down since 1873—the Cheyenne war, the Sioux war, the Nez Percé, the Shoshone and Bannock, Mescalero Apache, and later the outbreaks in Texas and New Mexico and Arizona.

During these years with the men that we have furnished to the United States Army, the notable campaigns, if one may call them such, of General Howard, General Crook, General Terry, General Miles, and General Gibbon have all been undertaken and carried out successfully, and year by year the danger from the Indian has grown less and less and the fighting power of the Indian has become smaller each year. Such a statement as General Sherman made before the committee in 1874 could not be made now by any officer of the Army. It would be a literal impossibility to get three thousand fighting Indians together anywhere or everywhere. I doubt from what I can find in reading these reports whether within the last three years there have been one hundred and fifty fighting Indians on the war-path together at any one place. I do not say that I am absolutely correct in this, but I am very nearly correct. I know that they are much less from year to year as time goes on.

These wars to which I have alluded have all been successful, and the Indians have been put down, Sitting Bull and Bull Bear have been taken; Chief Joseph, I suppose one of the greatest of fighting Indians of modern times, has been overcome, and to-day the word comes that the last and most formidable of the Apache band, Geronimo, has surrendered voluntarily; and yet the bill provides that under these conditions we shall increase the Army five thousand men. I do not know what is going to be done with the men if they are added to the present force. And all the documents and all the reports show that, as stated by General Drum in his communication to the War Department of February 27, 1882, the average proportion of troops west of the Mississippi for the past ten years is 73.76 per cent. of the entire Army.

We may as well assume, unless some new service is disclosed in this debate for the additional five thousand men, that it is the Indian frontier and the security of the people upon that frontier and the treatment of the Indian in the great West that will occupy and absorb the Army for the future as it has in the past.

I do not believe that the Indian is as formidable to-day as he has been. I believe that under this process—you may call it the pounding process—that has been going on from year to year, under the repeated defeats, under the dispossession of the Indian of his old hunting-grounds and land, his spirit so far as fighting is concerned being broken, to-day the danger to the frontier is less than it was twelve years ago when we fixed the limit of the Army. The present Secretary of the Interior in his last report says on this subject:

The Indian race is no longer a source of danger to the peace or security of this great Republic. Most of the reservations are encircled by powerful communities, and those upon the frontier are completely in the hands of our military forces.

And yet the bill before us provides not as would logically follow from this condition that the Army may be reduced and the expense of it cut down, but that an addition of five thousand men shall be made to its force.

It has also been found—and I take it nobody knows it better than the Senator in charge of this bill [Mr. LOGAN] or the Senator from Massachusetts [Mr. DAWES] who has dealt so long and intelligently with the Indian question—that other methods besides force, besides the intervention of the Army, have tended to make the Indian less dangerous and have reduced the need of a great military establishment to protect the frontier from his ravage.

In the last report of the Lieutenant-General of the Army, General Sheridan, in treating of the divisions occupied by the Army and the service performed, says:

Following the Oklahoma invasion came the Cheyenne and Arapaho disturbance, which threatened for a time all the horrors of an Indian war. For the true cause of this trouble and the particulars of its settlement I refer to my report to the President made in July last.

Which is found in this document. He says further:

The speedy and firm action of the President in redressing the grievous wrongs that had been done the Cheyennes and Arapahoes, and the enlistment of a number of the young men of their tribes as scouts, obliterated a trouble which came near being very serious, and which, without a peaceful solution, would have been destructive of life and property on the borders of Kansas, Colorado, and Texas.

So that not only military force, not only military operations, not only Indian wars successfully pursued have reduced the Indian and made him less dangerous, but peaceful methods, more quiet processes have

been adopted in the last twelve years resulting in the same end; and yet we are asked to increase the Army five thousand men!

Mr. President, I fail in any examination that I have made of this subject to see the need of this increase. It will be attended with a large additional expense; and while I do not complain of the extravagance of the Army and I think it should be properly maintained and encouraged, yet I think it well to call the attention of the Senate to the appropriations that we are making annually with the present establishment, because this should not be put aside either in considering the general proposition found in the section which I move to strike out, or other amendments that may be offered for increasing the officers and the general expense of the Army.

In the last regular appropriation bills for the Army we appropriated $24,014,402; in the legislative appropriation bill, for the clerical force which is needed to keep the accounts and the business of the Army, and which must be increased somewhat whenever you increase the Army, we appropriated additionally $2,071,295; and in the sundry civil appropriation bill for the other general purposes of the Army $4,475,771, an aggregate of thirty million five hundred and odd thousand dollars. So, as every member of the Appropriations Committee knows who deals with this subject, it has become settled that by and large it costs about a thousand dollars to maintain one man in the Army for a year. Of course I do not mean his pay; I do not mean his allowances; but I mean that, take it all in all, as you increase or decrease the number of men, the increase of expenditure or the decrease of expenditure will be found to be at about the rate of $1,000 a man. I have no doubt that if to-day the Army is increased as this bill proposes, with the other circumstances attendant, Congress will be called upon to appropriate something like $5,000,000 yearly in addition to what we are appropriating now.

Mr. President, I do not believe in a niggardly policy as to any of the Departments of the Government. I believe in a generous policy; but I do not think that in the present condition of the Treasury, in the present condition of the country, $5,000,000, or $4,000,000, or $3,000,000, whatever it may be admitted by the friends of this measure would be the additional cost, would be well invested in an increase of the Army.

I have tried to show how the main work for which an army is maintained has lessened from year to year, justifying a decrease rather than an increase, and I have yet to see outside of that where any need arises for an additional force. There is certainly no menace from abroad—never less than now—and the tremendous experiences that the country went through twenty-five years ago and in the years succeeding that time show how easy it is for the American people to improvise an army on an emergency. It would be no boast for us to say that in any critical danger calling for an increase of the American Army the "stamp of a foot" would be responded to by every increase demanded; and unless there is something permanent and needed from year to year, then the increase provided for in this biil has no ground to stand upon.

The Army in that regard is not like the Navy. You can not build a navy in one or two years or in five, perhaps not in ten. It takes forethought, deliberation, long plans; and the experience of all nations and of our own is that if you are going to increase the Navy, even if you do it in a moderate way, you find it impossible to do it in a hurry; it is a long job that must be undertaken. That is not the case with the Army.

Therefore, Mr. President, not claiming any extensive knowledge upon this branch of our service, never having served upon any of the military committees, but only interested upon the subject from an outside view as a Senator, and from the investigations I have made of the subject, I have felt constrained to oppose this provision and to move that this section be struck out.

Mr. MORRILL. Mr. President, my observation leads me to a different conclusion from that of the Senator from Maine. Since 1874 unquestionably the population in this country has increased as much as twelve million, and that population is constantly crowding upon all of our Indian reservations. We are daily diminishing the resources of the Indians from hunting, and Indians had much rather fight than starve or labor; and therefore to me it seems probable that collisions with the Indians will rather increase than diminish.

The Senator from Maine seems to think it remarkable that we have succeeded in putting down a dozen Indian wars in the last twelve or thirteen years. Why, to be sure, in the process of time we have put them down, and in almost every instance where they have occurred the Department having charge of the military forces has had to gather them from distant places, fifty men at a time, from long distances; and therefore it has occurred that a long delay and much loss of life and expense have been suffered in consequence of our having at these posts in the West too small a number of men. If we had had a sufficient number of military in the West near the Indians these Indian wars might not have occurred. I do not believe they would have occurred if we had a respectable force anywhere near the reservations.

Then, again, take it on our Atlantic coast. We have not a sufficient force in any of our principal cities within our fortifications. If a foreign force of one hundred men were to land anywhere on our Atlantic shore, we have not a force competent to march out at once and meet an enemy of that kind. I do not say but that we could very soon raise a sufficient number of volunteers, but at the present time there is not a force at any of the posts on the Atlantic coast that could resist *instanter* an invasion of one hundred men. Therefore I have thought that it was no more than reasonable that there should be some increase of the Army, and that it would be sound economy to give it some increase.

Mr. LOGAN. Mr. President, I was somewhat surprised, I must confess, at one statement made by the Senator from Maine. I see he has been examining this question very carefully, and of course his opinions are entitled to consideration. But I desire to draw his attention especially to one point. He read rather extensively from the evidence of General Sheridan, General Sherman, and others who appeared before military committees at a time when the committees were arranging this organization of the Army. Did he find anywhere in that testimony that General Sherman or General Sheridan, or any of the leading officers of the Army, said twenty-five thousand troops were all that were necessary for the Army of the United States? Does he not know that that evidence was based upon the proposition that the committee proposed to reduce the Army to twenty-five thousand, and they were inquired of as to how the twenty-five thousand could be disposed of between the different arms of the service?

Mr. HALE. That is precisely what I stated, that they were requested to make their estimates upon that basis, and that as the result the limit was fixed at twenty-five thousand. I did not state what the generals said the total should be.

Mr. LOGAN. Now, I will venture the assertion that you can not find in any report or in the evidence of any officer in the Army of the United States of America since the war the statement that twenty-five thousand of an army was sufficient for the United States. I will venture that assertion, and I will go further: If the Senator will get a letter from General Sheridan, General Schofield, General Terry, or any other prominent officer in the Army, saying that twenty-five thousand men are competent for the Army of this Government, I will withdraw that proposition from the bill. I know they do not entertain those views.

I am not going to take up time in reading reports; I am not going to take up time in reading letters; but I have a letter in my drawer from General Schofield indorsing this bill fully and completely. I will not say what conversation I have had with General Sheridan or others, but I say to the Senator to-day that if he will find a leading officer of the Army who will agree with him in his proposition I will agree to strike this section out of the bill.

Now let me go a little further. The Senator says that the theory of increasing the Army to thirty thousand men was abandoned after this establishment was arranged under the bill that was agreed upon in 1874. The Senator is entirely mistaken in that statement, and I call his attention now to the fact.

Mr. HALE. What is that?

Mr. LOGAN. The statement of the Senator was that it had been abandoned; that since then no recommendation for it had been made.

Mr. HALE. For the last several years.

Mr. LOGAN. Why? I can state very briefly why. The Military Committee knows this to be the fact. Every bill that I have draughted since I have been on that committee, either in the Senate or the House, has been for an increase of the Army, and I have always been defeated and probably will be now. Time and again I have proposed thirty thousand as the establishment of the United States, not at this session merely, but in all preceding sessions when I have made an estimate or proposed a bill for the Army I have proposed thirty thousand. Not only that, but the Senator will remember that on the very committee he serves on now, the Committee on Appropriations, I was a member of the same committee at a time when the proposition came from the House to reduce this twenty-five thousand to twenty thousand, which came here some two or three times, I ever insisted on thirty thousand being the number that should be put in the bill, and proposed it in committee two or three times.

So then it has not been abandoned; and it never has been abandoned by any one having anything to do with it. I never abandoned it. The reason of the failure of officers of the Army to renew their recommendations and the reason why it was not renewed by the Secretary of War was because Congress paid no attention to their recommendations. As I said before, I have been defeated every time. Of course their recommendations ceased because there was no use of their making the recommendations when Congress paid no attention to the recommendations. That is the fact about that.

Mr. HALE. There is no issue between the Senator and me as to that. I know the Senator has been in favor of thirty thousand men; I know that for years after Congress fixed the limitation at twenty-five thousand men the Secretary of War and the General of the Army and other officers of the Army asked for thirty thousand and continued to do so, as I stated before; but three or four years ago these requests ceased.

Mr. LOGAN. That is true.

Mr. HALE. And in their reports nothing of the kind has been found since. Now the Senator says that the reason for that is that Congress time and again refused to comply with the request. That may have been so to a degree, but also the other consideration must have borne upon these officers' minds that the need for the Army on the frontier was growing less and less, and therefore they did not ask it.

Mr. LOGAN. Very well; now we will see. I want the Senator to understand that this proposition to increase the Army is not for any present needs; it is not because there is an Indian war; it is not because there is danger from Indians or danger from anywhere; it is not because I apprehend any danger from any source that I proposed this in the bill before the Military Committee, and that the Military Committee agreed to it, but it is that the Government of the United States may at least have an army that will have some respectability, when it is called the Army of the United States, both at home and abroad.

Now, what is its condition? I know it is perfectly natural for the Navy of the United States to desire a reduction of the Army, so that they may have larger appropriations for the Navy. But there ought not to be this strife between the Army and the Navy. I will say to the Senator who well represents the Naval Committee that there ought not to exist in the Senate or elsewhere a strife between the Army and the Navy with reference to the efficiency of either. They both ought to be efficient and both ought to be provided for, and both be an honor and a credit to the American people.

Mr. HALE. Does the Senator think there is any such strife as that? Does the Senator think that really enters into this consideration?

Mr. LOGAN. I do not.

Mr. HALE. The Senator and I have been together on committees and important subcommittees touching naval appropriations and have always been found together.

Mr. LOGAN. And the Senator has always found me voting for them.

Mr. HALE. I was going to say that the Senator has always been found voting for liberal supplies to build up and restore the American Navy, and I do not think there is here now on this floor any antagonism between the two; certainly in my mind in opposing this section I do not in any way antagonize the Army with the Navy in the slightest degree.

Mr. LOGAN. This remark was only called out by the statement of the Senator just before he closed when he attempted to display before the Senate the appropriations for the Army as being $25,000,000 per annum, and therefore the Army ought not to be increased; in other words, the Army ought to be reduced; that would be the logic of the argument; and in the very same breath almost he insisted that the Navy needed appropriations different from the Army. I took it for granted that there was some little antagonism from that very remark. I do not wish to impute anything to the Senator that he does not design; but now let us go a little further.

I wish to say that so far as I am concerned I have had enough of war. I want no more war, either with whites, or with blacks, or with Indians, at home or abroad. I will always be found on the side of peace; but that is no argument against an organization of the Army. That is no reason why we should not have an army; for, sir, since man has been known and history has been written wars have occurred. Some have occurred that we could not see good reason for; yet they have occurred; and a great government like this should at least, as I said, have an army that would make it look respectable before the nations of the earth as well as at home.

Indian wars have ceased, and I am glad of it. I hope we shall never have another; but as was well said by the Senator from Vermont, if our Army had been larger and more efficient in the West at the time of our troubles with the Shoshones and the Sioux and the Apaches and the Mescalero Apaches and the other Indians, I think those wars would have ceased much sooner between the whites and the Indians. They have ceased now, and I hope they will not be renewed.

But there is one reason that the Senator does not seem perhaps to have examined very closely. An army in time of peace is not an army to make war upon anybody. An army in time of peace is a mere police establishment, for the purpose of being ready at a moment's warning to perform the duties that are required of them by the Government against invasion, encroachment upon our rights by Indians, or those who may make war upon our people. Now, because we are at peace, there is just as much reason existing to-day for an army, not of magnitude, not of one hundred thousand, but such an army as would be sufficient at least to meet on our borders any attempt that might be made by any other power to invade or assault us in any way whatever, as there ever was. I suppose we are in no danger, as the Senator said; or suppose we are in less danger now than ever; grant that to be true, I want to know why, then, it is that members of the Naval Committee are introducing propositions to make immense guns? Why is it that our Ordnance Committee are making reports to have fortifications built all around our coast? Why is that? Whence the necessity? We are at peace with all the nations of the earth. If there is to be no more war, why these great preparations? If we knew there never would be war, of course the preparations would be unnecessary; but want of knowledge on our part in that direction induces us to do what? Induces us to make preparations for what? For our own protection and self-preservation as a government, as all other governments do.

We find standing armies in some of the European nations of five hundred thousand or even seven hundred thousand men. I should hate very much to see an army of that kind again in this country. We do not need it. But when we find an army of five hundred thousand ready to be transported and marched against a government at peace with all the world, as we are to-day, it does seem to me that at least we ought to have a nucleus around which we could form a great army for our own protection and preservation.

The bill proposes to add to the Army five thousand men. These are not officers, they are men to be enlisted as soldiers. It will require that many men to make the framework of our Army an army at all. It is not an army to-day, except in name. You find a captain and two lieutenants commanding twenty men. The truth is that in the condition our Army is in to-day the officers are almost ashamed to bring their companies out and exhibit them in the presence of the American people. It reduces the efficiency of the Army, the efficiency of the company, of the battalion, of the regiment, and of the officers. No officer who is a captain of a company, when he is entitled to sixty or one hundred men, is going to be proud of a company of twenty men. I have never in my life seen one that was. If his company was reduced in battle to the number of twenty, he might be proud then of the prowess of those men who met with misfortune; but when they are reduced by desertion, or when they are reduced because of a refusal on the part of Congress to fill up these fragments of companies and regiments, then he is not proud.

Sir, either reduce your officers and the number of your regiments and put them together, or make a good company, a good battalion, and a good regiment, by filling up the companies and making them what the law contemplates they should be. The law provides that there shall be so many men in each company, so many men in each regiment, but after the regiments are organized and the companies are organized Congress says, "You shall not recruit above so many; you shall not recruit the Army above twenty-five thousand." Twenty-two thousand we had it for a while in some of the appropriation bills. When Congress says that, then, although the law says you shall have so many men in a company, Congress says, "Yes, you can have them in a company on paper; you can call it a company, but we do not propose that you shall recruit it up beyond so many." Therefore, you have no company and can not have it, because Congress will not appropriate the money to recruit it. We have cut it down by a provision in an appropriation bill and keep it at twenty-five thousand, although we have a framework of companies enough in this country to make an Army of forty thousand or fifty thousand men, and a good one, too. But you reduce it down so that each captain of a company has a little fragment of men, and when you call on a company to go out after Indians how many men do you get? If it is composed of a company, there may be forty men. You have one man detailed for this purpose, another man for that purpose. They have got to do all their own work; some men are detailed for cooks, some detailed for one thing and some for another, some to drive teams and ambulances, and when you get your details made and you go to marshal your company how many men have you? You will see a captain march out with about fifteen men. One of the lieutenants says "I do not want to go; there is nothing for me to command." The captain will say to the other, "Here, you are second lieutenant, and this being about a squad, you go on with them," and the other two stay at home because they are ashamed to go out in the field with that number. Yet you call that the Army of the United States, something to talk of the people being proud of as their Army!

The Senator speaks of the gallantry of the officers. Nobody discredits the officers. I am as proud of our officers and our soldiers as anybody, but I am not willing to put them in a condition where you yourself, sir, if you to-day were to go with an officer of any government on earth, even of little Mexico down below us, the weak republic, and were to see a regiment of theirs by the side of one of ours, would be ashamed of our own organization. I have seen, within the last two years, the organization of the Mexican army on our frontier, with their regiments full and their companies full, and our officers were absolutely ashamed to muster their own men.

Mr. HALE. Would not the Senator prefer to take his chances in battle with five or ten of our regiments, such as they are, as he describes them, rather than take the chances with ten full Mexican regiments?

Mr. LOGAN. I never commanded any Mexican regiments, and never expect to.

Mr. HALE. You have faced them.

Mr. LOGAN. Yes, I have been on the other side when we were engaged in that unpleasantness, and I have no desire to make comparisons of that kind. I would rather command American troops than any troops on earth. But that does not argue that a regiment of one hundred men will compare in appearance with a regiment of a thousand men when you bring them up on dress parade to exhibit them or to show what they are made of.

I have been in different forts in this country when in the evening the troops were brought out on dress parade in order that I might see the efficiency of our organization. Well, bring out five companies, say a battalion. You would have a colonel, a lieutenant-colonel, a major, and officers enough to command a brigade, and what would you see? I would stand there by the side of the colonel, and I would see a company come out, as the band played, on the double-quick, and at trail arms stand up in line and count them, forty men in the first company. They bring the largest company first to make the best show. The next that comes out has about thirty; the last company that comes on the left flank of the regiment would have from ten to fifteen, and the officers would stay back in their quarters. That is the condition of the Army.

Do you want it that way? Does anybody desire it that way? Does anybody want that kind of an Army of the United States? You go and ask General Sheridan, who is in command of the Army, or General Sherman, who has been retired, or any of these officers in reference to this Army, and they will tell you of its lack of efficiency to-day because it is a mere framework. There are no men. They are scattered in companies enough to make fifty thousand men, and here you have twenty-five thousand.

Mr. HALE. Now, let me ask the Senator, who is authority on military matters——

Mr. LOGAN. No; I do not claim to be by any means.

Mr. HALE. It is conceded by all of us. Is it not admitted that in time of peace our Army is to a great degree a skeleton organization? That is, nobody expects it to be filled up; nobody expects that the companies will be full to the limit that the law allows, or that upon parade, or that upon show they will display as finely as they would in war when the ranks are full. I understand that that is the theory on which we maintain our military establishment—that the companies are meager undoubtedly; they are not full because not needed, and the only question—for they will remain unfilled whether you have thirty thousand or twenty-five thousand—thirty thousand will not fill up the companies, thirty thousand will not make them all full regiments, will not make them so that they will appear as they would if they were full. Thirty-five thousand will not do it. The only question is for the real needs and duties of the service whether any more men are needed in the Army. I do not agree with the Senator. He thinks they are needed. I do not. I do not think his argument that the regiments and the companies ought to be filled up is maintainable here now, because he does not propose to fill them up.

Mr. LOGAN. Now I will reply to the Senator and state exactly what I think about it. I do not think five thousand additional men will fill up the companies to the full requirement of the law, of course not; but that addition will make them at least look like companies, and it will not only do that, but it will make a better organization, a better army.

When the Senator talks about the framework of an army in time of trouble what does he mean? Does he not know that whenever a war exists between this country and any other, or between any countries, no matter what they are, the army, unless it is a full organization, becomes a reorganization, and that the older officers generally go to the rear and the younger ones go to the front? Is not that so? Then what does he mean by saying that you will keep these and let these men grow old—for that is the meaning of it—merely lying around forts, &c., and then when war comes there will be no efficiency in our Army and you have to get a new set. My idea is to fill it up somewhat so that the younger officers in the Army will take a pride in their profession. Instead of resigning and going into other business they will have a pride in their profession because they have something to command.

Now let me call the Senator's attention to one thing. I hear a great deal of talk about the fisheries of this country and about our agreement with foreign countries on the subject of the fisheries, and suggestions that trouble may grow out of the subject some of these days; that some time Canada may take a notion to raise a row of some kind. I believe there is a fort or fortress in the Senator's State of Maine.

Mr. HALE. Several.

Mr. LOGAN. Fort Preble is quite a prominent fort in Maine, is it not?

Mr. HALE. At Portland Harbor.

Mr. LOGAN. One of the great harbors of this country; a fine one, too, in front of a beautiful city. Suppose that some Canadian craft or some of the Canadians up there some day should take a notion with five or six hundred men to run down to Fort Preble, what would you do?

Mr. HALE. I do not think they would ever get there.

Mr. LOGAN. How would you stop them?

Mr. HALE. I think the people would stop them.

Mr. LOGAN. The people! You rely on the people outside? Here you have at Fort Preble six officers and thirty-nine enlisted men, making forty-five in all, officers and men, to man Fort Preble against Canada, England, and all Europe, and yet the gentleman would rather see the Army reduced than increased. I would like to give you a few men up there at Fort Preble.

Mr. HALE. Let me tell the Senator what I think about that. There is Fort Preble, an old fortification. It has not much of a garrison. The Senator supposes that a few hundred men would start from Canada and run down there 150 miles. Now a few hundred men never could get to Fort Preble, whether we had an army or not. Neither do I believe that the garrisoning of Fort Preble, or any fort on our coast, would in any degree depend upon whether you add five thousand to the Army now or not. The trouble would not come in that way. The forts would not be garrisoned by the regular Army.

Mr. LOGAN. Not, the Senator thinks, if the people of Maine would lick the Canadians before they got to the fort. I agree to that. Then on that argument we do not want any army at all.

Mr. HALE. Not very much.

Mr. LOGAN. Then why not wipe it all out? If you wipe out part, wipe it all out. If you are going to depend on the people of the country, depend on them altogether. We have plenty of men who can take command all over the country, men of experience, there is no trouble about that; and what is the need of any army at all? If you are for wiping out the whole Army and relying on the people themselves, that is one thing; if you are in favor of keeping an army, that is another thing. If you are in favor of keeping an army, keep it at least in decent shape.

There are several matters in connection with this bill that I will not discuss except as they come up, for I do not wish to detain the Senate; but, so far as this proposition is concerned, I insist on the Senator from Maine going now—not at this moment, but I mean before this bill passes—to the Secretary of War and the General of the Army and asking them what they think about it. As I said, if the General will say there is no necessity for this, I will strike it out of the bill without any further argument or discussion in reference to it.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. LOGAN. Very well; but before anything further is done I ask that the Senate agree that this bill may continue in the morning hour until disposed of. I think we can dispose of it in another morning. There is no other point to delay us.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the pending bill during the morning hour to-morrow? The Chair hears no objection, and that order will be made.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 33) for the relief of Alexander K. Shepard;

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

A bill (H. R. 2066) for the relief of Alfred McMurtrie;

A bill (H. R. 2935) for the relief of James Price;

A bill (H. R. 4836) for the relief of Thomas McBride; and

A bill (H. R. 4839) for the relief of E. P. McNeal.

The bill (H. R. 2995) for the relief of Francis H. Shaw was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 1905) for the relief of Theodore W. Tallmadge was read twice by its title, and referred to the Committee on Public Lands.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 704) granting a pension to Benjamin Dubach;

A bill (H. R. 1279) granting a pension to Darius M. Seaman;

A bill (H. R. 1344) granting a pension to William H. H. Gillespie;

A bill (H. R. 1707) granting a pension to Elijah P. Hensley;

A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;

A bill (H. R. 2179) granting a pension to Henry Barr;

A bill (H. R. 2623) granting a pension to Sarah O. Drummond;

A bill (H. R. 2793) granting a pension to Silas James;

A bill (H. R. 2975) granting a pension to Eliza A. Weeks;

A bill (H. R. 3308) to increase the pension of Joseph R. Cravens;

A bill (H. R. 3321) for the relief of Samuel C. Fisher;

A bill (H. R. 3624) granting a pension to Fred. J. Leese;

A bill (H. R. 3831) granting a pension to Charles T. Reber;

A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;

A bill (H. R. 4346) granting a pension to Elijah W. Putney;

A bill (H. R. 4395) granting a pension to Betsey Martin;

A bill (H. R. 4631) granting a pension to Mary Merrill;

A bill (H. R. 4977) granting a pension to James N. Hair;

A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;

A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell;

A bill (H. R. 5061) granting an increase of pension to Samuel Baker;

A bill (H. R. 5074) to provide increase of pension to James Waters;

A bill (H. R. 5234) granting a pension to Jesse H. Gaines;

A bill (H. R. 5306) granting a pension to Roxana V. Rowley;

A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost;

A bill (H. R. 5332) granting a pension to Elizabeth Crowley;

A bill (H. R. 5525) granting increase of pension to Robert E. Stephens;

A bill (H. R. 5692) for the relief of James B. Russell;

A bill (H. R. 5705) granting a pension to Charles Wyant;

A bill (H. R. 5706) for the relief of Elizabeth Leffman; and

A bill (H. R. 5729) granting a pension to Elizabeth Warner.

The foregoing thirty-one pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

GEORGE S. STORRS.

The PRESIDENT *pro tempore* laid before the Senate the following request of the House of Representatives:

Ordered, That the Clerk be directed to request the Senate to furnish the House with an engrossed copy of the bill (S. 831) for the relief of George S. Storrs, of the State of Texas, the original having been mislaid in the House.

Mr. COKE. I move that the copy requested by the House be furnished.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 81) granting a pension to Margaret B. Harwood;

A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown;

A bill (H. R. 5506) granting a pension to Emily Louisa Spicer; and

A bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send copies of certain papers.

Mr. COLQUITT. Mr. President, it was my purpose to discuss the subject at some length with respect to the constitutional power of the President of the United States to make removals. I shall not do so now. It would be superfluous after the very able and exhaustive speeches to which we have listened upon that point. If it is possible for a question to be settled, it seems to me this one should be regarded as settled. From the legislative interpretation in 1789, sustained as that interpretation was by such men as Madison and Boudinot and Charles Carroll and Gouverneur Morris, sustained as they have been in their views by commentators and chancellors and judges and historians and by Attorneys-General of the United States, including such men as Wirt, Legaré, and Cushing, and followed in practice by fifteen Presidents of the United States in their administrations, it would seem that if it was possible to graft any question upon public sentiment and upon the deliberations of a public body, this long continuance in vindicating the power of the President of the United States to make removals would be sufficient to establish and forever put it at rest.

Reference has been made to the opinions of three of the ablest men who ever adorned the halls of the Senate or of any parliamentary body in the world, Mr. Clay, Mr. Webster, and Mr. Calhoun. They have been referred to time and again as furnishing the very highest evidence for denying the right and the power of this authority, as it is claimed, to rest in the President of the United States.

For forty years from 1789 this question was regarded as settled; it slept for that period. In the celebrated contest between the Senate and Andrew Jackson, then President of the United States, Mr. Clay, Mr. Calhoun, and Mr. Webster reawakened discussion on the subject. They undertook by their combined efforts to overturn the construction which had been put on the Constitution in the past, and if there could be champions of any cause able to bring to it the approval of a listening Senate, that cause might have been won when it was advocated by three such men as these. But grand as were their powers, superhuman almost in their gifts and attainments, coming from different sections of this country, representing different constituencies, they failed utterly to shake the confidence of the people and of the deliberative bodies of this country in the correctness of the interpretation which had been made in the early days of the Republic. It ought to be a warning to the leading men of this day. If such men as Clay and Webster and Calhoun yielded to the intrinsic power of truth, though they were confronted by men of less ability yet were compelled to yield their adhesion to this principle, it would seem to be a warning to the leaders of this day that they are making a futile attempt to have another doubt put upon this constitutional power. I know of no reason for such a doubt, unless it may be the zeal of modern statesmanship by men who imagine that they have made discoveries which escaped the blunt sagacity of the founders of the Republic.

During the debate in these Halls some of the remarks which have been uttered in this Chamber have been in the way of ridicule and sarcasm with respect to the declaration made in a circular of one of the heads of Departments referring to "offensive partisanship." It seems that these are words which can be played upon and made jest of, as though it was a very extraordinary expression, as though it was a new idea of new men in a new administration—the crude conception of unfledged statesmanship. Why, sir, it is not a new idea. It is not a new suggestion. In the discussion which occurred here for month after month in 1835 it was repeatedly declared upon this floor by men who were then assailing General Jackson, as well as by those who were vindicating and sustaining him, time and again was the suggestion made, that it would be good policy on the part of that administration, as well as of all administrations, that they should adopt this as a fixed policy, that offensive partisanship should be a reason for the removal of officers from their places. The reference here made to Mr. Webster recalls it, for I want to read what he said on that identical subject, and I do this because I wish to put an end to these taunts. No arguments have I yet heard with respect to the principle that is involved in the idea, but merely sneers and a contemptuous turn of the nose whenever reference has been made to "offensive partisanship," as though that was the especial point of weakness in this administration and they intended to assail that. I say it is not a new idea. It has not only been argued and discussed in various ways, but it has been embodied as a rule and a regulation in the Departments of this Government previous to this administration. March 20, 1841, from the Department of State, Mr. Webster issued this circular by direction of the President of the United States:

He therefore directs that information be given to all officers and agents in your department of the public service that partisan interference in popular elections, whether of State officers or officers of this Government, and for whomsoever or against whomsoever it may be exercised, or the payment of any contribution or assessment on salaries or official compensation for party or election purposes, will be regarded by him as cause of removal.

That would seem as though it had a prospective bearing merely, but it was retroactive, for Mr. Webster and the President acted on that circular and removed men from office because of their active interference in the political affairs of that day.

I come down to a more recent period with a view to refer to a law and a regulation that now stands unrepealed and is the law and the regulation of the Departments of this Government, though it does not seem to have been regarded or followed. I refer to an order issued during the administration of Mr. Hayes. And here let me say, though it may not be in the line of the remarks that are pertinent to this question, that, whatever may be said with regard to Mr. Hayes and his administration or the manner by which he was inaugurated President of the United States, I do not believe there has been an administration since the war that has done more to restore the autonomy of these States and the right of self-government than the administration of Mr. Hayes. I am aware that such a declaration coming from a Southern Democrat may damn Mr. Hayes with Republicans and it may damn me with Democrats; but I trust, sir, that I shall never be so blinded by prejudice or by party infatuation that I can see nothing in the character or the conduct of an adversary but his faults. It was during his administration that this order was passed, which was sent to all the Departments:

POSTAL OFFICERS FORBIDDEN TO PARTICIPATE IN POLITICAL CAMPAIGNS, ETC.

EXECUTIVE MANSION, *Washington, June 22, 1877.*

SIR: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

"No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

To the POSTMASTER-GENERAL.

I shall not stop to inquire whether or not it has been observed in the administration of the officers that he appointed or that were appointed by his successor in the administration of this Government, but it establishes this fact, that discipline was prescribed against partisan action by office-holders; and it shows that this idea, now held up to contempt in this body, the idea of offensive partisanship being objectionable, is not new, but has been established in the previous policy and administration of this Government. What I have just read is the law of the Executive Departments this day. It will constitute a part of the revised and republished edition of the Postal Laws and Regulations which will be laid on our desks in a few days. It there stands. And yet we are told that for this administration to consider the question as to whether a man has been an "offensive partisan" is an infringement of the individual rights of the citizen!

What is an "offensive partisan?" I have no doubt that the administration has had evidences and letters of what constitutes the offense. I intend to give two or three, so that it may be seen by the country whether or not this administration, in acting upon the fact that men are "offensive partisans" or not, is transcending the limits of the propriety of official duty. I have here a letter which will in some measure show what is meant by offensive partisanship. It is a letter addressed to the honorable the Secretary of the Treasury, Washington, D. C., February 11, 1885. I shall not give names for reasons that will be obvious to gentlemen who hear me; but as to this letter, I vouch for its identity. A complaint was made to the Secretary of the Treasury that this man had been absent from his office and had not been diligent in the discharge of its duties, and in respons- to that charge he writes to the Secretary of the Treasury:

I will state that having been appointed to this office by the President without my knowledge directly or indirectly nearly three years ago, my first intimation being a telegram that my name had been sent to the Senate, and learning from the parties who had thus caused my nomination to be made without my knowledge that it was an appointment looking to political operations in the then approaching campaign of 1884, with a view to improving my political usefulness I accepted the office. In accepting it I had little thought of secluding myself within it, for such a course would have conflicted with the entire programme of myself and friends who had so kindly placed me here. We then had a political "programme" running from the time of my appointment through to the close of 1884, and that programme absolutely precluded the idea of my sticking closely down in this office.

I was appointed to this office in March, 1882, and took charge in April, and in June, or perhaps late in May, I went to Washington, D. C., and remained there two months on part of the political work had in view at the time of my appointment. That absence was sanctioned by the then Secretary of the Treasury, who well understood the object of my presence in Washington.

* * * * * * * *

I remained in Washington as the best point to work up our "programme," and during the two months I remained there I conducted perhaps the most extensive personal correspondence ever carried on from that city with persons composing the body as well as leaders of the Republican party in their State—in fact, during the two months I came into close communication by letter with almost every Republican in the State of any local influence whatever, writing, with the aid of hecktographs, thousands of letters.

* * * * * * *

To the average Republican * * * a letter from Washington has more force than one written from ——, and I utilized that fact in the good work in which I was so warmly enlisted and in relation to which so much was expected of me. Having, as I believed, done all I could do by correspondence from Washington city, I transferred myself to the State to look after the approaching conventions in the respective Congressional districts and the State convention—for the chief work to be done under the long-cherished "programme" was then at hand. Giving close attention to these conventions and but little personal attention to my office (for I had a good man at each desk) we soon rounded them up with twenty-four votes solid for the person of our choice.

* * * * * * *

Yes, I was frequently absent, and doubtless appeared to be neglecting my official duties while pushing onward with our "programme." Though not a delegate to Chicago I was there, and had much to do with keeping our delegation a unit, and though the Chicago part of our "programme" was a disastrous failure, that failure could not be laid to us, for our delegation stood a unit, "as solid as a rock wall," "twenty-four votes for Arthur."

I will state here, that I may not arouse trouble in the watchful and jealous soul of the Senator from Vermont, that this letter was not obtained from the Department, directly or indirectly.

I read two or three of these letters for this specific purpose—that it may be seen what, in the exercise of the authority of removal or suspension by the President of the United States when he, or the Postmaster-General, who has been so frequently referred to as using this term "offensive partisanship," is meant by "offensive partisanship," and to show that these gentlemen would be reckless to their duties unless they suspended or removed such men from office, as they had the power to do. I read from another case.

This is the report of an inspector in relation to an officer in one of the States.

POST-OFFICE DEPARTMENT, OFFICE OF POST-OFFICE INSPECTOR,
Cincinnati, Ohio, May 29, 1883.

SIR: I herewith return case 24089 C, and I have the honor to report that, in obedience to instructions with the case, I visited New Lexington, Perry County, Ohio, and after an investigation and careful inventory find the financial condition of the office at close of business May 19 to be as follows:

Total to account for May 7		$942 52
By stamps, envelopes, &c., on hand May 19	$442 34	
By cash on hand, postal funds	101 01	
		543 35
		399 17
Money-order account:		
To balance May 19	$125 16	
By cash on hand May 19	92	
		124 74
Total shortage		523 91

The total shortage on money-order and postal account being, as above shown, $523.91.

This amount I demanded, and was informed by Mr. —— that he had not one cent whereby to repay the amount.

Chief Inspector, Washington, D. C.

On my arrival at the post-office at New Lexington, Ohio, and after making my business known to the postmaster, Mr. ——, he confessed to me that he was short in his postal account, and thinking the amount to be about $300, and thereafter, consulting with one of his assistants, he informed me that the money-order account was short, and this account was in fact, as I found it, entirely out of funds.

Mr. —— admits to me that he has known of the shortage in his office, but the amount shown by the inventory was larger than he had imagined. Also he confesses to me that the shortage is accounted for and is due to the fact of his having used the funds for some time past in conduct of his private business, and that a visit of an inspector was not a matter of surprise to him.

I find that Mr. —— has not only used for his private business the postal and money-order funds on hand in his office, but that in several instances he has drawn orders on Columbus, Ohio, with which to pay private indebtedness, and constantly failed to place in the office at New Lexington the money in repayment for said orders.

My investigation also elicits the fact that, in violation of Postal Laws, section 118, Mr. —— has been in the habit of exchanging stamps for merchandise, this violation extending back to 1879.

This man, with this shameful record, was recommended to be retained in office by the leading politicians of the Republican party because his services were regarded as important for the success of his party. He was dismissed under a Republican administration, but upon these recommendations of his value to his party he was reinstated by that administration, which was some years before this letter was written.

Mr. LOGAN. Will the Senator allow me to ask him a question? I have not interfered in this debate, and I do not know that I shall do so. That officer I suppose was suspended, was he not?

Mr. COLQUITT. He was not suspended. He will be suspended as soon as there is assurance that a substitute for him will be confirmed.

Mr. LOGAN. I supposed he was suspended; if not, the Postmaster-General has not done his duty. Is that a record you are reading from?

Mr. COLQUITT. Yes, sir.

Mr. LOGAN. From the Post-Office Department?

Mr. COLQUITT. Yes, sir, and it is open to any Senator in this body.

Mr. LOGAN. The only reason I ask the question was that it struck me as strange that records should be furnished against individuals to gentlemen to make speeches from, and that they can not be furnished on a resolution of the Senate.

Mr. COLQUITT. I will assure the Senator from Illinois that he can have any record in the Post-Office Department if he wishes and will go there and apply for it. Any Senator can do so. He can have any document or any paper, especially of an official character, because this is on file.

Mr. HOAR. May I ask the honorable Senator from Georgia if he means to be understood that documents of this character in regard to charges against officers are furnished when the officials are guilty and not when the official is innocent?

Mr. COLQUITT. I suppose you can get all you want. I have no doubt you can get those that are for him as well as those that are against him.

Mr. HOAR. Will the Senator be good enough to explain what is the principle on which these things are given out? They seem to be denied to a resolution of the Senate.

Mr. COLQUITT. Oh, no; they have never been denied. I have authority for saying, which has been repeated to me time and again by the heads of these Departments, that no Senator in this body has ever been denied access to papers in the Departments.

Mr. HOAR. But I understand——

Mr. COLQUITT. They have refused to respond to a call made by the Senate as a matter of right to demand them, but they have never been refused to the inspection of any man.

Mr. HOAR. The President of the United States says in his recent message that the Departments have been plied with requests from individual Senators and from committees of the body, and now from the Senate, and he proceeds to state his reasons why those documents shall not be disclosed. This is the first time I have ever heard of the consent of the Departments to exhibit them to individual Senators except Senators on that side, and I have heard of a good many refusals.

Mr. COLQUITT. I expect the Senator from Massachusetts has never applied or he would have found out.

Mr. HOAR. I have never applied.

Mr. COLQUITT. There is no reason therefore why the Senator should stand here and say they are denied.

Mr. HOAR. But I am a member of a committee that has applied.

Mr. COLQUITT. Of course I acknowledge that, but it is upon a different ground entirely; they deny that the Senate in its official capacity or through a committee has a right to demand papers or direct that they be sent here—papers of a very different character from these. They may have been refused; but all papers of this character, and I doubt not all papers of every character, will be open to the inspection of gentlemen who seek to know what is in them, but they are declined to be furnished upon the ground which is the true ground, that this Senate in its capacity as a Senate has no right to demand correspondence of a private and confidential character relating to removals from office.

Mr. LOGAN. Well, I should like to ask the Senator, if they are furnished to an individual to be read and published to the country, if that is not exactly what the Senate has been trying to get at? Why should they be given to an individual and not to the Senate? That is the point I can not with my obtuseness understand; it is a distinction I can not really get through my head.

Mr. COLQUITT. It has been understood in the past, I will say to the Senator from Illinois. General Jackson understood it, and it was practiced during his administration. I have no doubt it has been understood by other administrations and practiced by them. There is nothing mysterious in it that I can see. The discrimination that is drawn between the demand of the Senate in one shape here by reason of a resolution, and the review of papers by a Senator who goes there, which is granted to him as a matter of courtesy, is very evident. The things are very different matters.

Mr. LOGAN. There is this difference: Suppose some Senators do not go there and they would like to see the papers *too*. I do not go to any of the Departments and ask for papers. I never have done so, and I do not expect to do so; but I might like to see them. If we in our aggregate capacity as a Senate pass a resolution respectfully requesting them and they shall be denied, I am really afraid that the country will not see the distinction that is made when the Departments give them to members to bring them here to be read in order to condemn somebody. I am afraid they will not see the difference. I should like very much that they should, because if there is a distinction I should like the people to know it. I can not see it myself.

Mr. COLQUITT. I regret very much indeed that the Senator can not see it, a thing that has been so obvious to so many people and to so many officers of the Departments and to so many gentlemen who have been as high in position here in representing their States as the Senator is.

Mr. LOGAN. Certainly, it is strange, I have no doubt, but still I can not see it.

Mr. COLQUITT. I am not responsible for that. I refer to these papers with a view to illustrate this matter of offensive partisanship, and

to show that in the exercise of the power of suspension or of removal, one or the other or both, the President or the head of each of these Departments with such cases as this had a right, and it was their duty, to say that in such cases of offensive partisanship they would use their authority and suspend or dismiss from office. And yet in such cases, when the matter of offensive partisanship is referred to here, Senators rise from their seats and with a mournful earnestness and rounded periods and violent gesticulation pronounce homilies upon the sacred and inalienable rights of the citizen and upon the bleeding wounds of the Constitution—the sacred and inalienable rights of such characters as have been illustrated in the correspondence to which I have referred!

I omitted to say that while the paper last read indicates that there was some malfeasance in office, though I would not mention the name of the correspondent of the first paper, it is due to him to say that there was nothing wrong in his office, that every dollar was accounted for. He is a Republican, was a Republican then, and is a Republican now, a bold man, a fearless man, and a man who despises shams and pretenses; and hence he did not conceal the fact that he held the office, and he was ready to avow it to anybody, for political party purposes, and that he worked out the programme under it and secured 24 solid votes for Arthur. Recognizing the fact that he was a partisan and having no sympathy with the Democratic administration, he felt it due to his own honor and self-respect that he should resign.

But, sir, I have been drawn aside from the main purpose of my remarks to-day. I wish to call the serious attention of the Senate to the matter that we have to act upon. After all our speeches are made, after the question is exhausted, after the Constitution is analyzed, and after precedents have been furnished, when all this is done, most of them relating to the exercise of this power by the President, at last when we come to act as a Senate we shall have to act by voice and vote on the resolutions of the Judiciary Committee; and it is to those resolutions that I wish to call the serious attention of the Senate. The first resolution reads as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January and set forth in the report of the Committee on the Judiciary as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

I wish to ask if the majority of the Senate is prepared to vote "yea" upon that resolution? Is the majority of the Senate prepared to virtually impeach a high official of this Government? Does a majority of the Senate intend to usurp the power of impeachment by pronouncing a judgment of conviction upon a high official before he has ever been tried? The passage of this resolution may be regarded and referred to very flippantly and very lightly, but there is not an official nor a citizen of this country who does not feel that to him it is a serious matter when he is assailed in his character either as an individual or as an official. In this instance, this condemnation is to be made, and why? Does it accomplish any legislative purpose? Does it remedy the evil? Is it a warning even to those who may come after him?

No, Mr. President, there is but one object, if there be any object at all, and that is to perpetuate the malice and immortalize the animosity of a partisan majority by placing this judgment upon the enduring records of the Senate, to be handed down to the latest generation. It is a virtual impeachment. The language of this resolution seems to me to have been taken identically from the language used by the managers in the case of the impeachment of Andrew Johnson upon this floor, when Mr. Butler, speaking for the managers, declared what was an impeachable offense. Mr. Butler said in that trial:

We define an impeachable offense or high crime and misdemeanor to be one in its nature or consequence subversive of some fundamental or essential principle of Government.

That is almost identically the language of this resolution, and those managers, comprising the most talented and the most gifted men of the House of Representatives, defined an impeachable offense to mean one that involves conduct subversive of the fundamental principles of the Government. Yet the Senate, without any articles of impeachment furnished, as is required by the Constitution of the United States, seeks to try and condemn by this resolution one of the high officials of this country, either the Attorney-General or, over his back, the President of the United States.

Has the Senate this power? The Constitution says that the House of Representatives shall have the sole power of impeachment; and the Constitution says the Senate shall have the sole power to try all impeachments; but the Senate now usurps the power to make articles of impeachment and to try them, becoming both the accusers and the judges. In the House of Representatives there has not been a man who has ever risen from his seat with a view to propose articles of impeachment. In that body, composed of young and ardent men, who you would think might be excessive in their passion and in their party feeling and sentiment, there has not been a man to rise and prefer articles of impeachment, but it is left to this body of "grave and reverend seigniors," actuated, I fear, by feelings of partisanship, both to file articles of impeachment and to pass upon them with its judgment.

It is well enough for us to pause as a Senate. The Senate has no such power; and whenever it steps outside of its legitimate and constitutional duty with a view to impeach the character of a high official, it is a usurpation for which, if the Senate were put on trial by some higher tribunal, it would itself be condemned.

We hear nothing from anybody who represents the people about the impeachment of these men or that they have been guilty of conduct subversive of the Constitution of the United States and subversive of all good government. If the President or the Attorney-General had been guilty of conspiracy, if either had been conducting a correspondence with a view to overthrow this Government and to usurp its powers and to place them in the hands of some despot, the language describing the offense could not be more emphatic and stronger than that used in this resolution, which declares that the Attorney-General and the President, for the President is aimed at when it says "under whatever influence," are charged with an attempt to subvert the fundamental principles of this Government. Although the Senate is composed of representatives of the States, not representing the popular voice of the country, but assuming that they are the guardians especially of the popular rights of this day and that they intend therefore to subserve the purpose of preserving this Government from this sort of assault, while the President of the United States and the House of Representatives, with shorter terms, more directly responsible to the people, elected by the popular vote of the people, they themselves standing in harmony with a majority of the people of this country, yet the Senate is to stand here and upon a virtual article of impeachment declare that the President of the United States or his Attorney-General, one or both, are guilty of conduct subversive of the fundamental principles of this Government.

And Senators are elected by Legislatures of States some of which are by the popular vote Democratic, as in the case of New York with a Democratic popular majority, represented by two Republican Senators, or New Jersey with a popular Democratic majority with one Republican and one Democrat in the Senate, or Indiana in the same attitude; and yet the Senate feels that it has an obligation resting upon it to represent the rights of the people and protect the people against the assaults of the President of the United States, who is the leading representative of the people, and to usurp the power and the authority of the House of Representatives, that has just come fresh from the bosom of the people, representing their views.

Mr. Alexander Hamilton, who ought to be very good authority for the latitudinarians of this day, said:

The division of the powers of impeachment between the two branches of the Legislature, assigning to one the right of accusing and to the other the right of trying, avoids the inconvenience of making the same persons both accusers and judges, and guards against the danger of persecution from the prevalency of a factious spirit in either of those branches.

There was no question at the time that the articles of the Constitution were adopted that was more delicate than the question as to where the trial of impeachment cases should rest. They would not allow it to rest in the judges of the Supreme Court, for that was one body; they would not allow it to rest with the House of Representatives, because that was a single body, or with the Senate of the United States; but they divided the power in order to protect the high officials of this country from the factious spirit that might at times become prevalent and overrunning and overruling the rights of men when wild with their own party passion; and is it not well that they divided it between the House of Representatives and the Senate of the United States? But at this day, for party purposes—can we say that it is anything else—the Senate is to assume the right and the power and the constitutional duty to pass upon a resolution that in its moral effect upon the character of the administration, upon the character of the Attorney-General and the President, is as great as though it was a real impeachment?

The Constitution intended that the Senate of the United States should be the most elevated parliamentary body upon the face of the earth. The age of its members, their dignity, their eminence, and their large experience were supposed to be the surest guarantees that they would not be the subjects of overwrought passion and partisan resentment, but listening to the discussions of this day a stranger seated in the galleries, a thoughtful observer would suppose that the Senate had fallen from its high estate and that in its debates it had not reached beyond the dignity of a political junta.

This proceeding is justified upon the ground that the Attorney-General has refused papers to the Judiciary Committee that might explain the conduct and the management of the office held as district attorney of the southern district of Alabama. It sounded very plausible when I listened the other day to the mournful earnestness of the Senator from Vermont [Mr. EDMUNDS] as to what an outrage it was to be refused the papers that might show how an officer had behaved himself; that those papers would illustrate the conduct and management of an office; and that it was important to the Union and important to the general interests of the country that the conduct and management of the office should be known; and he was indignant at the idea that papers and documents are refused to be furnished to illustrate the conduct and the manner in which the duties of the office were discharged. That is the plea. I do not mean to insinuate in this discussion that there is any lack of sincerity in these professions, for I impugn the motives of no one, nor do I attribute to any one improper motives, but I look to the face

of the resolution. The Senator from Vermont in the resolution of inquiry adopted by the Senate January 25, on his motion, says:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

Sir, if the Attorney-General had responded and given every paper, if he had concealed nothing, if he had given every letter, private, confidential, official, and unofficial, in response to this resolution, the Senator from Vermont could have formed no idea in relation to the conduct and management of this office, and why? Because he called for papers filed since the 1st day of January, 1885, just two months preceding the inauguration of the present Executive of the United States. This gentleman had been in office for nearly four years. He does not ask for the papers and documents covering the period of three years and a half, but only for the period of a few brief months just previous to the inauguration of the President of the United States.

Mr. GEORGE. Two months.

Mr. COLQUITT. For two months and three days just previous to the inauguration of President Cleveland he calls for papers that have been filed in order to show what was the conduct and management of this office. If he had been intent upon knowing what had been the conduct and management of the office would he not have covered the entire period during which the man had discharged the duties of the office? Why confine it and limit it to the 1st day of January, 1885? Why not include all the past while he was in office? If the Senator was impelled by that grand and patriotic purpose to know everything that might relate to the prosperity of the Union and the States, would not the resolution have covered the entire period of the administration of the office?

The papers were never called for that related to any period previous to the election of President Cleveland. Not a document, not a paper was asked *for, and yet it* was important, to conserve the interests of the entire Union, in the language of the Senator from Vermont, that the Senate should have these papers. Not a paper was asked for that covers the main part of the administration of this officer. I shall not say that it was designedly put so; I shall leave that to future developments. I know nothing in regard to the facts in the case, nor as to whether there was anything in the conduct of this office which would show that this man was guilty of fraud or malfeasance. That may have been the case. I shall not assume that the Senator from Vermont knew or that the Judiciary Committee knew. I only argue from the singularity of this declaration upon the face of this resolution that it means one thing, and they profess that they have in view the accomplishment of another thing; and because the Attorney-General refused to furnish those papers and documents he is to be virtually impeached by the Senate!

Is it not a little singular for a great body of elderly men, charged with grave legislative responsible duties, that they can reconcile it to their consciences and to their sense of duty to pass such a resolution as this in face of all the facts that precede it and in face of the precedents that may be furnished in relation to the same object? Is it with a view to rebuke the conduct of the Attorney-General in refusing this information that this resolution is to be passed? I ask Senators upon the other side of the Chamber if they are sincere in their declaration that they think it is best to rebuke him? Why is it that in a similar case, when a Republican was at the head of one of the Departments, when a distinguished member of this body was then the Secretary of the Treasury, he refused in broader and more emphatic terms than have been used by any head of a Department of the Government under the present administration, and yet not a voice was raised here nor a resolution of condemnation with a view to punish him or to hold him up to public reprobation?

I shall refer to the letter of the Secretary of the Treasury, which was used a few days ago by the Senator from West Virginia [Mr. KENNA] with a view to illustrate a different matter. I shall not attempt to add to or take away from the very able speech which the Senator from West Virginia made; it would mar its beauty and symmetry; but I use it in a different line, and for a different purpose, from that which he had in view. I do not refer to it to show the inconsistency of Mr. SHERMAN, but to show the inconsistency of the Republican representatives upon this floor if they should pass this resolution. From the Committee on Commerce there went this inquiry to the Secretary of the Treasury:

COMMITTEE ON COMMERCE, UNITED STATES SENATE,
November 15, 1877.

SIR: The Committee on Commerce having had referred to it an executive message, presenting for the advice and consent of the Senate the question of removing Chester A. Arthur and appointing in his stead Theodore Rosevelt as collector of the port of New York, I am instructed by the committee to request you to transmit to it for its information, and for the information of the Senate, such papers as may exist bearing upon the expediency or inexpediency of the proposed change.

Now, then, what papers?

Be pleased to send in particular all papers of the following description, addressed to the President or to the Hon. John Sherman, Secretary of the Treasury, Washington, D. C.

That covers the suggestion which was made by the Senator from Vermont that every paper of that character addressed to either of those gentlemen officially is an official paper and is not confidential:

First. Petitions or communications asking or advising the removal of the present collector.

Second. All communications asking or advising the retention of the present collector, or remonstrating against his removal.

Third. Any charges of personal or official misconduct against the present collector.

Fourth. Any communication to the present collector from or by direction of the President or the Secretary of the Treasury wherein he has been censured or notified that any act of his was disapproved, and also his answer thereto.

Fifth. Any correspondence, telegraphic or otherwise, with the present incumbent touching his vacation of the office of collector.

Sixth. The recommendations on which Mr. Rosevelt was nominated.

If any oral charge has been made against Mr. Arthur, or if any reprehensible or insubordinate act of his has been discovered, the committee asks to be fully apprised in regard to it.

The committee wishes any other fact or facts you may be able to furnish bearing upon the proposed change; and also the date and duration of the existing commission.

The papers will of course be carefully returned.

I have the honor to be, your obedient servant,

ROSCOE CONKLING,
Chairman of the Committee on Commerce, United States Senate.

To that the response was—I shall not read it all, as it is to be found in the speech to which I have referred—

To answer in an official way the questions put to me would not only compel me to violate that trust and confidence reposed in me by the President, necessary for the transaction of the business of this Department, but to disclose papers of a confidential character filed in the Department.

I think I heard from somebody a few days ago that this word "filed" had legal significance; that it was a solemn thing; that anything which was on file was consecrated to the general good, and was an official paper, and belonged to the country; that a paper addressed to the head of a Department, so it was addressed to him as "John Sherman, Secretary of the Treasury," or "to the President of the United States," is an official paper, though it may be marked private and confidential, and therefore it belongs to this body or any other legislative body. Yet we have the declaration from the then Secretary of the Treasury, a Republican of great character and of high distinction, then in a Republican administration, that he would be betraying the confidence that was reposed in him by the President of the United States if he furnished papers on file which were addressed to him, addressed to them officially, and put on file; and using the legal term, the significant term "file," which is to be made part of a statute of this country and to mean a definite thing, that it belongs to the country. Mr. Sherman in that letter refuses to send the communications on file. Has there been a communication received from the head of one of the Departments of this Government under the present administration with a refusal as broad and as distinct as that? Not one; and yet we are to pass resolutions of censure, we are to impugn the character of a high official, we are to impeach his conduct, he being a Democratic official, when there was never a word of dissent nor a resolution of censure in the case of John Sherman, Secretary of the Treasury, who had papers on file and refused to deliver them to the Senate.

Gentlemen, are we to play at politics in the Senate? Are we like children who build card houses and pull them down? Is this floor to be made the arena of mere partisan conflict, and gibes, and epithets, with a view to elevate one man and to pull down another? Why this discrimination? Why condemn the Attorney-General of the United States and Grover Cleveland, the present President of the United States, for doing what John Sherman did, against whom there was never a word of objection uttered for doing it? Oh, for a sense of rigid justice, the one weight, the one measure for all men! It is the rule of the honest trader; it should be the rule of an honest Senate.

But I pass from that resolution to the next. Now mark it:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Now mark it:

Resolved, That it is, under the circumstances—

Under what circumstances? The circumstance of the removal of a Republican and the putting in of a Democrat. If I were going to make this resolution clear it ought to read:

Resolved, That, under the circumstances, to wit, the putting out of a Republican and the putting in of a Democrat, it is the duty of the Senate to refuse its advice and consent in that case to proposed removals of officers.

There has been great research among the precedents of the past, but I will venture to assert to-day that there has never passed a parliamentary body in republics or empires a measure that has an authority like that declared in this resolution. We may know instances in the Senate where in time of high partisan feeling and great excitement when passion was aroused, in single instances the Senate upon a call of this sort has refused that advice and consent; but here is a resolution that declares in advance that it refuses to advise and consent in mass. Before nominations are made, before removals are made, the Senate declares that it refuses and will refuse to advise and consent. The Constitution says that the President may appoint, and enjoins it as a duty upon the Senate to advise and consent; but the Senate says that we will refuse to advise and consent. The President sends in a nomination

upon a removal or suspension from office. We do not take up the case, the Senate has already declared by proclamation and by the adoption of this resolution that the question is decided; we refuse to consider it; we will not deliberate upon it at all.

Mr. GRAY. And it is done in open session.

Mr. COLQUITT. Yes, it is declared, too, in open session, and I have no doubt it will be carried out in secret session, that we refuse to advise the President. It is the duty of the Senate to advise when the President sends an appointment, but the Senate says, "We declare in advance that in all cases where any paper that we may ask for is refused we will decline, and we so notify the President," and though it may be known to the Senate that the incumbent to be suspended or removed is an escaped convict, though they may know that he has been guilty of all sorts of fraudulent practices, though they may know that he has been cruel, unjust, and oppressive, yet the Senate declares by the adoption of the resolution that even in such a case, though we may know the man deserves to be turned out of office and to receive the indignation and the contempt of all honest men, we will not act upon the case, we will not advise about it, because we can not get a paper to which we suppose we are entitled.

And for what reason? Because the President of the United States declines to do what he believes is his duty the Senate declines to do what it knows to be its duty. I will venture to say that no such thing has ever been passed in the history of the legislative bodies of the earth as that declaration, and we are called upon to pass it. I can scarcely believe that among the well-tempered, moderate men of age and gravity and influence on the other side of this Chamber there can be found enough men to carry this resolution and put it upon the eternal records of this body.

Why shall the Senate refuse to consent and advise? We have had a good deal of undertone-talk whenever reference has been made to papers on the subject of a public character here about reform, a reform administration, as though it was to be made a subject of ridicule. Why is this resolution to be adopted? It is to prevent the President from having the power to reform the administration of this Government. The question of the civil-service tenure and civil-service reform is embodied in the Republican platform and in the Democratic platform; but though embodied in the Republican platform it has never been observed or carried out into practice. The President of the United States, true to his words and to his committals upon this subject, proposes to carry it out to the letter and to the spirit, and these gentlemen, supposing it to be some popular idea which may strengthen the administration and the Democratic party if the President should be true to his committals, are to refuse to advise and consent to his putting in men who are his own selected agents to carry out his own purposes in the way of reform. They will refuse, and then they can go before the people and stand upon the hustings and say, "Here is a President who went in with a great cry of reform. Where is the reform?" When if it has not been accomplished it has been because you have forced upon him men and agents and instrumentalities that use their power to thwart his purposes and to defeat his objects.

How long is this to continue? When are we to stop chasing principles and practices and expediencies? In 1867, when there was a President of the United States who was not in harmony with the Republican party, the Republicans limited the power of appointment. They passed such stringent laws and prohibitions that he could hardly exercise the power of removal. In placing these restrictions around Andrew Johnson in 1867 it was declared that they would establish principles that were to last for all time and for all ages. It was to be a fundamental principle in 1867; and in 1869, when General Grant became the President of the United States, it was virtually repealed, and an effort was made to suspend it entirely in order that no difficulties or limitations or restrictions should be put upon the then President of the United States in the case of removals or appointments to office. And now in 1886 the operation of the principle is to be reversed. It was made stringent and limited in 1867; it was made liberal and without restriction almost entirely in 1869; but in came a Democratic administration in 1885, and the limitations are to be reimposed.

Why, gentlemen, is this the sort of legislation that becomes great parliamentary bodies responsible to the people and to the country? Is this statesmanship? The wise statesman looks further than the present. The wise statesman forecasts the future; he regards one administration as but a day in the life of a government. He combines and compares tendencies and relations, and adapts them to the general interest of the country. But the cunning demagogue looks only to his own selfish interests and the objects of his party. He prefers trick to policy, and expediency to system.

Is it not a singular spectacle to see men and parties who loudly cry out against proscription when out of power and proscribe without mercy when in power; who reason against the power of removal when they suffer, but remove without reason when others suffer; men who argue that executive offices which used to be and are now to be considered executive offices are no longer executive under a Democratic administration, but are legislative offices when there is a Republican Senate? There ought to be something fixed; there ought to be some principle established. It is enough to make a man's head turn in undertaking to follow around the changes that have been made, as the chameleon changes its color from the air which it breathes or the object that it touches.

Now I come to the last resolution. I do not think that any one in this body would expect that it should be read or commented on. It is a bait thrown out in regard to the turning out of soldiers and putting in of others who are not soldiers. The object is so manifest that it created a smile from this body when it was read. It is intended to delude the people and to have them feel that there are really purposes and objects that are being carried out by this administration in order to discriminate against the Union soldier. It is held out but for one purpose and everybody knows it, and the people are not fooled. The people are not going to be gulled. They know why it is done.

I have passed over these resolutions for the reason that we have to vote on them and that is the last, but here comes something more that is an oddity, an appendix. What is the appendix? It shows the number of suspensions by the President the first thirty days of the present session. What has that to do with the conduct and management of the office of the southern district of Alabama? Appendix concomitant to show how many officers have been turned out to illustrate the conduct and management of the office of district attorney in the southern district of Alabama! You might just as well have attached it to the Blair bill. Why not put it on as an appendix to that? Why not put it on as an appendix to the Dakota bill, or why not put it on as an appendix to some pension bill showing the number of officers who have been suspended? Then, mark this statement, Mr. President: I will not say that the Senator from Vermont intended here to deceive the people and to make an incorrect statement, but we know that there is no honest, plain man in the country who would be deceived by reading this declaration in regard to the appendix. Appendix A shows the number of suspensions by the President "during the first thirty days of this session.

I have no doubt that the Senator from Vermont would say that these were the number of suspensions that had been sent here for confirmation and that they still remained unconfirmed during the first thirty days of the session, but that is not the statement. The statement of the chairman of the committee is that six hundred and forty suspensions have been made from offices in the first thirty days of this administration. Is it not false? I will not say that the Senator intended it as a falsehood; I do not so believe it; but it betrays to the country the lack of the most perfect sincerity and straightforwardness, for he ought to have guarded against the possibility of a construction that should be made upon it that he intended that the world should believe that six hundred and forty suspensions had been made in thirty days, and why? Because it made the charge the more startling to the country. Suppose he had said that the suspensions had been made in eight months, there would not have been much force in the appendix. Suppose he had said that since the inauguration of President Cleveland, since he went into power, in nine months there had been six hundred and forty removals, that would have startled nobody at all; but this declaration goes out to the country in the appendix that it was done in the first thirty days of the session, and the people are astonished all over the country, and will say that this is one of the most precipitous administrations ever known in the history of this Government.

Those six hundred and forty cases now remain to be tried by this body. It is a criminal docket crowded full of criminal business. Six hundred and forty men are to be arraigned; six hundred and forty charges are to be tried.

I read and have heard a great many times in my life of Mr. Benton's characterization of a resolution or bill which was presented in the House of Representatives in which he said that the bill or the resolution "carried a stump speech in its belly." This apppendix does not inject it into the body, but it ties it onto the tail of the report and the resolutions. It has nothing on the face of the earth to do with it any more than a tin box tied to the tail of a dog is a part of the dog, but it is here with a view to startle the country; it is here to make a noise; it is here to create a sensation.

Now, I may ask gentlemen if it is their duty to try these six hundred and forty cases with a view to see whether they have been guilty, whether their conduct has been good? When that is over, will they stop there? Why then should they not turn around and try the President of the United States and the heads of the Departments, and charge them with being recreant to their duty, because they had not turned out others they can prove not to be worthy of office, and we should have them tried? I submit it to these gentlemen in their sober, discreet, moderate judgment as to whether this is not trifling and paltering with their high official obligations here as Senators. The Constitution says in only one place that the commissions of judges and inferior judges shall be during good behavior, but the Senate says in the trial of this case that every officer of the Government, marshals, attorneys, internal-revenue collectors, and postmasters, shall hold their offices during good behavior; and unless cases can be made against them, as will be made against those who hold offices for good behavior, they shall be retained in office.

It is painful to witness the expiring agonies of a party in the throes of dissolution, how it clutches for power, how it glares, how it raves. I assure my friends of the opposition here that I take no delight in the

triumph of the Democratic party because it brings disappointment or humiliation to them. If it were a case of personal misfortune, of personal sorrow, and of personal bereavement, no man's heart in this body, be he Republican or Democrat, would be readier in its throbs of sympathy than mine; and I wish I could soothe them. I wish I could recommend to them some reflections that would alleviate the struggle of their disappointment and their suffering as party men. I might commend to them, perhaps, Bolingbroke's Reflections upon Exile; I might commend to them a more religious work—Baxter's Saint's Rest.

Mr. FRYE. There would be great propriety in that.

Mr. COLQUITT. I might commend to them what philosophers and Christian men find always ready to stanch the wounds of grief. I would do that cheerfully and gladly, though they differ with me as party men. I can say to them that there is this consolation, which is a consolation for every patriot, which is the remark of an illustrious patriot in the past, that patriotism is sacrifice, patriotism is suffering, and every patriot surely can be resigned to the sacrifice and the suffering if it redounds to the good, the prosperity, and the happiness of his country and of his fellow-citizens.

Mr. JACKSON. Mr. President, the pending resolutions in connection with the majority and minority reports of the Committee on the Judiciary have given rise to a very wide and extended range of debate, embracing not only grave constitutional questions as to the rights and powers of the President and Senate in respect to the appointment and removal of civil officers, but spreading over almost the whole field of partisan politics. While the view which I shall take of the question at issue between this body and the Executive does not require any discussion of the constitutionality of the tenure-of-office acts, I wish to state in passing that I am clearly of the opinion that in so far as these acts make removals from office dependent upon Senatorial consent they constitute an encroachment upon the constitutional rights and powers of the President. I believe the right of appointment, except as to inferior officers, is an executive function subject only to the check of the Senate's consent thereto; and that the power of removal, except as to constitutional tenures, is also an executive right under the Constitution, which is neither shared in by the Senate nor subject to Congressional regulation or restraint. Without, however, entering upon the discussion of this controverted subject, which has been already so ably and fully considered in the course of this debate, I shall content myself with citing in support of my opinion a few quotations from statesmen and jurists recognized to be of the highest authority.

President Jackson, in sending to the Senate April 15, 1834, his celebrated protest, said:

By the Constitution the "executive power is vested in the President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is therefore not only his right, but the Constitution makes it his duty to "nominate, and, by and with the advice and consent of the Senate, appoint" all "officers of the United States, whose appointments are not in the Constitution otherwise provided for," with the proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of Departments.

The executive power vested in the Senate is neither that of "nominating" nor "appointing." It is merely a check upon the executive power of appointment. If individuals are proposed for appointment by the President, by them deemed incompetent or unworthy, they may withhold their consent and the appointment can not be made. They check the action of the Executive, but can not in relation to these very subjects act themselves nor direct him. Selections are still made by the President; and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices, shall be filled with worthy and competent men.

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the Constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the government from which many of the fundamental principles of our system are derived, the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our Constitution upon a tenure different from that of all other officers appointed by the Executive, unless it be for the same purpose.

But if there were any just ground for doubt on the face of the Constitution, whether all executive officers are removable at the will of the President, it is obviated by the contemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789, while organizing the administrative departments of the Government, and it was finally decided that the President derived from the Constitution the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a department of foreign affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the Department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress that the President derived the power of removal from the Constitution, the act as it passed has always been considered as a full expression of the sense of the legislature on this important part of the American Constitution.

Here, then, we have the concurrent authority of President Washington, of the Senate and House of Representatives, numbers of whom had taken an active part in the convention which framed the Constitution and in the State conventions which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of executive officers from the heads of Departments to the messengers of bureaus.

The executive right of removal so clearly stated by General Jackson was the contemporaneous legislative construction of the Constitution; was approved by Washington, Madison, Jefferson, and other distinguished fathers of the Republic; was sanctioned by Chief-Justice Marshall and the ablest jurists and statesmen this country has produced; was practiced and acquiesced in for three-quarters of a century, and should be accepted as the proper interpretation of the Constitution, if anything can be settled.

But aside from the question of the constitutionality of legislation that attempts to restrict the executive power of removal from office or to make such removal dependent upon Senatorial consent, it is, I believe, the candid judgment of all real advocates of administrative reform that all such attempts have, so far, been unwise, and attended with no substantial benefits to the public service, and that they serve, in their present modified form even, only the purpose of partisan warfare when the Senate is not in political accord with the Executive. In this connection I ask attention to the opinion of the distinguished Senator from Massachusetts [Mr. HOAR], as expressed in the North American Review for November, 1881:

Of all the questions which have arisen under the Constitution of the United States, except those which relate to the division of powers between the General Government and the States, the most interesting are those which bear upon the power to appoint and remove executive officers. The Constitution declares that the "executive power shall be vested in a President;" that "he shall take care that the laws be faithfully executed;" and that "before entering upon the execution of his office he shall take an oath, or affirmation, to preserve, protect, and defend the Constitution of the United States."

The President performs few executive duties except through subordinate officers. So far as the control of his subordinates is transferred from him, so far the executive power, and the power to see that the laws are faithfully executed, and the power to defend and protect the Constitution, are removed from him. So far as they are taken from the President to be given to the Senate, they are taken from an officer individually responsible and impeachable, and transferred to a numerous assembly acting on such questions in secret without individual responsibility; taken from an officer who in practice is elected by and represents the whole people, and transferred to a body elected by State Legislatures, representing States, in which Delaware and New York have an equal vote; taken from an officer whose term is but four years and transferred to a body which is perpetual, though composed of members whose tenure is for six years.

If Congress may rightfully establish a tenure of executive office beyond the control of the President's power of removal, it may pass a law just before the incoming of a new President which shall keep in office every subordinate in the country. If the Legislature may ordain that no executive officer shall be removed without the consent of the Legislature, or one branch of it, then the political character of the executive can not be changed without changing the political character of the Legislature, or of the branch of it whose consent to such removal is made necessary. In this way the executive powers conferred by the Constitution, if not destroyed altogether, may be completely subjected to another branch of the Government.

In the great debate of 1789, which Mr. EVARTS declares "decidedly the most important and the best considered debate in the history of Congress," those who claimed that the power of removals vested absolutely in the President under the Constitution, prevailed in the House of Representatives, under the lead of Madison, by a majority of 12, and by the casting vote of John Adams in the Senate. Mr. Madison said:

"The decision that is at this time made will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole Government"

Mr. Webster, in 1835, earnestly dissenting from the original decision, still admitted that he considered it "a settled point; settled by construction, settled by precedent, settled by the practice of the Government, and settled by statute." It remained so settled until, in the strife which followed the rebellion, a two-thirds majority in Congress was induced, by apprehension of a grave public danger, to attempt to wrest this portion of the executive power from the hands of Andrew Johnson. The statute of March 2, 1867, as construed by nearly two-thirds of the Senate, enacted that officers appointed by the predecessor of President Johnson, who, by the law in force when they were appointed, and by the express terms of their commission, were removable at the pleasure of the President, should remain in office until the Senate should consent to the appointment of their successors, or approve the reasons for their removal.

This statute partially served its purpose during the last two years of Johnson's administration. Five days after Grant's inauguration, the House of Representatives, by a vote of 138 to 16, passed a bill totally repealing it. The Senate was unwilling to let go the hold which it had acquired on the executive power, but proposed to suspend the law for one year, so that there might be no obstacle in the path of General Grant to the removal of the obnoxious officials who had adhered to Andrew Johnson. The present law was agreed on as a compromise. It permits the President to suspend officers during the vacation of the Senate, but restores officers so suspended at the close of the next session, unless in the mean time the advice and consent of the Senate has been obtained to a removal or the appointment of a successor.

President Grant, in his message of December, 1869, urged the repeal of this modified act on the ground that—

"It could not have been the intention of the framers of the Constitution that the Senate should have the power to retain in office persons placed there by Federal appointment, against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced on him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?"

The House acted on this recommendation and passed a bill for the repeal of the statutes of 1867 and 1869 by a vote of 159 to 25. For this bill the whole Massachusetts delegation, including both her present Senators, voted. It was never acted on by the Senate. In 1872 a similar bill passed the House without a division.

The Democratic party has invariably supported the position of Madison and Jackson, that the power of removal is vested by the Constitution in the President and can not be controlled by legislation.

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If we would cure the existing evils in the civil service we must seek some other method than that of establishing by legislation a tenure of office independent of the Executive, or placing the executive power of removal under the guardianship of the Senate. If that be attempted, the reformer will furnish the spoilsman with a formidable, if not impregnable, constitutional defense. The evil of a system which treats public offices as patronage, whether to be used for the service of party or of individual ambitions, will not be cured, and experience warrants us in saying will not be diminished, by transferring the power of appointment and removal from Executive to Senate, or from Senate to Executive, or from either to the House of Representatives or to political committees.

The complaints of the leaders of the opposition about the abuse of executive power under Jackson and his successors were quite as emphatic as any we have lately heard. Patronage, however agreeable to patron or to dependent, will always be odious to those who do not share its benefits.

* * * * * * *

Another very serious evil in present methods is the sudden and often cruel removals to which faithful and worthy officials, especially women, are now exposed. I have known very numerous instances, even during the last administration, where, without the knowledge of the President or head of the Department, soldiers and soldiers' widows have, without warning and without cause, been removed from employments on which they and their households were dependent for bread, where, if a private manufacturer had dealt with his laborers in the same way, he would have deserved and received the indignation and contempt of the entire community.

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The provisions of the Constitution upon the whole subject of appointments are very simple. The President may nominate, and, with the advice and consent of the Senate, may appoint. Congress may vest the appointment of inferior officers in the President alone, in the heads of Departments, or in the courts. The individual Senator has no constitutional relation to the President. His opinion, like the advice of any other citizen, depends for its weight with the Executive solely upon the President's sense of the wisdom, integrity, and means of information of the man who gives it. To make a compliance with his opinion a condition of his support of the administration in other matters, or the obtaining such support by the Executive by the use of the appointing power, is to establish a corrupt relation between the two. * * * The remedy for the evil complained of in the matter of executive appointments and removals is to have a President who is in earnest. Legislation can not remove the appointing power from the depository where the Constitution has placed it. It can not prevent the President from seeking counsel where he chooses. The chief office of the civil service reformer must be to create a public sentiment which will support the President in the reform.

But it is insisted by the Senator from Vermont [Mr. EDMUNDS] and the Senator from Wisconsin [Mr. SPOONER] that the President has recognized and acted on the modified tenure-of-office act of April 5, 1869, carried into the Revised Statutes at sections 1767, 1768, and 1769, as subsisting and operative provisions of law. Let us admit this, and for the purpose of this debate let us further concede that so long as the President obeys these provisions in relation to removals or suspensions from office and appointments thereto the statute may be taken as valid. If, however, it is to be treated as binding upon the Executive while acting under and recognizing its existence, it must be regarded as equally binding upon the Senate and all public officials coming within its operation. Neither the Senate nor any suspended officer can complain at its enforcement. The rights of no officer who may be suspended by the President under and in pursuance of its provisions are violated or impaired, whether the act of suspension was for sufficient or insufficient reasons, good cause or no cause, in the opinion of the Senate or of the officer suspended.

It is not claimed or pretended that the President has violated any provision of the law, or in any way exceeded his authority in what he has done under it. How stands the case with the Senate? For three months or more this body has had before it six hundred and forty-three nominations for appointment in suspended cases. It has acted upon less than twenty of that number—fifteen confirmations and two rejections. What is its excuse to the country for this delay? What is its justification for this policy of obstructing the administration in the matter of appointments, on which it is made the duty of the Senate to act? The injunction of secrecy has been removed only as to the Duskin-Burnett case, and of that alone am I at liberty here to speak. The Committee on the Judiciary having selected this case on which to rest not only its vindication of the Senate's obstructive course in respect to those appointments, but also to justify the proposed resolutions condemning the conduct of the Attorney-General "as being in violation of his official duty, and subversive of the fundamental principles of the Government and of a good administration thereof," and committing the Senate to the deliberate purpose of withholding its consent to the pending or other nominations except upon certain terms to be conceded by the Executive, it becomes material and important to understand correctly the facts in relation thereto and to examine the grounds on which the Senate's course in connection therewith is sought to be defended and the Attorney-General condemned. The Senator from Vermont [Mr. EDMUNDS] has with great skill, ingenuity, and ability presented the Senate side of the controversy—a controversy which, if not inaugurated to divert attention from the Senate's obstructive policy in respect to appointments, can only serve to embarrass the administration and keep offices unsettled, to the detriment of the public service.

What are the questions involved in that controversy? They relate to the rights and privileges of this body and of the Executive in reference to papers and to the duty of this body in reference to action upon nominations. Let us examine it first upon the question of privilege. I insist that these co-ordinate independent branches of the Government should be dealt with in a spirit different from that displayed here in the course of this debate. In this connection I wish to read what Mr. Webster said in reference to their functions and relations as to each other. In the debate upon the Panama mission he said:

This seems a singular notion of confidence, and certainly is not my notion of that confidence which the Constitution requires one branch of the Government to repose in another. The President is not our agent, but, like ourselves, the agent of the people. They have trusted to his hands the proper duties of his office; and we are not to take those duties out of his hands from any opinion of our own that we should execute them better ourselves. The confidence which is due from us to the Executive and from the Executive to us is not personal, but official and constitutional. It has nothing to do with individual likings or dislikings, but results from that division of power among departments and those limitations on the authority of each which belong to the nature and frame of our Government. It would be unfortunate, indeed, if our line of constitutional action were to vibrate backward and forward according to our opinions of persons, swerving this way to-day from undue attachment and the other way to-morrow from distrust or dislike. This may sometimes happen from the weakness of our virtues or the excitement of our passions; but I trust it will not be coolly recommended to us as the rightful course of public conduct.—*Webster's Works*, volume 3, page 187.

In further connection with the proper relations between this body and the Executive, I desire to call attention to a report of this body itself. General Jackson, in the session of 1833–'34, had nominated four Government directors for the national bank. The Senate rejected them, and rejected them, in the opinion of General Jackson, for reasons that were not sufficient. So he returned those nominations to the Senate at a later day in the session, with a disclaimer, however, of any right on his part to inquire into the reasons for the Senate's action, but clearly intimating that they had been rejected for improper reasons. He said in the course of his special message:

I disclaim all pretension of right on the part of the President officially to inquire into, or call in question, the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects, each is independent of the other and both responsible to their respective constituents. Nevertheless, the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate, if it be not reconsidered.

He then proceeds to review to some extent and refer to the ground on which the Senate had refused to confirm those nominations. When the nominations were returned to the Senate they were referred to a committee of which Mr. Tyler was the chairman, and he made this report:

The President disclaims, indeed, in terms, all right to inquire into the reasons of the Senate for rejecting any nomination; and yet the message immediately undertakes to infer, from facts and circumstances, what those reasons which influenced the Senate in this case must have been, and goes on to argue much at large against the validity of such supposed reasons. The committee are of opinion that if, as the President admits, he can not inquire into the reasons of the Senate for refusing its assent to nominations, it is still more clear that these reasons can not with propriety be assumed and made subjects of comment.

That is what has been done throughout the course of this debate on the Republican side of the Chamber. If you can not inquire into the reasons, says Mr. Tyler, that prompted the exercise of discretionary action, you can not infer or assume those reasons. He proceeds:

In cases in which nominations are rejected for reasons affecting the character of the persons nominated, the committee think that no inference is to be drawn except what the vote shows; that is to say, that the Senate withholds its advice and consent from the nominations. And the Senate not being bound to give reasons for its votes in these cases, it is not bound, nor would it be proper for it, as the committee think, to give any answer to remarks founded on the presumption of what such reasons must have been in the present case. They feel themselves, therefore, compelled to forego any response whatever to the message of the President, in this particular, as well by the reasons before assigned, as out of respect to that high officer.

The President acts upon his own views of public policy in making nominations to the Senate; and the Senate does no more when it confirms or rejects such nominations.

For either of these co-ordinate departments to enter into the consideration of the motives of the other would not, and could not, fail in the end to break up all harmonious intercourse between them. This your committee would deplore as highly injurious to the best interests of the country. The President, doubtless asks himself, in the case of every nomination for office, whether the person be fit for the office; whether he be actuated by correct views and and motives, and whether he be likely to be influenced by those considerations which should alone govern him in the discharge of his duties—is he honest, capable, and faithful? Being satisfied in these particulars, the President submits his name to the Senate, where the same inquiries arise, and its decision should be presumed to be dictated by the same high considerations as those which govern the President in originating the nomination.

That states precisely the proper relations between these two independent and co-ordinate branches of the Government, and yet we see that action of the Senate reversed to-day in the course that is pursued here toward the President in the present case.

As stated in the report of the majority of the committee upon the question of privilege between these two co-ordinate independent branches of the Government, there is no law or constitutional provision requiring the Executive or the Attorney-General to produce the papers in question. That is conceded in the report of the majority. What is the character of these papers?

The resolution of the Senate of January 25, 1886, called for all papers that had been filed with the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the

office of district attorney of the United States for the southern district of Alabama. To that the Attorney-General replied, as has been frequently read in the course of this debate:

In response to the said resolution the President of the United States directs me to say that the papers which were in this Department relating to the fitness of John D. Burnett, recently nominated to said office, having been already sent to the Judiciary Committee of the Senate, and the papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Supplementing that reply of the Attorney-General by what the President stated in his special message to the Senate, we read as follows:

The letter of the Attorney-General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution.

A distinct statement by a co-ordinate branch of this Government that there had been no official paper filed in that Department during the period stated.

The letter was intended, by its description of the papers and documents remaining in the custody of the Department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as were required by the requests and demands which preceded it.

Now what was the request and demand which preceded it? The request and demand which preceded it was as follows, made on the 26th of December, 1885, and was addressed to the Attorney-General:

On behalf of the Committee on the Judiciary of the Senate, by its direction, I have the honor to request that you will send to me all papers and information in the possession of your Department touching the nomination of John D. Burnett; also all papers and information touching the suspension and proposed removal from office of George M. Duskin.

On the 11th of January, 1886, the Attorney-General responded by saying:

The Attorney-General states that he sends herewith all papers, &c., touching the nomination referred to, and in reference to the papers touching the suspension of Duskin from office, I have as yet received no direction from the President in relation to their transmission.

Now, I want to call the attention of the Senate briefly to some interesting authorities upon this question. It came up for consideration as to how far the executive department of the Government should respond to the calls of the House and Senate for papers early in the history of the Government. It came up as early as 1792, and from that day to this it has been uniformly held both by the executive and judicial departments of the Government that it rested in the discretion of the Executive as to what papers he would produce in response to calls by the Legislature or the courts. That was settled as early as 1792, as reported by Mr. Jefferson in his private correspondence, giving an account of the consideration and discussion of the subject by President Washington and his Cabinet, as follows:

March the 31st. A meeting at the President's; present, Thomas Jefferson, Alexander Hamilton, Henry Knox, and Edmund Randolph. The subject was the resolution of the House of Representatives of March the 27th to appoint a committee to inquire into the causes of the failure of the late expedition under Major-General St. Clair, with the power to call for such persons, papers, and records as may be necessary to assist their inquiries. The committee had written to Knox for the original letters, instructions, &c. The President had called us to consult, merely because it was the first example, and he wished that so far as it should become a precedent it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the House were doing, for he had not thought upon it, nor was acquainted with subjects of this kind; he could readily conceive there might be papers of so secret a nature as that they ought not to be given up. We were not prepared, and wished time to think and inquire.

April the 2d (1792). Met again at the President's, on the same subject. We had all considered, and were of one mind, first, that the House was an inquest, and therefore might institute inquiries. Secondly, that it might call for papers generally. Thirdly, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those the disclosure of which would injure the public; consequently were to exercise a discretion. Fourthly, that neither the committee nor House had a right to call on the head of a Department, who and whose papers were under the President alone, but that the committee should instruct their chairman to move the House to address the President.

I say from that day to this, from the settlement then solemnly had by President Washington and his Cabinet down to this hour, there has never been any authority, either judicial or legislative, to question the right of the President to determine for himself what papers should be disclosed in the interest of the public service. It rests in his discretion; he is to determine, and he alone, whether it will be promotive or productive of the public interest to produce papers. He has said to us and to the country that there are no official papers in connection with the subject of your inquiry; that they all relate exclusively to the suspension of Duskin and that it will not be productive of the public interest to produce those papers; and in the face of that statement he and his Attorney-General are to be censured and their official conduct is to be declared subversive of the fundamental principles of the Government. It was in Washington's day and in Washington's Cabinet decided that the discretion rested with him, and that he should not disclose papers when in his judgment the public interest would be injuriously affected. Every member of the Cabinet was present, including Hamilton, and all concurred in these proceedings. Washington followed that up in 1796 in his reply to the House when he denied their right to papers unless they wanted them for impeachment purposes, saying in response to the resolution of the House:

I repeat that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require, to be disclosed; and, in fact, all the papers affecting the negotiation with Great Britain were laid before the Senate when the treaty itself was communicated for their consideration and advice.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different Departments should be preserved—a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

This right of the Executive to determine in his discretion what papers he will make public has been followed up and asserted by nearly every President since that day to the present and has been recognized and respected by all Departments of the Government. In the case cited in the majority report as occurring in 1842, the attention of the Senate is called to the fact that Mr. Tyler declared that in dealing with executive matters the Senate should communicate directly with the Executive. There occurred during Tyler's administration another case of this sort. I will read the resolution of the House of Representatives calling for papers from the Secretary of War:

Resolved, That the Secretary of War be required to communicate to this House the several reports lately made to the Department by Lieutenant-Colonel Hitchcock, relative to the affairs of the Cherokee Indians, together with all information communicated by him concerning the frauds which he was charged to investigate; also all the facts in the possession of the Department, from any source, relating to the subject.

To which the Secretary of War replied:

The want of time, until recently, to examine some of the reports referred to, has prevented an earlier answer to the resolution.

The reports relating to the Cherokees contain information and suggestions in reference to the matters which it was supposed would become the subject of a negotiation between this Department and the delegates of the Cherokee Nation who have been appointed to settle their claims and all other matters of difference with the Government of the United States, and who have now arrived in this city. The nature and subject of the report, and the opinion of the President and of this Department, render its publication, at this time, inconsistent with the public interest.

The other report referred to in the resolution, relating to alleged frauds of Indian agents, contains such information as Lieutenant-Colonel Hitchcock was enabled to obtain by *ex parte* inquiries of various persons, whose statements were necessarily without the sanction of an oath, and which the persons implicated have had no opportunity to contradict or explain. To promulgate these statements at this time would be grossly unjust to these persons, and would be calculated to defeat rather than promote the objects of the inquiry. Sufficient opportunity has not been given to the Department to pursue the investigation, or to call upon the parties affected for explanations, or to determine on the measures proper to be adopted.

And so that was refused. What does Attorney-General Devens say on this subject? In 1877, considering and replying to an inquiry that covered the very class of papers now in question, he said:

With reference to the recommendation in question, however, I do not understand that they come within the description of either records, papers, or documents belonging to the Departments and required to be kept by them. They are papers which are filed from time to time by parties for their own convenience, sometimes in favor of, and sometimes in opposition to, particular persons who are named as candidates for executive offices; and they are permitted (according to the rule which is understood to be adopted in all the Executive Departments) to be withdrawn from the files whenever the applicants for office desire it. While undoubtedly the Department may retain, if it sees fit, any or all of these papers, its custody of them is more generally for the convenience of those parties who file them than for its own.

I call attention to another authority during the time of Mr. Tyler. Here is his special message of March 23, 1842, when he was called upon by the House of Representatives to know whether a certain class of persons were applicants for office. He said in reply to that resolution:

If it were consistent with the rights and the duties of the executive department it would afford me great pleasure to furnish in this, as in all cases in which proper information is demanded, a ready compliance with the wishes of the House of Representatives. But since, in my view, general considerations of policy and propriety, as well as a proper defense of the rights and safeguards of the executive department, require of me as the Chief Magistrate to refuse compliance with the terms of this resolution, it is incumbent on me to urge, for the consideration of the House of Representatives, my reasons for declining to give the desired information.

All appointments to office made by a President become, from the date of their nomination to the Senate, official acts, which are matter of record, and are at the proper time made known to the House of Representatives and to the country. But applications for office, or letters respecting appointments, or conversations held with individuals on such subjects, are not official proceedings, and can not by any means be made to partake of the character of official proceedings, unless, after the nomination of such person so writing or conversing, the President shall think proper to lay such correspondence or such conversations before the Senate. Applications for office are in their very nature confidential; and, if the reasons assigned for such applications, or the names of the applicants, were communicated, not only would such implied confidence be wantonly violated, but, in addition, it is quite obvious that a mass of vague, incoherent, and personal matter would be made public at a vast consumption of time, money, and trouble, without accomplishing, or tending in any manner to accomplish, as it appears to me, any useful object connected with a sound and constitutional administration of the Government in any of its branches.

But there is a consideration of a still more effective and lofty character, which is with me entirely decisive of the correctness of the view that I have taken of this question. While I shall ever evince the greatest readiness to communicate to the House of Representatives all proper information which the House shall deem necessary to a due discharge of its constitutional obligations and func-

tions, yet it becomes me, in defense of the Constitution and laws of the United States, to protect the executive department from all encroachment on its powers, rights, and duties. In my judgment, a compliance with the resolution which has been transmitted to me would be a surrender of duties and powers which the Constitution has conferred exclusively on the Executive; and therefore such compliance can not be made by me nor by the heads of Departments by my direction. The appointing power, so far as it is bestowed on the President by the Constitution, is conferred without reserve or qualification. The reason for the appointment and the responsibility of the appointment rest with him alone.

Mr. Webster was a member of Mr. Tyler's Cabinet when that special message was written and communicated to the House. But the Senator from Ohio [Mr. SHERMAN], as I understand, in his statement of the case on the 9th of February last on the floor of the Senate made this qualification. He said:

If among the papers on the files there are papers never intended for the public and he chooses to withhold them on the ground that they were received by him in confidence, then, as a matter of course, that would probably be the exercise of a discretion which gentlemen in their intercourse with each other would recognize by saying, "That is a matter I do not care to talk about; that came to you in confidence; I can not say anything about it."

But the trouble in this case is that the Senate will not take the President's statement; that the Senators on the other side of the Chamber refuse to assent to the President's positive and official declaration that there are no official papers filed in the Department of Justice between the dates indicated. They refuse to accede to the proposition that all papers and documents in the custody of the Department of Justice relate alone to the suspension of Duskin and are private and confidential, and refuse to recognize in the President the right to say whether the public service will be affected or injured by their production and disclosure or not.

Sir, has this body, has the Congress of the United States any more authority over papers in the Executive Departments of this Government than the co-ordinate independent branch of the Government—the judiciary? The judicial department of this Government has as much power and authority over all papers in the hands of the Executive or in any Department as the entire Congress has. When the rights of individuals, affecting their life, liberty, or property, are pending before the courts, the judicial department has as much power over papers as the Senate or the whole Congress; and yet it has been universally recognized from the very foundation of this Government that the judicial department of the Government can not call for papers and procure them either from the President or the head of an Executive Department at its own will, but that the discretion rests with the Executive and with the Departments how far and to what extent they will produce those papes. That question came distinctly before Chief-Justice Marshall on the trial of Aaron Burr. General Wilkinson had written on the 12th of November, 1806, a letter to President Jefferson giving him information as to Burr's proceedings. President Jefferson placed that letter in the hands of the Attorney-General and the Attorney-General placed it in the hands of the district attorney. It was laid before the grand jury and Burr was indicted, put upon trial for his life for treason, and Jefferson was summoned and ordered under a *subpœna duces tecum* to bring that letter. Burr swore that it might be material to his defense; he pressed the matter with all the vigor possible upon Chief-Justice Marshall, pressed upon him that the defense were entitled to that letter. Mr. Jeffeason replied to the subpœna as follows:

On re-examination of a letter of November 12, 1806, from General Wilkinson to myself (which having been for a considerable time out of my possession, is now returned to me), I find in it some passages entirely confidential, given for my information, in the discharge of my executive functions, and which my duties and the public interest forbid me to make public. I have, therefore, given above a correct copy of all those parts which I ought to permit to be made public. Those not communicated are in no wise material for the purposes of justice, on the charges of treason or misdemeanor, depending against Aaron Burr; they are on subjects irrelevant to any issues which can arise out of those charges, and could contribute nothing toward his acquittal or conviction. The papers mentioned in the first and third paragraphs, as inclosed in the letter, being separated therefrom, and not in my possession, I am unable, from memory, to say what they were. I presume they are in the hands of the attorney for the United States.

Given under my hand this 7th day of September, 1807.

Mr. Burr and his able counsel pressed upon Chief-Justice Marshall that he should have that entire letter. Chief-Justice Marshall said that as to papers communicated to the executive department of the Government, the President must determine, in his discretion, how far he will produce them even when life is involved. What is involved here? Not a thing; not the question even of a man's retention in office. The case before the Senate has been incorrectly presented. The case does not fall within the tenure-of-office act. All the pretexts for wanting information, as I shall show before I get through, all the reasons assigned for wanting information are the flimsiest and purest pretexts ever concocted in order to wage political warfare against the President.

The decision, to which I have just alluded, has been recognized as law in this country ever since. Will it be said to the people of this country that this body has more authority over papers than the Judicial Department of the Government? I think not.

I read from a case before the supreme court of Pennsylvania, a case arising on a charge made against a public officer to the governor. He was charged in an affidavit with such frequent intoxication that he was unfit to perform the duties of his office with dignity and propriety. The supreme court of Pennsylvania, after a thorough consideration of that case, upon the governor's refusal to produce the paper, said it could not compel him; that there were grave reasons of public policy why it should not be made public; that men would be deterred from giving information as to what affected the public; that if all their letters and communications to the executive, all their information about misconduct in officials were produced, the peace of society would be disturbed and men would be deterred from giving that information to the executive which ought to be given in respect to all public officials. The court, upon the ground of a broad public policy, decided that the document should not be produced by the governor, if in his opinion the public interest would not be promoted thereby; that it rested in his discretion. This Senate is assuming for itself higher rights and functions than belong to a co-ordinate branch of this Government in insisting upon papers as an excuse for their neglect or refusal to perform their duties—in demanding papers that a co-ordinate branch of this Government, the Judicial Department, could not obtain. I will not dwell upon this branch of the subject. The principle involved is familiar to every lawyer of this body. It is a principle affecting public policy and not the rights of a private individual. It is admirably stated in Greenleaf on Evidence, section 250, as follows:

The President of the United States, and the governors of the several States, are not bound to produce papers or disclose information communicated to them, when, in their own judgment, the disclosure would on public considerations be inexpedient. And where the law is restrained by public policy from enforcing the production of papers, the like necessity restrains it from doing what would be the same thing in effect, namely, receiving secondary evidence of their contents.

* * * * * * *

SEC. 476. But, in all cases of public writings, if the disclosure of their contents would, either in the judgment of the court or of the Chief Executive Magistrate, or the head of Department, in whose custody or under whose control they may be kept, be injurious to the public interests, an inspection will not be granted.

Also in Wharton's Law of Evidence I find the following, at page 549:

In conformity with this view it has been held that communications in official correspondence relating to matters of state can not be produced as evidence in an action against a person holding an office, for an injury charged to have been done by him in exercise of the power given to him as such officer; not only because such communications are confidential, but because their disclosures might betray secrets of state policy. And where a minister of state subpœnaed, to produce public documents, objects to do so on the ground that their publication would be injurious to the public interest, the court ought not to compel their publication; and the question, whether the production of such a document would be injurious to the public service, must be determined by the head of the Department having the custody of the paper, and not by the judge.

But passing from that feature of the subject, I wish to examine the reasons that have been assigned for wanting these papers. What are they? The Senator from Vermont has stated them, and his proposition, as I understand it, is that as the Senate is called upon to consent to the removal of Duskin, it is entitled to have from the executive department all papers and documents placed in the Department of Justice between the 1st day of January, 1885, and the 2d day of January, 1886, in relation to the office of United States district attorney for the southern district of Alabama. That is the proposition, but I want to get it before the Senate in a way that there will be no question about it and the manner in which he laid it before the Senate.

He commenced by citing various statutes in reference to the duties of the Attorney-General. The first section of the statute cited by him was 362, requiring the Attorney-General to supervise the offices and require reports from district attorneys in such time and manner as the Attorney-General may direct. He then read section 833 requiring every district attorney, clerk of a district court, clerk of a circuit court, and marshal to file on the 1st day of January, each year, or within thirty days thereafter, with the Attorney-General a report. Those are the material statutes so far as he read. Then he came to the commission of Duskin, and stated:

His [Mr. Duskin's] commission, if I am correctly informed, read this way:

"CHESTER A. ARTHUR, President of the United States of America, to all to whom these presents shall come, greeting:

"Know ye that, reposing special trust and confidence in the integrity, diligence, and discretion of George M. Duskin, I have nominated and, by and with the advice and consent of the Senate, do appoint him to be attorney of the United States for the southern district of Alabama, and do authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the said office, with all the rights, privileges, and emoluments thereunto legally appertaining unto him the said George M. Duskin, until a successor shall have been appointed and duly qualified."

It is true that the distinguished Senator says he believes or is informed, judging from the revised reports of the Department of Justice, that this is the form of the commission, and then proceeds:

If I am correct as to the form of the commission, it will appear that under the broad seal of the United States and the signature of its then President, this gentleman, Mr. Duskin, was authorized and empowered to perform the duties of that office until his successor should have been duly appointed and qualified.

This is an important statement, laying the foundation for his argument. He then gives the fact of the suspension on the 17th of July, 1885; then the appointment of John D. Burnett. He then proceeds to give the resolution calling for the papers relating to the management and conduct of the office—the resolution of the 25th of January, 1886, calling for the papers and documents filed between the 1st of January,

1885, and date of that order. He then gives the reply of the Attorney-General, and proceeds:

The question then is, Mr. President, what was the nature of this nomination that the President of the United States sent to the Senate? You will observe that he had not undertaken, in the face of a statute that forbade it, to remove Mr. Duskin from the office of attorney of the United States for the southern district of Alabama, but pursuant to the statute and acting in terms under its authority and under no other authority, he suspended this gentleman from the performance of his duties. This gentleman remained still the attorney of the United States for the southern district of Alabama. He stood in the attitude of a military officer under arrest, as the President of the United States to-day might place the Lieutenant-General of the armies of the United States, General Sheridan; but that would not take General Sheridan out of the Army, I take it.

This act of the President, therefore, did not profess to be and was not an attempt to remove Mr. Duskin, but to withhold from him the right to perform the functions of that office until the judgment of the Senate could be taken in respect of his removal and the appointment of his successor. He takes pains, as he should, in his order of suspension and in his order of designation to state that both are subject to all the laws applicable thereto; and the preceding section of the Revised Statutes, a part of the law of 1867 and of 1869, declared in explicit terms that this man should not be removed except by the advice and consent of the Senate. It is plain, therefore, that he did not undertake to remove him, and that when the nomination of Burnett was sent to the Senate Duskin was the attorney of the United States for the southern district of Alabama. The proposition of the nomination was that Duskin should be removed by the appointment of this selected gentleman, if it should meet with the approval of the Senate, as his successor.

That was the proposition: and therefore if the Senate of the United States were even a jury and had to submit to the judgment of the President of the United States as a judge as to what evidence should be laid before it connected with the case, and its relevancy, it would have been relevant on the very issue submitted by the judge to the jury to know what was the conduct and management of that office in the hands of the person whom the President asked the Senate to assist him in displacing permanently by the appointment of a successor. That was the question.

He then gives the opinions of Attorneys-General Akerman and Devens as to the effect of the law in regard to suspensions, and continues:

Thus, sir, it will be seen, in spite of sundry misleading discussions in the public press, and in spite of sundry inaccurate things stated in a message of the President of the United States to this body, and in spite of sundry inaccurate statements in the views of the minority of the Committee on the Judiciary as to what is the case we have now to consider, that by the law as it had been placed on the statute-book, by the action of all the administrations that had existed after the law was passed, and by the action of the present President of the United States himself in obedience to it, he has invited the Senate of the United States to agree with him in removing Mr. Duskin from office by the appointment and commissioning of a successor.

That being so—and it is incapable of dispute—the question is whether, on the theory of the Attorney-General or the President of the United States or the minority of this committee, official papers in the Department of Justice bearing upon the administration of the officer that we are asked to remove are relevant to the subject. I take it there is but one answer to that.

The Senator says:

These papers, therefore, on the statement of the Attorney-General—

Are relevant to this question. That statement is repeated by the Senator from Iowa and the Senator from Wisconsin. Mr. President, let me now go back and see how far there are inaccuracies in that statement. The Senator from Vermont has fallen into a mistake, inadvertently, no doubt, in giving Duskin's commission as a commission running "until a successor shall have been appointed and duly qualified." That is a necessary foundation of his position, that these papers are needed in order to see whether you will agree to a successor or not. The form of commission read by the Senator from Vermont was the form adopted under the act of 1867 and continued in force until the 5th of April, 1869. It did not continue thereafter.

The first section of the act of 1867 applied to all officers who were appointed by and with the advice and consent of the Senate, without reference to the question of any statutory tenure of office; but by the act of 1869, which repealed that section of the act of 1867, the officer was entitled to hold only during the term for which he was appointed. Where there was a fixed term by law he was entitled only to hold during the term for which he was appointed. What was Duskin's term? By the statute itself it is provided:

SEC. 679. District attorneys shall be appointed for a term of four years, and their commission shall cease and expire at the expiration of four years from their respective dates.

So Duskin's commission, in point of fact and of law, read as follows:

CHESTER A. ARTHUR, President of the United States of America, to all to whom these presents shall come, greeting:

Know ye that, reposing special trust and confidence in the integrity, ability, and diligence of George M. Duskin, I have nominated and, by and with the advice and consent of the Senate, do appoint him to be attorney of the United States for the southern district of Alabama, and do authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said George M. Duskin, for the term of four years from the day of the date hereof.

In witness whereof I have caused these letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the 20th day of December, in the year of our Lord 1881, and of the Independence of the United States the one hundred and fifth.

CHESTER A. ARTHUR. *President.*

It was necessary in order to maintain this case before the Senate and the country to give Duskin a commission lasting until his successor was appointed and qualified.

Mr. GEORGE. Where did he get that form?

Mr. JACKSON. The Senator from Vermont said he obtained it from the register of the Department of Justice, I believe, or that it was the form in use, and he had the revised edition of that register up to 1884, and still found the commission in that form there; but no such commission is in force; no such commission as that exists in this Duskin case, nor has existed since the 5th of April, 1869. If it did exist it would be utterly void in the face of the statute, and not only in the face of the statute I read, but in the very face and letter of the tenure-of-office act of 1869, for by section 1770 it is provided, following the tenure-of-office clauses—

Nothing in sections 1767, 1768, or 1769 shall be construed to extend the term of any office the duration of which is limited by law.

We have a law fixing his term; we have the fourth section of the tenure-of-office act saying that nothing in those preceding sections that of the act of April 5, 1869, "shall be construed to extend the term of any office the term of which is limited by law." Duskin was appointed on the 20th of December, 1881. His term of office expired on the 20th of December, 1885. The office then became vacant, as is stated in our minority report, and the attention of the Senate has been called to the fact that it has been vacant from that day to this.

What did the President do? He suspended Duskin on the 17th of July, 1885. The temporary appointee, Mr. Burnett, has been called upon by no law to make any report from that day up to the date at which this demand for papers was called for, and no papers are needed so far as he is concerned.

The President suspended George M. Duskin on the 17th of July, 1885; and on the 14th of December, 1885, he submitted Burnett's name to the Senate for the permanent appointment. Now, bear in mind that this body never acts upon the temporary appointment or the temporary suspension. It is not required either by the law or the Constitution to be reported to this body. But what was reported? The President reported to the Senate on the 14th of December, 1885, that he had suspended Duskin and nominated Burnett for the permanent term. There is no connection between the temporary and permanent term. The Supreme Court of the United States has settled it authoritatively that the two terms do not run together and are not a continuation the one of the other; that the temporary appointment *is not acted* upon by the Senate.

On the 14th of December he nominated Burnett for the term of four years from the date of his commission. When Burnett's name was sent to the Senate Duskin had just six days of unexpired term. For six days the Senate had before it the question of Duskin's removal, only for six days was the question of removal involved. It is the practice of the Senate to act always in advance of the expiration of a term, but what was the condition of things on the 20th of December, 1885, before any controversy originated between the Senate and the President? They had failed to act during Duskin's term of office, and on the 20th of December, 1885, the office became vacant.

The proposition is now, on the part of the Republican Senate, not to fill that vacancy unless the President of the United States will disclose the private correspondence in respect to the suspension of Duskin; we are deliberately told that there shall be a vacancy in this office, that the Senate will not fill it unless these papers are produced. I submit—and it is known to every Senator in this body—that if the President had withdrawn the nomination of Burnett, on the 20th of December, 1885, and had returned the same nomination to this body, saying: "I appoint Burnett in the place of Duskin whose term has expired," there is not a Senator on this floor but knows that he would have been confirmed before this. We know that this would have been so, as the Senate have been confirming appointments in such cases. But because he would not withdraw the name and make a new nomination, or disclose the grounds on which he suspended Duskin, or the papers which would show the fact, you are determined not to act on this vacant office.

Every day the President has allowed the name of Burnett to remain before the Senate, it is a continuing nomination for the position of United States district attorney for the southern district of Alabama. There was a vacancy when this controversy commenced. That vacancy was known to the Judiciary Committee, known by the records of this Senate and the public documents on its own files. What has been the status of things since the expiration of Duskin's term? On the 21st of December, 1885, and for each succeeding day thereafter to the present, the nomination of Burnett, being unrecalled by the Executive, the Senate has had before it no question as to the removal of Duskin. The continuing nomination of Burnett since the 20th of December, 1885, is in legal effect and operation a message from the President to the Senate, making or embodying, as read, in the light of the actual facts and law of the case, the following recitals:

To the Senate of the United States:

The President, in the exercise of the absolute and unqualified discretion vested in him by law, on the 17th day of July, 1885, suspended George M. Duskin, United States district attorney for the southern district of Alabama—such suspension to extend to the close of the first session of the Forty-ninth Congress or until the expiration of his statutory term of office. He was appointed and commissioned on the 20th of December, 1881, for the term of four years from that date, and by the express provisions of the law (section 769, Revised Statutes) his term and commission expired on the 20th of December, 1885. The

provisions of the tenure-of-office law no longer apply to his case, it being expressly declared by section 1770, Revised Statutes, that "nothing in sections 1767, 1768, and 1769 shall be construed to extend the term of any office the duration of which is limited by law." The office of United States district attorney for the southern district of Alabama is therefore now vacant as to the permanent term, and to fill that vacancy I nominate John D. Burnett, a lawyer of high standing and ability, well qualified for the discharge of the duties of the office, and against whom no charges or objections are presented.

This is in substance the communication of the Executive, which the Senate has had before it since the 21st of December, 1885. What is the Senate's reply? It is in substance this: "The Senate is aware by its own records and other public documents that Duskin's term commenced on the 20th of December, 1881. By operation of law his term expired on the 20th of December, 1885; that no action of the Senate can either restore Duskin to office or extend his term beyond that date; that his case does not, since the 20th of December, 1885, come within the provisions of the tenure-of-office law; that the Senate has nothing whatever to do with the question of his suspension and the temporary appointment of another to discharge the duties of the office till the end of the present session of Congress, or the close of Duskin's term; that the office is now vacant as to the permanent term proposed to be filled by the appointment of John D. Burnett, against whom there is no charge or objection.

This is all true, but the Committee on the Judiciary having on the 26th of December, 1885, after the expiration of Duskin's term, requested of the Attorney-General "the papers, &c., touching the suspension from office of said Duskin," and on the 25th of Jannary, 1886, having repeated that demand in the shape of a call, under a resolution of the Senate, "for copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama," which papers and documents relating to the suspension of Duskin and his management and conduct of the office, the Senate desired in order to determine whether it would consent to his removal of said Duskin, and the President having assumed the right to withhold the private, unofficial, and confidential papers relating exclusively to the suspension of said Duskin, the only ones in the custody of the Department, the Senate, instead of performing its constitutional duty of acting upon the pending nomination, filling the vacancy caused by the expiration of Duskin's term of office during the session, has determined to allow that vacancy to continue, and to censure the conduct of the Attorney-General as "in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof," and to declare by solemn resolution that it is the duty of the Senate under such circumstances "to refuse its advice and consent to proposed removals from office where all the papers and documents relating to the supposed official and personal misconduct of such officers are withheld by the Executive or any Department when called for by the Senate."

This is the exact attitude of the pending controversy between the Senate and the President on this Duskin-Bennett case, the only one open for public discussion. It may be said that it is narrowing the controversy too much to confine and consider it upon the facts of this particular case. But this is the case presented by the distinguished chairman of the Committee on the Judiciary, and on which it is proposed to condemn the conduct of the Attorney-General for not producing the papers, wholly irrelevant to the matter before the Senate, "as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof." This is a grave charge. If true, it involves an impeachable offense; and if it can not be sustained upon the case before the Senate, but rests upon some other case or act, it should have been pointed out.

Mr. President, if this unnecessary controversy is not to be considered and determined on the case presented we had better have a stay of proceedings until the Senator from Vermont can amend his warrant. In the present attitude of the case the alleged reasons paraded with so much pomp for wanting papers to determine whether you will consent to a removal already effected by operation of law must be taken as mere pretexts for an attack which the distinguished Senator and his associates desired to make upon the President's professions and efforts at administrative reform. In arranging for this political target practice, in which the Senate has now been engaged for ten days, the able and ingenious chairman of the Committee on the Judiciary has omitted to place the target within the circle of the tenure-of-office act. This has not, however, discouraged either him or his associates, but has allowed each to select his own mark, choose his own firearms, and shoot at random.

Mr. President, this whole proceeding is purely political in its character. There can be no settlement of it here by the action, restoration, or determination of either party to the controversy. Both must appeal to the people, whose common agents both we and the President are.

Mr. HARRIS. I ask my colleague if it will be more convenient to him to proceed in the morning. I see he is somewhat hoarse.

Mr. JACKSON. I yield the floor.

Mr. HARRIS. With the consent of my colleague I move that the Senate do now adjourn.

Mr. HOAR. I suggest that it would be well to change the motion to one for an executive session.

Mr. HARRIS. I have no objection to that, and will make that motion.

Mr. HOAR. I do not mean to say that I will favor that, but I prefer it to an adjournment.

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received this 22d day of March, 1886.

FOR APPOINTMENT IN THE ARMY TO BE MAJOR-GENERAL.

Brig. Gen. Oliver O. Howard, to be major-general, March 19, 1886, *vice* Pope, retired from active service.

REGISTER OF THE LAND OFFICE.

Patrick B. Gorman, of Saint Cloud, Minn., to be register of the land office at Saint Cloud, Minn., *vice* Daniel H. Freeman, resigned.

RECEIVERS OF PUBLIC MONEYS.

Dominick F. McDermott, of Clontarf, Minn., to be receiver of public moneys at Benson, Minn., *vice* Heman W. Stone, resigned.

Malcolm G. Barney, of Cheney, Wash., to be receiver of public moneys at Spokane Falls, Wash., *vice* John L. Wilson, commission expired.

PROMOTION IN THE NAVY.

Passed Assistant Engineer Charles J. MacConnell, to be a chief engineer in the Navy from the 2d December, 1885, *vice* Zeller, retired.

Assistant Engineer William B. Boggs, to be a passed assistant engineer in the Navy from the 2d December, 1885, *vice* Lamdin, deceased, and MacConnell, promoted.

UNITED STATES CONSUL.

J. Richard Wingfield, of Charlottesville, Va., to be consul of the United States at San José, Costa Rica, *vice* John Schroeder, suspended.

POSTMASTERS.

Frank Adams, to be postmaster at Gunnison, Gunnison County, Colorado, *vice* Alonzo Hartman, commission expired.

Henry D. Jones, to be postmaster at Hyde Park, Cook County, *vice* E. S. Hawley, who was confirmed on the 20th of January, 1886, but has declined the appointment.

James Tobin, to be postmaster at Pullman, Cook County, Illinois, *vice* W. F. Winkle, resigned.

E. Zimmerman, to be postmaster at Valparaiso, Porter County, Indiana, *vice* I. C. B. Sumans, whose commission expires March 31, 1886.

William W. Brown, to be postmaster at Calais, Washington County, Maine, *vice* Marshall N. McKusick, commission expired.

Edward F. Capen, to be postmaster at Stoughton, Norfolk County, Massachusetts, *vice* Jesse Holmes, commission expired.

Edward P. Kelley, to be postmaster at Bradford, Essex County, Massachusetts, the office having become Presidential.

Peter Roscoe, to be postmaster at Wadena, Wadena County, Minnesota, *vice* Giles Peake, resigned.

D. McLaughlin, to be postmaster at Waseca, Waseca County, Minnesota, *vice* William C. Young, commisson expired.

Homer R. Bisbee to be postmaster at Valentine, Cherry County, Nebraska, the office having become Presidential. The nomination of George N. Paxton, heretofore nominated for the said office, is withdrawn.

Herbert Williams, to be postmaster at North Bend, Dodge County, Nebraska, *vice* Chauncey W. Hyatt, to be removed.

Josiah G. Dearborn, to be postmaster at Manchester, Hillsborough County, New Hampshire, *vice* J. L. Stevens, commission expired.

Adolph Seligman, to be postmaster at Santa Fé, Santa Fé County, New Mexico, *vice* Charles B. Hayward, resigned.

Eugene Barlow, to be postmaster at Canastota, Madison County, New York, *vice* Judson Field, resigned.

Anthony Howell, to be postmaster at Massillon, Starke County, Ohio, *vice* R. B. Crawford, commission expired.

Albert M. Mackerby, to be postmaster at Greenfield, Highland County, Ohio, *vice* Robert C. Kinkead, commission expired.

William H. Raymond, to be postmaster at Galion, Crawford County, Ohio, *vice* Thomas C. Davis, commission expired.

John W. Brophy, to be postmaster at Mount Carmel, Northumberland County, Pennsylvania, *vice* Ann Ayres, resigned, to take effect April 1, 1886.

Emmet W. McArthur, to be postmaster at Meadville, Crawford County, Pennsylvania, *vice* J. W. H. Reesinger, whose commission expires March 29, 1886.

Charles B. Whitehead, to be postmaster at Bradford, McKean County, Pennsylvania, *vice* W. F. De Goher, commission expired.

Eugene Blakemore, to be postmaster at Shelbyville, Bedford County, Tennessee, *vice* Mary V. Wisener, deceased.

Charles R. Chambers, to be postmaster at Luling, Caldwell County, Texas, *vice* Carnot Bellinger, resigned.

Wiley V. Collins, to be postmaster at Gonzales, Gonzales County, Texas, whose commission expires March 29, 1886.

F. Y. Goldsborough, to be postmaster at Ennis, Ellis County, Texas, *vice* James L. Edwards, whose commission expires March 22, 1886.

H. A. McMeans, to be postmaster at San Marcos, Hays County, Texas, *vice* Albert Heaton, whose commission expires March 29, 1886.

Sanford H. Potter, to be postmaster at White River Junction, Windsor County, Vermont, *vice* Noah B. Safford, deceased.

John R. Patterson, to be postmaster at Petersburg, Dinwiddie County, Virginia, *vice* Stith Bollings, whose commission expires March 31, 1886.

Adam L. Nye, to be postmaster at Morgantown, Monongalia County, West Virginia, *vice* F. A. Dering, to be removed.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 22, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

We beseech Thee, Almighty God, help the people of this country to learn that money gained otherwise than as Thou commandest—by the sweat of the face, as the fair and honest wage of honorable, manly work of brain or hand—is gained by theft, no matter how we name the stealing; that money is never converted into wealth unless it ceases to be the pander of our lusts and lifts us above the level of the animal, lifting us to the graces of life, elevating our hearts to manly aspirations, making us kindly with our kind, patient to God's laws, and reverent to ourselves.

Rid the land, we beseech Thee, of all gamesters, whether they gamble with dice or cards or chips, or with wheat or stocks or corn or cotton. Deliver us from the influence and power of robbers who, enticing their victims to boards of trade and stock exchanges and bucket-shops, name their practices of plunder "shearing the lambs."

Enlighten our intelligence with Thy truth; sweeten and deepen our humanity with Thy love; quicken our piety with Thy spirit; and may Jesus Christ become more and more the master and ruler of our lives and characters and thoughts. We pray through His hallowed name. Amen.

The Journal of the proceedings of Saturday was read and approved.

Mr. BUTTERWORTH. Mr. Speaker, I ask unanimous consent that the prayer of the Chaplain this morning be printed in the RECORD.

Mr. WEAVER, of Iowa. I most cordially unite in that request.

The SPEAKER. The Chair will direct the Official Reporter to insert the prayer in the RECORD.

The prayer is printed above.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883;

A bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations;

A bill (H. R. 1319) to increase the pension of Robert D. Fort;

A bill (H. R. 1008) for the relief of Victor Beauboucher;

A bill (H. R. 2021) granting a pension to Margaret A. Blake; and

A bill (H. R. 1625) for the relief of Frances NcNeal Potter.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HOUK, for five days, on account of important business.

To Mr. KING, for two days.

To Mr. MORRILL, for twelve days.

To Mr. SKINNER, until the 30th instant, on account of important business.

To Mr. ERMENTROUT, for ten days from March 19.

To Mr. TUCKER, for three days, on account of important business.

To Mr. ATKINSON, indefinitely, on account of sickness in his family.

To Mr. GIBSON, of West Virginia, until Monday next.

ENGROSSED COPY OF A SENATE BILL.

The SPEAKER. If there be no objection the order which the Chair will now direct the Clerk to read will be made.

The Clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to furnish the House with an engrossed copy of Senate bill No. 831, for the relief of George S. Storrs, of the State of Texas, the original having been mislaid in the House.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the unfinished business coming over from last Friday, being the bills on which the previous question was ordered by the House on that day.

EMILY LOUISA SPICER.

The first business coming over from the 19th instant on which the previous question was ordered was the bill (H. R. 5506) granting a pension to Emily Louisa Spicer, the question being on the passage of the bill.

The bill was passed.

MARY E. FILLEBROWN.

The next bill on the Calendar coming over as unfinished business from last Friday's session was the bill (H. R. 1138) to increase the pension of Mary E. Fillebrown, on which the previous question was ordered.

The bill was passed.

MALITTY ROSE.

The next business coming over from last Friday was the bill (H. R. 2585) for the relief of the estate of Malitty Rose, on which the previous question was ordered.

The bill was again read, as follows:

Be it enacted, &c., That the United States pension agent at Knoxville, Tenn., be, and he hereby is, authorized to pay to the administrator of the estate of Malitty Rose, deceased, the sum of $1,556.68, out of any money he may have placed to his credit for the payment of pensions; the said sum being due on account of reissue certificate numbered 3259, issued to said Malitty Rose prior to her death, as widow of Elias Rose, a private in Captain McCoy's company, United States infantry.

Mr. MATSON. I think, Mr. Speaker, there is a motion pending to commit this bill to the Committee on Claims. If not, I desire to enter that motion.

The SPEAKER. The Chair is advised that the motion is not pending, so far as the Journal shows.

Mr. MATSON. Then I move that the bill be committed to the Committee on Claims.

Mr. RANDALL. Is the previous question prevailing on this bill?

The SPEAKER. It is; but the motion to commit is in order.

Mr. RANDALL. I understand that.

Mr. MATSON. My motion is that it be committed to the Committee on Claims.

Mr. WHITE, of Pennsylvania. Mr. Speaker, I reported this bill from the Committee on Pensions according to its instructions, and I think it was properly committed in the first instance——

The SPEAKER. The motion to commit is not debatable, the previous question having been ordered on the passage of the bill; pending which the motion is made to commit.

Mr. BRADY. Is not the question of reference under consideration?

Mr. WHITE, of Pennsylvania. I desire to make a remark on the question of order involved here. Or I will make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Pennsylvania. Is a motion of this kind in order, to recommit this bill to another committee after it was reported by the committee which had it in charge, the bill having been referred to that committee by the Speaker? The bill, as a matter of course, can be referred to any committee even if it did not properly come under the jurisdiction of that committee. But this being clearly a pension matter, the bill was certainly referred to the proper committee in the first instance and was properly reported by that committee back to the House.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that the practice of the House has been not to permit debate on the motion to commit or recommit after the previous question has been ordered on the passage of the bill although the motion itself can be entertained.

The question being taken on Mr. MATSON'S motion to commit the bill to the Committee on Claims, there were—ayes 53, noes 33.

Mr. BEACH. I make the point that a quorum has not voted.

Mr. BLAND. I do not think the House understands the question, and I should like to have the bill reported again.

The SPEAKER. That can be done by unanimous consent. Is there objection to the request of the gentleman from Missouri? The Chair hears none.

The bill was again read.

Mr. WHITE, of Pennsylvania.. I ask for the reading of the report.

The SPEAKER. That is in the nature of debate, but the report can be read by unanimous consent.

Mr. WHITE, of Pennsylvania. I ask unanimous consent that the report be read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OATES. I object.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. MATSON]. The point of no quorum having been made, the Chair appoints as tellers the gentleman from New York [Mr. BEACH] and the gentleman from Indiana [Mr. MATSON].

The House again divided; and the tellers reported—ayes 64, noes 52.

Mr. BEACH. This is a very important matter, and we ought to have a quorum.

Mr. MATSON. I call for the yeas and nays.

The yeas and nays were ordered—41 members voting therefor.

Mr. BUCHANAN. Would it be in order to ask unanimous consent that either the introducer of the bill or the gentleman who reported it make a short statement to the House not exceeding five minutes?

Mr. MORRISON. I call for the regular order.

Mr. BUCHANAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. My inquiry is whether it would be in order to state that the business before the Committee on Claims is in such a shape that a vote to send it to that committee would kill the bill?

The SPEAKER. That is debate. The Clerk will call the roll.

The question was taken; and there were—yeas 123, nays 78, not voting 122; as follows:

YEAS—123.

Anderson, C. M.	Forney,	Lawler,	Sawyer,
Ballentine,	Frederick,	Le Fevre,	Sayers,
Barksdale,	Fuller,	Long,	Seney,
Barry,	Gay,	Lovering,	Singleton,
Blanchard,	Geddes,	Martin,	Spooner,
Bland,	Gibson, C. H.	Matson,	Springer,
Blount,	Gibson, Eustace	Maybury,	Stewart, Charles
Boyle,	Glass,	McCreary,	Stewart, J. W.
Bragg,	Glover,	McMillin,	Stone, E. F.
Breckinridge, C. R.	Green, R. S.	McRae,	Stone, W. J., Mo.
Buck,	Green, W. J.	Miller,	Storm,
Cabell,	Hall,	Mills,	Swope,
Candler,	Halsell,	Mitchell,	Taulbee,
Cannon,	Harris,	Morrison,	Taylor, E. B.
Carleton,	Hatch,	Murphy,	Taylor, J. M.
Catchings,	Heard,	Norwood,	Thomas, J. R.
Clardy,	Hemphill,	Oates,	Throckmorton,
Conger,	Henderson, J. S.	O'Ferrall,	Tillman,
Cowles,	Henley,	Outhwaite,	Trigg,
Crisp,	Herbert,	Parker,	Turner,
Croxton,	Hewitt,	Peel,	Van Eaton,
Culberson,	Holman,	Pindar,	Viele,
Dargan,	Howard,	Price,	Warner, A. J.
Davidson, A. C.	Hudd,	Randall,	Wellborn,
Davidson, R. H. M.	Johnston, J. T.	Reagan,	Wheeler,
Dockery,	Johnston, T. D.	Reese,	Wilkins,
Dunn,	Jones, J. H.	Richardson,	Wilson,
Eden,	Jones, J. T.	Riggs,	Winans,
Everhart,	King,	Robertson,	Wise,
Fisher,	Landes,	Rogers,	Worthington.
Ford,	Lanham,	Sadler,	

NAYS—78.

Adams, G. E.	Felton,	Lehlbach,	Rice,
Allen, C. H.	Findlay,	Lindsley,	Romeis,
Anderson, J. A.	Fleeger,	Little,	Rowell,
Baker,	Funston,	McAdoo,	Scranton,
Bayne,	Gallinger,	McKinley,	Smalls,
Beach,	Goff,	Millard,	Strait,
Bingham,	Grosvenor,	Moffat,	Struble,
Bound,	Guenther,	Morrow,	Taylor, Zach.
Brady,	Hayden,	Neal,	Van Schaick,
Brown, C. E.	Henderson, D. B.	Negley,	Wade,
Brown, W. W.	Henderson, T. J.	O'Donnell,	Wadsworth,
Buchanan,	Herman,	O'Neill, Charles	Warner, William
Bunnell,	Hiestand,	Osborne,	Weaver, A. J.
Burrows,	Hitt,	Owen,	Weaver, J. B.
Campbell, J. M.	Holmes,	Payne,	Weber,
Caswell,	Hopkins,	Peters,	West,
Cutcheon,	Jackson,	Pettibone,	White, A. C.
Dunham,	Johnson, F. A.	Phelps,	White, Milo.
Eldredge,	La Follette,	Pidcock,	
Farquhar,	Laird,	Pirce,	

NOT VOTING—122.

Adams, J. J.	Curtin,	Ketcham,	Scott,
Aiken,	Daniel,	Kleiner,	Sessions,
Allen, J. M.	Davenport,	Laffoon,	Seymour,
Arnot,	Davis,	Libbey,	Shaw,
Atkinson,	Dawson,	Lore,	Skinner,
Barbour,	Dibble,	Louttit,	Snyder,
Barnes,	Dingley,	Lowry,	Sowden,
Belmont,	Dorsey,	Lyman,	Spriggs,
Bennett,	Dougherty,	Mahoney,	Stahlnecker,
Bliss,	Dowdney,	Markham,	Steele,
Boutelle,	Ellsberry,	McComas,	Stephenson,
Breckinridge, W. C. P.	Ely,	McKenna,	St. Martin,
Browne, T. M.	Ermentrout,	Merriman,	Stone, W. J., Ky.
Brumm,	Evans,	Milliken,	Swinburne,
Burleigh,	Foran,	Morgan,	Symes,
Burnes,	Gilfillan,	Morrill,	Tarsney,
Butterworth,	Grout,	Muller,	Taylor, I. H.
Bynum,	Hale,	Neece,	Thomas, O. B.
Caldwell,	Hammond,	Nelson,	Thompson,
Campbell, Felix	Hanback,	O'Hara,	Townshend,
Campbell, J. E.	Harmer,	O'Neill, J. J.	Tucker,
Campbell, T. J.	Haynes,	Payson,	Wait,
Clements,	Hepburn,	Perkins,	Wakefield,
Cobb,	Hill,	Perry,	Ward, J. H.
Cole,	Hires,	Plumb,	Ward, T. B.
Collins,	Hiscock,	Pulitzer,	Whiting,
Compton,	Houk,	Ranney,	Willis,
Comstock,	Hutton,	Reed, T. B.	Wolford,
Cooper,	Irion,	Reid, J. W.	Woodburn.
Cox,	James,	Rockwell,	
Crain,	Kelley,	Ryan,	

So the motion to commit the bill to the Committee on Claims was agreed to.

Mr. EDEN. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following members were announced as paired on all political questions until further notice:

Mr. SKINNER with Mr. MORRILL.

Mr. HALE with Mr. WARNER, of Missouri.

Mr. O'NEILL, of Missouri, with Mr. PLUMB.

Mr. ST. MARTIN with Mr. HOUK.

Mr. IRION with Mr. ELY.

Mr. ELLSBERRY with Mr. LYMAN.

Mr. SNYDER with Mr. DORSEY.

Mr. SPRIGGS with Mr. MILLIKEN.

Mr. MORGAN with Mr. HEPBURN.

Mr. BENNETT with Mr. MCKENNA.

Mr. LAFFOON with Mr. LOUTTIT.

Mr. WADE with Mr. DIBBLE.

Mr. BINGHAM with Mr. WAKEFIELD.

Mr. TUCKER was announced as paired with Mr. CASWELL until March 25.

The following members were announced as paired for this day:

Mr. MULLER with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. PAYSON.

Mr. COLE with Mr. LIBBEY.

Mr. ERMENTROUT with Mr. KELLEY.

Mr. TOWNSHEND with Mr. DAVENPORT.

Mr. DAWSON with Mr. BOUTELLE.

Mr. HAMMOND with Mr. RYAN.

Mr. FORAN with Mr. THOMPSON.

Mr. PIDCOCK with Mr. MCCOMAS.

Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.

Mr. CALDWELL with Mr. COOPER.

Mr. CRAIN with Mr. ATKINSON.

Mr. BROWNE, of Indiana, with Mr. DOWDNEY.

Mr. TARSNEY with Mr. STEPHENSON.

Mr. WADE. I desire to say I am paired with the gentleman from South Carolina [Mr. DIBBLE], but not supposing this to be a political question, I have voted.

The SPEAKER. That is a matter which each gentleman must decide for himself.

The result of the vote was then announced as above stated.

RESOLUTIONS IN RELATION TO THE LATE REPRESENTATIVE RANKIN.

Mr. BRAGG. Mr. Speaker, I ask unanimous consent that at the close of the session on Thursday afternoon of this week a recess be taken until half past 7 o'clock, at which time I will move the consideration of the resolutions relating to the death of my late colleague, Mr. RANKIN.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. BEACH. Mr. Speaker——

The SPEAKER. Does the gentleman object?

Mr. BEACH. I desire to submit some remarks.

The SPEAKER. This is not debatable; it is a request for unanimous consent.

Mr. BEACH. It is in the nature of a motion, is it not?

The SPEAKER. It is not a motion; it is a request for unanimous consent.

Mr. BEACH. I shall not object to it; but I should like the privilege of making a few remarks upon the motion.

The SPEAKER. There being no objection, the order is made as requested by the gentleman from Wisconsin [Mr. BRAGG].

The gentleman from New York [Mr. BEACH], as the Chair understands, asks unanimous consent to——

Mr. BEACH. To detain the House only three or four minutes in connection with the motion which has just been agreed to.

Several MEMBERS. Regular order.

ORDER OE BUSINESS.

Mr. STONE, of Missouri. Mr. Speaker, I ask unanimous consent to have the bill (H. R. 148), with a substitute, reported on the 24th of February, recommitted to the Committee on the Public Lands.

The SPEAKER. The Chair will entertain the request after the unfinished business is disposed of.

MARGARET B. HARWOOD.

The next unfinished business on the Calendar was the bill (H. R. 81) granting a pension to Margaret B. Harwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of $50 a month from and after the passage of this act.

The SPEAKER. The question is, Shall this bill pass?

Mr. REAGAN. How does this bill get before the House, Mr. Speaker?

The SPEAKER. The previous question was ordered upon it on Friday last, and it comes over, under the practice of the House, as unfinished business.

Mr. REAGAN. Is it debatable?

The SPEAKER. The Chair is advised (not having been present

when the bill was considered) that there was no debate upon it when the previous question was ordered. That being the case, under the rules of the House there are thirty minutes for debate; fifteen minutes in support of the bill and fifteen minutes in opposition to it.

Mr. REAGAN. Mr. Speaker, I ask for a second.

Mr. ROGERS. Mr. Speaker, there is a Senate bill upon the Speaker's table which is a fac-simile of this bill, and I desire to ask unanimous consent to substitute that for the House bill. After that consent is given if there is any desire for information with reference to this subject I will briefly lay the facts before the House.

Mr. MCMILLIN. Let us hear the facts first, and then we will be in better condition to vote intelligently.

The SPEAKER. The request of the gentleman from Arkansas [Mr. ROGERS] requires unanimous consent.

Mr. MCMILLIN. The gentleman has a certain time for the discussion of the bill. He now asks unanimous consent that the Senate bill be substituted for the House bill, and I suggest that he make his statement first for the information of the House.

Mr. ROGERS. If it is in order, I will proceed to do that.

The SPEAKER. That is in order. The gentleman from Arkansas [Mr. ROGERS] has fifteen minutes for the discussion of the House bill now pending and the gentleman from Texas has fifteen minutes in opposition to it.

Mr. ROGERS. Mr. Speaker, Rear-Admiral Harwood was born in Pennsylvania on the 9th of October, 1802. He joined the United States Navy on the 1st of January, 1818, when he was not quite sixteen years of age. He died on the 28th of August, 1884, after a continuous service of sixty-six years. I dare say that there is not to be found in the history of the country a parallel for that service. He left a widow past seventy years of age; he left a maiden daughter; he left the widow of an only son (who died since the war of diseases contracted in the war) with four children. All are living together as one family, and the report of the committee, which I hold in my hand, states in substance that they have been left in indigent circumstances. I never saw Admiral Harwood, or his widow, or any member of his family. I happen to be the friend simply of a brother of his widow, and it was at his request that I introduced this bill and had it referred. I have here the report of the House committee at the present session. Time will not admit of my reading any considerable portion of it, but I will read a few passages:

> The Navy Register shows that he was on active duty, either afloat or ashore, forty-one years.
>
> Early in his career he attracted the attention and secured the esteem of two of the most distinguished and gallant officers in our naval history.
>
> As a midshipman, under the command of the celebrated Commodore David Porter, he assisted in the capture of a piratical schooner and her barge in the West Indies. The present head of the Navy, Admiral Porter, then a boy of ten, was with his father at the time, and authorizes the statement that his favorable knowledge of Admiral Harwood began at that time, and continued through the whole course of a service always useful and efficient, and in many respects highly creditable and valuable in its character.

As precedents for this bill we have cited in the report of the House committee the cases of the widows of Rear-Admirals McDougal, Beaumont, Middleton, Stribling, and Sands, and of Commodore Watson, to each of whom a pension of $50 a month was given by acts passed during the first session of the Forty-eighth Congress.

In the report of Senator Blair from the Senate Committee on Pensions upon the Senate bill, which I shall ask to have substituted for this bill, it is stated that this bill is "one of the most meritorious of the class to which it belongs."

Mr. LONG. Will the gentleman state what was this officer's rank?

Mr. ROGERS. He was a rear-admiral.

Mr. LONG. What is the usual rate of pensions allowed in the cases of rear-admirals?

Mr. ROGERS. Fifty dollars a month. That amount has been allowed in twenty-two cases, the references to which I have before me.

Mr. MCMILLIN. What is the pension allowed by law in such cases?

Mr. ROGERS. I can not answer that question.

Mr. PETERS and others. Thirty dollars a month.

Mr. MCMILLIN. Is Mrs. Harwood now receiving a pension of $30 a month?

Mr. ROGERS. She draws no pension now.

Mr. MCMILLIN. Because he was not in active service at the time of his death.

Mr. ROGERS. He was on the retired-list when he died.

Mr. MCMILLIN. Then this bill makes an exception—creates a new class of pensioners?

Mr. ROGERS. No; because I have before me references to twenty-two cases of the same sort in which $50 a month has been allowed.

Mr. DUNHAM. What pension will she receive if this bill be passed?

Mr. ROGERS. Fifty dollars a month.

Mr. LONG. What is the rate of pension which the precedents have established?

Mr. ROGERS. Fifty dollars in every single case.

Mr. LONG. Except this?

Mr. ROGERS. Except this. In every case of this kind which has been passed by Congress—and I have reference to the twenty-two cases—this is the amount that has been allowed.

Mr. LONG. Then I understand the gentleman to say that if the pension in this case were fixed at less than $50 it would be an exception?

Mr. ROGERS. It would be an exception to the general rule.

In the report accompanying the House bill we have cited the cases of the widows of Rear-Admirals McDougal, Beaumont, Middleton, Stribling, and Sands, and of Commodore Watson.

In the report made to the last Congress by the gentleman from South Carolina [Mr. TILLMAN] we have cited bills granting similar pensions in cases of this kind. I read from that report:

> The following instances are cited in which this has been done: In 1876, to the widow of Commodore Elliott; in 1877, to the widows of Admirals Bell and Winslow; in 1878, to the widow of Admiral Wilkes; in 1879, of Commodores Frailey, Gallagher, and McKeever, and of Admiral Stringham; in 1880, of Admiral Davis; in 1881, of Admiral Paulding and of Commodores McCauley and Guest; and finally, last winter and summer, to the widows of Admirals Goldsborough, Hoff, Reynolds, Lardner, Spotts, and Rogers, and Commodore Wood.

During the last Congress there were six additional cases passed. The names of those persons I have not before me. Yes, I have them. They are Admirals Scott and Creighton, Commanders Jeffers and Bissell, Surgeon-General Palmer and Commodore Green.

Mr. Speaker, I will repeat the statement—and I invite the attention of my friend from Tennessee [Mr. MCMILLIN] because he did not hear it before—that this gentleman was for sixty-six years in continuous service—nearly all of it active service. There were a few years of those sixty-six years in which he was not in active service. He died in 1884, leaving this widow, now past seventy years of age, with a maiden daughter, and with a widowed daughter whose husband died after service in the late war leaving four children, all living, as this report shows, and in indigent circumstances.

Mr. MCMILLIN. Does not the widowed daughter draw a pension?

Mr. ROGERS. She draws a pension, but she has four children to support upon it.

A MEMBER. How old are the children?

Mr. ROGERS. I do not know the ages of the children. They have been born since the war. These three women live together, constituting one family, with these children to be educated.

Mr. MCMILLIN. Do not the children draw pension if their father died in the service?

Mr. ROGERS. I am not advised as to that. He did not die in the service, but he died since the war from disease contracted in the service.

Several MEMBERS. That is the same thing.

Mr. MCMILLIN. Then I presume the children would be entitled to a pension.

Mr. ROGERS. I presume that is true, though it had not occurred to me.

By the evidence of all the officers who have given their testimony in this matter—among others Admiral Porter, Commodore Luce, Medical Director Lansdale, and Lieutenant Kimball—Admiral Harwood is conceded to have been one of the most useful of all the men connected with the Navy in the particular branches to which the great portion of his life was devoted, namely, the study of ordnance and the writing of a book that has become standard authority connected with the naval service of the United States; and independently of these works he rendered forty-five years of service either on the land or the sea.

Mr. REAGAN. Mr. Speaker, the purpose I had in view, if I could do so, although I have but little hope of accomplishing that purpose, is to break up the line of precedents which I regard as essentially wrong on the subject of the retirement of persons on pay and the pensioning of those not entitled to receive pension under any existing law.

I would be obliged if any gentleman would tell me what is the salary of a rear-admiral in the United States Navy at this time; just at this moment it has passed out of my mind. I believe it is some $6,000 per annum.

Now, I am, of course, unacquainted with the particular facts in this case except as they have been stated by my friend from Arkansas [Mr. ROGERS]. I do not know how long this gentleman was a rear-admiral drawing this large salary of $6,000 per annum.

Mr. MCADOO. I will give the honorable gentleman from Texas the information he seeks. The pay of a rear-admiral in the United States Navy while at sea is $6,000 per annum, on shore duty $5,000, and waiting orders $4,000.

Mr. REAGAN. The gentleman from New Jersey confirms the statement I have made, that the pay of a rear-admiral in the United States Navy is $6,000 per annum while at sea. Now this man was commissioned as a rear-admiral February 20, 1869, and upon that salary a man of reasonable prudence with a family of ordinary size might accumulate a large sum. I know our impulse is to extend benefits to those who have rendered valuable benefits to the country, and especially that our feelings of charity are invoked in behalf of their widows and orphan children. The greatest wrong, in fact, which is being done in our political system is being done from the best of motives. There is an old saying about a certain place being paved with good intentions; this policy also seems to be grounded upon good intentions. The result is that we are creating year by year a very extensive privileged class in this country to be supported out of the toil and labor and sweat of people who are not generally as well off as the beneficiaries of these special laws passed

here in this House from time to time. I had to assume the ungracious task the other day of opposing the measure to pension the widow of General Thomas, an officer of as high repute as any who served in the Army of the United States, not because it was pleasant for me to do so, but because I felt it to be my duty to the country and to the people to do so. I oppose this bill too, not because it is pleasant to do so, but because of my conscientious belief that it is utterly and totally wrong and ought to be resisted.

Now, sir, the facts sifted down are just these: A man succeeds in getting a commission in the service of the United States which thousands of his neighbors would be glad to get, but which they can not get. He goes on receiving a larger rate of pay than the great mass of his fellow-citizens can possibly obtain in any position of civil life. He enjoys advantages which his fellow-citizens in private life can not and do not enjoy. Then because we have given him a valuable office, because we have given him higher pay, because we have given him greater privileges, social and otherwise, we assume all these things as the basis and foundation for a proposition to pension all his relatives and support them at the public expense.

Is this right? Under our system of government I undertake to say it is wholly wrong; for our whole system, Mr. Speaker, contemplates that there are to be no privileges extended to one person not extended alike to all others; that there is to be no special, favored, privileged class; in other words, that there is to be no aristocracy like that of monarchical governments of other countries, where the policy is to accumulate large estates, establish great families, grant titles of nobility, and in every other way overshadow and override the great mass of the people. What right has an officer of the Government, of the Army, or the Navy over the citizen who has honestly done his duty, who has performed all that could fairly be demanded of him to the state, who has honestly struggled along in life until old age has overtaken him, and who leaves his family in need if not in poverty—what right, I say, has an officer of the Navy who has during life enjoyed superior advantages—what claim has he upon the Treasury of the United States for the support of his family by the Government when the citizen has equally done all his duties, has been faithful to every trust confided to him—what right has one to have his family pensioned upon the Government which the other does not equally possess? Why should one have such privileges when it is denied to the other? It can only come from the idea, Mr. Speaker; we are to have a privileged class; and I fear we are rapidly drifting into it; we are rapidly producing a nation of mendicants and paupers by means of our pension laws and our retired-list. The pride of our people in early times was in individuality and their reliance was upon the manhood of our citizens. We are educating them now by law, by precedents, by example, to be mendicants and beggars, and we have so far progressed in that evil course that there is pending now a measure to make mendicants and beggars even of the States themselves.

If this is to be the policy of Congress in its legislation, need I say to gentlemen that the time will come, that it must come, when the American people will rise and command a halt in this creation of privileged classes, which must in time give such control of governmental affairs as to transform our whole political system by creating an aristocracy, a privileged class, supported by the toiling and laboring masses, men who are as good, as worthy, as honest, and just as poor as the beneficiary of this bill.

Mr. WEAVER, of Iowa. Have they not already done so?

Mr. REAGAN. It is now being done, I will say in answer to my friend from Iowa, but the time will come if this thing continues when the mutterings throughout the land will be plainly heard. I am sorry to be obliged to admit that we are rapidly doing that which is demanding such a rebuke from the people, and it is gradually growing to a greater extent every year. What will be the result of such a system? What must be its inevitable influence? I repeat, sir, its only result is that we are to have an aristocratic class of idlers supported by the toiling people, upon whom they look as a lower order of the human family, unfit altogether for their association, for it is scarcely necessary for me to tell you that these privileged classes hold their heads very high indeed. They never admit that they are pensioners upon the bounty of the people, that they are supported by the toil of other people, but they look upon their payments and emoluments and perquisites as privileges belonging to their class to be paid by the people who do the work and pay the taxes.

I regret to have to protest against such bills. I understand how ungracious such a discrimination appears to be, because there can be always brought forward plenty of reasons which work upon our sympathies. But, sir, I wish I had it in my power to arrest the further progress of such precedents as this, and go back to the policy, the principles, and the pure system of our fathers—that policy which controlled this Government for three-quarters or more of our constitutional existence.

I yield the remainder of my time to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, the law as it now stands is that officers who are placed on the retired-list take that easy berth in lieu of pension; that pension or bounty is not transmitted to those who may be left after their death. The provision allowing them no pension after being retired is a wise and commendable one, and for this reason: They have a large compensation, which is given to them during their lifetime, while they are in the active service of the Government, which is also in old age continued to them. During all of that period they get full pay. After they go out of the active service, after the Government ceases to call upon them for any service, they are placed upon three-quarters pay, and that is considered, I think, equivalent to any compensation given by law to the widows of men, those who sacrificed their lives upon the field of battle. Will we depart from that custom? Is it wise that we should do so?

I admit the gentleman has given precedents here in support of this, and we can find precedents for anything in the shape of Congressional legislation. But I feel the full force of what the gentleman from Texas very well says, that the most unwise thing Congress can do is to legislate in favor of a special class at the expense of the many.

All over the country to-day we have strikes and labor trouble, but we have not begun to see a tithe of the trouble we will experience if by legislation we shall have preferred a class of citizens and placed them above their fellow-men who are compelled to toil for their support. I admit that it looks like a discrimination to stop here and now, but I am firmly of the conviction that we ought to stop and must stop somewhere, and the question is when and where. As is well known, there had been a custom here for years to pay the employés of each outgoing administration of the House offices one month's extra pay. This House denied the wisdom of that custom and refused it. Is it not also time to go forward a step and break up a custom that must be vicious and can be vicious only? By what right, human or divine, do gentlemen propose to single out one widow and make all the balance of the widows toil for her, or one child and make all other children of the Government labor for it?

My friend advocating the bill says that this widow has relatives dependent upon her. Now, it is well known that if there are children over sixteen years old dependent upon a pensioner, under the general pension law they can not be pensioned or be taken into the account in determining the widow's pension. Will we then single out this particular case? We say to the widow whose husband was killed in the Army, under the act recently passed increasing their pensions to $12 a month, "We will give you but $12," while to the widow of a man who has been drawing thousands upon thousands of dollars up to the date of his death we are to give more than four times that. Will we do such injustice? That is the question. One whose life was not lost in the service, one who lived the full measure of his days. Are we to make this exception in favor of his widow? When this officer accepted a place on the retired-list, and year after year drew a good salary while doing no service, he knew that no pension would be allowed his widow, and this Government is under no obligations to do for her what the general law does not provide for others.

Mr. Speaker, I dislike to raise my voice against any individual or any particular case. I know there are hardships involved in all of these cases that come here for relief; but go to every hovel in this land, for which Congress is not asked to legislate, and for which it would not legislate if it were asked, and you will see just as great hardship there. Hardship is everywhere in the land. There is not a member here who can not go among his constituents and see many paupers and thousands of decrepit and destitute people who can not get Government benefaction. Will we discriminate in this case? Is it wise that we should do so? If we do, we simply place one poor person to working for another.

I do not know, sir, what weight any man's objection will have upon this question. We are governed a great deal by sentiment; but I feel it right at least to enter a protest against what seems to be another step in the direction of legislating in favor of a privileged class at the expense of the masses.

I yield the remainder of the time, if any, to the gentleman from Indiana [Mr. MATSON].

Mr. ROGERS. I have no desire to reply to the arguments of the gentleman from Texas [Mr. REAGAN] and the gentleman from Tennessee [Mr. MCMILLIN]. I sympathize largely with much that has been said by both gentlemen; but neither of them has met the question presented here. Neither of them meets the question. It is, if you have treated all others of this class for years and years in this way what reason there can be that this woman, now past seventy years of age, should be made an exception to the rule? At best she can not live but a little while. This is only for a few years. And we are not giving her $5,000 or $2,000 a year. If this bill passes she gets $600 a year. This is all for this woman past seventy years of age, who is now in a dependent condition and past the age when she can be expected to take care of herself. This is surely not too large a sum.

I will state also that Admiral Harwood was not a rear-admiral for many years. As late as 1855 he was commissioned a captain in the service. In 1862 he was made a commodore and placed on the retired-list. In 1864 he was retired. In 1869, long after he was retired, he was commissioned as rear-admiral on the retired-list. In March, 1869, a month later, he was detached from the Light-House Board and placed on waiting orders. On March 30, 1869, he was ordered as a member of a court-martial at Washington, D. C. In September, 1869, he was detached and ordered to special duty at the Department. In October,

1870, he was appointed judge-advocate of the Navy. In October, 1871, he was detached and placed on waiting orders.

It appears from this record that—

In 1864 Admiral Harwood was placed on the retired-list in accordance with law, but his services were so valuable that he was employed on various special duties till 1872, eight years after retirement, when the law putting all retired officers off duty deprived the Department of his labors. It was during this latter part of his service that he wrote the work on courts-martial, which is at present the accepted authority followed in all military trials in the Navy. Before Harwood's work was published it was almost impossible in the time allowed for naval courts to properly inform themselves on points of law, precedent, and principle, and as a natural consequence much injustice resulted, sometimes in the direction of too great severity, and again in treating breaches of discipline with too great leniency.

It is to Harwood chiefly that the Navy of to-day owes that state of affairs which makes marked injustice in military matters impossible, and gives every man, whatever his rank, his legal rights, and almost inevitably brings adequate punishment for military crime.

I wanted to add that much to his record which I had not time to refer to when I occupied the floor before.

Now, Mr. Speaker, if this pension is granted to Mrs. Harwood, as I have said, she will probably not live more than a few years. It is only $600 a year which she will get under this bill. It is not the pension that was offered to Mrs. Thomas, and which I voted against. It was not the character of pension offered to the granddaughter of Thomas Jefferson, which I voted against. It is not the kind of pension which belongs to the class which gentlemen have been speaking of. But this lady belongs to a class of pensioners whom Congress has recognized uniformly so far as my knowledge extends. It has constantly acted on the principle of granting this amount to the widows of those officers who had achieved that distinction in the service which Admiral Harwood achieved. I think I may say with perfect confidence that no man of these twenty-two in number whom I have mentioned achieved greater distinction or served the country so long or preserved through so many years a record so stainless and pure.

Now will Congress in the face of all these precedents, in the face of these facts which themselves constitute a powerful argument, undertake to draw the line on this woman at her age? She was not married to Admiral Harwood in old age, but was the partner of his life from his early manhood till his death. I hope the House will not undertake to draw the line on her. If it is to establish the precedent contended for, let it be done on some less worthy person than this aged and worthy widow of this singularly distinguished and honorable officer who served his country through the greater part of its existence.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to lay aside the House bill and to consider the Senate bill in lieu of it. Is there objection?

Mr. REAGAN. I feel constrained to object and to throw every obstacle in the way of passing this bill.

The SPEAKER. The question is, Shall the bill pass?

The question being taken, there were—ayes 62, noes 58.

Mr. MATSON. I call for the yeas and nays.

The yeas and nays were ordered—43 members voting therefor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate further insisted upon its amendments numbered 2, 6, and 7 to the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives; agreed to the conference asked on the disagreeing votes of the two Houses thereon, and that Mr. ALLISON, Mr. HALE, and Mr. COCKRELL had been appointed the conferees on the part of the Senate.

MARGARET B. HARWOOD.

The question was taken; and there were—yeas 96, nays 95, not voting 132; as follows:

YEAS—96.

Adams, G. E.	Felton,	Hopkins,	Sawyer,
Allen, C. H.	Findlay,	Howard,	Scranton,
Anderson, J. A.	Fisher,	Hudd,	Seney,
Baker,	Fleeger,	James,	Sessions,
Barbour,	Ford,	Kelley,	Seymour,
Bayne,	Frederick,	King,	Smalls,
Bingham,	Funston,	La Follette,	Sowden,
Bound,	Gallinger,	Laird,	Spooner,
Brady,	Geddes,	Le Fevre,	Steele,
Bragg,	Gibson, C. H.	Lehlbach,	Stewart, J. W.
Breckinridge, C. R.	Glover,	Lindsley,	Strait,
Breckinridge, WCP.	Goff,	Maybury,	Struble,
Brown, C. E.	Green, R. S.	Negley,	Taylor, E. B.
Brown, W. W.	Grout,	Nelson,	Taylor, I. H.
Buck,	Hayden,	O'Neill, Charles	Thomas, O. B.
Bunnell,	Haynes,	Osborne,	Throckmorton,
Burleigh,	Henderson, D. B.	Outhwaite,	Van Schaick,
Burrows,	Henderson, T. J.	Owen,	Viele,
Campbell, T. J.	Henley,	Parker,	Wadsworth,
Carleton,	Herman,	Payne,	Wait,
Conger,	Hewitt,	Phelps,	Ward, T. B.
Dockery,	Hiestand,	Randall,	White, Milo
Eldredge,	Hitt,	Rice,	Wise,
Everhart,	Holmes,	Rogers,	Wolford.

NAYS—95.

Allen, J. M.	Beach,	Cannon,	Crain,
Ballentine,	Bland,	Clardy,	Crisp,
Barksdale,	Cabell,	Clements,	Croxton,
Barnes,	Candler,	Cowles,	Culberson,
Dargan,	Johnson, F. A.	O'Donnell,	Taulbee,
Davidson, A. C.	Johnston, J. T.	O'Ferrall,	Taylor, J. M.
Davidson, R. H. M.	Johnston, T. D.	Peel,	Taylor, Zach.
Dunham,	Jones, J. H.	Perkins,	Thomas, J. R.
Dunn,	Jones, J. T.	Peters,	Tillman,
Forney,	Kleiner,	Pindar,	Trigg,
Fuller,	Lanham,	Price,	Turner,
Gay,	Little,	Reagan,	Van Eaton,
Glass,	Lowry,	Richardson,	Wade,
Green, W. J.	Martin,	Riggs,	Warner, A. J.
Grosvenor,	Matson,	Romeis,	Weaver, A. J.
Guenther,	McCreary,	Rowell,	Weaver, J. B.
Halsell,	McMillin,	Sadler,	Wellborn,
Harris,	McRae,	Sayers,	West,
Hatch,	Miller,	Singleton,	Wheeler,
Hemphill,	Mills,	Springer,	Whiting,
Henderson, J. S.	Morrison,	Stone, W. J., Mo.	Wilson,
Herbert,	Neal,	Storm,	Winans,
Hill,	Norwood,	Swinburne,	Worthington.
Holman,	Oates,	Swope,	

NOT VOTING—132.

Adams, J. J.	Cutcheon,	Laffoon,	Plumb,
Aiken,	Daniel,	Landes,	Pulitzer,
Anderson, C. M.	Davenport,	Lawler,	Ranney,
Arnot,	Davis,	Libbey,	Reed, T. B.
Atkinson,	Dawson,	Long,	Reid, J. W.
Barry,	Dibble,	Lore,	Reese,
Belmont,	Dingley,	Louttit,	Robertson,
Bennett,	Dorsey,	Lovering,	Rockwell,
Blanchard,	Dougherty,	Lyman,	Ryan,
Bliss,	Dowdney,	Mahoney,	Scott,
Blount,	Eden,	Markham,	Shaw,
Boutelle,	Ellsberry,	McAdoo,	Skinner,
Boyle,	Ely,	McComas,	Snyder,
Browne, T. M.	Ermentrout,	McKenna,	Spriggs,
Brumm,	Evans,	McKinley,	Stahlnecker,
Buchanan,	Farquhar,	Merriman,	Stephenson,
Burnes,	Foran,	Millard,	Stewart, Charles
Butterworth,	Gibson, Eustace	Milliken,	St. Martin,
Bynum,	Gilfillan,	Mitchell,	Stone, E. F.
Caldwell,	Hale,	Moffat,	Stone, W. J., Ky.
Campbell, Felix	Hall,	Morgan,	Symes,
Campbell, J. M.	Hammond,	Morrill,	Tarsney,
Campbell, J. E.	Hanback,	Morrow,	Thompson,
Caswell,	Harmer,	Muller,	Townshend,
Catchings,	Heard,	Murphy,	Tucker,
Cobb,	Hepburn,	Neece,	Wakefield,
Cole,	Hires,	O'Hara,	Ward, J. H.
Collins,	Hiscock,	O'Neill, J. J.	Warner, William
Compton,	Houk,	Payson,	Weber,
Comstock,	Hutton,	Perry,	White, A. C.
Cooper,	Irion,	Pettibone,	Wilkins,
Cox,	Jackson,	Pidcock,	Willis,
Curtin,	Ketcham,	Pirce,	Woodburn,

So the bill was passed.

Mr. CRISP. Mr. Speaker, my colleague [Mr. HAMMOND] has requested me to state that he is absent on account of sickness in his family.

Mr. DOCKERY. Mr. Speaker I ask unanimous consent that the reading of the names of members voting be dispensed with.

Objection was made.

After a portion of the names had been read the objection was withdrawn, and the further reading was dispensed with.

The following additional pairs were announced:

Mr. COX with Mr. WHITING, for this day.

Mr. GIBSON, of West Virginia, with Mr. MORROW, for the rest of the day.

Mr. ROBERTSON with Mr. WOODBURN, for this day.

The result of the vote was then announced as above recorded.

MRS. LAURA HENTIG.

The next unfinished business on the Calendar was the bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Laura Hentig, widow of Edmund C. Hentig, late a captain in the Sixth Cavalry, United States Army, and to pay her a pension at the rate of $30 per month, in lieu of that now allowed her.

Mr. MATSON. Mr. Speaker, I believe debate is in order on this bill?

The SPEAKER. The Chair is advised that there was debate upon the bill when it was last before the House.

Mr. MATSON. I desire to be heard in opposition to this bill, and my impression is that there was no debate.

The SPEAKER. The Chair may be mistaken. The official record contains the report upon the bill, and the Chair supposed that the report had been read, but perhaps it was inserted without being read.

Mr. MATSON. I think it was inserted in accordance with an agreement that all reports on bills considered should be printed in the RECORD whether they were read or not.

The SPEAKER. If that be the case the rule applies, and there are thirty minutes for debate; fifteen minutes in support of the bill and fifteen minutes in opposition.

Mr. MATSON. Mr. Speaker, the vote just taken shows that this House barely tolerates the practice that has obtained in Congress for many years of increasing the pensions of widows of general officers and of officers of corresponding rank in the Navy from $30 to $50 a month. That proposition has been sustained here by a bare majority of 1 upon a yea-and-nay vote. I regard that kind of legislation as the most vicious

that could be enacted in relation to pensions. It began, as I have said, a good many years ago.

It began with the proposition that the widows of general officers killed in battle should have their pensions increased from $30 to $50 a month; but it did not stop there. It went on until it grew into a well-founded custom of increasing the pensions of the widows of all general officers to $50 a month. Now, this bill proposes to increase the pension of the widow of a captain—a very worthy man, no doubt, who was killed in battle with the Indians within the last few years. If this bill passes the House will have gone even outside of the line of precedents that has been established here in relation to increasing the pensions of the widows of general officers. This bill clearly goes beyond that line, and certainly every one will agree that it is dangerous for this House to go in this direction beyond the established precedents. I believe with the gentleman from Texas [Mr. REAGAN] that upon the yea-and-nay vote just taken the House ought to have said that vicious legislation of this kind should stop, and that the widow of no officer should have a larger pension than the existing law gives her.

Mr. MCMILLIN. Congress will say so before long.

Mr. MATSON. I believe, Mr. Speaker, that, as just suggested by the gentleman from Tennessee [Mr. MCMILLIN], the time is near at hand when the people will have been heard from upon this question of increasing pensions and granting large special pensions. The practice is growing more unpopular every day all over the country. The people see around them men and women who ought to have pensions but are getting none, and for that reason it is unpopular all through the country to grant large pensions to any one. Therefore I say this House ought to put a stop to the practice, and ought to refuse to increase any of these pensions beyond the limit fixed by law.

Mr. MCMILLIN. Will the gentleman permit me to ask him whether the Committee on Invalid Pensions did or did not report against this bill?

Mr. MATSON. This bill does not come from the Committee on Invalid Pensions, but from the Committee on Pensions. This officer was no doubt very worthy, and I do not assail the committee at all. They doubtless believed that this lady was, as she is, the widow of a very gallant and meritorious officer; but the trouble is that there are too many cases just like hers, and the people are not disposed longer to tolerate this practice of giving large pensions to a few favored persons and very small ones to the remainder. I reserve the balance of my time.

Mr. ZACH. TAYLOR. Mr. Speaker, I ask that the report of the Committee on Pensions of the Forty-eighth Congress, which fully states the facts in this case, be read.

The Clerk read as follows:

The facts in this case are that Capt. Edmund C. Hentig was an officer of the United States Army, on duty with his regiment, the Sixth United States Cavalry, at Fort Apache, Arizona Territory. That on the 29th day of August, 1881, he formed, with his company, a part of the command under Col. E. A. Carr, commanding Sixth Cavalry, United States Army, which marched to Cibicu Creek, near the said Fort Apache, and on the 30th the command was surprised and attacked by hostile Apache Indians, who inflicted serious injury and loss of life upon said command; that at the beginning of the hostilities the said Captain Hentig was shot and instantly killed by said hostile Indians.

Mrs. Laura Hentig, the widow of the said Captain Hentig, has been an invalid for several years, and, from the effects of malaria and the shock of her husband's sudden and cruel death, is suffering from complete nervous prostration; and it is in proof, as the opinion of W. M. Goodell, M. D., of the University of Pennsylvania, that in all probability she will never be able to earn a livelihood for herself or invalid daughter.

Mrs. Hentig is poor, and her present pension of $20 per month is scarcely sufficient to pay for necessary medical attendance. In view of all the surrounding circumstances your committee regard this case as one involving unusual hardships. They would, therefore, recommend the passage of the bill granting a pension to Mrs. Laura Hentig at the rate of $50 per month.

Mr. ZACH. TAYLOR. Mr. Speaker, the Committee on Pensions of the present House has reported in favor of the passage of a bill similar to the one presented in the last Congress, fixing the pension in this case at $30 a month. The allegations of that report are sustained by numerous affidavits, which are on file—affidavits of the physicians and others, whose credibility is certified to by the gentleman from Texas [Mr. THROCKMORTON], who is familiar with the case. If there ever was a case in which the liberality of the House ought to be exercised it is one of this character.

Mr. HENDERSON, of Iowa. What pension is this lady now drawing?

Mr. ZACH. TAYLOR. Twenty dollars a month.

Mr. HENDERSON, of Iowa. And the proposition of this bill is to make the pension $50 a month?

Mr. ZACH. TAYLOR. Thirty dollars.

Mr. HENDERSON, of Iowa. Are there any other widows of captains who receive this amount of pension?

Mr. ZACH. TAYLOR. I do not know whether there are or not. I am not putting this bill on the ground of precedent, but upon the necessity of this special case.

Mr. HENDERSON, of Iowa. I want to know whether there are any precedents for granting the widow of a captain pension at the rate of $30 a month.

Mr. ZACH. TAYLOR. I am not advised on that point; I think, however, there are.

Mr. WOLFORD. I will say to the gentleman from Iowa that there are ten precedents where $40 a month has been granted.

Mr. HENDERSON, of Iowa. Where widows of captains are receiving $40 a month?

Mr. WOLFORD. Yes, sir; widows of captains.

Mr. MATSON. I yield the remainder of my time to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I do not wish to occupy any time upon this case. All I ask is that the yeas and nays be taken on the question of its passage.

The SPEAKER. If no further debate be desired the question is on the passage of the bill, on which the gentleman from Tennessee [Mr. MCMILLIN] asks the yeas and nays.

The yeas and nays were ordered; there being—ayes 34, noes 49; more than one-fifth voting in the affirmative.

Mr. THROCKMORTON. Before the vote is taken I wish to inquire whether the proposition is to increase this pension from $20 to $30 only.

The SPEAKER. The bill provides for a pension of $30 a month.

Mr. MCMILLIN. That is more than the general law provides by 50 per cent.

The question was then taken; and it was decided in the negative—yeas 68, nays 102, not voting 153; as follows:

YEAS—68.

Allen, C. H.	Grout,	Nelson,	Symes,
Anderson, C. M.	Hayden,	O'Neill, Charles	Taylor, I. H.
Baker,	Henderson, D. B.	Owen,	Taylor, Zach.
Bingham,	Herman,	Parker,	Thomas, O. B.
Brown, C. E.	Hiestand,	Payne,	Throckmorton,
Brown, W. W.	Hiscock,	Pettibone,	Van Schaick,
Buchanan,	Hitt,	Phelps,	Viele,
Burleigh,	Holmes,	Rice,	Wade,
Campbell, T. J.	Howard,	Rowell,	Wadsworth,
Carleton,	Kelley,	Scranton,	Wait,
Conger,	King,	Seney,	Ward, T. B.
Eldredge,	Le Fevre,	Sessions,	Weber,
Farquhar,	Lehlbach,	Seymour,	West,
Fisher,	Maybury,	Smalls,	White, A. C.
Fleeger,	McKinley,	Steele,	White, Milo
Funston,	Mitchell,	Stewart, J. W.	Wilkins,
Gallinger,	Negley,	Strait,	Wolford.

NAYS—102.

Allen, J. M.	Frederick,	McCreary,	Sayers,
Ballentine,	Fuller,	McMillin,	Singleton,
Beach,	Gay,	McRae,	Sowden,
Blount,	Glass,	Miller,	Spooner,
Bound,	Green, W. J.	Mills,	Springer,
Bragg,	Guenther,	Morrison,	Stone, W. J., Ky.
Breckinridge, C. R.	Halsell,	Neal,	Stone, W. J., Mo.
Breckinridge, WCP.	Hatch,	Neece,	Storm,
Cabell,	Heard,	Norwood,	Swope,
Campbell, J. M.	Hemphill,	Oates,	Taulbee,
Candler,	Henderson, J. S.	O'Donnell,	Taylor, E. B.
Cannon,	Herbert,	O'Ferrall,	Taylor, J. M.
Clements,	Hewitt,	Peel,	Thomas, J. R.
Cowles,	Hill,	Perkins,	Tillman,
Crain,	Holman,	Peters,	Trigg,
Croxton,	Hudd,	Pindar,	Turner,
Culberson,	Johnston, J. T.	Price,	Van Eaton,
Cutcheon,	Johnston, T. D.	Reagan,	Warner, A. J.
Dargan,	Jones, J. H.	Reed, T. B.	Weaver, A. J.
Davidson, A. C.	Kleiner,	Reid, J. W.	Weaver, J. B.
Davidson, R. H. M.	Lanham,	Reese,	Wellborn,
Davis,	Lawler,	Richardson,	Wheeler,
Dockery,	Lowry,	Riggs,	Winans,
Dunn,	Martin,	Robertson,	Wise.
Everhart,	Matson,	Sadler,	
Forney,	McAdoo.	Sawyer,	

NOT VOTING—153.

Adams, G. E.	Cox,	Hires,	Payson,
Adams, J. J.	Crisp,	Hopkins,	Perry,
Aiken,	Curtin,	Houk,	Pidcock,
Anderson, J. A.	Daniel,	Hutton,	Pirce,
Arnot,	Davenport,	Irion,	Plumb,
Atkinson,	Dawson,	Jackson,	Pulitzer,
Barbour,	Dibble,	James,	Randall,
Barksdale,	Dingley,	Johnson, F. A.	Ranney,
Barnes,	Dorsey,	Jones, J. T.	Rockwell,
Barry,	Dougherty,	Ketcham,	Rogers,
Bayne,	Dowdney,	Laffoon,	Romeis,
Belmont,	Dunham,	La Follette,	Ryan,
Bennett,	Eden,	Laird,	Scott,
Blanchard,	Ellsberry,	Landes,	Shaw,
Bland,	Ely,	Libbey,	Skinner,
Bliss,	Ermentrout,	Lindsley,	Snyder,
Boutelle,	Evans,	Little,	Spriggs,
Boyle,	Felton,	Long,	Stahlnecker,
Brady,	Findlay,	Lore,	Stephenson,
Browne, T. M.	Foran,	Louttit,	Stewart, Charles
Brumm,	Ford,	Lovering,	St. Martin,
Buck,	Geddes,	Lyman,	Stone, E. F.
Bunnell,	Gibson, C. H.	Mahoney,	Struble,
Burnes,	Gibson, Eustace	Markham,	Swinburne,
Burrows,	Gilfillan,	McComas,	Tarsney,
Butterworth,	Glover,	McKenna,	Thompson,
Bynum,	Goff,	Merriman,	Townshend,
Caldwell,	Green, R. S.	Millard,	Tucker,
Campbell, Felix	Grosvenor,	Milliken,	Wakefield,
Campbell, J. E.	Hale,	Moffatt,	Ward, J. H.
Caswell,	Hall,	Morgan,	Warner, William
Catchings,	Hammond,	Morrill,	Whiting,
Clardy,	Hanback,	Morrow,	Willis,
Cobb,	Harmer,	Muller,	Wilson,
Cole,	Harris,	Murphy,	Woodburn,
Collins,	Haynes,	O'Hara,	Worthington.
Compton,	Henderson, T. J.	O'Neill, J. J.	
Comstock,	Henley,	Osborne,	
Cooper.	Hepburn,	Outhwaite,	

So the bill was rejected.

The following additional pair was announced:
Mr. GREEN, of New Jersey, with Mr. BRADY, on this vote.

MRS. E. A. BENHAM.

The next bill coming over from Friday last under the operation of the previous question was read, as follows:

A bill (S. 812) granting a pension to Mrs. E. A. Benham.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. E. A. Benham, wife of the late General Henry W. Benham, at the rate of $50 per month.

The SPEAKER *pro tempore* (Mr. WEAVER, of Iowa). This bill comes before the House under the operation of the previous question; and there having been debate upon the bill, the question is now on its passage.

Mr. REAGAN. I ask for the yeas and nays.

The yeas and nays were ordered, there being—ayes 31, noes 43; more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the negative—yeas 92, nays 100, not voting 131; as follows:

YEAS—92.

Allen, C. H.	Farquhar,	Long,	Steele,
Anderson, J. A.	Felton,	Lovering,	Stewart, J. W.
Arnot,	Fleeger,	Markham,	Stone, E. F.
Baker,	Funston,	Maybury,	Strait,
Bayne,	Gallinger,	Mitchell,	Struble,
Bingham,	Goff,	Negley,	Swinburne,
Brady,	Grosvenor,	Nelson,	Symes,
Bragg,	Grout,	O'Neill, Charles	Taylor, I. H.
Brown, C. E.	Harmer,	Osborne,	Taylor, Zach.
Brown, W. W.	Hayden,	Outhwaite,	Thomas, O. B.
Buchanan,	Henderson, D. B.	Parker,	Tillman,
Buck,	Herman,	Perkins,	Viele,
Bunnell,	Hiestand,	Pettibone,	Wadsworth,
Burleigh,	Hiscock,	Phelps,	Wait,
Burrows,	Hitt,	Randall,	Ward, T. B.
Campbell, T. J.	Holmes,	Rice,	Warner, William
Conger,	Hutton,	Sawyer,	Weaver, A. J.
Curtin,	James,	Scranton,	Weber,
Dargan,	Ketcham,	Sessions,	West,
Davis,	Landes,	Seymour,	White, A. C.
Dingley,	Le Fevre,	Smalls,	White, Milo
Eldredge,	Lehlbach,	Sowden,	Wilkins,
Evans,	Lindsley,	Spooner,	Wolford.

NAYS—100.

Allen, J. M.	Gay,	McCreary,	Sadler,
Anderson, C. M.	Geddes,	McMillin,	Sayers,
Ballentine,	Glass,	McRae,	Singleton,
Barnes,	Glover,	Merriman,	Springer,
Beach,	Green, W. J.	Miller,	Stewart, Charles
Blount,	Guenther,	Murphy,	Stone, W. J., Ky.
Bound,	Halsell,	Neal,	Stone, W. J., Mo.
Breckinridge, C. R.	Harris,	Neece,	Storm,
Cabell,	Hatch,	Norwood,	Swope,
Campbell, J. M.	Heard,	Oates,	Taulbee,
Candler,	Henderson, J. S.	O'Donnell,	Taylor, E. B.
Cannon,	Hewitt,	O'Ferrall,	Taylor, J. M.
Cowles,	Hill,	Peel,	Thomas, J. R.
Crain,	Holman,	Peters,	Throckmorton,
Crisp,	Hudd,	Pindar,	Trigg,
Croxton,	Johnston, J. T.	Plumb,	Turner,
Culberson,	Johnston, T. D.	Price,	Van Eaton,
Davidson, A. C.	Jones, J. H.	Reagan,	Wade,
Davidson, R. H. M.	Kleiner,	Reid, J. W.	Weaver, J. B.
Dockery,	La Follette,	Reese,	Wellborn,
Dunn,	Lanham,	Richardson,	Wheeler,
Everhart,	Lawler,	Riggs,	Wilson,
Forney,	Lowry,	Rogers,	Winans,
Frederick,	Martin,	Romeis,	Wise,
Fuller,	Matson,	Rowell,	Worthington.

NOT VOTING—131.

Adams, G. E.	Cooper,	Hires,	Owen,
Adams, J. J.	Cox,	Hopkins,	Payne,
Aiken,	Cutcheon,	Houk,	Payson,
Atkinson,	Daniel,	Howard,	Perry,
Barbour,	Davenport,	Irion,	Pidcock,
Barksdale,	Dawson,	Jackson,	Pirce,
Barry,	Dibble,	Johnson, F. A.	Pulitzer,
Belmont,	Dorsey,	Jones, J. T.	Ranney,
Bennett,	Dougherty,	Kelley,	Reed, T. B.
Blanchard,	Dowdney,	King,	Robertson,
Bland,	Dunham,	Laffoon,	Rockwell,
Bliss,	Eden,	Laird,	Ryan,
Boutelle,	Ellsberry,	Libbey,	Scott,
Boyle,	Ely,	Little,	Seney,
Breckinridge, WCP.	Ermentrout,	Lore,	Shaw,
Browne, T. M.	Findlay,	Louttit,	Skinner,
Brumm,	Fisher,	Lyman,	Snyder,
Burnes,	Foran,	Mahoney,	Spriggs,
Butterworth,	Ford,	McAdoo,	Stahlnecker,
Bynum,	Gibson, C. H.	McComas,	Stephenson,
Caldwell,	Gibson, Eustace	McKenna,	St. Martin,
Campbell, Felix	Gilfillan,	McKinley,	Tarsney,
Campbell, J. E.	Green, R. S.	Millard,	Thompson,
Carleton,	Hale,	Milliken,	Townshend,
Caswell,	Hall,	Mills,	Tucker,
Catchings,	Hammond,	Moffatt,	Van Schaick,
Clardy,	Hanback,	Morgan,	Wakefield,
Clements,	Haynes,	Morrill,	Ward, J. H.
Cobb,	Hemphill,	Morrison,	Warner, A. J.
Cole,	Henderson, T. J.	Morrow,	Whiting,
Collins,	Henley,	Muller,	Willis,
Compton,	Hepburn,	O'Hara,	Woodburn.
Comstock,	Herbert,	O'Neill, J. J.	

So the bill was rejected.

During the roll-call the following additional pair was announced from the Clerk's desk:

Mr. WARNER, of Ohio, with Mr. FINDLAY, for the rest of the day.

The vote was then announced as above recorded.

ALMIRA RUSSEL HANCOCK.

The next business coming over was the bill (H. R. 5841) granting a pension to Mrs. Almira Russel Hancock.

The SPEAKER. The question is on the passage of the bill.

Mr. ZACH. TAYLOR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 158, nays 47, not voting 118; as follows:

YEAS—158.

Adams, G. E.	Evans,	Ketcham,	Scranton,
Allen, C. H.	Everhart,	King,	Seney,
Anderson, C. M.	Farquhar,	Landes,	Sessions,
Anderson, J. A.	Felton,	Lawler,	Seymour,
Arnot,	Fisher,	La Fevre,	Sowden,
Baker,	Fleeger,	Lehlbach,	Spooner,
Barnes,	Ford,	Lindsley,	Springer,
Bayne,	Gallinger,	Long,	Steele,
Beach,	Gay,	Lovering,	Stewart, J. W.
Bingham,	Geddes,	Lowry,	Stone, E. F.
Blanchard,	Gibson, C. H.	Markham,	Stone, W. J., Mo.
Bound,	Glover,	Martin,	Storm,
Boyle,	Goff,	Maybury,	Strait,
Brady,	Green, R. S.	McKinley,	Struble,
Bragg,	Green, W. J.	Merriman,	Swinburne,
Breckinridge, C. R.	Grosvenor,	Mitchell,	Swope,
Brown, C. E.	Grout,	Neal,	Taylor, E. B.
Brown, W. W.	Harmer,	Negley,	Taylor, I. H.
Buchanan,	Harris,	Nelson,	Taylor, Zach.
Buck,	Hayden,	Norwood,	Thomas, O. B.
Bunnell,	Haynes,	O'Neill, Charles	Throckmorton,
Burleigh,	Hemphill,	Osborne,	Tillman,
Burnes,	Henderson, D. B.	Outhwaite,	Van Schaick,
Burrows,	Henderson, T. J.	Owen,	Viele,
Butterworth,	Henley,	Parker,	Wadsworth,
Bynum,	Herbert,	Payne,	Wait,
Campbell, T. J.	Herman,	Peel,	Ward, T. B.
Candler,	Hewitt,	Perkins,	Warner, William
Cannon,	Hiscock,	Pettibone,	Weaver, A. J.
Carlton,	Hitt,	Phelps,	Weber,
Catchings,	Holman,	Pindar,	West,
Collins,	Holmes,	Pirce,	White, A. C.
Curtin,	Hopkins,	Randall,	White, Milo
Dargan,	Howard,	Reed, T. B.	Wilkins,
Davis,	Hudd,	Rice,	Willis,
Dingley,	Hutton,	Riggs,	Wilson,
Dockery,	James,	Rogers,	Wise,
Dunham,	Johnson, F. A.	Romeis,	Wolford.
Dunn,	Johnston, J. T.	Rowell,	
Eldredge,	Jones, J. T.	Sawyer,	

NAYS—47.

Allen, J. M.	Halsell,	Morrison,	Stewart, Charles,
Barksdale,	Hatch,	Murphy,	Stone, W. J., Ky.
Bland,	Heard,	Neece,	Taulbee,
Blount,	Henderson, J. S.	Oates,	Taylor, J. M.
Cabell,	Hill,	O'Ferrall,	Trigg,
Cowles,	Johnston, T. D.	Peters,	Turner,
Crisp,	Jones, J. H.	Price,	Van Eaton,
Croxton,	Lanham,	Reagan,	Wade,
Davidson, A. C.	McMillin,	Richardson,	Wheeler,
Davidson, R. H. M.	McRae,	Sadler,	Winans,
Forney,	Miller,	Sayers,	Worthington.
Glass,	Mills,	Singleton,	

NOT VOTING—118.

Adams, J. J.	Daniel,	Kleiner,	Ranney,
Aiken,	Davenport,	Laffoon,	Reid, J. W.
Atkinson,	Dawson,	La Follette,	Reese,
Ballentine,	Dibble,	Laird,	Robertson,
Barbour,	Dorsey,	Libbey,	Rockwell,
Barry,	Dougherty,	Little,	Ryan,
Belmont,	Dowdney,	Lore,	Scott,
Bennett,	Eden,	Louttit,	Shaw,
Bliss,	Ellsberry,	Lyman,	Skinner,
Boutelle,	Ely,	Mahoney,	Smalls,
Breckinridge, WCP.	Ermentrout,	Matson,	Snyder,
Browne, T. M.	Findlay,	McAdoo,	Spriggs,
Brumm,	Foran,	McComas,	Stahlnecker,
Caldwell,	Frederick,	McCreary,	Stephenson,
Campbell, Felix	Fuller,	McKenna,	St. Martin,
Campbell, J. E.	Funston,	Millard,	Symes,
Campbell, J. M.	Gibson, Eustace	Milliken,	Tarsney,
Caswell,	Gilfillan,	Moffatt,	Thomas, J. R.
Clardy,	Guenther,	Morgan,	Thompson,
Clements,	Hale,	Morrill,	Townshend,
Cobb,	Hall,	Morrow,	Tucker,
Cole,	Hammond,	Muller,	Wakefield,
Compton,	Hanback,	O'Donnell,	Ward, J. H.
Comstock,	Hepburn,	O'Hara,	Warner, A. J.
Conger,	Hiestand,	O'Neill, J. J.	Weaver, J. B.
Cooper,	Hires,	Payson,	Wellborn,
Cox,	Houk,	Perry,	Whiting,
Crain,	Irion,	Pidcock,	Woodburn.
Culberson,	Jackson,	Plumb,	
Cutcheon,	Kelley,	Pulitzer,	

So the bill was passed.

On motion of Mr. MCMILLIN, by unanimous consent the reading of the names was dispensed with.

Mr. WARNER, of Ohio. I voted "no," but being paired with the gentleman from Maryland [Mr. FINDLAY], who would have voted "ay," I shall withdraw my vote.

The result of the vote was then announced as above recorded.

NORTHERN PACIFIC RAILROAD FORFEITURE.

Mr. HENLEY, from the Committee on the Public Lands, reported back with favorable recommendation the bill (H. R. 147) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. STRAIT. I would like to obtain unanimous consent to file a minority report hereafter to accompany that bill.

There was no objection, and leave was accordingly granted to the minority to file its views.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message announced the approval of House bills of the following titles:

An act (H. R. 5219) to provide for an American register for the steamship Ozama, of New York city;

An act (H. R. 1635) for the relief of Sarah B. Jackson; and

An act H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are in order; also resolutions of inquiry addressed to heads of Departments.

EDUCATIONAL BILLS.

Mr. WHEELER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolution directing the Committee on Rules to report a rule to the House by which by a majority vote the House may instruct a committee in charge of a bill to report it back to the House.

Whereas the Tenth Census of the United States shows that there are 6,239,958 persons in the United States over the age of ten years who can not write, and 4,923,451 over ten years of age who can not read; and

Whereas during the first session of the Forty-eighth Congress a bill passed the Senate, by a vote of 33 to 11, to aid in the establishment and temporary support of common schools; and

Whereas said bill was never acted upon by the House of Representatives; and

Whereas during the present session of Congress, to wit, on the 5th day of March, 1886, the Senate passed another bill to aid in the establishment and temporary support of common schools by a vote of 36 to 11; and

Whereas said bill was engrossed and reported to the House of Representatives, and on the 9th day of March the Speaker laid before the House the said bill (namely, the bill S. 194) to aid in the establishment and temporary support of common schools, which was read twice and referred to the Committee on Education; and

Whereas on the first day on which bills could be introduced in the present Congress, namely, on the 21st day of December, 1885, bill H. R. 43, to aid in the temporary support of common schools, was introduced, read twice, and referred to the Committee on Education and ordered to be printed; and

Whereas said committee has failed to make any report upon said bill; and

Whereas bills H. R. 134, 142, 900, and 979, which had the same object, were also introduced and referred to the Committee on Education; and

Whereas none of said bills have been reported back to the House by said Committee on Education; and

Whereas the Legislatures of the States of Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia have passed resolutions requesting or directing their Senators and Representatives to aid in securing the passage of bills which seek to aid in the temporary support of common schools; and

Whereas Christian and educational associations throughout the United States have adopted resolutions urging that Congress enact a law providing for the temporary support of common schools; and

Whereas the superintendents of public instruction for the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia have memorialized Congress, setting forth the immediate and pressing educational wants of the Southern States of the Union and praying for speedy action in aid thereof; and

Whereas the passage of this bill is absolutely essential to the welfare of the children of citizens who are compelled to labor for low wages in farming and other occupations; and

Whereas the non-action of the Committee on Education indicates that they will not make a report, as contemplated by the rules of the House, in time to secure action by the House during the present session; and

Whereas it is the duty of a committee of this House to consider all bills referred to them and report them back to the House with a statement of their character, accompanied by the recommendation that such as they approve shall be passed and such as they disapprove shall not be passed: Therefore,

Be it resolved, That the Committee on Rules be instructed to report a rule to this House by which it may by a majority vote direct any of its committees to report back any bill referred to them for consideration.

Mr. WILLIS. If the gentleman from Alabama will withdraw his resolution for the present he will have an opportunity next Monday of getting action upon this question without reference to the Committee on Rules.

Mr. WHEELER. I prefer not to withdraw it.

THE BOWMAN ACT.

Mr. WHEELER also introduced a bill (H. R. 6986) to amend an act entitled "An act to afford assistance and relief to Congress and to the Executive Departments in the investigation of claims and demands against the Government;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON TOBACCO AND FRUIT SPIRITS.

Mr. WHEEER also introduced a bill (H. R. 6987) to remove the tax on tobacco, and on spirits made from fruits in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC LANDS, ARKANSAS, FOR SCHOOL PURPOSES.

Mr. McRAE introduced a bill (H. R. 6988) granting the thirty-sixth section of lands to the State of Arkansas for free-school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HARRIET A. WOMACK.

Mr. McRAE also introduced a bill (H. R. 6989) for the relief of Harriet A. Womack, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM MOSS.

Mr. McRAE also introduced a bill (H. R. 6990) for the relief of the estate of William Moss, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIJAH DRAKE, SR.

Mr. PEEL introduced a bill (H. R. 6991) to pay Elijah Drake, sr., of Madison County, Arkansas, for property taken and appropriated to the use of the Army of the United States in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEAN PETIT.

Mr. BUCK (by request) introduced a bill (H. R. 6992) granting a pension to Jean Petit; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. BLOUNT introduced a bill (H. R. 6993) amendatory of the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866, and confirmatory of the action of the Post-Office Department;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARY A. WADE.

Mr. NORWOOD introduced a bill (H. R. 6994) for the relief of Mary A. Wade, administratrix of the estate of Seaborn H. Wade, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF WILLIAM DUNCAN.

Mr. NORWOOD also introduced a bill (H. R. 6995) for the relief of the legal representatives of William Duncan, late of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JOSEPH V. CONNERAT.

Mr. NORWOOD also introduced a bill (H. R. 6996) for the relief of the heirs of Joseph V. Connerat, of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN HOULIHAN.

Mr. ROWELL introduced a bill (H. R. 6997) granting a pension to John Houlihan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL DUGGAN.

Mr. ROWELL also introduced a bill (H. R. 6998) granting a pension to Michael Duggan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASHER F. SOUTHWICK.

Mr. ROWELL also introduced a bill (H. R. 6999) to increase the pension of Asher F. Southwick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP T. BROAD.

Mr. ROWELL also introduced a bill (H. R. 7000) for the relief of Philip T. Broad; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELIZABETH BARNES.

Mr. WORTHINGTON introduced a bill (H. R. 7001) granting a pension to Elizabeth Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES COMSTOCK.

Mr. HOPKINS introduced a bill (H. R. 7002) granting a pension to Charles Comstock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOFF A. HALL.

Mr. HOPKINS (by request) also introduced a bill (H. R. 7003) for

the relief of Goff A. Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ROARK.

Mr. TOWNSHEND (by Mr. EDEN) introduced a bill (H. R. 7004) granting a pension to William Roark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. CHASE.

Mr. NEECE introduced a bill (H. R. 7005) for the relief of James P. Chase; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVIGATION OF CHICAGO RIVER.

Mr. LAWLER submitted the following resolution; which was read, and referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee be instructed to inquire into and report to this House what legislation by Congress, if any, is in their opinion necessary to close any part of the Chicago River to navigation, either by making the bridges crossing said stream permanent so that vessels can not pass through, or filling up the same.

YELLOWSTONE NATIONAL PARK.

Mr. LAWLER also submitted the following resolution; which was read, and referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior Department is requested to transmit to this House copies of all papers, documents, contracts, leases, and correspondence relative to the granting of leases of public lands and of hotel and other privileges and franchises in the Yellowstone National Park that may now be in his Department, not heretofore transmitted to the Senate in full and embraced in the report of the special agent of the Department, dated September 12, 1885, contained in Senate Executive Document No. 51, first session of the Forty-ninth Congress, and also to communicate to this House whether any proposition for a lease or leases of any such privileges has been made to the Department by the Northern Pacific Railroad Company or any of its officers.

MEMORIAL OF KNIGHTS OF LABOR.

Mr. LAWLER. I desire also to present a memorial from the Knights of Labor of Chicago, indorsing the plan for the construction of the Hennepin Canal by the General Government, and urging on the attention of Congress that and other like projects as questions of paramount importance. I would like the Clerk to read the memorial.

The SPEAKER. Under this call the only memorials that are in order are such as are presented from the State and Territorial Legislatures. This is not in order under this call.

Mr. LAWLER. I have received statements from these parties that they have sent several memorials to Congress addressed to the Senate and House of Representatives, and that none of them have been read. I believe when respectfully addressed such memorials ought to be read.

The SPEAKER. None of them could have been read under the rules. The memorial will go into the petition-box and be referred in the usual way.

TRUMAN CULVER.

Mr. HENDERSON, of Illinois (by Mr. CANNON), introduced a bill (H. R. 7006) granting an increase of pension to Truman Culver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HENDERSON, of Illinois (by Mr. CANNON), introduced a bill (H. R. 7007) for the relief of Truman Culver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE DIETZER.

Mr. KLEINER introduced a bill (H. R. 7008) granting a pension to Theodore Dietzer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARION REEVES.

Mr. KLEINER also introduced a bill (H. R. 7009) to grant a pension to Marion Reeves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CULBERTSON.

Mr. STEELE introduced a bill (H. R. 7010) for the relief of Joseph Culbertson, late of Company A, Fifth Indiana Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. HOWARD introduced a bill (H. R. 7011) extending the provision of the act of March 9, 1878, granting pensions to the soldiers and sailors of the war of 1812 and their widows, and to the soldiers of the Tippecanoe campaign of 1811, and to their widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALER B. DECKER.

Mr. HOWARD also introduced a bill (H. R. 7012) granting a pension to Saler B. Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH VAIL.

Mr. HOWARD also introduced a bill (H. R. 7013) granting a pension to Sarah Vail; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, JEFFERSONVILLE, IND.

Mr. HOWARD also introduced a bill (H. R. 7014) authorizing and directing the Secretary of the Treasury to purchase certain real estate lying immediately opposite the Jeffersonville depot of the United States Quartermaster's Department, at Jeffersonville, Ind., and to erect thereon a building to be occupied by the military storekeeper on duty at said depot, the cost of said grounds and building not to exceed $18,000; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ISAAC H. WHEAT.

Mr. HOLMAN introduced a bill (H. R. 7015) for the relief of Isaac H. Wheat; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HENRY WARD.

Mr. HOLMAN also introduced a bill (H. R. 7016) for the relief of William Henry Ward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GREENSBURG LIMESTONE COMPANY.

Mr. HOLMAN also introduced a bill (H. R. 7017) for the relief of the Greensburg Limestone Company and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VETO OF DES MOINES RIVER LANDS BILL.

Mr. WEAVER, of Iowa, presented a resolution of the senate and the house of representatives of the State of Iowa, expressing disappointment and regret on account of the veto by the President of the bill for the relief of the Des Moines River land settlers; which was referred to the Committee on the Public Lands.

Mr. WEAVER, of Iowa. Mr. Speaker, I ask that that resolution be printed in the RECORD.

The SPEAKER. That request can not be entertained during this call, but may be later.

Mr. HENDERSON, of Iowa, presented concurrent resolutions of the General Assembly of the State of Iowa, tendering a vote of thanks to the Iowa delegation in Congress for their support of the bill granting relief to the settlers on the Des Moines River; also expressing regret at the President's veto of said bill.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask that those resolutions be read.

The resolutions were read, and referred to the Committee on the Public Lands.

MANUFACTURE OF VINEGAR FROM GRAIN.

Mr. HENDERSON, of Iowa, also presented a joint resolution of the General Assembly of the State of Iowa, requesting the members of Congress and instructing the Senators from Iowa to oppose the passage of House bills 3291 and 3973, which seek to repeal the law authorizing the manufacture of vinegar from grain; which was referred to the Committee on Ways and Means.

PENSIONS.

Mr. HENDERSON, of Iowa, also presented a memorial and joint resolution of the General Assembly of Iowa, favoring the pensioning of Union soldiers who were captured while in line of duty and were confined in rebel prisons; which was referred to the Committee on Invalid Pensions.

DES MOINES RIVER LANDS BILL.

Mr. FULLER presented a joint resolution of the Twenty-first General Assembly of Iowa, tendering thanks of the Legislature to the Iowa delegation in Congress for their efficient efforts in obtaining the passage of the bill to secure to settlers on the Des Moines River lands the peaceful possession and title to the homes they have created, and also expressing the deepest regret that said measure has been vetoed by the President, thereby disappointing the just expectations of the people of Iowa; which was referred to the Committee on the Public Lands.

MANUFACTURE OF VINEGAR FROM GRAIN.

Mr. FULLER also presented a joint resolution and memorial of the General Assembly of Iowa, in reference to House bills 3291 and 3973, and stating that their passage would work great hardship to consumers and manufacturers of vinegar in the State of Iowa, and destroy to a large extent the present home market for corn now furnished by the numerous manufacturers of the vinegar in the State of Iowa; which was referred to the Committee on Ways and Means.

PENSIONS.

Mr. FULLER also presented a memorial and joint resolution of the joint Legislature of Iowa, asking for the passage of an act for the pensioning of Union soldiers of the Army in the late war who were during that time, in the discharge of duty, captured and confined in confederate prisons; which was referred to the Committee on Invalid Pensions.

ARETUS F. LOOMIS.

Mr. FREDERICK introduced a bill (H. R. 7018) granting a pension

to Aretus F. Loomis; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying report, ordered to be printed.

DES MOINES RIVER LANDS BILL.

Mr. FREDERICK also presented a joint resolution of the senate of the Twenty-first General Assembly of the State of Iowa, the house of representatives concurring, thanking the Senate and House of Representatives of the United States for their action in the passage of the bill to quiet the title of settlers on the Des Moines Navigation and Railroad lands, &c.; which was referred to the Committee on the Public Lands.

TAXATION OF VINEGAR MANUFACTURERS.

Mr. FREDERICK presented memorial and joint resolutions of the Legislature of the State of Iowa, opposing the passage of House bills 3291 and 3973 as being detrimental to manufactures; which were referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS.

Mr. FREDERICK also presented a memorial and joint resolution of the Legislature of the State of Iowa, asking the passage of an act pensioning the Union soldiers of the late war who were during that time, in the discharge of their duty, captured and confined in confederate prisons; which were referred to the Committee on Invalid Pensions, and ordered to be printed.

DRUSILLA H. SWANGER.

Mr. HOLMES (by request) introduced a bill (H. R. 7019) for the relief of Drusilla H. Swanger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DES MOINES RIVER LAND SETTLERS.

Mr. HOLMES also presented a concurrent resolution of the Legislature of the State of Iowa, returning thanks to the Iowa delegation in Congress for their efforts in obtaining the passage of the bill for the relief of the Des Moines River land settlers; also expressing the regret and disappointment of the Legislature of Iowa over the veto of said bill by the President of the United States; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HALL presented a memorial of the Legislature of the State of Iowa, touching the veto by the President of the bill authorizing suits to be brought to settle titles under the grant of lands for the improvement of the Des Moines River, and for other purposes; which was referred to the Committee on the Public Lands, and ordered to be printed.

COMMISSION OF ARBITRATION.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 7020) to create the United States commission of arbitration; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

RAILROAD LAND GRANTS IN KANSAS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARGARET BUTLER.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 7022) granting a pension to Margaret Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. JORDAN.

Mr. FUNSTON introduced a bill (H. R. 7023) to pension Mary E. Jordan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST FAUST.

Mr. FUNSTON also introduced a bill (H. R. 7024) to pension August Faust; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. HUTCHINS.

Mr. PETERS introduced a bill (H. R. 7025) granting a pension to Thomas J. Hutchins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. RAYMOND.

Mr. RYAN introduced a bill (H. R. 7026) for the relief of William G. Raymond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAC AND FOX INDIANS OF MISSISSIPPI.

Mr. RYAN also introduced a bill (H. R. 7027) to regulate the payment of annuities to the Sac and Fox Indians of Mississippi; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

R. W. HEROD.

Mr. PERKINS introduced a bill (H. R. 7028) granting a pension to R. W. Herod; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. DINGEE & CO. AND OTHERS.

Mr. PERKINS (by request) also introduced a bill (H. R. 7029) for the relief of S. Dingee & Co., their executors, heirs, or assigns; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH WARD.

Mr. WOLFORD introduced a bill (H. R. 7030) granting a pension to Hannah Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL R. GRUNDY.

Mr. ROBERTSON introduced a bill (H. R. 7031) for the relief of Samuel R. Grundy, of Washington County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. HARNED.

Mr. LAFFOON introduced a bill (H. R. 7032) for the relief of L. Harned; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL DRABELLE.

Mr. LAFFOON also introduced a bill (H. R. 7033) for the relief of Samuel Drabelle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS M. NISBET.

Mr. LAFFOON also introduced a bill (H. R. 7034) for the relief of Francis M. Nisbet; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. HUSK.

Mr. LAFFOON also introduced a bill (H. R. 7035) granting an increase of pension to James H. Husk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. GIVENS.

Mr. LAFFOON also introduced a bill (H. R. 7036) for the relief of J. W. Givens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL A. B. WOODFORD.

Mr. TAULBEE introduced a bill (H. R. 7037) for the relief of Samuel A. B. Woodford, of Clark County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN PUCKETT.

Mr. TAULBEE also introduced a bill (H. R. 7038) granting a pension to John Puckett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. GEE.

Mr. HALSELL introduced a bill (H. R. 7039) for the benefit of William J. Gee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

V. F. ANDREWS.

Mr. HALSELL also introduced a bill (H. R. 7040) for the benefit of V. F. Andrews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL ANDERSON.

Mr. HALSELL also introduced a bill (H. R. 7041) granting a pension to Samuel Anderson, late of Company E, Fifth Regiment Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALINDA HARDIN.

Mr. HALSELL also introduced a bill (H. R. 7042) granting a pension to Malinda Hardin, dependent mother of Joseph S. Hardin, late of Company K, Fifth Regiment Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNY E. SMITH.

Mr. HALSELL also introduced a bill (H. R. 7043) for the benefit of Fanny E. Smith, late Covington, administratrix of the estate of B. H. Covington, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. W. WEEDON, DECEASED.

Mr. WADSWORTH introduced a bill (H. R. 7044) for the relief of the administrator and sureties of W. W. Weedon, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BASIL A. CARMICHAEL.

Mr. WADSWORTH (by request) also introduced a bill (H. R. 7045) for the relief of Basil A. Carmichael; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STREET RAILWAYS, WASHINGTON, D. C.

Mr. GAY introduced a bill (H. R. 7046) for securing more rapid transit by existing street railroad lines within the boundary of the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THE MISSISSIPPI RIVER.

Mr. GAY (by request) also introduced a bill (H. R. 7047) for the constructing of levees and outlets of the Mississippi River, and for other purposes; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

TRUSTEES OF ISAAC R. TRIMBLE.

Mr. FINDLAY introduced a bill (H. R. 7048) for the relief of the trustees of Isaac R. Trimble; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APOTHECARIES, UNITED STATES NAVY.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 7049) to authorize the appointment of apothecaries in the United States Navy, after twenty years' service, as warrant officers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM H. ROWLEY & SONS.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 7050) for the relief of William H. Rowley & Sons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH BRADSHAW.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 7051) for the relief of Joseph Bradshaw; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY T. ONLEY.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 7052) for the relief of Henry T. Onley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM W. QUINN.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 7053) for the relief of William W. Quinn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMILY J. PARSONS.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 7054) granting a pension to Emily J. Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. THOMAS.

Mr. DAVIS introduced a bill (H. R. 7055) granting a pension to William E. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNUAL REPORT, COMMISSIONER OF LABOR.

Mr. LOVERING submitted a joint resolution (H. Res. 141) providing for the printing of the first annual report of the Commissioner of Labor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EMPLOYMENT OF CONVICT LABOR.

Mr. LOVERING also submitted a joint resolution (H. Res. 142) authorizing and directing the Secretary of the Interior to make an investigation as to convict labor, and for other purposes; which was read a first and second time, and referred to the Committee on Labor.

ARTHUR T. CURRIER.

Mr. HAYDEN introduced a bill (H. R. 7056) to remove the charge of desertion from the military record of Arthur T. Currier; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARIAH E. A. B. NOWELL.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 7057) granting a pension to Mariah E. A. B. Nowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUITABLE GAS COMPANY, WASHINGTON, D. C.

Mr. MAYBURY (by request) introduced a bill (H. R. 7058) to incorporate the Equitable Gas Company of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NELSON GREEN.

Mr. O'DONNELL introduced a bill (H. R. 7059) for the relief of Nelson Green, of Jackson, Mich.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELLEN M. THIERS.

Mr. O'DONNELL also introduced a bill (H. R. 7060) granting a pension to Ellen M. Thiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOTTIE E. DILLEY.

Mr. O'DONNELL also introduced a bill (H. R. 7061) granting a pension to Lottie E. Dilley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN E. LEWIS.

Mr. O'DONNELL also introduced a bill (H. R. 7062) to correct the muster of Second Lieut. Edwin E. Lewis, late of the Seventh Michigan Regiment Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, WINONA.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7063) limiting the cost of the erection of a public building at Winona, in Minnesota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ABBOTT B. J. BENT.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 7064) granting a pension to Abbott B. J. Bent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WETHERELL.

Mr. NELSON introduced a bill (H. R. 7065) granting an increase of pension to George W. Wetherell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW G. HILLBERG.

Mr. NELSON also introduced a bill (H. R. 7066) for the relief of Andrew G. Hillberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY GRACE SMITH.

Mr. NELSON also introduced a bill (H. R. 7067) granting a pension to Mary Grace Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLYGAMY.

Mr. VAN EATON introduced a joint resolution (H. Res. 143) proposing an amendment to the Constitution of the United States prohibiting polygamy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REBECCA GADDY.

Mr. BLAND introduced a bill (H. R. 7068) for the relief of Rebecca Gaddy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID MOULDER.

Mr. BLAND also introduced a bill (H. R. 7069) for the relief of David Moulder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CRUDGENTON.

Mr. HEARD (by Mr. BLAND) introduced a bill (H. R. 7070) for the relief of William Crudgenton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM F. COWDEN.

Mr. HEARD (by Mr. BLAND) also introduced a bill (H. R. 7071) for the relief of William F. Cowden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. APPLEGATE.

Mr. DOCKERY introduced a bill (H. R. 7072) granting a pension to William P. Applegate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY S. WOODSON.

Mr. HUTTON introduced a bill (H. R. 7073) granting a pension to Mary S. Woodson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. CARLETON.

Mr. HATCH introduced a bill (H. R. 7074) granting a pension to William P. Carleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORSON W. SEARS.

Mr. HATCH also introduced a bill (H. R. 7075) granting a pension to Orson W. Sears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. HAMBAUGH.

Mr. HATCH also introduced a bill (H. R. 7076) granting a pension to George W. Hambaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHIAS HARRIS.

Mr. HATCH also introduced a bill (H. R. 7077) granting a pension

to Matthias Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BABER.

Mr. WARNER, of Missouri, introduced a bill (H. R. 7078) granting a pension to William Baber; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM WOLFE.

Mr. WARNER, of Missouri (by request), also introduced a bill (H. R. 7079) for the relief of William Wolfe, of Shelbina, Shelby County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF W. DE LESLY AND C. STEPHENS.

Mr. GLOVER (by Mr. BURNES) introduced (by request) a bill (H. R. 7080) for the relief of the legal representatives of William De Lesly and Clempson Stephens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRANSPORTATION DISPUTES.

Mr. GLOVER (by Mr. BURNES) also introduced a bill (H. R. 7081) to provide for the settlement by arbitration of disputes arising between persons engaged in the transportation of property or passengers by railroad and the employés thereof; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

WILLIAM A. DAVIS.

Mr. BURNES introduced a bill (H. R. 7082) authorizing the Postmaster-General to ascertain and report to Congress the amount due or owing to William A. Davis, his heirs or legal representatives, for work, labor, or expenses in the construction of railway postal cars for the use of the Post-Office Department; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

YOUNG WOMAN'S CHRISTIAN HOME, DISTRICT OF COLUMBIA.

Mr. BURNES (by request) also introduced a bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SILAS H. PARKER.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 7084) for the relief of Silas H. Parker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARCHIBALD MATTHEWS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 7085) granting a pension to Archibald Matthews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. R. TURNER.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 7086) granting a pension to G. R. Turner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OTOE AND MISSOURIA INDIANS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES ANDERSON.

Mr. GALLINGER introduced a bill (H. R. 7088) granting a pension to James Anderson, late of Company B, Fourth New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL B. NEWHALL.

Mr. GALLINGER also introduced a bill (H. R. 7089) for the relief of Daniel B. Newhall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. BUCHANAN introduced a bill (H. R. 7090) correcting an error in the act entitled "An act to reduce internal-revenue taxes, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF GENERAL RICHARD L. BEATTY.

Mr. BUCHANAN also introduced a bill (H. R. 7091) for the relief of the surviving heirs of General Richard L. Beatty; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LETTERS PATENT TO WILLIAM E. BROOKE.

Mr. BUCHANAN also introduced a bill (H. R. 7092) to authorize the Commissioner of Patents to extend the letters patent heretofore granted to William E. Brooke; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ANNIE LEONARD.

Mr. PHELPS introduced a bill (H. R. 7093) granting a pension to Annie Leonard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNDARY BETWEEN NEW YORK AND NEW JERSEY.

Mr. MCADOO introduced a bill (H. R. 7094) to ratify and confirm an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date June 7, A. D. 1883; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIVILEGES IN YELLOWSTONE PARK.

Mr. GREEN, of New Jersey, offered the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior is requested to transmit to this House copies of all papers, documents, contracts, leases, and correspondence relative to the granting of leases of public lands and of hotel and other privileges and franchises in the Yellowstone National Park that may now be in his Department not heretofore transmitted to the Senate in full and embraced in the report of the special agent of the Department, dated September 12, 1885, which is contained in Executive Document No. 51, first session of the Forty-ninth Congress, and also to communicate to this House whether any propositions for a lease or leases of any such privilege or franchises within said park have been made to the Department by the Northern Pacific Railroad Company or any of the officers.

HENRY COOK.

Mr. LEHLBACH introduced a joint resolution (H. Res. 144) changing the name of Henry Cook to Henry P. Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE REILLEY.

Mr. LEHLBACH also introduced a bill (H. R. 7095) granting a pension to Catharine Reilley, widow of Thomas Reilley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA OTTO.

Mr. LEHLBACH also introduced a bill (H. R. 7096) granting a pension to Maria Otto; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSANNA TRELEASE.

Mr. LEHLBACH also introduced a bill (H. R. 7097) granting a pension to Rosanna Trelease; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTA BEYSE.

Mr. LEHLBACH also introduced a bill (H. R. 7098) granting a pension to Augusta Beyse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. WARD.

Mr. HIRES introduced a bill (H. R. 7099) for the relief of George M. Ward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTHER P. HUTCHINSON.

Mr. WEST introduced a bill (H. R. 7100) for the relief of Esther P. Hutchinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TOWER AND SHIELD SYSTEM.

Mr. BEACH introduced a bill (H. R. 7101) to provide for the erection of one of the Timby tower and shield system of coast defense in the harbor of New York; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COMMEMORATION OF DECEASED MEMBERS.

Mr. BEACH also presented the following resolution; which was referred to the Committee on Rules:

Whereas it has always been the custom of this House, when death removes one of its members, to set aside a day when the services and virtues of the departed may be commemorated in a becoming manner;

Whereas, however, there are certain features connected with these memorial services which detract from their solemnity and tend to bring discredit upon this House; and

Whereas during the present Congress, although the session has advanced but a little over three months, there have already been eight occasions when death has hushed the business of this House; and

Whereas in the Forty-seventh Congress there were ten occasions when this House was adjourned upon the preliminary announcement of the death of members, and ten other occasions when the public business gave way for eulogies on the dead, and similar announcements and similar eulogies to a similar extent took place at the other end of the Capitol, so that we had in that Congress alone forty days surrendered in whole or part to commemorate the lives of deceased members; and

Whereas these numerous adjournments were a severe tax upon the public time; and

Whereas on the several occasions to which reference has been made the announcement by the Speaker of the hour for beginning the services has always operated as a signal to vacate these seats, and in a very short time the House

was well-nigh deserted, a few only remaining, some to listen and others to finish up the correspondence of the day at their desk; and

Whereas the desertion of the House under the circumstances was not only an act of irreverence to the dead, but an insult to the orators of the occasion, who had taken great pains in the preparation of their eulogies and were entitled to a respectful hearing from their colleagues on this floor; and

Whereas the Sabbath above all others is the day appropriate for such ceremonies, because upon this day our hearts yield more readily to the softening influences and sanctifying lessons which death brings with it; and

Whereas it is believed that if these ceremonies could be conducted on a Sunday (with the floor thrown open to the general public after giving members a reasonable time within which to claim their seats), not only the floor but the galleries would be filled with an attentive and respectful assemblage: Now, therefore,

Be it resolved, That the Committee on Rules be directed to report an amendment to the rules so as to require all eulogies hereafter to be delivered on a Sunday, under the direction of the Speaker, and to be accompanied with brief religious services by the Chaplain.

HOURS OF LABOR IN EXECUTIVE DEPARTMENTS.

Mr. T. J. CAMPBELL introduced a bill (H. R. 7102) prescribing the hours of labor in the several Executive Departments in the District of Columbia and providing for closing the same at 12 o'clock meridian on Saturdays from May to October inclusive; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. GLEASON.

Mr. T. J. CAMPBELL also introduced a bill (H. R. 7103) to place John H. Gleason, late a lieutenant-colonel Sixty-third Regiment New York Veteran Volunteers, Irish Brigade, on the pension-roll from 18th May, 1865; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 4251 REVISED STATUTES.

Mr. JAMES introduced a bill (H. R. 7104) to amend section 4251 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLARISSA BARKER.

Mr. LINDSLEY introduced a bill (H. R. 7105) granting a pension to Clarissa Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROWN.

Mr. SWINBURNE introduced a bill (H. R. 7106) to increase the pension of Thomas Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDUCTION OF SALARIES.

Mr. SWINBURNE also introduced a bill (H. R. 7107) to reduce the income from salaries of all public officials whose salaries have been increased by Congressional enactment since 1860; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW J. WILSON.

Mr. SAWYER introduced a bill (H. R. 7108) granting a pension to Andrew J. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH TUTTLE.

Mr. SAWYER also introduced a bill (H. R. 7109) granting a pension to Joseph Tuttle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN BANK-NOTE COMPANY.

Mr. MERRIMAN introduced a bill (H. R. 7110) to authorize the Postmaster-General to allow to the American Bank-Note Company credit for the cost of postage-stamps furnished to the Post-Office Department; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COIN NOTES.

Mr. MERRIMAN also introduced a bill (H. R. 7111) to authorize the issue of United States coin notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REBECCA A. CRAW.

Mr. PAYNE introduced a bill (H. R. 7112) granting a pension to Rebecca A. Craw, widow of the late Fayette Craw, late of One hundred and eleventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. CROCKER.

Mr. PAYNE also introduced a bill (H. R. 7113) granting a pension to Mary G. Crocker, widow of George W. Crocker, late of Seventy-fifth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAY H. STACEY.

Mr. PAYNE also introduced a bill (H. R. 7114) granting a pension to May H. Stacey, widow of M. H. Stacey, brevet lieutenant-colonel and late captain Twelfth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANDREW J. MORRISON.

Mr. BURLEIGH introduced a bill (H. R. 7115) granting arrears of pension to Andrew J. Morrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN E. DAY.

Mr. MILLARD introduced a bill (H. R. 7116) granting a pension to Ann E. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLEN I. BROSSMAN.

Mr. VIELE introduced a bill (H. R. 7117) for the relief of Mrs. Ellen I. Brossman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BAILEY HASCALL.

Mr. JOHNSON, of New York, introduced a bill (H. R. 7118) for the relief of Bailey Hascall, late acting assistant paymaster United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. PURCELL.

Mr. REID, of North Carolina, introduced a bill (H. R. 7119) for the relief of James T. Purcell from payment of internal-revenue taxes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BEACON LIGHT AT WRECK POINT, N. C.

Mr. SKINNER introduced a bill (H. R. 7120) to establish a beacon light at Wreck Point, N. C.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REMOVAL OF CHEROKEE INDIANS.

Mr. COWLES introduced a bill (H. R. 7121) granting a pension to the soldiers engaged in the removal of the Cherokee Indians; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES H. MILBOURN.

Mr. SENEY introduced a bill (H. R. 7122) granting a pension to Charles H. Milbourn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK J. SHAW.

Mr. SENEY also introduced a bill (H. R. 7123) granting a pension to Patrick J. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. EASTMAN.

Mr. SENEY also introduced a bill (H. R. 7124) granting a pension to Charles A. Eastman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN P. COLLINS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7125) granting a pension to Stephen P. Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COINAGE.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 7126) to define the unit of value and to regulate the coins of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ELIZABETH HONKER.

Mr. LITTLE (by Mr. MCKINLEY) introduced a bill (H. R. 7127) granting a pension to Elizabeth Honker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. HARRISON.

Mr. LITTLE (by Mr. MCKINLEY) also introduced a bill (H. R. 7128) granting a pension to Sarah A. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL LABORERS IN HOUSE FOLDING-ROOM.

Mr. IKE H. TAYLOR submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ six additional laborers in the House folding-room for the purpose of folding speeches, to be paid out of the contingent fund of the House at the rate of $720 per annum: *Provided*, That the said six additional employés shall be dropped from the rolls of the Doorkeeper at a period of not more than one month after the expiration of the present session.

STANTON THOMAS.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 7129) granting a pension to Stanton Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM O. POTTS.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 7130) granting a pension to William O. Potts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. PARKS.

Mr. IKE H. TAYLOR (by request) also introduced a bill (H. R. 7131) granting a pension to George S. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB T. JOHNSON.

Mr. OUTHWAITE (by request) introduced a bill (H. R. 7132) granting an increase of pension to Jacob T. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL LAND DISTRICT, DAKOTA TERRITORY.

Mr. HILL introduced a bill (H. R. 7133) to create an additional land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIZABETH PETERSON.

Mr. HILL also introduced a bill (H. R. 7134) granting a pension to Elizabeth Peterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. HELBIG.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 7135) granting a pension to John F. Helbig, late of Company K, Fourth Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK J. ZEHRING.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7136) to grant a pension to Frederick J. Zehring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST CANZLER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7137) granting a pension to Ernest Canzler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES RAY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7138) to grant a pension to James Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FLAHERTY.

Mr. ANDERSON, of Ohio (by request), also introduced a bill (H. R. 7139) for the removal of mark of desertion from John Flaherty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENTRY OF DISTILLED SPIRITS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7140) to amend the laws relating to entry of distilled spirits in distillery and special bonded warehouses and the withdrawal of same therefrom, and for payment of tax thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WEST POINT.

Mr. LE FEVRE introduced a bill (H. R. 7141) for the better regulation of the appointments to West Point, and to bring that military school and the Army more in accord with a republican form of government; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEAL POST, GRAND ARMY OF THE REPUBLIC, SIDNEY, OHIO.

Mr. LE FEVRE also introduced a bill (H. R. 7142) granting a condemned cannon and carriage to Neal Post, No. 62, Grand Army of the Republic, of Sidney, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL ENGLE.

Mr. LE FEVRE also introduced a bill (H. R. 7143) for the relief of Samuel Engle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET M. DRISCOLL.

Mr. BROWN, of Ohio, introduced a bill (H. R. 7144) granting a pension to Margaret M. Driscoll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSANNA WEIL.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 7145) granting a pension to Susanna Weil, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNADINA WELLMAN.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 7146) granting a pension to Bernadina Wellman, widow of J. H. Wellman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERRY DAY.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 7147) granting a pension to Berry Day, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA LOEWINGER.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 7148) granting a pension to Johanna Loewinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. A. GLENDENING.

Mr. ROMEIS (by request) introduced a bill (H. R. 7149) for the relief of the legal representatives of T. A. Glendening; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRIETTA WALDRON.

Mr. GEDDES introduced a bill (H. R. 7150) granting a pension to Henrietta Waldron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MAGGIE DONOVAN.

Mr. GEDDES also introduced a bill (H. R. 7151) granting a pension to Mrs. Maggie Donovan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH DANIELS.

Mr. GEDDES also introduced a bill (H. R. 7152) granting a pension to Joseph Daniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, ASHLAND, OHIO.

Mr. GEDDES also introduced a bill (H. R. 7153) for the erection of a public building at Ashland, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUND OF DUTIES ON STEEL RAILWAY BLOOMS.

Mr. BINGHAM introduced a bill (H. R. 7154) for the refund of duties exacted in error upon the importation of steel railway blooms; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS M'BRIDE.

Mr. BINGHAM also introduced a bill (H. R. 7155) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANTIONETTE BIRNEY.

Mr. BINGHAM also introduced a bill (H. R. 7156) to increase the pension of Antionette Birney, widow of Maj. Gen. David B. Birney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT ALLEGHENY AND MONONGAHELA RIVERS.

Mr. BINGHAM. At the request of my colleague from Pennsylvania [Mr. NEGLEY] I send a resolution to the desk for reference.

The resolution submitted by Mr. NEGLEY was read, and referred to the Committee on Rivers and Harbors.

It is as follows:

Resolved, That the Secretary of War be requested to furnish to the House of Representatives, for the use of the Committee on Rivers and Harbors, copies of the reports of W. E. Merrill, late lieutenant-colonel of engineers, and of his subordinates, in regard to the improvement of the Allegheny and Monongahela Rivers at and near Pittsburgh, Pa., together with the estimated cost of the improvements therein recommended.

ALBERT K. SMITH.

Mr. FLEEGER introduced a bill (H. R. 7157) granting a pension to Albert K. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. WAGNER.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 7158) for the relief of John A. Wagner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES PEAK.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 7159) granting a pension to James Peak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. S. KELLY.

Mr. BUNNELL introduced a bill (H. R. 7160) to pay the claim of E. S. Kelly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HAWK.

Mr. BOUND introduced a bill (H. R. 7161) to remove the charge of desertion from the military record of John Hawk, late of Company H, Sixteenth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA M'ILWAIN.

Mr. BOYLE introduced a bill (H. R. 7162) granting a pension to Martha McIlwain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER ADAMS.

Mr. SWOPE introduced a bill (H. R. 7163) granting a pension to Peter Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF THE LATE W. A. DUNCAN.

Mr. SWOPE also introduced a bill (H. R. 7164) for the relief of the widow of the late Hon. W. A. Duncan; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MANHATTAN PICKET.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 7165) to increase the pension of Manhattan Picket; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CLOE MITCHELL.

Mr. SMALLS introduced a bill (H. R. 7166) for the relief of Mrs. Cloe Mitchell, widow of the late Flando Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARIA HUNTER.

Mr. SMALLS also introduced a bill (H. R. 7167) for the relief of Mrs. Maria Hunter, widow of David Hunter, late colonel Sixth Regiment United States Cavalry, and major-general United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SALLIE ANCRUM.

Mr. SMALLS also introduced a bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum, widow of Aaron Ancrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ROBINSON.

Mr. SMALLS also introduced a bill (H. R. 7169) granting a pension to James Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CUNNINGHAM.

Mr. RICHARDSON introduced a bill (H. R. 7170) for the relief of William Cunningham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ALLEN.

Mr. NEAL introduced a bill (H. R. 7171) for the relief of William Allen, of Meigs County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. P. WHITED.

Mr. NEAL also introduced a bill (H. R. 7172) for the relief of C. P. Whited, of Union County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIJAH W. PENICK.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 7173) for the relief of Elijah W. Penick, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY AT DOVER, TENN.

Mr. CALDWELL (by Mr. JOHN M. TAYLOR) introduced a bill (H. R. 7174) to construct a road to the national cemetery at Dover, Tenn.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT P. FAUBIAN.

Mr. PETTIBONE introduced a bill (H. R. 7175) for the relief of Robert P. Faubian, late a private of Company K, Eighth Regiment Tennessee Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC CRAWFORD.

Mr. PETTIBONE also introduced a bill (H. R. 7176) for the relief of Isaac Crawford, late Company F, Third Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER W. HARMON.

Mr. PETTIBONE also introduced a bill (H. R. 7177) for the relief of Alexander W. Harmon, of Greene County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRIAL OF INDIAN DEPREDATION CLAIMS.

Mr. THROCKMORTON introduced a bill (H. R. 7178) to establish a court of commissioners to try and finally determine Indian depredation claims and other questions arising out of Indian treaties, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BENJAMIN E. MORRIS.

Mr. THROCKMORTON also introduced a bill (H. R. 7179) granting a pension to Benjamin E. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

N. B. NORTON.

Mr. THROCKMORTON also submitted a resolution requesting the Secretary of the Treasury to report to the House of Representatives claim 84106 of N. B. Norton for expenses incurred as United States marshal; which was referred to the Committee on Appropriations.

CLAIMS OF POSTMASTERS.

Mr. REAGAN introduced a bill (H. R. 7180) to amend the act of March 17, 1882, authorizing the Postmaster-General to adjust certain claims of postmasters for losses by burglary, fire, or other unavoidable casualty; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

C. H. MORGAN.

Mr. REAGAN also introduced a bill (H. R. 7181) for the relief of C. H. Morgan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. B. MORROW.

Mr. REAGAN also introduced a bill (H. R. 7182) for the relief of W. B. Morrow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF RULES.

Mr. REAGAN also submitted the following resolution; which was read, and referred to the Committee on Rules.

Resolved, That the rules of the House be so amended as to require the objection of at least two members to prevent the action of the House on any matter requiring unanimous consent.

PURCHASE OF LAND NEAR SAN ANTONIO, TEX.

Mr. SAYERS introduced a bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. SAMPSON AND BENJAMIN HENRICKS.

Mr. SAYERS also introduced a bill (H. R. 7184) for the relief of George W. Sampson and Benjamin Henricks, of Austin, Tex.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEDIATION BETWEEN FRANCE AND CHINA.

Mr. STEWART, of Vermont, offered the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be instructed to transmit, if not incompatible with the public interests, to the House of Representatives copies of all documents and correspondence between the State Department and the representatives of the Chinese, French, and American Governments with the State Department, and especially all dispatches, letters, or other communications passing between the representatives of said Governments where the said correspondence relates to the good offices exerted by the United States to bring about an amicable arrangement of the questions lately in dispute between the Republic of France and the Empire of China; or relates to any other good offices or things done under that section of the treaty of peace, amity, and commerce between the United States of America and China, concluded June 18, 1858, which provides that "they shall not insult or oppress each other for any trifling cause, so as to produce any estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices on being informed of the case to bring about an amicable arrangement of the question, thus showing their friendly feelings.

CHARLES L. LEWIS.

Mr. GROUT introduced a bill (H. R. 7185) for the relief of Charles L. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. ROLLINS.

Mr. GROUT also introduced a bill (H. R. 7186) granting a pension to John E. Rollins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENNET FENTRESS.

Mr. CROXTON introduced a bill (H. R. 7187) to restore to Bennet Fentress, of Accomack County, Virginia, $3,700 unlawfully collected from him as a tax by officers of the Government of the United States;

which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RAYMOND SOMERS AND JOHN P. HURST.

Mr. CROXTON also introduced a bill (H. R. 7188) to pay Raymond Somers and John P. Hurst the value of their vessel destroyed during the late war; which was read a first and second time, referred to the Committe on War Claims, and ordered to be printed.

PROMOTIONS IN THE NAVY.

Mr. GOFF introduced a bill (H. R. 7189) to regulate promotions in the Navy, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. GOFF also introduced a bill (H. R. 7190) to authorize the re-examination of certain claims against the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GENERAL-SERVICE CLERKS AND MESSENGERS, UNITED STATES ARMY.

Mr. BRAGG introduced a bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks and general-service messengers" in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SCHOOL OF INSTRUCTION FOR CAVALRY.

Mr. BRAGG also introduced a bill (H. R. 7192) to provide a school of instruction for cavalry and light infantry, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH A. TUCKER.

Mr. PRICE introduced a bill (H. R. 7193) granting a pension to Sarah A. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAW IN RELATION TO DESERTION.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 7194) to amend section 2 of an act entitled "An act to relieve certain soldiers from the charge of desertion," approved July 5, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FEES IN CERTAIN PATENT CASES.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7195) to authorize and direct the Commissioner of Patents to notify certain persons that fees in certain cases are subject to their order; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY S. SLAUGHTER.

Mr. LA FOLLETTE introduced a bill (H. R. 7196) granting a pension to Mary S. Slaughter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LORENZO VALDES AND F. P. ABRÉU.

Mr. JOSEPH introduced a bill (H. R. 7197) for the relief of Lorenzo Valdes and F. P. Abréu; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROBST & KIRCHNER.

Mr. JOSEPH also introduced a bill (H. R. 7198) for the relief of Probst & Kirchner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JAMES H. WHITTINGTON, DECEASED.

Mr. JOSEPH also introduced a bill (H. R. 7199) for the relief of the heirs of James H. Whittington, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEANDRO MARTINEZ.

Mr. JOSEPH also introduced a bill (H. R. 7200) for the relief of Leandro Martinez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROMULO MARTINEZ.

Mr. JOSEPH also introduced a bill (H. R. 7201) for the relief of Romulo Martinez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAND GRANT FORFEITURE BILLS.

Mr. STONE, of Missouri, offered the following resolution; which was referred to the Committee on Rules:

Resolved, That the following be added to the second division of the sixth clause of Rule XXIV, namely:

"Bills reported to the House by the Committee on Public Lands to declare the forfeiture of grants of land made by Congress to aid in the construction of railroads and to secure to actual settlers the remaining portions of the public domain shall during the present session be entitled to priority of consideration in the current business of the House and Committees of the Whole, except as against revenue bills and general appropriation bills.

LAND GRANT TO NORTHERN PACIFIC RAILROAD.

Mr. HERMAN introduced a resolution instructing the Committee on the Public Lands to report House bill No. 4223 forfeiting the grant to the main line of the Northern Pacific Railroad between Wallula, in Washington Territory, and Portland, in the State of Oregon; which was referred to the Committee on the Public Lands.

CLAIMANTS TO PUBLIC LANDS IN OREGON.

Mr. HERMAN also introduced a bill (H. R. 7202) for the relief of certain classes of people, claimants of public lands in the State of Oregon under the donation act and acts amendatory thereto; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERNAL-REVENUE TAXATION.

Mr. LIBBEY introduced a bill (H. R. 7203) to amend Schedule N of the act of March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANN PECK.

Mr. LIBBEY also introduced a bill (H. R. 7204) granting arrears of pension to Ann Peck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there are no further bills to be introduced the Chair will proceed to call the standing and select committees for reports.

SIOUX RESERVATION IN DAKOTA.

Mr. NELSON, by unanimous consent, reported back with amendments from the Committee on Indian Affairs the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. STORM. I move that the House do now adjourn.

Mr. HATCH. I hope the gentleman will withdraw that motion so that some committees which have not been called for three of four days may present reports, which ought to be made, to be placed on the Calendar and printed. It lacks fifteen minutes of 5 o'clock, and even if we sit here till 6 o'clock the public business demands that this call should be made.

The SPEAKER. Does the gentleman from Pennsylvania withdraw the motion to adjourn?

Mr. STORM. No, sir.

The question being taken on agreeing to the motion, there were—ayes 60, noes 53.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were not ordered, only 13 voting therefor.

Mr. HATCH. I call for tellers.

Tellers were not ordered.

Mr. HATCH. I ask unanimous consent to make an important report from the Committee on Agriculture, that it may be printed and go upon the Calendar.

Mr. STORM. I insist on the regular order.

The SPEAKER. The yeas and nays are refused, tellers are refused, and the motion to adjourn is agreed to.

The House accordingly (at 4 o'clock and 45 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorial of Knights of Labor, Local Assembly No. 2797, of Lowell, Mass., in behalf of Hennepin Canal—to the Committee on Railways and Canals.

By Mr. J. A. ANDERSON: Petition of Margaret Butler, for widow's pension—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Papers relating to the claim of Robert Dorne, of Fairfax County, Virginia—to the Committee on War Claims.

By Mr. BEACH: Petition of Local Assembly No. 2892, Knights of Labor, of Nyack, N. Y., in favor of the Hennepin Canal and liberal appropriations by the General Government in aid of public improvements—to the Committee on Railways and Canals.

By Mr. BLANCHARD: Papers in the claim of Union Bank of Louisiana—to the Committee on War Claims.

By Mr. BOUND: Petition of savings-banks of New York, for the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

Also, petition of Kansas City Clearing-House Association, to extend the civil law over the Indian Territory—to the Committee on Territories.

Also, petition of Knights of Labor of Paxton, Pa., for the building of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BRAGG: Memorial of Knights of Labor of Racine, Wis., for the Hennepin Canal and public improvements—to the same committee.

By Mr. BUCHANAN: Petition of Anna C. Fithian and others, descendents of John Beatty, for a pension—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of Peter A. Allendorf, for relief—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition of J. A. Fay & Co. and others, of Cincinnati, Ohio, praying for legislation to carry into effect the provisions of the Mexican treaty—to the Committee on Foreign Affairs.

Also, petition of Lindseed Oil Company of Cincinnati, Ohio, relative to the tariff on poppy-seed oil—to the Committee on Ways and Means.

Also, petition of W. R. Crawford & Co., relative to the shipping of live stock—to the Committee on Commerce.

By Mr. CALDWELL: Petition of citizens, for the building of a road to Dover from the Federal cemetery, Tennessee—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Petition of citizens of Clearville, Bedford County, Pennsylvania, asking for a law embodying the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. CASWELL: Petition of Knights of Labor of Racine, Wis., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CATCHINGS: Papers relating to the claim of William Owens, administrator of Sarah Harpis, of Warren County, Mississippi, and of Patrick Shehan, of Vicksburg, Miss.—to the Committee on War Claims.

By Mr. COLLINS: Petition of citizens of New York, for the repeal of the "Comstock law" so called—to the Committee on the Judiciary.

Also, memorial of Local Assembly No. 4228, Knights of Labor, Boston, Mass., in favor of an appropriation for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CROXTON: A bill to deepen the mouth of Onancock River, Accomack County, Virginia, and making an appropriation for same—to the Committee on Rivers and Harbors.

Also, a bill authorizing a survey of Popotank Creek, Gloucester County, Virginia, and providing an appropriation—to the same committee.

By Mr. CUTCHEON: Petition of Local Assembly, No. 4547, Knights of Labor, of Hungerford, Mich., in favor of liberal appropriations for public works, especially the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. DAVIS: Petition of Robert P. Reynard and 20 others, citizens of Fall River, Mass., and owners and masters of sailing vessels, in favor of the passage of a law to allow masters and mates of sailing vessels to be licensed as pilots—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. ELDREDGE: Petition of B. W. Steere and others, in favor of a bureau of pomology in the Department of Agriculture—to the Committee on Agriculture.

By Mr. ERMENTROUT: Petition of James Mitchell, of Atlanta, Ga., for aid to public schools—to the Committee on Education.

By Mr. FLEEGER: Petition of Albert K. Smith for a pension—to the Committee on Invalid Pensions.

By Mr. FORD: Petition of Local Assembly, No. 4688, Knights of Labor, of Elkhart, Ind., for appropriation of surplus revenue for the construction of works of internal improvements and of national importance, in order to give employment to unemployed workingmen—to the Committee on Railways and Canals.

By Mr. FREDERICK: Petition of citizens of Black Hawk County, Iowa, for United States court at Cedar Rapids, Linn County, Iowa—to the Committee on the Judiciary.

By Mr. GALLINGER: Papers relating to claim of Daniel B. Newhall—to the Committee on War Claims.

By Mr. GAY: A bill for connecting Bayou Teche with Grand Lake at Charenton, La.—to the Committee on Railways and Canals.

Also, papers in the claim of Nicholas Rue, of Pointe Coupée Parish; of John B. and Robert H. Marsh, of New Iberia Parish; and of Mary E. Keen, of Baton Rouge, La.—to the Committee on War Claims.

By Mr. GLASS: Memorial of citizens and the Cotton and Merchants' Exchanges of Memphis, Tenn., praying that additional appropriations be made to protect and improve the harbor of Memphis, Tenn., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. GLOVER: Memorial in regard to the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. GROSVENOR: Petition of J. G. Fitch and 37 others; of A. Woodyard and 22 others, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Knights of Labor Assembly No. 2026, of Buchtel, Ohio, for large appropriations for public improvements—to the Committee on Railways and Canals.

Also, petition for allowance of pension to Ralph Spencer, a soldier of two wars—to the Committee on Invalid Pensions.

By Mr. GROUT: Proof in support of House bill 6316, granting a pension to Mary H. Sanborn—to the same committee.

Also, petition of John E. Robbins and 40 others, in support of John E. Robbins's claim for a pension—to the same committee.

By Mr. HALE: Petition of Knights of Labor of Trenton, Mo., asking passage of House bill 3183—to the Committee on the Public Lands.

Also, petition of Perseverance Assembly of Knights of Labor of Huntsville, Mo., asking repeal of the mechanics' lien law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HALSELL: Petition of William Watkins, for relief—to the Committee on Claims.

Also, resolution of the Kentucky Legislature, asking for an appropriation to improve the Licking, Green, and Trade Water Rivers, in Kentucky—to the Committee on Rivers and Harbors.

By Mr. HEARD: Papers in the claim of Jeremiah F. Dorris, of Carroll Parish, Louisiana—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Resolution from the Knights of Labor of Dubuque, Iowa, demanding the restoration of wages to Government printers as provided for in the Foran bill—to the Committee on Labor.

By Mr. HILL: Petition of Elizabeth Peterson, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of Thomas F. Shaw and 60 others, citizens of Moore's Hill, Ind., for the protection of women in the right of suffrage—to the Committee on the Judiciary.

Also, letter from the Quartermaster-General in regard to the claim of Isaac H. Wheat—to the Committee on War Claims.

By Mr. JAMES: Petition of 33 business firms of Columbus, and 22 business firms in Weimer, Tex., and of 40 firms doing business in Paris, Tex., asking for the enactment of House bill 1621, relieving commercial travelers from State and local license taxes—to the Committee on Commerce.

By Mr. KLEINER: Petition to accompany bill for the relief of Theo. Deitzer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for the relief of Marion Reeves—to the same committee.

By Mr. LAFFOON: Petition of Francis M. Nisbet, of Madisonville, Ky.—to the Committee on War Claims.

By Mr. LANHAM: Petition and papers for the relief of Benjamin Martin—to the same committee.

By Mr. LAWLER: Memorial in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LITTLE: Petition of Elizabeth Harker, of Springfield, Ohio, for a widow's pension—to the Committee on Invalid Pensions.

Also, petition of Sarah A. Harrison, of New Vienna, Ohio, for a widow's pension—to the same committee.

By Mr. MATSON: Petition of Isaac D. Ward, for relief—to the Committee on Claims.

By Mr. MILLARD: Statement in connection with petition of Col. James H. Blood, for a pension—to the Committee on Invalid Pensions.

Also, resolution of the Chenango County Council of Patrons of Husbandry, for a tax on oleomargarine and all substitutes for butter, &c.—to the Committee on Ways and Means.

Also, petition of Ann E. Day, for a mother's pension—to the Committee on Invalid Pensions.

By Mr. MURPHY: Memorial and joint resolution of the Iowa Legislature, for the protection of manufacturers of vinegars—to the Committee on Ways and Means.

Also, memorial and joint resolution of the same, concerning the pensioning of soldiers who were captured and confined in prison during the late war—to the Committee on Invalid Pensions.

Also, resolutions of the same, concerning the grant to the Des Moines Navigation and Railroad Company—to the Committee on the Public Lands.

By Mr. NEGLEY: Petition in favor of Senate bill 1715 to regulate the transportation of live stock—to the Committee on Commerce.

Also, petition praying for the construction of the Hennepin Canal by the United States Government—to the Committee on Railways and Canals.

By Mr. NORWOOD: Petition of Rev. John Williams and others, and of A. V. Putnam and others, of Georgia, for national aid to education—to the Committee on Education.

By Mr. CHARLES O'NEILL: Memorial of John A. Wagner, for relief—to the Committee on Pensions.

By Mr. PAYNE: Petition of T. C. Taggart and others, for repeal of arrears-of-limitation act—to the Committee on Invalid Pensions.

By Mr. PERKINS: Resolutions of Excelsior Assembly, Knights of Labor, of Abilene, Kans., for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of A. Mahone and 38 others, citizens of New Albany, Kans., asking for special legislation granting a pension to Nancy M. Sheppard, widow of Isaiah W. Sheppard—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Eldred Post, Grand Army of the Re-

public, Kansas, recommending the granting of a pension to Thomas J. Hutchins—to the same committee.

By Mr. PETTIBONE: Evidence to support bill for the relief of Alexander W. Harmon, of Greene County, Tennessee—to the Committee on Military Affairs.

Also, evidence to support bill for the relief of Robert P. Faubian, Company K, Eighth Tennessee Infantry—to the same committee.

By Mr. PHELPS: Petition and affidavits to accompany bill granting a pension to Charles Fox—to the Committee on Invalid Pensions.

By Mr. PRICE: Resolutions of Winfield Scott Post, No. 104, Grand Army of the Republic, in favor of granting a pension to Sarah A. Tucker—to the same committee.

By Mr. REAGAN: Papers relating to the claim of William B. Morrow, late of Middleburg, Tenn.—to the Committee on War Claims.

By Mr. T. B. REED: Memorial of the Windham monthly meeting of Friends, in favor of Senate bill 355—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Petition of B. W. Blanton, administrator of Benjamin Blanton, deceased, of Tennessee, to have claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of Knights of Labor from Toledo, Ohio, asking for internal improvements—to the Committee on Railways and Canals.

By Mr. ROWELL: Petition for pension to John Houlihan—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Philip T. Broad—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Excelsior Assembly of Knights of Labor, of Abilene, Kans., for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Memorial of John D. Philips and others, for Government aid to education—to the Committee on Education.

By Mr. SPRINGER: Petition of Thayer & Kramer, of Springfield, Ill., for the Arthur Kill bridge—to the Committee on Commerce.

Also, petition of D. Wilmot Scott, secretary American Association of Nurserymen, Florists, Seedsmen, and Kindred Interests, against the increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of J. Q. Simons and others, of Howard County, Indiana, asking pensions for all soldiers—to the Committee on Invalid Pensions.

Also, petition of M. L. Engart and 60 others, of Macey, Ind., asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES STEWART: Petition of citizens of Polk County, Texas, asking for an appropriation for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Memorial of the meeting of Friends of Paton, Iowa, praying for the passage of Senate bill 355, to promote peace among nations—to the Committee on Foreign Affairs.

Also, concurrent resolutions of the General Assembly of Iowa, thanking the delegation from Iowa in Congress for their efforts to secure the passage of a bill for the relief of the settlers on the Des Moines River lands in Iowa, and also expressing the disappointment of said General Assembly at the veto of said measure by the President—to the Committee on the Public Lands.

Also, joint resolutions of the General Assembly of Iowa, instructing the Senators and requesting the Representatives from that State to oppose the passage of House bills 3291 and 3973, which seek to compel vinegar manufacturers who distill low wines either to pay the regular distillers tax or buy their high wines from distillers or cease the manufacture—to the Committee on Ways and Means.

Also, memorial and joint resolutions of the same, for the passage of an act pensioning Union soldiers who were captured and confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. J. M. TAYLOR: Petition of W. A. Johnson and Samuel Creery, of Assembly No. 4270, Knights of Labor—to the Committee on Railways and Canals.

Also, petition of Allen Hart, for a pension—to the Committee on Invalid Pensions.

Also, petition of G. W. Bryant, late private Company C, Sixth Regiment Tennessee Cavalry Volunteers, for removal of charge of desertion—to the Committee on Military Affairs.

Also, memorial of the city of Memphis, and of the Merchants' and Cotton Exchanges of Memphis, Tenn.—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Papers relating to the claim of Samuel E. Young, of Lauderdale County, Alabama—to the Committee on War Claims.

By Mr. A. C. WHITE: Affidavits and papers relating to House bill 6269, granting a pension to James W. Gutherie—to the Committee on Invalid Pensions.

By Mr. WILKINS: Memorial of Lodge No. 4746, Knights of Labor, of Barnhill, Ohio, for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. WISE: Petition of Knights of Labor of Richmond, Va., in favor of an appropriation for the construction of the Hennepin Canal—to the same committee.

By Mr. WORTHINGTON: Petition of Assembly No. 1640, Knights of Labor, of Peoria, Ill., and of Assembly No. 2719, of Galesburg, Ill., for Hennepin Canal—to the same committee.

Also, petition of Elizabeth Barnes, for relief—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. A. ANDERSON: Of 154 citizens of Clay Centre, Kans.

By Mr. J. B. WEAVER: Of William Elberthorpe and others, of Amadore, Mich.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. MILLARD: Of citizens of Chenango and Madison Counties, New York.

By Mr. NEECE: Of citizens of Mercer and Rock Island Counties, Illinois.

By Mr. SENEY: Of citizens of Wyandot County, Ohio.

By Mr. A. C. WHITE: Of citizens of Armstrong and Jefferson Counties, Pennsylvania.

SENATE.

TUESDAY, *March* 23, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice, and referred, as indicated below:

A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown; and

A bill (H. R. 5506) granting a pension to Emily Louisa Spicer.

MARGARET B. HARWOOD.

The bill (H. R. 81) granting a pension to Margaret B. Harwood was read the first time by its title.

Mr. BLAIR. That is similar to a bill which has passed the Senate and gone to the House. The House bill is of precisely the same character, word for word, and having been passed by the House, and a similar bill having been considered and reported and passed by the Senate, I ask that this bill be now put upon its passage.

Mr. COCKRELL. Let the bill be read at length for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of $50 a month from and after the passage of this act.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection?

Mr. INGALLS. If the bill that has passed the Senate and gone to the House of Representatives should be passed there under the same conditions as this is now asked to be enacted, would it give Mrs. Harwood a pension of a hundred dollars a month?

Mr. BLAIR. I do not so understand it. The members of the House Committee on Pensions explained to me the situation of the matter, and the Senate bill will remain in the possession of that committee, or it may be recalled by the Senate.

Mr. INGALLS. It had better be recalled, I should think.

Mr. BLAIR. I will make that motion as soon as the House bill is disposed of.

Mr. HARRIS. I was going to suggest to the Senator from New Hampshire that he move to recall the bill from the other House, and let the House bill lie on the table until the Senate bill has been returned. I do not suppose there will be any objection to the consideration of the House bill so soon as that difficulty is removed.

Mr. BLAIR. It seems to me that that is hardly a difficulty; and if the Senator from Tennessee would be willing to let this be disposed of I should be much obliged to him.

Mr. HARRIS. I did not object; I simply made the suggestion.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects to the present consideration of the bill.

Mr. BLAIR. I move that the Senate direct the recall of the Senate bill granting a pension to Mrs. Harwood that has gone to the other House.

The PRESIDENT *pro tempore*. The motion is not in order at this time, but if there be no objection by unanimous consent that order will be made.

Mr. MILLER. Let the House bill lie on the table.

Mr. BLAIR. Yes; I move that the House bill lie on the table.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

ALMIRA RUSSELL HANCOCK.

The bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army, was read twice by its title.

Mr. BLAIR. This bill was considered by the Senate Committee on Pensions this morning, and I was instructed by the committee when the bill was laid before the Senate to ask unanimous consent that it be considered and put on its passage.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection? The Chair hears none. The bill is before the Senate, as in Committee of the Whole, and will be read at length.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army, and to pay her at the rate of $2,000 per annum, to take effect from and after the passage of this act, and subject to all the provisions and limitations of the pension laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. LOBBAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 416) for the relief of J. M. Lobban, which was, after the word "paid," in line 9, to insert:

He shall instruct the Omaha National Bank, of Omaha, Nebr., to pay such check.

Mr. BECK. I ask unanimous consent that the Senate concur in that amendment without its reference to a committee. The Committee on Finance looked over it and agreed to it this morning. Both Houses have passed the bill, but the bank on which the lost check was payable is no longer a depository, and the funds were transferred to the bank at Omaha. The amendment provides for payment there. That is all there is of it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the amendment? The Chair hears none. The question is on concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of the Treasury Department, recommending appropriations for certain public buildings named therein; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Trades and Labor Assembly of Cincinnati, Ohio, remonstrating against the passage of the bill (S. 191) for the establishment of an international copyright law, introduced by Mr. HAWLEY, and in favor of the bill on the same subject introduced by Mr. CHACE; which was referred to the Committee on Patents.

Mr. PLUMB presented a petition of Knights of Labor of Wichita, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa. I present the petition of W. W. Clarke, a citizen of Boone County, Iowa, praying for the passage over the President's veto of the bill (S. 150) to quiet the title of settlers on the Des Moines River lands in the State of Iowa. This petitioner is one of the settlers on the Des Moines River lands, so called. The petition, in which he states his case, is brief, and I ask that it be printed in the RECORD, so that Senators may see it.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, a citizen of Boone County, Iowa, after over three years of service for the Government in the late war, settled on a tract of the Des Moines River land (so called), believing then, as he does now, that the title is in the United States, according to the Harvey settlement, which was approved by the Government and the State. This theory has been sustained by repeated memorials of the State to Congress, asking for a settlement of this title; also by the reports of committees, with one exception, since the Forty-fifth Congress. Twice the action of the House and once the Senate have indorsed it previous to the Forty-ninth Congress, and now, after eight years of struggle, both your honorable bodies having passed Senate bill 150 "to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes," defeated by a veto of the President.

Believing that the case was misrepresented to him, for no person in his position could afford to veto such a just measure had he known the facts, your petitioner earnestly prays that your honorable bodies will pass the bill over the veto, let the case go to the court as provided in the bill, and settle the title to the homes of over a thousand families of sturdy, hard-working pioneers, hundreds of whom hold patents, pre-emption and homestead papers. Nothing short of this will ever settle the title. We are satisfied to abide by the decision of the highest tribunal that you will pass this and let it go there.

For this your petitioner will ever pray.

W. W. CLARKE.

Mr. CAMERON presented a memorial of Knights of Labor of Pittsburgh, Pa., remonstrating against the passage of Senate bills 265 and 1003 and House bill 999, relating to pilotage; which was referred to the Committee on Commerce.

Mr. INGALLS presented a petition of Knights of Labor of Arkansas City, Cowley County, Kansas, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of the Fort Scott (Kans.) Board of Trade, praying for favorable action upon the bill to divide the State of Kansas into two Federal judicial districts; which was referred to the Committee on the Judiciary.

Mr. DAWES. I present the petition of Local Assembly of Knights of Labor No. 4603, of the town of Essex, in the State of Massachusetts, praying that liberal appropriations be made for internal improvements, and especially for the speedy construction of that great public work the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MILLER presented a petition of Knights of Labor of Green Island, N. Y., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. RIDDLEBERGER presented a petition of Knights of Labor of Richmond, Va., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HARRISON presented a memorial of L. Young and 125 other citizens of Bellevue, Idaho, and a memorial of W. C. B. Allen and 56 other citizens of Idaho, remonstrating against the passage of the bill providing for the division of the Territory of Idaho and annexing the northern portion thereof to Washington Territory; which were referred to the Committee on Territories.

He also presented a petition of Knights of Labor of Lebanon, Ind., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. FRYE presented additional evidence to accompany the bill (H. R. 4517) granting a pension to Timothy Driscoll; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Pensions, to whom the subject was referred, reported a bill (S. 1948) increasing the rate of pension to minor children and extending the pensionable period therefor; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1463) granting arrears of pension to Mary Helena Mahan;

A bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie; and

A bill (S. 1348) granting a pension to Sarah E. Henry.

Mr. SEWELL, from the Committee on the Library, to whom were referred various memorials, resolutions, and letters urging the purchase by the Government of the portrait of General George H. Thomas, painted by General S. W. Price, submitted a report thereon, accompanied by a bill (S. 1949) providing for the purchase of the portrait of General George H. Thomas; which was read twice by its title.

He also, from the same committee, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill appropriating $1,500 to enable the marshal of the Supreme Court, under the direction of the Chief-Justice, to obtain the oil portraits of John Rutledge, Oliver Ellsworth, and Salmon P. Chase, to be hung in the robing-room of the court with those of the other Chief-Justices already there; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PAYNE, from the Committee on Pensions, to whom was referred the bill (S. 1027) granting an increase of pension to Norman Kaufman, submitted au adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1355) to increase the pension of Helen Raymond, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 892) granting a pension to David McKinney; and

A bill (H. R. 1821) granting a pension to Daniel Kain.

Mr. PAYNE, from the Committee on Pensions, to whom was referred the petition of Merritt Lewis, praying for an increase of pension, submitted a report, accompanied by a bill (S. 1950) granting an increase of pension to Merritt Lewis; which was read twice by its title.

Mr. ALDRICH, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins; and

A bill (H. R. 1107) granting a pension to Augusta M. Richards.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 1227) granting an increase of pension to William P. Squires, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1475) granting a pension to Margaret Flaherty;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 4125) granting a pension to John M. Milton;

A bill (H. R. 1469) granting a pension to Lois Holt;

A bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven;

A bill (S. 1156) granting an increase of pension to Ann Atkinson;

A bill (S. 1016) granting an increase of pension to Abel Comstock;

A bill (S. 685) granting a pension to Mary Marsh;

A bill (S. 357) granting arrears of pension to Nancy B. Leach;

A bill (S. 810) granting a pension to Charles J. Esty; and

A bill (S. 686) granting a pension to Charles N. Sebastian.

Mr. BLAIR, from the same committee, to whom was referred the bill (S. 773) granting a pension to M. Louise Butler, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 684) granting a pension to Amelia J. Gill, reported it with an amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 61) for the relief of Benjamin M. Simpson, reported it with amendments.

SHAKOPEE NATIONAL BANK.

Mr. MORRILL. I am directed by the Committee on Finance to report favorably without amendment the bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn. I ask for its consideration now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SONE AND FLEMING MANUFACTURING COMPANY.

Mr. MILLER. I am instructed by the Committee on Finance to report favorably without amendment the bill (S. 601) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York. I ask unanimous consent for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Sone and Fleming Manufacturing Company, limited, of the city of New York, the sum of $5,265.73, being the amount of drawback of duties due to them on certain tin cans exported by them but which were not entered for drawback within the time fixed by law, said payment to be made out of any money in the United States Treasury not otherwise appropriated.

Mr. COCKRELL. Is there any report or any recommendation accompanying the bill?

Mr. MILLER. I will say that the bill has passed the Senate twice heretofore, having been reported in the Forty-seventh and Forty-eighth Congresses, but failed to receive action in the other House. It has been reported favorably by the Committee on Claims at this session of Congress, and at the suggestion of the chairman of the Committee on Finance [Mr. MORRILL] upon that report the bill was sent to the Committee on Finance, which now reports it back favorably.

There is a written report in the matter made from the Committee on Claims by the Senator from Massachusetts [Mr. HOAR], and a former report made by the Senator from Colorado [Mr. TELLER].

The facts in the case are very briefly stated. Under the law the payment of drawback——

The PRESIDENT *pro tempore*. If there be objection to the present consideration of the bill no debate is in order.

Mr. COCKRELL. I shall make no objection when I hear the explanation, I presume.

Mr. MILLER. The clerk of this company proved a defaulter. The usual notices which are required to be filed in the custom-house when goods are exported in order to claim the drawback were made out regularly in the office of the company, the custom-house clerk was furnished with the notices and the money which was required as a fee to be deposited at the custom-house when the entry was made. This clerk, for a period of two or three months, the time which the bill covers, destroyed the notices and kept the money. As soon as it was discovered that the money had not been paid at the custom-house and entries filed, of course the clerk was discharged. Application was made to the Secretary of the Treasury to have this drawback allowed, but under the law, as the notices had not been properly filed, it could not be done, and hence the company comes here for relief from Congress.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRINTING OF A REPORT.

Mr. MAXEY. On the 11th of February I reported on behalf of the Committee on Indian Affairs a bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses. I find on examination that the report as printed does not express the views of the committee. I have changed it the way it should be, and in that shape I ask that it may be reprinted. I have no doubt it is my own mistake, and not the mistake of the Printer.

The PRESIDENT *pro tempore*. If there be no objection, an order will be entered to reprint the report indicated.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 1951) for the relief of John W. Gummo; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONGER introduced a bill (S. 1952) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 1953) to incorporate the Trustees of the Young Woman's Christian Home; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MAXEY introduced a bill (S. 1954) for the relief of Eli Ayres; which was read twice by its title.

Mr. MAXEY. This bill might properly go to the Committee on Claims—it might go to several committees, but upon examination I think that is the proper committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims.

Mr. RIDDLEBERGER introduced a bill (S. 1955) for the relief of Nicholas White; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL (by request) introduced a bill (S. 1956) to authorize the appointment of a military storekeeper in the Quartermaster's Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1957) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison, and Valle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1958) granting an increase of pension to Addison A. Jackson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1959) to create an additional land district in the State of Kansas; which was read twice by its title.

Mr. PLUMB. This is a bill for the purpose of correcting the boundaries of a district indicated in a bill introduced by me a few days ago. I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WILSON, of Iowa, introduced a bill (S 1960) granting a pension to James W. McCroskey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1961) to amend section 3893 of the Revised Statutes of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN introduced a bill (S. 1962) to amend section 461 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STANFORD (by request) introduced a bill (S. 1963) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 1964) to repeal a certain portion

of section 1094 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on the 22d instant, approved and signed the bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RIDDLEBERGER, it was—

Ordered, That the papers relating to the case of Nicholas White be taken from the files and referred to the Committee on Claims.

BONDS HELD BY NATIONAL BANKS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate how many of the $10,000,000 United States bonds called for payment May 1 are held by national banks.

SENATE RULES AND MANUAL.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of Senate Rules and Manual be printed for the use of the Senate.

PRICE OF GAS IN WASHINGTON.

Mr. VAN WYCK. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Public Buildings and Grounds be directed to report a bill providing that the price of gas furnished by the Washington Gaslight Company shall not exceed $1 per thousand cubic feet.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. INGALLS. We have no data on which to agree to that resolution. I dare say the price of gas is too high, but whether a dollar would be too low or not I am sure nobody knows.

Mr. VAN WYCK. I suggest then that the resolution lie over until to-morrow, when I shall endeavor to furnish the Senator with some information on the subject.

The PRESIDENT *pro tempore*. Objection being made, the resolution lies over under the rule.

ELECTRICAL CONFERENCE REPORT.

Mr. MANDERSON. By the request of the Secretary of State I offer a concurrent resolution for reference to the Committee on Printing.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 2,500 additional copies of the report of the electrical conference at Philadelphia in 1884, being Senate Executive Document No. 45, Forty-ninth Congress, first session, for the use of the Department of State.

REMOVAL OF FOURTH-CLASS POSTMASTERS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution which comes over from yesterday.

The resolution submitted yesterday by Mr. INGALLS was read, as follows:

Resolved, That the Postmaster-General be directed to inform the Senate whether he received the resolution of March 4, calling for information as to the number of fourth-class postmasters removed in each of the States and Territories since March 4, 1885, and if said resolution has been received, why it has not been answered, and when a response may be expected.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

PLANTS AND SHRUBS FOR PENSION BUILDING.

Mr. BECK. I desire to call up a motion I entered some time ago to reconsider the vote on House joint resolution No. 71, which has passed both Houses, for the purpose of saying that after a good deal of investigation and communication with General Meigs and others relative to the placing of flowers in the large new building known as the Pension Office I have become convinced that the resolution ought to pass. Therefore I ask leave to withdraw the motion to reconsider the vote by which the joint resolution was passed.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks leave to withdraw the motion to reconsider the vote by which the Senate passed the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building. If there be no objection the motion to reconsider is withdrawn.

COIN DUTIES ON IMPORTED GOODS.

Mr. BECK. On the 18th of December, 1885, I offered a resolution, Miscellaneous Document No. 16, Order of Business on the Calendar No. 13, relative to the payment of customs dues and the disbursements thereof, which has been argued very elaborately. I desire to have the resolution referred to the Committee on Finance. I suppose the discussion is all over now, and the resolution is still on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be referred to the Committee on Finance. There being no objection, the order is made.

CINNABAR AND CLARKE'S FORK RAILROAD.

Mr. MANDERSON. I desire to make a motion in reference to a bill on the Calendar. I move that Order of Business No. 316, being the bill (S. 980) granting the right of way to the Cinnabar and Clarke's Fork Railroad Company, reported with an amendment by the Committee on Railroads, be referred to the Committee on Territories for their consideration.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on Territories.

Mr. SAWYER. I do not see why that should be done. I do not know why the Committee on Territories have anything to do with the matter.

Mr. MANDERSON. I think the reason for it will be manifest when I call the attention of the Senator from Wisconsin to the nature of the bill. It is to build a railroad through the Yellowstone Park.

Mr. SAWYER. Just across one corner of it.

Mr. MANDERSON. The road is to run from 25 to 45 miles, variously estimated, through the Yellowstone Park, and the subject-matter of the Yellowstone Park has always been referred to the Committee on Territories. That committee have already had under consideration the advisability of building railroads through the park, and it seems to me that this is a very appropriate reference. I make the motion by the unanimous request of the Committee on Territories, who have the subject-matter under consideration.

Mr. SAWYER. Very well; I shall not oppose the motion.

The PRESIDENT *pro tempore*. There being no objection, the reference will be made to the Committee on Territories.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, by the unanimous order of yesterday, Senate bill No. 777, being the unfinished business of the morning hour.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on the amendment of Mr. HALE to strike out section 2 of the bill.

Mr. MANDERSON. Mr. President, I do not desire to detain the Senate from final action upon this bill or to do anything in the nature of speech-making; but it is my desire to correct some of the erroneous statements made by the Senator from Maine [Mr. HALE]—statements made by him erroneously, I say, but simply so because, as suggested by himself, he has not had the opportunity to give that consideration to the matters involved in the second section and collateral to it that he would like. The Senator from Maine presented the report of a subcommittee of the Committee on Military Affairs showing the testimony of Army officers taken by it in the year 1874, and, as I understood his suggestion, it was that as the result of the deliberations of that committee in 1874 there was a change of conviction on the part of these prominent officers of the Army of the United States, and that they believed, as the committee and as Congress seemed to believe in 1874, that twenty-five thousand enlisted men was a sufficient force for the Army of the United States. I have here a little later authority from gentlemen who are distinguished in the Army from testimony taken by another committee of the Congress of the United States in 1878.

Mr. HALE. Will the Senator permit me to correct him?

Mr. MANDERSON. Certainly, I shall be glad to be corrected if I misapprehend the Senator.

Mr. HALE. I did not yesterday in any way attempt to show that the Army officers at the time the Senator alluded to had come to the conclusion that twenty-five thousand enlisted men were enough in their judgment, but I did say, and that was all I intended to say, that the result of the investigation which called forth the opinions of Army officers was that Congress limited the number to twenty-five thousand men, whatever may have been the opinion of Army officers; and I very well know that at that time and since then many Army officers have expressed the opinion that thirty thousand men are not too much. That is all I intended to show.

Mr. MANDERSON. I thought the Senator went further than that statement in his remarks of yesterday, and I am glad to know that I misapprehended his view in that matter. But I desire to call the attention of the Senate to some important testimony taken before the committee in 1878 with reference to the number of enlisted men required in the Army of the United States. I read first from the letter of General Schofield of January 3, 1878, showing what his view was after the experiment of twenty-five thousand enlisted men had been tried for four years.

I have to remark that a force consisting of even the largest number named—

Thirty thousand enlisted men—

and scattered in small detachments over so vast a territory as ours, must be regarded rather as a military police than as an army. In such a force any simple, effective organization is about as good as any other; certainly the present organization of our Army is so much more satisfactory than its effective strength, that I am unable to think of any change in the former (*i. e.*, organization) which would be worth consideration so long as its effective strength remains as it is.

And in the same letter he says:

A force of fifteen or twenty thousand men is so manifestly inadequate to the military necessities of the country, that I dare not venture to suggest what should be the strength of each arm.

Some important interests must be left without protection.

I would suggest that a good modification of the present organization of the Army, to suit an aggregate strength of from twenty-five or thirty to fifty thousand men, that the number of regiments in each arm remain as now fixed by law, that each regiment shall be composed of twelve companies, &c.

The expenses of the Army are very great in proportion to its strength, but this is because the Army is scattered over a vast territory and is expected to perform as much service as twice the number of men ought to be required to perform. This entails great expense in the transportation of troops and great loss and destruction of property, &c. We display just enough force in the vicinity of Indian tribes to provoke their contempt.

It seems to me that, as intimated by General Schofield, in the interest of true economy, for the purpose of saving in the matter of transportation of troops, an increase of the Army from the present force to thirty thousand, as provided by this section, would be very desirable. General Pope, about the same date, January 2, 1878, says:

I presume I state a general belief, and certainly it is my own, that the Army is not now large enough for the service which it is obliged to perform. I might sustain this by citing many facts. Without undertaking to specify what I consider a sufficient force, I may say, I think without contradiction by those familiar with the service required of the Army, that twenty-five thousad men is much too small a force for the needs of the country.

January 24, 1878, General O. O. Howard writes to this committee:

I will assume as a basis for my answers an army of an aggregate total of twenty-five thousand men. I deem it an impossibility to garrison our frontier and seacoast with a less force than that, and that number of men would hardly form military leaven sufficient to affect such an army as will be the next one we shall have to call into the field. A larger force would be more desirable and would make each subdivision more efficient.

Adjutant-General Townsend, January 4, 1878, to the same committee, says:

In general I consider the present organization of the Army simple and effective, except that more enlisted men are imperatively needed.

Mr. President, I might go on reading from other letters and from the testimony of other soldiers prominent in the military service to show that thirty thousand men has been considered by them insufficient for the purposes of the Government.

The Senator from Maine referred somewhat to the needs for an army in this country and to its distribution. I desire to call his attention to this fact, that to my mind is an alarming one, when we come to consider some of the circumstances that are threatening the peace of this country. The military division of the East, commanded by General Hancock until his death, is composed of a large number of States, and I would call attention to what they are. It consists of the New England States, the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Arkansas, Mississippi, Alabama, Kentucky, Tennessee, Ohio, Michigan, Wisconsin, Indiana, and the District of Columbia. And by the report made by General Hancock before his death to the War Department it is shown that the number of troops in all this vast department, with its tremendous interests, with its immense lines of seacoast subject to defense to a large degree by the Army of the United States in the garrisoning of forts, &c., is only one general officer, a general staff, consisting of 63 commissioned officers and 118 enlisted men; artillery consisting of 211 commissioned officers and 1,788 enlisted men, and infantry 60 commissioned officers and 739 enlisted men. So that for the protection of this vast military department there are but 2,645 enlisted men of all arms. The principle of self-defense alone ought to prompt us to take measures for the enlargement, in some degree at least, of the number of the Army of the United States that shall be apportioned to the mighty demands of the Department of the East.

True it is that a large proportion of the present Army is west of the Mississippi River and properly so. The Senator from Maine suggests that there is but little for the Army of the United States to do west of the Mississippi River. He referred to the late report of the Secretary of the Interior upon the Indian question, and read somewhat, I believe, from the reports of others concerning the condition of the Indian in the West. As I remember his statement, it was that in no part of the country would it be possible to gather two or three thousand armed Indians to make warfare against the settlers upon the frontier. Indeed, I think his assertion was so strong as this, that in the last several years not even one hundred and fifty armed Indians had been found at any one time or any one place upon the war-path.

Mr. President, I live and have lived for nearly twenty years in a frontier State. Upon the northern border of the State of Nebraska there is the immense Sioux reservation; 36,000 square miles of territory devoted, as I suggested a few weeks ago, to the abuse rather than the use of these Indians. The number of those occupying this section of country is variously estimated at from twenty-three to twenty-eight thousand. I am informed by the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, that in his opinion the population of the Sioux Nation is about 28,000. The fighting Indian is any adult Indian, you may almost say without distinction of sex, over the age of fifteen or sixteen years, for the terrible experience of the frontier has shown that as a soldier fighting according to the Indian idea the squaw is about as effective as the male Indian.

During last summer it was my privilege to visit the great Sioux Nation, and I went to several of the agencies established thereon. The estimate given me by the agents in charge of the different tribes of the Sioux Nation was that of male Indians of the combative age, meaning over fifteen or sixteen years of age, there certainly were upon the Sioux reservation from eight to ten thousand. I believe it to be an overestimate, but I have no question of the fact that the Sioux Nation, if it should go to war with the whites, could place upon the war-path not less than five to six thousand effective Indian soldiers.

The Senator from Maine, I think, does not appreciate the condition of affairs in that country. It is true that the Sioux as well as other Indians are making some progress toward civilization; but while we are teaching them some things that are good, we are teaching them many other things that are bad. We are teaching them to be better fighters than they were even ten years ago, at the time of the Custer massacre.

As I went over the Sioux reservation during last fall I was surprised, I may say that I was frightened, to see that nearly every male Indian of adult years was armed with that most effective of magazine-guns the Winchester rifle; and when it comes to combat it makes very little difference whether the man who holds the Winchester rifle in his hands is the red man or the white man—it is truly a most dangerous weapon.

Mr. HALE. Let me ask the Senator one question here.

Mr. MANDERSON. Certainly.

Mr. HALE. I suppose the Senator's statement as to the number of the Sioux tribe may be correct; but in the last two or three years has this tribe in any way been engaged in any outrage or hostilites, in any depredations, in anything that has caused a need for the United States troops to enter into any conflict with this tribe? And does the Senator know—calling his attention to what I said yesterday—of any case in the last two or three years where one hundred and fifty or two hundred Indian braves armed have been found together in any one place on the war-path?

Mr. MANDERSON. I will try to answer the Senator from Maine, and I answer him by that perhaps which is better than my own knowledge of facts, by some of the reports of the general officers commanding in that section of country.

But however that may be—and I shall come to it in a moment—the savage-man material is in existence there to give to the frontier settlers of Nebraska and to the frontier settlers of all the Northwest a most terrible infliction. The braves are there, and are actuated by the same desire to distinguish themselves in battle with the whites that actuated those who fought at the Custer massacre. During my late visit I went among them. I witnessed two or three of their wild dances around the campfire. One I remember particularly, one incident, and I wish that the Senator from Maine could have been there to have witnessed it with me. It was at the Pine Ridge agency, and several thousand Indians had gathered as spectators of the dances. There were perhaps fifteen or twenty dancers, dressed, or perhaps it would be more true to the facts to say undressed, to that condition which they assume when they are about to execute these famous dances. There I saw in most expressive pantomime the Custer fight from the Indian standpoint. A brave of about forty-five or fifty years of age, stalwart and strong, having danced for some time was given the field, and with gesture that was most eloquent and expressive showed how he had fought in the Custer fight and how he had taken the scalps of numerous white men, the only monument remaining of their ever having existed being the notches upon his war-club showing the number he had killed. And what else did I see? There were hundreds of young men from the age of fifteen to twenty-five drinking in this exhibition with admiration, and evidently desirous that the time should come when they too might distinguish themselves and show similar prowess. So not only is the material there for warfare, but the disposition is there to take the war-path at any provocation, real or imagined.

I am not an alarmist, Mr. President, and am not alone in my apprehension of danger. As it happens, within a week past I have received a letter, dated March 14, 1886, from the commander at Fort Niobrara, one of the two forts stationed on the flanks of this great Sioux Nation, and I will read an extract from it:

Of course it is only a question of time until we have trouble with Red Cloud and his bands, eight thousand of whom are near Robinson. This border of Nebraska is very imperfectly protected, and I feel very anxious that the people of Northwest Nebraska should be better protected. I have during the past year enlarged and strengthened this post. There are seventeen thousand Indians (Sioux) near Fort Niobrara and Fort Robinson, and, as we are now situated, if an outbreak was to occur the whole of Northwestern Nebraska would be overrun and destroyed.

A very different condition of things exists in that country now from that which existed a few years ago when these Sioux tribes were gathered from throughout all the Northwest and placed upon these lands. When they were placed there the surrounding country was a wilderness; no white man lived within many miles of the border lines of the Sioux reservation a few years ago; but within two years there has

pushed forward into that northwestern country the pioneer of the white man's civilization, the railroad, and situated upon it are many lovely town and villages, settled by a people certainly worthy of protection, in intelligence the peers of any other. The surrounding public lands have been opened to settlers, and thousands and thousands of men, women, and children have gone into that northwestern part of my State, and are there settled. They are within but a few miles of this Sioux reservation, and I say to the Senator from Maine, basing my statement upon actual observation and from reports of military men who are not alarmists, that those men, women, and children live in constant alarm and in deadly fear from the fact that the only protection they have is the United States soldiers stationed in the vicinity, too few in number to afford them the safety that should be assured.

Fort Robinson and Fort Niobrara are the two posts that are on the flanks of this Sioux Nation. Let me call the attention of the Senate to the number of troops stationed there. I can give them, I think, without looking at the report. At Fort Niobrara there are two hundred and sixty officers and men; at Fort Robinson less than three hundred officers and men; so that there are not over six hundred soldiers of the United States at these two forts for the protection of the people of this frontier.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. MANDERSON. Certainly.

Mr. PLATT. I have from the Adjutant-General a statement of the garrisons at the different posts on February 28.

Mr. MANDERSON. I wish the Senator would read it.

Mr. PLATT. At Fort Niobrara there are officers and men two hundred and eighty-five; at Fort Robinson two hundred and nine—less than five hundred at both.

Mr. MANDERSON. So that the total would be about as I stated. There are really less than five hundred soldiers at these two forts.

Mr. TELLER. Allow me to say that it does not follow because there are only two hundred and fifty men at that point that the Government could not have, if it desired, other soldiers there. To my certain knowledge there are at Fort Lyon some troops where there is not any more necessity for them than in the city of Washington.

Mr. MANDERSON. Quite likely. I think some of the smaller posts on the frontier might be abandoned with safety.

Mr. HALE. I do not like to interrupt the Senator, but sometimes we get at the real condition of things better by a colloquy.

Mr. MANDERSON. I am very glad to hear the Senator.

Mr. HALE. The condition the Senator has pictured I suppose is one thoroughly known and appreciated in the War Department. Now, is there anything found in the report of the Secretary of War made to Congress giving information as to the entire situation, or in the report of the General of the Army, in the last year or the year before or the year before that, which in any way invoked the interposition of Congress for an added force in the Army of the United States to meet what the Senator so graphically pictures as an ever-present danger?

Mr. MANDERSON. There is, and I will show it to the Senator.

Mr. HALE. I shall be very glad if the Senator will show in any of these reports during the times covered by the period I have stated anything of that sort, because I have missed it.

Mr. MANDERSON. I will give you very late authority. I will give you extracts from the report of the Secretary of War and accompanying papers of this year. In the very nature of things in the brief report that would be made by the Secretary of War he does not go into any great degree of detail, neither does the Lieutenant-General of the Army.

Mr. HALE. Does he ask for more men in the Army?

Mr. MANDERSON. Does the Secretary of War?

Mr. HALE. Yes; in the last report.

Mr. MANDERSON. I think he does.

Mr. HALE. In the last report?

Mr. MANDERSON. He does by his recommendation, as I will show to the Senator. He urges that the present regiments of infantry be increased to twelve companies of fifty men each. That means an increase of enlisted men of twenty-five hundred.

Mr. HALE. I know the general proposition as to the reorganization of the Army, but does not the Senator know that for the last three years or more, under the conditions that Indian warfare has assumed, under the suppression of Indian wars and the lack of immediate danger, that the petition which was continually before that time sent here from the Department for an increase of the enlisted men of the Army has been abandoned?

Mr. MANDERSON. No, I do not know that, and I do know the contrary, as I will show the Senator from Maine. In the very nature of things—for the best authority upon this question as to the condition of the Indians in the Division of the Missouri, which division includes all the military departments in that great Northwest—we should go to the report of the efficient commander of the Division of the Missouri, General Schofield, and I commend his report to the Senator from Maine. Let us see what he says on the subject of the Indian danger and on the subject of a proper increase of the Army of the United States. Mark it, the great bulk of the troops of the Army of the United States are in that division. The troops serving in this division are nineteen regiments of infantry, seven regiments of cavalry, and four batteries of artillery; in round numbers nine thousand five hundred infantry, five thousand six hundred cavalry, and two hundred and eighty artillery; aggregate fifteen thousand men. So that fifteen thousand out of the twenty-five thousand are within the military division commanded by General Schofield, and he gives here their different dispositions.

> The total infantry force now available for the occupation of posts near the Indians is about eight thousand men, or less than one-third the number of Indian warriors in their vicinity. Hence it is manifest that the dismounted force is barely sufficient to guard the military posts, Indian agencies, railroads, and other property of great value against destruction by hostile Indians, leaving no foot troops available for other service either in the Indian country or elsewhere. The five regiments of cavalry available for immediate service against hostile Indians in this division number about four thousand men, or less than one-sixth the number of Indian warriors.

Now he describes the condition of the Indians:

> The Indians are well mounted, having several ponies to each man, well armed, and abundantly supplied with ammunition.

The proposition has been frequently made in Congress, and it is one that meets with my hearty approval, to disarm the Indians of this country. But I venture the prediction that when that is undertaken if you had every available man of the Army of the United States you could not enforce the decree of Congress, and I think the Senator from Massachusetts, who knows the Indian condition pretty well, will indorse that proposition. It would mean a bloody warfare involving our whole border.

> Being trained from early childhood, they are excellent horsemen and expert marksmen, equal in these respects to the best regular troops in the world.

And yet in Schofield's division there are of cavalry less than one-sixth of the number of Indian warriors, and of infantry less than one-third the number to protect against outbreaks sure to occur.

> It is manifestly impossible to permanently overawe and hold in subjection such bodies of savages by the show of any force far inferior to them in numbers. If information of the threatened outbreak of any tribe is obtained in time, it may be prevented by the rapid concentration of troops by rail. This has been done in several instances, as in that of the Cheyennes last summer.

It is the history of all Indian wars that when one tribe takes the warpath others are very apt to follow; and General Schofield suggests:

> But if two or three tribes become disaffected at the same time, or any tribe takes advantage of the temporary absence of troops, as they frequently do, to manifest their latent hostility, it may be impossible to prevent a general uprising, which must result in a vast destruction of life and property.

Here let me call the attention of my friend from Maine to one instance during the last year. I was in Wyoming Territory after that terrible Rock Springs outrage upon the Chinese, and the repetition of that outrage when the Chinese came back to that section of country was only prevented by the presence of a handful of United States troops that overawed the rioters who had committed this terrible crime. The reason that there were not more—when more troops were needed and when more were called for by General McCook, who was in command, and when General Howard at Omaha desired to send them to the aid of those already at Rock Springs—was that he was prevented from doing so by the threat of Red Cloud and his bands in the Sioux Nation to promote disaffection because of the antagonism between them and the Indian agent, Dr. McGillicuddy. These troops had to be kept at Niobrara and Robinson and Laramie for that purpose, making such show of power as their meager numbers would permit.

General Schofield proceeds:

> Considerable progress has doubtless been made towards the civilization of some of the tribes. But their savage nature has not yet been greatly changed, and their love of war is not yet greatly diminished, while the temptations to engage in hostilities and the opportunities to do injury have been vastly increased. The reservations are now surrounded by great herds of horses and cattle, and by vast fields of wheat and corn, and thousands of defenseless settlers. When the lapse of a few years has dulled the recollection of past punishment, only a slight provocation will be needed to induce the young warriors to yield to such tempting opportunities to satiate their native thirst for blood and plunder, and their brutal lust.

Mr. President, the savage nature of these Indians is not yet changed. You can not, in the very nature of things, take these brutal savages and in a few years, even with the best adjuncts of civilization, with the church and the school, convert them into that civilized condition in which we would like to have them. We must treat them as we find them until there are changed conditions. They are still total savages, with all the instincts of the wild Indian, with his thrist for blood.

> The great majority of the large frontier population are strangers to the earlier history of the Indian country. They have settled there since the Indians were located upon reservations. Relying upon Government protection, they are apparently unconscious of any danger, while in simple truth they are liable at any moment to experience all the horrors of savage warfare.
>
> Nothing short of the immediate presence of a superior force can be relied upon to restrain the Indians from outbreak, until they have advanced far beyond their present stage of civilization. Of course troops could soon be concentrated to subdue any rebellious tribe. But the damage which might be done, even in the time required for this purpose, would be enormous, as compared with anything in our past experience of Indian wars.

And this brings me to the consideration, if I may be pardoned for a moment's digression, to another proposition made by the Senator from

Maine yesterday, that the "mere stamp of the foot" of some one, perhaps of the Chief Executive of this country, would bring into being a body of men that would crush out any enemy, whether domestic or foreign. We tried that experiment once, Mr. President, and a few weeks ago in a speech that I delivered here on the subject of the three-battalion bill I quoted from General McClellan to show how expensive the experiment had been. I venture the assertion that if at the outbreak of the war of the rebellion the Army of the United States had been fifty thousand armed and equipped men even that terrible war might have been averted. Certainly we should have been in a position to have taken the field with an army composed of regulars and volunteers that would have been fairly efficient, and would have prevented the terrible loss of life and of treasure incident to the early years of the war. There is no wiser motto than that which says, "In time of peace prepare for war;" and I say to prepare the country for war means not only that the Army of the United States should be made efficient, but that it should be reasonably increased, so that it shall be at least a police force adequate to the great demand of this growing country with nearly sixty millions of people.

General Schofield says:

The number of Indians in this division, as reported by the Interior Department, is about 175,000. Of these about 53,000 are rated as peaceable, the remaining 122,000 being more or less uncivilized and warlike. Their warriors number at least 25,000—equal to the entire strength of the United States Army, or two-thirds more than the whole number of troops serving in this division.

It is manifest that this numerically smaller force of troops can not absolutely prevent Indian outbreaks in the future, as it has not in the past. The probabilities of such outbreaks may have diminished in the last few years, and undoubtedly the facilities for suppressing them have greatly increased by means of the rapid transportation of troops by rail. But the question to be now considered is, whether the vast increase of the interests of life and property involved does not now demand that such military measures be adopted as will surely prevent in the future any wholesale destruction of life and property by the uncivilized tribes of the country. It is my duty to plainly and clearly present this question for the consideration of the authorities upon whom the responsibility of action finally rests.

He goes on to treat of the subject somewhat in detail. Now let me read to the Senator from Maine a section from this report of General Schofield on the subject-matter of the increase of the Army of the United States:

I desire to pointedly invite attention to the fact that, while our present force can by concentration subdue any rebellious tribe, as has so often been done heretofore, the warlike tribes are no less prepared for war now than they have been at any former period, and that our present military force is manifestly insufficient to prevent or promptly suppress Indian outbreaks.

I beg leave to submit that, in a country of fifty millions of people, fifty thousand men would be a small army to be maintained with sole reference to possible foreign wars. But when the country has constant daily use for nine-tenths of that force to protect its people and their property against destruction by savage tribes in their midst, it is extremely unwise to limit the Army to its present strength. As well might the great cities of the country limit their police force to one-half that which experience has shown to be necessary for daily service, with no reserve for great emergencies.

So I might continue to read to the Senator from Maine that which it seems to me would be exceedingly instructive upon this question. I regret the fact that it has not been the opportunity of the Senator to go into that Western country and see how vast the interests are that need protection and how great the dangers are that threaten them.

Why, Mr. President, we of Nebraska are not alone in this matter of dangerous exposure. Our adjoining State of Kansas is evidently somewhat alarmed and was considerably agitated during last summer by a threatened Indian uprising. I have a bill before me now under consideration by the Committee on Military Affairs introduced by the Senator from Kansas [Mr. INGALLS] providing that—

The sum of $250,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the purchase of the necessary grounds and the erection thereon of two military posts or garrisons at such points on or near the southern frontier of Kansas, adjacent to the Indian Territory, as may be, in the judgment of the Secretary of War, best adapted for the protection of the citizens of Kansas from the hostile incursions of the various Indian tribes congregated in that region.

This is not the resurrection of some old bill for mere dress parade. It is here for the purpose of becoming a law, and it is backed up by a memorial to the Congress of the United States from the Legislature of Kansas, introduced on March 1 by the Senator from Kansas [Mr. PLUMB], in which the Legislature of Kansas pray:

That our Senators and Members of Congress be, and are hereby, requested to use their utmost endeavors to secure the establishment by the United States Government, on the southwestern frontier of Kansas, not less than two military posts, sufficiently garrisoned with troops to insure protection to the citizens of the southwestern portion of the State.

This is not an imaginary danger upon the southern border of Kansas any more than it is an imaginary danger upon the northern border of Nebraska; and I say to the Senator from Maine, when he suggests that we can meet these outbreaks by the action of the citizens of that section, that those poor settlers of Northwestern Nebraska hardly have money enough to buy themselves a plow to cultivate the ground and the other implements of husbandry, and do not think for a moment of aspiring, as does the neighboring Sioux, to the luxury of a Winchester rifle. When he suggests that these settlers can resist the raids of these savages upon their homes and women and children, he might as well talk of resisting an attack by a foreign ironclad upon the coast of Maine by the fishing-smacks of his own State.

Mr. BECK. Mr. President, I am not a member of the Military Committee, and therefore am not advised in regard to the merits of the details relative to the organization of the Army as proposed in the bill, but I can not help thinking that the provision which seeks to increase the Army of the United States at this time from twenty-five thousand to thirty thousand men is either very unnecessary, or we have been taking very needless risks in all the years gone by.

The Indian question can surely be managed quite as well now as it ever could. We have more railroads, more telegraph lines, more facilities for reaching all the different points where Indian troubles can spring up than we ever had. Outside of the Indian problem the country is at absolute peace, with no disturbing element in view, so that there can be no reason for an increase of the Army outside of the necessities of Indian warfare. I repeat, that with the increased railroad facilities, the increased means of receiving prompt information from all the points where difficulties can possibly be expected by means of the telegraph and all other means of rapid communication, if the Army of the United States has been sufficient in all the years gone by, surely it must be large enough now.

The Senator from Nebraska seems to think that great dangers threaten us now. I never heard these dangers suggested before; certainly the trouble is not greater than it has been for some years past; and as a friend of this administration I should regard it as the most fatal blunder it could commit to increase the expenditures of the Government by increasing the Army of the United States, and prevent by reason of those increased expenditures the reduction of taxation on the people for no better reason that I can see than because a few officers of the United States Army, who of course desire to magnify their position, who have always desired a larger standing Army than we have now, tell us that we ought to place more men under their command than they have at present.

Mr. LOGAN. Will the Senator allow me a word right there, because I suppose we all want to get at the facts?

Mr. BECK. I yield.

Mr. LOGAN. The Senator is mistaken about this section increasing the Army, except so far as the number of soldiers is concerned.

Mr. BECK. That is what I object to.

Mr. LOGAN. It does not increase the regiments or officers; and, if the Senator will remember, the law was in the reorganization; I call his attention to it, so that in the discussion we may understand one another, that so far as enlisted men are concerned the Army shall not be increased beyond thirty thousand. That was the law, and the reduction to twenty-five thousand men has been made, as the Senator well knows, on appropriation bills and otherwise, by cutting off the enlisted men. Thirty thousand ought now, as then, to be thirty thousand.

Mr. HALE. The Senator will allow me a moment.

Mr. LOGAN. I did not desire to interrupt any one, but only to call the attention of the Senator from Kentucky to one fact.

Mr. HALE. The Senator from Illinois is commonly very correct on all matters touching the military establishment. There is no Senator who has given more time and attention to the subject than he. But in this he is entirely wrong. The Revised Statutes of 1873, which make the body of general laws that we have and which are the last revision, fixed the limit of the Army at thirty thousand men undoubtedly. But immediately following the acceptance and adoption of the Revised Statutes, which fixed the limit at thirty thousand men, Congress comes in and in terms declares that after that time the limit of the Army shall be twenty-five thousand men, and the provision that the Senator refers to, which he undoubtedly finds in the Revised Statutes, has been repealed by clauses upon the appropriation bills, not pertaining merely to the particular appropriation bills as they run but as enacted law, and changing the limitation. There is no authority to-day for the Secretary of War to receive as enlisted men into the Army one man over twenty-five thousand. In fact, in terms he is forbidden to do that.

Mr. LOGAN. I stated so. I said we had done that. The limit by the statute was thirty thousand, but by our action on appropriation bills we had changed it so that no enlistment could be made beyond twenty-five thousand.

Mr. HALE. We have changed the limitation. That is not the law to-day.

Mr. LOGAN. We will not discuss that.

Mr. BECK. Mr. President, I happened to be a member of the Appropriations Committee when all those things were discussed time and again, and the Senator from Maine states the case, as I understood it, with absolute correctness when he asserts that twenty-five thousand men is now the limit, and the appropriation bills not only provided for one year, but for all future years. So the law has been and will continue unless this section is inserted. Section 2 of the bill proposes to authorize an increase up to thirty thousand men. If that is not needed to change existing law I see no use for section 2 of this bill, which reads thus:

SEC. 2. That the number of enlisted men in the Army, including an engineer battalion of five hundred and twenty men, hospital stewards, and one thousand Indian scouts, be, and hereby is, established as a force not to exceed thirty thousand men.

If thirty thousand men can be enlisted by law now, as suggested by the Senator from Illinois, why re-enact it? It is proposed because that is not the law now; no matter whether it was enacted in appropriation bills or any other class of bills, twenty-five thousand is the limit up to which the Secretary of War or the General of the Army or any other authority can enlist men, and the proposed section is required to increase it.

Mr. LOGAN. I may have been in the language I used a little uncertain; but I stated that by and with the action and consent of the Senator himself on the Appropriations Committee we had changed the limit so that as the law stands now we can not enlist beyond twenty-five thousand men in the Army.

Mr. BECK. I so understand it, and I desire to so retain it, and I object to the adding of five thousand more troops to the Army of the United States when the necessity for an army is less now than it ever has been since the foundation of the Government. If administrations that have had power since the war thought it was good policy to reduce the Army, it being conceded that at one time the law authorized thirty thousand men and was cut down to twenty-five thousand, and if the condition of the country has improved so that the Indian question can be more easily managed now than it was years ago, and when there is no question about reconstruction, no questions of strife about elections or race troubles, no question about soldiers being needed anywhere except to suppress possible Indian hostilities, I insist that it is bad policy for the present administration to add five thousand more soldiers to the Army of the United States than were needed by the administrations which have passed, especially when former administrations reduced the maximum from thirty thousand to twenty-five thousand men annually, because twenty-five thousand was all they needed. I object to adding so many more millions or whatever it will cost to the expenditures of this Government, thereby, as I said, depriving Congress of the power to reduce taxation where the people need relief and giving an excuse for adding to it that which is not needed, to wit, an increased Army. That method of expenditure does not meet my approval. That we need soldiers anywhere except to fight Indians I deny. That we have more officers in proportion than we have men I admit; that we have more officers than are needed I admit; but they will form a nucleus on which to base an army if any occasion ever arises, and through them we will be enabled to build up an army very rapidly.

I saw enough volunteer soldiers, it seems to me, on the 4th day of March a year ago, parading Pennsylvania avenue the day of the President's inauguration, from Pennsylvania, Virginia, and all over the country, to have carried on any probable Indian war successfully themselves. Perhaps, as I never saw very large bodies of men, I may have magnified their appearance; but the volunteer soldiers of the United States have always come to the front whenever they were called for and always will. If the great civil war was an unmitigated evil in all else, it developed to the world that this people, when united, can never be invaded by a foreign foe, and that we need no standing army either to gratify the pride of generals or to be used as a menace against our own people for any purpose. Whenever war arises the volunteer soldier comes to the front, the class of men we all saw on Pennsylvania avenue a year ago; and we shall find, whenever a call is made, that these men will maintain their rights and the rights of the American people better than any mercenary soldiers who can be hired anywhere. Therefore I protest now against this increase of the regular Army.

The Senator from Nebraska says there are more Indians in certain portions of the country than there are soldiers. Of course there are, and if we are going to have as many soldiers as we have Indians at all points in order to have a fair fight, we may as well increase the Army to one hundred thousand at once.

I tell the Senator from Nebraska if Indian wars ever threaten anywhere on that Western frontier, the people who live there, instead of being the harmless, inoffensive, dependent, defenseless people that he indicates they are, will be found to be men who, if they are called out upon any emergency, will defend those frontiers against any attack likely to be made upon them. The cowboys of Montana, Colorado, and Wyoming, and that country alone, if called into the service of the United States, would be more efficient, more prompt, and do better service than any soldiers you can hire and place in the regular Army. They are all subject to the command of the President as Commander-in-Chief of the Army of the United States, and they will respond in all the great Territories. They might not carry on war with as much mercy or as much care for the life of the Indian as some sentimental gentlemen might desire to see done; but offer $500 apiece for the scalp of every Indian who seeks to massacre white men, and the Indian tribes that attempt such outrages would be exterminated very soon, perhaps to the disgust of some of the gentlemen who think they ought to be taught Greek and Latin and ought, when captured on the war-path, be led back quietly to their reservation and fed abundantly until they can break out again after they have passed a comfortable winter. I do not believe in extermination, but I believe that the lives of our white settlers should be protected at all hazards, even if whole tribes of Indians should be extinguished in doing it.

You can not carry on war with sentimentality. Our small Army can be promptly increased. The men of this country can defend themselves and will defend themselves if a reasonable opportunity is given. So all the pretense that more soldiers are needed to put down Indian wars is not, in my opinion, worth considering, as the Government can command at once all the men it needs by promptly enlisting men who can ride as well, shoot as well, go as far as an Indian, and do all that is needed on the field of battle as well as any Indian that can be found in any tribe. Let such men be called in from the plains when emergencies arise to defend their neighbors and their friends and their own lives and property, and they will be efficient against any outbreak that may come. We must teach our people to rely on themselves and not to rely upon standing armies.

Mr. President, I believe that there are many men in this country who have no faith in the great mass of the people, men who would like to see a great standing army, who would like to use them against their own citizens if they dare to rise against the great monopolies and the privileges they so often unjustly obtain—men who think that citizen soldiers can not be relied upon, but insist that we must have a standing army to put every little disorder down. I hope that is not the object now. If so, keep the soldiers in our great cities, keep them as a standing menace, with our military commanders at their head, and let every citizen see that if he dares to complain anywhere, there is a standing army to put him down. If that is the object, let us say so. If the object is only to fight Indians, we have more now, with the other adjuncts subject to our call, than we need, more than we ever required before, so that there is no object in enlisting more men for Indian service.

I know it is very easy to say that a standing army is necessary to put down domestic trouble. That was the cry over the Continent of Europe for hundreds of years, yet every country that adopted the system and built up a standing army became a despotism as soon as the standing army was strong enough and obeyed the orders of its leader readily enough to crush down the liberties of the people. The mutiny act in England and the reliance of the people upon themselves, keeping down her great standing army, has alone preserved what of liberty she maintains. I admit that Napoleon's action at Paris broke up the mob, but it broke up what remained of republicanism and liberty as well. I admit that a standing army will act as a machine better than any volunteer corps in stopping disturbance; but the chieftain who leads it will find all the great moneyed powers and classes at his back asking him to become master of the situation in order to secure what they call their property and their rights. The measures adopted to stop trouble often end in a consolidated military power. I hope we are not preparing for that. I hope this Congress will not look in that direction, because where there are evils all around us, the country must maintain itself upon the idea that the people will come to arms and defend their rights and liberties whenever called upon, and with a united people the combined world will never attack us upon our own soil.

We may have and we will have strifes on the ocean. We ought to build up a navy, because on the highways of the world we are otherwise not safe; but on our own soil no man will assert that any foreign foe will ever dare, or ever think—not to use the word "dare"—of attacking us any more. If there are Indian troubles, the means that we have to concentrate our forces, the superior facilities we now have of reaching all the points of difficulty over anything we have had before make me believe that the addition of five thousand men at this time is absolutely unnecessary.

The other details of the bill I am not advised about; but against the section giving the right to add five thousand men to the Army I will protest and vote.

Mr. TELLER. Mr. President——

Mr. LOGAN. I do not wish to interfere with the Senator, but there is one remark of the Senator from Kentucky that I should like to be permitted to reply to just now, if the Senator will let me.

Mr. TELLER. I will yield to the Senator.

Mr. LOGAN. I want to call the attention of the Senator from Kentucky to one thing. It is usual that bills in the Senate as well as many other places are defeated by a strange character of argument—I will not use the word demagogism, because that would not be proper here—but I will say an argument that is not exactly an argument calculated to convince the mind. The insinuation of the Senator from Kentucky that this proposition is made for some purpose hidden here—to use the Army against our own people—is unworthy of himself, for he knows that I have made this proposition for the past ten years at every Congress that I have been in where I have had the opportunity to do so.

Mr. BECK. The Senator will allow me a word. I never thought of the Senator from Illinois; I did not even know that he reported the bill. I know he is a very important member of the Military Committee, but I read the bill, and thought the Senator from Nebraska was more responsible for it than anybody else. If the Senator thinks I meant anything personal to him he is mistaken.

Mr. LOGAN. I am not speaking of any personal reference to me. I am speaking of that reference to the persons who desire this increase of the Army as well as myself. If this section is beaten because it is un-

worthy to be in this bill, that is all right; but I do not intend, as the author of this bill and the advocate of it on this floor or elsewhere, to have it understood that there is any purpose save the one expressed, or that there is any design in this proposition to increase the Army other than for the purpose of making it efficient.

I have no reason to desire the Army to be used against our own people, nor have I any such desire; but for the proper purposes of the Army I have contended for many years that our Army should be made efficient. The law provides that we shall have fifty men in a company unless the President for some reason that is good to him shall increase it to one hundred. I have insisted ever since the reduction of the Army that thirty thousand men was the proper proportion for the purpose of making a proper and efficient army. No change of front so far as I am concerned has been made. It has been my deliberate opinion for years and is my opinion now that our Army ought to be increased and improved.

I find that the men who have done the least in war are always more statesmanlike in time of peace when it comes to anything in reference to the Army. The men who at the time war occurred were of an age that they might have served their country but failed to do it, they become the great leaders, with all the knowledge and experience necessary in order to lead in the preparation of armies to be used against the enemies of the country.

My friend from Maine who is absent—and therefore I will not refer to him now—was doubtless encouraged by the opposition of other Senators to make war upon this bill at the start. I know not why. I think good fortune would perhaps have come to this bill more certainly had it been reported by some one else.

That is all I desire now to say. Before this matter closes I may have something more to urge.

Mr. TELLER. Mr. President——

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Colorado to yield to me that I may make a report from the conference committee on the urgency deficiency bill.

Mr. TELLER. I yield for that purpose.

Mr. ALLISON. I submit the report of the conference committee.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5893) "to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 6 and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"To enable the Secretary of War to repair the submarine cable, Block Island Bay, $5,000, or so much thereof as may be necessary in the judgment of the Secretary of War."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

JAMES N. BURNES,
LOUIS E. McCOMAS,
Managers on the part of the House.

The report was concurred in.

EFFICIENCY OF THE ARMY.

Mr. VAN WYCK. Will the Senator from Colorado yield to me for a moment to ask to put on its passage Senate bill 1319?

Mr. TELLER. It only lacks now about five minutes until the expiration of the morning hour, and if I can go on to-morrow morning when this Army bill comes up I will yield to the Senator from Nebraska.

Mr. LOGAN. There will be no objection to that as far as I am concerned.

Mr. TELLER. I will yield then with that understanding.

The PRESIDENT *pro tempore*. Does the Senator from Colorado or the Senator from Illinois ask for an order to that effect?

Mr. LOGAN. I ask that this Army bill be the regular order for to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that Senate bill No. 777 be made the regular order for to-morrow morning after the routine morning business is concluded. Is there objection? The Chair hears none, and it is so ordered.

Mr. PLATT. I ask permission of the Senate to put in the RECORD a statement of where the Army is now located. Several Senators desire to use it in the debate to-morrow morning, and I ask that it may be incorporated in the RECORD in this connection.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Connecticut asks unanimous consent to insert in the RECORD the papers which he has sent to the desk. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

List of military posts and stations of the United States, and aggregate strength of each garrison, as shown by the returns for February 28, 1886.

Posts and stations.	Strength.		Aggregate.
	Officers.	Enlisted men.	
Fort Abraham Lincoln, Dakota	13	187	200
Fort Adams, Rhode Island	23	223	246
Alcatraz Island, California	11	73	84
Angel Island, California	13	128	141
Fort Apache, Arizona	14	221	235
Fort Assinniboine, Montana	36	451	487
Fort Barrancas, Florida	9	75	84
Fort Bayard, New Mexico	21	292	313
Benicia Barracks, California	9	73	82
Fort Bennett, Dakota	3	43	46
Fort Bidwell, California	8	96	104
Fort Bliss, Texas	8	90	98
Boisé Barracks, Idaho	8	107	115
Fort Bowie, Arizona	11	168	179
Fort Brady, Michigan	7	66	73
Fort Bridger, Wyoming	13	128	141
Fort Brown, Texas	11	153	164
Fort Buford, Dakota	21	299	320
Fort Canby, Washington Territory	10	71	81
Fort Clark, Texas	37	547	584
Fort Cœur d'Alene, Idaho	22	268	290
Columbus Barracks, Ohio	10	355	365
Fort Columbus, New York	14	112	126
Fort Concho, Texas	23	336	359
Fort Custer, Montana	33	505	538
Fort D. A. Russell, Wyoming	30	366	396
David's Island, New York	4	523	527
Fort Davis, Texas	17	210	227
Camp Del Rio, Texas	3	64	67
Fort Douglas, Utah	42	541	583
Fort Elliott, Texas	13	203	216
Fort Ellis, Montana	10	139	149
Fort Fred Steele, Wyoming	10	134	144
Fort Gaston, California	4	40	44
Fort Gibson, Indian Territory	7	92	99
Fort Grant, Arizona	25	362	387
Fort Halleck, Nevada	4	39	43
Fort Hamilton, New York	22	193	215
Fort Hays, Kansas	11	134	145
Fort Huachuca, Arizona	19	248	267
Jackson Barracks, Louisiana	11	76	87
Jefferson Barracks, Missouri	14	508	522
Fort Keogh, Montana	35	431	466
Fort Klamath, Oregon	8	109	117
Fort Laramie, Wyoming	33	295	328
Fort Leavenworth, Kansas	41	566	607
Fort Leavenworth Military Prison, Kansas	4	101	105
Fort Lewis, Colorado	30	351	381
Little Rock Barracks, Arkansas	10	100	110
Fort Lowell, Arizona	11	174	185
Fort Lyon, Colorado	17	205	222
Fort Mackinac, Michigan	6	71	77
Madison Barracks, New York	22	225	247
Fort Maginnis, Montana	17	246	263
Fort Marcy, New Mexico	4	43	47
Fort Mason, California	5	36	41
Fort McDermit, Nevada	4	40	44
Fort McDowell, Arizona	10	169	179
Fort McHenry, Maryland	15	108	123
Fort McIntosh, Texas	13	140	153
Fort McKinney, Wyoming	20	275	295
Fort Meade, Dakota	37	517	554
Camp Medicine Butte, Wyoming	3	41	44
Fort Missoula, Wyoming	12	181	193
Fort Mojave, Arizona	3	48	51
Fort Monroe, Virginia	31	205	236
Mount Vernon Barracks, Alabama	10	65	75
Newport Barracks, Kentucky	5	40	45
Fort Niagara, New York	8	75	83
Fort Niobrara, Nebraska	18	267	285
Fort Omaha, Nebraska	25	305	330
Fort Ontario, New York	4	36	40
Fort Pembina, Dakota	8	79	87
Camp Pena Colorado, Texas	3	65	68
Camp Pilot Butte, Wyoming	7	99	106
Plattsburg Barracks, New York	5	40	45
Camp Poplar River, Wyoming	7	86	93
Fort Porter, New York	8	70	78
Fort Preble, Maine	6	39	45
Presidio of San Francisco, California	22	246	268
Fort Randall, Dakota	13	170	183
Fort Reno, Indian Territory	22	406	428
Camp Rice, Texas	4	65	69
Fort Riley, Kansas	28	403	431
Fort Ringgold, Texas	14	181	195
Fort Robinson, Nebraska	14	195	209
San Carlos, Arizona	2	450	452
San Antonio, Texas	18	235	253
San Diego Barracks, California	4	39	43
Fort Schuyler, New York	10	69	79
Fort Selden, New Mexico	3	48	51
Fort Shaw, Montana	16	202	218
Fort Sidney, Nebraska	19	244	263
Fort Sill, Indian Territory	17	230	247
Fort Sisseton, Dakota	9	93	102
Fort Snelling, Minnesota	23	262	285
Fort Spokane, Washington	15	197	212
Fort Stanton, New Mexico	17	275	292

List of military posts and stations of the United States, &c.—Continued.

Posts and stations.	Strength.		Aggregate.
	Officers.	Enlisted men.	
Fort Stockton, Texas	9	137	146
Saint Francis Barracks, Florida	12	94	106
Fort Sully, Dakota	16	168	184
Fort Supply, Indian Territory	24	383	407
Fort Thomas, Arizona	11	169	180
Fort Totten, Dakota	15	196	211
Fort Townsend, Washington	5	49	54
Fort Trumbull, Connecticut	10	72	82
Uncompahgre, Colorado	7	87	94
Fort Union, New Mexico	18	207	225
Vancouver Barracks, Washington	40	525	565
Fort Verde, Arizona	11	158	169
Fort Wadsworth, New York	6	39	45
Fort Walla Walla, Washington	20	341	361
Fort Warren, Massachusetts	10	78	88
Fort Washakie, Wyoming	11	123	134
Washington Barracks, District of Columbia	31	238	269
Fort Wayne, Michigan	18	164	182
Whipple Barracks, Arizona	11	123	134
Willets Point, New York	17	380	397
West Point, New York	50	290	340
Fort Winfield Scott, California	12	103	115
Fort Wingate, New Mexico	28	379	407
Fort Yates, Dakota	20	277	297
Total	1,827	23,672	25,499
Detachments at arsenals, &c	35	389	424
Enlisted men at division, department, and district headquarters	.....	154	154
Ordnance-sergeants at posts not garrisoned	.....	37	37
Indian scouts not included in strength at posts	.....	200	200
Grand total*	1,862	24,452	26,314

*In addition to the figures here given there are 299 officers not on duty at garrisoned posts; also 499 men of the Signal Corps who are not included in the 25,000 authorized enlisted strength of the Army. The aggregate (exclusive of the enlisted men of the Signal Corps and including Indian scouts) is 2,126 officers and 24,452 men.

R. C. DRUM,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, March 22, 1886.

CONFIRMATION OF LAND ENTRIES.

Mr. VAN WYCK. I interrupted the Senator from Colorado, who was recognized on the bill to increase the efficiency of the Army, and he yielded that I might call up the bill to which I have referred, because he was aware of the provisions of the bill and the necessity of its immediate passage. There will be no objection to it probably. The number of the bill is 1319.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States.

The bill was reported from the Committee on Public Lands with amendments, in line 3, after the word "entry," to insert "of public lands subject to entry;" in line 7, after the word "made," to strike out "is hereby confirmed to the extent and shall be perfected and proceed to patent the same" and insert "shall be adjudged in the same manner;" and in line 13, after the word "made," to strike out "they" and insert "such charges;" so as to make the bill read:

Be it enacted, &c., That any entry in public lands subject to entry heretofore made under the land laws of the United States, in conformity with the rules, regulations, and decisions of the General Land Office and the Interior Department at the time such entry was made, shall be adjudged in the same manner as if said rules, regulations, and decisions had not been reversed or modified: *Provided*, That such entry must have been made in good faith, and no charges of fraud have been made against the same; and in case any charges of fraud have been made, such charges shall be investigated in the same manner and with the same effect as if the rules, regulations, and decisions under which the entry was made had not been modified or reversed.

The amendments were agreed to.

Mr. CONGER. I desire to inquire whether this refers to homestead entries only?

Mr. VAN WYCK. This refers to homestead entries and timber-culture entries, and any entries of lands of the United States subject to entry. It is that an entry, which when made was legal shall be held——

Mr. CONGER. I do not care about that part of it. Does it include all entries made under all species of scrip?

Mr. VAN WYCK. Oh, no!

Mr. CONGER. Because if it does confirm and guarantee to those who have used Valentine scrip and other kinds of scrip it ought to have further consideration.

Mr. PLATT. Let us have the bill read as amended. It is short.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Secretary read the bill as amended.

Mr. ALLISON. This, it seems to me, is an important bill. It affects a great many people, and I should be very glad if the Senator from Nebraska would explain briefly the reasons why the rules and regulations have been modified, and why it is necessary to legislate against the modifications made in the rules and regulations of the Land Office.

Mr. VAN WYCK. I would say to my friend that the changes of administration (of which no one is more aware than himself) generally include changes of the officers, the agencies through which the laws are regulated and administered. Under previous administrations certain rules and regulations had grown up and had been controlling the entries of public lands of the United States. They had become as familiar as the laws themselves, and necessarily were virtually a part of the laws themselves. Whether those regulations were all right it is not for the committee to say, nor for the Senate at this time. Suffice it to say that there were modifications of these rules. If I had time this morning I should be very happy to explain the extent of those changes. At all events they were made, and those changes necessarily affected the entry of lands heretofore made. For instance, in the case of timber-culture entries, the law permitted an entry of a quarter-section on land devoid of timber. That law received its construction under the administration existing at the time, and by and by it was extended. There came a question as to what "devoid of timber" meant. That resulted in instructions that where along a stream, for instance, there might be a little timber grown up, that section was devoid of timber, and therefore a timber-culture entry could be made on it if there were only four or five or half a dozen straggling acres of timber. At one time the ruling was that if there was not natural timber on the section to suffice the wants of those who might occupy it, it was then devoid of timber. Consequently the settler goes on and makes his timber-culture entry and obtains instructions from the officer, who at the time is the Government, who is the law, and he says to the settler, "You may enter your quarter-section, because the Department holds that this land is devoid of timber."

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, on which the Senator from Tennessee [Mr. JACKSON] is entitled to the floor.

Mr. VAN WYCK. Mr. President, will the Senator allow us a few minutes to dispose of this bill?

Mr. JACKSON. I yield for a few moments.

Mr. VAN WYCK. Will the Senator consent that we dispose of this matter, or would he prefer that it go over?

Mr. JACKSON. How long will it occupy?

Mr. VAN WYCK. Not long. I think there is no objection to the bill. I was merely explaining the necessity of its provisions. I will only ask a few moments longer.

On the change of administration the present Commissioner of the General Land Office, examining this statute, thought it was more logical probably—and in that I do not say that he would not be right if it was an original question—to say that land devoid of timber meant denuded of timber; and therefore if there was any timber on a section, however small the quantity, it was not within the provision of the law, and could not be considered as devoid of timber. It is not intended by this bill or by this Congress to say which construction was correct. What is proposed is only that a person who, two years ago, may have entered a timber-culture claim and not have perfected his title shall not be antagonized by the ruling of the present administration, which would be unjust to him. That injustice appears manifest, because a very worthy man in the State of Nebraska had made his timber-culture entry under the rules of the Department as they existed at the time he made it, two years ago, and now that the time has come when he seeks to perfect his title he is met by the statement that the rules of the Department have been changed, and therefore an entry that was good and legal when made, by the subsequent ruling is now invalidated, because there are a few straggling trees upon this quarter-section of land.

Mr. LOGAN. I understand this is to validate such entries.

Mr. VAN WYCK. It is to confirm these entries, the same as if the rules and regulations had not been changed.

Mr. LOGAN. I will put a case to the Senator and see whether the bill covers it or not. For instance, some years ago some gentlemen, I do not know who, laid scrip—I do not remember whether Valentine scrip or not—on a part of the front of Chicago city, which was held to be public land by the then Commissioner, though worth millions of dollars. After that the rule was changed so as to prevent that scrip from taking hold of that land. What effect would this bill have on that entry?

Mr. VAN WYCK. This bill is intended to cover pre-emption, homestead, and timber-culture entries under the general land laws of the United States; but I would say to the Senator that his suggestion is very proper, as also the suggestion of the Senator from Michigan. The bill can very easily be modified so that it can not be construed to cover those cases, because it is not the intention of the committee to reach such cases.

Mr. LOGAN. I did not suppose it was. I was only asking about the effect of the bill.

Mr. VAN WYCK. I am very glad the Senator has made the suggestion. A citizen who has entered his timber-culture land when he finds himself in this position of course then says, "What am I to do? To enter a timber-culture claim now I must go 50 miles farther west, and

then when I get ready to take a patent for that claim the chances are that the Supreme Court"—and it seems the people have a very clear conception of the practices of the Supreme Court—"will have decided that I was right at first." He may say, "The chances are that when I get ready to take my patent 50 miles farther west, it will have been decided that I should have adhered to my original timber-culture claim, and thereby I should lose both."

That is one class of cases. The others arise by reason of the question whether a homestead claimant can commute his homestead into a preemption. There has been a change of ruling on that point. I merely mention that to illustrate. This bill is for the protection of all that great class of citizens. They probably would be protected by the officers in charge; but it will be a greater certainty, a greater guarantee to the individuals interested in these cases, to know that they are in any event protected in any contingency in receiving title to their lands under the law the same as they would have been entitled had the rules and regulations not been changed and modified.

Mr. ALLISON. Then I understand the new rules and regulations of which the Senator speaks had the effect to limit and to impede the settlers in their efforts to secure titles to their lands, and it is to cure those defects that this bill is proposed.

Mr. VAN WYCK. That is the intention of the bill.

Mr. LOGAN. Now I desire to make this suggestion to the Senator from Nebraska, that he insert in the bill the words "homestead and timber-culture entries," so as to make it certain that it will not apply to any other class.

Mr. PLUMB. I would suggest a better way than that. While I do not think the bill is open to the objection, I would suggest at the close the addition of a proviso that it shall not apply to entries by scrip of any kind.

Mr. LOGAN. That will do.

Mr. TELLER. The case referred to by the Senator from Illinois the bill could not possibly apply to.

Mr. LOGAN. I did not know whether it could or not. I only asked the question.

Mr. TELLER. Still it is well enough to put in a guard.

Mr. LOGAN. Referring to the old rules might not contemplate anything of that kind; therefore I thought it better to have it provided for.

Mr. VAN WYCK. I move to add to the bill:

Provided, That this act shall not apply to scrip entries of public lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DUTIES OF TREASURER OF THE UNITED STATES.

Mr. MORRILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In line 13 of said bill, after the word "of," strike out the word "the" and insert the words "every such;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Insert in lieu of the matter stricken out the words "from time to time;" and the Senate agree to the same.

JUSTIN S. MORRILL,
W. B. ALLISON,
J. R. McPHERSON,
Managers on the part of the Senate.
J. RANDOLPH TUCKER,
JOHN H. ROGERS,
JOHN W. STEWART,
Managers on the part of the House.

The report was concurred in.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send copies of certain papers.

Mr. JACKSON. Mr. President, when my remarks were interrupted yesterday by the executive session I was showing to the Senate that the demand for these papers rested upon no solid reason, because the ground that the Senate was first called upon to give its assent to Duskin's removal from office before considering the nomination of John D. Burnett for the same was utterly unfounded. I had shown that under the commission of Duskin the provisions of the tenure-of-office law had no application whatever to this case, as there was a vacancy.

Now, Mr. President, it will be admitted on all hands that whenever vacancies in office occur they should and ought to be filled promptly; that there is no power in this Government to fill those vacancies except through a nomination by the executive department and the action of the Senate thereon. Now, what is to be the result of a failure to act on this nomination? What is to follow at the close of this session of the Senate if the Senate carries out the third of these resolutions and fails to act on the nomination? A vacancy will occur during the session of the Senate. If that vacancy continues to the end of the session of the Senate, can it be filled by the President as a vacancy in recess? That is one of the questions about which there is great doubt between constitutional lawyers and writers and the decisions of the courts.

I am aware that it has been the opinion of the Attorneys-General of the United States since 1823, when the question was first decided by Mr. Wirt as Attorney-General, that the President during the recess of the Senate had the right to fill a vacancy that had occurred during the session of the Senate. That opinion was followed afterward by Mr. Taney when he was Attorney-General, by Mr. Legaré, by Mr. Mason, by Mr. Cushing, by Mr. Stanbery, by Mr. Bates, by Mr. Devens, and by our distinguished associate the Senator from New York [Mr. EVARTS]. Mr. Attorney-General Evarts gave the last opinion on the subject in the case of Gilpin. Afterward Gilpin's case went into the courts and was decided by Judge Cadwalader, of Philadelphia, one of the most eminent and distinguished of the Federal judges of this country. Judge Cadwalader reached the conclusion that on a vacancy occurring during the session of the Senate there was no power in the President to fill that vacancy in the recess of the Senate even with a temporary appointment.

That is the only judicial decision on the question that I have been able to find. The practice of the Government has, to some extent, been different under the opinions of the Attorneys-General, but the Senate has never conceded the proposition that a vacancy that had occurred during the session of the Senate could be filled in the recess. In 1813, during Mr. Madison's administration, the Senate considered the question and its committee made a report that it could not be filled by a temporary appointment. Judge Cadwalader goes fully in to that question in the Gilpin case, which Mr. Evarts had decided in August, 1868, that on a vacancy occurring during the session of the Senate the President could in vacation make a temporary appointment. I only read one of the authorities, and I do it on this branch of the subject simply to show the difficulties that are likely to arise in case the Senate pursues its determination not to act on such nominations.

Mr. Pomeroy, in discussing that very question, says:

The power to fill vacancies during the recess, by appointments which shall last to the close of the next session, extends by the express terms of the Constitution only to those which happen during a recess. All which happened during a session must be filled during the session, or they can not be filled at all and the nomination must be filled by the Senate. If language can express any thought, it is clear that a vacancy must not have commenced during a session and have extended into the recess. There is, therefore, a plain check upon removals by the President during a session, for he can not fill vacancies thus created, without consulting the Senate.

By the determination of the Senate in this case and in similar cases we are saying that we will have a vacancy which the President can not fill in the recess, or at least forcing a case which is doubtful, which is controverted, and which in the only decision that I can find on the question is decided against the right of the Executive to make such an appointment during recess. Judge Cadwalader in that very Gilpin case decides as follows:

The term for which the incumbent of an office, whose duration was limited by law, had been appointed by the President with the concurrence of the Senate, expired when the Senate was in session. No appointment in which the Senate concurred was made at that session and the President, in the ensuing recess, appointed another person to the office by a commission to expire at the end of the next session of the Senate. It seems that the former incumbent's term was not extended by the tenure-of-office act of 2d March, 1867, and that the subsequent appointment could not constitutionally take effect, the vacancy not having happened during a recess of the Senate.

That is, I say, a doubtful question on the practice of the Government, on the language of the Constitution, on the opinions of the Attorneys-General, and on these decisions, and yet that is to be forced upon us because papers that are not material, that are wholly irrelevant to the case before us and wholly irrelevant for any purpose here, are not supplied.

Mr. President, is this in the line of that calm and orderly administration of constitutional government for which the Senator from Vermont stood here and plead with so much earnestness the other day? Is it in the line of a calm and orderly administration of government to allow vacancies in office to remain unfilled and to let the session close and have these troublesome questions raised and to be raised in the recess of the Senate? No, sir; we were brought into this controversy, the whole question is brought here simply for political purposes and to make the occasion for an attack on the administration and to obstruct it in the exercise of its constitutional function.

But let us pass on and suppose that this Duskin case did come within the tenure-of-office act at the commencement of this controversy on the 26th of December, 1885, when the Committee on the Judiciary first requested the papers and information relating to his suspension. Suppose that it was still within the provision of that law on the 25th of January, 1886, when the Senate made its demand upon the Attorney-General for all papers and documents filed in the Department of Justice between the 1st of January, 1885, and the 25th of January, 1886, in relation to the mangement and conduct of the office of the United States

district attorney for the southern district of Alabama, or that his original term had extended beyond the present session of the Senate, is it then true, as asserted by Senators on the other side of the Chamber who have spoken on this subject, that he would be restored to the office at the end of this session? If such is the case, how is that result to be accomplished except by the neglect and refusal of the Senate to act upon or by its arbitrary rejection of the nomination sent here by the President?

Is the Senate prepared to avow that it should or will neglect or disregard its duty under the law, of acting upon nominations which the Executive is authorized to make in order to effect such a restoration to office, and thus force upon an unwilling Executive an officer whose services are not desired or deemed conducive to the public interest? That is the proposition we have before us. The proposition that the suspended officer will be reinstated at the close of the session is a mere implication from a doubtful if not unwarranted construction of the statute.

To clearly understand the present law it should and must be considered in connection with the repealed sections 1 and 2 of the original act of March 2, 1867. I read sections 1 and 2 of the tenure-of-office act of 1867, which were repealed in 1869:

Be it enacted, &c., That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

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By an examination of the first section it will be noticed that it embraces every civil officer appointed by and with the consent of the Senate except the heads of the Departments; that all such officers are only removable at the pleasure or will of the Senate; that they are given an indefinite tenure of office dependent upon Senatorial consent to their removal. It extends to all, whether they have a statutory term or not.

Mr. GEORGE. That is the act of 1867?

Mr. JACKSON. That is the act of 1867 on which I am making a running comment for the moment.

The second section provides that the President can only suspend for incapacity, crime, misconduct in office, and so on, temporarily until he can make his report to the Senate and get the Senate's consent to the suspension and removal of that officer. He reports his act, and the Senate act upon the suspension in that case. They report to the President their consent to his suspension and to the removal of the officer whom he has suspended. The Senate acted under that law upon the suspension and upon the removal, and the President was not authorized to remove until the Senate gave its consent. If the Senate failed to concur in the suspension or refused to give its consent to the removal of the officer under that section of the original act, he was immediately reinstated to the office.

I now read the amended sections 1 and 2 under the act of the 5th of April, 1869. Those sections are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sections of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, be, and the same are hereby, repealed; and in lieu of said repealed sections the following are hereby enacted:

That every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 2. *And be it further enacted*, That during any recess of the Senate the President is hereby empowered, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the United States courts, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion by the designation of another, to perform the duties of such suspended officer in the mean time; and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the suspended officer, and shall, during the time he performs his duties, be entitled to the salary and emoluments of such office, no part of which shall belong to the officer suspended; and it shall be the duty of the President within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

What changes were made? The first section of the act of 1869, now carried into the Revised Statutes as section 1767, is limited and confined to officers holding by a definite tenure of office—by a statutory term its language being, "Who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided."

Then the second section gives to the President a full discretionary power of suspension and the right to make a temporary appointment, but within thirty days after the commencement of the next session he is to make his nomination for that office, and if that is not acted upon or rejected then the law provides in express terms that he shall make another and another nomination for the office.

How was this act intended and understood and construed at the time of its passage in amending the act repealing the original act of 1867? It is made the legal duty of the President not only to nominate under the amended act of April 5, 1869, but it is made the legal duty and obligation of the Senate to act upon that nomination. The Senate by an amendment to the repealing act of 1869 insisted upon incorporating this provision:

That if the Senate shall refuse by vote to assent to his suspension, then, and not otherwise, such officer at the end of the session shall be entitled to resume the possession of the office from which he was suspended, and afterward to discharge its duties and receive the emoluments as though no such suspension had taken place.

This would have given to the suspended officer, in case of non-action upon the nomination sent to the Senate, the right to be returned or reinstated in his office at the close of the session, but it was stricken out by the conference committee of the two Houses, and they reported the section with this in lieu:

Then, and not otherwise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

Thus leaving the statute as it is now found in sections 1767 and 1768, Revised Statutes.

The very provision that the Senators on the other side insist upon, the right to have a suspended officer reinstated at the end of the session, was attempted to be secured by the Senate and was stricken out by the conference committees of the two Houses. Yet we are now to infer, we are now to imply, we are now to make a construction of the statute which by implication will give a right which was expressly denied and stricken out in the passage of the act. How can we make an implication in the face of such a provision as that stricken out when it was sought to be incorporated and made a part of the act itself? I know of no rule of construction by which that can be done.

In this connection I desire to call attention to various statements by the distinguished lawyers of the House of Representatives in 1869, explaining how they understood the act and what was the intention in passing it. I shall read a few extracts from the statements of Mr. Bingham, Mr. Butler, Mr. Banks, Mr. Poland, and our distinguished colleague, Senator LOGAN, of Illinois. They all construe the act as making the suspension an actual removal or as equivalent to it:

Mr. DAVIS. Does the first section of the Senate amendment remain untouched, according to the report of the committee of conference?

Mr. BINGHAM. It does. But the first and second sections of the tenure-of-office law are wholly repealed, and there is inserted in lieu of those sections the first section of the amendment of the Senate and the second section as amended by the conference committee. In other words, the limitations upon the power of the Executive imposed by the first and second sections of the original tenure-of-office act are wholly repealed.

Mr. DAVIS. And the whole principle involved in the act, which is whether or not the Senate has the power of removal, is left untouched?

Mr. BINGHAM. I claim that the word "removal" and the word "suspension," as used in the amendment of the Senate, are synonyms.

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Mr. DAVIS. That is the opinion of the gentleman as a lawyer of the effect of this section as proposed to be amended by the report of the committee of conference?

Mr. BINGHAM. That is precisely my opinion. The effect of striking out the restoring clause of the Senate amendment is to leave with the President, under the limitations of law, all the power that was ever claimed for the President under the Constitution of the United States, to wit: To take away from an officer appointed by and with the advice and consent of the Senate the power to control the office corruptly against the interests of the United States. But this power of the President is put in the form of an act of suspension; and having made the suspension the President must report that fact, together with the nomination of a person to exercise the duties of the suspended officer, to the Senate within thirty days after the commencement of its next session. If the Senate agree to the appointment, then the old officer is gone and there is the end of him. If the Senate shall not agree to the appointment, then the President is required, as soon as practicable, to nominate to the same session of the Senate another person to fill the office. If the Senate shall agree to the new nomination of the President, then the office becomes filled; if the Senate shall not agree, but shall adjourn without such agreement, the office will be vacant.

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* * * And now, Mr. Speaker, as to the suggested obscurity of the measure. There will be no difficulty in the world when the record is made up in understanding precisely the extent to which the tenure-of-office act of March 2, 1867, has been repealed and amended. The general principle, however, of legislative power over the mode and manner of suspending civil officers in this Government is still retained upon the statute-book, where I suppose it will remain. I now return the floor to the chairman of the committee of conference, thanking him for his courtesy.

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Mr. BUTLER, of Massachusetts. * * * Now, the amendment agreed to by the committee of conference strikes out all that gives the Senate power to reinstate a suspended officer, but provides that where the Senate refuse to concur in the nomination of a person in the place of the suspended officer, then the President shall send in another nomination. This leaves the effect of the constitutional provision and of the other section of the act just this: That if the President does not send in a satisfactory nomination, then the place remains vacant at the end of the session, precisely as it is now under the Constitution, independent of the tenure-of-office law, with the power in the President to again suspend the objectionable officer, if the construction is not as it is claimed, that the office then is in abeyance, or vacant, which is the same thing.

In other words, as I understand this, it is practically only the substitution of a power of suspension instead of a power of removal with all the effect of a power of removal, supposing the tenure-of-office law was not in existence. I should have preferred to have arrived at the like result which this amendment does by the shorter way of repealing the tenure-of-office law, and I am free to say that I think this amendment upon the question of removal and reinstatement of officers leaves the tenure-of-office act as though it never had been passed so far as the power of the President over the executive officers is concerned.

The first section of the amendment to which my attention is called by my colleague [Mr. Banks] of course leaves the power over removal in terms as it stands in the tenure bill. But the second section substitutes the power of suspension. The contest between the Senate and the House in that matter is upon the difference between the power of suspension and the power of removal, suspension having in effect all the incidents that removal has. That is all the difference. In its practical workings it is a difference in name in my judgment, and upon a difference in name I think the two Houses ought not to divide in a matter of this importance. That is to say, the first section says an officer shall not be removed without the advice and consent of the Senate; but the second section says he may be suspended and another man put in his place, and in case the other man is satisfactory to the Senate, then the officer is removed and the substitute becomes the officer; but in case the substitute is not satisfactory to the Senate, then the place becomes vacant and the officer is removed in that way.

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Mr. BUTLER, of Massachusetts. He is suspended until the end of the next session of the Senate, and in case the office is not filled then, the third section of the tenure-of-office law comes in and says that the office in the cases enumerated shall remain in abeyance and that the chief deputy officer shall perform the duties of the office. The amendment must be read in connection with the law in order to understand it rightly. In legal language the amendment admits the power of the Senate over removals. It substitutes suspension for removal, but the practical effect of suspension is the same as removal.

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Mr. BANKS. I want to state what I understand to be the effect of this report of the committee of conference, in order that I may be corrected if I am wrong. By the first section, if the President makes a removal of an officer, calling it a removal, and the Senate refuse to confirm the nomination for his successor, then the officer who has been removed is restored. But if the President removes an officer, calling it a suspension, and the Senate refuse to confirm the nomination made in place of the suspended officer, then the suspended officer is not restored, but it is made the duty of the President to make another nomination as soon as practicable, and the suspended officer is at no time restored.

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Mr. BINGHAM. * * * Mr. Speaker, the gentleman understands very well that the words "at discretion" incorporated in the law of the country conclude courts and conclude every other department of the Government. It was so settled fifty years ago, I believe, in a case arising in the gentleman's own State, under the act of 1793, where the Executive had power at his direction to call out the militia. It was there held that his exercise of that power under the statute of the United States concluded the courts, although it took the citizen away from his home, placed him under arms, and exposed him to the dangers and trials of battle, and denied him the privilege of the writ of habeas corpus; that there was no tribunal on earth that could challenge his action under the law which authorized him to exercise the power "at his discretion."

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Mr. POLAND. * * * I understand that the difference between the report of the committee of conference and what is claimed on the part of my Democratic friends is merely this: they say the Constitution gives to the President absolute and unlimited power of removal which Congress or the Senate have no check upon whatever. The report of the committee of conference purports to be a grant of power from Congress to the President of precisely the same thing. Inasmuch as we attempt to give this power to the President, by a kind of implication, it would appear that it was ours to give. So by this report of the committee of conference we surrender everything of principle contained in the tenure-of-office law; and it purports to be a surrender. Therefore I desire every Republican who wishes to maintain the principle of the tenure-of-office law and that there should be a check upon the power of removal, a power reserved in the Senate to say to the President, "You shall not without any cause turn out this man," to vote against the report made by this committee.

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Mr. LOGAN. * * * Now, sir, the conference committee, whether because that point was made or not makes no difference to me, have stricken from the bill that which was obnoxious. It relieves the bill of that portion which clearly to my mind was unconstitutional. What have they left? They have left the shadow of the substance and nothing more. Although I should prefer a bill of two lines: "*Be it enacted*, &c., That the civil tenure-of-office law, approved at such a date, is hereby repealed," although I would have approved that, yet, inasmuch as the Senate have some pride of opinion, and the House have some pride of opinion, and the Republican portion of the House are divided in reference to this question, and the Senate and House had chosen a committee of members representing both sides of that question, I am willing to vote for the report which they have made. In their agreement they have done, in my judgment, what I would have done, except they have employed different language from that which I would have employed. I would have said "repealed," but they have said in a great many words what amounts to the same thing.

With the permission of the gentleman from Massachusetts, I will add one other word. The first and second sections of the tenure-of-office law are repealed. The third section stands with an amendment to it. The third section following this provision reported by the committee provides that the President may suspend from office, and if the Senate confirm the nomination of the President, the office is filled; if not, the office becomes vacant.

I desire to call the attention of the Senate to the fact that President Grant in enforcing the act in its amended form indiscriminately sent messages here of suspension and removal, making no distinction between them. At least one-third, I believe, of the nominations that President Grant made were on removals, using the terms "removal" and "suspension" as synonymous. Sometimes he would send in a nomination for a position, "vice Marshall B. Blake," for instance, "to be removed." Then the nomination sent to the Senate would be in place of So-and-so, "removed." I append two such messages under date of January, 1870:

To the Senate of the United States:

I nominate Munson H. Treadwell to be collector of internal revenue, seventh district of New York, *vice* Marshall B. Blake, to be removed.

U. S. GRANT.

WASHINGTON, D. C., *January* 12, 1870.

To the Senate of the United States:

I nominate William Forbes to be deputy postmaster at Macon City, in the County of Macon and State of Missouri, in place of D. C. McKay, removed.

U. S. GRANT.

WASHINGTON, D. C., *January* 17, 1870.

Mr. EDMUNDS. May I ask the Senator a question, Mr. President?

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Tennessee yield to the Senator from Vermont?

Mr. JACKSON. Yes, sir.

Mr. EDMUNDS. I wish to ask him whether any of those messages that say "removed" were in respect of persons of whom the President took action in vacation or during a session of the Senate?

Mr. JACKSON. I infer from the dates that they were during the session of the Senate.

Mr. EDMUNDS. Yes; and may I add a word to my friend, with his permission?

Mr. JACKSON. However, I should have to look in order to see whether the Senate was in session; from the date I would infer that the Senate was in session.

Mr. EDMUNDS. I think that is probable. Will my friend allow me to add a word?

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. JACKSON. Certainly.

Mr. EDMUNDS. I wish to call to his attention, because I know his perfect candor, and fairness, and desire to do right, the circumstance that during the time of Mr. Hayes, President of the United States, similar messages came to the Senate, and the Senate adopted a resolution calling on the President of the United States to inform the Senate whether that form of nomination implied that the President had undertaken to remove the officer, or what, and the reply of President Hayes was (and it is in the Journals of the Senate; I can give a reference of it to my friend) that it was an old form used, but it did not imply anything of that kind; that it only meant that the person was removed if the Senate consented to the removal. That is historical, and I thought it right to call the attention of the Senator to it.

Mr. JACKSON. I am obliged to the Senator from Vermont. I was not familiar with that fact. I only called attention to these cases from General Grant which followed almost immediately after the passage of the law to show how the administration then construed it. It may be regarded as a contemporaneous construction by the administration, the Senate assenting to it and acting upon the nominations then without question, he treating suspension and removal as the same thing.

Mr. EDMUNDS. Oh, no.

Mr. JACKSON. Well, by the form of the nominations, or on the face of the nominations the fact appears. All I can judge by is the face of the nominations, and fully a third are made in that form.

But, Mr. President, what becomes of another class of cases? The first section of the amended act of 1869 clearly covers, and covers only, the cases of offices having definite terms. It does not cover the case of on officer having no tenure of office. What becomes of a suspended officer such as a collector of internal revenue? Is he, without a definite term and not provided for by the law, to be treated as restored at the end of the session? If so, for what time, and for what term? There is nothing in the law to warrant the implication that such an officer would go back.

But, Mr. President, looking at the second section of the amended act, or as carried into the Revised Statutes at section 1768, by the express provisions of this statute it is made the duty of the Senate to act upon the President's nominations submitted under and in pursuance of the law, and either advise and consent to their appointment or refuse it. No suggestion or intimation is made in the law now in force that the Senate is first to consider and determine the question as to whether it will give its assent to the removal of a suspended officer. That was expressly provided for by section 2 of the original act; but that provision being directly repealed by the act of 1869, no such duty can now devolve upon the Senate by construction or implication. Still Senators on the other side attempt to so interpret the law as to make it the duty of the Senate to assent or dissent to such removal before obeying the positive and affirmative duty of acting upon the nomination as plainly and distinctly directed by the statute.

An express requirement to consider and act upon the nomination is

thus subordinated and made secondary to the implied right of passing upon the question of removal. On an implication more or less doubtful, if not wholly unwarranted, that the suspended officer may be restored to the office at the close of the session if his term has not then expired, upon the contingency of the Senate's failure or neglect to consent to any appointment during the session, there is deduced the right on the part of the Senate of first determining whether it will assent to the removal at all, and on such implication it proposes to justify itself in making the very contingency for that restoration by neglecting to perform the affirmative and positive duty imposed upon it by the law of considering and acting upon the nominations made by the President under the express direction of the statute.

Thus the implied right of assenting or dissenting to the removal, if it in fact exists, is raised above the positive requirement of the law to consider and act upon the nomination in order that the event may happen on which the suspended officer may be again forced upon the administration. If the suspended officer is ever restored to office it can only be done by the refusal of the Senate to obey the law by acting upon the President's nomination, which he is authorized to make and to continue to make until one satisfactory to the Senate is presented.

But I shall not detain the Senate longer on this question, which has been so fully considered and covered. I see nothing in this but an attempt to encroach upon the functions and rights of the Executive or to obstruct him in an administration which he is attempting to make in the line of reform. No President for the past half century of our Government has ever acted with more moderation, none has acted with a more conscientious regard for the public interest, and yet at the very outset of his administration he is obstructed in this way, and on grounds that are wholly unwarranted. He may well appeal from the Senate to the country, for the country will sustain him in his action.

The PRESIDING OFFICER. The question before the Senate is on an amendment to the resolution. Is the Senate ready for the question?

Several SENATORS. "Vote." "Vote."

Mr. GEORGE. The Senator from Oregon [Mr. MITCHELL], who I see is not in his seat, informed me that he desired to address the Senate at the close of the remarks made by the Senator from Tennessee [Mr. JACKSON]. I presume, as he is not in his seat, that it is my duty to go on now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. GEORGE Mr. President, the American Senate is to-day, as it has been for some weeks, engaged in the consideration of questions of great moment to the American people; involving, as I believe, a claim on our part to a supremacy and even mastery over a co-ordinate and independent department of the Government, so ordained and established by the Constitution itself. We, the Senate of the United States, the most aristocratic and least responsible to the people of all in the legislative and executive departments, holding our offices for a longer term and receiving them not directly from the people, but at second-hand through representatives and agents who, in too many instances, are found in numbers small indeed as compared to the whole, but sufficiently large to control elections, utterly oblivious to the people's will.

The great men who framed the Constitution and the people of the several States who ratified it provided for three separate, independent, and co-ordinate departments of the Government, to each of which were delegated separate and distinct powers, to be exercised by it for the common good, according to its own judgment and on its own responsibility, as fixed in the Constitution. No part of the scheme of the Constitution was deemed more important or more essential than this separation of powers in equal and independent departments and the preservation of this equality and independence in each from encroachments and usurpation by the others. Though this is a maxim in American politics and needs no elaboration or defense, I hope I may be pardoned for reading, in illustration of it, a short extract from a great authority—the Supreme Court of the United States. I read from the opinion of the court in Kilbourn *vs.* Thompson (103 United States Reports, page 190, 191):

> It is believed to be one of the chief merits of the American system of written constitutional law, that all the powers intrusted to the Government, whether State or National, are divided into the three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other. To these general propositions there are in the Constitution of the United States some important exceptions. One of these is, that the President is so far made a part of the legislative power that his assent is required to the enactment of all statutes and resolutions of Congress.
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> In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision, and in bold lines, in its three primary articles, the allotment of power to the executive, the legislative, and the judicial departments of the Government. It also remains true, as a general rule, that the powers confided by the Constitution to one of these departments can not be exercised by another.

It is true, Mr. President, that the framers of the Constitution provided, in several instances, for an intermingling of these powers, as the veto of the President to acts of legislation, the trying of impeachments by the Senate, and the requiring of the advice and consent of the Senate as a restriction on the power of the President to make appointments to office and to conclude treaties with foreign powers. But in these exceptional instances of intermingling of powers the jurisdiction of the body or officer receiving the alien power was carefully defined and limited. No general right to exercise the power was granted, but in every instance the manner of its exercise and the circumstances under which it was to be exercised and the effect of its exercise were carefully limited and defined.

Thus the veto power of the President must be exercised within ten days after the bill has reached him. It must also be accompanied by the reasons of the President in writing, and these must be communicated to the House in which the bill originated. A neglect to reduce the objections to writing, or, when written, a failure to send them to the proper House within the time limited, would make the attempted veto void. So, in case of the trial of impeachments by the Senate, it is prescribed that the Senators should be under oath or affirmation; that the concurrence of two-thirds of the Senators present shall be necessary to a conviction, and that the punishment shall not extend beyond removal from office and disqualification to hold office. A trial and conviction without the observance of these provisions would be void, and a judgment beyond that prescribed in the Constitution is a nullity. So, in the sixth clause of section 1, Article II, where an extraordinary power is conferred on Congress to provide for a vacancy or interregnum in both the offices of President and Vice-President, Congress is authorized, not generally, in any mode they may see proper, as by election by one or both Houses, but only by law, to declare, not whoever they willed, not any citizen whom they preferred, but only what "officer" of the United States should act.

So careful, Mr. President, were the framers of the Constitution in every instance in which they permitted a mingling of the powers of the departments, or conferred extraordinary powers on one, to stamp such intermingling or grant as exceptional, and to limit it with precision to the very case permitted. These exceptions, thus carefully limited and defined, add force and weight to the consideration that by construction merely no encroachment on the powers of one department by another should be tolerated.

Applying the rule thus established to the construction of the powers of this body in reference to the appointment of officers, its exact limit can be easily traced. That in giving advice and consent to appointments we do not exercise a legislative power is clear, for by Article I, section 1, of the Constitution it is ordained that "all"—not a part, but all—"legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Legislative power is vested not in the Senate or House separately, but in a Congress composed of both Houses, and therefore vested in both Houses. Besides, legislative power is a power to make laws, not a power to select agents to execute them. The power to appoint to office is clearly under the Constitution an executive power, and is so recognized by the Supreme Court in the case from which I have quoted. But I am bound to establish only that it is not legislative to bring it within the category of being a special and limited jurisdiction outside of the general powers granted to the Senate by the Constitution, and therefore to be confined strictly to the case mentioned in the Constitution.

The power there granted is to give or refuse advice and consent to a nomination made by the President of a person whom he proposes to appoint to office. This is all of it—no more, no less. The Constitution makes no express mention of a power of removal from office except by impeachment. Whether it results to the President as a part of the undefined executive power vested by the Constitution, or is embraced in the power to see that the laws are faithfully executed as a necessary means to perform that duty, as was decided in the First Congress, or comes as an incident to the power to make appointments, or, according to the Senator from Vermont, comes from a grant by Congress to the President, is, though not the main, yet an important issue in this discussion; the main question being not as to the source of the power of the President, but as to the power of the Senate in respect to removals from office. Whatever may be the source of this power of the President, it is disputed by no one that he possesses the power of removal; it is so confessed in the report of the Judiciary Committee and in the resolutions which they recommend for our adoption. To dispute it successfully is to blot out the constitutional history of the Union from the commencement to the present day.

It will justify the time spent to inquire what the fathers of the Republic, what all the Presidents and all the Congresses up to the year 1867, thought as to the source of the power of the President and its nature and extent.

In the First Congress a bill was reported to create a department of foreign affairs. The first clause of this bill (I quote from the Annals of Congress, volume 1, page 455), after recapitulating the officer and his duties, had these words: "To be removable from office by the President of the United States." It was moved to strike this clause out upon the ground, mainly, that the Senate ought to be joined in

the act of removal. It was developed in the debate that those who favored the retention of the clause generally agreed in the construction that the Constitution conferred on the President the power to remove, and it was feared by the friends of the power that if this clause was allowed to stand it would be construed as a grant by Congress to the President of a power which he already had under the Constitution.

So Mr. Benson, of New York, moved to amend the second clause of the bill providing for a chief clerk so it should read that he, "whenever the said principal officer [the Secretary] shall be removed from office by the President of the United States, or in any other case of vacancy," shall have custody of the papers, books of the Department, &c. Mr. Benson distinctly declared his purpose in offering the amendment to be to get a legislative construction of the Constitution to the effect that the President had by that instrument the absolute power of removal; and that if his amendment was adopted he would vote to strike the words I have quoted from the first clause of the bill, because they implied that Congress could grant such a power to the President. On this amendment a great debate ensued. Mr. Madison and many other of the most eminent men of that Congress supported Mr. Benson's amendment for the reason stated by him, that it was a legislative construction of the Constitution that the President had the power of removal. No other reason was given in favor of making the amendment, and it was opposed on that ground. It was finally adopted on that ground, and on that ground alone.

Mr. Madison himself seconded the motion of Mr. Benson to substitute words plainly recognizing this power of the President, and declared that the words proposed to be stricken out "certainly might be construed to imply a legislative grant of power;" that "he wished everything like ambiguity expunged and the sense of the House explicitly declared." He further said that "gentlemen all along proceeded on the idea that the Constitution vests the power in the President. * * * Now, as the words proposed by the gentleman from New York [Mr. Benson] expressed to his mind the meaning of the Constitution, he should favor them and would agree to strike out those agreed to in committee."

Objection was made that the House had no constitutional power to make this declaration as to the meaning of the Constitution, and that the mode adopted was indirect and unmanly. Mr. Madison proposed that gentlemen favoring the position that the Senate ought to be joined with the President in making removals should offer an amendment expressly declaring that the removal should be by the President, "by and with the advice and consent of the Senate." This proposition no opponent of the President's sole power would accept. No man was willing to offer such an amendment, and so the vote was taken on the amendment of Mr. Benson, 30 voting for it and only 18 against it. (See Annals of Congress, volume 1, pages 578 to 580.)

The provision in the first clause, which it was feared would give by implication support to the view that Congress could confer such power, was then stricken from the bill. This great debate has been so fully set out in the very able and conclusive report of the minority of the Judiciary Committee that no further reference need be made to it. Suffice it to say that in the First Congress, with the unhesitating and able advocacy of Mr. Madison and the other great men who composed that body, including the illustrious name of Fisher Ames, this construction was deliberately placed on the Constitution, and it was then sanctioned by Washington. The bill was passed as thus amended and approved by General Washington. It is due to the truth of history, however, to say that the Senate, sitting then wholly, as it does now occasionally, with closed doors, many members of it then, as now, unwilling to yield any power which it could plausibly grasp, was equally divided on the question, and the bill as amended was only saved by the casting vote of John Adams, then Vice-President.

This act was passed on July 27, 1789. In ten days thereafter the First Congress, with the approval of the first President, established the War Department, and in this act the exact language above quoted as the amendment of Mr. Benson was used in the same connection and for the same purpose—reaffirming this construction of the Constitution. (See United States Statutes at Large, volume 1, pages 49, 50.) On September 2 of same year, the act was passed establishing the Treasury Department, containing exactly the same language and introduced for the same purpose. (See United States Statutes at Large, volume 1, pages 65–67.)

After this authoritative exposition of the Constitution, declaring the power of removal to be vested by that instrument in the President alone, and rejecting the claim made that the Senate was or could be joined in the act, thus solemnly made in identically the same language in these three distinct and separate acts of Congress, all approved by Washington, that body, deeming that matter as finally settled, proceeded to pass other acts, in some of them making no mention whatever of removals and in others declaring that removals might be made at pleasure, without naming or declaring at whose pleasure and by whose agency. They left this to the Constitution, the meaning of which had been so firmly fixed and settled as to render it unnecessary to make further express declaration on that subject.

I note some of these: In the judiciary act passed at the same session an Attorney-General was provided for, and no mention was made of removal, it being understood then that it was settled that the power of removal was in the President, and the same is true of the district attorneys provided for in the act. This is made, if possible, more evident by the provision in the same act for the appointment of marshals, whose term of office was declared to be four years, "but," I quote the language, "shall be removable at pleasure," without stating by whom, leaving it in the President, where the Constitution had placed it, as declared by that Congress.

I may here remark that I do not discover in the acts of the earlier Congresses any provision made for removal; but in the three first great acts to which I have alluded, except where the act provided a specified term for the officer and then a provision for removal was inserted in order to exclude a conclusion, for fear that by Congress providing that the officer should hold his term for four years, unless there was some provision recognizing the power of removal, it might be considered that Congress had denied it for that time. That was the reason why with reference to marshals in the judiciary act a provision for removal was inserted, the term of those officers being fixed at four years, when with reference to district attorneys, provided for in the same act, there was no provision for removal.

No permanent act was passed in reference to the Post-Office Department for several years, the Congress merely continuing in force that establishment as it existed under the Confederation. On February 20, 1792 (United States Statutes at Large, volume 1, page 232), an act was passed on this subject, and no mention whatever was made about removals, that matter being left as it was fixed by the Constitution.

On March 2, 1799 (United States Statutes at Large, volume 1, page 733), another act was passed on this subject, in which it was provided "that in case of death, resignation, or removal from office of the Postmaster-General all his duties shall be performed by the assistant." Here again power of removal in the President, as a grant from the Constitution, is affirmed, as removal alone is mentioned, without stating the agency by which it was to be made. And the same thing was repeated in the same words by an act passed April 30, 1810. (United States Statutes at Large, volume 2, page 592.)

On April 30, 1798 (United States Statutes at Large, volume 1, page 553), the Navy Department was established, and in that act it was provided that the chief clerk should take charge of the books, &c., "in case of a vacancy in the office of Secretary, by removal or otherwise." Here again Congress expressly recognized the settled construction of the Constitution, of the power of the President to remove, by a failure to state by whom the removal was to be made.

On May 15, 1820, an act was passed declaring that district attorneys, collectors of customs, navy agents, receivers of public moneys for lands, registers of land offices, paymasters in the Army, apothecary-general and assistant apothecaries-general, and commissary-general, "shall be appointed for four years, but shall be removable at pleasure," without mentioning by whom or at whose pleasure the removal should be made. (See United States Statutes at Large, volume 3, page 582.)

Up to and including this date there had not been a single act passed by Congress which pretended even to confer on the President the power of removal. In every one, so far as my researches extend, provisions were either expressly made for the purpose of recognizing that power in the President as coming from the Constitution, and for the purpose of negativing the idea that Congress would or could confer such power, or the same construction was tacitly yet unequivocally affirmed.

In the first three acts, establishing the three great Departments of State, War, and Treasury, the language, as has been shown, was expressly and avowedly selected to fix and determine the constitutional power of the President to make removals. This was not done in silence or by accident, but after long and able debate and full consideration. In subsequent acts of Congress up to 1867 this same construction is uniformly recognized.

If this construction thus solemnly and deliberately made, sanctioned and acted on in practice from the beginning to the year 1867, be correct, then there is no ground for the pretension of the Senate to participate in removals, and, having no such right, it is beyond controversy that the Senate has no power to make the demand for the ground on which removals or suspensions are made. And I believe it is admitted in the report of the Judiciary Committee that this result follows.

This is the crucial point in this controversy, and so Senators claiming this power for the Senate, seeing this, have undertaken to call in question this construction. This has been done both in 1869 in the debate on the bill to repeal the tenure-of-office act of 1867 and during this debate. Senators have rejected this constitutional construction and asserted that the power of removal in the President was not a constitutional power, but was conferred by statute law. This is the very thing which Mr. Madison and his compatriots in the First Congress denied, and, by the amendment of Mr. Benson, thought they had settled forever. In this they were mistaken, forgetting the love of power in the human breast and the persistency with which the claim for power though often rejected would again and again be presented. In the debate in 1869 Mr. Morton charged that the Senator from Vermont [Mr. EDMUNDS] "was willing to suspend the law (the act of 1867) and allow the Presi-

dent to remove unconstitutionally the appointees of Mr. Johnson, but when he has had reasonable time to perform that duty the law is to come back and place its restraint upon his power."

The Senator from Vermont, interrupting Mr. Morton, said his position was misstated, because he had always "maintained that this is a subject of legislative power; that it does not belong to the President by the Constitution; but that it belongs to the law; that if we suspend the act * * * we merely remit him (the President) to the act of 1820, and all other acts that have provided for these officers, which expressly declare that he may remove them." (See Congressional Globe, first session Forty-first Congress, page 114.) And the Senator from Vermont again in his speech on the 9th of this month, criticising the minority report presented by the Senator from Alabama [Mr. PUGH], and expressing some difficulty in understanding it, said:

Perhaps what they meant to say was that it had not been done in cases where the President of the United States had made a removal in the exercise of authority conferred upon him by law, for I believe every law, or nearly every law, down to 1867 in creating offices provided that they should be held at the pleasure of the President of the United States. Even the four-year-office act required that the incumbents should hold their offices for four years, unless sooner removed by the President of the United States.

Mr. President, this remarkable statement made by so eminent an authority justified the pains I have taken to refute it.

No act of Congress passed prior to 1867 ever assumed to confer on the President a power, recognized and admitted from the beginning of the Government down, uniformly and without exception, as already possessed by him under grant from the common master of us all, the people of the United States through the Constitution. Many of these acts, as I have shown, expressly recognized that this power was in the President by constitutional grant, and many others proceeded silently on the assumption that this power was so clearly conferred and so universally recognized as conferred, that no express reaffirmation of it was needed. On any other hypothesis some of these acts would be absurd and unmeaning in stating that the officers named in them were removable at pleasure, without stating at whose pleasure and by whose agency. Such acts are imperfect and incapable of execution except upon the theory that there was another law in existence, which was known and recognized by all, which fixed the agency of removal and named the person at whose pleasure removal was to be made. Such a law was in existence, but it was not an act or statute of Congress, but the Constitution, the supreme law of the land.

In that the Senator from Vermont was wholly mistaken. I say, in opposition to his assertion, that, so far as I have been able to find the various acts, not a single one of them, much less all of them, as he asserted, passed prior to the year 1867 conferred or attempted to confer upon the President the power of removal. In the very act which he mentioned, the act of 1820, as conferring upon the President power to remove the officers named in it at his pleasure, there is no mention of the President. It is a mere declaration that the officers shall hold their offices at pleasure. At whose pleasure? You can not find it in the act, and you can not find it in any other act passed prior to that time. You are remitted to some law to ascertain at whose pleasure and by whose agency this removal should be made.

Can the Senator from Vermont find any other source for the "removal at pleasure" spoken of in the act of 1820? To what law will he refer to ascertain this source, except to the Constitution, and that alone?

This omission, after the construction of the Constitution had become fixed as to the President's power of removal, was in exact accord with the action of Congress in various acts passed, to omit all mention of the power which was to make appointments, except only when Congress vested, under the power conferred by the Constitution, the appointment of inferior officers in the heads of Departments. Wherever the appointment was to be made by the President under his constitutional power, then the statute was silent as to who was to appoint, referring to the Constitution to settle this.

In the act creating the Executive Departments no provision is made for the appointment of the Secretary or head, except to say, "There shall be a Secretary, or there shall be a principal officer," &c. So in the judiciary act, in which provision was made for the appointment of the Supreme Judges and the district judges, Attorney-General, district attorneys, and marshals, nothing is said as to who shall appoint them, referring to the Constitution for that. In the same act it is provided that marshals shall be removable at pleasure, with no statement as to who was to remove; and thus in the same act follow the same rule in reference both to appointments and removals, leaving both to the Constitution, which vested these powers in the President.

I have noted some twelve or fourteen other acts of Congress, including the First Congress, down to 1867, in which the same course is pursued as in the ones which I have mentioned. In many an office is created without stating that the officer should be removed at all; and yet every President uniformly removed such officers at his pleasure. In others, when removal is mentioned, there is no agent mentioned by whom the removal is to be made, leaving that as it was fixed by the First Congress in the three great acts to which I have called the attention of the Senate.

Congress seems to have proceeded to a very large extent, after the passage of these three great acts, on the idea that having settled it they need make no mention of either how an officer was to be appointed or how he was to be removed. In the three great acts to which I have alluded there is no reference as to how the officers shall be appointed. There is a mere statement that there should be a principal officer or secretary in the office, and afterward, all along through, with some few exceptions, to one of which I shall call the attention of the Senate, the statement is that there shall be such and such an officer, without stating how he shall be appointed or how he shall be removed; and yet those officers were regularly appointed under the Constitution by the President, and regularly removed under the Constitution by him.

A notable exception to this will be found in the act passed August 7, 1789, providing for the government of the Northwest Territory. (1 United States Statutes at Large, page 50.) In that act it was decided to continue in force the ordinance of 1787, after adapting it to the Constitution of the United States, and in doing this Congress provided, as they were bound to do, that the officers of the Territory, which by said ordinance were to be appointed by Congress, should be appointed by the President by and with the advice and consent of the Senate, and it was declared that the President should have the same power of revoking appointments and removing from office that was possessed by the Congress under the Confederation, which power is exactly the same as that which that Congress had declared was vested by the Constitution in the President. This exception, caused by the necessity of adapting the ordinance of 1787 to the Constitution, proves the rule.

Mr. President, it is thus proven beyond successful controversy that in the First Congress a construction was placed on the Constitution that the President had the absolute power of removal; that this construction was acted on and recognized for seventy-eight years; that Congress never assumed to confer this power on the President, but, on the contrary, uniformly acknowledged in the most solemn acts of legislation that the President had the power independent of Congress or either branch of it. So it appears that the assumption that the President's power of removal up to 1867 was from a Congressional grant, and not vested in him by the Constitution, is utterly without warrant.

If this is a power vested by the Constitution, he holds it as a grant from that instrument, to be exercised by him like the veto power, with no other limitation or restriction on it than is placed on it by that instrument. Congress can not take it away from him, nor can Congress impair or abridge it. He holds it and exercises it without responsibility, without accountability, except to the people of the United States, from whom he received his great office, with its great powers and great trusts. He certainly can not be made accountable by one branch of a co-ordinate department of the Government. An attempt on their part to make him responsible to them is a gross usurpation of power which the President is forced by his oath to support and defend the Constitution and by his responsibility to his masters and our masters—the people—to resist by all the means in his power. Up to 1867 the President exercised this power at his will and pleasure, so nominated in every act of Congress which spoke on the subject, and it would now be a base surrender of his high trusts, a betrayal of the confidence of the people, if for any reason he were to yield to this unconstitutional demand of the Senate and submit to make removals according to their pleasure.

Mr. President, if we could suppose that all these great precedents were wrong; that Washington, Madison, and all the other Presidents were wrong; that all the Congresses were wrong; that the Supreme Court in *Ex parte* Hennen, cited by the Senator from Texas [Mr. MAXEY] the other day, was wrong, and that everybody was wrong excepting only the Senator from Vermont and those whom he leads on this floor, and that in fact and in law the Constitution confers no such power on the President, and that his power of removal must come from a grant made by Congress, that does not help the Senate in the issue now made with the President. For if the Constitution has made the executive department equal, co-ordinate, and independent—as has been shown—then it is not in the power of Congress, as to any new executive power they may grant, to destroy this equality, this co-ordination, and this independence, and subject the President to a servility and subservience to any other department, nor to erect in any other department or branch of a department a mastery over him. This supremacy and mastery are here asserted by the Senate, and that constitutes the real issue in this controversy.

If the power to remove an officer comes from Congressional grant to the President, as is asserted by the Senator from Vermont it can come only in virtue of a power vested by the Constitution in Congress to enact a law conferring this power on him. It is therefore assumed in the proposition that the Constitution has vested such power in Congress. It is not among the powers of Congress specifically enumerated in the Constitution; it must therefore come from the eighteenth clause of the eighth section of the second article of the Constitution. This clause comes in at the end of the enumerated powers, and confers on Congress power, in the following language:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

In these words are embraced all the powers which Congress possesses

beyond those specifically enumerated. An analysis of its provisions will show very clearly its meaning and the nature and extent of power it confers; and

First. It confers power on Congress, not on either branch of it separately or on the members individually, but on the two Houses organized into a Congress and acting in their capacity to make laws. Hence it confers power only on a law-making organism; the power conferred is to make laws. Under it Congress can not render a judgment, or perform any judicial act, or exercise any executive function. They can only make laws.

Second. The laws which Congress can make under this grant are not any kind of laws which they may choose to enact, however desirable they may be in the judgment of Congress for the public good, but only those which (*a*) "shall be necessary and proper (*b*) for carrying into execution the foregoing" (that is, the specifically enumerated) "powers" (vested in Congress), (*c*) "and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

But, sir, "necessary and proper" for what? Not merely necessary and proper in the judgment of Congress to attain any good end which Congress may think desirable, but necessary and proper only "for carrying into execution a power vested by the Constitution in the Government of the United States or in some department or officer thereof." There must be a federal, that is, a granted power vested by the Constitution somewhere in the Government, or in some department or officer, which, to be properly executed, needs the aid of an act of Congress.

Before Congress can act at all they must first find a granted power; they must then decide that for carrying into execution this granted power legislation is needed, and then that the proposed law is necessary and proper to that end. All these must concur to enable Congress to act.

It must be distinctly borne in mind that the law authorized under this clause is not any law which Congress may choose to pass having merely a relation to, or connection with, or simply affecting a granted power; it must be a law only "to carry into execution," that is, to carry into complete effect, a named granted power. It must be framed to effect that end, and no other; that is, in constitutional language, it must be "necessary and proper" to effect that end. The Constitution means that all the powers granted by it shall be full and perfect powers, not lame, inefficient, inadequate; that, under them, all shall be done and performed necessary and proper for their full and perfect operation. Hence this grant. It does not mean that Congress should impair a power granted by the Constitution, or obstruct it, or in any way diminish its efficiency. It is a grant of a power of execution, not of obstruction or destruction.

If power under this grant is invoked to regulate the exercise of a power vested in a department or officer, then the regulation, that is making rules, can go no further than to make rules for the full execution of the power as granted. Under "regulation" we can not get a rightful authority to change materially or modify in substance or to enlarge or diminish the granted power. The "carrying into execution," into full and complete and beneficial execution, of a granted power by that department or officer in whom the Constitution vests it is not only the exclusive end to be attained by the statute, but it is the sole authority for its enactment.

The power of Congress under this as well as other clauses is purely legislative; that is, to make laws, and this must be kept in mind. Thus if the granted power which needs the aid authorized by this clause be a power vested in Congress, then a statute may be passed providing more fully the means necessary and proper of carrying this vested power into execution. This clause grants power to do this, but it does not give executive or judicial power to Congress for this purpose. So if a power vested by the Constitution in the judicial department needs a law in order to carry it into execution, Congress may enact a statute for that purpose, but in so doing Congress can not *per se* exercise a judicial power, nor confer on both Houses combined, or on either separately, a judicial power, nor can Congress authorize the Executive to exercise such power. So if it be necessary and proper to enact a law to facilitate or aid in carrying into execution an executive power, Congress can neither exercise itself nor authorize the exercise of an executive power by the judicial department.

Under this grant of power (and so of the others) Congress can not alter or disturb in the least the constitutional distribution of powers among the three great departments—legislative, executive, and judicial. It is a truism, say the Supreme Court in Kilbourn *v.* Thompson, that the power confided by the Constitution to one of these departments can not be exercised by another; and that the perfection of the system requires that the lines which separate those departments shall be broadly and clearly defined. (See 103 United States Reports, pages 190, 191.)

Congress may grant a new power to either the executive department or the judicial department if such new power be necessary and proper in order to carry into execution a power already vested in either by the Constitution; but Congress can not grant a new power to itself. The new power which Congress may grant to one of the other departments is not a substantive and independent power, for that would be to amend the Constitution. The Congress can only grant to a particular officer or department a new power necessary and proper to enable that officer or department to execute a power vested in him or it by the Constitution. Hence the new power so to be granted must be purely ancillary, simply and only servient and supporting to the granted power and of the same nature, and seeking to attain only the end of full execution of the principal and granted power, and not a new or different end.

If an executive power granted by the Constitution can not be carried into full execution without a new power, this new and auxiliary power must also be executive in its nature; and if a judicial power granted by the Constitution needs a new and auxiliary power, this new power must also be judicial. Congress, in making laws under the Constitution, can not violate or disturb the scheme of the Constitution itself. Congress, in granting auxiliary powers to any officer or department to enable him or it to carry into execution a power vested in that officer or in that department by the Constitution, must follow the constitutional distribution of powers among the departments, so broadly and distinctly marked, as held by the Supreme Court in the case cited.

These principles are fundamental and elemental, and as stated by the Supreme Court, are recognized as truisms in constitutional law. Apply them to the question before the Senate, and the result is clear and certain. Assuming, for the purpose of this argument, that the power of removal always recognized as being in, and now recognized as being in, the President, and always exercised by him, is not (though I think it clearly is) vested in him by the Constitution, but is conferred by a legislative grant, still it is an executive power, and nothing else. If it were not an executive power, it could not be vested in him.

It being an executive power, Congress can not vest any portion of it in any other department of the Government, and more conclusively and clearly if possible no portion of this power can be vested in Congress or in either branch of it. Except where otherwise especially provided in the Constitution neither House can exercise any power but legislative. The power to make laws is the power to prescribe a rule of action for men for the future. The power to remove an officer is a power to perform an act in a particular case under and in pursuance of a law already in existence—a simple power to execute a law.

If I were to admit, if this power of removal be a legislative and not a constitutional grant, that Congress may make the grant on terms and conditions and with limitations and restrictions, this will not help the argument on the other side. For in that case the conditions, limitations, and restrictions must be such as are warranted by the Constitution. The Constitution is the supreme law of the land in all cases, under all circumstances, and in all conditions. Its binding force can not be evaded by any trick of expression, by covering violations under the form of conditions or terms. It is as strong against the stealthy approach of the sapper and miner as against open and direct assault. The terms fixed and prescribed by the act of 1869 are in violation of the Constitution if construed to join the Senate with the President in making removals. They associate with the President in the performance of an executive act a body which can perform no executive function except the two mentioned in the Constitution, and this is neither of these two. In this law, construed as Senators on the other side construe it, there is a mingling in action of two separate and independent departments of the Government, the lines of division between which are broadly and distinctly marked and the functions of each of which are vested in a separate body of public servants.

This separation is declared by the Supreme Court in the case already cited to be one of the chief merits of the American system, both State and National, of written constitutional law. If the proposition were made to substitute the Supreme Court or the House of Representatives or Congress composed of both Houses for the Senate in this mingling of the powers of two distinct departments, its unconstitutionality would be acknowledged by all. Yet if Congress, in imposing terms and conditions on which the executive power of removal shall be executed, can unite the President with the Senate, a legislative body, it is impossible to deny that it may make the same union between the President and any of the bodies I have mentioned.

On this point I will call attention to the remarks made on the repeal of the tenure-of-office act of 1867 by the Senator from Ohio [Mr. SHERMAN]. That distinguished Senator, though not denying the power of Congress to unite the Senate with the President, yet demonstrated the want of constitutional power to do so in these weighty words:

> As a general rule, it is not wise to mingle the powers of the various departments of the Government. There are three great divisions or departments of the Government that stand apart from each other. They form the triangle of public safety, and upon them rest the safety, order, and good conduct of society. These are the legislative, the executive, and the judicial departments. They have been in exceptional cases mingled. The Senate shares with the President in the appointing power, and also shares with the President in the treaty-making power. The Senate forms a part of the legislative power, and it shares the judicial power in the trial of impeachments, thus absorbing one branch of the judicial power. But with these exceptions the three great departments of the Government—legislative, executive, and judicial—are kept distinct. It is not wise, in my judgment, to overlook this division of powers.

The Senator, though intending only to demonstrate the folly and unwisdom of such a mingling of powers, proved its unconstitutionality beyond question.

Mr. President, it is evident that the attempt to unite the Senate with the President in removals from office by statute grows out of the ex-

ploded theory that they were so united by the Constitution. It was urged in the First Congress in the great debate to which I have alluded by those who opposed the view that the President alone had power under the Constitution to remove from office, that as the Senate was associated with him in appointments, it followed that they had like association in making removals. But this view was crushed out by the irresistible reasoning of Madison and Fisher Ames and their associates. The decision then made on solemn and high debate was against this heresy in constitutional law, and remained not only unreversed but constantly reaffirmed for seventy-eight years; yet at intervals during all this long period advocates were found for this exploded theory.

Finally, in 1867, when the condition of affairs was such as to embolden Congress to make war on the President and to shackle his hands, a law was passed, not based on the exploded constitutional construction of a union by that instrument of the President and Senate in making removals, but on the new theory that there was no constitutional power in either or both to make removals, but it was a matter solely in the power of Congress. Those entertaining this view illogically enough recurred to the old and exploded theory that the Constitution had united them—as it could if only it had so provided—there being nothing unconstitutional in the Constitution itself. They deemed it equally in the competency of Congress, as in the authors of the Constitution, to unite them, if only Congress had power to legislate on the subject at all. And thus this new theory, which otherwise might have at least been consistent, even if unconstitutional, was framed so as to be both inconsistent and unconstitutional in conferring by act of Congress an executive power on a branch of the Legislature.

Mr. President, it is by these means and by these processes that the American Senate to-day demands a participation in a power which they acknowledge was not conferred by the Constitution, and which I have clearly shown is unwarranted by that instrument, and which if conceded destroys it in its most essential part.

The issue made with the President by the Senate, and made, too, in our own way, initiated and proceeding in its development by the direction of the Senate, presents some startling propositions to the American people. It commenced—so confessed by the senior Senator from Vermont [Mr. MORRILL]—by a call on one of the Executive Departments for the "reasons" on which the President proceeded in making a removal or suspension of an officer in that Department, "or"—such is the language of the letter—"the papers on file in your Department which show the reasons for the suspension."

This letter was signed by one of the most eminent members of this body, as chairman of one of our most important committees, composed of the most distinguished Senators who occupy seats on this floor. It is certain that that committee was entirely competent and fully authorized to interpret the wishes of the majority of the Senate. The subsequent proceedings, though more carefully phrased, in effect demanded of the President to know why and on what evidence he dared to remove or suspend—for they mean the same thing—a Republican official who had been selected by a former Republican administration for an office, which by the constant practice of a quarter of a century, if not by the Constitution and the laws of the land, were the inheritance of the political saints canonized by that party.

I admit, Mr. President, that after this long enjoyment of the offices of the country there grew up a sort of belief in a prescriptive right in these saints to have and enjoy them as personal perquisites, and that the proposal to deprive them of this enjoyment was well calculated to bewilder and confuse the incumbents. But I confess I am somewhat amazed that this interference with what had been deemed a vested personal right to enjoy the salaries and emoluments of office, and to pay political assessments and organize political parties, clubs, and committees, and to run political conventions, and to select other officers for the good people of the Union, should have so unsettled the judgment of the American Senate. I had been accustomed to look on this body as a high council, in which the rights and interests of the States, the creators and bases of our political system and the rights and interests of the whole body of the American people, were debated and decided upon a higher plane, upon more expanded and more patriotic considerations than were usual in any other legislative body in the world. Since I have been a member of this body I have seen little to impair this view and much to confirm it. Of course I do not in this statement refer to executive sessions, the proceedings of which by an impenetrable veil are shut out from the scrutiny and criticism of our constituents, and of which I am not allowed to speak or even to think outside of these walls—the prison-house of our secrets.

I hope I may be pardoned for saying, by way of parenthesis, that from the first secret session I attended to this day I have been ready and willing to vote to consider all executive business in open session, except in cases where the President, in relation to foreign affairs, shall request, for the public interests, a secret session. Returning to the high character of this body, I say I was amazed when it was announced, that however much we might deem it proper to consider our own business in secret, we were determined to claim a monopoly of this vice or virtue, whichever it may be. Keeping with jealous care our own, we demand to have the secrets of all others.

Now, Mr. President, if the Constitution has made us not only the sole depositaries of all the secrets connected with our political life, but has also granted us a supremacy and mastery over all other departments, and we are authorized to demand that the co-ordinate and independent departments of the Government shall, at our beck and nod, communicate to us their own secrets, if they have any, as well as the secrets and confidential communications of private citizens in their keeping, then we are justified in making this issue with the President, so far as making the demand for the papers and documents are concerned. On that point I have already spoken.

I now propose to call attention to the further issue made by the resolutions reported by the Judiciary Committee and recommended by them for our adoption.

Mr. President, this further issue, though growing out of our unconstitutional demand to supervise and review the action of the President, presents the leading and most essential question involved in this controversy. This question is presented for our consideration and action by the resolutions reported for our adoption by the Committee on the Judiciary.

The first resolution expresses our condemnation of the refusal of the Attorney-General, under whatever influence (he was directed by the President), to send to the Senate papers relating to the removal of the district attorney of Alabama, declaring that refusal to be a violation of his official duty and subversive of the fundamental principles of the Government and a good administration thereof.

The second resolution is as follows:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate, and called for in considering the matter.

The majority of this Senate, if represented correctly by the Judiciary Committee, construe a nomination made by the President in place of a suspended officer as a proposal to remove the officer suspended; and on this construction the Senate now acts. The proposition of this resolution, therefore, is that the Senate will refuse even to consider a nomination made in place of a suspended officer unless the President will furnish, on the demand of the Senate, his reasons for suspension, as disclosed in "the documents and papers in reference to the supposed official or personal misconduct" of the suspended person.

Mr. President, I will remark—though it is not very essential—that in this resolution all the pretenses and disguises which have been used in this debate about official papers and papers "filed" are laid aside, and the bold proposition is made, as I understood and the country understood from the beginning was the claim of the Judiciary Committee, to have all papers and documents of whatever nature sent to the Senate. I do not understand that the Attorney-General or the President mean to refuse any legal record or any paper or document made in pursuance of law by an officer of the United States.

My purpose, Mr. President, now is to consider the extraordinary, not to say revolutionary, position announced in the second resolution which the Committee on the Judiciary has recommended for our adoption, which recommendation is the present question before the Senate. It not only asserts the doctrine that the Senate has a supervisory and revisory power over the action of the President in making removals, which has been shown over and over again in this debate to be unfounded, but in the attempt to enforce this usurped power it recommends that the Senate shall not consider even the question of confirming the nominee, nor the question of the propriety of removing the suspended officer, unless the very evidence on which the President acted in making the suspension is submitted to their examination and judgment. They will consider no other evidence, however conclusive and abundant it may be, if the evidence on which the President acted and which furnishes the reasons of his action is withheld.

The resolution, I want the Senate to understand, and the country to understand, does not seek for evidence on which to perform a legal duty or an alleged legal duty, but it demands to know upon what ground the President made a suspension, in order that the Senate may in the exercise of their assumed supremacy, review the action of the President and determine, not whether in fact the suspended man ought now to be removed, but whether the President at the time he made the suspension or removal took pains to fortify himself with sufficient written evidence to justify, in the judgment of a partisan majority in this body, the suspension of one of their friends. The question of the propriety of the suspension, if it can ever arise under a power given to the President to suspend "in his discretion," certainly can not arise when months afterward, on a nomination to appoint a successor, the Senate assumes to decide whether the suspended person ought then to be removed.

Why, Mr. President, it is almost too evident to require mention, that a suspension may have been right, as the facts were presented to the President in July, 1885, and a removal or a further suspension in March, 1886, be wrong, and so the one may have been wrong at the first-named period, and the other right now. If the Senate assumes the right to know the grounds on which the President acted, rejecting, as this resolution does, all other evidence, then the Senate assumes a mastery and dominion over the President in undertaking to try him on

a record he has made and to render judgment on it. In doing this, it does not even undertake to discharge its usurped duty and power, to decide upon the question of removal. That question, as I have shown, depends on a state of facts as they exist long after the suspension and have no necessary connection with it. Suppose the President, so far as the papers show, not having the fear of the partisan majority of this body before his eyes, removed an officer because he was a Republican, who attended closely to his official business and did not interfere with party politics, and had been appointed originally to the office solely upon his merits as a man, his office having no political significance. Such a removal would be wrong when tested by the President's standard.

But suppose this man had all along been a hypocrite and pharisee, and that after his removal it was discovered that he was short in his accounts, or that having no longer any motive to disguise his true character, he should become a drunkard, a gambler, or a thief, and these facts should be capable of proof at the time the Senate assumed to act. In this case the resolution would require the Senate to refuse to consider all evidence not before the President and to refuse to consider the matter at all unless the President should yield to our demands.

Mr. President, I make these statements so that it may clearly be seen, however different may be the declarations of Senators in debate, that this resolution, prepared with deliberation and care by the Law Committee of the Senate, throws off all disguises, and announces in measured terms that the object of the Senate in making these demands for papers is not to enable them to discharge what they claim to be a legal duty, but to assert their supremacy over the President, to compel a Democratic Executive to yield a degrading and unconstitutional submission to a Republican Senate as his masters. This is plain. But if confirmation is needed it will be found in the fact stated in open session by the Senator from Kentucky [Mr. BECK], that the committee which made the demand for the papers in the case which is the foundation of this controversy had in their possession at the time the demand was made conclusive evidence, so adjudged by them, of the unfitness of the person suspended.

Mr. President, when we consider the co-ordination and independence and separation of the several departments of the Government established by the Constitution, marked and distinguished by the broadest and clearest lines, and that the preservation of this great feature in our Constitution constitutes the perfection of the American system of written constitutional law, we may well be amazed at the attempt of the Senate to usurp the unconstitutional jurisdiction over the executive department asserted in the report of the Judiciary Committee and in the resolutions reported by them and recommended to our adoption.

I have shown, and others on this side have shown more ably and clearly than I, that no duty rests with the Senate which authorizes them to make this demand on the Executive. I will add, that having embarked in this unconstitutional warfare on the President, the Judiciary Committee have chosen means for enforcing their demands even more unwarranted than, and equally unconstitutional as, the demands themselves. It is fit, perhaps it is a necessity—possibly it may be the direction of a kind Providence—that the means to be used in this warfare on the President, in destroying the equality and separation in the departments fixed by the Constitution, should be of the character to uncover clearly to the comprehension of all men the true nature of all these proceedings. It is well that this attack on the Constitution should be open and direct and the means of success adopted equally in contempt of that instrument.

The second resolution, in effect and substance, as interpreted by its plain language and the conduct of this body on nominations, in place of suspended officers, announces in advance, commits the Senate to it as a rule, that they will not even consider whether a nomination be fit and proper or not unless the President shall send them the papers they may see proper to demand. The Senate first usurps an unconstitutional jurisdiction to try questions of removal and to try the President for his conduct in making suspensions, and then seeks to make good this usurpation by a refusal to comply with their plain duty under the Constitution. Under the Constitution it is the plain duty of the President to make nominations. He has taken an oath to discharge that duty faithfully. Under that same Constitution it is the plain duty of the Senate to examine these nominations and to advise and consent to them or refuse that advice and consent, as on such examination they shall appear fit and proper or the contrary. We resolve that we will not perform our duty unless the President shall yield to our demands. Our demands being unwarranted, as has been shown, we are guilty of the double wrong of attempting to enforce them by unconstitutional means.

But, sir, if it be conceded that our demands are just and constitutional and the President be wrong in refusing obedience to them, this makes the case no better for us. For then we assert that because the President violates his constitutional duty we will abdicate ours. No more dangerous doctrine was ever announced, no more baneful and destructive practice was ever tolerated.

Why, Mr. President, we equally with the President are the servants of the people. We equally with him hold our offices in trust for the people. The highest duty of this trust is to maintain and preserve the Constitution which the people of the States have established. Can we, then, when we see that Constitution violated by one department, and because that violation may affect what we consider our Senatorial privileges, commit an equal violation of the Constitution because in that we retaliate on the aggressor? A violation of the Constitution by one officer is a justification for its violation by another! That is our position if we pass this resolution.

The officers which the President appoints, though the instruments which the Constitution affords him to perform his duty to execute the laws, are not his officers. They are not his servants. They are the officers of the law and of the Constitution, and under them servants of the people. We can not punish him for a refusal to obey our commands by refusing to consent to the appointment of proper and fit officers to carry on the business of the Government. And yet that is exactly what this resolution does, in order, in the language of the learned Senator from Vermont [Mr. EDMUNDS], to give "support to a [that] calm, orderly, and constitutional exercise of the functions of government;" but in my judgment, and I will venture to assert in the judgment of history, "in order to secure a party advantage through a violation of the Constitution and a destruction of the best interests of the people."

Mr. President, it is my duty as a Senator to resist this usurpation by all the powers I possess. Never before in my public life have I felt that I had a higher duty to perform for my country than is now imposed to make this resistance, and I never felt so keenly the want of that ability which would enable me to dissuade the majority from this contemplated wrong. But, sir, in my weakness I can call to the aid of the Constitution another. If the majority will not hear, as I know they will not, so humble an individual as I am, possibly they will listen to another. It was said by the Senator from Vermont that Allen G. Thurman was the greatest Democrat in all this land. Well, will they hear him? He denounced the power usurped by the Senate to judge of and prevent removals as a violation of the Constitution. If they will not hear the greatest Democrat in the country, will they listen to another citizen of Ohio, who I will not say is the greatest Republican in all this land, but I will say he is the equal of the greatest? In the debate in 1869 on the repeal of the tenure-of-office act of 1867 this Republican, then and now a member of this body, after demonstrating the folly and unwisdom of that act of 1867 giving to this Senate the authority to interfere with the President's power of removal, and demonstrating also the unconstitutionality of that act, as I have before stated, and proceeding to warn his brother Senators against the attempt to retain this power, said:

> Now, sir, I do not say that public opinion demands the repeal of the act, because here we have nothing to do with public opinion; we are here as independent Senators; but undoubtedly the judgment of the House of Representatives is a very strong indication that they who participated with us in passing the law feel that the object of it has been accomplished, and that now some other mode ought to be devised to control and limit the power of removal by the President. It seems to me that we are now acting as judges in our own case. If this great power of the Senate is maintained to prevent the removal of any officer of this Government, it is maintained by the Senate for its own behalf. The public judgment will say that, although we are not nominally interested, yet by refusing to join with the President and House of Representatives in repealing this law we are maintaining exceptional powers for ourselves, powers that were never conferred upon the Senate until two years ago, and which were then conferred for a special purpose. In my opinion we ought to be careful that our judgment should be impartial, and not be influenced by a love of power.

I call especial attention to these words:

> It seems to me we are acting as judges in our own case. If this great power is maintained to prevent the removal of any officer of this Government, it is maintained by the Senate in its own behalf.

Yes, sir; judges in our own case—attempting to maintain a power denied to us by the Constitution as it was expounded by Madison and Washington and the fathers of the Republic; denied in practice for three-quarters of a century. Are Senators prepared to go before the country on an issue thus made, and for the selfish purpose thus denounced by a statesman?

Mr. President, it has been seen what was the construction of the Constitution by the fathers and the practice under it for seventy-eight years. The change came through the act of 1867, so often referred to as first associating the Senate with the President in making removals. By that act this unconstitutional power was transplanted into our system. It came, sir, both as an exile and an exotic. Though tended and nurtured by the care and genius of the learned Senator from Vermont, it took no permanent root in our soil. It withered and wasted under the genial sun and in the pure atmosphere of our free institutions. So, after maintaining a fitful, stormy, and baleful existence for the short space of two years, it was in 1869 unconditionally repealed so far as the action of the House of Representatives was concerned—that House being Republican by more than two-thirds majority. The vote for its repeal was almost unanimous—138 to 16. It is well to record here that among those voting for its unconditional repeal and thereby restoring the practice of the fathers are the illustrious names of the following, now members of this body, namely: Senators ALLISON, BECK, CONGER, CULLOM, DAWES, HALE, HAWLEY, HOAR, LOGAN, and VOORHEES. In this body the great Senators Fessenden, Morton, SHERMAN, Thurman, McDonald, and many others also voted for and advocated its unconditional repeal. Mr. Conkling announced that he favored repeal or suspension.

The Senator from Vermont, with a majority of the Committee on the Judiciary, having that tender yet unaccountable affection for this monstrosity in constitutional law which it is said parents bear to their mis-

shapen offspring, and being unwilling that it should wholly die, yet convinced that it could not live, endeavored to prolong its miserable existence by that sort of half-death and half-life involved in a suspension of its existence for about a year. Every one of the Senators who favored repeal proceeded expressly on the ground that the statute conferred on or recognized in the Senate the power to prevent a removal from office by the President and that such power was not for the public good, and many of them asserted its unconstitutionality.

In this body there seemed to be no dissent from the proposition that the law of 1867 was, for a time at least, an obstacle to good government. Mr. Morton, speaking for an unconditional repeal, and objecting specifically that it conferred on the Senate the power here claimed by the Judiciary Committee of revising and reversing the action of the President in suspensions and removals, declared that the law never was intended to be permanent; that it was passed for a special purpose, and if it were not then on the statute-book, he stated with emphasis that no Senator or Representative would propose its enactment; that its repeal was demanded by the best interests of the country, and that the administration of the Government could not be carried on efficiently and successfully under the operation of the law; that its repeal was asked for by the sentiment of the whole country with few exceptions; that the Legislatures of Indiana and other States had instructed for its repeal.

And in speaking of the very provisions which are now sought to be enforced, he declared that they made the President a common informer, a position not honorable to his high character and position; that the proposition of the Senator from Vermont [Mr. EDMUNDS] to suspend the law was a confession that it should be repealed, unless, as he said, that Senator and those voting with him meant by a suspension to give the President time to put their friends in office; and then, having gotten them in, put the stocks on the President and prevent their removal. This indeed, Mr. President, seems to be verified by the action of the Judiciary Committee. Mr. Morton further argued that the question of the constitutional power of the President to remove officers had been settled in his favor by the First Congress, and that this construction had been acquiesced in for seventy-eight years, and it was too late now to endeavor to overturn this construction by acute, subtile, and technical argument.

Mr. Fessenden also advocated its repeal, stating that he had refused to vote for the bill when it was enacted and had predicted that evil would come from it. He insisted that it had the effect to transfer substantially the appointing power to the House of Representatives. He thought the original construction of the Constitution should be restored to it.

The most notable as well as the ablest argument in favor of the total repeal of the act of 1867, and the restoration to the President of his power to remove, exercised for so long a period, and in favor of a denial of the power of the Senate to judge of removals, was made by the Senator from Ohio [Mr. SHERMAN]. He insisted that the power of removal was derived wholly from the statute and did not come from the Constitution; that the Constitution conferred on the Senate no power to remove. "We consent," he said, "to removals. We advise as to confirmations. When a man is removed from office and another name sent here, we pass simply upon his qualifications and fitness for the office;" that the Senate derived its power of removal solely from the act of 1867, then sought to be repealed, and he declared "with such a power vested in the Senate, we shall share in, and finally monopolize, the power of the Executive over all the officers of the Government." He further declared that Senators "must easily draw the distinction between the power of removal and the power of confirmation."

"The power of confirmation is a resultant power, depending upon the previous act of another officer of the Government, and all we can say in our act of confirmation is whether or not the person named is a man fit to discharge the duties of the office." He here again denounced the idea that the Senate, in acting on a nomination to an office, could inquire into and consider the propriety of the removal of his predecessor; twice affirming that the sole duty of the Senate was to determine whether the person named is a man fit to discharge the duties of the office. He also stated that "the executive officers are the proper judges of removals and the causes of removals." "We" (the Senate) "are the proper persons to judge of the character and standing of the person appointed to office."

Mr. SHERMAN also said that "the right of removal by the President during the recess, in my judgment, ought to be absolute, and the appointment only temporary. That is the constitutional provision, and appointments made during the recess can endure no longer than the next session."

Mr. SHERMAN declared that the act could not, with due regard to the public interest, be practically enforced. He then showed how in actual practice it was impossible that the Senate could try and determine the question as to the propriety of removals and suspensions. He referred to the piles of documents which the President had sent to the Senate on the subject of removals and which the committees had not time to examine, to the demands made by every suspended officer—every one of whom, he said, "claimed to be the most innocent man born since the time of Adam"—to have his case tried, converting the Senate into a court and jury to try these cases, and which, under that law, we were bound to do; and with terrible irony he referred to a case where an officer had been tried and condemned and sent to the penitentiary while we were engaged in examining into his case in order to vindicate his character from the charge made by the President.

Mr. President, the most striking argument made against the act of 1867 by the Senator from Ohio is contained in the extract from his speech which I read to the Senate in the earlier part of this argument, in which he presented his objections to the mingling of the powers of the Executive and of the Senate. I again call especial attention to this extract, in which the Senator from Ohio, with a relentless logic, advancing the gravest and most weighty reasons, crushed out this dangerous political heresy and contributed the weight of his great name to securing a restoration of the Constitution as understood by our fathers, and in which also he condemned and denounced in advance the present effort of the Committee on the Judiciary to reproduce by construction the statute of 1867, now long since repealed. And I wish to call attention to the further fact that the mingling of powers to which the Senator from Ohio directed his objections consisted solely in the provisions in that act that the Senate should have the reasons for all removals and have the power to prevent them—the very issue now between the Senate and the President.

Mr. President, in opposition to all these arguments against the power of the Senate, usurped by the act of 1867, to judge of the propriety of removals and to demand the reasons therefor, the most notable response was a confession of their potency, the proposition to suspend the act for about a year, made by the Committee on the Judiciary, and sustained with great zeal and ability by the Senator from Vermont, in giving that support which he then as now felt it his duty to give, to a "calm, orderly, and constitutional exercise of the functions of government."

Between these two propositions, an unconditional repeal of the act of 1867 and its suspension for a limited time, the contest was carried on by the two Houses of Congress, till finally the act of 1869, the statute now in force, was passed and the act of 1867 repealed. In this way and by these arguments was this unconstitutional and pernicious act of 1867 hissed from the stage, on which it had played a fitful and stormy part for the space of two years. It had come in time of revolution, was born of distrust and conflict between the President and Congress, of civic discord and disorder, without constitutional parentage, with no ancestor or precursor in our history—a political bastard, unparalleled in its life, and in its taking off—

Unrespited, unpitied, and unreprieved,

and, I may add, unmourned save by the Senator from Vermont, and unhonored, save in this attempt of the Judiciary Committee to recall its wicked, restless, and perturbed spirit from the shadowy realms in which it has wandered and suffered for these seventeen years, to renew its mischievous activity as the soul of the act of 1869.

Mr. President, its fate was a sad one. Its most ardent defenders and its most devout worshipers, with one voice, voted to consign it to the tomb for a year, as a refuge from the execrations of the people whose Constitution it had violated and whose interests it had betrayed.

Mr. President, turning now from these sad scenes, the condemnation, execution, and burial of the act of 1867, "the deep damnation of its taking off" in the house of its friends by the parricidal hands of its authors and creators, let us attend to a more cheerful, if not a more interesting, prospect, the genesis and birth of the act of 1869. It is said there is but a step from the cradle to the grave. In this case the distance was even less, for the grave of the one was the cradle of the other. The pall-bearers of the headless corpse of the act of 1867 were, in the very act of performing the last sad rites of sepulture, the progenitors of the act of 1869.

It is even claimed, sir, that these sorrowing and disconsolate attendants on these funeral rites—still infatuated, still with more than an Eastern devotion worshiping the dead god of their idolatry—by some sort of sleight of hand or political necromancy at the last moment managed to cheat the people of the United States of the results of their act of repeal by substituting the dead corpse of the act of 1867 for the newborn child, the act of 1869. For, sir, it is now asserted that in fact and truth the act of 1869 is nothing but the act of 1867 in disguise, having in it all the evil and unconstitutional powers which caused the repeal of the former. This result, I understand, is to be brought about by the miraculous power of construction—the re-enactment of a repealed statute by acute, technical, and subtle construction, to use a phrase of Senator Morton's, applied to this subject.

I propose now, Mr. President, to inquire whether this remarkable result has been accomplished. Of course it will be understood that what follows refers to the meaning of the second section of the act which relates to suspensions in the recess of the Senate. The proposition of the House of Representatives—passed with almost entire unanimity—to repeal unconditionally and forever the unconstitutional act of 1867 was first met in the Senate with a bill to suspend it for a limited period. The Senate, however, at last made another proposition in the shape of an amendment to the House bill, in which they, after surrendering the provision in the old act requiring the President to suspend only for cause, specified in the act official misconduct, or crime, or cor-

poreal or mental inability, and requiring proof of these causes, and that the President should report to the Senate his reasons and the evidence on which he acted (the very thing now attempted to be done by the Judiciary Committee), and, after giving the President power to suspend at his discretion, they adroitly introduced at the close of the bill a provision in the following words:

And if the Senate during such [next] session shall refuse to advise and consent to an appointment in the place of such suspended officer and—

Note what follows—

shall also refuse by vote to consent to such suspension, then, and not otherwise, such officer, at the end of the session, shall be entitled to resume the possession of the office from which he was suspended, and afterwards to discharge its duties and receive its emoluments as though no such suspension had taken place.

As one of the great objections to the act of 1867 was its unconstitutional subjection of the President to the usurped dominance of the Senate, causing him, as an inferior and servant, to explain and give reasons for his exercise of a high duty imposed on him by the Constitution, it was supposed if the provisions requiring this were stricken out, thereby allowing him to act according to his discretion, the Senate might be allowed to retain their assumed power to restore the suspended officer to his place; so this compromise was offered. But the House of Representatives being determined to strip the Senate of this unconstitutional prerogative, and to restore to the President his powers as they had been recognized by all the departments of the Government for three-quarters of a century, rejected this proposition by a large majority. Messrs. ALLISON, CULLOM, CONGER, DAWES, HOAR, and LOGAN, now Senators on this floor, all voted to reject.

Mr. EDMUNDS. Will the Senator kindly, if I may interrupt him——

Mr. GEORGE. Yes, sir.

Mr. EDMUNDS. Tell us who the conferees were on the part of the two Houses, and then the discussions that took place on the report of the conference committees in the two Houses.

Mr. GEORGE. I did not understand exactly what the Senator said.

Mr. EDMUNDS. Will the Senator kindly tell us who the conferees on the part of the two Houses were when the bill went to the conferees——

Mr. GEORGE. I only remember the names of two of the House conferees——

Mr. EDMUNDS. And then the discussion that took place in the House of Representatives?

Mr. GEORGE. I am going to refer to that, and also to the discussion in the Senate on the report of the conference committee.

Mr. EDMUNDS. And what took place in the House of Representatives the next day or the day following, after the report of the committee of conference in respect to the misapprehension that the House was said to have voted under and what took place in the Senate. He can then perhaps understand exactly what the amended act meant as it was understood by the Senate.

Mr. GEORGE. I can understand that. I shall come to all that directly.

A conference between the two Houses was ordered, and the result was that all this objectionable matter was stricken out, and in lieu thereof was inserted language which makes the last clause of the statute read as follows:

And if the Senate during such [next] session shall refuse to advise and consent to an appointment in place of such suspended officer—

What follows? That, as in the clause stricken out, this suspended officer shall be restored? Oh, no, nothing of that sort; but recognizing the law to be, as the Constitution required it to be, that there was a full constitutional vacancy in the office caused by the suspension, the clause proceeds—

then and not otherwise the President shall nominate another person, as soon as practicable, to said session of the Senate for the said office.

And here the statute ends; and thus it stands on the statute-book today, this agreement in conference having having been accepted by both Houses of Congress.

A reference to this statute will show that the President has power under it to suspend at his discretion. It will also be noted that, in order to define and make clear the effect of suspension, the two Houses, rejecting the pretensions of the Senate, made it by the express words of the statute the legal duty of the President, on suspension, to nominate a successor; and if he were not confirmed by the Senate, then the statute, leaving nothing to implication, nothing to construction, made it again the duty of the President to nominate another person to fill the place. Now, Mr. President, I leave it to the learned Senator from Vermont, and those who agree with him, to explain, if it can be explained, what power Congress has to require the President to nominate a person to fill an office already constitutionally and legally full. And if they in the endeavor to extricate themselves from this dilemma shall insist that though the office was then vacant it became full again on the adjournment of the Senate, then I submit to them this inquiry: How can a vacant office acquire an incumbent by two—yes, the statute requires two—unsuccessful attempts to fill it?

It is said, Mr. President, that nature abhors a vacuum—that is, a vacancy—but I have never heard it claimed that this abhorrence had the effect to suspend the Constitution of the United States; so that this mere silent, yet it seems irresistible, operation of nature's law could discharge the constitutional function of the President of the United States, by whom alone vacancies in office can be filled. Possibly it is the abhorrence of the Judiciary Committee to any office whatever being vacant when there is a Republican politician who is ready and willing to fill it which works out this remarkable result.

Now, Mr. President, it seems to be conceded on all hands that if the suspended officer is not restored on the adjournment of the Senate, there being a failure on our part to confirm a nomination of a successor, the Senate has no right to call for documents and papers showing reasons, as nominated in the resolution reported by the Committee on the Judiciary.

The House of Representatives, when they came to consider and act on the report of the conference committee before set out, took the view which I, following them as well as the clear meaning of the statute, have stated to the Senate.

Mr. Bingham, of Ohio, a distinguished lawyer and chairman of the Judiciary Committee of the House and also one of the managers on the part of the House of the conference, coming fresh from its deliberations and its discussions, explained to the House that in the bill as agreed to the words "suspension" and "removal" were synonymous—meant exactly the same thing; that when an officer was "suspended" under it he was "removed." He expressly stated in answer to a question by Mr. HOAR, now a distinguished member of this body, that under the bill there was no authority to get the suspended officer back into office except by the consent of the President, and that if the Senate should adjourn without agreeing to the nomination of a successor the office was vacant.

General Butler, known to all the world as a great lawyer, was also one of the managers of the conference. He explained the bill in the same way, expressly stating that "suspension" under the bill was "removal."

Mr. LOGAN, now an honored and distinguished Senator from Illinois, took the same view, saying, however, that he would have preferred the simple repeal of the act of 1867 in a few words, but that the bill as reported by the committee of conference did exactly the same thing in a great many words. He was satisfied with what was done, and his objection was only on the score of a want of brevity in the repealing bill. He further suggested that the difference between the report of the committee (now the act of 1869 and being sections 1767 and 1768 of the Revised Statutes) and an unconditional repeal of the act of 1867 was only the difference between tweedledee and tweedledum. To this General Butler assented, only facetiously reversing the order of the use of these two expressive words.

Mr. ALLISON, now an able and distinguished Senator, was so determined to wipe every vestige of the unconstitutional act of 1867 from the statute-book, and to restore to the President his rightful power under the Constitution, and to strip from the Senate its arrogated and usurped claim to dominate and control the President in removals, was not satisfied. Like Mr. Madison, in the great debate in 1789 on this subject, as I have before quoted, he wanted no ambiguity, nothing left to inference; so he stuck at the word "suspend." Notwithstanding the bill as then before the House had given the power to the President to suspend at discretion, had stricken from the statute the provision requiring the President to communicate to the Senate the reasons and evidence on which he acted, had also expunged the provision restoring the suspended officer in any event, and had, as I have shown, left the office vacant if no successor were appointed, like an able and conscientious legislator, as he was and is, fearing trouble, he stuck, as I have said, at the use of the word "suspend" in lieu of the word "remove." He was suspicious. He feared that in the womb of this magical word was stored some legal or technical dynamite, which, though hidden, might at some future time explode and destroy the otherwise clear meaning of the bill. So he demanded an assurance against the possible existence of such secret and hidden enemy to the Constitution. He demanded to be assured that it was a dead certainty that the office was entirely vacant at the end of the session if the Senate should refuse to advise and consent to the appointment of a successor to the suspended officer. On receiving the assurance of General Butler that "suspension" and "removal," as used in the bill, were exactly the same thing, and not till then, he seemed to have got his consent to support the bill, and he thereupon voted for it.

Mr. HOAR concurring in the construction of the bill that the office becomes vacant on the adjournment of the Senate, if no successor should be confirmed, and would remain in abeyance, objected to it on that ground, for he argued that in effect it said to the President that he must put the suspended officer back—a man whom he had declared unfit and unworthy—or he must be compelled to carry on the Government without any incumbent in that office at all. On this ground he voted against the bill on its final passage.

It is thus shown, Mr. President, that the House of Representatives with entire unanimity construed the bill to mean if there was no constitutional appointment of a successor that the suspended officer was

not restored. On that construction, and because with that meaning it stripped the Senate of its usurped power to be consulted in removals, and if they refused consent that no removals could be made, the House of Representatives passed the bill.

Mr. President, may I not ask, will these learned Senators—these patriotic Senators, whose positions I have stated, and their associates here who were with them in the House of Representatives in 1869, and acting with them and concurring with them in the construction of the Constitution and the act of 1869, do to-day—Grover Cleveland being President—as they did in 1869, Ulysses S. Grant being President? Will they stand by the Constitution and the act of 1869 as they expounded and construed them, Grover Cleveland having adopted and followed their construction? Or will they, under the lead of the Senator from Vermont, and with the pretense of giving "support to a calm and orderly and constitutional exercise of the functions of government," go back on their own honorable record, reverse their former action, repudiate their sound teachings, and censure the President for doing exactly what they then thought he ought to do, and support the Senate in doing what they then thought they ought not to do and had no constitutional power to do?

Mr. President, I turn now to consider the action of the Senate on this conference report. The Senate had tasted the sweets of "that forbidden fruit," usurped and unconstitutional power. During the preceding two years, for the first time in the history of the country, this body in a time of dissension and irregular action of our constitutional forces had made good the claim asserted at long intervals of time by some of its ambitious members to participate in removals from office made by the President. Within these walls, with the scrutiny of the world shut out by closed doors and an oath of secrecy on the part of all witnesses, Senators, by what has been called "Senatorial courtesy," had been enabled to protect their personal friends and supporters from removal. They had succeeded in enforcing on an unpopular President their unrestrained will and pleasure.

Of course, Mr. President, they were loath to surrender this power. During the progress of the passage of the bill they had resorted to every artifice to retain that which they had usurped. They had at first resorted to an attempt "to suspend" the act of 1867. Failing in that, they resorted again to this magical word, "suspend" as a substitute in the act for "removal" in the displacement of officers. With this word and acute and technical construction they sought to recover the lost field from which they had been driven by the House of Representatives. So, unmindful of the fact that the House of Representatives, who were impartial judges as between them and the President, had decided against them, and unmindful also of the warning given by the Senator from Ohio in language which I have before quoted, that they were judges in their own case and attempting to retain a power never before 1867 conceded, they set up in the debate on the passage of the bill a claim to the powers which had been stricken from it and now asserted by the Judiciary Committee.

And thus, Mr. President, at the same hour of the same day, in this Capitol, dedicated to honor and truth and good faith, to high counsel and debate for the advancement and welfare of the American people and for the preservation of the palladium of their liberties, the Constitution of the United States, was exhibited this extraordinary and unseemly and demoralizing spectacle: that each House, on a question of the gravest importance to the rights and liberties of the people, acting not in haste, but on the maturest deliberation and on full debate, proceeded to give the force of law to an agreement which had been reached between the two Houses through their joint conference committee upon a construction and meaning of that agreement directly contradictory to the construction and meaning placed on it by the other. This needs no comment. It speaks for itself and tells of that disordered and distempered condition of affairs in which the Constitution of the United States, as it had been explained and construed by the Father of his Country and the fathers of the Constitution itself and acquiesced in and acted on for seventy-eight years, was broken and trampled under foot to subserve party interests.

Mr. President, the Senator from Vermont near the close of his great argument, and looking over the dreary road he had traveled and considering how impossible it was even with his unequaled abilities to make good the position of the committee of which he was the head, referring to certain inconsistencies which he imagined had been detected in the Democrats, left the field of argument, invaded the realms of poesy, and in the agony of his distress cried out—

O shame! where is thy blush?

Mr. President, I do not mean, even by a poetic license, to impute to this body, or any member of it, a dishonorable action; but replying to the question of the Senator from Vermont in the same spirit in which he put it, and using a like license, I may well be justified in saying that if this monitor against wrongdoing, provided by a beneficent Creator, did not suffuse with its most crimson hue the faces of the actors in this scene it was a clear abdication of its appointed office.

I might rest this part of the argument safely upon what has been said in relation to the processes by which the act of 1869 was made and the construction put on it by the only impartial and disinterested actors in its passage. But it may yet be said that as the suspension was only till the end of the next session of the Senate, it must be that when that period has elapsed, the suspension being terminated, the officer suspended is restored, unless a successor shall have been appointed. In addition to the answer already made to this view, namely, the plain duty of the President twice imposed by the statute to fill the office, which could not constitutionally be done except the office were vacant—the striking out from the Senate's proposition the provision which secured the restoration of the officer suspended—I will add some other considerations equally conclusive on this point. The statute provides on the suspension of the incumbent for the appointment of a successor. The term used is, that the person to succeed to the office shall be "designated." But designate and appoint are exactly synonymous in this connection, as any lexicon will show, and as recognized by the Supreme Court in United States *vs.* Ferreira, 13 Howard. He who is appointed to office is designated, and he who is designated is appointed. That this is true is manifest from the provision that this designated person possesses under the statute all the powers and rights of the office, enjoys all its emoluments, gives the bond required of an incumbent for that office, and takes the oath prescribed for an incumbent. This oath requires that he shall swear to perform the duties "of the office upon which he is [I am] about to enter." Having thus entered in the office, bonded and sworn as an officer in that particular office, possessing solely all the powers and rights of that office, subject to impeachment, to criminal prosecution, trial, and punishment for malfeasance in that office, and to civil liability for his acts and omissions in that office, he is in every legal and constitutional sense an officer. That his term expires at the end of the session of the Senate makes no difference, for he, like all other officers, must go out at the end of the term. An executive appointment made during the recess of the Senate goes out at the same time. That he is an officer is undisputed. This designated incumbent being undeniably in that office, the suspended officer must be out. It is certain he has been ejected; that he no longer, during the term of the designated incumbent at least, has power, right, or duty in that office. He is subject to no criminal or civil responsibility growing out of the conduct and management of the office during this period. He has no corporeal possession of the office and no right to it.

Being thus ejected, he is removed, by whatever name the ejection may be called. If he is out he can not get back except through the constitutional door, an appointment by the President. If it be argued that he gets back, being once out, by force of the act of Congress, I answer that Congress has no power to appoint or put one in office. This power is vested by the Constitution in the President.

Mr. MAXEY. I beg to say to the Senator from Mississippi that the point he is so happily making was presented by General LOGAN, then in the House, to the amendment proposed by the Senate. General LOGAN argued that the Senate provided that the President should have the right to suspend from office, but if the person nominated should not be confirmed by the Senate the suspended officer would be restored; and that this was practically putting the executive power in the Senate, and that the conference committee struck that out and relieved the bill of what he regarded an unconstitutional provision.

Mr. GEORGE. This putting persons in office by act of Congress is decided to be impossible by the Supreme Court in United States *vs.* Ferreira (13 Howard, page 51). There that court, through Chief-Justice Taney, said on this subject:

> And if they [certain commissioners] are to be regarded as officers holding office under the Government, the power of appointment is in the President by and with the advice and consent of the Senate, and Congress could not by law designate the persons to fill those offices.

If the suspended, ejected, or removed person, by whatever name he may be called, be still an officer, what manner of officer is he? He is not a *de jure* officer, for by law another is entitled to the office; nor is he a *de facto* officer, for the fact is he is out and can and does perform no official act. The substance of the office is in another. If it be said that he has a sort of shadowy and contingent interest—a *scintilla juris*—in the office, then I answer that officers under the Constitution of the United States are substances, not shadows; they are real, veritable essences. Congress has no power under the Constitution to create an officer without powers and without duties. No officer can be created except to perform a duty or execute a power under a law passed in pursuance of the Constitution. Officers hold public trusts. If the trust be destroyed the officer is destroyed.

There is a wide distinction between this case and the case of an officer suspended for some fault, there being no incumbent appointed in his stead; but by law the duties of the office are devolved on the incumbent of another office as a part of the official duties of that other office. In that case the officer upon whom are devolved the duties of the office whose incumbent is suspended does not even in name become the incumbent of that office, but he discharges his duties solely as an incumbent of his own office, to which the duties of the first office are for the time being attached.

Mr. President, there is no place in the Constitution for this new idea that officers may be tossed back and forth by the President and the Senate like balls on a play-ground, for the power of the President to put out an officer to-day and for the Senate to put him back into office to-mor-

row. When the thread of official life is once completely broken it is broken forever, and when the legal continuity of an official incumbency is once destroyed it is destroyed forever. Congress can not itself, nor can it authorize another to chop up and parcel out the term of an office, giving this part to one, and that part to another, and then recalling him who was first displaced to enjoy the remainder. The Constitution deals with substantials, not with the mere names of things. By whatever name—ejectment, removal, or suspension—a complete vacancy is made, it can only be filled by appointment of the President; and so by whatever name—designation or appointment—an office is filled, the incumbent is legally and constitutionally an officer.

Mr. EDMUNDS. Mr. President——

Mr. GEORGE. I am nearly through now.

Mr. EDMUNDS. Will the Senator allow me to ask him a question?

Mr. GEORGE. No, sir. Wait till I get through, and then you can ask as many as you please. I am tired now, but I prefer to conclude. There will be time enough for me to reply, after I conclude, to any questions the Senator may put.

It fortifies the position that the office is vacant if no successor be appointed; that if this be not so the result is absurd, the suspension being in no useful or substantial sense different from removal. For it is agreed on all sides that if the suspended officer has a contingent right at the end of the session to get back into office without a reappointment by the President, this right may be intercepted by a new order of suspension. Without further comment I submit that the statute can not be construed in opposition to all the reasons for a contrary construction so as to produce this useless and absurd result. This operation of resuspension being continued till the end of the term effects a complete removal. And is it not also the strangest and most useless of all proceedings that the Senate should go deliberately to work to try the grounds on which a suspension is made and to restore the suspended officer when it is admitted that the President, remaining of the opinion he entertained when the suspension was made, can and will legally prevent the restoration?

But, Mr. President, even if all this should be wrong—if it should be established that the President has no power to remove under the Constitution—if the act of 1869 is constitutional when construed as the other side construe it, that the suspended officer is restored by a failure of the Senate to advise and consent to the appointment of a successor, still, sir, it is clear that under the statute the Senate has no power in acting on the nomination of a successor to try and determine the propriety of the suspension or of the alleged proposed removal. The power failing, the Senate can not adopt the resolutions offered by the Judiciary Committee. It is useful here to recall to the attention of the Senate portions of the argument made by the Senator from Ohio from which I have already quoted. He said:

> When a man is removed from office and another name sent here, we pass simply upon his qualification and fitness for the office.

He again said:

> The power of confirmation is a resultant power, depending upon the previous act of another officer of the Government, and all we can say in our act of confirmation is whether or not the person named is a man fit to discharge the duties of the office.

This, Mr. President, is the constitutional view and needs no further support from argument. The act of 1867 was contrary to this view, and for that reason was repealed. But in the act of 1869 this view was expressly adopted. That act provides that the President shall nominate a successor to the suspended person, and then proceeds:

> And if the Senate, during such session, shall refuse to advise and consent to an appointment in place of a suspended officer—

then the President shall nominate another person as soon as practicable to the Senate. Now, sir, it is too clear for controversy, if, in acting on a confirmation of a successor, the Senate passes not only on the fitness of the person nominated, but also on the propriety of the suspension or removal, then when it acts the matters involved in the issue are *res adjudicata*, and ought not and can not be retried. So when the statute directs that a new nomination shall be made by the President, it necessarily enacts, as the Senator from Ohio announced, that no other issue was tried, no other question settled, than such as relates to the fitness of the person nominated. There is no escape from this conclusion.

But, Mr. President, it is said that the President has made suspensions under the act of 1869, has acted under it, and can not, therefore, be permitted to allege its unconstitutionality, and the Senate may resort to the unconstitutional methods proposed in the resolutions of the Judiciary Committee to gain an end only justifiable by the provisions of an unconstitutional law. This proposition, so startling, so destructive of a calm, orderly, and constitutional exercise of the functions of government, which it has been ostentatiously announced is the object of these proceedings against the President, partakes more of badinage and jest than of serious argument. Yet the fact of the President's making suspensions under the act of 1869 is again and again referred to as concluding him in the issue made with him by the Senate.

Sir, if the act of 1869 is unconstitutional, it is null and void; not law. It possesses no vitality, no force, because a higher force, a higher vitality—the Constitution—displaces and annuls it. What kingly prerogative, what jewel in the crown of an imperial autocrat, has the President by which he in any way and by any means, by deliberation or by accident, can infuse life and force into any act of Congress, any act of his own, any act of any other officer or department, or any act of any private person, done and performed against the Constitution of the United States? If the President, if Congress, if any other officer, State or Federal, has entered into a line of action in violation of the Constitution, it is a plain duty to reverse this action. What has been done is of no validity, and what can be done in like violation of that instrument is equally without force. I might rest the answer here. But it would be unjust to the President to leave the implication that he had in any sense violated the Constitution or needed the defense which I have made.

In so far as the President has proceeded to do things prescribed by the act of 1869 he has done only that which he was authorized to do under the Constitution. If the suspension mentioned in that act be as I have shown it to be, a legal removal, then he has made removals in accordance with his constitutional power. If suspension under the act be a true suspension and not a removal, then he has performed only a constitutional act, for the greater power of removal from the whole term of the officer includes the lesser power of suspension, which can be no more than a removal for a part of the term. The unconstitutionality of the act, if it be unconstitutional, consists in that construction of it which gives the Senate the power to revise and control the action of the President. That part of it the President resists, and has always resisted, in obedience to his solemn oath to "faithfully execute the office of President of the United States, and to the best of his [my] ability preserve, protect, and defend the Constitution of the United States."

Mr. President, it is argued that the President ought to have no secrets, no confidences; perhaps that he ought to hold his Cabinet meetings in public, in presence of the reporters of the press; that no citizen, no Senator, no Representative, no Federal officer can or ought to have any communication with the President which ought not to be immediately made known to all the world.

Well, Mr. President, suppose this is all so and much more of the same sort is so. Still the obligation of the President to uncover, to make known his thoughts and actions and what he does in his great office and the reasons for what he does is to the American people and not to the American Senate, unless in cases in which the Senate may need information to enable it to perform rightly a constitutional duty. It has been shown that we have no duty to perform in relation to removals from office, and therefore we have no right to information to guide us in that matter. I will undertake to say that the demands of the American people in this respect will be fully met by the President. But, sir, what right have we to complain of secrecy on the part of the President in relation to appointments and removals? Until, sir, we have removed from our own proceedings the veil of secrecy which now conceals them, it ill becomes us to complain that other Departments of the Government do not choose to disclose to us reasons for their action. If the President in obedience to an unconstitutional demand were to send us the evidence on which he acts he would not by that submission take the American people into his confidence; he would only consign the evidence to that storehouse of secrets—the American Senate.

Mr. MORGAN. Mr. President——

Mr. BUTLER. If the Senator from Alabama will yield for a motion to go into executive session I will make that motion.

Mr. EDMUNDS. I hope that will not be done. We ought to finish this matter.

Mr. MORGAN. Does the Senator desire to finish this matter to-night?

Mr. EDMUNDS. Yes, or I shall be perfectly willing to come to an understanding with gentlemen on the other side as to when to take the vote.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield?

Mr. BUTLER. It is after 5 o'clock. I do not suppose the Senator from Vermont expects a vote now.

Mr. MORGAN. I should like to say to the Senator from Vermont——

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield?

Mr. BUTLER. I do not like to be discourteous, but I insist on my motion.

The PRESIDENT *pro tempore*. The motion not being debatable, the question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the rule.

Mr. GRAY (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "yea."

Mr. HARRISON (when his name was called). I asked the Senator from Arkansas [Mr. JONES] to pair with me to-day, and I see he is out of the Chamber. I withhold my vote.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is paired

with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, he would vote "yea."

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea."

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Missouri [Mr. VEST.]

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH], therefore I withhold my vote.

Mr. GEORGE (after having voted in the affirmative). I am paired with the Senator from New Hampshire [Mr. PIKE] on party questions. As this has taken a party turn, I ask the Senator from New Hampshire [Mr. BLAIR] if he regards it as a party question?

Mr. BLAIR. I think this is a party question; I am sure that most of the Senators do.

Mr. GEORGE. Then I withdraw my vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. BROWN (after having voted in the affirmative). I am paired with the Senator from Oregon [Mr. DOLPH]. I do not regard this as a party question, but as it seems to have partially, at least, assumed that phase, I withdraw my vote.

The result was announced—yeas 18, nays 20; as follows:

YEAS—18.

Berry,	Evarts,	McPherson,	Ransom,
Butler,	Fair,	Mitchell of Oreg.,	Stanford,
Call,	Gorman,	Morgan,	Walthall.
Cockrell,	Harris,	Payne,	
Coke,	Jackson,	Pugh,	

NAYS—20.

Allison,	Edmunds,	Mahone,	Sawyer,
Blair,	Frye,	Miller,	Sewell,
Conger,	Hoar,	Morrill,	Sherman,
Cullom,	Ingalls,	Platt,	Teller,
Dawes,	McMillan,	Riddleberger,	Wilson of Iowa.

ABSENT—33.

Aldrich,	Eustis,	Jones of Nevada,	Saulsbury,
Beck,	George,	Kenna,	Spooner,
Blackburn,	Gibson,	Logan,	Vance,
Bowen,	Gray,	Manderson,	Van Wyck,
Brown,	Hale,	Maxey,	Vest,
Camden,	Hampton,	Mitchell of Pa.,	Voorhees,
Cameron,	Harrison,	Palmer,	Wilson of Md.
Chace,	Hawley,	Pike,	
Colquitt,	Jones of Arkansas,	Plumb,	
Dolph,	Jones of Florida,	Sabin,	

So the motion was not agreed to.

Mr. BUTLER. I move that the Senate do now adjourn.

Mr. EDMUNDS. Will the Senator from South Carolina withdraw his motion until I can make a statement or suggestion?

Mr. BUTLER. I will for a moment.

Mr. EDMUNDS. I wish to suggest to the gentlemen on the other side that we come to an understanding as to when we shall vote on these resolutions; and I propose that we terminate the general debate to-morrow at 5 o'clock in the afternoon, or the next day if gentlemen prefer so to fix it, and give the Senator in charge of the resolutions an hour to make a general reply, and then take the vote.

Mr. COCKRELL. How can the Senator make an agreement with the Senators on this side when I understand there are either four or five gentlemen on the other side who want to speak?

Mr. EDMUNDS. I am not proposing myself to make any agreement. I am speaking to the whole Senate, and ask whether they are willing to come to an understanding, as we often do about things that drag out, to come to a vote at a certain time, giving time enough for everybody that wishes to speak to do so. Instead of to-morrow, therefore, I am willing to say the next day, if there are so many who wish to speak as seems to be supposed.

Mr. COCKRELL. I only a few moments ago undertook to find out how many are going to speak, and I think there are seven or eight yet to speak, and I hardly think it would be justice to them at this time without previous notice or consultation to fix an hour that might cramp them in their time when everybody else has had ample time. I am not going to speak myself, and therefore I can talk about it with perfect freedom. I should be very glad to see it end at once, so far as I am concerned, and it would have ended without a beginning.

Mr. EDMUNDS. I have no doubt the Senator would have been glad to have it ended without beginning.

Mr. COCKRELL. I do not see how we can come to an agreement just now that would be justice to Senators, some of whom are absent. One or two Senators on this side who expect to speak are not here, and I do not know what length of time they will want to occupy. If we fix an hour and one or two speeches occupy the whole time until that hour comes, no justice would then be done to the others.

Mr. BUTLER. I will make a proposition to the Senator from Vermont, that we adjourn now with the understanding that to-morrow at 4 o'clock or 5 o'clock we come to some agreement as to when we shall vote. I think that would reach his object.

Mr. EDMUNDS. My only object is to get on with the business of the Senate of which I think this is an important part, and other matters are also important, and the debate has gone on a good while. I desire to come to some understanding that is mutually agreeable, to do all the work we can and reach a vote. That is all I wish to do. I do not wish to cramp anybody.

Mr. MORGAN. I regret very much that I took the floor this evening, inasmuch as it seems to have provoked a desire on the part of the Senator from Vermont to transgress the ordinary rule, which has been quite a surprise to me. The Senator from Oregon [Mr. MITCHELL] very frankly, in consideration of certain personal considerations operating on me, yielded his place in the debate to me, with the understanding that he would go on to-morrow after the conclusion of my remarks, and therefore I undertook to take the floor this evening. I am sorry my appearance on the floor in this debate has caused the honorable Senator from Vermont to feel that there was some reason for wishing to get rid of any further speech-making in the matter.

Mr. EDMUNDS. The Senator from Alabama gives me a great compliment and does me a great injustice at the same time. I have stated on two or three former occasions that I hoped the Senate on the next day would "sit it out," as on every topic unless we can come to an understanding we are obliged to do, as everybody knows in this Chamber. It was not therefore the grace and pleasure of our listening to the Sentor from Alabama which would tempt me to stay here until midnight or some such time that led me to make the suggestion. It was only to get on with this affair, like every other, in some fair way, so that all sides could have their say and reach an understanding and come to a vote.

Mr. BUTLER. How does the suggestion I have made strike the Senator? That seems to be fair. I have no idea of making a speech myself.

Mr. HOAR. Will the Senator repeat it? It was not heard over here.

Mr. BUTLER. I am, like the Senator from Missouri, quite willing to vote now, but I have supposed there are other gentlemen who would like to be heard.

Mr. HOAR. Will the Senator from South Carolina repeat his suggestion? It was not heard over here.

Mr. BUTLER. My suggestion was that we adjourn now, with the understanding that at 4 or 5 o'clock to-morrow we come to some agreement as to when a vote shall be reached.

Mr. HARRIS. By that time we shall probably ascertain with certainty who desires to be heard on this question.

Mr. EDMUNDS. That does not amount to much; but under the circumstances, as I do not wish to press anybody—I only wish to have the Senate determine its own affair; to decide when it wishes to bring this matter to a close; and it was that which led me to ask for a division on the question of not going on now, so as to bring it sharply to the attention of the Senate and have it finished—if the Senator from South Carolina suggests, as he does, that we can probably come to an agreement to-morrow, I shall not object to stopping now with that understanding.

Mr. BUTLER. I think we can do so by that time.

Mr. EDMUNDS. The understanding is that we shall then come to an agreement about it?

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. With the understanding that at 4 o'clock to-morrow some arrangement shall be made, the Senator from Missouri moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. That motion takes precedence. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 23, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. MCKINLEY. I move that the reading of so much of the Journal as relates to the introduction and reference of bills and resolutions be dispensed with.

There being no objection, it was ordered accordingly.

The remainder of the Journal was read.

CORRECTION.

Mr. MCRAE. I desire to make a correction.

The SPEAKER. Does the gentleman desire to correct the Journal?

Mr. MCRAE. I wish to ascertain whether the Journal corresponds with the RECORD in this particular. In the RECORD my name is among the names of those not voting upon the passage of the bill (H.

R. 81) granting a pension to Margaret B. Harwood. I was present and voted against the bill.

The SPEAKER. The Chair will cause the Journal to be examined. [After a pause.] Does the gentleman state that he was present and voted in the negative?

Mr. McRAE. Yes, sir.

The SPEAKER. The Journal will be corrected.

Mr. RANDALL. According to my recollection the announcement of that vote yesterday showed but 1 majority. The announcement by the Chair, I think, was 96 to 95.

The SPEAKER. The Chair is advised that upon a revision of the roll-call by the Clerk it was ascertained that the vote in fact stood 96 to 94. If there be no further correction the Journal will be approved.

The Journal as amended was approved.

TONNAGE DUES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th of February last, calling upon the Secretary of State for copies of all the correspondence relating to the claims of certain governments to be accorded the reductions and exemptions of tonnage-dues accorded to vessels entering ports of the United States from certain ports named in the shipping act of June 26, 1884, I transmit the report of that officer, together with the correspondence.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., March 22, 1886.

JOHN P. VAFIADI.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State, with inclosures, relative to an appropriation to compensate John P. Vafiadi for clerical services at the agency and consulate-general of the United States at Cairo, Egypt; which was referred to the Committee on Claims, and ordered to be printed.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending appropriations for certain buildings in excess of the limits of cost originally fixed; which was referred to the Committee on Public Building and Grounds, and ordered to be printed.

APPROPRIATIONS FOR MILITARY ACADEMY.

The Speaker also laid before the House a letter from the Secretary of War, transmitting a letter from the Superintendent of the Military Academy in regard to the omission from the House bill No. 5886 of certain items contained in the estimates; which was referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS' TRAVELING EXPENSES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from Major Larned relative to insufficiency of mileage allowed officers traveling under orders west of the ninety-fifth meridan; which was referred to the Committee on Military Affairs.

SEA-WALL IN BOSTON HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting communication from the Chief of Engineers in regard to damage by storm to sea-wall in Boston Harbor; which was referred to the Committee on Rivers and Harbors.

WAR DEPARTMENT BALANCES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with resolution of the House of Representatives, reports and balances due to and from the United States from 1789 to June 30, 1885, as shown by the books of the War Department; which was referred to the Committee on Expenditures in he Department of Justice, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, and referred as indicated below, namely:

The bill (S. 135) granting a pension to Mary A. Tibbets—to the Committee on Invalid Pensions.

The bill (S. 197) to increase the pension of Florence Murray—to the Committee on Invalid Pensions.

The bill (S. 226) granting a pension to Margaret D. Marchand—to the Committee on Invalid Pensions.

The bill (S. 231) granting a pension to Jennette S. Kent—to the Committee on Invalid Pensions.

The bill (S. 276) granting a pension to Philip C. Enders—to the Committee on Invalid Pensions.

The bill (S. 283) granting a pension to Isaac N. Minshall—to the Committee on Invalid Pensions.

The bill (S. 284) granting a pension to Margaret B. Harwood—to the Committee on Invalid Pensions.

The bill (S. 362) granting a pension to James H. King—to the Committee on Invalid Pensions.

The bill (S. 364) granting a pension to Nancy Battorff—to the Committee on Invalid Pensions.

The bill (S. 475) granting a pension to Mrs. Bridget Rush—to the Committee on Invalid Pensions.

The bill (S. 570) for the relief of Jabez Burchard—to the Committee on Invalid Pensions.

The bill (S. 674) granting a pension to Mrs. Ellen M. Mitchell—to the Committee on Invalid Pensions.

The bill (S. 683) granting a pension to Henry O. Hill—to the Committee on Invalid Pensions.

The bill (S. 761) granting a pension to William Webster—to the Committee on Invalid Pensions.

The bill (S. 811) granting a pension to Mrs. Susan Gilman—to the Committee on Invalid Pensions.

The bill (S. 813) granting a pension to Miss Rebecca Miller—to the Committee on Invalid Pensions.

The bill (S. 814) granting a pension to Mrs. Adaline M. Putnam—to the Committee on Invalid Pensions.

The bill (S. 1125) granting a pension to Noah Nelson—to the Committee on Invalid Pensions.

The bill (S. 1363) granting a pension to William Blanchard—to the Committee on Invalid Pensions.

The bill (S. 387) to define the laws and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas—to the Committee on Military Affairs.

The bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company—to the Committee on Military Affairs.

The bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers—to the Committee on Military Affairs.

The bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington—to the Committee on Commerce.

The bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses—to the Committee on Commerce.

The bill (S. 1404) to authorize the acquisition of certain parcels of real estate embraced in square numbered 406, of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office—to the Committee on Public Buildings and Grounds.

HOUSE BILL WITH SENATE AMENDMENTS.

The SPEAKER also laid before the House a bill (S. 1151) authorizing the President of the United States to appoint William P. Randall a lieutenant-commander on the retired-list of the Navy, returned from the Senate with amendments; which were referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. O'FERRALL, until Tuesday, 30th instant, on account of important business.

To Mr. NEGLEY, for four days.

To Mr. COBB, for one week, on account of important business.

To Mr. TOWNSHEND, for two weeks.

To Mr. MORROW, indefinitely, on account of illness in his family.

CONGRESSIONAL LIBRARY BUILDING.

Mr. SINGLETON. I ask unanimous consent of the House for the adoption of the following resolution.

The Clerk read as follows:

Resolved, That Tuesday, the 6th day of April, be set apart for the consideration of House bill 1297, authorizing the construction of a building for the accommodation of the Congressional Library; to continue from day to day until disposed of, not to interfere with appropriation bills or previous orders of the House.

Mr. EDEN and Mr. HOLMAN objected.

ORDER OF BUSINESS.

Mr. THOMAS, of Illinois. Mr. Speaker, I desire to ask unanimous consent to introduce a bill for reference, as I was not in my seat when my State was called on yesterday.

Mr. BEACH. I object.

REPORT ON ORDNANCE AND WAR SHIPS.

Mr. BARKSDALE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the Senate concurrent resolution providing for the printing of additional copies of the report of the Select Committee on Ordnance and War Ships, and put the same upon its passage.

The SPEAKER. The Senate resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That 11,100 additional copies of the report of the Select Committee on Ordnance and War Ships be printed; 100 copies for the use of the committee to be distributed to those who contributed to the appendix to said report, 1,000 each to the War and Navy Departments, 3,000 for the use of the Senate, and 6,000 for the use of the House of Representatives.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the resolution; and the same was considered and passed.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSIDERATION OF BILLS FOR PUBLIC BUILDINGS.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent to present for immediate consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read subject to objection.

The Clerk proceeded to read as follows:

Resolved, That Saturday, April 17, 1886, after the morning hour for the consideration of bills reported from committees, be fixed for the consideration of such bills reported from the Committee on Public Buildings and Grounds as involve no expenditure from the Treasury or an expenditure not exceeding $25,000 in any one bill, not to interfere with prior special orders or general revenue or appropriation bills; and if displaced——

Mr. RANDALL (interrupting the reading). I object.

ORDER OF BUSINESS.

Mr. HOLMES. Mr. Speaker, I desire to ask unanimous consent for the reading of the memorial and joint resolution which I send to the desk, after which I shall ask unanimous consent to print the same in the RECORD.

The SPEAKER. It can only be read, of course, by unanimous consent. The Chair will submit the request of the gentleman from Iowa——

Mr. BEACH. I object.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

NATIONAL LIVE-STOCK HIGHWAY.

Mr. REAGAN, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 721) to establish a national live-stock highway and to promote commerce in live-stock between the States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT, NEW BEDFORD, MASS.

Mr. DAVIS, from the Committee on Commerce, reported, as a substitute for H. R. 3486, a bill (H. R. 7205) for the establishment of a light at New Bedford, Mass.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3486 was ordered to be laid on the table.

BUREAU OF PUBLIC HEALTH.

Mr. DAVIS, from the Committee on Commerce, also reported back with amendments the bill (H. R. 4959) to prevent the introduction of contagious and infectious diseases into the United States and to establish a bureau of public health; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HELL GATE CHANNEL ELECTRIC LIGHT, NEW YORK.

Mr. JOHNSON, of New York, from the Committee on Commerce, reported, as a substitute for H. R. 3558, a bill (H. R. 7206) authorizing the purchase of the site of the Hell Gate channel electric light, New York; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 3558 was ordered to be laid on the table.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River or Lake at any accessible point between Prescott, Wis., and Taylor's Falls, Minn.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BYNUM the Committee on Commerce was discharged from the further consideration of the bill (H. R. 1595) to authorize the registration of certain steamships as vessels of the United States; and the same was referred to the Select Committee on American Shipbuilding and Ship-owning Interests.

SOUTH PASS OF MISSISSIPPI RIVER.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported a bill (H. R. 7207) making appropriation to supply deficiency in the amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain the depth of water and width of channel at South Pass of Mississippi River; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, from the Committee on Agriculture, reported, as a substitute for the bill H. R. 3350, a bill (H. R. 7208) to amend an act for the establishment of a bureau of animal industry, and for other purposes, approved May 29, 1884; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 3350 was laid on the table.

ALBERT D. STOUFFER.

Mr. BRAGG, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5430) to relieve Albert D. Stouffer from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRISON DEWEY.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 2760) for the relief of John Upcraft;

A bill (H. R. 4671) for the relief of John J. Nawry;

A bill (H. R. 5669) for the relief of Lott S. Bayless;

A bill (H. R. 5065) to remove the charge of desertion from the military record of Frank Ludwig;

A bill (H. R. 4776) providing for the examination of Richard I. Kimball, a corporal of Battery K, Second United States Artillery, for promotion to the rank of second lieutenant;

A bill (H. R. 4635) to place the name of J. Washington Brank on the muster-roll of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 4599) for the relief of the Seventh Regiment, New York Cavalry Volunteers;

A bill (H. R. 5445) granting an honorable discharge to Joseph Sharp;

A bill (H. R. 629) for the relief of John Kennedy;

A bill (H. R. 3107) to regulate the promotion of graduates of the United States Military Academy;

A bill (H. R. 4502) to regulate the promotion of graduates of the United States Military Academy; and

A bill (H. R. 5955) for the relief of Isaac Williams.

ROAD TO RICHMOND NATIONAL CEMETERY.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported, as a substitute for the bill H. R. 2518, a bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery near Richmond, Va.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2518 was laid on the table.

BOXES DEPOSITED IN TREASURY DEPARTMENT.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was referred to the House Calendar, and, with the amendments and the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2967) for the relief of William E. Christian; and

A bill (H. R. 2795) for the relief of William Wall.

SAN ANTONIO MILITARY RESERVATION.

Mr. WHEELER, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WHEELER, from the Committee on Military Affairs, also re-

ported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 736) for the relief of David M. Logan; and

A bill (H. R. 126) to place James H. Cowan on the rolls of the Arkansas Volunteers.

ADVERSE REPORTS.

Mr. VIELE, from the Committee on Military Affairs, reported back adversely bills and a petition of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3507) to correct the volunteer record of Capt. Thomas B. Hunt, United States Army;

A bill (H. R. 1355) for the relief of Peter Kumpf; and

Petition of Rudolph Kost, late second lieutenant Company H, Sixth Regiment Connecticut Volunteers.

IMMEDIATE DELIVERY OF LETTERS.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 4865) to extend the system for the immediate delivery of letters and amendatory of sections 3, 4, and 5 of the act approved March 3, 1885, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PRE-EMPTION LAWS.

Mr. McRAE, from the Committee on the Public Lands, reported a bill (H. R. 7210) to repeal all laws providing for the pre-emption of public lands, and for other purposes; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

PUBLIC BUILDING AT MONROE, LA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 175) for a public building at Monroe, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, GA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with an amendment the bill (S. 712) for the erection of a public building at Augusta, Ga.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PURCHASE OF LAND IN PROVIDENCE, R. I.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 3124) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 4541) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 305) for the erection of a public building at Huntsville, Ala.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SCHOOL-FARM LANDS, BEAUFORT, S. C.

Mr. O'DONNELL, from the Committee on Education, reported back with a favorable recommendation the bill (H. R. 2252) to provide for the redemption and sale of the school-farm lands now held in Beaufort County, South Carolina, by the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARMS AND EQUIPMENT FOR MILITIA.

Mr. FORNEY, from the Committee on the Militia, reported back with a favorable recommendation the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INSTRUCTION OF STATE MILITIA.

Mr. FORNEY, from the Committee on the Militia, reported back favorably the bill (H. R. 1717) for the special and uniform instruction of State militia; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN H. WALTERS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3860) granting a pension to John H. Walters, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM GORDON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6638) granting a pension to William Gordon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD M. HARRINGTON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6648) for the relief of Edward M. Harrington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLOTTE ALGIER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA CONNELLY.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6257) for the relief of Julia Connelly; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSIAH FOCHT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5408) granting a pension to Josiah Focht; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET KLINEDINST.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 5436) granting a pension to Margaret Klinedinst; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES F. WARD.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5643) granting an increase of pension to Charles F. Ward; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4010) to grant a pension to John I. Sawyer;

A bill (H. R. 3459) for the relief of Wilson Scott;

A bill (H. R. 3718) to increase the pension of Sarah M. Dunn; and

A bill (H. R. 3717) granting a pension to Eli B. Parker.

JOSEPH M'MILLAN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BRIDGET M. CULLEN.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6183) for the relief of Bridget M. Cullen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN D. KREHBIEL.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6519) granting a pension to John D. Krehbiel; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JANE E. SLAMM.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4621) granting a pension to Jane E. Slamm; which was laid on the table, and the accompanying report ordered to be printed.

ELIZABETH M'KAY.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4782) granting a pension to Elizabeth McKay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL J. BROWN.

Mr. WOLFORD, from the Committee on Pensions, reported back favorably the bill (H. R. 1273) for the relief of Samuel J. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS ALLCOCK.

Mr. WOLFORD, from the Committee on Pensions, also reported back favorably the bill (H. R. 1576) granting an increase of pension to Thomas Allcock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PERNETTA HENDLEY.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back with amendment the bill (H. R. 1348) for the relief of Pernetta Hendley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FERDINAND PLOCHER.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (H. R. 6692) for the relief of Ferdinand Plocher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALAMO CEMENT COMPANY, TEXAS.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (H. R. 6605) for the relief of the Alamo Cement Company, of Texas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMER I. N. BUNTON.

Mr. LANHAM, from the Committee on Claims, also reported back favorably the bill (H. R. 7211) referring the claim of the owners of the steamer I. N. Bunton to the Court of Claims; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VICKSBURG AND MERIDIAN RAILROAD COMPANY.

Mr. LANHAM, from the Committee on Claims, also reported back favorably the bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue taxes, and to refund the amount of said taxes erroneously assessed and collected; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. F. AND N. C. SAINT JOHN.

Mr. TRIGG, from the Committee on Claims, reported back with amendment the bill (H. R. 5131) for the relief of A. F. and N. C. Saint John; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF SOLOMON SPITZER.

Mr. BUCHANAN, from the Committee on Claims, reported back with an amendment the bill (H. R. 1626) for the relief of the heirs of the late Solomon Spitzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TERRENCE DELOZIER.

Mr. FLEEGER, from the Committee on Claims, reported back with an amendment the bill (H. R. 2087) for the relief of Terrence Delozier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF GENERAL A. S. TUTT, DECEASED.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with an amendment the bill (H. R. 1371) for the relief of the heirs of General A. S. Tutt, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUND OF DUTIES TO NEW YORK STATE.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 5011) to refund duties paid by the State of New York on arms imported in 1883; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CALIFORNIA WAR CLAIM.

Mr. LYMAN, from the Committee on War Claims, reported back with an amendment the bill (H. R. 5566) for the relief of the State of California; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. KLEINER, from the Committee on War Claims, reported back adversely the bill (H. R. 36) for the relief of Mrs. M. J. Donohoe, J. A. Henry, and others; which was laid on the table, and the accompanying report ordered to be printed.

J. S. HENRY AND OTHERS.

Mr. KLEINER, from the Committee on War Claims, also reported back favorably the bill (S. 289) for the relief of J. S. Henry and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. KLEINER, from the Committee on War Claims, also reported back adversely the bill (H. R. 3061) for the relief of Samuel M. Nalley; which was laid on the table, and the accompanying report ordered to be printed.

AWARDS UNDER TREATIES.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably Senate concurrent resolution for the printing of 5,000 additional copies of the statement relative to the awards under treaties with France and Spain; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLASSIFICATION, ETC., OF UNITED STATES OFFICIALS.

Mr. COX, from the Select Committee on Reform in the Civil Service, reported back favorably a bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EVIDENCE OF DISPUTED HANDWRITING.

Mr. RANNEY, from the Committee on the Judiciary, reported, as a substitute for H. R. 1932, a bill (H. R. 7212) providing for evidence in cases involving disputed handwriting; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1932 was ordered to be laid on the table.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. SENEY, from the Committee on the Judiciary, reported back with favorable recommendation the bill (H. R. 1751) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOTION TO RECONSIDER.

Mr. SPRINGER. Mr. Speaker, I desire to enter a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I wish to enter a motion to reconsider the vote by which the House rejected the bill (S. 812) granting a pension to Mrs. E. A. Benham. I will state that I propose to call this up on Friday next. I desire to examine the case myself, as I voted without having an opportunity of making any examination of the papers upon which the claim is founded, and am not able to determine yet whether I shall vote for or against the bill.

ORDER OF BUSINESS.

Mr. GOFF. Mr. Speaker, I wish to submit a report from the Committee on Naval Affairs for immediate consideration.

The SPEAKER. The Chair thinks it can not be made now. The rule provides that immediately after the call of committees for reports the Chair shall again call the committees for one hour for the consideration of such measures as may be presented by them.

Mr. GOFF. When would it be in order to ask unanimous consent for the consideration of this report?

The SPEAKER. In the morning before the House begins the execution of the order under its rules. The report may be made now if the gentleman desires it. The Chair will receive the report, but it can not be considered for the reason stated.

Mr. GOFF. I will withdraw the report for the present.

The SPEAKER. Under the rule for the consideration of bills the hour begins at fifteen minutes after 1 o'clock, and the call rests with the Committee on War Claims.

FOURTH OF JULY CLAIMS.

Mr. RICHARDSON. Mr. Speaker, by direction of the Committee on War Claims I call up for present consideration the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill to which I have referred.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of a bill which the Clerk will read.

The Clerk proceeded to read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as, a full and final discharge of the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since January 21, 1885, namely:

Mr. RICHARDSON. I imagine that it will be hardly necessary to read the long list of claims, numbering ten hundred and twenty-two, covered by this bill. I therefore ask unanimous consent that it be dispensed with.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was ordered accordingly.

Mr. RICHARDSON. Mr. Chairman, this bill now under consideration is one to make appropriations to pay the list of claims submitted to the House by the Secretary of the Treasury in his letter of date January 16, 1886. These claims are ten hundred and twenty-two in number, and all of them are claims arising under what is familiarly known as the 4th of July act of 1864. They have each been carefully investigated and allowed by the proper accounting officers of the Government. The aggregate amount provided for in this bill is $238,200.64. It is apparent therefore that the vast majority of these claims are for small amounts, and the claimants in the main are poor people. It will be seen by proper calculations that the average sum due to each of the ten hundred and twenty-two claimants is only $233.07. Under the law of July 4, 1864, the Government determined to pay for certain quartermaster and commissary stores taken and used by the armies of the United States.

The express conditions of said act were, first, the stores or supplies must be taken in States not in rebellion; second, that the claim was just; third, that the claimant was loyal; and fourth, that the stores were actually received or taken for the use of, and were used by, the Army. The claims therefore come only from loyal States, and the money goes only to loyal men in these States. The Quartermaster-General or the Commissary-General, as the case might be one of quartermaster or commissary stores, was to cause said claims, in each case, to be examined and investigated, and if satisfied from the proof that all the conditions precedent were favorable to the allowance of the claims they were to be reported to the Third Auditor of the Treasury with a recommendation for settlement. If upon this examination by the Third Auditor they are found correct, he in turn was to pass them to the Second Comptroller for further examination.

After these various investigations and examinations of the claims, and their justice and validity established, the Secretary of the Treasury reports them to the House for the consideration of Congress. These claims set forth in the bill under consideration have all passed the ordeal I have mentioned, and have been regularly allowed by the proper officers. Every condition precedent to their allowance has been found in their favor after the most painstaking investigation by the tribunal constituted by law to investigate them. The proof in every case was taken by special agents of the Quartermaster's Department sent out for that purpose, and it was taken in the various localities where the claims arose. For more than twenty years these parties have been kept out of their money, and no interest is allowed in any case. By a reference to the bill it will be seen that in at least 75 per cent. of the cases the money now goes to administrators and heirs, so that, Mr. Chairman, this bill is really and in fact one for the benefit of the widows and orphans of the land.

Your committee find upon examination of these claims that in about 95 per cent. of them the amount claimed, and I may add often clearly proven, is cut down 60 to 80 per cent. We learn from the Departments that at least 60 per cent. of the claims filed are rejected *in toto*. The money paid out under this bill will be distributed as follows: My own State, sir, Tennessee, has within her borders six hundred and forty of the claims, amounting to $177,874.52. The State of Kentucky comes next with two hundred and twenty-three claims, amounting to $32,888.42. The State of Missouri next, with forty-three claims, amounting to $8,464.03. The State of Maryland next, with twenty-one claims, amounting to $2,874.70, and so on with the States of Indiana, Pennsylvania, and others getting smaller sums. My own State, it will be seen, obtains much the larger portion of this money. Her people are entitled to it, Mr. Chairman, for no State in the Union gave more of its abundance to feed and supply the armies of the United States than she did while war was flagrant. Her granaries were made empty, her smoke-houses left vacant, her fair fields devastated and laid waste, her live stock consumed; in short, her almost inexhaustible resources consumed to feed and supply the armed men of the Government. It is but fair, even at this late date, to make some kind of remuneration to these people.

The late Senator from Massachusetts, Hon. Charles Sumner, speaking of the dealings of this Government with her creditors, and these claimants are simple creditors, on one occasion said, "We have the meanest and most dishonest Government in the world." I shall not, sir, agree Mr. Sumner was right; on the other hand, I think we have the best Government the world ever saw. But I do say here and now that if an individual, having the power to do so, were to treat his creditors as the poor claimants in this bill have been treated and as scores and hundreds of similar claimants are now being treated, such individual would not only be properly characterized as mean, but as dishonest also. If States were to deal with their creditors in the same way they would at once have the charge made against them that they were guilty of repudiation.

If the Government, sir, displayed one-half the alacrity to do justice in its dealings with these poor people for whom I speak to-day and whose property it took and consumed a quarter of a century ago that it manifests in dealing with its rich bonded creditors in unjustly converting their demands into gold obligations and in extorting gold or its equivalent from a tax-ridden people to increase the fortunes of that class of creditors, there would be no just cause for the criticism made by the late Senator from Massachusetts.

I ask, Mr. Chairman, the prompt and immediate consideration and passage of this bill, that the partial justice it affords them, so long deferred, may at last be meted out without further delay to the claimants mentioned therein.

Mr. KLEINER. Mr. Speaker, some of the claims covered by this bill were presented by citizens of Indiana, and grew out of what is known as the "Morgan raid" during the month of July, 1863.

It is further known that the confederate General Morgan invaded Indiana during the month of July, with about four thousand men, mostly mounted, and by rapid marches crossed some of the southeastern counties of the State. That at that time the Federal troops were in the South, leaving the State in a defenseless condition.

To repel this invasion, Generals Hobson, Wolford, and others were ordered by the Federal commander of the Department of the Ohio to cross the Ohio River from Kentucky to Indiana in pursuit. That to enable these troops to overtake the rebels only mounted men were available, and to mount their troops for this emergency orders were given to seize any horses along the line of pursuit required for the use of the army.

Hence these claims are about all for horses, saddles, and bridles so taken. There was not even time, as the testimony of the Federal officers shows, to give the usual vouchers or other evidence of seizure, but the Legislature of Indiana created a commission to take evidence upon the ground and report to the governor of the State the time, place, and kind of property taken as well as the actual cash value thereof due to each person.

The gross amount found due by the commission and reported in this bill now under consideration is $2,834.05, and the amount due each individual claimant ranges from $40 to $353.05, the latter sum being for three horses. All of the property, as stated heretofore, was taken by orders of Hobson and Wolford.

Mr. WARNER. You ought to present the claims to these gentlemen here for settlement. [Laughter.]

Mr. WOLFORD. I have not got the money.

Mr. STONE, of Kentucky. And I do not want to pay them. [Renewed laughter.]

Mr. KLEINER. General WOLFORD here says he has not got the money to pay, and my friend Mr. STONE, whom I had the pleasure of escorting to the Ohio penitentiary about that time, says he does not want to pay them. [Great laughter.]

It may be proper for me to say here that Brother STONE was at that time a gallant soldier under that intrepid confederate cavalryman and I a humble soldier under Hobson in pursuit; that after the surrender of the former at New Lisbon, Ohio, some of his command was, with due solemnity, escorted to the Ohio penitentiary, then the most available military prison.

I have personally investigated the twenty-two claims presented in this bill, and fully believe that every one is just and should be paid. The amounts presented here for payment do not represent 30 per cent. of the amounts claimed by those originally injured.

The horses taken were in no case returned, nor has payment ever been made by the State of Indiana or the United States. The necessities of the time and place left no way open to save the property of these people, and now after nearly twenty-three years the least that the Government can do is to repair the losses so long since incurred.

The loyalty of these people, being citizens of Indiana, is of course beyond dispute, and is fully proven in the testimony filed in each case.

Mr. JOHNSTON, of Indiana. Will my colleague allow a question?

Mr. KLEINER. Certainly.

Mr. JOHNSTON, of Indiana. Did I understand you to say that these claims in Indiana were for horses taken by Morgan when he went through there on his raid?

Mr. KLEINER. I said they were taken by the commands of Generals Hobson and Wolford when they were following Morgan on his raid through Indiana; that they were taken as a military necessity.

Mr. JOHNSTON, of Indiana. On this side of the House we understood the gentleman to say that they were taken by Morgan. I think we could not afford to pay for all the horses Morgan took.

Mr. KLEINER. The gentleman misunderstood me, since the claims presented here were for property taken by order of the Federal forces as a military necessity. Morgan doubtless took many, but no claims are made here for any he took, so far as I know. General WOLFORD,

who is here, and led the advance, doubtless will verify the taking by his authority many of the horses reported in this bill, as his testimony and the testimony of others shows.

Mr. Chairman and gentleman, this bill is fairly and justly presented, and I hope it will be ordered engrossed and passed at once.

Mr. RICHARDSON. I desire to offer some formal amendments. Many of them are merely clerical.

The proposed amendments were read, and agreed to.

Mr. TAULBEE. I submit the following amendment, which I send to the desk.

The Clerk read as follows:

Amend by adding after line 1947 the words:
"To David Collingsworth, of Magoffin County, $115."

Mr. TAULBEE. With reference to this amendment I desire to make a brief statement. This is a claim for a horse. The claim was filed with the Quartermaster-General, was examined by a special agent, and was adjudicated by the Quartermaster-General and by him allowed and certified to the proper accounting officer in the Auditor's office, and by him approved and passed and certified to the Second Comptroller of the Treasury; by him approved, and sent back to the auditing office to be included in the 4th of July bill. I have letters from the Quartermaster-General, from the Auditor's office in the Treasury, and from the Second Comptroller setting forth these facts, which letters are now on file with the Committee on Claims, to be considered in connection with a bill introduced by myself in the present session of Congress, that places this claim precisely on the same footing, as I understand it, with all the other claims in the bill. I simply ask that it be included in this bill.

Mr. RICHARDSON. I think the amendment is obnoxious to the point of order, and I make the point of order against it. There is a bill, as the gentleman has stated, already pending in the House exactly the same in substance.

Mr. TAULBEE. I do not think I made any such statement.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to say there was a bill pending before the Committee on Claims.

Mr. TAULBEE. I stated that those letters were filed with the Committee on Claims, not the Committee on War Claims, to be considered in connection with a bill I had introduced. The bill, however, does embrace the substance of this amendment. I had it referred to the Committee on Claims after conferring with some members on the Committee on Appropriations, and with the hope that it might be sooner reached in that committee than any other committee.

Mr. MCMILLIN. I ask the gentleman from Kentucky if this is not a claim which would in the regular course of events be reported with the next bill providing for these claims?

Mr. TAULBEE. Yes, sir.

Mr. MCMILLIN. Then I suggest to the gentleman to let it go until that time. I suppose there are dozens of members of Congress who represent constituencies from which come the claims embraced in this bill who are in the same position as the gentleman from Kentucky. I have no doubt the gentleman's claim is correct, but I do doubt the expediency of his constituents and others anticipating things in this irregular way.

Mr. TAULBEE. I desire to state——

The CHAIRMAN. The point of order must be first disposed of. The Chairman understands the gentleman from Kentucky to say there is a bill pending substantially the same as this amendment.

Mr. TAULBEE. I confess under the rules of the House the amendment is subject to the point of order; but I hope gentlemen will not insist on it when they understand that this claim is one in favor of a man who has waited, like all these other claimants, for a number of years, and who is now very sick, old, and in needy circumstances, and concerning whom such satisfactory presentations of facts have been had by the various Departments as to induce them to put this claim through by what is known as a special order for relief of needy claimants.

Mr. JOHNSTON, of Indiana. Will the gentleman allow me——

Mr. TAULBEE. Yes, sir.

The CHAIRMAN. This discussion is out of order. The point of order having been made that this claim is now pending before a committee of the House, that question of order must first be disposed of.

Mr. RICHARDSON. I wish to say as to the point of order that I would not insist on it so as to defeat the application of my friend from Kentucky but for the fact that the committee have pending before them applications to amend this bill to the amount of nearly $70,000; and if we open the door and admit one amendment there is no stopping it, and the result will be this bill will become the general appropriation bill of this House. We can not afford that, and I insist on the point of order.

Mr. TAULBEE. Can I make this statement——

The CHAIRMAN. The gentleman can only speak by unanimous consent except to the point of order.

Mr. TAULBEE. I will not ask unanimous consent. I wish to add a few words in answer to what has just been said by the gentleman from Tennessee [Mr. MCMILLIN]. We understand, Mr. Chairman, that these claims are all meritorious. I am in favor of this bill, and I do not introduce this amendment to delay or endanger the passage of the bill. These claimants are entitled to speedy relief. But I can not see the propriety of keeping out other claims equally meritorious though it might necessitate the offering of quite a number of amendments to this bill and involve a considerable amount of additional expenditure.

If these claims are all upon the same basis, I see no reason why the bill would not be, under any rule of right, subject to these amendments. If these cases to be cut out by the point of order are as meritorious as those included in the bill, I can see no propriety in the point of order being made to exclude them. These claims have waited for a number of years. While the Government of the United States has been very prompt in its payment of certain kinds of indebtedness in which the masses of the people are not interested, men whose property was taken during the war to promote the cause of the Union, and who have lain out of their money and of the interest upon it during all these years, are now to have their claims cut down to a pittance (as we learn from the statement of the gentleman from Tennessee [Mr. RICHARDSON] in charge of this bill), without, as we may justly conclude, due regard being had to the value of the property taken. I see no reason why the rules of this House should be applied to cut down these claims or to delay payment of them, when in many instances, as in the one embraced in this amendment, the property taken was of indisputable value and was taken in an emergency for the use of the Government. I hope the gentleman will not insist upon the point of order.

Mr. GEDDES. Mr. Chairman, I desire to have the gentleman [Mr. TAULBEE] feel entirely satisfied with regard to the action of the committee, and I am in sympathy with him in regard to getting this amendment put upon the bill. Therefore, if I may be permitted, I wish to ask him a question.

Mr. TAULBEE. Certainly.

Mr. GEDDES. This particular case has not been before the committee and we have not had an opportunity to investigate it. Various other bills, represented by gentlemen who have seats on this floor, have been submitted to us, and we have had time and opportunity to investigate them, and have come to the conclusion that they are just and proper, yet we have declined to add them to this bill. Now, if your bill is taken up, which has not been before the committee at all——

Mr. RICHARDSON. Or before any other committee.

Mr. GEDDES. Or before any other committee—if that bill is taken up to the exclusion of these others, it will, of course, work great injustice to them.

Mr. TAULBEE. Mr. Chairman, may I be allowed to say that I did not intend——

The CHAIRMAN. The point of order is pending. This discussion is out of order, but the gentleman may proceed by unanimous consent.

Mr. TAULBEE. I know the point of order is pending, but I ask the indulgence of the committee to say an additional word in order that I may not be misunderstood in this matter. I do not wish to be understood as having intended to reflect at all upon the Committee on War Claims. I know they have had no opportunity to consider this bill. Neither do I consider it indispensably necessary that they should have an opportunity to consider this or any other bill. I do not wish this amendment to be adopted before it is properly considered by a committee, but if I understand the matter we are now in committee, we have a right now to consider this bill regardless of what other committee of the House may have previously considered it or what committee of the House may not have considered it in their committee-room. I know that so far as this bill is concerned the Committee on War Claims are guilty of no laches and have not been derelict in any duty.

This bill, because of its having been delayed in passing through the office of the Second Comptroller until after the 4th of July bill was certified to the House, did not go to that committee at all. The committee therefore have done their duty, but I hold that it would be unjust to a worthy and loyal man whose property has been converted to the use of the Government to insist now upon the point of order and thus to delay payment of his claim until a time when, in all human probability, he may not be alive to enjoy the benefit of it. Let us do right. We can always afford to do right and to render justice to every man. No rule need be applied when the application of it will work injustice to a man who has an honest and equitable claim against the Treasury of the United States.

Mr. GEDDES. Does the gentleman know the fact——

Mr. KLEINER. I demand the regular order.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I make the point that a point of order is now pending before the House and should be decided by the Chair.

The CHAIRMAN The point is well taken. The Chair has already stated that this discussion could proceed only by unanimous consent. Objection having been made to its proceeding further, the Chair decides that the point of order is well taken.

Mr. RICHARDSON. Mr. Chairman, I move that the committee now rise and report this bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole

House on the state of the Union had had under consideration a bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and had instructed him to report the same to the House with sundry amendments and with the recommendation that it do pass.

Mr. RICHARDSON. Mr. Speaker, I now move the previous question upon the adoption of the amendments and upon ordering this bill to be engrossed and read the third time.

The motion was agred so.

The SPEAKER. The question is upon the adoption of the amendments. Unless separate votes be demanded, the question will be taken upon the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER (when the Committee on Expenditures in the Department of Justice was called) said: Mr. Speaker, it was the intention of that committee to call up a very important bill in regard to the salaries of certain officers of the United States courts, but I do not see the chairman of the committee in his seat. I am not a member of the committee, but I ask unanimous consent that the committee may not lose its place in this call.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Expenditures in the Department of Justice may be allowed to call up business of that committee, if they desire to do so, when the chairman, who is now absent, makes his appearance on the floor. Is there objection? The Chair hears none.

CONGRESSIONAL LIBRARY BUILDING.

Mr. SINGLETON (when the Committee on the Library was called) said: Mr. Speaker, I am directed by the Committee on the Library to call up the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. CRISP in the chair), and proceeded to the consideration of the bill, which was read, as follows:

A bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

Be it enacted, &c., That a fire-proof building, for the accommodation of the Library of Congress, shall be erected east of the Capitol, and either between B street north and East Capitol street and First street east and Second street east, or between B street south and East Capitol street and First street east and Second street east, and as the commission hereinafter provided shall determine; and the construction of said building, substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress, by John L. Smithmeyer, in the Italian renaissance style of architecture, with such modifications as may be found necessary or advantageous, without materially increasing the cost of the building, shall be in charge of a commission composed of the Secretary of the Interior, the Architect of the Capitol Extension, and the Librarian of Congress, who shall be authorized and directed to make contracts for the construction thereof, after proper advertisements and the reception of bids; and the sum of $500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to commence the construction of said building; and the moneys appropriated for said building shall be disbursed by the Secretary of the Interior.

SEC. 2. That in order to procure a suitable site for a building for the Library of Congress so much of the land situated east of the Capitol grounds above described shall be purchased by said commission, or taken for public use as hereinafter provided, and not less than the whole of that portion bounded on the north by B street north, on the east by Second street east, on the south by East Capitol street, and on the west by First street east; or if that portion should not be so purchased or taken for public use, then the whole of that portion bounded on the north by East Capitol street, on the east by Second street east, on the south by B street south, and on the west by First street east; and a sum of money sufficient to pay for said land, in the mode hereinafter provided, is hereby appropriated therefor out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That said commission shall be authorized to purchase said land, or any part thereof, as soon as practicable, at such prices as may be fixed by agreement between said commission and the respective owners: *Provided, however*, That said commission shall not pay in the aggregate for the site aforesaid, including the whole of said land as described lying north of East Capitol street, or the whole as described lying south of East Capitol street, more than $550,000; and if they are not able to purchase the whole of either portion of said land, they may purchase any parcels thereof, for sums not exceeding, in their best judgment, that portion of $550,000 which the value of the parcel or parcels purchased bears to the value of the whole land; and payment therefor shall be made to the respective owners, on the requisitions of the Secretary of the Interior, upon the release and conveyance of said land to the United States by good and sufficient deeds executed in due form of law: *And provided further*, That no money hereby appropriated shall be expended for the purchase of said land, or any part thereof, or for the erection thereon of said library building, until the written opinion of the Attorney-General shall be had in favor of the validity of the title to said land.

SEC. 4. That if said commission shall be unable to purchase the whole of said land lying north of East Capitol street, or the whole of said land lying south of East Capitol street, by agreement with the respective owners, within thirty days after the passage of this act, within the limitations prescribed by this act, they shall, at the expiration of such period of thirty days, make application to the supreme court of the District of Columbia, at a general or special term, by petition containing a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, which court is hereby authorized and required, upon such application, without delay, to ascertain and assess the damages occasioned by the taking of said land to each owner thereof, or to any person having a legal claim to said damages, in the manner provided with reference to the taking of land for highways in the District of Columbia.

SEC. 5. That the fee-simple of all premises so appropriated for public use of which an appraisement shall have been made under the order and direction of said court shall, upon payment to the owner or owners, respectively, or to such person as shall be authorized to receive the same for any such owners, of the appraised value, or in case the said owner or owners refuse or neglect for fifteen days after the appraisement of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, upon depositing the said appraised value in said court to the credit of such owner or owners, respectively, be vested in the United States; and said commission is hereby authorized and required to pay to the several owner or owners, respectively, or to such persons authorized as aforesaid, the appraised value of the several premises as specified in the appraisement of said court, or pay into court, by deposit, as hereinbefore provided, the said appraised values.

SEC. 6. That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The cost occasioned by the inquiry and assessment shall be paid by the United States; and as to other costs which may arise they shall be charged or taxed as the court may direct.

SEC. 7. That no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners. In such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases as soon as the United States shall have paid the compensation assessed, or secured its payment by a deposit of money under the order of the court, possession of the property may be taken.

SEC. 8. That the Secretary of the Interior shall annually report to Congress, at the commencement of each session, a detailed statement of all the proceedings under the provisions of this act.

Mr. RANDALL. If there is a report accompanying this bill I call for its reading.

The following report (by Mr. SINGLETON) was read, in part:

The Committee on the Library, to whom was referred the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library, submit the following report:

The condition of the Library of Congress in its present narrow, inconvenient, and totally inadequate quarters is such as to demand prompt action at the hands of Congress. The protection of valuable public property, and the necessities of Congress for the prompt service of its great collection of books, which can only find their highest utility when properly arranged and classified, alike require enlarged accommodations. The most casual visitor to the Library must admit that its present condition is deplorable. The Librarian reports that it contains shelf-room for less than 300,000 volumes in all, while the present collection considerably exceeds 500,000. The result is seen in books stowed rank behind rank, so that their titles are concealed instead of exhibited, in alcoves overflowing into every adjacent space and corridor, and in floors heaped high with books, pamphlets, musical compositions, and newspapers, from the ground floors of the Capitol to the attic. Besides this, nine dark and unventilated rooms in the crypts below the Capitol have been filled with books, until at length all further resources for storage are exhausted. Meanwhile the collections grow apace, every year adding what would be deemed in most places a large library to the existing accumulation. There is no room for readers or for the Librarian's assistants, nor is there a single quiet place where a member of Congress can pursue his researches uninterrupted. Out of the hundreds of periodicals received, none can be filed in proper order from absolute want of space. The upper outlying story of the Library, which is not fire-proof, is filled with combustible material, embracing the most valuable files of American and foreign journals, reaching back more than a century, and is in daily peril from fire, which if once started would inflict irreparable damage. The confusion is such as necessarily to consume much time in finding books, and only the long experience of the attendants enables them to produce them at all.

This state of things, if continued, must still more obstruct the administration of the Library and prove a serious hindrance to Congress in the proper discharge of its responsible duties. Whether the bill proposed by your committee furnishes the best means available to meet the emergency is a question which the committee propose briefly to consider.

The bill contemplates the erection of a separate fire-proof building for the Library, upon ground lying immediately east from the Capitol and contiguous thereto. Such a building, planned throughout for the purposes of a library, possesses some indisputable advantages over any other proposed method for enlarged library accommodations. Calculated in all its parts for the proper shelving and service of books, and for the requirements of the extensive and rapidly growing copyright business of the United States, such a separate building would embody superior security, accessibility, and practical convenience. The present Library has no reading-room worthy of the name; the Library building proposed in the bill would have a reading-room as large as the rotunda of the Capitol, from which the alcoves of books would radiate in all directions, thus reducing the waste of time and space in the library service to a minimum. By the use of numerous lifts or elevators, the different stories of the Library edifice would be brought into close and quick connection. By abundant skylights and spacious inner courts, as well as by the fact that the four exterior walls of the Library would be pierced with numerous windows, there would be secured the best lighted library building in the world. By the most improved interior ventilation system, an equable temperature could be secured in the upper and lower stories alike, while long experience has demonstrated that neither proper light nor wholesome ventilation are attainable in the Capitol building.

That a separate building to contain the overflowing stores of the Library of the Government is a necessity which can no longer be avoided or properly postponed appears evident to the committee from the considerations following:

First. The law of growth of this library (called by Mr. Jefferson in 1815 "the Library of the United States") requires for it greatly more space than is demanded by any other collection in the country. It alone is entitled to the deposit of books and other publications under the law of copyright. The well-known intellectual activity of the people has rendered and will render this source of acquisition increasingly large as the years roll on. The reports of the Librarian show that the entries of copyright have increased from 12,688 in 1871 to 25,274 in 1885. The number of copyright publications received annually averages over 40,000, which, although many of them are not books, require as much or more room for their preservation. This is exclusive of an annual growth of nearly 20,000 volumes from the various sources of purchase, donation, interna-

tional and other exchanges, and deposits by the Smithsonian Institution in the Library. The collection, already numbering in 1886 543,441 volumes of books, besides 170,000 pamphlets, must soon reach a million. Like the great government libraries of Europe, which have long had the benefit of the copy tax, it holds and will maintain the highest rank in the country both in the extent and the value of its intellectual stores. Already it has reached a point where it can be said that there only five larger libraries in the world. These are the National Library of France, with 2,300,000 volumes; the Library of the British Museum, London, 1,500,000; the Imperial Public Library at St. Petersburg, 1,000,000; the Royal Library of Bavaria at Munich, 900,000, and the Royal Library of Germany at Berlin, 750,000. These great collections of literature are not only the pride and ornament of the countries which they represent—they are also of the highest utility to scholars and to the people. Through the stores of knowledge which they open to all comers, these national libraries stimulate and aid the creation of new works in literature and science, and contribute in a high degree to promote the public intelligence.

Second. The necessity of a separate building for the Library has been unanimously reported by five successive joint committees of Congress charged with the investigation of the subject since 1873, when it was first proposed. There has never been a dissenting voice or a report against it in these committees. Moreover, a special commission of experts, all of whom were architects, reported unanimously in 1880 that no enlargement of the Capitol could accommodate the Library even for a generation, but that a separate building was a necessity. These experts were Edward Clark, Architect of the Capitol, chairman; Mr. John L. Smithmeyer, of Washington, and Mr. Alexander Esty, of Boston.

The measurements of these architects, together with the figures of the steady growth of the collections reported by the Librarian, demonstrated that no possible enlargement of the Capitol which would be agreed to as feasible could possibly afford accommodation for more than a few years' increase, after which we should be confronted at last by the necessity of a separate building, after incurring all the cost of building on to the Capitol a costly annex of stone and iron, unfitted for any other purpose. Any enlargement of the Capitol which would accommodate the Library even as it stands, with room to arrange it, would cost much more than a separate building, because it must necessarily be constructed in the same costly style, with carved Corinthian architecture. Mr. Walker, the former Architect of the Capitol, estimated the cost of an extension of the west front at $4,500,000. The present Architect, Mr. Clark, estimates it to cost $4,200,000, while the plan of a building adopted by the committee is to cost only $2,323,600.

Third. In addition to the extensive and growing collection of books, this Library is made the permanent repository of all copyright publications of whatever character, many of which require for their proper storage and preservation even more room than volumes of books. These publications comprise engravings (both line and mezzotint), photographs, photogravures, lithographs, maps, chromos, prints, drawings, musical compositions, and periodicals of all descriptions. Among the many thousand specimens of graphic art which have accumulated in the Library during a few years' operation of the copyright law, and which now lie piled in heaps in dark places, from want of room in which to arrange or exhibit them, the Librarian reports that there are the materials for an extensive gallery of art, which would furnish a most instructive exhibit of the progress of the arts of design in America. This is impossible to be provided for within the Capitol; but the plan of a building adopted in the bill provides for an art gallery on the second floor, having the ample dimensions of 300 feet by 35, in which these collections can be arranged and utilized for the promotion of the public taste.

The large collection of maps in the Library, numbering about 9,000, now almost inaccessible, would be provided with a special hall where they could be arranged in geographical divisions, and made to contribute for the first time to the promotion of knowledge.

Several other methods of relief from the inconvenience and obstructions which beset the existing Library have been proposed, to avoid the construction of a separate building, and it is here proper for the committee to consider these in their order.

(1) It is proposed to enlarge the Capitol upon the western front by building a long series of rooms projected from the main building, and connected therewith by corridors at certain points. This plan contemplates practically a new building at a lower elevation than the Capitol. It would increase the existing difficulties of administration of the Library, by spreading it out into remote and widely separated apartments, greatly enhancing the time and labor required to produce books to a given center, and is moreover fraught with difficulties as to light and ventilation deemed by the committee to be formidable, if not insuperable. Another plan proposed has been an extension of the west front of the center of the building, of equal height with the Capitol, and uniform therewith; while still another plan proposes a great extension of the eastern central building, far in advance of the wings, so as to make the Capitol resemble in form a Greek cross. Either one of these plans would relieve the Library for a very few years at most, while their great cost (between four and five millions of dollars, as estimated by trustworthy architects), together with the fact that they would make a conglomerate pile out of what is now a purely classical building, furnish, in the judgment of the committee, conclusive objections to the adoption of either plan.

(2) The suggestion has been made that all that is needed is a cheap storehouse for the overflowing material of the Library; that the publications accumulated by copyright are mostly trash, useless for reading or reference, and should be stored or colonized in some other part of the city, leaving in the existing Library only the books which some unknown authority should assume to be of the most use and value. The Librarian, however, reports that experience has shown the necessity of having the entire collections kept together; that daily, and some times hourly, calls are made for books and other publications of every possible description acquired under the copyright laws, and that it is impossible to foresee at what moment those owning copyrights or interested therein may require to see any piece of literary or artistic property. Authors and publishers and their attorneys frequent the Library, and copyright publications, whether distributed as books with others of similar subject-matter, or stored in the copyright archives, must be produced at a moment's warning. The committee are therefore of the opinion that the proposition to divide up the Library collections, and to segregate or colonize large portions of them, would be an improper and most inconvenient arrangement. Congress is bound by its own legislation to protect and provide ample space for all copyright publications. They are a trust under the law, and can not properly be scattered any more than the models at the Patent Office, which are to be preserved as exhibits of the inventive art of the country, just as the books, engravings, &c., deposited in evidence of copyright, are exhibits of its intellectual activity.

(3) It has been proposed, and seriously urged in some quarters, to repeal the statutes by which the law of growth of this Library is fixed, to stop the further deposit of books and other copyright publications, and to confine the Library rigidly to the actual wants of Congress for use and reference. The committee can not concur in the expediency of this view, because the Government of the United States is too far committed by the legislation of Congress to the encouragement of literature and the fine arts through a system of copyright; because any supposed limitation which should fix the wants of the National Legislature for books and information by any arbitrary standard is fallacious and impossible; and because to arrest the progress of this great repository of learning (more than half of which has been gathered without expense to the tax-payers) would be a step backward. If, as has been well said by a great writer, the chief glory of a nation is its literature, any proposition to divide up or diminish the great Library already gathered, or to curtail its growth in the future, is unworthy of a nation claiming to hold a front rank in civilization.

It remains to consider briefly the plan for a Library building and the site proposed by the bill which has been adopted by your committee. It proposes a building of ample dimensions, to hold ultimately three million books, measuring 450 feet by 300, and covering about 2.9 acres of ground. The style of architecture is of the Italian renaissance order, carefully and economically adapted in all its parts to the purposes of a Government Library, and with interior arrangements approved by the Librarian. The building is designed to be of stone in the exterior and of iron and concrete in the interior, entirely fire-proof in all its parts. It is a pleasing and sufficiently ornate edifice, without extravagance, and will be entirely in harmony with the Capitol. That this proposed building is none too large for the destined wants of the collection is proven by a few figures which follow.

The area covered by the building of the British Museum is 5 acres; area of the National Library of France at Paris, 4½ acres; area of the Capitol building, 3½ acres; area of the proposed National Library, 2.9 acres.

The proposed building, as stated, will contain three million volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts, sufficient for shelving one million books, and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

As to the site provided for in the bill, the committee have given to the subject careful consideration, and have compared it with other proposed locations. They find that it combines the requisites of vicinity to the Capitol, salubrity, elevation of site, and desirable surroundings, to a greater degree than any other. It is perfectly level, requiring no expenditure for grading, or extra cost in preparing foundations. Its elevation makes the sight perfectly dry, which is a cardinal point in providing for a great national library to last for centuries. The proposed site is the nearest eligible ground to the Capitol that can be had. None of the squares north or south of the Capitol are at all suitable for a building so large and massive as the Library structure, being in a line with an architectural edifice of such magnitude, besides the serious objection that they are on a side hill, thus greatly increasing the cost of the building.

The committee have sought to ascertain whether it is not possible to secure a good location upon grounds already owned by the Government; and were any such site to be had, they would unhesitatingly recommend it in preference to a purchase of land. The late Commissioner (Colonel Rockwell) of Public Buildings and Grounds has testified before the committee in detail as to each and all the public reservations in Washington. He gives it as his judgment that there is no open space now in Government possession which is in itself suited to the location of a Library building, unless Congress is willing to destroy absolutely some one of the parks now open as breathing spaces and resorts for the people.

The proposal to locate the Library building on a Government reservation would send it to a place remote from the Capitol, inconvenient to members, and would destroy some open park now essential to the health and ventilation of the city; or else it would place it on low ground, totally unfit for a Government building intended for the preservation of books, which must be carefully kept out of reach of moisture.

In view of these facts, the committee see no proper course open, since ground must be had somewhere for a Library building, but to purchase the most eligible ground near the Capitol, if at a price deemed reasonable. The limitation in the bill, $550,000 for the three squares bounded by North B and East Capitol streets and by First and Second streets east, has been deemed a safe limit, just to the Government on the one hand and to the property-holders on the other. It embraces 226,137 square feet, to which is to be added about 270,000 square feet now occupied by the intersecting streets running through it, which would cost nothing, as they already belong to the public. The taxed valuation, six years ago, was about $360,000, and it is well known that taxed values in all the States and Territories are fixed far below market values. Comparing the cost of the land with what has been paid in other cities for Government buildings, we find that for the site of the post-office in Philadelphia we paid $1,491,201; at Chicago, $1,259,385; at Boston, $1,329,096; at Baltimore, $553,500, and at Cincinnati, $708,036. The bill provides a carefully guarded process of condemnation, if the space needed is not secured at a ratio of price deemed reasonable by the Secretary of the Interior.

Regarding the question of removal of the Library and the convenience of supplying books from its proposed site to the Capitol, the committee report that wherever it be located it is proposed to retain the existing central library-room, containing about seventy thousand volumes, such as experience has shown to be most needed as a library for daily use and reference. Any calls for authorities beyond these can be supplied from the main Library, through the use of the telephone, in from five to six minutes, or about the time now occupied by the pages in procuring books for members of the Senate or the House, respectively.

Additional force is given to the arguments for a new Library building in the fact that the removal of the Library from the two wings would vacate space which would give to the Senate and House from fifteen to twenty new committee-rooms, now so urgently needed; or the document and folding rooms, as well as the file-rooms of both Houses, might be removed to these wings, already fitted with iron fire-proof shelving, thus vacating for committee-rooms all the spaces occupied by these offices.

The committee unanimously recommend the passage of the bill herewith reported.

The CHAIRMAN (before the reading of the report was concluded). The hour assigned to this order of business has expired, and the Committee of the Whole, under the rule, will rise.

Mr. SINGLETON. I give notice that to-morrow I will undertake to explain the provisions of this bill.

The committee rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library, had come to no resolution thereon.

Mr. BURROWS. As the report of the committee was partially read in the Committee of the Whole, I ask unanimous consent that the whole report be printed in the RECORD.

Mr. RANDALL. I object.

Mr. SPRINGER. How much of the report remains unread?
The SPEAKER. About one page.
Mr. SPRINGER. I desire to know whether what has been read will be published in the RECORD under the rules.
The SPEAKER. The Chair thinks there is no rule on the subject.
Mr. SPRINGER. But this document having been read in open House——
The SPEAKER. The Chair thinks that, according to the practice, so much as has been read would be published in the RECORD.
Mr. RANDALL. I do not think any of it should go in.
The SPEAKER. There is no rule of the House regulating the subject.
Mr. RANDALL. We frequently desire, of course, to hear these documents read as a matter of information; but there is no need that they should go into the RECORD.
Mr. BURROWS. I supposed that the portion actually read would go into the RECORD.
Mr. HISCOCK. I assume that it goes into the RECORD as a matter of course.
The SPEAKER. The Chair thinks the practice has been to insert in the RECORD such reports as are actually read; but objection being made in this case, the Chair simply states that there is no rule of the House on the subject.
Mr. RANDALL. I see no occasion to cumber up the RECORD with documents which are already in print.
Mr. McMILLIN. I presume that the printed copies of this report are not exhausted, and the larger portion of the report having been read in the hearing of the House, it seems to me unnecessary that the document be published in the RECORD.
Mr. BURROWS. If so much as has been read goes into the RECORD, I can not see any objection to publishing also the small remaining portion.
Mr. McMILLIN. There is no objection to the publication if the portion which has been read goes into the RECORD; but the question is whether any portion of the document goes into the RECORD.
Mr. BURROWS. Let that be settled now.
The SPEAKER. The Chair does not know whether there has been any uniform practice on this subject. Occasionally, as gentlemen must have observed, reports read in the House are published in the RECORD; but sometimes they are not. There seems to be no uniform practice, and there is no absolute rule of the House upon the subject.
Mr. HISCOCK. There is no way to keep out of the RECORD what has been read; that much is published as a matter of course.
The SPEAKER. The bill itself has been read also.
Mr. McMILLIN. But it will not go into the RECORD.
Mr. HISCOCK. Is it not the practice to print bills which are read?
The SPEAKER. There is no conventional rule of the House on this subject.
Mr. BURROWS. Was not this report read in the time of the gentleman from Mississippi as a part of the debate?
The SPEAKER. The Chair is of opinion that according to the better practice, reports, when read, are published in the RECORD; and it having been always held uniformly in the House that the reading of a report is in the nature of debate, the Chair thinks that on this principle a report read in the House would go into the RECORD, just as the debate would.
Mr. TAULBEE. I ask unanimous consent that the entire report be printed in the RECORD.
Mr. BURROWS. That has been already asked.
The SPEAKER. That has been asked and objected to.
Mr. RANDALL. If a portion of the report is to go into the RECORD, I do not object to publishing the whole.
The SPEAKER. Only one page of the report remains unread.
Mr. SPRINGER. I ask unanimous consent that the question of printing this document in the RECORD be left to the decision of the Speaker.
The SPEAKER. The Chair has already indicated what he thinks the prevailing practice has been, and has also stated that inasmuch as the reading of a report is in the nature of debate, it would seem to follow that a report when read would go into the RECORD just as do remarks made by gentlemen on the floor.
Mr. BURROWS. Then I understand the gentleman from Pennsylvania [Mr. RANDALL] withdraws his objection, and this report will go into the RECORD.
The SPEAKER. It is so ordered.

INDIAN APPROPRIATION BILL.

Mr. PEEL. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes.
The motion was agreed to.
The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. McMILLIN in the chair in the absence of Mr. TOWNSHEND, who had been granted a leave of absence for two weeks).
The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union, and resumes the consideration of the Indian appropriation bill.
Mr. PERKINS. Mr. Chairman, when this bill was last before the committee a point of order was made to lines 1032, 1033, and 1034, as follows:

For annual allowance for Capt. R. H. Pratt, while in charge of said industrial school, $1,000.

The point of order was made at the time that that was new legislation.
Now, I desire to make this suggestion to the Chair, that when this bill was reported by the chairman of the Committee on Indian Affairs no point of order was reserved, and that no point of order having been reserved at that time, the bill having been placed on the Calendar of the Committee of the Whole House on the state of the Union for consideration without any point of order having been reserved against any of its provisions, it is now too late to bring forward or urge any point of order against the lines indicated.
Mr. BLOUNT. Has the gentleman examined to verify whether any point of order has been reserved against the bill or not?
Mr. PERKINS. If there is any controversy in reference to the matter we will refer to the Journal.
Mr. RANDALL. I desire to say, independently of what the Journal may show, that I would not consent by any yielding to allow that the failure to reserve points of order against an appropriation bill, when it is reported for reference to the Committee of the Whole House on the state of the Union, would prevent any point of order being subsequently taken during the consideration and discussion of the bill and action on it by section or paragraph. I am frank to confess that I did contend for that principle in the Forty-fourth Congress, but subsequently, as Speaker of the House of Representatives, I gave the subject most thorough research, and I can not for one consent that, by any action or omission to act on the part of this House, any one of its membership can be deprived of the right to make a point of order against any portion of a general appropriation bill. I do not object to points of order being reserved, but I do say that if there should happen to be any failure to reserve points of order—if, in other words, points of order are not reserved, I hold there still remains in the hands of any individual member of this House, as the bill is considered, to make the point of order. That, Mr. Chairman, is in the direction of intelligent legislation. How in the world is any member of the House to know what is in a bill, or how can he have any degree of information upon which to make the point of order before the bill has been read to the House—before, in fact, it has been before the House for consideration and discussion?
Mr. BLOUNT. Will the gentleman permit me to ask him a question?
Mr. RANDALL. Yes, sir.
Mr. BLOUNT. I wish to know whether it has not been uniformly held a failure to reserve points of order when a bill was referred to the Committee of the Whole on the state of the Union does not act as a waiver?
Mr. WELLBORN. That I undertake to say has been the unbroken current of decisions in reference to this matter.
Mr. RANDALL. As I have already stated I so held myself in the Forty-fourth Congress, but after careful research I do not believe it is the right position to take, and I am able to stand up here and say I was wrong at that time.
Mr. BLOUNT. I would like to know how far the rulings have been in conformity with the idea that a failure to reserve points of order is equivalent to a waiver?
Mr. SPRINGER. Let me read from the Digest.
Mr. BLOUNT. I would like to know whether it has been uniformly held such failure to reserve points of order acted as a waiver?
Mr. RANDALL. I am not able to answer the gentleman's question with absolute certainty.
Mr. SPRINGER. I ask the Clerk to read from the Digest.
Mr. HISCOCK. I rise for the purpose of asking the gentleman in charge of this bill when it is that this provision of the rule is waived, if it can be waived?

Nor shall any provision changing existing law be in order in any general appropriation bill, or in any amendment thereto.

That is a positive affirmative declaration that new legislation shall not be in order. We waived the right to agree to it when we passed that provision of the rules of the House.
Mr. SPRINGER. I ask the Clerk to read from page 314 of the Digest.
The Clerk read as follows:

In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is not competent for the Committee of the Whole or its chairman to rule it out of order, because the House, having committed the bills (of course it is otherwise where the point was reserved before commitment), are presumed to have received, as in order, the report in its entirety. So far as proposed amendments are concerned, the current of decisions in Committees of the Whole has been to exclude not only

all appropriations not previously authorized by law (with the exceptions contained in the rule), but also independent legislation; admitting, however, limitations and provisos as to appropriations which are themselves in order.

Mr. RANDALL. Now read the rule itself.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. RANDALL. Now, the exceptions in the rule are stated; but nowhere will there be found any restriction as to the time or any indication of a period in the course of the consideration of the bill when it will not be in order to interpose the point of order; nor is there a period when that privilege is taken from any member of the House.

Mr. DINGLEY. I want to call the attention of the gentleman from Pennsylvania to the fact that the new rule is much stronger upon that point than the old one.

Mr. WELLBORN. May I ask the gentleman from Pennsylvania a question?

Mr. RANDALL. Let me say that I am not in opposition or antagonism to the bill of the committee. I am in favor of inserting the name of Captain Pratt, if it be deemed necessary; but I think this is a point of order that is too far-reaching to be passed over without having it clearly settled, so that the practice of the House may be determined in this regard.

Mr. WELLBORN. I want to ask the gentleman a parliamentary estion.

Mr. RANDALL. Yes, sir.

Mr. WELLBORN. Have you ever known a decision made here in the House that where the point of order was not reserved when the bill was reported it could be urged in Committee of the Whole? I appeal now to your recollection for an answer to that question.

Mr. RANDALL. The rule itself settles it. I have already stated that I was myself of the opinion once that such a practice should prevail. I repeat, at one period of my Congressional life I held differently; but whenever I discover myself in error my rule is to make haste to correct it. For that reason I think at this time the House should take a position touching this point so as to settle the question as to whether at any time, under the wording of that rule, a member is deprived of the privilege of making a point of order upon a proviso of an appropriation bill which he has then heard read perhaps for the first time.

Mr. WELLBORN. It is more important, sir, to preserve the practice of the House unbroken than it is to gain an advantage by any temporary expedient.

Mr. RANDALL. I am not seeking to gain any advantage.

Mr. WELLBORN. I understand that.

Mr. RANDALL. I am probably in harmony with the gentleman himself who has spoken in connection with this bill and mean to support the committee. But this question underlies every appropriation bill, and should have a determination either by the House or by the Committee of the Whole so as to settle it for all time.

Mr. WELLBORN. If the gentleman from Pennsylvania will permit me, his argument is precisely what I have always held, that there should be a general rule of the House with reference to the reservation of points of order on bills sent to the Committee of the Whole. But we have not any such rule now, and I presume it will not be questioned that the practice has been that unless points of order are reserved when the bill is reported it is thereafter too late to make them in committee.

Mr. RANDALL. I think it is the rule now. I think that is the true spirit and meaning of the rule, and it is only evaded by construction. The language of the rule gives no warrant for the argument that any member of the House is deprived of the right at any time to make the point of order upon an item of an appropriation bill because he has not been able to make it prior to the immediate consideration of such paragraph; in other words, at the time of the introduction of the bill.

Mr. WARNER, of Ohio. Mr. Chairman, believing that the new rule did not require points of order to be reserved on the introduction of these appropriation bills, when the first general appropriation bill was introduced at this session I raised that question in order to have a construction of the rule by the Speaker; but the Speaker at that time declined to make a decision for the reason that it was a question for the chairman of the Committee of the Whole House on the state of the Union. My reason for raising the question was because of the fact that bills sometimes came in, and may come in, without attracting any special attention, and consequently the points of order would not be reserved. I believed then, as I believe now, that the rule runs against the bill not only at the moment of its introduction, but against it at every stage of its consideration; and necessarily so, or else the rule has no force except at the one moment, one period of time, at one point when the bill is first introduced, when you do not know what may be in the bill; that is, before it has been read at all, and before it can be known whether there is anything contained in it to which the objection may lie.

This is a new rule. There is no decision under it. It is not the old rule precisely; it is more restricted than the old rule, as has already been stated, and in my judgment, the point of order lies against the bill from its introduction, and without any reservation, until it has been disposed of finally. The bill, therefore, is liable to the point of order against every section of it, every item, in all of its paragraphs, and at every stage of its progress through the committee.

Mr. PERKINS. Mr. Chairman, I desire to make this suggestion: We are now in Committee of the Whole by the order of the House for the consideration of this bill. If the point of order had been reserved in the House, then, under the rulings of the Chair and under the former decisions on the point of order, such reservation could properly have been brought to the attention of the Chair.

But the unbroken current of decisions is, that where the points of order are not reserved, and we being in Committee of the Whole by order of the House for the consideration of the bill, it is then too late to interpose and urge that objection. That is the principle upon which the rulings have been heretofore made, and it is in keeping with that line of precedents that the Chair has repeatedly—in the Forty-eighth and prior Congresses—held that new points of order could not be made against a bill under such circumstances. When the bill was reported to the House it was assigned to the Calendar of the Committee of the Whole on the state of the Union, and the point of order followed it there. Then, instead of permitting the consideration of obnoxious measures, the point of order was urged against it, having been reserved at the time it was reported. But, as has been suggested by the gentleman from Pennsylvania himself [Mr. RANDALL], he held when Speaker that could not be done unless the point of order had been reserved. So also with other Speakers, who uniformly held that under such circumstances it could not be done. The rule of this House, as has been suggested, is somewhat different, but the principle is the same.

While the language of the rule may be somewhat different, the principle involved is the same as is involved in former rules of former Congresses. For that reason I urge now, for the purpose cutting off this discussion, that the point of order can not be made at this time against this item, points of order not having been reserved when the bill was reported to the House.

Mr. STORM. I ask the Clerk to read the third clause of Rule XXIII.

The Clerk read as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. STORM. Now I submit that, notwithstanding what may be our views of what the rules ought to be, that is the rule, and until that rule is altered or abolished it remains the rule for the orderly government of this Committee of the Whole, and the prior rule, clause 3 of Rule XXI, does not militate against this, because that says certain things in the way of legislation shall not be permitted on an appropriation bill. This rule says if you wish to take advantage of any point that may lie against an appropriation bill you shall do it at a certain time and in a certain manner; that is to say, after the bill is reported, referred, and printed, and before you enter upon its consideration in the Committee of the Whole.

This bill was reported on the 11th day of February of this year and remained on the Calendar of the Whole House on the state of the Union for nearly a month before its consideration was commenced. Gentlemen had all that time to examine the bill and see if it was obnoxious to any provision of the third clause of Rule XXI. And when they have failed to do that, they have waived all rights to raise the question now, whatever may be the opinion of my learned colleague from Pennsylvania [Mr. RANDALL], whose authority on disputed points of parliamentary law I would consider the highest; but I can not accept that authority when squarely against a rule of this House as to which there can be no doubt about its interpretation. To sustain the point of order raised by the gentleman from Arkansas [Mr. PEEL] will be to defeat all the humane provisions of this bill relating to Indian education, and I hope the committee will not sustain it.

Mr. SPRINGER. The rule read by the gentleman from Pennsylvania [Mr. STORM], who has just taken his seat, does not apply to the present case. It applies only to the point that bills making appropriations, &c., must have their first consideration in a Committee of the Whole House, and it provides that the point of order, that they must have their first consideration in a Committee of the Whole House, must be made in time before the consideration of the bill is entered upon.

A MEMBER. In the House.

Mr. SPRINGER. In the House. So that it does not apply to the case now before the committee except so far as the analogy of parliamentary proceedings might make it apply. The rule, however, under which we are operating is that contained in clause 3 of Rule XXI, which provides, as has been read:

No appropriation shall be reported in any general appropriation bill, &c.

Now, this rule is directed against the reporting of a proposition obnoxious to this rule. When was this bill reported? I see by the printed statement on its face that it was reported to the House on the 11th of February. That was the time when the rule should have been invoked, the time when it was reported, and the point made that it contained propositions obnoxious to the rule.

But gentlemen may say, "We did not know what was in the bill and could not know it until the bill was reached." That is very true, and for that very reason the uniform practice of this House, ever since I have been a member of it, has been that when appropriation bills were reported from the Appropriations Committee all points of order were then reserved. And when they have not been reserved the rulings of the chairman of the Committee of the Whole have been uniform, so far as I remember, to the effect that, points of order not having been reserved, could not be taken thereafter.

Mr. WELLBORN. Will the gentleman from Illinois allow me a question?

Mr. SPRINGER. Yes, sir.

Mr. WELLBORN. I have given some little attention to this very question, and I want to ask the gentleman if there ever has been a conflicting decision, differing from what the gentleman has now stated, by any presiding officer of this House?

Mr. SPRINGER. Not that I know of.

Mr. MORRISON. With the consent of my colleague I will ask the gentleman from Texas [Mr. WELLBORN] whether the provision or clause of the bill on which the point of order has been made could as an original proposition go into the bill under the rule prohibiting legislation on appropriation bills, and would it not necessarily go out if the point of order was made in time? Does not the third clause of Rule XXI exclude it because it is an expenditure for Mr. Pratt, with no law authorizing it?

Mr. WELLBORN. No, sir.

Mr. MORRISON. Where can you find any law concerning him other than the appropriation to pay him $1,000 for his salary for the current year?

Mr. WELLBORN. I will say to the gentleman that the third clause of Rule XXI reads in this way—

No appropriation shall be reported in any appropriation bill for any expenditure not previously authorized by law.

Mr. MORRISON. Is that authorized by any law?

Mr. WELLBORN. The Carlisle school has been going on for four years.

Mr. MORRISON. Yes, and it may still go on; but there is no law appointing Mr. Pratt to the control of this school or fixing his salary at $1,000 per annum except for the current year, for which he is given in the last appropriation bill $1,000 per annum while in charge of the Carlisle school. If the law is that he is by it continued in charge of the school beyond the current year, then it also makes a permanent thousand-dollar appropriation for his salary while he is so continued, and this bill only proposes to do what is already done in the last.

Mr. WELLBORN. It has been in the bill for four years.

Mr. MORRISON. And you may put it in again, but not in accordance with the rule.

Mr. SPRINGER. I have not yet given up the floor.

Mr. CRISP. Will the gentleman from Illinois allow me to ask him one question? I would like to ask the gentleman from Illinois, without any regard to precedents or supposed precedents, to give the House a substantial reason why points of order should be reserved when a bill is introduced.

Mr. BLOUNT. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Mr. Chairman, in the light of this discussion, I wish to know if the question whether or not the failure to reserve the points of order when this bill was referred to the Committee of the Whole amounts to a waiver of the same is not to be passed upon by the Chair before the other question shall be considered at all.

Mr. SPRINGER. Mr. Chairman, I understand the question before the Chair is whether this point of order was made in time, and to that I was addressing myself. The gentleman from Georgia wants to know——

Mr. BLOUNT. Mr. Chairman, I prefer to get my information from the Chair.

The CHAIRMAN. The Chair will state, in response to the gentleman from Georgia [Mr. BLOUNT], that when the committee rose on Thursday last the point of order had been made against the two lines in the bill that have been designated. The question had been discussed for a considerable time, and the Chair had stated that he was going to submit it to the committee for decision.

Then, as the present occupant of the chair now remembers, the gentleman from Pennsylvania [Mr. RANDALL] suggested that the point was so important, that the committee having to pass upon it should have further opportunity to consider it, and, as it was about time for the committee to rise, a motion to rise prevailed. The then occupant of the chair is absent from the House, and the present occupant states for the information of the gentleman from Georgia his understanding of the status of the question. The point is now made by the gentleman from Kansas that the point of order against the two lines in question was not made in time, points of order not having been reserved when the bill was reported to the House.

Mr. RANDALL. But the Chair will remember that the gentleman from Kansas now shifts the question by taking the position that it was in order because there was no point of order made when the bill was reported.

The CHAIRMAN. The gentleman from Kansas [Mr. PERKINS] who makes this point of order states that he urges it as a reason why the point of order which the former occupant of the chair proposed to submit could not be sustained by the House.

Mr. SPRINGER. Now, Mr. Chairman, I want to answer the question of the gentleman from Georgia [Mr. CRISP] as to what good reason there is for not permitting this point of order to be made at this time. We have adopted rules for the government of this House, and those rules should be observed. The reason for the rule is not always apparent, but if it is the rule we are bound to follow it. This rule provides that the Committee on Appropriations shall not report a bill containing provisions of a certain kind. When such matter is reported it is then in order to take exception to the report having been made. This bill was referred by the House to the Committee of the Whole on the state of the Union for the purpose of being considered as referred to that committee. We are simply one of the committees of the House.

The Committee of the Whole consists of all the members of the House, but it is not unlike, in other respects, any other standing committee of the House; and when the House refers any proposition to a committee for its consideration that committee is not at liberty to say to the House, "You have no right to refer this to us." For that very reason the points of order have always been referred when the bill was referred to the Committee of the Whole, so that when any objectionable provision was reached the committee should be bound by the fact that the points of order had been reserved. What I contend for is that the orderly disposition of business requires that we adhere to the precedents that have been made heretofore, and those precedents are uniformly to the effect that points of order upon an appropriation bill have always been made, and, to be effectual, ought to be made, when the bill is referred to the Committee of the Whole.

Mr. REAGAN. Mr. Chairman, if we are to consider this question by the analogy of the law, I think it clear that the position of the gentleman from Illinois [Mr. SPRINGER] is not maintained, and that the position of the gentleman from Pennsylvania [Mr. RANDALL] is fully sustained. The clause of Rule XXI which has been referred to provides that no appropriation shall be reported on any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law.

It is insisted that unless points of order are reserved upon a bill when it is referred they can not be made afterward. The analogy of the law would lead us to a different conclusion. The legal rule is, that that which has been forbidden by the law can not be done and can not be considered as having been done. If, therefore, an appropriation bill comes here containing clauses that are objectionable in this respect, and there is an omission to make a formal reservation of the point of order, whenever the House discovers that the rule in this respect has been violated it ought to be, and, in my judgment it is, the right and privilege of the House to correct the wrong. I can see no reason, either in fact or in the analogy of the law—and we have to construe the rules by the analogies of the law—I can see no reason why a mere arbitrary statement, founded on no reason and violative of the rules themselves, should override the plain intent of the rule, which is that no such provision shall be put into an appropriation bill reported to the House.

I can see no reason, and no man can conceive any reason, why when we discover that a rule of the House has been violated we have not the power to correct the violation.

It has been suggested that questions of this kind are very important in practice. They are so; and it is well we should determine them correctly. I hope the House will not undertake to bind itself by an arbitrary rule for which no just reason can be assigned in the face of and in opposition to all the rules of legal construction.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I have listened to the discussions on this point of order, and it strikes me as very strange that during the last three or four years, in each of which we have made appropriations for these Indian schools on the reservations and in the East, no point of order of this kind has ever been raised. We have had these appropriations recommended by the Committee on Appropriations each and every year when that committee had charge of the Indian appropriation bill. Yet, sir, you are now asked to decide upon this question of order that this Committee of the Whole is incompetent to consider appropriations of this character. I am strongly of the impression that this is an indirect way of striking down the appropriations which have heretofore been made for carrying on these schools, and which are again appropriated in this bill. Why, sir, there would be to-day no way of continuing these appropriations if they were now struck out upon a point of order, except by passing a general law providing that each year there shall be an appropriation for the continuance of these schools on the reservations and in the East. Mr. Chairman, you know very well and the members of this committee know

very well that at this late day in the session it would be almost impossible to introduce such a bill and have it enacted into a law. Progress in enacting laws is, under the rules, when a session of Congress is so far advanced, exceedingly uncertain.

There is a law of humanity in regard to the Indian children which teaches every man in this House, and in this country, that there is something due to these efforts for their education and advancement in civilization; and whether you should decide this point yourself or submit it to the Committee of the Whole, I think there is reason to hesitate before we strike down these means of teaching Indian children, for whose education we have appropriated money without objection from any source, upon a point of order for the last four or five years, the results being so encouraging to their instructors. I feel, sir, that you would be justified, and this Committee of the Whole would be justified, in deciding that these appropriations should remain in the bill because we have without objection made similar appropriations from year to year and know the proper expenditure of the same and the improvement in the children. Yet in spite of this uniform practice we are asked now to strike them out upon a point of order instead of meeting the question face to face and voting them down if members believe them improper, or passing them if they are deemed meritorious, as I am sure those who have examined the subject thoroughly believe. I repeat, that in my view the attempt to strike out these appropriations on a point of order is an indirect way of striking at the schools, both those on the reservations and those in the East. I hope it will be decided that such appropriations are properly in the bill, and that they should be acted upon in this committee, receiving approval here and in the House.

Mr. BLOUNT. Mr. Chairman, when the Committee of the Whole last had this bill under consideration the question, as has been stated by the Chair, was whether or not a certain amendment designating a particular person for a special duty was in order or should be ruled out because it would change existing law. Upon that question it seems to me there is no difficulty. I am clearly of opinion, as I have heretofore stated, that such a proposition in a bill of this kind must under ordinary circumstances be ruled out of order. But it has now been developed in this discussion that points of order were not reserved when this bill was referred to the Committee of the Whole House on the state of the Union. My friend from Texas [Mr. REAGAN] interjects a suggestion that there is no rule of the House requiring points of order to be reserved. I do not agree with him on that question. The uniform practice of the House has been the other way. The gentleman from Pennsylvania [Mr. RANDALL], when asked what had been the practice, stated that he had not examined sufficiently to answer that question positively; and he does not base his opinion on the practice of the House.

I concede that it is very important to inquire how this rule has been construed heretofore. The present rule is not exactly the same as the former rule; but so far as regards the determination of this question it is practically the same. The old rule provided that there should be no legislation in a general appropriation bill except such as retrenched expenditures in one of three several ways, which are so familiar to the House that it is needless for me to repeat them. The rule is now modified so as to exclude legislation of any kind. This being the case, there is no reason to suppose that the change in the rule modifies the effect of the practice of the House upon the construction of this question. What has been the practice of the House on this subject? I hold in my hand the manual by which the House is guided in its discussions, "The Digest and Manual of the Rules and Practice of the House of Representatives," a book made up by order of the House and adopted by it for its guidance. I find in this volume a passage which has been read by my friend from Illinois [Mr. SPRINGER], but which may not have been apprehended, in the confusion, by every member. I will therefore read it again, from page 314:

> In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is not competent for the Committee of the Whole or its chairman to rule it out of order, because the House having committed the bill (of course it is otherwise where the point was reserved before the commitment), it is presumed to have committed, as in order, the report in its entirety.

Now this presumption has always obtained in reference to this matter. The practice, as stated in this compilation of the rules and practice of the House, has been uniform; and I venture to say that it is in harmony with the experience of every gentleman on this floor, no mathow long may have been his term of service. We are therefore at no loss what the practice has been or what the uniform construction has been in reference to this rule.

I regret very much this question has been raised in this way, for it now becomes complicated with another question. As to the first, I shall have no difficulty in sustaining the point of order, but on the matter as to what the practice of the House has been of reserving points of order I differ with those gentlemen with whom I agree on the first proposition. I trust the Chair will treat this not as a reason in support of the first, but that he will treat them as separate questions of order and pass upon them accordingly. If that be done, we can vote on each one of these questions without embarrassment as to the other.

Mr. WARNER, of Ohio. Mr. Chairman, clause 3 of Rule XXI would clearly lie against the bill in all its proceedings, but clause 3 of Rule XXIII clearly restricts the application of clause 3, Rule XXI, in cases of bills of this kind. I concede, therefore, that the point of order is well taken.

Mr. HOLMAN. Will my friend allow me to interrupt him?

Mr. WARNER, of Ohio. Certainly.

Mr. HOLMAN. Does not my friend misapprehend that third clause of Rule XXIII? Does it not mean this, that when a bill of this class has been brought in and the consideration of it has commenced in the House, that then the point of order may not be made against it that it shall have first consideration in Committee of the Whole?

Mr. WARNER, of Ohio. I think not. I think clause 3 of Rule XXIII requires the point of order to be made before the consideration of the bill begins in the committee. It provides that the point of order may be made after it has been referred from the House to the committee, provided it is made before its consideration begins.

Mr. HOLMAN rose.

Mr. WARNER, of Ohio. I concede, so far as I am concerned, Mr. Chairman, that the consideration of this question makes it apparent that the rule itself should be amended. It is wrong as it stands. The point of order ought to lie against the bill at every stage of its consideration.

Mr. WEAVER, of Iowa. I wish to ask this plain question: Is there any rule of the House which requires points of order to be reserved? We will all concede there is no such rule. That leaves us free to infer they have not violated a plain rule of the House. If, however, in the consideration of the bill the fact appears that they have violated a rule of the House which prohibits the insertion of new legislation, then it is the first time an objection can be made under the rule, because there is no rule requiring points of order to be reserved. That rests in the practice of the House.

Mr. WARNER, of Ohio. But clause 3 of Rule XXIII requires that a point of order shall be made before the consideration of the bill has commenced.

Mr. HOLMAN. If my friend from Ohio will examine the rule he will see that he misapprehends it.

Mr. MORRISON. Of course he does.

Mr. WARNER, of Ohio. Bills involving a tax or making an appropriation it is provided shall have their first consideration in the Committee of the Whole House on the state of the Union. That is the rule—shall be first considered in the Committee of the Whole—and the point of order must be made under this rule before the consideration of the bill is commenced. That is to say, before it has been commenced in Committee of the Whole.

Mr. HOLMAN. The rule of itself carries such bills to the committee anyway, and you could not prevent their going there by any point of order.

Mr. WARNER, of Ohio. I think this rule has a broader bearing.

Mr. REAGAN. The practice is to call the previous question, and no opportunity is generally allowed for objection to be made.

Mr. RANDALL. I should like to ask the gentleman from Ohio whether the Committee of the Whole House on the state of the Union is not controlled by the rules of the House in every particular?

Mr. WARNER, of Ohio. Of course.

Mr. RANDALL. Then how does it escape from the operation of the third clause of Rule XXI?

Mr. WARNER, of Ohio. By the restriction of clause 3 of Rule XXIII.

Mr. MORRISON. That is, whether it is to be considered in Committee of the Whole or not. It might be a disputed question whether it went there or not under the rule, but if you wish to dispute the right of its going there you have to make the point before it goes to the committee.

Mr. WELLBORN. For a century the ruling has been as the gentleman from Ohio has stated it, and the gentleman from Pennsylvania can not point to a single contradictory decision.

Mr. RANDALL. Every decision has been heretofore coupled with the declaration that if it were a new question it would have been decided by the preceding officers the other way.

Now, these rules did formerly permit legislation, in two or three degrees, to be placed on appropriation bills; but the rules have been amended. This rule under which we are now operating says that there shall be no legislation upon appropriation bills. Hence to that extent it is a change from the old rule. Now, I want to ask what court in Christendom, when it discovers that an error has been made in its proceedings, does not stop and take immediate steps to correct the error prior to coming to a final decision upon the question involved?

Mr. CRISP. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The Chair has already recognized the gentleman from Georgia.

Mr. WELLBORN. There is no court on earth, I want to say to the gentleman from Pennsylvania——

The CHAIRMAN. The gentleman from Georgia [Mr. CRISP] has the floor.

Mr. WELLBORN. There is no court in Christendom that would undertake to legislate——

Mr. RANDALL. We are a court here, sitting in judgment upon this bill now before us.

Mr. WELLBORN. I say there is no court in Christendom——

The CHAIRMAN. The Chair will again state that the gentleman from Georgia has the floor. The Sergeant-at-Arms will see that order is preserved upon the floor of the House.

Mr. CRISP. Mr. Chairman, I want to say——

Mr. WELLBORN. I thought I had the floor. [Laughter.]

The CHAIRMAN. The gentleman from Texas assumed the floor. The gentleman did have it, not by recognition of the Chair, however; although the Chair will be pleased to recognize him later.

Mr. CRISP. Mr. Chairman, I want to refer to one or two points which have been made, and I wish to premise the statement by saying that I shall speak without any regard to the merits of the pending proposition proposed to be stricken out and entirely free from any feeling in the matter either one way or the other. What I shall particularly address myself to is the question raised, that no point of order can be made against an item in an appropriation bill while under consideration in Committee of the Whole unless the points of order were reserved in terms at the time the bill was reported to the House from the standing committee.

Now, Mr. Chairman, I asked the gentleman from Illinois [Mr. SPRINGER] to give one substantial reason why, at the time of reporting a bill to the House, the point of order should be reserved. The reply of the gentleman was to cite a precedent in the previous history of the House. I asked him distinctly, aside from precedents, either the one way or the other, to give a reason for the rule which he said existed. He failed to do so.

Mr. SPRINGER. I beg pardon of the gentleman. I thought I had done so.

Mr. CRISP. I beg the gentleman's pardon; he did not.

Mr. SPRINGER. I will state it again, if the gentleman will permit me.

Mr. CRISP. I understood what the gentleman cited from the Digest, that inasmuch as the House had committed to the Committee of the Whole this bill for consideration, therefore the committee must consider it without any regard to points of order that may be made against items of it. That seemed to be the proposition of the gentleman.

Mr. SPRINGER. That is not quite the statement. If the gentleman will permit me——

Mr. CRISP. Certainly.

Mr. SPRINGER. I said that inasmuch as the House had referred this bill in these terms to the committee for its consideration, the chairman of the committee had no right to suppress any part of the bill from the consideration of the committee as being out of order.

Mr. MORRISON. What can they do——

Mr. SPRINGER. They must consider it all.

Mr. MORRISON. Does not its consideration involve any incidental action that may be proper?

Mr. SPRINGER. Yes; but they must consider it on its merits, and not suppress it as being out of order.

Mr. CRISP. Mr. Chairman, I would be glad to recall the attention of the committee to the simple proposition before it. I care not for the purposes of this case what the precedents may be under the previous rules of the House. We are operating now under a new rule, one which is more imperative in its requirements upon the committees to abstain from legislation upon appropriation bills than has ever before existed in the House. Under that rule——

Mr. PERKINS. Will the gentleman allow me a question?

Mr. CRISP. Of course, if the gentleman wishes to interrupt me in the middle of a sentence.

Mr. PERKINS. I did not desire to do that; but I want to ask in this connection, if this rule, to which the gentleman now refers, changes the principle as to the time when the point of order is to be made?

Mr. CRISP. I was coming to that in a moment.

Operating under a rule which is more imperative than ever before against legislation on appropriation bills, you are asked now to decide a question for the first time under the new rule; and now what I want to invoke at your hands, and that of the House in the interest of all its members, is a ruling that will give every man in the House a chance to see and examine fully each bill before any reservations of points of order are required, and accord to each member of the House the privilege of making any point of order he may desire when the bill comes up for consideration. Now, this being the first time this question has been raised under the new rules, we are not bound by precedents, if there be precedents of this sort; and I respectfully submit to the Chair, as I would to any other presiding officer, or the presiding officer of any court, that where the advocates of a practice under the old rules seek to ingraft it by precedent upon the new rule, they should be required to give some good substantial reason for the practice; precedent alone should not suffice; and if there be now no necessity for the practice, then the rule ought to cease with the necessity for its existence. The rule says that no committee of the House shall incorporate legislation in a general appropriation bill. We have a right to presume, therefore, that the committees of the House will conform to the rule. They come here with a great volume of manuscript; nobody outside of the committee knows what is in it. The gentleman having it in charge says, "I am directed by the Committee on Indian Affairs, say, to report to the House the Indian appropriation bill." The Speaker orders it to go upon the Calendar and be printed. No man outside of the committee has seen it. No man outside the committee has had an opportunity of seeing it. It is not even printed for the use of the House until after it is reported.

Now the advocates of the old doctrine of reservation of points of order claim that just at the very moment that the gentleman presenting the bill says, "I report the bill," you must rise in your place and say you reserve all points of order. You do not know what is in the bill. You do not know whether points of order can be maintained against it. You have no right to presume, as respecters of the rules of the House, that the gentlemen of the committee have violated any rule. And yet the principle invoked is that you must rise in your place and respectfully say, "I reserve all points of order." If those magic words are uttered, then the committees of this House can be required to conform to its rules. If those words are omitted, then the rules of this House are not binding, and do not compel the committees to conform thereto. Out upon any such doctrine! In sticking to form we shall have lost the substance, and the express rule which was intended to prevent the vicious practice of legislating upon appropriation bills will be nullified by a practice which may have existed in the past, but for which no gentleman of the present seems to be able to give any satisfactory reason.

I yield to no man in my respect for regular system and order. I recognize the fact that there should be a time when questions of order should be considered as waived. I recognize the fact that the rule cited by my friend from Ohio [Mr. WARNER], and it is a good rule, should be observed. But I say to him in my judgment he entirely misconceives the purpose of that rule. That rule says, if the gentleman will allow me the remark in passing, that all bills that appropriate money shall have their first consideration in the Committee of the Whole; but the point of order that they must be so considered must be made before you enter upon the consideration thereof, and can not be made thereafter.

Mr. WARNER, of Ohio. Will the gentleman allow me to interrupt him?

Mr. CRISP. Yes, sir.

Mr. WARNER, of Ohio. Is not the rule positive and explicit as to the first consideration of these bills in the Committee of the Whole?

Mr. CRISP. Yes, sir.

Mr. WARNER, of Ohio. And, according to what follows in that clause, the point of order, if not made before the consideration of a bill has commenced, is of no force at all?

Mr. CRISP. In the case before us it will be conceded by every gentleman upon the floor that there is nothing in the rules of the House which prescribes that this exception or reservation shall be made at the time the bill is reported. Every gentleman will agree to that.

Meeting, then, a new question, to be decided now for the first time under these rules, how will you decide it? Will you be bound by a precedent which seems to exist without any good reason, or will you establish a precedent founded on reason and common sense?

Mr. LONG. Will the gentleman permit me to make a suggestion in support of his argument?

Mr. CRISP. Yes, sir.

Mr. LONG. I suggest to the gentleman that when the House referred this bill to the Committee of the Whole they referred it subject to the rules and with all the rights that go to the committee under the rules.

Mr. CRISP. Undoubtedly. Now, just a word or two further, for I have already said more than I intended.

The advocates for the proposition that points of order must be reserved in the House at the time of reporting the bill, the gentleman from Illinois [Mr. SPRINGER], my colleague from Georgia [Mr. BLOUNT], and others rested upon the idea that the House committed this bill to this committee for consideration and the committee must consider it as it was. I reply as the gentleman from Massachusetts has replied, they committed the bill to this committee for consideration under the rules of the House. The rules of the House provide that appropriation committees shall not do certain things, and there is no provision of the rules that fixes any time for the making of points of order, therefore they should be made when the bill is under consideration; the place to make them is always under the rules in the Committee of the Whole, because the bills have their first consideration there, and points of order should be made, if to be made at all, before debate is had on the merits of the paragraph or section objected to.

Mr. WARNER, of Ohio. May I ask the gentleman a question?

Mr. CRISP. Yes, sir.

Mr. WARNER, of Ohio. Could the point of order be made under clause 3 of Rule XXIII until we are in Committee of the Whole ready to consider a bill of that class?

Mr. CRISP. Either the gentleman from Ohio misconceives that rule or I do. In my judgment that rule shows no light on the question the Chair is now to determine. The bill is committed to the Committee of the Whole under the rules of the House. They take it and consider it. As the bill is read the members of the House see for the first time what the provisions of the bill are. They have an opportunity as a clause is read or as a section is read to rise in their places and raise the

point of order on that clause or that section, namely, "There is no existing law that sustains the appropriation," or whatever the point may be.

Now, I ask you as a reasonable, fair-minded man if it is not as plain that the members on the floor ought to have a right to object to provisions inserted in the bill by the Appropriations Committee as it is that the Appropriations Committee should have the right to object to an amendment proposed by a member on the floor? If any gentleman on the floor rises and offers an amendment, the gentleman in charge of the bill can object to it by raising a point of order or anybody else can make the objection. What good reason is there when the bill is under consideration that a member of the House can not raise a point of order against any of its provisions?

If the rule that there shall be no legislation on appropriation bills is founded in reason and justice and is a proper rule, then, Mr. Chairman, the rulings of the Chair and of the House on questions of order ought to be in the direction of preserving the right. Nothing should be taken by intendment against the right. Now, I submit, the rule, as I contend for it, is reasonable, is in the interest of the object sought to be obtained by the provision that legislation should not be had upon appropriation bills, is in the direction of preserving the rights of each member of the House, is in the direction of the intelligent conduct of the business of the House, requires no "vain thing," enables each member, as a paragraph or section is read, before it is debated on the merits, to raise any question of order upon it, enables the House to see that no committee violates its rules without its consent, and altogether leads in the direction of fair, open, careful, and considerate legislation; and I hope that is what we all want.

On the other question I have nothing to say. I only desired, as there is a new question raised, or rather a question raised for the first time under the new rule, to invoke at the hands of the chairman and the committee such a ruling as is founded on reason and justice, and as will advance rather than retard the interests of good legislation.

Mr. REED, of Maine, rose.

The CHAIRMAN. The gentleman who was in the chair when the committee rose last Thursday announced his purpose to submit this question to the committee, stating that because it was a new and grave question he thought the committee should be permitted to decide it. The Chair will not overrule his action in that regard, and has no desire to cramp or limit debate, but will abide whatever seems the will of the committee in that regard. The gentleman from Maine is recognized.

Mr. REED, of Maine. Mr. Chairman, I desire for an instant to call the House back to the question that is really under discussion. It is not what I or any other gentleman wishes to do with this paragraph that is under discussion before the committee at present. The question before us is, What is the rule of parliamentary law applicable to this case? And in order to ascertain what the rule is it is absolutely necessary for us to resort to first principles. That has been forgotten, measurably, in the discussion. What is this Committee of the Whole? Although it is composed of every member of the House, nevertheless it is a committee of the House, a creature of the House, subject to the laws and to the dictation of the House. It must do business precisely as the House of Representatives declares that it must do business. The House of Representatives charges it with certain work, and, among other things, commits this appropriation bill to the Committee of the Whole for consideration.

The superior has ordered the inferior to do certain work, and that is to consider this bill as it stands. First, we have the reason, namely, that this bill has been committed to the committee as a whole; now, what have been the decisions on this question? What are the precedents? The decisions have been uniform, from the very establishment of the rule, that the committee had no right to question the judgment of its superior—the House—as to what it should consider. Consequently, if anybody felt that there was liable to be in a bill any provision which was contrary to the rules of the House, he reserved the points of order and gave notice upon the reference of the bill.

Gentlemen who have been here during the operation of the rules which existed prior to the Forty-sixth Congress know that it was the invariable habit, not when an appropriation bill was reported, but when it was referred to the Committee of the Whole, to reserve all points of order, and if no points of order were reserved, then it went into the Committee of the Whole not subject to rules like this under consideration. That was the invariable custom, sanctioned by decisions as sacred as those of the gentleman from Pennsylvania [Mr. RANDALL] in front of me. Has there been any change since in that regard? You say the rule has been made more strict. What difference does that make? Here was legislation, so to speak, on the part of the House of Representatives—legislation repeated, legislation reiterated, legislation that got to be the unquestioned custom of the House—that points of order must be reserved. Now, then, if new rules are made after such legislation, so to speak, of the House has taken place, it must be presumed that those new rules were established with reference to the previous decisions of the House, just as if a court of justice had repeatedly construed a law and the Legislature had re-enacted the law.

So far as the question of reserving points of order in the House is concerned, although we have repeatedly changed our rules, we have never taken any adverse notice of these repeated decisions of the House. What is the conclusion? Why, that those decisions remain the law of the House. They are founded upon the reason that the House has conferred upon the committee restricted powers. If our rules have not changed, it follows as a matter of course that when this bill was committed it was committed with full knowledge, we are bound to presume, of that law. It is not strange that, amid the confusion which resulted after the rules of the Forty-sixth Congress were adopted, there should have been some uncertainty about this matter; but when you get back to the grounds upon which the practice of the House is founded, when you get back to the precedents there can be but one decision upon this question as a matter of parliamentary law. It does not matter what we want; it may be that the rules ought to have been changed; I think they ought; I think the right to make points of order ought to be understood as being reserved. But that is not the question. The question is, what is to-day the parliamentary law of this House on this subject? And it seems to me that that is a question which can be very easily decided.

Mr. WARNER, of Ohio. I wish to ask the gentleman from Maine [Mr. REED] whether clause 3 of Rule XXI does not go with the bill into the Committee of the Whole and does not prevent any amendment being made which changes existing law?

Mr. REED, of Maine. That is another affair.

Mr. PEEL. Mr. Chairman, when I first raised the point of order on last Thursday on this paragraph I had no thought that this question would be discussed so extensively as it has been. I made the point, resting it entirely upon the third clause of Rule XXI. After it had been discussed for some time, as the Chair has stated, the committee rose, leaving the question pending, and now when the committee resumes the consideration of this bill the gentleman from Kansas [Mr. PERKINS] makes the point that my point of order was not taken in time—which I think is rather a confession and avoidance of the point of order raised by me on Thursday. But it now becomes necessary that the rules of the House shall be construed. I believe, sir, the universal rule of construction as applied to law—and the rules of the House I understand to be law of the House—is that the language must be construed so as to be consistent with the existing law, and to carry out the object intended; for a rule without a reason is simply no rule at all.

Now, what is the attitude of this question? It is insisted that when a general appropriation bill is reported to the House by the chairman or whoever may have charge of it on behalf of the committee to be placed upon the Calendar, that is the proper time to reserve points of order in regard to any legislative provisions which the bill may contain. Now, I am not prepared to controvert the parliamentary learning of gentlemen who have served on this floor much longer than I have, but what is the legal presumption that follows the announcement of a report of a bill from a committee to be referred for consideration to the Committee of the Whole? The presumption necessarily is that the appropriations in the bill are in conformity with law; for it is a common-law principle that the acts of officials are not to be presumed to have been done contrary to law. Then when a bill is reported to the House for consideration the presumption necessarily arises that it is presented in conformity with the law governing the discharge of the duties of the committee. Certainly it would look very ridiculous for any member, in the face of this presumption, to rise and announce, before the bill had ever been read from the desk, "I reserve points of order upon that bill without knowing what it is;" for it is certainly a legal presumption in regard to every report of a committee of this House that it is not presented in violation of existing law. It is clearly presumable that reports are made in conformity with law; and an objection made at that stage of the proceeding in violation of this presumption would be equivalent to saying to the gentleman reporting the bill, "I presume or believe you have violated the law in making this report."

When the motion is made that the House go into Committee of the Whole for the purpose of considering a general appropriation bill, that is the first time the House gets jurisdiction of the measure to consider it. When the House has resolved itself into Committee of the Whole the bill is then for the first time read at the desk by its proper custodian in this House, so that the members are then informed of what the measure contains. If it be found when different sections or paragraphs are reached that they are violative of a plain provision of law prohibitory in its character, to say it is then too late to make a point of order, that such points ought to have been reserved before the House took jurisdiction of the subject-matter, before the bill had ever been read from the desk by its legal custodian, would be, to say the least, inconsistent with all ordinary legal procedure. I hope, however, Mr. Chairman, that we may progress with this bill. It is important it should be disposed of to-day. It is the intention of the chairman of the committee having it in charge that this, if possible, should be done. I hope this question of order will be promptly disposed of. It is not very material to me what the decision may be.

Mr. HAMMOND. Mr. Chairman, before stating my opinion on this point, I desire to reply to what has been said about the effect of the change in our rules upon this question. There has been no change in the rules affecting this question. The only result of the changes which have been made has been to make it more difficult to put legislation

upon appropriation bills. The old rule provided that legislation should not be included in general appropriation bills unless it came within certain designated classes. The present rule strikes out the exception; that is all. As to the manner in which bills are to be considered in the House, and as to the effect of commitment to the Committee of the Whole, there has been no change whatever.

Now, in order that we may get at the reason of this matter, let us consider how this bill gets to the Committee of the Whole House on the state of the Union. The old rule, I believe, was—and when I speak of the old rule I mean the ancient parliamentary practice—the old rule was that all points of order on a bill must be reserved upon the second reading of the bill, or be considered waived. Now, under the practice of the House, we dispense with the first and second readings of the bill; and the first and second readings being waived, when a bill is reported to the House the question is, what shall be done with it? The rules require that bills of this character be committed to the Committee of the Whole House on the state of the Union.

When the Speaker announces that fact it is accompanied with the other pregnant announcement, "This bill is read the second time." And then the question tacitly addressed to every member is "Are there any points of order to be reserved?" And if there be no point of order made, by unanimous consent points of order are waived. That is the reason of the rule. Suppose a gentleman to get up and say, "I have in this bill a dozen things which are contrary to rules, and I propose to pass them by unanimous consent," and the Speaker calls for objection, and none should be made, could a point of order be made afterward? No; because unanimous consent has been given by silence. So, when this bill was reported to the House, and the question was, "What shall be done with it?" the Speaker said, "Under the rules it must be committed to the Committee of the Whole House on the state of the Union." Its first and second reading were then waived, and, no point of order being reserved, all points of order were necessarily waived.

Now, I care nothing about this proposition.

Mr. RANDALL. Let me ask the gentleman from Georgia a question?

Mr. HAMMOND. Certainly.

Mr. RANDALL. I would like to know whether a committee of this House can make a report in violation of the rules of the House without the House having opportunity, when it discovers that fact, to provide the remedy?

Mr. HAMMOND. That depends on what the rule is.

Mr. RANDALL. The rule says there shall be no new legislation.

Mr. HAMMOND. You say that is one of the rules of the House?

Mr. RANDALL. So it is; and yet it is contended a committee of this House may come in with a bill containing provisions of new legislation. I maintain that whenever that fact is discovered the House has its remedy; that when a committee of this House has violated the rule it can not take advantage of its own wrong.

Mr. HAMMOND. I answer the gentleman with great ease to myself, although it may not be with satisfaction to the committee. Suppose on this bill you propose now to put a piece of independent legislation.

Mr. RANDALL. That would be an amendment.

Mr. HAMMOND. And nobody raises the point of order on it. You were at your lunch——

Mr. RANDALL rose.

Mr. HAMMOND. Let me get throngh with my answer. You were at lunch and nobody raised the point of order; you come in and say I propose to prevent the rules of the House being violated.

Mr. RANDALL. I will tell you the difference between the two.

Mr. HAMMOND. That is a case where you undertake to do a thing which could not have been done if any man had objected. The same rule which says such an amendment shall not be put on also says that the committee shall not report new legislation.

Mr. RANDALL. I will tell you the difference. In the case you refer to the amendment is read to the House, whereas the bill when committed to the Committee of the Whole on the state of the Union is not read.

Mr. HAMMOND. Any member can demand its reading. And the very fact, Mr. Chairman, that they are not read, so far from being an advantage to that side of the argument, is an advantage to this side, for it is a notice to every man in the House that the bill may have something objectionable in it. And, if you desire, now is the time to raise the point of order.

Mr. HOLMAN. Will the gentleman permit me to interrupt him?

Mr. HAMMOND. Certainly.

Mr. HOLMAN. The gentleman has stated correctly that prior to the present rule some legislation was permissible on appropriation bills clear back as far as we can get. Now for the first time there is an imperative rule that there shall be no legislation on an appropriation bill. The gentleman stated correctly that under the old system the point of order was made on the second reading of the bill. As late as the Thirty-seventh Congress it was agreed by unanimous consent that points of order might be reserved. Legislation became allowable. The only question was, was it legislation within the rules? It was entirely respectful to a committee for a member to reserve points of order because he had reason to suppose there was legislation on the bill.

But here is a rule which forbids new legislation on a bill. The committee is absolutely prohibited from putting legislation on a bill. Is it my friend's duty to assume that a committee having charge of an appropriation bill has violated the rules of the House by placing legislation on an appropriation bill in defiance of the imperative language of the rule? I admit two or three instances have occurred where gentlemen have felt themselves authorized to take the floor and reserve points of order; but, sir, it was a duty which ought not to have been thrown upon any member of this House. It is assuming that one of the committees of this House has been guilty of deliberate violations of the rules of the House.

Mr. HAMMOND. Mr. Chairman, I wish to restate, by reading the old rule, what I stated before, that in this regard the change of the rule affects nothing at all. The old rule is in the following language:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, suppose they brought in under the old rule a bill containing a provision that did change existing law, but did not reduce expenditures or do any one of the other things mentioned in this case, then the argument would have been exactly the same for excluding that under the point of order as the argument now being made for excluding this provision under the point of order. There was no change made in that regard in the rules at all, none whatever; and at length it remains just the same as before as to everything else. Here are the rules of the House; but at any time we may dispense with them by unanimous consent, or at any time we can override the rules of the House, when recognized by the Speaker, for the purpose of submitting a motion which may be carried by a two-thirds vote. And so it has been always held, without a particle of variance or shadow of turning, that when a bill is considered as read the second time all objections are waived which were then not expressly reserved by a general exception when the bill was reported.

Mr. HOLMAN. Now, will the gentleman from Georgia allow me? Does he meet the question as fairly as he usually meets the discussion of questions in the House? Was not the trouble under the old system prior to the present rule, and the justification on the part of members for reserving the point of order, that it was sometimes difficult to tell whether or not the provisions of a bill retrenched expenditures or not? Therefore——

Mr. HAMMOND. Let me answer right there.

Mr. HOLMAN. Just a word further. Therefore I say a member might well say, "I will reserve the point of order; I will bring the question before the Committee of the Whole to see whether there is anything in it that is subject to the point of order." While now, inasmuch as the rule of the House is imperative upon its committees, you are not to suppose that the rule will be disregarded in the preparation of these bills.

Mr. HAMMOND. In answer to the gentleman from Indiana it is sufficient to say that this very debate has shown it is now a question whether this is new legislation or not. The gentleman from Texas [Mr. WELLBORN] in charge of the bill insisted that it was not new legislation; that there was an existing law under which the appropriation could be made. The gentleman from Pennsylvania [Mr. O'NEILL] this morning took the ground that because this school has been kept up for a series of years by this kind of appropriation it was not new legislation. May not gentlemen just as well differ under this as under the old rule? That argument, therefore, amounts to nothing, because the situation is exactly the same under the present rule as it was under the old rule for the purpose of this question. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair is ready to submit the question to the committee.

The gentleman from Illinois [Mr. TOWNSHEND] who was occupying the chair when the committee rose last Thursday evening announced that the question would be submitted to the committee, and the present occupant of the chair does not feel that he would be justified in reversing that action.

Mr. BLOUNT. I ask the indulgence of the Chair a moment. I wish to ask unanimous consent that the Chair may submit the two questions to the committee, the first being the last question that has been debated.

The CHAIRMAN. The Chair was about to make a suggestion which will probably cover the case.

The Chair will state that the first point of order is the one made by the gentleman from Arkansas against the lines beginning at line 1032:

For annual allowance to Capt. R. H. Pratt while in charge of said Indian industrial schools.

The point being made that it changes existing law, and hence is obnoxious to the rule. That was discussed during the last sitting of the committee on Thursday last, and no conclusion was reached. The chairman of the committee then announced that he would submit the question of order to the committee, and was ready to do so, whereupon the gentleman from Pennsylvania [Mr. RANDALL] moved that the

committee rise, in order that the members might consider it more deliberately and act upon it at the next sitting of the committee.

To-day the gentleman from Kansas [Mr. PERKINS] makes the additional point of order that the objection made by the gentleman from Arkansas comes too late and can not be sustained, for the reason that the rule of the House provides that points of order must be made against provisions of this kind by reserving them upon the bill when it is reported to the House, which was not done when this bill was reported. If the point of order made by the gentleman from Kansas be sustained it will necessarily also end the importance of the point of order of the gentleman from Arkansas. It becomes, therefore, of equal importance to the original question, and the Chair will submit the two to the House to determine the points raised.

Mr. LONG. Will the Chair permit an inquiry?

The CHAIRMAN. Certainly.

Mr. LONG. Should not the second point of order be decided first?

The CHAIRMAN. That is the order in which the Chair proposes to submit them, for the reason that if the point of order made by the gentleman from Kansas is sustained it will settle both.

Mr. RANDALL. I ask the chairman to put the questions separately, because the point of order made by the gentleman from Arkansas [Mr. PEEL] involves the principle whether a provision of law in a former appropriation bill is a warrant on which a subsequent bill may be framed.

The CHAIRMAN. The Chair will state, in response to the suggestion of the gentleman from Pennsylvania, that it was the purpose of the Chair to put to the committee the question first on the point of order made by the gentleman from Kansas [Mr. PERKINS], because of the fact that if that point of order is sustained it necessarily defeats the other point of order.

Mr. RANDALL. Defeats it but does not make a decision upon it.

The CHAIRMAN. And for the further reason stated by the gentleman from Pennsylvania, that the first point of order involves the question whether a provision made in an appropriation bill heretofore not existing in the general law is "law" in contemplation of the rule on which an appropriation bill can be sustained that continues the appropriation.

Mr. RANDALL. If the Chair will permit me, I want to say in reply that, a decision sustaining the point made by the gentleman from Kansas [Mr. PERKINS] only defeats the consideration of the other point made by the gentleman from Arkansas [Mr. PEEL].

Mr. WARNER, of Ohio. And does not settle that question.

Mr. RANDALL. And does not settle that question as to whether an appropriation bill of last year is warrant for legislation on an appropriation bill of this year.

The CHAIRMAN. The Chair is of opinion that would be the effect of it and the only effect. The question is, Shall the point of order made by the gentleman from Kansas be sustained?

The committee divided; and there were—ayes 66, noes 78.

Mr. REED, of Maine. I call for tellers.

Mr. PERKINS. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kansas, Mr. PERKINS, and the gentleman from Arkansas, Mr. PEEL.

The committee again divided; and the tellers reported—ayes 75, noes 91.

So the point of order was not sustained.

Mr. ADAMS, of Illinois, addressed the Chair.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ADAMS, of Illinois. I understand the point of order made by the gentleman from Arkansas [Mr. PEEL] now comes before the committee. I would like to make some remarks on that point of order.

The CHAIRMAN. The question is now pending on that point of order. The Chair stated he would submit both questions to the committee. But the Chair has no desire to cut off the gentleman if it is the will of the committee to hear him.

Mr. ADAMS, of Illinois. I would remind the committee that all day we have been discussing this point of order as to the time when a point of order should be reserved, and it seems to me I might perhaps be allowed three minutes to consider the point of order which it now seems we have to decide.

The CHAIRMAN. The Chair having announced his purpose to submit the question to the House, can now only allow debate by unanimous consent. Is there unanimous consent that the gentleman from Illinois [Mr. ADAMS] shall be allowed three minutes?

There was no objection.

Mr. ADAMS, of Illinois. I heard it suggested yesterday by one or two gentlemen familiar with the rules that this particular paragraph was obnoxious to the new rules. I submit that since the first part of clause 3 of Rule XXI has application to the character of appropriations which may be placed in appropriation bills, and the last portion of it applies only to changes of existing law other than appropriations, the last part of the clause does not apply to this provision now under consideration. If obnoxious to any point of order at all it must be obnoxious to the first part of that clause.

It was also said that the decision turned on the question whether this appropriation was authorized by existing law. I wish to submit to the committee that under that rule you may have an appropriation that is not authorized by existing law, provided it is in continuation of a public work that has already been appropriated for.

I do not desire to detain a weary House except to suggest to gentlemen that the question is not whether this is a change of existing law, and the question is not whether this is an appropriation for a purpose not authorized by law, but it is simply the question whether it is for a work or object now in progress.

Mr. RANDALL. The issue in this point of order is simply this to my mind. We have changed the rules. We have said there shall be no legislation on appropriation bills. Now the proposition would seem to be, by what I might call the latitudinarian construction, that you can make a past appropriation bill a warrant as against this rule just made for legislation on a like subject in a new appropriation bill. The safer side, and I think the logical view of the question, is that legislation shall not now under the new rule be allowed on an appropriation bill because it happened to be permitted on a former appropriation bill.

The CHAIRMAN. The question is on the point of order made by the gentleman from Arkansas [Mr. PEEL].

Mr. PERKINS. The chairman of our committee, the gentleman from Texas [Mr. WELLBORN], would like to call the attention of the committee to the rule which I think the gentleman from Pennsylvania has forgotten, which says that no appropriation shall be reported for any expenditure not previously authorized by law unless in continuation of existing appropriations.

Mr. RANDALL. If it comes under that rule, that is another thing.

Mr. MORRISON. But there is no law authorizing such an appropriation.

Mr. WELLBORN. The Carlisle school has been appropriated for. You will find the authority for this in every appropriation bill for the last four years.

Mr. ADAMS, of Illinois. And if not previously authorized, it could come in under that rule.

Mr. STORM. I desire to have read the act of Congress which originated the introduction of this man's name in the bill, so as to show the authority of law for inserting it. I desire this to be read to show to the House that this appropriation, with the name of R. H. Pratt as it appears in this bill, is already provided for by existing law.

Mr. LONG. Mr. Chairman, while we are waiting for the reading of that, I would like to suggest that this allowance to Captain Pratt is a permanent allowance. It does not depend upon the appropriation for any single year, because the language is "for annual allowance to Capt. R. H. Pratt while in charge of said Indian industrial school." That is the language of the statute. The object of that law is the maintenance of that school. That is an object which is not only in progress now but has been in progress for the last four or five years, and the allowance being an annual one it is of a permanent character, so that this provision does not make any change of existing law.

Mr. REAGAN. Mr. Chairman, this is not an appointing body, and we can not make the violation of law at one session a reason for continuing to violate it at another session.

Mr. STORM. Mr. Chairman, I want the House to understand that in the existing law the same provision which provides for the payment of a thousand dollars a year for this purpose provides for the insertion of Captain Pratt's name. The gentleman from Arkansas [Mr. PEEL], I know, wishes to strike out the name of Captain Pratt, but to keep in the appropriation of the $1,000; but if gentlemen will hear the original act read they will find that Captain Pratt's name is not simply used for that year, but that provision is made for this permanent allowance to him as long as he continues superintendent of the school. If gentlemen will look at this bill as reported from the committee, they will find that its language provides this allowance for Captain Pratt "while" he is superintendent of said school. The original act, upon which we base the right to insert his name in the pending bill, is what I have sent to the Clerk's desk, and I ask that it be now read.

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

For support of the Indian Industrial School at Carlisle, Pa., for transportation of Indian pupils to and from said school, $80,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $175, exclusive of transportation, for the support and education of each pupil actually maintained in, and support and education at said school; but actual cost of transportation and other expenses of such pupils as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000; in all $81,000.

Mr. STORM. Mr. Chairman, if the name of Captain Pratt is struck out of this bill, then to be consistent we must strike out the appropriation of $1,000, if the point of order is made against it.

Mr. PEEL. Mr. Chairman, the point of order does not have anything to do with the allowance. The point of order is directed to the provision creating an office, making this gentleman the superintendent of the school, and providing that nobody else can receive the salary. The point of order is directed to this new legislation creating an officer by name who is not an officer under existing law save by the annual appropriation bill.

The CHAIRMAN. The question is on the point of order made by

the gentleman from Arkansas [Mr. PEEL] against the paragraph designated.

Mr. LORE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LORE. I desire to know to what language in this bill the point of order applies—the specific words?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For annual allowance to Captain R. H. Pratt, while in charge of said Indian industrial school, $1,000.

Mr. PERKINS. Mr. Chairman, if you will turn to the record of the proceedings in which the point of order was made, you will find that it does not embrace the whole of those two lines, but is confined to the name of Mr. Pratt.

The CHAIRMAN. The present occupant of the chair was not in the chair when the point of order was made, but has been informed by the Clerk at the desk that the point was made upon the provision in the bill just read.

Mr. PERKINS. The gentleman from Arkansas [Mr. PEEL] says that I am right about it.

The CHAIRMAN. The question is, Shall the point of order made by the gentleman from Arkansas [Mr. PEEL] be sustained?

Mr. PERKINS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PERKINS. I rise to suggest that it would be well that the controversy or misunderstanding as to the exact bearing of the point of order should be settled before the question is taken.

The CHAIRMAN. The Clerk informs the Chair that the gentleman from Arkansas [Mr. PEEL] made the point upon the paragraph just read.

Mr. PEEL. That is a mistake, Mr. Chairman; the RECORD does not so show.

The CHAIRMAN. The Clerk will read from the RECORD what took place, and that will determine the question.

Mr. PEEL. I was asked if I made the point of order upon the whole paragraph, and I replied that I did not, but only upon the insertion of this name.

Mr. REAGAN. Mr. Chairman, I think the gentleman from Arkansas ought to be allowed to state his own point of order.

The Clerk read as follows:

Mr. PEEL. Mr. Chairman, I make a point of order on that paragraph, that it contains new legislation. It provides for an officer, the superintendent of the school, as well as providing his salary. The office does not exist by law otherwise than in the appropriation bill of last year, which will expire on the 30th of June at the time when this bill will take effect.

Mr. RANDALL. I will inquire of the gentleman whether he applies his point of order to the entire paragraph, or only to the part in which Captain Pratt is mentioned by name?

Mr. PEEL. I apply it, Mr. Chairman, not so much to the provision for the salary as to specifying this officer by name—not that I have any objection, &c.

The question being taken on sustaining the point of order, there were—ayes 93, noes 68.

So the point of order was sustained.

Mr. SPRINGER. I now move to insert the following in lieu of the words stricken out upon the question of order:

For annual allowance to the superintendent in charge of said Indian industrial school, $1,000.

Mr. PEEL. That is right. Nobody objects to that.

Mr. NELSON. I raise upon this amendment and upon the clause, if it is still in the bill, the same point of order which has just been sustained by the Committee of the Whole. I will say in this connection that I intend to make the same point of order against every other educational item in the bill, for they all stand upon precisely the same footing. My justification in this course, Mr. Chairman, is that a member of the committee reporting this bill has set the precedent of raising a point of order against the work of the committee, and that point has been sustained. This precedent having been set, I, as another member of the committee, will take the liberty of raising the point again.

Mr. SPRINGER. I think my amendment was misunderstood——

Mr. NELSON. There is no occasion for discussion. The matter has been discussed, and the Committee of the Whole has sustained the point of order.

Mr. SPRINGER. I wish to remove the impression——

The CHAIRMAN. Does the gentleman from Illinois [Mr. SPRINGER] desire to be heard on the point of order?

Mr. SPRINGER. No, sir; I want to withdraw my amendment, and submit it in another shape so as to avoid the point of order.

The CHAIRMAN. The Chair would be compelled under the ruling just made by the Committee of the Whole to sustain the point of order.

Mr. SPRINGER. I withdraw the amendment I just offered, and submit it in this form: Add the words, "for allowance——

Mr. NELSON. I want the question first settled whether that clause is in the bill or not. I wish to know whether simply Captain Pratt's name was stricken out or whether the whole of the appropriation was stricken out.

Mr. SPRINGER. I move to amend——

Mr. NELSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Minnesota [Mr. NELSON] rise?

Mr. NELSON. To ask a parliamentary question. I desire to know whether the clause providing for an annual allowance of $1,000 for somebody is still in the bill. Is the whole clause out or only the name of Captain Pratt?

Mr. PEEL. The allowance of $1,000 is in.

Mr. SPRINGER. I do not so understand.

Mr. NELSON. Then I make a point of order against the allowance.

Mr. SPRINGER. In order that we may understand just where we are, I wish the Chair would state what is in the bill now and what was taken out by the vote on the point of order.

The CHAIRMAN. The Clerk will read to the committee the clause as it will stand if simply the name be left out. The Chair thinks the committee will see that if only the name be stricken out the clause will be left in a very awkward shape.

The Clerk read as follows:

For annual allowance to —— while in charge of said Indian industrial school, $1,000.

Mr. NELSON. Against that clause I make my point of order—the same point just decided by the Committee of the Whole. I ask the decision of the Chair.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. SPRINGER. I want to make a motion which will give sense to the clause.

Mr. NELSON. The motion is not in in order. [Laughter.]

The CHAIRMAN. The Chair begs the gentleman from Illinois to remember that this clause is not subject to amendment pending the point of order. The gentleman from Minnesota [Mr. NELSON] has made the point of order that the allowance of $1,000 in the pending clause changes existing law, and in conformity with the decision just made by the Committee of the Whole the Chair sustains the point of order.

Mr. SPRINGER. How much does the Chair rule out?

The CHAIRMAN. The Chair rules out the appropriation—the clause which the Clerk will read.

The Clerk read as follows:

For annual allowance to —— while in charge of said Indian industrial school, $1,000.

Mr. SPRINGER. That is all out?

The CHAIRMAN. That is out.

Mr. SPRINGER. I move to amend by inserting the following:

For annual allowance to the superintendent of said Indian industrial school, $1,000.

The CHAIRMAN. The gentleman will send up his amendment in writing.

Mr. NELSON. I make a point of order against the amendment; there is no need for the gentleman to write it out.

The Clerk read the amendment as submitted by Mr. SPRINGER.

The CHAIRMAN. Against this amendment the gentleman from Minnesota [Mr. NELSON] makes the point of order that it changes existing law.

Mr. NELSON. And provides an appropriation for an officer not created by law.

The CHAIRMAN. The Committee of the Whole having just sustained this point of order in a little different form, the Chair feels constrained to conform to that action, and decides the point of order well taken.

Mr. SPRINGER. I want it understood that the Committee of the Whole voted simply upon the point of order in relation to Captain Pratt.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

For support of Indian industrial school at Salem, Oreg.: Two hundred Indian pupils, at $175 per annum each, $35,000; pay of superintendent, $1,500; completion of school building and necessary outbuildings, and repairs and fencing, $5,000; in all, $40,000.

Mr. NELSON. I make the same point of order against this entire paragraph. It stands—and I speak advisedly—on precisely the same footing as the item which the Committee of the Whole struck out in reference to Captain Pratt. There is no existing law for this object—nothing but the last appropriation bill.

Mr. SPRINGER. I rise to a question of order. I desire to have read the clause upon which this point of order is made.

The clause was again read.

Mr. SPRINGER. I desire to inquire of the chairman of the Committee on Indian Affairs whether this school has been authorized by law heretofore?

Mr. PERKINS. I do not see the chairman of the committee present, but I understand this school has been built by appropriations contained in appropriation bills and that it has been under the supervision of the

Commissioner of Indian Affairs. It has been constructed under appropriations for educational purposes.

Mr. SPRINGER. Is there a school-house there?

Mr. CUTCHEON. There is a school-house there.

Mr. PERKINS. Yes, there is a school-house there, and the school has been instituted and been carried on in consequence of appropriations made by the Committee on Appropriations for Indian educational purposes.

Mr. BLOUNT. It does not seem to me the point of order rests against this appropriation. Let me call the attention to Rule XXI, clause 3:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

Now it is admitted the Government has undertaken to educate these Indian children. They have had for years these schools. The Government has been expending money upon them. These persons have been paid for discharging this duty. It is unquestionably the object on the part of the Government to take care of these Indians in these schools for the purpose of educating them, and so reacting on their tribe. The question of legislation is not involved at all. The very fact excludes it.

In regard to a particular fortification, if you seek the statute under which it has been constructed you will find there is no statute on the subject. It has been constructed by appropriations in appropriation bills. It is an object of public defense to provide for building fortifications. It is likewise an object dear to the country and regarded for years as the true public policy to educate Indian children at these schools. I trust therefore we will not so far strain this rule as to make it absurd by striking down every public object which may be conceived because you can not find the special law for it.

Mr. WELLBORN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. BURNES. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 5893 to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 6 and 7, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"To enable the Secretary of War to repair the submarine cable, Block Island Bay, $5,000, or so much thereof as may be necessary in the judgment of the Secretary of War."

And the Senate agree to the same.

JAMES N. BURNES,
LOUIS E. MCCOMAS,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BURNES. Read the statement which accompanies the conference report, under the rule.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreement of the two Houses on the amendments of the Senate numbered 2, 6, and 7 to the bill (H. R. 5893) making appropriations to meet certain of the most urgent deficiencies for the fiscal year of 1886, and for other purposes, submit the following written statement in explanation of the effect of the action recommended by the conference committee in the accompanying report:

On amendment numbered 2: The following is recommended as a substitute for the language contained in the Senate's amendment:

"To enable the Secretary of War to repair the submarine cable, Block Island Bay, $5,000, or so much thereof as may be necessary, in the judgment of the Secretary of War."

On amendments numbered 6 and 7: It is recommended that the House recede from its disagreement, leaving in the bill the following items:

"For repairs to water-tank on the main building of the Freedman's Hospital and Asylum, Washington, D. C., $260, or so much thereof as may be necessary.

"Senate:

"For miscellaneous items, exclusive of labor, being a deficiency for the fiscal year 1886, $5,000."

JAMES N. BURNES,
LOUIS E. MCCOMAS,
Managers on the part of the House.

The report was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, communicated to the House, in compliance with its request, an engrossed copy of the bill (S. 831) for the relief of George S. Storrs, of Texas.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5893) to provide for certain of the most urgent deficiences in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; and

A bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army.

The message also requested the return to the Senate of the bill (S. 284) granting a pension to Margaret B. Harwood.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 416) for the relief of J. M. Lobban.

The message also returned to the House of Representatives a joint resolution of the following title, which was sent to the Senate in compliance with its request February 25, 1886:

Joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 601) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York; and

A bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Chair will cause the Clerk to read a communication from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 23, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 284) granting a pension to Margaret B. Harwood.

The SPEAKER. Without objection, this order will be made.

There was no objection, and it was so ordered.

Mr. RANDALL. I move that the House do no adjourn.

The question was taken; and on a division there were—ayes 81, noes 43.

So the motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTTERWORTH: Petition of W. C. Dodge and 50 others, praying for provision in appropriation bill requiring the District of Columbia commissioners to construct sewers in certain localities named in petition—to the Committee on District of Columbia.

By Mr. J. M. CAMPBELL: Petition of citizens of Pennsylvania, in favor of the educational bill which has passed the Senate and is now pending in the House of Representatives—to the Committee on Education.

Also, petition of John D. M. Armbrust, for invalid pension—to the Committee on Invalid Pensions.

By Mr. CARLETON: Memorial of Local Assembly No. 3098, of Lapeer, Mich., relative to the Hennepin Canal and other public improvements—to the Committee on Railways and Canals.

By Mr. COLLINS: Petition of merchants of New Bedford, Mass., in favor of a uniform system of bankruptcy—to the Committee on the Judiciary.

By Mr. CULBERSON: Memorial and petition of George T. Todd, P. H. Rowell, James Armstead, and many others, asking for the construction of a public building at Jefferson, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS: Memorial of the Knights of Labor of Fairhaven, Mass., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. DUNHAM: Petition of Joseph Austrian, J. S. Dunham, John Prindiville, and 40 vessel-owners and business men of Chicago, Ill., praying for the enlargement and greater security of the harbor at Marquette, Lake Superior—to the Committee on Rivers and Harbors.

By Mr. FORNEY: Petition of Calvin M. Wheeler, of Cleburne County, and of William B. Owens, of Cherokee County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Affidavit of Dr. Joshua Thorne, of Kansas City,

Mo., relative to pension of August Foust—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of A. R. Hart and 25 others, and S. H. Brown and 70 others, for free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. GROUT: Memorial of White River Valley Pomona Grange, of Tunbridge, Vt., relating to certain bills before the House—to the Committee on the Post-Office and Post-Roads.

Also, letter from Hon. William Chapin, relating to H. R. 3118, increasing pension of W. H. H. Buck—to the Committee on Invalid Pensions.

Also, testimony in support of H. R. 3118, granting an increase of pension to W. H. H. Buck—to the same committee.

By Mr. HERMAN: Petition asking for payment of deficiency of $1,291.49, a surveying contract of H. W. Cook, and appearing as a recognized and undisputed and valid deficiency on the records of the General Land Office—to the Committee on Appropriations.

By Mr. HOLMAN: Petition of Samuel Morrison, of Indiana, for the recognition of his services to the United States—to the Committee on Claims.

By Mr. HOLMES: Joint resolution of the General Assembly of Iowa, instructing its Senators and requesting its Representatives to oppose the passage of House bills 3291 and 3973, which seek to repeal the law authorizing the manufacture of vinegar from grain—to the Committee on Ways and Means.

Also, memorial and joint resolution of the Legislature of Iowa, requesting the Senators and Representatives of Iowa in Congress to use their best efforts to secure the passage of a law securing a pension to Union soldiers who died in confederate prisons during the late war—to the Committee on Invalid Pensions.

By Mr. J. H. JONES: Petition of citizens of Van Zandt County, Texas, asking for an appropriation to secure deep water at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. KETCHAM: Petition of James P. Murphy and Martin W. Hoctor, representing the Knights of Labor at Hudson, N. Y., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LIBBEY: Petition of merchants, manufacturers, and dealers of Smithfield, Va., praying for the passage of House bill 1621, relating to license fees upon commercial travelers—to the Committee on Commerce.

Also, petition for the relief of T. P. Vequirie, administrator of the estate of A. Verrett—to the Committee on War Claims.

By Mr. MAYBURY: Petition of Eben Ward and others, citizens of Detroit, praying for the improvement of the harbor at Marquette, Mich.—to the Committee on Rivers and Harbors.

By Mr. MERRIMAN: Petition for postal savings-banks, from the faculty of Columbia College—to the Committee on the Post-Office and Post-Roads.

By Mr. NELSON: Memorial of citizens of Ramsey and adjoining counties, Dakota, in regard to certain lands in Northern Dakota—to the Committee on the Public Lands.

By Mr. O'DONNELL: Petition of P. B. Loomis, of Jackson, Mich., for the establishment of post-office life and accident insurance, with accompanying memorial—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES O'NEILL: Petition of Mrs. Mary Von Kusseron, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of the Knights of Labor of Black River Falls, Wis., in favor of generous expenditures of surplus moneys for public improvements, and particularly the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. RANDALL: Petition to protect mackerel during the spawning season—to the Committee on Ways and Means.

By Mr. SAYERS: Memorial of citizens of Barnet County, Texas, for the improvement of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of Charles H. Milbourn, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. SMALLS: Statement of military record of David Hunter, to accompany bill to pension Maria Hunter—to the same committee.

By Mr. SPRINGER: Petition of Knights of Labor, Assembly 1640, of Peoria, Ill., relating to claims under the eight-hour law—to the Committee on Claims.

By Mr. STRAIT: Petition of 114 legal voters of the third Congressional district of Minnesota, and of 494 legal voters of the same, for the enactment of a law against the manufacture of oleomargarine or butterine—to the Committee on Agriculture.

By Mr. SWINBURNE: Memorial of the Knights of Labor of Green Island and of Albany, N. Y., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. TRIGG: Protest of Southwest Virginia Improvement Company, against the removal of duty on coal, &c.—to the Committee on Ways and Means.

Also, resolutions of citizens of Wythe County, Virginia, against the removal of the duty on certain ores, coal, and coke—to the same committee.

By Mr. VOORHEES: Petition of citizens of Seattle, Wyo., praying for a redress of grievances from the presence of the Chinese—to the Committee on Foreign Affairs.

Also, resolution of the house of representatives of Washington Territory, favoring legislation that will prevent unjust discriminations and excessive charges for transportation—to the Committee on Commerce.

By Mr. WAKEFIELD: Petition of 84 citizens of Lincoln; of citizens of Lecona; and of 31 citizens of Lecona, Minn., for the suppression of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

By Mr. WARD: Memorial of the Knights of Labor of Boone County, Indiana, praying for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BUNNELL: Of citizens of Susquehanna and Wayne Counties, Pennsylvania.

By Mr. HATCH: Of citizens of Knox County, Missouri.

By Mr. RIGGS: Of citizens of Scott, Pike, and Cass Counties, Illinois.

SENATE.

WEDNESDAY, *March* 24, 1886.

Prayer by Rev. M. W. HAMMA, D. D., of the city of Baltimore.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental report of the surveyor-general for New Mexico on the alleged private land grant designated as Cañon de Pedernales grant; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting certain information in reply to a Senate resolution of the 23d instant making inquiry as to a former resolution of March 4, 1886, calling for information as to the removal of fourth-class postmasters; which was read.

Mr. HOAR. I suggest that the communication lie on the table until the Senator from Kansas [Mr. INGALLS], who offered the resolution, comes in.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a petition signed by 800 citizens of California, addressed to the President of the United States, and to the Senate and House of Representatives in Congress assembled, setting out that they feel greatly aggrieved by the outrages recently committed in various places against unoffending persons, in contravention of law and treaty stipulations and right, at Rock Springs and other places, belonging to the Chinese population, and they pray for relief and indemnity. The petition will be referred to the Committee on Foreign Relations, and, as it is brief, if there be no objection it will be printed in the RECORD. [A pause.] The Chair hears no objection, and it will be so printed.

The petition is as follows:

To the President of the United States and
to the Senate and House of Representatives in Congress assembled:

The undersigned, residents and citizens of the State of California and of the Pacific coast, irrespective of political alliance, feeling aggrieved by the outrages recently committed in sundry places on the coast against unoffending residents in contravention of law and treaty stipulation, as well as of kindness, hospitality, and right, in that in Rock Springs, Eureka, Tacoma, Seattle, and many other places, parties claiming to represent the universal sentiment on the coast, have, by threats and violence, driven from their several communities the whole Chinese population without distinction of age, sex, occupation, or character, do hereby submit this our protest and memorial, and beg, therefore, the consideration which the enormity of the offenses committed and the importance of the subject-matter presented demand.

Purposely omitting any discussion of the act restricting Chinese immigration, or of the manner in which it has been executed by the constituted authorities—

We submit, first, that the perpetrators of these outrages do not represent the better part of the population of this coast, and it is slander for them to claim that public sentiment justifies or approves any such violence, or any such unjust and unlawful ejectment by threats and intimidation as have been used in the late riotous proceedings in sundry towns in this and other States and Territories.

We submit, second, that these threats and intimidations and riotous and bloody acts, committed under the light of the nineteenth century civilization, in this nation which claims to be a leading nation in intelligence, morality, and culture, shock our sense of national pride as well as our sense of justice, honor,

and right. The Scripture injunction in regard to the "stranger sojourning among us" has been sanctioned and reasserted by all modern civilization, and to us it is abhorrent that in the name of public sentiment such violations of the laws of hospitality and humanity, to say nothing of right and plighted national treaty obligations, should be repeated in one community after another on our coast.

We submit, third, that such attempts to violently drive out residents of any one nationality who have acquired a constitutional and legal right to reside in the United States is in violation of the fundamental principle on which our Government was founded by our fathers. One of the principles deep down in their hearts was that this nation should be a refuge for the oppressed of every land. Shall it become instead a land of oppression, persecution, and cruelty?

We submit, fourth, that the Chinese residing in this country up to the time of the passage of the Chinese restriction act have as good a constitutional right to be here as any foreign-born resident in the United States.

The treaty between the United States and the Emperor of China, commonly known as the Burlingame treaty, expressly guarantees to the Chinese the same privileges as to residence and trade as are granted to the citizens of the "most favored nation," and the treaty of 1880 expressly continues these privileges to those Chinese in the country at the time the treaty was signed. The Constitution of the United States expressly states that the Constitution and the treaties formed under it shall constitute the supreme law of the land. The treaties formed under the Constitution are no less a part of the supreme law of the land than the Constitution itself. We note with peculiar and grateful gratification the language used in the last message to Congress, in which the President recognizes the binding obligations of the treaty and urges that "all the power of this Government should be exerted to maintain the amplest good faith toward China, in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon."

We submit, fifth, that the communities where these riotous acts occur render themselves liable, according to law, for damages to life, property, and business injured or destroyed in such riots. Besides, therefore, the mortification and outraged sense of humanity, innocent citizens are by these lawless proceedings in danger of being heavily taxed to pay the damages the injured Chinese may lawfully and righteously demand.

We submit, sixth, that such high-handed, riotous, and murderous proceedings, if not promptly checked and summarily punished, will almost assuredly arouse the Chinese people in their own land to retaliation, and encourage the authorities there in their indisposition to bring to justice those who violate the treaty rights of American citizens residing in China. Thus the lives and property of Americans in that country are endangered, and the mouths of our minister and consuls, who would seek redress, are stopped.

We submit, seventh, that the press generally on this coast has not been outspoken and bold, as the circumstances demanded, in its denunciation of the foul crimes that have been committed. Thus crimes that outrage humanity have been condoned, and the impression has been created in other parts of our country that even the best citizens on the coast sympathize with and secretly approve the fearful deeds of the rioters.

In view of these considerations the undersigned memorialists feel justified and constrained to appeal to the Chief Magistrate of the nation and to the representatives of the people in both Houses of Congress to see that such measures shall be adopted as shall bring the offenders to justice and prevent the recurrence of such acts, and as shall maintain the honor and insure the fidelity of the American Government to its treaty stipulations.

The PRESIDENT *pro tempore* presented the petition of Agnes Young and other children of Zachariah Taylor, late private Company D, Forty-ninth United States Cavalry, praying to be allowed bounty and pension; which was referred to the Committee on Pensions.

Mr. JACKSON. I present the petition of Thomas R. Monahan, of Tennessee, complaining of having been improperly arrested and imprisoned in Mexico in 1884, and praying that Congress may take such action in the case as may be proper. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. JACKSON presented a petition of James O'Neil and T. F. Carrick on behalf of Knights of Labor of Tracy City, Tenn., and a petition of Knights of Labor of Jackson, Tenn., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of the city authorities and the Cotton and Merchant Exchanges of Memphis, Tenn., praying for the improvement of the river front of the city of Memphis; which was referred to the Committee on Commerce.

He also presented the petition of Sarah Griggs, of Washington, D. C., praying that she be compensated for damage done her property by excavations upon the street fronts and alleys connected therewith; which was referred to the Committee on the District of Columbia.

Mr. DAWES presented a petition of Knights of Labor of Westfield, Mass., praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HALE presented a petition of Knights of Labor of Dexter, Me., praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MANDERSON presented a petition of Knights of Labor of North Platte, Nebr., praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CAMERON presented the petition of Francis W. Hicks and 66 other citizens of Avondale, Pa., praying for the passage of a joint resolution proposing an amendment to the Constitution prohibiting the manufacture, importation, and sale of alcoholic beverages throughout the national domain; which was referred to the Committee on Education and Labor.

He also presented a petition of Francis W. Hicks and 66 other citizens of Avondale, Pa., praying for the enactment of such legislation as will prohibit the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Francis W. Hicks and 66 other citizens of Avondale, Pa., and vicinity, praying for the enactment of a law providing for the creation of a commission to inquire into the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented a petition of the Knights of Labor of Schuylkill County, Pennsylvania, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. EVARTS presented petitions of Knights of Labor of Buffalo, New York city, Columbia, Troy, and Coxsackie, in the State of New York, praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented a resolution of the Board of Trade of Portland, Oreg., remonstrating against the reduction of the duty on lumber and coal; which was referred to the Committee on Finance.

He also presented a petition of P. B. Sinnatt, of Oregon, late Indian agent at Grand Ronde agency, Oregon, praying to be relieved from a judgment recently rendered against him on his official bond as such Indian agent in the district court of the United States for the district of Oregon; which was referred to the Committee on Claims.

Mr. MITCHELL, of Oregon. I present resolutions of the Board of Trade of Portland, Oreg., favoring the passage of a law forfeiting and resuming lands between Wallula Junction and Portland, Oreg., heretofore withdrawn in favor of the Northern Pacific Railroad Company. I ask that the resolutions be printed in the RECORD, and that they be referred to the Committee on Public Lands.

The resolutions were referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Whereas Congress has heretofore made to the Northern Pacific Railroad Company, for the purpose of building a railroad from a point on Lake Superior to the city of Portland, Oreg., with a branch to Puget Sound, a grant of a large tract of land, under which grant 3,000,000 acres (approximately) have been withdrawn from market and are now withheld from settlement westward from Wallula Junction to Portland, Oreg., by reason thereof; and

Whereas said railroad company has failed, neglected, and refused to build said road westward from Wallula Junction to Portland, and has abandoned the same; and

Whereas the Columbia River, the great natural highway of the Columbia basin, when the Cascade locks (now far advanced) are completed, only needs a canal and locks at the Dalles to make said river open and navigable for a distance of 1,000 miles, thus aiding, in the wisest and best possible manner, the development of a great and growing region: Therefore,

Be it resolved by the Board of Trade of the city of Portland, Oreg., That we respectfully petition Congress to pass such acts as shall be necessary to restore the lands heretofore withdrawn from market west of Wallula Junction to Portland, Oreg., to aid in the construction of the Northern Pacific Railroad, to the lands offered for sale and settlement by the United States, confirming to actual settlers their rights to such lands thereof as are occupied in good faith at a minimum price, and that proceeds of such lands be devoted to the building of a canal and locks from the Dalles to Celilo.

True copy, test:

[SEAL.] F. K. ARNOLD, *Secretary.*

PORTLAND, OREG., *16th March*, 1886.

Mr. HOAR presented a petition of Knights of Labor of Southbridge, Westfield, Boston, Essex, Haverhill, Grafton, Gloucester, and Methuen, in the State of Massachusetts, and a petition of Knights of Labor of Norfolk County, Massachusetts, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. INGALLS presented a petition of the Knights of Labor of Wichita, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred the petition of J. I. Rodriguez in behalf of Mr. Cirilo Pouble, who claims to be a naturalized citizen of the United States and who is imprisoned in Cuba under the forms of Spanish law charged with insurrection and so on, to return the petition with a written report, and ask to be discharged from its further consideration.

The report was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 830) for the retirement of certain officers of the Navy of the United States, reported it with an amendment.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of William Fitch, of the District of Columbia, praying for the reference of certain claims for timber used by the ARMY, to the Court of Claims under the so-called Bowman act, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 882) to equalize the pay of graduates of the Naval Academy, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1965) to authorize the commis-

sioners of the District of Columbia to extend and widen certain streets and avenues of the city of Washington; which was read twice by its title.

Mr. CONGER. Let the bill be read.

The PRESIDENT *pro tempore*. It is a long bill. Does the Senator ask for the reading of the bill?

Mr. CONGER. I should like to hear it.

The PRESIDENT *pro tempore*. It is a long bill. The bill will be read if there be no objection.

Mr. ALLISON. Does the Senator from Michigan really desire the bill to be read now?

The PRESIDENT *pro tempore*. The title of the bill will be again read, and the first section——

Mr. CONGER. There are several propositions to build street railroads on streets in the city, and to widen streets, and vacate streets, and vacate alleys, which are presented here, and when the time comes for their consideration we do not know how long they have been before the Senate, and the attention of Senators has not been called to them. I think such a bill as that, changing streets, widening streets, and giving to private owners public alleys, should be read in the hearing of the Senate.

Mr. ALLISON. I think the Senator from Michigan will be satisfied if the bill is published in the RECORD.

Mr. CONGER. No; I do not care to have it so. I will find the bill and look at it myself.

Mr. ALLISON. If it is read it will be published in the RECORD; so it might as well be published in the RECORD without reading.

Mr. CONGER. Well, it may be published in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be ordered to be printed in the RECORD.

Mr. CONGER subsequently said: I desire to withdraw my request that the bill I referred to shall be published in the RECORD. I will examine the bill myself.

The PRESIDENT *pro tempore*. The order to print in the RECORD will be withdrawn if there be no objection. The bill will be referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 1966) for the relief of E. R. Shipley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 1967) referring the claim of Clinton G. Colgate, of the city of New York, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1968) to authorize the Postmaster-General to allow to the American Bank Note Company, in the settlement of its account, credit for the cost of certain postage-stamps furnished to the Post-Office Department; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS introduced a bill (S. 1969) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1970) to enable executors and administrators duly appointed in any of the United States or Territories to maintain suit and recover claims in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate of February 11, to print additional copies of the report of the Select Committee on Ordnance and War Ships.

The message also returned to the Senate, in compliance with its request, the bill (S. 284) granting a pension to Margaret B. Harwood.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans;

A bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; and

A bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

PRICE OF GAS IN WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from yesterday under objection. The resolution will be read.

The Secretary read the following resolution, submitted yesterday by Mr. VAN WYCK:

Resolved, That the Committee on Public Buildings and Grounds be directed to report a bill providing that the price of gas furnished by the Washington Gaslight Company shall not exceed $1 per thousand cubic feet.

Mr. MORRILL. I suggest that the resolution be amended so as to read that they shall be directed to inquire into the expediency of making a reduction.

Mr. ALLISON. Should not the resolution go to the Committee on the District of Columbia?

Mr. MORRILL. I shall move that it go the Committee on the District of Columbia, for the reason that that committee for many years have had jurisdiction of the subject. They have had at the present session ever so many bills referred to them, and I shall ask to have the resolution referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the resolution be referred to the Committee on the District of Columbia.

Mr. VAN WYCK. Mr. President, a suggestion was made yesterday that neither the Senate nor any of its committees was probably sufficiently conversant with the facts connected with this company to say that the price should be reduced to $1 per thousand cubic feet.

It is unfortunate that this large city with 200,000 popoulation has not the first element of self-government connected with it. The people are powerless for their own protection, and yet Congress insists that this city shall have no legislation and no control and no protection except what is furnished by Congress itself. Therefore, from the action of Congress, these questions are necessarily thrust upon its attention. They can not be shirked nor avoided any more than the duties of a Senator to his own State. So it becomes incumbent upon Senators that they shall know the wants and the needs of this great city.

From the experience of the last three or four years one thing is evident, that three great powers in this city control—own, I might almost say; probably control would be nearer the truth—the Congress of the United States. Three corporations, I would say to my friend the Senator from Iowa [Mr. ALLISON], substantially own the Congress of the United States. It is not necessary for the Senator to be alarmed. I do not mean owned in a commercial sense, but controlled to the extent of either doing or refusing to do what the corporations demand of Congress. That is all there is of it. That is the beginning and the end. Take the Washington Gaslight Company, the national banks, and the railroads, steam and horse-car, no matter how little and insignificant, even a bobtail line, they control the Congress of the United States today, and have done so for some few years past.

Mr. DAWES. Of which you are one.

Mr. VAN WYCK. Yes; of which I am one, the Senator from Massachusetts says. Certainly, and sometimes only one, to beg that there may be a little of justice and equity granted to these people.

Mr. FRYE. It is fortunate that we have one.

Mr. VAN WYCK. Precisely, so it is; and I wish my friend to rise to a higher standard, and then it would be still more fortunate if there were yet more, not only to aid us but to aid the people of the District of Columbia. It would be very much better. That is still the proposition. It is that those three organizations control the Congress of the United States.

Yesterday it was stated that there was not sufficient information to legislate upon this subject, but I suppose that certainly every citizen of Washington and nearly every member of Congress has had sufficient ordinary information. He gets that riding up and down in the street cars. He gets that by seeing overworked horses in front of the cars. He gets that by seeing overworked and unpaid laborers guiding the cars. No man can live here without seeing it. No man can be a member of this body without knowing it.

Then the national banks from their organization until now have not paid on their stock a dollar of local taxes. They have kept out of the public Treasury probably a quarter of a million dollars which honestly belongs to this city. I take it that everybody in Congress knows that. Your banks in Iowa, your banks in Massachusetts, your banks in Maine pay their local taxes, and yet in the District of Columbia not a dollar is paid. I should not say not a dollar. On their stock they do not pay a dollar; they pay a little on their office furniture. Nearly $3,000,000 are invested in this city in national banks, and yet only three hundred or four hundred dollars are paid on office furniture. I assume that every member of Congress knows that fact, and yet it runs year after year, and the people get no redress.

Mr. PLATT. May I ask for information whether the stockholders pay?

Mr. VAN WYCK. No, sir; $3,000,000 are kept from taxation when the taxes should be paid into the treasury of this city. Ah, gentlemen sometimes say this is a model city; we make it a model city. Certainly it is a model city, forsooth, with a debt upon it of $24,000,000. One-fourth of the assessed valuation of this city is its actual debt. A model city, forsooth! And you make it a model city by picking out the little shopkeepers, the small men, the mechanics, and the skilled laborers who are least able to bear the burden, and the national banks

with more than $3,000,000 of capital pay no local tax in this city. Yes, you make it a model city in that way by putting the burdens upon the people who are least able to bear them!

One of the other things that have been fastened upon this city is the Washington gaslight corporation. The attention of the country has been generally directed, as we see in New York city and elsewhere, to this matter. It is true they have popular suffrage in New York city, and their people are able to rise up and extricate themselves as they did in the days of Tweed, when they banished him and exiled some of his gang. Will they be able to effect as much now? I see that a conservative paper in the city of New York in speaking of the extortioners there describes them as "gas pirates." There is a great deal to be said about protecting innocent investors. I trust no Senator will now take any exception to that phrase and lift his eyes in horror because they are described by a conservative paper in New York city as "pirates."

The Washington Gaslight Company was organized away back in 1848 with $500,000 capital. In a few years it was raised $350,000 additional, and now we are told that they paid not that in money out of their own pockets. Then their capital was increased to a million, and that million was made up of the $500,000 paid up and of dividends from earnings from year to year. That made a surplus account, and the additional $500,000 was paid in that way. Thus their capital was made a million. The president of the company swore it himself and they say they think that is right. Probably it was from their standpoint. In his report of 1880 or 1881 he says that inasmuch as money had been earned by the corporation, it was proper that the stock should be donated to the stockholders, and they donated it. Then when the stock was raised from $1,000,000 to $2,000,000, it was required that that should be paid in cash, and the company still proceeded to pay the other million out of the surplus revenues of the corporation. So all the money which these parties placed was $500,000. That was raised to $1,000,000 over the surplus fund. When it was increased to $2,000,000, it was by using the surplus fund in this way.

Two years before 1881 there was paid a regular dividend of 10 or 15 per cent. with an addition of 50 per cent. On this million dollars in two years, besides their 10, 15, or 20 per cent., 50 per cent. dividend was paid—a half million dollars in two years; and in a year or two further half a million more, making more than enough to pay this increased capital; and instead of transferring to the stockholders a certificate, they avoided that requirement of law by paying from the surplus revenues 50 per cent. each time into the pockets of the stockholders, and then paying it back into the corporation. So their stock was put at $2,000,000.

In 1880 and 1881, when there was some investigation of this matter and it was then charged that the corporation was to pay an extra dividend of 40 per cent., that was denied by the president of the corporation, and yet when their stock was $2,000,000, after paying their regular dividend of 10 or 15 per cent., they declared an extra dividend of 40 per cent., making an extra dividend in that one year of $800,000.

Now, need anything more be said? With their regular dividends two separate years of 50 per cent., making $1,000,000, and in 1883 an extra dividend of 40 per cent., making $800,000, from which the stockholders paid the increased capital, all then that the corporation had in money of their own which they had placed in their works was $500,000. Their stock was then increased to $2,000,000 from the surplus earnings, and not only $2,000,000, but $500,000 more had been placed, raising their works so that the value of the gas-works to-day is $2,500,000. Of that they paid themselves of their own money $500,000. They placed $500,000 of their own money, and they then added to the plant, increased its value not from money out of their own pockets, but from year to year they have received large dividends, and the $2,000,000 placed in their works was $2,000,000 taken from the pockets of the people, and that over and above the declaring of large annual dividends upon the stock.

I ask need anything more be said upon this matter? Two million five hundred thousand dollars is the amount, and to-day that stock is worth $4,000,000, because the shares are $20 each and the market price is $40. So for $500,000 invested they have $4,000,000 in value. But the stock was raised to $2,000,000 before 1881. Their dividends have kept on increasing from the fact that there was paid in one year $800,000 besides the regular annual dividend. It seems impossible, does it not? And yet the people of this city are under the protection of Congress, and these corporations are under the regulation of Congress, and that is their attitude to-day. "Pirates," I think they are called in New York city. They are not content with plundering, with stealing from the pockets of this people $2,000,000. It would have been bad enough to have stolen the $2,000,000, but they not only steal the $2,000,000, but they actually turn to these people and say they must have yearly dividends of 20 per cent. on what they steal on their property. That is what they claim. They must have an actual dividend upon the $2,000,000 in excess of what they themselves placed in of their own money, and the people must be subjected to that. That is the attitude.

Now, where is the hardship? It was provided in 1848, when the company was organized, that nothing in the act should be construed to prevent any person or persons, or any incorporated company hereafter to be created by Congress for that purpose, from enjoying, engaging in, and pursuing the business specified in the seventh section of the act. In 1848, when the company was organized, Congress told the corporators that it was not to interfere with any one pursuing this same calling, or another corporation being organized by Congress to pursue the same calling—to do what? Many times applications have been made to Congress to incorporate another company here, and as usual Congress has been deaf to those entreaties. It will be found that in an investigation a few years ago the president of this company himself unblushingly swore that he had employed a lobbyist to come to Congress—to do what? To prevent such legislation as the people of this District might demand. Mr. Bartol stated and swore that for two or three years he employed a man and paid him $5,000 per year. He put him on the same pay, if he did not give him the same rank, as a member of either body of Congress. He was paid that to come here to protect the people from legislation in the only way that legislation could protect the people, to see that Congress should not grant whatever the people might think they needed and what Congress might think they needed. This corporation was created by Congress and has been aided by the people, and yet unblushingly, when an attempt is made to check their rapacity, for which there seems to be no legal bound or control—this man unblushingly swore that he hired a lobbyist to invade Congress and protect the corporation in their interests.

Mr. President, I was desirous of saying this much on this matter so that we might understand some few of the facts connected with the subject. With the enormous wealth which these men have made, the corporation seems to suppose that the first great duty after the act of incorporation was passed was to allow them to make enormous dividends; and they think that Congress must keep its hands off and suffer them to be controlled by nothing except their own greed and their own rapacity.

On a thorough examination of this matter, it may be found that gas may be made and sold here at $1 per thousand. In Baltimore naphtha gas is furnished at 50 cents and coal gas at a dollar per thousand feet. Why not here? Look at these enormous prices and the profits! When we created a Pacific railroad and took some risk, as gentlemen said, in going over the plains and mountains, we provided that when the company's earnings were over 10 per cent. per annum they should be controlled by Congress in their charges. In regard to the great New York Central Railroad the Legislature of the State of New York provided that when the profits got to 8 per cent. there should be power in the State to control the charges. It is allowed here that this company shall receive 200 per cent. upon the original investment of $500,000.

I trust an examination will be had. I shall be excused for saying so much. I am gratified at the suggestion made by my friend from Iowa that this should be investigated by the Committee on the District of Columbia. I am entirely satisfied with the suggestion made by the Senator from Vermont that that committee shall be directed to inquire as to the lowest price for which gas can be made; and I trust there will be a speedy examination for the benefit of the public. I venture to say it can be established here by competent evidence that this kind of gas can be made for 50 cents per thousand; no doubt about it. We suppose we get coal gas here in the District, and yet I understand two cargoes of naphtha are used in the gas-works, from which this illuminating gas is made.

I beg pardon for having said so much, but I deemed it a duty to do so that attention might be called to it. We are the self-constituted guardians and protectors of the rights of the people of this District, and it is our duty at least to hear patiently their complaints and see to it that corporations shall take no more powers over the people than are necessary.

Mr. MORRILL. I desire to say a single word, as I had charge of an investigation of this company a good many years ago. I do not say that the statements of fact which have been made by the Senator from Nebraska are all correct, but most of them were considered in that investigation, and the price of gas was fixed by Congress upon the ratio of the price and cost of coal. Since that period I desire to say that so far as I have been informed the company has not made a dividend of over 10 per cent. annually on $20, the original par value of the stock, and that the distribution of the $800,000 was an accumulation of years ago.

I do not desire to say anything to provoke any further discussion and consume the entire morning hour on this question, but I do desire to say that when the company was first started gas-making had been a recent discovery, and at the time of the investigation, in which I took part, the price of gas was I believe about $4 a thousand feet, and of course the business was very profitable. But the real difficulty, I will say to my friend from Nebraska, is in the price of coal here as compared with Baltimore, Philadelphia, or New York. I have myself bought Pennsylvania coal at Burlington, Vt., at a less price than I pay for it here at my house. In some way or other there is a railroad combination by which the price of coal is kept higher here than it is in any of our Atlantic cities. If the Senator can reach a remedy for that, I think there will be no difficulty in reaching a remedy as to the price of gas.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on the District of Columbia.

Mr. FRYE. The resolution ought to be amended. An amendment was suggested by the Senator from Vermont.

Mr. MORRILL. I understand the Senator from Nebraska consented to the amendment I suggested.

Mr. INGALLS. Let it be reported.

The PRESIDENT *pro tempore*. The resolution will be reported as originally introduced.

The Secretary read the resolution.

The PRESIDENT *pro tempore*. The Senator from Vermont moves an amendment which will be stated.

The SECRETARY. It is proposed in the second line of the resolution, after the word "to," to strike out "report" and insert "inquire into the expediency of reporting;" so as to make the resolution read:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the expediency of reporting a bill providing that the price of gas furnished by the Washington Gaslight Company shall not exceed $1 per thousand cubic feet.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection. The motion is to refer the resolution to the Committee——

Mr. HOAR. I understand the purpose of the mover is not to refer the resolution, but to give the direction to make the inquiry to the committee. That should be done by substituting one committee for another and passing the resolution.

The PRESIDENT *pro tempore*. The Secretary will read the resolution as amended, and then probably Senators will see.

The Secretary read the resolution as amended as follows:

Resolved, That the Committee on the District of Columbia be directed to inquire into the expediency of reporting a bill providing that the price of gas furnished by the Washington Gaslight Company shall not exceed $1 per thousand cubic feet.

Mr. MORRILL and others. That is right.

Mr. VAN WYCK. Did I understand the Senator from Vermont to say that they had not received over 7 per cent. dividend?

Mr. MORRILL. I did not say so.

Mr. VAN WYCK. What did the Senator say?

Mr. MORRILL. I said that if my information was correct they had not paid over 10 per cent. dividend on $20 a share. I do not know, for I have taken no interest in the matter for years.

Mr. VAN WYCK. The Senate will allow me just one moment to show that what I said on that matter was correct. In November, 1868, there was an examination made. I remember the report referred to by the Senator from Vermont by the Committee on Public Buildings and Grounds, and it was for that reason that I offered the resolution as I did ordering the investigation to be by that committee. The Senator was on that committee, and he gave an exhaustive inquiry to it at that time and reported a bill under which the company has since been acting; but in 1881 there was another examination and then this appeared:

November 1, 1868, the cash cost of the works exceeded $1,000,000, while the capital stock was but $500,000. The company having, by act of Congress approved March 24, 1866, obtained the authority to increase the capital stock to $1,000,000, the directors at this time issued to each of the then stockholders as many additional shares of stock as they then held; this was considered to be but just and right, as the earnings of the company, beyond dividends paid, had been invested in increasing the value of the works.

Does not that prove what I stated? They had the annual dividends, and they had saved surplus enough to divide $500,000 more.

This was considered to be just and right, as the earnings of the company, beyond dividends paid, had been invested in increasing the value of the works. This issue of stock was fully investigated before the passage of the act regulating gas-works, approved June 23, 1874. (See Senate report No. 306, Forty-third Congress, first session.)

In February, 1869, 5 per cent. was paid, in May, 10 per cent., and 5 per cent. in August. That was 15 per cent. on the million, and of that million they only paid in $500,000 of their own money. That made 30 per cent. on their own money, did it not, I ask the Senator from Vermont? Thirty per cent. on their own money that they had paid in? Admit that that $500,000 was a gift, because they had saved the surplus earnings, paying dividends all the time; in 1869 they were declaring 30 per cent. on their original investment.

Mr. MORRILL. I remember all that the Senator stated the first time he spoke. I do not think there is any necessity for repeating it. I do not pretend to be familiar with the affairs of the company since the investigation of 1874.

Mr. VAN WYCK. I understand that; but I want that the Senator should be familiar with that branch of it. In February, 1870, 5 per cent. was paid, and the same in August of that year. In 1871, 5 per cent. was paid in February, 5 per cent. was paid in April, and 5 per cent. in August. There was 30 per cent. in one year again on the original investment. In February, 1873, 5 per cent. was paid, 10 per cent. in May, and 5 per cent. in August. There was 20 per cent., which made 40 per cent. on the original investment. In February, 1874, 5 per cent. was paid, and 50 per cent. was paid in August of that year—50 per cent. besides the regular dividend, being $500,000, because the stock was a million. When they made that extra dividend they put in their own pockets all the money they had ever paid in on the works, $500,000, in one year, besides the regular dividend. This was an extra dividend of 50 per cent. which gave them $500,000; and that was all the money they had put in originally.

Again in 1875, in February, 5 per cent. was paid, 5 per cent. in May, and 10 per cent. in August. That was 20 per cent. on the $1,000,000, or 40 per cent. again on the original investment. In February, 1876, 5 per cent. was paid, 5 per cent. in May, and 5 per cent. in August, making 15 per cent. In February, 1879, 5 per cent. was paid, 5 per cent. in June, and 5 per cent. in August. In February, 1880, 5 per cent. was paid, 5 per cent. in June, and 5 per cent. in August. Then we come down to 1881, from which we asked them the other day to give us a statement, and here it is:

I. The capital stock of the company is $2,000,000.

I have already stated how that other million was put in by the extra dividend of 40 per cent.

I. The capital stock of the company is $2,000,000.
II. The following dividends have been paid since January 1, 1881: February, 1881, 5 per cent.; August, 1881, 5 per cent.; February, 1882, 5 per cent.

There was 15 per cent. on the $2,000,000, or 60 per cent. on the original investment. Then the next year:

August, 1882, 5 per cent.; February, 1883, 5 per cent.; May, 1883, 40 per cent.

Forty per cent. on $2,000,000 extra dividend; $800,000 in that dividend, and these men had only planted of their own money $500,000 in this concern. Look at it a moment. "The dividend of May, 1883," you see "was the accumulation of years when gas was selling at much higher rates"—the small sum of $800,000!

It is not necessary for me to examine it further here. I have read this much to show that the statement I made in my first remarks was correct upon their own showing. These papers from which I have read are of course made by the company themselves.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be referred to the Committee on the District of Columbia. It is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 416) for the relief of J. M. Lobban;

A bill (S. 887) for the relief of Robert H. Anderson, of the State of Georgia;

A bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.;

A bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army; and

Joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of the morning hour according to the order of the Senate.

The consideration of the bill (S. 777) to increase the efficiency of the Army of the United States was resumed as in Committee of the Whole, the pending question being on the amendment of Mr. HALE to strike out section 2 of the bill.

Mr. TELLER. Mr. President, I do not intend to detain the Senate by discussing this bill in its details. The main features of the bill I shall have nothing to say of or concerning. I know but little about them, and I shall leave their discussion to those who are better qualified, if the bill is to become a law, to discuss those questions. I trust I may discuss the feature proposed to be stricken out by the amendment of the Senator from Maine, the second section of the bill, without having it supposed that I am moved or instigated by any hostility to the committee or any member of the Committee on Military Affairs, or that I have entered into any combination with anybody else of or concerning this bill. I never knew that such a bill had been presented to the Senate until I heard the Senator from Maine discussing it the day before yesterday, if I recollect correctly.

The only feature that I desire to call the attention of the Senate to is the proposition to increase the Army from twenty-five thousand to thirty thousand men. I do not know when the present organization was established, but for a number of years at least the force has been substantially what it is to-day. Senators who favor this part of the bill do so from different standpoints. The Senator from Vermont [Mr. MORRILL], who spoke upon it the other day, and the Senator from Nebraska [Mr. MANDERSON], who spoke yesterday, go on the theory that we need this increased number of soldiers with reference to the Indians or to probable Indian wars that they anticipate. The chairman of the committee [Mr. LOGAN], if I understand him, has two reasons why he wants the increase. First, he thinks the Army would be more

efficient by it, and he thinks with a larger number of men in the regiments they would drill more successfully and would be in every way more efficient. Another reason of his is that the officers who bring them into the field on parade and on gala days will have more pride in the Army than they now have.

I do not know that thirty thousand is an excessive number of men for the people of the United States to support; certainly it is not beyond our ability. Yet we should not in the nature of things have a single soldier that we do not need. Unless we need men as a nucleus for an army that we may some day wish to put in the field when circumstances may require, or because there is an immediate and pressing necessity for this force, we ought not to provide for an army at all. At least for ten years there have been but twenty-five thousand men in the Army; how much longer I do not care to look, because it is not material.

Mr. LOGAN. The Senator will allow me a suggestion. I know he wants to discuss this matter logically and properly, and sometimes we all make mistakes about these things. I wish to state to the Senator, so that he will understand it, that there never have been twenty-five thousand men in the Army since it was established at that number by the law as it is to-day.

Mr. TELLER. I understand.

Mr. LOGAN. Afterward it was reduced by the Congress of the United States to twenty-two thousand, I think; at least that number was fixed in a bill that came to the Senate. That brought it down to much less than that number in fact. In the Appropriations Committee it was increased to twenty-five thousand again. So it was left at that. Now, I will call the Senator's attention to this fact: The law now making the total number twenty-five thousand in the aggregate, the actual number is less; and if this increase be authorized the actual number would be about twenty-six thousand, including officers and all—twenty-five thousand seven hundred and odd.

Mr. TELLER. This applies to men, not officers.

Mr. LOGAN. I understand; but I am speaking of the aggregate. The men now amount to twenty-three thousand six hundred and ninety-six. Under the law the Army is established at twenty-five thousand, and it has not been in excess of that for many years. I call the Senator's attention to that fact, so that he may see that the proposition we make for thirty thousand men will not, taking into consideration the casualties and all the incidents of an army, bring the Army up to more than twenty-seven thousand men probably at any time—effective men in the Army, I mean.

Mr. BLAIR. By consent of the Senator from Colorado I wish to ask the Senator from Illinois a question, not having had time to examine the bill. I do not understand that the regimental organizations are changed, but are simply filled up by an additional number of men.

Mr. LOGAN. The organization is this: There are twenty-five regiments of infantry, ten regiments of cavalry, five regiments of artillery, and one battalion of engineers. That is the organization of the Army to-day, besides light companies.

Mr. BLAIR. This increase is of enlisted men.

Mr. LOGAN. Of enlisted men. The law authorizes the enlistment of twenty-five thousand men. The casualties incident to the service and the Army leave the enlistment to-day at about twenty-three thousand men called effective men. It is now proposed to increase the limit to thirty thousand—five thousand additional in the law, which, in my judgment, would increase it to about twenty-six thousand men, or not over twenty-seven thousand at the furthest.

Mr. BLAIR. There will then be the same number of regiments.

Mr. LOGAN. Precisely; it does not change the organization at all. It is only filling up the framework. I beg pardon of the Senator from Colorado for taking his time; but I desired to make these suggestions, so that in his argument he might understand the case.

Mr. TELLER. I thoroughly understand that. I do not know very much about the Army, but I know the number of men there are in the Army, because I have read it in the reports very frequently. I knew that the limit fixed by law applied to the soldiers, not to the total force of officers and men. I knew what everybody knows who had any experience in the world, that if you have twenty-five thousand men in the Army nominally, you have not got an effective force of twenty-five thousand men. I suppose if you put the aggregate at thirty thousand by law you would not have an effective force of thirty thousand; you would have a proportionate increase of the effective force.

The question simply is, Do we need any additional men in the Army to-day, and, if so, for what purposes? The Senator who has charge of the bill does not claim that we need them for the purpose of war, the only purpose for which we should be justified, I think, in increasing the Army at this time. The Senator from Nebraska, who has given much attention to the question and is a member of the Committee on Military Affairs, thinks that we need them for a specific purpose, to guard against the danger of Indian outbreaks, and the Senator from Vermont agrees with him on that.

I have not any doubt that it is thought by all of the Army officers, very likely including the Secretary of War, that it is necessary to increase the Army to thirty thousand men. I have never known a military man yet who did not want to have as big a force under him as he could get; he wanted all the command at his disposal that was possible; and if you would submit this question to the Lieutenant-General or the Secretary of War or to a council of officers, you would increase your Army much beyond thirty thousand men if you were to follow their suggestions.

In this country the question of the size of the Army is determined by the legislative department of the Government. While I do not claim to have had any military education or to have served in the military service, I think the question whether twenty-five thousand men are necessary for the maintenance of peace on the frontier or as a necessary nucleus for an army can just as well be determined by men who are entirely without experience of that kind as by those who have spent a lifetime in the service. The Senator from Nebraska brings with him much experience on the frontier, and he spoke with some feeling and with considerable zeal in the interest of the people of the frontier settlements. I will not yield to any man on this floor or anywhere else in anxiety to protect that class of people. They are the people with whom I have lived for the better part of my life. They are the people with whom I have sacrificed and served in that new country. And if I believed for a moment that there was danger that a raid would be made in his State or any other on that class of people, there is not too much money that could be voted in their interest and for their protection, so far as I am concerned. But I am convinced that the day has passed when the Indian question has to be settled by the military arm of the Government. I am satisfied that there is no great danger to the settlers in Colorado, in Nebraska, in Kansas, New Mexico, or Arizona now from hostile Indians. We have had no considerable Indian war for a number of years.

There was in the spring of 1882 a raid made by a few hundred Apache Indians in Arizona. It was the first considerable outbreak that had been known for several years; not but what there had been small outbreaks perhaps every year previous, but no considerable disturbance had occurred up to the spring of 1882, and from that time until the summer of 1885 no considerable outbreak has occurred; in fact, I may say no outbreak at all. In the spring of 1885 a number of Indians, variously estimated from twenty-five to seventy-five, probably fifty would be a fair estimate, went on the war-path in Arizona. They have probably killed at least two hundred white people of that section of country; but the officer in command has declared that he did not want any more troops, that he had all that were necessary, and that more troops would not have prevented this outbreak.

There is no portion of the country to-day, in my judgment, that needs a standing army for the protection of the settlements against Indians. I know the Senator spoke of the vast number of Indians that could be aggregated in the Territory of Dakota, on the border of the State of Nebraska, and on the border of other settlements. Why, Mr. President, there are in the Territory of Dakota about thirty thousand Indians that from their habits of association together, if an outbreak should occur, might and probably would combine. They are, however, situated far apart, 250 miles from one agency to another. They could not pass over the country without giving full notice to all sections that they were on the war-path. While the Senator says that they might put in the field ten thousand warriors, the Senator knows, as everybody knows now, that it would be utterly impossible for them to maintain that or any considerable number of men in the field to-day.

The safety of the people from Indian wars does not result entirely from the changed condition of the Indian, while I believe there is much in that. It does not entirely consist in that, for if the circumstances were as they were when Sitting Bull and his party met Custer, I have no doubt the same sentiment would actuate them and they might go upon the war-path as they did then. But the region in which they are placed is destitute of supplies to maintain an army of that kind. They could not maintain themselves in the field more than a few days, and that fact is known to the Indians just as well as it is known to the best military man in the United States; and the Indians are not going upon the war-path with a certainty that within a very short time they would be starved out and compelled to meet the forces of the United States and beg of them bread.

There is, as was stated by the Senator from Nebraska, a large body of Indians on the northern border of his State, armed, as he said, with Winchester rifles, thoroughly equipped for war, and there is a possibility that a little party may go out on a scalping expedition, may get down into the settlements, and may destroy some small settlement before they could be repulsed. The attention of Congress has been called over and over again for many years to the absurdity of allowing these men to carry with them arms that they have no use for unless it is to slay their fellow-men. The honorable Senator says that they could not be disarmed. He says that you are compelled to leave them with their Winchesters and their improved fire-arms because the United States has not an army sufficient to disarm them. Why, Mr. President, we know that within the last three years the Army was willing to disarm the most desperate characters of the tribe if there had been a law authorizing them so to do. There is no such authority given to the Army, and no such authority given to the Secretary of the Interior, who is charged with maintaining peace on the frontier. Give them the authority, and they will see that these people do not carry around with them arms that are useless to them and only keep them from engaging in the lawful pursuits of life.

It is said that there are a small number of troops at the Western

posts. There is in the RECORD this morning a list of all the posts in the United States at which troops are found. I notice that in the Indian Territory there are six hundred and twenty-eight soldiers. I have never heard anybody yet declare that that was not enough for the maintenance of peace in that section. There are are in Dakota perhaps something more, and in New Mexico and Arizona a still greater number; and yet I have never heard it said, in the last three or four years at least, that there is any paucity of troops to meet any outbreak that might occur there. Some of the troops are in places where they ought not to be; some of them ought to be transported to other places; and I am told by the Army officers they are kept in these places simply because they have no shelter for them in other places where they would be more accessible and more useful to the service. Because there have not been appropriations made of the proper character, so that they might build accommodations for them, they are compelled to scatter them in posts where they are of no earthly account or use.

I do not know how much it will cost to add five thousand men to the Army. I know what the Army costs. I do not suppose that one-fifth added would cost one-fifth more. I suppose, though, it would be safe to say that when the Army costs about twenty-seven or twenty-eight million dollars a year, which it costs now, if you add five thousand men, or one-fifth more, certainly it would cost from three to four or five million dollars. The Senator from Illinois shakes his head; I will put it at half; I will say it costs two and a half million dollars, and it will certainly cost that; because, if these men are to be effective for the purpose suggested by the Senator from Nebraska, they are not to be footmen; they must be cavalrymen. It is useless to talk about fighting Indians with infantry, and nobody knows that better than the chairman of this committee and the Senator from Nebraska. I do not suppose an Indian ever was killed by an infantryman unless it was in an attack on some post.

Mr. MANDERSON. If it will not interrupt the Senator——

Mr. TELLER. Not at all.

Mr. MANDERSON. On the matter of cost, I can give him the information perhaps that he desires, so that he may address himself to that subject.

Mr. TELLER. I shall be glad to get it.

Mr. MANDERSON. The monthly pay for the enlisted man under this bill is $16 a month, where now by law it is $13 a month.

Mr. TELLER. I think that is a desirable feature in the bill.

Mr. MANDERSON. I think so. The daily cost of rations to each enlisted man is 20 cents, making the monthly cost of rations $6. The annual allowance for clothing to each man is $36; monthly cost, $3. Thus it will be seen that the monthly cost of each soldier is $25; annual cost, $300. Five thousand additional men would cost $1,500,000.

Mr. TELLER. Infantry.

Mr. MANDERSON. No; it is any soldier of the United States.

Mr. TELLER. Cavalrymen require horses.

Mr. MANDERSON. Perhaps that would be an incidental expense. I speak of the matter of sustenance, of feeding and clothing these troops. Take the matter of transportation, and that about equalizes itself. If you add this additional number, it will not be so necessary to make transfers. In other words, you have the plant for a very much larger army than you have to-day.

Mr. TELLER. I understand that. We have the plant. It would be easy to divide the $28,000,000 the Army costs into five parts, and then say this would cost one-fifth more. That, however, would not be fair, because I suppose the same officers will command these men that command the others; the same posts with a few exceptions will cover these that cover the others. So I did not suppose the excess would be one-fifth greater, but I thought that $3,000,000 might be a fair estimate of the amount. I heard a gentleman say who is somewhat familiar with military affairs he thought certainly the bill would cost $7,000,000. I do not know on what he based it; I did not ask the particulars, and I can not see exactly why it should cost that much. But the Senator from Nebraska puts it at $1,500,000. Some portion of these forces must be cavalrymen. These men must be armed. I think the Senator has made no provision for their arms.

Mr. MANDERSON. We have plenty of arms.

Mr. TELLER. I think that if I should say that two and a half millions would be the expense added by this it would be a very reasonable and fair estimate. I am not particular whether the Senators who favor this bill assume that it is two millions, or two and a half millions, or even that it is a million and a half.

Mr. LOGAN. If the Senator will allow me to interrupt him right there——

Mr. TELLER. Certainly.

Mr. LOGAN. I am perfectly willing to give any information. This has been printed; I have an estimate made of the additional expense to the Government if this bill should pass just as it is, the increased pay of the soldiers that are now enlisted and of the additional five thousand. The Senator will find by examining the report made by the Paymaster-General that he estimates the cost at $1,900,184 additional, including the whole bill.

Mr. TELLER. That, I have no doubt, is made up exactly in the same way as the honorable Senator from Nebraska makes his estimate. There is no provision for the men who are mounted. A certain proportion of them certainly must be mounted men. The proportion at least of mounted men of the whole Army must be maintained; I do not know how many that will be. So under any circumstances it is safe to say that the bill will add to the public expense somewhere in the neighborhood anyhow of $2,000,000.

Now the question simply is, Do we at this time need it? Is there any necessity at this time, when our revenues are shrinking and when our expenditures are increasing, to increase that which does the least possible good to the people of the United States, unless the additional force is needed for the purpose which the Senator from Nebraska thinks they are. War is not a productive pursuit, and the men who enter into the United States Army are withdrawn from the productive ranks of the people. I do not myself want to see the Army increased; I have yet to see the necessity for it; and the Senator from Nebraska has not convinced me that there is a necessity for it even for the purpose which he indicated.

I do not propose upon this bill to discuss the oft-debated and hackneyed question of Indian policy; but I do think it is pretty late in the day, when the settlements have surrounded the Indian reservations everywhere and civilization has broken into the reservations in spite of restrictions put upon it by the law, when the people everywhere are surrounding and carrying to the Indians civilization and Christianity, that we should attempt here to increase the Army for the purpose of protecting our citizens against these blood-thirsty Indians. I do not believe there is a necessity in that respect for as many soldiers as we have on the frontier to-day. I said here on this floor, and I repeat it, that had the Government authorized the Secretary of the Interior in 1883 to put his hand on the children of the Chiricahuas there would have been no war with the Chiricahuas in 1885. I do not lay it at the door of the chairman of your Military Affairs Committee, for I know he has had the same views of this question that I have had, that the Government had the right to take those children and put them in school and make them civilized, whether they wanted to be or not. If you take this two millions of money and devote it to that purpose instead of devoting it to the Army, you will do more toward maintaining peace on the frontier than if you double and treble the Army of the United States.

I can take the $2,000,000, put the Indian children in industrial schools, and maintain peace on all the reservations in the United States without a single soldier. You do not need a solitary man with a musket when you have the Indian children under your control and within your reach. You can take them and make them hostages for the most turbulent and discontented of all the Indians if you will put them in schools and put them where occasionally the Indian father and the Indian mother may go and see and know that they are being cared for by the Government of the United States. Red Cloud and his Indian faction in Dakota are not willing to send their children to school. Enact a law that will enable the agent to take those children, who are of suitable age and suitable mental and physical condition, and put them in the school at Lawrence, Kans., put them in the school at Genoa, put them in the school at Hampton, put them in the school at Carlisle, and if you have not enough of them other schools of the like character, and you will settle the Indian question without bayonet and without blood.

Mr. PLATT. Mr. President——

Mr. MANDERSON. If the Senator from Connecticut will allow me one moment, I simply desire to correct a statement——

Mr. PLATT. Just a moment. I want to make some remarks, and I have not a great deal of time.

Mr. MANDERSON. I only wish to correct a statement made by the Senator from Colorado with reference to the number of the Sioux Nation on the northern border of Nebraska. I agree with him that this is a very extensive reservation, and I simply want to call his attention to the fact that at the Pine Ridge, Rosebud, and Yankton agencies, all of them within a very few miles of the northern border of Nebraska, there are 18,198 Sioux at those three agencies alone.

Mr. TELLER. That is a fact which I understood very well.

Mr. PLATT. When this amendment was moved by the Senator from Maine I was led upon the spur of the moment to say that I desired to make an amendment increasing the Army to fifty thousand men. I see that that is entirely useless. I confess that I do not understand the reasons or the motives which influence Senators against any increase of the Army, but I am satisfied that it is useless to talk about any increase other than is recommended by the Committee on Military Affairs, and therefore I shall not move the amendment which I proposed. Still, I think the Army ought to be fifty thousand men, and I want to discharge my duty as a Senator by giving the reasons why I think not only that this bill should pass, but that the Army should be increased more than is proposed by the bill.

Mr. President, we have no army. It is a misnomer to talk about the Army of the United States. It is not an army. It is a body of detached enlisted men serving as a police force. That is what we have. We have no body of men that can be concentrated within a week's time so as to furnish five thousand men to take the field. We have a mere skeleton, perhaps, of an army; and now the question is whether a great nation like this, the richest and most powerful nation in the

world, and a nation which is to be called upon in the near future to have something to say about the affairs of the world, can afford to rest in this condition as to an army.

For my own part, it seems to me that, if there were nothing else in this case, decent national housekeeping, so to speak, requires more soldiers than we have now. I should just as soon think of asking the Senator from Maine, who occupies a nice house here in Washington, to require the lady of the house to do the housework, and then, when he had some company or an extra dinner, send out and get in the neighbors to help on the occasion, as to let this nation go on without any soldiers that can be efficiently organized and without any troops worthy the name of an army.

It is all well enough to say that we are at peace, peace with the whole world, and therefore we want no army. That argument is just this: It does not rain to-day, the skies are clear to-day, therefore it will never rain, and it is unwise to provide shelter for our families. I can not understand that argument. It is utterly fallacious.

We are, as I said, a great nation, the greatest in the world. We have been making money so fast and we have devoted ourselves so exclusively to the development of our material resources that we have to-day no policy as a nation. We do not realize that being such a nation as we are, and especially being a republic, and this Republic having come to stand as the first nation of the world, we have a mission to perform, that we have something to say with regard to what shall be done in the great household of nations. I do not mean to say that we should depart from the precept of the fathers, that we will have no complications or entangling alliances with other nations if we can avoid it, but we must realize that we have duties to perform, duties to perform to the world, that we must not only set the example of republican government, but that if questions arise in which a great republic is called in the exercise and discharge of its duty to humanity to say something, we must be in a condition to enforce what we say, or at least have what we say respected. Such is not our condition now.

But there is one thing that every member of the Senate will say that we must do in the great household of nations, that we must enforce on this continent the Monroe doctrine—namely, that we will not allow any foreign nation to plant its flag either by way of colonization or conquest upon the western hemisphere. We are in no condition to say this. If any nation of Europe chose to colonize in South America, or chose to take a hand in any conflict which arose between South American nations with a view to conquest, we are in no condition whatever to say to that nation "You must not do it." I speak what every Senator in this body knows; and, Mr. President, this colonial policy has broken out in the Old World. It is a fever; it is a craze in the blood of the old nations. All commercial nations are looking for lands to extend their trade. The place to which eyes are cast most longingly is the South American country, and it is too much to expect that without an army the United States is to be able to prevent colonization and conquest and monarchical governments being established in South America for the purpose of extending the trade of European nations. We extend trade by peaceable means. European nations extend trade at the point of the bayonet. That is the difference between monarchical governments and republican governments.

Now, I am not going to talk about the matter of rendering the Army efficient by a slight increase with reference to the Indian question. My judgment is that, however Senators may differ, there is no Senator familiar with the condition of the frontier and the condition of the Indians who for a moment will consent that any of the troops shall be withdrawn from that section of the country. I doubt whether the Senator from Colorado will consent to-day that a thousand or two thousand men shall be taken from the States and Territories west of the Mississippi and the Missouri Rivers. I set that out of the question.

We have east of the States of Texas, of Arkansas, of Kansas, of Nebraska, and Minnesota less than five thousand men in the Army. We have a population probably of 50,000,000 people east of those States. We have great cities east of those States, great wealth, great interests to be protected. We have probably 5,000 miles of seacoast and northern frontier east of those States—perhaps more. What have we to protect it with? All is peace, the gentlemen say; we never can have any war; but the history of nations and the history of this country shows us that we can not avoid complications with foreign powers. Now, what have we to protect these vast interests with? We have less than five thousand officers and enlisted men, all told, available for such protection and defense, and of those I venture to say that at least two thousand are so detailed that they can not be used as fighting men. The few soldiers we have are scattered from Eastport to New Orleans and along the great lakes and in the interior. We have perhaps three thousand fighting men if they could be got together, but they could not be got together in a fortnight.

Did I not say rightly when I said we had no Army? Take away the troops that are necessary, I think necessary, to prevent Indian hostilities, to prevent the scalping of a few men, which the Senator from Colorado admits may possibly be done—set that out of the question, and what have you left? You can not take troops away from the Mexican border, and you have three thousand men to defend this nation with. It is tempting fate; it is tempting the cupidity of weak nations. We can not compete either with army or navy or coast defense with any third-class power in the world. Senators may say that there is no danger; but there is at least the possibility—I will not use the word "danger"—there is the possibility that we may become entangled, we may have complications with some foreign government. But Senators say that in case of foreign invasion all we want is a navy, all we want is seacoast defenses. Do the Senators suppose that with an attack by Spain or Italy or China or Chili we could get along with these three thousand men who are scattered over this vast eastern territory; that there would be no other need for land forces? Have they forgotten——

Mr. TELLER. I should like to ask the Senator if he anticipates that in case we had trouble with a foreign power they would invade this country?

Mr. PLATT. I was going to reply to that argument. I remember that in the war of 1812 the towns along the seashore of New England, of Connecticut, my own State, were burned by land forces, forces that were landed; and I remember that in 1814 this Capitol was burned, that troops came up the Potomac River and burned the Capitol, and, I think, burned the President's mansion. They can do it again. Any one of the powers of which I have spoken can do it, and if we have difficulty with any foreign government they are going to do it.

People rely upon torpedo defenses, but torpedo defenses must be operated from the shore, and the places from which they are operated must be protected by troops on the shore or they can not be operated. I do not think a great deal myself of torpedo defenses, but the efficiency of them depends upon protecting the places on shore from which they are to be operated.

Now, Mr. President, I agree that the skies are clear; that now there is no cloud even of the size of a man's hand on the horizon; but war clouds gather darkness quickly when they arise, and we are not entirely even to-day beyond the possibility of difficulty with foreign nations. Upon our northeastern border there is gathering trouble. I pray God that it may not result in conflict with Canadian troops; but it may. Down on our southwestern border is the Republic of Mexico. We all know that the Diaz government is favorable to American institutions and to the United States; but that government is liable to overthrow, and we all know that the opposition party is hostile to the Government of the United States and to our citizens and to our ways. Suppose that in that country of revolutions the Diaz government be overthrown, what is the life or property of an American citizen in Mexico worth? Not an hour's purchase. And what are we to do? How many troops has Mexico? Alas, there are at least forty-five thousand in the Mexican army, and they are pretty good soldiers, too. I do not say that such difficulties are coming. They may come. We can not afford to be unprepared for them.

Let me take another illustration. We have been doing some very wicked things with regard to Chinamen in this country. Our citizens have been murdering them, and a good many of them. I do not know what China will do about it. I know what we should do about it if American citizens had been thus murdered in China; and if China does what we should do about it, we may imagine that she sends her two iron-clad ships over convoying vessels which contain her troops. If she should, we might assemble the whole United States Navy in front of the city of San Francisco, and her two ships would, to use a farmer's phrase, mow a double swath through them. She would then land her troops there to march up and down that coast and destroy and kill all under the plea of retaliation. Can we afford it? Can we afford to remain thus unprotected?

I can not understand this squeamishness, for I can call it nothing else, that Senators seem to have about having a standing army. Take the table which I put in the RECORD yesterday, and it will be seen from it that the most troops we have in any one place is at Fort Leavenworth, and there but between five hundred and six hundred. I can not understand how it is supposed that in all this great eastern population and territory one soldier to ten thousand men, as it is to-day, is a standing menace to the liberties of the people. It seems to me, Mr. President, that the fears of Senators are drawn from their imagination and outrun their judgment in this respect. We have 10,000 miles of seacoast, and not a protected seaport in all that 10,000 miles of seacoast. We have seaports in which either Italy or Spain or Chili or any other power or equal magnitude and strength can land its troops and in one day destroy more property than this increase to the Army will cost in twenty years, and we are absolutely powerless to prevent it. This is not a pleasant statement, but the truth had better be told and heeded.

No danger, Senators say! The history of the world, I repeat, shows there is danger, and until the argument and appeal of the Friends is heeded and we have an international court of arbitration, there is and there always will be danger. They say this nation is a giant. So it is; but the most helpless, pitiable person in God's world is a giant bound hand and foot and unable to exert his strength; and that is just the condition of the United States, and the whole world knows it. We can not only not protect our seaports, but we can not protect our citizens in foreign lands. We could never repeat the warning and the demand which we made to Austria in the days of Martin Koszta; and, if you will run over the history of the past few years, you will find that this nation has been suffering its citizens to be outraged and has been suffering

such indignities at the hands of weak nations because it had no power to enforce its demands.

It is said we can rely on our militia. Well, to a certain extent we can. That is a fair argument in this discussion. We can not, however, rely on our militia so well without an army as we can with an army. We can rely upon the militia as a supplement, as an adjunct to a well-organized, well-trained, and well-disciplined force, but right in here comes this idea—war is no longer a matter of numbers. It now approaches more of the character of old wars, where strength and skill won the day instead of numbers—not so much strength now perhaps as skill. Men, in order to be effective fighting men, must be thoroughly trained in the use of the best arms, whether they be infantry or whether they be artillery. A regiment of men carefully trained in the use of arms of precision are more than a match for many more in numbers of the militia. We want men enough in the regular Army so that the militia shall be trained by them, instructed by them, who shall stand steady when the militia might break.

But it is said that we may rely on volunteers, that we have done it, and that we can do it again. But it was well said the other day by the Senator from Nebraska [Mr. MANDERSON] that if we had had an army of fifty thousand men there would not have been any rebellion, that the immense expenditure of treasure, and worse than that this fearful waste of life, would never have taken place; and yet Senators talk to-day about economy. To that argument of economy I reply that if we had had fifty thousand loyal men on the 13th day of April, 1861, we should have had comparatively nothing of this great expenditure of blood and treasure; an expenditure of treasure going on even now with a constantly increasing volume. Our seventy-five millions per year is but a part of the expenditure which would have been avoided had we had a loyal army of fifty thousand at the breaking out of the rebellion. Rely upon volunteers, upon the people of Maine if a force should come down from Canada! Every man of them would want $300 bounty, and if any of them happened to be wounded they would require to be pensioned at a large sum, and it would be right to pension them. I make no complaint of liberal bounties or liberal pensions for volunteers. It is right that they should have them. I only say that it is economy to have trained soldiers ready for any emergency.

The Senator from Maine had better even on that score alone have a few men at Fort Preble.

Now, Mr. President, my time has nearly expired. I have but one thing more to say. Our present Army—I call it so—increased to the extent asked for by this committee, would be about one soldier to two thousand inhabitants in this whole country. Does any Senator really rise to say that is a standing menace to the liberties of the people? Compare that to a real standing army. When we say "standing army" we mean something that is a burden. Ours is no burden, it is a bagatelle compared with the work which we may have for it to do.

I was both sorry and surprised to hear the Senator from Kentucky [Mr. BECK] yesterday intimate that there was some reason not disclosed why our little Army should be made more efficient. If I understood him, he intimated that that undisclosed reason was that we might have troops in the neighborhood of our great manufacturing centers and our great cities to overawe and to put down bodies of men who might be rising to assert their right, as he said, against great monopolies and privileges which capitalists often unjustly obtain.

Mr. President, I want to say one thing. There is domestic danger in this country which justifies the maintenance of troops. It does not arise from the honest industrial classes of the country; it does not arise from any bodies of laborers associated together for their own benefit and to better their condition. There is no danger to be apprehended from them. They have interests to be protected. But the danger does arise from those that have come here from foreign countries with no good intention toward the American Government, toward our form of government, or toward our social order—men who raise the red flag of the commune, and who assert that their object is revolution, and that the result aimed at by them is to be accomplished by bloodshed and the destruction of property.

Even while we have been discussing this bill the seventeenth anniversary of the commune in Paris has been celebrated in New York, and a magazine of communistic weapons, bombs and dynamite, has been discovered in Chicago. With this class of men the sober, industrial people of this country have no sympathy, but from them the danger comes. To this dangerous and revolutionary class must be added the criminal classes in our great cities. The moment that the red flag of destruction is raised by the communists or the anarchists they will be joined by the criminal classes. It is well for Senators to look this thing square in the face and not put it behind them. I repeat that with this class of men the honest, industrious people of this country have no sympathy. They desire that their schemes shall not prevail; and I believe it to be a slander upon our industrial citizens, upon our real workingmen, to say that they do not desire an army able and ready to take care of communism and anarchism which has been imported here from foreign shores.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased; and

A bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send copies of certain papers.

Mr. MORGAN. Mr. President, the resolutions under consideration are reported by the Committee on the Judiciary in the following words:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Resolved, That the provision of section 1754 of the Revised Statutes declaring—

"That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office"—

ought to be faithfully and fully put in execution, and that to remove, or to propose to remove, any such soldier, whose faithfulness, competency, and character are above reproach, and to give place to another who has not rendered such service, is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

In consequence of a misconception of the distinction which exists, and has always been maintained by the Senate, between the legislative functions of the Senate and what are termed its executive functions, which seems to have misled the Senator from Wisconsin, and may mislead others, it is proper to call attention to the fact that the Senate can not, under its rules, consider any legislative business while it is in executive session.

This fact is enough to show that the direction of the Senate to the Attorney-General, given in executive session, that he should produce papers relating to an office or to an officer, could only relate to a question of removal or suspension from office or the appointment of some person to an office. The Attorney-General could not fail to observe this fact and to note this distinction.

Perhaps I could not more distinctly present the peculiar character of an executive session than by reading Rule I, relating to such sessions:

When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the presiding officer. When the Senate shall be convened by the President of the United States to any other place, the presiding officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

That rule followed a resolution of the Senate adopted in what is its earliest session, the 21st of August, 1789, which I will not read, this rule being simply a restatement of the language contained in that resolution; but that rule was doubtless adopted to meet a message which General Washington sent to the Senate of the United States in the following words:

Gentlemen of the Senate:

The President of the United States will meet the Senate in the Senate Chamber at half past 11 o'clock to-morrow, to advise with them on the terms of the treaty to be negotiated with the Southern Indians.

GEO. WASHINGTON.

NEW YORK, *August* 21, 1789.

It thus appears that General Washington almost immediately after his inauguration, coinciding with the Senate in respect to his powers, felt it to be his right and his duty to convene the Senate in extraordinary executive session, secret session, for the purpose of advising and consulting with them in regard to a treaty that was being negotiated with an Indian tribe of the South.

The President, under this rule, is recognized as having the power to call us from this Chamber, and convene us in executive session at another place, and he sits with us, on the right hand of the President of the Senate, when he chooses to visit the Senate in its executive sessions. What questions we may ask him while this confidential and peculiar relation exists, or what questions he may ask us while we are so in meeting with him, is a delicate matter. Could we properly ask him a question in such a meeting that we could not compel a Senator to answer?

When the Senate is in executive session considering a nomination can the Senate compel a Senator to answer this question and produce the

documents it calls for: "Have you in your custody any paper, sent you by any person, addressed to you as a Senator of the United States, that relates to the conduct in office of A B, who was suspended or removed by the President? If so, produce it." We have no rule that gives us that power over the conscience and conduct of a Senator. The attempt to enforce such a rule would either fill up the jails with Senators after the powers of the writ of habeas corpus had been exhausted, or it would produce the sort of dissolution of the Senate which Mr. Webster declared might occur, and for which there is no known remedy, the continuing absence of a quorum to do business.

May we ask the President this question I have stated, when he joins us in executive session, if we can not compel a Senator to answer it? If such a question is asked him and an answer is refused, or his privilege is pleaded to it, can we keep our oaths while we declare that we will never more obey his summons to meet him in extraordinary executive session? And yet that is the substance of this resolution.

This is not an irrelevant case that I am supposing. General Washington when President met the Senate when in executive session, and held conferences with them in person. Why may not Mr. Cleveland meet us? The notes of request we send him, because he is not with us, are only convenient substitutes for the oral questions we could or might ask him if he were present with us. What we can properly demand of him in the one case we may in the other, and what we can not compel a Senator to answer we could not properly ask the President to state.

To get a clearer view of the character of our relations with the President in our executive functions, as we call them, let us suppose that he is present with the Senate, not on trial, as he is now under these resolutions, but is seeking advice and asking counsel. We open one of those cases where he has removed an officer, or has suspended him, and asks our advice and consent to the appointment of a person in his place. Scandals have found their way into the Senate as to one or both of the parties, and the Senate is compelled to hear and consider them, and must take an unwilling part in a controversy that is to destroy one man's character, and, possibly, make a comfortable place for another. Instead of asking him to withdraw a nomination that is unfit to be made, or to restore a man who has been unjustly removed, we claim the right to hold him to the record he has made and demand an explanation of him. We put him on trial for an act of injustice, and with caustic criticism we accuse him of insincerity. Giving him no credit for honest motives, and to prove his bias, a Senator suggests that some trusting friend of the President has sent him a false and scandalous statement addressed to him as President, so that it has all the earmarks of an official document, which he can contribute to the list of scandals, and it is demanded of him.

He prefers not to betray what his friend, who is also an official of high grade, has told him. His self-respect forbids that he should become a purveyor of scandalous or criminal accusations, even though they may have influenced his judgment in an official act, and he declines the request. The Senate insists, demanding its right to know everything, good and bad, that has been said to the President or written to him concerning the fitness for office of the person suspended or removed.

Would we take it kindly of the President if he should say to us, the matter you call for is not material to anything you have a right to consider, and I am not bound to infect the Senate with statements that decency forbids me to include in a message or to contribute to this disgusting inquiry anything that will nauseate the whole country.

This demand upon the Attorney-General is now being discussed in the open legislative session of the Senate, and if, to meet the serious attack made upon him by the Committee on the Judiciary, he were to send in here the papers which the Republican enemies of Mr. Duskin are charged with having filed against him, the Senate would instantly close its doors to keep the people from hearing what the Senate knows already, but wishes to compel the President to send to them in official form.

I am the firm friend of secret executive sessions, because the safety, decency, and peace of society require that very much that we are compelled to ascertain and discuss about men should never be heard of in the public deliberations of the Senate of the United States.

It is an unwelcome and often a trying and disgusting duty we must perform in hearing accusations of crime and immorality against men in office or men seeking for office. Our methods of trial are almost entirely *ex parte;* the evidence we hear is almost exclusively second-hand or hearsay testimony; and malice in its most vicious forms often lurks into the darkness of this Chamber in order to defame the innocent. If we should open the doors and hear and decide upon all the accusations that reach the Senate, we would oftentimes consign a man to infamy by a prejudgment, or force the courts to try him for offenses, with the judgment of the Senate against him, on an *ex parte* hearing. It would be a cruel decree against the public peace, the security of character, and against public decency that would uncover to the world all that must be uncovered to the Senate in the performance of a duty assigned to us by the Constitution we are sworn to support.

I remember that during the last session of Congress nine Republicans from Alabama were rejected by the Senate for important offices in close succession. How did the Senate find out so much more about these men than the President knew when he nominated them? Not by information gathered from him. If it is remembered that for more than fifteen years the few white Republicans in Alabama had been chiefly engaged in loading upon the Senate accusations and counter-accusations against each other, it will not be surprising that the Senate found out a great many things about them "above what was written" to the President. If the Senate were bound to communicate to the people what they claim that the President is bound to communicate to the Senate, the Republican leaders in Alabama would probably be startled with the intimate knowledge that their brethren professed to have of their character and conduct, and would be astonished at the enterprise of Senate committees in finding out the secret things of the character and conduct of men. Let us never do this necessary and disagreeable duty in open sessions of the Senate. If we can not avoid it, if we must perform it let us draw around us the veil of seclusion, if not for the Senate, for the benefit of the peace and welfare and decency of the country.

Let us give to the Senate and the President the sort of safeguard and restraint also that the courts employ in the protection of grand juries and traverse juries; and let us protect the President, his advisers and informants, against the forced revelation of the facts upon which he removes a man from office, as we protect witnesses and grand jurors from the dangers to them and to the public welfare which would arise from the disclosure of their votes in charging powerful men or powerful bands of conspirators with great crimes. The wise decree of public policy is that no man has the right to require of a public officer information of a fact the publication of which will injure the State, unless the fact is essential to the performance of some duty to the State which he is bound to render in obedience to the Constitution or the law.

I have a far greater concern for the attitude in which the Senate will be placed if these resolutions are adopted than I have in regard to the effect upon the administration or the country that will follow the utterance of a mere indignant censure upon the Attorney-General or the President. They will not suffer, either in their feelings or character, from the mere satire of the Senate, nor because they can not agree with the Senate on questions arising out of a difference as to their respective constitutional powers or privileges. Still more harmless will the lampoon be to them when it is plain that it is designed as a party exploit to gain a possible political advantage.

But the Senate is asked, in order to give a color of seriousness to this effort to lay another basis for future assaults on the Executive, to place on record for all time to come a charge against the Attorney-General, which asserts in effect that he, not being ignorant of the law or the Constitution, and not being sheltered by the authority of the President, who he claims has a right to direct him as the custodian of the papers that are called for, has willfully and knowingly violated his official duty in a manner that is subversive of the Government; and, as the proper means for the redress of this wrong, the Senate is asked to come to the further resolution that it will obstruct the Government by refusing to recognize that there is a vacancy in an office when it is asked by the President to consent that he may fill it by appointment.

I fail to perceive how it can be the duty of the Senate to do a gross wrong to the country because it may believe that the President has done a wrong to the Senate. As well might the Senate, in a fit of passion, declare all official intercourse with the President at an end as to declare that it will not consider his recommendation of a certain class of appointments until he gives his reasons for making certain removals or suspensions from office.

Whether the second resolution of the committee is intended as a method of impeachment of the Attorney-General by a power in the Senate that is not strong enough to convict him of a high crime or misdemeanor in office but is strong enough to cause the Senate to declare him guilty and to place the declaration on its records as a perpetual brand on his character, I can only judge from the attempt that was made, under the same statute, to impeach President Johnson because he removed Mr. Stanton without consulting the Senate. I will read two of the articles on which he was tried, that it may be seen how perfectly identical they are with the complaint made against the Attorney-General in the report and resolutions before the Senate:

ARTICLE II.

That on the said twenty-first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States, and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

"EXECUTIVE MANSION,
"*Washington, D. C., February* 21, 1868.

"SIR: Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

"Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

"Respectfully, yours,

"ANDREW JOHNSON.

"To Bvt. Maj. Gen. LORENZO THOMAS,
"*Adjutant-General United States Army,*
"*Washington, D. C.*"

Then and there being no vacancy in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

No corrupt intent is charged here, no evil purpose is charged, nothing that imputes to Mr. Johnson any intention corruptly to violate the Constitution of the United States or to deny the efficiency of the tenure-of-office act, but merely the naked fact that he had done certain things which were not consistent with the Constitution, the doing of which violated the fundamental law of the United States.

The ninth article is a mere elaboration of the same idea, and is a count in that bill of indictment which also omits any reference to corrupt purposes or intents. It is in these words:

ARTICLE IX.

That said Andrew Johnson, President of the United States, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States, duly enacted, as Commander-in-Chief of the Army of the United States, did bring before himself then and there William H. Emory, a major-general by brevet in the Army of the United States, actually in command of the Department of Washington and the military forces thereof, and did then and there, as such Commander-in-Chief, declare to and instruct said Emory that part of a law of the United States, passed March second, eighteen hundred and sixty-seven, entitled "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations, issued by the President or Secretary of War, shall be issued through the General of the Army, and, in case of his inability, through the next in rank," was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been therefore duly and legally promulgated by general orders for the government and direction of the Army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the Department of Washington, to violate the provisions of said act, and to take and receive, act upon and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the Army of the United States, according to the provisions of said act and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March second, eighteen hundred and sixty-seven, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles, or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgment may be thereupon had and given as may be agreeable to law and justice.

The Committee on the Judiciary seem to have carefully avoided the expression of an opinion whether or not the Attorney-General could be or should be impeached for this alleged offense. Why, I do not know. Why, that committee will be held to account at least before the lawyers of the world. They give the facts, and formulate the charge, and ask a vote, and if he is condemned, to use the language of the resolution, it rests in their mercy and forbearance to say whether he was convicted of stupidity or crime. If Andrew Johnson had been convicted of the like charge, for subverting the same law, the world knows only too well what would have been his fate.

There seems to be some imperious will that waits upon this law, that, with ceaseless industry, presses the maimed and crippled remnant of its former power always to the front in the constant warfare upon the constitutional powers of the President. It was subdued for a time under the frown of General Grant, but the Committee on the Judiciary seem to have nurtured it in its exile with fond care, and are again ready to renew the dynastic war, that shall at last determine which is the stronger power, the tenure-of-office act or the executive department of the United States.

The third resolution reported to the Senate from the Committee on the Judiciary proposes the form and method of action that the Senate is invited to take in every case of nomination to office by the President, where the predecessor of the nominee has been suspended and the President has declined to furnish to the Senate certain evidence as to his conduct in office. The resolution proposed is retaliatory and obstructive. It is that the Senate will not perform a plain constitutional duty in passing upon a nomination sent to them because the President has refused to perform an alleged duty toward the Senate about the suspension or removal of another person from office.

Stating this attitude of the Senate in the way that is most favorable to our pretensions it can not be justified. The President has no power to prevent the Senate from performing its constitutional duty in this respect otherwise than by withholding nominations; and the Senate has no power to prevent the President from performing his duty otherwise than by refusing to consider nominations or by rejecting them. In either case each party would be at fault, and in all such controversies the country is left to suffer.

Whatever the President may do, let the Senate do their plain duty and rely upon the House of Representatives to impeach him if he refuses to perform his sworn duty to "preserve, protect, and defend the Constitution."

A rule of the Senate, based on the resolution the committee have recommended, would, under the circumstances stated in the resolution, forbid a Senator to move for the ratification of a nomination sent in by the President by declaring such a motion to be out of order; and no exigency of public necessity could even be explained by a Senator in support of the duty of prompt action by the Senate without unanimous consent of the body. Now that we are in open session and are considering this novel proposition, I wish the country to distinctly understand that when we are hereafter in secret session we can not keep the Government in a due course of action and administration, because the majority will not permit us. I wish to appeal to the people in advance for their favorable judgment on our conduct, which is forestalled by this resolution of the Senate, before we get to work in our secret struggles, when the light is excluded.

As our action on these resolutions is entirely *ex parte*, and as the line of conduct we propose to follow is a matter that concerns the Senate and their responsibility to the country, our duty becomes supreme that we shall first of all ascertain and declare the nature and extent of our own powers before we determine that the President has encroached upon them or refused a proper obedience to them. Does the report of the Committee on the Judiciary and the resolutions they submit declare that the Senate possesses the constitutional power to prevent the President from removing a person from office, or that a law of Congress which is valid under the Constitution gives to the Senate that power?

I find in the report and resolutions an implied assumption of both or either of these positions, but no bold and unequivocal declaration of either.

The committee thought it best not to enter into definitions of the powers of the Senate, but to argue adroitly and learnedly, exhausting selected paragraphs of history for favorable precedents, and then to agree together quickly upon conclusions. They were evidently afraid of definitions. The conclusions they reached required no common agreement as to premises, nor the support of any dry methods of logic. If they were not self-evident, they were at least agreeable to the purposes of the majority of the committee, and in that sense they were self-asserting and self-supporting and commanded the assent of the majority. They are conclusions that were jumped to, not reached by the process of just reasoning. They were that the Attorney-General had committed a grave offense, which the committee failed to define or to characterize except with denunciation; that the Senate would punish this offense by an obstinate refusal to perform its own constitutional duty to the country, and that some expression which would prevent the removal from office of a Republican soldier to put a Democratic soldier in his place should be used that would reconcile the country to their desperate resolve to hold on to all the offices.

If we can not define to the intelligent comprehension of the country, and in a manner not to be misunderstood, what are the powers of the Senate under the Constitution in the removal of persons from office, we are in no condition to assert that the President has in any manner violated his duty in refusing to send to the Senate any information in his possession relating to such removals. If we can not show that the conduct of the President in some way conflicts with the powers of the Senate, that ends this whole controversy.

The Senate is the actor in this business. It is the demandant, and nothing that the President has done or said can excuse the Senate from the duty of showing that it has the right to all that has been demanded.

The Senate is bound to justify its action in this matter upon its own powers under the Constitution and not upon any admission the President may have made, if he has made any, as to the obligatory force of the tenure-of-office act, and is bound also to show that it has the right to the information demanded for the purpose that it declared, and it is bound by that declaration. When the Senate is asked by its Committee on the Judiciary to adopt the harsh and denunciatory resolutions that have just been read, we have the question forced upon us to which we can not avoid an answer, "What is the purpose that we are seeking to accomplish, and whether it is a purpose that falls within the range of duties that we are authorized to perform?"

There was a purpose for which the Committee on the Judiciary made the demand on the Attorney-General which he has refused to comply with. When that committee now appeal to the Senate to vindicate them by denouncing the Attorney-General the Senate must first examine into the purpose for which the demand was made, and whether it is one that the Senate can lawfully entertain and can execute with whatever power it possesses, or whether it relates to a matter that the Senate has no jurisdiction to control. The Senate can not vindicate the committee by resolving that the purpose for which they demanded this information was not in itself legitimate, but that there were other purposes for which, under other circumstances, it would have been legitimate, and therefore they were right in making the demand,

and that we should denounce the Attorney-General for refusing the information called for by the committee.

The motives of the President in the suspension of Duskin was the actual subject of the inquiry, however ingeniously the purpose is masked by special pleading. The Committee on the Judiciary based its right to make the inquiry, not upon the right of the Senate to legislate for the benefit of the country or to gather evidence on which Duskin could be impeached or censured, but upon the ground that the Senate is empowered by the Constitution and the law to prohibit the President from removing certain classes of officers, and that therefore they have the right to be informed of every fact that operated on the mind of the President in suspending Duskin from office.

If the Senate has no such power, their interference in this matter can not be justified, unless they are seeking to show that the President is guilty of some misdemeanor in office in the removal of Duskin for which he ought to be impeached. If that is the purpose, and if the Senate believes, as the committee believe, if they believe anything, and have declared in these resolutions, let the Senate order an investigation upon charges preferred by them against the Attorney-General or against the President, accusing them of a high crime or misdemeanor in office. Let them direct the committee to send for persons and papers and ascertain the facts which will show the guilt of these high officers, or else will show the grave wrong, which I hope is a mistake, of those who bring an unjust accusation in regard to a matter over which they have no jurisdiction and condemn a high officer as a criminal for denying to the Senate a power which they are eager to usurp. If the Senate must impeach and condemn an officer in an *ex parte* proceeding, let it at least have the courage to say that the offense is or is not impeachable.

But, sir, if we were now proceeding to try Duskin, after an investigation had been ordered by the Senate, then the important question is presented whether he was an officer of the United States or whether he was only a private citizen when the inquiry was started by the Senate. I will not quote the decision of the Senate in the case of General Belknap as one that I recognize as being unquestionable in principle or safe to follow in practice, but it seems to be a conclusive estoppel against the political party that has started this war upon the President for political purposes. General Belknap resigned his office before the House could prefer articles of impeachment against him, and the Senate held that he was not in office when the articles were sent to the Senate, but was only a private citizen, and could not therefore be held liable to impeachment.

My colleague [Mr. PUGH], in his able argument on these resolutions, pointed out the fact that Mr. Duskin's commission had expired, and he also had become a private citizen before the Committee on the Judiciary had made any inquiry about his conduct in office. But that committee had no thought of reaching Mr. Duskin, and that conclusive fact in the case entirely escaped their notice in their eagerness to reach Mr. Garland, and through him the President. If the world dared to do such an irreverent thing as to smile at the blunders of so grave a body, this *faux pas* would excuse a universal outburst of merriment at their expense. There was another fact, quite as important, and of even stronger bearing on this case and on the pretension of the Senate to share with the President in his power to remove persons from office, which is, that George M. Duskin held no valid commission after the President suspended him.

If Mr. Duskin's commission in office is no longer of sufficient strength to bind him to the Government, or the Government to him, as a part of "the state of the Union," as the Senator from Vermont thinks he is, it may be logically assumed that even the zeal of the Senator would not lead him to inquire whether his record in office was good or bad. The Senator wants to know what is the present "state of the Union," not what it was or might have been. Such an inquiry would be quite pertinent in reference to Duskin as it would be about any other historical character who had died in office during the Presidency of George Washington. Mr. Duskin's relations with the office he held were severed the moment he was put out and Mr. Burnett was put in, whether the act of the President which put him out is to be called a suspension under the statute or a removal under the Constitution.

The Constitution provides that "the President shall commission all the officers of the United States." Until a man is commissioned and sworn he is not an officer of the United States. The commission is the patent, the muniment of title to the office which completes the appointment. An office is an entirety, in which but one person can be commissioned at the same time. The unity and entirety of an office is even more strongly the doctrine of our Constitution than it was of the common law. This fact appears in the many provisions that disqualify persons from holding more than one office at the same time, even though the commissions were issued by different governments; as, for example, from the several States and the United States. It still more clearly appears from the prohibition on the appointment of members of Congress to civil offices created during the time for which they were elected. It appears most distinctly, however, from the fact that the Constitution requires that every officer of the United States shall hold a commission from the President. The right of the officer to the commission is complete when his appointment is complete, and he may then have a legal remedy to have the commission delivered to him. So long as no other appointment is made that right remains. It is a property right, which can only be destroyed by death, resignation, or removal, or by the abolition of the office. The commission describes and identifies the office and the person who is appointed to it, and distinguishes the office from every other office and the person who is entitled to hold it from every other person. The commission is made a *sine qua non* of the office by the Constitution, so that the officer and the public may have conclusive evidence of his rights and his authority.

The President can not commission two persons to different offices in the same instrument, nor can he commission two persons by the same instrument to hold the same office. Neither can he commisson two persons in separate instruments both of whom are to hold the same office at the same time. Whoever holds the commission of the President of the United States, under a lawful appointment, is an officer of the United States, and he fills the particular office to which he is assigned. The power to commission temporary substitutes in civil offices where there is no vacancy in the offices but the persons appointed and commissioned are still in office, does not exist under the Constitution and can not be conferred by law upon the President. Otherwise the President could issue any number of commissions in succession and keep such persons commissioned in the same office at the same time. He could compel the Senate to agree or disagree to such appointment in turn under the tenure-of-office act, because it displaced the person who stood next before him on the list. A person appointed in the place of a suspended officer can no more be displaced by another appointee without the consent of the Senate than the man who is first suspended; and yet under this law, as contended for by the committee, the President may suspend as many as may come into office under his appointment and neither ask the consent of the Senate as to the appointment or suspension or removal of any but the first man that he undertook to displace. If Duskin were now in full possession of the legal rights conferred on him by his appointment and commission, as the Senator from Vermont contends he is, the successive suspension and removal of a dozen Democratic substitutes for him by the President would still leave the only question before the Senate whether it would consent to Duskin's suspension or removal. The rest of the cases, with all the horrible slaughter of character and the wounds to their feelings, would be consigned to oblivion or to that bourn to which the Senator from Vermont thinks all Democrats should be sent because they were Democratic victims of a Democratic President, while the Senate would be aroused to a frenzy of indignation in its anxiety to take care of the honor and rights and feelings of Duskin, the Republican, the first man suspended.

In this case Duskin would doubtless be amazed that so small a tincture of legitimate Republican blood as he could contribute from his veins would make red the sea of salt tears that are being shed over his wrongs. He would turn pale with anguish when he read the last resolution about the duty of filling the offices with Union soldiers, and reflected that he had spent the earlier years of his early manhood in the confederate volunteer service, where he won by far the highest honors of his life, which he afterward sacrificed in his affiliation with carpet-bag Republicans, such as Paul Strobach.

It was after Congress found that they could not control President Johnson in the discretionary exercise of his powers under the Constitution that they devised the tenure-of-office act of 1867 as a plan by which they could limit those powers otherwise than by abolishing the offices. These acts impliedly confessed the inability of the Senate to revoke commissions issued by the President. These commissions stood across the road to this usurpation by the Senate and could not be removed, and so they were declared as being irrevocable by the President and that they could only be suspended, and the officers were declared to be in abeyance until the Senate should either consent or refuse its consent to the appointment of the substitute or some other person in the place of the officer thus placed in coventry.

All this meant neither more nor less than the repeal by Congress of the President's constitutional right to remove persons from office.

There was never a plan devised by which the Constitution was more successfully subverted, or one where the danger to it was so well concealed under the guise of giving the direction of the law to the executive power for the better administration of its duties.

When General Grant became President all was changed. The people, through the House of Representatives, demanded that their favorite and trusted President should not wear the fetters that had been forged for Andrew Johnson, and the House speedily sent to the Senate a bill to repeal the tenure-of-office act.

The Senate yielded the substance in order to retain the shadow. It gave up its sword on condition that it should be still permitted to wear the scabbard on dress parade.

This war is again renewed against the President's constitutional power to revoke commissions issued by him and to remove persons from office with the same great and inveterate general in command. The Senator from Vermont still leads the assaulting column. This time the assault does not come from a great party with enough votes in each House to overcome the President's veto.

It does not come with the power to return the tenure-of-office act to the citadel from which General Grant drove it, and so, instead of de-

manding its restoration to the statute-book, a party caucus of a feeble majority in the Senate attacks the discretionary method of exercising discretionary powers that are affirmed in the Senate's amendment of 1869 to that act with an arrogant but apparently empty resolution.

They criticise the Attorney-General as the self-confessed servant of the President, without explaining that it is not his duty to make appointments or removals from the office of district attorney of the United States, but that it is the duty of the President; and that in whatever concerns that duty it is under his control.

Over the shoulders of the Attorney-General they attempt to inflict upon the President the scourge of their hot indignation, and then complain that he has so far mistaken the issue as to suppose that he had any interest in the matter.

The Senator from Vermont is not given to playing at mock heroics. He never makes a shot that he does not believe will reach the vitals of his foe. It would ill befit him, and would offend against his tastes, to parade in a holiday tournament as the grim commander-in-chief of a sham battle.

This fierce assault upon the Attorney-General would have been, as a logical necessity, a movement to impeach him, if that committee had power to do more than to express their convictions in resolutions. The committee can never avoid the conclusion that upon the facts and premises stated by them they were bound as a body of constitutional lawyers to have articles of impeachment brought against the Attorney-General for the crime which they allege against him in that resolution and undertake to support by the facts that are in their report. They can be illogical if they choose; but they can not be unjust without having the attitude which they have voluntarily assumed exposed, I will say, sir, to the scrutiny, if not worse, of the whole world.

Can any man deny that the Senate, as a court of impeachment, could condemn an Attorney-General for conduct in office violative of the fundamental laws of the United States, such as is charged in the second resolution, and for that cause remove him from office after finding him guilty? It seems to me that no lawyer can doubt that the offense charged against the Attorney-General in these resolutions is a high crime or misdemeanor, if it is any offense.

I am very far from denying to the Senate the right and duty of investigating and exposing any conduct of an officer of the United States that is in violation of and is subversive of its constitutional powers. But when the Senate is convinced that such an offense has been committed its duty rises to the dignity of the subject and compels it to lay the facts before the House for its constitutional action and abstain from rendering judgment of condemnation in advance of a trial. If we assume that the House is partisan and will not do its duty, we expose the Senate to a worse category when, for that or any other cause, we ignore the constitutional remedy and indulge in formulating in mere resolutions our accusations, followed by our deliberate sentence of condemnation without a trial, and then follow that with an appeal to the passions and prejudices of a political party.

The Senate makes, first, the real and fundamental issue with the President that he has not the discretionary power either to suspend or remove a person from office without the consent of the Senate. He claims that he has that power and will not surrender it to the Senate. The Senate calls for information to enable them to exercise a power that the President denies that they possess, and this is the secondary or side issue in this question.

If we can not defend the alleged prerogative of the Senate upon the basis of the Constitution, let us say so, and let us not attempt to evade it by taking the ground that in any event the President must inform the Senate, not Congress, as the language of the Constitution is, of the state of the Union, and that Mr. Duskin, suspended, forms one distinct "drop in the bucket" to make up the state of the Union, as the Senator from Vermont artistically puts it.

President Washington answered the House conclusively and forever when it made a like demand for the inside facts touching the negotiation of a treaty. He held that they had the right to construe the treaty for themselves, as they would any other law, but they had no right to know his private reasons for asking the Senate to join him in its adoption or the facts considered in the negotiation.

The courts would be bound in a suit brought by or against Duskin, as the Senate is, to accept the act of the President in removing him, if within his constitutional province, as conclusive; just as the courts would be bound to accept the statute as conclusive against Duskin in cutting off his salary if that was enacted within the constitutional province of the powers of Congress. That much faith and credit must be given by every department of the Government to the acts of every other department, which it has no right to annul or reverse. Faith and credit are living principles in our Constitution.

Public acts as well as records and judicial proceedings are required to be received with "full faith and credit" by every State in Article IV of the Constitution. This public faith requires us to accept the public acts of all Departments with full credit that they have been honestly done until the contrary appears, and that they have been rightly performed, if they are within the powers conferred upon the State or a Department of the United States. This presumption of honesty and good faith attends every lawful act of every Department everywhere. The judgment of a court can not be collaterally assailed for fraud in its rendition. The cases are few where this may be done, even in a direct proceeding before a competent court. A patent can not be attacked collaterally for fraud in its procurement, because full faith and credit must be given to the honesty of the act of the officer who issued it.

When the Senate is considering a nomination to office, and, as collateral to that question, chooses to consider the reasons that induced the President to remove somebody else from the same office, will it deny to the act of the President full faith and credit, and assume to itself the power to assail his act by a direct proceeding and to set it aside and annul it? It must do this if it would open to examination the question whether he acted honestly in making the removal.

The Senate has the power to consider a nomination sent to it by the President. In doing this it acts directly and conclusively on the subject. It settles the question, and sends the result to the President as being conclusive on him. He is bound to give it full faith and credit, without any inquiry as to whether the Senate had good motives or sufficient evidence to warrant its action. The Senate has no power to consider a removal from office made by the President, except in a collateral and inconclusive way; and it rests with him to say whether he will or will not inform the Senate of the reasons for his action or as to the facts upon which he based his action. To my judgment it is a clear proposition that the President has a definite grant of power in the Constitution to remove persons from office; while the Senate has no more authority over participating in that act or to reverse it than the House of Representatives or the Supreme Court have. I will proceed, as briefly as the nature of the proposition will admit, to state the reasons which force me to this conclusion.

The question of power as between the President and the Senate is the same whether the officer is displaced by suspension or removal. In either case the question is whether the Senate can, under the Constitution or under any law, prevent the President from displacing an unfit person from office.

I claim that the President derives his power to remove persons from office from one express and direct grant in section 1, Article II, of the Constitution, and that none of this power and none of the right to exercise it in any case is borrowed either from the advice or the consent of the Senate or from the statutes under discussion.

When the constitutional convention was considering the framework of this great Government it took up each subject that was regulated by the British constitution and made further modifications of each, so as to adapt it to the plan and principles of our Government. Our revolt was not against the British constitution, but against British rule and against all foreign rule. We claimed and appropriated every guarantee of liberty and every restraint upon licentious power that was claimed in Magna Charta or in any feature of the British constitution, and added to them others which God gave us the honor of consecrating to the world in the name of constitutional liberty, put them into a written constitution, and guarded that with an oath that rests in solemn sanction upon the heart of every one who takes a part in the Government, and in spirit upon the heart of every citizen to support the Constitution.

We took the sovereignty of the king as a lawmaker and vested it in the Constitution and the laws enacted in pursuance thereof by Congress and made them supreme; that is to say, we made the Constitution supreme. We took the immortality of the crown and divided it into sections of four years, when it was to be renewed in its life by the votes of the people. We took the royal prerogatives away from the executive power and distributed them in part among the three departments by express provisions in the Constitution, leaving some to remain in the chief executive officer of the United States.

Among the powers of the royal prerogative that we thus disposed among the departments are the power to make war and peace; to raise and support armies and navies and to command them; to coin money; to create honors and offices and to appoint persons to office; to assist in enacting laws; to make treaties; to receive and protect ambassadors; to appoint ports and havens for commerce, through which it is to flow in or out, to or from the country; to erect beacons and sea-lights; to invent and issue writs, and to supply to the courts their powers and the judges their commissions, which ran originally "during the good pleasure of the king," but since 13 William III they run "during good behavior." The king prosecuted all crimes, was possessed of legal ubiquity, could do no wrong, and was "the fountain of honor, of office, and of privilege."

In this and in much more he was the executive head of the British people, and held all his powers in trust for them. His oath is not that he will obey the British constitution—although they have a constitution in Great Britain—but, that he "will govern the people of this Kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on and the laws and customs of the same."

They swore him to obedience to the statutes agreed on in Parliament, because he is a constituent part of Parliament, and must give his royal sanction to every act before it can become a law. His oath is a pledge of good faith rather than of obedience, since the crown as executive could not swear to obey the crown as lawgiver.

We put the Constitution above the President and swear him to "pre-

serve, protect, and defend" it. We do not swear him to obey the enactments of Congress, but we charge him most solemnly that he shall execute them when enacted in pursuance of the Constitution. We were careful not to burden his conscience with a positive duty, which Congress should define at its discretion, the performance of which would compel him to neglect the highest duty imposed on him by his oath, of preserving, protecting, and defending the Constitution. I will again recur to this subject before I close my remarks.

The language of the first section of Article II of the Constitution is that "the executive power shall be vested in the President of the United States of America." This is a plenary grant of the executive power, broad enough to cover every act and purpose of government that can ever require executive intervention. In these words there are no restrictions or limitations, except such as arise out of the nature or character of the executive power in a government. The restrictions and limitations of this power in the Constitution which abridge the usual signification of this broad language are to be found in the general scheme of our Government, in the express limitations on the executive power and in the express or implied grants of power to some other department of a right to control the action of the executive power in some specified way.

The framers of the Constitution were not willing to leave it to the legislative power to give to or withhold from the President such powers as it might, from time to time, judge to be proper. They wisely chose to supply the executive power fully in one comprehensive grant and in words of broad and definite signification, and to qualify and limit the extent of this grant of power, and the manner in which it should be used by the President and the purposes for which it should be employed by other express provisions which they were careful to arrange in the body of the Constitution, so as to conform this executive power to the nature of the Government they were ordaining, and to place it under all the restraints which they considered necessary for its proper efficiency and to prevent its abuse in future.

They knew that no government had existed, or could exist, without an executive head, and that the vigor of every government depended much on the powers that its executive department could exert. But they took care, with studious diligence, to check and restrain the executive power within such limits as would give security to every right of the people and of the States that the Constitution was intended to protect. It was in this form and for these reasons that the President was invested by the people with all the power necessary to the complete execution of their will in conducting their government through constitutional laws to be enacted by their legislative agents and construed by their judges.

When they vested a distinct power in the Federal Government, or in any office or department thereof, they meant that it should be supreme within its sphere of operation as limited by the Constitution as well within the borders of our own country as with respect to foreign nations. It was not intended to establish a weak and negative sort of government, such as would have been done by so distributing its powers among the three great departments that they would evenly balance each other and neutralize the efficiency of the whole, nor yet did they intend to compel one of the departments to borrow its powers from the others, from time to time, as occasion might seem to require. On the contrary, it was intended to make the Government powerful and enduring, and also to suppress jealousies and to thwart ambitious usurpations, by prescribing to each department a distinct field of duty on which the others were forbidden to encroach.

It was an indispensable feature of such a government that there should be an executive power, vested in a President; not a weak or divided power, but a power concentrated, strong, and ready to attend upon and execute every lawful requirement of every department of the Government, with the assistance of either the civil or the military agencies and authority.

The executive power is the efficient, final, and indispensable force that executes the will of the people of the United States when lawfully expressed.

It was ordained in the Constitution by the simple but all-embracing description of "the executive power," and was vested in the President by the express language of that instrument, without any resort to or dependence upon any other power for the subsequent enlargement of its definition.

It is the only one of the three great departments in which the whole grant of power is confided to a single officer, and the only one that is expressly guarded in the Constitution by a special oath of office adapted alone to that power.

The Constitution requires that the other executive officers, judicial officers, Senators and Representatives, and the members of the several State Legislatures, and all executive and judicial officers of the several States "shall be bound by oath, or affirmation, to support this Constitution." That is all the Constitution requires of them as to their oaths of office. The President's oath is:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.

Can it be reasonably asserted that this oath, to "preserve, protect, and defend the Constitution of the United States," means no more and relates to no higher powers than the oath required of all other officers (including executive officers and even down to the minor officers of the States) that they will "support this Constitution?"

The President is the only officer to whom the Constitution gives in special charge these high duties by express command and binds him with the sanctions of an oath that he will faithfully discharge them. In addition to this branch of his oath, and also in subordination to it, is the other and conspicuous obligation to "faithfully execute the office of President of the United States." He is the only man in this Government who is sworn faithfully to execute a particular office. This part of his oath is not limited to such duties as may be annexed by statute to the office of President, but it includes every duty which belongs to the "executive power" which is vested in the office of President.

The powers of the office of President and the duty of faithfully executing that office were essentially as broad and as obligatory when George Washington took his oath as President as they are to-day. There was not a law upon the statute-book that was enacted under the Constitution of the United States at that time. Yet there were many valid laws of nations and of the Congress of the Confederation that remained until they were superseded by new enactments to which the executive power extended, and which he was bound faithfully to execute.

The great body of treaties we have made with foreign powers and the public and private statutes we have enacted since March 4, 1789, have added nothing to "the executive power" "vested in the President," while that has stood ready as a full and inexhaustible fountain of authority derived from the Constitution to contribute in every emergency of the Government all the civil and military direction and force that has been necessary or will ever be required to execute each law as it comes into existence.

I have dwelt upon this outline view of the executive power, as it is vested in the President by the Constitution, for the purpose of showing that the framers of that instrument, when they used the words "the executive power shall be vested in the President of the United States," had reference to a known and well-defined element of power, without which government would be impossible, and that they adopted it and vested it in the President, and swore him to execute it in subordination to and also in compliance with his oath "to preserve, protect, and defend the Constitution of the United States."

The Constitution, when it vested the executive power in the President, did not enlarge or increase the powers of that office above the range of powers that the executive heads of other governments possessed. On the contrary, it greatly limited those powers by qualifying clauses. Still it is not a matter of doubt that it was the intention of the people who ordained this Government that the President, though limited in his powers, should represent this Government as the executive head of a sovereign and self-governing people, equal in rank and power to any nation of the world. But the executive power was vested in the President for a still higher purpose, and it was guarded and modified to meet the difficulties that had appeared in the experience of our English ancestry, from whom we inherited many of our sublimest ideas of constitutional liberty.

Our purpose was to establish the fact that all just powers of government emanated from the people, and did not descend upon them as an act of grace through the divine right of kings; that the people could govern themselves with as much certainty, could protect their liberties with greater security than any crowned head could give to them, and could enforce their rights among the nations with as much authority and power as any of the greatest monarchies of the world. The omission from their plan of government of a single executive chief, fully invested with executive power, would have been fatal to the success of these great purposes.

The British constitution, while it did not supply the model of our Constitution, did suggest, as I have observed already, many of the points in the general plan which we adopted as an improvement upon the system under which the English-speaking people had grown so greatly in wisdom and power.

In Great Britain the king, the commons, and the courts had fallen into frequent and bitter antagonisms as to the scope of their respective powers. We sought to avoid this friction by means of clear definitions and of distinct restraints upon the powers of each department fixed in a written constitution that all were sworn to support. The war power, which in Great Britain belongs to the crown, we divided between Congress and the President, giving to Congress the power to declare war and the power to raise and support the Army and Navy; and to the President we gave the powers of Commander-in-Chief of the Army and Navy and of the militia of the States when called into actual service. This was a limitation on the executive power as it existed in Great Britain and in other governments.

In vesting the legislative power in Congress the careful precaution was used to confine it to the powers granted in the Constitution, so that it should not usurp the field of legislation reserved to the States or go beyond that which was essential to supply laws for the Government

ordained in the Constitution. This is much narrower ground than was covered by the legislative power of the Parliament of Great Britain, of which the king is a constituent element. We qualified the negative of the President upon the enactment of laws by Congress so as to limit the effect of the veto power to the destruction of an enactment which is not, upon reconsideration, again passed by both Houses of Congress by a two-thirds vote in each. The King of Great Britain had an absolute veto on all acts of Parliament by refusing to assent.

We placed the President under the express injunction that he shall "take care that the laws be faithfully executed." This is not an additional grant of executive power to the President. That power had been already granted to him in the broadest terms.

This is the most powerful restraint on the power of the President, and is the one that is the most pertinent in this discussion. It is in this discussion frequently confused as being one of the terms of his oath. Does this express command to the President subordinate the executive power vested in him to the legislative powers granted to Congress and which are described in the Constitution as "all legislative powers herein granted?" Is the President bound to accept the will of Congress, as declared in a law, even though it is passed over his veto, as a conclusive judgment as to his duty to obey it, no matter what his own judgment may be as to its constitutional validity, or how far his conscience may condemn him for doing so as being faithless to his oath to "preserve, protect, and defend the Constitution?"

The acts of Congress, though they are passed over a veto of the President, are still no more than laws. They are not laws of higher sanction than those that the President has approved. They may be annulled by the decrees of the courts, as we have seen it done in notable cases, and yet there is no supremacy of the judicial over the legislative department declared in the Constitution. The supremacy comes from the nature of the jurisdiction, as the supremacy, if we may call it such, of the President comes from the nature of his powers. It has exclusive authority over all judicial determinations, and is therefore supreme. The judicial department has no jurisdiction over the political conduct of the other departments, and therefore the judicial power is not a constitutional restraint over the legislative or the executive powers in such matters. Within that field of political power these departments were left to an honest and enlightened discretion, or even to a wider range of discretion, which the people will control through the frequently recurring elections.

Impeachment affords another and most effectual remedy for a perverse defiance of law; but even that remedy is not perfect. The failure of the Senate to convict the transgressor, while a majority in both Houses may express an unqualified condemnation of the conduct complained of, exhausts the power to correct the alleged abuse. In such a case, when the President is the offender, his executive power would, as a result, override the law he was accused of setting at defiance, even though it may have been declared constitutional by the Supreme Court, and this only because less than a majority of the Senate agreed with him in the opinion that the law was in violation of the Constitution when he is put on trial upon impeachment. The Constitution interposes this protection to the President—the only officer who is sworn to protect and defend it—so that he may have a reasonable liberty of judgment as to the validity of the laws he is enjoined to faithfully execute. Here, then, is an instance in which the executive power is more potent than both the legislative and judicial power, and in which its defiance of both is upheld through the judgment of less than a majority in one of the Houses of Congress.

This is a great and just safeguard to a President whose duty of refusing to execute a law that he is convinced is unconstitutional is, in almost every instance, to be exerted against the demands of a powerful political party bent on success; or to prevent the destruction of some class of people, or their property rights, or their liberties, who are obnoxious to a dominant majority; or to prevent some organized raid upon the Treasury. It often requires much moral and physical courage in a President to sustain him in such efforts, and it was a stronghold for liberty erected in the Constitution when the President was especially charged with the duty of preserving, protecting, and defending the Constitution, and was bound by an oath to perform it faithfully.

With such responsibility it would be a solecism to say that the President shall not have freedom to choose the line of action to which his sense of duty invites him. With an Executive thus trammeled the Government would be paralyzed, while the encroachments of the legislative power would soon absorb the powers of the other departments. But the safeguard provided against the impeachment of a President by the vote of less than two-thirds of the Senate is a security that fairly balances the dangers to which he is exposed. This is illustrated in the acquittal of President Johnson and the subsequent abandonment by Congress of the principles of the law for the disregard of which he was impeached; and it is an impressive lesson to teach the country the value of the immunities provided in the Constitution for the protection of Presidents who faithfully execute their office according to their best ability and their own conscientious understanding.

It is not true, either in theory or in practice, that the President is subordinated in his executive powers to the will of Congress when the legislative will is expressed in enactments that are in violation of the Constitution. Congress is as apt to do violence to the Constitution as is the President. The President's duty to take care that the laws be faithfully executed is subordinate to his sworn obligation to "preserve, protect, and defend the Constitution." He must determine for himself, but at his peril, whether any law that he is required to execute is in violation of the Constitution.

Congress has passed many laws that were approved by Presidents, and some that were passed over the veto of Presidents, that were afterward held to be unconstitutional by the Supreme Court, and are a dead letter on the statute-book. Was the President, notwithstanding his oath to preserve, protect, and defend the Constitution, at any time bound to render obedience to and to execute these void enactments?

Will any lawyer here say that there was a moment in the official life of the President of the United States when he was bound by public policy, by comity, or by any other reasons that could affect an executive, to give his adherence to and participate in the execution of a law enacted by Congress which the Supreme Court had decided was unconstitutional? If not, the President must be left to judge for himself and upon his own responsibility whether his oath to preserve, protect, and defend the Constitution requires him to execute a law that his conscience and his judgment condemn as being in violation of the Constitution.

The executive power vested in the President is a department of the Government, and is possessed of all the constitutional authority that is requisite to enable the President to execute his office in the manner that may become essential to the preservation, protection, and defense of the Constitution.

It is Congress that always requires the aid of the President to execute its will as expressed in acts of legislation. It is seldom that Presidents are known to appeal to Congress. If the President refuses to do this, Congress can not substitute other agents to supplant the authority of the President, and thus execute its will in despite of the executive power established in the Constitution.

It is therefore incorrect, as a proposition of constitutional law, to say that the President is bound to obey a law that he believes is void for repugnance to the Constitution because it has been regularly placed upon the statute-book; and it is idle to assert such a proposition in the face of the fact that Congress can not by a law displace the President and substitute another agent to execute its will.

The deductions to be drawn from the adjustments between the legislative and executive powers as arranged in the Constitution are all against the idea that a mere majority in Congress can control the action of the executive power so as to substitute the will of the Congress for the judgment of the President in matters that relate to the constitutional powers and duties of his office.

Every bill and resolution must be submitted to the President for his approval before it can become a law. If he disapproves the measure on any ground, a vote of two-thirds of each House is required to give to it the effect of a law. But such a vote does not by any means remove any unconstitutional taint from the measure.

Thus we see that in the enactment of laws, which is nearly the whole of the power confided to the legislative department, the Constitution, in the most careful way, subordinates the will of a mere majority in the Houses to the will of the President, however capricious or unpatriotic that will may be, or whether the question on which he disagrees with Congress is a question of mere policy or is one of constitutional law.

But it was not safe, nor would it have been wise, that the executive power that was vested in the President should be left without the many strong restraints and limitations that were expressly mentioned and arranged in the Constitution and were also expressly placed within the obligations of his oath. They were accordingly provided in the body of the Constitution in careful terms, so as not to confine the executive power to the subjects enumerated in these restrictive provisions, but to leave it free within the scheme and purposes of the Constitution to answer to the almost infinite variety of occasions that must arise to require its exercise in a government so great and so complex as ours.

The executive power is also further restrained as to the treaty-making powers. The advice and consent of two-thirds of the Senate is made essential to the validity of a treaty negotiated by the President. The king alone was the treaty-making power in Great Britain, and the well understood fact that the executive power was then recognized by all the powers of the world as the treaty-making power in all governments made it necessary that we should place this express limitation upon the executive power vested in the President.

"The executive power" in Great Britain included the power to prorogue Parliament or to dissolve it and issue writs of election for a new house of commons. We negatived the right of the executive power to dissolve either the Senate or House of Representatives by fixing definite terms of office for the members of the respective Houses. This was a limitation on the executive power. We also gave the President the right to assemble either House on extraordinary occasions. We also gave him the power to adjourn Congress in case the Houses disagreed as to an adjournment, and to require them to meet again at a time to be designated by him. This is our substitute for the power to prorogue the National Legislature, limited to a certain condition, namely: That

the Houses shall have declared an adjournment necessary, but shall have disagreed as to the time of adjournment. Here is another limitation on the "executive power vested in the President," as that power was recognized and understood by the people who ordained our Constitution.

The union of the civil and military power under the supreme direction of the President, as the national Executive, was made the subject of express ordination in the Constitution for several reasons.

The sacredness of the persons of all supreme rulers was at that time a maxim recognized and enforced in all existing governments. The king could do no wrong, but his ministers must suffer vicariously for what was wrongdoing in the government. The idea of the personal sanctity of the chief executive we discarded. We made him expressly amenable to impeachment and punishment, and subordinated his ministers and all executive officers to his control, so that his responsibility should be personal and undivided.

Another great point in which we made a new departure was in placing the military power in direct subordination to the civil power. No great general, however powerful or ambitious, can usurp, unless at the peril of his life, the supreme executive power vested in the President for a fixed term. His Commander-in-Chief, the President, is, by his military rank and power, provided with the means to destroy him speedily and utterly, or to arrest and confine him, and to degrade him from his command. No better security could have been provided against a military usurper than this; and no one subject was more carefully considered by our people when they were framing the organic law of this great and powerful Republic. The President, being already in possession of the executive power, could not increase it by any military adventure, since he is amenable to impeachment, to punishment, and to removal from office, and to disqualification for office for any crime or high misdemeanors in office, whether in his civil or military character. Thus arose the necessity for giving to the President this twofold character as the chief civil and military executive. This was a limitation also on the executive power as it was known to other governments, since it subordinated the Commander-in-Chief of the Army and Navy to the final judgment of the civil powers of the Government and to removal from office.

The power to commission all the officers of the Government of the United States belongs only to the President. This is the power conservative of all the executive powers vested in the President. It was given to him in order to prevent the interposition by any other department of any officer or agent who might be charged with any duty of an executive nature, and to prevent insubordination in any branch of the service, and to prevent the friction that would arise from his removing officers who held their commissions under any other department of the Government. No greater security than this could be given to the President against any interference by another department with the executive power vested in him, and no greater security could have been provided for a peaceful and efficient government.

If these are correct views of the nature and extent of the executive power vested in the President, the task is a light one to determine how far this power has been limited by the provisions of the Constitution relating to appointments to office and by the absence of any provision relating to removals from office.

In the absence of any other provision in the Constitution, the "executive power vested in the President" would necessarily include the right and duty of making appointments to office and removals from office. This being necessary to give the Government any actual life, force, or vigor, the President could not "execute his office" if he could not assign to the other offices their incumbents. But the Constitution does expressly provide for appointments to office, and by its terms and careful arrangements it limits "the executive power vested in the President" by confining his power of appointment to such persons as the Senate, by a majority vote, shall "advise and consent" that he shall appoint.

The President selects and nominates the candidate. The Senate determines whether he is fit for the place, and whether his appointment would be agreeable to that body. If he is found fully eligible the President can then proceed to appoint him, or he can, in his discretion, decline to appoint him. The evident purpose of this arrangement was to give to the country the best-qualified men to fill the offices; and the means provided are quite sufficient for that object.

Another influential reason for placing this check on "the executive power" was to break the force of the political power that the President might concentrate in the advancement of his personal fortunes or high ambitions.

It was a most wise and excellent arrangement which provided for the interposition of the Senate, that it might divide with the President the power arising from the bestowal of office, and that it might defeat him in any selfish personal use of his great powers. As it turns out in our history, this divided agency in the bestowal of the offices whose salaries and perquisites call for such immense sums annually is the most important barrier and the safest that could have been interposed between the Treasury and the great political parties that seem now to have organized as the actual ruling powers in the United States.

The subject of removals from office was not omitted from the anxious solicitude of the framers of the Constitution, but no mention is made of it, because it was clearly included in the executive power vested in the President. The judiciary were carefully removed beyond the reach of this power by having a fixed tenure of office prescribed in the Constitution—during good behavior. The power to remove an incumbent from office is unquestionably an executive power. None but an executive officer can enforce it to a practical result. It implies the active exertion of force, when force is needed, to dispossess an incumbent of the office he holds and of the custody of property and records under his control. Neither the Senate nor Congress can execute an order to dispossess an impeached President of his office without resorting to the executive powers of his successor. A decree upon paper, no matter by what authority, would not take the keys of the Treasury vaults from a removed Treasurer. And so in every other case, that power is required to remove a man from office, which, in virtue of its proper authority, can immediately summon to its assistance the people or the civil or military officers of the executive department of the Government for its enforcement.

The duty of removing men from office is not enticing to anybody. It is well calculated to create jealousies and discontent that a self-seeking politician would dread to encounter. When the opportunity is presented to displace an enemy from office in order to reward a friend, or when a sordid motive is to be gratified by such an effort, the individual responsibility of the removal is the surest check upon the improper use of the power. The scrutiny of the Senate as to the merits of the person who is proposed to be substituted for the person removed will seldom fail to detect and expose any improper motive that may have influenced the selection. If the President's power of appointment is under restraint, that is all that can be necessary to secure an honest and pure administration in respect of the offices of the Government.

The idea was not inculcated in the early days of the Republic that the high powers of the Senate were granted to them in association with the President in making treaties and in canvassing the qualifications of persons for office for the purpose of holding a rod over him at the dictation of a party caucus. It was not then feared that either the President or the Senate would make merchandise of the offices in order to pay their retainers for personal or political services.

But, however much our fathers may have overestimated our virtues and the just influence of the moral sentiment of the people as a restraint upon the ambition or cupidity of their posterity, they did not fail to leave to us every power that is necessary to control the worst and most dangerous of the men who may ever become Presidents of the United States.

The responsibility of the President to public sentiment, if we must accept the modern doctrine that a President is not to be trusted to keep his oath of office, is something that the worst man could not dare to face when seeking to abuse the high trusts of his office, while the reward of the approbation of many millions of honest and patriotic Americans would be estimated by the best of men as being excellent and desirable beyond any other aspiration. These influences counted for much when the Constitution was being ordained, but they seem to count for nothing when they are weighed by a party caucus of Senators in view of their supposed better knowledge than our fathers had of the weakness of men when confronted with party demands.

But, discarding every other consideration besides the strict letter of the law, and conceding that our fathers had the best reasons for the most careful guards against the influence of corrupt ambition, it was not only wise but in the highest degree necessary that the President should have the complete power to immediately remove persons from office without the necessity of consultation with any other branch of the Government.

The power to annul the commission, and the power to demand the records and other property in the custody of the person removed, and the power to use all necessary force to fully execute the requirements of the public service, are all included in the power to remove an incumbent from office; and the summary use of these powers is sometimes an urgent necessity that admits of no delay. I need not enumerate instances to illustrate the force of this proposition. They will occur to every mind. The Treasury, or a subtreasury, or a mint, distant from Washington, might be robbed of its treasure while the President is consulting the Senate then in session in this Chamber as to the removal of the thief from office. Tribes of starving and desperate Indians might invade the white settlements, and plunder and massacre the people, while the President was consulting the Senate as to the removal of an Indian agent who had supplies in his possession appropriated to the Indians, but illegally refused to permit them to be issued. War with a foreign power might be precipitated by the unwise conduct of our minister while the President is endeavoring to get the consent of the Senate to recall him and send out another to take his place.

The expedient that has been adopted by statute of giving the President the power to suspend certain classes of officers at his discretion, so that the Senate might thereby participate in the executive power of removal, does not derogate from his constitutional power to remove an incumbent from office. If the power to remove an officer is included in the executive power vested in the President by the terms of the Constitution, that power can not be divested or abridged by any statute

that authorizes the Senate to share it with the President. That would violate the distribution of powers, as arranged and established by the Constitution, and should be denominated the highest sin against the Constitution.

The Senate is no part of the executive branch of the Government, and no executive power is conferred upon it in the Constitution. Its power to consider and reject nominations or to consent to appointments to office is not an executive power any more than the President's veto is a legislative power. The Senate can not appoint a man to office in the Government of the United States any more than the President can enact a law.

It is impossible to believe that the men who framed our splendid body of organic laws were at such pains to confer on the Senate the definite power to render a judgment of removal against the incumbent of an office upon articles of impeachment voted by the House of Representatives, and that, after a trial so carefully guarded, and requiring a two-thirds vote of the Senate to convict the accused, and yet that they also gave the Senate the power, by a majority vote, to prohibit the President from removing the same man from the same office and for the same crime. It is an imputation on the good sense of the constitutional convention that they should have left this extraordinary power of the Senate hidden in such darkness that only the most experienced miners after remote, obscure, and concealed implications could discover it and bring it to the light.

It will be wise in the Senate to deny to itself executive powers that are not expressly conferred upon the body. Already it is the most powerful legislative body in the world and, so far, it has well proven the wisdom of the generation who gave to it extraordinary powers. Yet we have seen a more powerful organization than the Senate, a great political party, demand of the Senate the use of its supposed power to prevent removals from office by an obnoxious President, and the concession was made without a word. A law was enacted to affirm that supposed power, but it only lasted until there was a change of public sentiment, and the newly assumed powers of the Senate relapsed into a humiliating decadence; its votes were reversed, and its journals are in sackcloth and ashes, as they record the fate of the tenure-of-office act.

Even the Senate is not always firmly consistent. Its pride of power was not sufficient to hold on to its right, declared in a statute, to intermeddle with the executive power of a President who was all powerful with the people. The Senate seems to hold the right to control the power of removal or suspension as a political trust, subject to ebb and flow, so as to follow the superior power of the demands or necessities of party caucuses or conventions. It claimed this power in the most determined way when Johnson was President, and yielded it, on demand, to General Grant when he succeeded Johnson.

The Senate claims the right to all the real efficiency and value of the executive power in respect to the officers of the Government without the ability to make a movement or to take a step in the direction of its exercise until the House of Representatives puts them in motion to remove a man from office by impeachment, or the President puts them into action by asking their consent to the removal by him. An executive power is an absurd obstruction in government that can only act as it is acted upon; that can not move to execute the laws until another power has imparted to it the ability to move; that can only say, "guilty" or "not guilty" on articles of impeachment formulated by the House of Representatives without the capacity to amend them; that can only say "yes" or "no" when asked by the President to consent to the removal of a person from office; that can not make an appointment to office, nor fill up a vacancy, nor issue a commission, nor compel the President or anybody else to do these things.

This pretentious usurpation of the power of removal by the Senate, asserted in their behalf by the Committee on the Judiciary, is without the support of a single sentence in the Constitution that even hints at a grant of such power to this body. Its existence is assumed because the Constitution is silent as to its being conferred on some other department. Surely it is silent as to the bestowal of this power on the Senate; but it speaks in the broadest and most express terms of its being "vested in the President of the United States of America."

This alleged grant of power to the Senate, with all its burden of grave consequences to the country, is hung trembling on an attenuated thread of inference spun by the uncommon skill of the Committee on the Judiciary, from the false premise that the power of removal from office is not a distinct and substantive executive power, but one that arises by the law of necessity, as an incident of the power to appoint to office. The effect of their argument is that the power to appoint to office is not an executive power, with which the President is invested by the first section of the second article of the Constitution and which is modified in the second section of the same article, but that it is granted only by the second section, and is not included in the first section, which grants the executive power to the President, and that the power to remove persons from office has no place in the Constitution, except as an outgrowth of the power to appoint to office. The premise is false, and the conclusion is without support.

The appointment and the issue of the commission are purely executive acts of the President, in which the Senate can not participate. If, therefore, the power to remove from office is only the incident of the power to appoint, the incidental power belongs to the appointing power, which is the executive power vested in the President.

The Senate, through its Committee on the Judiciary, assumes that, because power is given to it to defeat a nomination of the President by refusing its consent to the proposed appointment on one day, which it may give on the next day if it chooses, that it must have been intended to give to the Senate a different power, another power as distinct from the power to consent to an appointment as the power to destroy is from the power to create.

This assumption can not be justified either in law or as a wise and safe policy. It has the disagreeble aspect, also, of an effort unduly to magnify the powers of the Senate, to the disturbance of the harmony and the wasting in needless friction of the power of the Government to do the will of the people constitutionally expressed.

When President Grant demanded the restoration of his constitutional rights in removing men from office they were restored. The Senate retreated in good order, but still sullen from its defeat. The law was virtually repealed. The President was invited, in the repealing act, either to destroy Johnson's appointees by suspending them or by cutting them down. Their official lives he could terminate either by starvation or decapitation, by hanging them up or by shooting them down. He was not to be embarrassed by an order from the Senate that a person he had suspended should be returned to duty and forced back into the office against his consent. The Senate only claimed the privilege of being present at the execution when invited to it by the President. I believe that honor is still solicited by the Senate, and we are about to show a very bad temper because the President refuses us the privilege of conducting the funeral, as well as the honor of disposing of the official life of the victim.

Thus was ended, as the world supposed, the third and last campaign of Congress against the rightful powers of the executive department; but the forlorn hope comes forward to close the war by a resolution of indignant denunciation against the Attorney-General, but meant for the President, because he has shown enough respect for the remains of the tenure-of-office act and for the feelings of its bereaved friends not to rudely kick it out of his path of duty as he marches along. Neither the Congress nor the Senate can hope successfully to renew this war upon the President, when the ground already lost in the retreat before General Grant includes the whole field, not enough of it being left on which to form a line or plant a gun.

The Presidential office is limited to four years. He can appoint men to office, even where the tenure is fixed by law, whose terms will not expire until a very late period in the term of his successor. In the case of foreign ministers, to whose offices no terms are affixed, the appointment and commission continue indefinitely until they are removed. Is it more dangerous to the country that the appointees of a President shall be held in office by the Senate after the people have turned him out than that his successor should have the power to remove them? The power of removal is the only one relating to officers who are obnoxious to the people that the President can exert in their behalf and to carry out their will as expressed in his election. It may happen, if it has not in fact happened, that a President is elected on a pledge to the people to free the offices from obnoxious incumbents. If they have any use for the ballot, or any real influence in their own Government, the administration should respond to their will so expressed.

If the Senate can prevent the removal of such obnoxious persons, the people, who do not elect Senators, would find their way to this relief blocked, because the Senate can tie the hands of their chosen representative in the Presidency.

The power of removal is the attribute of the Presidential office that is held more directly in trust for the people than any other, and is more important to them than the power of appointment, or than almost any other power that the President possesses. A bad man in office is a certain evil, a known quantity of danger to the people. His frauds and peculations have excited their indignation; his immoralities have shocked and disgusted them; his grand larcenies have robbed them; his corrupting example has alarmed them; the glamour of his fame as a warrior has dazed them; his wealth has gathered supporters about him that applaud his villainies, and many of these may have had seats in the Senate, bought for them as seats in a stock exchange are purchased, and the people are aroused at the dangerous power he wields; he may be a Secretary of the Treasury, with all that vast power in his hands; he may be the real master of the President, and the people vote that they will destroy his power. All they can do is to elect a President who will remove him. If they do that, and the Senate can interpose its veto upon their will, the idea that elections by the people are of any value might as well be dismissed. We must elect a President, and then wait until we can change the majority in the Senate to coincide with the will of the people before we can lay the hand of authority on the throat of a corrupt tyrant who holds a great and controlling office to turn him out.

The chances that we shall incur dangers that will surely destroy us, if we can not destroy them, are a thousand fold increased when the Senate, for whom the people can not vote, can compel the President to obey their will above the will of the people both as to removals from office and as to appointments to office.

Except through the President and the members of the House the will of the people is not a direct and potent factor in our Government. The voters of the United States are by no means so powerful in controlling their Government as are the voters of the Kingdon of Great Britain. Our fathers so arranged it, and we are content. But if they had seen fit to declare in the Constitution that the Senate should have the power over the offices, without which none can be appointed and none removed, we would be to-day deploring the fact that they had given us a deceptive liberty in place of a more beneficent British liberty—the name and semblance of a government of the people, but in fact of the Senate.

So I estimate the right of the people to control removals from office as being of far more value to them than the power to control appointments. The latter is the hope that wisdom may prevent recurrence of evil in the future, while the power of removal is the only means by which an existing evil may be eradicated, and is the demand of a people who are already wronged. To illustrate this, I am proud to say that I can not cite the Senate to an actual example in the history of our foreign relations. But "it is the impossible that too often happens," and, in our peculiar system the Senate has a dangerous opportunity, if it chooses, to set the people at defiance, if it may refuse to permit the President to dismiss a foreign minister. It could be imagined that majorities in the Senate might exist that would so abhor a President that they would keep a minister at a foreign court who was in every sense unfriendly to him and to his administration—a minister who would provoke war while the President and the people desired peace, one that would break a treaty that two-thirds of the Senate had ratified, and who would be sustained in it by a bare majority, found at a later date, in the Senate, who would keep him in place in spite of the President. Without the power of removal resting in the will of the President, and to be used as he might find occasion to use it in many dangerous emergencies, we would be in a condition far worse than we would if the Senate had the exclusive power of appointment to office. It is the power to remove that must be relied on to save the country from a known and actual danger at the hands of a bad officer, while the power to appoint is most useful as a security against future abuses. The future is best secured by careful counsels, while the present safety often demands prompt, decisive, and conclusive action.

I close with an inquiry that deserves if it does not demand an answer from the Committee on the Judiciary. Is the committee prepared to assert that the President never had the power of removing persons from office; that only Congress can confer this power by law; that the alleged power of the Senate to refuse to consent to the removal of a person from office is conferred upon this body by the Constitution; that the Senate holds its power by a grant made in the Constitution, while the President must produce an act of Congress to sustain his action whenever he removes a person from office; that the Senate has the essential power to make appointments to office, because it can prevent such as are not to its liking, and the power to make removals, because it can prevent such as it may not choose to consent to?

Have all these removals that were made by Presidents without the consent of the Senate for nearly one hundred years been sheer usurpations of power? If so, where has been the Senate, now so vigilant, while the President, with or without the sanction of law, has openly seized upon powers granted to it and denied to him, and has ravaged its constitutional domain? We are asked to believe that the framers of our Constitution when forming and adjusting the great executive department of the United States forgot to notice the power of removing men from office. They neglected to mention it by name or to give it a place in the grand system. It was the great lost or abandoned power of government, wandering upon a dark sea of uncertainty, either flotsam, jetsam, or ligan, waiting to be taken by the salvage corps of the Senate and condemned to its own use. In the mean time the President had used this power, no one disputing his right, until shipwreck overtook the fortunes of Andrew Johnson.

The salvage corps of the Senate was promptly on hand. They had helped to wreck the ship and claimed this last power of removal from office as their part of the spoil. They got it and held it for nearly two years, and then surrendered to General Grant, as the States of the South did the asserted right of secession. "In the Providence of God, who ruleth in the councils of men and guideth the nations in their courses, all things that are right will, in the end, be made right."

I have put some questions to the members of the majority of the Committee on the Judiciary which I hope they will have the courage to attempt to answer. They have not done so, either in their report or in their arguments. Those questions will be found in the RECORD, and I again invite especial attention to them.

Mr. MITCHELL, of Oregon. Mr. President——

Mr. MCPHERSON. I suppose it would be as agreeable to the Senator from Oregon to go on to-morrow morning with his speech, and as we need an executive session I will move, with his permission, that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. EDMUNDS. Let me say a word.

Mr. MITCHELL, of Oregon. I will yield to the Senator from New Jersey.

Mr. EDMUNDS. Will the Senator from New Jersey allow me to make a suggestion?

Mr. MCPHERSON. Yes, sir.

Mr. EDMUNDS. I wish now, in pursuance of what was said yesterday, to ask unanimous consent that the general debate on the resolutions shall terminate at 5 o'clock to-morrow, and that whatever Senator may be in charge of the resolutions at that time shall have one hour for a general reply, at the end of which, or before if it does not take an hour, a final vote shall be taken on the resolutions.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the general debate be terminated to-morrow at 5 o'clock, and that the Senator in charge of the resolutions shall then have one hour in which to close the argument, and that the vote shall then be taken. Is there objection?

Mr. KENNA. That would give from 2 until 5 o'clock to Senators who may desire to speak upon either side on the resolutions. I have nothing to say myself, but I doubt very much if that would give an opportunity to those who desire to speak to submit their observations before the time fixed by the Senator from Vermont. Having had the opportunity and all the opportunity I desire myself, I am unwilling that any other Senator on either side should not have the fullest opportunity to say what he may desire to submit on the subject.

Mr. EDMUNDS. Then I will make this suggestion, because I wish to accommodate every Senator and to get on, that the general debate shall terminate on Friday at 3 o'clock, and that the resolutions may be taken up earlier than 2 o'clock if the Senate so choose.

Mr. COCKRELL. Immediately after the morning business.

Mr. EDMUNDS. Yes, so as to conclude them; and that at 3 o'clock on Friday the general debate shall terminate, and that the Senator in charge shall have an hour to reply.

Mr. VOORHEES. Does the Senator from Vermont mean to take the resolutions up to-morrow earlier than 2 o'clock?

Mr. EDMUNDS. That is what I suggest, *in order to give more time.*

Mr. VOORHEES. I only desire to say, with entire frankness, that I wish to submit a few remarks to-morrow, following the Senator from Oregon, but not at any great length, and I will agree to any proposition to terminate the debate fairly. I think I know of some other Senators, not all perhaps on this side of the Chamber, who desire to occupy some time.

I wish to say, however, that the termination of this debate will depend somewhat necessarily upon the character of the discussion as it proceeds to a close; but so far as I am concerned, I am not averse to concurring in the suggestion made by the Senator from Vermont, if that is the wish of the rest of the Senate.

Mr. CALL. I do not desire to delay the termination of the debate. It is my expectation, however, to occupy a very few minutes of time before the debate closes. I do not know what other Senators there may be who may have it in view to take a part in the discussion; but I should not wish such an arrangement made as to forestall either myself or others from occupying some very small portion of time.

Mr. EDMUNDS. I think that every Senator who wishes to speak might have a full opportunity by the time suggested, and certainly if he should not I should be willing to do something else. I suggest that we arrange to take this matter up earlier than 2 o'clock to-morrow and earlier than 2 o'clock the next day, and then have the general debate terminate at 4 o'clock, if you please, instead of 3, on Friday, and that whatever Senator may then be in charge of the resolutions (and I say that because it may happen, with my cold and the trouble I have with my throat, that I may be ill, though I hope not) should have an hour for a general reply; and then we shall close at the end of that.

Mr. CALL. I suggest to the Senator from Vermont to say Friday generally, without mentioning 4 o'clock or any particular hour.

Mr. EDMUNDS. If we do not mention a particular hour we have found by former experience that we never come to anything.

Mr. CALL. Simply say "before the adjournment of the Senate on Friday."

Mr. EDMUNDS. I have stated my proposition, Mr. President, and if there is objection, of course that is the end of it for now.

Mr. KENNA. I have no objection to urge to the suggestion of the Senator from Vermont. On the contrary, I believe it is quite generally desired that the debate shall be concluded at an early day and the matter before the Senate disposed of. However, I can not quite bring myself to agree that an understanding shall be had by the Senate that the Senator in charge of the resolutions, whoever he may be—and I assume of course that that Senator will be the Senator from Vermont—shall have an hour to conclude the debate, and that thereupon the vote shall be taken.

Mr. FRYE. That is the rule of debate.

Mr. KENNA. I do not know what may happen within that hour. I have no reason to believe that I should desire to say anything afterward; but after a debate of some two or three weeks in the Senate, in view of a general agreement now, it might be quite important that some-

thing should be said, not in conclusion but at least in notice of what might be said within that last hour; and I do not want to be precluded, speaking only for myself, from the opportunity, if I should feel that opportunity to be important to me or to my view of this question, to say a word or two, if such word should be rendered necessary or of any sort of consequence by that concluding hour's argument.

I assume that such an opportunity would be given, notwithstanding any sort of arrangement we may have now; but lest there might be some misunderstanding on that score, I desire now to say, as I understand to be the privilege of a Senator on this floor under the rules, that I should claim that opportunity if I thought it necessary; and I do not now desire to acquiesce in any understanding that may preclude it.

Mr. EDMUNDS. The suggestion I made has only been the one that has followed the uniform practice of the Senate to my knowledge for it will be twenty years the 5th of April. Where any discussions that involve important considerations, whether political or legislative or whatever, were brought to a close, it has been universally agreed that the Senator in charge of the measure should have the opportunity of a general reply, and that then the vote should be taken.

Of course I have no criticism to make upon my friend from West Virginia insisting upon his rights, as he has them, as a Senator, to speak as often and as long as he pleases, first or last or any other time, when under the rules he can get the floor, as of course here everybody can at any time in due order.

Mr. KENNA. I think the Senator from Vermont misunderstands me. I am very far from insisting that any other than the Senator in charge of the resolutions shall have the concluding speech. So far as I am concerned he may make that speech as long as he chooses. On the other hand, I am quite unwilling to agree that any Senator, in support of the resolutions or otherwise, shall arbitrarily (I use the term not in any possible offensive sense) have an opportunity to conclude the discussion and thereby exclude everybody else. I should certainly not desire for a moment to exclude the Senator in charge of the resolutions from the fullest opportunity to make the concluding argument, and at any length it may suit his convenience or his judgment; but to say now that any particular Senator shall have an hour fixed by the clock to conclude a debate which has extended over a week or ten days or two weeks, and thereby to agree that no other Senator shall have the opportunity, even for a moment, to reply to any utterance of that hour, I am quite unwilling to accede to. I think there is no misunderstanding about the matter. I am perfectly willing that any time shall be fixed that recognizes a reasonable opportunity on both sides of the Chamber to meet such issues as may be developed toward the close of the debate.

Mr. CALL. I wish to make a suggestion to the Senator from Vermont. I see no difficulty in the debate being closed on Friday without specifying any particular hour, even if we should have to remain here an hour or two longer than usual. But it is not probable from all I can hear that there will be any necessity for that. It seems to me an understanding that the debate shall close on Friday would answer the purposes of the Senator.

Mr. EDMUNDS. As the Senator from West Virginia objects, and as I do not wish to compel my friend from Oregon to go on now, as gentlemen on the other side have not been compelled to do so at this late hour of the day, if there is no objection by anybody else I will accede, as it is all I can do, to the suggestion of the Senator from Florida, and ask that we come to an understanding that this matter shall be brought to a final disposition on Friday.

Mr. HOAR. It is only 4 o'clock now.

Mr. FRYE. There is time enough for a two hours' speech to-day.

Mr. BUTLER. May I suggest to the Senator from Vermont a way out of the difficulty? At the expiration of the argument of one hour of the Senator having charge of the resolutions why not extend the debate for one hour longer, limiting each Senator to five minutes?

Mr. EDMUNDS. As I understand my friend from Oregon is perfectly willing to go on now, we can wait and see. Perhaps we shall "sit it out" to-night.

Mr. MITCHELL, of Oregon. I can go on either now or in the morning.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. MITCHELL, of Oregon. Mr. President, it is not my intention to discuss all the constitutional or political questions involved in this debate, or in fact do more than state very briefly my views in reference to the report and the different resolutions contained in the series reported from the Judiciary Committee and the considerations which shall govern me in any vote I may cast.

In the main I concur in the report submitted by the honorable chairman of that committee, at least in so far as it asserts the doctrine that it is the duty of the executive officers to furnish, when called upon by the Senate, documents and papers relating to the administration of the office by a suspended official; and while I agree, as stated in the report, that it is desirable upon the part of the Senate and highly proper that the Senate should be in possession of such official papers in considering the propriety of advising and consenting to the proposed removal of an official, I should not be disposed to insist that the presence of such papers is absolutely necessary, positively essential, as stated in substance and effect in the report, to the discharge upon the part of the Senate of its constitutional duty in advising and consenting to proposed removals from office, and this upon the assumption that the right of the Senate to pass upon the act of removal by the President is unquestioned—and that is a question I do not propose to discuss at this time. And with this qualification I should be disposed to agree to all that is said in the report, and therefore with such qualification should concur in the first resolution, which reads as follows:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

And believing, furthermore, that the Attorney-General is plainly in error in his refusal to furnish the papers called for in the case under consideration, I assent cheerfully and without hesitation or qualification to the second resolution in the series reported, and which reads as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

And to this also should I give my assent, regardless of the question as to whether the Senate has or has not the right under the Constitution and the laws to pass upon the act of removal. If called upon, however, to vote on the series as a whole, I desire to state that in that vote, should it ever be given, I, in so far as it relates to the indorsement of the third of the series, shall give it most reluctantly and under positive protest, and for the reasons I now propose briefly to submit, and shall only hesitate, if hesitate I shall, from casting a vote against the series on account of the, to me, objectionable character of the third resolution, because of my earnest indorsement of the second resolution, from my great reluctance to do anything that might seem like antagonizing the views and wishes of party leaders on what may be considered a party question, and out of deference to my party friends and the superior judgment of those friends who constitute the majority of the Judiciary Committee, but with whose superior judgment, in so far as the third resolution is concerned, I frankly confess I am unable to agree; and my vote, if given, in so far as it relates to such resolution, must be considered merely perfunctory and for the reasons suggested, and given under decided protest; and therefore I must not, when we shall come to consider nominations of the President, whether these resolutions be adopted or not, be considered as in any manner bound by it except as in the construction I shall be pleased to give it; but in all such cases, and in every case of a nomination by the President, I shall reserve the right to exercise my individual judgment and cast my vote either for or against advising and consenting to nominations and the proposed removal of officials in accordance with my individual views of my constitutional duty in the premises as I am now about to state them, and in accordance with the facts and the right of each particular case as they may appear to me before the Senate.

This third resolution, to which I find objection and against which, if I had the privilege of a separate vote, I should certainly cast my vote, reads as follows:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers, the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

To the end that the precise question I raise may be accurately defined and definitely stated I will here submit what I would regard as a fitting and proper substitute for this third resolution, whether considered from a constitutional or party standpoint, did I feel at liberty, in view of all the circumstances, at this time to offer a substitute, which at the precise moment I confess I do not. I ask that my proposed substitute be read.

The Secretary read as follows:

That in the event of the failure or refusal of the head of a Department, whether under the direction of the Executive or otherwise, to furnish the papers, or copies thereof, relating to a suspension or proposed removal by the President in any given case, when called for by the Senate, it still remains the constitutional duty of the Senate to proceed within a reasonable time, and as soon as convenient, to consider the nomination sent to the Senate in such case by the President, in the light of such information and evidence as it has before it, or may be able to obtain, and to either advise and consent, or refuse to advise and consent to the appointment of the person nominated according to its best judgment, based upon the information and evidence before it; and in no event is the refusal on the part of the Executive or the head of a Department to furnish papers or copies thereof relating to a suspension or proposed removal, when called for by the Senate, to be deemed in and of itself a sufficient reason either for a failure upon the part of the Senate to consider any nomination, or for a decision refusing its advice and consent to the appointment of the person nominated.

Mr. MITCHELL, of Oregon. It may be observed, as I have stated, that the third resolution of the committee attempts to define the constitutional duty of the Senate in a particular case and under certain clearly defined and specified circumstances in the matter of the exercise of its power in advising and consenting to appointments to public office, or, as stated in the resolution, in advising and consenting to proposed removals. I should define the constitutional duty of the Senate under this same case as stated, and under these precise circumstances, not in the manner stated in this third resolution, but as described in the paper which I send to the desk and which I may or may not feel authorized

to offer as a substitute at a later day in this debate—depending on the course the debate may take and other circumstances. For the present, I submit it not as a substitute, not as an amendment, but as part of my remarks:

It will be observed, as I have stated, that this third resolution of the committee is an attempt to define the limits and scope of the constitutional duty of the Senate in a given case in the matter of the exercise of its constitutional power to advise and consent to appointments to public office. And while assuming, and I agree very properly, that the withholding by the Executive or any head of a Department of the documents and papers in reference to the supposed official or personal misconduct of a suspended official, when deemed necessary by the Senate and called for in considering the matter, is, as stated in the second resolution, a violation of official duty, subversive of the fundamental principles of the Government, and of a good administration thereof, asserts as a legal and constitutional corollary that in such cases and under such circumstances it is the duty of the Senate to refuse its advice and consent, as the resolution has it, to "proposed removals of officials." That is, to say in all such cases the mere fact that the Executive or head of a Department has failed to perform a duty by refusing to furnish certain papers deemed necessary by the Senate before it can have any knowledge of their import, and which may or may not in a measure illuminate the subject under consideration, shall be a complete justification in every such case for an absolute suspension upon the part of the Senate of all further inquiry for information in every other direction, of all attempts at investigation through other mediums of knowledge, for a peremptory refusal to further consider any and all other information or evidence that may actually be before the Senate or within the easy reach of its process and power, and for an absolute suspension of the exercise of all official deliberation and judgment upon the part of the Senate, and a full, complete and conclusive constitutional justification of the Senate in refusing for that reason, and that alone, to lend its advice and consent to a nomination or proposed appointment.

This is in the clearly expressed language of the resolution, and in terms free from all ambiguity or obscuration, the precise position assumed by the majority of the Judiciary Committee in its third resolution, and from this I dissent, most emphatically and absolutely, and without the slightest hesitation.

I take it the constitutional duty of the Senate of the United States in reference to its power to advise and consent to appointments to public office can neither be enlarged nor diminished, extended nor circumscribed, nor can its imperative and binding obligations be either strengthened or weakened by the omission, or failure, or refusal, if you please, upon the part of the Executive or the head of any Department to furnish any document or paper whatever, official or otherwise, relating either to the fitness of the person nominated, or the administration of the office by the person suspended, and whom it is proposed to remove, and this irrespective of the question whether it is or is not the duty of the Executive and heads of Departments to furnish such documents and papers when called for.

The Constitution declares:

> He [the President] shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, &c.

It will not, I presume, be denied that this clause making it the duty of the President to nominate, and, when the advice and consent of the Senate is given, to appoint certain public officers provided for by the Constitution and the laws, also imposes a constitutional duty on the Senate no less imperative, no less important, and no less binding than that imposed on the Executive, and from a speedy, just, and fearless discharge of which upon the part of the Senate, with such aids as it may reasonably, properly, and constitutionally bring to its support, it can not be released or in any manner absolved by any failure, or dereliction, or refusal on the part of the Executive or heads of Departments to furnish papers. The constitutional duty of the Senate can not be abridged, nor its obligations be in any manner or respect weakened or rendered obsolete by any lack of performance of duty on the part either of the Executive or any other officer of the Government.

Assuming, therefore, that the President is occupying untenable ground in withholding from the Senate certain official papers which may or may not throw light upon the questions that may properly be considered by the Senate in the exercise of its constitutional duty in advising and consenting to appointments to public office, it does not, in my judgment, follow by any manner of means that the Senate shall do that which in my judgment amounts to a violation of its duty in the premises by proceeding to decide a case adversely, not upon such testimony and information as it may have before it, and such other testimony as it, with proper diligence and effort, and the placing in proper and efficient motion of the instrumentalities and processes and powers that attach to it, might be able to procure, but upon the sole ground and for the sole reason that the Executive or head of a Department has failed to furnish certain testimony which, in the judgment of the Senate, should have been furnished, and which, if furnished, as a matter of fact might or might not in any manner influence or change the judgment of the Senate in the matter under consideration.

This third resolution of the Judiciary Committee declares in purpose and effect that in the event of failure or refusal to produce the papers in any given case when called for that then on that, and on that alone, it becomes the duty of the Senate to reject the nomination; in other words, if the President shall omit or fail or refuse to discharge a particular duty as understood by the Senate, that fact, and that alone, in the case stated shall furnish a sufficient reason for a decision on the part of the Senate to the effect that it will not advise and consent to a particular appointment; and this, too, when the Senate might with proper effort become fully convinced of the fact that the suspension of the incumbent and the nomination of a successor were just and proper acts upon the part of the Executive and in the interest of good government, or on the other hand that a gross injustice has been done in making the suspension, a flagrant wrong inflicted on the incumbent, and that therefore a judgment of refusal to advise and consent should properly be rendered on the information and evidence before it; and notwithstanding the further fact that the papers asked for and refused, as I have before stated, might not throw the slightest ray of light on the questions involved.

To determine in advance here and now as the proposition is in this third resolution of the Judiciary Committee, that this Senate will reject a nomination or nominations, in fact all future nominations, whenever the papers are called for and refused, is to declare in advance that we will reject a nomination, not because of evidence before the Senate to justify such rejection, but rather because of a failure on the part of the Senate, through an obstruction caused by the mistake or misconduct, if you please, of some other department or officer of the Government, to procure certain papers which, as has been said, it deems necessary, and without any knowledge of their import, and which may or may not throw light upon the question as to the propriety of the suspension or the worthiness of the nominee. It is, in other words, to determine in advance of the consideration of appointments by this body; in advance of the receipt of any evidence on the subject; in advance of any knowledge as to the conclusive character of the evidence that may come before the Senate, but also absolutely in advance of suspensions and nominations by the Executive that we will decide adversely to each and every nomination now pending, or which may hereafter be sent to the Senate in the event that the papers in such case are withheld when called for by the Senate. That is to say, in all such cases testimony shall not be considered in reaching a conclusion; the exercise of judgment shall have no place in our deliberations; in a word, we shall not deliberate at all. There shall be no weighing of evidence, no interchange of opinions among Senators, no effort to secure information or testimony bearing upon the question; whatever of personal knowledge any Senator may have as to the entire propriety of the suspension, or the absolute worthiness and fitness in all respects of the nominee, or of the absolute unfitness of the incumbent to continue in office and the entire worthiness of the nomination, shall not be considered, but shall go for naught, provided always that a bare majority of this Senate shall without knowing anything about their nature deem it necessary, and shall call for the papers bearing upon the particular case and they are withheld; but on the contrary we must decide the case in such event without deliberation, without any consideration of the testimony before us, be it much or little, vague or conclusive, without the least exercise of judgment and according to the arbitrary, and, as I believe, unwarranted and unconstitutional test you now propose to establish; that is to say, if the papers are not furnished when deemed necessary and called for, and be they many or few, important or otherwise, and this when we do not know, and can not possibly know what they are, or whether in fact there are any of any character whatever, we must vote to reject. Or to state the case somewhat differently, because the President fails to furnish certain papers which may or may not shed some information on the subject under consideration and which we think it his duty to furnish, we will introduce into this body a political and legislative *lex talionis*, and thus violate, as I believe, our plain constitutional duty, by making this fact alone—this omission of duty on the part of others the sufficient and sole basis for a decision on our part—refusing to advise and consent to any such nominations.

To my mind any such arbitrary, iron-clad rule as this is not warranted by any constitutional or statutory provision, and is in my judgment not only a very plain violation of our constitutional duty, but will, I fear, be considered by many as smacking withal of a spirit of obstructive partisanship and factional opposition scarcely less reprehensible than that exhibited by the administration in its action in withholding papers, the effect of which is, whether the result of mistake or otherwise, to conceal wrongfully and illegally from the public gaze and the official scrutiny of the Senate all official papers relating to suspensions and appointments, which, by the very act of the Executive, have been made part and parcel of the public archives, and which by right should be forever open to public inspection.

For one, believing as I do that the Executive is in error in declining to furnish papers whether considered in reference to his constitutional prerogatives, and duties, or otherwise—and what I mean by otherwise is that I believe this position of the President and his Cabinet to be the very worst blunder of the administration to the present date, and one whether the result of honest mistake or otherwise that will not in any

perceptible degree contribute to its fame as a reform administration or tend to strengthen the people in its sincerity in or fidelity to the doctrines of civil-service reform, and for honest, open, fair-dealing with suspended office-holders—I am unwilling to make that error, as error I believe it to be, upon the part of an Executive who is striving to give the country a good administration the excuse for a still more serious one on the part of the Senate. And, in my judgment, if the majority of this Senate assumes the position and adheres to it that the mere fact of the refusal to produce papers, which the Senate deems necessary, when called for, is in and of itself a sufficient and conclusive ground for the rejection of nominations it will be very difficult to convince the great masses of the people of this country of any political party that it is not a very impotent excuse for what will be by them generally considered an effort upon the part of a Republican Senate to keep Republicans in office and Democrats out. In other words, it will be said all over this Republic, and not without some show of reason, that it is an effort to perpetuate Republican rule in so far as holding office is concerned under a Democratic administration, and when the people of this country have decided at the ballot-box in favor of a change.

But, says the honorable chairman of the Judiciary Committee, it is only in a case where the papers are deemed necessary by the Senate and are called for that their refusal makes it the duty of the Senate to refuse its advice and consent to a proposed removal. My answer is that this suggestion, when considered in connection with the position assumed in the report of the committee, that it is the duty of the Executive to furnish papers in all cases when called for, and that it is not only desirable but necessary that the Senate should have the papers in each case of a suspension, but that since the passage of the tenure-of-office act over nineteen years ago it has been the uniform practice of the Committee on the Judiciary to call for papers in all cases of suspensions, amounts simply to this, if these views of the committee be adopted by the Senate without qualification, that is to say:

First. It is our duty to have the papers in every case of a suspension and proposed removal;

Second. It is our duty to call for them in every such case if, as stated in the report, it is not only desirable but necessary to the proper performance of our duties that we should have them; and,

Third. It being our duty to call for them in every such case, and being called for and refused, then our constitutional duty as stated in the third resolution is to reject each and every nomination. In other words, following out the theory of the report and the first resolution, it would seem to be impossible that any case could arise wherein it would not be the duty of the Senate to call for the papers.

And as the Executive has peremptorily declined to furnish the papers in any such case, then the logical and inevitable conclusion is, according to the theory of this third resolution, that the Senate should not in any case advise and consent to the proposed removal of a single suspended officer. The undoubted construction of this third resolution when construed as it unquestionably must be in the light of the preceding resolutions and the report is simply this: That while it is not only desirable but absolutely necessary that the Senate should have the papers in all cases of suspensions and proposed removals, therefore, whenever the Senate shall deem the papers necessary, and this must be so in every case, following out the logic of the report and first resolution, and shall call for them and they shall be refused, then it becomes *ipso facto* the duty of the Senate for that reason and that alone to refuse its advice and consent to a proposed removal and to the appointment of the person designated by the President.

In view of what precedes, therefore, the insertion in the third resolution of the words "when deemed necessary by the Senate," is simply reasoning in a circle, because, as stated in the report, which is adopted by the first resolution, it is declared in positive terms, and without any qualification whatever, that in order to enable the Senate to properly perform its duties and to protect the interest of the public, considered in its every aspect, it is not only desirable but necessary that the simple facts in regard to what the conduct of suspended officials has been should be made known to the Senate, and then assuming that these facts can only be made to appear by the documents and papers on file, the report declares:

> Such information, it would seem, the Executive is determined the Senate shall not possess.

And then follows this third resolution declaring that in all cases where the papers are deemed necessary by the Senate, and that is, if this report be adopted without qualification, and followed in every case of a suspended officer, and are called for, and surely if they are not only desirable but necessary to the performance of our public duty and the protection of public interest, then it is the bounden duty of the Senate to call for them in every case of a suspension, and they are refused, that then in every case it shall be the duty of the Senate for that reason to refuse to advise and consent to the removal of a suspended official. But even though the report of the committee had not asserted the doctrine, which by the way, as has been seen, it does assert in unqualified terms—

That as a matter of fact the possession of these documents and papers by the Senate is not only desirable but absolutely essential to the discharge of its constitutional and legal duty, and that, therefore, in the absence of such declarations on the part of the committee, it still remained an open question for the Senate to decide in each particular case as it comes up as to whether or not it was necessary in that particular case to have the papers, upon what principle of justice, or equity, or fair play, I would inquire, could the Senate declare that in one case of a suspended official in the State of Oregon, or any other State, it was necessary and proper that the official papers filed demanding his removal, or which in any manner affect the administration of the office from which he is suspended, should be brought before the Senate and be given an opportunity to meet and answer any charges they might contain, while in another case no call for such papers should be made, when perhaps in the latter case the papers (and the character of all papers on file in all cases must be presumed in these days of executive protest to be unknown to the Senate) may either contain false charges against the suspended incumbent, or, on the other hand, may contain explanatory evidence of charges of incompeteney or unworthiness of the officer which may through other sources than the public records have been brought to the attention of the Senate.

On the theory, therefore, of the report that the official papers are not merely desirable, but absolutely essential to enable the Senate to properly discharge its constitutional and legal duty of advising and consenting to appointments, or, if you please, to the removal of an official, I am unable to comprehend how the question of the necessity for the papers can be left an open one in any conceivable case should these resolutions be adopted without qualification.

The rule intended to be established must be and is intended to be a general rule applicable alike to all cases of suspensions from office by the President, not a rule intended for extreme, peculiar, unusual, and extraordinary cases; and the rule here proposed, stripped of every disguise, construing this third resolution in connection with what precedes it, is simply this:

First. We are entitled to the official papers in every case of suspension;

Second. Their production in every such case is not only desirable but essential to the proper discharge of duty on the part of the Senate, and the protection of the public interest in its every aspect;

Third. When called for, as it is our duty in every case to call for them, if we follow the report of the committee, it is the duty of the President to furnish them; and

Fourth. In the event that he fail in this regard to do his duty, it then becomes the constitutional duty of the Senate to refuse to advise and consent to the removal of the suspended official for that reason, and that alone.

That is to say, because of the fact that the papers have not been furnished and the further fact, as asserted in substance and effect in the report, that without the production of such papers it is impossible that the Senate can properly discharge it constitutional functions. To this latter conclusion I do not agree. I agree the Senate should call for the papers on file in every case of suspension; I agree moreover that it is desirable that the Senate should have such official papers in every case, that it is the duty of the administration to produce them when called for; and I agree furthermore that a failure to perform this duty on the part of the Executive may and undoubtedly will in many instances and in many respects embarrass the Senate in the performance of its constitutional duty may in a measure obstruct the channels of justice, may in some instances inflict great wrong, not only on the suspended official but on the Government, and do violence to all correct rules of civil-service reform, and interfere in a measure with the proper and orderly administration of the public business, yet with all this I am not prepared to believe that any such omission of duty on the part of the Executive shall of itself be a justification on the part of the Senate of the United States for an omission on its part to perform its constitutional functions of either advising and consenting or refusing to advise and consent to the appointment of each person whose nomination may be submitted to the Senate by the Executive, according to its best judgment, with such lights as it may be able to bring to bear upon each particular case.

With the same propriety it seems to me we might resolve in advance that in the event the Senate deems it necessary in the consideration of any case of a suspended official and of a proposed removal that the suspended official should testify before the Senate, and in case of his refusal to attend on being summoned, or in case of failure to secure his testimony, believing it to be important, that it would in such a case be the constitutional duty of the Senate to refuse to advise and consent to the proposed removal and appointment.

In all investigations, legislative, executive, judicial, and canonical, it is no uncommon thing, but, on the contrary, a frequent occurrence, that testimony deemed important can not be obtained even after all the powers of the investigating tribunal have been brought into exercise and every effort exhausted, but what would be thought of a court or any other tribunal that would make this fact alone, this failure to procure a certain paper deemed important or even necessary, the excuse for a failure to investigate at all, or the basis alone of a judgment either for or against a party to the controversy?

If it were true that the United States Senate had but one official eye and one official ear through which to obtain knowledge in reference to the fitness of men in office, and of those whom it is proposed to put in, and that such knowledge could come alone through the executive officers of the Government and from papers on file in the Department in any given case of suspension, then there might be a justification in every case for refusing to advise and consent to an appointment when such papers, the sole means of information, were withheld; but such is not the fact. The official eyes and ears of this body are numerous.

The powers of the Senate in reference to obtaining information upon any subject within its jurisdiction are by no means insignificant, dwarfed, or limited; its process reaches to the extremities of the Republic, though it may be powerless to grasp official files of the Executive Departments, against the protest of the Executive and the assertion of executive power. By the Senate's order any of its committees may be empowered to send for persons and papers, and in every instance compel their production and presence, unless perhaps in the single case of official files in executive offices when executive protest is interposed, and I doubt but little that the honorable chairman of the Judiciary Committee would not concede that an exception exists even in that case; it can inaugurate investigations, and has done so time and time again, for the purpose of aiding in obtaining evidence, disclosing facts, and reaching conclusions.

In case of a suspension it can permit or compel the suspended officer to be heard under oath or otherwise; it can summon his neighbors and friends if he desire it, or whether he does or not; it can take the testimony of those familiar with his personal and official conduct; it can listen to the statements of Senators under oath or otherwise from the State where the suspended official resides and by whom he is personally known as to their knowledge of his personal and official conduct, his standing in the community, his reputation for honesty and sobriety, and his general worthiness or unworthiness for the position he holds and from the exercise of the duties of which he has been suspended. The fact moreover that there is a refusal upon the part of the Executive to furnish the papers and documents when respectfully called for may perhaps be properly considered in connection with all the circumstances of a particular case in reaching a correct conclusion based on the information and evidence before it.

While, therefore, delays and embarrassments and obstructions may be the result of the failure on the part of the President to furnish papers, and in some instances even great injustice to individuals may ensue, it must not be presumed for one moment, it seems to me, that the Senate of the United States is not sufficiently equipped with the necessary power and with sufficient means and instrumentalities for its execution to enable it to reach a correct conclusion regarding the suspension of any public officer by the President, notwithstanding the protest of the Executive, and notwithstanding his refusal to furnish papers and documents upon which he may or may not have acted in the exercise of his official discretion and power.

To hold otherwise is, in my judgment, to belittle the greatness, the dignity, the power and efficiency of the Senate of the United States; it is to declare that it does not possess inherently either the power or the means and instrumentalities absolutely essential to enable it to execute the public trusts imposed on it by the Constitution of the United States. It is to subordinate it in its practical utility, and in its power to express its will and execute its constitutional functions to the behests of the Executive; it is to surrender ignominiously its right to deliberate for itself, or form or formulate its judgment. It is to assume the position of the boy in the play-ground who refuses to play because some other boy has made a mouth at his sister without any just cause or excuse. For the Senate of the United States to refuse to do its plain constitutional duty because some other department or officer of the Government has failed to do its or his, is to obscure the splendor, and cloud the glory, and dwarf the powers that for nearly one hundred years have attached to the United States Senate.

If the spirit of questionable partianship, of factional expression and action, must germ and vegetate and bloom in these days of modern reform, let it not come from the majority in this body to dim the glorious record of the party it represents, whose best interests it would subserve, and whose power it would perpetuate; and if perchance the party in power from mistaken judgment, or for the accomplishment of party ends, or the concealment of the real motives, purposes, and acts of the administration, and to hide from public view its inconsistencies has assumed a position that is untenable, and irreconcilable with its past professions upon the subject of civil-service reform, then let not this mistake or dereliction, if such it is, be put forward by the Republican majority of the Senate as a justification for a course which can but result in obstructing in a measure the wheels of Government, and interrupting its calm and orderly administration; or for an omission on our part to fearlessly, promptly, and faithfully, with the lights before us, execute the duties impressed upon the Senate and the trust reposed in it by the Constitution.

If in the controversy now pending the majority of the Judiciary Committee is right and the President is wrong upon the main question of the right of the Senate to demand the papers, and the duty of the President or heads of Department to furnish them when called for, as I believe the Judiciary Committee on that question to be right, then it seems to me that not only our plain constitutional duty, but our duty if viewed from no other or higher or better standpoint than the mere partisan advantage that is to be derived from it in the future, would lead the majority of this Senate to make careful and thorough investigation into each individual case of suspension. And in view of the position assumed by the President, let the seal of secrecy be removed, and that investigation be made before the eyes of the world; and in case the incumbent of any particular office is found to be unworthy and the nominee is found to be worthy, advise and consent to the appointment of the latter without hesitation; and in case it is found that the incumbent was without fault, yet the nominee is altogether worthy, and it does not appear that charges affecting his integrity have been made, then to publicly announce that the person appointed is confirmed—first, because he is a competent and worthy man; and, second, because the incumbent has been suspended for and on account of political reasons only, and because of the fact that the people declared in favor of a change politically at the last election. This, it would seem to me, would be a simple act of justifiable deference, to say the least—a fair, decent, and just recognition of the rights of the people to change the administration at will in the proper manner at the ballot-box, not only in head, but in arms, legs, heart, fingers, and toes. Public opinion would then, in my judgment, be much more likely to be with the Senate, for public opinion in the end will always incline to the right side when the right is clearly demonstrated, however violent its previous oscillations.

With a spirit of liberality and patriotism and political justice, as well as political self-abnegation worthy of all praise, the Republican majority in this Senate has at its present session, while remembering the decree of the people in November, 1884, risen above every consideration of party in respect of itself and the party it represents, and placed the Presidential succession for the next three years in the hands of our political opponents; and for this act of generosity, magnanimity, if not of absolute justice on the part of a Republican Senate, the people of the Republic, irrespective of party, applauded, and as a result the strength and vigor and power of the Republican party were proportionately promoted in the land. And to my mind, whatever may be the mistakes, the inconsistencies, the shortcomings of the present President of the United States, and of the administration now in power—and I confess I do not think the list of these to the present date is more extended than is ordinarily the case with administrations—the prospective vitality, the future invincibility and power of the Republican party will still be further promoted, and new and rich garlands added to those already won, and the best interests of the Government and country subserved by the assumption of an attitude toward the administration on the part of the majority of this Senate that can not by any possibility whatever be construed by the people as being in any sense factional or obstructive, or properly regarded in any other light than that of an earnest, honest desire and effort to aid the President in giving the country a pure, peaceful, and entirely successful administration. And to such end it seems to me it is the right, if such is the desire of the President, and if in his judgment such desire and action upon his part is conformable to the platform upon which he was elected and the declarations that he has from time to time made in reference to the question of civil-service reform, to have men of his own political faith in office; and then, if, with the reins of power fully and completely in the hands and under control of the Democracy of this country, it shall two years hence fail to show a record that justly entitles it to a vote of confidence from the American people, the resumption of power by the Republican party in 1888, with its immortal record of the past and its high hopes for the future, will, under the direction of its great leaders, be as triumphant as it will be grand.

Mr. VOORHEES. Mr. President——

Mr. HOAR. Does the Senator from Indiana propose to proceed to-night?

Mr. VOORHEES. Not if I can avoid it.

Mr. HOAR. I wish to say what will take about one minute, if the Senator will pardon me.

Mr. VOORHEES. I yield to the Senator from Massachusetts with pleasure.

Mr. HOAR. I wish to say for myself, having signed the report, that I do not understand it as the Senator from Oregon seems to understand it. I understand he thinks the position of the majority of the Judiciary Committee to be this: It is necessary, first, to determine, on advising and consenting to the appointment of an officer whose appointment is to cause the removal of a suspended officer, that the Senate should have the documents on file relating to the suspension; and second, the third resolution declares that the Senate will not proceed to advise and consent to proposed removals when the documents are refused which are deemed necessary by the Senate and called for in considering the matter. That is, the Senator seems to suppose that the Judiciary Committee declare that in every case of a suspension it is necessary that we should have the documents on the files, and therefore that this resolution pledges those who support it to refuse to proceed to the consideration of a proposed appointment in the case of a suspension whenever the documents are called for and not furnished.

Mr. MITCHELL, of Oregon. The Senator will allow me to remark that what I said was that the whole theory of the report—not of the resolutions but the whole theory of the report, as I understand it, from beginning to end—is to the effect that the papers are absolutely necessary in every case of suspension, and not only that they are absolutely necessary, but that it is the duty of the Senate in every particular case of a suspended officer to call for the papers.

Mr. HOAR. I do not so construe the report. Of course I do not speak for anybody but myself. That is not my opinion. I understood the report to affirm that the existence of this power in the Senate and the obedience to it by the heads of the Departments are necessary for the due and orderly discharge of our constitutional duty, just as the existence of the right of freedom of debate is necessary to the discharge of our constitutional duty; but I do not understand that the exercise of that power, or the obedience to that call in every particular case, is supposed by the committee or any member of it to be essential always to the due understanding of the case when we are called upon to proceed to consider the suspension.

Therefore, in voting for the third resolution I do not mean at all to pledge myself that in every instance of such a refusal by a head of Department, when I am perfectly satisfied that I am possessed of the case, refusal or no refusal, I am to decline to proceed to act upon the case.

I agree and I think all the Senate agree with the Senator from Oregon, that the power of seeing what are the papers on the files, on the official files, of the executive department is essential to a proper discharge of the duties of the Senate—a power never denied until this moment. And affirming that, we then say that when there comes up a particular case for our action which we can not deal with intelligently without having our call obeyed, in that particular case we can not go on to act on the case, and that is all.

Without undertaking to enter upon the debate now, as I have risen for this purpose I should like to say one other word. I have listened to and read the arguments of my honorable friends on the Democratic side of the Chamber to an extent which I am afraid, considering the character of some of them, would not be believed on my bare assertion, and I have failed to hear or see from that side of the Chamber or printed in the RECORD in the arguments made by the gentlemen over there a denial of a single proposition that the majority of the Judiciary Committee have affirmed.

What we affirm is this, that the official papers on the files of this Government are to be seen, whenever they think it is necessary for the discharge of their duty, by the two branches clothed with the powers of legislation, and that is all; and that it is not for the President or the head of a Department to determine what use we propose to make of them when we wish them. That being our affirmation, gentlemen get up hour after hour, and day after day, and week after week, and proposing to discuss the power of removal under the Constitution, cite Mr. Madison and other distinguished persons of ancient and modern times. I believe that three-quarters of the Republicans in the Senate agree precisely with the constitutional view of the power of removal that these gentlemen with so much pains and with so much repetition have affirmed.

For myself I am committed to it over and over again. I voted as my colleague [Mr. DAWES] did, as the Senator from Illinois [Mr. LOGAN] did, as both the Senators from Maine I think did, and several other Senators whom I could name, for the repeal of the tenure-of-office act when I was a member of the other House. The honorable Senator from New York [Mr. EVARTS], whose name is signed to this report, has furnished to the country one of the most powerful constitutional arguments on that subject. I have reiterated that opinion recently in a careful article contributed to the North American Review; and at the beginning of this session of the Senate, before this debate arose, I introduced myself a bill to repeal what is left of what is called the tenure-of-office act, agreeing with the principles and doctrines which you, Mr. President, so well stated in the debate in 1869. If the President of the United States had allowed Attorney-General Garland to send to the Senate in the usual and ordinary fashion the papers in regard to Duskin, I think it is not too much to affirm that the repeal of the tenure-of-office act would have been a law before this time.

Therefore, when gentlemen get up and, in answer to the plain and simple proposition of this report, go into elaborate constitutional disquisitions on that subject, it is an admission that they know they are wrong.

Mr. VOORHEES. Mr. President——

Mr. MCPHERSON. I ask the Senator from Indiana to yield to me.

Mr. VOORHEES. I yield to the Senator from New Jersey.

Mr. MCPHERSON. As the Senator from Indiana does not wish to go on to-night, I ask for a short executive session. I move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. Before that motion is put I should like to have some understanding——

The PRESIDENT *pro tempore*. Does the Senator from New Jersey withdraw the motion?

Mr. MCPHERSON. I do.

Mr. GRAY. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Indiana has the floor.

Mr. VOORHEES. I yield to the Senator from Delaware.

Mr. GRAY. I understood the Senator from Massachusetts to say that three-fourths of the Senators on that side of the Chamber agree, and certainly I understood him to say that he agrees, with the proposition which has been maintained for so many days on this side of the Chamber, that the President has the absolute power of removal; that they do not differ on that side from the contention on this side as to the power of removal resting on the constitutional rule.

Mr. HOAR. Under the Constitution; that is, we agree with Mr. Madison's doctrine.

Mr. GRAY. Exactly; and yet one of the resolutions of the report of the majority of the Judiciary Committee, to which is appended the name of the honorable Senator from Massachusetts, reads:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers, the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

I am somewhat mystified when I hear the Senator say that he agrees in such unequivocal language to the proposition maintained on this side, and then look at this resolution to which his name is appended.

Mr. HOAR. If the Senator will pardon me, I think I can very easily clear up the mist in ordinarily so clear an atmosphere as that Senator's mind.

This resolution says that when the President under the existing law asks our assent to proposed removals we shall do so and so. Does the Senator from Delaware mean to affirm, whatever may be the President's absolute power of removal under the Constitution, and whatever may be the conflict in sound principle between the scheme of the Constitution and the existing law, that when the President asks the assent of the Senate to a removal, when he himself proceeds under the statute—

Mr. HARRIS. Will the Senator from Massachusetts allow me——

Mr. HOAR. Excuse me.

Mr. HARRIS. To ask him——

Mr. HOAR. Not at this moment.

The PRESIDENT *pro tempore*. The Senator from Massachusetts declines to be interrupted.

Mr. HOAR. When the President himself proceeds under this statute to ask our assent to a removal, we must in giving that assent to a removal be governed by the same law under which the President proceeds. The President says, "By virtue of section so-and-so of the Revised Statutes, I have suspended A." The Constitution gives to the President of the United States no power to suspend an officer. The power of suspension never was derived by Mr. Madison from the power of appointment. The power of suspension arises under this law, and as long as the law is upon the statute-book and the President comes in and says, "Having by virtue of the statute suspended A., I ask the Senate to go on under the same statute and consent to the proposed removal," are we not governed by the law as much as he, and is he not governed by the law as much as we? Now, I will hear the Senator from Tennessee.

Mr. HARRIS. The question I desired to ask the Senator from Massachusetts was when and where and in what language has the President of the United States ever asked the Senate to advise and consent to a removal? He has in many instances asked the Senate to perform what the Constitution makes a duty of the Senate, to advise and consent to a nomination or to refuse to advise and consent to it, but never, so far as I am advised, has he asked the Senate to advise and consent to a suspension or a removal.

Mr. HOAR. If the Senator takes that view of it, he certainly must agree with this resolution, because the resolution says that in a certain supposed case it will not be the duty of the Senate to proceed to advise and consent to a removal. That is all we say. If the Senator says the Senate never has asked at any time to proceed to give its assent to a removal, and the statute does not so operate, and the Senator says that the Senate has nothing to do with that subject, certainly the Senator can not deny his assent to an assertion of the Senate that we will not proceed to give such advice and consent.

Mr. GRAY. If the Senator will pardon me, it must be my fault, but I do not yet understand how it is that the Senator from Massachusetts was able to say emphatically and unequivocally that he agreed with the contention of this side of the Chamber that the absolute power of removal is vested in the President of the United States under our constitutional scheme of government, and yet we find in the third resolution signed by him, which we know has been prepared with great care, and has endeavored to state precisely and accurately the extremely technical ground upon which the whole debate on that side has been conducted, not that it is the duty of the Senate to refuse its advice and consent to the proposed suspension of officers, but to refuse its advice and consent to proposed removals of officers.

Mr. HOAR. Will the Senator allow me to ask him a question, as he asked me one?

Mr. GRAY. Certainly.

Mr. HOAR. Does the Senator think that in any conceivable case it is the duty of the Senate to give its advice and consent to the proposed removal of officers?

Mr. GRAY. I do not.

Mr. HOAR. Then you agree with me that not only in the case supposed in the resolution but in all others it is the duty of the Senate to refuse to give such advice and consent?

Mr. GRAY. I did not hear the last remark.

Mr. HOAR. I say the Senator agrees with me that in the case supposed in the resolution it is the duty of the Senate to refuse to give what it has no power to give. The Senator would go further and say then under the statute it should refuse it in all cases.

Mr. GRAY. I do not see why we want to pass a resolution to refuse to do what we have no power to do.

Mr. HOAR. That is another proposition. If the Senator has got so far that he admits, as he seems to me to admit in substance, that the statement of the resolution is an absolutely true one on everybody's theory, and he is merely disputing about the necessity of passing it, we have gotten down to a very unimportant debate.

Mr. BUTLER. It is a very important one, I should think.

Mr. GRAY. I would hail with a great deal of pleasure the mere suggestion that the learned Senator from Massachusetts agrees with the proposition which has been considered fundamental on this side; and I still have some pleasure in believing that the Senator agrees with the contention of this side that inasmuch as there is an absolute power of removal under the Constitution, this resolution that it is the duty of the Senate to refuse to advise and consent to the proposed removal of officers is somewhat inconsistent with that statement.

Mr. HOAR. I should like, if the Senator will pardon me now, to ask him one other question—he answered that so frankly—whether he does not also believe himself that it is the right of the Senate to see every paper, every official paper on the files of the Executive Departments.

Mr. GRAY. That is getting away a little from the proposition with which I started out.

Mr. HOAR. I know; but if I can get the Senator to agree to all the resolutions, I shall have accomplished a good deal by a few short questions.

Mr. GRAY. I find the Senator's name attached to the resolutions, and I only rose to ask him to explain—I have no doubt he can explain—how it is that the resolutions are consistent with the statement he has just made.

I will answer the question, which, as I understand it, the Senator from Massachusetts puts to me. I do not admit the right of the Senate, or in other words, I do not admit that there is power in the Senate, using that term in its broad as well as in its technical sense, to demand from the Executive of this Republic the reasons, the papers, or the documents. If we mean by the word "power" that that is inherent in the constitution of the Senate when performing the duty of considering nominations, I ask the Senator whence that power is derived?

Mr. HOAR. That was not my question.

Mr. GRAY. What letter of the law, what text of the Constitution, can the Senator point to from which that power, in the sense that the word "power" is used in constitutional arguments, is derived or found?

Mr. HOAR. If the Senator will pardon me, I do not understand that any human being on this side of the Chamber affirms the right to demand of the Executive his reasons. My question to him did not relate to demands upon the President at all. My question was whether he denied the right of the Senate to require of the heads of Departments the production of the official papers on their files. I should like to have the Senator from Delaware, if he will, tell me what he thinks of that proposition.

Mr. BUTLER. Mr. President——

Mr. GRAY. I have no hesitation in telling the Senator from Massachusetts what I think of it, but I yield to the Senator from South Carolina.

Mr. BUTLER. I simply want to call attention to the fact that in the resolution which was passed by the Senate and under which this whole proceeding is had there is no demand whatever for "official papers." The Senator from Massachusetts dwells upon the subject of "official papers." There is no demand for "official papers."

Mr. HOAR. But I do not get an answer to my question.

Mr. BUTLER. I wanted to call the attention of the Senator from Delaware to that fact.

Mr. HOAR. That is another proposition.

Mr. GRAY. I did not hear the Senator.

Mr. HOAR. I asked the Senator from Delaware whether he agreed with me in one proposition, and I think he answered that he did, that it was not the duty of the Senate to proceed to give its advice and consent to removals under the circumstances supposed in that resolution or any other. So he agrees with us there.

Mr. GRAY. I did agree——

Mr. HOAR. The second——

Mr. GRAY. Will the Senator from Massachusetts give me one moment?

Mr. HOAR. Certainly.

Mr. GRAY. I did agree with him *sub modo*. I agreed that it was not the duty of the Senate to advise and consent to a removal, inasmuch as it had no power under the Constitution to assent to such removal.

Mr. HOAR. Then I asked the Senator from Delaware a question, which I hoped he also would be willing to reply to, not whether we could ask the President his reasons, for nobody claims that, not in regard to a demand on the President himself, for nobody has talked about that, but whether we have a right to require the heads of Departments to make known to the Senate official papers on their files; and I will add to my question the statement that I do not conceive that the report, the resolutions, or any Senator on this side of the Chamber in this discussion has gone any further than that.

Mr. GRAY. That would only lead me right backward over the track of the discussion as made on this side of the Chamber, and which I understood the Senator from Massachusetts to say was entirely irrelevant to any position taken by himself or the majority of the Committee on the Judiciary. Yet it seems to me by that very question the Senator admits now the relevancy of all that has been said by Senators on this side in contending, in the first place, that the power of removal was absolute under the Constitution in the President; that the power of suspension under the law of 1869 was likewise absolute in the discretion of the President; and that the arguments which have been used here have been pertinent, inasmuch as they have shown that a discretion ceases to be a discretion when you can inquire into the reasons of its exercise.

Mr. HOAR. I am sorry my honorable friend will not answer the question I put, though his statement is very interesting.

Mr. GRAY. Now I will answer the question which the Senator from Massachusetts put last, for he put two or three together in a string. He asked, as I understood him, whether I admitted the right of the Senate to require from any Department of the Government or from the President——

Mr. HOAR. No, I said nothing about the President.

Mr. GRAY. Well, from any Department of the Government papers or documents. It would take too much time, I think, to show that in effect it is a requirement from the President; but taking the question as he puts it, the right to require from any Department of the Government papers or documents——

Mr. HOAR. The official papers on its files. That was my question.

Mr. GRAY. Very well, I will take the question as the Senator from Massachusetts puts it; but the term "official papers" is not in the resolutions, nor the word "file." However, as the Senator from Massachusetts has chosen to put himself upon ground somewhat different, inasmuch as he has put the question in that way and inquires as to whether I admit the right of the Senate to require official documents and official papers on file in the Departments of the Government, I say that I do not admit the right to require such papers in the sense that that admission would mean that there is lodged in the Senate as a part of one of the co-ordinate branches of this Government a right to demand from another independent and co-ordinate branch of the Government documents and papers in its custody without reference at all to the opinion of that independent department as to whether they could be with propriety furnished or not. I should like to ask the Senator from Massachusetts what clause in the Constitution, what syllable in any law properly and efficiently confers that power upon the Senate of the United States?

Mr. HOAR. I think the Senator will find that admission in the message of the President of the United States himself.

Mr. GRAY. The message of the President of the United States is neither Constitution nor law. It is an able document I believe, and I think it concurs in its spirit and language with the Constitution. That is only shifting the issue and not answering my question.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Indiana, who is entitled to the floor, yield?

Mr. VOORHEES. I yield to the Senator from Vermont.

Mr. EDMUNDS. I should like to call the attention of the Senator from Delaware, without going into any discussion now, to the statement he has made that the power of the President to remove is complete and absolute; and without going into any discussion as to whether it is or not, as I do not believe in that sort of thing and never did as he probably knows, I wish to call the attention of the Senator from Delaware to about half a dozen messages of the President of the United States, not suspensions, which have come in within ten days to the Senate, it being in session, "I nominate A B to be collector of customs at Memphis, Tenn.," if you please, or anywhere else, "in the place of C D, whose removal for cause is hereby proposed."

What does that mean? And then other messages wherein the "removal for cause" is stricken out and the statement of the message to us, a solemn official document, is: "I nominate A B in the place of C D, whose removal"—leaving out "for cause"—"is hereby proposed." Where did the President of the United States get the authority under the Constitution, I should be glad to know, on the theory of the gentlemen on the other side, to send in a message of that kind to the Senate of the United States? "Proposed" to the Senate——

Mr. GRAY. I did not understand the last sentence.

Mr. EDMUNDS. It was a mere addition or inference from the fact of his messages that removal for cause or a removal without cause "is hereby proposed;" that is, proposed to the Senate by this communication. Whereabouts, if the President of the United States has as he thinks the absolute power of removal——

Mr. GRAY. Does he say "proposed to the Senate of the United States?"

Mr. EDMUNDS. That is exactly what he says in meaning.

Mr. GRAY. "Proposed to the Senate of the United States?"

Mr. EDMUNDS. "Whose removal for cause is hereby proposed."

Mr. GRAY. I understood the Senator from Vermont to say the language was "proposed to the Senate of the United States."

Mr. EDMUNDS. Oh, no; that would be a pleonasm that so high a scholar as the President of the United States would never think of sending to so highly cultivated a body as this is.

Mr. GRAY. I suppose it would not be altogether a suprise to us that the messages of the President of the United States should sometimes offend good taste by having pleonasms in their structure; but in considering the proposition of the Senator from Massachusetts, which brought about this colloquy, I was not proposing to consider the inconsistency, if any, either of the President of the United States or any of his predecessors in the framework of his messages, but I was inquiring in good faith as to the proposition which I tried to submit, that there was no power conferred by the Constitution so far as I knew, nor by any law of the United States so far as I knew, upon the Senate of the United States to require—the word used by the Senator from Massachusetts—or demand in the sense of demanding as a right, of a co-ordinate branch of this Government reasons for official action that had been fully committed to it by the Constitution or by the laws.

Now, so far as the question of the Senator from Vermont needs an answer, it seems to me it is this: In the first place when the President of the United States—for I have not seen the messages to which the Senator has referred—says "I hereby nominate A B as collector for the port of Memphis, in place of C D, whose removal is proposed," I suppose that the ordinary, the natural construction of that language would be that he proposed that removal, and did not at all invite the participation of the Senate of the United States.

Mr. EDMUNDS. The Senator from Delaware has forgotten a somewhat important word, that is: "I hereby"—that is by this message to the Senate of the United States—"propose." That is the language of the message.

Mr. BUTLER. May I ask the Senator from Vermont whether or not that message was communicated in open session or in executive session?

Mr. EDMUNDS. The rules of the Senate and the action of the President both say that all nominations are public and open.

Mr. BUTLER. Messages?

Mr. EDMUNDS. Messages of nominations are not secret by the express rules of the Senate.

Mr. BUTLER. Are the messages open?

Mr. EDMUNDS. Nomination messages are not to the open Senate, but the Senate rules provide that they are not secret, in express terms, and therefore all the reporters in the galleries—and they are interested spectators of this sort of thing, because in general a reporter likes to get at the truth better than anything else—know of them; these nominations are all public nominations, although they are sent to the Senate in its executive character, because that is the kind of business they relate to.

Mr. BUTLER. Are they read in open session?

Mr. EDMUNDS. They are not read in open session, but the rules of the Senate expressly provide that the fact of a nomination shall not be considered a secret, and they are published in the RECORD by the order of the Senate.

Mr. BUTLER. The confirmations.

Mr. EDMUNDS. And the nominations as well. So there is no escape for my friend from South Carolina and my friend from Delaware from this public fact that the President of the United States, within the last ten days, as all his predecessors have done since the passage of the tenure-of-office act, has sent to the Senate sundry nominations. I have copies of them, in which, in some, he states, "I nominate A B in the place of C D," for such an office, "whose removal for cause is hereby proposed;" in others he says, "I nominate A B in the place of C D," for such an office, "whose removal"—leaving out "for cause"—"is hereby proposed."

Now, if my friend from Delaware, who is as good at dialectics as anybody I know of, can persuade the Senate, or the spectators in the galleries, or our friends the reporters, to say that that is not a proposition to the Senate to agree to remove these men, I shall be glad to hear him do it.

Mr. GRAY. If the Senator from Vermont, for whose acuteness and learning I have great respect, will allow me to answer him and not the reporters in the galleries or the spectators in the galleries, I shall endeavor to do it in this simple fashion: The President of the United States, in his communications to the Senate in regard to the performance of his constitutional functions with which the Senate of the United States has under the Constitution something to do, is not limited, so far as I know, by any law or by any text of the Constitution to any particular form of communication, and I presume that any phraseology which is consistent with the rules of propriety and fairly expresses his meaning would be proper and would not be considered as an interpretation of the Constitution; and whether he considered it so or not, it certainly would not be binding on any one else. But the phraseology to which the Senator from Vermont refers seems to me simply to be this: "I nominate A B as collector for the port of Memphis, in place of C D who is hereby proposed to be removed." Now, then, it seems to me that it would be a construction more forced than any I ever knew to be placed upon the English language to say that that language so used by the President could mean anything else but that the President proposed to remove C D, and that it could not thereby be argued into any such meaning as that he was inviting the Senate to participate in that act.

It would be perfectly proper for the President of the United States to have given the Senate any other information as to his proposed official conduct, if it was couched in polite phrase, in proper parlimentary language; but that the mere information that he gives to the Senate that C D is proposed to be removed from office should mean anything else than that he proposes to remove him, is beyond my power of comprehension.

Mr. EDMUNDS. May I ask the Senator what he supposes is the status of A B, who is mentioned in this message, meantime? Is he in office or out of office?

Mr. GRAY. Please repeat the question.

Mr. EDMUNDS. What is the status of A B, the officer of whom the President in his message says that his "removal for cause is hereby proposed," pending the consideration of the subject? Is he removed or is he not removed?

Mr. GRAY. The one he proposes to remove?

Mr. EDMUNDS. Yes.

Mr. GRAY. He is removed just as soon as the other man is confirmed.

Mr. EDMUNDS. And not before. That is exactly our proposition.

Mr. GRAY. Now, the Senator from Vermont has attempted in this way to make the point that a nomination by the President in the place of a person who has already occupied the office and whom the President says he proposes to remove is an invitation to the Senate to participate in the removal. That has been denied on this side over and over again. Of course that does not decide the question; but it has been the contention here (and that is just one of the points that the Senator from Massachusetts who first interrogated me on this matter seems to have ignored), that the discussion on this side has been relevant and has been directed just to that point, and has proved, if it has proved anything, that the power of the President to remove is absolute; and when he places a man in nomination to take the place of the removed officer so far as the removal is concerned the act is complete, and so far as the nomination is concerned it is complete when the Senate accedes.

Mr. HOAR. I wish to supplement what the Senator from Vermont has said by saying just one other thing in a single sentence.

Take the suspension statute. The President certainly gets his power to suspend from this statute, not from the Constitution, not from the power of removal. He does not get it anywhere else. He comes to us and says, "I have suspended this man under the statute," which he cites, "and I ask the Senate to consent to A B in his place." If the Senate does not consent to A B in his place, the suspended man goes back into office as the Supreme Court has decided. It is true the President may suspend him over again, but he may not suspend him over again. He may change his mind; he may die; the transaction may have happened in vacation before the last session of the Senate during the President's official term, and a President thinking very differently may come into power on the 4th of March. In that case the suspended man goes back into the office not by virtue of any new appointment but under his old appointment, under his old authority, under his old bond, under his old oath; and is not the question whether that thing is to happen as a result of the Senate's action upon the case, if we act one way, a matter to get instruction concerning? We may ask of a Department where official papers are on file to know what has been the conduct of that officer in office.

Mr. GRAY. I beg the Senate's pardon for speaking again, but the Senator from Massachusetts has shifted his ground. I did not——

Mr. HOAR. Yes, it is another ground I am now taking.

Mr. GRAY. I did not propose to enter into a discussion which has been conducted so ably for many days on both sides of the Senate. I merely rose in the first instance to call the attention of the Senator from Massachusetts to his avowal that he believed the power of removal was vested in the President absolutely, and to ask how he explained a resolution which did not deal with the power of suspension under the statute, but which attempted to deal with the power of removal, and censured the President, and declared that he had violated his official duty, and to a certain extent made it the duty of the Senate to refuse to confirm any appointments made in lieu of the persons who had been removed and not suspended.

Mr. HOAR. That I answered by asking the Senator in his turn what he admitted, if he believed that in that case the Senate was bound to give its assent to the removal, which it was, and the Senator very frankly in substance said that he did not believe that the Senate should do it in that case or in any other. Having answered the Senator's question, certainly to my own satisfaction if not to his, I propounded to him the question which I just put, to see if he was willing to tell me something about that.

Mr. GRAY. But the Senator from Massachusetts has in good Yankee fashion answered all my questions by asking others, and I do not see that I should make any plainer my own position. As the Senator has just said about his own answer, I have answered quite satisfactory to myself; I am afraid it is not satisfactory to the Senator from Massachusetts. The doubt still remains in my mind as to where the Senator from Massachusetts stands upon the proposition involved in the third resolution.

Mr. EVARTS. Mr. President, as I propose to take part in the debate before it is closed, and as it may be convenient for me, in reference to engagements elsewhere, to learn whether I should interfere with any calculations or expectations on the other side if I should ask that I might be heard after the Senator from Indiana shall have made his remarks to-morrow, if there is no other gentleman on the other side who prefers to speak at that moment, I now make the inquiry.

Mr. VOORHEES. It is not perhaps for me to say, but I judge from the remarks around me that there is nobody on this side of the Chamber who expects to follow me immediately.

Mr. EVARTS. Very well.

The PRESIDENT *pro tempore*. The Senator from Indiana has the floor.

Mr. VOORHEES. Of course it is not my wish to proceed at this hour, and I shall be obliged to the Senate for the indulgence of an adjournment.

Mr. HOAR. If the Senator will give way, I move that the Senate do now adjourn.

Mr. VOORHEES. I do so with pleasure.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 24, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

Mr. HENDERSON, of Iowa. Mr. Speaker, I desire to move a change of reference of the bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes, from the Committee of the Whole House on the state of the Union, to which it was erroneously referred, to the Private Calendar.

The SPEAKER. This, the Chair understands, is a private bill, being to convey title to certain property in Dubuque.

Mr. HENDERSON, of Iowa. Yes, sir; it is a private bill.

The SPEAKER. The change of reference will be made.

Mr. HENDERSON, of Iowa. Would it be in order to ask unanimous consent for its present consideration?

The SPEAKER. Not at the present time. The Chair must first, under the rule, lay before the House certain executive communications and Senate bills for reference.

SURVEY OF CERTAIN LAND CLAIMS IN NEW MEXICO.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for surveying certain private land claims in New Mexico in lieu of the estimate heretofore submitted; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER, under the rule, laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred as follows, namely:

The bill (S. 601) for the relief the Sone & Fleming Manufacturing Company, limited, of the city of New York—to the Committee on Claims.

The bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States—to the Committee on the Public Lands.

The bill (S. 831) for the relief of George S. Storrs, of Texas.

Mr. THROCKMORTON. Mr. Speaker, I ask unanimous consent that this bill for the relief of Mr. Storrs, which has been acted upon by the Senate, being for the removal of his political disabilities, be put upon its passage now.

The SPEAKER. The bill will be read, after which the Chair will ask for objection to its present consideration.

The bill was read at length.

Mr. BEACH. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. Are not bills of this character in order for consideration at Friday night sessions under the standing order of the House?

The SPEAKER. Such bills are in order, under the special order of the House, for consideration on that day.

Mr. BEACH. Then I object to its present consideration.

The SPEAKER. Objection being made, the bill will be referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes, referred this morning to the Calendar.

Mr. MORRISON. I demand the regular order.

The SPEAKER. That is equivalent to an objection.

Mr. HENDERSON, of Iowa. I did not see any one rise in his place to object.

The SPEAKER. The gentleman from Illinois demanded the regular order.

Mr. MORRISON. I now rise for that purpose.

Mr. HENDERSON, of Iowa. The gentleman from Illinois don't have to rise, I suppose. [Laughter.]

UNFINISHED CRUISERS.

Mr. GOFF. Mr. Speaker, I desire to submit a report from the Committee on Naval Affairs for present consideration. I am directed by the Committee on Naval Affairs to report back the resolution which I send to the desk, and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be directed to inform the House of Representatives of the present condition of the Chicago, Boston, and Atlanta; what progress has been made in their construction; what obstacles, if any, exist to their early completion, and when in his opinion they will be ready to be placed in commission. Also that he inform the House what steps have been taken toward the construction of the two cruisers and two gunboats authorized by the act of March 3, 1885, in what manner they are to be built, when work upon them will be commenced, and what time will be required in completing them.

The resolution was adopted.

Mr. GOFF moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF JAMES A. GARFIELD.

Mr. REID, of North Carolina. I desire to make a privileged report from the Committee on Printing. I am directed to report back with a favorable recommendation the Senate joint resolution (S. R. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States, and to ask for its present consideration.

The joint resolution was read, as follows:

Resolved, &c., That there be printed of the proceedings in Congress upon the acceptance of the statue of the late James A. Garfield, presented by the State of Ohio, 12,000 copies, of which 4,000 shall be for the use of the Senate and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings; and for engraving and printing said picture the sum of $500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRANT TO DUBUQUE, IOWA.

Mr. HENDERSON, of Iowa. The gentleman from Illinois [Mr. MORRISON] withdraws his objection to the consideration of the bill H. R. 4493, and I renew my request that it be now put upon its passage.

Mr. RANDALL. Let the bill be read.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes, was read, as follows:

Whereas by an act of Congress approved June 15, A. D. 1844, a grant was made to the county of Dubuque, Territory of Iowa, in the following words:

"That the following-described pieces or parcels of land are hereby granted and given to the county of Dubuque, in the Territory of Iowa, to wit: Two lots and a half, lying and being situate in the town of Dubuque, on the northwest corner of Seventh and Locust streets, in said county, being the same land upon which the old county jail now stands, and is designated on the Government plat of said town as 'public square.'

"SEC. 2. *And be it further enacted*, That the county commissioners of the county of Dubuque be, and they are hereby, authorized and empowered to make sale or otherwise dispose of the lots of land described in the first section of this act in such manner as will best subserve the interests of said county;" and

Whereas, through a clerical error, said jail lot or public square was described as being on the northwest corner of Seventh and Locust streets, when in fact it was on the northeast corner thereof; and

Whereas the said county of Dubuque, under the powers conferred by said act, sold to John and Thomas Burton the said tract of land situated on the northeast corner of Seventh and Locust streets, in said town of Dubuque, on which the old county jail stood, and designated on the Government plat of said town as "public square," the same being a rectangular tract fronting 114 feet on Seventh street and 127 feet and 11 inches on Locust street, but in the deed from said county to said John and Thomas Burton the same clerical error was made as to

the corner on which said tract was situated as was made in said act: Therefore, as curative of the error aforesaid,

Be it enacted, &c., That the said rectangular tract of land on the northeast corner of Seventh and Locust streets, in the city of Dubuque, Dubuque County, State of Iowa, fronting 114 feet on Seventh street and 127 feet and 11 inches on Locust street, being the premises on which the old county jail formerly stood, and designated on the Government plat as "public square," be, and is hereby, granted and the title thereto confirmed in and to said county of Dubuque and its grantees, the said John and Thomas Burton, their heirs and assigns forever, with like effect in all respects as though correctly described in said original act and in the said conveyance thereunder by said county.

Mr. RANDALL. I am perfectly willing to hear an explanation from the gentleman from Iowa, reserving my right to object.

The SPEAKER. If there be no objection, the gentleman from Iowa will be permitted to make a brief statement.

There was no objection.

Mr. HENDERSON, of Iowa. I will simply say this is to correct a clerical error in the original act giving to the city of Dubuque two lots and a half. The property was sold to two brothers named Burton, who are dead; and the widow and only heir are in possession, and have been since 1844. This is simply to correct that mistake. The county, the city, and all interested concede the entire propriety of this change, as has been put in evidence before the Committee on the Public Lands; and the bill is unanimously reported.

Mr. RANDALL. In this House?

Mr. HENDERSON, of Iowa. In this House.

Mr. RANDALL. I desire to make this remark: The original act related to the treatment by the Federal Government as to this land with the Territory of Iowa, whereas now Iowa is a State; and the usual practice has been for the Federal authority to deal with the State rather than with a county in the State. I wish to make that suggestion to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. This bill thoroughly covers the defect in the original act. There is no conflict. It is purely a local matter.

Mr. RANDALL. My suggestion is whether we should not give the power to correct this title, or rather to make some review of it, to the State authority.

Mr. HENDERSON, of Iowa. I think I can assure the gentleman that the bill has been drawn very carefully, and that it is satisfactory to all the parties in interest. It has been reported by the Public Lands Committee of this House.

Mr. RANDALL. Unanimously?

Mr. HENDERSON, of Iowa. Yes, sir; unanimously.

Mr. RANDALL. I make no further objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSTITUTES IN THE DEPARTMENTS.

Mr. BLANCHARD. I rise to make a privileged report. I am instructed by the Select Committee on Reform in the Civil Service to report back with amendments the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Secretary of the Interior, and the Attorney-General be directed, respectively, to inform the House whether or not employés in their respective Departments are permitted to employ substitutes to perform their duties, and whether or not such substitutes are employed or appointed; and, if so, by whom so employed or appointed, and the amount of compensation paid such substitutes and by whom paid, and the amount of compensation paid the regular employés during the time such substitute is employed and by whom paid, together with a list of such employés, their home post-offices, and date of their appointment, and a list of such substitutes, their home post-offices, and date of their appointment, and whether or not any of such substitutes are assigned to duties of positions included in the classified civil service, and whether or not such substitutes have passed examination by the United States Civil Service Commission and been certified for such appointment; and if such subemployment or subappointment is had or permitted, by what authority it is so had or permitted.

The report of the committee was read, as follows:

The Select Committee on Reform in the Civil Service, to whom was referred the resolution of inquiry introduced by Mr. TAULBEE, of Kentucky, relative to the employment of substitutes in the Executive Departments, have had the same under consideration, and report it back with the recommendation that it do pass, amended in the following particulars to wit:

In line 5 strike out the word "directed" and insert "requested."

In line 6, after the word "House," insert "if not incompatible with the public service."

So that the resolution as amended will read:

"*Resolved*, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Secretary of the Interior, and the Attorney-General be requested, respectively, to inform the House, if not incompatible with the public service, whether or not employés in their respective Departments are permitted to employ substitutes," &c.

The amendments above suggested make the resolution conform to the phraseology usual in resolutions of inquiry.

The amendments reported by the committee were agreed to.

The resolution as amended was adopted.

Mr. BLANCHARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSAN A. WAMACK.

Mr. TAULBEE. I ask unanimous consent to call up the bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased; and to move that the Committee of the Whole House be discharged from further consideration of the bill, and that the House proceed to its immediate consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Susan A. Wamack, of Morgan County, Kentucky, administratrix of the estate of Stephen M. Farish, deceased, the sum of $159.29, out of any moneys in the Treasury not otherwise appropriated, for services as mail contractor on route No. 9562, in the State of Kentucky, from April 1, 1861, to October 7, 1861, as reported to the Secretary of the Treasury by the Auditor of the Treasury for the Post-Office Department on the 14th day of February, 1883.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent that leave be given to the Committee on Labor to report and call up for consideration at any time, subject to general appropriation and revenue bills, such legislation as that committee may recommend for the purpose of providing for arbitration in disputes between employers and employés on railways. What I desire is that the committee may have leave to report for consideration a bill looking to that end.

Mr. HOLMAN. I hope the gentleman will include also bills reported from the Committee on Public Lands.

Mr. STEELE. And also bills reported from the Committee on Military Affairs. [Laughter.]

Mr. ANDERSON, of Kansas. No; I confine the request to legislation reported from the Committee on Labor on the subject I have indicated.

Mr. RANDALL. Mr. Speaker, if the motion is confined to the object stated by the gentleman from Kansas [Mr. ANDERSON], for one I do not object.

The SPEAKER. Objection is made by the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. I withdraw the objection.

Mr. McMILLIN. Mr. Speaker, I suggest to the gentleman from Kansas [Mr. ANDERSON] that he introduce his resolution, and that it be printed and go over until to-morrow.

Mr. O'NEILL, of Missouri. Mr. Speaker, I think the request ought properly to come from the committee itself.

Mr. RANDALL. The subject is the same, whether the request comes from the committee or from an individual member.

Mr. ANDERSON, of Kansas. The whole Southwest is to-day without a wheel carrying freight.

The SPEAKER. The regular order is demanded by the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. I withdraw the demand for the regular order.

Mr. DUNHAM. Has any bill on this subject been introduced?

Mr. ANDERSON, of Kansas. Yes, sir; three, I think.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. ANDERSON]? The Chair hears none, and the order is made as requested.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles:

A bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia;

A bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans;

A bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; and

A bill (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriation for the service of the Government for the fiscal year ending June 13, 1886, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the committees for reports.

SAMUEL P. EVANS.

Mr. ROGERS, from the Committee on the Judiciary, reported, as a substitute for H. R. 2270, a bill (H. R. 7213) for the relief of Samuel P. Evans; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 2270 was laid on the table.

BRIDGE AT ALTON, ILL.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other

purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES OVER NAVIGABLE RIVERS.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with amendments the bill (H. R. 5004) granting the consent of Congress for the erection of bridges over navigable rivers upon conditions therein stated; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE NEAR WINONA, MINN.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, also reported back with an amendment the bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore, in Wisconsin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEGISLATIVE ASSEMBLY, WASHINGTON TERRITORY.

Mr. HILL, from the Committee on Territories, reported back with a favorable recommendation the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 569) appropriating $45,000 for the improvement of the post-office building in the city of Indianapolis, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ANN B. HUBBARD.

Mr. GALLINGER, from the Committee on Claims, reported back favorably the bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES MURPHY.

Mr. TRIGG, from the Committee on Claims, reported back with amendment the bill (H. R. 162) for the relief of Charles Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. SADLER, from the Committee on Private Land Claims, reported back, as a substitute for H. R. 4941, a bill (H. R. 7214) to authorize the examination, approval, and patenting of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and in the States of Alabama and Mississippi, south of the thirty-first degree of north latitude; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4941 was, by unanimous consent, laid on the table.

HASKELL INSTITUTE, LAWRENCE, KANS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 3388) making an appropriation for the completion of the Haskell Institute and Indian school at Lawrence, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WISE, by unanimous consent the Committee on Naval Affairs was discharged from further consideration of the bill (H. R. 2262) for the relief of the legal representatives of Egbert Thompson, deceased, and the same was referred to the Committee on Claims.

CONGRESSIONAL LIBRARY BUILDING.

The SPEAKER. The hour for the consideration of bills called up by committees begins at ten minutes before 1 o'clock. The call rests with the Committee on the Library.

Mr. SINGLETON. I move that the House resolve itself into Committee of the Whole for the further consideration of the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair) and resumed the consideration of House bill No. 1297.

Mr. SINGLETON. Mr. Chairman, knowing the anxiety of members of this House to progress as rapidly as possible with the business before it, I shall respect that feeling, and condense, as far as I can, what I have to say in support of this bill.

The question of further and better accommodations for our national but so-called Congressional Library has for a number of years past occupied the attention of Congress and the friends of literature and the arts and sciences all over the land, and the wonder has been how the representatives of a free and enlightened people could so strangely and persistently neglect to provide for and encourage its growth and development.

In the political philosophy of our country it has become an axiomatic truth that the well-being and perpetuity of our Government depend largely upon the virtue and intelligence of the people. Whatever, therefore, tends to develop these essential qualifications among those who not only determine the character of the Government and mode of administering it, but in fact constitute the Government itself, should claim the good-will and receive the protecting care of the people's representatives. It will not be denied that vice is the usual concomitant of ignorance, while virtue is for the most part the outgrowth and offspring of education and intelligence.

It is equally true that under a despotic form of government, where the people are not allowed to think for themselves in political matters, but act only as they are acted upon, there is not the same need of education and intelligence as in this democratic land of ours. There the prince or potentate thinks for his subjects, and their lives, liberty, and property interests depend largely upon the good-will of their sovereign. There the road to fortune and fame is hedged in by a thousand political restrictions and conventional prejudices, while here it is a great national highway, open to all aspirants, as well to the son of the humblest citizen as to the child of the rich and great.

All our political offices being filled by popular suffrage, how indispensable, therefore, that all the means and appliances within our reach for the education and elevation of our people should be utilized. In pursuance of this idea, our primary schools, academies, colleges, literary societies, libraries—local, State, and national—should all receive the countenance and fostering care of every lover of popular government and free institutions.

This brings me directly to the consideration of the origin, progress, and present condition of our Congressional Library and what must be done for its preservation, expansion, and future usefulness.

ITS ORIGIN.

As far back as the year 1800 Congress was impressed with the importance of building up an institution of this character, and for that purpose made an appropriation of $5,000. This may seem to have been a small amount, but it will be remembered that it was a sort of birthday present, and that our Government was in its infant state. It did not, however, escape the attention of the wise men and patriots of that day that beacon-lights—of which this was to be one—should be erected along the track of our new civilization to guide our posterity to future glory and greatness; and while we must give our fathers great credit for unexampled forecast as to the progress and possibilities of the Republic which they had founded, yet it can not be denied that "they builded wiser than they knew."

Their patriotism stimulated their hopes and opened up to their vision a country and people such as the world had not before looked upon. But facts have outrun hope or speculation, and to-day the world stands in admiration of our progress and prosperity. Can it be supposed then that they for one moment contemplated the idea that in less than a century they would be heard upon this floor, through their sons, to minify it and attempt to scout it out of Congress?

It is related in history that when the Caliph Omar, of Saracenic fame, the second from Mahomet, had overrun Syria and afterward conquered Egypt, taking possession of the city of Alexandria, he found there a library of seven hundred thousand volumes, which had been established hundreds of years before by Ptolemy Soter, and which was the pride of that seat of learning and great commercial emporium. These books were in manuscript, and not printed as ours are, and therefore the more valuable and difficult to replace, once destroyed. The question was mooted as to what this barbarian conqueror would do with this library, as he had not the slightest idea of its intrinsic value. He was consulted on the subject by Amron, one of his generals, and then came his ever memorable answer, which has stamped his name with infamy through all succeeding ages. He said:

If the books agree with the book of God (the Koran) they are superfluous; if they disagree, they are pernicious and ought to be destroyed.

The 700,000 books in manuscript were delivered to the 5,000 public baths in that great city, and answered them for fuel for the space of six months. This act of vandalism has never had a parallel in the history of the world, and it is to be hoped never will. Yet I find in this House, to my utter astonishment, gentlemen who seem to look upon our national Library with great disfavor, as though it were a step-child, and, if not ready to destroy it, at least willing and anxious to drive it from the Capitol, colonize it in some out-of-the-way place, and withdraw from it the aid and countenance of Congress. I trust this House will not be led into any such nonsense by the power of any man's declamation or the prestige which hangs about any man's name.

ITS PROGRESS.

This Library, established in 1800 as already stated, fostered by Congress from session to session, continued to grow and increase until in 1865 it numbered 92,450 volumes.

After the close of the war it seemed to receive a fresh impetus, and in 1881, just sixteen years afterward, it was found to have nearly quad-

rupled itself, containing 390,000 volumes! From 1881 to the present time, four years, it has had added to it 153,000 volumes, numbering as it now does 543,000 volumes of books, besides 170,000 pamphlets; 400,000 musical compositions; 300,000 engravings and other works of graphic art; 9,000 maps, English, French, Spanish, Mexican, and American—46 rare and invaluable, which once destroyed could never be replaced.

Besides this, the law books we get by exchange, gift, or purchase annually, number several thousand, and the copyright publications each year number 40,000, with a certainty of continued increase, making in all at this hour under the Capitol roof, 1,422,000 volumes of books, pamphlets, musical compositions, copyrights, engravings, maps, &c.

The cost of these, outside of exchanges, donations, and transfers by the Smithsonian Institution, has been about $750,000.

ITS PRESENT CONDITION.

In the construction of the central building of the Capitol a handsome room with wings was fitted up for the use of the Library, and although having no suitable reading-room and no rooms for the accommodation of the Librarian and his assistants, has been made to answer in some sort the purposes of a Library until its accumulation of matter has so far outgrown its capacity as to render it almost practically useless, and, in its present condition, a blight upon the character of the nation.

Its utmost capacity for shelf-room and the proper bestowment of books is 300,000, while, as before stated, there are 543,000 volumes of books, besides other publications, to be provided for—not to be corded up as in the Library-room or jammed away as we find in outlying rooms over the Library, in the crypt under the dome, and in damp, unventilated rooms under the members' sitting-room, which are under-ground, where the sunlight never comes and from which Cimmerian darkness is only banished by the burning of gaslights.

Mr. Speaker, let us suppose that some literary antiquarian, some distinguished scientific gentleman, some student of history or biography, some lover of art, should visit our Library in search of important information in connection with either of these subjects and that he were ushered into one of these dark, unventilated caverns and told that he might find what he desired in the moldy volumes before him, could it be otherwise than that a look of disgust would mantle his countenance and the conviction be fastened upon his mind that Congress was composed of a set of semi-barbarians who, like the Caliph Omar, had never learned the value of books, and while not ready to commit them to the flames, had consigned them to darkness, mildew, and moths? How ineffably contemptible would we appear in the eyes of such a man!

Let gentlemen who are treating this subject with levity and inveighing against any expenditure of money for the preservation and perpetuation of our Library listen to the words of men distinguished for great talents and learning.

Lord Bacon says:

Libraries are as the shrine where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed.

Carlyle says:

The true university of these days is a collection of books.

Mr. Dawson, of England, in his address on opening the Birmingham free library, said:

A great library contains the diary of the human race. * * * A library may be regarded as the solemn chamber in which a man may take counsel with all that have been great and wise and good and glorious among the men who have gone before him.

Again he says:

The great consulting room of a wise man is a library.

Addison, speaking of books, uses the following language:

Books are the legacies which a great genius leaves to mankind, which are delivered down from generation to generation as presents to the posterity of those who are yet unborn.

Bovee says:

Books are embalmed minds.

The great Canning gave vent to his enthusiastic love of books in the following language:

God be thanked for books. They are the voices of the distant and the dead, and make us heirs of the spiritual life of the past ages. Books are the true levelers. They give to all, who will faithfully use them, the society, the spiritual presence of the best and greatest of our race.

Now, sir, let those despise books whose whole lives are swallowed up in schemes of ambition, wealth, or pleasure, and who have never tasted of the dainties to be found in good books.

Golden volumes! richest treasure!
Sources of unbounded pleasure!
Giv'n by wits and musing sages,
Lights who beam'd through many ages!

But I must keep my promise to be brief as possible, and come at once to the consideration of the most important division of my subject.

WHAT MUST BE DONE FOR ITS PRESERVATION, EXPANSION, AND FUTURE USEFULNESS.

It has already been shown that the present accommodations are wholly inadequate to its needs. What then must we do? We are guardians and trustees of this valuable treasure which has come down to us to use, enjoy, and transmit unimpaired to succeeding generations. How shall we do that? All who have taken pains to examine into the subject will agree that a new Library building of proper proportions must be erected somewhere, either as an annex to the Capitol building or as a separate independent edifice, to be located within the city limits.

I propose to treat this question of a new building and its proper location with candor and perfect fairness, and if convinced that I am wrong in my views will fall in with those of any member who can present a better plan or location than that recommended by the committee. I trust, however, that the real friends of the Library will not be hoodwinked by professed friendship on the part of those who spoke and voted against even allowing the question to be considered by the last House. Such friends are more to be dreaded than open enemies, and their acts rather than their words are to determine their status in reference to this matter.

It is the deed and not the creed
That helps us in our utmost need.

Can any annex to the Capitol be built which will meet the necessities of the case without defacing the Capitol and ruining its beauty and grandeur? Let us examine as to this point. By an act of Congress of June 8, 1880, entitled "An act to provide additional accommodations for the Library of Congress," the joint committee of the two Houses on the Library were authorized to appoint a commission of experts in the matter of architecture to examine and report as to the practicability of adding to the present Capitol building in such way as to meet the present necessities and accruing wants of the Congressional Library. In pursuance of the power conferred by this act the Joint Library Committee appointed as such board of experts Edward Clark, Architect of the Capitol, Alexander R. Esty, of Boston, and J. L. Smithmeyer, of Washington, gentlemen all favorably known in their profession. After a careful examination of the whole subject this board of experts made each a separate report to the Library Committee and unanimously adopted the following resolution:

Resolved, That in the opinion of this commission it is inexpedient if not impracticable to extend the Capitol building so as to provide additional space for the rapid growth of the Library without seriously interfering with the architectural proportions thereof, and also its conveniences for legislative purposes, but that "practical and beneficial" changes, such as mentioned in the act creating this board, can and should be made at no distant day in and of the Capitol for the better accommodation of the two Houses of Congress. We therefore recommend the erection of a separate edifice for the Library.

Very respectfully submitted,

EDWARD CLARK.
ALEX. R. ESTY.
J. L. SMITHMEYER.

WASHINGTON, D. C., *September* 25, 1880.

The Library Committees of the Forty-seventh and Forty-eighth Congresses accepted and concurred in the views of the commission, and made elaborate reports to Congress on the subject. The committee of the present Congress also concur in the views of the commission for the following reasons:

First. Because the rapid growth of the Library would in a few years more than fill any addition to the Capitol which could possibly be made without destroying entirely its architectural beauty and proportions.

Secondly. That the increase of Senators and Representatives in Congress will require all the available space in the Capitol, or any annex which could properly be made thereto, for their accommodation in the way of committee-rooms, document-rooms, &c.

Thirdly. That the large mass of combustible material, such as newspaper files, pamphlets, &c., stowed in the Capitol building, parts of which are not fire-proof, would not only endanger the Library, but the building itself. It is estimated by these same architects that should a fire occur in the Library and the outlying rooms over it, communicating with the combustible material in the crypt under the Dome, that the foundations of the Dome would be so affected by the heat as to make it probable that it would topple to the ground.

Fourthly. That no other national library is made the repository of all copyright records as well as two copies of each publication, which, by act of Congress, we are bound to regard as trust property and carefully protect. Not only the books, but thousands of maps, charts, engravings, photographs, and chromos, which are often of considerable bulk, and occupy more space than the books themselves.

Fifthly. That no other national library of a great people is required to be located in the building devoted to legislative purposes. The national library of France, the largest in the world, with its two million three hundred thousand volumes, has a building detached from the halls of legislation, covering an area of 4½ acres. The British Museum, with its one million five hundred thousand volumes, covering an area of 5 acres, is also detached from the houses of Parliament. So of the library of Bavaria at Munich, with its nine hundred thousand volumes; of Russia, at St. Petersburg, with its one million volumes, and of Germany, at Berlin, with its seven hundred and fifty thousand volumes, the only five libraries in the world larger than our own.

Sixthly. If economy is to be our watchword, a separate building must be erected. Any extension of the Capitol heretofore proposed, affording adequate accommodations for the Library, even for twenty years, would involve an expenditure, according to the opinion of Mr. Walter, the former Architect of the Capitol, of $4,500,000, and according to the present Architect, Edward Clark, of $4,200,000, while the estimate for the

building proposed by the committee, made by J. L. Smithmeyer, who drew the plan, will cost $2,323,600, making a difference in favor of the Government, according to Walter's estimate, of $2,176,400, or a saving of nearly one-half, and according to Clark's estimate a difference of $1,876,400.

The reason for this is apparent to the most casual observer. Any annex to the Capitol must correspond to its present style of architecture, which is very costly, being Gothic in character with fluted columns and elaborately sculptured caps. This style is not needed in a separate building, and it would be an act of vandalism, never to be forgiven, to deface this beautiful structure, which has cost over $13,000,000, by tacking on to it a cheap Library edifice.

In every aspect of the case, therefore, a new separate building is demanded. Its necessity has been favorably and unanimously reported upon by six successive joint committees charged with the consideration of the subject. Since the year 1873, when it first came to be discussed, there has never been an adverse report or even a dissenting voice from any member of a committee. Your Librarian joins in the general demand for it, and outside of this House I have not met a single individual who does not favor it.

STYLE AND CHARACTER OF THE BUILDING.

As to the style and character of the building you have before you not only the report of the commission of experts and the report of your committee, but a diagram which represents the ground floor and its internal arrangement, to which the other stories must largely conform. You have also a diagram giving the architectual appearance of the outside of the structure, which is after the Italian *renaissance* style, a style once greatly in favor, but which being abandoned for a season for the Gothic and other styles has been revived and approximates the classic style. To my unskilled eye this diagram presents a unique and pleasing appearance without being so stately as to bring it into competition with the Capitol or so gaudy as to offend cultivated taste.

The building is to be 450 by 300 feet, arranged with open courts at every convenient point to afford proper light and ventilation, with still further means of ventilation by down draught, a system tested in other large institutions with abundant success. The reading-room or rotunda, 100 feet in diameter, just the size of the Rotunda in the Capitol, is to be shelved around with four tiers of shelves, and will hold, with the immediately connecting alcoves, about one million books. This reading-room is accessible only to students, and not to visitors generally. Around the rotunda or reading-room in the second story will be a balcony, from which visitors can view the reading-room and entire Library without disturbing those engaged in study. The alcoves radiating from the rotunda or reading-room are to be supplied with iron shelving, from time to time, as the growth of the Library may demand, at an estimated cost of about $14,000 a year, which without taking a dollar from the Treasury will be more than met by fees from the copyright system, which amount to $20,000 annually. Large rooms are to be provided for the display of maps, pictures, and other works of graphic art. The building will be so constructed as to admit of necessary additions without marring its beauty or proportions. It will be built of stone, brick, iron, and glass, and will be entirely fire-proof, there being no wood in or about it except desks and chairs in the reading and administrative rooms.

In the central room of the present Library will be retained about seventy thousand volumes of such books as Congress in its deliberations is most likely to consult, leaving the two wings to be converted into about fifteen or twenty committee-rooms, now so much needed for the convenience and proper dispatch of business by the two Houses of Congress.

APPROPRIATIONS ASKED FOR.

The appropriations asked for will be $500,000 to begin the work, $1,000,000 at the next session to continue it, and $823,600 at the succeeding session to complete it. This, of course, does not embrace the purchase of the site. It is confidently believed that these sums will finish the building so far as needed at present and for many years to come; and no further outlay need be made by the Government, utilizing, as before stated, the fees from the copyright system to put in shelving, &c., to meet the growing wants of the Library.

ITS LOCATION.

I come now to the last point which I think it necessary to discuss before the House, namely, the location of the proposed building. Upon this point there seems to be more divergence of views among members than upon any other. And while I think I can show that your committee acted wisely in recommending its location upon the plateau east of the Capitol grounds, yet after all this is a minor point when compared with the important fact of securing the Library building itself. But let us look calmly into the facts of the case. I would ask gentlemen who oppose the site recommended by the committee to name a more advantageous one. In doing this they must keep in mind that books must be protected alike from heat and moisture; that they are to be kept, *not for a single* year, or a single generation, but for as long a period as matter in that form can exist; that this Library building should be so constructed and located as to afford to Congress and all reading people the readiest means of access, and by its economic arrangement require as few agents and employés as practicable, thus securing convenience, order, and economy.

Keeping in mind these considerations, let us examine the several propositions advocated by the friends of the bill. The gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Texas [Mr. REAGAN] at the last session, when a proposition to fix a day for the consideration of this bill was before the House, based their opposition to it upon the ground that the committee did not report in favor of erecting the building upon some one of the many Government reservations in the city. I will not stop to answer this objection myself, but will have read at the Clerk's desk a letter from A. F. Rockwell, colonel United States Army, lately in charge of the Government reservations. The answer he gives must be conclusive to every unprejudiced mind:

The Clerk read as follows:

OFFICE PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., February 15, 1884.

DEAR SIR: In reply to the verbal request of the 13th instant from your committee that I submit a statement as to whether there is a public reservation among those owned by the United States in this city which would be suitable as a site for the proposed new building for the Library of Congress, and the expression of my views in reference thereto, I have the honor to say that, in the first place, understanding that the proposed structure will require a site containing at least 3 acres of ground, there are but eleven reservations which meet this requirement as to size, and they are: Executive Mansion grounds, 82 acres; Washington Monument grounds, 78 acres; Lafayette Square, 6 acres; Franklin Square, 4 acres; Mount Vernon Square, 3 acres; Smithsonian grounds, 58 acres; Armory Square and reservations east to Botanical Gardens, 33 acres; Judiciary Square, 19 acres; Lincoln Square, 6 acres; and Stanton Square, 3 acres; and reservation number 17, 23 acres (irrespective of present street surfaces).

The only part of the Executive Mansion grounds available for the erection of an additional public building would be that portion south of the Mansion, and the occupation of this spot would largely interrupt and cut off the present fine view of the river, which was undoubtedly one of the main reasons for the selection of this site for the President's house.

The same objection mentioned in the preceding paragraph would also seem to apply to the selection of the Monument grounds as a site for the proposed building.

Lafayette, Franklin, and Mount Vernon Squares are the most largely frequented of any of the public reservations, and, especially the two former, are the most highly improved parks in the city. To select either of these as a site for the proposed Library building would utterly destroy their usefulness as places of public resort.

The distance of the above five reservations from the Capitol would also seem to be a strong argument against their selection.

Following down the list we have the Smithsonian grounds, the higher portions of which are now occupied by two immense buildings, the Smithsonian Institution and National Museum building, leaving as available only the northern part of the grounds, which is entirely too low to be used as a building site, having been more than once flooded to the depth of several feet by water from the Potomac River during spring freshets.

This same objection will apply to the Armory Square and reservations east to Botanical Gardens, and an additional one will also be found in the occupation of a large portion of the reservation by the Baltimore and Potomac Railroad Company, and the Armory building now used by the United States Fish Commission.

Judiciary Square should not, in my judgment, be further encroached upon being already occupied by the City Hall and the new Pension building.

Lincoln and Stanton Squares are the only improved parks east of the Capitol, and the selection of either would deprive the residents of East Washington of much-needed breathing space. In addition, one of these squares (Lincoln) would appear to be too far from the Capitol for the purpose desired.

Reservation No. 17 (the last to be considered) is situated about three squares southeast of the Capitol, between South Capitol and Third streets east and E street south and Virginia avenue, and, when the present street surfaces are incorporated, will contain an area of about 40 acres. The improvements made on the grounds have been necessarily confined to grading, draining, and surface-soiling. In addition to the present unfinished condition of the reservation and the character of its surroundings, its topography would seem to render it specially unsuitable for the proposed building.

In conclusion, I beg most respectfully to protest against the selection of any portion of the public grounds in this city as the sites for additional public buildings. These grounds have been especially set aside for public parks, *i. e.*, open spaces, and to encroach upon them with buildings will defeat the objects for which they are designed.

I venture to express the opinion that it should be the policy of the Government to increase, rather than diminish, the area of park surfaces, as they have a direct and beneficial effect upon the health and happiness of the people in cities which are blessed with such places of recreative resort.

Very respectfully, your obedient servant,

A. F. ROCKWELL,
Colonel, United States Army, in charge.

Hon. O. R. SINGLETON,
Chairman Joint Committee on the Library, House of Representatives.

Mr. SINGLETON. Mr. Chairman, I can add nothing to the forcible reasoning of Colonel Rockwell. He was for years in charge of these grounds; knows every foot of each reservation, and, like a public-spirited and sensible man charged with an important public trust, enters his protest against further encroachment upon the public parks, which are intended for the recreation and health of the people of the city, and recommends an increase rather than a diminution of the park surfaces.

Some of the friends of the bill insist, nevertheless, that the reservation now occupied by the Botanic Garden is the proper place for the building. Do gentlemen know that in times of flood in the Potomac River the whole of that reservation which has not been built up is subject to overflow? Do they know that for much of the time in winter the pumps are kept in action to prevent the extinguishment of the furnace fires which warm the conservatory? Do they know that Tiber Creek, which is arched over and hid from view, flows under the center of that square, and at times, after a heavy rainfall, a flood-gate, which has been erected in connection with it, has to be thrown open, not to drain the water from the reservation, but to allow it to escape from the

stream into those grounds to save the arch or sewer from being broken up and destroyed?

Do they know that no foundation, even for a small edifice, can be had in these grounds without driving down piling for the purpose; that in locating the Peace Monument, as it is called, at the west entrance to the Capitol grounds, piling had to be used 20 feet long? Do they know that in digging down 2 feet anywhere on this square in the winter season water will fill the excavation? If not cognizant of these facts, let me assure them that they do exist. Is this, then, a proper place to locate a library building, and launch it, like Noah's ark, upon the flood tide of the Tiber and the Potomac? I have often heard of a circulating library, but never before of a floating one. I send to the Clerk's desk, to be read, a communication from General Babcock:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., May 18, 1876.

GENERAL: In reply to your communication of May 17, inquiring as to the nature of the public grounds lying between Pennsylvania and Maryland avenues in this city, known as the Botanic Garden, I have the honor to submit the following information and opinion:

There is no record in this office that shows the amount of filling, though in my opinion there will be found made ground over the greater part of the inclosure, and in places to the depth of 5 to 8 feet. The inclosure contains many springs, and along the line of the Tiber Creek, now sewered, there will be found marshy ground.

The Baltimore and Potomac Railroad depot, at the corner of B and Sixth streets, is on the line of the Tiber Creek. The engineer in constructing this building found it necessary to place the whole foundation of the building on piles. They used piles 45 feet in length and drove them on the average 28 feet to a firm strata. From the above data, my observation in work along the line of the Tiber Creek from Third to Seventeenth streets, and from the opinion of persons who have known the Botanic Garden grounds for the last thirty-five or forty years, I am of the opinion that no heavy building can be safely constructed within that inclosure without a foundation resting on piles over the greater part if not all the grounds.

I am, general, very respectfully, your obedient servant,

O. E. BABCOCK,
Colonel of Engineers, United States Army.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, United States Army.

But the question has been, and may be again, asked why not buy the lots south of the Capitol, which can be had for a price below those lying east of it? I should think a simple glance at these lots ought to satisfy every practical man of the impropriety of building a library in a frog-pond or upon a hillside, where the west end of it, unless the grounds are filled up and terraced, would be at least two stories higher than the east end. Not relying upon my own judgment, I propose to let Edward Clark, Architect of the Capitol, speak upon this point. He says:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., February 8, 1886.

DEAR SIR: In reply to your inquiry as to the practicability of placing a building of the extent of that proposed for the new Library building on squares 635 and 636, lying south of the western grounds of the Capitol, I have the honor to state as follows: That owing to the inequality of the grade, about 60 feet between the highest and lowest points, it will be exceedingly difficult and expensive to place so large a building upon these squares, as the western front of the building and a portion of the north and south fronts would necessarily be several stories higher than the corresponding portions of the eastern front unless terracing were resorted to, which would be difficult and expensive to construct. The additional cost of foundations, together with that of the terrace, would, in my opinion, amount to a sum approximating the cost of a corresponding area of land of even grade.

Very respectfully, yours,

EDWARD CLARK,
Architect United States Capitol.

Hon. OTHO R. SINGLETON,
Chairman Joint Committee on Library, House of Representatives.

I have consulted him as to the squares north of the Capitol, and he informs me that the same objections hold good as to those squares, though not to the same extent; but that in any event, to purchase either of them and secure a proper foundation, which would be difficult to obtain if to be had at all, fill up and terrace them, would cost in the end about the same as the proposed lots east and would be a far less desirable location.

THE COST OF THE SITE.

Gentlemen object to the price to be paid for the lots named in the bill without knowing what that price will be. They seem to think that because the bill limits the maximum for that purpose to $550,000, therefore that sum will necessarily be paid for the lots. The bill provides that the Secretary of the Interior, the Librarian of Congress, and the Architect of the Capitol shall constitute a commission whose duty it shall be to contract with the owners of the property at private sale, if reasonable terms can be had; and, if not, they are authorized to apply to the proper legal tribunal for the condemnation of the property for public use. The gentlemen charged with these duties are all honorable men, and it is not to be supposed that any detriment will come to the public interests while they hold this trust. They will buy the property at reasonable prices from the owners, or not buy at all, but resort to the courts for an assessment of damages. These are the only two ways in which any piece of private property can be converted to public use.

Gentlemen cry out "a job! a swindle!" and hope to frighten reasonable men by this senseless clamor. I call upon them to give the names of these would-be plunderers, or hide their heads for very shame that they have resorted to such trick or subterfuge. Let them beat the bill if they can by fair and honorable means, but not hope by covert insinuations and improper innuendoes to defeat this commendable work. Point out the rascals who are planning a raid upon your Treasury, and I will go as far as he who goes farthest to expose and punish them.

But why should gentlemen take fright at the imagined prices to be paid for these lots? Review for a moment the past legislation of Congress upon the subject of the purchase of private property for public uses, and we find that for the site of the post-office at Philadelphia we paid $1,491,201, or $17.53 per square foot; at Chicago, $1,259,385, or $9.90 per square foot; at Boston, $1,329,096, or $27.96 per square foot; at Cincinnati, $708,036, or $9.96 per square foot; at Baltimore, $553,500, or $10.39 per square foot; and I have no doubt some of the gentlemen who are clamoring against the purchase of a site for a great national library recorded their votes in favor of the purchases I have named. The site which the bill under consideration proposes to purchase, even allowing that the maximum price named therein shall be paid, taking the streets into account, which already belong to the Government, will only be $1.16 per square foot, or excluding the streets, $2.43 per foot, being less than one-fourth the amount paid for the cheapest property I have already named, and less than one-eleventh of that paid for the Boston site, it being the most costly. In each of these cases, Baltimore excepted, the property was acquired by condemnation. Why fear the same process for acquiring a site for the Library? Are the courts in Washington less trustworthy than those in the other cities named? Is there no honesty among Washington officials?

Mr. Chairman, no farce more ludicrous is ever played before this House than to see gentlemen who wish to pose before the country as great economists and reformers loading themselves with the public treasure when their districts are to be benefited and wagging off with it to improve some creek which will scarcely float an Indian canoe, or to erect a public building at some place for ornament rather than for use; then to see these same gentlemen hold up their hands in holy horror when an appropriation is to be made for some useful and necessary improvement, and with "visages that cream and mantle like a standing pond" cry out to the friends of the measure, "O thou most unclean!" I would commend for their careful perusal the scathing lines of Burns addressed to the "unco guid and rigidly righteous." He says:

O ye wha are sae guid yoursel,
Sae pious and sae holy,
Ye've naught to do but mark and tell
Your neebors' fauts and folly.

But, Mr. Chairman, I have said enough, and I fear too much, upon this subject. I fear I have vexed the ear and wearied the patience of the House. If so, I appeal to the friends of this measure not to allow a good cause to suffer by reason of a poor advocate. I ask them to rally to its support and not suffer themselves to be demoralized by the clangor of Chinese gongs which will be sounded about their ears. Extravagance and fraud will constitute the slogan of the opponents of this bill; the rules of the House will be again ransacked for some short way to get rid of it; the "Great Objector," as heretofore, will probably interpose his objections; but it is to be hoped that down our line will ring out the words "*vive le* Library!" until some proper bill is matured and passed.

Why should we not have a library equal in all respects to any in the world? We are rapidly marching to the front in all that constitutes a nation's greatness. In the arts and sciences, in inventive genius, in statesmanship, in diplomacy, in oratory, in wealth—in all that makes up the best type of mankind—we are not a whit behind nations that have grown hoary with age and gouty from luxurious living. In years, it is true, ours is but a stripling among nations; but our young giant stands not abashed in the presence of any vaunting Goliath. Yes, Mr. Chairman, our march must be onward and upward. Our boys must be educated; they must not only have workshops for their hands but also for their brains; and the implements of intellectual warfare, which are books, must be placed within their reach. Our children, though not born great, are born with the elements of greatness in them, which, like the marble in the quarry, lie dormant until utilized and made fit for the builder's use.

There is no royal road in this our land to glory and to greatness; each man must be the architect of his own fortune and fame, and if he ever "climb the steep where Fame's proud temple shines afar," it must be done by toil and self-denial. Schools and books must be ready at hand to arouse ambition, stimulate genius, and encourage to labor, since by these means alone men become great. It has been well said:

We have not wings, we can not soar,
But we have feet to scale and climb;
By slow degrees, by more and more,
The lofty summits of our time.

The heights by great men gained and kept
Were not attained by sudden flight;
But they, while their companions slept,
Were toiling upward in the night.

Mr. Chairman, I desire now, under the advice of friends, to move that the committee rise and report this bill favorably to the House, giving notice that I shall call the previous question upon it. It has been thoroughly discussed heretofore, and I think every member understands it.

Mr. BLOUNT. Does the gentleman mean to say that the other side of this question is not to be debated at all?

Mr. HOLMAN. I rise to address the Committee on the Whole on this bill.

The CHAIRMAN. The motion is made by the gentleman from Mississippi [Mr. SINGLETON] that the committee rise. That motion is in order. If the motion be voted down, of course the gentleman from Indiana [Mr. HOLMAN] will be recognized.

Mr. BRECKINRIDGE, of Kentucky. Did the gentleman from Mississippi accompany his motion with the proposition that the bill be reported favorably to the House?

The CHAIRMAN. The Chair did not so understand.

Mr. SINGLETON. Yes, sir, my motion was that the committee rise and report the bill favorably to the House; and I shall move the previous question when we get into the House.

Mr. HOLMAN. I rise to address the Chair on the bill, and I propose to submit an amendment. The motion to rise and report the bill favorably is of course debatable. Amendment and debate can not be cut off at this stage. The gentleman can move that the committee rise, but he can not move to take the bill from the Committee of the Whole if there is an amendment offered.

Mr. O'NEILL, of Pennsylvania. No amendment has been offered.

Mr. HOLMAN. I am proposing to offer one as soon as I am recognized by the Chair.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. SINGLETON. I will change my motion and move that the committee rise for the purpose of limiting general debate.

Mr. BLOUNT. I would like the gentleman from Mississippi to state what limit to the debate he proposes. We ought to know that before the committee rises.

The CHAIRMAN. The gentleman from Mississippi moves that the committee rise.

Mr. HOLMAN. I rise to a question of order. I think the Chair distinctly recognized me as having the floor.

Mr. DUNHAM. Regular order!

Mr. HOLMAN. That is what I am talking about.

Mr. SOWDEN. I rise to a point of order.

The CHAIRMAN. The gentleman from Indiana is on the floor upon a question of order.

Mr. HOLMAN. I addressed the Chair, and stated that I wished to offer an amendment. The Chair then requested that the amendment be sent up. Then the gentleman from Mississippi rose and proposed to change his motion. I submit that I was recognized and was entitled to the floor.

Mr. SOWDEN. I rise to a point of order. My point is that the gentleman from Indiana is out of order pending the motion of the gentleman from Mississippi.

The CHAIRMAN. The Chair understood the gentleman from Mississippi originally to make the motion that the committee rise and report the bill favorably. Upon that state of the question the gentleman from Indiana proposed to offer an amendment, which would authorize him to proceed to debate the proposition.

Mr. SINGLETON. I afterward modified my motion.

The CHAIRMAN. The Chair understood the gentleman from Mississippi then to modify his motion so as to move simply that the committee rise.

Mr. HOLMAN. But had my friend from Mississippi the floor for that purpose? I submit that I undoubtedly had the floor. The Chair had recognized me, and of course the gentleman from Mississippi could not take me off the floor by modifying his motion.

The CHAIRMAN. The Chair had recognized the gentleman from Indiana; and if he insists upon recognition the Chair will accord it to him.

Mr. DUNHAM. I rise to a point of order. Did not the Chair afterward recognize the gentleman from Mississippi to restate his motion?

The CHAIRMAN. The Chair did so; but the gentleman from Indiana was on the floor, and could not properly be taken off the floor in that way by the Chair or any one else.

Mr. DUNHAM. As a matter of fact, did not the Chair take him off the floor and recognize the gentleman from Mississippi to restate his motion?

The CHAIRMAN. The Chair thinks the gentleman from Indiana is entitled to the floor.

Mr. HOLMAN. I submit the following substitute for the pending bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That a fire-proof building for a library shall be erected at such place in the city of Washington, D. C., and on such ground owned by the United States, as the commissioners of the District of Columbia, with the approval of the Secretary of the Interior, shall select and designate. The plan of such building shall be prepared by the Supervising Architect of the Treasury Department, subject to the approval of the Joint Committee on the Library. The plan of the building shall be such that the same shall be completed by an expenditure not exceeding $1,000,000, and the plan thereof as to the cost of construction within the limit above specified shall be subject to the approval of the Secretary of the Treasury. The construction of said building shall be under the charge of the Secretary of the Treasury.

"2. That all books and other literary works which have accumulated or shall from time to time accumulate in the Library of Congress, and not required for the purposes of said Library of Congress, shall be deposited in the library proposed to be established by this act when said building shall be completed, and be subject to public use, under such rules and regulations as the Joint Committee on the Library of Congress shall prescribe.

"3. The sum of $500,000 is hereby appropriated for the commencement of said building out of any money in the Treasury not otherwise appropriated.

"4. This act shall take effect from and after its passage.

Mr. HOLMAN. Mr. Chairman, I have listened with great pleasure to the admirable remarks of the gentleman from Mississippi [Mr. SINGLETON]. His long service in this House, extending back beyond that of any other gentleman on the floor, his large acquaintance with public affairs and uniform kindness and courtesy entitle him always to a very respectful hearing. His remarks not only touching the subject of the Library, the propriety of erecting such a building, and the necessity for it, but his general remarks on the subject of libraries and books have interested us all and undoubtedly met the general approval of the gentlemen present. They were elegantly expressed and specially becoming in a literary discussion. In many respects I agree with my friend from Mississippi, certainly as to books and libraries in general, and most cordially on one point, the force of which my friend I apprehend overlooks, that of adhering to the original design of a Congressional Library, for I think it clear the measure involved in the bill pending is a departure from the policy of our fathers, an abandonment of the purpose for which the Library of Congress was originally designed.

Through the greater portion of the history of Congress, almost from the beginning, that purpose has been steadily pursued; that is, the founding of a library for the benefit, convenience, and information of the two Houses of Congress, and with that purpose steadily in view a library invaluable to Congress, a library upon which we make demands every hour, has grown to its present most respectable proportion.

The very idea suggested by my friend that the policy of the Library ought to be maintained, if upon no other ground in respect for the policy of our fathers, is one I cordially indorse. But I submit to my friend that his bill is an entire departure from that policy. The measure I submit is in perfect harmony with it and proposes to carry out the exact plan upon which the Congressional Library was originally established and has been maintained up to this time. It proposes to maintain it intact as originally established, a Congressional Library, within the reach at any moment of members of the House and Senate. My friend's plan virtually involves the removal of the Library from its old depository to a point distant from the Halls of Senate and House.

The library structure in this Capitol, midway between House and Senate, improved and greatly enlarged within the last twenty-five years, understood at the time to be fire-proof—a library structure which in its adaptation for the preservation of books has, I think, never been the subject of doubt, and which is capable of accommodating from 250,000 to 300,000 volumes. The number of books coming to the Library under our present copyright system of necessity rapidly increases. Until the adoption of the present law touching copyrights, and the accumulation of books in the Library under that system, it was supposed that the library structure, as improved and enlarged as I have mentioned, would meet the requirements of the Congressional Library during the present century and beyond. It was understood then to be fire-proof and admirably adapted to the original purpose, for it was not likely that a larger accumulation of books required for the use, information, and business of Congress, according to the original design of the Library, than 200,000 or 300,000 volumes, would occur for several generations. Such would have been the probable result if works suited to such a library had only been accumulated by suitable purchases, the scientific productions of our own institutions, gifts accepted by Congress, and works received from other Governments in mutual exchange.

Mr. SINGLETON. The gentleman knows, as well as I can state it, that a large part of the building in and about the Library is not fire-proof. It has been so reported by the Architect of the Capitol. We are therefore constantly endangering the building itself as well as the books in the Library by keeping combustible material there.

Mr. HOLMAN. There may be some combustible material in the vicinity of the Library, but as there are some books we held in sacred trust Congress was anxious that the Library should be made fire-proof, and it was ordered to be made fire-proof. The best ability at the time was employed to make it fire-proof, and I indulge the hope that the apprehension of my friend is not correct, and that the building is still a fire-proof building.

But the effect of the copyright law was the accumulation of a vast number of books yearly many of which are valuable, a still greater number of no special value, a great number of no value to such a Library. The question is what shall be done to meet this accumulation of books not needed in the Congressional Library? I may be permitted to say in this connection that I know of no city of the population of Washington and with so intelligent a people in which the whole people do not feel a lively interest in a library open at all times and to all the people, a library especially belonging to the people and to which the whole people can have constant and ready access. Washington city is no exception to the rule. It is a library such as this open to all, accessible to all that I propose.

The CHAIRMAN. The hour for the consideration of bills has expired. The committee will therefore rise.

The committee accordingly rose; and the Speaker having taken the

chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library, had come to no resolution thereon.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. SINGLETON to extend his remarks in the RECORD.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building;

A bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.;

A bill (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army; and

A bill (S. 416) for the relief of J. M. Lobban.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Indian appropriation bill. The Clerk will read the pending paragraph.

The Clerk read as follows:

For support of Indian industrial school at Salem, Oreg.: Two hundred Indian pupils, at $175 per annum each, $35,000; pay of superintendent, $1,500; completion of school building and necessary outbuildings and repairs and fencing, $5,000; in all, $40,000.

The CHAIRMAN. The gentleman from Minnesota [Mr. NELSON] has made a point of order against this provision of the bill.

Mr. NELSON. Mr. Chairman, I made the same point of order last evening during the consideration of this bill upon this paragraph as had been made to the preceding item with reference to the Carlisle school, which point of order had been sustained by the Committee of the Whole.

I did it, Mr. Chairman, for the purpose of showing to the committee that there was a mistake somewhere, that something was wrong somewhere, either in the ruling of the committee on that question or else that the House had made a mistake in the rules adopted by it at the beginning of the session. I wanted to emphasize the fact that somewhere there had been a mistake. It is certain that if this item with reference to Mr. Pratt was properly stricken from the bill on the point of order on any of the grounds that it may be possible to conceive, then, upon the same grounds, upon the same logic, and on the same reasoning, as well as upon the same technical construction of the law, these other items in the bill should be excluded. This is clear, for it must be apparent that they stand upon the same footing, and they have no basis at all except what you may call their standing in the annual appropriation bills.

But, Mr. Chairman, having demonstrated this fact, as I think, satisfactorily to the committee, and having also demonstrated that there was something serious in the attitude the committee assumed on yesterday, I am now content; and to avoid further delaying the passage of the bill I withdraw the point of order upon this item.

The CHAIRMAN. The point of order being withdrawn, the Clerk will read.

The Clerk read as follows:

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Va., $20,040.

Mr. PEEL. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of line 1048 add:

"Provided no part of the amount hereby appropriated shall be used to educate or maintain any Indian pupil not now enrolled and in actual attendance at said school."

Mr. PEEL. In offering that amendment, Mr. Chairman, as a member of the committee I wish to state that I do not desire to further obstruct the consideration of the bill and shall delay it but for a moment.

That proposition covers the elementary principles of the system of the education of these Indian children. My object in confining the appropriation to the maintenance and education of those already enrolled and attending the school is to change the future policy in this regard. This school, to which the amendment refers, is not one of the schools termed Government schools. It is one where the Indian students are simply educated under a contract by the Government; not like that at Carlisle, Pa. This school at Hampton, and the Lincoln Institute in Philadelphia, and the different schools in the different States where the Indian students are educated, are schools of the character to which I desire this principle to apply.

All that class of schools are simply contract schools. The Government, in its present policy, appropriates money out of the public Treasury to pay agents to go to the Indian country to gather up these children. It then pays the expense of transporting them many hundreds of miles from their homes to be educated. After incurring the expense of educating them it pays a further amount to transport them back to their original country to become Indians again.

The policy is wrong. It is bad economy. I think the expenditure of the appropriation should be confined to those who are now enrolled in the school, so it will stop in the future the gathering of the children off their reservations in the far West, the paying the expense of collecting them, and the additional expense of transporting them to the schools and back home to become Indians as they were originally.

In the investigation made by the committee of which I have the honor to be a member, of which the gentleman from Indiana [Mr. HOLMAN] was chairman, and of which my friend from Illinois [Mr. CANNON] and my friend from Kansas [Mr. RYAN] were also members, after taking the testimony of military men of experience, of contractors of experience, of agents of experience—in the investigation of these Indian schools throughout the entire Western reservations, not a single exception appears in our report where there was an Indian child taken and educated in the contract schools and sent back, unless employed by the Government, who did not return to his original state.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HOLMAN was recognized and yielded his time to Mr. PEEL.

Mr. PEEL. If that report then is correct, if it is a fact that that system does not carry out the object intended, it is certainly wrong. We are simply throwing away money. We ought to take the money we are using for this purpose and extend the system of the industrial schools on the reservations, the only schools which have proved satisfactory in their results, and which will prove beneficial to the Indians. In that way we will be appropriating money that will yield a return for the expense the Government is at to educate those children, if that education is worth anything.

If, after a thorough investigation of months of the results of these schools, we find they have been a failure, then the system is an erroneous one, and the appropriations we are making to-day on these contract schools are thrown away.

I understand that my amendment does not affect the Government schools, but only such schools as the Government enters its students into under contract at so much per scholar. The money hitherto appropriated has been expended to send them there to educate them, and to send them back to the Indian country where, according to the experience of our committee, they will fall back and become Indians again. I say we should stop that.

Let this money now appropriated be confined to the education of those who are already in those contract schools. Carry out in good faith the contracts already existing, and then in the future let whatever money we appropriate be expended on the industrial and agricultural schools on the reservations, where the Indian children can be educated to take care of themselves in the presence of their parents, and where the education given the children may have a good effect on the whole tribe. You will thus hold what you gain and the money will not be wasted.

Mr. CUTCHEON. I rise to oppose the amendment of the gentleman from Arkansas. If it be true that the further maintenance of these schools is a waste of money, is an uneconomical method of education, then it ought to be discontinued. If these schools are not meeting the ends for which they are intended, then the amendment of the gentleman from Arkansas is correct. But I would like to invite the considerate attention of the committee to the testimony of some recognized authorities upon this question. And first, I desire to read a single passage from the current report of the board of Indian commissioners, the report which has just come from the press. I read from that report, on page 7, as follows:

What will become of these pupils of our industrial training-schools when they go back to the Indian reservations is a question of great and growing importance. Hitherto the number has not been very large, and for nearly all so far some suitable employment has been found. It has been asserted in some Western papers that when the Indian boys and girls go back to their tribes they return to savage life and the customs of their people; and this is quoted at the East and even in Congress as true. But it is by no means true.

The gentleman has just stated the same now—

But it is by no means true. It is made without an investigation of the facts.

The gentleman I know claims to the contrary.

The truth is that of the two hundred and fifty-nine boys and one hundred and fifty-six girls who have been sent home from Carlisle it is known that a large proportion are doing well, far better than we ought to expect from the surroundings of their homes. Nearly fifty are employed in schools; others fill places of laborers, interpreters, mechanics, and policemen at the agencies; others are farming with their parents or on their own account, and several are clerking for traders. Now and then one has gone down to low life, but it is a surprise that the number who do that is so few. Of the one hundred and forty-six who have returned to their homes after three years at the Hampton school two-thirds are doing well as teachers, farmers, mechanics, and laborers.

Again, as said by Commissioners Charlton and Smiley in their report on the Carlisle school (Report of Commissioners, page 39):

It is a commonly received opinion with many of our best people that the relations of our Government with the Indians is a problem which is very difficult to solve. To us it seems to be very simple. Take the fifty thousand Indian children now growing up wild and ignorant, give them a plain English education, with an opportunity to learn a trade while they are acquiring their education; give them when they become of legal age their lands in severalty, with a prohibitive clause against selling it under a certain number of years; give them the right to vote and every right that citizenship carries with it, and in less than twenty years from the present the "Indian," as such, will have become extinct, obliterated by his own option and transformed into a useful and valuable member of society. We risk nothing in affirming that for less than one-quarter of the money now required to keep our Army in the West and on the frontier enough schools like that at Carlisle could be established and supported and the result would be accomplished.

I hold in my hand a letter from Capt. R. H. Pratt, the superintendent of the Carlisle school, under date of March 18. He says in this letter:

One of the agencies Mr. HOLMAN'S committee visited was the Pine Ridge, of Dakota. The agent, Dr. McGillycuddy, in a letter just received, dated the 14th of March, says of our returned Carlisle students as follows:

"Maggie is married to Gay Belt, a full-blood Indian trader, and is doing well. Frank Twiss is our tinsmith; Edgar Fire Thunder, assistant blacksmith. Lizzie Glade is married to a Ponca half-breed and is assisting in the Medicine Root day school. Clarence Three Stars is still doing well as assistant teacher in the boarding school. Tommy is office boy. Baldwin and Gay are working among the Indians, building houses. Amos is working among some of his relatives at Cheyenne agency. Ralph is doing well on Medicine Root Creek, and will be given a position soon. So you see the Pine Ridge children are accounted for, and none have gone back to the blanket."

That is as far as the Pine Ridge agency students are concerned.

I received before the last debate closed a telegram from Captain Pratt, which is printed on page 2462 of the RECORD, under date of March 17, as follows:

CARLISLE, PA., *March* 17, 1886.

Hon. B. M. CUTCHEON,
House of Representatives, Washington, D. C.:

Letter just received. We have returned to forty-five tribes four hundred and thirty-eight pupils. I have received information that thirty-four are now employed as teachers, &c., in agency and other schools; that forty-two are working for Government at agencies; that twenty-seven are farming for themselves; that fifty-six are attending agency or other schools as pupils; that nine are employed as clerks in the stores; forty-one are reported as doing nothing. Sixty-three have died. Of the balance I have no certain information, but know that a good proportion are employed as scouts and policemen. Since school began, October, 1879, we have had one thousand and forty-one students. Of these I have sent into families hereabouts, for longer or shorter periods, seven hundred and sixteen, coming from all tribes, twenty-four being Apaches and a full proportion being Sioux, Kiowas, Comanches, Cheyennes, and others of the so-called "bad tribes." Only seven of this whole number have been charged with criminal conduct. We always require that unsatisfactory pupils be returned to the school. Forty-two were so returned. Eighty-four are out at present. These attend school among the whites, and are mainly in excess of the number appropriated for, and without material cost to the Government.

So we see that two hundred and seventy-four out of four hundred and thirty-eight are definitely accounted for, and certainly make a good showing for the school. So much for the Carlisle school.

I demonstrated the other day from the letter of Miss Ludlow that of the seventy-three pupils who had returned from the Hampton school only four had gone back to the blanket; one of them an epileptic girl, another a consumptive boy, and the other two were girls who had married full-blood Indians and gone back to Indian life. I think that the work of these schools is fully justified by the testimony I have already cited.

I have more here that I would like to read if time would permit. For instance, I have here a letter from the Right Rev. William H. Hare, D. D., Protestant Episcopal bishop of Southern Dakota, under date March 19, 1886, which I will read. It is addressed to Mr. Herbert Welsh, corresponding secretary of the Indian Rights Association. The bishop says:

PHILADELPHIA, *March* 19, 1886.

MY DEAR Mr. WELSH: I am amazed at the statement, which you say is gaining currency, that "Indian students from schools at the East relapse almost without exception, on their return home, into barbarism."

Twelve years of my life have been spent as a missionary bishop in work among Indians whose children have been largely represented in these schools. The missions and schools in which I am especially interested are all of them located right among the Indians, and my prepossessions, therefore are altogether enlisted in behalf of schools situated on Indian reservations, and my judgment is that most of the educational work for Indians should be done there.

But I can not shut my eyes to the incalculable service which well-conducted Eastern boarding-schools have done the Indians, and I am filled with alarm when I hear it suggested that their work should be either discontinued or crippled.

(*a*) These schools serve as high standards by which reservation schools are tested, and they then correct the common tendency to apologize for poor school work on reservations with the thought, "O, this is about the best that can be done with Indians."

(*b*) They are models to which schools less advantageously placed are working up.

(*c*) They have placed a practical argument in favor of Indian education before which skepticism has fled and indifference been warmed to zeal.

(*d*) And they have sent back to the Indian country a large number of young people who have been of great service, intellectually, morally, and practically to their people.

I am aware that much testimony can be produced on the other side. The reasons are not hard to discover. Some students do turn out badly, and such cases make deep impressions.

Indian youth, like young white people, when they come back to their homes from school or college, are apt to have an exaggerated sense of their own importance and want to have their own way. They have ideas of their own and are harder to manage than ignorant Indians; a disagreeable thing to incompetent guides. They know too much to be easily cheated, and they have too much independence to submit to being treated like dogs. To some this is inconvenient.

In a word, these students are in their green-apple stage. People who bite them of course make faces. But let them alone or give them the sunshine of a kind and considerate friendship and they will become ripe and mellow.

Yours, sincerely,

W. H. HARE.

To HERBERT WELSH,
Corresponding Secretary I. R. A.

I have here also a letter from Mr. Herbert Welsh, to whom the letter of Bishop Hare is addressed. Mr. Welsh says:

My testimony is that of a man who works in this Indian cause absolutely without remuneration of any kind. I have no ax to grind. I have no personal interest in any of the Eastern schools. I visited every agency upon the Sioux reservation last autumn, spending two months on the great reservation and traveling 800 miles over it on horseback and in wagon. This is my third visit to to this reservation. In the light of these facts I say unhesitatingly that I believe Hampton, Carlisle, and the Lincoln Institute are essential factors in the solution of the problem. I have seen upon the reservations again and again the boys and girls from Hampton, and I think I have had at least three times the experience regarding them that either Mr. HOLMAN or Mr. CANNON have had.

These children in the great majority of cases were doing well, in some cases splendidly. Agent McLaughlin at Standing Rock, one of the most experienced and successful of Indian agents, spoke to me in the presence of witnesses in terms of high commendation of the returned Hampton children. But take other cases of Indians educated in the East. I know quite a number of Indian ministers belonging to the Episcopal Church, full-blooded Indians, who received their education in the East years ago—not at any of the institutions mentioned, but at other places. These men have for a long time been carrying on the work of the Christian ministry among their own people and have maintained a high standard of Christian living all the while. Our church has one thousand communicants in good standing among the Sioux to-day. I think Mr. HOLMAN had better try again to make a tour of Indian investigation, so as to secure results which are better calculated to stand the test of intelligent criticism than those which he now submits to Congress and the country. With renewed thanks,

Faithfully, yours,

HERBERT WELSH.

Hon. BYRON M. CUTCHEON.

This letter is in full corroboration of the testimony of these other witnesses. Now, Mr. Chairman, in the presence of this testimony I think we ought to adopt no legislation looking to the present extinction of the Carlisle, Hampton, and Lincoln schools. I would, however, favor legislation looking to their ultimate transfer, either to the reservation or rather to the immediate neighborhood of the reservation. I believe in bringing white civilization directly into the presence of the Indian barbarism, and we can not do that if we put the school upon the reservation so well as if we place it adjacent thereto.

We can civilize the Indians better by bringing the two into this immediate contact; but I would not do away with these Eastern Indian schools until we are prepared to remove them bodily, as it were, into immediate contact with the Indians on or near the reservation. I would continue these schools, which are doing this good work for civilization, until full preparation could be made for their transfer, and then, in due time, I would make that transfer.

Mr. PEEL rose.

Mr. CUTCHEON. Just one word more. Here is this great Sioux Nation of about thirty thousand souls. We have one good industrial boarding-school up there; but suppose that instead of using these old Carlisle barracks we could take possession of the old Fort Sully reservation, and there, right in the presence of Indian life, in the presence of this great tribe, put down the Carlisle school where that whole nation could look upon it, where they could visit their children, could get inspiration from the influence of the school, and then could go back to the tribe with the inspiration they would receive there, I believe that in that way we could lift that whole nation of thirty thousand souls speedily out of barbarism—more speedily, certainly, than we could do through the instrumentality of the schools as they now exist. Meanwhile, however, let us uphold those schools until we are ready to do something better.

Mr. HOLMAN. Mr. Chairman, I believe the gentleman from Michigan [Mr. CUTCHEON] has only to examine the testimony accumulated by the committee to which the gentleman from Arkansas has referred to satisfy himself that the evidence is simply overwhelming that the education of these Indians ought to be provided for on the reservations, not only on account of the children, but on account of the tribes; and beyond that (a consideration which Congress ought by no means to overlook) upon the ground of humanity; for no person can read the testimony of some of the Christian men and women who have given evidence before that committee without being convinced of the real grief and distress inflicted upon these unfortunate Indians by taking their children to these remote schools. I have heretofore mentioned an instance of an old Indian woman traveling 75 miles to see her little girl at school; and as soon as she saw her—saw that she was well and contented—she was ready to return to her home. When we are able to furnish ample industrial schools on these reservations, and when good men and women are willing to go there and teach the Indian youth, I do not think we should, in our zeal for Indian education, go to the extent of inflicting suffering upon the parents by removing their children so far from them. I appreciate all that has been done at Carlisle, Hampton, and these other institutions; but I know it is a mistaken philanthropy that takes the Indian youth away from the reservations to educate them.

Mr. ADAMS, of Illinois. I wish to ask the gentleman whether he refers simply to the objection of the Indians to having their children taken away without their consent?

Mr. HOLMAN. Not entirely; for if they are taken away that is inevitable, absolutely inevitable.

Mr. CUTCHEON. In the letter of Captain Pratt, of which I read a portion, he states positively that never in a single instance within his knowledge has any Indian child been taken from the reservation by duress.

Mr. HOLMAN. That is not now the question I am discussing. My friend knows I do not want to press that point as to how the children are taken from the reservations; it is a subject I have said very little about except in a general way. All I ask is that my friend read the testimony which has been taken. I have received a letter from Mrs. Cox, one of the estimable ladies engaged in this industrial Indian school at the Lincoln Institute. I see this excellent lady appreciates one of the troubles. Children are brought together from the various tribes, and they do not go back, after being educated, to the same places. The boys and girls thus educated do not, when they grow up, intermarry. No foundation for real progress is laid. This lady, who writes an excellent letter, says that in her judgment the children from a single tribe should be drawn together—not taken one here and one there from this and that tribe. You will find at Hampton or Carlisle children from a great number of the tribes. From the very nature of the tribal relations intermarriage of these pupils is generally impossible. If you will examine the testimony of these various educators who have worked among the Indians, you will find that in their view the proper policy is to educate the boys and girls of a given tribe in the same or contiguous schools, and when they grow up to encourage them to intermarry, to settle down together; then they become mutually supporting; then the farm is established, and civilization goes on. But on the subject referred to I ask the Clerk to read a passage from evidence embraced in the report of the commission on this subject.

The Clerk read as follows:

Isaac M. Taylor, agent of Sac and Fox and other tribes of Indians, testified as follows:

Q. What progress are these Indians making in education since you have been here?

A. The progress made at the school does not amount to a great deal; from the fact that when they get a child learned anything, so they can do something, they take them off to the school at Chilocco, Carlisle, and other Indian schools; they have a number of scholars at all these schools.

Q. Were these scholars generally taken from the schools at this agency?

A. Yes, sir.

Q. What was the object in moving these children from the school at this agency to these other institutions?

A. My opinion has been that it is because they get $175 a head, and it don't make any difference whether they are boys or girls. I don't know what else could do it, for they take them before they are the proper age.

Mr. HOLMAN. The gentleman who gives that testimony was long the agent at the Sac and Fox agency. He is from Kansas and is said to be a gentleman of very high character—is known, I believe, to my friend before me [Mr. RYAN]. The children are taken from these local industrial boarding schools, of which there are seventy-nine in all on the reservations, and transported to these remote institutions, greatly to the distress of the parents and contrary to the desire of the tribes. If the proposition of the gentleman from New York be carried out, that no part of this money be expended in taking children away from the reservation except with the consent of the parents, I do not apprehend that the proposition of my friend from Arkansas is specially important. I think that if this matter were left to the parents, the children, and the tribes themselves these children would be educated on the reservation.

I wish to publish as part of my remarks a statement of the number of these schools on the reservations, together with the excellent letter of Mrs. Cox, to which I have referred.

Mr. LONG. As I understand the gentleman from Indiana does not think the proposition of the gentleman from Arkansas important.

Mr. HOLMAN. I do not consider it specially important if the other proposition is carried into effect, as I hope it will be. Yet, at the same time, I think this amendment ought to be adopted.

The letter and statement referred to by Mr. HOLMAN are as follows:

LINCOLN INSTITUTION (INDIAN DEPARTMENT),
No. 324 SOUTH ELEVENTH STREET,
Philadelphia, March 16, 1886.

MY DEAR JUDGE: I understand that there is to be a discussion in the House in regard to the Indian schools East. I trespass upon your well-known courtesy to say a few words about our especial work. After talking to you in regard to the usefulness of these Eastern schools, and learning from you that on their return so many, if not all, returned to their wild condition, we determined to fill up our vacancies as far as possible from one tribe, so that on their return they could strengthen each other. It seems to me a wrong policy has been heretofore pursued in taking a few from each tribe, as it is perfectly natural that one or two returning home could not stand the pressure brought upon them to return to their old ways. Eastern education has only had a trial of five years. The experience of our school is, that being in a large city our children have absorbed civilization, and with a large body returning home together, as they will, the influence and pressure would be greater for civilization than for a savage life. At other Eastern schools they live and see only Indians to a great extent. In our school they are surrounded at all times with the best of white people. I trust these points will have sufficient weight with you to allow us to retain our pupils and give us a chance to test the work from our standpoint.

I am, very respectfully, yours,

MARY McHENRY COX

Hon. WILLIAM S. HOLMAN.

BOARDING SCHOOLS ON RESERVATIONS.

Agency boarding-schools on reservations.—These schools are organized and entirely supported by the Government. There is no special appropriation or allotment for these schools. The average attendance and the cost can not be determined until the end of the fiscal year. The attendance and cost of this class of schools during the last fiscal year will be found in the fourth annual report of the Indian school superintendent, Table C, pages 134 to 139, inclusive. The following is the list of such schools at the present time:

Name of agency	No. of schools.	Name of agency.	No. of schools.
Blackfeet agency	1	Omaha and Winnebago agency	2
Cheyenne and Arapaho agency	2	Osage agency	2
Cheyenne River agency	1	Pima and Maricopa agency	1
Colorado River agency	2	Pine Ridge agency	1
Crow agency	1	Ponca, Pawnee, and Otoe agency	3
Crow Creek agency	2	Pottawatomie and Great Nemaha agency	3
Devil's Lake agency	1	Quapaw agency	2
Fort Berthold agency	1	Quinaielt agency	1
Fort Hall agency	1	Sac and Fox (Indian Territory) agency	2
Fort Peck agency	1	Santee and Flandreau agency	1
Grande Ronde agency	1	Shoshone agency	1
Green Bay agency	1	Siletz agency	1
Kiowa, Comanche, and Wichita agency	2	Sisseton agency	1
Klamath agency	2	Standing Rock agency	2
Lemhi agency	1	Uintah Valley agency	1
Mescalero agency	1	Umatilla agency	1
Navajo agency	1	Warm Spring agency	2
Neah Bay agency	1	White Earth agency	3
Nevada agency	1	Yakima agency	1
Nez Percé agency	1	Yankton agency	1
Nisqually and S'Kokomish agency	3		

The schools at Fort Berthold and Fort Hall agencies have recently been separated from the control of the agents and made independent schools under supervision of bonded superintendents.

Contract boarding-schools on reservations.—These schools are established by religious associations, under authority of the Secretary of the Interior, the religious associations contracting to educate, clothe, feed, and care for the pupils. The Devil's Lake school contracts to furnish teachers and school materials only. The following is a list of such schools:

Agencies.	No. of pupils.	Rate.*
Colville agency, Washington Territory (four schools)	200	$108
Cheyenne River, Dakota (one school)	20	108
Devil's Lake, Dakota (one school)	50	50
Fort Berthold, Dakota (one school)	12	108
Green Bay, Wisconsin (one school)	100	108
Omaha and Winnebago, Nebraska (one school)	50	108
Pueblo, New Mexico:		
One school	150	108
One school	42	150
Santee and Flandreau, Nebraska (one school)	50	108
Sisseton, Dakota (one school)	30	108
Tulalip, Washington Territory (one school)	100	108
White Earth, Minnesota (one school)	10	108
	814	

*Rate per capita per annum.

The schools at Albuquerque and Santa Fé, N. Mex., though not on reservations, are classed with these schools, for the reason that they report to the agent in the same manner as the other schools.

At the following agencies there are schools supported partly by Government and partly by religious associations:

Cheyenne and Arapaho	2
Cheyenne River	1
Santee and Flandreau	2
Yankton	1

There may be other mission schools on reservations, but the above are all that have reported to this office. Efforts are now being made to ascertain if there are other schools of this character.

There is one school on a reservation for which a special appropriation of $22,500 has been made for the present fiscal year, the industrial school at Flathead agency, on the basis of $150 per capita per annum.

BOARDING SCHOOLS NOT ON RESERVATIONS.

The following is "a list of boarding-schools or colleges off of the reservations in which Indian children are admitted," and the number allotted to each during the current fiscal year, at the rate of $150 per capita per annum. These are paid from the appropriation allowing children to be so placed, at a sum not exceeding $167 per annum. (See Indian appropriation bill.)

Name of school.	No. of pupils.	Name of school.	No. of pupils.
Anaheim, California	20	Judson College, North Carolina	18
Bayfield, Wisconsin	10	Middleton, California	30
Carson College, Tennessee	20	Milwaukee, Wisconsin	50
Cherokee training-school, North Carolina	40	Richmond, Indiana	1
Female seminary, Tennessee	15	Santee, Nebraska	50
Halstead, Kansas	15	Silver Ridge, Nebraska	2
Houghton, Iowa	55	Saint Joseph, Minnesota	30
Jubilee, Illinois	18	Wabash, Indiana	60

BOARDING-SCHOOLS NOT ON RESERVATIONS.

The following is a list of the schools not on reservations where Indian pupils have been placed under contract at the rates stated:

Schools.	No. of pupils.	Rate.*
Avoca, Minn	50	$108
Clontarf, Minn	108	108
Collegeville, Minn	50	108
Denver, Colo	25	108
Fort Shaw, Mont	40	108
Martinsburg, Pa	50	108
Saint Joseph, Minn	25	108
Custer County, Montana	40	108
Yankton city, Dak	75	108

*Rate per capita per annum.

TRAINING-SCHOOLS.

The following statement gives a list of the Indian boarding-schools entirely under the control of Government off of the reservations and the amount of money appropriated for each this fiscal year; also the cost of each school during the last fiscal year:

School and location.	Cost last fiscal year.	Appropriation for fiscal year 1885–'86.
Carlisle training-school, Carlisle, Pa	$79,852	$81,000
Chilocco training-school, Chilocco, Ind. T	33,000	34,125
Forest Grove training-school, Salem, Oreg	33,160	36,500
Genoa training-school, Genoa, Nebr	27,434	29,750
Haskell Institute, Lawrence, Kans	51,408	66,250

Mr. STORM. Mr. Chairman, I move to amend by striking out the last word. To my mind the difficulty about this Indian bill is that the wrong gentlemen were appointed on the Committee on Indian Affairs. There seem to be two committees of this kind in the House—the *de jure* committee, appointed by the Speaker under the rules, and the *de facto* committee, which is self-appointed, of which the chairman is my learned friend from Indiana [Mr. HOLMAN]. In other words, the Indian commission of which he is chairman ought to have been the Committee on Indian Affairs, and then everything would have been lovely and pleasant here.

I must complain that my friend from Indiana has not treated us fairly in this matter. For twenty-two years he has been a member of this House; for a great many years he has favored just this kind of legislation. My friend from Illinois [Mr. CANNON] has, I think, been here some fourteen or sixteen years. We have been following quietly in the track of these gentlemen, and the chairman of the Committee on Indian Affairs [Mr. WELLBORN] and myself, with our colleagues on the Committee on Indian Affairs, have been flattering ourselves that we would certainly please the gentleman from Indiana (knowing his economical turn of mind) in reporting this bill, which appropriates less money than the bill of last year. But these selfish gentlemen of this *de facto* committee seem to have hidden their light under a bushel. They carefully reserved their report until nearly a month after the Indian appropriation bill was reported to the House, and they allowed the general debate upon the bill to close before they ever saw fit to let the light of their knowledge shine upon the House. I think that is not fair.

Mr. HOLMAN. I trust my friend from Pennsylvania will allow me a moment. It is very true that the report of this commission ought to have been made earlier; but a portion of the testimony had to be sent back to General Crook, whose evidence had been taken, in order to settle a point upon which we differed. The testimony was printed and the report submitted to the House just as soon as the communication from General Crook, correcting his testimony, was received.

Mr. STORM. That is all right, Mr. Chairman; but still one gentleman [Mr. PEEL] who was a member of this *de facto* committee, happened also to be upon the Committee on Indian Affairs; and I think it was not fair for that gentleman to shut out of view all this tremendous knowledge which had been acquired by the commission, because, Mr. Chairman, if the Indian learns by absorption in contact with civilization as fast as this committee learns by absorption in contact with the Indians, all I can say is that the Indians can be civilized in about two years and a half; for this little trip into the Indian country has had the effect of inducing these gentlemen to come in and ask us to reverse all they have done heretofore and all that this House has been doing for fifteen or twenty years under the lead of my friend from Indiana. We have this result, simply because these gentlemen in contact with Indian civilization for a month or so have absorbed such a vast amount of knowledge on this subject that really it makes us all feel ashamed of our ignorance.

Mr. Chairman, our legislation on this subject, as well as on many others, shows that we are unwilling to wait long enough to see the results of legislation which has been already enacted. We sow the seed but do not wait for the harvest.

The Lincoln Institute at Philadelphia is not yet three years old; and not a single graduate has gone out from that school, although it has been reported that pupils have gone back from these schools to their barbarous habits of life.

The CHAIRMAN. The gentleman's time has expired.

Mr. NELSON. I will yield for five minutes longer to the gentleman from Pennsylvania.

Mr. STORM. Now, Mr. Chairman, as to the allegation that these Indians are kidnaped and taken away from their parents by these schools, I am here to deny it. The Lincoln Institution at Philadelphia is under a written contract with the parents of these Indians to keep these scholars, not for three years, as is the case with many of the schools, but for five years. And if you now strike down this school, you will leave these persons engaged in the education of these Indians with some one hundred and fifty or two hundred of them upon their hands, because they have contracts with the parents of these Indians to keep them during a five years' course.

Mr. PEEL. This amendment does not interfere with any of those now in attendance.

Mr. STORM. I understand that this is but the entering-wedge by which the whole system is to be overthrown. I understand the craftiness of these men and why the attack has been made on this school, which has done as much for the cause of civilization as any other agency. These Friends—because the Lincoln Institution is in the control of Friends, or Quakers—have been engaged for more than a century in the effort to educate the Indians. They contributed money, erected schoolhouses, and sent teachers to them before the Government ever appropriated a single dollar for that purpose. Yet this system is to be directly struck at in the Lincoln and similar institutions, by saying they shall have no more pupils hereafter upon whom to bring the influences of this civilizing agency.

I say that it is unjust and undeserved. And I can not conceive what my friend from Arkansas is at, unless the education of Indian children is such a profitable thing that he wants the whole of it. [Laughter.]

Now the superintendent of Indian schools has reported that it costs less per capita to educate children at these contract schools than where the Government undertakes the education of these Indian children.

Mr. PERKINS. If my friend will remember, he will recall that we only pay $167 per capita at Hampton.

Mr. STORM. It is $167 at Hampton. In a previous paragraph there is an appropriation of $40,000 at Salem, Oreg., where they have two hundred pupils, precisely the number at Lincoln Institution, and yet the amount appropriated for the Lincoln Institution is $33,400; a difference of over $7,000 in favor of the Lincoln Institution for the same number of pupils. I know it is said there is something appropriated for the completion of buildings at the Salem school. Lincoln Institution provides its own building. Besides, at Salem it costs the Government $500 for a superintendent. The Lincoln Institute furnishes its own superintendent and its own teachers. Let me read what Colonel Oberly, superintendent of Indian schools, says:

> Six contract day-schools cost the Government $2,960.
>
> It appears that the cost per capita per month of maintaining and educating a pupil at a Government school is considerably greater than the cost of maintaining and educating a pupil at a contract school. In explanation of this fact it is suggested that the Government does not pay to a contract school the entire cost of a pupil's maintenance and education. The machinery of contract schools is not supplied for the exclusive purpose of maintaining and educating Indian children. The machinery of such schools is usually supplied for other educational, or for benevolent, purposes. The education of Indian children, under contract with the Government, is generally undertaken either for the purpose of filling a school to its capacity or for benevolent reasons. The Government does not, therefore, pay to these "contract schools" the entire cost of maintaining and educating a pupil. It merely helps the school by contributing a part of the cost of supporting and instructing the Indian children who are placed under contract at such a school.

Mr. CUTCHEON. At the Eastern schools the education goes on for twelve months in the year, while upon the reservation it is only for ten months in the year, and then the children go back to their tribes.

Mr. STORM. That is so; and taken in connection with the fact that the per capita cost is less at the contract schools than at the Government schools, it passes my comprehension how the gentleman from Indiana [Mr. HOLMAN] has been induced to take the position he has. The appropriation that has been annually made by the Government for the last five or six years for the support of this class of schools is one of the most humane attempts of the Government for the civilization of the Indian. I hope this House will defeat the attempt now made to thwart that humane purpose.

[Here the hammer fell.]

Mr. CANNON. I desire to say only a word or two touching this matter. I am in sympathy with the amendment of the gentleman from Arkansas [Mr. PEEL]. I do not know that I can say anything more to-day than I said when I had the floor a few days ago; and I will not attempt to resay now what I said then.

The gentleman from Michigan read a telegram from Captain Pratt, the superintendent of the Carlisle school. I have looked over that telegram, and I have been somewhat amazed at some of its statements. Here is one statement:

> Scarcely a student but is able to take care of himself or herself among civilized people at the end of their five years' course.

Then let them stay among civilized people.

Mr. CUTCHEON. But you lose their influence upon the tribe.

Mr. CANNON. Let us see what the tribe loses. Let us come to another part of the letter and see what Captain Pratt says in his telegram printed in the RECORD. In speaking of the condition of Indian children at Carlisle as compared with their condition on reservations he says:

> And surrounded by civilization, that feeling is broken up and we educate in loyalty to the Government and individual manhood, which would continue and grow on to perfection in proper soil. Citizenship and industry are the great influences here, while, *per contra*, there is no place in the United States where citizenship and industry are at a greater discount than upon an Indian reservation.

So say I, and yet you may read the letter through and it does not accord very well. I say with the gentleman from Indiana that these people had better be educated upon the reservations. While they will not get so much education, they are able to better hold what they do get.

Again, I admit that these schools have some good influences; but it has not been upon the Indians. Here is the whole story, contained in a letter from Mr. Herbert Welsh, a most excellent gentleman, I understand, in an article furnished to the New York Tribune, an extract from which I will read.

He says:

> To them—the Eastern schools—perhaps more than any other cause is due the great improvement in public sentiment on the Indian question.

Now, I think that is probably true; but how much longer are we to continue bringing these Indian children one or two thousand miles from their homes to educate them in Eastern schools at an annual expenditure of four or five hundred thousand dollars? Not for the best interests of the Indian children, but to improve and mold public sentiment among white people on the Indian question.

Now, I agree with the gentleman from Indiana [Mr. HOLMAN], that the amendment of the gentleman from New York [Mr. HISCOCK], which prohibits the expenditure of money for the transportation or subsistence of Indian children off the reservation unless they are there by the consent of their parents, renders the amendment of the gentleman from Arkansas unnecessary, for I am satisfied the parents will not consent unless under duress. It is true there is no penalty for coercing the parents' consent—as it will be recollected an amendment fixing a penalty, offered by the gentleman from New York, was kept off the bill by a point of order made by the gentleman from Kansas [Mr. PERKINS]. Yet I feel quite sure that the Commissioner of Indian Affairs will see that the money is not expended unlawfully, and that the accounting officers of the Treasury—as is their duty—will see that the accounts are not approved unless the expenditures are made in conformity with law, not only in form, but in substance.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. CANNON. I have but a moment longer.

Mr. CUTCHEON. A simple question in this connection.

Mr. CANNON. Very well.

Mr. CUTCHEON. Would you strike out the provision for the Eastern schools until you had provided some means of taking care of the Indian children elsewhere?

Mr. CANNON. Oh, no; I would not. I do not wish to take the Indian children now there from Lincoln or Hampton or elsewhere. I would have those to remain who are there; but would not take any others off the reservations for purposes of education. That is my point, and the amendment of the gentleman from Arkansas accomplishes by direct provision what I believe the amendment of the gentleman from New York will accomplish in fact.

Now, a word in response to the gentleman from Pennsylvania [Mr. STORM] on the Indian Committee. I know, Mr. Chairman, the fact that local influences are strong upon members of this House. What our constituents want, whether with reference to the education of Indian children or anything else, we are very apt to feel a considerable interest in granting.

But I will say to the gentleman that when he stated his committee had followed the lead of the gentleman from Indiana and myself in preparing the bill he is a little unfortunate that he did not follow a little closer that leadership. We think we have found a better way for the education of these children, and if, while he is following, he would but pay the compliment to follow a little closer in our footsteps it would probably be better for all parties.

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I desire to be heard for a few moments at this point. I did not design to say a word upon the bill just here in this connection, but as my colleague [Mr. STORM] of the Committee on Indian Affairs has made some very just remarks in reference to the Lincoln Institution at Philadelphia, I think it proper that I should say what I intended to say later on at this time, for if the amendment which is proposed shall be adopted in connection with this paragraph of the bill, I presume that a similar amendment will be offered to each paragraph relating to schools, while if it be defeated the same amendment will not be offered again.

I want to say here, and I say it with a full knowledge of the fact, that no one connected with the Lincoln Institution has ever sought to have these children brought from the Indian reservations for education there.

Mr. PERKINS. Against their will.

Mr. O'NEILL, of Pennsylvania. Of course I mean brought against their will or the consent of their parents. Kidnaped has been the term used by some in the heat of debate. And moreover I know it to be a fact that there are applications from the parents of Indian children to permit them to come to that school, but that can not be done on account of the meagerness of the appropriations, although there are sufficient accommodations for more scholars. Why, sir, that institution is complete in its arrangements for successful teaching. I do not say it is any better than Hampton in Virginia; I do not say that the education is better than the education that is given at Carlisle, but the good influences in educating these Indian children at that school are greater and more diversified, necessarily so, in a city containing a million and more of population, replete with educational institutions, where are exhaustless means of acquiring intelligence and becoming cultured and where knowledge can be gained in countless ways by these children of the forest. In Philadelphia outside the walls of this institution they can see practically all kinds of workmanship, and as mere lookers-on they can not fail to learn what will advance them in any pursuit of industry to which their inclinations may lead them. In this respect the Eastern schools have advantages over those on the reservations.

The amount of $167 has been allowed for the education of each of the children at these schools. That amount of money is not sufficient to support, clothe, and bring them up properly at the Lincoln Institution, but the balance is cheerfully made up when necessary by voluntary contributions of the people of Philadelphia, largely from the Quaker population, to whom my colleague has referred. Thousands of dollars are contributed annually by the citizens, who have entire confidence in the directors of this institution. There are separate buildings, one of them in the city for the girls, the other within the city limits, but in a semi-rural location, for the boys. The facilities for acquiring education are alike for girls and boys, and equal care is taken of both, everything being supervised by noble women, whose time is given voluntarily, as well as by men, who devote themselves to the cause of Indian education. In the population of a large city such as Philadelphia are to be found warm hearts, willing givers, plenty of instructors, and in these respects also are advantages to the pupils not to be found in sparse communities like the reservations.

Now, Mr. Chairman, I am sorry I have to hurry on, because I know the Committee of the Whole is becoming impatient and wants to close the debate which has continued so many days on this bill. I will say here that so far as the schools on the reservations are concerned there is no doubt that the teaching of the children there should be continued. Good work bearing good fruits has been done in them. But when the children come East they get further into civilization and have better surroundings, for they are entirely away from tribal influences. No one can deny this. Then these Indian children who go out from the Eastern and other located schools educated and return to their reservations are more fitted to teach than if educated nearer their tribes. I say, as has been shown by the testimony read by the gentleman from Michigan [Mr. CUTCHEON], that the proportion of these girls and boys who are educated in the schools for which we are asking appropriations who do well after leaving, and who will eventually make good and useful citizens, is as large as the proportion of the pupils of any schools in any community anywhere to be found.

I will relate an incident that occurred among the Indian girls of the Lincoln Institution. In one of our public school sections some of these children have been permitted to enter as scholars. The highest prize taken in that section was taken by an Indian girl, and there were others standing equally in their classes with the other children, children of our own citizens. The capacity of receiving education by Indian children is surprising. A few years more will show clearly the advancement made by them, if Congress will pursue the same policy in appropriating money as in the last four or five years.

This amendment means the destruction of these schools, and the members of this committee know it very well. A test of four or five years only is not sufficient. Let us wait a few more years. What has been done in this short time proves the advantage of educating children both in the East and on the reservations. I ask the members of the Committee of the Whole whether they are going to permit themselves to vote down these appropriations and be controlled in their action because a few children have gone to the tribal relation, when it appears by evidence in letters and in reports that the large proportion of these scholars return to their reservations ready to teach, ready to work, and illustrating by their industry, intelligence, and good conduct the effects of having been taught in schools established by Congressional appropriations? The country is not ready to have that blow struck now. This committee I am sure will vote the money.

Mr. THROCKMORTON. I call the attention of the committee back to the practical question here involved. I regard it as very practical, and one which it is important should be considered. This discussion has gone off on the comparative merits of this system of education on the reservation or at these schools. I understand a member of the

Committee on Indian Affairs has offered an amendment that so far as the Hampton school is concerned no further contract shall be made, but the money appropriated by this bill shall be applied to the education only of the children now under contract to be educated at that school. I regard this as an important amendment, and one that ought to be adopted by this House.

The gentleman from Pennsylvania [Mr. O'NEILL] says this is an experiment of only three or four years, and that it has not had sufficient time to be fairly tried. In answer to that statement I have only to refer to what was said by the gentleman from Michigan [Mr. CUTCHEON], and the testimony he brought here from various parties who have had experience in these matters, which shows that the best system of education is on the reservation, and not at these schools. If you take every word the gentleman has said in opposition to the amendments it furnishes the strongest argument that can be used in its favor.

It would be perfectly clear to every practical mind that where these children are educated out among their own people, surrounded by the immediate influences of their own homes, it must be better for them to be educated there than at these Eastern schools. But the great objection has been pointed out by the gentleman from Indiana [Mr. HOLMAN], and has been alluded to by other gentlemen, that you do not take these children from one tribe and educate those of one tribe, say, at Carlisle, those of another at Lincoln, those of another at the Hampton Institute; but you take one from one place and another from another, so that you have them gathered from different portions of the frontier and the Indian country. The result is when they leave the schools they go home and are scattered. They have not the influence one upon the other that is contemplated by this system.

I am not disposed to consume the time of the committee, but while I am up I desire to say no greater wrong was ever perpetrated on the Indians than this kidnaping of children, of which the proof is ample, to bring them to these distant schools. No greater cruelty has ever been inflicted on anybody than has been inflicted under this system. Not alone to that do I object, but I object to the extravagance of this system of education when the money might be applied much more usefully in another direction. I do not agree with my friend from Indiana [Mr. HOLMAN] and other gentlemen that the best system or the only system that can be devised for the education of these children is their education on the reservations at these day schools. I think that is a mistake, but I am willing these schools should be continued and that the effort should still be made to educate them in that way. But I believe the greatest good to be attained in our efforts to educate the Indians would be by doing it under the direction of the different Christian denominations of this country. Let them go there and be encouraged by the Government. Let them take some of the money that is being thrown away under the system we have been pursuing for years and that might as well be burned up, and let us encourage these religious denominations to establish churches and schools upon the reservations, and you will soon attain a far greater good than has hitherto been accomplished.

[Here the hammer fell.]

Mr. WELLBORN. Mr. Chairman, if no one else is pressing for the attention of the House it is hardly necessary that the committee rise, and I ask that the Clerk proceed with the reading of the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. PEEL], which the Clerk will read.

The Clerk read as follows:

At the end of line 1048 add:

"*Provided*, No part of the amount hereby appropriated shall be used to educate any Indian pupil not now enrolled and in actual attendance at said school."

The amendment was rejected.

The Clerk read as follows:

For support and education of three hundred and fifty Indian pupils, at $175 per annum each, at the Indian school at Lawrence, Kans., $61,250; pay of superintendent of schools, $2,000; purchase of material and erection of shops, cottages, outbuildings and necessary repairs, $3,000; in all, $68,000.

Mr. PERKINS. Mr. Chairman, I desire to offer an amendment at that point, which I will send to the desk to be read.

The amendment was read, as follows:

Strike out of line 1055 the words "three thousand," before the word "dollars," and insert in lieu thereof "four thousand seven hundred and fifty."

Mr. PERKINS. In explanation of this amendment I wish to say that it does not increase the aggregate amount agreed upon by the committee. In printing the bill an error was made which renders this amendment necessary.

The amendment was agreed to.

Mr. THROCKMORTON. Mr. Chairman, I make a point of order on that paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THROCKMORTON. My point is that it is not authorized by any existing law.

The CHAIRMAN. Does the gentleman make the point of order on the entire paragraph?

Mr. THROCKMORTON. Yes, sir; on the entire paragraph.

Mr. PERKINS. If the Chair will observe, he will see that the language of the paragraph shows that the appropriation is to continue schools now existing. Hence, the appropriation is for the continuation of an object now in existence, and for that reason I urge that the point of order is not well taken.

Mr. HOLMAN. Mr. Chairman, I submit that the phraseology of the rule in regard to appropriations in continuation of public works and objects already in progress does not apply to a provision of this character. If the Chair has the rule before him he will see from its language that it can have no application to such an appropriation as this. It applies, for instance, to a public building or to a ship, where the work is begun but not completed. In such cases it has always been held necessarily, upon grounds of public policy, that where the work has been entered upon appropriations for continuing it may properly be made, and against such appropriations the point of order can not be made. But the Chair will perceive that if a provision authorizing an appropriation such as this can escape the operation of the point of order, then the rule has no application to an appropriation for anything that has been provided for by any previous appropriation bill, either in the current year or a preceding year.

Mr. LONG. I would ask the gentleman from Indiana whether this appropriation is not somewhat in the nature of an appropriation for carrying out treaty stipulations in regard to the education of the Indians?

Mr. HOLMAN. Oh, no. If it were for that purpose, there would be no trouble about it. All the money required to carry out the treaty stipulations with the Indians is provided for specifically in other places in the bill. The term "objects" in the rule, as the Chair will perceive, is synonymous with the word "works," used in that connection where the rule speaks of the continuation of public works or objects.

Mr. LONG. It is broader than the word "works."

Mr. HOLMAN. It is manifestly synonymous with "works," when the history of the rule is considered. This provision in the rule sprang up out of the necessity for continuing appropriations for works, such as ships or public improvements already begun.

Mr. WARNER, of Ohio. Mr. Chairman, I desire to ask the gentleman from Indiana [Mr. HOLMAN] whether there is any law at all or any treaty obligation to provide for educating the Indians?

Mr. HOLMAN. Oh, yes; any number of them.

Mr. WARNER, of Ohio. Very well. It matters not at all whether there was an appropriation for this institution in the last appropriation bill; it does not matter whether we appropriated five thousand or fifty thousand in that appropriation bill; if there is a law on the statute-book authorizing provision for the education of the Indians, then it is for this Congress in making appropriations to direct how they shall be expended, to what objects they shall be devoted, how much for this and how much for that, and this not by virtue of the appropriation bill of last year, which confessedly, so far as it makes appropriations, expires with the fiscal year. An appropriation bill may carry independent and permanent legislation with it. That is true, and when the appropriations expire the permanent portion of the bill floats away, so to speak, and becomes a part of the general law. That legislation becomes permanent. But the point is this: while nothing becomes law, in this general sense, simply because it is in an appropriation bill, still if there is a general law, then it is for this House or this Congress to determine how much shall be appropriated to carry it into effect and how the appropriation shall be expended. For instance, any of the Departments might have had last year provision made for twenty first-class clerks and ten second-class clerks; this year we may appropriate for twenty-five first-class clerks and fifteen second-class clerks, and the Department can employ that number. But, on the other hand, we may cut down the appropriation for clerks to fifteen altogether. Then the Department can employ but fifteen. I think there is no difficulty about drawing the line. We can appropriate more or less, much or little. We may go further. We may direct to what specific objects the money shall be applied. We may carry out an appropriation bill into details, and say to whom the money shall be paid. For instance, I hold that it would be in order to provide that any particular individual should be paid a given sum. That would not bind the Department to appoint the individual, but the money so appropriated could be paid to no one else. That is on the theory that this House holds the purse-strings, controls the appropriations of the public money, and may direct to what specific purposes they shall be applied regardless of previous appropriation bills.

Mr. HOLMAN. I wish to call the attention of my friend from Ohio [Mr. WARNER] to the fact that by this bill the provisions of every treaty in regard to education are carried out.

Mr. WARNER, of Ohio. But how much we shall appropriate to carry them out is a question for this House to decide.

Mr. HOLMAN. Every treaty stipulation contemplates the expenditures of money for the education or civilization of Indians on the reservations. This is true without a single exception. We never made a treaty in which the expenditure of money for education was not to be on the reservation. We never could have made a treaty with an Indian tribe in any part of our public domain with a stipulation that the expenditure was to be elsewhere than on the reservation. Such a thing has never been thought of. We appropriate in this bill every dollar required for education under treaty stipulations; and in addition to that we provide that outside of the reservations—entirely beyond them, in the Territories and States—$50,000 shall be expended. I have

no objection to this expenditure of $50,000 in addition to the $700,000. It is not the expenditure of money that I am concerning myself about; but I do not wish an expenditure to be made contrary to the spirit in which we have treated with these Indian tribes, contrary to the spirit of all the treaties. There is no law, of course, for this appropriation.

The CHAIRMAN. The Clerk will read clause 3 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. The Chair also asks the Clerk to read the provision of the law for the current year on this subject.

The Clerk read as follows:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools other than those herein provided for in any of the States or Territories of the United States, at a rate not to exceed $167 for each pupil, $83,500. And wherever the word "children" or "child" occurs in that part of the act making appropriations for the Indian service for the fiscal year 1885, approved July 4, 1884, under the heading "Support of schools," it shall be construed to include all Indians of whatever age that may have been or are pupils in any of the institutions herein provided for.

The CHAIRMAN. The Chair will also have read from one of the Indian treaties a paragraph which is similar to the provision contained in many of the other treaties made by the United States with the Indians.

The Clerk read as follows:

And the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

The CHAIRMAN. It will be observed by the committee that under the rule no appropriation not previously authorized by law is in order except "in continuation of appropriations for such public works or objects as are already in progress," &c. That the education of the Indians has been entered upon and is in progress will not, the Chair supposes, be denied by any one. The provision just read from one of the treaties and similar provisions contained in other treaties have for their object the education of Indian children.

Mr. HOLMAN. On the reservation.

The CHAIRMAN. In response to the suggestion of the gentleman from Indiana [Mr. HOLMAN], the Chair will state that there is nothing in the clause under discussion that precludes the use of the funds thereby appropriated for the education of children exclusively on the reservation. The Chair thinks that this is an appropriation in continuation of an object already in progress. School-houses have been built, books bought, and libraries and laboratories furnished, and the education progressed for years. It is also in pursuance of treaty stipulations, which, to say the least, have the force and effect of law.

In this connection the Chair will have reread the clause against which the point of order is made.

The Clerk read as follows:

For care, support, and education of three hundred Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for in any of the States or Territories of the United States, at a rate not to exceed $167 for each pupil, $50,100.

The CHAIRMAN. It will be observed that there is nothing in this proposition requiring the money spent otherwise than according to the treaties entered into and "in continuation of such * * * objects as are already in progress;" nor can the Chair in ruling presume it will be otherwise used. The Chair does not think the case is similar to that decided by the committee yesterday relative to the allowance to Capt. R. H. Pratt.

The point of order is not well taken, and is overruled.

The Clerk resumed and concluded the reading of the bill.

Mr. WELLBORN. I move that the committee rise and report the bill to the House with the recommendation that it be passed with the amendments which have been agreed upon.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, and had directed him to report the same back with sundry amendments, and with a recommendation that it be passed as amended.

Mr. WELLBORN. I ask the previous question on the amendments and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. If no separate vote on the amendments be asked, the question will be taken upon them in gross.

The amendments reported from the Committee of the Whole House on the state of the Union were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. WELLBORN. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. On the passage of this bill the rules require the yeas and nays to be taken.

The question was taken; and it was decided in the affirmative—yeas 227, nays 5, not voting 91; as follows:

YEAS—227.

Adams, G. E.	Dorsey,	Ketcham,	Ryan,
Adams, J. J.	Dowdney,	King,	Sadler,
Allen, C. H.	Dunham,	Kleiner,	Sayers,
Allen, J. M.	Eldredge,	La Follette,	Scott,
Anderson, C. M.	Ely,	Laird,	Scranton,
Arnot,	Evans,	Landes,	Seney,
Baker,	Everhart,	Lanham,	Sessions,
Ballentine,	Farquhar,	Lawler,	Seymour,
Barksdale,	Felton,	Le Fevre,	Shaw,
Barnes,	Fisher,	Lehlbach,	Smalls,
Barry,	Fleeger,	Libbey,	Snyder,
Bayne,	Ford,	Lindsley,	Sowden,
Beach,	Forney,	Little,	Spooner,
Belmont,	Frederick,	Long,	Springer,
Bingham,	Fuller,	Lore,	Steele,
Blanchard,	Funston,	Lowry,	Stewart, Charles
Bland,	Gay,	Lyman,	Stewart, J. W.
Bliss,	Geddes,	Mahoney,	Stone, E. F.
Blount,	Glass,	Markham,	Stone, W. J., Ky.
Bound,	Green, R. S.	Martin,	Stone, W. J., Mo.
Boutelle,	Green, W. J.	Matson,	Storm,
Bragg,	Grosvenor,	Maybury,	Strait,
Brown, C. E.	Grout,	McAdoo,	Swope,
Brown, W. W.	Guenther,	McComas,	Tarsney,
Brumm,	Halsell,	McCreary,	Taulbee,
Buchanan,	Hammond,	McKinley,	Taylor, E. B.
Buck,	Harmer,	McMillin,	Taylor, I. H.
Bunnell,	Harris,	Merriman,	Taylor, J. M.
Burleigh,	Hatch,	Miller,	Taylor, Zach.
Burnes,	Hayden,	Morrison,	Thomas, J. R.
Burrows,	Haynes,	Muller,	Thomas, G. B.
Butterworth,	Heard,	Murphy,	Trigg,
Bynum,	Hemphill,	Neal,	Tucker,
Campbell, Felix	Henderson, J. S.	Neece,	Turner,
Campbell, J. M.	Henderson, T. J.	Nelson,	Van Eaton,
Candler,	Henley,	Norwood,	Viele,
Cannon,	Herbert,	O'Donnell,	Wade,
Carleton,	Herman,	O'Neill, Charles	Wadsworth,
Caswell,	Hewitt,	Osborne,	Wait,
Catchings,	Hiestand,	Outhwaite,	Wakefield,
Clardy,	Hill,	Owen,	Ward, T. B.
Clements,	Hires,	Parker,	Warner, A. J.
Cole,	Hitt,	Payne,	Warner, William
Conger,	Holman,	Peel,	Weaver, A. J.
Cooper,	Holmes,	Perkins,	Weaver, J. B.
Cowles,	Hopkins,	Peters,	Weber,
Cox,	Howard,	Pidcock,	Wellborn,
Crain,	Hudd,	Pirce,	Wheeler,
Crisp,	Hutton,	Plumb,	White, A. C.
Croxton,	Jackson,	Price,	White, Milo
Cutcheon,	James,	Randall,	Whiting,
Daniel,	Johnson, F. A.	Reed, T. B.	Wilkins,
Davidson, A. C.	Johnston, J. T.	Reid, J. W.	Willis,
Davidson, R. H. M.	Johnston, T. D.	Rice,	Winans,
Davis,	Jones, J. H.	Riggs,	Wolford,
Dibble,	Jones, J. T.	Romeis,	Worthington.
Dockery,	Kelley,	Rowell,	

NAYS—5.

Breckinridge, WCP.	McRae,	Rogers,	Throckmorton.
Dargan,			

NOT VOTING—91.

Aiken,	Dunn,	McKenna,	Richardson,
Anderson, J. A.	Eden,	Millard,	Robertson,
Atkinson,	Ellsberry,	Milliken,	Rockwell,
Barbour,	Ermentrout,	Mills,	Sawyer,
Bennett,	Findlay,	Mitchell,	Singleton,
Boyle,	Foran,	Moffatt,	Skinner,
Brady,	Gallinger,	Morgan,	Spriggs,
Breckinridge, C. R.	Gibson, C. H.	Morrill,	Stahlnecker,
Browne, T. M.	Gibson, Eustace	Morrow,	Stephenson,
Cabell,	Gilfillan,	Negley,	St. Martin,
Caldwell,	Glover,	Oates,	Struble,
Campbell, J. E.	Goff,	O'Ferrall,	Swinburne,
Campbell, T. J.	Hale,	O'Hara,	Symes,
Cobb,	Hall,	O'Neill, J. J.	Thompson,
Collins,	Hanback,	Payson,	Tillman,
Compton,	Henderson, D. B.	Perry,	Townshend,
Comstock,	Hepburn,	Pettibone,	Van Schaick
Culberson,	Hiscock,	Phelps,	Ward, J. H.
Curtin,	Houk,	Pindar,	West,
Davenport,	Irion,	Pulitzer,	Wilson,
Dawson,	Laffoon,	Ranney,	Wise,
Dingley,	Louttit,	Reagan,	Woodburn.
Dougherty,	Lovering,	Reese,	

So the bill was passed.

During the roll-call Mr. TIMOTHY J. CAMPBELL said: Mr. Speaker, I was not present when my name was called and ask leave to vote.

The SPEAKER. That can not be done under the rules.

Mr. TIMOTHY J. CAMPBELL. If I had been present, I would have voted in the affirmative.

Under the rules the following pairs were announced from the Clerk's desk:

The following members were announced as paired on this vote:

Mr. O'NEILL, of Missouri, with Mr. PETTIBONE.

Mr. PINDAR with Mr. PAYSON.

Mr. ROBERTSON with Mr. MILLARD.

Mr. NEECE with Mr. GILFILLAN.

Mr. ELLSBERRY with Mr. GALLINGER, for this day.
Mr. FORAN with Mr. MORROW.
Mr. CULBERSON with Mr. THOMPSON.
Mr. WISE with Mr. CUTCHEON.
Mr. DAWSON with Mr. STRUBLE.
Mr. DINGLEY with Mr. DUNN.
Mr. CAMPBELL, of Ohio, with Mr. PAYNE.

The following gentlemen were announced as paired on all political questions until further notice:

Mr. GIBSON, of West Virginia, with Mr. STEPHENSON.
Mr. CALDWELL with Mr. NEGLEY.
Mr. ERMENTROUT with Mr. BROWNE, of Indiana.
Mr. HALE with Mr. WARNER, of Missouri.
Mr. SKINNER with Mr. MORRILL.
Mr. ST. MARTIN with Mr. HOUK.
Mr. IRION with Mr. PLUMB.
Mr. SPRIGGS with Mr. MILLIKEN.
Mr. BENNETT with Mr. MCKENNA.
Mr. MORGAN with Mr. HEPBURN.
Mr. LAFFOON with Mr. LOUTTIT.
Mr. O'FERRALL with Mr. VAN SCHAICK, on all questions until March 31.
Mr. TOWNSHEND with Mr. DAVENPORT, on all political questions until March 25.

The vote was then announced as above recorded.

Mr. CUTCHEON. I move to amend the title of the bill by inserting after the word "eighty-seven" the words "also eliminating Captain Pratt, and for other purposes." I make this motion simply for the purpose of saying that we have passed the bill precisely as it came from the committee, with the exception that we have eliminated Captain Pratt's name, with his appropriation, from the bill. And I desire to read in that connection a telegram received from Captain Pratt on Friday last, in which he says:

In addition to the $1,000 I told you of in the letter, I have received this morning a check for $5,000, from a friend in New York, to pay the $4,200 still due on school-farm and other purposes. You will remember that I appealed to Congress three years to give $20,000 for a school-farm, and was annually refused. I then bought the farm for $20,000, and it is now paid for without Government aid.

R. H. PRATT,
Captain and Superintendent.

The other thousand dollars he speaks of he received from a friend in Philadelphia on Thursday last for the benefit of this school.

This is the man, Captain Pratt, who is eliminated from the bill by the action of the Committee of the Whole of this House, a man who within the last five years, by his individual exertions, has raised $51,000 for the benefit of the Carlisle school; and I think it is pretty good to eliminate such a man by the action of this House. I wish the House had a little earlier discovered that it was hardly proper to legislate a man into office by name. They appear now to have discovered it for the first time; and this is the result: A man who stands in the foremost ranks of Indian education, who has by his individual exertions secured contributions amounting to $51,000 for his school, $6,000 of it in the last seven days, is eliminated by the action of this House. That being the case, is it not proper that the title of the bill should show that fact?

Mr. RANDALL. He has not been hurt. He can be employed now under this bill.

Mr. SPRINGER. It is proper to state that there was no reference to the merits of the case upon the question presented. No imputation rests upon the gentleman by reason of that action of the House.

Mr. CUTCHEON. I withdraw the amendment.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

Mr. BUTTERWORTH. Mr. Speaker, before going into Committee of the Whole I think out of abundant caution that all points of order had better be reserved.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills.

The Clerk will read the title of the first bill.

The Clerk read as follows:

A bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. BLOUNT. Mr. Chairman, the bill which the Committe on the Post-Office and Post-Roads have reported to the House recommends an appropriation of $54,326,588.07. The estimates made by the Department for the expenditures of the Post-Office Department for the next year are $54,986,166.89. The committee recommend the appropriation of $659,578.82 less than the estimates of the Department, and an increase over the bill containing the appropriations for the current fiscal year of $625,598.07.

It is known to every one that there is an annual increase in the expenditures of the postal service of the Government. No person familiar with that service, certainly no gentleman on the floor of this House, would expect such an economical administration of this great service as would bring about a reduction of the expenditures in 1887 over the expenditures for the year 1886. It is necessarily an increasing expenditure, as the service constantly grows.

Now, sir, it may be wondered by one who has not closely examined the details of this bill that the increased recommendations for the next year are not greater as compared with the amount appropriated for the current fiscal year. The reason that this increase is so small occurs from several causes. The principal one lies in the fact that the estimates made for the current fiscal year were entirely too large, and in some instances the Postmaster-General has seen fit to recommend an appropriation less than the appropriation for the current fiscal year. For instance, we will take the compensation of postmasters. The bill for the present fiscal year provides an expenditure of $12,300,000. The amount estimated is $12,000,000. The amount recommended for the next year is $11,700,000. So far as can be ascertained from the report of the Sixth Auditor with reference to the appropriations for the current fiscal year for the compensation of postmasters, it is believed that it will amount to about $1,000,000 more than will be expended; so that it will be readily seen that an estimate of $12,000,000 could very easily be made, being $300,000 less than for the current fiscal year.

Again, sir, in the appropriation for the current fiscal year is the sum of $400,000 designed for compensation of American steamers carrying ocean mails beyond what was provided for under sea and inland postage, and reduction occurs there by an omission on the part of the committee to make any similar recommendation in this bill. On the other hand, the bill for the current year provides $14,010,000 for transportation by railroad routes. The bill as recommended by the committee for the next fiscal year carries $15,595,000 for the same purpose. The increase recommended for next year over the appropriation bill for this year is $1,585,000. The increase, as appears by this comparison, is extremely large, almost unprecedented. It comes about by the fact that the appropriation for railway mail transportation for the current year was below the needs of the service many hundreds of thousands of dollars.

I have cited two or three items simply as illustrations, with no purpose of undertaking to discuss in the general debate the several items, amounting to about thirty-seven, contained in this bill. I prefer to discuss them under the five-minute rule, which is always more satisfactory to the committee.

I should feel bound to take a much longer time in the presentation of this bill in the outset but for the fact that contrary to former usage the bill contains not a single legislative provision in it save two; and of these the committee make this explanation: One relates to an appropriation for special mail facilities which has been in the Post-Office appropriation bills for the last ten years, going out sometimes upon a point of order and reinserted by the Senate and assented to by the House. The committee, although there was no provision of law for special facilities, in view of the long use of those facilities did not feel it was their duty to initiate the movement of striking them from the bill, and thought best to insert the item and to inform the House, so that they might not be charged with any purpose of legislating without the House being fully informed.

Then, again, there is an item for the mail-messenger service, a service which involves the delivery of the mails beyond the eighty rods from the depot to the post-office. This has grown to an enormous sum. The necessities of it are absolute, and the committee have placed it here because from the beginning of the railway service this appropriation has been made.

It can not be dispensed with. The confusion that would arise is so manifest, that the committee thought it best to insert it in the bill, and, as in the other instance, to ask the attention of the House to the fact. It is to be hoped that hereafter legislative provisions will be enacted to avoid any difficulties of this sort. In the report accompanying this bill the committee have called attention to the statutes which authorize all the appropriations contained in it.

With scrupulous care, therefore, we have sought to conform to the will of this House that there should be no legislation on this bill. There is accordingly no occasion for the extent of general debate which the legislative provisions heretofore connected with the appropriation bills have called for. I shall therefore reserve the balance of my time in this general debate, and now move that the committee rise for the purpose of obtaining an order from the House to limit general debate upon the bill.

Mr. DINGLEY. Before the gentleman makes that motion will he yield to me for a question?

Mr. BLOUNT. Certainly.

Mr. DINGLEY. I notice there is a paragraph in which there is recommended an appropriation of $375,000 for transportation of foreign mails. Is the gentleman from Georgia able to inform the House how much of this sum will be required for transportation of mails by foreign steamers and the other incidental charges?

Mr. BLOUNT. Not quite so much as is contained in the bill.

Mr. DINGLEY. Will the gentleman state about the sum? What I wish to ascertain is how much is recommended by the committee for the transportation of foreign mails by American steamers.

Mr. BLOUNT. The total amount for the transportation of foreign mails is $375,000, and then there is an item of $100,000 for balances due foreign countries.

Mr. DINGLEY. Three hundred and seventy-five thousand dollars is for transportation by foreign steamers, by rail, and by American steamers. How much of this would be required to pay for transportation of the mails by foreign steamers? My object is to ascertain how much will be left for transportation by American steamers.

Mr. BLOUNT. This amount is sufficient to provide for the payment of American steamers for sea and inland transportation of foreign mails and also for the payment of foreign steamers. If my friend will find it as agreeable, when we reach this part of the bill in the five minutes' debate I will have read from the Clerk's desk the estimates as made by the Department.

Mr. DINGLEY. I hope there will be no attempt to limit as to the five minutes' debate on this important matter.

Mr. BLOUNT. The gentleman misapprehends my motion. I have not thought of doing that.

The motion of Mr. BLOUNT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, had come to no resolution thereon.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that motion, I move that all general debate on the Post-Office appropriation bill now under consideration in Committee of the Whole be limited to six hours.

Mr. BURROWS. I trust the gentleman from Georgia in charge of the bill will not insist upon that motion. It seems a little extraordinary, after being in committee for but a few moments, that the committee should rise and a motion should be made to limit debate to six hours upon an appropriation bill that carries $54,000,000.

A MEMBER. How much time do you want?

Mr. BURROWS. When there are other matters, like the bill for the relief of Fitz-John Porter, that took a week or ten days, it seems in a great appropriation bill like this general debate should not be limited as now proposed.

Of course I speak only for myself, but I think also in a measure for other members of the committee in the minority. Six hours would not even accommodate members of the committee if they all desire to speak, and there are other gentlemen within my knowledge who are quite as familiar with some portions of this bill as the members of the committee themselves, and who desire to be heard. I hope, therefore, the motion of the gentleman from Georgia [Mr. BLOUNT] will not prevail, and if he insists upon it I shall move to amend it.

Mr. BLOUNT. Mr. Chairman, I wish to say this about the matter: We have had experience with the Indian appropriation bill as to how much time, under the new rules, these several bills are likely to occupy. We do not get to work at them until about half past 2 o'clock, because the two morning hours consume the best working portion of the day. We have seen what has occurred in connection with the pension bill, and there are three or four appropriation bills now upon the Speaker's table. If we are to gauge the general debate on appropriation bills that are to come by our experience in the past, we need not expect to get away from here until the month of August. The responsibility for that will not rest upon me in connection with this post-office appropriation bill. Gentlemen on this side of the House have thought that four hours will be ample time in which to discuss this bill which has no legislation in it—$54,000,000 of service authorized by law, and, so far as the legitimate provisions in the bill are concerned, not a difference of opinion as to $5,000 in the whole fifty-four millions. I trust, therefore, that the House will second the motion I have made. Of course the gentleman from Michigan [Mr. BURROWS] has a right to move to amend it, and whatever the House shall see fit to do I certainly shall conform to with pleasure.

Mr. BURROWS rose, but yielded to Mr. BINGHAM.

Mr. BINGHAM. Mr. Chairman, I was going to suggest to the gentleman from Georgia [Mr. BLOUNT] to allow the general debate to run on to-morrow, and then at the close of to-morrow's session we shall know whether many of the subjects embraced in the bill are to be largely discussed. My own opinion is that there are but two points in the bill that will really provoke debate in this House; one, pertaining to the pay of the railway postal clerks, and the other to what is called the foreign mail service. I think that the gentleman can in that way ascertain the temper of the House and see whether a lengthened debate is desired. I am free to say that while I think six hours is perhaps too limited a time for the full discussion of this bill, I also think that the general debate upon it will not take very much more time than that. As a member of the committee, always taking an earnest interest in postal matters, there are but two provisions in the bill that I would feel disposed to vote against. As to ninety-nine one-hundredths of the bill, the members of the committee are, I may say, unanimous. Therefore I make the suggestion to the gentleman from Georgia [Mr. BLOUNT] that he let the debate run on to-morrow, and, prior to adjournment to-morrow, fix the limit of general debate.

Mr. BLOUNT. Mr. Chairman, I have very great respect for my associate on the committee, the gentleman from Pennsylvania [Mr. BINGHAM], and I would like to adopt his suggestion, but my experience has been that debate begets debate, and I think the House understands that too much time has been taken up already in the general discussion of appropriation bills. I propose to allow the House to say now upon this motion whether the time I propose is too little time or not. If there was any legislative proposition in this bill, if there was anything in it that was not sanctioned by existing law, then I would listen with more disposition to yield to the appeal that has been made. But the fact that members want to speak day in and day out about other matters than those contained in the bill is not to me a sufficient reason for putting upon this side of the House such a responsibility for waste of time as that would involve.

Mr. BURROWS. Mr. Speaker, when I rose a while ago I was about to make to the gentleman from Georgia [Mr. BLOUNT] the same suggestion that fell from the lips of his colleague on the committee [Mr. BINGHAM], that the debate should go on to-morrow and the limit be fixed at the end of to-morrow's session. But I understand that the gentleman from Georgia declines that. I am therefore compelled to move an amendment to his proposition, so as to make the limit of general debate ten hours instead of six. In that connection I desire to say that although every item of appropriation upon this bill may be in accordance with and in obedience to existing law, it does not therefore follow that there is no item in it that should be discussed.

Mr. BLOUNT. We have the five-minute debate for the discussion of the items.

Mr. BURROWS. We have the five-minute debate for the discussion of other bills, too; but on a bill of this importance it seems to me improper to limit debate as proposed by the gentleman from Georgia. I therefore move to amend his motion by striking out "six" and inserting "ten" before the word "hours."

Mr. HENLEY. Mr. Chairman, I believe the observation of the House will sustain me in the statement that if there be an order made limiting this debate to six hours so that members will know that what they have to say must be said in that time or under the five-minute rule, there will be a fuller attendance and a more business-like and searching debate upon the merits of this bill than if the debate be unlimited. We know this from very recent experience in this House. As the gentleman from Georgia [Mr. BLOUNT] says, debate begets debate; a speech made on this side must be answered by a speech on the other side, and so it runs on *ad libitum* without reference to the merits of the bill. I hope the motion to limit the debate to six hours will prevail.

The question was taken on the amendment of Mr. BURROWS limiting the debate to ten hours; and there were—ayes 66, noes 72.

Mr. BURROWS. Is that a quorum, Mr. Speaker?

The SPEAKER. It is not.

Mr. BURROWS. Then I feel constrained to make the point that no quorum has voted.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint tellers, and will designate the gentleman from Michigan [Mr. BURROWS] and the gentleman from Georgia [Mr. BLOUNT] to act as tellers.

Mr. KING. Let us have the yeas and nays.

The question was taken on ordering the yeas and nays; and they were refused—only eight members voting in the affirmative.

The House again divided; and the tellers reported—ayes 75, noes 91.

So the amendment of Mr. BURROWS was not agreed to.

The question then recurring upon the motion of Mr. BLOUNT that general debate in Committee of the Whole on the Post-Office appropriation bill be limited to six hours, the motion was agreed to.

The question recurring on the motion that the House again resolve itself into Committee of the Whole for the consideration of the Post-Office appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

The CHAIRMAN. By order of the House, general debate on this bill is limited to six hours.

Mr. DOCKERY. Mr. Chairman, at the opening of the present session, and while the new rules were under discussion, gentlemen on this floor expressed the opinion that the adoption of the new rules would result in an increase of the public expenditures, partly because of a division of responsibility, and partly because of the opportunity which the change of rules would give certain committees to magnify their own importance. The appropiation bills already reported show the apprehensions of those who entertained this opinion to be groundless. In illustration of this position, I desire to call the attention of the House

to the appropriation recommended by the Committee on the Post-Office and Post-Roads, and to show by a comparative exhibit of figures taken from the records of the Post-Office Department that the slight increase in the amount now reported by the committee over previous appropriations for the support of this Department of the Government is not only necessary for its proper maintenance, but is also below the usual annual ratio of increase which has heretofore been deemed necessary.

The following tables are herewith submitted, from which it may be readily observed that the average annual increase in the sums appropriated for the use of the Post-Office Department during the period of ten years ending June 30, 1885, has been $1,718,488.92, and the average annual percentage of increase during said period has been 3.9.

In the bill now presented an increase of only $625,599.07, or 1.1 per cent. more than the last appropriation, is recommended, while the figures show an actual reduction of the average annual increase of appropriations of $1,092,889.85, or 2.8 per cent.

A careful examination of the tables submitted will, in my judgment, reveal a prudent economy on the part of the committee, and serve to vindicate in some measure at least the action of the House in the distribution of the appropriation bills made by the adoption of the new rules.

The causes which have led to the annual increase of the sum appropriated for the use of the Post-Office Department are well understood by every member of the House, and call for no explanation from the committee. Much space might be occupied with statistics of the public service performed by this Department, involving disbursements in many channels of expenditure, at once illustrative and corroborative of the steady growth in the public use of the mail service; but a brief reference to the establishment and growth of the free-delivery system and the other systems by which our inland mails are transported will suffice to show at once the necessity for constantly increasing the annual appropriations for their support.

Statement of appropriations for postal service for 1886 *and estimates for* 1887, *&c.*

Items.	Year ending June 30, 1886.		Year ending June 30, 1887.		Increase recommended for 1887.		Expended quarter ended September 30, 1885.	Expended year ended June 30, 1885.	Increase for 1887.	
	Estimates.	Appropriations.	Estimates.	Recommended.	Amount.	Per cent.			Amount.	Per cent.
Office of the Postmaster-General:										
Mail depredations and post-office inspectors, and fees to United States marshals, attorneys, &c	$250,000 00	$200,000 00	$250,000 00	$200,000 00			$45,762 68	$199,239 57	$760 43	10.3+
Advertising	20,000 00	20,000 00	20,000 00	20,000 00			2,636 29	16,694 07	3,305 93	9.8+
Miscellaneous items in the office of the Postmaster-General	1,500 00	1,500 00	1,500 00	1,500 00			99 75	1,247 64	252 36	20.2+
Office of the First Assistant Postmaster-General:										
Compensation to postmasters	3,000,000 00	12,300,000 00	12,000,000 00	11,700,000 00	*$600,000 00	*4.8+	2,721,500 40	11,243,848 94	*456,151 06	4.0+
Compensation to clerks in post-offices	5,300,000 00	5,150,000 00	5,150,000 00	5,150,000 00			1,231,427 24	4,873,853 19	276,146 81	5.6+
Payment to letter-carriers and the incidental expenses of the free-delivery system	14,535,000 00	4,485,000 00	4,928,531 25	4,928,531 25	443,531 25	9.8+	1,069,150 74	3,985,952 55	942,578 70	23.6+
Wrapping paper	35,000 00	35,000 00	30,000 00	30,000 00	*5,000 00	*14.2+	5,321 44	34,997 60	*4,997 60	*14.2+
Twine	95,000 00	85,000 00	80,000 00	80,000 00	*5,000 00	*5.8+	21,223 75	79,149 50	850 50	1.0+
Marking and rating stamps, and ink and pads	25,000 00	20,000 00	30,000 00	30,000 00	10,000 00	50	3,409 00	10,233 04	19,766 96	193.1+
Letter-balances, test-weights, and scales	20,000 00	20,000 00	10,000 00	10,000 00	*10,000 00	*50		17,802 20	*7,802 20	*43.8+
Rent, light, and fuel for post-offices	500,000 00	490,000 00	510,000 00	495,000 00	5,000 00	1. +	106,941 29	455,239 09	39,760 91	8.7+
Office furniture	$40,000 00	$30,000 00	$35,000 00	$25,000 00	*$5,000 00	*16.6+	$2,473 41	$19,406 89	$5,593 11	28.7+
Stationery	65,000 00	65,000 00	55,000 00	55,000 00	*10,000 00	*15.3+	12,073 00	46,776 43	8,223 57	17.5+
Miscellaneous and incidental items	80,000 00	80,000 00	80,000 00	70,000 00	*10,000 00	*12.5	14,135 01	54,483 46	15,516 54	28.4+
Office of the Second Assistant Postmaster-General:										
Inland mail transportation—railroad routes	15,684,205 00	14,010,000 00	15,725,432 00	15,595,432 00	1,585,432 00	11.3+	3,492,478 74	13,558,313 78	2,037,118 22	15.0+
Inland mail transportation—steamboat routes	615,000 00	615,000 00	575,000 00	575,000 00	*40,000 00	*6.5+	142,251 97	558,288 51	16,711 49	2.9+
Inland mail transportation—star routes	5,900,000 00	5,900,000 00	5,850,000 00	5,850,000 00	*50,000 00	*0.8+	1,415,693 65	5,403,259 00	446,741 00	8.2+
Railway post-office car service	1,875,000 00	1,765,026 00	1,888,577 82	1,808,000 00	42,974 00	2.4+	426,081 68	1,709,236 47	98,763 53	5.7+
Necessary and special mail facilities on trunk lines	266,764 50	266,764 00	251,725 82	251,725 82	*15,038 18	*5.6+	62,931 43	249,999 72	1,726 10	0.6+
Compensation to railway post-office clerks	4,682,300 00	4,682,300 00	4,877,000 00	4,800,000 00	117,700 00	2.5+	1,085,060 11	4,246,209 51	553,790 49	13.8+
Compensation to mail messengers	975,000 00	975,000 00	900,000 00	900,000 00	*75,000 00	*7.6+	206,889 75	866,139 70	33,860 30	3.9+
Mail locks and keys	20,000 00	20,000 00	20,000 00	20,000 00			90 00	23,962 00	*3,962 00	*16.5+
Mail-bags and mail-bag catchers	275,000 00	275,000 00	275,000 00	260,000 00	*15,000 00	*5.4+	41,608 06	240,779 76	19,220 24	7.9+
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00			50 00	984 35	15 65	1.5+
Office of the Third Assistant Postmaster-General:										
Postage stamps	174,000 00	174,000 00	116,700 00	116,700 00	*57,300 00	*32.9+	24,230 42	137,753 47	*21,053 47	*15.2+
Postage-stamp agency	8,100 00	8,100 00	8,100 00	8,100 00			1,768 05	5,745 86	2,354 14	40.9+
Stamped envelopes and newspaper wrappers	749,000 00	745,000 00	583,500 00	583,500 00	*161,500 00	*21.6+	160,652 50	6 26,165 56	*42,665 56	*6.8+
Stamped-envelope agency	16,000 00	16,000 00	16,000 00	16,000 00			3,880 64	15,886 10	113 90	0.7+
Postal cards	239,000 00	239,000 00	188,600 00	188,600 00	*50,400 00	*21.0+	20,307 39	184,700 87	3,899 13	2.1+
Postal-card agency	7,300 00	7,300 00	7,300 00	10,300 00	3,000 00	41.1+	1,741 59	7,005 82	3,294 18	47.0+
Registered package envelopes, books and seals, and post-office and dead-letter envelopes	140,000 00	140,000 00	67,200 00	67,200 00	*72,800 00	*52	15,958 66	90,097 26	*22,897 26	*25.4+
Ship, steamboat, and way letters	2,000 00	2,000 00	2,000 00	2,000 00			8 03 48	1,801 11	198 89	11.0+
Engraving, printing, and binding drafts and warrants	2,000 00	2,000 00	2,000 00	2,000 00			117 50	2,081 22	*81 22	*3.9+
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00			139 39	901 48	98 52	10.9+
Office of the Superintendent of Foreign Mails:										
Transportation of foreign mails	425,000 00	800,000 00	350,000 00	375,000 00	*425,000 00	*53.1+	82,211 52	325,462 98	49,537 02	15.2+
Balances due foreign countries	75,000 00	75,000 00	100,000 00	100,000 00	25,000 00	33.3+		23,489 71	76,510 29	325.7+
	56,099,169 50	53,700,990 00	54,986,166 89	54,326,589 07	625,599 07	1.1+	12,421,100 53	49,317,188 41	5,009,400 66	10.1+

* Decrease.

Total estimates for 1886	$56,099,169 50
Total appropriations for 1886	53,700,990 00
Excess of estimates over appropriations for 1886	2,398,179 50
Total estimates for 1887	54,986,166 89
Total appropriations recommended for 1887	54,326,589 07
Excess of estimates over appropriations recommended for 1887	659,577 82

Statement of the estimates, appropriations, expenditures, and revenue of the postal service for the ten years ending June 30, 1886.

Year ended June 30—	Appropriations.				Expenditures.			Gross revenue.	Excess of expenditures over revenue.	Increase of total appropriations over those of previous years.	
	Estimate.	Original.	Deficiency.	Total.	On account of year proper.	On account of previous years.	Total.			Amount.	Per cent.
1876	$38,076,534 00	$36,561,361 00	$454,746 08	$37,016,107 08	$32,796,186 16	$467,301 42	$33,263,487 58	$28,644,197 50	$4,619,290 08		
1877	37,089,805 99	33,793,067 58	320,225 19	34,113,292 77	32,322,504 24	1,163,818 20	33,486,322 44	27,531,585 26	5,954,737 18	*$2,902,814 31	*7.8+
1878	36,723,432 43	33,621,577 54	1,485,014 43	35,106,591 97	33,874,647 59	290,436 90	34,165,084 49	29,277,516 95	4,887,567 54	993,299 20	2.9+
1879	36,427,771 00	33,277,470 75	571,467 74	33,848,938 49	33,073,437 82	376,461 63	33,449,899 45	30,041,982 86	3,407,916 59	*1,257,633 48	*3.5+
1880	36,571,900 00	36,204,589 87	1,813,631 10	38,018,220 97	36,101,820 38	440,983 30	36,542,803 68	33,315,479 34	3,227,324 34	4,169,282 48	11.0+
1881	39,920,900 00	39,204,821 40	1,012,136 50	40,216,957 90	39,251,736 46	340,829 76	39,592,566 22	36,785,397 97	2,807,168 25	2,198,736 93	5.7+
1882	42,475,932 00	40,974,346 60	2,581,829 91	43,556,176 51	40,039,634 75	442,386 48	40,482,021 23	41,876,410 15	†1,395,388 92	3,339,218 61	8.3+
1883	43,661,800 00	44,643,900 00	2,402,108 34	47,046,008 34	42,816,700 56	466,243 87	43,282,944 43	45,508,692 61	†2,225,748 18	3,489,831 83	8.0+
1884	46,741,111 25	44,489,520 00	2,942,396 01	47,431,916 01	46,404,960 65	819,599 62	47,224,560 27	43,325,958 81	3,898,601 46	385,907 67	0.8+
1885	50,062,189 60	49,040,400 00	1,107,000 00	50,147,400 00	49,317,188 41	729,046 80	50,046,235 21	42,560,843 83	7,485,391 38	2,715,483 99	5.7+
1886	56,099,169 50	53,700,990 00	‡500,000 00	54,200,990 00						4,053,590 00	8.0+
Average.										§1,718,488 92	§3.9+

* Decrease. † Excess of revenue over expenditures. ‡ Asked for "railroad transportation." § Average for ten years.

FREE DELIVERY.

The free-delivery system was established in 1863, and at its organization numbered 66 offices, with 685 carriers, and cost, during its first year, $317,061.20. Since then its facilities have been extended in proportion as the rapid development of the country has required them, until to-day its operations include no less than 178 offices, requiring the services of 4,385 carriers, involving an annual expenditure of $3,985,952.50, and yielding to the Government during the last fiscal year a net income of $1,295,768.55.

INLAND MAIL TRANSPORTATION.

The mails of the United States are carried by railroads, steamboats, and star routes.

In 1837 there were 974 miles of railroads, which carried the mails at a cost to the Government of $307,444. During the last year 121,032 miles of railway were engaged in the transportation of the mails at a compensation aggregating $15,267,550.25; 11,997 miles of steamboat lines performed like service at a cost of $558,288.51, while 232,222 miles of star service cost $5,403,259. To these amounts must be added the pay of forty-three hundred and eighty-seven railway postal clerks, amounting to $4,246,209.51 and $366,139.70 for mail messengers; $515,725.83 for fast mails and incidentals; and we have a grand total of annual expenditures for inland mail transportation of $26,877,172.80. These vast agencies have not been called into existence to foster any false theories of progress, but have only followed in the wake of the locomotive as it in turn has followed the star of empire westward, drawing a nation in its train.

The figures speak for themselves, and indicate more than one feature of the rapid advancement of our country in the numerous achievements which engage the attention and reward the enterprise of civilized nations. And so long as we shall be permitted to follow our traditional policy of peaceful progress so long may our people expect to enjoy a continued increase of their material prosperity, and so long will their enlightened public spirit continue to indorse such increased expenditures as the preservation and expansion of their common interests may demand.

Mr. BURROWS. Mr. Chairman, the sums appropriated for the various objects mentioned in this bill are in the main sufficient for the needs of the service. The amount estimated by the Postmaster-General as necessary to the proper administration of the affairs of the Post-Office Department for the next fiscal year is $54,986,166.89. The amount which this bill carries is $54,326,588.07; in other words, the appropriation is less than the estimate by the sum of $659,578.82.

If the estimates as furnished by the Post-Office Department are correct, the bill is wrong. There is no reason why the appropriations for the support of the Government in its various branches should not be commensurate with the demands of the service. Deficiency bills, unless they cover some unforeseen expenditures, ought not to be encouraged. Appropriations ought to be sufficient to cover all knowable expenditures, and when an appropriation is clearly much less than the sum estimated to be necessary to meet the demands of the service the reduction must be made either because the House lacks confidence in the estimates submitted, or else the appropriation is reduced for political reasons. There may be some party advantage in reducing an appropriation below the estimates on the eve of an election, and after the election supplying the needs of the service by a deficiency bill, but such advantage can only be temporary and in the end will retard rather than promote party ends.

There are two items in this bill to which I desire to direct particular attention; and I do so at this time for the reason that under the five-minute debate it would be impossible to give these subjects that consideration which their importance demands. The first item relates to pay of railway postal clerks. The amount estimated as necessary for this service is $4,877,000. The amount appropriated by this bill is $4,800,000, or $77,000 less than the Department declares necessary for the proper administration of this branch of the service. This estimate too, let me say, insufficient as it is, is made upon the basis of an allowance to postal clerks of class 4 a salary of $1,150 per annum, and clerks of class 5 an annual salary of $1,300. I propose to move an amendment to this provision of the bill, when in order, to increase this appropriation sufficiently to enable the Postmaster-General to pay clerks of class 5 $1,400 instead of $1,300, and clerks of class 4 $1,200 instead of $1,150. The amount necessary to be added to this appropriation in order to accomplish this end will be the sum of $90,200.

A word, now, in regard to previous legislation touching the pay of postal clerks of classes 4 and 5. From the organization of the railway postal service until 1874 there were two grades of postal clerks, and they were paid respectively $1,200 and $1,400 per annum. These grades and salaries continued until August, 1876.

Mr. BLOUNT. Does my friend from Michigan mean to say that the distribution of the mails from the beginning was by postal clerks?

Mr. BURROWS. They were not called postal clerks; they were known by a different designation—as route agents. These grades, I say, continued until August, 1876. At that time, when these clerks were receiving $1,200 and $1,400 respectively, their salaries were cut down to $1,150 and $1,300 by reason of an insufficient appropriation, and for no other reason. In proof of this, I read from the report of the Superintendent of the Railway Mail Service for the year 1876:

> The appropriation for the salaries of railway postal clerks for the year ending June 30, 1877, is $1,225,000, as against an expense for the year ending June 30, 1876, of $1,278,340. This material decrease made it necessary to reduce both the salaries and the force. Head railway post-office clerks' salaries were reduced from $1,400 to $1,300 per annum, and railway postal clerks were reduced from $1,200 to $1,150 per annum.

From this it appears that this reduction was made necessary, as I have stated, by reason of an insufficient appropriation. The Superintendent of the Railway Mail Service recommended in that connection as follows:

> In making estimates for the year ending June 30, 1878, the strong probabilities of the restoration of this service should be considered.

Mr. Vail, the Superintendent of the Railway Mail Service, in his report for 1877, made the following recommendation touching clerks of classes 4 and 5:

> I can but urge the justice of making the appropriation for this class of employés sufficient to enable the Department to restore them to the old rate of $1,400 per annum for head clerks railway post-offices, and $1,200 per annum for clerks of railway post-offices, and $1,000 and less for assistant clerks, route agents, and mail-route messengers.

This was the recommendation by the Superintendent of the Railway Mail Service immediately after the reduction was made by reason of an insufficient appropriation. Yet the recommendation was disregarded and this injustice to these clerks has continued until this hour. On the 31st day of July, 1882, an act was passed "to designate, classify, and fix the salaries of persons in the railway mail service;" which act is as follows:

> An act to designate, classify, and fix the salaries of persons in the railway mail service.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That persons in the railway mail service, known as railway post-office clerks, route agents, local agents, and mail-route messengers, shall, on and after the passage of this act, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum:
>
> First class, not exceeding $800; second class, not exceeding $900; third class, not exceeding $1,000; fourth class, not exceeding $1,200; and fifth class, not exceeding $1,400: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not, in any case, allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.
>
> SEC. 2. That the sums appropriated in the act entitled "An act making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882, for the compensation of the railway post-office clerks, route agents, mail-route messengers, and

local agents, be consolidated into one fund, and applied for the compensation of the clerks embraced in the five classes under the title of railway postal clerks provided in this act.

By the foregoing act it will be observed that fourth-class clerks are to receive an annual salary of not exceeding $1,200, and fifth-class clerks not exceeding $1,400.

This is the provision of law under which the appropriation for the pay of railway postal clerks is made.

In 1884, after the passage of the foregoing act, the general Superintendent of the Railway Mail Service again recommended that a sufficient amount be appropriated to pay clerks of classes 4 and 5 the maximum amount allowed under the law, to wit, $1,200 and $1,400, respectively.

The recommendation was as follows:

The appropriation for the present fiscal year is $4,300,000. I estimate that this should be increased $301,000 for the next fiscal year, which would make the appropriation $4,601,000.

The law authorizes the Postmaster-General to pay clerks of class 5 $1,400 per annum, and those of class 4 $1,200 per annum. These salaries were paid until July 1, 1876, at which time it was found the amount appropriated was insufficient to pay the number of clerks thus employed. It was then decided that the clerks receiving $1,400 should be reduced to $1,300, and those receiving $1,200 to $1,150.

I would respectfully recommend that an additional appropriation of $29,400 be made, so that the salaries of the clerks of class 4 may be increased to $1,200 per annum as provided by law; and that an additional appropriation of $51,900 be made, so that the salaries of the clerks of class 4 may be increased to $1,400 as provided by law.

It will be observed the total increase recommended for this purpose aggregated that sum of $81,300.

It will be noticed that this sum of $81,300 added to $4,601,000, the sum estimated for this branch of the service, produces the exact amount appropriated, namely, $4,682,300.

The Appropriations Committee in the Forty-eighth Congress heard the representatives of the postal service touching the recommendation of the Superintendent of the Railway Mail Service, and urged an additional appropriation of $81,300, in accordance with the recommendation of the Superintendent of the Railway Mail Service. If we turn to the act of March 3, 1885, making appropriation for the postal service for the year ending June 30, 1886, we find appropriated for pay of railway postal clerks the exact sum of $4,682,300, which is the aggregate of the estimate for the service on the old basis, namely, $4,601,000 and the recommended increase of $81,300.

It seems to me there can be no question but $81,300 of this sum was appropriated for the special purpose of paying clerks of classes 4 and 5 the full amount of their salary allowed by law. It is demonstrated by the estimates and by the appropriation which followed, and in no other way can it be explained how this appropriation came to be for the exact sum of $4,682,300. Yet the clerks of classes 4 and 5 are being paid at the old rate of $1,150 per annum for clerks of class 4, and $1,300 for clerks of class 5. Why? The Postmaster-General declines to execute the law and apply the appropriation in obedience to the will of Congress. At page 419 of the report of the Postmaster-General for the year 1885 will be found the following:

The annual appropriation for the pay of railway post-office clerks for the current fiscal year is $4,682,300. Of this amount, $81,300 was presumably appropriated for the special purpose of increasing the salaries of clerks of the fourth and fifth classes to the rates of compensation paid prior to 1st of July, 1876; but, inasmuch as the appropriation bill, as approved, does not state specifically that such was the intention of Congress, the Postmaster-General is of the opinion that this fund can not be drawn upon for that purpose. With this amount deducted, the sum available for the pay of postal clerks for the present year is $4,601,000.

Mr. BLOUNT. What are you reading from?

Mr. BURROWS. From the report of the Superintendent of the Railway Mail Service, page 419, from which it will be observed the superintendent states he has not used the $81,300 "presumably appropriated for the special purpose of increasing the salaries of clerks of the fourth and fifth classes to the rate of compensation paid prior to July 1, 1876," because the "Postmaster-General is of the opinion that this fund can not be drawn upon for that purpose." The Postmaster-General looks only to the letter of the law, and in the letter of the law he finds no mention of $81,300 for this specific purpose, and therefore he refuses to make use of the appropriation. "It is not so nominated in the bond." But if he had examined the estimates he would have discovered the items entering into the appropriation of $4,682,300, and would have observed that this amount was reached by including $81,300 to enable the Postmaster-General to pay clerks of classes 4 and 5 the salary allowed by law. But for some reason the purposes of the Postmaster-General are better served by looking only to the letter of the law, and so, declining to examine the estimates or obtain any information beyond what the statute conveys, he declines to execute it.

In another instance we shall find where the law was perfectly plain for the purpose of making that statute a nullity he found no difficulty in looking beyond the letter of the law and outside of it for a reason upon which to base a refusal to execute the will of Congress. But of that further on. If it shall be the will of the committee to increase this appropriation by the sum of $90,200, I suppose the appropriation must be so worded and separated that there will be no difficulty in determining the object to which the appropriation is to be applied. In framing the amendment I shall endeavor to make it so plain that a wayfaring man, though a postmaster-general, need not err therein.

The next item to which I desire to call attention is "for the transportation of the foreign mails." This bill appropriates $375,000 for this purpose. The estimate for this service is $350,000 and the bill carries $375,000 or $25,000 more than the estimates. But in making that estimate the Postmaster-General, or the Superintendent of the Foreign Mail Service, says:

If it should be decided to pay to vessels of United States register, for the transportation of mails to foreign countries, the whole amount of the postage collected on the mails conveyed (calculated at the Postal Union rates of postage, namely, 5 cents per one-half ounce, or $1.60 per pound of letters and post-cards, and 1 cent per two ounces, or 8 cents per pound, of other articles), the above estimate for "the transportation of mails," &c., would be increased, from $350,000 to $425,000, and the total from $425,000 to $525,000.

Again he says:

If it is the will of Congress that the entire sea and inland postage shall be given to vessels of United States register for the mails transported by them, the estimate of $350,000 must be increased $75,000, as you will observe by reference to the table herewith transmitted, which gives the weight of the mails conveyed by vessels of United States register for the fiscal year of 1885, and shows the total sea and inland postage thereon to be $81,679.67.

So, upon the recommendation of the Post-Office Department, it is stated that if it is the will of Congress to pay American vessels the whole amount of the sea and inland postage, it will be necessary to increase this appropriation of $350,000 to $425,000. The committee have added only $25,000 to this estimate, presumably to cover the sea and inland postage, but which is $50,000 short of the recommendation of the Post-Office Department. Of course we are all familiar with the law as it now stands touching the carriage of the foreign mails. By reason of the Postmaster-General's failure to execute the law passed by the last Congress we are thrown back upon an old statute, section 4009, which provides that for transporting the foreign mails the Postmaster-General "may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel any sum not exceeding the sea postage on the mail so transported." So that, as the law now stands, the maximum amount possible to be paid to American steamships is the sea and inland postage. If the Postmaster-General, in the exercise of his discretion, shall deem it advisable to pay the whole amount of the postage on a letter, 5 cents, from San Francisco to Hong-Kong, he is authorized under the law to do so, and he can not in any case exceed the amount of the postage on the mails conveyed.

I shall move to amend the bill at the proper time so as to make the appropriation for this service equal to the full amount of the sea and inland postage, and only regret that under the rules of the House I can do no more. But I am quite certain that this committee will at least place a sufficient amount at the disposal of the Postmaster-General to enable him to pay to the American lines the full amount of the sea and inland postage. I hold in my hand the last report of the Superintendent of Foreign Mails; and let me call the attention of the committee to the amounts paid American lines for carrying the foreign mails upon basis of sea postage only and the sum which would be awarded if they were paid the full amount of the sea and inland postage, and I will then submit whether, in the judgment of this committee, the full amount of the sea and inland postage should not be paid, and whether that sum is not wholly inadequate.

The Pacific mail line last year, sailing from San Francisco to Panama, made twenty-five trips and received for carrying the United States mails the beggarly sum of an average of $49.53 per trip. That was the sea postage, and if you had given the sea and inland postage that line would have received an average of $140.20 per trip. For carrying the mails from New York to Colon, thirty-eight trips, this line received an average of $199.45 per trip, and at sea and inland postage it would receive an average of $517.43 per trip.

The Pacific Mail Steamship Company, from San Francisco to Yokohama and Hong-Kong, made in each round trip a distance of 12,180 miles, and for carrying the United States mails received for each round trip an average sum of $194.81. If this line had received the entire amount of the sea and inland postage its compensation would have averaged $562.54 per trip.

Take the New York, Havana and Mexican Mail Steamship Company from New York to Cuba, Mexico, &c. The distance sailed on each round trip was 2,348 miles, and it received for each trip an average sum of $82.68 for mail service. If the Postmaster-General had paid this line the full amount of the sea and inland postage it would have received an average sum per trip of $238.64.

The Red D line, the only line running to Venezuela touching the great countries of South America bordering on the Caribbean Sea, made in each round trip a distance of 6,132 miles, and received for transporting the United States mails an average of $56.55 per trip, while the sea and inland postage would have yielded an average of only $115.01.

Bear in mind, too, in this connection, that all these lines are called upon at their own expense to go to the post-office in San Francisco or New York and convey the mails to the steamer and land them at the port of their destination, defraying all the expenses attending such service.

The Occidental and Oriental Steamship Company, plying between

San Francisco and Japan and China, on each round trip made a distance of 12,180 miles, for which it was paid for carrying the United States mails an average of $137.11. If the United States had paid the full amount of the sea and inland postage, it would have given that line an average of only $394.77. Is that extravagant compensation?

The New York and Cuba Mail line, running between New York and Havana, made on each round trip a distance of 2,348 miles, for which it was paid for carrying the United States mails the magnificent sum of $38.01. The sea and inland postage would have amounted to only $113.23.

Mr. WARNER, of Ohio. The gentleman asks a question. That might depend upon how much it carried.

Mr. BURROWS. Not at all. The United States and Brazil Mail Steamship Company, opening to us that great empire of the south, sails in each round trip 10,308 miles, and the Postmaster-General paid that line for carrying the United States mails the sea postage $323.86. The sea and inland postage would give to that line $445.53.

The Clyde line from New York to Hayti received for its round trip of 2,630 miles for carrying the United States mails $32.55. Had this line been paid the full amount of the sea and inland postage it would have received an average of $86.01 per trip.

So the American Steamship Company from Philadelphia to Queenstown, running on each round trip a distance of 6,524 miles, was paid for United States mail service the sum of $74.55 per trip. The sea and inland postage would have yielded an average compensation of $86.15.

It is needless to continue the recital. Sufficient appears to inform the committee how inadequately this service would be paid even at the full rate of sea and inland postage.

In contrast with the compensation possible to be allowed American lines for the transportation of the foreign mails, I desire to submit the following table which discloses the compensation paid the steamboats for our coastwise and inland service.

Compensation paid steamboats for coastwise and inland service.

Service.	Distance.	Number of trips per week.	Annual pay.
	Miles.		
Eastport to Lubec	3	6	$400 00
Parkersburg, Va., to Pomeroy	87½	6	7,800 00
Edenton to Williamston	51	6	3,000 00
Wilmington to Fayetteville	112	2	1,450 00
Brunswick to Saint Simon's Mills	12	6	1,000 00
Jacksonville to Palatka	80	6	8,800 00
Tampa to Key West	246	2	23,600 00
Mackinaw City to Mackinac	12	6	2,460 00
Tacoma to Port Townsend	98	6	29,700 00
Wood's Holl to Nantucket	30	.....	7,875 00
Norfolk to Cape Charles	38½	7	10,971 62
Norfolk to Baltimore	200	6	18,000 00
Lake Charles to Cameron	55	3	4,090 00
Port Townsend to Sitka	1,343	.....	18,000 00
Jacksonville to Fort George	23½	6	1,599 00

Mr. DOCKERY. Have you made an average of the mileage?

Mr. BURROWS. I can not give that just here. Without extending this table, I may state generally that the inland and coastwise steamboat-service, which made a distance last year of 2,540,607 miles, was paid $563,002; while the foreign service by American lines, which made the distance of 2,052,686 miles, was paid only $46,387. If the entire amount of the sea and inland postage was paid the American lines for carrying the United States mails it would not exceed $130,000 per annum.

I submit, therefore, that nothing less than the full amount of the sea and inland postage should be appropriated, and I regret exceedingly that we are powerless to do no more. But under the law that is the limit of our authority.

Congress at its last session, appreciating the needs and the importance of this service, attempted to do something toward sustaining the American lines in carrying the United States foreign mails by enacting the following law:

For the transportation of foreign mails, including transit across the Isthmus of Panama, $800,000; and the Postmaster-General is hereby authorized to enter into contract for the transportation of any part of said foreign mails, after a legal advertisement, with the lowest responsible bidder at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half the sum hereby appropriated.

It is known to the country and conceded by all that this provision of the law remains unexecuted, and the will of Congress in this regard is entirely nullified. The law seems plain. There is nothing in it obscure or mysterious; but the Postmaster-General in this instance, in order to nullify the law, goes outside of its plain provisions to find reasons for making it a dead letter. Read the law and it seems easy of comprehension. What does it require? First, a contract with American steamships for carrying any portion of the foreign mails; second, after legal advertisement; third, to the lowest responsible bidder; fourth, at a rate not exceeding 50 cents a nautical mile each way actually traveled; and, fifth, $400,000 is hereby appropriated to carry out contracts so made. Is there anything obscure in this statute? Certainly nothing. And yet no portion of this law has been executed. Nay, more, the Postmaster-General has never taken a step in the direction of its execution. Why? He says in his report, page 35:

A statement compiled in the Office of the Foreign Mails shows that the total miles sailed last year and to have been expected to be sailed this year by all American companies would be over 2,050,000, and the total compensation at the maximum rate would exceed $1,025,000, or over two and a half times the utmost authorized expenditure.

And because, upon such computation, the amount necessary to pay the full compensation of 50 cents a mile would exceed the amount appropriated, the Postmaster-General refuses to make any expenditure whatever. Now, it is quite true that if you take the whole number of miles sailed last year by the American lines, to wit, 2,050,000, and multiply it by 50 cents, the maximum price per nautical mile, the result will be $1,025,000, and will exceed the amount appropriated by $625,000. Therefore the Postmaster-General argues, "because upon this assumption a greater sum is required for this service than was appropriated, I will take no step whatever toward the execution of the law, but will treat it as a dead letter." Obviously it will be of the utmost importance hereafter that every committee having an appropriation in charge shall see to it that every item in the bill is sufficient to meet the needs of the service, otherwise the Postmaster-General will use no portion of it.

But in making this calculation, the Postmaster-General falls into a trifling error. In reaching the basis that the whole number of miles traveled by the American lines last year was 2,050,000, he doubles the distance from San Francisco to China and Japan, and from New York to Havana, taking the total distance made by the two lines running over each of these routes; when he knows that if those routes were let to the lowest bidder one line on each route would be excluded, and so the number of miles upon these two routes might be reduced from his calculation 385,000 miles.

In other words, he computes the distance and the expenditure for about 400,000 miles more than would have been traveled if he had executed the law. Suppose he had let the route from San Francisco to China and Japan and the route from New York to Havana to the lowest responsible bidders; and suppose the contract between China and Japan had been awarded to the Occidental and Oriental line and the service between New York and Havana had been let to the New York, Havana and Mexican line, then the distance sailed by those two lines in conveying the United States mails would be, upon the basis of last year, 263,560 miles instead of 649,508 miles, the basis of the Postmaster-General's computation. So, I repeat, in this computation he falls into an error of about 400,000 miles, and thus makes the amount required for the service upon his theory about $200,000 more than it actually would be. And yet if this administration comes within 400,000 miles of the truth perhaps we ought not to complain. [Laughter.]

But this assumption proceeds further upon the theory that, with or without competition, there would be no bid under 50 cents a mile, and that all lines would be employed at that rate. That is a baseless assumption. How did the Postmaster-General know that there would be no competition? He concedes that there were competing lines on the routes between San Francisco and China and Japan, and between New York and Havana, and yet he allows for no reduction of price resulting therefrom.

What right had the Postmaster-General to assume that, and upon what theory could he assume it? Competition always brings reduction of price. The rule is inexorable. So this assumption of the Postmaster-General falls. But he says further, as a reason for not executing this law, that there was competition upon only two lines, and no competition on any of the other lines; and therefore he asserts that to advertise for the lowest bidder on routes where there is no competition would be an idle ceremony. "What object would there be," says the Postmaster-General, "in advertising for the lowest bidder on a route where there is but one line?"

Does the Postmaster-General in advertising for bids for the star-route service ascertain in advance whether there is more than one stage running on each route, and if he finds a route on which there is but a single stage line does he decline to advertise for bids on that route?

But, again, what right had the Postmaster-General to assume that advertising for service on these ocean routes would not provoke competition? He might as well, as I have said, refuse to advertise for proposals to carry the mails on some distant star-route because there is no competing stage line as to decline to ask for bids for the ocean foreign service for the reason that at the time of advertising there is no established competing line. The principle is precisely the same.

But there is another fact which the Postmaster-General might have discovered if he had been looking for means to execute instead of nullifying this law. From March, 1885, to October, 1885, the very time when he was called upon to advertise for bids for carrying the foreign mails, there were eight first-class iron steamers tied to the wharves in New York out of business, seeking employment, and anxious to enter into any remunerative service. What right had the Postmaster-General to say that those idle sea-going steamers would not have been com-

petitors for this service or for some portion of it? Again, how did he know but that vessels actually engaged in other service might not be withdrawn and become competitors for this? The Postmaster-General must have been possessed with more than mortal wisdom and foresight to have foreseen and forejudged all these things.

But again, the Postmaster-General knows, as every member of this House understands, that the argument that to advertise for bids upon routes where there was no competition would secure the service only at the maximum amount, and that that would have exceeded the appropriation, is completely answered by the fact that he had it within his power to reject all bids. The Postmaster-General never advertises for bids for carrying the mails upon star-routes or other lines that he does not reserve to himself the right to reject all bids. So, if he had advertised for this service and found that the amount of the bids exceeded the amount of the appropriation, it was within his power to reject them all or any portion of them.

Again, it was within his power to say in his advertisement that all bids above a certain amount would not be considered, and by so doing he could have restricted the amount to the limit of the appropriation and at the same time executed the law.

There was nothing under the sun to prevent him from doing this. More than this; the great American steamship lines united in a request to the Postmaster-General to execute the law, and stated that if he had any apprehension about the bids exceeding the amount of the appropriation they would undertake to say that the maximum amount bid should not exceed 20 cents per nautical mile, at which, if every line was employed now in this service, the total would not overreach the appropriation. Yet the Postmaster-General declined. It seems as if he was determined from the beginning that this law should not be executed; and it is a significant fact that he has never taken a single step toward its execution.

But observe in the next place that he declined to execute this law, because upon two lines there was competition. Upon all the lines but two, there being no competition, he declined to execute the law for that reason; yet in the next breath he says it is impossible to execute this law, because upon the San Francisco, China and Japan line and the New York and Cuban line there is competition. I can not execute the law in the first place because there is no competition; and in the second place I can not execute it because there is.

What reason does he assign for not executing the law upon the lines where there was competition? Because, he says, "if I had advertised for the lowest responsible bidder upon lines where there was competition the contract would have been awarded to the lowest bidder, and all others would have been excluded." Of course that is so; but Congress had so determined the matter, and the Postmaster-General had but to remember that the duties of his office, in the language of Mr. Cleveland, were purely executive.

It follows, therefore, if he could not execute the law upon two lines because there was competition, he could not have executed it upon any if there had been competition upon all. The reason would be the same. So the first argument, that he could not execute this law because there was no competition, falls to the ground, for he admits virtually that if there had been competition upon every line he would not have executed it, because that would diminish the service, and Congress did not in his opinion do a wise thing in enacting such a measure. I would like to inquire what the Postmaster-General had to do with that matter.

If Congress in its wisdom saw fit to provide for the foreign-mail service by letting it to the lowest responsible bidder, is he to be permitted to say to Congress "I will not execute your law, because in my judgment it is unwise?" After having given these reasons for failing to execute this law, he supplements his argument with an extensive tabulation showing that if these companies are paid the sea-postage for carrying the foreign mails they receive more per pound for the service than they get for carrying pork, salt, or other merchandise; and he says in substance, "because these lines would derive a greater revenue for carrying these mails, even at sea-postage, than they get per pound for transporting pork and hides, therefore the compensation is sufficient and I will not execute the law."

But suppose Congress should determine, as it did at its last session, to pay more for carrying the mails than for carrying hides. Is the Postmaster-General in that event to be heard to say, "I will not execute this law, because in my judgment it is paying too much." The question is too preposterous for debate. It seems to me that matter is no part of the business of the Postmaster-General; it is none of his concern. Congress determines the rate of compensation to be paid for this service; and when it determined to let this service to the lowest responsible bidder at a rate not exceeding 50 cents per nautical mile, it was the business of the Postmaster-General to at least make an effort to execute that law, instead of refusing to take any steps towards its execution, and then offering to Congress so trifling an apology.

How true it is sometimes that man—

> Drest in a little brief authority,
> * * * * *
> Plays such fantastic tricks before high heaven
> As make the angels weep.

Mr. Chairman, when this portion of the bill is reached in Committee of the Whole I shall move to increase the appropriation for this service from $375,000 to $425,000, the sum which the Postmaster-General says is necessary to pay the full amount of the sea and inland postage; and I mistake the temper and patriotism of this House if it does not do for this service all that the law will permit, and regret that it can do no more.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. BURROWS] has expired.

Mr. DOCKERY. I will yield the gentleman ten minutes of my time.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] desires to yield ten minutes to the gentleman from Michigan, if he will accept it.

Mr. DOCKERY. The gentleman from Michigan makes a satisfactory arrangement with me, by which I have agreed to yield twenty minutes of my time to him.

Mr. BURROWS. Mr. Chairman, I was about to say that the administration of the Post-Office Department is subjected to just criticism not only in regard to the matters to which I have referred but in other particulars of no little public concern. It has not only nullified the law touching the administration of the postal service, both domestic and foreign, but with uncommon effrontery it has defied not only the spirit but the very letter of the civil-service law.

Reaching, as the Post-Office Department does, into every city, town, and hamlet in the broad land, there was no Department of the public service where this administration could have given more convincing proof of its sincerity in the matter of reform in the public service than in the Post-Office Department. And yet there has been no branch of the public service where that law has been more wantonly and persistently violated. From the beginning to this hour the head of that Department has sought, as in other instances, not how he might execute and enforce this law but, on the contrary, how he might with impunity violate it.

In saying this I do not wish to be understood as intimating that there has been an honest observance of the civil-service law in other Departments. On the contrary, it may be affirmed, I think, that in all the Departments, from the highest to the lowest, there has been a persistent effort to nullify it. If this be true, the Democratic party, after all its professions, deserves and will receive public condemnation.

If there has been any one thing in the last fifteen years to which the Democratic party seemed more ardently attached than any other it was reform in the civil service. In season and out of season, in public and in private, by speech and platform, it has coveted every occasion to make solemn protestation of its devotion to this new-found object of its idolatry. [Laughter.] Its enthusiasm at times would brook no restraint.

Although reform and the Democratic party never had any personal acquaintance until 1872, when they met for the first time in a Liberal Republican convention, yet from that hour there sprang up an attachment between them which has been absolutely phenomenal. Some slight conception of the warmth of its devotion at that time may be gathered from the following declaration preserved in its platform of 1872:

> The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition, and an object of selfish greed. It is a scandal and reproach upon free institutions, and breeds a demoralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claims to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and that public station shall become again a post of honor.—*Democratic platform*, July 1872, Baltimore.

In 1876 the Democratic party renewed its vows of fidelity with such earnestness as to banish all thought of the possibility of betrayal, in the following language:

> Reform is necessary in the civil service. Experience proves that efficient, economical conduct of the governmental business is not possible if its civil service be subject to change at every election, be a prize fought for at the ballot-box, be a brief reward for party zeal, instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men, nor the instrument of their ambition.—*Democratic platform*, Saint Louis, Mo., June 27, 1876.

In 1880 its ardor had somewhat cooled, and was fast settling down into respectful consideration, as the following declaration in its platform discloses: "We pledge ourselves to a general and thorough reform of the civil service."

In 1884 six words, compressed into one curt sentence, measured its waning regard: "We favor honest civil-service reform."

But if the public mind had become somewhat distrustful of the sincerity of the Democratic party in its professions touching reform in the civil service, it was fully reassured by Mr. Cleveland in his letter of acceptance, in which he said: "The selection and retention of subordinates in Government employment shall depend upon their ascertained fitness and the value of their work. Public employment will be open to all who can demonstrate their fitness to enter it." These are some of the professions with which the Democratic party came up to the campaign of 1884 and under which it was intrusted with national control.

In view of these utterances the people had a right to expect, and in many instances were undoubtedly deluded into the belief, that the Democratic party would in good faith redeem its promises in this regard.

That, in the language of the Democratic platform, "honesty, capacity, and fidelity" would be the only valid claims to public employment, and that, in the words of the President, "the selection and retention of subordinates in Government employment would depend upon their ascertained fitness." Indeed the Democratic party and its nominee for the Presidency were so completely committed to the doctrine of reform in the civil service that there was no escape from the execution of the law in this regard but by public renunciation or secret evasion. The former step would have been commendable in the highest degree in contrast with that other course which this administration seems determined to pursue. To have failed to execute the law would have been bad faith; to pretend to execute it while secretly nullifying it is not only bad faith but hypocrisy.

The first intimation of a plan by which the consequences of Democratic professions might be avoided came from Mr. Cleveland in December, 1884, after the service of the people at the ballot-box was no longer required, and nothing remained to complete his title to the Presidency save the formal declaration of the result of the election. Then it was that the President-elect in a letter to Mr. Curtis pointed out the way by which the Democratic party might escape from all its pledges to the people and fill the public offices with the adherents of the Democratic party in utter disregard of the letter and spirit of the civil-service law. I quote from that letter the following:

There is a class of Government positions which are not within the letter of civil-service statute, but which are so disconnected with the policy of an administration that removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they were appointed, solely on partisan grounds, and for the purpose of putting in their places those who are in political accord with the appointing power. But many now holding positions have forfeited all just claim to retention, because they have used their places for party purposes in disregard to their duty to the people, and because, instead of being decent public servants, they have proved themselves offensive partisans and unscrupulous manipulators of local party management.

The term "offensive partisan" makes its appearance in this letter for the first time since the election and opened a broad avenue for escape from Democratic pledges. *In hoc signo vinces.* [Laughter.]

The Postmaster-General was not slow to seize upon the suggestion of the President-elect, and before he had been in his office sixty days he issued one of the most remarkable letters ever emanating from the head of any Department under any administration. This communication is marked "confidential" and signed officially by William F. Vilas, Postmaster-General. This document is so unusual, to say the least, that I beg leave to quote it in full:

[Confidential.]

POST-OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
Washington, April 29, 1885.

DEAR SIR: The continued illness of Mr. Hay will delay his coming for some time yet to the Department, and I think it desirable that some action should be taken in the way of removals, and am impatient to assist our people in securing relief to which they are justly entitled from partisan postmasters. I have had a conference with the Virginia delegation and they will soon bring in their cases, and I shall hope to make the earliest removals in that State. As soon as they shall be ready, and I hope within a week, I desire to appoint from three to ten in a county in Virginia, amounting to several hundred altogether. I had intended to invite yourself and the Democratic delegation from Ohio to meet me this week and consider the plan upon which we should proceed in making removals in Ohio. But I understand it will be inconvenient for some to travel hither now, and it has occurred to me that perhaps the same end might be accomplished by writing. I shall beg you, therefore, to consider the suggestions I make as to the methods of procedure, and if you can adopt them and get some cases ready within the next two or three weeks I think within the month of May I can give substantial relief that will take away the importunity and discontent. I think that from 15 to 25 per cent. of the fourth-class postmasters in Ohio might be removed within the next two months, and great good accomplished thereby, if our people will adhere to a proposed plan.

This is, in short, to pick out the most obnoxious and offensive partisans in each county, to the number of a sixth to a quarter of all, and choose first-class men to take their places. I will require no more proof of partisanship in these selections than the affirmation of knowledge on the part of a Representative or Senator that the postmaster has been an active editor or proprietor of a Republican newspaper, printing offensive articles, easily shown by slips; or a stump speaker, or member of a political committee, or officer of a campaign club, or organizer of political meetings, or that his office has been made the headquarters of political work, or that his clerks have been put into the performance of political duties. Possibly other acts of equal force may be noted in some cases. If the Representative does not know the fact, it should be established by some affidavit of some person whom he can affirm to be of unquestioned credibility, or by some documentary evidence.

In recommending for appointment, I beg the Representative will state the age, business, and what kind of business experience, and a description of the business character of the applicant, and also of his habits and standing in the community. It would be well to file evidence showing that he will be satisfactory to the community, and when there are various candidates I shall be obliged by any explanation which the Representative can give.

This necessarily imposes a little trouble, and yet not very great, but it seems to me reasonable to require very extraordinary care and trouble enough to be taken to represent surely the facts. The earliest removals and appointments of this kind will challenge the keenest scrutiny. The former must be justifiable and the latter beyond criticism. Some mistakes have perhaps occurred, and our adversaries are keenly interested to make the most of every fault, because they have perceived a strong current of general approbation of the purposes of the administration.

In rendering this justice to our people, which consists of the removal of and substitution of our friends, I feel that it is very desirable to proceed with extreme care, and that I am correctly representing the President's wishes and purposes in earnestly soliciting that every step may be taken accordingly. I may add that as the common good is infinitely beyond the welfare of any one person, however great his place, so appointments, to further a mere personal end, should be absolutely forbidden, and recommendations upon that basis may well expect disfavor.

I shall very willingly take up the case of any district or of any county whenever they are ready, and I shall be glad if the Representative can personally attend and go over them. Papers should be sent in as soon as possible, and will be then carefully briefed in the Department, and when so made ready appointments can be made with great rapidity.

Should you think it desirable to have a personal conference before this is begun I shall be very glad to meet the delegation.

But as I have felt it desirable to relieve them of unnecessary journeying and expense, I have written a similar letter to each Representative from Ohio and respectfully solicited responsive action in accordance with the spirit of it.

Very truly yours,

WILLIAM F. VILAS, *Postmaster-General.*

The foregoing communication was addressed to the Democratic members of Congress from the States of Ohio, Indiana, and Virginia, and no comment can make its impropriety more apparent.

On the 4th day of March, 1885, the President-elect in his inaugural address declared that "the people demanded the application of business principles to public affairs," and that "civil-service reform should be in good faith enforced." While these high-sounding words were ringing in the public ear the Postmaster-General is writing a "confidential" letter to Democratic Congressmen "to get their cases ready," and he thought "from 15 to 25 per cent. of fourth-class postmasters in Ohio might be removed within the next two months." This is the "application of business principles to public affairs." [Laughter.] While the echo of these words was yet ringing in the public ear the Postmaster-General quietly whistles to his side the whole uncounted pack of hungry office-seekers and sets them upon the track of honest officials with instructions to hunt them down and hold them at bay until the Postmaster-General could take their official life. This, Mr. Chairman, is reform in the civil service! This is "doing business behind glass doors." [Laughter.] The whole history of American politics discloses no parallel to this.

It is no part of my purpose, Mr. Chairman, to catalogue the long list of removals or count the disreputable appointments which make up the first year's record of this reform administration. Every Congressional district has its instances, and these are within the knowledge of the individual members of this House. I only desire to summarize the result of the application of "business principles to public affairs," as exemplified in the Post-Office Department during the first twelve months of its administration.

The First Assistant Postmaster-General, in his able annual report for the year ending June 30, 1885, at page 27, states the whole number of Presidential offices at that date was 2,233, and the whole number of fourth-class post-offices 49,019. To these 2,233 Presidential offices there were appointed, between March 4, 1885, and March 4, 1886, 1,078 Democratic postmasters, or nearly one-half of the entire number were changed the first year. Of those 1,078 appointments, 782 were made necessary by reason of death, resignation, or expiration of commission; 288 were appointed to succeed postmasters suspended, 7 in place of postmasters removed for cause, and 1 to succeed a postmaster removed—nearly 300 suspensions and removals in twelve months in Presidential offices alone. Not content with 782 vacancies caused by death, resignation, and expiration of commissions, the President supplements this record by 296 suspensions and removals—upon what ground the country is not yet advised.

But this does not furnish a fair illustration of the workings of reform in this Department of the Government. The President and undoubtedly the Postmaster-General have felt themselves somewhat hampered and embarrassed by that provision of the Constitution which makes it necessary in these matters to take the advice and obtain the consent of the United States Senate. Such a requirement gives undue publicity to official conduct and destroys that freedom of action which is found in fourth-class offices, where the will of the Postmaster-General is supreme.

In response to the request of the Senate recently directed to the Postmaster-General calling upon him to state the number of removals in fourth-class offices between March 4, 1885, and March 4, 1886, he states the whole number of removals between those dates to have been 8,635. This does not include appointments to vacancies, but all these were removals ostensibly for cause. Add to this the Presidential removals during the year and we find the total removals of postmasters to be 8,931 in twelve months. That is over 744 a month, 28 every working day, 4 an hour or 1 every fifteen minutes. This is conducting the affairs of the Post-Office Department on "business principles."

The foregoing exhibit, in a single branch of the Post-Office Department, furnishes a fair illustration of the practical workings of the civil-service law as interpreted by the Postmaster-General. What is true of this Department is undoubtedly true of all. Indeed, as early as June, 1885, the country was advised by Mr. Higgins, when hungry Democrats were complaining of the delay in furnishing them with the means of subsistence, that there had already been between three and four thousand changes. "There are," he said, "about eighty-five internal revenue collectors, and fifty-two of them are now Democrats. Each has under him fifty to one hundred employés, and all these are being constantly changed. So you will perceive that you can soon count up to the thousands. It is the same with the customs officers and the post-offices." This declaration was made within ninety days after this administration came into power. This is upon authority of Mr. Higgins, and what he does not know about "reform" is scarcely worth acquiring.

But the most ludicrous feature in this whole reform business is the constant boasting of the Democratic party that it has brought the Government back to the practices of the fathers, and that in the application of its reform views to governmental affairs it is reproducing the halcyon days of Jeffersonian simplicity and Jacksonian honesty. One is at a loss to know which most to admire in this assumption, its novelty or its audacity.

Let us read a page of the nation's history in the days of the fathers touching the question of removals in the civil service. Washington in eight years removed only nine, all for cause. John Adams in four years removed nine, and, he stated, none for political reasons. Jefferson in eight years removed thirty-nine; none for party purposes. Madison in eight years removed five. Monroe in eight years removed nine. John Quincy Adams in four years removed two. The first six Presidents holding the Presidential office for forty years removed only seventy-three office-holders. Seventy-three removals in forty years! Why, sir, the Post-Office Department alone has made more removals than that in forty minutes [laughter], decapitates more than that before breakfast as a mere appetizer. And yet the Democratic party has the impudence to look the American people in the face and declare without even blushing that it has returned to the practices of the fathers.

Mr. LONG. What has been the nature of the appointments made in place of those removed?

Mr. BURROWS. I have said that that was within the knowledge of the individual membership of this House, and I repeat that I have no time to explore that field. Let us have done with this farce of reform. The people are sickening of it. It was quite an attraction in the beginning, but it has ceased to draw, and you had better ring down the curtain and put out the lights if you would save the performance or the performers from public ridicule and contempt. Take it from the boards, or it will be hissed off by a disgusted public.

And here let me say that the crowning infamy in this whole business of reform lies in the dishonorable methods employed to secure the removal of honest, capable officials. If you would say to a Republican, "I want this office because you are a Republican, and I want it for a Democrat because he is a Democrat," that would be honorable and manly.

But you say, "We can not do that, for we are committed to the doctrine that removals shall not be made for partisan reasons, and that honesty, capacity, and fidelity shall constitute the only valid claims to public enjoyment. We must seem to keep this promise to the public if we blacken the good name of every Republican official in the land." And so you permit, nay, not only permit, but invite, charges to be made against faithful and upright public servants upon which they are removed, and thereupon you give out that they are removed or suspended for cause. But when the suspended official or his friends ask to be advised of the nature of these charges, then this reform administration replies, "That is a sealed volume, and you can not be permitted to open it."

I am not alluding now to the controversy going on in the other end of the Capitol. I have in mind an instance within my own knowledge. Two Government officials in my own city, of unquestioned integrity and unimpeachable character in public and private life, were removed from office, and when I demanded of the head of the Department to be advised of the nature of the charges preferred against them, I was informed that I could neither have a copy of the charges nor be informed of their substance. These charges against those men are only harmless because no imputation can possibly destroy public confidence in their official or private character.

In this refusal to disclose the nature of these changes lies the infamy of this whole business. Men of the highest character in public and private life, against whose fair names the breath of suspicion even has never come, are turned out of office and branded with some crime which they are not permitted to know, and can not, therefore, disprove; and these charges, however false and infamous, unknown and unanswered, unanswered because unknown, pass into the permanent archives of this nation to remain so long as the Government shall stand. This, I repeat, is the crowning infamy of this whole business, and ought and will consign any party that approves it to deserved retirement.

But I am suspicious the Democratic party has deluded itself into the belief that such a course will lead to great party advantage and contribute to its future success. You argue that this method is a threefold victory; first, you say, we get the Republican official out and a Democrat in, which is of prime consequence; second, by withholding all knowledge of the grounds upon which removals are made we will keep from the people the real cause, which is purely a political one, and continue the deception that we are reformers; and, third, by denying to removed officials the right to know and answer the charges made against them the suspicion will obtain that they are removed for some malfeasance in office, and in the approaching campaign we have but to point to the long list of removals for convincing proof of official corruption.

If this is your reasoning, let me say to you that you are making a fearful mistake. If you would remove the Republican official, saying to him, "It is not because you have not been a faithful and honest public servant, but solely because you are not in accord with the Democratic party," there is not a Republican official in the land who would not gracefully surrender and accept the situation. He would probably continue a Republican from conviction, but the simple loss of his office would not spur him to unusual zeal. But when you remove him upon some secret charge, emanating from some secret, unknown source, which he is not permitted to know or answer, reflecting upon his public or private character, he not only continues to be a Republican, but he becomes your active, implacable foe. The office was of little value to him, but his good name is a priceless legacy, cherished above all else, which he hoped to bequeath untarnished to his children. That is but a common sentiment.

> Who steals my purse steals trash; * * *
> But he, that filches from me my good name,
> Robs me of that which not enriches him,
> And makes me poor indeed.

You, for party ends, are wantonly placing a stain upon thousands of good names, and be assured they will not rest inactive under the foul aspersion. Nay, more, their kinsmen and their friends will make common warfare with them. Honorable men of all parties will espouse their cause, and this Democratic reform administration will answer for its vilification of worthy citizens at the bar of public opinion, where it will receive swift and merited condemnation. [Applause on the Republican side.]

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House had had under consideration the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and had come to no resolution thereon.

DUTIES OF TREASURER OF THE UNITED STATES.

Mr. TUCKER. Mr. Speaker, I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 13 of said bill, after the word "of," strike out the word "the" and insert the words "every such;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Insert in lieu of the matter stricken out the words "from time to time;" and the Senate agree to the same.

J. RANDOLPH TUCKER,
JOHN H. ROGERS,
JOHN W. STEWART,
Managers on the part of the House.
JUSTIN S. MORRILL,
W. B. ALLISON,
J. R. McPHERSON,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement which, under the rules, accompanies the report.

The Clerk read as follows:

The conferees of the House upon House bill 5544 present a statement of the effect of the amendments of the Senate to the bill as it passed the House and as finally agreed upon by the committee of conference of the two Houses.

The amendments 1 and 2 give the appointment of the acting assistant treasurer to the Secretary of the Treasury, as head of Department, while the original bill gave it to the Treasurer.

The original bill gave power to appoint such officer for an unlimited period. The amendment of Senate numbered 3 limits it to thirty days.

Senate amendments 4, 5, 6, 7, and 8 require the Treasurer to give a new bond in terms covering "the acts and defaults of the person so appointed from time to time," before any such appointment shall be made under this act.

The Senate amendment numbered 9 makes the title to the bill more specific, in adding to the title of House bill the words "authorizing the temporary appointment," &c.

All of which is respectfully submitted.

J. R. TUCKER.
J. H. ROGERS.
J. W. STEWART.

MARCH 24, 1886.

The conference report was agreed to.

Mr. TUCKER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. Mr. Speaker, I move that the House adjourn.

The SPEAKER. Pending that motion the Chair will present certain personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent Mr. ROCKWELL was granted indefinite leave of absence, on account of the serious illness of his mother.

By unanimous consent Mr. THOMAS, of Illinois, was granted leave of absence, for three weeks, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of F. F. Darling and 201 others citizens of Port Jefferson and vicinity, Suffolk County, New York, asking an appropriation of $20,000 for the improvement of the channel at Port Jefferson, &c.—to the Committee on Rivers and Harbors.

Also, petition of the Produce Exchange and merchants and others of the city of New York, in favor of the Arthur Kill bridge—to the Committee on Commerce.

By Mr. BINGHAM: Petition and resolutions of citizens of Philadelphia, Pa., for the passage of the Blair educational bill and the appropriation of $79,000,000 for the education of the illiterate of America—to the Committee on Education.

Also, resolutions of the Senefelder Association of Lithograph Printers, asking that the pay of printers in the employ of the Government be that paid previous to 1877—to the Committee on Labor.

By Mr. BOUND: Petition of John Hawk, late of Company H, Sixteenth Pennsylvania Cavalry, to have the charge of desertion removed from his record—to the Committee on Military Affairs.

By Mr. T. M. BROWNE: Papers in the claim of George F. Brott, assignee—to the Committee on War Claims.

By Mr. BUCHANAN: Petition of 334 citizens of Trenton, N. J., praying for the entire abolition of Chinese immigration to the United States—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Petition of Local Assembly No. 2639, Knights of Labor, of Troy, N. Y., in favor of the Hennepin Canal and liberal appropriations by the General Government in aid of public improvements—to the Committee on Railways and Canals.

Also, petition of savings-banks of New York State, in regard to the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. J. M. CAMPBELL: Petition of Daniel Lohr for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. COLE: Memorial of the Produce Exchange of Baltimore, Md., in favor of bill for the protection of dairy products—to the Committee on Agriculture.

By Mr. CRAIN: Memorial of the pilot commissioners of Galveston, Tex., in relation to the question of pilotage at the ports in Texas—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CUTCHEON: Resolutions of District Assembly No. 83, Knights of Labor, of Manistee, Mich., in favor of the repeal of the import duty on salt and lumber—to the Committee on Ways and Means.

By Mr. FELTON: Petition from leading citizens of Redwood City, Cal., asking for an appropriation for Redwood Creek, California—to the Committee on Rivers and Harbors.

By Mr. FORD: Petition of residents of La Porte County and Saint Joseph County, Indiana, urging the passage of an act granting pensions to Union soldiers and sailors of the late war and their widows and orphans—to the Committee on Invalid Pensions.

By Mr. FULTON: Memorial for the termination of Chinese emigration from the non-partisan State convention held at Sacramento, Cal., composed of representative citizens, embracing merchants, manufacturers, mechanics, professional men, and representative laboring men—to the Committee on Foreign Affairs.

By Mr. GALLINGER: Papers relating to pension claim of James Anderson (H. R. 7088)—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of John K. Williams, of Ohio County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Memorial of Parkersburg Improvement Association, for establishment of marine hospital at Parkersburg, W. Va.—to the Committee on Naval Affairs.

By Mr. GROSVENOR: Petition of J. A. Carper and 36 others, and of W. M. Irwin and 32 others, of McConnellsville, Ohio, for free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. GROUT: Testimony of Hon. C. W. H. Dwinell and 7 others, and certificate of Hon. W. H. Du Bois, State treasurer, in support of House bill No. 6605, granting a pension to Sally B. Bent—to the Committee on Invalid Pensions.

By Mr. HARMER: Memorial of the owners of Cedar Mills, relative to the tariff—to the Committee on Ways and Means.

By Mr. HAYDEN: Petition of Cambridge branch of the Massachusetts Indian Association, to urge the passage of the Indian bill known as the Dawes bill—to the Committee on Indian Affairs.

By Mr. HEMPHILL: Petition of J. J. McLure and 40 others, citizens of Chester, S. C., against the increase of postage on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HERMAN: Petition for survey and examination of Coquille River between Coquille City and Myrtle Point, Oregon, to remove obstructions of snags, &c.—to the Committee on Rivers and Harbors.

By Mr. HIRES: Petition of many citizens of Atco, N. J., praying that no revision of the tariff be now made—to the Committee on Ways and Means.

By Mr. KING: Petition for the relief of William Harper—to the Committee on War Claims.

By Mr. LAWLER: Memorial of Knights of Labor State Assembly of Illinois, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LYMAN: Petition of Local Assembly No. 2116, Knights of Labor, of Atlantic, Iowa, for the passage of House bill No. 3183, to prohibit aliens from acquiring title to or owning lands in the United States—to the Committee on the Judiciary.

By Mr. McCOMAS: Petition of J. L. Motter, executor, praying that war claim of Isaac Motter, deceased, late of Washington County, Maryland, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILLER: Petition of citizen of Hays County, Texas, for deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. RANNEY: Petition of Custer Dinsmore and others, merchants of different cities in Massachusetts, in favor of bankrupt bill—to the Committee on the Judiciary.

By Mr. SAYERS: Memorial of citizens of Wilson County, Texas, asking for the improvement of the harbor at Aransas Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. SENEY: Paper of James Mitchell, relating to education—to the Committee on Education.

By Mr. SEYMOUR: Memorial of Knights of Labor of Danbury, Conn., indorsing construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. SINGLETON: Papers in the claim of Charles Barkervill and Mary B. Whitfield—to the Committee on War Claims.

By Mr. W. J. STONE, of Missouri: Petition of Knights of Labor of Lamar, Mo., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. STRUBLE: Petition of citizens of Monona County, Iowa, that fourth-class post-offices be made postal-note offices—to the Committee on the Post-Office and Post-Roads.

By Mr. THROCKMORTON: Petition of John G. James and others, citizens of Wichita County, Texas, praying a sufficient appropriation to insure deep water at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition from citizens of Clay County, Texas, in favor of a sufficient appropriation to insure deep water at Sabine Pass, Tex.—to the same committee.

By Mr. A. C. WHITE: Petition to remove the charge of desertion from the military record of William Miller—to the Committee on Military Affairs.

By Mr. WILSON: Petition for the relief of Thomas T. Vanmeter, of H. N. Tabb, of John Brindle, of David Seibert, of David Hunter, of Francis M. Paulding, of Elizabeth Daniels, of Mary Ann Payne, of James W. Hyatt, of Christian M. Shaffer, of Edward F. Tabb, of personal representative of Josiah D. Flagg, deceased, and of personal representative of Richard H. Bryarly, deceased—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. EDEN: Of citizens of Fayette, Macoupin and Montgomery Counties, Illinois.

By Mr. FARQUHAR: Of citizens of Erie County, New York.

By Mr. GALLINGER: Of 722 representative citizens of the second Congressional district of New Hampshire.

By Mr. GEDDES: Of citizens of Norwalk, Huron County, Ohio.

By Mr. GIFFORD: Of citizens of Templeton and Sioux Falls, and of Lincoln, Edmunds, Faulk, and Moody Counties, Dakota.

By Mr. HALE: Of H. T. Erickson and 43 German citizens of Salisbury, Chariton County, Missouri.

By Mr. PINDAR: Of citizens of Otsego and Schoharie Counties, New York.

By Mr. SAWYER: Of citizens of Genesee, Livingston, and Orleans Counties, New York.

By Mr. W. J. STONE, of Missouri: Of H. Schmidt and 23 others, German citizens of El Dorado Springs, Cedar County, Missouri.

SENATE.

THURSDAY, *March* 25, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in respose to a resolution of the 23d instant, the information that the amount of Government bonds called for payment May 1, 1886, owned by national banks, is $5,440,350; which, on motion of Mr. INGALLS, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting the petition of Patrick Collins, a private in Company C, Seventh Infantry, praying for the removal from his record of the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of 60 citizens and ex-soldiers of the United States, praying that their pay during the war be made equal to gold at that time; which was referred to the Committee on Military Affairs.

He also presented a petition of the Knights of Labor of Hamilton, Ohio, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented the petition of Sallie Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Eighteenth Ohio Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition of Mrs. R. J. Nelson and sundry other ladies, and gentlemen as well, of Ryegate, in the State of Vermont, praying for the passage of a joint resolution submitting a constitutional amendment to the several States so as to provide for woman suffrage. I move that the petition lie on the table.

The motion was agreed to.

Mr. EDMUNDS. I present an additional paper, in the form of an affidavit, in regard to the pension claim of Mrs. Sarah J. Foy, now before the Committee on Pensions. I move that the paper be referred to that committee.

The motion was agreed to.

Mr. EDMUNDS presented the petition of Matthew S. Lillie, late a private in Company K, Eleventh Regiment Vermont Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of E. H. Kime, late private in Company B, Battalion P. H. B. Maryland Cavalry and Company B, Twenty-first P. V. Cavalry, praying that the charge of desertion may be removed from his military record; which was referred to the Committee on Military Affairs.

Mr. DOLPH presented a resolution of the Board of Trade of Portland, Oreg., remonstrating against any reduction in the duty on coal and lumber; which was referred to the Committee on Finance.

He also presented resolutions of the Board of Trade of Portland, Oreg., in favor of the forfeiture of the Northern Pacific Railroad land grant for that portion of its main line between Wallula and Portland; which were referred to the Committee on Public Lands.

Mr. INGALLS. I present a petition of many reputable citizens of the District of Columbia, objecting to the erection of certain structures on the square bounded by First and Second and B and C streets, northwest, alleged to be dangerous to the surrounding property. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS presented the petition of T. F. Wilson and Flora E. Henley, clerks of the Timbered Hills monthly meeting of Friends, in the State of Kansas, praying for the passage of Senate bill No. 355, for the creation of a board of international arbitration; which was referred to the Committee on Foreign Relations.

He also presented the petition of Annie M. Gandy and Miriam Morgan, citizens of Washington, D. C., praying for an amendment of the mechanics' lien law in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Knights of Labor of Rosedale, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented the petition of Catharine Somers, a resident of the District of Columbia, praying for relief from certain extortionate taxation of her property; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by Aubrey Grange, No. 278, Patrons of Husbandry, of Johnson County, Kansas, favoring certain legislation upon the financial system of the United States; which was referred to the Committee on Finance.

Mr. DAWES presented a petition of 10 clergymen, 9 physicians, 4 lawyers, 4 teachers, 100 business men, and 32 officers of temperance and other societies, of Dukes and Bristol Counties, Massachusetts, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which was ordered to lie on the table.

Mr. CAMERON presented the petition of Caleb C. Hood and numerous others, citizens of West Grove, Pa., praying for the enactment of such legislation as will prohibit the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Caleb C. Hood and numerous others, citizens of West Grove, Pa., praying for the passage of a joint resolution proposing an amendment to the Constitution prohibiting the manufacture, importation, and sale of alcoholic beverages throughout the national domain; which was referred to the Committee on Education and Labor.

He also presented the petition of Caleb C. Hood and others, citizens of West Grove, Pa., praying for the enactment of a law providing for the creation of a commission to inquire into the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. PAYNE. I present resolutions of seven local assemblies of Knights of Labor in various parts of the State of Ohio. The principal resolution is as follows:

Resolved, That in time of depression the General Government should make liberal appropriations of the surplus revenue for the construction of works of internal improvement and of national importance, and redistribute among the people in the form of wages funds hoarded in the vaults of the Treasury that have been taken from the people by taxation on what they eat and on what they wear.

Incidentally the petitioners favor the construction by the Government of the Hennepin Canal. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of the Richland monthly meeting of Friends of Iowa, praying for the passage of Senate bill No. 355, to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. WALTHALL presented a petition of the Knights of Labor of Meridian, Miss., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MILLER presented petitions of Knights of Labor of New York city and Buffalo, in the State of New York, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. COCKRELL presented petitions of the Knights of Labor of Springfield and Pierce City, in the State of Missouri, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. LOGAN presented the memorial of N. L. Andrews, of Elgin, Ill., remonstrating against the proposed increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Ninth Assembly of the Legislature of Wyoming Territory, favoring the enactment of a law to enable Territories to rent for school purposes sections 16 and 36 of school lands; which were referred to the Committee on Territories.

He also presented a petition of the Knights of Labor of New Orleans, La., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of ex-soldiers of Jasper, Ohio, praying for the passage of a law embodying the recommendations of the national pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. PIKE presented resolutions adopted by Harmony Grange of Patrons of Husbandry of New Hampshire, remonstrating against increasing the postage on fourth-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1250) authorizing the county of Clatsop, in the State of Oregon, to construct a bridge across Young's Bay and Skipanon Creek, in the State of Oregon, reported adversely thereon, and moved its indefinite postponement; which was agreed to; and he reported a bill (S. 1971) authorizing the county of Clatsop, in the State of Oregon, to construct a bridge across Young's Bay and a bridge or permanent roadway across Skipanon Creek, in the State of Oregon; which was read twice by its title.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 184) for the encouragement of the American merchant marine and to promote postal and commercial relations with foreign countries, to report it with amendments.

The bill appropriates about eleven hundred thousand dollars for carrying the mails of the United States in American vessels to and from foreign countries. It makes it the duty of the Postmaster-General to advertise proposals, to accept the lowest bids, and to enter into contracts for the carrying of these mails. The bill received the unanimous indorsement of all the members of the Committee on Commerce who were present at the meeting.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALDRICH, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 182) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers; and

A bill (S. 483) to restore Sidney B. Tullar to the pension-roll.

COMMISSION ON GOVERNMENT MANUSCRIPTS.

Mr. HOAR. I am directed by the Committee on the Library to report back the bill (S. 1851) establishing a commission to report to Congress on manuscripts belonging to the Government, and to recommend its passage. The bill is very short, and I think will be passed without any objection. I ask unanimous consent that it may be considered at the present time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

Mr. HOAR. I ask the Senator to listen to me for one moment. The bill does not provide for spending any money or give any authority to anybody whatever. It simply provides that the Secretary of State, the Secretary of the Smithsonian Institution, and the Librarian of Congress shall be a commission to report to Congress the character and value of the historical manuscripts belonging to the Government and some scheme for editing them or making them public.

We have now many such manuscripts of great value. We have, for instance, the original records of the Virginia Company, or rather a copy made the first year or two after the settlement in Virginia; we have the Franklin papers, the Rochambeau papers, and others; and scholars all over the country are beginning to apply to the Librarian or to the Secretary of State or to the Secretary of the Smithsonian Institution for leave to take those papers and edit and print them as private speculations. If an incompetent person does that work, it drives a competent person out of the field hereafter; that is, if you get a poor and badly annotated edition nobody will then want to make a good one.

The bill simply authorizes the three officers named to report to Congress the character and value of the historical manuscripts in their possession, and to suggest what scheme shall be pursued by Congress for giving them to the public.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, &c., That the Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institution, and their successors in office, are hereby constituted a commission, whose duty it shall be to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing the same, or any of them.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 1972) to facilitate the administration of the laws in the Territory of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER introduced a bill (S. 1973) granting a pension to Everhard Welter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1974) providing for the erection of a public building at the city of Hastings, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GORMAN introduced a bill (S. 1975) for the relief of Mrs. Sarah H. Wood, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military works; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1977) granting a pension to George B. Cock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 1978) to extend the benefits of the act approved March 3, 1885, to certain pensioners whose disabilities are caused by amputation of the right arm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCPHERSON (by request) introduced a bill (S. 1979) for the erection of a statue and monument to John Barry, the first commodore of the United States Navy; which was read twice by its title, and referred to the Committee on the Library.

Mr. SABIN (by request) introduced a bill (S. 1980) for the relief of William Webster, of Maine; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 1981) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS (by request) introduced a bill (S. 1982) for the relief of Charles Murphy; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a joint resolution (S. R. 57) in regard to the pay of retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JACKSON, it was

Ordered, That Charles Murphy have leave to withdraw the papers in his case from the files of the Senate.

REMOVAL OF FOURTH-CLASS POSTMASTERS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, in reply to a resolution of the 4th instant, a statement of the number of fourth-class postmasters removed since the 4th of March, 1885; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. INGALLS. I ask that the tabulated list of removals of fourth-class postmasters accompanying the communication of the Postmaster-General be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

The list is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 25, 1886.

SIR: I have before acknowledged receipt of a certified copy of the following resolution, adopted by the Senate on the 4th of March instant, namely:

"*Resolved*, That the Postmaster-General be directed to inform the Senate how many fourth-class postmasters have been removed in each State and Territory since March 4, 1885."

In response thereto I have the honor to submit inclosed tabular statement of the number of fourth-class postmasters who have been removed in each State and Territory respectively from March 4, 1885, to the date of the resolution.

Very respectfully,

WM. F. VILAS, *Postmaster-General.*

The PRESIDENT *pro tempore of the United States Senate.*

List of removals made in post-offices of the fourth class from the 4th of March, 1885, to the 3d of March, 1886, inclusive, arranged by States and Territories.

Alabama	46	Missouri	287
Arizona	9	Montana	19
Arkansas	66	Nebraska	98
California	75	Nevada	7
Colorado	33	New Hampshire	127
Connecticut	100	New Jersey	255
Dakota	125	New Mexico	12
Delaware	37	New York	1,053
District of Columbia	1	North Carolina	139
Florida	26	Ohio	678
Georgia	61	Oregon	34
Idaho	16	Pennsylvania	933
Illinois	613	Rhode Island	25
Indiana	499	South Carolina	47
Indian Territory	6	Tennessee	168
Iowa	399	Texas	74
Kansas	253	Utah	5
Kentucky	194	Vermont	128
Louisiana	32	Virginia	316
Maine	292	Washington	25
Maryland	137	West Virginia	138
Massachusetts	127	Wisconsin	205
Michigan	341	Wyoming	4
Minnesota	124		
Mississippi	60	Total	8,635

MARGARET B. HARWOOD.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 284) granting a pension to Margaret B. Harwood, which has been returned from the House of Representatives on the request of the Senate.

Mr. BLAIR. I move that the Senate proceed to the consideration of the House bill granting a pension to Mrs. Harwood. It is the House bill, I understand, that has been laid before the Senate.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the House bill instead of the Senate bill.

The SECRETARY. A bill (H. R. 81) granting a pension to Margaret B. Harwood.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the House bill be taken up for consideration.

Mr. COCKRELL. Let the House bill be read for information, and let us know why we should take it up and act upon it.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read the bill, as follows.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of $50 a month from and after the passage of this act.

Mr. BLAIR. I will explain to the Senator from Missouri——

The PRESIDENT *pro tempore*. The question of taking up the bill is not debatable. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I will hear the Senator's explanation. We ought to know what it is before we are called upon to agree to take up the bill.

Mr. BLAIR. By unanimous consent I will state that this is one of the ordinary bills for increasing the pensions of widows of rear-admirals and officers of high rank from $30 to $50 a month. A bill was introduced in the Senate and a like bill in the other House. The Senate passed its bill and sent it to the House. It was received there at substantially the same time that the House was acting upon its bill, which was in precisely the same terms. The House passed its bill and sent it to the Senate. Thus each House had passed the same bill and each was in possession of the bill passed by the other.

When the Senate received the bill coming from the other House I moved to take up the House bill and proceed to its consideration and put it on its passage, but it was suggested that the Senate bill was in possession of the House and something might be done with that bill there. Whereupon the House bill was laid upon the table and an order was adopted requesting the House to return the Senate bill, which has been done, so that the Senate bill is now in possession of the Senate.

I move to take up the House bill in order that it may be passed, and if it should be passed I shall then move the indefinite postponement of the Senate bill.

Mr. COCKRELL. I remember now that the bill was here before; and while I am opposed to the principle of all such bills, I shall offer no objection to this one being considered.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. If there be no objection the votes by which the Senate passed and ordered to a third reading Senate bill 284, upon the same subject, will be reconsidered, and the bill will be indefinitely postponed. That order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and

A bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes.

DAVID W. JONES.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 1557) for the relief of David W. Jones. The beneficiary is an ex-soldier and the relief granted by the bill is the restoration of a lost check. It is a short bill, and I presume there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It instructs the pension agent at Washington, D. C., to issue duplicate check numbered 63632, for $1,549.33, in favor of David W. Jones, for one lost in the mail on the 31st of August, 1880.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MISSISSIPPI WATER-POWER AND BOOM COMPANY.

Mr. SABIN. I ask unanimous consent to take up the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River.

Mr. EDMUNDS. If the bill is to take any time in discussion I shall be obliged to ask my friend not to press it, because it was rather the understanding yesterday that in order to finish the matter before the Senate as unfinished business the Senator from Indiana [Mr. VOORHEES] should be allowed to go on to-day before the expiration of the morning hour.

Mr. SABIN. The bill has been thoroughly considered by the committee, and if it provokes any discussion I will withdraw it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 7, after the word "Brainerd," to insert "to be approved by the Secretary of War;" so as to read:

That the consent of the Government is hereby given to the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct across the Mississippi River, at some point not more than 2 miles from the limits of said city of Brainerd, to be approved by the Secretary of War, a dam, canal, and the appurtenances thereof, for water-power and other purposes, and in connection therewith a wagon and foot bridge for public travel.

The amendment was agreed to.

The next amendment was, in line 16, to strike out the word "detriment" and insert "destruction;" so as to make the proviso read:

That the Government of the United States may at any time take possession of said dam and control the same for purposes of navigation, by paying said company the actual cost of the same, but shall not do so to the destruction of the.

The amendment was agreed to.

The next amendment was, to add as an additional section:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. DAWES. I should like to inquire of the Senator from Minnesota about the location of this dam in reference to the dams that are now already constructed at the head of the headwaters of the Mississippi?

Mr. SABIN. It is 200 miles above navigation, above the Saint Anthony Falls.

Mr. DAWES. How far is this from the Leach Lake Indian reservation?

Mr. SABIN. It is several hundred miles below.

Mr. DAWES. There is no possibility of its flooding that reservation?

Mr. SABIN. Not at all. It is a hundred miles out of the way.

Mr. EDMUNDS. I wish to suggest in regard to the alteration and repeal clause, that it has been sometimes contended, I think without any authority of law, where Congress repeals a private grant of this kind and thereby destroys the value of the property which could only be used under the authority of the grant, a claim arose in favor of the persons who had expended their money against the United States for that thing. I do not want to leave this bill open to any such doubt. The company must take this authority subject to the chance that Congress may find the dam so injurious to public interests as to repeal the act altogether without having to pay them anything, which I am sure they would not now think of claiming.

I, therefore, move to amend that clause by adding:

Without any claim of any kind arising in favor of any party in consequence of such amendment or repeal.

That is the law now, I think, but it has been sometimes claimed, once on the Ohio River where a very large claim was made, and I think it was decided adversely by the Supreme Court of the United States; but to guard against any possible misapprehension I think those words should be inserted.

Mr. SABIN. I have no objection to the amendment suggested by the Senator from Vermont.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. At the end of section 2 insert:

Without any claim of any kind arising in favor of any party in consequence of such amendment or repeal.

So as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved, without any claim of any kind arising in favor of any party in consequence of such amendment or repeal.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SABIN. I ask for the appointment of a committee of conference with the House of Representatives on the amendments of the Senate to the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate insist on its amendments and ask for a conference on the disagreeing votes. If there be no objection that motion will be regarded as agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. DOLPH, SABIN, and RANSOM were appointed.

EFFICIENCY OF THE ARMY.

Mr. EDMUNDS. I ask unanimous consent that the bill concerning the Army, which was agreed should be the unfinished business for this morning, be laid aside, retaining its place in the next morning that we have, in order that we may proceed to consider the resolutions reported from the Committee on the Judiciary. I do this in pursuance of what was partly the understanding yesterday.

The PRESIDENT *pro tempore*. There was no special order made of the Army bill for to-day. There had been for the previous day.

Mr. EDMUNDS. I will ask that, because otherwise the Senator from Illinois [Mr. LOGAN] would have a right to move to take it up. So I ask unanimous consent that the Army bill keep its place as unfinished business and be put in a position to be the unfinished business of the morning hour at the next sitting.

Mr. COCKRELL. Just let it keep its place, the place it has now at the head of the Calendar.

Mr. EDMUNDS. It would be before the Senate at any rate. The Senator from Illinois would have a right to move, we should all yield to him to move, to take it up.

The PRESIDENT *pro tempore*. If there be no objection Senate bill No. 777, known as the Army bill, will be considered as the unfinished business of the morning hour to-morrow. The Chair hears no objection, and that order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office;

Joint resolution (H. Res. 73) authorizing the printing of committee reports; and

Joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States.

The message also announced that the House had passed the bill (S. 831) for the relief of George S. Storrs, of Texas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 39) authorizing the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield; and it was thereupon signed by the President *pro tempore*.

AMENDMENT TO A BILL.

Mr. CAMDEN submitted an amendment intended to be proposed by him to the bill (S. 1532) to regulate commerce; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The following bill and joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A bill (H. R. 544) granting leave of absence to employés in the Government Printing Office;

Joint resolution (H. Res. 73) authorizing the printing of committee reports; and

Joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the unfinished business, which will be announced.

Mr. EDMUNDS. We all understand what it is.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, expressing the sense of the Senate on the refusal of the Attorney-General to send copies of certain papers.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK]. The Senator from Indiana [Mr. VOORHEES] is entitled to the floor.

Mr. VOORHEES. Mr. President, I address the Senate to-day with great reluctance. The subject under consideration has not been an attractive one to my mind from the beginning, and now that an able and exhaustive debate has apparently left nothing for even the hand of a gleaner, I approach the field not with pleasure, but only from a high and imperative sense of duty to those in whose behalf I stand here; and if I can but here and there gather something of value and bring it as my contribution to the cause of constitutional government, I will be fully content for the great body of the work to have fallen to the care of others on this side of the Chamber.

Sir, the exact issue as presented by the resolutions now before the Senate is the proposed condemnation of the Attorney-General of the United States for an alleged violation of his official duty, and for conduct "subversive of the fundamental principles of the Government and of a good administration thereof." It would be difficult indeed to conceive a graver accusation against a public officer. The reason for this hurtful charge against the Attorney-General consists in the fact that he has acted in obedience to the direction of the President of the United States in the discharge of important executive business.

The resolution, it is true, contains an insinuation against the President, but not a direct and open assault upon him. It alleges that the Attorney-General deserves condemnation, "under whatever influence he may have acted," in refusing the call of the Senate for certain papers, while the committee well knew that the influence thus vaguely mentioned was explicitly stated by the Attorney-General himself in his letter of January 28 to be the positive direction of the President.

Why did the Judiciary Committee halt at the Attorney-General's office? Why did it choose to strike the agent and shrink from designating the principal as the real object of attack? The letter signed by the Attorney-General of January 28 was written, as he says, by the direction of his chief, the President. Did the Senator from Vermont [Mr. EDMUNDS], did any member of the committee of which he is chairman, expect a Cabinet officer to disobey the Executive and retain his place for a single hour? I can understand very readily that the head of a Department, differing in his opinions of constitutional duty from the President, would refuse to comply with his directions and resign; but agreeing, as the present Attorney-General does with the Executive, was he expected to do other than he has done?

The pending resolutions are not joint in their character, and contemplate no measure of legislation to remedy any evil, or supposed evil. They are simply a fulmination of Senatorial opinion; they are barren of result to the Attorney-General, other than a cheap partisan denunciation. It is true that in addition to his condemnation and the declaration that he has violated his official duty, and is at war with the fundamental principles of the Government and of a good administration, there is a threat that if the papers sought continue to be withheld the nominations now or hereafter made by the President for appointments to office shall not be confirmed by the Senate.

Is this a proposed punishment of the Attorney-General, or of the President who directs him in these proceedings? A more illogical and rediculous sequence to a given state of facts can not be conceived.

The second resolution of the series under discussion appears to be the indictment, and the third, to which I have just alluded, contains the farcical penalty. In point of fact, however, what are the relations, under the Constitution, between the Senate of the United States on the one hand and the Attorney-General and the President on the other? If the Attorney-General is guilty of a violation of his official duty and of a subversion of the fundamental principles of the Government, he is liable to a far different proceeding and punishment. The measure now before us is trivial, puerile, inconsequential, and barren of importance compared to that called for by the Constitution against a public official willfully recreant and disobedient to law.

I know no other proceeding provided by the Constitution in such a case than impeachment. If the allegations in these resolutions are true, the Constitution as framed by the founders of the Government makes ample provision for the trial and condemnation of the faithless delinquent. No one is too high to escape the power of the organic law. But we are here engaged in condemning a public officer who has had no articles of accusation presented against him according to the Constitution, who has had no opportunity to face his accusers, who is permitted to call no witnesses in his behalf, who can not be heard in person or by counsel, who has no trial, nor even the semblance of a trial.

We begin where trials according to law end. Our first work is to condemn and declare the penalty, a penalty which will carry neither injury nor disgrace save to those who inflict it. It is true the Senate possesses certain judicial power, and of a very high character, and it has been resorted to a few times in American history. Who, however, will pretend that it can be invoked against a public officer except by the House of Representatives presenting articles of impeachment?

The Constitution provides that all civil officers of the United States, including the President and Vice-President, shall be removed from office upon impeachment and conviction of various high crimes and misdemeanors, and that the House of Representatives "shall have the sole power of impeachment;" that the Senate "shall have the sole power to try all impeachments;" that "when sitting for that purpose they shall be on oath or affirmation;" that "when the President of the United States is tried, the Chief-Justice shall preside;" that "no person shall be convicted without the concurrence of two-thirds of the members present;" and that "judgment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States."

If the Attorney-General has willfully and knowingly—as he must have done, if he has done so at all—violated the sworn duties of his office, and is engaged in subverting and overthrowing and involving in ruin the very foundations of the Republic, then he has indeed committed one of the highest crimes known to the Constitution and the laws and for which an impeachment would be loudly and imperatively demanded. On the other hand, however, these resolutions propose nothing and can accomplish nothing, save possibly the exclusion from office of a few worthy men and women.

They have been proposed here for popular effect, and for that alone. They are relevant to no duty which this Senate has to perform, nor in which it has any share or responsibility. Nor is there anything more certain than their failure to meet approval in the public mind, for "fair play is the first feeling of the masses, and fair and impartial trial is the law of the heart as well as of the land, and no condemnation is tolerated of any man by his enemies. All such are required to retire from the box

and the bench on a real trial; much more, to refrain from a simulated one, and above all from instigating one."

But, again, why is not this blow aimed directly, in terms and by name, at the President of the United States? The whole world knows that it is his policy which is complained of. The country will take notice of this evasion, and I may say, this want of candid courage. Perhaps an instinctive perception on the part of the majority of the Judiciary Committee as to the real aspects of its issue with the President may have induced them to obscure it somewhat by interposing the Attorney-General as the object of assault.

For months past the public ear has been vexed on the subject of an alleged conflict between the Senate and the Executive. Sir, this is a Government of great and diversified interests as well as powers. This is a country of mighty resources, extensive populations, and of absorbing and commanding pursuits, all calling for the wisdom, vigilance, and prudence of patriotic statesmanship. The business of the country has an imperiled outlook. Labor is overtaxed and scantly paid by reason of long-standing vicious legislation; human suffering is wringing its hands and weeping in many parts of the country in destitution for want of proper employment and remunerative wages.

The great questions of the tariff, of taxation, of finances—all bearing upon the great industries—appeal to us at every moment for wise and safe legislation. Great corporations are overshadowing the land, and absorbing or defying the powers of State and nation and grinding the flesh and blood of men and women into their huge and massive profits. American commerce no longer has a bottom on which to float on the high seas. These and other vast concerns confront us in the chambers of legislation with their constant and legitimate demands upon our time and attention. But in the midst of them all what a poor, contemptible thing is this which comes into our counsels, obstructs and disturbs the business of the country, and harasses the patience of well-meaning people!

The Senator from Vermont halts the column moving on in support of the general welfare, and demands, with an incoherent threat, that he shall be permitted to ransack and examine the correspondence of the President of the United States. He claims the right to pry open the drawers of the Executive, in order to ascertain what has been written to him concerning a few people who have been disturbed in their enjoyment of official patronage. He claims the right to scrutinize every communication on this subject which has reached the President. He demands every letter, from high or low, vile or pure, cultivated or ignorant, black or white, male or female, sane or insane.

The inclination of my mind is toward great publicity in affairs of the Government, and until I gathered the full scope and purpose of the Senator from Vermont from a reading of his report and from listening to his speech, I was not so fully convinced as I am now of the monstrous pretensions embraced in his claim. Well might he state, as he did on this floor, that it had been at least forty years since any occasion of this kind had arisen between the executive department of the Government and the Senate. He might with absolute accuracy and truth have further stated that never in a single instance, from the foundation of the Government, had such an occasion arisen.

As was conclusively and ably shown by the Senator from Alabama [Mr. PUGH], there is no precedent whatever for it in American history. The powers of this great body were never before invoked for such an ignoble purpose. The Senator from Vermont produced here and cited perhaps more than a hundred instances wherein the Senate had called upon the Executive in the past for information on every conceivable question of public interest. I have examined all his citations, all the precedents which he claims for his present course. In but one single instance, and that of very easy explanation, has there been a call since the adoption of the Constitution by the Senate or any one of its committees for papers or information in possession of the executive department touching the question of removals from office.

The Senator from Vermont flourished in our faces the request of the Judiciary Committee of the Senate of April 7, 1879, for papers on the subject of the removal of the chief-justice of the supreme court of the Territory of Utah and the appointment of his successor. It was signed by Allen G. Thurman, chairman. The Senator left those who were not better informed to suppose he had correctly quoted Judge Thurman against the position now maintained by the President.

It is well known however, and must have been at the time, by the Senator himself that the question of inquiry addressed by Judge Thurman to the Attorney-General was in relation to the exception made in section 1768 of the Revised Statutes as to the power of the President to remove judges of the courts of the United States. They are set apart as an excepted class in that section, and it was a grave question, and is now under consideration by the present Judiciary Committee, whether the President, under his general power of removal from office, can remove Territorial Federal judges.

I have a right to say that this was the object of the inquiry of the Judiciary Committee through Judge Thurman in April, 1879, because his views upon the power of the President to remove without let or hinderance from the Senate, and without assigning reasons for his conduct, are to be found most plainly stated in the debates of this body in 1869. He is there recorded to have said that the power of removal from office is an executive power; that the assent of the Senate is not a necessary and logical result; that the Senate consents to appointments, and that, in his opinion, it is wiser that it should be as our fathers settled it; that the offices would be better filled and the laws more faithfully executed if this power is vested in the President alone, and for these reasons he announced his vote for an unqualified repeal of the tenure-of-office act.

What comfort, then, does the Senator from Vermont get from the position of the great Senator from Ohio? The Senator from Vermont indulged in high eulogy upon Judge Thurman; he announced, to the delight of all who heard him, that Judge Thurman was the greatest Democrat in the United States, and then proceeded to say that he was the best, the noblest, and the bravest, because he had the courage to denounce Democratic frauds on the ballot. If that be, and I concede it is, a claim to great distinction, it is one in which, so far as I know, the Senator from Vermont has no share, no denunciation of Republican fraud at the ballot or anywhere else ever having been heard from him.

There is another aspect, however, to this issue as raised by the Senate against the President in which it becomes nugatory, void, and even ridiculous. Not a Senator on this floor has dared to allege the right of the Senate to demand of the President his reasons for making suspensions or removals from office; indeed, the Senator from Ohio [Mr. SHERMAN] has expressly denied any such right. From the days of the great debate in 1789 on the organization of the Departments of the Government until the evil days of 1867, the right of the President to remove from office upon his sole responsibility was never questioned. The Constitution does not use express words conveying this right, but those who framed it and who took part in the first legislation under it gave it that interpretation. Even in the angry and memorable contest between the Senate and General Jackson, when Clay and Calhoun for the time being forgot their own animosities in their common hatred of the old hero, they were careful not to deny or question his right of making removals from office, merely alleging, when he removed the Secretary of the Treasury for his conduct as to the deposits of the United States Bank, that it was an abuse, but not a usurpation, of power.

I might detain the Senate at great length in citing the opinions of the past upon this subject, but will not. That work has already been done in this discussion. I can find no ground where opinions contended over this question until the baleful passions and conflicts of 1867 engendered and brought forth as their pernicious offspring the tenure-of-office act. A general law, enacted on account of a particular person and for a particular exigency, is rarely if ever fraught with continuing good results. The act in question was aimed by an angry, heated, and disappointed party in power at what was conceived to be the treachery of one of its most conspicuous leaders. But for the failure of the Republican party to control Andrew Johnson the tenure-of-office act would never have been known, and the old, unbroken current of authority on the subject of removals from office would have remained undisturbed.

Oliver P. Morton, then a Senator, said in his place on this floor, speaking of the tenure-of-office law:

> My understanding is that it was adopted for a special purpose; that it was special in its character; that it was intended to meet a condition of things that had never occurred before in the administration of this Government, and which we hope will never occur again. It was not made for all future Presidents, but it was made to meet the condition of things arising from what was regarded as the maladministration of President Johnson.
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> Sir, let me ask this question: If the tenure-of-office law had not been passed when it was, and was not now the law of the land, would it enter into the head of any Senator, of any member of Congress, now for the first time to pass such a law? No, sir; that would not occur to any one. * * * I believe that the repeal of this law is demanded by the best interests of the country. In other words, I do not believe that the administration can be carried on efficiently and successfully under the operation of the law.
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> Now, in regard to executive officers, the President is charged with the execution of the law. He can not do that in person; he must do it through the various agents and officers of the Government; but if those agents and officers are not subject to his removal when they become delinquent, or are found to be inefficient, or are guilty of malfeasance in office, I ask how he can efficiently administer the laws? The very efficiency of his administration depends upon the efficiency and fidelity of his agents; and if they are inefficient, or if they are not faithful, who will understand so well as he, because he holds all the sources of executive information?
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> Then, sir, upon every consideration I urge the repeal of this law. * * * Why continue it? Is there anything in the history of the Government that demands its continuance? Nothing. For seventy-eight years, until 1867, the Government was administered without such a law; and although such a law may have been suggested upon several occasions, yet that suggestion never made any impression on the public mind.

It is true, as was so well shown by the able and eloquent Senator from West Virginia, that the Senator from Vermont tried to give this law a respectable birth and a decent motive for coming into the world in 1867.

He said it was enacted for no partisan purpose and for no special occasion, but for all administrations and for all time. When General Grant became President, however, some two years later, what a change came over the Senator from Vermont. The measure enacted for all administrations and for all time seemed at once to have served its purpose, and was only fit to be hung up, powerless and incapable for good or for evil. And in fact it was so hung up as long as Republican administrations remained in power. From March, 1869, to March, 1885,

who ever heard the tenure-of-office law invoked in this body? While Grant and Hayes and Garfield and Arthur were in the Executive Mansion this mischievous law was as torpid as a venomous reptile in the dead of winter, but the moment the people placed a Democrat in the same mansion it was warmed into life and action by partisan heat, and is now made to obstruct and wound the public interests.

Sir, it is very plain to my mind, and must be to every student of this subject, that in so far as the tenure-of-office act touched upon, restrained, infringed, or curtailed the power of the President to make removals at pleasure it was a palpable violation of the Constitution. This is true, or else James Madison, the father of the Constitution more than any one else, and all the ablest thinkers from his day to the present, have been in error as to the true interpretation of that instrument. A constitutional right can not be taken away or impaired by legislation; but even granting to the tenure-of-office act its constitutionality, which I do not, and all the force claimed for it by its friends, as modified in 1869, it is not pretended that under it the reasons operating on the mind of the Executive in making removals or suspensions from office can be successfully demanded.

If that be true, and I know no assertion to the contrary on the other side of the Chamber, what use has the Senate for the papers of the President, whether official or otherwise? Why stop and make distinctions between public and private papers? Why split hairs about what papers are official or unofficial, when, even if they were surrendered to us, we would be exactly where we are now, without the slightest right or power under the Constitution to question the President's action in the premises? It has been thought, doubtless, by the Senator from Ver-Vermont and others that it would be a popular cry before the country to demand the production, inspection, and publication of communications to the President. The people, however, are more capable of correct discernment than is commonly supposed in certain quarters. They can and will very easily and very quickly perceive that the production of these papers over which we are wrangling with the President will be of no utility whatever, conduce nothing to the public good, and aid the Senate in no respect in the discharge its proper duties.

They will see in the course pursued by the majority of the Senate an eager, unwarranted, partisan desire to fasten a quarrel upon a new administration and to obstruct its constitutional, orderly, and successful conduct of the Government. They will see in this issue precipitated upon the President an unseemly and heretofore an unknown effort on the part of a party long in power to retain its adherents in office in defiance of the popular will. It may be said, and doubtless has been, that the President could easily solve the difficulty by surrendering his correspondence; but he is not warranted by his oath of office in submitting to an invasion in the slightest particular of his constitutional rights as the Executive of the Government. He holds the office, not for himself alone, nor for his term, whether it ends soon or late; he holds it for the American people, in trust, to be transmitted without impairment in any of its great functions to those who come after him.

The American people will not be deceived or misled on this point. The little clamor of the passing present will directly be hushed in the presence of the acknowledged fact that the Constitution, which the President has sworn to support, compels him, whether willingly or reluctantly, to pursue the course he has taken on this point. But may I not ask in this connection whether the Republican party, its leaders great and small and its masses, have any right to complain of proscription or injustice at the hands of the present Executive? The changes have been rung in this body on the fact that there are six hundred and forty-three nominations here pending and seeking confirmation. Six hundred and forty-three nominations! It is variously estimated that there are from one hundred thousand to one hundred and twenty thousand office-holders in the United States whose tenure of office is either directly or indirectly subject to the will of the President.

For twenty-four years this tremendous patronage was in the hands continuously of one of the strongest, most zealous, vehement, and proscriptive political parties ever known in the history of the world. From 1861 to 1885 the issues before the public, the thoughts in the minds of men, the purposes which moved and inspired action, the very objects in view made partisanship fierce and unrelenting. Of this I make no complaint. It was in the nature of man and in the nature of things that it should be so. I make the allusion only to account for the fact that if during that long period a Democrat or any one differing materially from the policy of the dominant party held official station it was either an oversight or an arrangement not creditable. The great official army in the civil service of the country was Republican in politics in all its branches and to the very core.

A long lease of power has in all periods of the world begotten false notions and encouraged dangerous pretensions. It is hard now, in many cases impossible, for those so long in possession of official favor to realize that others have any claims to supplant them. They have been taught to believe not only that they are a favored class, but that their services are absolutely necessary to the well-being of the Government. Their leaders, on the hustings and in the press, have prophesied for years that a change of administration into the hands of the Democratic party would involve the country in dishonor, disorder, and a universal retrogression in all its mighty interests. Even in behalf of the very few, therefore, the mere handful, who have been displaced, the President is assaulted, lamentation is heard everywhere, the public business is obstructed, and the public service threatened with confusion by the rejection of competent and honest men whose names have been sent here for confirmation. Six hundred and forty-three!

Sir, I indorse the President most fully and emphatically on the subject of removals or suspensions as far as he has gone, and how gladly would I indorse him could he see his way clear to go a thousand leagues further. It seems to me the country will laugh with derision in the face of the majority of this Senate in its attempt to condemn the President for his exercise of the power of removal. Democrats might complain, were they not conscious of the grave embarrassments surrounding the present administration when it came into power. We might point to these Departments and to the Federal offices all over the land and declare that far too much forbearance had been shown to those who never extended any to their adversaries. In round numbers there are three thousand six hundred people in official station in the Interior Department alone. There have been less than four hundred changes, including the able and faithful Secretary himself and the principal positions next to him.

With the exception of forty or fifty such changes at the heads of bureaus and divisions, nearly all the appointments in that Department under the present administration have been in the Land and Indian service on the frontier and for messengers, watchmen, and the like. The great body of the force, more than thirty-two hundred in number, embracing nearly all the pay-roll of any value, is still a solid Republican political corps, sympathizing with the success of their own party and desiring and laboring for the overthrow of the party under which they hold office. Substantially the same state of facts exists in every other Department of the Government. It is safe and moderate to say that, with the exception perhaps of fourth-class postmasters, there are ten Republican office-holders in the United States this hour for every one Democrat in the public service. I have no hesitation in declaring, as far as my voice will reach, that such a state of things is not consistent with the true theory of a popular government, nor with its safe and honest administration.

And here I again quote from the greatest political leader the Republican party ever followed in Indiana. In March, 1869, Senator Morton held the following language in this body:

> I believe that it is proper that the Executive of this nation should have his subordinate officers in harmony with himself in political opinion. Not only his Cabinet, but those below the Cabinet in responsible positions, other things being equal, should be men who agree with him in his general line of policy.
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> Now, sir, whatever pretenses we may make here on this subject, practically they will be hypocritical. Why? Because this party, nor the Democratic party, nor any other party that may come can practice or allow the administration of the Government upon these principles. Those in authority will place in power as their subordinates their friends and those who agree with them in political principle and those who have been instrumental in placing them in power. Whatever professions we may make here, that will be the result.

Such were the utterances of a man of great ability, powerful common sense, a deep insight into human nature, and a wide experience in public affairs. They are as true now as they were seventeen years ago, and they will remain true as long as popular governments remain upon the earth; as long as the laboring masses are permitted to aspire to honors as well as to bear burdens.

Sir, from the earliest dawn of history the main effort of the great body of the people of every race and country has been to overcome caste, class superiority, exclusive privileges, and to establish for themselves an equality in all respects in the ventures, advancements, and promotions of life. This theory was at last established by the founders of the American Republic. This Government, in the literal sense, belongs to the people, and there is no position of honor or profit from which the humblest and least favored by birth or fortune can be excluded. The doors of caste, privilege, or favoritism can be closed against no one.

The mechanic goes from his work-bench to the Executive Mansion, and he who in his youth held the plow and turned the sod becomes a Senator or takes the head of a Department. Every place is open to honorable ambition and virtuous industry. It is the right of the citizen and creditable to him to aspire to the confidence of his countrymen, whether as township trustee, county commissioner, neighborhood postmaster, Department clerk, consul abroad, or in any other official station, from the lowest to the highest. Any movement in curtailment of this great popular right is, in my judgment, a violation of the spirit of our institutions and an offense against good government.

The interest of the people in the affairs of their Government is the only remedy for corrupt practices and maladministration, and this interest will diminish and grow cold if they are barred from all participation in its control. I am not speaking of the spoils of office now, but of the equality and dignity of American citizenship.

The people also have the right to demand a change in the administration of their Government, and such change is not properly confined to a few of the chief offices. Each neighborhood, each township, each county, and each State has within it Federal officials who in the discharge of their duties may have given more cause of offense to the voter and a greater desire on his part for a change than the President himself.

This is not a government for life tenures in office. "Trained bands of office-holders" will not be tolerated here as they are by the custom

and laws of England and other monarchies. The so-called civil-service-reform enactment did not commend itself to my judgment when it passed this body a little more than two years ago, and very recently I voted in committee, and shall repeat the vote here, for its absolute repeal. After a full and fair trial it has proven a violent and odious obstruction to the will of the people, a source of confusion and injury to the public service, and a constant stumbling-block in the way of a rational and successful administration.

The experience of this Government, and indeed of all governments, has amply and overwhelmingly demonstrated that no political party ever did or ever will administer successfully, harmoniously, and for the public good the affairs of a nation through the instrumentality of its enemies. The laws of human nature would seem to forbid the attempt of such an absurdity. What employer of labor, what commander of an army would willingly rely on subordinates filled with hostility, wishing him defeat and failure, censorious in mind, unfaithful in heart, and often only waiting an opportunity to betray him to his ruin?

At this very hour I have reason to believe there is not a confidential communication or transaction in any one of the Departments which has not been betrayed to the leaders of the Republican party. The very papers demanded in this controversy are familiar to eager Republican eyes, and their contents, whatever they may be, are better known on the other side of the Chamber than on this. There is not a record or a file in this Government closed to Republican search and inspection; there is not a room, hall, corridor, inner chamber, or closet which is not under the daily and hourly espionage of the enemies of the present administration. Chief clerks and chiefs of divisions and even private secretaries, confidential short-hand writers, and those who open letters for heads of Departments and bureaus are well known as malignant opponents of the Democratic party and inflamed with desire for the confusion and overthrow of the President and his constitutional advisers.

If I am answered from the other side of the Chamber at this point that political parties should have no secrets in their conduct of public affairs, I ask in return why, then, oftener than the changes of the moon, do you bury yourselves in caucus, withdrawing from the sight and hearing of the world, placing an inside and an outside sentinel at your door, with orders to exclude all such as are unable to give the password, the grip, and the sign, and to prevent even the approach of all eavesdroppers? Why have measures of the greatest moment to the American people been almost uniformly thus considered and matured by the Republican party, before they were brought up and ratified in Congress by the force of party discipline?

If again it is asserted that the departments of the Government should have no secrets from each other, and that every matter of confidence should be disclosed on demand, I reply by pointing to the records of the Senate itself, which from its organization by the fathers until the present hour has been a secret body in the transaction of a large portion of its official duties, tolerating no interference, inquiry, call for papers, or demand for reasons from any quarter whatever.

The President of the United States is fiercely arraigned here in this Chamber for exercising a constitutional prerogative, while his accusers engage almost daily in the exercise of the same prerogative in the same place where their denunciations are heard. The principal difference between the President and the Senate in the exercise of this prerogative is that the former has been too sparing, and the latter too frequent and exacting.

Sir, this assault upon the President, on a false record against the Attorney-General, is not because papers of no value to the Senate and of no consequence to the public have been withheld, but because Republican partisans have been suspended from office. The offense of the President in the minds of his accusers is not that he has refused information, already stale in their hands, but that he has here and there driven an overfed and pampered official from the public crib. This is the real point involved, and it can no longer be obscured. The taunt of enemies and sometimes the reproach of friends have been borne perhaps too long in silence by the supporters of the present administration. A few plain words may not be out of place here, and will at least be understood by those who have so long, in storm as well as in sunshine, given me their unwavering confidence.

The present administration, sir, came into power under circumstances without any parallel in American history. For a quarter of a century, lacking but one year, the Republican party had held the executive and judicial departments of the Government; for sixteen years of the same period it had controlled both branches of Congress, and for twenty-two years it wielded all the powers of the Senate. Every enactment on the statute-books during that long and momentous era of war, convulsion, reconstruction, and restoration was of party origin, approval, interpretation, and enforcement.

The great body of the laws was imbued with party spirit, and had been devised, construed, and executed for party success, and continued party domination. All the great and leading measures of the Government were aimed to strengthen and perpetuate party ascendency quite as much, if not more, than to promote the peace of the country and the prosperity, equality, and happiness of the people.

Every system of taxation, whether by tariff or by excise; every scheme of finance, whether in the establishment of the national bank, the violation of the contract for the payment of the bonds by the act of 1869 and other perfidious legislation of like character, the demonetization and destruction of silver as an honored branch of our currency and the perpetual warfare on the existence and integrity of the greenback; every gigantic corporation endowed with stupendous subsidies and enormous land grants, and which now stands astride this csntinent like some mighty Colossus, in whose shhadow and between whose legs, as it were, the people creep about in pursuit of the natural rights of man; all these and vast numbers of kindred and far-reaching measures had for their germ and the inspiration of their growth the aggrandizement and the perpetuity of the party then in power.

The whole field of Government power and concern was filled with partisan machinery, which remains to this hour. The Democratic party has not had the opportunity to enact a single law or to announce its policy in legislation since 1861. The present Executive, therefore, Democratic and elected by Democrats, was compelled to take charge of the Government and administer its widespread and tremendous interests under a system of laws organized in hostility to the Democratic party and for the purpose of preventing its return to power. This is especially true in regard to partisan legislation designed and accomplished for the purpose of obstructing removals from office.

The tenure-of-office act had that one single object in view, as has been fully shown, and all that remains of it now on the statute-book is an unconstitutional interference with the right of the Executive to enforce the laws through agents of his own selection. But at a still more recent period there came another enactment, fraught with still greater injustice to those who believe as I do, that the policy of change in every branch of the civil service is wholesome and beneficial, necessary to the purification of official life, and essential to the preservation of our purely popular form of government.

There is no other system of reform which can restore an incompetent or a dishonest official service to vigor and integrity. "Civil-service reform" is an attractive title to a law, but it is as misleading and deceptive in the present instance as the sugar-coating which hides from view and taste some pernicious and baneful drug. All right-minded people desire to reform and strengthen and purify the civil service of their Government, but there is a wide disagreement as to remedies.

I am willing to trust and abide by the remedy prescribed by our fathers in the Constitution, and never found wanting nor departed from until these latter days. Under the present law, enforced as it is with a long, entangling, and often incomprehensible code of rules, and with examinations conducted, in the main, by Republican officials, the active working forces of the Republican party have continued in office, as well protected as a military command in a fortification.

Sir, in the face of these palpable and admitted facts neither the President nor any of the heads of the Departments can be justly censured for moving slowly in the great work before them. In such a field rapid movements are not only unsafe, but impossible. But every act of the President has been in the right direction, and the country will understand why greater progress has not been made and will place the responsibility where it belongs.

But suppose we take a higher and wider range of view than the narrow issue presented by the resolutions under discussion. We have listened for many days to denunciations of the President and his policy, and men of years and distinction have prognosticated great evils to the country at his hands. We are reminded that one year of his administration has passed into history, and we are challenged to behold the results. Well, I accept that challenge and will take a brief look. I confess I can find no fulfillment of the dismal predictions of evil which was to follow the election of a Democratic President and the organization of a Democratic Cabinet.

It was loudly claimed that we would be disgraced abroad by such an event; that the nations of the earth had no respect for the Democratic party, and would only be civil and polite to us while a more pretentious and aristocratic organization controlled the Government. Looking to the State Department, however, under the present accomplished Secretary, and then sweeping the horizon of the world, you will find no cloud in the sky, no blemish on American honor, and no breach of national friendships.

On another subject, however, the leaders and the press of the Republican party in 1884 and since were, and have continued to be, very certain and positive of ruin and disaster to the country in the event of a Democratic administration. Such an intolerable calamity, it was vehemently asserted, would shake the financial credit of the Government to its very foundations; that investments in national securities would become insecure, and the precious bonds would not be paid; that all our various currencies, hard and soft alike, would tumble down into a sort of quagmire of depreciation; that the rebel debt—that myth with which to frighten fools—would undoubtedly be paid; that rebel claims for property lost during the war, and claims for slaves among the rest, would swarm over the ramparts of the Constitution and the laws and invade and sack the Treasury; that all these and many other schemes of dishonor would take possession of the Government and destroy its financial standing at home and abroad.

Now, at the end of the first year of a Democratic administration

will some one point out any of these things or any sign of them? I do not see them nor any symptom of any such calamities. On the contrary, the credit of the Government stands like a tower of strengh; our currencies are jogging along together harmoniously and on an equality in purchasing power; the Secretary and the President both believe in silver as money, and the differences on that subject can be easily adjusted; no raids have been made for plunder on the Treasury, and the country feels secure in the ability and integrity of its present management.

And still other prophecies were indulged in which have been and are every day being answered to the satisfaction of all except those who made them. The disabled survivors of the war for the Union and the widows of the dead were publicly and privately, in season and out of season, and in every State and every county in the Union, earnestly assured that their pensions would be endangered and eventually lost by the success of the Democratic party. It was even claimed at times and in certain quarters that the pension-roll would be transferred from the North to the South, and that the confederate soldier would be pensioned instead of those who wore the blue. I think it will be admitted that this has not yet happened, that the "confederate brigadier" at both ends of this Capitol continues with annual certainty to vote nearly a hundred millions to the Union soldiers, their widows, and their children, and that better pensions are now paid than ever before.

And while taking this brief survey of results at the end of the first year why should we overlook the colored citizen? With what an infernal din of falsehood he was told that a Democratic administration meant his return to slavery; not only were all his rights of protection and equality under the laws to be swept away, but if Cleveland was elected President he and his whole race were to be hurled back into the old house of bondage. Old abolition speeches made twenty-five years ago were hunted up, retouched a little as to dates and circumstances and delivered over again, in order to horrify the negro with fiery and awful descriptions of the condition to which the Democratic party, if once in power, would consign him and his wife and his children.

In several well-authenicated instances, which were noticed at the time, colored people fell dead from fright on learning the result of the election in November, 1884. The Republican party ought to be indicted, arraigned, prosecuted, and convicted of brutal and inhuman cruelty to the colored people in frightening their souls out of the bodies by stupendous and grotesque political lying. To their wide-open and staring eyes the Democratic party was painted and caricatured as the most monstrous of all the beasts contained in Revelations. It was to darken the sun of freedom, blot out the stars of legal liberty, roll back the tide of human progress, and plant barbarism in the blooming gardens of civilization.

There was but one crushing charge from which the party of Jefferson and Jackson was spared, and even that has been hurled at it in this debate. The learned Senator from Iowa [Mr. WILSON] with unsparing severity indulged in the mortal accusation that the Democratic party was a protoplasm! Sir, I think it well that this dreadful charge was not added to the terrors of the situation in the great campaign of 1884. Had it been known, and especially to the colored people, that in addition to all its other vices, crimes, and enormities, the Democratic party was, in the descriptive definition of Webster's Dictionary, "a viscid, nitrogenous material in vegetable cells, by which the process of nutrition, secretion, and growth goes forward," my imagination shrinks from contemplating what might have happened.

I feel constrained to tender my thanks to the accomplished scientist from Iowa for his forbearance in not calling public attention to the protoplastic and protoplasmic qualities of the Democratic party while the Presidential election was yet in doubt, for had it been understood that our party was simply a "noncellular formation" of a "vital vegetable substance" I have not the least doubt Cleveland would have been counted out in New York.

I also look back with dread upon what might have been the effect on the country if the scientific Senator from Iowa had taken it into his head to denounce the Democratic party as a parallelogram, a rectangle, or the hypothenuse of a right-angled triangle. We were mercifully spared, however, and slavery has not been re-established, the colored man is still free and equal before the law, and is now and then appointed to a very good office.

Sir, the one year of the present administration on which we are commenting has exploded the manifold calumnies which have assailed the Democratic party, and has shown to the American people and to the whole world that the party so long exiled and traduced can be safely trusted with the full control of the Government. False prophets have been put to open shame, railing accusers are without followers, and there is a sense of confidence in the general conduct of affairs equal to the best periods of the Republic.

The elections in November last showed no dread of a Democratic administration and no reaction against Democratic principles. On the contrary, there was a blaze of clean, straight Democratic victories all along the Atlantic coast, and extending from Boston to the lakes and the prairies of the great Northwest, notwithstanding the opposition of treacherous allies. Even the Senator from Iowa was the unwilling witness of a protoplastic political evolution in his own splendid Commonwealth, whereby the customary Republican majority of 40,000 was evolved into a floating diminutive atom of about 5,000. May that kind of evolution continue in the same wholesome direction until the survival of the fittest is fully established!

And now, Mr. President, as to the immediate result of the issue before the Senate, and as to its present and future effect on political parties, there need be no concern or alarm on this side of the Chamber and no exultation on the other. You may pass these resolutions, you doubtless will; but they will not be welcomed by popular acclaim, bonfires will not be lit nor cannon fired to celebrate the barren victory. The history of conflicts between the Senate and the Executive is not favorable to this body nor encouraging to its pretensions. It matters not how great the alleged grievance or how powerful the talent and the influences brought to bear, the Senate has never scored a victory in a collision with the Executive.

Even the ferocious and combined assault of both Houses of Congress on Andrew Johnson eighteen years ago brought no triumph for Senatorial opinion or Senatorial ambition. The contest at that time was thought to be most unequal, and that the odds were overwhelming against the President. He had no political party at his back on which to rely. He had belonged to both the great political parties of the country and had offended both beyond hope of forgiveness. He was a lonely man, and in his isolation he was more or less distrusted by all then engaged in public life, and in turn he distrusted every one who came near him.

No man in history at the head of a government ever had a weaker hold upon the confidence and affection of his countrymen than Andrew Johnson appeared to have when the abortive attempt was made to hurl him from power and dash him to pieces by impeachment. The question then, as it is now, was the right of the President to make removals from office, and the official sought to be removed was the most powerful leader of his party then living. There were eleven articles of impeachment presented, but the only high crime or high misdemeanor alleged against the President, however variously it may have been stated in the pleadings, was correctly defined at the time of the trial as follows:

> In article 1 the issuing of the order of February 21, 1868, addressed to Stanton, for the removal of Stanton from office, with intent to violate the tenure-of-office act and the Constitution of the United States and to remove Stanton.

But it was at last borne in on the public mind that Andrew Johnson was simply making a stubborn and determined stand in defense of the just powers of the executive office, as measured by the Constitution and as administered from the time of its adoption.

And, sir, in the great task of a correct settlement of the law, both constitutional and statutory, and in rebuking legislative invasion of executive authority no one, in my opinion, did so much or accomplished his work so well as the able and brilliant Senator from New York [Mr. EVARTS], who appeared as counsel for the accused President and soon afterward became his Attorney-General. The Senator from New York at that time placed the tenure-of-office act where it belongs—outside of the Constitution. He spoke of the act of the President in disregarding that act as "a violation of a law, if it shall be so held, in support of and in obedience to the higher obligation of the Constitution." Then he continued to say:

> Whenever anybody puts himself in that position nobody can make a crime of it in the moral judgment, or in the judicial determination. In sentence and measure of punishment, at least, if not in formal decision and judgment, no man can make a crime of it. We are treated to the most extraordinary view on the subject of violating what is called an unconstitutional law. Why nobody ever violates an unconstitutional law, because there never is any such obstacle to a man's action, freedom, duty, right, as an unconstitutional law.
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> The question is whether he violates law, not whether he violates a written paper published in a statute-book, but whether he violates law; and the first lessons under a written constitution are and must be that a law unconstitutional is no law at all. The learned manager, Mr. Boutwell, speaks of a law being, possibly he says, capable of being annulled by the judgment of the Supreme Court. Why? The Supreme Court never annuls a law. There is not any difference in the binding force of the law after the Supreme Court has annulled it, as he calls it, from what there was before. The Supreme Court has no political function; it has no authority of will or power to annul a law. It has the faculty of judgment to discern what the law is, and what it always has been, and so to declare it.

I will not pause to inquire how it comes that the Senator from New York, entertaining the foregoing views, and declaring that Andrew Johnson violated no law, but simply obeyed the Constitution in disregarding the tenure-of-office act in the removal of Edwin M. Stanton, has permitted his honored and distinguished name to be affixed to the report and the resolutions condemning the present Executive. I cite the Senator's words with deference and respect and for the sole reason that in my judgment they constitute as complete an answer to legislative or Senatorial interference with the power of removal from office by the Executive now as they did when they were spoken.

But there is one other instance of conflict between the Senate of the United States and executive authority which crowds itself into my thoughts at this time. Fifty-three years ago, perhaps the most powerful combination of talent and commanding resources ever known in American history was formed to crush Andrew Jackson with the weight of a Senatorial condemnation. Benton, in recording the immortal struggle, says:

> Mr. Clay, Mr. Calhoun, and Mr. Webster were now all united against General

Jackson, with all their friends and the Bank of the United States. * * * Their movements all took a personal and vindictive, instead of a legislative and remedial nature. Mr. Taney's reasons for removing the deposits were declared to be unsatisfactory and insufficient—being words of reproach and no remedy; nor was the remedy of restoration proposed until driven into it.

The resolution in relation to General Jackson was still more objectionable. The Senate had nothing to do with him personally, yet a resolve was proposed against him entirely personal, charging him with violating the laws and the Constitution; and proposing no remedy for his imputed violation, nor for the act of which it was the subject. It was purely and simply a personal censure, a personal condemnation that was proposed, and to aggravate the proposition, it came from the suggestion of the bank directors' memorial to Congress. The combination was powerful. The bank itself was a great power, and was able to carry distress into all the business departments of the country; the political array against the President was unprecedented in point of number and great in point of ability.

Colonel Benton then enumerates a long list of Senators and members of the House with national reputations who rallied under Clay, Calhoun, and Webster for the condemnation of Jackson. He says:

The business of the combination was divided, distress and panic the object, and the parts distributed and separately cast to produce effect. The bank was to make the distress, a thing easy for it to do from its own moneyed power and its power over other moneyed institutions and money-dealers; also to get up distress meetings and memorials and to lead the public press. The politicians were to make the panic by the alarms which they created for the safety of the laws, of the Constitution, the public liberty, and the public money; and most zealously did each division of the combination perform its part, and for the long period of three full months.

At last the vote was taken, and the resolutions condemning General Jackson and his Secretary of the Treasury were adopted by a majority of 6, as the present resolutions condemning Grover Cleveland and his learned, upright, and honored Attorney-General will be, if there is a strict party vote and a full Senate. Benton continues:

And thus the resolutions were passed, and were nothing but an empty fulmination, a mere personal censure, having no relation to any business or proceeding in the Senate, and evidently intended for effect on the people. * * * Great reliance was placed upon that effect. It was fully believed, notwithstanding the experience of the Senate in Mr. Van Buren's case, that a Senatorial condemnation would destroy whomsoever it struck, even General Jackson. Vain calculation, and equally condemned by the lessons of history and by the impulsions of the human heart.

Sir, three years passed away, and in 1837 another and a far different vote was taken in the Senate of the United States. The people had been heard from, and the political complexion of the Senate had been changed on the very issue it had made with the Executive. The power of the haughty triumvirate from Kentucky, South Carolina, and Massachusetts was broken. In defeat and in humiliation they and their followers were compelled to witness their famous resolutions inclosed in open Senate with black lines of odium, and the face of their cherished record marred and disgraced forever by the ineffaceable brand: "Expunged by the order of the Senate."

May we not hope that this great lesson of history will have its uses at this time and for all the future; that the Senate on the one hand will take warning and avoid the fate of a far stronger Senatorial combination than the present, and that the present able and patriotic Chief Magistrate on the other hand will feel reassured that his only pathway of duty and of safety is to be found in the principles and policies of Andrew Jackson? Then will the various departments of this Government move together harmoniously, and all their great powers be called into action for the promotion of the common good, and not for the destruction of each other; then will the spirit of concord, good-will, and mutual respect prevail; and then no more will the ghastly apparition of the gory block, the gleaming ax, and the headless trunk of Charles I affright the soul of the Senator from Vermont or startle him from his seat. [Applause in the galleries.]

Mr. EVARTS. Mr. President, the topic of the resolutions upon which the votes of the Senate are to be divided, and which relate to a matter of considerable importance, at least in the relations between the Executive and the Senate, has formed a topic no doubt of either direct or of relative importance in the discussion which has been given to it; but as all that I shall have occasion to say will relate to that question itself, that vote which is to be taken, that resolution concerning the relations of the Executive and the Senate, and to the topics that are connected with the constitutional rules and the regulations of law upon the subject, the issue should be confined to what in our apprehension the matter in debate and in decision is.

The resolutions of the Judiciary Committee declare that the demand made by the Judiciary Committee for the papers described and under the circumstances in which the information is sought for should have been complied with by the Attorney-General, and that neither his duty nor the instruction of the President justified that refusal. In the minority report I can very briefly find what issue is joined, as I think, so far as a definite issue has been joined by this statement of opinion and duty, as the minority regard it, on the subject:

The minority admit, once for all, that any and every public document, paper, or record on the files of any Department, or in the possession of the President, relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

Now, upon this assertion of the Judiciary Committee's resolutions, and upon this admission by the minority of that committee and in the name of the party represented on the other side of the Chamber, it would seem to one familiar that if confinement should be made to the issue there would be very little doubt as to what the conclusion of the Senate should be on these resolutions; but topics have been introduced, topics have been enlarged upon, topics have been made the subject of legal and constitutional argument and of political declamation which, as it seems to me, when they are compared with the issue that is to be decided, when they are compared with the assertion of the Judiciary Committee and the issue presented by the minority of that committee, all, or almost all, that has had this large and general scope and application of political opinion and political issues has no relation to our duty now.

It is said in the first place, and thus the proposition of the committee is sought to be avoided, that the papers called for can by no means touch any matter subject to the public action of the Senate. Let us look a moment at that proposition. Who is to determine in the first place that on a topic which the Senate has to do with it has a right to the inspection and use of papers in the Departments, but it has no such right when the Senate can not possibly touch or deal with any subject-matter to which those papers relate? Who is to determine in the first instance that the Senate may or may not explore and make use of papers that are on file? Certainly the Senate is the judge of that.

The Senate, as a component part of the Legislature represented in Congress, is not of limited jurisdiction. It is not confined to this or that topic. Whatever touches, in the language of one of the clauses of the Constitution, the common defense and the general welfare belongs to the two Houses of Congress. When, therefore, either House under its responsibilities and under the determination of a constitutional majority of votes on any subject in either of these Houses undertakes itself to deal with public documents and papers in the Departments, it deals with what belongs to the Government of the United States for use by the Congress of the United States, and upon its judgment of what its duties, its faculties, and its proposed actions relate to. And now for the first time is it found that a preliminary question arises when the Houses of Congress, one or both of them, have asked for papers on file, that there is a preliminary judgment to be exercised and to be final, and to be under the unlimited range of discretion and of personal judgment of the President, whether or not these papers that are described and exist as on the files or on deposit in the Departments are on the face of them papers that belong to the uses and for the purposes of the duty of the Houses of Congress.

Where is this preliminary line to be drawn? Who is to be patient under it? Who is to look in the face the two Houses of Congress in the illimitable range of their duty, dealing in the matters of the Departments, dealing with the matters there deposited and there preserved for the Government for its uses, for action in reference to the Government, and for no other purpose whatever? Who is at liberty to sift and cull out of these papers thus deposited, and to be accorded this prejudgment of the action of the two Houses of Congress? Who is to be this arbiter between the Government and the Congress to determine what shall be given and what shall be withheld?

I should like to find votes cast here on the other side of this alley upon that preliminary question. Give us the premises of the powers of the two Houses of Congress under the Constitution that are not disputed here—I mean the general powers—give us the constitution of the Departments; give us the arrangements of law regulating the action of these Departments; give us the fact that the papers we seek for are in the possession of the Department of Justice and the Attorney-General can lay his hand upon them, and then after that a peremptory instruction of the President can follow out these deposits and select from them those that are suitable for the inspection of the Houses; let it be conceded that it is not thus to be arbitrarily, thus capriciously, thus undutifully discharged by the President in this preliminary authority; let it be agreed that he means to send to the two Houses all that are useful and pertinent to every public use, how do you by that proposition but advance the most monstrous doctrine under the Constitution that the President is the judge of what the duty of the two Houses of Congress relates to, and the further question of what the papers would have to say and to show and to decide whether they were or were not important and interesting to the two Houses of Congress on the very matters that the Congress has authority over.

It would seem, then, that when the President of the United States directs the Attorney-General to withhold papers upon the sole ground that they belong to topics which do not interest or do not touch the duty of the Houses of Congress, you have established a subordination on the part of the two Houses of Congress to the personal judgment of the President, and unluckily a personal judgment about himself and his conduct and these evidences that we wish to inspect. It would not do, therefore, for the combatants on the other side of this question to rest this submissive reduction of the powers and authority of the two Houses of Congress, without exhibiting to the Senate some reason why, on their judgment, these papers should not be sought for; and the Senate itself should pass its judgment that it had no interest and duty in the premises that made it proper for it to look into these papers, or that if the Senate should draw a line of demarkation between public and private documents, between papers that were on file as a part of the possession and under the control of the Government, and papers

that were there merely in the sense of a safe deposit for preservation, that the Senate itself must determine those questions and not submit to the will and the judgment, however upright and however intelligent, of the Executive foreclosing those questions from the judgment of the Senate.

Now, I will agree that it is a proper and a prominent topic of inquiry here in undertaking to press the power and authority of the Senate in respect of these papers whether it makes up its mind that the papers do or do not relate to any topic which the Senate either has the right or has the purpose further to pay attention to. It may also rightfully and properly exercise its own judgment whether it will pass upon the papers, not upon their evidence and their disclosures, but upon the preliminary judgment of the President whether they are public papers or private papers; and there we are not guided by any constitutional rule that may decide for us whether we have to do with the subject-matter, because when the criticism is upon the papers themselves that on the statement and on the judgment of the President they are not public papers we are surrendering, we are not able ourselves to determine from the papers themselves whether we shall insist upon or whether we shall submit to the treatment of the matter as no longer requiring our attention.

You will perceive, therefore, that on this last question the only possible constitutional treatment of this minor topic is for the President, for the Attorney-General to submit to the Senate in its confidential relation and under its obligation to look at these papers from its side of the question and determine whether these are trivial, whether these are casual, whether these do not touch a public interest or affect a public duty.

Unquestionably in the proper relations of courtesy between the Senate and the executive branches, especially with the President himself, if we are to have confidence in his judgment, upon his discrimination, only to be determined by inspection of the papers themselves, we are to be trusted by him under the same confidence, and the papers are to be regarded by the Senate, although they are found on the files and are not on public deposit as not being proper or useful there, all trivial in their relations, unimportant for our public duties; and then they may be returned without being made public or without being discussed at all.

The larger proposition is that the very subject-matter concerning which, in use upon which, these papers are sought does not relate to any public duty or any public right of the Senate. Why? Because of one thing, and alone one thing, for I am now not talking about the contents of the papers themselves or their public character, but that if they are public, if they are important, if they are to raise an opinion and a duty on the part of the Senate upon what is thus disclosed, we are not to ask for them, and are to be rebuffed if we ask for them, because they do not touch a public duty. That single reason, that single exception, is that they relate to a removal from office, and that removal from office under the Constitution is the sole act and the sole responsibility of the President of the United States.

Mr. EDMUNDS. The suspension.

Mr. EVARTS. I am referring now to removal. This is the larger proposition. I shall have occasion to consider that that question does not rule the determination under the civil tenure-of-office law. But that is the proposition. Why is the President of the United States at liberty to shut out from the examination of the Senate what papers have been before him bearing upon his exercise of the duty and the right, and the exclusive right and duty, if you please, for the present purpose, of removal. How does that touch the question? Are the two Houses of Congress not at liberty to look into the actual circumstances, motives, and action of public officers when they are acting within constitutional power? The whole province of the dominion of the great houses of Parliament, the great Houses of Congress, is on that very subject, not only of whether the Constitution has been transcended, but whether under the color of and submissive to the rules of the Constitution public duty has been perverted and the public interests have been sacrificed, although there was constitutional power.

You have then in advance a larger proposition than that which you contend for, that the removal from office is the sole, exclusive act and responsibility of the President, when you are obliged to maintain that every action of the President, of Secretaries, of generals, of heads of bureaus, of judges, or what not, executes a function that is within their constitutional power; and yet it can not be inquired into as to what papers, what motives, what influences were before them. Where is this great doctrine of the amenability of the President and all officers of the Government to the Houses of Congress under their great and general powers? Does it follow that because (having no relation of course to the topics that I am now speaking about) a discovery would lead to a duty on the part of the two Houses to proceed to draw the sword of the Constitution and execute by impeachment its power? Is it limited to the Congress first setting forth upon a measure of that kind that its power of general intelligence, of general information, of all the sources that are to be before them at their command in the Departments of the Government, can not be exercised? So far, then, as this question goes, the question of information is not at all encroached upon by the consideration whether the power of removal in its broadest constitutional statement is to preclude us from knowing what the facts concerning the action of the President are.

But let us look a little further at the question whether the power of removal is a constitutional power which the President can execute by his own choice and will, responsible of course under the general duties of the Executive to perform his duty and conform his action to the welfare of the country and the powers and authority of the Constitution.

The question of the power of removal was a great question. In my judgment it is a settled question. In my judgment also, if encouraged by the compliments I have received from our opponents I should express my own opinion, I think it was correctly decided, and that the power of removal under the Constitution belongs to the President without the participation of the Senate in what relates to the mere act of removal. How did that question arise? There was not any doubt left as to what the appointing power of the President was, either in recess or in session of the Senate, nor as to what the Senate's participation in that was. The question was whether a power of removal unconnected with appointment was exclusively lodged in the President of the United States or whether no such power existed, but could only be executed under and in connection with appointment to office.

That was the constitutional question, and it was a great one. The Constitution was silent; not a word had been said in it upon the subject. The whole topic that the framers of the Constitution had thought should engage their attention in the distribution of this executive power in appointments to office was satisfied with the determinations at which they arrived, and what were they? That the President was to have the power of appointing to office and commissioning; and how was he to have that power? I read from the seventh page of the report of the minority the clause from the Constitution there quoted:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States.

Here is the description of the offices in this latter clause accorded to the President:

And all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

I ask your attention here, in anticipation of what I shall have to say in drawing the distinction between suspension and action under the civil tenure-of-office act and the constitutional power of removal to the point that outside of the enumerated offices the President has accorded to him no power of appointment except to offices that "shall be established by law." What is an office established by law except the duties, the permanence, the security, or the mutability of the office established?

It will be observed, then, that in the very granting power of appointment to the President, outside of enumerated offices, the authority is accorded to him to appoint to such offices as shall be established, and has therefore left entirely to the action of Congress all that belongs to the constitution of the office, its proper protection, its proper security, and the proper conditions of the useful and beneficial conduct of the office for the welfare of the country. The pertinency of this, Senators will do me the honor to remark, is when I shall come to draw the distinction between rights under the civil tenure-of-office act and the power of removal under the Constitution. You will observe that there was a condition of things when it was quite important regarding the participation of the Senate, which thus far was required in an appointment. There was the great situation of the Senate not being in session, and wisely and in a manner that has never been complained of, that interval of power was accorded *sub modo* to the President.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session.

That is very well for appointment. There came up two constitutional questions as to what were vacancies. One view was, that the vacancy must begin during the recess, and that one which continued over and which was in existence before the adjournment of the Senate was not one happening in recess. That was settled, and, as I think, wisely, in favor of the President's power, that whenever during a recess a vacancy was existing it was then happening, and happening from day to day until he filled it. And now arose the great question of removal. Vacancies might happen by death, by resignation, by condemnation, by disability to execute the duties; but what was to be done with the question of the President's power not now to deal with appointment but to deal with vacating the office? Was that a happening under the Constitution? Was that a power existing at all on the part of the President?

And the whole question about removal from office, and the whole debate between the great statesmen and the great thinkers in the First Congress was on that question, whether the President by his own act could vacate an office, or whether he could only displace an officer through an appointment except when there came to be a vacated office not by the act of the President vacating the office and existing during the recess. The debate turned upon that; and although that was the interesting point of the public welfare in reference to the long periods of recess and whether the President's hands were tied about vacating offices—although that was the large subject and the subject on which turned the debate, yet it did include the question of whether the Pres-

ident could vacate an office under his authority when the Senate was in session; and the reasoning and the decision covered both the recess and the session of the Senate. It was upon the constitutional authority of the President, not under his powers of appointment, for he was restricted in that regard, because his powers of appointment were constrained by the participation of the Senate to a great degree; but it was whether, under the general provisions of the Constitution which vested executive power and duties in the President and under the precise instruction that he should see that the laws are executed, there was carried a rightful duty to displace an officer that in his judgment should be displaced, or whether the consultation and the co-operation of the Senate should be obtained in that act. That was the whole debate and that was the whole decision. It was a great debate, a great question, and a great decision. My judgment, if again I may refer to it, as it has been referred to by others, is that it was decided not only in accordance with a judgment and with a practice that should be prevalent and not reopened, but a correct judgment upon the reasons and upon the interests under the Constitution which the topics involved were so ably displayed and discussed.

Now, sir, what is the act of removal, that in itself and of itself a President can exert and in regard to which the participation of the Senate can not share? It is the vacating the office. It is by that power of vacating the office during the recess that there happens to be a vacancy, and the only power to appoint in the recess is when there is a vacancy. Can he, then, by his own act vacate an office and make a vacancy? It is decided that he can, and for the reasons stated in the debate in the First Congress. Now comes the second question. The power of removal is the same question. If it belongs to the President's authority and duty under necessary rules of construction of the Constitution, if the emergency arises—less frequent, to be sure, more narrowly to be scrutinized, to be sure, when the Senate is in session—I mean the general judgment of the wise conduct of the Presidential office in that regard—he has the power and he can remove.

Now what was the question in the impeachment trial? Nothing but this: Whether the President could be impeached and could be convicted of having removed the head of one of the Departments from office without at the same time communicating to the Senate an appointment in his place and the vacating of the office made to depend upon the Senate's consent to the filling of it. Of course this question arose by the existence of the civil tenure-of-office act. No one would have pretended, as I think, that the action of the President in vacating an office was not in accordance with the settled view of the Constitution by the Congresses and by the action of the Government since. Although Mr. Webster, so great an authority on every question of law and of reason as he was, did not concur in the wisdom of the solution by which the rule was adopted in the debate of 1789, yet he conceded that it was settled and was the law of the land.

The President having removed, as he did, Mr. Stanton, the Secretary of War, undertook to treat the vacancy in the management by an appointee of his own as an *ad interim* appointment, conformably as I understood then and now to the general regulations governing that situation; that is to say, treating it in the same way as a vacancy that had arisen without an act of the President making the vacancy. The whole issue joined was that the President having that power and not the subject of impeachment upon that act under the Constitution, yet that that office had been placed under such constraint by the action of Congress as no longer left him to deal with the office so that it could be vacated by the will of the President.

I shall not repeat the discussion of that prolonged period so important, so interesting, so exciting; but it all grew out of that, that a separate act of removal under the Constitution by itself was no longer permitted in regard to the office under the circumstances that the President then dealt with, because the civil tenure-of-office act had imposed a durability of tenure upon the office.

My honorable friends the minority of the committee have done me the honor to quote in their report two passages from the impeachment trial as I was conducting it; and I must ask, without the least intention of criticising, the purpose of putting so close together two paragraphs that are very widely separated in the discussion to what is there stated on the fifteenth and sixteenth pages of their report. My statement of the subject of debate and the subject of decision is given in the first paragraph, and then a very short paragraph on my part quotes what I said in the second clause as dependent upon the grounds recited in the first. I am made to say:

If on these grounds you dismiss the President from this court convicted and deposed, &c.

You raise the great issue between the supremacy of the Constitution and the omnipotence of Congress. I think thirteen pages of argument culminating in this last paragraph are interposed between these that are thus stated together as the ground on which I made my proposition and the proposition itself. The second paragraph is but a mere conclusion in its relation to a description of the grounds upon which I made that proposition. It is taken no doubt correctly, but only as the closing lines of what I then declared was the issue that would be presented to the people of this country between the omnipotency of Congress and the supremacy of the Constitution; and I ask, what I otherwise would not wish to do, attention to the clause in which I really expressed my views of what the issue then raised was that would be so vital to the forces of the Constitution and the welfare of this country:

When, therefore, it is said and claimed that by force of a legislative enactment the President of the United States should not remove from office, whether the act of Congress was constitutional or not, that he was absolutely prohibited from removing from office, and if he did remove from office, although the Constitution allowed him to remove, yet the Constitution could not protect him for removing, but that the act of Congress, seizing upon him, could draw him in here by impeachment and subject him to judgment for violating the law, though maintaining the Constitution, and that the Constitution pronounced sentence of condemnation and infamy upon him for having worshiped its authority and sought to maintain it, and that the authority of Congress has that power and extent practically—

Now begins what is quoted by my learned friends on the other side—

you tear asunder your Constitution, and (if on these grounds you dismiss this President from this court convicted and deposed) you dismiss him the victim of the Congress and the martyr of the Constitution by the very terms of your judgment, and you throw open for the masters of us all in the great debates of an intelligent, instructed, populous, patriotic nation of freemen the division of sentiment to shake this country to its center, "the omnipotence of Congress" as the rallying cry on one side, and "the supremacy of the Constitution" on the other.

It was on that proposition that under the debates and under the doctrines of the Constitution as practiced on for so many years, if a President undertook to exercise that power of preferring the Constitution as he understood it, and he then should be drawn under the ax of impeachment and prevented from exercising peacefully and under the judgment of the arbiter of all questions under the Constitution, you did then by that transaction override the question whether the Constitution was or was not with the President, or was or was not with the Congress in that law, and that they, therefore, by this transcendent power of impeachment undertook to settle that question in face of the debates and in face of the practice of so many years under the Constitution you did really undertake the power of deposing a President although the law was unconstitutional; and so it would be held.

I believe no greater question could have been presented in the politics of our country than that, and I never have ceased to think that no greater and better result in the history of our Constitution than the avoidance of that issue was reached by the determination of the impeachment. But, sir, President Johnson did put himself on the power of removal, and he met the consequence. I sufficiently commented in that impeachment trial upon all the topics, as I think, that could rightfully bear on the questions as they were presented to my mind. I will not repeat them.

But what is the question here? President Cleveland has not removed Mr. Duskin; he has not asserted a power under the Constitution to remove him. He has not nominated as of his action the newly proposed district attorney to fill a vacancy—not in the least. What was open to a President of the United States? Does any one pretend that the President can enlarge the appointing power, that he can curb the Senate's participation in the act of appointment? No; it is for the President to determine when he deals with an office and an officer for himself to decide whether he will exercise a power that belongs to him alone and then perform another act that does not belong to him alone, but belongs to him with the participation of the Senate, and the latter is all that is talked of. That is not this situation. How, then, is there any difference between the ordinary condition of the Senate in dealing with the question proposed by the nomination of Mr. Whoever-he-may-be in place of Mr. Duskin, suspended—how does that differ from what it would have been if the President proposed the appointment of A B in the place of C D, to be removed? That is the constitutional question. Whether, therefore, the President sends a nomination of A B to be appointed in place of C D, removed by the act of appointing A B, it is one dissevered, unparted constitutional act of the President of appointing by and with the consent of the Senate, making the vacancy by the appointment. The Senate, therefore, is appealed to itself to perform one single, constitutional, inseparable, and indivisible constitutional power, which is to say, "We unite, concur, Mr. President, in your single, inseparable, and indivisible, one Presidential act." Is there any escape from that?

That was not Andrew Jackson's case. That was not the case debated by the fathers of the Constitution in the Congress of 1789. Their decision did not determine or define in the least what was the single, indivisible action of the President proposed for the concurrence of the Senate, to wit, the removal of A B to be removed by the act in which you concur. We then by the Constitution, we, by the very necessity of the act of the President, which with him is one and indivisible in the mode in which he executes his office, are invited to perform a single and indivisible act, our concurrence; and what happens? If the Senate concurs, by one vote, with one breath, the Senate concurs in displacing and confirms in appointing; and if the Senate refuses, the Senate leaves the nominee unappointed and the officer undisturbed.

It seems, then, to me that constitutional distinctions have not been drawn between this and the action on which so great debates have arisen. As I am not now discussing the civil tenure-of-office act, I will agree that under the Constitution the President can vacate without the participation of the Senate, and then if you please for the purpose of

bare argument I will agree that we ought not to inquire too closely about it. But he has not done any such thing. He has undertaken to appoint and remove by one act turning upon one reason governing the matter, and we concur by one act, one reason governing the composite attempt of putting in one man and turning out the other. How? By putting the other in.

Now, Mr. President, I have but little to say upon the constitutional question and upon the practical application of this matter under the civil tenure-of-office act. I will only treat of it as it now applies, and that is that the civil tenure-of-office act undertook to impose upon the officers which it embraced within its operation a certain permanent durability; and that was that these offices with these fixed terms should not have the term shortened except by the concurrent action of the President and the Senate. Very well. Before I discuss that in its general features and its constitutional impugnment let me call your attention to this: The provision was intended to meet the case that although these offices should be permanent for the terms created, not capable of disturbance except by the concurrence of the Senate and of the President, yet they met the same question which appealed to the good sense and the necessary provision in the Constitution itself, and that is what is to happen in the recess. You are now imposing by law a limitation not under the Constitution which has been already defined and construed by the Government, but this one, and therefore Congress undertook to provide and in the act of 1869 (which is all that I shall look at) it has provided that the President shall have the power of suspending, and then an incumbent of the office may be designated and its duties discharged until the end of the next session of the Senate. In other words, there should be given a suspensive power not existing under the Constitution at all, never dreamed of for a moment as belonging to a President by force of the Constitution, not dreamed of now, not insisted upon for a moment on the other side, that that suspensive power should be permitted to prevail for the public interest and be at the disposal of the President during the recess until the end of the next session of the Senate.

What did that do? Did it vacate the office? Of course it did not vacate the office. When a man is suspended in an office his office is not vacant and he is not out of it, but his exercise of function is arrested. Is the man named to execute the function in office? There can not be two in one office. Is it pretended that the terms of the tenure-of-office act put the man into the office? No, that is not contended for on the other side.

What then does happen? This duty of the President, accorded to him on the same reasons that an office should not be maintainable in the absence of the Senate which ought to be vacated in the sense of the exercise of function, is accorded; and then when you come to the end of the session of the Senate, if the office has not become vacant as to the first officer and filled with one under the appointment with the consent of the Senate, when the Senate rises the intermediate, the *ad interim* discharger of function disappears, and the officer returns and is in office. Nobody has disputed that on the other side.

How, then, under the civil tenure-of-office act does this nomination of Burnett in any constitutional point of view differ from the nomination of Burnett if Duskin was in office and not suspended? I should like to know. I should like to have some constitutional lawyer draw a line. The office is not vacant. The nomination is not by description of an office that is vacant, nor is it a description of an officer who has been removed, nor who is to be removed, in terms at all except by the fiat of the Senate, which says that Burnett shall be appointed.

When, therefore, the formula by which the nomination of Burnett is transmitted to take a place that has been held, that is held, by Duskin the fact that a proper description of the conduct of the President and of the situation of Duskin is correctly and accurately followed, that the nomination is made in the name of a man in office who has been suspended; and the constitutional act proposed, and the constitutional act to be taken by the Senate is precisely the same, unaffected by the *ad interim* occurrence and the proposition in the nomination that the man who is nominated is in the place of a man holding office but who has been suspended.

With regard to the civil tenure-of-office act I may be permitted to say a word, because I have been referred to for constitutional opinions. I might say that when counsel are urging and pressing propositions in view and in aid of a defendant in charge, those are scarcely judicial opinions; but I have no occasion to find in the whole record of my argument any statement of constitutional opinions to which I do not agree. What is the constitutional question, in my judgment, about the tenure-of-civil-office act? I shall state it; I have never been able to express the opinion that the law was unconstitutional. I have never approved of it as a matter of wisdom, nor have I approved of the action under it in the entanglements between this branch of the Government and the Executive; but that belongs to Congress to determine. If I shall ever have occasion to vote in that relation, I shall discharge that duty. But when it is proposed to me as a matter of constitutional opinion that that law is unconstitutional, I must say that I have never been able to see how it should be so denounced. There is but one principle upon which it can be denounced as unconstitutional.

It is clear that the establishment of offices belongs wholly to Congress to shape the duration, the trusts confided, and the manner of their discharge and their accountability. All these belong to Congress because they are all by the very statement of the term a part of the office that is constituted. I have never been able to see that Congress could not make an office that was irremovable by anybody under the Government. I leave out, of course, the doctrine and the causes of impeachment, we having in those cases found in the particular constitution and duties of this or that office a prevalent term accorded, and a subtraction of the Presidential power, of his will in vacating the office. One instance was read by our honorable friend from Wisconsin [Mr. SPOONER], the case of the Director of the Mint; there is a similar provision, I believe, in regard to the Comptroller of the Currency; and that is that they should hold the office for five years, and that they should be removed by the President, and only by him, for reasons communicated to the Senate. That duty was discharged by the President and nobody found any fault with it, not that we concurred that the excellent Director of the Mint should have been removed, or that, if you please, the equally good new incumbent should have taken his place; but it might have been better in the public interest that there should have been no change in such an office as that; it is implied in the will of Congress that it shall not be open to the mere exercise of Presidential authority.

But if you can do that, why can you not make the office irremovable for five years? It is a mere question of discretion with legislative power, weighing on one side the inconvenience of the removability and on the other side the inconveniences of a permanent tenure. However, when Congress has determined it, it is an office under the Constitution, and only so by the power of Congress to make it just as Congress has decided it will make it.

When, therefore, the power of appointment is to be exercised under this primary authority of the President, to wit, that he shall appoint by and with the advice and consent of the Senate to offices which shall be established by law, the constitution of the office fixes the place the officer can fill; and when he fills it, by the legislative constitution of the office it is filled, and can not be vacated until the end of the term. What other construction can be put on the Constitution than that, because there is a power of removal under the Constitution as a part of the President's duty to see that the laws are executed under that instrument, which is accorded to him now when the offices are *durante bene placito*, during pleasure, he can vacate them without consulting the Senate? Does that mean that in this great country of ours, widening, expanding, and becoming more and more manifold in every progress of time, every office must be *durante bene placito;* that instead of the power of the office being in Congress and the power of the President to appoint to such offices as we shall establish, we can establish no office that is not at his pleasure, at his disposal? That is the whole and only constitutional question, as I respectfully submit, regarding the constraints of the civil tenure-of-office act.

It may be said, it has been said, it was argued when these laws passed, it was argued during the impeachment agitation, it is argued here, that these laws, although passed with an authority over the tenure of the office and its durability, yet it was but a cover and a mode of thwarting the Presidential authority in dealing with offices. That does not make it unconstitutional. Fortunately, conceding everything that has been suggested for the purpose of this argument on my part, it has nothing to do with constitutionality. If there is power in Congress to give a durability of tenure from good motives, it does not become unconstitutional because it may have been done under bad motives. No court can so decide. It is only in the wide forum of popular opinion, of reason, of what should constrain and what should control and what should be free in the exercise of authority in legislative power that there can be such discussion as this last measure I have suggested.

It is for that reason that whatever repugnance I have had and still have to the civil tenure-of-office act, however much I would regard it as desirable that it had not been in force in times past, and that it should not continue in force, I have never been able to determine that the conditions regarding the establishment of office were not open to the will of Congress; for I could see no stopping-place in departing from that proposition which would not have made all the scheme and power of office and duty in office subject by very necessary and absolute conditions to its being only during pleasure.

I have a single observation to make in regard to what has been suggested by the honorable Senator from Alabama [Mr. PUGH] who presented the minority report and spoke of as an incident in the history of this office. It seems that when the nomination of Burnett was sent in the message communicated the nomination as being to take the place of Duskin, suspended. That, of course, meant that Duskin was in office but was suspended, and it was so understood. Subsequently, and before the action of the Senate upon the proposition as submitted by the President, by expiration of the term of his office, Duskin passed out of office; and the honorable Senator from Alabama says that now it is only a moot question. Well, if we are to go back to the rules of law and of pleading and distinctions between cases presented that have ceased their importance and those that still subsist as important, let me call the attention of the Senate and of the honorable Senator from Alabama to the question as to whose fault it is and by what circum-

stance it is that we are now passing upon the proposition as it was submitted to the Senate by the President. As every lawyer knows, certainly every lawyer as good as the Senator from Alabama, issues are always determined upon the issues as they are joined, and unless some attention is paid to an occurrence between the disposition and the proposition the proposition is disposed of in the decision. We are acting upon this question. It has not been removed from our records. We can not pass upon it in any way but this, that we are consenting to the appointment of a man in the place of one now in office and suspended. If, when the situation was changed, the President had sent in his nomination of Burnett in place of Duskin, whose term of office has expired, then we should have been able to act upon that, and this instance would not have presented the debate that has continued.

Mr. EDMUNDS. But we should have had the same right to know what the condition of the office was as before.

Mr. EVARTS. To that I agree, but the complaint is that we are going on.

Now, to go back to our early learning, whenever an issue joined between plaintiff and defendant has been changed by some *post hdc* occurrence, there was a very familiar process by which the defendant pleaded, in the old law lingo, *puis darrein continuance;* that is, that since issue was joined this or that fact has occurred which has changed and superseded the trial. Why does not the President change the situation? If the question is not any longer one of removal in office but of appointment to an office that is now vacant, let our record preserve that state of facts, and then my vote and your vote will be conformed to the question presented by nominating A B to take the office in the place of C D, whose term of office has expired. My vote and your vote now upon the record before the Senate must turn upon the question whether you concur or refuse to concur, whether I concur or refuse to concur, not in the appointment of a person to take an office where the last incumbent's term has expired, but of one who has been suspended.

Now, Mr. President, a few words on this general question, which so interests, as I think, the plain people of this country as well as the constitutional lawyers and debaters of the Houses of Congress. I understand, every one understands, that it was and is announced and maintained in the name of the Democratic party, and for and in the name and action of the President, who, as the report of the minority says, was elected President upon the declaration that office is a public trust. Let me be correct about this matter. The second paragraph of the minority report begins with this clause:

> The President was elected on the declaration that civil office was a public trust.

The President does not speak as from a pulpit nor from a professor's chair; he speaks as President of the United States, that this public trust is to be exercised by him, and in this very matter of offices is to be controlled in the interest of the public and in repugnance to the mere shifting of office-holders by the complexions of politics and party changes. Therefore, when a President of the United States becomes President upon that proposition, and when that proposition has been insisted upon in the terms which are quoted in the reports, then the President is by great and public duty held to the point that when he makes changes in office, if he anticipates the action of the Senate by acting himself in the recess, if he anticipates at any stage of proceedings by two months, or three months, or six months the change of office, it means either that his public trust in respect of that office and that treatment of the office is his treatment, and that mere political reasons are not in accordance with his construction of that public trust; or he is to commit himself by the announcement of suspensions, as he would of removals, upon some duty connected with the officer and with the office, and places him proscribed to his fellow-countrymen as not removed on political discriminations by the triumph of one party over another, but because, as the President has announced, the public service did not permit his continuance in office.

Whenever the President executes that power himself, of course he is open only to the criticism that belongs to the act and the judgment of his fellow-countrymen and of the depositaries of constitutional power under the Government, but when with that announcement of his that the place is not to be vacated for political reasons or on the triumph of one party over the other, he proposes that the Senate shall concur in what he can not do without concurrence, we either commit ourselves by our concurrence in the rule of judgment that he has announced, or we must condemn him as using only idle and loud-sounding phrases.

If it be not so, if as every respect to the President requires us to give, he meant that his public trust in respect of public offices and their filling must be governed by the public nature of the trust, and when in respect of political occasions of removal the very matter has been pronounced in definite terms that affiliation with a political party is harmless and praiseworthy, that being a partisan is not a ground of objection, but that offensive partisanship stamps with a scandal the office as it has been performed, and affixes a stigma upon the officer who has so exerted it, then if his proposition is written between the lines under his public declarations when he asks us to confirm Burnett and remove Duskin, for that is our constitutional act, when we are asked to concur in that, we are entitled to know all that is implied by that action.

If we find that in the public papers there is evidence of faults and shortcomings of conduct that except the conduct of this officer from that of a mere Republican doing his duty to his party and his office, when we are to concur in the judgment that is pronounced, when the grounds on which it is pronounced are declared by the President of the United States to us, and we are desired to concur in that judgment, are we to act in the dark about that? Are we to say that all this fine talk before the election and all this proud announcement since the election we are to cast aside as idle and foolish, and convict the President and convict the Democratic party of having used merely words of hypocrisy without meaning to execute the promises? We ought to know that we have some ground upon which we can throw this opprobium and reproach in the face of the Democratic party; and if we are to condemn our Republican officers and their conduct of office, and their scandalous partisanship, without knowing what the facts are as far as we can find them out, or if when we have found them out we do not choose to concur in this single act of confirming Burnett, which covers then by our act the removal of the last incumbent, if we are to do it in that way, we want to know that we can be justified in the judgment and complaint of the party, of the officer, of the common sense of the American nation.

For myself, sir, while the proposition is conceived and submitted by the President in these terms, that I ask you to concur in the emptying of the office by turning out Duskin by your act in confirming Burnett, I will not do it in the dark if I can get any light, and I will not do it after I have got the light unless I am willing to be responsible for my participating act in the transaction and its result.

Mr. CALL. Mr. President, I do not propose to occupy any very extensive portion of the time of the Senate in the discussion of the resolutions which are now before the body.

The speech of the Senator from New York [Mr. EVARTS] has placed this subject upon a new and different ground. I understand the honorable Senator to state that he proposes to measure the constitutional duties of a Senator by the proposition which the President of the United States may make in regard to the subject. Burnett is not to be confirmed because Duskin's removal has been placed upon improper grounds, and because he has been removed for reasons not satisfactory to the honorable Senator, he announces to the American people that he will not advise and consent to the appointment of a competent successor to perform the duties imposed by law on the office.

If this be the ground upon which this controversy is placed before the people, it justifies all that was said by Mr. Webster and by the great expounders of the Constitution heretofore on the attempt of the Senate to assume the executive power of the Presidential office and its functions by the majority of the Senate. That has been the danger from the beginning of this Government until now resulting from this attempt on the part of the Senate to curb the power of the people and the people's President, elected by them and responsible to them, by the unconstitutional will of a majority of this Chamber.

The President gives reasons not satisfactory to them, or refuses to give them for the performance of an executive act, the appointment of an incumbent to office, and a great representative of a great party declares that he will not confirm a successor because those reasons are not satisfactory to him, or because the President refuses to give him any information as to the papers on which he formed his opinion, or as to the fact whether he had or had not any papers or communication on the subject. The Senator from New York must know the reasons, the grounds, the evidence upon which an officer, who by the Constitution is independent of the Senator and the Senate, co-ordinate with them, chosen by the people and responsible to them in a term of office shorter than that of a Senator, has proceeded, or he will not perform the duties of a Senator, which themselves are expressly required to be independent and co-ordinate, without control, without interference by the President, until the Senate is satisfied that the President has performed his independent duties in a manner satisfactory to the Senate. Why the honorable Senator in the great argument on the impeachment of Andrew Johnson to which he has referred did not so regard the duty of the Senate and of the President of the United States. In that argument on the impeachment of President Johnson, which brought reputation and fame to him, he used this language:

> The Constitution of the United States never intended so to coerce and constrain the consciences and the duties of men as to bring them into the position of judges between themselves and another branch of government in regard to matters of difference between themselves and that other branch of government in matters which concerned wholly the partition of authority under the Constitution between themselves and that other department of the Government.

Now, sir, apply that to the question before the Senate. The President of the United States conceives that it is within his province and his duty to withhold certain papers concerning the manner in which he has performed or is to perform an executive function from the Senate. He is an independent, co-ordinate department of this Government, without connection with this body except in certain defined and specified instances, of which this is not one. The majority of the Senate demand of him that he shall submit his judgment to them.

The Senator from New York said, and properly said, that the Constitution never made a conflict of authority, it never gave an independent co-ordinate department of this Government a discretion and a power to perform an act and to decide for themselves in regard to it, and also re-

quired another co-ordinate and independent department or officer of this Government to come into direct and positive conflict with it in regard to that discretionary duty; and unquestionably the Constitution must be so construed. This is a primary law of construction that must be applied to that instrument.

But that is not all. The Senator from New York said that he did not believe this tenure-of-office law to be unconstitutional, but in the trial of Andrew Johnson he used the following language:

Now, this question comes up in this form: The power of removal is and always has been claimed and exercised by the Executive in this Government separately and independently of the Senate. Until the act of March 2, 1867, the actual power of removal by the Senate never has been claimed. Some constructions upon the affirmative exercise of the power of appointment by the Executive have at different times been suggested, and received more or less support, tending to the conclusion that thus the Senate might have some hold of the question of removals; and now this act, which we are to consider more definitely hereafter, does not assume in terms to give the Senate a participation in the distinct and separate act of an executive nature, the removal from office.

Indeed the manner that the Congress has dealt with the subject is quite peculiar. Unable, apparently, to find adequate support for the pretension that the Senate could claim a share in the distinct act of removal or vacating of office, the scheme of the law is to change the tenure of office, so that removability as a separate and independent governmental act, by whomever to be exerted, is obliterated from the power of this Government. Look at that, now, that you do absolutely strike out of the capacity and resources of this Government the power of removing an officer as a separate executive act—I mean an executive act in which you participate. You have determined by law that there shall be no vacation of an office possible, except when and as and by the operation of completely filling it; and so far have you carried that principle that you do not even make it possible to vacate it by the concurrence of the Senate and the President; but you have deliberately and firmly determined that the office shall remain full as an estate and possession of the incumbent, from which he can be removed under no stress of the public necessity except by the fact occurring of a complete appointment for permanent tenure of a successor concurred in by the Senate and made operative by the new appointee going into and qualifying himself in the office.

This seems at the first sight a very extraordinary provision for all the exigencies of a Government like ours with its forty thousand officers, whose list is paraded here before you, with their twenty-one millions of emoluments, to show the magnitude of the great prize contended for between the Presidency and the Senate. It is a very singular provision, doubtless, that in a Government which includes under it forty thousand officers, there should be no governmental possibility of stopping a man in or removing him from an office, except by the deliberate succession of a permanent successor, approved by the Senate, and concurred in by the appointee himself going to the place and qualifying and assuming its duties.

The Senator from New York at that time denied both the principle of the constitutionality of the act and by the strongest arguments demonstrated its inexpediency. But it was not my purpose to elaborate upon the well-established proposition. Commencing with the celebrated debate of 1789, John Adams declared, Mr. Webster has declared, all the great men of the country have at different times declared the conclusive force of this debate in settling the President's absolute right and power of removal.

The people—

Says Mr. Adams—

then, ought to consider the President's office as the indispensable guardian of their rights. I have ever, therefore, been of opinion that the electors of President ought to be chosen by the people at large. The people can not be too careful in the choice of their Presidents; but when they have chosen them they ought to expect that they will act on their own independent judgments, and not be wheedled or intimidated by factious combinations of Senators, Representatives, heads of Departments, or military officers. The exclusive principle which has been adopted and too openly avowed by both our great divisions when the pendulum has swung to their side is a principle of faction, and not of honest party. It is intolerance! It is despotism! It destroys the freedom of the press, the freedom of elections, the freedom of debate, the freedom of deliberation, the freedom of private judgment.

And as long as the Senate shall be determined to negative all but their own party, the President can have no will or judgment of his own. I most earnestly entreat all parties to reconsider their resolutions on this subject.

Mr. Madison said in the debate of 1789:

Vest this power (removal) in the Senate jointly with the President, and you abolish at once that great principle of unity and responsibility in the executive department which was intended as the security of liberty and the public good.

Take the other supposition, that the power should be vested in the Senate. * * * It is declared by the Constitution that we may by law vest the appointment of inferior officers in the heads of Departments, the power of removal being incidental. When does this terminate? If you begin with the subordinate officers they are dependent on their superior, he on the next, and he on whom—on the Senate, a permanent body, a body by its particular mode of election in reality exerting power, a body possessing that proportion of aristocratic power which the Constitution no doubt thought wise to be established in the system. * * *

Shall we trust the Senate, responsible to individual Legislatures, rather than the person responsible to the whole community? * * * Instead of keeping the departments of Government distinct you make an executive out of one branch of the Legislature. You make the Executive a two-headed monster. * * * You link together two branches of the Government which the preservation of liberty requires to be constantly separated.

I could multiply these distinguished authorities. I hold in my hand a brief of them collected with great care by a lady of learning and study, the correspondent of the Louisville Courier-Journal, but I will not now extend them.

Now, sir, what is the attitude of the question before the Senate? The President of the United States claims the right to withhold certain papers. Are those papers important to the public service? Is it necessary for the performance of any duties important to the safety of the Union that they should be had? Access to them is open to every member of this body. The President has not concealed them. They consist of letters addressed to Senators or letters addressed to the President of the United States, containing, if you choose, charges, statements, sometimes false and sometimes true, in regard to individuals who are either in office or applicants for office. Of what service is that to the Senate or to the country?

Suppose a thousand citizens in their private capacity have communicated with the President and expressed to him their opinions, whether they are correct or incorrect opinions. Suppose they have slandered, as doubtless they have oftentimes, persons who are applicants for office. Of what importance to this body or to the country is the possession of such papers? How does this false accusation concern the Senate or the President? Can you assume before the President has declared it that the false statement has been the ground of his action? Even if we were to concede all that has been claimed by the Senator from New York or by the Senator from Vermont, and say that the Departments are filled with false and libelous charges, has the Senate the right or the power to take action in respect to it? Is it brought here to sit in judgment upon the calumnies that may be made by private individuals, whether to Senators or to the President?

Why, sir, it is manifest that they have no part in the performance of the constitutional duties imposed upon the Senate. They neither make the proposed aspirant for office worthy or unworthy. The fact that some man has slandered his predecessor, if admitted, if all that is claimed and asked for here is admitted in the argument, it furnishes no ground in reason that the Senate could stand upon.

I will concede for the argument's sake to the majority that there are slanders and libels and false accusations.

Is the Senate the tribunal to which the private citizen must come for the vindication of his character? That is the proposition of the Senator from New York and that is the proposition of these resolutions. The Senate has higher duties to perform. Is it to arraign the President of the United States because he says "these papers are my property; I may and I may not, as my judgment, not yours, indicates attach importance to them. If I do as I see fit, and say that I believe Mr. A in his statement, and you the Senate say that you do not believe him, I have the right to say so, and to attach such importance as I think proper to it. If I see fit to say I think it better for the public interest that this communication from a citizen addressed to me, or to a Senator, should sleep in the silence of oblivion," can the Senate deny that a Senator or the President has the right to dispose of the communications addressed to him, relating to his own action, as he sees fit? And yet, with all the grave argument on this subject, that is the one proposition and the only question before this body, whether the President of the United States has the right to deposit a paper of this character in the Departments here for his use and reference, if he sees fit to use them, or whether the Senate may require him to send those papers here whether he has based his official action upon them or not.

A public document is one recording facts which have been inquired into or taken notice of for the benefit of the public by an agent authorized and accredited for the purpose. (Rapalye and Lawrence's Law Dictionary.)

The President has not said that he had inquired into these letters, or even read or taken notice of them.

In Miller and Austin, 6 Sergeant & Rawle's Reports, 221, C. J. Tilghman, one of the most eminent judges of this country, said:

I protest against one of the principles contended for, that it must be presumed to be an official paper because found in the office and among official papers.

The Senator from New York says we want the evidence. By the Constitution the President of the United States is not an instrument at the will of the Senate to gather testimony for or against individuals, either suspended or not suspended. Why argue this question? The power of removal, if it exists, must of necessity carry with it everything that is included in a removal. As the whole is greater than the part, it has ever been held that a power to cover a whole subject, an entire power, covers any part of that power.

A suspension, a temporary deprivation of office, the incumbent of which is subject to be removed at the pleasure of another, is unquestionably contained within the power of removal. And when the Senator from Delaware [Mr. GRAY] yesterday answered the question propounded by the Senator from Vermont [Mr. EDMUNDS] that when the President of the United States had proposed to the Senate a nomination, the message proposing that nomination in place of another person removed, that such a removal took effect upon the nomination of his successor, it seemed to excite some degree of gratification with the Senator from Vermont as an admission of some flaw in the argument.

But, sir, the President, if he have the power of removal, may propose and fix the time when it takes effect, and he alone who has the power to remove can determine the time when it is to take effect; and when he sends to the Senate and says "I propose to remove A B at such a time," whether it be when his successor is confirmed or at some other time, it does not import anything to the argument that the Senate can derive any power from his proposition to share in the power of removal, nor does it indicate that the President proposes to the Senate that it shall share this power with him.

Why, sir, is it not surprising that these great men, these Senators of learning and capacity here, should propose the idea that the Senate of the United States can derive constitutional power from an abdication

by the President of his rights, can claim before the country that a Constitution can be made or unmade because the President does or does not perform his constitutional duty? This is an idea that does not belong to this age and this century. We can not change this great instrument upon which the hopes and prosperity of sixty million people depend because any officer, high or low, fails to perform the constitutional duty imposed upon him. It is scarcely necessary for this proposition to be argued or considered.

What, then, is there involved in this discussion? I confess I think it is far beneath the dignity of this body. I confess I think it is wholly foreign to the public interests that we should be in a contention here with the Chief Magistrate of this country, not in regard to any usurpation of power, not in regard to any failure of public duty in a constitutional sense, but as says the Senator from New York, because the President has not conformed, as he regards it, to the policy declared in his message, and for which he admits he is responsible, not to the Senate, but to the people of the United States.

What then is the question? It is that there are certain papers, certain letters, which it is believed or supposed may concern the conduct of some public officer, and the President and the Attorney-General reply, "I send you all papers concerning this office which I consider important; there are other papers on the files to which I have attached no importance, which are personal to me, and these papers I do not think it is for the public interest should be sent to the Senate."

The majority of the Senate say that unless these papers, the purport of which we are not advised of, unless these letters which concern nothing that we have any right to believe is important to the public interest, that unless these letters to the President of the United States, which he regards as private and personal, are sent here, we will stop the further progress of the Government, we will not advise or consent to the appointment of the men whom the President shall select to execute the laws, we will abdicate our constitutional function. Why, Mr. President, we may admit all the heresies which have been maintained in this debate by the Senators on the other side; we may admit that this body with its six years tenure of power, removed from the people and not responsible to them, this body elected by a small assemblage of representative men in the different States, has the power of restraining the people's choice, the President, elected by and responsible to them; we may admit all that is claimed in the assumption by the Senate of this executive function; we may admit that the tenure-of-office law is constitutional and in force; we may admit that the Senate alone, without the force of law or the concurrence of the other House, has the complete right to control and appropriate and use all the public documents and all that relates to the public service in the different Departments of the Government, and yet we must concede that there is some materiality, some relevancy of testimony to the end that is required.

We can not contend because of all that, if it should be true, that a private letter to the President in the Departments is subject to the control of the Senate. Still less can we maintain, as is required by this argument and this proposition here, that we shall fail to confirm a man nominated by the President because this private letter is not produced by him. The distinctions taken by the Senator from Oregon [Mr. MITCHELL] yesterday on that subject are so plain and apparent that they leave no ground for doubt or reasoning.

But, sir, what does Mr. Webster say in regard to the resolutions now before the Senate, this assumption of power on the part of a majority of this body to control the President of the United States, not in reference to his appointments to office, but in reference to a power admitted even in their own law, his power of suspension?

The Senate proposes to inquire into the grounds and the evidences upon which the President of the United States removed this man Duskin. They wished to know what was the evidence, although Duskin can never be before the Senate, although it is a mere technical question, as was said by the Senator from Vermont and the Senator from New York, that an issue had been joined in the past, and therefore by analogy to the practice of the courts (but no such analogy exits) it could be heard now. We are here charged by the Constitution with an inquiry into the fitness of Burnett to hold the office for which the President has nominated him; we are charged on our oaths with advising or consenting to his nominations, or refusing to do so if he is unworthy, and yet we are told that we must inquire into the evidence of Duskin's unworthiness. What did Mr. Webster say on that subject?

> It would be unfortunate, indeed, if our line of constitutional action were to vibrate backward and forward according to our opinions of persons, swerving this way to-day from undue attachment, and the other way to-morrow from distrust and dislike. This may sometimes happen from the weakness of our virtues or the excitement of our passions; but I trust it will not be coolly recommended to us as the rightful course of public conduct.
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> If we will abolish the distinction of branches, and have but one branch; if we will abolish jury trials, and leave all to the judge; if we will then ordain that the legislator shall himself be that judge; and if we will place the executive power in the same hands, we may readily simplify government.

As these resolutions propose, the President shall not judge in regard to papers that are sent to him, addressed to him personally, advising as to his executive action, but the Senate shall judge, and if they judge differently from him they will not perform their constitutional function. Said Mr. Webster:

> We may easily bring it to the simplest of all possible forms, a pure despotism. But a separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea in the creation of all our constitutions; and, doubtless, the continuance of regulated liberty depends on maintaining those boundaries.

Now, the Senator from Vermont tells us that the boundaries are not to be maintained, that the President of the United States may not even judge not only as to what is a public record, but as to the propriety of communicating to this body a communication addressed to him advising him as to what he shall do in regard to this person or that person; and the pretense is asserted here that the character of somebody is impugned by some private letter of a private citizen addressed to the President of the United States upon which no action has been predicated by him, none announced by him, which has had no vitality or life given to it. Why, sir, there is neither reason nor argument nor right in this. The great party that is represented on the other side should not engage in such a purpose. There is some other object behind this. Neither do the majority in the Senate approve or believe that by their condemnation of the President the people of the United States will concur in that condemnation. It is no doubt for the purpose and the single purpose of retaining in position the party representatives who are now there and preventing their removal from office.

It has been asserted here that the President of the United States may not interpret the Constitution of the United States for himself. These resolutions assert that the Senate must interpret it for him. The great plea in the case of Andrew Johnson, in which the Senator from New York performed so famous a part, was that the Senate, upon a presentation by the House, could sit in judgment and convict the President of the United States because he had interpreted this tenure-of-office act according to his own idea of its constitutionality. That was the question, and the judgment was that he could not be convicted; and the argument of the Senator from New York, the abundant and able argument, the exhaustive argument, was that he could not be convicted for interpreting an act of Congress as to its constitutionality according to his own judgment and his own opinion.

Why, sir, Mr. Lincoln, the great light of the Republican party, declared that these resolutions were wrong, were improper, that he had a right to construe the Constitution for himself. More especially is this true in regard to so small a matter as the question of the surrender to the Senate upon their demand of papers which the President declares have no concern with the public duty he performed, the appointment of a successor to Mr. Duskin. Mr. Lincoln said:

> I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit, while they are also entitled to a very high respect and consideration in all parallel cases by all other departments of the Government; and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.
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> At the same time the candid citizen must confess that if the policy of the Government upon the vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the instant they are made, as in the ordinary litigation between parties in personal actions, the people will have ceased to be their own masters, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Even in regard to the Supreme Court, much less in regard to a majority of the Senate without the concurrence of the House of Representatives, it has been held in the uniform practice of this country, and properly held, that for the President to surrender, for the two Houses of Congress to surrender, or either of the co-ordinate branches of Government to surrender their right to interpret the Constitution for themselves, would be a surrender of the independent and co-ordinate character of that department of the Government to the other. With what reason then can we consider this question in the light of the resolutions of the majority?

Never was there presented or can there be presented a proposition so totally devoid of reason and argument. Even the bright intellect and the learning of the Senator from New York and the Senator from Vermont can not cover the enormity of these propositions. They demand that the Executive shall abdicate not only his executive power of removal, which is admitted by the Senator from Massachusetts, and by the Senator from New York, to exist in him under the Constitution, but they demand that he shall surrender his right to his judgment as to his constitutional power; they demand that as to a mere paper the significance of which is not affirmed, the contents of which are not known, addressed to him personally and relating to his executive action which they acknowledge can not be revised or supervised or altered or affected—they demand that this failure on his part to comply with the demand of a mere majority of the Senate in regard to an entirely immaterial matter shall be a justification and excuse to them for failing and refusing to concur with him in the appointment of suitable persons to office, and even for a vote of censure upon him and his Cabinet officers for not submitting to the judgment of the Senate as to the importance and contents of a private letter which they have never

seen, and as to the contents of which they do not claim to have any knowledge.

But if we admit that the President of the United States has by the Constitution the power to remove an officer, the Senator from New York says the power to suspend comes from the statute. Where in the Constitution of the United States is there any power to pass a law which shall deprive the executive department of an executive power? The Senator from Mississippi [Mr. GEORGE], in one of the ablest arguments ever delivered in this Chamber, and which will carry his name down to posterity with eminence and credit, proved to demonstration by an argument that can not be met, that is perfect in its parts, that the powers of the two Houses are legislative entirely, that they have no executive power except that which the Constitution in express terms has conferred upon the Senate.

The power of removal is essentially a part of the execution of the laws. It can not be and is not pretended to be a legislative power. The power of suspension is equally a power essential to the execution of the laws and does not concern the performance of legislative duties. Unless there be an express grant of power in the Constitution to the Congress of the United States to provide for the suspension or the removal of officers they can not have it, and if there was such a power it would not belong to the Senate of the United States, it would belong to the two Houses of Congress. Therefore he who admits that the power of removal is granted by the Constitution to the President of the United States has no ground of argument to stand upon when he denies that the power of suspension is in like manner granted by the Constitution as an executive power.

In every point of view these resolutions are without authority of reason or argument or law. The history of the tenure-of-office act has been considered at large here. I do not propose to enter into it. Its censure by the great leader of the Republican party, Mr. Blaine, for so many years its Speaker and leader in the House of Representatives, so many years its candidate for the Presidency, its condemnation by many of the leading lights of the party on the ground of expediency, its condemnation by Webster, and the acquiescence in the power by Clay and by Calhoun as a fixed and settled interpretation of the Constitution, settled by the affirmation of the people in its submission to them time and again for a period of seventy years—the exposition of these facts by the Senator from New York in his admirable argument which I have here on the impeachment of Andrew Johnson, leaves that question without a ground of doubt or argument. It is true the Senator from Vermont still holds on to his cherished theory, but the experience of seventy years of this Government, the acquiescence of seventy years, the opinions of all these leading men have demonstrated the constitutional fact and established it as a part of the powers of the Presidential office.

In the colloquy which occurred yesterday evening it was stated that the President of the United States had proposed to the Senate of the United States that they should concur with him in the suspension of an officer, and then the distinguished Senator from Massachusetts undertook to say that therefore it was proper for the Senate to concur with him or refuse to concur and to have the reasons and the evidences upon which he asked for that concurrence. But the argument is too plain. It is not within the proper subject of consideration, although everything that is propounded from a Senator in this great body is supposed to be worthy of argument and consideration.

The idea that a message of the President of the United States can require this body to concur in the performance of an act and function of power which the Constitution has not authorized them to do, but has given it to the President—the idea that those who believe the power of removal is in the President alone by the Constitution of the United States can justify any action by the Senate in regard to a suspension because the President of the United States has acted under a law and proposed to them to do it when the law by their own testimony and admission is of no force and effect when the higher obligation of the Constitution rests upon them, when the judgment of the Senate in the impeachment of Andrew Johnson, when their own party with over a two-thirds majority here has affirmed that fact—the idea that a majority now, in the face even of those troublous times, of the acquittal of Mr. Johnson upon the express and specific ground that as an independent, co-ordinate department of this Government he had the right of judgment in regard to the constitutionality of his action in disobeying the tenure-of-office law—the idea of a majority now, upon the insignificant pretense that a paper the contents of which are unknown, and which the President of the United States says has no importance and no significance to the public service, can be made in the face not only of seventy years of practice, not only in the face of the testimony of Daniel Webster, of the acquiescence of Clay and Calhoun, of repeated popular declarations sanctioning the action of Andrew Jackson, but also supplemented by this great historical transaction, the impeachment and acquittal of Andrew Johnson on that express ground, that it can be made now by a majority of the Senate a ground of censure of the President of the United States because he has exercised his personal judgment, his constitutional judgment, as an independent co-ordinate department of this Government in regard to a private paper sent to him by a private citizen, and the possession of which can not in any wise whatever properly affect the performance of any official act by the Senate, whether the tenure-of-office act be constitutional or unconstitutional, expedient or inexpedient! If the papers called for were here, whether true or false, they would count no more than the unsworn statements of a private individual in regard to another private citizen.

It seems to me that this is small business for the Senate to be engaged in. Suppose we should admit all that is claimed, and we should admit that these letters, these papers, do slander the removed or suspended officers—suppose the fact is admitted here—what has that to do with the question before the Senate of the fitness or the unfitness of Mr. Burnett? And yet it is to obtain this testimony that these two weeks have been expended, it is to obtain testimony in the shape of an unsworn letter or statement, a calumny, if you please, in regard to this officer to afford him before the Senate an opportunity of vindicating himself! How? Not by a trial before this body and in the presence of the country, but by a pretended inquisition by some committee and a discussion in secret session of the fact whether this man stated what was true or what was false.

Suppose we admit that the object is to determine the consistency of the President of the United States in regard to his letters, either before or after his election; what concern has the Senate with that? It is evident that these are pretenses and unworthy pretenses that they have no ground upon which to stand in this body.

I shall not delay the Senate nor detain it for any length of time, but it seems to me that this is a very dangerous subject for this body. We do not represent the people of the United States; we are not elected by them—the President of the United States is. This is a day of popular movement, of popular feeling; a day of the people's power. We see already—it has been alluded to in this debate—how the organizations of the laboring people are striking at the very wheels and motive power of commerce and of trade. I sympathize with them. I see great good to come out of their action. I welcome the organization of labor. I believe that it is consistent with the protection of the highest interests of this people, and I am not unfriendly to it. I believe they will be controlled by a conservative and a wise spirit. It is the coming of a new power, the advent of an industrial age, the coming of greater power of the people into all and over all the departments of the Government.

I trust the Senate may be preserved with the duration of this Government and for all time to come, but it will never be preserved by assuming, upon false pretenses, to be the guardians of the people against the people themselves. It will never be preserved by defying the executive head, elected by the people and responsible to them. It is a dangerous attempt, in order to get a letter said to be slanderous and libelous in regard to an officer whose term of service has expired, to stop the constitutional performance of the duties of this body, to spend from two to three weeks in the discussion of the subject whether that unimportant letter, worthless if had, significant of no purpose, not even useful for the vindication of the private character of the applicant for office proposed by the President or the one suspended or removed, significant for no purpose and to no end and utterly worthless if produced here.

For these reasons, sir, I hope and trust that enough will be found in this body who will give their votes against the passage of a resolution virtually an impeachment, a declaration that this body would if they had the power impeach and ought to impeach the President of the United States, not because of some act performed, but because in its judgment an independent and co-ordinate department of the Government he has directed the officers at the head of the several Departments not to withhold information important to Congress or to the Senate, not to withhold public documents, not to deny access to individual Senators to these letters and papers, but that private correspondence of a slanderous character, calculated to create trouble between man and man, unsworn to, to which he has not given but has refused to give the impress of his official character and official decision—because in the exercise of his private judgment as the great executive head of this Government he has seen fit to say, "These papers are mine; I have not predicated official action upon them; I do not conceive it to be my duty to present them to the Senate;" and that is the whole case.

Mr. INGALLS. Mr. President——

Mr. ALLISON. I ask the Senator to yield to me for a motion to go into executive session.

Mr. EDMUNDS. Before that motion is put, if I may interrupt my friend, I wish to say that I shall ask and insist until a majority of the Senate votes the other way, that this matter shall be disposed of tomorrow.

Mr. INGALLS. I yield, retaining the floor, to the motion of the Senator from Iowa.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received this 25th day of March, 1886.

CONSUL.

James W. Romeyn, of Detroit, Mich., to be consul of the United States at Valparaiso, *vice* David M. Dunn, recalled.

INDIAN AGENT.

Mark D. Baldwin, of Paulding, Ohio, to be agent for the Indians of the Blackfeet agency in Montana, *vice* Reuben A. Allen, resigned.

SURGEON IN THE NAVY.

Passed Assistant Surgeon Nelson McP. Ferebee, to be a surgeon in the Navy, from the 12th March, 1886, *vice* Corwin, deceased.

POSTMASTERS.

M. V. McGarvey, to be postmaster at Salinas, Monterey County, California, *vice* Jacob R. Leese, whose commission expires March 31, 1886.

Carlos A. Holcomb, to be postmaster at New Hartford, Litchfield County, Connecticut, *vice* Hermon L. Jones, whose commission expires April 14, 1886.

E. K. Hosford, to be postmaster at Edinburg, Johnson County, Indiana, *vice* Joshua L. Sims, resigned.

W. E. Banks, to be postmaster at Russell, Russell County, Kansas, *vice* Washington M. Pennell, resigned, to take effect April 14, 1886.

Charles Emile Dupuy, to be postmaster at Plaquemine, parish of Iberville, Louisiana, *vice* Archille St. Dezier, whose commission expires April 11, 1886.

James Y. Patterson, to be postmaster at Martin's Ferry, Belmont County, Ohio, *vice* Samuel F. Dean, whose commission expires April 17, 1886.

D. S. Chessher, to be postmaster at Georgetown, Williamson County, Texas, *vice* Mrs. Ada T. Whittler, to be removed.

Frederick J. Melvin, to be postmaster at Cape May, Cape May County, New Jersey, *vice* Joseph E. Hughes, whose commission expired February 8, 1886. The nomination of Mr. Melvin sent to the Senate on the 23d instant is this day withdrawn.

Henry D. Jones, to be postmaster at Hyde Park, Cook County, Illinois, *vice* Goodrich Q. Dow, whose commission expired December 15, 1885. The nomination of Mr. Jones sent to the Senate on the 22d instant is this day withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 18, 1886.

ASSISTANT REGISTER OF THE TREASURY.

Roswell A. Fish, of California, to be Assistant Register of the Treasury.

ASSISTANT APPRAISER OF MERCHANDISE.

Henry P. Kitfield, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, Massachusetts.

CONSUL.

Rule Letcher, of Missouri, to be consul of the United States at Rio Grande do Sul.

JUSTICE OF THE PEACE.

Luke C. Strider, of the District of Columbia, to be a justice of the peace within and for the said District.

INDIAN AGENT.

Charles H. Potter, of Homer, Dakota County, Nebraska, to be agent for the Indians of the Omaha and Winnebago agency in Nebraska.

PENSION AGENT.

Mrs. Marian A. Mulligan, of Chicago, Ill., to be pension agent at Chicago, Ill.

SURVEYOR-GENERAL.

Jonathan F. Gardner, of Falls City, Nebr., to be surveyor-general of Nebraska and Iowa.

RECEIVERS OF PUBLIC MONEYS.

Thomas W. Tipton, of Brownville, Nebr., to be receiver of public moneys at Bloomington, Nebr.

Philip K. Wiser, of Mankato, Minn., to be receiver of public moneys at Tracy, Minn.

August Peterson, of Albert Lea, Minn., to be receiver of public moneys at Worthington, Minn.

REGISTERS OF LAND OFFICE.

William Smith, of Red Lake Falls, Minn., to be register of the land office at Crookston, Minn.

Ralph N. Marble, of Duluth, Minn., to be register of the land office at Duluth, Minn.

Thomas B. Davis, of Lincoln, Nebr., to be register of the land office at Lincoln, Nebr.

George W. Warner, of Mankato, Minn., to be register of the land office at Tracy, Minn.

John G. Higgins, of Columbus, Nebr., to be register of the land office at Grand Island, Nebr.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Cavalry.

Lieut. Col. Nelson B. Sweitzer, of the Eighth Cavalry, to be colonel, January 9, 1886.

Eighth Regiment of Cavalry.

First Lieut. Edward E. Wood, to be captain, January 20, 1886.

Second Lieut. John A. Johnson, to be first lieutenant, January 20, 1886.

First Regiment of Cavalry.

Second Lieut. James Lockett, to be first lieutenant, March 1, 1886.

Seventeenth Regiment of Infantry.

Lieut. Col. Alexander Chambers, of the Twenty-first Infantry, to be colonel, March 1, 1886.

Eighteenth Regiment of Infantry.

Capt. George K. Brady, of the Twenty-third Infantry, to be major, March 1, 1886.

Twenty-first Regiment of Infantry.

Maj. John S. Poland, of the Eighteenth Infantry, to be lieutenant-colonel, March 1, 1886.

Twenty-third Regiment of Infantry.

First Lieut. William C. Manning, to be captain, March 1, 1886.

Second Lieut. William A. Nichols, to be first lieutenant, March 1, 1886.

POSTMASTERS.

William T. Smith, at Oskaloosa, Mahaska County, Iowa.

Albert E. Nau, at Pittsburg, Crawford County, Kansas.

W. T. McGinnis, at Minden, Kearney County, Nebraska.

Samuel E. Rigg, at Beatrice, Gage County, Nebraska.

George Moore, at Steubenville, Jefferson County, Ohio.

John C. Collins, at Brockport, Monroe County, New York.

Ferdinand Van Derveer, at Hamilton, Butler County, Ohio.

William C. Harris, at Fishkill on the Hudson, Dutchess County, New York.

Thomas Morton, at Nebraska City, Otoe County, Nebraska.

D. W. Cooper, at Bellaire, Belmont County, Ohio.

Joseph S. Booth, at Missoula, Missoula County, Montana.

George A. J. Moss, at Pawnee City, Pawnee County, Nebraska.

Charles M. Wilson, at Tecumseh, Johnson County, Nebraska.

E. V. Wharton, at Yates Centre, in the county of Woodson and State of Kansas.

S. W. Hobbs, at Storm Lake, in the county of Buena Vista and State of Iowa.

A. J. Weber, at Albia, in the county of Monroe and State of Iowa.

David M. Bossert, at Jefferson, in the county of Greene and State of Iowa.

Jonathan N. Wise, at Plattsmouth, in the county of Cass and State of Nebraska.

D. C. West, at Perry, in the county of Dallas and State of Iowa.

James F. Vogt, at Le Mars, in the county of Plymouth and State of Iowa.

REJECTED.

Nomination rejected by the Senate March 25, 1886.

John F. McBlain, nominated to be first lieutenant in the Ninth Regiment of Cavalry, United States Army.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 25, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ORDNANCE SHOPS, WASHINGTON NAVY-YARD.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting, in response to a resolution of the House, a statement showing certain expenditures in ordnance shop in the Washington navy-yard from March 1, 1882, to February 28, 1885; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

LIGHT-HOUSE, GRAND ISLAND, MISSISSIPPI.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for a light-house on Grand Island, in lieu of one on Saint Joseph Island, Mississippi; which was referred to the Committee on Commerce.

CAPE ORFORD LIGHT STATION, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board

amendatory of a former estimate for the next fiscal year for Cape Orford light station, Oregon; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. BEACH, by unanimous consent, obtained leave of absence for this day, on account of sickness in his family.

WHARTON'S INTERNATIONAL DECISIONS.

Mr. KELLEY. Mr. Speaker, I desire to submit a resolution for reference to the Committee on Printing.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That there be purchased, for distribution among the members of the House of Representatives, 2,000 copies of a Digest of International Decisions of the United States edited by Francis Wharton; for distribution among the members of the Senate, 1,000; for the use of the Department of State, 1,000 copies, in all, 4,000 copies; said Digest to be paid for at a uniform price per volume, to be fixed by the chairman of the Committee on Foreign Affairs and the chairman of the Committee on Foreign Relations jointly.

The SPEAKER. Is there objection to the presentation of the resolution?

Mr. RANDALL. Is the resolution offered merely for reference?

The SPEAKER. It is.

There was no objection, and the resolution was referred to the Committee on Printing.

SALE OF PROPERTY IN CHICAGO.

Mr. WORTHINGTON. Mr. Speaker, I ask unanimous consent to take up for present consideration a bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey such property.

The SPEAKER. The gentleman from Illinois [Mr. WORTHINGTON] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from further consideration of the bill indicated by him and that it be now considered. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I am very much disinclined to object to the consideration of a bill which has been reported favorably by a committee of this House; but this bill proposes to sell property belonging to the Government, and, inasmuch as we have not been able to understand the measure fully from the mere reading, I submit that the gentleman from Illinois should not press his request at this time. I prefer that the matter should go over.

Mr. WORTHINGTON. There are very great interests which will be delayed and hindered if this bill be not acted on promptly.

Mr. HOLMAN. I think we should have an opportunity of examining this measure carefully. Our experience in matters of this kind has been very unfortunate.

Mr. WORTHINGTON. A bill passed at the last session provided for the erection of this public building. This measure simply turns back into the Treasury the unexpended appropriation and provides that the proceeds of the sale of ground now owned by the Government may be used for the erection of this building.

Mr. HOLMAN. But we must buy other property, as my friend knows; and I think we ought to consider this matter more deliberately.

The SPEAKER. Objection being made, the bill is not before the House.

EXPENDITURES FOR INDIANS AND YELLOWSTONE PARK.

Mr. FARQUHAR. I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the accompanying resolution, providing for the printing of 3,000 additional copies of the report of the Select Committee on Expenditures for the Indians and Yellowstone Park, having duly considered the same, report it back to the House with the recommendation that it pass.

The estimated cost of printing is $472.20.

"*Resolved*, That there be printed 3,000 additional copies of the report of the Select Committee on Expenditures for the Indians and Yellowstone Park; 2,500 copies to be for the use of the House and 500 copies to be for the use of the committee."

The resolution reported by the committee was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS ALLOWED BY TREASURY DEPARTMENT.

Mr. SCOTT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of all claims allowed by the accounting officers of the Treasury enumerated in the House Executive Documents Nos. 55 and 153, Forty-eighth Congress, second session, for which appropriations have not been made.

Mr. SCOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON PUBLIC BUILDINGS, ETC.

Mr. DIBBLE. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, April 17, 1886, after the morning hour for consideration of bills reported from committees, be fixed for the consideration of such bills reported from the Committee on Public Buildings and Grounds as involve no expenditure from the Treasury, or an expenditure not exceeding $25,000 in any one bill; not to interfere with prior special orders or general revenue or appropriation bills, but if displaced by such, then to continue a special order for each Saturday thereafter until consideration of such bills be had.

The SPEAKER. Is there objection to the present consideration of this resolution.

Mr. SPRINGER. The last clause of the resolution would seem to give this committee the right to occupy Saturdays with their business during all the rest of the session after the date fixed.

Mr. DIBBLE. The provision of the resolution is simply that if our business be displaced on the Saturday designated we shall be entitled to occupy a subsequent Saturday until consideration is had.

Mr. SPRINGER. Then the committee is only to have one day, as I understand.

Mr. DIBBLE. Only one day.

Mr. SPRINGER. I have no objection to that.

Mr. MCMILLIN. Reserving the right to object, I want the gentleman from South Carolina to state what class of bills it is proposed to consider.

Mr. DIBBLE. Cases of partition of Government property, cases involving no money but which it is to the advantage of the Government to have considered; and in addition to those small bills involving appropriations of perhaps $10,000, $15,000, or $20,000, necessary to finish buildings now waiting for the money.

Mr. WARNER, of Ohio. And the order affects only a part of one day?

Mr. DIBBLE. Only one day.

There being no objection, the resolution was considered and adopted.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PERKINS. I ask unanimous consent to call up from the House Calendar for present consideration House bill No. 6394.

Mr. MCMILLIN. I call for the regular order. I think it best we should proceed with the public business.

The SPEAKER. The regular order is the call of committees for reports for reference to the appropriate calendars.

GEORGE S. STORRS.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (S. 831) for the relief of George S. Storrs, of Texas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

UNITED STATES COURTS AT VICKSBURG, MISS.

Mr. ROGERS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

UNITED STATES COURTS, BAY CITY, MICH.

Mr. ROGERS, from the Committee on the Judiciary, also reported, as a substitute for H. R. 1221 and 2969, a bill (H. R. 7215) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills Nos. 1221 and 2969 were ordered to be laid on the table.

Mr. ROGERS. I ask unanimous consent that the minority have permission to file its views, to accompany the report of the committee on this bill.

There was no objection, and it was so ordered.

FEES OF CLERKS, UNITED STATES COURTS.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back with favorable recommendation the bill (H. R. 3593) to repeal section 840 and to amend section 839 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, NEBRASKA.

Mr. CASWELL, from the Committee on the Judiciary, reported, as a substitute for H. R. 5005, a bill (H. R. 7216) to provide for holding terms of the United States district and circuit courts in the district of

Nebraska; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5005 was ordered to be laid on the table.

IRRIGATION, COLORADO DESERT.

Mr. VAN EATON, from the Committee on the Public Lands, reported back with favorable recommendation the bill (H. R. 3219) to promote the introduction of fresh water on the Colorado desert; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. HILL, from the Committee on the Territories, reported a bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Territories.

COLUMBIA COUNTY, WASHINGTON TERRITORY.

Mr. COOPER, from the Committee on the Territories, reported back with favorable recommendation the bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT CHATTANOOGA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 2347, a bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2347 was ordered to be laid on the table.

PUBLIC BUILDING AT WORCESTER, MASS.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with favorable recommendation the bill (S. 230) for the erection of a public building at Worcester, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

E. B. DAWSON.

Mr. BUCHANAN, from the Committee on Claims, reported back with amendments the bill (H. R. 5326) for the relief of E. B. Dawson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRYAN TYSON.

Mr. GALLINGER, from the Committee on Claims, reported back with amendments the bill (H. R. 3239) for the relief of Bryan Tyson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. B. THOMPSON.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 570) for the relief of E. B. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HIESTAND, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2088) for the relief of Andrew Shoenfelt; which was laid on the table, and the accompanying report ordered to be printed.

ANNUAL REPORT BUREAU OF ETHNOLOGY.

Mr. REID, of North Carolina, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. Res. 120) to print the annual bulletin of the Bureau of Ethnology; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORTS OF GEOLOGICAL SURVEY.

Mr. REID, of North Carolina, from the Committee on Printing, also reported back with a favorable recommendation the joint resolution (H. Res. 130) to distribute copies of special memoirs and reports of the Geological Survey; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PURCHASE OF FOREIGN-BUILT SHIPS, ETC.

Mr. DUNN, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 3159 and 5207, a bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States, and to admit certain materials to be used in the construction of vessels free of duty; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY. I ask unanimous consent on behalf of the minority of the committee to present their views and to have them printed with the report of the majority.

There was no objection.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 4241) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM F. DUNLOP.

Mr. COLLINS, from the Committee on the Judiciary, reported back with amendments the joint resolution (H. Res. 79) for the relief of William F. Dunlop, trustee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees. The hour for the consideration of bills commences at one minute before 1 o'clock. The call rests with the Committee on Printing.

LEAVE OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE. I am instructed by the Committee on Printing to call up for consideration the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, and to request unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and to consider it in the House.

The bill was read, as follows:

Be it enacted, &c., That the employés of the Government Printing Office be allowed a leave of absence, with pay, not exceeding fifteen days in any one year, at such time as the Public Printer may designate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that the same be considered in the House?

Mr. STORM. I will object unless the report is read or some explanation is given.

The SPEAKER. The reading of the report would be in the nature of debate.

Mr. STORM. Then I object.

Mr. BARKSDALE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill I have indicated.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HATCH in the chair), for the consideration of the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office.

The bill was again read.

Mr. BARKSDALE. This bill is founded on a motive to deal justly and impartially by the employés of the Government. For probably half a century the Department clerks have enjoyed the privilege which is proposed to be secured to the beneficiaries of this bill, with this difference, however, that the Department clerks are allowed thirty days' leave of absence with pay, while this bill proposes to allow but fifteen days' leave of absence, with pay, to the employés of the Government Printing Office.

The Forty-eighth Congress, I will remark, Mr. Chairman, passed a bill extending to letter-carriers the benefits of the allowance which is proposed by this measure. The employés of the Government Printing Office, whose services are indispensable to the Government, whose work is as faithful, and who toil more hours in the day than any other employés of the Government, are alone the excepted class. The bill will place them measurably, though not wholly, upon an equality of privilege with other employés of the Government.

Now, sir, without taking up further time of the committee in explanation of the objects of this bill, I will send to the Clerk's desk the report of the very efficient and competent Public Printer, and ask him to read what relates to this subject.

The Clerk read as follows:

I desire again to renew my recommendation for fifteen days' leave of absence annually for the employés of the Government Printing Office. In speaking upon this subject in previous reports, I said:

"In view of the fact that the clerks in the various Departments, working a less number of hours per day, are entitled to thirty days' leave of absence each year, I submit that as a matter of right and justice to the employés of the Government Printing Office, who have ever been faithful day and night, it would seem proper that at least to some extent the law should be so modified that they too can be favored with a leave of absence. A more faithful and devoted class of employés can not be found in any Department; and I respectfully call the attention of Congress to this question, and express the hope that some provision may be made for them in the direction indicated."

A bill making a specific appropriation for this purpose (as was done in the case of the letter-carriers of the Post-Office Department) would be an act of justice to those who work more hours for less pay than any other class of Government employés. When unfortunately stricken down by sickness their pay at once ceases, while in almost every other branch of the Government under such circumstances employés continue to draw their pay. The prompt, efficient, and faithful work of this office advances legislation in a very gratifying degree; and those who, during the session, work extra hours, at the risk of health, and sacrifice of hours that belong to home duties, should receive some recognition that will at least be a step in the direction of justice as between the different classes of Government employés.

Believing that such a deserved and just law would be recognized by a still more efficient service, and, above all, on account of the equity in the request, I earnestly recommend that a special appropriation of $90,000 be made for the purpose of granting the employés of this office fifteen days' leave with pay. This recommendation is made in lieu of any proposed legislation for leave on account of sickness, as it is believed that furloughs granted on that account might result in much abuse of the privilege. Under all the circumstances, in my judgment, fifteen days' annual leave will be more satisfactory. This will be but one-half the time allowed in the various Executive Departments, and I hope this recommendation, so often urged, will be regarded as reasonable, and result in favorable action.

Mr. STORM and Mr. TAULBEE rose.

The CHAIRMAN. Has the gentleman from Mississippi [Mr. BARKSDALE] yielded the floor?

Mr. BARKSDALE. Yes, sir.

Mr. TAULBEE. I offer the amendment which I send to the desk:

The Clerk read as follows:

Add to the end of the bill the following proviso:

"*Provided*, That no employé shall be entitled to the benefits of this bill who has not served as such employé for a period of six months next preceding the application for such leave of absence."

Mr. TAULBEE. I hope this amendment will be agreed to, because it will obviate the trouble which may arise in the operation of this bill.

Mr. BARKSDALE. Will the gentlemen permit me to interrupt him?

Mr. TAULBEE. Certainly.

Mr. BARKSDALE. I wish merely to state that the committee has formulated an amendment covering the very ground this amendment covers, and it will be offered as soon as opportunity is presented.

Mr. TAULBEE. I have no ambition to gratify in offering amendments. But after the gentleman had presented the bill, offered his argument in its favor, and yielded the floor, I could not arrive at any other conclusion than that he proposed to submit the bill as it then stood.

I am perfectly willing, providing the amendment to be offered by the committee covers the particulars intended to be covered by my amendment, to withdraw mine. I, however, will not withdraw it until I have an opportunity to ascertain what is contained in the amendment proposed by the committee.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. TAULBEE] that his amendment was read by unanimous consent merely for the information of the House. Amendments are not in order until general debate upon the bill has been closed.

Mr. TAULBEE. But, Mr. Chairman, I understood that general debate was closed, from the fact that the gentleman in charge of the bill had surrendered the floor and there was no one else attempting to be recognized.

Mr. STORM. I had risen, Mr. Chairman.

The CHAIRMAN. The Chair recognized the gentleman from Kentucky [Mr. TAULBEE] for the purpose of debating the bill, if he so desired, and the gentleman from Pennsylvania [Mr. STORM] also rose at the same time. The gentleman from Kentucky is now recognized for debate if he so desires.

Mr. TAULBEE. Mr. Chairman, if in submitting the few remarks which I have to submit upon this bill it is to be considered that I am in the attitude of opposing the bill, I wish now, for the purposes of debate, to assume the position. I can not say that I am opposed to some such bill as this, properly guarded against abuses. I know it is a generally conceded proposition that the men in charge of the patronage of the Government are presumed to be honest, and that every man charged with the high responsibility of a public position in the Government Departments will use his best endeavor to bring about such a state of the public service as will command the respect of the country. I say this is a general, and it seems to be a reasonable, conclusion, but if we were left to arrive at such a conclusion by our own observation, it would require on the part of the average member of Congress only about one month's experience with these public Departments to ascertain that they are full of abuses, and therefore I am opposed to passing any bill here in relation to administration in the Departments unless it be so hedged about by safeguards as to preclude the possibility of abuses of the public service, I care not who may have charge of the administration of that service.

I believe, Mr. Chairman, it is my duty to guard the interests of the Treasury. I believe that it is my duty as a Representative on this floor to with my vote and my voice do everything in my power to protect the rights of the people who are compelled to pay the taxes that support the public service of this country. In view of that fact, Mr. Chairman, more than two weeks ago I introduced a resolution looking to the correction of certain abuses in the public service. That resolution was overlooked for two weeks by the committee to which it was referred, and was reported back yesterday with such amendments as may possibly destroy its efficiency; but it is to be hoped, at least by the more sanguine, that the resolution, even as amended by the committee, may effect the object for which it was intended.

Mr. Chairman, the existence of the facts which led to the introduction of that resolution is not generally known to the public. The abuses which have existed in the public service of this country for a number of years have been kept hidden from the public, and it was to be hoped, Mr. Chairman, that when the people elected a Democratic administration those abuses would have been promptly and effectually corrected.

Mr. WEAVER, of Iowa. Will the gentleman from Kentucky yield for a question?

Mr. TAULBEE. Certainly.

Mr. WEAVER, of Iowa. Will the gentleman please state to the committee what abuse he thinks would arise under this bill?

Mr. TAULBEE. The abuses, Mr. Chairman, which I imagine could arise under this bill, under practices not less corrupt than those indulged in by other branches of the public service, would take this form: Under this bill appointees might receive leave of absence with pay without having served more than one day.

Mr. WEAVER, of Iowa. Mr. Chairman——

Mr. TAULBEE. I am not through, if the gentleman pleases; I wish to answer his question fully. The abuse would be that an employé after serving perhaps one day might receive leave of absence with pay, and then, after serving a day after his return, might be dismissed; then his successor, after serving one day, might become the beneficiary of this bill and might serve another day at the end and might then be dismissed, and so on.

Mr. WEAVER, of Iowa. But I understand from the chairman of the committee that reported this bill that they have an amendment expressly designed to prevent that abuse.

Mr. TAULBEE. I understand that, and I think the chairman and the members of the committee understand my position in the matter.

Mr. COX. Mr. Chairman, I ask to have the amendment proposed by the committee read. It covers the point which the gentleman from Kentucky has in view.

Mr. WEAVER, of Iowa. Let it be read for information.

Mr. FARQUHAR. Will the gentleman from Kentucky yield to me for a moment?

Mr. TAULBEE. I will yield to one at a time. In response to the suggestion of the gentleman who has just addressed me—I believe he is a member of the committee—I wish to say that I am willing to have the amendment proposed by the committee read in my time. Now I yield for a question.

Mr. BARKSDALE. If the amendment of the committee covers the entire ground desired by the gentleman will he support the bill?

Mr. TAULBEE. That depends, Mr. Chairman, upon some facts which may be developed from the cross-examination of the gentleman in charge of the bill. [Laughter.]

Mr. BARKSDALE. Very well; then I will expect your support.

Mr. TAULBEE. You can have my support on the grounds I have indicated. My support will depend upon facts which I hope to develop by an examination of the gentleman in charge of the bill.

The amendment proposed by the Committee on Printing was read, as follows:

After the word "year," in line 5, insert the words "after the service of one year, and under such regulations and;" so that if amended the bill will read as follows:

"That the employés of the Government Printing Office be allowed a leave of absence with pay, not exceeding fifteen days in any one year, after the service of one year, and under such regulations and at such time as the Public Printer may designate."

Mr. FARQUHAR. Now, will the gentleman from Kentucky yield to me for a brief statement?

Mr. TAULBEE. I yield for the gentleman's statement.

Mr. FARQUHAR. The gentleman will see that while he claims that the term of service should be six months in order to entitle an employé to this leave of absence, the amendment proposed by the Committee on Printing makes the time of service one year. That was done to make it conform to the rule in other cases. For instance, the letter-carriers are allowed the same leave of absence and so are the employés in other Departments. The purpose is simply to make the rule uniform. The committtee do not doubt that six months' service would be perhaps sufficient to entitle an employé to a leave of absence, but for the sake of conforming to the general rule in the other Departments we propose to make the term one year. That is the unanimous judgment of the Committee on Printing.

Mr. TAULBEE. Mr. Chairman, I believe that the amendment offered by the gentleman who represents the committee will work hardship on the employés of this department. It may not suit the convenience of the public service to grant these leaves of absence in a particular season of the year; for instance during the session of Congress. But if an appointment is made about the time of the convening of Congress, the first Monday in December, such an appointee, under the amendment proposed, must serve one year before he can receive the

benefits of this bill. His one year's service will thus expire about the time Congress reconvenes and then it may not be possible to dispense with his services. Thus, under the amendment, the service of an appointee may be continued fifteen or eighteen months before he can receive any benefit from this bill.

Mr. STONE, of Kentucky. I would like to ask my colleague a question. Judging by his experience since he has been a member of Congress, will he tell the House how many appointments he thinks are likely to be made during any one session of Congress? [Laughter.]

Mr. TAULBEE. So far as my experience goes, I do not think it has been sufficiently extensive in the matter of securing appointments to entitle my opinion to any weight with this House. [Laughter.] I am glad, however, to know that my colleague from Kentucky [Mr. STONE] has been a little more fortunate in that particular than I have.

Now, Mr. Chairman, while this amendment covers the point intended to be covered by the amendment which I offered, I believe that if employés in the Government Printing Office are entitled to the leave of absence contemplated by the bill, they ought to be entitled to it after having served a period of six months. The gentlemen, however, in charge of this bill seem to have undertaken to afford the relief which their knowledge of the business of the Government Printing Office would indicate as needful. I shall not, therefore, antagonize the amendment offered by the committee, nor shall I insist on the amendment which I have sent to the Clerk's desk. I am willing that every employé in the public service shall be treated with fairness. I am unwilling that from any consideration, either personal or political, the honest employés of this Government shall be in any manner oppressed. But for reasons which I believe to be right, because I represent a constituency which aids in the payment of the public taxes of this country, I shall at all times insist upon dispensing with such appointees, such service, and such salaries as are conceded to be unnecessary for the proper execution of public business.

I shall also insist as a Representative, knowing that it is my right to do so, that all abuses practiced in the public service shall be speedily corrected. In other words, I can not, for the sake of appearing to support an administration to which the country looks for so great blessings, wink at or tolerate by my silence the practice which has for a number of years prevailed in our public service of selling offices as matter of merchandise. Nor can I, in duty to myself and the oath which I have taken, be silent when persons whose services are not necessary to carry on the business of the Government are retained upon the pay-rolls as a matter of political or personal favoritism. These abuses, Mr. Chairman, do exist; and the country is to be congratulated that the present administration has in some measure corrected these abuses; and the verbal assurance is given (be that worth what it may) that, as speedily as can be done consistently with the interests of the public service, the abuses still existing shall be wiped out.

In view of these considerations I regard it as our duty to guard carefully any provisions of law introduced into this House granting privileges to employés in the public service. I believe that if the employés of the Government Printing Office are carried on the rolls in the same manner as are employés in the other Departments they are entitled to as much leave of absence during the year as the employés in the Treasury Department or the Interior or the Post-Office or any other Department of the Government. I am glad that the committee have reported such a bill as this. I am glad that they are awake to the interests of these honest employés, for I presume they are honest, as I know nothing to the contrary. I am ready and willing to vote on the bill as proposed to be amended.

Mr. REID, of North Carolina. In reply to the remarks of the gentleman from Kentucky [Mr. TAULBEE] as to the abuses creeping into the Government offices, I wish to say that instead of the measure now proposed being liable to lead to abuse, we seek to relieve the employés of the Government Printing Office from an evident injustice and oppression. In that office there are employed about eight hundred females and fifteen hundred males. The work which these employés perform is more onerous, the time occupied is longer, the pay is smaller than in other departments of the Government where the employés are allowed a leave of absence of thirty days with pay. This bill, as we propose to amend it, provides simply that persons employed for one year in the Government Printing Office may, under such regulations as the Public Printer shall prescribe, be entitled to a leave of absence of fifteen days with pay. This proposition being the first that has been introduced in Congress for the relief of this class of people who work for wages, and carrying on its face so much evident justice and right, we had hoped the bill would be passed without further debate. I trust that by unanimous consent the general debate may terminate, that the amendment may be adopted, and the bill passed.

Mr. STORM. I wish to inquire whether persons employed in other Departments of the Government as laborers have any leave of absence.

Mr. REID, of North Carolina. I do not know how it is with respect to laborers; that is the point we want to get at. The clerks receiving high salaries and doing light labor are allowed leaves of absence, while these persons in the Government Printing Office who do the hardest labor, who bear the brunt and burden of the work, have no leave of absence on pay at all.

Mr. BARKSDALE. I would like to answer the question of the gentleman from Pennsylvania [Mr. STORM]. I desire to say that all these employés in the different Departments are laborers, some laboring with the pen, others laboring in other ways; so that the principle is precisely the same.

Mr. STORM. I merely asked the question for information.

Mr. MCMILLIN. Will the gentleman from Mississippi yield to me for one moment?

Mr. BARKSDALE. Yes, sir.

Mr. MCMILLIN. I will suggest the propriety to the gentleman from Mississippi of so amending the bill as to make it a little more definite as to whom it embraces.

Mr. BARKSDALE. I am unable to hear the amendment suggested by the gentleman from Tennessee because of the confusion in the Hall.

Mr. MCMILLIN. What I was suggesting was more explicitness in the bill. This is a proposition to place the employés of the Government Printing Office upon the same footing that employés in the other Departments of the Government stand upon. But it will be remembered that they are not employed in the same way, and therefore there ought to be some provision in the bill clearly showing to whom it applies that it may be administered properly.

Mr. WEAVER, of Iowa. There is already a provision in the bill that covers that very point.

Mr. MCMILLIN. In my opinion it does not cover it.

Mr. BARKSDALE. Yes; that is provided for in that clause of the bill which requires these leaves shall be granted under such regulations as the Public Printer may prescribe. If it is piece-work, for example, as it is called in printers' phraseology, and the average pay of the employé is $100 a month he would be allowed $50 for a leave of absence for two weeks.

Mr. MCMILLIN. While I sympathize with the object of the bill of placing the employés of the Government Printing Office on as favorable a footing as those occupy in the other Departments of the Government, I suggest to the gentleman from Mississippi that his bill is insufficient. It is crude in this respect: A large number of the force is employed on what is known as piece-work. They may work if they can get the work to do, or they may stay away, or have to sit in idleness and "wait for something to turn up." They may work half an hour to-day, or five hours to-morrow, or the whole day, as the Government's necessities may demand. They may work a week, a month, or six months, if the Government has employment for them. They are under no obligation to continue in the service except when there is work to be done.

Mr. FARQUHAR. Let me ask the gentleman from Tennessee in what Department this is done; where is it a man is allowed to go when he pleases?

Mr. MCMILLIN. I did not intend to say exactly that, but that some of the work in the Printing Office is temporary and uncertain in its nature, not furnishing regular annual employment. Such an employé on piece-work does not stand on the same footing as a man does who is employed by the year in any one of the Departments, because among other things you can not regulate or calculate the time.

Mr. FARQUHAR. Of course not.

Mr. MCMILLIN. He is employed by the piece. Some days he will be kept busy; other days he will have nothing to do. He sits at his desk when unemployed, or goes out into the city as may be his inclination or the permission of the office. His work is not annual or regular.

Now, I can not see how you are going to do justice by the Government and by the employés of the Government with the state of facts facing you by the bill before us without amendment.

Mr. FARQUHAR. Allow me to explain to the gentleman.

Mr. MCMILLIN. Certainly.

Mr. FARQUHAR. These men are borne on the rolls, whether on piece-work, on the RECORD, or any other regular work. They are not subject to their own discharge. They are borne on the rolls. When there is continuous piece-work, the men may work nine months or six months or four months or whatever time it may be. And these are employés such as are described and provided for in this bill, and this bonus or benefit to these employés is placed in conformity to and in accordance with the same rules provided for the other employés of the Government; that is, under such rules and regulations and at such time as will comport with the needs of the public service, such as the Public Printer may designate. If the employé faithfully does his duty and is borne on the roll for one year on piece-work or on regular work, it is provided he shall have this leave of absence.

Mr. MCMILLIN. It may be that for the six months they are borne upon the rolls there will be nothing for them to do.

Mr. FARQUHAR. There is nothing in fact of that character in the Government Printing Office.

Mr. MCMILLIN. Yes, there is.

Mr. FARQUHAR. Then the gentleman must mean substitutes.

Mr. MCMILLIN. That class I am speaking of go there and do whatever work may be given to them as piece-work. It may not amount to half an hour a day, or it may amount to the whole day. You propose to give the same leave of absence to those employés as to those who work nine hours a day continuously.

Mr. FARQUHAR. No; we do not.

Mr. McMILLIN. Where is the provision which prevents it?

Mr. FARQUHAR. In this expression, if the gentleman will allow me to interrupt him, "after a service for one year."

Mr. McMILLIN. "After a service for one year." What sort of service? Those who are paid by the piece get their pay because they are borne on the roll in some capacity. There is no question about that. And a roll is made out for this class of employés just as it is for those who stand there and feed the machines for eight hours a day.

Mr. SOWDEN. Will the gentleman permit me to interrupt him for a moment?

Mr. McMILLIN. With pleasure.

Mr. SOWDEN. I merely wish to ask if the gentleman does not know that there are no employés doing work as compositors in the printing department that are borne on the annual rolls or employed by the year? Are they not all employed to do this work by the day?

Mr. McMILLIN. That is true with most of them, and is the very point I am trying to get at. It is that information which I regard as essential to a proper understanding of this bill. Now, this bill, we are told, pretends to do a measure of justice to this class of employés, the same measure that is done to the other classes of employés under the Government; but there is a class of employés in the Government Printing Office to which I have referred who do not stand on the same footing with the others. How are we to reach them? That is the question. Take, for instance, the workers on the CONGRESSIONAL RECORD. They have nothing to work on except for six months of the year. They can not have a year's continuous work.

Mr. WEAVER, of Iowa. Let me interrupt the gentleman from Tennessee to say that the bill does not provide that they shall have this leave only because they are borne on the rolls. It provides that those who have served for a period of one year, who have worked for a year, for that is the meaning of the word "served," shall have this leave of absence; and not because their names are borne on the rolls.

Mr. REID, of North Carolina. Will the gentleman from Tennessee permit a suggestion?

Mr. McMILLIN. Certainly.

Mr. REID, of North Carolina. Suppose some of these employés are paid by the piece and not paid annually, but are paid for what they do; how would you know how to pay them for the time they are furloughed in case a furlough shall be granted to them?

Mr. McMILLIN. That is the very question I am trying to have answered by the author of the bill or you of the committee reporting it. You are the men making the report and you do not give me information upon this point. That is what I want to find out, information that we ought to have.

Mr. REID, of North Carolina. I do not think the provisions of the bill apply to those who are doing this class of work.

Mr. McMILLIN. Then we understand what the committee intend.

Mr. REID, of North Carolina. If the gentleman will make a suggestion that will cover that particular branch of the case it will be very satisfactory.

Mr. McMILLIN. I agree with my friend from North Carolina that something of the kind he suggests would make the bill more definite. I stated that the bill ought to be more explicit in its provisions. Now if we can get it to a plane where we can legislate properly upon this subject and do justice to all alike we ought to do it; but we certainly ought not to be expected to act until we know precisely what we are doing. As it is now, we are, I fear, left in too much uncertainty as to the effect of the bill.

Mr. WEAVER, of Iowa. But the gentleman from Tennessee forgets that the business of that office is so complicated that if the House would undertake hastily to prescribe a rule of action for the guidance of the office it would be liable to fall into some serious error.

Mr. McMILLIN. And for that very reason the House ought to proceed very deliberately and not in a groping or pell-mell way.

Mr. WEAVER, of Iowa. But the House is proceeding deliberately, just as the committee did in framing the bill. In the very nature of things such matters as the gentleman from Tennessee refers to must be left to the discretion of the Public Printer. It is a subject that can not be legislated upon in all of its details. It is not for the House, therefore, to determine what discretion the Public Printer shall exercise in this particular matter, but he must be guided by his own discretion just as is the case with the other heads of Departments.

Mr. McMILLIN. If we can not devise a proper method of arranging the matter, how do we know the Public Printer can?

Mr. FARQUHAR. Exactly as in the case of all the other Departments.

Mr. BARKSDALE. Will the gentleman from Tennessee permit me a moment?

Mr. McMILLIN. Certainly.

Mr. BARKSDALE. I wish to state to the gentleman that the piece-work employés to whom he refers are regular employés of the office. They are not paid by the month stipulated salaries, but by the work done; and the Public Printer takes the piece-work employés and ascertains what his averages are by the month and bases his estimates upon that.

There is nothing crude or imperfect in the bill. It has been carefully considered by the committee, and I contend it is perfectly fair and easily understood by any man acquainted with the details of the office.

Mr. McMILLIN. The gentleman from Mississippi says that the provisions of this bill with reference to this class of employés can be readily understood. Now, I ask the gentleman, what number of days, under the provisions of this bill, leave of absence would be granted to the piece-work men.

Mr. BARKSDALE. As the bill provides, fifteen. And the piece-work employés, I will say to the gentleman, are as regular as any other employés in the department.

Mr. WEAVER, of Iowa. But they do not get any leave unless they have served a year.

Mr. BARKSDALE. They are paid by the piece, but they must have worked a year before they are entitled to the leave.

Mr. McMILLIN. They sometimes have to wait two week before they get anything to do.

Mr. BARKSDALE. But if they are not doing anything they are not paid.

Mr. McMILLIN. But you say by this bill that they are to get fifteen days' leave of absence, no matter what the terms are. As they are paid by the piece, how much money will you pay for their days of absence? Now, I am willing that the bill shall pass granting to these employés such relief as will place them upon the footing of other employés of the Government. If the House thinks this is a proper bill to pass, let it be done. I am ready to do justice; but I fear we are not doing it very intelligibly. It looks to me like we are passing a bill the provisions of which do not seem to have been overcarefully matured.

Mr. MATSON. Mr. Chairman——

Mr. McMILLIN. Just a word further. I wish to state that I am in favor of giving these employés, when it can be done on the same footing with the other employés, their fifteen days' leave of absence; but I do not see how this bill accomplishes the object, especially when I remember that the Government Printing Office is on an entirely different footing from the other Departments. Even under the system known as "civil-service reform" system, that has delighted so many people's heads and the hearts of so few, it is not now on the same footing as the others—not being subject to that law.

Mr. MATSON. I had the honor to introduce the bill under consideration. I apprehend the difficulty the committee now meets with. There were two kinds of employés: One who works by the time and the other by the piece. But I apprehend that the provisions of this bill, as proposed to be amended by the committee, providing this leave of absence shall be granted under such regulations as the Public Printer may prescribe, will fully meet that difficulty.

It may be impossible for my friend from Tennessee [Mr. McMILLIN] or myself to point out just exactly how the Public Printer will designate the time when these employés shall be given their leave of absence and as to how much pay shall be designated to each one; but with a competent head of that office there can be no difficulty about doing justice to these employés upon the basis of giving them fifteen days' leave with pay. I apprehend under the bill he will take into consideration that clause which provides they shall have served one year; and if during the previous year any employé has been idle for six months, that will be a matter within his discretion. At the head of the greatest business institution in all our Government, he will take that into consideration, and designate the time as to how much leave the particular employé will have, if any. There is a discretion given in this matter to the Public Printer that meets this difficulty.

Now I believe the House wants to pass this bill. I believe the basis of it, the proposition to do justice to those who are peculiarly laborers in the service of the Governmont of the United States, is one that meets the approval of this House and one that it is ready to indorse.

Mr. STEELE. I should like to ask my colleague a question.

Mr. MATSON. I yield to my colleague for a question.

Mr. STEELE. The gentleman was speaking about a competent head of the Government Printing Office. I would like to know what are the prospects of this in the future?

Mr. MATSON. I do not know. I am interested now in the prospects of this bill. That is what interests me. I am interested in the employés of the office more than in the office of the Public Printer.

The CHAIRMAN. The Chair understands that the gentleman from Kentucky [Mr. TAULBEE] withdraws his amendment.

Mr. TAULBEE. I do, with the right to renew it if the other amendment is not adopted.

The CHAIRMAN. The question is on the amendment submitted to the committee.

The amendment was read, as follows:

After the word "year," in line 5, insert the words "after a service of one year and under such regulations and;" so that it will read:

"That the employés of the Government Printing Office be allowed leave of absence with pay not exceeding fifteen days in any one year after a service of one year, and under such regulations and at such time as the Public Printer may designate."

The amendment was adopted.

Mr. BARKSDALE. I move that the committee rise and report the bill as amended to the House with the recommendation that it do pass.

Mr. McADOO. Before that is done I wish to offer an amendment.

Mr. BARKSDALE. I would remind the gentleman that the time left of the hour is very short, and I am anxious to get a vote.

Mr. MCADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "office," in line 3, insert the words "and the Bureau of Engraving and Printing."

Mr. BARKSDALE. I hope the gentleman will not encumber this bill with that amendment.

Mr. MCADOO. Is there a bill now pending which covers the object of my amendment? These employés are just as deserving as those of the Printing Office, and both are deserving of what is now accorded to more favored, if less industrious, employés. I do not want, however, to imperil this just measure nor interfere with the Labor Committee, which will undoubtedly take proper care of these deserving people in the bureau. I want all of these employés to get their vacation.

Mr. O'NEILL, of Missouri. There is a bill reported from the Committee on Labor covering that point. I earnestly hope there will be no obstruction to the passage of the bill now under consideration, which is extremely meritorious. This class of employés, equally with other Government employés, are deserving of this needed rest.

Mr. MCADOO. That is satisfactory to me.

Mr. LORE. I make the point of order that the amendment is not germane, and also that it is the substance of a bill now pending. I of course do not object to the employés of the Bureau of Engraving and Printing having any such leave of absence. On the contrary, I favor that proposition; but I object to the proposed amendment, because the effect of it, urged at this time, would be to kill this bill.

The CHAIRMAN. The Chair sustains the point of order. The question is on the motion of the gentleman from Mississippi that the committee rise and report the bill as amended with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, had instructed him to report the same back to the House with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1851) establishing a commission to report to Congress on manuscripts belonging to the Government.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1556) for the relief of David W. Jones; and

A bill (H. R. 81) granting a pension to Margaret B. Harwood.

DISTRIBUTION OF UNITED STATES OFFICIAL REGISTER.

Mr. REID, of North Carolina. I am instructed by the Committee on Printing to call up for consideration the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States. And to save time I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the resolution and to consider the same in the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The joint resolution is before the House for consideration.

The joint resolution was read, as follows:

Resolved, &c., That inasmuch as the Official Register of the United States is now supplied to depositories of public documents as one of the set of Congressional documents in leather binding, so much of the act of December 15, 1877, as provides for supplying depositories with this document is hereby repealed; and the Secretary of the Interior is authorized to send the Register to such library not a depository as shall be named to him for the purpose by each Senator, Representative, and Delegate in Congress.

SEC. 2. That the Public Printer shall supply the leather-bound copies of this document for depositories as soon as practicable after its publication.

Mr. REID, of North Carolina. I ask that the report be read.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on Printing, to whom was referred House resolution 89, providing for the distribution of the Official Register of the United States, respectfully report:

The purpose of the resolution is to prevent supplying depositories of public documents with duplicate copies of the Official Register. No expenditure of money is involved.

Your committee recommend the adoption of the resolution.

Mr. REID, of North Carolina. I move the passage of the joint resolution.

Mr. MCMILLIN. Does this provide for an increased number?

Mr. REID, of North Carolina. No, sir. Under existing law duplicate copies are sent to some, and this allows others to be designated by members.

Mr. MCMILLIN. There is no additional printing?

Mr. REID, of North Carolina. None at all.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTING COMMITTEE REPORTS.

Mr. REID, of North Carolina. Mr. Speaker, I am instructed by the Committee on Printing to ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House resolution No. 73, and that the same be put upon its passage.

The SPEAKER. The title of the resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 73) authorizing the printing of committee reports.

Mr. MCMILLIN. Mr. Speaker, let us hear the joint resolution read.

The Clerk read as follows:

Resolved, &c., That the reports of committees, the evidence and papers submitted therewith, or any part thereof, printed by order of Congress may be reprinted at the Public Printing Office, at the instance of Senators, Representatives, and Delegates in Congress, upon payment in advance to the Public Printer of the cost thereof with 10 per cent. added, the same as if originally printed in the CONGRESSIONAL RECORD.

Mr. MCMILLIN. That is right.

Mr. REID, of North Carolina. Let the report be read.

The report (by Mr. REID, of North Carolina) was read, as follows:

The Committee on Printing, to whom was referred the resolution (H. Res. 73) authorizing the printing of committee reports, have considered the same, and beg leave to report:

Under existing law any person desiring extra copies of any document printed at the Government Printing Office by authority of law can have the same printed at said office, if he shall notify the Public Printer previous to its being put to press, and shall pay to him, in advance, the estimated cost thereof, and 10 per cent. thereon. The resolution under consideration extends this privilege as to printing reports of committees, the evidence and papers submitted therewith, or any part thereof, to Senators, Representatives, and Delegates in Congress upon the same terms, and allows the notice or order to be given for said printing at any time either before or after the matter is put to press. No appropriation of public money is required.

Your committee recommend the adoption of the resolution.

Mr. REID, of North Carolina. Mr. Speaker, I move that the joint resolution be put upon its passage.

Mr. BRUMM. Mr. Speaker, I should like to know whether this joint resolution would cover a request for the printing of an entire set of Medical and Surgical Reports?

The SPEAKER. This relates only to reports of committees.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON EUROPEAN DOCK-YARDS, ETC.

Mr. FARQUHAR. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 58) with amendments authorizing the printing of a naval report.

The SPEAKER. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound in cloth, at the Government Printing Office, for distribution by the Navy Department, 3,000 copies of the report of Naval Constructor Philip Hichborn, United States Navy, on European dock-yards, details, fitting and equipment of foreign vessels, torpedo boats, ship-yard appliances, tools, &c., and that they be delivered to and distributed by the Secretary of the Navy for general information.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MCMILLIN. Let us hear the report read.

The report (by Mr. FARQUHAR) was read, as follows:

The Committee on Printing, to whom was referred House resolution 58, providing for the printing of the report of Naval Constructor Philip Hichborn, United States Navy, on European dock-yards, &c., having duly considered the same, respectfully report the same back to the House with the following amendments, and recommend its passage:

(1) Strike out the words "for distribution by the Navy Department, three," and insert in their place the words "in addition to the 'usual number,' four."

(2) In lines 8 and 9 strike out the words "and that they" and insert the words "of which additional number 1,000 copies shall be for the use of the House, 500 copies for the use of the Senate, and 2,500 copies,"—

The resolution as amended then to read:

"*Resolved by the Senate and House of Representatives of the United States of America*

in Congress assembled, That there be printed and bound in cloth at the Government Printing Office, in addition to the "usual number," 4,000 copies of the report of Naval Constructor Philip Hichborn, U. S. N., on European dock-yards, details, fitting and equipment of foreign vessels, torpedo boats, ship-yard appliances, tools, &c., of which additional number 1,000 copies shall be for the use of the House, 500 copies for the use of the Senate, and 2,500 copies be delivered to and distributed by the Secretary of the Navy for general information."

The estimated cost of printing and binding the 4,000 copies is $5,004.

Mr. McMILLIN. Will the gentleman in charge of the bill give some reason why this printing should be done? It appears that it is to cost $1.25 a volume, and the work is for general distribution and general information. The House is not instructed further than by the title of the resolution as to what its contents are or why it is necessary to have this printing done.

Mr. FARQUHAR. Mr. Speaker, I will briefly state that this report is the result of a visit of this naval constructor to Europe and of his investigation of the latest naval architecture there as to tools, instruments, woods, metals, everything in naval architecture. The report is unequivocally indorsed by the Navy Department and also by members of this House and Senators who have had the conduct of naval affairs in Congress in the last Congress and this.

Apart from this report, the latest authority on the subject of naval architecture is Chief Engineer King's report, which is now eight years old and in many particulars obsolete. The report which this resolution proposes to print is the very latest and, so far as the committee can find, the most complete report that has been made on modern naval architecture.

Mr. LONG. Have any copies of this report been printed?

Mr. FARQUHAR. None.

Mr. McMILLIN. Has the Navy Department called for the printing of this volume?

Mr. FARQUHAR. It has.

Mr. McMILLIN. For the reprinting?

Mr. FARQUHAR. The printing, not the reprinting.

Mr. McMILLIN. Of course the document would be printed by the Navy Department. But does that Department call for the printing of this additional number of copies for general distribution?

Mr. FARQUHAR. Let me explain to the gentleman. The Committee on Printing followed the resolution as introduced by the gentleman from Pennsylvania [Mr. RANDALL]. After consultation with Naval Constructor Hichborn and others as to the merits and usefulness of the report, the committee discussed the question of the cost of printing and the demand there would be for the report from the various committees of this House and from the public at large. This resolution as reported embodies the best judgment of the committee as to the number of copies and the manner of distribution.

Mr. McMILLIN. But this goes beyond what seems to be the purpose of the Navy Department—to have this document for the use of the Deparment and the various committees here. The resolution seeks to print, at $1.25 per volume, several thousand copies for general distribution. I desire to know whether the Navy Department has requested the printing of these volumes for general distribution, or from what source the request comes other than from the officer who made the report.

Mr. FARQUHAR. Allow me to say to the gentleman that originally the proposition was that the Navy Department should have nearly the whole of this distribution. The Committee on Printing, after consultation with the gentleman who framed this resolution, and also with Naval Constructor Hichborn, came to the conclusion that instead of allowing one Department of the Government to control the distribution of this report, which is of general interest to the whole country, especially those interested in ship-building, it would be proper to provide, as we propose in the amendment, that the House and the Senate should control something like one-half of the distribution, leaving to the Navy Department sufficient to meet its wants.

Mr. McMILLIN. Then the effect may possibly be the duplication of copies—the very thing we sought to guard against a moment ago. I am unable to see that we are going to derive any benefit from the publication of any greater number of this document than may be necessary for the use of the Navy Department and our committees.

Mr. FARQUHAR. But the gentleman will see by examining our amendments that we do not propose to increase the number; we have simply changed the distribution, so that the document may be beneficial to the House, the Senate, and the country, as well as to the Navy Department.

Mr. McMILLIN. The committee has not increased the number as proposed in the resolution; but the point I make is that the resolution proposes to print a number that the public exigency does not demand.

Mr. FARQUHAR. That is a matter for the consideration of the House.

The SPEAKER. The hour for the consideration of bills called up by committees has expired.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolution (S. 39) to authorize the printing of the proceedings in Congress in accepting a statue of the late James A. Garfield, President of the United States; when the Speaker signed the same.

GEORGE S. STORRS.

Mr. THROCKMORTON. I ask unanimous consent that the House take up for present consideration Senate bill No. 831, for the relief of George S. Storrs, of Texas. This is a bill for the removal of political disabilities, and was reported this morning from the Committee on the Judiciary. The bill has already been passed by the Senate, but owing to some of the papers having been mislaid, action in this House has been postponed for about six weeks.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to its consideration. It was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That George S. Storrs, of the State of Texas, be, and he is hereby, relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The bill was ordered to a third reading; and was accordingly read the third time, and passed (two-thirds voting in favor thereof).

CONTESTED ELECTIONS.

Mr. TURNER, from the Committee on Elections, reported back favorably the bill (H. R. 6637) relating to contested elections; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 5887) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. DOCKERY. Mr. Chairman——

The CHAIRMAN. Before the gentleman proceeds, the Chair desires to state that of the six hours to which the general debate on this bill was limited by order of the House one hour and thirty-eight minutes have been consumed, of which thirteen minutes have been occupied by gentlemen on the right, and one hour and twenty-five minutes by gentlemen on the left. There remains four hours and twenty-two minutes, of which two hours and forty-seven minutes will be assigned to gentlemen on the right, and one hour and thirty-five minutes to gentlemen on the left.

Mr. BINGHAM. I desire to ask a question as to the distribution of time.

The CHAIRMAN. The Chair will have the time divided accurately between the two sides of the House.

Mr. BINGHAM. The Chair will permit me to state that one of the gentlemen who is recognized as entitled to occupy an hour on this side, the gentleman from Wisconsin [Mr. GUENTHER], a member of the Committee on the Post-Office and Post-Roads, proposes to wholly indorse the bill as reported by that committee. By the division of time as announced by the Chair the hour to be occupied by that gentleman is charged against this side, on which, while there is a cordial support of almost every feature of the bill, there is, however, dissent as to two special paragraphs.

Mr. GUENTHER. I beg the gentleman's pardon, I am not going to "wholly indorse the bill."

The CHAIRMAN. "Sufficient unto the day is the evil thereof." When the gentleman from Wisconsin takes the floor, if he is not entitled to it, the Chair will then decide the question.

Mr. BURROWS. I understood the Chair to say that there had been occupied on this side one hour and twenty-five minutes, which time would be deducted from the time belonging to this side. I wish to remind the Chair that twenty minutes of that time was yielded to me from the other side.

The CHAIRMAN. That is true, and it should be charged to the gentlemen on the right.

Mr. BURROWS. Then we have really used on this side only an hour and five minutes.

Mr. BLOUNT. I understood from the gentleman from Missouri that he yielded the time with the understanding that it was to be made up from the time of some other gentleman.

The CHAIRMAN. That is a matter of private contract between members.

Mr. BURROWS. That is arranged satisfactorily between the gentleman from Missouri and myself.

Mr. BLOUNT. Then I see no trouble about it.

Mr. BURROWS. I merely wanted it understood that on this side we had used only one hour and twenty-five minutes.

Mr. DOCKERY. Mr. Chairman, before proceeding to discuss the

items in this bill making appropriation for the expenses of the foreign mail service for the ensuing fiscal year, I desire to give a concise statement of the legislative history of this important branch of the Post-Office Department.

Postmaster-General Howe, in a letter to the Senate of date February 12, 1863, reviews briefly its history prior to the year 1848, in the following language:

Previous to the mail steamship contracts authorized by the acts of March 3, 1845, and March 3, 1847, the ocean mails were transported by sailing vessels, as their voyages might occur, for a small gratuity, payable on each letter at the port of delivery, and consequently no payments were made prior to the fiscal year of 1848 for the transportation of the mails from the United States to foreign countries.

LAWS 1848 TO 1885.

The act of March 3, 1845, to provide for transportation of mails to foreign countries, and other purposes, authorized the Postmaster-General to contract for transportation of United States mails between any port of the United States and a port or ports of foreign powers whenever in his opinion public interest will be promoted; contracts to be made if to Postmaster-General it appeared public interest required it for any greater period than four nor more than ten years; and with American citizens; mails to be transported in American vessels by American citizens. (5 United States Statutes at Large, 748, 749, 750.)

Under the provisions of the above act a contract between the Postmaster-General and the Ocean Steam Navigation Company, C. H. Sand, president, for the conveyance of the United States mails from New York to Southampton and Bremen, was entered into. The service contracted for covered a period of ten years.

Without specifying the annual detail of payment, the total amount paid for this service for the ten years was $1,833,883.25, from 1848 to 1857, inclusive.

It will be observed that the foregoing act gave the Postmaster-General authority "to contract for the transportation of the United States mails between any port of the United States and the port or ports of any foreign power whenever in his opinion the public interest would thereby be promoted." It prescribed no limitation in regard to the amount of compensation to be allowed for such transportation.

The act of March 3, 1847, authorized the Postmaster-General to cause a mail to be transported once a week, and oftener if he thought public interest required it, from New Orleans *via* Galveston, Passo Cavallo, Brazos de St. Jago, to Tampico, with return mails, the service to be performed by contract, or use of public steamers now in service of War Department in the Gulf of Mexico, with consent of head of Department; $130,000 appropriated for service, to continue in force during the war; also to contract for transporting mail from Charleston, S. C., to Chagres, touching at Saint Augustine and Key West, and also at Havana, if deemed expedient, and across the isthmus to Panama, the mail to be conveyed from Charleston to Chagres and from Panama to Aspinwall in steamship every two months, provided expenditure did not exceed $100,000 per annum. (9 United States Statutes at Large, 200.)

The act of June 27, 1848, authorized the Postmaster-General to charge upon and collect from all letters carried in foreign packets the same rates of postage which the Government to which such foreign packets belonged imposed upon letters, &c., conveyed in American packets. This act also prohibited the assignment or transfer of contracts made subsequent to the passage of the act unless by consent of Postmaster-General or Secretary of Navy. (9 United States Statutes at Large, 241, 242.)

The act of March 3, 1851, authorized the Postmaster-General, by and with the consent of the President of the United States, to reduce or enlarge from time to time rates of postage upon letters and all other mailable matter between United States and foreign countries for purpose of making better postal arrangements with other governments, or counteracting any adverse measures affecting our postal intercourse with foreign countries. (9 United States Statutes at Large, 589.)

The act of August 5, 1854, authorized and directed the Postmaster-General to continue mail between Charleston, Key West, and Havana during August and September by a competent steamer, as it was then performed during ten months in the year; $10,000 appropriated for payment. (10 United States Statutes at Large, 588.)

Agreeably to above acts of 1847, 1848, 1851, and 1854 contracts covering a period of eleven years were entered into between the Postmaster-General and M. C. Mordecai, contractor for the conveyance of the United States mails between the ports of Charleston, Savannah, Key West, and Havana, and the total sum granted in compensation for said service amounted to an aggregate of $573,418.22 (from 1849 to 1859, inclusive).

Contracts agreeably to the act of March 3, 1847, were also executed between the Postmaster-General and the Ocean Steam Navigation Company (M. Livingston, agent) for the conveyance of the United States mails from New York to Havre, for which the sum of $1,060,378.19 was paid (from 1851 to 1858, inclusive); and between the Secretary of the Navy and E. K. Collins and associates for the conveyance of the United States mails between New York and Liverpool, for which the sum of $5,212,091.89 was paid (from 1850 to 1858, inclusive).

Contracts were entered into between the Postmaster-General and C. H. Aspinwall (assignee of Arnold Harris) for the conveyance of the United States mails between San Francisco, Astoria, and Panama, agreeably to the acts of March 3, 1847, and of March 3, 1851, for which the sum of $3,467,763.93 was paid (from 1850 to 1860, inclusive); and between the Secretary of the Navy and George Law and associates (assignees of A. G. Sloo) for the conveyance of the United States mails from New York to Aspinwall, for which the sum of $2,889,510.79 was paid (from October 1, 1848, to June 30, 1851, and from 1852 to 1860, inclusive).

The act of August 30, 1852, authorized the Postmaster-General to contract for a term of five years, and for a sum not exceeding $100,000 per year, for a tri-monthly mail from New Orleans via Tampico to Vera Cruz and back, in steam-vessels, not less than 800 tons burden (10 United States Statutes at Large, 38), and was the authority for a contract between the Postmaster-General and E. H. Carmick for the conveyance of United States mails from New Orleans to Vera Cruz, for which the sum of $167,584.96 was paid (from 1853 to 1858, inclusive).

The act of March 3, 1855, authorized the transportation of foreign mails on eighteen different lines and appropriated for that year and certain subsequent years $4,137,040.41. (10 United States Statutes at Large, 681, 682.)

The act of June 14, 1858, restricted the compensation on foreign mails to sea and inland postage, and is in the following terms:

SEC. 5. The Postmaster-General may cause mails to be transported between the United States and foreign ports by steamship, for the sea and United States inland postage, and sea postage only if by a foreign vessel; preference to be given American vessels. (11 United States Statutes at Large, 364.)

The preference given to American steamships in this section was repealed April 17, 1862.

The total appropriation under this act was $1,315,850 on six different lines. This act also authorized contracts for carrying United States mails with certain American steamship lines, namely:

Table showing names of companies, routes, compensation, and years inclusive during which the mail was carried.

Name of companies.	Points to which mail was carried from New York.	Compensation.	Years.
Cornelius Vanderbilt	Southampton and Bremen	$100,585 93	1858.
Cornelius Vanderbilt	Southampton and Havre	260,144 55	1859-1861.
New York and New Orleans.	Havre and New Orleans	67,261 24	1859-1861.
New York and Havre	Southampton and Havre	310,081 03	1859-1862.
North Atlantic	Southampton and Havre	47,869 00	1860,1861,
M. O. Roberts	Havana	23,556 55	1860,1861.
Cornelius Vanderbilt	To Isthmus and South Pacific	69,892 56	1861-1865.
Hargons & Co	Havana	11,894 75	1861.
Spofford, Tileson & Co	Havana	155,534 86	1862-1866.
Ludlan, Heineken & Co.	Havana	39,882 60	1863-1865.
James E. Raynor	Havana	5,331 85	1864.
Atlantic	Isthmus and South Pacific	12,836 97	1865,1866.
Smith & Dunning	Havana	14,936 42	1867.
Garrison & Allen	Havana	8,184 15	1867.
American and Mexican	Havana	6,130 63	1866.
West India Mail	Havana	51,608 43	1867,1868.
New York and Havre	Havre	153,207 43	1866-1868.
North American Lloyd	Bremen	24,838 21	1866,1867.
Baltimore and Liverpool.	Baltimore to Liverpool	6,500 77	1867.
Atlantic	Havana	226,775 09	1868-1873.
Pacific Mail	To Isthmus and South Pacific	256,030 38	1866-1869.
New York, Havana, and Mexican.	Havana and Vera Cruz	148,940 43	1871-1879.
New York and Havana Direct.	Havana	31,439 46	1875-1877.
Pacific Mail	From San Francisco to Japan, China, and Australia.	17,592 69	1878,1879.
Cornelius Vanderbilt	New Orleans and San Francisco via Havana and Aspinwall.	187,500 00	(*)

*October 1, 1859, to June 30, 1860.

The act of June 15, 1860, was substantially the reaffirmation of section 5 of the act of June 14, 1858. It provided for the allowance of sea and inland postage to vessels of American register, and for sea postage to foreign vessels (preference being given to American steamships). The preference authorized by this act as also the act of June 14, 1858, was repealed as heretofore stated by the law of April 17, 1862. (12 United States at Large, 39.)

The act of February 19, 1861, appropriated $350,000 per annum for tri-monthly mail service from New York to San Francisco, via Panama, and authorized the deduction of the postage received from the amount thus appropriated. Under this law the Postmaster-General made a contract with Cornelius Vanderbilt to carry into execution its provision. (United States Statutes at Large, 133.)

The act of May 28, 1864, authorized monthly mail communication between Brazil and the United States by first-class sea-going steamships of not less than 2,000 tons burden, sufficient in number to perform twelve round trips or voyages per annum between a port of the United States, north of the Potomac River, and Rio de Janeiro in Brazil, touching at St. Thomas, Bahia, and Pernambuco, expenditure for this service not to exceed $150,000 per year and to continue for ten years from September 1, 1865. (15 United States Statutes at Large, 93, 99.)

Under the provisions of this act the Postmaster-General entered into a contract with the New York and Brazil Steamship Company which

required a total expenditure of $1,500,000 (from 1866 to 1876, inclusive).

The acts of February 17, 1865, and February 18, 1867, authorized the Postmaster-General to invite proposals for transporting foreign mails between San Francisco and China and Japan, contract to go into effect January 1, 1867. The act limited the expenditure to $500,000 per annum, and called for twelve round trips annually. Under these acts the Pacific Mail Steamship Company contracted with the Government of the United States to perform the service, for which they received a total compensation of $4,583,333.32, covering a period of ten years from 1867 to 1877 inclusive. (15 United States Statutes at Large, 394, 430.)

The act of March 2, 1867, authorized the Postmaster-General to advertise for proposals by monthly mail service between San Francisco and Honolulu by means of first-class American steamships; but not to consider any bids amounting to over $75,000 for twelve round trips annually. Pursuant to the authority given by this act, the Postmaster-General contracted with the California, Oregon and Mexican Steamship Company, paying a sum of $425,000 for the service, from 1868 to 1874 inclusive. (14 United States Statutes at Large, 543, 544.)

COMPULSORY SECTIONS AND PRESENT LAWS.

The compulsory acts constitute sections 3976 and 4203 of the Revised Statutes, and are in the following terms:

SEC. 3976. The master of any vessel of the United States, bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of distination, to the proper officer, for which he shall receive 2 cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States. (Revised Statutes of the United States, chapter 9, page 769, 1878, approved June 8, 1872.)

SEC. 4203. All vessels belonging to the citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall before clearance receive on board and securely convey all such mails as the Post-Office Department of the United States or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver to the proper authorities on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. (Approved March 25, 1864; 13 Statutes, page 36.)

Both of these sections were repealed by section 23 of the act approved June 26, 1884, commonly known as the "Dingley bill." The repealing clause took effect April 1, 1885.

The entire expenditure on account of the foreign mail service from 1848 to 1885, inclusive, amounts to $32,184,950.57, of which sum foreign vessels have received $7,123,117.63 and American vessels have received $25,061,832.94.

All prior legislation upon this subject has been merged into or superseded by sections 4007, 4008, and 4009 of the Revised Statutes, which I herewith submit:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interest will thereby be promoted.

SEC. 4008. The mail between the United States and any foreign port or between ports of the United States touching at a foreign port shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby.

SEC. 4009. For transporting the mail between the United States and any foreign port or between the ports of the United States, touching at a foreign port, the Postmaster-General may allow as compensation, if by United States steamship, any sum not exceeding the sea and United States inland postage, and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mails so transported.

I have now given a comprehensive summary of the consecutive legislative history of the foreign mail service, and the expenditure it has involved. In this résumé I have adhered to the almost literal phraseology of the several acts, simply discarding and eliminating such provisions as related to minor and technical detail, and which were not germane to the cardinal and relevant features of the respective enactments.

SUBSIDY LAW.

Mr. Chairman, we now come to the consideration of the act of March 3, 1885, commonly and properly known as the "subsidy clause" of the post-office bill of last year, which is in the following terms:

Office of Superintendent of Foreign Mails: For transportation of foreign mails, including transit across the Isthmus of Panama, $800,000; and the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Before presenting an outline of what seem to me conclusive reasons set forth by the Postmaster-General, in virtue of which he found it impracticable to carry out the provisions of the act, I think it proper to give a synopsis of the initiatory steps which reached their culmination in the act itself. It has been charged that this act was the culmination of a well-conceived plan which first found legislative expression in what is known as the Dingley bill.

Mr. DINGLEY. Will the gentleman from Missouri permit a correction?

Mr. DOCKERY. I regret that I am not able to yield to the gentleman now, as my time is so limited. This plan, if it be true that there was one, first looked to the repeal of the compulsory law, and thus, having deprived the Government of the power to compel the carrying of mails as a condition precedent to clearance, sought, as the second step, to compel Congress to subsidize these lines, or refuse to carry the mails.

In the debate on this measure which was had at the second session of the last Congress, Mr. ELLIS, of Louisiana, the able champion of the measure, stated on the floor the reason why the law was repealed in the following terms:

It was the action of a Democratic Congress which repealed last spring the infamous law by which the American steamship has been taken for public service without just compensation. That law was repealed in the expectation that at this session we would take some action looking to adequate payment for this character of mail service.

Again in the debate of February 13, 1885, the gentleman from Texas [Mr. MILLS] charged that the repealing clause was a part of the plan to make it possible to pass the act of March 3, 1885. He made this declaration in the presence of Mr. DINGLEY, of Maine, the author of the Dingley bill, who made no denial of the charge, and the colloquy was in the following words:

Mr. MILLS. Mr. Chairman, it has been said that we can have our mail carried on the ocean for $55,000 a year under the existing law, while the bill presented by the committee proposes to change that existing law so as to require the Government to expend about $600,000 for the same service.

Mr. DINGLEY. It does not require it. That is only the limit that may be expended.

Mr. MILLS. Yes, but it will go to the extreme limit; that is what the bill is for. It is made for that purpose.

Mr. DINGLEY. But the service is still open to competition.

There the gentleman from Maine comes in with the persuasive argument of competition and low rates which will follow.

Mr. MILLS. But the very bill which bears the gentleman's name which passed through Congress passed for the purpose of making it possible for this subsidy to pass through Congress.

I refer to this part of the history connected with the repealing clause not for the purpose of discussing that measure, but that the House may see under what conditions the subsidy clause of the last Congress presented itself for consideration.

The subsidy clause as originally reported by the Appropriations Committee was stricken from the Post-Office bill in the Committee of the Whole, February 13, 1885, on motion of Mr. HOLMAN, of Indiana, by a vote of 105 to 97. This action of the committee was reaffirmed in the House on the following day by a vote of 130 to 112. When the Post-Office bill went to the Senate, the subsidy clause was again inserted in the bill, and again rejected by the House, after debate, March 3, 1885, by a vote of 128 to 132. Finally, on the morning of March 4, 1885, the Democratic House sullenly yielded, rather than take the chances of an extra session of Congress, and, by a vote of 98 to 89, acceded to the demands of the Senate. The House was thus clearly coerced into the acceptance of this measure.

Mr. BLOUNT. If my colleague will permit an interruption I wish to simply add to what he has stated that the gentleman in charge of the bill [Mr. TOWNSHEND] formally announced to the House that the Senate would never consent to the passage of a post-office appropriation bill unless that subsidy clause was inserted in it.

Mr. DOCKERY. The statement of my colleague is correct, and I thank him for calling the fact to the attention of the House.

POSTMASTER-GENERAL'S REASONS.

The Postmaster-General states the first reason that induced the conclusion that it was "inexpedient and improper to exert the authority of the act * * * was the apparent impossibility of applying its provisions to the conditions affecting the various American steamship carriers, without such a course of proceeding as would have been inadmissible to the Department to pursue under the law itself." This he illustrates by citing the authentic and quasi-official computation of the miles sailed last year and expected to be sailed this year by all American companies, which being 2,050,000, the total compensation at the maximum rate would exceed $1,025,000, or over two and one-half times the utmost authorized expenditure. "As the act required a letting to the lowest responsible bidder * * * no money could be paid on mileage accounts outside."

Now "only two routes are navigated by more than one American company; one between New York and Havana and the other between San Francisco and Japan and China." Hence, in the nature of the case, competition was restricted to these two routes. There thus remained but two alternatives—the one, to make "choice of certain routes, whose total mileage would have demanded no more than the limited sum, and after the futile parade of advertisements for impossible competition to have distributed the whole bounty to the chosen, excluding entirely the others;" the other alternative, to have so prearranged the "advertisements to meet the circumstances of the only possible bidders that, by concerted understanding with all American companies, or such as the Department chose to give the money to, contracts might have been made for such sums to each that the whole appropriation could have been divided between them."

The Postmaster-General most pertinently and properly signalizes the first alternative as characterized intrinsically by injustice, in that it

would discriminate entirely in favor of one company to the exclusion of another; and this unfairness would invite the damaging reaction of the disfavored lines promptly and peremptorily refusing further service as mail-carriers to the Government.

The Postmaster-General suggests that if there be reasons why the Government should award different measures of compensation growing out of considerations other than their varying mileage, yet that the terms of the statute allow no lawful means of discrimination, as it "requires the contract * * * to be let to the lowest responsible bidder;" and thus the Postmaster-General vindicates, I think, the insuperable obstacles in the way of the first alternative.

As enforcing the impracticability of the second alternative, he states that "if a contract were awarded to either of the companies on the trans-Pacific route, and another to either of those plying between New York and Havana, both public injury and private injustice would be wrought;" for the public would lose the service of the other company on either route, and these two companies would be denied privileges to which they were equally entitled with their favored rivals. And the inexpediency of such a recourse he illustrates by "the usages of the transatlantic carriage, where the services of the swiftest ship" about to sail is employed at will, "when mail is to be dispatched, no special contracts being made."

To obviate the obstacle referred to, the suggestion occurred of two contracts on each route to accord with the respective sailing days of the competing companies.

In brief—

The Postmaster-General further argues—

the Department must have specially preconsidered all the peculiar features of the lines and business of each of the companies which would affect the contract or competition for it; must have carefully estimated the miles of sailing each would perform and the price per mile each might bid; must have received the concurrence of all in the scheme; and so arranging as to receive but one bid for each contract advertised for, and that one at the prearranged price per mile, or practically making the several contracts before the advertisements, might have distributed the appropriation among the American steamship companies ratably according to their mileage.

But that, the Postmaster-General properly argues, would have been subversive of the authority which was to "secure competition and to award the contract to the lowest bidder." He further pertinently suggests that steamship companies would naturally demur to an overture whereby the ship carrying "the heavy and important mails took ratably no more than those whose services were comparatively insignificant."

Another potent difficulty lay in the fact that increased sailings might be demanded by public convenience, because the whole amount would be involved in the original estimate and contracts. And hence there would be a quietus rather than stimulus given to American enterprise in founding new lines. Further, as the appropriation was but for one year and the power of making contracts limited to a single appropriation, the procedure would have been but a temporary expedient of distributing a particular sum and foreshadowed serious future difficulty.

And in this connection the Postmaster-General adds that but one other course remained, which was for the Department to arbitrarily prescribe to every company a price per mile, and to "disburse the authorized sum of $400,000 according to its own views of justice." Such a plan, he states, would have been unwarranted by the law.

The act—

The Postmaster-General further remarks—

puts at the disposal of the Department, in the ordinary terms of appropriation, the sum of $800,000 for transportation of the foreign mails, warranting thereby its entire expenditure, if necessary, under previously existing powers. The mere authority to make contracts on the mileage plan of compensation with American steamships is superadded. No mandate to pursue that course is expressed or implied. Authority to let contracts for transportation of the ocean mails, after advertisement for proposals, has long existed on the statute-book unexercised for years, and it was never thought to be obligatory on the Department to exert it.

If there was any room for doubt as to the true intent and meaning of this act it ought to be set at rest by an examination of the debate had on its passage, and the deliberate utterances of those gentlemen who had the measure in charge. In the House, February 10, 1885, the gentleman from Maine [Mr. DINGLEY] made the following declaration:

Mr. DINGLEY. It is to be observed that there is nothing in the measure proposed which requires the Postmaster-General to pay a single dollar to an American line of steamers. He may invite proposals for carryng the mails by American steamers to any country that he regards it proper to do so, and when he has received bids for this service he may reject any and all proposals which in his judgment it is not for the public interest to accept. If he can not obtain a proposal satisfactory to him he may send our mails by foreign competing steamers or by way of England. The absolute discretion vested in him in the foreign as in the domestic mail service, limited, however, in the case of the foreign service to the maximum sum of 50 cents per mile and the aggregate of $600,000, would make the Postmaster-General master of the situation in the case of the adoption of the measure proposed.

Again, March 3, 1885, the following colloquy confirms the opinion of Mr. DINGLEY:

Mr. HORR. This bill simply says that the incoming Democratic Postmaster-General may make such contracts with American vessels for carrying our foreign mails as he may now make with our coastwise vessels for carying the mails on the coast.

Mr. BINGHAM. For one year only?

Mr. HORR. For one year only.

Mr. MORSE. Will the gentleman let me ask him a question?

Mr. HORR. Certainly.

Mr. MORSE. Does this apply to any particular line in this country?

Mr. HORR. Certainly not.

Mr. MORSE. Then it is entirely optional with the Postmaster-General to use the appropriation or not as he may see proper.

Mr. HORR. Every dollar of it is left subject to his judgment. If he does not think that the service demands that a contract should be made with any vessel or any route he need not make it.

And, instead of my friend from Indiana arraigning Democrats here for voting on this thing, I say to you, when you vote against this proposition you vote a lack of confidence in your own Postmaster-General, which does not come with good grace from you.

It will be remembered that Mr. Horr, of Michigan, had the measure in charge, and was its most vigorous champion and advocate. It therefore clearly appears that the act simply gave the Postmaster-General authority to contract with American steamships and fix the maximum rate at 50 cents per mile. In no respect is the act mandatory; on the contrary, it said to the Postmaster-General, "The discretion is given you to advertise for this service, if in your opinion the public interest demands it." If Congress intended to make the act mandatory it would have so expressed it; but it did not do so. In the exercise of a sound and proper discretion the Postmaster-General has been subjected to unmerited, unjust, and, I think, unfair criticism. His position on this question reflects not only the views of the President, but, as I believe, also the overwhelming voice of the Democratic party.

The Postmaster-General further quotes in ample vindication of his position the following pertinent remarks of Hon. James Campbell, from his report as Postmaster-General in 1856:

By the act of the 3d of March, 1845, the Postmaster-General is authorized, under the restrictions and provisions of the existing laws, to contract for the transportation of the mails of the United States between any of the ports of the United States and a port or ports of any foreign power whenever, in his opinion, the public interest will thereby be promoted. It is made his duty to report to the next ensuing Congress a copy of each of these contracts, with a statement of the amount of postage derived under the same. These contracts must be made with citizens of the United States, the mail carried in American vessels by American citizens, and the contracts may be made for a term not exceeding ten years, and must contain stipulations reserving the right of the two Houses of Congress to terminate them at any time by a joint resolution. The power given by this act is one under which large expenditures involving millions could be created, but neither of my predecessors nor myself has ever used the authority thus given. Believing that Congress should reserve to itself the right to say to how many and to what foreign ports the mails of the United States should be transported and the amount of money which should be expended for that purpose, I would recommend the repeal of so much of this act as confers the great power on the Postmaster-General.

It occurs to me that the Postmaster-General makes appropriate comment upon the citation when he remarks:

No rule of interpretation authorizes the presumption that Congress designed another construction to be given similar terms in this act, or a greater obligation to employ a discretionary authority here. Presumably, it was supposed additional power might become necessary to secure the service, because the compulsory law had been repealed. But no duty is enjoined to spend this appropriation needlessly more than another. As with every such grant of money for the public use, the true mandate of this law to its executive officer is plain: to honestly use so much of the sum provided as shall be reasonably necessary and may be rightly used to procure the transportation of the mails, and no more. At that point the law bids him to stop, not enlarge, expenditure. No duty is more imperatively imposed than the latter; none more justly due the people.

The true rule seems to be that the Department ought, when the Congress submits the question to its discretion, to pay such reasonable price to its carriers as in fair dealing between them and the people shall justly recompense their service, in view of its nature and the cost and burden of their performance of it.

The Postmaster-General accordingly carefully "directed inquiry to ascertain what" was "a just compensation to our mail carriers by sea, and whether it could be paid under the pre-existing powers of the Department." He annexes "tables which show the business done by each American steamship line for the postal service during the past year, the weight of mail carried by each vessel, the price paid and what it would have been at the full rates charged on the same lines * * * at parcel-dispatch rates, and what if the sea and inland postage had been paid."

I will give a few details which fortify the position the Postmaster-General assumes upon them. He first adverts to the merely nominal trouble and less than nominal risk incurred in the reception, storage, and delivery of mails by steamships. He demonstrates that the "express" or "parcel-dispatch" service is quite as burdensome and expensive as the mail service; and that an equal comparison might be sustained in the matter of passenger luggage. He cites the port advantages accruing from carrying United States mails to foreign countries. He shows, from a glance at the tables, "that if the quantity of mail carried be considerable the compensation is generous;" that the amount paid for mail by weight was over thirty-four times the cost of the like weight of freight, and nearly four times the charge of an equal quantity of dispatch matter; and that the figures show the "sea rate of postage to be abundant;" that "the American lines have received their full compensation for the quantity of mail transported;" that "but 8.37 per cent. of our foreign letter mails last year was sent to all the countries and islands of this continent and across the Pacific seas, and not so much by all the American steamships;" that "the companies" carrying mails "have been in existence for years as common carriers, with a view to the gains" thereby, and "not primarily as Government carriers, and have been employed by the Government in the same general manner as by other shippers," agreeably with the regular sailings and destinations of the several vessels, with no regulations imposed as to speed, frequency, times of arrival or departure, or

otherwise; that the statute authorized "the entire sea and inland postage to be paid to American steamships," while allowing only "sea postage" to foreign bottoms, the fact is that the latter rate "is sufficiently remunerative to command the service."

The Postmaster-General further states:

Upon a review of all these facts and reasons it seemed a plain duty, the only admissible course, for the Government to decline to make contracts upon the mileage plan, and await the meeting of Congress, to which the subject might be referred for consideration and direction. It involved but a few months of delay, and in the mean time the American vessels could be paid a compensation more than three times as great as most of them have received for similar service during the past seven years.

I wish to call especial attention of the House to the following words of the Postmaster-General upon the question of subsidizing American steamship lines:

Much has been said about employing the postal appropriation to aid American commerce. When Congress shall desire to invest the Post-Office Department with care for that object it can not be doubted it will easily choose language which will plainly convey the purpose and impose the duty. Until then that Department can not rightfully employ the moneys appropriated for the postal service to secure objects not intrusted to its care, however meritorious in themselves.

THE PRESIDENT'S VIEWS.

In further explanation of the reason why the Postmaster-General declined to exercise the authority conferred under the subsidy clause, I submit herewith the views of the President as expressed in his first annual message to Congress:

It was decided with my approbation after a sufficient examination to be inexpedient for the Post-Office Department to contract for carrying our foreign mails under the additional authority given by the last Congress. The amount limited was inadequate to pay all within the purview of the law the full rate of 50 cents per mile, and it would have been unjust and unwise to have given it to some and denied it to others. Nor could contracts have been let under the law to all at a rate to have brought the aggregate within the appropriation without such practical prearrangement of terms as would have violated it.

The rate of sea and inland postage which was proffered under another statute clearly appears to be a fair compensation for the desired service, being three times the price necessary to secure transportation by other vessels upon any route, and much beyond the charges made to private persons for service not less burdensome.

* * * * * * *

Whatever may be thought of the policy of subsidizing any line of public conveyance, or travel, I am satisfied that it should not be done under cover of an expenditure incident to the administration of a Department; nor should there be any uncertainty as to the recipients of the subsidy or any discretion left to an executive officer as to its distribution. If such gifts of the public money are to be made for the purpose of aiding any enterprise in the supposed interest of the public, I can not but think that the amount to be paid and the beneficiary might better be determined by Congress than any other way.

THE INCREASED COST.

I wish to say a word now, in answer to my able and eloquent friend from Michigan [Mr. BURROWS], who addressed the House on yesterday. He asked the House with seeming earnestness—and he is always an earnest man—what right the Postmaster-General had to assume or to expect that the maximum rate allowed by this bill would be granted. In reply I will say that the benefits of past experience fully justified the Postmaster-General in the declaration and opinion which the gentleman from Michigan is pleased to style a "baseless assumption." Had I the time to read here the consecutive legislative history touching this question I could authenticate that in every case from 1848 down to 1885, in which Congress has authorized a maximum rate for this service, this rate so fixed has been allowed by the Postmaster-General; and in virtue of this established precedent the Postmaster-General had a right to assume that the maximum rate would be allowed under the present law. He was, furthermore, authorized in reaching such conclusion because, as gentlemen well know, only two American lines have competition. Again, if Congress re-enact the law of March 3, 1885, I am fully satisfied that the maximum rate will be secured by the steamships; and the service performed during the last fiscal year for $49,048 will cost $1,025,000—an increase over the present expenditure of $975,952.

Now, I desire to refer to another statement made by my good friend from Michigan. On page 12 of his report on the proposed compulsory law, that will soon engage the attention of the House, he makes this statement in conjunction with some of his colleagues on the committee. Referring to the amount expended by England for carrying the mails to the West Indies, Central and South America, he says:

As nearly as can be ascertained, the amount paid by the United States for the same service during this time, that is, from 1862 to 1880, has not exceeded $350,000.

The facts, however, are, as my friend would have discovered had he gone a little further in his investigation, not that $350,000 only had been expended in such service, but that from 1849 to 1860, inclusive, the Government of the United States had expended for the transportation of the mails to these countries $7,565,829.12; and from 1861 to 1882, inclusive, the time referred to in his report, we have expended $3,048,828.80. The amount shown by the table presented by the minority as paid by England for transportation to these countries from 1862 to 1880, inclusive, was $22,500,000, during which time, as I have said, the United States paid $3,048,828.80, instead of $350,000, as stated by the gentleman from Michigan. I further wish to call the attention of our friends to the fact that the English mail steamers had to travel to the West Indies, a distance of 3,000 miles, while those of the United States were required to travel only from 1,200 to 1,500 miles. The English mail steamers, again, had to sail 4,000 miles to Central America and the northernmost countries of South America, while the United States steamships, at the same time, had only from 1,800 to 2,000 miles to traverse in order to compass the same points.

When, therefore, you take into account the amount expended by England as compared with that expended by the United States, the distances traveled by English ships as compared with American ships, the English ship has, in fact, received a less rate of compensation per mile than the American ship. For myself, I desire to say right here that I think a great deal of our flag; that, indeed, I do not yield to any member on the Republican side in admiration of that emblem. Perhaps I think a little more of it when it is associated with an appropriation. [Laughter.] But I am for the flag! And I wish to say, with all earnestness, that I, together with the Democratic members of the committee, as well as of the House, are in favor of adequately and liberally compensating American steamships for this service. Indeed, the only proper question now before the committee in that connection is, "What amount is it necessary to appropriate in order to pay sea and inland postage?" For that is the amount authorized by the law; and in this bill such sum can not be exceeded.

But discussion on this point has taken a wide range, and in view of this fact it may be well to consider several questions not properly germane to the subject. One query that calls for answer is, "What is adequate compensation to American steamers for this service?" If by any method of comparison or examination of facts I can ascertain what such compensation is, then for that sum I wish and purpose to vote; and if the present law does not make ample provision to that end, then I shall favor most heartily any measure that will compensate American ship-owners for their services to the Government. But so far as I am concerned, speaking from a business standpoint, I can never support any legislation which proposes to subsidize American lines of steamships for the purpose of aiding commerce. Our Republican friends have a good deal to say in regard to the unsatisfactory condition of our merchant marine and the fact that our ship-owners are not sufficiently paid.

REPUBLICAN PARTY RESPONSIBLE FOR LOSS OF MERCHANT MARINE.

Now, if my recollection serves me aright, I may be pardoned for a reference to the fact that the Republican party has been in supreme and virtually unchallenged control of the Government during the past quarter of a century. Then, manifestly, if the laws be wrong; if they have operated harshly upon our shipping interests; if they have driven American steamships from the seas; if our flag is no longer to be seen upon the waters of the globe, the Republican and not the Democratic party is responsible for this deplorable condition of affairs. When we were deprived of the control of the Government we left you in possession of a splendid merchant marine, manned by American sailors, and carrying nearly all the commerce of this great country. [Applause.]

Mr. BRUMM. And the Alabama and Shenandoah were sent out to destroy that commerce.

Mr. DOCKERY. I know the statement hurts. When we again come to our fathers' house we find only 15 per cent. of the commerce of the Republic—so great in all its resources—carried in American vessels and these vessels manned by whom? By American seamen? By no means, sir! Ninety-five per cent. of the sailors on the vessels left carrying our flag are foreigners. Foreigners man the few American ships that are remaining!

I ask gentlemen on the other side who are responsible for this condition of affairs?

Mr. BRUMM. Semmes, who commanded the Alabama, was not a foreigner.

Mr. DOCKERY. The gentleman is true to the instincts of a great many leaders of the Republican party; but, I believe, untrue to the heart-feeling of the masses of that great organization. There is hardly a question that can be presented for the consideration of the American Congress without having the ensanguined garment flaunted by some one in the face of the American people. I hope that I may live to see the day when we shall no longer hear these sectional tirades, and when the Republican party shall be overthrown in all the departments of the Government, for the one reason if for no other that its leadership stands as a hindrance to the growth of that feeling of fraternity which seeks to bind together in the bands of a common interest all the sections of this great country. And I regret, Mr. Chairman, that the gentleman from Pennsylvania [Mr. BRUMM] should be one of those leaders who so frequently and so persistently flaunts the "bloody shirt" upon this floor.

Mr. BRUMM. When your party stops brandishing the bloody dagger, then we will stop waving the "bloody shirt."

Mr. DOCKERY. I trust the gentleman will not further interrupt me; albeit I know "the galled jade winces."

Mr. BRUMM. Not as much as you think. You seem to feel it worse.

Mr. DOCKERY. I desire to deal at present with this question of commerce as it presents itself in connection with the mail service, if I can have the permission of the gentleman from Pennsylvania to proceed.

Mr. BURROWS. Will the gentleman yield for a question?

Mr. DOCKERY. No, sir. I should gladly yield, but my time is limited. I was about to submit another thought when I was interrupted by the gentleman from Pennsylvania. I am heartily in favor

of any measure that will restore our merchant marine, to the end that our products, seeking the open markets of the world, can be carried in our own vessels. I am heartily in favor of that proposition; but I wish to see it accomplished otherwise than under the guise of a subsidy as compensation for carrying our mails. If gentlemen on the other side of the House really desire to benefit the carrying trade of the country, they must assist in enacting some legislation that will inherently benefit the business of carrying on this trade.

I am aware that some of our steamship lines do but very little business; but how are they to get business by being paid extravagant sums for carrying the mails? They carry but little mail for the very reason that they do but little business. Take, for illustration, the systems of inland mail transportation. There you have a barometer which indicates the condition of the business of the country with unerring certainty. Whenever business is depressed, whenever times are hard, whenever money is scarce, whenever thousands of laboring men are out of employment, whenever such a condition of affairs obtains throughout the country it manifests itself immediately in the decreased receipts of the Post-Office Department. And so the decreased mail revenue of the foreign service when such results appear come from the decreasing business of our steamship lines.

Mr. Chairman, it has been said that prior to the Berne conference the compensation of ocean mail-carriers was adequate, and the reduction made by that international convention was offered as a reason in favor of the passage of the present "subsidy law." A Senator in another body, in presenting this view, used the following language:

The Senator alludes to section 4009 as the section under which they shall receive their pay if contracted with. Let me call his attention to the history of that legislation. When that section was put on the statute-book how much does the Senator think there was permitted to be paid under it for a letter carried by an American ship? Does the Senator know? Under that section when it became a law you could pay 40 cents a letter to half the foreign ports, 25 cents a letter to China and Japan, 30 cents a letter to Australia. Liberal pay for carrying United States mails when section 4009 was put on the statute-book. How comes it now cut down to 3 or 4 or 5 cents a letter—a beggardly pittance? The great nations of the earth met at Paris and at Berne, and for the good of the whole world they agreed upon certain postal regulations and upon certain postages that should be paid upon letters and papers, and they cut it down to the sea and inland postage of to-day—about 5 cents. What did they do? They immediately doubled their mail pay to every steamer they had in their service.

That is to say, if I understand the Senator, that for "the good of the whole world" by unanimous action they reduced the postage to 5 cents a letter, and thereupon each nation represented (twenty-one in all) resolved that while such action was wise and would result in the promotion of the general welfare, that for themselves they would decline to be beneficiaries, and therefore "doubled their mail pay" at once. Strange logic! To what resorts are we sometimes driven, when we would by special pleading seek to sustain and advocate unwise legislation!

The following tables, compiled in the office of the Superintendent of Foreign Mails, disclose the fact that the mail business to the countries named was more remunerative during the last fiscal year than during the year just prior to the adoption of the international postal-union rates. In other words, under the reduced rates the volume of business has increased, and the compensation during the last fiscal year was $137,519.87 instead of $95,769.23 under the exorbitant rates that prevailed prior to the Berne conference.

Comparative statement showing number of letters and newspapers sent to Mexico, Central and South America, the West Indies, China, Japan, Hawaii, and Australia, the postage rates, and sea and inland postage on the same, for the fiscal year ended June 30, 1874, prior to the adoption of the Universal Postal Union, and for the fiscal year ended June 30, 1885.

Destination.	1874.					1885.				
	Number of letters sent.	Number of newspapers sent.	Postage rate.		Sea and inland postage.	Number of letters sent.	Number of papers sent.	Postage rate.		Sea and inland postage.
			Letters (per half ounce).	Newspapers (each).				Letters (per half ounce).	Newspapers (each).	
			Cents.	*Cents.*				*Cents.*	*Cents.*	
Brazil, Argentine Republic, Uruguay, and Paraguay	54,786	58,757	*18	2	$9,947 77	93,003	352,759	5	1	$8,177 74
Mexico	32,129	44,469	10	2	4,171 28	60,504	159,433	5	1	4,619 53
West Indies	360,379	185,648	10	2	42,191 29	442,714	1,119,315	5	1	33,328 75
Venezuela	3,926	2,244	10	2	595 55	35,505	119,045	5	1	2,965 70
United States of Colombia and Central and South America, via Panama and Colon	110,785	175,123	10	2	20,531 26	271,058	1,165,099	5	1	25,203 89
China and Japan	99,241	170,003	10	2	13,289 86	174,638	540,737	5	1	14,146 62
Hawaii and Australia	34,901	72,728	(†)	2	5,052 22	341,863	1,076,455	(‡)	(§)	49,077 64
Total	696,147	708,972			95,769 23	1,419,285	4,531,843			137,519 87

*Brazil, 15 cents. †Hawaii, 6 cents; Australia, 10 and 12 cents. ‡Australia, 5 and 12 cents. §Australia, 2 cents per rate.

STEAMSHIP AND COASTWISE COMPENSATION.

The gentleman from Michigan [Mr. BURROWS] in his able argument presented the House with a statement of the amounts paid to certain steamboat lines, "for our coastwise and inland service," as compared with the compensation received by certain American lines that carry the mails to foreign ports. The comparison he institutes is not a fair one because he selected for the purpose the best paid coastwise lines and the poorest paid steamship lines, and therefore on this basis reaches the conclusion that the American steamers would be inadequately paid "even at the full rate of sea and inland postage."

I have examined with much care the tables he presents with the view of ascertaining the amount of mail transported by these American lines. The examination not only discloses the unfairness of the comparison, but also the fact that this limited compensation to American steamers was due to the small amount of mail transported.

The full rate of sea and inland postage will liberally compensate them for all service they render the Government in the transportation of mails.

Again, Mr. Chairman, as bearing on the question of adequate compensation to American steamers, I find on page 9, of the "Views of the Minority," submitted by the gentleman from Michigan and some of his colleagues on the Post-Office Committee, on House bill No. 4864, the following tables, wherein he institutes a comparison between the compensation paid to "American steamships for the foreign service" and the compensation paid to "steamers in the coastwise service."

The gentleman and his colleagues conclude from the following tables that "it sufficiently appears how liberally we pay for the inland and coastwise steamboat service, and in contrast how insignificant the compensation awarded the American steamships for carrying the foreign mails." I am ready to concede, Mr. Chairman, that the conclusion is fully justified by the data as presented in these tables; but let us examine further and see whether or not our friends of the minority have not unintentionally fallen into an error. It will be observed that the rate of compensation for the transportation of mails by railways as presented by this table, is $0.1095; for star-route service, $0.0652; for steamboat and coastwise, $0.159, and foreign steamship service $0.0225 per mile.

Coastwise service.

Service.	Distance.	Number of trips per week.	Annual pay.
	Miles.		
Eastport to Lubec	3	6	$400 00
Parkersburg, Va., to Pomeroy	87½	6	7,800 00
Edenton to Williamston	51	6	3,000 00
Wilmington to Fayetteville	112	2	1,450 00
Brunswick to Saint Simon's Mills	12	6	1,000 00
Jacksonville to Palatka	80	6	8,000 00
Tampa to Key West	246	2	23,600 00
Mackinaw City to Mackinac	12	6	2,460 00
Tacoma to Port Townsend	98	6	29,700 00
Wood's Holl to Nantucket	30	(*)	7,875 00
Norfolk to Cape Charles	38½	7	10,971 62
Norfolk to Baltimore	200	6	18,000 00
Lake Charles to Cameron	55	3	4,090 00
Port Townsend to Sitka	1,343	(†)	18,000 00
Jacksonville to Fort George	23½	6	1,599 00

*Twelve times a week, 6 months; six times, 6 months. †One trip a month.

The table so far as railway, star-route, and steamboat service is involved shows the actual number of miles traveled in conveying the mails both going and coming. While it is true that the table shows that American steamships made a total mileage of 2,052,686 miles, it is also true that they carried the mails only one-half this distance, or

1,024,126 miles, and therefore received just twice the rate per mile as stated in the table.

Service.	Mail transported.	Total compensation.	Compensation per mile.
	Miles.		*Cents.*
Railways	151,912,140	$16,627,983	.1095
Star routes	83,027,321	5,414,804	.0652
Steamboat (domestic)	3,540,607	563,002	.159
Steamship (foreign)	2,052,686	46,387	.02¼

The error into which our friends have fallen is easily explained. Prior to the adoption of the international postal treaty of Berne, which went into effect June 30, 1874, the Government of the United States paid the American steamers for carrying the mails for both the outward and return voyages, and received the sea and United States inland postage. Under the treaty of Berne, the Government from which the mail is dispatched retains all the postage chargeable, and the "expenses of transit are borne by the administration of the country of origin."

By the terms of this treaty the amount earned by all American steamers on regular lines, including "tramps" and occasional sailings, was $.045 per mile instead of $.0225, as stated by our friend from Michigan. Further, if these American lines had been paid the full rate of sea and inland postage, as tendered by the Postmaster-General, for the present fiscal year, they would have received an average mileage compensation of $.119, calculated on the basis of 10 cents per ounce for letter mail and 1 cent for two ounces on other articles. If the compensation had been fixed on the basis of three letters to the ounce, or 1 cent for other articles, they would have received $.145.

Let us now proceed with this investigation and take up the eight principal American lines. We find that they received during the last fiscal year, at sea-postage rates, an amount that would be equal to $.053 per mile. Had they accepted the tender of sea and inland postage made by the Postmaster-General, the compensation would have averaged $.144 per mile. The coastwise steamers received $.159 per mile on an average; in excess of only $.015 per mile in favor of the coastwise service.

Mr. DINGLEY. Will the gentleman allow me to correct him?

Mr. DOCKERY. I can not yield. You can make the correction in your own time.

Mr. DINGLEY. Well, if you want to misstate the facts——

Mr. DOCKERY. If I do not state the facts accurately you can have the privilege of correcting me in your own time. The difference in compensation is correctly stated.

It will be remembered also in this connection, as having an important bearing on the question of adequate compensation, that the coastwise steamers are compelled to make trips on schedule time, and for any failure to do so they are subject to fine under the laws and regulations of the Postal Department; while the ocean steamers are not compelled to leave on schedule time, but consult their own convenience and leave when they have a full cargo.

The following comparative statement shows the average amount paid per mile during the fiscal year ended June 30, 1885, for the transportation of United States mails by railway, star-routes, steamboat and coastwise service, American steamship service to foreign ports, and average amount paid to the eight principal American lines of steamships, and the amount that would have been paid if the American steamships had received the sea and inland postage on the mails conveyed:

Service.	Number of miles traveled.	Total compensation.	Rate per mile.
			Cents.
Railways	151,912,140	$16,627,983 00	.10-95
Star-routes	83,027,321	5,414,804 00	.06-52
Steamboat and coastwise service	3,540,607	563,002 00	.15-9
American steamships to foreign ports (outward), sea postage	1,024,126	46,223 69	.04-5
If paid sea and inland postage			.11-9
American steamships, eight principal lines (outward), sea postage	810,829	43,492 48	.05-3
If paid sea and inland postage			.14-4

[Here the hammer fell.]

Mr. PETERS. I yield to the gentleman from Missouri [Mr. DOCKERY] ten minutes of my time.

Mr. DOCKERY. I thank my friend from Kansas for his courtesy, and invite the attention of my friends from Michigan and Maine to a suggestive fact. In this discussion, and at the time of the discussion of this question during the second session of the last Congress, England was held up as the great model, the examplar for this free American Republic, in the matter of ocean transportation. Statistics were submitted and arguments presented showing that her subsidy policy was the real basis upon which the prosperity of her merchant marine depended. This view of the question is held by many of our friends on the Republican side and by many gentlemen who two years ago, upon another question, were not disposed to follow in England's wake.

You will remember, Mr. Chairman, when this matter was under discussion that these same gentlemen held up England's policy on the tariff question as a "bugbear" by which to affright the American Congress, and thus keep it from cutting down the high rates of war taxation.

Why, sir, the gentleman from Ohio [Mr. MCKINLEY] went so far as to bring to notice in that debate the fact that some English firm had honored our distinguished Speaker by christening a line of their goods with the "significant trade-mark, 'The Carlisle Shape.'" Thus was this trifling incident invoked to arouse prejudice against a low rate of taxation; and because we desired to relieve our people of the burdens of excessive taxation we were denounced as being connected with a "great political organization committed to the English system."

Sir, England's ocean mail service can only be fairly compared to our inland mail service, because England is compelled to subsidize her steamships liberally so that she may be able to reach her colonies in every quarter of the globe with due dispatch. We give liberal compensation for the carrying of our inland mails, as England does for the transportation of her ocean mails, not simply on the idea of what the service is worth or whether it is or can be made self-sustaining, but also with the more enlarged view of diffusing light, knowledge, and intelligence to all the citizens.

Mr. Chairman, there are many other phases of this question that I should like to discuss, but time fails me for further consideration. I have briefly stated some of the reasons which impel me to dissent from any measure proposing the subsidy of American steamships under the guise of compensation for carrying our foreign mails.

CONCLUSION.

Sir, I would not knowingly consent to any addition, however small, to the burdens now borne by the owners of American vessels who seek to carry the honored ensign of the Republic across the seas and into foreign ports. The burdens with which they have been weighted since the administration of public affairs passed out of the hands of the Democratic party twenty-five years ago have so handicapped the enterprise of our people in this direction as to virtually rob them of the success which American genius is wont to achieve wherever admitted to the field of healthy competition. The absence of our flag from the marts of trade and from the highways of commerce, where it was once a familiar sight, is sufficient proof of this assertion.

Sir, it is said that those who oppose subsidies are not actuated by that spirit of liberality and progress necessary to restore to American hands the welcome task of conveying to the markets of the world the products of American industry, and of bringing to our shores the needed commodities of other lands. In answer to this criticism, permit me to say, I readily concede that the party of which I am an humble member has made its mistakes; it, perhaps, has not at all times, nor in all things, kept pace with the spirit of the age; it may have committed its power to incompetent hands; it may have seemed inconsistent and contradictory in the declaration of some of its public policies; but, despite all these things, such strictures from leaders of the Republican party come with bad grace. That great party has controlled the Government for nearly a quarter of a century, and its mistaken, if not unfriendly, legislation has resulted in the almost total destruction of our merchant marine.

Sir, under Democratic administrations the Navy was at once the pet and the pride of that party, and under its fostering hand the interests and dimensions of our merchant marine grew and expanded until our flag responded to the breezes on every sea. How was this accomplished? Simply by such wise, patriotic, and timely legislation as secured to American enterprise its full scope of action, and gave to American seamen freedom to compete, on terms of equality, with the whole world.

Mr. Chairman, let us repeal restrictive navigation laws; strike off the shackles of grievous taxation; take down, in part at least, the wall which keeps out not only the commerce of the world but consigns us to the hermitage of our own shores. Do these things, and thereby unhand and unfetter the genius and the prowess of this people, and let them repossess themselves of the commercial advantages which, within the memory of the present generation, made the flag of our country a familiar sight upon all the waters of the globe.

In conclusion, Mr. Chairman, I wish to say that under this, the first Democratic administration within a quarter of a century, I wish to see the Navy of the United States restored to its "old-time strength" and the seas again floating American ships, owned by American citizens, manned by American crews, and protected under the broad ægis of the American flag. [Prolonged applause on the Democratic side.]

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I have no disposition to be turned aside from the argument which I had mapped out in this case, by any of the references made by the gentleman last on the floor [Mr. DOCKERY] as to the responsibility of the Republican party in connection with the condition of the Navy. Had I the disposition to make any reference to the question, I might say in passing that when the Republican party obtained control of this Government and of the American Navy in 1861, it found that Navy scattered to the four quarters of the globe by the late Democratic Secretary of the Navy—so well scattered that it could scarcely secure even a tub on which to transport a message upon any

of the waters of the Atlantic. I might also say that by the kind hand of Great Britain in fitting out during the war rebel cruisers, that preyed upon our commerce and upon the American marine, this marine, which was the pride of our nation, was almost obliterated from the seas.

I might also say that this Government, during the first years of the control of a Republican administration, was employed in preserving the Union, and had not time to look after these minor questions. I might further say that since the integrity of the Government has been established, since by the conclusion of the war and the settlement of the questions incident thereto, we have been in a position to devote attention to the American marine and the American Navy, the Democratic party has had control in the House of Representatives, has had control of the Committee on Naval Affairs and the Committee on Appropriations in this House; and if there is any responsibility arising anywhere for our not having such a Navy as we ought to have at this time, it rests with the Democratic party of this country. That is the last reference that I shall make to-day to anything of a political nature. I will now discuss some of the provisions of the bill under consideration.

Away back in the olden time, when railroads were unknown, when telegraphs and telephones had not even assumed shape in the human imagination, when the masses were slaves to titled nobility, a crude system of postal transmission was provided for the benefit of kings and emperors. Rome, in the splendor of her power, constructed "royal ways," and prior to the Dark Ages had relays of couriers who traveled almost across the then known continent at the rate of 160 miles per day; but it was only for the convenience of sovereigns and nobles. The masses could look with reverence and admiration upon the fleet steed of the courier, but could not increase the precious postal parcel he carried by even so much as a lock of hair. It remained for the fugitives from the oppression of Great Britain whose feet first pressed the shores of America at Plymouth Rock and at Jamestown, to take the initial steps to inaugurate a postal system that is now the heritage of every one of the fifty millions of freemen throughout the length and breadth of our land.

It is not only interesting, but may serve to more fully impress the importance of some suggestions to follow, for me to refer briefly to the rise and progress of this system in America.

The first legislation upon the subject was in colonial Massachusetts as early as 1639. This provided that the house of Richard Fairbanks in Boston be designated as a receptacle for letters coming from across the seas or destined to foreign countries. Mr. Fairbanks was to take charge of such letters, send or deliver according to direction, and for his services was allowed a penny for each letter.

In colonial Virginia in 1657 it was made the duty of a planter to convey dispatches to the next plantation, and upon failure to do so, he forfeited a hogshead of tobacco.

It was not until 1672 that a post was established between New York and Boston, which made twelve trips a year, or one each month.

In the early days of the Continental Congress, a law was passed establishing a post-route from Falmouth, Me., to Savannah, Ga. The earliest law fixing graded rates of postage was passed in 1792, and as it remained in force with but slight change for fifty years, I will succinctly state the nine different rates provided in it:

	Cents.
First rate, 30 miles or less	6
Second rate, 30 to 60 miles	8
Third rate, 60 to 100 miles	10
Fourth rate, 100 to 150 miles	12
Fifth rate, 150 to 200 miles	15
Sixth rate, 200 to 250 miles	17
Seventh rate, 250 to 350 miles	20
Eighth rate, 350 to 450 miles	22
Ninth rate, 450 and over	25

During the existence of this law and up to 1836 the entire number of letters and packages mailed in the United States was only 100,000,000; during the fiscal year ending June 30, 1885, the number of stamps of all kinds, stamped envelopes, newspaper wrappers, and postal cards issued amounted to the fairy-like aggregate of 2,142,678,890, as shown by the last report of the Postmaster-General, page 731.

There are more than ten times as many letters transported annually now, than during the entire fifty years prior to 1836.

In 1836 we had 11,091 post-offices; in 1885, 51,252. In 1836 the gross revenue was $3,408,323; in 1885, $42,560,843.83. In 1836 expenditures were $3,841,766; in 1885, $49,602,188.41. In 1836, miles of post-routes, 118,264; in 1885, 365,251. In 1836, miles of transportation, 2,900,000; in 1885, 238,478,773.

In 1836 there was no registry system, no free-delivery system, no money-order system, no postal-note system, no special-delivery system.

Under the law of 1792 only letters and newspapers were mailable. In 1825 magazines were admitted; in 1845, all printed matter except bound books; in 1851 books weighing not more than 30 ounces were admitted; in 1852, books weighing not over 4 pounds; in 1861, packages not exceeding 4 pounds.

The first classification of mail matter was in 1863. It was then divided into first, second, and third-class mail matter. Letters constituted the first class, papers and magazines the second, and packages the third.

In 1873 seeds and roots of any weight were admitted, but in 1874 this character of mail matter was limited to 4 pounds.

In 1879 merchandise was admitted to the mails, and in this same year mailable matter was divided into four classes:

First. Written or sealed matter and postal cards.

Second. Newspapers and periodical publications.

Third. Miscellaneous printed matter, including books.

Fourth. Merchandise embracing all mailable matter not included in the first, second, and third classes, not injurious to mail-sacks and not dangerous to handle.

Prior to 1851 the Post-Office Department was self-sustaining. In 1881, 1882, and 1883, it was more than self-sustaining. Since that time, by reason of radical reductions in postal rates, it has not been quite self-sustaining.

In 1885 there were nine States in which there was an excess of receipts over expenditures. These States are:

	Excess.
Connecticut	$92,181
Delaware	4,392
Illinois	201,969
Massachusetts	832,589
New Hampshire	12,145
New Jersey	91,082
New York	1,976,960
Pennsylvania	370,194
Rhode Island	106,460

The Post-Office Department is emphatically the people's department. By their voluntary contributions they have maintained and supported it. From time to time as their necessities and convenience demanded has it been enlarged in its scope until under wise and careful management it has become a magnificent blessing, felt and appreciated in every town and hamlet throughout the length and breadth of our land.

The telegraph, telephone, and express, because of expense, are in their uses largely confined to the well-to-do classes, but all, the poor, the rich, the high, the low, the learned and the unlearned, are stockholders in and joint owners of this grand and vast Post-Office Department of our Government.

Needless extravagance will not be countenanced or approved, but a parsimonious spirit that tends in the least to impair the efficiency of this Department will meet with the severest condemnation. The agents of the people charged with the duty of legislation upon this subject will be severely condemned for withholding appropriations or legislation that are necessary and just in maintaining the efficiency of this vast people's system.

I desire to call the attention of this House especially to one branch of this postal Department. The railway postal clerk is the most important factor in this vast machine. The magnitude, accuracy, and importance of the work performed by the postal clerk is not generally known or appreciated. In 1851 the mail was only carried on 8,255 miles of railroad in the United States, and the whole number of clerks employed in the railway mail service, including the service on steamboats, was 148; but at the close of the fiscal year June 30, 1885, the mail was carried on 121,032 miles of road, and December 31, 1885, there were 4,512 clerks in the service. These 4,512 clerks handled during the year 4,964,673,577 pieces, including letters, cards, papers, registered packages, and pouches.

At least two persons were interested in each one of those pieces, the sender and the person to whom sent—interested in the speedy and safe delivery in good order of each and every one of these pieces. Each clerk during the year handled 1,249,760 pieces, or an average of 3,424 daily for every day in the year, including Sunday; for the postal clerk is not permitted to know any Sunday. While you are sitting in your cushioned pew listening to the charming theology of this day and age, the postal clerk is handling his 3,424 pieces of mail matter, so that before you return to church for the evening service you can spend a couple of hours in the pleasant recreation of opening and assorting from thirty to fifty letters from your constituents. To finish his daily task he must handle on an average three pieces per minute during every minute of every hour of the twenty-four.

But these clerks do more than this. They handle all kinds of packages, decipher all kinds of chirography, and with wonderful memory and almost unerring judgment, formed in the twinkling of an eye, determine when and by route each package should go, so as to reach its destination in the shortest possible time. They do this in the swaying car, speeding over the iron path at the rate of 40 miles an hour. They tie up the letters and cards for each point on the route, in packages, keep a faithful record of each and every registered letter or package, place the mail for each station in pouches, lock them up, throw them off, and take on others.

The magnitude of the work staggers human thought, and the credulous man cries out "impossible;" and yet the records of the Post-Office Department verify the daily performance of the seemingly impossible task.

The average annual run of each clerk is 40,167 miles, or a daily average of 110 miles for every day of the three hundred and sixty-five days in the year. If a letter is mailed in Portland, Me., destined for Portland, Oreg., the deft fingers of these skillful agents guide the inanimate missive from train to train and from road to road, so that the most experienced and well-posted traveler, starting at the same time, destined to the same point, can not get ahead of it. The one knocks at the post-office door in Portland, Oreg., and is delivered by the car-

rier to the person addressed, often before the other can get his name on the hotel register.

The value or importance of the letter or package is immaterial. The message of love from the humblest home nestles in the same package side by side with the one containing a draft or a money-order. The letter of a Gould or a Vanderbilt speeds on its way with no more celerity or certainty than does the message from the lowly thatched cottage where poverty abides. The blurred and blotted scrawl upon the postal card asking for garden-seeds finds out the poor Congressman just as rapidly and as surely as the tinted and perfumed sheet of the office-seeker, clad in its costly and aristocratic robe, finds its way to the mansion at the other end of the Avenue. I desire now to call your attention to the latest expression of Congressional wisdom in the interest of these postal clerks. It is the law approved July 31, 1882, entitled "An act to designate, classify, and fix the salaries of persons in the railway mail service," and is in the following terms:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons in the railway mail service, known as railway post-office clerks, route agents, local agents, and mail-route messengers, shall, on and after the passage of this act, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum:

First class, not exceeding $800; second class, not exceeding $900; third class, not exceeding $1,000; fourth class, not exceeding $1,200; and fifth class, not exceeding $1,400: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

SEC. 2. That the sums appropriated in the act entitled "An act making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882, for the compensation of the railway post-office clerks, route agents, mail-route messengers, and local agents, be consolidated into one fund, and applied for the compensation of the clerks embraced in the five classes under the title of railway postal clerks provided in this act.

This act, as you will notice, divides these postal clerks into five classes, and fixes the maximum salaries of those in each class.

That those of the first class are not regarded as first-class clerks is evident from the fact that under this law they receive the least compensation.

The maximum pay, as fixed by this law, is as follows: first class, $800; second class, $900; third class, $1,000; fourth class, $1,200; fifth class, $1,400.

I will refer, therefore, reversing the order, first to the fifth-class clerks, who are entitled under the law to a maximum salary of $1,400 a year. In this class of clerks there were on December 31, 1885, seventy-two who receive a maximum salary of $1,400; and five hundred and sixty-four who receive a compensation of $1,300. I have some figures here from the report of the Department as late as the date mentioned, that is, 31st of December, 1885, showing how they are employed.

Of these seventy-two clerks, forty-eight are detailed as chief clerks. I should perhaps state by way of preliminary explanation in relation to these, that there is connected with the service, a general superintendent, who has his office in the Post-Office building in the city of Washington. Then there are nine division superintendents, who are stationed at different points throughout the United States, as, for instance, one at Atlanta, Ga.; one at Chicago, Ill.; one in New York city, one in Cleveland, Ohio; one in Washington, D. C.; one in San Francisco, Cal.; one in Boston, Mass., and one in Cincinnati, Ohio. The United States is divided into nine divisions, each division having a superintendent, and each superintendent having exclusive charge of a certain territory.

At various railroad centers in these divisions a postal clerk of the fifth class is detailed as chief clerk, who has immediate control and supervision of the postal routes terminating there; as, for instance, a postal clerk is detailed as chief clerk to take charge of the routes at Kansas City, Mo.; another at Omaha, Nebr.; one at Columbus, Ohio, and at Indianapolis, Ind., and at Harrisburg and Philadelphia, Pa., so that forty-eight out of the seventy-two clerks of this class are detailed as chief clerks in the various railroad centers.

Now, mark that this position of chief clerk is practically the highest promotion that is open to the postal clerk or to which he can hope to attain. Notice then how grandly and magnificently liberal the Government of the United States is to this class of its employés. They must, of necessity—and I am speaking of the chief clerks now—they must of necessity travel a great deal throughout the districts or divisions assigned to them, which frequently cover a large territory, in the interests of the service, and which necessarily takes them at times, hundreds of miles from their homes; and all their expenditures are met by themselves. For all of the expenses to which they are put in traveling for the United States Government on such service not a cent is paid by the Government. So that the compensation of a chief clerk will depend necessarily upon the amount of expense to which he is subjected. His compensation is frequently reduced to $1,000 per annum by reason of such expenditures; and hence the postal clerk who, by diligence, skill, and attention to his business, reaches this promotion has the unspeakable pleasure of taking all of the honor and responsibility and having his pay diminished instead of increased. What a marked incentive to skill, courtesy, and attention to the performance of duty is thus held out to him!

In the Indian appropriation bill just passed, I notice a provision for five Indian inspectors, who receive $3,000 per annum, and have appropriated, in addition to this amount, $8,000 for traveling expenses; Indian inspectors, who visit the various Indian agencies, not in the interest of the Government, not in the interest of the people, but ostensibly in the interest of poor Lo, the noble red man, the creation of the imagination of poets and philanthropists, but in fact, in the interest of the savage, treacherous, indolent, brutal, inhuman, barbarian, who will not work, who will not be civilized and who only becomes good after he ceases to be; Indian inspectors, who visit Indian agencies to look after the wholesomeness of the beef issued to these Ishmaelites, renew their breech-clouts, and prime their repeating rifles with fresh cartridges, with which to murder defensless women and children on the frontier; Indian inspectors, to see that treaties are observed, treaties that might as well have been made with the inmates of a lunatic asylum, or the vilest criminals within penitentiary walls; yet these men—and I condemn the system and not the men—are paid $3,000 per annum and traveling expenses, from money obtained from the people by legislative taxation. But the postal clerk, who travels in the interest of the people, in the interest of true civilization, in the interest of home and manhood and womanhood, receives at the most only $1,400 and pays his own traveling expenses.

I turn to page 178, of the report of the Attorney-General, and I read:

Limited ticket from Chicago to Washington, $26.50; cab, 75 cents; three meals on train at $1 each, $3; porter Pullman car, 25 cents; 'bus, Chicago, 50 cents; hotel bill, $7.50.

The postal clerk can sleep upon his mail-sacks on the floor of his postal car and sniff the perfumes from the eating houses on the road to keep body and soul together; but the slick lawyer's clerk who goes to take depositions rides on the limited express, sleeps in the Pullman car, the porter blacks his boots and brushes the dust from his clothes, the cab conveys him from the depot to the hotel, at which he devours viands to the amount of $7.50 per day, and all paid by the Government.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. PETERS. Yes, sir; if you make it a short one.

Mr. TAULBEE. Have those postal clerks the right to resign, and let others take their places?

Mr. PETERS. Yes, they have.

Mr. TAULBEE. Then, why do not they?

Mr. PETERS. When you ask me that question you slap the very face of labor in this country.

Mr. TAULBEE. Will the gentleman allow me a further question?

Mr. PETERS. I have not time.

Mr. TAULBEE. I am satisfied you have not.

Mr. PETERS. Five hundred and sixty-four clerks of the fifth class receive $1,300. These are the men who have charge of cars, distribute the letters; are responsible for the mail, the car, the registered letters containing money; pay their own expenses, and receive only $1,300. They might under the law, and should under the law, receive the maximum salary, which is $1,400.

Clerks of class 4, 676, receive $1,150. They pay their own expenses. They might receive $1,200, the maximum salary, and should receive every cent of it.

Class 3, 1,603 clerks, receive $1,000. These pay their own expenses.

Class 2, 625 clerks, receive from $810 to $900; 575 receive $900.

Class 1, 699 clerks, receive $800; 273 receive sums ranging from $790 down to $1.

I have a table furnished by the superintendent of the service which I will read.

Statement showing the number and pay per annum of clerks in the railway mail service December 31, 1885.

	Pay.	Number.		Pay.	Number.
Class 5	$1,400	72	Class 1	$640	5
Do	1,300	564	Do	630	2
Class 4	1,150	676	Do	610	2
Class 3	1,000	1,603	Do	600	44
Class 2	900	575	Do	580	2
Do	890	4	Do	570	2
Do	880	7	Do	560	3
Do	870	6	Do	550	1
Do	860	12	Do	530	1
Do	850	9	Do	520	1
Do	840	12	Do	510	3
Do	830	1	Do	500	9
Do	820	9	Do	480	1
Do	810	10	Do	420	2
Class 1	800	699	Do	410	2
Do	790	8	Do	400	1
Do	780	4	Do	360	5
Do	770	6	Do	320	2
Do	760	11	Do	300	8
Do	750	7	Do	240	1
Do	740	6	Do	200	1
Do	730	11	Do	180	1
Do	720	28	Do	150	1
Do	710	4	Do	100	1
Do	700	17	Do	60	1
Do	690	11	Do	12	11
Do	680	4	Do	1	12
Do	670	3			
Do	660	3	Total		4,512
Do	650	5			

That furnishes food for the reformer, be his ideas of service civil or uncivil. The whining, growling cynic, who is always prating about the extravagance of the nation, will contemplate with evident relish the impecuniousness and meanness lavished upon this intelligent class of laboring men. The fathomless depth of this lavished meanness can not be fully appreciated without keeping in mind the fact, that the people who use the postal system, voluntarily contribute the money to pay for the service. It is not raised by hard or grinding taxation, but is the result of voluntary contributions. Here, then, is a wrong that should be remedied. The people have had good service and desire these agents to be justly and fairly treated and compensated. What, then, is the remedy? Part of it is to be found in the bill under consideration, by increasing the appropriations for fourth and fifth class clerks, so that they can receive the maximum salaries, and part must be furnished by other legislation.

I have said the maximum pay provided by law for a clerk of the fifth class is $1,400, and for a clerk of the fourth class is $1,200, and yet only 72 of the 636 clerks of the fifth class receive the maximum salary. Five hundred and sixty-four receive only $1,300. The 676 clerks of the fourth class receive $1,150 each per annum, or $50 less than the maximum salary. Why is this? Can any man give a reason that will be satisfactory to the fifty millions of patrons who support this service? The man who would dare assert, in the face of the recorded facts, that these men do not earn the maximum salaries would brand himself as an "innocuous" crank, wallowing in the sewer of prejudice or ignorance. These men should have the maximum salaries allowed by law.

The item in the appropriation bill for the pay of railway postal clerks should be increased $90,200; $56,400 for clerks of the fifth class, and $33,800 for clerks of the fourth class.

The other remedies, under our rules preventing legislation upon appropriation bills, can not be ingrafted on the bill under consideration except by unanimous consent, and as the age of miracles has passed away, unanimous consent can not be expected. These remedies are, first, to allow to all postal clerks when in actual service on their runs $1 per day for expenses. A man can not perform duty as a postal clerk and remain at home. From the time he starts on his run until he returns, often from two to five days being spent in making one run, he is necessarily bound to incur extra expenses. His meals alone, at the low rate of 25 cents each, would amount to 75 cents per day. Scarcely a run is made without the expense of a night's lodging. Then, he must furnish his own pens and ink, pencils, and stamp. All of these are small items, but in the aggregate during the year they amount to a considerable sum and very perceptibly reduce the net salary of the postal clerk. In addition to this, he is required to have a uniform for dress-parade and recognition. The dust and dirt incident to service upon the train destroy wearing apparel very rapidly, and hence it is almost essential that he have a second and a plainer suit in which to work in the car.

Every class of Government employés who are required to travel and are necessarily absent from their homes for stated periods, are allowed traveling expenses except these hard-worked and poorly paid railway postal clerks.

The second remedy must be secured by distinct legislation. I take this opportunity to call the attention of members to a certain bill and to ask their careful, unprejudiced consideration of its provisions.

On the 21st of December I introduced this bill, which I will now read:

A bill to pay dependent relatives of persons killed by accident engaged in the railway mail service, and to compensate for injuries received.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the death of any employé in the railway mail service of the United States, caused by any accident while on duty, there shall be paid to the relative or relatives dependent upon such railway mail employé at the time of the accident a sum equal to two years' pay of the grade held at the time of death.

SEC. 2. That any employé of the railway mail service who may become disabled while on duty shall be paid four-fifths of the salary of the grade held by him at the time of the injury, during the continuance of the disability.

Neither the rich man nor the rich man's son seeks the position of a postal clerk. The work is too severe and the pay too meager. The position is one requiring great physical endurance, quick perception, good memory, at least a common-school education, and a strict attention to study and to duty. A drone or a dullard can not keep up with the requirements of the service. The degree of perfection required is remarkable. By a system of checking errors, a strict adherence to which is required by rigid rules, the penalty for the violation of which is dismissal from the service, errors are reported and charged up to each clerk. I have before stated that each clerk handles annually 1,249,760 pieces, or an average of 3,424 pieces per day. The record of errors for the past fiscal year shows an average of only one error per day for each clerk. Each clerk is required to pass a test examination at least twice a year. The clerk who fails to pass a satisfactory examination or who makes an unusual number of errors when out on his run, loses his position. The "lay-off" of the clerk, then, must largely be spent in studying the different schemes and connections. In short, when not actually running he must be preparing to run. He has, therefore, no time to devote to anything else except the duties incident to his position. His whole dependence for support for himself and family is upon his meager and hard-earned salary. With this, by strict economy, he can live comfortably and keep those dependent upon him, but—and I call the attention of the gentleman from Kentucky [Mr. TAULBEE] to this—he can make no provision for them should accident befall him.

Mr. TAULBEE. Since the gentleman has alluded to me, I ask him to yield for a question.

Mr. PETERS. If you make it short. I have promised time to other gentlemen, and I have not the time to spare.

Mr. TAULBEE. I will make it short. I understood you to say that as railway postal clerks these were efficient business men, but that in that vocation they were unable to lay up any money. Now the question is, would they be able to lay up any money in any other vocation?

Mr. PETERS. If the gentleman had ever given any attention to the railway postal service, if he had ever been in a postal car, he would have seen that which would have made his question unnecessary; he would have seen that the time of the postal clerk is so fully occupied with his duties that he has no time for anything else, and is in a measure disqualified for any other occupation.

Mr. TAULBEE. What I meant by my question was to inquire whether or not the postal clerk could embark in some other business, and by that business be able to lay up money.

Mr. PETERS. I do not consider that a question which I need stop to answer.

To resume: The position of railway postal clerk is one of constant danger while out on his rnn. The mail trains are usually fast trains. The postal car is usually next to the engine. The clerk is engaged in his duties. He has no time to look out for danger and leap for his life in case of collisions. To show the danger let the record, as furnished in the report of the superintendent, speak:

Total number of casualties during last fiscal year	102
Number of clerks killed	2
Number seriously injured	35
Number slightly injured	65

The past year has been exceptionally free from casualties. In 1884, 7 clerks were killed in railroad accidents. Twenty-nine postal clerks have been killed in railroad accidents in the last ten years, and 182 seriously injured.

These risks are taken because the nature of the service requires it. They are taken in the interests of the people, and the people are willing to make a suitable and reasonable provision for the dependent ones in case the father or husband or son loses his life in their service. Do you raise the warning hand and cry, "Civil pension?" I say, away with such an impecunious specter. It can have no application to this proposed provision. It has no terrors for me, even though it should assume the fleshy *personnel* of the canting reformer. To do right never establishes a dangerous precedent.

Republics may be ungrateful; the people are not.

Republics may be impecunious; the people are liberal. Republics may be unjust; but the people when apprised of the act will condemn and remedy the wrong.

This postal service is the people's service. Public opinion, slowly compressing truth and expelling error, moves on in its grand march to the goal of a correct judgment as unerringly as day follows the night.

It is but a simple act of justice to say to these postal clerks "perform this dangerous yet necessary service for us, and should you lose life, we will see that those you love, do not suffer for the necessaries of life by the sudden bereavement. Public opinion will place the signet of its approval upon such a humane and just provision.

Do you say that if the present force do not desire to serve under the present law let them retire, and others will take their places? I repeat again, such an argument against the men in this service is a slap in the very face of labor.

All over our broad land, rich and grand as it is, is to be heard the voice of discontented labor pleading for recognition as an equal factor in the progress of the century. It is neither wisdom nor statesmanship to wait until necessity changes the prayer into a demand.

These postal agents represent a class of skilled labor that can not be acquired in a day. Their positions may be filled, but their work can not be effectively done by unskillful and untrained hands. This is the opportune moment for the great Government of the United States to give to capital a good example and to labor a merited recognition. The individual conscience will approve the act. From every hearthstone of American homes, from every mart of business, from every office, and from every shop, from every forge and from every field, from every city and from every hamlet, from every mine and from every mountain-top, from gulf to lake and from ocean to ocean, will come the signs and words of the nation's approval.

Let us be just and fear not. [Applause.]

Mr. MILLARD addressed the committee. [See Appendix.]

Mr. RIGGS. Mr. Chairman, there are only two points upon which there is any difference of opinion in the committee on this appropriation bill, one in relation to the amount provided for pay of the railway postal clerks of the fourth and fifth classes, and the other with reference to the amount provided for the foreign mail service. I do not care to spend time on the first of the two points of difference.

On the first question, however, I want to say that I have an opinion which I am willing to express. I do not think that the amount pro-

vided by the committee for paying these railway postal clerks ought to be increased. I believe they are receiving pay enough.

The maximum pay which might be allowed these two under the law, $1,200 and $1,400 respectively, was in former years received by them; but several years ago that pay was reduced $50 per annum on each individual salary of each class, and reduced, too, at a time when the amount of pay they were then receiving would pay for less of the necessaries of life than what they are receiving at present will pay for now. I do not see any reason why the pay of these clerks should be put back to the old or maximum rate; but about that I do not care to talk further.

With reference to the provision for the transportation of foreign mails, it is understood, of course, that the committee could only provide for sea postage for all our outward mails carried by foreign vessels, and the same for all carried by sailing vessels, and sea and inland postage for those carried by steamships of American register. Beyond that the committee could not go, under the rules of the House and the provisions of the statutes. Now, if we have provided that, and if it can be shown that we have done so, all controversy ought to cease. I am not going to occupy any time here discussing the question whether or not all American ships ought to have the sea and inland postage, or whether some ought to have more than that.

This committee under the rules of the House can not provide more than the sea postage for foreign steamships and sailing vessels and sea and inland postage for steamships of American register, and it would be idle to discuss that question now. I believe it can be shown that the appropriations provided in the bill will be sufficient to pay the sea and inland postage wherever it ought to be paid. The following is the estimate made by the Department for the whole service for the fiscal year for which we are providing:

For the transportation of mails, including railway transit across the Isthmus of Panama, calculated at the rate heretofore paid for said service	$350,000 00
For balance due foreign countries, including the United States' portion of the expenses of the international bureau of the Universal Postal Union and the subscription of the Department for the monthly journal (L'Unjon Postale) of that bureau	100,000 00
Total	450,000 00

But this only covers sea postage for the whole foreign service, and the Superintendent of the Foreign Mail Service accompanies this estimate with the following:

If it is the will of Congress that the entire sea and inland postage shall be given to vessels of United States register for the conveyance of mails transported by them, the estimate of $350,000 must be increased $75,000, as you will observe by reference to the table herewith transmitted, which gives the weight of the mails conveyed by vessels of United States register for the fiscal year of 1885, and shows the total sea and inland postage thereon to be $81,679.67.

Deducting the amount of sea postage that was actually paid to said vessels, namely, $32,294.97, we have a balance of $49,384.70, that would have been paid if said vessels had been allowed both the sea and inland postage.

Under the same percentage of increase in the weight of mails as is estimated in this statement it will require $75,000 in addition to the appropriation of $350,000, making a grand total of $525,000 needed by the foreign mail service of this Department for the fiscal year to end June 30, 1887.

But this estimate needs revision, and has received it at the hands of the Superintendent of this branch of the service since his annual report was published.

At the time that estimate was made the service from Key West to Cuba was conducted under the direction of the Bureau of Foreign Mails, and pay therefor was included in that estimate. Since then arrangements have been contemplated, and I am told at the Department will no doubt be carried out, to transfer that service for the next fiscal year to a division or bureau of the Second Assistant Postmaster-General's Office. In that event it will be paid for out of the appropriation for the steamboat service, and thereby this estimate of $75,000 would be reduced by the sum of $13,000, as I am told at the Department. I believe that is about correct.

In addition to that deduction there is another which results from, I suppose, an oversight in making the estimates for inland postage to all steamships of American register in 1885, and that year is taken as the basis. The calculation was made on seventy-eight ships in American lines, and there is a table given here which shows that there are seventy-eight ships in American lines. But as a matter of fact fourteen of those vessels have foreign register, and can only be paid under the statutes sea postage, and on that account a deduction should be made. I have made an estimate and submitted it to the Superintendent of Foreign Mails and taken his judgment on it, and believe it is not too high as to what that deduction should be. I deduct, as I understand it, the inland postage, which must have been included in the estimate for fourteen ships of foreign register, the sum of $8,863.82. I believe the Superintendent of Foreign Mails is of the opinion that the sum of $13,500 should be deducted for that, which would be more favorable to the committee, but the computation which I made puts it at $8,863.82.

Then the sea and inland postage upon the mails from San Francisco to New Zealand and the Australian colonies, it is estimated, for the fiscal year 1887 would amount to about $41,000. New Zealand and the Australian colonies have a contract with an American line to carry mails both ways, and have entered into an arrangement which may be extended for three years at the option of our Government, under which we pay New Zealand and the Australian colonies $20,000 per annum, and they guarantee the conveyance of our outward mails. So there is a saving of $21,000.

Gentlemen may say it is a niggardly and perhaps a very unwise policy so to treat our own vessels that they must go and contract with other powers, and then we make a contract for what may be regarded as a very low price with those powers. I know that may be said, but we have made an arrangement of that kind. We have already provided for the carriage of those mails for the next fiscal year at a saving on sea and inland postage of $21,000.

Now, putting those sums together, they make a total of $42,863.82, which, deducted from the $75,000 estimated, would still leave something like $33,000, or between thirty-two and thirty-three thousand dollars. But here is an item which should be taken into account. The inland postage for all these ships, the fourteen of foreign register and those of American register in 1885, was only $49,384.70. Deducting the $8,863 on account of the fourteen vessels included that are of foreign register, there is left but a little over $40,000 for inland postage for all steamships of American register. That was in 1885.

The average increase in the foreign-mail service for six years has been 5 per cent. per annum. There was an actual decrease in 1885, as compared with 1884, of $317.18 in the foreign-mail service. Taking the average rate of increase for six years last past, 5 per cent., add that to the $40,000 which would have been necessary in 1885 to pay full inland postage to vessels of American register, and you would have $42,000 for this current fiscal year. Five per cent. added to that would make about $44,100. It would probably run up to nearly $45,000 actually for the fiscal year 1887. The difference between this sum and the $75,000 originally estimated by the Superintendent of Foreign Mails is $30,000, which sum, less the $8,863.82 already deducted on account of the fourteen vessels of foreign register, should be deducted from the original estimate of $75,000. The result produced by this calculation is as follows:

Original estimate for inland postage		$75,000 00
Deduct for fourteen vessels named	$8,863 82	
Deduct for Cuban service	8,000 00	
Deduct for New Zealand and Australian services	21,000 00	
Deduct for overestimate on increase	21,136 18	
		59,000 00
Leaving as the balance necessary		16,000 00

The committee have provided $25,000, which, upon the foregoing calculation, will be more than sufficient.

Then, Mr. Chairman, we may get at the matter in another way. Take the whole cost of the foreign-mail service for the first half of the present fiscal year, which is $171,733.37, and this includes the Cuban service, and sea and inland postage to steamship San Pablo, of the Occidental and Oriental line, and to the United States and Brazil line, and the American line from Philadelphia to Great Britain.

1886, first half year	$171,733 37
Cost of whole year, 1886	343,466 74
Deduct for Cuban mail service	13,000 00
	330,466 74
Add 5 per cent. for increase	16,523 33
Estimate for 1887	346,990 07
To which must be added inland postage to a portion of the American lines not included in the above estimate, and deducting the above estimate from the amount we provide for the whole service	375,000 00
Leaving to pay inland postage to balance of American lines, which sum will be sufficient	28,009 93

Thus it is seen that an error in the estimates, a change in the facts and an arrangement made (I believe it was made in November, which was after the estimates were made at the Department) in regard to our mails to New Zealand and the Australian colonies, have so changed the situation that $50,000 of the $75,000 estimated by the Superintendent of Foreign Mails is absolutely not necessary.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has consumed twenty-three minutes, counting the time he gave away.

Mr. RIGGS. I now yield twenty minutes of my time to my colleague on the subcommittee [Mr. WAKEFIELD], and after he has occupied that I will yield the remainder of my time to the gentleman from Tennessee [Mr. TAYLOR].

Mr. WAKEFIELD. I shall not enter upon any elaborate discussion of the bill under consideration. My time would not permit did inclination lead me to do so. Neither do I purpose to be led into any political discussion in connection with this measure. So far as the general scope and terms of the bill are concerned I feel certain they will, from all fair and intelligent judgment, compel the concession that in the main its provisions are liberal without extravagance, and economical without parsimony.

I have warrant, I think, for asserting that the committee having the bill in charge—ably counseled and sustained by its distinguished chairman—has sought by careful and earnest investigation to arrive at such conclusions as, while keeping steadily in view the needs of an important and rapidly increasing branch of the public service, might not on

the one hand subject them to the just criticism of a reckless appropriation of the public money, or on the other to an indefensible attempt to curtail necessary expenses to the embarrassment of a service whose efficiency is intimately identified with all the social and business interests of our people.

If the conclusions we have reached shall fail of accord, either in whole or in part, with the judgment of the House, it will not be because of our failure to thoroughly and critically examine the estimates, appropriations, and expenditures of previous years, or any hesitation while regarding the wonderful development of our postal system to increase or reduce the appropriations as seemed to be indicated by the exigencies of the service. Wherever a reduction of the estimates of the Postmaster-General has been resorted to it has been justified to the committee by a full comparison of the estimates and expenditures of many previous years.

But, as I remarked at the outset, I did not rise to discuss the merits of the bill as an entirety. I wish simply, within the limits of the time allotted me, to state as briefly as I may the reasons that compel me to withhold my assent to the proposition of my distinguished friend from Michigan. He desires to add $50,000 to the amount believed by a very large majority of the Post-Office Committee sufficient to secure a satisfactory carriage of our foreign mails. While I had learned to admire the ability of the gentleman from Michigan long before I had the honor of his acquaintance, and while I have for his opinions ordinarily the most profound respect, I can not follow him into what seems to me an unnecessary expenditure, and, so far as I can perceive, one by no means demanded by any present needs of that special service.

My friend has embodied his views of this proposition in an able and exhaustive minority report, submitted by him some days since, on House bill No. 4864, introduced here by the gentleman from Illinois [Mr. RIGGS], which provides as follows:

Be it enacted, &c., That all vessels owned by citizens of the United States and the masters thereof, bound from any port therein to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer for transportation, and shall securely convey and promptly deliver the same to the proper authorities on arriving at the port of destination, and shall receive for such service such compensation as may be allowed by law therefor, or by the Post-Office Department in pursuance of any law of Congress; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mails placed on said vessel before clearance for the United States; and in case of any violation hereof such vessel shall not be entitled to the privileges of a vessel of the United States.

Since it seemed necessary for purposes of illustration that he should quote somewhat from that report, I find myself compelled to follow his example, and shall do so so far as my argument may require.

Now, I quite agree with my learned friend that the question of how much and what compensation shall be allowed by the Postmaster-General under that clause in Mr. RIGGS'S bill which stipulates that the ships carrying the United States mails "shall receive for such service such compensation as may be allowed by law, or by the Post-Office Department in pursuance of any law of Congress," must be determined, as the law now stands, by sections 4007 and 4009 of the Revised Statutes.

These sections are as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into any contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage, and if by a foreign steamship, or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

There can be no dispute on the point that has been made, that the utmost limit of the discretion of the Postmaster-General in fixing the compensation to the American carriers of our foreign mails reaches no step beyond the payment of sea and inland postage.

From this point, however, the opinions of the majority and minority of the Post-Office Committee diverge, and diverge widely. I assume that the opinion of this committee and of the House is, without exception, in favor of paying our mail steamers a just and reasonable compensation for services rendered. This great Government can not afford to compel or accept the valuable service of corporations or individuals without making adequate and just remuneration for the same.

The primal question then, or indeed the only question of moment suggested by the amendment proposed by the gentleman from Michigan, is this, *i. e.*, Is the Postmaster-General authorized by present law to pay to steamers carrying our mails a fair and adequate compensation? Or, to put it in another form, Is the sea and sea and inland postage a reasonable and just compensation for that service?

I have examined somewhat carefully the report of the present Postmaster-General, and have endeavored from such sources as were available to obtain the data that would aid in measuring the actual labor devolving upon the owners of these mail steamers in the handling and transportation of the mails, and I have been convinced, both by speech and by silence, that as an element to determine to any appreciable extent the value of these services it is without force or importance, the transfer of the mails by wagon from the New York post-office to the vessel, the delivery of the same at the port to which they sail by similar conveyance, the stowage of the mail in a small, unlighted room on board the vessel while in transit, requiring less care and attention than is bestowed upon the baggage of the passengers.

This constitutes the sum of the labor and expense, so far as I have been able to get information, for which our American lines are insisting they are entitled to pay far in excess of what they can receive under the present law.

One subject connected with this foreign-mail service was either studiously or carelessly ignored by the representatives of the lines that had a hearing by the Post-Office Committee, and that was the special privileges and benefits accruing to these steamers in foreign ports, and founded solely upon their character as transporters of the public mails. Neither did any of those gentlemen enlighten us in respect to the munificent money benefactions received from those countries whose mails form the objects of their solicitude and care when returning to the home ports. The figures which I shall exhibit later on, joined with this seeming attempt to put aside or obscure important facts, have forced me to the conclusion that an efficient and satisfactory sea-service can be secured by the payment only of sea, and in some instances of sea and inland, postage.

In reaching this conclusion I have omitted any consideration of patriotism and pride of country—to which, with some rhetorical fervor, allusion was made in the report referred to—that might perhaps be expected to animate the breasts of ship-owners as vigorously as those of any other class of our citizens. A sentiment so worthy and exalted should not be confined to the charmed circle of those who pay, since those who are paid have greater practical reasons for its manifestation. Whatever may be the fact as to the wisdom, or otherwise, of an attempt to build up and develop our merchant marine by blindly accepting the theories and following the example of the great European powers, I feel confident it should not be attempted through the instrumentality that has been here invoked to that end. If that question must come before Congress, let it present itself, or be presented, without subterfuge or disguise. Its weight and importance forbid that it should seek a temporary triumph by any indirection.

Let us meet it, if meet it we must, frankly, squarely upon the naked proposition to grant directly for that purpose, and that purpose only, from the national Treasury whatever amount by way of largess or subsidy may be demonstrated to be needed to induce capital to build us ships and undertake the venture of the seas. Do not expect, however, that you can accomplish this by adding a few thousand dollars to the Post-Office budget.

Before presenting the figures that affect this question of adequate compensation to mail steamers, I beg the indulgence of the committee while I state some of the special privileges and benefits that mail steamers receive at their various ports of destination.

In response to inquiries addressed to a number of foreign countries by the Superintendent of Foreign Mails for information as to what privileges and immunities were granted by them to vessels carrying the mails to and from their respective countries the following replies were received:

The Japanese office states that no privileges are granted to mail steamers other than that provided for in article 4 of the regulations of trade between the United States and Japan, namely: Steamers conveying the mail of the United States may enter and clear on the same day, and they are not required to make a manifest, except for such passengers and goods as are to be landed in Japan.

The Havana office states that mail steamers making periodical voyages to Cuba are exempted from the payment of any tax, provided they do not bring in or take out more than 6 tons of freight, and are charged only 62½ cents per ton for all excess over 6 tons; besides, custom-house permits are taken out before the arrival of the steamers, and such steamers are dispatched in preference to all others. All other than mail steamers are charged $1.35 per ton on all freight brought in or taken out.

The Bahama office says that mail steamers are exempted from all port charges and are liable only to pilotage fees. The steamer also saves 1 shilling (24 cents) per ton on her registered tonnage and 3 pence (6 cents) per ton for light dues.

The St. Thomas (Danish West Indies) office reports that under the law of April 16, 1882, steamers making regular voyages by which mails are conveyed are exempt from fees paid to the port and a moderation of the harbor-master's fees, and are allowed to arrive and depart out of time.

The Belize (British Honduras) office says that vessels by virtue of being mail steamers are exempted from the payment of any port dues, all other steamers being charged at the rate of 12½ cents per registered ton.

The Bogota (United States of Colombia) states require the payment of no tonnage dues from mail steamers which make regular trips.

In Venezuela the immunities accorded to steamers carrying the mails consist in extending the hours of labor in the custom-house and affording them special facilities in meeting the requirements of the custom-house regulations in loading and unloading cargoes.

In Brazil the mail steamers are allowed to unload their cargo immediately, preference being given them before any other vessel and before

they have been entered at the custom-house, and this not only on ordinary week days, but also on Sundays and holidays. They are also permitted to sail at any hour of the day or night after they have taken on the mail, and they can not be detained in any Brazilian port, under any pretext whatever, beyond the hour fixed for sailing.

These privileges seem to be an adequate compensation for the labor and expense of transferring the mails to and from the ship at the several ports. And, too, it must be remembered that a very large proportion of the letter mail carried by these steamers to the South American ports consists of the advices of consignors in New York to their consignees, covering manifests and bills of lading, important to both and for the exclusive benefit of the steamer's patrons.

A comparison has been made in the minority report between the rates of compensation paid to railroads, star routes, and coastwise and domestic steamboat lines and that paid steamers carrying our foreign mails, and the argument is advanced and insisted on that great inequality exists between these classes of service by reason of an alleged unwarrantable discrimination against the foreign steamship lines.

The apothegm is a quaint but old one that "figures won't lie." They may, however, be so unfortunately combined as to fail in expressing the true status of the problem they are invoked to solve.

In the tabulated statement embodied in the report of the minority the rate per mile of railroad compensation is placed at 10.95 cents; that of star route at 6.52 cents, and of domestic steamers at 15.9 cents. The further statement is appended that ships carrying foreign mails receive but 2.74 cents per mile. While these figures, if strictly accurate, might prove that the rate paid to our railroads is excessive; and while it is perhaps true that we are paying the railroads a rate which, contrasted with the compensation for star-route service, is greatly disproportionate to the cost, yet the error has been made by the gentleman representing the minority of basing his rate to foreign steamers upon a mistaken estimate of service mileage.

The truth is, and it is one not to be lost sight of in this calculation, that these steamers and occasional vessels carrying our mails are paid only for their outward-bound trips.

The tabulated statement that I have here, prepared with great care in the office of the Superintendent of Foreign Mails, enables me to correct the statement in the report. I will not weary the committee with giving the figures in detail. I shall ask to have it printed in the RECORD in connection with my remarks. These tables show that the total number of miles traveled on outward trips by the eight principal lines which carried the mails—and this includes those that united in a refusal to carry—was 810,829 miles; the total amount paid them was $43,492.48, or an average per mile of 5.3 cents. Contrast this with the 6.52 cents paid on star routes, and consider the different character of the two methods of service, and it is evident that these common carriers by sea receive full compensation for their services.

But in discussing the adequacy and justice of sea and inland postage as the rate of compensation, it is not fair or accurate to place the compensation of foreign steamers at the rate stated. Had the lines mentioned been paid both sea and inland postage, they would, as will be seen in this table, have received 14.4 cents per mile for every mile they carried the American mails.

This rate exceeds that paid to railroads by nearly 3½ cents, and is but a trifle more than 1 cent less than that paid domestic steamboat lines.

These steamers and other vessels on their return trips carry mails for other countries and not for ours, and, as this table further exhibits, they are subsidized by those countries to a large extent in many cases, and hence their average pay for their return mail service amounts to about 59 cents per mile.

The glaring inequality spoken of in the minority report, which is revealed by a comparison of compensations allowed foreign mail ships and those employed in the coastwise service, is found after all, upon inspection of the facts and their surroundings, to present no alarming or surprising features. There are but few coastwise steamers to-day in the mail service. They are passing out of use, and must soon give way entirely to other, safer, and less expensive means of carriage. Where these lines still exist, they do so to meet a pressing demand for mail facilities that would not be supplied did not the Government step in and at any unavoidable and necessary cost secure to the poorest and weakest of its citizens this essential adjunct to civilization.

This is done in pursuance of the well-established policy of the Government, which recognizes, as it ought to recognize, the right of every citizen of the Republic, however isolated and remote from its great business centers, to some safe and certain means of communication with the great world of which he is a part. It is this policy which adds so largely to the cost of the star-route service, and yet I think there are few gentlemen in the House, certainly very few from the South or West, who would advocate change in this policy affecting the last-named service.

It is, therefore, hardly ingenuous to compare these two classes of service with that rendered by the steamers carrying our foreign mails in order to make out a case of "gross inequality," since these latter lines are established and are maintained primarily and solely as common carriers of passengers and freight. This is evidenced by the fact that with or without mails they continue to pursue their occupation with the same regularity and frequency of voyage.

Another fact of which I have heard little mention should be considered in connection with this proposed comparison; that is, that all the steamboat lines, the coastwise steamship lines, and star routes are under special contracts, by which they are compelled to render service at stated times, to make regular trips, and obligated to make such trips whether they have or have not anything but the mails to carry. If they fail in any of the particulars of their contracts, they are mulcted in a considerable amount, which in the life of the agreement often operates to lessen very materially their aggregate compensation. The lines between Portland and Eastport, Me.; between New Bedford and Edgartown, Mass.; between Key West and Biscayne, Fla., and between Apalachicola and Carabella, Fla., received less than 10 cents per mile, or more than 4 cents less than sea and inland postage applied to foreign carriage.

There are now under contract, as I am informed by the Post-Office Department, but six lines on which a greater rate is paid per mile than would be paid to steamers carrying foreign mails on the basis of sea and inland postage.

It is true that the Government pays for carrying the mails from Port Townsend, Wash., to Sitka, Alaska, what appears on the surface to be a vastly disproportioned sum when contrasted with the rates allowed the Pacific Mail between New York and Aspinwall, or between San Francisco and China, or that paid to the line between New York and Venezuela; but it must be remembered that while the former line is executing a special contract, compelled to sail at fixed periods and conform its schedule of time to the demands of the Government, the latter are depending almost entirely upon their freight and passenger traffic for their profits, and go and come at their own pleasure.

It has been claimed that the reduction in the rate of sea postage by the Postal Union caused a great diminution of the total compensation received by these companies. Is this true? It appears from tables furnished our committee of the rates of postage on foreign matter chargeable during the fiscal year ended June 30, 1868, the total sea and inland postage amounted on all the mail carried to West Indies, South America, and on the Pacific to about $72,359.49; while during the fiscal year 1885, at the rate of sea and inland postage governed by the limitation of the Paris convention, the total amount at the actual average rate of three letters per ounce was $106,718.64.

From 1874 to 1885 there was a gain of $42,000 and over on sea and inland postage paid to steamers carrying the mails to West Indies, South America, and Pacific seas.

There is no question that our mail service to-day is the most economical as well as the most efficient of that of any nation on the globe.

The British postal administration, after a recent thorough examination of our system and methods of trans-Atlantic service, were compelled to acknowledge that our advantages were far superior to their own. They employ but three lines, and these are heavily subsidized. As a consequence they can not avail themselves of competition, while we can engage the services of any line we choose and actually pay less to all lines than England pays to them.

But the plea is made that the compensation of our mail steamers should be largely increased in order that our commerce that now languishes may be fostered and revived. How this is to be accomplished—how we are to reach that happy condition of commercial supremacy, which is the aspiration of all intelligent Americans, by contributing to the Pacific Mail Steamship Company, carrying our mails to the South American ports and China, a few thousand dollars more than they have heretofore received, I confess has not been demonstrated with such clearness as to remove from my mind its doubts. I name the Pacific Mail Steamship Company for no purpose of antagonizing that enterprising corporation, but simply because it so occurs that in any bid for mail carriage under contract that company and its associated lines would find themselves without annoying competition. What we are endeavoring to accomplish by the appropriation asked for in the bill of the committee, if I correctly apprehend the purpose of the committee, is to secure a safe, speedy, regular, and economical transportation of our mails. That, I conceive, is the chief and only object we should keep in view in determining what can properly be appropriated to our foreign-mail service. If in pursuing this inquiry it shall happen that the commerce of the country shall incidentally receive encouragement and benefit by this service, well and good. No one will rejoice at such result more than I. But this, however desirable, should not become the principal and vital question in this discussion. It should not, I think, come at all to the front in determining as to the compensation and methods by which we hope to arrive at the best results in our foreign-mail system.

I do not deny that some legislative action is perhaps desirable and demanded by the people of the country in the direction of increasing and facilitating our business relations with foreign countries, and especially with South American states. The enlarging of our capacities and opportunities for a free interchange of our varied products with those of the great manufacturing and productive nations of the world is, I confess, a consummation devoutly to be wished.

But here arises the question, What best mode of reaching these desirable results is indicated by our present conditions? This is a question that has for many years engaged the attention and confounded the judgment of statesmen "the latchet of whose shoes I am not worthy to unloose."

I think we shall all agree that as respects foreign commerce our flag has been too long in a deplorable condition of "innocuous desuetude."

Our Navy, and our foreign merchant marine as well, have, like the comet of Ruskin, with changes of locality, too long been wagging their useless tails of phosphorescent nothing across the steadfast seas. The descent to Avernus has been easy. How may we mount again to the upper air? How are we to get back the traffic of the world? How are we to resume our position as one of the chief carriers of the world? The two questions last propounded were urged in the Forty-first Congress by that distinguished statesman and incorruptible patriot Hon. Z. Chandler, of Michigan, a State that has been, and is to-day, very ably represented in both branches of Congress, but never perhaps with more ability than on the occasion to which I refer.

Mr. Chandler, on the 25th of May, 1870, introduced in the Senate a resolution instructing the Committee on Commerce to inquire and report as to the most feasible and effective method for restoring the foreign commerce of the United States to American vessels.

On the 28th of the same month the resolution came up in the Senate for consideration, and its able author proceeded to give to the Senate and the country the results of his investigations in that prolific field of speculation.

A perusal of his masterly and instructive presentation of the subject reveals the fact that with all his research and thoroughness of examination of the plans proposed he was finally unable to evolve any theory that to his own mind was entirely free from objections. With the permission of the committee I will read one or two short extracts from his speech:

> What is the cause of the great change? It is that there has been a revolution in commerce—a revolution as complete since the year 1860 as though a century had intervened. To-day all immigrants, all valuable freights, all profitable cargoes are shipped by steam-propellers. Iron has taken the place of wood, and steam the place of wind.
>
> The vessel-builder can see nothing in commerce but building ships; he thinks that if you stimulate the building of ships you are building up your commerce. Well, sir, you may build ten thousand ships, and if you can not run them profitably you have no commerce. They will lie and rot at your docks if they lose $5 a trip. The vessel-owners can see nothing of commerce but ship-owning. Well, sir, you may own ten thousand ships, and if you can not run them profitably you have no commerce. If they lose $5 a trip they will not run; they must make a profit. As I said before, the great question is, how shall we restore this commerce to our flag? Here we meet with almost insuperable obstacles.
>
> We might, by abrogating our present treaties with all the nations of the earth, impose differential duties between our own and all other flags, and that might be of benefit to our commerce. I see that a member of the other House has introduced a bill with that view. I already had that proposition among my notes; but, in my judgment, it would not lead to any material benefit, because every other nation would pass retaliatory laws. Spain has always pursued that course, as she does to-day. In the island of Cuba there is a differential duty imposed upon all foreign vessels; but we are not much disposed to follow the example of Spain; it is now rather late in the day for us to copy Spain, and still I am not sure but that we may be driven to that very course. I do not commit myself one way or the other.

One fact is especially observable in this connection, and that is that among the many methods occurring to Mr. Chandler as possessing more or less of merit it does not appear that one so unique as that which has been advanced in the minority report had ever for a single moment found lodgment in his mind. And this speech was made six years after he had, in the most formal manner, by a negative vote, emphasized his protest to such hazardous and unwise legislation.

As long ago as in 1864, on a bill authorizing the establishment of an ocean mail steamship service between the United States and Brazil, Mr. Chandler, with the prescience of an enlightened statesmanship, refused his assent to such a proposition, and his vote on its final passage in the Senate is recorded in the negative. That we could secure the exhibition of our flag on every sea and in every port of the world by contracting with certain steamship lines for the carriage of our mails at a figure not limited by the value of the service escaped, in some unaccountable manner, the favorable consideration of that eminent statesman from whose public utterances I have read, and who in every other respect seems to have exhausted the great field of inquiry upon which he entered.

Whatever may be the fact as to the desirability of subsidies for increasing the commerce of the United States with South America or other countries, I can not believe that our Post-Office Department should be charged with the duty of their distribution. Higher rates of compensation to existing carriers will in no wise increase the lines of vessels navigating to those countries.

If it shall be determined by this Congress that new lines should be established by Government aid, it should be done by other methods than those here proposed. But I do not believe this House will so decide. Our previous experience in this direction was not fraught with such results as to tempt us again into that unsatisfactory and unprofitable field of experiment. The years of subsidies, from 1862 to 1884, during which we paid for the transportation of the United States mails to Mexico, West Indies, Central and South America, to vessels carrying our flag, the sum of $3,210,321.48, were years of least efficiency and regularity of our foreign mail service.

If the lines now engaged in legitimate commercial carriage upon the sea are put to service at a reasonable compensation in the transporting of our mails, there will be no danger of failure and no apprehension that the service will not be well and faithfully rendered.

The committee will, I hope, pardon me that, in discussing the proposition at issue, I have perhaps strayed somewhat from the original text. It seemed unavoidable, from the nature of the amendment proposed, to consider the question of subsidies, since, as I think, the increase asked for by the gentleman from Michigan is a subsidy pure and simple, and one that is demanded by no consideration of the needs of the service and by no reasonable anticipations of its increased efficiency. In my judgment the true method is foreshadowed in the Riggs bill, now on the Calendar. Compel these lines of steamers which are protected and honored by our flag to take and transport our mails as there provided, and place upon the Postmaster-General the responsibility of seeing that a reasonable compensation—which I am convinced can be found within the limits of present enactments—be paid for the service they render. In my judgment all will then be done that is needed to give us a safe, speedy, and economical foreign mail service. Let the question of subsidies for the encouragement of our merchant marine and the fostering of our commerce with the South American and other states and colonies be considered as an independent proposition, and stand or fall upon its own intrinsic merits. Let us here and now consider only the best methods by which the social and business correspondence of our own and other countries can be accomplished without unnecessary delays and embarrassment.

Statement showing number of trips and number of miles traveled (both inward and outward) by the eight principal American lines of steamers carrying the mails to and from foreign countries; the amounts paid to said lines both on inward and outward trips, what would have been paid them on the outward trips at sea and inland postage, and average paid per mile.

OUTWARD.

Lines and destinations.	Number of trips.	Number of miles traveled.	Amount actually paid (sea postages).		Sea and inland postage (letters 5 cents per one-half ounce; papers, 1 cent per 2 ounces).		Sea and inland postage (letters, 5 cents per one-third ounce; papers, 1 cent per 2 ounces).	
			Total.	Average per mile.	Total.	Average per mile.	Total.	Average per mile.
				Cents.		Cents.		Cents.
Pacific Mail, to China and Japan	18	109,620	$3,506 64	3.2	$10,125 84	9.2	$13,698 62	12.0
Pacific Mail, to Hawaii and Australia	13	84,575	13,565 29	16.0	41,140 79	48.6	42,361 00	50.0
Pacific Mail, to Colon	38	76,228	7,579 22	9.9	19,662 49	26.0	24,999 11	32.0
Pacific Mail, to Panama	25	81,775	1,238 44	1.5	3,505 22	4.3	4,485 29	5.4
New York, Havana and Mexico Steamship Company, to Cuba and Mexico	50	58,700	4,134 13	7.0	11,932 11	20.3	15,881 92	27.0
Red D line, to Venezuela and Curaçoa	34	104,244	1,392 94	1.3	3,901 22	3.7	5,169 04	4.9
Occidental and Oriental Steamship Company, to China and Japan	12	73,080	2,243 77	3.0	5,194 38	7.1	6,859 61	9.3
New York and Cuba Mail Steamship Company, to Cuba, &c.	71	83,354	2,698 93	3.2	8,047 21	9.6	10,912 65	13.0
United States and Brazil Mail Steamship Company, to Brazil, Argentine Republic, &c.	13	67,002	4,210 24	6.2	5,791 93	8.6	7,536 19	11.2
Clyde line, to Hayti, San Domingo, Turk's Island	17	22,355	553 66	2.4	1,466 35	6.5	1,864 87	8.3
Oceanic Steamship Company, to Hawaii	24	49,896	2,369 22	4.8	6,593 32	13.2	8,697 08	17.4
Total	315	810,829	43,492 48	5.3	117,360 86	14.4	142,465 38	17.5

Statement showing number of trips and number of miles traveled (both inward and outward) by the eight principal American lines, &c.—Continued.

INWARD.

Lines and countries of origin.	Number of trips.	Number of miles traveled.	Nature of payment.	Amount.*	Average per mile.
Pacific mail, from China and Japan	18	109,620	Paid on mails carried (sea postages)	$3,506 64	$0 03.2
Pacific mail, from Hawaii and Australia	13	84,575	Subsidized by Governments of New Zealand and New South Wales	150,000 00	1 78.0
Pacific mail, from Colon and Panama	63	158,003	Subsidized by Government of Mexico	30,000 00	49.0
			Subsidized by Government of Guatemala	24,000 00	
			Subsidized by Government of Salvador	24,000 00	
			Subsidized by Government of Costa Rica	(?)	
New York, Havana and Mexican Steamship Company, from Mexico, &c.	50	58,700	Subsidized by Government of Mexico	100,000 00	1 70.0
Red D line, from Venezuela and Curaçoa	34	104,244	Paid on mails carried (sea postages)	1,392 94	1.3
Occidental and Oriental line, from China and Japan	12	73,080	....do	2,243 77	3.0
New York and Cuba Mail Steamship Company, from Cuba and Bahamas.	71	83,354	Paid on mails carried from Cuba (sea postages)	2,698 93	(?)
			Subsidized by Bahama Government—amount	(?)	
United States and Brazil Steamship Company, from Brazil, Argentine Republic, &c.	13	67,002	Subsidized by Government of Brazil	108,200 00	1 61.0
Clyde line, from Hayti, San Domingo, &c	17	22,355	Paid on mails carried (sea postages)	553 66	2.4
Oceanic Steamship Company, from Hawaii, &c.	24	49,896	Subsidized by Hawaiian Government	32,000 00	64.0
Total	315	810,829		478,595 94	59.0

Statement showing number of trips and miles traveled by United States lines and individual steamers of United States registry in conveying mails to United States during fiscal year ended June 30, 1885, amount actually received or estimated to have been received, and average compensation per mile.

INWARD.

Lines and countries of origin.	Number of trips.	Number of miles traveled.	Nature of payment.	Amount.*	Average paid per mile.
Pacific Mail, from China and Japan	18	109,620	Amounts paid on mails (sea postage)	$3,506 64	$0 03.2
Pacific Mail, from Hawaii and Australia	13	84,575	Subsidy by Government of New Zealand and New South Wales	150,000 00	1 78.0
Pacific Mail, from Colon and Panama	63	158,003	Subsidy by Government of Mexico	30,000 00	49.0
			Subsidy by Government of Guatemala	24,000 00	
			Subsidy by Government of Salvador	24,000 00	
			Subsidy by Government of Costa Rica	(?)	
Oceanic Steamship Company, from Hawaii	24	49,896	Subsidy by Government of Hawaii	32,000 00	65.0
Occidental and Oriental line, from China and Japan	12	73,080	Amount paid on mails (sea postage)	2,243 77	3.0
California and Mexican line, from Mexico	12	18,240	Subsidy by Government of Mexico	24,000 00	1 31.0
New York, Havana and Mexican line, from Mexico, &c.	50	58,700	....do	100,000 00	1 79.0
New York and Cuba Mail, from Cuba	71	83,354	Amount paid on mails (sea postage)	2,698 93	3.2
New York and Cuba Mail, from Bahamas			Subsidy by Bahama Government	(?)	
Clyde line, from Hayti	17	22,355	Amount paid on mails (sea postage)	553 66	2.4
United States and Brazil Mail, from Brazil	13	67,002	Subsidy by Government of Brazil	108,200 00	1 61.0
Red D line, from Venezuela and Curaçoa	34	104,244	Amount paid on mails (sea postage)	1,392 94	1.3
New Orleans and Central American, from Nicaragua, &c.	15	20,250	Amount paid on mails (sea postage)	24 50	0.1
Oteri's Pioneer, from British Honduras	37	37,000	Amount paid on mails (sea postage)	81 38	0.2
Morgan line, from Cuba	41	15,250	Amount paid on mails (sea postage)	212 48	1.4
Tampa line, from Cuba	17	2,550	Amount paid on mails (sea postage)	53 31	2.0
New Orleans, Honduras and Guatemala, from Honduras	5	5,325	Amount paid on mails (sea postage)	38 91	0.7
Royal Mail, from British Honduras	36	38,340	Subsidy by British Honduras Government	23,320 00	60.0
Mendoza, from Argentine Republic	1	6,289	Amount paid on mails (sea postage)	76 73	1.2
Kate Carroll, from British Honduras	1	1,065	Amount paid on mails (sea postage)	1 17	0.1
Lizzie Henderson, from Cuba	12	1,800	Amount paid on mails (sea postage)	19 62	1.1
Christiana, from Cuba	2	300	Amount paid on mails (sea postage)	7 76	2.6
Dictator, from Cuba	2	300	Amount paid on mails (sea postage)	11 26	3.7
Aaron Kingsland, from Cuba	3	450	Amount paid on mails (sea postage)	5 65	1.2
American Steamship Company, from Liverpool	19	61,978	Amount paid on mails (sea postage)	1,416 42	2.2
Eliza Miller, from Samoan Islands	1	4,160	Amount paid on mails (sea postage)	3 34	0.07
Total	519	1,024,126		527,868 47	51.0

*The amounts given are either subsidies paid to American lines by foreign governments or the sea postages on the inward mails, presuming that their weight was the same as that of the outward mails.

Comparative statement showing number of letters and newspapers sent to Mexico, Central and South America, the West Indies, China, Japan, Hawaii, and Australia, the postage rates, and sea and inland postage on the same, for the fiscal year ended June 30, 1874, prior to the adoption of the Universal Postal Union, and for the fiscal year ended June 30, 1885.

Destination.	1874.					1885.				
	Number of letters sent.	Number of newspapers sent.	Postage rate. Letters (per half ounce).	Postage rate. Newspapers (each).	Sea and inland postage.	Number of letters sent.	Number of newspapers sent.	Postage rate. Letters (per half ounce).	Postage rate. Newspapers (each).	Sea and inland postage.
			Cents.	Cents.				Cents.	Cents.	
Brazil, Argentine Republic, Uruguay, and Paraguay	54,786	58,757	*18	2	$9,947 77	93,003	352,759	5	1	$8,177 74
Mexico	32,129	44,469	10	2	4,171 28	60,504	159,433	5	1	4,619 53
West Indies	360,379	185,648	10	2	42,191 29	442,714	1,119,315	5	1	33,328 75
Venezuela	3,926	2,244	10	2	595 55	35,505	119,045	5	1	2,965 70
United States of Colombia and Central and South America, via Panama and Colon	110,785	175,123	10	2	20,521 26	271,058	1,165,099	5	1	25,203 89
China and Japan	99,241	170,003	10	2	13,289 86	174,638	540,737	5	1	14,146 62
Hawaii and Australia	34,901	72,728	(†)	2	5,052 22	341,863	1,076,455	(‡)	(§)	49,077 64
Total	696,147	708,972	.....	.....	95,769 23	1,419,285	4,531,843	.....	.....	137,519 87

*Brazil, 15 cents. †Hawaii, 6 cents; Australia, 10 and 12 cents. ‡Australia, 5 and 12 cents. §Australia, 2 cents per rate.

Statement showing the number of trips and miles traveled by United States lines of steamers and individual steamers of United States registry in conveying mails from the United States during the fiscal year ended June 30, 1885, the amount actually paid for the service, and the average compensation per mile, the amount which would have been paid for the same, and the average cost per mile if the vessels had been allowed the total sea and inland postage on the mails conveyed.

Lines and destinations.	Number of trips.	Number of miles traveled on outward trips.	Amount actually paid (sea postage).		Sea and inland postage.			
			Total.	Average per mile.	Letters (5 cents per half ounce).	Papers (1 cent per 2 ounces).*	Letters (5 cents per one-third ounce).	Papers (1 cent per 2 ounces).*
				Cents.		Cents.		Cents.
Pacific Mail, to China and Japan	18	109,620	$3,506 64	3.2	$10,125 84	9.2	$13,698 62	12.0
Pacific Mail, to Hawaii and Australia	13	84,575	13,565 29	16.0	41,140 79	48.6	42,361 00	50.0
Pacific Mail, to Colon	38	76,228	7,579 22	9.9	19,662 49	26.0	24,999 11	32.0
Pacific Mail, to Panama	25	81,775	1,238 44	1.5	3,505 22	4.3	4,485 29	5.4
Oceanic Steamship Company, to Hawaii	24	49,896	2,369 22	4.8	6,593 32	13.2	8,697 08	17.4
Occidental and Oriental line, to China and Japan	12	73,080	2,243 77	3.0	5,194 38	7.1	6,859 61	9.3
California and Mexican Steamship Company, to Mexico	12	18,240	208 82	1.1	603 65	3.3	817 19	4.4
New York, Havana and Mexican Steamship Company, to Cuba and Mexico	50	58,700	4,134 13	7.0	11,932 11	20.3	15,881 92	27.0
New York and Cuba Mail line, to Cuba, &c	71	83,354	2,698 93	3.2	8,047 21	9.6	10,912 65	13.0
Clyde line, to Hayti, San Domingo, &c	17	22,355	553 66	2.4	1,466 35	6.5	1,864 87	8.3
United States and Brazil Mail line, to Brazil, &c	13	67,002	4,210 24	6.2	5,791 93	8.6	7,536 19	11.2
Red D line, to Venezuela, Curaçoa, &c	34	104,244	1,392 94	1.3	3,901 22	3.7	5,169 04	4.9
New Orleans and Central American line, to Nicaragua, &c	15	20,250	24 50	.1	70 75	.3	95 68	.4
Oteri's Pioneer line, to British Honduras	37	37,000	81 38	.2	229 39	.6	305 25	.8
Morgan line, to Cuba, &c	41	15,250	212 48	1.4	687 66	4.5	996 66	6.5
Tampa Steamship Company, to Cuba, &c	17	2,550	53 31	2.0	181 10	7.1	269 37	10.5
New Orleans, Honduras, and Guatemala line, to Honduras, &c	5	5,325	38 91	.7	108 74	2.0	143 86	2.7
Royal Mail line, to British Honduras	36	38,340	569 86	1.5	1,598 97	4.2	2,121 31	5.5
Mendoza, to Argentine Republic, &c	1	6,289	76 73	1.2	91 02	1.4	115 12	1.8
Kate Carroll, to British Honduras	1	1,065	1 17	.1	3 01	.2	3 72	.3
Lizzie Henderson, to Cuba	12	1,800	19 62	1.1	67 44	3.7	100 89	5.6
Christiana, to Cuba	2	300	7 76	2.6	26 73	8.9	40 03	13.3
Dictator, to Cuba	2	300	11 26	3.7	17 84	5.9	26 09	8.6
Aaron Kingsland, to Cuba	3	450	5 65	1.2	19 49	4.3	29 18	6.4
Eliza Miller, to Samoan Islands	1	4,160	3 34	.07	16 98	.4	16 70	.4
American Steamship Company, to Liverpool	19	61,978	1,416 42	2.1	1,637 05	2.6	1,605 58	2.6
Total	519	1,024,126	46,223 69	4.5	122,720 71	11.9	148,752 01	14.5

* Average per mile.

Number of letters and newspapers and amounts of postage on the mails conveyed by United States steamships to the countries named for the fiscal year ended June 30, 1885.

Destination.	Number of letters, five cents per half ounce.	Number of newspapers, one cent per two ounces.	Amount of postage (estimated at two letters to an ounce).*	Amount of postage (estimated at three letters to an ounce).†
West Indies	276,166	626,684	$20,075 14	$26,311 52
Panama and Central and South America	253,662	1,055,536	23,238 46	29,579 97
Brazil and Argentine Republic, &c	70,739	234,600	5,882 95	7,651 31
Mexico	39,420	100,350	2,974 50	3,959 96
China and Japan	209,974	482,374	15,322 44	20,558 23
Sandwich Islands	102,787	320,550	8,344 85	10,914 47
Honduras	25,368	67,171	1,940 11	2,574 14
Venezuela and Curaçoa	50,714	136,552	3,901 22	5,169 04
Total	1,028,830	3,023,817	81,679 67	106,718 64

Single rate of postage, number of letters and newspapers and amounts of postage on the mails conveyed by the United States steamships direct to the West Indies, Panama, Mexico, Brazil, Central and South America, Japan, and China for fiscal year ended June 30, 1868.

Destination.	Rate of postage.		Number of letters.	Number of newspapers.	Amount of postage.
	Letters, half ounce.	Prints, one ounce.			
West Indies	$0 10	$0 2	267,546	124,178	$32,871 60
Panama and South Pacific	10	2	117,932	143,964	25,658 70
Brazil	15	2	67,080	63,808	8,343 67
Mexico	10	2	16,704	22,916	2,128 72
China and Japan	10	2	16,643	15,881	1,981 92
Sandwich Islands	06	1	9,252	4,865	1,022 50
Honduras	18	2	1,280		128 00
Nicaragua	10	2	1,364	8,819	152 78
Venezuela	10	2	520	980	71 60
Total			498,321	377,411	72,359 49

* Legal rate—half ounce single letter.

† The average actual weight is about three letters to an ounce, as per the Third Assistant Postmaster-General's report for fiscal year 1885 (pages 108 and 112).

NICHOLAS M. BELL, *Superintendent Foreign Mails.*

During the delivery of the foregoing remarks the following proceedings occurred:

When Mr. WAKEFIELD had spoken fifteen minutes the hammer fell.

Mr. WAKEFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. WAKEFIELD. I now yield the remaining five minutes of my time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I believe that I am to be allowed ten minutes of this debate, and as the gentleman from Minnesota has just now yielded me five minutes, I will take my ten minutes later in the debate, and will now yield to the gentleman from Wisconsin [Mr. GUENTHER].

Mr. GUENTHER. Mr. Chairman, I concur in everything that was said on this side of the House with respect to the pay of railway mail clerks. I have, whenever the question was discussed in the Forty-seventh or Forty-eighth Congress, voted to increase the salaries of these hard-worked and poorly-paid employés of the Government. I am always in favor of paying fair and reasonable compensation for labor well performed. I have mainly, however, Mr. Chairman, taken the floor to reply to the gentleman from Michigan, who addressed the committee yesterday, and to the gentlemen from New York and Kansas, who have just spoken, on the question of the carrying of the foreign mails.

My distinguished friend and colleague on the committee, the gentleman from Michigan [Mr. BURROWS], as usual, made a strong and most eloquent speech yesterday. I cordially indorse all he said about the pay of the railway mail clerks and the civil-service law. I share his views regarding offensive partisanship as laid down by the Postmaster-General.

I fail, like him, to detect the so-much-talked-about Jeffersonian simplicity and honesty of the present administration. I think those two qualities, to use democratic simplicity of speech, have relapsed into a state of innocuous desuetude. I, like my friend, do not approve of the way removals are made and information regarding them withheld. I

grant, Mr. Chairman, that this Democratic administration, the Postmaster-General included, has committed sins enough to relegate them to "innocuous" political desuetude at the next election, without charging them with acts of which I do not believe them guilty.

My friend said that the will of Congress in regard to the foreign mails, passed in the last hours of the Forty-eighth Congress, was entirely and totally nullified by the Postmaster-General. A great deal has been said, Mr. Chairman, in the newspapers of this country about this matter.

The Postmaster-General has been made the target for innumerable and vicious assaults and misrepresentations which, in my opinion, have been entirely unfounded and were dictated solely from a spirit of revenge and spite by certain steamship companies, and more especially one—the Pacific Mail Steamship Company—which, seeing their well-laid plans for a successful raid upon the Treasury of the United States frustrated by the Post-Office Department, set up a most terrific and prolonged howl, fit only to be compared to the mad roar of a blood-thirsty tiger whose prey has been suddenly snatched from him. They kept up the howl in their subsidized press with such persistency, that many well-meaning and patriotic persons really believed the charges they made. My friend read the act of March 3, 1885. It is as follows:

Office of Superintendent of Foreign Mails:

For transportation of foreign mails, including transit across the Isthmus of Panama, $800,000; and the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

He construes it that it left the Postmaster-General no discretion; that he had to advertise for bids, &c. Now, let us see what one of the most conspicuous advocates of this law said when it was up for debate in the last Congress. I read from the CONGRESSIONAL RECORD of March 3, 1885:

Mr. HORR. * * * This bill simply says that the incoming Democratic Postmaster-General may make such contracts with American vessels for carrying our foreign mails as he may now make with our coastwise vessels for carrying the mails on the coast.

Mr. BINGHAM. For one year only.

Mr. HORR. For one year only.

Mr. MORSE. Will the gentleman let me ask him a question?

Mr. HORR. Certainly.

Mr. MORSE. Does this apply to any particular line in this country now?

Mr. HORR. Certainly not.

Mr. MORSE. Then it is entirely optional with the Postmaster-General to use the appropriation or not as he may see proper.

Mr. HORR. Every dollar of it is left subject to his judgment. If he does not think the service demands that a contract should be made with any vessel or any route he need not make it.

And instead of my friend from Indiana arraigning Democrats here for voting on this thing, I say to you when you vote against this proposition you vote a lack of confidence in your own Postmaster-General, which does not come with good grace from you.

Mr. HOLMAN. Allow me to ask a question.

Mr. HORR. Certainly.

Mr. HOLMAN. Was it not a subsidy to the Pacific Mail which lasted until 1882—a subsidy of $5,000,000?

Mr. HORR. What is the date?

Mr. HOLMAN. Begun in 1872 and ended in 1882. Was it not couched in the very same language as the proposition put by the Senate to this House?

That ought to dispose of the construction as given this law by my friend from Michigan.

Now, let us see what the Postmaster-General says. I read from his report (pages 35, 36, 37, and 38):

A statement, compiled in the Office of the Foreign Mails, shows the total miles sailed last year, and to have been expected to be sailed this year, by all American companies, to be over 2,050,000; and the total compensation at the maximum rate would exceed $1,025,000, or over two and one-half times the utmost authorized expenditure. The act requires a letting to the lowest responsible bidder after legal advertisement to invite competition; and except to contractors, so brought into service, no money could be paid on mileage contracts. Only two routes are navigated by more than one American company; one between New York and Havana, the other between San Francisco and Japan and China. To have solicited competition by advertisement would have been idle, except upon these; no competition to bring the bids below the maximum rate was possible.

The consequence seems undeniable that the Department must either have made choice of certain routes whose total mileage would have demanded no more than the limited sum, and, by ostentatiously calling through advertisement for a competition which could not come, have distributed the whole bounty to the chosen, entirely excluding the others, or else have so planned its advertisements to meet the circumstances of the only possible bidders that, by concerted understanding with all American companies or such as the Department chose to give the money to, contracts might have been made for such sums to each that the whole appropriation would be divided between them.

The first method of expending the money would have been partial and unjust. There are no circumstances, it may be safely affirmed, which give any American line the right to be so greatly preferred that it should be paid the full bounty while others should receive none. And to have so administered the authority would have defeated the objects of the appropriation, since, it may well be supposed, the disfavored lines would promptly and justifiably have refused their further service as mail-carriers to the Government.

* * * * * * *

But the act unmistakably contemplated, by its terms, that the Government should secure the gain of competition, wherever possible, among bidders. The two routes already mentioned afforded the opportunity. Yet, if the law were pursued and a contract were awarded to either of the companies on the trans-Pacific route, and another to either of those plying between New York and Havana, both public injury and private injustice would have been wrought, because the public would have lost the service of one company on each route when it ought to enjoy the greater frequency of both, and one company on each would have been denied a share of the bounty to which it was as well entitled as the other. This constituted in itself so grave an objection to any employment of the authority of the act as to render it of doubtful expediency, a proof of which lies in the usages of the trans-Atlantic carriage, where the best service is gained by employing at will the swiftest ship among those ready to sail at any time when mail is to be dispatched, no special contracts being made.

To obviate this obstacle lying in the path of the second proposed plan the further suggestion came that two contracts should be made on each of these routes, one suited to the conveniences of each company, and the advertisements be accordingly framed to solicit proposals for stated sailings, such as were habitually made by these lines. Thus, between New York and Havana, as one company regularly sails on Thursday and the other on Saturday, one advertisement should invite proposals to contract for a Thursday departure, another for a Saturday.

In brief, without more particular mention of the details, the Department must have specially preconsidered all the peculiar features of the lines and business of each of the companies which would affect the contract or competition for it; must have carefully estimated the miles of sailing each would perform and the price per mile each might bid; must have received the concurrence of all in the scheme; and so arranging as to receive but one bid for each contract advertised for, and that one at the prearranged price per mile, or practically making the several contracts before the advertisements, might have distributed the appropriation among the American steamship companies ratably according to their mileage.

To warrant such a procedure this act must be read as directing the Department to distribute $400,000 among American steamship companies in return for their carrying the mails, in such manner as it might deem fairest between them, and most ingeniously evasive of its written purpose to secure competition and award the contract to the lowest bidder.

* * * * * * *

No stimulus to enterprise could have resulted; since, if any new American steamship were, during the year, put upon the sea—as has happened in fact—the Department could not have employed it as a mail-carrier in a similar manner, the whole bounty having been pre-engaged to the long-established lines.

* * * * * * *

The act puts at the disposal of the Department, in the ordinary terms of appropriation, the sum of $800,000 for transportation of the foreign mails, warranting thereby its entire expenditure, if necessary, under previously existing powers. The mere authority to make contracts on the mileage plan of compensation with American steamships is superadded. No mandate to pursue that course is expressed or implied. Authority to let contracts for transportation of the ocean mails, after advertisement for proposals, has long existed on the statute-book, unexercised for years, and it was never thought to be obligatory on the Department to exert it.

* * * * * * *

No rule of interpretation authorizes the presumption that Congress designed another construction to be given similar terms in this act, or a greater obligation to employ a discretionary authority here. Presumably it was supposed additional power might become necessary to secure the service, because the compulsory law had been repealed.

* * * * * * *

Now, it strikes me that these are good and sufficient reasons. It may be, Mr. Chairman, that I am a little prejudiced toward one side, as my friend from Michigan is toward the other.

I remember quite vividly the scenes of the closing hours of the last Congress. I remember how this law was whipped through by intimidation and threats of an extra session and by the most pathetic appeals to our patriotic sentiment. It was a sight to make the angels weep, Mr. Chairman.

It was a farce and a mockery, appealing to the patriotic sense of the Congress of the United States in order to secure another subsidy for the Pacific Mail Steamship Company.

Do not you remember the sense of shame and humiliation that came over us when Mr. Kasson, of Iowa, in the first session of the Forty-fourth Congress, submitted a report from the Committee on Ways and Means, from which I read:

The results of the evidence are, that about $900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation; that about $565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation; and that the disposition of the remaining $335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a member of either House of Congress; and that the uncertainty attending the disposition of this latter sum is owing to the refusal of William S. King to testify the truth, and to the failure or refusal of John G. Schumaker to present all the facts which the committee believe it was in his power to give.

* * * * * * *

The enormous evil attending the existence of an unregulated lobby, with license to appear before committees and urge measures upon members upon fraudulent pretense that they are acting for the public interests when they are privately retained by interested parties, calls for further legislation. The committee deem it necessary for the protection of Congress against future transactions as discreditable as those they have now brought under review, that a law should be passed requiring every person appearing and advocating measures for a private interest to appear in his true capacity as a retained attorney or agent.

Every member of the Forty-eighth Congress who was present during the protracted debate on the law in question knows that the moving spirit was the Pacific Mail Steamship Company, that it was in fact a subsidy solely for their benefit, and I am credibly informed that the attorney for this corporation, Mr. Lauterbach, last summer claimed that it was well understood that that was the intent of the law. This gentleman for years has been a conspicuous and frequent figure in the lobby of Congress.

The Pacific Mail Steamship Company has always done their business in a very systematic manner. They always kept their eye on Uncle Sam's cash-box, anxious to transfer a part of its contents to the coffers of their company. They always had to do a good deal of hard work to accomplish their end, but with a pertinacity worthy of a better cause they kept "pegging away."

There were two sections of the Revised Statutes that had to be repealed to pave the way to the Treasury. Those provisions of law were as follows:

The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States,

shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive 2 cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States.

The foregoing provisions were enacted in 1864.

Subsequently, and in 1877, it was provided as follows (section 4203 of the Revised Statutes of 1878):

All vessels belonging to citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

These snags were removed by an act entitled "An act to remove certain burdens on the American merchant marine and encouraging the American foreign carrying trade, and for other purposes," approved June 26, 1884. Would it not have been more intelligible to the average American mind to have substituted for the words "and for other purposes" perhaps these: "And to enable the Pacific Mail Steamship Company to levy upon the people of the United States a tribute of $350,000 per annum, to be paid to the stockholders of this great corporation for their well-known patriotism and unselfishness?" [Applause.]

After these obstacles were out of the way came the act of March 3, 1885.

It appears that the Pacific Mail Steamship Company has certainly profited by their trips to China; they are as "childlike and bland" as the most cunning of the sons of the Celestial Kingdom. The contracts are to be made at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, and right here I wish to call the attention of my friend from Michigan. He found fault that the Postmaster-General had computed the miles traveled both ways. Does not this act provide for both ways, and does that not double the number of miles? In my opinion he, and not the Postmaster-General, is four hundred thousand miles away from the truth. Contracts to be made with the lowest responsible bidder!

We can imagine what the bid of the Pacific Mail Steamship Company would have been, they being the sole bidders. Mr. Chairman, the passage of this law was one of the most brilliant schemes of modern financiering. It entitles its authors to the front rank of the great financiers of this country. Business is always the first and most patriotic consideration of the Pacific Mail Steamship Company. They remind me of a little anecdote I heard after the last campaign in Chicago. There lives in that saintly city a certain gentleman who prides himself upon his great political influence. He offered his valuable services to both political parties for a valuable consideration and they were accepted. All he did, however, was to coolly pocket the "swag."

When after election it was found that he had taken money from both sides, and being severely lectured for his duplicity, he merely said: "Well, what of it?" "Promises are promises." "Politics is politics, but business is business." [Laughter and applause.]

And business it is with the Pacific Mail Steamship Company. This company received for their services for the year ended June 30, 1885 (page 822), $26,053.57. The total number of miles traveled was 708,830. Had the Postmaster-General lived up to their expectations and done what they wanted him to do they would have received $354,415, or an additional sum of $328,361.60 for the same service they for twenty years had performed for $26,053.37.

Now would that not have been a splendid achievement?

Rated at 6 per cent. it would have increased the value of their stock to the modest extent of $5,472,683.

Now, I admit that such a prospect is well worth fighting for and I can readily appreciate the chagrin and the anger of that corporation when the thing fell through, after having fought for it like a pack of wolves for the bleeding carcass of a lamb. [Laughter and applause.]

I have said, Mr. Chairman, and said so advisedly, that this act was passed for the sole benefit of the Pacific Mail Steamship Company. I read from the report of the Postmaster-General, pages 20 and 21:

By the act of June 26, 1884, the statutes, which during over twenty years have secured the service of American vessels as mail carriers, were repealed, to take effect on the 1st day of April, 1885; and soon after my assumption of duty inquiries were received from two of the steamship companies concerning the course to be pursued by the Department during the quarter-year to begin with that date.

No time had then been afforded for consideration of the future policy of the Department, nor had any apprehension of difficulty in regard to it been conceived; and inasmuch as no special appropriation for the quarter-year beginning with April had been granted, the request was made in reply that the service should continue upon the same terms upon which it had previously been rendered. No others addressed the Department in respect to the particular period, and all the American companies which had before that date been employed as mail carriers continued to transport the mails during that quarter at the same rate of compensation which they had theretofore received. Verbal application was, indeed, made on behalf of the Pacific Mail Steamship Company to carry the mails during the three months without determination or payment of any fixed compensation, leaving that to be the subject of special application to Congress.

This company has always had great faith in "special applications" to Congress, and usually they were very successful. Had the Postmaster-General complied with their demands, he would have established a precedent which this powerful corporation would have taken the most advantage of, and which could not have been broken for many years to come.

My friend from Michigan, in his able argument on the other side of this question yesterday—and it was as able as could be made in such a cause—tried to ridicule the comparative table of the Postmaster-General by comparing the mails carried with hides as freight.

I read from the Postmaster-General's report, pages 40 and 41:

The actual service rendered by the carrier consists in taking the mails from the post-office at the port of departure, inclosed in locked bags (of leather for letters, and usually of canvas for paper mails), conveying them to the vessel, depositing them in the "mail-room," to remain until arrival at the port of destination, when the bags are conveyed to the post-office. The mail-room is commonly a small interior room occupying no more, and no more valuable, space than the passengers' baggage-room. In some vessels it is sheathed or ceiled with thin iron. Besides providing this room and keeping it securely locked, no special guard or care is required during the voyage, unless some accident demands. No responsibility as an insurer rests on the carrier. Such liability for loss as he undergoes is dependent on proof of negligence; and probably few, if any, instances of pecuniary mulct for such loss can be found.

The "express" or "parcels dispatch" service, which is performed by these lines at the rates indicated on the tables, appears quite as burdensome and expensive as mail carriage. Parcels are received from various persons, conveyed to the ship, transported to the port of destination, and delivered to the consignees there; and the price for carriage usually covers an insurance of $25 on each parcel, and all port charges except customs duties.

The baggage of passengers imposes as much trouble, cost, and burden on the ship as the mails, except that it is received and delivered at the ship.

On the other hand, in most ports vessels which carry the mails receive special advantages; in some, only greater facility of entering and debarkation; in many, exemption from port charges of various kinds and different amounts. Incidental benefit arises from the repute of Government employment.

It will be seen at once from the accompanying tables that if the quantity of mail carried be considerable the compensation is generous. The total weight of the trans-Atlantic mails carried from New York last year by eight lines of ships was 2,194,066 pounds, and at sea postage yielded to the carriers $270,157.63, the compensation varying from $2,854.39 for the most profitable trip to 19 cents for the lightest, and averaging $609.36 per trip the year through. This was over thirty-four times what the same weight of freight would have been transported for, and nearly four times the charge for parcels of dispatch matter of the same quantity; and these rates increase in disproportion on the better trips on which, in fact, the mail was chiefly carried. These figures prove the rate of sea postage to be abundant. Undoubtedly the trans-Atlantic carriage could be procured at lower rates, if it were desirable to forego frequency of transmission and employ but one or two lines instead of all.

The American lines have received a less compensation in amount only because the mails they carried have been so small in quantity. But 8.37 per cent. of our foreign letter mails last year was sent to all the countries and islands of this continent and across the Pacific seas, and not so much by all the American steamships. To some American lines the rate of payment has been greater than sea postage. To all but three the compensation has been more than would have been demanded by them for the same matter carried for individuals at express rates; and in the excepted three cases but a little less. Altogether, the Government paid them nearly one-third more than a private person would have found necessary to procure the same transportation; and the carriers generally received more pecuniary advantage than is represented by the payments made them by the Government.

* * * * * * *

The fact that all other steamships, by whomsoever owned, seek the service at the sea-postage rate only, upon every route on which they sail, seems to reasonably demonstrate the statement. No vessel, domestic or foreign, has declined the service, except in the instances which are hereinafter stated.

It is also significant that the paper mail averages three times the weight of the letter mail, but is readily carried at the sea-postage rate of 4½ cents per pound, and in the same manner as letter mail, on which the like rate is 43.75 cents the pound.

The general conclusion seems sustained by the facts that, except special circumstances should require a greater, the rate of sea postage is remunerative for the service of carrying the mails.

That statute authorizes the entire sea and inland postage to be paid to American steamships, although but sea postage may be allowed to foreign vessels—a proof of the legislative judgment that the latter rate is sufficiently remunerative to command the service, as the fact is.

This statute appeared to afford power to make abundant compensation for all the service necessary until the next session of the Congress.

The accompanying tables, prepared in the Foreign Mails Office, show that this would have yielded to the following American companies, on the basis of last year's business, respectively:

* * * * * * *

On its San Francisco and Panama line, $3,494.18 for about 7 tons, against $1,238.44 at sea postage, $71.69 at freight, and $1,002.55 at parcels-dispatch rates.

On its San Francisco and Yokohama line, $10,123.80 for less than 19 tons, against $3,506.64 at sea postage, $226.34 at freight rates, and $3,758.40 at parcels-dispatch rates.

On its Australian line, $41,018.65 for about 48 tons, against $13,565.29 at the special rates paid heretofore, $762.93 at freight rates, and $9,537.40 at parcels-dispatch rates; an average per trip of $3,155.28 for 7,336 pounds, nearly fifty-four times its freight rates, over four times its parcels-dispatch prices, and a better average price per trip than the average paid across the Atlantic by $2,505.92.

To the Venezuelan Red "D" line, $3,942.86 for about 8 tons of mail, against $1,392.95 at sea postage, $58.34 at its freight rates, and $1,155.01 at its parcels-dispatch rates.

To the New York and Cuba line, $5,203.48 for about 12 tons, against $2,271.94 at sea postage, $61.63 at freight rates, and $1,548.17 at its parcels-dispatch rates.

To the New York, Havana, and Mexican line, $11,932.11 for about 25 tons, against $4,134.13 at sea postage, $129.17 at freight rates, and $3,229.33 at parcel-dispatch rates.

These facts seem to prove that the total sea and inland postage is an abundant recompense for the proposed service; and, without further recapitulation, reference to the tables will show the amounts to the other lines a proportionate compensation. If this be correct judgment, no more could be rightfully expended of the appropriation unless other objects were to be sought than the care of the postal service.

* * * * * * *

But the policy of subsidizing American steamship companies, or any of them, is not involved in the decision arrived at. That pertains to Congress instead of

the Department, and therefore the Department can only award just compensation and then stop. If exigencies may arise to justify its adoption, it seems to belong to that body to recognize their existence and prescribe the object and amount of the grant.

No exigency exists for the establishment of any new lines to carry the mails. Those now on the sea as common carriers are sufficient for the present needs of the foreign mail service. They appear to have maintained themselves for years without Government bounty in profitable pursuit of their business.

Now, Mr. Chairman, the Postmaster-General offered to pay the Pacific Mail Steamship Company sea and inland postage for carrying the American mails.

This they flatly refused, believing that they could coerce the Department into paying them 50 cents per nautical mile each way, or $350,000 instead of $39,000.

What happened then? The Oceanic Steamship Company, another American line, offered to perform this service just as frequently and just as quickly as formerly done by the Pacific Mail for $20,000 per annum, binding themselves for three years, with option on part of the Postmaster-General to terminate the contract at any time.

They are carrying the mails now at that compensation voluntarily, and the American flag, which is the object of so much solicitude, floats at the mastheads of these vessels just the same as if they were carried by the Pacific Mail. I wish to call the attention of the committee at this time to a letter by Postmaster-General Blair, which I read:

POST-OFFICE DEPARTMENT, *Washington, D. C., March* 3, 1862.

GENTLEMEN: I have received formal notice from Cornelius Vanderbilt, controlling the steamship line to Aspinwall, that he will not take the South Pacific or any other mails after the 21st instant. This is an attempt to coerce Congress to contract with him on his own terms for carrying these mails. I called the attention of Congress to the coercive system exercised by the railroad companies upon the Government in my annual report. I trust suitable measures will be adopted before adjournment to maintain the public interests in that behalf. But this steamboat coercion requires immediate attention. Unless something is done at once the vast mercantile interests will be seriously affected.

My own opinion is that this and every other line of steamers leaving our ports should be required to take mails to their ports of destination upon such terms as are now or may hereafter be allowed by Congress as the condition of their clearance. It is not pretended that the compensation now given is not sufficient for the service rendered. No private person pays them for any kind of transportation at the rate paid by the Government for mail matter. We give all and more than we make out of it, and no persons are so much benefited incidentally as the owners of the ships, for the bulk of the correspondence relates to the trade carried on by their vessels.

Yours, respectfully,

M. BLAIR, *Postmaster-General.*

Messrs. COLLAMER and COLFAX,
Chairmen, &c., Senate and House of Representatives.

It was a bold attempt of Cornelius Vanderbilt to force the Government to come to his terms. Precisely the same thing has been attempted by the Pacific Mail Steamship Company. It was a clear case of attempted black-mail of the Government. But luckily it did not succeed. For a while we experienced embarrassment. Now the mails are carried as well as ever, in many instances better than before, and besides, none of the American lines have ceased to run, nor has American commerce suffered to the slightest extent.

One point, however, has been gained, and that is, that this great Government of the people, for the people, and by the people demonstrated that, thank God, the time has not yet come when we must bow in humble submission to the power of aggregated wealth and allow ourselves to be taxed and mulcted for the benefit of Eastern money-kings, paying our tribute to them, that they may amass princely fortunes, live in regal splendor, rivaling in fabulous wealth Dumas's creation of the Count of Monte Christo, and then with mock seriousness tell us that all this is so for the higher glory of the American flag. [Laughter and applause.]

I love, Mr. Chairman, that flag whose graceful folds adorn the wall behind you. I love it because to me it is the emblem of equal rights, because it proclaims to monarchical Europe that under this flag no aristocracy is tolerated. [Applause.]

Mr. Chairman, I have voted in committee to re-enact the compulsory law. For doing that I have been censured severely by newspapers of my own party. I do not complain at that, for I believe they were mistaken and I was right.

I do not at this time propose to enter into an argument on this compulsory question, but wish merely to state that it does not seem to me inconsistent for a Republican member of Congress to favor the re-enactment of a law that was passed by a Republican Congress, was in force for over twenty years during a Republican administration, and was then repealed by a Democratic Congress.

My friend from Michigan yesterday read from House Report 534, part 2. Let me read a letter from page 13 of the same report:

Hon. John A. Kasson, recently minister to Berlin, answers the inquiry of the Secretary of State as follows:

LEGATION OF THE UNITED STATES, *Berlin, March* 30, 1885.

SIR: Inclosed herewith I transmit a copy of the law recently passed by the Reichstag granting subsidies for the establishment of three new steamship lines for the further development of German commerce and German interests in foreign countries, with translation of the same.

The contract is made for fifteen years, the annual amount for the first two lines being 4,000,000 marks, and for the tributary lines 1,000.

The determined resolution of the chancellor to provide this new opening to market for the surplus manufactures of Germany, to open new spheres of employment to the enterprising German people, and to increase the influence of Germany in the world, enforced by his powerful and patriotic arguments in Parliament, carried the day over the combination of opposing parties. Happy country, whose intelligent and patriotic statesmanship is not howled down by the demagogue's cry of "jobbery."

I have the honor to be, sir, your obedient servant,

JOHN A. KASSON.

These lines, Mr. Chairman, were probably, for all I know, to Kamerun and to the Congo, and perhaps to the Sandwich Islands and other parts of the globe where Germany is trying to acquire territory by annexation or otherwise for colonization purposes. These lines are in all probability the outcome of Prince Bismarck's colonization schemes. But be this as it may, Mr. Chairman, I lived in that "happy" country up to my twenty-first year, and I ought to know something about it.

The German people, Mr. Chairman, are all right, but woe to the country. Happy country, indeed, where one man rules with a rod of iron, where the common people are held in contempt, where man must belong to the nobility or else be immensely rich before he has any social standing at all, where the liberty of the press is a parody on liberty, where one can express the honest convictions of his heart only at the peril of being thrown into prison, where the poor are taxed to starvation to support a favored class in idleness and luxury, where there is only a reigning class and subjects, where espionage and flunkyism are at a premium! Happy country, which hundreds of thousands annually leave for this land of the "demagogue!" Happy country, where the soldier who has lost his limbs fighting for his king is thrown upon the cold charity of the world with a grind-organ for his companion!

Happy country after all, for it pays large subsidies to great corporations owned by the privileged classes. I am afraid, Mr. Chairman, that if our own poor, downtrodden Jay Goulds and Vanderbilts will find out what a happy country Germany really is, when they will learn that the demagogue's cry of subsidies has no terror for the man of blood and iron, they will turn their backs upon this unhappy country of ours and devote the remainder of their precious lives to the procurement of subsidy schemes in "happy" Germany! [Great applause.]

It is an old trick of those parties who come before Congress and ask for subsidies to appear under the guise of patriots and public-spirited citizens who have solely the welfare of the nation at heart. Their own interests are nothing to them, or at best only of secondary consideration. In the case now under discussion a gratuity is asked in order that our commerce and shipping interest may be extended; only this and nothing more. Now, it is about time to look at this matter in the light of reason and common sense.

The advocates of subsidies—and I grant that many are perfectly sincere—point to the time when we did more than one-third of all the carrying trade of the world. They seem to think that by legislation, by changing our navigation laws, and by subsidizing steamship lines we can reconquer this lost trade.

I venture to say that these gentlemen are laboring under a delusion. You can simply not accomplish it. The conditions of affairs have changed so much that these measures will be of no avail.

At the time you refer to, up to 1857 perhaps, most of the carrying trade was done in wooden vessels, which we could build cheaper than anywhere else. To-day the iron steamer has replaced the old wooden ship, and we can not build them as cheaply as they are built on the Clyde. An iron steamer sailing under the American flag costs at least 20 per cent. more than the same vessel run by an Englishman or a German.

Thirty years ago we had very little manufacturing; our people took to the seas in order to gain a living. To-day the business of sailing is less remunerative than land pursuits. That is the reason we have no sailors to-day.

Thirty years ago the difference in wages between this and other countries was not as great as to-day, and the cost of running an American vessel was relatively less than now. No American who in the first place has to pay more for his vessel than his English competitor, and who has to pay more for sailing it than he, can expect to compete successfully with him. It is an utter impossibility.

Even the American merchant who sends a ship-load of goods to some foreign country engages for that purpose that vessel which will do it cheapest. Sentiment, like the flowers of spring, has nothing to do with his case. [Laughter.] Then look at the question of commerce. You say you want to create a market for our surplus manufactures. How can you expect to compete in the markets of the world with English, French, and German goods, that on account of the cheaper labor employed can be sold for so much less than our wares?

Our goods are more expensive, our carrying is more costly, and still you think that by subsidizing a few steamship lines you can force other nations to abandon their cheaper markets and buy from us. What a childish idea!

I tell you, gentlemen, you can not have everything at once. You can not expect both our home market and the markets of the world. You can not own the whole earth. I, for one, would rather control our own market than to sacrifice it for the sake of doing the carrying trade we formerly did. And that is about all you could expect. The other nations of the world, having so much the start of us, would struggle with might and main to hold their trade. I do not think you are willing, in order to secure questionable benefits, to break down our protect-

ive system at home and open our immense home market to the unrestricted competition of foreigners.

Do you want to cut down the wages of the laboring men so we can manufacture as cheaply as Europe, opening the doors to the products of their cheap labor so that we may share the markets of the world with them? Where do you want to sell your goods? Do you want to undersell the nations of Europe in their own markets? Do you think you could do that without total ruin to ourselves? No, Mr. Chairman; let us do what we can to secure to ourselves as much as possible our home market; that will keep us busy for a good many years to come. Do not be led astray by the siren songs of the Pacific Mail Steamship Company nor the effusions of sentimentalists.

I wish we could have a merchant marine as large as that of England. If we could gain this end without sacrificing larger interests I would rejoice. But knowing that we can not, I stand by that policy which in my opinion secures the greatest good to the greatest number of American citizens, and that is the policy that has been pursued by this nation for more than twenty years. And if grasping corporations, in their greed for gain, and having nothing but their selfish ends at heart, come to the Congress of the United States, posing in the rôle of disinterested patriots, singing their plausible songs of the revival of American shipping, asking for subsidies under a different name and expecting ten dollars for every dollar of service performed, do not allow yourselves to be deceived, but tear off the mask and expose their Shylock faces to the country. [Prolonged applause on both sides of the House.]

The CHAIRMAN. The gentleman has seventeen minutes left. Does he desire to reserve that time?

Mr. GUENTHER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Chairman, I suppose the time for the recess has arrived, and if the gentleman from Georgia desires to move that the committee rise, I will yield for that purpose.

Mr. BLOUNT. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River. The message also requested a conference with the House on the bill and amendments, and announced that the Senate had appointed as its conferees Mr. DOLPH, Mr. SABIN, and Mr. RANSOM.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States authorizing the temporary appointment of an acting assistant treasurer; when the Speaker signed the same.

DAM ACROSS THE MISSISSIPPI.

Mr. NELSON. I rise to a question of privilege. The Senate has just returned with amendments the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River. On this bill the Senate has requested a conference. I move that the House non-concur in the amendments of the Senate, and agree to the conference asked.

The motion was agreed to; and the Speaker announced the appointment of Mr. DUNHAM, Mr. CRISP, and Mr. BYNUM as the conferees on the part of the House.

WITHDRAWAL OF PAPERS.

Mr. BOUTELLE. I ask unanimous consent to withdraw from the files of the House, for reference to the Pension Office, papers in the case of Bertha M. Timony, minor child of Joseph Brocklebank.

There being no objection, leave was granted.

Mr. BLOUNT. I move that the House now take a recess till half past 7 o'clock this evening.

The SPEAKER. The session of to-night has been specially assigned for the consideration of resolutions on the death of Mr. RANKIN, late Representative from Wisconsin.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House took a recess until half past 7 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. MCCREARY as Speaker *pro tempore*.

The Clerk read the following:

Hon. JOHN B. CLARK,
Clerk of the House:

SIR: I hereby designate Hon. JAMES B. MCCREARY to preside at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

MARCH 25, 1886.

DEATH OF HON. JOSEPH RANKIN.

Mr. BRAGG. Mr. Speaker, two weeks since I announced to this House the death of my colleague, JOSEPH RANKIN, late a Representative from the State of Wisconsin. I then stated that at some future time I would invite the attention of the House to the consideration of resolutions in respect to his memory, and asked that a time be fixed when his associates and friends could speak of his virtues as a citizen and a legislator. That time, sir, has now arrived under an order of this House, and I send to the Clerk's desk resolutions which I ask to have read and considered.

The Clerk read as follows:

Resolved, That the business of this House be suspended that suitable honors may be paid to the memory of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin.

Resolved, That in the death of Mr. RANKIN the country has sustained the loss of a safe legislator, a patriotic citizen, and an able and faithful public servant.

Resolved, That as a further mark of respect to his memory the House, at the conclusion of these ceremonies, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. BRAGG addressed the House. [See Appendix.]

Mr. HENDERSON, of Iowa. Mr. Speaker, I am invited to a discussion of the resolutions before the House to-night by the impulse of my own heart and because of a deep affection and sincere friendship for the departed Representative whose memory we now honor. Personally I have known Mr. RANKIN only from the commencement of the Forty-eighth Congress; but for many years prior to that I knew him well by reputation, as did all of the public men of our Western country, for he was a man of a reputation not confined to his own State.

Something like a year ago, I think it was, when he returned to this city after a severe illness, I called upon him at his hotel and in a joking way said to him: "Joe, if you are going to die, I promise you one thing, that I will talk on the occasion of the ceremonies attending your death." He looked at me with one of his pleasant smiles and said, "If you do, I do not want you to tell any lies about me." That, Mr. Speaker, is a key to the character of JOSEPH RANKIN. It told the man. Little did I dream that night that so soon it would become my painful duty to speak on the occasion of his death; but I would be unjust to the memory of a man that I respected, and much more than that, did I not remember the injunction which in that conversation he laid upon me.

Mr. Speaker, I do not come to this resolution equipped with any set forms of speech. In my heart there is that which I would like to leave to the memory of JOSEPH RANKIN, and I must trust largely to that feeling to shape my thoughts. He was a typical Western man; plain in his manners, simple in his speech, direct in his methods, conscientious in his thoughts, brave when necessary, cowardly never, either in thought or act. That was his reputation before I knew him, and so my acquaintance read him afterward. He was a man of affairs—of what we might term faculties. When large business interests were complicated with troubles, and when a man of integrity, of skill, of shrewdness and ability was needed, they naturally turned and looked to Mr. RANKIN.

All who knew the man will bear me out in this. He never betrayed a trust. There was not money enough in America to buy JOE RANKIN from his duty; and in the discharge of any trust that was imposed upon him he was one of the very safest of men. One reason for this was that he could read men. No one would ever approach Mr. RANKIN and talk to him long with the idea of deceiving him. The keen eye would soon be turned upon the man who was playing with him, and he would abandon that line of approach.

There was something in his eye that said, "I am not the man to be imposed upon in that way." He was a reader of men. Instinctively he knew what was in a man's mind although his words might be used to cover his real thoughts.

Mr. RANKIN'S bond was good. His word was as good as his bond. His bond was no better than his word. He was slow to give promises, but when that promise once promised anything, you could dismiss the matter from your mind; that which he undertook to do would certainly be done. This was a marked characteristic of the deceased.

He was an approachable man. I liked that in JOE RANKIN. We have three kinds of men in public life, Mr. Speaker. We have one class of men who seem to fold themselves up in their dignity, in their imaginary greatness, if the people lay a little honor upon them. After that the people can not get up to them very much. They seem to be

loaded down with the heavy thought that every word that falls from their lips is something very weighty, something that should be treasured up for coming generations, and one has a natural timidity in approaching them. When walking from one end of the Capitol to the other it would seem almost as though this building would shake under their tread. I used to be impressed a great deal with that when visiting the Capitol, and I have observed it some since. JOE RANKIN did not belong to that class.

There is another class of public men who make promises with great ease. You ask men of this class if they will do so and so. The reply is, "Oh, certainly; with great pleasure. I will attend to it at once without fail." They are easily approached; but when their backs are turned the promise is forgotten, and it never enters their heads again. JOE RANKIN did not belong to that class either. But there is a class of plain, earnest, approachable men who are careful in what they say, and when they say a thing they live up to it. They are men like these: A child is lost in a great city or in a town, or a poor farmer is in a big city for the first time, and, having lost his way, he wants information. He may stand for a long time watching the faces of the passers-by for a face that he can address. Who of us has not been there at some time in our lives watching for a face we would dare speak to? Finally, the child or the man sees a face that says there is a kind heart back of it, and the child or the poor man will stop the owner of that face to ask a question. Five hundred might pass by on the streets of a great city without being stopped by such a child or such a man; but if Mr. RANKIN came by they would stop him, and he would stop, listen attentively to their questions, and give them the fullest information he had. His genial, plain, honest, manly face would draw the poorest man or the trembling child to him for information. That was JOE RANKIN.

My friend from Wisconsin [Mr. BRAGG] says he knew him as a soldier. That is true. When this country needed men Mr. RANKIN was in the ranks, and in this connection I will send to the desk to have read a letter from the Adjutant-General of the Army in response to one from myself asking for the military record of the deceased.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 17, 1886.

SIR: In reply to your letter of the 8th instant, requesting, for reasons stated therein, the military record of the late Hon. JOSEPH RANKIN, M. C., as captain Twenty-seventh Wisconsin Volunteers, I have the honor to inform you that from the records it appears that JOSEPH RANKIN was mustered into the military service of the United States October 23, 1862, as captain Company D, Twenty-seventh Wisconsin Volunteers, at Milwaukee, Wis. The regiment left the State in March, 1863, for the field, and was subsequently assigned to the Sixteenth Army Corps, participating in the siege of Vicksburg, Miss. After the fall of that place it formed a part of and participated in the "Arkansas expedition," and in the capture of Little Rock, Ark., September 10, 1863. In April, 1864, it formed a part of the expedition to Southwestern Arkansas, in which it was engaged in the following skirmishes: April 2, 1864, at Terre Noire Creek; April 4, at Little Missouri River; April 10, 11, and 12, at Prairie D'Ann; April 15, at White Oak Creek, and April 29, at Jenkins Ferry, on the Saline River.

April 30, 1864, the division in which the Twenty-seventh Wisconsin served was attacked by the forces of General Kirby Smith, the regiment losing five men killed, one officer and thirteen men wounded, and fourteen men missing in action.

From date of muster-in to June 30, 1864, with the exception of a short period in November and December, 1863, when serving as brigade commissary, Captain RANKIN appears to have been present and in command of his company.

From July to November 28, 1864, he was on recruiting service; but on the latter date left Madison, Wis., with a detachment of recruits and rejoined his company on or about December 11, 1864.

February 9, 1865, he was assigned to duty as acting assistant inspector-general, detached brigade, Seventh Army Corps, and on March 1, 1865, on recommendation of General Veatch, to similar duties at headquarters First Division, Thirteenth Army Corps. He continued in the performance of duty as acting assistant inspector-general of that division until August 29, 1865, when mustered out and honorably discharged by reason of the muster out of his company.

I am, sir, very respectfully, your obedient servant,
R. C. DRUM, *Adjutant-General.*

Hon. D. B. HENDERSON, M. C.,
House of Representatives, Washington, D. C.

Mr. HENDERSON, of Iowa. Mr. Speaker, my colleague sitting near me, Major LYMAN, says that he was with him through most of those campaigns, and that he was a good soldier. I am grateful for this assurance from one beside me.

Passing from that, I would say that he who knew JOE RANKIN in his social life was permitted to enter one of the choicest fields. He was eminently a man of large social qualities, not in the bacchanalian sense, not in the wild, extravagant sense; always quiet, always genial, never indulging in wit, always ripe with humor, he was one of the most agreeable men socially that I ever knew. He was a man of strong political convictions, but his politics were indulged in in the arena where they belonged. In his social life his political views never obtruded themselves, never made him disagreeable, so that as a friend you felt you were with a friend.

These qualities, Mr. Speaker, made him dear to every one who came within the range of his social powers, and any one who knew Mr. RANKIN, as I had the pleasure of knowing him, closely and intimately during two Congresses, of rather the one, will be glad to testify to the beautiful, genial, kindly qualities of the man. What was true of him as a man I understand was doubly true of him as a father and as a husband. I do not vouch for it, but I have read it, that when the last struggle was upon him he threw his arms around his children with a terrible superhuman effort, as though he would defy any power to take their natural guardian from them and as though he would carry them with him in the warmth of his love.

Mr. Speaker, I only wish that I was equipped with more words for the memory of JOE RANKIN, for such I must call him. I will not take up longer time upon a theme that I would like to dwell on much longer, but will close by saying that he was my friend and I was his, and I shall, as I believe all his friends ever will, keep a warm, tender place in my memory for the friend who is no longer with us.

Mr. HUDD. Mr. Speaker, I am sadly privileged in being allowed to take part in the memorial exercises of this hour. I stand in his place, the successor of the lamented Representative we now eulogize. I was his friend living, I did and do mourn him dead with more than the mere conventional phrases of a funeral lament. For many years his associate and colleague in the Legislature of the State of Wisconsin, politically and personally enjoying more than the common share of his confidence and daily life, I came to know him well, and to be able to say of him he had—

A combination and a form indeed,
Where every god did seem to set his seal,
To give the world assurance of a man.

JOSEPH RANKIN was in its best and truest sense a man; intuitively a gentleman, polished and cultivated into if not a brilliant statesman in the sense of dash and display, still the quiet, effective, accomplisher of purposes that had for an end and object the good of his constituents and the ultimate welfare of his State and nation—so, in its best and broadest sense, a statesman of utility and the actor in events that benefited the present and that must live into a future of historical usefulness.

Though born at the East JOSEPH RANKIN was Western bred. Coming at the early age of twenty-one to the then almost wilderness of a State, he saw his State, Wisconsin, grow into one of the foremost States of the Union, with the shaping of whose legislative, commercial, and industrial history and greatness he had much to do.

There is a heroism and a glory in civil life that endures after we have about forgotten those who have won renown and a page in the history of war and warriors. The brave, patient, successful pioneers of a State marching in the van of civilization with ax and plow and the common schools of the land, to found and perpetuate a State, carving new empires from prairies waste and amid forest dense by their strong right arm and stronger right common sense on men and measures, these are the heroes of the West—that West that brings to the Union and the Union's treasury its more than equal share of treasures in peace and stalwart men in war. He was the product of the West, this man we mourn. JOSEPH RANKIN was right royally Western in his thought, act, and speech, and as loyally a Union man, as we have heard in the noble tribute here paid to his memory by General BRAGG. We have heard how he took up his sword at the call to arms in the war of the States, wherein he sought to conquer, and did help to win and secure, that happy peace that now assures us that—

Linked in chain no blow can sever,
Shine Union's clustering stars forever.

The dead Representative was as generous as he was modest in his recollections as a soldier, and never vaunted his valor or patriotism or recalled in any harshness the causes of war's alarms, but in the same patriotic spirit that impelled him to strike for what he deemed the right recognized valor in a mistaken and vanquished foe with the right hand of fellowship. It was something more than creed with him; it was act and duty to help build in the temple of our reconstructed Union a tablet of forgiveness and forgetfulness that should hide the block and overshadow the gibbet of vengeance and red memories, to place the martyred Lincoln's golden prophecy over the altars that we rear:

The mystic chords of memory stretching from every battlefield and patriot grave to every living heart and hearth-stone all over our broad land will yet swell the chorus of the Union when again touched, as they surely will be, by the better angels of our nature.

I now recall an episode in the life of the Representative we have lost that came under my eye that will illustrate this happy thought of concord resting over the grave of war.

It was at Cincinnati, in June of 1880, when the great assembly of Democrats had nearly ended, having met and put in nomination for the Presidency of these United States that then superb in life, now heroically great and grand in death, General Winfield Scott Hancock. On the heights, and overlooking the city, and in view of the flow of the beautiful river Ohio, at a social board in the open air of night, sat the Indiana general (he, too, now gone over to the silent but ever-increasing majority) on whose staff Captain RANKIN served, at whose side he now sat. Another, one who had worn the gray, composed the third at this table of four. Music arose, rockets and cheers filled the sky of night. In the lull of a moment there came to the ears of the party I have named the answering speech from a banquet-room only a little way off, but in sight and sound, from a crippled major-general of the once confederate army, who had clasped hands with the proposer of the toast—the proposer a general on the Union side, and who, if I mistake not, was in some command where and when the wounded speaker, now a United States Senator, had fallen—the concluding words of that response came to us thus in substance: "Now we join the Union corps that is to be

led by General Hancock, and we pledge the South to perpetual union, peace, and progress." RANKIN clasped the hand of his comrade and commander, with almost a tear in his eye, as he said: "General, we fought for that then; now we will go home and make it unanimous." He did live to see it if not unanimous, at least harmonious.

In what words shall we best relate the last chapter in RANKIN'S life-story? At manhood prime, the age when we look for maturity of thought and strength to act and wisdom to achieve, he received the message of fate, that, while not appalling him, brought the sackcloth and ashes of human despair to loved ones in a little household of dear wife, good mother, fair daughter, and promising son. We can not resolve him back to them. We can, as it seems we do, say to the grief-stricken ones, "Your sorrow is sacred." But we may give these outward tokens of our respectful grief—funeral honors that may not assuage, but will in time to come comfort, when those nearest and dearest to him shall seek the Congressional pages of their beloved's history to read the story of his brief public life at the nation's capital, and find how he died at his post, revered, honored, and now eulogized. With what courage he met the grim messenger, that has his billet for each, many score of his fellow-members of this Forty-ninth Congress who saw him in the last days of that passing from the here to the hereafter can attest. That patient eye, that smile, I see as I saw him last, only a little while before the Author of his being wrote the thrilling finis to the sad story of suffering that we may believe translates our late colleague in this Congress into the immortal and eternal congress of God's rest to weary feet.

One of our great American poets has so well expressed a thought in his noble verse on the departure of another that I may quote it now as a benediction to the subject of the hour—"The peace of God" to him your funeral committee, together with that great concourse of his Wisconsin friends, laid away in and among the evergreens of that far-away Western home:

As a guest who may not stay,
Long and sad farewell to say,
Glides with smiling face away.

Therefore on thy unknown way
Go, in God's peace, and we who stay
But a little while delay.

Keep for us, O friend, where'er
Thou art waiting, all that here
Made thy earthly presence dear.

And when fall our feet as fell
Thine upon the asphodel,
Let thy old smile greet us well.

Mr. HENDERSON, of Illinois. I had no notice that these resolutions would be considered to-night until yesterday afternoon, and since have been so occupied that I have scarcely had a moment in which to give thought to what I might say on this occasion. But I can not allow this opportunity to pass without giving some expression to the high regard in which I hold the memory of the late JOSEPH RANKIN.

I met him first at Cedar Rapids, Iowa, in the discharge of some responsible duties in that city but a few months before he took his seat as a member of the Forty-eighth Congress, and from that time until his death our relations were of the most cordial nature. When we met again it was at the beginning of the Forty-eighth Congress, and having been appointed members of the same committee—that on Rivers and Harbors—we were necessarily brought in daily association with each other during many long and weary months of arduous labor on that committee. And while we belonged to different political parties, our association, I am gratified to say, resulted in a friendship warm, sincere, and generous, and which remained uninterrupted until he passed peacefully away to that sleep which knows no waking.

I think I have seldom met a man with whom I was more favorably impressed at my first meeting than I was with JOSEPH RANKIN, and during our long acquaintance and association afterward as members of the Forty-eighth and Forty-ninth Congresses and as members of the Committee on Rivers and Harbors in the Forty-eighth Congress I found there was no change in his character, and he continued to be ever the same pleasant, genial, confiding man that I found him to be on my first acquaintance with him.

With a sad heart I visited him often during his last sickness; and when his friends knew there was not the slightest hope of his recovery it was wonderful to see how heroically he struggled for life. He was patient during his long sickness, as much so, it seemed to me, as any man I ever saw who was facing death from day to day for so many weary months. But a few days before his death, when I visited him for the last time, he said to me, "I have had a hard struggle, Colonel HENDERSON, but I am going to pull through; I am going to conquer yet." Whether he said this to give courage and hope to his faithful and devoted wife and to his loving son and daughter, or whether it was the deceptive nature of the disease which was gradually but surely taking him away, I could scarcely tell. But it was evident that he wanted to live and not to be separated by death from his family and friends; and while he realized the danger of his condition, he struggled manfully and hopefully to recover his health, I think, and maintained a cheerfulness when I met him that seemed to me surprising.

Mr. Speaker, the words I utter here to-night are not the words of mere eulogium. They are the words of a friend, speaking of a departed friend and of a friendship which was pleasant to me and the memory of which I shall ever cherish.

I shall never forget when I stood by the casket which contained all that was mortal of JOSEPH RANKIN, and in the presence of his faithful and devoted wife and daughter, looked upon his genial, pleasant face for the last time, so natural that, to use the language of Mrs. Rankin herself, it seemed as if he could yet speak to us though dead. But JOSEPH RANKIN is no more. He has gone from us forever.

Mr. Speaker, I knew him as a public man, and I think I knew him well. And as a member of this body, and a member of the Committee on Rivers and Harbors, one of the most laborious committees of the House of Representatives, he proved himself, as I think every member of the committee who served with him will say, a most valuable and faithful member not only of the committee but of the House. He was quick in his conclusions, decided in his judgment, and active, earnest, and faithful in the discharge of all his duties. He was ever disposed to do the right thing in the right way at any and all times. I always found him to be reliable, faithful, and true in the discharge of his public duties.

It was in his capacity as a member of this body in which I knew him best, and I believe that we his associates, who still survive him and remain here to labor, would do well to pattern after the faithful, honest, and patriotic manner in which he performed his public duties.

Mr. Speaker, before I close my remarks I desire to express the admiration which I felt for the intelligent, faithful, devoted wife of our departed friend, who watched by his bedside patiently and lovingly during all his long illness, and to assure her and her children of my continued sympathy in their sad bereavement.

Mr. MAYBURY. Mr. Speaker, among the more pretentious garlands that loved and loving hands have woven to-day and bring to deck the grave of a departed friend I would offer my humble wreath, enriched only by the sincerity of my affection and the reverent memory in which I would embalm the lamented dead. It was my great privilege to have known JOSEPH RANKIN as a member of this House in the Forty-eighth Congress, and to have served with him in that body. To know him was to respect him, to know him was to love him. Every man in life writes his own epitaph. We stand here to-night looking upon the epitaph which the touches of his character have chiseled. We see an honest, cheerful smile lighting up a face full of benevolence and kindness; we hear a word of deep and loving tenderness, and we feel the hearty touch of an open and generous hand. We read the attributes that invested the character of this man and marked him as one of bright mind, great good sense, united with the qualities of a warm, trusting, and cultivated heart.

We knew him as a man of few words, and these spoken in a voice as low and tender as a woman's. We knew him as a man of many good deeds, done without ostentation. The duties of each passing day involved with him plain facts, visible and undeniable. His discharge of these duties was prompt, frank, and open. Unconsciously to him these attributes and influences touched and molded the lives of those about him, and to-day memory seizes upon them to be woven in a chaplet for his grave. JOSEPH RANKIN'S life was that of a man remarkably direct and single in all his purposes. Strong in action, and by contact with him were our lives made stronger and purer. We see in him a consistent man in all the relations of life, and all united with humility and great kindness. The sum of such a life finds its expression in the words, "a good citizen, faithful public servant, true friend, indulgent husband, and kind father."

The memory of his virtues lingers as the twilight lingers when the sun is set. He was fond of humor and devoted to good fellowship. None who knew him can forget the merry twinkle in his eye as he poised the arrow that he sent, not to pierce his victim, but to rebound from him. He was too considerate and gentle to wound by word or deed. He was one of those men whom if he had lived to old age would have been recognized as a patriarch among his friends and neighbors. There is not much left in these busy, troubled days of the old patriarchal life and feeling. The times are inconsistent with its calm spirit, its quiet, reverential ways. And yet, at times, there walks among us one who while not so venerable in years, perhaps, as to claim the tribute of fatherly affection from us all, but with such a gracious authority of character, such purity of heart, and exercising such a sway over our affections that all bow down to him with instinctive love and veneration.

To such a life and to such a character it matters little what earthly honors are paid. It is not the cheap incense that we selfishly offer to the great and to the powerful, nor the homage we pay at the feet of patronage. To the lamented dead we offer no such tribute; the service we give is won by no such consideration. The loving duty we pay them is the unbought and priceless tribute of affection. The tenderest regret that we feel is that a delightful presence has been exchanged for a tearful memory. These are the highest offerings of the human heart. JOSEPH RANKIN was pre-eminently an unselfish man. He was a manly man. Wherever good to others was to be done at the sacrifice of self and selfish convenience, his example was inspiring and contagious.

Like good Ben Adhem his uppermost thought seemed to be "write me as one who loves his fellow-men." If JOSEPH RANKIN was a stranger to those within the sound of my voice, had his goings out and his comings in not been with them, had his pilgrim feet not walked the ways and his smiles lit up the pathway which we now tread, I might be forced to speak with more reserve. But here I know that no word can seem strained or insincere. Certainly I can not overstate my own deep, cherished feelings, and I know it does not extend beyond the testimony that others now give and which I have heard so often fall from their lips while he was yet among the living. Besides, it is not praise to speak of such a life; it is rather thanksgiving. It is the answer of loving hearts to the heart of our dear lamented friend.

JOSEPH RANKIN was a man not only of great good sense and of excellent mental endowments and of an even temper, but he possessed that power which after all is the strongest that a man can wield, the power of a sympathetic, strong, kind heart. Whatever may be said of brilliancy in life and living, and whatever light may brighten up our mental and intellectual pathway through life, the human heart is, after all is said, the light of our best living.

"Thanks to the human heart, by which we live!
Thanks to its tenderness, its joys and fears."

Mr. RANKIN was in all the attributes of his character the product of the rugged experience by which in life, in a growing community on the frontier, with its privations and yet its opportunities of developing and broadening our life's vision, character is molded and matured. He was the victim of no prejudices; he had inherited none. He took an enlarged view of life's duties and its responsibilities, and was cheerful and brave in the discharge of them. He was fortunate in life; for who did not envy the apparent health of mind and body and the cheerfulness of disposition that enveloped him. Fortunate in life, I can not but feel that he was equally so in the time and manner of his death. The kind Providence that had directed his way in his days of strength and health did not desert him at the last.

Although the victim of incurable disease, when the dread Destroyer had fastened upon his pilgrim footsteps, as he lingered among us, we hoped that the pathway beneath his feet might grow brighter unto the perfect day and lead to the fountain of restored health. But while this was denied us, yet it was not when the powers of mind and body had been completely destroyed and obscured, but while we bade him hail in the vain hope of returning health, we were suddenly called upon to bid him a tearful and lasting farewell. The indomitable courage and cheerful spirit that marked his days of perfect health did not desert him in the days of suffering. A few days before his death, when the snows of a winter's day were disappearing in the sunlight, he laid upon his bed looking out wearily upon the winter scene. Here and there the ground was bare of snow and he watched the toiling horses as they drew their burden along. Turning to those who sat beside him he said, "It is rough sledding." The expression was touching and significant, not alone of the scene passing before his outward vision, but of the rough and rugged way of suffering through which he journeyed to the end.

Surrounded by a devoted family, endeared to a large circle of friends, cheered by the consolations of an assured faith, with all the lofty confidence of Seneca, coupled with the simple, childlike faith of St. Paul, he approached that gate so near to some of us and not far distant from us all. From the fields a reaper has gone. A fountain of pure and wholesome influences is dried up. And yet, when I think of life, with its sufferings, its disappointments, and its unrequited affections, I can not but recall the words of the poet and heartily but tenderly join the spirit of his lines:

I am glad that he has lived so long,
And glad that he has gone to his reward.
I can not deem that kindly nature did him wrong,
When softly she disengaged the vital cord;
For ere his hand grew palsied,
And his eye dark with the mists of age,
There came his fitting time to die.

Mr. JOHNSON, of New York. Mr. Speaker, a long or an intimate acquaintance is not always necessary to strongly attach one man to another. Some men by reason of peculiar traits of character are sometimes misunderstood, unjustly judged, and yet those very peculiarities almost unconsciously attract to the man. One may be unable to tell why; but acquaintance is easy, and as association and intercourse continue, respect and attachment are sure to follow. Such a man was JOSEPH RANKIN, the late Representative in Congress from the fifth Wisconsin district.

My acquaintance with him began in the early days of the Forty-eight Congress, when by the chance that locates us in this Chamber we had seats near each other. The disease that took his life was even then upon him, and in consequence of his poor health he was not regularly in his seat; but I saw him often, and from the first I was drawn toward him. He had at times a bluntness of expression and manner that left a wrong impression of the man. He did himself injustice, and yet, as a rule, and especially for his friends, he had a heartiness of greeting and intercourse that was irresistible, and it needed but a short acquaintance to insure for him a warm friendship and regard.

A native of New Jersey, Wisconsin has for thirty-two years last past been his home. He served three years in the Union Army, was five times elected to the assembly and four times to the senate of his State, and in 1882 was elected to the Forty-eighth and in 1884 re-elected to the Forty-ninth Congress. His long experience in the Wisconsin Legislature, where he exercised a decided influence, well qualified him to serve his constituents in the National Legislature. Though not able to be regular in his attendance on the sessions of the Forty-eighth Congress, yet he kept himself fully posted on current events and abreast of the times in the matter of the legislation of the day.

He was a Democrat, and was always ready to maintain and defend the principles of his party; and yet he was always considerate of the feelings and opinions of those who differed with him. Some of his closest friends and most intimate associates, not only in his own State, but here in Washington, were of opposite political faith to his own.

"True to his friends" is a sentence that was especially applicable to him. Once having given his confidence, he was "true as steel." When once his mind was made up on any question it was only after careful thought and consideration, but then he was ready conscientiously to maintain his position, and that too, if need be, in words that gave "no uncertain sound."

The brave way in which he battled with disease was most remarkable. Against the advice of his physician and the remonstrance of his friends he decided to come to Washington at the opening of the present Congress, and come he did, when most men would have kept their beds. Brought to the House, he took the oath of office on the opening day of this session. A few days later he came to the House again, and remained for a short time, and then returned to his rooms never again to be seen on this floor. He realized his hopeless physical condition. He went home to die. The manner in which he bore his sufferings was a marvel to those who witnessed it. Always cheerful, he tried to cheer all about him. Always hopeful, he tried to inspire others with the same precious possession.

His chief concern was for his family. How would they do without him; what could he do for them before he was taken away? But we would not intrude upon the sacred inclosure of the family circle. It is enough to say that he did all he could, made every arrangement possible, and then waited the final call that was to separate them for the remainder of this mortal life. I saw him one week before his death. Though suffering intensely, and speaking with difficulty, he was cheerful. He had a smile, a pleasant word for all who came to his bedside, and apparently faced the messenger of death without a shadow of fear. He was anxious to return to his Wisconsin home and die among home friends, but that was denied him; and on the 24th of January, 1886, he quietly breathed his last here at the capital of the nation.

The committee escorting his remains were met far outside the limits of Wisconsin by a large delegation from its chief city, and it was not necessary to be advised when we crossed the boundary line to know we were in the State of his adoption, where he had so long lived, and whose people had so delighted to do him honor. The expression on every countenance, the appearance on every side, told the story of public and private loss. We were in the midst of a mourning people. At the railroad stations in the various towns through which we passed, and especially as we neared his home, citizens thronged the funeral car, and with tearful eyes and in tender and considerate manner offered their sympathy to the bereaved family.

The day of his burial was, as we were informed, such a one as has rarely if ever been seen in the city of his residence. People of all classes seemed to have lost a personal friend, and anxious to show their respect to the memory of their representative citizen. All had kind words for the neighbor and friend who was to be seen no more among them, and all hearts seemed to go out in tender thought and solicitude for the loved ones he had left behind—the objects of his life-long efforts, of his last thought and care—his wife and children. This feeling was touchingly expressed by a local newspaper in these words:

A thousand men in the State will feel that they are to a certain extent guardians of the children he loved so well, and they will be watched when they do not know it, and their steps unconciously guided by strangers to the children, but who loved the father.

The sad procession extended from the little church, where the beautiful burial service of the Episcopal Church was observed, for nearly the entire distance of one mile, to the rural cemetery on an elevation overlooking Lake Michigan, where, on a winter's day, we laid him down in his evergreen bed (prepared by loving hands), there to await the morning of the general resurrection.

I wish I could speak confidently as to his possession of a Christian faith and experience. He was not a religious man, as we use the term; but we will not judge—that we leave to God. I can but think, however, that during the long and weary months of suffering and when so much alone with his own thoughts the great questions of personal religion, the welfare of his soul, were anxiously and carefully considered by him; and I can but hope that if not before, certainly as the end drew on and he felt his feet touching the waters of the dark river he was so soon to cross, and while his mind was full of anxious thought for his loved ones and kind provision for their earthly future, his mind also dwelt on his own eternal future, and that his confiding heart laid hold by faith and trust of the Saviour of the world, in whose name and by

whose merits he should find pardon and acceptance before Him who is to judge us all.

It would be mistaken eulogy to say of any man that he had no faults. We make no such claim for our deceased friend. He had his faults, and who has not? But those who knew him best loved him most. A man of strong convictions, he was ready on occasion to express them and conscientiously to stand by them. Charitable in his judgment of others, fair to those who opposed him, considerate of the opinions of others however widely they might differ from those entertained by himself, with a warm and sympathizing heart toward all who were in need and sorrow, with a loyalty to friends that was proverbial, a most affectionate husband and father, he was, everywhere and at all times, an honest, honorable, kindly man.

With such recollections, I pay my humble tribute to the memory of JOSEPH RANKIN.

Mr. GUENTHER. Mr. Speaker, while I listened to the eloquent and fitting eulogies pronounced by the gentlemen who preceded me there arose before my vision the splendid form of him to whom to-day we pay these last sad tributes of respect and love.

I see him standing before me as of old, in the fullness of his physical vigor and the unimpaired enjoyment of his strong mental faculties before he was attacked by that fatal disease which so prematurely ended a life full of promise and usefulness to his family, his State, and his country. I feel as if his eye, sparkling with his kindly humor, were once more fixed upon me. I listen again to his words, full of frankness and sound sense. It seems to me as if I again felt the friendly pressure of that hand which he extended to me in cordial greeting twenty-four hours before the angel of death served the summons upon him and called him to that unknown land whence no wanderer has ever returned.

But, alas! it is but a vision. That keen but pleasant eye, which reflected his noble soul, is closed forever; the mouth which spoke so many kind words is silenced; the hand which we loved to press lies rigid and cold by his side; the true heart, which knew nor malice nor deceit, beats no more.

Our friend is dead!

I wish that I possessed the gift of oratory, so as to pay a fitting tribute to him whom I loved and whose memory I shall cherish as long as my memory lasts. Although we belonged to different political parties, we were always friends.

I knew him intimately for many years. For four winters we came in almost daily contact, he being a State senator and I holding an official position in the capitol of our State. We staid at the same hotel, and our intercourse was frequent and always of the most cordial nature. Then we were both members of the Forty-eighth Congress, and our friendly relations were never disturbed. He was considerate, pleasant, and affable to all.

Although a strong partisan and believing in the principles of his party, he respected honest convictions in others though they differed widely from his own.

He confided in his friends, and never betrayed confidence placed in him, no matter what advantage he might have secured thereby.

He possessed a kind and generous disposition. He was a most companionable gentleman, with a strong humorous vein running through his nature.

He was keen and quick to see a point. In questions of a political nature he was most always instinctively right.

But above all, Mr. Speaker, he had one quality which endeared him most to those who knew him, and which in my opinion was the key to the secret why he had so many friends, and I can truthfully say that no man in our State had more warm personal friends among all classes and in both political parties than he. I say he possessed one quality which drew men toward him and held them as his friends, and it was that he was always outspoken, just, and honest, alike to friend and foe.

He flattered nobody, he persecuted nobody, he maligned nobody, he belittled nobody, but he was always frank and open.

He gave everbody his due. He was true to his friends, generous to his adversaries; enemies he had none.

He was plain in his manners, plain in his attire, plain in his languge. He was a man of the people. The people loved JOE RANKIN, as he was familiarly called by everybody. None loved him more than those who knew him best. When we bore his body to his old home on the shores of the blue waters of Lake Michigan the large concourse of people who came from everywhere, in spite of the severity of the weather, testified to his great popularity. Everybody felt as if he had met with a personal loss. When I stood at the open grave, with grief in my heart and sympathy for the wife and children he had so tenderly loved, when for the last time I looked upon the somber casket that held all that was mortal of JOSEPH RANKIN, when I remembered the many happy hours we had spent together, when I saw the moistened eyes of the old veterans, his former comrades in arms, when I looked upon the sorrowful features of his neighbors and townsmen, I felt that a true, a good, and an honest man had gone from us forever and that I had lost a valued friend. With sad hearts we left him sleeping his last sleep under the silent evergreens on the hill by the lake in the garden of the dead. JOSEPH RANKIN is no more, but his memory will live among his friends and in the history of his State when we all will sleep the sleep that knows no waking.

Mr. LA FOLLETTE. Mr. Speaker, each one's part in this service can little more than suggest the personality of its subject. Each tribute, taken alone, may mark one characteristic, one phase or habit of mind too prominently. Although every life has a consistency and completeness to the man who lives it, to whom its experiences are as a unit, yet its story is not easily told by another, because each one has but a brief glance at the inner life of his friend where their ways run together for a little while. But from the aggregated impressions of men we get very near to the truth. And so here to-day, from these many offerings may be given to time a faithful, symmetrical outline of JOSEPH RANKIN'S life.

My personal acquaintance with Mr. RANKIN was limited, though the public life of few men in Wisconsin is more familiar to me. For fifteen years he was a political leader in his own State. And it has sadly happened that the best, indeed almost the only, test of his powers in public service was made there.

Mr. RANKIN was a man of character and ability, and he was by organization and instinct a politician.

I use the word politician advisedly, but with some hesitation, because confusion of thought and the disproportion of ideas to words have often bound this good word to a bad service. A better discernment and the growth of language will finally restore it to correct usage. Bestowed with consideration, it bespeaks qualities of mind that challenge admiration and respect—quick intelligence, sound judgment, tireless energy, strong resolution, commanding honesty. I know well the careless speech of the day associates political management with much that is disreputable.

But, sir, discrimination demands another judgment.

Stop and consider but for a moment. A man of strength and ability, in the quiet pursuit of professional or business life, wins the confidence of his neighbors and friends. They learn to rely on his sagacity, to respect his judgment, to confide in his honor and honesty. As his circle enlarges and his powers are tested further, they amply respond to each new situation. Finally, his political party claims him for leadership and public service. Men of all trades, all professions, all pursuits follow his political management, second his efforts, do his behest to advance the party organized about the principles to which he and they are devoted.

Is there any reason, I ask you, why his nature should meet with a sudden moral revulsion, why he should be instantly transformed into something unclean, why men should all at once become his merchandise, why he should henceforth measure principles by a price, why he should become a juggler and trickster? Is not such a conclusion irrational, unnatural, monstrous? That within the compass of one human organization such opposing elements could be compounded is a psychological impossibility.

I do know that there exists a creature who is to politics what the pettifogger is to the law; and I do know that the pettifogger is not more loathed by the lawyer than the political shyster by the politician. Nor has the law's noble profession been more dishonored by her trickish knave than has politics by the political shyster. For, with the genius of impudence, the shyster has sometimes stolen the livery of the politician to dignify his calling and cover his political crimes. He does not often deceive the discerning and rarely deceives any one long, for he and the politician have absolutely no kinship, no attributes in common. The politician's capital in life is the trust which he reposes in others, which they in turn repose in him; the shyster's stock in trade is the meanness and dishonesty which he finds in humanity. The politician believes in the honor of men, risks everything on individual integrity; the shyster doubts every man, is a universal skeptic. It is not difficult to distinguish between the two; and it is a discrimination that ought always to be made in thought and speech. The key to the distinction is honesty of character. The politician can not exist without absolute, unyielding, uncompromising honesty. The same high regard for right conduct which earns confidence in business and professional life commands like tribute in politics. There is no call to party or public service where it is wanting; there is no continued success where it is not held and cherished.

More is not claimed for the politician than belongs to him. I have tried to strip the term of its vile associations and clothe it with its own dignity in order to measure Mr. RANKIN rightly as a public man.

It is not contended that he was a statesman, although I do think the statesman and politician stand much nearer together than current thought concedes. The difference in the mental characteristics of these two classes of public men is more a difference in degree of power than in kind. Mr. RANKIN did not attain to the creative genius of the statesman. He was quick to observe and satisfy the public want almost in anticipation; but he was not one to mark out a new course in governmental advancement and mold the public mind to its ready adoption.

Mr. RANKIN knew well the times in which he lived; but the statesman makes like companionship with the past and the future. He saw clearly the legitimate scope of his party principles; but the vision of

the statesman is bounded only by the horizon of national possibilities. But Mr. RANKIN had in common with the statesman great sagacity, ready grasp of mind, superior energy, swift decision, bold, aggressive courage.

Nor is there any difference in the moral habit, the ethical sense of the politician and the statesman. Be he one or the other, he stands the representative of this principle or that party only so long as he stands erect in honor. One deviation, one relaxation, one bending of principle, and he falls and falls forever. Nay! woe to him though he yield only to weakness, evincing the slightest want of moral discrimination! Under the scorching breath of public suspicion a shining record of honor and integrity withers to dust and ashes. There is no escape, no appeal. His office is either a sacred trust, or the poisoned shirt of Nessus. Vain the defense of personal friends, vain his previous clean public life! Hunted from his high place by a betrayed people, retribution soon closes his career, and gives his name to the ensuing generation abhorred. No! no! politician or statesman, more than any other man must he ever bend a "vaulting ambition" to meet the last exaction of the moral law.

Mr. RANKIN was in public service for nearly twenty years; and his personal and political integrity was never questioned. While I would not be understood as placing him among the great, among the few who can be called statesmen, I would give him high rank among that more numerous and scarcely less useful class of public men who work untiringly, unceasingly, and honestly for the advancement of party organization and party principles.

Together with these traits of mind, alone sufficient to give him such prominence as a politician, were joined those generous, genial qualities which bound men to him wherever he was known. The most careful analysis could not determine whether his success in life was due more to his sagacious mind or to his open, sympathetic, cheerful, and inspiring nature. He was one who understood all men, one whom all men understood, at the first glance of the eye, at the first touch of the hand.

He was a popular man, a popular man at a time in the history of the human race when popularity is a certificate of high character. Coriolanus went banished from the gates of Rome because for him the price of popularity was to fawn and flatter; was "to teach his mind a most inherent baseness." But with the rise of the common people from the debauching slavery of ignorance and superstition up, up to sovereignty and self-government, has been lifted that word, which is ever at their level, until to-day popularity makes fellowship with dignity and self-respect. He who wins it must be manly, reliable, responsive; must be able, practical, useful to be in companionship with all men. Thus was Mr. RANKIN popular. Thus was he brother to every man. So it was that he was known and loved personally throughout Wisconsin. Soo, too, during his short stay here he made friends of all who knew him. Had he lived and continued in public service his acquaintance and personal popularity would have radiated from this center of political life as it did from his home. But the best years of his vigorous manhood were spent when he came here. He entered this House handicapped by fatal disease.

Sir, I make brief reference to Mr. RANKIN'S sickness and death only as it sustains and illustrates my view of him as a man. His long and painful fight with disease tried him under new conditions when hope could not cheer nor ambition sustain. It was a supreme test, and the manner in which he met it illuminated his past life and put upon it the seal of sincerity, courage, generosity, and strength.

At the very threshold of his new career death met him. From the first its shadow went with him in and out of these Halls; stood over him at his desk, followed him down the corridors, pursued him to his home. Month after month, waking or sleeping, in social cheer or in the still hours of the night, it was his constant companion. Before all others he was the first to know what threatened him. His ear first caught the mandate that chills the heart and slows the pulse: "Be ye ready, the summons cometh quickly."

Not for an instant did he indulge in any delusion touching the final issue. Here as before his correct judgment directed him aright. His quick preceptions saw straight to the open grave. Here as before his heroic courage and generous nature responded faithfully. Making no complaint, giving no sign to friends, he directed all the purposes of his being with increased solicitude toward his family's future. He resolved that the end should not come until every protection that love could suggest and energy secure was thrown around them. Quietly but with dispatch titles were re-examined, transfers made, books balanced, checks drawn, everything put in order. With what tenderness he lingered over each act that gave assurance of comfort and competence to wife and children! For he felt that in every service then rendered there passed something of his personality to live with them through life. All was at last in readiness, and he turned again to face death.

Yet it did not fall to him to go quickly and easily to his rest. Season followed season and the extremes of agony were borne with marvelous patience and endurance. Finally, with waning strength, the struggle narrowed to the limits of his room. Still considerate of those near him, he would scarcely admit even then that he was not well. He could not bear to see loved ones bowed prostrate before the dark mystery that was surely entering their home. With family and friends he forgot self, the torture of disease, all else, turned the serious words of physicians into jest, and forced his natural, bouyant spirits and vigorous humor into active play. None who saw will ever forget the touching pathos of those scenes.

This body will long remember the daily reports of that unequal but prolonged contest. Each night his haggard face prophesied speedy death; each morn saw the prophecy unfulfilled. Sustained by an indomitable will, the vital forces yielded slowly, but yielded at last. It was the Sabbath. Outside, its potent spell had touched the Christianized world, and peace and quiet marked the hour; within the sick-room, the awful suspense of that mute unrest which signals the termination of life. Family and friends were close about him, and went with him down to where our finite section of time meets the infinite.

So he died, a strong, affectionate, generous man, though not without some faults and weaknesses; a man of convictions and courage; a consistent, able, honest politician.

Mr. THOMAS, of Wisconsin. This House meets to pay a tribute of respect to the memory of our departed friend and late associate, Hon. JOSEPH RANKIN, who died in this city after a lingering and painful illness on January 24 last.

When the pulsations of life are stilled forever, it is the duty of friendship and of love to commemorate the virtues of the lamented dead. Those who knew Mr. RANKIN well will recall his manly spirit, his honesty of purpose, his loyalty to friends; and bearing testimony to these qualities, we make a tribute to his memory something more than mere form.

JOSEPH RANKIN was a true specimen of Western manhood. Although born in New Jersey, and afterward moving with his father's family to the State of New York, his active, restless, and adventurous spirit caused him to long for more stirring scenes, and in 1854, in his twenty-first year, he left home for the then far West, settling at Mishicot, in Manitowoc County, Wisconsin. In this lively, bustling town he soon entered into business, by opening, in company with another, a general store. In this he succeeded remarkably well for the time he was engaged, but his inclinations and the opportunities surrounding him led him into a political life. The community where he resided saw a safe representative man in his make-up, and if he had been unwilling it would have been almost impossible for him to have refused to serve them in many local offices, which he did for several successive years by the almost unanimous choice of his neighbors.

In 1860 he was elected to the assembly, the popular branch of the State Legislature, and he would undoubtedly have continued to serve the interests of his section of the State in the Legislature in the years immediately following had not the civil war temporarily arrested his political career. When the civil war broke out Mr. RANKIN at once enlisted himself on the side of his country's cause; he entered the military service of the United States as captain of Company D of the Twenty-seventh Regiment of Wisconsin Volunteers, and served as such throughout the war, and was honorably mustered out of service in 1865. As a soldier he took part in all the battles in which his regiment was engaged, the most conspicuous of which were the battles about and the siege of Vicksburg—you have heard his honorable military record read at the desk by the Clerk—the engagements that resulted in the capture of Little Rock, also the engagements of Okolona, Prairie D'Ann, and the battle of Jenkins Ferry.

He showed a coolness and bravery in the face of danger that gained him the admiration and respect of his superior officers and the love and confidence of his men.

As might be expected by those who knew him well, he was untiring in his efforts for the comfort and health of those who served under him, and every member of his company was his firm and steadfast friend—a friendship that lasted after the war was over, for every one of his men who remained within his district rendered him useful and untiring services whenever he was a candidate for office. He was as modest and unassuming in relation to his war history as the record shows he was brave. Few ever heard him say anything about his part in the war, and it was only through those who had served with him that his courage, his fidelity, and his soldierly conduct were made known.

From the colonel of his regiment to the private soldier, all declared that he was a good soldier, a brave fighter, and a considerate officer, as well as a kind-hearted, companionable gentleman. After the war, and in 1868, he went back to Manitowoc County from Tennessee, where he had been managing a plantation. He was heartily welcomed home, and in a very short time thereafter was elected a member of the county board, and was instrumental in bringing to light frauds that had been perpetrated, the discovery of which saved the county many thousands of dollars.

He was elected in the years 1872, 1873, and 1874 by overwhelming majorities to the assembly, serving in that body during that period with great distinction. In 1876 Mr. RANKIN was elected to the State senate, and was re-elected for two successive terms thereafter. It was during his service in the State senate that I first became acquainted with him. I found him genial, companionable, kind-hearted, as well as a man of great ability for political management.

Differing from him as I did politically, I could not help admiring the great tact with which he managed and controlled the interests of his party in the senate of the State. He never made set or lengthy speeches, but was one who naturally drew to himself leadership, and with his accurate knowledge of parliamentary law and a keen and ready perception he was often able, though in the minority, to extort from the majority the advantage which he desired by his ability, his good nature, his kindness of heart, his hatred of all shams.

JOSEPH RANKIN gained in the State senate of Wisconsin not only the confidence and affection of the members of his own party, but the respect and friendship of his political opponents. He was attentive to his duties and conscientious in the performance of them. I remember with what care he watched every move and proceeding, ready to oppose or defend as his judgment should dictate, and with what rapidity he was able to take advantage of any mistake upon the other side, and how when a measure met his disapproval his short, sharp questioning brought out his objections more clearly than lengthy speeches could. No persuasion and no effort could turn aside his vigilance or induce him to yield his vigorous opposition to a measure which he did not approve. And yet in both parties he could always count his friends by scores; every one who approached him became almost necessarily his friend; he unconsciously drew others to him, and by his genial deportment and outspoken honesty of purpose inspired confidence and respect.

Self-respecting and self-reliant, he was yet possessed of an unassuming manner which no circumstances disturbed and which remained unaffected by accumulated honors, and was touched by an off-hand frankness and familiarity toward his friends which put them always at ease in his presence and made the bond a strong one. And added to this was the charm of his conversation, entertainingly mingled with sparkling wit and good humor based upon the ground-work of common sense, which not only delighted but instructed.

I had not the pleasure of serving with him in this House, but I am glad, sir, to hear his political friends and political foes alike (for personal foes he had none) unite in bearing witness to his integrity, to his conscientiousness, and to his firmness of purpose on the side of what he thought to be right, and I am not suprised to find that here, as in his own State, his clear mental vision and soundness of judgment were recognized.

I will add that he was an energetic, close, and diligent student; that he was a searcher for practical useful truth, as it was his ambition to possess that knowledge of men and affairs that would enable him to well and properly perform all the duties that might devolve upon him. These qualities and qualifications made hypocrisy and deceit impossible to him. This sincerity made him when he once espoused a cause a strong and fervent partisan, with little toleration for those of his way of thinking who would in any way temporize with the other side. He was patient in defeat, and when political victory came to his side he was temperate and discreet. In all his methods and all his thoughts, in private as in public life, he was direct, outspoken, and honest.

Mr. RANKIN was proud of his State and of its people, and their interests were the object of his constant care and attention, which even the severe torture of the fell disease which held him in its merciless grasp so long could not force him to neglect in the least. He was endeared to the people of Wisconsin by reason of his faithful representation of their interests, as well as for the manly character which commanded their admiration. Especially was he beloved by those whose lot it was to toil. His own life in early days had been one of labor, and to his credit be it said that he was never ashamed of the fact, and always and at all times his sympathies were with the struggling poor.

The disease to which he finally succumbed came upon him some two or three years ago, and although he knew, as did all his friends, that it was an incurable malady, never did he by word or sign indicate any discouragement or any fear of death, but with fortitude and patience most rare, under the greatest pain and suffering, he attended to every duty, and at the commencement of this session of Congress, having been re-elected, he came from his home in Wisconsin to Washington for the purpose of assuming the duties of a member of this House, although he knew it could be but a brief service, while his friends feared that he would not survive the journey.

On the first day of the session of this Congress he came to this Chamber pale, weak, emaciated, death at his side, but smiling uncomplainingly and determined to do his duty as long as he had strength, and here he took the oath of office as one of Wisconsin's Representatives. That effort was the last, and that his last appearance here. During the short and terrible struggle that ensued between life and death he had the sympathy of every member of this House and of the entire country. When the fatal summons came it found him ready, patient, and brave; quick to the last to recognize the love and suffering of those who stood about him; to speak with his last breath words of tender encouragement to wife and children, upon whose breaking hearts they must have fallen as benediction. And so passed the spirit of JOSEPH RANKIN from this to a brighter and a better world.

You have heard from those who accompanied the funeral cortege to the State of Wisconsin how, without regard to political distinction, the people of that great State bowed their heads in sadness and in sorrow over the untimely death of one whom they loved and whose memory they will revere for all time.

And now, sir, in conclusion let me say that Mr. RANKIN was blameless in his private life, and his character in every respect was above reproach. His career is a bright and encouraging example to those young men of our country who, though in humble circumstances and poor in this world's goods, may learn from his history that diligence, honesty of purpose, and nobleness of character are a better start in life than inherited wealth, and power, and station; and that it is not so much the length of our days as the work done in them and the influence we leave behind us when the Great Giver of Life calls us to the activities of that grander sphere of promise that constitutes true living here.

Death takes us by surprise
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

But the dark unknown,
Perfect their circles seem,
Even as a bridge's arch of stone
Is rounded in the stream.

Were a star quenched on high
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.

So when a good man dies,
For years beyond our ken
The light he leaves behind him lies
Upon the paths of men.

Mr. BRAGG. Mr. Speaker, I now move the adoption of the resolutions.

The resolutions were unanimously adopted; and accordingly (at 9 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petitions of Mrs. Alex. D. Shaw and 43 other ladies; of E. M. Donald and 39 other citizens; of George William Curtis and 64 other citizens; of Erastus Brooks and 56 other citizens; of L. J. Rice and 26 other citizens; of Mrs. A. S. Sequine and 39 other ladies; and of George O. Holyoke and 40 other citizens, all of Richmond County, New York, asking the passage of a bill to establish Post-Office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. C. E. BROWN: Memorial of the Knights of Labor Assembly, No. 1781, of Cincinnati, Ohio, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. W. W. BROWN: Resolutions passed in a mass meeting of citizens in Philadelphia, Pa., urging the passage of the educational bill—to the Committee on Education.

Also, petition of Wood-workers and Finishers' Assembly, Knights of Labor, No. 2655, of Williamsport, Pa., praying for the free coinage of silver and the issuing of certificates—to the Committee on Coinage, Weights, and Measures.

By Mr. BURROWS: Petition in favor of the continued coinage of silver—to the same committee.

By Mr. J. M. CAMPBELL: Petition of B. F. Jameson, asking for the passage of House bill 4240 for his relief—to the Committee on Claims.

Also, paper relating to the case of August Grosse, House bill No. 6262—to the Committee on Military Affairs.

By Mr. COLLINS: Petition of citizens of Boston, Mass., for the establishment of a postal savings-bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVENPORT: Petition of citizens of Yates County, New York, for protection against fraud—to the Committee on Patents.

By Mr. DORSEY: Petition of Knights of Labor of Nebraska, asking an appropriation for the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of citizens of Nebraska, relative to oleomargarine, butterine, &c.—to the Committee on Ways and Means.

Also, petition of T. S. Nightingale and others, citizens of Nebraska, protesting against the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. ELY: Petition of O. B. Barlow, for compensation—to the Committee on the Post-Office and Post-Roads.

By Mr. ERMENTROUT: Memorial of the Grand Army of the Republic, Department of Missouri, asking passage of bill to place General A. J. Smith on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. EVERHART: Three petitions of citizens of Chester and Delaware Counties; of citizens of West Grove, and of 78 voters and 76 women of West Grove, Pa., asking for a law abolishing the sale and manufacture of alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. W. J. GREEN: Petition of E. W. Ward, J. A. Pitman, and 32 others, citizens of Onslow and Carteret Counties, North Carolina, praying for inland navigation between New River and Swansborough, N. C.—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition, map, and release of riparian rights, all relating to ice harbor at Gallipolis, Ohio—to the same committee.

By Mr. GROUT: Affidavits of Julia A. Goodrich and Lyman D. Parkhurst in support of H. R. 7187 granting a pension to John E. Rollins—to the Committee on Invalid Pensions.

By Mr. HALL: Three petitions of members of the bar of Iowa for the increase of salaries of district judges—to the Committee on the Judiciary.

By Mr. HARMER: Memorial of citizens of the United States, in favor of a system of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Resolutions from the Knights of Labor of Dubuque, Iowa, favoring an increase of wages to Government printers and approving House bill 999—to the Committee on Labor.

Also, memorial from the Grand Army of the Republic, Encampment of Missouri, with paper from General Sherman, urging that a pension be granted General A. J. Smith—to the Committee on Invalid Pensions.

Also, memorial from the Knights of Labor, of Dubuque, Iowa, favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HOLMAN: Petition of Peter Fremle and others, of Madison, Ind., for an increase of the pension of the soldiers of the late war who lost an arm or leg in the service—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of M. Jensen, late postmaster at Garrison's, N. Y., for the enforcement of the act approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marcia Chace Powell, M. H. Angell, and 60 others, citizens of Columbia County, New York, for the establishment of post-office savings-banks—to the same committee.

By Mr. LINDSLEY: Petition for a system of post-office savings-banks—to the same committee.

By Mr. LYMAN: Petition of citizens of Iowa, for a modification of the duty proposed on burlaps—to the Committee on Ways and Means.

By Mr. NEAL: Papers in reference to the bill (H. R. 7172) for the relief of C. P. Whited—to the Committee on War Claims.

By Mr. PERKINS: Petition of Robert Lanyon & Co., manufacturers of zinc spelter, of Pittsburg, Kans., concerning the service of the Western Union Telegraph Company in Kansas—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Friends of Cherokee County, Kansas, asking for the passage of Senate bill 355, for the promotion of peace among nations—to the Committee on Foreign Affairs.

By Mr. PHELPS: Petition of George W. Colbs and others, residents of Morris County, New Jersey, in favor of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMB: Petition of N. W. Walsh and 63 others, citizens of Verona, Grundy County, Illinois, asking for the election of Senators by a direct vote of the people—to the Committee on the Judiciary.

By Mr. PRICE: Memorial of village board of Baldwin, Wis., in favor of a law prohibiting railroads from charging more for a short than a long haul; and also favoring the placing of power in courts rather than in commissioners—to the Committee on Commerce.

By Mr. RANDALL: Petition of the Philadelphia Methodist Episcopal preachers' meeting, in favor of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Philadelphia, owners and masters of sailing vessels, praying for the passage of a law permitting the masters and mates of sailing vessels to be licensed on the same terms and conditions as masters of steamers, and that they be allowed to pilot their vessels whenever qualified to act—to the Select Committee on American Shipbuilding and Ship-owning Interests.

Also, resolutions of citizens of Philadelphia, in mass-meeting, urging the passage of the educational bill—to the Committee on Education.

By Mr. REAGAN: Petition of citizens of Nebraska, on the subject of the transportation of live-stock—to the Committee on Commerce.

By Mr. SAYERS: Petition of citizens of San Antonio and Southwestern Texas, for appropriation for improving bar at Aransas Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. STEELE: Petition of the postmaster and 50 others, of Mason; of Joseph Griffith and 40 others, of Toney; of N. J. Sutton, postmaster, and 40 others, of Murray; and of L. P. Cubberley and 60 others, of Banquo, Ind., asking for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition for the relief of Martin Coughlin—to the Committee on Military Affairs.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, recommending the Cullom Senate bill as preferable to the Reagan bill—to the Committee on Commerce.

By Mr. E. B. TAYLOR: Petition of citizens of Ohio, in behalf of an appropriation for Ashtabula Harbor—to the Committee on Rivers and Harbors.

By Mr. TOOLE: Petition of citizens of Dillon, Mont., protesting against increase of postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM WARNER: Petition of citizens of Kansas City, Mo., protesting against the passage of any bankrupt law; the petitioners embracing bankers, merchants, lawyers, &c.—to the Committee on the Judiciary.

Also, petition of Local Assembly No. 1636, of Knights of Labor of Springfield, Mo., favoring internal improvements in general and particularly the Hennepin Canal—to the Committee on Railways and Canals.

The following petitions praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BURNES: Of citizens of Andrew County and of Nodaway County, Missouri.

By Mr. DAVENPORT: Of citizens of Ontario, Steuben, and Yates Counties, New York.

By Mr. DUNHAM: Of citizens of Chicago, Ill.

By Mr. EVANS: Of citizens of Bucks County, Pennsylvania.

By Mr. EVERHART: Of citizens of Chester and Delaware Counties, Pennsylvania.

By Mr. HIRES: Of citizens of Hudson, Cumberland, Gloucester, and Camden Counties, New Jersey.

By Mr. MATSON: Of citizens of Morgan and Johnson Counties, Indiana.

By Mr. PLUMB: Of citizens of Du Page and La Salle Counties, Illinois.

By Mr. ROWELL: Of citizens of Macon and McLean Counties, Illinois.

By Mr. SPRINGER: Of citizens of Morgan and Christian Counties, Illinois.

By Mr. THROCKMORTON: Of citizens of Grayson County, Texas.

By Mr. TOOLE: Of citizens of Meagher, Yellowstone, Gallatin, and Silver Bow Counties, Montana.

By Mr. WILLIAM WARNER: Of citizens of Jackson County, Missouri.

SENATE.

FRIDAY, *March* 26, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF CIVIL-SERVICE COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith the report of the Civil-Service Commission for the year ended on the 16th day of January last.

The exhibit thus made of the operation of the commission and the account thus presented of the results following the execution of the civil-service law can not fail to demonstrate its usefulness and strengthen the conviction that this scheme for a reform in the methods of administering the Government is no longer an experiment.

Wherever this reform has gained a foothold it has steadily advanced in the esteem of those charged with public administrative duties, while the people who desire good government have constantly been confirmed in their high estimate of its value and efficiency.

With the benefits it has already secured to the public service plainly apparent, and with its promise of increased usefulness easily appreciated, this cause is commended to the liberal care and jealous protection of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 25, 1886.

The PRESIDENT *pro tempore*. The message of the President will be printed and referred to the Committee on Civil Service and Retrenchment. The question of printing the accompanying report will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of citizens of Steubenville, Ohio, remonstrating against the proposed increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Knights of Labor of Chapman, Ohio, praying that liberal appropriations be made for the construction of public works, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MCMILLAN. I present a petition of Local Assembly No. 3672 of the Knights of Labor of the city of Saint Paul, Minn., signed by Sarah E. Kelly, M. W., and Annie H. Cullen, R. S., praying that liberal appropriations be made by the Government for works of internal improvement, and especially for the construction of the Hennepin Canal. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HARRISON presented a petition of citizens of Whatcom County, Washington Territory, praying Congress to annul an act of the Legislative Assembly of that Territory providing for the permanent location and construction of a Territorial penitentiary at Walla Walla; which was referred to the Committee on Territories.

He also presented a petition of citizens of Westfield, Ind., praying for the submission to the several State Legislatures of an amendment to the Constitution of the United States to protect women in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

Mr. COCKRELL. I present a petition of Local Assembly No. 3144, of the Knights of Labor of Pierce City, Mo., praying that liberal appropriations be made for works of public improvements and for the construction of the Hennepin Canal. The petition was sent to my colleague [Mr. VEST], and I present it in his behalf, as he is necessarily detained from the Senate Chamber by reason of sickness. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. FRYE presented a petition of members of China monthly meeting of Friends, State of Maine, praying for the passage of the bill (S. 353) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. SAWYER presented the petition of W. W. Johnson and 40 other citizens and ladies of Melrose, Wis., and the petition of C. G. Thomson and 150 other citizens and ladies of Gotham, Wis., praying for woman suffrage; which were ordered to lie on the table.

He also presented a petition of the village board of Baldwin, Wis., praying that certain amendments be made to the bill now pending in relation to interstate commerce; which was ordered to lie on the table.

Mr. CONGER presented petitions of Knights of Labor of Flint and Ionia, in the State of Michigan, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VAN WYCK, from the Committee on Pensions, reported the following bills without amendment, and submitted reports thereon:

A bill (H. R. 1367) to place the name of Thomas G. Newnan on the pension-roll;

A bill (H. R. 1574) granting a pension to Sarah L. Bragg; and

A bill (H. R. 1575) granting a pension to Elizabeth Kahler;

A bill (H. R. 1579) for the relief of Amy A. Lewis;

A bill (H. R. 1589) for the relief of Newton O. Baker;

A bill (H. R. 5192) granting a pension to Elmira M. Dorman.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 1582) for the relief of Eleanor C. Bangham, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1087) granting a pension to Thomas G. Newnam, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 316) for the relief of Ethan A. Sawyers, reported adversely thereon; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. COCKRELL (by request) introduced a bill (S. 1983) for the relief of William Wolfe, of Shelbina, Shelby County, Missouri; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 1984) to establish a port of delivery at Worcester, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 1986) granting a pension to William Knight; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 1987) for the relief of David L. Brainard and others; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 1988) for the relief of Laban Heath & Co., of Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

INQUESTS UNDER NATIONAL AUTHORITY.

Mr. HOAR introduced a bill (S. 1985) to provide for inquests under national authority; which was read the first time by its title.

Mr. HOAR. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., Whenever any three citizens of the United States shall, under oath, present to any judge of a circuit court, either in term time or vacation, their petition setting forth that within the circuit for which such judge has jurisdiction any person has been killed, or has sustained serious bodily injury, or serious injury in his estate, or been threatened with injury in person or estate, because of the race or color of such person so killed, injured, or threatened or because of any political opinion which such person so killed, injured, or threatened may have held in regard to matters affecting the general welfare of the United States, or with design to prevent such person so killed, injured, or threatened, or others from expressing freely such opinion, or from voting as he or they may see fit at any election of officers whose election is required or provided for by the Constitution or laws of the United States, or to influence or affect the votes of such persons or others at such elections, it shall be the duty of such judge, as soon as may be, to hold an inquest into the circumstances of such killing, injury, or threatening, at such place within the circuit as he may appoint, and to cause to be summoned and examined before him all such witnesses as he may think proper.

SEC. 2. Said judge shall forthwith report the evidence by him taken and his conclusions of fact thereon to the President of the United States, to be by him laid before Congress.

SEC. 3. The judge may require any district attorney of the United States within his circuit to attend such inquest and to aid in preparing for and conducting the same, or he may in his discretion appoint any other counselor at law to prepare and conduct such inquest.

SEC. 4. The expenses of such inquest shall be certified by the judge to the Department of Justice, and paid out of the appropriation made for the expenses of the courts of the United States.

Mr. HOAR. I move the reference of the bill to the Committee on the Judiciary, and I desire to say a few words upon the question.

I think it proper to say that the introduction of this bill at the present time is suggested by the reports of recent occurrences at Carrollton, in the State of Mississippi. I have had and the Senate has had no opportunity for an investigation in regard to those occurrences; but if the public press of the country, of both political parties and of all sections, may be trusted, it would seem that a wanton, unprovoked crime, resulting in the death of a large number of American citizens, has been committed, where all the victims were of one race, and I presume of one political party, and all the murderers of another.

Such occurrences have unhappily been two frequent in our history. When they are investigated by the Senate or the House of Representatives the investigation is very apt to take a political turn, and the persons who defend, or apologize, or extenuate the occurrence say that it has no political significance, it is an accident, or it is sporadic, or it is not approved by the community where it occurred. However that may be, one significant fact remains, that these things happen sometimes early in the year just before an important election, sometimes just as the campaign is beginning, and sometimes at the election itself, with one uniform result: It is all one way. In every one of these homicides the political opponents of the Democratic party are the victims and some Democrat is the murderer.

It seems to me that we should secure by proper legislation some nonpartisan judicial examination of these facts, that we may determine whether it is within the compass of the power of national legislation to suppress or prevent them; and I hope I shall have the assistance of Senators on both sides of the Chamber to make this bill effectual and thorough.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was—

Ordered, That the papers in respect to the claim of William H. Randle be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

FOX AND WISCONSIN RIVER DAMS.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, instructed to report to the Senate the amount of balance of pay due to the commissioners appointed by the court, and their names, and the amount due to each, appointed to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin, now on file in his office, and if he knows of any reason why they should not be paid.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed and the Calendar is in order.

Mr. EDMUNDS. I ask unanimous consent again that the Army measure, in charge of the Senator from Illinois [Mr. LOGAN], may stand as the unfinished morning business for the next sitting of the Senate, and that the Senate proceed to the consideration of the unfinished business of yesterday.

The PRESIDENT *pro tempore*. If there be no objection Senate bill No. 777, known as the Army bill, will stand as the unfinished business of the morning hour to-morrow, and the unfinished business of yesterday will be taken up.

Mr. HARRIS. It will stand as the unfinished business for the morning hour the next legislative day?

The PRESIDENT *pro tempore*. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DUNHAM, Mr. CRISP, and Mr. BYNUM the conferees on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5544) to amend section 304 of the Revised Statutes of the United States, authorizing the temporary appointment of an acting assistant treasurer; and it was thereupon signed by the President *pro tempore*.

RELATIONS BETWEEN THE SENATE AND EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolutions reported by Mr. EDMUNDS from the Committee on the Judiciary February 18, ex-

pressing the sense of the Senate on the refusal of the Attorney-General to send copies of certain papers.

The PRESIDENT *pro tempore*. The pending question is on an amendment proposed by the Senator from Nebraska [Mr. VAN WYCK]. Upon that question the Senator from Kansas [Mr. INGALLS] has the floor.

Mr. EDMUNDS. He will be here in a moment, Mr. President.

Mr. HARRIS. While we are waiting for the Senator from Kansas to come in, I should be glad to ask the Senator from Vermont what his construction is of the third resolution—this particular language of it: "Under these circumstances the duty of the Senate to refuse its advice and consent to proposed removals of officers," &c. The exact question that I am not able to answer for myself as to the construction is, Does the resolution mean that the Senate in such cases shall not consider the nomination at all, or shall reject the nomination for the reasons suggested in the former resolution?

Mr. EDMUNDS. I see my friend from Kansas has come in. I shall make my reply to the Senator from Tennessee later on. The matter has been spoken of before. The committee thought that it was left in a way that was perfectly clear, but I shall not take the time to state it now.

Mr. HARRIS. That is perfectly satisfactory.

Mr. EDMUNDS. I hope the Senator will call my attention to it by and by, if I forget it.

Mr. HARRIS. I shall do so, if the Senator fails to notice it.

Mr. INGALLS. Mr. President, contemporaneous construction of the Constitution, fortified by long usage and acquiescence, undisturbed for more than seventy-five years, has to my mind incontestably and impregnably established two fundamental propositions: first, that under the Constitution of the United States the power to appoint includes the power to remove, and that both these powers are vested in the President of the United States, subject only to the power of the Senate to negative in cases of appointment; and, second, that where the tenure of an office is not fixed by the Constitution it is held at the pleasure of the Executive.

I therefore take up this argument where the opposition leave it: I begin where they close. I concede all that they demand as to the constitutional power of the Executive upon the subject of appointments to office. If it shall appear that the report of the Committee on the Judiciary is inconsistent with these declarations, that the report and the resolutions to which we are now asked to give our assent in any manner impair or infringe upon, or are in derogation of these admitted high executive prerogatives, then I shall submit to condemnation, for my signature is appended to that report.

So far as I have been able to unravel and disentangle the complicated array of argument by which it has been attempted to destroy the force and effect of the report of the Committee on the Judiciary, I understand that the objections are practically four:

First, that by the action of the majority of the Senate an attempt is made to invade the prerogative of the President by demanding his reasons for the suspensions from office that he has made. To that I interpose upon the threshold and in the vestibule of this argument an absolute contradiction and denial.

The President of the United States in the message that he voluntarily, of his own motion, sent down to this body, starts out with an absolutely unfounded imputation upon the position of the majority. He says that the Senate has been from time to time, in various ways, through committees of the body and by personal importunity, appealing to the Executive to give his reasons for the suspension of officials that have been reported to this body with the designation of others to fill the places thus to be rendered vacant.

Sir, I deny it, and I now challenge from any supporter or adherent of the administration the exhibition of a word, or syllable, or justifiable inference upon which that allegation, so often repeated with so much variety of iteration, can be properly or justly founded.

The effort has been ingeniously made to shift the issue, to darken council by words without wisdom, and to make it appear that there has been a deliberate purpose and intention on the part of the Senate to interfere with the recognized prerogatives of the Executive by demanding his reasons for suspension; and unless I hear some Senator while this debate is now proceeding and while I invite the statement—unless I hear something said in support of that averment, which I deny, and which I affirm has been made for the purpose of clouding this controversy in popular estimation, I shall assume that my denial is not to be met.

Again, sir, it has been alleged in debate, in the public press, by intimation and declaration, and it has been the basis of many studied arguments in this Chamber that there had been demands by the Senate upon the Executive for private papers in the cases sent down for consideration. I deny it. I contradict that statement by an appeal to the record; and before that great tribunal by whom this issue is to be tried and determined, I allege that that averment is without foundation. There has never been in form or in substance, directly or indirectly, expressly or remotely, any demand made by any committee of this body upon the Executive or upon the head of any Department for the production of private papers; and I shall be glad in the front of my explicit denial and contradiction if some one of the advocates, some one of the champions of the administration, will point out, before this controversy is concluded, when, where, and how there has been any demand made by the Senate upon the President of the United States or upon any head of a Department for the production of private papers.

That issue was brought in here by the administration. It is said that a guilty conscience needs no accuser. We have been told of those who "fear in every bush an officer." Sir, it was the interior consciousness of the administration out of which was evolved this phantasy, this farcical allegation, that there was an attempt on the part of the Senate to compel the production of private unofficial papers and communications in the possession of the President of the United States. No Senator doubts that the President occupies an absolutely independent position, and none would desire under any circumstances to interfere with his admitted prerogatives.

I shall strip this controversy of its fallacious incidents. I shall clear away the undergrowth of misrepresentation, sophistry, and false pretenses, that has hitherto obstructed the pathway of our consideration of the real issues that are involved in this contention. With my consent it shall not hereafter be averred before the popular tribunal that is ultimately to decide this question that there has been an indefensible and insolent attempt to impair the constitutional prerogatives of the President of the United States.

Another allegation has been that while this controversy has proceeded the Senate has been inactive, interposing partisan objections to the transaction of executive business, to prevent the execution of his high trusts by the President of the United States. I yesterday had compiled from the records of the executive office, for the purpose of showing what has been done in this particular, a statement, public under our rules, which shows that from the 25th of January, 1886, to the date of the last executive session there had been confirmed by the Senate four hundred and ninety-three nominations of officers sent down by the President. Never in any single instance where there has been a vacancy, occurring by resignation, expiration of term or proper removal upon which we could properly act, has there been an instant of delay. The Senate has not inquired whether the nominee was a Democrat or Republican, but has proceeded vigorously, industriously and steadfastly in the performance of its constitutional duties, and if there has been inaction or non-action upon nominations, I shall show before I conclude my remarks that it has been invited by the administration.

Again, it has been alleged that the action of the majority of the Senate is instigated by the purpose of keeping Republicans in office; that we are moved by partisan considerations to thwart by all means in our power the efforts of the Executive to transfer the official patronage of the Government to the party that was placed in power by the votes of a majority of the people. I am not authorized to speak for others, but for myself and for those who have accredited me here, I can not submit with patience to such an intolerable accusation.

Mr. President, the Republicans of Kansas are Republicans. They are neither afraid to be so classified nor ashamed to be thus described. They do not covet any qualifying or palliative epithets. Their attitude is neither apologetic nor defensive. They have an unconquerable pride in their political achievements, in the history they have made, in the triumphs they have won. For twenty-five years they have stood upon the skirmish line, neither asking nor giving quarter. They are Republicans not by inheritance, not by tradition, not by accident, but from conviction; and they are as steadfast in defeat as in victory. They are partisans, intrepid, undaunted, uncompromising, and they can give reasons for the faith that is in them.

They believe and I believe that for the past quarter of a century upon every vital issue before the American people, secession, slavery, coercion, the public credit, honest elections, universal freedom, and the protection of American labor, they have always been right and that their opponents have always been wrong; and, while they concede unreservedly patriotism and sincerity to their adversaries, temporary repulse has not convinced them that they were in error. There is neither defection nor dismay in their columns. They are ready, they are impatient to renew the battle. Animated by such impulses, it is not singular that they should feel that no Republican can hold an appointive office under a Democratic administration without either sacrificing his convictions or forfeiting his self-respect.

Accordingly, sir, when a little more than a year ago a Democratic administration was inaugurated, those who were in public station began with one consent to make excuse to retire to private life. They did not stand upon the order of their going; they trampled upon each other in a tumultuous and somewhat indecent haste to get out of office. There was no craven cry for mercy; no mercenary camp-follower fled for shelter to the bomb-proofs of the tenure-of-office act; no sutler crawled behind the fragile breastworks of civil-service reform for protection. They lost their baggage, but they retained their colors, their arms, their ammunition, and their camp equipage, and marched off the field with the honors of war. If at the expiration of one year a few yet remain in office, *rari nantes in gurgite vasto*, it is because the victors have been unable to agree among themselves or been unable to discover among their own numbers competent and qualified successors.

Mr. President, candor compels me to say that the Democracy of that State share the same temper and spirit. From 1854, when the Territory was organized, down to the 29th of January, 1861, when the State was admitted, if there was a Republican holding any appointive office it was an inadvertence; and if from 1861 down to 1885 there was a Democrat holding an official position requiring confirmation by the Senate, it was an oversight; it escaped the somewhat vigilant scrutiny of my colleague and myself and those who preceded us here.

Therefore, Mr. President, I am not of those who believe in non-partisanship in politics; and I should be recreant to the high trust confided in me were I to refrain from declaring my conviction that political parties, energetic, vigorous, and well-defined, are indispensable to the success of free popular governments. Wherever the life of States is freest and most irrepressible, there party spirit is most active and aggressive. It is by the conflict and collision of political parties that the latent and richest powers of the State are made manifest; and those whom I represent have no sympathy with the dogma that it reflects glory upon a statesman to affect independence of his party, or that it is an indication of virtue in a citizen to belong to no political organization.

Political parties are social groups in the nation, allied by common purposes and kindred aspirations for the accomplishment of beneficial results. When parties perish this Government will expire, for we all understand that in this country the only government is the party in power. Here is no dynasty, no ruling family, nothing corresponding to the functions of government under other systems except the party that is for the time being intrusted by the votes of a majority of the people with the execution of their will. And, sir, when a majority of the people declare that there shall be a change of administration, it is necessarily implied that there shall be a change of those agencies through which alone political administration can be made effectual. It is useless to juggle and palter about this matter. A change of administration is a change of policies and methods, and the Chief Magistrate is entitled to the co-operation of agents and ministers who are in sympathy with his opinions and the doctrines which he is chosen to enforce and maintain.

Sir, unless the President of the United States is to be a mummy swathed in the cerements of the grave, he must have powers commensurate with his duties. He is charged to "take care that the laws be faithfully executed," and unless he has the power to select the agencies through which the laws are administered, through which the revenues are collected and disbursed, the post-offices conducted, the Indians supported and controlled, the glory and honor of the nation maintained, that duty imposed upon him by the Constitution is an idle phrase; it means nothing; it is an empty formula. Charged with these great duties, liable to impeachment if they are not properly performed, how can it be claimed with justice that there shall be an interpolation of novel doctrines of reform, under which while the chief is still to be held responsible, he shall be deprived of all the agencies and ministrations under the Constitution by which they can alone be so administered, in sympathy with him and the policy that he represents?

Therefore, sir, I am confident that when it was ascertained in November, 1884, that a change of the political majority in this country had been registered, there was a general faith and conviction that a change of official holdings would follow. The Democratic party desired it; the Republican party expected it, and would have been content; and had it been done the people at large would have said with one accord, amen. But this generation has witnessed the genesis of a new political gospel; a novel organization has appeared upon earth; a new school of political philosophers who announce that non-partisanship is the panacea for all the evils that afflict the Republic. Having no avowed opinions upon the great topics of the hour, they feebly decry the corruptions of the American system, and peevishly and irritably declare that the Government is degenerate and degraded, and that the true prescription to elevate, reform, and purify the public service is to prevent the clerks from being removed out of their places in the Departments. This brotherhood has not been hitherto very largely re-enforced from the Democracy. If there has been an original civil-service reformer who has deserted from the ranks of the Democracy, history does not record his name. It has been left to the party to which I belong to afford conspicuous and shining illustrations of that class of political thinkers who are never quite sure that they are supporting a party unless they are reviling its candidates and denouncing its platform, who are not positive that they are standing erect unless they are leaning over backward, and whose idea of reforming the organization in which they profess to be classified is to combine with its adversaries and vote for candidates who openly spurn their professions and depreciate the stock in trade which they denominate their principles. Standing on the corners of the streets, enlarging the borders of their phylacteries, they loudly advertise their perfections, thanking God that they are not as other men, even these Republicans and Democrats; they traffic with both to ascertain which they can most profitably betray.

Mr. President, the neuter gender is not popular either in nature or society. "Male and female created He them." But there is a third sex, if that can sex be called which sex has none, resulting sometimes from a cruel caprice of nature, at others from accident or malevolent design, possessing the vices of both and the virtues of neither; effeminate without being masculine or feminine; unable either to beget or to bear; possessing neither fecundity nor virility; endowed with the contempt of men and the derision of women, and doomed to sterility, isolation, and extinction. But they have two recognized functions. They sing falsetto, and they are usually selected as the guardians of the seraglios of Oriental despots.

And thus to pass from the illustration to the fact, these political epicenes, without pride of ancestry or hope of posterity, chant in shrill falsetto their songs of praise of non-partisanship and civil-service reform, and apparently have been selected as the harmless custodians of the conscience of the national Executive.

Sir, I am not disposed to impugn the good faith, the patriotism, the sincerity, the many unusual traits and faculties of the President of the United States. He is the sphinx of American politics. It is said that he is a fatalist; that he regards himself as the child of fate—the man of destiny; and that he places devout and implicit reliance upon the guiding influence of his star. Certainly, whether he be a very great man or a very small man, he is a very extraordinary man. His career forbids any other conclusion.

The Democratic party was not wanting when its convention assembled at Chicago in many renowned and illustrious characters; men who had led the forlorn hope in its darkest and most desperate days; men for whose character and achievements, for whose fame and history, not only that organization but the country had the profoundest admiration and respect. There was Thurman, and Bayard, and Hendricks, and Tilden, and McDonald, and others perhaps not less worthy and hardly less illustrious, upon whom the mantle of that great distinction might have fallen; but the man who at the mature age of thirty-five abandoned a liberal and honored profession to become the sheriff of Erie, without known opinions and destitute of experience or training in public affairs, outstripped them all in the race of ambition; and when but little more than a year ago he entered this Chamber as the President-elect of the United States, he encountered the curious scrutiny of an audience to whom he was a stranger in feature as in fame; a stranger to the leaders of his own party as well as to the representatives of all the nations of the earth who had assembled to witness the gorgeous pageant of his inauguration.

Sir, the career of Napoleon was sudden, startling, and dramatic. There have been many soldiers of fortune who have sprung at one bound from obscurity to fame, but no illustration of the caprices of destiny so brilliant and bewildering is recorded in history as the elevation of Grover Cleveland to the Chief Magistracy of sixty millions of people.

If when he was inaugurated he had determined that the functions of Government should be exercised by officers selected from his own party the nation would have been content; but he did not so determine, and herein and hereon is founded the justification that the majority of the Senate can satisfactorily use and employ in demanding that no action shall be had in connection with these suspensions from office until there has been satisfactory assurance that injustice has not been done. If it were understood that these suspensions and removals were made for political reasons the country would be content, the Republican majority in the Senate would be content. But what is the attitude? Ever since his inauguration and for many months before, by many utterances, official and private, in repeated declarations never challenged, Mr. Cleveland announced that he would not so administer this Government. At the very outset, in his letter of acceptance, he denounced the doctrine of partisan changes in the patronage, and through all of his political manifestoes down to the present time he has repeated these assurances with emphatic and unchanging monotony.

He has declared that there should be no changes in office, where the incumbents were competent and qualified, for political reasons, but that they should be permitted to serve their terms. Like those who were grinding at the mill, one has been taken and another has been left. Some Republicans have been suspended and others have been retained. What is the irresistible inference? What is the logic of the events, except that, in view of what the President has declared, every man who is suspended is suspended for cause, and not for political reasons? It is not possible to suspect the President of duplicity and treacherous deception.

For the purpose of illustration, let me call the attention of the Senate and through the Senate the attention of the country, which is to judge of this matter, to the basis on which this inquiry proceeds. I read from the letter of Grover Cleveland, dated Albany, August 19, 1884, accepting the nomination for the Presidency of the United States. He says:

> The people pay the wages of the public employés, and they are entitled to the fair and honest work which the money thus paid should command. It is the duty of those intrusted with the management of their affairs to see that such public service is forthcoming. The selection and retention of subordinates in Government employment should depend upon their ascertained fitness and the value of their work, and they should be neither expected nor allowed to do questionable party service.

There is another utterance in this document to which I might properly allude further on, but which appears to me to be so significant that I will read it now. It has a singular fitness in connection with this subject that we have been discussing. Speaking of honest administration, he says:

> I believe that the public temper is such that the voters of the land are prepared to support the party which gives the best promise of administering the Govern-

ment in the honest, simple, and plain manner which is consistent with its character and purposes.

And now:

They have learned that mystery and concealment in the management of their affairs cover tricks and betrayal.

Yes, they have learned that mystery in the administration of the patronage of the Government, by the concealment from the people of the documents and papers that bear upon the character and conduct of officials suspended and those that are appointed, cover tricks and betrayal. "I thank thee for that word." A "Daniel" has "come to judgment." No more pertinent and pungent commentary upon the facts of the present situation could be formulated than that which Grover Cleveland uttered before his foot was upon the threshold, that mystery and concealment in the management of the affairs of the people covered tricks and betrayal. There are tricks and somebody has been betrayed.

Again, on the 20th day of December, 1884, after the election, some of the contingent of Republican deserters who elected Mr. Cleveland to the Presidency, becoming apprehensive that there might be trouble about their thirty pieces of silver, formulated their uneasiness in words and addressed him a letter calling his attention to the professions upon which he had been elected and demanding further guarantee. To that letter, on the 25th day of December, 1884, Mr. Cleveland replied, and from that reply I select certain paragraphs, not being willing to tax the patience of the Senate or waste my own strength in reading what is not strictly material.

I regard myself pledged to this—

That is, to this practical reform in the civil service, this refusal to turn out competent and qualified officials and put in Democrats—

because my conception of true Democratic faith and public duty requires that this and all other statutes should be in good faith and without evasion enforced, and because, in many utterances made prior to my election as President, approved by the party to which I belong and which I have no disposition to disclaim, I have in effect promised the people that this should be done.

Not his party, but the people, Republicans as well as Democrats. Then he proceeds to castigate the Democratic party:

I am not unmindful of the fact to which you refer that many of our citizens fear that the recent party change in the national Executive may demonstrate that the abuses which have grown up in the civil service are ineradicable. I know that they are deeply rooted, and that the spoils system has been supposed to be intimately related to success in the maintenance of party organization, and I am not sure that all those who profess to be the friends of this reform will stand firmly among its advocates when they find it obstructing their way to patronage and place.

He goes on thus, and this is a most significant promise and pledge:

There is a class of Government positions which are not within the letter of the civil-service statute but which are so disconnected with the policy of an administration that the removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they were appointed solely on partisan grounds, and for the purpose of putting in their places those who are in political accord with the appointing power—

And then follows that celebrated definition which lifted the lid from the box of Pandora—

but many men holding such positions have forfeited all just claim to retention because they have used their places for party purposes in disregard of their duty to the people, and because, instead of being decent public servants, they have proved themselves offensive partisans and unscrupulous manipulators of local party management.

The letter closes with this somewhat frigid assurance of consolation to the Democratic party:

If I were addressing none but party friends, I should deem it entirely proper to remind them—

That is, party friends—

that though the coming administration is to be Democratic—

Strictly Democratic—

a due regard for the people's interest does not permit faithful party work to be always rewarded by appointment to office, and to say to them that while Democrats may expect a proper consideration, selections for office not embraced within the civil-service rules will be based upon sufficient inquiry as to fitness, instituted by those charged with that duty, rather than upon persistent importunity or self-solicited recommendations on behalf of candidates for appointment.

"Here endeth the first lesson!" This was in the year 1884. I now come to the declarations of 1885. Just as the Democratic State convention which nominated the present governor of New York for the position that he now holds, was about to assemble at Saratoga on the 24th, I think, of September, the President gave out for publication the letter of resignation of Dorman B. Eaton, a civil-service commissioner, which was dated July 28, 1885, and accompanied it with a letter of his own accepting that resignation which was dated September 11, 1885. It was alleged in Democratic newspapers that the President held back these letters in order to give publicity to his reply at that time for effect upon the convention, and it was remarked that it had caused a panic among the Democracy. His letter is dated, as I said, September 11, 1885, and I will read a few paragraphs showing his opinion of the Democratic party and the course that they had pursued in attempting to force him off the civil-service reform platform. After some rather glittering platitudes in regard to the work accomplished by Mr. Eaton, he proceeds:

A reasonable toleration for old prejudices, a graceful recognition of every aid, a sensible utilization of every instrumentality that promises assistance and a constant effort to demonstrate the advantages of the new order of things, are the means by which this reform movement will in the future be further advanced, the opposition—

Now, this is an epithet to which I desire to call particular attention—

the opposition of incorrigible spoilsmen rendered ineffectual and the cause placed upon a sure foundation.

But not content with applying his scourge to the "incorrigible spoilsmen" of the Democratic party, the President took occasion to express his opinion in rather picturesque language of another class of politicians that had somewhat afflicted him, and to whom he was under bonds:

It is a source of congratulation that there are so many friends of civil-service reform marshaled on the practical side of the question; and that the number is not greater of those who profess friendliness for the cause, and yet, mischievously and with supercilious self-righteousness, discredit every effort not in exact accord with their attenuated ideas, decry with carping criticism the labor of those actually in the field of reform, and ignoring the conditions which bound and qualify every struggle for a radical improvement in the affairs of government, demand complete and immediate perfection.

"Supercilious self-righteousness, attenuated ideas, and carping criticism" can not be regarded as complimentary phrases when applied to the apostles of this new evangel of political reformation.

He continues—

I believe in civil-service reform and its application in the most practicable form attainable, among other reasons, because it opens the door for the rich and the poor alike to a participation in public place-holding. And I hope the time is at hand when all our people will see the advantage of a reliance for such an opportunity upon merit and fitness, instead of a dependence upon the caprice or selfish interest of those who impudently—

To whom does he refer?—

who impudently stand between the people and the machinery of their Government.

You will agree with me, I think, that the support which has been given to the present administration in its efforts to preserve and advance this reform by a party restored to power after an exclusion for many years from participation in the places attached to the public service, confronted with a new system precluding the redistribution of such places in its interest, called upon to surrender advantages which a perverted partisanship had taught the American people belonged to success, and perturbed with the suspicion, always raised in such an emergency, that their rights in the conduct of this reform had not been scrupulously regarded, should receive due acknowledgment and should confirm our belief that there is a sentiment among the people better than a desire to hold office, and a patriotic impulse upon which may safely rest the integrity of our institutions and the strength and perpetuity of our Government.

The first official utterance of President Cleveland upon the 4th of March, 1885, renewed the assurance that had been given. He declared:

The people demand reform in the administration of the Government and the application of business principles to business affairs. As a means to this end civil-service reform should be in good faith enforced. Our citizens have the right to protection from the incompetency of public employés who hold their places solely as the reward of partisan service, and from the corrupting influences of those who promise and the vicious who expect such rewards. And those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency or the surrender of honest political belief.

How this system, thus inaugurated, this amphibious plan of distributing the patronage of the country among his own partisans and at the same time insisting upon the enforcement of civil-service reform doctrines practically resulted, finds its first illustration in the celebrated circular of the Postmaster-General that was issued on the 29th of April, 1885. I do not propose to defile my observations by reading that document. I allude to it for the purpose of saying that a more thoroughly degraded, loathsome, execrable and detestable utterance never was made by any public official of any political persuasion in any country, or in any age. It was an invitation to every libeller, every anonymous slanderer, every scurrilous defamer, to sluice the feculent sewage of communities through the Post-Office Department, with the assurance that, without any intimation or information to the person aspersed, incumbents should be removed and Democratic partisans appointed. I offered a resolution on the 4th of this month calling on the Postmaster-General for information as to the number of removals of fourth-class postmasters, not requiring confirmation by the Senate, between the 4th day of March, 1885, and that date. It was a simple proposition. It required nothing but an inspection of the official register and a computation of numbers. No names were required and no dates. There was a simple question of arithmetic to ascertain the number of removals of fourth-class postmasters not included in the list sent to the Senate by the President, the salary being less than $1,000. Eighteen days elapsed. There seemed to be some reluctance on the part of the Department to comply with that request, and I thereupon offered a supplemental resolution, which was adopted by the Senate, asking the Postmaster-General to advise us whether that first resolution had been received, and, if so, why it was not answered, and when a reply might be expected.

On the second day following an answer came down. It does not include the number of places that were filled where there had been resignations. It does not include the list of those appointed where there had been vacancies from death or any other cause; but simply those who had been removed without cause and without hearing in the space of the first twelve months of this administration pledged to non-partisanship and civil-service reform. The number foots up 8,635. Eighty-six hundred and thirty-five removals of fourth-class postmasters under an administration pledged by repeated utterances not to remove except for

cause, making an average, counting three hundred and thirteen working days in that year, of twenty-eight every day; and, counting seven hours as a day's work, four removals every hour, or at the rate of one for every fifteen minutes of time from the 4th day of March, 1885, until the 4th of March, 1886. And that is civil-service reform! That is nonpartisanship in the administration of this Government! That is exercising public office as a public trust!

Mr. COCKRELL. How many of these fourth-class postmasters are there?

Mr. INGALLS. I do not know.

Mr. COCKRELL. About fifty-one thousand, are there not?

Mr. INGALLS. It makes no difference how many; they did the best they could, and angels could do no more. I see that the Senator from Missouri is impatient; he is anxious that the ax should fall more rapidly.

The PRESIDENT *pro tempore*. The Senator from Kansas will pause a moment. It is the duty of the Chair to inform the occupants of the galleries that the rules of the Senate forbid any expression of approbation or disapprobation. It will be the painful duty of the Chair to enforce that rule, if it is insisted upon.

Mr. INGALLS. I hope the Senator from Missouri will curb his impatience and restrain his impetuosity. The Postmaster-General will get through if you only give him time.

Mr. COCKRELL. He will not get through in four years at this rate.

Mr. INGALLS. One every fifteen minutes!

Mr. COCKRELL. Fifty-one thousand is the number of fourth-class postmasters, I believe, and only eight thousand in a year have been removed.

Mr. INGALLS. Only one every fifteen minutes! How often do you expect them to be removed? He has done the best he could. And this does not include the number of those who resigned; this does not include any except those who have been removed. To the Senator from Missouri rising in his seat, impatient at the dilatory procrastination of the Post-Office Department in not casting out more Republican postmasters, I say this does not include all. Undoubtedly many more than eighty-six hundred and thirty-five have fallen either beneath the ax of the Department or have been filled by partisans of the party in power as a reward for efficient and faithful party service in consequence of the retirement of thousands of patriotic Republicans; and when the Senator from Missouri attempts to convey the impression here that out of fifty-one thousand fourth-class postmasters only eighty-six hundred and thirty-five have been changed during this past year he is entirely outside of the record. It is to be observed that this is but a single Department. How many have gone out of the State Department, how many have gone out of the Interior Department, how many out of the Army and Navy Departments, and out of that illuminated Department of Justice, and out of the Treasury, of course is entirely unknown, and probably will always remain unknown till the secrets of earth are revealed at the last day. They are carefully concealed; there are no lists furnished to the press for publication. Therefore I trust that the friends of the administration will be consoled, that the complaints which have been so frequent hitherto of the want of activity on the part of the administration in finding places for their friends will be tempered by the consideration that they have done the best they could in the time at their disposal.

Mr. President, the list of official utterances is not yet complete. On the first day of this session President Cleveland again repeated his declaration that the civil service was to be divorced from partisanship, and he took occasion to inflict some more castigation upon those who were endeavoring to force him off the civil-service platform which he had declared he intended to occupy. This was his language:

> Lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

Rather florid, rather oriental phrase, but in its exactness mathematical; a demonstration in geometry could not be more explicit and satisfactory than that description by President Cleveland of the occupation and the lamentations of the Democratic party. It will bear repetition:

> Lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

A besieging, importunate, contagious, tumultuous, discontented organization.

There is more to the same effect in this document that I should like to read, but time does not serve, nor is it material, because there are other independent utterances to which I must pass; and I do this for the purpose of showing the consistent and persistent adhesion of the President of the United States to the declarations with which he started out when he commenced to administer the Government.

On the 30th day of January, 1886, the ordinary avenues of communication with the public being inaccessible, President Cleveland availed himself of the interviewer, and in the Boston Herald was printed a long letter detailing in quotations a conversation with President Cleveland, "the many points of which will be found below." This was after this controversy, if you call it so, between the President and Senate had begun to develop and there were some indications of approaching misunderstanding or disagreement:

> He next spoke of his position toward the Senate in the matter of confirmations to office. He said it gave him some anxiety, for the Senate had been a good while in disclosing what it meant to do. "They seem"—

He says plaintively—

> "to distrust me," said he, "if I am to accept what I hear from others. But I hear nothing from them. They have not called upon me for information or for documents."

That complaint no longer exists.

> "I have tried"—

He says—

> "to deal honorably and favorably by them. My purpose was announced at the beginning of my administration. I meant then to adhere to it. I have never changed it. I do not mean to change it in the future. It seems to me unjust and ungenerous in them"—

That is, in the Senate—

> "unjust and ungenerous in them to suspect that I do. If I had not meant to adhere to my policy it would have been foolish in me to begin it. I should have escaped much in refusing to begin it. It is not at all pleasant for me to disappoint, and I fear sometimes to offend, my party friends. Nothing but a sense of duty has brought me to this step. Why run all this risk and incur this hard feeling only in the end to retreat? It seems to me it would have been as impolitic as it is wrong. No; I have tried to be true to my own pledges and the pledges of my party. We both promised to divorce the offices of the country from being used for party service. I have held to my promise, and I mean to hold to it."

Then there was an answer to a question propounded by the interviewer, in which he defines his relation toward offensive partisanship in the Democratic party:

> "I did not propose to hold party service in the past in the Democratic ranks as against a man. On the contrary, it gave him a strong, equitable claim to office. He had been excluded for twenty-four years because he was a Democrat. He should be remembered for the same reason when a Democratic administration came into power, provided he was a competent man for the position to be filled. What I understand by civil-service reform, as I am carrying it out, is that the office-holders shall be divorced from politics while they fill their positions under this Government. That rule I have meant to stand by." I asked him if he was aware of any deviation from it among his appointees. "If there has been any," said he, "it has not been called to my attention." I suggested that some such charge had been made in New York. He said he did not believe that there was any foundation for it, and that it was well known there that his wishes were that the office-holders should attend to the duties of their positions, and interfere neither with candidates nor election contests.

And here comes in the significant statement bearing upon the duty of Republicans in connection with these suspensions and removals from office:

> "My removals from office, such as are made," said he, "are made for cause. It would be absurd for me to undertake to give the country my reasons in all cases, because it would be impracticable. When I have removed a Republican for political reasons or for any other reasons, I would apply the same rule to my own party. I think the Republican Senators should be just enough to believe this of me. They ought to appreciate that I am trying to do my duty. Why they should continue to distrust me I do not see. They do not come to me either personally or by committee to get an understanding of my attitude, or to obtain explanations on points of action to which they object. They stand off and question the sincerity of my purposes."

The eight thousand six hundred and thirty-five fourth-class postmasters and the six hundred and forty-three suspensions before the Senate and the thousands of changes in other Departments "are made for cause;" not for political reasons merely; but to give those who have been so removed the opportunity to explain or defend themselves would be "absurd" and "impracticable."

But this is not all. Later in the winter the Civil Service Commission was reorganized, and in a newspaper printed in this city appeared a statement alleged to be "personal," and included in quotation marks, and which it is commonly reported was in the handwriting of the President:

> I can not rid myself—

He said, after speaking about the *personnel* of the Civil Service Commission—

> I can not rid myself of the idea that this civil-service reform is something intended to do practical good and not a mere sentiment invented for the purpose of affording opportunity to ventilate high-sounding notions and fine phrases.

He alludes to the action of the Civil Service Commission about a weigher in the city of Brooklyn, and says:

> When the Civil Service Commission consulted with me as to the status of Mr. Sterling and the true construction of the rule bearing upon that subject, I agreed with them in their second opinion that the position of weigher was subject to an examination, and that it should be filled by one who by means of a proper examination under the law proved himself competent and eligible. But it seemed to me that the good of the service required that the person to be appointed should be possessed of certain traits and qualifications which no theoretical examination would develop. One having in charge two or three hundred men of the class with which a weigher has to deal should possess personal courage, energy, decision, and firmness of character. It is entirely certain that the possession of such qualifications could not in the least be determined by the result of an examination organized for the purpose of testing an applicant's knowledge and education.

And he closes:

> No cause can gain by injustice or by a twisting of its purposes to suit particular tastes. And when a result is fairly reached through the proper operation of methods adopted to further a reform, it should be accepted—especially by the friends of the movement. They should not permit those of whom they require submission to say, with any semblance of truth, that they themselves submit only when the result accords with their views.

This closes the public declarations of the President of the United States upon the views which he entertains as to the method and plan and system upon which the public service is to be conducted under his administration. There are some interesting details as to the practical effects and results of the effort of the administration to purify the public service, which I would be glad if I had time to refer to, but I believe I will forbear. I can only say that it seems from an inspection of the record as if the cry "put the rascals out" had been changed in effect to "put the rascals in." Of course, Mr. President, no party is exempt from accidents, no organization has a monopoly either of good men or of bad men, and in calling attention to the results of civil-service reform as applied to this administration, I should be insincere if I were to assume that such results had followed from any predetermined purpose to put had men into office.

We heard a great deal during the campaign about the corruptions, profligacy, misdeeds, and maladministration of Republican officials. I can only say that in view of what has occurred under this administration, if I were inclined to be uncharitable I could with entire propriety say that while the Republican party was in power it endeavored whenever it detected crime anywhere to punish it; but one of the practical results of Democratic administration has been the reverse, and that is to place in office a very large number of admitted and convicted felons. I have before me a selection from which I will, I believe, in support of this view of the case, give a law extracts, stating in advance that these compilations are made from Democratic newspapers which, of course, is a mitigation of the slander, though it does not necessarily destroy its credibility.

Mr. ———, of Baltimore, who was made an Indian inspector in 1885, had been involved in notorious election frauds and was condemned by the civil-service reform Independents of Maryland as a companion of Higgins, as a ballot-box stuffer, and a professional gambler.

The postmaster at Sioux City, Iowa, was convicted and sentenced in Dakota for violation of the pension laws. The man who was removed to make a place for this eminent civil-service reformer had eight months yet to serve, and there was no complaint against him even to the extent that he was an offensive partisan.

Mr. Holmes, a postmaster in Mississippi, had been involved in notorious election-fraud scandals.

Mr. Shannon, appointed postmaster at Meriden, Miss., was the editor of the Mercury newspaper, which after President Grant's death contained a rabid editorial attacking the general's character, and he had been indicted in the United States court for "unlawfully and criminally conspiring with many others for the evasion of the civil-rights law."

In Rhode Island a Democratic postmaster was appointed who had been in the preceding three months arrested nine times for violation of the liquor law.

In Pennsylvania a man was appointed in the Philadelphia mint who openly confessed to writing a forged letter from Neal Dow to be used in influencing the German vote in the State of Ohio the preceding year.

There have been some strange things done in Maine. I almost hesitate to quote this, but if I am wrong the Senators from that State will undoubtedly correct me. It is alleged that the postmaster in the town of Lincolnville was at the time of his appointment actually in the Portland jail, where he was serving a term for a misdemeanor.

An agent by the name of Judd, who was appointed in the Bureau of Labor Statistics, was, upon inquiry as to the fact whether he had been a horse-thief and served in the penitentiary, suspended from office. The writer states that the only ground for supposing that he was not a horse-thief arose from the fact that they do not put men in the penitentiary for stealing horses out West; that if he was alive it was a reasonable, natural conclusion that he had not stolen any horses. Nobody denied the penitentiary.

A gentleman named Richard Board, of Kentucky, was appointed in July, on the recommendation of Comptroller Durham, clerk in the railway mail service and assigned to duty in New Mexico. This is under the Postmaster-General, who found leisure between removing postmasters every fifteen minutes to appoint this man in another branch of the service where he incautiously mentioned to his friends something about his previous history, and it appeared that he had been three times arrested in Cincinnati for obtaining money under false pretenses, that he had been twice arrested for stealing in Kentucky, and once in Texas—a variegated and diversified career. "No pent-up Utica" contracted his powers. He had stolen in three States. His father was a very wealthy man in high standing who had spent a great deal of money to protect his son, and through him he secured the indorsement of Comptroller Durham, and after he had been in service for a few weeks he committed a number of robberies, stole $163 from the money-order service, and at the date of this communication was lying in jail at Santa Fé awaiting trial.

It appears that in Cincinnati, under the surveyor of that port, a great many irregularities occurred, and a special agent named Williams was sent out to make an investigation, and he reported that all the charges against the persons who had been appointed were correct, but that the men seemed to have reformed and were at all events trying to do better, and it was not advisable to disturb them. The charges were like these: The janitor of the money-order division in the post-office at Cincinnati was a man who had confessedly served three years in the penitentiary for highway robbery.

Mr. PAYNE. That postmaster is a Republican, and he has not been removed.

Mr. INGALLS. I dare say at that time; but we are talking about the janitors.

The assistant custodian of the post-office building, who has forty employés under him, had the distinguished record of two terms in the work-house and one sentence suspended over him for future consideration. A confessed murderer, who had killed his man and escaped because of the absence of the prosecuting witness, was found to have been appointed as watchman in the same building by the surveyor.

Mr. VOORHEES. Is the Senator from Kansas speaking still of the Cincinnati post-office?

Mr. INGALLS. No, the Democratic surveyor.

Mr. VOORHEES. I call attention to the fact that there has been no change of postmaster at Cincinnati; a janitor is pre-eminently under the control of the postmaster, and the thief, if he is there, is under the control of a Republican postmaster.

Mr. INGALLS. Now the Senator from Indiana is wiser in his own conceit than seven men that can render a reason, because I assure him that the janitor of that public building is not appointed by the postmaster. He is under the control of the Treasury Department. I shall be glad to continue the debate if the Senator desires.

Mr. VOORHEES. Upon the recommendation of the postmaster always.

Mr. INGALLS. The collector of the port.

Mr. VOORHEES. On the recommendation of the postmaster he is in the building.

Mr. INGALLS. Another Ohio appointment—and I call the attention of our friend the junior Senator from that State to this—by the name of Jack Conelly, who was appointed statistical agent of the Agricultural Department upon the recommendation of ex-Congressman Converse and of Barger, the present pension agent at Columbus—is he a Republican?

Mr. PAYNE. No, he is a Democrat.

Mr. INGALLS. I should not have asked that question, because I see it states afterward that he was "chairman of the Democratic State committee." Conelly "has a record of imprisonment in the Lake County, Ohio, jail for stealing a promissory note, and he escaped being sent to the penitentiary because it was shown that the promissory note being worth less than its face value the offense was not grand larceny."

Mr. PAYNE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair informs the galleries that better order must be preserved. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. INGALLS. With great pleasure.

Mr. PAYNE. Will the Senator be good enough to state his authority?

Mr. INGALLS. A Democratic newspaper. I forget the name of it. The name of the man is Jack Conelly. I ask the Senator if he knows him?

Mr. PAYNE. I do not.

The PRESIDING OFFICER. The Senator from Kansas will please suspend.

Mr. INGALLS. I can not hear the Senator from Ohio.

Mr. PAYNE. I do not know the man.

The PRESIDING OFFICER. The Chair must appeal to Senators as well as to the galleries to be a little more silent so that the Senator from Kansas may be heard.

Mr. INGALLS. I would ask the Senator from Ohio if he knows a man named Brady, appointed postmaster at Newark, Ohio?

Mr. PAYNE. I do.

Mr. INGALLS. Is he a Democrat?

Mr. PAYNE. He is a Democrat.

Mr. INGALLS. He is charged with being an embezzler while deputy sheriff, and the case is now in the courts. Is that a true bill?

Mr. PAYNE. I do not know anything about it. He has recommendations here which state that he is a most respectable man.

Mr. INGALLS. In view of this record that I have read, the following quotation from the speech of the Senator from Georgia [Mr. COLQUITT] has an interesting significance:

This man—

Speaking about a postmaster—I think it was about where the colloquy with the Senator from Illinois [Mr. LOGAN] occurred in his speech—

This man, with this shameful record, was recommended to be retained in office by the leading politicians of the Republican party because his services were regarded as important for the success of his party. He was dismissed under a Republican administration, but upon these recommendations of his value to his party he was reinstated by that administration, which was some years before this letter was written.

The Senator proceeded to state that, although this official was a confessed and admitted defaulter, known to be such to the Department, the President was unwilling to remove him because he did not want to transmit his reasons for his action to the Senate! That is an illustra-

tion of the logical result of the doctrine upon which the opposition rely in their arguments against the demand which has been made by the Judiciary Committee that official papers, documents bearing upon these questions, shall be sent down to the Senate whenever deemed to be necessary and important in the consideration of the matter.

The Senator from Indiana [Mr. VOORHEES] yesterday took occasion to advert with somewhat of animated hilarity to the suggestion of the Senator from Iowa about the evolutionary condition of the Democratic party, and dwelt with considerable unction upon a term that the Senator from Iowa had applied to the Democracy in his very able and interesting speech; "a protoplasmic" cell, and the Senator then proceeded to give us the definition of the term as it appears in the dictionaries, and suggested that if those facts had been known at the time when the canvass was pending Mr. Cleveland would undoubtedly have been counted out in New York.

The Senator from Iowa might have gone further in his application of the doctrine of evolution with much propriety. Geology teaches us that in the process of being, upward from the protoplasmic cell, through one form of existence to another there are intermediary and connecting stages, in which the creature bears some resemblance to the state from which it has emerged and some to the state to which it is proceeding. History is stratified politics; every stratum is fossiliferous; and I am inclined to think that the political geologist of the future in his antiquarian researches between the triassic series of 1880 and the cretaceous series of 1888 as he inspects the jurassic Democratic strata of 1884 will find some curious illustrations of the doctrine of political evolution.

In the transition from the fish to the bird there is an anomalous animal, long since extinct, named by the geologists the pterodactyl, or the winged reptile, a lizard with feathers upon its paws and plumes upon its tail. A political system which illustrates in its practical operations the appointment by the same administration of Eugene Higgins and Dorman B. Eaton can properly be regarded as in the transition epoch and characterized as the pterodactyl of politics. It is, like that animal, equally adapted to waddling and dabbling in the slime and mud of partisan politics and soaring aloft with discordant cries into the glittering and opalescent empyrean of civil-service reform.

The President closes his recent message to the Senate in this language:

> The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment.
>
> There are no grounds for an allegation that the fear of being found false to my professions influences me in declining to submit to the demands of the Senate. I have not constantly refused to suspend officials, and thus incurred the displeasure of political friends, and yet willfully broken faith with the people for the sake of being false to them.
>
> Neither the discontent of party friends nor the allurements constantly offered of confirmations of appointees conditioned upon the avowal that suspensions have been made on party grounds alone, nor the threat proposed in the resolutions now before the Senate that no confirmations will be made unless the demands of that body be complied with, are sufficient to discourage or deter me from following in the way which I am convinced leads to better government for the people.

He is not responsible to the Senate, nor is the Senate responsible to him; both are alike responsible to the people. But in the cases at bar we are compelled to inquire, in justice to the people, whether those pledges have been redeemed, or whether they have been broken, violated, and disregarded. Had the patronage of the Government, within proper limits, been turned over for its exercise to the party intrusted with power by a majority of the people there could have been no complaint, but upon the assurances that I have read the declaration was made that in every case where an incumbent was competent and qualified he should remain in office till the expiration of his term.

When, therefore, some were suspended and others were left, what is the irresistible inference, after the declarations of the President, except that these persons were suspended for cause either affecting their personal integrity or their official administration? Upon the ground, then, of personal justice, if no other, we are entitled to know whether wrong has been done by the accusations that have been filed in the Departments, so that we may protect those who are unable to defend themselves from injustice and defamation.

But there is another reason, and to me a still more convincing reason, why we should be advised in the case of these suspensions what are the papers, the official documents, and the reports on the files of the Departments affecting the administration of these offices, and that is this: under the tenure-of-office act, every official suspended is reinstated by the provisions of section 1768 of the Revised Statutes, if the Senate adjourns without confirming the designated person, and continues to exercise and discharge the duties of that office until he is again suspended by the President. Therefore, in acting upon these cases we have a double duty to perform; in the first place, to decide whether the person suspended was properly suspended, and, in the next place, whether he is a competent person to be restored to office under and by virtue of the operation of the statute under which he was suspended. If he is not a competent person then he ought not to be restored, and we can not determine whether he is competent and qualified and fit to discharge the duties of that office until we have the official declarations and statements upon which the action of the President was based.

Since this debate began there are indications that the President has become convinced that his position is untenable, and that he has concluded to yield to the reasonable requests of the Senate and relieve suspended officials from the otherwise inevitable imputations upon their conduct and character. I find the following correspondence in one of the metropolitan journals, which if authentic relieves the relation between the President and the Senate of the principal restraint:

COMMITTEE ON FINANCE, UNITED STATES SENATE, *March* 17, 1886.

DEAR SIR: Will you please advise the Committee on Finance whether or not there are any papers or charges on file reflecting against the official or moral character of ——, late collector of internal revenue for the first district of ——, suspended?

If there are any such papers or charges will you please communicate their nature and character to the committee?

Very truly, yours,

JUSTIN S. MORRILL.

Hon. DANIEL MANNING,
Secretary of the Treasury.

MARCH 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not there are any papers or charges on file reflecting against the official or moral character of ——, late collector of internal revenue for the first district of ——, suspended, is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

But whether this be true or not, this is not the forum in which this controversy is to be ultimately decided. The Executive is not on trial before the Senate; the Senate is not on trial before the Executive; but both, as to the sincerity of their professions and the consistency of their actions, are on trial before that greater, wiser, and more powerful tribunal—the enlightened conscience of the people, from whose verdict there is neither exculpation nor appeal.

Mr. HARRISON. Mr. President the debate upon the pending resolutions will be regarded, I think, as among the great historical debates which have taken place in this body. Grave questions of constitutional power, affecting both the Executive and the Senate of the United States, have been handled with marked ability on both sides of the Chamber. The question of the President's power to remove from office any person holding his commission without asking the concurrence of the Senate has been affirmed not only by Senators upon the other side of the Chamber but by some upon this side.

But as this debate is reviewed I think the critical student will find that it has been most noticeable for one feature, and that is for the wide distance that has separated the combatants who have been engaged in it. I have never seen a debate fought at so long range as this. The question of the power of the President to remove from office, as was said by the Senator from Vermont in opening this debate, is not involved in the discussion; and yet all these days have been largely consumed in discussing that question. Precedents and authorities have been industriously sought out and arranged by Senators on the other side of the Chamber to support the proposition of the President's unfettered power of removal from office—a question which I reassert is not involved in the consideration of the resolutions before the Senate. The question is not involved because the President has removed no one from office; he does not profess to have removed a single officer from his office.

Would it not be well, then, if those who maintain his power to do so would await the time when he exercises that power, and then rally to his defense? It will be time enough when the Senate receives from the Executive a message announcing a removal to bring on that discussion. It will be time enough for his adherents and defenders here to assert his power to remove when he has once asserted it himself. He only can make the issue; his champions upon this floor can not raise it. It rests with the President to present that issue to the Senate and to the country. He has not chosen to do so, and I submit that those who have come to the defense of his prerogative of removal have come uninvited and into a contest that is not joined. The gentlemen upon the other side of the Chamber in this debate have with elaboration constructed their fortress and mounted their guns, but the fortress and the artillery that they have set up stand in the same relation to an adversary as that described by Washington Irving and constructed by one of the celebrated Dutch soldiers of New York, who, when he had built his fort and mounted his guns, Irving says, found that it frowned upon an absent enemy.

As was said in the opening of the debate, and as has been repeated by almost every Senator who has spoken from this side of the Chamber, the President himself not once, not one day, but every day since the Senate has been in session has by solemn message over his own signature affirmed that the provisions of the tenure-of-office act were binding upon his conscience and upon his conduct. Why not then come to the point where the strife is joined?

Let me call attention again to the exact form which the action of the President takes in the suspension and in the nomination of officers. If you go to the Departments, if you go to the committee-rooms of the Senate, you will find a jacket about every case of suspension, upon which there is a printed form, which, when the suspension is made, is filled up and signed by the President. No commission is issued to the person designated to discharge the duties of the suspended officer, but upon the jacket of each case you will find this form:

I designate A B to perform the duties of postmaster at ——, county of ——, State of ——, in place of ——, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

GROVER CLEVELAND.

So all these cases come to us here. The President does not pretend to have removed; he says, "I have suspended." The officer who held the previous commission is still an officer, suspended temporarily from the discharge of his duties and another designated to take them up; but no lawyer on this floor or anywhere else has contended or can contend that there has been a removal.

In case the President desires to remove an officer during the session of the Senate, what is the form in which he addresses us? This is the form:

I nominate A B to be postmaster at ——, county of ——, State of ——, *vice* C D, whose removal for cause is hereby proposed.

Does any defender of the administration here assume that Mr. Cleveland in such a case has removed the officer? It is known to every one throughout the country that A B, whose removal he proposes, continues to exercise the office until the Senate by confirming the designated successor consummates the removal.

I was surprised the other evening, in that little debate which seemed for a time to bring the contestants to close quarters, at the suggestion of the Senator from Delaware [Mr. GRAY], that this message meant that the President proposed to remove the officer—not that it was a proposition to the Senate to be consummated only by the confirmation of the designated successor, but that it was simply a gratuitous, superfluous, and unnecessary announcement of the President that he proposed to remove the officer. In fact the message carries the announcement to us that the President does not intend to remove him. If the power of removal exists, if he means to assert it, then these nominations, these messages would come to us in this form: "*vice* A B, whom I have removed." I repeat, whenever the President is advised and consents to make that issue with the Senate, much that has been said by gentlemen upon the other side of the Chamber will be pertinent to the debate; but until that time it has no pertinency, and the resort to it is a confession of an unwillingness to come to the real questions of policy and of administration which are involved in this discussion.

In the President's recent message, speaking of the law of 1867, which required the President to transmit his reasons for a suspension, he says, in substance, "If that law were in force I would obey it," showing that he submits himself to the provisions of the tenure-of-office law and does not challenge its constitutionality. Under that law I do not see how any man can doubt that in the case of a suspended officer, or in the case of an officer nominated in place of another whose removal is proposed, the concurrence of the Senate is an essential, necessary, and effective part of the act of removal. The officer is not removed until the Senate acts in either case. He is an officer until by the confirmation of his successor we change the office and place it in other hands, and that quite as strictly in law while he is suspended from the exercise of its functions as while he is in their actual discharge.

The question then is clearly one with which we have to do. We are asked by the President to do an act which removes a man from office; and will any one insist that we are not entitled to all needful information; that we may not rightly consider that which is the constitutional and legal result of our act; that we must shut our eyes to the question whether there has been cause for suspension, whether the office has been mismanaged, whether the man who previously held it has been recreant to official trust—that we must close our eyes to all these questions when his removal from office is that which we are asked to consummate in the one case, and is, in the other case, the direct consequence of what we are asked to do?

It has been said that the tenure-of-office act has been out of use. I shall not attempt to repeat the high-sounding terms in which the President conveyed to us this information. I have been in this body five years, and I affirm that the civil tenure-of-office law has never been out of use. I affirm, though my colleague [Mr. VOORHEES] declared the contrary yesterday, that a Republican Senate under a Republican President put it to the very use to which we are putting it now. I affirm that not once but many times (and if he will spur his recollection many of the instances will come to his own mind) has this same request for papers been made and complied with, and the Senate has considered upon the papers the question whether there was cause for removal. I can call cases to mind where just such information demanded by a Republican Senate of a Republican President influenced my action and vote upon nominations that were proposed to us.

It is not true, Mr. President. The fact is that the tenure-of-office law has been enforced; it has been a live force; it has been continually in mind in the administration of that part of our duty connected with the confirmation of officers nominated by the President.

But I want to look a little outside of the mere legal and constitutional questions which are presented here. I want to speak for a moment of the origin of this controversy. I wish to discuss it as an administrative policy, inaugurated by this administration, a policy that is without precedent and that will be without imitation, a policy of stimulating and receiving secret charges against the reputation of men, ay, as I shall show presently, not only against the reputation of men but against the reputation of women; of denying to the accused any access to or knowledge of the charges, and of acting upon those charges in the dark.

Let me say now that if the prompt and just demand, which was made in many cases by the incumbents of these offices when they were suspended under charges, to be advised of the character of those charges and to have an opportunity, however little it might influence the mind of the Executive, to place on file their ample refutation of the slanders and lies that had crept into the Departments against them—if that demand had been allowed, I must believe that most of the cases that are held up here would have been withdrawn or have gone through.

What was the attitude in which we found ourselves when we assembled here in December? In my own State the Republicans who were in office were willing at the mere suggestion of the administration to step out. Hundreds of them, besides those who took that course, would have placed their resignations in the hands of the administration but for the fact that their confidence was betrayed by the suggestion that if they had discharged their public duties conscientiously and well they might hold their offices until the end of their terms. Such was the proclamation. It went through all this country. Its exact terms have been given to the Senate by the Senator from Kansas [Mr. INGALLS].

The President of the United States repeatedly put himself under pledge, not simply in his public utterances but in private letters, voluntarily written, in favor of such a policy. It went through all the land to those Republicans in office who had a fragment, small or large, of a legal term to serve, that if they had discharged their duties faithfully and honestly they would not be disturbed in serving out the residue of their term. It was said, as the Senator from Kansas has read, that mere difference in political opinion should not operate against the officer. It was said that if he had not made himself an indecent partisan the fact that he was a Republican should not be taken advantage of in order to deprive him of his office. It has turned out that it was a deceptive feast to which those gentlemen were invited. It was almost as full of deception and almost as fatal in its results as some of those feasts of old story to which men were invited for the purpose of assassination.

In many of these cases it leaked out in the community where the officer resided that charges had been filed against him. Some base fellows had been used for that unholy office, and being advised that charges had been sent the appeal was made to the heads of the different Departments, and I believe in many cases to the President himself, to be advised of the character of the charges made.

I do not know how free the access to papers in the public Departments may be to-day to a Senator who lays off his character as a committeeman, who unclothes himself as a Senator, and appears simply as a confidential friend of the head of one of the Departments. I do not know what he may learn under such circumstances; but I do know, if I have not been misinformed, that those records were closed against Democratic Senators and Congressmen last summer and fall. They were not allowed to examine those papers; they were kept in absolute secrecy. Here was an accusation, a hearing, a sentence, and an execution without the accused being advised of the character of the charges against him.

Our object is not to retain these offices. There is not a Democratic Senator who hears me who does not know that is not the motive actuating the Republican Senators. Though I understood my colleague yesterday to impute that purpose to the Republicans, I say there is not one who upon reflection, and upon recalling incidents which must be fresh in his memory in connection with the action of the Senate, does not know that if the removal is put simply upon the proposition that the administration wants a Democrat in a place held by a Republican, that the obstruction would be withdrawn. And that without any reference to the views which any of us may hold upon the subject of civil service; for however much I may differ from some of the utterances of the Senator from Kansas upon that subject, I do not believe that the Senate can enforce a civil service beyond the strict terms of the law upon a reluctant or unwilling President, and for one I should be unwilling to make obstruction with a view of accomplishing such an impossible end.

It has been said that this debate is concentrating the scattered and demoralized legions of the Democracy. It has been said that this issue

is bringing the whole party to the support of the President; and yet they support the President upon a proposition that is not before the Senate, and, if I may judge by the approving smiles and nods which greeted the Senator from Kansas from the other side of the Chamber, upon this issue which he discussed, and about which I shall talk a little presently, the Democracy even in the Senate is by no means a unit in support of the President.

What is it these people ask? An honorable discharge after honorable service. That is all. They ask that they may go out of the offices to the duties of which they have devoted themselves with conscientious fidelity with an honorable discharge. They ask that they may go out of the offices in which they have so discharged the duties as to win the approval not only of their party friends, but of Democrats and even of Democratic newspapers, with an untarnished name; that it may be understood that they go out simply because the President wants a Democrat in; that will be accepted by all of them as an honorable discharge. I wish to know whether my Democratic friends have agreed that whatever may be their differences with the President upon civil service, or silver, or the tariff, or any of the great questions, however they may have been driven from him by his position on these great questions, whether they have all agreed to help him hold down the lid of the box in which these secret charges have been placed. It is a great issue upon which to unite a great party.

As I shall show presently, the Democratic party is not united upon that issue. As I shall show presently, Democratic newspapers and many Democratic Congressmen and Senators do not approve a policy that stimulates and invites charges against the character of men and women and hides those charges from the light of day. That is the issue, and great as the constitutional questions involved here may be, it is practically a greater question whether this Government in its civil service shall be administered as in a star chamber where accusations may be lodged and heard and decided without the knowledge of the man whose interests are to be affected and whose character is to be blackened.

I alluded a moment ago to the fact that Democratic Senators now and then had occasion in the administration of our duties here in connection with public office to find that charges had been lodged with committees of the Senate against their party friends who have been named by the President to discharge the duties of public office. There is probably scarcely a committee connected with this body that has not received charges against one or more of the persons whose nominations have been committed to it for consideration. It is true of my committee; it is true of every other committee that I know of. What do my Democratic friends think fair, then? What does my colleague think to be fair, then? That the committee shall give up to him or to his friends in Indiana the substance of the accusations in order that they may be transmitted to the person accused for his personal answer. How many Democratic Senators have already appealed to that fair and universal rule in the Senate, how many of them have gone to our committees, have inspected the charges made, have transmitted by letter to their friends accused the substance of the charges and have received in return from them evidence in their vindication, and have laid that before the Senate committees?

Mr. President, that, judged by your own conduct; that, judged by what you demand when your friend's character is assailed, is the fair rule. Will you unite here in support of a proposition which denies to a Republican removed knowledge of the charges that are filed against him in a public Department of this Government? I do not believe that there is a Senator on that side of the Chamber (if there is one I know it is not my colleague) who will rise and vindicate that course of administration. I know he reprobates it; I know every impulse of his heart cries out against it; I know he despises it, because he has been trained in his profession and in his intercourse with men to believe in the great doctrine that an accused should have the right to know of what he is accused and to be heard in his defense.

Is this the policy about which the Democratic party is to rally in support of President Cleveland? No, Mr. President, and it was largely because no Democrat on that side of the Chamber would venture to defend such a policy that the debate was shifted upon other grounds.

Yesterday in debate my colleague arraigned the Senate because he said we were condemning the Attorney-General unheard; and yet the accusation and the debate are public. He is heard here through his friends to present his side of this great controversy; and yet because no articles of impeachment had been presented so that he could be personally here to be heard, my colleague said it was an unfair trial. What does he think, then, of these trials that have been going on from day to day in the secrecy of the Postmaster-General's office with closed doors? These charges by the thousand are piled upon his table and he assorts them over, and without letting the persons accused know or have any intimation that they are accused at all, he deprives them of office and, so far as such a judgment can, of their good reputation.

My colleague said yesterday that the first feeling of the masses was for fair play. Does he think this is fair play? I answer for him, from my long knowledge of the generous impulses of his heart, that he does not. This is the great issue to the country. It is not the question of a few post-offices. I freely say to my colleague that the Republican party would be stronger in Indiana if you would put every Indiana Republican out of office, and I think the Democratic party would be weaker in precisely the same proportion that you put Democrats in.

The people may not understand this discussion of constitutional principles, but in every Anglo-Saxon heart, and especially in the Western heart, among the frontiersmen, who always believed in a fair fight, there is that imbedded sense of justice and fair play which resents and denounces these unfair methods. I happen to know that many manly Democrats in high place, when that policy was inaugurated, denounced it all over the city of Washington. I happen to know that there were some Democratic Congressmen who, when they were invited to become parties to this system of espionage, when it was suggested to them that they could not get a Democrat in office except they filed charges against the Republican holding the office, openly and boldly and frankly told the administration that they might keep the offices if Democrats could only get them at that disgraceful price. Is there any Senator who has filed such charges?

Mr. PLATT. Affidavits—sworn charges.

Mr. HARRISON. Many of them, as the Senator from Connecticut suggests, were affidavits, for enough has been furnished us by the administration in connection with nominations to advise us that affidavits containing sworn charges have, in many of these cases, been filed in the Departments. Is there a Democratic Senator here who will get up and confess that he filed any? Is there one? Is it not true, my friends, that whenever this is suggested to you you are prompt to say, "I never went into the business; I would not be guilty of filing such charges." Is not that true?

Is this the great issue upon which the Democrary is to be united? I affirm that there is not a Democrat who hears me—a member of this body—who will confess that he has become, or agree that he is willing to become, a party to this method of getting Democrats into office. It may be, though I would not impute such a motive to any Democratic Senator—I have thought sometimes that there might be gentlemen, connected with Congress possibly, or outside Democrats of influence, who had an interest in helping to hold down the lid of the box in which these secrets are buried, because if it were opened it would show that they had participated in this work.

I think there must be in these files a great deal of matter of which the President is ignorant, a great many confidential papers which he withholds from us that he has never seen himself. I am bound to believe that is true from the knowledge I have of the contents of some of them, or I am compelled to believe that he is utterly insincere in his public utterances as to his methods of administering the appointments to office.

In order to show that Democrats are not united in this policy of secret charges and secret trials, and of this obstinate refusal to give up either to the person accused or to the Senate the grounds of the accusations against Republican office-holders, I wish to read an article from the Washington Post, published last summer shortly after Mr. Vilas had issued his famous confidential circular. The Post, as we all understand, is the nearest Democratic organ to the President—the nearest geographically if not in his confidence. The article is the leading editorial and is entitled "An Appeal to Mr. Vilas:"

Has not the Postmaster-General by this time realized that his present method of turning out Republican postmasters is unpopular and objectionable? Nearly every leading paper in the country has reproduced, with comments more or less approving, The Post's vigorous protest against that grievous error.

There is some difference of opinion within the party—

That is, the Democratic party—

as to the civil-service and tenure-of-office laws; many think that the Republicans should be expelled and Democrats installed, simply on the merits of the situation and without any excuse further than was furnished by last November's election. The large majority of the people favor Mr. Cleveland's policy of respecting both laws and observing the spirit as well as the letter of both theories. These are differences which will adjust themselves and which may be safely left to time.

And I call attention to this utterance:

But we have yet to hear of a citizen of good repute who is willing to go on record as advocating the plan now pursued in the Post-Office Department. That plan, as we have already explained, is an invasion of the simplest and most fundamental rights of freemen. There is no criminal so base but, in this free country and enlightened age, is entitled to an impartial trial and an opportunity of self-defense. To know the character of his indictment, to be confronted by his accusers, and to enjoy the benefits of a hearing, these are privileges which the humblest may demand and must receive.

It is difficult to understand why Mr. Vilas gives his countenance to the star-chamber method of getting rid of Republican incumbents. That method is obnoxious to every conviction cherished by fair-minded men, and must be foreign and hostile to every instinct of his own nature. Even if he had suffered it to go into operation in the first instance without due reflection, he must perceive now how oppressive and unjust it is, and what cruel hardship it is capable of working.

* * * * * * * *

We are still hopeful, however, that when the Postmaster-General shall have considered the matter carefully in all its bearings, and taken note of the strongly and almost universally expressed disapproval of the plan, he will see the propriety of modifying it so as to make it agree with the spirit of our institutions and the rights of free citizens. A moment's reflection will show him that dwellers in the nineteenth century can not safely be subjected to the systems of the thirteenth; that secret condemnation of officials is as much an anachronism as would be the fagot or the rack. A day of reckoning must come in such a case as this. The Republican Senate, only too anxious for a pretext to antagonize the Democratic government, might not dare to make themselves obstructive in the face of a favorable feeling throughout the country; but, should the star chamber continue to flourish, they will have more than enough to justify them,

and respectable public sentiment will applaud them in antagonizing an administration which countenances such things.

That is a Democratic utterance fresh upon the inauguration of this scheme of the secret assassination of character, and the editor concludes, whatever our friends may say about the President's right to remove from office, that the country will applaud a Republican Senate if it condemns such practices. Ah, Mr. President, how shall we condemn them except by using every constitutional power to drag out from these secret hiding places the charges that have been filed against worthy men and women? That is not the only Democratic paper that has spoken. My colleague [Mr. VOORHEES] knows the Indianapolis Sentinel to be the State organ of the party. I read a "special" to the Indianapolis Sentinel on June 23:

The Post assumes to be an organ of President Cleveland's administration and it is certainly characterized by both fairness and ability. In to-day's impression, however, it severely condemns the methods obtaining in certain Departments of the Government of preferring charges and passing sentence on incumbents without giving them an opportunity to be heard. "We wish to remark," says the Post, "that the practice has our cordial and enthusiastic disapprobation." These dispatches—

Continues the correspondent of the Sentinel—

"hitherto have attested aversion to anything inoculated with the revoltingly unjust proceedings of the star chamber. The views I have accepted and written—

And my colleague knows probably who this correspondent is—

were gathered from the highest political talent in the country; but all my informants objected to being named as authority. The Post article concludes as follows.

And then he quotes the Post approvingly and adds:

Every sentiment emblazoned in the above I heard frequently from the acknowledged leaders of both political parties. The first impulse of many Democratic Congressmen was to let the rascals remain rather than execute the duty imposed by the order to prove a Republican office-holder guilty of a nameless crime. This espionage is an odious finale to what otherwise might be classed among the most splendid political achievements.

And then this correspondent proceeds:

The postmaster at Tipton, Stephen Lowley, and the postmaster at Seymour, Charley Means, both demand to be heard when charged with "offensive partisanship." One of them advised with General Gresham concerning the spirit of the law before assuming party obligations during the last campaign and he did nothing but what, in the opinion of then Postmaster-General, he clearly had a right to do. Stepen Lowley was commissioned a postmaster by Abraham Lincoln. While a very active political foe to the Democratic party, there are hundreds of Democrats who would be unwilling to see him thrust out of an office he has so long and impartially administered under the imputation of a crime of uncertain meaning. If "offensive partisanship" means hostility to the party that elected Cleveland, Mr. Lowley is guilty. If it means something corrupt or indirect in the management of the Tipton postoffice, Mr. Lowley is falsely accused, and a large majority of the life-long Democrats of his neighborhood will resent any imputation cast upon him.

I have another extract from a Democratic paper. Recently, in the town of Columbus, in the State of Indiana, a postmaster has been made, and it happens to be the editor and proprietor of this paper from which I am now about to read. In his issue of July 10, which was before he became postmaster (I have not seen the paper since, I think), he says:

With all due respect to the President, we believe he has made a mistake in requiring the people to become parties to an espionage upon the political conduct of their neighbors.

And he concludes:

In other words, the Republican officials should "go" because they are Republicans. This they could not object to, and this would require no inquisitorial proceedings on the part of their neighbors and social friends. "Offensive partisanship" is a mistake.

In another issue he says:

The universal sentiment—

And here is a newspaper in a strongly Democratic section of the State speaking for Democratic sentiment.

The universal sentiment almost among Democrats is in opposition to the "offensive partisan" idea of President Cleveland.

Mr. President, we have in Indianapolis a few very respectable and influential men, for their number, who belong to the Mugwump persuasion and supported Mr. Cleveland with great earnestness. They have a little paper there called the Freeman. The persons connected with it are connected with the civil-service-reform organization in Indiana. This is what the Freeman says about this policy:

A place is wanted for some camp-follower. Of course it must be forthcoming. But Vilas has said that no one will be removed unless charges be preferred. So some convict, or gutter-snipe, is hired to blacken the character of a man who is unfortunate enough to hold the coveted place. When he is bounced he tries to find out what is the reason for it, and he is told that he can't be allowed to see the charges or to be faced by his accuser.

He goes out under a cloud of suspicion.

We say this is outrageous. It is one of the fundmental rules of Anglo-Saxon liberty that every man shall be entitled to a fair trial. And this swearing away the character of American citizens can not be apologized for by the warmest friend of the administration.

Now I want to supplement what I have said about the general policy of stimulating, suggesting, receiving charges against men in office and refusing them a hearing by some individual instances of injustice.

The postmaster at Shelbyville, Ind., was a soldier who had served his country for four years. When the shock of war broke upon this land, when treason took the field, this man, rallying with thousands of other Indianians under the flag of his country, stepped, not into a place of ease and emolument, but into the bloody front of battle, and for four years on dreary marches, in dangers of battle, in the weariness of hospital, his brave heart in every place to which he was called gave its best service to the defense of the country and the honor of the flag. It happened that in recognition of this he held the postoffice at Shelbyville, and had held it acceptably, not only to his Republican friends, but, as I shall show you upon the testimony of the Democratic newspaper, he had discharged his office creditably and to the satisfaction of all. Last summer he was suspended from office. It was understood through the town that some charges had been presented against him. The men who made them did not disclose themselves, and he could gather at home no intimation as to their character. Whether they affected his personal integrity, whether they charged a maladministration of the office, or whether he was simply charged with being a Republican he could not tell. He sat down and addressed the Postmaster-General a letter, asking in the most respectful way to be advised of the character of the charges against him. He got no answer. Need I add that? Who did get any answer? Failing to get an answer from the Postmaster-General, he addressed me this letter:

SHELBYVILLE, IND., *July* 7, 1885.

DEAR SIR: It is reported in the newspapers that I have been suspended as postmaster at this place and Squire L. Major has been appointed. On the 8th day of June, 1885, I wrote to the Postmaster-General concerning alleged charges, as follows:

DEAR SIR: It is currently reported that charges have been preferred against me as postmaster of this place. If such is the case will you be kind enough to inform me of the nature of said charges and oblige a comrade.

Yours, respectfully,

A. P. BONE, *Postmaster.*

WILLIAM F. VILAS, *Postmaster-General,*
Washington, D. C.

He was writing to a soldier, a soldier now exercising a high office, a soldier who was his superior, a soldier who held his destiny and character in his hand, and he signs himself—

A comrade.

He continues to me:

I have never received any answer to this letter, although it was plainly due to me from a Government officer and a brother soldier. Since my suspension rumor informs me of the nature of the charges. If rumor is accurate then I have to say the charges are outrageously false and malicious. No one has, to my knowledge, been sent here to investigate these charges, and I have not only been kept in ignorance of their character, but have not been allowed to defend myself, a privilege which is guaranteed to the vilest criminal in all civilized nations.

I desire to know the nature of the charges and to meet my accuser face to face.

That man had been a soldier. He had met his country's accusers face to face, and had looked into their eyes with undaunted heart.

That I have done my whole duty as an officer the records of the Department will prove, and I know that I give satisfaction to the patrons of the office irrespective of party.

The following is a clipping from the Democrat of yesterday, July 7.

Let me read simply the closing paragraph of it:

Mr. Major, we believe, will make an excellent official, but it will require much labor on his part to excel in efficiency Mr. A. P. Bone, who has held the position so long.

I now conclude the letter:

The Democrat is owned and edited by W. Scott Ray, a prominent Democrat politician and the president of the Democratic State Editorial Association.

Please ask the Postmaster-General for a copy of the charges that have been preferred against me.

And oblige, yours, truly,

A. P. BONE, *Postmaster.*

Hon. BENJAMIN HARRISON.

Upon that letter I wrote on the 9th day of July, 1885, this indorsement:

[Indorsement.]

INDIANAPOLIS, IND., *July* 9, 1885.

Respectfully referred to the honorable Postmaster-General. I hope you will not deny the request of Mr. Bone to be advised of the character of any charges filed against him, and to have an opportunity to meet them. The slip he incloses from the Democrat newspaper shows how good an officer he has made, and this good civil record, with a long and gallant service in the war for the Union, entitles him, I think, to a favorable consideration of his request.

B. HARRISON, *United States Senator.*

Not only this soldier's appeal to know but my appeal in his behalf went unanswered from the Post-Office Department and remains unanswered to this day. Thinking that possibly there might have been some failure to receive the answer, I addressed the Postmaster-General on the 20th instant, asking a copy of the letter of Bone to me with my indorsement, and of any reply which he had sent to either of us. This is his reply:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 22, 1886.

SIR: I have the honor to acknowledge the receipt of your favor of the 20th instant, stating that on the 9th of July you forwarded me with your indorsement a letter from A. P. Bone, late postmaster at Shelbyville, Ind., and requesting to be furnished a copy of said letter and of your indorsement, and also a copy of any reply that was made by me to you or Mr. Bone; and in response I return you the original letter of Mr. Bone with your indorsement, which you may return as you shall desire; and further state that I have not preserved in my letter-book a copy of my letter of acknowledgment to you or to Mr. Bone, if I wrote him.

Very respectfully, yours,

WM. F. VILAS, *Postmaster-General.*

Hon. BENJAMIN HARRISON,
United States Senator.

While we are talking about rallying around the administration, I want to know if there is a Democrat who approves of that? I want to know if there is a Democratic Senator here who approves of that sort of treatment of a citizen? I want to know if there is one who, much more, approves of that sort of treatment of a man who for four years fought for his country in the hour of its pressing danger. If the Democratic party means to unite upon this issue and in defense of these practices, then I welcome the issue.

Mr. President, I have another case. I do not know how it may seem to the Senate, but to me it is infinitely full of pathos and indignation. Down on the Ohio River in one of our Indiana counties is the town of Cannelton. The post-office there is of the fourth class, and I regret it exceedingly, because it withdraws from our consideration here the case to which I am about to refer. Isabella De la Hunt was the widow of Major De la Hunt, of the Twenty-sixth Indiana Volunteers. He was a Democrat, a Democrat before the war, a Democrat during the war, and a Democrat after the war, or after his return from the Army. He was a gallant man. At Prairie Grove in Arkansas he was shot down by a wound entirely through the body. Recovering from this desperate wound, he rejoined his command and again received a rebel bullet through his arm. Disabled by these two wounds received in his country's service, he was compelled to leave the Army and return to Perry County, Indiana. In acknowledgment of his Democracy, in recognition I may hope of his gallant service as a soldier, the Democracy of Perry County elected him to one of the county offices. But his days were few. His vital forces had been so sapped by the wounds which he had received that it was not long until a sorrowing widow and one only child followed the remains of as brave a soldier as ever went out from Indiana to his last resting-place in the grave. This widow, left with small means, entered upon the work of maintaining herself and that soldier's orphan boy. For many years her old father was postmaster at Cannelton and she his principal and most efficient deputy. Something like a year or eighteen months ago, her old father being beyond eighty years of age and unable to discharge the duties of the office, Isabella De la Hunt, the widow, was appointed on my request by Mr. Hatton, then Postmaster-General, to this little post-office.

If there was in all this country one person who by reason of her sex, who by reason of her widowhood, who by reason of the sacrifice she had made in giving the arm on which she leaned to her country's service, was entitled to be kept in office, was entitled to have her reputation guarded jealously and by all men who represented the Government, it was Isabelle De la Hunt. Fearing, however, that some person might be mean enough to misrepresent her for the sake of obtaining this little office, she wrote to the honorable Postmaster-General in March last expressing her apprehension and asking him in case charges should be made against her to do her the favor of giving notice thereof, so that she could refute them, and also informing him of her husband's service, death, of her financial necessities, and the further fact of her husband's politics.

Mrs. De la Hunt was removed, and neither to that appeal nor to a later appeal to know the character of the vile charges that had been preferred against her was she given the simple recognition of an answer. I want to read now to the Senate what she says:

I have just received from Hon. JOHN J. KLEINER, Representative in Congress from this district, the following letter, which explains itself:

POST-OFFICE, HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., August 28, 1885.

MADAM: Yours of the 24th, relative to the P. O. case in C., is at hand. Evidence deemed sufficient to cause your removal has been filed, and your removal was ordered on account of partisanship shown in the conduct of the office during the campaign just closed.

With kindest regards, I remain yours, truly,

JNO. J. KLEINER.

MRS. ISABELLE DE LA HUNT,
Cannelton, Ind.

Now hear what the woman says:

SOMEBODY HAS LIED.

Had the Government seen fit to remove me without alleged cause, as it had an undoubted right to do, I should remain silent; but when I am sacrificed by falsehood I may be excused if I protest against it.

I have this to say, that whoever has sworn to any act of partisanship on my part in the conduct of the post-office here has committed willful perjury, and I dare him to appear before any open tribunal and make good his accusation. I call upon him to stand forth in the glare of honest sunlight and exhibit himself to this community as the author of this calumny. Let him do this and bring from the files of the star-chamber court at Washington the specifications to which he has affixed his infamous name, and I pledge myself to prove their utter falsity. So conscious am I of the rectitude and impartiality of my conduct in the discharge of my official duties that I do not hesitate to appeal to you, one and all, irrespective of your political preferences, for the truth of this assertion.

Somebody in this community has sworn to a lie to accomplish that which could not be done through the instrumentality of truth. For this I now publicly brand him as a perjurer. I do not propose to lie under the false accusations of any untruthful coward who thus resorts to secret assassination of character to accomplish an unjust object. Hence I appeal in this public manner to the honor and consciences of all honest men and women to condemn, as I know they must, this infamous attempt to do me an injury.

I say to the Government—take your post-office, but not under false pretenses. Do this, and I will utter no word of complaint, however unjust it may appear.

Excuse me, my friends, you who have known me from my childhood and are witnesses of my daily and official life—excuse me if I manifest some feeling over this wrong; I can not help it. War, with its natural and inevitable results, struck down my husband, my protector and support. It was the act of an open foe on the field of battle, whom I try to forgive; but that the Government, to preserve which he sacrificed his life, should connive with secret assassins and false witnesses to strike down his family without an opportunity of vindication is a national disgrace, and an act too cowardly and base for absolution.

ISABELLE DE LA HUNT,
Cannelton, Ind., August 31, 1885.

[Applause in the galleries.]

There was a woman in whose spirit we can see the inspiration of the gallant husband that she sent forth to fight. Is it about this case and in support of the Postmaster-General that the Democratic party will unite? Is it to justify an administration that refused a hearing to this dead soldier's widow that a demoralized and divided Democratic party is to assemble? Mr. President, there is not a Democrat who hears me, there is not a Democratic Senator here who would not scorn to be the author of such treatment. Let us understand then what we are justifying, let us know what the administrative policy is that we are to condone or to condemn by refusing to give these people the only opportunity they have to know what false accusers have said against them.

Mr. President, I ought to add one incident to that story, or it will not be complete. I am advised that the first recognition which the Post-Office Department extended to her was a letter dated November 17, 1885, from the office of the First Assistant Postmaster-General, signed "William Duff Haynie," as it is put here, and my informant says what position he fills does not appear from the letter. It was written in reply to her letter of complaint to the Postmaster-General concerning certain offensive allusions in a paper published by Mr. Underwood, who had been appointed to the office upon her removal, and in some way reflecting upon her. She made that complaint. I do not, of course, know what the newspaper was saying or how just the complaint was, but this person in reply alludes to the fact of her removal for offensive partisanship, and says the papers in her case were referred to him and that he thinks the charge was made out by an examination, as he says, of her own newspaper. That is the incident I wanted to mention. When Major De la Hunt died he was the owner of a little Democratic newspaper in Cannelton. It was a part of the little property that came to his widow. She was not able to run a newspaper, and she appealed to her brother-in-law, Judge Mason, to take charge of it and keep it alive for her until it could be sold. He did so, and finding it a little embarrassing for him, a Republican, to run a Democratic newspaper, he said to her, "There is one Democratic paper here, and if I run this paper for you I must change its politics;" and so for a few years, until it could be sold, Judge Mason conducted that paper for her as a Republican paper; but it had been sold, I am told, eight years before these charges of offensive partisanship based upon its editorials were filed.

Now, Mr. President, perhaps my distinguished friend from Kansas, whose command of language so far surpasses my own, might characterize this transaction, perhaps he could touch it up a little; but to me that work is impossible. The story of Mrs. De la Hunt carries its own pathos and its own indignation.

Mr. President, a Union soldier who went through the whole war with distinction had a little place as a railway mail clerk in Indiana. He had held the place for many years. He had a most exemplary and conspicuous record. I believe he never failed to make a trip when his turn came and that he was constantly ready to make extra trips when called on. There was no trouble about his record in the office of the Superintendent of the Railway Mail Service, none whatever, but he suddenly on a return trip received notice, on his arrival at Indianapolis, from the Postmaster-General that his services were no longer required. As well as I can ascertain, the most grievous offense that had been committed by this Republican was that he had charge of the artillery when my distinguished comrade and colleague here [Mr. LOGAN] came to visit Indianapolis during the last campaign. This railway clerk was off duty that week, and he had charge of the artillery, and helped fire the salute. He was an experienced man, and had performed that duty so much in the past, and always with such perfect safety to those who were with him, that he was selected on this occasion to welcome our distinguished candidate for the Vice-Presidency. Well, he was fired out for it [laughter] and who was put in his place? I am not going to try to supplement or complete the record of rascals appointed which the Senator from Kansas introduced—I am not looking for rascals; this case falls in my way. The man who was appointed was one Dowling, and there having been serious charges affecting his character, Mr. Swift, who was connected with the civil-service-reform association of Indianapolis, addressed the Postmaster-General on the subject, laying the charges before him.

Let me tell you what they were. It was said by several persons that on the streets Mr. Dowling, then a member of the city council of Indianapolis, had stated that he himself had bribed several other members of the council in the interests of a city corporation. He repeated this declaration in the hearing of a number of persons. The prosecuting attorney got hold of it and brought him before the grand jury and asked him to tell the jury whom he had bribed.

He said, in substance, "I will not answer that question; it would criminate me." The prosecuting attorney then wrote out the question, and, after having it certified, Mr. Dowling was brought into the criminal court of the county and the prosecutor said to the judge, I have propounded this question to this man in the grand-jury room

and he declines to answer, and I submit to the court whether he shall not be compelled to answer. There again Mr. Dowling said he could not answer it without criminating himself, and the court excused him from answering. The city council took it up and charges were filed against him. It was voted that he was guilty of having confessed to an act of bribery. The council by a vote of 17 to 3 declared that Dowling had made his admission of bribery, and by a vote of 13 to 7 the same body held that he ought to be expelled; but there was not the two-thirds vote required, and so the proceedings failed.

There is another matter connected with this case that is full of interest and instruction. Mr. Swift laid all these facts before the Postmaster-General. It was not a matter of rumor and report. The facts were verified by official records from the criminal court of the county and from the records of the common council of the city. This case was made just as I state. Now hear what Mr. Vilas says when a Democrat is accused:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., September 14, ——.

MY DEAR SIR: Your favor of the 12th is received and contents noted. It is fair to any man who has been appointed, and since his appointment has continued in the service without complaint as to the manner of its performance from the officials over him, that he should have notice of such an accusation as you make, because inquiry might put a different complexion upon the case as you understand it. I intend by the remark no criticism upon your statement, but make it prefatory to the inquiry whether you are willing I should send your letter to Mr. BYNUM—

The member of Congress who nominated Mr. Dowling—

in order to see what may be said on the other side.

I hope I shall ever be as willing to remove an unfit person when appointed by me as if he had been found in the service as I took it; and I shall do my utmost to render it as efficient as possible and free from bad men.

Please reply early.

Very truly, yours,

WM. F. VILAS, *Postmaster-General.*

Mr. Swift was not one of the sneaking kind, and he promptly wrote Mr. Vilas that he was at perfect liberty to lay his letter before the Congressman or anybody else, and that he would support the charges. He proceeded to support the charges, setting out under official certificates the proceedings of the court and of the council. What followed then? Was this man dismissed? No, Mr. President; they were advised that he had a good record in throwing mail matter and that under all the circumstances the Department thought they would not turn him out. But the noticeable incident here is that when a Democrat is accused upon evidence that is matter of public record, the Postmaster-General who would not answer Mr. Bone, a soldier of four years' service, to tell him what he was accused of, gives out that this accused Democrat should have notice of such an accusation as inquiry might put a different complexion upon the case; but it never struck his sapiency, it never struck this distributor of justice, that inquiry might put a different phase on Mrs. de la Hunt's case or on a hundred others that I could bring to the attention of the Senate. Or probably it did strike him that it would put a different phase upon the case, and that he would be compelled to reverse his action, as the Senator from Vermont suggests to me, and therefore in the case of Dowling he wants Dowling to know about it and be heard, and in the case of the soldier's widow the record is closed without her being advised of the charges against her. Is this the policy of fairness, is this the administration of public office as a public trust, upon which the Democratic party are now so eagerly rallying to the defense of this administration?

Mr. President, I must hope, as I must believe, that many of these things thus buried in the files of the Departments here are unknown to the President. I must believe it, for the contingency of not believing it is one that I will not willingly accept. I had a letter the other day from a wounded soldier. A few years ago my colleague introduced, I think in the Forty-seventh Congress, a resolution to which I may refer more in detail in a few moments if I have time, directing the Committee on Military Affairs to inquire whether section 1754 of the Revised Statutes which pledges to disabled Union soldiers a continuance in public service had been enforced. Here is a letter from a twice-wounded soldier of the late war who was occupying the little place of a railway mail clerk running between La Fayette and Quincy, and suddenly, without warning, his name is stricken from the roll and he writes me to ascertain what he is charged with. I inquired of Mr. Jameson, the Superintendent of the Railway Mail Service, and this is his answer:

POST-OFFICE DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT RAILWAY MAIL SERVICE,
Washington, D. C., March 24, 1886.

SIR: Yours of March 20, asking the reasons for the removal of W. H. Coon, late railway postal clerk between La Fayette, Ind., and Quincy, Ill., is at hand.

In reply permit me to say that there are no charges on file in this office that would in any way affect Mr. Coon's standing as a clerk or a citizen. It is therefore presumed that the Postmaster-General took the action he did for reasons satisfactory to himself and, it is supposed, of a political nature.

Very respectfully,

JNO. JAMESON,
General Superintendent.

Hon. BENJAMIN HARRISON,
United States Senate, Washington, D. C.

And so it is that, notwithstanding the provisions of the statute which my colleague under a Republican administration called to our attention, with results which he will perhaps recollect as well as I, this wounded soldier goes out simply for reasons satisfactory to the Postmaster-General, nothing against his record as a clerk, nothing against his record as a citizen. It is not even intimated that he has been guilty of doing more than that which every soldier fought for and brought home from war, the right freely and openly to express his political sentiments.

Mr. President, these are not picked cases; these are not isolated cases. They are mere hap-hazard selections from the great mass of such cases which have occurred all over this country, and which are familiar to every Senator and to every member of the House of Representatives. The President in his message said to us:

If in any degree the suggestion—

That is the suggestion of injustice being done to these officers—

is worthy of consideration, it is to be hoped that there may be a defense against unjust suspension in the justice of the Executive.

I do not know whether in the pressure of greater affairs, if there can be any greater, the cries of these men and of these women have reached the President at all, but certain it is that justice has not been found for these, even that simple justice of being allowed to place upon the record a denial of these charges that when they have gone and some future intermeddler with confidential papers looks through these files, he may see as well the defense as the accusation.

The Senator from Vermont asks me when the President's justice is to come in. I suppose it is by erecting some oratorical monument over the graves of those who have been thus disposed of without ceremony. It must be in requiem or oratory. It seems to be too late for any other sort of justice.

Now, sir, as to the beneficent effects of this new policy, this new contest between civil-service reform and what Mr. Cleveland calls the old spoils system; and without now attempting to state my views of the civil service, I do lift up a hearty prayer that we may never have a President who will not either pursue and compel his Cabinet advisers to pursue the civil-service policy pure and simple and upon a just basis, allowing men accused to be heard, and deciding against them only upon competent proof and fairly—either have that kind of a civil service, or for God's sake let us have that other frank and bold, if brutal, method of turning men and women out simply for political opinion. Let us have one or the other. They will not mingle, and it was the conflict of these currents, the President on the one side endeavoring to be responsive to his self-imposed pledges and the pressure of his party on the other, that has driven those who were at the heads of the Departments in the attempt to preserve and maintain the President's professions and at the same time to give to the hungry who were demanding to be fed—it was the attempt to reconcile the irreconcilable that has brought about this wretched condition of things in which men and women are condemned without a hearing. Let us have one or the other, pure and simple.

May I supplement what the Senator from Kansas said by a general expression or two as to how the civil service has been going on in Indiana? Barney Conroy was a twice-convicted felon. He had not had the versatile character of the man to whom the Senator from Kansas referred who had stolen in three States. Barney Conroy had stolen and robbed only in Indianapolis, and in our criminal court there there were two records, one of a conviction for grand larceny and one of a conviction for larceny and robbery, and he had served two distinct terms of two years each in the penitentiary of the State. At our union depot where large mails are transferred there was a private soldier not conspicuous either in his relations or in his achievements, but just one of those faithful fellows who in war and in peace always did a man's duty quietly. He was in charge of the transfer of the mails and was turned out to make a place for Barney Conroy, the twice-convicted felon. I think I have here somewhere Barney's recommendations. My colleague escaped.

Mr. VOORHEES. I did not hear my colleague's last observation.

Mr. EDMUNDS. He said you were not one of his recommenders.

Mr. VOORHEES. Indeed I was not. It was a grave mistake, and was rectified the very moment it was found out. He staid there, I do not know how long, a few hours.

Mr. HARRISON. It was found out pretty soon and it was corrected. I have no idea that it was known to the gentlemen who signed the paper; it could not have been. It was signed by the governor, the secretary of state, the treasurer, and some of the supreme judges. I have no doubt they were imposed upon, and yet they certified in the paper that they knew him well and that he was an honest man and a most earnest Democratic worker. [Laughter.]

Mr. VOORHEES. I know nothing of the terms of the recommendation. I am perfectly frank to say that it is a well-known case of a stupendous mistake in which the fellow held office for a little while; and were I permitted I could name—and possibly the time may come when I can retort by naming greater rascals than Barney Conroy, who staid in office a good deal longer than he did.

Mr. HARRISON. If my colleague can tell me now of a single case occurring in the State of Indiana within his knowledge where any man who had a record of conviction of an infamous crime was appointed to office by any Republican administration I should be glad to have him do it.

I do not refer to this case as typical. I say to my colleague that in the last campaign when the air was full of Democratic slanders that embraced all Republicans and the cry was abroad "turn the rascals out," in meeting that denunciation, as on every other occasion, I have said that personal honesty and honor were not divided upon party lines. This was the recommendation:

We, the undersigned, would most earnestly request of the proper person for making the appointment to appoint Bernard Conroy to the position of transfer agent for transferring the mails at the union depot, Indianapolis. We have known Mr. Conroy for a long time as an earnest worker in the cause of Democracy—

[Laughter]—

one who is always at the polls early and late.

[Laughter.]

He is a hard-working, honest citizen, and as he has never before asked an appointment, we think him worthy of recognition now.

He got one, he got two, but he did not ask for them. [Laughter.]

Mr. VOORHEES. Who signed that?

Mr. HARRISON. I will read the names, as my colleague asks it.

Isaac, P. Gray, governor; Oscar B. Hord; John G. Cooper, treasurer of State; S. P. Sheerin, clerk of the supreme court; W. E. Niblack, supreme judge.

Mr. EDMUNDS. The clerk kept the record, I suppose.

Mr. HARRISON. No, this case did not go to the supreme court; it was too plain. [Laughter.]

James H. Rice, auditor of State; Francis T. Hord, attorney-general; W. R. Myers, secretary of state.

Mr. VOORHEES. I did not know but that somebody had forged my name there.

Mr. HARRISON. No; I exculpated my colleague at the beginning. I said that he had escaped.

Mr. President, those are excellent gentlemen who signed that paper. They were filled with mortification when they found what they had done and how they had been imposed upon; and perhaps the best use of this incident here, after illustrating the liability that even Democrats are under when they pick a man who has been early and late at the polls, and has been an active Democrat, to get a rascal—after illustrating that fact, perhaps the best use of the incident is to show how utterly untrustworthy such indorsements are, how little dependence can be placed upon them.

But this incident and the Dowling incident, and I will not say what other incidents, because there are some cases I am not at liberty to comment upon now, carry important lessons and warnings. The Indianapolis Sentinel, the State organ of the Democratic party, has spoken upon this subject, and I shall now read the article, which is entitled "Halt," and is as follows. It is in the issue of January 26 last:

HALT!

With due respect we would suggest to the powers at Washington, and all others concerned therein, that the time has fully come when a halt should be called in the business of appointing unworthy characters to office in this State.

In our opinion the seeming attempt to rival the Republican party in making and maintaining bad appointments to office is an unworthy ambition, and the sooner it is abandoned the better.

The honest Democratic masses of the State have already been sufficiently humiliated—the grand old party of the people damaged quite enough, surely, for a halt.

With becoming modesty we would venture to suggest to the forces inspiring and controlling appointments here that there is no lack of honest, competent Democrats in our State. In view of this fact we confess to our inability to make out any sufficient reason for the selection and appointment of thieves, highwaymen, bribers, deadbeats, and the like. Give honest, competent Democrats a chance.

It may have been noticed by some of you that the other day the delegation from Indiana urged upon the President the appointment of Hon. John B. Stoll, of Indiana, to be Public Printer, and that they came away, according to the newspapers—doubtless it is not true—with a great deal of disgust when the President told them he did not intend to turn Mr. Rounds out. Mr. Stoll edits a Democratic newspaper. Hear him on the reform of the civil service, under this administration, in Indiana. He says:

There is more complaint at and around Indianapolis about the administration not "turning the rascals out" than anywhere else in the Hoosier Commonwealth. And yet no locality has rendered the turning-out process more odious than that same locality. Perjurers, deadbeats, ex-convicts, and reprobates generally are seemingly recommended to office with a good deal more zeal than the just claims of honorable and meritorious gentlemen are thought of being pushed. Such conduct is an outrage not only upon the administration but upon the Indiana Democracy. The politicians who foist that kind of cattle upon the public service ought to be exposed and held up to public scorn and indignation.

So that the difficulty of finding honest men for office is one which the Democracy are now experiencing. And now to turn from the grave to the gay, this non-partisan civil-service administration has turned Republicans out because they were on committees, or published newspapers, or took some active part in campaigns. A friend of mine sent me the other day this post-office heading; it is a little post-office in Greene County, Indiana.

Mr. EDMUNDS. A Democratic post-office at the present time?

Mr. HARRISON. I suppose so. He was appointed on the 20th of July, 1885, and I believe no Republican has been appointed since that date. The printing is as follows:

James H. Quillin, P. M. Post-office at Lyons, Greene County, Indiana.

On this side [exhibiting] is a picture of Cleveland and Hendricks, with the words under it "Our benefactors." [Laughter.] I suppose the possessive pronoun refers to the postmasters and not to the public generally. Some Republican postmasters were, I understand, convicted of offensive partisanship, and turned out because during the last campaign they had a picture of the Hon. JOHN A. LOGAN, our candidate for the Vice-Presidency, displayed in the office. That was thought to evince offensive partisanship, and without being allowed to prove whether it was a likeness or not they were turned out. [Laughter.] There were some of those campaign pictures of General LOGAN that I think a man might have raised an issue on. [Laughter.] But here a Democratic postmaster is not guilty of offensive partisanship when he puts on a post-office letter-head the name of the Democratic President and Vice-President with the legend "Our benefactors." The Postmaster-General's head ought to have been on there, because that is a fourth-class post-office. [Laughter.]

Mr. President, again, I want to see how thorough and sincere this reform idea of turning men out because they are partisans is—how it is illustrated by what is being done by the men who have been turned in. I find this notice: Mr. Sparks is the editor and publisher of a Democratic paper at Mount Vernon, Ind., and has been nominated for postmaster. In an editorial article from his paper, which I have here, he compliments his predecessor very highly for discharging the duties of his office, but it is not to that point that I am coming. This notice appears in his paper with a large heading:

NOTICE.

Having assumed the duties of postmaster of this city of Mount Vernon, Ind., it will be necessary for me to remain in the post-office during business hours. Therefore, persons desiring to see me on special business connected with the Democrat will please call at the post-office.

Now, Mr. President, I am going to suppose a case. I do not know just what the rules are, and for fear I shall trench upon things that are confidential I am going to suppose a case. Suppose a postmaster of the Republican faith who had held and exercised the duties of postmaster for a long series of years faithfully and in a way that brought the commendation of all men of both parties, so faithfully that when his last term expired and the question of his reappointment came up, though he had been in office twelve years, not a man applied for the office, but everybody conceded it to him. Suppose that man had been on the Republican county committee, had been active as a Republican committeeman, but in all his relations with the Democrats of the community had always maintained their personal respect and friendship.

My colleague knows that the description I am giving would answer to a great many people in Indiana; for while we have our bitter and sharp, and nowhere else bitterer or sharper or harder, political fights, he knows right well that the lines of friendship and good-fellowship in Indiana are not party lines. He knows right well that, after all that may be said, a good, honest, open, square political fighter, who advocates the principles of his party with all the zeal and energy and force and talent he has and yet refrains his tongue from slander and vituperation, wins the respect rather than the opprobrium of his political opponents.

I am describing such a man. He would know him to be such if I should mention the name I think of; but as this is an ideal character he has no name. The Democratic Congressman I will say from that district files a charge against that man asking his removal, upon the ground that he is a blatant Republican, an offensive and blatant Republican. My colleague knows just what we mean by that—it is not a very grave charge—and the man is put out because he is a blatant Republican. Now, who is put in his stead, because this talk of offensive partisanship implies something? If you put a man out because he is of a particular class and description of partisan, it implies an obligation not to put a man in who is of the same class though of the other side in politics. If there is any honesty about it, if it is not the sheerest phariseeism, that is implied, and I know my colleague will agree to that. Now, suppose the man who is put in has been on the Democratic political committees, has been, I will say, on the executive committee, secretary or president of it. In addition to that he is the owner and editor of a Democratic paper in the town, and he has been saying just such things as my colleague knows every Democratic paper is in the habit of saying about Republicans. Oh! but it may be said he is not going to be an offensive partisan in the future. Suppose there should be found upon the records a letter like this showing the ground upon which he put his application:

It is a struggle for a Democratic paper to live in this county. * * * It is a hard row to hoe here and I think I ought to have relief. * * * It is my ambition to build up a paper of which the Democracy will feel proud and which will be second to none in the State. I will at once proceed to do this if I get the office.

[Laughter.]

If I should ask the question of my colleague what he would think of the man who would file that charge and then recommend a man who put his claims to the office upon the basis I have mentioned here, that he expected to continue to run a Democratic paper and to use the emoluments of the office to run that paper and fight the Republican party—and if I were to ask him what he thought of the sincerity, of the candor, of the manliness of the man who would make that charge and recommend that appointment, I am not in doubt as to what he would say.

I think I am safe in saying he would not wish to be the author of that piece of work, because when he asked the President to turn that man out on the ground that he was an active Republican he came under obligation not to put a man in that office who would use its emoluments and advantages in the conduct of a Democratic paper that should from week to week assail Republicans and Republican principles.

Let us uncover this, Mr. President. I would like to have the world know, I would like to have the people of Indiana know just who it is here or in the House of Representatives that would file such charges and ask removal upon such a basis, and then recommend men of the description I have named to fill the place. I know what our good people would think of it. I know they would think it was a bas eand an insincere thing whoever did it. Let us uncover this box. The President may not know this. I can not but believe, as I say, that there are secrets here hidden from him, and that he ought to know of them, that he ought to know whether he has been trusting men in their recommendations for office who are asking him to turn out men as offensive Republicans and to put in men who put their claims to the office upon the ground that they want its emoluments to run a Democratic newapaper, and on no other ground in the case I have supposed. He ought to know it. If he is sincere, as I must assume, it would shake his confidence in some of his advisers, and there may be more excuse for the President than many of us are willing to admit in the unreliable character of his advisers.

But, Mr. President, I must conclude these remarks. There was held the other day in the city of Fort Wayne, in the twelfth Congressional district of Indiana, a meeting of the Democratic Congressional committee. Let me show you who was on it.

C. A. Zollinger, of Indianapolis, the pension agent, was a chairman of the committee. William Kaough, postmaster at Fort Wayne, met with the committee as a member. Eli W. Brown, postmaster at Columbia City, met with the committee as a member; and Herman Freygang, postmaster at Angola, also met with this Democratic committee as a member.

Let us have sincere dealing about this thing. If this sort of thing, the being on committees, was ground for putting out Republicans, then if Mr. Cleveland is sincere he should put these men out.

I find in looking over the list of appointments in Indiana that sixteen Democratic newspaper proprietors and editors have been appointed to office. Now I want to ask my colleague what he thinks those papers are going to do in the next campaign? Does he think that the effect of their appointment is going to be to convert those Democratic newspapers into Mugwump organs?

Mr. VOORHEES. I hope not.

Mr. HARRISON. Of course he does not. If I could believe that in appointing these men Mr. Cleveland meant that they should pursue a perfectly inoffensive course politically, that these newspapers should not irritate the feelings of Republicans, should not publish charges against Republican candidates for office, should say nothing offensive to the Republicans—if I believed he meant by these appointments sincerely to put these sixteen Democratic newspaper editors under those bounds, I should have brighter hopes than I have now of carrying Indiana next time. But it will not be so. Here are these sixteen editors, two of the three collectors of internal revenue of the State of Indiana, and the others holding influential post-offices; and Mr. Cleveland knows and every honest Democrat knows that those sixteen newspapers will be fulminating with all the force and vigor and power and partisanship they can against the Republican party. I am not complaining of that; but if a man is to be put out, as my old soldier, Mr. Bain, of Martinsville, who marched with the regiment which I had the honor to command in the war, was put out, because he was the editor and proprietor of a Republican newspaper, and the editor of the Democratic newspaper in the same town was put in his place—if that is good reason for turning a Republican out, the same history, the same services to the Democratic party ought not to be a good reason for putting the other in.

Again, I say, let us come upon an honest basis. Let us say that to serve a man's party faithfully, honestly, zealously is not a disgrace or a disqualification for holding office. Let us have done with these charges of offensive partisanship, turning a man out for the very causes which are the recommendations of the man who is put in.

Mr. President, I have noticed another incident in connection with this reform administration. I have tried to get up a statement of the results of this administration upon the soldiers of Indiana. I have written to every county in the State and have returns from all but four of them. The returns, of course, are not absolutely accurate. They are not made up to the same time, some of them having been sent in several months before others, but the results, I think, are approximately accurate, and I find that thirty-three Presidential post-offices that were held by soldiers have been vacated either by expiration of term, resignation, or removal, and that in these offices only ten soldiers have been placed by appointment. In other words, thirty-three soldiers have gone out and ten have come in. In the whole State of Indiana I have found that three hundred and sixty-one soldiers and eleven soldiers' widows have gone out, and that ninety soldiers and one soldier's widow have come in.

Mr. President, when this administration came in the United States court-house at Indianapolis was filled from top to bottom, with a single exception, with soldiers. The United States marshal was a soldier, now he is not; the United States district attorney was a soldier, now he is not; the collector of customs was a soldier, now he is not; the collector of internal revenue was a soldier, now he is not. There was just one of the larger offices there that was filled by a civilian, and that is the post-office, and it is still filled by a civilian.

I am sorry that I have not time to go more fully into this matter. I have in my hand the report of the employment committee of the Grand Army of the Republic, for the District of Columbia, signed by Jerome B. Burke, who I understand is a Democrat. He is a Democrat, as the Senator from Illinois [Mr. LOGAN] tells me, and is now the commander of the Grand Army for this department, the District of Columbia. I want to read an extract or two from that and see what these gentlemen outside of the Departments who give their time gratuitously in order to secure to worthy soldiers employment in the Departments here say about the changes under the new administration:

They say—

While the employment committee of former years were principally engaged in securing employment for applicants, and with fair success, the present committee have, we regret to report, owing to conditions that will be mentioned hereafter, received but little encouragement in proportion to the amount of labor expended in this direction. Indeed, this has been an "off year" for the class we represent. The gloomy forebodings of Commander Alexander, in his address to the last department encampment, seem to have been realized. But we have the pleasure of knowing, however, that in the few cases where employment was secured much real misery was relieved and a few homes and firesides made happier.

By far the greatest amount of our labors for the last year has been expended in seeking the reinstatement of comrades discharged from their positions in the Executive Departments, and in endeavoring to secure the retention in their places of those who had employment.

As far as we can learn there have been seventy-eight comrades of the Grand Army of the Republic discharged from Government employ during the last year, also a large number of ex-Union soldiers and sailors who are not affiliated with us, and many of the wards of the Grand Army. Of those comrades who have been discharged or who have been requested to tender their resignations, this committee has been solicited to use its influence in securing a reversal of departmental action in thirty-seven cases, in which we have been successful in ten cases, and this has been effected only by constant and repeated importunity.

* * * * * * *

Knowing that many of our comrades were anxious as to the future, and were fearful that they might lose their places, and thus bring suffering upon themselves and their families by the loss of their monthly stipends, and also knowing that there was an influential element here that was antagonistic to our organization, clamorous for places, and endeavoring to influence those in power to make wholesale discharges, caring nothing for the fact that the "boys in blue" had earned a right to hold their places under any administration, and that Congress had enacted laws in their interest, we concluded to address the President upon the subject.

Then follows a statement of the address and the response of the President.

A few weeks elapsed—

They say—

but in the mean time our comrades in the Departments were being rapidly displaced, and feeling that our appeal had not been as effectual as we had a right to expect, we again concluded to memorialize the President and request his official interposition in their behalf.

Again:

In the present instance it is known that the discharge of our comrades has not been occasioned by a reduction of the force, nor is it believed to have been caused, except in rare instances, by any supposed inefficiency or personal dereliction, for it is doubtful that those who saved a nation are skulkers, shirks, and bummers in these "piping times of peace." Nor can it be said that the civil-service act was ever intended to place an obstruction in the way of those holding office at the time of, or at any time since, its passage, provided always that the office-holder was capable, efficient, and honest.

It is said further:

It is estimated that of the total number of employés in the Departments in Washington the soldier element is about 30 per cent., and it is believed that nearly 40 per cent. of all who have been discharged come from that class—there is certainly a large percentage against us. It almost, indeed, amounts, in some places, to ostracism and a practical nullification of law.

They say further:

Nor is this the worst feature of the case, bad as it may be. Not satisfied with looking with disfavor upon the "boys in blue," it has sometimes seemed as if the "boys in gray" were to be recognized as prodigal sons returning from their wanderings for whom the fatted calf was to be especially devoted. We have seen a comrade whose army record was of the very best, and whose civil-service record was irreproachable, degraded from a high position that he won by meritorious service and his place filled by one who was in armed rebellion against the Government.

We have had an illustration of that kind even in our own State, as my colleague knows. General John Coburn, one of the best and most patriotic men who went out on the call of the governor of that State, has been replaced in his office of associate justice of Montana by Mr. C. P. Pollard, of Carroll County, Indiana, who was a confederate soldier.

So much with reference to the last resolution which the committee have submitted for our consideration. I had some other matter in this connection to which I intended to allude, but I feel that an apology is due to the Senator from Vermont who has charge of the pending resolutions for the time I have already occupied. I therefore yield the floor.

Mr. LOGAN. Mr. President——

Mr. VOORHEES. Will the Senator from Illinois yield just a moment? I will take but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield?

Mr. LOGAN. Certainly.

Mr. VOORHEES. As a matter of course I would not presume to occupy any time on this occasion; it would be unwarrantable on my part. I only rose for the purpose of saying that I will take a proper occasion to notice many of the statements made by my colleague in relation to the domestic features of politics in Indiana.

I will merely say at this time that I am not thoroughly advised on the statistics as to the soldier interests in the State, but I shall be. I have enough to warrant me in saying that in the first Congressional district, where before the present administration came into power there were but eight soldiers holding any offices, there are now twenty-four, in the post-offices and otherwise, and I am warranted in saying that in the revenue offices a better showing will be made in behalf of soldiers than under former administrations.

So far as the appointment of Judge Pollard is concerned, it is but due to him to say that his appointment is justified for reasons connected with the administration of justice by the leading Republicans of Montana.

But, as I remarked, I did not rise to discuss anything at this time, but rather to say and to save by this notice an opportunity in the future to reply to some matters which have been put forth with great ability and effect by my colleague.

Mr. HARRISON. If the Senator from Illinois will allow me, I will say that I shall be glad when that occasion comes to meet it. I have figures, and not only figures but names, with reference to revenue offices to which my colleague alludes, and I can make good by the most specific detail what I have said as to the effect of the change of administration on the soldiers of Indiana.

Mr. LOGAN. Mr. President——

Mr. McMILLAN. Will the Senator from Illinois yield to me? It is late in the afternoon. Do you desire to proceed to-night? I think we had better adjourn until to-morrow.

Mr. LOGAN. I have no choice about it. It is late.

Mr. McMILLAN. Then, I move——

Mr. LOGAN. I would just as soon go on to-night as to speak to-morrow, for I shall occupy the Senate for only a few minutes. If the Senate wants to complete this business to-night, I am perfectly willing to go on now. If not, I think I would prefer to speak on some other occasion; but the Senator who has charge of the resolutions does not seem to indicate what he desires.

Mr. EDMUNDS. I only desire to accommodate my friend from Illinois. As we have not agreed to adjourn over to-morrow——

Mr. LOGAN. You can not accommodate me in any way whatever except to do just as you choose to do. I can go on to-night or to-morrow, just as you please.

Mr. EDMUNDS. Then, in view of the lateness of the hour and as we all wish to hear our friend from Illinois and we are tired, I shall propose that we meet to-morrow and finish it out then.

Mr. BUTLER. I do not know that that is exactly fair.

Mr. LOGAN. Very well; I am willing to go on to-night.

Mr. BUTLER. There has been no understanding——

Mr. LOGAN. I will go right on now.

Mr. BUTLER. I am quite willing that the Senator shall speak to-morrow as far as I am concerned, but——

Mr. LOGAN. If you will allow me I will go on now.

Mr. BUTLER. But I am not quite willing——

Mr. EDMUNDS. Let us stick it out.

Mr. LOGAN. Mr. President, I shall detain the Senate but a very short time. What I shall have to say will be confined to one point. I have listened with very great pleasure to the arguments made on both sides of the questions involved. The discussion has been both able and instructive.

I must say, however, sir, without intending to criticise the honorable Senators on either side, that they have traveled over and through the domain of the Constitution, of politics, the arts and sciences, and everything known to human understanding excepting the real question presented to the Senate for its consideration by this resolution. Mr. President, I must confess that I can not understand what the question as to the power the President has under the Constitution to remove from office has to do with the question as to whether certain papers are public or private documents, and shall be furnished or not to the Senate for its inspection and use. I call the attention of my friend, one of the Senators from Indiana [Mr. VOORHEES], who spoke yesterday (and I must say, by way of compliment to him, that he made a very able and very eloquent speech), to the fact that a great portion of his speech was devoted to a reply, as he said, to certain stump-speeches that had been made about one year and a half ago before the American people. In fact he roamed through the Territories, through railroad legislation, and through the Constitution of the United States in order to find some reason based upon something said by some stump orator as a justification for the refusal of the Attorney-General to comply with the resolution of the Senate in reference to submitting documents now on file in his office. Will any Senator tell me what the question as to how Representatives voted on chartering the Union Pacific Railroad has to do with the question as to whether the Attorney-General shall send papers to the United States Senate or not? Will the Senator from Indiana tell me what the question he discussed—as to whether rebel claims shall be paid—has to do with this question before the Senate, or whether some man has, in his extreme views, insisted that the Constitution will be so changed that after a while the slaves will be paid for? Will any one tell me what that has to do with the question before the Senate? All of these propositions he discussed on yesterday, I presume, in reply to some speech made long ago in his State in some political contest.

Mr. President, I now desire for a moment to draw the attention of the Senate to what I understand to be the issue between the Attorney-General and the Senate. It is this: The resolution passed by the Senate requesting the Attorney-General to respond thereto was in the following language:

Resolved, That the Attorney-General of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, A. D. 1885, in relation to the management and conduct of the office of district attorney of the United States of the southern district of Alabama.

This, sir, is a plain, simple direction to the Attorney-General, to do what? To send to the Senate papers and documents that have been filed in his office, in reference to what? In reference to the conduct of the office of the district attorney for the southern district of Alabama. Will any man tell me what the Pacific railroads have to do with this, or what this resolution has to do with paying rebel claims, or what it has to do with the power of the President to remove persons from office under the Constitution? It is a plain, simple proposition. Has the Senate of the United States the right to ask from the Executive Departments of the Government documents and papers filed on any subject in a Department of the Government? That is all there is of it. That is the question before the Senate.

Sir, I shall direct my remarks to this particular point. As I understand the structure of this Government, it is based upon the will of the people as the foundation and corner-stone; and the will of the people is to be ascertained on a given subject for the purpose of directing the Government in a certain line or channel. How are the people of this country to be informed on subjects connected with the Government unless they shall, through their representatives, have the opportunity of obtaining information? Information of what character? Why, sir, in reference to legislation, information in reference to appointments, information in reference to suspensions, information on any subject whatever that comes before the Congress of the United States and which the Congress of the United States may desire for the purpose of aiding or assisting them in performing the duty the people have imposed upon them. Such information they are entitled to have. That is all, sir. That is the inquiry.

Now, then, what is the response? The response of the Attorney-General, moving away from the question presented to him by the Senate, or at least partially so, is in these words:

The papers and documents—

And that is the language of the resolution—

The papers and documents which are mentioned in the said resolution, and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney of the United States for the southern district of Alabama, it is not considered that the public interest will be promoted by a compliance with said resolution.

The resolution, as I said, inquired for papers in reference to the conduct of the office. He says the papers pertain solely to the suspension of the officer, and, therefore, the request is declined because it is not compatible with public interest. The President of the United States follows this up, and he says:

I regard the papers and documents withheld, and addressed to me or intended for my use and action, purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine.

To this statement I desire to direct the attention of Senators. The President by this declaration says that he is to be the judge of the class of papers that comes into the Departments, whether private and confidential or of a public nature; in other words, that the Senate is not permitted to be the judge as to what it may require, but that he is to judge himself as to the character of the documents it is to be permitted to examine; in other words, he will be the judge for the Senate as to what they are to do or what they are to examine as well as judge for himself.

Let us test that question for a moment and see whether he is correct. He goes on further and says that he may make such use of the papers as he sees proper; that he merely deposited them for safe-keeping in the Departments of the Government. Let us analyze this for a moment. He receives the papers, he calls them confidential, but he deposits them in one of the Departments. They go into a Department to be examined by clerks and other persons, and yet they are confidential to him. The very moment that he decides to place the papers in the Department and have them stamped as files of the Department that moment he decides the question himself and the Senate need not make the decision. The decision is made by him. The moment the papers pass out of his hands into a public depository as documents he decides that they are public papers.

Mr. EDMUNDS. And that is the way he sends them to us here.

Mr. LOGAN. Certainly; here is one of his references of these papers to the Departments:

The within communication is respectfully referred to the Attorney-General. By direction of the President.

DANIEL S. LAMONT,
Private Secretary.

Does he say that this confidential letter is handed to the Attorney-General that he may put it in some private place and keep it for him, keep it out of the pigeon-holes or away from the Department papers? No, sir; but it is referred for what purpose? For filing as a public document, and it becomes a public document the moment it passes from his hands into the hands of the Attorney-General for the files.

Mr. EDMUNDS. It is purely an official act.

Mr. LOGAN. Certainly, sir. It is purely an official act, and none other, done by the President, not in confidence, but by order of the President of the United States, signed by his private secretary, Mr. Lamont. Let me ask the friends on the other side of this Chamber what does the President of the United States mean when he says, "I consider them in no proper sense as upon the files of the Department;" yet they are on the files of the Department, "but deposited there for my convenience, remaining still completely under my control." Let me ask Senators on the other side how long are they to remain there as his private papers? Does he mean that he himself has control of these papers, that he can send for them to-morrow and box them up and send them to his home in New York? Is that what he means, or does he mean that he will let them remain until he retires from the Presidential chair, and then he will take them with him? Is that what he means, or does he mean that when he retires he will leave them there as his private papers under the control of the Department of the Government? Is that what he means? Can he do that, and have those papers kept by the Government for his examination at his pleasure? Is that it?

What does he propose to do with the papers? What do we propose that he shall do with them? Will you keep them there for the next ten, fifteen, or twenty years as the private papers of Grover Cleveland, that he may come and call upon the Government at any time to deliver up to him the documents because they are his private papers? Is that the proposition? If so, my judgment is that the President of the United States has in his message to Congress made a suggestion by way of a claim of a power resting in and belonging to him as President that he can not maintain either upon constitutional grounds or that of honest or fair dealing, nor upon logic or fair reasoning.

If the people through their representatives can not have access to the records of the country, on the general theory that they are the source of power, when such records or documents are requested to aid in the performance of a duty incumbent upon them in their co-ordinate capacity, where is such a theory to carry us if it is followed up? We have been told for years by our opponents that the concentration of power was one of our objects, that our theories as well as the character of our legislation proved this to be the design of our party, that this had been increasing and growing from year to year, that the power of the Government was being placed in the hands of the few, that the people were being stripped of their power day by day.

I should like for any Senator to tell me what greater concentration of power ash been shown during the existence of this Government than the attempt made by the President of the United States to take into his own hands the right to allow or not the people of this country through their representatives to examine public records, documents, and papers as he sees proper. Suppose the man guilty of fraud; suppose he has been guilty of embezzlement; suppose he is charged with any offense; will the President of the United States say, when we send for the papers to examine into the conduct of his office to see how it has been managed because he has suspended this man, the Congress of the United States shall not examine the papers? Will you say that? Suppose the Senate of the United States organizes a committee of investigation to-day and calls upon the President of the United States, the Attorney-General, the Secretary of the Treasury, the Postmaster-General, or any other head of a Department, for papers in connection with the case either for or against the man accused, will it be said that the Senate of the United States can not have those papers? If so, why refused? Would it be on the ground that they are private documents? Is that the ground?

If this theory is to be carried out, the head of a Department might suppress papers that would convict his friends; he might suppress papers that would convict criminals; he might suppress papers that would convict himself if he be corrupt enough, and this merely upon the ground that they were private papers and could not be given out. Suppose papers charging men with violations of law, charging them with robbery, with theft, with murder, with arson, no matter what crime, came to the Secretary of the Treasury as a letter directed to him making these charges, because the letter is written to him and not officially, but is filed with the papers in the archives of the Government, when the Senate calls on him for those papers he says, "It is a private letter. I shall not give it to the Senate or the Congress of the United States," though on the files. Would not that be covering up crime under the guise of private papers on the ground that they will not deliver documents to the Congress of the United States that might involve in criminal proceedings some individual who happens to be an official of the Government and friend of the Secretary?

Without desiring to criticise the President of the United States, except in a proper manner, I would ask why this message of his was sent to the Senate of the United States? He was not asked except as he considers the Department of Justice, as of course it is, a part of the executive branch of the Government, and he wishes himself held responsible for all the papers. May we ask if he could have sent the message to Congress for the purpose of covering the acts of the heads of Departments of the Government? So the accusation must be against him, the call must be made to and through him by the Senate, so that his permission shall be given before any papers can be transmitted to either branch of Congress, that through him and him alone should papers be received or transmitted to the Senate or to the House of Representatives or to both.

Was it through him that papers which have been sent here and read in debate were transmitted? I will not so charge, as it could not be that the President would consent to such a practice as we have seen indulged in on this floor, of taking papers from the files of Departments to be read here by Senators, when refused to the Senate as a body.

I desire to call the attention of the Senate to the point which is covered by that. It is this: That an order which the President might give to the heads of Departments must be obeyed the same as a military order, so that a call made upon the head of a Department for any paper should be submitted to him before the paper shall be transmitted to Congress; that he alone, as President of the United States, shall judge of every paper that might be transmitted to Congress as to whether it is a document proper to be transmitted or not; that he should be the sole judge to determine that question, taking it out of the hands of the heads of Departments, and depriving the Congress of the United States of the right to judge as to whether a paper is a document of such character as to make it of importance in aiding the Senate to form a proper conclusion as to its duty or not?

As I have said, I do not wish to discuss other than this one point. It is too late in the day if I desired, and I have no desire, to do so. I wish, however, to refer briefly to one suspension of an officer, one case in my State, that of a man suspended from office who was in Andersonville prison for over one year. He has written many letters to me asking that his case might be investigated to see why he was suspended. He believed that he had been accused of some offense. On general principles I wrote to him that he was entitled to know what charges were made against him.

I have since found that there were no charges made against him, although he was suspended for "cause." Yet no cause exists. Pretense, of course, for suspension of officers where none exists of a political character is a hypocrisy that ought not to be practiced upon the American people. It is not an honest statement, it is not just, and is merely dodging the question.

If I have the power to suspend a man from office where he has performed no act that is in violation of law, but has performed the duties of the office properly; if I suspend him under these circumstances and state that I do it for "cause," I do that man an injury, an injustice. I do it improperly. Why? As we understand the law, or at least as I do, "cause" is some act that the man does which renders him either disqualified in some sense, either by a wrong act in office or some failure to perform his duty, or some improper conduct in office. That is "cause" for it. It is not that a man entertains one class of political sentiments or another. That is not understanding of the law in the use of the term "cause." The law never contemplated that if a man was a Democrat or a Republican that this was to be understood as "cause" in law for his suspension from office, but that the "cause" should grow out of his official acts in office; in other words, the manner in which he performed the duties thereof. So when the President sends a message to the Senate stating that a person is suspended for cause it means that the person has performed some act or failed to perform some act in office which renders him an unfit and improper man to hold the office.

So that when the President makes the statement against a person charging his suspension for "cause" before the Senate, which means wrongdoing, the person is entitled to a hearing. In other words, he is entitled to have his answer made to the charge that his reputation may not be made to suffer wrongfully. If, as has been said, he was suspended because of his party fealty, that is one thing. If the President wants to suspend for that reason he can certainly do it, and if he sends the name of parties here in place of others suspended for that reason or for no reason, I, for one, shall not take exception, if the man nominated is qualified, and is an honest and proper man.

In speaking of the hypocrisy of this thing, I desire to call attention to but one letter from the Postmaster-General. I have many. One, however, will answer my purpose. I refer to a letter written to the President of the United States and answered by his Postmaster-General. I will read it:

MARTINSBURG, W. VA., *June* 17, 1885.

The President:

I am informed that charges have been, or are to be, preferred against me as postmaster at this place. While I hold a commission which will not expire until February, 1888, and am willing to devote my service to the best interest of

the office, yet if it is your desire to appoint another to my place I shall cheerfully tender my resignation at any time that you may indicate.

I was appointed to office under a Republican administration, and have given that party my earnest support, notwithstanding I have always accorded to others the same right to their political opinions that I demand for myself. I ask that you will accord me the opportunity to answer any charges that shall be made against my character. I am willing to resign my office if it is your pleasure, but I am not willing to have charges made against my good name without an opportunity to repel them.

Very respectfully,

GEORGE F. EVANS,
Postmaster, Martinsburg, Berkeley County, West Virginia.

Hon. GROVER CLEVELAND,
Washington, D. C.

The President, through his Secretary, writes the following letter:

EXECUTIVE MANSION, *Washington, June* 20, 1885.

DEAR SIR: The President directs me to acknowledge the receipt of your letter of the 17th instant, and to inform you that it has been referred for the information of the Postmaster-General.

Very respectfully,

DANIEL S. LAMONT,
Private Secretary.

GEORGE F. EVANS, Esq.,
Martinsburg, W. Va.

That letter was written to the President by the postmaster at Martinsburg saying that he would tender his resignation if the President desired him to do so. It was "referred" to the Postmaster-General. For what? For the purpose of the Postmaster-General taking such action as he should deem proper, or no action at all if he saw proper. Will any one say that that is a private letter which the President could not send to the Senate on account of its being of a confidential nature? Suppose he did not accept his resignation? Suppose he had said, "He is a good man, I shall retain him in office;" it was a private letter to the President just as much as any letter that is written to him on the subject of an office. Yet it is referred, and referred for what purpose? We will see in a moment. The Postmaster-General takes the letter and examines it. What does he do? He writes as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., November 10, 1885.

SIR: Having under consideration the propriety of a change of postmaster at Martinsburg, your letter of the 17th of June last, to the President, came to my attention, in which you say: "If it is your desire to appoint another to my place I shall cheerfully tender my resignation at any time that you may indicate."

The President indicates nothing; he merely refers the letter to the Postmaster-General. The Postmaster-General says further:

Observing this letter and because of the manliness of tone and sentiment exhibited by it, not altogether common in communications from persons so situated, I desire to say to you that no charges are made against your personal character or official conduct, but only such as relate to your political activity as a supporter of the Republican party, and I very cheerfully comply with your request and tender you, with an intimation that an early reply will be expected, the opportunity to lay down your public office by resignation.

Yours, truly,

WM. F. VILAS, *Postmaster-General.*

GEORGE F. EVANS,
Postmaster, Martinsburg, W. Va.

I ask any Senator here why should a letter of that character be kept from the Senate? There was a man who resigned, but suppose he had not resigned he would have been suspended for cause; and yet the Postmaster-General says there are no charges against him so far as his personal or official character is concerned, but he was a Republican; therefore he will accept his resignation. The President under his statement would refuse to send a letter like this to the Senate; he would say that it was a personal or private letter. Suppose this man had written merely to learn if charges were preferred against him and had not tendered his resignation, would that have changed its character when referred to the Postmaster-General by the President? Would it not have become a part of the files of the Department?

Surely, Mr. President, this would be so.

I wish to call attention to an appointment, or I should say a nomination, in my State. I mention the fact for the reason that this country has been flooded with letters and proclamations and messages on the subject of reform in the civil service, also as to the character of the men who should hold office. I present this merely as a companion-piece to the one mentioned by the Senator from Indiana [Mr. HARRISON].

This man is in a post-office under this administration in one of the larger cities in the State of Illinois. He was dismissed from the service of the United States as a colonel because of making false musters in his regiment. He came home and entered into business with a partner, committed frauds upon the Government, was indicted in the United States court for so doing, and was acquitted by interposing the plea of the statute of limitations. I went to the President and made this statement to him, yet he was commissioned and his name sent to the Senate after my statement. How it came about I do not know, but such is the fact.

Mr. EDMUNDS. And you assured him that you had proof of record, too.

Mr. LOGAN. I told him that I had the record; I have it here, certified by the clerk of the circuit court of the United States. I have no comment to make. His name ought not to have been sent to the Senate. I stated this to the President so that he might not be commissioned, and that his name should not be sent to the Senate. It was done, however.

Mr. FRYE. Has he been confirmed?

Mr. LOGAN. No, sir, he has not been confirmed, and will not be if I can prevent it.

Mr. President, a word more. I believe in the doctrine that this Government is a government of the people, by and for them; that the representatives of the American people are entitled to have information that will guide them in the performance of their duty, and the man, the party, or the set of men who shall undertake to keep from the people, or deny them that knowledge in reference to the manner in which their servants are performing their duty, will have a short political life. I believe not only that the people are entitled to know, but if they desire they ought to have the right to examine any record or public document in the Departments of the Government, by and through their representatives in Congress, when called for in a proper way.

It is on that theory and on that principle that I have been in favor, and am yet, of the doors of the Senate being open when matters of nominations are to be acted upon, so that the country may know what character of men are to be appointed to office; and if for nothing more than for the purpose that the people of this country should have an eye upon everything that their public servants do, unworthy men would not ask to have their characters examined in public. Men only whose characters could stand in the sunlight and bear inspection by the people would dare to have their names brought before the Senate for its consent to their appointment.

I am for the people of this country having an opportunity to assist their public servants in the performance of their duties by a knowledge of that which their representatives may do.

So, too, in reference to the course of the President, in any of the Departments, in the performance of this duty, or in connection with anything pertaining to their offices which might aid in bringing about intelligent legislation, or in connection with the character of any official or any one who is to become an official, whenever they close the box on documents or papers of a public or official character they are denying to the people of this country from whom power comes, and claiming it in themselves, to be dealt out to the people as they shall deem right, they being the judges.

Sir, this Government is not a government where power descends from the throne to the people as the throne may be disposed to parcel it out; but it is a government where the power comes up from the people to their representatives, to their Cabinet ministers, and to their President. Only in that way do they obtain power, and only through that will should it be exercised; whenever any one in this country arrogates to himself the power exercised by a Czar in withholding from the people or their representatives any right or privilege the theory and principles of our Government are violated and our people impeded in moving forward in our growing character as a free people.

So, sir, in regard to the President, for whom I have great respect. He has mistaken his power. He is mistaken in the idea that as President he is more than an American citizen who has been placed there to do the will of the American people. He is merely the head to perform certain functions conferred upon him by the Constitution and the laws of the country, and those are to be performed in accordance with the will of the people whom he represents. When he fails to do that he fails as their Chief Magistrate.

I do not know what is to be the final result of this question. "You may pass these resolutions," said a Senator yesterday, "but when you do that what have you accomplished? You can not force the President to send these papers." Well, sir, that is true; with a House of Representatives against the theory that we act upon, there is no remedy for the present; but we can do this, and we will do it: we will bring the fact to the minds of the American people that no man can be a Cæsar in this country; that this is a Government where the people can and will be heard. It may be deferred for a short time, but only for a short time. When the people are or ever have been heard in reference to questions where unwarranted power has been attempted by any one in this Government, the people have always repudiated the exercise of that unwarranted power, and I believe they ever will.

If the resolutions are passed and we do not get the papers, what then? We will at least have said to the people in the most emphatic manner that the refusal to comply with the request of the Senate of the United States was such a flagrant violation of the rights of the people, and, in our judgment, so flagrant and unwarranted, that we condemn the act and go before the people and let them decide whether they propose to give up any of their rights as asserted by their representatives. Sir, they have never decided in favor of the exercise of arbitrary power in any case when the question has been made fairly before them.

Mr. President, I have said in this short time all that I desired to say on this one point, and being very anxious to hear the Senator from Vermont, who is certainly more competent to discuss this question than myself, the hour being late, I can not feel satisfied in longer holding the floor.

Mr. EDMUNDS. Mr. President, the general aspects of this discussion have been so completely exhausted by the observations of the Senator from Kansas [Mr. INGALLS] and the Senator from Indiana [Mr.

HARRISON] and the Senator from Illinois [Mr. LOGAN], that my duty in concluding this debate is comparatively an easy and a narrow one.

The circumstance that this denial of papers has for its motive and its purpose the concealment from the Senate of the United States (and in a similar case from the House of Representatives, which might, I think, rightly ask for everything that exists in the Departments), so clear a case of endeavoring to cover up what the great majority of the Democratic party consider to be a false position of the President of the United States, that it is not necessary in my judgment to make any special remark thereon.

The trouble with this administration has been that when it was about to be elected, or wished to be elected, it thought it had a virtue that a good many people in the United States who had a right to their opinions by whatever name you call them believed in, and that it would be a good thing for their success to have that virtue, or to affect it if they had it not; and they came in on professions that the Senator from Kansas has read to-day, iterated and reiterated in respect of what should become of public offices for the public purposes and for the public uses; and it was not easy for the President of the United States to get out of that dilemma. Well, he came in, and he came in as everybody knows that he could not otherwise have come in, be it good or bad, right or wrong, on the profession that the great mass of the mere administrative functions of the Government should no longer be the stakes that political gamblers played for or the spoils that political warriors fought for. I am not now saying, and I am not going to say, because it has nothing to do with this question, whether that was a good thing or a bad thing, but that was the platform on which the President of the United States came to his position, and I suppose that nobody who hears me, below the galleries, will deny that proposition.

Very well. Having got in, the question was then what was to be done? Was the President to follow what he had said, no matter how many of his political friends it irritated, no matter how many of the great Sanhedrim of his political Senatorial friends might differ from him, whom he says in his message he has consulted, and I suppose that means you all—pretty nearly all. The question was whether he was going to stick to his professions or whether he could not.

Anybody who has had as long experience in this world of American affairs as you, Mr. President, can readily see that what the administration was to do as a fact must depend in a country of sixty million people and of thousands and tens of thousands of offices, upon those whom the President called around him as his heads of Departments. If you and I, and my friends from South Carolina and West Virginia, and so on, had made up his Cabinet and we had thought as he professed to think that he did, and did think, I dare say, that this change of mere President of the United States whose only mission was to execute law, was not going to disturb the autonomy of the mere work of the Government on the sole ground of political opinion, and we had all thought so and acted so, then you and I and all the others making up that body, when applications were made to us for changes would have said, "No, we can not do it."

Nine-tenths of all these offices (leaving out those that Mr. Vilas has taken into his special charge by inviting slanders, &c., the fourth-class postmasters), are offices that have terms of four years and no more; and in the first year of an administration that was to practice what it professed, much more than one-fourth of the offices would fall vacant, because by the mere course of time one-quarter would have done it. Resignations, removals for cause, death, accident, and all that, would have made up a larger number than a quarter in the first year.

When you had got to the second year you would have found that instead of two-fourths you had nearly three-fourths of the offices falling vacant, and into them you could have put Democrats, with the unanimous consent of this Republican Senate, given that the men named were honest and honorable and true as men, not the persons whom the Democratic party has decorated with its favors and admirations, as the Senator from Indiana showed us, because they had been in the penitentiary or whatever, but that other and smaller proportion of the Democratic party that contained and comprised and was embodied in honest men. You would have got into the offices of this Government before half your administration was out, at least three-fifths of all the executive functions of the Government, and before the term of this present President would have been out by almost a year there would have been nine-tenths of the offices in the hands of his political adherents. I should not say "adherents," but in the hands of men whose political opinions were like his—that is to say, they would have been in favor of suspending silver coinage no more; they would have been in favor of encouraging the pauper labor of Great Britain, Germany, and France, &c., at the expense of the honest labor of American citizens. That is what I understand by a Democrat, you know.

So it was quite unnecessary, in order that the equilibrium of nonpartisanship in offices should be observed and maintained, that the Postmaster-General, after consulting the President, as he says he does in his letter signed by himself officially as Postmaster-General and therefore not a private and confidential paper, should have invited persons to make charges against officials that are never to be heard or examined by anybody but the official to whom they are proposed, in order that an excuse and pretense may be made, consistently with the professions of the President before and after his election, for making changes.

Now, I want to ask my good friends on the other side—for I am not talking for politics, I am talking for our country and our great institutions—if they think that is a square and honest way. I should like to wait a little while to see if anybody will stand up and say that he does. When in some of the churches the pastor stands up and calls for contributions he mentions gentlemen by name and says: Now Mr. So-and-so—but as I am not a pastor I will not ask my friend, the Senator from South Carolina, the Senator from Mississippi, or the Senator from Georgia, or from wherever, to stand up and answer to that proposition.

Mr. BUTLER. If it were not so near dinner-time, I can tell the Senator I should have something to say.

Mr. EDMUNDS. Is it near dinner-time? We shall wait dinner for a better feast—what the Senator from South Carolina has to say.

Mr. BUTLER. Then I move that the Senate adjourn. [Laughter.]

Mr. EDMUNDS. No, Mr. President, that is not exactly the thing [laughter], although I am bound to confess that it is the best possible answer the Senator from South Carolina can make. He is quite right about that.

So we stand in this position when we merely look at what is the pretension of this administration and at what is its performance. I am bound to say for the President of the United States—not for him, because I am not admitted to his councils, and I do not wish to be unless he gets better councils than he has had before [laughter]—that I think it is perfectly impossible, in a Government that is so great and extensive as this is in respect of its administrative functions, for any President of the United States to deal with the personal details about selections for office. He can not do it; if there were a hundred hours in the day instead of twenty-four he could not do it. He must, therefore, depend upon his heads of Departments in respect of the various questions that arise in regard to offices in those various Departments.

Now if the President of the United States, filled with this enthusiasm of reform as he was, had selected some one out of the seven, some two or three, or, better, the whole seven, who believed in any such thing and who thought as he did, we should not have had any difficulty at all; but the unhappy circumstance is, going upon his theories, and they are mine, that, so far as I know with one exception—I do not profess to speak by the book, you understand—in the whole seven of those highly respectable gentlemen there is only one who does not believe that the mission of the Democratic party is to get every office at its success in an election, and that that is precisely what the election is for.

It has not got any other principle; it has not had any other measure in twenty years. There is no measure for the welfare and improvement and progress of this country that has been proposed by the Democratic party in the twenty-five years that it has been out of office and in office in the House of Representatives and here, for during that period it has had even in the time of war once, you know, the practical control of this Government. There is no one measure that looks to the welfare of this country affirmatively that it can agree upon and agree to.

Its mission has been repressive and reactionary from beginning to end; and so we can readily understand and imagine that when its mission was accomplished by the election of the present President of the United States, in spite of his professions, honest and earnest and sincere as I will assume them to have been, if there came into his councils as the persons in charge of all this question of offices men who did not believe at all as he did, he would be day in and day out imposed upon—and by that I do not mean any personal reflection upon the gentlemen of the Cabinet—but deluded (that is a better word) into agreeing that one man should be nominated for an office and another man suspended, not upon the grounds that the President of the United States had stated to the public and on which he got the votes of the public, but upon the ground that the person proposed had been eager in season and out of season in promoting the success of his election, whether by—and there I do not mean to say that he should know it or that the heads of Departments should know it—whether by violence or by stuffing ballot-boxes or by fraud in the count. The Senator from Indiana has shown us that many an appointee has been doing in his way and generation the best service that could be done for the Democratic party; and that was that he would justify any means that would bring that party in, and, being in, the only mission it had was to put its fellows in office under one pretext or another.

That is the situation in its general aspects. I will speak of it a little later, because I only intend to occupy a few minutes, and I shall leave that aspect of it now and come to some of the things that my distinguished friends on the other side have said about the precise question which is before the Senate, and so leaving the Democratic party for the time being we will come back to Duskin.

Honorable gentlemen on the other side have said that the resolution of the Senate calling for papers and information was entirely inconspicuous and inefficacious and ought to be refused because Duskin's term had expired pending these considerations. How do we know that? The Senator from Alabama [Mr. PUGH] has told us—I believe he is the

only one, but that is enough; his word is good—that by the Blue Book it appears that Duskin's term expired at a certain day pending this session, and before, I will assume, this resolution of the Senate was passed. Suppose it did. What will the Journal of the Senate show? That the President of the United States has invited the Senate to agree to remove Mr. Duskin, suspended, and to appoint Burnett in his place. Now, supposing this term has expired, and we are to vote "yes," for all time to come the Journal of the Senate will show that the Senate of the United States has agreed to remove Duskin and appoint Burnett, the professions of the Presiden tof the United States to the whole body of his countrymen having been that Duskin ought not to be removed or Burnett appointed unless Duskin had been guilty of misconduct in his office, or unless, in the language of the Postmaster-General, who says he speaks for the President, Duskin has been "an offensive partisan," whatever that may mean. That will be the record; that will be the vote that your name and mine, Mr. President, in the Journal of the Senate on the yeas and nays would stand for.

Now, if in this time the period of Duskin's official existence has terminated, why does not the President of the United States tell us that the lapse of time has changed the situation and that we have no longer to consider what he has asked us to consider—the removal of Duskin; but we have only to consider the filling of a vacancy? Why does he not do it? I have a right to say, I think—at any rate whether I have a right or not, and I am sure I have the right to say—that in this instance and in others of the same character, which are numerous, as they naturally would be, after what I have said about the termination of offices, so that the administration would have them all in less than three years by lapse of term, the attention of the head of the Department of Justice has been called to the fact that, no matter whether for good grounds or bad grounds, some officer had been put under arrest and another person designated in his place; and if his term had expired, if the President of the United States did not desire to force the Senate into approval of what he had done before, he could easily rectify the situation by telling the simple truth to us now that the situation had changed and that he proposed to fill the vacancy. He has not done it. Weeks and weeks have gone by since the attention of one department of this Government has been called to a large class of these cases and the suggestion made, which is perfectly simple and which everybody understands, if now this term having expired you wish to put it so as not to force us to a false position on the records and Journal of the Senate, if you wish to put us in the attitude of filling a vacancy, we will consider that, and they say, "We will not do it." There is where they stand. The Senate of the United States, therefore, is compelled to act upon the situation as the President himself presents it and refuses to present it in any other way.

So I think I am not out of place in saying that so far as the circumstance that Mr. Duskin is now said to be out of office by expiration of term, as appears from the Blue Book, is concerned, the President of the United States and his Attorney-General, who, according to his letter, considers himself to be merely the obsequious servant of the President and not of the law, say, "We insist upon your deciding upon the question of removing Duskin; we are unwilling to change the situation as history has changed it by the vacation of this office by expiration of term and ask you to consider whether Burnett is a suitable person to put in, but you must pass, and we insist upon it, upon precisely the question that the President has submitted to you before he was out of office, and we will not submit any new question." Is there any honest Democratic Senator who believes in fair play who would not say, "If you compel us to consider that question we must consider it just as if this term had not expired?" There is where you stand.

But go a little further, Mr. President. Let us suppose now for the sake of the discussion that the Constitution of the United States had said in explicit terms that the President of the United States should have complete power to remove every officer under the Government, so that it is not a matter of difference and dispute as it always has been, although lately in respect of all offices not named in the Constitution the Supreme Court of the United States would appear to have settled the Constitution that Congress may by law fix and regulate the term of every officer. Suppose the President of the United States had by express expression in the Constitution that power. Now he tells us he has removed a man, as he had a perfect right to do, and he has proposed another man as his successor. Then the Senate of the United States asks the head of a Department that by law exists and not by the Constitution, and that by law is put under no direction and control of the President at all, as the War and the Navy and the State Departments are in a certain sense, to tell us what has been the conduct and management of that office for six month, for twelve months, for eighteen months, for twenty-four or any other number of months before and after.

What then? Wherefore should we not have that information? Granted that the President of the United States has the right to remove, and he has removed the man, when he asks us to advise and consent to the appointment of a man who for six months when this resolution was passed had been doing the duties of that office, and we ask the head of that Department to tell us how that office had been conducted before he came in, and how it had been conducted after he came in, where does the head of that Department or the President of the United States, or any other power get the authority to say that information shall be denied to the Senate and by similar reasoning denied to the House of Representatives? What the Senate has asked for is not reasons; it is not motives; it is official facts concerning the state and condition of the public service, and nothing else. And when the Attorney-General responds to this direction of the Senate, historic, consecutive, continuous for infinite years, he does not put himself upon the ground that Senators on the other side of this Chamber have put him. They have put him into a position that he did not choose for himself. He does not say or intimate that we have called for private or confidential papers or confidential official papers; he only says that these public papers that we have called for—public in the sense that they are official and belong to the administration of the Department—have been considered by the President of the United States in making a suspension that the law authorized him to make, and having been considered by the President of the United States in doing what the law authorizes him to do, it is not within the competence of the Senate to know the contents of these public and official papers. That is it. It is not, he says, for the Senate to consider them, as my friend from Massachusetts [Mr. HOAR] suggests, in what the law authorizes and requires us to do.

Then the pretension and position of the Attorney-General is unconstitutional, for the law has created the Attorney-General and has not imputed to the President of the United States any control over him at all except the power to remove by and with the advice and consent of the Senate, or without it, whichever way you please. The Attorney-General tells us that these official papers, in respect to which there is no hint or suggestion in his letter that they are other, having fallen under the eye of the President in respect of doing a duty that the law imputed to him, they can fall under the eye of no other branch of this Government that has a duty in respect to the same subject. That is the proposition; and how on anything except the stress of party, and, as a Democratic Senator is said to have stated, the stress of a party that depends upon something to be got from the patronage of the President of the United States, can it be defended or excused?

And that, sir, illustrates a thing in respect to which I should not quite agree with my friend from Kansas—the value to the infinite public interests, as this country grows more and more in population and expansion and development, of getting out from being what constitutes the object of political parties, the mere question of holding office. I think I am safe in saying—a good many better people than I have said it before, Democrats, Republicans, Whigs, everybody—that if you took out of this very presence at this moment the influence of executive patronage to be given to Senators and their friends, there would not be five votes in this Chamber against any one or all of the resolutions proposed by the Committee on the Judiciary. There is the crib, and the ox, I believe the Scripture says, knows his master's stall; and anybody who has a henchman or a friend who has not been in office, or who is liable to be turned out, as they all are on this theory, who stands up in the face of the power of executive patronage and votes with or against his party to say that there shall be revealed those things that the Senator from Indiana and the Senator from Wisconsin and the Senator from Illinois have only in a faint and feeble way comparatively stated, for they are everywhere, as we all know, would find that the lines of political preferment would fall in other places, and that your people out of the penitentiary or in, as the case might be, if the administration were left to pursue its own loves among the bowers and leave ours to us, as the case might be, would come in.

There is the trouble, sir; and there is the trouble with this administration; and it is still further illustrated by the fact, as you know, as we all know—it is not private and confidential; the newspapers all know it, and they indeed know a good deal that is private and confidential and a good deal that they think is and is not—that down to a certain day in this present session of the Senate, following the experience of a hundred years, various of these Departments—not all but various of them—following the experience and the practice of a hundred years under all administrations and of all politics, had sent to the committees of this body the papers that touched the subjects we were asking for. It was only when at last it came to be seen that in nine cases in ten of complaints and charges for removals for cause, they were lies and slanders and frivolous, as the President in his message tells us himself, that the thing suddenly stopped.

There have been certain people in the newspapers and so on who have said that the thing was running down to a point where a good many people in this body would have, considering these to be private papers, to take out their private papers from the public files, lest they might be confronted by an indignant citizen in their own State and be put in rather a troublesome condition. But of course that must be a scandal, because it is impossible to conceive that a Senator or a member of the House of Representatives could have filed or sent to the President of the United States or to a head of Department any statement about his fellow-citizen in his own State or elsewhere that he would not be willing that that fellow-citizen should know, because that would be a baseness so infinite that we can not think that any administration, even a Democratic one, could tolerate a thing of that kind. So I assume that these stories, which are flying about in the air like so many other improper ones, that the tracks of papers, as the President described them,

capable of being withdrawn or burned up, &c., marked the trail like the worm after a storm, coming up toward the Senate Chamber, must be a mistake. It can not have been that reason, therefore, that led the administration to stop the business of the free and frank communication of everything, as all its predecessors had done. I must assume that.

Where are we then, Mr. President? We are just simply here: The Committee on the Judiciary since the passage of the tenure-of-office law, as I showed to you before and as I will show to you a little further now, and I suppose most if not all the other committees had been in the regular and steady practice—not sporadic, not personal, but public, administrative, systematic, for the good order and due administration of public affairs—of sending to the heads of Departments requests, not authorized by the Senate, and that illustrates what I was to say to my friend from Tennessee [Mr. HARRIS] about the third resolution—not authorized by the Senate, but as a simple and convenient practice that did not require any coercive order of the Senate, but as of course to every one of these Departments for every information that bore upon every topic that was presented to them; and they got it. That was practiced before in fact. Well, the Committee on the Judiciary did that thing. It had done it. It did it in this instance just as in all others, not selected, not special, but simply co-ordinated with every act of the committee in the due discharge of its duty, not out of its order, not otherwise for this information. It had done in that what its Democratic and its Republican predecessors had always done before.

My friend from Alabama [Mr. PUGH] undertook to explain the letter of the chairman of the Democratic Committee on the Judiciary of the Senate in 1879, by the circumstance that the man suspended in that instance was a Territorial judge, and that the power of removal of a judge if it existed at all must exist under the Constitution. Suppose that to be so—I do not agree with it—but suppose that to be so, where are we then? Then we find the Democratic committee of the Senate in 1879 invading on your theory, the function of the President under the Constitution of undertaking to remove Shaffer, a judge in a Territory, entirely apart from the tenure-of-office law, and your Democratic chairman of a committee of this body, with the unanimous approval of all his colleagues, Republican and Democratic, and according to the standing order and custom of that committee, not for party but for truth and fair play, called on the Attorney-General to communicate what there was about that removal. Take it that way, does that help it? I do not think it does help the argument of my honorable and distinguished friend from Alabama a bit. But suppose you could imagine that he could have deluded himself in that way, as he did undoubtedly, for he is an upright and fair-minded man; when you go on a few days more you find that we have got a case of a man who was not a Territorial judge. You have got the case of a district attorney and then Judge Thurman, the chairman of the committee, in 1879 and 1880 writes to the Attorney-General under the direction of the committee, with all his Democratic colleagues assenting in this way.

JANUARY 28, 1880.

SIR: I am instructed by the committee to ask that you will furnish it with any papers on file in your Department relative to the subject of any imputed misconduct on the part of the present attorney of the United States for the Territory of Wyoming, Mr. C. H. Laymon, or any information bearing on the causes for his removal. This committee is in receipt of the papers recommending the appointment of Melville A. Brown, but have no information touching the cause for the removal of the present incumbent.

Very respectfully,

A. G. THURMAN, *Chairman.*

Hon. CHARLES DEVENS,
Attorney-General.

There is an answer to that which I will not take your time to read—it is at the service of any Senator—an answer not like that of the present Attorney-General of the United States when the Senate calls upon him, but the officer answered to the committee, knowing that the committees had no legal power to compel him to answer, as we all understand, but knowing that it was a course of practice that was convenient and that if he refused the Senate on a proper statement would make the order, and he gives the reasons why this person had been held up and was proposed to be removed, full, frank, fair, and candid, so that this coordinate branch of this political department of the Government was possessed of the information as to the conduct of that office and the administration of the office that would and should enable it to advise the President under the oaths of its members honestly and fairly as to what he ought to do.

If that was right, as it was, for a Democratic Senate in 1879 and 1880, is it not right for a Republican Senate in 1885 and 1886? Will somebody tell me what is the distinction? Do you imagine, Mr. President, that great man, the chairman of that committee, and his great colleagues, having the strongest possible motives for resistance to everything that the then administration wished to do, should have taken upon themselves to demand of the head of a Department information about the causes and reasons why a Territorial district attorney or a State district attorney, whatever he was, should be turned out of office, except that they felt that the duty of the Senate which it is bound to do, great or small, under the Constitution was a duty that required information to enable them to judge rightly? Will anybody tell me no? Of course he will not.

Our friends on the other side have said, and with considerable fire and vigor, that the Republican majority in this Senate is undertaking to make a raid on this administration, to embarrass it, and to obstruct it. Where is your proof of it? What have we done? We have done *simpliciter* in mode and form what our Democratic predecessors have done to a Republican administration, not against the opposition of their Republican colleagues in the minority here then, but with their support and favor, as necessary to the due and true administration of a government that belongs to the people of the United States and that is to be administered upon the principles of honor and fair play. That is all.

Wherefore then do you tell us that we have taken a new departure? I remember now that some Senator, perhaps the Senator from West Virginia [Mr. KENNA], perhaps the Senator from Indiana [Mr. VOORHEES], perhaps the Senator from Tennessee [Mr. JACKSON], though I should hardly suspect him of that, has said that we did not deal with the case of Arthur and Cornell in the way that we have dealt with this, and that we showed a tenderness (as if that had anything to do with our rights and duties!) toward the then President of the United States in that instance that we do not show in this. That is not true. When a committee of the Senate having no authority, as none of its committees has without the affirmative vote of the Senate, as we all know, to call for information, called on the Secretary of the Treasury in a somewhat effusive and exuberant way for all sorts of things, the then Secretary of the Treasury made a reply which has been read. Within a week afterward a Senator offered a resolution, a Republican Senator and supporter of that Republican administration, directing the Secretary of the Treasury—and I am authorized to say it because it comes under the provision we have ordered that calls for papers and so forth are open and I shall not violate the rules——

The PRESIDENT *pro tempore.* It was made public by order of the Senate at the time.

Mr. EDMUNDS. Of course I am giving it historically. A Republican Senator, a friend of that Republican administration, wishing with all his heart to help it in every way he could, this letter of the Secretary to the committee being known, offered a resolution which I have here directing that Secretary to communicate to the Senate, not reasons, not motives—we do not care for those or for our own reasons and our own motives; what we want is facts; what we want is the truth—directing the Secretary of the Treasury to send us everything there was on file in that Department concerning this topic. Very well; that was the last week of a called session. Somebody of course objected to it, as we all know that somebody sometimes objects to a good many things; and so there came the regular session within a week afterwards. The resolution was not acted upon at the special session. Then the President of the United States and the Secretary of the Treasury knowing full well what were the rights and responsibilities of the two departments of the Government in regard to public affairs, and with a due and a true sense of their duty to the Senate of the United States, did not wait to have that resolution adopted, but the President sent a message with a letter from the Secretary of the Treasury covering the whole subject, sending every paper and every document; and that was followed as I believe by the personal attendance of the Secretary of the Treasury in the room of the Committee on Finance in order that every fact, every circumstance, every accusation, every doubt might be fairly and truly laid before the body that was to pass upon that question. And yet you gentlemen tell us that we are adopting a new contrivance to embarrass this somewhat embarrassed President of yours—embarrassed not by us but embarrassed by what I believe is his sincere desire to diminish the loot that comes from political success on one side or the other, and which he has not been able to diminish from circumstances that it would not be altogether polite and respectful for me to mention.

Now I ought in respect to my distinguished friend from West Virginia to refer to one or two things that he said in his observations with regard to the inaccuracies, to state it mildly, that I was supposed to have committed in the observations that I made in the opening of this discussion; and the first and most important one was, as he stated it, and he stated it truly, that I had said in my remarks that when General Washington declined to send papers to the House of Representatives containing the instructions that had been given to the American representatives in England on the subject of the Jay treaty, it was still pending in the Senate, when, as he showed truly and from the Journals, two or three or four or five or six days before (no matter what time) the treaty had been ratified.

If I had been the wise and prudent man that so many of my fellows are and had revised my remarks and seen them before they went into the CONGRESSIONAL RECORD, I assume that I should have known enough to see that in the current of unprepared and unnoted speechmaking I had used a phrase that was inaccurate in literal fact.

Mr. KENNA. The Senator will allow me to say he would also have to make a similar revision in his report to the Senate in this case.

Mr. EDMUNDS. If the Senator will pardon me while I go on a minute, I will come to that. I say I might have revised that remark and instead of saying that the treaty was pending before the Senate, said that the subject was still undisposed of. Now the Senator refers to the report. The report does not say that any treaty was pending.

The report says as a hypothetical instance, on a request to the President, as distinguished from a command to a Department which the law has created, that if the treaty or whatever was pending before the Senate there might be a good excuse for the President (a man whom we can not put in jail for a contempt of our authority and we should never think of it, as we could a Secretary, because he being in durance there is an end of your Government for the time being); but the committee said as a hypothesis that it could conceive of an instance where a treaty or subject was before the Senate where it would not be competent or proper for the papers to be called for.

Now I come back. I did make the immeasurable, the dreadful mistake of saying, not having revised my observations, that that treaty was pending, in reciting it. The treaty had been ratified four days before. The next day after there came nominations for people to carry out the provisions of that treaty; and there was then pending a negotiation and which culminated a few weeks afterward—three, four, or eight weeks, no matter which, call it two months or three months; to be sure that I shall not be taken up again for an error, call it six months if you like—in an additional article explanatory of that very treaty.

So then the thing that I ought to have said—and if I had pursued the course which perhaps every Senator ought to pursue to study over what he is to say beforehand and put it into shape, I should not have fallen into that stupendous error—was that the attitude of General George Washington was according to the facts as they then existed, that here were still *in fieri* questions of the utmost delicacy and consequence and importance between ourselves and Great Britain; and he told the House of Representatives that under those circumstances he could not give them the papers, that the Senate were the people who were entitled to the papers, if anybody, and to the Senate he had given all the papers. Now I do not mean to say by any means that I acquiesce in the opinion of General George Washington, as presumptuous as it may be in me to say it, for I believe in a government of the people, from whom and to whom all desires are known, and from whom no secrets shall be hid. But then if my honorable and distinguished friend from West Virginia had looked a little further, as perhaps he did, he would have seen that the House of Representatives, after that rebuff which, as the committee say in their report, only illustrates and enforces the universal rule of the right of the two Houses to know all that exists in relation to public affairs, that same House of Representatives, with the utmost gentleness and deference to George Washington, proceeded nevertheless to declare in clear and pronounced terms, first, that when they were considering any subject which was within their jurisdiction they had a right to all the knowledge that would bear upon it; and, secondly, which is more to this point, that it was no part of the mission of the President of the United States to undertake to decide whether the information that they called for on such topics would be useful to them or not. Mr. James Madison and a great number of others, nearly two to one or three to five, or whatever it may have been, voted for that proposition on the yeas and nays, and there it stands.

Now I will come down to the other instance—because I must hurry on—that was the most impressive to my mind, and I presume to the public, that my friend from West Virginia stated; and that was the Tyler business of 1844. Uncle Billy Allen of Ohio offered a resolution about the Oregon papers, for that really, aside from the instance of Jackson about removals that I referred to before, is the only case that really would seem by the utmost stretch of imagination to make a break, as the committee have stated in their report and as I stated in my observations, for almost half a century. What was it? If my friend from West Virginia will look at the legislative Journal of the Senate of the day before the 9th of January or whatever the day was when this thing was offered in executive session, he will see that Uncle Billy Allen of Ohio—I believe the uncle of ex-Senator Thurman and a good and true Democrat, perhaps as good as there are now, nobody can tell—offered a resolution calling for this very same information, and the Senate on the yeas and nays by a vote of more than two to one rejected his resolution. I think the vote was 14 to 33, but I may not be exactly accurate, and I hope my friend will not pick me up some other day by saying I gave the wrong figures; the book is here; but I will call it more than two to one; I am pretty safe in that. The next day Uncle Billy Allen introduced it in executive session. All Senators know what an executive session is. Of course the people in the galleries and our good friends the reporters do not know anything about it.

But somebody objected to Uncle Billy Allen's resolution, and it went down into the mass of things on the Calendar in executive session that get the go-by, as we know, every day, if I am not telling tales out of school, and that everybody forgets. The thing lay there in sleep for some months, for he introduced it in January, I think, and it was June when it was adopted. One morning evidently, Uncle Billy Allen asked to have this resolution taken up, and nobody was paying attention, as somebody here very often is not, either in public or executive sessions of the Senate about resolutions, as we know, and he got it adopted without a division. Then he got the reply of President Tyler; and then Uncle Billy Allen offered a resolution which declared that the Senate was entitled to that information, which was true, in my opinion. Then the majority of the Senate that had voted more than two to one that they did not want that information, having allowed this resolution to go without knowing it, and not being willing to say that the Senate was not entitled to it, but knowing and believing that it was, put off Uncle Billy Allen by laying his resolution on the table instead of rejecting it. That is the end of Billy Allen and Tyler. I do not think that will make much of a precedent.

Here we are, then, Mr. President, with this situation: The Senate of the United States having before it a nomination stated by the President of the United States in his own language to be of one man to supersede another suspended, and having nothing else before it, asks the Attorney-General or commands him, which is the better phrase, and is the phrase of the resolution, as all its predecessors had done, to send to the Senate what? Not any private or confidential letters, whether you call them official or unofficial, but to send to the Senate information, papers, and documents that concerned and illustrated the management and conduct of an office. Our friends on the other side have said, I believe, that we have made it too short, that is, that it only covered a year, and that if it had covered three years something would have been found to the detriment of Duskin. On the other hand, the President says and the Attorney-General says that it is too long, that we ought not to have asked for anything before the time when Burnett, the new official, took charge. Why did they not answer that, then? But I am bound to say for the honor of the President and of the Attorney-General that they never thought of resorting to that kind of pettifogging. They did not put it on the ground that we had not asked for enough, because they perfectly well knew that if there was more in the official papers of that Department that would bear on the question they had a perfect and lawful right to send it, as they do every day about every Department without our calling for it at all. And yet the Attorney-General under the direction of the President tells us that he will not inform the Senate what this man whom we are asked to appoint has been doing in his office for six months. The committee was fair. It took six months of one and six of the other, and that without any study about it, but to cover a period of time so that we could see how that office was. The President will not tell us; the Attorney-General will not tell us what this new man in for six months, bound by law to make reports that must be on file if he is fit to be there at all, has been doing. No; we can not have that.

Where are we then, sir? We come back again, broader than all Duskins and all these six hundred and forty-three people, to the right of either House of Congress to see and to know as a political department of this Government everything that officially exists in any of the Executive Departments. I repeat, sir, so that there can be no misapprehension about it, that the Attorney-General in his reply, under the direction of the President (which the President had no right to give under the law and he no right to receive) does not hint or intimate that he declines to produce these papers on the ground that they are private or confidential or unofficial, but only that being public papers rightfully on file there as public papers, because the august eye of the President of the United States has taken them into consideration for his purposes, we can not take them into consideration for ours. That is where it stands.

Now, sir, I must be done with this business. I stated a day or two ago that the question of removal has nothing to do with the question we have before us, for the President in every instance has sent his nominations as he lawfully should, without regard to whether the law be constitutional or not, pursuant to law. He has stated that he did it pursuant to this law; he has stated that every suspension and every designation has been subject to every statute that bore upon the subject. We come back to the question whether in considering these subjects of public interest and public service it is within the competence of the executive branch of the Government, the head of a Department, to say this information is denied and it is denied as of right and as of constitutional law, so that in the long future of the Republic setting this once as a precedent acquiesced in, neither House of Congress can ask for anything that exists in the Departments and get it save at the grace and favor of the autocrat who presides over it. I say that this is monstrous; I say it is destructive of every principle that we understand in regard to constitutional government of the people; and I say it is of infinitely more importance than whether these six hundred and forty-three or six thousand and forty-three officers or every officer in the United States comes or goes, because it affects the fundamental structure and balance and security that belongs to a government of the people and for the people, that their representatives may know what is the condition, not of private and confidential papers, but the condition of public affairs in respect of the administration of the various departments of the Government. There is no part of its administration that is not executive. The legislative power does not administer government; it expresses will, and therefore there is no distinction between the power of the President of the United States under this law, good or bad, to suspend, and his power to do any other act that is necessary to carry into execution the laws of the United States; and therefore if you deny information as to one, you may and must deny it as to all except at the grace and favor of the person who happens to be your Chief Magistrate.

Mr. President, there has been considerable said about motives and pretexts, and I confess I was rather pained to hear my friend from Ten-

nessee [Mr. JACKSON], whose usual candor and justice is so conspicuous, if I correctly understood him, refer to this matter as being a pretext for keeping certain Republicans in office and excluding certain Democrats on that account. That is entirely unjust. It can not be supported by the slightest scintilla of proof. The truth is exactly the other way. I think as chairman of the Committee on the Judiciary I have received in the course of this session perhaps two or three or four or five hundred letters from various of these officials and others in the United States on the topic; all citizens, a great many of them Democrats, not a majority, a great many of them these very officers themselves; and supposing I have received a hundred from these officers, and I rather think I am safe in saying that, but I do not want to be picked up by my friend from West Virginia saying I have got it one too much, call it ten, if you please—there is not (and I think my Republican colleagues will bear me out with regard to their own correspondents) an instance, or if it be so it is such a rare exception as to illustrate and fortify and enforce the rule, where any one of the suspended officials has complained that he was turned out or was to be suspended or to be turned out because he was a Republican, or who has expressed his desire to stay in. He has only put up the piteous, and as it seems the hopeless appeal for fair play. That is what he wants, and he does not get it.

And to enforce and fortify what I have said in regard to the attitude of the Republicans, I think I am justified, I am sure I am because it is within the order of the Senate, in showing to you, Mr. President, that early in this session when in the Committee on the Judiciary new gentlemen had come, welcome and able and upright, of the other party, who had not as we might fairly suppose been acquainted with the historic conduct of Democrats and Republicans in that committee before, its chairman took the earliest opportunity to call the attention of that committee to its method of dealing out fair play to candidates and to people to be removed alike, as we are doing to candidates now, as everybody knows, and in respect to candidates now. If we did not do it there would be a just and complete condemnation of that committee and of the Senate if they acted in the way that this administration is acting in condemning a man without letting him know what was the trouble about his case. There is hardly a Democratic Senator who hears me that does not know in his own State and in his own experience that against some Democratic nominee, saying nothing about the removed man, there have been made accusations of one kind or another, and Democratic Senators come to the Committee on the Judiciary and ask, and they only have to ask it and they need not do that for it is our course otherwise, that this man shall know as the rules of the Senate allow us to let him know what is the substance of the complaint against him and that he is not to be rejected until he can have the fair play of a citizen of knowing what is complained of him and to make a reply. Perhaps we are wrong in all that. Perhaps we had better adopt the Democratic administration methods of carrying on the business of stabbing in the back, and assassination in the Senate as well as in the Post-Office and other Departments; but I do not think so myself.

Now, to come back, to illustrate to you how completely the Republicans of this body have been pursuing the same course that they always have been, steadily, and steadfastly, and fairly, when the new gentlemen came into the Judiciary Committee the attention of that committee was called to the fact that for these long years, almost half the life of many of them, a quarter of it of all of them, that committee had had a standing order about calling for information and papers touching removals, suspensions, appointments, and all that, because there can be no distinction between appointments and suspensions. If papers about suspensions are confidential, papers about appointments are still more so, because when you come to the appointment and selection of a person to be nominated he has no title to an office; he is not in an office; he is not capable of being tried; he is only one of a thousand having no title or claim more than any other fellow-citizen except upon his merits to the consideration of the Executive and the Senate. And yet by some strange perversity that the power that rules the world brings to bear upon people who are to destroy themselves when they ought to be destroyed, this administration, so touchy on the subject of confidential papers when an officer selected by the Government, confirmed by the Senate, commissioned by the President is accused, as close as a whitewashed grave, when some citizen who has no right or claim to an office as of right, is nominated, and there is any question about him, then the Executive finds it to be his duty and the heads of Departments find it to be their duty to send all these papers—and there are barrels of them down stairs now in our committee-rooms; and I have a right to say it because it is within the resolution of the Senate; I will not state their contents; I wish I could—barrels of them there which are to vindicate or are to overthrow the pretensions of these particular citizens.

Now, what are you going to do? When some man who has been decorated with the favor of his country by the selection of the President of the United States and the approval of the Senate with a public trust, is accused and is to be removed, the Senate can not be intrusted with any knowledge about what is said in regard to him; but when some citizen, not an officer, having no right to the place under the Constitution and the laws except as being selected among others, is brought into question, then it is recognized that it is the right and duty of the Senate to know all about that man; private papers as they are called and confidential papers, political obligation about the value and expediency of going slow in this direction and fast in the other, all come. How are you to distinguish? Of course nobody can do it, nobody undertakes to do it, nobody has undertaken to do it.

I have been getting a little off of what has been suggested, and I will come back. On the 21st of December the records of the Committee on the Judiciary show that the chairman called the attention of the committee, for the reason I have stated that there were many new Democratic members, to what had been the custom and course of the committee in respect to getting information about removals and appointments and suspensions; and accordingly there was the unanimous direction, the whole thing being stated and approved, that the chairman be instructed as by standing order that existed before—and attention was called to it for that reason—to proceed in the same way and send to the Departments for the same information as he had been accustomed to call for. At that time it had not been thought necessary by somebody in the administration, perhaps by the Postmaster-General, whose official communication has been so often referred to, and by the heads of other Departments whose official communications perhaps exist but yet have not come to light of the same character, to stop giving the representatives of the people through the States, for we are their representatives much more, seventy-six times more than the President of the United States is, the information that touched upon the topics we were to act on. And so with general consent, as of course, the committee has pursued the even tenor of its way as it had for a quarter of a century before.

And yet our Democratic friends say that by some malign influence, some desire to put obstruction in the way of this administration, we have taken a new departure. The reverse is the truth. We give to this administration—I do not speak for any others but myself—more indulgence than was given to any of its predecessors in the last twenty years as I know, because we have over and over again strained a point lest we might be misunderstood. Perhaps it was weak—I am not defending it—to put persons into official place in respect of whose fitness some of us had profound doubts, perhaps it would not be too much to say all of us.

And that brings me in that connection to say one word, and then I shall be done. My honorable friend from West Virginia has decorated me, as his Democratic colleague did, with some reflections of inconsistency in respect of my voting for and proposing or sustaining in 1869 a provision that the tenure-of-office act should be suspended for a certain number of months. So I did; I stand to it now, for in 1869, when General Grant came into the Presidency of the United States, as the documents and records and reports now show, reported long, long ago, there was such a complete demoralization of a large part of the public service, caused by the war in the first instance, and then by the administration of Mr. Johnson conducted and run by Democratic brokers for office, that the amount of embezzlements and defalcations were the majority and the rule, and I was willing, as I am suspicious that I shall be willing about three years hence, to suspend this law for a certain period in order that the penitentiary gentlemen who are proposed by this administration and their allies and friends may be got speedily rid of, as in the times of extreme Roman peril some day the Roman constitution and laws were suspended, and Marius or somebody was to be dictator for a week or a month. I have here in my hand the printed reports of the immeasurable embezzlements and defalcations of the men who came into the administration of affairs in that time.

It has been stated by the Senator from West Virginia—I shall not allude to book-makers—that here was a Republican Senate and why did you not reject them. For this reason, Mr. President: We could not tell in advance, even as well as we can tell now in the few instances we get of your penitentiary friends—we could not tell in advance what these men could do or would do or what they were; and we felt, differing from Mr. Sumner, who stuck rigidly to his principle, that he would not confirm any man if he believed a better man could be got, and would reject and reject and reject until the President was forced to select somebody in whom we had confidence. But Mr. Sumner, with that high principle, of course could not carry a majority; nobody can on such a question until the millennium comes, I suppose. They came in just as they come in now. Every Senator knows on that side, as well as this, that we have confirmed appointment after appointment with the gravest apprehensions that it would not promote the public interest. So, in 1869, believing in the value of this restriction upon the executive patronage and power which binds politicians and citizens and Senators and punishes them if they are not obedient, I was willing, as I shall be willing, I suspect, in three years from this time, to hold up this good law, as it is, for a little time, in order that, to use a Democratic phrase, the rascals might be turned out.

Mr. President, the Republican party has not wished to embarrass this administration. It believes in a republic. It believes in supporting an administration that is an administration of a government, and not the administration of spoils and thieves and lies and hypocrisy; and so far as this administration, and I hope it is very far, is desirous to administer a government, to execute laws, to promote justice and the general welfare, this administration will have the unanimous sup-

port, I am sure, of the gentlemen on this side of the Chamber; but we do not propose to commit ourselves to trickery, to hypocrisy, to fraud, to misdirection. We do not propose to commit ourselves, if we know it—and I am afraid we shall not know it—to the selection of agents who are to administer justice in certain States of this Union to which my friend from Massachusetts [Mr. HOAR] referred in introducing a bill to-day, who shall not consider such transactions to be within the scope of the administration of the justice of this Republic.

We are in favor, as we always have been, when three-fourths of our friends over there were not a part of this Government, of preserving liberty, justice, equal rights, and fair play, and whether we stand or fall on these resolutions or any others we shall go steadily forward through thick and through thin, and we shall triumph in the end—for the preservation of the private rights of citizens, both civil and political, in every State of this Union. We shall go straight forward to preserve and to vindicate and to carry out the political rights of every American citizen, overthrown, swamped, and suffocated as they are in many States of this Union now. And when we have done those two things, as we shall in the end, with them we shall try, in spite of Democratic opposition, to give to the labor of the people of the United States, which is its capital, which is its wealth, that protection and encouragement and success that belongs to the labor which is the capital of every honest workingman of the United States.

Now, then, you can carry on your administration by secret methods; you can carry it on, it may be, as very likely you will, because we all know how such things go, by sweeping away the reputations of a great number of your fellow-citizens, with no right on their part to be heard; you can carry on your administration by assumptions of executive power, which in other respects as regards foreign relations and as regards the administration of the post-office affairs of this Government, are in the face of the law and of the Constitution; you may usurp everything now; but it will not be a great while, I trust and believe, before all things will rectify themselves; and this mission that we are trying to do, whether through good report or evil report, whether we stand or fall upon these resolutions or any others, that is the promotion of the interests that I have stated, will be accomplished.

Mr. HARRIS. Before the Senator from Vermont takes his seat I desire to repeat a question that I propounded this morning. These resolutions, if I understand them, propose the establishment of a rule to control the action of the Senate in a class of cases. For my own information I desire to have the construction of the Senator from Vermont as to the third resolution. Does it mean that in all cases of nominations to fill vacancies occasioned by suspension or removal, where documents and papers in respect to the officer suspended or removed have been demanded and not sent forward by the executive department, the Senate shall refuse to consider such nomination altogether, or does it mean that in that case it is the duty of the Senate to reject the nominee without inquiry as to his merits, without looking at him at all, without inquiry as to his qualifications—to reject him alone because all the papers demanded have not been furnished? I would be glad to have the construction of the Senator from Vermont on that important point.

Mr. EDMUNDS. I do not think it needs much construction.

Mr. HARRIS. It does to me.

Mr. EDMUNDS. That may be.

Mr. HARRIS. It is.

Mr. EDMUNDS. The language would seem to be somewhat clear, and it is this simple proposition, and I should have said in a country school where I was brought up that it would amount nearly to an axiom, that where a body is called upon to act upon a question and can not get the information that is necessary for its action, it will not act. I should have imagined that in most of the New England countries—I do not know how many schools they have in Tennessee—that would be a proposition which could scarcely be open to dispute. That is exactly what the resolution says, that when the Senate of the United States, not in its committees in informal ways, &c., but when this whole body, composed of Democrats and Republicans, is of opinion that certain information in regard to a point it is called on to act upon is necessary to that action, and it can not get it, then it will refuse to agree to what the President proposes, for that reason.

Mr. HARRIS. The Senator from Vermont knows quite as well as, nay, better than, I that when the President of the Senate puts the question, if the question is ever to be put, it is "Will the Senate advise and consent to this nomination?" That is the question and the only question that is propounded to the Senate. The Constitution gives the President the power to nominate and with the advice and consent of the Senate to appoint certain officials. The President has nominated. The duty and the *onus* is upon the Senate to advise and consent, or refuse to advise and consent; but refusing to advise and consent in the sense of what I conceive to be the constitutional duty of the Senate is not non-action; it is to consider, it is to determine whether this nomination shall be confirmed or rejected, and that determination based upon the merits of the nominee. But perhaps I am in error in that as I was in my want of education in not comprehending the resolution.

Mr. EDMUNDS. That is the trouble with my friend from Tennessee. There are a hundred years of history against him on the point as he states it, because, beginning with the administration of Mr. G. Washington, whom the Senator may have heard of, and coming down to this time, it has always happened that a considerable proportion, of course usually a small one, but a proportion of nominations have not been acted upon; and in recent years when offices are so numerous and nominations are, therefore, so many, it happens that every session of the Senate, for one cause or another, always presumably good cause, we do not act at all. But that is really apart from the point of the Senator which I wish to meet with the utmost frankness of statement, so far as I am concerned.

The proposition of the third resolution is just simply this, and it seems to me to be mathematical, that when the Senate of the United States, composed of seventy-six representatives of thirty-eight States, is of opinion and resolves accordingly that certain information is necessary to its action upon a certain question, and that information being duly called for is refused, the Senate must decline to go forward and do the thing that is proposed. That is all there is to it.

Mr. CALL. Before the Senator from Vermont closes this debate, as the Senator is such a lover of fair play, honesty, and truth, I desire to ask him if he does not think it proper that he should state the fact before the debate closes that there has been no concealment of any paper, public or private, in any of the Departments of this Government by authority of the President or the Attorney-General, but that they are open to the inspection of all Senators and all members of Congress; and the further fact that the reply of the Attorney-General to this resolution refuses no public document, no private document, but states that all have been sent to the Senate that relate to appointment; only those relating to the suspension of Duskin are retained in the office. So the question between the Senate and the President and Attorney-General grows simply out of the fact that the President claims that his constitutional right and his power, under the act of 1869, of suspension is a discretionary power with which the Senate has nothing to do; and he does not place it, nor does the Attorney-General, upon the ground of withholding or concealing any information that is of importance to the Senate in any respect.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The SECRETARY. It is proposed to add to the third resolution:

And in all such cases the removal or matter of confirmation shall be considered in open session of the Senate.

Mr. VAN WYCK. The Senate has now been engaged some three weeks in discussing in open session what heretofore would probably have belonged to an executive session of the Senate, and I think it will be conceded that the Republic has suffered no detriment by reason of the discussion. I presume a great majority of the Senate would concur in opinion that the country at large would have sustained great loss had not this discussion been held with open doors.

Mr. President, I fail to see, now that the general debate has been closed and we are to proceed to vote upon the confirmation or rejection of Duskin's successor, what detriment the Republic would suffer by taking that vote in open session. From the wording of the resolution referred to a moment ago by the Senator from Tennessee it would seem that this is a continuing resolution, and that it of itself does precisely the same thing which would have been consummated by a vote upon the question of the confirmation of Duskin's successor. The resolution determines, settles substantially, the question as much as if we proceeded at once to ballot on the confirmation; and yet we have been discussing the resolution in open session. *Now, to make this harmonious* and to make it consistent it would seem that an amendment would be necessary either on the part of the Committee on the Judiciary or on the part of the Senate.

Mr. HOAR. Will the Senator pardon me for a word?

Mr. VAN WYCK. Certainly.

Mr. HOAR. I desire to make known to the Senator that I mean to raise a point of order upon his amendment at the proper time. I will not, unless he prefers to have it raised now, interfere with his remarks.

Mr. VAN WYCK. I think I prefer that the Senator should not make it now, as I anticipate what the point will be. [Laughter.] I prefer making my remarks in open session.

Mr. HOAR. I do not wish to cut off the Senator.

Mr. VAN WYCK. The Senator is very kind. I think it is well for me to retain the floor for a few minutes. In the last three or four years I have been thrown off it a good many times by the very motion which the Senator proposes to make.

This resolution needs an amendment to make it perfect. I think if the attention of the Judiciary Committee had been called to it, it would have been put there by themselves; but as they are inexperienced in this branch of business, as it is a new commencement to lift such questions out of secret meetings, they may be excused for not putting in their resolution all that was really necessary. Therefore I trust they will receive the suggestions I make in the spirit in which they are made. They will make the resolution better than it is. Of course they must be looked upon as doing very well for a beginning. If the third resolution means nothing why was it added? Why not rest on the second resolution, that was condemnatory of the President and the Department of Justice for refusing papers? Why not stop there? But it goes on

affirmatively and asks for action on the state of facts which is set forth in the report and resolutions. The committee propose action here, and final action. They ask it by vote of the Senate, which will be the same in effect as a vote on the confirmation of this man; and they say what?

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

As I understand, this is a direction in open session to the secret session of what is the Senate's duty under certain circumstances when deliberating in secret session. Will you tell me why it is not proper, manifestly proper, to claim that the action on that case, instead of being in secret session, shall be in open session of the Senate? We say here affirmatively what the secret session shall do; it is instructed by this body; and when in secret session we shall be compelled to go back into open session and have this matter reconsidered and different action had unless this is followed. Is a secret session to be subject to instruction by an open session? This resolution applies to a certain class of cases. Then all those cases should be considered in open session. There is no limit to this resolution. It does not say for this session or this Congress; or is it to last during the lifetime of this administration?

Now, if the Senate will excuse me, I propose to consume about five minutes, and then I will yield to our friend from Massachusetts to make his point of order.

The judgment of mankind is always for the greatest publicity in matters appertaining to the creation of laws or the administration of government, and for honest treatment and fair play by the government toward its employés; hence the people, without caring what Jackson did, or Clay said, or Webster thought, believe that, when the dogma of a party or the creed of a President declares that no officer shall be removed before expiration of his term except for cause, common justice requires the cause should exist, affecting integrity, fitness, and ability, and not a pretense, whether in the guise of offensive partisanship or any other equally weak.

They believe when an officer is removed for cause he should be apprised and have the opportunity to make defense, and thus remove any reproach or stain. In the same spirit of fairness they believe the President should without reserve open to the inspection of the Senate any and all official papers which he considered in ascertaining the cause.

The question is not as to the power of the President to make removals or suspensions—that is conceded—but shall the Senate, clothed by the Constitution with equal power where action is necessary to the installment in office, who really have power to veto and override his appointments, who in one sense are his superior, be entitled to all the official information not only touching the appointee but the office itself?

But the President refuses; he views the matter from a different standpoint. What then? There is really no question of principle that affects the bulwarks of constitutional liberty or is subversive of the fundamental principles of the Government. It is purely a question of administration and policy. But he stubbornly refuses to send the papers. What then? Shall he be impeached? That is not proposed. But we engage in a winter's campaign by eloquent and vigorous approaches to attack the citadel of executive prerogative, and practically at the close, in military language, the President "holds the fort." What then?

Do we desire the people shall understand that the President observes not the dogma of his party and his own declarations in favor of civil service reform? They know that already. They know that no previous administration yielded a devoted loyalty to the new dispensation. Except that portion which recognizes the right of an office-holder to serve until the limit provided by law is reached, is a sickly plant principally of New England growth and culture, buffeted by each party when in power, is badly torn when caught in the cyclone produced by positive and negative forces of an outgoing and incoming administration. But what then?

Can we do more than hurl at the President carefully drawn resolutions, which will have as much practical result as firing the pope's bull at the comet, and under the racket of our own fulminations retire from sight, shut the doors in face of the nation whose presence we have invited, and confirm the President's appointments, unless for some reasons outside the official papers they should be rejected? Hence it was, Mr. President, while seeking to gently uncover the President to public gaze, it seemed inconsistent and equally untenable after making a fruitless effort in that direction to withdraw the Senate from the publicity to which it had invited the President. It will not do, after denouncing the President's action as a star-chamber proceeding, to abruptly banish the people from this Chamber, slam our ponderous doors in the face of the nation, drop far down into the depth of silence from which the Senator from Vermont can not so eloquently appeal to "our friends in the reporters' gallery," as he touchingly refers to them. For many years the people have been demanding that the Senate doors should be kept open, as well as the file-rooms of the Executive Departments.

In the consideration of tariff commissioners, consideration of treaty with Spain, reciprocity treaty with Mexico, passing portion of an appropriation bill to squander $250,000 for a Nicaraguan canal scheme, in all which the entire nation, without regard to politics, were interested, the Senate withdrew into its star-chamber recess and denied to the people all information of the advantages to be gained. Neither was the President taken into its counsels. The people who demand no secrecy and an open hand from the President also demand open sessions by the Senate. It would be well, if possible, to have these reforms of President and Senate proceed *pari passu*. For this discussion the doors are thrown open. Why this special and limited concession granted to the people? The country will congratulate itself upon this entering-wedge into the hinges of the closed doors. But why close the doors as we near the point where the people will take the most lively interest to know how the hop, skip, and jump dexterity is managed—where from denouncing the President and condemning the Attorney-General we ring down the curtain, blow out the lights, and at last, reappearing from time to time with bland smiles and graceful bows to the public, gently intimating now you see it and now you don't see it, with the President's appointments duly confirmed?

The public are advised by a resolution adopted in open Senate that not only one person but a class are openly rejected, which is supposed to be a guide to the secret sessions and to have the force of law at least to the Senate until repealed. Is not the amendment I propose entirely logical, that every case of this class so openly resolved upon shall have its completion in the same open session? Where is the consistency of dragging only the political aspect of this question before the public and then withdrawing the most important portion from their consideration?

Mr. PLATT. Mr. President, I think I am as heartily in favor of the consideration of nominations in open session, as a rule, as any member of the Senate can be. It is known to all that I have introduced a resolution to that effect, that it has been referred to the Committee on Rules, that it has been reported adversely from the Committee on Rules, and that I have said that I would on a proper occasion seek to call it up and to discuss it and to ask a vote upon it. I have refrained from doing so for the reason that I desired that it should in no manner become complicated with the present discussion. I wish to remove the consideration of that question from even the slightest suspicion that there is any political motive back of my resolution. I am therefore sorry that the Senator from Nebraska should have insisted upon this amendment, and I will venture, saying again that I am heartily in favor of a motion which goes further than the proposed amendment of the Senator from Nebraska, to move to lay this amendment upon the table.

Mr. BUTLER. Before that is done, I should like to explain my position.

Mr. PLATT. I withhold the motion.

The PRESIDENT *pro tempore*. Does the Senator withdraw the motion?

Mr. PLATT. I will withhold it for the present.

Mr. BUTLER. I will not detain the Senate.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BUTLER. But the Senator has withdrawn it in order to enable me to state my position on the amendment.

Mr. PLATT. I merely give notice that I shall make the motion.

Mr. BUTLER. I should be very glad indeed to have an opportunity to vote for the amendment, and I say to the Senator from Connecticut now that when his proposition to amend the rules appears before the Senate I shall be very happy to vote for it. I differ with him, however, as to the time when this removal of secrecy should be adopted by the Senate. If there was ever a time in the history of this Government when the injunction of secrecy should be removed from the proceedings of the Senate, in my judgment this is the occasion. We have been talking about the star-chamber proceedings of the President and attacking him because he did not see fit to disclose to the Senate what motives influenced him in certain transactions of official conduct, and at the same time closing the doors of the Senate upon nominations which he has made here, and which, I think, I can say without violating a rule of the Senate, I should be very glad to discuss in open Senate, in order that the country might understand the reasons and the grounds assigned by a majority of the Senate for refusing to confirm nominations and carry on the Government.

Mr. PLATT. I renew my motion.

Mr. HARRIS. Will the Senator from Connecticut indulge me for a single moment?

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. PLATT. Yes, sir.

Mr. HARRIS. As a member of the Committee on Rules I have opposed the consideration of nominations in open Senate. For reasons abundantly satisfactory to myself, which I will not now consume the time of the Senate to explain, I shall continue to oppose opening the doors of the Senate to the consideration of the nominations and confirmations. But as these resolutions, as construed by the Senator who draughted them, do not propose to deal with questions of nomination or confirmation, but only with the single question of removals, if the Senator from Nebraska will modify his amendment by striking out in the second line the words "of confirmations," then it will be pertinent to the body, spirit, letter, and meaning of the resolution to which he proposes to attach it; and if he will so modify it I shall very cheerfully

vote for it if it is not laid upon the table upon the motion of the Senator from Connecticut.

Mr. PLATT. I renew my motion.

Mr. HOAR. I desire to reserve the point of order. It seems to me that this is a motion to amend the rules, and not proposed by giving written notice a day beforehand of the particular rule or part of rule proposed to be modified.

The PRESIDENT *pro tempore*. The Senator can make the point of order at any time; but another question is now pending.

Mr. HOAR. I would like to have the point of order reserved until I see whether the Senate prefers this way of dealing with it.

Mr. VAN WYCK. I desire to make a formal correction. I accept the suggestion of the Senator from Tennessee.

The PRESIDENT *pro tempore*. It is not in order to make any modification when a motion to lay on the table is pending.

Mr. HOAR. I raise the point of order.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the amendment lie on the table. That proposition is not debatable.

Mr. HOAR. I raise the point of order on the motion.

The PRESIDENT *pro tempore*. The motion now is a motion to lay on the table. That is clearly in order.

Mr. HOAR. Then I will reserve the point of order.

The PRESIDENT *pro tempore*. The Senator will have a right to raise his point of order at any time after this motion is decided.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. LOGAN. I know.

Mr. VAN WYCK. Mr. President——

Mr. PLATT. I do not yield to the Senator from Nebraska.

Mr. VAN WYCK. The Senator will allow a question to be put to him, I suppose.

The PRESIDENT *pro tempore*. The Senator declines to yield.

Mr. PLATT. I have made a motion to lay on the table.

Mr. VAN WYCK. Will you not allow a question to be asked?

The PRESIDENT *pro tempore*. The Senator will come to order.

Mr. VAN WYCK. Will the Senator not allow a question to be asked?

Mr. PLATT. It is not for me to say whether a question shall be asked me or not.

The PRESIDENT *pro tempore*. Conversation is out of order. The question is, Shall the amendment lie on the table?

Mr. BUTLER. I call for the yeas and nays on that.

Mr. LOGAN. If the Senator will allow me I should like to say one word.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. PLATT. I have no objection to yielding to the Senator if he wishes me to do so.

Mr. COCKRELL. If the motion is not debatable how can the Senator yield?

Mr. PLATT. I withdraw the motion if the Senator from Illinois wants me to do so.

Mr. LOGAN. I do.

The PRESIDENT *pro tempore*. The motion to lay on the table is not before the Senate, being withdrawn.

Mr. LOGAN. I introduced a resolution the other day opening the doors of the Senate on all questions pertaining to nominations, confirmations, and rejections. That lies on the table. I am heartily in favor of that proposition, and I would vote for this proposition if it was not for the fact that many of our friends think it would encumber the pending resolutions, and I appeal to the Senator from Nebraska to withdraw it and let us have a vote on each proposition. Inasmuch as he persists in moving it to these resolutions, I shall be compelled to vote with the Senator from Connecticut to lay it on the table for the present, so as to leave the resolutions entirely unencumbered in reference to this particular thing, and then after that I shall be very glad on either this or any other resolution of this character to have the vote of the Senate. And I will say to the Senator from South Carolina, before these particular nominations are acted on in the Senate, I shall, if a majority of the Senate will agree with me, have a vote on the resolution to have the doors of the Senate opened for all purposes pertaining to nominations and confirmations.

Mr. VAN WYCK. I desire to accept the suggestion of the Senator from Tennessee by erasing the word "confirmations."

It is true, as the Senator from Illinois has said, that he did appeal to me to withdraw this amendment. He did do that. I should have been very happy, indeed, to have gratified him in that respect. When these resolutions were propounded I saw the same difficulty in them that I have called the attention of the Senate to to-day, that there was an inconsistency and lack of harmony, because it did seem strange that we should come and stay here as long as Senators might desire to discuss the question of the sending of papers or the withholding of them by the President, that we should go so far as to have final action upon the matter by declaring in open session that the Senate had committed itself in advance to the policy of rejection, and yet take the formal vote in executive session. The Senator from Illinois does not understand it so. No understanding can be drawn from it but that the Senate by the third resolution commits itself in advance to the rejection of every case included within this class where papers are demanded in secret session and the President refuses to send them, and all the Senate has to do is to fall back and be governed by the resolution which is passed here in open sesssion.

The Senator did make that request, and I appeal to the Senator also. I appeal to him to show wherein this amendment is not consistent with the resolution itself and where this simple amendment embarrasses either the resolution or any member of the Senate. I desire any Senator to explain wherein and how this amendment can embarrass his vote or the action of the Senate or the effect of these resolutions when passed. It merely says that these resolutions when passed, which make a rule of this body in open session, shall be executed in open session; that is all; that the will and direction of the Senate shall be carried out in open session right where it was made. That is all, nothing further; and I regret exceedingly that Senators should find it necessary to turn their back upon a decision to which they are committed.

Senators have said with an air of triumph that they are committed to this principle, and a good deal more of the same kind. They say they like this, but they want it in larger doses, they want the resolution larger, to embrace all confirmations. It was proper for the Judiciary Committee in the first place; they did not halt and they were not timid about embarrassing anything by bringing this whole matter in open session and discussing this question. It was very proper, and for it we feel very grateful to them, and the country I think too will express gratitude that we have had an opportunity to know as much as we have heard in the last three weeks of the operations and business of the secret executive sessions of the Senate. But now we get to a point where we can put just as well an amendment on continuing this same thing, for it is only continuing it; we get to a point where we have final action, and now we only continue to make the application, to let in a little more light as the Senator from South Carolina [Mr. BUTLER] suggests. That is all. The lights are turned on now, and the only occasion hereafter is to bring this light to bear right on the particular case which may be up for consideration by the Senate.

So it is entirely logical, and not only logical but it is consistent, for the Senators who believe in these resolutions of the Judiciary Committee to carry them out in this way. It is consistent emphatically and particularly for the Senators who believe in some time or other opening these doors and keeping them open long enough for the people to look in and see what is going on here to adopt my amendment. It is perfectly consistent and legitimate on a resolution declaring the same spirit, the same intent, the same purpose, and the same object, and I do not understand, though I really have been trying to fathom it, why it is there is so much sacredness about these special resolutions from the Judiciary Committee that every one must say, "Hands off.

I have understood, by the sacred traditions, the holy traditions of the Senate, that a man must not open his mouth, when the doors were open, in favor of keeping the doors open. I understand that, because it is a tradition here; but when they have set this example in our faces, when by this course the bars are broken down by this committee's report and resolutions, what is there so sacred about these resolutions that this amendment to carry them out in the same spirit when the resolutions are adopted can not be added? Where is the objection? It will not do to say that anybody will be embarrassed by this amendment. Oh, no. I am willing to withdraw the amendment if anybody can state where the embarrassment commences and where it ends, how it affects any one. I would do it cheerfully, but I think the people generally are just as anxious as I am to know wherein and how this little amendment embarrasses any man in the American Senate.

Mr. HOAR. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator will please state his point of order?

Mr. HOAR. My point is that this amendment is not in order, it operating as a change of the standing rules of the Senate. The second clause of Rule XXXVIII is:

> 2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

Rule XL is that—

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

Mr. BUTLER. May I ask the Senator from Massachusetts how the discussion that we have been having for two or three weeks occurred in open session on executive matters?

Mr. HOAR. The resolutions which are now before the Senate merely declare a general purpose of the Senate. They do not declare anything to be enforced by the Chair or to govern us as a matter of order. It is as if we said we would not pass another railroad charter or anything of that kind. But this is something which the Chair would be obliged to enforce as one of the rules of the Senate on a question of order; that is, ordering a matter to be considered in open session.

Mr. BUTLER. I understand the amendment of the Senator from

Nebraska to be entirely germane, with the amendment made on the suggestion of the Senator from Tennessee, and entirely in pursuance with the line marked out by the Judiciary Committee, that this matter should be discussed in open session. I can not see why you should discuss it in part in open session, and when the proposition comes to open the doors as to other matters in the same connection it is obnoxious to a point of order.

Mr. HOAR. It is a proposition that all the Presidential removals hereafter shall be discussed in open session, making a change of the rules of the Senate.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Tennessee on the point of order.

Mr. HARRIS. The question that I desired to submit to my friend from Massachusetts was that the resolutions under consideration do not appear to me to deal with any question that belongs to executive session. I do not know any rule of the Senate that makes it the duty of the Senate to consider a question of removal in executive session or any other session; and these resolutions in their terms confine themselves strictly to questions of removal, not questions of appointment. If the confirmation of an appointee was the question to be considered, the rules of the Senate do require that that shall be considered in executive session with closed doors; but I find nothing in the series of resolutions that the Senate is now considering in respect to the matter of confirmations, in respect to the consideration of any nominee or any class of nominees; but it is a controversy with one of the Executive Departments of the Government upon a subject over which I think the Senate, either in executive or open session, has no jurisdiction—the subject of removals, not of appointments, not of nominations. And therefore I do not think the amendment is out of order. I do not think the amendment proposes to change the rules of the Senate, which apply to confirmations, not to removals.

Mr. HOAR. It is manifest that this amendment if adopted is intended to mean and would be held by the Chair to mean that the Senate will consider the confirmation or the rejection of nominations which operates as a removal in open session, and therefore therein changes the rule. But I do not wish to waste the time of the Senate. I think the whole Senate want to vote.

Mr. COCKRELL. One word.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Missouri, though the rule is that the question of order must be decided without debate.

Mr. COCKRELL. The latter part of the third clause of Rule XXXVI says:

> And all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

There is nothing in this amendment which is in conflict with any rule of the Senate so as to require it to lie over one day before it can be acted upon.

Mr. HOAR. Will the Senator look at Rule XXXVI, clauses first and second?

Mr. BUTLER. That refers to nominations exclusively.

The PRESIDENT *pro tempore*. The Chair has no difficulty. On examination of the rule it is clear that the case falls within Rule XXXVI, which reads:

> When acting upon confidential or executive business the Senate Chamber shall be cleared of all persons except the Secretary, &c.

The communications referred to in these resolutions are executive communications, known to be such. Rule XL provides the mode and manner, and only the mode and manner, in which the rules can be changed. It seems to the Chair very clear—

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

It is clear that the amendment now proposed is in the nature of an amendment to a resolution in open session that would change the rules of the Senate to a certain extent, certainly to the extent of modifying the mode of dealing with the communications referred to in the paper; and as a matter of course it is very clear that the motion of the Senator from Nebraska as now made does not come before the Senate under the fortieth rule, which requires not only a day's notice, but that the notice must specify in writing precisely the rule or part of rule proposed to be suspended, modified, or amended, and the purpose thereof. This is certainly not done by the proposition of the Senator from Nebraska. The Chair is therefore clearly of opinion that it is not in order to thus modify the rules in this way.

Mr. BUTLER. Is it in order to appeal from the decision of the Chair?

The PRESIDENT *pro tempore*. It is in order.

Mr. BUTLER. I appeal from the decision of the Chair and ask for the yeas and nays.

Mr. HOAR. I move to lay the appeal on the table, and on that I ask for the yeas and nays.

Mr. BUTLER. I am a little surprised after the Senator from Massachusetts has stated——

The PRESIDENT *pro tempore*. The Senator from South Carolina has not yielded the floor.

Mr. HOAR. If I had known that the Senator from South Carolina designed to take the floor on his motion I certainly should not have made my motion, I beg to assure the Senator.

Mr. BUTLER. I had the floor.

Mr. HOAR. I did not know the Senator had.

The PRESIDENT *pro tempore*. The Senator from South Carolina had the floor on the appeal. The Chair will state the question, and then the Senator from South Carolina will have the right to address the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Upon that question the Senator from South Carolina has the floor.

Mr. BUTLER. I simply desire to say that I wanted to appeal from the decision of the Chair and upon that have the yeas and nays.

The PRESIDENT *pro tempore*. As many as are in favor of taking the question by yeas and nays——

Mr. HOAR. I move to lay the appeal on the table, and on that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. It is the duty of the Chair first to ascertain whether the yeas and nays are ordered on the motion of the Senator from South Carolina.

The yeas and nays were ordered.

Mr. HOAR. I move that the appeal lie on the table, and on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when Mr. COLQUITT'S name was called). My colleague [Mr. COLQUITT] is absent, but on all questions connected with this subject-matter he is paired with the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH (when his name was called). As just announced by the Senator from Georgia [Mr. BROWN], I am paired with his colleague [Mr. COLQUITT] on all questions affecting the resolutions pending.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. BUTLER (when Mr. HAMPTON'S name was called). I believe my colleague [Mr. HAMPTON] is paired with the Senator from Kansas [Mr. INGALLS].

Mr. INGALLS. I stated to the Senator from South Carolina that if no other pair could be obtained, I would very gladly pair with his colleague.

Mr. BUTLER. He is at home attending a member of his family who is very dangerously ill, and I should be very much obliged to the Senator from Kansas if he would pair with him.

Mr. INGALLS. I will consider the pair made.

Mr. BECK (when the name of Mr. JONES, of Florida, was called). The Senator from Florida [Mr. JONES] is paired on all questions with the Senator from Colorado [Mr. BOWEN]. The Senator from Florida has so advised me at least.

Mr. CULLOM (when the name of Mr. JONES, of Nevada, was called). The Senator from Nevada [Mr. JONES] is paired with his colleague [Mr. FAIR].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL] on all questions involved in this matter.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. PLATT (when his name was called). The Senator from North Carolina [Mr. VANCE] is detained from the Senate to-day by illness, and requested me to pair with him and I have done so, unless he is announced as having paired with some other Senator.

Mr. CONGER and others. With Senator PALMER.

Mr. PLATT. I am informed that the Senator from North Carolina [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. I therefore vote "yea."

Mr. PLUMB (when his name was called). I have been heretofore paired with the Senator from Missouri [Mr. VEST], but under the circumstances of that pair I was authorized to transfer it, and I transfer the pair to the Senator from New Hampshire [Mr. PIKE], now absent; but as I understand a pair has been announced between the Senator from New Hamphire [Mr. PIKE] and the Senator from Mississippi [Mr. GEORGE], I vote "yea."

The roll-call was concluded.

Mr. GEORGE. After the statement made by the Senator from Kansas [Mr. PLUMB] I am now at liberty to vote.

Mr. INGALLS. The pair announced between the Senator from South Carolina [Mr. HAMPTON] and myself is transferred to the Senator from Pennsylvania [Mr. MITCHELL], and I ask to vote.

The result was announced—yeas 31, nays 28; as follows:

YEAS—31.

Aldrich,	Edmunds,	Logan,	Plumb,
Allison,	Evarts,	McMillan,	Sabin,
Blair,	Frye,	Mahone,	Sawyer,
Cameron,	Hale,	Manderson,	Spooner,
Chace,	Harrison,	Miller,	Stanford,
Conger,	Hawley,	Mitchell of Oreg.,	Teller,
Cullom,	Hoar,	Morrill,	Wilson of Iowa.
Dawes,	Ingalls,	Platt,	

NAYS—28.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Jackson,	Ransom,
Blackburn,	Eustis,	Jones of Arkansas,	Riddleberger,
Brown,	George,	Kenna,	Van Wyck,
Butler,	Gibson,	Maxey,	Voorhees,
Call,	Gorman,	Morgan,	Walthall,
Camden,	Gray,	Payne,	Wilson of Md.

ABSENT—16.

Bowen,	Hampton,	Mitchell of Pa.,	Sewell,
Colquitt,	Jones of Florida,	Palmer,	Sherman,
Dolph,	Jones of Nevada,	Pike,	Vance,
Fair,	McPherson,	Saulsbury,	Vest.

So the appeal was laid on the table.

The PRESIDENT *pro tempore*. The question now is on the adoption of the resolutions.

Mr. HARRIS. I ask for a division of the question, so that a vote may be taken on each resolution separately.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for a separate vote on each resolution. The first resolution will be read.

The Secretary read as follows:

Resolved, That the foregoing report of the Committee on the Judiciary be agreed to and adopted.

Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BROWN (when Mr. COLQUITT'S name was called). I again announce the pair of my colleague [Mr. COLQUITT] with the Senator from Oregon [Mr. DOLPH] on all matters connected with these resolutions. Without announcing it further, I make this announcement once for all.

Mr. BUTLER (when Mr. HAMPTON'S name was called). I desire to announce now and for the remaining votes on these resolutions that my colleague [Mr. HAMPTON] is paired with the Senator from Pennsylvania [Mr. MITCHELL]. If my colleague were present, he would vote "nay."

Mr. TELLER (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES]. I announce it now once for all.

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL] upon all questions connected with these resolutions. If he were present, I should vote "nay." I shall not announce the pair again.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired on this and all other questions connected with the resolutions with the Senator from North Carolina [Mr. VANCE]. I announce it now for all the other votes on these questions.

Mr. BLAIR (when Mr. PIKE'S name was called). My colleague [Mr. PIKE] is absent ill, paired with the Senator from Missouri [Mr. VEST]. If he were present, my colleague would vote "yea." I shall not make the announcement again.

Mr. COCKRELL. And if my colleague [Mr. VEST], who is detained from the Senate Chamber by sickness, were here, he would vote "nay" on all these resolutions. So I desire to have him recorded as in the negative on all of them.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. INGALLS. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. BECK. I desire to announce that the Senator from Florida [Mr. JONES] is paired upon all these resolutions with the Senator from Colorado [Mr. BOWEN].

The result was announced—yeas 32, nays 26; as follows:

YEAS—32.

Aldrich,	Edmunds,	McMillan,	Sabin,
Allison,	Evarts,	Mahone,	Sawyer,
Blair,	Frye,	Manderson,	Sherman,
Cameron,	Hale,	Miller,	Spooner,
Chace,	Harrison,	Mitchell of Oreg.,	Stanford,
Conger,	Hawley,	Morrill,	Teller,
Cullom,	Hoar,	Platt,	Van Wyck,
Dawes,	Logan,	Plumb,	Wilson of Iowa.

NAYS—26.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Jackson,	Ransom,
Blackburn,	Eustis,	Jones of Arkansas,	Voorhees,
Brown,	George,	Kenna,	Walthall,
Butler,	Gibson,	Maxey,	Wilson of Md.
Call,	Gorman,	Morgan,	
Camden,	Gray,	Payne,	

ABSENT—17.

Bowen,	Ingalls,	Palmer,	Vance,
Colquitt,	Jones of Florida,	Pike,	Vest.
Dolph,	Jones of Nevada,	Riddleberger,	
Fair,	McPherson,	Saulsbury,	
Hampton,	Mitchell of Pa.,	Sewell,	

So the first resolution was agreed to.

The PRESIDENT *pro tempore*. The next resolution will be read.

The Secretary read the second resolution, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Attorney-General, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 25th of January, and set forth in the report of the Committee on the Judiciary, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

Mr. HARRIS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. INGALLS (when his name was called). I am paired with the senior Senator from Delaware [Mr. SAULSBURY].

Mr. CONGER (when Mr. PALMER'S name was called). I announced before the pair of my colleague [Mr. PALMER] with the Senator from North Carolina [Mr. VANCE], but I did not state how he would vote. On the former resolution and on this whole series of resolutions my colleague, if present, would vote "yea."

The roll-call was concluded.

Mr. MCPHERSON. I desire to state that my colleague [Mr. SEWELL] on these resolutions would vote "yea," and I should vote "nay." I am paired with him.

Mr. RANSOM. I should have stated that if my colleague [Mr. VANCE] was here he would vote "nay."

Mr. BROWN. I desire to make the same statement in reference to my colleague [Mr. COLQUITT], who is paired with the Senator from Oregon [Mr. DOLPH]. If he were present, on all these resolutions he would vote "nay," and I understand the Senator from Oregon would vote "yea."

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Aldrich,	Edmunds,	McMillan,	Sabin,
Allison,	Evarts,	Mahone,	Sawyer,
Blair,	Frye,	Manderson,	Sherman,
Cameron,	Hale,	Miller,	Spooner,
Chace,	Harrison,	Mitchell of Oreg.,	Stanford,
Conger,	Hawley,	Morrill,	Teller,
Cullom,	Hoar,	Platt,	Van Wyck,
Dawes,	Logan,	Plumb,	Wilson of Iowa,

NAYS—25.

Beck,	Cockrell,	Harris,	Ransom,
Berry,	Coke,	Jackson,	Voorhees,
Blackburn,	Eustis,	Jones of Arkansas,	Walthall,
Brown,	George,	Kenna,	Wilson of Md.
Butler,	Gibson,	Maxey,	
Call,	Gorman,	Payne,	
Camden,	Gray,	Pugh,	

ABSENT—18.

Bowen,	Ingalls,	Morgan,	Sewell,
Colquitt,	Jones of Florida,	Palmer,	Vance,
Dolph,	Jones of Nevada,	Pike,	Vest.
Fair,	McPherson,	Riddleberger,	
Hampton,	Mitchell of Pa.,	Saulsbury,	

So the second resolution was agreed to.

The PRESIDENT *pro tempore*. The third resolution will be reported.

The Secretary read the resolution, as follows:

Resolved, That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to proposed removals of officers, the documents and papers in reference to the supposed official or personal misconduct of whom are withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Mr. GRAY. I rise to a point of order. I understood the Chair to rule on the point of order before taken that the amendment offered by the Senator from Nebraska was relating to executive business, and possibly contravening a rule of the Senate which can not be changed except on one day's notice. I make now a point of order in the same line, that this resolution, inasmuch as it undertakes to deal with nominations made to the Senate by the Executive *en masse*, by declaring that it is the duty of the Senate to refuse to advise and consent to a certain class of nominations, is within the objection made in reference to the amendment offered by the Senator from Nebraska; and therefore it is out of order. In other words, we are attempting to do in open session, without notice, precisely what belongs to the executive session, and to repeal or to abrogate a rule of the Senate by declaring beforehand that it is the duty of the Senate to refuse its advice and consent to a certain class of nominations. I can not see wherein the difference lies between refusing the advice and consent to nominations in a lump and refusing the advice and consent of the Senate to nominations in detail. I therefore make the point of order that this is in contravention of the rules of the Senate in regard to executive business and in substance making a new rule.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that the point of order is not well taken. The resolution is simply a declaration of opinion adopted in the form of a resolution, and does not change in the slightest degree the mode of proceeding or action of the Senate in executive session or in public session. It is simply a declaration of opinion of the Senate. Therefore the Chair is compelled to overrule the point of order. Does the Senator take an appeal?

Mr. GRAY. With all respect I take an appeal from the decision of the Chair, and ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Delaware appeals from the decision of the Chair and asks for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I did not intend to take any further part in this debate; but inasmuch as this resolution is to be adopted, and to apply to

the question of the confirmation of a nomination of a citizen of Alabama, I desire to call the attention of the Senate to it. This resolution, if adopted, makes a rule by the voice of the Senate to govern us in executive session on the confirmation of Mr. Burnett.

I believe that it is the duty of every Senator to obey the commands and orders of this body, especially when those commands are in the form of a resolution which amounts to a rule. I do not know of any right on my part to take exception to a rule of the Senate, and I think I have been uniformly consistent in yielding obedience to the rules. That is one of the very highest duties that belong to the constituent elements of this body.

Now we adopt a rule that applies to action on the nomination of Mr. Burnett. It is that we will agree in advance that Mr. Burnett's nomination to this body is not to be considered in executive session because we have alleged that the President has refused to communicate some information in respect to the removal of Mr. Duskin, or that the President has omitted to perform or refused to perform a duty incumbent upon him to communicate information to the Senate in regard to facts relating to the removal of Mr. Duskin from office, and that therefore we will not act upon the question of Mr. Burnett's nomination.

Mr. BROWN. There is so much noise in the Chamber that we can not hear the Senator from Alabama.

The PRESIDENT *pro tempore*. The Senate will please come to order. Conversation must be suspended.

Mr. MORGAN. I am advised by the rules of the Senate that when a nomination is sent to us in executive session I have the right to move for the confirmation of the nominee, and any other Senator has a right to move for his rejection; but if this resolution is adopted I am cut off from that privilege. The Senate of the United States is now deciding Mr. Burnett's case. It would be a contradiction and would stultify the Senate if after the adoption of this resolution we should go into executive session and thereupon take up the question of his confirmation and decide it favorably to him.

I therefore submit that the point of order has been well taken, that we are not to be cut off from the privilege that belongs to us in executive session by an alteration in the rules of the Senate, or by an alteration in the condition of a nominee who comes before the Senate, which is proposed to be enacted by this resolution whenever it is adopted.

I am aware of the eagerness to invade the province of the President of the United States with respect to some of his constitutional powers. The honorable Senator from Massachusetts said that it was conceded by nine-tenths, I believe, of the members of this body on the other side of the Chamber that the power of removal was in the President. We are overstepping the laws of propriety and overstepping the laws we have laid down for ourselves when we consider and determine a fact in the open session of the Senate that is absolutely conclusive upon the rights of a nominee of the President to have his nomination considered in the executive sessions of this body.

I am not at liberty with my colleague to bring forward the President's recommendations of Mr. Burnett. It is a subject which we are not permitted to refer to, because we can not get the evidence before the Senate from the committee in reference to the worthiness of this gentleman for this office. We are in open legislative session now; not having a single point of similarity or resemblance to an executive session and not belonging to the class of business that under our rules we are to consider in executive session. We are brought before a legislative session of this body to consider and to pass on a report and resolutions the necessary effect of which is to prevent us in executive session from calling up and considering the right of Mr. Burnett to be confirmed or to be rejected, our duty to reject him, I will say, upon the facts and merits of the case, which we have no right to consider in this open session.

It is not for me to remark upon this attitude of the Senate nor to characterize this as a deliberate wrong against a man, after nearly a month of debate on this question, but I do regard it as an injustice to a constituent whom I have the honor in part to represent on this floor in depriving him of those rights which belong to every other citizen of this American country, the right to have freedom of speech for his representatives here as to his nomination on the merits of his claim to this office under a nomination made by the President. That right we have not. I can not look here to the question of the fitness of Mr. Burnett. I can not show here how he has conducted himself in this office. I can not bring letters from his friends and lay them before the Senate in executive session in order to show that you are committing an injustice on this man in order to make a political point in this matter. Here we take the rights of a citizen of this country, and in order to make a point upon the President or the Attorney-General we strike him down by a resolution that it suits us to consider in open session. That is the attitude of the Senate of the United States.

Why should this august body, which has won for itself such honors in the past, lend itself with all its powers and influences into the hands of a political party for the purpose of advancing the interests of that party and denying justice to a citizen? Sir, upon this question I have frequently put the proposition, and so have other Senators, to the honorable Senators on the other side, who can not state in the eyes of the country an answer to it, what do you propose to do here with the Attorney-General? Do you propose to impeach him? Do you propose to put him on trial before this country on allegations which when formulated against Andrew Johnson were considered by this very body as being sufficient to impeach him if he had been found guilty and removed from his high office? Do you propose to punish the Attorney-General of the United States for a contempt of your authority? The honorable Senator from Vermont evidently endeavored to avoid an answer to this question. The honorable Senator from Massachusetts, who sits behind him on that committee, evidently avoided an answer to this question.

Mr. EDMUNDS. What was the question?

Mr. MORGAN. The honorable Senator will have to look to the record to find it. I do not propose to be trifled with by the honorable Senator from Vermont. He understands the question. This question has not been answered. It has been put by several Senators on this side of the Chamber. Do you mean to impeach the Attorney-General of the United States of having committed a crime against the Constitution and laws? Do you mean to assert over him a power the assertion of which dropped incautiously from the lips of the honorable Senator from Vermont this evening when be said, if I understood him aright, that the Senate of the United States had the right to put the Attorney-General in jail for refusal of obedience to its command. I hope the honorable Senator understands that question. Is the resolution we are about to adopt now a mere declaration of our view, our opinion, our construction of Constitution and law; or is it a condemnation of and a denunciation against the Attorney-General, which, if I rightly understood, the Senator from Vermont asserted this evening in his remarks would give us the right, if we chose to exercise it, of confining the Attorney-General in jail for contempt of our authority? Does the honorable Senator rise to take exception to it? He is silent. He turned to this side of the Chamber and asked whether we, whether any Senator, whether any one on this side would rise to say a certain thing. Now, understanding the personal responsibility of the Senator from Vermont, I ask him the question, did he mean to say and does he now mean to say that this body has got the right to take the Attorney-General of the United States and imprison him for having refused to answer the demands made upon him in this resolution?

Mr. EDMUNDS. I should be rather sorry to prolong this debate with my distinguished friend from Alabama, but I am bound to say, for the progress of constitutional liberty and law in this country, that if any officer of the United States, excepting the President—about which I go into no discussion now—is lawfully bound to answer a demand of either House of Congress, either by its authority to a committee or by its direct order to appear and do whatever, when he fails to do it he is liable to be punished for a contempt.

Mr. MORGAN. Now the honorable Senator from Vermont has in this resolution, of which he is the author and the father, declared that the Attorney-General of the United States is lawfully bound to make this communication, does he not?

Mr. EDMUNDS. Most decidedly. I have not the slightest doubt about it.

Mr. MORGAN. He has not the slightest doubt about it. Therefore the Senator from Vermont, and the Senate of the United States in following his lead, will in these resolutions, as I understand him—and I do not misunderstand him—declare that the Senate of the United States upon this question, upon this issue made now upon the facts set out in this report, has the right to call him before this body and imprison him for contempt. Now we have it. We have not had it before. There has been a great deal of special pleading about this matter.

Mr. EDMUNDS. I think there is a great deal.

Mr. MORGAN. Yes; and the honorable Senator from Vermont is responsible for nearly the whole of it. [Laughter.]

Mr. EDMUNDS. I started it, undoubtedly.

Mr. MORGAN. The question now has come to a point, and the Senate in the adoption of this resolution is going to assert the doctrine that it has the power to enforce against the Attorney-General of the United States imprisonment—and I know not what else—for a contempt of this demand made on him by the Senate, and yet we are told this does not involve a great constitutional question. We are told that this is a mere quibbling demand, made with respect to the rights of the Senate to determine whether papers that are demanded are official or unofficial.

Mr. President, I say that you can not reach the Attorney-General in the purpose now at last disclosed, at the expense of a constituent of mine in the State of Alabama, by a prejudgment of the Senate in open session of his right to an office which the President of the United States has nominated him to and put him in possession of and required him to give bond for, required him to take an oath to execute it, and of which he is now in the full possession. You can not under the rules of the Senate take away the right that belongs to me and my colleague to ask the Senate to consider his merits. We violate that rule; we set it at defiance; and the Senator from Vermont, having concealed during this long debate the actual purpose of this resolution, which was to lay a predicate upon which we might hereafter proceed to arrest the Attorney-General and bring him before the Senate, has, in his eager endeavor thus to prostrate Constitution, law, and the rules of the Senate, cut off Mr. Burnett from his right to have his Senators consider with

the other Senators in executive session his claim to this office. That is my assertion.

Mr. BECK. Will the Senator from Alabama allow me?

Mr. MORGAN. Yes, sir.

Mr. BECK. I desire to ask him if there is not some force in the fact that no question was made in regard to this until after the term of Mr. Duskin had expired as shown by the commission that he held.

Mr. MORGAN. Oh, yes, Mr. President, there is great force in it, it seems to me conclusive force in it; and if the majority of the Judiciary Committee had been seeking to know anything about Mr. Burnett they would have found out that fact; but Mr. Burnett was the last of all their thoughts. He was not a shadow upon their path. Mr. Burnett's rights or Mr. Duskin's rights were not considered in the case at all; and this world knows, it can not fail to know, that the whole object and purpose of this inquiry is to determine whether or not Mr. Garland and the President should give up to the Senate certain matters that the Senate pretended that it wanted to know and never did want to know a word about.

Mr. HOAR. I move to lay the appeal on the table.

Mr. BLACKBURN. Mr. President, I protest that the Senator from Massachusetts is disposed to cut off debate.

Mr. EDMUNDS. You have had it all on your side.

Mr. BLACKBURN. Yes; and if the Senator from Vermont will permit the suggestion, we are busily engaged in trying to induce it to come from the other side.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Massachusetts withdraw his motion to allow the Senator from Kentucky to be heard?

Mr. HOAR. I am very unwilling, of course, if the Senator from Kentucky desires to take the floor, to cut off debate; but I supposed that the motion that I made was in the interest of the comfort of the whole Senate after this matter has been debated for three weeks. But I will withdraw the motion, giving notice, however, that after the Senator from Kentucky has concluded I will renew the motion if the Chair recognizes me for that purpose. That will leave two arguments on that side.

Mr. BLACKBURN. I acknowledge the courtesy of the Senator from Massachusetts, for which I was prepared.

I desire, Mr. President, to remind the Senate that the question pending here, as I understand, is upon an appeal taken from the ruling of the Chair made upon a point of order raised which reaches to the resolution now under consideration. I shall endeavor not to go outside of or wander away from the question that is fairly pending. I have taken no part in the discussion that for weary weeks, stretching now into months, the Senate has been forced even unwillingly to endure, believing as I did that however the Senate might seek to delude itself, the country was not to be deceived, but knew what the issue involved was, and thoroughly comprehended it, and had long since grown sick and tired of it, I for one spared my comrades in this Chamber the infliction of a speech.

I come now to discuss nothing except the point of order which is raised on the appeal which has been made from the decision of the Chair, and I beg the attention of Senators present and the Chair itself while I shall endeavor, as fairly as I can, and in as few words as possible, to state the case as it appears to me. If the amendment offered by the Senator from Nebraska was obnoxious to the point of order raised against it by the Senator from Massachusetts, I know no process of logic and no suggestion of consistency that would protect this resolution from the renewal of that point of order as submitted by the Senator from Delaware.

I ask the Chair to tell me now, suppose the appeal be laid on the table, as the Senator from Massachusetts notifies us that he means to move, what will be the result? A gentleman nominated by the Executive of this country to perform the functions of a public office will be denied what the rules of the Senate guarantee him, the right to have his nomination considered and discussed in executive session. There is no escape from that conclusion.

Mr. HOAR. Will the Senator from Kentucky allow me to interrupt him?

Mr. BLACKBURN. With great pleasure.

Mr. HOAR. As I understand the proposition of the Senator from Nebraska, it was to order that all nominations of a certain class, in substance—I do not now deal with the suggestion of the Senator from Tennessee——

Mr. HARRIS. Removals, not nominations.

Mr. HOAR. I understand, but I suppose it means that nominations which are to effectuate or operate as removals shall be considered in open session. If that had been adopted that would be a rule of this body to be enforced by the Chair as a matter of order, and would have repealed another rule of this body which is now enforced by the Chair as a matter of order. The present resolution is a mere declaration of what the Senate should consider its duty in future to do, just as if the Senate should pass a resolution that it would be our duty to reject all bills granting lands to railroad companies hereafter. The Chair could not deal with that as a rule of the Senate or enforce it as a matter of order, but it would be merely a declaration of the purpose of individual Senators.

But what I chiefly rose to say, if the Senator will pardon me, is that I do not construe the resolutions as the Senators on the other side seem to do. If we pass them, speaking for one—my name is signed to the report and I expect to vote for the resolutions—I shall be ready to proceed at the next executive session to consider and dispose of this very Burnett case, Duskin having gone out of office. I understand the meaning of the resolutions to be that the Senate will not proceed to consider and act upon such cases where the information they require is necessary to their understanding or to making up of the case, but if the case be made up or understood by the Senate from other sources, as probably three-fourths of these suspension cases will be, I expect to go on and deal with them and dispose of them promptly and in order, and I do not understand that anything in the resolutions stands in my way.

Mr. BLACKBURN. Then I will ask if that be the purpose of the Senator from Massachusetts what necessity is there for the passage of the resolution; and I would say further, with the Senator's permission—and I will yield to him with pleasure at any moment—that there is not a Senator who sits upon that side of the Chamber in whose fairness of conduct I repose more confidence or look to with more hope than I do to his—if the Senator from Massachusetts speaks for the majority of the Committee on the Judiciary and expresses his readiness and purpose to proceed in executive session to-day or to-morrow to consider and dispose of the nomination of this man Burnett, I ask why pass the resolution? If the Senator will permit me and the Chair will bear with me, I ask what would be the difference? Instead of using the general terms which I find constituting the resolution, suppose you make the resolution specific, and instead of taking in a whole class of cases let us make it apply to this one case.

I assume that the Senate is now satisfied, on the face of the official declaration, that the papers demanded in this case are not to be surrendered nor furnished to this body. Everybody knows that. They are not coming. The head of one of the Executive Departments of the Government under the sanction of a Presidential message has told you that they would not be sent. They will not be sent here and all of us know that. Now, then, make your resolution specific and see how it would read:

> That it is, under these circumstances, the duty of the Senate to refuse its advice and consent to the proposed removal of Mr. Duskin, the documents and papers in reference to the supposed official or personal misconduct of himself having been withheld by the Executive or any head of a Department when deemed necessary by the Senate and called for in considering the matter.

Before this point of order and this appeal shall be disposed of, let me ask is it possible for you, sir, to conceive of any change or alteration of rule that is more radical, more sweeping, more unjust, more indefensible, than that which is proposed by this resolution? Here are the rules of this body adopted for its government, and among them in Rule XXXVIII; in the very first clause I find the following:

> When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to the appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

That the Senate shall advise and consent to this nomination is the peremptory order and rule of the Senate. Pass the resolution, and you have abrogated that rule and declared that that question shall not be submitted. I submit in common candor whether there is an atom of necessity, whether there is any defense, or any excuse, or any palliation to be offered for the insincerity of the act of going into executive session to determine the fate of Mr. Burnett after that resolution has been adopted here in open session. Whether he be a worthy or an unworthy man, whether there be a vacancy or whether there be no vacancy, whether the term of his office had expired and ended by its own limitation or not, whether the President acted wisely or unwisely, whether he exceeded the bounds of his authority as measured by the Constitution or not, here is an American citizen standing before the bar of the Senate bearing a commission of decency, *prima facie*, in the shape of a commission from the President of the United States to discharge the functions of an honorable office, a nomination constituting a commission as to character. The rule of the Senate says that he shall have the right of consideration, even though it be with closed doors. This resolution denies it to him and says that he shall not have it.

If this resolution is passed it practically bars this citizen of his right as guaranteed to him by the precedents and secured to him by the rules of the Senate; and not only him, but all the other nominations that come in the class designated by the resolution; and yet we are told that it does not change the rule of the Senate. It not only changes the rule of the Senate by a method that is surreptitious and insincere and unfair, but it violates every precedent known to this country from the foundation of the Government till now. It is an unmanly method of avoiding a contest by which you can deprive an American citizen of the rights guaranteed to him by law, by rule, by precedent, and by decency.

Mr. BECK. I wish to suggest to my colleague that after this resolution is passed we shall still have reserved to us the right to clear the galleries and close the doors.

Mr. BLACKBURN. Certainly. With all deference and with the

fullest measure of respect, for indeed I cherish it for the Senator from Massachusetts, I will say in advance to him that a motion to lay the appeal upon the table is hardly a respectful answer to a question which in all respect, in all candor, and in all sincerity I submit. If the appeal shall be laid upon the table and the resolution be adopted, tell me, pray, in common fairness, what substantial right has this nominee of the President to this office either under the law or the rule or the precedents of this body? Is it possible that the conceded, the compact, the never-failing but ever-responding majority who sit upon the other side of this Chamber is growing doubtful?

Can it be true that political disintegration on that side is apprehended? The power is conceded; the votes are here, and they always are here, it does not matter, though you may tear into shreds and tatters the whole framework of the rules under which this august body for so many years has transacted its business. Are there such exigencies, are there such necessities confronting our friends upon the other side as to force them to do this thing in almost indecent haste, when they can reach the same results and accomplish the same purpose, however destitute of justice, if they will only contain their souls in peace and go at it after a regular and formulated fashion?

I do not believe that it is the purpose of the majority which sits upon the other side, even though it be necessary, to use haste. I do not believe that the Senate is willing or will declare itself willing, leaving this whole question of papers out of view, to do a violence and make a rent in the organism under which this body lives and transacts its business for such a paltry advantage as this seems to me to promise to be.

Mr. HOAR. I now move to lay the appeal on the table.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the appeal be laid on the table.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. GIBSON. I have been requested to state that the Senator from New Jersey [Mr. MCPHERSON] is paired with his colleague [Mr. SEWELL].

Mr. INGALLS. I rise to announce my pair with the Senator from Delaware [Mr. SAULSBURY].

Mr. DOLPH. I am paired with the Senator from Georgia [Mr. COLQUITT] on all questions connected with the resolutions.

The result was announced—yeas 30, nays 27; as follows:

YEAS—30.

Aldrich,	Edmunds,	McMillan,	Sabin,
Allison,	Evarts,	Mahone,	Sawyer,
Blair,	Frye,	Manderson,	Spooner,
Cameron,	Hale,	Miller,	Stanford,
Chace,	Harrison,	Mitchell of Oreg.,	Teller,
Conger,	Hawley,	Morrill,	Wilson of Iowa.
Cullom,	Hoar,	Platt,	
Dawes,	Logan,	Plumb,	

NAYS—27.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Jackson,	Ransom,
Blackburn,	Eustis,	Jones of Arkansas,	Van Wyck,
Brown,	George,	Kenna,	Voorhees,
Butler,	Gibson,	Maxey,	Walthall,
Call,	Gorman,	Morgan,	Wilson of Md.
Camden,	Gray,	Payne,	

ABSENT—18.

Bowen,	Ingalls,	Palmer,	Sherman,
Colquitt,	Jones of Florida,	Pike,	Vance,
Dolph,	Jones of Nevada,	Riddleberger,	Vest.
Fair,	McPherson,	Saulsbury,	
Hampton,	Mitchell of Pa.,	Sewell,	

So the appeal was laid on the table.

Mr. BROWN. I move to amend by striking out the third resolution, and on that proposition I ask for the yeas and nays.

Mr. EDMUNDS. That is merely the question of agreeing to it put in another form. It does not need any motion to amend.

Mr. BROWN. My motion rather emphasizes it.

The PRESIDENT *pro tempore*. The motion is in order. Is the call for the yeas and nays seconded?

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to strike out the third resolution, on which the Secretary will call the roll.

Mr. BECK. I did not hear the proposition, there is so much confusion in the Chamber.

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. BROWN] moves to strike out the third resolution.

Mr. HOAR. I desire to make a parliamentary inquiry of the Chair. Where a series of resolutions are proposed and there is a separate vote on each as a separate proposition, is it in order to move to strike out one? We have proceeded to take separate votes on each. The object of the Senator will be accomplished by voting against the resolution. I submit it is not a matter of striking out by motion, because the vote is on the adoption of the resolution.

The PRESIDENT *pro tempore*. The Senator from Georgia has the right to have the question put in that way if he chooses. It makes a double vote, as a matter of course.

Mr. COCKRELL. I hope the Senator from Georgia will withdraw his call. It is simply a consumption of time for nothing; it can not emphasize the vote in any shape, manner, or form.

Mr. BROWN. I asked for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the motion to strike out the third resolution.

Mr. DOLPH. I should like to ask what the pending question was before the motion of the Senator from Georgia was interposed?

The PRESIDENT *pro tempore*. The pending question would be on the adoption of the third resolution.

Mr. DOLPH. Is a motion to strike out the entire resolution to be regarded as an amendment to the pending question?

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senator has the right to make such a motion. It is a series of resolutions, and he moves to strike out the third resolution.

Mr. DOLPH. I understand that a motion to strike out the third resolution would be an amendment of the series, but when a separate motion is pending to adopt one resolution, whether a motion to strike out the resolution entirely would be an amendment to the motion which could be entertained is the question which I suggest to the Chair.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that the Senator has a right to make that motion. ["Vote!" "Vote!"]

The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. INGALLS (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 27, nays 31; as follows:

YEAS—27.

Beck,	Cockrell,	Harris,	Payne,
Berry,	Coke,	Jackson,	Pugh,
Blackburn,	Eustis,	Jones of Arkansas,	Ransom,
Brown,	George,	Kenna,	Voorhees,
Butler,	Gibson,	Maxey,	Walthall,
Call,	Gorman,	Mitchell of Oreg.,	Wilson of Md.
Camden,	Gray,	Morgan,	

NAYS—31.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Allison,	Evarts,	Mahone,	Sherman,
Blair,	Frye,	Manderson,	Spooner,
Cameron,	Hale,	Miller,	Stanford,
Chace,	Harrison,	Morrill,	Teller,
Conger,	Hawley,	Platt,	Van Wyck,
Cullom,	Hoar,	Plumb,	Wilson of Iowa.
Dawes,	Logan,	Sabin,	

ABSENT—17.

Bowen,	Ingalls,	Palmer,	Vance,
Colquitt,	Jones of Florida,	Pike,	Vest.
Dolph,	Jones of Nevada,	Riddleberger,	
Fair,	McPherson,	Saulsbury,	
Hampton,	Mitchell of Pa.,	Sewell,	

So the motion to strike out was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the third resolution. The Chair will inquire whether the yeas and nays have been ordered upon it?

Mr. HARRIS. I do not remember whether the yeas and nays have been ordered on the question of agreeing to the resolution.

Mr. COKE. I ask for the yeas and nays.

Mr. COCKRELL. The question is on agreeing to the third resolution. Let us have the yeas and nays on the question.

Mr. BUTLER. We want the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). I desire to announce again that I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, he would vote "nay" and I should vote "yea."

Mr. INGALLS (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. I should vote "yea" if he were present,

Mr. BLAIR (when Mr. PIKE'S name was called). My colleague [Mr. PIKE] is absent in ill health, and is paired with the Senator from Missouri [Mr. VEST]. If my colleague were present, he would vote for the resolution.

Mr. COCKRELL. And my colleague [Mr. VEST], who is detained by sickness, would vote "nay" on the adoption of all the resolutions.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER].

Mr. BECK. I wish to announce once more the pair of the Senator from Florida [Mr. JONES] with the Senator from Colorado [Mr. BOWEN]. The Senator from Florida would vote "nay," if he were here.

The result was announced—yeas 30, nays 29; as follows:

YEAS—30.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Allison,	Evarts,	Mahone,	Sherman,
Blair,	Frye,	Manderson,	Spooner,
Cameron,	Hale,	Miller,	Stanford,
Chace,	Harrison,	Morrill,	Teller,
Conger,	Hawley,	Platt,	Wilson of Iowa.
Cullom,	Hoar,	Plumb,	
Dawes,	Logan,	Sabin,	

NAYS—29.

Beck,	Coke,	Jones of Arkansas,	Riddleberger,
Berry,	Eustis,	Kenna,	Van Wyck,
Blackburn,	George,	Maxey,	Voorhees,
Brown,	Gibson,	Mitchell of Oreg.,	Walthall,
Butler,	Gorman,	Morgan,	Wilson of Md.
Call,	Gray,	Payne,	
Camden,	Harris,	Pugh,	
Cockrell,	Jackson,	Ransom,	

ABSENT—16.

Bowen,	Hampton,	McPherson,	Saulsbury,
Colquitt,	Ingalls,	Mitchell of Pa.,	Sewell,
Dolph,	Jones of Florida,	Palmer,	Vance,
Fair,	Jones of Nevada,	Pike,	Vest.

So the third resolution was agreed to.

Mr. MORGAN. I offer the following as——

The PRESIDENT *pro tempore*. The question is on the adoption of the fourth resolution.

Mr. MORGAN. I offer a resolution to come in after the next resolution, at the end of the series.

The PRESIDENT *pro tempore*. The Senator from Alabama offers an amendment to the fourth resolution.

Mr. MORGAN. No, sir; it is a separate resolution, to come in at the end of the series.

The PRESIDENT *pro tempore*. The question then is on the adoption of the fourth resolution.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. HARRIS. If the fourth resolution is adopted would the amendment of the Senator from Alabama be in order?

The PRESIDENT *pro tempore*. He does not offer it as an amendment.

Mr. MORGAN. My resolution is a separate one.

Mr. HARRIS. He offers it as one resolution of the series, and if the last resolution is adopted I propound the question would the amendment or the additional resolution of the Senator from Alabama be in order?

The PRESIDENT *pro tempore*. That question has not yet arisen. The Chair asked the Senator from Alabama if he proposed his resolution as an amendment to the fourth resolution, and he said that he did not. As to whether it would be in order afterward the Chair will not decide until that question arises. The question is on agreeing to the fourth resolution, on which the yeas and nays are demanded.

Mr. VOORHEES. Let the resolution be read.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

Resolved, That the provision of section 1754 of the Revised Statutes, declaring—"That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office"—

ought to be faithfully and fully put in execution; and that to remove, or to propose to remove, any such soldier, whose faithfulness, competency, and character are above reproach, and to give place to another who has not rendered such service, is a violation of the spirit of the law, and of the practical gratitude the people and Government of the United States owe to the defenders of constitutional liberty and the integrity of the Government.

The PRESIDENT *pro tempore*. The question is on agreeing to this resolution, and on that question the Senator from Vermont demands the yeas and nays.

Mr. VOORHEES. I demand the yeas and nays, too.

The yeas and nays were ordered.

Mr. BUTLER. I have had some little knowledge of the manner in which the provision of law cited in the resolution has been executed when the Republican party was in power, and I think if I had the time I could demonstrate to the satisfaction of the Senate that the Republican party has violated it ten times where the present administration has not departed from it once. Believing it to be a just, proper, and wholesome provision of law, I shall vote for the adoption of the resolution.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution.

The roll was called.

Mr. BROWN. I will state that I think if my colleague [Mr. COLQUITT] were present he would vote "yea" on this question, and therefore if the Senator from Oregon [Mr. DOLPH] desires to vote there will be no objection to his doing so.

Mr. DOLPH. I shall therefore vote. I vote "yea."

Mr. INGALLS. This does not seem to be a political question. Having been previously paired with the Senator from Delaware [Mr. SAULSBURY], I vote "yea" on the pending question.

The result was announced—yeas 56, nay 1; as follows:

YEAS—56.

Aldrich,	Chace,	Frye,	Jackson,
Allison,	Cockrell,	Gibson,	Jones of Arkansas,
Beck,	Coke,	Gorman,	Kenna,
Berry,	Conger,	Gray,	Logan,
Blackburn,	Cullom,	Hale,	McMillan,
Blair,	Dawes,	Harris,	Mahone,
Brown,	Dolph,	Harrison,	Manderson,
Butler,	Edmunds,	Hawley,	Maxey,
Camden,	Eustis,	Hoar,	Miller,
Cameron,	Evarts,	Ingalls,	Mitchell, of Oreg.
Payne,	Ransom,	Spooner,	Voorhees,
Platt,	Sabin,	Stanford,	Walthall,
Plumb,	Sawyer,	Teller,	Wilson of Iowa,
Pugh,	Sherman,	Van Wyck,	Wilson of Md.

NAYS—1.

Morgan.

ABSENT—18.

Bowen,	Hampton,	Morrill,	Sewell,
Call,	Jones of Florida,	Palmer,	Vance,
Colquitt,	Jones of Nevada,	Pike,	Vest.
Fair,	McPherson,	Riddleberger,	
George,	Mitchell of Pa.,	Saulsbury,	

So the fourth resolution was agreed to.

Mr. PLATT. The resolutions having been passed—I suppose they are all passed now——

The PRESIDENT *pro tempore*. The resolutions have been adopted.

Mr. MORGAN. I have a resolution pending, which I sent to the desk and which has not been acted on.

The PRESIDENT *pro tempore*. The Senator from Alabama gave notice of his desire to offer an additional resolution.

Mr. MORGAN. I offered my resolution.

The PRESIDENT *pro tempore*. Having offered it before the resolutions were concluded, the Chair feels bound to rule that it is in order.

Mr. HOAR. I desire to raise a question of order. All the resolutions have been passed, the whole four. There is no mode of amending the series now. It is simply like dividing the vote on the passage of a bill into four parts, and when they are all passed upon you can not move to amend the bill after it has been passed.

The PRESIDENT *pro tempore*. The Chair is of opinion that in view of the notice given by the Senator from Alabama that he would offer an amendment, and the amendment having been sent to the desk, the question being raised as to whether he could or could not offer it, the resolution should be received.

Mr. HOAR. To what is it an amendment? An amendment implies a pending question to be amended. The question is, Shall the bill pass? The question, shall it pass with a certain amendment, must be acted on before it is passed. But when a series of resolutions which are four distinct propositions are before the Senate and there is a demand that the question be divided, according to the usual parliamentary law the question is put on the passage of each separately, and when each separately has passed the matter is as much beyond the reach of amendment as a bill after it has passed. Giving a notice beforehand does not change the parliamentary law. The Senator should have made his motion as an amendment to the last resolution.

The PRESIDENT *pro tempore*. In ordinary cases clearly the Senator from Massachusetts is right; but the Senator from Alabama sent an amendment that was then in order to the Chair, and the Chair was about to put the question upon it as an amendment when the Senator from Alabama gave notice to the Senate that he would offer it as an additional resolution. The Chair thinks under the circumstances that it is clearly his right to offer the amendment.

Mr. HOAR. I hope then it will be done by unanimous consent and not as a ruling, as a matter of order, for it would embarrass the Senate, it seems to me, very much to establish such a precedent. I will ask unanimous consent that the amendment may be received.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the Senator from Alabama may offer the resolution. Is there objection? The Chair hears none, and the additional resolution will be offered as an amendment. It will be read.

The Secretary read as follows:

Resolved, That nothing in these resolutions contained is to be construed as declaring that the conduct of the Attorney-General renders him liable to impeachment, and the Senate disclaims the right or power to punish him by imprisonment or otherwise than by impeachment for the offense charged against him in the second resolution, which the Senate has just adopted.

Mr. EDMUNDS. I move to lay that resolution on the table.

Mr. MORGAN. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. INGALLS (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 33, nays 26; as follows:

YEAS—33.

Aldrich,	Evarts,	Manderson,	Sherman,
Allison,	Frye,	Miller,	Spooner,
Blair,	Hale,	Mitchell of Oreg.,	Stanford,
Cameron,	Harrison,	Morrill,	Teller,
Chace,	Hawley,	Platt,	Van Wyck,
Conger,	Hoar,	Plumb,	Wilson of Iowa.
Cullom,	Logan,	Riddleberger,	
Dawes,	McMillan,	Sabin,	
Edmunds,	Mahone,	Sawyer,	

NAYS—26.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Jackson,	Ransom,
Blackburn,	Eustis,	Jones of Arkansas,	Voorhees,
Brown,	George,	Kenna,	Walthall,
Butler,	Gibson,	Maxey,	Wilson of Md.
Call,	Gorman,	Morgan,	
Camden,	Gray,	Payne,	

ABSENT—16.

Bowen,	Hampton,	McPherson,	Saulsbury,
Colquitt,	Ingalls,	Mitchell of Pa.,	Sewell,
Dolph,	Jones of Florida,	Palmer,	Vance,
Fair,	Jones of Nevada,	Pike,	Vest.

So the resolution was laid on the table.

ORDER OF BUSINESS.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, so that it may be the unfinished business at the next sitting of the Senate.

Mr. COCKRELL. I hope that will not be done.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Connecticut. [Putting the question.] The ayes have it, and the motion is agreed to.

Mr. BECK. Mr. President——

Mr. COCKRELL. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. A message from the House of Representatives has been announced. Senators will pause for a moment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 812) granting a pension to Mrs. E. A. Benham.

DEATH OF REPRESENTATIVE RANKIN.

The message also conveyed to the Senate the resolutions adopted by the House of Representatives commemorative of the life and services of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin.

COMMITTEE ON PENSIONS.

The PRESIDENT *pro tempore*. Senators will resume their seats.

Mr. PLATT. My motion was agreed to, I understand.

The PRESIDENT *pro tempore*. The motion of the Senator from Connecticut was carried.

Mr. BLAIR. The Senator from Pennsylvania [Mr. MITCHELL] is absent and likely to be away for a considerable time on account of sickness. He is chairman of the Committee on Pensions, and it is necessary to have an additional member appointed temporarily. I ask that the resolution which I send to the desk be adopted.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to offer a resolution at this time. Is there objection? The Chair hears none, and the resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That an additional member be appointed by the President of the Senate to serve temporarily upon the Committee on Pensions.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair will appoint the Senator from Wisconsin [Mr. SAWYER] under the resolution just adopted.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate adjourn until 12 o'clock on Monday next.

Mr. PLATT. I understand that my motion was carried.

Mr. RANSOM. No, it was not.

Mr. COCKRELL. Mr. President——

Mr. HOAR. I rise to a parliamentary inquiry. Has the motion of the Senator from Connecticut to take up the bill indicated by him been agreed to?

The PRESIDENT *pro tempore*. It has been agreed to.

Mr. COCKRELL. I most earnestly protest against that. I was on my feet before any announcement was made for the express purpose of preventing action upon that motion, and I moved to adjourn before there was any decision of the Chair on the question. I must appeal from the decision of the Chair upon that ruling. The bill has not been made the unfinished business.

The PRESIDENT *pro tempore*. If the Senator from Missouri states the fact to be that he was seeking to prevent the adoption of the motion, that is sufficient, and the Chair will regard the order as not having been made. The question then is on the motion of the Senator from Connecticut to proceed to the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. COCKRELL. I move that the Senate do now adjourn until Monday at 12 o'clock.

Mr. EDMUNDS. I hope not until we settle this matter.

Mr. HOAR. If we do not, the motion can be renewed on Monday.

The PRESIDENT *pro tempore*. It can be renewed, as a matter of course, like a motion to take up any other bill. The question is on agreeing to the motion of the Senator from Missouri [Mr. COCKRELL] that the Senate adjourn until Monday next at 12 o'clock. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Let us have a division. I think we can settle it by a division.

Mr. COKE. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

The question is on agreeing to the motion of the Senator from Missouri that the Senate do now adjourn until Monday at 12 o'clock, and the Secretary will call the roll.

The roll having been called, the result was announced—yeas 18, nays 31; as follows:

YEAS—18.

Beck,	Camden,	Gorman,	Maxey,
Berry,	Cockrell,	Gray,	Payne,
Brown,	Coke,	Harris,	Ransom.
Butler,	Eustis,	Jackson,	
Call,	Gibson,	Jones of Arkansas,	

NAYS—31.

Aldrich,	Dolph,	Mahone,	Sabin,
Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Frye,	Miller,	Sherman,
Cameron,	Harrison,	Mitchell of Oreg.,	Spooner,
Chace,	Hawley,	Morrill,	Stanford,
Conger,	Hoar,	Platt,	Teller,
Cullom,	Logan,	Plumb,	Wilson of Iowa.
Dawes,	McMillan,	Riddleberger,	

ABSENT—26.

Blackburn,	Hampton,	Morgan,	Van Wyck,
Bowen,	Ingalls,	Palmer,	Vest,
Colquitt,	Jones of Florida,	Pike,	Voorhees,
Evarts,	Jones of Nevada,	Pugh,	Walthall,
Fair,	Kenna,	Saulsbury,	Wilson of Md.
George,	McPherson,	Sewell,	
Hale,	Mitchell of Pa.,	Vance,	

So the motion was not agreed to.

Mr. PLATT. The question recurs on my motion, I suppose.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Connecticut that the bill which has been already stated, the bill for the admission of Washington, be taken up.

ADJOURNMENT TO MONDAY.

Mr. HARRIS. I move that when the Senate adjourn to day it be to meet on Monday next.

Mr. EDMUNDS. Do not filibuster. Let us take the question on the motion of the Senator from Connecticut.

Mr. HARRIS. I do not propose to filibuster.

The PRESIDENT *pro tempore*. The motion of the Senator from Tennessee is substantially the same as that of the Senator from Missouri.

Mr. HARRIS. I understood the motion of the Senator from Missouri to be that the Senate do now adjourn.

Mr. COCKRELL. That was my motion, Mr. President.

The PRESIDENT *pro tempore*. Until Monday next.

Mr. HARRIS. My motion is a very different one.

Mr. HARRISON. The motion of the Senator from Missouri certainly was that the Senate adjourn until Monday next.

Mr. COCKRELL. So it was.

Mr. HARRISON. Then is not that the same as the motion of the Senator from Tennessee?

Mr. COCKRELL. No, sir; mine was an entirely different motion.

Mr. HARRIS. I do not propose to now adjourn, but I move that when the Senate do adjourn to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. That is a different motion and is in order. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS].

The motion was agreed to.

ORDER OF BUSINESS.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business——

Mr. PLATT. May I say——

Mr. COCKRELL. And on that motion I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of executive business, on which the yeas and nays are demanded.

The yeas and nays were ordered and taken.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Alabama [Mr. PUGH] on political questions. This seems to be taking that turn, and I therefore withdraw my vote.

The result was announced—yeas 3, nays 28; as follows:

YEAS—3.

Brown,	Harris,	Maxey.

NAYS—28.

Aldrich,	Evarts,	Mahone,	Plumb,
Chace,	Frye,	Manderson,	Sabin,
Conger,	Harrison,	Miller,	Sawyer,
Cullom,	Hawley,	Mitchell of Oreg.,	Sherman,
Dawes,	Hoar,	Morrill,	Spooner,
Dolph,	Logan,	Payne,	Teller,
Edmunds,	McMillan,	Platt,	Wilson of Iowa.

ABSENT—44.

Allison,	Coke,	Jackson,	Ransom,
Beck,	Colquitt,	Jones of Arkansas,	Riddleberger,
Berry,	Eustis,	Jones of Florida,	Saulsbury,
Blackburn,	Fair,	Jones of Nevada,	Sewell,
Blair,	George,	Kenna,	Stanford,
Bowen,	Gibson,	McPherson,	Vance,
Butler,	Gorman,	Mitchell of Pa.,	Van Wyck,
Call,	Gray,	Morgan,	Vest,
Camden,	Hale,	Palmer,	Voorhees,
Cameron,	Hampton,	Pike,	Walthall,
Cockrell,	Ingalls,	Pugh,	Wilson of Md.

The PRESIDENT *pro tempore*. No quorum has voted.

Mr. PLATT. It is certainly in the power of the opposition to keep us here all night. I have no desire for such a contest, and if I may be permitted to do so I will withdraw the motion at this time.

Mr. EDMUNDS. You need not withdraw it. Just move to adjourn.

Mr. HARRIS. Nothing is in order but a motion to adjourn or a call of the Senate.

Mr. PLATT. I wish to say, then, that I shall renew the motion on Monday immediately after the morning hour; and I move that the Senate do now adjourn.

The motion was agreed to; and (at 9 o'clock and 32 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 26, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the Civil Service Commission for the year ended on the 16th day of January last.

The exhibit thus made of the operations of the commission and the account thus presented of the results following the execution of the civil-service law can not fail to demonstrate its usefulness and strengthen the conviction that this scheme for a reform in the methods of administering the Government is no longer an experiment.

Wherever this reform has gained a foothold it has steadily advanced in the esteem of those charged with public administrative duties, while the people who desire good government have constantly been confirmed in their high estimate of its value and efficiency.

With the benefits it has already secured to the public service plainly apparent, and with its promise of increased usefulness easily appreciated, this cause is commended to the liberal care and jealous protection of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 25, 1886.

REGULATION OF IMMIGRATION.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, submitting a draught of a bill to regulate immigration and recommending its passage; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

FIRE-PROOF BUILDING FOR OFFICIAL RECORDS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a report from the Supervising Architect recommending an appropriation to build a fire-proof building for safe-keeping of records of the legislative, executive, and judicial departments; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

STORAGE AND TRANSPORTATION OF SILVER DOLLARS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, submitting an estimate of an appropriation to be immediately available for storage and transportation of silver dollars; which was referred to the Committee on Appropriations, and ordered to be printed.

REVISION OF THE TARIFF.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting additional correspondence relating to the revision of the tariff received since the printed volume of correspondence on that subject was transmitted to the House; which was referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC PARKS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the acting Chief of Engineers, with a draught of a bill to regulate the use of public parks in the District of Columbia, and recommending its passage; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CAÑON DE PEDERNALES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report from the surveyor-general of New Mexico upon the private land claim Cañon de Pedernales; which was referred to the Committee on Private Land Claims.

SUBSTITUTES IN DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Postmaster-General, in response to a resolution of the House calling for information as to the employment of substitutes in the several Departments; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

PATRICK COLLINS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with accompanying papers, the petition of Patrick Collins, asking that his political disabilities be removed; which was referred to the Committee on Military Affairs.

COMMISSION ON GOVERNMENT MANUSCRIPTS.

The SPEAKER also laid before the House a bill (S. 1851) establishing a commission to report to Congress on manuscripts belonging to the Government; which was referred to the Joint Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that House bill 6374 be taken up for present consideration.

Mr. BEACH. I shall have to object, Mr. Speaker.

Mr. DAVIDSON, of Florida. Mr. Speaker, I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of Senate resolution No. 10, and that the same be now considered by the House.

Mr. BEACH. Regular order!

The SPEAKER. The regular order is demanded, which is equivlent to an objection.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the call of standing and select committees for reports of a private nature.

ELIZABETH B. BELL.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5655) granting a pension to Elizabeth B. Bell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM FIELD.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4808) granting a pension to William Field; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SYLVESTER ROOT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3054) granting a pension to Sylvester Root; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6474) granting a pension to Frank N. Gray;
A bill (H. R. 3181) restoring a pension to Mary McCarthy;
A bill (H. R. 4037) granting a pension to Emma L. Clapp; and
A bill (H. R. 5161) granting a pension to William W. Ingalls.

EDWARD GORMLEY.

On motion of Mr. LOVERING, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5653) granting a pension to Edward Gormley, and the same was referred to the Committee on Pensions.

JOHN G. BURRILL.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5583) granting a pension to John G. Burrill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. HONORAH MALONEY.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 599) granting a pension to Mrs. Honorah Maloney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SQUIRE A. DAVIS.

On motion of Mr. CONGER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6714) for the relief of Squire A. Davis; and the same was referred to the Committee on Military Affairs.

DANIEL JOHNSON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 6715) for the relief of Daniel Johnson; which was laid on the table, and the accompanying report ordered to be printed.

MARGARET MAYHAM.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6176) granting a pension to Margaret Mayham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALFRED PICKELSIMER.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6457) for the relief of Alfred Pickelsimer;

which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LUCY ANN DREW.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6502) granting a pension to Lucy Ann Drew; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NATHAN MAGOON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6504) granting a pension to Nathan Magoon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MISS REBECCA MILLER.

On motion of Mr. HAYNES, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 813) granting a pension to Miss Rebecca Miller; and the same was referred to the Committee on Pensions.

WILLIAM GRAY.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (H. R. 6411) for the relief of William Gray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BARKER, WILLIAMS, AND OTHERS.

On motion of Mr. GEDDES, by unanimous consent the Committee on War Claims was discharged from the further consideration of the bill (H. R. 6854) for the relief of Barker, Williams, and others; and the same was referred to the Committee on Claims.

GEORGE T. DUDLEY.

Mr. LYMAN, from the Committee on War Claims, reported back favorably the bill (S. 498) for the relief of George T. Dudley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the standing and select committees.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole to consider bills upon the Private Calendar.

Mr. SPRINGER. I hope the gentleman from Alabama will withdraw that motion for a moment, as I want to call up a motion to reconsider, which is pending.

Mr. WHEELER. I will withdraw it for that purpose.

MRS. E. A. BENHAM.

Mr. SPRINGER. Mr. Speaker, I desire to call up a privileged motion, being the motion to reconsider the vote by which the House refused to pass the bill of the Senate (S. 812) granting a pension to Mrs. E. A. Benham.

Mr. McMILLIN. By whom was the motion to reconsider entered?

The SPEAKER. By the gentleman from Illinois on the next day after the House had rejected the bill.

Mr. SPRINGER. I hope the motion to reconsider will be considered as adopted, for the purpose of allowing gentlemen who favor or oppose this bill to make an explanation of the vote which shall be given upon it at this time. I desire that privilege myself, and other gentlemen most probably want an opportunity of explaining their votes. I therefore ask that the motion be considered as agreed to.

Mr. HOLMAN. By unanimous consent that can be done.

Mr. McMILLIN. Is there to be an effort to pass the bill now?

Mr. SPRINGER. Certainly; that is the object of the motion.

Mr. McMILLIN. I shall object then to allowing the motion to be adopted by unanimous consent.

The SPEAKER. Under the rules of the House a motion to reconsider a vote taken under the operation of the previous question is not debatable; but if the motion to reconsider is carried, then the bill is debatable, being divested of the operation of the previous question.

The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the motion to reconsider be regarded as agreed to, so that debate may be had upon the bill.

Mr. McMILLIN. I object to the reconsideration. I think this bill has been properly decided and disposed of by the House.

The SPEAKER. The question is on the motion of the gentleman from Illinois to reconsider the vote by which the House rejected the bill.

Mr. BUCK. Is it not in order to make a statement of the reasons for asking this reconsideration?

The SPEAKER. Not if objection is made, and objection has been made to the request of the gentleman from Illinois. The gentleman from Tennessee [Mr. McMILLIN] objects. The question is, Will the House reconsider the vote?

The House proceeded to divide on the question.

Mr. McMILLIN. For the purpose of allowing debate, I shall withdraw the objection and consent that the motion to reconsider be regarded as adopted.

The SPEAKER. The question now is, Shall the bill pass? which question is debatable.

The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. E. A. Benham, wife of the late General Henry W. Benham, at the rate of $50 per month.

Mr. SPRINGER. As a part of my remarks, I ask that the report of the committee be read. I do this, Mr. Speaker, for the purpose of having the House understand clearly what this case is. It has never been considered in the House except at Friday night sessions, when very few members were present. I hope the House will therefore give attention to the reading of the report, as there may be another yea-and-nay vote, and as there has not been a discussion of the question in a full House.

The SPEAKER. The report will be read.

The report (by Mr. HUTTON) is as follows:

That Mrs. E. A. Benham is the widow of Bvt. Maj. Gen. Henry W. Benham. He was graduated from the Military Academy and promoted to the grade of brevet second lieutenant in the Corps of Engineers July 1, 1837, and died June 1, 1884, having served his country faithfully and well as engineer and soldier for a period of nearly thirty years.

As a testimonial of his patriotism, fidelity, and courage, and his personal and official worth, the order of Brigadier-General Newton is made a part of this report.

Both as an engineer and as a soldier General Benham made a record of which any man might feel proud. During a period of thirty years of the most efficient and faithful service he was the recipient of the highest commendations from Generals Taylor, Wool, Scott, Totten, McClellan, Sherman, Hooker, Meade, and Grant, with a record rarely equaled, perhaps never surpassed, by one of his rank.

Your committee report the bill favorably and recommend its passage.

[General Orders, No. 9.]

HEADQUARTERS CORPS OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 5, 1884.

It becomes the painful duty of the brigadier-general commanding to announce to the Corps of Engineers the death of a brother officer.

Col. Henry W. Benham, Corps of Engineers (retired), brevet major-general, United States Army, died in New York city on the evening of June 1, 1884.

General Benham was graduated from the Military Academy and promoted to the grade of brevet second lieutenant in the Corps of Engineers July 1, 1837.

He served as assistant-engineer upon the improvement of Savannah River, Georgia, 1837–'38; as superintending engineer of the repairs of Fort Marion and of Saint Augustine sea-wall, Florida, 1839–'44, of the repairs of defenses of Annapolis, Md., 1844–'45, of repairs of Fort Mifflin, Pennsylvania, and Fort McHenry, Maryland, 1845, and of repairs of Forts Madison and Washington, Maryland, 1846–'47; in the war with Mexico, 1847–'48, being engaged in the battle of Buena Vista, February 22, 23, 1847, where he was wounded; as assistant engineer in the repairs of the defenses of New York Harbor, 1848–'49; as superintending engineer of the construction of the sea-wall for the protection of Great Brewster Island, Boston Harbor, 1849–'52, of the construction of Buffalo light-house, New York, 1852, and of the Washington navy-yard, 1852–'53.

He was on duty as assistant in charge of the United States Coast Survey Office, Washington, D. C., and in Europe in connection therewith, from March, 1853, until November, 1856; as superintending engineer of the construction of Forts Winthrop and Independence, Boston Harbor, Massachusetts, 1856–'57, of the survey of site for fort on Clark's Point, New Bedford, Mass., and repair of Fort Adams, Newport Harbor, Rhode Island, 1857–'58, of the construction of the fort at Sandy Hook, 1858–'61, of the Potomac Aqueduct, 1860, and as engineer of the quarantine commissioners of New York Harbor, 1859–'60.

He served during the war of the rebellion, 1861–'66, as chief engineer Department of the Ohio, May–July, 1861, being engaged upon the staff of Brig. Gen. T. A. Morris, in military operations in Western Virginia, at Laurel Hill, July 6–11; in command of the troops engaged in the combat of Garrick's Ford, July 13, 1861, and as acting inspector-general, Department of the Ohio, August 5–16.

Promoted to the rank of brigadier-general of volunteers August 13, 1861, he took part in the campaign in West Virginia, August–November, 1861, being in command of a brigade at New Creek, August 16, 1861; in action at Carnifex Ferry, September 10, 1861, and the pursuit of the enemy from Cotton Hill to Raleigh County, Virginia, November 12–16, 1861. He was in command of the northern district of the Department of the South March to June, 1862, being present at Tybee Island, Georgia, during the bombardment and capture of Fort Pulaski April 10, 11, 1862, and engaged, in command, at the attack on Secessionville, James Island, S. C., June 16, 1862. From September, 1862, to February 28, 1863, he was on duty as superintending engineer of the construction of the fortifications at Portsmouth Harbor, New Hampshire. Assigned to the command of the engineer brigade, Army of the Potomac, he was engaged in superintending the construction of ponton bridges across the Rappahannock for the passage of the army at Chancellorsville, April 29–May 5, 1863; at Franklin's Crossing, in the face of the enemy, June 5, 1863, and over the Potomac, at Edwards Ferry, June 21, 1863. From July, 1863, to May, 1864, he was in charge of the ponton depot at Washington, D. C.

From June, 1864, to June, 1865, he was in command of the engineer brigade, Army of the Potomac, being engaged in superintending the construction of a ponton bridge 2,200 feet long across the James River, at Fort Powhatan, June 15, 1864; in the construction and command of the defenses of City Point, Va., October 1864, to April 2, 1865; in holding the captured lines at Petersburg, April 2, 1865; in repairing bridges across the Appomattox and Staunton Rivers, April 3–23, 1865, and on march to Washington, D. C., May–June, 1865. Since the close of the war General Benham served as superintending engineer of the construction of Fort Winthrop and Fort Independence, Massachusetts, from 1865 to 1882; of Fort Warren, Massachusetts, from 1867 to 1882; of works on Long Island Head from 1869 to 1882; of the defenses of Provincetown, Mass., from 1866 to 1870, and from 1872 to 1877; of the construction of Boston Harbor sea-walls from May, 1866, to April, 1873, and of Fort Montgomery, New York, and the inner defenses of New York Harbor, the forts at New York Narrows, and of Sandy Hook, New York, from July, 1877, until June 30, 1882, when he was retired from active service by the operation of law.

General Benham was promoted successively from the grade of lieutenant to that of colonel of engineers and brigadier-general of volunteers, having declined the appointment of major in the Ninth Infantry, tendered him in March, 1855.

He received the brevets of captain, United States Army, "for gallant and meritorious conduct in the battle of Buena Vista," February 23, 1847; colonel, United States Army, "for gallant and meritorious services in the battle of Garrick's Ford, Va," July 13, 1861; brigadier-general, United States Army, for "gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under General Robert E. Lee," March 13, 1865; major-general, United States Army, for "gallant and meritorious services during the war," March 13, 1865, and major-general of volunteers, "for gallant and meritorious services during the war," March 13, 1865.

The record of General Benham's services and his zeal in the discharge of his duties form the best tribute to his memory.

As a testimonial of respect for the memory of the desceased, the officers of the Corps of Engineers will wear the usual badge of mourning for thirty days.

By command of Brigadier-General Newton:

JOHN M. WILSON,
Major of Engineers, Brevet Colonel U. S. A.

Mr. SPRINGER. Mr. Speaker, I desire that the time occupied in the debate on this bill shall be equally divided between those in favor of the bill and those opposed to it. The gentleman from Indiana, the chairman of the Committee on Invalid Pensions [Mr. MATSON], desires to speak in opposition to the bill, and after I yield to the gentleman from Connecticut [Mr. BUCK] ten minutes I will yield fifteen minutes to the gentleman from Indiana, and I think that after thirty minutes' debate the previous question might be moved.

Mr. JOHNSTON, of Indiana. I suppose the gentleman from Illinois will not undertake to control the time in opposition to the bill.

Mr. SPRINGER. I shall yield the time in opposition, as I have said, to the chairman of the Committee on Invalid Pensions.

Mr. JOHNSTON, of Indiana. But those in opposition to the bill ought to control that time. Are you in favor of the bill?

Mr. SPRINGER. I am.

Mr. JOHNSTON, of Indiana. Then you might control the time in support of the bill, but let those who are opposed to the bill control their own time.

Mr. SPRINGER. It has been usual to grant this courtesy to the chairman of the committee reporting the bill.

Mr. JOHNSTON, of Indiana. He did not report this bill.

The SPEAKER. The gentleman from Illinois is entitled to the floor for one hour.

Mr. JOHNSTON, of Indiana. I understand that.

The SPEAKER. And has of course the privilege of yielding any portion of the hour that he desires during that time.

Mr. SPRINGER. I desire in all fairness to announce that at the end of thirty minutes' time we ought to have a vote; and the time will be divided as I have indicated.

Mr. BUCK. Mr. Speaker, I think if this House fully understood the facts upon which the passage of this bill depends it would be very willing to correct what I consider an injustice done by the House a few days ago in rejecting this bill.

The real rank of Henry W. Benham was that of brigadier-general of volunteers, and it was conferred upon him March 13, 1865. He graduated at West Point in 1837, and served his country in a military capacity for 45 years. He was wounded at the battle of Buena Vista, and was brevetted captain for gallant and meritorious services on that field. He was brevetted a colonel of the United States Army for gallant and meritorious services at the battle of Carrick's Ford in Virginia, July 13, 1861, and was appointed a brigadier-general of volunteers for gallant and meritorious services during the war which closed in 1865, the order specifying that it was for gallant and meritorious services in the campaign terminating with the surrender of General Robert E. Lee. Congress has in several instances bestowed pensions of $50 per month on the widows of general officers holding the rank which General Benham held.

I have examined the law in reference to these precedents, and I find that the last Congress passed similar acts for the benefit of the widow of Brigadier-General Crane, for the widow of Brigadier-General Barnes, Brigadier-General Mower, the widow of Admiral Beaumont, the widow of Maj. Gen. E. O. C. Ord, the widow of Rear-Admiral Edward Middleton, of Rear-Admiral Cornelius Stribling, and the widow of Maj. Gen. Francis P. Blair.

I understand that since 1882 38 cases have occurred where Congress has granted a pension of $50 a month to the widows of general officers both in the Army and in the Navy. So that we are not without precedents; and I think that this House ought not now to make an exception in the case of this gallant and illustrious soldier.

General Benham lost his life by reason of disease contracted in the line of duty. A point has been made in reference to the evidence; but fortunately the evidence has been all set forth in the report which is presented, and which is now before the House. I will only allude to the affidavit of Stephen M. Chester. He says:

General Benham suffered severely with rheumatism and was treated therefor by the surgeons of the neighboring hospital camp.

I do most distinctly recollect that he did have such attacks during the period mentioned, and no doubt exists in my mind that the disease to which he ultimately succumbed grew out of the exposure which he then subjected himself to in his ardent zeal and strict sense of duty.

There are other affidavits of similar purport.

A MEMBER. How old is the widow?

Mr. BUCK. I think she is about sixty-five years of age.

Mr. STEELE. She is sixty-seven years of age.

Mr. HENDERSON, of Iowa. Will the gentleman from Connecticut allow me?

Mr. BUCK. Certainly.

Mr. HENDERSON, of Iowa. I will say this House at this session granted a similar pension to the widow of Brigadier-General Crocker, of Iowa, who was also brevet major-general; so that this House in this Congress is on record on precisely a similar bill.

Mr. BUCK. I am very glad the gentleman from Iowa has interrupted me to call my attention to a fact I had forgotten. Not only has this Congress established a precedent, but the last Congress established precedent after precedent of the same nature, and the Forty-seventh Congress, I believe, did the same. So that it might be said we have established this precedent over and over again. And it seems to me a little severe, a little hard to pick out and make an exception of such a man as this, whose illustrious services are known to every one who reads the history of his country—the hero, the illustrious hero of two wars, in which he served with distinction and to the credit of himself and the benefit of his country. It seems to me it is not unjust or unwise for this House to correct the vote which it gave the other day in refusing to place the widow of General Benham on the pension-list.

Mr. SOWDEN. Will the gentleman yield to me for a question?

Mr. BUCK. Yes, sir.

Mr. SOWDEN. Is this widow of Brigadier-General Benham now borne on the pension-rolls; and, if so, for what amount?

Mr. BUCK. I was just about to make this explanation. General Benham died in 1882. His widow has never applied for any pension at all, and she is therefore not borne on the pension-rolls of the United States. If she had applied and the pension had been granted, she would have been entitled to $30 per month.

Mr. KLEINER. Will the gentleman please state why the claimant in this case did not apply for a pension at the Pension Office?

Mr. BUCK. I am unable to state why she did not. She could have done so with every prospect of success.

Mr. KLEINER. Was it because the pension that would have been granted there was not large enough?

Mr. BUCK. Perhaps that was the reason. I can not tell what motive this lady had in not applying. If she had applied, the evidence set forth in this printed report is ample to have justified the Commissioner of Pensions in putting her on the pension-roll, but of course only to give her $30 a month, as the law provides in such cases.

Mr. BRADY. Will the gentleman permit me to say that he is mistaken as to the time of General Benham's death. He died in 1884, not in 1882.

Mr. KELLEY. That is correct. General Benham died in 1884. And I will state in this connection that the widow, aged, infirm, and poor, is the daughter of an officer of the war of 1812, who was pensioned on account of the severe wounds he received in that war.

Mr. BUCK. From the remarks of the gentleman from Pennsylvania I infer that the patriotic military spirit exists in that family on both sides.

In view of the long and faithful services of General Benham, and in view of the many precedents for the passage of this bill, I think it would be a most gracious and appropriate act to place Mrs. Benham on our pension-roll.

Mr. MATSON. This bill was voted upon on Monday last, and a yea-and-nay vote was taken on its passage. The result was 92 yeas and 100 nays. The motion to reconsider was allowed by unanimous consent, so that the bill comes again before Congress on the question of its passage.

The report in this connection has been read. And I think after it has been listened to no one will say that there is anything extraordinary in this case that shows that this widow is entitled to extraordinary favor from the Government of the United States. The bill proposes that Congress shall give her an original pension of $50 per month. She has no pension at all now, because of the death of her husband. She has never applied to the Pension Office for a pension. But she proposes that this Congress shall at the very beginning give her a pension of $50 a month, on account, I suppose, of the services of her husband, not on account of any allegation that his death was the result of his military service.

Now, Mr. Speaker, I would be very glad if this House would establish a precedent upon this subject. The matter was mooted and discussed considerably on Monday last. But there was action one way by a majority of one vote in one case and action in another way in perhaps two or three other cases by a little larger vote. So that it still remains a question as to what is the sense of this House in relation to giving $50 a month to widows of general officers in the Army and officers of corresponding rank in the Navy.

I think, Mr. Speaker, that this bill presents to this House a fair case for making a test. There is nothing in the case for which the friends of this widow can claim extraordinary merit, or can say that she ought to be singled out from among the widows of the country and given a much larger pension than the law allows. So if I state the proposition

correctly, I ask gentlemen to consider that when they vote to-day in favor of the passage of this bill it amounts to voting in favor of giving $50 a month to the widows of all general officers.

Mr. HOLMAN. Without reference to disability.

Mr. MATSON. Yes; without reference to the question of disability, and without reference to the cause of death. That, as I conceive, Mr. Speaker, is the proposition presented to the House upon which it is to vote. I believe that this kind of legislation is vicious; I believe that it tends to build up an aristocracy; I believe that the pensions of this country, as to rates, at least, ought to be governed by general laws. I do not say that there are not many meritorious cases where Congress ought to intervene and grant a pension, but as to giving pensions for rank, that question ought to be governed entirely by general laws, and one officer, or the widow of one officer, ought not to be selected and given one pension while the widows of other officers of corresponding rank are allowed only the pension fixed by law. I repeat that there is nothing in this case which in my judgment makes it an extraordinary one.

I do not say that the service of every other general officer was just as great, but I do say that there was nothing extraordinary in this case. That this is a record of honorable service no one will deny; that it is a record of long service no one will deny, but that there is in it anything extraordinary, anything calling for the intervention of Congress to single out this woman from a large number of widows of officers of corresponding rank and give her a pension so much larger than they receive, no one who has examined the case will contend.

Mr. Speaker, I yield the remainder of my time to my colleague from Indiana [Mr. JOHNSTON].

Mr. JOHNSTON, of Indiana. How much time am I to have, Mr. Speaker?

The SPEAKER *pro tempore*. Ten minutes.

Mr. JOHNSTON, of Indiana. Mr. Speaker, no gentleman upon this floor can discuss this question properly in ten minutes, but I will make my statement as brief as I can. There is a principle underlying this question of granting special pensions which this House ought to consider well before voting. The gentleman from Connecticut who has preceded me [Mr. BUCK] said that we had thirty-eight precedents for legislation of the kind proposed in this bill, and the gentleman from Iowa [Mr. HENDERSON] came to the rescue and added another, a bill passed by the present House, making the number thirty-nine.

I want the House to understand that the pension to the widow of General Crocker was passed at a night session, when there were not more than forty members present, and was passed upon the earnest appeal of the gentleman from Iowa, when there were some of us standing here protesting that it was wrong in principle. We knew it was wrong, but the only way to defeat it was to call for a quorum, and that would defeat at the same time the claims of private soldiers who were seeking to get upon the pension-roll.

And now, having passed a bill under these circumstances, they come back and ring it in upon us as a precedent, when it was only passed by forty members of the House, and then only upon the plea that if a quorum was demanded it would result in killing the pension bill of some deserving private soldier.

Mr. HENDERSON, of Iowa. Will the gentleman allow me to interrupt him?

Mr. JOHNSTON, of Indiana. Yes; but I do not want it to come out of my time.

Mr. HENDERSON, of Iowa. Mr. Chairman, I am not aware that there was any advantage of any character taken that night.

Mr. JOHNSTON, of Indiana. There was not, because you begged us not to do it.

Mr. HENDERSON, of Iowa. I simply want to add, that it was stated here in that same debate that there had never been an instance of the kind where a pension had been refused to the widow of a general officer, and that statement was uncontradicted.

Mr. JOHNSTON, of Indiana. Mr. Chairman, if I have only ten minutes, I would like to at least control my own time. Now, I say that action should not be taken as a precedent for this case. All over this land we have private soldiers appealing to Congress for some kind of relief, for some kind of legislation whereby they may be relieved from the operation of the unjust and harsh rules prescribed by the Pension Bureau, by which they are compelled to prove that they were sound men when they entered the service.

All over this broad land, I say, there are men who are unable to make the proof required by the Pension Office, and who are in the almshouses and the poor-houses of the country, and when they ask Congress for relief, their appeals are met by the argument that you can not pension them, because it would make too great a drain upon the Treasury. The men who carried your flag from the Ohio to the sea and back to this capital when they ask to be pensioned are answered by the argument that to grant their demands would bankrupt the national Treasury. You say that you can not afford to pension the men who carried the musket and the knapsack for three years because it would pile up a debt that this nation could not pay. Yet this Congress sits here day after day, runs its hands down into the vaults of the Treasury and pulls out $50 a month for the widow of one man, $50 a month for the widow of another man, $2,000 a year for the widow of another, and so on.

Mr. BRADY. I would like to ask the gentleman why he voted to give the $2,000?

Mr. JOHNSTON, of Indiana. I voted for the pension to Mrs. Hancock simply because a similar pension had been granted to the widow of General Thomas, who was a Republican; and when you came here and asked——

Mr. BRADY. Is not that a precedent?

Mr. JOHNSTON, of Indiana. Wait a moment; I will answer your question. When you came here and asked us to give the same amount of pension to the widow of General Hancock, while I believed it to be wrong, yet, as Hancock had been the standard-bearer of the Democratic party, if we had voted against the proposition it would have been said that our opposition was based on political grounds. That is the reason I voted for it. [Laughter.]

Mr. BRADY. I understand the gentleman to say——

The SPEAKER *pro tempore* (Mr. MCMILLIN). Does the gentleman from Indiana yield?

Mr. JOHNSTON, of Indiana. No, I do not. I say that in this class of legislation you can not justify yourselves before the people. Though I may have voted inconsistently, it does not settle a great principle. Because I may have been wrong, it is no excuse for any other man to do the same; and I will advise the gentleman from Virginia that, if he expects to keep himself right with his constituents, he had better not follow me too closely. [Laughter.]

Mr. PETTIBONE. I agree to that.

Mr. GALLINGER. The gentleman admits that he was wrong once. I ask him whether, to be consistent, he is not wrong again.

Mr. JOHNSTON, of Indiana. I knew I was wrong then. [Laughter.] I knew I was wrong when I cast the vote; and I told my colleagues that I did not indorse the principle, but cast the vote for the reason I have given here—not because I indorsed the principle upon which the proposition was based.

Now, I say, gentlemen can not justify themselves before the soldiers of the country in this class of legislation. If they think that the rank and file of the soldiers of this country indorse legislation of this kind they are mistaken.

Mr. GALLINGER. We will take our chances on that.

Mr. JOHNSTON, of Indiana. You may try your chances. But men in this Congress who have had the nerve to stand up and oppose this class of legislation have their tables piled with private letters from soldiers in all parts of the country indorsing their course and votes on these questions. I could point out members here who have stacks upon stacks of letters from humble private soldiers indorsing their course in refusing to single out the widow of one man and put her in a position to live in comfort and ease, while the widow of another man who carried the knapsack and musket for three or four years must go to the poor-house to live and die a pauper, simply because she is unable to prove that the disease from which her husband died was contracted in his service in the Army. If she can not prove that, she has no remedy whatever.

Mr. WARNER, of Missouri. Will the voting of this pension deprive that woman of the opportunity of proving those facts?

Mr. JOHNSTON, of Indiana. No, sir; but why not put her on the pension-roll by an act of Congress?

Mr. BOUTELLE. Bring her case in, and we will vote for it.

Mr. JOHNSTON, of Indiana. We are talking now about general principles. It is easy enough for gentlemen to say they will vote for such a bill; but you must first get a report from the committee.

Mr. GALLINGER. But the gentleman admits that he has not any principle in his votes.

Mr. JOHNSTON, of Indiana. I do not admit that. I say I have a principle in my votes. I admit that I voted against one bill contrary to my views of right; but I do not intend to vote for another.

The SPEAKER. The gentleman's time has expired.

Mr. SPRINGER. Mr. Speaker, fifteen minutes have been occupied in opposition to this bill and ten minutes in favor of it. I will only occupy the floor five minutes, and then call the previous question. I make this announcement now, because I do not wish to be guilty of any seeming discourtesy in moving the previous question at the conclusion of my remarks.

I voted in opposition to this bill when the question was taken by yeas and nays on Monday last. I did so under the belief that the claimant was now receiving $30 a month under the general law.

Mr. JOHNSTON, of Indiana. As a matter of fact, is she not getting $20 a month?

Several MEMBERS. No, sir.

Mr. SPRINGER. I will state what the fact is. She is getting nothing on account of her husband's services, but is receiving $20 a month on account of the services of her father. But if this bill should pass, she will get $50 a month in lieu of all other pension allowances to which she might be entitled.

Mr. JOHNSTON, of Indiana. I ask the gentleman from Illinois whether she is not now on the pension-roll by a special act of Congress

as the daughter of General McNeill, and drawing a pension at the rate of $20?

Mr. SPRINGER. I hope the gentleman will not take up my time in reiterating what I have said myself.

Mr. McMILLIN. I hope my friend from Illinois will allow me to ask a question.

Mr. SPRINGER. If I am to answer all these questions before I can proceed with my statement I may have to withdraw what I have said in regard to the time I should occupy.

Mr. McMILLIN. There is one fact not developed thus far in this discussion, which I think should be brought out. Is it not a fact that the reason this lady is not drawing a pension on account of the services of her deceased husband is that he was on the retired-list, and that widows of this class of officers are not permitted to draw pensions under the general law? That is the reason we ought not to grant this pension. We ought not to take care of the husband during his life and then of all those who come after him for all time.

Mr. SPRINGER. Let my time begin now.

The SPEAKER. The gentleman is not subject to interruption except by his own consent.

Mr. SPRINGER. I desire to make a statement that if I am to answer questions every moment of course I will not be able to do so.

Mr. HAMMOND. The gentleman's time is under his own control, and let him proceed without interruption.

Mr. SPRINGER. Mr. Speaker, it is true when this officer died he was on the retired-list, but it is also true he was on the active-list for forty-five years. He was in the Mexican war, and his record of service is as brilliant as that of any man whose widow we have placed upon the statute-book as entitled to a pension.

Let me call the attention of the House to what is said by General Wilson in the report which has been already read by the Clerk:

General Benham was promoted successively from the grade of lieutenant to that of colonel of engineers and brigadier-general of volunteers, having declined the appointment of major in the Ninth Infantry, tendered him in March, 1885.

He received the brevets of captain, United States Army, "for gallant and meritorious conduct in the battle of Buena Vista," February 23, 1847; colonel, United States Army, "for gallant and meritorious services in the battle of Carrick's Ford, Va.," July 13, 1861; brigadier-general, United States Army, for "gallant and meritorious services in the campaign terminating with the surrender of the insurgent army under General Robert E. Lee," March 13, 1865; major-general, United States Army, for "gallant and meritorious services during the war," March 13, 1865, and major-general of volunteers, "for gallant and meritorious services during the war," March 13, 1865.

This officer has been a worker in the service for forty-five years. He has performed gallant and meritorious service on many fields. He has also discharged the more arduous service of building ponton bridges over which our Army has crossed in the face and under the hottest fire of the enemy. He has given a long and laborious life to the service of his country. His widow is now over sixty-six years of age and in the course of nature will remain but a few years longer with us. She is in destitute circumstances, and while she is justly entitled to this recognition on the part of the Government, she also needs this aid to smooth and console her declining years. Congress ought in my judgment to make an exception of this case by placing her name on the pension-roll in accordance with the provisions of the pending bill.

Mr. McCOMAS. Will the gentleman from Illinois consent to an amendment making the pension $30 a month instead of $50 a month? If he will do so I will vote for the proposition.

Mr. SPRINGER. I can not consent to any such amendment. Besides, the bill is not subject to amendment on its final passage.

Now, the gentleman from Indiana [Mr. JOHNSTON] said if this bill were to pass it would be a precedent for giving the widows of all general officers a pension of $50 a month. It would no more be a precedent for giving a pension of $50 to the widows of general officers than the proposition which was promptly made in this House at the beginning of this session by that gentleman to give the widow of General Grant a pension of $5,000 a year, and which is now the law, would be a precedent for giving to the widow of every general officer the like amount of pension of $5,000 a year. It was, Mr. Speaker, a recognition, a proper and generous recognition on the part of this great Republic of the services of her distinguished husband. And I invoke for the widow of this faithful officer who performed forty-five years of active service the same recognition, although in a more limited degree and for a pension of a much smaller amount.

This is all I have to say. I hope the House will pass the bill.

Mr. BOUTELLE. Is it not a fact that the operation of this bill would add only $30 a month to her pension?

Mr. SPRINGER. Certainly, she is now, as I said before, receiving a pension of $20 a month on account of the services rendered to the country by her father, but nothing on account of the services of her husband. The passage of this act, therefore, is merely adding $30 a month to her pension in recognition of the services of her husband—making $50 in all.

I now demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. MATSON demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 85, not voting 121; as follows:

YEAS—117.

Adams, G. E.	Davis,	Hudd,	Scott,
Allen, C. H.	Dibble,	Hutton,	Scranton,
Anderson, C. M.	Dockery,	Johnson, F. A.	Seney,
Anderson, J. A.	Dorsey,	Jones, J. T.	Seymour,
Bayne,	Eldredge,	Kelley,	Shaw,
Bingham,	Ely,	Laird,	Smalls,
Bliss,	Evans,	Libbey,	Sowden,
Bound,	Farquhar,	Lindsley,	Spooner,
Boutelle,	Findlay,	Long,	Springer,
Brady,	Fleeger,	Lore,	Steele,
Bragg,	Frederick,	Lovering,	Stewart, J. W.
Breckinridge, WCP.	Funston,	Lyman,	Stone, E. F.
Brown, C. E.	Gallinger,	Markham,	Strait,
Brown, W. W.	Gay,	Maybury,	Swinburne,
Buchanan,	Green, R. S.	Merriman,	Taylor, E. B.
Buck,	Grosvenor,	Millard,	Taylor, Zach.
Bunnell,	Hanback,	Mitchell,	Thomas, O. B.
Burleigh,	Harmer,	Nelson,	Wakefield,
Burrows,	Hayden,	O'Neill, Charles	Wait,
Campbell, Felix	Haynes,	O'Neill, J. J.	Ward, T. B.
Campbell, J. E.	Henderson, D. B.	Osborne,	Warner, William
Campbell, T. J.	Herman,	Outhwaite,	Weber,
Carleton,	Hewitt,	Owen,	West,
Catchings,	Hiestand,	Parker,	White, A. C.
Cole,	Hires,	Perkins,	White, Milo
Conger,	Hiscock,	Pettibone,	Whiting,
Cooper,	Holmes,	Pirce,	Wolford.
Curtin,	Hopkins,	Rice,	
Dargan,	Houk,	Rogers,	
Davenport,	Howard,	Ryan,	

NAYS—85.

Allen, J. M.	Everhart,	Lawler,	Sayers,
Ballentine,	Fisher,	Lowry,	Stewart, Charles
Beach,	Forney,	Martin,	Stone, W. J., Ky.
Bennett,	Fuller,	Matson,	Storm,
Blanchard,	Geddes,	McComas,	Swope,
Bland,	Glass,	McCreary,	Taulbee,
Breckinridge, C. R.	Green, W. J.	McRae,	Taylor, J. M.
Bynum,	Halsell,	Miller,	Throckmorton
Cabell,	Hammond,	Morrison,	Turner,
Campbell, J. M.	Harris,	Neal,	Wade,
Candler,	Hatch,	Neece,	Warner, A. J.
Cannon,	Heard,	Norwood,	Weaver, A. J.
Clements,	Hemphill,	Oates,	Weaver, J. B.
Cowles,	Henderson, J. S.	O'Donnell,	Wheeler,
Crain,	Holman,	Pindar,	Wilkins,
Crisp,	Johnston, J. T.	Price,	Wilson,
Croxton,	Johnston, T. D.	Reagan,	Winans,
Davidson, A. C.	Jones, J. H.	Reid, J. W.	Wise,
Davidson, R. H. M.	Kleiner,	Reese,	Worthington.
Dingley,	La Follette,	Richardson,	
Dunn,	Landes,	Riggs,	
Ellsberry,	Lanham,	Sadler,	

NOT VOTING—121.

Adams, J. J.	Eden,	McAdoo,	Sawyer,
Aiken,	Ermentrout,	McKenna,	Sessions,
Arnot,	Felton,	McKinley,	Singleton,
Atkinson,	Foran,	McMillin,	Skinner,
Baker,	Ford,	Milliken,	Snyder,
Barbour,	Gibson, C. H.	Mills,	Spriggs,
Barksdale,	Gibson, Eustace	Moffatt,	Stahlnecker,
Barnes,	Gilfillan,	Morgan,	Stephenson,
Barry,	Glover,	Morrill,	St. Martin,
Belmont,	Goff,	Morrow,	Stone, W. J., Mo.
Blount,	Grout,	Muller,	Struble,
Boyle,	Guenther,	Murphy,	Symes,
Browne, T. M.	Hale,	Negley,	Tarsney,
Brumm,	Hall,	O'Ferrall,	Taylor, I. H.
Burnes,	Henderson, T. J.	O'Hara,	Thomas, J. R.
Butterworth,	Henley,	Payne,	Thompson,
Caldwell,	Hepburn,	Payson,	Tillman,
Caswell,	Herbert,	Peel,	Townshend,
Clardy,	Hill,	Perry,	Trigg,
Cobb,	Hitt,	Peters,	Tucker,
Collins,	Irion,	Phelps,	Van Eaton,
Compton,	Jackson,	Pidcock,	Van Schaick,
Comstock,	James,	Plumb,	Viele,
Cox,	Ketcham,	Pulitzer,	Wadsworth,
Culberson,	King,	Randall,	Ward, J. H.
Cutcheon,	Laffoon,	Ranney,	Wellborn,
Daniel,	Le Fevre,	Reed, T. B.	Willis,
Dawson,	Lehlbach,	Robertson,	Woodburn.
Dougherty,	Little,	Rockwell,	
Dowdney,	Loutit,	Romeis,	
Dunham,	Mahoney,	Rowell,	

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk until further notice:

Mr. PIDCOCK with Mr. LEHLBACH.
Mr. FORAN with Mr. THOMPSON.
Mr. TOWNSHEND with Mr. THOMAS, of Illinois.
Mr. GIBSON, of West Virginia, with Mr. STEPHENSON.
Mr. CALDWELL with Mr. NEGLEY.
Mr. ERMENTROUT with Mr. BROWNE, of Indiana.
Mr. HALE with Mr. WARNER, of Missouri.
Mr. SKINNER with Mr. MORRILL.
Mr. ST. MARTIN with Mr. HOUK.
Mr. IRION with Mr. STRUBLE.
Mr. SPRIGGS with Mr. MILLIKEN.
Mr. BENNETT with Mr. McKENNA.
Mr. MORGAN with Mr. HEPBURN.

Mr. LAFFOON with Mr. LOUTTIT.
Mr. O'FERRALL with Mr. VAN SCHAICK, until March 30.
For this day:
Mr. TARSNEY with Mr. IKE H. TAYLOR.
Mr. ROBERTSON with Mr. LITTLE.
Mr. RANDALL with Mr. MCMILLIN. If present, Mr. RANDALL would vote "ay" and Mr. MCMILLIN "no."
Mr. MCMILLIN. I voted on the roll-call, but I find I am paired with the gentleman from Pennsylvania [Mr. RANDALL]. I understand he is unable to be here, and therefore I withdraw my vote.
Mr. CRAIN with Mr. SESSIONS.
Mr. MILLS with Mr. MCKINLEY.
Mr. WELLBORN with Mr. HITT.
Mr. CULBERSON with Mr. ATKINSON.
Mr. HERBERT with Mr. GOFF.
Mr. MULLER with Mr. GUENTHER.
Mr. MCADOO with Mr. GILFILLAN.
Mr. DORSEY with Mr. SNYDER.
Mr. DORSEY. I am paired only on political questions with Mr. SNYDER for the day.
Mr. COX with Mr. DUNHAM.
Mr. DOWDNEY with Mr. JAMES.
Mr. JAMES. I am only paired with Mr. DOWDNEY until Saturday on all political questions.
The vote was then announced as above recorded.
Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

COL. HENRY J. HUNT.

Mr. SPRINGER. I now move that the House resolve itself into the Committee of the Whole for the purpose of resuming the consideration of the Private Calendar.
Mr. WHEELER. I move an amendment to the motion of the gentleman from Illinois, that when the House resumes the consideration of the bill pending in the Committee of the Whole that the debate be limited to an hour and a half.
Mr. SPRINGER. That is not an amendment; it is an independent motion.
The SPEAKER. The gentleman from Illinois moves to go into the Committee of the Whole for the consideration of bills on the Private Calendar, and pending that that debate on the bill pending in the committee be limited to an hour and a half.
Mr. SPRINGER. The gentleman from Nebraska [Mr. LAIRD] has the floor, and I desire before the question is put to know how much time remains to him?
The SPEAKER. The gentleman from Nebraska has fifty minutes remaining.
Mr. SPRINGER. I do not think it is fair to limit the debate to an hour and a half, because there will be no opportunity by that arrangement to give an equal division to the other side. I understand the gentleman from Wisconsin [Mr. BRAGG], chairman of the Committee on Military Affairs, who is not now in his seat, desires to be heard. If the gentleman will agree that the debate shall go on I have no doubt it will be brought to a close at the proper time.
Mr. WHEELER. I made the suggestion at the request of the chairman of the committee, but I will not further insist upon it.
The SPEAKER. Is the motion withdrawn?
Mr. WHEELER. I withdraw it.
Mr. SPRINGER'S motion was then agreed to; and the House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.
The CHAIRMAN. The House resumes the consideration of the bill (H. R. 37) to change the rank of an officer on the retired-list of the Army; on which the gentleman from Nebraska [Mr. LAIRD] has the floor, and has still fifty minutes of his time remaining.
Mr. LAIRD. Mr. Chairman, it is not my desire to take up the time of the committee except for the few moments necessary to complete the remarks commenced on Friday last. When interrupted on last private bill day by the House passing from the Committee of the Whole for the consideration of this bill, I was about to discuss the objection which was urged to the passage of the act by several gentlemen who had participated in the debate, and whose objections were predicated upon the fact of the character of the legislation proposed.
It is to be admitted that the bill under consideration is a private bill, and is intended to make amends for an injustice suffered under a misconstruction of a general law. That construction comes about in this manner: Formerly a division of artillery was composed of a train of artillery of six guns together with all of their appurtenances, and a company of cannoneers larger than a company of infantry, together with a company of drivers—mounted, equipped, uniformed, and paid differently from the company of cannoneers.
That is to say, then a train of artillery was composed of two companies, one a foot company and one mounted, called "drivers." In all modern armies this "division" of artillery is the equivalent of the squadron of cavalry or of the battalion of infantry, and is composed of one body of troops, including both gunners and drivers, which took the name of "battery." But the War Office absurdly held to the contrary—contrary to the usages of all armies of the civilized world, including our own country, that the battery was the equivalent, simply, of a company of infantry or troop of cavalry. Hence the artillery of the Army of the Potomac, consisting of sixty batteries of three hundred and sixty guns, was considered as the equivalent of only a brigade of infantry, and consequently, under the law which prescribed a brigadier-general for each brigade of from four to six regiments, but one brigadier-general could be given to the whole artillery arm of the service.
All the armies of the United States, aggregating at one time upward of two millions of men, on this basis could not have furnished artillery enough to warrant the appointment of a major-general of artillery. Hence the artillery officers, by a strained and unnatural construction of the law, were deprived of promotion. This is an anomaly which bore hard on that arm of the service, and justice can only be done by a special law to correct the evils in any given case.
It has been proposed, Mr. Chairman, to correct such evils by a general law; that is, to pass a general law, providing that officers shall be retired on one grade higher than their rank on the active-list, providing they held that higher grade in the volunteer service during the war. This seems to be fair; but what would be its practical working?
When the volunteer armies were raised it was provided that there should be appointed one brigadier-general for each brigade of from four to six regiments, not less than four and not to exceed six; and one major-general for each division, to be composed of not less than twelve regiments, or three brigades. This method, while not fixing an absolute number of such officers, limited the total number by the number of brigades or divisions in the service at any one given time.
When this law was passed many brigadier-generals were appointed, some to be chiefs of staff, some to be adjutant-generals, some chief quartermasters and commissaries, some provost-marshals-general and for other service, for whom no such rank had been provided in the law. Some who were sent into the field in command of troops proved to be incompetent and were shelved; but the same influences that had enabled them to obtain commissions enabled them also to retain their rank after their retirement from the field. As to the major-generals, there were a number of appointments of the same kind, one of the first being General Hitchcock, who declined as being incapacitated for field service, but was again appointed with the understanding that he was not required for field service, but for his valuable experience and counsel. He consequently accepted the appointment and became a counselor to the war office and general-utility man. Another appointment was given to the governor of a State, Governor Morgan, of New York, and certainly he never was expected to exercise that command in the field; and another one was appointed to a local command.
Now, for each of these officers of staff, administrative, and shelved as incompetent, thus receiving commissions as general officers, some officers of junior rank had to go into the field and perform the duties properly belonging to these gentlemen, without the rank or the pay belonging to the duties which they performed, so that divisions were often commanded by brigadier-generals and brigades by colonels.
Now, under the proposed general law "to reward service" all the service of these officers is to be pooled, unless you follow the policy of meting out justice to them by means of special bills, and the rewards to be distributed not to the men who did the service, who exercised the commands, who bore the responsibilities as well as the expense, but the "divvy" is to go to the men who held the rank, while the men who did the service are to be deprived of all benefit because of their want of it (*i. e.*, rank). They are not provided for by the general law.
There is but one just and proper way to meet the evils that are manifest in this, and that is by taking up each case on its own merits and doing justice according to the facts, and it would be a strange thing, Mr. Chairman, if this Congress should prove itself unable to discriminate between the cases which have merit and those which have no merit. True, it can be done only by special legislation, for special legislation only can provide for anomalous cases. General Hunt, with the rank of colonel and brigadier-general, exercised for nearly four years the command of a major-general of the Army of the United States, and he is, so far as can be ascertained, the only officer in the armies of the United States in that great war who exercised a permanent corps command without receiving the rank and pay of a major-general.
Now, Mr. Chairman, without in any way interfering with the organization of the Army, he can receive the benefits of that rank. And is there any man upon the floor of this House, particularly upon this side of it, who will deny that General Hunt is entitled to that rank and that reward, so far as it is in our power to confer it? It is not becoming to the justice or the honor of a great and wealthy nation to exact or accept such services from him at his own cost and the impoverishment of his family.
If he should now be retired with the rank and pay of a major-general from the date of his retirement to the day of his death, as indicated by the mortality tables, the increase of pay, if profitably invested, would not make good to him the extra expenses and their accumulations; it would require the full pay of a major-general for the balance of his

life to make full restitution to his family of the fund which was taken from them by him in order that he might maintain himself in the field as a major-general while only holding the rank and drawing the pay of a brigadier-general. He does not need this extra pay to live on, but he does need it to die on and to make good the losses of fortune which his family sustained by reason of the expenses imposed on him while exercising a command as a major-general and bearing its expenses without its pay.

The objection, Mr. Chairman, of the distinguished gentleman from Maine [Mr. REED] to the bill now under consideration, as I understood it, goes, not to this particular measure or to General Hunt, who is the object of it, but to this bill as a precedent, on the theory that it is the good case which makes the bad precedent. Not that there is no merit in this case, but that there is danger in it as a precedent for cases in which there will be no merit except that of the precedent itself.

Let us see. General Hunt has been forty-eight years in the active service, and through two wars he was especially mentioned for distinguished services in nearly every battle in which he was engaged from the beginning of the war with Mexico to the close of the war for the preservation of the Union. He won every grade from lieutenant of artillery to major-general of the armies of the United States by brevet before he got it actually for gallant and meritorious services on the battlefields. He subordinated himself to the good of his country, and remained, not from choice but from motives of patriotism, at the head of the artillery, thus sacrificing personal fame, rank, and honor, as well as pay to a great cause.

I submit here a letter of General McClellan to Colonel Lyman, of the Forty-eighth Congress, in which he sets out the reasons why General Hunt was not promoted according to merit:

32 WASHINGTON SQUARE, NEW YORK, *May* 27, 1884.

MY DEAR COLONEL LYMAN: I have just read the debate upon the bill to place Col. H. J. Hunt on the retired-list as a major-general. I assigned Colonel (then Major) Hunt to the command of the artillery reserve of the Army of the Potomac soon after its organization. He held that command until the arrival of the army on the James River at the close of "the seven days," when, upon General Barry being relieved from duty, I appointed Hunt to the position of chief of artillery. Hunt was more than once applied for by other generals to be assigned to them as commander of a brigade of infantry, but my appreciation of the value of his services in the artillery was such that I steadfastly resisted all such applications.

His experience with field artillery in Mexico, his intimate knowledge of the theory and practice of artillery, his successful labors in improving the tactics of that arm, his remarkable administrative ability, his extraordinary power of handling masses of artillery in battle—in brief, his peculiar and entire fitness for the position of chief of artillery of a large army in the field—rendered it my duty to call upon him to sacrifice his chances of promotion and his individual interests for the good of the country and the efficiency of the army under my command. Most cheerfully and without a murmur Hunt acceded to my demand.

I did my best—but in vain—to obtain for him rank and promotion in his own arm, and never permitted myself to doubt that in the end he would receive the just reward of his services and sacrifices. In the armies of the great military powers his command would have been regarded as the equivalent of an army corps, and he would have received the corresponding rank and reward. If Hunt had been permitted to take command of a brigade of infantry, he would long before the close of the war have been in command of an army corps at least.

In view of the fact that he sacrificed his chance of promotion to his sense of duty to his own arm of the service and in deference to the urgent wishes of at least one of the commanders of the Army of the Potomac, I think that the bill in question should be regarded as a simple act of justice, and not as a special favor to him. I admit that such bills should be closely scrutinized and passed only in extraordinary cases, but this is an extraordinary and exceptional case, in fact I know of none other just like it, and the more carefully it is examined the more clear will it be that it is a proper case for extraordinary action on the part of Congress.

Let me say one thing more—the position of chief of artillery was not a grade, nor was it a definite position or rank in that arm; it was simply a matter of detail or assignment, carrying with it vastly increased responsibilities and duties, without any corresponding pay or privileges.

With the earnest hope that this measure of justice may be meted out to one who served his country so long, so gallantly, and so ably, and that this debt of gratitude so long due may now be paid,

I am, sincerely, your friend,

GEO. B. McCLELLAN.

Col. THEODORE LYMAN,
United States House of Representatives, Washington, D. C.

General Hunt held the command of major-general, in fact, from the beginning of the war to the end of it. He twice won the rank to which this bill seeks to elevate him by meritorious services, as is evidenced by the two commissions which are respectfully submitted in evidence to the House.

I hold in my hand the two brevet commissions to General Henry J. Hunt, in one of which it is mentioned he is promoted by brevet for gallant and meritorious conduct on the field of battle at Gettysburg; this is a brevet of major-general in the volunteer service of the United States. The other is for general meritorious service during the conduct of the war, by which he is brevetted to a major-generalship in the regular Army of the United States.

Mr. Chairman, the gentleman from Maine declaims against this kind of legislation. He is well advised in the history of his own and that of other countries. Will he cite to the House another case that can arise from the war of the rebellion? Will he cite to the House one case from the war of the Revolution down that can in any wise parallel the facts presented in Hunt's case? Is there an instance from the time of Cæsar to that of Grant that will furnish a parallel to the case of General Hunt?

Gentlemen profess to fear a precedent. There is one quality about this case which distinguishes it from all others that have fallen under my observation, and that is the modesty of the man under consideration. He was content to believe that he could serve his country better in a subordinate than in a superior position. What other general can be named who did not believe that his country's good lay in his promotion?

It is legitimate in this connection for the House to take notice of the rewards which by example invited Hunt to seek other fields of action. Sherman, Thomas, Reynolds, Ricketts, Griffin, and many others distinguished in the war were Hunt's coequals in the Mexican war, and were engaged in the same branch of the service there he was, namely, in the artillery. They, by passing from that branch of the service, came almost instantly to the command of brigades, divisions, corps, and armies. No man conversant with the character and ability of General Hunt can question but what had he abandoned the branch of service to which he had dedicated himself he would at least have equaled or surpassed many of the officers to whom I have called the attention of the House.

On the question of law which is submitted by the gentleman from Maine [Mr. REED] it will be noticed that the Court of Claims, passing upon an almost absolutely like case, have raised a distinction between rank and office which does away with the objection presented by Mr. REED. In volume 15 Court of Claims Reports, page 151, the case of T. J. Wood, Second United States Cavalry, will be found this decision, the syllabus of which is as follows:

I. The distinction between "office," "rank," and "grade" in the Army examined and stated.

II. Appointments to office can be made only by the executive branch of the Government in the manner provided by the Constitution (Article II, section 2), and not by Congressional enactment.

III. Congress may retire an officer from active service and place him on the retired-list upon a rank different from that which attaches to his office by general laws, and may change the mere rank of an officer on the active or retired list at pleasure, without coming in conflict with the Constitution.

Here it will be noticed that the distinction is taken between a person who holds an office and the rank of the office so held—between rank and office. If a person shall not hold an office at the time Congress attempts by legislation to confer it upon him, then the case is open to the objection of the gentleman from Maine [Mr. REED], namely, that the attempt on the part of Congress to promote a person not an officer to an officer by law is to encroach upon the proper province of the Executive. But that is not this case, and consequently it is not obnoxious to that objection. General Hunt, unlike General Porter, unlike General Grant, holds an office in the Army of the United States to-day. The executive power has been exercised in his case; he has been clothed with the office; he has it now.

The question presented for the consideration of the House is, whether or not it can, without objection under the laws, confer upon him an additional rank in that office. General Wood (whose case is cited in Court of Claims) was retired by an act of Congress as a major-general. By a subsequent act of Congress he was reduced in rank from major-general to brigadier-general, and consequently the case before the Court of Claims from which I cite. The court, construing these laws and discussing this whole question, held that it is within the power of Congress either to confer a rank or to take away a rank. That, I take it, settles the question of law.

Now, Mr. Chairman, as to the precedents in this case. I care little or nothing about the question of consistency, for consistency is commonly the refuge of weak minds, but I have taken occasion to examine the record of the vote upon the question of the appointment of Ulysses S. Grant to the office of general upon the retired-list of the Army of the United States, and I find there that, moved either by an overpowering sense of patriotism, or by an overpowering sense of duty, or because for the moment he slept upon the requirements of the law and the Constitution, the gentleman from Maine [Mr. REED] voted "ay" upon the passage of that bill.

Mr. Chairman, all I have to say is this: Nobody loves the daring and genial leader of this side of the House better than I do, and nobody is more ready to follow him than I am, but I take it that in this case he simply made a mistake as to who it was that was "whipping the devil around the stump." We have a right to follow his example in voting on another bill like that wherein he set the example (U. S. Grant), and I do not think he has any right to rebuke us for it.

One word, Mr. Chairman, about the policy of all this, a question which seems to weigh heavily upon the minds of some gentlemen here. I take it, sir, that our minds meet upon this proposition that, both as a matter of sentiment and as a matter of duty, we regard it as incumbent upon us to see to it that the country shall deal justly and generously with the men who came to its rescue in the day of its peril, and that without reference to the chance of rank.

Our friends find a grievance in the fact that this bill proposes to confer a reward upon a major-general, which somehow renders it obnoxious to their theories of good government, in that the private soldier in some manner, I can not understand how, is to be placed at a disadvantage by it. How is a private soldier to be injured by justice to a major-general?

I do not understand it, sir. I can not comprehend it. If there was from this any disadvantage to come to the private soldier I confess I should not only hesitate in advocating this bill, but, if I so understood

it, I too would vote against it. If any evil could come to any private soldier by reason of justice being done to Henry J. Hunt, I know that he would wish me to refuse to vote for his promotion. But how can that come? How can it be that, in any manner, any disadvantage can come to the private soldier from this legislation? There is no tribunal, there is no Department, having either legal or equitable powers, other than the Congress, to which the case of General Hunt can be referred.

There is a department, having at least legal powers, to which the case of the soldier, private or officer, complaining of injuries or asking pension, can go for action, and, if his case be proven, for reward. But, notwithstanding this department, this House, on every Friday night since I have been a member of it, has voted to place all meritorious private soldiers and officers, their widows and orphans, on the pension-roll. These are private bills; so is Hunt's; and if Congress has power, and it is policy, to do equity to the private soldier in defiance of the findings of the Pension Office, why not do equity to General Hunt?

He did what he could for his country, and so did we of the rank and file. Who raises the question of rank and seeks with it to stifle the demands of justice? Courage furnished the only rank that did not fade in the face of death, and that rank Hunt had and we loved him for it. It was an army of equals, and let those beware who seek to sharpen the daggers of difference and hate. If it is good policy for the Congress to pass the cases of officers and men that come to this House from the Pension Office marked "rejected," as I believe it is, then it is no less policy and patriotism to do even-handed justice to General Hunt.

The private pension cases come here with a statement upon their face to the effect that the applicants have no legal claim upon the Government; but this House, moved by its patriotism, moved by its sense of duty, moved by what you will, puts the names of those applicants upon the pension-roll and votes them in the aggregate hundreds of thousands of dollars. If the gentleman from Wisconsin wishes to be logical and, according to his own argument, just, let him oppose the pensioning of all claimants, resisting all special legislation in the interest of the unpensioned millions. He will not do this; he will vote against Thomas and Grant and Hancock and Hunt—making it a virtue to oppose the few where he dare not oppose the many. Let me say that the man who opposes justice to an officer would if he dared oppose justice to a private; and if the gentleman from Wisconsin thinks he is doing the men of the rank and file a service by defeating justice to a brave leader by the cry of possible injustice to private soldiers he is mistaken. We ask only justice for ourselves, and that justice which we ask for ourselves we freely accord to others. The gentleman from Wisconsin professes to be in favor of a pension to all. So am I to all who rendered honorable service. But he knows, as does every sensible soldier, that to demand everything means to secure nothing. What the soldiers want is not those "who speak the word, but those who do the will."

Now, if it is just and wise to bestow pensions upon thousands of men who have been denied that reward by the Pension Department, by what argument in reason, patriotism, or law are we estopped from bestowing justice upon this man who to our glory held a position other than that of a private soldier? Not that I will not vote to pension the prisoners of the war, because I will; not that I will not vote to repeal the arrears-of-pension act, because I will; not that I will not vote for any measure which will in any wise ameliorate the condition of my comrades in arms during the late war, because I will. But notwithstanding my willingness to do this, I will also vote to do justice to Henry J. Hunt.

Mr. PRICE. Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin [Mr. PRICE] has fifteen minutes of his time remaining.

Mr. PRICE. Mr. Chairman, it will be difficult for me in fifteen minutes to wipe away the misstatements uttered in the former debate, which have had the tendency to mislead the House on this question, and to call attention to the salient or rather the weak points of the proposition now before us; but I will attempt to do so.

I desire first to correct an erroneous statement, accidentally made no doubt, which will be found on page 2550 of the CONGRESSIONAL RECORD of this session. I find there the following colloquy:

Mr. WARNER, of Missouri. Will the gentleman allow me to ask him one question for information? As he is a member of the Committee on Military Affairs, I would like him to state what is the pay now being received by Colonel Hunt as a retired officer?

Mr. LAIRD. I am frank to answer that I do not know. It is not a question of dollars and cents.

Mr. BRAGG. I will answer. It is $2,625.

Mr. STEELE. I think the chairman of the Committee on Military Affairs [Mr. BRAGG] is mistaken. Probably he does not count in the longevity-pay.

Mr. BRAGG. After five years' retired-pay the longevity-pay commences, and is estimated on the retired-pay proper, the officer drawing after five years' service 10 per cent., after ten years' service 20 per cent., and so on.

Mr. STEELE. I think a colonel after twenty years' service gets $1,500, and when retired gets three-fourths of that amount.

Mr. BRAGG. I have the official Army pay-roll before me.

Mr. STEELE. What, then, is the pay of a colonel after twenty years' service?

Mr. BRAGG. The pay of a colonel on the retired-list is $2,625.

Mr. Chairman, it seems to me important that the amount of pay now received by this officer should be correctly stated. By reference to page 378 of the Army Register I find that the sum indicated by my colleague [Mr. BRAGG] as $2,625 is incorrect, and that the actual amount is, in precise figures, $3,375. Thus we have one thing officially established, that the present pay of this officer whose case is now under consideration is $3,375 per annum, or $281.25 per month. I may state in this same connection that the effect of this bill, if passed, will be to increase this sum to $5,625, an increase of $2,250 per annum.

Having corrected that mistake, I propose now to call attention to another fact. On page 2569 of the RECORD of this session I find the following:

Mr. BINGHAM. I have no desire to antagonize the gentleman who has just spoken. I regret the necessity of taking this bill before the House in its full session. I remember distinctly having heard, and having seen in the RECORD, the same argument and the same speech made by the gentleman one year ago at an evening session in connection with the pension to the widow of Maj. Gen. George H. Thomas.

Mr. Chairman, on page 1666 of the RECORD of the second session of the Forty-eighth Congress is one of the speeches referred to by the gentleman from Pennsylvania. On page 2568 of the RECORD of the first session of the Forty-ninth Congress is the other speech, which the gentleman from Pennsylvania has said are identical. Thus it comes to be telegraphed away to Wisconsin that the gentleman from Pennsylvania "made a very sharp and cutting reply" to the gentleman from Wisconsin. I wish to say upon this point simply this: If the statement were true as a fact of history, it would only place me in the uncomfortable position of being able to make only one speech in two years. [Laughter.] But when the gentleman examines the two speeches, he will discover that they are not alike—not the "same speech."

Mr. BINGHAM. Not in idea?

Mr. PRICE. The same underlying principle governs every honest man in the transaction of business, public or private, and I argued from the same premises; but the same words, the same arrangement of words or sentences, will not be found there. The two speeches were by the same man, but they were not the "same speech." [Applause.]

Mr. BINGHAM. But the sentiment was the same.

Mr. PRICE. Certainly. So that when you eliminate from the charge the element of insincerity or mistake, you have eliminated from it all its point and all its pith.

I desire now to call the attention of my friend from Nebraska [Mr. LAIRD] to a few strictures in relation to this subject made when he had the floor a few days ago.

Mr. WARNER, of Ohio. Will it interrupt my friend from Wisconsin if I ask him to state, as he has the Army Register before him, just what pay General Hunt now draws on the retired-list?

Mr. PRICE. I am willing to restate it.

Mr. WARNER, of Ohio. I was on the other side of the House and could not hear the gentleman's former statement.

Mr. PRICE. I distinctly state that the present pay of Lieutenant-Colonel Hunt is $281.25 per month, or $3,375 per annum. Gentlemen will find it on page 378 of the Army Register for 1886.

My distinguished friend from Nebraska [Mr. LAIRD] says:

I admit we have sinned against the judgment of some gentlemen who were conspicuous in the pursuits of peace during the four years of this war.

No man, Mr. Chairman, honors the American soldier more than I do. To his valor and to his devotion we are indebted for a country and a flag. To the fact that at the close of the strife he took his place modestly in the ranks of the producers of national wealth we are indebted for the unexampled rapidity with which we have bounded along the path of national progress during the last quarter of a century. [Applause.]

As a rule, his bravery on the battlefield is only equaled by his modesty in not demanding special recognition beyond what is accorded to him by an appreciative and grateful people.

But the rule had one exception in the Forty-eighth Congress, in the instance of a gentleman who only rode as a member of a staff, as my distinguished friend from Pennsylvania [Mr. BINGHAM] told us he did. And now comes the gentleman from Nebraska [Mr. LAIRD], and with a sneer would silence discussion on this subject on the part of those who "were conspicuous in the pursuits of peace during the four years of war" because they were civilians and not soldiers.

I have, Mr. Chairman, laid it down as a fundamental principle of political action that as all soldiers could not be made commanders, we should extend equal consideration to those who were commanded, as the part they performed in the great drama was as important and as necessary as the other; the foundation-stone of a building being as important a part of the structure as the dome that reflects the sunlight above it. [Applause.]

And to the gentleman from Nebraska I submit that those who were "conspicuous in the pursuits of peace," if they were loyal to their Government, if their hearts beat high with hope or throbbed with anxiety as her starry banner floated in victory or was trailed in the dust of defeat, if they did what they could, if it were only to prepare lint and bandages for the wounded, should not be taunted or relegated to the rear, but are entitled to as much consideration as the men who commanded in our armies. [Applause.]

Now, Mr. Chairman, having disposed of this subject, I wish to call the attention of the House for a moment to where we are drifting in this direction. I claim it is unjust, destructive, injurious, contrary to

the spirit and genius of our American Government that any of these distinctions should be made either as to place, position, rank, or pay.

For the purpose of calling attention to that point, permit me for one moment to refer to the pension-list of England; for these gentlemen who speak about the propriety of an appropriation of this character will tell you, "Why, look at England." Very well, then, let us look at England. Why are we here upon this continent? Why did the Pilgrim Fathers leave England? It was simply because of that system of laws by which they were oppressed, and which recognized but two classes, the rulers and the subjects. They came here to build up a better standard of government, based upon the idea that every man was the equal of every other man, and that no distinction should be recognized because of rank or wealth.

Let me call your attention to the pension-list of England:

Dukes	£9,760,090=$48,800,450	
Marquises	8,305,950=41,529,750	
Earls	48,181,202=240,906,010	
Viscounts	11,241,202=57,206,010	
Barons	31,126,188=155,630,940	
Total		$544,073,160
Her Majesty the Queen	619,383=3,096,915	
The Prince of Wales	120,687=603,435	
Prince Arthur	29,000=145,000	
Prince Alfred	26,596=132,980	
Princess Royal	8,040=40,200	
Princess Helena	6,000=30,000	
Princess Louise	6,000=30,000	
Duchess of Albany	6,000=30,000	
Duchess of Cambridge	6,000=30,000	
Princess Augusta	3,080=15,400	
Duke of Cambridge	22,203=111,015	
Princess Mary	5,000=25,000	
Prince Edward	3,357=16,785	
Prince Leiningen	593=2,965	
Prince Victor	1,860=8,300	
Households of deceased sovereigns	5,209=26,045	
To the royal family		4,344,040
Total		548,417,200
Royal parks, expenditures upon	113,159=	565,775
Grand total		548,982,975

That is 66 per cent. in excess of our national revenue; and yet gentlemen will stand upon this floor under this republican form of government, in this the last quarter of the nineteenth century, and undertake to justify these innovations in our republican system by referring to what is done in England.

Nor is that all. From 1838 to 1878, under the present sovereign, the annual payment of the civil-list pensions amounted to $920,442. In addition pensions were granted to sovereigns in perpetuity. There were also ancient and hereditary pensions to a large extent. Speaking on this subject John Bright said:

> The more you examine this matter the more you will conclude, as I have, that this is neither more nor less than a gigantic system of wrong.

This is the feast to which these gentlemen would invite us. This is the policy which these gentlemen would ask us to pursue. The inevitable tendency of it is to lead this American Republic to useless, wasteful, dishonest expenditure of public money.

Mr. LAIRD. Allow me to ask the gentleman a question.

Mr. PRICE. Certainly; although I have not much time to spare.

Mr. LAIRD. Are you not in favor of placing all soldiers and officers upon the pension-roll?

Mr. PRICE. Yes, sir, every one of them; and if General Hunt were not a pensioner on the Treasury now to the amount of $3,375 a year and were in need, I would join hands with the gentleman from Nebraska and say that as one of the country's defenders he is entitled to the support and protection of his Government.

The gentleman tells us this is a great country. I know it is, and I want to keep it so. I want to say, in my judgment, he does no honor to the memory of the men who are dead or to the character of those now living when he undertakes to revolutionize the principle for which they fought so gallantly, when he seeks to establish another principle adverse, contradictory, and antagonistic to that for whch they sacrificed so much to establish and preserve. [Applause.]

By this pension-list we get some idea of the English nobility. The working classes are in a condition most deplorable, many of them living underground, ill paid, worse fed and clothed, and their moral and intellectual natures even more neglected than their physical; and as a legitimate sequence of all this we read of fifty thousand citizens of London, crazed by hunger and maddened by oppression, breaking over all legal restraints, setting the police power at defiance, and sacking the city. And this is the feast that gentlemen on this floor invite the American people to. And yet the wage-workers of England fare sumptuously in comparison with their Irish colonists, whose wages are so low as to debar them from the common decencies of life, while their substance is squandered on the privileged few. Gentlemen may justify themselves in thus lavishing the public revenues on pets and favorites because monarchical countries pursue this policy—a policy repugnant to all our traditions, at variance with our institutions, and which does violence to our republican system of government. But as like causes produce like effects, so will this unrepublican system, if persisted in, produce in our own fair land the nihilist of Russia, the socialist of Germany, and the communist of France.

In other and stronger governments than ours the unequal distribution of wealth leads to an unequal distribution of power.

But in this country you can not, if you would, reduce wages as in Ireland to 4 pence, or as in India to 5 cents per day. Nor as in India, establish the legal rate of interest at 30 to 60 per cent.

Nor is it any more practicable than desirable that in this country the tenant should be compelled to pay the landlord one-half of his produce, or as in France one-third, or as in England and Scotland one-fourth.

If we would secure for this Republic all its magnificent possibilties, if we are true to ourselves and the sacred trust reposed in us, we will here and now call a halt, proceed no farther in this direction, but go back to a recognition of the principle underlying our Government, that all men are equal before the law, that public places of trust are duties temporarily imposed by the whole on a part, that the places are to be filled and the duties discharged for a while and then surrendered to those who conferred them, and again the officer becomes the private citizen, entitled to no more nor no less consideration because of his place or position, nor to no more nor less consideration because of the success he may have had or not had in filling them, but to be entitled to honorable mention only to the extent to which he strove to faithfully and unselfishly discharge those duties. [Applause.]

All over the land to-day there are heard the mutterings of discontent among the people; and thoughtful men are dismayed at the unrest of the people and their threatened or open rebellion against the laws.

If this House were to postpone the consideration of all other matters now before it for a month and focus their whole thought on this one danger and the best means of averting it, it would be time well spent.

Is it not true that much of that discontent is directly attributable to a conviction that they have been unfairly dealt with? And is not the enactment of such laws as contemplated in this bill a ground for discontent and distrust of us?

Will the people not ask why the men whom they have sent here should vote an allowance to a retired officer of over $5,000, who is receiving now the sum of $3,775 per annum, while many, oh, so many who are more needy and equally meritorious, because they did what they could, are denied a mere pittance?

This Government can only endure so long as the people are attached to it. I do not mean so long as the brigadier-generals or the generals or the colonels are attached to it, but I mean as well the obscure and undistinguished—the whole people. [Applause.]

Then in the name of patriotism, in the name of justice, in the name of enlightened selfishness, let us be just to all classes. Do not farther follow this bad system because we may have some worse precedents. Let us weigh the act in the scales of justice, though it may be to violate a hundred bad precedents. Let us make a better, because a juster, precedent for others to follow.

[During the delivery of the foregoing remarks the hammer fell.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LAIRD. How much additional time does the gentleman desire?

Mr. PRICE. I should like to have about five minutes longer.

Mr. LAIRD. I will yield to the gentleman five minutes if I have the time and can be recognized for that purpose.

The CHAIRMAN. The time of the gentleman has been exhausted. The gentleman from Wisconsin [Mr. BRAGG] is entitled to the floor.

Mr. PRICE. I thank the gentleman from Nebraska for his effort to give me additional time.

Mr. BRAGG. Mr. Chairman, I very much hope that this bill will receive, as it has heretofore received, the favorable consideration of this House. If there be a man whose name is borne upon the rolls of the Army who is deserving of the pension that this bill proposes to confer upon Major-General Hunt, this officer is the man. There are already upon the retired-list, promoted to the position of major-general from the rank of colonel, two officers, Ricketts and Carroll, each of whom was promoted and placed upon the retired-list with the rank of major-general, holding himself, at the time of his promotion, simply the rank of colonel. Major-General Hunt has served his entire life in the Army. He was one of the most distinguished officers of the Army. He held and exercised the command of major-general without the pay for years. He is a man whose wants, though I dislike to allude to that, themselves appeal to the consideration of this House in placing him in a position where he can properly sustain those who rely upon him for support.

Why, sir, it has been said that there is no difference between a major-general and a private soldier. In some respects that is entirely true; both are men. There are many private soldiers who can run logs on a river a great deal better than Major-General Hunt could do. There are a great many men who can eat more than he can eat, and many who can lift more at a dead lift than he can lift, if these are to be the standards by which you measure men.

But, sir, we see all over this country and all over the civilized world that monuments, tablets, memorials are erected in memory of men, and why? Because they stamped the impress of their individuality upon

the current events of their day. They are men who by their exertions, characters, and lives have brought honor not only to themselves but honor and reputation to the history of the country.

They are men of whose reputation the country at large is proud, because they made the history of their country glorious in their day by their acts.

We ask that we shall not wait for posthumous events to do justice to the memory of Major-General Hunt, but that it be done now in his declining years, old and moving about as he does among our citizens, dressed in the plainest garb of the ordinary citizen, proud, as my colleague from Nebraska [Mr. LAIRD] stated. Ah, he is proud; and why? Not that he belongs to the royal family, but proud that he had the opportunity and the ability to stamp the name of Henry J. Hunt upon the records and history of his country, where it will live as long as American history lives.

That is what he is proud of. He is proud of his manhood, proud of his citizenship, proud that he is an American citizen, and the American people will be proud to see honor done him at all times and under all circumstances.

Men are not all alike. It is a peculiar characteristic of mankind that it needs a leader. Why else do we have leaders? Why do we have officers in the Army if all the rank and file possess the same qualities as the officers? Gather together five thousand men to-day for any purpose, and what do they do? They elect a chairman, do they not? And when they desire to have things formulated and considered they appoint a committee. They select for that committee men whom they consider capable men, who have studied the subject, men whose ideas when placed on paper will carry with them force and give to the meeting credit abroad among the people.

Take your five thousand men and send them across the Potomac to fight the battles of the country, and what will they do? Without officers, they will meet and select officers. Whom will they select? They will select a man whom they recognize to be as brave as the bravest. They will select a man who has skill, who has cool nerve, a man who is rich and fertile in expedients, a man cautious withal, so as not to be guilty of any rash act of indiscretion. And last of all they will select a man, if they can find him, who by his own force, courage, and energy, and by the peculiar magnetism which he may possess, will distribute that same force and character throughout the five thousand men he is to command, and when they find such a leader as that then they are ready to press forward to victory.

Is that man to be rated the same as those men that he leads? Scott had it right when he said of such a man, that "one blast upon his bugle-horn was worth a thousand men." Without such a man those people who seek to call themselves an army are a disorganized mob. Their effectiveness depends upon the man who commands, and when you speak of the man in his military capacity and service, you speak of the man who made the five thousand or the ten thousand men an army, or part of an army. Other men are put in their places. But, sir, to make a homely illustration, such a man as I have described is the hub into which the spokes are inserted and upon which the felly is placed. That makes the wheel. When the hub fails, the spokes and felly are all gone to the devil, useless and worthless.

It is in that view that I present the case of Henry J. Hunt, the man that organized the splendid artillery of the Army of the Potomac, the man who adhered to his own line in his profession, because his military chief recognized that there was none in it his equal.

Major-General Hunt is deaf to-day—from what? From the roar of his artillery at Malvern Hill when he sent howling back the confederate force that sought to drive the Army of the Potomac into the James. He may be deaf, but the people of the United States are not deaf to the appeal that is made on his behalf that he shall be recognized. From there he went on, and at Gettysburg again, with that splended array of artillery, he broke the confederate line. Ay, in the last final charge—the like of which no country ever saw—led by Pickett, of Virginia, with his pet division, they melted away before the artillery placed in position by Henry J. Hunt. How many private soldiers could have taken the range and caliber of those guns and pointed the place to which they should be assigned that they might do the execution which saved the day for the American Union? It is for that man, Henry J. Hunt of Malvern Hill, Henry J. Hunt of Gettysburg, that I ask on behalf of the Army of the Potomac and of all the soldiers of all the armies of the Potomac that this body recognize him as they have before recognized him, by giving to him what he ought to have had years since, the rank and pay of major-general of the armies of the United States upon the retired list.

Mr. BINGHAM. I regret exceedingly that the gentleman from Wisconsin [Mr. PRICE] who spoke a short time ago has seen proper to animadvert on a statement I made in debate a week or two ago in connection with the pension case of Mrs. General Hancock. The gentleman charges that I misstated the record. I stated briefly, as the gentleman has stated also, that I remembered distinctly having heard and having seen in the RECORD the same argument and the same speech made by the gentleman one year ago at an evening session in connection with the pension of the widow of Maj. Gen. George H. Thomas. I assert that that declaration is substantially correct. I might say to the gentlemen who listened to the gentleman this morning, that when the question is before the House of pensioning any general officer, or when there is any question pertaining to pensions, the gentleman gives us the same old speech about the private soldier of the Army. It has the same ring; it has not the same body of words, but it has the same substratum and is the same argument.

I say to him that the private soldiers of the country or of the army of the war of the rebellion are not knocking at our doors for pensions. The maimed, the wounded, and the disabled are appealing to Congress for recognition, but the strong and the healthy soldiers of the war are making no appeals to this House.

What gave the gentleman the right to champion the cause of the soldiers of the war? Is it the record that he is continually making in this House, that he is in favor of communism in the matter of striking down all the leadership of the war? Will the private soldier of the Union Army turn to the man who voted against Grant, against the widow of Thomas, against the widow of Hancock? Speaking as a soldier, I say that they will accept and select upon this floor another leadership and another championship.

Let me say to the gentleman that in his two speeches to which I have referred, the speech on Thomas and that on Hancock, there are but two or three underlying ideas. First, he claims that legislation of this character violates the principles of equal rights, and he antagonizes what he denominates "class legislation." Let me briefly refer to what he said in the Thomas case. He says of Thomas—

> He fought and suffered and struggled that this might continue to be a free Government, by a free people; to preserve the right of every man, woman, and child to be the equal of every other before the law; that the benign and beneficent influence of its protecting arms might be thrown equally around all classes and all conditions of people; that the unworthy should suffer equal punishment, be he pauper or millionaire, and that equal meed of praise or reward should be extended to all who discharged equally well their social and political duties in whatever niche in life they might be placed.
>
> He defended for us the principle that—
>
> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.
>
> And we are violating this principle when we select this or any similar case and make it a matter of special legislation, to the exclusion of thousands of cases equally meritorious—admitting for this case all the merit that can possibly be claimed for it—that appeal to us daily all over our land, not for alms, but for simple justice.

What does he say in relation to Hancock? Speaking of the question, the pension then under consideration, he uses this language:

> Such a policy as this contemplates is detrimental to the whole principle of manhood and equal rights. Its tendency is vicious and corrupting; for it is liable to create a spirit of reckless, wasteful expenditures. We should rather teach these men to live on a basis of economy; not to live to the utmost of their means, up to their last dollar, indulging in an array of fuss and feathers, champagne and luxury, and then die and leave their families nothing but their dependence upon the Government. I repeat, let them exercise the same economy that I do and my constituents exercise, and then they would be self-supporting and not leave dependent families.
>
> The compensation of a major-general or any other man occupying a high rank in the military service is extremely liberal. It is not so meager that he can not be self-sustaining. I do not know whose measure this is particularly, but I am going to assist in this one effort to break down a system that tends to weaken a man's self-reliance, a system that even the eloquent and distinguished gentleman from Pennsylvania can find no excuse for except upon the score of precedents heretofore adopted. He proposes now to increase the number of precedents, and no man can find an argument for it. It shocks every principle of manhood. It violates every known cardinal idea of equal rights and equal justice. It is a principle that tends to create a privileged class, and fosters and induces an expenditure on the part of public men not in harmony with their surroundings or with the principles of simplicity and economy commended by every good man, including Grover Cleveland.

These are the basic, the cardinal principles of the gentleman's speeches on both occasions. They took but a few moments to utter; it was, I think, a five-minute or a ten-minute debate, and I claim that I am substantially correct when I make the statement that the speech in both cases was the same—not word for word, I concede to the gentleman, but the same underlying ideas were enunciated in both in the expression of his antagonism to those two bills similar in character.

One word more. The gentleman claims to come before this House time and again, and at every opportunity, to ask for the pensioning of the great body of the private soldiers of the war, who have never asked for pensions. The other evening, in the debate to which I have referred, he quoted certain language uttered by Grover Cleveland enunciating a doctrine that I appreciate and indorse in every particular. I read it:

> "Men in official positions should not forget that they are still of the people and may do much by their plain habits of living to inaugurate and encourage a system of economy among the people that tends much to national prosperity." And further: "The right of the Government to assess the earnings of the people is bounded by the necessities of the Government economically administered."

Let the gentleman carry out the legislation that he is continually urging here for placing on the pension-roll all the soldiers of the war, and then let him see whether he can apply his quotation from Grover Cleveland to that legislation, which he suggests.

There was one part of the gentleman's speech, I will concede, in which he did not convey the same idea that he uttered in the Thomas speech. In that speech he paid a great and eloquent and most glorious tribute to General Thomas. His words are worth repeating here or elsewhere in any assembly for the consideration of public questions. But for some reason he failed to render a tribute to the great soldier of the North, General Hancock, like that which he had previously paid to

the great soldier of the West, General Thomas. Let us see how he referred to General Hancock:

I am not a military man, Mr. Chairman, but from the best information I have been able to gather on inquiry from those who are acquainted with the facts, I learn that there has been paid to General Hancock, brilliant, brave, generous, magnificent in all his proportions—

Was the slang of the campaign of a few years ago still ringing in the gentleman's ears when he used the expression, "magnificent in all his proportions?"—

as we all recognize him to be as a military man, the sum of $165,000 during the last twenty-two years, besides perquisites and other compensation which would make a sum at least equal to one-half the amount which I have named.

Is that the tribute that the gentleman should have yielded to this brave soldier when he is on record as having paid the eloquent tribute I have read to that great soldier of the West? But that did not seem to satisfy the gentleman on that occasion. He seemed to think he should go a step further and give advice to Army officers to live economically and not come to Congress for consideration. Speaking of this bill he said:

We should rather teach these men—

What men? The only men who had been referred to were Thomas and Hancock—

We should rather teach these men to live on the basis of economy, not to live to the utmost of their means, up to the last dollar, indulging in an array of fuss and feathers, champagne and luxury, and then die and leave their families nothing.

If the gentleman states that this part of his speech is not similar to the tribute he paid to Thomas, then I concede he is correct. But I make the unqualified declaration that in this House the gentleman sings but one song; and it is a song not acceptable to that great audience the private soldiers of the country, that he seems to be singing for. This House, however, has rendered to myself as well as to all the soldiers on this floor who defended that pension to Mrs. Hancock all that we have asked for. The gentleman is welcome to his record. I bid him all hail in his future efforts to prove its consistency. I have no doubt he can. He has proved it in his antagonism to Grant, in his antagonism to Thomas, in his antagonism to Hancock. He can continue that course; but this House has seen proper to render the tribute that every loyal, patriotic people have rendered to the brave and courageous leadership that has led them to victory and the consummation of great constitutional results. The gentleman is welcome to his record; but this House has made the record of giving to that matchless soldier of the West Thomas the same tribute of recollection and reward that it has given to the man who led the masterful armies of the North at Gettysburg and throughout the four years of the war. [Applause.]

[Here the hammer fell.]

Mr. WARNER, of Ohio. Mr. Chairman, I object to this bill in the first place because by its very terms it admits that we can not do directly what the bill seeks to do indirectly.

In the second place, Mr. Chairman, General Hunt, from the day on which he entered the Military Academy at West Point to this day, has received the compensation and emoluments which the laws of his country have accorded to him. He has received the promotion and the rank to which in the arm of the service in which he was engaged he was entitled. He advanced to the highest place in that arm of the service. It is too late to go back now over the four years of the war to readjust promotions or to correct the inequalities and injustices (and there were many) of that war. You can not do it. It is utterly impossible. You might as well attempt to restore the island of Ischia after the earthquake had scattered it in the sea.

Whether General Hunt should have had a higher rank or not I shall not now discuss. He had the rank which the laws of his country gave him during the war. It is stated here that he might have entered another arm of the service and been promoted. But what would have been his fate if he had no man can tell. No man can tell whether he would have risen in another arm of the service, or, like many another, have gone down on the battlefield and received no promotion at all. Many an officer was killed early in the war who probably if he had lived might have risen to the very highest rank. These are things we can not tell, and ought not to undertake now to readjust or change. General Hunt is now receiving the pay of a colonel of artillery on the retired-list. The laws of his country give him that. To this he is entitled and to this only. To make an exception in his case, to go back and increase his rank, to promote him now twenty-one years after the close of the war—that I do not believe we are called upon to do. I must assume that he received at the hands of those who were then charged with the responsibility the considerations due him.

A word, Mr. Chairman, with respect to some remarks of my friend from Wisconsin [Mr. BRAGG].

I grant the necessity of officers in an army. I recognize the value of great leaders, and I recognize the ability, the bravery, the gallantry of Colonel Hunt as an artillery officer. But the officers did not make the army; rather the army made the officers. Much is due, undoubtedly, to capable, efficient, and brave officers. But it was the army that gave renown to its officers, and to some it gave renown whom it could not make great. Every officer who gained distinction in the late war owed more to his army than his army owed to him.

What millions died that Cæsar might be great!

This is the teaching of all history. Millions die, and a few are made great.

Soldiers who fight in the ranks and are soon forgotten win fame for a few. How much of General Hunt's fame was made for him by his captains and the men who manned the guns will never be told. In the artillery arm of the service especially almost everything depends in action on the captains who command batteries and the men who man them. No man would take from General Hunt his fame; but the tendency of history in this age, as in all past ages, to gather all the laurels won on battlefields and make crowns of them for a few men I do not believe in. If the credit that was due to the men who participated in the late war could be meted out in just proportions to what each contributed, history would tell a different tale from that it now tells; a much less share would be found due to those who have been made great, and much more to those who have had little credit, and who will be lost entirely to history.

Mr. Chairman, I do not believe we are called upon in any view of this case, whether in justice to General Hunt or in any other view of the case, to make an exception and grant a promotion to an officer on the retired-list. We are increasing from day to day and year to year the extent and cost of the retired-list of the Army and Navy. Three thousand dollars is not a small sum in these times, when $3,000 is of more value relatively to cost of living than $5,000 was twenty years ago. Let me call attention in this connection to a few statistics—very brief, but very significant.

According to the census of 1880 the agricultural laborers of the United States were 7,670,000. What were their average earnings? Two hundred and eighty-nine dollars for each laborer. Three million eight hundred thousand were engaged in manufacturing and mining. Their average earnings was $350 a year each. From these meager earnings families must be supported and educated. The total earnings of the 11,400,000 people engaged in these pursuits in the census year was $3,600,000,000, or about $315 each. Add to these the 1,800,000 engaged in trade and transportation, with average earnings of $500 each, and 4,000,000 engaged in professional and personal services, with earnings on the average of $400 each, and we have 17,270,000 employed in agriculture, in manufacturing and mining, in trade and transportation, in professional and personal service, and the average earnings of all classes was only about $352 each for the year.

But we think nothing of paying $2,000, $3,000, or $5,000. It is only a matter of appropriating so much out of the Treasury. Now, there is no fund out of which to pay these bounties or the expenses of the Government except to go first to the people and collect it into the Treasuary by taxation.

These 17,270,000 engaged in the various occupations indicated create the wealth from which must come all taxes. All taxes and all expenditures must come from the annual produce of the country. There is no other fund. And, Mr. Chairman, I think the time has come when this House in voting away money by thousands and by millions of dollars should consider how that money must be raised; how it gets into the Treasury; who pays it, and what their earnings are, or how small a sum they who create the wealth can retain for themselves. The aggregate earnings of the 17,270,000 engaged in all occupations in the census year was but about $6,100,000,000, or, as before given, about $352 each. The more that is taken in the form of taxes to carry on Government the less there is left for the people to have to themselves.

Why, sir, our Government costs us more than 10 per cent. of the gross earnings of the people to carry it on, while but 10½ per cent. is required to carry on the British Government with its vast army and navy and its large public debt. We are fast reaching as high a percentage as any other country in the world, while we have almost no army, but a small navy, and a constantly decreasing public debt. The time will come when the people, finding this burden of taxation increasing from day to day and year to year upon them—the time will come, I say, when they will demand that expenditures of this kind shall be restricted, shall be limited to a reasonable allowance, and that expenditures generally shall be restricted to the actual needs of Government. [Applause.]

[Here the hammer fell.]

Mr. WHEELER addressed the committee. [See Appendix.]

Mr. CUTCHEON. Mr. Chairman, I did not think to participate in this debate at all. When this bill was before the House and the committee in the last Congress I cast my vote in favor of it. There are some points which discriminate this bill from any other bill that has been reported or will be reported from the Committee on Military Affairs.

I do not think that too much can be said on this floor or elsewhere in honor of General Hunt as a soldier or as a military organizer, nor can too much be said in praise of his services to his country.

The only question that gives me any pause whatsoever is in regard to the advisability of either establishing, or continuing if already established, the principle of granting further promotions after retirement from active service in the Army.

Mr. BROWNE, of Indiana. Is General Hunt on the retired-list now?

Mr. CUTCHEON. He is. He is at present the governor of the Soldiers' Home in the District of Columbia.

General Hunt became a colonel of volunteers in the war—I think in 1861. He was made a brigadier-general of volunteers in 1862, and was brevetted a major-general for gallant and meritorious services, also I I think in 1862, although I have not referred to the dates. There is no question but that he had a command which in men, material, and animals was equal to the command of any major-general in the Army, equal beyond all doubt to an army corps.

From the time he took command as chief of the reserve artillery under General McClellan, with a very brief intermission at the time he came from the Peninsula to Acquia Creek to forward the batteries to Pope, and then resumed his command on the 5th of September, 1862, when McClellan was restored to command, he was in full command of the artillery arm of the service in the Army of the Potomac. General Hunt held that command at the battle of South Mountain and at the great battle of Antietam, which was to a great extent an artillery battle, and turned back the tide of Lee's first invasion of the North. It was General Henry J. Hunt that opened upon the confederate line and defenses with his three hundred and forty guns at Fredricksburg. It was Hunt who commanded the artillery at Chancellorsville. It was General Hunt, as has been said again and again during the course of this debate, who placed our batteries when Pickett's famous charge was made on Cemetery Ridge at Gettysburg, who shattered their advance and sent them to the rear in rout and disaster. It was not an ordinary man's foresight that placed the batteries on that occasion, but the consummate skill and genius of a master mind; and it is in recognition of this fact, both in the Army of this country as well as throughout the armies of the civilized world, that Henry J. Hunt stands the foremost artillerist that lives or has lived upon the American continent.

The order of General Hunt organizing the artillery of the Army of the Potomac is to-day the formula by which the artillery arm in all of the military nations of Europe is organized.

I have been told very recently by General Benét, Chief of Ordnance of our service, that General Hunt is to-day recognized as the best authority as to the artillery arm of the service in all of the great armies of the world.

So much for his genius, so much for his skill. But I have not yet recounted his services. After the battle of Gettysburg he continued in the command of the artillery of the Army of the Potomac until the close of the war and the surrender of the confederate armies. It was Hunt's artillery that thundered at the Wilderness. It was Hunt's artillery that, converging on the bloody angle at Spottsylvania Court House, made possible Hancock's impetuous charge and victory, sweeping away forty-five hundred of Johnson's division.

It was Hunt that commanded the artillery at North Anna, at Totopotomy, and at Cold Harbor. It was Hunt that encircled the confederate works at Petersburg with his batteries, and hammered away until Petersburg fell, and with Petersburg Richmond, and with Richmond the confederacy.

There can be no question about the merits of General Hunt. They have passed into history, and he is recognized as the foremost artillerist that this continent has produced. Then why did he not get rank in proportion to his merit? Why did he not get the rank of major-general in the Army of the United States? Why has he not been further promoted? Simply because under the organization of our artillery arm during the war at first each battery was considered a regiment, and was organized upon that basis, but with field officers. But before the time came for organization of the Army into corps and divisions that rule was reversed, and each battery was held to be a company and not entitled to field officers. And under both rulings all promotion was cut off. Unlike the infantry arm and the cavalry arm, there was no room for major-generals in the artillery service.

So the war ended, and left General Hunt a brigadier-general of volunteers. In 1866 he mustered out as such. He fell back then on his rank in the regular Army. He was not at that time a full colonel, but in 1869 he became colonel of the Fifth Artillery.

By and by the time came when General Hunt should have been promoted by right of seniority of sevice and of distinction, but for reasons which I do not understand and which therefore I can not undertake to explain, when the time came that there was a vacancy and when Hunt ought, in my opinion, to have been promoted, another and a younger man was appointed, perhaps because Hunt had become deaf in his country's service. Mackenzie was promoted to a brigadier-generalship in the regular Army. McKenzie became insane, was sent to a lunatic asylum, and was retired, Hunt still remaining colonel. When Mackenzie was retired there was another opportunity to give Hunt his rank, but, instead of that, when Mackenzie was retired Stanley was put into the vacant brigadier-generalship; and so he has gone, by the operation of law, by reason of age, on the retired-list only as a colonel, with this distinguished record, an exceptional record in all respects, exceptional in service, exceptional in genius, and exceptional in the fact that he never received the promotion he was entitled to. And now there is no other way of doing justice to this man except by advancing him on the retired-list.

Mr. PETTIBONE. Will the gentleman yield to me for a question?

Mr. CUTCHEON. Yes, sir.

Mr. PETTIBONE. I ask the gentleman from Michigan whether, on the ground of what he has said, we should not make an exceptional case of this and give this officer his right rank?

Mr. CUTCHEON. That is the very thing I was going to say. I intend to vote for this bill. I do not ask that my judgment shall control that of any other man. But I shall vote for the bill on the ground indicated by my friend from Tennessee [Mr. PETTIBONE] that we should make an exception of this case because the case is itself exceptional. The length and distinction of General Hunt's services, his genius, his claims which were overslaughed over and over again by younger men until at last age forced him, at sixty-four, on the retired-list, should now avail in his behalf. And I think we can now afford—this great American people can be magnanimous enough to afford—to make an exception in this case.

[Here the hammer fell.]

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. WARNER, of Ohio, called for a division.

The committee divided; and there were—ayes 31, noes 40.

Mr. SPRINGER. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Wisconsin, Mr. PRICE, and the gentleman from Alabama, Mr. WHEELER.

The committee again divided; and the tellers reported—ayes 44, noes 76.

Mr. BRAGG. No quorum.

The CHAIRMAN. The tellers will resume their places.

The tellers resumed the count.

Before the report was made,

Mr. BRAGG said: I do not desire to interrupt the consideration of other bills in which members of this House are interested, and therefore I withdraw the call for a quorum. But I shall insist on a yea-and-nay vote in the House.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that the motion submitted to the committee was that the bill be laid aside to be reported to the House with the recommendation that it do pass. If the majority is in the negative the bill will not go to the House, but simply remains on the Calendar.

Mr. BRAGG. If it remains on the Calendar that is all right.

The tellers reported—ayes 49, noes 86.

Mr. McMILLIN. Do I understand correctly the Chair to intimate that this bill remains on the Calendar?

The CHAIRMAN. It does.

Mr. McMILLIN. For action hereafter?

The CHAIRMAN. That is a matter to be determined by the committee in the future.

Mr. McMILLIN. It certainly would have some status.

The CHAIRMAN. The Chair has undertaken to state the effect of this vote. It is simply a negative vote upon the motion submitted. The ayes are 49, the noes are 86. The noes have it, and the motion is lost. The Clerk will report the next bill.

Mr. SPRINGER. Mr. Chairman, I think this bill is before the committee for consideration until disposed of. This motion having failed, there should be some motion to get it out of the committee. I suggest that it be reported adversely to the House.

Mr. BRAGG. Mr. Chairman, there is a great deal of parliamentary law that I do not understand, and I should like to be informed a little about it. I should like to know, for instance, whether it is possible under the rules to dispose of a measure in committee so that it never can get to the House. I understand the learned parliamentarian on my left [Mr. WARNER, of Ohio] to maintain that view. I suppose that all bills have to be disposed of in the House, and this bill will go there reported, either favorably or adversely, from the Committee of the Whole, so that an opportunity will be given for the House to vote upon the bill. I am a novice in matters of this kind, and I, of course, understand that my friend from Tennessee [Mr. McMILLIN] and my friend from Ohio [Mr. WARNER] are thoroughly versed in all these questions of parliamentary law.

Mr. McMILLIN. I will now show the gentleman how well versed I am, by moving that this bill be now reported to the House with the recommendation that it lie upon the table.

Mr. BRAGG. And upon that motion I insist that a quorum shall vote.

Mr. McMILLIN. Now we are both being informed upon parliamentary law.

Mr. BRAGG. I am very much obliged to the gentlemen for his volunteered lesson, but I knew that much before. [Laughter.]

Mr. McMILLIN. As the gentleman ordinarily puts in practice all the parliamentary law he knows and did not put this in practice I presumed he did not know it. [Laughter.]

The House divided; and there were—ayes 77, noes 25.

Mr. BRAGG. There is no quorum voting.

The CHAIRMAN. The point is made that no quorum has voted. The Chair will appoint tellers.

Mr. CUTCHEON. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. Would it be in order at this time to move to amend this bill?

The CHAIRMAN. Not while the House is dividing.

Mr. CUTCHEON. If it were, I would move to amend so as to reduce the rank to that of brigadier-general. With that amendment I think the bill would pass.

The CHAIRMAN. The Chair appoints to act as tellers the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Wisconsin [Mr. BRAGG]. The question is, Shall this bill be reported to the House with the recommendation that it lie on the table?

The House divided; and the tellers reported 67 votes in the affirmative and 5 in the negative.

Mr. BRAGG. No quorum has voted.

The CHAIRMAN. The point being insisted upon that no quorum has yet voted, the Chair will direct the Clerk to call the roll.

Mr. SPRINGER. Mr. Chairman——

The CHAIRMAN. The Chair has directed the Clerk to call the roll.

Mr. SPRINGER. I ask unanimous consent that the pending motion be withdrawn, that the friends of the bill be allowed to move to amend it so as to reduce the rank provided for in the bill to that of brigadier-general, and that we take a test vote on that. [Cries of "No!" "No!"] Otherwise, if we proceed in this way we lose the whole day, which might be devoted to the consideration of private bills. [Renewed cries of "No!" "No!"]

The CHAIRMAN. Objection is made. The Clerk will call the roll.

The roll was called, and the following members failed to answer to their names:

Aiken,	Eden,	Mahoney,	Riggs,
Anderson, J. A.	Ermentrout,	McAdoo,	Rockwell,
Arnot,	Fleeger,	McKinley,	Ryan,
Atkinson,	Foran,	Millard,	Sawyer,
Barnes,	Gibson, C. H.	Milliken,	Scott,
Barry,	Gibson, Eustace	Mills,	Sessions,
Belmont,	Gilfillan,	Mitchell,	Singleton,
Bound,	Guenther,	Moffatt,	Skinner,
Boutelle,	Hale,	Morgan,	Snyder,
Boyle,	Hall,	Morrill,	Spriggs,
Brady,	Hanback,	Morrow,	Stahlnecker,
Brown, C. E.	Hayden,	Muller,	Stephenson.
Brumm,	Heard,	Murphy,	Stewart, J. W.
Buck,	Henderson, D. B.	Negley,	St. Martin,
Butterworth,	Hepburn,	Norwood,	Struble,
Caldwell,	Herbert,	Oates,	Symes,
Campbell, J. E.	Herman,	O'Ferrall,	Tarsney,
Campbell, T. J.	Hill,	O'Neill, Charles	Taylor, E. B.
Cobb,	Holmes,	O'Neill, J. J.	Taylor, I. H.
Collins,	Hopkins,	Outhwaite,	Thomas, J. R.
Compton,	Irion,	Owen,	Thompson,
Comstock,	James,	Payne,	Townshend,
Cox,	Kelley,	Payson,	Van Schaick,
Crisp,	Ketcham,	Perry,	Viele,
Culberson,	Laffoon,	Phelps,	Ward, J. H.
Davenport,	Lawler,	Pidcock,	Weaver, A. J.
Dockery,	Lehlbach,	Plumb,	Weber,
Dougherty,	Little,	Pulitzer,	Wellborn,
Dowdney,	Long,	Randall,	Whiting,
Dunham,	Lore,	Ranney,	Wilkins,
Dunn,	Louttit,	Reese,	Worthington.

The SPEAKER having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, finding itself without a quorum, had caused the roll to be called, and had directed him to report the names of the absentees to be spread upon the Journal.

The SPEAKER. From the report made by the chairman of the Committee of the Whole it appears that 196 members—more than a quorum—have answered to their names.

Mr. HAMMOND. I move that the House take a recess until half past 7 o'clock this evening.

Mr. REED, of Maine. I submit that under the rules we should immediately go back into the Committee of the Whole; that the motion to adjourn or take a recess is not in order.

The SPEAKER. The practice of the House has been to entertain, in a case of this kind, a motion to adjourn or to take a recess, but no other business; because the House may determine not to sit any longer.

Mr. REED, of Maine. But the rules say distinctly that under these circumstances we must go back into Committee of the Whole.

The SPEAKER. A motion to adjourn would undoubtedly be in order; and a motion to take a recess is of the same privileged character. These motions have always been entertained under these circumstances.

Mr. REED, of Maine. But there is a special rule providing that when the roll is called in Committee of the Whole and a report is made to the House showing the presence of a quorum the House must immediately, without a motion, resolve itself again into Committee of the Whole.

The SPEAKER. The Chair thinks the motion is in order under the practice of the House. The question is on the motion for a recess till half past 7 o'clock this evening, the evening session being for the consideration of pension business, under the previous order of the House.

The question being taken on the motion of Mr. HAMMOND, there were—ayes 60, noes 47.

Mr. JOHNSTON, of Indiana, called for the yeas and nays.

The yeas and nays were ordered, there being—ayes 25, noes 86; more than one-fifth voting therefor.

The question was taken; and it was decided in the affirmative—yeas 108, nays 74, not voting 141; as follows:

YEAS—108.

Adams, J. J.	Cutcheon,	Houk,	Reid, J. W.
Anderson, C. M.	Daniel,	Hudd,	Rice,
Baker,	Davidson, A. C.	Hutton,	Rogers,
Ballentine,	Davidson, R. H. M.	Johnson, F. A.	Sadler,
Barbour,	Dibble,	Jones, J. H.	Sayers,
Barksdale,	Dingley,	Jones, J. T.	Scranton,
Bennett,	Eldredge,	Kleiner,	Seney,
Bland,	Ellsberry,	Laird.	Sessions,
Bound,	Everhart,	Landes,	Seymour,
Bragg,	Farquhar,	Lanham,	Stewart, Charles
Breckinridge, C. R.	Fisher,	Le Fevre,	Storm,
Breckinridge, WCP.	Ford,	Libbey,	Swinburne,
Brown, W. W.	Forney,	Lovering,	Swope,
Cabell,	Funston,	Lowry,	Taylor, J. M.
Campbell, Felix	Gay,	Matson,	Throckmorton,
Campbell, J. M.	Geddes,	Maybury,	Tillman,
Campbell, T. J.	Gibson, C. H.	McCreary,	Tucker,
Candler,	Green, W. J.	Merriman,	Turner,
Carleton,	Halsell,	Miller,	Van Eaton,
Clardy,	Hammond,	Morrison,	Wait,
Clements,	Harris,	Neal,	Wakefield,
Cole,	Hemphill,	Neece,	Ward, T. B.
Cox,	Hewitt,	O'Hara,	West,
Crain,	Hiestand,	O'Neill, J. J.	Wheeler,
Crisp,	Hill,	Peel,	Wilson,
Croxton,	Hires,	Pettibone,	Wise,
Curtin,	Holman,	Pindar,	Wolford.

NAYS—74.

Adams, G. E.	Gallinger,	McMillin,	Springer,
Allen, C. H.	Glass,	McRae,	Steele,
Allen, J. M.	Green, R. S.	Nelson,	Stephenson,
Beach,	Grout,	O'Donnell,	Stone, W. J., Ky.
Bingham,	Guenther,	Osborne,	Stone, W. J., Mo.
Bliss,	Harmer,	Parker,	Strait,
Buchanan,	Hatch,	Perkins,	Symes,
Bunnell,	Haynes,	Peters,	Taulbee,
Bynum,	Henderson, J. S.	Pirce,	Taylor, Zach.
Caswell,	Hitt,	Price,	Thomas, O. B.
Conger,	Howard,	Reagan,	Trigg,
Cooper,	Jackson,	Reed, T. B.	Wadsworth,
Cowles,	Johnston, J. T.	Richardson,	Warner, A. J.
Dorsey,	Johnston, T. D.	Romeis,	Weaver, J. B.
Ely,	La Follette,	Rowell,	Weber,
Evans,	Lindsley,	Shaw,	White, Milo
Felton,	Lyman,	Smalls,	Winans.
Fleeger,	Martin,	Sowden,	
Fuller,	McComas,	Spooner,	

NOT VOTING—141.

Aiken,	Dowdney,	Long,	Robertson,
Anderson, J. A.	Dunham,	Lore,	Rockwell,
Arnot,	Dunn,	Louttit,	Ryan,
Atkinson,	Eden,	Mahoney,	Sawyer,
Barnes,	Ermentrout,	Markham,	Scott,
Barry,	Findlay,	McAdoo,	Singleton,
Bayne,	Foran,	McKenna,	Skinner,
Belmont,	Frederick,	McKinley,	Snyder,
Blanchard,	Gibson, Eustace	Millard,	Spriggs,
Blount,	Gilfillan,	Milliken,	Stahlnecker,
Boutelle,	Glover,	Mills,	Stewart, J. W.
Boyle,	Goff,	Mitchell,	St. Martin,
Brady,	Grosvenor,	Moffatt,	Stone, E. F.
Browne, T. M.	Hale,	Morgan,	Struble,
Brown, C. E.	Hall,	Morrill,	Tarsney,
Brumm,	Hanback,	Morrow,	Taylor, E. B.
Buck,	Hayden,	Muller,	Taylor, I. H.
Burleigh,	Heard,	Murphy,	Thomas, J. R.
Burnes,	Henderson, D. B.	Negley,	Thompson,
Burrows,	Henderson, T. J.	Norwood,	Townshend,
Butterworth,	Henley,	Oates,	Van Schaick,
Caldwell,	Hepburn,	O'Ferrall,	Viele,
Campbell, J. E.	Herbert,	O'Neill, Charles	Wade,
Cannon,	Herman,	Outhwaite,	Ward, J. H.
Catchings,	Hiscock,	Owen,	Warner, William
Cobb,	Holmes,	Payne,	Weaver, A. J.
Collins,	Hopkins,	Payson,	Wellborn,
Compton,	Irion,	Perry,	White, A. C.
Comstock,	James,	Phelps,	Whiting.
Culberson,	Kelley,	Pidcock,	Wilkins,
Dargan,	Ketcham,	Plumb,	Willis,
Davenport,	King,	Pulitzer,	Woodburn.
Davis,	Laffoon,	Randall,	Worthington.
Dawson,	Lawler,	Ranney,	
Dockery,	Lehlbach,	Reese,	
Dougherty,	Little,	Riggs,	

So the motion for a recess was agreed to.

The following additional pairs were announced:

Mr. FREDERICK with Mr. HOLMES, for the remainder of this day.

Mr. BURNES with Mr. RYAN, for to-day.

The result of the vote was announced as above stated; and accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by the Speaker.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar for the purpose of considering business under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH in the chair.

Mr. MATSON. Mr. Chairman, I ask unanimous consent that members present may be allowed to call up such bills as they may think proper, suggesting that if possible only such bills be called up as are not likely to provoke discussion. I think it due to those gentlemen who come here to these evening sessions that they should have some preference in this matter.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that members present may be allowed to call up such bills on the Private Calendar, subject to the order of the House, as they may desire, until further order. Is there objection? The Chair hears none, and it is so ordered.

ADAM GASTON.

Mr. MATSON. I call up the bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston. It is on page 34 of the Calendar.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll the name of Adam Gaston, late of Company D, One hundred and fortieth Indiana Volunteers, who held certificate 107881.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHILDREN OF SURGEON ALFRED M. OWEN.

Mr. SCOTT. Mr. Chairman, I desire to call up the bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions.

The bill was read, as follows:

Be it enacted, &c., That Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, minor children of the late Surgeon Alfred M. Owen, United States Navy, be, and they are hereby, granted and allowed a pension of $25 each per month, to date from the 22d day of August, 1883, on which day the said Surgeon Alfred M. Owen died, and to continue until each child shall respectively attain the age of twenty-one years; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen on the pension-roll at said rates, in lieu of the pensions now paid them. In paying the pensions from the day of Surgeon Alfred M. Owen's death to the date of the passage of this act, the Secretary of the Interior is directed to deduct from the amounts herein allowed the sums already received by the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, or their lawful guardian.

Mr. SCOTT. I ask for the reading of the report.

The report (by Mr. SCOTT) was read, as follows:

The Committee on Pensions, to whom was referred House bill 4689, beg leave to submit the following report:

The naval career of the deceased officer, which began in May, 1869, was one of exceptional credit, and was made conspicuous by an unusually wide range of duties by sea and land. From his entry into the service until his death he was constantly employed, exercising professional attainments of a very high order, and that he dignified every duty assigned him by the zeal, courage, fidelity, and intelligence displayed in its execution, is the testimony of all who knew him.

He was always conscientious, earnest, skillful, kind, and courteous, commanding thereby the affection and confidence of the sick, and the respect and admiration of his superiors.

In February, 1882, he reported for duty at the navy-yard, Pensacola, and a few months later was combating the much-dreaded yellow fever. By his judicious sanitary provisions and personal force and courage he established a cordon of environment which preserved the naval station from the plague which devasted the neighboring city. At the height of the epidemic, when the physicians of Pensacola had been cut off by the fell disease, he bravely volunteered to go into the city to attend the afflicted.

In the following summer (1883) he was without medical assistance, performing the quadruple duty of surgeon of the navy-yard, surgeon of the naval hospital, surgeon of the reservation, and quarantine officer of the lower bay.

A return of the fever was looked for. Every officer who could be spared was permitted to leave, and this brave officer could have been detached upon application, but he scorned the thought.

August 14, 1883, the fever reappeared. Overexertion and exposure to the sun had caused Surgeon Owen a partial sun-stroke in July, and while yet suffering from this, he was, on August 16, himself seized with the fever. For two days there was no one on land to treat the hero, and on the 22d he died. His faithful wife was untiring in her efforts at his bedside, and within a day or so after his death she was stricken with the same disease; at midnight of the 29th she was buried by his side.

They left behind them four children, between the ages of three months and eight years, each of whom and their nurse also had the fever.

The committee therefore recommend that the amounts named in the bill be allowed to the four children of the deceased.

Mr. CONGER. Mr. Chairman, it seems to me that the amount proposed to be allowed by this bill is very unusual. It is certainly very exorbitant in comparison with the amount ordinarily allowed. If the gentleman in charge of the bill can show us why we should make this extraordinary exception I hope he will do so.

Mr. SCOTT. Mr. Chairman, the committee considered this as an exceptional case, and one that would not form an ordinary precedent if adopted by this House. Surgeon Owen was left by the proper authorities of the Navy Department in charge of the hospital and naval establishment at Pensacola during this epidemic to which reference is made in the report. He was not supported as he ought to have been by the proper authorities. While there were in this city fifteen or twenty surgeons not performing duty, he was left there single-handed, not only to take charge of the men in the Government employ and the officials connected with the various branches of the service there, but was called upon to go into the city itself and attend those persons who were stricken down with the fever. He had an opportunity to leave the city, but declined. Knowing, as he well did, that he was carrying his life in his hand, yet he declined to leave when the opportunity offered, and the result was that he finally lost his life. He not only gave up his life, but the true, honest woman, his wife, laid down her life also with him, and left these four little waifs to float around in this world with hardly a relative to protect or take care of them. These children are now dependent upon the charity of a very distant relative, who is wholly unable to support them; and although this pension may, in the judgment of the committee, appear excessive, it is no more than is sufficient to raise these children up, educate them, and give them a chance to obtain their own living in the world.

Under all the circumstances the committee believed that it was nothing more than just and right that these young children should be taken care of and become the wards of the nation, at least to the extent it is proposed to do so in the bill submitted for your consideration now.

Mr. WARNER, of Missouri. Let me ask the gentleman from Pennsylvania, is it proposed to give $25 a month to each one of these children?

Mr. SCOTT. Yes; that is the intent of the bill.

Mr. WARNER, of Missouri. Until what age?

Mr. SCOTT. The bill proposes until the age of twenty-one. I shall offer to amend it, however, by making it eighteen.

Mr. CONGER. Mr. Chairman, I appreciate the condition of this case perhaps as well as any man; but I am also aware of the fact that all over this land there are the orphans of soldiers who laid down their lives in battle and in hospitals and in prisons, and their children have been left as waifs, dependent upon the charity of their neighbors, and yet they have been given but the small sum of $2 a month.

Now, I can not believe that it is right or fair or just to take up these three or four children of this dead officer and make such a glaring exception, giving the comparatively enormous sum of $25 a month.

I can not believe, Mr. Chairman, that this ought to be done. I should be in favor of giving them a reasonable pension, something large in comparison with what we have been giving to the orphans of our soldiers, indeed largely in excess of that, but I am unwilling to give them $25 each per month.

Mr. WARNER, of Missouri. Mr. Chairman, I will offer an amendment, that the children named in this bill be pensioned subject to the provisions and limitations of the pension laws, and that all that portion of the bill fixing the rate of pension at $25 per month be stricken out.

Mr. MATSON. Let me suggest to the gentleman from Missouri the bill itself expressly shows that they are already on the roll and receiving the pension the law allows. The pension of a surgeon of the Navy is given to them, and in addition they receive $2 each per month, making, I believe, about $33 per month that they receive now.

Mr. WARNER, of Missouri. Each one?

Mr. MATSON. No; all together. That is to say, they have what the law allows them; just what your proposition would give them.

Mr. WARNER, of Missouri. That being the case, I withdraw the amendment.

Mr. ELDREDGE. I move to amend this bill by striking out $25 and make it $15 per month.

Mr. LYMAN. I do not understand what the gentleman from Indiana said in reference to what these children are now getting.

Mr. MATSON. I will explain again. Their father was a surgeon in the Navy. As I understand it, the pension of a widow of a surgeon in the Navy is $25 a month. The mother is dead, so that these children get the mother's pension, with the allowance also of $2 a month each, making $8 on this account, which with the surgeon's pension of $25 a month makes $33 to be divided between the four. That is what the law now gives them.

Mr. ELDREDGE. I move to reduce the amount fixed in the bill to $15 per month each.

The CHAIRMAN. The question will be taken first on the amendment of the gentleman from Pennsylvania reducing the age at which this pension shall cease from twenty-one years to eighteen years.

Mr. SCOTT. And also reducing the amount from $25 to $15 per month.

Mr. ELDREDGE. I think, also, that this pension ought to date from the passage of the bill, and I move to amend so that the pension shall begin from the date of the passage of the bill.

Mr. WARNER, of Missouri. I was about to make this suggestion: that it is possible the gentleman in charge of this bill would have no objection to allowing this pension to stop to these children at the age of sixteen years instead of eighteen, the same age that it stops to each and every other child who is drawing a pension. We certainly can not anticipate that these children will be no more unfit, when they arrive at the age of sixteen, to take care of themselves, or will require any more care at that age, than the children of any other soldier.

Mr. SCOTT. I am willing to accept the amendment making the termination of the pension at the age of sixteen years instead of eighteen.

The CHAIRMAN. The Clerk will report the bill as it will stand if amended.

The Clerk read as follows:

Be it enacted, &c., That Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, minor children of the late Surgeon Alfred M. Owen, United States Navy, be, and they are hereby, granted and allowed a pension of $15 each per month, to continue until each child shall respectively attain the age of sixteen years; and the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place the names of the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen on the pension-roll at the said rates in lieu of the pensions now paid them.

The CHAIRMAN. The question is on agreeing to the several amendments proposed, unless a separate vote is demanded.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID M'KINNEY.

Mr. PETERS. I ask by unanimous consent to call up a bill (H. R. 792) granting a pension to David McKinney.

There was no objection, and the bill was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of David McKinney, late a private in Capt. Nathan Boone's company, serving under General Dodge, in the Black Hawk war, and grant him a pension, subject to the pension laws, from the date of the passage of this act.

The report (by Mr. SCOTT) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 792) for the relief of David McKinney, submit the following report:

The evidence in this case fully sustains the following points:

(1) That the soldier enlisted for one year in Capt. Nathan Boone's company, United States Mounted Rangers, August 4, 1832, and was discharged August 3, 1833.

(2) That about February, 1833, he was, with others, detailed to make and prepare a crossing over the Arkansas River near Fort Gibson for teams and wagons to cross, and while digging on the south bank of said river was struck on the right foot with a mattock in the hands of a fellow-soldier, who was aiding the work, the mattock cutting through the foot and injuring the same severely.

(3) That said injury has never ceased to trouble him and impair his ability to perform manual labor.

(4) That on August 5, 1879, the soldier filed an application for a pension in the Pension Office, but the same was rejected "on the ground that there is no record of the alleged disability, and claimant can not furnish satisfactory evidence of origin in the service."

In addition to the above the soldier alleges, under oath, that about June 1, 1883, while out from camp with others after meat, he was shot by an Indian through the left leg with an arrow; that he was taken prisoner and held captive for five weeks, and then escaped and joined his company.

The claimant, as reasons for not making an application for a pension sooner, says, under oath, that he was too proud to ask it, and as long as he was able to do anything was content with such living as he could earn, but that now his physical infirmities are such that he feels compelled to ask the aid of the Government in the form of a pension. The soldier is now seventy-three years old.

Your committee recommend the passage of the bill.

Mr. PETERS moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

DAVID T. ELDERKIN.

Mr. CONGER. I ask by unanimous consent to take up a bill (H. R. 5995) granting a pension to David T. Elderkin.

There was no objection, and the bill was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Elderkin, late of Company K, One hundredth Regiment Illinois Infantry Volunteers.

Mr. CONGER moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

MARGARET COFFEY.

Mr. LOVERING moved, by unanimous consent, to take from the Calendar the bill (H. R. 1108) granting a pension to Margaret Coffee.

There was no objection, and the bill (H. R. 1108) was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Margaret Coffee, and pay her a pension of $20 per month.

Mr. LOVERING. I move to amend by striking out the letter "e" and inserting the letter "y," so it will read "Coffey" instead of "Coffee" wherever it occurs.

The amendment was agreed to; and, on motion of Mr. LOVERING, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT MONAHAN.

On motion of Mr. LA FOLLETTE, by unanimous consent the bill (H. R. 2755) granting a pension to Robert Monahan was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Monahan, late of Company B, Twenty-third Regiment Wisconsin Volunteers.

On motion of Mr. LA FOLLETTE, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. NEVIL.

On motion of Mr. SWOPE, the bill (H. R. 3623) granting a pension to William H. Nevil was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Nevil, late of Company A, One hundred and ninety-eighth Pennsylvania Volunteers.

On motion of Mr. SWOPE, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH LUCE.

On motion of Mr. CONGER, by unanimous consent the bill (H. R. 5997) granting a pension to Elizabeth Luce was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Elizabeth Luce, widow of John W. Luce, late a private in Company E of the First Ohio Light Artillery.

On motion of Mr. CONGER, by unanimous consent the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS ALLCOCK.

On motion of Mr. BAKER, by unanimous consent the bill (H. R. 1576) granting a pension to Thomas Allcock was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Allcock, late a private in Company F, Third United States Artillery, during the Florida war, and pay him a pension at the rate of $50 per month, said pension to be in lieu of that he now receives.

On motion of Mr. BAKER, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALGERNON S. FLAGG.

On motion of Mr. RICE, by unanimous consent the bill (H. R. 4026) granting a pension to Algernon S. Flagg was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Algernon S. Flagg, late of Company D, Thirty-seventh Massachusetts Volunteers.

On motion of Mr. RICE, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PERNETTA HENDLEY.

On motion of Mr. DOCKERY, by unanimous consent the bill (H. R. 1348) for the relief of Pernetta Hendley was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Pernetta Hendley, widow of Capt. Israel Hendley, who lost his life at the battle of Moroe, in the war with Mexico, in the year 1847; and that the said Pernetta Hendley shall be allowed the same pension from and after the year 1861 as she would have been entitled to receive but for the dropping of her name from the roll.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The amendment of the committee was read, as follows:

Strike out these words:

"And that the said Pernetta Hendley shall be allowed the same pension from and after the year 1861 as she would have been entitled to receive but for the dropping of her name from the roll."

The amendment was agreed to.

Mr. DOCKERY moved to strike out, in line 4, the words "place on," and in lieu thereof insert "restore to;" so it will read "authorized and directed to restore to the pension-roll."

The amendment was agreed to.

On motion of Mr. DOCKERY, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. JOHNSON.

On motion of Mr. BUCHANAN, by unanimous consent the bill (H. R. 4132) for the relief of Mary E. Johnson was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. Mary E. Johnson, of South Amboy, N. J., widow of John W. Johnson, late a private in Company G, Tenth Regiment of New Jersey Volunteers, the full amount allowed to said John W. Johnson which would have been paid to him but for his death in April, 1885.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Mary E. Johnson, widow of the said John W. Johnson, subject to the provisions and limitations of the pension laws, and to pay her such pension as is provided by law to the widow of a private soldier in the late war, and the additional pension for each child of said John W. Johnson and Mary E. Johnson until he or she die or arrive at the age of sixteen years, said child's pension to be at such rate as is allowed by law in similar cases.

Mr. MATSON. I make a point of order against the first paragraph of that bill.

Mr. BUCHANAN. I will state in a few words the occasion for the first paragraph. This is reported from the Committee on Invalid Pensions.

Mr. MATSON. I am aware of that.

Mr. BUCHANAN. The report in this case is a very long one. It appears that in 1863 this woman married a soldier by the name of Daniel M. Rose; that almost immediately after the marriage he deserted her; that in 1867, understanding that he was dead (being informed he had died in hospital), she remarried, her second husband being John W. Johnson. In 1885, on the 17th day of November, John W. Johnson was granted a pension, the certificate of the Pension Office bearing that date. I will read a few words from the report:

By her second marriage the widow became the mother of four children, the oldest born June 21, 1872, and the youngest May 12, 1882. She bears an excel-

lent reputation in the immediate neighborhood in which she lives, and both she and her second husband, who appears to have been a strictly sober, honest, and Christian man, have always been considered most respectable citizens. From the vast quantity of evidence on the subject it clearly appears——

Mr. MATSON. I rise to another point of order. This discussion, I suppose, should relate to the point of order and not to the merits.

Mr. BUCHANAN. There was no point of order stated.

The CHAIRMAN. The gentleman from Indiana made the point of order on the first section of the bill that all after the enacting clause was not in order under the order of the House under which we are now proceeding.

Mr. BUCHANAN. The point of order was not stated, and I supposed it was simply an objection to the matter contained in the bill. It is for the Chair to rule on the point of order, if it is insisted upon.

The CHAIRMAN. The Chair will cause the special order to be read.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening session private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

The CHAIRMAN. The Chair will state that on last Friday the House by its action on bills reported from this committee decided by a vote or votes that claims of this character were not granting pensions within the rule. The Chair feels bound by the decision of the House and sustains the point of order.

Mr. BUCHANAN. That strikes out the first section.

The CHAIRMAN. It strikes out the first section. The point of order was only to the first section of the bill. If there be no objection the bill with the first section stricken out will be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

Some time subsequently,

Mr. BUCHANAN said: I find that striking out the first section of the bill H. R. 4132 leaves the second section as it stands meaningless. I therefore ask unanimous consent to offer the following amendment to the second section.

In line 3, strike out the words "the said" and insert after the name Johnson the words "late a private in Company G, Tenth Regiment of New Jersey Volunteers."

The CHAIRMAN. If there be no objection this amendment will be considered as adopted.

There was no objection.

PARMELIA SMITH.

Mr. ELDREDGE. I call up the bill (H. R. 6092) granting a pension to Parmelia Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Parmelia Smith, the invalid daughter of the late Joseph R. Smith, a brevet brigadier-general in the United States Army, on the pension-roll, at the rate of $25 per month.

Mr. ELDREDGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 7, strike out "$25" and insert "$20."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANK MANHART.

Mr. WARNER, of Missouri. I call up the bill (H. R. 6130) granting a pension to Frank Manhart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank Manhart, late a private in Company A, Second Regiment Missouri Artillery Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS TYUS.

Mr. TURNER. I call up the bill (H. R. 247) granting a pension to Lewis Tyus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lewis Tyns, late a private in Company D, Santa Fé Battalion (mounted), Mexican war, on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of $40 per month.

The Committee on Pensions recommended the following amendments:

In line 4, strike out "Tyns" and insert "Tyus."
In line 7, strike out "at the rate of $40 per month."

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. M'CLELLAND.

Mr. LYMAN. I call up the bill (H. R. 6003) for the relief of John H. McClelland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of John H. McClelland, late a soldier in Company B of the Twenty-ninth Regiment Iowa Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SIMON J. FOUGHT.

Mr. OUTHWAITE. I call up the bill (H. R. 1902) granting an increase of pension to Simon J. Fought.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Simon J. Fought, formerly a corporal of Company D of the Forty-sixth Regiment of Ohio Volunteers, to $45 per month.

The Committee on Invalid Pensions reported the following amendment:

In line 6, strike out "$45" and insert "$30."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. MILLER.

Mr. PERKINS. I call up the bill (H. R. 4405) for the relief of William F. Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William F. Miller, late a private in Company B, Sixteenth United States Infantry, and to pay him a pension of $50 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "$50" and insert "$40."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABEL J. LEWIS.

Mr. WINANS. I call up the bill (H. R. 6381) granting a pension to Abel J. Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Abel J. Lewis, late a private in Company F, Twenty-second Regiment Wisconsin Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES E. BOLLES.

Mr. DAVIS. I call up the bill (H. R. 1136) granting a pension to Charles E. Bolles.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Bolles, of Vineyard Haven, Mass.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, add the words "late a seaman in the United States Navy."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PETER FALKNER.

Mr. ANDERSON, of Ohio. I call up the bill (H. R. 5779) granting a pension to Peter Falkner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Falkner, late a member of Company C, also of Company D, United States Engineer Battalion.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC CARLETON.

Mr. GROSVENOR. I call up the bill (H. R. 1889) granting a pension to Isaac Carleton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Carleton, late of Company E, Fifteenth Regiment Ohio National Guards.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPHINE DA COSTA THOMAS.

Mr. WOLFORD. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $50 a month, the name of Josephine Da Costa Thomas, widow of Evan Thomas, late of the Fourth Regiment of Artillery, United States Army.

Mr. WINANS. Mr. Chairman, I would like to hear the report in that case.

The CHAIRMAN. The report will be read.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas, beg leave to report:

That the claimant is the widow of Capt. Evan Thomas, whose military record is as follows:

He was appointed second lieutenant Fourth United States Artillery April 9, 1861; promoted first lieutenant May 14, 1861, and captain August 31, 1864. He received the brevets of captain United States Army December 13, 1862, for gallant and meritorious services at the battle of Fredericksburg, Va., and major United States Army July 3, 1863, for gallant and meritorious services at the battle of Gettysburg, Pa.

He served with his company at Fort Monroe, Virginia, from May 1, 1861, to June 14, 1861; on signal duty to December 6, 1861; with battery in Army of the Potomac to June 25, 1862; on sick leave to August 17, 1862; with battery in Army of the Potomac to February 11, 1863; on leave to March, 1863; with battery in Army of the Potomac to July 29, 1863; with Adjutant-General Lorenzo Thomas, engaged in organizing colored troops in Tennessee, Kentucky and Mississippi to May, 1865; at Washington, D. C., to September 1, 1865; with battery at Forts Baker and Whipple, Virginia, to November, 1865, and at Fort Washington, Maryland, to February 9, 1866, and served there with his company to July 20, 1870; on leave to August 26, 1870; with company at Raleigh, N. C., to September 30, 1870; at Fort Monroe, Virginia, to October 24, 1870; at Graham and Lumberton, N. C., to May, 22, 1871; at Shelby and Rutherfordton, N. C., to September 20, 1871; at Charlotte, N. C., to October 13, 1872; *en route* to and at Presidio of San Francisco, Cal., to January 21, 1873, and in the Modoc campaign until killed, April 26, 1873, in action with Modoc Indians at the lava beds, California; he was in the battles of the Wilderness, Antietam, Chancellorsville, and both battles of Bull Run.

When he was killed he was on a reconnoitering party with sixty-nine soldiers, artillerymen—no cavalry—into the lava beds; was not able to find any of the Modocs until he reached a place where the eruptions of the earth had produced deep caverns in the rock, and where the high cliffs that surrounded them were in the shape of a semi-circle, with large crevices in them, in which the Indians were concealed from sight and protected from the fire of Thomas's command. When he had advanced without molestation or having seen any Indians, he was suddenly fired upon from ambush by a cross-fire and a heavy enfilading fire, where it was impossible to advance and very difficult to retreat. Finding that it was impossible to save his men, he gallantly determined to sell his life and theirs as dearly as he could, calling upon his men, who were panic-stricken, and saying to them, "It is as good a place to die as any—fight and die like men and soldiers," and many other words of encouragement, he fell, covered with blood, and died, emptying his revolver into the advancing Indians.

He was the son of General Lorenzo Thomas; enlisted in the Army when seventeen years old; displayed in the numerous battles he was engaged in great gallantry and coolness. He was a young officer of exceeding great promise, and great hopes were entertained that he would gain the highest eminence of military fame. He leaves the claimant a widow with two children, who are unfortunately very poor and hard run to support themselves.

Your committee report the bill back with an amendment: Strike out the word "fifty" and insert the word "forty," and with that amendment report that it ought to pass.

Mr. WINANS. I want to inquire of the gentleman in charge of this bill what pension this widow now receives.

Mr. WOLFORD. Twenty-five dollars a month. I hope there will be no objection to the passage of the bill.

Mr. BAKER. Can the gentleman from Kentucky inform us whether there is allowance made for her children?

Mr. WOLFORD. No, sir; this pension proposed in this bill is really too little, but it is all the committee would report. [Laughter.]

The committee recommended amending the bill by striking out the word "fifty" before the word "dollars," in line 5, and inserting the word "forty."

The amendment was agreed to.

The CHAIRMAN. If there be no objection this bill as amended will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. Mr. Chairman, this bill is like several others that have been sent to the full House for action, and I think it ought to take the same course. It is clearly outside the line of precedents in these cases. Although I am very reluctant to make the motion, I do not see how we can do otherwise than send this bill over to be acted upon by a full House.

I am perfectly willing that that shall be done. I knew this officer during his lifetime, and of course I am very reluctant to seem to offer any opposition to the bill; but fairness to others requires that this bill should take the course I have indicated. I therefore suggest that it be reported to the House with a favorable recommendation, that the previous question be ordered upon its engrossment and third reading, and that a vote upon the passage of the bill be taken on Monday immediately after the reading of the Journal.

Mr. DOCKERY. Mr. Chairman, it will be remembered that at the last evening session for pension business I objected to the course of carrying over to Monday's session business that ought to be transacted at the Friday evening session. Since last Friday evening I have had occasion to talk to several of the leading members of the House on the subject, and they object, as they have a right to object, to this practice, and I wish to announce now that after this bill is disposed of I shall certainly object to carrying over any other business in that way.

Mr. WOLFORD. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON], as the Chair understands, asks unanimous consent that this bill be reported to the House with a favorable recommendation, that the previous question be regarded as ordered on the engrossment and third reading of the bill, and that a vote be taken on its passage on Monday immediately after the reading of the Journal.

Mr. WOLFORD. I object, Mr. Chairman. If this question can not be settled here we will move a call of the House. We have met here under an order of the House to attend to pension cases. Let every gentleman take his chance. If the members of the House who are absent do not see fit to come here it is their lookout, and we can not afford to send all these cases over and take up the whole of Monday, which should be devoted to other business, in attending to the business that ought to be done at these Friday evening sessions.

Besides, sir, I apprehend that the gentleman from Indiana [Mr. MATSON] is laboring under a mistake on this question. There is precedent after precedent for giving a pension of $40 a month to a captain's widow. Again, sir, if the gentleman will look a little at the Army Regulations and consult his own knowledge of military affairs and the facts stated in this report, he will see that this man when killed was not in a captain's command. He was a captain in the artillery, commanding a battery.

But a captain in the artillery is exactly of the same rank as a colonel of infantry. In the artillery you can get no higher than captain and colonel. Anything above that is a brevet command. In the marshaling of the artillery there is always a captain to command a battery, and that is equivalent to the command of a regiment of infantry, so that a captain of artillery is equal in rank to an infantry colonel. I think, sir, that any gentleman who will examine the Adjutant-General's report will see that the case is a meritorious one. This is the beautiful and intelligent young widow of one of the most active, energetic, gallant young officers that history gives an account of. He entered into the service of his country a boy of seventeen. In the very first battle in which he was engaged he so distinguished himself that he received a lieutenant's commission. In the next battle he so distinguished himself that he got a captain's commission. He distinguished himself in battle after battle, until he rose by his gallantry and his bravery and his splendid services to be a major.

The CHAIRMAN. Unless the request of the gentleman from Indiana [Mr. MATSON] is renewed the Chair will put the motion to the House that this bill be laid aside to be reported to the House with the recommendation that it do pass. If there is no objection it will be so ordered.

Mr. PERKINS. Mr. Chairman, I understand that there is objection.

Mr. NEECE. There is objection.

Mr. PERKINS. I ask that by unanimous consent the vote be taken over again on the amendment recommended by the committee.

Mr. WOLFORD. The amendment of the committee reduces the amount of the pension from $50, as proposed originally in the bill, to $40.

Mr. PERKINS. I desire to take the vote over again, because I supposed the amendment of the committee had been voted upon and the amount of the pension in that way fixed by a vote of the Committee of the Whole.

The CHAIRMAN. The Chair will state that the bill is still subject to amendment.

Mr. PERKINS. Then I move to amend by striking out "$40" and inserting "$25."

Mr. WOLFORD. If there is to be opposition, I desire to present this case.

Mr. HOLMES. I would like to ask the gentleman from Kentucky [Mr. WOLFORD] what difference there is between this case and the ordinary cases of captains. If it is distinguished in any manner so that an extraordinary pension of $40 or $50 is justified by reason of the peculiar circumstances of the case, we would like to know it.

Mr. WOLFORD. I was about to state the reasons why a pension of $40 a month ought to be granted. If gentlemen want precedents, there have been several cases where captains' widows have been granted pensions of $40 a month on account of the extraordinary services of their husbands.

The CHAIRMAN. The Chair will state to the gentleman from Kansas [Mr. PERKINS] that the Chair had overlooked the fact that the amendment proposed by the committee has already been adopted by the Committee of the Whole.

Mr. PERKINS. That was the reason I made my suggestion.

The CHAIRMAN. Of course that part of the bill which has been inserted by the vote of the Committee of the Whole is not now open to amendment. That can only be done by unanimous consent.

Mr. PERKINS. In order that this difficulty may be solved, I ask by unanimous consent that we may take the vote over on the amendment recommended by the Committee on Pensions.

Mr. ELDREDGE. For what purpose does the gentleman wish to do that?

Mr. PERKINS. To see whether we can not agree on some amount which will be satisfactory.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the vote of the Committee of the Whole adopting the amend-

ment reported by the Committee on Pensions, reducing the sum named in the bill from $50 to $40, may be retaken.

Mr. ELDREDGE. I hope the gentleman will state for what purpose he desires it.

Mr. PERKINS. As I have already suggested, I wish to see whether we can not agree on some amount which will be satisfactory to all of us, thus avoiding the necessity for a call of the House and enabling us to go on with other business.

The CHARMAN. Is there objection to the request of the gentleman from Kansas [Mr. PERKINS]? The Chair hears none, and it is so ordered. The bill is now subject to amendment. The amendment reported by the Committee on Pensions is to strike out "$50" and insert "$40."

Mr. PERKINS. I move to amend the amendment by striking out "$40" and inserting "$30."

The CHAIRMAN. The question is now on the amendment proposed by the gentleman from Kansas.

Mr. WOLFORD. I hope I may be permitted to state the reasons why the amount of this pension ought to be $40. As I was about to say when I was interrupted, there have been precedents after precedents, commencing in the last Congress and continued in this Congress, for giving to the widows of gallant captains $40 a month where the services of the deceased husbands have been extraordinary. As I was saying, this man rose in battle after battle from grade to grade; and he was engaged in about forty different battles. He received votes of thanks and other recognitions of the services he had rendered to his country. At the time of his death Captain Thomas was commanding a battery. He had been ordered by his superior officer to reconnoiter, there being no cavalry available for the purpose. When he had gone a few miles from the camp into the lava beds he was suddenly surrounded; and, in one of the most desperate fights known to history, he saved his men by sacrificing his own life.

His widow is left destitute. She has two children. There is no provision in the bill for giving these children a pension. The $40 a month must support the widow and the two children. I can not believe that gentlemen, when they understand this case, can be so ungrateful as to refuse proper acknowledgement of the services of a man who in his youth gave his life to his country, who fought all through the late war, was engaged in all the battles of the Wilderness, who gained honor after honor as a gallant officer, and who finally, when in command of a battery, fighting the Modoc Indians, came to an untimely death, leaving a widow and two children penniless.

Now, if this Congress wants to say such gallant conduct as that shall go unrewarded, and these poor orphan children of a man who died under the hands of the Indians for his country and this widow shall not be supported, then let them do so.

I hope the amendment of the committee will prevail, for that is little enough. She ought to have $50 a month, but the committee put it at $40 a month over my vote, because I thought she ought to have $50 and think so yet.

Mr. ELDREDGE. Is not the first question on the amendment of the committee?

The CHAIRMAN. The Chair will state to the gentleman from Michigan that the question is first on the amendment of the gentleman from Kansas [Mr. PERKINS], which is an amendment to the amendment.

Mr. HOUK. I simply desire to say this: There are many captains' widows drawing much larger pay than is proposed to be given to this lady. Here was an officer sent by a general with whom I was well acquainted, and he was a good man; he was sent when all the evidence shows he was being sent to his slaughter. He was sent and slaughtered in a most savage manner. He leaves a widow and two orphan children; and I want to see the man in this House who will rise up and say that $480 a year is too much to give on the ground of patriotism and every other principle involved in the struggle in which he lost his life. I submit if any member in this House was confined to $480 a year what would become of him? What would become of his wife after he died? Where is the man anywhere in this country if his family were limited to $480 a year which could be respectably supported? I ask every gentleman present to let it go through at $480 a year.

Mr. MATSON. One hundred and two gentlemen said on solemn vote last Monday the widow of Captain Hentig, killed by the Apache Indians, just as Captain Thomas was killed, should not have her pension increased to $30 a month. That was the way the vote went the other day—68 for it, and 102 against it.

I have already said how delicate I feel about this, but it is a question of doing right between these parties. If it is right to increase this widow's pension it is also right to increase the pension of every other captain killed in battle. The House on Monday last voted down, as I have already stated, a like proposition.

Mr. HOUK. It is utterly impossible to make the same rule apply to everybody. Every man's service is different; his conditions are different, and so for the refusal in the gentleman's case there may have been reasons which do not apply in this case. Here there is nothing but the pittance proposed to be given to this widow.

Mr. MATSON. The gentleman from Tennessee speaks of the case as my case, but he is mistaken about that, for I voted against it.

Mr. HOUK. I meant the case to which the gentleman referred.

Mr. MATSON. I had not as much interest in that case as I have perhaps in this. I think we should all have an interest in seeing that justice is dealt out to all these parties. If it is right to do this in this case, then there is the same right to do it in all cases where the husband was killed in battle.

Mr. HOUK. We have spent more money to-night than would pay the difference during the whole lifetime of this widow; we have wasted more in the time lost, I mean.

Mr. PETERS. It is not a question of how we feel in reference to individual cases, but it is a question whether this House shall discriminate against those who have already had pensions granted to them heretofore. That is all there is of it.

The CHAIRMAN. The question recurs on the amendment to the amendment of the gentleman from Kansas [Mr. PERKINS].

The committee divided; and there were—ayes 16, noes 14.

So the amendment was agreed to.

Mr. WOLFORD. I move to amend by making it $35.

The CHAIRMAN. That amendment is not in order.

The amendment as amended was agreed to.

The CHAIRMAN. The question now is on laying aside the bill as amended to be reported to the House with the recommendation that it do pass.

Mr. ZACH. TAYLOR demanded a vote.

The committee divided; and there were—ayes 27, noes 5.

So the motion was agreed to; and the bill as amended was accordingly laid aside to be reported to the House with the recommendation that it do pass.

ELIZA A. FISHER.

On motion of Mr. HOUK, by unanimous consent the bill (H. R. 3152) granting a pension to Eliza A. Fisher, was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Fisher, widow of William H. Fisher, deceased, late a private in Company H, Sixty-first Regiment Pennsylvania Volunteers.

On motion of Mr. HOUK, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH MULHOLLAND.

On motion of Mr. DOCKERY, by unanimous consent the bill (H. R. 6134) granting a pension to Hugh Mulholland was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hugh Mulholland, formerly of Company K, Seventy-first Regiment Pennsylvania Volunteers.

On motion of Mr. DOCKERY, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. SNYDER.

Mr. PRICE. I ask consent to take up from the Calendar the bill (H. R. 2803) granting a pension to John H. Snyder.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Snyder, late a private in Company C, One hundred and sixth New York Infantry Volunteers.

Mr. WOLFORD. Let us have the reading of the report.

The report (by Mr. WINANS) is as follows:

John H. Snyder enlisted in Company C, One hundred and sixth New York Volunteers, July 23, 1862, and was discharged October 14, 1862, upon surgeon's certificate of disability because of convulsions. On April 18, 1878, he filed an application for pension, alleging chronic diarrhea, contracted in September, 1862.

The first sergeant of the company testifies that in September, 1862, the command was sent out on a scouting expedition in the Alleghany Mountains. While on this scout claimant was taken with the diarrhea, from which he became unfit for duty, and was, by affiant's order, taken to a field hospital at New Creek Station, West Virginia. That affiant saw said claimant frequently at said hospital until his discharge in October following, and knows that he was suffering during that time from chronic diarrhea.

He further testifies that to his personal knowledge claimant suffered from chronic diarrhea after discharge and while living in affiant's neighborhood. There are no medical records of the regiment or records of New Creek hospital on file in the War Department. The assistant surgeon who treated claimant while in the service, as well as Dr. Hand, who rendered treatment from discharge to 1869, are dead, hence the absence of medical evidence covering that period. There is ample testimony, however, showing treatment for the alleged disability from 1869 to the present time, while examination by examining surgeons shows the existence of disability from that cause in a degree of total.

The credibility of the several affiants in the case is not questioned by the Pension Office, but because of the absence of medical evidence prior to 1869 the evidence is not deemed sufficient to warrant the allowance of the claim.

Your committee, however, are of opinion that it is shown beyond any reasonable doubt that claimant, while in the service of the United States, and from exposure incident thereto, contracted chronic diarrhea, and that he has been ever since his discharge, and is now, disabled by reason thereof, so as to entitle him to a pension, and therefore report favorably on the bill and ask that it do pass.

Mr. WOLFORD. Mr. Chairman, I would like the committee reporting that bill to let us know the facts on which it is based. I do not care

to vote on an opinion; I want facts. They say that they have no doubt but that the disability originated in the service. What are the facts and what the proof on which they base their opinions? I would like some gentleman on the committee or some one who has investigated the case, or the gentleman in charge of the bill, who calls it up, to tell us what it is.

Mr. PRICE. I will endeavor to answer the interrogatories of the gentleman from Kentucky, as far as I can.

I know very little personally of this case. The applicant is a resident of one of the eastern districts of the State; but the Grand Army of the Republic, at a meeting in Milwaukee some two weeks ago, memorialized Congress to pass this old man's claim for a pension. They sent the memorial to me, I introduced the bill, and that is all of the case as far as I know anything about it.

I will say to the gentleman that he is not a brigadier-general, and does not require an increase of pension.

Mr. WOLFORD. There is no evidence that he ever was a soldier at all. There are four years of his life unaccounted for. I do not want to vote on uncertainties.

Mr. BAKER. Do not retaliate.

Mr. WOLFORD. I am not retaliating, but I don't want to vote on a mere statement of the opinion of this committee. However, I shall withdraw my objection, as the gentleman says it is right.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE SCHAEFER.

Mr. NEECE. I ask unanimous consent to call up the bill (H. R. 413) granting a pension to George Schaefer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George Schaefer, late of Company K, Ninety-ninth Illinois Volunteers, now residing in Bushnell, Ill., and pay him a pension at the rate of $30 per month.

. The committee recommend the adoption of the following amendment:

Strike out, in lines 6 and 7, "and pay him a pension at the rate of $30 per month" and insert "subject to the provisions, limitations, and restrictions of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WALTER A. PHILLIPS.

Mr. GROUT. Mr. Chairman, I ask consent to take up for consideration the bill (H. R. 3117) granting a pension to Walter A. Phillips.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Walter A. Phillips, late first lieutenant of the Third Battery Light Artillery, Vermont Volunteers.

The committee recommend the adoption of the following amendment:

Strike out, in lines 6 and 7, "the Third Battery Light Artillery, Vermont Volunteers," and insert "Company F, Second Regiment Vermont Volunteers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY HILL.

Mr. SWOPE. Mr. Chairman, I ask consent to call up the bill (H. R. 5085) for the relief of Mary Hill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place the name of Mary Hill, a nurse in the Army, on the pension-roll, at the rate of $10 per month.

The committee recommend to strike out "ten" and insert "twenty-five;" so that it will read $25 per month.

Mr. GALLINGER. Mr. Chairman, I would like some statement of this case. Let the report be read.

The Clerk proceeded to read the report (by Mr. SWOPE), as follows:

This claimant, Mrs. Mary E. Hill, was a volunteer nurse (without pay) in the Army of the Potomac from the commencement until the close of the late war, caring for the sick and wounded in hospital, camp, and field, or under direction of the Quartermaster's Department or General Grant, making many journeys from the Army of Virginia to Washington, Baltimore, and Philadelphia, to collect and bring forward large quantities of sanitary supplies for the relief of the sick, wounded, and suffering. This claimant not only devoted her entire time from the opening to the closing of the war in ministering to the relief of the sick, wounded, and dying, but contributed of her own means in purchasing provisions of a character not furnished by the Government, and as an additional sacrifice gave the life of her son, who was killed at the battle of Antietam, and after twenty years she, now aged and broken in health, and destitute of the means of sustenance in her declining years, now asks relief from the Government.

Mr. GALLINGER (interrupting the reading). That is all. I shall not ask for the reading of the rest of the report. I only wanted to ascertain whether she was a volunteer nurse.

The CHAIRMAN. The question is on the amendment of the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

W. C. DAVIS.

Mr. WARNER, of Missouri. Mr. Chairman, I ask consent to call up the bill (H. R. 6125) granting a pension to W. C. Davis.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is, authorized and directed to place the name of W. C. Davis, late of Company I, First Regiment of West Virginia Veteran Volunteers, in the war of the rebellion, on the pension-roll, subject to the laws and regulations governing pensions in other cases.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. STOUT.

Mr. ELLSBERRY. I ask consent to call up House bill No. 1841, granting a pension to George W. Stout.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of George W. Stout, late a private in Company K, Seventieth Ohio Volunteers, on the pension-roll, and pay him a pension at the rate of —— dollars per month from and after the passage of this act.

The committee recommended the adoption of the following amendments:

In lines 6 and 7, strike out "and pay him a pension at the rate of —— dollars per month" and insert "subject to the limitations and provisions of the pension laws."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH BABB HUTCHINS.

Mr. GALLINGER. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Hannah Babb Hutchins, late an army nurse, and to pay her a pension of twenty-five dollars per month from and after the passage of this act.

The committee recommend the following amendments:

Strike out in the fourth and fifth lines the words "subject to the provisions and limitations of the pension laws," and in line 7 strike out the words "twenty-five" and insert "twelve."

Mr. WOLFORD. I ask for the reading of the report in that case.

The Clerk proceeded to read the report (by Mr. HAYNES), as follows:

Mrs. Babb makes the following presentment of her case in petition addressed to Congress:

"The undersigned, Hannah B. Hutchins, a resident of Freeport, in the State of Maine, respectfully represents, that at the time of the breaking out of the civil war she had recently lost her husband and four children; that her name was then Hannah Babb; that in response to the advertisement of the Government for nurses she offered her services in the capacity of a nurse, and on the 1st day of June, 1862, received a dispatch to report immediately at Washington, and that she did so at once; that upon arriving there she signed enlistment papers as a nurse, and mustered into the United States service as a nurse; that she served in that capacity three years and three months in the hospitals in and about Washington, and received pay at the rate of $12 per month and one ration; that she used the money received for pay largely for the purpose of procuring necessary deliecacies for the sick and wounded soldiers; that on the 1st day of January, 1865, while engaged in said service at the Harewood Hospital, in Washington, in passing from ward 12 to ward 10, she slipped on the outside steps and fractured her ribs and injured herself otherwise severely; that she was confined to her quarters for a month, and after partially recovering again commenced services as a nurse; that on the 31st day of July, 1865, she was discharged at that hospital; that she returned to Maine and subsequently married Solomon S. Hutchins, who died in 1880, leaving her a widow with no means of support; that her injury aforesaid affected her so that she was unable to labor and was obliged to be a patient for some eight months in the Maine General Hospital, whereby she got partially relieved, but has never been able to perform any manual labor; that she is seventy-six years of age and entirely without means of support; that she believes she is justly entitled to aid from the nation precisely as if she had been a soldier and been incapacitated from labor by injury received in the line of duty, but that she is informed that there is no law of the nation under which she would be entitled to a pension, as the laws for those purposes do not include nurses. She therefore prays that she may be granted a pension."

In connection with this petition is the following certificate by Josiah H. Drummond, dated December 27, 1885——

Mr. WOLFORD (interrupting the reading). That is enough; I am satisfied.

Mr. CANNON. Mr. Chairman, I have examined this Calendar with some care, and have no objection to the bill now under consideration; but I would be glad to have the chairman of the Committee on Invalid Pensions, the gentleman from Indiana, give us some information as to the *modus operandi* of getting bills reported from his committee. My Congressional district, I think, probably numbers one hundred and seventy-five thousand people, and I have introduced quite a number of bills. I have been in his committee-room once or twice, but I have failed to find there a favorable or adverse report on any bill I have introduced. I would therefore be very glad to know exactly how these reports are made and bills considered, whether according to priority in his committee, or whether each member who introduces bills is expected to go to the committee-room and prepare, or assist in preparing, the reports in case he regards the claim as a worthy one. I would like to know when my constituency is to receive some relief.

Mr. MATSON. I will say to the gentleman from Illinois [Mr. CAN-

NON] the bills which he has introduced have all been referred to his colleague from Illinois [Mr. NEECE], a member of the committee. If the gentleman will interview his colleague he will probably ascertain from him all the facts he desires.

Mr. NEECE. I desire to say for the information of my colleague that I do not remember his having called on me. I called on him once and we had some conversation about one of his bills.

Mr. CANNON. Not during this session, I believe. Not that I recollect of.

Mr. NEECE. I spoke to the gentleman, and called his attention to his bills. I will say to the gentleman that there are over one thousand pension bills which have been referred to me as a subcommittee. It is impossible for any one man, or any ten men, I may say, to give all these bills full consideration in their order. I have notified gentlemen whose bills have been referred to me that if they would give me their assistance I would do everything in my power to have their bills considered. It takes time to get papers from the Pension Office, so as to give even one of these bills the fair consideration which I would like to give to every one that I report.

Mr. WOLFORD. I rise to a point of order. I submit that a discussion of this kind is not in order under the rule to-night.

Mr. CANNON addressed the Chair.

Mr. WOLFORD. I insist on my point of order.

Mr. CANNON. I will proceed in order.

Mr. WOLFORD. I deny the gentleman's right to raise a discussion of this kind.

The CHAIRMAN. Does the Chair understand that the gentleman from Kentucky has withdrawn his point of order?

Mr. WOLFORD. No, sir; I insist on it. I want to have business before the committee on which we can act.

Mr. CANNON. Will the Chair please rule on the point of order?

The CHAIRMAN. Will the gentleman from Kentucky state his point of order?

Mr. WOLFORD. My point of order is that this calling upon the chairman of the Committee on Invalid Pensions to know why a bill is not reported is no part of the business of the Committee of the Whole to-night.

The CHAIRMAN. The Chair will admonish the gentleman from Illinois [Mr. CANNON] to keep within the rule.

Mr. CANNON. I suppose the gentleman from Illinois will proceed in order; and I only desire to say a single word to my colleague.

Mr. WOLFORD. I insist on my point of order.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that the gentleman from Illinois is proceeding in order. The Chair can not undertake to say beforehand that the remarks the gentleman is about to make will not be in order.

Mr. CANNON. I will say to my colleague [Mr. NEECE] that I can readily understand when so many as a thousand bills are referred to him it must be exceedingly difficult for him to consider them all. But I understand the Committee on Invalid Pensions has three or four clerks.

A MEMBER. Three.

Mr. CANNON. All I want is that my bills should be put in the hopper. I will say to the gentleman the mere fact that I had introduced those bills after very considerable investigation might be considered some little evidence that I thought there was something in them at least. I will take an early opportunity to have a further interview with the gentleman, not in Committee of the Whole, touching those bills, for I really want some of them to be reported.

The CHAIRMAN. The question is on the amendments proposed by the committee, which the Clerk will again report.

The Clerk read the amendments, as follows:

Strike out the words "subject to the provisions and limitations of the pension laws."

Strike out "$25" and insert "$12."

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN OWENS.

Mr. LOVERING. I call up the bill (H. R. 1117) granting a pension to John Owens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Owens, late a seaman in the United States Navy.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out the words "a seaman" and insert "an acting ensign."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZA HUMES.

Mr. HAYNES. I call up the bill (H. R. 6466) granting a pension to Mrs. Eliza Humes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to place on the pension-roll, subject to the pension laws, the name of Mrs. Eliza Humes, mother of George W. Humes, deceased, late a private in Company E, Second Maine Cavalry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES MORGAN.

Mr. DOCKERY. I call up the bill (H. R. 4824) granting an increase of pension to James Morgan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to James Morgan, late of Company C, Fourteenth Regiment Illinois Infantry Volunteers, and to pay him $40 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "$40" and insert "$25."

Mr. WOLFORD. Let the report in that case be read.

Mr. PERKINS. Perhaps I can state what will satisfy the gentleman in less time than would be occupied by the reading of the report. I know personally this soldier, and I know he is blind in one eye.

Mr. WOLFORD. I withdraw the call for the reading of the report.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER FORSYTH.

Mr. PETERS. I call up the bill (H. R. 3946) to increase the pension of Alexander Forsyth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to increase the pension of Alexander Forsyth, late of Company K, Eleventh Wisconsin Volunteers, to $30 a month.

The Committee on Invalid Pensions recommended the following amendment:

In line 5, strike out "$30" and insert "$20."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRISON W. MOORE.

Mr. WINANS. Mr. Chairman, I call up for present consideration the bill (H. R. 6339) for the relief of Harrison W. Moore.

The bill was read, as follows:

Be it enacted, &c., That Harrison W. Moore, late a private in Company A, First Regiment of Wisconsin Cavalry Volunteers, in the service of the United States during the late war, be placed on the pension-roll of the United States at the rate of $20 per month, for injuries received and disease contracted in action and in said service during his enlistment, said pension to date from the time of his discharge.

The committee recommended the amending of the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harrison W. Moore, late a private in Company A, First Regiment Wisconsin Cavalry.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SOPHIA F. BIXBY.

Mr. RICE. Mr. Chairman, I ask unanimous consent to call up for present consideration the bill (H. R. 4027) granting a pension to Sophia F. Bixby.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sophia F. Bixby, mother of George A. Bixby, late of Company H, Twenty-fifth Massachusetts Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE BUCK.

Mr. ELLSBERRY. Mr. Chairman, I ask unanimous consent to call up for present consideration the bill (H. R. 3614) granting a pension to Charlotte Buck.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Charlotte Buck, dependent stepmother of James Buck, deceased, late of Company A, Sixteenth United States Infantry, subject to the provisions and limitations of the pension laws, and pay her a pension from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House had had under consideration bills upon the the Private Calendar, under the special order of the House, and had instructed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with the recommendation that they do pass, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;

A bill (H. R. 792) granting a pension to David McKinney;

A bill (H. R. 5995) granting a pension to David T. Elderkin;

A bill (H. R. 2755) granting a pension to Robert Monohan;

A bill (H. R. 3623) granting a pension to William H. Nevil;

A bill (H. R. 5997) granting a pension to Elizabeth Luce;

A bill (H. R. 1576) granting an increase of pension to Thomas Allcock;

A bill (H. R. 4026) granting a pension to Algernon S. Flagg;

A bill (H. R. 6130) granting a pension to Frank Manhart;

A bill (H. R. 6003) for the relief of John H. McClelland;

A bill (H. R. 6381) granting a pension to Abel J. Lewis;

A bill (H. R. 5779) granting a pension to Peter Falkner;

A bill (H. R. 1889) granting a pension to Isaac Carleton;

A bill (H. R. 3152) granting a pension to Eliza A. Fisher;

A bill (H. R. 6134) granting a pension to Hugh Mulholland;

A bill (H. R. 2803) granting a pension to John H. Snyder;

A bill (H. R. 6125) granting a pension to W. C. Davis;

A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes;

A bill (H. R. 4027) granting a pension to Sophia F. Bixby; and

A bill (H. R. 3614) granting a pension to Charlotte Buck.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 6092) granting a pension to Parmelia Smith;

A bill (H. R. 4132) for the relief of Mary E. Johnson. [Title amended to read: "A bill granting a pension to Mary E. Johnson"];

A bill (H. R. 1348) for the relief of Pernetta Hendley;

A bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pension;

A bill (H. R. 1902) granting an increase of pension to Simon J. Fought;

A bill (H. R. 4405) for the relief of William F. Miller;

A bill (H. R. 1136) granting a pension to Charles E. Bolles;

A bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas;

A bill (H. R. 413) granting a pension to George Schaefer;

A bill (H. R. 3117) granting a pension to Walter A. Phillips;

A bill (H. R. 5085) for the relief of Mary Hill;

A bill (H. R. 1841) granting a pension to George W. Stout;

A bill (H. R. 3463) granting a pension to Mrs. Hanna Babb Hutchins;

A bill (H. R. 1117) granting a pension to John Owens;

A bill (H. R. 4824) granting an increase of pension to James Morgan;

A bill (H. R. 3946) to increase the pension of Alexander Forsyth; and

A bill (H. R. 6339) for the relief of Harrison W. Moore.

MARGARET COFFEY.

On motion of Mr. LOVERING, the title of the bill (H. R. 1108) granting a pension to Margaret Coffee was amended so as to read: "A bill granting a pension to Margaret Coffey."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LOUIS TYUS.

On motion of Mr. WOLFORD, the title of House bill No. 247 was amended so as to read: "A bill granting a pension to Louis Tyus."

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

The House then, on motion of Mr. MATSON (at 9 o'clock and 17 minutes), adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition of the Philadelphia Society for Organizing Charity, in favor of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BRAGG: Petition of citizens and residents of Wisconsin, to extend right of suffrage to females by constitutional amendment—to the Committee on the Judiciary.

By Mr. BUNNELL: Petition and letter to remove the charge of desertion against Russell F. Thurston—to the Committee on Military Affairs.

By Mr. CANNON: Petition of James R. Carter, for payment for horse killed by the United States Army during the late war—to the Committee on Claims.

By Mr. DINGLEY: Petition of ship-owners and others of Belfast, Me., for passage of law placing American sailing vessels on the same basis as to pilotage as steam-vessels—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of ship-owners and others of Bath, Me., for passage of law placing American sailing vessels on the same basis as to pilotage as steam-vessels—to the same committee.

By Mr. ELY: Petition of H. & L. Chase and others, for modification of duty on burlaps—to the Committee on Ways and Means.

Also, petition of Bradley Fertilizer Company and others, for modification of duty on burlaps—to the same committee.

By Mr. EVANS: Petition of the window-glass workers of Norristown, Pa., against a reduction of the present duty on window-glass—to the same committee.

By Mr. GROUT: Affidavit of Newton I. Howard, in support of pension claim of Mary H. Sanborn—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of citizens of Ohio, in favor of the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Ohio, for free silver coinage—to the same committee.

By Mr. GUENTHER: Petition of citizens of Michigan, Wisconsin, and Illinois, favoring the claim of the heirs of William A. Burt for the use of the solar compass on the public-land surveys—to the Committee on Claims.

By Mr. HEWITT: Petition of the stationers of New York city, in favor of the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. HIRES: Petition of citizens of Quinton, N. J., that no revision of the present tariff be made—to the Committee on Ways and Means.

By Mr. HISCOCK: Petition of citizens of New York, against patents—to the Committee on Patents.

By Mr. JACKSON: Petition of window-glass workers of New Castle, Pa., in favor of a high protective tariff—to the Committee on Ways and Means.

By Mr. LORE: Petition of citizens of Dover, Del., for continuance of duty on glass manufactures—to the same committee.

By Mr. LOVERING: Petition of Henry L. Pierce and others, of Boston, Mass., asking for the passage of the bill creating postal savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Dorchester, Mass., favoring the establishment of postal savings-banks—to the same committee.

By Mr. MAYBURY: Petition of David W. Davis, for extension of patent on freezing-box for fish—to the Committee on Patents.

Also, memorial of citizens of the United States, with reference to the use of the solar compass—to the Committee on Claims.

By Mr. McMILLIN: Petition of Patrick Gagherty, for pension—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of residents of San Francisco, Cal., favoring reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. NORWOOD: Petition of citizens of Georgia, favoring the Blair bill—to the Committee on Education.

By Mr. CHARLES O'NEILL: Memorial of president and secretary of New Century Guild of Workingwomen, asking for the passage of a law providing for post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Produce Exchange, urging the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. RANDALL: Petition of citizens of Tacony, Philadelphia, Pa., engaged in window-glass manufacture, protesting against any change in tariff as far as window-glass is concerned—to the Committee on Ways and Means.

By Mr. RYAN: Memorial of Knights of Labor of Peterton, Kans., for Hennepin Canal bill—to the Committee on Railways and Canals.

By Mr. STEELE: Petition of citizens of Boehmer, Ind., asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STRAIT: Petition of voters of Minnesota, for legislation to

protect the dairy interests against the manufacture of oleomargarine and butterine—to the Committee on Agriculture.

By Mr. VAN SCHAICK: Resolution by the village board of Baldwin, Wis., upon the subject of interstate commerce—to the Committee on Commerce.

By Mr. T. B. WARD: Petition of citizens of Westfield, Hamilton County, Indiana, praying for an amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. WILLIAM WARNER: Petition of Caroline Mulhaupt, of Kansas City, Mo., asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. A. C. WHITE: Application of John F. Baird, for removal of charge of desertion—to the Committee on Military Affairs.

Also, letter of Hon James B. Neal, John A. Colwell, and G. W. Doverspike, relating to the pension claim of Elizabeth Sirwell—to the Committee on Invalid Pensions.

By Mr. WILKINS: Resolutions of the Knights of Labor of Cherokee, Kans., asking for liberal appropriations for internal improvements—to the Committee on Railways and Canals.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BURROWS: Of citizens of Van Buren, Berrien, Cass, and Kalamazoo Counties, Michigan.

By Mr. DOCKERY: Of German citizens of Caldwell County, Missouri.

By Mr. GIFFORD: Of citizens of Edmunds, Lincoln, and Douglas Counties, Dakota.

By Mr. T. J. HENDERSON: Of citizens of Lee County, Illinois.

By Mr. O'DONNELL: Of St. Patrick's Total Abstinence Society of Washington, D. C.

By Mr. PARKER: Of citizens of Saint Lawrence County, New York.

By Mr. PIDCOCK: Of citizens of Hunterdon and Sussex Counties, New Jersey.

By Mr. PRICE: Of citizens of Jackson, Pierce, Clark, Eau Claire, Saint Croix, and Trempealeau Counties, Wisconsin.

By Mr. ROCKWELL: Of citizens of Berkshire and Hampden Counties, Massachusetts.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 27, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

Mr. GROSVENOR. I ask unanimous consent that the prayer made by the Chaplain this morning may be published in the RECORD.

Mr. JAMES. I object.

SUITS AGAINST COLLECTORS OF CUSTOMS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of the Treasury, with accompanying papers, in regard to suits against collectors of customs now pending in the United States court for the southern district of New York for duties claimed to have been illegally exacted; which was referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PINDAR, indefinitely, on account of important business.

To Mr. STRUBLE, for ten days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 81) granting a pension to Margaret B. Harwood; and

A bill (H. R. 1557) for the relief of David W. Jones.

SILVER COINAGE.

Mr. JAMES. I desire to call up the special order, House bill 5690, for the free coinage of silver—the bill reported adversely from the Committee on Coinage, Weights, and Measures.

The SPEAKER. On this bill the gentleman from Texas [Mr. CULBERSON] is entitled to the floor.

Mr. BLAND. Before the gentleman from Texas proceeds, I ask unanimous consent to have printed in the RECORD certain statistics showing imports and exports of gold and silver to and from certain countries for a series of years, and showing also the stock of gold and silver in the principal countries of the world.

There being no objection, leave was granted.

The following are the statistics referred to:

Stock of gold and silver in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$609,000,000	$283,000,000	$892,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 13	41 54
France	37,672,048	848,000,000	549,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626	9,300,000	5,915,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	381,000	281,000	662,000	2 06	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 56	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	9 97	5 16	11 13
Italy	28,452,639	†140,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,860	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	762,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,669	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,235,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26
Turkey	21,987,000	39,600,000	35,200,000	74,800,000	1 59	1 41	3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	1 33	1 33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,000,000	123,000	2,123,000	96	06	1 02
Chili	2,420,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	438,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,333,712	136,333,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total		3,292,106,836	2,775,611,080	6,067,717,916			

*Estimated by the Director of the Mint. Includes bullion in the Mint available for coinage. †Wahrung's Politik, 1884. Ottomar Haupt. ‡Bank reserves only.

TREASURY DEPARTMENT, BUREAU OF THE MINT, *January* 25, 1886.

E. O. LEECH, *Computer of Bullion.*

Imports and exports of gold and silver to and from certain countries for a series of years.

UNITED STATES.

Year.	Gold.		Silver.	
	Imports.	Exports.	Imports.	Exports.
1852	$3,658,059	$2,636,142	$1,846,985	*$40,037,993
1853	2,427,356	1,894,323	1,774,026	25,592,552
1854	3,212,719	2,491,894	3,726,623	†38,789,610
1855	1,092,802	1,151,797	2,567,010	55,095,546
1856	990,305	852,698	3,217,327	44,892,787
1857	6,654,636	5,154,301	5,807,163	63,982,621
1858	11,566,068	7,595,558	7,708,428	45,037,589
1859	2,125,397	3,605,748	5,309,392	60,281,663
1860	2,508,786	1,499,188	6,041,349	65,047,051
1861	42,291,930	3,624,103	4,047,681	26,166,977
1862	13,907,011	1,409,728	2,508,041	1,447,737
1863	5,530,538	6,169,276	4,053,567	57,987,335
1864	11,176,769	100,661,634	1,938,843	4,734,907
1865	6,498,228	58,381,033	3,311,844	9,262,193
1866	8,196,261	71,197,309	2,503,831	14,846,762
1867	17,024,866	39,026,627	5,045,609	21,841,745
1868	8,737,443	72,396,344	5,450,925	21,387,758
1869	14,132,568	36,003,498	5,675,308	21,134,882
1870	12,056,950	33,665,962	14,362,229	24,519,704
1871	6,883,561	66,686,208	14,386,463	31,755,780
1872	8,717,458	49,548,760	5,026,231	30,328,774
1873	8,682,447	44,856,715	12,798,490	39,751,859
1874	19,503,137	34,042,420	8,951,769	32,587,985
1875	13,696,793	66,980,977	7,203,924	25,151,165
1876	7,992,709	31,177,052	7,943,972	25,329,252
1877	26,246,414	26,590,374	14,528,180	29,571,863
1878	12,976,281	9,204,455	16,491,099	24,535,670
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,544,238	16,841,715
1882	34,377,054	32,587,880	8,095,336	16,829,599
1883	17,734,149	11,600,888	10,755,242	20,219,445
1884	22,831,317	41,081,957	15,504,777	29,868,748
Total	539,844,615	874,566,620	246,072,868	998,772,988

FRANCE.

1852	11,836,000	8,454,000	36,025,000	36,515,000
1853	63,577,000	5,945,000	22,513,000	45,890,000
1854	96,139,000	12,914,000	19,969,000	52,708,000
1855	76,182,000	32,533,000	24,178,000	63,610,000
1856	93,000,000	17,949,000	21,979,000	78,703,000
1857	113,758,000	24,574,000	19,653,000	91,617,000
1858	110,712,000	13,291,000	32,127,000	35,115,000
1859	145,362,000	37,943,000	42,107,000	76,412,000
1860	94,095,000	31,755,000	26,121,000	57,569,000
1861	48,807,000	53,554,000	34,436,000	46,798,000
1862	80,365,000	47,357,000	26,287,000	43,523,000
1863	73,946,000	71,551,000	32,200,000	45,868,000
1864	92,799,000	67,770,000	53,546,000	62,041,000
1865	83,880,000	53,715,000	47,227,000	32,710,000
1866	162,660,000	69,610,000	50,010,000	41,017,000
1867	118,726,000	36,991,000	50,876,000	12,946,000
1868	98,689,000	56,116,000	38,611,000	16,756,000
1869	90,919,000	36,052,000	38,562,000	16,277,000
1870	62,068,000	38,115,000	21,208,000	14,114,000
1871	28,772,000	71,535,000	31,438,000	28,335,000
1872	28,372,000	38,950,000	48,174,000	27,724,000
1873	35,118,000	56,846,000	77,806,000	41,507,000
1874	103,409,000	17,159,000	86,883,000	14,696,000
1875	121,602,000	27,538,000	53,356,000	16,288,000
1876	119,661,000	18,931,000	41,038,000	12,967,000
1877	106,939,000	15,792,000	29,631,000	8,439,000
1878	72,875,000	25,594,000	35,808,000	12,042,000
1879	38,801,000	72,305,000	27,567,000	12,435,000
1880	38,969,000	81,593,000	20,493,000	12,436,000
1881	46,652,000	44,616,000	25,186,000	15,805,000
1882	57,052,000	38,413,000	25,198,000	31,458,000
1883	12,668,000	26,966,000	16,973,000	20,209,000
1884	25,484,000	16,358,000	20,246,000	9,263,000
Total	2,553,894,000	1,268,335,000	1,177,132,000	1,133,793,000

BELGIUM.

1868	617,000	338,000	5,316,000	1,222,000
1869	5,231,000	292,000	8,944,000	3,018,000
1870	13,504,000	8,317,000	18,458,000	1,814,000
1871	35,367,000	2,906,000	8,535,000	8,546,000
1872	44,899,000	316,000	13,556,000	4,423,000
1873	2,889,000	193,000	15,250,000	661,000
1874	2,589,000	669,000	19,766,000	8,476,000
1875	3,849,000	815,000	49,440,000	194,000
1876	892,000	203,000	2,362,000	38,000
1877	3,649,000	187,000	475,000	500,000
1878	2,994,000	473,000	2,324,000	95,000
1880	836,731	99,025	1,232,212	42,017
1881	327,000	17,750	4,656,000	3,333,000
1882	3,285,000	3,823,000	6,111,000	450,000
1883	713,000	3,266,000	16,665,000	3,838,000
1884	1,679,000	504,000	7,181,000	2,022,000
Total	123,320,731	22,418,775	180,271,212	38,672,017

*The exports of domestic silver from 1852 to 1861, and in 1883, include the exports of domestic gold.

†The exports of domestic silver coin in 1854 include gold and silver bullion and coin.

Imports and exports of gold and silver, &c.—Continued.

GREAT BRITAIN.

Year.	Gold.		Silver.	
	Imports.	Exports.	Imports.	Exports.
1858	$110,922,744	$61,157,500	$32,605,861	$34,366,425
1859	108,511,747	87,991,863	71,890,167	85,687,697
1860	61,243,365	76,119,739	50,580,026	48,145,209
1861	59,195,799	59,071,387	32,036,695	46,588,348
1862	96,861,376	77,922,218	57,194,865	64,793,691
1863	93,157,779	74,473,407	52,987,080	54,702,725
1864	82,248,478	64,625,850	52,691,177	47,947,488
1865	70,494,026	41,332,800	33,951,823	32,114,968
1866	114,409,668	62,009,230	52,448,694	43,295,070
1867	76,891,474	38,393,911	39,033,651	31,318,297
1868	83,393,205	61,845,954	37,551,948	36,555,717
1869	67,015,657	41,237,256	32,752,416	38,463,984
1870	91,522,942	48,730,800	51,823,067	43,341,871
1871	105,208,494	100,728,155	80,402,868	63,568,150
1872	89,881,539	93,188,200	54,205,851	51,521,368
1873	100,304,234	92,810,092	63,206,423	47,828,278
1874	87,991,279	51,787,522	59,842,039	59,429,489
1875	112,614,869	90,751,932	49,268,327	43,699,934
1876	114,245,832	80,373,888	66,078,646	63,013,067
1877	75,148,420	99,088,685	105,655,676	94,586,136
1878	101,574,639	72,844,239	56,204,642	57,025,837
1879	51,672,497	65,965,408	51,098,250	63,531,500
1880	27,617,387	43,949,362	31,632,250	35,232,125
1881	48,665,000	72,997,500	32,605,550	34,065,500
1882	69,834,275	58,884,650	44,285,150	43,555,175
1883	37,472,050	31,753,913	45,258,450	42,338,550
1884	52,898,855	57,059,713	46,402,078	47,302,380
Total	2,190,997,630	1,807,095,174	1,383,700,500	1,344,068,979

AUSTRIA-HUNGARY.

1858	5,495,000	3,455,000	17,058,000	17,047,000
1859	13,356,000	9,767,000	17,300,000	22,408,000
1860	6,933,000	8,344,000	9,287,000	16,104,000
1861	6,645,000	6,123,000	7,375,000	7,562,000
1862	7,499,000	8,089,000	4,570,000	6,350,000
1863	10,496,000	8,198,000	5,121,000	3,692,000
1864	5,676,000	5,939,000	3,225,000	6,185,000
1865	4,251,000	4,644,000	6,407,000	3,633,000
1866	6,284,000	4,027,000	7,057,000	18,542,000
1867	8,490,000	4,383,000	4,538,000	5,848,000
1868	7,671,000	2,662,000	8,587,000	5,652,000
1869	13,311,000	3,946,000	6,805,000	2,779,000
1870	16,047,000	7,216,000	4,615,000	6,202,000
1871	26,982,000	9,709,000	4,219,000	11,345,000
1872	15,654,000	5,929,000	3,143,000	20,550,000
1873	2,378,000	2,108,000	8,213,000	10,139,000
1874	4,699,000	296,000	5,123,000	7,369,000
1875	1,998,000	1,609,000	4,944,000	5,685,000
1876	10,284,000	2,845,000	6,912,000	12,928,000
1877	8,670,000	2,758,000	5,612,000	4,774,000
1878	7,678,000	2,672,000	13,626,000	3,675,000
1879	*30,573,120	*4,545,000		
1880	10,250,400	1,573,392	2,584,095	5,692,012
1881	7,780,614	861,594	5,122,538	106,049
1882	15,514,997	3,683,308	2,779,525	40,214,263
1883	5,233,817	735,676	2,504,982	68,889
1884	4,024,076	1,239,483	677,543	1,959,539
Total	263,874,024	118,357,573	167,405,683	246,525,752

GERMANY.

1872	8,396,640	24,247,440	40,698,000	17,157,420
1873	84,252,000	12,598,530	35,057,400	31,915,800
1874	4,176,900	8,353,800	12,052,320	17,080,308
1875	3,665,200	6,664,000	7,216,160	9,253,440
1876	20,991,600	5,331,200	5,483,520	8,409,492
1877	17,374,000	11,067,000	7,106,680	4,678,128
1878	40,126,800	333,200	9,520,000	6,645,912
1879	20,658,400	1,332,800	7,794,500	9,567,600
1880	4,962,300	7,064,554	4,366,348	5,017,992
1881	3,350,564	10,863,510	3,142,790	4,165,714
1882	14,311,252	19,474,261	3,351,164	7,367,187
1883	5,428,453	8,811,931	3,293,794	8,943,182
1884	4,689,418	7,825,000	2,966,706	11,963,498
Total	232,383,527	123,967,226	142,049,382	142,165,673

JAPAN.

1872		2,684,786	3,691,509	1,796,109
1873	2,013,907	2,614,055	1,066,635	5,508,862
1874	2,700	8,126,290	1,069,041	5,688,911
1875	26,515	10,603,345	271,806	4,060,626
1876	621,464	5,872,356	7,545,776	4,802,344
1877	162,280	6,221,776	2,011,217	3,219,494
1878	242	4,601,082	2,188,858	2,727,569
1879	701,666	4,749,634	2,403,137	8,029,229
1880	20,618	5,888,174	3,617,611	7,334,819
1881	150	2,246,889	1,855,996	5,243,658
1882	747,281	2,291,766	1,983,562	5,214,329
1883	558	1,009,570	5,690,569	2,151,748
1884	400,578	1,426,559	5,769,953	3,628,196
Total	4,697,959	58,336,282	39,165,670	59,405,894

*Includes silver.

Imports and exports of gold and silver, &c.—Continued.

INDIA.

Year.	Gold.		Silver.	
	Imports.	Exports.	Imports.	Exports.
1852	$6,515,163	$346,324	$18,070,677	$4,119,817
1853	6,526,492	821,490	26,718,190	4,307,840
1854	5,249,532	84,020	18,349,834	7,128,931
1855	4,295,752	736,939	3,572,809	5,428,761
1856	12,206,900	10,258	42,790,227	2,912,201
1857	10,589,514	412,621	59,554,743	5,666,786
1858	13,772,604	228,779	63,193,118	3,729,608
1859	21,594,310	52,975	40,779,771	3,169,795
1860	20,867,732	18,507	58,733,428	3,285,320
1861	20,645,839	48,042	31,314,156	5,385,400
1862	25,259,237	29,233	47,504,559	3,285,321
1863	33,489,141	162,590	66,317,732	5,242,403
1864	43,435,518	131,911	68,311,873	6,036,173
1865	48,056,843	170,658	55,907,909	6,859,439
1866	31,013,794	3,155,531	98,227,422	7,373,886
1867	23,978,895	3,597,044	47,062,520	8,438,603
1868	23,231,630	810,063	34,055,460	4,087,607
1869	25,193,754	85,767	48,562,696	6,705,823
1870	27,692,327	478,289	40,218,742	4,604,994
1871	13,557,947	2,435,455	12,955,776	8,371,903
1872	17,391,791	41,044	38,968,620	7,237,503
1873	12,761,768	384,497	9,412,852	5,932,604
1874	8,023,919	1,295,311	20,165,443	8,019,515
1875	10,167,267	1,049,709	29,451,133	6,859,857
1876	8,936,748	1,417,368	16,859,215	9,290,080
1877	7,025,824	6,016,756	48,628,054	13,594,743
1878	7,683,848	5,405,698	76,766,711	5,354,109
1879	7,119,928	11,481,159	27,221,736	7,898,354
1880	15,655,666	78,673	24,506,174	5,432,104
1881	*18,300,000	.....	15,575,112	4,455,486
1882	25,487,865	478,603	39,967,788	3,135,526
1883	*24,175,096	.....	*36,401,420	.....
1884	*25,677,583	.....	*31,194,265	.....
Total	605,580,227	41,465,314	1,299,320,165	183,350,492

PORTUGAL.

1865	422,000	13,000	3,872,000	204,000
1866	2,116,000	9,000	1,961,000	273,000
1867	357,000	34,000	1,475,000	227,000
1868	681,000	97,000	3,000,000	232,000
1869	325,713	136,358	9,908	371,232
1870	1,232,768	74,264	2,984	244,858
1871	3,878,716	48,196	33,026	129,078
1872	1,988,575	2,830	346	41,852
1873	4,221,064	35,528	24,633	39,712
1874	1,565,302	42,963	62,387	76,842
1875	2,693,037	71,771	47,537	54,607
1876	4,671,243	1,786,325	173,774	30,467
1877	779,127	1,521,545	63,818	111,718
1878	3,513,650	1,823,424	362,572	216,391
1879	807,000	437,000	1,596,000	1,238,000
1880	2,779,705	30,489	47,181	33,035
1882	2,956,220	2,795,667	66,006	16,417
1883	21,044,080	2,425,351	500,713	107,888
1884	2,932,122	295,764	79,669	23,869
Total	58,914,622	11,680,475	13,378,554	3,671,966

RUSSIA.

1874	5,222,741	13,592,038	8,031,369	352,274
1875	1,371,637	2,978,072	3,761,840	365,823
1876	1,185,936	81,169,668	3,136,195	1,223,770
1877	7,494,191	44,561,729	1,232,959	12,920,008
1878	12,672,000	10,600,000	396,000	544,000
1879	11,078,000	7,093,000	533,000	819,000
1880	9,086,000	20,961,000	630,000	1,576,000
1881	7,014,000	54,037,000	729,000	756,000
1882	7,492,000	63,043,000	238,000	902,000
1884	2,015,564	1,989,510	2,653,215	1,136,771
Total	64,632,069	319,025,017	21,361,578	20,595,646

*Net imports.

Mr. CULBERSON addressed the House. [See Appendix.]

Mr. LONG. Mr. Speaker, I do not presume to undertake, nor do I count myself equal to, an elaborate discussion of the silver question. I desire at this time to touch on only two or three points.

Let us admit at once that we are all bimetallists in the sense of desiring to retain both gold and silver as bases for the currency of the country, and that we do not propose to demonetize either, even if we stop the coinage of one of them. Let us admit that our immense territory, population, business, and commercial interests require the service of both metals, and that to abandon either would be a source of contraction and disaster.

It is not for me to say that I know this would be the result of a monometallism of either. The function of money is to serve as a standard of value and as a medium of exchange. As a standard of value there is certainly enough of gold alone to fulfill that function, and would be if the amount of gold coined were far less than it is. As a medium of exchange, so utterly have the modern means of communication reduced our whole system of exchange and financial settlement of balances the world over that it has been said that one gold dollar now does the work that formerly was done by a thousand gold dollars, just as in the clearing-house the mutual debts and credits of a hundred banks are settled by a stroke of the pen and the payment of a comparative trifle. Indeed, so little use is there for coin—either gold or silver—that it scarcely appears in the ordinary transactions of life. I doubt if one man in a thousand sees during the year a single gold piece or more than five silver dollars at any one time. But as a basis or security for our financial system, no less efficient and potent because lying out of sight like the foundations of a house, there must undoubtedly be a sufficiently large coin reserve to make stable the superstructure of the credit of the national currency. While, therefore, by no means certain, as I have suggested, that gold might not, as practically now for years it has done, perform the mere functions of a sole and sufficient metal standard of our coinage, I appreciate the argument in favor of the service of both gold and silver.

But for that very reason I can not understand why gentlemen who oppose the demonetization of silver should not also oppose a policy which may demonetize gold by driving it out of circulation, even if not out of the country, and thereby induce that very reduction to substantially one-half of the currency basis of the country which the gentleman from Illinois [Mr. ROWELL] anticipates—without good reason, I think—as the result of abandoning silver, and which he regards with such a terror of its shrinking effect upon all values and its doubling effect upon all debts. He must remember that what is sauce for the goose is sauce for the gander; and that if a monometallism of gold is fraught with such terrible consequences to the mass of the people simply because the other or silver half of their present money supply would be gone, a monometallism of silver would be just as bad, because then the gold half would be gone.

In the interest of bimetallism, which these gentlemen favor, as do I, and in the interest of the largest basis for our currency—a basis commensurate with our immensely expanding national interests—I am therefore opposed to the continuance of the present policy of a coinage of silver, indefinite and unlimited in time and therefore in amount, which unless we check or set some limit to it, will as surely excurrencise or expatriate gold as the sun will rise to-morrow. Amid all the rush and excursions of this debate, the simple practical question still recurs, not asking for rhetoric but for a plain answer—how, if you really propose to keep up the double standard of gold and silver, are you going to preserve that substantial parity between them which is the sole condition of maintaining them as such a double standard? You propose nothing to that end. You do not even suggest the honest measure of increasing the weight of your silver dollar. On the contrary, you propose only to pile the agony still higher by authorizing free coinage, thus not only making the disparity still greater but actually inviting the whole world to dump into our mints its entire stock of silver—bullion, coins, old teapots, spoons, and tankards—and to draw back for every 78 cents' worth so dumped a full United States dollar. That would be a very pretty profit of 22 per cent. for those who have silver to sell, but a very gross imposition on the people at large who would be taxed to pay it.

If you really mean to get rid of gold and put the country upon the monometallism of silver, say so. But do not clamor for bimetallism at the very moment you are making bimetallism impossible—at the very moment you are insisting upon the continuance of a policy which takes no account of the glaring fact that under it gold and silver are now 22 per cent. apart, that day by day their disparity is enlarging, and that thus you are making absolutely certain the retirement at some time of the better metal and the repetition of that very agony of a depreciated currency which the gentleman from Illinois [Mr. ROWELL] so forcibly pictured. He referred to and admitted the "financial ruin" which a few years ago threatened the country "because of the sinking value of money," and to the "wise statesmanship" through which "we gradually but surely came back to stable money and returning prosperity." And yet he now argues in favor of a depreciated and necessarily soon to be exclusive silver money of similar "sinking value," as if like causes in one case would not produce like effects in another.

You say that to stop the coinage of silver will destroy one of the markets for it and thus reduce its value still more. But its present fall is largely due to its demonetization by Germany and France, and if by suspension of its coinage or by assuring suspension at a fixed date you can drive these countries to an international arrangement you will take the best step toward stopping its depreciation as money. Down to 1874 the European bimetallic union kept a par at Paris of about 15½ to 1. Then by law these European mints were closed to silver, and hence its emaciation there and here. Compel a reversal of that international policy and you will quickest restore the equilibrium. That done, and then you can maintain a bimetallic gold and silver standard—and I very greatly doubt whether as a basis of currency you can expel either of these metals without a contraction or, as my friend from Michigan [Mr. CUTCHEON] calls it, a constriction of values that would be ruinous—you can then, I say, maintain a bimetallic gold or silver standard permanently, which is the very thing we want to do; and you can

do it in no other way. As has been sententiously said, "There is no Monroe doctrine in silver."

It is true that up to this time, by artificial means, by legislative enactment, by administrative good management, by the good fortune of trade, we have succeeded in keeping both metals at an artificial par. In other words, we have stood the strain alone up to the present time, and can possibly stand it even a little further. But because you can bend a bow into a half-circle it does not follow that you can bend it into a whole one. When the crash comes it will come like the tumble of an avalanche. When you have strained this increasing disparity just one hair too much, when you have laid the last straw on the camel's back, you will see the two metals part company; one of them disappearing and all values turning to the lower standard of the other, as the mists fly at one sun stroke from the hill-tops. It is a contradiction in terms and in fact—it is flying in the face of common sense—this pretense of a common double standard of gold and silver, and of maintaining bimetallism, when in our international commercial world one is worth only three-quarters as much as the other. You might as well insist on two yard-sticks, one of 36 and the other of 27 inches. If the great commercial nations will all unite, this artificial parity can undoubtedly be kept up, but otherwise it is inevitable that the farce must play out in time—and all the quicker if each day you are taking one more inch off the shorter yard-stick. We are told that under our present policy gold is accumulating instead of diminishing, and that therefore such fears are unfounded. Once upon a time a certain frog, whose vanity has made his story immortal, began to swell. I doubt not some prudent observer suggested to him that the ultimate result of that process would be an explosion. I doubt not also that the frog replied by pointing to his fair enlargement and plumper figure—but the result was none the less that he burst, and the places that knew him knew him no more.

It is true that the supply of gold has accumulated. Two causes have contributed to this: First, the balance of trade has been in our favor, and when it shall be against us the same cause will operate the other way. The second is that the very policy of recent administrations in paying our public obligations in gold or by the gold standard—a policy which is now so severely and so inconsistently criticised by the advocates of the present silver coinage—has itself maintained the absolute and unwavering credit of our currency, prevented alarm and distrust, and thereby preserved the par value of every dollar, whether gold, silver, or paper, that bore the stamp of the Government, and so saved us from a drain upon our gold balance, and perhaps a financial panic. It is now proposed to destroy that credit, to break this great and otherwise impregnable barrier against the operation of the Gresham law by reversing that policy and by paying the public obligation in the cheaper coin, thereby proclaiming to the whole world that the United States, relying on its technical right, has lowered its standard of financial obligation.

Let the Secretary of the Treasury begin to-morrow to pay the national creditors in silver, or by the silver standard—let it be understood that that is to be the policy hereafter—let the next installment of the public debt and interest be met in that coin, and forthwith, in the twinkling of an eye, as everybody knows, gold will mount to a premium, the Gresham law will begin to operate, because the barriers against it will have been broken down, we shall be upon the ground of the monometallism of silver, bimetallism will cease to be our policy, and fortunate shall we be if panic and disaster do not follow.

It may be admitted that if two-thirds of all the gold in the world were to perish by some convulsion of nature, the value of gold would at once appreciate so monstrously that we should all recognize that, if there were a right of option of payment in gold or silver, we might no longer be bound to pay in the former metal. So, on the other hand, if by some unlocking of the bowels of the earth silver were to become at once as abundant as tin, I do not believe that even the chairman of the Coinage Committee would insist longer on his favorite metal. But we are met and are likely to be met by no such extremity. Gold and silver are still the money metals, varying somewhat in their relative value, but both adapted better than anything else to constitute elements of a common currency basis. The difference in their value is such, just at this time, that if, by continued coinage of silver and the absence of international agreement, we let that enlarging difference go on, gold will be excurrencised or expatriated, silver left alone, and our country, with its proud financial record, taken from the list of the first-rate financial nations of the world, with whom our commercial and business relations, affecting the trade, industries, and welfare of our sixty millions of people, should be on a par, and reduced to a second-rate financial place with Mexico.

Suppose we admit that gold may be appreciating as silver is depreciating, or rather that both are going apart. Even if this be true, even if gold is appreciating, one of the very reasons for this result is that the apprehension of a continuance of our present policy of an excessive silver coinage, together with the apprehension that we are going to pay our obligations in a cheaper metal—these very apprehensions by an accelerating ratio are inspiring alarm, are weakening the value of silver, and are giving an artificial and exceptional value to gold, making everybody anxious to secure and hoard it, and therefore still more appreciating it. Hence that very striking statement made the other day by the gentlemen from Maryland [Mr. FINDLAY] that savings-banks and trust companies are already hoarding $30,000,000 in gold, and steadily increasing the hoard. It is not a question whether they can continue to do this or whether their own interest will not compel them to turn their hoard into investment. It is the impulse to hoard at all, the start of apprehension, which is significant and like a weathervane shows at once which way the wind blows. Hence also the rumor that our capitalists are withdrawing their funds from American enterprise and investing them abroad. Criticise the administration for paying the debt and interest by the gold standard! Were it to do otherwise it would be the beginning of a run on every depository of that precious metal. Violation of law! The administration is guilty of no violation of law. The payment of our bonds in gold or silver, so far as requirement of payment in either is concerned, is left, on any fair interpretation of the statute, to the executive department. It has been ingeniously suggested, in support of the executive policy, that, at the time the law referred to was passed, gold meant gold dollars and silver meant only subsidiary coins, or, if it meant silver dollars, then only silver dollars up to the extent of their then limited legal-tender value of $5; in other words, the term "gold and silver" meant "no other than such 'gold and silver' as the Government then had in the Treasury and was then coining."

Practically, however, the mere material of payment is of small account. The public interest is usually paid in checks, and in the book-keeping settlement of balances. Any claimant can have silver or paper if he prefers. The choice of the metal is significant not as to the substance of the thing paid over the counter, but as to the standard of the payment; and that standard should be gold, because gold is the standard of all the great commercial countries with which we are allied, the standard popularly recognized when the pledge of payment was made, the standard which by our own statutes is made "the unit of value," the standard of the business of our country now for years, and especially the standard in which labor, the great creditor of the Republic, is entitled to be paid—not to be paid necessarily in the heavy mass of its coin but in its always stable equivalent. Beware, then, how you drive that standard out.

The simple, common-sense thing to do now is to call a halt. We have an abundance of silver—more, evidently, than with all the efforts which the administration says it has made we can force into circulation. Aside from the natural self-interest of those who have it to sell there is no exigency that clamors for its further accumulation in the form of coin, though it is not unlikely, and I am hopeful that some plan may be devised—possibly that suggested by Senator SHERMAN—for its use in uncoined bullion or otherwise as a basis for that increasing currency circulation which, of course, our rapidly growing population and business require, but which, if regulated by the double standard, as I trust it may be possible to have it regulated, must not operate to split that double standard into two widely unequal standards.

Give silver coinage, then, at least a present or prospective rest. Do not demonetize silver and do not take away its legal-tender function; but suspend at some time its coinage, the unlimited continuance of which is one of the very causes of the appreciation of gold, and therefore, as I have said, to some extent, of the present disparity between the two metals. In the interest, therefore, of bimetallism, in the interest of silver itself, it is time to cast an anchor and take our bearings; to suspend, or at least fix a time for the suspension of, silver coinage, whether it be in two or three years; and then to see—for that is perhaps all we can now do—if some international arrangement with the other great commercial countries can not then be made.

The only other point I care to make is as to the relation of this question to the interests of what are called the debtor classes. I agree that it is not the capitalists, not the bankers, not the money powers whose interests should be preferred, but those of the body of the people, the men who toil and whose labor is the most sacred trust confided to the care of the Government. Indeed, I am inclined to think that nothing has been exaggerated more in this whole discussion than the attitude of capital. My observation is that it is not half so eager or aggressive in this whole public debate throughout the country as has been represented. My experience and yours is that it takes care of itself under whatever circumstances. Come gold or silver, come high rates or low rates, came boom or panic, come inflation or contraction, it eludes danger and improves opportunity. It is selfish, Argus-eyed, potential; and from a look over my own section of the country I am persuaded it is already discounting the future and is unalarmed, if not indifferent, at any action Congress now seems likely to take.

I mean of course not that capital which is a trust for the widow and orphan, but that capital which is so especially obnoxious to-day to public sentiment and which is the selfish equipment of the plutocracy. In homely phrase, that form of capital can stand the agony of a debased coinage if the other great interests of the people can do so; nay, would probably profit by the convulsions of which it would take advantage. I have no sympathy with it except as it serves by its use and its employment to keep the blood flowing in our channels of industry. My sympathies, like those claimed by my friends on the other side, are with those who have not this plutocratic reliance, and whose labor, whose

earnings, whose credit, whose homes depend upon the financial standard and regulation which our legislation shall give to currency and the monetary system.

On that premise, what then is the best policy as between silver and gold in their present disparity of value as to the matter of a national standard? I can only gather my illustrations from homely life. I have been taught, and I know it is true, and no honest laboring man in my district would instruct me otherwise, that if a workman dependent on his hands for his living desires success, reputation, property, credit, he will obtain them by turning out the best work and not by turning out in bare compliance with the letter of his contract second-rate work. The latter would give him perhaps an immediate gain in a single transaction or in fulfilling an existing obligation, but it would forever ruin him in all future negotiations and stamp him as a second rate.

Just as true is this principle in our national as in our individual relations. Admit, if you please, that Government is at liberty to pay in silver or in gold. Admit that the silver dollar is not a dishonest dollar and that it is hardly worth while, even in the eagerness of debate, to term it repudiatory. But, on the other hand, you must admit that it has fallen off in relative value, and that, as compared with gold, it is like the artisan's second-rate work as compared with his best. To pay our national debt in silver, the cheaper coin, and by thereby driving gold out of the country to scale all private indebtedness, might be a gain in that single transaction, but it would be an infinite injury to public and to private credit and therefore a source of burden and disaster and hard times not to the nation merely, which can stand almost anything, but to that very body of the laboring and debtor people who can stand very little, and for whom you are pretending to legislate and whose interest you claim to have at heart.

It is said, why pay the bondholder in gold and everybody else in silver? A false impression is produced by these constant references to the bondholder, as well as by the whole foolishness of calling names and invoking rhetorical bugbears. Whether it be silver-kings on the one side or gold-bugs on the other, we may be pretty sure that one is just as selfish as and not a bit more interested in the "dear people" than the other. The bondholder is no worse and no better than anybody else. Taking into account the high premium cost of his United States bonds, and the small rate of interest they pay, there is no other equally secured investor who gets so small a return for his money. Remember, too, that he by no means stands for the plutocracy, but represents many a poor widow and orphan, many a hard-working laborer, many a dependent salary clerk, all whose savings are invested in the securities of the United States, either directly or through the savings-bank or some other financial institution. There is, of course, no reason why the bondholder should be paid in any better coin than any other creditor of the Government. But the advantage of paying our national debt and interest in gold or by the gold standard is not because it is held by the bondholder class as such, but because the coin in which or standard by which we pay the national debt and interest is the one test that determines the credit of our Government throughout the world, and thereby establishes the standard and test also of public and private credit and, most important of all, the worth of the people's money. Like any other humble laborer, working for the Government for my daily wages, I might ask why I should be paid in silver while the bondholder is paid in gold. But a moment's reflection shows me that it makes no difference to me so long as my silver, by virtue of the Government's resolute and honest policy, is just as good as the bondholder's gold. But, on the other hand, if the Government, by paying the bondholder in silver, thereby impairs and discredits all its currency and its credit, and drives gold to a premium and so out of circulation, then it does make a difference to me and a very damaging difference; for then the silver in which I am paid becomes of less purchasing power; I have killed the goose that laid the golden egg; I am become the dog in the manger; in my endeavor to bite off the bondholder's golden nose I have bitten off my own silver one, which till then was just as good as his, and had it been a rose would have been just as sweet called by whatever metallic name.

The laboring man is not a fool or a weakling. He knows perfectly well on which side his bread is buttered, is a good deal brighter than a silver dollar, and has organized for his interest and for that share in the benefits of the wealth he creates to which he is so justly entitled. You can not in the long run cheat him with sophistries. He is the one constant creditor. His pecuniary interest is represented by his wages and his savings. These, to him, are sacred; and anything that impairs them is his enemy and ruin. He rarely owes anything, except for his daily supplies, which are less than his daily wages. On the contrary, generally thrifty, he has his balance in savings laid up for a wet day. In Massachusetts there are in its savings-banks $274,000,000, almost equal to one-quarter of our national debt. It is an increase of twelve millions in the last year, and represents in round numbers 850,000 open accounts, a number equal to 40 per cent. of all the inhabitants of that State, and more than 100 per cent. of all the families, with an average sum to each depositor of over $300. It is the adventurous capitalist, the blood-sucking speculator, the gambler in property, the borrower on risks and chances, the would-be monopolist, the wrecker in mining ventures and land schemes and paper-and-water railroads, in other words it is the very vultures against whom to-day organized labor is most protesting, that constitute to a large extent that part of the debtor class for whom and in aid of whose reckless ventures you are really depreciating the currency. Suppose we invoke just here some of the epithets of our friends on the other side. Suppose we throw back a little mud—in a purely Pickwickian sense, of course—at these silver cormorants who conspire in the interest of these outrageous schemes, these bloated fatteners who feed on the rotting carcass of a debased currency, these vampires who eat out the hearts of women and orphans and the poor, and rob them of the security of their little savings, wrung out of the toil and sweat of days' works and worn muscles. The ghosts of Nero and Tamerlane and Phillip II have been invoked, but what are they, or what is the obliteration of Poland or the oppression and robbing of Ireland compared with this crime of clipping the coin and reducing the value of the wages of fifty million of people, and then coupling with the crime the unutterable meanness of pretending to do it under the guise of protecting them? So the wolf covers and devours the lamb. For Heaven's sake let us get out of this sickening air of bathotic and vaporous hyper-rhetoric and unjust charges against parties who are just as honest and just as selfish on one side as on the other. The people only laugh at this bandying of epithets. They know that the various material interests of the country will naturally seek their own promotion; that the owners of silver investments very naturally pull one way to secure the sale and profit of their product, and the security holders, who are the wage-earners and wage-savers, pull the other to prevent the depreciation of their property. But there is no need to call names or throw mud. The simple question is whether on the whole and for the general welfare, as distinguished from any private or local interest, it is better to maintain the standard of the people's money or to debase it. Certainly the laboring man wants no depreciation in the purchasing power of the wages he earns or in the security of the savings he has laid by out of them. Yet to pay him in a baser coin is to diminish the purchasing power of every dollar for which he sweats and toils and for which he gives his blood and bone. You can not in the long run deceive him by bellowing that you have clipped the bondholder's coin, if, at the same time, he sees that you in the same ratio have reduced his own coin and impaired his ability to buy flour and meat and lay up savings. He cares not whether you pay the bondholders by the standard of gold or diamonds so long as you pay him in an equivalent thereto. Beware how you trifle with his dollar, for, let it be gold or silver or paper, the moment it is worth to him less than a hundred cents and will purchase for him less than a hundred cents' worth of bread and meat he will justly turn and rend you. He owes no debts and is under no temptation to scale them. It is capital, enterprise, employment which owe debts, and which owe him and not he them—and when they pay him he wants the best money, and if you give him anything less he will justly charge that he asks for bread and you give him a stone, for fish and you give him a serpent. I envy not the estimate in which he will hold the legislator or body of legislators who shall set in motion the avalanche of a depreciation of the currency of the laboring masses, clipping their wages, undermining the foundation of their profits, credit, and accumulation, and reducing the purchasing power of their dollars. What is its purchasing power under the present gold standard, as compared with its purchasing power when we had an inflated and depreciated currency? It will be the part of prudence to look at the statistics on this point, for they show that when in the inflated period during and after the closing years of the war wages were more in the number of dollars paid than they are now under a gold standard, yet their purchasing power, their equivalent in the necessary supplies of life, was less.

Mr. Joseph H. Walker, an eminent economist, has prepared most interesting and valuable tables on this point, which I annex to my remarks. As he says: "Advocates of cheap money claim that such measures will benefit the man in moderate circumstances and particularly the wage-worker. The exact contrary is the fact, as the following tables will show. While wages slowly increased from 1861 in the number of dollars paid the workman, their purchasing power—the real value of his wages measured by what they would buy—just as surely decreased." For instance, as he shows, "dyers, who received 67 cents a day in 1860 and $1 in 1864, could only buy with their dollar in 1864 what they could buy with 50 cents in 1860. Their real wages, therefore, in 1864 were one-quarter less than in 1860," while nominally a third more. And to-day, in this gold year 1886, "they are receiving one-third more than in 1860," to wit, "one dollar in a gold currency," which will buy twice as much as one dollar would in 1864 under an inflated currency. And so on through all the other occupations, as his tables show.

Give labor, then, a sound currency, so that it shall be insured the payment of its credits in the best money—money as good and of as great purchasing power as that of the most favored creditor class. Then move on to the justice of its next great demand for a fairer distribution of the benefits of the wealth it creates and to the appreciation and enjoyment of which our splendid free national system, with its institutions of education and equality, is constantly entitling it; then attack and solve in its interest this paradox of economics under which to-day an excess of good times is, for the masses, hard times—in other words, cheapness and abundance of production of the good things of material comfort,

and yet no thoroughfare to their corresponding abundant use and enjoyment by the masses whose industrial hands are piling them up in your granaries and storehouses or in the gambling "corners" of your speculators.

And not only the interests of labor but the interest of public and private credit. Talk of gold and silver and greenbacks and bank notes! Vast as is the volume of all these it is nothing compared with the real currency of our country, which is credit—a currency that rests on no metal, but on the infinitely more precious ore of human faith and trust. You can strike no blow at gold or silver that will in any event work the ruin that would come from striking a blow at public and private credit. In the interest of the savings of the laboring poor, in the interest of labor when it borrows to invest in the security of a home, in the interest of those great enterprises based on credit in which labor finds its employment and daily food, I therefore plead, not for any question of technically honest compliance with the letter of a statute while avoiding its spirit, but for those foundations of financial public and private faith and credit, compared with which the difference between paying in gold and silver is as mole hill to a mountain.

Again I plead for the interest of the honest and deserving debtor class as distinguished from the gambling debtor class. There are three classes of debts. First, those which are outstanding. I admit these would be more easily paid in baser coin. But remember that the very apprehension of their being so paid would at once tend to call them in and to insure their discharge and thereby their renewal or replacement at not only more exacting and heavier rates but at rates and under conditions which would compensate for the very loss sustained by the creditor in taking and in being liable hereafter to take payment in baser coin. Already lenders are writing the notes they take "payable in gold."

Second. Those debts, which are hardly debts at all, but are the daily and immediate exchange of labor, or whatever form of production, for its price—the day's work or commodities of to-day—done or delivered and paid for to-night. These would not be much affected either way by the question of the character of the coin of payment. If that were more valuable, less would be paid; if less valuable, more would be paid. The thing would regulate itself, except that history teaches that in all changes from a more precious to a cheaper currency labor is the last thing that gets the corresponding rise in its price and the first to get the corresponding fall.

Third. Those debts which are obligations incurred at the present time for future redemption, and to which you must add all those debts of the first class which would be at once called in for renewal or replacement. This class overshadows all the rest because it at once embraces the whole vast field which I have already referred to as covered by the term credit. It includes not only the mortgage, by the operation of which the laborer hopes to capitalize his savings in the form of a home, but also the great enterprises, which people our Territories, build public works, run factories, develop mines, employ our vast resources and accumulations of labor, and are identical with the prosperity and growth of our country. Beware, you of the South and Southwest, how you repel rather than invite capital and its investment. Let it be understood that payments are to be made in a baser coin, let it be understood that such is hereafter to be our national policy, not only as to silver, but as to any other resort that can be had for scaling a debt, and you have not aided the enterprise that will develop the waste land and employ those who labor; you have made not soft but hard for the honest debtor classes—not at first, but with an increasing severity and ultimate disaster—the path they must tread. You have weakened credit, raised rates of interest, added burdens to the back of toil, and closed to it the easier avenues to accommodation.

For Heaven's sake, have we learned nothing from our financial history since the war? Where would your honest debtor classes, your labor, your industrial enterprises, that have made the Republic a glad song of triumph, have been if ten or fifteen years ago we had said it would be easier to pay our debts in paper worth fifty or twenty cents on the dollar, and had pursued the bubble inflation till it burst? Was it nothing that, under Republican auspices, not contenting ourselves with any technical letter-compliance, we rose to the height of the honest workman's standard of giving his best work, and announced to the world that, whatever be its best currency or coin, in that the American nation and the American people pay their public and private debts, as Massachusetts did during the war, and thereby lightened the burden on the shoulders of her patriotic people? Have we seen no results in the reduction of the rates of interest on our national bonds, placing them at 3 or 3½ per cent., and so lightening the public burden?

I appeal to the victorious majority of this House, flushed with success and now entering on full administration of the Government. Is this the Democratic standard, this the first act of the Democracy now regaining full national control, that it strikes its first blow at public and private credit, that it refuses to sustain its own Executive in keeping the financial flag at the masthead, and that it announces to the world that Democratic supremacy and leadership are only another name for impaired credit, for half-mast financial standards, and for transferring the Republic from its financial rank among the foremost nations of the earth to that of India and the "heathen Chinee?" [Prolonged applause on both sides of the House.]

The following is an extract from Mr. Joseph H. Walker's "Address on the perils of wage-workers in continued silver coinage," which I ask leave to have printed herewith:

In all departures from a sound currency, such as our country made, the suffering and loss of the wage-workers are many fold more than of any other class.

Advocates of cheap money always claim that such measures will benefit the man in moderate circumstances, and particularly the wage-worker.

The exact contrary is the fact, as the following tables show. While wages slowly increased from 1861 in the number of dollars paid the workmen, their purchasing power—the real value of their wages measured by what they would buy—just as surely decreased. In making up these tables only the staple articles used by a family are enumerated, but the fluctuations on articles not named were even greater. In making them I have taken wholesale prices for each article, and those of the same grade each year, and made the same additions to them for the retail price through all the years, so that, whether correct or not as to actual prices, they are absolutely correct as to proportions and fluctuations. Furthermore, I have examined many price-currents, and have secured many retail prices of dealers, all of which confirm my figures.

That no one might say a family of four persons could live on a less sum than is stated, I have made the supplies for a family of four persons just above the freezing and starving point.

Man only ascends in the scale of humanity as he has a sum to expend on himself and his family above the necessities of a bare existence, and in proportion to that sum, providing he spend it wisely, does he rise in the scale of manhood.

"Allow not Nature more than Nature needs,
Man's life is cheap as beast's."

No man will claim that any family ought to be compelled to live at as low a rate as is indicated in the tables given. By comparing his wages in paper dollars with the prices of staple things which he must buy to live, is the value to the wage-worker of the legal-tender dollar during the suspension of specie payments accurately shown.

It is not true that more wages were accumulated during the inflation period. The deposits of savings-banks and every other known fact show the contrary to be true. I have taken as normal prices those of 1860.

It will be seen that the prices of 1885 are slightly below those of 1860, and nearly the same as those of 1859. While many object to the statement that "the premium on gold shows the value of wages," no one can successfully contradict the results shown, when the currency wages the laborer received and the currency price he paid are used in finding the real value of his wages.

The purchasing value of the wages paid in any given year is found by multiplying the wages paid that year by the cost of the necessaries of life at the normal prices of the year 1860, namely, $225, and dividing the product by what the same things actually cost him in the year he received the wages used in the calculation. The wages of a dyer in 1860 were 67 cents a day; total cost of food and supplies, $225. His wages in 1864 were $1 a day; total cost of the same food and supplies, $441.67; *i. e.*, $1 multiplied by $225 is $225, which divided by $441.67 gives 50 cents, which was the purchasing value of his $1 of 1864.

The wages of every class the country over show substantially the same thing. By the tests of the wages paid and the prices paid for supplies on the same date (in the table) it will be seen that dyers in woolen factories, who received 67 cents a day in 1860 and $1 in 1864, could only buy with their dollar in 1864 what they could buy with 50 cents in 1860.

Their real wages therefore in 1864 were one-quarter less than in 1860.

It was four years before their wages were worth to them as much as in 1860, namely, in 1865, when their wages were $1.20, and would buy what 68 cents would buy in 1860. During this time their real wages averaged 53.9 cents a day, and they lost the value of 189½ days' wages, $126.90. To-day they are receiving one-third more than in 1860, $1 in a gold currency, which will buy as much as the same nominal sum would in 1860.

Says J. E. Therold Rogers in Work and Wages:

"When prices of the necessaries of life rise wages do not rise with them. No crime against labor is more injurious than expedients adopted on the part of government which tends to raise prices."

There is not an economist in any country who does not declare that his investigations confirm this statement of Mr. Rogers.

The experiment of depreciating the currency was never tried in any country under circumstances more favorable to the wage-worker than here. A war was in progress during four years of the time, of such vast proportions that the consumption of the aggregate products of labor was increased by fully one-tenth, besides which more than one-tenth of the men who competed with each other in the labor market were employed in military operations, which was the equivalent of increasing the market for the laborer by one-fourth. Under these apparently favorable conditions for the wage-worker the value of his wages to him ought to have materially increased, instead of depreciating, if it is possible for him ever to save himself from loss in periods of a debased currency. If under such conditions he lost the value of one and one-tenth years' wages, in a period of about six years, how can Mr. BECK believe that the "toiling millions" will be benefited by the unlimited coinage of 412½ grains of silver into a legal-tender dollar, depreciating the currency 20 per cent. or more?

Scarcely a day's wages were lost up to 1873, when the inflation of business collapsed. Work was pressing in all departments everywhere, but at a loss in real wages to the employed to the vast amount named. Subsequently the purchasing value of wages improved, and has continued to do so up to the present time; but work has fallen off, and a large portion of the time they have had to submit to enforced idleness.

Since 1873 strikes, lockouts, and riots have been many, and the wage-workers, as a whole, have not been able to reap the full value of their higher wages.

Mr. BECK would plunge them into another era of loss and suffering by again depreciating the currency. Even he can not have forgotten the Pittsburg riots and the loss of millions, the Baltimore and Ohio Railroad riots, and the disorganized condition of industries all over the country, during the last dozen years, all caused by the inevitable struggle to get back to normal conditions from the period of inflation.

He fails to notice that the debtor class and the creditor class—the producing and the consuming class—are composed of the same individuals, and include nine-tenths of the people.

Any injury to the creditor class is an injury to the debtor class. Each one of them must first earn, before he can buy, the things he must have to live; neither can he count the farmers out of the class injured by inflation. Mr. BECK probably knows that farmers do not eat their raw wheat, wear their raw wool, or make their own shoes of raw hides; that they sell the products of the farm to buy the same things wage-workers buy. The producers of raw material and the final consumers suffer most in times of inflation.

The middlemen are compelled to fleece those on each side of them to make good to themselves losses caused by a fluctuating currency. The prices to the consumer are always far higher than the reduction of them to a gold standard would indicate. I commend to Mr. BECK the columns in the table, which show the purchasing value to the farmer of the price of wool during the seventeen years of inflation (from 1861 to 1879) to be only 36½ cents, while in the five years preceding, it was 44 cents, and the five years succeeding was 42½ cents. He will find that the tables of prices of farm products and their real value con clusively contradict his statements.

Yearly cost of supplies of a family of four persons at the lowest point.

Supplies.	Amount.	1859.		1860.		1861.		1862.		1863.		1864.		1865.		1866.		1867.	
		Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Flour ..... bbls...	3	$5.75	$17.25	$8.25	$24.75	$7.00	$21.00	$6.75	$20.25	$7.50	$22.50	$14.00	$42.00	$12.00	$36.00	$14.00	$42.00	$14.00	$42 00
Corn meal ..... lbs...	150	.025	3.75	.04	6.00	.04	6.00	.065	9.75	.055	8.25	.09	13.50	.07	10.50	.06	9.00	.08	12.00
Granulated sugar ..... lbs...	150	.105	15.75	.11	16.50	.105	15.75	.14	21.00	.15	22.50	.30	45.00	.21	31.50	.175	26.25	.17	25.50
Fresh beef ..... lbs...	200	.11	22.00	.10	20.00	.12	24.00	.15	30.00	.14	28.00	.23	46.00	.125	25.00	.21	42.00	.24	48.00
Corned beef ..... lbs...	100	.08	8.00	.08	8.00	.08	8.00	.12	12.00	.12	12.00	.14	14.00	.15	15.00	.15	15.00	.15	15.00
Pork ..... lbs...	100	.10	10.00	.10	10.00	.10	10.00	.15	15.00	.15	15.00	.15	15.00	.18	18.00	.25	25.00	.20	20.00
Lard ..... lbs...	24	.125	3.00	.11	2.64	.12	.288	.15	3.60	.15	3.60	.18	4.32	.20	4.80	.25	6.00	.25	6.00
Ham ..... lbs...	16	.125	2.00	.10	1.60	.10	1.60	.15	2.40	.15	2.40	.15	2.40	.18	2.88	.20	3.20	.20	3.20
Codfish ..... lbs...	100	.06	6.00	.06	6.00	.05	5.00	.06	6.00	.09	7.00	.11	11.00	.10	10.00	.10	10.00	.08	8.00
Tea ..... lbs..	12	.65	7.80	.75	9.00	.75	9.00	1.10	13.20	1.35	16.20	2.00	24.00	2.00	24.00	2.00	24.00	1.75	21.00
Butter ..... lbs...	75	.23	17.25	.23	17.25	.19	14.25	.20	15.00	.25	18.75	.50	37.50	.45	33.75	.50	37.50	.38	28.50
Cheese ..... lbs...	10	.11	1.10	.12	1.20	.10	1.00	.10	1.00	.13	1.30	.25	2.50	.20	2.00	.25	2.50	.15	1.50
Coal ..... tons...	4	7.00	28.00	7.25	29.00	7.00	28.00	10.00	40.00	10.00	40.00	12.00	48.00	16.00	64.00	12.00	48.00	11.00	44.00
Beans ..... bush...	1	2.50	2.50	2.50	2.50	2.50	2.50	3.25	3.25	3.25	3.25	3.50	3.50	3.00	3.00	4.00	4.00	4.00	4.00
Potatoes ..... bush...	12	.60	7.20	.50	6.00	.75	9.00	.80	9.60	1.00	12.00	1.35	16.20	1.25	15.00	1.50	18.00	1.25	15.00
Shoes ..... pairs...	3	1.60	4.80	1.45	4.35	1.40	4.20	1.45	4.35	1.80	5.40	2.25	6.75	2.15	6.45	2.25	6.75	2.25	6.75
Cotton cloth ..... yds...	20	.08	1.60	.10	2.00	.14	2.80	.27	5.40	.35	7.00	.80	16.00	.40	8.00	.25	5.00	.20	4.00
Prints ..... yds...	20	.07	1.40	.08	1.60	.11	2.20	.25	5.00	.30	6.00	.50	10.00	.35	7.00	.22	4.40	.17	3.40
Denims ..... yds...	5	.12	.60	.15	.75	.21	1.05	.40	2.00	.52	2.60	1.20	6.00	.60	3.00	.38	1.90	.30	1.50
Satinets ..... yds...	12	.65	7.80	.655	7.86	.65	7.80	.65	7.80	.875	10.50	1.50	18.00	1.37	16.44	1.25	15.00	1.10	13.20
Town rents	.....	4.00	48.00	4.00	48.00	4.00	48.00	4.50	54.00	4.50	54.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00
Total	.....	.....	215.80	.....	225.00	.....	224.03	.....	280.60	.....	298.25	.....	441.67	.....	396.32	.....	405.50	.....	382.55
Rents in factory village.	.....	2.00	24.00	2.00	24.00	2.00	24.00	2.00	24.00	2.00	24.00	2.00	24.00	2.00	24.00	2.00	24.00	3.34	40.08
Cotton (middling fair)	.....	.135	.....	.135	.....	.235	.....	.55	.....	.69	.....	1.80	.....	.50	.....	.37	.....	.28	.....
Average premium of gold was.	.....	0	.....	0	.....	0	.....	.16	.....	.53	.....	1.21	.....	.65	.....	.46	.....	.40	.....
Cost of food in public institutions...	.....	.....	27.14	.....	31.61	.....	35.23	.....	35.75	.....	41.48	.....	62.69	.....	71.10	.....	59.75	.....	62.44

Yearly cost of supplies of a family of four persons at the lowest point—Continued.

Supplies.	Amount.	1868.		1869.		1870.		1871.		1872.		1873.		1874.		1875.		1876.	
		Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Flour ..... bbls...	3	$12.00	$36.00	$8.25	$24.75	$8.00	$24.00	$8.00	$24.00	$9.00	$27.00	$9.00	$27.00	$8.00	$24.00	$8.00	$24.00	$8.00	$24.00
Corn meal ..... lbs...	150	.08	12.00	.045	6.75	.05¼	7.87	.05	7.50	.04	6.00	.035	5.25	.045	6.75	.04	6.00	.035	5.25
Granulated sugar ..... lbs...	150	.17	25.50	.16	24.00	.145	21.75	.14	21.00	.135	20.25	.125	18.75	.125	18.75	.12	18.00	.12	18.00
Fresh beef ..... lbs...	200	.20	40.00	.16	32.00	.17	34.00	.18	36.00	.16	32.00	.16	32.00	.16	32.00	.16	32.00	.16	32.00
Corned beef ..... lbs...	100	.15	15.00	.08	8.00	.085	8.50	.09	9.00	.08	8.00	.08	8.00	.08	8.00	.08	8.00	.08	8.00
Pork ..... lbs...	100	.15	15.00	.17	17.00	.16	16.00	.15	15.00	.15	15.00	.13	13.00	.15	15.00	.12	12.00	.12	12.00
Lard ..... lbs...	24	.22	5.28	.21	5.04	.20	4.80	.18	4.32	.18	4.32	.19	4.56	.21	5.04	.20	4.80	.19	4.56
Ham ..... lbs...	16	.20	3.20	.195	3.12	.22	3.52	.145	2.32	.15	2.40	.14	2.24	.15	2.40	.155	2.48	.155	2.48
Codfish ..... lbs...	100	.095	9.50	.10	10.00	.085	8.50	.07	7.00	.07	7.00	.05	5.00	.07	7.00	.08	8.00	.07	7.00
Tea ..... lbs...	12	1.75	21.00	1.50	18.00	1.25	15.00	1.00	12.00	.875	10.50	.875	10.50	.875	10.50	.75	9.00	.75	9.00
Butter ..... lbs...	75	.45	33.75	.40	30.00	.40	30.00	.35	26.25	.30	22.50	.37	27.75	.37	27.75	.33	24.75	.35	26.25
Cheese ..... lbs...	10	.17	1.70	.16	1.60	.16	1.60	.17	1.70	.15	1.50	.17	1.70	.16	1.60	.15	1.50	.15	1.50
Coal ..... tons...	4	9.00	36.00	10.00	40.00	10.00	40.00	10.00	40.00	8.50	34.00	9.50	38.00	9.50	38.00	9.00	36.00	7.25	29.00
Beans ..... bush...	1	4.00	4.00	4.00	4.00	3.00	3.00	3.00	3.00	3.50	3.00	4.00	4.00	3.00	3.00	3.00	3.00	3.00	3.00
Potatoes ..... bush...	12	1.25	15.00	1.00	12.00	1.00	12.00	1.25	15.00	1.25	15.00	1.50	18.00	1.20	14.40	1.00	12.00	1.00	12.00
Shoes ..... pairs...	3	2.25	6.75	2.25	6.75	2.00	6.00	2.00	6.00	2.00	6.00	2.00	6.00	1.85	5.55	1.85	5.55	1.75	5.25
Cotton cloth ..... yds...	20	.18	3.60	.18	3.60	.16	3.20	.16	3.20	.16	3.20	.15	3.00	.13	2.60	.12	2.40	.11	2.20
Prints ..... yds...	20	.17	3.40	.17	3.40	.15	3.00	.15	3.00	.15	3.00	.14	2.80	.12	2.40	.11	2.20	.10	2.00
Denims ..... yds...	5	.24	1.20	.24	1.20	.22	1.10	.22	1.10	.22	1.10	.21	1.05	.19	.95	.18	.90	.17	.85
Satinets ..... yds...	12	1.00	12.00	.67	8.04	.625	7.50	.625	7.50	.55	6.60	.50	6.00	.50	6.00	.50	6.00	.45	5.40
Town rent	.....	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00
Total	.....	.....	359.88	.....	319.25	.....	311.34	.....	304.89	.....	288.37	.....	294.60	.....	291.69	.....	278.58	.....	269.74
Rents in factory village	.....	3.34	40.08	3.24	40.08	3.34	40.08	3.34	40.08	3.34	40.08	3.34	40.08	3.34	40.08	3.34	40.08	3.34	40.08
Cotton (middling fair)	.....	.32	.....	.36	.....	.20	.....	.19	.....	.205	.....	.185	.....	.15¾	.....	.14	.....	.115	.....
Average premium of gold was	.....	.42	.....	.36	.....	.16	.....	.12	.....	.13	.....	.15	.....	.11	.....	.15	.....	.12	.....
Cost of food in public institutions...	.....	.....	73.65	.....	71.20	.....	67.00	.....	67.92	.....	68.23	.....	60.16	.....	58.40	.....	59.50	.....	52.64

Yearly cost of supplies of a family of four persons at the lowest point—Continued.

Supplies.	Amount.	1877.		1878.		1879.		1880.		1881.		1882.		1883.		1884.		1885.	
		Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Flour ..... bbls...	3	$10.25	$30.75	$10.00	$30.00	$10.00	$30.00	$9.25	$27.75	$9.50	$28.50	$10.00	$30.00	$9.00	$27.00	$8.00	$24.00	$7.00	$21.00
Cornmeal ..... lbs...	150	.03	4.50	.03	4.50	.03	4.50	.03	4.50	.025	3.75	.025	3.75	.025	3.75	.02	3.75	.025	3.75
Granulated sugar ..... lbs...	150	.125	18.75	.12	18.00	.11	16.50	.105	15.75	.10	15.00	.105	15.75	.10	15.00	.09	13.50	.075	11.25
Fresh beef ..... lbs...	200	.16	32.00	.12	24.00	.13	26.00	.13	26.00	.13	26.00	.17	34.00	.15	30.00	.15	30.00	.12	24.00
Corned beef ..... lbs...	100	.10	10.00	.08	8.00	.09	9.00	.09	9.00	.09	9.00	.12	12.00	.105	10.50	.11	11.00	.10	10.00
Pork ..... lbs...	100	.12	12.00	.09	9.00	.08	8.00	.09	9.00	.125	12.50	.145	14.50	.105	10.50	.10	10.00	.10	10.00
Lard ..... lbs...	24	.105	2.52	.08	1.92	.08	1.95	.10	2.40	.125	3.00	.135	2.24	.105	10.50	.10	2.40	.10	2.40
Ham ..... lbs...	16	.14	2.24	.11	1.76	.11	1.76	.11	1.76	.125	2.00	.155	2.48	.135	2.16	.125	2.00	.115	1.84
Codfish ..... lbs...	100	.08	8.00	.10	10.00	.06	6.00	.06	6.00	.06	6.00	.08	8.00	.08	8.00	.08	8.00	.08	8.00
Tea ..... lbs...	12	.70	8.40	.70	8.40	.70	8.40	.65	7.80	.65	7.80	.55	6.60	.55	6.60	.55	6.60	.55	6.60
Butter ..... lbs...	75	.27	20.25	.25	18.75	.35	26.25	.35	26.25	.35	26.25	.35	26.25	.35	26.25	.27	20.25	.23	17.25
Cheese ..... lbs...	10	.12	1.20	.13	1.30	.15	1.50	.16	1.60	.145	1.45	.16	1.60	.175	1.75	.16	1.60	.14	1.40
Coal ..... tons...	4	6.50	26.00	6.50	26.00	5.50	22.00	7.00	28.00	7.00	28.00	7.00	28.00	6.75	27.00	7.00	28.00	6.50	26.00
Beans ..... bush...	1	2.80	2.80	2.50	2.50	2.50	2.50	2.50	2.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Potatoes ..... bush...	12	.60	7.20	.875	10.50	.625	7.50	.625	7.50	1.10	13.20	1.00	12.00	.75	9.00	.80	9.60	.80	9.60
Shoes ..... pairs...	3	1.75	5.25	1.65	4.95	1.65	4.95	1.65	4.95	1.60	4.80	1.65	4.95	1.60	4.80	1.60	4.80	1.50	4.50
Cotton cloth ..... yds...	20	.08	1.60	.08	1.60	.08	1.60	.075	1.50	.075	1.50	.075	1.50	.07	1.40	.07	1.40	.065	1.30
Prints ..... yds...	20	.07	1.40	.07	1.40	.07	1.40	.065	1.30	.065	1.30	.065	1.30	.06	1.20	.06	1.20	.055	1.10
Denims ..... yds...	5	.17	.85	.17	.85	.17	.85	.15	.75	.15	.75	.15	.75	.14	.70	.13	.65	.125	.625
Satinets ..... yds...	12	.40	4.80	.40	4.80	.40	4.80	.40	4.80	.40	4.80	.40	4.80	.40	4.80	.375	4.50	3.75	4.50
Town rent	.....	4.50	54.00	4.50	54.00	4.50	54.00	4.50	54.00	4.00	48.00	4.00	48.00	4.00	48.00	4.00	48.00	4.00	48.00
Total	.....	.....	254.51	.....	242.23	.....	239.43	.....	243.11	.....	246.60	.....	262.47	.....	243.93	.....	234.25	.....	216.11

Yearly cost of supplies of a family of four persons at the lowest point—Continued.

Supplies.	1859.		1860.		1861.		1862.		1863.		1864.		1865.		1866.		1867.	
	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Rents in factory village	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08	$3.34	$40.08
Cotton (middling fair)	.11½						.115						10				.10	
Average premium of gold was	.05		.01¼		0		0		0		0		0		0		0	
Cost of food in public institutions		59.52		45.88		43.56												

Wages and their purchasing value.

Year.	Average premium on gold for year.	Price of cotton per pound.	Price per pound of merino wool.	Purchasing value of a pound of wool.	Cost of supplies for family of four.	Wages of dyers.	Purchasing value.	Wages of giggers.	Purchasing value.	Wages of shearers.	Purchasing value.	Wages of plain weavers.	Purchasing value.	Wages of fancy weavers.	Purchasing value.	Wages of spinners.*	Purchasing value.	Wages of beam and yard hands.	Purchasing value.	Wages of green shavers, whitenners, and skivers.	Total.
1859	$ 0	$0.135	$0.45	$0.468	$215.80	$0.62	$0.645	$0.62	$0.645	$0.69	$0.719	$0.65	$0.677	$0.95	$0.99	$1.10	$1.146	$1.20	$1.25	$1.83¼	$1.911
1860	.0	.135	.40	.40	225.00	.67	.67	.62	.62	.69	.69	.72	.72	.83	.83	1.07	1.07	1.00	1.00	1.75	1.75
1861	.0	.235	.45	.45	224.03	.67	.67	.64	.64	.69	.69	.53	.53	.58	.58	.86	.86	.83½	.83½	1.16⅔	1.16⅔
1862	.16	.56	.65	.52	280.60	.67	.537	.65	.52	.77	.617	.64	.513	.92	.738	1.07	.857	1.16⅔	.935	1.133⅓	1.069
1863	.53	.69	.80	.60	298.25	.77	.58	.71	.535	.85	.64	.83	.622	.86	.648	1.20	.905	1.33½	1.00	2.00	1.508
1864	1.21	1.80	1.10	.56	441.67	1.00	.50	1.00	.50	1.12	.57	1.08	.55	1.22	.621	1.30	.662	1.66⅔	.85	2.50	1.273
1865	.65	.50	.77	.437	396.32	1.20	.68	1.17	.665	1.20	.68	1.15	.65	1.31	.743	1.56	.885	1.83½	1.04	2.75	1.561
1866	.46	.37			405.50	1.25	.694	1.17	.65	1.30	.72	1.11	.615	1.22	677	1.67	.926	1.83½	1.017	2.75	1.525
1867	.40	.28	.37	.139	382.55	1.30	.765	1.20	.705	1.33	.782	.96	.564	1.16	.682	1.88	1.105	2.00	1.18	2.92	1.717
1868	.42	.32	.37	.148	359.88	1.20	.75	1.17	.73	1.25	.78	1.00	.625	1.27	.793	1.96	1.225	2.00	1.25	2.875	1.797
1869	.36	.36	.35	.152	319.25	1.17	.824	1.17	.824	1.33	.937	.86	.606	1.20	.845	1.73	1.219	1.83½	1.288	2.75	1.937
1870	.16	.20	.45	.325	311.34	1.125	.813	1.125	.813	1.33	.96	1.02	.722	1.22	.881	1.70	1.228	1.90	1.373	2.875	2.077
1871	.12	.19	.63	.464	304.89	1.125	.83	1.125	.83	1.33	.98	.89	.656	1.32	1.974	1.70	1.254	1.80	1.328	2.80	2.066
1872	.13	.205	.67	.522	288.37	1.17	.912	1.125	.877	1.33	1.037	.92	.717	1.48	.154	.80	.624	1.80	1.404	2.25	1.755
1873	.15	.185	.57	.435	294.60	1.17	.893	1.08	.805	1.33	1.015	.90	.687	1.34	1.02	.80	.61	1.80	1.37	2.50	1.909
1874	.11	.15⅛	.48	.37	291.69	1.125	.867	1.00	.77	1.25	.964	.82	.632	1.11	.856	.80	.617	1.65	1.27	2.30	1.774
1875	.15	.14	.48	.388	278.58	1.00	.807	.825	.666	1.03	.83	.73	.59	.97	.783	.67	.54	1.35	1.09	1.875	1.514
1876	.12	.115	.43	.358	269.74													1.35	1.125	2.00	1.63
1877	.05	.11½	.43	.38	254.51	.80	.707	.75	.663	.86	.76	.69	.61	.69	.61	.70	.618	1.45	1.28	2.68	2.369
1878	.012		.43	.399	242.23	.80	.744	.75	.696	.86	.798	.66	.613	.80	.743	.75	.696	1.16⅔	1.083	2.50	2.322
1879	.0		.50	.47	239.43	.80	.75	.75	.704	.86	.808	.70	.657	1.02	.958	.75	.704	1.25	1.174	2.40	2.255
1880	.0	.115	.45	.416	243.11	.88	.814	.825	.763	1.00	.925	.80	.74	1.21	1.12	.90	.832	1.45	1.342	3.00	2.776
1881	.0		.47	.428	246.60	.88	.802	.825	.752	1.00	.912	.80	.73	1.07	.976	.95	.866	1.48	1.35	2.40	2.189
1882	.0		.48	.412	262.47	1.00	.857	.825	.707	1.00	.857	.78	.668	1.23	1.054	1.00	.857	1.55	1.328	2.62	2.245
1883	.0	.10	.42	.387	243.93	1.00	.922	.825	.76	1.00	.922	.91	.84	1.16	1.07	1.30	1.199	1.67	1.54	2.65	2.444
1884	.0	.10			234.25	1.00	.96	.825	.792	1.00	.96	.68	.65	1.14	1.09	1.16	1.114	1.67	1.60	2.60	2.497
1885	.0	.10			216.11	1.00	1.04	.825	.858	1.00	1.04	.85	.884	.93	.967	1.26	1.31	1.67	1.736	2.90	3.019
A						.539		.518		.625		.58⅓		.685		.85		.905		1.403	
B						189.4		.171		.113		597.2		419.2		370		114		416.5	
C						126.90		09.50		78.00		430.00		348.00		396.00		114.00		729.00	
D						.33		.185		.31		.04		.31		.09		.67		.85	
E						.04		4		5		.19		9		7		4		8	

Wages and their purchasing value—Continued.

Years.	Wages of finishers.	Purchasing value.	Wages of city laborers.	Purchasing value.	Wages of laborers.	Purchasing value.	Wages of blacksmith strikers.	Purchasing value.	Wages of hostlers.	Purchasing value.	Wages of carpenters.	Purchasing value.	Wages of blacksmiths.	Purchasing value.	Wages of machinists.	Purchasing value.	Wages of locomotive engineers.	Purchasing value.	Wages of locomotive firemen.	Purchasing value.	Wages of patrolmen.	Purchasing value.
1859	$1.16⅔	$1.216	$0.90	$0.938	$1.00	$1.046	$1.00	$1.046	$1.33⅓	$1.389	$1.67	$1.74	$1.50	$1.564	$1.68	$1.75	$2.40	$2.502	$1.20	$1.205	$1.25	$1.303
1860	1.08⅓	1.08⅓	1.00	1.00	1.00	1.00	1.00	1.00	1.33⅓	1.33⅓	1.67	1.67	1.50	1.50	1.75	1.75	2.40	2.40	1.20	1.20	1.375	1.375
1861	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.667	1.667	1.75	1.75	1.875	1.875	2.00	2.00	2.40	2.40	1.20	1.20	1.50	1.50
1862	1.16⅔	.935	1.00	.801	1.00	.801	1.00	.801	1.667	1.336	1.75	1.403	1.875	1.503	2.00	1.603	2.40	1.924	1.20	.962	1.375	1.102
1863	1.33⅓	1.00	1.25	.946	1.25	.946	1.25	.946	1.667	1.257	2.00	1.508	1.875	1.414	2.25	1.697	2.40	1.807	1.20	.905	1.50	1.13
1864	1.66⅔	.85	1.25	.637	1.50	.764	1.50	.764	1.667	.849	2.50	1.273	2.25	1.697	2.50	1.273	2.80	1.426	1.50	.764	2.00	1.018
1865	1.66⅔	.946	1.50	.851	1.50	.851	1.50	.851	1.667	.946	2.50	1.419	2.25	1.146	2.75	1.56	3.00	1.703	1.58	.897	2.00	1.135
1866	1.83⅓	1.017	1.50	.832	1.75	.971	1.75	.971	1.667	.924	3.00	1.664	2.75	1.525	2.75	1.525	3.00	1.664	1.58	.877	2.25	1.248
1867	1.83⅓	1.078	1.75	1.029	1.75	1.029	1.75	1.029	1.667	.98	3.00	1.764	2.75	1.617	3.00	1.764	3.30	1.94	1.75	1.029	2.65	1.559
1868	2.00	1.25	1.75	1.094	1.75	1.094	1.75	1.094	1.667	1.042	3.00	1.875	2.875	1.798	3.00	1.875	3.30	2.063	1.75	1.094	2.50	1.563
1869	2.00	1.409	1.75	1.233	1.75	1.233	1.75	1.233	1.667	1.144	2.75	1.938	2.75	1.938	3.00	2.114	3.30	2.325	1.75	1.233	2.50	1.76
1870	2.00	1.445	1.75	1.264	1.75	1.264	1.75	1.264	1.667	1.204	2.75	1.987	2.75	1.987	2.75	1.987	3.30	2.384	1.75	1.264	2.50	1.806
1871	1.83⅓	1.352	1.75	1.29	1.75	1.29	1.75	1.29	1.667	1.23	2.75	2.029	2.75	2.029	2.75	2.029	3.30	2.435	1.75	1.29	2.75	2.029
1872	1.83⅓	1.43	2.00	1.56	1.75	1.365	1.75	1.365	1.667	1.30	2.75	2.145	2.50	1.95	2.75	2.145	3.30	2.574	1.75	1.365	2.75	2.145
1873	1.83⅓	1.40	2.00	1.527	1.75	1.336	1.75	1.336	1.667	1.272	2.50	1.909	2.50	1.909	2.50	1.909	3.30	2.52	1.75	1.336	3.00	2.29
1874	1.66⅔	1.285	1.50	1.157	1.50	1.157	1.75	1.35	1.667	1.285	2.50	1.928	2.50	1.928	2.25	1.735	3.30	2.545	1.75	1.35	2.75	2.12
1875	1.33⅓	1.076	1.50	1.21	1.50	1.21	1.75	1.413	1.667	1.345	2.50	2.019	2.50	2.019	2.00	1.615	3.30	2.665	1.75	1.413	2.75	2.22
1876	1.33⅓	1.112	1.50	1.25	1.50	1.25	1.25	1.042	1.667	1.39	1.75	1.46	1.75	1.46	2.00	1.668	3.30	2.752	1.75	1.46	2.50	2.085
1877	1.50	1.326	1.25	1.105	1.25	1.105	1.25	1.105	1.667	1.473	1.75	1.547	1.75	1.547	2.00	1.768	3.00	2.652	1.58	1.40	2.25	1.989
1878	1.16⅔	1.083	1.25	1.16	1.25	1.16	1.25	1.16	1.667	1.548	1.75	1.625	1.75	1.625	2.00	1.857	3.00	2.782	1.58	1.467	2.25	2.09
1879	1.33⅓	1.252	1.25	1.174	1.25	1.174	1.25	1.174	1.677	1.566	1.75	1.644	1.75	1.644	2.00	1.879	3.00	2.819	1.58	1.484	2.25	2.114
1880	1.50	1.388	1.50	1.388	1.50	1.388	1.50	1.388	1.667	1.542	2.25	2.082	2.25	2.082	2.00	1.85	3.00	2.776	1.58	1.562	2.25	2.082
1881	1.50	1.368	1.50	1.368	1.50	1.368	1.50	1.368	1.667	1.52	2.00	1.824	2.00	1.824	2.25	2.052	3.20	2.919	1.75	1.596	2.50	2.28
1882	1.50	1.285	1.65	1.414	1.75	1.50	1.50	1.285	1.667	1.428	2.00	1.714	2.00	1.714	2.50	2.143	3.20	2.743	1.75	1.50	2.50	2.143
1883	1.50	1.383	1.65	1.52	1.50	1.383	1.50	1.383	1.677	1.537	2.25	2.075	2.25	2.075	2.50	2.306	3.20	2.95	1.75	1.614	2.50	2.306
1884	1.50	1.44	1.66	1.584	1.50	1.447	1.50	1.447	1.667	1.60	1.70	1.632	2.00	1.92	2.25	2.16	3.20	3.073	1.75	1.68	2.50	2.40
1885	1.50	1.56	1.65	1.718	1.25	1.30	1.50	1.56	1.667	1.735	1.75	1.822	2.00	2.082	2.25	2.342	3.20	3.33	1.75	1.822	2.50	2.602
A	.975		.81½		.867		.867		1.12		1.45½		1.53		1.614		1.915		.93¼		1.127	
B	210		280		200		200		576		260		386.4		405.3		545.6		468		373.3	
C	227.50		280.00		200.00		200.00		768.00		455.00		724.50		810.60		1,909.50		561.75		560.00	
D	.42		.65		.50		.50		.33		.03		.50		.50		.80		.55		1.125	
E	8		6		6		6		23		6		7		8		10		8		6	

A—Average wages during years of loss. B—Days' wages lost. C—Value of days' wages lost. D—Increase of wages over those of 1860, in year 1884.
E—The number of years before the purchasing value of their wages was as much as before inflation. *1859-'71, men; 1872-'85, boys.

Farm products at highest prices touched each year.

Years.	Cost of supplies for a family of four.	Upland cotton per pound.	Purchasing value.	Rice per pound.	Purchasing value.	Butter per pound.	Purchasing value.	Cheese per pound.	Purchasing value.	Wheat per bushel.	Purchasing value.	Oats per bushel.	Purchasing value.	Corn per bushel.	Purchasing value.	Mess pork per barrel.	Purchasing value.	Mess beef per barrel.	Purchasing value.
1859	$215.80	$0.12	$0.125	$0.045	$0.046	$0.27	$0.281	$0.11	$0.114	$1.65	$1.72	$0.58	$0.60	$1.05	$1.09	$18.12	$18.89	$9.75	$10.11
1860	225.00	.11	.11	.046	.046	.21	.21	.12	.12	1.70	1.70	.47	.47	.95	.95	19.75	19.75	5.50	5.50
1861	224.03	.28	.28	.073	.073	.22	.22	.10	.10	1.60	1.60	.47	.47	.74	.74	18.00	18.07	6.25	6.27
1862	280.60	.68	.545	.078	.062	.26	.208	.13	.104	1.55	1.20	.67	.53	.75	.60	14.50	11.62	10.75	8.62
1863	298.25	.88	.663	.085	.064	.30	.226	.16	.12	2.00	1.50	.90	.67	1.23	.92	18.25	13.76	9.00	6.78
1864	441.67	1.90	.967	.16	.081	.48	.244	.27	.137	2.75	1.40	1.02	.52	1.97	1.00	43.25	22.03	16.00	8.15
1865	396.32	1.22	.692	.14	.079	.38	.215	.16	.091	1.88	1.06	.90	.51	.97	.55	31.50	17.88	14.00	7.94
1866	405.50	.52	.288	.153	.084	260	.332	.23	.127	3.45	1.91	.85	.47	1.32	.73	33.55	18.61	21.50	11.93
1867	382.55	.36	.211	.125	.073	.48	.282	.20	.118	3.40	1.99	.94	.55	1.40	.82	24.10	14.17	28.00	16.47
1868	359.88	.33	.206	.113	.07	.60	.375	.19	.119	3.25	2.06	.....	.....	1.41	.88	29.50	18.44	24.75	15.47
1869	319.25	.35	.246	.10	.07	.55	.387	.23	.162	2.18	1.53	.84	.59	1.16	.81	33.37	23.51	16.50	11.63
1870	311.34	.26	.187	.095	.068	.46	.332	.18	.13	1.90	1.37	.69	.50	1.15	.83	30.00	21.68	16.00	11.53
1871	304.89	.25	.184	.098	.072	.42	.314	.16	.118	2.00	1.47	.70	.52	.90	.66	23.00	16.97	18.00	13.28
1872	288.37	.25	.195	.095	.074	.39	.304	.19	.148	2.10	1.63	.57	.44	.80	.62	16.00	12.41	12.00	9.36
1873	294.60	.21	.16	.095	.072	.50	.381	.16	.122	2.25	1.71	.58	.44	.77	.59	19.00	14.51	12.00	9.16
1874	291.69	.19	.146	.10	.077	.39	.30	.17	.131	1.35	1.04	.53	.41	.84	.64	24.25	18.70	11.50	8.86
1875	278.58	.17	.137	.085	.068	.28	.226	.16	.129	1.37	1.10	.64	.52	.76	.61	22.75	18.37	10.00	8.07
1876	269.74	.13	.108	.075	.062	.33	.275	.13	.108	1.27	1.06	.35	.29	.49	.41	22.37	18.66	11.00	9.17
1877	254.51	.13	.114	.07	.061	.24	.212	.16	.141	1.85	1.63	.46	.41	.58	.51	17.37	15.35	11.25	9.94
1878	242.23	.12	.111	.08	.074	.20	.185	.14	.13	1.31	1.21	.45	.42	.60	.55	13.00	12.07	13.50	12.58
1879	239.43	.13	.122	.073	.068	.24	.225	.13	.122	1.56	1.46	.50	.47	.64	.60	12.75	11.98	11.00	10.33
1880	243.11	.13	.12	.08	.074	.30	.277	.15	.138	1.59	1.47	.49	.45	.61	.56	18.00	16.65	10.25	9.48
1881	246.60	.13	.118	.078	.071	.30	.269	.14	.127	1.56	1.42	.52	.47	.76	.69	20.00	18.25	13.00	11.86
1882	262.47	.13	.111	.085	.072	.38	.325	.13	.111	1.43	1.22	.72	.62	1.09	.94	24.00	20.57	16.00	13.71
1883	243.93	.11	.101	.073	.061	.28	.258	.14	.129	1.24	1.14	.51	.50	.70	.65	20.00	18.45	14.00	12.91
Purchasing value, 1858-'61, inclusive					.051	.....	.243	.....	.109	.....	1.65	.....	.52	.....	.96	.....	19.12	.....	8.56
Purchasing value, 1862-'79, inclusive					.071	.....	.279	.....	.125	.....	1.46	.....	.485	.....	.63	.....	16.71	.....	10.74
Purchasing value, 1880-'83, inclusive					.07	.....	.282	.....	.127	.....	1.31	.....	.51	.....	.71	.....	18.48	.....	12.00

Prices compiled from the reports of the Secretary of the Treasury for 1863 and 1873 and the Commercial and Financial reports of the Chamber of Commerce, and the Shipping List and Price Current of New York.—*American Almanac.*

Mr. LONG. Mr. Speaker, I yield the remainder of my time to my colleague [Mr. WHITING].

The SPEAKER. There are nine minutes of the gentleman's time remaining.

Mr. WHITING. I will reserve that time, to be used by me in conjunction with ten minutes which the gentleman from South Carolina [Mr. DARGAN] has promised to yield me at the conclusion of his remarks.

Mr. DARGAN. Mr. Speaker, a famous American statesman once said at a great crisis that he had but one lamp by which his feet were guided, and that was the lamp of experience. These words, so familiar to every schoolboy, have been justly regarded as evidence that Patrick Henry was a man of practical wisdom as well as an eloquent speaker, and they have been often quoted by those who have opposed the sober teachings of experience to the pausible suggestions of untried or discredited theories.

With singular want of fitness, as it seems to me, they have in this debate been quoted in support of the cause of bimetallism and the free coinage of silver. For, if I do not greatly misinterpret facts, the friends of silver while claiming a monopoly of the wisdom as well as the patriotism of the country, hold this so-called lamp of experience in utter contempt. They say by their actions, which speak louder than words—although their words are perhaps as a general rule sufficiently loud—that if there be one lamp by which their feet are not guided that lamp is the lamp of experience.

Now, Mr. Speaker, I do not wish to seem disrespectful to any one and hope what I shall say will not be so regarded; but if a large number of those who call themselves the friends of silver are to be judged by their actions they expect to settle this controversy by denunciation and prophecy and not by an inquiry into the teachings of history. In the discussion of a purely financial question they seem to imagine that denunciation of opponents and demonstration of truth are equivalent terms. For more than two months past, in season and out of season, the friends of silver both in this House and at the other end of the Capitol have repeatedly and vehemently proclaimed those who differ with them frauds and conspirators, enemies not only of their own country but of the whole human race. They have included in these denunciations the President of the United States and the Secretary of the Treasury, and their predecessors in office for many years past.

We have been informed with great gravity and the utmost emphasis that the Chief Executive of the nation and its principal financial agent, in violation of law and of the high trust reposed in them, have formed a wicked conspiracy with certain rich men of the country to oppress and impoverish the people. In support of this extraordinary charge not one scintilla of evidence has been adduced.

But this is not all. Loudly boasting of large majorities in both Houses of Congress and claiming to be the only true friends of the people, they have stood idly by, and have thus stood for many years, while, according to their own showing, the most sacred rights of their constituents have been trampled in the dust. They have neither put in motion the machinery by which under existing laws these traitors in high places can be called to account, nor, if existing laws be defective, have they taken the first step toward making new and better ones. All that they have done so far has been to send forth a blast of empty words. As far as these serio-comic charges of violation of law and conspiracy are concerned, these gentlemen may perhaps be safely left in the hands of their constituents. If they can satisfactorily explain to the too confiding people of whose cause they claim to be the special champions why they have been so fierce with their tongues and so gentle in their actions no harm will have been done to any one.

In addition to their denunciations, the so-called friends of silver have also, as already said, indulged to a very considerable extent in prophecy. We have been told a great deal about what might, could, would, and must happen if their theories should be adopted. They have very wisely, for the good of their arguments if not for the good of their country, had very little to say about what has happened when their theories have been actually tried. It would be inferred from the arguments in favor of free coinage and bimetallism either that the scheme which is now so confidently urged had never before been tried, or that, having been tried, it had proved a complete success. The undeniable fact is that, having been fully and fairly tried both in this country and in Europe, it has always been, and from the very nature of the case must always be, a complete failure. Now, denunciation is not argument and assertion is not proof.

What are the facts? Not all the innumerable facts which have been gathered up during nineteen centuries in regard to gold and silver production and gold and silver coinage at different times and in different parts of the world. All these may be interesting enough in themselves, and are certainly very useful, as this debate shows, in the construction of ingenious financial theories. But the facts which interest us now are the few plain, undeniable historical facts by which the theories under discussion have been tested. I hold that a plain statement of these facts—a brief and simple outline of our own experience with bimetallism—is a complete answer alike to the denunciations and to the prophecies of the so-called friends of silver.

In 1792, at the suggestion and under the skillful guidance of Alexander Hamilton, then Secretary of the Treasury, Congress established a bimetallic system of currency for the United States. In making choice of the bimetallic system, instead of adopting a single standard of silver, which it seems was also thought of, Hamilton was influenced by a desire to have an abundance of metallic money. "To adopt the single silver standard," he said, "would be to abridge the quantity of the circulating medium." His views on this point, therefore, were identical with those of the bimetallists of the present day.

In a most important particular, however, Hamilton's views were diametrically opposed to the views of the so-called friends of silver. He did not believe in fiat money of any kind, half-breed or other. He had no confidence in the legislative arithmetic which declares that 80 cents'

worth of bullion plus 20 cents of fiat make 100 cents of money. On the contrary, he wisely believed that human laws should be framed in accordance with, and not in contravention of, the laws of nature.

In his report on the establishment of a mint, he says:

There can hardly be a better rule in any country for the legal than the market proportion, if this can be supposed to have been produced by the free and steady course of commercial principles. The presumption in such case is that each metal finds its true level according to its intrinsic utility in the general system of money operations.

In selecting, therefore, the ratio between gold and silver under his bimetallic scheme he sought to find their market ratio, in order that he might make this the legal ratio; and although he unwisely, on account of the want of time, as he alleged, limited his inquiries as to the market ratio to the market of the United States, instead of inquiring as to the ratio in the markets of the world, by a happy accident the ratio hit upon was almost the exact ratio of the commercial world. This ratio was one ounce of gold to fifteen ounces of silver. At this ratio the scheme went into operation.

In 1793 silver slightly declined in value relatively to gold; that is, 1 ounce of gold got to be worth more than 15 ounces of silver. The decline steadily continued, with a slight reaction between 1803 and 1805, until 1813, at which time the ratio was about 1 to 16. By 1810 the amount of gold in circulation in the United States had perceptibly decreased. By 1818 the currency of the United States, bimetallic in name and theory, was monometallic in fact. The gold had disappeared from circulation and silver was the sole metallic currency and the single standard of value. Why was this? The explanation is exceedingly simple, but it seems to need to be constantly repeated. If there be two materials out of which, at his option, a man has an unlimited right to make dollars with which to pay debts, he will inevitably use the cheaper material in preference to the dearer.

If a gold dollar will buy 16 ounces of silver bullion, while 15 ounces of silver bullion coined into a dollar will pay as many debts as a gold dollar, 1 ounce of silver is saved in every transaction in which a silver dollar does the work of a gold dollar, and of course gold dollars cease to do the work which is as well done by cheaper servants. Gold, therefore, ceases to circulate as money and is hoarded as merchandise. And this is what is meant by the oft-referred-to Gresham law, which, expressed in its simplest form, is briefly, "that of two sorts of money in circulation, the cheaper will drive out the dearer."

Thus was taught by experience the first lesson in the United States in regard to bimetallism. Here we have the first light on this question from Patrick Henry's lamp of experience. It was demonstrated by actual experiment that with a system of free coinage and unlimited legal tender of both metals the cheaper metal will drive out the dearer; and "that the whole mass of both metals could not, as the bimetallists fondly dream," be made available as money, thereby increasing the amount of the circulating medium and enhancing the prices of commodities.

In estimating the value of this experiment it should be remembered that it was made under exceedingly favorable circumstances. The legal and market value of the two metals were almost identical when the system was initiated. At that time there was no prejudice for or against either gold or silver. It was before the day of "gold-bugs" and "bloated bondholders." The forces that were acting upon the currency were undisturbed by political influence of any kind. The movement by which the country passed from a double standard of gold and silver to a single standard of silver was almost unnoticed. But under the slow but sure and irresistible operation of natural laws the change was accomplished, and the law on the statute-books staid not its progress for one moment.

But the experiment of bimetallism was a continuous one as far as positive law could make it so. As early as 1819 a committee of this House, of which Mr. Lowndes, of South Carolina, was chairman, recognizing the real difficulty in maintaining the two metals in concurrent circulation, reported in favor of a new legal ratio of 1 to 15.6, to correspond with the then market ratio. For reasons not necessary to be noticed here no change was made in the law until 1834. In 1834 the legal ratio was changed by act of Congress from 1 to 15 to 1 to 16. There is much evidence to show that in making this change Congress did not, as in 1792, intend to establish a legal ratio corresponding to the market ratio. A considerable number of thinking men had by that time become thoroughly convinced that a single standard was the only standard which was practicable, and that this fact should be recognized by legislation.

By a majority perhaps the single standard of silver was then preferred to any other. A bill, however, was introduced in the House making the ratio 1 to 15.6. This was thought to be very near the market ratio, and was in the nature of a recognition of the desirableness of continuing the double standard. The ratio, however, was finally changed to 1 to 16, and in this form the bill became a law. This overvalued gold, and attention was called to that fact at the time, and the House was warned "not to bring about by hasty legislation the same state of things in relation to silver which had heretofore existed in relation to gold;" but notwithstanding this protest the act was passed, and is a striking illustration of the familiar saying that "history repeats itself."

Just before 1834 valuable gold mines had been discovered in North Carolina, and perhaps in one or two other Southern States. Of course the owners of these mines, like the owners of all other mines, wanted "protection." The desire on the part of certain members of Congress to "develop" these mines, co-operating with a belief on the part of others that a single standard was in every respect preferable to a double one, resulted in the passage of an act which, while ostensibly establishing a bimetallic scheme, was really intended to make gold the sole currency of the country and the single standard of value. The legal ratio was made 1 to 16, although it was well known that the market ratio was only 1 to 15.7. The result was, as Professor Laughlin has said in his very able and impartial History of Bimetallism in the United States, "if a debtor had $16,000 of silver coin he need take of it only $15,700, melt it into bullion, and in the bullion market buy gold bullion which, when coined at the mint into gold coins, would have a debt-paying power of $16,000. There was a profit of $300 in not using silver as a medium of exchange and in treating it as merchandise." Of course silver was driven out of circulation. It was hoarded as merchandise and gold became the sole metallic currency of the country and the single standard of value. Thus was taught by experience the second lesson (which was but a repetition of the first) in regard to a bimetallic system of currency in the United States. Natural laws act with absolute impartiality. Under the act of 1792 gold was undervalued and driven from circulation, and silver became the sole metallic currency of the country. Under the act of 1834 silver was undervalued and was driven from circulation, and gold became the sole metallic currency of the country. Is experience worth anything or are we utterly to disregard its teachings? But this is not all. From the conjoint effect of certain provisions of the act of 1792 and the provisions of the act of 1834 resulted a curious and striking illustration of the force of Gresham's law.

The act of 1792 in fixing the weights of the various coins which might be issued under the authority of the Government provided that the subsidiary coinage of fractional pieces, "the half-dollars, quarter-dollars, dimes, and half-dimes, should contain weights of pure silver proportional to the weights of the dollar piece; that is, two halves, four quarters, ten dimes, twenty half-dimes should contain as much pure silver as a dollar piece." This provision of the act of 1792 in regard to subsidiary coinage was not justified by the practice and experience of other nations, and eventually resulted in serious inconvenience to the country.

As long as silver was the current coin of the country there was no trouble. When, however, under the act of 1834 gold became the cheaper medium with which to pay debts, and it became profitable to hoard silver, the fractional coins, the halves, quarters, dimes, and half-dimes, so useful as change in retail transactions, were driven from circulation. For, as has been well said, "if a dollar-piece of silver had become worth 104 cents in gold, two halves, four quarters, ten dimes, or twenty-half dimes would be worth the same sum in gold, and there was, therefore, profit in exchanging gold for subsidiary silver." The result was that even the subsidiary silver currency was driven from circulation and the business of the country became seriously embarrassed for the want of small coins. To remedy this, Congress in 1853 passed an act so reducing the amount of pure silver in the fractional silver coins as to make their bullion value less than the bullion value of a gold dollar, and thus took away the inducement either to hoard them as merchandise or to convert them into bullion.

The amount of pure silver in a standard dollar piece has from 1792 to the present time been 371.25 grains. The act of 1853 reduced the amount in a dollar of subsidiary or fractional coins to 345.6 grains. "The reason for the reduction of weight, so that 100 cents of the small coins should be worth even less than the value of the gold dollar, is substantiated by the experience of many countries. It protects the subsidiary coins from disturbance, even if changes in the relative values of gold and silver drive out the one or the other metal which is coined in larger pieces." By the same act, in order to prevent the small coins through the operation of Gresham's law, from driving gold out of circulation, the amount of the issue was carefully guarded and their legal-tender was also limited to $5 in any one payment.

From 1853 till 1873 there was no coinage legislation, or at any rate none that requires notice here. In 1873 Congress passed the act by which it is said silver was demonetized. This act the friends of silver say was passed by fraud and has been the cause of untold woes to the country, and threatens still further trouble. Both of these statements I shall notice hereafter. The history of the metallic currency of the country from 1792 to 1853, or rather to 1873, a period of eighty-one years, has been briefly given. The facts stated can not be denied. On the contrary, they must be admitted by all to be true. The question is: Do they teach anything? Are we any wiser by reason of the experience of all these years? Like Patrick Henry, do we intend that our feet shall be guided by the lamp of experience, or do we propose to follow the guidance of the *ignis fatuus* of some unsupported or exploded theory?

Upon what ground do gentlemen expect that our experience in the future will be different from what it has been in the past? Are laws on the statute-book more potent now than in former years? Has the American Congress at length grown so wise and strong that it can put shackles on the laws of nature, and say, Thus far shall ye go and no farther? This would seem to be the conclusion of the friends of silver.

It will be seen that throughout my remarks when I speak of bimetallism I mean national and not international bimetallism. Unlike many who agree with me in regard to the suspension of silver coinage, I do not believe it practicable even to make the experiment of international bimetallism. I do not believe the preliminary international agreement necessary to the initiation of such a system can ever be reached. As my argument is based exclusively upon what I conceive to be the teachings of experience in regard to this question, I shall not discuss the untried theory of international bimetallism.

I believe that we should recognize boldly and at once that there is no well-grounded hope of ever securing international bimetallism (if that be desirable), and that a frank, open, and immediate return to the single gold standard, with subsidiary silver, is the only way out of our difficulties. Nor do I fear, as many do, that the masses of the people can not be induced to adopt the single gold standard. I have great confidence in the sound judgment as well as in the honesty of the people in regard to all questions which concern them, and upon which they have been properly enlightened. And the fact that no considerable number of them have ever supported the greenback heresy affords strong grounds for hoping that when they are fully informed they will also reject this kindred delusion of cheap silver.

But for observation to the contrary it would be natural to infer that the experience of the United States alone with bimetallism would be amply sufficient to demonstrate to the satisfaction of all its utter impracticability as a system of currency. But its history in the United States is only a counterpart of its history elsewhere.

Says a high authority:

The attempt to use two metals together has been kept up from the earliest use of money to the present time, and has constituted a problem in money. It was deemed necessary to use two metals, but no means has ever been devised for using two which has not failed, besides producing confusion, loss, injustice, and commercial distress.

Nowhere has it proved a success. Nowhere has the dream of the bimetallists that "the whole mass of the two metals should be used concurrently as money, thereby increasing the amount of the circulating medium and enhancing the prices of commodities," been realized. It is of course perfectly competent for the lawmaking power by proper inquiry to ascertain at any given time the market ratio of gold and silver, and to establish a legal ratio to correspond with the market ratio. But the difficulty is that the relative values of gold and silver like the relative values of other commodities vary in obedience to the law of supply and demand. The conditions of supply and demand for the two metals are by no means identical, and their fluctuations in value are therefore, except possibly by the merest accident, neither concurrent nor in the same direction.

The result is that variation from time to time in their relative market value so fatal to the working of the bimetallic system. The difficulty is obviously insuperable. It is a problem which can not be solved by human skill or ingenuity. One after another the great commercial nations of the world, recognizing the futility of attempts to legislate against natural laws, have abandoned the system. England, ever sagacious and in the van of commercial progress, as early as 1816 adopted the single gold standard with subsidiary silver coinage. Germany, between 1873 and 1875, by gradual steps followed the same course. The Scandinavian nations followed the example of Germany. Then came the United States, and shortly afterward France and the other States of the Latin Union closed their mints against silver; and, in the language of a distinguished writer, "the double standard ceased to be."

In the face of "this great historic movement" of experience and the dictates of reason and common sense are we to believe that all who advocate the single gold standard are frauds and conspirators? Are we to credit the suggestion that all these great nations, at a time when the rights of their respective peoples were better secured than ever before, changed their currency laws to help the rich at the expense of the poor? Or is it credible that a great nation like France or Germany would out of mere spite against a political rival change its financial policy? These suggestions are obviously too absurd to merit serious consideration.

Should we not rather conclude with Professor Sumner that:

Any one who reviews this series of historical facts, not in order to interpret them by some ulterior design assumed to have existed, but for just what they are, will see that there was no ulterior design, no set purpose, no agreement or combination, but that each nation acted as its own interests dictated, and that the concord of action and general tendency toward the adoption of gold on the part of all the great commercial nations substantially in the order of their commercial importance constitute one of those great historical movements which are not to be criticised or corrected, but which impose upon the student the convictions which he is to adopt.

In this connection as a part of my remarks I quote from a very able work ("The history of bimetallism in the United States," by Professor Laughlin, of Harvard University, a book to which I am deeply indebted for whatever of truth there may be in the views I have attempted to present) what I conceive to be the true explanation of this "great historic movement:"

A change in the uses of the metals has undoubtedly taken place; and the cause of it is to be sought in the natural forces which underlie the processes of exchange and trade. The increase of commerce and the need of making large payments in wholesale transactions, while it has developed the check and clearing-house system and all banking devices by which the risk in the actual handling of large sums of metallic money has been avoided, has at the same time increased the demand for that one of the two precious metals which has the greatest value in the smallest bulk. This is the modern form of the preference, or prejudice, for gold as compared with silver, and it is most evident in the countries which have the largest commercial interests at stake.

This being the character of the monetary desires of modern nations, the opportunity of satisfying these desires, rendered possible to a very large extent by the enormous production of gold since 1850, has been, in my judgment, the cause of the fall in the value of silver. The situation, in brief, was this: In 1850 the Western world possessed a certain sum of both gold and silver (with the exception of England and the United States, chiefly silver) in use as a medium of exchange, both metals, be it observed, being in use for a common purpose—the interchange of goods. Now, there was suddenly added in 1850–1875 about $3,000,000,000 of gold. What was the effect? A very simple and natural increase in the use of gold by all the countries which could get it. But just to the extent to which the desire for gold could be satisfied by countries which had hitherto used silver wholly or in part so far was the demand for silver as a medium of exchange diminished.

The new gold, therefore, because it was always preferred to silver, pushed it out of place, and, by filling the vacancy, took away from silver a part of the previous demand for the heavier metal. To the mind of the commercial world it was a substitution of a more convenient for a clumsier medium of exchange. In considering this movement in monetary progress, and comparing it with similar events in industrial progress in almost every branch of activity, no illustration seems to me more exactly to describe the change caused by the introduction of the new gold than that of steam. In former days the world carried on its exchanges by the slow, uncertain, and clumsy methods of coaches, wagons, and sails; now all is done, at less expense, more rapidly and conveniently, by railways and steamships. Both coaches and railways existed to transfer passengers and freight; so both gold and silver were used to interchange goods.

Formerly coaches were our chief dependence; so was it with silver. In later years the railway has supplanted the coach because it does the same service much better, leaving the coach to do minor work in other directions; in the same way gold is supplanting silver because it serves the needs of commerce better, and silver is relegated to use as subsidary coin for retail transactions. Consequently, when there is offered to a commercial country the choice between using gold and using silver we should as soon expect it to prefer silver as we should expect merchants to-day to send their goods from New York to Chicago by wagons instead of by railway. This is the tendency among modern states to which we wish to call attention.

Inasmuch as the production of gold from 1850 to 1875 was as great as in the three hundred and fifty-seven years preceding 1850, it can easily be seen what an opportunity was given to gratify the universal preference for gold to silver, coming as it did at the opportune moment when commerce began to expand in an unusual degree. To the extent of the surplus gold this absorption of gold could go on without interfering with its value, except to keep it from a fall. This is a striking fact in monetary history. Increase the production of gold enormously and it is eagerly absorbed, and so does not undergo much depreciation; but if the production of silver be increased to the same extent it is not permitted to displace gold in the commercial states, as in the case of gold; and the increase of silver only creates distress to know whether the usual outlets for silver in the East are sufficient to carry off the surplus.

Thirty-five years ago England and Portugal alone had a legal gold standard; all other countries, either by law or by the effect of circumstances, employed a silver currency. The United States had a double standard with but little silver in use; but Germany, France, and the countries of continental Europe had a silver medium. To-day the situation is entirely reversed. In Europe there is not a mint open to the free coinage of silver. Gold has unquestionably become the only real medium of exchange for commercial Europe. And all this, I contend, has been brought about by two things: the commercial preference for gold, and the extraordinary production of gold in California and Australia. In proportion as gold found a market silver was deprived of one, since they were both in use for the same purpose.

The preference for gold over silver here explained—a preference based solely on its superior utility as a medium of exchange for civilized nations having large commercial transactions—is the only kind of preference a rational man should allow himself to entertain. It is a preference which does not contemplate the abandonment of silver as money. It only seeks to relegate it to its natural position—the position of subsidiary money—that is, money to be used, as it has been used for many years in this country, in retail transactions only and not in the payment of large sums.

And the idea that because silver has been, and must continue to be, used as money in small transactions, that it is therefore in any rational sense "poor man's money," is inexpressibly absurd. Peck and quart measures are in no reasonable sense "poor man's" measures because they are used in retail transactions. They are the measures for all men who buy by the peck or the quart, as silver is the money of all who use it, and all do use it.

What the poor and the rich alike want are honest and convenient measures and honest and convenient money for all transactions large and small. And they do not want either measures or money which, while called by the same name they are called by now, may next month or next year measure or purchase, as the case may be, one-fifth less than they do now.

But let us return to our outline of the history of legislation in the United States in regard to its metallic currency. We are told that the act of 1873 was passed surreptitiously and was a fraud upon the rights of the people. Again let us appeal to the facts. At the time the act of 1873 was passed neither gold nor silver circulated as money. Paper was the sole currency of the country.

By the act of 1834, as we have seen, the two metals had been so valued as to drive silver out of circulation and make gold the sole metallic currency, which it continued to be until 1862, when it was superseded by the paper currency issued for the purpose of carrying on the war. When the act of 1853 was passed for the purpose of reducing the amount of pure silver in subsidiary coinage, it was expressly admitted that with the passage of that act went the last vestige of the double standard in the United States. In the debate preceding the

passage of the act, Mr. Dunham, the gentleman who had charge of the bill, said upon the floor of this House:

Gentlemen talk about a double standard of gold and silver as a thing that exists and that we propose to change. We have had but a single standard for the last three or four years. That has been and now is gold. We propose to let it remain so and to adapt silver to it.

Objecting to a plan proposed in lieu of the one contained in his bill, the same gentleman said:

We would thereby still continue the double standard of gold and silver, a thing the committee desire to obviate. They desire to have the standard currency to consist of gold only, and that these silver coins shall be entirely subservient to it, and that they shall be used as tokens rather than as standard currency.

The act of 1853, therefore, was passed for the avowed purpose of adapting the subsidary silver coinage to the then existing single gold standard. It was important that the fractional silver coinage, the half-dollars, quarters, dimes, and half-dimes, so useful in retail trade, should be retained in circulation. But, as has been shown, containing as they did, under the act of 1792, weights of pure silver proportional to the silver dollar, they had under the operation of Gresham's law been driven from circulation by the cheaper gold, and the sole purpose of the act of 1853 was by reducing their bullion value to retain them in circulation.

These subsidiary silver coins, it should be particularly observed, were driven from circulation not because they were replaced by cheaper coins. There were no such coins to replace them, and their places were not supplied in any way until the embarrassment and inconvenience to business consequent upon their disappearance, and the almost entire absence of fractional coins suitable for retail transactions, induced Congress to pass this act of 1853 in order to remedy the evil. They were withdrawn from circulation for the simple reason that they were worth more as merchandise than they were worth as money, and of course whoever used them as money did so at a loss. This little piece of United States history effectually disposes of the theory which the gentleman from Ohio [Mr. WARNER], following Professor Francis A. Walker, clings to with so much pertinacity, namely, that "the inferior money never drives out the better except by replacing it."

The silver dollar had disappeared much earlier. Professor Simon Newcomb, a high authority on such questions, writing in 1879, thinks "it would be safe to assert that one-half of our citizens born since 1840 had never seen a United States silver dollar." Between 1806 and 1836 not a single silver dollar was coined at the Mint of the United States, and the whole amount of silver dollars coined from the establishment of the Mint in 1793 to 1873 was 8,045,838. It thus appears that in ninety years only a little over one-third of the number of silver dollars were coined which now, at the expense of millions of taxes to the people, are coined in one year.

The act of 1873, therefore, did not take a single dollar from circulation. It simply "struck the silver dollar from the list of coins which the Mint was permitted to coin, on which list it had stood as an idle, an unused permission, and brought the United States to the single gold standard with subsidiary silver" in theory, a position which she had long occupied practically.

Was this a fraud? Did it result in injury to the people? Did it cause "prosperity to flee from our shores, and the shadow of gloom to settle down upon us with a darkness that could be felt?" Did the mere omission to print a few words in a book, which neither took away nor added one cent to our circulation, result in such momentous consequences? Is there, then, so much in form and so little in substance? For forty years the substance of the law, its purpose, and its direct effect had been to give the country gold as its metallic currency, with subsidiary silver coins. The act of 1873 was a formal recognition of this state of affairs, and nothing more.

The friends of a sound currency, therefore, wish to emphasize the fact that since 1834, or, to avoid the criticism even of the most captious I will say, since 1853 the people of this country have had that exact system of metallic currency which it is claimed resulted from the act of 1873. This is a fact which can not be successfully controverted. It must be admitted by all intelligent men. How then can rational inquirers attach the least weight either to the bitter denunciations or the gloomy forebodings of the advocates of the free coinage of silver? After what has been said in regard to the law and the facts of our financial history prior to 1873 I shall not waste time in attempting to prove in detail that that act was not passed surreptitiously or fraudulently. It is a sound rule of common sense, as well as of law, that those who allege fraud must prove it.

There has not been a tittle of proof of the truth of the charge in this instance, and those who will take the trouble to read the reports and suggestions of the Secretary of the Treasury and the accompanying documents, and the debates and proceedings of both Houses of Congress from April, 1870, to the 12th of February, 1873, the period during which the measure was under discussion, must reach the conclusion that the charge of fraud is not only baseless but absurd. That this is true may be inferred from the fact that in the minority report "on the free coinage of silver," which accompanies the bill now under discussion, the author of the "Bland act" himself, for obvious reasons, delicately, but at the same time very unequivocally, repudiates the theory that silver was demonetized by fraud.

Mr. BLAND. I did not say whether it was or not; but I have never yet seen a man who said he voted for the act or had anything to do with it.

Mr. TILLMAN. The gentleman from New York [Mr. SESSIONS], who was a member at the time, may be able to say whether the act was put through fraudulently or not.

Mr. DARGAN. Professor Francis A. Walker, by far the ablest and best-informed bimetallist of this country of whom I have any knowledge, distinctly admits that "there is no evidence in support of the charge made by some bimetallists, that the legislation of 1873 demonetizing silver was obtained by a parliamentary trick or was inspired by sinister motives. (See Money, by F. A. Walker, page 242, note.)

But whether the United States formally adopted a single gold standard in 1873 fairly and openly or not is a question of very little practical importance. The striking and significant fact is that from 1834 to 1878 this has been a single-standard gold country. During that period of unparalleled progress and prosperity we had absolutely none of those silver dollars in circulation which are now declared to be so essential to our well-being and prosperity. Prior to 1834, as we have seen, we had no gold. Silver was then the sole metallic currency of the country. If, therefore, we have a bimetallic currency hereafter, it will be something entirely new—something we have never before enjoyed. Notwithstanding the friends of silver so earnestly advocate the bimetallic system, it is obvious from their own arguments that the more judicious of them do not believe it will ever be realized.

It is true that some of them because the coinage of $2,000,000 per month since 1878 has not resulted in driving gold from circulation cry out "where is Gresham's law?" But surely these gentlemen are too intelligent to believe that the bald fact that silver has not yet driven gold from circulation proves the non-existence of Gresham's law.

Our third experiment with bimetallism, which commenced in a lame and halting way in 1878, is not yet completed, but in legal parlance is now *in fieri*. But, as I have already said, the more intelligent friends of silver not only do not deny but, as their arguments will show, found all their hopes upon the existence and force of Gresham's law. They know with absolute certainty that the continued coinage of silver dollars under the Bland act, and of course their free coinage at the present enormous disparity between the legal and market ratios of the two metals, must inevitably result in driving gold from circulation and substituting silver in its place.

That this will result in enormous loss to all creditors they can not deny. That it will destroy confidence, and thereby check enterprise and industrial activity, to the detriment and loss of all classes, including debtors themselves, with singular want of perception, as it seems to me, they do deny with scorn and contempt.

But the goal of their hopes and the desire of their hearts is to have what they call "a debt-paying dollar." This so-called "debt-paying dollar" will be in reality a debt-scaling dollar, and will be nothing more nor less than 80 cents' worth of silver bullion with a falsehood stamped on its face by act of Congress.

It should be distinctly understood that those who favor the suspension of the Bland act, and of course oppose the free coinage of silver, do not desire that one piece of silver coin now in circulation should be withdrawn from use as money, nor do they believe one will be.

The silver dollars now in actual circulation have been and now are, together with the fractional silver coins, discharging the same fuuction that fractional silver coins discharged from 1853 to 1862. They are used as change in retail transactions, and in fact constitute a large part of the present subsidiary coinage of the country. Like all subsidiary coins, although their bullion value is not equal to their face value, as long as they are limited in amount they will on account of the necessities of trade circulate as money at their face value.

The danger is that, as they can be used to an unlimited extent as legal tender in payment of debts, when their volume swells to an amouut in excess of the demand for their use as subsidiary coins and the ability of the Government to redeem them in gold they will cease to be the allies and become the enemies of gold. They will then begin to be used as the chosen medium for the payment of debts. The moment this condition of affairs exists gold will command a premium and will retire from circulation, and there will necessarily result a sudden and violent contraction of the currency.

Silver will be our sole metallic currency and the 80-cent silver dollar our standard of value. When this shall have come to pass, we shall continue to speak of "dollars" and use "dollars" in the transaction of business, but we shall find that, though our money is called by the same name, it will by no means be the same thing that it was before. It will have been shorn of one-fifth of its capacity to serve us. Five dollars will then be required to do the same work now done by four. This will, of course, result in an inflation of the currency as well as a diminution in the value of all credits and all fixed incomes, wages, and compensation of every kind, and of the purchasing power of the silver dollar itself, which is now artificially sustained above its bullion value.

Passing by the incalculable injury which must result to all classes from a sudden contraction of the currency and a sudden and great lowering of the standard of value, let us examine very briefly the proposition upon which the advocates of silver, and particularly the gentleman from

Ohio [Mr. WARNER] and the gentleman from Texas [Mr. MILLS], so confidently insist, namely, that by an unlimited issue of silver dollars and a consequent increase of the amount of circulating medium prices of commodities will be greatly raised to the benefit of all, and especially the laboring man. It is true that a redundant currency increases the prices of commodities.

This familiar doctrine of the Greenbackers will not be denied when coming from the mouths of the friends of silver, nor is it strange that the advocates of half-breed fiat money should preach the same doctrine that the Greenbackers do. The difference between the advocate of the 80-cent silver dollar and the advocate of the greenback fiat dollar is one of degree and not of principle. The Greenbacker believes that Congress can say, "Let there be a dollar," and there is a dollar. The friend of silver does not go so far. He only believes that Congress can say, "Let there be one-fifth of a dollar," and straightway there is a fifth of a dollar. Why the friend of silver does not advocate tin—which is a metal and shines as bright as silver—for his dollar, thereby using more fiat and less value, and saving millions of taxes to the people annually, is no doubt a great mystery to his ally, the Greenbacker, and possibly to some other people. But I only mention this in passing.

What I propose now to consider is whether a general advance in prices necessarily increases the welfare and prosperity of the farmer and laboring man, or any one else. Let us take the case of the laboring man. Is the increase of his wages necessarily of benefit to him? The obvious answer is that this depends altogether upon whether the advanced wages have the same proportional purchasing power they had before the advance. If a laborer receives $2 for a day's work this year where he received only $1 last year, and the purchasing power of a dollar is the same now that it was then, he is evidently twice as well off by reason of the increase of his wages. If, on the contrary, while his wages have been doubled the price of flour, meat, coffee, cloth, and the other necessaries of life have been also doubled, he is not benefited in the slightest degree by the increase in the price of his wages.

There has been in fact no real increase of wages, but only an apparent one. The only difference is that he now takes twice as long to count his money, both when receiving and paying it out, as he did before. The plain elementary truth is that the money price of labor has nothing whatever to do with the welfare of the laborer. What concerns him is how many of the necessaries of life can he get with a day's labor—how much bread and meat, coffee and sugar, clothing and shelter? And so it is with the farmer.

If the price of his cotton, corn, or wheat increases in the same proportion only that the prices of the things which he buys increase, then he is not benefited by the rise of price. It costs him as much to live as it did before, and he can neither pay more debts nor lay up more money than before the increase took place. The idea that an increase of the circulating medium by increasing prices of labor and commodities necessarily increases prosperity is, I submit, an extraordinary one to be advanced by an American statesman who is old enough to remember the financial condition of this country, either at the North or at the South, a little over twenty years ago. Let us take the case of the late Confederate States.

The currency within that territory was then exceedingly plentiful, and prices were high enough to satisfy even the aspirations of the gentleman from Texas [Mr. MILLS] or the gentleman from Ohio [Mr. WARNER]. For instance, a breakfast at a restaurant in Richmond or Charleston, consisting in part of "strong butter and weak coffee," ranged from $50 to $150, according to the amount of such dainties a man might wish to consume. A suit of clothes could be bought from $1,200 up. A serviceable horse brought from $2,500 to $4,000. Now, according to the logic of the gentleman from Texas [Mr. MILLS] and the gentleman from Ohio [Mr. WARNER], this must have been a glorious place for a poor man. But it was not; and that fact is so well understood all over the South that I am satisfied that whatever course the gentleman from Ohio [Mr. WARNER] may see fit to pursue it will be wise for the gentleman from Texas [Mr. MILLS], when he sends forth his speech to his constituents, to have a special expurgated edition, leaving out what he says about the connection between an inflated currency and prosperity for the special use of those who are old enough to remember "confederate times."

Looking back to those dark days, the people of the South, with a pride which the North admits to be just, often speak of the skill and courage of confederate generals, of the endurance and heroism of confederate soldiers, and the noble fortitude and devotion of confederate women; but I am yet to hear of the first person who entertains an affectionate remembrance of confederate money, although it was in their dire extremity the only thing with which everybody was abundantly supplied, and which faithfully remained with everybody into whose possession it went.

The case of confederate money which I have cited is, of course, an extreme one, but it has many parallels and is a striking illustration of the truth upon which I am insisting—that there is no connection whatever between prices and prosperity. To suppose so is to mistake the name for the thing, the shadow for the substance. So far from the laboring man being benefited by the inflation of prices, it is a familiar and well-established truth that he is always a great sufferer whenever such inflation occurs.

I have spoken of the condition of affairs at the South during the war period. Now what was the condition at the North? Mr. J. H. Walker, of Massachusetts, in a recent address entitled, "Perils to wage-workers in continued silver coinage," shows by a careful comparison of the prices of labor and the necessaries of life during the period of the inflation of the currency resulting from the war with similar prices during the periods before and after that time, when the country enjoyed a sound currency, that laborers were injured and not benefited by the inflation.

The prices received, it is true, were much higher than the prices received either before or after that time, but the laborer had fewer comforts. He got more money and less of everything else. In other words, the prices of labor had risen less than the prices of everything else. Consequently he could not obtain for his labor as many of the things necessary for health and comfort as he obtained by the same labor before the general rise in prices. What Mr. Walker proves in minute and convincing detail in regard to this particular period is only an illustration of a general truth well known to all who have any acquaintance with the history of labor and wages.

Mr. James E. Therold Rogers, one of the most distinguished of living writers on this subject, in his recent great work, "Six centuries of wages and labor," after speaking of the delusion of a mere rise in prices, says:

> As, therefore, wages do not rise with prices, no crime against labor is more injurious than expedients adopted on the part of Government which tend to raise prices.

Yet the advocates of the 80-cent silver dollar are by their own showing trying to "adopt this very expedient," and assert with virtuous indignation that it is not only not "a crime against labor," but a very great service to it. As it appears to me, they will not only do harm in various ways if they succeed in their efforts, but their efforts themselves are now doing harm.

The outcome of all attempts to establish bimetallic systems of money has been the establishment of what has been appropriately called "the alternative standard;" that is, a single standard of either gold or silver as the one or the other happens for the time being, under a given legal ratio, to be the cheaper metal. It is evident that such a system is radically vicious. It creates a constant possibility that lenders will get back not merely a different amount but always a less amount of purchasing power at the maturity of loans than was parted with when the loans were made. This uncertainty and danger of loss must necessarily tend to destroy confidence and check enterprise, to the injury of all classes of the community, debtors as well as creditors.

It can not admit of reasonable doubt that the present depression in business of all kinds is due to a very considerable extent to the uncertainty as to whether our future standard of value is to be the gold dollar of 100 cents bullion value, or the silver dollar, so called, of 80 cents bullion value. Certainly no man is willing to lend a 100-cent gold dollar when there is even a remote possibility that he will be repaid with an 80-cent silver dollar. It is no answer to this to say that lenders by special contract can provide against this danger. For, to say nothing of the friction, hindrance, and delay necessarily incident to such a method of doing business, borrowers themselves would hesitate to make a contract which they might find it both difficult and expensive to fulfill.

For it is obvious that when for any reason gold ceases to circulate in a community as money, it can not then be conveniently used as money. In other words, it can not be at one and the same time a circulating medium and not a circulating medium. The advocates and supporters of free coinage and the Bland act are therefore, I charge, to a very large extent responsible for that depression in business and want of industrial activity which they, with so much bitterness, lay at the doors of the "gold-bugs" and "bloated bondholders." This sad condition of affairs, which is indeed very deplorable, and which is especially trying to all poor communities, and to the poor of all communities, is certainly not due to a scarcity of money, as the silver men allege.

The undeniable fact is that there is an unusually large amount of unemployed money in the country. The trouble can not be due to the scarcity of silver dollars, for it seems that the increase of these riches, like the increase of knowledge, "increaseth sorrow." As the amount of silver dollars increases the financial depression also increases. The trouble is clearly not a want of money, but want of confidence—not too few 80-cent dollars, but too many. In short, the device of flooding the country with depreciated silver dollars in order to make everybody rich seriously threatens to make everybody poor. And when it is remembered how many of the advocates of free coinage are opposed to the passage of the bankruptcy bill now pending we may reasonably expect that the result of Congressional legislation will be not only to create but also to keep on hand an abundant supply of those "poor men," so near to the heart and so necessary to the eloquence of the average politician.

The widespread want of confidence now existing is, I believe, especially injurious to the South. Venturing to speak for my own State only (at least so much of it as I have the honor to represent), just emerging from the gloom and poverty consequent upon disastrous defeat in war, made ten-fold more terrible by eight years of unparalleled vio-

lence, pillage, and robbery under the forms of law, what her people need above all things is capital with which to develop their resources. This they can never hope to get on satisfactory terms in the present unsettled condition of the currency. A sound and stable currency is the indispensable condition of our future progress toward financial independence and prosperity.

Our people are not dismayed by past disasters or paralyzed by present poverty, and whatever strangers and aliens may say about them, I know that under just and equal laws, with an honest and stable currency, they are both able and willing to work out their own social and financial salvation.

Never through my lips will they ask alms of the Federal Government. Never by my vote will they commit the supreme folly of seeking to get rid of the obligation to pay their just proportion of the national debt, wherever and by whomsoever the same may be held. I repudiate, therefore, the suggestion that it is the interest of the South to unite with the West against the East and the North in enacting such laws as will enable us to pay the national debt in depreciated silver dollars. I deny that it is the interest of the South, or of any other section, of the people of any section, or of any part of them, that this great nation should evade, directly or indirectly, in whole or in part, the payment of all of its just debts according to the spirit as well as according to the letter of its contracts. At a crisis like the present it is well for us all, whatever section or whatever interest we may represent, to remember the oft-quoted and familiar but profoundly true and wise remark of Edmund Burke, that "justice is itself the great standing policy of civil society, and any departure from it under any circumstances lies under the suspicion of being no policy at all." By this broad, comprehensive, far-reaching, wisest of all policies I shall govern my actions in regard to this question, be the consequences what they may. [Applause.]

Mr. Speaker, I yield the residue of my time to the gentleman from Massachusetts [Mr. WHITING].

Mr. WHITING. Mr. Speaker, no one will deny the importance of a sound currency in the conduct of the commercial affairs of a nation.

It must be admitted that the least variable standard of value is best suited for the basis of such a currency, and there can be no doubt which metal, gold or silver, best fulfills this condition.

No one can dispute the fact that the great commercial nations prefer gold to silver, because the former is more easily handled and more stable in value. The advocates of silver coinage may inquire why this preference for gold has not existed before, and how it happens that the hostility to silver suddenly appears throughout the world? The answer may be found in the fact that gold has grown much more abundant since 1850, so that the people having a preference for it have been able to secure a supply.

Great Britain manifested its preference in 1816 and Germany in 1873, and when France found she was losing her gold she stopped the coinage of silver in order to retain the more valuable metal. In dealing with this subject we must remember that the nations of the earth have been progressive in the use of material for currency. From cattle and hides they passed to iron and copper and brass, and then to silver and gold. Gold now becoming plenty and being better adapted than silver as a measure of value, is gradually supplanting silver. I think, therefore, in the increased production of gold since 1851 may be found a solution of the question why it takes the place of silver. Contrast the figures representing the production of the two metals from 1493 to 1850, a period of three hundred and fifty-seven years, in which the production of gold was $3,314,553,000. From 1851 to 1875, a period of only twenty-five years, it was $3,317,625,000.

This enormous increase in the production of gold enables the nations that prefer it to obtain a supply. It is simply an instance of the superior driving out the inferior, which we find everywhere. In mechanics the improved machine drives out the old; Bessemer steel takes the place of iron; and everywhere in the march of progress the improved displaces the unimproved. I think this may be affirmed of the metals gold and silver—the more convenient and more valuable metal will drive out the other. You can not prevent by law or invective the preference of the world for gold over silver. We must accept it as a fact and deal with the question in the light of this information. I do not believe the most ardent advocate of a silver standard would hesitate if he had a debt to pay, and had the money to pay it in gold and silver, which to use in the liquidation of that debt. He would use the silver and keep the gold, because gold is more stable and more conveniently kept, thus illustrating in a practical way the operation of Gresham's law.

In what I have said thus far I do not express a preference for gold. I do not assert that it is wise to substitute gold for silver. I simply point to the fact that the great commercial nations have shown a preference for it, and as we are exchanging products with them we must do it on the basis of gold. This fact renders it imperative on our part to consider the question of which currency we will have, for if the balance of trade should be largely against us and we continue the coinage of silver, we should be driven to the silver standard. It would be criminal on our part if we fail to examine and consider the effect of this on the welfare of the people. The question for us to decide then is whether there shall be continued coinage of the standard silver dollar. If there is enough silver already coined to meet the demands of business, then it seems the answer should be no. If there is not silver enough to meet this want, then the answer should be yes.

It strikes me that it is very unwise to issue money that is not required to transact the business of the country easily and without restraint. No one would maintain that it would be wise to issue paper money beyond the needs of commercial transactions. Such a course would bring disaster upon every one, and especially upon the wage-workers, whom it seems to be the object of those advocating a silver currency to protect. And why should the compulsory coining of silver continue when we already have more than we can profitably employ? That is the question that should be answered definitely and clearly. If silver is sought after by the people as a medium of exchange, and they can not obtain it, that would be an indication that it is scarce and that we need more of it. If the bankers of the country are called upon to furnish it and can not obtain it, that would be another indication that more of it is needed. If the Treasury of the United States is depleted of silver because of the demands of business, that would be still another indication of its scarcity.

But what is the fact? It is incontrovertible that there is more than enough coined to meet all of these demands, and the Treasury is at its wits' end to know what to do with the silver that it has in its vaults and that can not be absorbed in the current transactions of business. I say can not advisedly. It will not do to say that bankers or capitalists conspire against the use of silver. If there is a demand for it for currency these parties can not prevent its use. But the fact is the people do not want silver in excess of the demands of trade. They do not desire the Government to continue to buy silver and pay out its gold for it. They do not desire that the money that might be paid out to redeem the public debt shall be used to purchase silver bullion and pile it up in the Treasury where it is of no service to any one.

I repeat that the people will not have this money if they can get any other, and the evidence on this point is that during the Republican administration of the Treasury every effort was made to increase the use of silver certificates by sending them to distant points in exchange for the deposits of gold; and what was the result? These certificates were returned to the Treasury in such quantities that it was with the greatest effort the country was saved from a silver basis. The people would not have this money; and they kept their gold, and their greenbacks redeemable in gold, and returned the silver certificates to the Treasury, already overburdened with silver and its representatives.

I will not stop to read the tables, but 40.6 per cent. of the revenue of the Government was received in silver certificates in January, 1885, while by the withdrawal of the privilege referred to only 14.8 per cent. was received in January, 1886. When the new administration came into power it did so with the distinct notice that it would maintain so far as it was in its power the gold basis. Not, as I understand it, because it would favor the capitalist or the creditor, but from a desire to maintain a sound currency, that every member of the community may feel that whatever he buys or sells shall be paid for in the least variable standard of value. This disposition on the part of the administration is worthy of the highest commendation, and if it succeeds in preventing us from being overwhelmed with the misfortunes of a depreciated currency it will be entitled to the highest praise.

Again I ask, is additional silver required? In answer to this I point to the fact that the silver dollars in the Treasury continue to accumulate notwithstanding the most industrious efforts to get them into circulation. All small bills have been withdrawn as far as it is practicable that these silver dollars may circulate. Presenting a five-dollar bill anywhere, one has a weight of silver thrust upon him that it is burdensome to carry about. But, nothwithstanding all these efforts, silver continually accumulates in the Government vaults until vast sums of money have to be expended to provide places where the dollars can be stored. One of the best illustrations that no more standard dollars are required is a glance at the figures showing the amount in the hands of the public:

On the 1st of July, 1881, there were	$28,123,405
On the 1st of July, 1882, there were	31,620,598
On the 1st of July, 1883, there were	34,893,389
On the 1st of July, 1884, there were	39,545,461

Up to this year you will observe that the silver dollars in the hands of the public increased from three to five millions of dollars each year. This shows that when the people need the coin it goes into circulation. On the 1st of July 1885 the silver dollars in circulation were 38,471,269—a falling off of $1,000,000 from the 1st of July 1884; and here again is illustrated the point that when the dollars are not needed they remain in the Treasury.

Again, the amount of the outstanding certificates, representing silver in the Treasury on the 1st of July, 1881, was $39,110,729, and they reached the greatest amount on the 1st of January, 1885, $114,865,911. On the 1st of July, 1885, these certificates were $101,530,946, a falling off of $13,334,965 in six months, and in the same time the silver certificates owned by the Treasury increased from $23,302,380 to $38,370,700, and the net amount of silver dollars in the Treasury increased in the same time $31,509,085. In other words, despite every effort to make silver popular, despite the opinion that the country is clamorous

for these silver dollars, the resources of the Treasury in silver were increased in six months $46,577,405. These figures show conclusively that the limit had been reached at which silver could be absorbed in the currency, and the only resource left to get it into circulation is to withdraw the bank notes and the Treasury notes.

Think of the absurdity of the idea that we need further silver coinage when we have this increasing accumulation of dollars, and what injustice to the tax-payers to compel them to buy twenty-four millions per annum for which there is no use. On the 1st of July, 1885, there were of standard dollars and silver certificates in the Treasury a total of $102,252,866. The advocates of silver coinage say, why not pay this money to the public creditor? The answer is plain if the Government desires to continue on the basis of a sound currency. The moment the Treasury pays any considerable part of its obligations in silver, that moment all of our commercial transactions would be upon a silver basis; gold and silver would part company. We should then have silver as a standard instead of gold; and then it would be apparent to every one that the silver dollar is worth but 80 cents. We should have to pay our obligations abroad with gold at a premium; and the price of every article of merchandise in our own land would be raised to cover the depreciation in the value of the circulating medium. It is plain enough that the consumer is not to be the gainer by the continued coinage of silver, for no one can fail to see that all commodities would advance, at least, to cover the difference in the value between the metals.

I have already, I think, shown that there is more silver coined than is required for the wants of trade. Now, what possible advantage can it be to any one to have more silver coined? Will it not be disastrous to every interest, East and West, to continue this coinage until we are forced to a silver basis? Those who are in favor of the suspension of the coinage of silver answer emphatically yes, and point to the fact that notwithstanding the coinage the price of silver bullion has continually declined, and the value of all commodities has also been reduced to a lower point than it has reached during the last century. If any good result could be shown as a consequence of the continued coinage we might hesitate in our opinions; but when prices are lower than ever before, we must deny that a single benefit has accrued to any class of our people.

We have a surplus of silver and of money lying in the vaults of the banks and the Treasury, and I think may fairly conclude from our experience that an increase of silver, or of any money, will not advance prices. There are causes too subtle for analysis here operating on the industries of the country, which are beyond the influence of a redundant currency. Let us, therefore, suspend the coinage until there is a demand for silver. Let us relieve our people of this tax of $24,000,000 per annum, and I have no doubt all sections of the country will unite in asking for a resumption of the coinage when more silver is required.

We have been informed repeatedly that the demand for a suspension of the silver coinage comes from the capitalists and the creditor class. If the persons who have saved small or large sums of money believe, as I am sure they do, that their capital would be of less value by 10 or 20 per cent. if we are compelled to use silver as a standard of value, have they not a right to protest against such a policy? Have they not the right to urge that the Government shall maintain the currency on the soundest possible basis? I think they have the right and that it is their duty to do so. This is not a question of the East against the West, but it is a question of honest money.

We are frequently told that the creditor class advocate the demonetization of silver, because the effect would be to make it much more difficult for debts to be paid, and that it would reduce the value of all property. The creditor class, who largely own the property of the country, are thus accused of scaling down their own property one-half for the purpose of making it difficult for a debtor to pay his interest. This ridiculous proposition needs no comment. On the contrary, when England and Germany demonetized silver no such result followed, but property advanced in value and the rate of interest has declined, wages advanced, and the condition of the people has improved.

It is sought to raise a prejudice against the persons who control large amounts of capital, and it is represented that these persons are located almost wholly in the East. It would be a difficult problem to balance up the various interests that would gain and lose by the adoption of the silver basis. Experience teaches that in the long run the passage from a sound to an inflated currency, and back again to a sound one, is a painful and disastrous operation. Very few are the gainers, and if any one gains it is pretty sure to be the capitalists. They are generally prepared for every emergency, and by investing their funds in foreign exchange and foreign securities they are doubtless well prepared for any crisis. I think it is safe to say that this class would not be the losers, but by their superior facilities for taking care of their interests might be the gainers by such a misfortune.

Now, who is the creditor class? Is it the people with their small savings aggregated in savings-banks and national banks and trust companies, or is it the bank president, the railroad operator, the cattle king, or the bonanza king? Are these people located in the East or the West, the North or the South? I think if those who rail at the capitalists will examine the subject they will find that the rich people and the creditor class are pretty well distributed throughout our domain. Men of large means are found in the South as well as the North, and great fortunes have been made in the West as well as in the East. The person who attempts to excite prejudice against any one who has amassed a fortune, no matter in what section of the Union he may live, is not doing a service to the people.

Individuals and States that promote and foster their own welfare welcome these men and every institution that can afford a people credit. There is no institution that can be of such service to a sparsely settled and poor community as a bank or a capitalist. While they may profit by loaning their money, the community will also be stirred to new life in all of its enterprises, and will be stimulated to its highest and best activity. If these people are denounced and driven away, the loss will fall far heavier upon the community than upon the capitalist or the bank. Capital is timid and easily moved, but the community from which it is driven is a permanency, and will thrive or suffer just in proportion as it treats every interest fairly and generously.

It is popular in some quarters to denounce the banks as oppressing the people. If any instances were mentioned where they do oppress a community we might have faith in this statement, because of its frequent reiteration but no account is ever given of any harm that has ever come from the establishment and conduct of a sound bank. The constituents of the gentlemen who denounce these institutions continue to profit by them, and if their representatives in Congress succeed in destroying them, they will take away one of the chief supports of the prosperity of their own communities.

But who owns the banks? The impression is sought to be given that it is the large capitalists. This may be true in some cases, but in more it is not. In New England the savings-banks are very large holders of national-bank stock. I presume the same is true in all parts of the country. These savings-banks and national banks and trust companies and life insurance companies represent the accumulated capital of our land to a large extent, and these institutions also represent the people who have saved small sums of money.

The savings-banks depositors in Massachusetts are 826,008, having $262,720,147—or $318.06 to each person. The savings-banks in New York have 1,165,174 depositors and $437,107,501 of deposits, or $375.14 per person. There are 3,071,495 depositors in the United States having $1,095,172,147 of deposits, an average of $356.56 to each person. With this money mills are built and the working capital is furnished. From these depositors indirectly the merchant borrows whatever his necessities compel him to have, and this is the creditor class that would suffer if the country were to go to a silver standard. These $1,000,000,000 would be worth but $800,000,000; 20 per cent. would come off from the $356.56 in the savings-banks and the depositor would find that he had but $285.33, and that he had been defrauded of about $70 by a depreciated currency.

These are the people who would suffer, but not the capitalist who puts his money into foreign exchange, or whose rents and securities are advanced to meet the exigencies of such a currency. The beneficiary of a life-insurance policy would receive pay in a debased currency, and $200 would be stricken off of every $1,000 paid. The millions of wage-workers throughout the land would receive their pay in this currency, and would be the first to suffer in the change to a silver basis. To raise the rate of wages is a work of time, while everything that the laborer consumes would advance at once. The loss to this class would be millions of dollars yearly. The influence of this money would therefore find its way into every home, and in most homes would create distress and disaster. Who then would be profited by the adoption of a silver standard? No one permanently. Temporarily, those who are in debt, the manufacturers, and the merchants who would sell their goods at inflated prices and pay off their debts.

No one in the East argues in favor of a contraction of the currency. No one desires that money shall be made dearer or more difficult to get. All we contend for is sound money. Coin all the silver that can safely be incorporated in our monetary system, but do not force the coinage to the point where we shall have nothing but silver. Remember if we are forced to a silver basis we can not avoid the evils of a depreciated currency. I do not think there would be such fluctuations as we have had in the past where our people have lost more than they have by all the wars which we have experienced, but it is wise for us to avoid any approach to such disastrous results.

Mr. Speaker, an appeal for the suspension of the coinage of silver can not be more fittingly brought to a close than by quoting the words of Mr. Webster, uttered more than fifty years ago in this Capitol:

> A sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be a real and substantial representative of property, not liable to vibrate with opinions, not subject to be blown up or down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of permanent value. A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance.

[Great applause.]

Mr. LORE. Mr. Speaker, the Constitution of the United States prescribes that Congress shall have power "to coin money, regulate the value thereof, and of foreign coin." In the exercise of that authority Congress, on February 2, 1792, passed "An act establishing a mint and regulating the coins of the United States." The act provided for the coinage of ten, five, and two-and-a-half dollar gold pieces, called, respectively, eagles, half-eagles, and quarter-eagles, containing for each dollar thereof 27 grains of standard gold, which consisted of 24¾ grains of pure gold and 2¼ grains of silver and copper alloy. It provided also for the coinage of silver into dollar, half-dollar, quarter-dollar, dime, and half-dime pieces.

The silver dollar was the monetary unit and contained 416 grains of standard silver, made out of 371¼ grains of pure silver and 44¾ grains of copper alloy. The smaller silver coins were of like proportion of pure metal and alloy. These coins were declared to be "a lawful tender in all payments whatsoever," and their coinage was free.

By act of June 28, 1834, about 6 per cent. of pure gold was taken away from the gold-dollar value. It was reduced to 25⅘ grains of standard gold, consisting of 23⅕ grains of pure gold and 2⅘ grains of alloy. A seigniorage of one-half of 1 per cent. was charged for coinage.

By act of January 18, 1837, 3½ grains of copper alloy were taken away from the silver dollar, reducing the weight to 412½ grains of standard silver, consisting of 371¼ grains of pure silver, 41¼ grains of copper alloy. The smaller silver coins were reduced in like proportion.

The one-dollar gold coin and double eagles, or twenty-dollar gold pieces, were authorized by act of March 3, 1849. All the foregoing coins were of full legal-tender value.

By act of February 21, 1853, the coinage of three-dollar gold pieces was authorized, and a radical change was made in the weight and quality of the silver half-dollar, quarter-dollar, dime, and half-dime pieces. The weight of one dollar's worth of any of these coins was reduced from 412½ to 384 grains of standard silver, consisting of 345⅗ grains of pure silver and 38⅖ grains of copper alloy. The bullion for such coinage was to be purchased by the Director of the Mint, and such coins were a legal tender for all debts not exceeding $5.

The act of February 12, 1873, suspended the coinage of the silver dollar, and made the gold dollar the unit of value. It authorized the coinage of the silver trade-dollar, and made it a legal tender for debts not exceeding $5. The trade-dollar contained 420 grains of standard silver or 378 grains of pure silver, 42 grains of copper alloy.

The act of March 3, 1875, authorized silver 20-cent pieces.

The joint resolution of July 22, 1876, took away the legal-tender quality of the trade-dollar.

The act of February 28, 1878, (known as the Bland act) re-established the coinage of the standard silver dollar of 412½ grains and restored its legal-tender quality, and made it again a unit of value. By this act the Secretary was authorized and directed to purchase and cause to be coined into standard silver dollars each month, not less than two nor more than four million dollars' worth of silver bullion.

Such is a brief review of our silver and gold coinage laws.

The ratio in value under these laws from 1792 to 1834 was one dollar of gold to fifteen of silver, and from 1834 to this date one to sixteen.

THE SILVER DOLLAR.

It will be seen that the standard silver dollar has consisted of 371¼ grains of pure silver from 1792 up to this time, and has also been a unit of value and a full legal tender in payment of all debts during that time.

In 1873 it was demonetized by inadvertence it is claimed by some, others say fraudulently, certainly without due consideration. This is clearly shown by the action of Congress in 1878, when its coinage was resumed and legal-tender quality restored by decisive majorities after the most thorough examination. So emphatic was this expression that when President Hayes interposed his veto, both Houses of Congress, on February 28, 1878, the very day he returned the bill with his objections, passed it over the veto by more than a two-thirds vote.

The silver dollar has therefore remained unchanged in quantity of pure silver from the time of Alexander Hamilton, who fixed its quantity in the law establishing our coinage system in 1792, and has fully met the needs and exigencies of our financial life.

THE GOLD DOLLAR.

The gold dollar as a distinct coin was unknown in our history until 1849, when it was first coined. Prior to that time it was only known in combination in the larger gold coins. From 1792 to 1834 it contained 24¾ grains of pure gold, and from 1834 up to this date only 23⅕ grains, thus losing in 1834 six per cent. of pure metal in its adaptation to our national finances.

OUR GOLD AND SILVER COINAGE.

Under these laws there have been coined and there are now in circulation of silver and gold coin:

1. The gold dollar unit 23⅕ grains pure gold.
2. The silver dollar unit 371¼ grains pure silver.
3. Fractional or subsidiary silver coin, $1 in value, containing 345⅗ grains of pure silver.

The amount of each kind in circulation in the United States January 1, 1886, as stated by the Director of the Mint, was:

Gold coins	$553,810,148
Standard silver dollars	218,259,761
Subsidiary silver coin	75,034,111
Total	847,104,020

THE GOLD AND SILVER DOLLAR ARE EQUIVALENTS.

The gold and silver dollar have been and still are interchangeable one with the other. They have been and now are of exactly equal legal value, and of precisely the same purchasing power. Everywhere in the United States the silver dollar will buy just the same quantity of the necessaries of life as the gold dollar. As measures of value and equivalents of exchange they mutually support and equalize each other, and have so uniformly and beneficially acted in all our history. Gold and silver constitute the basis of our financial system. They are the two massive pillars upon which our country has rested the vast mechanism of her material prosperity, and upon which she has builded a structure of such wondrous financial proportions.

OUR MONETARY SYSTEM HAS BEEN AND NOW IS BIMETALLIC.

Whatever, therefore, may be said of the fact that at certain periods gold has been the cheaper and more commonly used metal; that at other periods silver has superseded it for a series of years, or of the fact that at times they both have disappeared practically from circulation, and have given place to paper and other currency, still gold and silver coin together have ever been conceded to be the duplex basis of our past and present national finances. If one was more abundant in use, the other was ready at hand to meet emergencies and spring up like the invisible warriors of Roderick Dhu to meet every crisis.

The system comes to us tested by the experience of nearly one hundred years of grand national success. It is commended by the teachings of the wisest of our political economists.

The single gold-standard system prevailed in our country only from 1873 to 1878—five years. They were five of the most disastrous years of our history.

In the light of past experience we are called upon to-day to decide practically whether we shall become a monometallic or bimetallic country; that is, whether our coins shall be gold only, or gold and silver.

No thoughtful person will deny that the establishment by law of the gold dollar as the sole unit and standard of value must necessarily demonetize silver and make it merely a matter of merchandise. All property, including silver, would then be measured by the quantity of gold. This is the naked proposition now before us.

There is a class of men who assert that if we stop the coinage of silver dollars that alone will enhance its value, keep it on a par with gold, and thus establish bimetallism. In other words, the best way to insure its use is not to use it at all. For this is the logic of the reasoning.

MEASURES OF VALUE.

The advocates of gold as the standard of value assert that gold is a more stable and uniform measure of value than silver, and, as the precious metal, is more convenient for use in large quantities.

It is conceded to be more convenient for use in large coins, but it must also be conceded that for coins of smaller denomination it is so minute as to be of no service. The gold dollar coin could not be kept in circulation, and no attempt has ever been made to use it in smaller denominations. For such smaller coins, silver has been in constant use. It is equally true that in large quantities neither gold or silver is delivered, or actually passes from hand to hand. This is usually effected by check, draft, or other commercial device.

As a measure of value, gold is not fixed, nor can it be. In the past it has constantly fluctuated. Silver has been the more stable of the two, measured by labor. In the nature of things there can be no absolutely fixed measure of value. Such measures are relative because of dual function of being at the same time a measure of value and an equivalent of exchange, the latter function removing it from fixed measures as a yard stick, and the like, which measure quantity only, not quality.

Adam Smith says:

Human labor is a more correct measure of intrinsic value than either silver or gold.

The multiple standard, or the average price of a number of the necessaries of life for a specific time, is another method of expressing the same thought, and is advocated by many. These have the merit of making labor, the creator of capital, measure the creature and not the creature measure the creator.

The gold measure, the ideal yard-stick of speculative statesmen, is therefore a variable quantity in proportion to its scarcity and other conditions, and if left alone would be an arbitrary and capricious master. All property and values would expand or shrink with its abundanee or scarcity, either natural or artificial.

It is estimated that all the gold in the world could be compressed in a cube of 29 feet square. Small in bulk, usually controlled by a few, we should on the gold basis be at the mercy of the great money-kings

and of financial centers. This would consummate the idea lately announced on this floor, with an "Io triomphe" air that "Gold is king."

We need the corrective and modifying influence of silver, the other money metal. If gold be scarce silver supplies the need, and an equipoise is kept that insures stability. Certainly with the aggregate of these two metals artificial contractions and expansions by speculation would be avoided.

As a measure of value of the same quantity of human labor, or of the necessaries of life in the past, the 371¼-grain pure silver dollar has been found by actual calculation to be more nearly an average than the 23⅛-grain pure gold dollar. Silver has more evenly kept pace with human needs and productions than gold; while gold and silver together have by their automatic equalization made as nearly a stable standard of value as is possible in human transactions.

It must be remembered that measures of value are artificial creations, prescribed by law. In our country the people, who are the law-makers, have wisely fixed this dualistic standard, suggested by wisdom and proved best by experience.

When the metals parted company in bullion value in 1834, the quantity of pure gold in the gold-dollar value was reduced 6 per cent. If needful, why could not this be done again? Has not gold risen in value out of proportion to all sources of wealth? If so, justice demands equalization; not by adding to burdens already crushing.

WHICH IS THE HONEST DOLLAR?

It is urged with vehemence that the silver dollar is a dishonest dollar—one of only 80 cents in value. In all the newspapers representing the capitalists this assertion has been iterated again and again until by many its truth is assumed.

When and how did this historic dollar become dishonest? It has been the one unchanged and unchanging factor in our finances, honest to debtor and creditor alike. It is the only coin in our history that has continued the same at all times. The silver dollar of 1792 is identically the silver dollar of 1886 in pure metal. Is not its offense that it has held capital and labor in the same even and inexorable balance, and has kept interest rate within the capacity of the borrower? Has not gold risen in value fully one-fourth? Shall the usurer's gain be increased one-fourth, therefore, by another turn of the financial screw, and a fourth more of human toil and of the necessaries of life be given by the toiling, borrowing millions to the lending few? Fix the gold unit and this is an accomplished fact as values now stand. The gold standard would rob the many, enrich the few.

Concede that the bullion in the gold and silver dollar have parted company. They have frequently done so in our past history. It is markedly so now, partly because our Government has persistently discredited its own silver coinage, partly because of the decreased production of gold and its great absorption and demand in mechanical uses. The fact still remains that as coins of the United States they have precisely the same legal value. They are coined only for use in our own country. They do not pass as coins in other countries, but are bought and sold only as bullion. With bullion we pay balances of trade against us and meet all demands of foreign exchange.

Measured by all human wealth silver has lost no value. Gold has gained for causes stated; but gold may call silver dishonest for this no more than the richer man may call the poorer dishonest because adventitious circumstances have changed their relative means. It is not absolute but relative purchasing power that is the measure of honesty.

PROTECTION OF LABOR.

The continued coinage of silver dollars, it is claimed, wrongs the laborer, that his interests are best served by suspension. If true, this should awaken earnest opposition. Is not the assumption based on error? Laborers have been called capitalists. The idea was formulated by Mr. Bayard in his speech in the United States Senate in 1878, in this language:

> It can not be that the laboring classes are the debtor classes; on the contrary, as I say, there is not a day in the year when the sun goes down when they are not the creditors of capital for the amount of their wages for that time.

This assumes that laborers are capitalists, or of the creditor classes, but with the accommodating suggestion that the sun shall first go down each day in order to make them such.

The great labor classes are neither capital nor creditor classes, save in mockery—they are the producing classes. Their daily labor is the product they bring each morning into the market for sale to the best advantage. They have a right to demand the highest price for that commodity—that wear of brain and brawn that fills the earth with riches. They find the best market and the highest prices where money is abundant and business brisk. Like agriculturists and other producers, they have something to sell. Unlike capitalists, whose money is invested at rates of interest fixed by law, which can not be changed, the prices of labor change in quick sympathy with the abundance of money and the ever-accompanying demand for labor. The claim that the gold unit, as a greater purchasing power, is a benefit to labor is a flight of ideal statesmanship that has no basis in fact, and could only rest permanently in the minds of those who know little of the toil and experiences of labor life.

Tested by experience even the days of paper money, with all its evils, yet with every brain and hand busy turning the wheels of stimulated production and industry, would be preferred by the laborer to a gold-standard period, yellowed in the withering contraction of stagnation and want. It is true then the gold unit might purchase much, but, under the palsying touch of contraction, how would the laborer get the gold unit?

Mr. Robert Goffin, the celebrated English statistician, in the London Times of February 21, 1886, admits "that the gold standard has resulted in the progressive fall of wages since its adoption, computed upon their actual purchasing power."

This admission, emphasized as it has been recently by bread riots and mobs in London and by the widespread misery and want that sit with gaunt face at the door of labor in England and Germany, the special gold-standard nations, are significant lessons that we may well study.

If suspension of silver coinage is a benefit to labor, let the answer be given why labor in the gold-standard countries is to-day most oppressed.

Germany adopted the gold standard in 1871. Each year since then nearly a quarter of a million of her laborers and farmers have left her shores and found a home in bimetallic America. So great is financial distress there that Herr Schöltz, the German minister of finance, in the Reichstag, on February 21, 1886, stated that Germany was "ready to consider measures for protecting the value of silver within its own national boundaries, if any practicable plan could be brought forward, for relieving the pressure of monometallism complained of by the farming and other land interests."

England, the other gold-standard country, is now convulsed in the throes of a great labor crisis. Her ship-yards, factories, and foundries are nearly all idle. Many of her best financiers charge this stagnation to monometallism.

At a recent meeting of the International Monetary Standard Association in London, Mr. Greenfield, governor of the Bank of England, Mr. Samuel Montague, the head of the greatest banking house in London except that of the Rothschilds, and Mr. Thomas Sutherland, the great Greenock ship-owner, urged a return to the double standard, and the latter strongly denounced the gold standard as the chief cause of the world-wide depression in trade.

Pinched by dire distress, compelled to look these alarming conditions in the face, the wiser financiers of England are turning away from the mistake of monometallism and looking for relief to the remonetization of silver again.

In the light of these experiences it has been fitly said that "the silver advocates at Washington are fighting the battle of labor all over the world."

The nations of Europe that, like the enthusiastic member from Maryland [Mr. FINDLAY], thought gold was king, and like the Israelites of old made unto themselves a golden calf and fell down and worshiped it as their supreme financial deity, are learning the lesson that there is safety in the old ways and are eager to find their way back again into the beaten track of bimetallism.

It is a significant fact that this battle for the wage-earner is specially urged by Wall street syndicates, banks, bondholders, and capitalists, and chiefly by those who toil not themselves. Their anxiety is aroused for labor, and for this purpose they are unwilling that silver shall be coined and money become abundant and cheap upon the assumption that they would have labor paid in gold. They object to the payment of labor in the silver dollar of 371¼ grains of pure silver, but with one accord insist upon the coinage and circulation of the subsidiary silver coin of half-dollar, quarter-dollar, dime, and half-dime denominations which have only 345⅜ grains of pure silver in the dollar, or about 26 grains less than the standard dollar. Of this subsidiary coin there is now in circulation in the United States the sum of $75,034,111, and with this coin the labor of the country is quite uniformly paid.

Then what a sham is this objection to the coinage of the silver dollar? From their standpoint it is not honest to coin and use the 371¼-grain silver dollar in payment of the national and individual debts and bonds, but it is honest to coin and use in payment of labor that which has 26 grains less of pure silver in the dollar.

Need I say their theory is a gold standard for all, their practice cheap silver for labor, dear gold for their larger transactions, and gold made dear by this very exclusion of silver? The success of that theory depends on the supposed ignorance in the masses of laborers of the simplest economic principles.

This tender care of the wage-worker, and the proposed betterment of his condition by making money scarcer and higher, looks like a huge joke in which American capitalists were experimenting upon the qualities of our national humor.

But there is a pathetic side to this humor, voiced in the piteous destitution of the laborers of Europe now groaning under the gold-standard system, that may well check unseemly experiments and stay the consummation of like results here. Until the laborer complains that he is injured by the superabundance of silver dollars, and has more than he can profitably use, is it not amazing that capitalists should expend so much energy in this self-assumed and vicarious work?

SCALING DEBTS OR REPUDIATION.

It is objected that further coinage of silver dollars will result in scaling public and private debts, which is repudiation and dishonor. This is the key to the situation, and states the real question on the side of capital. The lender fears the effect upon his securities. The labor mask now drops from the financial face, and natural features are disclosed.

Every honest man instinctively shrinks from repudiation of his debts, and our people pride themselves on honestly meeting national obligations.

This position is therefore adroitly taken. It shows the masterly hand of the wary and all-powerful moneyed interests, which in the past have so molded legislation that lands, stocks, money, and wealth have in constant course passed from the many to the few, and by which colossal individual fortunes have been largely creatures of legal enactment.

This is the old battle-cry. Is it true?

Would either public or private debts be repudiated or scaled by payment in the dollar of 371¼ grains of pure silver.

THE PUBLIC DEBT

was created by acts of Congress, which prescribed the conditions of the respective loans and the kind of money in which they were payable.

Act of February 25, 1862, authorized what were known as 5-20 bonds. The interest was payable in coin.

The loans under acts of February 17, 1862; July 11, 1862; March 3, 1863, $900,000,000; March 3, 1864, $200,000,000; June 30, 1864, $400,000,000, were all payable in coin. The loan under act of March 3, 1865, $600,000,000, was payable in coin or other lawful money—that is, greenbacks.

In all these acts coin, not gold, was prescribed. The silver dollar was a coin and full legal-tender with gold all this time.

In the stress of civil war both gold and silver disappeared from circulation, and was locked in the public Treasury, in the vaults of banks, and were articles of merchandise among brokers. Paper money flooded the country. In 1864 a dollar in gold or silver was worth from 151 to 285 cents in paper.

The Government bondholder was receiving payment of interest in gold and silver coin; labor was paid in paper. The bondholders, ever a power, fearing their bonds would be paid in paper, procured the passage of the act of Congress of March 18, 1869, which was "An act to strengthen the public credit, to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by which such obligations had been created," and pledged "the faith of the United States to the payment of all United States notes not bearing interest in coin or its equivalent," also all interest-bearing obligations.

In every act coin, that is, gold and silver, was scrupulously prescribed. Therefore, by the very terms of his contract, the public creditor agreed to take either gold or silver, then full legal-tender coin, in payment of the debt. It is so nominated in the bond, and more may not be asked.

It is conceded as a matter of law that such creditor is bound by his contract to accept payment in silver if the Government shall so elect.

Just here the creditor interposes the plea of equity, and asks to be paid in gold—

First. Because while the debt was being created the silver dollar was not in circulation, although a legal coin, and therefore he was induced to believe coin meant gold.

Second. Because the silver dollar is not a dollar, but only 80 cents, and by such payment he would lose 20 per cent. of his debt.

The answer is not difficult.

First. While the debt was being contracted both silver and gold had disappeared from circulation. The creditor was remitted to the law which prescribed both silver and gold. Much of the debt in part represents only 50 cents in the dollar. It was based not on coin but on paper money, then the current money in value.

Second. The plea that the creditor would only get 80 cents on the dollar of his debt is without basis. The silver dollar is exchangeable for gold and is now its equivalent.

Dr. J. Lawrence Laughlin, professor of political economy in Harvard University, a gold standard advocate, and who has written the most comprehensive and exhaustive treatise on bimetallism I have seen, says in his work that—

> The highest justice is rendered by the state when it exacts from the debtor at the end of the contract the same purchasing power which the creditor gave to him at the beginning of the contract; no less, no more.

Then, if the silver dollar was not exchangeable with the gold, measured by the rule above laid down by Professor Laughlin, it will not be denied that the bullion in the silver dollar will purchase as much of the necessaries of life as the bullion in the gold dollar would have done when the debts were contracted.

Discard silver; use gold only. The public debt would by that act be increased 20 to 30 per cent. by the loss of that quantity of silver coin in circulation. Labor and labor products have admittedly depreciated 50 per cent. Our public debt, now reduced numerically one-half, under such conditions would be potentially as large as before a dollar was paid. Measuring as we must by our only means of payment, labor and its products. Gold is a decreasing quantity, and with it as the sole measure of value, each year we should find prices lower, gold higher, the prices of all commodities shrinking to meet its shrinking quantity.

The product of silver and gold in the world from 1850 to 1883 is shown in the following table:

Year.	Silver.	Gold.	Total.
1850	$36,826,900	$131,270,000	$168,096,900
1856	37,611,300	136,940,800	174,552,100
1866	55,654,300	127,538,600	183,192,900
1878	98,882,177	119,092,786	213,974,963
1881	102,168,354	103,023,078	205,191,432
1882	109,952,251	98,699,588	208,651,839
1883	114,217,733	94,027,901	208,245,634

The product in the United States in the same period was:

Year.	Silver.	Gold.	Total.
1850	$50,000	$50,000,000	$50,050,000
1856	50,000	55,000,000	55,050,000
1866	10,000,000	53,500,000	63,500,000
1878	45,000,000	51,206,360	96,487,745
1881	43,000,000	34,700,000	77,700,000
1882	46,800,000	32,500,000	79,300,000
1883	46,200,000	30,000,000	76,200,000

The value of property in the United States in the same period was, real and personal: 1850, $7,135,780,288; 1860, $16,159,616,068; 1870, $30,068,518,507; 1880, $43,642,000,000.

These tables show that the production of gold is gradually but regularly and certainly decreasing—in the United States, from $50,000,000 in 1850 to $30,000,000 in 1883; in the world, from $131,270,000 in 1850 to $94,027,901 in 1883. That silver in like manner is gradually but certainly increasing in quantity—in the United States, from $50,000 in 1850 to $46,200,000 in 1883; in the world, from $36,826,900 in 1850 to $114,217,733 in 1883. That the two metals together have kept at quite an uniform aggregate, being, in the United States, $50,050,000 in 1850, $76,000,000 in 1883; in the world, $168,096,900 in 1850, $208,245,634 in 1883, showing a gradual but uniform increase, but in the aggregate not equal to the marvelous increase in the value of property, which in the United States increased from $7,135,780,288 in 1850 to $43,642,000,000 in 1883.

These tables show conclusively that in the last fifteen years the production of silver and gold has become relatively settled. Neither is subject to great fluctuations. The product in each is regular and accurately measurable—gold a decreasing, silver an increasing factor, the two keeping an equilibrium, but lagging in the race with increase of wealth of which they are the measures.

It follows from these facts that payment in the silver dollar will not scale the public debt, but would give a fair equivalent for that which was received. All legislation since 1860, except the Bland act of 1878, has operated in favor of capital and the lending classes.

Debts created in paper money at 50 cents on the dollar, and payable in paper, have been made payable in gold and silver coin of 100 cents on the dollar.

In the same direction we are now asked to discard one of the constitutional coins of the country that has the lowest relative bullion value and compel the payment of the debt in the coin of highest bullion value, and which will be made much more valuable by the very fact of such demonetization.

It is a significant fact that the very men who are so specially sensitive on the score of silver debt-paying repudiation, have almost uniformly voted against the redemption of the trade-dollar, which was a repudiation of honest debt that is an abiding stain upon our national reputation.

PRIVATE DEBTS,

if paid in silver dollars, would be paid not only in a fair equivalent, but in many instances in the same kind of money in which the debt was created. It is estimated that one-half, at least, of private debts now existing have been incurred since the Bland act has been in force, and in contemplation of its provisions.

To provide now that the silver dollar which the debtor got as a loan shall be drawn out of circulation, the debt made payable in gold, thereby increased one-fourth, with his ability to pay decreased 50 per cent. would be a monstrous financial crime. Yet this is the proposition. Under the guise of protecting national and individual credit and honor we would add unbearably to the burdens of the people. Soon the inevitable result would come: the lender must take the debtor's property, which the law will have made him unable to redeem.

The continuance of silver-dollar coinage will therefore scale no debt, public or private, while discontinuance will increase the money stringency and stay the advancing tide of prosperity.

BENEFIT FROM SILVER COINAGE.

Three-fourths of the people are debtors. Most men mortgage the future. Wise credit stimulates industry and promotes vital growth. Under the present bimetallic system our people have purchased factories, farms, and homes, and reasonable mortgages and incumbrances have been placed upon their properties. Business enterprises have been entered upon in like faith in the future and on a stable financial policy. Change that basis now, cut off one source of coin supply, and all this property shrinks in exact proportion.

It is claimed by monometallists that speculators alone benefit by such coinage.

Mr. Bayard, in the speech heretofore referred to, uses this language:

So I say, considering the great fact that each man in the community sustains the relation of creditor as well as of debtor, that if he can pay his debts in this depreciated money he will be paid himself in the same money, nothing can be made of it, that I can understand, excepting that a class of people who, having purchased property at exaggerated prices and finding it now shrinking in value, may have an opportunity of scaling their debts to the injury, the injustice of their creditors.

Mr. GRAY iterates the same thought, in markedly similar language, in 1886. In his speech in the Senate he says the persons who will be benefited "are largely those who have embarked in speculative enterprises, those who have bought land for which they could not pay. Now that these men, or some of them, should see a present advantage in scaling the debts they have incurred and repaying only 80 per cent. of the borrowed capital with which they have sought to become capitalists themselves, I can readily imagine."

The monometallists have quite uniformly made similar charges. Speculators and every honest debtor share alike in the abundance of money which tends to keep all property on a fair average, and are all condemned in this sweeping manner if they advocate such financial measures as shall avail to equalize and make stable the price of lands and all other property.

The reasoning is unsound. Continued coinage of silver, so long as one dollar is exchangeable for another, does not furnish depreciated money but gives a sound currency, and by just equivalence provides coin ratably keeping pace with the increase of wealth, and a fair ratio between wealth and its metallic measure. It is the purpose of such coinage to keep this uniform and equal ratio between them.

Silver coinage benefits not the speculator alone but every laborer, every mechanic who has bought a home for his family, every farmer who has purchased a homestead, and every business man who relying on just legislation in the interest of labor and industry, as well as capital, has builded upon the future in prudent debt that he might procure on credit a home, a farm, a business that should not be legislated out of his hands under pretended promises of protecting his financial honor.

Stop silver coinage; let gold continue to decrease; let houses, farms, business, and products of labor continue to increase in normal ratio as heretofore, then measure them by this diminishing gold supply only; the result is apparent.

No one will buy land which is thus constantly growing less in value, or engage in business when his plant and stock uniformly shrink up from day to day, when, notwithstanding his added toil and labor, the debt grows, while the means of payment diminish simply because the the supply of money does not keep even pace.

These debts have been contracted on the basis of gold and silver supply. Take away silver coins, one-fourth of our coin circulation, and every debtor would be compelled to pay 125 cents for every dollar he had borrowed. Every mechanic who had bought a house for $1,000 and mortgaged it for $750 would by this course find all margin on his property swept away, and the mortgage by law made as large as the house. So with every honest debtor whose lands or business was encumbered in like manner. Would it largely add to his comfort to know that the lawmaker was consulting only the financial interest and credit of the debtor in the course suggested?

Even with the abundance of coin, the farmer gets to-day but 80 cents per bushel for wheat, 40 cents for corn, 10 cents per pound for cotton; the laborer, from 50 cents to $1 per day for work, if he can get work at all.

Demonetize silver, and how much lower will these prices go? When will the bottom be reached?

It may be safely said that the classes that will be benefited by the coinage of silver are the toilers everywhere—the producers and the debtors. The latter are estimated at three-fourths of the heads of families in the United States. In their prosperity speculators might share. Capital also would find its truest advancement in such abundance of coin. On the other hand, speculators and gamblers would find their choicest fields of labor in the financial contraction and ruin that would accompany the demonetization of silver.

GOLD STANDARD PROPHECIES.

In the exhaustive debates in the two Houses of Congress when the Bland act was under discussion in 1878 the opposers of silver coinage prophesied the evils that would follow such course. In the light of eight years' experience let us examine these predictions.

1. It was said cheap silver will drive gold out of the country. In 1878 we had in circulation in the United States $200,000,000 in gold; we now have $600,000,000. In that prediction it was forgotten that there was such a thing as balances in trade.

2. Cheap labor, it was urged, would open an era of wild speculation, in which prices would reach paper-money standards; that the laborer's cheap dollar would buy but few of the necessaries of life.

The silver dollar to-day has a larger purchasing power than at at any time in the last half-century.

3. It was said our national credit would be impaired and Government securities fall in price.

Government credit to-day is firmer and the price of her securities relatively higher than ever before in our history; yet for eight years the Mint has been coining this demoralizing standard dollar at the rate of over $2,000,000 monthly.

We are met by the counter-prediction of bimetallists in this debate that such coinage would equalize the bullion value of the gold and silver dollar. This it is alleged has not been realized. There are manifest reasons for this last failure.

The Government, since 1878, has constantly discriminated against the silver dollar. Dishonored and kept out of circulation, she can not complain that others look with suspicion on the child she disowns. The growing scarcity of gold has operated in the same direction. Capitalists here combined for the same purpose. So zealous were the New York banks in this direction, that to keep the Government from issuing six millions of standard silver dollars they volunteered to advance that amount in gold and take subsidiary silver coins, although the latter contained 156,000,000 grains, or $420,000 less pure silver than that amount in silver dollars.

The silver dollar was not used in purchasing silver bullion, nor in payment of the public debt, but was suffered to accumulate in the Treasury, and this very accumulation was used as an argument against its coinage; yet the silver dollar circulates as freely from hand to hand and much more acceptably than the boasted tiny gold dollar, and the chief inquiry among the millions outside of the Treasury buildings is how they shall get an adequate supply of the rejected silver dollar.

The people of the South and West, especially, and the bread-winners everywhere, are asking for more money to meet the exigencies of their marvelous growth. They do not complain at the silver dollar, but are eager to exchange for it their corn, wheat, cotton, and labor. All that is needed is a settled financial policy. Let the people be assured that it will be gold and silver as heretofore, equal in measure with national increase in wealth, and soon the busy hum of renewed industry will be heard again.

¶ There are in circulation in the United States about $4 in silver and $6 in gold to each of its 60,000,000 people. If we should continue to coin silver for twenty years at the rate now authorized by law, we would only have in circulation $13 in silver to each inhabitant if the population remained stationary, but with the natural increase in population only about $8 or $10 each. The average American would not feel burdened by such amazing wealth nor complain at the weight or fineness of his silver dollars.

France to-day has in circulation $14 in silver and $23 in gold to each inhabitant, and keeps the coins at par with each other, with less pure metal in her silver coins, relatively, than we have in our silver coin. Other European nations are not far behind France.

In view of these facts the fright of the American financial statesman at our silver coinage, even if all our domestic silver bullion was coined each year, is an amazing specimen of financial posing.

What course is wisest is a question that meets every one in dealing with our financial condition to-day.

I would say—

First. Redeem at once and unconditionally all trade-dollars outstanding at par in standard silver dollars and coin them into like standard coins.

Second. Continue the coinage of the silver dollar under the present system until under a fair test we reach the limit of its capacity to circulate equally with the gold dollar coin.

Third. Use every dollar as it is available in the Treasury, in excess of the $100,000,000 reserve fund, in payment of the public debt, that our burdens may be lessened, and that the tax-gatherer may have rest.

Fourth. As legal-tender notes are returned into the Treasury, replace them with gold and silver certificates, based upon coin, and in such denominations as may best serve commercial uses.

Fifth. Substitute these certificates for national-bank notes as fast as the payment of our national debt necessitates the withdrawal of such notes from circulation.

This certainly would insure stable paper currency. Every silver dollar would be represented in circulation and would be material and active factors in our financial development.

THE WAR UPON SILVER

is in the interest of capital, and has partaken of much of the asperity of the initial contest in 1878. Then the people demanded the restoration of the silver dollar, which had been fraudulently demonetized in 1873. Organized capital and Federal patronage were then held as threats over the heads of Congress.

The New York Tribune of January 7, 1878, contained this threat:

The President knows that men can be held true to Republican pledges as to finance, if they know that their truth means favor as to appointments.

In its issue of January 10, 1878, was this threat:

The capital of the country is organized at last, and we shall see whether Congress will dare fly in its face.

The idea that gold was king, and omnipotent in finance, had bred insufferable intolerance. Congress answered this insult by the passage of the Bland bill over President Hayes's veto by more than a two-thirds vote. Like threats insidiously propagated now would provoke like reply. The Representatives of the people, many of them elected upon this issue, will brook no indignities.

Happily we have a President who, while noted for his decisive views on this subject of silver coinage, is equally noted for a manly respect for the opinions of others, one who deals in open and manly methods, one who scorns the tricks of indirection and contemns the sycophant who crooks the preguant hinges of the knee that thrift may follow fawning. In this regard no man has clearer skirts than he.

I deprecate this war upon silver. I believe it to be unwise even from the standpoint of the capitalist. It serves no good purpose, but continues the stagnation now so oppressive. In our country there can be no financial king, no autocratic measure of value and equivalent of exchange that shall exclude all others. Such may find a home where crowned heads dominate subjects, but not where the people rule.

The money-changers of our great cities cry out lustily and make proclamation that "gold is king," and occasionally an enthusiastic worshiper in these Halls echoes the cry. The gilded monarch with coronet on his brow trembles at the response, welling up from the toiling masses like the voice of the mighty deep, and voiced in the answer, "Gold have we none; silver is our heritage."

Silver has been the wage-earner's portion in all the past, and gold the portion for dainty fingers to fondle and dandle. So it will ever be.

Together gold and silver constitute the financial dualism, part of the dualism all about us in the material world, operating in the divine economy the highest developments of national civilization and growth. Divorce them, and financial disaster is the necessary result.

Gold and silver like capital and labor find their highest uses and best results when combined in equal and just relation, each contributing to the stability and usefulness of the other.

With gold and silver passing from our mints as heretofore into the avenues of trade and business, the pulse of healthy industrial life may soon beat strongly again.

We may rest content with coins which are coeval with our birth, and have served us faithfully for a nation's age, though the wise men of this generation may call them frauds. If so content, capital and labor, the husband and wife of wealth, will soon see that their nimble children, toil, busy thrift, and economy, shall light anew the fires of industry all over the land. The people have willed that silver shall abide with us. Let the Treasurer provide the houses needed for her reception and continuance. They have concluded to take experience, and not speculation, as their financial guide. [Applause.]

Mr. HALSELL. Mr. Speaker, the agitation of the suspension of the coinage of the standard silver dollar has excited an interest in the minds of the people throughout this country almost unparalleled in her financial history. Apprehensions are indulged by the great mass of the people that if the coinage of the silver dollar is stopped there will be widespread ruin and desolation. On the other hand, there are those equally honest who believe that unless there is a suspension of the coinage of the silver dollar and gold alone made the standard untold woes and misery will ensue. In this divided sentiment it is of the highest importance that we, as the representatives of the people in the national Congress, should look well into the merits of this question and act wisely in its solution.

We shall be held to a strict accountability for our action on this subject. There is no subject of greater importance to any country than to provide a safe, sound, and reliable currency, and to no question has there ever been given more earnest and patient thought by financiers and statesmen. The prosperity and happiness of the people depend upon a proper solution of it. The light of past experience offers a very safe guide for the future, and the people of the United States, who are ever jealous of their rights, in the light of that experience spoke through their Representatives on this floor in the Forty-eighth Congress in no uncertain sound, and are to-day emphasizing that statement.

They are watching with intense interest the action of their representatives on this subject, so vitally important to their weal or woe.

They have said that they are opposed to the suspension of the coinage of the silver dollar. Shall we heed their voice or shall we disregard their wishes and their interest and legislate still in the interest of those who are seeking further to enrich themselves off the working classes of this country? This is a government of the people, for the people, and by the people, and when they speak let their servants take heed.

They desire that the money which has been used from the beginning of the Government to the present time shall be let alone. It was their first love. It has brought them through thus far in glorious triumph, and although there have been efforts made at different times to win their affections from it those efforts have been unsuccessful, and they cling with increasing tenacity to the gold and silver as a double standard; and to-day the currency, gold, silver, and paper money, is answering all the demands of the country, and that much abused silver dollar, which is claimed by monometallists to be a sham and a fraud, will buy as much sugar, coffee, and clothes for the wives and children of the poor man as the gold or paper dollar.

But we are told now as we have been told before that the continued coinage of the silver dollar will appreciate gold and depreciate silver, and upon this theory, baseless as I believe, we are asked to strike down one of the metals which has stood the test of ages, and since the beginning of our Government has been a safe, reliable, and convenient money for the great body of the people of this country. The people have not forgotten the panic of 1873, which came upon the country just at the time when silver was demonetized and gold was made alone the standard, and which continued until 1878, when the Bland bill was passed restoring the silver dollar to its former standard of fineness and weight and authorized the coinage of an amount not less than $2,000,000 nor more than $4,000,000 worth of bullion per month. Almost immediately on the passage of that bill restoring the silver dollar to its ancient uses confidence was restored, and the energies of the people, which had been paralyzed, were again vitalized, and all branches of industry received a fresh impetus. Is there no significance in this coincidence?

In the very beginning of this Government and when we started out on the grand experiment of self-government the question arose, as one of the most important subjects touching her financial welfare, as to what legislation was necessary and ought to be enacted to carry out the provisions of the eighth section of the Constitution, which confers on Congress the power to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures. After a most careful and patient investigation, by some of the ablest statesmen who have ever graced the halls of the National Congress, it was determined that gold and silver should be the measure of values, and under that power given Congress by the Constitution, to make all laws which shall be necessary and proper for carrying into execution the power conferred upon Congress, an act was passed at the first session of the Second Congress, approved April 2, 1792, authorizing the establishing of a Mint. By the fourteenth section of that act, any person or persons could bring to said Mint gold and silver bullion in order to be coined, and the bullion so brought was there to be assayed as speedily as may be after the receipt thereof, and free of expense to the person or persons by whom the same was brought.

By the sixteenth section of said act it was provided "that all the gold and silver coins which shall have been struck at and issued from said Mint shall be a lawful tender in all payment whatsover. Those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportional to their respective weights," and it was further provided by said act that the silver dollar should contain 371¼ grains of pure silver and the gold dollar to contain 24¾ grains of pure gold. It was further provided by the eleventh section of said act "that the proportional value of gold to silver in all coins which shall by law be current as money within the United States be as 15 to 1, according to quantity or weight of pure gold or pure silver," which were the relative values until 1834, when it was changed from 15 to 1 to 16 to 1.

The present weight of the standard gold dollar is 25.8 grains, 23.22 fine gold and 2.58 grains alloy; and 412½ grains of standard silver constitute the silver dollar, and 412½ grains of standard silver was the lawful-tender dollar from 1792 until 1873. At the latter date it was suddenly discovered by certain persons that Jefferson, Hamilton, and other eminent statesmen were mistaken, and that the standard silver dollar was a fraud and a cheat, and that its coinage ought to cease and it held as a relic of barbarism. Who made this wonderful discovery, and how did it happen?

The late war between the States, which was one of the most terrible wars which has affected any country in modern times, left the Government with a debt of over two and one-half billions—the exact amount on the 31st day of August, 1865, $2,845,907,626. On the 1st day of July, 1873, the unmatured interest-bearing bonded debt of the United States was $1,695,805,950, and in the hands of the bondholders. They knew that if they could procure legislation to debase the silver dollar and thus strike down one-third of the legal-tender coin money of this country that gold would appreciate in value, and that the bonds which they hold, principal and interest, would be paid in this appreciated currency. They set out to accomplish this purpose. These shylocks claimed that it was dishonest in the Government to pay them in anything but gold. Notwithstanding, when they purchased the bonds the money used for that purpose was legal-tenders, worth 50 cents on the dollar in coin, and notwithstanding that legal-tenders should be receivable at their face value for all debts, public and private, except interest on the public debt and certain dues, and so indorsed on their back. This demand was unreasonable, outrageous, and unjust.

Their first demand was to have their bonds paid in coin, gold and silver. This demand was acceded to and in 1869 an act was passed by a Republican Congress against the protest of the Democrats that they would be paid in gold and silver. To meet still further their demands the act of 14th July, 1870, was passed extending the time of payment, reducing the rate of interest and expressly exempting the new bonds from taxation, State, Federal, or municipal, and as a part of its obli-

gation there was printed on each bond "that it shall be paid in coin of the standard value prescribed by law on the 14th July, 1870," and at last the act approved the 12th February, 1873, met their highest ambition changing the standard from gold and silver to gold alone.

In this act approved 12th February, 1873, revising and amending the laws relative to mints, assay offices, and coinage of the United States the silver dollar is not mentioned, but provides for a trade-dollar to contain 420 grains of standard silver. It was not intended that the trade-dollar was to circulate in the United States, but was meant to circulate in China to answer the purposes of our trade with that country. It has been charged, and not successfully denied, that, there being no mention made of the silver dollar in the act of February 12, 1873, some person or persons unknown, at the time the commissioners were revising the statutes of the United States, inserted the following: "The silver coins of the United States shall be a legal tender at their nominal value for an amount not exceeding $5 in any one payment." It is said that this revised volume of the statutes being large was adopted by Congress in 1874 without being read, upon assurances given by the commissioners that they had not inserted any new legislation. A few months after the adoption of the Revised Statutes it was discovered to the great horror of the country that the silver dollar had been demonetized. An indignant and outraged people spoke through their representatives on this floor and demanded a restoration of the standard silver dollar; and on the 28th of February, 1878, an act was passed "to authorize the coinage of the standard silver dollar and to restore its legal-tender character."

Although this act did not restore the law of 1792 so far as the unlimited coinage of the silver dollar was concerned, yet the Secretary of the Treasury by this act being authorized to purchase not less than $2,000,000 nor more than $4,000,000 of silver bullion per month for coinage, and making the silver dollar a legal tender for any amount, checked the decline of silver, and from that day until the present the same dollar of the Constitution of 412½ grains of standard silver has been in the hands of the people with a purchasing power as great as a gold or paper dollar, and will continue to possess that power if the spirit of the provisions of section 3694 of the Revised Statutes of the United States is complied with, which provides that "the coin paid for duties on imported goods shall be set apart as a special fund and shall be applied as follows:"

First. To the payment in coin of the interest on the bonds and notes of the United States.
Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set aside as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.
Third. The residue to be paid into the Treasury.

Sir, are the terms of that law indefinite and uncertain? Does coin mean gold alone? If Congress had intended it to mean gold alone gold would have been used instead of coin; yet that law is a dead letter, and in the face of it gold alone has been used exclusively in payment of the interest and principal of the bonds for many years past. The bondholder, however, as I have shown by the various acts of legislation, is emboldened to ask now for legislation to demonetize silver that his bonds may surely be paid in gold. This accomplished, his wealth will be greatly increased, while the debtor class, mostly poor men, will have their burdens increased. Additional sweat and labor of the toiling millions will have to be expended to procure the necessaries of life and pay the interest on the bonds held by the rich exempt from taxation. Already their burdens are most grievous to be borne on account of the iniquitous protective tariff, which has cursed the country for many years.

Sir, the millions who work on the farm, at the forge, and in the mines are to be the sufferers. Their hard earnings are asked to be added to the riches of the rich, while they will be impoverished. I do not mean to say that I do not want the bondholder to be protected; but, on the contrary, I want him to have what justly and legally belongs to him; I want him paid every dollar, principal and interest, of his bonds, according to the contract—nothing more; nothing less—but I do most solemnly protest against that character of legislation which enriches the rich and at the same time impoverishes the poor.

This grand Government of ours, which is the pride of every true American heart, was organized to mete out even-handed justice to all her citizens. It was intended by the framers of this Government that the citizen should be protected, not only in his life and liberty, but his property as well.

Let us, Mr. Speaker, in the spirit of our institutions protect the poor as well as the rich of this great country. Let us so legislate for the people that all, rich and poor, when they look upon that grand old flag as it waves in triumph from one end of this country to the other feel that beneath its ample folds there are equal rights to all and exclusive privileges to none.

Sir, it is a lamentable fact that the legislation of this country for twenty years has centered almost the entire wealth of this nation in the pockets of a few. I shall not complain if, under the laws, just and equal to all, there are those who by their energy and financial sagacity have accumulated wealth. That is commendable, and no one has a right to complain; but I do complain of that kind of legislation which for many years past has favored the rich at the expense of the poor. The proposition to suspend the coinage of the silver dollar is of that character of legislation.

I am unwilling as one of the Representatives of the people on this floor to see such an iniquity perpetrated without entering my protest. There can be no doubt if the coinage of the silver dollar is suspended the value of gold will be increased, and as a necessary consequence a greater amount of the products of labor will be required to pay debts. It would be a most flagrant violation of the contract, and the debtor classes would be the sufferers from that violation. Their debts were contracted with reference to the law which existed at the time of their creation. The striking down of the coinage of silver would destroy over one-third of the coin money of the United States, and to that extent would bring about a contraction of the currency. Have we more money than the commerce of the country requires? Let us see.

By the last report of the Director of the Mint it appears that the specie and paper currency of the United States was, on the 1st day of July, 1885, $1,845,005,156, but this does not represent the amount in circulation. There is of that amount only about $1,000,000,000 in circulation. Assuming the population of the United States to be 60,000,000, and that is about correct, we have per capita $16.66⅔, $37.80 less than France, and $8.41 less than Great Britain. Is that amount of money per capita too much? I presume that no one will argue that it is unless it be the banker or bondholder. Is there an inflation of the currency? Is there a fictitious value on property which always results from an inflation of the currency? No, sir; but on the contrary the fact that our hogs, cattle, and other articles of food are cheaper than they have been for many years past, paying but little if anything beyond the cost of production, is evidence that there is not more money in circulation among the people than the demands of trade require. The money to make up this amount is gold, silver, and paper, all of equal purchasing power.

Now, sir, the inevitable consequence of stopping the coinage of the silver dollar would be to destroy the purchasing power which it now has and to lessen the volume of the currency to the amount at least, according to the present rate of coinage, $27,000,000 per annum. Not only so, but the paper currency is constantly diminishing and no increase in gold, while the population is increasing over 1,000,000 per annum and the business of the country is growing and extending all the time. Where, sir, I ask, is the money to meet this growing demand to come from if the coinage of the silver dollar is suspended?

Mr. Speaker, if the bondholders and bankers succeed in their demands, and gold alone is the measure of values, bankruptcy and ruin will ensue. Such a spectacle of wretchedness and misery has never been seen in any country as would be presented here. The Government, State, municipal, corporate, and individual debts amount to several hundred million dollars, and most of them are bearing interest and must be paid; and yet in the face of these facts it is proposed to strike down the silver dollar and thus increase these debts and stop the industries of the country.

Hon. William M. Evarts, who was one of the United States commissioners at the international monetary conference held in Paris, in 1881, said:

As there never had been a time in history when silver and gold had not been necessary and been used as money, or when their united strength was more than adequate for the unfolding progress of society, so above all things in this age and in the actual circumstances of the world was this true.

Ex-Senator Thurman, of Ohio, that distinguished patriot and statesman, who was also one of the commissioners at the conference in Paris in 1881, said:

I believe that bimetallism will ultimately prevail. I can not see how the vast structure of credit, the most distinguishing feature of modern industry and commerce, can be supported on a gold basis alone. With both metals its base has often been found too narrow; but with one it would be, to my apprehension, positively unsafe.

These declarations were made by statesmen looking to the interest of the whole people. The interest of the eleven millions of people engaged in agriculture, manufactures, mechanics, and mining was taken into consideration. The contrast, Mr. Speaker, is most striking between patriotic declarations like these from the elevated plane of statesmanship and the great outcry which the bankers, bondholders, and creditors generally are making against the continuation of bimetallism. Those declarations were made in view of the fact that the suspension of the coinage of the silver dollar would result in a contraction of the currency, increase the purchasing power of gold, and that the laboring men would get at least one-third less for the products of their labor than they now get.

It is very apparent, Mr. Speaker, why the national banks favor the demonetization of silver. On the 1st of July, 1885, as is shown by the Director of the Mint, there were $542,174,633 in gold in circulation in this country; of that amount, as shown by the same authority, at that date the national banks owned $65,559,947 in gold coin, $72,986,340 in gold certificates, $69,738,759 in legal-tenders, which are redeemed in gold, $23,614,000 in gold clearing-house certificates, $18,000,000 in United States certificates, equivalent to gold, making in all the sum of

$250,130,471—very nearly one-half of the gold in circulation in this country. Here, sir, is the secret of their hatred of the silver dollar.

If the coinage of the silver dollar is suspended this vast amount of gold will be increased in value and they will indeed reap a golden harvest. These banks own only about $11,400,000 of the $278,000,000 of the silver in the United States. Shall we, to satisfy the greed of the banks and bondholders, depreciate this large amount of silver, most of which is in the hands of the people, who are struggling with all their might to clothe and feed their wives and children. Individuals are largely indebted to these banks. Stop the coinage of the silver dollar and depreciate silver and this debt would be largely increased—at least one-third—and the large debtor class will be completely in the power of these banks. Is it just that we should heap upon the people these additional burdens?

Sir, the effect of demonetization of silver on our export trade in many of the leading articles would be most disastrous. England for many years consumed large quantities of our wheat, being one of our best customers. Now she has turned her attention to India and Austria, where silver is a full legal tender. Before England demonetized silver it was worth in London $1.19 per ounce; now it is worth 95 cents per ounce. She produces no silver, but purchases large quantities of it to use in her trade with countries which use silver. If the coinage of the silver dollar is stopped in the United States it will be still further depreciated in countries which have adopted the gold standard, and the cheap silver will cut down the exports of this country to an alarming extent. Overproduction will result, and the grand progress which we have made in wealth and greatness will be checked.

Already we have felt the withering influence on our export trade on account of the demonetization of silver in Europe. England prefers to trade with her dependencies when she can purchase from them with cheap silver rather than pay her gold to us. She, always jealous of her rights and interests, is encouraging India in building railroads to cheapen the cost of transportation. In the last few years it has been discovered that the soil of India is as well adapted to the raising of wheat as any country in the world. It is estimated that she has 20,000,000 acres of land splendidly adapted to its culture, and her rich valleys are all the time being rendered more productive by great care and attention. According to estimates made by the Department of Agriculture she raised 252,000,000 bushels of wheat in 1884, and it is estimated that in a few years she will raise twice that amount and will become one of the largest wheat-growing countries in the world. In 1879 she exported 2,000,000 bushels; in 1880, 4,000,000 bushels; in 1883, 36,000,000 bushels.

England was largely her customer, while on the other hand the exports of the United States of that article have fallen off very largely. In 1883 there were exported $119,879,341 worth of wheat, in 1884 $75,026,678, and in 1885 $72,933,097, as is shown by the annual report on commerce and navigation. Sir, shall we by our own folly follow the example of Europe in demonetizing silver and destroy our export trade and transfer it to other countries? Sir, I am unwilling to legislate in the interest of Europe to the detriment of my own country. But we are told that unless Europe will unite with the United States and adopt a common ratio between gold and silver and establish bimetallic money we ought to stop the coinage of the silver dollar. The meaning of which is that the Government of the United States, which has grown in greatness and grandeur more rapidly than any other country in the world in the same length of time under her bimetallic currency, shall abandon the coinage of one of her metals and let Europe control her financial policy.

Sir, are we ready to thus yield up our independence and follow in the footsteps of those European countries which have tried the experiment and found it a failure. Germany in 1871 demonetized silver and made gold alone the standard of values, but the law in its practical workings is unsatisfactory to a large number of her people, and there have been lately evidences of great discontent and a large popular demonstration in favor of returning to bimetallism. The working classes in England after a long experience with gold alone as the standard are feeling very keenly the injustice to them of gold monometallism.

Indeed, many of her ablest financiers are public advocates of re-establishing bimetallism. This sentiment has been growing and extending in those countries for years, and in the near future I predict that there will be such a popular uprising among the working classes that their demands will have to be complied with and a return to the old standards. If we are firm and act wisely and continue our bimetallic currency it will strengthen and encourage those in England and Germany who are now dissatisfied with the present policy, and will cause those countries to return to the "old paths." We are also told that if the coinage of silver is continued that our country will be flooded with the cheap silver of Europe. This is another one of those deceptive statements which when the light of the facts is let in upon it vanishes like the mist before the rising sun. England, France, and Germany possess nearly all the silver in Europe. The cry now is in those countries, particularly in Germany and England, that there is not enough of the currency to meet their demands, consequently the growing sentiment which I have referred to for bimetallism. They have none to spare.

Sir, this is the wrong time for the United States to give up her policy and place herself in the condition of England and Germany. The coinage of more of our silver would do more toward preparing the way for the co-operation of European nations with us in establishing a common ratio between gold and silver and adopting bimetallism than all the commissions which could be sent to those countries.

We are told that the continuation of the coinage of the silver dollar will result in great disaster to the country, "and the laboring men and women of the land, most defenseless of all, will find that the dollar received for the wages of their toil has sadly shrunk in its purchasing power." That same prophecy was made in 1878, when silver was demonetized, and yet these persons for whose welfare so much solicitude is felt have been able to buy every day since that time as much of the necessaries of life with the silver dollar as could have been bought with the gold or paper dollar. Theories are worthless when practical tests are applied. The laboring classes, instead of being deprived of their silver, want more of it.

One of the reasons given by monometallists why the coinage of silver ought to stop is that its coinage will drive gold from the country. This is another one of their theories which the past experience of the country explodes.

Since 1878 there have been imported into this country $187,280,257 in gold more than we have exported, during which time about twenty-seven million each year of standard silver dollars have been coined, aggregating the sum of $215,759,431. France, with her five hundred and ninety-six million nine hundred thousand silver dollars, has gained in the last year $41,700,000, gold, and during the seventy years which her mints were open to the coinage of all the silver in the world her gold did not leave that country, nor was it ever at a premium in time of peace; and yet in the face of these facts, the United States having less than one-half the silver France has, we are told that unless we stop the coinage of the silver dollar gold will be driven from the country. Sir, the people of the United States have felt the influence of the demonetization of silver in Europe.

Since Germany and France have stopped the coinage of silver, gold will buy 25 per cent. more of the products of labor than it would have done before; and if the monometallists shall succeed in stopping the coinage of the silver dollar in the United States, gold will buy 25 per cent. more wheat, corn, cotton, cattle, hogs, and, indeed, all kinds of property than it now does.

Sir, is this Congress prepared to strike a death-blow to the industries of this country by stopping the coinage of silver? We are upon the threshold of an important era for practical legislation. Laws regulating our monetary values enter into and interlace every economic interest of society and government, and we should be careful how we write the statutes referring to our financial problems. Of all the questions of statesmanship, in my mind this is now the paramount one.

It concerns every man, woman, and child, and every commercial and domestic interest of this Government of sixty million people, and my judgment is not obscured when I see the ruin which will follow if we pass a law suspending silver coinage.

This vast country with its increasing interests demands the full supply now provided for, if not much more, to keep its trade and labor in a healthy condition. If we should cut it off it would be like cutting off the flow of blood in the veins and arteries of the body, for it is the life of the Government.

When we consider the spirit of communism and the disruption threatened all over the country we may well consider whether such a step as lessening our coin circulation may not be an impulse to lift the flood-gates of discontent with the millions of laboring men who will not be able to find work wherewith to buy their daily bread. In a word, it means to my mind a stagnation of trade, a paralysis of labor, and all the evils which must arise to the deranged industries of the country.

Mr. JOHN M. TAYLOR. Mr. Speaker, we are now confronted by one of the most important questions that has seriously engaged public attention for the last twenty years: Shall the coinage of silver be free and unlimited; shall the present law restricting its coinage remain on the statute-books, or shall silver be again demonetized? These are pertinent inquiries, and each policy has its advocates among political economists and financiers in and out of Congress.

I shall not hope, Mr. Speaker, to add aught to what has been said, but desire briefly to call the attention of the House and country to some facts in connection with the history of silver, and legislation affecting the same, and its resulting effect upon the value of commodities, reaching to the commerce of the world.

In a practical, unvarnished, and business manner I desire to present my views without effort at rhetoric and beauty of expression, or the marshaling in dress parade of glittering generalities. The question under consideration is one of widespread importance, involving the pecuniary interest of every citizen of the Republic and of all governments, and our ablest and wisest statesmen and most astute political economists differ very materially as to the proper policy to be pursued in this emergency.

We should come to some definite conclusion, and insist upon a settled financial policy, in order that the best interest of our fellow-countrymen may be subserved. The prosperity of our people depends measurably upon the solution of this question, also the development of our inex-

haustible natural resources and the encouragement of agriculture and all industrial pursuits.

According to all men honesty of purpose and a patriotic desire to legislate for the common weal, I shall, with this qualified declaration, submit some thoughts that suggest themselves to me, and which, unanswered, will control my action in the premises.

It is well for us occasionally to look back and profit by the lessons of experience, and by lights thus furnished we are not infrequently enabled to see our way more distinctly.

The power and authority to make money is a governmental function, and has been so recognized, or to use the words of Tooke, "In every civilized country supplying and regulating the circulating medium is a function of sovereign prerogative." Money to possess and constitute the requirements of a medium of exchange must have representative value, and this is derived from the lawmaking power of the Government.

Our forefathers, realizing this and desiring to abandon the barter system, endeavored to effect a permanent agency of trade by conferring upon gold and silver a legal representative value in connection with their inherent value. Section 8, of the Constitution of the United States, in enumerating the powers of Congress, among other things expressly provides, "that Congress shall have power to coin money, regulate the value thereof, and fix the standard of weights and measures."

The molders and builders of our magnificent and perfect form of Government recognized both gold and silver as money and a legal tender in the payment of debts. They are each stamped with an indelible constitutional impression as possessing the requisites of legal and representative value.

Section 10 of the organic law in outlining and prescribing the limits and powers of the States declares that "no State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts," &c.

This provision of the Constitution beyond controversy recognized and established the double standard of gold and silver, and as long as the Federal Constitution remains unchanged, bimetallism is an accomplished fact. This question settled in conformity to and harmony with the unambiguous letter of the Constitution was so considered for more than two generations, and the coinage of gold and silver was free and unchallenged, until the 12th of February, 1873, when without discussion, and it is charged without the knowledge of the American Congress, there was, as is alleged, surreptitiously inserted in a lengthy act relating to the Mint sections providing for the coinage of the trade-dollar and subsidiary coinage.

This act omitted to provide for the coinage of the legal-tender silver dollar, and repealed the former law authorizing its coinage. This was a fatal blow at silver, under which it staggered and fell from its position with gold, its ephemeral dishonor having been accomplished. Trade-dollars could only be coined and fractional parts of the same, and these not to be a legal tender in sums exceeding $5. This left only silver coined previous to the passage of the act as legal tender, and this exception only continued until the revision of the statutes, June 22, 1874, when all silver coins were demonetized except as to sums not exceeding $5.

At the time of the passage of the act of 1873 the statutes were being revised by an authorized commission, proceeding under a law which did not anticipate or empower additional legislation, but merely contemplated a codification of existing laws. A provision was inserted, without warrant or authority of law, destroying the legal-tender character of the standard silver dollar. This provision will be found in the Revised Statutes, section 3386, page 708, and is as follows:

> The silver coins of the United States shall be a legal tender, at their nominal value, for any amount not exceeding $5 in any one payment.

This volume, consisting of more than one thousand pages and numerous statutes, was adopted by Congress in 1874, without being read, relying with implicit confidence upon the commissioners charged with its codification and arrangement, that no new legislation had been inserted. But the effect was realized and demonetization was upon us. The country perceived and felt the consequent contraction in the metallic money, the decline in prices, and the deep financial abyss into which the policy of the gold monometallists and their willing instruments had plunged the country.

The rapid fall in prices of stocks and in merchandise was serious indeed, but not comparable with the disastrous decline in real estate. Dullness of trade seemed universal. In every department of business prices were continually falling. There were no encouraging features in any trade, and we were on the crumbling brink of a fearful financial crash. This depression was caused by the fall in gold prices of commodities everywhere, the dethronement of silver and the lock-up of gold in the Treasury preparatory to specie resumption. Relief was demanded and it was imperative. There was general discontent brooding over the land; the producer, the farmer, mechanic, and laborer were being oppressed, and no one seemed thrifty and prosperous save those whose gold had been enhanced in value, and who were thus growing richer at the expense of the groans and agonies of a suffering people.

And this same class to-day, Mr. Speaker, have organized a crusade against silver, and with sycophantic hypocrisy declare they desire a single gold standard in order that the laboring man, the wage-worker, may receive full and honest compensation for his labor. Aggregated wealth, organized capitalistic power, insisting that silver must be degraded that the poor may be benefited, is a display of philanthropy never suspected of them; and it behooves us to examine the motives that induce such tender expressions.

History and our experience as a nation teaches us that the practical withdrawal of silver from circulation, and certificates issued thereon, and the establishment of gold monometallism, would produce stringency in monetary affairs and an inevitable loss to the great body of the people. Silver is the money of the great mass of society. It is constitutional, so recognized by Hamilton and Jefferson, and is a circulating medium necessary in our domestic transactions and commercial intercourse. Along with gold, each of which has performed its functions as money and a standard of value, keeping company and observing intimate relations, it comes hallowed and sanctioned by the use of years, reaching back in antiquity to "time whereof the memory of man runneth not to the contrary," even when the morning stars first sung the young world's natal hymn.

It has stood the test of ages, and in the time of Aristotle, when the measure of commerce was the same, it possessed the requisite qualities of a just standard. The use of silver as money almost antedates the historic period and is hoary and venerable in antiquity. Its adoption as also gold was one of the first steps in civilization, and a departure from the barter system, when different representatives of value were used as a medium of exchange.

The Spartans at one time adopted iron; the ancient Romans, bars of copper, cattle, &c.; and in fact animals, skins, tobacco, corn, cowry-shells, beads, and wampum have all been used as money, possessing a purchasing power, but as civilization advanced all have given way to gold and silver, and they to-day constitute the basis of money and values. Yet, notwithstanding all this, the necessity for more money and a sound circulating medium, and the important and conspicuous services silver has performed in advancing and aiding in the national prosperity of the people, and the development of our inexhaustible resources, there are those who, forgetful of the past, would strike it from its well-earned distinction, and thus force its involuntary retirement and a scarcity of money.

But, Mr. Speaker, to return to the history of legislation and its evil consequences, we find that our fellow-citizens realized how they had been defrauded by the act demonetizing silver. They demanded the restoration of silver and that the degradation inflicted by designing politicians and capitalists should be obliterated. As a result of this, on the 28th of February, 1878, an act was passed authorizing "the coinage of the standard silver dollar and to restore its legal-tender character," making it a legal tender for any amount and providing that the Secretary of the Treasury should purchase at the market price not less than $2,000,000 nor more than $4,000,000 of silver bullion per month for coinage. This was and is only a partial demonetization, as any limitation is detrimental. The restoration should be complete. It is a necessity.

It is absolutely certain that the business transactions of the world can not be successfully conducted with both gold and silver combined, and that we must resort to an auxiliary medium in paper. How then can it be supposed that with silver stricken from the standard of values gold alone will be sufficient as a basis? The demand for more money is increasing co-extensive with the growth of population and the extension of our settlements and the building up and development of this great country. As year by year we march toward the realization of the grand possibilities of this Republic, so steadily and surely will be apparent the necessity of an increase of our circulating medium.

I believe, Mr. Speaker, that the further demonetization of silver would be attended with dire misfortunes to our people, would breed discontent, reduce wages, produce contraction, paralyze industry, dwarf improvements, and practically place gold out of the reach of the great mass of our countrymen. What, sir, is to be gained by demonetization and the establishment of monometallism? To whose benefit would such legislation inure? How can the interest of the agriculturist, mechanic, laborer, and persons of limited means be promoted by the withdrawal from circulation of our silver and silver certificates, thus reducing the volume of our metal money about one-half?

Instead of bringing healing upon its wings, such legislation would be attended with fearful disaster. Even now there is a great scarcity of money, and there is universal complaint. Contraction would throw thousands out of employment, and money would be a luxury only to the opulent. The demand for work would be alarming indeed, and an increase of wages a necessity; or a repetition of strikes everywhere. The policy of the gold monometallists would close the rich mines of silver in the United States and thus deprive thousands of our miners of the results of their labor.

The same results would follow now as predicted by Mr. Hamilton, who, in his report upon the Mint in 1792, said:

> To annul the use of either of the two metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scant circulation.

The consequence would be the withdrawal of money from circulation and the hoarding of it on account of the falling in prices in all things, and an accruing profit only to the holder of money. The de-

cline in prices robs labor of employment. It is narrowed down then to a conflict of organized capital, on the one hand, and the people on the other. It is a determination to invoke and use the power of the Government to take away from its citizens one-half of its constitutional money, which will reduce the value of labor and property and enhance the value of all evidences of debt.

Followed to its legitimate results it would virtually double the inability of the debtor class to discharge their indebtedness and correspondingly increase the amount of labor necessary to the attainment of a dollar.

As heretofore suggested, the two precious metals have been the money of the world since the beginning of commerce among civilized nations, and have occupied relative values to each other. Wherever interchange of commodities extends beyond mere localities their use becomes a necessity. They have been accepted because they possess in a higher degree than any other substance the essential qualities of indestructibility, divisibility into parts, and for their intrinsic worth. Each is money issued from the great and inexhaustible bank of Nature, which was chartered by Deity Himself, and will never suspend.

Being thus organized, silver will assert its supremacy with gold and be honest money as long as the perpetuity of our Government is assured, which all patriots hope will be until the edict goes forth, Time shall be no more. It is thus sanctioned and was recognized in the Abrahamic period as honest and lawful money. Biblical research informs us of the use of shekels of silver and the recorded and well-authenticated history of the purchase of a plat of ground "for a possession of a burying place" for Sarah who died in Kirjath-arba, the same being Hebron in the land of Canaan. The contract was for the cave of Machpelah, in "the end of the field" owned by Ephron, "and Abraham weighed to Ephron the silver which he had named in the audience of the sons of Heth, 400 shekels of silver, current money with the merchant." This is the first-mentioned and authenticated record of the use of any kind of money, and goes back to and is contained in the first book of that Book inspired by Deity, and which teaches us that "in the beginning God created the heaven and the earth."

Again, it seems bimetallism was established by usage in the days of Moses, prior to his Pisgah view of the promised land, when leading the children of Israel through the wilderness. Pure gold was used in the construction of the ark, and silver and gold in the building of the altar of burnt offering. Silver was honest money then, and has steadily maintained its integrity until modern statesmanship has threatened and connived at its destruction. Through all the ages it has stood the ordeal, representing a fixed value, with purchasing power coequal with gold. Even to-day, with its weight of abuse, you can buy as much of any article for sale with a silver dollar as you can with a gold dollar.

This being undeniably true, the reasons for the organization of capital in a concentrated effort for contraction by the demonetization of silver are apparent and suggestive. It is in the interest of bondholders, who demand payment of interest in gold when the original contract was in coin, and in the interest of the wealthy as against the poorer class of people. It is an effort to the further centralization of money and wealth in a few localities and individuals, and if successful will exercise a pernicious influence upon our most vital interests. Money, like power, should not be stolen from the many and lodged in a few, but its general distribution should be encouraged.

The interest of capitalists and great corporations have monopolized enough, and too much, consideration already at the hands of the Government, and it is high time we were legislating for the good of all the people, whose safety rests in a definite policy and stable money and a faithful adherence to constitutional coin.

The silver dollar authorized to be coined by the act of April 2, 1792, consisted of 416 grains of standard silver, fineness .892$\frac{4}{10}$, equivalent to 371$\frac{1}{4}$ grains of pure silver, with 44$\frac{3}{4}$ grains alloy of pure copper. The weight of the dollar was changed by act of January 18, 1837, to 412$\frac{1}{2}$ grains of standard silver, with the fineness changed to .900, preserving the same amount of pure silver, 371$\frac{1}{4}$ grains, with one-tenth alloy.

This standard silver dollar was a legal tender when the Government debt was created, and when by the act of 1870 it was converted into a coin debt, instead of legal-tender paper, and the coinage of silver then being free, it results that the debt is based on the silver dollar of 412$\frac{1}{2}$ grains, as well as upon the gold dollar. The contract was specific, and the people who have this enormous debt to pay have a legal and moral right to demand a strict compliance with the terms of the original stipulation and the payment of said bonds in silver. It is a violation of the plighted faith of the Government to limit the coinage of silver and refuse to accept it in the discharge of existing liabilities, characterizing it dishonest money, made so, if admitted, by the act of the Government.

It is conceded that a silver dollar will purchase as much of the necessaries of life now as at any time heretofore. As compared to commodities it maintains its purchasing capacity. The demand for gold has increased with us, because of the change in the policy of Germany from a silver to a single gold standard and the suspension of silver by France and states in the Latin Union. This I submit should not induce a change upon the part of the United States. As I have stated, the refunding act provided for the payment of the public debt and interest in coin, and at that time the silver and gold dollar was the standard of value. The face of the bonds of 5 per cent. funded loan of 1881 so recognizes the fact by this inscription thereon:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The following appears on the face of the United States 4 per cent. bond:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

From this it will appear that a strict performance of the contract would suggest the payment of silver in the redemption of these obligations.

But I shall content myself, Mr. Speaker, at present, without further discussion of the good faith of the Government, and call attention to the stock of gold and silver bullion in the principal countries of the world, the population of each, and the amount of money per capita, which will demonstrate that silver alone is the measure of value in many countries. Its intrinsic value is shown to exist everywhere, and it is coextensive with gold.

I append here a table furnished by the Director of the Mint, which shows that there is not that great disparity between the volume of the two precious metals as some might imagine:

Stock of gold and silver in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$609,000,000	$283,000,000	$892,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 13	41 54
France	37,672,048	848,000,000	594,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626		15,215,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	381,000	281,000	662,000	3 02	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 56	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	9 97	5 16	11 13
Italy	28,452,639	†140,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,860	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	763,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,699	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,238,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26

Stock of gold and silver in the principal countries of the world—Continued.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
Turkey	24,987,000	$39,600,000	$35,200,000	$74,800,000	$1 59	$1 41	$3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	1 33	1 33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,000,000	123,000	2,123,000	96	06	1 02
Chili	2,420,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	438,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,333,712	36,333,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total	.....	3,292,106,836	2,775,611,080	6,067,717,916	.....	.....	.....

*Estimated by the Director of the Mint. †Wahrung's Politik, 1884. ‡Bank reserves only.

Notwithstanding the vast amount of gold and silver, it has fallen short and been insufficient to meet the demands of business as a circulating medium. Paper has been resorted to, bottomed on gold and silver or the public faith and credit. It is further a demonstrable fact that the supply of gold is gradually diminishing; and this being true, where is the philosophy or wisdom, the two being inadequate for the business, in legislating that one is sufficient? Let me invite attention to the following, taken from the report of the Silver Commission, classifying the different countries of the world in reference to metal money:

SILVER-STANDARD COUNTRIES.

	Population.		Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,546
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000	France	35,200,000
Roumania	4,000,000	Belgium	5,100,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,600,000	Italy	26,800,000
Chili	1,900,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD-STANDARD COUNTRIES.

	Population.		Population.
Great Britain	32,000,000	Sweden	4,300,000
Canada, Cape of Good Hope and Australian colonies	7,000,000	Denmark	1,800,000
Germany	42,000,000	Portugal	4,000,000
Norway	1,700,000	Total	92,800,000

This table discloses that the strongest and most powerful nations that have adopted the single gold standard are Great Britain and Germany. In this list is found Norway, Sweden, and Denmark, which are in a measure dependencies of Germany, and Canada, Australia, and Portugal, which may be classed as dependencies of Great Britain. Narrowed down, then, but two great nationalities have adopted the single gold standard.

Of these England has been embarked in her financial policy, being monometallic gold, for about sixty-four years. Germany adopted the same policy in 1871, immediately succeeding the Franco-Prussian war. Her exactions or levies as indemnity upon France amounted to $1,250,000,000 estimated in our money; and this, coupled with the supply of silver, first suggested the change from her former silver standard to that of gold.

Prior to this, in 1857, Germany, at the suggestion of bondholders, had demonetized gold, fearing an inundation of gold from California and the Australian gold mines. Another motive for the change of base in 1870–'71, in addition to the temporary and perhaps unprecedented demand for gold, was the sudden development of rich mines of silver in the United States, from which she feared an oversupply of this metal. It is assumed by some that because of the action of England and Germany we should become alarmed and, without plausible justification, abandon our financial policy. We are assuredly far enough advanced to formulate and maintain that policy best adapted to our varied wants independent of any other government. However, let us see how the balance stands.

In an estimated population in the world of 1,049,244,456 we find that only 93,000,000 have adopted the single gold standard, while 187,300,000 recognize bimetallism by the adoption of gold and silver, and 768,744,456 adhere to an exclusive silver standard. If there be anything significant in numbers we have the consolation that the great majority of countries and peoples are in harmony as with the bimetallic system, and regard silver as constituting a part of the money of the world.

Suppose, for illustration, the world would follow the advice of the advocates of a single gold standard, it is apparent that quite one-half of the metal money would be practically withdrawn from circulation. Who can picture the fearful consequences that would inevitably follow? The hum of industry would be hushed, channels of trade would become sluggish, men and women would be thrown out of employment, and a state of idleness enforced; mills and factories closed, workshops deserted, money would be indeed scarce, and "hard times" spread like a pall over the land. It would be impossible to obtain money without exorbitant interest, and the debtor would be at the mercy of the creditor, and this in a country possessing boundless natural wealth and advantages.

Why is it impracticable to continue the bimetallic policy when the relative value of gold and silver being about 16 to 1 has been so long maintained? There are those who insist that this ratio should be changed so as to coin silver at its bullion value. This is an unfair and ungenerous proposition respecting silver, ignoring the fact that its depreciation was superinduced by the act of the Government in its demonetization and the additional fact that its coinage is now limited by law.

Mr. Speaker, instead of the weight of the lawmaking power being exerted to favor and encourage the stability and settled value of the silver dollar, it has been thrown against it in an effort to degrade its purchasing power, and this notwithstanding the United States produces about one-half of the world's supply. Self-interest should induce us to stimulate its value and encourage its production, as we are the largest producers, while India is the largest consumer of silver in the world.

Silver is decidedly more convenient than gold in small transactions and is emphatically the money of the people, and its generous supply by nature with gold has been in sufficient quantities to furnish a basis of circulation and regulate the value of all other mediums of exchange, thereby meeting the demands of the traffic of the country. It is peculiarly a "home currency," has a familiar face, and a true constitutional ring. It is the only money that finds its way to many humble homes in the land, with which they can procure the necessaries of life. It supplies the wants of the needy, feeds the hungry, clothes the naked, and carries with it confidence, sunshine, and contentment.

To demonetize it without giving relief with an abundance of some other kind of a circulating medium, would be a crime against our fellow-citizens and the best interests of the Government. It would appreciate gold and place it beyond the reach of the industrial classes, whose labor and genius build up our prosperity.

But, Mr. Speaker, we have discussed this question as one applicable to the entire world. Let us now ascertain or picture the condition of the United States if the efforts of the money centers, holders of bonds, and their allies succeed. Let us examine our status financially. In the annual report of the Director of the Mint we find the statement:

From such a revision of former estimates it would appear that the amount of coin in the country on the 1st of July, 1885, was some $820,000,000; of which $542,000,000 consisted of gold coin and $278,000,000 of silver coin.

Upon the assumption of the correctness of this statement, the Director of the Mint, on page 29 of his report, exhibits a table of the stock and ownership of gold and silver in the United States July 1, 1885, from which it appears that of gold there is in the Treasury, less outstanding certificates, $53,223,160; national banks, $165,575,867, including Treasury and clearing-house certificates; State banks, trust companies, and savings-banks, as reported to Comptroller, $25,928,757; other banks and private hands, $297,446,852. In silver coin of full legal tender and subsidiary there was a total of $95,119,065 in the Treasury, less outstanding certificates. In national banks $11,978,833, including Treasury certificates. In banks and private hands $171,726,303, aggregating the estimate. The certificates representing coin, which can only be used in their redemption, necessarily forms a part of the coin circulation.

In addition to the foregoing there was at that time in the mints and assay offices gold and silver bullion available for coinage as follows: Gold, 3,593,031.342 ounces, of the value of $66,847,095.25; silver, 4,727,076.820 ounces, of the value of $4,654,586 92.

From the same report we find our total circulation at the time stated to be as follows.

Form and location of total circulation July 1, 1885.

	In Treasury.	In national banks.	In other banks and general circulation.	Total.
Gold bullion	$66,847,095	.....	.....	$66,847,095
Silver bullion	*4,654,586	.....	.....	4,654,586
Gold coin	179,952,890	†$90,758,947	$271,462,799	542,174,636
Silver dollars	165,413,112	17,000,000	31,471,269	203,884,381
Fractional silver coin	31,236,899	‡1,897,554	41,805,367	74,939,820
Gold certificates	13,593,410	74,816,920	51,491,316	139,901,646
Silver certificates	38,370,700	3,139,070	98,813,370	140,323,140
United States notes	§45,047,378	79,701,352	221,990,236	346,738,966
National-bank notes	9,945,710	23,465,388	285,165,613	318,576,711
Fractional currency	3,285	489,927	6,470,963	6,964,175
	555,065,065	281,269,158	1,008,670,933	1,845,005,156

*Cost value.
†Includes gold clearing-house certificates, $24,199,000.
‡The total "silver coin" only is reported. The division is estimated.
§Includes $29,585,000 held as security for currency certificates.

From this it will be observed that the withdrawal from circulation in the event of demonetization would not only be the actual coin but also silver certificates, the representative of the coin. The consequence would not only be the unsettling of values and prices, but destructive of the confidence of the citizen in the good faith and integrity of his Government, and considered an infraction of existing contracts for the payment of money, by which the value of the obligation would be enhanced. Withdraw this enormous sum from circulation, and a cry for relief will be heard welling from every quarter. It would intensify poverty and put beyond the reach of many the necessaries and comforts of life. It would wring the sweat from the face of toil without promise or hope of adequate remuneration, and poverty would be rendered more insufferable as the avenues of escape were barred.

The question of silver coinage, Mr. Speaker, is not and can not be made a local or party question. All countries are interested in the subject, and our action will have its beneficial or deleterious influence at home and stretch out through the civilized world, for the interests of all commercial nations are involved.

This is so—

Quoting from the recent speech of my honorable friend, Judge REAGAN, of Texas, whose words of wisdom should be heeded—

because gold and silver have through all the ages been recognized as the money of the word, the only international money. Many nations have had bank notes and other kinds of paper money current within the countries which authorized its issue, but not current in other countries, and therefore properly designated as local money, as contradistinguished from the world's money, gold and silver. These are recognized as the world's money not because all commodities are paid for in coin, not because all exchanges of commodities are made by the aid of gold and silver, but because these measure the value of all other money in transactions between different countries and nationalities. The value of all exchange between different countries is determined mainly by the amount of metal money available for commercial use, and the value of all local money is largely controlled by the amount of metal money.

This was true at the time of the establishment of the first bank of which history gives an authentic account, being the Bank of Venice in the year 1171, and during the existence of the Bank of Genoa, established early in the thirteenth century, which is said to be the first that originated the bank note, which has since become an important factor in commercial transactions.

The Bank of Amsterdam, established in 1609, received coin bullion on deposit; and so of the Bank of Hamburg, organized in 1619 on the model of Amsterdam, and which is still in successful operation. So of the Bank of England and others, all of which have issued bank notes or drafts and paper money, yet none were considered international money, but all were bottomed on the true representatives and measure of values, gold and silver. Coming down to the year 1775, the Congress issued a large amount of bills of credit. The confederated colonies were pledged for their redemption, and the bills bore upon their face a provision which entitled "the bearer to receive Spanish milled dollars, or the value thereof in gold or silver, according to the resolution of Congress." This was local and not international money, but it had for its foundation the two precious metals.

I have said that this was not a question of financial policy affecting a single nation, but all countries. That we may realize the great importance and magnitude of the subject a recurrence to some important facts and statistics will be of interest. The national debts of the world are estimated to approximate $26,000,000,000. Excluding India, China, and Japan, with a population of about 662,000,000 and a debt aggregating about $1,100,000,000, that of the remaining countries in round numbers amounts to $25,000,000,000, as stated by Mr. STEWART in his discussion of the silver question. Other indebtedness is alleged to be twice or thrice as great, making an enormous sum that staggers credulity and is apparently beyond conception.

I mention these facts, and again call attention to the amount of international metal money in the world, which, by liberal computation, is not exceeding $7,000,000,000, constituting the basis of values, 54 per cent. of which is silver and 46 per cent. gold. The existence of these startling facts to the contrary, the advocates of a single gold standard would discard silver as a cankerous evil, and, by forcing its retirement, thereby decrease by one-half the supply of money with which this mountain of debt has to be liquidated. Is it possible that this movement is inaugurated in the interest of all the people?

Can it be to their interest to deprive them of the means of relief and correspondingly increase their inability to discharge pressing obligations? Discarding for the present the consideration of other countries, we should examine our immediate household, the United States, and her financial condition that we may have a thorough knowledge of the situation and the probable effects of legislation demonetizing silver.

In 1865, after deducting the entire amount of cash in the Treasury, our national debt on the 1st day of August of that year in round numbers was $2,756,000,000. In twenty years we have reduced the debt to $1,485,000,000, after deducting cash in the Treasury, showing in actual payment in this time of $1,271,000,000.

Mr. Grier, in his ably prepared discussion of "Our silver coinage," says:

This is a large sum. It has been a payment of over $7,250 for every hour, day and night, for twenty years. In addition during these twenty years we have paid off about $1,890,000,000 in interest on this debt. This means nearly $11,000 paid out every hour, day and night, for twenty years in interest. With all this enormous outlay * * * we are startled with the information that our debt is larger now than when we thought it was the largest, in 1865. In dollars it is smaller, but measured by cotton, or bar-iron, two of the leading products of human labor in our country, it is larger. The products of human labor to-day are so cheap when compared to the prices of 1865 in gold, that it is a fact that measured by a large number of articles the debt has increased.

And now, when a dollar is much harder to earn than in 1865, it is proposed by some to increase the difficulties by making money scarcer.

Hardly twelve months since the friends of silver in Congress made the following statement from calculation, which is considered approximately correct. The estimate was upon the controlling or market prices of 1865 and 1885, and shows that 18,000,000 bales of cotton would have paid the debt in 1865, while it would require 35,000,000 to pay it in 1885; that 25,000,000 tons of bar-iron would have been sufficient to discharge the same in 1865, while twenty years after, with the enormous reduction in amount of the sum total, it would take 30,000,000. True the debt itself has been decreased, but in a greater ratio has the facilities for payment decreased, until measured by the standard of ability to pay and the price or value of commodities we are not so able now as then.

Roundly speaking—

Says Mr. Grier—

while our debt was 100 cents in 1865 it is now reduced to 54 cents. Then, if $1 in gold in 1865 would buy no more of any article than 54 cents will now, the debt remains unreduced when measured by that particular article.

Adam Smith, who was recognized as an eminent economist, promulgated this thought, that "human labor is a more correct measure of intrinsic value than either gold or silver." While this may be true and such labor can not be used as money, still our entire debt will finally be paid by the results of human labor.

Now, Mr. Speaker, with all these suggestions and prominent features with which history is plethoric, and those from the storehouse of our national experience, the important functions of silver and its regulation of supply by nature, in conjunction with gold, in quantity sufficient to form a basis of value, adequate to the amount of trade and the exigencies of the commercial intercourse of the world, let us inquire: Why longer interpose restrictions upon its coinage? What reasons are given for depriving the people of one-half of their metallic money? Why thus force contraction, with the knowledge that financial distress will follow?

What class of individuals are interested in striking silver from our standard of value? Who is to be benefited and who injured by such legislation? Why increase the difficulties in the way of the payment of debts? Why require the laborer to work more hours to obtain a dollar than at present, thus increasing to an alarming extent his inability to support his family? In other words, why by legislative enactment demonetize silver, thus impoverishing the great body of the people and robbing them of a circulating medium in order to contribute to the wealth of the rich and the increase of their power?

I shall not attempt to answer these interrogatories, but they are suggestive of thoughtful apprehension.

Contraction is but the forerunner of a commercial crash and money panic, which will be followed by stagnation of business and general bankruptcy.

Within the past seventy years we have experienced about one dozen fearful panics, and rarely recover from one sufficiently to obtain a glimpse of prosperity before we are threatened with a recurrence. We ought, therefore, to proceed cautiously in the solution of the problem now before us, and avoid plunging the country into a sea of doubtful financial expediency. If the ultimate fate of silver is demonetization, what is to represent it as money? Gold can not, as its supply is diminishing. With 20 per cent. of our silver obliterated by depreciation, we find ourselves in the midst of business depression caused by the insidious blow at its integrity.

Senator SHERMAN, in a speech made in 1876 on the subject of the legal tender of silver coin, said:

The utter ruin that would come to mankind, especially to the poorer nations, by the demonetization of silver can not be estimated by us. Take one-half of

the solid money of the world out of existence, take the sole standard of more than two-thirds of the human race, reduce it to a base metal, and the effect upon the commerce of the world would be incalculable. It can not be done; it will not be done. There is no danger of it.

These two metals have traveled side by side from the beginning of time. The records of human history do not go back to a time when they did not move together. They have varied in value, sometimes one and sometimes the other being higher; but they have gone on, gold the money of the rich, silver the money of the poor; the one to measure acquired wealth, the other to measure the daily necessities of life; and, sir, no act of Parliament, although it may disturb for a moment the relation of these two metals to each other, nothing but the act of God, can destroy the use of both of them by mankind.

Ex-Senator Thurman, the grand old Democrat, lawyer, and statesman, as a member of the commission before the international convention, said:

I believe that bimetallism will ultimately prevail, for I can not see how the vast structure of credit, the most distinguishing feature of modern industry and commerce, can be supported on a gold basis alone; with both metals its base has often been found too narrow, but with one it would be positively unsafe.

Senator VANCE, of North Carolina, who always "hits the nail square on the head," in an able and exhaustive speech delivered in the Senate on the 12th of January last, in discussing the effort of the gold monometallist, said:

Continue this attack until all the silver coin is demonetized, and a contraction is certain to ensue which will strike down prices and labor to the full extent of the proportion which silver bears to the whole volume of our money. It will prove the greatest financial calamity which has ever befallen the American people. Every species of property would shrink, the wages of the poor most of all. The only exception to this universal shrinkage would be in debts and gold. These would increase to the extent that other property decreased in value.

Suppose, for instance, that a man owed a debt of $100 which at the time the debt was made could have been discharged by 100 days' work or with 100 bushels of wheat or 1,000 pounds of cotton; if the contraction of the currency was so much as 50 per cent., then to pay this debt it would require 150 days' work or 150 bushels of wheat or 1,500 pounds of cotton. On the contrary, if when this destruction of silver money took place a man had on hand $100 in gold it would immediately become worth $150. Literally and truly the rich man would be made richer, while the poor man would be made poorer. For it is in the very nature of this kind of money-making by legislation, as in gambling, that the gains of one man must be the losses of another. It differs in this from all transactions of legitimate trade and finance, in any or all of which both parties have a voice and may be benefited. But this is a case of dead open and shut, where the debtor is bound to lose that which the creditor gains. It differs, too, from vulgar theft in that it is fraudulent in its pretenses, insidious in its methods, and lacks the courage and the candor of old-fashioned larceny.

These expressions suggest a remedy by which we may escape the threatened disaster and restore confidence, by a speedy return to the faith of the founders of the Republic, when they adopted the organic law providing for bimetallism and the unlimited coinage of both of the precious metals. Abolish discriminations, unjustly imposed, and let silver be coined into standard dollars and used under the specifications of contracts in the payment of all debts, public and private. The settled policy of the United States until recently was favorable to the free coinage of gold and silver, the wisdom of which is illustrated by history and experience. Almost the entire indebtedness of the country, national, State, municipal, and private, was created under such a policy, and the law in pursuance thereof, and each should take its chances of an extraordinary or over production of gold or silver.

The unlimited and free coinage of silver was never called in question at the time of the creation of the debts to which I have made reference. Its degradation was attempted because it was worth too much, and now that it is partially depreciated it is denominated dishonest money. Limitation upon the coinage produces depreciation to the extent of the inhibition. The effort to rob it of its value has been abortive, for its purchasing power is as great as gold. I believe that both metals are higher than if their coinage had been unobstructed.

Silver having been legislated against, and gold appreciating, made a scarcity of money, until it has almost placed it out of the power of the debtor class to meet the demands of their creditors, and hence the records of the country in every county are full of mortgages and deeds of trust, and crops not yet planted are hypothecated for supplies in order to enable the man of limited means to sustain his family until it is gathered. In the midst of plenty the people are distressed, exhausted, and poor. Nature has generously responded to the toil of the husbandman, until our granaries are full of the products of the soil. Labor has been rewarded in rich harvests. Our mechanics and artisans are vigorously at work, and every industry is strained to its utmost.

With all this, prosperity does not bless us. The true cause is the lack of a plentiful supply of money to meet our wants and give life and vigor to business. We need more money and freer coinage. We want more remunerative prices and a settled currency. Simple justice demands that as our population increases the volume of money should also; but the contrary is the case with us to-day, and corporated capital is insisting upon a further decrease, as they proclaim in the interest of the poor.

Has the millennium come indeed? When the gold interest begins to care for the poor we may expect the inauguration of that era when the lion and the lamb shall lie down together. The great mass of the people do not favor demonetization and they are here protesting against it. We should afford relief and not aggravate suffering.

Away with the suggestion as to our course measured by the policy of England. Hers has led to a concentration of money and power, and a system of landlords and tenants. The people are not prosperous. In 1822 the land-owners of England numbered one hundred and sixty-five thousand. The census shows that in 1861 the number had been reduced to about thirty thousand, with a corresponding decrease going on until now, says Mr. Berky, a celebrated writer, "one-half of the whole kingdom is owned by about twelve persons."

Let us avoid such a tendency, and keep the wealth of our nation among all the people, and not contract our money when there is prostration in business. An abundance of money sufficient to meet the demands of trade infuses activity and life in business, while contraction leads to stagnation, and is death to prosperity.

We need a liberal and just financial policy that will settle prices, restore confidence, encourage enterprise, give impetus to trade, and insure liberal and remunerative wages. The first step toward the accomplishment of this result is the free and unlimited coinage of silver, and we as legislators should not hesitate to take it at this session of Congress. [Great applause.]

Mr. FULLER obtained the floor.

Mr. JAMES. With the consent of the gentleman from Iowa [Mr. FULLER] I move that the House adjourn.

Mr. HALL. I ask leave to present at this time a remonstrance of Knights of Labor and other labor organizations of Burlington, Iowa, against the passage of a bankrupt law with involuntary provisions.

The SPEAKER *pro tempore* (Mr. CRISP). Unless the gentleman from New York [Mr. JAMES] withdraws the motion to adjourn the request of the gentleman from Iowa [Mr. HALL] is not now in order.

Mr. JAMES. I think I must insist on the motion. The gentleman's petition can be presented on Monday.

LEAVE OF ABSENCE.

Mr. GREEN, of New Jersey, by unanimous consent, obtained leave of absence until Friday next, on account of important business.

The motion of Mr. JAMES was then agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to the claim of Roland D. Sutton, of Alcorn County, Mississippi—to the Committee on War Claims.

Also, papers relating to the claim of William H. Glenn—to the same committee.

Also, papers relating to the claim of William H. Glenn—to the same committee.

Also, papers relating to the claim of William J. Driver—to the same committee.

By Mr. BLISS: Memorial of John Y. Cross and others, praying for ascertainment of legal rights as bondholders, &c.—to the Committee on the Public Lands.

Also, memorial of the United States Trust Company and the Central Trust Company of New York, praying for examinations and report as to their legal rights in certain matters, &c.—to the same committee.

By Mr. T. M. BROWNE: Petition of Alexander Whittaker, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. T. J. CAMPBELL: Petition of Robert Stolpe, for increase of pension—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of Knights of Labor of Danville, Ill., favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CUTCHEON: Petition of Knights of Labor of Manistee, Mich., favoring the Hennepin Canal—to the same committee.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, asking for a commission to inquire into the effects of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. GAY: Papers relating to the claim of Rebecca A. Minor—to the Committee on War Claims.

Also, papers relating to the claim of Martha G. Winder—to the same committee.

Also, papers relating to the claim of Lowesky Bouvillain—to the same committee.

Also, papers relating to the claim of Mary F. Cross, administratrix of B. F. Cross—to the same committee.

Also, papers relating to the claim of John J. Greenwood—to the same committee.

By Mr. GROSVENOR: Petition of 41 citizens of Ohio for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Knights of Labor of Bessemer Furnace, Ohio, for the Hennepin Canal—to the Committee on Railways and Canals.

Also, evidence in support of pension claim of H. H. Knopp—to the Committee on Invalid Pensions.

By Mr. HERMAN: Memorial from mayor and common council of Astoria, Oreg., for appropriation for the mouth of the Columbia River—to the Committee on Rivers and Harbors.

Also, petitions of Southern Oregon for extension of time to Oregon and California Railroad Company for completion of road—to the Committee on the Public Lands.

Also, memorial from the city council of Albany, Oreg., favoring the

bill creating the Crater Lake Natural Park in Oregon—to the same committee.

By Mr. HOUK: Petition of Martha Turner for widow's pension—to the Committee on Invalid Pensions.

By Mr. KING: Memorial of Mary H. and O. C. Wossman for relief—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Buffalo Gap, Tex., relating to deep water at Galveston—to the Committee on Rivers and Harbors.

By Mr. LITTLE: Memorial foom the representatives of the savings-banks of New York, asking the repeal of the act providing for the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. MCMILLIN: Petition of Susan and Bettie Halleman, of Jackson County, Tennessee—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of window-glass men of New York, against revision of the tariff—to the Committee on Ways and Means.

Also, petition of Knights of Labor of Binghamton, N. Y., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, letter from Hon. William P. Letchworth, in regard to the establishment of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Memorial of florists and seedsmen of Chattanooga, Tenn., favoring the bill to reduce postage upon seeds, plants, &c.—to the same committee.

By Mr. PERKINS: Resolutions of the Knights of Labor of Cherokee, Kans., asking for liberal appropriations for internal improvements—to the Committee on Railways and Canals.

Also, resolution of the Knights of Labor of Scammonville, Kans., advocating the construction of the Hennepin Canal—to the same committee.

By Mr. RICHARDSON: Petition of administrator of estate of Samuel Campbell, deceased, asking that claim be referred to Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Memorial of Knights of Labor of Westfield, Mass., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. SESSIONS: Petition of citizens of Chautauqua County, New York, asking for postal savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Allegany County, New York, favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. TARSNEY: Petition of ex-soldiers of Saginaw, Mich., favoring the pension claim of Mrs. Anna Harris—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Papers in claim of Joshua W. Elder—to the Committee on War Claims.

Also, papers in claim of Reeder B. Sheppard—to the same committee.

By Mr. VAN EATON: Papers relating to the claim of Mary Harris, of Marion County, Mississippi—to the same committee.

Also, papers relating to the claim of Eliza L. Ford, of Marion County, Mississippi—to the same committee.

By Mr. J. B. WEAVER: Petition of 51 citizens of Sioux City, Iowa, praying for the passage of a law for the organization of Oklahoma Territory—to the Committee on the Territories.

Also, petition of L. A. Brown and 30 others, in favor of placing the coinage of silver upon the same footing with gold, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. MILO WHITE: Petition of citizens of Dresbock, Minn., for a law to prevent aliens from holding land in the United States—to the Committee on the Public Lands.

Also, petition of the city council of Lake City, Minn., for additional appropriation for the harbor of refuge at that place—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of Saint Paul, Minn., favoring the Cullom interstate commerce bill—to the Committee on Commerce.

By Mr. WORTHINGTON: Petition of Knights of Labor of Kramm's Station, Ill., for Hennepin Canal—to the Committee on Railways and Canals.

SENATE.

MONDAY, *March* 29, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Thomas Hamilton, a seaman on the United States steamer Victoria, complaining of the action of the court-martial by which he was tried during the late war, and praying that his case be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented a petition of the California anti-Chinese State convention, held at Sacramento, praying for relief for the Pacific coast from Chinese immigration; which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Assembly No. 2960, Knights of Labor of Columbus, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented the petition of the Western Methodist Book Concern, praying that the postage on certain pamphlets be fixed at the same rate now charged on weekly papers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Samuel Stubbs, of Bethany, Mo., late a teamster in the United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Coldwater, Ohio, praying that Marion Vangardon, dependent mother of Jacob Vangardon, late a private in Company K, Eighty-fourth Indiana Volunteers, be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers, citizens of Watseka, Ill., praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. PLATT presented a joint resolution of the General Assembly of the State of Connecticut; which was read, and referred to the Committee on Coast Defenses, as follows:

House joint resolution No. 16.

Whereas the subject of national defense is now pending before the United States Congress; and

Whereas an effective defense not only of our cities and harbors but also of the roadsteads and estuaries upon our coast which can furnish a safe and convenient headquarters for an enemy's fleet, where hostile expeditions against our chief cities can be organized and sent forth, is of supreme importance; and

Whereas the following reasons exist why Long Island Sound would, in the event of foreign war, inevitably invite the immediate presence of a hostile fleet, and why its occupation would be a serious injury to the whole country and especially disastrous in this State, namely:

1. The sound, from its size, depth of water, and safe places of refuge, furnishes ample and exceptional advantages for the movement of a large fleet, while the coasts of Connecticut and Long Island give every facility for supplies.

2. The act of occupation of such a roadstead, a principal approach to the city of New York, would involve a severe injury to our commerce. The main rail communication between the city of New York and New England would be cut. The traffic of the sound, employing a large fleet of steam and sail vessels, transporting commodities to the value of many hundred millions a year, would be destroyed, and the shore towns of Connecticut, including four cities and a population of more than two hundred thousand, would be substantially depopulated.

3. This State, and particularly the shore towns from New Haven west, contain a large number of factories producing articles essential to the Government in time of war, and producing more than one-half of all the fire-arms and ammunition manufactured in the United States; and

Whereas the main entrance to the sound is of such a nature that defense by torpedoes is difficult, if not impracticable, and no system of defense can be complete that does not include a sufficient fleet of monitors or other description of armored floating batteries; and

Whereas the seacoast States are unable to provide for their own defense by reason of the prohibition of the United States Constitution as well as their surrender to the Federal Government of the revenues from their ports of entry:

Resolved by this Assembly, That the people of Connecticut, believing that thorough preparation for defensive warfare is essential to the free action of the National Government in dealing with foreign powers, that a consciousness on our part and a knowledge on the part of the world of our rich and defenseless seacoast is calculated both to invite aggression and to hamper the Government in the vigorous protection of the rights and property of our citizens, and that the few million dollars withheld from timely preparation in the days of peace is sure to cause the loss of hundreds of millions and unnecessary suffering and dishonor in time of war, which is certain to come and to come without long warning, respectfully urge upon Congress immediate provision for placing our whole seacoast in a condition for thorough defense, and express their willingness to sustain appropriations for that purpose limited in amount only by the necessities of a complete defensive preparation.

Resolved, That our Senators and Representatives in Congress be requested to use every legitimate effort to promote such measures and appropriations as will most fully and speedily attain the desired result, and especially to use every endeavor to secure adequate protection for our own defenseless coast, both by fortifications and armored floating batteries.

House of representatives, January 27, 1886. Passed.

Senate, January 29, 1886. Passed.

STATE OF CONNECTICUT, *Office of Secretary of State.*

I, Charles A. Russell, secretary of the said State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the General Assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning national defense of seacoast with the original records of the same now remaining in this office, and have found the said copy to be a correct transcript thereof and of the whole of said original.

And I further certify that the said original record is a public record of the State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 25th day of March, 1886.

[SEAL.] CHARLES A. RUSSELL,
Secretary of State.

Mr. WILSON, of Iowa, presented a concurrent resolution of the General Assembly of Iowa; which was referred to the Committee on Epidemic Diseases, and ordered to be printed in the RECORD, as follows:

Concurrent resolution relating to the National Board of Health.

Whereas the several acts of Congress constituting and organizing the National Board of Health, with power to investigate the sources of disease among the people, to prevent the introduction of contagious and infectious disease into the United States from foreign ports, to co-operate and aid State and municipal boards of health in the control and suppression of epidemic diseases; and

Whereas the National Board of Health has discharged the important trusts committed to its care with such fidelity and efficiency as to have won the commendation, favor, and support of sanitary authorities in this country and Europe; and

Whereas there is work to be done by such a board which can not be done by

any local or State board, and which is not and can not be adequately represented or fulfilled by any other branch of the national service; and

Whereas it is deemed of the greatest importance that the National Board of Health be maintained in all its integrity and efficiency as the great central health-protecting power of the National Government, ready to co-operate and aid State and municipal boards of health in the prevention of the introduction of contagious and infectious diseases into this country and their spread from one State into another: Therefore,

Be it resolved by the house (the senate concurring), That the General Assembly of the State of Iowa earnestly request the members of Congress from the State of Iowa to exert their influence and vote to secure adequate appropriations by Congress to continue the work of the National Board of Health in investigating the causes of disease, of co-operating with State and local boards of health, of carrying on the immigration-inspection service, and protecting the public health.

Resolved, That the secretary of state be, and he is hereby, instructed to send to each of the Iowa delegation in Congress a copy of these resolutions, and one copy to W. P. Dunwoody, secretary of the National Board of Health, Washington, D. C.

Adopted in the senate March 19, 1886.

ERNEST HOFER,
Assistant Secretary of Senate.

Concurred in by the house March 22, 1886.

FRANK S. RICE,
Assistant to Chief Clerk of the House.

I hereby certify that the foregoing is a true and correct copy of the original concurrent resolution as adopted by the Twenty-first General Assembly of Iowa, as the same appears on file in my office.

In witness whereof I hereunto set my hand and cause to be affixed the great seal of the State.

Done at Des Moines, the capital, this 24th day of March, A. D. 1886, of the Independence of the United States the one hundred and tenth, of the State of Iowa the fortieth.

FRANK D. JACKSON,
Secretary of State.
D. W. SMITH, *Deputy.*

Mr. BROWN. I present the memorial of Local Assembly No. 2992, of the Knights of Labor of the city of Atlanta, county of Fulton, in the State of Georgia, remonstrating against the passage of what is known as the free-ship bill, two hundred knights being present at the time the memorial was adopted. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COKE. I present the memorial of the Waco Land and Stock-Growing Company, through its president, C. M. Seley; of C. W. White, president of the Colorado Cattle Company; of E. W. Rotan, president of the Pease River Cattle Company; of Thomas P. Abeel, president of the Burnham Land Live-Stock and Tanning Company; of W. W. Seley, president of the Central Texas Live-Stock Association, and of a large number of citizens of Waco, Tex., remonstrating against the passage of Senate bill 1715 in its present shape, being a bill to regulate the transportation of live stock. The particular portion of the bill objected to is comprised in section 1, lines numbered 9, 10, and 11, which read as follows:

> And for the regular feeding and watering of such stock in transit at intervals not exceeding twelve hours each.

This clause it is contended will do great injustice to the live-cattle producers and shippers of Idaho, Wyoming, Dakota, the Indian Territory, Nebraska, Minnesota, Kansas, Iowa, Missouri, Texas, and, in fact, of all the cattle-producing States and Territories in the West, Southwest, and Northwest, where the travel by rail is a run of over twelve hours. The memorialists argue the question at some length and very forcibly. I move that the memorial, together with the accompanying letter from R. G. Head, president of the Range Association of Denver, Colo., be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WALTHALL presented a memorial of the Association of Congregational Churches of Mississippi, referring to the failure of the Freedman's Bank, and recommending the establishment of a postal savings system; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented a petition of the village board of Baldwin, Wis., praying for certain amendments of the interstate commerce bills now pending; which was ordered to lie on the table.

He also presented the petition of M. E. Johnson and others, of Saint Croix County, Wisconsin, praying the enactment of a law placing all imitations of and substitutes for butter under the control of the Internal Revenue Department, with a tax sufficient to defray the expense of enforcing the law; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by Typographical Union No. 211, of Oshkosh, Wis., remonstrating against the passage of the bill for the establishment of an international copyright; which were referred to the Committee on Patents.

He also presented petitions of the Knights of Labor of Black River Falls, Milwaukee, and Racine, in the State of Wisconsin, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. CAMERON presented petitions of Knights of Labor of the counties of Philadelphia and Carbon, in the State of Pennsylvania, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of the Association of ex-Union Prisoners of War of Reading, Pa., praying that ex-Union prisoners of war may be pensioned; which was referred to the Committee on Pensions.

He also presented a petition of members of the Grand Army of the Republic, Department of Pennsylvania, praying for the passage of a bill restoring to the Army Capt. T. J. Spencer, late of the Tenth United States Cavalry; which was referred to the Committee on Military Affairs.

Mr. FRYE presented petitions of monthly meeting of Friends of Durham and Limington, in the State of Maine, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which were referred to the Committee on Foreign Relations.

Mr. DAWES presented a petition of Knights of Labor of Gloucester, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of Knights of Labor of Gillespie and Monmouth, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. TELLER presented petitions of Knights of Labor of Denver and Silverton, in the State of Colorado, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. DOLPH presented a petition of the common council of Albany, Oreg., praying for the passage of the bill (S. 1111) to set apart from the public domain in the State of Oregon as a public park for the benefit of the people of the United States certain townships in the State of Oregon; which was referred to the Committee on Public Lands.

Mr. INGALLS presented resolutions adopted by the board of commissioners of Jackson County, Kansas; resolutions adopted by the common council of Holton, Kans., and a petition of several hundred citizens of Jackson County, Kansas, praying for the passage of the bill (S. 270) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in Kansas; which were referred to the Committee on Indian Affairs.

He also presented a petition of the Knights of Labor of Burlingame, Osage County, Kansas, and a petition of Knights of Labor of Cherokee County, Kansas, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. HOAR presented the petition of Albert E. Griffin and other seamen of the United States, praying that section 10 of the shipping act of June 26, 1884, forbidding the payment of advance wages to seamen, be repealed; which was referred to the Committee on Commerce.

He also presented a petition of Henry Y. Reed, president of Associated Charities, and other citizens of Taunton, Mass., praying for the passage of a bill providing for a system of post-office savings-banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB presented a petition of the Knights of Labor of Olathe, Kans., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of the Timbered Hills Society of Friends of Columbus, Kans., praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a memorial of Knights of Labor of Stanberry, Gentry County, Missouri, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. SAWYER presented a petition of Knights of Labor of Neenah, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CALL presented a petition of citizens of Lake Worth, Dade County, Florida, praying that the bill introduced in Congress for the establishment of a signal station at, and a line of telegraph to, Jupiter Inlet light-house, Florida, be so amended that Lake Worth shall be the location instead of Jupiter Inlet light-house; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1566) to establish a new land district in the Territory of Wyoming; and

A bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 582) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, reported it with amendments, and submitted a report thereon.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 247) granting a pension to Lewis Tyus;

A bill (H. R. 413) granting a pension to George Schaefer;
A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;
A bill (H. R. 792) granting a pension to David McKinney;
A bill (H. R. 1108) granting a pension to Margaret Coffey;
A bill (H. R. 1117) granting a pension to John Owens;
A bill (H. R. 1136) granting a pension to Charles E. Bolles;
A bill (H. R. 1348) for the relief of Pernetta Hendley;
A bill (H. R. 1576) granting an increase of pension to Thomas Allcock;
A bill (H. R. 1841) granting a pension to George W. Stout;
A bill (H. R. 1889) granting a pension to Isaac Carleton;
A bill (H. R. 1902) granting an increase of pension to Simon J. Fought;
A bill (H. R. 2755) granting a pension to Robert Monahan;
A bill (H. R. 2803) granting a pension to John H. Snyder;
A bill (H. R. 3117) granting a pension to Walter A. Phillips;
A bill (H. R. 3152) granting a pension to Eliza A. Fisher;
A bill (H. R. 3463) granting a pension to Mrs. Hanna Babb Hutchins;
A bill (H. R. 3614) granting a pension to Charlotte Buck;
A bill (H. R. 3623) granting a pension to William H. Nevil;
A bill (H. R. 3946) to increase the pension of Alexander Forsyth;
A bill (H. R. 4026) granting a pension to Algernon S. Flagg;
A bill (H. R. 4027) granting a pension to Sophia F. Bixby;
A bill (H. R. 4132) granting a pension to Mary E. Johnson;
A bill (H. R. 4405) for the relief of William F. Miller;
A bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas;
A bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pension;
A bill (H. R. 4824) granting an increase of pension to James Morgan;
A bill (H. R. 5085) for the relief of Mary Hill;
A bill (H. R. 5779) granting a pension to Peter Falkner;
A bill (H. R. 5995) granting a pension to David T. Elderkin;
A bill (H. R. 5997) granting a pension to Elizabeth Luce;
A bill (H. R. 6003) for the relief of John H. McClelland;
A bill (H. R. 6092) granting a pension to Parmelia Smith;
A bill (H. R. 6125) granting a pension to W. C. Davis;
A bill (H. R. 6130) granting a pension to Frank Manhart;
A bill (H. R. 6134) granting a pension to Hugh Mulholland;
A bill (H. R. 6339) for the relief of Harrison W. Moore;
A bill (H. R. 6381) granting a pension to Abel J. Lewis; and
A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes.

The foregoing thirty-nine pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 1989) granting a pension to Mrs. Octave Pavy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIR introduced a bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MAXEY introduced a bill (S. 1992) for the relief of the legal representatives of Matthew Smith; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. INGALLS (by request) introduced a bill (S. 1993) for the relief of William G. Raymond; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1994) granting a pension to Lewis Wharton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS. By request of my colleague [Mr. MILLER] I introduce a bill.

The bill (S. 1995) to compensate the United States and Brazil Mail Steamship Company for carrying the United States mails was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS introduced a joint resolution (S. R. 58) providing for the purchase and distribution of 4,000 copies of a Digest of International Decisions of the United States, edited by Francis Wharton; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PAYNE introduced a bill (S. 1996) for the relief of Edward C. Garlick; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1997) granting a pension to Mrs. Abbie B. Heath; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1998) for the relief of John D. Ham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1999) to establish an additional land district in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 2001) to restore to the town of Beaufort, S. C., the books, maps, and pamphlets of the public library of said town taken away by the United States during the war of the rebellion; which was read twice by its title, and referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PUGH, it was

Ordered, That the papers in respect to the claim of Mrs. Elizabeth Sinclair be taken from the files and referred to the Committee on Claims.

LIEUT. W. P. RANDALL.

On motion of Mr. DAWES, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

WORKS NEAR BATTERY ISLAND LIGHT.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, requested to inform the Senate as to the extent of the injury to the Government works near Battery Island light by the recent ice-flow from the Susquehanna River, and submit an estimate of the probable cost to repair the piers and breakwaters and better protect them against future damage.

EFFICENCY OF THE ARMY.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions the morning business is closed, and in pursuance of the order of the Senate, made at the last sitting, Senate bill 777 is before the Senate as the unfinished business of the morning hour.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Maine [Mr. HALE] to strike out section 2 of the bill.

Mr. LOGAN. Before the question is taken, I desire for a few moments to call the attention of the Senate to the proposition of section 2, which is to increase the efficiency of the Army. I ask that a letter dated March 25, 1886, from the Lieutenant-General commanding the Army be read.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 25, 1886.

SIR: In reply to your inquiries with reference to my opinion and recommendation as to the suggested increase in the enlisted strength of the Army to thirty thousand men, I have the honor to ask your attention to the paragraph in my last annual report, which, as it is my only military recommendation, emphasizes my opinion of its advisability, where I recommend the increase of the number of men in the companies and the addition of two companies to each regiment of infantry. The latter measure, while one of organization, also possesses a great measure in that, if the companies are enlisted to the strength allowed by law it adds twenty-five hundred men to the infantry arm of the service, the former also as directly advises the increase of the enlisted force, which, if made at the rate of only ten men to each of the four hundred and thirty companies now composing the line of the Army, would add forty-three hundred men, or with the additional companies also contemplated, sixty-eight hundred men in all, bringing the Army to a strength somewhat in excess of that mentioned in your inquiry. My report for 1884 also contains a similar recommendation with reference to the addition of fifty companies of infantry. The last report, that for 1883, of my predecessor, General Sherman, as well as several former reports, advocated a like organization with each regiment of infantry recruited to eight hundred men, an addition to the infantry arm of seventy-five hundred men.

The report of Major-General Scofield for 1885, which accompanied my last annual report, discussed this subject most ably and at considerable length; as you well know he gave it as his opinion "that it was extremely unwise to limit the Army to its present strength."

Citations from the late reports and expressed opinions of many officers of high rank could be further made, all showing a universal belief that the Army is too small for the proper and economical discharge of the varied and oftentimes arduous duties that it is compelled to perform.

With the present enlisted force companies in too many cases can only be maintained at a strength so small that even for the routine duties of garrison life they are not properly adequate; their drill and instruction is made more difficult, and the interest and enthusiasm of the officers and that of their men in their profession is materially lessened, thereby decreasing their military value.

With the Army as now constituted, every Indian outbreak or every threatened trouble compels frequent transportation of troops, involving great expense. How numerous these dangers have been, even lately, is set forth in my last annual report. If we had more men a sufficient force could be assembled at any desired points without bringing troops from the great distance that is now necessitated by the small size of the companies. This concentration could thus be made more rapidly—a very essential feature from a military point of view—and at a greatly diminished expense, thereby entailing a saving nearly sufficient to defray the cost of the maintenance of these additional men. Fortunately, no Indian war of any considerable magnitude has occurred during the last few years. I sincerely hope an equal good fortune will await us in the future. The past, however, shows that the Indian outbreak is generally sudden, often without

specific or adequate cause but rather as the consequence of an accumulation of grievances, fancied or real. They have frequently been induced by the vicinity of settlers, and the Indians' fear of a possible restriction upon their almost unlimited freedom which that may bring about. These conditions still exist, and to a greater or less extent will for years to come, and in view of these facts I have deemed it a wise policy to be prepared for emergencies, and have therefore made in the past, and renewed last year, my recommendation for a moderate increase in the enlisted strength of the Army.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Hon. JOHN A. LOGAN, *United States Senate.*

Mr. LOGAN. In connection with that communication I desire to read one or two extracts from a letter from General Schofield, who is now second in command, directed to myself, dated Chicago, February 22, 1886. He says:

I have read with pleasure the bill to increase the efficiency of the Army of the United States reported by you February 9, 1886. It seems to me excellent in all its features. Possibly one or two slight modifications might be made to it. In the first section, fifth line, the word "may" might be substituted for "shall."

Which amendment was made to the bill in accordance with his suggestion. Then he goes on generally to speak of the bill and approves it most heartily in all its features. In his last report made to the Secretary of War he makes suggestions in the same line with the propositions of the pending bill.

I wish to refer to some remarks made in opposition to this bill, which I think were made without properly comprehending the scope and effect of the measure in reference to the increased expenses on account of the additional number of troops that the bill proposes in order to add to the efficiency of the Army.

The Senator from Maine [Mr. HALE] doubtless based his statement upon the appropriations made heretofore, and the estimate that we have generally made in reference to regiments. For instance, the expense of a regiment is generally estimated, loosely estimated, however, as a million dollars per annum. That includes the transportation, all the expenses of recruiting stations, and all the expenses, incidental and otherwise, pertaining to the Army. It will be remarked that if an additional force of private soldiers is added to the Army, it does not increase the expense so far as what we call transportation pertaining to the Army is concerned. Of course, in transporting troops on railroads the number would be estimated, and to that extent the expense would be increased, but transportation in army phrase, as we understand it, army wagons, mules, teams, harness, provision for horses, and all such things, would not be increased, because the Army to-day is supplied sufficiently with that character of transportation for an increase of many more troops than are estimated in the bill. So, in making the estimate, persons who have not perhaps examined this question as closely as those who are connected with the Army now, and make their reports in reference thereto, would naturally make this mistake. It is a mistake that would occur coming from almost any one.

But, in the estimate which I had made by the Paymaster-General in reference to this proposed increase and in reference to the posts where persons are being now enlisted into the Army, his statement, made upon a basis of all the expenses connected with the Army, is:

The difference of pay to enlisted men (see statement herewith) under section 2 would be $870,244.

That is, the additional pay that this bill would carry with it pertaining to the Army as it is now, the increase and all the pay and expense connected with the present Army, would amount to $870,240. The increase of pay connected with the five thousand additional soldiers that the bill proposes to recruit for the Army would be $900,000; additional pay to eighty-seven assistant quartermasters $8,700; instructors for post-schools, $34 per month, $61,200, making the whole expense connected with this bill in increasing the pay of the Army, in adding school-teachers to the Army, or instructors as they are called, and the five thousand men, it would altogether amount to $1,900,184; but the five thousand additional troops taken from the bill, if the amendment of the Senator from Maine should pass, would reduce the expense $960,000. In other words, the adding of five thousand men to the Army increases the expense only $900,000.

As I said, the statement made by the Senator from Maine and the Senator from Colorado was justified from former expenses, where they include all the expenses and divide up the total and make the calculation that the expense additional on account of the five thousand which the bill proposes would be proportionate to the balance of the Army as it now exists, would be a correct calculation but for the error made, as I said, by dividing up the cost of transportation and everything of the kind that is connected with the Army at the present time.

I find that the Army now consists, as I said on a former occasion, of ten regiments of cavalry, five regiments of artillery, twenty-five regiments of infantry, and an engineer battalion. In the law it is aggregated at twenty-five thousand enlisted men, sergeants, &c., making in all something over twenty-six thousand men, including the officers.

My attention has just been called, and I will very gladly make the correction, to the fact that I have not made the addition for rations, which being computed would be probably $600,000. Perhaps that would make a million and a half dollars of expense for the additional five thousand troops, but suppose it reached two million or five million dollars, I do not think that is the great question in the organization of an army. Where your Army costs as it does to-day according to the estimates and appropriations, I do not think that is the great question in the case; and I was going on to try to show that for the efficiency of the Army it ought not to be a calculation as to a small amount of expenditure, but a question for the people of this country as to whether they have an army that is efficient or whether its efficiency shall be increased materially by the addition of a small expense.

To-day the Army amounts to about twenty-five thousand seven hundred, say in round numbers twenty-six thousand men, officers and all. The total of enlisted men to-day in the Army amounts to twenty-three thousand six hundred and ninety-six. When we find the law authorizing twenty-five thousand enlisted men in the Army we naturally suppose that there are twenty-five thousand men in the Army, but that is not the case, and it never will be the case. Under a law giving twenty-five thousand men to an army it is a rare case that you find twenty-three thousand men in the army.

It requires constant recruiting to keep an army up anywhere near the maximum, and no army that I have ever known was ever up to the maximum of efficient men. I suppose there is not a Senator here who served in the late war, either on the Union or on the confederate side, but knows the fact to be that no corps in either army at any time could ever get the number of men that they had enlisted in a fight, on a march, or could ever find them in their camps or out of camp. That is always the case in all armies. As I said, recruiting will not keep an army up to the maximum. Sickness, death, disease, everything of that kind rapidly disintegrates an army, more so than almost any other body of men.

So the increase to-day of five thousand additional enlisted men, making the maximum thirty thousand, would give us of efficient men in the Army, with constant recruiting, about twenty-seven thousand men and not more. I will venture the assertion that if the bill were to pass to-day with the second section in, at no time in the future, with the legal maximum at thirty thousand men, would you ever find when the appropriations were made more than twenty-seven thousand men reported by the general commanding the Army or the Secretary of War for appropriations by the Congress of the United States.

So I can not see why any one should object to the second section remaining in the bill. We talk about an army of twenty-five thousand men, and it is supposed by the country that we have that number of men, when in fact we never have that number and never have had under the law; and I can not see why it is that an opposition to the increase of the efficiency of the Army by raising it at least to what is the maximum now and a little more should be objected to. I can not understand it.

My friend the Senator from Kentucky [Mr. BECK] sounded the bugle-note and gave warning to his Democratic friends here that it would not do to vote for this bill, because this was a Democratic administration, and therefore we must keep expenditures down. That is one side of the question, the political side, but not a statesman's view of it. On the other side, not stated in open Senate, I fear we have some friends who are afraid to vote for this, because the President would have the appointing of a few extra officers when vacancies may occur if we organize the Army as is proposed and suggested by the Lieutenant-General into three battalions to a regiment. The result of that would be an increase of a few subordinate officers, and therefore the President would have the appointment of those officers from civil life, and it is feared he would appoint Democrats, perhaps. I must say that that is not a statesmanlike view of it either. I take no such view of this question, nor do I give it any such thought. If this bill should pass with the amendment of the Senator from Nebraska [Mr. MANDERSON], of course the President would have the right to appoint a few lieutenants; not very many. What kind of persons he would appoint I do not know, nor should I inquire, so that he appointed good men. But I will say that men who are appointed in the Army to-day from civil life as lieutenants have to pass an examination before a board of officers before their names can be sent to the Senate. At least that is the rule, and it is always complied with; so that if a dozen men, Democrats or Republicans, should go before that board and apply for these appointments, the men best qualified would be the men who ought to pass, and they, I presume, would be those whom the President would appoint, without asking their politics. I certainly would do so, and I do not see why he should not, and I believe he would, because I think he is inclined to do right, as far as he understands it. But that cuts no figure with me. If I knew to-day that he would appoint every man of them from Democrats, if they were competent, that would not prevent me from trying to improve the Army, nor should it prevent any man; and I am sorry to find so frequently among men who ought to rise to a higher plane, on every little question that comes up here, suggestions about politics. What have politics to do with it? Instead of that we should inquire as to the thing proposed, whether it is a thing that will advance the interests of the country, that will increase the efficiency of the service, no matter whether it is civil or military; and it should not be decided according to some political grievance or some political idea.

Now, sir, I will say to those friends, if there are any such, who are alarmed about the character of men who might be appointed to some of these offices, that they have had the same opportunity for the last

ten years to do this thing when Republicans had power in this country and when we had Republican administrations, yet they failed then to do it, failed to come to the assistance of the same sort of bill that I have introduced time and again in Congress. So I do not think an excuse of that kind would be very good at the present time if any such excuse should find a lodgment in the mind of any gentleman here.

Mr. President, as is said in the letter of General Sheridan, this bill is calculated to decrease instead of increasing the expense of the Army. Why? It will give an opportunity to place larger bodies of men at posts convenient to railroad transportation or water transportation, and the more men we can bring together and have there for purposes of drill, for purposes of discipline, for purposes of being handled and made into an efficient army, the cheaper it will be and the less proportionate expense you will have. It is the transportation to and from the different posts, where you have one company or two companies, that causes some of the great expenses of the Army. If you had larger posts with a larger number of men at each of them, then if an outbreak should occur anywhere among the Indians or if the President or Lieutenant-General desired to send the Army to particular points it would be easy to transport large bodies on railroads. It could be done more cheaply; it would be less expensive than if we have our troops distributed in all parts of the country in little posts from which the railroads have to carry them back and forth all the time when a necessity arises. That is about all I have to say in reference to this proposition, except merely to call the attention of the Senate to what is commonly understood to be the expenses of the Army as reported by the Secretary of War. A great portion of the expenses that are understood by the country as being expenses of the Army is money appropriated entirely for a different purpose, that is placed in the hands of the Secretary of War or of some portion of the Army for expenditure, and should not be counted as part of the expenses of the Army.

For instance, for the Army and military establishment the total expense is $25,640,495, averaging about a million dollars per regiment; then for public works, including river and harbor improvements, the expenditure was $16,455,630.18; miscellaneous objects, paying claims and things of that kind presented to the Secretary of War, $4,292,079; and adding salaries and contingent expenses the aggregate is $48,204,183.48. Of that $48,204,183.48 expended by the War Department and generally understood as being the expenses of the Army, one-half has nothing to do with the Army establishment, the cost of which is, as reported, $25,640,495.51 all told. Much of the money which is expended by the Government of the United States through the War Department is charged as part of the expenses of the Army, when, in fact, its disbursement could be put just as well in the hands of civilians, if the Congress of the United States desired to do it, and is no part of the duty of the Army really except as made so by Congress.

Mr. President, I am very anxious that this provision should be adopted. I know it has been said that the general officers of the Army like to have a great army to show off and exhibit. That is not correct. Twenty-five or thirty thousand men is not a great army. As humble an individual as I am, I have commanded three times that many men at one time and did not think it was a very large army then as compared with other armies. It is no army at all for a great Government like this. Because I desire to see this establishment placed upon a fair footing so that at least it will have some efficiency and some appearance of an army, that is no ground for saying that I want a great standing army. I do not; but I want such a one as the people of this country will not be ashamed of; I want such a one as will be efficient according to its numbers and according to its organization. Now the organization of our Army is sufficient for a much larger number of men than we have. All I desire is to see that it is made as efficient as possible according to the ideas that people have of the times and according to the framework of that Army as organized by the laws of the United States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to strike out the second section of the bill.

Mr. PLUMB. Mr. President, it seems to me that any bill which is to add any considerable burden to the Treasury ought to be placed upon very solid ground before it is adopted. The Senator from Illinois [Mr. LOGAN], I think, showed that he had not very thoroughly considered this question of expense when he proposed this morning to the Senate seriously that the pay of the men to be enlisted under this bill would amount to only a million dollars or less, overlooking, what he only momentarily did, however, the fact that the men who are paid have also to be fed and clothed and transported, doctored and sheltered. An army of twenty-five thousand men costs the Government about $26,000,000 a year, and the estimate that a thousand dollars a head is the cost of the enlisted men of the Army (which has been accepted by the War Department and by all those who have had to do with it) is the proper average. Of course, adding five thousand men without adding officers might possibly add a little less than that average to the expense; but those of us who know how steadily and yet how certainly the Army expenses increase in various ways, and how every excuse is sought for to add to the expenditures will not be slow, I think, to accept the conclusion that the addition of five thousand men means the addition of $5,000,000 to the amount of money now annually appropriated for the maintenance of the Army.

That is not all there is in this bill, to some portions of which I will come later. I think the other expenses which the bill provides for will add at least $2,000,000 more, besides ingrafting some rather doubtful principles upon the Army as well.

The justification which this measure has found so far has been threefold. First, the Senator from Nebraska [Mr. MANDERSON] says we want it on account of the Indians, who he thinks are about to descend on the defenseless frontier; and, secondly, the Senator from Connecticut [Mr. PLATT] thinks we want it on account of the local disturbances likely to occur growing out of the labor question and because of the Monroe doctrine; and, third, the Senator from Illinois [Mr. LOGAN] wants it because he thinks we ought to have a respectable Army, and one that can make a good show in the presence of this country and of Europe.

If I believed the frontier was defenseless or was lacking for troops, I think I should be as ready as any one to vote the necessary increase of expense in order that the number of soldiers might be increased. Allusion was made to the fact that my colleague had introduced a bill for the establishment of two additional posts on the south line of Kansas as an evidence that a danger presented itself there which could only be met by increasing the number of soldiers. It will be noted, however, that that bill does not call for any additional soldiers and it was not the belief of my colleague, certainly it is not mine, that the establishment of those additional posts down there would require additional troops. Whoever has curiosity enough to look over the list of posts which are garrisoned by the United States Army now, as published in the RECORD a few days ago, will find that singularly enough the greatest number of troops are not where according to the prognostics of the Senator from Nebraska the danger happens to be. We find men sheltered safely at Washington, at Fortress Monroe, at various points on the Canadian border, at points more than a thousand miles away from any possible hostile Indian; and thus those who manage the Army, whatever they say on paper, do not seem to share the apprehensions of danger which the Senator from Nebraska has expressed.

I think it is safe to say that whatever danger we may have had heretofore is diminishing day by day. There is no possibility of an Indian campaign anywhere except it may be in Arizona and New Mexico, and the danger in that quarter is very much less than it has been heretofore. It is not possible for the Indian to engage in a campaign permanently in which he is far away from his family or unless he is able to take his family to some place of refuge while he is carrying on that campaign. There is no game any more in the Rocky Mountains; there is no more wild game anywhere which the Indian can resort to for means of support. Nearly every Indian in the United States is substantially supported by the United States Government by the appropriations which purchase beef, and bread, and sugar, and coffee, and clothing, and so on. These are appeals to the stomach of the Indian as they are to everybody else. While I have no doubt there are many Indians, possibly a majority of them, who around their camp-fires and in their war-dances revive in their recollections the memories of scalping expeditions in which they or their ancestors engaged, and possibly which they repeat in anticipation of what they would like to do, I have noticed that these exhibitions of temper are all there is to them. They subside and are forgotten.

It is true, a few Indians might break out from the Sioux reservation in Dakota. A handful, of course, could make a great disturbance among the settlers of that frontier and would undoubtedly produce great havoc, leading to an enormous desertion of homes. A similar outbreak in the Indian Territory in the direction of Kansas or of Texas would produce the same result, a result to be not only deplored but to be prevented. But with not one-half the Indians from whom anything of that kind could be expected now that there were five years ago, where is the warrant now for increasing the Army just as the danger from that source is disappearing?

It was stated in the papers some months ago that the Senator from Nebraska designed to introduce a bill to provide for the creation of two or three regiments of volunteers, whose duty it should be to fight Indians, a confession that the regular Army was not qualified for that kind of duty even with the number of twenty-five thousand men, as compared with the two thousand five hundred men proposed to be enlisted; and a bill of that kind has been introduced elsewhere and I presume will be pressed for passage.

Seriously, if we are to provide a force which is to cope successfully with the Indians upon the basis of dangers such as we have heretofore had, or upon the basis of dangers such as the Senator from Nebraska, for the purpose of supporting this bill, now leads us to anticipate, that increase ought to come from the men on the frontier. General Crook has been contending now nearly a year with a handful of Indians in the mountains of New Mexico, Arizona, and old Mexico, and he has said to the War Department repeatedly that he did not want another soldier. General Sheridan has been profuse with offers of troops to General Crook in order that the massacre of settlers which was going on in that section of country might be stopped. General Crook has replied, and justly, "I have troops enough."

Last summer there was a press of danger upon the southern border of Kansas, and no one could be more sensitive about that than I am my-

self. I know the alarm which was created in that section of country. In a large measure it was causeless, but at the same time the alarm existed. It was the duty of the President, in command of the Army, to prevent that alarm and the consequences which followed it. After the alarm had assumed some considerable proportions it was found convenient, without denuding the coast, to send 1,600 men to that border. Half that number of men, with two extra posts along that border, would give that perfect security which is required.

But the point I make is that out of the twenty-five thousand men we have, if we could only spare them from the posts, which they seem to prefer to the excitements and dangers of the frontier service, we should have plenty to surround the Sioux reservation near Nebraska and the reservations in the Indian Territory with a cordon of troops who would furnish as perfect protection as troops could give. It is not the lack of troops, it is the lack of a proper disposition of them which we are confronted with to-day, provided always the anticipations of the Senator from Nebraska with reference to the condition of things in the Indian country are correct. The garrisons at Fort Robinson and on the other flank of the Sioux reservation can be doubled and quadrupled without adding a single soldier to those now enlisted. So in regard to troops for the southern border of Kansas or the northern border of Texas, they can be had in ample numbers from the force already maintained by the Government.

As I said before, an Indian campaign hereafter is impossible except it may be among the Apaches in Arizona and New Mexico; and there what does a campaign mean? It means the outbreak of fifteen or twenty or perhaps fifty Indians at the outside, and their unavailing pursuit by hundreds and even thousands of soldiers, a few more of which would not be any more effective than those thousands. That I state on the authority of General Crook, who undoubtedly, alive as he was to the danger there and the risk his own reputation was subjected to by reason of the massacres going on unchecked, said to the Secretary, "It is not troops I want; I have troops enough."

Against spasmodic outbreaks of different kinds it may not be possible to protect the settlers who are living adjacent to these reservations; and yet I do not believe we shall have even such as those. The Indians know that, sooner or later, punishment comes; they know they have no recesses in the Rocky Mountains or elsewhere to which they can retire with any impunity. They know they are girdled round about, that they are dependent wholly for a livelihood, for food and shelter and clothing, upon the Government of the United States, and they are not going to throw those things away; they are not going to break out in order to render more precarious that living to which they are so much attached.

It was a little singular to me that in this time of peace, in this time of almost complete subsidence of actual or contemplated Indian warfare, a measure of this kind should be pushed forward for the first time in many years.

Mr. LOGAN. The Senator will allow me to express the hope that I shall at least have justice done to what I have stated. He says this is the first time that a measure of this kind has been brought forward for many years. The Military Committee know that I have pressed this measure upon Congress for years and years before that committee, and there is not one of them who will not stand on this floor and state that fact.

Mr. PLUMB. I am not talking about private conversations in regard to this matter; I am talking about public exhibitions on the floor of the Senate.

Mr. LOGAN. I introduced this bill in the last Congress and you will find it presented in different Congresses and referred to the Military Committee at nearly every session since the Army was reduced and I have been in the Senate. Not only that, but I have urged it before the Appropriations Committee. I have not urged it before Congress for the reason that no bill has been reported. I never have had before permission to report a bill of this kind. That is the reason for it. I hope the Senator will not make a statement of that kind to make an impression upon the country that there is some pressing necessity just at this moment, because I deny any such thing. There is no more pressing necessity about it than there has been. I introduced it for the efficiency of the Army and to improve the Army and for no other purpose.

Mr. PLUMB. I will make the statement in a different shape. It is a little singular then that now for the first time in many years the proposition is made to make the Army more efficient. When I speak of a proposition I do not refer to the mere formal introduction of a bill, but to the introduction of a bill and the indorsement of that bill by a committee of this body. That is an impetus this has got now which it has not had before since I have been here. I do not think the proposition has been seriously made before. I do not mean to impute anything but seriousness to the efforts the Senator from Illinois has made, but it is a seriousness which has been confined to himself. It has now back of it the determination of the Military Committee, and I speak of that as rather singular. I repeat, it is a little sigular that at this particular time, when it would seem so far as the use of an army was concerned we were in a more peaceful condition than ever before for a generation, there should come forward seriously a proposition not only to increase the number of the Army, but to materially increase the expenses of the Army and to increase the privileges and pay of its officers.

I may say, however, in passing, that having myself paid very little attention to such things, I have never found any bill introduced here which had any show of passing that reduced the privileges of the Army or reduced the pay; but hundreds of them have passed which increased that pay while everybody else's pay was diminishing. It is perhaps a natural outgrowth of that feeling which has manifested itself in single bills, and finally comes on in the shape of a battalion, and I suppose probably will lead to something greater after a while.

The necessity is not on account of the Indian. The Senator from Connecticut—and I was very sorry to hear him say it—said there were signs of local disturbances which we should need an army to put down. I was sorry to hear him say that, because of the very great respect that I have for him, and because I dislike to hear sentiments of that kind uttered anywhere. Whenever we come to that point that the Army of the United States has to be depended upon as a chief or main reliance for the putting down of local disturbances, a much more serious condition of things will have arrived than I ever expect to live to see. This is either a Government of popular opinion and republican in fact, or it is a despotism. If public opinion can not rule this country, then it can not be ruled as a Republic, and when I say "public opinion," I do not mean to say there shall be no police, no constabulary, no sheriffs, no marshals, and so on; but whenever the Army of the United States has to be brought in as a frequent resource for the purpose of quelling local disturbance, then I say it will be because public opinion has ceased to do its perfect work, and the individual citizens upon whom this Government should rest and upon whom it will rest if it is to be a republic have ceased to do their duty, and are calling on the Federal power to do that which they themselves ought to do.

I know there will be on occasions obstructions to the execution of the laws; and I do not refer now to anything that has recently occurred or which is occurring. I have no doubt in the Senator's own city and in other cities there will be mobs at times beyond the power of the local police to control for the moment. But whenever that time comes, if along with it shall come the disposition and the feeling on the part of citizens, "I have got no part or lot in all this business; it is not to devolve responsibility on me for what has led to these things, nor am I to put my own neck in the collar and help to put these things down, but I appeal to the national power," then public opinion has lost its office and its function in this country, and this country will be governed in all its parts and for all purposes from the central power at Washington.

I should be sorry to have a lesson of that kind learned. I have heard at different times expressions of desire that Government troops might be present at a particular point for the purpose of putting down local disturbances, no matter what the right or wrong might be, disturbances which for the time being ought perhaps to have been put down. But admitting this, still the lesson of force as the ultimate remedy for disturbances of that kind is a lesson which this country ought not to and can not afford to learn. It can not afford to permit the people who are to be put down by this force to learn it either. Justice is the one thing that is needed and force the last thing to be used, and of all force the last of all to be used is that of the General Government.

There are troops enough for all ordinary police purposes such as the Government of the United States can be called on to exercise. Any increase of that number simply puts burdens upon labor and arms the central authority with the temptation to use it and invites those who may seek to throw the responsibility which they ought themselves to assume upon the General Government.

The Senator from Connecticut said there was the Monroe doctrine to be enforced. He evidently has not read the message of the President delivered to Congress at the opening of this session, in which, if I understand the English language, that doctrine is wholly abandoned. It may remain for some future administration to assert it, but the present one will not do it evidently.

Mr. PLATT. Will the Senator allow me to interrupt him right here? Does he think the people have abandoned that doctrine?

Mr. PLUMB. The only way I know of whereby the people can express their will about a matter of that kind is at the ballot-box. What they have done I know. What they may do I do not know. All I do know is that so far as the Monroe doctrine is concerned, for the present it is abandoned. It has been deliberately proposed that the canal that shall be dug to connect the waters of the Atlantic with the Pacific, if any one is ever dug, shall not be the property of the American Government, shall not be what it has been so aptly described heretofore to be, a part of the shore-line of the American Republic, but shall be a water way open alike to all people everywhere in the world, severing us permanently from the South American continent, from all control over it, from all special interest in it. So we shall not need any troops to enforce the Monroe doctrine.

And, Mr. President, when we get into that domain, a domain of international complications, what would five thousand soldiers be, I will ask the Senator from Connecticut? They would not be anything. Would it postpone for one single instant the issuing of a proclamation for volunteers? And if ever the time shall come when the American Government shall lack for maintenance by its inability to get five thousand more men by volunteering, it will be crushed like an egg-shell; there will not be anything left of it if it ever comes so near to destruction that nothing but five thousand men stands between it and its fate.

The great mistake, in my judgment, that was made—speaking humbly in this presence—at the outbreak of the last war was that the regular Army was not disbanded. It was the effort to keep up two absolutely irreconcilable forces, to appply to the volunteer army the rules and regulations and methods of procedure that were applied to the regular Army, that made more trouble, more disorganization, more lack of efficiency during the first two years of our struggle than almost all other causes put together. If at that time the regular Army had been disbanded, if its officers had been taken as chiefs of staffs, as quartermasters, as commissaries, as organizers of the volunteer regiments, we should have had a force promptly that would have answered the purpose that it came finally to answer, but which it took two or three years to bring about. So I think when the next war comes about, if we shall ever have one, the regular Army will be dispersed among the volunteer battalion for the purposes of instruction, to mobilize it, to feed it, to teach it to fight, in place of being kept separate and apart as a fighting machine itself.

I know that you can get all sorts of official opinions about the necessity of an increase of the Army. If the Army were thirty thousand men, every general in the Army would say it ought to be fifty thousand. If it were fifty thousand, every one of them would say it ought to be one hundred thousand. It is one of the peculiarities of an army officer in time of peace that he finally comes to think that the Government is made for him. Like Paul he magnifies his office—a good example, no doubt, but one poorly applied in this case—and so he thinks he ought to have not only more colaborers, more of his kind, but more privileges, more salary, more of everything that goes to make his life comfortable. We have the most extravagant army in the world. The best authority we have on the subject says that the laboring people of the United States get an average of less than $500 per annum each. Our Army costs us a thousand dollars to every enlisted man in it—more than twice as much as the laboring people of the United States get. Is the Government ready to enlist men at this price for the purpose of putting additional burdens upon the men who get this scanty pay of less than $500 a year to elevate and dignify and pay the non-producer at the expense of the producer?

But the Senator from Illinois says he wants an army that is respectable. I think that which we have got along with for the last fifteen years we can get along with for a while longer; that especially at this time when the wages of labor are declining, when the price of food and of clothing, and of everything else, is less than it ever was before, we can get along with the thousand-dollars-a-year soldiers that we have got, rather than to increase the burden upon our ill-paid and struggling laborers. The Senator from Illinois said:

I want the Senator to understand that this proposition to increase the Army is not for any present needs; it is not because there is an Indian war; it is not because there is danger from Indians or danger from anywhere; it is not because I apprehend any danger from any source that I proposed this in the bill before the Military Committee and that the Military Committee agreed to it, but it is that the Government of the United States may at least have an army that will have some respectability when it is called the Army of the United States, both at home and abroad.

Done for show! Six or seven million dollars added by the bill to our expenses just simply in order that there may be more frills and furbelows, more pompons and cockades and shoulder-straps and stripes and so on, more of the glitter and tinsel of military life at a cost of six or seven million dollars a year! Elsewhere in that speech the Senator from Illinois spoke, by way of enforcing that necessity, of the fact that European governments had armies of five or seven hundred thousand men.

We find standing armies in some of the European nations of five hundred thousand or even seven hundred thousand men.

He said it would require the number proposed in this bill—

To make the framework of our Army an army at all. It is not an army to-day, except in name. You find a captain and two lieutenants commanding twenty men. The truth is that in the condition our Army is in to-day the officers are almost ashamed to bring their companies out and exhibit them in the presence of the American people.

That is the reason, I suppose, why so many of the Army officers are at Washington. They are ashamed of their commands. Mr. President, I can say from a somewhat careful knowledge of the situation, that the commands are ashamed of the officers who run away from them. That feeling is at least mutual. And then he goes on to speak about the humiliation of these men bringing out these companies and so on. I undertake to say they generally do not bring them out. Fully one-half of the line officers of the Army do not serve with their companies.

I am fond of show myself. The greatest show this country ever made was not when it had the greatest number of men in the field. I think the greatest epoch in the history of this country was when at the close of the war of the rebellion the armies of Grant and Sherman, and of Sheridan, and of Meade, and of Thomas, and of Hancock assembled in the shadow of this Capitol for the purpose of being mustered out and were mustered out. There was no prouder day for the Republic than when those men made that great historic march down Pennsylvania avenue and went to their camps outside this city to be mustered out. The greatness of this country is not and never can be measured by the size of its Army. I will ask the Secretary to read the first paragraph of an article on the United States Army by Archibald Forbes, published in the North American Review about a year and a half ago, which I send to the desk.

The Secretary read as follows:

Returning from America to Europe last year, I happened to have for a fellow-passenger a German officer. "Ja wohl!" remarked this military servant of Kaiser Wilhelm, "it is truly a great country, this American Republic. I have seen its Congress, I have mounted high in an elevator, I have drunk beautiful lager beer, I have seen swine slaughtered by machinery, I have slept in the car of Pullman, I have voyaged in a river steamer grand as a palace, I have seen a torchlight procession three miles long; but, dear sir, in all this great country I have seen no army. Where is the garrison of New York? Where the garrison of Washington? Where the guard corps of this mighty nation that sixteen years ago had some two millions of men under arms? Yes, I have seen not a few generals, and the country undoubtedly possesses numerous colonels, but where are its legions, where its masses of infantrymen, where its cuirassiers, its uhlans, its hussars? Why, there was not so much as a solitary sentry on the schloss of the President."

Mr. PLUMB. That fact constitutes to-day the greatness of the American Republic in the eyes of the world, the fact that the President of the United States goes to and fro between the White House and the Departments and elsewhere unattended by a guard; that the men who come here, representatives of the armies of Europe, find no soldiers anywhere; they see nearly sixty million people busy about all their vocations, every man attending to his own business as peacefully and quietly as though a million bayonets were ordering it all. No respectable army of thirty thousand men, such as the Senator from Illinois aspires to have, will ever add to that respectability in the minds of foreign people. As I said before, this is a Government not of force, but of public opinion. For eighty days a President of the United States lay wounded to death. There was no President during that period of time, no Chief Magistrate. There was no panic, no disturbance, no fear—nothing out of the usual course.

Was there any lack of perfect security for the performance everywhere of every single function of government, except perhaps that which the disabled President himself could have performed? No shock came to the system of government whereby sixty million people have their affairs ordered, no force was needed at any point where man came in contact with man and where all the business of this country came into association, because every man felt that he with all other men around him was equal to the emergency, which was feeble compared with the emergencies through which this country had gone in which Presidents and Vice-Presidents and even Congresses were matters of small concern. It was public opinion—it was that calm, sedate judgment, informed by experience, by education, by self-respect, by independence, by self-reliance—that animated the American people, as it always had, and which makes them equal to emergencies in which armies are nothing. So of Congress and of all civil authority. We shall not add one single feather's weight to the strength of this structure of ours by putting ten times five thousand men in the Army.

Mr. Forbes in this article—and I take it no one will dispute that he is authority on such matters—says:

The superficial observer might carry away the impression that the American Army bears a striking resemblance to the tadpole, in that it has a very big head and very little body, were he not in the course of his casual reading to come across the fact that its annual cost to the country amounts to some $40,000,000. He reflects that on an annual expenditure of only twelve and a half millions more Germany maintains a standing army of four hundred and twenty thousand men, with the machinery for increasing that strength to a million within a week, and the conclusion is forced upon him that there must be an American army somewhere, if only he can find it.

Because it costs so much of course. For $53,000,000, according to this authority, the German Empire keeps up an army of four hundred and twenty thousand men; in other words, while our soldiers, rank and file, cost us a thousand dollars a head per annum, the German army costs that government $125 per head per annum. We have the best paid, the best fed, the best clothed, the best lodged army in the world. I am not complaining on that account.

We hear a great deal about the aristocracy of the British army. Mr. Forbes goes on to show that the American officer gets a pay which is from two to four times as much as that of the British officer. The British private soldier gets when on active duty a shilling a day, with an allowance for clothing and food very much less than that of the American soldier; and when he is put into the reserves, as he is in due time, he gets sixpence and the same allowance for food and clothing. I do not say we ought to cut our coat according to that cloth, but I do say to-day that the great distinction between our Army and that army is its cost, and we are levying this on men whose pay is less than one-half that of these men whom we keep by this process in the non-productive ranks. We have added 25 per cent. to the pay of the officers of the United States Army since the war. In other words, during the period of time in which everything they eat and wear and use has been reduced more than 50 per cent. below what it was during the war, and during which period of time their duties have become merely nominal, we have constantly increased their pay.

Mr. President, this ought to stop somewhere. I think it ought to have stopped a long time ago. I believe to-day that to be just and fair we should reduce the pay of many of these men, especially those on the retired-list.

Mr. LOGAN. Will the Senator allow me a word?

Mr. PLUMB. Certainly.

Mr. LOGAN. He is discussing a good many things, but I should like to call his attention to one proposition. He says the common laborer gets about $500 a year, and he leaves the impression that the soldier gets a thousand dollars a year. The soldier does not get half the pay of a laboring man.

Mr. PLUMB. Out of the pay of a laboring man, which is stated to be about $460 a year, I believe, he has to pay for his food, he has to pay for his clothing, he has to pay for his medical attendance, he has to pay for his shelter, he has to pay for his transportation if he has it, and we pay, feed, and clothe and give medical attendance and shelter to these men at a cost to the United States of $1,000 a head per annum.

Mr. LOGAN. That includes transportation and everything.

Mr. PLUMB. The laboring man has to pay his own transportation.

Mr. LOGAN. Transportation is one of the great items of the cost of the Army.

Mr. PLUMB. I beg the Senator's pardon. Transportation is not much over 10 per cent. of the total. What I say is, that of all times, if there ever was a time when it was desirable the Army should be increased, this is the least excusable time. In the first place, for all the uses to which an army has heretofore been put the occasion for use is now diminishing.

So far as a foreign war is concerned, which has been suggested here, for the maintenance of the Monroe doctrine or for any other purpose, an army of twenty-five thousand or thirty thousand men amounts to nothing. We have got finally to rely upon the volunteer force of this country, and if we can not get volunteers there is no professional army that we can raise which will ever contribute materially to the defense of the country. There is, so far as I believe, no necessity on account of internal disorder for anything more than the usual proportion, and if there were, I maintain that such disorders should be put down by local authority and not by the central authority.

I maintain it not only because I believe it can be just as efficiently done and more wisely done, but because it puts the responsibility exactly where it belongs, in the locality where the disturbance arises. As I said before, nothing could be more fatal in my judgment to the citizen himself than to beget in him the idea that he is not responsible to the extent if necessary of shouldering the musket for local defense, but that he can set himself back within his walls in his country-house or wherever he happens to be and say, "I am not concerned about these things; the United States stands ready to put down this rabble and clear these streets." When he comes to that, he ceases to perform the first duty of a citizen, and becomes himself, consciously or unconsciously but surely, a supporter of a plan which can end only in a monarchy.

There are some other matters in this bill which when the time comes I will bring to the attention of the Senate. I think I will mention one of them now, inasmuch as it to some extent has already passed under the scrutiny of the Senate. It increases in section 3 the pay of nearly every non-commissioned officer in the Army. The increase is from $2 to $8 or $10 a month. The hospital steward is increased $10 a month, and the first sergeant of cavalry, infantry, and artillery is increased $2 a month, and so on it runs $3, $5, and $8 all through the list, while the private soldiers of the engineers and the ordnance are increased, the first class $1 per month, and private soldiers of the second class of engineers and ordnance are increased $3 a month. If there is aristocracy in the Army, an aristocracy within an aristocracy, it is the aristocracy of the engineers and ordnance.

Bear in mind now that the great mass of the private soldiers who are to fight the Indians if they are to be fought, who are to do the military service proper if it is to be done by this Army are not touched at all; but the increase is for privates of the engineers and ordnance who do no fighting—not artillery, mind you, but of the staff corps, the men who never see an enemy and never will see one, but are doing quasi-civil duty, for that is the only duty they have had. They have been singled out here to have their pay increased, while the men who are engaged in hazardous service, a service of fatigue testing their endurance on the frontier, get no increase whatever. That is the discrimination in favor of the aristocracy in the Army, and against the men who are to hold up the banner if it is to be held up at all and do the fighting. I do not know how much that adds.

We speak of hundreds of thousands of dollars with a nonchalance which comes from the fact that we do not pay it and do not consider ourselves as taking any very considerable interest in it, though we are trustees of the people. Perhaps this increase of pay does not add more that five or six hundred thousand dollars to the cost of the Army. Why do so at all? Can any one tell me why in a time of profound peace, when as the Senator from Illinois said in his opening remarks there is no anticipation of war of any kind, we should increase the pay of anybody in the Army?

In 1873 I think it was, after a somewhat conspicuous demonstration of the great abuses and corruptions and scandals that had grown out of what was known as commutation for wood, Congress finally abolished the allowance of wood to the Army officers and provided that thereafter they should pay for wood at the price——

Mr. LOGAN. I presume the Senator does not wish to leave a wrong impression on the Senate and the country when he says the increase only applies to sergeants of ordnance. I presume he does not wish that to be understood.

Mr. PLUMB. I said to the privates of engineers and ordnance.

Mr. LOGAN. The bill says "privates of cavalry, artillery, and infantry"—if there are any other arms of the service I do not know what they are—"are to receive $16 a month." That is the language of the bill.

Mr. PLUMB. Where is that found?

Mr. LOGAN. At the top of the third page. "Privates of cavalry, artillery, and infantry, $16."

Mr. PLUMB. I had overlooked that. I see they are increased from $13 to $16.

Mr. LOGAN. Yes, sir, a larger amount than the increase of any other class.

Mr. PLUMB. Very well. They ought to be increased if the others are increased.

Mr. LOGAN. They are.

Mr. PLUMB. But when we have been getting along so many years without this increase in pay, why should we increase it at this time? Is that a part of the plan to make the Army more respectable, more of a show, and all that sort of thing, which the Senator thinks justifies the addition of $7,000,000 to the annual appropriations?

Mr. LOGAN. No, sir. I will state to the Senator why. Any man who is a soldier of the United States in my judgment is entitled to $16 per month. That is the reason.

Mr. PLUMB. I think that any man who is laboring around a public fort or on a public or a private work or anywhere else, where he is required to labor in order that he may live, is entitled to about as much as a soldier; and I am not in favor of levying money upon these laboring men in order that these non-producers may have higher wages, and. at a time, too, when there is absolutely no excuse for it. If we were threatened with a war, and it became necessary in order to enlist these men that we should pay higher wages, then we ought to pay them; otherwise not.

Mr. LOGAN. The Senator will allow me right there. I will not accuse anybody of demagogism, but I certainly do not wish to practice it myself,

Mr. PLUMB. I know the Senator does not, but he does it all the same. He can go on.

Mr. LOGAN. You can say I do if you wish. The distinction is this, and the Senator ought to see it: What has Congress to do with increasing the wages of laborers all over the country? If I had it in my power I would be willing to do it, but we have no such power. We have power to increase the poor soldiers' pay, and as far as we have power to go I am willing to go. When the Senator undertakes to make a point that we increase the soldiers' pay and the poor laborers get nothing, when we have no power to touch them, as he knows, I say it is a species of argument I would not be guilty of.

Mr. PLUMB. I am much obliged, because that convinces me more thoroughly of the soundness of my argument. I say that we do touch upon the laborer, because we levy upon the people who do the labor the money necessary to pay these additional wages. It is the men who wear the clothing and eat the food who pay the taxes that keep up this Government. It is a demand more nearly per capita than some people have been in the habit of stating or believing. While it is true, as the Senator from Illinois says, that we can not raise the wages of laborers generally, we can at least refrain from adding to their burden by laying additional taxes on them. We can do that much at any rate.

As I was about to say when interrupted, some years ago when the scandal of the allowances for wood, &c., had come to a head, Congress took up that subject and provided that thereafter Army officers should not be allowed commutation of wood, but that they should pay $3 a cord for their wood uniformly, which is much less than it costs the Government. Now, the Senator from Illinois proposes to restore that old allowance of wood commutation. That will add about, I should think, an average of $200 a year to the compensation of every officer in the United States Army.

The Senator from Massachusetts [Mr. DAWES] says that it would take 100 cords of wood to come to that. Oh, no! The price fixed now is $3 a cord, and the Government does not pay less than an average of $5 or $6 a cord for wood, and it gives half that to the Army officers now, and the proposition of the Senator from Illinois is to give them the remaining half. When you come to take the allowance of the Lieutenant-General, the major-generals, and the brigadier-generals, and then apply it to the retired-list as well, for they will get the benefit of this, you will find that it will add at least $200 to the allowances of every officer in the Army. Now, just look at it! At a time like this, with no necessity pressing upon us, with not a single thing for these men to do hardly except of a police character—I know they would do more if they had it to do—but with nothing military for them to do, here is a bill which proposes to increase their pay, and they are already getting from two to four times more than the officers of any other army in the world.

Mr. LOGAN. I am afraid the Senator does not understand that provision. The law that was passed reorganizing the Army and fixing the pay of officers of the Army provided that fuel should be given to them in kind. Afterward it was changed on an appropriation bill to so much a cord for wood.

Mr. PLUMB. No, it was changed providing that they should buy their wood, but might buy it at the price of $3 a cord.

Mr. LOGAN. It was changed so that they should purchase wood at $3 a cord. Here are officers living in Washington city, quite a number of them. They are allowed so much a cord for wood. But take an officer out on the plains, where there is no wood, where it costs from $8 to $10 a cord, and he must pay that for wood.

Mr. PLUMB. I beg your pardon; he pays $3 a cord.

Mr. LOGAN. He furnishes it——

Mr. PLUMB. The Government furnishes it at $3 a cord.

Mr. LOGAN. Suppose the Government can not furnish it. There are places where he must have it. This provides that the Government shall furnish the fuel—that is all there is to it—so as to equalize the men who are away out far in the West, where it is almost impossible to get wood, with the officers here. The provision is that the Government shall furnish to the officers at posts and other places wood the same as in Washington. That is all there is in that provision of the bill. It only equalizes it and makes it just.

Mr. PLUMB. The Government does not pay in wood to anybody in Washington city. It furnishes to the man in Washington city the amount he requires at $3 a cord, and it furnishes everybody else at the same price, making it an absolutely equal provision, because every man pays the same price. Now, the Government can buy it wherever the officer can buy it. In the event that an officer gets somewhere where the Government can not furnish wood of course he can not get it himself.

Mr. LOGAN. Now I will show the Senator, or at least I will try to show, the injustice of the provision that was put in an appropriation bill. I draughted a bill myself which passed the House fixing the pay of Army officers at so much per annum, which they all fought at the time, but they now say is the best bill they ever had, because it is easy to regulate it. They do not have to certify to forty things every day, but just make out an account so much a month. In that bill it was provided that they should receive forage and fuel in kind, that the Government should furnish them forage and fuel. Afterward, for some reason or other which I will not discuss, that was changed on an appropriation bill to the proposition that the Senator speaks of.

Now the trouble is that in some parts of the West—I know it to be so—to furnish the officer wood in a very cold climate in the mountains is almost impossible. What do they do? They weigh the wood; take a certain character of wood and weigh that, and then they estimate a cord by weight. Of light pine wood it would take two cords to make one. In that way the Government is swindled out of half the money. I make the proposition in order to change that and save the Government.

Mr. PLUMB. This takes from the Government all the money. I admit that the present arrangement is bad. The officer ought to be required to furnish his own wood, the same as anybody else. This proposes to take away from the Government even the protection of $3 a cord and make it pay the whole. I think the officers ought to pay it all. But, as I said, this is part of a scheme to add to the cost of the Army by giving these people their wood entire. An officer comes to Washington now, and all he will have to do will be to go to the wood contractor and give him a receipt for the wood and take the money. Under this provision an Army officer could get almost his entire room-rent at a hotel under the head of "wood," and that was the abuse which Congress intended to cut off and did cut off measurably by the act of 1873.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order for to-day, which will be stated.

The SECRETARY. A resolution relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain.

Mr. LOGAN. I should be very glad if the Senate would agree to dispose of the Army bill. I certainly do not wish to detain them very long, but I should like to have the bill disposed of. I have been very patient about it, and have given way to everything that has been asked; but I should like to have it disposed of, and I wish the Senate would allow it to go on. We certainly can conclude it in a short time. Let us get rid of it one way or the other.

Mr. HARRIS. Let the Senator move that the Senate proceed to its consideration.

Mr. PLATT. Will the Senator from Illinois yield to me for a moment?

Mr. LOGAN. Certainly.

Mr. PLATT. I am interested as he is in this bill, but I desire very much at this time to get up the bill for the admission of Washington Territory as a State.

Mr. TELLER. I will ask the Senator from Connecticut to let me make a statement in reference to the Army bill.

Mr. PLATT. I suggest that we take up the Washington bill and then we can attend to the other matter.

Mr. TELLER. I have no objection to the bill being taken up.

ADMISSION OF WASHINGTON TERRITORY.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The question is on that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. PLATT. Now, I have no objection to this being laid aside informally.

JAMES'S CREEK CANAL.

Mr. BUTLER submitted the following resolution; which was referred to the Committee on the District of Columbia:

Resolved, That the Committee on the District of Columbia be requested to furnish the Senate with an estimate of the cost of dredging James Creek Canal from Virginia avenue to the Eastern Branch, so as to place the said canal in a thoroughly sanitary condition.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. I move——

Mr. TELLER. I ask the Senator to allow me to make a statement.

Mr. LOGAN. Certainly.

Mr. TELLER. The Senator from Maine [Mr. HALE], who takes some interest in the Army bill, said to me that he was obliged to be absent at present. He desires to be heard further on the bill. I said certainly no vote could be taken during the morning hour, and he has gone away with the understanding, I suppose, that the bill would go over.

Mr. LOGAN. I have something to do with this bill and I do not know why I should always be appealed to to pass over everything that I have charge of. I can not understand it. I have done so all winter. I move that the Senate continue the consideration of the Army bill until it is finished.

Mr. PLATT. Let the Senator move to lay aside the Washington bill.

Mr. LOGAN. Yes, I move to lay that aside informally.

Mr. PLATT. Ask unanimous consent.

Mr. HARRIS. It can only be done by unanimous consent.

Mr. LOGAN. I hope I shall have unanimous consent.

Mr. TELLER. I have sent for the Senator from Maine.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate informally to lay aside the pending order and continue the consideration of the bill relative to the efficiency of the Army.

Mr. HARRIS. Did I understand the Senator from Colorado to say that the Senator from Maine had expressed a desire to be further heard upon the Army bill?

Mr. TELLER. The Senator from Maine said to me he desired to be heard on the bill. I said to him that it would not be disposed of during the morning hour, because I knew the Senator on the floor was likely to continue, and I intended to make some brief remarks on it myself, and supposed others would, and he went away. I have sent for him, but I do not know whether I shall be able to find him or not.

Mr. HARRIS. Does the Senator from Colorado know when the Senator from Maine will return to the Senate?

Mr. TELLER. I do not. Mr. Christie said he thought he could find him.

Mr. LOGAN. He will be here after a while. If not, I shall not ask for a vote in his absence.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and Senate bill No. 777 is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States.

Mr. PLUMB. Mr. President, it would be supposed that somewhere in a bill to increase the efficiency of the Army, embracing six pages and sixteen sections, would be something which curtailed some privilege or cut off some pay, or something of that kind; but on a careful examination I find that there is hardly a section that does not increase in some way the expense of the Army and increase its privileges. I find in section 13—

That the Secretary of War be and hereby is, authorized to cause the enlistment of competent instructors for post schools, who shall have the rank and pay of ordnance sergeants.

According to this bill an ordnance sergeant is to have $34 a month, I think.

Mr. LOGAN. That is correct.

Mr. PLUMB. Then he has a ration and a half, which makes him more expensive than a private soldier, and he has his clothing and fuel besides. So, if the average pay to the private soldier is a thousand dollars, the pay of an ordance sergeant will be somewhat in excess of that. It is safe to say it will be that much anyhow. I imagine that some of the school teachers who will be employed under the Blair bill would be glad to have this thousand dollars pay. They would be glad to be employed as post instructors under this provision. It will be noticed, too, that this rather extraordinary provision does not limit the number. The Secretary can employ just as many as he pleases. He can have just as many schools as he sees fit, and for every school an instructor, and just as many more instructors than one as he chooses to employ. While I do not suppose that the present Secretary, or any other Secre-

tary, will employ any more men than he deems to be necessary for the Army service, at the same time it is rather an extraordinary grant of power.

But whom are we going to teach? The private soldiers of the Army, men of twenty-one years and upward, men nineteen-twentieths of whom can already read and write, who have already had all the instruction in the common schools of the country which the law imposes the duty upon the Government to furnish to anybody. I know there is an ameliorating influence about a school established at a post, although as far as my observation goes such schools are not very numerously attended; but the men who ought to teach them are the officers of the garrison. One difficulty with the Army to-day is the fact that there is a wide, fixed, and impassable gulf between the private soldiers and the officers, which would be in a measure closed by compelling the officers themselves to instruct the men in the evenings whom during the day they command. It would be a sensible and a useful provision of law that wherever post schools are established they should be taught by the officers of the garrison themselves. But at this late day with the design, I suppose, of sand-papering and varnishing and fixing up this Army of ours and make it still more respectable, they have got a Blair bill here in minature, a provision for instructors to be appointed at will by the Secretary of War at a cost of a thousand dollars apiece to instruct the men of twenty-one years of age and over who compose the private soldiers of the regular Army. When I consider that there are already supported some forty-odd different bands in the Army by money out of which the private soldier is swindled, it seems to me we might find a committee of this body somewhere that would take into consideration some of the abuses of the Army rather than exhaust themselves with a bill of this kind for the purpose of adding to its privileges.

Getting along a little further, I find in section 16 what appears to be a fitting finale to this bill. About 1873 there occurred in the Army of the United States a defalcation of an extraordinary character. A man named Hodges, a paymaster stationed in this city, was found short in his accounts some four or five hundred thousand dollars. It caused Congress to look into the system of accounts in the Pay Department, the mode of inspection, &c., and as the result of that Congress passed the following law, approved April 20, 1874, chapter 117 of the acts of 1873–'74.

An act to provide for the inspection of the disbursements of appropriations made by officers of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose: *Provided*, That no officer so detailed shall be in any way connected with the department or corps making the disbursement.

Under the system which obtained at the time of the Hodge defalcation, and which made that defalcation possible, every paymaster was inspected by his fellow-paymaster and by nobody else. Congress came to the rescue, and said in view of that great defalcation it would establish a rule which as nearly as any rule could do so should prevent that hereafter. The result was the statute failed.

Now, we have had twelve or thirteen years of administration of the pay corps without any defalcation, and the bill under consideration not only provides a repeal of that law, but affimatively says that the Pay Corps shall inspect itself. If there is anything in human nature, the passage of this bill ought to be the beginning of defalcations in the Pay Department. Section 16 of the bill is as follows:

SEC. 16. That hereafter the inspections made of paymasters' accounts, offices, their duties, &c., shall be made—

"Shall be made," mind you—

by officers of the Pay Department detailed for that purpose by the Secretary of War, such detail among paymasters not to be continued for more than one year; other paymasters shall be detailed, and so on, in each year alternating the detail.

The Secretary of War is not authorized to do as he would like to do about it perhaps; he is not authorized to select at will; but the wholesome provision of the law of 1874, enacted in the face of the great Hodge defalcation, is not only to be stricken down, but the Secretary is not to have the option to appoint disinterested people to inspect the paymasters, but has got to select men from among themselves.

Mr. President, there ought to be such a thing as official accountability. There can be no more useful law than that which enforces that accountability at all points and everywhere. There can be no greater travesty on law than that which deliberately relieves and takes away the accountability now provided.

Under the law as it now is, what happens? Wherever the paymasters are stationed, at department headquarters or other places where an inspection officer is stationed, this officer inspects the pay officer. That costs the Government nothing; it is inexpensive, and more than all that it is disinterested.

Now, what would happen under the bill? It would be a very nice thing in the eye of an Army officer, and if there is any one who can frame more ways of getting on nice details and into snug berths and getting perquisites and so on than an Army officer I have yet to discover him. Under the bill the Secretary of War would detail a man from the Pay Corps to inspect the whole number of paymasters. He can only stay in the detail one year, and the next year he is to be not inspector but inspectee; he is to be inspected by some man whom he in turn has inspected. Of course with his detail would come a round-the-country tour of duty, to go to all the places where the paymasters would be inspected, to have a jaunt, or what is known in the Congressional vocabulary as a junket.

That would be bad enough, it is expensive, but fundamentally the objection is that the inspection is not and can not possibly be disinterested. It is to be made by a man, as I said, who not only belongs to the corps which he is inspecting but who is himself to be inspected the next year by some man whom he has inspected, and there is not only all the opportunity but all the possible inducement there ever can be for collusion between the officers of the corps, to see that the inspection is not what the law contemplates it shall be. This is not different from the system which was in vogue at the time of the Hodge defalcation, and under which the Government lost $400,000 or $500,000, as it might be expected to lose under a system so lax as that.

It has been stated by the Senator from Illinois in effect that opposition to this bill is opposition to him. That left the matter in a very awkward position for me, and I at first thought I would not speak upon it. It has been stated further that this bill comes from a committee of this body, composed of men the majority of whom have served in the armies of the United States or in the armies of the confederacy, men who are acquainted with the details of army organization, with its needs, and so on, and that therefore the measure is entitled to great respect. That is true. There is not a member of that committee for whom I have not the profoundest respect—I hope I am not lacking in respect for any member of this body—but I claim to have some self-respect and some sense of duty, and no committee can bind me in regard to matters of public policy. If this were a mere question of detail, of the position relatively or actually of companies in the regiment, of the rank or relative rank of men who command in the regiment, be they lieutenants, captains, majors, colonels, or what not, I would yield in deference to the authority of that committee; but here are half a dozen matters of public policy which the report of no committee can obscure or render otherwise than of the greatest possible importance.

I know the Senator from Illinois is swift to say that is demagogy; that we are not here to legislate for the great masses of the people who pay these taxes; but with not even that decent regard which we ought to have for the trust, we vote money practically without any reason being given for it, because no reason has been proffered why the pay or emolument of the Army should be increased. Are they resigning? The Senator from Illinois said he did not wonder that they resigned. I have not heard any thunder from that source. Who has resigned? There are not vacancies enough in the Army of the United States to-day to take up the seventy-one young men who graduate in June at West Point. We have passed a bill to make twenty-odd new places in the Army in order that those seventy young men may be appointed.

Mr. COCKRELL. We made twenty-odd new places.

Mr. PLUMB. Yes, in order that those young men may be appointed. That does not indicate that there is anything of what my colleague would call "tumultuous haste" to get out of the Army. On the contrary, I say it is the easiest, the snuggest, and the best-paid berth there is in the service of the United States; and yet we are proposing to add not only to the pay of private soldiers and the non-commissioned staff all the way through, but to add an average of at least $200 to the compensation of every officer in the Army.

More than all that, to enable them to shirk the duty which they owe to the men whom they command, we propose to authorize the Secretary of War to enlist as many post instructors to instruct the men as he sees fit, making each company a school, and instead of having the school taught by a competent non-commissioned officer or by the officer who commands the company, and who ought to be drawn to it by some tie except that of his salary, we set up a separate establishment, as I said, a school for every company, and this after the generations of experience we have had of the Army; and I will venture to say there is not a well-considered opinion from anybody entitled to speak by authority calling for anything of this kind.

Mr. LOGAN. If the Senator will allow me, I will state that that provision was inserted in pursuance of a recommendation from the Secretary of War in the last bill and carried over. Secretary Lincoln recommended it, and I reported it in this bill as it was recommended by him. The Military Committee thought it was not wise to recommend so many in the bill, and therefore struck it out, and left the vacancies to be created by the Secretary of War.

Mr. PLUMB. The Secretary of War is not an authority on this subject. He is a civilian, a man really of to-day and not of to-morrow, a man practically possessing no functions concerning the Army. The law gives him some, but he has got to be a man of extraordinary force of character if he ever applies them in any respect to the management of the affairs of the Army. He visés the acts of the General of the Army, but no more controls that great institution than a piece of drift-wood controls the current of the Mississippi River on which it is borne. He registers its decrees and is its servant. He can not be

otherwise under the organization of the Army as it is now. He knows he comes in there for a brief period of two or four years, as the case may be, and that then he is to go out inevitably, no matter what may become of the administration. But the General of the Army, the Lieutenant-General, and the major-generals are there for life; they impress themselves upon the Army. It is an indurated machine which the Secretary of War can not move, and which he can only touch in order to be crushed.

In addition to all this, when we come to the disbursement of all the $40,000,000 that go to make up the pay-roll of the Army, we strike down that wise provision of law enacted in the face of a public emergency whereby the inspection of the Army officers' accounts shall be from disinterested quarters and put the inspection of the paymasters' accounts and all of their affairs into the hands of the corps itself, in order that there will be no let or hinderance to exercise their sweet will in what they will do with the public money. These, as I said, are questions of public policy; they are questions on which the report of no committee binds me, whatever it may do for any other member of the Senate. I wish to say on that point, because this has been brought to my attention in a variety of ways, that when I report a bill here, or when one comes from a committee of which I am a member, if a Senator on this floor withholds any criticism which he deems to be due, he has failed in his duty and not I in mine.

Mr. LOGAN obtained the floor.

Several Senators addressed the Chair.

Mr. LOGAN. I will give way to any Senator. I wish to get the bill through.

Mr. HALE. I was out of the Chamber a little while ago when the Senator from Connecticut [Mr. PLATT] gave way upon the order of business he was moving. He told me this morning that he intended at 2 o'clock to go on, if the Senate should so permit, with the Washington bill, and I supposed the Army measure would go over. I desire to speak briefly in favor of my amendment at the close of the debate, but I am not prepared, I will say to the Senator from Illinois, to go on to-day. On the intimation of the Senator from Connecticut I did not suppose that the Army bill would be proceeded with after 2 o'clock.

Mr. LOGAN. There will be plenty of time for the Senator to speak.

Mr. HALE. Another reason is that some Senators desire an executive session at an early hour. I wish to know whether the Senator from Illinois expects to get a vote to-day.

Mr. LOGAN. I do not know whether I shall get a vote to-day or not. I propose to reply briefly to some of the remarks which have been made, and it will then be for the Senate to determine upon its course.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Senator from Maine has the floor.

Mr. HALE. I am not prepared now to go on. I suppose by common consent whenever the time comes for a vote on the pending question, the bill may go over until to-morrow.

Mr. LOGAN. I have no objection to that whatever.

Mr. DAWES. Mr. President, I desire to say a few words, and only a few, upon the bill, suggested by the course which the debate has taken rather than by any assumption on my part of ability to discuss the details of the bill, or the details of the organization of the Army, or its administration.

I would not assume to criticise this measure or to support it. In a general way I am disposed to follow committees in the recommendations which they make to the Senate from sheer necessity largely, and especially the recommendations of the Committee on Military Affairs, constituted as it is and having jurisdiction of matters so little within the scope of my own study and practical knowledge. I should think it presumption on my part to undertake to discuss the details of this measure. Whether a paymaster's accounts shall be inspected by one officer of the Army or another is a matter which I shall leave to the chairman of the committee to tell me which, in his opinion, is the wisest; or whether the officers upon the frontier, in the application of the rules heretofore established as to their rations and as to their fuel, suffer in comparison with the officers at the Capitol, I do not presume to know as well as the Senator from Illinois and his committee, and such a recommendation as they shall make commends itself to me more strongly than any criticism which shall come of such features of the bill from those who are less known to be familiar with the workings of the details of the Army.

Upon some features of the bill, however, I have an opinion, and that opinion I shall venture to express. We have the framework of an army for thirty thousand men. We had the limitation of thirty thousand men in the adoption of the Revised Statutes; and since, from time to time, in appropriation acts and by transient measures, limited in their application to the Army as a whole, we have, leaving the framework as it is, brought down the rank and file so that the whole Army shall not exceed twenty-five thousand men. We have left the skeleton, we have left the detail, we have left the outside shell, and we have from time to time diminished the numbers of the Army from thirty thousand to twenty-five thousand. Whether it be wise to fill up the companies and regiments and make the organization what it was designed to be, full, complete, and efficient as an organization of that kind should be, or whether we shall continue from time to time to diminish the numbers in detail and leave the framework and all the paraphernalia and machinery of the Army as it is is not a question, it seems to me, that depends upon whether we shall have a great standing army or a small standing army. It is the difference between thirty thousand men and twenty-five thousand men, with the same organization, and with the same outside and the same machinery. The question to me is whether it were better to have it a complete organization under that limit, or whether we shall continue to diminish it by diminishing the number of the rank and file. It is not the question whether filling up with the number of five thousand which have been taken from time to time out of the ranks is endangering the liberties of this country. It does not strike me so. Perhaps it does not strike me so because I have no knowledge at all of army matters.

I do not think whether we shall add $900,000 or a million and a half dollars to the expenses of the Army by thus rounding it out to its proper proportions is a question that ought to shake the very foundations of our institutions, and be a departure from well-established policy of administration. I do not think the question whether our institutions depend upon the will of the people for their support or peace is to be established from within or from without, is to be settled by any such comparatively small item in an army bill. It does not strike me that there is any such great question involved in this matter.

But if the policy which has been suggested on different sides of this Chamber, by which the peace of this country is to be maintained, is to be adopted as the policy of the country, if what I heard the other day in this discussion from a Senator who said he spoke as a friend of the administration is to be the established policy of this Government, I for one would be for an increase of the Army over and above thirty thousand limit; for to my mind it is clear that if that policy is to be adopted there will be need of a greater army than we have had for many a year since the close of the war.

When those who advocated the filling up of the regiments spoke of the need of this supply of men to maintain peace upon the border, to keep the Indian in subjection and the settler in security, we were told that all that had better be turned over to the cowboy, and that he keep the peace of this country as between the Indian and the white man. The cowboy was told in this Chamber that he is himself a part of the Army of this country, and is now subject to the command of the President as Commander-in-Chief, and but offer a reward of $500 for the scalp of an Indian and the cowboy would take up the business of preserving the peace of this country in the matter, in the method of exterminating the Indian when he breaks out in open hostility!

Could I believe that that is the policy of this administration I for one would be for the increase of the Army much more than is contemplated in this bill. But it is because I do not believe that to be the policy of this administration, it is because I believe that this administration, as past administrations, have seen that instead of trusting the peace of this country to the cowboy, they have found a better way of maintaining the peace upon the borders of the country, because this administration is actuated by the spirit which prompted one of its Cabinet officers to tell a committee of those men when they applied to him to have the Indians upon a reservation disarmed that there was more need of disarming the cowboy than there was of disarming the Indian, that I do not see the necessity of any increase of the Army because of any apprehension of an outbreak among the Indians.

Sir, they begin to see more clearly every day wherein peace with the white man lies. They have felt all along that war with the white man has been fatal to them; that it is extermination on their part; and avoiding it as well as they could in their benighted life they have known that war whenever it has broken out has meant extermination; and now that they begin to see that through the arts of peace there is to come to them protection as well against the cowboy as against the outbreak of any other portion of the people, peace with the Indians is assured. Their children in the schools, on the reservations and off the reservations, are hostages of peace. They know that with war come to them desolation and spoliation. They understand it better than they did, and there is no occasion to increase the Army from any apprehension of any trouble with the Indian on the border. Let the white man study justice to the Indian and the Indian will keep peace with him in observing justice with the white man.

But he from whom the Indian has the most to fear, he from whom the Government has the most to fear in disturbing the relations which now exist on the borders between the white man and the Indian, is that very man who has been told in this Chamber that he is an Army officer or an Army private, ready and authorized as an Army officer is to keep the peace, and to encourage him in this work of extermination it is suggested to him that for the better keeping of the peace it may be well to offer a reward for the scalp of every Indian which shall be brought in. So long as we teach that doctrine we shall be called upon and compelled to increase the Army in order to maintain the peace, disturbed as the peace of the country is surely to be under such teachings as that.

We are told that there are disturbances elsewhere as well as on the border. I can understand the sensitiveness of those who people the Western States extending on the borders of the Indian settlements and reservations. I can understand very well, although I have never lived there, their anxiety that nothing shall be done which shall disturb the

now existing peaceful relations between them and the Indians; and I can understand how natural it is for them to look to the Army as the great source of protection, under the shelter of which they can live in peace and in quiet. But the relations between them and the Indian of to-day are quite different from what they were in years past. Coming the better to understand each other, they are coming to feel on both sides greater security and a belief in the future common prosperity of all who live on the border and beyond the border on the reservations. They are coming to look to the education, to the industry, to the cultivation of the soil, to the manifold ways in which the Indian shall be employed, so that he may have as little time as he may have inducement to turn to the ways of violence for either support or redress of imagined injuries.

But there are those who think that there is a necessity for an increase of the Army beyond filling up to the limit of thirty thousand the present Army because of disturbances that are seen and that are troubling the public mind throughout the country at the present time. Sir, I do not see any need of an army for any such purpose as that. There are disturbances in the country; there is a great army of discontented people, some of them discontented with the relations which exist between them as employés and their employers; there is a greater army of people in distress, in want, in discontent at the restraints of law imposed under the institutions and the policy of the Government under which they live; but those disturbances are not to be settled by outside pressure and force. A government resting upon the will and the voice of the people must find repose in and through and by the people alone. It can never stand if it depends upon force from without for its support. Take away the causes of discontent, and discontent itself will disappear. Open up to those out of employment the manifold ways of employment all around them, see to it that the labor of this country shall be for the laborer of this country alone; see to it that he who performs the labor throughout this country shall reap an honest, full, and fair compensation for the labor which he performs; see to it that the profit which shall come out of the manifold industries throughout this country shall be shared justly between him who furnishes the capital and him who toils at the loom and at the plow and in the mechanic shop, and you take away the causes of discontent.

If the spirit which is now troubling the people with disturbance shall be displaced with hope, with inspiration, with strength, with vigor, there will come with that peace repose and harmony between capital and labor, and there is no more need of an army. An outside army under those circumstances would be a curse, and would bring, instead of peace, commotion and strife and distress. Let us find some other ground for increasing the Army beyond the limit of twenty-five thousand men than in any idea that we can meet the demands of this hour by any such thing as outside force. It is to come through reason, through change of policy, through encouragement to those who are honestly striving not only to earn that upon which they must subsist, but to make provision for those who are to come after them, for education, for competence, and for comfort, in homes such as these institutions of ours entitle them to.

Sir, it is administration and policy to which we ought to address ourselves, and not to the idea that anything in the present condition of affairs in this country demands any increase of outside force by which to control this. It is to be controlled by self-constraint, coming from consciousness that those who are now without employment, those who are now shut out by policy or by law from a just share in the wages of their labor—from these sources is to come all that in our internal concerns is called for at the present hour.

So long as we maintain the framework of this Army for thirty thousand men I would fill it up to thirty thousand men; I would not emasculate and weaken it. We shall have enough to do with an army of thirty thousand without troubling ourselves with what we shall do with our own people under it. Let us maintain our influence with the nations of the earth; let us assert our American policy, American as well in our commercial relations as in the fact that the labor of this country belongs to the laborers of this country. Then there will be reason enough why an army of thirty thousand strong will be needed, and it will be more efficient and more entitled to be the Army of the United States than it is now.

There is a great deal about the detail of the administration open to such criticism as has been made by the Senator from Kansas [Mr. PLUMB] this morning, but I shall not go myself to a newspaper correspondent of the Old World for light upon that subject. I think I will take the lead of the Senator from Illinois [Mr. LOGAN] before I will take up that of Archibald Forbes, a newspaper correspondent. I think I will take the lead of officers of the Army, General Sheridan and those associated with him, before I will take the guide of the men who criticise the Army in the way that has been shown to-day. I am for filling up the Army to its original limit; I am for making it the Army of the United States, and I am for using it when it is made in asserting the American name, the American power, and the American policy throughout the United States.

Mr. TELLER. Mr. President, the question whether the Army ought to be increased or maintained at its present number it seems to me is not one that requires a great deal of skill or a great deal of talk. If there is a necessity for the increase of the Army, if it is not large enough to perform every function that is left to the Army to perform, either in peace or in war, the Government of the United States is abundantly able to have an army of that kind. Such an army would not be hostile to liberty; it would not endanger the institutions of this country. But we have not any such proposition made to the Senate to-day. On the contrary, it is not asserted by anybody on this floor that the American Army for the last ten years has not been sufficient in numbers, sufficient in courage, sufficient in everything to discharge the functions that under the law are placed upon the Army. There is nobody here now demanding an increase of the Army except the Military Committee of this body. The proposition has not the sanction of the Executive, it has not the sanction of the Secretary of War, it has not the sanction of the commanding general of the Army.

Yet the Senator from Massachusetts [Mr. DAWES] says that he is willing to make the Army effective. Who on this floor says that the Army is not effective? Who says anywhere that it is not effective? Nobody. It is not worth while then to discuss the question whether putting five thousand more men into the Army will make it effective or not when it is admitted by all that it is effective now. For the purposes for which armies are created, everybody understands that fifty thousand men are better than twenty-five thousand, and I suppose that thirty thousand are better than twenty-five thousand; that is to say, for the purposes of war; but are we threatened with war? Have we any reason to anticipate war on our frontier? The Senator from Massachusetts, who says he is in favor of putting in five thousand more men, tells us that there is no danger of an Indian war; that he does not anticipate any. I know it was said here the other day by two Senators that there was perhaps some danger of Indian wars, and that it was wise and proper to increase the Army so that in case there should be a difficulty of that kind a settler could have protection. The settler was in danger ten or fifteen years ago. He is not in danger to-day, for the two reasons that I spoke of the other day; first, because of the changed condition of the Indian himself, and largely and more so because of the changed condition of his surroundings. I do not believe that to-day a man acquainted with the military affairs of this Government can be found—I mean an official charged with the execution of military affairs—who will put himself on record as saying that for the purpose of Indian wars there is necessity for more men in the Army.

If not for Indian wars, then for what kind of wars? As the Senator from Connecticut [Mr. PLATT] said the other day, if we are tempting the cupidity of weak nations and inviting attacks upon ourselves by the paucity of the numbers of our Army, thirty thousand men would be a mere nothing. What is the difference between a contest with any foreign power with twenty-five thousand men and thirty thousand men? If we want an army for such a purpose we want a large army, and the very argument addressed to the Senate by the Senator from Connecticut and by the Senator from Massachusetts could be addressed to us in favor of a hundred thousand men as well as in favor of thirty thousand men.

The chairman of the Committee on Military Affairs, who reported this bill, said the other day in reply to the Senator from Maine when the bill was under discussion:

> I want the Senator to understand that this proposition to increase the Army is not for any present needs; it is not because there is an Indian war; it is not because there is danger from Indians or danger from anywhere.

So the chairman of the committee has admitted upon this floor the efficiency, and the complete efficiency, of the American Army for the purpose for which we keep a standing army. I am not particularly squeamish about the Army. I am not afraid of twenty-five thousand men, or thirty thousand men, or a hundred thousand, or a million men. If the United States had a standing army of a million men to-day and had at the head of it the most brilliant man of the age, I do not believe they could destroy the liberties of sixty million people. I am not alarmed about that. But it is contrary to the spirit of republican institutions that the Army should be relied upon for the protection of the people except as against foreign foes. The Army is not a police force, and whenever it is used as a police power it is used under a provision of the Constitution which authorizes the governor of a State to call upon the General Government for assistance, or else it is used in violation of law. It is the duty of each State to keep peace within her borders. It is the duty of the State to select her constabulary, her police force, and to maintain order within her borders; and she has a right only to call upon the National Government when such a condition amounts in fact to a revolution within her borders.

The Senator from Kansas [Mr. PLUMB] well characterized and well described the condition we should be in in this country if we relied upon the National Government for assistance in times of domestic trouble in the States. If there is a riot in the city of Chicago, who ought to put it down? Who are interested in putting it down? The people of the State of Illinois. They have the machinery, and they have the power, and they have the right to put it down; and when that passes beyond their control, when they have exhausted their power, then and then only may they call upon the General Government according to the genius of our institutions.

The Army is an expense. The expense was $25,000,000 last year for

the military establishment alone and two and a half million dollars or thereabouts for other expenses connected therewith, making $27,000,000 or $28,000,000 for the purpose of maintaining the Army. As I said the other day, it is the maintenance of a corps of men who are not producers, who go into the field not as the creators of wealth but as its destroyers, who are withdrawn from the productive energies of the people for the purpose either of destroying or living in idleness, hoping perhaps, some of them at least, for an opportunity to distinguish themselves, at the best in these days, with practically no possibility of their being needed beyond the service that they have been performing for the last ten years.

The revenues of the Government are steadily decreasing, the expenditures are steadily increasing; and yet with a declaration of the chairman of the Committee on Military Affairs, whose knowledge ought to be as good as anybody's upon that question, that an addition to the Army is not needed for present use, we are asked to add $2,000,000 under any circumstances, and in all probability much more, to the expenses of the country upon either one of two theories: either upon the theory of the chairman that we may make a creditable display, or upon the theory of other Senators on this floor that we may use the Army as a police force.

A standing provision of law inserted in 1878 in the statutes provides that the Army can not be used as a police force, that it can not be used to maintain the local authorities, the constabulary of the country, except there is a provision of law to that effect in the statutes. It will be impossible practically, then, to use the Army for that purpose if we desire to do so. But do we desire it? Is there anybody here who will stand on this Senate floor and say that he is willing that it should be understood to-day that we are increasing the Army of the United States for the purpose suggested by the Senator from Kentucky [Mr. BECK]? I do not believe there is. The chairman has disavowed it, everybody would disavow it; and if you do not need it for that, for what purpose do you need it unless it is to make a display?

I said that the revenues were decreasing and the expenditures increasing. I have looked over the estimates for 1887, and I find that they are $51,000,000 more than the appropriations made for 1886. The estimates for 1887 are several million dollars in excess of the estimates *made for 1886*, for the appropriations, of course, did not come up fully to the estimates. Why, then, should we add to the burdens of the people by putting on two or three or more million dollars expense when the people have not required it, when the military authorities do not ask it, when the friends of the measure stand here and declare themselves that it is not needed, and that it is only for the purpose of a show and a display?

It is practically impossible in the nature of things in this country to use an army of any magnitude properly. We shall do just as we have been doing—keep men at out-of-the-way posts, keep them wherever the Government has barracks in which they can be put, without reference to the place where they might possibly be needed.

On the contrary, instead of requiring more men, there is not any question but that by a proper administration of the Army it might be cut down thousands of men and yet be efficient and valuable for every purpose for which the people of the United States intend that their Army shall be used. They do not intend that the Army of the United States shall be a police force; they do not intend, even if discontent is rife in the great cities, that that discontent shall be stamped out by national troops; and nobody is clearer from intending that than the members of the Senate, irrespective of party, to-day. Such a proposition on this floor would not get, in my judgment, a solitary vote. Then we need not discuss that phase of the question, for nobody proposes to so use the Army. We need not discuss it with reference to the Indians, for the chairman of the Committee on Indian Affairs declares that it is not needed; and we are left to meet the people of the United States with an increase of the Army, with adding to the public burdens that they are bearing, simply and solely and only that the officers may make a creditable display, and that they may take pride when they go upon parade in the number of the men and the efficiency with which they trim to the line and wheel to the right and left.

No money has ever been voted in this country upon a declaration of that kind, and I think the Senator or the member who goes out and meets the people with a declaration that he has voted away two million and more of their money for such a purpose will find at least that the people of the United States with their ordinary good judgment are not in love with such a display of statesmanship either here or anywhere else.

Whenever it is shown that the Army is not effective, that more men are needed for the legitimate uses of the Army, I shall vote to add all that are required. I shall vote for everything that is presented to the Senate that goes to make the country strong and great; but I shall vote for nothing for display. When there are a million men tramping the fields to-day looking for work, when in every department of life there is, if not death at least stagnation, when business is paralyzed, when all departments of business are but just living, I shall not vote to add to the burdens of the people unless I can see a direct and positive return for their interest. I shall vote for public works. I would vote to take these $2,000,000 and put them in a canal to connect the Mississippi River with the lakes; I would vote them to clear out and make navigable the great rivers of the country; because every dollar that is thus paid is paid to the laboring man. I would vote these millions to build a ship, because 95 per cent. of it would go into the laboring man's pocket. But I will not vote a dollar simply to maintain an army of the United States, admitted not to be needed, for the glorification only of the officers and to pander to the pride of the people who will say, "Behold, what a great army we have got!"

It is ill-timed, in my judgment, to attempt expenditures of this kind, and I regret that from the Military Committee, or any other, such a proposition should come to the American Senate.

Mr. LOGAN. Mr. President, I did not intend to detain the Senate on this question further than I had done this morning, but since listening to one very extraordinary speech, and a supplement to it also, I deem it proper that I should at least defend my own position in reference to this bill; and if I can have the attention of the Senate I shall make the propositions in the bill so clear that I think the arguments which have been made against it will fall harmless at the feet of those who made them.

The Senator who has just taken his seat [Mr. TELLER] followed in the wake of the Senator from Kansas [Mr. PLUMB] in quoting what I said about the immediate wants of the Army, and on that based an argument in opposition to bedecking the Army with gauze and tinsel for the purpose of pleasing and delighting some fond lookers-on. I neither said nor did I intend any such thing. I said there was no immediate necessity for an army. What do I mean by that? I mean that there is no war existing now. The same argument might be made applicable to the Army as it now is. If what I said in reference to the immediate wants or the necessity for the increase of the Army can be used as an argument against the bill, then the same argument, forsooth, would be good against any army at all.

Mr. TELLER. I ask the Senator if he will allow me to finish reading the paragraph which I ought to have read.

Mr. LOGAN. Certainly I will.

Mr. TELLER. The Senator continued:

It is not because I apprehend any danger from any source that I proposed this in the bill before the Military Committee, and that the Military Committee agreed to it, but it is that the Government of the United States may at least have an army that will have some respectability when it is called the Army of the United States, both at home and abroad.

Mr. LOGAN. I said that, and I will repeat it if the Senator desires. On that the whole argument of the two Senators has been builded—no immediate necessity; but I did say in continuation, as the Senator well knows, that it was for the purpose of increasing the efficiency of the organization. This bill was reported for the purpose of increasing the efficiency of the Army. Will any Senator say that an army can present a respectable appearance in a state or condition of inefficiency? It is very easy to take one or two words or sentences in the course of debate and build on them a fabric without any substantial basis.

Mr. President, there seemed to be a desire on the part of the Senator from Kansas, for some reason unknown to me, to present this case before the country in a false light, and no man in the Senate Chamber is more capable of presenting any proposition in a false light than is the Senator from Kansas. He presented the fact of the allowance of meager pay to laboring men as an argument against this army bill—a question that the Congress of the United States can not pass upon; and because there are poor men in the country, therefore you should not pay a poor soldier what he is entitled to! That is the logic of his argument. You must not pay a soldier $16 per month because somebody has got to be taxed to pay that. The Government must not pay a price that is fair for the reason that the Government must raise the money. The same argument would apply to the poor laborer of the land laboring for the rich. You must not pay him fair wages. Why? Because you are taxing his employers, making them pay for it. That is the argument precisely. Now, the argument that I make in favor of paying the poor soldier a reasonable price will apply to the laborer as well.

Mr. President, it is strange, and yet it is true, that you find men of wealth, bankers, &c., some of them who have amassed great wealth so that they count by the millions, almost invariably claiming to be the friend of the poor man. If you find a man who runs two or three banks he is surely the friend of the poor man; and yet the poor man is taxed to death; the poor man is trampled in the ground; but I who was reared on a farm and taught to labor from my childhood—and what little I have accomplished in life, and that is not much, has been by hard work—I am to be placed by the Senator as no friend to the laboring man.

No, Mr. President, it is the banker, the man of wealth, the rich man, who is the friend of the poor man and laborer. I do not complain at this, but merely call attention to a statement ever made. But, sir, when any man insinuates in this Chamber or elsewhere that I am not the friend of, and do not sympathize with, the poor man as well as he, he casts an insinuation not justified by the facts.

But the Senator from Kansas said I was willing to vote five or seven million dollars for show. What kind of show? I am not in the habit of exhibiting myself for show. I am not fond of show, never have been and never expect to be. Why should I vote the money of the people for show? No, sir; my proposition is to vote the money of the people

to make the present organization of the Army efficient. Sir, men who rise in this world by trying to tear down others, men who live by assailing the honest motives of other men, live a life that I hope they may enjoy, but one that I do not wish to follow myself.

Why not argue this question on a fair basis? Why insinuate that there is a motive underneath this proposition in order to cause, if possible, unwarranted reflections by his constituents on the action of one who at least has the reputation of being actuated by as honest motives as he who makes the insinuations?

The Senator says in substance, Oh, but the day in which the American people saw their glory, the day in which peace spread her wings from one end of this land to the other, the day in which comfort and happiness came to the whole American people, was the day on which the troops marched down Pennsylvania avenue when the war had closed. Sir, the Senator spoke of volunteers; in fact, he criticised the regular Army, their officers and all connected with them, their desire to be in Washington city—all this was the subject of criticism by the able Senator from Kansas; and yet he said this country must rely upon its citizens, that if when the war commenced we had disbanded the regular Army and composed the whole military force of volunteers it would have been much better for the country. I will not discuss with him on that point. I think he is mistaken, but we will have no controversy over that.

But while he so delighted himself and his auditors with his compliments to the volunteer soldier, to the man who had gone because of his love of country to preserve and protect it, why does he, when he speaks of the armies that passed down Pennsylvania avenue, mention no man's name except that of those who were high in the regular Army? And he even made a mistake in that statement. He spoke of the army of Grant, the army of Sheridan, Sherman, Thomas, and the army of Hancock having marched down Pennsylvania avenue. The army of Hancock did not march down Pennsylvania avenue. General Hancock was a noble man and a brave soldier—no braver, in my judgment, ever drew a blade on the battlefield—but he was not then in command of an army and never was. He was not in command of an army or corps. He was in command of Washington. Nor did the army of Thomas; it was not then nor had it ever been in Washington city. So the Senator was mistaken in his history. Sir, a man who professes to know so much about armies and yet knows so little ought at least to allow other people to have some opinions. I was present on that day, but I was a volunteer and not to be counted or mentioned; yet I commanded a large army that marched down Pennsylvania avenue on that day, but the Senator of course could not mention a poor volunteer. The fact that the Army of the Tennessee had over sixty thousand men, the most of them for duty, was and is a small matter—that they were present and marched down the avenue at that time. I merely mention this to show how easy it is for a person to overlook small things.

But the Senator says the British Government pays the men in its army but a shilling a day; therefore, I suppose, we should pay a shilling a day; that when not in active service they receive sixpence a day; therefore, I suppose, we should pay sixpence a day. Is this the argument of the Senator? Will any Senator compare the pay of laboring men in this country with the pay of common laborers abroad and draw his conclusion from that, and therefore insist on lower wages for men here? No, Mr. President; I want to pay American soldiers according to the American system and our ideas of pay.

The Senator said that in Germany they have five hundred thousand soldiers, and their pay is only about $120 per annum, and therefore we must presume that we should pay the same. Is that it? England, as the Senator said, pays a shilling a day to its private soldiers. Mr. President, our poor soldiers would be filled with gladness and great joy if the Senator from Kansas could carry out the idea of economy that his remarks would indicate. How they would call him their friend who had defended their rights when he claimed here on the floor of the Senate that because England paid but a shilling a day therefore our soldiers' pay ought to be reduced! And he then accused other Senators of trying to embarrass and impoverish the Government by proposing to pay our soldiers $16 per month. We are not governed by British rules; we are not governed by British law or regulation or system in reference to our Army or in reference to our labor. We are governed by that principle which we think ought to govern us as Americans.

I would like to see the laboring man get good pay for every stroke he makes with his good right arm, and I want to see the soldier get good pay for all the service that he performs for the Government. He counted it up and said the pay, clothing, rations, and allowances of a private soldier amounted to a thousand dollars a year. The Senator knows better than that, I think. The soldiers' pay as the law now is, without increased pay, is $156. Then he has his rations and his clothing, which amount to $109. This, together with his pay, amounts to $265. Under the present bill, if passed, his pay, including rations and clothing, will be $301. The Senator from Kansas says a thousand dollars a year per soldier is the expense, and therefore he argues that the soldiers net that amount in pay, rations, and clothing.

Now, sir, let me show how unfair the arguments of both Senators are in reference to this matter. The $25,000,000 is for the Army establishment. What does that mean? It means the War Department with all its expenses, clerical force, records, and everything, and West Point with all its expense. This amount includes also the expense of transportation, clothing, forage, horses, pay of officers, and pay of the men. All that is taken into consideration when you say a regiment costs a million dollars a year. Why? Because the $25,000,000 is appropriated for the military establishment, and dividing it up, it makes about that much, applying it to each soldier. Is that a fair estimate? Deduct your West Point expenses; deduct your War Department expenses; deduct your forage and everything except the pay of the soldier, and what is it? The soldier gets no such pay as is charged. He does not get any such proportion as that alleged. His pay is part of the expense of the establishment.

Now, let me go a little further. The Senator from Kansas roamed all through this bill. The truth is that it is the defeat of the bill he desires. It is not the efficiency of the Army that he wishes to promote, but its inefficiency.

I will call your attention to his proposition stated about the schools. He said there was a proposition in the bill to establish schools. We have schools in the Army now. He knows that. This has been recommended by the commanding officers and by Secretaries of War to have instructors appointed in the Army for the schools at the posts. He asks, why teach the soldiers? That is part of it. Why should not the poor soldier have a chance, when he is not on drill or doing duty, to learn to spell, read, and write, if he has not already these advantages? Why should he not? He can not teach himself. The Senator says the officers should do that; that is, the officers must become school-teachers; they must not perform the duty that is assigned them by law, but they must become school-teachers. His idea of a school in the Army would cut off everybody except soldiers. Does he not know that many of the officers in the Army at the posts have families including children? Does he not know that the majority of them are poor and can not send their children back to the States and pay the expense of their schooling? Does he want those children to go without education? Is that his idea? Does he not know that a great many of the private soldiers and sergeants and corporals in the Army are married men, and have their families at the posts? Does he not know that there is not a post in the United States where you will not find quite a number of small children belonging to officers and soldiers, and yet the soldier has no money with which to send his child to school? It is proposed by this bill to pay him $16 a month and no more. He can not afford to educate his child; but the Government must not do it. Why? Because the Senator says here in this bill you allow the Secretary of War to appoint and pay as many instructors as he desires. In other words, he is afraid the Secretary of War will appoint so many instructors that the country will be bankrupt. I have more confidence in the present Secretary of War and in all Secretaries of War. I think they would appoint just the number absolutely necessary and no more. My idea was, as the committee well knows, to fix the number in the bill, and this part was stricken out, as I stated to the Senate, on the ground that the committee thought there were perhaps too many named in the bill, and it had better be left to the Secretary of War and he would be careful, by inspection and otherwise, to put instructors only where they were required.

That portion of the bill strikes the Senator as being very wrong, but there is another portion of it that seems to annoy him very much, and it is this: We provide in the bill that the Secretary of War may detail each year some officer belonging to the Pay Department for the purpose of inspecting the paymasters' accounts and offices. If he was in good earnest about this bill he would have said this: "I move to amend the bill so that it will read that in addition to the inspections now provided by law, this additional inspection may be performed by such detail by the Secretary of War." Would there have been anything wrong in that? Would that have hurt anybody? Would anybody have been injured by that? He did not even suggest an amendment. Why not suggest it? If the bill in this shape is not agreeable to his notions, why did he not suggest, in order that the Government might not be defrauded, that an amendment should be made providing that they should be only additional inspectors without getting additional pay? But they get no additional pay. Why did not the Senator suggest that? That would have cured the whole trouble; that would have removed the whole objection; but no, it must be defeated because he does not agree to that particular proposition, for the reason that somebody defaulted many years ago during or shortly after the war. Therefore it is all wrong! It is the simplest thing in the world when you take a bill of this kind where the intention is shown to increase the efficiency of any service whatever, it is very easy to attack a bill, or it is very easy to make suggestions if you desire to improve the bill by amendment.

But the Senator said further that he was astonished that there was no committee in this Senate that could be found that would prepare bills or bring them in for the purpose of decreasing expenses instead of increasing expenses. I do not care to speak of myself, but I will say this: I have introduced bills in the House of Representatives and in the Senate for the purpose of reducing expenses in the Army; and the act that stands on the statute-book to-day in reference to the organization of the pay of the Army in every particular was a bill that I introduced in Congress for the purpose of reducing expenses and for

the purpose of making uniform the manner of accounts that were made by the officers who drew pay from the Government. So I could name several others. I have never tried to increase the expenses of the Army except in a legitimate and proper way as I deemed; and I believe this to be legitimate and proper; I believe it to be honest and just; I believe it to be right, and for that reason I support it.

On the same principle suppose we had no army at all and a proposition was made to organize an army of five thousand men, what would be the argument against the proposition? The argument that has been made here in the Senate would be this: There is no immediate necessity for this, therefore it must not be done; if there is, it increases the expense, and therefore it must not be done. That would be the argument, the same that has been made here; and yet I can not see that that is very good logic.

Now, I desire to call the attention of the Senate, for a few moments only, to what is proposed in this bill. I do not think the Senator ever read the bill; I do not think he has read it yet, except one or two provisions that he picked out where he wanted to attack it. I say this because he insisted that it did not increase the pay of the private soldier at all, but only the non-commissioned officers. Now let me show you what it does. It increases the sergeant-majors of cavalry from $23 to $26. It continues sergeant-majors and quartermaster-sergeants of engineers at $36; quartermaster-sergeants continue at $22, no increase there; chief musician $60, no increase; chief trumpeter $26, no increase; ordnance-sergeant $34, no increase; quartermaster-sergeant $34, no increase. The increase goes to sergeants of engineers and ordnance from $22 to $24, sergeants of cavalry and artillery from $17 to $20, corporals of cavalry and infantry from $15 to $18, musicians and trumpeters from $13 to $16, blacksmiths and farriers of cavalry from $15 to $18, artificers of artillery and infantry from $15 to $18, saddlers from $14 to $17, wagoners from $13 to $16, privates of the first class from $13 to $16, privates of cavalry, artillery, and infantry from $13 to $16.

The increase is entirely different from what the Senator stated. He said the increase was to a certain class in the Army and that was a class whose pay should not be increased. On the contrary, we find that the increase is for artificers, for blacksmiths, for wagoners, for trumpeters, and for private soldiers, an increase of $3 a month, except in the case of a few sergeants; and yet the Senator would convey the impression that the bill was to benefit a higher class in the Army and not those who need it most, when the proposed increase applies more to the privates, wagoners, and laborers in the Army than anybody else.

The total increase is $870,244 in the pay of private soldiers and a few saddlers, trumpeters, wagoners, blacksmiths, and sergeants and corporals of the Army. I will say to the Senator that the Congress of the United States has expended nearly that much money by increasing the rank of men on the retired-list that they had no authority, in my judgment, to do. I do not know whether he voted for the bills or not; I will not say; I am speaking of the body of Congress. Have you heard any complaint about that?

When the Senator speaks about an increase for these men taxing the people of this country, who makes complaint here in the Senate about the retired-list? He may have said something about it; I do not remember what it was. But who makes complaint about the higher officers of the Army when retired, as a colonel, promoted by Congress to the pay and rank of a brigadier-general? And on the retired-list of the Navy there are to-day I do not know how many men whose increase pay amounts to many thousands of dollars. Nobody complains of that; but if you undertake to increase the pay of the poor soldier, of the sergeant, of the wagoner, of the artificer, of the blacksmith, of the laboring men of the Army, then we are trying to make an aristocracy out of the Army, and this chairman of the Military Committee is at this work! The chairman of the Military Committee has fought in the Senate for years against the increase of rank by law, as the Senator well knows. I have always been found advocating an increase in the pay of these poor men, for they do not get enough. Thirteen dollars a month is not enough pay for any man in the service of his country.

Now, Mr. President, let us see what there is in this insinuation about this bill having something beneath it. It is a sweet morsel to roll under the tongue of some men when they can hang upon some little thing by which they may possibly damage some brother Senator or friend. The insinuation is thrown out that this bill comes forward now and has not been attempted before, and the impression is left that it is because of the present difficulty between labor and capital in this country that this measure is proposed. This is as false as any assertion that ever was uttered by mortal man. Such a thing never entered my mind nor the mind of any man on the Military Committee when this bill was introduced or reported. I introduced it early in the session. Nobody ever thought of any such thing, and I would be as far from contemplating that as the Senator who feeds upon that character of insinuation. No, sir; and when the Senator from Colorado spoke of the riots in Chicago being put down by our own people, that was true. Nobody asked for help. Why not again? Why is this insinuation thrown out that there is some desire or design in this bill so to use the Army? Why, sir, when we hear to-day criticism after criticism on our fortifications and on our Navy and our Army, if any man has patriotism enough to make them better or to try to put them in condition that we ourselves may place some reliance upon them if trouble should occur, we are accused of trying to get up a show before the world. I did once see a great show. That was when hundreds of thousands of old soldiers, battered and worn by hard service against their enemies in war, were marching homeward. That was a show that gladdened the heart of every loyal man and woman in this land. That was a show worthy of the nation; and in that vast concourse of men, in that great movement homeward to meet wives and children, marching under the old starry banner, and singing—

Long may it wave
O'er the land of the free and the home of the brave,

I failed to recognize the face of the Senator from Colorado. He formed no part of that show.

But now, Mr. President, let me call the attention of the Senate to one thing that has not been very much observed in the argument on this bill. We have an immense border and coast that ought to be protected. Why? Let me ask why should it be fortified? Is there any immediate danger? No. That is the argument which is made in opposition to this increase, there is no immediate danger. Why, then, fortify the coast? Why should we have great guns bearing on the entrance into the great city of New York? No immediate danger. What do you want with the guns? Why should you have at Fortress Monroe, or at forts in other places along the coast, great guns and men to man them? There is no immediate danger. What then do we want with them?

Wars have occurred, Indian wars have occurred; but because the Indians are quiet now, therefore they will always be quiet! Because we have no disturbance with South America, with Mexico, or with any European power therefore we never shall have any! That is the argument. If that argument is good, why are you spending money for guns? Why are you appropriating money for ships? Why are we trying to build up a navy? Will you tell me? It is to be ready if danger should occur. That is the reason, and that is the only reason for this addition to the Army. It is to form a basis so that the Army may be ready for use and be efficient when it is needed. The same reason exists for the increase of the efficiency of the Army that exists for building iron-clad or steel-clad ships for the protection of our commerce on the high seas. There is no immediate danger. Then why do we build them? This argument, it does seem to me, ought not carry great weight.

My friend from Colorado says that what I said was wanting in statesmanship. I never claimed to be a great statesman, but if I was as great a statesman as he seems to think he is I certainly would make an argument with more force on the subject of danger to this country. I have here what the Secretary of War says in the first part of his report, though I will not stop to read it. He calls the attention of the Congress of the United States to the difficulties that have taken place in the Indian Territory during the last twelve months, and not only that but he speaks of the possibility of future disturbances. He speaks of the disturbances by persons entering unlawfully the Indian Territory and calls for a more efficient law and for severer punishment. That is in the very first part of his report to the Congress of the United States at this session. Why did he do that? There is nobody fighting now, no immediate danger now. He does it because we have been in danger; we have passed through danger; we have had wars; we have had Indian troubles, and God knows we may have them again, and I suppose that is his reason for his suggestions.

Now, sir, I believe in the American idea of good wages, and I will say to the Senator from Kansas I believe in good wages for the poor man. He spoke, and so did the Senator from Colorado, about many men tramping over this country because they can not obtain work. I am sorry for that. I wish that all could, but if you will increase the Army five thousand you will at least give a chance to five thousand men who would rather go into the Army than suffer and starve, for there they would have the opportunity of getting their bread and clothes and some pay besides. You open the door there to that many men in this country, men who you say are tramping and starving. It is better than starvation.

Then, what further? When I say that, I meet the Senator from Massachusetts [Mr. DAWES] who is for the American idea of paying labor. I agree with him. I wish to God labor were better paid, and as he said and as I say to the Senator from Kansas, I know of no better way to do it than by competition, not competition with those abroad, but competition at home. Do our own work at home, compete with one another here in the protection of that which we use as far as we can and sell our surplus products abroad, sell much abroad and buy little in foreign markets, and in that way give employment to labor and give to it the emoluments that it deserves.

Sir, if it was left to me I would build fortifications along the coast wherever needed from Maine to Florida, on the Gulf and on the Pacific. I should want labor to build them and soldiers to man them. I would make this Government with its numbers, its patriotism, its wealth, and its heroism a power with a determination to protect and preserve its institutions and its honor. I would make it a power that would give notice to any government on earth that any approach to our shores in a threatening attitude would be promptly repelled.

You talk about a republican government not needing to preserve and

protect itself! There is more reason for a great Republic like this being prepared to preserve its institutions than there is where the power is centralized and comes not from the people. There is more necessity for preparation for the preservation of institutions that are free than of others. All the governments of the earth are jealous of this Government. There is not one, there is not a monarchy or an empire anywhere that is not jealous of our institutions, and why? It is because that through our institutions the lessons of patriotism and republicanism have been promulgated and find lodgment abroad, and as the drop of water wears the rock so the light of truth falling on the minds of the subordinate classes in foreign countries instills in them the republican idea, and republicanism is undermining the throne of Europe. The power of the ruler weakens, and because of that there is that jealousy of our Government on the part of foreign countries that does not exist with us toward them. For that reason this country should at least be prepared so that if any emergency should arise and it should be assailed we could well say:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

[Applause in the galleries.]

Let us prepare for war in time of peace.

Now, Mr. President, while Senators are in favor of purchasing steel for the purpose of making guns, building ships, improving our Navy, arming for strife, will the argument against the efficiency of the Army being looked after cease? Let me ask why not prepare inland as well as for on the sea?

Mr. CAMERON rose.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. LOGAN. Yes, sir.

Mr. CAMERON. The Senator yields for an executive session. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. Pending that, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Before putting the question on the motion of the Senator from Pennsylvania the Chair will lay before the Senate the unfinished business which was temporarily laid aside, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The question recurs on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 29, 1886.

ASSISTANT SURGEON IN THE NAVY.

Louis William Atlee, a resident of Pennsylvania, to be an assistant surgeon in the Navy.

DISTRICT OF COLUMBIA COMMISSIONER.

Samuel E. Wheatley, of the District of Columbia, to be commissioner of the District of Columbia.

CONSUL-GENERAL.

William L. Alden, of New York city, N. Y., to be consul-general of the United States at Rome.

CONSUL.

Charles T. Russell, of Haddam, Conn., to be consul of the United States at Liverpool.

TERRITORIAL JUDGE.

Samuel Thompson Corn, of Illinois, to be associate justice of the supreme court of the Territory of Wyoming.

POSTMASTERS.

A. W. Williams, to be postmaster at Parkersburg, Wood County, West Virginia.

Eugene Blakemore, to be postmaster at Shelbyville, Bedford County, Tennessee.

William R. Baker, to be postmaster at Booneville, Cooper County, Missouri.

Dennis D. Dinan, to be postmaster at Westborough, Worcester County, Massachusetts.

William W. Brown, to be postmaster at Calais, Washington County, Maine.

REJECTION.

Nomination rejected February 15, 1886.

POSTMASTER.

Felix W. McGettrick, to be postmaster at Saint Albans, in the county of Franklin and State of Vermont.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 29, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

Mr. MILLS, by unanimous consent, obtained indefinite leave of absence, on account of sickness.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions. On this call resolutions and memorials of State and Territorial Legislatures are in order, and also resolutions of inquiry addressed to the heads of Departments.

MANUEL TIBBS.

Mr. SADLER introduced a bill (H. R. 7220) granting a pension to Manuel Tibbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. WALSH.

Mr. WHEELER introduced a bill (H. R. 7221) granting a pension to Thomas B. Walsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALLIE WEST.

Mr. WHEELER also introduced a bill (H. R. 7222) granting a pension to Callie West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. B. SHANNON.

Mr. PEEL introduced a bill (H. R. 7223) to pay J. B. Shannon for property taken and appropriated to United States Army in late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH BOYDSTON.

Mr. PEEL (by request) also introduced a bill (H. R. 7224) granting a pension to Elizabeth Boydston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN NIGHTINGALE.

Mr. MORROW (by request) introduced a bill (H. R. 7225) granting a pension to Ellen Nightingale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH LOUIS.

Mr. SEYMOUR introduced a bill (H. R. 7226) granting a pension to Elizabeth Louis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TITLES TO LANDS SOLD UNDER EXECUTIONS.

Mr. CRISP introduced a bill (H. R. 7227) in relation to evidence to quiet titles; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. D. THOMAS.

Mr. EDEN introduced a bill (H. R. 7228) to remove the charge of desertion from the military record of J. D. Thomas, late a private in Company C, Eighth Regiment Illinois Veteran Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

P. H. PENTZER.

Mr. EDEN also introduced a bill (H. R. 7229) to increase the amount of pension allowed P. H. Pentzer, of Macoupin County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC J. BAHNER.

Mr. EDEN also introduced a bill (H. R. 7230) granting a pension to Isaac J. Bahner, of the county of Macoupin and State of Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BUTLER.

Mr. EDEN also introduced a bill (H. R. 7231) to place on the pension-roll the name of James Butler, of Macoupin County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA SOFIA ENLIND.

Mr. HITT introduced a bill (H. R. 7232) granting a pension to Johanna Sofia Enlind; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID RYAN.

Mr. MORRISON introduced a bill (H. R. 7233) for the relief of David

Ryan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LABOR TROUBLES.

Mr. LAWLER submitted the following resolution; which was read, and referred to the Committee on Labor:

Whereas the recent correspondence between Mr. T. V. Powderly, Grand Master of the Knights of Labor, composed of mechanics, artisans, and farmers of the United States, and Mr. Jay Gould, president of the Missouri Pacific Railway Company, raises issues of vital moment to the tranquillity of the country and the general welfare of the people thereof: Therefore,

Be it resolved, That the Committee on Labor be, and is hereby, directed to investigate into the underlying causes of the differences existing between employer and employés of railway companies and other common carriers, and to that end may send for persons and papers, administer oaths, and compel the attendance of witnesses, and may employ a stenographer who shall be paid such reasonable compensation as said committee may direct; and the said committee may sit during the sessions of the House, and report what legislation in their opinion is necessary to bring these troubles and differences to satisfactory conclusion. And the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be expended from the contingent fund of the House for the purposes of this investigation; the accounts thereof to be approved by the chairman of the said committee.

Mr. LAWLER. Mr. Speaker, I wish to make a motion, or rather to ask unanimous consent, that the Committee on Labor be authorized to report back at any time on this subject.

The SPEAKER. The Chair can not entertain that request during this hour, which is expressly provided for the call of States for the introduction and reference of bills and resolutions.

SUSAN HAWES.

Mr. OWEN introduced a bill (H. R. 7234) granting a pension to Susan Hawes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA SMITH.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7235) granting a pension to Eliza Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. ROUCH.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 7236) for the relief of James P. Rouch; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL H. COLE.

Mr. WARD, of Indiana, introduced a bill (H. R. 7237) granting a pension to Samuel H. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLIE H. KING.

Mr. HOWARD introduced a bill (H. R. 7238) granting a pension to Allie H. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID A. IRELAND.

Mr. FORD introduced a bill (H. R. 7239) granting a pension to David A. Ireland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. CONGER submitted a concurrent resolution of the Legislature of the State of Iowa, urging adequate appropriations by Congress to continue the work of the National Board of Health in investigating the causes of disease by co-operating with State and local boards of health in carrying on the immigration inspection service to protect the public health; which was referred to the Committee on Commerce.

C. H. JACKSON.

Mr. STRUBLE (by Mr. CONGER) introduced a bill (H. R. 7240) granting a pension to C. H. Jackson, late major of the One hundred and second Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. FULLER submitted a concurrent resolution of the General Assembly of the State of Iowa, in relation to the National Board of Health; which was referred to the Committee on Commerce.

JOHN S. HUNTER.

Mr. LYMAN introduced a bill (H. R. 7241) for the relief of John S. Hunter, late a private in Company G, Eleventh Illinois Volunteer Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RANSOM L. HARRIS.

Mr. LYMAN also introduced a bill (H. R. 7242) for the relief of Ransom L. Harris, late first lieutenant in Company I, Seventy-ninth Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DES MOINES RIVER LANDS.

Mr. LYMAN also presented a joint resolution of the General Assembly of the State of Iowa, thanking the Iowa delegation in Congress for their action on the bill to quiet the title to the Des Moines River lands in said State, and expressing regret and disappointment at the veto thereof by the President; which was referred to the Committee on the Public Lands, and ordered to be printed.

VINEGAR MANUFACTURERS.

Mr. LYMAN also presented memorial and joint resolution of the General Assembly of the State of Iowa, against the passage of House bill 3291 and House bill 3973, to compel vinegar manufacturers to pay tax as distillers; which were referred to the Committee on Ways and Means, and ordered to be printed.

UNION PRISONERS.

Mr. LYMAN also presented memorial and joint resolution of the General Assembly of the State of Iowa, asking the passage of an act granting a pension to all Union prisoners of war during the war of the rebellion; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. LYMAN also presented concurrent resolution of the General Assembly of the State of Iowa, requesting the members of Congress from that State to favor an appropriation to enable the National Board of Health to continue its work; which was referred to the Committee on Appropriations, and ordered to be printed.

CHICAGO, KANSAS AND NEBRASKA RAILWAY COMPANY.

Mr. PETERS introduced a bill (H. R. 7243) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT B. KIRKPATRICK.

Mr. PETERS also introduced a bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. BAYNUM.

Mr. PETERS also introduced a bill (H. R. 7245) to increase the pension of John W. Baynum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. MASTEN.

Mr. PETERS also introduced a bill (H. R. 7246) to increase the pension of Charles H. Masten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RECORD OF MICHAEL ROCHFORD.

Mr. PETERS also introduced a bill (H. R. 7247) to remove the charge of desertion from the military record of Michael Rochford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH A. BISHARD.

Mr. FUNSTON introduced a bill (H. R. 7248) for the relief of Sarah A. Bishard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPENCER W. TRYON.

Mr. FUNSTON also introduced a bill (H. R. 7249) to pension Spencer W. Tryon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. SNYDER.

Mr. FUNSTON also introduced a bill (H. R. 7250) for the relief of James A. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. W. EKENGREN.

Mr. FUNSTON also introduced a bill (H. R. 7251) to pension C. W. Ekengren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENLARGEMENT OF SOLDIERS' HOME.

Mr. FUNSTON also presented concurrent resolution of the Legislature of the State of Kansas, relating to enlargement of Soldiers' Home; which was referred to the Committee on Military Affairs, and ordered to be printed.

JEREMIAH WHITE.

Mr. RYAN introduced a bill (H. R. 7252) granting a pension to Jeremiah White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH GUY.

Mr. RYAN also introduced a bill (H. R. 7253) for the relief of Joseph Guy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONAH SLOCUM.

Mr. RYAN also introduced a bill (H. R. 7254) granting a pension to Jonah Slocum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER BURGER.

Mr. RYAN also introduced a bill (H. R. 7255) granting a pension to Peter Burger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OZRO HARRINGTON.

Mr. PERKINS introduced a bill (H. R. 7256) for the relief of Ozro Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. DARLING.

Mr. PERKINS also introduced a bill (H. R. 7257) granting a pension to James H. Darling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL K. PARKHURST.

Mr. PERKINS also introduced a bill (H. R. 7258) granting a pension to Samuel K. Parkhurst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. WARDER.

Mr. HALSELL introduced a bill (H. R. 7259) to remove the charge of desertion from James W. Warder, late of the First Kentucky Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

T. B. GORIN.

Mr. HALSELL also introduced a bill (H. R. 7260) for the relief of T. B. Gorin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. JAMES E. JOUETT.

Mr. HALSELL also presented a joint resolution of the Legislature of the State of Kentucky, asking for the passage of a bill preventing the retirement of Capt. James E. Jouett, of the United States Navy; which was referred to the Committee on Naval Affairs.

JAMES B. EVANS.

Mr. LAFFOON introduced a bill (H. R. 7261) for the relief of James B. Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. WOLFORD introduced a bill (H. R. 7262) granting pensions to the soldiers and sailors of the late war, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CREDITORS OF REPUBLIC OF TEXAS.

Mr. WILLIS introduced a bill (H. R. 7263) to extend the time within which the creditors of the late Republic of Texas may file claims at the Treasury Department; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AWARDS BY BOARD OF CLAIMS.

Mr. WILLIS also introduced a bill (H. R. 7264) for the allowance of certain awards made by a board of claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. B. CONNOR.

Mr. WILLIS also introduced a bill (H. R. 7265) for the relief of B. B. Connor, of Louisville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDUCATION.

Mr. WILLIS also introduced a bill (H. R. 7266) to aid in the establishment and temporary support of common schools; which was read twice by its title.

Mr. WILLIS. I ask that the bill be referred to the Committee on Labor.

Mr. WILKINS. I ask that the bill be read.

The bill was read.

Mr. RANDALL. I would like to ask the gentleman from Kentucky [Mr. WILLIS] what may be in the nature of a parliamentary question. I have here the education bill as it passed the Senate. In the noise I have endeavored to follow the reading of this bill, and I find no change in it so far as I have discovered. There may, however, be some difference, as my attention was called off. I wish to ask whether this bill as introduced by the gentleman from Kentucky now is the same bill that has been passed by the Senate.

Mr. WILLIS rose.

Mr. WEAVER, of Iowa. I call for the regular order.

Mr. WILLIS. In reply to the question of the gentleman from Pennsylvania I will say that this is in one sense the same bill. Of course the Senate bill is before the Committee on Education, but the words of this bill are identical with it.

Mr. RANDALL. That is what I wanted to know.

Mr. WEAVER, of Iowa. I call for the regular order.

Mr. MILLER. I move to refer the bill to the Committee on Education.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves that this bill be referred to the Committee on Labor. The gentleman from Texas [Mr. MILLER] moves to amend that motion so as to refer the bill to the Committee on Education.

Mr. RANDALL. I am aware that debate is not in order on either of these motions.

Several members called for the regular order.

Mr. RANDALL. I desire to ask whether debate would be allowed for a reasonable time so that we may ascertain the reasons which prompt those motions.

Mr. ANDERSON, of Kansas. Ask unanimous consent.

Several members called for the regular order.

Mr. WILLIS. I think the question is very well understood.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I wish to inquire whether under the rule which provides that—

All proposed legislation shall be referred to the committee named in the preceding rule as follows, viz, subjects relating to education to the Committee on Education—

Whether under that rule this bill should not go to the Committee on Education.

The SPEAKER. The House, the Chair thinks, has a right to refer this bill by a vote to any committee it chooses. If there were no vote of the House referring this bill to another committee the Chair would refer it to the Committee on Education under the rule; but the Chair has held frequently that the House, by its vote, can refer a bill to any committee it pleases, except bills for the payment or adjudication of claims, which must go to certain committees, unless unanimous consent is given.

Several MEMBERS. Regular order!

The SPEAKER. The question is on the motion to amend the motion of the gentleman from Kentucky [Mr. WILLIS] by striking out "Labor" and inserting "Education."

Mr. RANDALL. Mr. Speaker, where, under the rules, does this bill belong?

The SPEAKER. The Chair has already stated, in response to the gentleman from Illinois, that unless the House by a vote referred the bill to another committee the Chair, under the rule, would refer it to the Committee on Education.

Mr. DUNN. It belongs to some committee that will report it back.

The House divided on the motion to amend, and the Speaker declared that the noes seemed to have it.

Mr. HOLMAN. Let us have the yeas and nays.

The yeas and nays were ordered; and there were—yeas 114, nays 132; not voting 76, as follows:

YEAS—114.

Adams, G. E.	Curtin,	Kleiner,	Seymour,
Anderson, C. M.	Dargan,	Landes,	Shaw,
Anderson, J. A.	Davenport,	Lanham,	Sowden,
Beach,	Dawson,	Lawler,	Spooner,
Belmont,	Dockery,	Le Fevre,	Springer,
Bennett,	Dorsey,	Lowry,	Steele,
Bland,	Eden,	Lyman,	Stewart, Charles
Blount,	Eldredge,	Mahoney,	Stone, W. J., of Ky.
Bound,	Findlay,	Matson,	Stone, W. J., of Mo.
Boutelle,	Fisher,	Maybury,	Storm,
Boyle,	Ford,	Merriman,	Strait,
Bragg,	Frederick,	Miller,	Swope,
Breckinridge, WCP.	Fuller,	Moffatt,	Tarsney,
Brown, C. E.	Geddes,	Morrison,	Taylor, I. H.
Buck,	Glover,	Neece,	Thomas, O. B.
Burnes,	Hall,	Outhwaite,	Throckmorton,
Burrows,	Hatch,	Perkins,	Tillman,
Butterworth,	Heard,	Phelps,	Tucker,
Bynum,	Hewitt,	Randall,	Van Eaton,
Campbell, Felix	Hill,	Reagan,	Warner, A. J.
Campbell, J. M.	Hiscock,	Reed, T. B.	Weaver, A. J.
Campbell, J. E.	Holman,	Richardson,	Wellborn,
Campbell, T. J.	Holmes,	Robertson,	White, Milo
Cannon,	Hopkins,	Rowell,	Wilkins,
Carleton,	Howard,	Ryan,	Wilson,
Clardy,	Hudd,	Sayers,	Winans,
Cole,	Hutton,	Scott,	Worthington.
Crain,	Jones, J. H.	Scranton,	
Culberson,	Kelley,	Seney,	

NAYS—132.

Allen, C. H.	Clements,	Forney,	Herman,
Allen, J. M.	Conger,	Gallinger,	Hires,
Baker,	Cowles,	Gay,	Hitt,
Ballentine,	Cox,	Gibson, Eustace	Houk,
Barbour,	Crisp,	Glass,	Jackson,
Barksdale,	Croxton,	Goff,	James,
Barnes,	Cutcheon,	Green, W. J.	Johnson, F. A.
Barry,	Daniel,	Grout,	Johnston, J. T.
Bayne,	Davidson, A. C.	Guenther,	Johnston, T. D.
Blanchard,	Davidson, R. H. M.	Halsell,	Jones, J. T.
Brady,	Dibble,	Hammond,	Ketcham,
Breckinridge, C. R.	Dingley,	Harris,	King,
Browne, T. M.	Dunn,	Hayden,	Libbey,
Brown, W. W.	Ellsberry,	Haynes,	Lindsley,
Buchanan,	Ely,	Hemphill,	Little,
Burleigh,	Evans,	Henderson, D. B.	Long,
Cabell,	Everhart,	Henderson, J. S.	Lovering,
Candler,	Farquhar,	Henderson, T. J.	Markham,
Caswell,	Fleeger,	Henley,	Martin,
Catchings,	Foran,	Herbert,	McComas,

McCreary,	O'Neill, J. J.	Sadler,	Wadsworth,
McKinley,	Owen,	Sawyer,	Wait,
McRae,	Peel,	Singleton,	Ward, T. B.
Millard,	Perry,	Smalls,	Warner, William
Mitchell,	Peters,	Snyder,	Weber,
Murphy,	Pettibone,	St. Martin,	West,
Neal,	Pirce,	Swinburne,	Wheeler,
Negley,	Plumb,	Taulbee,	White, A. C.
Nelson,	Price,	Taylor, E. B.	Whiting,
Norwood,	Reid, J. W.	Taylor, J. M.	Willis,
O'Donnell,	Reese,	Thompson,	Wise,
O'Hara,	Rogers,	Trigg,	Wolford,
O'Neill, Charles	Romeis,	Turner,	Woodburn.

NOT VOTING—77.

Adams, J. J.	Funston,	Milliken,	Skinner,
Aiken,	Gibson, C. H.	Mills,	Spriggs,
Arnot,	Gilfillan,	Morgan,	Stahlnecker,
Atkinson,	Green, R. S.	Morrill,	Stephenson,
Bingham,	Grosvenor,	Morrow,	Stewart, J. W.
Bliss,	Hale,	Muller,	Stone, E. F.
Brumm,	Hanback,	Oates,	Struble,
Bunnell,	Harmer,	O'Ferrall,	Symes,
Caldwell,	Hepburn,	Osborne,	Taylor, Zach.
Cobb,	Hiestand,	Parker,	Thomas, J. R.
Collins,	Irion,	Payne,	Townshend,
Compton,	Laffoon,	Payson,	Van Schaick,
Comstock,	La Follette,	Pidcock,	Viele,
Cooper,	Laird,	Pindar,	Wade,
Davis,	Lehlbach,	Pulitzer,	Wakefield,
Dougherty,	Lore,	Ranney,	Ward, J. H.
Dowdney,	Louttit,	Rice,	Weaver, J. B.
Dunham,	McAdoo,	Riggs,	
Ermentrout,	McKenna,	Rockwell,	
Felton,	McMillin,	Sessions,	

The following pairs were announced:

Mr. PIDCOCK with Mr. LEHLBACH.

Mr. TOWNSHEND with Mr. THOMAS, of Illinois.

Mr. CALDWELL with Mr. STEPHENSON.

Mr. SKINNER with Mr. MORRILL.

Mr. IRION with Mr. STRUBLE.

Mr. SPRIGGS with Mr. MCMILLIN.

Mr. MORGAN with Mr. HEPBURN.

Mr. LAFFOON with Mr. LOUTTIT.

Mr. O'FERRALL with Mr. VAN SHAICK, until March 30.

Mr. WARD, of Illinois, with Mr. PARKER, on this vote.

Mr. COBB with Mr. GROSVENOR.

Mr. ERMENTROUT with Mr. ATKINSON, for this day

Mr. MCADOO with Mr. ROCKWELL, for this day.

Mr. MULLER with Mr. BUNNELL, for this day.

Mr. ADAMS, of New York, with Mr. PAYSON, for this day.

Mr. HALE with Mr. HANBACK, on this bill.

Mr. MILLS with Mr. WADE, on this bill.

Mr. DOWDNEY with Mr. LAIRD, for this day.

Mr. ARNOT with Mr. FELTON, for this day.

Mr. STAHLNECKER with Mr. OSBORNE, for this day.

Mr. VIELE with Mr. LA FOLLETTE, for this day.

Mr. RIGGS with Mr. WAKEFIELD, for this day.

Mr. EDEN. Mr. Speaker, my colleague [Mr. RIGGS] is absent on account of sickness. If he were here, he would vote "ay."

Mr. RANDALL. Mr. Speaker, I wish to inquire about the pairs. The gentleman from New Jersey [Mr. GREEN] is paired with the gentleman from Virginia [Mr. BRADY], but I am informed by some one near me here that Mr. BRADY has voted. I do not know whether he has or not.

The SPEAKER. The Chair is informed by the Clerk who has charge of the pairs that the gentleman from Virginia [Mr. BRADY] has withdrawn the pair.

Mr. WILLIS. Mr. Speaker, I suggest to the gentleman from Pennsylvania [Mr. RANDALL] that the gentleman from Virginia [Mr. BRADY] is not present at this moment.

Mr. ZACH. TAYLOR. Mr. Speaker, it was at my solicitation that the gentleman from Virginia [Mr. BRADY] was paired with the gentleman from New Jersey [Mr. GREEN]. It seems that I was under a misapprehension, and in order to have no feeling about the matter I will pair with the gentleman from New Jersey on this vote, and ask to withdraw my vote on this motion; but I wish it understood that I am in favor of the bill, and opposed to the motion to refer it to the Committee on Education.

Mr. BRADY. Mr. Speaker, I think a personal explanation is in order. I was in court this morning, and sent up notes to two different gentlemen requesting to be paired. Upon my return to the House just now I was informed that I was paired with Mr. GREEN, of New Jersey. Mr. GREEN, I understand, left for his home in New Jersey on Saturday last and will be absent twelve days, and one of his colleagues informs me that if he were present he would quite probably vote as I have voted. Therefore, after consulting with a number of friends, I concluded, under their advice, to break the pair, as I think I had a right to do under the circumstances.

Mr. ZACH. TAYLOR. Mr. Speaker, in view of the circumstances I have stated, I am willing to be paired on this vote only.

The SPEAKER. The gentleman from Tennessee [Mr. ZACH. TAYLOR] withdraws his vote and will be regarded as paired. That leaves the result of the vote yeas 114, nays 132. The nays have it, and the amendment is not agreed to. The question is upon the motion made by the gentleman from Kentucky [Mr. WILLIS] to refer this bill to the Committee on Labor.

The House divided; and there were—yeas 86, nays 85.

Mr. REAGAN. Let us have the yeas and nays.

Several MEMBERS. Withdraw the call for the yeas and nays.

Mr. REAGAN. Mr. Speaker, I withdraw the call.

Mr. BRAGG. I renew it, Mr. Speaker.

The yeas and nays were ordered; there being—ayes 44, noes 84.

The question was taken; and it was decided in the affirmative—yeas 138, nays 112, not voting 73; as follows:

YEAS—138.

Adams, G. E.	Dunn,	Johnston, T. D.	Reese,
Allen, C. H.	Ely,	Jones, J. T.	Rogers,
Allen, J. M.	Evans,	Kelley,	Romeis,
Baker,	Everhart,	Ketcham,	Sadler,
Ballentine,	Farquhar,	King,	Sawyer,
Barbour,	Fleeger,	La Follette,	Sessions,
Barksdale,	Foran,	Libbey,	Singleton,
Barnes,	Forney,	Lindsley,	Smalls,
Barry,	Gallinger,	Little,	Snyder,
Bayne,	Gay,	Long,	Steele,
Blanchard,	Gibson, Eustace	Markham,	Stewart, J. W.
Boutelle,	Glass,	Martin,	St. Martin,
Brady,	Goff,	McComas,	Stone, E. F.
Breckinridge, C. R.	Green, W. J.	McCreary,	Swinburne,
Browne, T. M.	Grout,	McKinley,	Taulbee,
Brown, C. E.	Guenther,	McRae,	Taylor, E. B.
Brown, W. W.	Halsell,	Millard,	Taylor, J. M.
Buchanan,	Hammond,	Neal,	Taylor, Zach.
Burleigh,	Harris,	Negley,	Thompson,
Butterworth,	Hayden,	Nelson,	Trigg,
Cabell,	Haynes,	Norwood,	Turner,
Candler,	Hemphill,	O'Donnell,	Wadsworth,
Catchings,	Henderson, D. B.	O'Hara,	Wait,
Clements,	Henderson, J. S.	O'Neill, Charles	Warner, William
Conger,	Henderson, T. J.	O'Neill, J. J.	Weber,
Cowles,	Herbert,	Owen,	West,
Cox,	Herman,	Parker,	Wheeler,
Crisp,	Hires,	Peel,	White, A. C.
Croxton,	Hitt,	Perry,	Whiting,
Cutcheon,	Houk,	Pettibone,	Willis,
Daniel,	Irion,	Pirce,	Wise,
Davidson, K. H. M.	Jackson,	Plumb,	Wolford,
Davis,	James,	Price,	Woodburn.
Dibble,	Johnson, F. A.	Reed, T. B.	
Dingley,	Johnston, J. T.	Reid, J. W.	

NAYS—112.

Anderson, C. M.	Davenport,	Landes,	Seney,
Anderson, J. A.	Dawson,	Lanham,	Seymour,
Arnot,	Dockery,	Lawler,	Sowden,
Beach,	Dorsey,	Le Fevre,	Spooner,
Belmont,	Eden,	Lyman,	Springer,
Bennett,	Eldredge,	Mahoney,	Stewart, Charles
Bland,	Findlay,	Matson,	Stone, W. J., Ky.
Blount,	Fisher,	Maybury,	Stone, W. J., Mo.
Boyle,	Ford,	McMillin,	Storm,
Bragg,	Frederick,	Merriman,	Strait,
Breckinridge, WCP	Fuller,	Miller,	Swope,
Buck,	Geddes,	Mitchell,	Tarsney,
Burnes,	Gibson, C. H.	Moffat,	Taylor, I. H.
Burrows,	Glover,	Morrison,	Thomas, O. B.
Bynum,	Hall,	Neece,	Throckmorton,
Campbell, Felix	Hatch,	Outhwaite,	Tillman,
Campbell, J. M.	Heard,	Perkins,	Tucker,
Campbell, J. E.	Hewitt,	Peters,	Van Eaton,
Campbell, T. J.	Hill,	Phelps,	Wakefield,
Cannon,	Hiscock,	Randall,	Ward, T. B.
Carleton,	Holman,	Reagan,	Warner, A. J.
Caswell,	Holmes,	Richardson,	Weaver, A. J.
Clardy,	Hopkins,	Robertson,	Wellborn,
Cole,	Howard,	Rowell,	White, Milo
Crain,	Hudd,	Ryan,	Wilkins,
Culberson,	Hutton,	Sayers,	Wilson,
Curtin,	Jones, J. H.	Scott,	Winans,
Dargan,	Kleiner,	Scranton,	Worthington.

NOT VOTING—73.

Adams, J. J.	Ermentrout,	McAdoo,	Riggs,
Aiken,	Felton,	McKenna,	Rockwell,
Atkinson,	Funston,	Milliken,	Shaw,
Bingham,	Gilfillan,	Mills,	Skinner,
Bliss,	Green, R. S.	Morgan,	Spriggs,
Bound,	Grosvenor,	Morrill,	Stahlnecker,
Brumm,	Hale,	Morrow,	Stephenson,
Bunnell,	Hanback,	Murphy,	Struble,
Caldwell,	Harmer,	Muller,	Symes,
Cobb,	Henley,	Oates,	Thomas, J. R.
Collins,	Hepburn,	O'Ferrall,	Townshend,
Compton,	Hiestand,	Osborne,	Van Schaick,
Comstock,	Laffoon,	Payne,	Viele,
Cooper,	Laird,	Payson,	Wade,
Davidson, A. C.	Lehlbach,	Pidcock,	Ward, J. H.
Dougherty,	Lore,	Pindar,	Weaver, J. B.
Dowdney,	Louttit,	Pulitzer,	
Dunham,	Lovering,	Ranney,	
Ellsberry,	Lowry,	Rice,	

So the motion of Mr. WILLIS to refer the bill to the Committee on Labor was agreed to.

Mr. HOLMAN. My colleague [Mr. COBB], who is absent, would, if present, vote "no."

Mr. WARNER, of Ohio. My colleague [Mr. GROSVENOR] is paired with the gentleman from Indiana [Mr. COBB], and if present would vote "ay."

The following additional pairs were announced:

Mr. GREEN, of New Jersey, with Mr. MCKENNA, for the rest of this day.

Mr. PINDAR with Mr. BINGHAM, for the rest of this day.

The result of the vote was announced as above stated.

RELATIONS WITH CENTRAL AND SOUTH AMERICA, ETC.

Mr. MCCREARY introduced a bill (H. R. 7267) authorizing the President of the United States to arrange a conference for the purpose of encouraging peaceful and reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LEVI HOSKINS.

Mr. MCCREARY also introduced a bill (H. R. 7268) granting a pension to Levi Hoskins, late a private in Company I, Twenty-fourth Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. BEAZLEY.

Mr. MCCREARY also introduced a bill (H. R. 7269) for the relief of James A. Beazley, administrator of Zack Elkin, of Garrard County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. N. WILLIAMS.

Mr. MCCREARY also introduced a bill (H. R. 7270) for the relief of D. N. Williams, of Rock Castle County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. F. HERD.

Mr. MCCREARY also introduced a bill (H. R. 7271) to restore the name of J. F. Herd, late captain of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. R. GABBARD.

Mr. MCCREARY also introduced a bill (H. R. 7272) granting a pension to W. R. Gabbard, late private in Company E, Forty-seventh Regiment of Kentucky Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEMUEL MAIN.

Mr. MCCREARY also introduced a bill (H. R. 7273) granting a pension to Lemuel Main, late private Company G, Second Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH FRISBEE.

Mr. MCCREARY also introduced a bill (H. R. 7274) to place the name of Joseph Frisbee, of Laurel County, Kentucky, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. MANWARRING.

Mr. MCCREARY also introduced a bill (H. R. 7275) for the relief of H. Manwarring, of Danville, Boyle County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT WILSON, JR.

Mr. MCCREARY also introduced a bill (H. R. 7276) for the relief of Robert Wilson, jr., of Booneville, Owsley County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LARKIN CHANDLER.

Mr. MCCREARY also introduced a bill (H. R. 7277) granting a pension to Larkin Chandler, late private Company G, Forty-seventh Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PASCHAL ROUSE.

Mr. LAFFOON introduced a bill (H. R. 7278) for the relief of the heirs of Paschal Rouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHIP-CANAL IN WASHINGTON TERRITORY.

Mr. LAFFOON also introduced a bill (H. R. 7279) to provide for and aid in the construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CADWELL JONES.

Mr. WADSWORTH (by request) introduced a bill (H. R. 7280) for the relief of Cadwell Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JENNISEN MYERS.

Mr. WADSWORTH (by request) also introduced a bill (H. R. 7281) for the relief of Jennisen Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDUCTION OF INTERNAL-REVENUE TAXATION.

Mr. MCCOMAS introduced a bill (H. R. 7282) to amend the act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON BITUMINOUS COAL.

Mr. MCCOMAS also submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, requested to report to this House at an early day the effect and operation of the following provision in section 6 of the act to reduce internal-revenue taxation, and for other purposes:

"A drawback of 75 cents per ton shall be allowed on all bituminous coal imported into the United States which is afterward used for fuel on board of vessels propelled by steam which are engaged in the coasting trade of the United States or in the trade with foreign countries, to be allowed and paid under such regulations as the Secretary of the Treasury shall prescribe."

Also to further inform this House whether said provision is now being evaded by shipments of coal from Great Britain to American dealers in any manner; also what importations have been made, and what drawbacks have been allowed thereunder, at the ports of Boston, New York, Philadelphia, and Baltimore, respectively.

CAPT. LAMBERT WICKES.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 7283) for the relief of the heirs and legal representatives of Capt. Lambert Wickes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. JONES.

Mr. COLE introduced a bill (H. R. 7284) for the relief of James B. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL JACKSON.

Mr. COLE also introduced a bill (H. R. 7285) for the relief of Samuel Jackson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY B. STREAVIG.

Mr. SHAW introduced a bill (H. R. 7286) for the relief of Henry B. Streavig; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES GRIFFIN.

Mr. WHITING introduced a bill (H. R. 7287) for the relief of Charles Griffin, Company C, Twenty-seventh Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT AND ACTING ASSISTANT EXAMINERS, PATENT OFFICE.

Mr. LOVERING submitted joint resolution (H. Res. 145) in favor of assistant examiners and acting assistant examiners in the Patent Office United States; which was referred to the Committee on Patents.

RETENTION OF SILVER DOLLARS IN SUBTREASURY, BOSTON.

Mr. LOVERING also submitted the following resolution; which was read, and referred to the Committee on Coinage, Weights, and Measures.

Whereas it is complained by responsible business men of Massachusetts that the agents of the subtreasury at Boston refuse to pay out to them silver dollars when requested: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether silver dollars are refused to be paid out when requested by the business men of Massachusetts; and, if so, for what reason.

GEORGE R. LONG.

Mr. DAVIS introduced a bill (H. R. 7288) granting a pension to George R. Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN M. SPRAGUE.

Mr. DAVIS also introduced a bill (H. R. 7289) granting a pension to Ellen M. Sprague; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. DEPLITCH.

Mr. DAVIS also introduced a bill (H. R. 7290) granting a pension to Sarah J. Deplitch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CALHOUN.

Mr. WINANS introduced a bill (H. R. 7291) granting a pension to James Calhoun; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID STRUNK.

Mr. WINANS also introduced a bill (H. R. 7292) granting a pension to David Strunk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' HOME, DISTRICT OF COLUMBIA.

Mr. CUTCHEON introduced a bill (H. R. 7293) for the better protection of the inmates of the National Soldiers' Home, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

E. S. ROWLAND.

Mr. MOFFATT introduced a bill (H. R. 7294) for the relief of E. S. Rowland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PETER BENSON.

Mr. MOFFATT also introduced a bill (H. R. 7295) granting a pension to Peter Benson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DONOHUE.

Mr. CARLETON introduced a bill (H. R. 7296) for the relief of John Donohue; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN DIXSON.

Mr. STRAIT introduced a bill (H. R. 7297) for the relief of John Dixson, late private Company E, Fourth Iowa Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES SCHULER.

Mr. STRAIT also introduced a bill (H. R. 7298) for the relief of Charles Schuler, late private Company K, Fourth Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREEN CHAMBERS.

Mr. STRAIT also introduced a bill (H. R. 7299) for the relief of Green Chambers, late private Company H, One hundred and fifteenth United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RANDOLPH SEAMAN.

Mr. STRAIT also introduced a bill (H. R. 7300) for the relief of Randolph Seaman, late private Company E, Sixth Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIFE-SAVING STATION, DULUTH.

Mr. NELSON introduced a bill (H. R. 7301) establishing a life-saving station on the coast of Lake Superior at Duluth, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMITATION DAIRY PRODUCTS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7302) to prevent deception in the sale of imitation dairy products and to preserve the public health, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

J. G. FLOURNOY.

Mr. SINGLETON introduced a bill (H. R. 7303) to remove the political disabilities of J. G. Flournoy, a citizen of the county of Lauderdale, State of Mississippi, for participation in the late rebellion; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWIN R. WELLS.

Mr. HATCH introduced a bill (H. R. 7304) for the relief of Edwin R. Wells; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOUTHERN PACIFIC RAILROAD COMPANY.

Mr. STONE, of Missouri, introduced a bill (H. R. 7305) forfeiting certain lands granted to the Southern Pacific Railroad Company of California by section 18 of the act of Congress approved January 27, 1866; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELI W. COOLEY.

Mr. STONE, of Missouri, also introduced a bill (H. R. 7306) granting a pension to Eli W. Cooley, of Saint Clair County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JACKSON T. JOHNSON.

Mr. STONE, of Missouri, also introduced a bill (H. R. 7307) granting an increase of pension to Dr. Jackson T. Johnson, of Barton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REYNOLD H. SCOFIELD.

Mr. STONE, of Missouri, also introduced a bill (H. R. 7308) granting an increase of pension to Capt. Reynold H. Scofield, of Barton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES M. HAMILTON.

Mr. DOCKERY introduced a bill (H. R. 7309) granting a pension to Charles M. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARLANTA T. TAYLOR.

Mr. DOCKERY also introduced a bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY STOREKEEPER, QUARTERMASTER'S DEPARTMENT.

Mr. GLOVER (by request) introduced a bill (H. R. 7311) to authorize the appointment of a military storekeeper in the Quartermaster's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. LEWIS.

Mr. GLOVER also introduced a bill (H. R. 7312) for the relief of Mary A. Lewis, widow of Joseph W. Lewis; which was read a first and second time, referred to the Committee on Claims, any ordered to be printed.

ARBITRATION IN LABOR TROUBLES.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 7313) creating boards of arbitration for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial commerce or business and their employés; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MARTHA A. MURPHY.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 7314) for the relief of Martha A. Murphy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STREET IMPROVEMENTS, DISTRICT OF COLUMBIA.

Mr. HEARD (at the request of the District of Columbia commissioners) introduced a bill (H. R. 7315) to provide for the continuance of street improvements and sewers in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SAMUEL V. SANDS.

Mr. HEARD also introduced a bill (H. R. 7316) for the relief of Samuel V. Sands; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN J. HEDGPETH.

Mr. HEARD also introduced a bill (H. R. 7317) for the relief of John J. Hedgpeth; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH NOPSINGER.

Mr. BLAND introduced a bill (H. R. 7318) for the relief of Joseph Nopsinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. W. COTTON.

Mr. BLAND also introduced a bill (H. R. 7319) for the relief of T. W. Cotton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET LEBA.

Mr. BLAND also introduced a bill (H. R. 7320) for the relief of Margaret Leba, of Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAPTIST FEMALE COLLEGE OF LEXINGTON.

Mr. WARNER, of Missouri, introduced a bill (H. R. 7321) for the relief of the Baptist Female College, of Lexington, Mo.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY M. BLACK.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 7322) granting a pension to Mary M. Black; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to printed.

L. B. HEANNELL.

Mr. WADE introduced a bill (H. R. 7323) for the relief of L. B. Heannell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS V. ASCHLEY.

Mr. WADE also introduced a bill (H. R. 7324) for the relief of Thomas V. Aschely; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY W. GOODNIGHT.

Mr. WADE also introduced a bill (H. R. 7325) for the relief of Henry W. Goodnight; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENSON CARD.

Mr. WADE also introduced a bill (H. R. 7326) for the relief of Benson

Card, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANTHONY M'ROBERTSON.

Mr. WADE also introduced a bill (H. R. 7327) granting a pension to Anthony McRobertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENERAL O. O. HOWARD.

Mr. DORSEY introduced a joint resolution (H. Res. 146) to authorize Oliver O. Howard, brigadier-general in the United States Army, to accept a certain decoration from the Republic of France; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CLERKS OF THE UNITED STATES COURTS.

Mr. HAYNES introduced a bill (H. R. 7328) to regulate the pay of clerks of the United States circuit and district courts; which was read a first and second time, referred to the Committee on the Expenditures in the Department of Justice, and ordered to be printed.

PATRICK M'KEAN.

Mr. HAYNES also introduced a bill (H. R. 7329) granting a pension to Patrick McKean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIE H. BABB.

Mr. HAYNES also introduced a bill (H. R. 7330) granting a pension to Josie H. Babb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNY LANE.

Mr. HAYNES also introduced a bill (H. R. 7331) restoring the name of Fanny Lane to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID W. BAGLEY.

Mr. HAYNES also introduced a bill (H. R. 7332) granting a pension to David W. Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN COWAN.

Mr. GALLINGER (by request) introduced a bill (H. R. 7333) for the relief of Ann Cowan, widow of Michael Cowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. RUTH ADLEY.

Mr. GALLINGER also introduced a bill (H. R. 7334) granting a pension to Mrs. Ruth Adley, widow of Lorenzo P. Adley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL RULE, HOUSE OF REPRESENTATIVES.

Mr. GALLINGER also offered a resolution requesting the Committee on Rules to report an additional rule empowering the House by a majority vote to take any measure from a committee of the House; which was referred to the Committee on Rules.

Mr. ZACH. TAYLOR. Mr. Speaker, I call for the reading of that resolution.

The Clerk read as follows:

Whereas recent events have clearly demonstrated that under the existing rules a bare majority of a committee of this House has it in its power to suppress any measure that may be referred to them, unless otherwise ordered either by unanimous consent or a suspension of the rules, which requires a two-thirds vote; and

Whereas this is a palpable denial of the rights of the membership of this House, a usurpation of power not properly belonging to a committee, and a species of despotism unworthy of the American Congress: Therefore,

Be it resolved, That the Committee on Rules be requested to report to this House, at its earliest convenience, an additional rule, providing that the House may at any time, by a majority vote, instruct any one of its committees to return to the House for consideration, with or without recommendation, any measure that may have been referred to it.

MICHAEL TODD.

Mr. HIRES introduced a bill (H. R. 7335) granting a pension to Michael Todd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN REGISTER TO SCHOONER MIRANDA.

Mr. JAMES introduced a bill (H. R. 7336) to authorize the issue of an American register to the schooner Miranda; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning interests, and ordered to be printed.

PHILEMON B. PURVIS.

Mr. BEACH introduced a bill (H. R. 7337) granting a pension to Philemon B. Purvis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO RULES.

Mr. BEACH also offered the following resolutions; which were referred to the Committee on Rules:

Whereas it was promised at the beginning of the session that the adoption of the "new rules" would facilitate the transaction of the public business; and

Whereas an experience of three months has shown the complete folly of such promise, and that the House is no better off in this respect than it was under the "old rules;" and

Whereas the right of the people to petition the Government for a redress of grievances is a right guaranteed by the Constitution; and

Whereas a corresponding obligation rests upon the Government to consider their petitions and grant such relief as may be proper under the circumstances; and

Whereas to this end Congress should obey the mandate of the Constitution, and determine "the rules of its proceedings" in such manner as to give all citizens an equal opportunity to be heard in their petitions; and

Whereas our Calendars are already loaded with many and various measures of local, State, and national importance (and legions more to come), which under the present rules (if rigidly enforced, as all rules should be) can be considered only by being called up by committees during the second morning hour, or by motion to supend the rules on the first and third Mondays of the few remaining months, or by unanimous consent; and

Whereas the practice of considering bills by unanimous consent is a serious abuse, because the favor of "recognition" shown by the Speaker to one is an unjust discrimination toward all others who may have in charge measures of equal, if not superior, merit; and because, furthermore, the practice tends to make of legislation a lottery, wherein the prizes are confined to the favored few and the blanks are distributed among the unfavored many; and

Whereas what is called the "second morning hour," when committees can call up measures for consideration, has proven a failure principally because the measures so called up have been "talked to death;" and

Whereas there is no good reason why any proposition which has been fully considered by the committee to which it has been referred and received the unanimous sanction of such committee should be entitled to any extended discussion on the floor; and

Whereas what the people want in answer to their petitions is action, and not declamation—the votes of their Representatives, and not their speeches; and

Whereas all information necessary to intelligent action upon any given measure is furnished each member in advance by the printed reports of the various committees: Now, therefore, with a view to relieve our calendars and advance legislation,

Be it resolved, That clause 5 of Rule XXIV be amended so as to read as follows:

"After the morning hour shall have been devoted to reports from committees (or the call completed) the Speaker shall again call the committees in regular order and continue such call from day to day; upon which call each committee, on being named, shall, for the period of one hour, have the right to call up for consideration any bills or resolutions unanimously reported by it on a previous day on either of the Calendars of the House; and in the consideration of each bill or resolution debate shall be limited to ten minutes—the time to be equally divided between the advocates and the opponents of the measure: *Provided*, That when the hour herein prescribed shall expire while the Committee of the Whole House on the state of the Union is considering a bill the said committee shall rise without motion therefor.

"*And be it further resolved*, With a view to regain the time lost by the holiday recess and numerous other adjournments, and to avoid a prolongation of the session into the heat of summer, that the hour of daily meeting of this House shall be 11 o'clock a. m. during the remainder of the present session."

GRANT COTTAGE, MOUNT M'GREGOR, N. Y.

Mr. WEST introduced a bill (H. R. 7338) authorizing the United States to take from Joseph W. Drexel a conveyance of the Grant cottage, located upon Mount McGregor, in the State of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMELINE HERRICK.

Mr. WEST also introduced a bill (H. R. 7339) granting a pension to Emeline Herrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET YATTO.

Mr. WEST also introduced a bill (H. R. 7340) for the relief of Margaret Yatto; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGENT OF TREASURY DEPARTMENT.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 7341) to provide for the payment of the salary of the agent of the Treasury Department in New York, now employed to supervise the imprinting of internal-revenue stamps upon tin-foil wrappers; which was read a first and second time, referred by unanimous consent to the Committee on Ways and Means, and ordered to be printed.

JOHN J. CROOKE.

Mr. TIMOTHY J. CAMPBELL also introduced a bill (H. R. 7342) for the relief of John J. Crooke for services in imprinting internal-revenue stamps upon tin-foil tobacco wrappers; which was read a first and second time, referred by unanimous consent to the Committee on Ways and Means, and ordered to be printed.

Mr. TIMOTHY J. CAMPBELL also introduced a bill (H. R. 7343) for the relief of John J. Crooke for services in imprinting internal-revenue stamps on tin-foil tobacco wrappers; which was read a first and second time, referred by unanimous consent to the Committee on Ways and Means, and ordered to be printed.

RICHARD GOOD.

Mr. HISCOCK introduced a bill (H. R. 7344) for the relief of Richard Good; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JANE A. LESTER.

Mr. HISCOCK also introduced a bill (H. R. 7345) to have placed on the pension-roll the name of Jane A. Lester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA MOREHOUSE.

Mr. HISCOCK also introduced a bill (H. R. 7346) for the relief of

Julia Morehouse, administratrix of G. G. Morehouse, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS RUSSELL.

Mr. HISCOCK also introduced a bill (H. R. 7347) for the relief of Thomas Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHINESE INDEMNITY.

Mr. BELMONT introduced a joint resolution (H. Res. 146) providing indemnity to certain Chinese subjects for losses sustained at Rock Springs, Wyo.; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

APPRAISERS' STORES, NEW YORK CITY.

Mr. HEWITT (by request) introduced a bill (H. R. 7348) to authorize the purchase of appraisers' stores in the city of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS C. BATES.

Mr. BAKER introduced a bill (H. R. 7349) for the relief of Thomas C. Bates; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. BARR.

Mr. SESSIONS introduced a bill (H. R. 7350) to grant George W. Barr an honorable discharge from the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIJAH DIEHL.

Mr. FORD (by request) introduced a bill (H. R. 7351) to remove charge of desertion against Elijah Diehl; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SARAH RANDLES.

Mr. BURLEIGH introduced a bill (H. R. 7352) granting a pension to Mrs. Sarah Randles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. O'BRIEN.

Mr. BURLEIGH also introduced a bill (H. R. 7353) granting a pension to John H. O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORYDON MILLARD.

Mr. MERRIMAN introduced a bill (H. R. 7354) granting a pension to Corydon Millard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINNA HOLMES.

Mr. MERRIMAN also introduced a bill (H. R. 7355) granting a pension to Minna Holmes, widow of John Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' HOME, WASHINGTON, D. C.

Mr. FELIX CAMPBELL introduced a bill (H. R. 7356) to amend section 6 of an act of Congress approved March 3, 1883, chapter 130; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID TRUMAN HAYTON.

Mr. ARNOT (by Mr. FELIX CAMPBELL) introduced a bill (H. R. 7357) for the relief of David Truman Hayton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEREMIAH RUMSEY.

Mr. ARNOT (by Mr. FELIX CAMPBELL) also introduced a bill (H. R. 7358) for the relief of Jeremiah Rumsey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEZAR HOYANCAMP.

Mr. ARNOT (by Mr. FELIX CAMPBELL) also introduced a bill (H. R. 7359) granting a pension to Lezar Hoyancamp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN E. GOODRICH.

Mr. ARNOT also introduced a bill (H. R. 7360) granting a pension to Ann E. Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SAFELY.

Mr. ARNOT also introduced a bill (H. R. 7361) granting a pension to James Safely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 2502 REVISED STATUTES.

Mr. FELIX CAMPBELL introduced a bill (H. R. 7362) to amend second 2502 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM F. GORDON.

Mr. ADAMS, of New York (by Mr. FELIX CAMPBELL), introduced a bill (H. R. 7363) granting an increase of pension to William F. Gordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HARRIETT B. LEHMAN, DECEASED.

Mr. O'HARA introduced a bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NANCY FRANKLIN.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 7365) for the relief of Nancy Franklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUFUS WRIGHT.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 7366) to remove the charge of desertion against Rufus Wright, of Company E, Thirty-ninth Kentucky Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MANILA, SUNN, AND SISAL GRASS.

Mr. LE FEVRE introduced a bill (H. R. 7367) to place manila, sunn, and sisal grass on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MANON VANGORDON.

Mr. LE FEVRE also introduced a bill (H. R. 7368) granting a pension to Manon Vangordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEXTER GILBERT POST, NO. 417, GRAND ARMY OF THE REPUBLIC.

Mr. LE FEVRE also introduced a bill (H. R. 7369) granting a condemned cannon and carriage to Dexter Gilbert Post, No. 417, Grand Army of the Republic, of Herring, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HOWELL.

Mr. LE FEVRE also introduced a bill (H. R. 7370) granting a pension to John Howell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EX-SOLDIERS AND EX-SAILORS.

Mr. BUTTERWORTH introduced a bill (H. R. 7371) for the relief of ex-soldiers and ex-sailors who enlisted in the Army or Navy while minors under assumed names and served faithfully according to the terms of enlistment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB WELCH.

Mr. OUTHWAITE introduced a bill (H. R. 7372) granting a pension to Jacob Welch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTHER T. CHURCH.

Mr. OUTHWAITE also introduced a bill (H. R. 7373) granting a pension to Esther T. Church, widow of Thomas Church, late a private of Company G, One hundred and sixtieth Regiment Ohio Volunteer Infantry, National Guards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KILPATRICK.

Mr. OUTHWAITE also introduced a bill (H. R. 7374) to relieve James Kilpatrick from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS LUDWIC.

Mr. IKE H. TAYLOR introduced a bill (H. R. 7375) granting a pension to Lewis Ludwic; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORY OF DAKOTA.

Mr. HILL introduced a bill (H. R. 7376) to enable the people of Dakota Territory to form a constitution, and for other purposes; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

TERRITORY OF NORTH DAKOTA.

Mr. HILL also introduced a bill (H. R. 7377) to divide the Territory of Dakota, and to establish the Territory of North Dakota; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

SAMUEL PALMER.

Mr. HILL also introduced a bill (H. R. 7378) granting a pension to Samuel Palmer, late a member of Company G, Sixteenth Regiment Illi-

nois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELEANOR I. ARMSTRONG.

Mr. BROWN, of Ohio, introduced a bill (H. R. 7379) granting a pension to Eleanor I. Armstrong, widow of Fletcher E. Armstrong, late captain Eleventh Ohio Battery Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA DAVIS.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 7380) granting a pension to Priscilla Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GREEN.

Mr. THOMPSON (by request) introduced a bill (H. R. 7381) granting a pension to William Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK HEDGMIRE.

Mr. THOMPSON also introduced a bill (H. R. 7382) granting a pension to Frederick Hedgmire, late of Company F, Thirty-sixth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. ALEXANDER.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 7383) for the relief of William T. Alexander for property destroyed, &c.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. HELBIG.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7384) to grant a pension to John F. Helbig, late of Company K, Fourth Regiment, Ohio Infantry Volunteers, and to place his name on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE KAYS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7385) granting a pension to George Kays, late of Company I, Eleventh Ohio Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KAROLINE KRONENTHAL.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7386) granting a pension to Karoline Kronenthal, widow of Christian Kronenthal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNATIONAL ARBITRATION CONGRESS.

Mr. McKINLEY introduced a bill (H. R. 7387) to authorize the President of the United States to invite the autonomic governments of America to send delegates to an international congress to arrange the settlement of national differences by arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GEORGE A. PATCHEN.

Mr. LITTLE introduced a bill (H. R. 7388) granting a pension to George A. Patchen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGINA WILSON.

Mr. McKINLEY introduced a bill (H. R. 7389) granting a pension to Regina Wilson, widow of William Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID B. CALDWELL.

Mr. ROMEIS (by request) introduced a bill (H. R. 7390) granting a pension to David B. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. CREW.

Mr. LITTLE (by request) introduced a bill (H. R. 7391) granting an increase of pension to Samuel B. Crew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB CALVIN.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 7392) for the relief of Jacob Calvin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUDIT OF CERTAIN CLAIMS FROM OREGON, ETC.

Mr. HERMAN introduced a bill (H. R. 7393) to authorize the Secretary of the Treasury to audit certain claims from the State of Oregon and Washington Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIMS FOR HORSES, ETC.

Mr. HERMAN also introduced a bill (H. R. 7394) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Mr. HERMAN submitted the following resolution; which was read, and referred to the Committee on Rules:

Whereas there is H. R. 2891 now pending before this House for the forfeiture of the land grant of the Northern Pacific Railroad conterminous with said road constructed after the 4th day of July, 1877, and for the cancellation of all patents to said lands; and

Whereas serious differences of opinion exist as to the power of Congress to forfeit so much of said grant as is conterminous with the constructed portions of said road, which differences may now, as they have heretofore defeated the forfeiture of any portion of said grant; and

Whereas a bill (H. R. 4223) is now pending before the House for the forfeiture of all that portion of said grant conterminous with any belonging to the main line of said road, extending from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, embracing approximately over 3,000,000 acres of lands, as to the power of Congress to forfeit which no doubt exists, inasmuch as said road company has failed, neglected, and refused to build their road on said main line westward from Wallula to Portland, and has not even commenced any construction thereon, and therefore the said land grant is that far clearly unearned by any interpretation of said original grant; and

Whereas large numbers of people are settled in good faith upon many portions of said land and are making *bona fide* and permanent homes thereon, and numerous homeless people are desirous of settling much of the remainder of said lands, and great solicitude exists among all of said people as to the probable delays and further postponement of a declaration of forfeiture by reason of making said forfeiture dependent upon the success of the aforesaid bill for a forfeiture of the whole grant westward from a point in Dakotah Territory; and

Whereas the settlement and development of said immense domain along the Columbia River are retarded and great public injury produced by a further withholding of said lands from settlement and the delay in forfeiture: Therefore,

Be it resolved, That the Committee on Public Lands are hereby instructed to report H. R. No. 4223, declaring forfeiture of so much of the aforesaid grant between Wallula and Portland, and providing for the protection of settlers thereon, with such recommendation as said committee shall deem proper.

HESTER A. SLUTTER.

Mr. STORM introduced a bill (H. R. 7395) granting a pension to Hester A. Slutter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN AND COLORED HOME GUARDS, ETC.

Mr. CURTIN introduced a bill (H. R. 7396) for the relief of Indian and colored citizens in the Indian Territory, late members of the First, Second, and Third Home Guards, and the Seventy-ninth and Eighty-third United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSPORTATION AND LABOR.

Mr. CURTIN also submitted the following resolution; which was read, and referred to the Committee on Rules:

Whereas a disturbed condition in the relations between labor and certain railroad corporations carrying on interstate commerce is reported to exist in several of the States, menacing and obstructing interstate transportation of freight and passengers, involving to a greater or less extent the commerce and business of the country and the general welfare of the people, and hence becoming a matter of national concern: Therefore,

Be it resolved, That a special committee of five be appointed by the Speaker to investigate the cause and extent of the disturbed condition existing in such States or in any of the States. Such committee shall have power to send for persons and papers, to examine witnesses under oath, and may employ a stenographer and one clerk, and shall report the result of its investigation to the House with such recommendation as it may deem proper to make.

The expense of such investigation shall be paid out of the contingent fund of the House.

MARY E. JOHNSON.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 7397) for the relief of Mary E. Johnson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEONARD PFARR.

Mr. NEGLEY introduced a bill (H. R. 7398) granting a pension to Leonard Pfarr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOANS TO EXPOSITION AT NEW ORLEANS.

Mr. O'NEILL, of Pennsylvania, submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Treasury Department:

Resolved, That the Secretary of the Treasury be, and he is hereby, respectfully requested to furnish this House, if not incompatible with the public interests, at as early a day as possible, a full and complete statement of the disposition of the sums of money loaned, by act approved May 21, 1884, and subsequent acts, by the United States to the World's Industrial Cotton Centennial Exposition, held in New Orleans, La.; and whether any part of said sums of money loaned to said World's Industrial Cotton Centennial Exposition has been repaid, and if not, whether any steps have been taken to secure the repayment of said loans, or any part thereof.

ASSISTANT TREASURER AT PHILADELPHIA.

Mr. O'NEILL, of Pennsylvania, also submitted the following resolution; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury is hereby requested to furnish the House of Representatives as soon as practicable an estimate of the cost of so altering the old post-office building in Chestnut street, east of Fifth street, in the city of Philadelphia, and constructing a vault or vaults therein for the storage of coin, as may make it a suitable building for the accommodation of the United States assistant treasurer, in which the business of that officer may be conveniently transacted.

PENSIONS OF MINOR CHILDREN.

Mr. HARMER (by request) introduced a bill (H. R. 7399) to increase the pensions of minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR TOTAL DISABILITY.

Mr. HARMER (by request) also introduced a bill (H. R. 7400) to increase the pensions of those who have lost limbs, are totally helpless and are deaf, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL MILLER.

Mr. FLEEGER introduced a bill (H. R. 7401) granting a pension to Samuel Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES JOHNSON.

Mr. FLEEGER also introduced a bill (H. R. 7402) to increase the pension of James Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI E. TENNEY.

Mr. FLEEGER also introduced a bill (H. R. 7403) granting a pension to Levi E. Tenney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS F. FRITZ.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 7404) granting a pension to Francis F. Fritz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENTS IN ALLEGHENY RIVER.

Mr. WHITE, of Pennsylvania, also submitted the following resolution; which was read, and referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War is hereby requested to state to this House what improvements, if any, are needed to make the port of Pittsburgh, Pa., navigable in low water, and whether any improvements are needed on any tributaries of the Allegheny River, Pennsylvania, and if any improvements are needed in the above-named places.

The Secretary of War is hereby requested to state to this House the approximate estimate cost of the same, and how much can be profitably expended this year.

MARY F. BLOCH.

Mr. BOUND introduced a bill (H. R. 7405) granting a pension to Mary F. Bloch, widow of Thomas J. Bloch, late of Company B, Two hundred and first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA RAMSEY.

Mr. BOUND also introduced a bill (H. R. 7406) granting a pension to Eliza Ramsey, mother of William Ramsey, deceased, late of Company C, Ninety-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS DUBBS.

Mr. BOUND also introduced a bill (H. R. 7407) for the relief of the poor blind brother of Hiram N. Dubbs, deceased, late of Company F, Fourth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA SLACKER.

Mr. BAYNE introduced a bill (H. R. 7408) granting a pension to Isabella Slacker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. RIMMEL.

Mr. BAYNE also introduced a bill (H. R. 7409) granting a pension to William M. Rimmel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTION OF STEAM-BOILERS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request) introduced a bill (H. R. 7410) providing for the inspection of steam-boilers and for the examination of engineers in charge of the same in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

H. T. COX.

Mr. NEAL (by request) introduced a bill (H. R. 7411) for the relief of H. T. Cox, of Blount County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ROBINSON.

Mr. HOUK introduced a bill (H. R. 7412) for the relief of John Robinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVIS BESHEARS.

Mr. HOUK also introduced a bill (H. R. 7413) to correct the military record of Alvis Beshears; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPITAL AND LABOR.

Mr. HOUK also introduced a joint resolution (H. Res. 148) to create a commission to inquire into the relations of capital and labor; which was read a first and second time, and referred to the Committee on Labor.

M'HENRY BROY.

Mr. PETTIBONE introduced a bill (H. R. 7414) to correct the military record of McHenry Broy, late first lieutenant Eighth Tennessee Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SEVENTH REGIMENT TENNESSEE CAVALRY.

Mr. GLASS introduced a bill (H. R. 7415) for the relief of the officers and soldiers of the Seventh Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF ASBURY HALLUM.

Mr. ZACH. TAYLOR (by request) introduced a bill (H. R. 7416) for the relief of the legal representatives of Asbury Hallum, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE M. LITTLE.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 7417) granting a pension to George M. Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY THREADGILL.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 7418) granting a pension to Emily Threadgill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. LITTLE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 7419) for the relief of George M. Little, Company I, Seventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

P. E. PARKER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 7420) for the relief of P. E. Parker, of Henderson County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES J. HAYNES.

Mr. CRAIN (by Mr. SAYERS) introduced a bill (H. R. 7421) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by James J. Haynes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHEROKEE INDIANS.

Mr. WELLBORN offered the following resolution of inquiry; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretaries of the Treasury and of the Interior Department be respectfully requested, if not incompatible with the public interests, to furnish this House, at as early a day as practicable, with full and detailed statements, as shown by the records of their respective Departments, of the list of claimant Cherokee Indians for reservation, pre-emption, and spoliation claims, as filed in their Departments under the first and third articles of the supplementary articles of the treaty with said Cherokee Nation of December, 1855; also with a list of the awards made to said claimants by the board of commissioners appointed under article 17 of said treaty; also a list of the claims on said accounts that have been paid either by Department action or by act of Congress, and what amounts of money still remain on the books of the Treasury to the credit of the funds appropriated to carry out and execute the said articles of said treaty, to wit, to pay said Indians on account of said reservation, pre-emption, and spoliation claims.

JAMES C. DAGGETT.

Mr. GROUT introduced a bill (H. R. 7422) to increase the pension of James C. Daggett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARTLETT E. WHITE.

Mr. GROUT also introduced a bill (H. R. 7423) granting an increase of pension to Bartlett E. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WATERS.

Mr. LIBBEY introduced a bill (H. R. 7424) for the relief of Elizabeth Waters; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHMOND AND DANVILLE RAILROAD COMPANY.

Mr. WISE introduced a joint resolution (H. Res. 149) authorizing the Secretary of War to readjust and settle the claim of Richmond and Danville Railroad Company for transportation of United States troops;

which was read a first and second time, referred by unanimous consent to the Committee on Railways and Canals, and ordered to be printed.

SAMUEL BROWNING.

Mr. WILSON introduced a bill (H. R. 7425) for the relief of Samuel Browning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. LUTHER JONES.

Mr. WILSON also introduced a bill (H. R. 7426) for the relief of W. Luther Jones, of Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRINITY PROTESTANT EPISCOPAL CHURCH, MARTINSBURG, W. VA.

Mr. WILSON also introduced a bill (H. R. 7427) for the relief of Trinity Protestant Episcopal church, Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METHODIST EPISCOPAL CHURCH, MARTINSBURG, W. VA.

Mr. WILSON also introduced a bill (H. R. 7428) for the relief of the Methodist Episcopal church of Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT H. PIPPEN.

Mr. WILSON also introduced a bill (H. R. 7429) granting a pension to Robert H. Pippen, late a private in Company —, —— Regiment Eastern Shore (Maryland) Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. STEPTOE.

Mr. DANIEL (by request) introduced a bill (H. R. 7430) granting a pension to Mary C. Steptoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. M. BAILEY.

Mr. GOFF introduced a bill (H. R. 7431) for the relief of D. M. Bailey, administrator of Minten Bailey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS GILMORE.

Mr. GOFF also introduced a bill (H. R. 7432) granting a pension to Francis Gilmore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN GILL.

Mr. GOFF also introduced a bill (H. R. 7433) granting a pension to Benjamin Gill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASPAR HANSON.

Mr. HUDD introduced a bill (H. R. 7434) authorizing the Secretary of the Treasury to settle an equitable claim of Jaspar Hanson, growing out of the rebuilding and repairs of the revenue-cutter Andrew Johnson, on Lake Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NANCY MASON.

Mr. GUENTHER introduced a bill (H. R. 7435) to grant a pension to Nancy Mason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANDERSON.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 7436) to grant a pension to Mary Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI L. VAUGHN.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7437) granting a pension to Levi L. Vaughn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES LIND.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7438) to grant an increase of pension to Charles Lind; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LORZANIA BROMLEY.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7439) to grant a pension to Lorzania Bromley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SENECA R. POLLARD.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7440) to grant a pension to Seneca R. Pollard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CASE.

Mr. VAN SCHAICK introduced a bill (H. R. 7441) to restore the name of Joseph Case to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER VALLEE.

Mr. VAN SCHAICK also introduced a bill (H. R. 7442) for the relief of Peter Vallee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESERT LANDS, UNITED STATES.

Mr. BEAN introduced a bill (H. R. 7443) to provide for the reclamation of desert lands in certain States and Territories; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

RANCHO DEL RIO GRANDE, NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 7444) to confirm a certain land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF ANTONIO LADEAU.

Mr. JOSEPH also introduced a bill (H. R. 7445) for the relief of the heirs of Antonio Ladeau, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TOWN OF VALLICITO, N. MEX.

Mr. JOSEPH also introduced a bill (H. R. 7446) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ASHLEY WOOD.

Mr. TAULBEE introduced a bill (H. R. 7447) granting a pension to Ashley Wood, late corporal Company B, Seventh Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIEDRICH TIMME.

Mr. TAULBEE also introduced a bill (H. R. 7448) granting a pension to Diedrich Timme; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN RUH.

Mr. TAULBEE also introduced a bill (H. R. 7449) granting a pension to Benjamin Ruh, late second lieutenant Company C, One hundred and sixth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. H. PEARCE.

Mr. McRAE introduced a bill (H. R. 7450) for the relief of S. H. Pearce, of Arkansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEMORIAL—THIRD AND FOURTH CLASS POSTMASTERS.

Mr. DOCKERY. I have been requested by a special committee of the postmasters' national convention to present a memorial, setting forth the grievances of postmasters of the third and fourth classes, to ask it be printed in the RECORD, and referred to the Committee on the Post-Office and Post-Roads.

There was no objection, and the following memorial was ordered to be printed in the RECORD, and referred to the Committee on the Post-Office and Post-Roads:

A memorial from postmasters.

To the honorable Senators and Representatives in Congress assembled:

The undersigned were appointed a special committee by the postmasters' national convention, which assembled in Chicago February 15 and 16, to prepare a memorial to Congress setting forth the grievances of postmasters of the third and fourth classes, and, in compliance with their duty, beg to present certain facts regarding the inequalities of present postal laws and regulations.

In carrying out the trust imposed, the committee begs to assure Senators and Representatives that the postmasters whom they represent are actuated in this matter by no spirit of selfish aggrandizement, but that they seek only that which is fair and just. They feel that the justice and liberality which are recognized factors in the general policy of the Government in the treatment of its employés have been denied them by the operation of existing laws. They do not assume, however, that there has existed any hostility upon the part of Congress toward postmasters as a class, but they are inclined to believe that the present state of things exists solely because you have not been fully informed as to the hardships they have been called upon to endure.

We have no mysterious or unsupported assertions to make regarding our work, and it is far from our purpose to undertake to mislead you in respect to the operation of present postal laws, for their inequalities are so plain and so palpable that even a cursory examination of the subject will reveal their existence.

It would seem almost unnecessary to call your attention to the delicate and confidential relations a postmaster holds to the public at large. There is no officer of the Government of either high or low degree who comes so near the heart of the people as he; nor is there any function of the Government that has as much to do with the social and business interests of the country as the post-office. As our cities grow and expand, as their wealth increases, great post-office buildings become a public necessity, until millions upon millions of dollars have been invested in property of that character, and no complaint has ever, as yet, been made by the people where these immense structures have been erected that too much money was expended upon them; and the large number of bills that are introduced into Congress at every session providing for the erection of Government buildings in the pretentious cities of the country only shows how

anxious the people are for a magnificent post-office, and how much interest they take in postal affairs. The post-office is, in fact, the magnet around which the commercial and industrial interests of the country revolve. When business is prosperous, or when trade is backward, its condition is as surely indicated by the transactions of the post-office as is the direction of the wind by the action of the weather-vane. The post-office, too, keeps pace with the church and school-house, and is as necessary to our progressive civilization as either of them, and we claim that too much consideration can not be bestowed upon a system so far-reaching in its influence and so vital in its effect.

We desire to impress upon you at the outset that this is not a movement fathered by any political party. Politics was a theme studiously avoided by the late convention, and any attempt to introduce it would have been most vigorously denounced. We may say, however, as a matter of fact, that so far as we are able to judge from information obtained, the convention was made up equally of members of both political parties. But it is a matter of congratulation that so many postmasters of Republican faith have been, and are, taking such an active interest in the cause.

It is well known that the salaries of postmasters are based upon the aggregate receipts of their offices. These receipts, in offices of the third and fourth classes, consist almost entirely of moneys arising from the sale of stamps, stamped envelopes, postal cards, and the rental of post-office boxes. It will be readily seen, therefore, that any reduction in the general rate of postage could not fail to result in the lowering of salaries based upon receipts of postage in almost the exact proportion by which the rate is lessened. It has been the settled policy of Congress to provide the people with the amplest postal facilities at the smallest possible expense, and reduction in postage has been the order of the day, the letter rate having been reduced from 3 to 2 cents, while the unit weight has been advanced from a half to an ounce. Then, in still further pursuance of this line of action the rate on second-class matter was reduced from 2 to 1 cent per pound when sent out by publishers, and the unit weight increased from 2 to 4 ounces when sent out by others than publishers.

It seems to have escaped the attention of Congress that these sweeping reductions, while being wonderfully beneficial to the public and a magnificent testimonial of legislative wisdom in meeting the wants of the people, could not help but affect disastrously all salaries based upon receipts from postage, and we claim that when these reductions were made, the effect of which was undoubtedly intended to increase the quantity of mail matter handled in every office and at the same time cut down the gross receipts, the relation of compensation to labor performed should have been so fixed that postmasters would be at least in part protected against the reduction in their incomes which has been the result of that legislation.

Now, in support of this proposition we need only refer you to the following facts, deduced from the report of Postmaster-General Vilas to the present Congress: In the year following the decrease in letter postage the number of offices advanced from the fourth to the third class by reason of the natural increase of business was but nineteen, and of this number eight were in the rapidly growing States of Kansas and Nebraska; while during the same period one hundred and nine offices retrograded from the third to the fourth class, clearly showing the disastrous effect of that one reduction, and that, too, in the face of a known and demonstrated increase of 5 per cent. in the postal business of the country. And not only that, while one hundred and nine offices were so affected as to drop one grade, yet it brought many others to the very verge, and they only escaped by the most vigorous efforts upon the part of postmasters to prevent that result. Many citizens who had a pride in their town and felt an interest in its development regarded it as a positive disaster to have the grade of their post-office reduced; and, out of the most commendable motives, increased their postage accounts in order to save, as they thought, the honor and prestige of their city; and it was only by such exertions as these that many were saved. The people generally take pride in the fact that their post-office is of the Presidential grade, and regard it as a substantial evidence of the growth and prosperity of the town when their post-office is advanced from the fourth to the third class; and, likewise, they view with alarm any lowering of its grade.

But even if the reduction in postage had produced the anticipated result of increasing the postal business of the country to such an extent as to prevent any decrease of compensation to postmasters, yet it does not require a mathematician to demonstrate that even in that event they would be expected to perform one-third more labor than before, while the pay remained the same. If it was the purpose of Congress to deal fairly by us, then it becomes a clear proposition that when our duties were augmented our commissions should have been increased.

Another matter which is of great interest to all third-class offices, as well as to a large number of those of the fourth, is the subject of office expenses. These expenses consist of rent, light, fuel, clerk-hire, stationery, and other incidentals. In all offices of the first and second grades allowances are made by the Department covering all such expenditures, so that under no circumstances do the salaries of such postmasters suffer any diminution on account of such outlays. But in third-class offices located in many towns but slightly inferior in importance to those containing second-class offices, and whose citizens need and rightfully demand as well-located, convenient, and well-appointed offices, in every respect, as those of the second class, postmasters are compelled to liquidate all such expenditures out of their salaries or their private funds. And it is a well-known fact that in some instances towns of general inferior commercial importance contain second-class offices simply because of the fortunate possession of some school or college or large industrial establishment, whose use of the mails produces sufficient postal revenue to throw the office into the second grade.

A third-class office may be located at the intersection of two or three railroads; it may be a growing, thriving, prosperous community, and the work of the office, in its separation and distribution of the mails, may be extremely excessive and severe, but yet the gross receipts of that office may entitle the postmaster to a salary of only $1,900—all his expenses for rent, light, and fuel, and the bulk of his expenditures for clerk-hire, being liquidated out of his own pocket. Not so, however, with the incumbent of a second-class office located in a town, perhaps, of even less population than the other. His town may be practically lifeless, possessing no elements of prosperity, but yet because of the fortunate possession, as before stated, of some school or college or some one or two large manufacturing establishments, his office is raised to the dignity of the second class and the Government steps in and pays all his office expenses.

The postal law at present in force specifically denies to postmasters of the third class any assistance whatever toward meeting the reasonable demands of their patrons, permitting them to retain from the receipts of their office their salary and nothing more, except, perhaps, the pittance allowed for clerk-hire. The question of rent is one of the most serious moment. Every community demands and expects that the post-office shall be located at the most accessible point in the town, no matter what the rent may be, and they feel, too, that their office should be supplied with all the latest and most approved fixtures, never taking into consideration that the expense of all such paraphernalia must be borne by the postmaster himself. And we can assure you that instances are by no means rare where, after paying all the expenses of their offices, there are postmasters whose salaries will not compare with those received by their clerks.

The attention of Congress has been repeatedly called to this great injustice in the reports and recommendations of the Department, and we are glad to be able to cite you to the fact that the present efficient First Assistant Postmaster-General has taken the most favorable view of the matter, and recommends to your consideration every concession we ask for. He says:

"In the act approved March 3, 1885, a proviso was incorporated giving the Postmaster-General discretionary authority to lease premises for use of post-offices of the third class from July 1 last, but provision for the payment of rent was not made. That is, the Postmaster-General was authorized to make disbursements for rent of premises leased for third-class offices out of the appropriation for rent, fuel, and light for the present fiscal year. This appropriation, however, was $10,000 less than the sum estimated for first and second class offices.

"Postmasters at offices of the third class are now compelled to pay the expenses of rent, light, fuel, stationery, and miscellaneous items, and in some cases a part of the clerk-hire. It is a hardship to compel these postmasters to pay these expenses from their salaries or from their private funds. As stated by the Postmaster-General last year (see report of the Postmaster-General for the fiscal year ended June 30, 1884, page 20), there is no reason why these expenses should not be paid at third-class offices as well as at first and second class offices.

"I renew the recommendation, therefore, that provision be made for the payment of rent for offices of the third class. I am of the opinion, also, that the Government should provide for the payment of expenses for fuel, light, stationery, and miscellaneous items for these offices."

And we may observe in connection with the above that there is not only a desire upon the part of the Department to make such an allowance, but the general public would most emphatically approve of it, for we are fortified by the presence of hundreds upon hundreds of petitions, signed by thousands of persons, who ask that you come to our relief, and with but two or three exceptions, all the leading journals of the country have expressed themselves as favorable to our cause.

Now, in further referring to this feature of our complaint, we are reminded of the fact that there is no other branch of the service of the Government where its employés are required to transact a large, intricate, and responsible business without being furnished with all the necessary facilities to properly conduct it. It has remained, however, for Congress to require postmasters of the third and fourth classes to provide at their own expense everything necessary to transact the business of their offices, and to protect the public property, for which they are held to such strict account. In offices of the classes named, the postmaster, from his own means, must provide a satisfactory outfit of boxes, furniture, and fixtures of every description, including desks, conveniences for keeping the blanks, and a suitable safe for the security of Government funds and valuable letters. In fact, the only articles furnished by the Department are the dating and canceling stamp and the letter scale. It would seem no more than just and fair that where the Government transacts a large and confidential business like that of a post-office it should provide the necessary fixtures and appliances to properly conduct it.

The question of compensation to postmasters at the smaller separating post-offices for the large amount of extraneous labor they perform is a matter of great moment to hundreds of worthy men, and should receive your careful and considerate attention. The complaints from this source are numerous, and only those who are advised upon the subject can form any idea of the onerous character of the work they perform and for which, in many instances, no compensation whatever is received. There are many offices where the labor involved in the separating and distributing of mails for other offices is equal to one-half the entire work of the office, and their arrival and departure are at such unseasonable hours as to compel them to be at their offices from early morning until late at night.

This service is so exceedingly exacting and the compensation so very inadequate whenever any allowance is made, that it is almost impossible to retain clerks for that service, many of whom enter upon it and remain long enough to learn the scheme of distribution and then suddenly quit, leaving the postmaster to do the work himself as best he may, and, as a consequence, the public is made to suffer. We doubt whether there is a third or fourth class postmaster in the United States who is allowed as much for clerk-hire as he is compelled to pay out. General Stevenson, the First Assistant Postmaster-General, speaking upon this subject in his first annual report, says:

"Clerks in post-offices should be fairly compensated for their services. Their hours of duty are long, and their work, to be efficiently performed, requires close attention and study. Separating clerks, or clerks at offices of the third and fourth classes, where mail is distributed for other offices, merit favorable attention. Many of these clerks are not paid enough to induce them to take proper interest in their work." (See annual report for 1885, page 222.)

We would also beg to respectfully call your attention to some inequalities in the money-order business and ask relief therefrom. We are confident that we represent the exact sentiment of every third and fourth class postmaster of a money-order office when we assert that there is not one such postmaster but would gladly pay to the Government from his salary each year a sum equal to all commissions derived from the money-order business could such payment relieve him entirely from the transaction of such business. This is, perhaps, neither the time nor place for detailed statistical statements, but to the few general observations we may present we cordially invite the fullest investigation. Every postmaster's experience will corroborate our assertions, and about their correctness there can be no doubt.

We claim that there is no adequate compensation for the transaction of the business, neither in view of the responsibility assumed nor the labor performed. In any other business it would seem almost ridiculous to consider 50 cents to $2 per week sufficient compensation for the transaction of a business considered of such importance that a separate bond of from $2,000 to $5,000 is required to insure its faithful performance; but in this service the figures quoted quite fairly represent the responsibility assumed and the pay received. When the compensation is considered in the light of the labor performed the result is even less creditable to the Government. We do not hesitate to say that in the average third and fourth class money-order offices the weekly fees received will but little more than pay for the actual risk involved in the daily transportation of the funds received to the designated depositary to which they must go before the postmaster's responsibility ceases. An expert copyist can only make fair wages at a rate of 10 cents per 100 words; but in the service in question men who are not experts are compelled to perform this class of work at an average of less than 5 cents per 100 words, or less than one-half of what is considered adequate in any other business.

There is probably not a third or fourth class post-office conducting a money-order business where the actual work involved will not consume one-third of the postmaster's entire time, provided he attends to it in person, and yet it brings to him, as a rule, not one-twentieth part of the income which he derives from his office. The postmasters would be more patient with regard to this money-order business did they see, even with economical management and the allowance of insignificant commissions for the work, the Department could barely make its income from the service meet its expenses in conducting it; but when they see a vast surplus fund gathered together every year as the result of the grinding process to which they are subjected, then they feel that the time has come to present their side of the story to Congress and let it judge of the hardships to which they are subjected. The surplus revenue last year from the money-order business alone was $408,923.20; which is ample evidence that the fees charged the public for the issuing of money-orders are too high, or the compensation allowed postmasters for the transaction of the business is entirely inadequate. We have some of the most startling facts and figures regarding the labor performed in the

conduct of the money-order business, which we will be glad to lay before your committees whenever it may be their pleasure to receive us.

The postmasters' convention also instructed us to address you upon the subject of mailing letters upon trains. This has come to be a serious source of loss to many postmasters throughout the country, and calls for a speedy remedy. While many persons are actuated in the matter by a desire to curtail the revenues of post-offices, yet there are many who do so simply as a matter of convenience, not thinking or caring as to the effect it may have upon the salary of the postmaster. This is not only an unfair way in which to treat an officer of the Government, but it is a wrong which should be abated, and we appeal to you to apply a remedy.

In this connection we beg to call your attention to the reference made to this matter by Postmaster-General Vilas in his first annual report, in which he most eloquently and incisively enters into the merits of this question. We may say, however, that it was the sentiment of the convention that the surest and speediest way to prevent such injustice is to change the rate of postage on first-class matter when mailed on postal cars from 2 to 4 cents per ounce.

And, finally, gentlemen, we beg to commend our cause to your consideration. We do not come to you as Republicans or Democrats, but as fellow-citizens who are officers of the Government, seeking relief from unjust and unfair discriminations. It is the first time in the history of the Government that any organized attempt has been made upon the part of postmasters to secure legislation in their own behalf, which fact we trust will not operate against us at this time, now that we have placed our grievance before you. While you legislated in the interest of the people in reducing letter postage, and were especially considerate to the press in cutting off 50 per cent. on second-class matter, yet we have been the sufferers, and we can not believe that you would systematically legislate in the interest of the people and the press to our detriment. Almost every grade of postal officials have secured legislation except postmasters, and they have stood back waiting only for some one to make a move. There are 51,000 in the two classes we represent, and we ask from you not sympathy or kindness, but pure and unadulterated justice.

We are possessed of many facts and figures regarding the points we have undertaken to briefly lay before you in this memorial, which we would be glad to personally present to the Post-Office Committees of the Senate and House, and respectfully ask for permission to appear before them and make our claim, and subject ourselves to any inquiries they may be pleased to institute.

Very respectfully,

JOHN H. PATTERSON, *Chairman*,
J. G. JOHNSON,
SAM. A. RISLEY,
Committee.

WASHINGTON CITY, D. C., *March* 26, 1886.

MARY LEAMY.

Mr. WARD, of Indiana, introduced a bill (H. R. 7451) granting a pension to Mary Leamy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENEVAL TOOTLE.

Mr. WARD, of Indiana, also introduced a bill (H. R. 7452) for the relief of Jeneval Tootle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD P. BLACKISTONE.

Mr. COMPTON introduced a bill (H. R. 7453) for the relief of Richard P. Blackistone; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. FIELDS.

Mr. COMPTON (by request) also introduced a bill (H. R. 7454) for the relief of Mary E. Fields; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

P. A. LEATHERBURY.

Mr. CROXTON introduced a bill (H. R. 7455) for the relief of P. A. Leatherbury, of Accomack County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES MOORE.

Mr. WHEELER introduced a bill (H. R. 7456) for the relief of James Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRED. DANT & CO.

Mr. MURPHY introduced a bill (H. R. 7457) for the relief of Fred. Dant & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEN-NE-PI-ZE-QUA.

Mr. STEELE introduced a bill (H. R. 7458) for the relief of Len-ne-pi-ze-qua, a Miami Indian woman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALPHEUS HENDLEY.

Mr. STEELE also introduced a bill (H. R. 7459) for the relief of Alpheus Hendley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARNET S. VAN BUREN.

Mr. CANNON introduced a bill (H. R. 7460) for the relief of Barnet S. Van Buren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SULLIVAN.

Mr. ROWELL introduced a bill (H. R. 7461) for the relief of John Sullivan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

Mr. FREDERICK submitted a concurrent resolution of the General Assembly of the State of Iowa, relating to the National Board of Health; which was referred to the Committee on Commerce.

JOHN MEETAN.

Mr. BUCK introduced a bill (H. R. 7462) for the relief of John Meetan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. J. O. SKINNER.

Mr. BUCK also introduced a bill (H. R. 7463) for the relief of Capt. J. O. Skinner, assistant surgeon and acting medical storekeeper, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COINAGE OF GOLD.

Mr. BRECKINRIDGE, of Arkansas (by request), introduced a bill (H. R. 7464) relating to the coinage of gold; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of the bill of the House No. 397, and that the same be referred to the Committee on Agriculture.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. 397) to amend Title XXXV, entitled Internal Revenue, of the Revised Statutes.

There being no objection, the Committee on Ways and Means was discharged from the further consideration of the bill; and the same was referred to the Committee on Agriculture.

TREATY WITH MEXICO.

Mr. SPRINGER submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States be requested to communicate to this House, if in his opinion not incompatible with the public interests, any correspondence with the Mexican Government, or with the claimants, relative to the claims specified in the fifth section of the act of Congress approved June 18, 1878, filed after the publication of the papers contained in the President's message to this House of February 25, 1884; and to inform this House if any payments have been made on said claims after said date, and if so, at what date and of what amount.

INDIAN TRIBES.

Mr. SPRINGER also submitted the following resolution of inquiry; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be requested to furnish the House of Representatives with the following information:

First. The number of the Indian tribes within the jurisdiction of the United States and the number of Indians belonging to each tribe.

Second. The number of acres of land owned or set apart as reservations for the use of each tribe, respectively.

Third. The amount of annuities paid each tribe, and the acts of Congress authorizing the same.

Fourth. The amount appropriated to each tribe, respectively, for the fiscal year ending June 30, 1886, for the following purposes; that is to say, for schools, schoolhouses, and other educational purposes; for subsistence and clothing; for police, labor, and mechanical and agricultural implements and instruction; and for physicians and medical supplies; for transportation and expenses of Indian agents, inspectors, and all other employés in the Indian service.

Fifth. A statement of the value of real estate and personal property owned by each tribe respectively, including school-houses, mills, shops, and store-houses located on Indian reservations.

Resolved further, That the Secretary of the Interior be requested to furnish the information above indicated in detail as to each tribe, showing the property owned by these wards of the nation, and the amount expended by the Government out of the public Treasury for their support and care, so that the House may be able to judge upon the facts whether the property of these wards is or is not abundantly sufficient if properly managed by the Government, acting as their guardian, for their support, education, and care, and whether, if so, these Indian wards could not hereafter be maintained and educated at their own cost and expense.

FREE-SHIP BILL.

Mr. DUNN submitted the following resolution; which was read, and referred to the Select Committee on American Ship-building and Ship-owning Interests:

Resolved, That Saturday, the 24th day of April next, be set apart for general debate only on H. R. bill No. 7219, commonly known as the "free-ship bill;" and that the following Tuesday and Wednesday (the 27th and 28th days of April), after the morning hours for the call of committees for reports and for the consideration of bills, be set apart for the further consideration and disposal of said bill, the previous question on which, and all amendments thereto then pending, shall be considered as ordered at 4 o'clock p. m. of said last-named day.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 831) for the relief of George S. Storrs, of Texas; and

A bill (S. 812) granting a pension to Mrs. E. A. Benham.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed for one hour, if necessary,

to call committees for reports. The hour begins at five minutes past 3 o'clock.

TAX ON MANUFACTURED TOBACCO, ETC.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported, as a substitute for H. R. 3425, a bill (H. R. 7465) to amend section 3357 of the Revised Statutes of the United States as amended by section 2 of the act of June 9, 1880, and section 3389 of said Revised Statutes as amended by section 16 of the act of March 1, 1879; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3425 was ordered to be laid on the table.

BRIDGES ACROSS MISSOURI RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 3369) to authorize the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BARRY, from the Committee on the Post-Office and Post-Roads, reported back with an adverse recommendation the bill (H. R. 5384) to regulate the rate of postage on fourth-class matter; which was ordered to be laid on the table, and the accompanying report printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. ALLEN, of Massachusetts, from the Committee on Indian Affairs, reported, as a substitute for the bill H. R. 5866, a bill (H. R. 7466) granting rights of way for the construction and operation of railroads across the Indian Territory; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5868 was laid on the table.

HEATING APPARATUS IN PUBLIC BUILDINGS.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back Executive Document No. 128, letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, recommending an appropriation for heating apparatus in certain public buildings; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 324) for the erection of a public building at Opelousas, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

STREET IN CHATTANOOGA, TENN.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill H. R. 2346, a bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2346 was laid on the table.

CONVICT LABOR.

Mr. LOVERING, from the Committee on Labor, reported back with a favorable recommendation the joint resolution (H. Res. 142) authorizing and directing the Commissioner of Labor to make an investigation as to convict labor, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL SHULER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6237) for the relief of Samuel Shuler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4718) to place the name of J. M. McGill on the pension-roll;

A bill (H. R. 3845) granting a pension to Mary Horn;

A bill (H. R. 6242) granting a pension to Louis Davis;

A bill (H. R. 2149) granting a pension to Henrietta Loeb;

A bill (H. R. 2191) granting a pension to George L. Arnold;

A bill (H. R. 5764) for the relief of John Stoll; and

A bill (H. R. 6243) granting an increase of pension to James E. B. Dalzell.

JOHN ARTHUR.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5058) granting a pension to John Arthur; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. L. KYLER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1818) granting a pension to H. L. Kyler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABIGAIL H. CAREY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6225) granting a pension to Abigail H. Carey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PENSIONS OF DEPENDENT PARENTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1578) relating to claims for pensions of dependent parents; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CYRUS VIGUS.

Mr. JONES, of Alabama, from the Committee on Pensions, reported back with amendments the bill (H. R. 5961) granting an increase of pension to Cyrus Vigus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

LEMUEL ADAMS.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported a bill (H. R. 7468) granting a pension to Lemuel Adams, war of 1812; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLOMON MESSER.

Mr. STRUBLE (by Mr. ZACH. TAYLOR), from the Committee on Pensions, reported back with amendments the bill (H. R. 3166) granting a pension to Solomon Messer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

BUTLER & PITKIN.

Mr. BUCHANAN, from the Committee on Claims, reported back with amendments the joint resolution (H. Res. 88) for the relief of the late firm of Butler & Pitkin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. SPRINGER, from the Committee on Claims, reported back with amendments the bill (H. R. 3745) for the relief of James W. Schaumburg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEWELL COULSON AND OTHERS.

Mr. SPRINGER, from the Committee on Claims, also reported a bill (H. R. 7469) for the payment of Sewell Coulson, and Porter, Harrison, & Fishback, for legal services; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LACON R. TILLMAN.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2245) for the relief of Lacon R. Tillman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. TIBBITS.

Mr. ELY, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 1432) for the relief of W. H. Tibbits; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS NEW MEXICO, ARIZONA, AND COLORADO.

Mr. ELY, from the Committee on Private Land Claims, also reported back with amendments the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HEIRS OF MYRA CLARK GAINES.

Mr. THOMPSON, from the Committee on Private Land Claims, reported back with an amendment the bill (H. R. 970) for the relief of the heirs of Myra Clark Gaines; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. REID, of North Carolina, from the Committee on Printing, reported back adversely joint resolution (H. Res. 138) to print 10,000 copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia in September, 1880; which was laid on the table, and the accompanying report ordered to be printed.

Mr. CAMPBELL, of Ohio, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 5239) to prevent the sale of undrawn poultry in the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM FISHER.

Mr. MCMILLIN, from the Committee on Ways and Means, to whom was referred the petition of William Fisher, to be released from payment on fruit brandy destroyed by fire, reported a bill (H. R. 7470) for the relief of William Fisher; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE NEAR CROATON, N. C.

Mr. CLARDY, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3581) making an appropriation for the establishment of a light-house near Croaton, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

APPROACH TO PENSACOLA, FLA.

Mr. CLARDY, from the Committee on Commerce, also reported, as a substitute for H. R. 442, a bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

House bill No. 4442 was laid on the table.

ADVERSE REPORT.

Mr. CLARDY, from the Committee on Commerce, also reported back adversely the bill (H. R. 4637) to establish a light-ship off Cape Hatteras, North Carolina; which was laid on the table, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. CLARDY, the Committee on Commerce was discharged from the further consideration of bills of the following titles, and the same were referred to the Committee on Appropriations:

A bill (H. R. 3746) making an appropriation for the building of the new light-house at Milwaukee, Wis.;

A bill (H. R. 3725) making an appropriation for the construction and establishment of a light-ship and fog-signal at Winter Quarter Shoal, Virginia; and

A bill (H. R. 3731) making an appropriation for the protection of Cape Charles light-house site, Virginia.

LIGHT-SHIP, HOG ISLAND SHOAL, RHODE ISLAND.

Mr. DAVIS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, also reported, as a substitute for H. R. 3662, a bill (H. R. 7472) for the establishment of a light-house and fog-signal on one of the Gull Rocks, Newport Harbor, Rhode Island; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3662 was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that that body requested the House of Representatives to return the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

LINUS TOLES.

Mr. BROWN, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 7473) for the relief of Linus Toles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON NAVAL ARCHITECTURE, ETC.

The SPEAKER. The hour for consideration of bills under the rules begins at thirty-five minutes past 3 o'clock. The call rests with the Committee on Printing. The Clerk will read the title of the joint resolution heretofore called up by this committee, which is now under consideration.

The Clerk read as follows:

Joint resolution (H. Res. 58) authorizing the printing of a naval report.

Mr. GIBSON, of West Virginia. Mr. Speaker, the other day, during this call, the Committee on Expenditures in the Department of Justice was passed over by unanimous consent until I should return to the floor. I am now here for the purpose of calling up a bill on behalf of that committee.

The SPEAKER. But that order, whatever it may be, can not, in the opinion of the Chair, interfere with the consideration of the resolution already before the House. When that is finished the gentleman can call attention to the order in question.

Mr. GIBSON, of West Virginia. I simply wish to reserve my rights.

The SPEAKER. The joint resolution, the title of which has been read, is now before the House for consideration; and the question is on ordering it to be engrossed and read a third time.

Mr. FARQUHAR. Mr. Speaker, the merits of this report having been fully discussed when the matter was under consideration last Thursday, and no member having signified any intention to make any further remarks on the subject, I now, having the matter in charge on behalf of the Committee on Printing, move the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. FARQUHAR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The motion was agreed to.

UNITED STATES ATTORNEYS, MARSHALS, COMMISSIONERS, ETC.

Mr. GIBSON, of West Virginia. On behalf of the Committee on Expenditures in the Department of Justice, I now desire to call up the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

Mr. MORRISON. I understand the gentleman calls this bill up with the same rights of consideration that it would have had when his committee was reached on the previous call.

The SPEAKER. The Chair will cause to be read from the RECORD of the 24th instant the request as made by the gentleman from Illinois [Mr. SPRINGER], together with the statement made by the Chair. The Clerk will also read the entry made in the Journal.

The Clerk read as follows:

Mr. SPRINGER (when the Committee on Expenditures in the Department of Justice was called) said: Mr. Speaker, it was the intention of that committee to call up a very important bill in regard to the salaries of certain officers of the United States courts, but I do not see the chairman of the committee in his seat. I am not a member of the committee, but I ask unanimous consent that the committee may not lose its place in this call.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Expenditures in the Department of Justice may be allowed to call up business of that committee, if they desire to do so, when the chairman, who is now absent, makes his appearance on the floor. Is there objection? The Chair hears none.

The SPEAKER. The Clerk will now read the entry on the Journal.

The Clerk read as follows:

During the said call, on motion of Mr. SPRINGER, by unanimous consent,

Ordered, That the Committee on Expenditures in the Department of Justice be allowed to call up business reported from said committee when its chairman, then absent, shall make his appearance on the floor.

The SPEAKER. That is the order which was made. The Chair will state that at the time the order was made there were about fifteen or twenty minutes remaining of the hour allotted to the consideration of bills called up by committees.

Mr. REED, of Maine. I do not see that the order as read gives any right to call up this bill.

The SPEAKER. What was the point made by the gentleman from Illinois [Mr. MORRISON] a few moments ago?

Mr. MORRISON. I made an inquiry whether or not the gentleman from West Virginia would proceed with the consideration of this bill with the same rights that he would have had if he had proceeded when his committee was regularly called.

The SPEAKER. The request made by the gentleman from Illinois [Mr. SPRINGER] was that the committee should not lose its place. The Chair can only give his own understanding of the matter. The Chair, in fact, supposed that the gentleman from West Virginia was only tem-

porarily absent from the Hall, and would make his appearance in a few moments.

Mr. REED, of Maine. That seems to be obvious from what has been read. I was not present at the time; but that is the idea which the proceedings, as read, convey to me.

The SPEAKER. The request was that the committee should not lose its place in the call. As the Chair has just stated, when the request was made there were only, as he now remembers, fifteen or twenty minutes of the hour remaining. Of course it is very difficult for the Chair to say what should be done in such a case. The Chair thinks the House should construe the order and determine whether the gentleman from West Virginia is to occupy two hours, or whether he shall have the fifteen or twenty minutes which he would then have had and also an hour on the next day, if the consideration of his bill should not be completed.

Mr. REED, of Maine. I am afraid if the former course were adopted it would give rise to more parliamentary maneuvering than the House could get along with.

The SPEAKER. The Chair desires to have the matter settled so that there may be no difficulty in such cases hereafter.

Mr. REED, of Maine. If a gentleman, by being providentially absent when his committee was called—I am not speaking of this case, but speaking generally—could get two hours instead of an hour and fifteen minutes, it might be quite a boon.

Mr. GIBSON, of West Virginia. I had supposed it was well known to the House that on Monday morning last I asked leave of absence until to-day, which was granted. I understood that when this order was made—it was made knowingly—the motion of the gentleman from Illinois was made with knowledge of the facts. My understanding and the understanding of the committee has been that as the committee would have been reached then, we would now have the same time which would have been allowed to us had our committee responded at the regular time. I ask and claim on behalf of the committee the time we would have been allowed had we been regularly called in our turn—the two hours.

Mr. REED, of Maine. Mr. Speaker, it seems to me, from what has been read to us, the House must have understood at the time what was perfectly apparent to me, that it was only a momentary absence from the House which was contemplated. To extend it to any time the chairman of the committee should be absent was not what the House could have contemplated.

Mr. GIBSON, of West Virginia. The House is bound to know what its record discloses. It is bound to know the course of things.

Mr. REED, of Maine. Not in these matters of unanimous consent.

Mr. GIBSON, of West Virginia. That is a kind of ignorance the gentleman can not plead.

Mr. STORM. What occurred was this: The gentleman from Illinois [Mr. SPRINGER] turned around and said, "I do not see the gentleman from West Virginia [Mr. GIBSON] in his seat;" indicating by his manner and creating the impression upon those who heard him that the gentleman from West Virginia was out of the Hall only temporarily. That was the understanding near me; that if he came in he was then to have the right to the fifteen minutes which remained.

Mr. HAMMOND. If it had not been considered by the Committee on Expenditures in the Department of Justice that this bill could be called up when the chairman of that committee [Mr. GIBSON] returned, it being known that he had been granted leave of absence, that committee would have called it up through another member. But when the House gave unanimous consent that the chairman of the committee who had reported the bill should have the privilege of calling it up on his return, I did not presume any advantage would be taken of it having been passed over. Now, I understand that all he wants, all his committee wants, is the same amount of time which he would have been entitled to had he been in his seat at the time. The committee, I understand, would have had until the close of that hour, and then if it had gone over to a full hour the next time the subject was resumed.

The SPEAKER. The Chair has so stated.

Mr. GIBSON, of West Virginia. It is all I ask, that this committee shall have now the same time it would have had then.

Mr. HAMMOND. That is only fair.

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union.

Mr. GIBSON, of West Virginia. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of the bill.

Mr. REED, of Maine. Has the Chair determined this matter?

The SPEAKER. The Chair is of opinion that the gentleman is entitled to the time he would have had if his committee had then been called.

Mr. REED, of Maine. Does a single objection suffice? If it does, I am ready to make it.

The SPEAKER. The Chair thinks that is the order of the House.

Mr. GIBSON, of West Virginia. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The gentleman from West Virginia calls up for consideration the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

The bill was read, as follows:

UNITED STATES ATTORNEYS.

Be it enacted, &c., That district attorneys of the United States shall hereafter be paid monthly for their services the following annual salaries, in lieu of all fees, allowances, and salary now authorized by law: Southern New York, $8,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Southern Ohio, Northern and Southern Illinois, California, Kentucky, and Northern Georgia, $5,000 each; Maryland, Kansas, Northern Ohio, Indiana, Eastern Louisiana, Eastern Missouri, Western Arkansas, South Carolina, Western North Carolina, Eastern, Western, and Middle Tennessee, and Western Texas, $4,000 each; Oregon, Eastern and Western Virginia, $3,500 each; Connecticut, $2,500; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Northern Mississippi, and Southern Mississippi, $2,000 each; in the Territories, $3,500 each, except the attorney for the Territory of New Mexico, who shall be paid a salary of $4,000 a year; and all other United States district attorneys shall be paid each a salary of $3,000 a year. In all proceedings, civil or criminal, including prize cases, where fees or compensation of any kind are now by law authorized to be taxed against and paid by the United States for services of district attorneys or their assistants, no fees shall be charged or allowed on that account. In all cases, civil or criminal, including prize cases, where services are performed by district attorneys or their assistants, and the costs are taxed against other parties than the United States, the amount of such costs or fees for such service shall be collected and paid into court. United States district attorneys shall, under the direction of the Attorney-General, attend to the interests of the United States in every suit or proceeding in which the United States is concerned, in any of the courts of the United States or in the courts of any State or Territory, or attend to any other interest of the United States in their respective districts: *Provided*, That nothing in this act shall be construed as avoiding or interfering with any contract that the Attorney-General has made with any district attorney for services heretofore or hereafter to be rendered; and in all cases pending at the time this act shall go into effect, for which compensation is provided by fees, the judge of the court wherein such cases are pending shall ascertain and allow such reasonable part of the whole fee as would be properly chargeable were the whole services performed as he in his discretion may think just: *Provided further*, That the Attorney-General, when in his opinion it becomes necessary for the public service, may employ the district attorney of one district to defend or prosecute suits, civil or criminal, or to transact any other business connected with the Department of Justice in a district other than the one to which the district attorney so employed belongs, and may allow him such reasonable compensation as may be agreed upon.

SEC. 2. That the district attorneys, marshals, and clerks shall be allowed, once for each term of court, the actual amount paid by them for transportation in going to and returning from the place where the court may be held in the district, the itemized accounts for such transportation to be made out and verified as hereinafter provided in other cases where transportation is allowed. District attorneys and their assistants shall also be allowed the actual amount paid by them for necessary transportation to and from their places of abode to places where criminal examinations are held, or from one such place to another.

UNITED STATES MARSHALS.

SEC. 3. That United States marshals shall hereafter receive annually for their services the following salaries, payable monthly: Southern district of New York, $5,000; Northern New York, Massachusetts, Eastern and Western Pennsylvania, District of Columbia, Northern and Southern Ohio, Northern and Southern Illinois, California, Indiana, Maryland, Eastern Missouri, Kentucky, Eastern Louisiana, Western Texas, and West Virginia, $4,000 each; Northern Georgia, Western North Carolina, Kansas, Oregon, Western Missouri, South Carolina, and Eastern and Middle Tennessee, $3,500; New Hampshire, Vermont, Rhode Island, Delaware, Nevada, Southern Florida, Connecticut, Northern Mississippi, and Southern Mississippi, $2,000 each; in the Territories, $3,500 each; and all other marshals shall be paid a salary of $3,000 a year. All money collected by marshals on process in behalf of the United States, or under the laws of any Territory, and all costs for fees and expenses of marshals taxed against parties other than the United States, shall be collected by the marshals and be paid into court; and at the end of each quarter the marshal shall render a return of the moneys so collected to the Attorney-General, with receipts from the clerks of the courts for the sums paid as herein required, which returns shall be verified by the oath of the marshal; and if this statement is not received by the Attorney-General within thirty days from the close of the quarter, no further payments shall be made the marshal on account of salary until such statement is received. Upon application to him for service, the marshal, before service is made, shall exact a deposit for the costs thereof in all cases not brought by the United States, except in suits brought under chapter 3 of the Revised Statutes, for wages of seamen, wherein the costs, if not collectible from the parties to the suits, shall be charged by the marshal, clerk, and district attorney in their accounts against the United States, and shall be adjusted and paid by the accounting officers in the same manner as costs in cases brought by the United States. It shall be the duty of the marshal to scrutinize the bills of the deputies, sheriffs, or constables, or whoever may be employed to serve process, and when he finds the same to be correct and in accordance with law he shall pay the same; but in cases where he deems it advisable for his own protection he may withhold 25 per cent. of the amount until said bills have been audited and allowed at the Treasury, and when so allowed he shall pay the amount found due each in full. At the close of each term of court the marshal shall make up his accounts for all fees and disbursements and submit the same to a circuit or district court, in accordance with the provisions of the act regulating fees and costs, approved February 22, 1875, which shall be examined and passed upon by the court at each term before its adjournment.

SEC. 4. That there may be allowed each United States marshal one clerk and one chief deputy, whose salaries shall be paid as provided in section 2 for the payment of marshals. The salaries shall be $1,800 a year in each of the following districts: Northern New York, Southern New York, Massachusetts, Eastern Pennsylvania, District of Columbia, Southern Ohio, Kentucky, Northern Illinois, West Virginia, and California. In other districts the salary shall be determined by the Attorney-General, but shall not exceed $1,200 per annum in any case. No clerk or chief deputy shall be appointed in any district unless the Attorney-General shall deem such appointment necessary for the efficient performance of the public business. In all districts where courts are held at more than one place at which grand jurors are impaneled the Attorney-General may, in his discretion, allow the marshal a clerk or chief deputy (but not both) at such place, in addition to the one hereinbefore authorized, if the business of the office requires it, at a salary not to exceed $1,000 a year. The Attorney-General shall provide a uniform system of book-keeping and returns, and furnish books and blanks for this purpose to United States marshals. It shall be their duty to keep all the accounts, books, and papers of their respective offices in such manner as may be required by regulations prescribed by the Attorney-General, and to perform such

other duties as such regulations may require. All books, papers, and accounts relating in any way to official business shall remain in the office of the marshal and be transferred by him to his successor in office, and shall be open at all times to the inspection of parties interested. It shall be the duty of the chief deputy marshal to assist the marshal in attending upon the sessions of the court, and to perform all other duties required of him by the marshal or the court. No officer of the court shall require payment from any juror or witness for stating his account for expenses of transportation or for administering oath to the same; and it shall be the duty of the marshal to examine said bills before paying the same, and to strike out improper charges if any are made therein.

SEC. 5. That the marshal's clerks, the chief deputies, and other deputies shall be appointed by the Attorney-General, upon the recommendation of the marshals of the respective districts, and their oaths of office shall be filed in the Department of Justice; and they shall be of good character and be able to read and write in the English language, and be subject to removal for cause by the Attorney-General, by the court, or marshal: *Provided*, That nothing in this act shall be construed as in any way repealing or modifying sections 2021, 2022, 2023, and 2024 of the Revised Statutes.

SEC. 6. That deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit courts may authorize and require for the efficient transaction of the business of the United States courts of such districts in each locality. No person shall perform the duties of a deputy marshal unless appointed and qualified in the manner herein provided, but district or circuit courts may appoint, upon the recommendation of the marshal, any sheriff or constable, holding commissions as such under State authority, to serve the writs or execute the processes issuing out of the courts in such district, after having been duly commissioned a deputy by order of the court. In all cases where practicable it shall be the duty of the marshal to send writs and processes of court by mail, directed to the deputy marshal residing in the locality where writs are to be served or processes to be executed, or to the sheriff or constable appointed to serve the same in such locality, whose duty it shall be, after service, to return such writ or process by mail to the marshal; and in no case shall fees be charged or allowed for traveling between points where writs or processes were sent by mail, or where it was practicable to send them by mail. The fees now allowed by law for marshals for serving writs and processes shall hereafter be allowed to the officers serving the same, except for committing and discharging prisoners; and the clause in section 829 of the Revised Statutes prescribing 50 cents for the same is hereby repealed. No fee for serving process shall be paid to a chief deputy. Guards, when actually necessary, may be employed to assist deputy marshals, sheriffs, or constables in charge of prisoners and witnesses before commissioners or justices of the peace, but not more than two before the same officer shall be employed on any one day.

SEC. 7. That deputy marshals, sheriffs, and constables, while serving court processes, shall be allowed for transportation by public conveyances the amount actually paid therefor, which shall be stated in an itemized account, and shall not exceed the usual amount charged for such transportation. For traveling where there is no public conveyance they shall be allowed 10 cents per mile each way, and for serving writs and processes the fees provided by law. The costs shall in each case be indorsed in items on the back of the writ when the return is made.

SEC. 8. That the circuit or district courts of the United States may, in cases of emergency where the necessary processes of the courts can not be promptly executed by the marshal or his regular deputies so as to secure the ends of justice, enter an order of record requiring the marshal or one of his deputies, or a person appointed as special deputy marshal by the court for that purpose, to perform a particular service or execute a particular writ; and for such service there shall be allowed such compensation as may be just and reasonable, but not exceeding $2.50 a day, and actual and necessary traveling expenses, in lieu of fees and mileage; and where it shall become necessary to assign a deputy in one part of the district to perform duty in another part thereof, the judge of the court of such district may ascertain and allow a reasonable compensation therefor. All accounts for such service shall be stated in items and verified by the person performing the service, and approved as a separate account by the judge who may make the order requiring the same.

UNITED STATES COMMISSIONERS.

SEC. 9. That the judges of the circuit and district courts of the United States, and the judges of the Territorial courts shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the laws. Such commissioners shall have jurisdiction only of such offenses as are committed in their respective districts, except in cases of change of venue or where no qualified commissioner resides in the commissioner's district where the offense was committed, and except also in cases of offense against the postal laws of the United States, in which the jurisdiction shall remain as now provided by law. United States commissioners shall receive for their services such fees as are now allowed by law, except that in all criminal cases heard by them they shall only be allowed $1 for issuing process to arrest, and $1 for a recognizance or bond for court, including affidavits of justification of sureties and acknowledgments, and for all other writs and processes issued, for all oaths administered, for docketing, hearing, and trying the same, and for all services performed, the sum of $5, and no more, for each case; but where two or more charges are preferred against any person at the same time the commissioner shall be allowed only for a fee in one case. In preliminary examinations, where there is probable cause of guilt, the commissioner shall bind over the accused, if he shall give the bail required, to appear for trial before the court in his district which may be held nearest the place where the offense was committed; and if he can not give the required bail the commissioner shall commit him for trial to the nearest jail where such prisoners can be safely and economically kept, and shall in both cases transmit all the papers in the case to the clerk of the United States court to be held in said district nearest the place where the offense was committed, at which court grand juries are impaneled; and the clerk shall notify the district attorney thereof; but any accused person who may be committed in default of bail may, upon the order of the judge, be removed to and tried at that place in the judicial district where the court will be held next after his commitment. Justices of the peace shall receive the same fees as United States commissioners for services in criminal cases. Their accounts shall be verified by oath and forwarded to the United States attorney of the district, to be submitted to court for approval. It shall be the duty of commissioners and justices of the peace to examine and certify to the marshal for payment bills of witnesses for transportation and attendance.

CLERKS' FEES.

SEC. 10. That the fees earned by the clerks of the United States courts, the supreme and district courts of the Territories, and the courts of the District of Columbia for services in civil and criminal cases and in naturalization cases, and for making out, certifying, or authenticating all papers, and in bankruptcy proceedings, and for duties of master in chancery, or as special commissioners or referees by order of the court, or taking or authenticating depositions, issuing certificates admitting attorneys to practice, and in all matters of any name and character incident to their office or by virtue or authority of the court, and as United States commissioners, if holding said office, shall be included in their semi-annual returns to the Attorney-General; and it shall be the duty of the Attorney-General to decide what expenses may be paid by such clerks out of the surplus emoluments of their offices. At the end of each quarter they shall make out an itemized statement of all costs paid into court in United States cases, showing what disposition has been made of the same and in what cases they accrued, and submit the same to the district court, who shall examine the same, and cause such clerks to subscribe an oath to the correctness of each and every item in such statement. If the judge approves such statement as correct, he shall indorse his approval thereon in writing, and the clerk shall thereupon transmit said statement to the Attorney-General. The clerks of the circuit and district courts, of the supreme and district courts of the Territories, and of the supreme court of the District of Columbia shall not receive annually exceeding $2,500 each for their services; and where one person is clerk of both the circuit and district courts, such clerk shall not receive for services in both capacities a sum exceeding $3,000 per annum, except the clerks of the district and circuit courts for the southern district of New York, who may each receive $3,500 annually for their services. From the fees and emoluments earned and so reported by such clerks no one of them shall be allowed an amount exceeding the maximum herein provided; and after deducting the payment of deputy clerks, of office expenses, and any other allowances authorized by the Attorney-General, the balance of such fees and emoluments, if any, over and above the said maximum amount, shall be paid into the Treasury of the United States, according to the provision of section 844 of the Revised Statutes, which payments shall be ascertained at the Treasury Department upon quarterly returns to the First Auditor of all fees earned during each quarter, to be made under oath and approved by the court; and upon failure to make said quarterly and semi-annual reports within thirty days thereafter, the clerk shall be summarily removed by the judge, upon the request of the Attorney-General.

FEES AND EXPENSES OF COURT OFFICIALS.

SEC. 11. That the judges of the Territorial courts, United States district attorneys and their assistants, and United States marshals and their deputies, when required to use any public conveyance in the discharge of their respective duties, shall be allowed the actual amount paid for transportation, not exceeding the usual fares on such public conveyance, and no more. All accounts rendered for such transportation shall be verified by oath of the person making the same; and he shall state in such oath that he did not use for any part of such transportation a pass or pay a less fare than that stated in the account. Accounts for the transportation of prisoners and guards by public conveyances shall be rendered for such sum as was actually paid for such transportation, not exceeding the usual fare; and vouchers, verified by oath, shall in all cases accompany such accounts.

SEC. 12. That United States marshals shall hereafter be allowed their actual expenses in the following cases, namely:

For transporting prisoners in any State or Terrritory, or from one State or Territory to another, on any public conveyance, the amount actually paid for transportation of themselves and for each prisoner and necessary guard, but not exceeding the usual fares. Where free transportation is used no charge whatever shall be made or allowed. If reduced transportation is secured, this fact shall be stated, and the actual amount paid shall be charged in the account, and no more.

The amount actually and necessarily paid for meals of themselves, prisoners, and necessary guards while in transitu, not exceeding 50 cents per meal.

The amount actually paid deputy marshals and guards for their services, not exceeding $2 per day.

For travel in going to serve or returning from serving any process, warrant, attachment, or other writ, including writs of subpœna in civil or criminal cases, the actual amount paid for transportation on all public conveyances, and no more, the account to be stated as in case of transporting criminals; and for each mile actually traveled to serve any such process as aforesaid, where there is no public conveyance, the amount actually paid, not exceeding ten cents per mile going and returning. For all travel required of them by law on any public conveyance they shall be allowed, in all States and Territories, the actual amount paid, as herein provided, and no more; and for every mile actually traveled where there is no public conveyance, the amount actually paid therefor, not exceeding ten cents per mile each way. All allowances for travel and meals are not to be construed as compensation, but as reimbursements for actual and necessary expenditures in the discharge of official duties; and all transportation provided for in this act shall be computed by the nearest practicable route. All allowances for mileage and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payments or allowances in violation of the provisions of this act. An affidavit that the account is just and true in all respects, and that the expenses charged therein were actually and necessarily incurred, must accompany each bill. In all cases the account must contain the items of expenditure. The Attorney-General shall prescribe forms, rules, and regulations for presenting all accounts of court officials, to all of which forms shall be attached the oaths to be taken and subscribed.

SEC. 13. That hereafter jurors and witnesses in all of the States and Territories shall receive their actual and necessary expenditures for transportation when using any public conveyance, in lieu of mileage, but not exceeding the usual fares; and when there are no public conveyances they shall receive the mileage now allowed by law for travel to and from court; and witnesses shall receive one dollar and a half a day and jurors shall receive two dollars a day during actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same.

SEC. 14. That section 365 of the Revised Statutes shall be so amended as to read as follows:

"SEC. 365. No compensation shall hereafter be allowed to any attorney or counselor at law for services unless employed and retained by the Attorney-General for a purpose authorized by law, and then only on the certificate of the Attorney-General that such services are actually necessary, and that the same can not be performed by the Attorney-General or Solicitor-General or the other officers of the Department of Justice, or by the district attorneys, which certificate shall be filed of record in the Department of Justice and in the court where such services are to be rendered, before such special assistant attorney or counsel is authorized to appear for or represent the United States; and before such special assistant attorney or counsel can receive any compensation for his services he shall file with the proper accounting officers of the Treasury Department a copy of such certificate of the Attorney-General and a statement of the account and the amount actually due such attorney or counsel. No compensation or remuneration shall be allowed any such assistant counsel or attorney for traveling or other personal expenses incurred in or about the performance of his duties as such special assistant attorney or counsel, and no compensation shall be allowed under this section to any person or firm in excess of $10,000 during any one year."

MISCELLANEOUS PROVISIONS.

SEC. 15. That section 5392 of the Revised Statutes be so amended as to read as follows:

"SEC. 5392. Every person who, having taken an oath before a competent tribunal, commission, commissioner, officer, or person, in any case in which a law of the United States or any rule or regulation prescribed by the head of any Department of the Government of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does

not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000 and by imprisonment at hard labor not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed."

SEC. 16. That the clerks of the Supreme, circuit, and district courts of the United States, and of the Territorial courts, and of the courts of the District of Columbia, and their deputies, are hereby authorized to administer oaths and give certificates thereof in all matters pertaining to the duties of their offices.

SEC. 17. That the Attorney-General is authorized to appoint examiners and agents of the Department of Justice, and to detail officers and clerks of said Department, to the extent of appropriations for such service, to investigate frauds, or attempts to defraud the Government, or any irregularity or misconduct of any officer of the Department of Justice, or to collect evidence in cases in which the United States is a party. They shall have authority to administer oaths to any persons testifying in the course of such investigation. Any person who knowingly testifies falsely before any such examiner, agent, officer, or clerk shall be guilty of perjury, and shall, on convictiou, be punished as provided in section 5392 of the Revised Statutes of the United States.

SEC. 18. That any person who steals, takes away, falsifies, mutilates, or otherwise alters, destroys, or conceals any book, record, or paper by law required to be in the custody of any marshal, clerk, or other official of the United States, or who counsels, aids, or abets such stealing, taking away, altering, falsifying, mutilating, destroying, or concealing of any such book, record, or paper, shall be guilty of a felony, and, on conviction thereof, shall be fined not exceedlng $1,000, or imprisoned at labor not exceeding three years, or both, in the discretion of the court.

SEC. 19. That the provisions of this act shall apply to all the States and Territories and to the District of Columbia. All acts or parts of acts granting double or increased fees to marshals, deputy marshals, clerks, or district attorneys in any State or Territory, or in the District of Columbia, are hereby repealed, and the general laws prescribing such fees are hereby re-enacted as to such States and Territories, except as herein modified or amended.

SEC. 20. That this act shall take effect and be in force from and after the first day of January, 1887; and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. DIBBLE. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. I wish to ask whether this is the time to move amendments, or whether the bill will be again read for amendments?

The CHAIRMAN. The general debate has not yet been had. After that the bill will be read by sections for amendment.

Mr. HISCOCK. Is it in order to ask for the reading in connection with this bill of the one for which it was reported as a substitute?

The CHAIRMAN. That can only be done by unanimous consent.

Mr. HISCOCK. I hope unanimous consent will be given for that purpose.

The CHAIRMAN. The Chair has been informed that this bill was reported by the Committee on Expenditures in the Department of Justice for several other bills, which by unanimous consent were at the time laid upon the table, while this was referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, of West Virginia. I object to these interruptions if I am to be charged with the time which they consume.

The CHAIRMAN. The gentleman from West Virginia is entitled to the floor and will proceed.

Mr. GIBSON, of West Virginia. I did desire to have submitted this bill to a vote of the House without any discussion; so far as I was concerned I was willing to ask for a vote directly upon it from the fact that at the last session of Congress a bill identical in principle in its provisions and only differing as to the size of salaries was passed almost unanimously by the House, but was stricken off by the Senate under the rule which prohibited legislation on appropriation bills. But I have been notified by members they desire to speak for and against the bill, and therefore I must perform a duty which otherwise I would not have done, and that is to explain the provisions of the bill now presented to the House.

In brief, the object of this bill is to change the system of compensation, as now allowed to the minor officers of the United States courts, from one of fees, depending on the amount of business they perform, to a fixed and certain salary; thus relieving the officers of these courts from the temptation, which is naturally induced by such a system, of enlarging the amount of their compensation; and at the same time relieving the people from the burden of prosecutions and persecutions that have been carried on for the purpose of swelling the compensation of these officials.

To illustrate how terrible this thing can be sometimes, I have seen in one city—in my own little State, composed of but one-fourth of the judicial business of that small State—the people camped in the streets and sitting upon the sidewalks by the thousands, in attendance upon the court.

I have seen in one session of that court over nine hundred indictments made and carried forward from court to court, until after two or three terms, with thousands of parties and witnesses there in attendance, over seven hundred of them were dismissed with one sweep of the pen. I have seen carried on in that one State, having an average of only about 450,000 population, within the last ten years, as high as one-sixth, and never less than one-tenth, of all the criminal prosecutions that have been carried on in all of the courts together in all of the States and Territories of this great land. And still, with this remarkable showing of prosecutions, you may take up the reports of the Attorney-General and the Commissioner of Internal Revenue, and you will find that there has not been money enough collected in the prosecutions carried on in that State to have paid for one single witness that attended the court during the year. During all those ten years there have been only twenty or thirty convictions for any offenses against the revenue laws, and yet for the purpose of swelling the fees of these court officers this enormous amount of prosecution was carried on.

After we undertook to investigate this thing, at the last session of Congress, the expenses of this set of officers dropped in one single year $28,000, or from seventy-odd thousand they fell down to about forty thousand dollars; and you may take up other districts and you will find the same state of things. In the southern district of the State of Illinois there was an annual saving of twenty-odd thousand dollars as soon as the investigation commenced. And so it has gone on all over the country.

Now, sir, shall we not here take a step that will make it impossible for these abuses against the people to be carried on in future? It is a well known fact that wherever there are moieties, wherever there are rewards given to the informer to come out of the punishment, such proceedings become frauds and persecutions. The law as it formerly existed in any of the States, giving persons who informed a certain portion of the fees collected from the delinquent, filled the courts with frivolous complaints and prosecutions.

This bill undertakes to fix a certain salary as a compensation for each one of these officers. I may say here, Mr. Chairman, that the committee were unanimous upon the principle of allowing salaries instead of fees. The committee was also pretty nearly unanimous in the details of the bill; but of course we had great difficulty in arriving at the details. We had to take such information as we could get on which to base it, and undertake in that way to fix the salaries of each one of these district attorneys and marshals throughout the country. It is impossible for us to have done perhaps exact justice to each and every one of these officers; indeed, it would have been beyond human knowledge and foresight to measure the salaries and affix to them the exact dollar or cent to which they should be entitled. But, sir, if perhaps some members of this body may think that their favorite district attorney or their favorite marshal or other officers of their favorite States have not received quite as much as they think they ought to get, and not as much perhaps as some other officer of some other State receives, they should also remember that this bill, like all other measures enacted by human legislation, must have its imperfections; and if they undertake here to amend it, and make each of its provisions suit each individual member of this body, then it will suit nobody else; and a bill having for its object the grand and great purpose that this has, a bill for the benefit of the whole people of the country, will be defeated by selfish aspirations and ambitions.

There are other things to which I might allude. I might tell you, gentlemen, to your utter astonishment, that United States commissioners, mere justices of the peace, living in little out-of-the-way towns, have by this system of prosecution and fees succeeded in swelling their salaries in some cases as high as $10,000 a year, and in some instances even to the enormous sums of $12,000 and $15,000. The way it is done is to send out blank affidavits to hunt up and work up business, and this has been carried on not only in the South but also in the North. Why, in the State of New Hampshire, your clerk there, only allowed $5 a day for the time the court is actually in session, by an arrangement with the court adjourns it from day to day and gets his $5 per day from the commencement of the year to the end of it, except on holidays. The same course has been found in one of the Illinois districts; and these abuses are being carried on all over the country, which is being tax-ridden and burdened by this spirit of fraud. Why, the First Comptroller of the Treasury told me this morning that under this late decision of the Court of Claims allowing commissioners docket fees he had no doubt the United States would have to pay over a million of dollars in arrearages for fees claimed by these United States commissioners.

Now, this bill undertakes to correct all that abuse. I say to you frankly I do not know whether it is efficient for that purpose or not. It may be that there ought to be a limit beyond which commissioners should not go in any case,—an aggregate limit.

Mr. HENDERSON, of Iowa. Will the gentleman from West Virginia allow me to ask him a question?

Mr. GIBSON, of West Virginia. Certainly.

Mr. HENDERSON, of Iowa. The gentleman has said that this bill corrects a decision of the Court of Claims. I wish to ask him whether it seeks to correct it for the past.

Mr. GIBSON, of West Virginia. Oh, no; we can not undertake to correct it in the past. If these people are entitled by law to get these fees under the decision of the court, let them get them. All we can do is to guard against the same thing occurring in the future.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. BROWNE, of Indiana. I think you are going in exactly the right direction in making these officers salaried; but I would like to know on what basis you have fixed the compensation.

Mr. GIBSON, of West Virginia. I am just coming to that.

Mr. BROWNE, of Indiana. I would be glad to direct your attention to one case, as it concerns my own State. I notice you give to the district attorneys in both the northern and the southern districts of Illinois $5,000 each; and yet, when you come to Indiana, which is but a single

district with four different places for holding court, having eight terms of United States courts every year, you give the district attorney $4,000. In other words, you give Illinois $10,000 and Indiana $4,000. I hope it is not because you have at this time a Democratic district attorney in that State.

Mr. GIBSON, of West Virginia. I assure the gentleman from Indiana it is not because he lives in Indiana that I want to punish his State.

Mr. Chairman, we have had some difficulty in arranging the details under this bill, to get at what would be fair in the way of compensation to the different officers. We availed ourselves, as we state, of the information that was to be had from the very elaborate and thorough investigation of this subject at the last session of Congress by this committee. In addition to that, we called upon the Attorney-General and the Commissioner of Internal Revenue and the Comptroller, and all the officers of the Government who could give us any information upon the subject; and we finally boiled down the information in the report from the Attorney-General's Office, giving the gross earnings and the net earnings and then the average net earnings of each one of these officers for the last ten years. And upon all this we undertook to fix these salaries as nearly as possible in accordance with what the various officers had averaged within that time.

Now, we do cut down these earnings, and we intended to cut them down. Gentlemen may complain that we do not give the marshals what they have been getting for the last twenty years; that we do not give the district attorneys what they have been making for the last twenty years. But sir, the very necessity for this bill is to prevent these officers from getting so much as they have been getting during that time. We know much of this money they have earned, as shown by these reports, was ill-gotten gains; that much of these fees which they got they got from the persecutions of the people. And now we propose to give them fair, honest, living salaries and stop that.

Gentlemen should not expect that a district attorney should receive a salary that would be equivalent to a living for a man who had no other business. The district attorney has to be a good lawyer in order to be qualified for being district attorney. He must attend courts, and in every court he attends he gets civil business, and in most cases gets more of the civil business than other attorneys. His very relations with the courts give him many advantages. He gets bigger fees and more of them; and he should not get such a salary as would cover all of his business. One gentleman complained to me that the district attorney in his State had been making $5,000 before he became the district attorney, and now we had cut him down to $4,000. He was engaged in a hazardous business, he was running the risk of his profession, he was traveling all over the country, while the $4,000 that this bill gives him is a certainty and he has the opportunity of getting whatever else he may make.

Mr. WARNER, of Missouri. Will the gentleman yield to me for a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. WARNER, of Missouri. I notice that the bill fixes the salary of the United States district attorney for the eastern district of Missouri at $3,000 a year and the salary of the district attorney for the western district of that State at $4,000 a year. I ask the gentleman from West Virginia if it is not a fact, as shown by the Attorney-General's report, that the attorney of the western district of Missouri tries more cases, does more business, and has done so for the last five years, than the attorney of the eastern district?

Mr. GIBSON, of West Virginia. Yes, sir; and I will explain to the gentleman why that is so. This bill requires attorneys to turn over all the money received in the civll suits brought by the United States. In the western district of Missouri there is very little civil business; in the eastern district of Missouri, containing the great city of Saint Louis, there is a large amount of civil business.

The CHAIRMAN. The hour for the consideration of bills has expired.

The committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the State of the Union, having had under consideration the bill (H. R. 6977) relating to the compensation and duties of United States district attorneys, marshals, and commissioners, and for other purposes, had come to no resolution thereon.

RETURN OF BILL TO SENATE.

The SPEAKER. If there be no objection the Chair will lay before the House a communication from the Senate.

There was no objection.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *March* 29, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the House No. 1151, authorizing the President of the United States to appoint William P. Randall a lieutenant-commander on the retired-list of the Navy.

The SPEAKER. If there be no objection the Committee on Naval Affairs will be discharged from the further consideration of this bill, and it will be returned to the Senate in accordance with the request just read.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, by unanimous consent the Committee on Claims was discharged from the further consideration of the bill (H. R. 2392) for the relief of William H. Whiteside & Co., or their assignees, and the same was referred to the Committee on War Claims.

MURDER OF CITIZENS OF CARROLLTON, MISS.

Mr. O'HARA. Mr. Speaker, I desire to introduce a resolution and ask its immediate consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Whereas it is a matter of public information that on the 18th of March, 1886, in the town of Carrollton, the county seat of Carroll County, Mississippi, a lawless band of persons rode to the court-house and then and there indiscriminately murdered, by shooting, a number of peaceful citizens of the United States; and

Whereas it is alleged that the governor of said State of Mississippi has absolutely refused to take effective measures to bring to justice said murderers; and

Whereas it is alleged that the grand jury in and for said county of Carroll has neglected to act in such manner as would bring said murderers before the courts to answer for their crimes; and

Whereas the Constitution of the United States guarantees to each and every one of its citizens full and adequate protection of his life and the enjoyment of his property: Therefore,

Be it resolved, That a committee of five members be appointed by the Speaker to investigate the facts connected with said alleged murders, and to report, by bill or otherwise, such measure as will check or prevent in future the wanton and barbarous destruction of human life.

Resolved, That said committee, when appointed, shall have power to subpœna witnesses, administer oaths, and do all other acts necessary to a full investigation of the subject-matter; that said committee may appoint a subcommittee to visit the State of Mississippi to take testimony, and do such other acts as may be necessary in the premises; and that the expenses of the committee shall be paid from the contingent fund of the House, not to exceed —— dollars.

The SPEAKER. Is there objection to the introduction of the resolutions?

Mr. MORRISON. I have no objection to the resolutions being introduced and referred to the Committee on Rules, which has power to report at any time.

Mr. REAGAN. I object, Mr. Speaker, because the resolutions propose to deal with a subject over which we have no constitutional power.

SECTION 3860 REVISED STATUTES.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. 7474) to amend section 3860 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. MORRISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of Local Assembly 3306 Knights of Labor, of Wichita, Kans., and of Local Assembly No. 1457, of Peterton, Kans., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Lodge No. 2347, Knights of Labor, and 400 others, citizens of Cloud County, Kansas, for the passage of bill (H. R. 3183) to prohibit aliens from acquiring title to lands in the United States—to the Committee on the Public Lands.

By Mr. BALLENTINE: Petition of William F. Moore, of Maury County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of William F. Moore, of Maury County, Tennessee—to the same committee.

By Mr. BARBOUR: Papers relating to the claim of Thomas Bowler, of Stafford County, Virginia—to the same committee.

Also, petition of Thomas Bowler, of Stafford County, Virginia, for reference of his case to the Court of Claims—to the same committee.

By Mr. BAYNE: Petition of William M. Rimmel for an invalid pension—to the Committee on Invalid Pensions.

Also, resolutions of Local Assembly No. 4152 Knights of Labor, of Coal Bluff, Pa., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BOUND: Petition of Eliza Ramsey, mother of William B. Ramsey, deceased, late of Company C, Ninety-third Regiment Pennsylvania Volunteers, for a pension—to the Committee on Invalid Pensions.

Also, petition of Cyrus Dubbs, a blind brother of Hiram N. Dubbs, deceased, late of Company F, Fourth Pennsylvania Cavalry, for a pension—to the same committee.

By Mr. BOUTELLE: Memorial and papers in the case of A. H. Hutchins for relief—to the Committee on Military Affairs.

Also, memorial of Knights of Labor of Dexter, Me., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, memorial of Ruel Annas Post, No. 104, Grand Army of the Republic, of Maine, in behalf of House bill 6960 for the relief of Albert H. Hutchinson, with other papers—to the Committee on Military Affairs.

By Mr. BRADY: Petition of heirs of Asa Tucker, deceased, late of Dinwiddie County, Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of 36 citizens of Cox's Mills; of 66 citizens of Hagerstown; of 37 citizens of Abington; of 107 citizens of New Garden, Wayne County; of 45 citizens of Springport; of 43 citizens of Mooreland, and of 95 citizens of Ashland, Henry County, Indiana, for the free coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BUCHANAN: Petition from citizens of Egg Harbor City, N. J., praying for legislation checking the making of spurious or adulterated wines—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition in reference to illegal dumping in the harbor of New York—to the Committee on Rivers and Harbors.

By Mr. BURROWS: Petition from Keeler, Mich., for female suffrage—to the Committee on the Judiciary.

Also, petition of C. D. Jennings and others, for the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Knights of Labor of Grand Rapids, Mich., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. FELIX CAMPBELL: Petition of citizens of New York and Brooklyn, N. Y., for an amendment to the law relative to the Soldiers' Home, Washington, D. C.—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition of Local Assembly No. 2032, Knights of Labor, of Muskegon, Mich., in favor of liberal appropriations for public works—to the Committee on Railways and Canals.

Also, petition of General P. H. Sheridan, General H. J. Hunt, and officers and inmates of the National Soldiers' Home in the District of Columbia, in favor of the passage of a bill for the better protection of the inmates of the said national home—to the Committee on Military Affairs.

By Mr. R. H. M. DAVIDSON: Petition of the Board of Trade of Tampa, Fla., praying for a resurvey of Tampa Bay—to the Committee on Rivers and Harbors.

By Mr. DAVIS: Petition of Jonathan Bourne and 50 others, citizens of New Bedford, Mass., and vicinity, and owners and masters of sailing vessels, in favor of the passage of a law to license masters and mates of sailing vessels as pilots—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. DORSEY: Petition from citizens of Nebraska, in reference to pensions to soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. EDEN: Petition of Knights of Labor, Lodge No. 1865, in opposition to the bill for free ships—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ELDREDGE: Petition of 23 citizens of Abilene, Kans., praying for a pension bill as recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, papers relating to the case of Joanna W. Turner—to the same committee.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, praying for a law to prohibit the sale and manufacture of alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Trafic.

By Mr. FISHER: Petition of A. J. Danter and 22 others, representing the Grand Lodge of Michigan, Independent Order of Odd Fellows; of R. W. Lewis and 52 others, of Saginaw city; of William Heysett, Ludington, and 72 others; and of O. A. Jones, grand master, E. H. Whiting, grand secretary, Independent Order of Odd Fellows, and 78 others, for establishing United States court at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. FLEEGER: Petition of Samuel Miller, of Butler, Pa., late private Company C, Eleventh Regiment Pennsylvania Reserves, for the passage of an act to place him on the pension-roll—to the Committee on Invalid Pensions.

Also, petition of Levi E. Tenney, for an invalid pension—to the same committee.

By Mr. FORAN: Petition of Samuel P. Ely, Samuel L. Mathes, L. E. Holden, W. W. Armstrong, and other citizens of Cleveland, Ohio, praying Congress to recognize the claims of the heirs of William A. Burt for the use of the solar compass in the public land surveys—to the Committee on Claims.

Also, petition of M. A. Hanna & Co., Thomas Axerantey, M. A. Bradley, and 40 business men and firms of Cleveland, Ohio, praying for the improvement of the harbor of Marquette, Lake Superior—to the Committee on Rivers and Harbors.

Also, petition of citizens of Cleveland, Ohio, protesting against the passage of Senate bill 1715 to regulate the transportation of live stock—to the Committee on Commerce.

By Mr. FUNSTON: Petition to increase the pension of Elisha Clark—to the Committee on Invalid Pensions.

Also, memorial of Local Assembly No. 3073, Knights of Labor, relative to public improvements—to the Committee on Railways and Canals.

Also, petition of quarterly meeting of Friends of Harper, Kans., for the passage of Senate bill 335—to the Committee on Foreign Affairs.

Also, petition of Local Assembly No. 2349, Knights of Labor, of Ransomville, Kans., relative to the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Sarah A. Birhand, widow of Daniel Birhand, deceased, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition of Benjamin Gill for invalid pension—to the Committee on Invalid Pensions.

Also, petition of D. M. Bailey, administrator of Minsen Bailey, deceased—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of Local Assembly No. 2635, Knights of Labor, of Hemlock, Perry County, Ohio, asking for large appropriations for public works—to the Committee on Railways and Canals.

By Mr. GROUT: Affidavit of Harley P. Matheson of H. R. 6316 granting a pension to Mary H. Sanborn—to the Committee on Invalid Pensions.

Also, petition of James C. Daggetts, Company E, Second Regiment United States Sharpshooters, for increase of pension—to the same committee.

By Mr. GUENTHER: Petition of citizens of Neenah, Wis., praying that employés of the Government Printing Office be paid the same amount they received prior to March 4, 1877—to the Committee on Labor.

Also, resolutions of Local Assembly No. 475, Knights of Labor, of Neenah, Wis., indorsing the plan for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HALL: Petition of Knights of Labor and labor organizations of Burlington, Iowa, against the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HALSELL: Petition of James W. Warder, late of First Kentucky Light Artillery, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of W. B. Skaggs and others, to remove charge of desertion from James W. Warder, First Kentucky Light Artillery—to the same committee.

By Mr. HARMER: Petition of the paper trade of Philadelphia, in favor of the passage of a national and uniform bankrupt law—to the Committee on the Judiciary.

Also, memorial of Local Assembly 2968 of the Knights of Labor, of Philadelphia, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HATCH: Memorial of Edwin R. Wells, for relief—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: Memorial from grocers and other business men of Dubuque, Iowa, opposing the repeal of the law of 1879 for the manufacture of vinegar, and showing that under said law the cost to consumers has been reduced one-half for vinegar—to the Committee on Ways and Means.

Also, concurrent resolution of the Iowa Legislature, asking for liberal appropriations for the National Board of Health—to the Committee on Appropriations.

By Mr. HERMAN: Memorial from the Chamber of Commerce of Astoria, Oreg., for liberal appropriations for the extension of jetty at the mouth of Columbia River, Oregon and Washington Territories—to the Committee on Rivers and Harbors.

Also, remonstrance of the Board of Trade of Portland, Oreg., against reduction of duties on coal and lumber—to the Committee on Ways and Means.

Also, memorial from the same, asking for the forfeiture of the Northern Pacific Railroad grant between Wallula, Wash., and Portland, Oreg.—to the Committee on the Public Lands.

Also, petition of citizens of Southern Oregon, for the extension of time for the construction of the Oregon and California Railroad in Oregon, and confirmation of grant of that portion built after expiration of time fixed in grant—to the same committee.

Also, petition of citizens of Southern Oregon, for two years' extension of time for completion of the Oregon and California Railroad—to the same committee.

By Mr. HILL: Petition of Louis Teedeman and others, protesting against reduction of duty on potash—to the Committee on Ways and Means.

By Mr. HIRES: Petition of Michael Todd, for a father's pension—to the Committee on Invalid Pensions.

Also, petition of Joseph Curriden, for payment of his war claim—to the Committee on War Claims.

By Mr. HISCOCK: Petition of Richard Good, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. HOLMAN: Petition of T. L. Thomas and 52 others, citizens of Jennings County, Indiana, urging an increase of the pension of Jeremiah Walker of said county—to the Committee on Invalid Pensions.

Also, petition of Marvin Chandler and others, citizens of Switzerland County; of Ralph Cotton and 39 others, citizens of same county, and of John C. Scott and 126 others, citizens of the same county, Indiana, in favor of an increased coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HOUK: Petition of Susan P. Carson, widow of W. C. Carson, deceased, of Jefferson County, Tennessee, asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, memorial of Knights of Labor, of Campbell County, Tennessee, in favor of liberal appropriations for internal improvements and for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of citizens of Blount County, Tennessee, for the passage of an act granting an increase of pension to Hannah M. Sexton, of that county—to the Committee on Invalid Pensions.

Also, petition of Schaad & Rotach, manufacturers, &c., of Knoxville, Tenn., praying that the present tariff on marble blocks be not changed—to the Committee on Ways and Means.

Also, petition and accompanying papers of George Turner, of Warwick's Cross Roads, Union County, Tennessee, for compensation for services rendered as scout, pilot, and recruiting agent during the late war—to the Committee on War Claims.

By Mr. JAMES: Petition of Justus Bragg, mayor of Bismarck, Dak., and 24 others, merchants of said city, asking for the enactment of House bill 1621, relieving commercial travelers from State and local license laws—to the Committee on Commerce.

By Mr. T. D. JOHNSTON: Memorial of Nancy Franklin, for a pension—to the Committee on Invalid Pensions.

By Mr. KELLEY: Memorial of the Philadelphia conference of Baptist ministers, praying for the establishment of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Presbyterian Ministerial Association, of Philadelphia, Pa., for the same—to the same committee.

By Mr. LAWLER: Memorial of the board of aldermen of Manitowoc, Wis., for the improvement of the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. LOVERING: Papers relating to the distribution of Official Gazette of the Patent Office and Decisions of the Commissioner of Patents to assistant and acting assistant examiners—to the Committee on Patents.

By Mr. McCREARY: Petition of Robert Wilson, jr., of Owsley County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of Larkin Chandler to have his name restored to the pension-roll—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of Knights of Labor, of Chapman, Ohio, and of Knights of Labor Assembly No. 3609, of Canton, Ohio, indorsing plan for construction of Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of laboring men of Canton, Ohio, asking that lands granted railroads which have failed to comply with agreement revert back to the public domain, &c.—to the Committee on the Public Lands.

By Mr. MITCHELL: Memorial of the Associated Board of Charities of New Haven, Conn., in favor of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: Concurrent resolution of the Legislature of Iowa, relating to the National Board of Health—to the Committee on Appropriations.

Also, petition to tax oleomargarine—to the Committee on Ways and Means.

By Mr. NEGLEY: Petition of Leonard Pfarr, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of Local Assembly No. 2960, of Columbus, Ohio, Knights of Labor, against the passage of the free-ship bill—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. PEEL: Papers in the claim of Elijah Drake, sr., of Madison County, Arkansas—to the Committee on War Claims.

By Mr. PETERS: Petition of citizens of Edwards County, Kansas, favoring a pension for Charles H. Martin—to the Committee on Invalid Pensions.

Also, petition favoring the allowance of the claim of D. McArthur—to the Committee on War Claims.

By Mr. PETTIBONE: Testimony to support the bill to correct the military record of McHenry Broy, late first lieutenant Company I, Eighth Tennessee Infantry—to the Committee on Military Affairs.

By Mr. RANDALL: Petition of certain citizens of Philadelphia, protesting against the passage of the bill authorizing certain foreign-built steamships in the service of the International Navigation Company to be registered as vessels of the United States—to the Committee on American Ship-building and Ship-owning Interests.

Also, memorial of the Local Assembly No. 2968, Knights of Labor, of the city of Philadelphia, in favor of the construction by the General Government of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Local Assembly No. 3849, Knights of Labor, of Philadelphia, favoring the Hennepin Canal—to the same committee.

By Mr. RYAN: Memorial of Local Assembly No. 4089, of Knights of Labor, of Burlingame, Kans., for the Hennepin Canal bill—to the same committee.

By Mr. SEYMOUR: Petition of Elizabeth Louis, for a pension—to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill appropriating $50,000 for the improvement of Big Coal River, in West Virginia—to the Committee on Rivers and Harbors.

Also, a bill appropriating $25,000 for the improvement of Elk River, West Virginia—to the same committee.

Also, a bill appropriating $25,000 for the improvement of Gauley River, West Virginia—to the same committee.

Also, a bill appropriating $25,000 for the improvement of Greenbrier River, West Virginia—to the same committee.

By Mr. STEELE: Petition of O. W. Sanger and others, of Pleasant Plain, Ind., and of L. W. Bowers and 35 others, of Wabash, Ind., asking for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. E. F. STONE: Memorial of the Knights of Labor of Gloucester, Mass., in favor of a harbor of refuge at Sandy Bay, Rockport, Mass.—to the Committee on Rivers and Harbors.

Also, memorial from Knights of Labor of Haverhill, Mass., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. STRAIT: Petition of Mrs. R. S. Smith and many others, of Minneapolis, Minn., praying that the Constitution be so amended as to allow women the right of suffrage—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Red Wing, Minn., praying for the speedy enactment of a law to prohibit common carriers and transportation companies from unjust discrimination—to the Committee on Commerce.

By Mr. TAULBEE: Petition of J. G. Trimble, for relief—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of P. E. Parker, for relief—to the Committee on Claims.

By Mr. ZACH. TAYLOR: Paper in the claim of Mrs. Anna J. Saunders and Mrs. Lou Thornton, heirs of Asbury Hullum, deceased, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. THOMPSON: Petition of William Green, for an invalid pension—to the Committee on Invalid Pensions.

Also, fifteen petitions, numerously signed, of citizens of the twelfth Congressional district of Ohio, in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. THROCKMORTON: Remonstrance of shippers of live stock from Cooke County and from Collin County, Texas, against the passage of House bill No. 1715—to the Committee on Commerce.

By Mr. TURNER: Petition of J. M. Hatchell, county school commissioner, and 23 others, of Clay County, and of J. H. Powell, county school commissioner, and others of Mitchell County, Georgia, for Federal aid to common schools—to the Committee on Education.

By Mr. WADE: Petition of L. B. Hearrell and of Thomas V. Atchley, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WAKEFIELD: Petition of 49 members of the Minneapolis (Minn.) Woman Suffrage Association, for a constitutional amendment granting suffrage to women—to the Committee on the Judiciary.

By Mr. WEST: Papers in the case of Delia Snyder, widow of Peter Snyder, late Company H, Fifth New York Heavy Artillery—to the Committee on Invalid Pensions.

Also, papers in the case of Esther P. Hutchinson, for relief—to the same committee.

By Mr. WHEELER: Petition of John P. Bynum, administrator of Robert Bynum; and of Whitewell R. N. Newsom, of Calvert County, Alabama, for payment of war claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition of Francis F. Fritz, for an invalid pension—to the Committee on Invalid Pensions.

Also, resolutions of J. H. Hunter Post, 123, Grand Army of the Republic, for a pension to Elizabeth Sirwell—to the same committee.

By Mr. MILO WHITE: Memorial of the Board of Trade of the city of Red Wing, Minn., for an interstate-commerce bill—to the Committee on Commerce.

By Mr. WHITING: Petition for a national bankrupt law, by the Massasoit Paper Company and others, of Holyoke, Mass.—to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Mrs. Lucy J. Duncan, late widow of George W. Berry—to the Committee on War Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. CANNON: Of S. Baxter and others, of Murdock, Illinois.

By Mr. FUNSTON: Of Aubrey Grange, of Johnson County, Kansas.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the

District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. HOUK: Of citizens of Knox and Blount Counties, Tennessee.

By Mr. RYAN: Of citizens of Lyon, Osage, and Woodson Counties, Kansas.

By Mr. A. C. WHITE: Of citizens of Steele and Wabasha Counties, Minnesota.

SENATE.

TUESDAY, *March* 30, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented memorials of Knights of Labor of Kent and Washingtonville, in the State of Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Canton, Ohio, praying that liberal appropriations be made for works of public improvement, and especially the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MCMILLAN presented a petition of the city council of Lake City, Minn., praying that an appropriation be made for the completion of the harbor of refuge at that place; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa. I have had transmitted to me, with a request to present it to the Senate, a memorial prepared by a committee appointed by the convention of postmasters held in Chicago February 15 and 16, setting forth the grievances of postmasters of the third and fourth classes. I present the memorial, and inasmuch as this is a subject which undoubtedly will be urged on the attention of Congress with some force and as of very considerable merit, I ask that it may be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Chair is informed that the memorial is already printed in the RECORD of to-day in the proceedings of the House of Representatives of yesterday.

Mr. WILSON, of Iowa. It was desired to have it in the RECORD. It is news to me that it is already in the RECORD.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Post-Offices and Post-Roads, without the order as to printing.

Mr. WILSON, of Iowa. I wish to say that the memorialists desired also to have it in the proceedings of the Senate in the RECORD.

The PRESIDENT *pro tempore*. Does the Senator desire to have an order made that it be printed in the RECORD?

Mr. WILSON, of Iowa. I will not urge it if it has already appeared there. Has the memorial been referred?

The PRESIDENT *pro tempore*. It has been.

Mr. WILSON, of Iowa. I present a memorial of Local Assembly No. 1474 of Knights of Labor, of What Cheer, Iowa, in opposition to the repeal of the mechanics' lien law of the District of Columbia. Although it is addressed to me personally, it is undoubtedly intended for the consideration of the Senate. I ask that it be received, and move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a memorial of Knights of Labor of Boone, Iowa, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HAWLEY presented petitions of Knights of Labor of Bridgeport, Derby, and Colchester, in the State of Connecticut, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. INGALLS presented a memorial of Knights of Labor of Weir, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRISON presented the petition of Messrs. Combz & Gray, of Memphis, Indiana, praying for an extension of their patent on hominy-mills; which was referred to the Committee on Patents.

He also presented a memorial of Knights of Labor of Wabash, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented the petition of Sarah E. Thompson, widow of William M. Thompson, late private of Company H, Eightieth Regiment Indiana Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of E. S. Nixon & Son and other florists of Chattanooga, Tenn., praying for a reduction of postage on seeds, plants, bulbs, &c.; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON. I present a number of petitions sent to my colleague [Mr. MITCHELL], who is absent on account of sickness. I move that they lie on the table.

The following petitions, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction, were ordered to lie on the table:

Petition of 8 clergymen, 6 physicians, 7 teachers, 82 business men, and 60 officers of temperance and other societies of Bucks County, Pennsylvania;

Petition of 30 clergymen, 10 physicians, 23 lawyers, 41 teachers, 107 business men, and 35 officers of temperance and other societies of Huntingdon and Franklin Counties, Pennsylvania;

Petition of 20 clergymen, 3 physicians, 4 lawyers, 81 teachers, 84 business men, and 32 officers of temperance and other societies of Erie County, Pennsylvania;

Petition of 15 clergymen, 5 physicians, 1 lawyer, 23 teachers, 78 business men, and 25 officers of temperance and other societies of Crawford and Butler Counties, Pennsylvania;

Petition of 15 clergymen, 21 physicians, 9 lawyers, 33 teachers, 141 business men, and 41 officers of temperance and other societies of Jefferson, Forest, Clarion, and Armstrong Counties, Pennsylvania;

Petition of 26 clergymen, 13 physicians, 17 lawyers, 41 teachers, 137 business men, and 17 officers of temperance and other societies of Beaver County, Pennsylvania; and

Petition of 1,297 citizens of the District of Columbia.

Mr. CAMERON presented a petition of Knights of Labor of Mauch Chunk, Pa., praying that liberal appropriations be made for works of internal improvement, and especially the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Chester County, Pennsylvania, praying for the appointment of a commission of inquiry as to the liquor traffic in the several States and Territories; which was ordered to lie on the table.

Mr. VOORHEES presented a petition of citizens and ex-soldiers of Monticello, Ind., praying for the passage of Senate bill No. 927, increasing the pension of soldiers who lost a limb in the service; which was referred to the Committee on Pensions.

He also presented the petition of Jacob Y. Goode, late a private in Company E, One hundred and first Regiment Ohio Volunteers, and other citizens of Jay County, Indiana, praying that the said Jacob Y. Goode may be allowed a pension; which was referred to the Committee on Pensions.

He also presented petitions of Knights of Labor of Frankfort, Goshen, Oakland, Wabash, Boone, Carbon, South Bend, and Michigan City, in the State of Indiana, and a petition of Knights of Labor of Clay County, Indiana, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Moore's Hill, Ind., praying for woman suffrage; which was ordered to lie on the table.

He also presented a petition of ex-Union soldiers, citizens of Indiana, praying for the passage of the bill granting a service pension to soldiers of the late war; which was referred to the Committee on Pensions.

Mr. LOGAN presented a memorial of Knights of Labor of Monmouth, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of Black Hawk Assembly, Knights of Labor, Cordova, Ill., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Black Hawk Assembly, Knights of Labor, of Cordova, Ill., praying for the passage of the bill now pending for the creation of a department of labor statistics; which was referred to the Committee on Education and Labor.

Mr. HOAR presented a petition of Knights of Labor of Somerville, Mass., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HALE presented a resolution of the Knights of Labor of Bath, Me., remonstrating against the passage of what is known as the free-ship bill; which was referred to the Committee on Commerce.

Mr. DOLPH presented a memorial of the Vancouver (Wash.) Board of Trade, remonstrating against the repeal of the present import duty on lumber and coal; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War of January 5, 1886, transmitting estimates for school building at barracks at Fort Leavenworth, Kans., submitted a report, accompanied by an amendment intended to be proposed to the sundry civil appropriation bill making an appropriation of $47,000 for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Military Affairs, to whom was re-

ferred the bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa., reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased, reported it without amendment.

Mr. ALLISON. The Committee on Finance instruct me to report back the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, with an amendment in the nature of a substitute, and I move that the amendment be printed, and the bill, with the amendment, recommitted to the Committee on Finance.

The motion was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 379) for the relief of David Cornpropst;

A bill (S. 469) for extension of pension to Mrs. Ann Leddy; and

A bill (S. 423) granting a pension to Elizabeth Daniel.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1998) for the relief of John D. Ham;

A bill (S. 1382) for the relief of Lydia O. Hutchings;

A bill (S. 1383) granting a pension to Harriet Welch;

A bill (S. 983) granting a pension to Michael Daly; and

A bill (S. 1384) granting a pension to Mathias Wondrak.

Mr. SAWYER. I am also instructed by the same committee, to whom was referred the bill (S. 1385) for the relief of John D. Ham, to report it adversely, it being covered by a bill I have just reported for the same person. I move its indefinite postponement.

The motion was agreed to.

Mr. COCKRELL. I believe the House bill was reported favorably in that case.

Mr. SAWYER. No; there were two Senate bills introduced on the same subject, but they were a little different. There was no difference in the amount, but in the description. We reported the one that was properly described favorably and the other adversely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19) for the relief of David C. Paullus;

A bill (H. R. 225) granting a pension to Daniel Connolly;

A bill (H. R. 618) granting a pension to James Morgan;

A bill (H. R. 443) granting a pension to Susan Woolley;

A bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold;

A bill (H. R. 1568) granting a pension to Nathaniel Taylor;

A bill (H. R. 1474) granting a pension to Mary C. Colby;

A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 613) for the relief of Catherine Collins;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;

A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;

A bill (S. 652) granting a pension to Dillon Bridges;

A bill (S. 789) granting a pension to John S. Williams;

A bill (S. 612) granting a pension to William Weightman;

A bill (S. 651) granting a pension to Benjamin F. Shields;

A bill (H. R. 4118) granting a pension to Frank Lightner;

A bill (S. 1249) for the relief of the heirs of Michael O'Brien; and

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 598) granting an increase of pension to Charlotte D. Crocker, moved its indefinite postponement; which was agreed to.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 827) granting a pension to George Clark;

A bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885;

A bill (H. R. 1255) granting a pension to Isaac Moore;

A bill (H. R. 2159) for the relief of D. P. Simmons;

A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;

A bill (H. R. 291) granting a pension to George H. Campbell;

A bill (H. R. 788) granting a pension to Jeptha Hornbeck;

A bill (H. R. 3633) granting a pension to E. B. Sweeny;

A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;

A bill (H. R. 1940) granting a pension to Louisa J. McFarland; and

A bill (H. R. 1084) granting a pension to Alice S. Holbrook.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 2002) granting a pension to Betsey A. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2003) granting arrears of pension to Mrs. Betsey A. Mower; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2004) authorizing the transmission of weather reports, storm and flood warnings, and the announcement of the approach of cold waves through the mails free of charge; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLAIR introduced a bill (S. 2005) granting a pension to Mary J. Nottage; which was read twice by its title, and referred to the Committee on Pension.

Mr. VOORHEES introduced a bill (S. 2006) for the relief of Nathan Branson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 2007) authorizing the reduction of taxes, interest, costs, and penalties, in certain cases, in the District of Columbia, in which the taxes, interest, &c., amount to more than the assessed value of the property against which the taxes have been levied; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2008) to change the names of certain streets in the city of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. INGALLS. I should like to have the memoranda accompanying the bill printed also.

The PRESIDENT *pro tempore*. That order will be made.

Mr. HARRISON introduced a bill (S. 2009) granting a pension to David A. Ireland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2010) granting a pension to William Jumper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2011) for the relief of John H. Haythorn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2012) for the erection of a monument to the late Abraham Lincoln; which was read twice by its title, and referred to the Committee on the Library.

Mr. JONES, of Arkansas, introduced a bill (S. 2013) for the relief of Harriet A. Womack, administratrix; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2014) for the relief of the estate of William Moss, deceased; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. LOGAN, it was

Ordered, That Catharine M. Pritchard have leave to withdraw the papers in her case from the files of the Senate.

On motion of Mr. HAWLEY, it was

Ordered, That Hiram Buckingham have leave to withdraw from the files of the Senate the papers relating to his claim, no adverse report having been made thereon.

SPOKANE, PEND D'OREILLE, AND CŒUR D'ALENE INDIANS.

Mr. VOORHEES. I offer a resolution, and ask for its present consideration if there be no objection.

The Secretary read the resolution, as follows:

Resolved by the Senate, That the Secretary of the Interior be, and he is hereby, requested to furnish to the Senate with as little delay as practicable copies of all correspondence or petitions on file in his Department between the upper and middle bands of the Spokanes, the lower bands of the Pend d'Oreilles, and the Cœur d'Alene Indians, or of any Indian agent or other person in their behalf or representing them, with the authorities of the United States touching the subject-matter of the removal of said Indians or any of them to any specific Indian reservation in Idaho or in Montana or in Washington Territories; and also in regard to the cession or quitclaim by any of said Indians to the United States of any lands alleged to be heretofore owned or claimed or occupied by them, and also any petition or correspondence in regard to any compensation by the United States alleged to be due said Indians for the cession of such portions of their said lands as are or have been deemed by them not needed for their own Indian reservation purposes.

Mr. DAWES. I suggest to the Senator to say "directed" instead of "requested."

Mr. VOORHEES. I accept the suggestion of the Senator from Massachusetts, and use the word "directed" instead of "requested."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The Senator from Indiana changes the word "requested" to the word "directed." That modification will be made if there be no objection. The question is on the resolution as modified.

The resolution as modified was agreed to.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling

treaty stipulations with the various Indian tribes for the year ending June 30, 1887, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

KANSAS AND ARKANSAS VALLEY RAILROAD.

Mr. PLATT. When the Calendar Order of Business 191 was before the Senate some days ago, being the bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes, I made some remarks upon it. I shall desire when the bill is taken up again to submit an amendment to it. Perhaps it is fair that persons interested in the railroad should have notice of the amendment. I therefore ask now that the amendment may be received and printed as an amendment intended to be offered to that bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut submits an amendment intended to be proposed to the bill named by him, and asks that it be printed and laid on the table. That order will be made if there be no objection.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed and the Calendar is now in order.

Mr. LOGAN. I move to take up the bill which was under consideration yesterday, being the bill (S. 777) to increase the efficiency of the Army of the United States.

The motion was agreed to.

NEBRASKA LAND DISTRICTS.

Mr. VAN WYCK. I ask the consent of the Senator from Illinois and the indulgence of the Senate to take up and put upon its passage the bill (S. 1487) to establish two additional land districts in the State of Nebraska. The bill has the concurrence of the Committee on Public Lands and also of the Interior Department. There will be no opposition to it.

Mr. LOGAN. Very well.

The PRESIDENT *pro tempore*. Pending the consideration of the bill taken up on motion of the Senator from Illinois, the Senator from Nebraska asks unanimous consent of the Senate to proceed to the consideration of the bill named by him.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1487) to establish two additional land districts in the State of Nebraska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 58) authorizing the printing of a naval report; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 813) for the relief of George S. Storrs, of Texas;

A bill (S. 812) granting a pension to Mrs. E. A. Benham;

A bill (H. R. 81) granting a pension to Margaret B. Harwood; and

A bill (H. R. 1557) for the relief of David W. Jones.

WILLIAM P. RANDALL.

Mr. DAWES. I ask unanimous consent to take up the bill which has just been returned to the Senate and dispose of it.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield the floor for that pupose?

Mr. LOGAN. If it will not create any discussion I shall do so.

Mr. DAWES. If it does I will withdraw it.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, which had passed the Senate with amendments and is now returned from the House of Representatives on the request of the Senate.

Mr. COCKRELL. The amendments made to that bill in the Senate were made on my suggestion, not recalling at the time that Lieutenant Randall was already an officer in the Navy and on the retired-list. I therefore desire that the amendments may be disagreed to.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the bill was passed will be reconsidered, and the vote by which the amendments were ordered to be engrossed and the bill to be read a third time will be reconsidered. The Chair hears no objection.

Mr. COCKRELL. I ask that the Senate recede from the amendments.

The PRESIDENT *pro tempore*. If there be no objection the amendments will be disagreed to. There are three amendments.

Mr. COCKRELL. They are all to the same effect.

The PRESIDENT *pro tempore*. The several amendments made to the bill in the Senate are disagreed to, and the bill stands passed.

Mr. DAWES. Does the bill stand as passed now?

The PRESIDENT *pro tempore*. The bill stands passed without amendment.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 58) authorizing the printing of a naval report was read twice by its title, and referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 29th instant, approved and signed the following acts and joint resolution:

An act (S. 32) for the relief of Mrs. Lizzie D. Clark, of New Orleans;

An act (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, and Ida A. Richardson, and Caroline Augusta Urquhart;

An act (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison;

An act (S. 877) for the relief of Robert H. Anderson, of the State of Georgia;

An act (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864; and

A joint resolution (S. R. 39) to authorize the printing of the proceedings in Congress in accepting the statue of the late James A. Garfield, President of the United States.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. The military bill will now be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on Mr. HALE'S motion to strike out section 2 of the bill.

Mr. LOGAN. Mr. President, in continuation of what I was saying yesterday when the Senate proceeded to the consideration of executive business, I desire to call attention to one or two statements made yesterday by the Senator from Colorado [Mr. TELLER], and to call his attention also to the fact that he stated that the request for an increase of this number of men had not been made by any Executive Department or any general of the Army or by any one except the Military Committee of the Senate. I believe that was the language, substantially so at least. I have not looked over the Senator's speech in the RECORD, but I made a memorandum of the remark at the time.

In order to settle that question, and that Senators may speak advisedly when they discuss this matter, I will call the Senator's attention to the report of the Secretary of War, Mr. Endicott. On page 7 of his report he says:

> The Lieutenant-General commends to careful consideration the policy of concentrating troops and putting large garrisons in the vicinity of large cities as a measure of economy—

Not for the purpose that Senators would intimate as the purpose for which troops were to be brought into large cities, but "as a measure of economy." The Secretary of War continues—

> the present railroad facilities being ample to transport them to the frontier speedily when needed; and also again recommends the addition of two companies and two majors to each regiment of infantry, and thus make the three arms of the service uniform. In both these recommendations I concur. The reasons for the last are given in the report of the Secretary of War for 1883, as follows.

Now, the Secretary of War says he concurs in the recommendation of the Lieutenant-General of the Army that two new companies be added to each regiment. If that is not a recommendation for the increase of the Army I can not understand the English language. Following on, the Secretary of War says:

> General Sherman calls attention to and renews a former recommendation that a new organization be adopted for the regiments of infantry, so that each shall be composed of twelve companies, making three battalions, of four companies each, each company having one hundred men; and that in time of peace two of these battalions shall be maintained on a perfect war footing, while the other battalion may be a mere skeleton, with its complement of officers, and be used as a nucleus for recruits. The great advantage of this change, as suggested by the General, is the important one of being able to put a large and effective force in the field upon short notice by merely enlisting a sufficient number of additional private soldiers, the officers and organization being always ready to receive them.

With two companies added to each regiment of infantry, there being twenty-five regiments of infantry, and each company to have one hundred men, it seems to me that would make five thousand men. There is the recommendation of the General of the Army, who is retired, the recommendation of the present General of the Army, and the recommendation of the present Secretary of War as well as former Secretaries of War.

Now, I desire to call the attention of Senators, if I can have their attention, to some of the gross errors that Senators fell into yesterday in their statements made in reference to the cost of the Army. It was stated by Senators who ought to know, not intentionally of course, that each regiment cost a million dollars per annum.

Mr. MANDERSON. A thousand dollars per man per annum.

Mr. LOGAN. A thousand dollars per man, being $1,000,000 per regiment, that sum being applied solely to the expenses of the regiment. In fact the Senator from Kansas left the impression on the minds of every one—certainly that would be the impression on the minds of the people of the country, who would not examine this question very carefully, probably, that that was the pay of the regiment; that is to say, that a regiment in their pay, clothing, and rations would cost a thousand dollars per man.

Now, I ask Senators to take their pencils and figure for a moment and see how absurd such a statement as that is. A private soldier receives $13 per month in pay. Count that pay and see how much it is. He receives a ration per day. A ration costs 20 cents. Count that up. He receives clothing valued at $3 per month, making $36 per annum. That is the pay of a soldier. How much does it amount to altogether? Two hundred and sixty-five dollars per annum. Yet we were told yesterday that five thousand men would cost this Government $5,000,000, and the Senator from Kansas said at one time that five thousand men would cost $7,000,000. We will make the cost $265 per annum for a soldier. Count that up so as to be sure. For the five thousand men then the cost would be pay to the soldier, counting that at $16 per month, as it would be under this bill——

Mr. PLUMB. Besides that, the pay is increased by length of service.

Mr. LOGAN. That is a different proposition. I am speaking of the soldier as enlisted. Of course, after serving for a certain length of time his pay is increased a dollar, but the enlistment and cost per annum of these men would, at $16 per month, make $1,500,000. As I said yesterday, it is very easy for a person to make this mistake if he does not look into the items carefully.

Now, let me give to the Senate the items of cost in reference to the Army. Pay of officers and enlisted men, $12,205,000. That is the pay of the officers and enlisted men composing the forty regiments of cavalry, artillery, and infantry and the engineer battalion. Rations of enlisted men, $1,800,000. Clothing of enlisted men, $1,250,000. Making the expense of the Army for pay, rations, and clothing $15,255,000.

Where does the balance of the $25,000,000 that the Army costs go? It is for transportation, which item is necessary anyhow; it is for work on barracks; it is for the military establishment at West Point; it is for the expense of the War Department and War Office. So whether these five thousand men are enlisted in the Army or not, the expense of the Military Academy will go on; the expense of the War Department will go on; transportation will go on; improving barracks will go on; building posts and forts will go on; so that it cuts no figure whatever so far as the extra expense is concerned that is worth reckoning.

I have been in the habit of treating, and wish at all times to treat, all measures with fairness. I care not from what committee or from whom they come. Fairness is a jewel in all things. To undertake to defeat a bill by misstatement, by misrepresentation, by false figuring, and everything of that character is certainly not a fair mode of treating a bill before the Senate or any deliberative body.

How is it possible for any man conversant with the expenditures of the Government to make the cost of five thousand private soldiers to be $5,000,000? I can not understand it. Yet that is the statement made here, and reiterated over and over again.

Let me go a little further with this, sir. Let me call the attention of the Senate for a moment to a few items charged up against the five thousand men the bill proposes to have enlisted for the purpose of increasing the efficiency of the Army. The expense of the commanding general's office, contingent expenses of the Adjutant-General's Department, barracks, and quarters, transportation, transportation of Army supplies, &c., medical and hospital department. Will any Senator say that this five thousand increase will proportionately increase the expense of the War Department, of the West Point Military Academy, of the medical department, or any of the departments of the War Office?

I had a letter from General Sheridan read yesterday morning; but, inasmuch as it was read in the morning and not commented upon by the Senators who addressed the Senate in opposition to the passage of the bill, I desire to call again the attention of the Senate to the fact that he recommends the enlisted strength of the Army be increased to thirty thousand men. He says:

> I have the honor to direct your attention to a paragraph in my last annual report, which as it is my only military recommendation emphasizes my opinion of the advisability, where I recommend the increase of the number of men in the companies, and the addition of two companies to each regiment.

There is the recommendation of the Secretary of War, the recommendation of the General of the Army who is retired, the recommendation of the present General of the Army, the recommendation of General Schofield, and recommendation after recommendation by the Secretary of War preceding the present Secretary, and the Generals of the Army. So the assertion made by the Senator from Colorado that this bill had its recommendation in the committee alone, and not from any Executive Department, was made without due consideration or examination.

But I pass from that for the present to the consideration of the bill. I shall take up section by section the sections which have been opposed, so that persons who wish to examine into the merits or demerits of the bill can understand its provisions. I call attention to the first section. That section provides:

> That hereafter, in time of peace, all offenders in the Army charged with offenses now punishable by a regimental or garrison court-martial may be brought before a summary court, which shall consist of a commissioned officer of the line second in rank at the post or station of the offender, and who shall hear and determine the offense and adjudge the punishment that shall be inflicted, and shall also make a record of his proceedings and submit the same to his post commander, who, upon the approval of the proceedings in the case, shall order the execution of the sentence, and shall forward the record to the department headquarters for examination and file in the office of the judge-advocate of the department: *Provided*, That the punishment in such cases be limited to that authorized to be inflicted by a regimental or garrison court-martial.

Inasmuch as there may be some question in reference to this matter I desire to call the attention of the Senate to the object of this provision in the bill. In article 83 of the Articles of War, in the chapter of the Revised Statutes on the subject of the Army, the following will be found:

> Regimental and garrison courts-martial, and field-officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any non-commissioned officer or soldier for a longer time than one month.

What is the object of this section of the bill? It is to prevent the innumerable courts-martial we find now in the Army. I suppose the Senate will be very much surprised when I give the number of courts-martial of men and officers during the last year. In the report of the Secretary the following will be found:

Department of Arizona	682
Department of California	691
Department of the Columbia	1,077
Department of Dakota	2,177
Department of the East	1,840
Department of the Missouri	2,267
Department of the Platte	1,876
Department of Texas	1,151
Inferior courts-martial convened by commanders of corps under the eighty-first article of war	90
Total	11,851
Tried by general courts-martial	2,328
Total number tried by courts-martial	14,179

Mr. DAWES. More than half.

Mr. LOGAN. Yes, more than half the soldiers are included in trials by general courts-martial and by inferior courts-martial under the Articles of War, trials for certain character of offenses denominated in the Articles of War; the others, garrison, regimental, and different characters of courts-martial.

I have tried to obtain a statement as to the expense incurred by these courts-martial during the last year, but have been unable to do so, but I find only the mileage of witnesses and other expenses incident to it, without calculating the heavier expenses. That which I have obtained amounts to $14,000.

The object of the bill is to do away with the assembling of officers every day in the year to try minor offenses such as would confine a poor soldier in the guard-house for a week or ten days, such as would deprive him of a month's pay, such as would not imprison him longer than one month, which are more numerous in the detailed statement of these courts than any other.

Some persons may say that the soldier is entitled to a trial by court-martial. What is a trial by court-martial of a soldier who merely commits some slight offense? It is merely calling officers together to say that he should go into the guard-house for a month, or that he shall have his pay reduced two weeks, three weeks, or a month; and that is all.

So it is not for a serious offense, it is not for a felony, it is not for a heinous crime; it is just such a case as in our States justices of the peace are given jurisdiction over, some small, minor offenses that we do not wish to carry into the courts for the purpose of making a heavy expense.

In that case we provide that the second officer in command at a post shall be the officer before whom such person may be arraigned—not that he shall be, but that he may be. For instance, the officer in command, if it is a slight offense, instead of assembling a court-martial—and probably he would have to send to other posts for officers—will summon the second officer in command and say, "Here are the charges against this man; he was out last night," or something like that. He hears the case and determines it, and that is the end of it. It is for the purpose of having the case summarily disposed of.

I wish to say to the Senate now that in what little experience I have had in military affairs, for which I do not claim any credit, nor do I claim that it has been extensive, but during the time I served in the Army, far back many years ago—so long ago that I should dislike to state the time—I learned a lesson, and it was that kindness to soldiers and the infliction of moderate punishment instead of severe punishment made the better soldier. When I organized a regiment to enter the Union Army and commanded it for months I never tried a man by a court-martial, and I had a regiment that thought I was at least a fair man. I tried them myself. Every man who committed an offense not punishable with a severe penalty under the Articles of War, I called up before me and put him to chopping wood, or put him on extra duty, or sent him to the guard-house for an hour or for five days. I never had

any trouble with my regiment when I commanded it; and during the whole war I had fewer courts-martial in my command than any man who ever commanded the same number of troops; and yet I think I have had as good soldiers under me as anybody. That was the mode which I adopted. I suggested it to my inferior officers, and they adopted it.

I say that is a better plan to-day for the government of soldiers in the Army than the plan for trying minor offenses by court-martial. Why? Because the immediate officer in connection with the troops knows the character and disposition of the men; he understands their faults, their vices, and their virtues. He knows all about them, and he will deal more generously with them and more kindly and more promptly than a court-martial will do.

For that reason I drafted the first section, and submitted it to some of the leading officers of the Army. Every one of them agreed to it. Several years ago I suggested it to leading officers in the Army and they thought it over. They have written me letters saying it was the true policy and the best one. General Schofield adopts it and writes me a letter indorsing it. General Sheridan adopts it. Every one I have spoken to in the Army adopts it as being the best rule that could be devised for the trial of soldiers for minor offenses.

We discussed yesterday—and I have said about all I care to say in reference to it—the increase of the Army, and the increase of the pay of the private soldiers and the sergeants. I now desire to call the attention of the Senate to another provision in the bill which I desire to explain while I am up. Section 4 provides:

That officers of the Army stationed at military posts apart from settlements may, with the approval of the department commander, each employ one private soldier as a servant: *Provided*, That the consent of such soldier shall be first procured, and that the sum of $20 per month during the period of such employment shall be charged against the officer employing him.

There is a reason for that provision. We find that at many of the posts out in the far West, away from settlement, out in the mountains, and on the plains there is no opportunity for the officers to employ persons as cooks or men to take care of their horses. The law provides that they shall not employ a soldier. They have what is called officers' messes, where a few officers get together and mess, buy their provisions, and employ somebody to act as a cook and as a servant. Often they can not find persons to employ, so that it is a great hardship. But there are many soldiers in the Army who were employed in occupations of that kind prior to entering the service, and who prefer it really to doing the duty of a soldier in the line. It has always been the case, until not long since when a law was enacted prohibiting the use of soldiers as servants in the Army. We provide that where the soldier consents, where it is his desire, he may be so employed. The officer can not employ him at his will, but it must be submitted to the department commander. If the department commander approves then the officer may employ a soldier for the performance of that character of service, and there will be deducted from the officer's pay $20 per month. This is the object of that provision.

Although some Senators think that if you should ask an Army officer for any advice you are sure to get the advice that will be to his interest, and no other, I presume that officers of the Army are like other men. I have always found them so. I do not see that it changes the character or disposition of a man because he becomes an officer of the Army. He may become a little more rigid in discipline, but if he is a gentleman when he enters the Army he will remain a gentleman. If he is an honest man he remains an honest man. If he is a bad man he does not often reform. So if you inquire of the Army officers you will find the universal response that it is impossible on the frontier to employ the necessary service that is required by them and for them, and therefore there are no means by which this service can be performed except through soldiers.

You will find also that it would be better to have a law authorizing it than to find a violation of law. On a campaign against the Indians or any one else, when the officers have to attend to their duties, see to the details in reference to their commands, issue their orders, examine maps, ascertain where they have to go, find out in some way about the enemy, if they are in search of an enemy, an officer has enough to do without turning cook or hostler. He must have somebody. So you find that a soldier will volunteer to do it. You will find that kindness existing between the officer and the soldier always. Therefore it is better to put it in the law and say that he may have this service provided the man is paid for it and it is deducted from the officer's pay, so the Government does not lose the service of the soldier but the Government receives the pay.

Then section 5 provides:

That officers serving away from their stations as members or judge-advocates of courts-martial or courts of inquiry, or as members of military boards, shall receive a per diem allowance of $2.50.

I will state the reason for this. Where an officer is at his post and has his mess he has his provisions. If he travels for the purpose of being on one of these boards, commissions, or courts-martial, he is at extra expense. He goes to a hotel, pays his expense, and, therefore, we propose to allow him $2.50 a day in order to cover his extra expense. Then following, in section 6 we provide:

That the Secretary of War may authorize the employment at the headquarters of military divisions, departments, and districts of civilian clerks in place of the general-service clerks now authorized for such employment, at rates of compensation not to exceed those paid to other civilian clerks employed at such headquarters by officers of the Quartermaster's and Subsistence Departments.

The object of this provision will be readily seen by those who understand it. What is called a service clerk in the Army is where a man enlists as a clerk. He is enlisted in the Army, but he is enlisted for that particular service, for so many years, under military rule and military discipline. We thought it was better to not have that character of clerks enlisted in the Army, drawing rations, high pay, and all that sort of thing, but that we should have clerks employed, provided the Secretary of War thinks proper. It is not compulssry, but it is left to his discretion to have a different character of clerk, that is to say, a civilian clerk, the same that is employed in other departments to perform such clerical duties as book-keeping at headquarters, &c. At least until recently that was the character of service the Army has always had, and we think it is better, and in fact many officers of the Army think it is much better. Then section 7 provides:

That the pay of chaplain shall be, from the 1st of July next, $1,800 per annum.

Perhaps the attention of Senators was not called yesterday to this section, and inasmuch as the raid of certain Senators upon this bill was on account of its extravagance, I now call attention to section 7. Under the law now a chaplain receives $1,500 per annum, yet he has the assimilated rank of captain. We thought it was nothing but fair at least to pay the chaplain the pay of a first lieutenant, and so we increased the pay to $1,800.

Any man who is competent to be a chaplain in the Army ought to be worth $1,800. He gets $1,500, the pay of the lowest commissioned officer in the Army. We thought, according to the rank that was given, for any man who is willing to go into the service as chaplain, taking his family as most of them have to do, having to buy the rations for their families, as a matter of course, they are not drawn from the Government—we thought $1,800 was not more than a fair compensation for those men. They have been complaining for years about their meager allowance. For the reason that they have no promotion, their pay never changes. The pay of second lieutenants commences, say, at $1,500 per annum; when he is promoted to be a first lieutenant his pay is increased, and when he is promoted to captain his pay increases, and so on; but a chaplain receives no promotion; his pay is fixed, and never changes except in the percentage for length of service. Therefore we thought that instead of promoting chaplains we would increase their pay to $1,800 per annum. Then section 8 provides:

That officers of the line, except regimental quartermasters, detailed for duty as acting assistant quartermasters, shall be allowed the same additional compensation as is now allowed by law to acting commissaries of subsistence.

Where certain officers are detailed they are allowed $10 per month. We propose to increase the pay of persons of the same class detailed on the same character of duty to the same amount, to equalize the service; in other words, so that one man detailed shall not receive $10 per month while another detailed to perform service of a similar character shall receive nothing.

Going through the whole bill, the intention of the committee was to equalize the payments and duties of the soldiers and officers of the Army and make the Army as efficient as we could possibly do it by law; and that is all the object there is in this bill.

Then we come to section 9 in reference to fuel, which was discussed yesterday.

Section 10 provides:

That any person who has been ruptured while in the line of duty in the Army or Navy shall be provided with a truss of approved pattern under such regulations as may be prescribed by the Secretaries of War and the Navy, respectively.

My friends who oppose the bill did not refer to any of the sections that I have read this morning. I do not know whether they would be opposed to them or not, but it seems to me that where a man has received this character of injury in the service of his country his country could do no less than furnish him the best class of article that is to be found. Under the law a certain class of soldiers is entitled to have this article furnished by the Government. We provide that the best pattern of improved truss shall be furnished to soldiers and sailors both, where they receive this character of injury. I hope nobody will be found opposed to that.

There is another provision, and as I want to give the Senate the benefit of what little I may know about this bill in reference to every section of it, I call attention to it. Section 11 provides:

That so much of the act making appropriations for the Army approved July 24, 1876, as forbids payment of mileage over land-grant railroads, be, and the same is hereby, repealed.

I do not know whether there will be opposition to that section or not. The object of the section is this: There is a provision in the law that mileage shall not be allowed to officers traveling over land-grant railroads. If any man will give me a reason why an officer should pay his fare on a land-grant railroad and receive no traveling expenses on that any more than on any other railroad, I should like to know what it is.

Mr. ALLISON. May I interrupt the Senator?

Mr. LOGAN. Certainly.

Mr. ALLISON. I think that provision of law was not intended to interfere with the proper mileage of officers.

Mr. LOGAN. But it does.

Mr. ALLISON. I desire to have the Senator explain that section in the bill. It was supposed that land-grant railways were obliged to carry the troops and munitions of war. The Government had reduced rates, and I think the War Department fixed 50 per cent. So the object of that statute, as I remember it, was to enable the Government to provide transportation for Army officers while traveling upon duty and receiving on that account from the railways what the original law upon the subject required. Will the Senator explain why the change is now proposed to be made?

Mr. LOGAN. The change is made for this reason: You allow an officer traveling under orders mileage. That is the law.

Mr. ALLISON. But the mileage is intended to cover the cost of transportation. For two years the actual cost of transportation was paid by Army officers. Then mileage was restored. It was supposed that when an officer presented himself to a land-grant railway he was entitled over that road to receive transportation, and that the transportation would be a substitution for the mileage allowed under the law.

Mr. LOGAN. But that is not the way the law is construed. He does not receive it, no matter what was supposed. The law is construed that an officer traveling over a land-grant railroad pays his fare the same as he does when traveling over any other railroad, and when he comes to settle with the quartermaster or paymaster he is not allowed mileage for his traveling expenses.

Mr. ALLISON. He is allowed expenses.

Mr. LOGAN. No, not at all; he is allowed nothing. When an officer is under orders and must travel on a land-grant railroad I can not understand why he, performing a duty in obedience to an order, should not receive his mileage the same as if traveling anywhere else over any other road, on a steamboat, or anywhere else. It is different where an officer is traveling with troops. I am speaking of the case where an officer is traveling under orders without troops.

Mr. ALLISON. May I interrupt the Senator again?

Mr. LOGAN. Certainly.

Mr. ALLISON. The object of mileage, as I understand it, is to provide transportation for officers traveling on duty, and the mileage provision was inserted in order to avoid a complication of accounts. An officer simply certifies to the number of miles he travels. So the mileage was intended to cover the cost of transportation. The law which is proposed to be repealed was intended to provide that in lieu of mileage over a land-grant railroad actual transportation should be furnished. If the mileage amounts to more than the actual transportation then to that extent the officer sustains a loss, but if the transportation is equal only to the mileage then it makes no difference to the officer whether he receives mileage or transportation.

Mr. LOGAN. It makes a good deal of difference to an officer whose duties are all along land-grant railroads, where he receives no mileage at all, when an officer just 50 miles across whose duties are on roads that are not land-grant railroads receives his mileage. It makes a distinction between the two officers. One receives mileage for all his travel, and the other receives nothing; and why this discrimination should be made against an officer I can not understand. I am not objecting to the provision in general, for I think it just. It is only that part as applying to officers of the Army that it is proposed to repeal, so that an officer of the Army traveling under orders without troops, no matter where he travels, the intention of the law is that he shall be entitled to his mileage, the same as a Senator traveling from here to his home. I suppose that the law allowing a Senator mileage to Oregon does not deduct his mileage while he travels over a land-grant railroad.

There is one thing very true, that members of Congress and all civilian officers, marshals, and everybody entitled to mileage receive their mileage over a land-grant railroad the same as over any other character of road. If that be so, I ask why this burden is imposed alone upon the officers of the Army? I can not understand it, and I hope that this section will not be objected to by the Senator from Iowa, because it is fair, it is just and right.

Section 12 is merely intended to change the character of the language of the section of the Revised Statutes in reference to the mode of punishment. Section 13 provides:

That the Secretary of War be, and hereby is, authorized to cause the enlistment of competent instructors for post schools, who shall have the rank and pay of ordnance sergeants.

That was commented on yesterday by the Senator from Kansas, and in my reply to him I thought it strange that this objection should be made. Section 14 provides:

That commissioned officers of the Army on the active-list are hereby authorized to make deposits of money with any Army paymaster, not to exceed one-half pay in any one year; and all the provisions and restrictions of the act of May 15, 1872, "establishing a system of deposits," are hereby made applicable to such deposits: *Provided*, That officers are hereby authorized to withdraw their deposits on the completion of each and every term of three years' service from the date of their first deposit under this act.

Of course around large cities, where there are banking institutions, officers would not do this, but at far-off posts, when the paymaster comes around, when there is no reason for their expending their money, especially the younger officers, it is an inducement to them to give their money, or a portion of it, to the paymaster and let it be credited to them in the Treasury of the United States, and at the end of three years they may draw it out with 4 per cent. interest. A similar provision is applicable to enlisted men. Enlisted men are entitled to deposit their pay with the paymaster or in the Treasury of the United States; they draw 4 per cent. on it, but they can not receive the amount in return until the term of their enlistment expires.

This system has worked well. It has induced many soldiers in the Army to save their earnings, deposit them with the Government, and at the end of their term the soldier has a sum that is really enough sometimes to buy him a little home and to soften the hardships that he would endure should he come out of the service penniless. It is found to be an excellent system; it works well in connection with soldiers of the Army.

So, it having worked well with the soldiers of the Army and being recommended by the Paymaster-General and by other officers of the Army, the committee thought that they would apply it to Army officers, provided the Army officers desired to take the benefit of it. One section which the Senator from Kansas commented on very severely was section 16. That section is as follows:

That hereafter the inspections made of paymasters' accounts, offices, their duties, &c., shall be made by officers of the Pay Department detailed for that purpose, on the recommendation of the Paymaster-General, by the Secretary of War, such detail among paymasters not to be continued for more than one year; other paymasters shall be detailed, and so on, in each year alternating the detail.

As I said yesterday, if that section is objectionable in its present shape, I am perfectly willing to amend it so that there shall be an additional inspection, for that is the intention of it. A man who understands paymaster's accounts as a paymaster does is better qualified to inspect them than a man who knows nothing about keeping accounts.

But the Senator from Kansas objected because under this system a man by the name of Hodges perpetrated a defalcation. I presume that Hodges would have perpetrated that defalcation under any character of inspection, for this reason, and the Senator I hope approves it when I call his attention to it: The Military Committee reported a bill to the Senate, which was passed and is a law now, providing against exchanging of checks, which I am told at that time caused the defalcation. It was the manner of then doing the business. The inspector could not detect it, because one paymaster when another one was going to settle his account on a certain day might give in his check for a certain amount, and he settled by that check, and then he rechecked back again, and settled with him. In that way they balanced the accounts and the defalcation occurred under this system. That system has been changed. But the Senator from Kansas was mistaken. I have a report from the Paymaster-General in which he says:

There have been two defalcations, and two instances of misuse of public funds in the Pay Department since the Hodges defalcation, and these were not discovered under the present system of inspection.

So the mere charge that a paymaster would not inspect as well as somebody else for fear that he might be inspected the next year, has no very great weight in my judgment. It is only the character of criticism that has been made all along so far as this bill is concerned.

As I said, I am perfectly willing, if that section is not satisfactory to the Senate, to make an amendment to it that will make it satisfactory, because I deem it very important.

I was very sorry yesterday to hear the character of remarks that were made by certain Senators in reference to the Army. Why should Senators speak of the Army in other terms than it deserves? Why should a soldier, because that is his profession, who is at all times ready to perform his duty toward his Government, be unsparingly and unnecessarily criticised? I can not understand it. I have no heart for such a case as this. I am willing that criticism should be made where criticism is deserved, but when made merely without cause, without reason, and unjust in every particular, I do not admire it. Now, let me read for a moment. "The Senator from Illinois," he said, speaking of myself, "was willing to expend from six to seven million dollars" for what? "For show." And then he said:

Done for show! Six or seven million dollars added by the bill to our expenses just simply in order that there may be more frills and furbelows, more pompons and cockades and shoulder-straps and stripes and so on, more of the glitter and tinsel of military life at a cost of six or seven million dollars a year!

More show, more tinsel, more everything connected with the Army, at a cost of $6,000,000 or $7,000,000! The Senator does know, for he is not an ignorant man, that that statement has no foundation in fact. He does know that it will cost no such amount, nor a third of that amount. He does know that it is not for tinsel nor for show that this proposition is made.

In response to a remark that I made about the meagerness of some of the companies, that the officers themselves took no delight in exhibiting themselves before the public, he said that instead of the officers being ashamed on account of the orgaaization and its paucity in numbers the soldiers are ashamed of their officers, and he agrees with them.

Mr. PLUMB. Please read what I did say about that.

Mr. LOGAN. I will, if I can find it. I presume I can. If the Senator will call my attention to the paragraph I shall read it with great pleasure.

Mr. PLUMB. Quote correctly if you quote at all.

Mr. LOGAN. I do not know whether I can find it. I remember what the Senator said. Is not that what he did say?

Mr. PLUMB. I said they were ashamed of officers who deserted them and left their command.

Mr. LOGAN. I did not so understand the Senator, but he may have said that. I must confess I have not read the Senator's speech. I think it was a very able one. If the Senator will find that paragraph for me I will read it.

Mr. PLUMB. Not at all. You quoted it and you can take the responsibility.

Mr. LOGAN. That is not very kind. I do not want to misquote the Senator. I will find it, however, and read it so as to have it correct. That was the substance of what the Senator said.

Now, sir, I say in the presence of this honorable Senate that if the Army of the United States is merely for show, whose officers are to be decorated with tinsel and are of such characters that their soldiers are ashamed of them, then the Senator from Kansas ought to introduce a bill to abolish the whole Army. If it is of the character mentioned, if it is subject to such criticism and character of criticism, it is unworthy the name of an American Army, and should be abolished.

I mentioned yesterday the fact that I thought we ought to have fortified points and places along the Atlantic coast, around the Gulf, covering the mouth of the Mississippi River, and on the Pacific coast. I repeat that, and I say further that if you carry out the scheme proposed by this administration or by its friends—and I do not criticise it—of increasing your fortifications, where are your men to man the guns? Where are they? They are not in the Army. To build the character of fortifications that ought to be erected for the protection of our coast line and our large cities you would have to enlist men in order to man the guns on those fortifications. But fresh soldiers are not the best soldiers. There is no one here who has ever seen service in any army who does not know that the old soldier who learns his duty well is more to be relied upon than the man who does not understand his duty. It has always been so, and always will be so. Say what you will, that remains true.

Let us examine the bill fairly and deal justly with it. If the people of this country desire no army, no navy, that is well. I do not agree with them if that is their view. As I said yesterday, if there is a government now beneath the rays of the shining sun that ought to have an army of at least creditable efficiency it is the Government of the United States.

Sir, the very presence of troops gives peace anywhere where people are not in a state of revolution. The very fact that you have an efficient army, small though it may be, is a fact known to the world and is a protection to that extent. The very fact that you have fortifications covering your points of great interest in this country, on your coast lines, is a notice to the people from everywhere that you are prepared for any emergency. The government that goes unprepared for long years finally finds the necessity comes upon it; that emergency must arise sooner or later. It will not do to say that this country will never be troubled with foreign nations. It will not do to say that this country will never engage in war. I hope to God she never will. I hope that wars may cease throughout the world, and that the benign influence of peace may hover around the people everywhere. That is my desire, but at the same time I have that desire I have the same desire that our Government shall be in a condition to assert its rights and protect itself.

Mr. President, I have said about all that I care to say in reference to this bill. I have many documents that I might read for the purpose of sustaining the proposition in the bill and for the purpose of showing that there is no such intention in this connection as has been attributed to the movers of it. Strange it is, however, that men will insinuate that there is an intention unworthy of its promoters. A newspaper also has been induced to make the same assault upon this bill, though the same proposition has been made year after year, recommended in time of peace, in time of outbreak, persistently recommended by the War Department and the generals of the Army. To attribute motives to it now different from what is designed strikes me as being unworthy of honorable Senators.

Now, sir, whatever may be the fate of the bill I have at least tried to do my duty toward my country in reference to it by giving them a warning that our Army and Navy ought to be in better condition than they are to-day, and that the paltry sum asked for in this bill should not stop or stay the hand for a moment from making preparation and giving efficiency to our little Army. No, sir, extravagant statements may go out to the country, extravagant criticisms may also go out for the purpose of preventing justice being done the little Army that now belongs to this Republic, but the time will come when the people of this country will appprove of the attempt that is now made in the Senate to give efficiency to the Army of the United States.

Mr. TELLER. Mr. President, I do not intend to discuss the general details of the bill, nor to discuss it at any very great length, and while I address the Senate I shall endeavor to keep my temper. I do not myself see any occasion for heat or excitement in discussing a question or this kind. I believe it is the right of every Senator if he disapproves of a bill to make his objection known to the Senate. It is true he may not do it in the dignified way in which the support of the bill has been carried on by the Senator who reported it. It may be that the opposition is in error, and it may be that that opposition is discreditable to the Senate, but every man is expected to present his case as best he may. It can not be expected that every one will present his case with the courtesy and urbanity and ability of the chairman of the Committee on Military Affairs when he presents a matter to the Senate. His long experience enables him to do those things, keeping always in sight all the ethics of Senatorial courtesy. He of course can not expect the rest of us to do that.

The main answer the Senator made to my objection to the bill yesterday was that on some great occasion, when a large number of soldiers were parading, showing the signs of service, at which of course the honorable Senator was present, he did not observe my face. Mr. President, I was not there. I have never made any boast of having been in the Army. I have never made this Chamber ring with the statements of the service I had rendered to the country, either in the Army or anywhere else. We all know that the Senator from Illinois was in the Army. We are not likely to forget it, for if the Senator should fail to remind us of it on every occasion, the very change in his methods of treating us in the Senate would call our attention sharply to the fact.

I think it is a merit to have been in the Army. I concede that to the distinguished chairman of the committee. I concede that he was a distinguished soldier, and when it comes to questions of detail regarding a bill of this character I yield my judgment to his. But I have yet to learn that service in the field has anywhere especially qualified men for the discharge of legislative functions. I have yet to learn that in the history of the world the men who have made their mark in legislative life, in the civil forum, have received their education on the tented field. I think that some men may know some things without having been in the Army.

It is not at all strange to me that the honorable Senator assumes to know more of military affairs than I do. I concede it; I yield it. I am sometimes surprised when he claims for himself more information upon this subject than all others who were in the field as well as himself. But yet that is a matter of taste, and I pass on from that to the bill itself.

Mr. LOGAN. Will the Senator allow me? I do not know of any very offensive language that I used toward the Senator to cause him to be so irate or critical.

Mr. TELLER. I am in the best of temper.

Mr. LOGAN. When the Senator says that I am always claiming to know more about military matters than other men, I will say to him that that is an unfair statement, unjust and untruthful, and he knows it.

Mr. TELLER. All right, Mr. President, I will leave the Senator's declaration so oft repeated in this Chamber to answer what he has now said. The Senator says he has not been offensive. Who said that he had been? I believe he commenced this debate with the assertion that there was a combination of Senators here—at least that is the way it is reported—that there was a combination of Senators to fight this bill.

Mr. LOGAN. No, sir, it was not——

Mr. TELLER. He insinuated in his speech——

Mr. LOGAN. The Senator will allow me——

The PRESIDING OFFICER (Mr. EUSTIS in the chair). Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. When I get through the sentence I will yield. He at least insinuated that the opposition to the bill came because he reported the bill. Now, if the Senator wants to make any explanation I will hear it.

Mr. LOGAN. No, sir; I have no explanation to make. I will just repeat what I said, for the Senator has misquoted me. I said that the Senator from Maine [Mr. HALE] received encouragement from other Senators. That was the language I used, and that is the way it is reported; but I did not know that the Senator from Colorado took it to himself, for he had not opened his mouth at that time. But if the shoe fits he can wear it. That is all.

Mr. TELLER. I did not so understand the Senator when he made his remark.

Mr. LOGAN. That is what I said.

Mr. TELLER. I understood the Senator to say when he made his remark—and I believe that is the way it went to the country in the press; of course it was the fault of the press—that there was outside opposition. I understood that it did not refer to me at all; I understood it did not refer to any member of this body, but referred to a gentleman whom it is not perhaps worth while to mention. I looked at the RECORD next morning——

Mr. LOGAN. Will the Senator allow me a word right there? I want to say to the Senator that if there is anything on earth that would induce me to believe there was a desire on the part of some gentlemen in this Senate to cause bad feeling between persons, it is the very remark he has made now. I said nothing, uttered no word in reference to any man outside of this Chamber, nor did I insinuate any such thing, and the Senator ought to know it. His attempt to have it go to the country that I was attacking any man outside of this Chamber or in it is unworthy of the Senator.

Mr. TELLER. Mr. President, I do not know what the Senator said; I know what was in the RECORD.

Mr. LOGAN. That is not in the RECORD.

Mr. TELLER. I know what I thought he said, but of course I was mistaken. I said I understood him not to refer to anybody on the floor. I think other Senators perhaps were also in the same error with myself. We are bound to assume of course that just what appeared in the RECORD was exactly what the Senator said. I am not raising any question of veracity between him and the RECORD. We all understand of course that the RECORD is an exact statement of what everybody says, and that when a man loses his temper sometimes and says things that he would not otherwise say, he does not correct the RECORD—not at all.

Opposition from other Senators! One Senator had spoken, and only one, against the bill; and one Senator had spoken for the bill besides the Senator who reported it. It seems to me, with all due respect to the distinguished Senator from Illinois who reported this bill, that there is an undue feeling on his part of complaint when opposition is made to the bill. There was the insinuation made as I said—I will read it so that it may not be misunderstood:

> My friend from Maine who is absent—and therefore I will not refer to him now—was doubtless encouraged by the opposition of other Senators to make war upon this bill at the start. I know not why. I think good fortune would perhaps have come to this bill more certainly had it been reported by some one else.

Mr. LOGAN. Is there anything there about any outside man?

Mr. TELLER. Ah, Mr. President, that is the way it is in the RECORD. I was only speaking of the impression on the human organs of hearing when I said I understood it differently. That was not the fault of the Senator, of course, but it was my own. Opposition of other Senators making war upon the bill! Why, Mr. President, have not the members of the Senate who do not happen to belong to the Military Committee the right to pass upon so simple a question as the question as to whether it is wise, prudent, and proper in this hour of decreasing revenue and increasing expenditures to add permanently from two and a half to three million dollars to the public expense, without having it said that they are making war upon the bill, or that they are making war upon a gentleman distinguished for his military knowledge and his standing in this Senate?

The honorable Senator said the newspapers talked about this. I believe even the newspapers have intimated that this was a war upon the Senator because of certain supposed aspirations that he might have. How false they are of course everybody must know.

Mr. LOGAN. Now, if the Senator will allow me, as I suppose he wants to be correct——

Mr. TELLER. Certainly.

Mr. LOGAN. I said this morning that certain newspapers had attributed the same motives to me that Senators had; that is, it was insinuated that the five thousand increase in this bill was not for the purpose of making the Army efficient, but was for the immediate purpose of something that was transpiring. That was the insinuation, and I said the newspapers had made the same insinuation.

Mr. TELLER. That is all I said, Mr. President. I simply said, first, that the Senator had alluded to the newspapers, and then that the newspapers had even taken up the same suggestion, not the suggestion that he had made, but the suggestion that I have made now, that this opposition to the bill was perhaps introduced for the purpose of destroying the aspirations of somebody in this Chamber.

For myself, sir, I disclaim any desire to attack the committee. I disclaim any desire to attack the chairman of the committee. I reserve for myself on this Senate floor the right to express my opinions without being called to task or called to account by the Senator from Illinois or anybody else.

The PRESIDING OFFICER (Mr. EUSTIS in the chair). The Senator from Colorado will suspend his remarks. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. PLATT. I ask that the bill be read at length.

Mr. LOGAN. I hope the bill will be laid aside temporarily, and that we may go on with the Army bill until it is finished.

Mr. PLATT. Let me say one word here.

Mr. LOGAN. Certainly.

Mr. PLATT. I do not know that I ought to allude to the fact that the turn the debate has taken on the Army bill is not making it exactly a pleasant debate at the present time; that it might be more pleasant if it were resumed on a future occasion. But with reference to the bill for the admission of Washington Territory I desire very much this afternoon to make the statement upon which I, having reported the bill, rest the claim of Washington for admission into the Union. I do not know that it will be practicable for me to make it at any other time, and I am also aware of the fact that the Senate is likely to be thin when I make it, and I want it to go into the RECORD. I think if Senators will do what I suppose they do, read the remarks I shall make in the RECORD, that will go far toward helping the passage of the bill. I am very anxious to go on this afternoon, and I trust the Senator from Illinois will not make the request to continue the consideration of the Army bill at this time. It seems to me the debate is taking such a turn that to consider that bill further at this time will not facilitate its passage, and he knows that I am in favor of the bill, and I hope he will allow me to go on.

Mr. LOGAN. I have given way to every measure that has come up. I gave way to measures proposed by the Senator from Massachusetts, the Senator from Vermont, and others. To every measure that has come up I have quietly given way; and it does seem to me that there is about as much importance to this bill as to some others. So far as the character of the debate is concerned, I have tried to state the facts about the bill; and if the remarks of the Senator from Colorado are not satisfactory to the Senator from Connecticut they are perfectly so to me. I will say to the Senator from Connecticut that the remarks of the Senator from Colorado are not disturbing me in the slightest, and I should like to go on with the bill. I hope the Senate will allow it to be done. I do not like to have speech after speech made against this bill published in the RECORD and sent to the country, and no disposition made of it, and no reply made to those arguments except the very weak one possibly that I have made. I hope the Senator will allow that bill to go on. We can certainly finish it this evening.

ORDER OF BUSINESS.

Mr. CULLOM. Will my colleague allow me to call the attention of the Chair to the fact that the bill (S. 1532) to regulate commerce was made the special order for to-day at 2 o'clock. I should like to know, having some interest in the bill, what becomes of it in case the unfinished business continues or the bill represented by the Senator from Connecticut is taken up at this time?

The PRESIDING OFFICER. The unfinished business is now before the Senate.

Mr. CULLOM. I do not understand the Chair.

The PRESIDING OFFICER. The unfinished business of yesterday is now before the Senate.

Mr. CULLOM. What is that?

The PRESIDING OFFICER. The bill for the admission of Washington Territory as a State.

Mr. PLATT. I trust I may be excused——

Mr. CULLOM. I do not desire to antagonize either of the bills now pressing for consideration if the understanding is had that the bill to regulate commerce will come up immediately after they are disposed of, but I do not intend to consent to that bill losing its place so that we shall not reach it very soon.

Mr. LOGAN. I should like to make one statement. I will say this and say it truthfully: I never have antagonized a bill that has been before the Senate when it was under discussion by any bill that I had charge of. I have always given way; whatever may have been said about my temper this morning makes no difference; I have done it uniformly. I am always willing to do it; but where we have gone into a measure like this and it has been before the Senate for two days, now to lay it aside for the purpose of taking up another measure I think would be unjust to those who have charge of this bill. It is not exactly the thing to do, in my judgment.

If I antagonized the bills of other gentlemen I should expect them to do the same with me; but I never do it, and there is no Senator here who can say I have ever done it at any time or on any occasion. I have waited with this bill patiently until everything else was over. It was called up while we were discussing the resolutions of the Senator from Vermont. Senators came around me and said, "Let it go over until they are determined." I agreed to it provided they would take up this bill and dispose of it at the conclusion of these resolutions, and that was the understanding. Now, if it is to go over again I shall come to the conclusion that it is impossible for me to get a measure considered.

Mr. HOAR. I should like to ask if we can not have unanimous consent, or have the unanimous sense of the Senate that the special order shall stand, to be taken up and be the special order when the unfinished business is disposed of. I suppose indeed that is the rule of the Senate.

Mr. CULLOM. That is all I desire. I do not desire to antagonize my colleague in the consideration of the bill that he represents or the Senator from Connecticut in reference to the Washington bill. The only thing I wish is that the special order fixed for 2 o'clock to-day shall be considered by unanimous consent as having the right of way after those two measures are disposed of.

Mr. PLATT. I think I am the one who is being asked to give way. This bill for the admission of Washington Territory was reported at the last session, and members who are familiar with the subject will remember that I was appealed to and I gave way and gave way and gave way till finally it was not considered at the last session. The bill of the Senator from Illinois was taken up in the morning hour and was running along through the morning hour in successive days.

It will be remembered that at the close of the debate on the resolutions relating to the production of papers I moved that evening to take up this bill and there was not a quorum voting, and then yesterday I moved at 2 o'clock to take it up and it was taken up. Then the Senator from Illinois asked that the bill which had been under discussion during the morning hour might proceed, and that was allowed him yesterday.

I feel that I am entitled to the consideration of the Washington bill

at this time. I do not feel that I am exhibiting any feeling or am trying to push any Senator aside. What I said was, and I repeat it, that I am very anxious to say what I desire to say in statement this afternoon at some time.

Mr. LOGAN. Well, will the Senator allow the Senator from Colorado to finish his speech?

Mr. TELLER. It is perfectly indifferent to me.

Mr. LOGAN. I was speaking to the Senator from Connecticut. And after the Senator from Colorado shall conclude, then I will give way for the Senator from Connecticut to make his speech, and then let the Army bill be continued.

Mr. PLATT. If I can have an understanding that at any time before the afternoon is so far worn that I can not conclude my remarks to-day I may have the floor, that will be satisfactory.

Mr. LOGAN. I am willing to agree to that if it is satisfactory to the Senator from Connecticut, that after the Senator from Colorado is through the Senator from Connecticut then can make his statement.

Mr. PLUMB. I should like to have a further understanding. Do I understand that what the Senator from Connecticut wants is to make a speech about his bill and that he does not care to press its passage?

Mr. PLATT. I do not suppose I can have the consideration of the bill concluded this afternoon; but I should be glad to say what I have to say upon it this afternoon.

Mr. PLUMB. You want to sandwich it in to-day, to-morrow, and so on? Is that the idea?

Mr. PLATT. It is not. The bill is now the unfinished business.

Mr. PLUMB. Then why not go ahead with it?

Mr. LOGAN. My idea was that the Senator from Connecticut should make his speech and then let us go on with the Army bill. That was my suggestion.

Mr. HALE. The trouble with that will be that we should not get the benefit of the whole day so that we could finish the Army bill.

Mr. LOGAN. I do not know but what we shall finish the bill unless the Senator has a long speech to make.

Mr. HALE. Probably half an hour.

Mr. LOGAN. I would rather have something to say about the bill I am managing if I can be permitted to do so. I should like to have it continued after the Senator from Connecticut is through with his remarks. If that is satisfactory to him, I am perfectly willing to agree to that; and then when he concludes we can go on with the Army bill.

Mr. PLATT. If I can go on now, I have no objection at the close of my remarks to having the Washington bill laid aside informally, retaining its place as the unfinished business, and then take up the bill of the Senator from Illinois.

Mr. HALE. Is it not better to let this Army bill go over until to-morrow?

Mr. CULLOM. I ask unanimous consent that the bill to regulate commerce shall be the next business in order at 2 o'clock after the disposition of the two measures represented by my colleague and the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent of the Senate that the special order for to-day shall become the special order after the pending business is finished and also the Army bill.

Mr. HOAR. I should like to have the bankruptcy bill, which is the special order after the Senator's bill, included in that order.

The PRESIDING OFFICER. Is there objection to the suggestion?

Mr. BUTLER. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BUTLER. I do not propose to commit myself so far in advance. I do not know what may come up.

Mr. HOAR. I understand these two bills have already been made the special order for to-day and to-morrow, and all that I ask now is that the Senate will consent that these two measures may go on without destroying the rights of these bills. I think the Senator from South Carolina will see that that is fair.

Mr. BUTLER. I have no objection to these two bills going on just as they are.

Mr. HALE. I believe there is another measure that has precedence, which is in the charge of my colleague, who is away.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. BUTLER. If I know exactly what I am objecting to, I may. I objected to the arrangement suggested by the Senator from Illinois farthest from me [Mr. CULLOM].

The PRESIDING OFFICER. The Chair will state the question. The Senator from Illinois [Mr. CULLOM] asked unanimous consent of the Senate that the interstate-commerce bill, the special order for to-day, should become the special order after the unfinished business of to-day and after the bill to increase the efficiency of the Army are disposed of.

Mr. BUTLER. I object to that arrangement so far in advance.

Mr. CULLOM. I hope the Senator will not object. The commerce bill has the right of way, and it has been postponed now quite a long time because as far as I am concerned I did not desire to interfere with anything else. These two measures are before the Senate for consideration, and it would seem but fair on my part that they should be allowed to be disposed of; and I hope I shall not be deprived of the right I have now by doing so.

Mr. BUTLER. I think it very likely that at the proper time I shall assist the Senator from Illinois in getting the bill up, but I do object to making this arrangement so far in advance.

Mr. HOAR. I rise to a parliamentary inquiry. Suppose a motion be made to postpone the bill of the Senator from Illinois [Mr. CULLOM] until to-morrow at 2 o'clock, would it not then stand with the same rights as it has now?

The PRESIDING OFFICER. It would come up as the special order to-morrow at 2 o'clock.

Mr. PLATT. Subject, as I understand the rules, to the unfinished business?

The PRESIDING OFFICER. Subject to the unfinished business until disposed of.

INTERSTATE COMMERCE.

Mr. CULLOM. I will make that motion for the purpose of getting this out of the way at the present moment.

The PRESIDING OFFICER. The Senator from Illinois [Mr. CULLOM] moves that the interstate-commerce bill be made the special order for to-morrow at 2 o'clock.

Mr. MORGAN. It takes a two-thirds vote to carry that.

The PRESIDING OFFICER. The question is on that motion. [Putting the question.] It takes two-thirds, and the Chair rules that two-thirds have voted in the affirmative. So the motion is agreed to.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. Now I hope the Senator from Connecticut will agree to my proposition.

Mr. PLATT. I have no objection. I shall be perfectly satisfied with that.

Mr. LOGAN. Then let the Senator from Colorado go on and finish his speech.

Mr. PLATT. It is understood, then, that the unfinished business shall be laid aside informally to allow the Senator from Colorado to conclude his speech? ["Yes!"]

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States.

Mr. TELLER. I hope no one will discommode himself for me, for it is perfectly immaterial to me whether I speak to-day or to-morrow or some other day. If the bill is going forward and is before the Senate for consideration I shall proceed to submit a few more remarks on it.

I am glad that the Senator from Illinois [Mr. LOGAN] is not disturbed by anything I have said. I did not intend to disturb the Senator. I only wanted to bear witness to his courtesy and his Senatorial dignity, and I am sure that ought not to disturb him at any time. He said yesterday in debate, which is not in the RECORD and which I can not therefore refer to in detail, that there had been an unfair attack made on this bill and made the intimation that there had been an unfair attack made on him; that the Senator from Kansas [Mr. PLUMB] and myself had asserted that he wanted the Army for the purpose of display; that he wanted the Army for show; that he wanted an army that the people of the United States might take pride in. I did so state.

I did state that there was no necessity for the increase of the Army, in my judgment. I did state that the Secretary of War had not asked for an increase of the Army, and I so state now. The Secretary of War in the report he made never intended to recommend an increase of the Army. If the Secretary of War is in favor of the increase of the Army from twenty-five to thirty thousand men, adding one-fifth more to it, it would have been very easy for the committee to have come here with the declaration in an official manner from the Secretary of War to that effect. The remarks that he made in favor of an increase of the Army might as well be used for the purpose of increasing the Army to one hundred thousand men as to thirty thousand.

The report of the Secretary of War in 1883, that has been read, was not intended to recommend an increase of the Army, but a reorganization, and a reorganization alone. And when it comes to a question of that kind, when it comes to a question simply of reorganization, I shall submit my judgment to the judgment of the committee—the Senator from Illinois and the Senator from Nebraska and other members of the committee—because that is a subject which they have had opportunity of knowing better than myself. But I must reserve to myself the right to pass upon such questions as their training and experience can not better fit them for judging of than my own can me.

The honorable Senator from Illinois says that it is unfair to say that he wants this increase for the purpose of display. He asserted on the floor of the Senate, as I read the other day and as I will read again if necessity requires, that there is no other purpose substantially than for the purpose of display. He said it was not needed for war now or hereafter; but he did say that the officers of the Army did not have proper pride in the Army because of the paucity of numbers in their regiments; and he made illustrations of the feeling of humility with which an officer saw his company come out shorn of its requisite numbers, as he supposed.

The Senator put himself clearly upon the record, denying in the most emphatic and positive terms the purpose for which the Senator from Kentucky [Mr. BECK] suggested that this bill might have been introduced, saying it was the farthest possible from his thoughts. I did not charge upon him that any such purpose existed in his mind either when he introduced the bill or when he reported it; and I can not see why the Senator should regard as uncourteous a fair criticism of a principle, a fair criticism not of details but of the main principle presented, whether you will add to the expenses of the Army $2,000,000, as he says, and as was demonstrated yesterday much more than that, not for one year but for all time to come.

I do not think that the inferences I drew from the Senator's remarks were anything but the logical inferences to be drawn. He said that this increase was not necessary for Indian war, it was not necessary for foreign war, and he disclaimed in vigorous language against the use of it as a police force. That being so, there is nothing left upon which the Senator can urge the passage of this bill at this time, except the simple fact that for ten years he has been urging it upon the Congress of the United States. For ten years he says he has had this bill before the proper committee of the Senate, and for ten years the committee has declined to report his bill. There is then the determination of five consecutive Congresses against this bill; and is it strange that Senators who believe in economy and believe the time has come when there should be some retrenchment in national expenditures, unless some method can be devised to increase the revenue, should suggest that of all places where we can best economize the most striking is an army that the chairman says we do not need for any purpose whatever, who disclaims the intention to have it used for any purpose whatever, and now declares that it is not even to be used for show and parade? Every time we inaugurate a President the avenues of Washington swarm with the large number of soldiers here, and these not being enough, they bring on a few militia. Now, we are not even to have the benefit of that hereafter; they are not to be used for any purpose if the Senator from Illinois is correct.

The Senator says it is unfair to so treat the subject as to declare that the Army costs a thousand dollars per man each year. He says that is unfair. I made no such statement. I spoke of the aggregate military establishment expenses as being over $24,000,000. The Senator speaks of it as $25,000,000—twenty-four million and some odd thousands. To that must be added one or two millions more for the incidental and contingent expenses of maintaining the War Department in connection with the Army. So we appropriate every year in the neighborhood of from $26,000,000 to $28,000,000 for the expenses of the Army. It is perfectly immaterial to me whether the money is spent in transportation or in building barracks or anything else. As long as it is expended and as long as it goes out of the Treasury of the United States the question is not how it is expended; but the aggregate of the expenses can not be denied, and it makes but little difference to the tax-payers whether it goes in one way or whether it goes in another so long as it comes out of the people in the end.

The honorable Senator says you would not have any coast defenses, according to our argument, and he then proceeds to make an argument for the opponents of the bill. I know he said yesterday that he would not make such an argument as I did. I do not expect he would; he does not look at this case from the same standpoint. He is for the bill and I am against it, and I can hardly expect that he would make the same argument that I would on this question. So far as I am concerned I have intended to treat this bill fairly, and I am not quite willing that the Senator should put words in my mouth or attribute to me any belief that I did not express.

The Senator says, "if you are opposed to this bill"—I have not had the pleasure of seeing his remarks in the RECORD, and therefore I can not quote them except generally, for they are not yet in—"if you oppose this bill you are opposed to coast defenses, you are opposed to the building of a navy," and then the Senator goes into a discussion of the benefits to be derived from having coast defenses and a navy, and then he appeals by his remarks to the pride of the people; he would have a nation so great and a nation so strong that everybody would be afraid of it. When the question of coast defenses comes here another and a different question is presented. You can not build coast defenses in a day or a year. When you come here with your Navy bill, it will present another question. You can not build a navy in a day or a year. You can soon build up an army. If you have twenty-five thousand enlisted men when you are calling for a great army, you are practically in the same condition as when you have thirty thousand. If it is a nucleus that you want, twenty-five thousand is as good as thirty thousand. Does anybody suppose that we want an army of thirty thousand men to fight a foreign foe? If we shall have an occasion for an army at all we shall want a big army, I mean when we want to put it on a fighting footing. When we want more troops we shall want them not by the thirty thousand, but we shall want them in great numbers, as we had them when the honorable Senator says he commanded three times the number of troops proposed to constitute the Army by this bill. Then you have to create an army at any time if you need it; and why not create it on a nucleus of twenty-five thousand men or twenty thousand as readily as you can upon thirty thousand? If we need an army at all, it must pass up to hundreds of thousands and not down in the low numbers in the first hundred thousand.

The honorable Senator was nearer right in his first suggestion that it would enable the Army officers to have pride in their commands and in their regiments. I think that is the inducement which makes some Army officers want to fill up; it gives them importance; and men, as I said the other day, would rather command a thousand men than five hundred, and ten thousand than five thousand; but because they want to do that is it the duty of this Government at this time, when nobody is demanding it, when nobody is asserting on this floor or anywhere else that there is a demand at all for an army for any purpose whatever, to add to it in numbers even if it does add to discipline and to efficiency and promptness of execution of the military drill of those who are now in the Army? What great difference does it make whether they right or whether they left, or whether they step with an exact step, as they go out in time of peace? The men who are to do our fighting, when we do fight, the men who have always done it when we have had a war, have not been the regular Army, but the men who have gone in as the Senator went in from civil life; and are they to take lessons of these regulars? When the war broke out if we had had ten, fifteen, or twenty thousand, or fifty thousand men more in the regular Army, would it have added practically to the efficiency of the Army? I doubt it. Would the volunteer have made himself a soldier any quicker because he was put by the side of one of these men who had been serving the Government for years in the capacity of a soldier? Not at all. That is not the way we make soldiers in this country.

The honorable Senator alluded to the fact that he was the poor man's friend. Nobody denies it and nobody doubts it. I have not any doubt that the honorable Senator is in full sympathy with the struggling, laboring masses of the world as much as anybody on this floor. I have never intimated or insinuated that he was not; but what has that to do with the bill? What difference does it make what the sentiments of the Senator may be? He proposes to take from the Treasury this money, and I say in my humble judgment he does not propose to render an equivalent to the people; and because he does not propose to render such an equivalent I think it my duty to vote against this bill, not with reference to what committee it came from, not with reference to any gentleman's aspirations or hopes, but with pure reference to my duty as a Senator upon this floor. And I say to the Senator now there never was a man that lived who could present a bill who had the influence, under the present condition of things, to induce me to go for the bill.

I am as likely to do it at his request as at that of anybody else on the floor. I am not disposed to do it for any man; and I repeat what I said yesterday, that there is no public demand for this, there is no public cry among the people that the Army of the United States shall be increased, even for the purpose suggested by the Senator, that from the multitudes that are tramping through the country looking for work you might take a few and provide them means of transportation and support. The people do not propose that the Government of the United States shall maintain any portion of their number in idleness. If they are not wanted as soldiers you have no right to put them in the Army, and the people do not want them in the Army, and will not have them in the Army unless there is a demand. When there is, the people of the United States will see to it that there is an army commensurate with the demand for its use.

Mr. President, as I said before, I have not attempted to criticise the bill in its details. I have not put my opposition to the bill on any fear of a standing army. I have not put my opposition to the bill on any hostility to any person who would be appointed or on the fear that Democrats would be appointed. I am willing, as far as I am concerned, that the bill shall pass save and except the second section. As I said before, upon the questions of detail I was willing to submit my judgment to that of the committee, because I recognize the fact that the committee are better qualified to deal with such questions than I myself. But upon the question whether there is a necessity for a standing army larger than we have to-day, I have firm and decided convictions. I believe, as I said yesterday, that in my judgment the present numbers of the Army could, without loss to the people and without injury to the Army itself and to its efficiency, be reduced, and very much money that is expended every year in that direction could be saved.

Mr. PLATT. I now ask that the unfinished business be laid before the Senate.

Mr. LOGAN. Before the Senator proceeds I hope it will be understood that when he is through the Army bill comes up again.

Mr. PLATT. I think that is the understanding.

Mr. LOGAN. Very well.

Mr. PLUMB. That displaces, then, the Washington bill.

Mr. PLATT. Not at all.

Mr. PLUMB. In view of the condition of business, I object.

Mr. PLATT. Do you want to displace the Washington bill?

Mr. PLUMB. I want it either displaced or gone ahead with during some period. I am in that condition now that I want to go on with the business before the Senate, because I have matters to attend to in committee. If the Senator wants the Washington bill displaced, be it so. I think myself that it is fair to this bill and fair to the Senator

from Illinois in charge of it that he should use the morning hour. Some weeks ago I was interested in a bill which the Senate was kind enough to take up during the morning hour, and it used up the morning hour for several days and never ran into the unfinished business, which was the resolutions of the Senator from Vermont. I think the morning hour for this bill before 2 o'clock is fair to the Senator from Illinois, and then let the remaining portion of the time be occupied by the Washington bill or the interstate-commerce bill or some other bill which is of equal importance. I will not consent to any arrangement which runs these things together in the manner proposed.

Mr. PLATT. As far as I am concerned I am perfectly willing that after my statement the bill shall be laid aside informally for the debate on the Army efficiency bill to go on. What I do want is to avoid being ground to pieces between the upper and nether millstone. I want to keep Washington Territory——

Mr. LOGAN. Go on with your remarks and we will carry out the agreement.

ADMISSION OF WASHINGTON TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. DOLPH. If the Senator from Connecticut will yield I wish to say that I intended to offer some amendments to the bill under consideration. They are of importance enough, I think, to require that they be printed. I submit them at this time for the purpose of having them printed.

The PRESIDING OFFICER. The order to print will be made.

Mr. PLATT. I ask that the bill be read.

The Secretary read the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. PLATT. Mr. President, I can think of no more interesting or important topic to be considered by the Senate of the United States than the question whether a new member shall be admitted to the national family of States or not. And interesting as the question is I can attribute the thinness of the Senate only to one of two reasons: First, that small topics sometimes receive the greatest consideration in this body; and second, that it is possible Senators think I shall not be able to present this subject in an interesting manner. The latter supposition is not exactly flattering to my personal vanity, and therefore I will assume that the first is the true reason.

I regret that the Senate is so thin; but I will endeavor, without any attempt at speech-making or oratorical effect, to present briefly the claims which Washington Territory, coupled with that part of the Territory of Idaho known as the Pan Handle, has to admission to the Union as a State.

It is now more than eight years since the people of that Territory—and when I say "that Territory" I mean Washington Territory and the Pan Handle of Idaho Territory conjoined—have been knocking at the doors of Congress for admission into the Union. Whatever may have been the reasons for refusal or delay, the scriptural promise, "knock, and it shall be opened unto you," remains yet unfulfilled; but I think there are abundant reasons why refusal or delay should no longer occur.

It was on the 10th day of December, 1877, in the Forty-fifth Congress, as I said, more than eight years ago, that the proposition to admit the people dwelling within the Territory of which I have spoken to participation in the full privileges of American citizenship was first made in a bill introduced in the House of Representatives by Mr. Jacobs, who was then the Delegate from Washington Territory; and I call attention to the fact that in that very first bill which was so introduced it was provided that the people in Northern Idaho substantially within the same boundaries as are proposed by the amendment to this bill should be joined to Washington Territory and constitute with them the State for which the bill asked the admission. I do not learn that that bill received special consideration in the House of Representatives. But between the Forty-fifth and Forty-sixth Congresses the people of that Territory, relying on what they thought was a solemn compact of the United States made when the organic act for Oregon Territory was passed providing for its division into two Territories, and that whenever either of such Territories should have 60,000 population it should be entitled to admission as a State, called a constitutional convention, and in that constitutional convention framed a constitution, and in the Forty-sixth Congress asked to be admitted upon the constitution thus formed.

I ought perhaps to stop here, in view of the discussion which arose on the Dakota bill, to say a word by way of excuse for the people of that Territory in taking this action. Nothing, however, came of it, and the bill now before the Senate is only for an enabling act. In the ordinance of 1787, by the sixth article of compact in that ordinance, it was provided that the territory northwest of the Ohio River, when divided into Territories or States, as they were called in the ordinance, should, whenever such divisions had a population of 60,000, be entitled to admission as a State. If a government can make a compact with a people, a bargain and contract by which it is bound, the Government is bound by that contract or compact. Afterward the provisions of that compact were extended to the territory other than that lying northwest of the Ohio, and subsequently, in 1848, were extended to the Territory then know as Oregon, which it was expressly provided in the act might be divided into two Territories.

In 1878, then, the people living in the Territory north of Oregon and including those of the Pan Handle of Idaho, believing that they had 60,000 inhabitants or would have 60,000 inhabitants before the action of Congress could be had, in a constitutional convention properly called and assembled framed a constitution, and at the next session, the first session of the Forty-sixth Congress, as I have said, Mr. Brents, the Delegate from Washington Territory, presented in the House a bill providing for the admission of Washington Territory and the section of Idaho Territory to which I have referred under the constitution which had been framed by the people. That bill met with objections, the same objections which have been urged against the Dakota bill, the objection that that was an improper way in which to seek admission to the Union; and some questions arose about the basis of representation which was provided for in that constitution, that basis not being exactly satisfactory to all portions of the Territory which it was proposed to admit as a State. Nothing was done in the Forty-sixth Congress.

In the Forty-seventh Congress the claim of the people of this Territory for admission was renewed by a bill in the form of an enabling act. That bill was referred to the Committee of the House of Representatives and a favorable report was made on the 9th of March, 1882, by Mr. ALDRICH, of the House, now Senator from Rhode Island, from the Committee on Territories. It is four years since this first report in favor of the admission of Washington Territory was made in the House of Representatives. I think that no action was taken upon it, that it could not be reached upon the Calendar; but the Delegate from that Territory, Mr. Brents, urged it in a speech so thoroughly full of reasons, that it seems to me it was calculated to convince, even then, every person who heard it or who has since read it, that Washington Territory was then, four years ago, fully entitled to admission as a State. At the last Congress bills were introduced in the Senate, one of which was reported favorably to the Senate, the name then suggested for the State being Tacoma, a suggested name which has met with objection and which is now abandoned in the present bill and in the present report.

At the last session of the Senate I tried for weeks and for months to obtain consideration of the reported bill; but other subjects, pressing subjects which seemed to other Senators to be of more importance, were taken up, and the session passed and the Congress expired without action upon it.

It is again reported from the Committee on Territories; and the first thing which I ought to say about it, perhaps, in passing is to allude to the fact that some objections are now for the first time made by some of the people of Idaho Territory to the joining of what is called the Pan Handle of that Territory to Washington. I shall not speak at length with reference to this phase of the subject. I simply say that the first amendment proposed in this bill corresponds geographically to the bill recently passed by the House of Representatives and now before the Senate, annexing a portion of Idaho Territory to the Territory of Washington. The boundaries are identical with the boundaries proposed in that bill of annexation, and I can not believe that there is any serious objection in the Territory of Idaho to the proposed annexation. As I said, it has been proposed for eight years, and it has not been until since this bill has been reported and since the bill annexing this portion of the Territory of Idaho to Washington has been passed in the House of Representatives that there has been a breath of objection to it.

Now, it is undeniably true that a few people in the northwest county of Idaho Territory have petitioned to be set not to Washington but to Montana. I have seen the petition. It embraces a few less than seventy names. It is also true that the people of Southern Idaho have all at once discovered that there is opposition to the division of the Territory of Idaho; but I can not believe that it is general. I can not believe that it amounts to any considerable opposition. One or two public meetings have been held. We have not been informed how many persons attended them. The committee have been informed that the entire Territory was to be canvassed for petitions to Congress against the division of the Territory of Idaho, and petitions have come in here, and less than seven hundred petitioners appear, notwithstanding what we have reason to believe has been a very great effort to obtain petitioners against the division of the Territory of Idaho. It seems to me but another illustration of the fact that "the vigor and success of the war does not always come up to the high-sounding phrase of the manifesto."

This question has been debated in Idaho Territory in various ways during the past eight years. More than once it has been the distinctive feature in the elections in Idaho Territory north and south, and on each occasion it has been overwhelmingly decided not only in favor of the division of Idaho Territory, but the annexation of the northern part thereof to Washington Territory. The legislative body of Idaho Territory has passed with a great degree of unanimity a memorial, memorializing Congress and asking that the Territory be divided and that the northern part be set off to Washington. I can not, therefore, see anything in this opposition, which seems to me feeble and sporadic,

except a kind of setting of back fires by parties interested outside of the Territory of Idaho against the admission of the State of Washington into the Union.

Now, why should the Territory of Idaho be divided, and why should the northern part be annexed to Washington? It should be divided simply for this reason, that between Southern and Northern Idaho there runs the impassable barrier of the Salmon River Mountains, impassable in the winter absolutely, and passable in summer only by pack-mules, which follow trails leading up and over the mountains. So the people of the four northern counties of Idaho are entirely shut off, geographically and topographically, from all communication or connection with Southern Idaho, except as they leave their Territory and travel through the Territory of Washington and the State of Oregon to reach the southern portion of their Territory.

I will not further allude to this subject at this time except to say, as I think I am permitted to say under the rules of order, that the Delegates both from Washington Territory and Idaho Territory join in saying that it ought to be done, and that their minds have been in no respect changed by whatever of opposition may have been developed in the Territory of Idaho to the proposition. The Senator from Oregon [Mr. DOLPH] is thoroughly acquainted with the facts and circumstances, and will speak upon that subject if it be necessary.

There is every reason, if the Territory is to be divided, why the northern portion should go to Washington rather than to Montana. By association, by the nature of the soil, by the occupation of the people, by their communication with each other, by all the sympathies which exist between different localities it belongs with Washington and not with Montana.

I think I am spending too much time upon this proposition. I come, then, to the question of whether this Territory which I have described is entitled to now constitute one of the States of this Union. It seems to me that the very first question is, what is to be the policy of this Government in the future? Are we to admit all the Territories as new States, or are we to pursue toward our present Territories what may be called the colonial policy? And upon that question, as it seems to me, there can be but one sentiment and to it but one answer. Whatever the future may develop with regard to the acquisition of territory, whatever we may think with regard to Alaska, which is territory acquired outside of what I may call our integral territory, it seems to me that with reference to the territory which we have, which is now circumscribed by the lines which bound upon the map what is called "the United States," there can be no question but that the same rule of admission is to be applied now with regard to those Territories as has been applied in the past. The people of those Territories are not full American citizens, are not fully entitled to the rights of the other citizens of the United States, do not fully illustrate the principles of self-government, until they are admitted to become participants in the general union of the States.

In passing I desire to call attention to a quotation from Senator Seward at the time of the admission of Oregon. Upon this subject he said this, and his words must carry weight and conviction to the minds of every Senator:

> For one, sir, I think that the sooner a Territory emerges from its provincial condition the better, the sooner the people are left to manage their own affairs and are admitted to participation in the responsibilities of this Government the stronger and the more vigorous the States which those people form will be.

And again:

> It is not a good thing to retain provinces or colonies in dependence on the central government and in an inferior condition a day or an hour beyond the time when they are capable of self-government. The longer the process of pupilage the greater is the effect which Federal patronage and Federal influence has upon the people of such a community.

The very declaration which our fathers put forth to the world when they assumed the rights, the duties, and the responsibilities of a government, called as it was the Declaration of Independence, shows what the American idea is with reference to the admission of Territories as States as soon as they have the prescribed qualifications for admission. They are to be independent States just as far as the Constitution and framework of our Government will permit. I would not refer to this if it had not been suggested in the discussion in the case of the admission of Dakota that it was unwise to admit large Territories sparsely populated as States, and that possibly the effect of an increase of Senators in this body might not be entirely happy and for the best interests of the people. I trust I shall show that the resources of this Territory are such that it is not to remain a sparsely settled Territory. I certainly think I shall be able to show that it is entitled now by all the rules which have ever been adopted in the past regulating the admission of new States to become a State, to become entitled to the privileges of Statehood.

What are the conditions of admission? First, there must be sufficient territory; second, that territory must have the requisite population; third, it must have resources which promise development; fourth, it must have a people whose character is a guarantee of a republican form of government.

Now let us apply these tests to the Territory and to the people which ask admission here at our hands. This State, if admitted, will be from east to west about 350 miles in length; from north to south about 200 miles. Its area, including Washington Territory and the portion of Idaho Territory which it is proposed to incorporate with it, will be, as I make it, about 90,000 square miles, including water.

I have seen statements in Idaho papers saying that it would be 100,000 square miles, but my figures make it about 90,000 square miles, or 85,000 square miles excluding the water. There is within this Territory the most beautiful and most beneficent inland sea in the world, Puget Sound. Excluding those waters there are about 85,000 square miles. By comparison, five States only will surpass it in area—Texas, California, Nevada, Colorado, and Oregon. It will be of the size of Kansas and Minnesota combined. It will be one-third larger than all the New England States, and nine-tenths as large in area as New York and Pennsylvania combined—certainly sufficient territory to justify the people in asking admission as a State. It has thirty-seven organized counties, in which all the forms of county and municipal government, according to the American idea of such governments, are in complete and healthy operation.

But as to population—for that is a condition which is always insisted upon, and yet, while always insisted upon, not all of the Territories which have been admitted as States have had at the time of their admission a population equal to the then ratio or unit of representation in the House of Representatives. Of the twenty-five States which have been admitted since the formation of the Constitution eight have not had the requisite population, provided that requisite population was the unit of representation in the House of Representatives. Those eight are Illinois, Florida, California, Oregon, Kansas, Nebraska, Nevada, and Colorado, all of which had less population than the unit of representation at the time of admission.

I believe that the population of this Territory now exceeds the unit of representation in the House of Representatives, which is 151,906, it having been raised from the original limit prior to 1810 by successive enactments from 33,000. It is true that in 1880 the census only showed 74,773. It is also true that a census taken last spring, about a year ago now, showed within Washington Territory proper, not including the people in that portion of Idaho Territory which we propose to incorporate with the new State, only 129,000; but I shall show from the report of the governor of the Territory that that census was not well taken, was incompletely and imperfectly taken, there being no law to compel it to be taken, and the compensation being entirely inadequate, if compensation there was. But taking even that fact, the census as taken a year ago of practically 130,000, and adding to it what, from the best estimate we can obtain, is the present population of the four northern counties in Idaho, 18,000, and you have 148,000, which is practically equivalent to the ratio of representation. But all the sources from which population is estimated show that there are very many more people in Washington Territory than appear by that imperfect, partial, and ill-taken census of a year ago.

For instance, take the vote. The census of 1880 showed 74,773 population. The total vote of 1880, the right of suffrage not having then been extended to women, was 16,765, the ratio of population to vote in the Presidential election 4.7. The total vote in 1882 was 19,498. The population at a ratio of 4.7 would be 91,640, a numerical gain in two years of 16,867. The total vote of 1884 was 41,842, from which subtract the vote of the women who had then been admitted to suffrage, 8,368, leaves the male vote 33,474, showing in 1884 a population, at the ratio of 4.7, the same as the vote of 1880, of 157,756. That was in November, 1884. More than a year (sixteen months) has elapsed since that period, a period during which emigration has been pouring into that Territory with unexampled rapidity. I quote the governor of the Territory in his last message to the Territorial Legislature to the effect that there are now at least 175,000 people in that Territory alone. But, taking the bases of the vote in 1884, 157,756, and adding Idaho, 18,000, you have then 175,756. Let me read what Governor Squire says on that subject, because I admit that the question of population is an important one. On the fourth page of the governor's message, delivered to the Legislative Assembly, session of 1885–'86, is this:

> POPULATION.
>
> The census returns of the Territory are notoriously incomplete and can not be taken as a true and sufficient exhibit of the actual population. For example, a communication signed by all the officers of Lincoln County claims that a correct census would increase the reported population of that county fully 40 per cent. The law is manifestly imperfect, because there is no penalty attached to non-compliance therewith. The census returns made by the Territory in 1883 show the total population at that time to have been 92,508. The returns of the census taken by the county assessors in the spring of 1885 show the census then to have been 129,438, an increase during the two years of 36,930.
>
> The Territorial auditor writes me as follows: "Had the census been properly taken, under an adequate law, the population for 1885 would have certainly been shown to be above 175,000."

That is nearly a year ago. Then the governor goes on to speak of what is shown by the vote which I have alluded to, and closes this topic by saying:

> And inasmuch as a constant stream of immigration has been pouring into the Territory for one year since that vote was taken, there is a strong probability that our present population actually amounts to 175,000 persons.

If you add to that 18,000 for Idaho you have a population of 193,000. That, of course, is the maximum limit. The minimum limit, based upon the imperfect census of last year, can not be less than 148,000. So

that, setting aside all question of whether we are not bound as a matter of government compact to admit this Territory when it has a population of 60,000, as I believe we are, and as the best Senators and best Representatives have always held with reference to the Territories with which that compact was made, we have substantially, practically, actually as many population within the Territory as is required for the unit of representation in the House of Representatives.

Before the constitution provided for by this enabling act can be adopted I have no doubt there will be 200,000 people within the boundaries of the proposed State.

Mr. DOLPH. Within Washington Territory alone.

Mr. PLATT. As the Senator from Oregon says, who is much more familiar with the country than I am, within Washington Territory alone. I feel how little, how ill qualified, an Eastern man, who has never visited that Territory—I may say from all I have read and heard that wonderful Territory—is to set forth the real claims for admission which the Territory has.

The resources of this proposed State are abundant and varied. They are such as to promise the most healthy and extensive development of the State. It is not purely an agricultural State; it is not exclusively a mineral State, but it has all those diversified resources which inevitably attract and build up the best population and develop the best civilization which the world has ever seen. In respect of diversified resources it has been said, and justly and truly said, that Washington Territory more nearly resembles the State of Pennsylvania than any other State in the Union. It has first excellent agricultural lands; it has abundance of the precious minerals; it has large coal-fields; it has excellent iron-mines; it has grand water ways, an extensive system of railroads; it has everything in fact calculated to develop a State. I must not omit a most prominent characteristic: it has the most magnificent body of timber that exists to-day in the civilized world. Its timber alone would make it one of the richest States of the Union. I have said in my report upon the bill, and I believe it is the result of a careful and accurate computation, that there could be cut in Washington for thirty-five years as much lumber as is now cut annually in the entire United States before exhausting that immense body of timber. Taking all these resources, which promise development, there can be no question but that this State is to grow rapidly in population, and with a population which is stable in its character and well calculated and suited to uphold the principles of free and republican government.

It is scarcely necessary to particularize in this respect. There is one other source of wealth to which I failed to allude—its fisheries—now coming to be extremely important and capable of almost unlimited development. It has of agricultural lands about 15,000,000 acres, about 10,000,000 of them prairie lands rich as any in the world, and about 5,000,000 of them rich alluvial bottom lands, I say rich as any in the world. Perhaps that is overstating it. I will say that among its agricultural lands are lands as rich as any within the United States, and that all of them are susceptible of profitable agriculture.

These lands yield unsurpassed crops. I have taken from the returns shown in the governor's message the average of the different cereals. Wheat averages 24 bushels per acre, which is the highest in the United States. Oats average 41 bushels per acre, which is the highest in the United States.

Mr. EDMUNDS. For the whole Territory?

Mr. PLATT. For the whole Territory.

Mr. EDMUNDS. That is very high.

Mr. PLATT. Barley yields 39 bushels, which is the highest in the United States. So in those three great cereal crops—wheat, oats, and barley—cultivated now very largely in that Territory, the yield is higher than in any other State or Territory in the Union. Rye averages 14 bushels per acre, which is equaled by Wisconsin and exceeded by Oregon. Buckwheat 24 bushels to the acre, which is the highest. The only crop which does not come up to the average is Indian corn, the average being 28 bushels, and that Territory yielding only 19 bushels to the acre. Of hops the average is 1,317 pounds per acre, the highest in the United States. Potatoes 150 bushels, the average per acre also the highest in the United States.

I speak of this because there should be in a State, in order to make a stable, enduring population, the opportunity for profitable agriculture, and nowhere in the United States does it exist to any greater extent than in the Territory of Washington, and Northern Idaho, which in this respect largely resembles Washington. All of the crops grown in temperate latitudes, as well as all the fruits, can be and are successfully cultivated there.

I have spoken of its timber. I shall not refer to it again except to say that such an immense body of timber, which is so easily attainable at present, has resulted in a large development of the lumbering business, of the ship-building business, and of manufacturing of articles which are made from wood. Ship-building is already a thriving industry. A ship can be constructed there probably more cheaply than anywhere else in the United States. I have somewhere, though I may not be able to find it, an illustration of the proposition which I now make. The timber is especially adapted to ship-building, a large portion of it. Many of the masts of the finest vessels in the world are now obtained in Washington Territory. I have somewhere here a comparison of the comparative cost of ship-building in Washington Territory and in Maine, but I can not lay my hand upon it. I think I am justified, however, from recollection, and I venture to state my recollection on that subject, to say that the cost of building a wooden ship at Port Townsend, in Washington Territory, is not one-half the cost of building a ship of the same size and the same tonnage and the same character in the State of Maine. I think it is even less than that. There were built there during the past year quite a number of ships. Fourteen new vessels were built during the year ending June 30, 1885, of which eight were steam-vessels, amounting to 675.27 tons, and there were sail-vessels amounting to 967 tons, making a total of 1,642.29 tons. Governor Squire, in the message of which I have spoken, gives a list of ninety-two steamers belonging to the collection district of Puget Sound, most of them built within Washington Territory.

I have here a statement of the commerce of Puget Sound, exports and imports, as well as exports and imports for the Territory entered and cleared at Portland, in Oregon, which I shall not stop to read, but it figures up a grand total of imports and exports from that Territory of $10,491,821—by no means an inconsiderable trade. One remarkable fact about that trade is that it is carried in American bottoms almost exclusively. Washington Territory seems to solve the problem whether we can carry on commerce in American bottoms. Of the foreign trade the exports carried in American vessels were over $3,220,000, and in foreign vessels only $385,000. I must not omit the railroads connecting its seaports with the great lakes and with the Eastern railroad system. Eight hundred miles are already in operation in Washington Territory alone; adding 100 miles in process of construction and the railroads in Northern Idaho, and we have not less than 1,000 miles now in operation within the boundaries of the proposed State.

I said that coal and iron were abundant. There are at least nine districts within the Territory where coal is most abundant. Mining operations have been successfully started and are now in active and profitable operation. The output of coal during the past year is estimated at 400,000 tons; and when we remember that the Pacific coast has to depend either upon the British territory which lies above Washington or upon Washington Territory largely for its coal, saying nothing about the amount that is required for local consumption, it is easy to see that coal mining must increase immensely, almost indefinitely. The iron industry is in its infancy, but the ore is inexhaustible and the business must increase.

SALMON FISHERIES.

The canning value of salmon put up during the year 1881, since which I have no statistics, was $2,650,000; largely increased, I am told, since then. I shall not stop to run through the entire business of the proposed State. Let me allude to a single item.

The railroads estimate that they have taken out and are to take out of last year's crop of wheat from Eastern and Middle Washington, by way of Portland, Oreg., 250,000 tons of wheat.

The cut of lumber for 1881 was estimated at 300,000,000 feet. More recent statistics I have for the moment mislaid, but it has been largely increased. Over twenty very large saw-mills, not to mention many of lesser capacity, are engaged in the production of lumber for export. It is exported to the markets of the Pacific coast, of Central and South America, the Hawaiian and other Pacific islands, to Eastern Asia, and to some extent to England and France. Manifestly this trade is susceptible of great development.

Situated as Washington is, in the direct line, so to speak, from San Francisco to China and Japan, certainly to Japan, with its railroad facilities extended as they are to be extended, Port Townsend must inevitably become a shipping port which in some sense will rival San Francisco and Portland for the trade of the East. Already teas destined for Eastern markets are landed at Port Townsend and forwarded by rail.

So you have agricultural and mineral wealth, the precious metals, inexhaustible timber, fisheries, shipping, foreign commerce, all to build up and to build up rapidly this State which now asks admission into the Union.

I forgot to mention its wool clip, which is estimated at 8,000,000 pounds shipped out of the Territory; its cattle-raising interests, it being estimated that 100,000 cattle have been shipped East during the last year. It has 15 national banks, 53 newspapers, daily and weekly, 267 church organizations, 723 school-houses, with a school attendance of 30,000 children, besides a State university, 24 private institutions of learning, embracing colleges, seminaries, and academies. I could read at length its educational statistics from Governor Squire's message. They are extremely interesting, but I shall not detain the Senate or encumber the RECORD by putting them in at length.

Its assessed valuation does not, as I understand, include railroad taxation. The Senator from Oregon [Mr. DOLPH] will correct me if I am wrong. I understand that the railroad escapes assessment; that it does not appear within the assessed valuation of the Territory.

Mr. DOLPH. For the year 1885 probably, and the present year, the railroad is taxed on its gross earnings and not upon the valuation of its property.

Mr. PLATT. The assessed valuation of the Territory, not including the railroad property of the Territory, is over $51,000,000. It is out

of debt and has a surplus in its treasury. So far as resources are concerned, so far as financial ability is concerned, ability to maintain and carry on a State government, can a better showing be made for a Territory than is made for Washington Territory? Upon the grounds which I have spoken it seems to me that it is entitled to admission.

I come then to the character of its population, for I agree, as Senator Seward said in discussing the Oregon case, that there may be Territories which I would admit with a less population than was required to make the unit of representation, while I would not admit other Territories if they had a million inhabitants. What has been the character of its settlement, of its occupation? It has been settled and it is occupied mainly by men who have gone from other States in the Union; men who at home have been good citizens, thrifty, industrious, enterprising, the best types of American civilization; who have gone out into that Territory to build up a new State; who are accustomed to discharge the duties and privileges as well as to assume all the responsibility of American citizenship. In my judgment, no Territory ever knocked at the doors of Congress with a better population in all that goes to make up the class of men who are to maintain the institutions of a State than this Territory.

I shall not stop here to allude to some occurrences which have taken place with reference to the Chinamen further than to say that there have been disturbances of that sort in Washington Territory, as there have been in California, but this thing is to be said of the people of that Territory: the law-abiding people, the people who have gone there from the other States of the Union and settled there, who believe in law and the maintenance of law, have taken that thing in hand and dealt with those disturbances without extrinsic aid and without calling in the assistance of the military power. They have dealt with them as well in Washington as they have in California or in Oregon. It is no objection to the people that these things have occurred there. They are as well qualified in this respect to be members of the Union of States as are California, or Oregon, or any of the States in which disturbances occur. In the old-settled State of Ohio but a year and a half ago there were disturbances of a far more dangerous character and more far-reaching in their results than have occurred in the Territory of Washington.

So then I say that every reason, every argument which can be made in favor of the admission of a new State is present here. Why should it not be admitted? Why should not those people have the right to full enjoyment of all the privileges of American citizens? If we prize those rights, if it is the proudest thing that a man can say in this year of grace that he is a citizen of a State of the United States of America, why should we not allow these people to become such citizens? I can conceive of no reason whatever. If public faith and public policy and public justice have not ceased to be recognized considerations these people must come in.

And now, Mr. President, with this statement, which I have purposely made brief, I leave the case, desiring only to refer to another matter, which is somewhat personal to myself as a representative of an Eastern State.

I have heard the suggestion made—I am sure I heard it made in the discussion of the bill for the admission of Dakota—that it was not for the interest of the New England States to admit any more States into this Union, and that the admission of the eight Territories, to say nothing of the possibility that some of them may be divided before their admission as States, will increase the number of the members of this body to ninety-two, while New England must be forever limited to the 12 votes which she has at present. It has even been mentioned that when the human tide completely covers this western area there may be one hundred members of this body, and some Senator—I do not remember who it was—felt called upon to characterize such a membership of the Senate as "a mob."

So it has been thought—I do not believe the thought originated in New England—that the true policy of New England was to prevent, if possible, any addition to the present number of States; that in such a largely increased body as the Senate may become it will be impossible for the New England Senators to care for and protect the interests of their constituents, and thus she will be eventually shorn of a portion of the influence and the strength she now possesses. But speaking as I think I may for the New England States, certainly for one of them, I desire to say that her Senators indulge no such fear.

The policy of New England with respect to national growth has never been one of exclusion or repression; on the contrary, it has been the policy of the admission of new States and the consequent enhancement of national strength. Examine the record, and you will find that opposition to the admission of States has not come from New England either in the Senate or House. We have learned, and we know full well, that we can not maintain our place and influence in the national household by numerical power. It takes but a few years in the great march of national progress to build up new communities that in population and wealth and numerical representation can more than compete with New England. No, sir; we understand if, as we hope and trust, New England is to maintain in the future as she has in the past a conspicuous, if not potential, place in the councils of the nation she must base her claim to such notice on something besides numbers or wealth.

We have learned, indeed we have always realized, that there are invisible forces which can make a small State great; that the true sources of power are in the brains and hearts of a people, be they many or few. So long as New England can maintain for her citizens a high standard of intelligence, of virtue, and national love, I have no misgivings as to the position she will occupy in the Republic. If her Senators can truly and worthily represent a people with such characteristics, they need never fear that their voice will be unheeded. Once New England cast exactly one-third of the votes in this branch of the National Legislature. Now she casts less than one-sixth of them, and yet she does not feel that she has been shorn of her strength or that her influence has departed or waned.

And right here, Mr. President, I want to say, when we are sometimes told that the six New England States, which cast 12 votes, have but a small proportion of the population of this great country, that there are six other States casting 12 votes in this body which have not half the population of New England, add two more to them and you will find that these eight other States casting 16 votes here without an aggregate population equal to the population of New England, and we have no complaint to make.

If indeed the field in which her enterprise was to be exerted were limited to the six sterile States which lie east of the great Empire State of New York, possibly she might have occasion to regard the admission of new States into the Union with jealous fear. But New England is doomed to no such isolation. Her opportunity and her effort, if limited at all, are to be circumscribed only by the boundaries of the Republic of which she is a part. New England feels that her best claim to renown is that she is and has been, and is and is to be, a part of that great nation which we call the United States. Every enlargement of national domain, every addition of States, every accumulation of national power adds to her strength and glory.

Why should New England be thought to fear or regret the admission of new States? Cast your eye along the parallels of latitude which stretch from the Atlantic coast to the Pacific shore. Study the characteristics of that marvelous civilization which has redeemed the land and subjugated the forces of nature along those parallels. Take note of the people who along those lengthened lines have builded cities, developed agriculture, penetrated the deep recesses of the earth, created a highway, yes, highways for the nation, established the institutions of education and religion, elevated and glorified mankind. Who are they? Are they not bone of our bone and flesh of our flesh? The blood of New England courses along every artery of national life. Put your finger on the pulse of enterprise as it beats in Walla Walla, or Seattle, or Tacoma, or Port Townsend, and you will feel the heart-throb of New England. Who are these men who to-day are asking of the Senate permission to enjoy the full privileges of American citizenship in the new State of Washington? True, they have gathered from many States; they have come even from foreign lands, from lands beyond the sea; a new people indeed, but how many of them can trace back their vigor and force to the ancestral cottage which stood on the New England hill-side, their patriotism to the village green, and their virtue to the New England church? The voice which I bring to them to-day from their ancestral States is, "Come in, and welcome."

And now that I am speaking, Mr. President, let me allude to another fear that occasionally I hear expressed for the future of New England. We are informed in tones of pity, tones in which I fancy at times I detect just a trace of exultation, that our prosperity is after all a little accidental, due to the early development and extension of our manufacturing enterprises; that we have really had a monopoly of manufacturing, but that the monopoly is now broken; that nature and transportation and the changed conditions of trade are all against us now, so that our pre-eminence in mechanical pursuits is fast passing away, and that the great centers of mechanical industry are henceforth to be found in the West and in the New South. I beg such sympathetic friends not to misunderstand New England.

She has no desire to seek her own advantage or progress at the expense of other portions of our common country. All she asks is a free field and fair competition. She noted long ago the tendencies of trade and yet does not despair, and whatever the future has in store she will not complain. If in the march of the years she finds other portions of the Republic are more favored, she will ask to rejoice with those who rejoice. She will still claim the privilege of enjoying her portion of the general welfare; and if danger assails the nation, she will still claim her privilege of meeting and sharing it with her more favored rivals.

Referring to my statement that New England long ago noted the tendencies of the times, now so kindly pressed upon our attention by mourning and sympathetic friends, let me quote from an address delivered by Governor Andrew, of Massachusetts, in 1864, just as the war was closing. This is the quotation:

> In the production and diffusion of ideas must rest forever the secret of your strength to maintain your true position. When our national career shall begin anew the accelerated increase of wealth and of population, their necessary distribution and diffusion, will year by year constantly diminish the relative material strength of the Northeastern States. I exhort you, then, to put faith in ideas, in the orderly arrangement of knowledge, in the power to search out the hidden things of nature, in the practical application of the highest and largest truth

to the wants and affairs of man's daily life. Your influence will tell then, with beneficent and ever-expanding power, on the destiny of the nation. Thereby you will live—the true conservatives of the civil state and of social life—"exempted from the wrongs of time and capable of perpetual renovation."

New England has no fears for the future. She has heard the cries, "Cotton is king," "Wheat is king," "Iron is king," and has heard them unmoved. She knows there is no real kingship in the United States but the sovereignty of ideas. If supplanted by more favored localities in the production of any article which she has made to supply the present wants or tastes of the people, she will try to anticipate their future wants and tastes and adapt her manufactures to the coming demand. If driven from the manufacture of staple products, she will endeavor to excel in works of art, and even if compelled to abandon the whole field of manufactures she will turn her attention once more to the wide seas and again wring subsistence and wealth from the waves. Whatever the problem of business life may be, New England will first think it out and then work it out.

So again we say to this new State, "Come in, and welcome!" We have seen twenty-five States added to the original thirteen without one jealous pang and without once thinking that our power or strength were departing. The more thickly the stars shall cluster and shine in that field of blue which so delights the eyes of every true American the more New England will rejoice.

Mr. DOLPH and Mr. VOORHEES addressed the Chair.

Mr. VOORHEES. I shall yield to the Senator from Oregon in a moment. I do not rise to take the floor for the purpose of making any remarks, but really to ask the Senator from Oregon to allow me the opportunity to propose an amendment. I offer an amendment to come in at the close of the twenty-seventh section of the pending bill. I do not ask that it be read at this time. It is an amendment providing for an enabling act for the Territory of Montana. I ask that it be printed so that it can be inspected and discussed to-morrow.

The PRESIDENT *pro tempore*. Does the Senator from Indiana offer an amendment?

Mr. VOORHEES. It is the language of an original bill which I introduced myself for the admission of Montana. This provides for an an enabling act—simply authorizes the people of Montana to proceed to form a State government.

The PRESIDENT *pro tempore*. The proposed amendment will be received and ordered to be printed if there be no objection.

Mr. DOLPH. Mr. President——

Mr. VANCE. Will the Senator allow me a moment?

Mr. DOLPH. Certainly.

Mr. VANCE. I wish to give notice to the Senate that, having to leave the city very soon on private business, I shall at the conclusion of the morning hour to-morrow ask permission of the Senate to call up Order of Business No. 336, being Senate bill No. 839, to repeal chapter 27 of the acts of 1883, relating to civil service.

Mr. DOLPH. Mr. President——

Mr. MCPHERSON. Will the Senator from Oregon yield for an executive session? If so, I will move that the Senate proceed to the consideration of executive business, so that he may go on to-morrow morning.

Mr. DOLPH. Before the motion is made, I desire to say that my mind is entirely agreeable to the wish of the Senate. I am ready to proceed now to submit what I have to say on this bill, but of course I yield to the pleasure of the Senate. I should think it was rather early yet for an executive session; and I shall have no objection to yielding to that motion at any time during my remarks if it is the pleasure of the Senate that I should do so; or the motion can be submitted now, as far as I am concerned, if the Senate so prefer.

Mr. MCPHERSON. The Senator from Oregon having the floor on this bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS

Received this 30th day of March, 1886.

CONSUL.

Samuel R. Millar, of Davenport, Iowa, to be consul of the United States at Leipsic, to fill a vacancy.

ASSISTANT SURGEON IN THE NAVY.

Isaac Walter Kite, a resident of Virginia, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

POSTMASTERS.

William Wood, to be postmaster at Middletown, New Castle County, Delaware, in the place of Daniel L. Dunning, resigned.

John H. Wallbank, to be postmaster at Mount Pleasant, Henry County, Iowa, in the place of George W. McAdam, whose commission expires March 31, 1886.

Byron S. Bonney, to be postmaster at McPherson, McPherson County, Kansas, in the place of Charles E. Cook, resigned.

H. Clay Park, to be postmaster at Atchison, Atchison County, Kansas, in the place of M. G. Winegar, whose commission expired March 10, 1886.

John Alden, to be postmaster at Campello, Plymouth County, Massachusetts, in the place of Albert Keith, whose commission expires April 17, 1886.

Columbus Corey, to be postmaster at Everett, Middlesex County, Massachusetts, in the place of James B. Everett, whose commission expires April 17, 1886.

Augustus F. Cummings, to be postmaster at Dedham, Norfolk County, Massachusetts, in the place of H. O. Hildreth, whose commission expired March 15, 1886.

James W. Rand, to be postmaster at Weymouth, Norfolk County, Massachusetts, in the place of George W. White, jr., whose commission expires April 17, 1886.

Charles W. Turner, to be postmaster at Middleborough, Plymouth County, Massachusetts, in the place of A. L. Tinkham, whose commission expires April 17, 1886.

William Jacobus, to be postmaster at Mont Clair, Essex County, New Jersey, whose commission expired March 22, 1886.

A. A. Elliott, to be postmaster at Mansfield, Tioga County, Pennsylvania, in the place of Melvin L. Clark, whose commission expires April 11, 1886.

John M. Hughes, to be postmaster at Braddock, Allegheny County, Pennsylvania, in the place of William W. McCleary, whose commission expires April 17, 1866.

James S. McKean, to be postmaster at Mercer, Mercer County, Pennsylvania, in the place of Alfred B. Filson, whose commission expired March 29, 1886.

A. Y. Wood, to be postmaster at Corsicana, Navarro County, Texas, in the place of Adolph Gadek, whose removal for cause is hereby proposed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1886.

POSTMASTERS.

H. Clay Park, at Atchison, Atchison County, Kansas, *vice* M. G. Winegar, term expired.

Miles Goodman, at Virginia City, Storey County, Nevada, *vice* David O. Adkinson, term expired.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 30, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. CRISP, the reading of so much of the Journal of the proceedings of yesterday as referred to the introduction of bills was dispensed with. The remainder of the Journal was read and approved.

COMMITTEE STENOGRAPHERS.

The SPEAKER announced, by virtue of the authority conferred upon him by the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, he had appointed Andrew C. Welch and George C. Lafferty as stenographers to committees.

COPIES OF PORTRAITS OF VICE-PRESIDENT HENDRICKS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Bureau of Engraving and Printing of an additional appropriation for copies of portraits of the late Vice-President Hendricks; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF SECTION 12, ACT OF MARCH 1, 1879.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the acting Commissioner of Internal Revenue, with a draught of a bill to amend section 12 of the act of March 1, 1879, and recommending its passage; which was referred to the Committee on Ways and Means, and ordered to be printed.

CRUISE REVENUE-MARINE STEAMER CORWIN IN ARCTIC OCEAN.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, in response to a resolution of the House, transmitting, with accompanying documents, the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the Revenue-Marine steamer Corwin in the Arctic Ocean in the year 1885; which was referred to the Committee on Printing, and ordered to be printed.

PUBLIC BUILDING, HANNIBAL, MO.

The SPEAKER also laid before the House a letter from the Secretary

of the Treasury, transmitting a letter from the Supervising Architect in regard to increasing the limit of cost of the public building at Hannibal, Mo; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GREEN AND BARREN RIVER NAVIGATION COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the acting Chief of Engineers in response to a resolution relative to the proposed purchase of the franchises of the Green and Barren River Navigation Company by the United States; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SUBSTITUTES IN THE DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Attorney-General, in response to a resolution of the House calling for information in regard to the employment of substitutes in the several Departments; which was referred to the Committee on Reform in the Civil Service.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in response to a resolution of the House calling for information respecting the employment of substitutes in the several Departments; which was referred to the Committee on Reform in the Civil Service.

JOHN IRVIN.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of John Irvin *vs.* The United States; which was referred to the Committee on War Claims.

FIDEL SPAH.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of Fidel Spah *vs.* The United States; which was referred to the Committee on War Claims.

AMZI W. BYERS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of Amzi W. Byers *vs.* The United States; which was referred to the Committee on War Claims.

FENDALL CARPENTER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of Fendall Carpenter *vs.* The United States; which was referred to the Committee on War Claims.

W. W. M'DOWELLS, ADMINISTRATOR.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of W. W. McDowells, administrator, *vs.* The United States; which was referred to the Committee on War Claims.

WITHDRAWAL OF PAPERS.

Mr. JOHNSTON, of North Carolina, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the affidavits and other papers in support of the bill (H. R. 3169) for the relief of J. F. Cisson.

Mr. MAYBURY, by unanimous consent, obtained leave to withdraw from the files of the Committee on Claims the papers in the matter of claim of the heirs of W. R. Burt.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DARGAN, for ten days.

To Mr. LINDSLEY, for one week from March 30, on account of important business.

To Mr. GROSVENOR, for three days, on account of important personal business.

To Mr. BUNNELL, for five days, on account of important business.

LEAVE TO PRINT.

Mr. DOCKERY, by unanimous consent, obtained leave to extend in the RECORD his remarks on the Post-Office appropriation bill.

GRADUATES OF MILITARY ACADEMY.

Mr. BRAGG. I ask leave to take from the House Calendar for consideration at this time the bill (S. 223) to regulate the promotion of graduates of the United States Military Academy.

Mr. BEACH. Do I understand that this bill is on the House Calendar?

The SPEAKER. The gentleman from Wisconsin [Mr. BRAGG] has so stated.

Mr. BRAGG. Yes, sir.

Mr. BEACH. I shall have to object to its consideration, much as I regret to do so, for it is a bill in which I personally feel much interest.

The SPEAKER. Objection is made.

PERSONAL EXPLANATION.

Mr. GUENTHER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Wisconsin states that he rises to a question of privilege.

Mr. GUENTHER. Mr. Speaker, since I made some remarks last Thursday on the Post-Office appropriation bill certain newspaper correspondents in Washington have sent to their respective papers statements which not only place me in a false light before the country, but also reflect upon my integrity as a member of this House. I send to the Clerk's desk a paper called The Daily Northwestern, published at Oshkosh, Wis.; and I wish to have read the portions I have marked on pages 1 and 2.

The Clerk read as follows:

Rough on Richard—Severely criticised for his recent speech—Congressman GUENTHER taken to task at Washington for certain allusions to Germany and Germans—His support of Vilas.

Congressman GUENTHER'S speech on the Post-Office appropriation bill is provoking much hostile criticism. His remarks on German customs and life were received with profound surprise. As expected, he defended the Postmaster-General's opposition to the steamship subsidy. This has drawn a fire on him from the Pacific Mail people. The speech, especially parts reflecting on Germany and the Germans, will be translated and published in all the German papers in the United States, and Mr. GUENTHER is likely to receive rough treatment at their hands.

A Washington dispatch to the Sentinel says:

"It is said that Mr. GUENTHER'S speech to-day in defense of Postmaster-General Vilas was in fulfillment of a promise exacted from Mr. GUENTHER in return for his appointment upon that committee."

[Laughter.]

Mr. GUENTHER. Mr. Speaker, this latter charge reflects not only on my own integrity, but on that of the Speaker of this House and the Postmaster-General. I therefore feel called upon to offer a personal explanation.

As a matter of fact, I will state that I never intimated to anybody, either directly or indirectly, that I wished to be appointed a member of the Committee on the Post-Office and Post-Roads. I never approached the Speaker, nor did anybody in my interest, regarding appointment on any committee, but I left it to the judgment of the Speaker to assign me wherever he thought best. While I had my own preferences for certain committees, among which the Committee on the Post-Office and Post-Roads was not included, I left the matter entirely to the judgment of the Speaker, and resolved to perform my duty to the best of my ability wherever he might place me.

Up to about ten days ago I had not met the Postmaster-General during this session of Congress, nor indeed while he has been a member of the Cabinet, except once when I met him on the street and simply exchanged the compliments of the day with him. In saying what I did on the carrying of the foreign mails I acted consistently with my course in the Forty-eighth Congress when I voted against the Pacific Mail Steamship subsidy whenever a vote was taken on the question.

I did not consider it of any moment whether the Postmaster-General belonged to the Republican or the Democratic party. I am of the opinion that he did right, no matter what his politics were.

I am a Republican. I have been a Republican ever since I came to this country. I have never Greeleyized. [Laughter and applause.] I have never mugwumpized. [Renewed laughter and applause.] But while I have been a member of this House I have occasionally cast my vote against the majority of my party. But, Mr. Speaker, I never did so unless I honestly thought I was right. [Applause.]

Three months ago, Mr. Speaker, I declined to be a candidate for reelection, as I wished to devote my time to business pursuits. While I have been a member of this House I have tried to do my duty, at least as I understood it, to the best of my limited ability. While I undoubtedly have made mistakes, I hope that no gentleman with whom I have had the honor to be associated on this floor will even insinuate that my course during this time has been anything but honorable, upright, and just. I have never entered into a corrupt bargain with anybody. [Applause.]

As to the other charge, I will leave that to my German fellow-citizens to judge. At all times whenever I had a chance to do anything to further the interests of my German fellow-citizens not incompatible with my duties as a citizen of this Republic I have done so willingly, cheerfully, fearlessly, and at all times, and I shall always do so. If there is anybody in this country who takes a greater interest in the real welfare of those of our citizens whose cradle stood on the soil of the fatherland I wish to know him, so I can take him by the hand and call him my friend. [Applause.] When I alluded to "happy" Germany in a Pickwickian sense, I uttered the convictions, the honest convictions, of my heart, and by them I stand.

I love the German people, but I have no sympathy with those who have tyrannized over them, and who by the bayonet, the musket, and the gun have always stifled their attempts to gain political liberty. I love the common people of Germany, whose son I am.

I love the land where my father, my brothers, and sisters lie buried, and where my aged mother lives to-day.

But, sir, I would not exchange my proud title of American citizenship for all the titles, all the orders, all the wealth that the Emperor of Germany or his iron chancellor could bestow upon me. [Great applause all over the House.]

I came to this country, sir, to better my condition, the same as millions of my countrymen did; and, Mr. Speaker, when they shall learn

why Mr. Kasson calls their former home "happy" Germany, they will smilingly shrug their shoulders and thank kind Providence that they live in "happy" Germany no more, but are citizens of a great, free, and prosperous Republic. [Prolonged applause.]

ORDER OF BUSINESS.

Mr. BRAGG. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. The bill I asked to take up and pass this morning was for the benefit of the cadets at West Point. I wish to know whether the gentleman who objected is Mr. BEACH, who represents that district?

Mr. BEACH. I will inform the gentleman from Wisconsin it was I who objected. I take as deep an interest in that bill as anybody on this floor. It concerns the district which I have the honor to represent on this floor, but I am compelled to object to it at this time.

Mr. MORRISON. I object to this, as it is out of order.

THE NORTHERN PACIFIC RAILROAD.

Mr. STRAIT, in accordance with previous consent, submitted the views of the minority of the Committee on the Public Lands on the bill (H. R. 147) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed with the report of the majority.

ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with the first morning hour for the call of committees for reference.

Mr. FINDLAY. I hope that motion will not prevail, as it is only right the committees should have leave to submit reports for reference.

The SPEAKER. The motion is not debatable. It requires a two-thirds vote.

The motion was not agreed to.

SERVICE OF CIVIL AND CRIMINAL PROCESS.

Mr. BENNETT, from the Committee on the Judiciary, reported back favorably the bill (H. R. 2879) to authorize service of civil and criminal process by Territorial courts within military and Indian reservations and the Yellowstone Park; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS, ARKANSAS.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back with favorable recommendation the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS MISSOURI AND KANSAS RIVERS.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with favorable recommendations bills of the following titles; which were severally referred to the House Calendar, and, with the accompanying reports, ordered to be printed, namely:

A bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri;

A bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-road; and

A bill (H. R. 5684) to authorize the construction of a bridge across the Missouri River at the most accessible point between the mouth of Femme Osage Creek and a point 2 miles above the City of Saint Charles, in the county of Saint Charles, in the State of Missouri.

PORT OF TRENTON, N. J.

Mr. O'FERRALL, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 1500) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS YELLOWSTONE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. BYNUM, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SCHUYLKILL RIVER AND EAST SIDE RAILWAY COMPANY.

Mr. FINDLAY, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 2017) granting the right of way to the Schuylkill River and East Side Railroad Company through the arsenal and navy asylum grounds at Philadelphia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PATRICK S. DOIG.

Mr. HOUK, from the Committee on Military Affairs, reported back with favorable recommendation the bill (H. R. 1657) for the relief of Patrick S. Doig; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOUK, from the Committee on Military Affairs, also reported back with an adverse recommendation bills with the following titles; which were severally ordered to be laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 4781) for the relief of George W. Dillow; and

A bill (H. R. 923) for the relief of Cudberth Stone.

GEORGE D. PAUL.

Mr. BRAGG, from the Committee on Military Affairs, reported back with favorable recommendation the bill (H. R. 6937) for the relief of George D. Paul; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REMOVAL OF CHARGES OF DESERTION.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with favorable recommendation the bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed:

A bill (H. R. 2794) for the relief of John F. Kellogg;

A bill (H. R. 6102) to place John Jones, late captain First Minnesota Battery, on the retired-list of the Army;

A bill (H. R. 6275) granting an honorable discharge to John H. Babb;

A bill (H. R. 2787) for the relief of Joseph Clancey; and

A bill (H. R. 5152) to place the name of Robert Williams on the retired-list of enlisted men.

PURCHASE OF LAND AT SAN ANTONIO.

Mr. LAIRD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARIA E. BRIERLY AND OTHERS.

Mr. WELLBORN, from the Committee on Indian Affairs, reported back the bill (H. R. 6143) for the relief of Maria E. Brierly, Eveline Brierly, Pauline Dumars (late Pauline Brierly), and Thomas H. Brierly, jr., and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

INDIAN APPROPRIATION ACT FOR 1886.

Mr. HAILEY, from the Committee on Indian Affairs, reported, as a substitute for H. R. 2844, a bill (H. R. 7475) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2844 was laid on the table.

PUBLIC BUILDING AT VICKSBURG, MISS.

Mr. COLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 179) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. FORAN, from the Committee on Labor, reported, as a substitute

for H. R. 1914, for the restoration of wages in the Government Printing Office, a bill (H. R. 7476) to regulate and fix the compensation of employés of the Government Printing Office; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1914 was laid on the table.

MARY F. POTTS.

Mr. PLUMB, from the Committee on Patents, reported back with amendments the bill (H. R. 219) for the relief of Mary F. Potts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6676) to grant a pension to Samuel Foster;

A bill (H. R. 6710) granting an increase of pension to Anton Garthoeffner; and

A bill (H. R. 6675) to increase the pension of Mary B. Hook.

MRS. ADALINE M. PUTNAM.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 814) granting a pension to Mrs. Adaline M. Putnam; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HENRY O. HILL.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 683) granting a pension to Henry O. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SUSAN GILMAN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 811) granting a pension to Mrs. Susan Gilman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BLANCHARD.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1363) granting a pension to William Blanchard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FLORENCE MURRAY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 197) to increase the pension of Florence Murray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH HAGUE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6148) granting an increase of pension to Thomas B. East;

A bill (H. R. 678) granting a pension to Daniel W. Boutwell;

A bill (H. R. 6022) granting an increase of pension to George Y. Miller;

A bill (H. R. 6139) granting a pension to Sarah M. Cronk; and

A bill (H. R. 6140) granting a pension to Joshua H. Graves.

GEORGE ANNA LIPPE.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 6331) granting a pension to George Anna Lippe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA W. OSBORNE.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2790) for the relief of Anna W. Osborne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRITISH BARK CHANCE.

Mr. GALLINGER, from the Committee on Claims, reported, as a substitute for H. R. 1093, a bill (H. R. 7477) for the relief of the owners, officers, and crew of the British bark Chance; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1093 was laid on the table.

CLAIMS OF POSTMASTERS FOR LOSSES.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5287) to amend the act of 17th March, 1882, relating to claims of postmasters for losses; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. TRIGG, by unanimous consent, submitted the views of the minority, to be printed with the report of the committee.

THOMAS MATHEWS AND OTHERS.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3554) for the relief of Thomas Mathews and others; which was referred to the Committee of the Whole House on Private Calendar, and, with the accompanying report, ordered to be printed.

WILBUR F. HINMAN.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6868) for the relief of Wilbur F. Hinman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES B. SMITH.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 1179) for the relief of the heirs of Charles B. Smith, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GEDDES, from the Committee on War Claims, also reported back adversely the bill (H. R. 2477) for the relief of the heirs of G. W. Barns; which was laid on the table, and the accompanying report ordered to be printed.

VOLUNTEERS OF THE FOURTH REGIMENT IOWA VOLUNTEERS.

Mr. LYMAN, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 651) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. LYNCH.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 2654) for the relief of William P. Lynch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS W. HUMES.

Mr. LYMAN, from the Committee on War Claims, also reported back with an amendment the bill (H. R. 2286) for the relief of Thomas W. Humes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. EDDY AND OTHERS.

Mr. LYMAN, from the Committee on War Claims, also reported back with amendments the bill (H. R. 3060) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. LYMAN, from the Committee on Claims, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5988) to correct the record of John Holloran; and

A bill (H. R. 6156) for the relief of John Ramsey.

B. M. M. PARISH.

Mr. PERRY, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4512) for the relief of B. M. M. Parish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. RICHARDSON, from the Committee on War Claims, reported back adversely the bill (H. R. 5646) for the relief of Joab Brown; which was laid on the table, and the accompanying report ordered to be printed.

ESTATE OF WILLIAM WRIGHT.

Mr. SMALLS, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 137) for the relief of the estate of William Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. JOHNSTON, of Indiana, by unanimous consent, submitted the views of the minority, to be printed with the report of the committee.

MRS. SARAH WOOD.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6745) for the relief of Mrs. Sarah H. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of standing and select committees is now completed. The hour for the consideration of bills under the rule begins at ten minutes past 1 o'clock. The call rests with the Committee on Expenditures in the Department of Justice.

UNITED STATES ATTORNEYS, MARSHALS, COMMISSIONERS, ETC.

Mr. GIBSON, of West Virginia. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 6977) relating to the compensation and duties of United States marshals, attorneys, and commissioners, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair, and resumed the consideration of House bill 6977.

Mr. GIBSON, of West Virginia. Mr. Chairman, there being only about forty minutes left within which the present consideration of this bill must be concluded under the rules, and as I have been notified by some members who oppose the bill that they will not allow a vote to be taken in that time, I shall not undertake to press the bill to a vote to-day, but will permit the discussion to continue. I yield fifteen minutes of my time to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Chairman, I shall not attempt in the time allotted to me to discuss this bill in detail; I can only allude to some of its most important provisions: First, those substituting for the fee system the salary system as to marshals and district attorneys; next, that other provision of the bill by virtue of which judges are to appoint as nearly as may be commissioners in every county or parish in the United States. The fee system, Mr. Chairman, is a failure. It has but one plea in its behalf, and that is that it has long been acquiesced in. Upon that plea it must stand condemned. It has had a thorough and a long trial; and I do not know any one who has examined thoroughly into its workings who does not condemn it.

I have made a study of this question for some years. I have talked to officials, clerks in the Department of Justice and clerks in the Treasury Department, whose business it has been to audit these accounts, and who have thus become thoroughly acquainted with the workings of the system; and I have yet to find one of them who does not condemn it, and say that it ought to be abolished. This is, I believe, the opinion of every law officer in the Departments whose duties have made him familiar with its workings. Attorney-General Devens eight years ago in his report recommended that it should be abolished and the salary system substituted. Attorney-General Brewster, in his report four years ago, recommended the same thing; and in subsequent reports, after examination thorough and exhaustive, North and South, East and West, into the workings of this system he was but confirmed in his conclusion and repeated his recommendation. In the State of Alabama there was the most disgraceful corruption; so in Pennsylvania; so in some of the Western States; so in Texas. All these things were shown by the agents of the Department of Justice sent out by Attorney-General Brewster.

Coming down in point of time, Attorney-General Garland is likewise against this system, and President Cleveland is against it. And I am glad that we are at last likely to have an opportunity in this House to discuss and pass upon this question upon its merits. I was against the system when the appointing power was Republican, I am against it when the appointing power is Democratic, because it is radically wrong in principle.

It was adopted and has been maintained because the system has worked comparatively well in most of the States; but there is no analogy whatever. The two cases differ first in this: In every State the territory within which a sheriff or similar officer may exercise his functions is limited. Generally to execute process he can go not farther than 20 or 30 miles. Generally he can make upon a single arrest not more than a few dollars—five or ten at most. Under the system necessarily prevailing in the United States courts a marshal generally has power to serve writs hundreds of miles away from the place to which they are returnable. And instead of being tempted by a little fee of two or three or five or ten dollars at most, the law allows him as much as $50 or $100 or $150, and sometimes $200 for a single arrest, without counting the fees for subpœnaing and bringing in witnesses.

Then, again, a sheriff holds his office for a fixed period. He can not be removed at will; and his jurisdiction being local, he is subject to the influence of a sound, healthful, public opinion brought to bear upon him there in that bailiwick or neighborhood for which he is elected and in which his duties are to be performed. But it is not so with a marshal. A marshal gets his authority from Washington, possibly thousands of miles away; and though he is subject to be removed at the discretion of the appointing power, yet he largely exercises his functions among those who are strangers to him, who reside at a distance from him, and to whom he feels in no wise responsible. Public opinion does not restrain him, but temptation allures him.

But it is said by those who object to this system that there will not be sufficient incentive for a marshal to perform his duties if he gets simply a salary. The very fact that he may be removed in an instant, without the allegation of any cause whatever—simply at the will of the President—when taken in connection with the fact that by his side are those who were his rivals in seeking the appointment and who are ready to report upon him if he shall be found wanting in the discharge of his duties is sufficient inducement, it seems to me, to secure the discharge of duty on the part of any marshal.

Mr. Chairman, the salary system will no doubt be welcomed by marshals and attorneys. Adopt it, and it will no longer be thought among the people every act of a marshal and every act of a district attorney is prompted by the hope of a fee. We will elevate the standing of these officials among the people. We will elevate the law itself in popular esteem, because every prosecution by a district attorney and every arrest by a marshal will be looked upon as the execution of the law in the spirit of the law and in the spirit of justice.

My time will permit me only to allude briefly to the subject of commissioners. The bill provides that every judge of the United States shall lay off the territory over which he presides, as nearly as may be, into as many districts as there are counties or parishes, and for each of these shall appoint one or more United States commissioners, who shall have jurisdiction only within the districts so laid off.

Under the present system we have many commissioners who have no other means of a livelihood than the fees of their office. This is possible, because they can issue processes to run for hundreds of miles, all over a judicial district. They are paid so much per diem for every day they are employed. They are thus tempted to provide business for every day in the year.

I make no charges, Mr. Chairman, against district attorneys or marshals or commissioners as a class. I know those holding these positions who are as honorable as any men in the land. But we can not be sure always under any administration of getting such men, and we must have laws that will not lead our officials into temptation if we wish to deliver the people from evil.

The first effect of this law will be that we shall no longer have commissioners whose living will depend upon the number of prisoners they try. No commissioner can find or make business enough in one county or one parish to sustain him. The next effect will be to save expense to the Government and annoyance and hardship to the people. We will no longer have men dragged hundreds of miles from their homes to preliminary trials before commissioners.

The result will be that this business will be put into the hands of men who have other means of making a livelihood, other business to depend upon.

And lastly, a commissioner appointed for a single county will be subject to a wholesome public opinion, which will not only incite him to a proper administration of the law, but will tend to restrain him from wrongdoing.

Mr. Chairman, local self-government is the very corner-stone of our free institutions. The love of it is the foundation of Anglo-Saxon liberty, and if we would strengthen the law we ought to give the administration of it as far as possible into the hands of the people. If you would have the laws of your country obeyed you must trust the people to enforce them.

Mr. GIBSON. I will now yield for fifteen minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the bill now before the committee is in its main features like the bill reported by the Committee on Expenditures in the Department of Justice at the last Congress. That committee devoted many months of careful labor to this subject. The object was to fix salaries for United States attorneys and marshals in lieu of the present compensation by fees. The Department of Justice had investigated this subject for several years by means of special agents of that Department, and the Attorney-General had come to the conclusion that the fee system, as applied to United States marshals and district attorneys, was expensive and at the same time conducive to unnecessary and frivolous prosecutions.

The committee gave this subject, as I have already said, careful consideration. It went to the Department of Justice and took the views of the gentlemen there who had been accustomed to look over the accounts of marshals and district attorneys. It also took the views of the Treasury officials whose duty it was to investigate and audit the accounts

of United States officials. This bill, therefore, is the joint product of the committee of the last Congress, as well as the committee of this, together with the Department of Justice and the Treasury Department.

At the first session of the last Congress it was adopted by this House nearly unanimously as an amendment to the sundry civil appropriation bill. The Senate refused to agree to the provisions of this bill at that time simply because it was legislation upon an appropriation bill; and for that reason it was finally rejected. At the second session of the last Congress the bill was again introduced and placed upon the Calendar; but owing to the rules which were then in force it could not be reached for consideration. It is now here for the careful deliberation and consideration of this body, and I hope the members of this House will give it that attention which its great importance demands.

It seems to me, sir, that there is not, and will not be, before Congress during this session a bill of more marked or practical importance to the people of the United States than the measure we are now considering. During the years past the powers of the Federal Government, exercised through the courts of the country, have been persistently and continuously abused by the Federal officials charged with the execution of judicial proceedings. That abuse has been encouraged and promoted by the fee system that has prevailed, whereby fees on the amount of business done were allowed and received by these officials of the Government. Our present system puts it in the power of certain persons to bring all of the judicial machinery of the Government of the United States into play for the purpose of enabling them to earn fees regardless of the fact as to whether or not offenses had been committed against the United States that justified such proceedings.

Mr. WARNER, of Missouri. Will the gentleman allow me a question just here?

Mr. SPRINGER. Certainly.

Mr. WARNER, of Missouri. As I understand the statement of the gentleman from Illinois, it is to the effect that the purpose of this bill is to prevent in the future frivolous prosecutions. I will ask him if, in fixing the fees of the United States attorneys hereafter under this bill, the committee have not given the benefit of the abuses of which he speaks, by these illegal prosecutions, in making up the amount of the compensation to be paid as salary?

Mr. GIBSON, of West Virginia. That is true, for we had no other data upon which we could go.

Mr. SPRINGER. You refer now to fixing the salaries?

Mr. WARNER, of Missouri. Yes, sir. And a further question. I will ask the gentleman if he does not know it to be true that although in the State of Missouri, in the eastern district of that State, the salary of the United States district attorney is fixed at $4,000, as compared with the western district, where it is $3,000, whether the report of the Attorney-General does not show that there are more criminal and more civil cases in which the United States is a party tried by the United States attorney in the western district than in the eastern? I ask him, therefore, why is this difference in their salaries?

Mr. SPRINGER. I was coming to that after a while. It is a question that bears upon the merits of the case.

Mr. WARNER, of Missouri. If the gentleman from Illinois will permit me I would like to ask him another question, so that he can answer both together.

Mr. SPRINGER. I must decline to yield for a further question, unless upon this particular point. I wish to dispose of one at a time.

It is not pretended that we can reach or enact a perfect bill at one session of Congress. We could scarcely hope that. It is true that in estimating these salaries the committee has been compelled to consider the business heretofore done; but it may turn out hereafter, after the passage of this bill, and under its operation, that there will be a great change in the business of the several districts of the country; and when that fact is developed it will be the duty of Congresses that come after us to equalize the salaries in proportion to the amount of business actually done. I repeat, we can not hope to do everything during this one session of Congress. There is no doubt that we will leave something for our successors to do in further perfecting the bill and in other respects. I can assure my friend from Missouri they will have plenty to do.

But, Mr. Chairman, at the last session of Congress the Attorney-General transmitted a communication to the Committee on Expenditures in the Department of Justice, to which I desire to ask the attention of members of this House. In a communication dated May 19, 1884, he says:

> The practice of compensating the United States marshals by fees is an expensive one. Examiners of the Department of Justice have been detailed to examine their accounts, and report that in order to make the maximum fee of the office $6,000 per annum, unscrupulous marshals, in some instances, through their deputies, have inaugurated frivolous prosecutions, outraging the rights of citizens, and involving the United States in unnecessary and excessive expenses. It is estimated—

Now I want to call the attention of gentlemen particularly to this statement—

> It is estimated in the Department of Justice that it costs the Government $10 expense for every dollar's emoluments of the marshal.

Consider this statement for a moment. Under the fee system the marshal starts out on a foraging expedition to run his maximum compensation up to $6,000 a year. What is the result to the Government? It results in an expenditure of $60,000 to enable him to accumulate his six-thousand-dollar fee.

Mr. WARNER, of Missouri. Will the gentleman permit me a question?

Mr. SPRINGER. Certainly, on this point.

Mr. WARNER, of Missouri. Has not the gentleman from Illinois, by fixing the compensation of United States marshals in this bill, rewarded those marshals who went out on the foraging expeditions to which he refers and punished those who attended to their legitimate business and did not go on such expeditions?

Mr. SPRINGER. I hope my friend from Missouri does not desire to draw me away from the subject before me. His question does not relate at all to the point I am now discussing. I stated before, and it has been stated by other gentlemen, that we had no other basis except the fees which had been collected in the past to guide us. All we can hope to do is to pass a bill which will approximately give proper fees, to be regulated in future. But let me call the attention of the committee to the subject I was about discussing.

I have stated that in order to enable the marshal to earn his maximum of $6,000 a year he involved the Government of the United States in an expenditure of $60,000; and this expenditure was incurred at the expense of the citizens of the United States, who are unnecessarily and needlessly prosecuted in order that the marshal may earn his fees. If I had time I would recite some of the instances that were brought out during the last Congress. I could point to the fact that in Texas, at one term of the United States court, the marshal brought to the court every voter in one county to appear in the United States court in the adjoining county. Every person over the age of twenty-one years was brought a distance of 40 miles by rail for the purpose of making the fees for the marshal, when the court which tried the case testified before the committee twenty witnesses would have been sufficient to establish every controverted point in the case.

In one county in Alabama it was proved before the committee that every male citizen of the county above the age of twenty-one, black and white, had been arrested and taken a great distance from his home for the purpose of swelling the emoluments of marshals and deputies.

Mr. ROGERS. Will my friend permit me to ask him a question?

Mr. SPRINGER. Yes, sir.

Mr. ROGERS. Under what pretext was this done?

Mr. SPRINGER. It was done under no pretext that I know of except to swell the emoluments of the marshal. The charge was timber depredations. It was a great outrage upon the citizens. Many cases have been shown where persons have been taken 150 miles from their homes, and then discharged without money, and were compelled to walk home.

This system has been going on for years. The Department of Justice investigated it. The committee of this House in the last Congress investigated it. And the only conclusion at which the Department and the committee could arrive was that the fee system was at the bottom of the evil, and that that system should be eradicated. The committee have, therefore, endeavored to substitute for fees the salaries provided in this bill.

The salaries as provided in this bill will result in a great economy to the Government, and if enacted into law they will result in an improvement in the public service and a more efficient administration of justice. They will also put a stop to the hundreds and thousands of frivolous cases that are tried before commissioners and United States courts all over the country for the sole purpose of swelling the emoluments of the Government officials.

It was stated in the last Congress when the appropriation bill for this service was before the House that a sufficient sum had been voted to pay those expenses. But I pointed out the fact then that there would be a large deficiency required before the year was over. That prediction was verified, for before the last Congress adjourned we were compelled to make a large appropriation for deficiencies, and even at this session the Committee on Appropriations in its urgent deficiency bill has included deficiencies of $50,000 for jurors and $135,000 for the payment of witnesses.

Now I want to say to the committee that Congress has no power to limit the expenses that will be incurred under existing law in the administration of justice. You can not limit these expenses. They are authorized by law. Whenever a citizen comes before a commissioner and makes a complaint and a warrant is issued the expenses begin to accrue. There is no means of checking this vast drain upon the public Treasury, this outrageous oppression upon the citizen, except by departing from the old system of fees and returning to the system of salaries as provided in this bill.

As to whether these salaries are correctly fixed or not, I do not pretend to claim that the schedule of fees here is perfect. It is a mere approximation to what ought to be done; and I hope in the further consideration of this bill we will hear the views of gentlemen coming from different localities as to the amount of business to be done and the salaries required.

[Here the hammer fell.]

Mr. GIBSON, of West Virginia. However much it is to be regretted

that a bill of this importance, correcting so many evils and doing so much good, could not have been passed under the rules during this hour for the consideration of bills, it only remains for us who are trying to get this law passed to recognize the fact and prepare ourselves for the future consideration of the bill when it is reached in its regular order. I trust, however, that this discussion may accomplish the good of turning the attention of the House to the evils that this bill seeks to correct, and that members may inform themselves of its provisions and the abuses of the present system, so that when the bill does come up again it may receive a full, a fair, and a frank consideration; and that when that time comes the selfish aims and desires of no single member will be allowed to stand in the path of the accomplishment of this great object.

I desire now to answer the question which the gentleman from Missouri [Mr. WARNER] has so persistently put—why the fees should be larger in some districts than in others, when it appears by the reports of the Attorney-General that more has been earned in the district where the fees allowed by this bill are smaller than in others. I will simply say to the gentleman that the object of this bill is to cover all fees, civil as well as criminal, and that the reports of the Attorney-General only cover those fees which are recovered from the United States and are payable by the United States; whereas the largest amount, or the largest percentage, of the remuneration of the district attorneys in the large cities comes from the defendants in suits, and do not appear upon the record. For instance, in the southern district of New York, where I think the record shows only some ten or twelve thousand dollars payable to the United States Government, the district-attorney, Mr. Bliss, testifies that he has received as much as $36,000 in a single year.

The way that came to pass was this: The United States Government brought its suits against individuals for violation of the revenue laws in some form and when judgment was recovered a certain fee was charged and payable to the United States and that appeared upon the record, but, in addition, the court would allow to the district attorney from one thousand to two or three thousand dollars as an additional fee to be paid by the defendants, and that did not appear upon the record. Now in this bill the fee of the district attorney of the southern district of New York is fixed at $8,000; whereas under the present law he has received, as I have stated, as high as $36,000 a year. A like condition of affairs existed in the State of Missouri about which the gentleman [Mr. WARNER] has made several inquiries here.

Mr. WARNER, of Missouri. Will the gentleman yield for a question now?

Mr. GIBSON, of West Virginia. If the gentleman from Missouri [Mr. WARNER] will only put his question and not make a speech, I will yield.

Mr. WARNER, of Missouri. Will the gentleman inform the House of any provision of law that authorized the taxation of such extra fees as he has described?

Mr. GIBSON, of West Virginia. Yes, sir; the common law of the country and the practice of the courts allow them.

Mr. WARNER, of Missouri. The highest fee——

Mr. GIBSON, of West Virginia. Mr. Chairman, I can not yield further in the few minutes that I have left. The gentleman from Missouri [Mr. WARNER] will have an opportunity to make his explanation in his own time.

Mr. WARNER, of Missouri. I simply want to say that there is no such law.

Mr. GIBSON, of West Virginia. The gentleman is mistaken.

Mr. SPRINGER. There is no law, but it is the universal practice.

Mr. GIBSON, of West Virginia. It is authorized by the common law and the common practice of the courts.

Now, in the city of Saint Louis, where also they have imports and the collection of customs duties, various suits have of course arisen out of that business, and the fees of the United States district attorney there are much larger in that district, the eastern district of Missouri, than they are in the western district, although they do not appear upon the record; and it is so in many of the cities throughout the country. For that reason, where the fees in some of the districts in which there are large commercial cities appear small, they are really very large. There is another thing that I want to say to the House. Many members are under a misapprehension as to the proposed salaries. That is not their fault, nor is it the fault of the committee, for if they could take time to examine the bill they would find that the salaries provided in it are not the salaries in the schedule to which the Attorney-General refers. The proposed salaries are printed with the report.

The difference in the figures arises from the fact that the bill referred to the Attorney-General for his suggestions fixed those salaries, but by the advice of the Attorney-General many of them were raised. That is how the discrepancy has occurred between the figures in the report and the figures in the bill. Of course, in undertaking to print the report of the Attorney-General and the schedule to which it refers, the committee did not alter the figures as they were originally presented in the schedule.

Mr. CLARDY. Will the gentleman yield for a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. CLARDY. Why have you not undertaken to fix the compensation of the clerk of the Supreme Court of the United States?

Mr. GIBSON, of West Virginia. I will say to the gentleman that we have not undertaken to fix the compensation of the clerk of the Supreme Court of the United States for the reason that no bill referred to us touched it. We knew very well that we had a great and difficult subject to deal with, and we did not want to load down this bill in any way that could be avoided. We know the difficulty of bringing about reforms. I see men here on the Democratic side and men on the Republican side who have been shouting almost against the outrages which we seek to abolish, yet who stand here now ready to strangle this bill because there is not enough "boodle" in it for their districts. I know the difficulty of bringing about reforms. I know the selfishness of men in this House and the selfishness of men out of it. I know that we have to confront these difficulties at every step we take. We are asked by the gentleman from Missouri [Mr. WARNER] why it is that in fixing these salaries we take into consideration the wrongs that these officers have perpetrated in the past. We do it because we have found it necessary to get definite data on which to proceed, and we could do that only by ascertaining and considering to some extent the amount of business heretofore done in the different districts. It was necessary for us to have some foundation on which to prepare the bill. In addition to that, the House will find that in every solitary case we have undertaken to fix these salaries not so much by the amount of business that has been done as, according to our judgment, of the reasonable compensation to which an honest and competent officer is entitled.

In some cases we have raised the salaries of these officers above the amount that they have received from their fees for the simple reason that the fees they had received were not sufficient to insure to the Government the services of good officers. We thought that honest and competent officers were entitled to a fair compensation for their services, and we undertook to pay them accordingly. You can not get a competent district attorney unless you pay him a reasonable salary, a salary commensurate with his talent. You can not induce a good lawyer to give his attention to this sort of business unless you pay him a respectable compensation. Nor can you secure the services of an efficient marshal unless you pay him a fair salary. Therefore, in some cases, where the fees have aggregated a smaller amount than was in our opinion sufficient, we have undertaken to raise the salaries above that amount.

But suppose there are some inequalities in this bill. Suppose some man may receive a few dollars less than what he ought to get. Suppose some man may have been able heretofore to make more. These persons have gone into these offices not entirely for the fees or the compensation, but in some measure for the honor, the political value attaching to the positions.

The CHAIRMAN. The time allowed to the Committee on Expenditures in the Department of Justice under this order has expired. The Committee of the Whole will therefore rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes, and had come to no resolution thereon.

CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS.

Mr. COX (when the Committee on Reform in the Civil Service was called) said: I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair, and proceeded to the consideration of House bill No. 6855.

The bill was read, as follows:

Be it enacted, &c., That the President is authorized to employ three persons not in the public service of the United States, and to designate two additional persons who are officers in such service at Washington, not more than three of whom shall be adherents of the same political party, which five persons shall constitute a commission for the purposes of this act; and the President may fill any vacancy therein.

SEC. 2. That it shall be the duty of said commissioners to prepare and submit to the President a report, or several reports in case of a difference of opinion among the commissioners, for transmission to Congress by him on or before the first day of the next regular session of Congress, upon the proper classification, compensation, and number of officials to be employed, and showing the number employed at the date of the report, and their salaries and compensation, respectively, in and under each of the several Departments, separate offices, and commissions in the executive civil service at Washington. Such report or reports shall contain one or more arrangements of such officials into appropriate classes, stating the salary or compensation proposed for those of each class, and give the reasons upon which the recommendation for such classifications, salaries, and compensations, respectively, are based.

SEC. 3. That such classification shall not extend to officers confirmed by the Senate, nor to laborers or other persons who are neither appointed to nor perform clerical duties, but it shall include all persons who perform duties of the kind now performed by those embraced in any existing classification; and the classifications shall be equally comprehensive, and the compensation of those embraced in them shall, so far as practicable, be uniform, in the several Departments and offices, for doing work of the same kind.

SEC. 4. That the report or reports shall also set forth the practice as to substitutes, furloughs, and leaves of absence in such service, and in what respect, if any, such practice may be improved; and whether with advantage, and upon what conditions, a clerical force may be provided the members of which shall serve

from time to time in different Departments and offices, as the exigencies of the public business may require.

SEC. 5. That the members of such commission who are not in the public service, and a secretary they are hereby empowered to appoint, shall be paid for their services and expenses such sums, respectively, as the President may approve, out of any money which may be appropriated for such purpose.

SEC. 6. That the heads of the Departments, offices, and commissions herein referred to shall allow such commissioners all reasonable facilities, and give them the proper information needed in the discharge of their duties hereunder, and may detail from their several Departments such persons to perform clerical work in connection with the duties of such commissioners as may be necessary.

SEC. 7. That the sum of $8,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to meet the compensation and expenses of said commissioners and secretary as herein provided.

Mr. COX. I ask that the report of the committee on this subject be read.

The report (by Mr. COX) was read, as follows:

The Select Committee on Reform in the Civil Service, to whom was referred the bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States, beg leave to submit the following report:

The committee have had this bill under consideration, and find that the present classifications of the various departmental clerks of the Government are based upon the salaries paid; that the salaries paid are not the same in the different Departments for the same kind of work, and frequently there is a wide difference in the salaries paid for the same class of work in the same Department. This, of course, should be remedied as far as possible. All compensation should be uniform in the several Departments and offices for doing work of the same kind.

The clerks in the several Departments were first classified in 1818, and the work of the Departments continued under such classification up to 1853, with minor changes in 1837.

In 1851 the Senate adopted a resolution directing the several heads of the Departments to report to the next session of Congress some plan for classifying the clerks in their Departments, for apportioning their salaries according to their services, and for equalizing the salaries of the clerks of the same grade in each of the Departments; and also some plan to provide for a fair and impartial examination of the qualifications of clerks, and for promoting them from one grade to another upon a due regard to qualifications and services.

In reply to this, the several heads of Departments submitted reports, which did not harmonize, so the act passed upon them did not secure that uniformity in the several Departments as it is hoped will be attained by this bill.

By the act of 3d March, 1853, the clerks were arranged into four classes, whose annual salaries were to be $900, $1,200, $1,500, and $1,800.

This act was amended in 1854, when the classes were arranged with the following salaries: Class 1 was fixed at $1,200 per annum; class 2, $1,400; class 3, $1,600; class 4, $1,800. Since then there has been no material change in the classification, notwithstanding the great augmentation of the civil-service employés.

It is difficult to account for this omission; and it is submitted that if the public affairs are to be conducted on a business basis, such a classification as is contemplated by this bill should not be longer delayed.

The present bill is more comprehensive and complete in its provisions than any similar measure heretofore presented. It not only embraces the hitherto classified service, but contemplates an investigation and report upon the employment of nearly all of the Government employés at Washington. It seeks to discover what the defects in the service are, and to secure some recommendation based upon careful inquiry for their correction.

One of the chief abuses believed to exist under the present system is the inequality of salaries paid for performing the same character of work. Another is the furlough and substitute system, which they are informed is most difficult to regulate. This bill contemplates the employment of supernumerary clerks, who shall be at the disposal of the different Departments to fill temporary vacancies by absenteeism from any cause, and who can be utilized to relieve any Department from an unusual stress of work. A similar class is already provided for in the letter-delivery system, and proves very effective. A recommendation for a similar class of clerks is made by the Secretary of State for the consular service.

There is another important object which will be accomplished by a proper classification and arrangement of the clerical force of the Government. It is this: Instead of Congress making an appropriation in gross for the employés of a Department of whose compensation they are ignorant, it would be enabled to provide so many clerks in class 1, 2, 3, &c., and could approximately ascertain the necessity for the appropriations it is making, and restrict a discretion on the part of a departmental officer, which has heretofore, in some instances, been abused.

The composition of the commission is thought to be most judicious. Three of them are selected from private life, and are, therefore, free from any predilections arising from employment in the Departments, while the two selected from the Departments will contribute the experience arising from the practical details of their office. This commission is to make its report to the President in time for its transmission to Congress at the beginning of the next session. In order that it should be thorough, comprehensive, and complete time and great care will be indispensable for its preparation. Hence the delay is believed necessary. The committee deem it proper to add that the labor incident to such an investigation as they think should be made preparatory to a new classification of the public service will be so great and of such a character that it is impracticable and inexpedient for it to be undertaken by any committee of Congress. Neither should Congress act upon the reports of the heads of Departments alone, for one of the prime objects is to secure uniformity in all the Departments, which was not done by the act of 1853, the reason for which is apparent.

This bill also contemplates an investigation and report upon some uniform plan for promotions in the service. It is known that promotions have heretofore sometimes been made on account of personal favoritism or political influence, and the consequence is that the clerks drawing a greatly inferior salary are in some instances performing the same duties as those who are drawing much larger salaries. Merit and skill, clear heads, and sound discretion and knowledge of the public business are not always titles to promotion.

It is believed that when all the facts are laid before Congress which can be brought to light by this investigation by a commission appointed by the President Congress can and will inaugurate such reforms as will greatly benefit the public service.

The committee is of the opinion that great good can be accomplished under the provisions of this bill, and therefore reports it to the House with a favorable recommendation.

Mr. GIBSON, of West Virginia. Before the gentleman from North Carolina [Mr. COX] proceeds with his remarks I would like to ask him why his committee has not reported back the bill for this identical purpose which I introduced early in this session?

Mr. COX. The bill to which the gentleman alludes, and which has been referred to a subcommittee, is not so comprehensive as this bill.

Mr. COX addressed the committee. [See Appendix.]

The CHAIRMAN (before Mr. COX had concluded his remarks) said: The hour for the consideration of bills under the rule has expired, and the Committee of the Whole will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6855) to secure equitable classification and compensation of certain officers of the United States, and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

The CHAIRMAN. Before the debate begins the Chair will announce that according to the account kept by the Clerk there remain one hundred and thirty-seven minutes for general debate, of which one hour and twenty minutes belong to the right and seventeen minutes to the left, and out of that time five minutes belong to the gentleman from Pennsylvania.

Mr. BURROWS. That is right.

Mr. J. M. TAYLOR addressed the committee. [See Appendix.]

Mr. JOHN M. TAYLOR (when the hammer fell) said: Mr. Chairman, are there not ten minutes more which I may occupy?

The CHAIRMAN. As the gentleman from Georgia [Mr. BLOUNT] has but fifty minutes reserved, and there is an hour remaining for his side, there are ten minutes more on that side.

Mr. JOHN M. TAYLOR. I ask to be recognized for those ten minutes, and will reserve the time.

Mr. BURROWS. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. It is not my purpose, sir, in this debate to enter into any history of the postal service. We have heard during the general debate much that has been instructive and entertaining. I propose simply to address myself to two features of this bill, and at the same time to give my hearty indorsement to the general paragraphs of the bill. It was my distinction to serve upon the subcommittee with the honorable chairman of the general committee [Mr. BLOUNT], and it has been my experience that when you can secure wise and satisfactory legislation in committee valuable time is lost on the part of any one in the discussion of the measure when it comes before the House.

Representing, as I do in part, a million of people, with their enterprises depending largely upon postal facilities, I am glad to say that during my years of service in this House no such appropriation bill has been presented for its consideration. It meets my hearty and most generous approval. Heretofore on bills of this character the time of the House has been largely occupied because the rules admitted of legislation being placed on general appropriation bills. The great and important postal legislation which has been adopted within the last few years formed a part of general appropriation bills. The 2-cent postage provision, the ounce-weight provision, the reduction of postage on second-class matter from 2 cents to 1 cent a pound—in fact all the great advances we have made toward cheap postage have become law through their incorporation in general appropriation bills. This bill comes to us to-day in another form. It comes simply as a skeleton bill carrying no legislation, but simply appropriating the amounts necessary to conduct the business of the Department during the next fiscal year.

Heretofore we have had at each session of Congress a struggle for each fiscal year's appropriation, because the Committee on Appropriations failed to submit to the House a bill covering the full requirements of the service. I do not think I mistake when I make the declaration that at the first and second sessions of the Forty-eighth Congress we built up in the body of the House the general appropriation bill to meet the requirements of the service, the bill having been increased at each of those sessions almost $3,000,000 above the amount reported by the committee.

Therefore I say that in my brief discussion of this measure I shall advert to but two paragraphs or propositions contained in the bill—the only two features to which there seemed to be any exception in the committee, and I presume the only two features which will meet with opposition in the discussions in this House. The first has reference to the foreign-mail service. I am not going into either an offensive or defensive declaration in regard to the Postmaster-General. His record is made up. It is known to the House and to the country. It has been commented on in this House by my friend from Michigan [Mr. BURROWS], whose utterances I wholly approve. Therefore it is unnecessary for me in this debate to repeat them. The issue with reference to the foreign-mail service is simply this: While the committee report $375,000 as necessary for this branch of the service it is believed by some that it will require $50,000 more, making $425,000, in order that

the Postmaster-General may go to the limit of the law for the payment of postage to American steamers, ocean and inland.

From conversation with the distinguished chairman of the committee [Mr. BLOUNT] I am of opinion that he has received additional information since the committee reported the bill which will show that the sum proposed to be appropriated ($375,000) will be amply sufficient. Should this supposition be correct, that controversy will be eliminated from the discussion; and the only remaining question will be whether the sum total of appropriation given in the bill is sufficient to pay the postal clerks their full salaries as allowed by statute.

I am of the opinion, in accordance with the statement of my distinguished friend from Michigan [Mr. BURROWS], that there should be added to the bill an additional appropriation of $90,000. It is not a question as to whether the service can be performed by the Postmaster-General with the amount now allowed for classes 4 and 5. We know it can be performed and is being performed to-day; but we know the further fact that the appropriation for the current fiscal year is not the maximum amount which would allow the Postmaster-General to pay these two classes of clerks the full compensation which the statute designated they should receive.

The action of the Postmaster-General seems to be based upon a declaration made during the debate in this House when this subject was under consideration. An inquiry was made whether the additional appropriation was intended to increase the compensation of these classes of clerks? The gentleman having that paragraph in charge a year ago, in reply to that inquiry seems to have made the statement it did not make any such increase. Thereupon the Postmaster-General has taken the ground that he is not authorized under the appropriation bill to pay these subordinate officers the full allowance of the law.

As the Postmaster-General is on record in reference to the foreign-mail service, so he is upon record in reference to the compensation of these postal clerks.

But the actual issue in the bill is whether, carrying out the spirit of the preceding Congress, carrying out the spirit, word, and meaning of the law itself, whether in this bill making appropriations for the next fiscal year we should not emphatically, in debate and by vote in this House, appropriate in the bill itself a sufficient amount to allow the Postmaster-General to pay these men the full compensation which the statutes provide they should receive for their services.

They are a hard-working subordinate force of the Government. In 1872 you fixed their compensation at $1,200 and $1,400 per annum. You appropriated that amount last year. The only direct issue coming from the Committee on the Post-Office and Post-Roads, the only direct issue in this House, is whether this appropriation should not be increased sufficiently so the Postmaster-General can give this subordinate force the full allowance of the law. When we come to the five-minute debate perhaps this point can be submitted to the House with more directness.

I have only, Mr. Chairman, to repeat my hearty and sincere indorsement of this bill with the exception of the two points which I have indicated. I believe it is the best Post-Office appropriation bill that ever came into the House during my term of service in this body.

I now yield the balance of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, this bill appropriates $375,000 for transportation of foreign mails. Of this sum about $315,000 will be required for incidentals and transportation of our transatlantic mails by foreign steamers. About $60,000 will remain for the American steamships which run to the countries of this continent, to Australia, and China, and Japan.

Will this afford just and reasonable compensation to our American steamships? This, and not whether we shall "subsidize" "grasping corporations having nothing but selfish ends at heart," as might be supposed from appeals made to prejudices, is the question before us. In justice to the intelligence of this House, I ask gentlemen to consider the subject with the candor which its importance demands.

I do not ask that this Government should imitate the governments of Europe in granting large subsidies to encourage the establishment and maintenance of steamship lines, however wise it might be to adopt a policy which has aided in giving them control of the routes of foreign commerce. The recital of their annual grants for this purpose is almost startling. Since 1840 Great Britain has expended $200,000,000 in subsidies to her steamship lines. Last year she paid them three and a quarter millions, a million and a quarter more than the receipts for postage. France paid hers still more; Italy two millions; Spain one million. Germany is to pay hers the coming year one million.

Against England's three and a quarter millions the United States proposes to pay $375,000 the coming year. But while England pays over three millions of her postal compensation to British vessels, we propose to pay only $60,000 of this sum to American steamships and $300,000 to British and other foreign steamships.

But it is claimed that this apparent discrimination against American steamships arises from the fact that the foreign steamships perform much more service, the rate of pay for service to American steamships being sea and inland postage, and to foreign steamships only the sea postage.

But on what basis is this service determined? How comes it, for example, that our Post-Office Department last year paid 38 cents per mile to the British Cunard and White Star lines for carrying our outward transatlantic mails, and only 4 cents per mile—to be increased, it is claimed, by this bill, to 8 cents—on the average to American steamships for carrying our outward mails to Central and South America, and China and Japan and the Australian colonies?

The answer of the gentleman from Georgia [Mr. BLOUNT] is that our Post-Office Department and our laws base compensation solely on the number of letters and papers carried, and make no account of the number of miles traveled in performing the service. Thus, as the foreign lines carry the large transatlantic mails, their compensation is abundant on the basis of weight. But inasmuch as the American lines carry the small mails sent to Central and South America, and China and Japan and the Australian colonies, the compensation to them is only one-fifth what it is to the British vessels for the same number of miles of service.

I ask gentlemen to notice the practical workings of this basis. The British Cunard line was last year paid by our Post-Office Department $54,147 for forty-six trips of 3,000 miles each, or an average of $1,177 per trip, or 38 cents per mile for carrying our outward mails; and this was called fair mail pay. The same Post-Office Department offered the Brazilian steamship line $4,210 or $324 per trip of 5,500 miles, or 6 cents per mile one way for transporting our South American mails; and if inland as well as sea postage had been offered the compensation would have been $5,791, or 8 cents per mile.

I ask the gentleman from Georgia [Mr. BLOUNT] if he thinks it just to pay a British Cunarder $1,177 for mail service for a trip of 3,000 miles, and a steamer of the American Brazilian line only $5,791 for a trip of 5,500 miles?

Again, the Post-Office Department paid last year the American line to China and Japan only $3,500, or $290 per outward trip of 6,500 miles; or 3½ cents per mile (to be increased, it is claimed, to 8 cents per mile by this bill), and only $1,392, or $31 per outward trip of 3,500 miles, or 1¼ cents per mile, to be increased to 3¾ cents per mile by the allowance of sea and inland postage, to the Venezuela line; and at the same time paid the British White Star line $1,103 per trip of 3,000 miles.

I ask gentlemen again, if it is just to our steamers to adopt a basis of compensation which works such results? In our stage-coach mail service, in our steamboat mail service, in our mail service by coastwise steamers, the length of route and frequency of service, in other words, the miles traveled determine the compensation. Why should it not also be basis in determining the compensation for mail service to American steamships in the foreign service? It makes little difference in cost to a steamship whether it carries twenty or two hundred sacks of mail. The distance traveled is practically the only element of cost. Why should it not be the basis of compensation?

An amendment changing the basis of compensation for mail service by American steamships can not be made to this bill, but the House will be called to consider one when the bill to compel American steamships shall come up.

It is said that it is the duty of the Government to avail itself of the cheapest conveyance for its mails even if we have to give the service to foreign vessels. I have no doubt that Great Britain would gratuitously carry all our mails by way of Liverpool to South America, Australia, and Eastern countries if we would only withdraw our steamship lines directly connecting our ports with the ports of these countries, and that she would consider it a good bargain for herself in the advantage it would be to British trade and British naval supremacy. But would it be a wise or safe arrangement for the United States?

Mr. Chairman, there is another test of the inadequacy and injustice of our present mail pay to American steamers in the foreign trade, and that is a comparison of the amount paid them with that paid our coastwise steamers. The gentleman from Missouri [Mr. DOCKERY] calls attention to the fact that the Post-Office Department last year paid almost 16 cents per mile for steamboat service and 4 cents per mile (allowing mileage only one way) for American steamship mail-service, and that the increase allowed by this bill will raise it to 8 cents per mile. Even this comparison shows that the Department thought that 16 cents per mile on the average was no more than fair compensation for transportation of our mails by steamers when a large part of this service is on inland rivers which require inexpensive boats and involve none of the hardships and perils of the ocean.

But my friend from Missouri must see that the comparison should not be made with service by river steamers, many of them mere skiffs, but with service by such coastwise steamers as navigate the ocean and the larger rivers. I find that the Post-Office Department paid for steamboat mail service in the fourth contract section, comprising the coast and Mississippi River States of Arkansas, Louisiana, Texas, California, Washington Territory, and Alaska, 23 cents per mile traveled, and for strictly coast service from 20 cents to 53 cents per mile, and no one rises here or elsewhere to charge that such compensation is "subsidy," or to attempt to prove, by comparison with the freight or parcels charges of the steamers performing the service, that the amount paid is the exaction of Eastern Shylocks.

Let me refer to specific illustrations of the discrimination made

against American steamships which are endeavoring to carry our flag and products to foreign ports, some of which have been already cited in the able speech of the gentleman from Michigan [Mr. BURROWS].

The Post-Office Department paid last year the American coastwise steamers which convey our mails between Tampa and Key West $23,600, a distance of 246 miles, with two trips each week, and a total mileage both ways of 52,000 miles, or 48 cents per mile. This was what is called fair mail-pay.

But the same Department would consent to pay only $10,215 to the American steamship line running to China and Japan, a distance of 6,000 miles, and making a mileage of 109,620 miles one way, or 10½ cents per mile one way. And when the Forty-eighth Congress voted an amount which would have enabled the Postmaster-General to pay this line $40,000, that officer refused to execute the law; and gentlemen here commend him for his refusal.

The Post-Office Department last year properly paid the steamers running between Norfolk and Baltimore, a distance of 200 miles, the sum of $18,000 for mail service, but really more for commercial purposes, as there is mail service by rail. But the Postmaster-General informs us that he can not consider commercial advantages in arranging and paying for our foreign-mail service.

The Post-Office Department last year paid an American coastwise steamer line $29,700 for carrying our mail from Port Townsend to Tacoma, the weight of mail having nothing to do with the determination of the compensation. As the distance traveled both ways was 56,183 miles, the compensation was 53 cents per mile. This is accepted without question by anyone as fair mail-pay.

The Postmaster-General, on page 42 of his last report, states that last year $1,393 was paid to the American steamships running between New York and Venezuela, and sailing 104,244 miles one way, but recommended that $3,942, or 3½ cents per mile (sea and inland postage), be paid for this service during the next fiscal year, and adds that this will be "abundant compensation" for the service. And distinguished gentlemen on this floor not only concur in this opinion, but intimate that those who think that such compensation ought to be increased are aiding and abetting selfish and improper raids on the Treasury.

In extenuation of this course toward American steamships it has been argued here that many of our lines receive generous compensation from other governments for mail service, and therefore that this fact should be considered in determining our own payment. It is true that in many cases South or Central American Governments pay our steamships for carrying their mails on the inward trips, while we pay for the outward trips. But because Brazil, for example, pays our Brazilian line $108,000 to carry her mails on the inward trips of the steamers of that line to the United States, does this absolve us from making a just payment for the transportation of our own mails on the outward trips? To my mind the statement of the fact that Brazil regards direct mail and commercial communication with the United States so important that she is willing to pay $108,000 to American steamships to carry her mails to this country, only serves to put to shame our Government's course in attempting to compel the same American steamships to carry our mails to Brazil for less than $10,000. Is there not reason to fear that Brazil, New Zealand, and other countries, which are liberally paying American steamships for mail service on the inward trips of American steamship lines, will soon say that if the United States is not interested in maintaining postal and commercial communication with them they will turn elsewhere!

It is difficult for me to understand by what process of reasoning any one can bring himself to the conclusion that 53⅓ cents per mile both ways is fair compensation for mail service to an American steamship in the coastwise trade, while the moment that same steamship passes into the foreign trade from 4 to 8 cents per mile is regarded as adequate compensation, and 20 cents per mile both ways or 40 cents per mile one way is regarded as a "subsidy" to be frowned upon. It ought to be clear that when such disproportionate results are reached the basis of weight of mail by which compensation for mail service to American steamships in the foreign trade, without regard to length of route, is determined, is improper and unjust. Practically, length of route alone determines compensation for mail service by steamers in the coastwise trade which have no foreign competition.

Why this just basis of compensation should be set aside in compensating the American steamships which enter the foreign trade in competition with the heavily subsidized lines of Great Britain, is what no one of those who have insisted that our compensation to the latter is "adequate," has undertaken to explain. Without intending it, those who defeat every attempt to right this grievous wrong, are doing much to drive our flag from the ocean and strengthen British maritime supremacy. In the sharp struggle which our steam marine in the foreign trade is making to hold present routes of traffic on this continent and to extend them to countries of South America with which we have no direct steam communication, a few thousand dollars as mail compensation may in many cases prove the turning point. And more valuable often than pecuniary aid the knowledge that the country recognizes the importance of their work and is eager to do them justice would go far to inspire courage and hope for the future.

POSTAL STEAMSHIP APPROPRIATION OF 1885.

Mr. Chairman, criticism has been made in this debate on the provision in the postal appropriation act, passed by the last Congress, appropriating $400,000 for mail service by American steamships. It has been repeatedly affirmed that it was a "wicked subsidy" scheme, and that the Postmaster-General has deserved well of the country in his refusal to take a single step to carry it out.

The law referred to was designed to give the Postmaster-General authority and means to increase the compensation of existing American steamship lines, and to encourage the establishment of new lines. The only restriction put upon his discretion in the use of the appropriation was, first, that not more than 50 cents per mile traveled should be paid—this limitation being inserted out of abundant caution, no one expecting that any line except some very short ones would receive the maximum amount; second, that proposals should be invited for carrying the mail on such routes as the Postmaster-General thought proper, with the usual right to limit or to reject all bids if the terms proposed were not regarded favorable, and third, that if any proposal was accepted it should be that of the lowest bidder.

I can speak for myself as an advocate of the measure, that I expected, and I know others expected, that the Postmaster-General would examine the question as to what amount would be a fair compensation to American lines, and that, taking the compensation paid to the Cunard line for mail service by our Government as a basis, he would reach the conclusion that American lines, with a mileage both ways of about 1,400,000 miles, ought to have on the average about 20 cents per mile both ways or 40 cents one way, and that in framing his advertisements for the important routes he would insert a clause to the effect that no bids above this sum would be accepted. Indeed, it is well understood that the American lines were generally ready to accept this as a maximum basis, and it is possible that for the two routes on which there were competing lines there might have been bids somewhat lower.

This would have required about $275,000, of which about $40,000 would have been paid to the China and Japan line, $40,000 to the Australian line, $25,000 to the Aspinwall line, $25,000 to the Panama line, $25,000 to the Mexican line, $35,000 to the Venezuelan line, $25,000 to the Cuban line, $40,000 to the Brazilian line, $10,000 to the Hayti line, and the balance of the $275,000 to a few lines of little importance. All of these sums, I admit, cover very low compensation, but they would have been accepted. The $125,000 remaining of the appropriation would have secured the extension of the Brazilian line to Buenos Ayres, Montevideo, and some other important South American points.

These amounts would have not been "subsidies" in the offensive meaning which attaches to that word, as the gentleman from Wisconsin [Mr. GUENTHER] assumes, but simply reasonable compensation to American lines for mail service. I have little doubt that if the act of 1885 had been carried out in this spirit—in the spirit which animated the great body of its supporters in passing it—that we should have greatly encouraged and strengthened existing American steamship lines, and paved the way for a gradual increase of lines which would give American producers and American merchants direct postal and commercial communication with the countries of this continent to which they must look for markets.

Instead of carrying out this law in the spirit in which Congress enacted it, the Postmaster-General declined to take a single step to execute it for reasons which seem to me to be utterly untenable. As the gentleman from Michigan [Mr. BURROWS] has discussed these excuses in his speech on this bill, I will not occupy the time of the committee in considering them.

THE COMPULSORY LAW.

The gentleman from Georgia [Mr. BLOUNT] and the gentleman from Missouri [Mr. DOCKERY] have referred approvingly to the fact that the Postal Committee have reported a bill to re-enact the law compelling American steamship lines to carry our mails at such rates as the Postmaster-General may offer, not, however, to exceed the sea and inland postage, and have intimated that the repeal of that act in 1884 was accomplished in an improper manner and for an improper object.

The facts relating to the repeal of this unwise and unjust compulsory law are simply these: In the investigation made into the shipping question in 1882 by the joint select committee appointed by the Forty-seventh Congress the attention of the committee was called to this law and the practical injustice of its operation under existing conditions.

It was ascertained that it was enacted in 1864 to meet a difficulty with the Vanderbilt steamship line, which then was the main reliance of the country for mail communication between the Atlantic and Pacific States. The Vanderbilt line was then receiving $69,000 for the transportation of our mails, a compensation admitted to be most generous by all parties. It was stated to Congress that there was no question about compensation. Under these circumstances the act worked no injustice to any one. At that time, too, the sea and inland postage, which formed the basis of compensation to the few other steamship lines that we possessed, was much larger than it has been since the countries to which our lines run were admitted to the Postal Union.

Under these circumstances the committee, composed of such gentlemen as Senator VEST, Congressman Cox (now minister to Turkey), and Congressman McLane (now minister to France), unanimously recommended to Congress that the compulsory law should be repealed, and better compensation allowed to American steamships for mail service. The subject was not reached for action by the Forty-seventh Congress.

In the Forty-eighth Congress bills were unanimously reported by the Commerce Committee of the Senate and the Shipping Committee of the House to repeal this section and increase the compensation of our steamers. The bill, however, was not reached in the House. In the Senate the substance of the bill was added to the House shipping bill by a large majority, the section repealing the compulsory law receiving the unanimous sanction of the Senate, so far as the debate shows. The conference committee on the disagreeing votes of the two Houses, composed of such gentlemen as Mr. VEST, of the Senate, and Messrs. Slocum and DIBBLE, of the House, arranged the differences on this point between the two Houses by withdrawing the section making a large appropriation for steamship mail service, and reporting a simple provision to repeal the law compelling steamers to carry mails after April 1, 1885. The proposition agreed upon was published in the Washington papers, duly reported in both Senate and House, and agreed to without dissent.

The repeal of the compulsory law was at the time universally regarded as just and proper, so far as I heard any expression. Its re-enactment now as proposed by a bill reported by a majority of the Postal Committee would be an act of grave injustice, especially in the face of the fact that the compensation provided for mail service by American steamers is so inadequate. Indeed, it is because the compensation is so inadequate that the compulsory law is recommended by the Postmaster-General. If the compensation were adequate steamships would seek the transportation of the mails.

I call attention to the fact that no nation on the face of the earth has such legislation as is proposed, because all other nations pay sufficient to make compulsion uncalled for.

Such legislation would be regarded as monstrous if it was attempted to apply it to any other private conveyance. The owners of a stage-coach are free to take a contract for carrying the mail or not. The owners of an American coastwise vessel is left at liberty to take the United States mails or not. A British vessel in the same trade as the American is free in our ports to take our mail or not. But the moment any Americans venture to invest their capital in American vessels for the foreign trade it is proposed to compel them to carry the United States mails on such terms as the Postmaster-General may offer, not, however, to exceed sea and inland postage.

The American coastwise steamers which ply between Port Townsend and Tacoma are to be at liberty to carry the mail or not, notwithstanding the compensation is $29,700 for a mileage of 56,183 miles, or 53 cents per mile. But the American steamers in the foreign trade running to Venezuela are to be compelled to take and deliver the mails for $3,942, carrying them a distance of 104,244 miles one way, or 3½ cents per mile. I can not believe that an American Congress, professing to be deeply interested in the American merchant marine and in the maintenance of American steamship lines, will be guilty of such injustice as that.

It is said in defense, however, that American steamers receive the protection of the Government, and therefore that they ought to be compelled to carry our mails at such rates as the Post-Office Department and Congress may offer. But will any one inform me what greater protection or privilege an American vessel in the foreign trade receives from our Government than is accorded a stage-coach or any other conveyance or property? "An American ship may carry the American flag as a shield of defense wherever she goes," says some one. So may an American stage-coach. "It is the duty of the Government to protect the American ship in foreign waters," says another. So it is equally the duty of the Government to protect any American property in foreign waters. Indeed there are to-day several steamers engaged in traffic in Chinese waters—steamers which never entered an American port and have no status as vessels of the United States—which are flying the American flag, and under the protection of our Government simply because they are owned by Americans.

There is not the least excuse for such legislation as is proposed, especially when it is accompanied with compensation which is so shamefully insufficient.

There is grave danger also that so unjust legislation will drive what American steamships we have from under our flag. All that their owners have to do to escape the proposed law is to sell their steamers to Englishmen, register them as British vessels under the British flag, and then charter them for the same trade in which they are now engaged. Thus the Postmaster-General and others who are promoting this legislation would have the proud satisfaction of driving American steamships, subject to use of our Government in case of war, out from under our flag, and converting them into British steamships, subject to use against us in time of war!

When such a measure is candidly considered, I can not believe that an American Congress will consent to its enactment, at least until there is coupled with it a provision which shall insure to the American steamers which it affects as much compensation per mile traveled for carrying our mails as we pay the British Cunard line for a similar service.

DECLINE OF AMERICAN SHIPPING.

Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] intimated, as has been frequently charged on this floor and elsewhere, that when the Democratic party went out of power in 1860 they left a prosperous and increasing merchant marine; and that whatever decline has come to this important interest is due to the burdens imposed on our shipping by the Republican party.

Inasmuch as there are smaller national charges on American vessels to-day than in 1860, I take it for granted that what the gentleman meant was that the tariff policy of the Democratic party prior to the war had fostered our shipping, and the protective policy of the Republican party had brought ruin upon it.

I regard it so important to keep the discussion of the shipping question out of the tariff vortex and the partisan rut, that I desire to make it clear to the committee and the House that the tariff has had nothing at all to do with the decline of any branch of our merchant marine.

If I were disposed to treat this subject in the narrow way in which those do who charge that the tariff has driven our shipping from the ocean, I could very easily show that the division of our merchant marine which has been protected, to wit, our coastwise shipping, has steadily grown until to-day it is three times as large as the British coastwise marine and five times as large as the home fleet of any other nation, and that this has come notwithstanding the rapid increase of railroad competition. And I could also show that the division of our merchant marine, to wit, that engaged in the foreign carrying trade, which has not been protected since 1850, when the United States admitted British shipping to free participation in this trade on equal terms with our vessels, has steadily declined since 1856. And the friends of protection might argue with much force from this state of facts that the decline of our shipping in the foreign trade, in which it had been contending with British competition on a free-trade basis, simply shows what would come to all our manufacturing industries if we should apply free trade to them.

But the subject is too important to be dismissed either with this partisan protection argument or the partisan anti-protection argument which my friend from Missouri has employed. And I desire to show him and all others who are inclined to dismiss this subject with the remark that our shipping in the foreign trade prospered under the revenue tariffs of 1846 and 1857, and that tariff taxation since 1861 has driven it from the ocean, that there is not the slightest basis for the charge. The conclusive proof of the groundlessness of the charge is found in the fact that the decline of our foreign carrying trade commenced about 1856, and that the annual decline from 1856 to 1861, inclusive, under the revenue tariff and Democratic administrations, was as great as the annual decline since the war under the protective tariff and Republican administrations. When I stated this fact incidentally in the general debate the gentleman from New York [Mr. ADAMS] denied it, as he saw that if it was so then the point he was making, that the Republican policy was responsible for the loss of our foreign carrying trade, had nothing to stand upon. I invite him, therefore, as well as the gentleman from Missouri, and also the gentleman from Virginia [Mr. TUCKER] who, at the Boston merchants' dinner, a few months ago, dwelt so touchingly on the ruin wrought to our shipping by our protective tariff, to look at the official figures of the decline of our foreign carrying trade, which are found in the Report of the Bureau of Statistics on the Commerce of the United States, which I have here.

It will be seen by this report that in 1855, 75½ per cent. of all our exports and imports were carried in American vessels. In the same year also five hundred and seven vessels of the class used in the foreign trade were built in the United States. This was the high-water mark of our shipping in the foreign trade—the discovery of gold in California and the Crimean war having postponed a decline which otherwise would have manifested itself a few years earlier. The decline in our foreign carrying trade and the decline in ship-building for this trade began in 1855–'56, and this decline went steadily on from year to year.

In 1857, there were only three hundred and nine vessels built for the foreign trade, and in 1859 only one hundred and seventeen. The total of our tonnage in the foreign trade, which had increased 12 per cent. per annum up to 1855, was nearly stationary from 1856 to 1861 in spite of the fact that our exports and imports largely increased during this period. This increase was seized upon by foreign vessels. In 1861 only 66½ per cent. of our exports and imports were carried by American vessels. In six years the decline of our foreign carrying trade was 9 per cent., or 1½ per cent. per annum.

In 1861 came the civil war and the confederate cruisers, which in four years swept more than one-third of our shipping in the foreign trade from the ocean either by destruction or transfer to foreign registers to escape capture. During these four years our foreign carrying trade declined 38 per cent., a loss which I am sure my friend from Missouri will not charge to the protective tariff or to the Republican party.

In 1865, the year the war ended, only 27½ per cent. of our exports and imports were carried in American vessels. The decline of our foreign carrying trade has gone on since, but not quite as rapidly as before the war. In 1885 79½ per cent. of our exports and imports were carried in foreign vessels, 5¾ per cent. by rail, and only 14¾ per cent. by American vessels. In twenty years, therefore, since the close of the war the decline in the American carrying trade has been almost 13 per cent., or three-fifths of 1 per cent. per annum, against a decline of 1½ per cent. per annum before the war. The tonnage of the American vessels in the foreign trade is nearly as large as in 1865, but foreign vessels have come in and seized upon the large increase of our exports and imports.

The fact, therefore, should be conceded on all sides that our foreign

carrying trade began to decline in 1856 under a revenue tariff and a Democratic administration, and that the decline between 1856 and 1861 was even greater than the annual decline since the war under a protective tariff.

It has been charged that the duties levied by the existing tariff on ship-building material make it more difficult to build vessels in competition with British builders than would have been the case under the tariff of 1846. Tables of the duties on iron are published to show how seriously the present tariff falls on ship-building materials.

I should be pleased to see an enlargement of the list of free materials for ship-building for the foreign trade, and I regret that gentlemen who complain of these duties will not bring in a bill for this purpose unless free ships are linked with it. These gentlemen seem to have overlooked the fact that in 1872 a Republican Congress removed the duties entirely from all lumber, timber, hemp, manila, iron and steel rods, bars, spikes, nails, bolts, copper and composition metal necessary for the construction and equipment of vessels for the foreign trade, and from all articles necessary to repair such vessels; and that in 1883 wire rope was added to the list of free articles for this purpose, together with certain supplies. All of these articles bore a duty under the tariffs of 1846 and 1857. Thus, while it is true that iron generally bears a higher duty now than was imposed by the tariffs of 1846 and 1857, yet the privileges conceded by the acts of 1872, 1883, and 1884 probably make the existing tariff as favorable for ship-building for the foreign trade, so far as the importation of materials is concerned, as the tariffs of 1846 and 1857.

OUR EXPORTS AND IMPORTS.

In this connection the charge has been made on this floor and elsewhere that our protective tariff has injured our foreign commerce, and thus deprived our shipping of the cargoes which it possessed under a lower tariff.

The groundlessness of this charge is shown by the official statistics of our foreign commerce, which is measured by the volume of exports and imports. Our foreign commerce never grew so rapidly as it has since the close of the war. The cargoes to be carried from and to this country have multiplied as never before. The difficulty has been that this increase of cargoes has been carried by foreign vessels. If our foreign carrying trade had increased as rapidly as our exports and imports we should have had to-day a merchant marine in the foreign trade four times as large as that which we actually possess.

Let me call the attention of gentlemen who sometimes indulge in the assertion that our protective tariff has destroyed our foreign commerce to the following official statistics from the last report of the Bureau of Statistics:

In 1865, when our civil war closed, the value of our foreign commerce was $404,774,883. In 1881 the value of this commerce had increased to $1,545,041,974, a growth in sixteen years of almost 300 per cent. The increase of our foreign commerce from 1846 to 1861 was only 70 per cent.; and yet there are many persons who are constantly asserting that the palmy days of our foreign commerce were under the tariffs of 1846 and 1861, and that the high tariffs since the war have destroyed our foreign trade.

There are those who are adverting in and out of season to the "unexampled" growth of the foreign commerce of Great Britain in the last twenty years. I desire to call attention to the fact that in 1865 the foreign commerce of the United Kingdom was valued at $2,384,117,140, and in 1881 it was $3,377,863,266, an increase of only 50 per cent., or only one-sixth of the increase of the foreign commerce of the United States. Even including the war period, when the foreign commerce of this country was so seriously impaired and that of Great Britain so prosperous, the statistics show that the value of the foreign commerce of the United Kingdom increased between 1860 and 1885 only 83 per cent., that of France 80 per cent., and that of the United States 95 per cent.

In other words, the foreign commerce of the United States has increased since 1860 more rapidly than that of Great Britain or that of any other nation. Gentlemen who find it convenient to lament what they call the "decline" of our foreign commerce and point to the growth of English commerce as something which our "blind protective policy" prevents us from attaining unto should consult the official statistics.

OUR EXPORT TRADE.

Again, there is no basis for the oft-repeated assertion that the protective tariffs of the United States since 1861 have restricted the export trade of the United States, which, it is assumed, the revenue tariffs in force from 1846 to 1861 had specially fostered.

According to the official statement of Mr. Evans, of the Treasury Department, our exports increased only 16¼ per cent. in the revenue-tariff decade between 1851 and 1861, or 60 per cent., if the years 1850 and 1860 are compared. While in the protective decades between 1861 and 1871 our exports increased 146 per cent., and between 1871 and 1881 increased 59¾ per cent. Our total exports in the decade ending with 1860 were eight hundred and fourteen and one-half millions; in the decade ending with 1880 they were fifty-one hundred and twelve millions.

Comparing population and exports, and the official statistics show that in the decade between 1851 and 1861 our annual exports were $9.94 per inhabitant; in the decade between 1861 and 1871 our annual exports were $10.66 per inhabitant; and in the decade between 1871 and 1881 they rose to $14.93 per inhabitant, and in 1883 to $15.25 per inhabitant.

With an official showing of annual exports of only $9.94 per inhabitant in the revenue-tariff decade between 1851 and 1861, and of $14.93 per inhabitant in the protective decade between 1871 and 1881, it is time that the oft-repeated assumption that protection has destroyed our foreign export trade should no longer be used by men who profess to seek the truth.

Side by side with the official evidence that our foreign exports per inhabitant are 50 per cent. larger under protection than they were under a revenue tariff, having risen from $228,699,486 in 1861, to $898,452,891 in 1881, I wish to place the additional fact that this growth of exports has not been solely in crude products, as many of our free-trade friends aver, but that the growth of our exports of partially and wholly manufactured articles has been even more rapid than the growth of our exports of crude articles.

In the decade between 1851 and 1861 official statistics show that only 16⅔ per cent. of our exports were manufactured goods and only 16 per cent. partially manufactured; but in the decade between 1871 and 1881 20 per cent. of our exports were manufactured, rising in 1883 to 23 per cent. manufactured and 22½ per cent. partially manufactured.

The growth of our exports of manufactured goods will be clearly seen by any one who will take the trouble to examine the official statistics. In the decade between 1851 and 1861 no agricultural implements were exported; but in the decade between 1873 and 1883 the value of these implements exported was twenty-seven millions. In the first decade not a single watch or clock was exported; in the last decade watches to the value of $600,000 and clocks to the value of ten millions. In the first decade forty millions in value of iron and steel were exported, in the last decade one hundred and fifty millions. In the first decade leather and leather goods to the value of ten millions was exported; in the last decade, seventy-eight millions. In the first decade manufactures of wood to the value of eighty-seven millions were exported; and in the last decade one hundred and ninety millions.

And yet there are gentlemen who continue to gravely assert on this floor that protection has destroyed our export trade, particularly in manufactured goods, and taken away cargoes from vessels.

I desire to call the attention of gentlemen who so frequently in this Hall lament the alleged loss through protection of the export trade to various countries, which was supposed to have been so flourishing in the revenue period before the war, to the fact disclosed by the official statistics that there is scarcely a country to which we do not export twice as much, and in many cases three, four, and even five times as much, under our protective policy as we did under a revenue tariff.

In 1860 our exports to Russia were $2,750,000; in 1883 they were $19,000,000.

In 1860 our exports to Germany were $14,750,000; in 1883, $64,250,000.

In 1860 our exports to Belgium were $2,750,000; in 1883, $26,750,000.

In 1860 our exports to Great Britain were $196,250,000; in 1883, $420,500,000.

Or, turning to the East, in 1860 our exports to Japan were $90,000; in 1883, $3,250,000.

In 1860 our exports to Australia were $4,000,000; in 1883, $9,500,000.

To South and Central America, which trade it has been asserted we largely held under revenue tariffs, our exports in 1860 were only $17,500,000, but in 1883, $42,500,000.

Even our exports to the West India Islands have increased from $23,000,000 in 1860 to $32,250,000 in 1883.

I agree, Mr. Chairman, with the gentleman from Wisconsin [Mr. GUENTHER] that the value of our home market is immensely greater than that of all the foreign markets which could possibly be reached, and that it would be unwise to surrender any portion of this home market by a reduction of duties in the vain hope that by so doing we could gain more abroad. The fact that of the ten thousand millions of products of this country in 1880, averaging $200 for each man, woman, and child, nine thousand one hundred and seventy-six millions, or $186 per inhabitant were consumed at home; while in the same year the value of the products of Great Britain were only $172 per inhabitant, of which only $136 per inhabitant was consumed at home, shows conclusively the importance of holding our home market, which is the best in the world, for our own producers.

But, at the same time, while doing nothing that can by any possibility surrender our home market, we should omit no efforts within this limit to extend our markets for surplus products. Our success since the war in so largely holding our own market by a protective tariff, and at the same time rapidly and safely increasing our exports, should encourage us to increase our facilities for reaching foreign markets, particularly the countries of this continent.

OUR FOREIGN CARRYING TRADE.

The causes of the decline of our foreign-carrying trade since 1855, in the face of the unexampled increase of our exports and imports offered for transportation, must evidently be looked for entirely outside of tariffs or mere party issues. They may be briefly stated to be these:

First. The revolution from wood to iron in marine architecture, and from sails to steam in propelling power, which began to be felt about

1855. This gave England an advantage which we had so long, as wooden sailing vessels controlled the commerce of the world.

Second. The admission of our great rival to our carrying trade on equal terms with our vessels about the beginning of 1850, which gave England an opportunity to use the advantage which she gained about 1855, as already stated.

Third. The adoption by England of the policy of aiding the establishment of steamship lines to all parts of the world by postal subsidies. The value of this aid may be appreciated when it is stated that she has expended $200,000,000 for this purpose in the last forty years, not to mention the great assistance she has given her ship-yards by building 80 per cent. of her naval vessels in private establishments.

Fourth. The destruction of one-third of our merchant marine by confederate cruisers between 1861 and 1865, and the advantage which England gained in building up great iron-ship yards while we were engrossed with war.

Fifth. A greater increase of wages of men engaged in ship-building and in the sailing of vessels in the United States in the last twenty years than in the foreign countries which are seizing upon our foreign carrying trade.

Sixth. The great opportunities for uses of capital and enterprise in building railroads, establishing manufacturing industries, and opening up the new West, which have afforded larger profits than could be obtained from the foreign carrying trade in close competition with foreign vessels. The capital and labor put into railroads in the United States in excess of that put into railways in Great Britain since 1855 would have built an ocean-fleet of three times of the whole tonnage now sailing under the British flag.

Without entering at this time upon the question of remedies, I simply have to say that remedies can in due time be applied if the American people and the American Congress think it essential, for both commercial purposes and as a means of defense in war, to have an American merchant marine built in American ship-yards. If they do not; if they regard it as of little consequence whether we have a merchant marine sailing under the American flag, ready to obey the call of the Government in time of need; if they hold it to be of no importance whether we build our vessels on the Clyde and Tyne or in our own ship-yards which can be set to work in an hour's notice to build transports or cruisers when war comes; if they believe that there is nothing but childish "sentiment" in the proposition to have our mails carried in American steamships in preference to British steamships even if it costs a little more, then of course it will not be many years before the legitimate fruits of such ideas will show themselves, and American vessels be found nowhere outside of the coastwise trade.

But if the American people and the American Congress shall come to believe, as Jefferson declared in his celebrated report on commerce, that an American merchant marine built in American ship-yards is as essential as forts for purposes of defense, then will steps be take to realize so important a result.

Mr. JOHN M. TAYLOR. I yield the ten minutes which remain to me to my colleague, the chairman of the committee [Mr. BLOUNT].

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has an hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy.

It further announced the passage of the bill (S. 1487) to establish two additional land districts in the State of Nebraska, with amendments, in which concurrence was requested.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BEACH took the chair as Speaker *pro tempore*.

A message from the President of the United States was communicated to tl e House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. 5893) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1886, and for other purposes;

An act (H. R. 1319) to increase the pension of Robert D. Fort;

An act (H. R. 1625) for the relief of Frances McNeil Potter;

An act (H. R. 2021) granting a pension to Margaret A. Blake;

An act (H. R. 1008) for the relief of Victor Beauboucher;

An act (H. R. 1245) to authorize the increase of the capital stock of the First National of Shakopee, Minn.;

An act (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883;

Joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building;

An act (H. R. 5841) granting a pension to Almira Russell Hancock, widow of Winfield Scott Hancock, late a major-general in the United States Army; and

An act (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. BLOUNT. In the opening of this debate the gentleman from Michigan [Mr. BURROWS] discussed mainly three propositions: first, the action of the Postmaster-General in declining to use the sum of $400,000 to pay American steamers for the transportation of our foreign mails; secondly, his failure to pay to the postal clerks the maximum amount which he might have allowed them under the law; and, thirdly, the action of the present administration in the enforcement of the civil-service policy as announced.

The last proposition is so remote from the bill before the House that it will be readily conceded a more fitting time will present itself for the purpose of replying to those strictures in the future.

So far as regards the strictures of the gentleman upon the action of the Postmaster-General in the matter of the pay of clerks, the answer of that official to a resolution of inquiry offered by the gentleman from Michigan, and which he as it seems carefully withheld from the House to enable his attack to be successful, it appears to me is a complete answer to the gentleman's entire argument, and I shall ask the liberty of printing it in connection with my remarks. With this I dismiss for the present the subject of the postal clerks.

The action of the Postmaster-General in refusing to use the $400,000 has given rise to a great deal of denunciation by the steamship companies and by such portions of the press as they have been able to utilize; and the misstatements that have appeared in connection with the discussion must have made some lodgment in the public mind, or the gentleman from Michigan and others would not have seen fit to repeat them here. The Postmaster-General in assuming the discharge of the duties of that Department has evidently studied our foreign mail service in its amount, in its points of destination, in the legislation relating to it throughout its history, in the reports to be found upon that subject, and it is evident has carefully examined the discussion in relation to the bill about which he has received so much criticism. Not only has he done this, but this very grave question was made the subject of a Cabinet consultation, and the action which has been reported by the Postmaster-General received the sanction of the President and of his distinguished Cabinet. Whatever, therefore, of error, of crime attaches to a failure to use this fund attaches not alone to the Postmaster-General, but attaches also to the President and to the Cabinet.

Mr. Chairman, by reason of frequent use we have become exceedingly familiar with our internal postal system, both in relation to transportation and to postage rates. As regards our foreign mail service, by reason of the fact that we have so little connection with it we do not enjoy the same familiarity and knowledge.

I wish to ask the attention of the committee, especially in the light of the appeal of the distinguished gentleman from Maine [Mr. DINGLEY] for a just and fair consideration of these questions, to some official statements which speak louder than the gentleman's opinion as to whether just compensation is allowed the American steamships or not.

I wish to call attention first to a tabular statement which is presented on page 818 of the report of the Postmaster-General. In that statement, as gentlemen will find, are set forth the percentages of mail matter carried from this to different foreign countries. It appears that to Great Britain alone the percentage is 40.37; to Germany, 23.46; to the Hawaiian Islands, Japan, Hong-Kong, China, Tahiti, the Marquesas Islands, New Caledonia, Cochin China, Straits Settlements, and Java, 1.96. This is that great mail to China and Japan and adjacent countries which is regarded as so magnificent in its proportions that its transportation would justify the enormous compensation demanded and advocated here. The percentage of mail matter in that mail is 1.96. To Brazil and other South American countries the proportion is 1.48. Mr. Chairman, it is easy by an examination of these tables to ascertain that our foreign mail is almost entirely transatlantic, and destined to points which are not reached by our steamers at all.

The statement of sums reported as paid on account of sea transportation of mails dispatched to and received from foreign countries during the year 1885 shows, in round numbers, an aggregate of $331,000, of which the transatlantic mail cost $270,000—a just and reasonable proportion when you take into account the percentage of the transatlantic mail as compared with that of the mails to China and Japan and to the South American countries.

I ask attention for a moment to that transatlantic mail service. First as to the number of trips: There go out from this country annually to Europe four hundred and forty-seven mails, more than one mail per day. The amount of mail matter carried per trip, notwithstanding the great number of trips, is 4,931 pounds. The amount paid per trip is $609.36. If the transportation of that mail were paid for at freight rates it would cost only $17.75; if paid for at parcel dispatch rates, the cost would be $160.36; while the amount actually paid, the sea postage, is $609.36 or thirty-four times the amount of the freight rates. Again, if paid by the sea and inland postage, the amount would be $1,857 as against $17.75 freight rates. I will not insist that the freight rate would be an

equitable rate of compensation for the service, but I do insist that the express rate is not an unfair guide as to what would be fair compensation. Why? The mail as it is carried abroad is put in bags, moved at one time to the ship, put on board and into the mail-room, the door is locked, and the key remains in charge of the purser until the vessel lands in Europe, when the mail is delivered to the postmaster.

The same accommodation as to room, the same requirement as to care, the same requirement as to delivery when the ship reaches her destination, applies to mail matter and to express matter. Is there any reason, then, why the Government should pay more for this service to these vessels engaged in commerce than private individuals should pay for like service in the carriage and delivery of express parcels?

The rates which I have cited are taken from the advertisements of these very lines.

Now, Mr. Chairman, let us turn for a time to some of the American lines that are complaining. I call attention first to the Pacific Mail line from San Francisco to Panama. On that line there are twenty-five trips as against four hundred and forty-seven on the transatlantic route. The average number of pounds carried per trip is 573—a good mule could carry it.

The average amount actually paid per trip is $49.53. If a private individual were to put that mail on board as freight the charge for transporting it would be $2.86. If a private individual were to put it on board at parcel-dispatch or express rates the charge would be $40.12. If paid for the service at the sea and inland postage rate this very line would get $140.20. The Postmaster-General tendered that compensation and it was declined.

Let us now take the Pacific Mail line from New York to Colon. On that line there are thirty-eight trips. There are 2,899 pounds of mail carried per trip; the amount paid per trip is $199.45. If that mail were carried as freight the charge would be $1.11; if paid for at express rates it would be $102.95; if paid for by the sea and inland postage, which the Postmaster-General intended, the amount would have been $517.43.

Take the Pacific Mail Steamship service from San Francisco to Yokohama and Hong-Kong. During the last fiscal year there were eighteen trips. The average number of pounds of mail matter per trip was 2,088. The amount paid per trip was $194.81. If the matter had been paid for at freight rates the amount would have been $12.56, if paid for at express rate $208.80, and if paid for at sea and inland postage $562.54, which this company refused to take, insisting that a larger sum should be paid them for carrying the mails of their country.

So in the service by the New York, Havana, and Mexican Steamship Company there were fifty trips. The average quantity of mail matter per trip was 993 pounds. The Government paid $82.68 per trip. The freight rates would have amounted to $2.58, the express rates $64.58. The Government offered to pay $238, which this company declined to receive, declaring it inadequate compensation.

On the New York and Cuba line there were seventy-one trips. The average quantity of mail matter per trip was 413 pounds. The amount paid was $38.01. The freight rates would have been $1.01. If a similar quantity of merchandise had been carried at express rates for a private citizen the charge would have been $26.87. The amount offered this company was $113.23, which they declined and threw off the mails.

Now take the New York and Venezuela line. There were thirty-eight trips. The average number of pounds of mail matter carried was 494. The amount paid per trip was $56.55. If paid at freight rates the amount would have been $1.74; at express rates $33.93; at sea and inland postage, which the Government tendered, $115.01. And yet officials of this company have been before the Committee on the Post-Office and Post-Roads to demand $2,500 per trip! That they regard as reasonable compensation for the service; and I suppose there are gentlemen in this House who can bring themselves to regard it in the same light.

So the Brazil Steamship Company made thirteen trips, carrying on the average 2,118 pounds of mail matter per trip. The actual amount paid per trip was $323. At freight rates the amount charged would have been $11.65; at express rates, $137.68. The Government tendered $445.53, which this company declined as payment. But I must say in justice to the company that they have continued to carry, and are to-day carrying, the mails, while insisting that there shall be what they deem equitable compensation paid in consideration of the service.

The Postmaster-General, in his report, uses the following language:

> The total weight of the transatlantic mails carried from New York last year by eight lines of ships was 2,194,066 pounds, and at sea postage yielded to the carriers $270,157.63, the compensation varying from $2,854.39 for the most profitable trip to 19 cents for the lightest, and averaging $609.36 per trip the year through. This was over thirty-four times what the same weight of freight would have been transported for, and nearly four times the charge for parcels of dispatch matter of the same quantity; and these rates increase in disproportion on the better trips, on which, in fact, the mail was chiefly carried. These figures prove the rate of sea postage to be abundant. Undoubtedly the transatlantic carriage could be procured at lower rates, if it were desirable to forego frequency of transmission and employ but one or two lines instead of all.
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> The American lines have received a less compensation in amount only because the mails they carried have been so small in quantity. But 8.37 per cent. of our foreign letter mails last year was sent to all the countries and islands of this continent and across the Pacific seas, and not so much by all the American steamships.

Now, the gentleman from Maine [Mr. DINGLEY] only a few moments ago said that the Government does not pay American steamers for carrying our foreign mails nearly so much as is paid to the railroads, to the steamboats, and to the star-route service. I am obliged to challenge this statement. I hold in my hand an official statement on this subject prepared at the Post-Office Department. Before reading it I wish to call attention to a provision of the international postal convention, which must be taken into consideration in this calculation. Under that convention the postage on mail matter originating in this country and destined for foreign countries is paid here, while the postage on mail matter originating in foreign countries and destined for this country is paid by those countries. This is an important provision, which seems to have been entirely overlooked in all the discussion heretofore had on this subject.

The table to which I have just referred shows that the railroad companies are paid 10.95 cents per mile; the star routes, 6.52 cents; the steamboat and coastwise service, 15.9 cents; the American steamships to foreign ports receive as outward sea postage 4.5 cents. If they were paid sea and inland postage, which was tendered by the Postmaster-General to all the lines, the compensation would be 11.09 cents. On the eight principal lines of American steamships the outward sea postage was 5.3 cents. These eight lines (and they are the complaining lines), if paid sea and inland postage, would receive 14.04 cents.

But here comes in an element which is not applicable to the star-route service, not applicable to the steamboat service, not applicable to the railroad service. On their return trips these eight steamship lines which are refusing to carry the mails of their country, which protects them on every sea, are taking subsidies to the extent of 51 cents per mile. So that it appears that these complaining steamship companies, instead of not getting so much pay as is given to the railroads, the steamboats, and the star-route service, are actually receiving a compensation of 51 cents per mile, while the railroad companies are getting 10.95 cents, the star routes 6.52 cents, the steamboat and coastwise service 15.9 cents.

Mr. Chairman, it seems wonderful in the light of these official statements, which can be verified from the highest sources, how people interested in legislation can parade through the press and in debates on the floor of Congress such a gross misstatement and induce legislation upon it.

But, sir, let us look at this from another standpoint. They are paid more. I insist they ought to be paid less, and why? These American steamers are traversing the ocean as instruments of commerce. That commerce is their inducement to take the sea. The little mail matter they carry is but an incident to that transportation, and is in aid of their commercial transactions and their profit.

The steamboat lines are brought into the service not by trade, but brought there for the purpose of carrying the mails, and they can not live without it. The star routes live entirely on the mail. They have no trade. They carry none of the commodities of commerce. They must rely entirely on the mail. Therefore, the attempted comparison, though fatal when you come to consider the figures, is still more so when you come to look at the nature of the service.

Mr. Chairman, I wish to invite the attention of this committee to another subject. It has been stated in the two Houses of Congress since this question came under discussion that had the mail pay remained the same as it was prior to the postal treaties of 1874 there would have been no complaint made about the compensation to these steamship companies; that it would have been ample. The distinguished gentleman from Michigan, Mr. Horr, not now a member of this House, but at that time he represented the minority in this discussion, used the following language:

> How came we to be in this condition we are now in? I wish every member to give me his attention on this point. Formerly these ships received 40 cents a letter for over one-half of the ports to which they carried our letters. Twenty-five cents a letter to China and Japan, and 30 cents a letter from the United States to Australia. September 15, 1874, a conference of nations met at Berne. There were twenty-one nations represented. They adjourned, and in 1875 reassembled at Paris, and there entered into an arrangement whereby this postage was cut down, and instead of paying 25, 30, and 40 cents a letter, after that conference we have paid 2 and 3 cents only a letter.

This same statement of fact was repeated in the Senate Chamber.

Now, Mr. Chairman, it is wonderful, when you come to examine the record, that there was not prior to 1874, when these satisfactory rates existed, in any country on the face of God's earth to which our mails went where 40 cents a letter was allowed. Not one, sir; and yet the gentleman says that to over one-half of the ports of the world our steamers carried our letters for 40 cents; 25 cents a letter to China and Japan, and 30 cents a letter from the United States to Australia. Any gentleman who will take the trouble to examine the Postal Laws and Regulations prior to that treaty will find on page 309 an absolute official refutation of these exaggerated statements upon which that $400,000 was invited.

I take from it as it has been prepared by the Superintendent of Foreign Mails the following statement, which covers every one of these lines to which this reference prior to 1874 was made:

> Prior to 1874 the rate to Brazil was 15 cents; to Uruguay and Paraguay, 18 cents; to Mexico, 10 cents; to the West Indies, 10 cents; to Venezuela, 10 cents; to the United States of Colombia and to Central and South America via Panama and Colon, 10 cents; to China and Japan—
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> Cited at 25 cents a letter—
>
> 10 cents; Hawaii, 6 cents; Australia, 10 and 12 cents.

That treaty reduced it to these several countries to 5 cents per half ounce.

The rate was reduced somewhat, as appears from these statements, but there appears alongside of this comparison that in 1874 there was collected at these magnificent rates prior to the treaties the sum of $95,769.23; and in 1885 collected the sum of $137,519.80. And the same little mail-room which carried it in 1874 carries it at this day. And not only is that true, but oftentimes they put express matter in there with the mails.

You then readily see, Mr. Chairman, the flagrant misstatements that have attended this discussion always. It is not exceptional here. I have never known a question of any magnitude in reference to bills asking Government aid that was not attended with more or less misstatements and in which there was not an effort to delude and misinform the House, while the proportion of success attending such efforts is always in direct proportion with its magnitude, and I have never known an instance where if gentlemen sought to get at the bottom of the matter they have not found this plea made up entirely of misstatements.

The gentleman from Minnesota [Mr. WAKEFIELD] has already shown the many advantages the American mail steamers are afforded, in port privileges, reduced freight rates, &c., and I will not take up the time of the committee with a repetition of them, especially as it has been so well stated by him already.

Mr. Chairman, I wish briefly to advert now to the record of the repeal of the sections 3976 and 4203 of the Revised Statutes, which are sometimes designated the "compulsory clauses;" and I may be permitted to say in this connection that these compulsory clauses, which have been so much denounced, were first introduced into the Senate of the United States by the late Charles Sumner, of Massachusetts, and were based on petitions of citizens of Boston, setting forth the fact that American mail steamers confused commerce by refusing to carry the mails without extra large rates of pay. I will also allude to what has been referred to by other gentlemen, that the Postmaster-General himself, Mr. Blair, cited the same condition of affairs when it was finally adopted in 1864.

How were these statutes repealed? These provisions of the law were repealed in a conference report, which never had any consideration whatever by this House. It was done on what was known as the "shipping bill." The Senate had attached an amendment that brought the conferees together. That amendment was abandoned, but in lieu thereof there was substituted by the Senate a repeal of these compulsory clauses. The rules of the House required of the conferees that it should be their duty to accompany their conference report with a statement of what it contained, setting forth the effect of the adoption of the report fully before the House, in order that the House might see how legislation was effected in such report. No such statement accompanied that conference report.

That committee failed utterly to make it. There was never a line communicated to the House as to what was even done by the report. This report was adopted, I think, about the 18th of June. Soon after the Congress adjourned. I did not know, numbers of gentlemen recognized by the nation as leaders of political thought in this country sat here and failed to learn, for there was nothing to arrest their attention that there was anything in the report which repealed these compulsory provisions. That session of Congress adjourned and the second session convened.

The repeal of these compulsory provisions would never have been agreed to had the House understood the situation; and now for the proof of it. The Committee on Appropriations of that House, accepting the correctness of subsidies, brought into the Post-Office bill a provision very like the one we are now discussing. It was promptly stricken out from that bill the very instant the alarm was given. Then the bill went to the Senate, and there the Senate placed a subsidy upon it, and it came back to the House, and the House acted upon it and again rejected that provision by a majority of 14 votes. Then came a conference and a disagreement, and the conferees, two of them, made the following statements to this House. The gentleman from Illinois [Mr. TOWNSHEND], in charge of the bill at the time, said:

I will say to the House now frankly that it does seem to me that we are brought face to face with the question of whether this bill shall fail or whether we shall adopt the proposition submitted by the Senate or whether some terms of compromise shall be submitted. We have been unable to agree upon any terms of compromise. I now desire to leave it to the House to decide the question as to what shall be done in regard to the bill.

Mr. Horr, another of the conferees, used the following language:

Mr. Speaker, I make this motion for the purpose of avoiding an extra session of Congress.

This, Mr. Chairman, was passed at midnight on the 3d of March. The venerable gentleman from Indiana [Mr. HOLMAN], seeing the situation, arose in his place and pleaded with the House that he could not bring his mind to the point which other gentlemen had reached, that the Senate of the United States intended to have this subsidy in or that not a dollar should be provided for the postal service of the country. The gentleman from Indiana pleaded in vain. The members of the House were untrue to their trust; that subsidy was assented to by a very small vote. Congress then adjourned. The next day Mr. Cleveland became President of the United States, and following that Mr. Vilas Postmaster-General; and now we come, Mr. Chairman, to another act in this scheme of fastening a subsidy on the American people.

The Post-Office bill for the current year contains this provision:

Office of Superintendent of Foreign Mails:
For transportation of foreign mails, including transit across the Isthmus of Panama, $800,000; and the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

It is urged by the attorneys and agents of these several companies that the Postmaster-General of the United States could have executed the provisions of this law if he had desired to do so, and that he has criminally conflicted with the will of the Congress of the United States in that regard.

The gentleman from Michigan [Mr. BURROWS] in his remarks says:

Read the law, and it seems easy of comprehension. What does it require? First, a contract with American steamships for carrying any portion of the foreign mails; second, after legal advertisement; third, to the lowest responsible bidder; fourth, at a rate not exceeding 50 cents a nautical mile each way actually traveled; and fifth, $400,000 is hereby appropriated to carry out contracts so made. Is there anything obscure in this statute? Certainly nothing. And yet no portion of this law has been executed.

The gentleman analyzes the law. Now I will put it in another form.

The Postmaster-General, after legal advertisement, after competitive bidding by bidders in good faith, may contract with the lowest responsible bidder at a rate not exceeding 50 cents a mile the round trip. The Postmaster-General could not but understand that the Congress of the United States, when it threw around the subject all these provisions, meant that that should be an honest competition, that there should be no fraud about this matter, and that he was vested with discretion for this and other questions. In so construing the words "hereby authorized" he followed the construction put by his predecessors on similar statutes. When he came to look at the situation, he found that upon every one of these mail routes save two there was but one mail line. In the exercise of that discretion vested in him by the laws of the land he believed that on those lines he could not have competition. He declined to advertise, therefore, for that reason. There could come nothing of it but bogus bidders and waste of time.

The gentleman from Michigan asks how he could know there would not be bidding. "There are a lot of our ships lying up in New York. How does he know there is to be competition in the star routes?" Mr. Chairman, he knows it because he has been living in this country, and he knows the service as it is being carried on every day and has been from the beginning of that star-route service; and he knows that invariably the Postmaster-General invites competition in that service and always finds it.

But in the matter of the American steamers he sees the great difficulties with which they are struggling. He knew how they had been driven from the seas, and that there were more lucrative employments than an attempt to compete in the carrying of the mail. The payments for that service were too small and insignificant to bring out such competition. If the commerce had not been large enough to retain them in the service, the mail pay was too small to bring them in.

On the Cuba line there was competition. The Postmaster-General in that case has provided a far better mail to Cuba, more frequent in trips, and with greater speed, and so far as that is concerned I think no harm has come to the service.

Now, when you reach the China mail you find two lines there. You propose to give the mails to one of them. You have got the Occidental and Oriental companies carrying the mail now at sea and inland postage and glad to get it. And who is hurt? Nobody but the Pacific Mail Steamship Company. Why should we be so tender of that concern? Have we forgotten what has been referred to by the gentleman from Wisconsin [Mr. GUENTHER], that in the Forty-seventh Congress that company spent $702,000 as a corruption fund to get a subsidy? Have we forgotten that in January, 1879, they entered into contract with the Union Pacific and Central Pacific Railroads that they should receive certain rates for freight, that they would make two trips per month and no more from New York to Aspinwall and from Panama to San Francisco, and that these ships were to receive a large subsidy from those two railroads, made up on freights and passengers carried on the railroad lines out of the moneys justly due to the Government for the railroad indebtedness, and that these contracts have been repeated ever since until the recent action of the Secretary of the Interior caused them to be terminated?

Mr. Chairman, is this building up American commerce? I, sir, have fought with the anti-subsidy leaders on this floor against the Senate and the Executive for years, and I did feel for a time as though the struggle were to continue on these lines. But, thank God, we have an administration now that does not understand this mode of building up American ships.

Mr. Vilas has been denounced on this floor for his failure to use this fund. Gentlemen, you who desire to indulge in that denunciation, con-

tinue to do so on this floor, on every stump, at every point where the human ear can catch a human accent, and when your voices have grown hoarse or, indeed, even silenced from exhaustion, you will hear other and harmonious voices rising and swelling and filling the land in praise of W. F. Vilas, that Postmaster-General who had the ability and the courage to do his duty in spite of all these execrations and to remain true to the great principles of his party.

My time, Mr. Chairman, is so nearly expired that it is not worth my while to attempt to proceed any further. So I will yield the floor, and move to dispense with the first reading of the bill.

Transatlantic lines, fiscal year ended June 30, 1885.

Name of line.	Number of trips.	Average number of pounds of mail carried per trip.	Maximum amount paid on any one trip.	Minimum amount paid on any one trip.	Average amount actually paid per trip.	Average amount per trip, if paid at freight rates.	Average amount per trip, if paid at parcel-dispatch rates.	Average amount per trip, if paid at sea and inland postage.
White Star line	39	9,205	$2,205 93	$15 92	$1,103 77	$33 14	$299 12	$3,363 64
Inman line	46	5,305	2,107 56	9 50	638 37	19 09	172 62	1,946 50
Anchor line	54	1,661	1,579 70	19	186 29	5 98	54 33	560 19
National line	3	11,564	1,514 99	1,407 40	1,418 33	41 63	375 54	4,340 04
Hamburg-American	41	3,581	1,255 22	49 24	445 97	10 74	116 40	1,368 30
Cunard S. S., Limited, from Boston	40	115	35 62	75	12 96	41	3 74	38 83
Cunard line	46	9,426	2,854 39	23 33	1,177 13	33 93	305 92	3,613 46
Canadian line	25	25	8 92	2 54	3 68	08	78	11 67
Liverpool and Great Western	25	7,807	2,115 64	12 30	950 61	28 10	253 74	2,905 02
North German Lloyd, from New York	90	76,777	2,764 20	20 14	969 24	38 38	249 52	2,980 97
North German Lloyd, from Baltimore	19	10	1 96	32	1 18	05	31	3 63

Number of trips	447
Average number of pounds of mail carried per trip	4,931
Average amount actually paid per trip	$609 36
Average amount per trip if paid at freight rates	17 75
Average amount per trip if paid at parcel-dispatch rates	160 36
Average amount per trip if paid at sea and inland postage	1,857 15
Maximum amount paid on any one trip	2,854 39
Minimum amount paid on any one trip	19

These averages include the American line.

Pacific Mail Steamship Company, San Francisco to Yokohama and Hong-Kong and to United States consul, Shanghai, fiscal year ended June 30, 1885.

Quarter ended—	Number of trips.	Weight of mails.		Amount actually paid.		Total amount actually paid.	Total weight.	If paid at freight rates (60 cents per 100 pounds).	If paid at parcel-dispatch rates (10 cents per pound).	Sea and inland postage (letters, 5 cents per 15 grams; papers, 1 cent per 2 ounces).
		Letters.	Papers.	Letters (5 francs per kilo).	Papers (50 centimes per kilo).					
		Grams.	*Grams.*				*Pounds.*			
September 30, 1884	4	362,414	3,778,428	$349 72	$329 90	$679 62	9,129	$54 76	$912 90	$1,963 70
December 31, 1884	5	428,281	3,795,300	443 27	357 16	800 43	9,311	56 70	931 10	2,156 63
March 31, 1885	4	352,219	3,127,535	369 90	259 77	629 67	7,679	46 06	767 90	1,799 54
June 30, 1885	5	465,712	4,200,135	455 31	425 31	880 62	10,286	61 75	1,028 60	2,422 48
Shanghai, whole year	.....	535,035	.....	516 30	.....	516 30	1,179	7 07	117 90	1,783 45
Total	18	2,143,661	14,901,398	2,134 50	1,372 14	3,506 64	37,584	226 34	3,758 40	10,125 80

Number of trips	18
Average number of pounds of mail carried per trip	2,088
Average amount actually paid per trip	$194 81
Average amount per trip if paid at freight rates	12 56
Average amount per trip if paid at parcel-dispatch rates	208 80
Average amount per trip if paid at sea and inland postage	562 54
Maximum amount paid on any one trip	195 63
Minimum amount paid on any one trip	129 25

Occidental and Oriental Steamship Company—steamer San Pablo, from San Francisco to Japan and China.

Name of steamer.	Date of sailing.	Weight of mails.		Amount paid.		Total amount paid.	Total weight.	If paid at parcel rates ($10 per 100 pounds).	If paid at freight rates (60 cents per 100 pounds).	Sea and inland postage.
		Letters.	Papers.	Letters (5 francs per kilo.).	Papers (50 centimes per kilo.).					
		Grams.	*Grams.*				*Pounds.*			
San Pablo	July 12	83,163	620,011	$80 25	$59 83	$140 08	1,557	$155 70	$9 34	$401 21
Do	Sept. 25	98,240	667,889	94 80	64 45	159 25	1,689	168 90	10 11	461 03
Do	Dec. 19	126,651	835,782	122 21	80 65	202 86	2,122	212 20	12 73	589 32
Do	Apr. 16	103,653	834,085	100 02	80 48	180 50	2,067	206 70	12 40	512 32
Do	June 22	3,000	.....	2 89	.....	2 89	6	60	04	10 00
Total	.....	414,707	2,957,767	400 17	285 41	685 58	7,441	744 10	44 64	1,973 88

Number of trips	5
Average number of pounds transported per trip	1,488
Average amount earned per trip	$137 11
Average if paid at freight rates	8 93
Average if paid at parcel-dispatch rates	148 80
Average sea and inland postage	394 77

Pacific Mail line, New York to Colon, fiscal year ended June 30, 1885.

Quarter ended—	Number of trips.	Weight of mails.		Amount actually paid.		Total amount actually paid.	Total weight.	If paid at freight rates, 37½ cents per 100 pounds.	If paid at parcel-dispatch rates, 7 cents per pound.	Sea and inland postage (letters, 5 cents per 15 grams; papers, 1 cent per 2 ounces).
		Letters.	Papers.	Letters (5 francs per kilo.).	Papers (50 centimes per kilo.).					
		Grams.	*Grams.*				*Pounds.*			
September 30, 1884	9	803,150	11,338,186	$796 36	$1,094 13	$1,890 49	26,771	$10 04	$1,873 97	$4,944 80
December 31, 1884	11	913,749	13,587,865	896 19	1,311 22	2,207 41	31,976	11 99	2,238 32	5,763 42
March 31, 1885	8	643,240	10,244,549	639 61	988 59	1,628 20	24,007	10 10	1,680 49	4,193 04
June 30, 1885	10	725,925	11,707,420	723 36	1,129 76	1,853 12	27,415	10 28	1,919 05	4,761 23
Total	38	3,085,064	46,878,020	3,055 52	4,523 70	7,579 22	110,169	42 41	7,711 82	19,662 49

Number of trips	38
Average number of pounds of mail carried per trip	2,899
Average amount actually paid per trip	$199 45
Average amount per trip if paid at freight rates	1 11
Average amount per trip if paid at parcel-dispatch rates	202 95
Average amount per trip if paid at sea and inland postage	517 43
Maximum amount paid on any one trip	253 39
Minimum amount paid on any one trip	43 06

Pacific Mail line, San Francisco to Panama, fiscal year ended June 30, 1885.

Quarter ended—	Number of trips.	Weight of mails.		Amount actually paid.		Total amount actually paid.	Total weight.	If paid at freight rates (50 cents per 100 pounds).	If paid at parcel-dispatch rates (7 cents per pound).	Sea and inland postage (letters, 5 cents per 15 grams; papers, 1 cent per two ounces).
		Letters.	Papers.	Letters (5 francs per kilo.).	Papers (50 centimes per kilo.).					
		Grams.	*Grams.*				*Pounds.*			
September 30, 1884	6	169,253	1,244,972	$163 33	$120 14	$283 47	3,120	$15 60	$218 40	$813 16
December 31, 1884	8	206,120	1,408,649	198 90	135 94	334 84	3,559	17 79	249 13	968 78
March 31, 1885	5	150,483	1,499,124	145 21	144 67	289 88	3,638	18 19	254 66	801 43
June 30, 1885	6	178,031	1,641,940	171 80	158 45	330 25	4,013	20 06	280 91	921 85
Total	25	703,887	5,794,685	679 24	559 20	1,238 44	14,330	71 64	1,003 10	3,505 22

Number of trips	25
Average number of pounds of mail carried per trip	573
Average amount actually paid per trip	$49 53
Average amount per trip if paid at freight rates	2 86
Average amount per trip if paid at parcel-dispatch rates	40 12
Average amount per trip if paid at sea and inland postage	140 20
Maximum amount paid on any one trip	68 20
Minimum amount paid on any one trip	7 54

Red D line—New York to Venezuela and Curaçao, fiscal year ended June 30, 1885.

Quarter ended—	Number of trips.	Weight of mails.		Amount actually paid.		Total amount actually paid.	Total weight.	If paid at freight rates (35 cents per 100 pounds).	If paid at parcel-dispatch rates (7 cents per pound).	Sea and inland postage (letters, 5 cents per 15 grams; papers, 1 cent per 2 ounces).
		Letters.	Papers.	Letters (5 francs per kilo.).	Papers (50 centimes per kilo.).					
		Grams.	*Grams.*				*Pounds.*			
September 30, 1884	8	186,905	1,404,156	$170 25	$135 45	$305 80	3,508	$12 16	$245 56	$905 35
December 31, 1884	8	186,675	1,596,170	181 10	174 02	355 12	3,930	13 74	275 10	944 75
March 31, 1885	8	194,845	1,872,130	183 20	180 65	363 85	4,556	15 93	303 32	1,022 64
June 30, 1885	10	192,280	1,955,290	184 55	183 62	368 17	4,729	16 51	361 03	1,028 48
Totals	34	760,705	6,827,746	719 20	673 74	1,392 94	16,723	58 34	1,185 01	3,901 22

Number of trips	38
Average number of pounds of mail carried per trip	494
Average amount actually paid per trip	$56 55
Average amount per trip if paid at freight rates	1 74
Average amount per trip if paid at parcel-dispatch rates	33 93
Average amount per trip if paid at sea and inland postage	115 01
Maximum amount paid on any one trip	60 17
Minimum amount paid on any one trip	3 74

United States and Brazil Mail Steamship Company—New York to Brazil, and to the Argentine Republic, Uruguay and Paraguay, via Brazil, and to St. Thomas, fiscal year ended June 30, 1885.

Quarter ended—	Number of trips.	Weight of mails.		Amount actually paid.		Total amount actually paid.	Total weight.	If paid at freight rates (55 cents per 100 pounds).	If paid at parcel-dispatch rates (6½ cents per pound).	If paid at sea and inland postage (letters, 5 cents per 15 grams; papers, 1 cent per 2 ounces).
		Letters.	Papers.	Letters (St. Thomas, 5 francs per kilo.; Brazil, 15 francs per kilo.; Argentine Republic, 10 francs per kilo.).	Papers (St. Thomas, 50 centimes per kilo.; Brazil, 1 franc per kilo.; Argentine Republic, 67 centimes per kilo.).					
		Grams.	*Grams.*				*Pounds.*			
September 30, 1884	3	248,687	2,985,525	$531 14	$530 24	$1,061 38	7,130	$39 21	$463 45	$1,426 06
December 31, 1884	3	259,425	3,067,544	655 32	438 99	1,094 31	7,219	39 70	469 23	1,478 25
March 31, 1885	3	266,363	2,428,579	592 69	366 77	959 46	5,895	32 42	383 17	1,373 59
June 30, 1885	4	272,131	3,034,610	630 85	464 24	1,095 09	7,292	40 10	473 98	1,514 03
Total	13	1,046,606	11,516,258	2,410 00	1,800 24	4,210 24	27,536	151 43	1,789 83	5,791 93

Number of trips	13
Average number of pounds of mail carried per trip	2,118
Average amount actually paid per trip	$323 86
Average amount per trip if paid at freight rates	11 65
Average amount per trip if paid at parcel-dispatch rates	137 68
Average amount per trip if paid at sea and inland postage	445 53
Maximum amount paid on any one trip	331 96
Minimum amount paid on any one trip	9 17

Comparative statement showing number of letters and newspapers sent to Mexico, Central and South America, the West Indies, China, Japan, Hawaii, and Australia, the postage rates and sea and inland postage on the same, for the fiscal year ended June 30, 1874, prior to the adoption of the Universal Postal Union, and for the fiscal year ended June 30, 1885.

Destination.	1874.					1885.				
	Number of letters sent.	Number of newspapers sent.	Postage rate.		Sea and inland postage.	Number of letters sent.	Number of newspapers sent.	Postage rate.		Sea and inland postage.
			Letters (per half ounce).	Newspapers (each).				Letters (per half ounce).	Newspapers (each).	
			Cents.	*Cents.*				*Cents.*	*Cents.*	
Brazil, Argentine Republic, Uruguay, and Paraguay	54,786	58,757	*18	2	$9,947 77	93,003	352,759	5	1	$8,177 74
Mexico	32,129	44,469	10	2	4,171 28	60,504	159,433	5	1	4,619 53
West Indies	360,379	185,648	10	2	42,191 29	442,714	1,119,315	5	1	33,328 75
Venezuela	3,926	2,244	10	2	595 55	35,505	119,045	5	1	2,965 70
United States of Colombia and Central and South America, via Panama and Colon	110,785	175,123	10	2	20,521 26	271,058	1,165,099	5	1	25,203 89
China and Japan	99,241	170,003	10	2	13,289 86	174,638	540,737	5	1	14,146 62
Hawaii and Australia	34,901	72,728	(†)	2	5,052 22	341,863	1,076,455	(‡)	(§)	49,077 64
Total	696,147	708,972	.....	.....	95,769 23	1,419,285	4,531,843	.....	.....	137,519 87

*Brazil, 15 cents. †Hawaii, 6 cents; Australia, 10 and 12 cents. ‡Australia, 5 and 12 cents. §Australia, 2 cents per rate.

Comparative statement showing the average amount paid per mile during the fiscal year ended June 30, 1885, for the transportation of United States mails by railway, star routes, steamboat, and coastwise service, American steamship service, to foreign ports; and average amount paid to the eight principal American lines of steamships, and the amount that would have been paid if the American steamships had received the sea and inland postage on the mails conveyed.

Service.	Number of miles traveled.	Total compensation.	Rate per mile.
			Cents.
Railways	$151,912,140	$16,627,983 00	.10-95
Star routes	83,027,321	5,414,804 00	.06-52
Steamboat and coastwise service	3,540,607	563,002 00	.15-9
American steamships to foreign ports (outward), sea postage	1,024,126	46,223 69	.04-5
If paid sea and inland postage	.....	.....	.11-9
American steamships, eight principal lines (outward), sea postage	810,829	43,492 48	.05-3
If paid sea and inland postage	.....	.....	.14-4
American steamships, inward	1,024,126	527,868 47	.51

Memorandum of an agreement between the Union Pacific Railroad Company and the Central Pacific Railroad Company, parties of the first part, and the Pacific Mail Steamship Company, party of the second part, made and entered into this 17th day of January, 1879.

First. The said railroad companies, on consideration of the undertakings of the steamship company hereinafter contained, jointly and severally undertake, promise, and agree to and with said steamship company to guarantee that the gross earnings upon the freight to be provided to said steamship company by said railroad companies, as hereinafter ageeed, shall be $48,000 per month for the West-bound freight and $35,000 per month for the East-bound freight. It being understood that in case the earnings of said steamship company from said freight, that is to say, not exceeding 600 tons, as hereinafter provided, should in any month exceed the amount guaranteed, then the excess shall be due and payable by the said steamship company to the said railroad companies, and the moneys received on all freight between New York and San Francisco and between San Francisco and New York in excess of said 600 tons shall be equally divided, one-half to said railroad companies and one-half to said steamship company.

Second. The said railroad companies further jointly and severally undertake, promise, and agree to and with the said steamship company that they will pay to the said steamship company $5 for each passenger carried by them over their roads whose tickets are purchased at points east of Ogdensburg, Suspension Bridge, Buffalo, Pittsburgh, and Wheeling to points west of Sacramento, and *vice versa*, during the continuance of this agreement.

Third. The arrangements between the parties hereto in regard to freight received by the steamship company in San Francisco for transportation to Europe via Panama shall remain as at present, but the railroad companies agree with the steamship company that the same shall be referred to their representatives at San Francisco, in order that if the same is found practicable an agreement may be arrived at between them on a basis permitting said steamship company to take said class of freight when and so far as it does not in any manner conflict with the business of said railroad companies overland.

Fourth. In consideration of the foregoing undertakings of the said railroad companies, the Pacific Mail Steamship Company promises and agrees with said railroad companies that it, the said steamship company, will dispatch from the port of New York for Aspinwall two through steamers per month and no more, and two steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco to Panama two through steamers per month and no more, and two steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said railroad companies jointly to fix the rates at which all freight shall be transported by the vesssels of the steamship company from the port of New York to the port of San Francisco and from the port of San Francisco to the port of New York, and will furnish room in each of said steamers from New Yord and San Francisco, respectively, for the transportation of, and will transport such freight as may be

so obtained under rates fixed by the railroad companies to, an amount not exceeding 600 tons, of 2,000 pounds each, upon any one of said steamers.

Fifth. The said steamship company further promises and agrees that during the continuance of this agreement it will maintain the passenger rates now published as being in force for transportation between New York and San Francisco, and will make no concession by payment of commission or otherwise from them in any form for the purpose of inducing travel via its steamers: *Provided*, That in case said railroad companies shall reduce their passenger rates from those at present in force the steamship company shall be at liberty to reduce its rates to the same extent.

Sixth. It is mutually agreed that settlement shall be made for each month upon the 15th day of the following month, or as soon thereafter as the accounts with connecting roads can be adjusted.

Seventh. The said steamship company may, on demand, examine the books and reports of the railroad agents at Omaha in order to ascertain the number of passengers for which it is entitled to payment, and the said railroad companies may on demand examine the books and accounts of the Pacific Mail Steamship Company for the purpose of obtaining full details as to freight and passengers transported by said steamship company under this agreement.

Eighth. It is further mutually agreed that this contract shall be deemed to have commenced on the 1st day of December, 1878, and shall continue in force for one year therefrom, unless either party should desire to terminate it sooner, and in that event either party shall have the right to do so upon giving to the other sixty days' notice in writing.

In witness whereof the parties hereto have hereunto set their corporate seals the day and year first above written.

THE CENTRAL PACIFIC RAILROAD COMPANY,
By C. P. HUNTINGTON, *Vice-President.*

Sealed and delivered in presence of—
I. E. GATES.

THE PACIFIC MAIL STEAMSHIP COMPANY,
By D. S. BABCOCK, *President.*

Witness as to Pacific Mail Steamship Company—
WM. H. BEAN.

THE UNION PACIFIC RAILROAD COMPANY,
By SIDNEY DILLON, *President.*

Witness as to Union Pacific Railroad Company—
JAMES M. HAM.

There being no objection, the first reading of the bill was dispensed with, and the Clerk, proceeding to read it by paragraphs for amendment, read the following:

Office of the Postmaster-General:

For mail depredations and post-office inspectors, and fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith, $200,000.

For advertising, $20,000.

For miscellaneous items in the office of the Postmaster-General, $1,500.

Mr. SPRINGER. I move to strike out the last word, offering that formal amendment for the purpose of making one statement with regard to the subject just referred to by the gentleman from Georgia, the chairman of the Committee on the Post-Office and Post-Roads.

The gentleman from Michigan [Mr. BURROWS] and other gentlemen during this discussion have criticised the Postmaster-General severely because he did not advertise for carrying the foreign mail under the act of March 3, 1885, which authorizes contracts for carrying the mail on American vessels at not exceeding 50 cents to the nautical mile. I want to remind gentlemen that that statute is not the only one in existence which authorizes the Postmaster-General to make contracts for carrying the foreign mail. They will find in section 4009 of the Revised Statutes a provision which is just as binding on the Postmaster-General as the clause in the last appropriation bill.

Section 4009 provides as follows:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mails so transported.

These two different acts were in existence at the time the Postmaster-General took the course which he did in regard to the appropriation of last session.

In view of these statutory provisions on the subject he was authorized to select that which he deemed to be most in the interest of the people. He did make that selection, and he tendered to the American steamship companies the sea and inland postage, as he was authorized by law to do. For taking that course the Postmaster-General has been severely criticised by the gentleman from Michigan [Mr. BURROWS] and others.

I want to inform those gentlemen, however, that there has been a new departure in dealing with this subject. That departure was made on the 4th day of March, 1885, when Grover Cleveland was inaugurated President of the United States and thereafter when his new Cabinet was appointed. But it seems to be marvelous to gentlemen upon the other side of this House that a Postmaster-General should administer the laws of Congress in the interest of the people instead of in the interest of the steamship companies and other great corporations. That has been done in this case, and instead of being criticised the Postmaster-General ought to receive the encomiums of Congress, and I know he will receive the plaudits of the American people. I want to remind the committee and gentlemen on the other side of the House that the Post-Office Department is hereafter to be administered in the interest of the people of this country. The sums which they may contribute for carrying the mails will hereafter be paid for legitimate service and not for the purpose of subsidizing steamship lines to aid commerce or for any other extraneous purpose. The Postmaster-General has performed simply his duty under the law. He has relieved the Government of great embarrassment by the wisdom which he has shown in the administration of the law during the past year. Instead of permitting himself to be dictated to by these great corporations, he has executed the law in the public interest. For this he should receive the thanks of Congress, as he assuredly will receive the approbation of the American people. I withdraw my amendment.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word for the purpose of replying to the statement just made by the gentleman from Illinois [Mr. SPRINGER]. He says that the Postmaster-General refused to execute the law enacted by the Forty-eighth Congress because it proposed to give subsidies to American steamships. The amount which would have been given under that law to the Brazilian line if that law had been enforced according to the intention of its friends would have been between $36,000 and $40,000.

The amount that was offered by the Postmaster-General was only $4,210, or the sea and inland postage. But it seems from a statement in to-day's paper that the amount which the gentleman from Illinois [Mr. SPRINGER] has said was abundant compensation has been decided by the Postmaster-General himself to be utterly inadequate, for he sent our mail by the Brazilian steamers during the past year under a private arrangement with them that when Congress should assemble he would recommend that special compensation should be given them, and under that recommendation only yesterday in the Senate a bill was introduced to pay the Brazilian steamship line the $36,000, about the same sum which would have been paid to that company under the act of 1885 which is now stigmatized as a subsidy law. That amount, determined now to be reasonable compensation and not a subsidy, was all that would have been paid to the Brazilian company if the act of 1885 had been executed, as many of its friends supposed it would be.

It was intended that about $300,000 should be paid to the various American steamship lines; which would have given $40,000 to the Brazilian line and about $40,000 to the China line. And these amounts would have been more per mile than are being paid to-day per mile to the British Cunard and White Star lines for the transportation of our mails—not subsides, but simply fair compensation. If that act had been enforced according to the spirit in which it was passed, we should have had reasonable compensation given to all existing American lines on an expenditure of $300,000, and a balance of $100,000 would have been available for the establishment of a new postal line to carry our mails to Rio, to Montevideo, and other points in South America where we desire to extend our trade.

Mr. Chairman, I protest here and elsewhere against the accusation that the payment of $40,000 to the Brazilian line for carrying our mails a distance of 5,500 miles would have been a subsidy in the sense in which that word is used here. When $29,000 is paid for carrying our mails between Port Townsend and Tacoma, we are told that that is fair compensation; when $18,000 is paid for carrying the mails between Norfolk and Baltimore, although the distance is only 200 miles, it is said that this is only fair compensation; but when it is proposed to pay $40,000 to an American steamship line to transport the mails between the United States and Brazil, a distance of 5,500 miles, then we are told that it is a subsidy. Mr. Chairman, let us get down fairly and candidly to the facts as they exist, and when we do that we shall find that the $400,000 covered by the postal appropriation law enacted by the last Congress, by which $300,000 would have gone to existing American steamship lines including $40,000 to be given to the Brazilian line for carrying our mails, and $100,000 to new lines, was not a subsidy but only fair compensation on any reasonable basis on which it can be determined.

Mr. WARNER, of Ohio. The gentleman will permit me to ask him how the Postmaster-General, under the act of the last Congress, is to apportion the money as the gentleman proposes? The law requires that the Postmaster-General shall ask for bids, and does not allow him to apportion the money according to his discretion.

Mr. DINGLEY. But in the advertisements that he issues he might have provided that the compensation on each line should not exceed a certain sum per mile. The Postmaster-General, under the law, is authorized to do that with reference to all bids for mail service.

[Here the hammer fell.]

Mr. DOCKERY obtained the floor.

Mr. BURROWS. If the gentleman from Missouri [Mr. DOCKERY] will yield his time to enable the gentleman from Maine [Mr. DINGLEY] to conclude his remarks I will promise to yield five minutes to the gentleman from Missouri.

Mr. DOCKERY. That is satisfactory to me. I yield to the gentleman from Maine.

Mr. DINGLEY. Mr. Chairman, on the point just suggested by the gentleman from Ohio [Mr. WARNER], I wish to say that under the act of 1885, which provided for "lawful advertisement"— *i. e.*, advertisement governed by the general law relating to postal advertisements and bids—the Postmaster-General had authority to limit in his advertisement the amount for which he would accept a bid, and to fix such a limit as he deemed reasonable in reference to each of these several

lines, or to reject all bids if he found them too high and advertise again. If he had thus limited the amounts somewhat on the basis I have suggested, we should to-day have had all these American steamship lines carrying our mails at reasonable rates, not more than $40,000 for the line to Brazil, not more than $40,000 for the line to China, not more than $35,000 for the line to Venezuela, instead of the mere pittance of $3,140 now paid; and we should also have had to-day American steamship lines running to Buenos Ayres and Montevideo, and American trade extending in those directions instead of what we see to-day.

I ask gentlemen not to be turned aside by cries of "subsidy" when all that is asked is simply that the same reasonable pay be given to American steamships in our foreign trade that is given to American steamships in the coastwise trade. We should not call the compensation paid to American steamships in the coastwise trade fair pay, and yet in regard to American steamships in the foreign trade characterize the same proportionate compensation as "subsidy," and thus invite British lines to take the places which American steamships should occupy.

Mr. GIBSON, of West Virginia. The gentleman, as I understand, says that this pay is not subsidy but compensation.

Mr. DINGLEY. Precisely.

Mr. GIBSON, of West Virginia. Now, I want to ask him whether $40,000 per line, which he has suggested, is based upon the amount of mail carried.

Mr. DINGLEY. It is based on the distance traveled.

Mr. GIBSON, of West Virginia. Then it is based upon the distance traveled, and is not pay for the service rendered to the Government.

Mr. DINGLEY. It rests upon the same basis precisely as the compensation to every one of our star-route lines, to every one of your coastwise steamer lines. In all these cases the pay is based not on the weight of the mail, but on length of the route and frequency of service—in other words, the distance traveled. We ask simply that you apply the same principle to an American steamship engaged in the foreign trade that you apply to your coastwise-steamer service, to the star-route service, to the steamboats upon our rivers. Do this, and there will be no trouble. Do not, I beseech you, gentlemen, meet this important proposition simply by the cry of "subsidy," when all that is asked is that you shall apply the same principle in the one case that you do in another.

I ask the gentleman from West Virginia why the Government should pay, as it is doing, to the steamer in the coastwise trade running from Baltimore to Norfolk, a distance of only 200 miles, $18,000 for carrying the mail, and yet say to an American steamship line running to Venezuela, a distance of over 3,000 miles, that it shall have only $3,140—shall claim that this is fair compensation, and that if you offer to pay a larger amount, an amount proportionate to that paid to the service between Norfolk and Baltimore, it is "subsidy?" Let us be reasonable in this matter, and not undertake to frown down considerations of fairness and justice by cries of "subsidy."

I want to call attention also to the fact that in our coastwise trade lines for carrying the mail are being established where commercial considerations are the chief elements in determining whether they shall be established or not. Pray, why is the line from Norfolk to Baltimore maintained to-day by the Post-Office Department if it is not mainly for commercial reasons? Our whole mail can be carried by the railroads; yet the steamship line is supported and properly supported to the amount of $18,000 by postal appropriations of the Government. I find no fault with this. But when we come to the important matter of maintaining American steamships to connect this country with the South American countries, with which we desire to develop trade, I ask that the cry of "subsidy" shall not be reiterated, and that we shall not be told the question has nothing to do with commercial considerations.

[Here the hammer fell.]

Mr. BURROWS obtained the floor and said: In return for the courtesy of the gentleman from Missouri [Mr. DOCKERY], I now yield my five minutes to him.

Mr. DOCKERY. Mr. Chairman, in the exercise of the discretion used by the Postmaster-General under the law of March 3, 1885, that officer declined to advertise for bids, and for that refusal he has been subjected to what seems to me unmerited criticism.

Mr. Chairman, I find that this is not the first instance in the history of this Government where an executive officer clothed with discretion has declined to execute provisions of law. Assuming that where discretion was authorized Congress intended in good faith to permit its exercise, several officials have refused to carry out certain laws.

In the act of Congress making appropriations for sundry civil expenses of the Governnment for the fiscal year ending June 30, 1882, and approved March 3, 1881, the sum of $200,000 was appropriated "to enable the Secretary of the Navy to establish at the Isthmus of Panama naval stations and depots for coal for the supply of steamships of war, to be available for expenditure as soon as suitable arrangements can be made to the proposed end." Here was a law vesting the Secretary of the Navy with authority to use his discretion. The officer at that time was William H. Hunt, and for reasons which seemed to him sufficient he declined to execute the provisions of that law, and on pages 24 and 25 of his report to the first session of the Forty-seventh Congress he uses the following lanaguage:

Constantly, since the passage of this act, the Department has been importuned to expend the sum here appropriated in acquiring title to certain rights upon the isthmus, claimed to belong to Ambrose W. Thompson, as the representative of a corporation styling itself the Chiriqui Improvement Company. The appropriation seems to have been granted in pursuance of the recommendation of Hon. N. Goff, jr., Secretary of the Navy, in a report made by him to President Hayes, under date of January 19, 1881. This report was submitted by President Hayes in a message to the House of Representatives, dated February 2, 1881. It is evident that the report of the Secretary of the Navy and the message of the President contemplated the establishment of the naval stations and depots claimed to belong to the Chiriqui Improvement Company and Ambrose W. Thompson. Indeed, Hon. R. W. Thompson, Secretary of the Navy, in his report under date November 30, 1880, states that he had "caused coal to be deposited in small quantities on these lands for use by our vessels whenever it may be needed." This step was taken with a view to acquiring title to these lands by our Government.

The appropriation, however, seems to have carefully avoided all mention of these lands, or of any other specific lands for the contemplated coal stations. Under the general instructions of this authorization I have been unable to satisfy myself that the interests of the Government will be advanced by the payment of this sum, or any portion of it, for the grant represented by Mr. Thompson. From reports made to the Department from reliable sources, since the passage of the appropriation and before, I am not satisfied that the lands and harbors known as the Chiriqui grant are the best adapted for coal stations. Several parties claim to be owners of the grant which Mr. Thompson asserts belongs entirely to him and his company.

It is also urged that the title of Mr. Thompson and the company is not valid; that it rested originally upon a grant conferred by the United States of Colombia under certain conditions, which have not been complied with by the grantees; that such coaling stations would result in a useless expenditure of money, involving large expense to the Government in the maintenance of the stations, and probably resulting in their abandonment as being in an expensive, isolated, inconvenient, and unhealthy position. The sovereignty over these lands has undergone changes since the date of the original contract; and it is by no means certain that the obligations said to be conferred under that contract will be ratified and held valid by the government now in power there. It is further reported that land in this lagoon is almost valueless, and that any one settling there and cultivating it acquires title by mere possession. For these and other reasons I have declined to treat for the lands offered by Mr. Ambrose W. Thompson and the corporation in whose name he acts.

Passing from the case of this officer, who, being clothed with discretionary power, refused to carry out the authorization of a certain law, we come next to similar action on the part of Hon. JOHN SHERMAN when Secretary of the Treasury. In volume 19, Statutes at Large, page 362, will be found the following provision:

That the sum of $375.000, or so much thereof as may be necessary, be appropriated to pay the amount due to mail contractors for mail service performed in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Texas, Tennessee, Virginia, and West Virginia, in the years 1859, 1860, 1861, and before said States respectively engaged in war against the United States; and the provisions of 3480 of Revised Statutes of the United States shall not be applicable to the payments therein authorized; *Provided*, That any such claims which have been paid by the Confederate States government shall not be again paid.

The Secretary of the Treasury was to use his discretion in carrying out the provisions of this law or not as he might think proper, and I have no doubt that in the exercise of such discretion he acted wisely in refusing to use the authority with which he was invested.

At all events, he did refuse to carry out the provisions of that law, and whether such action was wise or unwise is not relevant to this debate. Whether the Secretary of the Navy exercised a sound discretion is not germane to this discussion. But here we have two instances under Republican administrations where the Secretary of the Navy and the Secretary of the Treasury have refused to execute laws where they were authorized to use their discretion. I assert, therefore, in view of these facts, that the Postmaster-General, at least on the score of precedents, was fully justified in assuming the position he has taken under the subsidy law.

[Here the hammer fell.]

Mr. WARNER, of Ohio. I renew the amendment which has been withdrawn.

Mr. Chairman, it would have been better, I think, to have postponed this discussion until we had reached the part of the bill to which it relates. But inasmuch as the gentleman from Maine [Mr. DINGLEY] has raised the question here, I desire to call his attention and the attention of the committee to the provision of the act of the last Congress, and to say that under that provision the Postmaster-General could not do otherwise than he has done.

This is the provision:

The Postmaster-General is hereby authorized—

He is authorized, not required. Authorized to do what?—

Authorized to enter into contracts for the transportation of any part of said foreign mail—

When?—

after legal advertisement—

With whom?—

with the lowest responsible bidder—

And with no one else. For how much?—

at a rate not exceeding 50 cents a nautical mile, on the trip each way, actually traveled.

The Postmaster-General, therefore, could make no apportionment of the $400,000, as suggested by the gentleman from Maine [Mr. DINGLEY]. He was required to first advertise, and then, if he proceeded under this act, he could let it only to the lowest bidder. What was

the state of things? The Postmaster-General found that there were competing lines of American steamers only on two routes.

Mr. DINGLEY. Will the gentleman pardon me a moment for the purpose of asking him a question?

Mr. WARNER, of Ohio. Yes; if I can have my five minutes extended so as to answer it.

Mr. DINGLEY. The law assumed, of course, that the Postmaster-General would issue his advertisement, referring to the laws and regulations of the Post-Office Department, asking for proposals for carrying the mails. Now, the question I desire to ask is would it not have been entirely within the power of the Postmaster-General to issue an advertisement saying that no bids would be received or considered that exceeded a certain sum per mile?

Mr. WARNER, of Ohio. Not at all; that would not be carrying out the law, which says after "advertisement," and the law fixes the limit, "and then to the lowest bidder." No doubt he could reject any and all bids. But I was proceeding to show the difficulty of carrying out the law. What was the state of things which the Postmaster-General found to exist? There were only two routes where there were competing lines. It is as certain as that the gentleman from Maine is here now, or that I am here, that the other lines would have bid 50 cents a mile. They would have asked the full allowance and claimed that that was the intention of the law.

On the routes where there were two American lines, as on that from San Francisco to China, the two, instead of competing, would almost certainly have combined. If they had not and the service had been let to one line, then the public would have been deprived of half the service they have been getting. The mails would have been carried only half as frequently as when carried by the two lines. It would have taken $1,025,000 to have paid for carrying the mails at the rate of 50 cents a mile under that act. Now, it must be remembered that the Postmaster-General was authorized, not required, to proceed under this act, and as it would have taken $1,025,000, and only $400,000 was appropriated, he thought it best not to advertise for bids at all. He did just as every Postmaster-General since 1848 has done. For under section 4007 of the Revised Statutes every Postmaster-General has had the power to advertise for bids and let contracts for carrying the mails on American vessels, but it has never been done. The only difference in the law is that the limit was raised to 50 cents a mile instead of sea and inland postage, as provided in section 4009 of the Revised Statutes. Having reached the conclusion he did, there was nothing left but to fall back on the law as it has been administered for forty years and offer the sea and inland postage as the highest rate allowed.

It seems to me, Mr. Chairman, there can be but one judgment, and that is, that in this matter the Postmaster-General exercised good business sagacity and a wise discretion, looking to the best interests of the Government and the service. He might, of course, have done what some gentlemen on that side of the House have claimed he ought to have done; he might have spent what money was appropriated and laid the foundation for a claim for twice as much more. They do not say so, but the legitimate conclusion of what they do say is that they would have done it. A Postmaster-General like Brady might and very likely would have expended the whole appropriation in half a year, and obligated the Government for as much more. The present Postmaster-General did not take that course, but, on the contrary, exercised good business discretion, and in that course the country supports him.

[Here the hammer fell.]

Mr. JOHN M. TAYLOR. I will take the floor and yield my five minutes to the gentleman from Ohio [Mr. WARNER].

Mr. BLOUNT. I ask, by unanimous consent, that debate on the pending paragraph be closed in ten minutes.

Mr. WARNER, of Ohio. I propose only to proceed a few minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that debate on the pending paragraph be closed in ten minutes?

There was no objection, and it was ordered accordingly.

Mr. BURROWS. I understood the gentleman to make the statement that if the Postmaster-General had executed the law it would have taken a million and some odd dollars.

Mr. WARNER, of Ohio. A million and twenty-five thousand dollars, or thereabouts.

Mr. BURROWS. Is the gentleman from Ohio aware of the fact that since that time there has been advice, as appears by the speech of the gentleman from Illinois, that there was a mistake made in the compensation of fourteen vessels of foreign register, which would reduce the amount some $600,000?

Mr. WARNER, of Ohio. I take the calculation as made in the report of the Postmaster-General——

Mr. BURROWS. That has ceased to be any guide whatever.

Mr. WARNER, of Ohio. In which he estimates the compensation upon the basis of mileage of steamships plying between the countries named.

Mr. BURROWS. He says American steamships.

Mr. WARNER, of Ohio. The whole question is: Did the Postmaster-General exercise in that regard a wise business discretion? I say he did, and the country supports him in it.

Now a moment on the question of subsidies. The gentleman from Maine [Mr. DINGLEY] argues that more compensation should be given to American vessels, but not as a subsidy. There are just two questions here. The first is, What is fair compensation for carrying the mails, disconnected from everything else? The other is, Shall subsidies be paid for maintaining steamship lines? Everything beyond fair compensation for carrying the mails, this, and nothing else, is subsidy, no matter in what guise it comes.

Now, when all disguise is stripped off, this $400,000, or a part of it, was intended as a subsidy, although ostensibly it was given only for carrying mails. Now I say if it is our purpose to establish and maintain steamship lines for commercial purposes we should do it openly, and not under a pretense that it is for something else—not under the disguise of paying for carrying the mails four or five times what the service is worth. If steamship lines are to be paid subsidies in aid of commerce say so and appropriate your $100,000 or $500,000 or $1,000,000 specifically for maintaining steamship lines, as some countries do.

The gentleman from Maine thinks we should pay for the mail service on the basis of mileage alone. I submit, Mr. Chairman, that that would not be a proper basis upon which to compute the compensation which should be paid for carrying the mails on sea any more than on land. Suppose we adopted that policy and made mileage alone the basis for computing compensation to railroads for carrying the mails. What reason is there for basing compensation for carrying the mails on mileage alone, regardless of weight, any more than there is on merchandise or express matter? Would we think of paying the railway lines from New York to Chicago, or New York to New Orleans, or New York to San Francisco, on the basis of mileage alone, regardless of quantity or weight? No one would advocate that. The gentleman must know that business is not done on that basis. The carrying trade is not conducted on any such basis, nor is the express business conducted on that principle. There is no difference in fact between mail matter and express or other matter in respect to its transportation.

Distance or mileage, weight and space, combine to make up the cost of transportation, and of these items weight is the most important. On what principle every element that enters into cost should be ignored except mileage I do not see, unless it be that a subsidy can be better disbursed in this way. Upon the basis of mileage alone, a vessel plying between points not distant from each other, say between New Orleans and Havana, no matter what the weight of the mails might be, would not get even the amount of the sea postage, unless the longer lines received greatly more than the sea and inland postage. Or reverse it, and if sea and inland postage were allowed to lines between New Orleans and Havana, vessels plying between San Francisco and China would be entitled on the mileage basis to greatly more than the sea and inland postage. The transportation of the mails is not conducted on that theory by any country, and it ought not to be by this. I am for fair, for liberal compensation for carrying the mails on American vessels, but I do not want to mix up compensation for one service with subsidy for something else.

[Here the hammer fell.]

The Clerk read as follows:

Office of the First Assistant Postmaster-General:
For compensation to postmasters, $11,700,000.
For compensation to clerks in post-offices, $5,150,000.
For rent, fuel, and light, $495,000.
For office furniture, $25,000.
For miscellaneous and incidental items, $70,000
For free-delivery service, $4,928,531.25.
For stationery in post-offices, $55,000.
For wrapping-twine, $80,000.
For wrapping-paper, $30,000.
For letter-balances, scales, and test-weights, $10,000.
For postmarking and rating stamps, and ink and pads for stamping and canceling purposes, $30,000.

Mr. HOUK. Mr. Chairman, I move to strike out the last word of the paragraph just read. I desire to make a few observations on this bill, and I regard this as good a point as any other to avail myself of a few minutes, for I shall not consume very much time.

I suppose this bill will have to pass in order to prevent general chaos in the post-office service of the country. The present administration has brought all the departments of the civil service, so far as I can observe, into substantial chaos, but more especially in regard to the Post-Office Department. As an evidence of the grand work which this civil-service reform administration has been doing I want to call attention to a few facts.

The President, in the first place, has assumed an attitude before the country and the people that would not be tolerated for one moment in but two countries in the whole world so far as I can observe or believe. Perhaps Russia or Persia might tolerate his course in regard to the Senate; but neither the Sultan of Turkey nor the Queen of England could keep their positions twenty-four hours if they had assumed the position that the President of the United States has in throwing a black veil of slander around the whole office-holding population of the United States.

But that which I desire to discuss more particularly is the Post-Office Department. If it had been predetermined, if the President and his Cabinet had met in council and determined to inflict punishment upon the people of my district, they could not have more completely

succeeded than they have under the administration of the postal service in that district for the last twelve months. We never knew but one time before what it was to be persecuted. We had that experience only once, and that was in the days when men were robbed, arrested, imprisoned, and mobbed or hung for opinion's sake. Since this administration came into power it has been a perfect persecution from the very beginning, and I want to call attention to one or two facts, and before I begin I send to the Clerk's desk to have read a letter which I addressed to the First Assistant Postmaster-General on yesterday, and afterward I will explain what it is.

The Clerk proceeded to read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 29, 1886.

To the FIRST ASSISTANT POSTMASTER-GENERAL:

SIR:—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. I have no objection to allowing the gentleman to publish his letter.

Mr. HISCOCK was recognized and yielded his time to Mr. HOUK.

Mr. HOUK. I wish every gentleman on this floor to hear that letter read.

The Clerk read the letter, as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 29, 1886.

To the FIRST ASSISTANT POSTMASTER-GENERAL:

SIR: As you have seen proper to remove the post-office at Trundle's Cross Roads one mile and a half out of town in order to secure the appointment of a gentleman who has not heretofore been understood to be a Democrat but is a liberal Republican, and thereby inconvenienced three-fourths of the patrons of the office (see map filed by me some time ago), the people in the town and a large majority of those patronizing the office have now appealed to me to see whether or not you would establish a new office in the village for the accommodation of the people, provided they will try to find you a Democrat for postmaster. There is a gentleman—an old and respected citizen, as I understand—who will accept the position for the accommodation of the people who have been raped by your action. Knowing the country well and knowing the people, I can verify the fact that a more unjust and oppressive action could not have been had than depriving them of their post-office, which they had enjoyed for at least seventy-five years. And I now ask in their behalf that a new office be established for their convenience and accommodation, with the distinct understanding that they will furnish an old, high-minded, and honorable citizen for postmaster.

I am, very respectfully, yours,

L. C. HOUK.

Mr. HOUK. Trundle's Cross Roads is a village containing some hundreds of people.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. HOUK. No, sir, if it is to come out of my time.

Mr. WISE. I only wish to ask if you got a reply to that important communication?

Mr. HOUK. No, sir.

Mr. WISE. I hope you will get one.

Mr. HOUK. Suppose you give it to me. If this House will give me the time I will make all the replies you or anybody else can wish. I promise I will answer it to your entire satisfaction. The village of Trundle's Cross Roads consists of twenty or thirty families. Seven roads concentrate in that village. One of the largest business houses in that county is situated there, and other large business interests are centered there. The church is there; the school is there. But the Department was unable, thank God! to find a Democrat in that whole community. [Laughter.] The First Assistant Postmaster-General has removed the post-office out a mile and a half into a remote corner of the district, over on Pine Ridge. He failed to find a Democrat there, and had to take a Mugwump. [Laughter.]

I want to bring this question before the American people, whether or not men can be persecuted through the officials of this country; whether communities can be persecuted in that way; whether a people must be deprived of their mail or be caused to go clear out of the town and made to travel a mile and a half away from the center of the population for the mail which ought to be carried to their door as it had been for the last seventy-five years?

Mr. MCMILLIN. Will my colleague permit me a question?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MCMILLIN. I move a formal amendment in order to ask my colleague a question. Do I understand him to say there was no Democrat in the town or in the delivery that could be appointed?

Mr. HOUK. There was not a Democrat within the town or within half a mile of the town. They had to go away into the Pine Ridges on a by-road, and appoint a Mugwump. [Laughter.]

Mr. MCMILLIN. If there be no Democrat then within the delivery, I want to know by what authority the gentleman proposes to furnish one to the Assistant Postmaster-General when the law requires that the postmaster shall live within the delivery?

Mr. HOUK. I said there was one old man within half a mile of the village, and a Democrat, who had hitherto refused to take the office, but who now, for the good of the community, as I have been advised, agrees to take it provided he can secure the appointment and provided the office is established.

Mr. MCMILLIN. I understood you to say there was not one Democrat in the delivery.

Mr. HOUK. There were very few; there are none in the town.

Mr. MCMILLIN. I understood the gentleman to say there was not a Democrat in the whole delivery.

Mr. HOUK. I did not say in the whole delivery; for the place to which the post-office was removed is in the delivery. Come again, if you want to. [Laughter.]

Mr. Chairman, a more outrageous, infamous act it is impossible to perpetrate against a community than that of taking a post-office away from where it has been for seventy-five years, out of the town and into the country, for no other purpose than to appoint a man for postmaster whom they expect, being a Mugwump, will materialize and evolute into a full-blooded Democrat some time hereafter. [Laughter.]

Mr. GIBSON, of West Virginia. Will the gentleman allow me to suggest to him that some parts of the administration can go a long way to give a Republican an office?

Mr. HOUK. I do not know any reply I can make to that. [Laughter.]

There is another village in my district, where a large business is carried on, where there are three or four stores, and they could not find a Democrat in that village to appoint as postmaster, and they moved the post-office out about three-quarters of a mile, where the people have to travel through a swamp and a laurel thicket to get to it. These are facts; and I do not know any better comment on this civil-service-reform administration.

I advised Mr. Stevenson, the First Assistant Postmaster-General, of this. I went to the trouble to have a map made of Trundle's Cross Roads, showing every road. If any gentleman will take a look at that map he will see it was outrageous to move that post-office.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. HOUK. Yes, sir.

Mr. WISE. What did you say was the name of the office?

Mr. HOUK. Trundle's Cross Roads.

Mr. WISE. I see that it paid only a revenue of $61 and some cents in a year.

Mr. HOUK. I do not know how much it paid. The question is, whether the body of the people in that locality should be subjected to the inconvenience I have stated?

Mr. WISE. I want the country to understand you are making a big fuss about nothing.

Mr. HOUK. There are thousands of offices in this country that do not pay $12 a year. You would not move an office, as in this case, where there was a Democrat to be appointed. You know it. This is your Democratic civil-service reform.

Mr. CURTIN. You should invoke the Deity to protect the cross-roads in your State.

Mr. HOUK. I never engage in mockery of my Divine Maker, and it would be utter folly to pray against a Democratic administration. [Laughter.]

Mr. CURTIN. Provided God was on the side of that administration. [Laughter.]

Mr. HOUK. God does not run post-offices, and I am very certain that if he had anything to do with it, the Democracy would not. [Renewed laughter.] They never run in parallel lines.

The Clerk resumed the reading of the bill.

Mr. HOUK. I move to strike out the line just read. I want to get all these facts before this House and before the American people. There is another village in my district and in my own county which does a large business. There are three or perhaps four stores in the village, and from time immemorial the post-office has been there, but this administration has picked it up and carried it over a creek into a kind of swampy place where you have to go through a laurel thicket to get at it. The post-office now is kept in the house of a private citizen who is a millwright, and is usually away from home at work during the day, so that there is nobody to hand out the mail except his children or his wife. In both these cases to which I have called attention the postmasters were men of high character. The postmaster at Trundle's Cross Roads is the peer of any man in Mr. Cleveland's Cabinet for character. [Great laughter.] I do not say that for the purpose of reflecting upon anybody. I state it as a fact, because he is the peer of any man on this floor or elsewhere in character, standing, and business capacity. I suppose that is the reason they removed him—because of his respectability.

Now, Mr. Chairman, what I want to say in conclusion is that I do not know how this comes about, unless it be under the influence of a man who paid himself his salary as governor out of the children's school fund of the State two years after his term had expired and when he was a refugee in the swamps of the South.

Mr. MCMILLIN. To whom does the gentleman refer?

Mr. HOUK. You know just as well as anybody on earth who did it. I have the record, and if you will come around privately I will show it to you.

Mr. MCMILLIN. I only insist that when a man goes to assassinate character—and this is unmitigated assassination—he should have the boldness to do it like a man.

Mr. HOUK. I have the boldness to tell you and show you the facts if you will come to me privately, and the boldness to meet it in any other way.

Mr. RICHARDSON. As a Representative of the State of Tennessee I denounce the statement as false.

Mr. MCMILLIN. No man ought to attempt to do that indirectly which he has not the boldness to do directly. I undertake to say that the man whom he is attempting to reach is the equal of any man he can point to, and I will not, under the rules of this House, say how far he is the superior of that individual [Mr. HOUK] in all that constitutes manhood. [Applause on the Democratic side].

Mr. HOUK. Mr. Chairman, there are plenty of superiors of the gentleman who makes that reflection marching up and down Pennsylvania avenue now. [Laughter and applause on the Republican side].

Mr. MCMILLIN. And if it were parliamentary, I might say that there are thousands in the penitentiary who are the superiors of the gentleman [Mr. HOUK].

Mr. HOUK. There is no doubt, Mr. Chairman, that the superiors of others have been imprisoned, hung, and punished in a thousand ways.

One other word in justice to myself in reply to the gentleman from Tennessee [Mr. MCMILLIN].

The CHAIRMAN. The gentleman's time has expired.

Several MEMBERS. Regular order!

Mr. HOUK. One other word, Mr. Chairman. I am entitled to it in reply to the gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has the floor.

Mr. HOUK. Just one word more. I have said on the stump in Tennessee five hundred times all that I have said here now, coupling the name of the person with it, and I expect during this coming summer to make at least fifty speeches on the stump in which I will give the name and the facts of the situation.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has the floor.

Mr. SPRINGER. I desire to have the next clause of the bill read.

The Clerk read as follows:

Railway post-office-car service, $1,808,000.
Railway postal clerks, $4,800,000.

Mr. BINGHAM. I desire to offer an amendment.

The CHAIRMAN. The Chair is treating the former amendment as formal and as having been withdrawn. The Clerk will read the amendment of the gentleman from Pennsylvania [Mr. BINGHAM].

The Clerk read as follows:

Amend lines 50 and 51 so as to read:
"Railway postal clerks, $4,890,200."

Mr. BINGHAM. Mr. Chairman, this bill appropriates as compensation of railway postal clerks for the next fiscal year $4,800,000. The Department has asked for $4,877,000. The amendment which I submit increases the amount to $4,890,200. The purpose of this amendment is that the Postmaster-General may have an opportunity, so far as the appropriation will go, to carry out the existing law. The act of 1872 allows to the fourth and fifth class post-office clerks a compensation of $1,200 and $1,400 per annum. That act is re-enacted in the legislation approved July 31, 1882, wherein the same compensation is allowed to these postal clerks of the fourth and fifth classes. By the regulations of the Department under this statute the clerk of the fourth class is receiving $1,150 per annum and the clerk of the fifth class $1,300 per annum. The purpose of my amendment is that the Postmaster-General may give to these employés of the postal service the full amount that the statute contemplates—$1,200 and $1,400 each per annum.

Mr. PETERS. I move to amend the amendment by striking out the last word. I desire to supplement what has been so well said by the gentleman from Pennsylvania [Mr. BINGHAM] in relation to fourth and fifth class postal clerks by stating that in 1876, by reason of a lack of appropriation, the Postmaster-General decided to cut down the pay of the clerks of the fifth class to $1,300 and the pay of clerks of the fourth class to $1,150. It was supposed that this reduction would be temporary in its nature—for that year only; but for some reason or other the appropriation since that time and until the last year, when the appropriation for the present fiscal year was made, has been insufficient to pay to these postal clerks the salaries which they received prior to 1876 under the law, which allows to fifth-class postal clerks $1,400 and to fourth-class postal clerks $1,200.

Now, I say that in all justice to these men and in view of the requirements of the statute providing their compensation we should increase the appropriation in this bill so that the Postmaster-General may understand it is the wish and will of Congress that these postal clerks shall receive the maximum salary allowed by law. I hope every gentleman who has given attention to this bill and who is in favor of doing justice to these hard-worked employés of the Government will vote in favor of increasing this appropriation to the amount proposed by the gentleman from Pennsylvania. I withdraw my *pro forma* amendment.

Mr. WARNER, of Ohio. Mr. Chairman, I think my friends on the other side will admit—at any rate if I am in error they will correct me when I say—that the act of 1872, classifying this service, fixed or authorized a maximum, but did not require its payment, of $1,400 to fifth-class clerks and $1,200 to fourth-class clerks.

Mr. BURROWS. The gentleman means the act of 1882.

Mr. WARNER, of Ohio. The act of 1872.

Mr. BINGHAM. The act of 1872 was the original act; the act of 1882 was the grouping together of route agents, postal clerks, and mail-route messengers.

Mr. WARNER, of Ohio. The act of 1872, as I have said, fixed these amounts as the maximum; but since 1876 the maximum has never been paid. I believe I am correct in that statement.

Mr. PETERS and Mr. BINGHAM. That is correct.

Mr. WARNER, of Ohio. In other words, for ten years the maximum actually paid has been $1,150 and $1,300.

It is claimed that in the appropriation act of last year a sum was included which it was calculated would allow the Postmaster-General to pay the maximum of $1,400 and $1,200; but, as has already been shown, when that bill was under discussion in Committee of the Whole the gentleman who had it in charge stated distinctly, in reply to a question which I addressed to him, that this additional sum was intended for the extension of the service which was contemplated during the fiscal year to which the appropriation applied. This disposes of that statement.

The question is, then, shall we now appropriate a sum sufficient to give $1,400 and $1,200 to these clerks, and let it go to the Postmaster-General as an allowance for that purpose? Now, Mr. Chairman, for ten years, as I have said, the maximum actually paid has been $1,300 and $1,150; and that is the amount of appropriation which this bill carries. I wish to call attention to the fact that $1,300 now is better pay for anybody than $1,600 was ten years ago. It will buy more of the necessaries of life.

Mr. BINGHAM. But these men have had ten years more of experience and training, so that they have greater fitness for their work.

Mr. WARNER, of Ohio. That may be quite true; it is an argument entitled to consideration; but does not the increase in the value of money equal the increase which there has been in the qualifications and efficiency of these employés? Within this period of ten years the salaries of Government employés generally have been reduced, while in this case they have not been reduced.

One thing further—it should be remembered that the expenditures of Government must come out of the annual produce of the country, and that $1,300 is equivalent to about four times the average earnings of men who are engaged in the various industries of this country—agricultural, manufacturing, and mining.

Mr. BINGHAM. The gentleman, I know, will be frank enough to state that these men are forced to have two homes; they must have a home at each end of their respective routes.

Mr. WARNER, of Ohio. That is quite true, and no more than they have had for the past five years. The question now is, shall the salaries be raised when there is such depression of business all over the country and when the tendency has been and I think should be rather to lessen than increase the expenses of the Government?

[Here the hammer fell.]

Mr. BLOUNT. I move that the committee rise.

Mr. BURROWS. Before that is done I desire to say when the Clerk commenced reading there was so much confusion in the Hall I lost the run of the bill. I ask therefore to-morrow we shall return to line 39, "Inland transportation by steamboat routes," and line 45, "Inland transportation, railroad routes."

Mr. BLOUNT. We can not afford to go back.

Mr. BURROWS. I do not ask to amend it, but simply to make an inquiry.

Mr. BLOUNT. I have no objection to the gentleman's inquiry.

Mr. BLOUNT'S motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and had come to no resolution thereon.

KILLING AT CARROLLTON, MISS.

Mr. RANDALL. Mr. Speaker, I ask by unanimous consent to submit for present consideration the following resolution.

The Clerk read as follows:

Resolved, That a committee of five members of the House of Representatives, to be designated by the Speaker, be appointed, whose duty it shall be to investigate the circumstances and causes attending and resulting in the killing, on the 18th day of March, 1886, in Carrollton, Miss., of a number of colored citizens of said State, and make report thereof to this House.

Resolved, That said committee, when appointed, shall have power to subpœna witnesses, to administer oaths, and do all other acts necessary to a free investigation of the subject-matter; that said committee may appoint a subcommittee to visit the State of Mississippi to take testimony and do such other acts as may be necessary in the premises, and that the expenses of the committee shall be paid from the contingent fund of the House, not to exceed —— dollars.

The SPEAKER. Is there objection to the present consideration of the resolution which has been read?

Mr. REAGAN. While I am aware the resolution has been offered

by request of the Mississippi delegation, yet I am constrained by my respect for the Constitution of the United States to object to it.

Mr. RANDALL. I only ask to inquire into the facts and to report to the House.

Mr. REAGAN. We have no earthly authority to deal with the subject-matter.

Mr. BURROWS. Is not that a substitute for the resolution introduced on this side of the House and objected to?

The SPEAKER. Objection is made.

Mr. RANDALL. Then I ask to refer it to the Committee on Rules.

The SPEAKER. Is there objection to the introduction of the resolution for reference to the Committee on Rules?

Mr. REAGAN. I am bound to object to it in any form, because this House has no authority over the subject-matter at all.

Mr. BARKSDALE. On behalf of the Mississippi delegation, I ask the honorable gentleman from Texas to withdraw his objection to the introduction and adoption of the resolution submitted by the gentleman from Pennsylvania. The Mississippi delegation do not shrink from any investigation into the occurrence referred to, but on the contrary invite the fullest and most searching examination. The gentleman from Pennsylvania has not presented this resolution in opposition to the wishes of the Mississippi delegation, but with their knowledge and consent and really at their suggestion.

Mr. REAGAN. I would gladly do anything which the gentleman or the Mississippi delegation asked me to do, but I am constrained by a sense of duty in this matter to insist on my objection. There are more States than Mississippi involved.

Mr. WADSWORTH. Why should the gentleman who objects to the consideration of the proposition insist upon arguing it?

Mr. REAGAN. I was only answering a question.

The SPEAKER. Objection being made, the resolution is not before the House.

And then, on motion of Mr. SPRINGER (at 4 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorial of Knights of Labor of Methuen, Mass., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BARKSDALE: Papers relating to the claim of Lewis Cato, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BENNETT: Petition of Elsie A. Lumsden, praying that the war claim of Matthew Lawton, deceased, late of New Hanover County, North Carolina, be referred to the Court of Claims—to the same committee.

By Mr. BLANCHARD: Papers relating to the claim of Louisa Schrader, of Rapides Parish, Louisiana—to the same committee.

By Mr. BOUTELLE: Memorial of A. H. Hutchinson, late Company D, Tenth Maine Volunteers, to accompany bill for relief—to the Committee on Military Affairs.

By Mr. C. R. BRECKINRIDGE: Papers in the claim of Samuel H. Fitzhugh, and of Henry Williams, of Monroe County, Arkansas—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of Robert F. Kemp and 59 others, citizens of Randolph County, Indiana, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BRUMM: Petition of Thomas Castler and others, favoring the passage of House bill 3183, to prohibit aliens from acquiring title to or owning lands within the United States—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Col. Francis Weiss, late of Twentieth Regiment New York Volunteers, praying Congress to grant arrears of his pension—to the Committee on Pensions.

By Mr. BURROWS: Petition of George B. Harrison and others, of Bangor, Mich., in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CAREY: Memorial of the Knights of Labor of Green River City, Wyo., indorsing the construction of the Hennepin Canal by the United States—to the Committee on Railways and Canals.

Also, petition of citizens of Fort Fetterman and vicinity, praying that an additional land district be established in Wyoming Territory—to the Committee on the Public Lands.

By Mr. COX: Petition of Joseph B. Batchelor and others, of Raleigh, N. C., recommending a bankrupt law—to the Committee on the Judiciary.

By Mr. DOCKERY: Petition of Knights of Labor of Stanberry, Mo., opposing the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DORSEY: Petition of E. N. Grenell and 196 citizens of Nebraska, asking that butterine, oleomargarine, and other imitations of butter be taxed and placed under control of Internal Revenue Department—to the Committee on Ways and Means.

By Mr. DUNN: Papers in the claim of W. H. Yarborough, of Phillips County, Arkansas—to the Committee on War Claims.

By Mr. EVERHART: Petition of citizens of East Nottingham, Pa., praying for a commission to investigate the effects of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of same, for a constitutional amendment prohibiting the sale and manufacture of alcoholic beverages—to the same committee.

By Mr. FORNEY: Petition of James A. Callon, of Cherokee County, Alabama, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of James A. Callon, of Cherokee County, Alabama—to the same committee.

By Mr. FUNSTON: Memorial of the Knights of Labor of Olathe, Kans., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. GLASS: Papers in the claim of Hugh B. Taylor, of Gibson County, Tennessee—to the Committee on War Claims.

By Mr. GROUT: Resolutions of Vermont Merino Sheep Shearing Association, relating to the tariff on wool—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of Local Assembly, No. 2849, Knights of Labor, of Philadelphia, in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, papers in the case of Alice Kelley—to the Committee on War Claims.

By Mr. HAYDEN: Petition of Judith Winsor Smith and others, and Robert Treat Paine and others, of Massachusetts, in favor of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. HENDERSON: Petition of W. Hanna and 20 others, citizens of Albany, Ill., favoring the passage of the scientific temperance bill—to the Committee on Education.

By Mr. HOLMES: Protest of Local Assembly No. 4302, Knights of Labor, of Boone, Iowa, against the passage of the free shipping bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. HOPKINS: Petition of 200 citizens of Kane County, Illinois, for the passage of a law putting oleomargarine and all substitutes for butter under control of Internal Revenue Department, &c.—to the Committee on Ways and Means.

By Mr. HOUK: Papers relating to the claim of William C. Carson, of Jefferson County, Tennessee—to the Committee on War Claims.

By Mr. IRION: Papers relating to the claims of William C. Warren and of Elizabeth Manning, of Washington Parish; of John East and of Catherine Felps, of East Feliciana Parish; of Robert Cole, of Saint Helena Parish; of William R. Brown, of East Baton Rouge Parish; of Jean B. V. Richard, of Saint Landry Parish; and of Izidore Daigle and Rosa Daigle Woodruff, of West Baton Rouge Parish, Louisiana—to the same committee.

By Mr. LONG: Petition of Henry G. Read and others, for post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MERRIMAN: Petition of Albert Stickney, for postal savings-banks—to the same committee.

By Mr. O'DONNELL: Petition of the officers and members of the Women's Christian Temperance Union, of Bronson, Mich., in favor of an amendment to the Constitution of the United States extending the right of suffrage to women—to the Committee on the Judiciary.

By Mr. PRICE: Memorial of the Knights of Labor of Augusta, Wis., favoring liberal appropriations for public improvements, and especially for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. ST. MARTIN: Papers in the case of A. Curimano & Co., of New Orleans—to the Committee on Ways and Means.

By Mr. SENEY: Memorial of J. O. Winship and J. E. Meyer, requesting legislation favoring ex-Union soldiers in appointments to office—to the Select Committee on Reform in the Civil Service.

By Mr. STEELE: Petition of Assembly No. 4204, Knights of Labor, of Wabash, Ind., against the free-ship bill—to the Committee on American Ship-building and Ship-owning Interests.

Also, petition of Feleborn Grange No. 2048, by the secretary, Nannie Scott, of Majenica, Ind., asking that the coinage of silver be continued, and that the Morrison tariff bill be defeated—to the Committee on Coinage, Weights, and Measures.

By Mr. STORM: Petition of Knights of Labor of Mauch Chunk, Pa., praying for the appropriation of the surplus revenues for internal improvements and works of national importance—to the Committee on Railways and Canals.

By Mr. TUCKER: Petition of citizens of Virginia, for raising the salaries of district judges—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of Moses B. Keel, of Jackson County, Alabama, for relief—to the Committee on War Claims.

Also, petition for reference of war claim of Joseph A. Clark to the Court of Claims—to the same committee.

By Mr. MILO WHITE: Petition of George Chambers, for a pension—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now

in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. HOLMAN: Of W. H. Tyner and 72 others, citizens of Decatur County, Indiana.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. J. E. CAMPBELL: Of citizens of Warren, Clermont, and Butler Counties, Ohio.

By Mr. LONG: Of citizens of Plymouthr, Norfolk, and Bistol Counties, Massachusetts.

By Mr. O'FERRALL: Of citizens of Frederick, Shenandoah, and Albemarle Counties, Va.

SENATE.

WEDNESDAY, *March* 31, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Knights of Labor of Delaware, Ohio, praying that liberal appropriations be made for works of public improvements, and especially for the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Jackson, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. EDMUNDS. I present the petition of Frank W. Tubbesing, of Atlanta, Ga., for a pension; and as his case is so curious and his petition is written by himself I shall be glad to have it read for the information of the Senate. I do not care about its being put in the RECORD if anybody objects, but I think the poor fellow ought to be allowed to tell his story, and see if we can get a pension for him.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The Secretary read as follows:

Petition of Frank W. Tubbesing, of Atlanta, Ga., No. 5 Orange street.

To the Congress of the United States:

Eight years ago I entered my claim for invalid pension through the law firm of William Conard & Co., post-office box 715, Washington. D. C.

I served from January, 1863, to the surrender of Appomattox Court House, 1865, and was during this period twice severely wounded; once at the right side of my head, where a deep indentation remains, and which physicians declare to be very dangerous, especially as age advances; the other wound is on my left leg, and breaks frequently open in a running sore.

From 1866 to 1869 I served in the Third United States Artillery, stationed at Raleigh, N. C. The latter years of this service I was employed as messenger at the headquarters of the late General Meade at Atlanta, Ga. This command remained in the South until my discharge in 1869, at Saint Augustine, Fla. I settled near Atlanta, Ga., on a little farm, and in consequence lost all knowledge of my old comrades of the time of war by whom to make the required proof.

In July, 1885, I received a communication from the acting commissioner, stating that my claim, No. 342962, was rejected on the ground that the records of the War Department did not furnish evidence of my wounds.

I have proved by several eminent physicians the nature of my wounds, and by the sworn affidavits of the most prominent citizens my character for truth and veracity. A petition was signed and sent to the Hon. N. J. HAMMOND by the leading attorneys of my county and several others of Atlanta, praying that Congress would decide my cause and grant my humble petition for a pension.

My wounds are painful; only strong opiates alleviate my sufferings; age advances very fast, and I am entirely unable to make a living by manual labor.

The late Hon. A. H. Stephens, who knew personally my condition, procured me in 1883 the position as United States storekeeper and gauger, but I was dismissed at the change of the administration. My record at the Treasury Department will prove that I filled my duties as an honorable man.

Necessity forces me to lay this petition before Congress. My attorneys have withdrawn, because I was unable to pay their advance fee.

On the 6th instant my wife and myself were stricken down by typhoid fever. On the 9th instant she died and left me a suffering, childless cripple, whose days may be very few.

Hoping that Congress will look favorably on this petition and grant to me the needed pension—I offer that every fact stated before can be fully established by me—

I am, gentlemen, your most humble servant,

FRANK W. TUBBESING.

Mr. EDMUNDS. In moving the reference of the petition to the Committee on Pensions I wish to invite the early attention of that committee to this case, and to say that I am informed, and believe, that this poor soldier, after he had ended his service in the Army, was appointed, as he says in the petition, a storekeeper and gauger under the internal-revenue system I suppose, at Atlanta, in Georgia, upon the recommendation of the late Alexander H. Stephens, but the remorseless fate of politics (and how the poor fellow could have had any politics that would have hurt anybody I do not know) has turned him a helpless and a crippled soldier out of the service of the United States, in which he says there was no complaint of his conduct. Under those circumstances I hope the Committee on Pensions will take an early opportunity to see whether he has got any other claim upon the gratitude of his country.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Pensions.

Mr. EDMUNDS. I present resolutions signed by C. A. Chapman, secretary of the Vermont Merino Sheep-Shearing Association. The resolutions are in the nature of a memorial on the subject of the tariff on wool and the competition of shoddy manufactures against the honest products of the country, &c. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. EDMUNDS presented the petition of Charles Tobias, late a private in Company K, Eleventh Regiment Vermont Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. INGALLS. I present resolutions signed by Hon. D. K. Cartter, chairman, and James C. Dulin, secretary, adopted by a meeting of a large number of citizens held in this city, expressive of their sense of the proposed action of Congress upon the subject of the common schools of the District. I move that the accompanying letter of Judge Cartter and the resolutions be printed as a document, and be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. ALLISON presented memorials of Knights of Labor of Stuart and Boone, in the State of Iowa, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of What Cheer, Iowa, remonstrating against the repeal or amendment of the mechanics' lien law now in force in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL, of Oregon, presented a memorial of the Board of Trade of Vancouver, Wash.; which was read, and referred to the Committee on Finance, as follows:

SECRETARY'S OFFICE, VANCOUVER BOARD OF TRADE,
Vancouver, Wash., March 19, 1886.

At a regular meeting of the Vancouver Board of Trade, held this day, there was unanimously adopted the following memorial to Congress on the question of the tariff on lumber and coal:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Board of Trade of the city of Vancouver, Wash., respectfully represent that two of the leading industries of this Territory are the mining of coal and the manufacture of lumber.

That these industries employ a large number of men, a large amount of capital, and a large number of American ships.

That the British territory to the north of us is also a coal and timber producing country.

That its coal mines and forests are close to tide water, and consequently can be more economically utilized than the mines and forests of this Territory.

That the products of the mines and forests of this Territory have to be hauled over railways from 15 to 60 miles before reaching navigable waters. That a number of such railways are now in operation to the Columbia River and Puget Sound, and others are now in process of construction. That two such railways are now being built in Clarke County, Washington Territory, designed to bring to the wharves of Vancouver and La Camas large quantities of coal, saw-logs, piles, and spars. That these railways will incidentally, by furnishing cheap transportation, open up to settlement large areas of valuable agricultural and mineral lands.

Your memorialists further represent that by reason of the superior economic situation of the mines and forests of British Columbia, and by reason of the fact that large quantities of coal are brought to our ports in foreign bottoms as ballast at merely nominal charges for freight, the present tariff on the articles mentioned is necessary to enable the coal miners and lumbermen and the owners of American coasting vessels to have a reasonable margin of profit on their transactions.

Your memorialists therefore respectfully pray that the present import duty on lumber and coal be allowed to remain as a part of our tariff laws.

I, W. Byron Daniels, secretary of the Vancouver Board of Trade, hereby certify that the foregoing is a true copy of the original memorial adopted by said board as above stated.

In witness whereof I have hereunto set my hand and the seal of said board, the date first above written.

[SEAL.] W. BYRON DANIELS, *Secretary.*

Mr. GORMAN presented a petition of the Chesapeake Bank of Baltimore, Md., praying that certain internal-revenue taxes paid in error be refunded; which was referred to the Committee on Finance.

He also presented the petition of Mrs. Sarah H. Wood, of Baltimore, Md., praying that the proceeds of her deposit in the Bank of Louisiana, taken under General Order 202 from that bank in 1863, be refunded; which was referred to the Committee on Claims.

Mr. JACKSON presented the petition of Friedman Brothers and other citizens of Chattanooga, Tenn., praying for the passage of Senate bill 1636, to reduce the rate of postage upon seeds, scions, bulbs, and plants; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented a petition signed by 8 male citizens of Geneva, N. Y., praying for the extension to women of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented a petition signed by 72 persons and firms representing the book and stationery trade of New York city, praying for the speedy passage of a national and uniform bankruptcy law; which was ordered to lie on the table.

Mr. TELLER presented a petition of Knights of Labor of Boulder, Colo., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Boulder, Colo.,

remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. VOORHEES presented petitions of Knights of Labor of Washington, Knightsville, Peru, and Elkhart, in the State of Indiana, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Spencer County, Indiana, praying for the passage of the bill granting pensions to soldiers and sailors who served in the Army and Navy of the United States during the war of the rebellion and to their widows and orphans, and for other purposes; which was referred to the Committee on Pensions.

He also presented a petition of Knights of Labor of Bridgeton, Parke County, Indiana, and of Local Assembly No. 299, of the State of Indiana, praying for the passage of the bill providing for the opening of the Oklahoma lands in the Indian Territory to settlement, &c.; which were referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Huntington, Ind., praying for the passage of a joint resolution submitting to the several States and Territories a proposition to so amend the national Constitution as to protect women in the enjoyment of the right of suffrage on equal terms with men; which was ordered to lie on the table.

He also presented a memorial of Knights of Labor of Wabash, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. CULLOM presented resolutions adopted by the Chicago Live Stock Exchange, remonstrating against certain provisions of the bill to regulate the transportation of live stock which require the feeding and watering of cattle in transit every twelve hours; which were referred to the Committee on Commerce.

He also presented a memorial of 60 members of the Knights of Labor of Carmi, Ill., and a memorial of 21 members of the Knights of Labor of Port Byron, Ill., remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn., reported it without amendment; and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3530) granting a pension to Albert L. Allen; and
A bill (H. R. 551) granting a pension to Rhoda Dane.

Mr. WILSON, of Iowa. The Senator from New Hampshire [Mr. BLAIR], who is unavoidably detained from the Senate this morning, placed in my hand a report that he desires to have presented from the Committee on Pensions, and therefore for him I report without amendment the bill (S. 843) granting a pension to Elise Burki.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 747) for the relief of Capt. Andrew W. Johnson, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 421) granting a pension to Isabella Bullock, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 1367) granting an increase of pension to Catherine Doyle;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers;
A bill (H. R. 5254) to increase the pension of George W. Smith;
A bill (H. R. 1398) to grant a pension to Silas S. White; and
A bill (H. R. 1406) granting a pension to Simmons W. Harden.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5024) granting a pension to William Christie;
A bill (H. R. 4589) granting a pension to Frederick Bauman;
A bill (H. R. 698) granting a pension to Phillip D. Campbell;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;
A bill (H. R. 704) granting a pension to Benjamin Dubach;
A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;
A bill (H. R. 4918) granting a pension to J. Francis Hopper;
A bill (H. R. 5252) granting a pension to John W. Thornton;
A bill (H. R. 5527) granting a pension to Emeline Crawford;
A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;
A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;
A bill (S. 891) granting a pension to Geriah Collins;
A bill (H. R. 3481) granting a pension to Philomena E. Nolan;
A bill (H. R. 4076) for the relief of George A. Roberts;
A bill (H. R. 5323) granting a pension to George W. Flint;
A bill (H. R. 5551) for the relief of Robert Moran;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
A bill (H. R. 4114) granting a pension to Capt. Anthony Harsel;
A bill (H. R. 5706) for the relief of Elizabeth Leffman;
A bill (H. R. 1593) for the relief of Sarah Manz;
A bill (H. R. 1590) for the relief of Timothy Paige; and
A bill (S. 134) granting a pension to Shadrach Brown.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 957) granting a pension to Mother Bychedyche, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 729) for the relief of Rear-Admiral Carter, reported it without amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the petition of James Crutchett, praying payment for property taken by the Government from military necessity during the late war, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 646) granting a pension to Thomas M. Commuck;
A bill (H. R. 1456) granting a pension to Lydia A. Nelson;
A bill (H. R. 441) granting a pension to Kate Amann;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 4395) to grant a pension to Betsey Martin;
A bill (H. R. 3921) granting an increase of pension to Richard Gear;
A bill (H. R. 533) for the relief of Thomas Ferguson;
A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;
A bill (H. R. 4389) granting a pension to William Bridges, jr.;
A bill (H. R. 1782) granting a pension to Cornelia W. Ellis;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 4122) granting a pension to Mary E. Snow; and
A bill (H. R. 1471) increasing the pension of Andrew J. Hill.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls, reported it with an amendment, and submitted a report thereon.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. SEWELL, from the Committee on the Library, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1885, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

GREELY POLAR EXPEDITION REPORT.

Mr. HAWLEY. From the Committee on Printing, to whom was referred the joint resolution (S. R. 23) for the printing of the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, I make a favorable report. We report a substitute for the joint resolution, and ask that the original resolution be indefinitely postponed and the substitute adopted.

The PRESIDENT *pro tempore*. The substitute reported will be read.

The Secretary read as follows:

Concurrent resolution for printing the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer.

Resolved by the Senate (the House of Representatives concurring), That the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, be printed, and that 4,500 additional copies, with the necessary illustrations, be printed; 1,250 copies of which shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 750 copies for distribution by the Signal Service Bureau.

The concurrent resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore*. Senate joint resolution No. 23 will be postponed indefinitely.

BILL RECOMMITTED.

Mr. MCPHERSON. I am instructed by the Committee on Naval Affairs to move that the bill (S. 882) to equalize the pay of graduates of the Naval Academy be taken from the Calendar and recommitted to the Committee on Naval Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2015) for the relief of the Chesapeake Bank, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 2016) for the relief of Napoleon B. McKay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON (by request) introduced a bill (S. 2017) for the relief of James T. Peale; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SABIN introduced a bill (S. 2018) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VANCE introduced a bill (S. 2019) for the relief of William Shannon, of North Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 2020) granting a pension to Addie L. Macomber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2021) for the relief of Edward E. Tinsdale; which was read twice by its title.

Mr. TELLER. I wish to call the attention of the Committee on Pensions to this bill. This is the application of a soldier who has served the United States about ten years in the volunteer and regular force, who since his discharge has been disabled, losing both eyes and both arms. He has a family to support, and either he must go to the poorhouse or the Government must make some provision for him. I also submit papers to accompany the bill, which I move be referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. EVARTS introduced a bill (S. 2022) granting an increase of pension to Mrs. General Ward B. Burnett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a joint resolution (S. R. 59) explanatory of the act of Congress approved March 3, 1883, relative to the readjustment of the salaries of certain postmasters; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

DISTRICT COMMISSIONERS.

Mr. VAN WYCK. I ask for the adoption of the following resolution:

Resolved, That the commissioners of the District of Columbia inform the Senate whether any of the said commissioners is now stockholder or director or attorney of either of the street horse-railways or national banks of the District of Columbia, or of the Washington Gaslight Company; also, if not now, whether heretofore either of them has been stockholder, director, or attorney of either of said corporations; and, if so, when he ceased to be such stockholder, director, or attorney, as aforesaid.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made, and the resolution goes over.

RECLAMATION OF TEXAN AND MEXICAN STOCK.

Mr. COKE submitted the following resolution; which was read:

Whereas the boundary line between the Republics of the United States and Mexico in much of its length divides a grazing and stock-growing country, which lies on each side thereof; and

Whereas horses and cattle may and do cross said line at will, the same interposing no obstruction thereto; and

Whereas in the absence of some treaty provision between the two countries for the reclamation of stock thus crossing said boundary line the citizens of the two countries are liable to become embroiled: Therefore, for the purpose of averting such complications as, in consequence thereof, may ensue between the two countries,

Resolved, That the President of the United States be requested to bring the subject to the attention of the Mexican Government, with a view to negotiations between the two countries looking to an agreement under which the citizens of both may be protected in making reclamation of their property which may have crossed the boundary line.

Mr. COKE. In order to show the importance of the resolution, I will read to the Senate from a letter received by me bearing on the subject. The writer says:

MY DEAR SIR: Pardon the liberty I take in addressing you at this time, but I feel that a question of great moment to many of your Texan constituents and to other American citizens justifies me in doing so.

You can not be otherwise informed than that upon this border (the Rio Grande)—

This gentleman writes from the Rio Grande, on the Mexican side—

there are constant troubles between the American stockmen and the Mexican officials, growing principally out of the fact that Texan stock (horses and cattle) are constantly crossing the narrow and shallow stream which divides the two countries. When this Texas stock get upon this side of the river—.

That is, the Mexican side—

they are seized and immediately confiscated by the local Mexican authorities, although their owners live in many instances within a stone's throw of the range these cattle are seized on. During the past fall and winter a large number of Texas stock drifted in this way into Mexico, and now that the spring drive is soon to be made by the stockmen, it is highly probable that serious trouble will occur over the recovery by Texan owners of stock on this side of the Rio Grande. The stockmen assert the intention to take their stock peaceably if possible, forcibly if necessary.

Now, it strikes me that the Mexican treaty at present before Congress for ratification should not be adopted without some clause giving to the American owners the right to reclaim their property on Mexican territory. It may be asserted that they now have that right, but I can say that it is an impossibility for an American owner to recover stolen or strayed stock from Mexican holders. The courts here positively refuse to do anything in the matter, and it is a well-known fact that even prominent Mexican officials of this section are to-day in possession of valuable American horses stolen from Texas, which they refuse to deliver, even when every proof of ownership has been presented by the American claimant.

This letter is from a gentleman well known to me and to others in this Chamber as one of the highest character and more than ordinary intelligence. He has no interest in this question as a stock-grower or dealer in stock; he simply states facts which he thinks ought to engage the attention of our Government—an opinion in which I believe this Senate will concur. I have read the letter in order that the Committee on Foreign Relations, to whom I shall ask that the resolution be referred, may see the importance of giving the subject as early attention as is practicable.

I move the reference of the resolution to the Committee on Foreign Relations.

The motion was agreed to.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. CALL. I wish to give notice that on Friday morning, at the close of the morning hour, I shall ask the indulgence of the Senate to take from the table the resolution offered by me in favor of the forfeiture of the land grants to railroads not completed within the time specified in the grants for the purpose of submitting a few remarks upon the resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. 277) for the relief of James M. Lowry;

A bill (H. R. 6663) for the relief of Thomas P. Westmoreland;

A bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix; and

Joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. If there be no further morning business the morning business is closed, and the Calendar is now in order.

Mr. LOGAN. I ask that the bill to increase the efficiency of the Army be now placed before the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the Army bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on Mr. HALE'S motion to strike out section 2 of the bill.

Mr. LOGAN. Mr. President, I did not intend on yesterday when I closed my remarks to continue this discussion any further, nor have I any desire at this time to protract it at any considerable length. I was in hopes that by this time I could have had a vote on the bill, and had the sense of the Senate in reference to the proposition that has been discussed before it. But it seems that there is no way to satisfy the desire on the part of some Senators to procrastinate this struggle. I do not feel called upon to make answer to anything that was said yesterday by the Senator from Colorado [Mr. TELLER] with regard to this bill; but, however, feeling that I am not called upon to do so, I will for his personal gratification reply to one or two remarks that he made personal to myself.

It would not do for me to enter into the field of sarcasm and there measure blades with him, especially in reference to the character of sarcasm indulged in by that Senator. Sarcasm, sir, is of two kinds, one that carries the evidence with it of splenetic feeling and not coming from a great, massive intellect and a generous heart. There is sarcasm, however, that is sometimes worthily indulged in in debate. This that I have reference to is not of the latter class.

I have read carefully over—I had not the opportunity to do so until yesterday evening—what I said in answer to the Senator from Colorado, and for the life of me I can not find a single sentence or remark that should have called forth from him the character of remark that he uttered on the Senate floor on yesterday. It is true, sir, I did say when I was speaking of the armies returning from the contest for the preservation of this Union that in that great array I did not see the face of the Senator. That seems to have given offense. It was true. I did not see his face. I merely stated a fact. I did not mean to criticise the Senator on account of his not being one of those who entered the Army, for there are many good and true men who were not in the Army. A great majority of the people of this country were not in the Army. I am an older man than he; I believe so at least; and if on account of his age or indisposition or from any other cause he was not engaged, that is no cause of criticism on my part, and I do not desire to criticise either him or anybody else for that reason. If that gave offense and caused him to utter what he did, then I am guilty.

But the remark that I desire to reply to especially was one that was calculated to wound the feelings of almost any Senator, when made in the manner in which it was uttered by that Senator. He referred to the urbanity of manner exhibited by myself, my courtesy toward Senators. He is the first Senator on this floor who has ever complained of my course of conduct so far as courtesy toward him was concerned—the first man. I do not claim that I am more courteous than other Senators, nor even that I am as courteous, yet that is the first complaint that any Senator ever made of that character against me. I do not claim that I have all the graces nor that I would make a Chesterfield, as would the Senator; but at the same time I do not feel that that was a fair criticism upon my course. Let that go, however, and from this time forward I shall greet the Senator as the Chesterfield of the Senate Chamber.

Ah, sir, I desire, however, to say in no unpleasant words, I hope, that when the Senator referred to me as a soldier and said that would not be forgotten by this Senate, that I was determined it should not be forgotten, that I was constantly parading that fact before the country—if that character of remark had fallen from the lips of some one North who, during the war, nursed his wrath to keep it warm against Union soldiers, from some man who was known then by the cognomen of "copperhead," from some man whose hatred grew and still grew against the Union soldiers, I could have understood it; but for that kind of sneering sarcasm to come from a Republican, representing a Republican constituency, was unworthy a Senator representing a loyal State. On the opposite side of the Chamber, where are men who were arrayed in the contest against the Union arms for a division of this grand nation—they have more respect for a man who was a soldier and stood up face to face against them than to insinuate in any such low and despicable way as this. Why, sir, no confederate officer ever deigned to offer or would offer such a remark or insinuation against any soldier on this side of the Chamber. Therefore I say to the Senator from Colorado that this remark did wound my feelings; this remark was not of the character that should come from a friend.

True, sir, I did do what little I could for this country. I did help preserve that flag which shelters him; I did help protect his property; I did help protect his rights; I did help keep this Union together that he might be an honorable Senator, while he slept beneath his own roof in the quiet of his own home. And for that reason am I to be criticised by a Republican in this Senate?

I say to the Senator that I am not in his way nor in the way of any of his friends. His insinuation about my aspirations was without foundation. I have no aspirations other than to represent my constituency honestly and fairly; none other than to occupy my seat honorably, and I never have had any other, no matter what may have been said by others. Why, sir, when the seat you fill (pointing to the President of the Senate), honorable as it is, was offered to me with unanimity on the part of this side of the Senate Chamber I declined it. What evidence is there to justify its being thrown in my teeth that my aspirations are being interfered with in reference to this bill or the debate on it? What justification is there for such insinuations? I ask for nothing; I want nothing.

Mr. President, the Senator said:

> I have yet to learn that in the history of the world the men who have made their mark in legislative life, in the civil forum, have received their education on the tented field.

That is true. It is true, Mr. President, in regard to the soldier who passes years and years of his time in the field while others are in their offices, while others have an opportunity of informing themselves in reference to legislation, that the opportunities of those at home are better than of those in the field. I agree to all that; but yet I have found men in my life and in my travels who have been in the cloister and in their offices and chambers for years and years, and yet failed to make statesmen out of themselves.

When he said I was not a statesman, I knew that much myself; and I am sorry that some other men do not even know that much about themselves. A statesman! Daniel Webster was a statesman. He was a Cabinet officer once. Does that prove that every man who is or may have been a Cabinet officer is a Daniel Webster? I think not. It will not do for men who by some good fortune have, to the surprise and astonishment of others, been taken and others left behind to imagine on that account that they have all the wisdom in the world. If they do, they may be mistaken.

Statesman! I am willing to agree that the Senator is a statesman if that will do him any good. My agreeing to it, however, would not make it so; yet I will agree to it merely for his accommodation.

There have been soldiers, however, not inside of this Senate Chamber, perhaps, but in history from the time that wars have been made, who have not only been soldiers but have been statesmen. Of course they are dead; none of them are living now, perhaps; yet there are many statesmen who have been civilians who are dead, and many yet living who never will be statesmen, and never can be except in their own fevered imagination.

Further, the Senator said that I assumed to know more about military affairs than any other man. Why, Mr. President, I do not know that I have made any pretense of that character. Because I am chairman of the Committee on Military Affairs I have been called into the discussion of subjects connected with military affairs occasionally, and on certain occasions I have alluded to what I have seen in my own experience for the purpose of illustrating a proposition; but at the same time I have never assumed that I knew more than other people about military affairs. I might possibly know more than the Senator from Colorado, yet that would not be saying very much for myself.

But that was not all, Mr. President. I am saying this now because I understand this thing perfectly; I am not deceived; the Senator is mistaken if he thinks I am a child; he is mistaken if he thinks I can not see some things, dark as my vision may be. He attempted in every possible way yesterday to insinuate that I had said certain things in this Senate Chamber alluding to a certain gentleman of high character, far away from here now, in connection with this bill, in what I said in regard to the Senator from Maine [Mr. HALE]. Why did he lug that in? What has that to do with the proposition to add five thousand men to the Army? Yet it was insisted upon and insinuated, and even the insinuation made that I had stricken it out of my speech; that is, he said we must take the RECORD, but we know how RECORDS are made up. Everybody understood that.

Now, why does he persist and why has it been persisted in on this floor that I am trying to strike at somebody outside of this Chamber? I say now, once for all, to that Senator that I made no such allusion, that the man was not in my mind, that I had no such intention, nor can my language be construed or tortured into any such meaning as that. What I said was in reference to Senators and in reference to the backing of Senators by Senators, not in reference to anybody outside, for I do not deal in that character of insinuations. I will say further to the Senator, and desire him to understand it and have the notice now, that all the attempts made by Senators here in this Chamber to cause a quarrel or ill-feeling between the gentleman alluded to and myself will be a failure. He and I are better friends than these gentlemen who are trying to make us enemies. That is all in reference to that; and this little play and this little game is too small a thing for Senators to engage in who wish to deal openly and fairly.

The Senator said he had a right to argue this bill. So say I. I agree to that. Every Senator has a right to oppose it if he chooses, and I never have complained at opposition to any bill where it was legitimate. The only complaint I made was of the insinuations made against me and against the committee that reported this bill having some hidden motive in view in reporting it. That was the objection I made to the argument, and not to the fact of opposition so far as the statements made were true and were facts. I made no objection to that, nor do I.

Now, Mr. President, I dismiss that part of it, and I desire to call the attention of the Senate for a very few moments to one of the principal applications of this bill, as I desire it to be amended before it is passed, to the machinery of the Army, and then I am done. The statement that no recommendations have been made by Executive Departments in reference to this measure is without foundation. As I read yesterday, there is the recommendation of the Secretary of War indorsing the recommendation of the Lieutenant-General of the Army and of the ex-General of the Army. What is that? I desire to call the attention of Senators to it for a few moments. It is that there should be two additional companies attached to each regiment of infantry, those companies being numerically one hundred men each. That for twenty-five regiments is easily calculated.

There is the recommendation. There is what we propose. Now, why? It is that these twenty-five infantry regiments may be organized the same as the artillery and cavalry. How are they organized? The ten regiments of cavalry are organized into thirty battalions, three battalions to a regiment, twelve companies to a regiment. How is it in the artillery? The five regiments of artillery are organized with twelve companies to a regiment, making three battalions, having two majors in each of the regiments of artillery and of cavalry. We have adopted the drill for the artillery, cavalry, and infantry alike. In former years, as is well known to everybody who has studied Scott's Tactics or Hardee's Tactics or any other tactics, the drill of the infantry, cavalry, and artillery was different entirely. Now the drill is the same in all arms of the service, so that a company of artillery can move the same as a company of infantry, and *vice versa*. Their movements are the same. They can march, move, drill, and perform all the evolutions in the same way and manner. Now the proposition is and has been for several years that the infantry arm of the service should be put on a basis with the cavalry and artillery arms of the service. How? That it should have twelve companies in each regiment, making three battalions to a regiment, so as to equalize the whole service and give it efficiency. That is the proposition which has been made by the Secretary of War and by the generals of the Army, a proposition that I should like to see carried out. Of course if this amendment should be adopted that machinery would be necessary provided Congress agrees to make that arm of the service the same as the other arms of the service.

Now, let me go a little further, and let us see whether or not that would increase the efficiency of the service. I call the attention of any Senator who may be opposed to the bill to this proposition. You would have twenty-five regiments of infantry, and each regiment would have twelve companies and three battalions. You could thereby have

eight companies at all times in the regiment, full, complete—the companies ready to move at a moment's warning. Instead of having three fragments, and having it all in fragments as it is now, you would have two battalions in complete order, and by transferring men from one battalion to the other you would have two complete, full battalions at all times, and have the framework of the third battalion to be filled up by the recruits. In that way you would have twenty-five regiments of eight companies to the regiment ready to move at the tap of the drum. Will any man say that would not increase the efficiency of our service? I want to know if there is a man who understands anything about military affairs, as much so as these gentlemen who have opposed the bill, who will tell me that that would not be a move in the direction of the efficiency of the service of the Army of the United States.

And yet we are told that this is simply for extravagance, and that is all there is in this proposition. Why, Mr. President, that is not so; and when I say that I do not mean it offensively, but I mean that there is no truthful basis for the statement. The efficiency of our cavalry and artillery has been increased in that very way; and yet they are not what they ought to be; and why? Because the recruits that have been drawn for the purpose of filling up the regiments are mainly for the infantry, and the cavalry is kept up with difficulty because it is a hard service; men wear out and horses wear out; so that the efficiency of our cavalry is not what it ought to be; but by this organization which I have mentioned it is much more efficient than it was prior to the adoption of this organization, and so is your artillery, if there is any use for that at the present time.

I will not go into the question as to the immediate use, for that seems to me to be so absurd as far as argument is concerned that I care not to reply to it further than to say that there is no use for our artillery standing in the forts everywhere. Of course there is no use for artillery except in time of war, except for drill and keeping forts and preparing them and being in garrison, drilling, exercising, and putting themselves in condition. That is all the use they are. It is all the use for your fortifications to have them there, not for the purpose of shooting anybody to-day, but so that the machinery may be kept in order and everything prepared so that you may be ready for service if required.

The arguments made in reference to this proposition are the character of arguments that are made by men not well understanding the proposition, but thinking they do know more about it than other people, and at the same time forcing their views upon the country in antagonism to a proposition that is worthy at least of fair and just consideration when it has been recommended by all the departments connected with the Army for years and years gone by.

Now, Mr. President, I hope that we shall get a vote on this measure as soon as possible. When I say that, I do not wish Senators to understand that I want them cut off from anything they may desire to say. Oh, no, sir! There are friends of this bill here whom I should be glad to have say something to the Senate, men who know something about this bill, men on the Military Committee, so that the Senate may understand that this bill is not merely the bill of some individual for his own aggrandizement or something of that character, for it is no such thing and for no such purpose. Who ever heard my humble self on this floor accuse a man who reported a bill of having some motive besides that which was expressed in the bill?

Mr. President, I will not reply further to insinuations of that kind, but will ask the indulgence of the Senate in reference to this bill that it may at least be brought to a conclusion at some time soon. I have many reasons for that. I have other matters that I desire to take some notice of and look after, and for that reason I am anxious that we should come to some conclusion in reference to this proposition.

Mr. ALLISON. Mr. President, I desire to ask the attention of the chairman of the Committee on Military Affairs to section 14 of this bill, which I understand does not in any way relate to the efficiency of the Army. This section proposes to give the commissioned officers of the Army the benefits of an act passed on the 15th of May, 1872. I think this question has been discussed once or twice in past years, and for myself I think it is rather a dangerous provision to insert in the bill.

Mr. LOGAN. I will say to the Senator that that is entirely separate from the proposition to increase the efficiency of the Army, except that the committee thought it might benefit some of the younger officers by having their money placed in the Treasury of the United States, where it would not be liable or likely to be spent for naught. For that reason it was put in. But there is no one on the committee who is particularly a stickler for that provision. I do not desire to say anything about the views of the committee, but that section was put in at the suggestion of the Paymaster-General, and not on account of anything that was brought otherwise to the notice of the committee.

Mr. ALLISON. This provision, as the Senator is aware, allows 4 per cent. on all deposits and allows a redeposit once in three years. Of course when the original act was passed the Government of the United States was very largely in debt, having a large amount of indebtedness then to pay. I do not see very well how the Government under the existing condition of our Treasury can reimburse itself if it allows officers to make these deposits.

Mr. LOGAN. Very well; that is a matter for the Senate to decide. I have no particular feeling about the section.

Mr. ALLISON. Then I will move to strike out the fourteenth section.

The PRESIDENT *pro tempore*. The amendment is not now in order.

Mr. ALLISON. I give notice that I will offer it when it is in order.

Mr. LOGAN. While I am up, I desire to call the Senator's attention to one matter that he suggested yesterday and perhaps I did not make myself clear about it at the time; I thought of it afterwards. That is in reference to the mileage of officers. After thinking over what he had said, I thought perhaps he understood me to mean that all officers traveling on railroads should receive mileage whether traveling with troops or not. That is not the intention of that section of the bill. It does not apply where for instance a regiment is traveling under orders and the commanding officer is with the regiment. It is where, for instance, a recruiting officer, a paymaster, an inspector, or an officer ordered on a particular character of duty, not commanding troops as a staff officer, has to travel on a land-grant railroad, he shall not suffer thereby in his pay. Any commanding officer of a regiment traveling alone or traveling in that way would be entitled to his pay. The provision applying to the land-grant railroads of course should be continued where he is moving troops in large bodies—companies, battalions, regiments, or anything of that kind. It is not intended, as I understand at least, to apply to that character of transportation; but only when they are sent on duty. A regiment ordered to be removed is not considered in military parlance as being ordered on any particular duty except the general duty that they are expected to perform under the law.

Mr. ALLISON. Detached duty?

Mr. LOGAN. Not detached duty; but officers on special duty, for instance paymasters, men not moving with troops. It can be so worded as to make it clear if there is any doubt about it.

Mr. HOAR. I should like to ask the Senator from Illinois a question, which I suppose has not much to do with this bill, but this is as good a time to ask it as any. I think the discussion last year made the whole country surprised at the condition of the Articles of War in time of peace, their operation, the injustice and irregularity, and impropriety of the conduct of courts-martial in time of peace. There was a general desire that a new series of Articles of War should be prepared and adopted by legislation whenever a convenient time came for it. I desire to inquire of the chairman of the Committee on Military Affairs whether his committee is likely to deal with that question at some time during the present session. Of course it is not in reference to the present bill, but the question seems to be a proper one now.

Mr. LOGAN. It is a proper question, and I should like very much if we could take it up and deal with it. I can not say that we will or will not, for really I can not answer the question. I would desire to do so if it is possible that we can do so.

I will say also to the Senator, that if the Military Committee do not understand the questions before them, as it would seem they do not, it might not be well for them to undertake it. It might be well for some other committee that might understand it better.

Mr. HOAR. Who do not know anything about it? [Laughter.]

Mr. LOGAN. I will say, however, to the Senator that that question will be before the committee during this session of Congress. What they may do on it I can not say.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maine.

Mr. PLUMB. Mr. President, I stated at the conclusion of the remarks which I made the other day on this bill that I felt some constraint about speaking upon it at all, because of the fact that the Senator from Illinois seemed to impute personal motives to any one who opposed it, and some remarks that he made, some of which were published in the RECORD and some of which were not, are of a kind that I hope he would be glad if he had not said. Any insinuation that a man's calling or business has any influence on his vote or position as a Senator is unworthy of the Senate and of the Senator who makes it, I do not care how little he thinks of himself. I never said anything here or elsewhere disrespectful to the Senator from Illinois. When I spoke of certain armies having marched down Pennsylvania avenue at the close of the war, I did not refer to the persons who commanded them, but only of the armies themselves, using the names of the men who were familiar in the public mind as commanders for the purpose of designating the armies themselves. I did not think of the Senator from Illinois. If I had, I beg to assure him I would have mentioned him, if he had only commanded a corporal and a private.

The question whether he commanded sixty thousand or eighty thousand men on that occasion for a temporary purpose was something that I did not know anything about; but I can say here now, entirely irrespective of any personal feeling I may have toward the Senator, that I have on all occasions as I shall do hereafter taken my fair share of his reputation as a volunteer soldier. The country recognizes what he knows very well and what he does not need to constantly refer to here, that he was the most eminent of all the volunteer soldiers of the Union Army. Nothing that I could say would add to that statement. In my judgment that puts him on the highest possible pinnacle, and if I were ten thousand times his friend I could not say more for him than that.

But, Mr. President, I will not even dignify the personalities of this debate by saying that I am a friend of the Senator from Illinois, because

the question of personal regard has no place in the official business transacted in this Chamber.

I came to the discussion of this bill with a sincere purpose as far as in me lay to subserve the public interest. I represent a people who read more newspapers than any other similar aggregation of people on the American continent, and they know more swiftly and more completely what is going on in this Chamber than any other people in the United States. They are an ambitious people and a jealous people, and they hold me, as they hold all their representatives here and elsewhere, to a strict account for what they do and for what they do not do, acts of omission and commission alike. It was in view of that responsibility, which is always with me, as I have no doubt with every other member of this body, that I have spoken upon this bill. In view of considerations of that kind, even so great a personality as that of the Senator from Illinois shrinks into absolute nothingness. It is not his bill; it is not the bill of the Military Committee; it lost its distinctive and personal character the moment it was reported to the Senate. It is the bill of the Senate. It is open to amendment, to debate, to criticism, to denunciation, and to whatever else it may be justly entitled; and that liberty which any Senator can take in the debate is governed by his sense of duty and by the ordinary proprieties which pertain to this Chamber, and which are only the proprieties that obtain among gentlemen everywhere.

I said that I thought this bill was unwise. I think so still. I shall regret exceedingly if the Senate do not take the same view of it; but when I have discharged my duty the consequences to me are no more than the consequences to any other citizen of the Republic. When I have done my duty I am personally indifferent as to what may become of the bill, for the responsibility attaches to the Senate and not to me.

I call the attention of the Senate, at the risk of repeating myself to some extent, to the fact that now, at a time when perhaps the country is more profoundly at peace than it ever has been, when there is not a single cloud in the horizon, when the country is considering its obligations to the soldiers of the late war in new lights, and when it is considering what it shall do for exterior defense, for the purpose of putting upon the sea a flotilla which shall be equivalent to all demands upon it—at this particular time of all times here is a proposition to increase the pay of the military establishment of the country to an extent of over $6,000,000.

Mr. President, if we are going to have fortifications, had we not better save a little money to build them with? If we are going to have a navy, had we not better refrain from increasing the salaries of an establishment already great, in order that we may have the money to build it with? If we are going to pay the debts overdue, daily being proved before the Departments, to the men who actually rendered military service in the late struggle, had we better not save some money out of the revenues of the country in order that we may pay those debts?

Is there any demand anywhere, except from an interested source, that we shall add to the current expenses of the Army more than $3,000,000 a year? I do not advocate, as the Senator from Illinois said that I did, the reduction of the pay of the American Army to the pay of the British army or of the German army; but I did say and I say now that if we are going to touch the Army we can better afford to touch it in the way of cutting down the pay than we can in the direction of increasing it.

It was stated by the Senator from Illinois in a somewhat labored way that the increase of five thousand men in the Army will not increase the expense more than a million and a half dollars a year. We pay about $26,000,000 a year for the support of twenty-five thousand men, rank and file. We not only pay them their $13 a month each and the longevity pay which is added by reason of length of service, but we clothe them and we feed them and we furnish them medical attendance and medicines, hospitals in which they are treated, barracks and quarters in which they are sheltered, and we transport them from place to place, and we maintain at Saint Louis, Chicago, and New York and various other places in the Union great depots of supplies, costing enormous sums of money to keep them up by way of current repairs, and we add every year from a half million to three-quarters of a million dollars to the cost of the shelter, under the name of forts, of arsenals, of barracks, and so on, which go to make up the cost of this military establishment, and which is increased in proportion as we increase the number of men in the Army.

There is no use in saying that if we add five thousand men we do not add to the expense proportionately. General Sheridan is quoted in regard to it in a way that reminds me of the story of the Irishman who, when told he could save half his fuel by purchasing a certain stove, replied, "Then by buying two I can save it all." His idea is that if we put five thousand more men in the Army we shall so utilize the things we have already got that this will not cost us very much additional; but there is no warrant for that, because, as five is a multiple of twenty-five, the amount of clothing to be kept in store, of rations, and so on for the purpose of maintaining these people will be increased in proportion. Of course the number of barracks, already scant, will require to be increased, and in every way, with the single exception of the salaries of officers, that increase will represent the cost which the Government now has to pay for the service of a private soldier.

Mr. President, these five thousand men, unless we shut our eyes wholly and entirely to what we know the cost of the present establishment is, can not be less than $4,000,000 per year. Now $4,000,000 is not a great deal of money. If the object to be attained were of sufficient importance, the appropriation, of course, ought to go without objection. I have said heretofore all I care to say upon that point. I believe that now is not the time, if the time shall ever come, when we want to increase the number of enlisted men in the Army.

The Senator from Nebraska [Mr. MANDERSON], with that eye to proportion which is characteristic of him, says we want to increase the number of battalions in the regiments in order to make three to a regiment in place of two as now. It would have been in order I think for him to have suggested that instead of increasing the number of men in order to make three battalions to a regiment we should simply reduce the number of the regiments. But it is one of the peculiarities of the situation which has grown out of a constantly increasing surplus in the Treasury, or at all events out of the enormous sums there, that every proposition which is made is to level up, not to level down—that every proposition which is made here by legislation is to increase the expense of the Government and not to diminish it, and that, too, not in directions called for by the growth of the country, but in directions which are indicative of extravagance.

Now I call attention to the fact that in this bill there is not one single line which diminishes a privilege, which reduces an expense; and not only that, there is not a single section but what increases expense—not one. There is not a proposition in this bill which does not add to the burdens upon the Treasury. And therefore efficiency, according to the theory of this bill, is only to be accomplished by additional expenditure, and of course the efficiency is to be in proportion to the expenditure; and so if efficiency is brought about by giving a captain $2,000 a year, why should you not double his efficiency by giving him $4,000 a year?

There is no pretense that the Army officers do not get enough. As I said the other day, there is no employment under this Government or under any other government in the world that is so much sought for, that is regarded as so desirable, that gives so much for so little return, as service in the Army of the United States. When I say "little return" I mean of the kind we are paying for—military service. Much of it is in the nature of pastime. I do not speak of that for the purpose of reflecting on the men who compose the Army; they can not do what they have not set for them to do. We have not got the service for them to render. They are brave; they are skillful, intrepid, and all that we should require the officers of the Army to be under any emergency whatever; but the fact remains that we have not got the service for them to do, and that we are paying them from two to four times as much as is paid to persons in similar position in the other armies of the world, and our Army renders the least military service of any army in the world. This bill not only adds largely to the emolument of the Army, but it overturns in important particulars that which has been the rule in regard to the Army for a generation. Section 1232 of the Revised Statutes says:

No officer shall use an enlisted man as a servant in any case whatever.

Every officer now is required before he can receive his pay to make a certificate on his honor that he has not during the period for which he claims pay had an enlisted man as a servant. I am not sure but that he is required to do now, as he was during the war, to set out the names of his servants in order to negatively establish the fact that he has not had a soldier in that capacity. I know I was required when I was paid during the war to put down the names of the men that I employed as servants, besides certifying affirmatively that I did not have soldiers as servants. This bill proposes to overturn that, to do away with that rule which has been regarded as wholesome from the beginning of the Army establishment. What is the reason for it, and what will be the consequence of the adoption of this provision found in section 4?

That officers of the Army stationed at military posts apart from settlements may, with the approval of the department commander, each employ one private soldier as a servant: *Provided*, That the consent of such soldier shall be first procured, and that the sum of $20 per month during the period of such employment shall be charged against the officer employing him.

Remember that the man who is to be used as a servant at a cost $20 a month to the officer whom he serves is a man whom the Government pays a sum, if this bill should pass, ranging from $16 to $18 per month as pay proper. It feeds him, it clothes him, it gives him medical attendance, it transports him, and, as I said, this will cost under any possible condition of things, warranted by what has occurred in the past, at least $800 a year. That, in my judgment, is a moderate estimate. Now, we surrender a man to an officer, so to speak, at $240 a year, a net loss to the Government of $500 per year, in order to give this officer a servant whom he would like to have, and who would cost him far more if he had to hire him from himself.

It is true that this bill says, "that officers of the Army stationed at military posts apart from settlements" may have this privilege; but that is a condition which is absolutely within the discretion of the commanding officer. But now let me venture a prophecy. If this bill is passed 25 per cent. at least of the men who are enlisted under the five-thousand-men clause will be enlisted as servants and put to duty as such under contract with the officers of the Army, and in time by that pro-

cess, sometimes slow but always sure, which we know is applicable to all matters of this kind, the time will come when every officer in the Army will have a servant under that provision, one costing the Government $800 a year, and for whose service the Government will get but $240 a year. The men who will be enlisted will be cooks for the officers.

Mr. LOGAN. Will the Senator allow me right there?

Mr. PLUMB. Certainly.

Mr. LOGAN. Does the Senator intend to insinuate that every officer of the Army will violate the law intentionally? The bill clearly says that he shall be allowed a servant only where the posts are away from settlements, and that must be approved by the commanding general of the department. He has to determine whether the post is near a settlement or is not. Will the Senator say that every officer of the Army is going to violate the law, and that every commander of a department is going to violate the law? Does he mean to say that?

Mr. PLUMB. I mean to say that wherever you commit a discretion of this kind absolutely and without control to any officer whatever, whether he be military or civil, it is bound to have the widest possible application. It is all well enough to talk about the honor of these men. We do not talk that way when we come to employ men in the Treasury Department as Comptrollers and so on. We limit their functions by law, and we do not trust poor human nature wholly. While we do not presume that men mean to violate the law, we, as far as possible, put it out of their power to do so.

Not only do we give these men servants at this exceeding cost, but we open the door to this enormous enlargement of this class of service; and, as I said, the time will come, and very speedily too, when at least a *quarter* of all these men, if we should get the whole five thousand under this bill, will be men who are doing service as servants and not as soldiers. Why should the Government enlist men as servants for officers? It would seem as though, if we were to exercise this sort of favor in their behalf, if we do this favor to them, it must be upon the theory that they are badly paid, existing under most unfortunate circumstances, objects of sympathy; and yet, they really have the best berths there are under the Government; but here is a proposition to add six or seven hundred thousand dollars a year to the expense of the Army in order to give them servants, and in order to do that we are to overturn a rule which has existed by operation of law for nearly a generation.

If we had a war, if we were confronted with a great emergency, and it became necessary to set aside the traditions and practices of the past, then we could properly perhaps increase the pay and the privilege and so on; but now at this particular time of all the other times, to not only overturn all the old practices of the Army, the things that have been sanctioned by law and by usage for a generation, but in addition to that to do this at this enormous expense is in my judgment totally unjustifiable.

I have criticised that provision of this bill found in section 13, to the effect that the Secretary of War shall be authorized to cause the enlistment of competent instructors for post schools, and I said that I thought that the enlisted men and the officers of the Army ought themselves act as instructors. Why, Mr. President, the duties of an officer at any post in the United States are not onerous; they are not such as to absorb his entire time. He could find instruction himself in instructing the men of his command at night schools, and at day schools even for that matter, but especially at night schools. But the Senator from Illinois says these are not schools for the private soldiers; they are schools for the families of the officers, and so for the first time in the history of the Army we are to set up an establishment of schools for the benefit of the Army officers.

Mr. LOGAN. I hope the Senator does not wish to persistently misrepresent what I have said. I did not state what he alleges. He can not find it in any remarks I made.

Mr. PLUMB. Then it must be because the Senator struck it out before the speech was printed.

Mr. LOGAN. I said no such thing, that it was for the children of officers. I said that many of the officers at the posts had families, that many of the soldiers at the posts had families, and it was not for the soldiers but for the children. I did not even intimate that it was a school for officers, and the Senator ought to know that.

Mr. PLUMB. There was no force to the Senator's statement that the Army officers had children and that the private soldiers had children, unless these instructors were for the purpose of teaching those children.

Mr. LOGAN. For that, as well as other purposes.

Mr. PLUMB. I find in section 1231 of the Revised Statutes the provision under which the Army has managed to worry through so far, and under which I think it can get along for a while yet, without danger of sudden death, at all events. It is to this effect:

SEC. 1231. Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes.

That has been the law since the 28th day of July, 1866. Now it is proposed to authorize the President to employ instructors for post schools, without any limit to the number—enlist them as part of the military establishment. By the time we have got all these people gathered under the old flag, that assemblage of people which met at the foot of the Tower of Babel would have been but a harmonious unit by comparison with what will be seen if this bill passes—school-teachers, cooks, waiters, laundresses—an army of non-combatants as the accompaniment of a handful of soldiers. Why not enlist everybody else whom an Army officer wants, and put them all into the Army? We enlist servants and teachers for him. Why not enlist instructors in Latin or Greek, and tailors for him to make his clothes, and nurses for his children?

Mr. LOGAN. Will the Senator allow me to read what I did say and not what I did not say, because I certainly did not strike it out?

Mr. PLUMB. If the Senator will read what he did say, I have no objection.

Mr. LOGAN. I will read what I did say:

The Senator—

Referring to the Senator from Kansas—

says the officers should do that; that is, the officers must become school-teachers; they must not perform the duty that is assigned them by law, but they must become school-teachers. His idea of a school in the Army would cut off everybody except soldiers. Does he not know that many of the officers in the Army at the posts have families including children? Does he not know that the majority of them are poor and can not send their children back to the States and pay the expense of their schooling? Does he want those children to go without education? Is that his idea? Does he not know that a great many of the private soldiers and sergeants and corporals in the Army are married men, and have their families at the posts? Does he not know that there is not a post in the United States where you will not find quite a number of small children belonging to officers and soldiers, and yet the soldier has no money with which to send his child to school?

That is what I said, and exactly what I said.

Mr. PLUMB. On that I renew the assertion which I made, that according to the theory of the Senator from Illinois this is to be a means of instruction for the children of officers, because under the law as it is now post schools are required to be maintained for the purpose of giving instruction to the private soldiers, and here is an added provision which has found yet in the advocacy of anybody only the statement of the Senator from Illinois that it is necessary because the officers had families of children which ought to be educated. He asks, why not educate them? Why does he not ask that about some other public officer who has to educate his own children, if they are to be educated, at private or public schools, at his own expense either as a tax-payer or directly by money paid out of his own pocket to tutors?

Is it to be supposed that that wise provision of nature which induces everybody else to send his children to school and pay for their schooling out of his own pocket is lost when a man goes into the Army, that he is not moved by that same impulse, by that same wise and generous instinct to educate his children that every other man has to educate his? Always, heretofore, the Army officers have been required to educate their own children like everybody else; and yet at this late day the Senator from Illinois, fearful that the blight of illiteracy is to come over the families of the Army officers, rises here to appeal to our generous sympathies in favor of education to save these poor, helpless offspring from going down to the degradation of illiteracy. Why is not this provision of section 1231 as ample now as it has been for twenty years past? Why can not we leave to these men, who are now getting more pay than they ever got before in the history of the Republic, to educate their children out of the ample means which we give them in compensation for their services?

My recollection is that a married man can not be enlisted into the Army now, but I believe a special privilege is given occasionally to a man who is already in the service to marry; but the number of married men about the posts is infinitesimal, and the same sergeants and corporals and privates and officers who teach the post schools under section 1231 of the Revised Statutes can teach the children of soldiers as well. I think one advantage ought to come out of the proper enforcement of section 1231, and that is to bridge over the gulf, already too wide, existing between the enlisted men and the officers. They ought to be drawn into closer relations. I do not believe that the ample experience of the Senator from Illinois during the recent war would justify him in saying that an officer increases the efficiency of his command, his control over his own troops, his general merit as an officer, by withdrawing himself from the men whom he commands and giving them ample warrant to believe that he cares not for them nor for their welfare, and that they must wholly shift for themselves.

Mr. LOGAN. I should like to make this remark right here if the Senator will permit me——

Mr. PLUMB. Certainly.

Mr. LOGAN. I think it would not be a commendable act in the Senate, after voting $77,000,000 for the education of the children of citizens all over the country, to refuse to appoint a few post instructors to educate the children of poor officers and poor soldiers.

Mr. PLUMB. I have really believed myself that we should have unnumbered woes if the Blair bill should become a law. I did not expect, however, that my anticipations would be realized before the bill got through the other House. But here in the wake of a bill devoting $77,000,000 to the education of the children of citizens, not yet a law,

comes a proposition to add perhaps $6,000,000 to the current expenses of the Army, and the justification of it is in the passage of the Blair bill!

This bill from the first to the last confers nothing but privilege, does not contain a single section that did not cost money, a large majority of which is equivalent to a donation, and I repeat that its cost by way of addition to the regular current expenses of the Government will not be less than $6,000,000, if carried out.

Mr. LOGAN. You said seven millions a minute ago.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Kansas will pause. It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, on which the Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. LOGAN. I should be very glad if we could go on with the Army bill until it is completed. It seems to me that every other bill which has come before the Senate this session has been continued to its completion. If there is objection to that, of course I shall not insist upon it, but I should be very glad if it could be done.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate that the consideration of the military bill be proceeded with.

Mr. COCKRELL. The Senator from North Carolina [Mr. VANCE] gave notice yesterday that at the close of the morning hour, at 2 o'clock to-day, he would ask the Senate to take up a certain resolution or bill, with a view to submitting some remarks upon it, as he was compelled to leave here on account of personal business. I believe it has always been the courtesy of the Senate to accede to such a request.

Mr. LOGAN. I certainly shall not insist. I said I would like to have the Army bill disposed of; but I am not going to persist in shoving anybody else aside. If anybody is to be shoved aside, let it be me. That is usual.

The PRESIDENT *pro tempore*. Is there objection to the continued consideration of the military bill?

Mr. PLATT. I object to anything which displaces the bill for the admission of Washington. I am willing to be accommodating about it, but I think I have a right to keep that as the unfinished business of the Senate; and I must object and object seriously to anything which displaces that. If the Senator from North Carolina——

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor.

Mr. PLATT. I presume the Senator from Oregon would yield to the Senator from North Carolina if the latter desires to address the Senate at this time and can not do so at another time on account of matters of his own personal convenience. I am perfectly willing that the Washington bill may be laid aside informally for that purpose.

Mr. DOLPH. I gave way to the Senator from Connecticut because I did not wish to undertake to control and direct the disposition of the bill under consideration. I, of course, under the circumstances will give way for the Senator from North Carolina.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Connecticut as objecting to the postponement of the Washington bill, and the Senator from Oregon, having the floor, gives way to the Senator from North Carolina.

Mr. DOLPH. I shall, however, desire to resume the floor after the Senator from North Carolina has completed his remarks.

The PRESIDENT *pro tempore*. The Senator will have the right to the floor whenever the Washington bill comes up.

Mr. VANCE. I am obliged to the Senate for its courtesy.

Mr. LOGAN. If the Senator will allow me a word, I will not take up the time of the Senate; but I should like to put a statement in connection with that of the Senator from Kansas [Mr. PLUMB] where he says this increase will cost six or seven millions of dollars. I do not wish to discuss the matter; but in answer to the proposition of the Senator from Kansas that the cost will be $7,000,000——

Mr. PLUMB. I object to that going in now. I want to comment on it. I do not care to have it injected in the middle of my remarks.

Mr. LOGAN. I suppose the Senator will continue his remarks to-morrow morning.

Mr. PLUMB. I want to occupy about ten minutes more. I do not care to have this matter interposed now.

The PRESIDENT *pro tempore*. The Senator from Kansas objects. The Senator from North Carolina [Mr. VANCE] is entitled to the floor.

Mr. PLUMB. I will not object if it is material; but the Senator from Illinois had better put it in as part of his own remarks. I do not care to have it go in as part of mine, and I want to conclude.

Mr. LOGAN. The Senator need not put it into his remarks unless he chooses, but I want to read it in answer to what he has said.

Mr. PLUMB. I will read it myself and save the Senator the trouble. I have no particular desire to go on now; at the same time I think in ten minutes I shall close what I have to say.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. PLUMB. I withdraw the request.

The PRESIDENT *pro tempore*. The Senator from North Carolina.

Mr. VANCE. I ask consent of the Senate to call up Senate bill 839.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent to lay aside informally the pending bill with a view to considering the bill (S. 839) to repeal chapter 27 of the acts of 1883 relating to civil service.

Mr. PLATT. What was the request of the Senator from North Carolina?

The PRESIDENT *pro tempore*. To lay aside informally the pending bill with a view to take up the bill the title of which has been read. If there is no objection that order will be made.

Mr. LOGAN. Will the Senator allow me a few minutes to read a paragraph?

Mr. PLUMB. I object. I do not want anything put in upon that matter until I conclude my speech.

Mr. LOGAN. It is not in your speech but in my speech, sir; and you have no right to object.

Mr. VANCE. I yield.

Mr. PLUMB. I object.

Mr. LOGAN. You can not object——

The PRESIDENT *pro tempore*. This can only be done by unanimous consent.

Mr. PLUMB. I object.

Mr. LOGAN. I am very much obliged to the Senator for his kindness and generosity.

Mr. PLUMB. Thank you, sir.

Mr. LOGAN. It only shows that the politeness is all on that side.

Mr. VANCE. I will proceed now if it is thought I can do so with safety. [Laughter.]

REPEAL OF CIVIL-SERVICE LAW.

The PRESIDENT *pro tempore*. The Senate has agreed to take up the bill (S. 839) to repeal chapter 27 of the acts of 1883 relating to civil service.

Mr. VANCE. Mr. President, at the close of the great civil war, when the party then in power desired to reconstruct a portion of this Government on principles which would secure its domination, it so happened that a constitutional President stood in the way. It was necessary to divest him of his prerogative before that party could accomplish its unconstitutional object, and a regular attack upon his rightful powers was begun by the passage of the tenure-of-office law. But soon after Mr. Johnson's term of office had expired—his successor being one who was in sympathy with the party then in power—the necessity for that law was no longer felt; that is to say, the offices could be secured without it. That law, therefore, was modified. But the remnant of it was left on the statute-book as a reminder of the iniquity, to be brought up again when necessary. That necessity, however, did not arise until after the Presidential election of 1884, when a Democrat was chosen to fill that office. But being wise in their generation and fearing that for want of control of both Houses of Congress it might not be able to resurrect that law, the Republican party fell upon the plan of perpetuating the official existence of its friends by the enactment of a law "to regulate and improve the civil service of the country." It was a continuation of the old assault upon the rights of the Executive; and all of the present troubles between the Executive and the Senate are due and chargeable to that enactment. And I propose to address myself to that law, a bill for the repeal of which I heretofore had the honor of introducing. But before addressing myself to either the unconstitutionality or the impolicy of that enactment, I wish to say that one of my chief objections to it and to all other laws which restrict or intrench upon the established rights and prerogatives of any department of the Government is the tendency to defeat the will of the people as expressed at popular elections, and to that extent to impair and destroy the vigor and efficiency of political parties in this country.

Mr. President, in the broadest and most comprehensive sense of the term I avow myself a party man; not from natural pugnacity of temper, not because of prejudice against those who may differ with me, nor yet because I believe there are no evils inseparably connected with party organization, but because I do believe most earnestly that parties are indispensable to the existence of liberty, and that a government by party is the only way in which there can be government by the people.

Party—

Says Edmund Burke—

is a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed. Men thinking freely will in particular instances think differently. But still as the greater part of the measures which arise in the course of public business are related to, or dependent on, some great leading, general principles in government, a man must be peculiarly unfortunate in the choice of his political company if he does not agree with them at least nine times in ten. And this is all that ever was required for a character of the greatest uniformity and steadiness in connection. How men can proceed without connection at all is to me incomprehensible.

Lord John Russell, in his essay on the English Government and constitution, says:

Now, of the two ways of procuring adherents—the attachment of interest and that of party—party is by far the best. Many a man I fear would abandon his

opinions and fall off from his principles for the sake of office who will yet not desert a party to which he is engaged by passion and affection as well as by reason. * * * The good effects of party in this country are numerous and weighty. One of the chief of them is that it gives a substance to the shadowy opinions of politicians, and attaches them permanently to steady and lasting principles. The true party man finds in his own mind certain general rules of politics like the general rules of morals by which he decides every new and doubtful case. The belief that those principles are just enables him to withstand the seductions of interest and the ingenuity of projects; his conduct acquires somewhat of the firmness of integrity and wisdom. * * * In reckoning up the bad effects of party, I have not spoken of the animosities and violent contentions it produces. Mock philosophers, sentimental women, and effeminate men are always making lamentations over political divisions and contested elections. Men of noble minds know that they are the workshop of national liberty and national prosperity. It is from the heat and hammering of the stithy that freedom receives its form, its temper, and its strength.

Says Mr. Madison:

No free country has ever been without parties, which are a natural offspring of freedom.

Says Francis Lieber in his Political Ethics:

I believe that there never existed a free country actively developing within its bosom constitutional law and feeling deeply interested in the great problems of right and public justice in which there were not also parties. For neither in the physical world nor in the moral or intellectual is anything great to be obtained without struggle, and when there is struggle there must be two sides—two parties. * * * Indeed we must answer at once the second question, that it is impossible for civil liberty to exist without parties.

To the same purport are Hallam, Macaulay, and other publicists beyond the sea, as well as most of our own.

I need not dwell upon this proposition. Every well-informed man in America is aware of the vast influence which has been exerted by party organizations in giving effect to the popular will, in promoting the prosperity of the United States, and guarding the rights and liberties of their citizens. Though here, as in England, we have our mock philosophers, our sentimental women, and our effeminate men who constantly preach against the dangers of party spirit—very often when preparing to sell themselves out to the opposite side—yet men of noble minds know that the much-lauded checks and balances of the Constitution itself are not now and never have been half so efficient for the preservation of rights and for the restraint of corruption as the fierce and waiting hostility of a well-organized opposition to the party in power. Let the two great parties into which the American people are now divided be once obliterated, and no others with clear-cut issues arise to take their places; let the one-time English idea of attaching adherents to the administration and obtaining support for its policy by interest and office instead of party become prevalent in this country, and in less than a quarter of a century there would be scarcely a vestige of the rights of the people or the States remaining.

Moreover—

Said Horace Walpole—

I have a maxim—that the extinction of party is the origin of faction.

And Horace Walpole ought to have known. In my honest opinion no more unmistakable sign of the decay of public virtue in politics has been furnished by American history than the rise, if indeed it can be said to have arisen, of that maudlin political sentiment which we recognize, for want of a better, under the name of "Mugwumpism," a kind of sickly, sentimental, Sunday-school, "Goody Two-shoes" party, which appears desirous of ruling the world not as God has made it, but as they would have it. Under the fair guise of liberty, moderation, and public integrity, its tendency, if not its purpose, is to destroy the manhood, the outspoken courage of bluff Anglo-Saxon statesmanship, and seeks to substitute therefor a hybrid system of Pecksniffian snivel, which is to be in our politics what cant is to true religion, what pharisaism is to the divine virtue of humility, and which will ultimately prove, like all other hybrids, simply an unhappy mixture of the more ignoble qualities of each parent. Men who fall in love with this diluted form of political ethics forget that with all the evils attending extreme partisanship we have also the candor, the courage, the outspoken sentiment, the manly defiance of opposition, the eager and zealous defense of principle which has infused, with all its roughness, a spirit of chivalry into our political warfare. We know each other. We know where we may expect to find ourselves and our opponents. We can calculate of each other that, whatever of evil there may be, there will be no deception, no hypocrisy, no pretense.

Sir, there is nothing in the nature of man that stamps his nobility more unmistakably than this spirit of generous rivalry in ardent strife for worthy purposes. The untutored schoolboy instinctively shouts his admiration at every exhibition of pluck and magnanimity in a square stand-up fight. Men who differ honestly and maintain that difference boldly present everywhere the very best side of our nature. No instances in history so captivate the mind of every reader as those which exemplify this spirit of fair play and generosity. There is nothing in the romances of Richard or Saladin, there is nothing in the charge of the six hundred "into jaws of death and hell" which more thrills the soul of the student than that story which is told of the battle of Fontenoy, where, when the lines of battle were formed in close gunshot range, the English officers came to the front and invited the French to fire first; to which the French officers replied, after they had stepped forward, removed their hats, and bowed profoundly, "Not so, messieurs; the gentlemen of the French Guard never give but receive the first fire." And they did receive it! It was but yesterday that the heart of every generous man in America was warmed by the simple story of how some ex-Union soldiers in New York had dedicated the pensions paid to them by a grateful Government for fighting to preserve the Union to the support of some poor, disabled confederate soldiers who had fought against the Union. No handsomer tribute has been paid to these elevated principles of human nature which are generated by honorable strife than was uttered by an eloquent Republican Senator lately in this Chamber [Mr. SPOONER] when eulogizing our dead Vice-President as an honorable, a magnanimous, and unflinching party man.

For want of political parties Russia has nihilism and despotism. For want of parties based upon well-known constitutional principles France is divided into personal factions and cliques, and dwells above the red-hot fires of communism. For want of like constitutional parties Germany, the earliest home of the liberties of our race, is honey-combed by the destructive tenets of socialism, which is only restrained by the conversion of what should be a free limited monarchy into an almost absolute despotism, supported by an army so vast and expensive as to very nearly eat up the substance and destroy the productive capacity of her people. Austria has scarcely a semblance of what may be termed political parties, and has no more liberty than party.

The history of the world is replete with the lessons which confirm the truth of Mr. Madison's words, that parties are indeed "the natural offspring of liberty." Freedom, truly, is the priceless gem which is crystallized in the fierce heats of party strife. That strife must continue forever, if it be that freedom is to live forever. There is no rest for the free.

The passage of the civil-service law, as I have intimated, was an attack upon the rightful prerogative of the Executive and a blow aimed at the integrity of political parties. It will be felt in all that parties are intended to preserve—the institutions of our country. The cornerstone of those institutions are:

First. The eligibility of all qualified freemen to hold office, and therefore the right to seek office at the source of power.

Second. A brief term of office.

Third. A direct and immediate responsibility of all elective officers to the people.

Fourth. A mediate and indirect responsibility of all appointed officers to the people through the direct and immediate responsibility of the appointing power.

All these essential features of our constitution of government are contravened by this law known as the civil-service act.

Every citizen of the United States is qualified by law to hold any office unless the disqualification appear in the Constitution itself. The only disqualifications found in that instrument are those contained in the fourteenth amendment thereto, for participation in rebellion; the requirement that the President of the United States shall be a native and thirty-five years old; that Senators shall have been nine years residents of the States for which they may be chosen and thirty years old, and that Representatives shall be twenty-five years old and seven years inhabitants of the States from which they may be chosen. With these exceptions every citizen of the United States is qualified by the Constitution and laws thereof to hold any office under the Government, and, therefore, entitled to seek any office, elective or appointive.

"As long as office is open to all men and no constitutional rank is established, it is true republicanism," said Alexander Hamilton. "The limitations of power, the frequency of elections by the body of the people, the capacity of every individual citizen to be elected to any office to which his talents and integrity may commend him, and the responsibility of every public agent to his constituents, the people, for his conduct are the distinguishing features of a representative democracy." (Tucker's Blackstone.)

Again, I repeat, these inestimable rights and franchises can be taken from no citizen by act of Congress. The Constitution itself provides the only way by which it may be done, to wit, by conviction of certain crimes. When it was determined to make ineligibility to office a penalty for participation in the late war against the Union without trial and conviction it was not even attempted by law; it was done by amendment to the Constitution, thereby admitting that Congress can not deprive any citizen of his right to seek and to hold office.

This perfect equality of right is one of the proudest and most distinguishing features of democratic government. By the civil-service law and the regulations established under its provisions by sublegislation no citizens but those who are of a certain age and who reside in certain States and who submit to and satisfactorily pass a certain examination are eligible to appointment. Nay, it is worse than that; for only four out of all those who possess the prescribed qualifications and who have successfully undergone the required test are permitted to seek an appointment.

Look at it in this way: Given a vacant place to be filled in the executive department by the requirements of the Constitution, there are one million American citizens competent to fill it. Each has a right to apply for it equal in law to the right of any other man. Each has the right to go directly, without hinderance, to the appointing power. But the civil-service law says, not so; no one shall be appointed, no one's application shall be considered even, except those of the favored four

who may run the gauntlet; while the 999,996 are disfranchised and forever barred! It is no answer to say that this is no disfranchisement, for that all men may apply to the board of commissioners. That board does not appoint; it simply says who shall and who shall not be appointed. It is no answer to say that it is no disfranchisement because only one man out of the million can get the vacant office; for the million have the right to seek for it and take their chances.

There are two methods of obtaining office in our country, and two only: one is by election of the people, and the other by appointment by those on whom the people have conferred the appointing power. Now, if under the Constitution you can by this law forbid citizens from seeking office of the appointing power, you can also forbid them in the same way from seeking office of the people. Who is prepared to say that the people shall only choose from a certain number who shall have been culled by an examining board? Who is prepared to restrict their choice?

It would be much better for all concerned if, instead of disfranchising men in this indirect way, there should be a positive law, fixed in definite terms, excluding them. Instead of that, however, a tribunal is established, by whom men are to be deprived of birthrights at its own sweet arbitrary discretion.

In all the descents from the elevations of freedom to the low levels of despotism there is no more easy nor better-worn stepping-stone than this of making rights dependent on human discretion. Said the great English lawyer Lord Camden:

> The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper, passion. In the best it is oftentimes caprice; in the worst it is every vice, folly, and passion to which human nature is liable.

If these words of the eminent lawyer be true of those comparatively simple matters of law which, for convenience, are usually intrusted to the discretion of a judge, what must be thought of a law which makes one of the dearest and grandest rights of an American citizen, the right to hold office and participate in the government of his country, dependent on the mere discretion of three men who are not responsible to the people nor to anybody else, and who are utterly unknown to the Constitution of the country? What a definition and limitation of human rights that is, dependent as they are made to be by the civil-service law upon the accidents of personal appearance of candidates, of an unpleasing speech on the part of one, or upon the state of the commissioner's liver, or perhaps his personal prejudice, a bad night's rest, failure of his morning bitters, or it may his appetite for dinner! Is not this the very essence of absurdity and of despotism?

By the fourteenth amendment to the Constitution it is provided that—

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Of course, then, Congress has no right to make such a law which it has forbidden the States to make, unless such power be clearly found in the Constitution. But there is no such power there; nor is there anything there from which that power might be derived by necessary implication. By no process of logic can it be shown that the prohibition of the exercise of a power residing in a State by implication confers that power upon Congress. Nothing but express words or necessary implication can confer any power whatever upon the General Government. Here there are neither express words nor necessary implication from express words authorizing any such power. In truth, the express objects of the Constitution in all its grants of power are intended mainly to preserve and enlarge rather than to destroy or abridge the rights of citizens. Having no right then by law to abridge the rights of citizens of the United States, it necessarily follows that Congress can pass no law which permits any one else to do so. It can not, of course, delegate a power which it does not possess.

I maintain that the civil-service law and the regulations prescribed thereunder manifestly do abridge the rights of citizens of the United States to apply for and receive office. In the lexicons the word "abridge" is defined to mean "to contract; to diminish." Now let us see if any man's rights have been contracted or diminished by this law and the regulations made under its authority.

On the morning, we will say, of the 15th of January, 1883, any citizen of the United States not included within the disqualifications of the Constitution already mentioned had the undisputed right to apply to and receive from the President, one of the heads of the Executive Departments, the courts of law—wherever the appointing power was lodged—any office which it was in their power under the Constitution to give; and this without reference to the age, the scholarship, the State residence, or to the bibulous propensities or personal habits of the citizen. These and all other requisites touching his fitness were left in the sole discretion of the power which appoints him. And this uncontrolled power to judge and to choose constituted an important part of his rights in the premises; "and wherever the power is lodged, there it must remain," says Mr. Cooley on constitutional limitations. On the morning of the 17th day of January, 1883, the citizen awoke and found—

First. That neither the President, the courts of law, nor the heads of Departments could appoint him to any place within the classified departmental service, the classified customs service, or the classified postal service unless he were recommended by three men whose functions were first established by a law approved on the day before.

Second. That had he been over thirty-five years old, not all the appointing power mentioned in the Constitution, aided by that mentioned in the recently approved law, could have appointed him to any place within the classified postal service, or to any place in the classified customs service or classified departmental service had he been under twenty-one or over forty-five years old.

Third. That no one or all of them combined could have appointed him to any place within the classified service had he been a citizen of a State which had more than a certain proportion of appointments with reference to population.

Fourth. That he could not have been appointed legally to any office in the classified service if two members of his family were already in the public service.

Fifth. That had he been examined and found qualified, he could not then have presented himself and been appointed even though the appointing power had desired it; but would have been compelled to wait until the board of commissioners had seen proper to present his name, and if it did not see fit to do so within a certain time his name would have been dropped from the list of "eligible," never to be presented. And, lastly, that he could not anywhere approach the appointing power to ask for position.

Now, if it be that these advantages and opportunities to participate in the government of his country are not "rights" of the citizen protected by the Constitution, what are they? If they be rights within the meaning of that instrument, is it not absurd to insist that they are not "abridged," contracted, diminished by this civil-service law? Can any man doubt that the right to seek and to hold office is an essential right of a freeman of the very highest political character? Says Lord John Russell in the same treatise to which I have already referred:

> Under the head of personal liberty should be placed eligibility to office, civil and military. The policy of the great states of the world has been often narrow, illiberal, and unjust upon this branch of true freedom.

The great and patriotic Lord Somers on a momentuous occasion also gave it as his opinion that there "could scarcely be a more unhappy condition for an Englishman than to be rendered incapable of serving his country in any civil or military office."

Again, this law by restraining the executive power of removal and appointment tends to the establishment of a privileged class of office-holders with a tenure for life. It favors the setting apart and consecrating of a portion of our citizens to the honors and emoluments of office to the exclusion of the others, in imitation of the aristocratical institutions of Great Britain and of the Continent, and still further back, in imitation of the family of Levi, which, among the Jews, was exclusively devoted to the priesthood, leaving all the burdens of state, either in peace or war, to be borne by the other tribes.

Another serious objection to the law is that it creates unusual offenses and attaches unusual penalties for their commission. It also takes away the President's power and duty to execute the laws and confers them unconstitutionally upon the board of commissioners. They are given supervision and control over everbody, including the President, in all matters pertaining to the enforcement of this law. It is the duty of this board of commissioners to see that all persons subject to this law abstain absolutely from all political service, and especially that they do not lie upon each other; that no Senator, Representative, or other officer of the Government shall recommend anybody for office or violate the provisions of this act in any way, but that all shall dwell together in millennial peace and harmony, and forever remain virtuous and happy. Why it omitted to enact the whole civil service of the country into a national Sunday-school—a grand consolidated American Ebenezer—with these commissioners as teachers and exhorters, subject to the visitation of Mugwump presbyters, is something that the truly good and pious political saints must ever regret. If any malicious, evil-disposed persons whomsoever, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, should in any way hinder, deceive, or impede an applicant for initiation into the privileged tribe of Levi, or tell a lie upon him in regard to his character or qualifications, or even give any special or secret information about him, though never so true, they shall yet be guilty of a misdemeanor, and on conviction shall be punished by a fine not to exceed $1,000, or by imprisonment not to exceed one year, or by both fine and imprisonment.

So much for even attempting to help a good man get in office or furnishing information to keep a bad one out! So much for attempting to even handle these official eggs while under the motherly incubation of these national hens, the Civil Service Commissioners! As for all other American citizens who would like to have office in the usual way under a Democratic administration because it is their right and because they helped to create that administration, you may lie upon, hinder, and deceive, and furnish against them all sorts of information, special and general, the more the better, and their only remedy is an action for slander, a hickory stick, or a shot-gun. How much these legal terrors may assist the Government in procuring correct information in regard to the aspirants for place is a question not solvable in any ordinary preparation of logic. How it may look in the eyes of civilized nations, especially the "effete dynasties" of Europe, to have near the close of the nineteenth century established in this great Republic a board of censors of public morals, to watch the President of the United

States and make him walk a chalk-line, to keep a sharp lookout on Senators and Representatives and see to it that they are up to no mischief, and to supervise the Supreme Court, and to take care that its frolicsome youngsters shall commit no crime, this deponent saith not. But of such is the kingdom of civil-service reform!

The one grand idea which actuated the earliest settlers of the American wilderness was the desire to escape from irresponsible hereditary power, from class rulers, from a government which could not be changed if bad and oppressive without revolutionary violence. By tracing the history of the principal streams of emigration which constituted our colonial blood it will be observed that each one was seeking to escape from political or ecclesiastical oppression in one form or another for which there was no redress by peaceful or constitutional means. Their exodus in each case sprang from a strong desire "to make an offering to liberty in the wilderness which the stringency of power prevented them making at home." When the final rupture between them and the mother country was accomplished their chief desire was to lay the foundations of a new government in such principles as would forever relieve them and their descendants from the fear of a recurrence of such oppressions. Their action in this regard was characterized by an insurmountable opposition to hereditary political power in any shape and under any circumstances. It is, perhaps, not too much to say that the chief means upon which they relied for the preservation of their liberties and to prevent the recurrence of the evils from which they had fled was the constitution of the offices of all their rulers upon brief tenures, to be frequently changed and to be directly responsible to the source of power.

"A suspicious watchfulness of all official authority," says Mr. Van Buren, "proportioned to their knowledge of its liability to be abused; a consequent indisposition to concede more than was indispensable to good government; the establishment of a certain, and, as they called it, a 'swift responsibility' for the exercise of that which was granted; a habitual distrust of every offer of special privileges by Government, and an unwillingness to confer the power to grant them." They first settled an absolute division of the functions of government—legislative, executive, and judicial—and declared that they should forever remain separate, distinct, and independent. They fixed the very briefest possible terms for the tenure of all offices, and declared for the frequency of elections. They rejected with heated scorn, amounting almost to fierceness, the proposition of such men as Alexander Hamilton, John Adams, Gouverneur Morris, and others, great as were their abilities and eminent as had been their services. This proposition briefly outlined was that the President should hold his office during life and good behavior, and should have an absolute negative upon all bills, resolutions, and acts of Congress; that Senators should hold office by the same tenure, and have the exclusive power of declaring war; that the General Government should appoint the governors of all the States, who should hold their offices by a like tenure, and who should have power to negative all State laws, subject to the regulation and control of Congress; and that Congress should have power to pass any law it might deem necessary to the common defense and general warfare of the Union. This, of course, carried with it by implication a life tenure in all the minor offices of the Government. But notwithstanding its great backing, that proposition never came to a vote in the convention which framed our Constitution. When that instrument was adopted by which the briefest tenures of all offices were prescribed the implication was irresistible that the minor offices established by law were to have the same brevity of existence. A hundred reasons for this implication could be given. So obvious were they, however, that at the very earliest date the precedent was established, and to this day it has been followed without question or interruption.

This civil-service law is the second attempt to recur to the Hamiltonian principle, and is most cunningly begun at the bottom, where it would attract the least attention and indignation. Well did the late President Garfield say the doctrine of Alexander Hamilton is waxing and that of Thomas Jefferson is waning. Had he happily lived until to-day and seen the operation of this law and been a witness to the position which the Senate of the United States is now occupying, he would have been astonished at the rapid verification of his utterance.

If the Chief Magistrate can hold his office for four years only, why should a clerk hold his for life? If the President after four years of diligent and patriotic service must submit himself and his deeds again to the judgment of his fellow-citizens, why should his subordinates be granted exemption from like submission and be endowed with official immortality? It works well, they say; the longer the clerk serves the more competent he is to serve well. Is not the same true of a President? Is not the same true of a Senator, a Representative, and all other officers? If the system work well with the minor officer, will it not work equally well with the major? And if that be true, will we not soon begin to extend it? Indeed it was annouuced in the discussion of the bill that it was tentative, and it was intended to be extended, as experience justified, to the whole civil service of the Government. In fact, has not the President of the United States pledged himself, with certain reservations, in obedience to a supposed public opinion, to extend the spirit of the law beyond its legal effect to all the higher appointments which pertain to him? If that be so, is not that the waxing of the principles of Alexander Hamilton and the waning of those of Thomas Jefferson?

There are, indeed, among us very many strong, influential men who heartily detest the excitements and the turmoil of freedom by which they are brought into contact with their legal, but not their social, equals as they fancy. Once in office, they prefer to stay there without the trouble and disturbance of a re-election. It is naturally and selfishly so in all ranks and classes. The national banks want the privilege of supplying the currency, and do not want to be disturbed by any legislation except such as they apply for. The manufacturers, entrenched behind protective duties against the competition of all the world, deplore any "tinkering with the tariff." With the wail of the martyr who first feels the fire the railroad monopolists pray to be protected against legislative mobs and to be permitted to enjoy whatever they may get in peace. The bondholders too join in the plaintive song of protest with all the privileged classes of society. And so soon as a clerk finds himself ensconced in a snug position he also raises the same tune, which is indeed a common meter, and prays to be delivered from the dangers of a change in administration. They all fear the restless insistence and persistence of that terrible mob called the people; that fierce democracy who, in season and out of season, will demand that control over their rulers which they know to be indispensable to the preservation of their rights. But fear not, ye of little faith; no amount of laws to restrain their power, no amount of argument to show them their incapacity for self-government will ever induce them to relax their hold upon the throttle of the engine.

Where is to be the stopping point to this waxing of the Hamiltonian theory?

Presidential elections are often complained of in these latter days; they are said to engender much and very dangerous excitement; to be revolutionary in a moderate way; and particularly to disturb the stock market; and propositions are loudly made to diminish their frequency and to enlarge the Presidential term. This is in the direct line of civil-service reform, which consists in getting as far as possible away from the control of the people. It would indeed be a great convenience to the occupants of that exalted position if elections were not so frequent. It would indeed be acceptable to that entire class of our fellow-citizens who wish to enjoy in a dignified and easy manner all the benefits of order and good government without the trouble of going through the ceremonies and the labors required to furnish it.

To come to my third proposition. Undoubtedly, as before explained, one of the most important elements considered in the arrangement of our scheme of government was the fixing of responsibility for the manner in which the powers granted were to be exercised. In this, to use a lawyer's phrase, they were astute to find the methods. The most obvious of these for all elective officers was short terms and frequent elections. By this each officer's faithfulness and capacity were to be periodically passed upon by his masters, the people, and they were to determine whether or not he merited another lease of power.

The theory of our system—

Well said the Senator from Kansas [Mr. INGALLS]—

is that where a man is elected or appointed he shall abandon his functions at the end of a certain term to receive the verdict of the people or the appointing power as to whether he has discharged his duties well and is fit for the place again, * * * to the end that men may not become so intrenched in prerogative and formidably surrounded by privilege that they can at their will disregard their duties.

The Chief Executive, as the grand source of the appointing power for officers not elective, was given a term of four years only in order that he, as the great exemplar of all, should receive the judgment of the people upon the manner in which he had discharged his important trust. Lastly, the pains and penalties of impeachment were added to the responsibilities of the Chief Executive and all the high officials, and a court was provided to carry this great remedy of freemen against evil rulers into effect. But our fathers were as generous as they were wise, and they conferred upon all their servants the powers necessary to the discharge of their appointed functions commensurate with their great responsibilities. To the President they were especially liberal in the granting of power necessary to the execution of his important office. After limiting his term to four years and providing for his impeachment, they prescribed as his chief duty that he should "take care that the laws be faithfully executed," and granted to him the "executive powers of the Government." It follows, then, logically, that being vested with all executive power by these words first used, he is entitled and compelled to exercise every function of the Government which is executive in its character, except only wherein it has been limited by the same instrument. It can not be limited by law, even though that implies the consent of the President. In other words, he can not legally surrender any executive power, and any attempt to do so by approving an unconstitutional law is a nullity. It would, among other reasons, throw off the responsibilities with which the Constitution has invested him as one of the safeguards of official conduct.

In the great debate in the First Congress upon the question, which has been recently revived for discussion, of the right of the Senate to participate in removals from as well as appointments to office, Mr. Madison said:

It is said that it comports with the nature of things that those who appoint shall have the power of removal, but I can not conceive that this sentiment is

warranted by the Constitution. I believe it would be found inconvenient in practice. It is one of the most prominent features of the Constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof. Anything, therefore, which tends to lessen this responsibility is contrary to its spirit and intention.

It seems to me, Mr. President, that no well-informed man can doubt that the whole scheme of the Constitution providing for a direct responsibility to and dependence on the people as the source of power, and whose happiness and well-being are the sole objects of the Government, is the very essence of liberty and stability. This law to which I am objecting tends directly to the abrogation of this principle. It diminishes the power of the Executive to appoint, it restrains if it does not destroy the power to remove all officials embraced in its terms. It diminishes the power of the administration to employ efficient agents of the executive department, and it diminishes the responsibilities of the Executive. It is, therefore, according to Mr. Madison, "contrary to the spirit and intention" of the Constitution.

Who is responsible for the conduct of an executive officer appointed under this law? Not the President, certainly; for his appointee is selected by the board of commissioners. Not the head of any Department, surely; for the commission chooses the appointee for him. Not the courts of law, of course; for Congress has delegated no power to appoint to the courts of law. Who, then, is responsible? The commission? It will deny it, and say that it only recommended such as appeared fit for the positions. But granting that the commission is responsible, how is it to be held to that responsibility? It is far removed from the people—the more is the pity. Can the President remove the members of that commission? Even that is doubtful, upon the construction given by the Republican side of this Chamber. In the debate on the passage of the act various opinions were expressed, the majority appearing to believe that the President could not remove them without the advice and consent of the Senate.

In my opinion the President has the power and the right, which it is his duty to exercise, to remove at discretion all executive officers of the Government. I believe that this power is unrestricted by the Constitution, and is therefore unrestrictable by law. The power of appointment is given to the President by express words, but is limited as to certain grades of officers by the grant of power to the Senate to confirm. The power to remove does not merely follow by necessary implication from the power to appoint, but is expressly granted in the words used: "The executive power shall be vested in a President of the United States." "The executive power" includes all executive power, and is absolute unless it be restricted elsewhere; and all we have to do is to determine whether removal from office be an act of an executive nature, and, if so, whether there be any limitation of it elsewhere in the Constitution. There will be found none in express terms, and rightly none by implication. In case of appointment the Senate has power to confirm or reject. It can not be implied that it therefore has power to disapprove or confirm a removal, for that grant was an exception to the general power given, and must be taken strictly.

This subject received Congressional construction by the great debate and action during the First Congress in 1789. Speaking of the decision then rendered, which was acquiesced in without break until Republican greed for office sought to hamper the hands of President Johnson in 1867 by the unconstitutional tenure-of-office law, Chancellor Kent says:

> This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as of decisive authority in the case. It applies equally to every officer of Government appointed by the President and Senate whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of that department, because he is invested generally with the executive authority, and every participation in that authority by the Senate *was an exception to a general principle and ought to be taken strictly*. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty and might often be requisite to fulfill it. (1 Kent's Commentaries, page 310.)

To the same purport was Mr. Calhoun's speech in the Senate in 1834 upon the removal of the deposits from the United States Bank. Said he:

> But while I thus severely condemn the conduct of the President in removing the former Secretary and appointing the present one, I must say that in my opinion it is a case of abuse and not of the usurpation of power. The President has the right of removal from office.

Not the President *and* Senate, but the *President*. Mr. Madison and Mr. Webster held the same views. Indeed, with more or less of difference in the reasons assigned, nearly all the great statesmen of the country for seventy-five years have been content to leave the power of removal of all executive officers in the hands of the President alone as the responsible head who was charged with the faithful execution of the laws. There is where it ought to be now; there it is not left by the civil-service law. Congress in passing that law, therefore, violated the Constitution by impairing the executive power over its subordinates quite as flagrantly as it did in the passage of the tenure-of-office act; and by voluntarily submitting to its provisions the President, in my judgment, surrenders a prerogative which it is his duty to defend.

As I have expressed my disapprobation of the tenure-of-office law and all partisan attempts to infringe the rights of the Executive and thwart the will of the people, so do I condemn this civil-service law as the meanest and most insidious of them all. Professing to avoid any direct interference with his power, it yet surrounds the President with checks and hinderances on every hand. It binds him with his own consent. Instead of the free discretion to choose his agents from the whole body of American citizens, it binds him to choose from the four selected for him by others. Instead of choosing an officer pleasing to him, he is compelled to take one who is pleasing to the Civil Service Commissioners. When a new President is elected, instead of being able to freely choose his own agents to assist him in the execution of the laws, he is bound to leave those of his predecessor in full possession. Instead of that high discretion with which the Constitution invests him, this civil-service law substitutes the discretion of an irresponsible commission, and confers these high powers on three men, who are to incubate on certain inchoate official eggs and hatch executive officers, warranted to be of better quality and capacity than those propagated by the natural methods. No wonder that more than one of its eminent advocates said that its execution naturally presupposed a President friendly to its provisions. It could not live a moment except by the voluntary submission of the Executive to its absurd and fantastic arrangements. Did its originators get the idea from Professor Baird's fish hatchery, or did they go to England for it?

We were often told in the debate upon the bill of the excellence of the British system of civil service, which, it was said, was not changed with every administration. Of course not. The executive power of Great Britain is hereditary and changes only at the death of the monarch. The administration, however, changes at will, and may change every week. Therefore, the idea of life tenure for executive officers is consistent with an executive for life. Therefore, an official class of life-long tenure is consistent with monarchical and aristocratical government, which is peculiarly a government of classes. But it is not consistent with a democratic government and a short-lived executive, where no class is recognized by law and all men are equal.

When the people of England, through their representatives in the house of commons, desire a change in the administration of the government they simply vote a want of confidence in that government. The executive officers in power are not changed otherwise than so far as the change of policy may require. That is all that is expected or desired. Besides, as the executive there was hereditary, there was no way of avoiding corrupt or inefficient minor officers except by competitive examinations. There was no responsibility to the people for bad appointments. Here there is such responsibility; here all is different. When the people elect a President, avowing a different policy from that of his predecessor, they thereby declare not only for a change of policy but for a change in the *personnel* of the Government as well. This has been the universal custom to the present day. The people expect the man of their choice whom they have elected to remove those in office and appoint every man whom he may deem necessary to the effectual carrying out, not of his, but of their will. And especially was this true of the last Presidential election, which was influenced more by the desire for a thoroughly radical change in the *personnel* of the late administration than for any other consideration whatever. The proof of this was the universal cry, the party slogan, "Turn the rascals out."

It was said, and justly said, that so long a continuance in power of one set of officials was hurtful to liberty and public integrity; that wrongs and corruptions would naturally creep into official life and remain unexposed if new men did not frequently come in to investigate and denounce them. The people willed this in 1884. Their will has not been respected. Their President's hands were bound by this civil-service law which he had promised to maintain, and they were further bound by his own extra-legal promises to carry the spirit of that law into his whole administration. They are still bound by the presence of innumerable political enemies who surround him on every hand. And even in the few cases where he has attempted to surround himself with men in sympathy with him and with those who elected him, a hostile Senate stands ready to thwart him by the use not only of its confirming power but by the usurpation of a power which does not belong to it, for the purpose of keeping the friends of the majority in office at any cost.

Such treatment, in my opinion, relieves the President from any obligation to keep his promises in that respect. They were made, I will not permit myself to doubt, in the utmost good faith, actuated by a patriotic desire for public efficiency and integrity. No doubt they were made, too, in a spirit of concession to those eminent Republicans who had grudgingly admitted the corruptions which had grown up in their own party as a result of their long lease of power. A sample of these admissions I will here give in the shape of an extract from the speech of the Senator from Massachusetts [Mr. HOAR] in the debate on the bill. He said that abuses had gotten to such a point "as to attract the attention of the country and to demand reform." And that Senator went on to say that the Democrats were called on to make this sacrifice "to emphasize their patriotism and their fitness for the administration of the country by denying and disdaining the use of a weapon of which they have so often felt the edge and the weight for many years." Stripped of the fine verbiage in which the Senator disguised

it and translated into the home vernacular, that sentence would read about as follows: "We have been in office so long that our corruptions have become offensive to all honest men. There is about to come a day of doom for us, and there is no doubt the people will elect a Democratic President the next time. If that should come to pass and you Democrats should treat us as we have treated you for a quarter of a century, there would be wailing in our camp. We have fixed up this little bill to keep our friends in office should that calamity happen to us; that is, all our friends whose appointments are not subject to our power of confirmation. Those of our friends over whom we have the power of confirmation we will take care of through that power. Now, if you will give up the spoils idea and agree not to disturb our office-holders who have raised all this stench, when your party wins I shall say that you are fit to rule this country."

This is a fair specimen of the chaff with which many an old Democratic bird was caught in the passage of that law; and no doubt it was intended to meet such apparently fair propositions that the President made his patriotic promises. It is to be hoped that the President can now judge of the sincerity of those professions. It is to be hoped that his eyes are now opened to the true character of the men with whom he has to deal, when he sees them, not content with the retention of all their partisans within the scope of this law and the retention of nine-tenths of their partisans not within its scope, still resisting on the flimsiest pretexts, at the risk of delaying the business of the country, the removal of the one-tenth whom he has seen proper to oust.

How he can expect his administration to prove a success when conducted in great part by his enemies, who would be delighted with its failure, is something I can not imagine. How it is expected that he can unearth the frauds and expose the corruptions necessarily incident to a long lease of power while surrounded by those who helped to commit them, if any such exist, and who have the keys to the requisite information, is a problem beyond my power of solution. Yet this is the real reform the people demand. His officers in every Department are literally surrounded by Republican spies, and he can not make the slightest move without taking his enemies into his confidence. It is a complete case of trying to serve the Lord with the devil as an active partner!

But if this law were constitutional, which it is not; if it were fair to all classes of citizens, which it is not; if it were just in its operations upon the one party as well as the other, which it assuredly is not—still I would deny that it is wise and businesslike. I believe it is not a better method than the old one; and the various heads of Departments have not yet said that the clerks given to them under the civil-service law are better than those they had before. They do say, however, that it saves them a vast deal of importunity, and that is the most they have said in its favor. I have heard of many instances where the appointees under the new system have proven quite as inefficient and as awkward as any others.

There seems to be an impression that the further you can get from the people the less importunity there will be and the better officers you will get. In my judgment the man who can not endure these importunities is entirely too good and too patriotic and too virtuous to hold office in a free country, and should be permitted to retire beyond the reach of such an annoyance, unless he can say that he has not himself spent the greater part of his life in importuning other people for office. In my judgment there is no more safe or purer source of office in a free country than the people; and the man who desires to get away from that source should immediately become the subject of the like desire on their part to get away from him. I believe that when executive officers were appointed under the old system, on the recommendation of members of Congress, if you please, better selections were made than have been or will be made by the Civil Service Commission, and I know they were more responsive to the popular will. To say nothing of the Presidential responsibility which I have already discussed, there is superadded the responsibility of the Representatives who are fresh from the people, directly accountable to them twice as often as the Executive, and who have also a personal acquaintance with the constituents whom they recommend. Most of them have had this personal knowledge for a lifetime, and are, therefore, infinitely better judges of their fitness than would be three strangers who may see them for the first time when they appear for examination, and when in the brief space of perhaps an hour they may ask them a few questions.

Perhaps it will be admitted that the Representatives of the people in Congress are quite as honest and as patriotic as the three commissioners who constitute the board. In addition it may be said that they, the Representatives, are better able to testify to the moral fitness of applicants, which is after all the greater matter, and which can not be enlightened in the slightest by a competitive or any other examination. In fact, the method of selection by this law is altogether impracticable and unbusinesslike. It would not be adopted by any corporation or business firm in the United States, and I venture to say that it never has been. The college training which would enable an applicant to state promptly "what causes led to the war of 1812," or "through what States a straight line would pass if extended from New York to New Orleans," or to "state the Kinetic theory of the constitution of gases," would give him every time the advantage over a better and much more practical man who had never been to college.

The humbuggery of this whole examination business as a test of fitness for clerical position is well illustrated by a flaming advertisement which I hold in my hand, and which reads as follows:

A collection of examinations and answers, selected by a competent and experienced professor, so as to enable any person, after their intelligent review, to undergo a thoroughly successful civil-service examination. Every person desiring to be employed by the Government should have it. Send 10 cents for a copy.

The only sensible way to obtain good employés anywhere in any business is to select them yourself and try them. If they should prove good, keep them; if they should prove bad, discharge them.

Another objection to the establishment by this law of a privileged irresponsible class of officials may be summed up in the language of Shakespeare—"the insolence of office." No better illustration of the almost divine genius of that great man can be found than in the acuteness displayed by him in making Hamlet, when recounting the evils and grievances which render life insupportable, mention the "insolence of office" as one of the chief. Who that has ever visited this capital city and has had any business in the various Departments of the Government has not been made aware in the bitterness of his soul of the full extent and measure of the poet's meaning!

The officer who makes his superiors and his betters, as well as the humble and the dependent, cool their heels in his antechamber and drink to the last dregs the cup of his insolence, is unconsciously a more eloquent advocate than I am for the frequency of elections and for the making officials directly responsible to their masters, the people. No French dancing master, no court master of ceremonies ever taught so effectual a school of politeness as is taught to Government officials by the knowledge that for every insolent act and word they will have to account speedily to the people. Is this wrong? Is it necessarily a bad system of government which makes its officials polite and kind and attentive? Is it desirable to increase this insolence of office by establishing a European bureaucracy as far as possible independent of and removed from the people? If so, then our whole system of government is wrong, freedom is wrong, republican institutions are wrong, human nature is wrong. Instead of taking the people and human nature as we find them and governing the people the best we can in the interest of individual liberty, we should listen to the solemn asses who at all times have infested the earth, and who wish to consider things and treat them as entirely different from what God has made them.

The debate which occurred on the passage of the civil-service bill was the occasion for the exhibition of considerable histrionic talent arising from the necessity of playing at the same time difficult and very different rôles. The Democratic Senators charged corruption on the party in power as a necessity for its passage boldly and loudly, but fought very shy of the suggestion of their fellow-Democrats that they were preparing to continue in power by this bill the party which had been guilty of the corruption which rendered such an act necessary. The Republicans adopted the plea which lawyers term "confession and avoidance;" admitting the corruption charged *sub modo*, but went away back to the days of Andrew Jackson in search of a *tu quoque*, and manifested much anxiety by the passage of that bill to correct the morals and evil doings of the dead, scouting the idea that they sought to obtain any advantage for the living. Both were wrong and wide of the mark.

The corruption of which the country complained and has complained for some twenty years was not among the class of officials who were covered by that bill. No outcry had ever been raised against the poor clerks, copyists, and messengers of the Departments. The stench which for years had assailed the nostrils of the nation had in every instance been created by those who had been nominated to their offices by the President and appointed by and with the advice and consent of the Senate. The thousand minnows which swam through the water, however they may have disported themselves, had never been able to cause a ripple on its surface; it was the whales and the sharks which lashed the waters into fury and tore the nets of the law into shreds. The operations of the Black Friday conspirators, Credit Mobilier thieves, whisky rings, freedmen's savings-banks robbers, Sanborn contracts, star-route contracts, and such other like projects of villainy were the things that alarmed the honest sentiment of the country and called for reform.

To answer this call as Republican Senators pretended to do by such a bill as this was a preposterous and contemptible subterfuge. It was a regular case of giving Smith medicine for Brown's ailments. To punish a corrupt secretary or auditor they administered discipline to a guiltless clerk. Even had that been good medical practice, it was an absurdity to pretend to punish the clerk by providing that he should hold office for life, instead of discharging him. It was a spectacle too in another sense worthy of the attention of the country, in that it presented the leaders of the great party standing up and confessing that their own evil practices and corruptions demanded this reform. The sincerity of this repentance, however, will be apparent when it is considered that the confessions were not made in good faith but in *articulo mortis*. Having held and abused power for twenty-three years they saw by unerring instinct that the day of retribution was at hand; that the people were determined upon reform; not by such poor devices as were provided by that act, but by a change in the entire control and *personnel* of the Government. They, therefore, "cast an anchor to windward," and this law was the result. And it is falsely entitled. It is not an

act to improve and regulate the civil service of the country. To all intents and purposes it was the last will and testament of the Republican party; and my chief regret is that a Democratic President was compelled to become its executor instead of its administrator *de bonis non*.

Let us examine a moment the falsity of its pretenses. If the corruption of the Government which called for legislation lay with the clerks and minor officials, the remedy which would naturally suggest itself to every man of common sense would have been simply to turn them out. This law provides that they shall not be turned out, but kept in.

If the corruption of the Government lay with the higher officials, how could the punishment of the minor officials reform that corruption? *A fortiori*, how could their promotion reform it?

If the clerks were bad because they had been appointed under the spoils system, how do we improve the clerks by this law, which keeps every one of them in office and excepts them from its operations?

If the clerks were good under the spoils system, then what was the matter with the system? In short, if we had good clerks under the old system, then no change was needed; if we had bad clerks under the old system we have them yet, for they are all in office except such as have died. A system, however good, is worth nothing unless it be put in force.

By the civil-service law we contented ourselves with a high-sounding and virtuous enactment against corruption and incompetency, and at the same time exempted from its operations every man of whom corruption and incompetency were complained. We did more than that. Owing to the fact that the Republican party was sectional in its character and came almost altogether from the Northern States of this Union, it naturally filled the offices with partisans from the same section. And notwithstanding that prior to the passage of the civil-service act laws were enacted requiring that places of the Government should be distributed throughout the States and Territories in proportion to population as nearly as might be, these laws were constantly disregarded, and at the time this law went into effect at least five-sixths of all the officers of the Government in number and importance were from one section of the Union. Common fairness required that in the inauguration of a new system of appointment there should have been a new adjustment, so that all might start equal, and all the different sections of the country be put upon the same footing.

The Senator from Alabama [Mr. PUGH], during the pendency of the bill, offered an amendment to it providing that all incumbents should likewise be compelled to stand the examination as outside applicants, so that the inefficient who were in office might be expelled. That amendment was rejected by a strict party vote; whereby the Republican supporters of the bill declared that the true intent and meaning of it was to provide that their partisans should be secured in their places against the will of the people in the then coming election. The bill also perpetuated this injustice to one section of the country by failing to provide that all future appointments should go to those States which lacked their proportion until the equilibrium should have been restored. No effort has since been made in any way to correct this injustice, but in effect the commission has declared that it must be perpetual.

Recently the members of the commission appeared before the Civil Service Reform Committee in the House of Representatives, and, while they acknowledged the gross injustice that had been done one section of the country, advised strongly against trying to remedy it, for the reason that it would make the law unpopular in the North, where its chief supporters were. That is to say, they advised that injustice must be perpetuated because justice would offend the stronger party! That is to say, that the South must submit to being denied an equal participation in the government of their country because the North, perhaps, would not like it? That is to say, that the States thus deprived, being Democratic States, the Democratic party and a Democratic administration must be the instruments to sustain a law for the benefit of the Republican party, lest the Republican party should not like it!

By an examination of the "Blue Book" or "Official Register" just prior to the date of the passage of the civil-service law it will be seen that in the Departments at Washington there were 7,273 employés, of whom but 1,353 were from the South. The State of North Carolina of this number was credited with 71, and of these 71 quite a number were persons who had perhaps never seen the State, certainly had no residence there. They were distributed in the various Departments as follows: Department of the Interior, 17; Department of State, 1; Department of the Navy, none; Department of War, 1; Department of the Treasury, 45; Post-Office Department, 6; Department of Justice, 1. Now, considering that North Carolina is one of the thirty-eight States and has a population of 1,500,000, and is entitled, therefore, to at least five times that number of positions under the Government if she had her rights under the law, and that the Board of Civil Service Commissioners refused to remedy this injustice, it can not be wondered at that there is discontent in that State and in all others similarly situated.

The reply to this and all other objections to this law is almost invariably the application of epithets. The President himself has not refrained from this. In his tender and touching farewell to the putative parent of this great sentimental humbug, Commissioner Eaton (who, alas! lingered instead of going), he spoke of those who opposed this law as "the worst elements of both parties." However little this unflattering classification may disturb me, it would be rather serious, if true, when applied to the party which put him in the position to say it officially. For there is no earthly doubt in my mind but that a large majority of the Democratic party are opposed to the whole scheme from beginning to end. If its worst element then is in a majority the party is in a bad way—so bad, indeed, as to be beyond the reach of such feeble remedies as this diluted reform.

In the last report of the Civil Service Commission, which I have been enabled to see only a short while before speaking, the same lofty tone is exhibited toward those who oppose this bill.

They say "the greatest opposition to the new system has come mainly from a few members of Congress, some State and Federal officials, and many small politicians, none of whom have any such knowledge or responsibility, and whose participation in appointments has always been a simple intermeddling and usurpation." Just how far this insolent and disrespectful tone toward the members of Congress and many small politicians who have "neither the knowledge nor responsibilities" of administration will go toward procuring the "liberal care and jealous protection of Congress" which the President invokes for this law and its guardians, the Representatives of these "worst elements" in the House must determine.

In the discussion upon the passage of the bill the term of reproach, "spoilsman," was frequently used and is still being used against its opponents, chiefly by Republican orators and Mugwump papers. Having had an uninterrupted swig at the Treasury for nearly a quarter of a century, during which time there was more money expended and stolen ten times over than in all the life of the Government before; and having excluded their adversaries from participation by test oaths, constitutional amendments, and unconstitutional laws so long as possible; and having finally, in the last hours before death, provided for the retention of their friends in office even after the people had solemnly decreed their ejection, they now sit benignly in their places, and, under the shelter of this act, cry "spoilsman" at every poor Democrat who may say a word in opposition.

The behavior of the Republican advocates of this law about the time of its passage was not only remarkable, it was shameless. In the face of their allegations that the spoils system was corrupt, and that by it we could not possibly get good and competent officials, they not only defeated by a solid vote in the Senate the amendment of Mr. PUGH, as I have stated, requiring their friends already in to submit to examination, but they made haste to fill every possible vacancy with their partisans before the law took effect. It is an open secret that on Saturday, the 14th of July, some of the heads of Departments in this city spent the entire day and night, far into Sunday morning, in filling every vacancy, promoting their friends and kin and degrading their political enemies. The law was to go into effect on the 15th of July. Quite a number of new clerks had been provided for by the appropriation bills for the fiscal year beginning July 1, and a full supply of applicants had already passed the civil-service examination and stood by waiting for the law to go into effect. But when the offices opened on Monday, the 16th, not a vacant place was anywhere to be found; every one was occupied by a Republican or kinsman of the appointing officer. And the men who perpetrated this fraud on their own law, with the cheek of a town cow, cry "spoilsman!" at every man who denounces their hypocrisy; and Democrats are found who by their votes here sustain these men in the retention of their ill-gotten spoils, and who seem to think that fraud and hypocrisy constitute the necessary overture to the grand symphony of reform.

The meaning of all this is, the Republicans desire office from pure patriotism; the Democrats wish office simply for the emoluments! For a Republican to hold office after the people have told him to leave is commenable and pure; for a Democrat to wish to get one after the people have declared for him is reprehensible and base! Now, grant that the offices belong to neither party, but to the people, for whose benefit they were instituted; when the people have once spoken and declared by a constitutional majority that the Republicans must go out and the Democrats come in, which of the two displays the most attachment to the spoils; he who desires them with the consent of the people, or he who holds on to them in defiance of the wishes of the people? If the owner of a house desire his two guests to depart, whether of the two is the gentleman, he who retires on the first intimation of his host, or he who lingers, claims the house, and waits to be kicked out?

The force of this has been acknowledged by many fair-minded Republican Senators and Republicans everywhere in whom the common spirit of manhood has not been quenched by the greed for office. Hundreds all over the country have voluntarily retired from positions which they acknowledged belonged to their opponents. It is not from such that the cry of spoilsman comes. A Republican who shrieks out this cry in defense of his own spoils is entitled to some respect, however, for he but obeys the ordinary dictates of a very natural selfishness. But what should be said, what can be said, in defense of a Democrat, who, having secured his coveted office, and having secured it, too, by the extremest spoils-partisan methods, turns upon the men through whom he got it, his fellow-Democrats, and besmirches them as spoilsmen because

they exhibit a very natural desire to reap the fruits of the very same victory by which he was benefited?

Conceive of an old-fashioned fighting Democrat, who for forty years had stood by his party through good and evil report, because he believed in its principles; who battled for it when it had no offices to give; many times when it was buried beneath such vast majorities as left scarce a prospect of earthly resurrection; often oppressed by a weight of odium sufficient to cow the bravest spirit, under the influence of which the faithful became even as the "few names in Sardis who had not defiled their garments"—when the very name of Democrat became a convertible term with that of copperhead, rebel, and traitor—fancy his unconquered and undismayed soul still working for his principles, still watching for the dawn, still waiting with prayerfulness for the hope of his political Israel, thanking God for each town, township, or county victory which showed that his principles still lived in the hearts of his countrymen, and were growing because they were immortal—quicker and quicker throbs his heart, higher and higher rises his joy as stronghold after stronghold is carried, as State after State is captured in spite of unconstitutional laws and governmental interference, in spite of bayonets glittering at the polls, in spite of that gross and unblushing fraud which is the supplement of despair; and, lastly, imagine if you can the hot tide of triumphant joy with which he saw in November, 1884, the banners of Democracy full high advanced and successful over all the Union, and his party once more in control of the great destinies of his country. When the hope of his soul had thus been at last realized, and his old eyes had been permitted to behold the great salvation, when the bonfires kindled in a thousand cities and hamlets had burned down, and the feasting had ended, and the oratory and all the elements of rejoicing had subsided, and the new administration had begun its career amid the prayers and blessings of all Democratic hearts, imagine, I say, this old, faithful, and honest man of principle coming to Washington, in the simplicity of his heart, bringing certificates from his neighbors of his character and services, and modestly asking for a position, naturally supposing that the king in making up his jewels would remember his faithful servants. But imagine that old gentleman's disappointment when something like the following occurs between him and the Government's representative:

Old Democrat. "I have come to make application for some position under the Government which I am competent to fill."

Government Representative. "You are too old; under the laws of the Republic men over forty-five years old are not permitted to take office."

O. D. "But I see men in places here who are sixty years old."

G. R. "Oh, they were in when the law was enacted, and it does not operate on them."

O. D. "Well, if such be the law, I submit; it may be that I am too old. But here is my boy; he is young and active and well educated; give him a position."

G. R. "We can not do it; there is no vacancy."

O. D. "No vacancy? Well, make one. There is a rank Republican. That man has been our bitterest enemy. He has denounced me and my party as traitors to our country again and again. Turn him out and put in my son or my neighbor's son."

G. R. "It can not be, sir. The law forbids it. And, besides, if there were a vacancy your son could not get the place unless he stood an examination by the Board of Civil Service Commissioners and secured the favor of that board over many others."

O. D. "Well! well! Did all those Republicans in there have to stand such an examination and get their places in the same way? If so, and they were smarter than the Democrats, again I say I will have to submit."

G. R. "Oh, no, my dear sir; no. You see they were all in when the law was enacted. They got in by that old corrupt method which we call 'the spoil' system. But being in, you see they had a sort of vested right to their places, and the law does not disturb vested rights, that is Republican rights, except for very serious cause."

O. D. "Then it seems to me there is nothing here for me or mine, and all that talk during the campaign about corruption in office and turning the rascals out was a trick and a lie. It appears that there were no rascals in, or if there were, you like rascals better than you do honest men, and so keep them."

G. R. "Old man, you had better go home; you are behind the times. This is an age of civil-service reform. Men can no longer be rewarded by office for party work; that is, humble men like you and your son. The big ones may be paid that way; for that is true reform. But when such men as you confess that they want office they are spoilsmen, and that is what you are. I am ashamed of you! Away with you!"

This final and insulting reply is the iron which enters his soul, and he retires crushed and wounded beyond recovery. The sense of disappointment, of injustice, of humiliation, the ingratitude of those for whom he labored, are too much for him to endure, and the enthusiasm of his life is quenched forever. The man who calls him a spoilsman, and charges that he served his party for the sake of office only, foully belies a better man than himself.

This, Mr. President, is no fancied picture. There are thousands and thousands of just such men, and we meet them or hear from them every day. They are the strength of the Democratic party to-day; they have been its refuge and its shield in the past; they preserved it from annihilation in its darkest hours. I am not quite sure that they will continue its champions in the future. I can well see that they might be willing to concede any fair and impartial distribution of the places under the Government on principle of merit or anything else that patriotism might demand of them, but they will not submit to the disfranchisement of themselves and their children. Mark what I say! And you will not improve the matter by impeaching the purity of their motives and bestowing epithets upon them. They will not fight to win great Democratic victories for Republican benefit. They will not continue to rally to the bugles of the party and win hard-fought battles merely that their enemies may remain in possession of the field. They will not preserve the discipline and organization of their splendid line of battle and charge with their ancient courage if the epaulets and honors which they win are to be bestowed upon their adversaries, or the cowards who skulked in the rear, or the mercenaries who hung upon the flanks of the contending parties, alternately firing upon each host. The mass of the people on both sides demand an open fight and upright and downright dealing after the fight. They believe, too, in the common virtues of humanity, among the most noble of which is reckoned gratitude; and so do I. They believe that if a man's friends take him up and enable him after a great struggle to arrive at the point coveted by his ambition he owes something to them; and so do I. They believe that, other things being equal, in the bestowal of favors that man should give preference to his friends over his enemies; and so do I. They believe that the man who is lacking in the ordinary sentiment of gratitude may be likewise wanting in other kindred and cardinal virtues; and so do I.

And yet, Mr. President, I believe in reform—such reform as the people want and have been wanting for ten years or more. Between those who call me a spoilsman and myself there is perhaps only a difference of definition. They believe that "reform" consists in a Democratic administration operated by Republican agents; I do not. They believe in keeping Republicans in office by *law after* the people have declared they shall go out; I do not. They believe in ignoring the people and their representatives as far as possible in the selection of officials; I do not. They believe there can be no sincere reform unless Republicans are the chief beneficiaries thereof; I do. And lastly, I believe that as good material for all civil officials is to be found in the Democratic party as in any other, and that it is the right and duty of a Democratic administration to select that material and none other as the implements of reform; they do not.

Let me warn men against those who assume to be above the homely virtues and common frailties of our race, and who affect to inhabit the untrodden altitudes of a world different from the one where our Creator has placed us, and deny being of the earth, earthy. A man too good in politics or religion is quite as reprehensible as one too bad, and I am quite sure he is a greater nuisance. For the most part they are men who have failed in securing the objects of their own ambition, and may be described either as political old maids whose blood has been turned to vinegar by a failure to secure lovers before their unappreciated charms had fled, or as the grass widows of politics who have failed to retain the lovers they had won by artifice and fraud. They are men who desire to conduct politics without the aid of the politicians; who believe that the most successful way to operate mechanics is to work without implements.

Let such, a God's name, on fine wheat be fed.
And let us honest Democrats eat barley bread.

Mr. DOLPH. Mr. President——

The PRESIDENT *pro tempore*. According to the unanimous order of the Senate the unfinished business will be resumed, which is the bill relating to the admission of Washington.

Mr. TELLER. Will the Senator from Oregon yield to me for a moment?

Mr. DOLPH. For a moment.

Mr. TELLER. I was out of the Chamber when the Senator from North Carolina referred to what transpired just previous to the civil-service act going into force in July, 1883. I understand he made the statement that the Departments of the Government were engaged at that time very assiduously and industriously in providing places for people during the last days of the old system. I wish to say to the Senator, and I think I can speak for every Department of the Government as it existed at that time, that he has been misinformed on the subject; that the business of the Departments proceeded in the regular way, and in the regular way only; and that as vacancies occurred they were filled. I can understand very well where the Senator may have got his statement, because such a statement did go out and was circulated in the public press uncontradicted, but nevertheless it is a mistake, and such is not the fact.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 277) for the relief of James M. Lowry; and

A bill (H. R. 6663) for the relief of Thomas P. Westmoreland.

The bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

JOHN F. SLATER.

The joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater, was read twice by its title.

Mr. HAWLEY. I am informed that the Committee on the Library have agreed upon that identical measure, if they have not reported it. Let the joint resolution lie on the table until to-morrow.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table, if there be no objection.

ADMISSION OF WASHINGTON TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. DOLPH. Mr. President, after the exhaustive discussion in the Senate of the bill for the admission into the Union of Southern Dakota, involving as it did many of the questions which will probably influence Senators in voting upon the bill under consideration, and after the able and elaborate presentation, yesterday, of the claims of Washington Territory to be admitted into the Union, by the Senator from Connecticut, I do not expect to be able to present to the Senate much of value in addition to what has already been said. And yet, representing as I do, in part, the people of the State whose northern boundary forms the southern boundary of the Territory now asking admission as a State, a State whose people are connected with the people of that Territory by a common history of hardship and adventure in the early settlement of the country, who are bound to them by strong commercial and business ties, and whose future is indissolubly linked with theirs, I do not feel at liberty to remain wholly silent.

I listened to the debate upon the bill for the admission of Dakota with attention, to learn, if I could, what were considered by Senators to be the requisites for the admission of a Territory to the sisterhood of the States. If I correctly understood the position of the Senators who opposed the passage of that bill, it was that there is no binding rule established, by precedent or otherwise, upon that subject.

Waiving for the present the questions of how far the precedents ought to govern the action of Congress upon this bill, and to what extent Congress is bound by agreement with its people to admit the Territory of Washington into the Union as a State, I will consider briefly the claims of the Territory for admission. I assume that the prerequisites which can be reasonably demanded for the admission of a new State are the following:

A sufficient territory; a sufficient population; institutions conformable to the Constitution and laws of the United States, and not repugnant to a republican form of government; sufficient resources and financial ability to support a State government; and the desire of the people themselves for admission.

In my judgment none of these things are wanting in the present case.

I will direct attention first to the area of the proposed State.

Washington Territory is a part of the territory whose jurisdiction was long in dispute between the United States and Great Britain, but which was formally declared to be in the United States by the treaty of 1846.

By an act of Congress approved August 14, 1848, Oregon Territory was organized, embracing all the territory of the United States west of the Rocky Mountains north of latitude 42° north. It contained 308,052 square miles.

Washington Territory was organized by an act of Congress, approved March 3, 1853, and embraced all that portion of Oregon Territory north of the Columbia River from the mouth of that river to the point of intersection with latitude 46° north, and north of latitude 46° north, from that point to the Rocky Mountains, and contained 123,022 square miles.

Oregon was admitted as a State by act of Congress approved February 14, 1859, with an area of 95,274 square miles. All that portion of the Territory lying east of the Snake River from the point of its intersection with the forty-sixth parallel of north latitude to the mouth of the Ouyhee River, and east of a line drawn from that point directly south to the forty-second parallel of north latitude, was incorporated within the boundaries of Washington Territory.

By act of Congress approved March 3, 1863, Idaho Territory was organized out of territory taken from Washington, which left the area of Washington Territory as it is at present—69,994 square miles, 3,114 square miles of which is water surface, and 66,880 square miles, or 44,796,160 acres, land surface. It is estimated that of the present area of Washington Territory, after deducting the area of Puget Sound and of the mountains unfit for cultivation, there remain 35,000,000 acres, of which about 20,000,000 acres is timber land, 10,000,000 acres table land, and 5,000,000 acres rich alluvial bottoms.

The area of the proposed State is, in round numbers, about 90,000 square miles, and is exceeded only by that of five States, namely, California, Colorado, Nevada, Texas, and Oregon. A few comparisons will assist in comprehending the vast dimensions of the proposed State and of the other Pacific coast States.

If you will take the map of the United States and trace the western boundaries of Washington Territory, Oregon, and California from Cape Flattery to the southern boundary of California you will find the distance to be 1,620 miles. The distance from Cape Flattery, following the channel of the Strait of Juan de Fuca and the Canal de Haro, to the point where the forty-ninth parallel of latitude intersects the main channel between Vancouver Island and the mainland, and which is the extreme northern boundary of Washington Territory, is at least 100 miles. If Washington Territory is admitted into the Union there will be three Pacific coast States with a shore-line upon the Pacific of 1,620 miles.

The shore-line upon the Atlantic, from the Saint Croix River, the northern boundary of Maine, to Saint Mary's River, the southern boundary of Georgia, is 1,450 miles, upon which thirteen States of the Union are bounded in whole or in part, namely, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. With 170 miles more of shore-line upon the Pacific Ocean than the thirteen States named have on the Atlantic, three States will be represented here by six Senators, while the thirteen are represented by twenty-six Senators.

Again, California has 157,801 square miles, Oregon 95,274 square miles, Washington Territory 69,994 square miles, North Idaho (estimated) 20,000 square miles, making a total of 343,069 square miles. The thirteen States mentioned upon the Atlantic coast have an aggregate area of 309,652 square miles. The three Pacific States will, therefore, not only have 170 miles more of seacoast, not counting the coast of Washington Territory north of Cape Flattery, but a territory exceeding the aggregate territory of the thirteen Atlantic States named, by 33,417 square miles—more than territory enough to make twenty-five States of the size of Rhode Island.

Fractional portions of the State of Colorado and of the Territory of New Mexico and a very small portion of the Territory of Wyoming lie west of the Rocky Mountains. It is not likely that more than four States will be created out of Washington, Idaho, Utah, and Arizona Territories, which will make seven States west of the Rocky Mountains. East of the Rocky Mountains there are at present thirty-five States, including Colorado, whose territory, as I have said, extends west of the Rocky Mountains. And there is a probability that out of Dakota, Montana, Wyoming, New Mexico, and Indian Territories will be created from seven to ten more States, and a possibility that Texas may be divided into four States. Assuming that four new States will be formed from the Territories of Washington, Idaho, Arizona, and Utah, the total area of the seven Pacific States would be 776,334 square miles. The area of all the States and Territories, excluding Alaska, is 3,008,616 square miles, 2,232,283 square miles of which lie east of the Rocky Mountains and west of the Rocky Mountains within the boundaries of New Mexico and Colorado.

There are thirty-five States already within the portion last mentioned, with a prospect of the number being increased to forty-five, in which case more than one-fourth of the entire territory of the States would be divided into seven Pacific States, and less than three-fourths would be divided into forty-five States.

In this connection I make a suggestion which I commend to the consideration of the opponents of this measure, if there are such. Washington Territory is divided by the Cascade Mountains into two sections—eastern and western—nearly equal in area and population. Each section has territory enough for a State larger than any one of ten of the present States of the Union. The population of the Territory has undoubtedly doubled during the last four years, and before the United State census of 1890 is taken it will have more than doubled again.

There is already a growing sentiment in the Territory in favor of a division of the Territory on the line of the Cascade Mountains. Suppose, and the conjecture is within the bounds of probability, that the present application of the people for the admission of the Territory into the Union is rejected, and that after the next census the people of each section, Eastern and Western Washington, with double the necessary population to entitle them to a Representative in Congress under the present apportionment, and it being also manifest that they have the resources and financial ability to sustain a State government, come to Congress demanding a division of the Territory and the admission of each section as a State, what satisfactory answer under such a showing can be made to them? If it is answered that Congress and not the people of the Territory will determine the dimensions and boundaries of the State, I will suggest that if the admission of new States is to be determined by questions of political expediency, when the sentiment of Congress is such that the Territory can be admitted at all, it is just as likely to be admitted as two States as without division.

Coming now to the question of population, it is true that there is no absolute rule as to the population which should be required for the admission of a new State into the Union. The only provision of the Constitution upon the subject of admission is found in section 3 of article 4, and is as follows:

New States may be admitted by Congress into the Union.

It will be seen that the power of Congress to admit new States is not restricted. A rule by which a new State should be required to possess a population equal to the number fixed as the basis of repre-

sentation in Congress at the time of admission would not, I think, be an unjust one. The Constitution has provided, however, for a contingency in which a State may have less population than that. The second section of the first article of the Constitution declares that "the number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative."

It can be satisfactorily demonstrated, I think, that there is now within the territorial limits of the proposed State, a population much greater than that fixed as the present basis of Congressional representation. After a careful estimate, based upon the vote of the Territory for the last decade, the population of Washington and Northern Idaho, as shown by the Tenth Census and the vote cast at the election in 1884, I place the present population of Washington Territory at 185,000. The population of Washington Territory in 1880, according to the Tenth Census, was 75,116. The number of votes cast at the election in 1880 was 15,823. The ratio of population to voters in 1880 was, therefore, 4.747 and a fraction—so near to 4¾ that, for convenience of calculation, the latter figures may be adopted as the ratio. The vote of the Territory at the Territorial election of 1884 was:

For Delegate	41,842
Not voting for Delegate	1,478
Total vote	43,320
Females voting	8,368
Making number of male voters	34,952

Adopting the ratio of voters in 1880, *i.e.*, 4¾ inhabitants for every male voter, and there appears to have been on the 4th of November, 1884, in Washington Territory alone a population of 166,022.

According to the Tenth Census, the population of that part of Idaho included within the boundaries of the proposed State was 6,983. The number of votes cast in that subdivision of the Territory at the Territorial election of 1880 was 1,235, which gives a ratio of one voter to every 5.65 inhabitants. The vote of this portion of Idaho at the Territorial election of 1884 was 2,831. Estimated at the ratio of voters to the population in 1880, the population of North Idaho at the date of the last Territorial election was 15,995; which would give to the Territory included within the boundaries of the proposed new State on the 4th of November, 1884, a population of 182,017. At the rate of the increase of population of Washington Territory for the last three years, the population of the Territory must have increased materially by immigration since the November election in 1884, and must now amount to at least 185,000, as above estimated.

Of course absolute certainty can not be claimed for these estimates. They are made, however, upon the basis of ascertained facts, and certainly upon the most satisfactory basis which can be adopted for such an estimate, and they may be accepted without question as approximating very nearly, certainly within from one to five thousand of the actual population of the Territory.

The ratio of population to the number of voters in the Territory has not decreased since the census of 1880 was taken. The probability is that it has increased. Within the last four years the facilities for reaching that Territory have been greatly increased, and the immigration has been mainly composed of families. I have no doubt that the ratio of population to male voters at this time is at least 5 to 1, which would give the Territory a still greater population than shown by the above estimates. And then, in estimating the population upon the basis of the vote at the last election, it ought not to be forgotten that a very large portion of the recent immigration into the Territory was within the six months immediately preceding the November election, among which were no qualified voters.

I am aware that the returns of the census taken by the Territory in 1883 show the total population at that time to have been 92,508, and the returns of the census taken by the county assessors in the spring of 1885 show the population to have then been 129,438, an increase during the two years of 36,930. But there is no doubt that the taking of the census being incidental to the other duties of the county assessors, and the law under which it was taken being insufficient to secure thoroughness and accuracy, the work was done in a negligent manner and that the returns are very imperfect. As was stated by the Senator from Connecticut, Governor Squire, in his annual message to the Legislative Assembly of the Territory at its last session, said:

> The census returns of the Territory are notoriously incomplete, and can not be taken as a true and sufficient exhibit of the actual population. For example, a communication signed by the officers of Lincoln County claims that a correct census would increase the reported population of that county fully 40 per cent. The law is manifestly imperfect, because there is no penalty attached to non-compliance therewith. * * *
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> The Territorial auditor writes me as follows: "Had the census been properly taken under an adequate law, the population for 1885 would certainly have been shown to be above 175,000."

But even these notoriously imperfect returns fairly show the population in the proposed State to be greater than the number required for representation in Congress under the present ratio. A year has elapsed since the census of 1885 was taken. By that census, as has been stated, there appeared to be in Washington Territory a population of 129,438. The increase for two years was shown to have been 39,930. As the immigration was much larger than ever before in the history of the Territory, the increase during the year since the last census was taken must have exceeded the annual increase for the preceding two years. But, supposing it to have been the same, 18,465, on the basis of the census taken by the county assessors under the Territorial law, the Territory would now be shown to have at least a population of 147,903.

I am informed by Hon. JOHN HAILEY, Delegate in Congress from Idaho Territory, and others, that the population of Northern Idaho has increased at least 30 per cent. since the election in November, 1884; that in Shoshone County, where the vote in 1884 was only 858, there has been at a school meeting held since that election, in a single school district in the county, over 2,000 votes cast. Add 30 per cent. to the estimated population of Northern Idaho at the election in November, 1884, and its present population would appear to be 20,793, which, added to the estimated population of Washington Territory at the present time, estimated on the basis of the Territorial census of 1883 and 1885, would make the population of the proposed State of Washington at this time 168,696.

If there is any standard as to the population required to entitle a Territory to admission as a State one would naturally expect it would be determined by ascertaining what population had been heretofore regarded by Congress as requisite for admission. Tried by any rule which has yet been suggested the population of Washington Territory is sufficient to entitle it to admission. The following States had less population at the last census previous to their admission than Washington Territory had in 1880, namely:

	Population.		Population.
Kentucky	73,677	Mississippi and Alabama (jointly)	40,000
Tennessee	61,247	Florida	54,470
Ohio	60,000	Iowa	43,112
Indiana	24,000	Wisconsin	30,945
Illinois	20,000	Oregon	13,294
Michigan	31,639	Nevada	6,858
Minnesota	6,077	Nebraska	28,841
Missouri	66,557	Colorado	39,864
Arkansas	30,388		

While Louisiana with a population of 76,556, Vermont with 85,425, California with 92,507, did not greatly exceed the population of Washington Territory shown by the census of 1880. Not one of the States except Maine and West Virginia, both of which were formed out of other States, when admitted had as large a population as Washington Territory now has.

At the census succeeding the admission of the several new States the following had less population than Washington Territory has to-day:

	Population.		Population.
Vermont	154,446	Missouri	140,455
Tennessee	105,602	Arkansas	97,574
Louisiana	152,923	Florida	87,445
Indiana	147,178	Minnesota	172,023
Mississippi	75,448	Oregon	52,465
Alabama	127,901	Nevada	42,491
Illinois	56,062	Nebraska	122,993

Maine was formed by a division of Massachusetts; West Virginia by a division of Virginia; Vermont was a colony of New York, and Kentucky a portion of Virginia; Texas was an organized independent State before her admission into the Union. Twenty of the new States were organized out of the territory of the United States. Four of the twenty only had by previous census a population sufficient to entitle them to a Representative in Congress under the ratio then established. These were: Tennessee, Ohio, Missouri, and Louisiana. Eight States had not the necessary population to entitle them to a Representative at the date of their admission, namely, Illinois, Florida, California, Oregon, Kansas, Nebraska, Nevada, and Colorado.

The educational system of the Territory, while comparatively inexpensive, is efficient. In 1885, according to the report of the superintendent of public instruction, the number of children in the Territory between the ages of five and twenty-one was 37,256; number of pupils enrolled in the public schools, 26,497; number of schools, 744; number of school buildings 723; number of graded schools, 24; amount paid for school purposes within the year, $287,029.33. With the increased prosperity of the Territory and the large additions to its population within the last few years, interest in the cause of education has been greatly stimulated. New, expensive, and commodious school buildings have been erected in the principal towns, additional private educational institutions have been established, and there is to-day no Territory or State of the Union better supplied, in proportion to its population, with the means of securing to all its children of school age an ordinary English education than Washington Territory.

I learn from the last annual report of Governor Squire, which is full of valuable statistical information, that the number of private institutions of learning in the Territory, consisting of colleges, seminaries, and academies, is 24, at which there are 1,836 pupils in attendance, instructed by 91 professors and teachers.

By the organic act there were reserved to the Territory, for school purposes, sections 16 and 36 of the public lands in each township. By the bill under consideration sections 16 and 36 in each township, all the swamp lands within the State, together with 5 per cent. of the net proceeds of the sales of public lands lying within the State, will be granted to it for school purposes; and permission is also given the State

to use for the same object the 500,000 acres of land inuring to it upon its admission into the Union, by the provision of section 2378 of the Revised Statutes. In addition to these valuable concessions there is granted to the new State, seventy-five sections of land for the support of an agricultural college. A minimum price of $5 per acre is fixed for these lands, and the proceeds of the sales of all lands granted for school purposes, together with the 5 per cent. of the net proceeds of the sales of lands within the State, are constituted a permanent fund, the interest only of which can be expended for the support of public schools. These provisions of the bill will secure to the State a magnificent permanent endowment of its common schools.

Even in the more recently settled portions of Eastern Washington the same thrift, economy, and good order which characterize the older communities of the States, are observable. People who went so far and at such an expense to make for themselves homes have taken the American idea of home with them, as everywhere the well-cultivated fields and comfortable farm-houses attest. At the start school-houses are erected, and church edifices and buildings for institutions of higher education soon appear. The Territory, as a whole, possesses a population that for moral worth, intellectual attainments, and all the requisites of good citizenship is not excelled anywhere.

Mr. President, there is another matter which I consider pertinent to this discussion, and of too much importance to be left entirely unnoticed on this occasion. It is something new in our political history. It is full of hope for the women of this country and of the world, and full of promise for the future of republican institutions. I refer to the fact that in Washington Territory the right of suffrage has been extended to women of proper age, and that the delegates to the constitutional convention to be held under the provisions of this bill, should it become a law, will, under existing laws of the Territory, be elected by its citizens without distinction as to sex, and the constitution to be submitted to the people will be passed upon in like manner.

I do not intend to discuss the question of woman suffrage upon this occasion, and I refer to it mainly for the purpose of directing attention to the advanced position which the people of this Territory have taken upon this question. I do not believe the proposition so often asserted that suffrage is a political privilege only, and not a natural right. It is regulated by the constitution and laws of a State I grant, but it needs no argument, it appears to me, to show that a constitution and laws adopted and enacted by a fragment of the whole body of the people, but binding alike on all, is a usurpation of the powers of government.

Government is but organized society. Whatever its form, it has its origin in the necessities of mankind and is indispensable for the maintenance of civilized society. It is essential to every government that it should represent the supreme power of the state and be capable of subjecting the will of its individual citizens to its authority. Such a government can only derive its just powers from the consent of the governed, and can be established only under a fundamental law which is self-imposed. Every citizen of suitable age and discretion who is to be subject to such a government, has in my judgment, a natural right to participate in its formation. It is a significant fact that should Congress pass this bill and authorize the people of Washington Territory to frame a State constitution and organize a State government, the fundamental law of the State will be made by all the citizens of the State to be subject to it, and not by one-half of them. And we shall witness the spectacle of a State government founded in accordance with the principles of equality, and have a State at last with a truly republican form of government.

The fathers of the Republic enunciated the doctrine "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." It is strange that any one in this enlightened age should be found to contend that this declaration is true only of men, and that a man is endowed by his Creator with inalienable rights not possessed by a woman. The lamented Lincoln immortalized the expression that ours is a Government "of the people, by the people, and for the people," and yet it is far from that. There can be no government by the people where one-half of them are allowed no voice in its organization and control. I regard the struggle going on in this country and elsewhere for the enfranchisement of women as but a continuation of the great struggle for human liberty which has, from the earliest dawn of authentic history, convulsed nations, rent kingdoms, and drenched battlefields with human blood. I look upon the victories which have been achieved in the cause of woman's enfranchisement in Washington Territory and elsewhere as the crowing victories of all which have been won in the long-continued, still-continuing contest between liberty and oppression, and as destined to exert a greater influence upon the human race than any achieved upon the battlefield in ancient or modern times.

There is another matter in this connection to which I did not intend to allude, but which I think after it was mentioned yesterday by the Senator from Connecticut [Mr. PLATT] probably requires some further elaboration. I refer to the outrages in that Territory against the Chinese. Sir, if I believed that the people of Washington Territory as a whole were responsible for those outrages it would constitute an insuperable objection on my part to the admission of that Territory into the Union, but I do not. I do not stand here as an apologist for those transactions; I shall not defend here or elsewhere lawlessness and violence; I do not approve of any attempt by any community under any circumstances by unlawful means to redress real or supposed grievances.

This is a Government of laws, and if it is to accomplish the end for which all governments are organized, and to protect its citizens in life, liberty, and property, the laws must be obeyed and enforced. The outrages against the Chinese in Wyoming and Washington Territories and elsewhere upon the Pacific coast are inexcusable. It is the undoubted right of the people of every State and Territory to assemble in convention peaceably to petition the Government for redress of supposed grievances, to formulate their views in resolutions or otherwise, and to endeavor to impress them upon the community by proper means; but whenever individuals or a combination of individuals undertake to set aside the laws it is a grievous offense against good government, and ought to receive speedy and condign punishment.

But there are some mitigating circumstances which ought to be stated in connection with this matter in justice to the people of that Territory. As is well known, the people of the Pacific coast are almost unanimous in favor of the exclusion of Chinese from this country, and Congress has so far heeded their demand as to pass an act intended to prohibit the immigration of Chinese laborers into this country for a period of ten years. Washington Territory is so unfortunately situated geographically as to be the theater of frequent violations of that law. For a long distance from the northeast corner of the Territory to where the forty-ninth degree of north latitude intersects the main channel between Vancouver's Island and the main land, the division line between British Columbia and Washington Territory is marked by no natural boundary, and for the residue of the boundary down the Canal de Haro and the strait of Juan de Fuca the most insignificent vessel in the darkness of night in the space of a few hours can cross from the British Columbian side to the American side.

With sufficient appropriations and sufficient custom-house force it would be almost impossible to prevent the infraction of that law on the Washington Territory border, and with the appropriations which have been made and the present custom-house force it is utterly impossible to enforce the law. During the construction of the Canadian Pacific Railroad considerable numbers of Chinese were brought into the country as laborers in the construction of that road. As the road approached completion they were discharged and naturally found their way across the border into Washington Territory. They congregated at the principal towns, as Seattle and Tacoma, and greatly interfered with the occupations of white laborers there. A few indiscreet and, I believe, wicked individuals took advantage of the situation, and, by public speeches and otherwise, so excited the prejudice against the Chinese that in Seattle, Tacoma, New Castle, and perhaps some other places there were threats of violence against the Chinese, and in some cases actual violence used, which induced many of the Chinese to migrate to Oregon and California.

The Territorial militia not being armed and equipped so as to be available, the governor called for the intervention of Federal troops. They were sent to the scene of action, but as was said by the Senator from Connecticut yesterday, the people themselves took care of the matter, and when the Federal troops arrived on the ground they found the disturbance suppressed and order restored. The people who engaged in those proceedings were not the substantial people of the Territory; they were not citizens of the United States; they were foreigners mainly, many of them non-residents of the Territory. I hold in my hand a copy of The West Shore for March, 1886, a periodical published at Portland, Oreg., which contains a very intelligent and impartial article on this question, in which the character of those disturbers of the public peace is stated, and which, as I am not feeling very well, I shall pass up and have the Secretary read, as part of my remarks, what I have marked.

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

> The people of the Eastern States seem to think that violence and personal insecurity are features of life in what they are pleased to consider the "rowdy West." They apparently forget that the citizens of the Pacific coast are their own brothers, sons, and cousins, gifted by nature with equal abilities with themselves, inheriting the same love of justice, peace, and law, and possessing the same desire to see American institutions preserved and sustained. There is scarcely an individual in the East who has not some friends or relatives here, and by multiplying these by several hundred thousands he will have some idea of the character of our population. The youth of the country, the descendants of the pioneers, have enjoyed excellent educational advantages, and have become good and industrious citizens in as large a proportion as has the same class in Eastern communities. It is not the native but the imported element that has defied the law and been punished. The riotous elements of this region are the same that have within a few months bid defiance to the authorities of Saint Louis, Chicago, Cincinnati, East Saginaw, and numerous other Eastern cities. They consist of those thriftless, hand-to-mouth, itinerant laborers, who, bound by no ties of family or property—and one might add "country"—roam from city to city and State to State, working a little here and a little there, never saving a cent, and consequently always discontented and ready to lend a willing ear to the voice of the demagogue "agitator," who easily persuades them that they have not received their just share of this world's goods. It is only of late years we have had many of this class among us. Numbers of them were employed by railroad contractors in the East and discharged here, while others have found their way here since the era of railroads, led by their general desire to "see the country," or by the reports of high wages paid in this region.

Mr. DOLPH. I said when the Federal troops reached the scene of the disturbance they found that order had been restored. In the cities

where they occurred the best citizens, including the judges, lawyers, physicians, merchants, mechanics, and laboring men, volunteered, organized, and armed themselves for the purpose of putting down the disturbance and keeping the peace and preserving the good name of the Territory, demonstrating, as is suggested by the Senator from Connecticut, their ability to do that.

Under such circumstances, is there any one, I do not believe there is, who would seek to punish the people of the whole Territory for the act of a few irresponsible persons? If a territory is to be kept out of the Union because such things have happened there will be no more new States. If this rule had been applied to other Territories there never would have been a new State admitted into the Union. As was substantially said by the Senator from Connecticut yesterday, if States are to be punished for like offenses and deprived of self-government on that account, the Union would be speedily dissolved and this Chamber deserted.

To show how these disturbances are regarded by the substantial people of the Territory, I submit as part of my remarks resolutions that were adopted at a meeting of the King County bar, held at Seattle, Washington Territory, February 27, 1886. I will state that I have also an account of the meeting, from which it appears that there were some thirty members of the bar present, and these resolutions were adopted by a vote of 29 to 1, or, at least, with only one negative vote; and I judge from the report of the meeting that that negative vote was cast by a member of the bar who had participated in some of the meetings which instigated the troubles, and that one object of the meeting was to take into consideration whether he should not be stricken from the bar, which accounts for his vote. The resolutions are as follows:

Resolutions adopted at a meeting of the King County bar, held at Seattle, Wash. February 27, 1886.

Whereas a large number of evil-disposed persons congregated in the city of Seattle on the morning of Sunday, February 7, 1886, and sought by unlawful means and violence to expel the Chinese from the city, thereby violating the Constitution, laws, and treaties of the United States and the laws of the Territory; and

Whereas, from the number of roughs and strangers in the city on the 7th and 8th days of February, whom the oldest citizens had never seen in Seattle before, and from other conclusive proofs, it is evident that said unlawful movement and conspiracy was organized and set on foot by non-residents of this city, aided by a few resident professional agitators and idlers, who for months past have spent all their time in trying to embroil this community and promote needless strife therein, and who have succeeded by their inflammatory appeals, false logic, and malicious representations in misguiding and enlisting the sympathy of numerous persons who are otherwise disposed to be peaceable, law-abiding, and industrious citizens; and

Whereas at the command of the sheriff of this county and the governor of this Territory the militia and Home Guards turned out and protected the lives and rights of the Chinese and the lives and property of the citizens of this city; and

Whereas on the 8th day of February, while in the performance of their duty under the direction of the sheriff, the Home Guards were attacked by the mob, and in repulsing said attack several of the insurgents were wounded; and

Whereas the governor had on the 7th day of February issued his proclamation warning all persons to desist from breach of the peace, and commanding peaceably disposed persons to retire to their homes except such persons as were disposed to assist the sheriff and the duly constituted civil authorities in maintaining law and order, and requesting the latter to enroll themselves under the sheriff for that purpose; and

Whereas said proclamation was openly and violently disregarded by a large number of persons unlawfully and defiantly assembled together, and a state of actual insurrection existed against the duly constituted authorities, prostrating the courts and endangering the safety of society and the lives of the people; and

Whereas it is the duty of all law-abiding citizens to obey the commands of the sheriff when called upon by him, and the duty of all persons assembled with unlawful purpose to disperse and go to their homes when commanded so to do by the sheriff or the governor: Therefore,

Be it resolved by the bar of King County, That the unlawful assemblage of the mob in this city on said 7th and 8th days of February, the great majority of which mob, as we believe, was made up of lawless and disreputable characters from other places, was an unparalleled outrage upon the city of Seattle and its law-abiding citizens, and ought to meet the strongest condemnation of every honest, loyal man residing in it, and of every true American in the whole country.

Resolved, That in our opinion the exigencies of the occasion fully justified the declaration of martial law, and that the vigorous action of the authorities and the loyal citizens of Seattle merits and receives our warmest approval, and we hereby pledge them, one and all, our united and cordial support for all their acts in the premises.

Resolved, That the future prosperity of this county depends upon respect for and strict obedience to the law, and that every man who expects to share in that prosperity should do all in his power to aid in the maintenance and enforcement of the law in every capacity as a citizen, whether socially, in the jury-box, or when called upon to quell actual disturbance of the peace.

Resolved, That in a community like this, where there are no privileged classes and very little fixed capital, and where all are workers in some industry or calling, and where the prosperity of one class is intimately associated with the prosperity of all, there is no occasion for jealousy, animosity, or strife, and that those pestilent agitators who, abandoning every useful calling, have for months past, and at a time when Western Washington was to human view about entering upon an era of prosperity unprecendented in her history, devoted themselves to arraying one class against another by lies and incendiary appeals, are the worst enemies of society, and are especially the enemies of our honest workingmen, whom they are striving to dupe and trick into becoming law-breakers, and whose livelihood they already have imperiled by frightening capital out of the country, and by breaking up industries which have only been established after years of laborious exertion and sacrifice.

Resolved, That we call upon all the people of this county and this Territory to rebuke incendiary agitation, secret intrigue, and sedition, and to render a steadfast and loyal support to a Government that has showered greater blessings upon mankind than any other, and one whose liberal form can only be maintained and its blessings perpetuated by the virtue, intelligence, vigilance and active loyalty of its people.

J. R. LEWIS, *Chairman*.
CHARLES F. MUNDAY, *Secretary*.

[At this point the honorable Senator yielded the floor to enable the Senate to proceed to the consideration of executive business.]

Mr. MANDERSON. As I understand that the Senator from Oregon desires to conclude his remarks to-morrow, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Oregon yields to the Senator from Nebraska, who moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29, 1886.

FOR APPOINTMENT IN THE ARMY TO BE MAJOR-GENERAL.

Brig. Gen. Oliver O. Howard, to be major-general, March 19, 1886.

FOR APPOINTMENT BY TRANSFER IN UNITED STATES ARMY.

Second Lieut. Selah R. H. Tompkins, of the Seventh Infantry, to be second lieutenant Seventh Cavalry, March 12, 1886, with rank in the cavalry of the service from August 28, 1885.

Second [Lieut. Lorenzo P. Davison, of the Seventh Cavalry, to be second lieutenant Eleventh Infantry, March 12, 1886, with rank in the infantry arm from August 28, 1885.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer Charles J. MacConnell, to be a chief engineer in the Navy from the 2d December, 1885.

Assistant Engineer William B. Boggs, to be a passed assistant engineer in the Navy from the 2d December, 1885.

UNITED STATES CONSULS.

Henry C. Crouch, of Kingston, N. Y., to be consul of the United States at Milan.

William Gordon, of New York, to be consul of the United States at Medellin.

Henry Albert Johnson, of the District of Columbia, to be consul of the United States at Venice.

Alexander H. Shipley, of New York, to be consul of the United States at Aukland.

William C. Emmet, of New York, to be consul of the United States at Smyrna.

UNITED STATES MARSHAL.

Galusha Pennell, of Michigan, to be marshal of the United States for the eastern district of Michigan.

UNITED STATES ATTORNEY.

Allen R. Bushnell, of Wisconsin, to be attorney of the United States for the western district of Wisconsin.

SURVEYORS OF CUSTOMS.

Frank L. H. Phillips, of New York, to be surveyor of customs for the port of Greenport, in the State of New York.

George Frank Bayles, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.

COLLECTOR OF CUSTOMS.

Arthur D. Bissell, of New York, to be collector of customs for the district of Buffalo Creek, in the State of New York.

COLLECTORS OF INTERNAL REVENUE.

Attilla Cox, of Kentucky, to be collector of internal revenue for the fifth district of Kentucky.

Thomas S. Bronston, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky.

UNITED STATES ASSAYER.

Spruille Braden, of Montana, to be assayer in charge of the United States assay office at Helena, in the Territory of Montana.

POSTMASTERS.

John L. Etzel, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa.

William B. Gillespie, to be postmaster at Traer, in the county of Tama and State of Iowa.

Russell J. Harrison, to be postmaster at Toledo, in the county of Tama and State of Iowa.

James Blair, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan.

James Russell, to be postmaster at Marquette, in the county of Marquette and State of Michigan.

Mark F. Nason, to be postmaster at Dover, in the county of Strafford and State of New Hampshire.

Thomas H. Lantry, to be postmaster at Algona, in the county of Kossuth and State of Iowa.

James T. Coogan, to be postmaster at Windsor Locks, Hartford County, Connecticut.

Harvey W. Spencer, to be postmaster at Guilford, New Haven County, Connecticut.

H. Hungerford Drake, to be postmaster at West Winsted, Litchfield County, Connecticut.

Charles J. Porter, to be postmaster at Bethel, Fairfield County, Connecticut.

James T. Wall, to be postmaster at Methuen, Essex County, Massachusetts.

Charles A Hemenway, to be postmaster at Framingham, Middlesex County, Massachusetts.

Charles Stackhouse, to be postmaster at Osage City, Osage County, Kansas.

Chester Johnson, to be postmaster at Thompsonville, Hartford County, Connecticut.

William H. F. Fiedler, to be postmaster at Newark, Essex County, New Jersey.

Henry Van Scoy, to be postmaster at Kingston, Luzerne County, Pennsylvania.

Thales E. Givens, to be postmaster at Abingdon, Knox County, Illinois.

Zacheriah L. Bicknell, to be postmaster at East Weymouth, Norfolk County, Massachusetts.

James T. Dunn, to be postmaster at Stanberry, Gentry County, Missouri.

Samuel S. Harris, to be postmaster at Cape Girardeau, Cape Girardeau County, Missouri.

George M. Dawes, to be postmaster at Washington, Warren County, New Jersey.

J. Mount Smith, to be postmaster at Hightstown, Mercer County, New Jersey.

Henry C. Baird, to be postmaster at Athens, Bradford County, Pennsylvania.

Joseph Powderly, to be postmaster at Carbondale, Lackawanna County, Pennsylvania.

R. B. Long, to be postmaster at Tyler, Smith County, Texas.

P. A. Smith, to be postmaster at Navasota, Grimes County, Texas.

P. H. W. Spencer, to be postmaster at Greenville, Hunt County, Texas.

J. E. Putman, to be postmaster at Willow, Colusa County, California.

William Kirkwood, to be postmaster at Sullivan, Moultrie County, Illinois.

John C. Strader, to be postmaster at Geneva, Kane County, Illinois.

George H. Flagg, to be postmaster at Charlestown, Jefferson County, West Virginia.

Samuel H. Buck, to be postmaster at New Orleans, parish of Orleans, Louisiana.

James C. Holmes, to be postmaster at Saint Charles, Saint Charles County, Missouri.

T. C. Oltorf, to be postmaster at Marlin, Falls County, Texas.

Frank Adams, to be postmaster at Gunnison, Gunnison County, Colorado.

James Tobin, to be postmaster at Pullman, Cook County, Illinois.

Edward F. Capen, to be postmaster at Stoughton, Norfolk County, Massachusetts.

Peter Roscoe, to be postmaster at Wadena, Wadena County, Minnesota.

D. McLaughlin, to be postmaster at Waseca, Waseca County, Minnesota.

Homer R. Bisbee, to be postmaster at Valentine, Cherry County, Nebraska.

REJECTIONS.

Nominations rejected by the Senate March 29, 1886.

John C. Wise, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota.

H. M. Jewett, of Malden, Mass., to be consul of the United States at Sivas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 31, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

REDUCTIONS AND EXEMPTIONS OF TONNAGE DUES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed:

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 15th of February last, calling upon the Secretary of State for copies of all correspondence relating to the claims of governments to be accorded the reductions and exemptions of tonnage dues accorded to vessels entering the ports of the United States from certain ports named in the shipping act of June 26, 1884, I transmit herewith a copy of the reply of the Attorney-General to the letter of the Secretary of State of December 15, 1885, as found on pages 35 and 36 of Executive Document No. 132, House of Representatives, Forty-ninth Congress, first session, communicated on the 22d instant.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 30, 1886.

SALARIES, BOARD OF PENSION APPEALS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, recommending that the salaries of members of the board of pension appeals be increased; which was referred to the Committee on Expenditures in the Interior Department.

JAMES TUCKER.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of James Tucker against the United States; which was referred to the Committee on War Claims.

MARY A. BLACKWELL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of Mary A. Blackwell against the United States; which was referred to the Committee on War Claims.

SENATE BILL REFERRED.

The SPEAKER also, in accordance with the rule, laid before the House the bill (S. 1487) to establish two additional land districts in the State of Nebraska; which was read a first and second time, and referred to the Committee on the Public Lands.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. GLOVER to withdraw House bill No. 7081; also to Mr. DAVENPORT to withdraw from the files of the House papers in the case of Mrs. Clara G. Scott, without leaving certified copies on file.

ANN B. HUBBARD.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of House bill No. 409 for the relief of Ann B. Hubbard, administratrix, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money not otherwise appropriated, to Ann B. Hubbard, as administratrix of the estate of Edward Hubbard, deceased, the sum of $366.41, in full compensation for his services in transporting the mails of the United States between the post-offices at Wiscasset and Sheepscott Bridge, in the State of Maine, from December 8, A. D. 1871, to the 11th day of February, A. D. 1873.

There being no objection to the consideration of the bill, it was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS P. WESTMORELAND.

Mr. HAMMOND. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill H. R. 6663 and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Thomas P. Westmoreland, of Atlanta, Ga., out of any moneys in the Treasury not otherwise appropriated, the sum of $500, the same to be in payment and satisfaction for his services as prosecuting attorney for the people of the United States against Robert Bolton, W. B. Freeland, Charles Miller, and James F. Self, for murder, in the courts of the United States, under and pursuant to the order of the circuit judge of the United States court in the northern district of Georgia.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HAMMOND. I ask unanimous consent that the report in this case may be printed in the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. LANHAM) is as follows:

The Committee on Claims, to which was referred the petition of Thomas P. Westmoreland, of Georgia, having investigated the same, herewith report a bill for the relief of said Westmoreland, and recommend its passage.

For a statement of the facts in the matter referenee is here made to the subjoined report from the Committee on Claims at the last Congress:

[House Report No. 2646, Forty-eighth Congress, second session.]

The Committee on Claims, to whom was referred the petition and accompanying papers of Thomas P. Westmoreland, of Atlanta, Ga., submit the following report:

In 1881 Robert Bolton, W. B. Freeland, Charles Miller, and James F. Self were connected with the United States revenue department in Georgia, and searching for illicit distillers in Gwinnett County, Georgia. They tried to arrest J. J.

Hicks and killed him. A warrant charging them with murder was issued by a State justice of the peace, of Gwinnett County, and they were arrested thereon by the sheriff of Fulton County, Georgia. They applied to the United States court for habeas corpus cum causa, to remove their cause to that court, upon the allegation that the killing of Hicks occurred in the execution of their duty as United States officers. By the United States statutes, for such cases provided, the United States district attorney is required to defend prisoners under such circumstances. As there was no person required or authorized to prosecute them in the United States court, Judge Pardee, the United States circuit judge, then and there presiding (as Mr. Westmoreland had represented the sheriff in his opposition to delivering up his prisoners), appointed him special attorney to prosecute said parties.

Pursuant to said order Mr. Westmoreland had the prisoners carried before the committing court, spent two or three days investigating the case, and at the next term of Gwinnett superior court had them indicted for murder, and an order for the removal and transmission of the copy record to the United States court was made. In that court the cases were tried in 1883, Judge H. K. McCoy presiding. The trial lasted several days; Judge Bigby, the United States district attorney, defending, and Mr. Westmoreland prosecuting. The result was a verdict of not guilty. The preparation of the cases required much time, and we think the services of Mr. Westmoreland were worth $500. As the general law provided no way of paying for such services, we report a bill for paying him that sum.

We hereto attach the account and certificates accompanying the petition:

The State of Georgia *vs.* Robert Bolton, W. B. Freeland, Charles Miller, and James T. Self. Murder. In circuit court of United States from Gwinnett County, Georgia.

United States of America to T. P. Westmoreland, Dr.:

To services in the prosecution of Robert Bolton, W. B. Freeland, Charles Miller, and James T. Self, before the committing court; also before the grand jury of Gwinnett County, Georgia, 40 miles from Atlanta, Ga.; also on the final trial before the circuit court of the United States for the northern district of Georgia, by appointment of their honors Don A. Pardee and H. K. McCoy, judges of said court..... $500

See copy of orders hereto attached.

This claim is just and the charges reasonable, and I certify that I have applied to the Department of Justice for its payment, and payment denied on the ground of want of legal authority to pay it.

THOMAS P. WESTMORELAND.

ATLANTA, GA., *January* 14, 1884.

State of Georgia *vs.* R. D. Bolton, W. B. Freeland, C. A. Miller.

Ordered by the court that Thomas P. Westmoreland, esq., be appointed special attorney to represent the Government in the prosecution of this case before the United States commissioner who may be designated to hold the court of inquiry, and before the grand jury, and before the petit jury finally trying any indictment found in this case. That said attorney and the solicitor-general of Gwinnett County are authorized to lay this case before the next grand jury impaneled for Gwinnett County, who may find an indictment if the evidence warrants, which indictment shall be removed into this court for trial, subject to such exceptions as may be legally taken against it.

In open court, March 22, 1882.

DON A. PARDEE, *United States Judge.*

State of Georgia *vs.* Robert Bolton, James T. Self.

Thomas P. Westmoreland, having been appointed by the presiding judge to prosecute the above-named persons in the circuit court of the United States, and said order not having been put on the minutes of the court, it is ordered that said appointment be confirmed, and that this order be put on the minutes of the circuit court.

October 7, 1882.

M. K. McCOY, *United States Judge.*

CLERK'S OFFICE UNITED STATES CIRCUIT COURT,
NORTHERN DISTRICT OF GEORGIA,
January —, 1884.

I, R. E. Boyd, deputy clerk United States district court, northern district of Georgia, do hereby certify that the foregoing are correct copies of orders which appear on the minutes of said court. I further certify that the minutes show that the cases of The State of Georgia *vs.* Robert Bolton, W. B. Freeland, Charles Miller, and James T. Self, murder, from Gwinnett County, Georgia, have been tried in the circuit court of the United States for northern district of Georgia, and finally disposed of by a verdict of "not guilty."

Given under my hand and seal of office this January 11, 1884.

[SEAL.] R. E. BOYD, *Deputy Clerk.*

ATLANTA, GA., *January* 11, 1884.

I hereby certify that the cases of The State of Georgia against Robert Bolton, W. B. Freeland, Charles Miller, and James T. Self, murder, from Gwinnett County, Georgia, have been tried in the circuit court of the United States, northern district of Georgia, and finally disposed of by a verdict of "not guilty," and that Thomas P. Westmoreland, esq., represented the Government of the United States in the prosecution of said cases by appointment of the presiding judge of said court. Said cases were tried before me, and occupied the court three days.

January 11, 1884.

HENRY K. McCOY, *United States Judge.*

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN F. SLATER.

Mr. WAIT. Mr. Speaker, I ask unanimous consent to take from the Private Calendar House joint resolution No. 115, and put the same upon its passage.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution is as follows:

Joint resolution providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

Resolved, That the sum of $1,000, or so much thereof as may be needed, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to defray the cost of the medal ordered by public resolution numbered 6, approved February 6, 1888, to be presented to John F. Slater, of Connecticut, then living, but lately deceased.

SEC. 2. That said medal and a copy of the original resolution aforesaid shall be presented to the legal representatives of said John F. Slater, deceased.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RANDALL. Has this had the consideration of a committee of the House?

Mr. WAIT. It is unanimously reported from the Committee on the Library.

There being no objection, the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WAIT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILWAY THROUGH INDIAN TERRITORY.

Mr. PERKINS, by unanimous consent, introduced a bill (H. R. 7478) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES M. LOWRY.

Mr. CLEMENTS. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 277) for the relief of James M. Lowry.

The bill was read, as follows:

Be it enacted, &c., That the sum of $217.73 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to James M. Lowry, of Whitfield County, Georgia, the same being balance due him for services rendered as assistant marshal in the eleventh enumerator's district of East Tennessee in taking the eighth census of the United States.

SEC. 2. That all laws militating against this act are hereby repealed.

Mr. REED, of Maine. Is this a payment for taking the last census?

Mr. CLEMENTS. It is a payment for taking the eighth census.

Mr. REED, of Maine. What is the reason this payment was not made before?

Mr. CLEMENTS. I will ask for the reading of the report, which explains the matter clearly.

The SPEAKER. The report is in the nature of debate. But if there be no objection it can be read, the right to object to the consideration of the bill being reserved.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 277) for the relief of James M. Lowry, submit the following report:

It appears that claimant was assistant marshal at the eighth census for the eleventh enumeration district of East Tennessee, and that a balance is still due him for his services. The amount due, and the reasons why the same has not been paid, are stated in the letter following from the Census Office:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., December 28, 1883.

SIR: Responding to your verbal request relative to the claim of Mr. James M. Lowry as an assistant marshal at the eighth census for the eleventh enumerator's district of East Tennessee, I beg to inform you that it does not appear from the records of this office that Mr. Lowry has yet received final payment for his services in that capacity.

The full sum allowed him as an assistant marshal at the eighth census was $430.77, of which he received on first payment $213.

The late war and consequent disabilities prevented any final payment in this case, as in many others, but in 1879 an estimate of the amount required to pay all outstanding balances to marshals and assistant marshals at the eighth census who had not been paid in full was made by this office, and an appropriation therefor was made by Congress (under act of June 20, 1879).

Included in the amount estimated for by this office was the sum of $217.73 for final pay to Mr. James M. Lowry, but it does not appear from our records that he was ever paid.

The appropriation therefore has, however, long since lapsed, and before payment can be made to Mr. Lowry further action by Congress must be had.

Mr. Lowry's letter to yourself is herewith returned.

Very respectfully,

C. W. SEATON,
Superintendent of Census.

A true copy.

GEO. M. LOCKWOOD,
Chief Clerk Interior Department.

Hon. J. C. CLEMENTS, M. C.,
House of Representatives.

Claimant further shows that after the appropriation of June 20, 1879, referred to in the foregoing letter, he was not informed of the same, and consequently was not paid until this appropriation had lapsed. It is manifestly just in the opinion of your committee that this bill should be passed, and they so recommend.

Mr. REED, of Maine. I desire to ask the gentleman from Georgia whether all similar claims from the South were paid in 1879?

Mr. CLEMENTS. They were, in accordance with estimates made at that time.

Mr. REED, of Maine. And an appropriation was made by Congress?

Mr. CLEMENTS. Yes, sir.

Mr. McMILLIN. I desire to state that I examined this claim during the last Congress and found it just. It was before the committee of which I was chairman, and in that capacity I examined it. Such claims have hitherto been paid, and this ought to be.

Mr. REED, of Maine. I do not want to interfere with anything that provides equality in matters of this sort. At the same time I do not want to open these questions again.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLEMENTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I call for the regular order.

LABOR ARBITRATION.

Mr. O'NEILL, of Missouri. I present a privileged report from the Committee on Labor.

The SPEAKER. The gentleman from Missouri rises to present a report which the Chair understands is privileged under an order of the House made a few days ago.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported, as a substitute for the bill H. R. 7313, a bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés; which was read a first and second time.

House bill No. 7313 was laid on the table.

The report of the Committee on Labor was read, as follows:

The Committee on Labor, to which was referred bill H. R. 7313, creating boards of arbitration for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial commerce or business and their employés, have had the same under consideration, and respectfully report back the accompanying bill as a substitute therefor, and recommend that the said bill lie upon the table, and that the substitute do pass.

The substitute (H. R. 7479) was read, as follows:

Be it enacted, &c., That whenever differences or controversies arise between common carriers engaged in the transportation of property or passengers, whether said common carriers be private persons or corporations, between two or more States of the United States, or within the Territories of the United States, or within the District of Columbia, and the employés of said common carriers, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, or when such employés, or any of them, allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the common carrier is hereby authorized to select and appoint one person, and such employé or employés, as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies: and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, now possessed and belonging to United States commissioners appointed by the circuit court of the United States; and said board of arbitartion may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions and purposes of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination. Each of said arbitrators shall take an oath to honesty, fairly, and faithfully perform his duties, and that he is not personally interested in the subject-matter in controversy, which oath may be administered by any State or Territorial officer authorized to administer oaths. The third person so selected and appointed as aforesaid shall be the president of said board; and any order, finding, conclusion, or award made by a majority of such arbitrators shall be of the same force and effect as if all three of such arbitrators concurred therein or united in making the same.

SEC. 3. That it shall be the duty of said board of arbitration, immediately upon their selection, to organize at the nearest practicable point to the place of the origin of the difficulty or controversy, and to hear and determine the matters of difference which may be submitted to them in writing by all the parties, giving them full opportunity to be heard on oath, in person and by witnesses, and also granting them the right to be represented by counsel; and after concluding its investigation said board shall publicly announce its award, which, with the findings of fact upon which it is based, shall be reduced to writing and signed by the arbitrators concurring therein, and, together with the testimony taken in the case, shall be filed with the Commissioner of Labor of the United States, who shall make such award public as soon as the same shall have been received by him.

SEC. 4. That it shall be the right of any employés engaged in the controversy to appoint, by designation in writing, one or more persons to act for them in the selection of an arbitrator to represent them upon the board of arbitration.

SEC. 5. That each member of said tribunal of arbitration, and the clerk, stenographer, and witnesses attending before them, shall be entitled to receive like fees or compensation as United States commissioners, and clerks, stenographers, and witnesses attending before United States commissioners; and such fees or compensation shall be payable by the United States in like manner as fees of such United States commissioners, and witnesses before such United States commissioners, in criminal causes, are payable under existing laws.

Mr. DUNN. I make the point of order that that bill must go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Arkansas makes the point of order that the bill must have its first consideration in Committee of the Whole House on the state of the Union. The Chair sustains the point of order.

Mr. O'NEILL, of Missouri. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

Mr. COX. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Does this bill take precedence of the unfinished business of the morning hour?

The SPEAKER. The bill has preference over everything else, if insisted on. An order of the House was made by unanimous consent to give that committee leave to report at any time a bill on this subject.

Mr. BAYNE. But the morning hour will come after the consideration of this bill?

The SPEAKER. This does not interfere with the morning hour after the consideration of this bill is concluded.

The question being taken on the motion of Mr. O'NEILL, of Missouri, there were—ayes 101, noes 5.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and proceeded to consider the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

The CHAIRMAN. The Clerk will read the bill.

Mr. DUNN. I ask unanimous consent that the first reading of the bill be dispensed with, so that we may proceed at once to general debate.

Mr. GLOVER and Mr. REED, of Maine, objected.

The bill was again read.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to inquire whether it would be proper at this time to have read a substitute which I propose to offer for this bill?

The CHAIRMAN. The gentleman from Missouri [Mr. O'NEILL] has the floor.

Mr. ANDERSON, of Kansas. I ask the gentleman from Missouri if he will allow me to have my substitute read at this time?

Mr. O'NEILL, of Missouri. Not now. I think it better that some explanation should, in the first place, be given as to the provisions of the substitute.

The CHAIRMAN. The gentleman from Missouri has the floor, and will proceed.

Mr. O'NEILL, of Missouri. Mr. Chairman, the Committee on Labor have had before it the subject of arbitration, or of endeavoring to provide some means of settling disputes between labor and capital, almost since its formation. During the past two months every avenue has been drained where we could reasonably hope to secure information as to some feasible method consistent with the Constitution of this country and our laws that would provide a mode of settlement of these disastrous disputes. We have intended if possible to provide a system, where it did not conflict with State rights or State laws—a tribunal to which both parties should go to have the differences between labor and capital adjusted.

Every phase of this question has been gone over thoroughly; the feature of voluntary arbitration and the feature of compulsory or statutory arbitration have been fully considered, and so far as regards the application of those principles to the question of determining disputes between employés of railroad companies and those companies, our committee have decided that this is the best we can do. This bill provides for an arbitration; in each dispute each side selecting a disinterested person, those two selecting a third, and the three arbitrators are sworn to faithfully and impartially determine the questions at issue; they are created a court, with full powers to send for persons and papers, examine witnesses under oath to obtain the fullest information and announce their verdict, trusting to the power of public opinion for the enforcement of the award. We have been unable to discover any means of dealing with these questions by law at present, except providing, as this bill provides, for an honest tribunal, where workmen can go without expense and ask for justice from the corporations that employ them.

I know that this bill will be disappointing to many members of this House. I know that there are many members here who feel that this is not what they expected. But if they will only reflect on the subject they will realize that the first thing to consider in the settlement of differences between organized workingmen and these great corporations is, how far can you regulate these disputes by law, and how much can be accomplished by an appeal to public opinion? If this method fails, then there is but one other, and that is that with the strong arm of the Government we take these giant corporations by the throat and tell them that they must yield to arbitration; must submit the differences between them and their employés to some peaceful method of settlement; that we can not have a continuance of the condition of affairs that prevails to-day through five States of this Union—practically a revolution, all business suspended, the people of great cities suffering from the increase in the price of food and fuel from inability to obtain supplies, also resulting in thousands of men being thrown out of employment from the same cause.

I do not pretend to say who is to blame. I only know that the workmen along the line of that road where the trouble is have stated that they are willing to arbitrate their grievances, and I know that the president of that vast corporation has not yet consented to do it. In the mean time, thank Heaven, the sober second-thought of the intelligent workingmen has kept their strike within bounds, and I have such faith

in their intelligence and manhood that I am convinced they will prevent any more disastrous consequences until the termination of this trouble. We have studied the subject earnestly and faithfully, and the committee, by the unanimous vote of those present, are of the opinion that this bill contains all that we can do at this time. We feel that all we can do at this stage is to invoke the public opinion of the country in the existing dispute, as in all others of like character, to compel the parties on both sides to appeal to reason, and to say that brute force shall not and need not be used to obtain human rights. I hope, Mr. Chairman, for the moral effect which will result from the prompt action of the House upon this measure, that no needless time will be consumed in discussing this subject.

I reserve the remainder of my time, and I now yield the floor.

Mr. HAMMOND. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio [Mr. FORAN], who is a member of the committee reporting this bill, is entitled to the floor.

Mr. FORAN. Mr. Chairman, I yield thirty minutes of my time to the gentleman from Missouri [Mr. GLOVER].

Mr. BURROWS. Mr. Chairman, I desire to ask the gentleman from Missouri [Mr. O'NEILL] a question before he takes his seat.

Mr. O'NEILL, of Missouri. I resume the floor, Mr. Chairman, to hear the gentleman's question.

Mr. BURROWS. What provision is there in this bill for enforcing the award of the arbitrators?

Mr. O'NEILL, of Missouri. There is none but the effect of public opinion. That is all.

Mr. BURROWS. Another question: Suppose one of the parties should refuse to accept the offer of arbitration?

Mr. O'NEILL, of Missouri. You have only the same result as before.

Mr. BURROWS. This seems to be an entirely harmless bill. [Laughter.]

Mr. O'NEILL, of Missouri. Well, Mr. Chairman, I believe that public opinion has accomplished the grandest reforms on earth. It has done more for human freedom than all your appeals to brute force.

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman takes his seat I desire to ask him a question. In the second section of the bill these arbitrators are given certain powers and privileges, and then "all other powers and privileges, in their nature applicable, now possessed and belonging to the United States commissioners appointed by the circuit court of the United States"——

Mr. GLOVER. Mr. Chairman, I believe I have the floor. I desire to give notice that at the proper time I will propose a substitute for this bill. I send it to the desk now and ask that it be read.

The CHAIRMAN. The gentleman from Missouri [Mr. O'NEILL] is still entitled to the floor.

Mr. BRECKINRIDGE, of Kentucky. The question I want to ask is, whether the chairman or the members of the committee reporting this bill have sufficiently examined the question to be able to tell us what are the powers and privileges possessed and belonging to United States commissioners that are applicable to such an arbitration as this bill proposes?

Mr. O'NEILL, of Missouri. The power of sending for persons and papers and examining witnesses under oath.

Mr. BRECKINRIDGE, of Kentucky. These United States commissioners have a great many powers that are given to them by statute——

Mr. O'NEILL, of Missouri. The powers are stated in this bill itself, "administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings."

Mr. BRECKINRIDGE, of Kentucky. "And all other powers and privileges." What are the other powers?

Mr. O'NEILL, of Missouri. All other powers "in their nature applicable.

Mr. BRECKINRIDGE, of Kentucky. What are they?

Mr. O'NEILL, of Missouri. That is according to what transpires in the progress of the arbitration.

Mr. KELLEY. I desire to say that I shall vote for this bill; and as that is my purpose I want to say in advance to the workingmen of the country that it is a trick upon their credulity and a fraud.

The CHAIRMAN. The gentleman from Pennsylvania will pardon the Chair for interposing. The Chair supposed the gentleman from Pennsylvania desired to submit a question to the gentleman from Missouri [Mr. O'NEILL], who is entitled to the floor.

Mr. KELLEY. The gentleman said that he yielded to me.

Mr. O'NEILL, of Missouri. Only for a question.

Mr. KELLEY. Only for a question. Very well. Then I ask the gentleman whether any workingman who believes that this bill is a measure to provide for speedy settlement of controversies and differences, as its title says, will not be deceived? There can not be any adjudication——

Mr. O'NEILL, of Missouri. What is the question?

Mr. KELLEY. Can there be adjudication under this bill between Jay Gould and the strikers on his road so long as Jay Gould does not assent thereto?

Mr. O'NEILL, of Missouri. Why, Mr. Chairman, I stated that matter fully. I can only answer by saying that in the works of Livingstone, which the gentleman has evidently read, that great traveler states that in the most benighted regions of Africa he could find people most intensely critical in regard to every character of mechanism who could not produce the simplest machine themselves. The gentleman is the "Father of the House." Why does not he propose something instead of simply tearing down?

Mr. KELLEY. I am not a member of the committee——

Mr. O'NEILL. When we had under consideration here the bill for prohibiting the importation of contract labor the gentleman made the identical speech—pronounced the measure "buncombe" and said it would not work.

Mr. KELLEY. I will vote for any bill for the relief of oppressed labor; but I will not vote for this mass of words unless my vote be accompanied with this notice that the bill means nothing.

Mr. ANDERSON, of Kansas. I wish to ask the gentleman from Missouri whether he will not at this time allow to be read a substitute which I shall propose for the bill.

Mr. O'NEILL, of Missouri. We considered your substitute.

Mr. ANDERSON, of Kansas. This is a different substitute.

Mr. O'NEILL, of Missouri. You can offer it in your own time.

Mr. BUCHANAN. The gentleman from Missouri [Mr. O'NEILL] yields to me for a question. My question is whether he is not surprised, after hearing the gentleman from Pennsylvania [Mr. KELLEY] declare that he would vote for this bill, to hear him further declare it to be a trick on the credulity of the workingmen and a fraud?

Mr. REAGAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas rises, as the Chair understands, to a question of order. The Chair will suspend proceedings until order is restored in the Hall.

Mr. BRUMM (after a pause). I rise to a parliamentary inquiry. I wish to know whether it is intended that we shall vote on this bill to-day.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. O'NEILL, of Missouri. It is the intention of the committee to reach a vote to-day, if possible.

Mr. REAGAN. I desire to ask whether I was not recognized by the Chair.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the uniform practice observed heretofore is to recognize first members of the committee who have reported the bill. The Chair has recognized the gentleman from Ohio [Mr. FORAN], who is second on the committee, and he has yielded a part of his time to the gentleman from Missouri [Mr. GLOVER].

Mr. GLOVER. I desire to give notice that at the proper time I will offer as a substitute for the bill reported by the committee the measure which I hold in my hand and which I ask may be read.

The CHAIRMAN. It will be read as part of the gentleman's remarks and in his time.

The Clerk proceeded to read the following:

Be it enacted, &c., That whenever a dispute shall arise between any person or persons engaged alone or associated with others in the transportation of property or passengers by railroad from one State or Territory to or through one or more States or Territories of the United States, or to or from any foreign country, and the employés of such person or persons, or any of them, and when the said employer or employés can not agree in respect thereof, it shall be lawful for the employer and employé, or either of them, to demand and have an arbitration or reference thereof in manner following, that is to say: Where the party complained of and the party complaining shall come before or agree, by any writing under their hands, to abide by the determination of any judge of any district court of the United States within the jurisdiction of whose court the parties, or either of them, reside, it shall and may be lawful for such judge to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before or so agree to abide by the determination of such judge, then it shall be lawful for any such judge, and such judge is hereby required, on complaint made before him, and the submission of the name of an arbitrator to act for complainant, and proof, by the examination of the party making such complaint, that application has been made to the person or persons against whom such cause of complaint has arisen (or his or their agent if such dispute has arisen with such agent or agents) to settle such dispute, and that the same has not been settled, to summon before him such person or persons or agent or agents complained of, on some day, not exceeding three days, exclusive of Sunday, after the making of such complaint, giving notice to the person making such complaint of the time and place appointed in such summons for the attendance of such person or persons, agent or agents, as aforesaid, requiring such person or persons complained of to appear and do away with such cause of complaint or name an arbitrator to settle such dispute; and if at such time and place the person or persons complained of shall not appear and do away with such cause of complaint or name an arbitrator to settle such dispute, the judge shall issue a certificate of appointment to the arbitrator named by complainant (which may have the form hereinafter provided); and it shall be lawful for the said arbitrator, at such time and place, to proceed by himself to the hearing and determination of the said matters in dispute; and in such case the award of such sole arbitrator shall be final and conclusive as to all matters in dispute submitted to such arbitrator, without being subject to appeal, review, or suspension: *Provided*, That nothing in this act contained shall authorize any judge or arbitrators acting as herein mentioned to establish a rate of wages or price of labor or workmanship at which the employé shall in future be paid, nor to fix the hours of labor for the future, without the mutual consent of both employer and employé.

SEC. 2. That for the purpose of this act the term "employer" shall be construed to mean any person or persons engaged alone or associated with others in the transportation of property or passengers by railroad from one State or Territory to or through one or more States or Territories of the United States or to or from any foreign country; and the term "employé" shall be construed to mean any person under hire or salary to said employer as above defined, and doing

manual labor therefor, as well as all combinations and associations of such persons, known as trades unions and labor associations, and other associations for like purposes, whether incorporated or unincorporated, which associations shall have the like power to avail themselves of the provisions of this act as if they were individuals.

SEC. 3. That for the purposes of this act a claim for wages due any employé, which has been demanded and not paid, shall be construed to be a dispute in the sense that term is used in the first section of this act, and the benefits of this act shall be available to the claimant.

SEC. 4. That if the person or persons complained of shall name an arbitrator at the time and place appointed, the judge shall issue a certificate of appointment, and an order to the two arbitrators (which may be in the form hereinafter provided) directing them to meet at a certain time and place upon the next day (Sundays excepted), and name a person upon whom they shall both agree to act as a third arbitrator in settling the matter in dispute; and the third arbitrator shall, when so named and his acceptance in writing filed in said court, receive a certificate of appointment (which may be in form as hereinafter provided), and the said three arbitrators shall thereupon proceed to the immediate consideration and settlement of the disputes as hereinafter provided, and the decision of a majority shall determine it.

SEC. 5. That should the said two first-named arbitrators fail or refuse at the time and place appointed to name a third arbitrator as aforesaid, the said judge shall name the third arbitrator, who shall be the labor commissioner (or one of the commissioners if there shall be more than one) of the State wherein the proceedings are had, if there be one, and he signify within twelve hours his willingness to act, and if not, some person as nearly as possible impartial and indifferent between the two parties, and whose nomination shall not be subject to impeachment or review: *Provided*, That no arbitrator shall be appointed by the said judge until he has filed in court his written acceptance of the nomination.

SEC. 6. That in case any arbitrator refuses to act, the judge may, in his discretion, remove him, or compel, by process of contempt, the due discharge of his duties; and in case of removal, death, or disability of an arbitrator the judge shall order the selection of another in lieu thereof, in the same manner in which the original selection was made; and should he be of the opinion that either party has been prejudiced thereby, he may, in his discretion, order the proceedings to be begun *de novo*; and in every case of a second nomination the arbitrators shall meet within twelve hours thereafter, and at the same place at which the meeting of the referees first named was appointed, or at some other convenient place as the judge may appoint; and the expense of every such application for the appointment of a second arbitrator shall be borne and defrayed by the party through whose default, or the default of whose arbitrator such application is rendered necessary; and the judge making such second appointment shall certify the same in the form for that purpose hereafter set forth, or in some other form to the like effect; and in every case where a second arbitrator shall be appointed as aforesaid, and such second arbitrator shall not attend at the time and place appointed for settling the matters in dispute, it shall be lawful for the other arbitrator or arbitrators, at such time and place, to proceed to the hearing and determining of the same matters in dispute; and in such case the award of such arbitrators shall be final and conclusive as to all matters in dispute submitted to such arbitrators, without being subject to review, appeal, or suspension.

SEC. 7. That the three arbitrators or referees being so nominated as aforesaid, the said judge shall thereupon appoint a place of meeting according to the directions of this act, and also a day for the meeting, notice of which nomination and of the day of meeting shall thereupon be given by such judge to the persons so nominated arbitrators or referees, and to any party to any such dispute who may not have attended the meeting before said judge as aforesaid; which appointment shall be by such judge certified in the form following, or in some other form to the like effect, that is to say:

"I, A B, judge of the United States district court for the district of ——, do hereby certify that C and D and E are duly nominated arbitrators to settle the matters in difference between G H, of ——, employer [or agent or foreman, as the case may be], and I J, of ——, employé [or otherwise, as the case may be], pursuant to an act entitled [title of this act], and that the said arbitrators are hereby directed to meet at —— on ——, the —— day of ——, at —— o'clock in the forenoon [or afternoon, as the case may be].

"—— ——, A B."

"I, A B, judge of the United States district court for the —— district of ——, hereby certify that the above-named C and D and E [or one of them, as the case may be] having refused or delayed to act in the above-mentioned reference, L M and N O and P Q [or L M only, as the case may be] are [or is] by me duly nominated arbitrator [or arbitrators], together with the above-named C D [or E F], to settle the matters in difference between the above-named G H and I J; and the said C D or E F, together with the said L M [or the said L M or N O or P Q, as the case may be], are directed to meet at the place above mentioned on ——, the —— day of ——, in the year of our Lord ——, at —— o'clock in the forenoon [or afternoon as the case may be]."

And the persons so appointed as aforesaid shall hear and examine the parties and their witnesses, and determine such dispute within two days after such nomination, exclusive of Sundays; and the determination of such arbitrators shall be final and conclusive.

SEC. 8. That in all cases where complaints are made by employés the place of meeting of the arbitrators shall be at or as near as may be to the place where the work shall be carrying on.

SEC. 9. That if any person so complaining as aforesaid shall not attend, or send some person on his or her behalf, at the time and place appointed by such judge for the purpose of naming such persons aforesaid, such person shall not in such case be entitled to the benefit of this act.

SEC. 10. That the said arbitrators shall meet at the time and place fixed by the judge by whom such arbitrators were appointed, and shall, by inspection of the work in regard to which the dispute may have arisen, by hearing and examining the parties, or any other persons on their behalf, or that attend to give evidence respecting the matters in dispute upon oath (which the said arbitrators are hereby empowered to administer), or otherwise, or by otherwise ascertaining the true state of the case in such manner as to such arbitrators shall appear necessary, proceed to determine the matter or matters in dispute referred to them; and the award to be made by such arbitrators shall be final and conclusive between the parties, without being subject to review or challenge by any court or authority whatsoever.

SEC. 11. That it shall be lawful for any arbitrator or arbitrators, and he and they are hereby authorized and required, at the request in writing of any of the parties, to issue his or their summons to any witness or witnesses to appear and give evidence before such arbitrator or arbitrators, at the time and place appointed for hearing and determining any such dispute, and which time and place shall be specified in such summons; and if any person so summoned to appear as a witness as aforesaid shall not appear before such arbitrator or arbitrators touching the matter of such dispute, then and in every such case it shall be lawful for said judge, and he is hereby authorized (proof on oath, in the case of any person not appearing according to such summons, having been first made before such judge of the due service of such summons on every such person, by delivering the same to him, or by leaving the same, twenty-four hours before the time appointed for such person to appear before such arbitrator or arbitrators, at the usual place of abode of such person), by warrant under the hands of any such judge, to commit any such person so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of any such judge, there to remain, without bail, until such person shall submit himself to be examined and give his evidence before such arbitrator or arbitrators as aforesaid: *Provided always*, That in case such dispute shall be heard and determined before such offender shall submit to be examined and give evidence as aforessid, then, and in every such case, he, she, or they shall be imprisoned the full term of three months.

SEC. 12. That in case such arbitrators so appointed shall not make and sign their award within three days after the date of the order of such judge certifying their appointment, then any party in interest, or any arbitrator, may, without delay, go before the judge by whom the arbitrators were appointed, and in case of his absence or indisposition, before any other judge of the district or circuit court of the United States residing nearest to the place where the meeting to settle such dispute shall have taken place, and shall advise him thereof; and thereupon the said judge shall cite the said arbitrators before him, and order them to make and sign an award, within some time not exceeding three days, and enforce the said order, if necessary, by process for contempt.

SEC. 13. That as well in all such cases of dispute as aforesaid as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon final and conclusive between the parties; and the same proceedings of execution, sale, and imprisonment, &c., as hereafter mentioned, shall be had toward enforcing such award as are by this act prescribed for enforcing awards made under and by virtue of its provisions.

SEC. 14. That it shall be lawful in all cases for any employer or employé, by writing under his hand, acknowledged as in the case of deeds, to authorize any person to act for him in submitting to arbitration and attending arbitrators or judges touching the matter of any arbitrations.

SEC. 15. That in all cases where any proceedings may be had against an employer under this act, or where such proceedings shall have been commenced, and the employer or employers shall become or be bankrupt, or any assignment of his or their estate or effects shall have been made under the said bankruptcy, or otherwise by deed or in law, the factor or trustees upon, or the assignee or assignees of such estate or effects, or the receiver thereof, shall be liable to the proceedings authorized by this act against the employer as fully as the employer was or were before the bankruptcy or assignment; and such proceedings may be commenced or carried on against such factor, trustee, assignee or assignees, or receiver, who shall fulfill and abide by the award made thereupon, and all such order or orders as shall be made by the said judge in or respecting the matters in dispute, and shall be subject to the same proceedings and consequences for willfully refusing or delaying to abide by or perform the same as if the proceedings had been had against the employer or employers before his or their bankruptcy, or the assignment of his or their estate or effects: *Provided*, That all sums of money to be paid in pursuance of such award or orders shall be recoverable only out of the estate or effects of such employer, and not out of the proper money of such factor, trustee, assignee or assignees, or receiver.

SEC. 16. That where any married woman, or infant under the age of twenty-one years, shall have cause of complaint, in any of the cases provided for by this act, against any employer or employers, his or their agent or servant, or factor, or trustee, or assignee or assignees, as aforesaid, such complaint may be lodged and all further proceedings thereupon had by and in the name of the husband of such married woman, and of the father, or, if dead, of the mother, or, if on the death of both parents, of any of the kindred of such infant, or of the guardian of any such infant, or of any person nominated by such infant if he or she shall not have parent, kindred, or guardian; and all such proceedings shall be as effectual, valid, and binding as if such married woman was sole and such infants were of full age, and pursued by themselves the remedies provided by this act.

SEC. 17. That if the parties by and between whom the said arbitration shall take place as aforesaid shall think it expedient or be desirous to extend the time hereby limited for the making the award, it shall and may be lawful for them, with the leave of said judge, to extend the same accordingly by indorsement, according to the form in the schedule hereunto annexed, on the back of the order of the judge certifying the appointment of the arbitrators, to be signed by both of them in the presence of one or more credible witness or witnesses.

SEC. 18. That the award or umpirage to be made upon any arbitration demanded under this act shall and may be drawn up and written at the foot or upon the back of the said order certifying the appointment of the arbitrators, according to the form in the schedule hereunto annexed; which, with the award, shall thereupon be recorded in the United States district court, and have all the force and effect of a judgment thereof and be executed in the same manner; and the said award may be in any form and provide any remedy which may be deemed best fitted to provide a final and effective settlement of the controversy.

SEC. 19. That if any party shall refuse or delay to fulfill an award under this act for the space or term of two days after the same shall have been recorded as aforesaid, any such judge shall, on the application of the party aggrieved, and he is hereby required, by warrant under his hand according to the form of the schedule hereunto annexed, or in some other form to the like effect, to cause the sum or sums of money directed to be paid by any such award to be levied by execution and sale of any goods and chattels of the person or persons liable to pay the same, together with all costs and charges attending such execution and sale, such sale to take place within such time, not exceeding five days, as the said judge shall think proper, and the overplus, if any, to arise by such sale, to be rendered to the owners of the goods and chattels levied on; and in a case for a mandamus or injunction, the court may issue the same, and punish disobedience thereof by proceedings for contempt in the usual form.

SEC. 20. That where any person shall be committed to prison for refusing or delaying to fulfill an award as aforesaid, and such person shall, at any time during the period of his or her imprisonment, pay to the governor or keeper of the prison the full amount of the sum awarded, with all reasonable expenses incurred through such refusal or delay, he is hereby required forthwith to discharge such person from his custody.

SEC. 21. That the judge by whom any person or persons shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause the warrant or order for such commitment to be drawn up in the form or to the effect set forth in the schedule to this act.

SEC. 22. That no appeal or certiorari shall lie against any proceedings under this act.

SEC. 23. That no proceedings under this act shall be invalid for want of form.

SEC. 24. That half the usual, and no higher, fees shall be allowed to be taken for any proceeding under this act; and where no fees are fixed by law they shall be fixed by the judge; and a table of fees, signed by the clerk of such district court, shall be hung up in every place where any session of the district court shall be held.

SEC. 25. That all costs attending the application to the judge of said district court to be made under this act, and of the arbitration pursuant thereon, shall be settled by the arbitrator or arbitrators by whom such disputes shall be settled; and where the same shall be determined by any judge, pursuant to this act, then the costs aforesaid shall be settled by such judge: *Provided always*, That no employer, his foreman or agent, shall in any case be allowed for costs by the said judge or arbitrator, unless it shall appear to him or them that the proceedings of the employé were vexatious and oppressive.

SEC. 26. That no action shall be brought against any arbitrator, marshal, or other officer, or against any other person or persons whomsoever, for any matter or thing whatsoever done or committed under or by virtue or in the execution of this act, unless such action shall be brought within six calendar months next after the doing or committing of such matter or thing.

SEC. 27. That if any action or suit shall be hereafter commenced or prosecuted against any person or persons for anything done under, by virtue, or in the execution of this act, such person or persons may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become non-suited or suffer discontinuance, or forbear further prosecution, or if judgment shall be given for the defendant or defendants, such defendant or defendants shall recover his, her, or their full costs, and for which he, she, or they shall have like remedy as in cases where costs by law are given to defendants.

SEC. 28. That it shall not be lawful for any employer, as defined in this act, to issue any scrip, bond, debenture, or promise to pay, for the purpose of paying employés, or to use the same for such purpose; and the employer, his or their officer or agent, who violates this provision of this act, shall be punished for each infringement by a fine of $500 and three months' imprisonment, or both; and the giving by the employer and receiving of the same by the employé, though intended and accepted as such, shall not operate as payment or extinguish any liability.

SEC. 29. That the judge of the district court aforesaid may, in his discretion, refer any complaint under this act to any United States commissioner of his district, or referee, or master in chancery of his court, who shall thereupon exercise the same powers and perform the same duties imposed upon the judge by this act: *Provided*, That the authority of the said commissioner, master in chancery, or referee shall not extend beyond the filing of the award: *And provided further*, That no dispute of sufficient magnitude to involve the public peace or order shall be so referred.

Form of the award, to be written at the foot or upon the back of the order of the justices certifying the reference.

We, A, B, and C [name and describe the arbitrators], the arbitrators appointed to settle the matters in dispute between the parties within named [or A, one of the arbitrators so appointed; or B, the other arbitrator appointed having failed to attend; or C D, the judge, as the case may be], do hereby adjudge and determine that [here set forth the determination, to which the arbitrators or judge, as the case may be, shall subscribe their names].

Form of indorsement extending the time limited for making the award.

We, A B and C D, parties to the within arbitration, do hereby agree to extend the same to the —— day of —— inclusive.

Witness our hands, this —— day of ——.

A B.
C D.

Witness:
—— ——.

Form of acknowledgment of fulfillment of the award, to be written at the foot or on the back thereof.

I, A B, do hereby acknowledge that the above award hath been fulfilled by C D, who is hereby discharged of the same.

Witness my hand, this —— day of ——.

A B.

Witness:
—— ——.

Form of the oath to be administered by the arbitrators or judge to the parties and witnesses under this act.

The evidence that you shall give before us, the arbitrators appointed by A B and C D [the parties] to determine the matters in difference between them under and by virtue of an act entitled "An act [state the title of this act], shall be the truth, the whole truth, and nothing but the truth: so help you God.

Form of commitment of a person summoned as a witness before the arbitrators.

Whereas proof on oath hath been made before me, —— ——, judge of the United States district court in the district of ——, on this —— day of ——, that A B hath been duly summoned, and hath neglected to appear and give evidence before C, D, and E, the arbitrators appointed by and between G H and I K to determine the matters in dispute between them, at ——, in the county of ——, on the —— day of ——, under and by virtue of an act entitled "An act [here set forth the title of this act]; and the said A B being required by me, the said judge, to give evidence before the said arbitrators, and still refusing to do so, therefore I, the said judge, do hereby, in pursuance of the said act, commit the said A B to the [describing the prison], there to remain without bail, for his [or her] offense aforesaid, until he [or she] shall submit himself [or herself] to be examined, and give his [or her] evidence before the said arbitrators touching the matters referred to them as aforesaid, or shall otherwise be discharged by due course of law. And you, the [marshal or other officer or officers to whom the warrant is directed], are hereby authorized and required to take into your custody the body of the said A B, and him [or her] safely to convey to the said prison, and him [or her] there to deliver to the jailer [or keeper] thereof, who is hereby authorized and required to receive into his custody the body of the said A B, and him [or her] safely to detain and keep, pursuant to this commitment. Given under my hand this —— day of ——, in the year of our Lord ——.

[This commitment to be directed to the proper officer and the jailer [or keeper] of the prison.]

Form of writ of execution.

To the marshal of ——:

Whereas —— ——, of ——, under an award made by —— ——, on the —— day of ——, in the year of our Lord ——, pursuant to an act passed entitled "An act [state the title of this act], is liable to pay to —— ——, of ——, the sum of ——, and also the sum of ——; and the said —— —— having refused or neglected to pay the same for the space of two days and upwards subsequent to the making such award, these are therefore to command you to levy the said sum of —— by execution and sale of the goods and chattels of the said —— ——; and I do hereby order and direct the goods and chattels so to be levied upon to be sold and disposed of within —— days, unless the said sum of ——, for which such levy shall be made, together with the reasonable charges of levying such execution, shall be sooner paid; and you are also hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal, at ——, the —— day of ——.

Mr. GLOVER. I ask unanimous consent that the further reading of this proposed substitute may be dispensed with, and that it be printed entire in the RECORD.

Mr. NEGLEY. I wish to know whether this is an American bill, or whether it was designed for the English Parliament. I see toward the conclusion a reference to "his present majesty."

Mr. GIBSON, of West Virginia. That phrase is stricken out in the copy which the clerk is reading.

The CHAIRMAN. The gentleman from Missouri [Mr. GLOVER] asks unanimous consent that the remainder of this bill, which is only read as a part of his remarks, may be printed in the RECORD. Does the gentleman from Pennsylvania object? The Chair hears no objection.

Mr. MCCOMAS. I wish to reserve the right to object until the gentleman explains whether the phrase "fifth year of the reign of his present majesty" means the second year of the present administration.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Missouri.

Mr. GLOVER. There is a typographical error in this bill as originally printed, which has been corrected in the copy sent to the Clerk's desk.

Mr. Chairman, I now surrender the floor to the gentleman from Ohio [Mr. FORAN], reserving the balance of my time.

The CHAIRMAN. The gentleman has ten minutes of the thirty minutes yielded to him.

Mr. FORAN. Mr. Chairman, I am opposed to all arbitration for the adjustment of industrial controversies or disputes between labor and capital which is based upon legislative enactment, whether it be voluntary or compulsory. Hence I am opposed to the substitute offered by the gentleman from Missouri [Mr. GLOVER], and I am opposed to the bill of the gentleman from Kansas [Mr. ANDERSON] and the bill introduced yesterday by the gentleman from Missouri [Mr. O'NEILL]. All these bills, unlike the measure now under consideration by the House, favor and provide for compulsory arbitration. Without the spirit of mutual conciliation, the disinterested desire to amicably adjust differences of opinion, arbitration is a nullity, and must necessarily fail.

The idea that men can be forced and compelled to be conciliatory is repugnant to the human mind. To be concise, arbitration means the submission of differences and controversies to the judgment and decision of one man. The adjuncts are the machinery or means of determining who that man shall be. The measures introduced in this House embodying the compulsory principle all give a judge of the United States courts the power of determining who that man shall be. I am not prepared by my vote to place the rights, the destinies, and the liberties of the laboring men of this Republic in the keeping of the judges of the courts of the United States. There is in my mind a well-grounded fear that these officials are by training and association more in sympathy with corporations than with those who are compelled to earn their daily bread by daily toil. If one of the bills providing for compulsory arbitration should become a law, a United States judge in Chicago could imprison a brakeman in New York without trial or due process of law by the State or municipal courts.

Without stopping to inquire into the constitutionality of such a law, the principle involved is so abhorrent to every sense of justice and right that I recoil from it with horror. I am not prepared to give the judges of the courts of the United States the right to imprison men for contempt, to coerce by the military arm of the Government men who are honestly contending for a principle they believe to be right. Compulsory arbitration would so fetter and shackle labor that its freedom and its right to organize for self-protection would eventually disappear. As to the bill now before the House, which is a substitute for the bill introduced by the gentleman from Missouri [Mr. O'NEILL] yesterday, I am not prepared to say that I will vote against it; I may possibly vote for it, for the same reason that I would drink a glass of water—it might do me no good, but it would certainly do me no harm. [Laughter.] It will injure nobody to pass this bill; we may safely vote for it. If it will not benefit labor, it certainly will not injure it. It is a very harmless measure, but there is no arbitration in it. There is less of the principle of arbitration in this bill than there is flesh upon the dried and bleached bones of a doctor's anatomical skeleton. [Laughter.] The gentleman from Pennsylvania [Mr. KELLEY] thinks some one may be deceived by it. I think that is hardly possible.

Mr. O'NEILL, of Missouri. That is true of all arbitrations.

Mr. FORAN. No; it is not true of all arbitrations. Where men bind themselves by agreement to arbitrate, as in law, it is different. But the trouble with this bill is it accomplishes nothing because it provides for nothing that does not now exist. Take the present difficulty in the Southwest, for instance. Suppose this bill was in force as a law when that trouble arose, and the Knights of Labor submitted to Mr. Gould a proposition to arbitrate the matters in controversy, would he have acceded? We know he would not. He was asked to arbitrate, but refused. If he now partially consents to such a course it is because he has become convinced that it is to his interest to do so, not because he favors the principle of arbitration or because he has any love for the Knights of Labor. But suppose you pass this bill, what do you accomplish?

If both parties to a controversy agree to arbitrate under its provisions, the board for which it provides becomes a board of investigation and inquiry. It can publish its findings of fact and give its opinion as to who is right or who is wrong. And there it stops; it can go no further. This might be of some utility and benefit if in every case of controversy the investigation could be had. But either party can refuse to be investigated. Then what does the bill accomplish that may not be accomplished without it? But suppose the board is appointed and the

investigation had, the corporation can ignore its findings and sneer at its recommendations. But it will be claimed that an enlightened public opinion will force the party in the wrong to respect that opinion and accede to its judgment. If this be true, then the bill should be so perfected as to compel the investigation, not the arbitration, in every instance.

Mr. Chairman, I am opposed to arbitration in labor disputes which is based upon statutory enactment, because arbitration can only succeed when it is resorted to by the free, voluntary act of both parties.

Mr. O'NEILL, of Missouri. That is what this is.

Mr. FORAN. If it is the free, voluntary act of the parties may it not be had without this proposed law?

Mr. O'NEILL, of Missouri. Have you now the power in voluntary arbitration to send for persons and papers and to administer oaths in order to get at the bottom of any one of these controversies?

Mr. FORAN. No, you have not, that is true; nor can you even if you pass this bill, for either party can refuse to be investigated. Besides, if both parties to a controversy do not enter into the agreement to arbitrate with a disposition to abide by the result, if they have not that spirit of conciliation and mutual forbearance when they meet, and an earnest desire to adjust the differences between them, then all the laws you can put upon the statute-books of the United States from now until the end of this Congress will avail you nothing. Hence, from the very nature of man statutory arbitration is not desirable, even if it were possible. This, Mr. Chairman, is the great difficulty. I doubt if the labor problem can be solved or settled in any of its phases by arbitrary legislative enactment. You certainly can not solve the problem by passing this bill; and I doubt whether you can or could solve it by any measure you have the constitutional power to pass. It is deeper and wider and vaster in its scope than the effect of any law you might enact could possible reach.

But what I was proceeding to say when interrupted was that if we propose to pass this bill, and if we expect to accomplish anything by its passage, we must amend it. Should it become a law as it reads at present all it could accomplish would be to furnish the means of investigating existing labor troubles and publishing the findings of fact upon which public opinion could be based. But, sir, I am of the opinion that in these controversies the stronger party, the corporation, is generally the aggressor and as the bill now stands can refuse to be investigated. If we are to pass the bill let us so perfect it as to get all the good we can out of it. If its object is to mold public opinion, let us so amend it that in every instance there will be something for public opinion to act upon, and in the direction of that thought I propose to offer at the proper time the amendment which I now send to the Clerk's desk to be read as a part of my remarks.

The Clerk read as follows:

Add at the end of section 1 the following:

"*Provided*, That if upon the written proposition of either party to the controversy to submit their differences to arbitration the other party shall refuse to accede to the proposition to so arbitrate, the party submitting the proposition to arbitrate as aforesaid may request the judge of the United States district court within whose jurisdiction the controversy exists and the parties reside to appoint the person or arbitrator provided for by the section; and said judge, upon being so requested and upon being satisfied that one of the parties to the controversy has refused to arbitrate as herein provided, is hereby authorized and directed to forthwith appoint said person or arbitrator."

Mr. FORAN. This amendment, I admit, is not in such shape as I would like to have it. It was written or drawn very hurriedly—upon the spur of the moment. This whole matter has been sprung upon the House as it was upon the committee, almost without notice. I appreciate and commend the motives which prompted the gentleman from Missouri [Mr. O'NEILL] in bringing this matter before the House before members were prepared to be heard upon it. The situation is critical, and urgency is, perhaps, deemed important. The object of my amendment is to compel an investigation in every instance. The ascertainment of facts is the only merit the bill has, but if it is left in the power of either party to prevent the ascertainment of the truth the law will be worse than a nullity. For, as the bill now stands, when a controversy arises and one party submits to the other a proposition to arbitrate, the arbitration or investigation does not necessarily, it simply may, follow.

Mr. O'NEILL, of Missouri. Why is that not an arbitration?

Mr. FORAN. I will show why it is not arbitration. After your board has convened and after it has investigated the facts and published its findings it may be ignored and repudiated by either party. At best it is merely advisory.

Mr. NEGLEY. Will the gentleman permit me to ask him a question?

Mr. FORAN. Certainly.

Mr. NEGLEY. Would there not be constitutional restrictions to the enforcement of any law against corporations where their property is entirely situated within the limits of a single State?

Mr. FORAN. Undoubtedly; though I have no doubt whatever of the power of Congress to regulate these corporations when their lines extend through the States or Territories.

Mr. NEGLEY. Is not the remedy, therefore, if it is to be enforced by statute, limited to the States and to action by the States rather than by the General Government?

Mr. FORAN. I am not willing to concede that proposition. I seriously doubt if any gentleman upon this floor fully comprehends this question or can prescribe a remedy for it, but that the General Government has not some power in the premises I am not willing to admit.

Mr. NEGLEY. Assenting to your views is the reason I make the inquiry.

Mr. FORAN. This labor question is a problem that the civilized world has been endeavoring to solve for three hundred years, and the solution does not seem to be much nearer to-day than when students in history and political science first seriously grappled with it; and yet this Congress is called upon to settle the whole question in a day by the passage of this bill, without mature reflection or time for intelligent discussion and consideration. Such a proposition, Mr. Chairman, is nonsense run mad. It can not be done. The best efforts of the best minds for ages past have failed to solve the problem or discover the remedy. That the world's wage-workers have cause for serious complaint no honest, thinking man denies. We have only to look around us to be convinced of this.

One of the most orthodox of recent political economists, Mr. Rae, in his work, "Contemporary Socialism, says "that the immense increase of wealth which has marked the present century has been attended with surprisingly little amelioration in the general lot of the people, and it is in no way remarkable that this fact should tend to dishearten the laboring classes and fill reflective minds with serious concern." Another of the most careful, thorough, and conservative thinkers of the age, Mr. Cairnes, after contrasting the condition and status of the wealthy with the poorer classes, says:

It seems to me, apart altogether from the question of the laborer's interest, that these are not conditions which furnish a solid basis for a progressive social state.

But let us look at our own country. What do we find? I will not direct attention to the poverty of the masses or the wanton extravagance of the wealthy. These things are familiar to us all. But let us look at some hard facts. In thirty years, from 1850 to 1880, the net product of our manufactures increased from $437,000,000 to $1,834,000,000, or over 400 per cent., while during the same period the average annual wages increased from $248 to $346, or about 40 per cent. These figures tell their own story. Comment can not add to their force. There is, then, an appalling evil. But where is the remedy? If you can pass laws here which will more equitably distribute the product of labor and capital or wealth, arbitration laws will be unnecessary, for there would be no differences to arbitrate. The root of the evil is too deep to be reached by a remedy of this kind.

Mr. CUTCHEON. Is not the purpose of this bill indirectly to effect that end?

Mr. FORAN. It can not be the purpose of the bill, for it has no purpose. If it had it could not reach it, and I doubt if any legislation can, for the difficulty is inherent in the very nature of man, and the remedy will be found by an appeal to the very sentiment which creates the evil. The poor suffer because of the heartless cupidity and selfishness of the rich, and they will continue to suffer until that selfishness is appealed to by a process which will inspire stronger motives than those which actuate it now. Let me say to my friend from Michigan [Mr. CUTCHEON] that just as soon as capitalists and wealthy men are made to understand and realize that the preservation of their property interests and the perpetuation of their rights in property depend upon that contentment and happiness of the people which is the only guarantee for obedience to law and order, rather than upon statutes which may be disregarded, then this problem will be upon the eve of solution. If men like Jay Gould can not read the lesson which past experience teaches and can not understand that the safety of property, the security of life, and the existence of government is menaced and imperiled by a system which gives to capital 400 per cent. and to labor but 40, they may rest assured that sooner or later the lesson and all that it implies will be so forcibly presented that even they will comprehend it.

A community or State in which the great mass of the people are so dissatisfied with their condition that life itself becomes almost unbearable can hardly be said to be a community or State in which a capitalist would care to invest.

Mr. NEGLEY. That is the state of affairs existing now, but what you seek is the enactment of a law which will provide a remedy or bring about an equitable adjustment of the disputes between labor and capital and relieve the wage-worker from oppression and coercion.

Mr. FORAN. I am not seeking to pass a law in this direction. I do not believe the remedy is wholly in legislation. If you could pass laws which would create conditions out of which greater prosperity would be evolved, and so enforce these laws as to more justly and equitably distribute this prosperity among the people, your legislation would be of some practical utility. But can you do it?

Mr. NEGLEY. Nobody differs with you upon that point.

Mr. FORAN. If present conditions are to continue until they produce the natural and inevitable results which must flow from such conditions, it will not be the fault of those of us who have called attention to these things and given a timely note of warning.

Mr. NEGLEY. If we are merely enacting sentiment let us do it discreetly, at all events, and show our respect for so grave a question.

Mr. FORAN. I must beg the gentleman to not further interrupt me. I can not yield to the gentleman for a speech.

Mr. NEGLEY. I thank the gentleman for his courtesy in yielding to me thus far.

Mr. FORAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seventeen minutes.

Mr. FORAN. Mr. Chairman, I did not intend to make a speech to-day. In fact I was not aware that this question was to be considered, but in the line of thought suggested by my remarks, permit me to give my views as to the remedy. A celebrated statesman of Europe, Count Cavour, once said:

> Equality in rights will never abolish iniquity in conditions. There is therefore only one manner of preventing socialism, and that is that the superior classes shall consecrate themselves to the amelioration of the lower classes. Otherwise civil war will be inevitable.

We recognize no superior or lower classes in this country; we recognize no standard of merit but intelligence and worth, but substitute for superior and lower classes the rich and the poor. And are not the words of Cavour true in America to-day? Is this not the solution of the problem? Poverty we can not wholly eliminate from the world. Indeed, it is not desirable to do so. The desire to accumulate and acquire property is the great force, the dominant factor which quickens and stimulates human energy and individual effort. To take poverty out of the world would be to destroy labor, and we all know that labor is the supreme law of human existence. Socialism substitutes a world of fancy for a world of fact and reality. It is despotism of the most pronounced character, for under its régime the individual disappears; he ceases to be a free man and becomes a mere piece of mechanism. "Slavery does not more completely than socialism destroy the personality of man;" and I have no hesitancy in saying the measures introduced here, providing for compulsory arbitration, are redolent of the odor of socialism. Hence I am opposed to them.

Our present social system is perhaps the best that could be devised for man as we find him. Perhaps, through the evolving processes of a higher and broader intellectuality, a better system may, in the future, be discovered. But we are dealing with the present. Jay Gould says the Knights of Labor must respect his rights. To this I agree. But I say to Mr. Gould that while labor will respect his rights, it demands that he perform his duties under the social compact. Suppose this man accumulated his millions through legitimate channels, and that is a very violent assumption, but suppose it to be true. Property is not purely an individual fact. There is no property that can be so considered. The power and the influence of society, the forces which it puts in operation, its commerce, its schools, its laws all operate and aid in the production of property.

Does Mr. Gould owe nothing to society? Does he owe nothing to the Knights of Labor, who are so many integers in our social system? What is the object of society? Is it not to improve the status of and give value to the individual; does it not mean the cultivation of every faculty of the mind, and the social, moral, and intellectual development of human nature? Society will respect your rights, Mr. Gould, but you must perform your duty to society. You must remember with De Lamartine that in society the moral zone must penetrate the legal zone. If you fail to learn this lesson and its application and evil comes to you, the fault will be your own.

At present men of the Gould stamp seem to have adopted Hobbes's view of society—*homo homini lupus*: man is to man a wolf; and to prey upon their fellow-men seems to them the only aim and object of existence. But they will yet learn, through the medium of enlightened public sentiment and higher intelligence, or through stern and bitter experience, that man and not money is the object of society; that to lift men up to a higher social and intellectual plane is more commendable than the accumulation of large fortunes. Let capital take what belongs to it and render unto labor its due and strikes and social disorder will disappear. This is simple justice.

Is any man on this floor willing to admit that he is not in favor of justice? That is all labor wants. In France they are much nearer a solution of this problem than we are. The profit-sharing system has been there introduced. Capitalists are there dividing the profits with their workmen, and where this system has been tried and is in force strikes are unknown. Will the capitalists of America follow the example? Perhaps not at present; but they will eventually, because they must. And now, Mr. Chairman, permit me again to say I see nothing in this bill for which to vote. It may keep the word of promise to the ear of labor, but it will break it to its hope. I would sooner trust the Knights of Labor and kindred organizations whose members are seeking through organization higher idealities and greater intelligence to eventually bring about such a consensus of public opinion as will force justice from such men as Jay Gould than any legislation of this character. If you keep your hands off of labor, pass no laws against it or in favor of monopoly, and it will take care of itself. The only laws we can pass in the interest of labor are those giving it greater and more perfect freedom.

The CHAIRMAN. Does the gentleman reserve the remainder of his time?

Mr. FORAN. How much time have I remaining?

The CHAIRMAN. Fourteen minutes.

Mr. FORAN. I yield seven minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. The gentleman from Missouri [Mr. GLOVER] has promised to give me five minutes. I would like to know before beginning to speak if I am to have those five minutes in addition to the time yielded to me by the gentleman from Ohio.

Mr. GLOVER. I have only ten minutes remaining, but I have promised the gentleman from Georgia five minutes, and I yield that time to him.

Mr. HAMMOND. I do not know that I shall use the whole of the twelve minutes allotted.

I know how very delicate all matters connected with labor are, and I trust that I duly appreciate the great importance of the questions at stake this morning. Because I do consider them very important I take the floor without any thought of what I shall say, except what comes at the moment. Without any possible means of knowing the views of the House, but simply to assert my own convictions I speak, because I feel it my duty to assert them.

I never owned and never intend to own a dollar of stock in any transportation company in the world. I have no interest in this matter except that which is common to every citizen of the United States. I am opposed to this bill and to the proposed substitute of the gentleman from Missouri [Mr. GLOVER]. The bill itself has been characterized on the other side as a "fraud." I will not be so unkind to my own side of the House as to say I believe that. But I am too respectful to the gentleman from Pennsylvania [Mr. KELLEY] to join issue with him on that assertion.

The bill proposes that when people desire they may arbitrate; that the United States shall pay the expenses of the arbitrations, and when they are done the United States shall furnish an office in which the useless papers may be filed.

Mr. Chairman, the laboring men of this country have too much intelligence to be deceived by such stuff. In every State in this Union they may have voluntary arbitrations. In every State of this Union when they procure voluntary arbitrations and awards are made they are made the judgment of the court unless objected to according to law. And when so made may be enforced. I prefer those laws to this proposed remedy.

It is said there is nothing new under the sun; and having been a lawyer a great part of my life, I begin to believe there is no new case under the sun. Once, when the supreme court of Georgia was very exacting, dismissing cases upon technicalities, I sat by a lawyer who saw a case by which he set great store so dismissed. He said to a friend sitting by him, "What can a man do when the highest judicial tribunal of his State makes a fool of itself?" To which his friend replied, "Nothing but keep his temper and appeal to the enlightened consciences of the American people." That case is exactly in point here. When the gentleman from Missouri [Mr. O'NEILL] is asked, "What remedy have you?" He answers, "Nothing but public opinion." Congress is asked to legislate, to pay the expenses of tribunals which tribunals can have their judgments enforced in no way except by "public opinion." The statement of it makes the proposition ridiculous.

The gentleman from Missouri called this arbitration a tribunal. Congress has a right to make tribunals inferior to the Supreme Court of the United States. By the second section of Article III of the Constitution the judicial power of that court, as well as of other Federal "inferior tribunals," is limited to certain things. Among those limitations is that they must be controversies between citizens of different States. This bill raises a tribunal of the United States, paid by the United States, that undertakes to settle (without the power to settle) controversies which may be between citizens of the same State. It was for that very reason—mixing intra-State with extra-State affairs—that the law as to the trade-marks was declared unconstitutional by the Supreme Court of the United States.

Look at the haste with which this great proposition is treated. On the 22d of this March the gentleman from Missouri [Mr. GLOVER] introduced his bill. On the 24th of this March a gentleman on the other side, without conference with the committee—for he was opposed on the floor by the chairman of the committee—obtained unanimous consent that that committee might at any time report bills on this subject. On yesterday a bill was introduced by Mr. O'NEILL, the chairman of that committee. The House remained in session after it was introduced until 5 o'clock p. m. If that committee sat at all legally it must have been after that time. It comes in this morning with a report of two lines and a substitute for Mr. O'NEILL'S bill, and with a divided committee. That substitute differs from the original bill in striking out all compulsory features and requiring arbitrators to be citizens of the United States, which the bill introduced yesterday did not require.

Mr. Chairman, I have stated enough to show that I believe both this bill and this substitute to be unconstitutional. Gentlemen may not rest upon the commerce clause judicial powers. All judicial powers exercised by this Government must stand for their basis upon Article III, section 1 and section 2, of the Constitution, the judicial clauses.

I do not know how these evils are to be cured, but I do know that when we take days upon days to consider other minor propositions, to

crowd through such a thing as this without thought, without debate, is trifling with one of the grandest subjects that ever engaged the attention of the House of Representatives. Mr. Chairman, the laboring men of this country should be careful of too-speedy measures and too-eager advocates on such subjects.

The gentleman from Missouri [Mr. O'NEILL] has declared that unless this bill is enacted into law, unless we apply this milk-poultice to the bite of a rattlesnake, so to speak, there will be compulsory process by the United States to make corporations do their duty to labor. Mr. Chairman, when you provide process that will compel the corporations to do their duty to labor, the same bill must have in it the right to compel labor to do its duty to corporations; process must be the same for both parties. Are we ready for that; to vote that United States judges or United States arbitrators may decide these questions and may imprison for contempt every laborer who refuses to abide their decisions?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HAMMOND. It is a good time to stop with that grave question.

Mr. WEAVER, of Iowa. Mr. Chairman, I wish to reply to what has been said and to submit my own views upon the merits of this bill and the substitute and upon the situation to which these bills are intended to apply. Let me state some of the difficulties that meet us at the threshold of this problem. Here is a great railroad system dominated by a single mind. That system has in its employ from eight to ten thousand men. A controversy arises between the management of the road and its employés. Now, in attempting to provide by law for arbitration we must necessarily meet face to face with grave difficulties.

It were impossible to create a court that shall have jurisdiction of men who are not parties to the record. To illustrate, the present difficulty (or the one happily adjusted on yesterday, as we were informed by the morning papers) arose over the discharge of one Hall, who was in the employ of the Texas Pacific Railroad Company. The other laborers employed in that system espoused his cause and refused to work until Hall was reinstated, or until an arbitration should ensue, which involved his right to be reinstated if the arbitrators should so decide. Now, this body may have the power to create a court to take jurisdiction of a case in which Hall and his employers may be parties, but an adjudication between Hall and Gould could not bind the 9,999 other men who have struck in the interest of the rights of Hall, for the plain reason that they would not be parties of record nor in any way bound by the arbitration. If you provide for compulsory arbitration (which is a misnomer) you could not in any event bind any one except Mr. Hall, and perhaps Mr. Gould, and that would depend upon the nature of the matters involved.

In no event could the award reach the great body of laborers, except as it might tend to arouse public sentiment and public opinion. No court now in existence or which we may create can say to Mr. Hall, you shall work for Mr. Gould, nor can a court say to Mr. Gould, you shall employ Mr. Hall. These men may agree concerning these things themselves, and resolute, organized labor may open Mr. Gould's eyes until he can see clearly that it is to his interest to yield; but you can not reach the difficulty by statute. It is clear beyond the sphere of either legislative or judicial tribunals.

So this whole question must be left to public opinion after all, and I am frank to state to the House that I am opposed in judgment to all legislation with regard to these strikes, because in its very nature it can not be effective and can not afford the remedy that we desire. Sir, I am not a believer in the power of legislation to cure the evils to which society is heir—I mean direct legislation. I am a believer in the kind of legislation that will create conditions out of which prosperity may be evolved and under which evils may die away. Now, what are the primary causes of the present discontent throughout the country?

I assert here and maintain that they result because of a neglect on the part of the lawmaking power of this country to make suitable provision to preserve the prosperity of the Republic. I will be specific and point out instances of such neglect. The Constitution of the United States provides that Congress shall have power to regulate commerce among the States. What is commerce? What does that provision of the Constitution mean? Does it mean that Congress has power to fix the price of goods sold in New York and shipped to Arkansas? Certainly not. Does it mean that Congress has the power to fix the price of cattle raised in Iowa and sold in New York? Certainly not. What does it mean? It means this, that Congress shall have power to regulate the great *instruments* through which commerce is carried on.

What are those instruments? They are three in number, namely, money, transportation, and the transmission of intelligence. These are the three great instruments of commerce, and without them or without any one of them commerce, as understood in modern times, were impossible. Now, the Constitution says that Congress shall exercise that power. It is in its very nature exclusive, and has so been held by all the courts. It can be exercised by Congress and by nobody else; yet during the past quarter of a century, which has witnessed the upgrowth of these mighty corporations, Congress instead of regulating interstate commerce has abdicated and relegated that power to a few syndicates and the heads of great corporations, who are regulating commerce, but regulating it in their own interest and to the detriment of the people.

These evils are properly chargeable to Congress. We are sworn to support the Constitution, and yet we have refused to exercise the sovereign power with which the Constitution clothes us. The grant of power carries with it the corresponding duty on our part to exercise it. The neglect or refusal to discharge these plain duties has allowed monstrous evils to grow up unmolested, until to-day they have control of the entire machinery of Government, and are stronger, it would seem, than the Government itself. Their promoters, however, will find that they are not stronger than the people, deeply wronged and, let us hope, thoroughly now aroused. My sympathy, sir, is with the laboring people of this country whose toil feeds, clothes, and shelters us all. Thousands of them are out of employment and have not where to lay they heads. I feel for them in their unequal struggle, and no iron hand shall be laid upon them if I can prevent it. The proper remedy for these troubles does not lie in such a bill as this, though I consider it harmless and shall vote for it.

The remedy must come from a different class of legislation. This Congress can in a single week, if they so desire, cause the whole nation to shout for joy. We can drive darkness and distrust and business gloom and despair from every hamlet in America. The remedy must come from a proper law passed here to regulate interstate commerce. Secondly, it must come from a law which shall create conditions under which the employer can afford to pay the laboring man a reasonable price for his toil and under which a laborer can afford to work for the wages which the employer is thus enabled to pay. These are the only conditions under which prosperity will ever return to this country. Any other expedient is simply an attempt to put a salve on the cancer.

There is no desire on the part of the laboring men of this country to violate law. Nor is there any desire on their part to lead a life of vagabondage. Such insinuations are a libel upon the laboring people of this country.

I believe there is a desire in the breasts of nine hundred and ninety-nine out of every thousand of them to earn their living in the sweat of their faces. But the trouble is they can not get the opportunity to work at reasonable wages, and thousands of them not at all.

The only hope of tranquillity in this country, the only hope of harmony and peace between employers and employés is to give this country a sufficient volume of currency. [Laughter.] Ah! laugh if you please; but "he laughs best who laughs last." Divide if you please these suffering, penniless people, many of whom are working for 90, and I see by the papers, as low as 55, cents per day. Laugh at them if you have the heart to do it. [Applause.]

I say you must have a volume of currency that will make it more profitable for a man to invest his money than to hoard it. Then the currency will come into circulation, and hope and joy will bloom again, and the spindles will sing, and your furnaces glow, and strikes and lockouts will be unheard-of in the land.

I assert here, let him contradict who will, that this labor controversy the world over is purely a question of money, and nothing else. There is just enough money in this country to-day to enable the corporations to corner it. Just enough to enable the banks and the usurers to extort usury. Ay, there are three classes of vampires who are sucking up the last drop of the blood of honest toil—the land monopolies, the railroad monopolies, and the money monopolies. And if my voice can reach beyond the walls of this House to the humble abodes of suffering labor throughout the land, I say to the toiling millions of this country, you must overthrow these three great confederated monopolies, and this can only be done by proper legislation. Hence, you must strike at the ballot-box, and strike against every man who is full of promises when he is a candidate, but who disappoints you after he reaches his seat in this House.

The only proper remedy in a republic for popular evils is through the exercise of the ballot. Strikes are only justifiable as a *dernier ressort*. If this Congress will not protect labor it must protect itself. But we hear it said there is more money now in the money centers than can be used. Yes, sir; I once had the fever; and there was more blood in my lungs than I had any use for at that point; but there was not enough at the extremities. [Laughter.] That is the condition of this country to-day. There is not enough blood circulating in the body-politic to relieve the paralysis and enable the extremities to perform their functions.

Mr. GALLINGER. I would like to ask the gentleman a question, if it will not interrupt him.

Mr. WEAVER, of Iowa. It is never any interruption to ask me a question.

Mr. GALLINGER. When the gentleman had the lung fever and had too much blood in his lungs, did he get well by making more blood?

Mr. WEAVER, of Iowa. Undoubtedly so.

Mr. GALLINGER. I never heard of an instance of that kind.

Mr. WEAVER, of Iowa. The physician put me upon a healthful, nutritious diet, increased the amount of blood, the heart grew stronger and properly distributed the life-giving fluid throughout my system. [Applause].

Mr. GALLINGER. That is not a scientific proposition.

Mr. WEAVER, of Iowa. My blood would never have ceased to perform its functions had it not been impeded or impaired by something. As soon as that obstruction was removed my health was restored.

The circulation of currency to-day is impeded. It is under the control of two disturbing forces or influences. First, it is under the control of the national banking institutions, who have the power to bleed the patient whenever they please, and they are bleeding him at the rate of $15,000,000 per annum. Yes, sir; they are literally bleeding this country to death. Then there is the gentleman who controls the keys of the strong-box at the Treasury, and he rushes the blood into the heart and locks it up there, and will not let it circulate. No wonder the country is sick. Blood-clotted at the heart, and blood wasting away at an artery severed by the banks. No wonder that some portions of the body-politic are involved in trouble. Now, I ask that these causes which impede the circulation of our money shall be taken away first of all. Stop this bleeding and locking-up process, and then if the business sense of the country says we have money enough, I will not ask to have a dollar added to the circulation; we certainly have none to spare now. In the name of starving labor I plead with this House to correct these evils, and I warn this Congress before the American people not to adjourn without passing needful laws to curb the rapacity of the confederated monopolies.

Mr. DINGLEY. Will the gentleman permit me to ask him a question?

Mr. WEAVER, of Iowa. Certainly.

Mr. DINGLEY. I understand the gentleman from Iowa to argue that our difficulties now lie in a deficiency of volume of money. I wish to ask him how it happens that in 1880 and 1881, when business was so prosperous in this country, we had a certain volume per inhabitant, and to-day, with a larger volume of money than we had in circulation then, business is so depressed?

Mr. WEAVER, of Iowa. I am glad the gentleman has asked me that question. The panic began in 1873, and lasted until 1879. The prosperity which the gentleman speaks of in 1880 and 1881 was only a temporary rebound. It was delusive to both laborers and business men. They did not understand the real situation nor the power that was left in the hands of the banks nor the hostile purposes of the Treasury officials. They made their investments and found that they had followed a false light. The delusion was soon dispelled, and we have had no prosperity since. The return to prosperity was merely spasmodic, and prices began to fall, and fall, and fall, and are falling yet; so that we have had at least ten years of panic since 1873. [Several voices, "That is so!"] We have had no prosperity, and we have none now. We have depression throughout this entire country.

Look, Mr. Chairman, at the anomalous condition of affairs. I am glad I have the attention of the House. Is it not most astonishing when we have an increasing population—almost two millions a year added to our population—is it not most astonishing that we should have coexisting a decreasing circulating medium? The national banks are contracting their notes at least $15,000,000 per annum. It is true we are coining $24,000,000 of silver per year, but a large portion of that is locked up in the Treasury as fast as it is coined. The Secretary has the power to call in, and he has the funds to pay fully $100,000,000 of the debt of the United States if he would only do it. He can put that much money into circulation within a very brief period. There is power in the Congress of the United States to compel him to do this. And yet you do not require him to do so. Is it any wonder that suffering labor is losing confidence in our Government?

Now, Mr. Chairman, let me say a word further—I did not intend to say it when I began—but there is another difficulty underlying the whole subject: There is no policy or purpose in this House to-day in either one of the great political parties represented upon this floor. Now let me prove the truth of that assertion. I say it in all kindness, but it is a duty which I owe to the people to say it. You may be a high-protective-tariff man or a free-trader and still be either a Democrat or a Republican, just as you choose. You can be an anti-bank man or a bank man and be a member of either of the parties represented upon this floor—except the Greenback party. [Laughter.] You can be a monopolist or an anti-monopolist; you can be a monometallist or a bimetallist; you can be a Blair-bill man or an anti-Blair-bill man, and still be an acceptable member of either of the old parties.

I defy any man—and I say it with all due solemnity, because I know it to be true—I defy any man before God to name a thing that a man has to believe in order to become a member of either of these two parties, nor can he point out what it is that if he does believe it will debar him from membership. [Laughter.] These are severe remarks, I know, but they are true, as I believe, before God; and I take the responsibility to utter them, believing it to be my duty to the American people to do so. [Several voices, "It is true."]

What is the result? A lack of policy. We are all full of the spirit of reform when we are before the people. In our several districts we are all reformers. Oh! yes; the poor laboring man's ears are full of promises, and he says after he has listened to these lavish assurances, "I am going to vote for him; he is a good man, and I believe in him."

But, Mr. Chairman, when we come into this House these things are all forgotton, and the great reformer in the district, when he gets here, roars like a sucking dove. [Laughter.] Why? Because, if he enforces his particular views, some other member in his own party says, "If you carry out that doctrine or pledge you can not carry Pennsylvania or you can not carry New York or some other State." Is not that true? There is no policy here in either party, no purpose, nothing, I fear, but death and disintegration. Evils are rampant, but Congress is deaf and blind.

The remedy must come from a purpose on the part of the majority of the House—and I say this in all kindness, to stir up our pure-minded men by way of remembrance—the remedy must come from those having power, from the majority, from this Democratic House, taking hold of these questions with courage and then pressing them for consideration and passage.

We must have a purpose. We must have tests of membership. Every organization in the world that is worth anything has tests of membership. The Masons have them, the Odd Fellows have them, the Knights of Labor have them, the churches have them, but here the great political parties of this country have none, and a man may believe anything about heaven, hell, or human government and be an acceptable member of either organization. [Great laughter.]

A MEMBER. How about the Greenback party?

Mr. WEAVER, of Iowa. The gentleman asks me about the Greenback party. Why, we have tests of membership. No man can be a member of the Greenback party who believes in the national-bank monopoly, or who believes in turning over to monopolists the right to regulate interstate commerce. No man can be a member of the Greenback party who believes in contraction or in a perpetual debt, or who believes in land monopoly, or who believes in locking our money in the Treasury when we have debts that are due and payable. [Applause.]

Let me say to you, my Democratic friends, that we Greenbackers in Iowa affiliate with you and here in this House as far as we can, but, reserving to ourselves all the time the right to our own independence and the independence of the organization, we ask the Democratic party to do something. This request is not unreasonable. We want to have you relieve this death-stricken country. If the Democratic party will do anything for the people of this country, we say, amen. We will help you to do it.

The first caucus held by the Democratic party after the election of the first President of the United States elected by that party after an interval of twenty-five years took place in this Hall, and while I am not permitted to say here what took place in that caucus, I have not seen it intimated in any of the public prints that anything whatever was done as agreed upon. [Laughter.] And now our Republican friends held their caucuses, and what have they done?

A MEMBER. Oh, no; they have not held any.

Mr. WEAVER, of Iowa. Oh, yes; they held them at the other end of the Capitol several times, and you held one here to decide who you would nominate for Speaker of the House, and I do not know how many more. But did you in your caucuses give to the people of the United States any great measure of reform or inaugurate any great measure that would be of benefit to the people? You did not; and while caucuses have been held at the other end of the Capitol, if I may be permitted to speak of what took place there, to determine whether the Senate had a right to call upon the President for papers referring to appointments of postmasters in the United States, I have not seen that anything has been done or seriously urged by your party for the laboring people. They have declared their right to demand these papers. No doubt the millions of hungry people feel greatly relieved and sleep sweetly since the passage of that resolution. [Laughter.]

Now, I say in conclusion that we must address ourselves to this legislation. If we do not, we may expect retributive justice to be meted out to us when we go before the people in the ensuing campaign, and either ask for ourselves or our friends their indorsement at the ballot-box. Can it be possible that there is no intention on the part of this House to relieve the distress of the country? We shall see.

I now yield ten minutes of my time to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I ask the gentleman to give me fifteen minutes.

Mr. WEAVER. I will give the gentleman fifteen minutes, and the remainder of my time to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. REED, of Maine. Mr. Chairman, one of the greatest delusions in the world is the hope that the evils in this world are to be cured by legislation. I am happy in the belief that the solution of the great difficulties of life and government are in better hands even than that of this body, which I respect very much.

More than a hundred years ago Lord Mansfield, a name great in English jurisprudence, was at the head of the English judiciary at a time when England was just beginning to be the great commercial nation of the world. Its laws which had grown up under the old feudal system were not adapted to the free transaction of business such as the growth of modern life demanded. That wise man when called upon to administer the laws selected special juries of men conversant with the custom of merchants to decide the questions resulting from the new laws of trade, and the result was an expansion of English law which made it

fit that England should become the great commercial nation of the world. That idea of following the proceedings of great bodies of men and transmutting them into laws and statutes is the only safe thing for a court or for a legislative body.

We seem to have come now to the beginning of what may be a failure, or what may be a great expansion of true liberty and fraternity, which may be the beginning of a great era, giving larger freedom, giving fairer treatment, both to the humble and the great. It becomes us as Representatives of the people, in the midst of whom these transactions are going on, to give to them our careful attention, to give them our best thought, to give them our best assistance. But it will be in vain for us to attempt to evolve out of our own consciousness the solutions of these labor problems. We must do it by watching the workings of great bodies of men. Why do they come to their conclusions, and how? It is by reasoning, by trial, by experience, and by discussion among themselves.

The laboring men of this country are starting in upon the problem how they shall obtain their fair share of the joint results of capital and of labor; and I say to you, as the gentleman from Cleveland [Mr. FORAN] has so well said, this is a question the complication of which has no parallel upon the face of the earth. It is the great problem, not only of to-day but of all times. It has been struggled with and will be struggled with from day to day. Capital can not be deprived of its fair share. For if it is, men will cease to have an incentive to accumulate, and if capital is not accumulated labor can not be set to work.

The gentleman who preceded me [Mr. WEAVER, of Iowa] says there are more people who want work than can get work. The more capital you destroy the more of such workless people there will be.

Mr. WEAVER, of Iowa. I agree to that.

Mr. REED, of Maine. So that capital must be justly treated, and on the other hand the men whose work makes out of capital profits must be fairly treated also.

Now, how shall we solve this question? Is the solution to be found placarded on every fence? That is a wild dream. The problem is full of all manner of difficulties. It can only be settled from day to day. It can only be settled by discussion on the part of both parties concerned and settled with a fair disposition of both parties to look at all the facts. If it shall prove that the present uprising on the part of the industrious people of the country shall afford better facilities for comparison of views between employers and employed, then there will be laid a foundation broad and comprehensive for a full and true understanding. For if men know alike they are sure to act alike. And one thing which has separated industry and capital is because neither has fully understood the other. The apparent tendency of the line of action of great bodies of men to-day is to create such associations as will facilitate an examination of the state of trade on the part of great corporations and of small corporations, so as to decide what is a fair division between capital and labor, and to so marshal labor that it shall be on equal footing with capital. Is that utterly a new thing? In its vast extent it is new, but in detail it has been going on for years.

My friend the gentleman from New York [Mr. FARQUHAR] could tell us from his own experience that that has been going on among the printers for a long time, and I noticed that in the appearance of workingmen before the Committee of Ways and Means the only thing which they asked of us was to pass such a law with reference to imports as they desired, and then they said, "Leave it to us to get our fair share." How do they get it? They get it by combining together, by keeping a careful account of the state of the trade, by knowing what the business can bear, and asking and demanding their fair share of the profits. Now I believe that what the workingmen in Pennsylvania have done, what the workingmen of the printers' typographical unions have done, can be done by the laborers all over the country, and I believe they will settle that question advantageously among themselves. What they need and desire is that there should be that careful examination of the questions arising between employers and employés which will lead to an agreement, and if, by reason of the unreasonableness of certain men, this can not be done, then to have some method of arbitration.

But now what must an arbitration be in order to be successful? An affair between man and man you can bring compulsorily before the courts and say to the parties, "You do thus and so, or we will mulct you; we will make you pay." But how are you going to mulct the ten thousand employés of a great railroad corporation? How are you going to bring them all within such an arrangement as that? Because you are bound to consider, if you have compulsory arbitration, that it works both ways, and if you propose that the court shall appoint an arbitrator on the request of one side when the other side refuses it, you have got to suppose that it is going to be done in behalf of the workingmen, and how long would they stand or endure that? And after you have got the result of an arbitration, what then? Can you enforce it? You can not enforce the arbitrations that are going on every day between employer and employés. What does enforce them?

Why, that ultimate tribunal which is the master of us all, the public sense of all the human beings of this country. Public sentiment governs. What is it to-day that is having the greatest influence in controversies that are going on within our knowledge? Is it the one side or the other? No; it is the general community and their feeling that one side is right and that the other side is wrong, or that both are wrong and must arbitrate. And that public sentiment ultimately will govern the matter. Now, what does this bill propose? So far as it proclaims itself to be a panacea it deserves the repudiation of my friend from Pennsylvania [Mr. KELLEY]; but taking it for just what it is, refusing to advertise it as anything more, may we not say to the community, "You yourselves have not reasoned this question out so thoroughly that you know just what is fair between man and man. You have gone no further than this bill. We offer to legalize your enunciations so far as they have gone because they seem to us to be fair, and we will give you an opportunity, if you are both willing, to put the results of your arbitration before that great tribunal, the common sense of the people, which must finally decide it." Now it may turn out that this legislation will amount to but little. It may turn out that it will amount to much. Suppose we try it, and when we learn more do more. Is not that the wise course?

Mr. BRUMM. Mr. Chairman——

Mr. KELLEY. Mr. Chairman, I ask leave to submit an amendment to this bill.

The CHAIRMAN. The gentleman from Iowa [Mr. WEAVER] has yielded the balance of his time to the gentleman from Pennsylvania [Mr. BRUMM]. Does the gentleman yield to his colleague from Pennsylvania [Mr. KELLEY]?

Mr. BRUMM. I will yield for a moment if it does not come out of my time.

The CHAIRMAN. It will of course come out of the gentleman's time.

Mr. KELLEY. I propose in all sincerity, Mr. Chairman——

Mr. BRUMM. One moment. I supposed that this would not come out of my time.

Mr. KELLEY. It will take but an instant. I propose to so amend the title of this bill that instead of reading, "to provide for the speedy settlement of controversies," &c., it shall read, "to provide a possible method of settling controversies," &c.

Mr. BRUMM. Mr. Chairman, we all agree that some system of arbitration should be devised that would harmonize the difficulties that are apt to arise between employer and employé. The bill under consideration as it now stands will, in my judgment, be of no practical effect. It is like the resolve of the rats to bell the cat. It is all very well to pass resolutions, "Let us bell the cat;" but when it comes to putting the bell on the cat there is no rat there to do it, and the combined rats will not do it. I do not believe in attempting to pass a bill which every man who has spoken in favor of it has said can have no practical effect upon either party to the existing controversy. The strike that now exists in the Southwestern railroad system has developed a striking state of facts. First, you have the Knights of Labor by their president urging arbitration, asking that the grievances existing between the two parties be investigated, and then insisting that so far at least as the workingmen are concerned they shall stand by whatever the award of that arbitration may be. On the other hand, we have a representative of the railroad system—and I think that while Mr. Powderly is a fair representative of the one class, we have a very fair representative of the other class in Mr. Jay Gould—and what does he do? Without knowledge as to the cause of the difficulty, as soon as he disembarks from his yacht he makes no effort to investigate the trouble, but immediately appeals to the strong arm of the law—for what? For the purpose of doing justice? For the purpose of investigating facts? For the purpose of arbitrating difficulties? No; but for the purpose of intimidating, for the purpose of bulldozing, as it were, the men who, we have a right to suppose, are asking but fair treatment by this corporation. I do not know whether they are asking what is fair or unfair, nor do any of you, for you have not the facts. But Jay Gould, knowing that he is backed by the strong arm of the military if necessary, by the strong arm of the Government, asks no questions, but goes to his attorney, gets legal advice, and finds how he may invoke the strong arm of the law to prevent these men absolutely from striking.

You may say, "No; it is to prevent them from committing violence." But, mark you, in a controversy of this kind capital always has the advantage of labor, because capital has no mouths to feed. Capital practically in this view of the case has no wives to clothe and feed, no babies to take care of while a strike is going on. On the other hand, the laboring man while on a strike is absorbing his substance all the time. Capital says, "I will not do justice to you; I am not willing even that this matter shall be investigated, because if investigated my case is so bad that public opinion will strike against me; and therefore I can not afford to have this matter investigated."

Now, if by some means you can force capital into an investigation by which the facts involved may be thrown open to the public you have practically won half the battle. It is public opinion that is all-powerful in these matters. But what is public opinion worth if the public have no way of finding out the facts involved in the controversy? Therefore if you have any method by which you can enforce arbitration, you have accomplished the very purpose that my friend from Maine and all the other gentlemen who have spoken on this proposition seem to seek.

Now, how can you enforce arbitration? It is true that parties not of

record can not be reached. It is true you can not coerce ten thousand people—not even a thousand. You can not reach the laboring men by direct punitive measures or vindicatory sanction of law. But you can reach the laboring man when you once give him the facts—not as stated, for instance, by Mr. Irons in this controversy; for he may tell that which is not true, and by reason of that falsehood on his part may agitate the mind of the laboring man, may incense him and induce him to stand out against all reason, so that when he sees his family starving by his side, then by the force of nature, by the law of self-preservation, he for the first time commits violence, and thus gives reason for calling out the military. So, as the leader in the labor organizations may by false statements inflame the mind of the laboring man, Mr. Gould, by refusing investigation, may give you other false statements; and between these two classes of false statements public opinion is at a loss how to decide. You have no way of finding out who is right and who is wrong in these controversies, and the result is you can not appeal to the good, honest, common-sense laboring man and secure an arbitration by which the facts may be investigated by impartial men. What we want is to be able to go to the laboring man and say, "You started out under a presumed state of facts, but the investigation shows another state of facts." In such a case the laboring man, when you appeal to his sense of justice, will be just as ready to succumb and go to work and do his duty as you or I or any other set of men in this country.

The workingmen of this country do not mean to do wrong. All they want is to be guided by wise counsel and by facts properly laid before them. Can you say as much for Jay Gould and the other men representing the interests of capital? I ask you to look at Mr. Powderly on the one hand and Jay Gould on the other. Jay Gould stands there and simply says, "I will not arbitrate with you." He stands there asking no questions as to what justice to either party may require; but he invokes the strong arm of the law, under the idea that if he holds out these people may possibly be driven to desperation and some of them perchance may be impelled by starvation to do a wrong, which shall be followed by an appeal on the part of Jay Gould to the governor to call out the military forces and to the national authority to stand back of the State authority. The result is that Jay Gould wins his fight every time.

Now, for the purpose of making this bill effectual, I wish to offer an amendment.

The CHAIRMAN. The gentleman may have it read in his time; it can not be offered now.

Mr. BRUMM. I will read it as a part of my remarks, and will offer it at the proper time. I propose to amend by adding at the close of the pending bill—the O'Neill bill—the following provision:

That neither party to any controversy shall be allowed to invoke or receive the aid of the Government to coerce either party, unless the party or parties applying for such aid shall be willing to submit the controversy to arbitration as aforesaid, and agree to be bound by the award of said arbitrators.

Mr. Chairman, I am not sure that the language of this provision is just what it ought to be. It was for this reason that I asked the chairman of the Committee on Labor whether we were to dispose of this bill to-day. I am inclined to think that perhaps the verbiage of this proposition may require modification; for I drew it hurriedly. But the idea is that Jay Gould shall know (and I am using him simply as an illustration—not that I have anything specially against him except that I think his conduct in this matter has been reprehensible)—that Jay Gould or the other representatives of capital shall know that unless they are willing to arbitrate, no power in this world shall set the military upon the men who are on a strike—shall know that before they can receive the aid of the Federal Government and have troops called out for the purpose of intimidation or coercion they must come with clean hands, must be able to say, "We have this difficulty which we are willing to arbitrate but the other side has refused, therefore we ask the Government to protect us and our property." When you adopt such a measure as this there is a vindicatory sanction; there is a power that will appeal to Jay Gould, that will appeal to capital generally, that will appeal to these corporations, and let them know that unless they first do their whole duty they can not receive the aid which they have generally received from the Government.

It may be said that Jay Gould may not necessarily call for this military aid; that others may call for it. But they will know that before the Government will intervene by the military arm it has a question to ask: "Have you been willing, and are you willing, to submit your grievances to a just tribunal, and have them arbitrated fairly?" If such a question is answered in the affirmative, then if there is occasion for the military, let the strong arm of the law be invoked, let the Government intervene to see that no property is destroyed and no lives taken.

What harm can there be in putting such a provision as this in the bill? Who will be hurt by it? Will capital be hurt? Will Jay Gould be hurt? Do you mean to say that they will be hurt by a measure which will simply compel them to arbitrate? Do you say that you will do an injury or injustice to them by insisting that they must lay open bald to the public gaze the issue in controversy? If by making public this issue, by letting the country know what is going on, they are to be hurt, then let them be hurt. There is no reason why you should not compel them first to say, "We are willing to arbitrate; now let the Government take care of the rest."

Mr. DANIEL. I can not bring my mind, Mr. Chairman, to the conclusion that there is wisdom in either the bill or the substitute before us; and I propose briefly to state a few general objections, leaving to others the task of elaboration.

As to the substitute offered or to be offered by the gentleman from Missouri [Mr. GLOVER], it is a bill covering some twenty pages, a most elaborate measure, copied in the main part from an English statute. This is introduced into the House without at any time having been considered in detail by a committee. It is a measure better fashioned for a country situated like Great Britain than suited to our Federal Republic. To its general theory I object. It is an effort at arbitration, one of the arbitrators to be selected by each party to the general disputation, and the third (in the failure of their electing a third), to be appointed by a United States judge, who, when he has appointed that officer, becomes *magister litis*, and takes charge of the whole case, to enter and to execute his decrees.

Some of the gentlemen—I will not say who is responsible for it—who draughted this bill have not given that clean-cut thought and that careful attention to it we might expect in a measure which undertakes to deal not only with a national subject, but with a great question which is international and world-wide in its scope.

I would call attention to the fact in the form presented in this bill by the United States judge to issue that it is referred to as an award "pursuant to an act passed in the fifth year of the reign of his present majesty" and addressed to a marshal of the United States. [Laughter.]

Now, sir, I think this bill misconceives the entire function of the office of judge, whether that judge be a State or a United States judge. It is not for lack of laws in plenitude that there are labor agitations and difficulties in this country. In our perfected republican system we have a superabundance of laws to take hold of and deal with this subject-matter in almost every aspect in which it can be presented. You have justices of the peace all over the States; you have circuit judges and district judges and you have supreme court judges; and if indeed the matter shall pass in any one of the States beyond the skill and power of the judicial system to deal with it, you have a governor in each State, with the whole militia of that State at his back. Every governor, on the face of strikes arresting business and putting a ligature on the arteries of commerce, would seek in the first place to mold a disposition for accommodation. With all the best elements of public sentiment sustaining him he would earnestly strive to induce a settlement by arbitration. And when arbitration fails and disorder threatens the peace of society, the destruction of property, and the subversion of law, the governor has not only the militia of the State at his command, but then, as provided in the Federal Constitution and laws, the time comes for him by his voice, and not through the voice of any corporation or the employé of any corporation, to make his fair, just, and constitutional appeal to the executive power in this Government of last resort, in the person of the President, who will stand ready to aid him if things should come to such a course as to demand it. These bills, in my judgment, trench upon the prerogatives of the governors of the States and of the President of the United States as well.

Now, sir, I have not had the time to inspect carefully the substitute. It has not been fully considered by the committee, but has been tossed into the House while dealing with this great subject-matter as if we could all of a sudden "draw out leviathan with a hook," or "loose the bands of Orion."

Mr. GLOVER. Will the gentleman permit me to ask him a question?

Mr. DANIEL. Certainly.

Mr. GLOVER. I wish to inquire of the gentleman of Virginia [Mr. DANIEL] whether he calls attention to the typographical error which has been corrected in the bill presented as a substitute by myself this morning? And further, whether that bill has not been before the Committee on Labor during all of its deliberations, and whether it has received proper attention from them? Is not that the trouble?

Mr. DANIEL. I shall not transcend the privacy of the committee; but I think that my friend will understand that Friday is the day fixed when he himself was expected to present his own bill before that committee.

Mr. GLOVER. Will the gentleman from Virginia let me have the floor to explain that matter?

Mr. DANIEL. Certainly.

Mr. GLOVER. The facts in regard to that matter are just these: I had an understanding that I might have an opportunity to be heard, but failing to hear from the chairman I came before the committee and received permission to present it and give my views upon the subject. I understood last night, however, they had draughted this hasty piece of legislation without considering the other measure. They did not give me the promised opportunity to present my bill and to be heard upon it. They gave me, to be sure, a few minutes this morning, but it was after their bill had already been draughted.

Mr. O'NEILL, of Missouri. The gentleman from Virginia will pardon me for one moment.

Mr. DANIEL. Certainly.

Mr. O'NEILL, of Missouri. I wish to say to the House, Mr. Chairman, that the gentleman's bill which he has read here as a substitute has received consideration at the hands of the members of the committee, and I can state frankly to him I think it is the unanimous opinion of the committee that if it had been presented they would have been compelled to lay it upon the table. I sent him a dispatch yesterday informing him the bill I introduced would be considered this morning. It was to save him the trouble of going before the committee next Friday I told him it was decided to consider the bill this morning and that he had better come before the committee this morning. He did come and presented his views on the subject of arbitration. I did this out of a desire to extend to my colleague the fullest courtesy.

Mr. GLOVER. I do not wish to be understood as complaining, but I am only excusing myself from the charge of negligence.

Mr. DANIEL. Mr. Chairman, it is not necessary to call the attention of this committee to the condition of affairs in the House committee which has reported this bill now under consideration; nor am I criticising any gentleman upon this floor. I am not saying anything harsh of any gentleman or of his action; but I am merely stating the facts, that this bill has not yet received that consideration from any committee which it was designed to receive, and hence it comes before the House in a crude form. I have not myself had full opportunity to go through all of its provisions, but wherever I have looked I have been struck with its crudities, and I have found all over this bill things which strike my mind as not wise to be adopted into the law of our land. There are numerous instances of these crudities in the bill. On page 16 I see, for instance, that this Congress is invited to deal with the controversies of capital or labor by such a provision as this:

SEC. 28. That it shall not be lawful for any employer, as defined in this act, to issue any scrip, bond, debenture, or promise to pay, for the purpose of paying employés, or to use the same for such purpose; and the employer, his or their officer or agent, who violates this provision of this act shall be punished for each infringement by a fine of $500 and three months' imprisonment, or both; and the giving by the employer and receiving of the same by the employé, though intended and accepted as such, shall not operate as payment or extinguish any liability.

In other words, under some supposed powers of Congress to regulate commerce in the United States, the Congress proposes to say to an employer that he shall not exercise his unquestioned right to issue a promissory note, and to the employé that he shall not exercise his right of receiving it in the payment of any obligation which may exist between them, and that if he shall exercise his right and receive such obligation he shall be subject to a punishment of $500 fine and three months' imprisonment.

Mr. LAWLER. Will the gentleman from Virginia permit me to say to him that that is not the bill on which the committee has acted?

Mr. DANIEL. This bill is before the committee, as I understand it, now for adoption. It is a bill which was introduced and referred to the Committee on Labor on the 22d of March, 1886.

Mr. LAWLER. But it is not the bill we are considering now.

Mr. DANIEL. I am speaking now of the substitute bill which is before us for consideration.

Mr. LAWLER. But that was only offered by the gentleman from Missouri [Mr. GLOVER] as a part of his argument. It is not offered for consideration by the committee at this time.

Mr. DANIEL. But it is before the House as a substitute, and my friend is mistaken in supposing that the provision which I have read is not contained in the bill.

The CHAIRMAN. Will the gentleman from Virginia allow the Chair to interrupt him to state that the substitute to which he has referred was not submitted for the action of the committee, but was read only as a part of the remarks of the gentleman from Missouri, who gave notice that he would offer it as a substitute at the proper time?

Mr. DANIEL. Then I shall confine my remarks, Mr. Chairman, to the bill under consideration, although I am in order in referring to a bill which we are duly notified of, and which has been embodied in the remarks which I am answering. We have had a large crop of bills of this kind which have been introduced and referred to the Committee of Labor. Many gentlemen seem to imagine that upon the spur of the moment, and before the mind of statesmanship or the public opinion of the country has devised any remedy or attempted remedy to meet the trouble, we can come together and instantly pass a law by Congress which will meet the difficulty. You might just as well attempt, Mr. Chairman, to deal with a case of heart disease by putting a piece of court-plaster on the top of the head as to undertake to deal with the labor troubles in any such manner as this. [Laughter.] It does not meet the question. And when one man sits in a palace resisting popular appeals and responding to them, "Damn the people!" it may well be supposed that there will be some kind of resentful response among the people who are damned. And it is not possible in the nature of things that legislation can invent a *placebo* which will settle these disputes without looking to or removing their causes, without change of any of the conditions out of which they spring.

The controversy between capital and labor now threatening the public peace is as old as the ages, and will be as unending as time. And it is not from any lack of statute law that you have now the difficulty, for your statutes, State, municipal, and Federal, are covered over with laws; and there are, indeed,

> Laws for all faults,
> But faults so countenanced that the strong statutes
> Stand, like the forfeits in a barber-shop,
> More in mock than mark.

As to this bill, I agree that anything that tends to arbitration or negotiation between people that are in controversy is a wise thing. Blessed are the peacemakers. But let me call the attention of the House to this fact, that this controversy in the West, which is fixing the eyes of the world, is a controversy, according to the assertions of the public press, arising out of an alleged breach of arbitration. Ever since that arbitration as alleged was broken the whole public sentiment in this country has been an appeal to the parties to come and arbitrate again, and all that moral suasion, all that public sentiment, all that the interests of society and that the counsels of wise and just men can do to bring the parties into alliance with each other is being done every moment of the day and every moment of the night during the twenty-four hours. They are themselves seeking arbitration. They can get it at any moment they can agree to have it. It is as free as air to all who want it, and there is no necessity for a court to be established to compel or to allow freemen to agree.

Now, how do we propose to deal with it? Under either the clause of the Constitution which authorizes this body to establish courts, or under the clause which authorizes it to regulate commerce between the States, or under some other occult and unnamed clause somewhere supposed to exist, it is attempted in the body of this bill to create a new United States court with most extraordinary powers. I am speaking now of the bill and not the substitute. The second section provides:

That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, now possessed and belonging to United States commissioners appointed by the circuit court of the United States.

Now, the judicial power of our country is to be conferred by Congress upon the Supreme Court, and upon inferior courts, and the judges of those courts are to be nominated and appointed by the President of the United States, by and with the advice and consent of the Senate. Here is a judicial body in the middle of this bill which has power to lay its hand upon every one of a thousand laborers who are striking or upon any employés of a corporation who will not come at its behest, or upon any witness, whoever he may be, and allow him to penetrate society, drag people from their homes, put them in jail for contempt, fine them if need be, and unearth everything that is private in correspondence or business record by calling upon them to produce it before him; and all this time no man asserting that he has a legal right which has been violated or a wrong which he wishes to avenge, but is merely quarreling over some matter of dispute between him and the man he is dealing with.

Now you propose to invest a United States officer with these extraordinary powers. I say it is a thing which, if ever heard of before in legislation, ought never to be heard of again.

Furthermore, we are told this bill is a harmless measure. As suggested by a friend at my side, I think it might prove, if it prove anything, a very expensive luxury. These two judges, constituted out of the selection of the parties in controversy, with a third who comes in as arbiter between them, have power to appoint clerks and stenographers, have all the powers of United States commissioners to bring in witnesses from anywhere before them. The seventh section provides—

That each member of said tribunal of arbitration, and the clerk, stenographer, and witnesses attending before them, shall be entitled to receive like fees or compensation as United States commissioners, and clerks, stenographers, and witnesses attending before United States commissioners; and such fees or compensation shall be payable by the United States in like manner as fees of such United States commissioners, and witnesses before such United States commissmissioners, in criminal causes, are payable under existing laws.

In other words, if you are a brakeman in the middle of Missouri, and are employed by a common carrier; if you have a dispute with the carrier or he with you, not upon a question of legal right but merely a quarrel or difference about what is a matter of free will and free action, the United States is to call in a new court, who are to summon everybody to come and tell them what they know about the facts. And then an award is to be entered and filed in the office of the Commissioner of Labor. And the people of the United States, the law-abiding, peaceable, tax-paying people of the United States, are to undertake to say beforehand to everybody who picks a quarrel with his neighbor or has a quarrel picked with him by his neighbor, if engaged in commerce between the States, "Go on and quarrel as much as you please, and we will send out and summon the world as witnesses, and we will explore trunks and private repositories for papers, and while you dance we will pay the piper;" and that under a new administration which has just come in with the idea and the hope it may avail something in the way of economy and reform.

Now, gentlemen, quarreling ought to be made an expensive luxury to the men who quarrel. I am not disposed to pass a law which shall give free play to quarreling while we have to pay the protection bounty (if so you please to call it) upon it to the quarrelers. If there is to be

a successful arbitration, it has got to be spontaneous. Men who are in the death-grip of any struggle, men who have opposing ideas which array nations and States in opposite classes, are not going to have the great questions which come home to their business and bosoms settled simply because a man who calls himself a United States commissioner comes upon the scene after the governors and the judges and the people of the neighborhood have exhausted themselves in a vain effort to bring the parties together.

There is nothing in this bill except a provision for the payment of money out of the Treasury, and in my humble judgment it is trifling with one of the greatest questions now affecting and disturbing the minds of mankind to attempt to deal with it in this manner.

Mr. Chairman, I am not one of those who believe that laws can cure all the ailments of humanity. They have got to work themselves out according to higher laws than any ever written in statute-books or framed by the tongues or lips of men. The dammed-up stream has got to find its own course, and it will find it better by the workings of nature and by the devices which come out of the efforts and the minds of those who are in the midst of the struggle, by the law of gravitation, which makes men seek their own interests and find them by peaceable means, if they can; by force, if they must. I am opposed to both these bills altogether. I would be happy to see anything done to bring about real arbitration in these controversies; but I believe that that arbitration has got to be spontaneous in its source, continuous in its growth, and the inspiration of those immediately interested. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty-eight minutes.

Mr. DANIEL. I yield thirty minutes to the gentleman from Missouri [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman, I regret very much that it has fallen to my lot to follow the splendid orator from Virginia [Mr. DANIEL] in the discussion of this question; but so deep is my sense of the public duty resting upon me that I feel impelled, notwithstanding the feebleness of my powers originally and by contrast, to present to this House so far as I am able the basis upon which it has been intended to procure legislation which shall put an end to the disorders connected with interstate commerce in this country—disorders which have time and again paralyzed it for long periods, to the incalculable loss of the business interests of the United States.

At the present time the situation upon the Southwest system of railroads is one to command the gravest attention of the legislator and to tax the highest powers of any person, no matter how gifted, attempting to deal therewith. The governors of two States have interposed in vain between the contending parties. The militia of a great State has been called into the field, without effect, to procure the restoration of State intercommunication.

At no time within the past three weeks during which the Knights of Labor have refused to move the trains has that community been out of danger of a repetition of the scenes which occurred in 1877, violence, bloodshed, anarchy, disorder of every kind. In the midst of peace we are, perhaps, upon the verge of war, and I say to you, gentlemen, that it is only because Congress has not dealt heretofore, and it will be so hereafter only because Congress refuses to deal now, with a question with which Congress alone can deal.

I deprecate very much the precipitation of this matter upon the House at this time by the hasty and ineffectual legislation proposed by the Labor Committee. It seems to me that a subject of such gravity might well have received more deliberate consideration. I regret very much, gentlemen, that a measure which I have deemed it my duty to submit as a substitute has been attacked as crude and ill-considered, the criticism being based apparently upon a typographical error that appears only in an old bill withdrawn from the House. We have borrowed many things from England—the right of trial by jury, half of our bill of rights, nearly the whole basis of our law; we have borrowed so much that we may well afford to borrow one thing more, and this bill is, in substance, the English act on the subject of compulsory arbitration adjusted to our judicial system and modified to meet the limited jurisdiction of Congress.

Mr. Chairman, there is no one who gives the workingmen in this country more credit than I give them for their conservatism, their patience, their self-denial, their disposition to obey the law and keep within its bounds. But when we have a powder magazine—and excited thousands of men are little else than a powder magazine under such circumstances, especially in view of the duplicity lately presented by the apparent violation of an agreement to arbitrate—I say when you have a powder magazine like this, a match may be applied at any moment, and the best intentioned men on earth may be led into scenes of violence and terror. At the present time it is out of the power of the local authorities to enforce the carriage of the United States mails or the transportation of the great mass of interstate traffic which passes over those lines.

I have not time to go into the telling statistics of the question, but to briefly illustrate: Since 1864, there have been in one organization alone, the cigar-makers' association of New York, three hundred and sixty-three strikes, costing the strikers $286,444.67. Adding the employers' side of the account and multiplying this single total by the number of industrial occupations in this country and you will have an annual loss to its material wealth which would be hardly exceeded if all of its principal cities were put to the torch, or if the same period had been covered by a desolating foreign war. The loss which has been incurred by the parties to the Southwest strike is a mere trifle, a mere bagatelle, compared to that incurred by the public, whose servants the carriers are, and in the enhancement of prices, the closing of factories, the loss of property, the disappointment and bankruptcy of business undertakings, and the thousand commercial and industrial ills that spread as far as the breath of the plague can spread, the total is estimated by millions and millions of money in direct and indirect losses.

By the present strike on the Southwestern system interstate commerce is throttled and a section of the country entirely isolated. The bank clearings at Saint Louis as compared to the figures before the strike were $750,000 less daily. Up to March 25 the loss in revenue to the Gould system exceeded $2,000,000 and the loss to employés $1,000,000. Two hundred and sixty million pounds of freight, valued at $40,000,000, would have moved had there been no strike. Ten flouring mills and scores of manufacturing establishments have been forced to shut down for want of raw material.

And, gentlemen, the idea is that when Mr. Gould and his employés shall differ about whether a single man shall be discharged or not the business of this whole country shall be paralyzed. The idea is that if a body of men seek recognition at the hands of capital in their organized capacity and that recognition is refused an embargo shall be immediately put upon the commerce of a whole country. Now I do not speak either in the interest of capital or in the interest of labor. There is besides these two the great body of the people, whose interests are supreme, and the cry coming from the third party is rising loud enough to be heard in this House. That third party is the public. It is the producer; it is the consumer; it is the merchant who is made bankrupt by these strikes; it is the body of men engaged in commercial enterprises which are assassinated by these strikes; it is the populous city threatened with famine in the midst of plenty; it is the peaceful community threatened with bloodshed and conflagration in the midst of peace.

Gentlemen say, "Let them fight it out." But, gentlemen, while they are fighting it out the commerce of this country is injured and destroyed. How long are they to be allowed, by culpable lack of legislation, to continue a conflict that grows worse and worse as it goes on? Capital is organizing for its own protection; labor is organizing in great masses and aggregating capital. That strife will soon become a war of subjugation; and in the mean time is the merchant to throw his means into the gulf? Is that a performance of the duty which Congress owes this country?

That is the difficulty; and I can tell you, gentlemen, that the country has gone in advance of this House and has indicated the remedy. That remedy is arbitration. Public sentiment goes before the action of this body on this question as the pillar of fire by night and of cloud by day went before the children of Israel and led them out of the land of industrial bondage. The press of this country demands arbitration. Employers and employés alike demand it. They are not asking of you voluntary arbitration, because, in the name of Heaven, they have had that for one hundred years. This measure which the Committee on Labor will place upon the statute-book, if their action is indorsed by the House, gives us no more than we have had before. It does not allay the condition at Saint Louis and in the Southwest any more than a drop of water would extinguish a conflagration.

With a view of informing myself upon this question I have been reading the reports of the Senate Committee on Education and Labor, a committee which, as you know, called before it men of all classes throughout the country—employer and employé, producer and consumer; and I undertake to say that in the great mass of persons who delivered their testimony before that committee there was hardly a dissenting voice to the proposition that arbitration is the remedy, and the only remedy.

Says the Chicago Tribune of recent date:

> Has our boasted civilization really reached a point at which it is incapable of dealing with its infirmities? Has human society in this free country and this enlightened age so exhausted itself in its wonderful conquests of natural forces and its amazing achievements in the realm of physics that it has no power to grapple with its own maladies? Such a thought is inadmissible. There must be some peaceful remedy for the strife between labor and capital—some tranquil and economical method of adjusting the disputes between employers and the large bodies of employés in their service. Arbitration has been tried in many individual cases, and with gratifying success. Indeed, if the many cases settled by arbitration had not been so settled, but left to themselves, the present condition of the labor dispute would be inconceivably worse than it is. Arbitration has accomplished great good. It has done much to keep the trouble within limits, and it has pointed out a probable way for composing it entirely.
>
> But some well defined system of arbitration is needed. What has been done heretofore has been done through temporary make-shifts and expedients devised for individual cases. The great need is a broad, simple, easily worked system of arbitration, resting on the warrant of law, possessing official authority, and mutually acceptable to the disputant interests. Surely such a system can be devised, and it will be admitted that the disorders and disasters of the present condition are great enough to show that the sooner it is devised the better.

On this point the same editorial in the Tribune says:

> The idea with the railroads is that by forcing the general public into the fight they can subdue their employés. The Knights of Labor adopt the same reason-

ing, but reach the opposite conclusion. Both propose to use the necessities of the public to gain their own ends. When the parties charged with the duty of operating and keeping open the railroad highways of the country enter into combinations to close these avenues of traffic, derange business, and expose the whole American people to fearful disorder and injury, no further argument is needed to show the necessity of a compulsory settlement of all disputes between common carriers and their employés. It is time for the law to declare that neither party to such contests shall use public necessities to force a compliance with its demands by throttling the lines of communication.

Says the New York World, a leader of public sentiment, in an editorial in the issue of March 29, 1886:

It becomes more and more apparent that if any legal means can be adopted to prevent the stoppages of the transportation service which arise from disagreements between employers and employés, they should be resorted to. The interests of the immediate parties to the strikes deserve consideration of themselves, but the interests of the public also suffer, though it is entirely innocent of offense.

The business of the country forms an organized and symmetrical whole with interdependent parts built up and sustained by and adapted to the railroad system. Where that is interfered with the life-current of traffic is affected.

Wholesale establishments are closed, factories lie idle, and every one, except idlers and those engaged in mere local trade, thrown out of employment. Even the food supplies of cities are endangered. It can be seen at once that railroad strikes are very different things from those arising in business of a private character. It is simply a matter of necessity that the liability of their occurrence should be reduced to a minimum, if indeed it can not be ended altogether.

If there are insuperable difficulties standing in the way of completely effective laws, those certainly can be passed which can ameliorate the situation to a very considerable extent. The railroad companies can be reached at once through the power reserved to the State of repealing their charters. Courts of arbitration can determine what is fair and compel the companies to live up to their contracts with the public accordingly.

But if the strikers are decided to be in the wrong it would be impossible to compel them to work if they were determined not to. There are laws enoug in existence, however, to protect a company in employing new men if they can be procured, and where arbitrators had decided against the strikers public sentiment might safely be relied on to see that the laws were enforced. Let us have the best plan of arbitration that can be placed upon the statute-books. In this desire the sensible and fairly disposed representatives of capital and labor both unite, and the losses which have been sustained in Saint Louis and the vast region tributary indicate that the puplic demand for it is as imperative as it well can be.

Says Rev. R. H. Newton, in his testimony before the Labor Committee of the Senate, delivered September 18, 1883, in New York:

Arbitration has already become the substitute for strikes in England.

Says John Jarrett in his testimony before the same committee:

Arbitration is one of the most potent instruments that can be used for the purpose of settling these differences, and has worked well in other countries.

Mr. Jarrett, however, contends that arbitration reaches its highest effectiveness where trades unions are incorporated, but admits that a definite organization of the trades unions is sufficient provided its right to arbitrate be acknowledged and its recognition be compulsory, features which are covered by the substitute.

There are now legalized unions in Italy, France, Austria, and in some instances in Germany and Spain connected with councils of conciliation for members of orders established by statute. Even Mr. Gould, the arch-monopolist, says in an interview with a Tribune reporter, at a late date:

I have always been in favor of the principle of arbitration, and I now think it the best means for the adjustment of all railroad difficulties.

Mr. Gould at first refused to arbitrate the differences between himself and his employés; but upon further and better consideration on the 28th of March he agreed with Mr. Powderly to arbitrate his difficulties with the Knights of Labor upon the plan suggested by them. This plan involved the selection of three men by the employé, three men by the employer, and by them the selection of a seventh person. This is the precise plan embodied in the substitute, and had that bill been a statute at the time of the original difficulty the conclusion finally reached between Mr. Gould and Mr. Powderly would have been reached by law at first and the immense loss of the strike saved to the country.

A strike results from the failure of unorganized action. For a common interest to unite in difficulties is as natural as was the banding together of the thirteen colonies in their original strike against taxation without representation. It is the old story of the bundle of faggots which the husbandman gave his sons to break. Together they could not be broken; separated, they were easily broken. So he taught his belligerent and discordant family that "unity is strength." To go back to the original illustration, it is the maxim, "United we stand, divided we fall;" and no American should hesitate to indorse that maxim. The question of organization has always been a difficult one between employer and employé, and though capital is combined, joint stock companies, railroad pools in multiform shapes and combination, and though combinations for benevolent association, religious and professional purposes, exist the world over, and though the Christian church is but a combination for the common good, there has always been among a certain class of employers an antagonism to the combination of the workingmen in a manner similar to their own organization. The English people passed through that stage of the question, and their cruel conspiracy laws and their laws imposing penalties upon combinations of workingmen have all been abrogated. Those who seek to establish them at this day must abolish the past and refuse all history.

Says Rev. Henry Ward Beecher, whose heart has always been true when the American people were in travail, true as a touchstone to the humanity and equity of the question at issue:

When capital organizes there is no outcry; when men organize for legislation or corruption there is no outcry; but when workingmen organize men wonder what is coming.

If there be any man who should be prepared to recognize trades unions it is the man who, when asked what his politics were, said that in a Republican district he was a Republican and in a Democratic district a Democrat, but always an Erie man. Every man ought to be willing to recognize the work of his own hands; and if there be in this broad country any man who is more responsible than any or all others for the formation and the necessity of trades unions it is Jay Gould.

A great many strikes that have occurred in the United States during the last twenty years, and that are going on now, are due to the irritations caused by unrestrained railroad charges, by stolen, wrecked, and stock-watered railroad companies, by reorganizations that are robberies, by receiverships undertaking to operate railroads that are fence houses, by Black Fridays and stock-gambling panics, by the discrimination against localities, the building up and destroying of towns, the parallel lines in violation of law, and the the blind pools which the railroad companies make and break with each other for the common purpose of cheating the producer and consumer. A wide and universal protest has gone up, which has resulted in combinations against the arch-monopolist and his band, the direct fruit of which is the vast number of trades unions in this country. For my part, I indorse them; I am glad of their existence. The body-politic needs a counterpoise to the overmastering growth of monopoly, and finds it in the organized resistance thereto.

The press of the country recognizes the Typographical Union; the railroads of the country recognize the Brotherhood of Locomotive Engineers; the iron manufacturers recognize the Amalgamated Iron and Steel Association, and many years ago the English statutes recognized the trades unions; and the incorporated guilds are as old almost as the history of the Anglo-Saxon race. From the time of the secession to the sacred mountain up to the present hour, combination has been the order of the day to resist oppression, and will be until oppression ceases to exist; that only can dissolve it. The United States to-day is honeycombed with trades unions, laboring associations, and their kindred class of combinations in the interests of labor. It may suit Jay Gould not to recognize a stone against which he stumbles and barks his shin, but the duty of statesmanship is otherwise. It recognizes every fact which is a factor in the situation. If these organizations must continue to exist, and it is impossible even if it were desirable to put them down by law, it is absolutely necessary that something should be done by Congress with a view to enabling them to secure such reasonable and ultimate objects as come fairly within the scope of their action.

At present the relation between trades unions of the country, in which name I include the Central Labor Union, the Knights of Labor, and all similar association, and the Federal law, is in a very unsatisfactory state. They include a large proportion of our best citizens and should be dealt with in a liberal spirit by the Legislature of a country whose industry is one of its principal elements of its power. The true lesson of the present situation is not to put these associations beyond the law, but, on the contrary, to bring them absolutely in the pale of justice, and make of them, instead of intangible shadows, bodies legally recognized and legally responsible. The position of the substitute for the bill in recognizing these associations may be vindicated by the experience of history and by the authority of the present day.

A number of manufacturers testified before the Senate Committee on Labor and Capital that manufacturers, as a rule, would rather treat with an association than with individuals.

Mr. A. Fink, of New York, said they could do a great deal of good in advancing the interests of workingmen and educating them to a higher standard of perfection.

Said the chairman of that committee:

Abuses, it has been seen, have been connected with the early organization and development of trades unions, but they are gradually divested of them, as in England, where things have gotten to such a pass that the government looks upon them with great favor, and so do business men.

One of the manufacturers came before that committee and testified that in Western Pennsylvania manufacturers favor trades unions. A few years ago there was a commission appointed to look into the matter in England, and it was there admitted as a result of the investigation, without any equivocation, that the trades-union system of England was a blessing to all classes.

Said William Mather, a well-known Englishman:

Well, I am happy to say that trades unions with us have become part and parcel of our life. We have accepted them now as one of the proper societies for the working classes to form, and conducted, as they are, by able and, I think, in the main conscientious and respectable men, we have joined with them rather than separated from them. Employers of labor generally have lost that violent antagonism which, you know, existed at one time; the trades unions have moderated many of their demands, and whatever demands they now make they at any rate make in more moderate language and in more polite ways. The capitalists and laboring population have both learned by experience, and I think I may say have come to see that none of the interests of capital or labor can be served when there is an antagonism between them. On the other hand, I think the labor classes see that capital has certain difficulties and trials and experiences of which laborers know nothing, and by frequently comparing ideas, as we do under the arbitration courts that are sometimes established between masters and workingmen, a great deal of information is passed from one side to the other.

The Rev. Mr. Schofield, of Manchester, Mr. Jabez Burnes, and in-

deed Cardinal Manning, declared at a public meeting that the unions had "done more to improve the morals of laborers than any other thing that he was aware of." The trade unions have led in England to the brilliant series of reforms which mark our century, as told so well in the articles of Mr. Howe in the Nineteenth Century for October, 1882, and Mr. Harrison in the Contemporary Review for October, 1883.

So great an authority as the Duke of Argyle, in his work, "The reign of law," states that "Combinations of workingmen for the protection of their labor are recommended alike by reason and experience."

Said Henry George, in his testimony before the Senate committee, of the trades unions:

They can accomplish something, and the larger and more extensive the combination the more they can accomplish. I regard the educational feature of these trades organizations as their most useful one.

Says a well known author:

The guilds became of such importance that their laws grew to be those of the commune or city, and to them we are largely indebted for many of the principles of the common law which have withstood both the open assaults of power, the covert stabs of codifiers, and are still the bulwark of individual right as against corporate aggression.

Says Henry Ward Beecher:

It is not my purpose to enter into any criticism of the true purposes of the workingmen's combinations, but simply to maintain that it is the effect of growing intelligence upon the condition of industrial and social life in the civilized nations of the world. I am not disturbed about this grand evolution—I will not call it revolution, for it is not; God governs all.

Trade unions are only possible where civilization exists. They can not exist in China; they can not exist in Russia; but they have been formed successfully in this country, in Germany, in France, and in Great Britain. "Labor organizations prevent pauperism and crime; they tend to make patriots of their members by urging legislation in their interests; and such legislation as tends to improve the condition of labor tends to improve the prosperity of the whole people; they help the sick, bury the dead, provide for those out of work relief and a pension for old age." They abhor strikes, except as a last resort, and their history is that as they grow strong that method of settling labor disputes passes away.

The system of co-operation, which I believe is the destined avenue of escape for this country from the dangers and difficulties involved in the unequal distribution of profits between capital and labor, is developed and made possible by the trades unions. They avow distinctly in their platform the principle of co-operation. The Central Labor Union of New York and the Knights of Labor both profess to seek its development.

A recent report of labor statistics in New Jersey states that in England, which is one of the richest countries on earth, during the panic of 1878, few, if any, of the trades unions in England suffered the evils from which so large a number suffered who were not members of the unions.

The trade and labor unions of New York and vicinity have formed a central labor union for the purpose of organization and concentration into a class for mutual protection, education, and united action in behalf of the cause of labor. They demand eight hours to constitute a day's labor, prohibition of child labor under fourteen years of age, the discontinuance of the contract system on public works, abolition of prison contract labor, payment of wages weekly in lawful money, the abolition of what is called "truck" pay; first lien for workingmen's wages; equal pay for equal work for both sexes; the establishment of bureaus of labor statistics by the Government; sanitary inspection of mines, factories, and all conditions of labor; abolition of the conspiracy law, tramp laws, and all class privileges; and that the Government shall issue all currency or money. There is nothing in this to alarm the political economist or the patriot.

The officers of the trades unions in England have a greater feeling of responsibility in advising a strike than probably any similar class of men in this country ever had. When a few years ago the miners of Cornwall, England, threatened to strike on account of a reduction of wages, the trades unions by their conservative advice and example prevented their doing so.

Mr. A. Fink, of New York, states that the Brotherhood of Locomotive Engineers have exercised a conservative influence in preventing strikes.

Said the Pittsburgh Sunday Critic of the Knights of Labor, speaking of the agitation which occurred in 1883:

The Knights of Labor and the Amalgamated Association have done much to establish harmony and a permanent working basis in Pittsburgh. They prevent strikes, curb unruly spirits, and fix wages in a spirit of equity.

The salutary influence and authoritative bearing of President Jarrett and his associates of the Amalgamated Iron and Steel Association in controlling the puddlers and other iron workers during the agitation of the year 1883 commanded general public approval.

Said A. Strasser, in testifying before the Labor Committee, speaking of the brass-workers' organization:

Our organization has prevented within the last three years over two hundred strikes. No strike for an increase of wages can be approved under our constitution unless by a two-thirds vote of all the unions; and if a union makes an unreasonable demand it is voted down. For instance, within three years Rochester has made three applications and they have all been voted down. And so it is with other cities.

Said B. R. Newell, of Boston:

In the Engish system of trades unions a hasty strike has become impossible. They have a board of investigation, whose duty it is, where there is trouble brewing, to visit that locality and look into the matter and, if the factors in the case will warrant, a strike is ordered. But in no case is any organization to go out foolishly and without warning of it. A strike under these circumstances would be on their own responsibility; and if they do it, they will have to do it without any assistance from the national organization.

In fact, so hedged around are these institutions with checks and limitations that it is easier for a nation to declare war against a foreign country than for any large association to enter hastily upon a strike.

There is another question involved in the present strike upon the Southwestern system, which, for the purpose of the consideration of this bill, is the most apt means of illustration: the Texas Pacific road is in the hands of a receiver, which receiver is Gould's solicitor. The question of the violation by the receiver of the previous agreement entered into by Gould is said by Gould to be solely a matter for the decision of the court controlling the receiver, yet who does not know that Gould's receiver, established for strategic purposes, would take suggestion from Gould; and that the court would do whatever the receiver asked at Gould's suggestion? Hence, while the legal fiction is plausible enough on its face it is a lie in substance, and the receivership is being used, as is usual in the United States courts, to thwart the demands of the laborer, the creditor, and the public.

This bill subjects the receiver to the arbitration process, and would thus eliminate this ground of complaint.

It is a general and universal ground of complaint among the working classes that their claim for wages is so small that they are consumed in the effort to collect them, and the large cost and the delays of the ordinary judicial system amount to a denial of justice so far as they are concerned. "The courts," says one of them pathetically and truthfully before the Senate committee, "do us no good."

In the present strike on the Southwestern system the railroad, as a club to use in the conflict, has refused to pay a dollar to any of the striking employés for services rendered before the strike began. Under the substitute bill these claims for wages could have been recovered and collected in five days. If the bill did nothing else but that, if every other clause were a dead letter, its passage would enable this committee to say that for at least one class of employés "it found law dear, and left it cheap; found it the patrimony of the rich, and left it the inheritance of the poor; found it the weapon of fraud and oppression, and left it the armor and buckler of innocence."

Under this bill the ruinous discount forced upon the employés of railroads by paying them in scrip or notes of hand of the company will be avoided; and the provision is germane to the bill, as the question of the validity of this payment would arise in any arbitration for the collection of wages.

The proposition which I have submitted in the form of a substitute for the committee's bill has been acted upon in England, acted upon successfully, and has had a great beneficial effect, both by way of settling the disputes submitted to its machinery, and by reason also of the fact that with a compulsory arbitration machinery to which they could appeal, men have been more willing to arbitrate outside of that machinery. Its effect has been to stop the system of strikes, of commercial and industrial outrages growing out of the strifes between capital and labor in that country. In the report of this committee you will find the testimony of Mr. Mather and a dozen others, going to show that this statute has been an effective method of settling those controversies. It is a misnomer, perhaps, to call it a system of arbitration. It might be more proper to denominate it a new judicial system.

The trouble is that the questions arising between labor and capital are so new, so various, so perplexing, they grow with such overmastering rapidity, and are so diverse in shape and form and meaning that no set rules of law will suffice to deal with them. It would be impossible for a body legislating all the time to keep pace with these innumerable phases of the question. Therefore it is proposed in every case of dispute to appeal simply to the justice, the equity, the humanity, the sense of right of the men selected by an impartial process to decide the question. That is what the merchants do upon their board of arbitration in Saint Louis. They settle questions involving millions of dollars by this system. These boards of arbitration, known throughout the country, have no set rules of law to govern them. So satisfactory are they that they are taking away the business of the public courts.

Take the system as applied to the Cotton Exchange in England. A man who has a dispute with a fellow-member of the exchange deposits five guineas and names his arbitrator; the other man names his; and the question is settled without suspension or appeal. Certainly a dispute between employer and employés about trivial matters could be safely intrusted to such a tribunal when questions of the title to thrones, the question of war and peace between sovereign states, and international complications such as those resulting in the Geneva award, are with confidence submitted to decision by that means.

"But," says the gentleman from Georgia [Mr. HAMMOND], "it would be a great hardship to put a poor man in prison for disobeying an award." But what the public wants is peace; what the public wants is an end of strife; what the public wants is that the river of Lethe shall flow above these disputes and end them.

Every court of equity in the land has this power of imprisonment to-day, yet the gentleman holds up his hands at it. If the gentleman will disobey an ordinary injunction issuing out of any court in his own State to-day he will be put in jail for it.

I say to the gentleman from Georgia, if it is right to settle a dispute it is right to enforce that settlement.

Mr. HAMMOND. Does the gentleman from Missouri mean to say that he desires to establish such a tribunal that when it shall decide a dispute between a corporation and the laboring men, and decide it against the laborers, the decision shall be enforced even by calling the Army of the United States to put down the strike?

Mr. GLOVER. I said nothing about the Army of the United States.

Mr. HAMMOND. That is the legitimate way to enforce obedience, is it not?

Mr. GLOVER. That question, I think, is aside from the issue, for this reason: The gentleman was dealing with the question of imprisoning a man for not obeying an award which might be in the shape of a mandatory order.

Now, Mr. Chairman, in order to show what the men affected by that phase of the question think, I desire to have this paper read; it shows that the laboring men will find no hardship in the enforcement of the decrees of this tribunal.

I send the paper to the desk to be read by the Clerk.

The Clerk read as follows:

SANCTUARY EUREKA ASSEMBLY 4180, KNIGHTS OF LABOR,
Bonne Terre, Mo., March 29, 1886.

Hon. M. L. CLARDY, *Washington, D. C.:*

We, the undersigned legislative committee of Eureka Assembly 4180, Knights of Labor, would respectfully ask you to present the following preamble and resolutions, adopted by this assembly, to our Senator and Representatives of this State, respectfully asking their co-operation and assistance in endeavoring to have passed the "labor-arbitration bill" presented by Congressman GLOVER on March 22, or such other bills as would avert labor strikes and similar troubles:

Whereas it has become evident to every observing man that the corporations of the country are uniting and acting in concert for the purpose of breaking down the labor organizations; and

Whereas all said organizations are the outgrowth of stern necessity forced upon them by the aggression of corporations which claim to themselves the rights which they deny to others; and

Whereas said corporations have made the non-recognition of labor organization the rock on which they propose to wreck the commerce of the country: Therefore,

Be it resolved, That we insist upon our rights as American citizens to assemble and organize and to negotiate and treat with other organizations, through our delegates and representatives, with the representatives of any and all other organizations and combinations whatever.

Resolved, That the refusal on the part of the representatives of corporations to treat with the representatives of labor is a silly subterfuge for the purpose of perpetuating strife and ruining the country, which, it is becoming evident, they can no longer rule.

Resolved, That we call upon our Legislatures, both State and National, to enact such measures as will compel the recognition of labor organizations, and compel corporations to arbitrate differences between and with themselves and their employés.

Done by—

J. D. SATTERWHITE,
T. I. TETLEY,
R. M. HUNTER,
Legislative Committee.

By order of Eureka Assembly 4180, Knights of Labor.
LOUIS WERNER, *Secretary.*

Mr. GLOVER. The gentleman will see that the men in whose aid he invokes protection from oppression, that the Knights of Labor are in favor of any system of arbitration which will give them justice and prevent loss to the community. They do not fear it if they are to have real arbitration. When they do have that sort of arbitration they are willing to have it enforced. And they are willing to have a just system made compulsory.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twelve minutes of his time remaining.

Mr. COLLINS. I notice in the proviso at the end of the first section of the bill it is provided that the arbitrators shall have no power to fix the rate of wages for the future or the hours of labor.

Mr. GLOVER. Yes, sir.

Mr. COLLINS. What difficulties, then, can these tribunals settle?

Mr. GLOVER. I understand the point to which the gentleman from Massachusetts refers. He wants to know whether the fixing of the future rate of wages or hours of labor is excluded from the operations of the bill.

Mr. COLLINS. If they are, let me ask the gentleman what other questions are to be settled by it?

Mr. GLOVER. As to what other questions can be settled by the bill, I will say to the gentleman that if he will eliminate from the controversy between capital and labor in this country all questions but those two, then 99 per cent. of them will have been settled. I will say to the gentleman further, that this act if it had passed into law and been in operation would have prevented this strike in the Southwest system. All disputes about the construction of the previous agreement entered into at the instance of Governors Marmaduke and Martin are covered by its terms. The reason why the hours of labor and the future rate of wages are excluded from its operation is because it has been found in England that fluctuations in the conditions of trade were so great that any binding judgment enforceable for a definite length of time in the future might be unjust to one party or the other.

The question as to whether the agreement between the Knights of Labor and Mr. Gould had been broken or not might and would have been arbitrated successfully if this bill had been a law at that time, and the parties would have done one month ago (and saved to the people of our section of the country the disastrous losses they have sustained) just what they did three days ago, with this difference: They would have named one man on each side, and those two a third, instead of naming three on each side, and they the seventh. The profit on the side of the country's balance would have been millions and millions of dollars. If they are willing to settle their great disputes in that way, why not agree to let it be done by law, and so prevent the useless and ruinous conflict?

Mr. COLLINS. Is it not true nearly all the controversies between employer and employed in this country refer to fixing the rates of wages and the hours of labor?

Mr. GLOVER. No, sir; there are a vast number of questions arising out of the conditions of trade and a vast number arising out of the construction of previous agreements.

I presume that this committee at no distant day will report a bill to the House regulating the hours of labor upon interstate railroad lines, which they may as well do as the House could pass the Reagan or the Cullom bill on that subject. Enactments fixing the hours of labor at eight and ten hours are familiar the world over, and are known at the present time to several of our States. Such laws give men time to rest the body and feed the mind. Constant work grinds labor to the bone and impoverishes the soul.

What constitutes a State, Mr. Chairman? Its total power is the aggregate virtue and capacity and manhood of the individuals who compose it. For my part, whatever influence I may be able to exert upon legislation in this country shall be exerted to change unwholesome conditions under which wealth accumulates and men decay.

Such legislation would provide for one of the causes of strikes unprovided for by this bill. I presume the jurisdiction of the committee would be equally clear to legislate upon the question of wages to be paid by these corporations that is a disturbing element, and for the security of interstate commerce it should be removed. The agitation upon the subject of wages arises from the fact that labor does not receive its proper share of the profits of business. It is very evident that something is wrong, when the employé labors for 55 cents per day and can barely sustain life, while the employer piles Ossa upon Pelion in amassing his millions.

The centralization of wealth produces industrial feudalism. The captains of industry band together and still further increase the disproportion. When and where has the world ever seen such aggregations of wealth as has been constantly accumulated by the carrier taxing the producer and merchant? Vanderbilt was worth $65,000,000 in United States bonds, and over a hundred million in all. Jay Gould is worth as many millions, drawn from the profits of his railroad enterprises and speculations, while, in the midst of "overproduction," railroad employés are doomed to biting want and to struggle for the mere "leave to toil." That there is at the foundation of all this something to repair is as apparent as the sun at noonday; and that laws must pass which will provide for a more equal distribution between capital and labor of the profits of their joint production I do not hesitate to affirm.

Railroad corporations are the creatures of the State. Their profits above a reasonable per cent. are wrung from the producer and the merchant and the laborer. It is our duty, so far as they are concerned, to enforce toward the laborer justice and toward the public protection. Co-operative systems exist in over a hundred leading establishments in England. The insurance system adopted by the Baltimore and Ohio Railroad, whose employés do not find it necessary to strike, is an approximation thereto. In my native city some of the leading establishments have nobly taken the lead in the effort to give to the employé an interest in the profits of the business. A bill has passed both houses of the Rhole Island Legislature providing for co-operation between corporations and their employés, which might well be applied by the National Legislature to railroad corporations as a compulsory feature for all new franchises, and apply to existing corporations except in some cases where the Government may not have the reserved power to affect existing charters. I should favor such a bill under proper conditions. While the substitute would not operate upon these two questions, the hours of labor and the rate of wages, as far as interstate railroads are concerned, the way is blazed out for legislation which with this bill will completely cover the field. And tell me what other questions it would not dispose of.

Gentlemen, what the country demands on this subject is settlement of these disputes. It is more important to the country at large that these disputes should be settled than that they should be settled with mathematical justice. Perfection can not be predicated of man or his works. The jury system works many and often grievous injustices, yet it has been the chief arbitrament between man and man in the whole history of the Anglo-Saxon race. I believe this system of arbitration would work more exact justice than the jury system would in the same class of cases. But however that may be, every bill on arbitration and every scheme for courts of conciliation since the work began has subordinated such considerations to simplicity of procedure and celerity of settlement. Study them all, and you will find this to be the case. If

compensation for that fact is needed, perhaps it may be found in relief from the vexatious delays of the law and its enormous expenses, and in the comprehensiveness of the remedy.

In fact, I believe the majority of the merchants of my native city would prefer to settle their differences by this simple and expeditious method rather than take the tortuous winding lane of numerous appeals, wasting costs, and perpetual new trials. In fact, their courts of arbitration of similar construction have almost ousted the State courts of control of commercial disputes.

Now, Mr. Chairman, I am about to close with this statement: I am satisfied a sentiment of disgust ran through the Southwest when the bill that was reported by the committee was communicated to them through the press. I am satisfied that the people of that section of the country, of all sections of the country, want this question dealt with in a straightforward and manly manner, and not by a bill which is a mere sham, which is a mere compromise, which will not save us anything but will have the effect to deceive and make the people believe a remedy is offered when in fact it can result in nothing.

The gentleman from Missouri [Mr. O'NEILL] and the gentleman from New York, Mr. Gould, should know each other. At a time when commerce and labor were ready to break his iron hand and quicken his barren conscience what could be more grateful to the feelings of Mr. Gould than the genius which undertook to improve the golden opportunity by providing that public opinion shall be legalized by statute and passing a solemn act that water may run down hill so long as the laws of gravitation cause it to do so? Such a bill would pass, of course. The friends of labor hesitate to vote against it, lest their motives be misconstrued, and its enemies are only too glad to support it and so avoid serious legislation. I predict it will have every railroad vote, if such there be, in this House.

I repeat it, Mr. Gould and the gentleman from Missouri should know each other. It was the hand of the gentleman from Msssouri which drew the lightning from the cloud! It was his fine sense of humor that relieved the situation of its tragic hues and finally transformed it into pure comedy, and so made serious legislation impossible. The gentlemen should know each other better, because their efforts tend so admirably in the same direction.

But, sir, while the bill hurts nobody, while it is so absolutely innocuous that it does not even strain the relations of the gentleman from Missouri with the railroads of his district, I see nothing in it for embarrassed and ruined commerce, nothing in it for desperate and starving labor, and I shall therefore vote against it.

Mr. BUCHANAN addressed the Chair.

The CHAIRMAN. The time of the gentleman from Virginia has not expired yet.

Mr. BUCHANAN. I rose with some hesitation, thinking that to be the fact.

Mr. REAGAN. How much time is remaining?

The CHAIRMAN. The gentleman has twelve minutes.

Mr. REAGAN. If the gentleman from New Jersey will give me ten or twelve minutes in addition to the time yielded to me by the gentleman from Virginia it will save me from occupying an hour.

Mr. BUCHANAN. Very well.

Mr. REAGAN. Mr. Chairman, serious troubles have arisen between transportation companies in the Southwest and their employés, and of course much anxiety is felt by the parties immediately interested in the controversies, as well as by the people who are suffering from their effects in the settlement of this question. Indeed, the whole country looks upon this question as of great importance and magnitude. It is not unnatural that the parties interested should look to the Congress of the United States, or to the Legislatures of the States, or to any other source from which they can hope that something will be done to adjust the pending difficulties.

If Congress had under the Constitution the power to provide a remedy for the prevailing difficulty I would most heartily unite with those who invoke that remedy for the purpose of enacting it into law. But it seems to me that the effort now being made to furnish such a remedy by Congress is only introducing confusion, and that, too, of a very dangerous character.

While I recognize the fact that the committee has endeavored to do something to relieve these troubles, I fear they have not pursued the course calculated to accomplish that purpose. It is proposed in the bill reported by the committee:

That whenever differences or controversies arise between common carriers engaged in the transportation of property or passengers, whether said common carriers be private persons or corporations, between two or more States of the United States, or within the Territories of the United States, or within the District of Columbia, and the employés of said common carriers, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passenger, or when such employés, or any of them, allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the common carrier is hereby authorized to select and appoint one person, and such employé or employés, as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.

This bill hinges upon that clause of the Constitution which provides that Congress shall have power to regulate commerce between the States and foreign nations and with the Indian tribes. That clause, Mr. Chairman, relates to the commerce between the States—the portion of it invoked here. This bill, it is claimed, is authorized by that clause of the Constitution. It is not a bill regulating commerce, but it is a bill in fact regulating labor contracts between parties, a portion of whom are engaged in this commerce, and for that purpose courts, or what I suppose may be considered a sort of judicial tribunal, are to be created.

Now, sir, it is going too far to assume that the commerce clause of the Constitution warrants any sort of legislation relating to all the persons and to all characters of business, if a part of those persons are engaged in the carrying of the commerce between the States. It is an assumption of jurisdiction, it seems to me, entirely unwarranted. It would take from the local tribunals the adjustment and settlement of local questions, that is to say, questions between the hirer or employer and the laborer. As well suppose that this clause of the Constitution would authorize the creation of a tribunal by Congress to settle disputes between those managing transportation lines and their merchants and grocers as to attempt to create a tribunal to settle the controversies of such persons with their employés arising out of labor contracts. This bill proposes simply arbitration, with no power to enforce an award. Under some of the bills before the House, one of those before this committee, and which has been read to be offered as a substitute, arbitration is simply an act of the arbitrators upon the subject in controversy, and which must rely finally upon the district and circuit courts of the United States and a trial *de novo* must be had, witnesses summoned, and all the machinery of the court called into requisition.

Under the bill of the gentleman from Missouri [Mr. GLOVER] who has just addressed the House, the first section of the bill is amenable to the criticism upon the committee's bill, I think; that is, if my criticism upon the committee's bill is a sound one, it applies with equal force to that bill of the gentleman from Missouri which he proposes to offer as a substitute. The twenty-eighth section of the gentleman's bill is beyond all doubt plainly violative of the Constitution. I refer to the section referred to by the gentleman from Virginia [Mr. DANIEL], in the following words:

That it shall not be lawful for any employer, as defined in this act, to issue any scrip, bond, debenture, or promise to pay, for the purpose of paying employés, or to use the same for such purpose; and the employer, his or their officer or agent, who violates this provision of this act, shall be punished for each infringement by a fine of $500 and three months' imprisonment, or both; and the giving by the employer and receiving of the same by the employé, though intended and accepted as such, shall not operate as payment or extinguish any liability.

This applies to purely local matters, and of course this Congress can not within the purview of the Constitution take cognizance of that subject. The power of Congress as prescribed in the Constitution in Article III, section 1, had as well be examined to see what sort of courts Congress can create, or what sort of tribunals, under the Constitution, can be established. This article provides:

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

This bill does not provide for a court such as is provided for under this provision of the Constitution, nor for an officer to be appointed by the President, or by the judges, or by any other authority which is recognized by the Constitution as competent to make such appointment.

The second section of this article provides:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State; between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all this enumeration there is no power given to provide a tribunal to try such cases as are contemplated by this bill. There is an absence of authority. It does not come within the jurisdiction intended by the Constitution to be given to courts of the United States, and it comes under no other provisions of the Constitution. The appointments for all the officers are to be made by the President, or by the courts, or by the heads of Departments. There is no provision here for creating a tribunal whose officers are appointed by the President, or by the courts, or by the heads of Departments. There is no power given under the Constitution for a Federal court, for a Federal jurisdiction, to try the class of cases contemplated by this section.

While my sympathies—I need hardly say to this House—are profoundly enlisted on behalf of those who toil for their living, while I wish to see justice and a full measure of justice done to them, I do not wish to see the attempt to secure justice to them made in such a way as to break down the barriers of the Constitution, the best charter of our liberties, the best protection of our rights, whether as citizens or

as members of an incorporated company, and of all others the common people have the greatest interest in the preservation of the Constitution in its pristine vigor. It is the barrier between them and despotism or anarch. We should never forget that our people have the mission devolved upon them of convincing the world that man is capable of self-government, and not only capable of self-government, but of creating a constitutional government with proper limitations upon its power, and of preserving the Constitution and enforcing its limitations, so that liberty regulated by law shall be the right and heritage of the American citizen. And whenever we give our consent to obey the impulses of the moment, the passions of the hour, and do things not warranted by the Constitution, we are striking at the very foundation of our political system and infusing into it the elements of confusion, misfortune, and sorrow. So that no higher thing can be done by a member of Congress than his taking the oath to support the Constitution of the United States. If we would do that, we must look to it for the authority for our action. We find no authority, as it seems to me, in the Constitution for the passage of the bill before us. But while we find no authority there, we are not left by our system without a remedy. The wisdom of our fathers did not leave the American people without the fullest remedy for every grievance with which man may be afflicted.

The powers of Congress are delegated. It possesses only delegated powers; and by the tenth amendment of the Constitution all powers not expressly given to the United States are reserved to the States respectively or to the people. And even our States, for whose benefit the reservation of the power for all local subjects is made, do not possess unlimited power even for local matters.

Under our system of Government, supported by the wisdom of those who framed and gave it to us, there are certain powers inherent in the people that no government, either Federal or State, can exercise or can take from the people. The rights secured to our ancestors by Magna Charta are enlarged to us by our Federal and State constitutions, and every guarantee of personal liberty, of freedom of conscience, and of every inherent right which we can claim is preserved to us against the power of any government on earth; and we may as well recognize this.

The States, as was said by the gentleman from Virginia [Mr. DANIEL] a few moments ago, are possessed of a power to deal with all legal questions between man and man, all questions of contract and of personal right. In all those public matters where Congress has not power to act, the power of the States to act upon them is reserved to them. They have their local governments, their governors, their judges, their ministerial officers, their Legislatures to enact laws, their courts to enforce them, with the power, if they see proper, to create courts of arbitration, as most of the States have already done. Courts of arbitration now exist in the States of Texas and Missouri, and I have no doubt in the States of Arkansas and Kansas, the States in which these troubles exist, with all the machinery provided, and open to all parties desiring to have legal controversies arbitrated, and I suppose nothing further in this respect is necessary.

The questions which now trouble the people of the Southwest are not questions in the ordinary sense which courts determine. It is a controversy over a claim that a previous adjustment between the parties had been violated and that there was a refusal by the corporations to abide by it. That is one side of the controversy. The corporations object and say the fault grew out of the action of their employés. With the precise condition of facts I am not familiar and shall not undertake to say what they are. It is enough that we recognize that they have a controversy—not about a debt which one owes to the other, not about a contract which could be enforced in a court of law or equity, but about the terms on which they are to be associated together and how the profits of the enterprise in which they are engaged are to be divided between the capital employed and the people whose labor makes that capital effective. It is rather a political than a legal question. And how are you to arbitrate it? Of course, the parties by their own consent can agree to an adjustment, and they are now trying by consent to secure an adjustment between themselves, and it is greatly to be hoped this may be effected to-day or that it will be very soon.

I know that the men who labor feel very often that they are wronged and oppressed without a remedy. I think that is frequently the case. The officials of railroad corporations have a wonderful conception of their own importance and dignity, and I have no doubt that one of the best ways of getting a true comprehension of the awfulness of the day of judgment would be to go before a petty officer of some great railroad company and ask to have something done. The dignity, the authority, the pride, the grandeur with which such a man can refuse to do the most reasonable thing, is amazing. Feeling that he is protected by a great corporation beyond the reach of law, such men seem to take pride in their insolence and their insults, not only to the employés under them but to the general public. But I do not know how that is to be reached by arbitration or by law. If the contempt of mankind will not cure it, I fear it is a disease of a hopeless character. I would not be understood as saying this is the case with all the subordinate railroad employés. As the gentleman from Iowa [Mr. WEAVER] said a while ago, the remedy for these evils lies very far back of what we are trying to deal with here.

The remedy, in my judgment, is to be found through the ballot-box, by the election of legislators of States and governors of States and members of Congress and Presidents who will respect the rights of the people and will stop the general system of robbery of the great mass of the people for the benefit of the few that has been going on during the last twenty years. I know, sir, that it is very unfashionable to speak in this way, but I feel that I have some right to speak for the people, because I come from the class who toil for a living. I know what it is to be an employé and poor, but I know too, sir, that the dignity of manhood should rest upon every American citizen; the rights of his manhood should be respected; and, until you control these great corporations by law, until you stop the robbery of a protective tariff and the monopoly of the national banks, and diffuse the blessings of this country all over it instead of continuing the accumulation of capital in a few hands to the impoverishment of the great masses, you will never find a remedy for these evils.

Sir, I can remember, and there are others here old enough to remember, when every American citizen was proud of every foot of land within our territory; I can remember when we were proud of our general musters, proud of the Fourth of July, proud of our general prosperity, proud of our military and naval achievements, proud of the personal integrity and manhood of our people. Every citizen then felt a patriotic pride in the welfare of every other citizen. Then we had the freest and happiest, most glorious country that the sun of heaven ever shone upon. How is it now? Do these feelings pervade and permeate society as they once did? Or is it not true that we are engaged in a struggle for money-getting, controlled by avarice, greed, and fraud; a struggle in which the best interests and the dearest rights of the great body of the people are sacrificed in order to accumulate millions in the hands of individuals and corporations?

Mr. WEAVER, of Iowa. Nothing was ever truer than that.

Mr. REAGAN. And, Mr. Chairman, does not history tell us that whenever the wealth of any nation becomes concentrated in the hands of the few, the people become slaves and the owners of the money their masters? Sir, in 1877, when strikes occurred, which we all regretted, the first impulse was to appeal to the Federal Government, the next was to enlarge the standing Army, in order that it might be used as a police force to answer the complaints and murmurings of the people by shot and shell.

I am afraid that the same feeling exists to-day, a feeling that the people complain without cause. Mr. Chairman, that is a mistake. Let them have prosperity, let them have their rights respected. It is natural for all men to love peace, to cling to their families, to endeavor to make their homes happy, and if you give them reasonable means of doing that, you will find a peaceful, contented, happy people. Sir, the great problem before this country is to determine whether it is in the power of Congress, or rather whether it is the will of Congress, to provide that the evils I have referred to shall be corrected, or whether they are to go on until we have a few millionaires and millions of paupers, and until our Federal system of government shall have been destroyed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'NEILL, of Missouri. Mr. Chairman, I move that the committee do now rise for the purpose of limiting general debate.

Several MEMBERS. No, no.

Mr. GIBSON, of West Virginia. Before the motion is put I desire to ask the gentleman a question, as his answer may determine the votes of some of us. What limit do you propose to put upon this debate?

Mr. O'NEILL, of Missouri. I propose to limit general debate, and then to let the bill be discussed under the five-minute rule.

Mr. GIBSON, of West Virginia. But you propose to limit the debate to what time?

Mr. O'NEILL, of Missouri. To the shortest possible time.

Mr. GIBSON, of West Virginia. What time? State the time. We do not want this indefinite talk; we want to know what you intend to do.

Mr. O'NEILL, of Missouri. Let the House fix the time.

Mr. GIBSON, of West Virginia. Well, then, we will vote down this proposition.

Mr. O'NEILL, of Missouri. The House will fix the limit of debate when we rise. I do not fix it. [Cries of "Regular order!"]

The question being taken on the motion of Mr. O'NEILL, of Missouri, that the committee rise, there were—ayes 79, noes 77.

Mr. GIBSON, of West Virginia. I call for tellers.

Tellers were ordered; and Mr. O'NEILL, of Missouri, and Mr. GIBSON, of West Virginia, were appointed.

Mr. O'NEILL, of Missouri. I withdraw the motion.

The CHAIRMAN. If there be no objection the motion will be withdrawn.

Mr. O'NEILL, of Missouri. I do not desire to waste time.

The CHAIRMAN. The Chair hears no objection, and the motion is withdrawn.

Mr. BUCHANAN. Mr. Chairman, I have no desire to occupy time in the discussion of the general subject which has given rise to this bill. It is already well understood by this House and by the country at large. But I wish more particularly to call the attention of the Committee of

the Whole to the character of the provisions of the bill reported by the Committee on Labor and to some of the features of the proposed substitutes. First of all, I wish to express my belief that when the honorable and distinguished gentleman from Pennsylvania [Mr. KELLEY] spoke of the bill as being "a trick on the credulity of the workingman" and "a fraud" he did not use his words with due consideration. I do not believe that he or any other member of this House will do the committee the injustice of supposing for a moment that they would report a bill for action in this House that was either in fact or in their judgment a "fraud" or "a trick upon the credulity" of any workingman. I know that the "milk of human kindness" is so characteristic of the gentleman that he would not advisedly use an expression which could be tortured into conveying such a meaning.

Mr. KELLEY. If the gentleman will pardon me for one minute——

Mr. BUCHANAN. If I yield to the gentleman I take somebody else's time; that is the trouble.

Mr. KELLEY. I wanted to vindicate the use of my language.

Mr. BUCHANAN. The gentleman will undoubtedly have ample time further on in this discussion. The fact that he announced that he would vote for it shows that he does not regard it as a fraud or a trick.

This measure is the outcome of a number of different propositions introduced into this House and referred to the Committee on Labor. It is the result of serious consideration and of careful thought. The committee, when they undertook to deal with this question, found that there were difficulties in the way which do not become apparent until the question is subjected to careful consideration. They have reported a bill upon which they are practically united. They have tried to do their best. They do not believe that the wisdom of Solomon is incarnated in their persons, but they believe that in formulating their work they have at least as honest and as patriotic motives and as high a regard for the best interests of the laboring sections of this country as any gentleman on this floor can have.

It may be that the measure is crude. If so, let discussion develop the crudities, and let those who find deficiencies come forward with their propositions for amendment. In this matter I have no pride of authorship. I did not draw this bill; and although a member of the subcommittee that framed it, I was prevented by illness from meeting with the committee, and have not formulated any part of the bill. I believe it to be the desire of every member of the committee that this bill shall be made as perfect as the wisdom of this House can make it; and every amendment that will tend to improve the bill will be welcomed by us. Can more be asked? Notice has already been given of one amendment by the gentleman from Ohio [Mr. FORAN]. I may say that I am inclined to regard it favorably. Notice of another has been given by the gentleman from Pennsylvania [Mr. BRUMM]. When clothed in legal language—I mean such language as will stand the test of the courts—there will be, it seems to me, a substantial merit in his proposition. So, as I say, from whatever source these amendments may come, if they tend to perfect this bill, I for one, as a member of that committee, will welcome them.

I want to say at the outset that personally I am in favor of going farther than this bill goes, but not on the line upon which this bill proceeds. The people of this country require certain things to be done; they require themselves or their goods to be transported from place to place; they can not well carry on this transportation business in their individual capacity; and so, out of their sovereign power, they grant charters to aggregations of individuals, to wit, corporations, to perform this service. They give to these corporations the right to take property by eminent domain; they grant to them great and unusual powers. These powers are granted for the purpose of carrying out certain objects for which they, as corporations, are created. The carrying out of those objects is the only reason moving the sovereignty to make the grant.

Now, Mr. Chairman, I hold it to be self-evident that when these corporations no longer fulfill the functions of their creation the sovereign power can step in and with its authoritative language say, "If you do not perform these functions the sovereign power will resume the power granted you and carry out these functions." It may seem at first startling; but why may not such a power be exercised? You may say that these corporations may be, through no fault of theirs, precluded from carrying out the objects of their creation, and thus excused. I deny it. The only acts that excuse are the acts of God and the public enemy. When men refuse to longer work for the wages that are given them, simply refuse to work, and therefore the trains lie idle, is that the act of the public enemy or of God? I say neither.

When disturbances arise and the trains are prevented by physical force and violence from being put in motion, then the police power of each State is at hand ready to be called into action, and for that abundant law already exists. But however this may be, whether or not it be in the power of the sovereignty which granted these corporate powers to resume them when they are no longer used for the benefit of the community, it is perhaps useless at present to discuss, because that remedy is not provided for in this bill. The committee were not prepared without time for further thought to adopt my suggestion.

I allude to it simply to illustrate my remark when I say that I do not believe this bill goes as far as it ought, and to indicate the line in which in my judgment further legislation, if needed, must be had. During the freight-handlers' strike in New York, we were told by these corporations that they could not exercise their powers, that they were without remedy; but when the courts of New York with their mandamus proceedings took hold of the matter and adjudged against those corporations, they found a way out of their difficulty. So I say when the sovereign power determines to take back to itself that which it has granted, these corporations will find a way out of the difficulty. Of course, it is conceded that this remedy could only be applied in the cases of corporations within our reach. As to others, State action would need to be superadded.

Objections are made to this bill. We are told it will be expensive. Why, sir, as I understand the Statutes of the United States of America, if we enact this bill into law these arbitrators will receive the munificent sum of $5 a day each during the time they are actually employed. There is more money wasted on superfluous employés of this House in one month, I undertake to say, than would be needed to pay all expenses under this bill for a year.

But they are to have stenographers and a clerk! A careful reading of the bill will show these officials are only to be employed when needed during the continuance of the particular investigation. These are not perpetual, permanent officers; they are simply for the occasion.

Why should not the trifling expenses of an inquiry into the right and wrong of employer and employé be paid from the public Treasury? Labor is dissatisfied; it drops its work and says it can no longer exist at the rates paid, and arbitration is ordered. Shall labor out of its poor pittance pay the cost of that arbitration, or shall the people of this country, for whose benefit, after all, the investigation is ordered that again the wheels of commerce may turn, pay the insignificant sum expended in securing the investigation and conducting it? Labor can not pay it. If the corporation must, that might become another motive against its agreeing to the arbitration.

But we are told that the bill is unconstitutional. The Constitution seems to be a handy thing to have around when corporations are to be created, and to be terribly in the way when legislation is asked securing justice and fair dealing between such corporations and their employés. I wish I could have better heard the remarks of the gentleman from Texas [Mr. REAGAN], who spoke unfortunately so low I was unable to catch more than here and there a word. From what I did hear, I judged his objection to the constitutionality of the bill was founded upon the fact that it deals with certain matters arising out of contracts between employers and employés, and not with the broad question of interstate commerce. But these matters are, unquestionably, incidents of interstate commerce. They are among the minor facts which, aggregated, make the great fact of interstate commerce. In the interests of the measure he has advocated here for years regulating such commerce by Congress, he ought not to draw faint distinctions.

If this bill provided for enforced arbitration, then the objection might possibly merit a serious examination. But it does not so provide. It simply, when two parties agree to arbitrate their differences—the one party being by the terms of the bill a "common carrier engaged in the transportation of property or passengers * * * between two or more States of the United States, or within the Territories of the United States, or within the District of Columbia," and the other "the employés" of such carrier—provides the machinery which said parties may use in effecting such arbitration. Is it constitutional for Congress to regulate interstate commerce and unconstitutional for Congress to provide a possible remedy against the stoppage of such commerce? Is there anything in the Constitution which prevents the Congress of the United States from saying that when two parties thus engaged agree to do a thing that is itself legal, that harms no one, they shall have the power to do it, and from providing the appliances they may need to make effectual their agreement?

Mr. HOPKINS. I should like to ask the gentleman a question: if at common law they can not arbitrate, and whether that arbitration is not binding? If they arbitrate is it not final, and can not it be enforced in the courts of this country?

Mr. BUCHANAN. The gentleman puts three questions into one. As to the first I will say yes; and as to the second and third I will say no.

Mr. HOPKINS. Tell me why. What do you regard as the second and third questions to which you say no?

Mr. BUCHANAN. I answered in the order in which you put them. I say at common law two parties can arbitrate. I say without some provision of statute law on the subject that arbitration is not binding, nor is it final or capable of enforcement in any court. If there be a statute superadded to the common law then the provisions of that statute bind so far as they may go but no further.

Mr. HOPKINS. Does this bill provide if there be arbitration how that arbitration shall be enforced?

Mr. BUCHANAN. Mr. Chairman, I propose to make my speech by the stages I have indicated on my notes, and I can not be diverted, with all courtesy to the gentleman, from the order of the performance. I will answer the gentleman before I am through, I think.

Now we come to the difficulty which underlies this whole question

of arbitration. It was raised in the objection of the gentleman from Georgia [Mr. HAMMOND]. I do not pretend to quote his exact words, but his proposition is that you can not provide an arbitration to compel a corporation to "do its duty toward its employés without also compelling the employés to do their duty to the corporation." That, I think, is the exact spirit, if not the very words, of the gentleman's objection. In other words, if you can compel a corporation to employ you can also compel the employé to work. If you can compel the one to pay a higher wage you can compel the other to accept a lower wage. If you can imprison the one for refusal you may the latter for like refusal. Is that objection sound?

The difficulty with many of the propositions brought before the committee was this, that while they were well intended, while they were meant for the benefit of labor in this country, they were veritable boomerangs. Why, I read in the substitute proposed by the gentleman from Missouri [Mr. GLOVER], in section 19, after an arbitration has been had and an award has been made, these words:

> And in a case for mandamus or injunction the court may issue the same and punish disobedience thereof by proceedings for contempt in the usual form.

And in another bill now pending in this House, introduced by the gentleman from Kansas [Mr. ANDERSON], it is provided in section 4 that where an award is made and either party disobeys it—I quote now literally—"the same shall be held to be a contempt of court, to be punished by fine and imprisonment, or either or both, in such amount or for such term as the court may see fit."

What is the result possible under these bills? Let us see. Difficulty arises. John Smith, representing some order of men seeking redress, and Jay Gould, we will say, representing the corporation, agree to an arbitration. The award, as may happen, is made against the order. After the facts are found the men are adjudged in the wrong. Either the words of that section are meaningless or the men of the order can be imprisoned, not for a day, not for a year, but at the pleasure of the judge of a United States court for contempt in disobeying. Disobeying what? Suppose the difficulty arose out of an alleged insufficiency of wages. The men say they will not work longer at the price paid. It is submitted to arbitration. The arbitrators are of opinion that the price is sufficient, and the court says on that finding you must work at this rate of wages. The order say they will not. I say that either that provision is without meaning or the court can imprison those men, free American citizens, for still refusing to work at a compensation which they know is not sufficient to supply the actual necessities of their families.

I therefore repeat that these proposed substitutes are boomerangs, and I will not stand in my place in this House and vote for measures which make such results possible.

But another provision to make the award binding is found in one of these proposed substitutes. It provides that if the award is not lived up to there shall be an execution and sale of property of the one not obeying the award. Mr. Chairman, in connection with something I read the other day these words have to my mind a terrible significance. I hold in my hand what purports to be the report of an interview with Mr. Jay Gould on Saturday or Sunday last, and which is undoubtedly authentic as it bears the marks of careful revision, and was undoubtedly intended for publication. In the course of his remarks I find these words:

> We purpose to recover damages from every member of the association who has any property.

I will send the article to the Clerk's desk, to be read for the information of the committee.

The Clerk read as follows:

> We purpose to recover damages from every member of the association who has any property. A great many employés of the Missouri Pacific, especially machinists and engineers, have homes which they have bought out of their savings. Some of the men are worth $15,000 or $20,000 apiece. They are responsible to us for the losses we have suffered, if they belong to the Knights of Labor.

Now, out of the wages which he allows to his employés some have been enabled by lives of frugality and sobriety to purchase little homes of their own. What does he propose to do? He proposes to hold the men responsible as conspirators and compel these homes which they have so acquired to shelter their defenseless families to be sold and their value go to swell the millions in his surcharged coffers. What else does he mean when he insists that in any arbitration the damages alleged to have been suffered by his companies must be taken into account? The losses, especially by the non-use of the roads, are undoubtedly heavy. Shall we pass an enforced arbitration bill, such as this substitute, by which he could have this matter submitted, and expose these little homesteads to the chances of seizure and sale under an unfriendly award?

I am opposed to any bill under which it is possible for him to do that and do it under the forms of law. I do not say that was the intention of the framers of the proposed substitute, for, from my knowledge of them, I believe it was farthest from their thoughts; but I do say that under the wording of that substitute such a proceeding is rendered possible. We must accept or reject bills, not because of the motives of their framers, but because of what such bills, in fact, may be capable of being used for.

Mr. RYAN. What substitute does the gentleman refer to?

Mr. BUCHANAN. That proposed by the gentleman from Missouri [Mr. GLOVER].

Now, then, Mr. Chairman, if we pass any arbitration bill, that arbitration must be either voluntary arbitration or enforced arbitration. The committee have decided in favor of voluntary arbitration and against enforced arbitration, because if enforced arbitration is provided it may, in the hands of designing men, be used to the detriment, ay, gross injury of the laboring classes of this country. They have no heavy treasury to fall back upon. They are not provided with able counsel, and in any contest before any forum must always be at a disadvantage. Enforced arbitration to be effective must be followed by an enforced award, and an enforced award means not only possible but probable danger to the employé. There is the whole situation in a nutshell, and volumes of description could not make it plainer.

The bill is effective so far as the committee believe that under the present state of things it is safe to go in the direction of arbitration. When the spirit of the times shall have changed; when these corporations shall have become the servants of the people and the people shall again have become the masters; when we shall have gotten back to the old-time idea that these corporations were created for the purpose of serving the needs of the public, and not to enable a few men by their misuse to accumulate the wealth of Crœsus or Dives, we may go further, but at present we did not deem it safe to devise any more radical measure, at least, upon this line.

The provisions of the bill are plain, simple, and direct. They are so plain that they can not be misunderstood. The parties desire to arbitrate; they are allowed to do so; the arbitrators are clothed with powers which under the common law they do not have. They are given the power to send for persons and papers, to examine witnesses under oath, and so to get at the real facts underlying the matters in dispute—all of it power which at common law they would not have. They make the award, and it is filed, together with all the testimony, in the office of the Commissioner of Labor of the United States, to there be and remain a public record forever.

If we go further than that upon this line we then enter upon legistion which, as I have said, may be disastrous to the very interests which, being the weaker and least protected, should receive our special care, or at least cause us to exercise caution in formulating any law.

Having completed the above remarks,

Mr. BUCHANAN inquired how much of his time remained.

The CHAIRMAN. The gentleman has eight minutes remaining. The gentleman has spoken for thirty minutes.

Mr. BUCHANAN. But I had an hour and eight minutes.

The CHAIRMAN. The gentleman yielded ten minutes to the gentleman from Texas [Mr. REAGAN].

Mr. BUCHANAN. I understand that, but I have an arrangement by which I am to get that time back with interest and compound interest.

Mr. GIBSON, of West Virginia. I will state to the House that when the gentleman from New Jersey courteously yielded a portion of his time to the gentleman from Texas [Mr. REAGAN] I yielded him eighteen minutes of my time. He can have that now if he desires it, or he can have the eighteen minutes later.

Mr. BUCHANAN. I desire them now. I yield ten minutes to my colleague from New Jersey [Mr. MCADOO].

Mr. MCADOO. The American industrial people are probably, take them all in all, the most intelligent on the face of the earth. They are a reading and thinking people, acute, intelligent, and quick to form opinions. And let no gentleman on the floor of the House delude himself with the idea that they can be deceived by mere specious promises, rounded platitudes, and airy nothings. We should treat such intelligence and such a great mass of intelligent labor with honest and with candid dealing. To such a constituency we can appeal with safety if we appeal with truth.

Our fathers started in to solve what the gentleman from Ohio [Mr. FORAN] designates as the great problem of the ages, and they made the first step toward it on this continent by striking down the strongest, most imperial, tyrannous, and resplendent paternal government that had ever been erected. What was it that for eight long and bloody years they maintained that heroic and unequal struggle? It was to put down a system of government that bound the land, which is the entire wealth of a nation, in the chains of feudalism; that absorbed the indvidual right in the magnificent and all-prevailing power of the state, making the state pre-eminently everything and the individual man insignificant or nothing, a pawn for kings, an automaton in the hands of lords. Sir, it was to be hoped that after this unparalleled sacrifice, this freedom-loving and heroic endeavor, there would never be erected on American soil a worse, a bastard, an irresponsible paternal government.

But, unfortunately from the amassing of wealth in the great commercial centers, the successful accumulation of great tracts of land, the individual absorption of the wealth created by industry, there have

arisen—true not yet fully developed, but still dangerous enough to be repressed by legislation—the symptoms of paternal government in the powerful monopolies, corporations, money-kings, and princely bondholders which oppress and grind labor and threaten the existence of republican institutions. Sir, the direst of all evils, whether it be by one or many, is paternal government. It represses ambition, crushes industry, begets dependence, is the climax of tyranny, degrades manhood, destroys liberty, and is only compatible with galling oppression and abject slavery. The free, intelligent, ambitious, patriotic, and liberty-loving American workingman will not long suffer it to exist, but will destroy it with the ballot.

The idea of our fathers was this: That instead of paternal government, that was to regulate the individual action, to control the people, to repress individuality and manhood, the Government was to be simply an umpire, to see that the contest for existence, for the acquisition of property, for ambitious advancement, should be an absolutely fair one. And, sir, I think that this idea was violated when one or two years back we saw a number of our artisans and clerks who had combined to shorten the number of hours of work in the city of Newark, N. J., taken and put in jail for this peaceable agitation, while across the river in the great city of New York half a dozen men sat down to say by their individual fiat what should be the price of flour, what should be the rate of transportation from Chicago, and what should be the wages of labor per day of these men who are now striking on the Missouri Pacific. I ask if labor was not compelled to combine by the example of capital openly confederating and controlling railroads and holding open public meetings to fix the price of provisions and regulate the wages of their employés? There was nothing left for the honest manhood, industry, and labor of the United States under those circumstances but to combine in this colossal organization which now confronts Congress and the country. Sir, this orderly, peaceful, intelligent organization of labor is unequalled in any country. Let us pray that it may be wisely, patriotically, and efficiently guided in its counsels. It is indeed fortunate thus far in the ability and wisdom of its leading directors.

My time is limited; if it were not, I would like to deal more at large with these great questions. I want to say another thing. The remedy lies with the people themselves. You can not cure this great disease, this antagonism between capital and labor, by any crude hasty-poultice panacea of legislation. Why, Mr. Chairman, when Napoleon, who was as much the deliverer of Europe as he was its conqueror, or when with his powerful and resplendent genius he struck down hereditary aristocracy, dynasties, thrones, kings, caste, condition, and class, and preached with sword and fire to the enslaved peoples of Europe equality and fraternity, he was unable to do anything beyond freeing the people and leaving them to themselves, that by their own growing intelligence and patriotism they might work out their own salvation. Free the people, and they will solve these problems to their best interest. The remedy lies with the people and with public opinion, the most powerful engine and leverage of modern times, and more especially in our country. No giant here yet can fight it successfully. What is this bill? It is merely a first simple step, and as such praiseworthy. It is a bill to give vent to public opinion in an orderly, legal way; to legalize this tremendous enginery, to solidify, to materialize the public opinion of sixty millions of intelligent people, to focus that powerful influence upon corporations, upon monopolies, upon these great railroads that cross our States, so that they may feel compelled in their own interest to do justice to those whom they employ.

For myself I will vote for this bill. At least it serves notice on injustice that justice is awake. This arbitration will show the right and the wrong of a great strike. It will lighten dark places. Government will umpire the contest, and see, let us hope, fair play, and, so doing, instruct us all as to the merits of this struggle, besides showing these great corporations that Government does not desert the poor and needy for the rich and powerful, and that the people, not the few, are to rule for all future time here in all parts of North America.

Sir, there are other measures beyond this in which the industrial people of the United States are interested. The greatest of all questions is the land question. No people ever yet were free who were not a nation of freeholders, and I view with great alarm and indignation an alien Anglo-Irish landlord in the State of Illinois, one Scully, a man who refuses allegiance to the Constitution of the United States, and who, as some of the ablest writers of the day tell us, has upon his land in that great State one-third as many tenants as there are in Scotland. Yes; and Illinois, a comparatively new State, has, with less population, nearly 20,000 more tenant farmers than there are in the ancient feudal kingdom of Scotland.

How this fortunate Irish landlord Scully must smile when he hears our Fourth of July orations! As he rolls along the boulevards of Paris on the fruits of the toil, pain, and frugality of his Illinois tenants he is probably grateful enough to admit that we are certainly the most indifferent and tolerant people on the globe. Verily Illinois is better than Kerry or Donegal in Ireland, for Illinois has no land agitators who have as yet broken in on the pleasant dream of happy Scully.

Sir, one Scully is a danger-signal; but when the army of Scullys, transported landlords, greedy speculators, and nomadic counts, knights, dukes, and lords, have already possessed themselves of 30,000,000 acres of American soil it is high time for Congress and the State Legislatures to cry halt to this invasion of alien enemies of our institutions. The immortal Jefferson went on record in his day against this alien proprietorship in American land. And one of the ablest writers of our Revolutionary period, in a work dedicated to Benjamin Franklin, says in 1787 of the necessity of maintaining our own citizens on the land:

A general and tolerably equal distribution of landed property is the whole basis of national freedom. The system of the great Montesquieu will ever be erroneous till the words property or lands in fee-simple are substituted for virtue. Virtue, patriotism, or love of country never was and never will be till men's natures are changed a fixed, permanent principle and support of government. But in an agricultural country a general possession of land in fee-simple may be rendered perpetual; and the inequalities introduced by commerce are too fluctuating to endanger government. An equality of property, with a necessity of alienation constantly operating to destroy combination of powerful families, is the very soul of a republic. While this continues, the people will inevitably possess both power and freedom; when this is lost, power departs, liberty expires, and a commonwealth will inevitably assume some other form.

"Power departs, liberty expires!" Is not this the voice of a prophet from beside the cradle of the Republic, ringing in our deadened ears in these days of the Scullys, the speculators, the courts, the railroads, and the colossal farms?

"Power departs, liberty expires" under the colossal shadow of the great public grants, the foreign and domestic land syndicates, grabbers, and stealers, cattle kings, "dummy" entry-men, 4,000,000-acre owners, as in one California case, and 2,000,000 acres in the case of a Florida owner!

Looking at these facts the statesman and the thinker can not but be appalled at the horrible suggestion that may be, when dying landlordism has been extirpated by popular uprisings from Europe, this dreadful nightshade may successfully plant its seeds in our as yet comparatively free soil. Sir, I am no alarmist, but I say from the fullness of conviction that if these enemies of the human race, these usurping lords against natural rights and natural freedom, plant themselves firmly on American land, naught save the raging storm of agitation, or, worse still, the violence of revolution, will uproot and overturn them. Labor and land, land and labor, these are centennial problems. The one is with us, the other comes on apace, and may even reach us before that day, big with fate, when the last acre of the public domain has been inclosed and the landless state will contemplate these new barons of North America.

Now, sir, as I have already said, no people on the earth ever yet did, or ever will, maintain themselves as freemen unless they live on free land; and if there is one evil more than another against which the organized intelligent labor of the United States is calling for relief it is land monopoly. If there is one thing they desire more than another, it is that this Congress shall prevent, by legislation, the absorption of over 30,000,000 acres of the public domain, of the state's land, by men who at heart are the enemies of free government and of the Constitution of the United States. [Applause.]

I here insert as part of my remarks the following on this subject from a recent number of the North American Review:

Thus from the day—now officially declared to be at hand—that the public domain is quite exhausted, the manufacture of a tenant-farming class will go on in the United States at an enormous rate. "We let most of our land in certain districts to tenants," said a Chicago land agent to me, "because by that means, with the rents we get, we are often able to return the original price of the land twice over in three years. We have 60,000 acres now let to tenants. But we don't keep it up; landlording needs supervision, and we do business on too extensive a scale to go in for it as a regular thing. It enables us to hold our land out of market until we get a fancy price for it. But many of the men we sell to keep on the tenants, only retaining one farm to work themselves. It pays better." In fact, even now—before the public domain is yet altogether a tradition—tenant-farmers are being manufactured in the Western States by wholesale.

Settlers have no other resource, and men who own land find it a vastly better investment to let it to tenants than to work it themselves. They can get a preposterous rent—half the crop is a usual rent—and thus make a round income without working for it, having their time to devote to other pursuits or to idleness, while their principal, the land, is sustaining its great increment in value from the labor of the tenant and of the other tenants around who go to make the neighborhood a settled community. It is a fact that there can not be a moment's doubt about—the tendency of landlordism in the United States is inevitable and immense. Even the owner of 160 acres will by and by, when land becomes still scarcer, find it more easy and enjoyable and far more profitable to break his lot up into small tenant holdings, retaining only a few acres of kitchen garden for his private use. This conclusion, which is really palpable, can be submitted to a satisfactory statistical test. I have made up from the census, in groups, the distribution of the tenant farmers over the various States.

This table throws a remarkable light on the progress of American landlordism. What we look for first is neither a very old nor far Eastern or Southern State, nor a very new nor far Western State, but a State that in its growth has been subjected to the more or less modern conditions, and that has got beyond the transition stage, through which the newer States are now passing. Such a State will be found in the northern central group, and it will be allowed without cavil that the most typical State of that group is Illinois. What do we find? That Illinois has gone deeper into the landlord and tenant system than any State of the entire Union? And if we look through the other States of the same group, Ohio, Indiana, Michigan, Kansas, Missouri, and even a State so new and so far west as Iowa, we behold a state of things equally astonishing. In less than ten years' time States like Minnesota and Nebraska—which already possess a substantial tenant class—will have as many tenants and landlords as any of the others.

Looking now in another direction we see that with the exception of New York and Pennsylvania, the older Eastern States have not gone in for tenant-farming to anything like the same extent as the settled mid-Western States; and this, of course, is because they were settled up at a time when good free land was in fact—not in fancy—both plentiful and handy. The old plantation States of the South may stand out of our argument, as it may be urged that they

had no alternative after the war but to transform the slaves on the plantations into tenants. Following is the table:

States and Territories.	Number of tenant farms.	States and Territories.	Number of tenant farms.
North Atlantic group:		Iowa	44,174
Maine	2,718	Missouri	58,892
New Hampshire	2,615	Dakota	678
Vermont	4,762	Nebraska	11,419
Massachusetts	3,140	Kansas	22,651
Rhode Island	1,236	Southern central group:	
Connecticut	3,126	Kentucky	44,027
New York	39,872	Tennessee	57,196
New Jersey	8,438	Alabama	63,649
Pennsylvania	45,322	Mississippi	44,558
South Atlantic group:		Louisiana	17,006
Delaware	3,708	Texas	65,465
Maryland	12,537	Arkansas	29,188
District of Columbia	210	Western group:	
Virginia	34,896	Montana	80
North Carolina	52,722	Wyoming	13
South Carolina	47,219	Colorado	584
Georgia	62,175	New Mexico	408
Florida	7,240	Arizona	101
West Virginia	12,001	Utah	433
Northern central group:		Nevada	136
Ohio	48,573	Idaho	89
Indiana	46,050	Washington	471
Illinois	80,244	Oregon	2,286
Michigan	15,411	California	7,124
Wisconsin	12,159		
Minnesota	8,453		

V.

A study of landlordism in some of the States where it most flourishes has revealed many remarkable things which can not be referred to on this occasion. It may be remarked, however, that landlordism in States like Illinois is already taking on many of the features that distinguish it in the Old World. The crude nucleus of a landed aristocracy is being surely formed. In Springfield at present there dwells some two hundred landlords who live upon the rent-roll of properties in the middle of the State. Many of them were originally working farmers who, having the eye for land—what a French writer calls the *convoitise des champs*—managed to gradually patch together a considerable estate, and, having leased it to tenants, have come to the State capital to live at their ease.

The children of many of them are now picking up the airs of the great world in Paris and London. One landlord whose estate I visited owns 40,000 acres in one county alone, and this is less than half of his entire property. From these 40,000 acres he derives a rental in cash of considerably more than $100,000 a year. He is not an American citizen, but an Irishman who has earned an unpleasant notoriety as a landlord in his own country. He lives in England, leaving his estates here to be managed by an agent, and contenting himself with a flying visit to this country once in every four years or so. He does not even pay taxes to the country from which he draws his princely income. In his leases, one of which I possess, it is stipulated that the tenants shall pay yearly to the landlord "the full amount of all taxes or assessments, general or special, of every kind or nature whatsoever, made, levied, or assessed upon or against" the land they hold from him. He must find a most enjoyable difference between landlording in Illinois and landlording in Ireland; for in Ireland the land law is now framed with some view to the protection of the tenant, and the tenant's representatives in Parliament have had some hand in the making of it; whereas the land law of Illinois is made altogether for the landlords and by the landlords, without a single one of its thirty-odd clauses that can be construed as other than a device to secure that the tenant shall bleed to the full nomination of his bond.

VI.

The soil of a country is like the blood: Once it is badly vitiated it seems impossible ever to cleanse it, and the poison keeps constantly breaking out. It was thus with Rome, whose public domain, though continually increased by conquest, was helpless to protect the republic from the consequences of early improvidence. Periods of distress, agitations, struggles between rich and poor, land laws made under terror of the fire-brand in the hands of hunger, are the phenomena which, like ulcers on the human body, mark the progress of agrarian disease throughout the course of Roman history. No remedy could succeed in stemming it. Though every agrarian law had for its object to establish the poor on small holdings on the public domain, and to break up the illegal monopolies of the rich, yet Rome ever failed to establish her peasant proprietors or to shake off the grip that monopoly was once allowed to fasten on her vitals. The men of money evaded law after law, bought up officials, ruined the agitators, and the poor men worked their bonanza estates for them as tenants or as serfs, or came into the city to swell the vote-selling mobs of the purlieus. Feudalism, landlordism, usury, slavery, spread their humors over Rome's fair body. The ulcers became cancers, and the disease, so thoughtlessly admitted into the system, became the disease the patient died of in the end. "*Latifundia perdidere Italiam*," wrote the historian with the scientific precision of a physician closing the entry of an interesting case. Does America, that looks to no conquests to add to her domain, whose day for purchasing Louisianas and Alaskas is over—America, that is inviting the overflow populations of the world to take possession of her territory and is giving to every one the privilege of citizenship, that allows even aliens to possess her soil—does America hope that the law of cause and effect will suspend itself for her benefit, or that the consequences which followed the mistakes of Rome will not follow like mistakes when committed by a Republic of the nineteenth century? She would seem indeed to be confident that a miracle will happen for her protection, to judge by the stupendous recklessness of her policy in regard to the land. She is squandering her public land at such a rate that it would be rash to name the hour beyond which there will be a square foot of it still left; and she has allowed to intrench themselves upon her soil systems and conditions of land tenure that have spread ruin and misery wherever they have been given a footing in the Old World. Rome, even in the days of the Gracchi, was at least able to fall back on the fact that she had given no individual a fee-simple title to more of the public domain than the 500 jugera deemed sufficient for a homestead, and that all who held more than that held it illegally. America seems anxious only to bestow her soil as completely out of her hands as possible, and to leave the proprietors of her mammoth grants as irresponsible as absolute monarchs in the disposition of their possessions. Even now agriculture, the pride of America as it was of Rome, is seeing its aspects revolutionized, is seeing the small proprietor being transformed into the tenant-at-will, the independent small holding passing away and its place taken by the large estate—the *latifundium*— with its landlord, its agent, its rack-rents, its oppression, its misery, and its hopelessness. How far otherwise the parallel may be extended between the two great republics of the world—and the Americans are no wiser, harder-headed, farther-seeing, or fonder of freedom and independence than were the fathers and citizens of early Rome—how nearly pointed on the course that Rome followed to her ruin, from democracy to plutocracy, from plutocracy to imperialism, is America to-day, it would be bootless here to conjecture. But there is a forecast one may make that is as practical as a meteorologist's storm-warning. It is that the day for an American Licinius has arrived who will reform the landlord and tenant tenures, remodel the homestead and pre-emption, the timber-culture and desert-laws under which so much fraud is perpetrated, and restrain the encroachments of monopoly upon the public domain. Let us hope, with an abiding faith in American human nature and lawcraft, that the new laws will not be so framed that the men of money can evade them, and that the American Senator who takes the part of Licinius will not, like his cynical prototype, be their earliest violator. Let us hope that the evil may be checked in time before it take root and spread, and before it be left for some Tiberius Gracchus, in noble desperation, to shake the Republic to its foundations, and fail of his object after all.

THOMAS P. GILL.

POSTSCRIPT.—Since the forgoing article was written, the startling report of the Commissioner of the General Land Office for 1885 has appeared—a document that confirms some of the worst anticipations above expressed. Land Commissioner Sparks finds that "the magnificent estate of the nation in its public lands has been to a wide extent wasted under defective and improvident laws, and through a laxity of public administration astonishing in a business sense, if not culpable in recklessness of official responsibility." From the outset of his administration he was "confronted with overwhelming evidences that the public domain was being made the prey of unscrupulous speculation and the worst forms of land monopoly, through systematic frauds carried on and consummated under the public land laws." The Commissioner gives most interesting particulars of these "frauds," and recommends the immediate amendment of several of the existing land laws.

Mr. BUCHANAN. Mr. Chairman, I now yield ten minutes of my time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I desire to take a very few moments of the time of the committee, not to discuss the merits of this bill but simply to give the reasons which will actuate me in voting for it. I think that no gentleman in the course of this debate has overstated, and I think that no one well could overstate, the momentousness of the question involved to a greater or less extent in this proposed legislation—the relation of capital to labor and of labor to capital.

The question which brings these two great social forces into collision is the question of the equitable division of the joint product of labor and capital. Now, in approaching this question we must recognize the fact that progress, that civilization, is not a revolution but an evolution. It is something that works itself out by the gradual processes of the action, reaction, and interaction of great social forces, and we ought to be cautious in discussing this question which involves every man, woman, and child in the Republic, either directly or indirectly, that we say or do nothing which upon the one hand shall tend to kindle into flame the smoldering fires of social disorder which are threatening us, or that upon the other hand shall in any wise strengthen or intensify the already too-grasping power of concentrated and monopolized capital.

The bill which we have before us is an effort—a first effort, perhaps, so far as the Federal Government is concerned—in the direction of the equitable distribution of the joint product of the operations of labor and capital, by bringing them into accordant action and preventing the friction and waste of antagonism. It does not purport to be a remedy for all social evils.

It does not even assume to be a remedy for all the evils that are involved in the controversy between capital and labor. It professes to take simply one step; it may be a short step, it may possibly be an inconsiderable step compared to what some gentlemen would have us take, but it is a step, and a step in the right direction, with a view to bringing capital and labor into harmonious and co-ordinated relations.

It has been said here, perhaps unguardedly, that this bill does absolutely nothing, that it offers nothing to the interests of labor, that it is a delusion, a cheat, and a snare. I wish to say, Mr. Chairman, that I do not look upon it in that light. It is simple in its provisions; it is plain in its language, and that is one of its merits. It does not purport to do everything, but it does aim to do one thing, and that is to bring into harmonious relations, by voluntary action, assisted by national legislation, the vast interests of aggregated capital upon the one hand and associated and organized labor upon the other. How does it attempt to do that? In the first place, it provides that under the auspices and by the sanctions of law a board of arbitrators shall be established, to which appeal may be made upon the one hand or the other when the representative of the other of these two great interests shall voluntarily come into this relation.

It creates this board of arbitrators under the sanction of law and clothes it with legal powers and obligations. It gives to it the power to send for persons, papers, books, and documents. It compels the opening of these books and documents to the eyes of the arbitrators. It enables them to arrive at the very facts in controversy, to go to the bottom of the facts in issue. It gives the board power to examine witnesses under the sanction of an oath. But not only does it create the board, clothe it with judicial power, empower it to send for and examine persons and papers, it provides that this board shall make an award. It is to determine the question as to which party is right and which party wrong.

The report of this board is to be filed in the office of the Bureau of

Labor. It becomes a part of the public records for reference. It is to be published to the world; and being so recorded and so published, it becomes a factor in the creation of a public sentiment that will sustain the right and demand redress for the wrong. As has been to-day so well and eloquently said both by the gentleman from Ohio [Mr. FORAN] and the distinguished gentleman from Maine [Mr. REED], the ultimate tribunal to which appeal must be made in this controversy is the common sense of the world. Against the deliberate verdict of that tribunal neither party to the controversy could long stand.

Mr. HOPKINS. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Let me finish my remarks, and then if I have any time I will yield to the gentleman.

Mr. Chairman, the conflict which is now waged is the outcome of our new civilization. We are just passing through a transition period. Fifty years ago we had no railroads, no steamboats, no telegraphs. We are to-day in the midst of a transition period from the old to the new. The introduction of new physical forces, the progress of invention, the vast forces of machinery displacing multitudes of laborers, the influx of great multitudes of immigrants from foreign lands have all created new conditions of the social problem. Men are flocking to the great centers of population; money is being aggregated there; and to-day we are face to face with this new condition of our civilization. I have no fear that the American people will not have the necessary moderation, the common sense, the wisdom to solve this question successfully. But they need the help of legislation to do it. They need, among other things, that we shall create this board and clothe it with the powers which this bill proposes, in order that it may ascertain and report the facts, may arrive at the right and the wrong of the question at issue, so that the force of public opinion, which is above all law, which creates all law, which underlies all law, may apply itself to the solution of the controversy between the capitalist and the laborer.

I shall vote for this bill, Mr. Chairman, because, although it does not provide for all that we could wish to have done, it does, at least a part, and is a step toward the desired end, and facilitates further legislation which may properly follow.

Mr. BUCHANAN. I understand, Mr. Chairman, that I have six minutes left.

Mr. CUTCHEON. If I have any remaining time, I will now yield for the question to the gentleman from Illinois [Mr. HOPKINS].

The CHAIRMAN. The gentleman from Michigan has two minutes left.

Mr. CUTCHEON. I will hear the gentleman's question.

Mr. HOPKINS. Mr. Chairman, in legislating on this subject we should do no wrong to the laboring men; we should enact no law that will work to the detriment of the class whom the bill proposes to benefit; and, in view of this, I desire to ask the gentleman who has just addressed the House whether the clause permitting these commissioners who are to be appointed to summon witnesses, to call for the production of books and papers, and to imprison for contempt parties who may refuse to testify, would not permit the commissioners to compel the Knights of Labor to disclose the secrets of their order, to reveal any resolutions that may have been passed, or any action that may have been taken in their societies, and which they would desire to keep secret? I wish to know whether this bill would not permit every such thing to be made public?

Mr. CUTCHEON. I think the gentleman's little speech has taken all my time and has answered itself. I suppose the law must treat the parties equally. I surrender the floor to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Let me say to the gentleman from Illinois [Mr. HOPKINS] that if this bill is susceptible of that construction let him draught an amendment preventing any such construction and I will vote for it. Let him not carp, but improve. I yield the remainder of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. HOPKINS. If this bill is in the interest of the laboring man I want to support it. If these gentlemen who have draughted it——

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. BUCHANAN. I repeat that I do not think the bill is susceptible of any such construction; but if it be, let the gentleman draught an amendment and let us vote upon it.

Mr. LONG. It is not susceptible of that construction, unless the Knights of Labor should be a party to some arbitration.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] is entitled to the floor for six minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed resolutions of the following titles; in which the concurrence of the House was requested:

A concurrent resolution to print the report of the National Academy of Sciences with its appendices for the year 1885; and

A concurrent resolution providing for the printing of the report of the International Polar Expedition to Lady Franklin Bay, by First Lieut. A. W. Greely.

LABOR ARBITRATION.

The Committee of the Whole resumed its session.

Mr. DINGLEY addressed the committee. [See Appendix.]

Mr. GIBSON, of West Virginia, obtained the floor.

Mr. O'NEILL, of Missouri. I ask the gentleman to yield for a motion that the committeee rise.

Mr. GIBSON, of West Virginia. I am perfectly willing to do so, with the understanding that I shall be entitled to the floor when this question comes up again.

Mr. O'NEILL, of Missouri. I move that the committee rise.

Mr. ANDERSON, of Kansas. I ask to have printed in the RECORD a substitute which I wish to offer to the bill when I have the opportunity to do so.

Mr. O'NEILL, of Missouri. I ask by unanimous consent that members who desire to do so may be allowed to print remarks on this bill.

Mr. DUNN. That can be done, but not in committee.

Mr. O'NEILL's motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés, and had come to no resolution thereon.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, recommitted to the Committee on Rivers and Harbors, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Ohio. I reserve all points of order on that bill.

Mr. RANDALL. That is not necessary.

OHIO CONTESTED-ELECTION CASE, HURD VS. ROMEIS.

Mr. TURNER, from the Committee on Elections, submitted a report in the contested-election case of Hurd *vs.* Romeis, and moved that it be printed and laid over.

The motion was agreed to.

Mr. MARTIN. A minority of the Committee on Elections desire to submit their views on the contested-election case of Frank H. Hurd *vs.* Jacob Romeis, and to ask that the same be printed. This expression of their views is in process of preparation, but is not yet completed; and I have to ask on behalf of that minority that leave of the House be given to file the same at any time during the ensuing five days.

There was no objection, and it was ordered accordingly.

Mr. TURNER. I desire to give notice that I will endeavor to call up the contested-election case of Hurd *vs.* Romeis at an early day next week.

LABOR ARBITRATION.

Mr. ANDERSON, of Kansas, by unanimous consent had leave to print in the RECORD the following substitute for the bill now pending in the Committee of the Whole House on the state of the Union, which he intends to offer at the proper time:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission to be known as the United States commission of arbitration be, and the same is hereby, created, to consist of five members, to be appointed by the President, by and with the advice and consent of the Senate. The names of persons qualified to act as members of said commission may be suggested to the President by each of the three following associations, namely: First, the Brotherhood of Locomotive Engineers; second, the Knights of Labor; and third, that association of farmers which has the most numerous membership; but not more than one member of each of said associations shall be appointed a member of the commission, nor shall two of said commissioners be citizens of the same State, nor more than —— belong to the same political party. The President shall designate which two commissioners shall be first appointed for the term of three years, which two for two years, and which one for one year; and commissioners thereafter to be appointed to fill vacancies occurring by expiration of terms of service shall hold office for three years. Vacancies occurring by death or resignation of commissioners appointed under this act shall be filled only for the unexpired term. It shall be unlawful for a member of this commission, or for any of its employés, to be interested, either directly or indirectly, in any company or corporation performing any part of the work of a common carrier, or to accept or use free transportation by any common carrier over land or water, or to accept or use the free transmission of messages over a telegraph wire.

SEC. 2. That the said board of commissioners shall choose a president and secretary from their own number; and each commissioner shall receive compensation at the rate of $5,000 per annum, together with necessary traveling and incidental expenses. The Commission shall be divided into sections of two members, and each section may employ a stenographer, whose compensation shall be fixed by the commission. The salaries of the commissioners and all necessary or proper expenses of the commission shall be audited and paid by the accounting officers of the Treasury, upon vouchers to be approved by the Secretary of the Interior, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of such commission, either upon its own motion or upon the information, under oath, of three reputable citizens, that public travel, traffic, or commerce in the several Territories and District of Columbia, or among the several States, or intercommunication over railway, steamboat, or telegraph lines, has been interrupted or suspended by reason of differences between employers and employés, or that such interruption or suspension is probable and imminent, to inquire into and ascertain the nature and ground of such

differences, and, upon due information of all facts and circumstances connected therewith, to recommend to the several parties concerned such terms of arbitration or settlement of differences as may be deemed just and proper, to be determined by a majority of the section of the board of commissioners acting upon the same. In the event that such terms of arbitration shall be refused or neglected by the several parties, the action of the said section shall be promptly submitted to a quorum of the entire board of commissioners for its consideration and decision, and the findings of fact thereupon by the said commission shall be accepted as competent evidence in any United States district or circuit court. It shall be competent for the commission in such case, through its officers or by a district attorney of the United States, to submit its findings of fact and its decision to any judge of the United States district or circuit court presiding within the jurisdiction of the Territories or States wherein the said trade, traffic, and commerce shall have been interrupted or suspended; and said judge of said court shall summarily examine into the same, and may review, modify, approve, or disapprove the whole or any part or portion of the same.

SEC. 4. That when the said findings and decisions of the said board of commissioners shall be so reviewed by the said district or circuit judge, the same shall be entered upon the records of said court in the nature of a judicial decree, which shall be served upon the party or parties concerning whom said decree shall be made, requiring such party or parties to do and perform certain act or acts, if any, as measures of just and fair arbitration; and if, upon such reasonable notice as the court may direct, the terms of said decree shall be disobeyed, set at naught, and rendered inoperative by said party or parties, the same shall be held to be a contempt of court, to be punished by fine and imprisonment, either or both, in such amount or for such term as the court may see fit; and the usual process shall issue from said court to enforce its orders in this behalf.

SEC. 5. That the commission, or any such judge of a district or circuit court, are hereby empowered to send for persons and papers, administer oaths, and examine witnesses in any matter or proceeding relating to the duties of arbitration as provided and contemplated by this act; and the said commission shall have the right to call upon the judge of any United States district or circuit court for the services of its officers in compelling attendance of witnesses, serving processes, or conducting examinations. The commission shall file a full report of its proceedings with the Secretary of the Interior on or before December 30 in each year, together with such recommendations for additional legislation as it may deem desirable, and the same shall be transmitted to Congress for its information.

SEC. 6. That in the event that differences between employers and employés, other than those heretofore contemplated by this act, shall result in what is commonly known as a "strike" or "lock-out," and in the event that such differences or strike shall seriously impair an important trade industry, and in the event that either of said employers or employés in such private industrial pursuit shall request arbitration, said commission may cause one of its sections to examine into such differences, and make such recommendations to the several parties as it shall determine to be just and proper; but its function in such case shall terminate with said recommendation.

LEAVE TO PRINT.

On motion of Mr. O'NEILL, of Missouri, by unanimous consent leave was granted to members to print remarks in the RECORD on the pending labor-arbitration bill.

Mr. O'NEILL, of Missouri. I give notice that to-morrow after the reading of the Journal I will move to go into committee on the labor-arbitration bill and move to close debate at 3 o'clock.

INCREASE OF THE NAVY.

On motion of Mr. HERBERT, by unanimous consent the following resolution was referred to the Committee on Naval Affairs:

Resolved, That Tuesday, the 13th day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with revenue bills, regular appropriation bills, and bills from the Committee on Public Lands for the forfeiture of land grants where they may have preference, nor with the morning hours, nor with the hour for the call of committees for the consideration of business, nor with prior orders, be set apart for the consideration of the bill (H. R. 6664) entitled "To increase the naval establishment."

ORDNANCE AND WAR SHIPS.

Mr. RANDALL, from the Commission on Ordnance and War Ships, submitted a report; which was laid on the table, and ordered to be printed.

Mr. RANDALL, from the Commission on Ordnance and War Ships, also submitted the following resolution; which was referred to the House Calendar:

Resolved, That the report of the Commission on Ordnance and War Ships be referred to the Committee on Naval Affairs and the Committee on Appropriations, so far as the said committees have jurisdiction of the matter considered by said commission.

ENROLLED BILL SIGNED.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; when the Speaker signed the same.

And then, on motion of Mr. HAMMOND (at 5 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of Hon. Van Vorhis and others, citizens of Rochester, in favor of Senator Dawes's Sioux bill, &c.—to the Committee on Indian Affairs.

Also, petition of Homer C. Ely and others, citizens of Monroe County, New York, against the passage of any bankrupt bill—to the Committee on the Judiciary.

By Mr. BOYLE: Remonstrance of the window-glass workers of Belle Vernon and of Burnsville, Pa., against the reduction of the tariff on window-glass—to the Committee on Ways and Means.

Also, resoultions of citizens of Philadelphia, in favor of the passage of the educational bill—to the Committee on Education.

By Mr. BURNES: Remonstrance of Bruce Earl and numerous others, citizens of Corning, Mo., against Senate bill No. 1715, to regulate the transportation of live-stock—to the Committee on Commerce.

By Mr. CONGER: Petition from Assembly No. 3623, Knights of Labor, of Stuart, Iowa, protesting against the passage of the so-called free-shipping bill now pending—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. A. C. DAVIDSON: Letter of Hon. A. C. Davidson, relative to election contest—to the Committee on Elections.

By Mr. ELDREDGE: Petition of 147 members of the Grand Army of the Republic, of Wheeling, Mo., for passage of certain pension laws therein named—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Knights of Labor No. 3021, of Essexville, Mich., against the passage of the bill known as free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. EUSTACE GIBSON: Petition of W. H. Morris, of Putnam County, West Virginia, for reference of claim to the Court of Claims—to the Committee on Claims.

Also, petition of John Clark, of Cairo, Ritchie County, West Virginia, asking that the law relative to bounties be extended to certain officers—to the Committe on War Claims.

By Mr. GLASS: Petition of Solomon Fuks, of Obion County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. GROUT: Letter of Hon. C. W. H. Dwinnell, in explanation of the claim of Sally B. Bents for a pension—to the Committee on Invalid Pensions.

Also, affidavit of Lydia Hall in support of House bill 7187, granting a pension to John E. Rollins—to the same committee.

By Mr. HARRIS: Petition from upwards of 250 business men of Washington, D. C., asking for the passage of the Vance-Harris bill for the removal of the steam railroads from their present locations within the heart of the city to and upon a viaduct road over the squares of ground between K and L streets south to and within a union depot to be located between K and L streets and Four-and-a-half and Seventh streets southwest—to the Committee on the District of Columbia.

By Mr. HAYDEN: Memorial of Local Assembly No. 2619, Knights of Labor, of Somerville, Mass., in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HAYNES: Memorial of Edward M. Slayton, of Manchester, N. H., in regard to the sale of imitation butter—to the Committee on Agriculture.

By Mr. HEWITT: Petition of Sarah O'Brien, widow of Hugh O'Brien, late of Company C, One hundred and seventieth Regiment New York Volunteers, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HILL: Memorial of Knights of Labor of Swan Creek, Ohio, relative to the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. J. H. JONES: Petition of citizens of Troup, Smith County, Texas, for free coinage of silver; for issuance of Treasury notes in the place of bank notes; that the larger portion of the surplus in the Treasury be paid on the interest-bearing debt of the United States, and that a law be passed against discrimination against silver—to the Committee on Ways and Means.

By Mr. LEHLBACH: Memorial from Knights of Labor, No. 3882, of Newark, N. J., asking that the General Government should make liberal appropriations of the surplus revenue for internal improvements, and indorsing the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. OSBORNE: Petition of George W. Rimer and 39 others, soldiers of the late war, citizens of Luzerne County, Pennsylvania, praying for the passage of an act granting bounties in certain cases—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of F. R. Morton and others, business and working men of Parsons, Kans., urging legislation to adjust the present strikes in the Southwestern and Gould system of railroads, and aid in preventing their recurrence—to the Committee on Labor.

Also, resolutions of the Board of Trade of Junction City, Kans., urging extensive improvements at Fort Riley, Kans., as recommended by the national military authorities—to the Committee on Military Affairs.

Also, communication from W. H. Barnes, of Independence, Kans., submitting a design for a return postal-card, and recommending legislation for the return of postal-cards to writers when not delivered—to the Committee on the Post-Office and Post-Roads.

By Mr. PHELPS: Petition of A. L. Kynor and others, of the fifth New Jersey district, praying for a constitutional amendment to prohibit the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PLUMB: Petition of John S. Armstrong, J. A. Whitmore, and 130 others, citizens of La Salle County, Illinois, for a change in the manner of electing the United States Senate—to the Committee on the Judiciary.

Also, memorial concerning the abolition of the Presidency, from Joliet, Ill.—to the same committee.

Also, petition of John Doherty and 50 others, citizens of Streator, Ill., asking for the election of United States Senators by the people—to the same committee.

By Mr. ROMEIS: Petition of David B. Caldwell and 71 others, citizens of Sandusky County, Ohio, asking for a pension to David B. Caldwell for disability—to the Committee on Invalid Pensions.

Also, petition of J. F. Mack and 63 citizens of Sandusky, Ohio, for post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SPOONER: Petition of Local Assembly No. 4621 of Knights of Labor of Providence, R. I., for restoration of wages in Government Printing Office—to the Committee on Labor.

By Mr. STORM: Memorial of Knights of Labor of Beaver Meadow, Pa., asking for internal improvements—to the Committee on Railways and Canals.

By Mr. J. M. TAYLOR: Petition of Thomas Campbell and Sarah Campbell, to be put on the pension-list—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Petition of Frances M. Brodnax, widow of Richard T. Brodnax, deceased, of Tipton County, and of Mary Smith, of Fayette County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of J. B. Simmons, of Shelby County; of Thomas J. Graves, of Fayette County; of Mrs. Martha L. Trigg, of Memphis, and of Elam F. Thomas, of Fayette County, Tennessee—to the same committee.

By Mr. WAIT: Petition of John Dwight and others, against reducing the duty on bicarbonate of soda and saleratus—to the Committee on Ways and Means.

By Mr. WARD: Petition of citizens of Clinton County, Indiana, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of Reuben Copeland, asking that war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of Solomon Gruber, and of heirs of Bartholomew Shaull, deceased, of Jefferson County, West Virginia, asking that their war claims be referred to the Court of Claims—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CARLETON: Of citizens of Huron County, Michigan.

By Mr. FREDERICK: Of citizens of Benton and Linn Counties, Iowa.

By Mr. HAYDEN: Of citizens of Middlesex County, Massachusetts.

By Mr. PERRY: Of citizens of Spartanburg, Laurens, and Allendale, South Carolina.

SENATE.

THURSDAY, *April* 1, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the General Assembly of Ohio; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolved by the General Assembly of the State of Ohio:

1. That we view with alarm the serious losses sustained by wool-growers and sheep-breeders in this State during the past three or four years. In number their flocks have been reduced during the past year 290,000, by the official report of the auditor. In quantity the clip has been reduced since 1883 1,600,000 pounds, according to the most careful estimates. In value the clip of 1885 has been reduced at least 10 cents per pound, which, estimating the production prior to the act of 1883 at 30,000,000 pounds, exhibits an annual loss on the clip alone of $3,000,000. Such depression to this important agricultural industry demands earnest and profound consideration.

2. If this depression continues it will very soon reduce the flocks still further and cause many wool-growers to abandon this and engage in other agricultural pursuits, whereby an increased quantity of food will be added to an already oversupplied market, and thus other branches of agricultural industry must certainly and unavoidably suffer.

3. That the various agricultural interests of the State are inseparable, and so far as the influence of economic legislation relates to them one can not be benefited or injured without affecting others; therefore, to abandon one of these pursuits needing protection to the free and unopposed competition of foreign nations under the pretense that their productions are raw material and that manufactured articles only should be protected, will be both unwise and unjust, and will inaugurate an economic policy that will protect comparatively but few, while it will abandon and destroy many.

4. Recognizing the fact that the present alarming condition of the business of sheep husbandry is due largely, if not entirely, to the reduction of duties on foreign wools made by the tariff of 1883, we respectfully insist upon a restoration of the duties upon imported wools as they were established by the act of 1867, or what will be fully their equivalent, and respectfully instruct the Senators and earnestly request the members of the House of Representatives in Congress from this State to use every honorable exertion to restore to wool-growers the same protection which they had prior to the passage of the act of 1883.

5. That the governor be requested to transmit a copy of these resolutions to our Senators and to each member of the House of Representatives of the Congress of the United States from Ohio.

The PRESIDENT *pro tempore* presented a petition of Knights of Labor of Lima, Ohio, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Lima and Ironton, in the State of Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of civilian employés of the supply department of the Army, praying for the passage of a bill for the restoration of their salaries to a certain former rate; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, presented memorials of Knights of Labor of Moingona and Des Moines, in the State of Iowa, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of the Howard's Grove Baptist church, of Jefferson County, Iowa, praying for the passage of Senate bill 355, creating a tribunal for international arbitration; which was referred to the Committee on Foreign Relations.

Mr. HALE presented a memorial of civilian employés of the supply department of the Army, remonstrating against certain provisions of the bill (H. R. 6395) for the support of the Army for the fiscal year ending June 30, 1887; which was referred to the Committee on Military Affairs.

Mr. RIDDLEBERGER presented a memorial of Knights of Labor of Richmond, Va., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. STANFORD presented petitions of Knights of Labor of Sacramento and San Francisco, in the State of California, praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of California, remonstrating against the proposed reduction or abolition of the impost duty on chrome iron ore; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Lodi, San Joaquin County, California, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction; which were ordered to lie on the table.

He also presented a memorial of citizens of California, praying for the distribution of the undistributed portion of the Geneva award; which was referred to the Committee on the Judiciary.

He also presented a petition of the anti-Chinese convention of the State of California, lately assembled at Sacramento, praying for the prohibition of Chinese immigration into the United States; which was referred to the Committee on Foreign Relations.

Mr. HARRISON presented a memorial of Knights of Labor of Andrews, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRISON. I present certain resolutions, certified by the recording secretary and under the seal of the assembly, of the Wabash Assembly No. 2281, of the Knights of Labor, of Terre Haute, Ind., praying Congress to pass a law prohibiting aliens or their agents from securing vast tracts of the public domain. I believe this subject is under consideration by the Committee on Public Lands at this time, and I will ask the reference of the resolutions to that committee.

Mr. DOLPH. A bill on the subject has been reported.

Mr. HARRISON. I am advised by the Senator from Oregon that the bill has been reported.

I ask leave to say at this time that I know of few measures of greater importance than this. I noticed recently in one of the Chicago papers the results of some inquiry upon this subject, and it seemed to indicate that vast tracts of our domain, not simply the public domain on the frontier but in some of our newer States, are passing into the hands of wealthy foreigners.

It seems that the land reforms in Ireland and the movement in England in favor of the reduction of large estates and the distribution of the lands among persons who will cultivate them for their own use are disturbing the investments of some Englishmen, and that some of them are looking to this country for the acquisition of vast tracts of land, which may be held by them and let out to tenants, out of the rents of which they may live abroad.

I think this evil requires early attention, and that Congress should by law restrain the acquisition of such tracts of land by aliens. Our policy should be small farms worked by the men who own them. As the bill has been reported, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. SEWELL presented a petition of Knights of Labor of Newark,

N. J., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the New Jersey State Grange, Patrons of Husbandry, commending the efforts already made and urging still further legislation for the protection of food-fish upon the Atlantic coast; which were referred to the Committee on Fisheries.

He also presented a petition of Local Assembly No. 1160, Knights of Labor, of New Jersey, praying for the opening of the Oklahoma lands in the Indian Territory to settlement, &c.; which was referred to the Committee on Indian Affairs.

He also presented the petition of Mrs. William H. Hussey, Mrs. C. C. Hussey, Mrs. Henrietta W. Johnson, and other citizens of New Jersey, praying for legislation affording better legal protection to young girls in the District of Columbia, &c.; which was referred to the Committee on the District of Columbia.

Mr. FRYE. I present a memorial of Local Assembly No. 4727, Knights of Labor, of the city of Bath, Me., 600 being present and unanimously adopting the resolution, remonstrating against the free-ship bill now pending before Congress, declaring that its passage will ring the death-knell of the only means of support of hundreds of thousands of families of skilled mechanics and laborers, and completely crush the ship-building business of the United States. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. FRYE presented a petition of Knights of Labor of Auburn, Me., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. GIBSON presented a petition of citizens of the parish of Natchitoches, Louisiana, praying that an appropriation be made for the erection of a public building at Natchitoches for the accommodation of the United States land office and post-office; which was referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON presented a petition of Local Assembly 3701, Knights of Labor, of Pennsylvania, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of the A. C. Harmer Club, of Philadelphia, Pa., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of the Philadelphia (Pa.) Society for Organizing Charity, praying for the passage of a bill for the establishment of post-office savings-banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COKE presented a petition of citizens of Jones County, Texas, praying that an appropriation be made to secure deep water across the Galveston Bar; which was referred to the Committee on Commerce.

Mr. GRAY presented a petition of Knights of Labor of Wilmington, Del., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. PLUMB presented memorials of Knights of Labor of Weir and Peterton, in the State of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Peterton, Kans., praying that liberal appropriations be made for works of public improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

LIST OF TREASURY DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the letter of the Secretary of the Treasury, transmitting a list of employés of the Treasury Department. The committee report in favor of printing the usual number of this list. The lists of all the other Departments of the Government have been already ordered printed by the Senate. The estimated cost of printing this list is $32.50, and we ask that it be ordered printed.

The report was agreed to.

TREASURY ACCOUNTS.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of the Treasurer of the United States, transmitting copies of accounts for the fiscal year ending June 30, 1885. The committee report adversely to the printing of this list. It does not seem to be required.

The report was agreed to.

SENATE RULES AND MANUAL.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably with an amendment the resolution for printing 1,000 additional copies of the Senate Rules and Manual. I ask for the present consideration of the resolution.

By unanimous consent the Senate proceeded to consider the resolution, submitted by Mr. INGALLS March 23, as follows:

Resolved, That 1,000 additional copies of Senate Rules and Manual be printed for the use of the Senate.

The amendment reported by the Committee on Printing was, after the word "printed," to insert "and bound in cloth;" so as to make the resolution read:

Resolved, That 1,000 additional copies of Senate Rules and Manual be printed and bound in cloth for the use of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORT ON PORT ORFORD BREAKWATER.

Mr. MANDERSON. The Committee on Printing instruct me to report back the letter of the Secretary of War, transmitting a report on the construction of the breakwater at Port Orford, Oreg. We find that the printing of the usual number of this report will cost $261. This was called for under a resolution of the Senate. The committee recommend that the usual number be printed.

The report was agreed to.

RIVER IMPROVEMENTS IN OREGON.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of the Secretary of War, transmitting the report of Major Jones, United States Army, engineer in charge of river improvements in Oregon and Washington Territory. This document is considered a very important one by the Senators from Oregon. We find that the cost of printing the usual number will be $272. The matter was called for by resolution of the Senate. The committee recommend the ordering of the printing of the usual number.

The report was agreed to.

Mr. MITCHELL, of Oregon. I wish to inquire whether the report of the Secretary of War in relation to Columbia River, which the Senator from Nebraska has just reported in favor of printing, has or has not been referred to any committee?

The PRESIDENT *pro tempore*. It was not referred to any committee except to the Committee on Printing, the Chair is advised.

Mr. MITCHELL, of Oregon. If it is proper at this time, I desire to move that that portion of the report only which relates to the proposed improvements at the Dalles of the Columbia be referred to the Committee on Transportation Routes to the Seaboard, and that the remainder of the report be referred to the Committee on Commerce. I will state the reasons in a word, which I hope will be satisfactory to the chairman of the Committee on Commerce, and I am satisfied they will be.

The Senate Committee on Transportation Routes to the Seaboard is investigating now, under the direction of the Senate, the question as to proposed improvements at the Dalles of the Columbia. An order of the Senate to that effect was made over two months ago; and a subcommittee has been designated by the chairman of the Committee on Transportation Routes to the Seaboard to investigate and report to the full committee. It is important in the investigation that that committee shall have this report before them. That is all that is desired.

It is not the intention to take out of the hands of the Committee on Commerce the matter of making or recommending appropriations. Nothing of that kind is contemplated. Under the resolution of the Senate the Committee on Transportation Routes is simply instructed to inquire into the question as to what measures it may be necessary for Congress to take in order to overcome the obstructions to navigation at the Dalles of the Columbia. We simply wish to have the report before our committee for that purpose. Then when the question as to appropriations comes to be considered, that as a matter of course will go to the Committee on Commerce; and I suggest by my motion that all the remainder of the report now go to the Committee on Commerce.

Mr. CONGER. I make the point of order that that would be contrary to the rules maintained by the Senate. The rules require that all matters relating to the improvement of rivers and harbors shall be referred to the Committee on Commerce, and the proposition can not be made in this way to take out one part here and another there, and change the rules.

The PRESIDENT *pro tempore*. The question as to which committee a matter shall be referred to is entirely within the power of the Senate. Usually, if there is a dispute and two different committees are suggested as being proper to have charge of a subject, the Senate decides the question by a vote.

Mr. CONGER. I suppose the rules require that certain general public matters shall be referred to the several appropriate committees. We might as well refer matters relating to the improvement of harbors to the Military Committee, if that be the power. I presume there must be some rule in regard to such questions of reference.

The PRESIDENT *pro tempore*. The rules expressly provide that where two motions are made to refer a subject-matter to different committees the question shall first be put on the committee first named.

Mr. MITCHELL, of Oregon. I do not understand that there is any rule of the Senate which requires this report to be referred to any particular committee, so far as that is concerned; and I am certainly unable to see why Senators who happen to be members of the Committee on Commerce should object to the very reasonable suggestion, as it seems to me, which I made.

The Senate has already ordered, as I stated a moment ago, the Committee on Transportation Routes to the Seaboard to investigate and

report to the Senate what measures, if any, are proper to be adopted by Congress in order to overcome the obstruction to navigation at the Dalles of the Columbia. A subcommittee have been designated by the committee on that subject, and they are proceeding now with the investigation. As a matter of course, it is important that the committee making this investigation, authorized to make it by the Senate, should have before it the report of the Engineer Department upon the subject.

If that committee should finally report that the proper measures to be adopted in order to overcome the obstructions at that point require appropriations for the construction of a canal, or appropriations to aid in the construction of a ship-railway, or what not, then it will be a matter for the consideration of the Committee on Commerce to determine whether the appropriation shall be made. It seems to me that there should be no objection whatever on the part of the Committee on Commerce to having that portion of the report, which is all I ask, referred to the Committee on Transportation Routes to the Seaboard.

Mr. CONGER. After the Senator occupied such portion of time as he was entitled to, and got in, in the midst of the few remarks that I was humbly endeavoring to make, a repetition of what he had said before, so that it should appear twice in the RECORD, I will go on with some remarks which I shall make in my feeble way. I do not know what benefit it may be for the Senator to insert his remarks in the middle of the humble remarks that I may make, but doubtless he thinks it will add some importance to his statement, or he would not insist upon so inserting them.

The report under consideration was made in pursuance of a law reported by the Committee on Commerce requiring the engineers to make this report for the benefit of the Committee on Commerce and of the Senate. The committee having examined all this matter, unfortunately having examined it and made the report some time ago and got the bill passed before the Senator from Oregon was here, not knowing certainly at that time that he would be here, because if we had known it of course the Committee on Commerce would not have presumed to do anything of the kind—but having put into the bill two years ago the order for this very examination in the usual way, the Committee on Commerce naturally think they might have the result of their labor, the result of the law that they had passed, and not have it taken away from them to go to any other committee, even if new members have come into the Senate since that time who want to take possession of it.

I state then that this report is the result of an order embodied in a law reported by the Committee on Commerce for an exploration and an examination of this water way long before the subject had been taken up by the other committee. It is necessary that all the reports in regard to river and harbor improvements should be together under the control of the Committee on Commerce. I will say that there has been a careful and studious effort to take from the control of the Committee on Commerce certain routes and make separate bills and appropriations apart from the river and harbor appropriation bill, to put the Missouri and Mississippi Rivers under separate commissions, and so on.

I presume the Committee on Commerce will not object to the Committee on Transportation Routes to the Seaboard having access to this document. For their purposes they will have all this information without its being taken away from the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Michigan will please direct his remarks in this direction, so that the Reporter may get them. It is difficult to hear him.

Mr. CONGER. I was addressing the Chair.

The PRESIDENT *pro tempore*. Not so as to be heard by the Reporter.

Mr. CONGER. But to emphasize it, and that my friend in the rear, to whose remarks I am replying, might also hear, I was addressing myself a little that way, gracefully as I thought, without intending to offend the Chair at all, or the Reporter.

The PRESIDENT *pro tempore*. The Chair only made the interruption for the benefit of the Senator, so that he might be reported.

Mr. CONGER. The Senator from Oregon very kindly says that I have said enough. If he surrenders the point I certainly do not wish to occupy the attention of the Senate.

Mr. MITCHELL, of Oregon. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield to the Senator from Oregon?

Mr. CONGER. I wait to hear what the Senator has to say.

Mr. MITCHELL, of Oregon. The Senator from Michigan is under a misapprehension when he says that I yielded the point.

Mr. CONGER. I understood the Senator to say that I had said enough. I do not know what else he could have meant.

Mr. MITCHELL, of Oregon. I said nothing——

Mr. CONGER. If I have not said enough I might go on and say more.

The PRESIDENT *pro tempore*. The Senator from Michigan has the floor.

Mr. CONGER. I wish to say in behalf of the Committee on Commerce that having by their own action in their own bill procured this report they desire to have the benefit of it. Let me say to Senators here that if every river and harbor appropriation or if the improvement of any of the rivers is to be taken from the Committee on Commerce and divided up among whatever other committees may desire to get possession of the subject, there will not be a very satisfactory river and harbor bill passed here. Many interests will be endangered, as they are continually, by dividing up such questions, for the committee which has charge of the bill (already in the House amounting to between $15,000,000 and $16,000,000), must have the control of all the river and harbor improvements and the appropriations therefor, to make any bill that they could report to the Senate satisfactory, and not be left to have other committees report on separate improvements additional or separate amounts. They must go together.

I venture to say that any improvement which is taken from the general subject of river and harbor improvements and put under any other committee, unless by order of the Senate and by the enactment of a law making separate committees for it, not only endangers the passage of the general river and harbor bill, but makes an incongruous mass of appropriations which the Senate can not justify and which, in my opinion, it could not pass.

Mr. RIDDLEBERGER. Are there not two distinct propositions in this one report?

Mr. CONGER. The report has not been printed, and it has not been read. It has been made by the engineers in pursuance of a law reported to the Senate by the Committee on Commerce asking for this information. The report is made in pursuance, and only in pursuance, of that law for the benefit of the Senate through its Committee on Commerce.

Mr. MITCHELL, of Oregon. I wish to express my thanks to the Senator from Michigan [Mr. CONGER], the honorable member of the Committee on Commerce who represents the lakes more particularly and the country at large generally, and I wish to express my thanks not only to him but to the whole Committee on Commerce, provided he speaks for the whole committee, for the great consideration he has manifested, to the effect that he personally will permit the Committee on Transportation Routes to the Seaboard to read this report after it is printed, and that he will use all the influence he may have with his associates to get their permission to allow the Committee on Transportation Routes to the Seaboard to read it. That is very kind indeed on the part of the Senator from Michigan!

Mr. CONGER. I desire——

Mr. MITCHELL, of Oregon. I hope the Senator will not interrupt me now. It is a very great consideration upon his part, I am sure, and I feel very much obliged to him that he has been so considerate as to exercise his great influence in that direction and for that purpose.

Another thing I wish to suggest is that if the Senator from Michigan desires to abolish the Committee on Transportation Routes to the Seaboard, I insist he shall go about it in the proper way and according to rule; that he shall bring up the subject in a proper manner, and proceed as a Senator should proceed if he desires to abolish one of the standing committees of this body.

Now, what is the proposition of the Senator from Michigan? As I said before, and I will repeat it a third time although the Senator thinks I have stated it twice heretofore, the Senate by a solemn vote and by a unanimous vote has directed this standing committee of the Senate to make a certain investigation. The voice of the honorable Senator from Michigan was not lifted in opposition to that proposition when it was made. The chairman of the Committee on Commerce made no objection to it although present. No member of that committee interposed any reason why that investigation was not a proper one to be made by that particular committee, but, on the contrary, the resolution directing that committee was adopted unanimously by this body two months ago or more.

Now what is the proposition of the honorable Senator and the Committee on Commerce? It is simply that after this has been done by the Senate, after this investigation has been ordered, the Senator will withhold from that committee the proper departmental reports necessary to enable it to make the investigation. That is what it amounts to.

The Senator from Michigan and the Senator from Minnesota [Mr. MCMILLAN], the honorable chairman of the Committee on Commerce, must certainly see that there is no disposition upon my part, or upon the part of the committee for which I am speaking for the moment, to interfere in any manner or shape with the legitimate and proper duties or privileges of the Committee on Commerce. I presume that it is not the intention of the committee I represent even perhaps to recommend appropriations. That is not the scope of the resolution under which we are acting. The purpose of the investigation is to determine what proper means may be adopted by Congress to overcome the obstructions to navigation at that particular point in the Columbia River. It is necessary that this portion of the report of Major Jones should be before that committee, not by the permission of the Senator from Michigan or the permission of any other Senator that we may be permitted to read it, but it is necessary that it should be there officially, it is proper that it should be there officially; and it seems to me it does not interfere in any shape, manner, or form with the scope of the duties or powers or privileges of the Committee on Commerce.

That is why I ask that only that portion of the report may go to the Committee on Transportation Routes to the Seaboard. It is simply to enable us to execute the order of the Senate that I have asked it. If in

this state of the case a majority of the Senate think that it is not proper it should go there, of course they will vote accordingly. I think we are entitled to it; I think after having directed the investigation the Senate should give the benefit of the departmental report necessary to conduct that investigation to the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that as much of the report transmitted by the Secretary of War as refers to the improvements of the Columbia River at the Dalles shall be referred to the Committee on Transportation Routes to the Seaboard, and that the remainder of the report be referred to the Committee on Commerce.

Mr. MCMILLAN. I think the entire report should go to the Committee on Commerce.

The PRESIDENT *pro tempore*. Does the Senator make that motion as an amendment?

Mr. MCMILLAN. Yes, sir; and I wish merely to make a few remarks in connection with the motion.

The Columbia River is one of the very important navigable streams of this country, and one of the largest in the country. The Committee on Commerce have been making examinations of that river through the reports of the engineers who have had charge of the interests of the navigable streams on the Pacific coast as well as elsewhere. We have already entered upon a vast improvement of one locality in the Columbia River known as the Cascades. That is an obstruction of the river about half way between the Dalles and the mouth of the river. Under the report of the examinations of the Engineer Department the Government has already entered upon the construction of a canal around the Cascades. Locks are in process of construction there, and that impediment to the navigation of the river is about to be removed.

The Dalles is another of the serious obstructions to navigation there. It will require a vast expense, of course, to overcome that obstacle. As the Senator from Michigan suggested, steps have already been taken to examine into the subject of an improvement at the Dalles. The Committee on Commerce have had charge of it.

So far as the Committee on Transportation Routes to the Seaboard is concerned, I have no objection whatever that they enter upon any examination they see proper in regard to that matter, but it should not interfere with the examinations which the Committee on Commerce have already entered upon. Certainly no disadvantage can result to that region of country for the want of a representative upon the Committee on Commerce, because the Senator from Oregon [Mr. DOLPH] is a member of that committee, and will doubtless present to that committee all the interests which can be advanced in regard to the improvement of the river there.

I think it would be well for the Senator from Oregon who has made the motion to refer a part of the report to the Committee on Transportation Routes to the Seaboard to permit the whole report to go to the Committee on Commerce. Of course that will not interfere with the examination of the subject by the Committee on Transportation Routes to the Seaboard. If they have any matter to present to the Senate in the shape of a report, it can be made to the Senate and referred to any other committee to which the Senate sees proper to refer it; so that all the information which can be obtained either from that committee or from the Corps of Engineers in charge of the navigable rivers of the country may come before the Committee on Commerce.

I think the motion as moved by me should be carried.

Mr. MITCHELL, of Oregon. I regret very much to take up the time of the Senate in the morning hour with this matter, but I desire to make a statement in reference to this report which has not yet been made.

Major Jones, of the Engineer Corps, made a report. He was in charge of the improvements of the Columbia River generally, and he was directed, of course, to report in regard to all the proposed improvements of the Columbia River to his chief. He submitted his report. In that report he made suggestions in regard to a proposed improvement at the Dalles of the Columbia. When that report of Major Jones was transmitted to Congress all that portion of it relating to the proposed improvement of the Columbia River at the Dalles was stricken out and was not sent to the Senate and House of Representatives. So that the report of Major Jones in regard to the improvements of the Columbia River, with the exception of that portion relating to the proposed improvements at the Dalles, has already been printed, and has already been referred to the Committee on Commerce.

The report that we are talking about now is one sent in by the Secretary of War in answer to a resolution of the Senate, introduced by myself and agreed to by the Senate, directing him to transmit to the Senate the whole of the report of Major Jones relating to the improvements of the Columbia River. In answer to that resolution the Secretary of War has forwarded the report now on the desk, which includes not only that portion of the report heretofore forwarded, but also that portion which was not forwarded heretofore, and which is now forwarded in pursuance of a resolution of the Senate directing the Secretary of War to transmit the whole. These are the facts in relation to this report.

Now, then, it does seem to me that in so far as the Committee on Transportation Routes to the Seaboard ask that this particular portion of the report be referred to that committee, it is only asking that which it has a right to ask, that it is not interfering in any respect with the privileges of the Committee on Commerce. That is not the intention. I have no disposition, so far as I am concerned personally, to interfere with any of the privileges of that committee. The purpose of this investigation is not to make appropriations; it is simply to investigate a subject that has been directed to be investigated by the Senate; and this portion of that report, which is not a recommendation of appropriations—because if it were then it would be proper it should go to the Committee on Commerce—but simply relates to certain suggested improvements, not suggested appropriations, at the Dalles of the Columbia should properly go to that committee.

Now, it does seem to me that instead of my giving way to the chairman of the Committee on Commerce and permitting this portion of the report to go to that committee, it would be nothing more than a proper thing for the chairman of that committee and his associates to give way to me and permit this portion of the report, under the circumstances, to go to the Committee on Transportation Routes to the Seaboard.

Mr. CONGER. I suggest that the report be printed, and then we can see where it properly belongs.

Mr. MITCHELL, of Oregon. I am willing to agree to that.

The PRESIDENT *pro tempore*. The order to print has already been made. The report will lie on the table until it is printed.

Mr. MITCHELL, of Oregon. All right.

REPORTS OF COMMITTEES.

Mr. JACKSON. I am instructed by the Committee on Claims, to whom was referred the bill (S. 709) for the relief of the Citizens' Bank of Louisiana, to report it with an amendment, and accompanying the majority report are the conclusions of the minority.

The PRESIDENT *pro tempore*. The report of the majority and the views of the minority will be printed, and the bill placed on the Calendar.

Mr. CALL, from the Committee on Education and Labor, to whom was referred the bill (S. 1657) to legalize the incorporation of national trades' unions, reported it with amendments.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2023) providing for the payment of $2,500 to Theophilus Fiske Mills, for executing a model and design for an equestrian statue of the late General John A. Rawlins; which was read twice by its title.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 943) to pay the Delaware Indians the value of certain lands in Kansas, in compliance with treaty stipulations, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1961) to amend section 3893 of the Revised Statutes of the United States, and for other purposes, reported it without amendment.

JOHN F. SLATER.

Mr. SEWELL. I am instructed by the Committee on the Library to report back the joint resolution (S. R. 37) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater. As a joint resolution of the same character has passed the House and is now on the desk, I ask for the immediate consideration of the House joint resolution.

The PRESIDENT *pro tempore*. The Senator from New Jersey, from the Committee on the Library, reports favorably Senate joint resolution 37, and asks that a joint resolution of similar tenor from the House be taken up in its place and now considered. Is there objection?

Mr. COCKRELL. Let the House resolution be read.

The PRESIDENT *pro tempore*. It will be read for information.

The Secretary read the joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater, as follows:

Resolved, &c., That the sum of $1,000, or so much thereof as may be needed, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to defray the cost of the medal ordered by public resolution numbered 6, approved February 6, 1883, to be presented to John F. Slater, of Connecticut, then living, but lately deceased.

SEC. 2. That said medal and a copy of the original resolution aforesaid shall be presented to the legal representatives of said John F. Slater, deceased.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Senate joint resolution 37 on the same subject will be indefinitely postponed.

MONUMENT TO ABRAHAM LINCOLN.

Mr. SEWELL. The Committee on the Library, to whom was referred the bill (S. 2012) for the erection of a monument to the late Abra-

ham Lincoln, have instructed me to report it favorably without amendment; and I ask for its present consideration.

Mr. COCKRELL. Let the bill be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. CULLOM. Mr. President, I ask permission to say one word.

This bill, which I had the honor of introducing, and which was referred on my motion to the Committee on the Library, proposes to appropriate $500,000 to the erection of a monument in this city to the memory of Abraham Lincoln. Its provisions, except as to amount and name, are exactly the same as those incorporated in the bill reported from the same committee proposing to erect a monument to the memory of General Grant.

Mr. President, time will not dim nor lessen the glory that clusters around the name of Lincoln. His greatness, his nobility of character, and his great deeds will stand forth before the world more and more grandly as the years pass by. When generations and centuries shall have gone, when granite monuments erected by loving hands shall have crumbled to dust, after nations, yet unknown, shall rise and flourish and fall, the name of Lincoln will be as a household word among the people of every land, of every tongue, and of every kindred, wherever justice has its votaries or where men worship at the shrine of liberty.

After the name of Washington, no name connected with American history is written above the name of Lincoln. To the honor of the nation be it said, a monument high above all other structures reared by human hands on American soil has been erected to the memory of the Father of his Country in the nation's capital as a slight token of the people's love and the people's appreciation of his great services to his country and as a benefactor to his race. While we love to gaze upon that monument, it adds nothing to the fame of Washington, which is wide as the world and as enduring as time. Yet the people honor themselves in attempting to honor him who has done so much in the glorious, I had almost said divine, work of establishing this Government, in which the people are sovereign.

I shall not to-day attempt any eulogy upon Abraham Lincoln, who, I am proud to say, was my personal friend. He was a just man, and he said: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." He could not be swerved from his duty and he said: "Come what will I will keep my faith with friend and foe." He was a generous and great-hearted man, full of human sympathy and Christian charity—"with malice toward none and with charity for all." It was he who said "I have not willingly planted a thorn in any man's bosom." Such words, Mr. President, as these, coming from a man whose whole life exemplified their truth, are as clusters of jewels in the crown of manhood shining out with light to the admiring world.

Mr. President, I shall not detain the Senate with further remarks more than to say that in my judgment this Senate can not do better than to appropriate a small portion of the people's money, which for the time being is in part in our care and keeping, in the erection of a suitable monument to the memory of Abraham Lincoln, whose name in the world's history has taken its place by the side of the name of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SEWELL, the title of the bill was amended so as to read: "A bill for the erection of a monument to Abraham Lincoln."

MISSISSIPPI WATER-POWER AND BOOM COMPANY.

Mr. SABIN. In the temporary absence of the chairman [Mr. DOLPH], I submit the report of the conference committee on the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendments of the Senate and agree to the same.

J. N. DOLPH,
D. M. SABIN,
M. W. RANSOM,
Managers on the part of the Senate.
CHARLES F. CRISP,
W. D. BYNUM,
Managers on the part of the House.

Mr. ALLISON. Is the bill here?

The PRESIDENT *pro tempore*. The report will lie on the table, the bill not being in the possession of the Senate.

PRINTING OF A NAVAL REPORT.

Mr. HAWLEY. The Committee on Printing, to which was referred the joint resolution (S. R. 30) authorizing the printing of a naval report, have instructed me to report it adversely and move its indefinite postponement, and at the same time to report favorably a joint resolution which has come to us from the House on the same subject.

The joint resolution (S. R. 30) authorizing the printing of a naval report was indefinitely postponed.

Mr. HAWLEY. I now ask the present consideration of the House joint resolution.

By unanimous consent, the joint resolution (H. Res. 58) authorizing the printing of a naval report was considered as in Committee of the Whole. It provides that there shall be printed and bound in cloth, at the Government Printing Office, in addition to the "usual number," 4,000 copies of the report of Naval Constructor Philip Hichborn, United States Navy, on European dock-yards, details, fitting, and equipment of foreign vessels, torpedo-boats, ship-yard appliances, tools, &c.; of which additional number 1,000 copies shall be for the use of the House, 500 for the use of the Senate, and 2,500 be delivered to and distributed by the Secretary of the Navy for general information.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. VAN WYCK introduced a bill (S. 2024) for the relief of Thomas Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2025) granting a pension to James Butler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2026) granting a pension to Wallis Pattee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2027) making an appropriation for the erection in the city of Key West, Fla., of buildings to be used as fire-proof warehouses; which was read twice by its title.

Mr. CALL. I desire to ask the immediate consideration of that bill by the Committee on Public Buildings and Grounds. The recent fire at Key West has destroyed all the public buildings, and a large amount of merchandise is there now exposed to the weather, so that immediate action is required.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Buildings and Grounds.

Mr. MAXEY introduced a bill (S. 2028) granting a pension to E. S. Bishop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2029) granting a pension to Elvira Bliss Sheldon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2030) granting a pension to Miss Margaret Stafford Worth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2031) for the relief of Capt. J. O. Skinner, assistant surgeon and acting medical storekeeper of the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 2032) to settle titles within railroad grants; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SABIN (by request) introduced a bill (S. 2033) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 2034) to facilitate the business of the Treasury Department; which was read twice by its title, and referred to the Committee on Finance.

Mr. BECK. I believe everything in the bill relates to finance; some portions to appropriations; but there is legislation which the Finance Committee will have to consider. Therefore I refer it there first.

Mr. DOLPH introduced a bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877–'78, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 2036) to amend section 3860 of the Revised Statutes of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES introduced a joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL submitted an amendment intended to be proposed

by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GIBSON, it was

Ordered, That the petition and papers of the Union National Bank of Louisiana on the files of the Senate be referred to the Committee on Claims.

EXPENSE OF DISTRIBUTING PUBLIC DOCUMENTS.

Mr. GORMAN. I offer the following resolution:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate the names of each person employed in receiving, folding, and distributing public documents, together with their compensation and all other expenditures made on that account, for the fiscal years 1883, 1884, and 1885.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. INGALLS. Let it lie over and be printed.

The PRESIDENT *pro tempore*. It will lie over and be printed.

AMENDMENT OF RULE.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XIII be amended by striking out the words "without debate," in the last sentence of clause I.

CONSIDERATION OF EXECUTIVE NOMINATIONS.

Mr. PLATT. If this is the proper time I desire to give a notice. I suppose it as proper as any time.

I introduced some time ago a resolution for the consideration of executive nominations in open session, which is on the Senate Calendar No. 163 in the Order of Business, reported adversely. It has been suggested to me that it may be open to a point of order that it is in the nature of an amendment to the rules and does not specify the rules which it proposes to amend, such a resolution requiring to be brought in on one day's notice. I therefore give notice that at the next meeting of the Senate I will propose an amendment to that resolution specifying the particular rules which I desire to have amended and the purpose to be accomplished by such rules when amended.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5003) for the relief of Mary E. Casey; and

A bill (H. R. 7470) for the relief of William Fisher.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the act (S. 416) for the relief of J. M. Lobban, and the act (S. 831) for the relief of George S. Storrs, of Texas.

DISTRICT COMMISSIONERS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair will lay before the Senate a resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] yesterday, which comes over under objection. The resolution will be read.

The Secretary read as follows:

Resolved, That the commissioners of the District of Columbia inform the Senate whether either of the said commissioners is now stockholder or director or attorney of either of the street horse-railways or national banks of the District of Columbia or of the Washington Gaslight Company. Also, if not now, whether heretofore either of them has been stockholder, director, or attorney of either of said corporations, and, if so, when he ceased to be such stockholder, director, or attorney as aforesaid.

Mr. VAN WYCK. On Tuesday evening, in the Evening Star, published in this city, was a communication alleged to be from the commissioners of the District of Columbia, which seemed so strange and peculiar at this juncture that it had the appearance at least of having been drawn by a skillful attorney in the interest of the Washington Gaslight Company. As the communication purported to be from the commissioners I took occasion to introduce this resolution, which I presented yesterday, desiring to know the relations of the commissioners of this District with this gaslight company and with other corporations.

I was surprised that it should have met with any objection. The point is not that interest in these companies is a disqualification to holding the position of District commissioner—not by any means—but that the Senate and Congress may know what weight is to be given to suggestions and recommendations made by the board of commissioners. That was all, nothing more; and it is eminently proper at this time that Congress should know about these matters.

The people of this District, as I have said before, are powerless for their own protection. They are denied the ordinary rights given to those residing in far out of the way places in any section of the country. Even the Mormons, who are under the ban of Congress, have more rights than the intelligent population of the city of Washington, for here they have none. Their only lawgiver is Congress, and their only guardians and protectors are those whom the President and the Senate appoint to rule over them under the name of commissioners.

There are great questions not only here but in other cities throughout the length and breadth of this land that force themselves upon consideration. In this District they are to be considered in this Capitol. I refer now to questions arising between corporations and the citizens, between organized capital and labor; and it is eminently proper at this juncture that we at least should understand the relations of those who are appointed to rule over and to act as guardians of this people and the relation which they bear to these great questions.

It would certainly seem remarkable to ninety-nine hundredths of the citizens of Washington and to every Senator on this floor that this board of commissioners should state such things as are asserted in this communication. In the first place they state that they had been led to give great consideration to the matter of the gaslight company. They had come to the conclusion, and argued, that only one gas company should exist in Washington. They do not suggest any other protection that may be given to these people; they do not propose some other way by which this exorbitant corporation shall hold off its hands; but today the attitude is this: The Congress of the United States are holding a population of 200,000 by the throat and grasping their arms by their sides, and allowing corporations to plunder them, while Congress have made them powerless. That is the attitude to-day.

These commissioners can see a great wrong in allowing another gas company to be organized. They have great regard for the streets; they think they should not be torn up, out of regard to the symmetry and beauty of this model city. They have decided convictions on the subject that the streets should not be torn up again, that another company should not invade this beautiful city. They do not show as much regard for the pockets of the thousands here who are plundered by this gaslight corporation, a corporation more despotic, probably, than any other in this whole country.

Where does this corporation get power to make a lien law for itself? These commissioners can say not a word about that. Where does this corporation get the power (which belongs only to Congress) to make a lien law? Are they by their own act to be exempt from the conditions of trade so that they shall never incur a bad debt? In the first place they demand and actually require a deposit from those who they think are unable to make monthly payments—a deposit of more than can pay for the monthly consumption—and then require them to pay their gas bills every week. But the lien law which they attach is still more despotic. The owner of a property rents it, if you please, and goes abroad, and when he comes home at the expiration of a year he finds the gas cut off from his dwelling. He has consumed no gas; he owns the property and has the title. He applies to the gas company to let on the gas; and they say, "No, sir; the tenant that occupied your house when you were gone is indebted to us for a gas bill, and we refuse to turn the gas into your house until you pay the bill incurred by your tenant during your absence."

Why should not the commissioners have referred to this despotic act and shown where the company obtained such authority? But they are determined that the streets shall not be torn up. They can better allow this company 200 per cent. on their original investment than to allow the streets of this model city to be torn up.

It was once said in both ends of this Capitol that we were subsidizing huge land-grant railroads to have competition between different lines. It was a national argument to show that those grants were to secure the rights of people by the establishment of competing lines of railroad; and so we gave empires of land to the Northern Pacific, and we gave empires of land to the Central and Union Pacific, and empires of land to the Southern Pacific in order that we might have competition. And here these gentlemen say in the communication to which I have alluded:

In short, the attempts to lower the price of gas by means of competing companies have usually resulted in rendering lower prices impossible.

So these very acute gentlemen have established two points: first, that there shall be no other gas company here; and, next, that competition does not compete. They go on to show that Congress has the power, for toward the end they say:

That such rates, considering the quality of gas and the cost of coal, could not be complained of as unreasonable, which, although much higher than the average rate in England, was lower than the average in the cities along the Atlantic coast. One reason why gas can not be furnished so cheap in Washington as some of the manufacturing towns is—

Is that what these gentlemen are there for? Is that what Congress made this board of commissioners for? Is that why the President appointed them and the Senate confirmed them, to stand here and issue arguments in favor of the extortions of this corporation?

One reason why gas can not be furnished so cheap in Washington as some of the manufacturing towns is that there is no adequate demand for coke and other residual products, which in many places bring high prices and form a considerable item in reducing the net cost of gas.

These gentlemen know all about it; they know all about tearing up the streets and competition not competing, and give the reasons the gas

company want them to allege why they can not reduce the price of gas in Washington. The truth is, as I understand, that there is a demand for coke far more than this corporation can supply. The other residuum is tar. From a ton of coal they have 40 bushels of coke, worth nearly as much as the price they pay for their coal per ton. The residual product these commissioners speak about is tar, so many gallons of tar. This city uses on its streets more tar absolutely than this corporation can furnish. Then it is said they have 10 or 15 gallons of ammonia left. But the residuum they talk about there is an abundant market for so far as the coke and the tar are concerned; yet these gentlemen make it an excuse as an attorney would, and at that most important point these gentlemen stop. I do not know but that these commissioners are the attorneys for this company, for these are the peculiar tactics of an attorney—translucent when they want to be, and opaque when they prefer that. Now they say:

Whether by reason of the increasing demand for gas and reduction in the cost of coal a further reduction in the price of gas should now be made the commissioners are not sufficiently well advised to speak with certainty, but are inclined to think that such reduction—say to $1.25 per thousand—is possible in the near future and would not be unreasonable.

The other part of their discourse is in the present, and they seem to know all about it to use for the best purpose the arguments urged by the Washington Gaslight Company.

With regard to the quality of gas in Washington—

It is notorious here there is complaint about the quality of the gas; everybody knows it. Every householder who has a gas-burner in moderate proximity to his wall sees his wall discolored by the impurities of this gas, and as it goes into the wall it disseminates to his family, and his wife and his children are poisoned by these products. These commissioners do not know about the purity of the gas!

With regard to the quality of gas in Washington city the commissioners believe, judging from such casual examination as they have been able to make, that it compares favorably with that of other cities, but how it would compare measuring by "candle-power" is difficult to say.

Then, toward the conclusion, they say:

The commissioners think there is no need of any further legislation.

Of course not; and it looks very much like the opinion of an attorney or some one deeply in interest.

The commissioners think there is no need of any further legislation upon the subject of gas in the District of Columbia, unless it be to adjust the rates from time to time upon a basis reasonable both for manufacturers and consumers of gas, and as to what precise rate is reasonable the commissioners are not sufficiently advised to say. To form a fair opinion upon that subject would require a careful examination with the aid of an expert.

These gentlemen commissioners may be stockholders, directors, possibly attorneys, of this company. I do not know. When they know that this corporation from $500,000, which it had invested, to-day has a stock of $2,000,000, worth $4,000,000 in the market, has declared yearly dividends of from 10 to 60 per cent. upon even this enlarged stock, these commissioners sitting there say they must have an expert to tell whether the price of gas should be reduced!

Now look at it for a moment. We hear much talk about the conflict between organized capital and organized labor. If you show the people that the Congress of the United States has legalized a corporation with unlimited power to make its own charges, to make its own laws substantially, to make a rate of profit which would be considered usurious in any country in Christendom, what can you expect? These commissioners knew, and if they were directors or stockholders in this company or attorneys for it they knew better still, that a $500,000 investment had grown to $2,000,000 of capital, and all the time large dividends were being made. They knew it from the company's own statements, some of which I took the liberty to read the other day. I have said they increased their capital from $500,000 to $2,000,000, and when they have a capital of $2,000,000 they still keep on declaring 10 and 15 per cent. dividends annually, and in one year, 1883, they declared a dividend of 50 per cent. on $2,000,000, making $1,000,000 in one year, when all that the company originally invested was $500,000. In 1883 it actually paid a dividend of $1,000,000 to the stockholders, twice the amount of the money originally put in the concern.

Mr. MORGAN. I wish to ask the Senator from Nebraska what are the powers of the commissioners over this gas company. Have they the right now to regulate the cost, to regulate the quality of gas manufactured and sold by the company, or have they any other control at all?

Mr. VAN WYCK. I presume they have no power. It belongs to the Congress of the United States to control the corporation; but they have some power to protect the people and state to Congress the grievances and extortions under which the people suffer. They can do that instead of coming here as the advocates, defenders, apologists, and excusers of the men who are doing this. That is the point I make in this matter.

Mr. GEORGE. I ask the Senator is it an undisputed fact that $500,000 was all that was paid in and that they now have a capital of $2,000,000?

Mr. VAN WYCK. Yes, sir.

Mr. GEORGE. That is undisputed?

Mr. VAN WYCK. It is undisputed; and I presume, although I am not authorized to say, that probably the original $500,000 was not all in money at that time. They started with $50,000 capital, a few years afterward raised it to $350,000, and afterward to $500,000. But admit that all that $500,000 was paid in cash; if we are to judge anything from the customs and habits of this company, it is not unfair by any means to doubt it; but admit that; listen to their own statement:

November 1, 1868, the cash cost of the works exceeded $1,000,000, while the capital stock was but $500,000. The company having, by act of Congress approved March 24, 1866, obtained the authority to increase the capital stock to $1,000,000, the directors at this time issued to each of the then stockholders as many additional shares of stock as they then held. This was considered to be but just and right, as the earnings of the company beyond dividends paid has been invested in increasing the value of the works. This issue of stock was fully investigated before the passage of the act regulating gas-works, approved June 23, 1874. (See Senate Report No. 395, Forty-third Congress, first session.)

There the president of this company expressly states that they issued this from the surplus earnings after paying these large dividends. Therefore, he says, it was but just to give this to the stockholders. That settles the point, I take it. When the other increase was made later Congress said it should be paid in money. It was $1,000,000 in 1868. Five hundred thousand dollars was taken from the surplus earnings, and that, too, after paying their regular large dividends. Now mark. In 1868 they themselves give the record of a dividend on this $1,000,000 of 15 per cent., and sometimes 20 per cent.

In February, 1874, 5 per cent. was paid, and 50 per cent. was paid in August of that year. In February, 1875, 5 per cent. was paid; 5 per cent. was paid in May, and 10 per cent. was paid in August of that year.

There was 50 per cent. dividend paid on the $1,000,000, which was $500,000.

In February, 1876, 5 per cent. was paid; 10 per cent. was paid in August, and 50 per cent. was paid in October of that year.

So that in 1874 there was a half million extra dividend paid; in 1876 a half million extra dividend was paid, which made a million more that they took into stock to make $2,000,000 capital. That was up to 1881. Now comes 1881, when the stock was $2,000,000. Out of their own pockets they had only paid $500,000, every dollar of which was paid back, besides yearly dividends of 10, 15, and 20 per cent. Now there is a capital of $2,000,000.

II. The following dividends have been paid since January 1, 1881: February, 1881, 5 per cent.; August, 1881, 5 per cent.; February, 1882, 5 per cent.; August, 1882, 5 per cent.; February, 1883, 5 per cent.; May, 1883, 40 per cent. (the dividend of May, 1883, was the accumulation of years, when gas was selling at much higher rates); August, 1883, 5 per cent.

So there was 10 per cent. in 1883 and also this other 40 per cent.; 50 per cent. on $2,000,000 in one year—$1,000,000 in one year, when only $500,000 had been paid out by the stockholders of the company to organize and carry on the concern.

Mr. MORGAN. When were the works commenced?

Mr. VAN WYCK. In 1848. One million dollars dividend was declared in one year; and yet they say the 40 per cent. was an accumulation, and all the while they had been paying these large dividends, one year 15 per cent., one year 20 per cent., and so on.

Mr. GEORGE. What was the rate of dividend paid during the time they acquired the surplus?

Mr. VAN WYCK. Ten to 20 per cent. Then, the year following, after they had cleaned all out, after they had saved $1,000,000 on an original investment of $500,000, they declared 10 per cent., and the next year after 12½ per cent. on $2,000,000.

Look at it for a moment. After they had cleaned all out and made these enormous dividends and got the nominal capital up to two millions, they declared next year 10 per cent. and the next 12½—$200,000 the first year after they had made this enormous dividend of $1,000,000; the next year $250,000. The original investment was $500,000. That brings us down to 1884.

These commissioners talk about cheaper gas being made in manufacturing towns, and we hear very much said about coal gas and about water gas, and that water gas is substituted in some cities. In Baltimore water gas is sold at 50 cents a thousand and coal gas at $1 per thousand feet. By the showing of this company, in addition to the $2,000,000 and the regular dividends, half a million has lately been expended, of which $45,000 was invested in Lowe's patent apparatus, an apparatus used for making gas from water. The next item is $80,344.56 for drawing and stoking machine regenerative furnaces, scrubbers, &c., those things which are used in the manufacture of water gas; and that is what they are making here to-day.

Mr. GIBSON. Does the Senator know the difference in cost between water gas and coal gas?

Mr. VAN WYCK. In Baltimore the water gas is selling for 50 cents and the coal gas for a dollar a thousand feet. These people charge $1.50 a thousand net here; but we need not compare Washington with any other city; it stands by itself. Congress gave this huge corporation the power to establish this plant here and they have made these enormous dividends and this enormous profit. Fifteen years ago they were afraid the electric light would destroy their property and asked Congress to let them alone.

Mr. GORMAN. I know my friend from Nebraska means to be entirely fair, but the statement he makes about the cost of gas in Baltimore does not convey a correct idea. The fact is that the low price of

gas in Baltimore which he has stated is under extraordinary circumstances, three or four companies competing, and it is known that to continue to furnish gas at the price stated would bankrupt any company.

Mr. VAN WYCK. The Senator says the competing companies will combine and then increase the price. I presume so, but that shows what I have heretofore said on this floor, that the legislation of this country in your National Congress and in your State Legislatures is in the hands of corporations. Your organized corporations bid you defiance in Baltimore in Maryland, and in New York. They are organized for the purpose of competition, and yet they deny your authority, and they deny the demands of the people as soon as they are organized by "pooling their issues" and exerting their greed of extortion, and what then? You despairingly bemoan the conflict between labor and capital, between corporations and the American people. Unloose this devil-fish which fastens itself upon the prosperity of this nation, and all will be well. There should be no conflict between labor and capital. The citizen finds that a creature of yours has power to defy the Government and the people. Some power of self-protection will surely come to save the people first from the Legislatures and then from their creatures. It is an alarming fact, but it is true.

These commissioners were right in one proposition undoubtedly, that if you organize another company to compete you are probably getting into the hands of two extortioners, who will combine together. That is what is disgusting the American people. That is what is helping to create this "irrepressible conflict" between organized capital and organized labor. Such wrong, no matter whether upon the black, as it was years ago, no matter whether it was in the form of chattel slavery, or whether, as to-day, industrial slavery, brings its punishment. The longer you suffer such cormorants to fasten themselves upon a nation the more difficult it will be and the more serious to loosen the bands.

The managers of this company who make their lien law against those who are not overstocked with the world's goods requiring them to make a deposit of more than their monthly gas bill and then exact payment every week, and who turn the lock upon the owner of the house if the tenant does not pay the gas bill, have increased their capital from $500,000 to $2,000,000; they have been enjoying 100 to 200 per cent. dividends; and now it is said we can not seize them and make them do justice. They have overpowered your District commissioners; and that seems strange. I did not understand it, and therefore I desired to know what it was that induced them to write this letter. I supposed they were appointed to protect the interests of the people, not as the defenders and apologists of corporations, and I thought they must have an interest, and if it was not as stockholders or as directors or as attorneys, it must be something a good deal worse than either. People do not do this sort of thing just for fun or even for pure cussedness; it is something else; there must be a motive.

Now, to show still more the great demoralization, if that term may be employed, or rather the great powers that come to be recognized through corporations, I will read the conclusion of an interview in the Post said to have been held with one of the commissioners, in which, after detailing his own connection with the corporations of this city as having been attorney for twenty years of this gaslight corporation, he concludes by stating that the President would probably not find a District man, if he desired to do so, to act as District commissioner who was not in some way or other entangled with these corporations. If you connect that with the fact that no one else except one of that tribe can obtain a position, you will see the point:

> Most of our judges have interests in many corporations, and yet are able to decide cases impartially.

No doubt it was a very able lawyer who said that. A judge on the bench who has railroad stock in his pocket is debarred from deciding cases in which the railroad is interested. Of course when a great railroad comes and asks legislation or asks Congress to make a law that a judge even if he has railroad stock in his pocket can be allowed to sit in judgment on cases of corporations, Congress will be expected to yield to that request; but to-day this eminent lawyer commissioner of the District is wrong. A judge having stock of a corporation in his own pocket is not now competent to decide a case in which the company is interested.

I think we may also ask for an explanation of the relation these commissioners have to street railways and also to national banks, as well as to the gaslight company. Certainly one commissioner is a director of a national bank. That does not necessarily prevent his being commissioner, but it affects very much the consideration of the bank's affairs. It is a notorious fact known to everybody in Washington—the Congress of the United States know it, the District commissioners know it—that the national banks here since their creation have paid no local taxation on their stock. To-day there is three million capital in private banks and national banks, and yet no taxes paid on the stock. Will anybody justify that?

A few days ago generous legislation was offered in this body after a quarter of a million dollars or more had been kept out of the treasury of this District by organized capital, national banks and private banks refusing to pay their taxes. It was proposed that when the taxes and assessments against a property were equal to its assessed value the owners need not pay more. Such is justice in this model city! The District shall be content to take the property and not confiscate the balance of the man's estate, if he has any.

Mr. GEORGE. Who makes the tax law here?

Mr. VAN WYCK. Congress makes the tax law. Then we desire to know the relations of the commissioners with the street-railway corporations.

We hear much talk about education, and the social circle and family influence; and yet day after day and week after week there were fathers, drivers and conductors on said lines, who never looked on their children's faces during the daylight, nor saw them awake. My friend from Maryland can see why the revolt is coming now. The model city of the Union! You were shocked when chained gangs of slaves were paraded beneath the shadow of the Capitol and under the Stars and Stripes. When the minors of widowed mothers at the foot of Capitol Hill hitch the horses all the day long, working from twelve to sixteen hours and is deprived of necessary sleep, we hear no word of protest.

Therefore we ask to know the interest these men have in the car lines and other corporations of the city. It is not any reflection on them. If their interest is with the corporations and not with the public, they can not protect the public. It is impossible to serve two masters. The difficulty in that regard was distinctly announced about eighteen hundred years ago and has continued ever since. If they belong to these corporations they must serve them. Corporations allow no divided allegiance; they must own the whole man, not a part of him; and if these gentlemen are interested, it is a matter for them of course in accepting the trust to settle with their own consciences, but it is a matter for us to understand what possible influences may regulate and control them in any recommendations or suggestions they may make to us on these subjects.

Now, Mr. President, I ask for the adoption of the resolution.

The PRESIDING OFFICER (Mr. GRAY in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, on which the Senator from Oregon [Mr. DOLPH] is entitled to the floor.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. I do not wish to interfere with the Senator's remarks, but I should like to make a request. The entire morning hour has been consumed before I have had any opportunity to call up the bill that was under discussion at the close of the morning hour yesterday. It is very embarrassing to me to remain here constantly every morning waiting for the Army bill to come up and having the morning hour taken up entirely by other matters; and I should like very much if the Senate would consent that, after the speech of the Senator from Oregon or after to-day—I will not ask the Senate to go on with the bill to-day—on Monday morning when the Army bill is reached Senators who feel an interest for or against it may make their remarks and have the bill disposed of. I hope the Senate will agree to that, and it will not interfere at all, except temporarily, with the Washington bill. I hope the Senator from Connecticut will agree to that.

Mr. PLATT. The Senator from Oregon will yield to me for a moment. I desire very much to extricate the Senate from the seeming antagonism which exists between these bills. I am willing to agree to almost anything that will not displace the Washington bill as the unfinished business.

Mr. LOGAN. I do not ask that. I am perfectly willing that that shall be laid before the Senate at every moment that is necessary so as to keep its place.

Mr. PLATT. I think the Senator is entitled to have his bill disposed of.

Mr. LOGAN. That is all I desire.

Mr. PLATT. I only desire that the Washington bill shall not be displaced.

Mr. LOGAN. I will say to the Senator that whenever his bill is laid before the Senate I shall at once give way for that purpose, so that it shall not lose its place. I hope that understanding will be had.

Mr. PLATT. The Senator has had his bill before the Senate for a long while, and it seems to me he is entitled to complete it, but I do not wish the Washington bill to have the go-by.

Mr. LOGAN. No, I do not desire that, and I never do. I have no disposition, as Senators know, to interfere with any business of the Senate; but the bill in my charge was introduced in December, one of the first bills introduced in Congress; it was reported some time ago; and it does seem to me it ought to have a chance to be voted on at least; and that is all I desire. With that arrangement—and I am very much obliged to the Senator from Oregon for yielding for the purpose of making this proposition—I hope the Chair will put the question.

Mr. GIBSON. I ask the Senator from Oregon to yield to me for a moment that I may give notice of an amendment. I should like to have it read.

Mr. DOLPH. I hope unanimous consent will be asked for the proposition of the Senator from Illinois.

The PRESIDING OFFICER. Will the Senator from Illinois state his proposition?

Mr. LOGAN. That on Monday after the morning business we proceed to the consideration of the bill to increase the efficiency of the Army, and continue it until it is disposed of, with a view not to displace any other measure that has the right of way; but at the conclusion of the morning hour that the unfinished business be laid before us and then temporarily laid aside to proceed with the Army efficiency bill until it is finished.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for his proposition. The Senate has heard it. Is there objection? The Chair hears none, and the proposition is agreed to.

Mr. LOGAN. I am very much obliged to the Senate.

Mr. GIBSON. I send up an amendment to the Army bill and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed.

ADMISSION OF WASHINGTON TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. DOLPH. Mr. President, when I yielded the floor yesterday I had discussed the area, population, and educational system of the proposed State and to some extent the character of its people. I now come to the financial ability of the Territory to maintain a State government. That is undoubted.

The last annual report of the Territorial auditor shows the Territory to be free from debt, with a balance in the treasury of $72,597.27 on the 1st day of July, 1885.

The Territory supports an insane asylum, a Territorial penitentiary, and a Territorial university, at an annual expenditure of about $70,000.

The assessed valuation of property within the Territory subject to taxation from 1876 to 1884 was as follows:

1876	$15,139,078
1877	17,281,182
1878	18,678,437
1879	21,021,832
1880	23,708,587
1881	25,786,415
1882	32,566,807
1883	44,107,567
1884	51,008,484

I present an official statement from Hon. T. M. Reed, Territorial auditor, showing the amount of taxable property and amount of Territorial tax levy, as returned by the several county assessors for the Territory of Washington, for the year ending February 1, 1884. This statement shows an aggregate valuation of taxable property within the Territory of $51,008,484; a tax levy of $12,743.39 for penitentiary purposes and $127,486.05 for Territorial purposes.

Statement showing amount of taxable property and amount of Territorial tax levy as returned by the several county assessors in the Territory of Washington for the year ending February 1, 1884.

Counties.	Amount of taxable property.	Tax for penitentiary fund.	Amount Territorial tax levy.
Adams	$175,444	$43 55	$438 49
Asotin	404,908	101 22	1,012 27
Chehalis	1,014,751	253 68	2,536 88
Clallam	230,840	55 07	550 70
Clarke	1,654,300	413 57	4,135 75
Columbia	2,894,570	723 64	7,236 42
Cowlitz	713,565	178 39	1,783 91
Douglas*	500,000	125 00	1,250 00
Franklin	149,003	37 25	372 50
Garfield	1,102,126	275 53	2,755 31
Island	416,103	104 02	1,040 26
Jefferson	873,619	218 40	2,184 04
King	10,147,640	2,536 91	25,369 10
Kittitass	947,740	236 93	2,369 35
Kitsap	1,073,002	268 25	2,682 50
Klikitat	1,184,766	296 19	2,961 91
Lewis	1,514,280	378 57	3,785 70
Lincoln	1,001,982	250 50	2,504 95
Mason	546,628	136 55	1,366 57
Pacific	593,195	148 19	1,479 58
Pierce	4,385,062	1,096 14	10,961 39
San Juan	219,683	54 92	549 20
Skagit	902,870	225 53	2,257 03
Skamania	92,303	22 98	229 50
Snohomish	604,362	148 64	1,509 85
Spokane	3,200,120	800 03	8,000 30
Stevens	242,102	57 89	603 70
Thurston	3,149,236	787 31	7,873 09
Wahkiakum	320,660	80 16	801 65
Walla Walla	5,356,795	1,339 19	13,391 98
Whatcom	608,827	152 20	1,522 07
Whitman	3,473,684	868 42	8,684 21
Yakima	1,314,318	328 57	3,285 79
Total	51,008,484	12,743 39	127,486 05

*Estimated.

[SEAL.]

T. M. REED,
Territorial Auditor.

OFFICE OF TERRITORIAL AUDITOR,
Olympia, Wash., November 28, 1884.

By way of explanation it should be stated that the Territorial Legislature in 1883, passed a law taxing railroad companies on their gross earnings only, in lieu of a tax upon their property. A few of the county assessors in making the assessment for the year ending February 1, 1884, acting under legal advice, disregarded the law as unconstitutional and assessed railroad property within their counties. The large majority of them, however, I am informed, did not, and the value of railroad property in the Territory, with the exceptions mentioned, is not included in the above statement. The taxable value of railroad property within the Territory at the same valuation placed upon other property, would be not less than $7,500,000. This would swell the aggregate of assessable property in the Territory on the 1st of February, 1884, to $58,508,484.

Real property in Washington Territory, as a rule, is assessed from two-fifths to two-thirds of its value. The actual cash value of taxable property in the Territory at the present time is probably not less than $100,000,000.

The resources of the proposed State are varied and great, and when fully developed, will make it one of the most wealthy States in the Union. After the complete review of the resources of Washington Territory by the Senator from Connecticut [Mr. PLATT] I shall make a hasty summary of them only. The climate of Western Washington is delightful; cool in summer, mild in winter, and remarkably healthy. The isothermal line which passes through Northern Virginia runs northerly and westerly across the continent, being deflected rapidly to the north after crossing the Rocky Mountains, and strikes the Pacific Ocean about 200 miles north of the northern boundary line of Washington Territory. Along this line the mean average temperature is about 50°. The winters are so mild that as a rule in Western Washington and in the valleys of Eastern Washington stock run at large all winter without shelter, feeding upon the natural pasture.

Snow seldom falls to any considerable depth west of the Cascade Mountains, and when it does fall is soon melted by the warm winds from the Pacific. The mildness of the climate in winter is produced by the prevailing west wind, warmed by the heat from the tropics, which modify the climate as far inland as Western Dakota, and the Black Stream or Kuro Siwo, which, starting off the coast of Southeastern Asia, passes up the Asiatic coast and strikes the Pacific coast of North America at about 50° north latitude.

East of the Cascades the formation of the country differs materially from that of Western Washington. Forests are found only in the mountains and foot hills; the winters are colders and the summers drier than those of Western Washington, but the climate in both summer and winter is greatly modified by the westerly winds, tempered by the ocean current already mentioned, so that the winters are short and the nights in summer cool, with heavy dews.

This section is a portion of the great basin of the Columbia River, and consists mainly of high table-lands extending back from the Columbia River to the foot-hills of the Cascade range, the Blue Mountains, and the Bitter Root Mountains. A large portion of Eastern Washington is susceptible of successful cultivation and yields remarkable crops of wheat, which is the staple agricultural product. But in both Eastern and Western Washington oats, barley, and the grains and fruits grown in the temperate zones generally are also successfully raised. The berry of the wheat is large, plump, and compares favorably with the wheat grown in the best wheat-growing regions of the world. Portions of Eastern Washington are, however, too dry for successful cultivation without irrigation, but the soil is rich, and wherever water can be got upon it the labor of the farmer is rewarded with a bountiful harvest. Much that at one time was considered worthless has proved to be valuable agricultural lands.

As suggested by the Senator from Connecticut, Northern Idaho is a good agricultural country, and abounds in all the resources necessary to support a large population.

In recounting the natural advantages of Washington Territory, the system of water transportation afforded by Puget Sound and the Columbia River and its tributaries must not be overlooked. In fact any description of the Territory which did not include some account of the magnificent body of water popularly called Puget Sound, and which embraces the Straits of Juan de Fuca, Admiralty Inlet, Hood's Canal, and Puget Sound, and numerous bays, harbors, and inlets, each with a distinctive name, would be imperfect indeed. There is no other country upon the globe that possesses an inland sea which for beauty of scenery, for safety of navigation, for extent of unobstructed navigable channels, for numerous commodious harbors, and other advantages will at all compare with Puget Sound. It extends about 100 miles inland and 150 miles north and south, and has a surface area of 2,000 square miles and a shore line in Washington Territory of 1,984 miles. It has been very justly called "the Mediterranean of the Pacific."

From the Straits of Juan de Fuca, which, flowing east and west, separate the island of Vancouver from Washington Territory, the sound extends south in two arms, lying near together, some 70 to 90 miles into the heart of the Territory. The larger of these arms ends in a bay with narrow inlets, indenting the shore, as has been aptly said, "like the fingers of an open hand." North of the straits the waters of the sound wash the western shore of Washington and encircle hundreds of islands, and the coast is indented with innumerable bays and inlets.

The shores of Vancouver and of the British mainland bordering on the sound are similary indented, and everywhere throughout the vast archipelago the waters are deep, and in some places too deep to afford anchorage. The shores of the mainland and islands are covered with forests of pine, fir, and cedar, those on the mainland being the finest in the United States, and probably the finest upon the face of the globe. Along the shores are great saw-mills, at which vast quantities of lumber are manufactured and shipped to the ports of the Pacific coast of North, Central, and South America, the Hawaiian and other Pacific and South Sea islands, and to Australia.

Immense deposits of iron ore are found within convenient distance of its navigable waters, while in many places along the sound are found extensive beds of coal of an excellent quality, a number of which are already profitably worked, and the products of which are shipped to Oregon, California, and Eastern Washington. Numerous rivers, navigable for varying distances, discharge into this internal sea, which extend the magnificent system of water navigation of the sound farther into the interior in many directions, and furnish cheap and convenient transportation for the timber, coal, and iron, while the bottoms along the banks of these rivers, enriched by the contributions of the neighboring mountains for centuries, yield amazing returns in oats, hops, hay, and vegetables for the labor of the agriculturist.

Along its shores, "beautiful for situation," convenient to its great and growing commerce, are situated important cities and towns, among the principal of which are Port Townsend, Seattle, Tacoma, and Olympia. The Olympic range faces the Straits of Juan de Fuca near the coast, and affords charming mountain views; and the Cascade range running up through the Territory into British Columbia introduces into the scene the grandeur of its lofty snow-peaks, among which are Mount Baker, the highest peak in the northern part of the range, Mount Saint Helens, Mount Adams, and Mount Rainier, or Mount Tacoma, as it is now called, 12,300 feet above the level of the sea, "with its three white peaks mounting above the clouds."

The importance of the shipping interests of Washington Territory will appear from the following statistics:

The shipping of the Puget Sound customs district already exceeds that of four-fifths of the customs districts of the United States. During the year ending June 30, 1885, 169 vessels were documented at the custom-house at Port Townsend, of which number 80 were steam-vessels and 89 sail-vessels, the aggregate tonnage of which was 47,657 tons. During the year ending June 30, 1885, 2,130 vessels, aggregating 930,374 tons, were entered and cleared at the custom-house, of which 178 were coastwise and 1,952 were foreign vessels.

The proposed early completion of the Cascade Branch of the Northern Pacific Railroad will open a direct line of transportation between Eastern and Western Washington, and provide a shorter, and it is to be hoped a less expensive route to tide water upon Puget Sound for the surplus agricultural products of Eastern Washington and for supplying the lumber and coal of Western Washington to the people of the eastern portion of the Territory, and will bind the two sections by a community of interest and good-fellowship. The most fertile fancy can scarcely picture the great future which awaits the Pacific Northwest. New experiments and a more thorough investigation of the character of its soil and the extent of its resources every year result in fresh discoveries. The extent of agricultural lands, the fertility of the soil, and the variety of the resources of Eastern Washington are so much greater than were supposed a few years ago that the Eastern Washington Territory of to-day may be said to be, as compared with that region as known ten years since, a newly discovered country.

The advantages and resources of this favored section were thus summed up by Governor Newell, of Washington Territory, in his message to the Legislative Assembly in 1882.

I will pass the extract to the Secretary and ask him to read it.

The Secretary read as follows:

Forty-five millions of acres of timber, coal, pasture, and mountain lands; mines of precious metals; quarries of limestone, marble, granite, slate, sandstone, and beds of mica; ocean front and inland salt seas; many lakes and rivers, affording thousands of miles of navigable waters—all alive with an hundred varieties of fish, some of them of great value; water powers; a climate of even temperature and healthful; grand scenery of water and mountains; facilities for manufacturing the staples from our own material—wood, iron, wool, and hides; maritime opportunities unsurpassed for internal, coastwise, and foreign commerce, in a line to absorb the trade of Alaska in fish, fur, cedar, and gold; to obtain the largest share from Asia in coffee, teas, opium, porcelain, silks, and ivory. All of these are our resources and advantages which will straightway place Washington Territory in the forefront along with the most prosperous countries on the globe.

Mr. DOLPH. The geographical position of the Territory is one of great commercial importance. It is situated upon what, I believe, is destined to be the great line of the world's commerce. Puget Sound, with its magnificent harbors, is already the western terminus of the Northern Pacific Railroad, which has its eastern terminus upon the navigable waters of Lake Superior, and is connected with the extensive system of water transportation on the great lakes and the River Saint Lawrence, and with competing railroad lines to the Atlantic seaboard, and all along the line across the continent is already connected with numerous branches and feeders extending into the fertile valleys and rich mineral regions of the richest and most productive portion of the continent west of the Mississippi River. The shorter distance, as compared with other routes, between Puget Sound and the principal ports of China and Japan, and the more favorable trade winds prevailing upon the direct route between those ports will, without doubt, and that, too, at no distant day, command for the ports of Puget Sound their share of the rich and extensive commerce of China and Japan.

In a speech delivered by me in the Senate on the 7th of March, 1884, I referred to some statistics to show the present and rapidly-growing coastwise and foreign commerce of the Pacific coast. Without recapitulating what I then said, I will be pardoned for referring to it. Those statistics show that the value of the foreign commerce of a single port upon the Pacific coast—the port of San Francisco—for the year ending September 30, 1883, was nearly as much as the average foreign commerce of the United States for the decade ending September 30, 1830. I then said what I ask the Secretary to read:

The Secretary read as follows:

The growth of foreign commerce upon the Pacific coast for many years to come will be much larger proportionately than the growth of the whole commerce of the United States, and it is not improbable that within a single decade the foreign commerce of the Pacific coast will be equal to one-third of the present commerce of the United States, and that a quarter of a century hence the commerce of the Pacific coast will equal in amount and value the entire commerce of the United States in 1873.

The Pacific coast at present is at a disadvantage in marketing its wheat in Europe, as it is compelled to ship it around the Horn, but it is nearer by the breadth of a continent to the markets of the old East than are the Atlantic ports; and the time is not far distant when it will find a market for its wheat and flour in Asia and the islands of the Pacific. There is a large and constantly increasing shipment of flour from the Pacific coast to China, and well-informed persons assert that this trade will steadily increase until China alone will furnish a market for a large portion of the surplus wheat raised upon the coast.

Various causes have conspired to direct the commerce of the Pacific coast with China, Japan, and the Sandwich Islands to San Francisco. Chief among these causes have been the transcontinental railroad line terminating at that port, the steamship line between that place and the ports of China, and the monopoly of the sugar trade with the Sandwich Islands by her merchants. Since the completion of the Northern Pacific Railroad, opening a channel of commerce across the continent from ship navigation upon the Columbia River and Puget Sound with the great commercial centers of the East, Portland, Astoria, and the Puget Sound ports will become competitors with San Francisco for this trade. The number of sailing vessels engaged in this trade will no doubt be largely increased, and the necessities of commerce will demand better facilities for the future. The Northern Pacific Railroad Company will be compelled by the necessities of its business to place or aid in placing a line of steamships in the Asiatic trade to connect with its road.

The trade of San Francisco will not decrease, but the trade of Puget Sound and the Columbia River will largely increase. The advantages are decidedly in favor of the latter ports in competing for this trade. The distance between Canton and Port Townsend, the port of entry for the Puget Sound collection district, and between Canton and the Columbia River, is several hundred miles less than the distance between Canton and San Francisco. And the route from Canton to the Columbia and to the Straits of Juan de Fuca is in the direction of the trade-winds. It has been averred that the Pacific coast is greatly interested in the proposed interoceanic canal; and it is true that any work which will shorten the distance and lessen the cost of transportation between the Pacific coast and the markets of Europe will be of great advantage to the coast; but the Pacific coast is far from being dependent upon such a canal for its commercial prosperity.

The commercial outlook of the Pacific is westward. Every year its commercial relations with Europe will grow comparatively less important, and its commercial relations with its trans-Pacific neighbors will become greater. The continent of Asia and the islands of the Pacific, with their millions of inhabitants, with their rich and valuable commerce, are separated from us only by the open sea, over which steamships come and go with regularity and safety. It seems probable that everything imported into the United States from those countries consumed west of the Rocky Mountains, and everything which will bear railroad transportation across the continent, will be imported through the ports of the Pacific coast.

Mr. DOLPH. Mr. President, the prospect for the early opening of an interoceanic canal, so far as I am able to judge, is not so bright as it then appeared. I think, however, notwithstanding statements to the contrary, that the Panama Canal will be completed. It is hardly possible to estimate the influence of the opening of this canal upon every industry of the Pacific coast. Our wheat, flour, and fish are now, and for some time to come, will be mainly marketed in Europe, and are shipped around Cape Horn, while our market for lumber, with inconsiderable exceptions, is confined to the Pacific coast of North, Central, and South America, the Hawaiian and other Pacific and South Sea Islands. The completion of the Panama Canal will so shorten the distance and lessen the risk of the voyage from the Pacific coast of North America to the continent of Europe that a great reduction in the cost of transportation will necessarily follow, resulting in the opening of new and extensive markets for our lumber. To the extent that the cost of transportation is reduced the value of the fish, oil, furs, and lumber of Alaska, and of the wheat, flour, fish, fruit, lumber, hops, and wool of California, Oregon, and Washington, will be increased; the labor of the producer will be better rewarded, enterprise stimulated, and the country developed. It will also place water transportation between the Atlantic and Pacific coasts, in competition with transportation by rail, a competition which can not be prevented by pools, traffic agreements, or consolidations.

It has been stated, upon apparently good authority, that the wheat traffic of California, Oregon, and Washington Territory with Europe gives employment to four hundred and forty sailing vessels going around Cape Horn. The average voyage of each ship is about four months, which the opening of the Panama Canal would reduce to one-half the time.

It is not now my purpose to discuss the merits of any route for a ship-canal, or the relative merits of a ship-canal and a ship-railway. The

Nicaragua Canal, if constructed, would be in the neighborhood of 500 miles farther north than the Panama Canal, and consequently would bring the Pacific coast of North America a thousand miles nearer to the markets of Europe and the Atlantic coast, while the construction and successful operation of the proposed Tehauntepec Ship Railway, the proposed location for which is still eight hundred miles north of the Nicaraguan route, would still further shorten the voyage from ports of California, Oregon, and Washington Territory over sixteen hundred miles over the Nicaraguan route, and to that extent would probably still further lessen the cost of transportation.

About one year ago I received by mail a printed argument against the construction of the Nicaragua Canal by the Government, the ground of objection being that if constructed and successfully operated it would destroy the investment made to construct the Panama Canal, and in a great measure the investment of the United States in transcontinental railroads, and likewise the large investments of our citizens in these enterprises. It is a sufficient answer to the argument to say neither the Government nor the people of the United States are under obligations to protect investors in the Panama Canal, and that the aid granted by Congress to the transcontinental railroads was not granted for the sake of the investment but to open up new lines of transportation and develop the country, not for the benefit of the Government so much as for the benefit of the people at large, and that neither the Government nor investors in those roads have any just claim to protection at the expense of the interests of the general public.

Compared with the rapid growth of some other Northwestern States and Territories, Washington Territory and Oregon until quite recently have made rather slow progress. In the early days of the settlement of that region the long, toilsome journey across the continent required to reach it from the Mississippi Valley was a great obstacle to immigration, although thousands braved the hardships and perils of the journey, became the pioneers of American civilization there, settled the question of the title to the country by actual occupation, and laid the foundations of its present prosperity. California, when gold was discovered within her borders and fortunes were being made in a day, drew largely from the population of the Territory of Oregon, which embraced what afterward became Washington Territory, and a constant drain has been going on for the last twenty-five years from the population of Oregon and Washington Territory to Idaho and Montana Territories. After the completion of the Union and Central Pacific Railroads California, with her mild climate, rich mines, fertile soil, and diversified industries, separated from Oregon and Washington by a disagreeable sea voyage, proved an obstruction upon the principal line of travel between the outside world and Oregon and Washington, and largely absorbed the immigration to the Pacific coast.

The growth of the Territory in wealth and population has, however, been continuous and permanent. At present the North Pacific coast is feeling the impetus given to it by connection with the railroad system of the East and increased immigration. During the last three years, stimulated by the opening of new lines of transportation, including the completion of the Northern Pacific Railroad to the Columbia River, the development of her great natural resources has been greatly accelerated. But the increase of population has been in a healthy way, and the stimulus of her industries has not been unnatural. The cities and towns have prospered, but not to the detriment, as is sometimes the case, of the agricultural and other producing interests, for they too have correspondingly advanced, and her mining and other industries have made satisfactory progress.

The increase of population and the general growth of the country give assurance that the prosperity is not spasmodic, but is destined to continue. The era of improvement has overtaken the country; railroads are now being built and others projected which will within a few years bring every productive region not now furnished with facilities for transportation within the easy reach of market. The day of uncertainty as to the future of this section—if there ever was such a day in its history—is past; the country has become known and has been made so accessible that it will hereafter receive a fair share of the emigration from the older settled portions of the Union and from Europe.

In the language of another:

That Northwest, therefore, so far off till now, has become our next-door neighbor, and is as near to New York as Monday is to Friday; where were heard, mainly, only the dashings of her rivers in the primeval stillness of her wilderness, are heard the puffing of steamers and whistle of locomotives, and clatter of mills and bustle of trade, and the glad sounds of farm life and the winsome music of children.

A very large majority of the people of Washington Territory desire the admission of the Territory as a State of the Union. In fact, I believe I hazard nothing by stating that they are practically unanimous in favor of admission, and they have done all that could be done to signify that desire to Congress. Both political parties at their Territorial conventions have resolved in favor of admission. Without waiting for an enabling act of Congress, the Territorial Legislature at the session of 1877–'78 made provision for the holding of a Territorial convention to adopt a constitution.

The convention was held and a constitution framed and submitted to the people, and, although it contained a number of objectionable provisions, it was adopted by a two-thirds vote of all the votes polled. The Legislature of the Territory at the session of 1883 adopted an earnest memorial to Congress, praying for admission; and at the last session adopted a similar memorial. The people of Northern Idaho are also practically unanimous in their desire to have Northern Idaho included within the boundaries of the new State.

There were very few settlers in that portion of Washington Territory east of the Cascade Mountains, now Eastern Washington, Idaho, and Western Montana prior to 1861. In consequence of the discovery of gold in what is now Northern Idaho during that year, in that and the succeeding year there was a considerable immigration from Western Washington, Oregon, and California to that mining region. During the latter year a movement was inaugurated for the organization of a Territory out of that portion of Washington Territory lying east of the Columbia River. The matter received the favorable consideration of Congress, but instead of the Columbia River being made the western boundary of Idaho, it is said through the influence of the Delegate from Washington, the one hundred and seventeenth meridian of longitude west from Greenwich was substituted. Idaho was organized by an act of Congress approved March 3, 1863. The boundaries fixed for the Territory included but a narrow strip of land west of the Bitter Root Mountains susceptible of settlement and cultivation.

In the year 1864 the Territory of Montana was organized out of a part of Idaho, with its western boundary the crest of the Bitter Root Mountains, leaving the northern portion of Idaho only about 40 miles in width. A considerable portion of that consists of spurs of the Bitter Root Mountains, not suitable for cultivation. The division line between Washington and Idaho was an unnatural one. North Idaho is a part of the basin of the Columbia River and naturally belongs to Washington Territory. The people of Northern Idaho were dissatisfied with their situation and first sought relief by endeavoring to procure the formation of a new Territory to embrace that portion of Washington Territory east of the Columbia River and North Idaho. Failing in this they sought annexation to the Territory of Washington, and this effort has been persisted in by petitions and memorials to Congress.

The Legislature of Washington Territory in the act authorizing the calling of a convention to form a State constitution, hereinbefore referred to, invited delegates from the northern counties of Idaho to participate in the convention, with a view of including those counties within the new State. These counties chose delegates who represented them in the convention. The constitution framed by the convention included within the boundaries of the proposed State the three northern counties of Idaho and made provision for the submission of such constitution to both the people of Washington and North Idaho. As has been said, the people of Washington Territory adopted this constitution by more than two-thirds of all the votes polled, while in North Idaho only 34 votes out of 800 were polled against it. The memorial adopted by the Legislative Assembly of Washington Territory, at its session of 1882, to Congress, asking an enabling act to form a State and adopt a constitution, asked to include within the boundaries of the new State the northern counties of Idaho, and the lower house of the Idaho Legislature, at the session of 1882 and 1883, adopted a memorial asking that whenever Washington should be admitted the northern counties of Idaho should become a part of the new State. The question of the annexation of North Idaho to Washington Territory when admitted as a State was again submitted to the people of North Idaho at the general election of 1880, and 1,216 votes were polled for annexation and only 7 against it. The Territorial Legislature of Idaho again at the last session passed a memorial praying for the annexation of North Idaho to Washington Territory. In a petition of a committee of citizens of North Idaho, styling themselves "corresponding committee," the reasons for desiring that North Idaho should be annexed to the State of Washington are stated with great force and particularity as follows:

The reasons for desiring that North Idaho be annexed to the State of Washington are:

First. The union of North and South Idaho is, and always has been, disastrous to all the material interests of the people of the northern part of the Territory. If the imaginary line now constituting the western boundary of North Idaho were abrogated and this section restored to its original and natural position as a part of Washington, the value of the property of her citizens would be increased by hundreds of thousands of dollars. Immigration now stops within Washington Territory and crosses into Idaho with reluctance. With agricultural resources unsurpassed, except in extent, the development of these resources is retarded beyond a present power of computation by reason of our isolated condition consequent upon a political connection with a section with which we are as practically separated as from any State in the Union. To remain thus permanently severed from the basin of the Columbia, of which we are naturally a part, is and will always continue to be absolutely ruinous to our prosperity.

Second. North and South Idaho are separated by natural boundaries. Between the two is a mountain range impassable, except on horseback or on foot over rugged mountain trails in the summer and in the winter except on snowshoes. There never has been a wagon-road and never can be a practicable one between the two. The Salmon River Mountains, which constitutes this barrier, are at least 60 miles in width, extending east and west, across the entire Territory.

Third. The only routes of travel between the two, by private or public conveyance, except as before stated, is by a wide detour westward through Washington Territory and the State of Oregon, over the Blue Mountains, or still farther, by water and rail to Portland and San Francisco, through Washington Territory and the States of Oregon and California, via the Central Pacific road. Within the limits of the Territory there is no communication between the two sections except by mountain trail, as before stated.

Fourth. Our remoteness from the seat of the Idaho Territorial government deprives us of all the protection which a government should afford to every sec-

tion of its domain. North Idaho, with a comparatively small area, is the present home of a large number of Indians. In it are the Nez Percé, Cœur d'Alene, Pend d'Oreille, a part of Kootenai, permanently, and the Spokane roam through the northern portion thereof. There are no prospects of these tribes being removed to other localities. We are subject, therefore, in the future, as we have been in the past, to sudden and cruel savage outbreaks. When the Indian war under Chief Joseph broke upon our people in 1877 we appealed to the governor, an energetic and faithful executive, for aid, but his reply was, "That he had no arms that he could spare for so long a distance, and that aid could reach us from other sources sooner than from Boisé, our capital." General Howard attempted to aid us by a command sent from South Idaho through the nearest and most accessible route. This command, under a brave and energetic officer, pushed forward with the utmost dispatch until it reached the southern base of the Salmon River Mountains, within 80 miles of our people. It sought to make a wagon-road and cross this barrier, but was obliged to turn back before the difficulties of this mountain range. Although within 80 miles of the point where men, women, and children were being massacred with savage cruelty this command was obliged to leave our people to their fate and to come to our rescue, if at all, by passing through Oregon and Washington, a distance of not less that 600 miles.

Governor Ferry, of Washington Territory, came at once to our aid, and though beyond the jurisdiction of his Territory loaned us arms and munitions of war. Thus this savage warfare was staid by aid from the Territory to which we ask to be annexed, and could naturally come from no other source. What occurred in 1877 may occur at any time in the future. The government in South Idaho can only draw a revenue from our taxable property, while it can afford us no protection from impending danger. The capital of the Territory was removed from Lewiston, in North Idaho, to Boisé, in South Idaho, in 1875. Since that time, a period of seventeen years, no Territorial officer has ever been within the limits of the Territory sought to be annexed, and none have had any actual practical knowledge of our condition. This has not been the result of a want of energy or a lack of interest on the part of these gentlemen in the welfare of our people. It is simply the result of the difficulties of intercourse between the two sections which nature has made nearly insurmountable.

Fifth. The political union of these two sections of Idaho renders it necessary to travel over the above-described routes from this northern section to the capital at a great expense and at great distance by stage, and in the winter season at considerable danger to life and health, while the union of North Idaho with the State of Washington would make access to the seat of government expeditious, easy, and convenient by rail or river navigation.

Sixth. Between North and South Idaho there is and can be no commercial intercourse. Neither has products which find a market in the other, and no routes of transportation from either section to the market of the world passes through the other. The products of North Idaho have hitherto passed westward to the Pacific and will in the future take the same course unless a portion pass over the North Pacific road to Eastern markets.

Seventh. No material or political interest of South Idaho will be affected by the annexation of North Idaho to Washington. All her resources could be harmoniously developed. It is claimed by those opposed to annexation that the severance of North Idaho would leave the Territory subject to Mormon rule. This plea is fallacious and designed simply to prejudice the minds of those not acquainted with the facts. Bear Lake County, in the extreme southeastern corner of the Territory, is the only one where the Mormon influence is dominant. In Oneida County, joining Bear Lake on the west, the political power of the Mormon and anti-Mormon, known there as the Gentile influence, has always been and now is nearly equally divided, so nearly equal that the county officers and representatives in the Territorial Legislature have been about equally divided. Cassia County, joining Oneida on the west, has a considerable, but not a controlling, Mormon vote. These three counties, located in the extreme southeastern portion of the Territory, contain the entire Mormon strength. In the counties of Owyhee, Ada, Washington, Boisé, Lemhi, Alturas, and Custer the Mormons have no power whatever.

At the last census, in 1880, Idaho Territory had a population of 32,713, of these North Idaho had 6,983 and South Idaho 25,730. At that time the Mormon population in Idaho did not exceed 7,000. Since then there has been no great increase of Mormons within the Territory, but the discovery of gold in the Wood River country in Alturas and Custer Counties has brought into the Territory, according to the most reliable estimates, not less than 20,000 people. Of this increase nearly all are anti-Mormon. In South Idaho then, at this time, the relative population of what is known as Mormon and Gentile is 7,000 of the former and 38,682 Gentile, or in the ratio less than 1 to 5 in favor of the anti-Mormon influence.

Eighth. It has been claimed, as we are informed, that the annexation of North Idaho to the State of Washington would make the latter unstately. An eminent statesman of our country, speaking of the boundaries of the States forming our Union, has said that the boundaries of the States should be such as God and nature have established. We presume that boundaries not conforming to this principle are not desirable. The boundaries of Idaho, as to all north of the Salmon River Mountains, are contrary to this principle and unnaturally sever us from Washington and unite us to Idaho. The truth is that the present awkward shape of Idaho and the consequent unfortunate condition of our section is the result of political intrigue of aspirants for office. Its present boundaries, as far as North Idaho is concerned, were established without the knowledge and against the wishes of the people directly interested, and since their establishment our efforts to restore our section of the Territory to its former place have been constantly adhered to. We believe that all such political aspirations have been gratified and that no citizen, either public or private, will be injured by the desired change.

Were the present eastern boundary of Washington Territory at the crest of the Bitter Root Mountains including North Idaho and southward to the crest of the Salmon River range as a southern boundary, the natural boundaries would be restored and the entire Columbia River basin would be included within the State of Washington. This would leave the Territory of Idaho of a nearly rectangular shape, with all sections easily accessible from its center and with an area of 55,000 square miles, larger in extent than the State of Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Mississippi, New York, Ohio, Pennsylvania, South Carolina, North Carolina, Virginia, or Wisconsin, while the State of Washington would have an area of 90,000 square miles, smaller than the Territory of Arizona, Dakota, Montana, New Mexico, Wyoming, or the State of California, Colorado, Nevada, Texas, or Oregon.

Adversely to annexation, no reference is made by the committee to the people of North Idaho. Their condition is entirely ignored. It is this unfortunate disregard of all our rights and claims that has reduced us to a condition of political vassalage. We earnestly appeal to the honorable members of Congress to do us the justice to carefully examine our grievances. We feel it to be our duty to say that we are now, and for years have been, most unjustly misrepresented in Congress. We can only look for relief to members of other States and Territories. There is now a Territorial debt, a part of which we are under obligations to pay, of about $60,000. This is not payable until 1885 or most of it would have been paid at this time. We are ready to assume our proportion of this debt, and if indeed our "ransom can only be bought with a price," we will, if required, pay any proportion thereof that Congress may impose upon us. We most respectfully ask that our wishes may not be ignored. We were originally a part of Washington Territory; we were unjustly severed from it and we can only be restored to political and commercial prosperity by being annexed to and becoming a part of the State of Washington.

H. W. HOWARD,
A. LELAND,
J. RAND,
M. A. KELLY,
J. M. HOWE,
I. N. MAXWELL,
C. E. MONTEITH,
Corresponding Committee.

I now present as part of my remarks also a memorial of the Legislative Assembly of the Territory of Washington, adopted at the session of 1883:

MEMORIAL.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The people of the Territory of Washington, by their Legislative Assembly, respectfully, but urgently, protest against the further continuance by Congress of the so-called Territorial government, a new creation of Congress, unknown to the Constitution of the United States, the only warrant for such a political anomaly in our institution being based upon a custom sanctioned so long that it has grown to be regarded as the necessary method whereby territory of the nation can be prepared for future States of the Federal Union. Earnestly this people pray that Congress will remove their political disabilities, and that they may enjoy the constitutional guarantee of a government republican in form where the government derives all of its just powers from the consent of the governed. The settlers of this Territory have brought hither to establish a State the necessary intelligence, loyalty, and patriotic motive. It is conceded that they possess the necessary qualifications, but still are they denied the first and most essential element of American citizenship. They dare not participate in the selection of the Chief Magistrate of the nation; they are denied the right to elect their own officers; they can not sue a citizen of one of the States in the Federal courts because they are not recognized as citizens of a State; they are denied representation in the Congress of the United States; they can not make their own laws; they are mere dependents upon your honorable body, who claim to adopt rules for their government under an implied power—that you make rules and regulations as to the disposition of the Territory and other property of the Government. In fact, every relation of such a government to the Congress of the United States exhibits a dependence as humiliating as that so terribly denounced in that grandest of indictments, drafted by the immortal Jefferson, arraigning the Crown of Great Britain for withholding popular rights from our ancestors. Our people are a Commonwealth. We are a State, though denied such name. As a State, as a people, as a community we are entitled to demand that the Congress of the United States guarantee to us a republican form of government. The State, and people of a State, are but equivalent forms of expression, and it is not disrespectful when we urge as the paramount duty of Congress the guarantees to us of a republican form of government. In urgency of which we respectfully submit—

First. That the people are sufficient in numbers to successfully maintain a State government. The population of Washington Territory largely exceeds that of many of the States when admitted. It is not less than 125,000, and well-informed and observant persons place it as high as 150,000. The immigration now and for the past year has been unexampled in the history of the growth of American States and Territories. It is also worthy of remark that transition from Territorial vassalage to Statehood and sovereignty has always been followed by renewed growth; and surely the circumstances and present surroundings of this Territory assure that increased prosperity, importance, and wealth. We beg to refer to the admission of other States. California was admitted with a population of 92,597. Colorado, at the census preceding admission, numbered 39,864. Florida, at the census following admission, had a population of 87,445, while at the previous census it numbered only 54,477. Kansas came in with 107,206, Iowa, at the census before admission, had 43,112. Nebraska, at the census before admission, 28,847; in 1860, 122,993. Nevada, before admission, 6,857; subsequent, 42,491; and in 1880 boasted a population of 62,666. Oregon was admitted in 1859, and at the census of the subsequent year had a population of 52,455. These statistics establish the fact that our population greatly outnumbers that of numerous successful applicants for Statehood. By all the precedents Congress is concluded upon this proposition. Washington Territory possesses the requisite population.

Second. Our people are amply able to maintain a State government. This is demonstrated by a comparison of the valuation of taxable property in this Territory with those of several States in the Federal Union:

Washington Territory, in 1883	$44,107,567
Colorado, in 1880	43,072,648
Florida	29,471,227
Nevada	29,564,675
Oregon	46,422,817

In the support of an insane asylum, a Territorial penitentiary, and a university the Territory annually expends over $60,000. With the exception of the trifling contribution by the United States for the expenses of trying United States causes, and the salaries of three judges, the district attorney, and marshal, the people pay the expenses of their courts. The expenses of legislation are partially paid by the United States; the people elect the members, but their laws are subject to Congressional approval. The governor and secretary are paid by the United States, but how cordially would the people pay their salaries for the democratic privilege of electing their own rulers. All these expenses are derived from taxation for Territorial purposes in addition to our county, school, road, and municipal taxes. The Territory, devoid of sovereignty, owns no property and can not hold any from which income can be derived, and thus it is the tax-payers are called upon to bear this burden to maintain a government not of their own making.

Third. Our great natural resources, our future wealth demand such recognition, and they are entitled to Congressional representation to secure their development. With requisite population in numbers, who have demonstrated their ability to maintain government, we pray that our disabilities may be removed and we be restored to those rights which belong to American birthright and citizenship, the right to select our own rulers, to make our own laws. We ask for nothing that is not your duty to confer. We pray only to be allowed to consider ourselves citizens of the United States of America, and, as in right, duty, and good conscience, we will ever pray.

Passed the council, November 21, 1883.

SEWALL TRUAX,
President of Council.

Passed the house, November 24, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved, November 28, 1883.

WM. A. NEWELL.

I present also a memorial of the Legislature of Washington Territory, adopted at the last session of the Legislative Assembly of that Territory, praying for admission into the Union as a State.

Memorial praying for the admission of the Territory of Washington to the Union of States.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent that Washington Territory has a population of 175,000, capable and desirous of governing themselves; that the wealth and natural resources of the Territory are sufficient to maintain a grand and prosperous State: Therefore your memorialists do respectfully urge your honorable body to admit the Territory of Washington to the Union of States at the earliest possible date.

Passed the house of representatives, February 3, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council, February 3, 1886.

B. B. DAY,
President of the Council.

Approved, February 4, 1886.

WATSON C. SQUIRE,
Governor.

[SEAL.]

I also present the preamble and resolutions of the Walla Walla Board of Trade, in favor of the annexation of that portion of Idaho known as the "Panhandle," to Washington Territory:

Whereas it is represented that the proposition to annex the Panhandle of Idaho to Washington Territory is a political movement for the benefit of only one party; and

Whereas such representation is, in our opinion, without foundation in fact; and

Wheras such annexation is demanded by the voice of a large majority of the people of Washington and Idaho Territories without regard to politics: Therefore,

Be it resolved, That it is the opinion of the Walla Walla Board of Trade that the annexation of such Panhandle of Idaho to Washington Territory is demanded by the business interests of both Territories and by the natural geographical and community division of the Northwest, and such movement will result in the mutual benefit of both said Territories; and

Be it further resolved, That the president and secretary transmit authenticated copies of these resolutions (one to each) to Hon. J. N. DOLPH and Hon. J. H. MITCHELL, Senators from Oregon, and Hon. CHARLES S. VOORHEES, Delegate from Washington Territory; Hon. JOHN HAILEY, Delegate from Idaho Territory, and the President of the Senate and Speaker of the House of Representatives, with the request that Congress pass the bill for that purpose without delay.

Passed the Walla Walla Board of Trade March 4, 1886.

H. P. ISAACS, *President.*

Attest:

H. D. CHAPMAN, *Secretary.*

I also present the memorial of the Legislative Assembly of the Territory of Idaho, passed at its last session, and which is as follows:

Council joint memorial No. 2.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the Legislative Assembly of the Territory of Idaho, respectfully represent that all of that portion of said Territory which comprises the counties of Idaho, Nez Percé, Shoshone, and Kootenai, and is included in the boundaries hereinafter set forth and constituting what is known as North Idaho, is situated in relation to the southern and southeastern portion of said Territory as to render their political union impracticable, for the reason that nature has divided them by a high and rugged range of mountains, over which there is no road except such as will admit of the passage of riding and pack animals, and this only for about six months of the year. During the remaining six months the snow is so deep as to cut off all communication between said sections except by telegraph or travel by a circuitous route through Washington Territory, across the Umatilla Indian reservation, and through the State of Oregon, a distance of some 700 miles, this being the shortest route by which the people of the north can reach Boisé City, the capital of the Territory, except it be on horseback or on snowshoes.

Politically the two sections are united, but socially, commercially, and geographically they never can be.

We, your memorialists, therefore respectfully pray that when the Territory of Washington is admitted as a State into the Union all that portion of the Territory of Idaho hereinafter more particularly described be attached to and made a part of said State of Washington, to wit: Commencing at a point in the middle channel of Snake River, at the northwest corner of Washington County, in Idaho Territory, thence easterly along the northern boundary line of said Washington County to where said boundary line crosses the Salmon River range of mountains; thence easterly along the summit of said Salmon River range of mountains to the eastern boundary line of said Idaho County; thence northerly along the eastern boundary line of said Idaho County to summit of the Bitter Root range of mountains; thence in a general northerly course along the summit of the Bitter Root range of mountains to the thirty-ninth meridian line, west longitude from Washington, D. C.; thence north along said meridian to the forty-ninth parallel of latitude; thence west along said parallel to the western boundary line of Idaho Territory; and thence southerly along said western boundary line to the place of beginning.

And we would further ask that in the event of the disintegration of the part of Idaho Territory mentioned, that the common debt be adjusted and provision made for the support of such convicts as are now in the Territorial penitentiary, and for the support of the persons adjudged insane in said counties of Idaho, Kootenai, Shoshone, and Nez Percé.

And your memorialists will ever pray, &c.

D. W. FOUCH, *Speaker.*
CHAS. A. WOOD,
President of the Council.

I hereby certify that the within council joint memorial No. 2 originated in the council during the thirteenth session.

J. W. CUNNINGHAM,
Chief Clerk of the Council.

Practically the bill now under consideration adopts the boundary recommended by this memorial. There is a slight variation, but the boundary described in the bill is the one agreed upon by the Delegates of the two Territories in the House, and it is the same as is contained in the bill for the annexation of Northern Idaho to Washington Territory which has passed the House at the present session and is now before the Senate Committee on Territories.

I also refer to the resolutions adopted by the Republican Territorial convention of 1884, and read the following resolution in regard to the annexation of Northern Idaho to Washington Territory:

Resolved, That the wishes of the people of North Idaho in regard to annexation to Washington Territory should be faithfully and justly represented. It is a question of local importance with the people of that section, and demands recognition and support in proportion to the unanimity of their expression of that subject.

Also, I read upon the same subject a resolution adopted by the Democratic Territorial convention of the same year, which is as follows:

Resolved, That we recognize the full right, justness, importance, and final result of the claim of our citizens of Northern Idaho in their annexation views; and here in open convention, backed by an honest Democracy, we pledge to our northern neighbors a willingness and co-operation on our part to accede to their wishes on this proposition in a mutuality of feeling that shall bind us together fraternally now and sow the seeds of eternal friendship when the separation may come; and we ask our northern friends to accept this pledge in the honesty of its intention and with the full assurance that it is based upon the promise of a permanent, resident political organization and not the imported vibrations of homeless, faithless, wandering political mendicants.

Having received what purported to be the proceedings of a mass-meeting of people of the Cœur d'Alene mining region, protesting against the annexation of Northern Idaho to Washington, I communicated with the Delegate from Idaho Territory to learn to what extent in his judgment the proceedings of that meeting represented the people of the Territory, and in reply to my inquiry I received a letter signed by the Delegate from Idaho and the Delegate from Washington Territory, which I will ask to have read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 24, 1886.

DEAR SIR: Referring to our recent conversation touching the sentiment of the people of North Idaho on the proposition to annex that portion of Idaho to Washington Territory, we have to say that in our judgment the great majority earnestly desire the enactment of such a law.

The suggestion, which comes from the Cœur d'Alene mining region, to annex that portion of North Idaho which lies north of the forty-seventh parallel to Montana voices the desire of a very inconsiderable portion of the community. This suggestion comes from a small portion of a mining population which, as is well known, is migratory and unsettled. It may embrace possibly from two hundred to five hundred people. From no other quarter has any intimation of such a desire reached us.

There can be no doubt as to the propriety of the annexation of that part of Idaho Territory lying north of the Salmon River range of mountains to the Territory of Washington. Every interest of the inhabitants thereof will be properly subserved by such annexation.

We have the honor to be, your obedient servants,

C. S. VOORHEES.
JOHN HAILEY.

Hon. J. N. DOLPH,
United States Senate.

Mr. DOLPH. I also submit a letter received from C. T. P Bass, who signs himself "Chairman Board of County Commissioners, Shoshone County" (the county in which this meeting of miners was held), and refers to the meeting, in which he says that the proceedings of the meeting do not reflect the sentiments of that county:

MURRAY, IDAHO, *March* 11, 1886.

DEAR SIR: Difference of opinions having been given as to the preferences of our people in the matter of division and annexation, I take the liberty to ask your attention to the following points, namely:

The unanimous expressions of all classes of our people, prior to an agitation originating with a few old Montana politicians, has been favorable to annexation to Washington. You, no doubt, remember that resolutions were passed by both political conventions of the Territory in 1884; also a memorial by the last Legislature favoring and requesting segregation of the Panhandle and annexation of same to Washington. The only newspaper published in this, the Cœur d'Alene, mining region has earnestly supported above plan until the passage of resolutions and address to Congress by a public meeting held at this place a few weeks since.

While the resolutions and address were adopted at a meeting called at the instance of W. H. Clagett, former Delegate in Congress from Montana, assisted by Alexander Meyhew, former president of council of Montana, and others, and petitions numerously signed have been forwarded asking annexation to Montana, I assert as my opinion that a large majority of not only this Shoshone County, but also of Kootenai County, are sternly opposed to either annexation to Montana or to remaining in Idaho, and are by a large majority favorable to affiliation with Washington.

There is a Territorial objection to annexation to Montana that I have not heard mentioned by our local agitators or by the press: it is almost universally conceded that Dakota is too large with an area of 149,000 square miles. Montana now has 146,000, but with this portion of Idaho her area would not be less than 160,000 square miles. We would then be in danger of another separation and being attached to some other local government.

I earnestly solicit your support of the Voorhees bill (or the bill that has already passed the House) whenever it may come before the Senate for passage, and I have no doubt you will accommodate a good majority of the residents of the segregated Territory.

I am, yours, very truly,

C. T. P. BASS,
Chairman Board of County Commissioners, Shoshone County.

Hon. J. N. DOLPH,
United States Senate, Washington, D. C.

P.S.—Petitions would have been forwarded representing above sentiment, but for the opinion that they were not required and would not assist us. A large number of signatures could be secured.

BASS.

I will also read an extract from the Lewiston Teller, which is the leading newspaper in Northern Idaho, and is published at Lewiston, the principal city in that section. I read from the issue of March 7, 1886:

There is a class of restless spirits who are always active to do or say anything

when they think they can distract counsels and defeat the will of the people, and do this stealthily and not be found out among the people where they reside and are well known. North Idaho is not without this class, and we presume that every community has a counterpart of this class; they are generally suspected, spotted, and found out in due time. The day is too far gone for men to long play false to a principle and not be known if they say anything that affects the public weal. The advocates of annexation have always been open and bold and courted manly discussion of the pros and cons of the question. Their candle has never been hid under a bushel, but has shone out so all that would look could see what they claimed as their principles and the reasons for their opinions. Their principles have been well discussed in the press of North Idaho and some in South Idaho, and even in Washington Territory. It was thoroughly discussed for days in the constitutional convention held in Walla Walla in 1878 by the delegates, and triumphed, although some of the ablest men in that convention fought the measure manfully, as those who heard the discussions will attest.

It is not now a new question among the people of either Idaho or Washington, nor a political scheme for partisan purposes, as charged by HILL in the House of Representatives when the bill was up on the 23d of February. We in the north of Idaho petitioned Congress for the measure as far back as 1865, after Congress had cut off Montana from Idaho, finding the narrow Panhandle of North Idaho too narrow to form proper and convenient county boundaries. We have in various ways, by petitions, memorials, and votes, continued our importunities ever since, and the passage of HAILEY'S bill, supported by VOORHEES, in the House of Representatives on the 24th of February was the first recognition of our rights and wishes by either branch of Congress more than to receive petitions and refer them to committees, and there they have slumbered because of opposition in Congress which have overpowered the friends and advocates of the measure.

I also submit an article from the same paper, in the issue of March 11, 1886, entitled "Misstatements of the News." It is a very full review of the history of the whole question of annexation of Northern Idaho to Washington Territory, and is a very complete, intelligent, and forcible statement of the matter. It is as follows:

A Washington dispatch of March 3 intimates that the people of North Idaho are everywhere desiring that the Senate should suspend action on the annexation question until Idaho can be heard from and such action will be taken in the Senate. That telegrams and letters are pouring in from the north desiring this delay. Of course, if such be the fact, who writes these letters, and what they contain, and what reasons are urged for this delay are not known to the people of the north except in a few instances, and the authors of these dispatches and letters are not made public here in Idaho, and so far as we know they are manufactured, if they exist at all, for a specific occasion by a few enemies of annexation who are not known here, and up to the present time have never dared to express publicly such views. It is very difficult on any question of general importance to the public to meet stealthy and irresponsible charges. We have been disposed to consider that if these charges have any authenticity that men would be sufficiently honorable to let their views be known by the people who are to be affected by their discussion or opposition to the principles advocated by those who are in favor of the bill to annex. And we did not suppose that a few irresponsible persons writing under cover would be listened to and would have weight with a body like the United States Senate, so as to delay or defeat a measure which has been so long before Congress with the vote of the almost unanimous people of all the counties of North Idaho. If there has been a change of sentiment this change has not been produced in any great number of the people of North Idaho generally.

There has been no expression either by public petition or votes of the people to indicate this, adverse to the last expression given when the people voted for HAILEY and Singiser, both of whom were pledged unqualifiedly to annexation, save the recent action taken by a few Montanians under the leadership of ex-Delegate Clagget, who had recently come over from Montana to locate mines in the north part of Shoshone County, and the remonstrance of two of the county commissioners of Idaho County, without any vote or action of the people of that county, which was gotten up by the publisher of the Nez Percé News, as he said, based upon some dissatisfaction which had been murmured in consequence of the dividing line not taking in all of Idaho County. We propose for the first time to notice some of the misstatements mentioned as a part of the history of this annexation question of North Idaho, as published in the News. He says the people have never expressed any intention or design to be annexed to Washington, except as a contingency that might be desirable in the event of the admission of Washington Territory as a State, but there are not a baker's dozen of voters in North Idaho who ever desired to be switched off from one Territory and added to another.

Annexation to Washington Territory has never been contemplated or desired and had it ever been presented to the people as an issue they would have promptly voted it down. How any man claiming to be a journalist and acquainted with the history of this question in Northern Idaho can have the face and brazen effrontery to make such assertions and publish them to the world to be read by hundreds in North Idaho who have acted and voted upon the question, we are unable to reconcile with his purpose to tell the truth. In 1873, long before the question of Statehood for Washington, a convention was called at Lewiston for the purpose of memorializing Congress for Northern Idaho to be annexed to Washington. Representatives from all the counties of North Idaho were in that convention, which was largely attended; and the late Judge John Clark was chosen chairman. A committee of nine persons were unanimously chosen by that body to draft a memorial to Congress to be presented asking for this annexation. Mr. HAILEY was then in Congress, and the question was presented and referred to the Committee on Territories. Mr. HAILEY being a resident of South Idaho was opposed to it, and went before the committee and interposed his objections. At the next election Hon. S. S. Fenn from North Idaho was the Democratic candidate for Delegate and Hon. Thomas Bennett of South Idaho was the Republican candidate and was opposed to annexation, while Fenn ran and was announced everywhere as an annexation man, and in the north received all the votes but about one hundred on that issue. He was elected throughout the Territory over Bennett, but the counting officers at Boisé City gave Bennett the certificate of election, which forced Fenn to contest the election before Congress, which contest continued for many months after the time that Fenn should have had his seat. The decision was finally given and Fenn was declared duly elected.

Meantime while this contest was going forward petitions were sent from every precinct in North Idaho, except three, containing about sixteen hundred names, more than four-fifths of the whole voting population of North Idaho at that time, asking for the annexation of these northern counties to Washington, which petitions were forwarded by Dr. M. A. Kelly, of this city, and placed in the hands of Delegate Jacobs, of Washington Territory, and presented to Congress by him, as Delegate Fenn, of Idaho, had not then obtained his seat. Those petitions were referred to a committee in Congress, from which committee they never emerged. This was in the spring of 1876. Dr. Kelly, of this city, and ex-Delegate Jacobs, of Washington Territory, are referred to, as also the sixteen hundred signers in North Idaho who signed the petitions, and we presume that the files of the Committee on Territories will contain these petitions if they are not destroyed. The first time the State for Washington was agitated in North Idaho, was after the Legislature of Washington in the winter of 1877-'78, passed the act authorizing the calling of a convention of delegates to frame a constitution for Washington, and providing that the northern counties of Idaho be permitted to choose a delegate who should have a seat in said convention, and be permitted to take part in the discussions, but without the right of a vote. The question was then agitated in North Idaho, shall the people elect such a delegate? It was adjudged that they do so and accept of the terms offered by Washington. Accordingly a delegate convention of the northern counties of Idaho was called to be held at Lewiston; that convention was fully represented by delegates from all the counties and they chose a delegate to the convention in Washington, to be held at Walla Walla in June, 1878.

That convention met, framed a constitution and schedule, which was afterward submitted to the people of both Washington and Northern Idaho, and voted upon receiving votes of the people of North Idaho. All but 34 were cast in North Idaho in favor of said constitution. Since that time the people have acquiesced in Statehood for Washington, with Northern Idaho included, with the expectation that Statehood would be the most expeditious way of securing annexation, but in no instance have the people of Northern Idaho relinquished their desire to be annexed to Washington whether or not it became immediately admitted into the Union. Hence the statement made by the News alluded to has not always been, as it says, the battle-cry of the north, annexation and Statehood; but, on the other hand, has been annexation with or without Statehood. It is strange that if there is such opposition as is claimed by the dispatch of March 3 that it is not formulated and expressed by parties of North Idaho, who are willing to let it be known by the people here, but not a writer in all the papers of Northern Idaho is willing to announce that opposition and have it published over his signature in these northern counties, save the few Montanians who desire to slough off the mining districts of Shoshone County to go to Montana, and the publisher of the Nez Percé News, and two of the county commissioners of Idaho County, and N. B. Willey, who has always been an open opponent of any and all annexation.

The members of Congress in the House who heard Hon. JOHN HAILEY'S statements of the facts in the history of this movement, as also the facts stated by Hon. C. S. VOORHEES, Delegate from Washington, have as near the truth in regard to the history and progress of this question as could be stated, and while Hon. Mr. HAILEY, being a resident of Southern Idaho, acknowledged himself personally objecting to the north going to Washington, but admits the fact that the people all want annexation and have so signified for years in different ways, and that both Democrats and Republicans of Northern and Southern Idaho have asked that this wish of the people be granted, therefore Mr. HAILEY himself demanded the passage of the bill. Surely the Senate can not now, with this history before them, demand that the people shall be at the expense of having a rehearing at the polls simply at the dictation of a few restless and grumbling spirits, who dare not make their objections known among the people who are to be affected by annexation. It is said that whisky dealers in some of the towns object to annexation to Washington because the late Legislature of that Territory has passed a local option law. We can hardly believe that they are willing to admit that, and much less to publish it over their own signatures as a reason. We have heard some say they do not fear local option or high license; that it will benefit them.

If it shall be objected that the detaching of Northern Idaho from the Territory will leave the Territory too small for a State, such objection is easily answered. After detaching the portion of Idaho proposed to be included within the boundaries of the new State, the area of which is estimated at 20,000 square miles, that Territory would still contain 66,294 square miles, larger in extent than Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Mississippi, New York, Ohio, Pennsylvania, South Carolina, North Carolina, Virginia, Wisconsin. And when Idaho is admitted into the Union as a State, if its area is thought too small a portion of the Territory of Montana, Arizona, or Utah, or of all of them, could be incorporated with the State boundaries, and would give the new State more convenient and natural boundaries than the present boundaries of the Territory.

The senior Senator from Mississippi [Mr. GEORGE] yesterday said to me that he would like to know how Southern Idaho would be left after the northern part of the Territory should be incorporated within the boundaries of the new State; that is to say, whether it would possess the territory and the resources necessary to form a State. In answer to that question I will say that at the last census the population of Idaho Territory was only 32,000, but it is now estimated, and I think properly so, at 75,000. Estimating the population of Northern Idaho at 20,000 would leave Southern Idaho with a population at present of 55,000 inhabitants. In answer to an inquiry yesterday Mr. HAILEY, informed me that about 35 per cent. of Southern Idaho is capable of being cultivated, and that about one-third of the present population of the Territory is engaged in agricultural pursuits, about one-third in stock-raising, and about one-third in mining; and that according to his judgment Southern Idaho is capable of sustaining a population of from 500,000 to 1,000,000 inhabitants.

Mr. LOGAN. What would be the residue of Idaho?

Mr. DOLPH. Sixty-six thousand two hundred and ninety-four square miles.

Mr. LOGAN. After this is taken out of it?

Mr. DOLPH. Yes, sir.

Mr. GEORGE. Before the Senator passes from that point, I should like to ask him a question.

The PRESIDING OFFICER (Mr. GRAY in the chair). Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. DOLPH. Certainly.

Mr. GEORGE. What kind of agriculture can be carried on there?

Mr. DOLPH. I am not familiar enough to state. I understood from Mr. HAILEY that it is the usual agricultural pursuits, wheat and other grains that are grown in temperate regions, and vegetables.

Mr. GEORGE. Is irrigation necessary to successful agriculture there?

Mr. DOLPH. In some portions of the Territory it is; in other portions it is not.

Mr. GEORGE. What are the facilities for irrigation there?

Mr. DOLPH. The same as in all the other regions west of the Rocky

Mountains. Of course the best locations are first taken up, but there are facilities for irrigating sufficiently, desert land in connection with that which is susceptible of cultivation without irrigation, so that some 35 per cent. of the area of Southern Idaho is susceptible of cultivation, which is a larger per cent. than the average of territory west of the Rocky Mountains until you come near the coast.

Mr. GEORGE. What is the character of the soil?

Mr. MITCHELL, of Oregon. Will my colleague allow me to make a statement?

Mr. DOLPH. Certainly.

Mr. GEORGE. I desire to ask one more question. What is the character of the soil devoted to agriculture there, fertile or sterile?

Mr. DOLPH. My colleague has asked me to yield to him for a moment. Perhaps he can give some information in regard to it, and I am very glad to yield to him.

Mr. MITCHELL, of Oregon. I was about to make a suggestion to my colleague, with the consent of the Senator from Mississippi, in regard to the facilities for irrigation in Idaho. It seems to me they are superior to almost any other section of the country in connection with the two rivers, the Boise and the Snake.

Mr. EDMUNDS. The soil itself, being watered, is good?

Mr. MITCHELL, of Oregon. Magnificent. It produces wheat in abundance, magnificent crops of wheat, and clover and all kinds of grasses.

Mr. GEORGE. The senior Senator from Oregon, however, has not answered my question as to the character of the soil, whether it is sterile or fertile.

Mr. DOLPH. It is very fertile wherever it can be cultivated without irrigation, and wherever water can be got upon it; it is exceedingly rich. The Senator from Mississippi spoke to me yesterday just after the Senate had convened while I was engaged as he knows, and expected to speak, upon this bill. I have not had time to look up this matter as I should otherwise have done. However, before this discussion is ended I shall be very glad to throw all the light on this branch of the subject possible, if it is so desired by the Senate. The Senator from Connecticut suggests that the fact that some eighteen or twenty thousand persons are already engaged in agriculture in the Territory shows there must be good land there.

There is, in my judgment, another question demanding consideration in connection with this bill, and it has reference to the compact made between the States represented by the Congress and the people of the original Oregon Territory in the organic act of that Territory.

The question was forcibly stated in the printed suggestions of Hon. Thomas H. Brents, then Delegate in Congress from Washington Territory, to the Senate Committee on Territories, and made part of the report of that committee submitted to the Senate at the Forty-eighth Congress to accompany the bill for the admission of Washington Territory. I will not repeat what is there so well said, but will only say in brief that the proposition is that the provision made in the fifth article of compact contained in the ordinance of 1787 for the government of territory northwest of the Ohio River, for the division of the territory into States, and their admission into the Union, which was as follows, "Whenever any of said States have 60,000 free inhabitants therein, such States shall be admitted into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government," was adopted and made part of the organic act of Oregon Territory, and thus became a compact between the States and the people of the Territory. In the act of Congress of May 26, 1790, providing a Territorial government for the territory south of the Ohio River, it was declared that the inhabitants of that territory should "enjoy all the privileges set forth in the ordinance of the late Congress for the government of the territory northwest of the Ohio."

The debates in Congress upon the admission of Tennessee into the Union show that this clause was understood to be a compact with the people of that Territory; that a Territory of suitable dimensions, when it possessed 60,000 free inhabitants, should be admitted into the Union as a State. The organic act of Oregon Territory contained a similar clause guaranteeing to the people of that Territory the rights, privileges, and advantages granted and secured to the people of the Territory northwest of the Ohio by the ordinance of 1787. This was claimed by some of the ablest statesmen in Congress, in the debate upon the bill for the admission of Oregon, to be a compact with the people of the Territory that when the Territory possessed 60,000 free inhabitants it should be entitled to admission as a State. If this was true in the case of Oregon, it needs no argument to show that it is equally so in the case of Washington. I shall only state this question and leave it. It is not so important at this time as it would have been at an earlier day. Washington now has not only 60,000 free inhabitants but three times that number, a population large enough to entitle her to admission under any rule that has ever been invoked as to population.

Of course, if the Territory was entitled under that compact to admission when it had a population of 60,000, it presents all the stronger case with three times that number. Here is a solemn agreement of this great Government made with its own citizens. It included all who were within original Oregon at the date of the organization of the Territory, and all who should afterward become resident citizens of the Territory. It stipulated for the admission of States of suitable demensions to be carved out of the Territory when the population reached the number provided in the ordinance of 1787. Will we keep the stipulation? During the discussion of that bill in the House of Representatives, Hon. Alexander H. Stephens made a speech, from which I quote. He said:

I have this to say to the House, and especially to those who have any doubt about the population of Oregon, that, for myself, I hold that there can be no question but that there is sufficient population there to require us, under existing laws and compacts, to admit that Territory as a State into the Union. There must be at least sixty thousand people there, and my own opinion is that there are at least one hundred thousand.

In the bill organizing the Territory of Oregon, which was passed in 1848, I find the following clause:

"SEC. 14. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the Territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance for the government of said Territory, on the 13th day of July, 1787: and shall be subject to all the conditions, and restrictions, and prohibitions in said articles of compact imposed upon the people of said Territory." (Statutes at Large, volume 9, page 329.)

This, sir, was a guarantee given in 1848, after the settlement of the controversy with England as to that Territory. Now I call the attention of the House to the ninth article of the ordinance of 1787:

"And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000."

If there were any question as to whether there were 90,000 people there; if there were any question as to whether Oregon comes up to the ratio of representation; yet, sir, I hold that there is a solemn guarantee and a compact made with those people which we ought not to disregard.

If this view of the organic law of the Territory is correct, as I think it is, these people who, in the face of great obstacles, hardships, and privations, have laid the foundations of a rich and powerful commonwealth, do not come here as suppliants for favors at the hands of Congress. On the contrary, they demand that which of right is theirs, and to further deprive them of which will be a gross violation of a solemn compact—a compact under the provisions of which it has been held, and by some of the ablest and greatest men this country has produced, and whose counsel even now is worthy the consideration of those who seek to control and direct the destinies of the nation—it was held, I say, that a Territory to the people of which the guarantees of this compact had been extended became entitled to admission as a State *ipso facto* the moment its population amounted to 60,000.

The people of Washington Territory (as was so eloquently and truthfully said when the admission of Oregon was under discussion in the House of Representatives, concerning the people of that Territory), "come like the wise men of the East, not asking gifts, but bringing gifts. What do they bring? Why, sir, the trophies of their own labor, the evidences of their own worth. They present before us the cities and towns which they have founded. They present schools, churches, and workshops. They bring all, all the products of their labor, and place them upon the altar of the Union, a pledge for the common welfare and the common defense."

Such a people can safely be intrusted with self-government. The junior Senator from Iowa, during the debate upon the bill for the admission of Dakota, in an eloquent and forcible manner portrayed the energy and enterprise of the pioneers who, amidst dangers and hardships, penetrated the wilderness carrying civilization with them, and with loyalty to the General Government and respect for law and order laid the foundations of great and prosperous States. The encomiums of the Senator upon the pioneers of his State and other States was deserved by them and worthy of him, and as I listened to his well-chosen words and recalled the early history of my own State I fully sympathized with the sentiments he expressed and shared in the evident pride with which he alluded to the unexampled growth of the Northwest.

All that was said by the Senator concerning the early settlers of Iowa can be applied with even greater force to the pioneers who, when from the Mississippi River to the Pacific Ocean was an unbroken wilderness, crossed the continent, and in defiance of savage foes and in the face of the claim of Great Britain planted civilization in what afterward became the Territory of Oregon, and included what is now Oregon, Washington, and Idaho. Although for years their petitions to Congress for protection and for a Territorial government were unheeded and they were turned away with the suggestion that the country was not worth saving, their love for the Stars and Stripes never abated, their loyalty to the United States never wavered. With heroic self-sacrifice they organized for defense against the hostile Indians and to hold the country for the United States; organized a provisional government, with legislative, judicial, and executive powers; established law and order, so that when, by the tardy action of Congress a Territorial government was established for Oregon Territory, the officers of the Territory found an organized community, governed by laws self-imposed, by which order was maintained and individual rights protected.

That grand man, Doctor Whitman, who left his family exposed to the perils of a far-off, isolated region and with a heroic fortitude and patriotic devotion unsurpassed in history, crossed the continent in mid-winter to give his testimony to the administration as to the value and resources of that region and prevent, as he supposed, the ignominious surrender of the United States to the claim of Great Britain and to incite emigration to that country to hold it for the United States, and who afterward lost his life, as believed by many, on account of his loyalty to American interests, is but a conspicuous example of the heroism and patriotism which animated that whole band of pioneers. And, whatever the true basis of our legal claim to that region may have been, we are indebted more to the pioneers who settled, occupied, and held it as the property of the United States for, the settlement of the controversy in our favor, than to all our claims of purchase and discovery combined.

I have read with great interest the report of the junior Senator [Mr. BUTLER] from South Carolina, made at the first session of the Forty-seventh Congress, to accompany the bill to provide a Territorial government for Alaska. After citing the provisions of the treaty of the cession of Alaska Territory, of March 30, 1867, to show that by the treaty "the inhabitants of the ceded Territory, with the exception of the uncivilized native tribes, were to be admitted to all the rights, advantages, and immunities of citizens of the United States," and "to be maintained and protected in the enjoyment of their liberty, property, and religion," the report continues:

> These are solemn stipulations and guarantees of this Government made in the treaty of cession, and yet for fifteen years that we have had possession of this Territory the six thousand or seven thousand Russian subjects, transferred by the treaty, who have chosen to become American citizens, to say nothing of our own citizens, have been almost wholly without "maintenance" or "protection" in the enjoyment of their liberty, property, or religion.
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> There was at one time a quasi-military government established in the Territory by quartering a few companies of regulars at several points on the coast, but this was inadequate and unsatisfactory and of brief duration. With this exception the Territory and its inhabitants have been practically at the mercy of outlaws, and have had such protection only as their sense of self-preservation afforded. This, we say, is not creditable to the American people, nor a faithful observance of treaty stipulations. It will not do, in reply to this proposition, to say that the number of inhabitants is too small, or the Territory too remote or unprofitable or unproductive to justify the expense and trouble of giving them the protection of law.
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> We must assume that the treaty guaranteeing protection was made with a full knowledge of all the facts in this regard, and having made the guarantee and the Russian Government having fulfilled its part of the treaty in good faith every consideration of national honor behooves us to carry out ours in good faith, if but ten American citizens are to be beneficiaries. It is not a safe rule to measure the performance of national guarantees in affording protection of law to citizenship, by the number of people to be thus protected, but rather by the right of every single citizen, however remote or insignificant he may be, to that protection.

If the six or seven thousand Russian subjects who chose to remain in Alaska and become American citizens, and the few other American citizens had a stronger guarantee of a Territorial government for Alaska than the people of Washington Territory have for the admission of the Territory into the Union, I confess I am not able to appreciate the distinction between the two cases. The Territory having presented this claim for admission, and having complied, upon its part, with the terms of the compact, adopting the language of the Senator from South Carolina, every consideration of honor—"national honor"—"behooves" us to fulfill the compact upon our part.

The proposed State is shown to possess sufficient territory to constitute a State; a population greater than the ratio required by the present apportionment for a Representative in Congress; the financial ability necessary to support a State government; institutions not repugnant to the Federal Constitution or laws of the United States and in harmony with a republican form of government. The people of the Territory are practically unanimous in favor of admission, and the natural resources of the proposed State, its geographical situation, its commercial advantages, promise, if it shall be admitted as a State, to make it in the near future one of the most wealthy, powerful, and prosperous States in the Union. The eyes of one hundred and eighty-five thousand people residing within the territorial limits of the proposed State are turned with great expectation toward this Congress. They are waiting to see whether it will keep faith with them and redeem the promise made to them in the organization of Oregon Territory; whether it will recognize the marked development of the Territory within the last few years and the new relations of that region to the States of the Union, and grant to them the coveted boon, enjoyed by the citizens of the States, of participating in the election of a President and Vice-President of the United States, of electing members of Congress, being represented in the United States Senate, choosing their own officers, and making their own laws. Having served a probation of more than a quarter of a century as a Territory they have grown restless under the restraints of minority, and greatly desire emancipation. The people of all parties, with practical unanimity, demand at our hands like treatment to that heretofore accorded to the people of all the Territories under similar circumstances.

Mr. MORGAN. Mr. President, after the examination I have been able to give to this measure I find but a single objection to it, which I hope can be remedied. But whether it is or not, it will not divert me from my purpose to support this bill. It is found in the seventh section of the bill. It relates to the power of the President of the United States to bring this new State into the Union by a proclamation. The practice originated, I believe, with the State of Nevada or Colorado. I think those are the only States in which this modern practice has been adopted of passing an enabling act with a provision in it that after certain conditions had been complied with and that the constitution which should be presented by the constitutional convention of the State should be republican in form, thereupon the President should issue his proclamation bringing it into the Union as a State.

I regard that as a very unsafe practice and of doubtful constitutionality, because after all there must be a final act of admission, and if the final act of admission is a President's proclamation, I do not quite see how that comports with the requirement of the Constitution that Congress may admit new States into the Union. I doubt very much whether Congress can delegate any of its power to the President of the United States so as to enable him by a proclamation to bring the State into the Union. I see no reason why Congress might not as well delegate such power to the Chief-Justice of the Supreme Court of the United States as to the President, for unquestionably whatever power he exercises over the destiny of the State to bring it in or to keep it out of the Union by issuing a proclamation or refusing to issue it, it is a power that has been delegated to him merely by an act of Congress.

The practice, however, has been established in the admission of two States into the Union, and perhaps there could be no danger of our pursuing it unless it might be in the case of a Territory situated like Utah. I am quite sure that Congress would not delegate to the President the power to admit Utah as a State into the Union as a State by a mere proclamation without any examination of the constitution which those people might adopt.

The true doctrine is this, that after the people within the limits of the Territory have in a legal form expressed their wish in regard to their organic law, it shall be submitted to Congress for its examination, for its consideration, and for its approval. I remember that in regard to the State of Alabama, when the constitution of that State was submitted to Congress, it was stated in the act of admission that the constitution was approved by Congress. It is not so in all of the States. We have varied our practice in that regard. But the approval is not a necessary thing to be expressed in the act of admission. Of course we will not admit a State into the Union if Congress should not approve of its constitution.

Having stated my objection in this brief form, I submit to the Committee on Territories whether in this case it would not be better to observe that method of admission which prescribes that the constitution shall first be adopted and submitted to Congress, and that the State shall be admitted by Congress after an examination of the organic law of the State.

I accept all the statements which have been made by the Senators who have addressed the Senate upon the admission of this Territory into the Union as to its resources, its power, and the excellence of its climate. Indeed, although the pictures which the Senators have drawn of Washington Territory might be considered a little extravagant by persons who have not taken the pains to look into this subject, after all their pictures are simply meager descriptions of a very great and beautiful country, and yet their statements are eloquent and very forcible.

There is no part of the American Union, considered geographically, which has greater prospective advantages than Washington Territory. It has been one of the misfortunes of this generation of men, and will be a misfortune that will hang to the destiny of this country, I fear, for many years to come, that we did not insist upon 54.40 instead of 49°. We should then have included the great bay that I call Vancouver Bay, made up of a series of straits, inlets, sounds, and interior waters, all of which aggregated together will measure from north to south something like 400 miles of interior waters, with an average depth almost up to the shores on either side of 40 fathoms—the most remarkable inlet from any ocean in the world, the easiest to protect with fortifications or with fleets, and the most dangerous to be in the hands of a rival power—a great maritime power.

It is a great pity, perhaps, for the world that one nation or the other, either Great Britain or the United States, should not have owned entirely this grand inlet of waters. As it is, we have divided it by running a line through the Straits of Fuca, bending around Vancouver Island, running north until we strike 49° of latitude, and then east along that line for our northern border.

The country adjacent to this remarkable inlet of waters, which runs 150 miles in Washington Territory, is clothed with forests the magnificence of which is not approximated elsewhere in the world except in the Sierra Nevada Mountains. The value of those forests to commerce, to the people of the United States, if they can be converted into lumber to be shipped abroad, to the worn-out countries of Asia and Europe, will be something incalculable. Generation after generation of the American people will be realizing the value of those forests when our names, who now discuss the admission of this State into the Union, will have been forgotten. They are practically inexhaustible. The timber that is found in them is of a most excellent and beautiful description. There are now in Washington Territory no less than thirty or forty very large lumbering establishments that do their trading with

Australia, China, Japan, and along the coast of South America; and their investments run all the way from a half million dollars up to four and five million dollars capital. They employ many sailing ships, slow-going vessels, and build a good many of them.

That traffic is being conducted in a way to give the highest color of hope to the future of the Pacific trade, about which I feel far more interest than I do in regard to the trade of any other part of the United States except the Gulf of Mexico, and to which I attach far greater importance than I do to-day to the Atlantic trade. For when the United States have filled up with 300,000,000 of population, as likely enough will be done within the coming hundred years, the people who occupy the interior of this country will derive $10 of their wealth from the Pacific Ocean to where the people now occupying the interior of this country derive $1 of wealth from the Atlantic Ocean.

Considered in a political view, there could be nothing more important to the welfare of the people of the whole Union than to have a State established at that angle of our Northwestern possessions one side of which is washed by the Pacific Ocean and the other by the Straits of Fuca. I may describe it as a political buttress standing out there partly in the sea, opposed directly to the power and enterprise of the greatest rival that we have in the world—people of our own kith and kindred, whose power and enterprise we certainly ought to learn to estimate, if we have not done it yet—the British people.

What are they doing there? There is the great Fraser River that comes into one of these straits or sounds—I forget the name of the principal sound which it empties into, but it is in this great body of of interior water near Vancouver Island. That river has fine navigation for more than 250 miles from the coast, up which steamers of a very large class are running continually; and down along that river to its mouth comes the Canadian Pacific Railroad, which is now completed. We are toiling along through the Cascade Mountains with 60 or 70 miles of very heavy work to do before we can get our Northern Pacific road through on a direct line, while the Canadian Pacific, connecting on its east with the waters of Lake Superior and on its west, as ours will, with the waters of Vancouver Bay or Puget Sound, is entirely completed.

You may rely upon it that that is one of the best railroads in the world, constructed without reference to the outlay of money, laid down firmly, clothed with a most excellent quality of steel rails, and equipped as scarcely any other railroad in the Western world is equipped. I have it from friends who have gone over it and made personal inspection, railroad men, and men also who have worked out large sections of contracts upon that railway, that it is one of the best establishments in the world.

I remember within the last year to have seen a statement, extracted, I think, from the London Times, giving an expression of the British Crown through its premier in regard to this railroad, in which it was said that the British Crown would volunteer the payment of £20,000,000 for the completion of that road rather than it should fail.

Why does Great Britain want that road? It is far north, about 300 miles, I believe, on an average, north of the Northern Pacific road of ours. Why do they want it? The first idea in the mind of a British statesman always is power. A British statesman feels himself adequate to the accomplishment of anything which lies within the reach of enlightened intellect, force of character, courage, and determination. They have a wise, sagacious government, that has forecast, and prudence, and thought. They ponder upon questions that lie fifty or a hundred years ahead, and gradually, sedately, and inevitably they work their way to the accomplishment of that great end. They do not falter about it; they do not hesitate; they turn neither to the right nor to the left; and while they do not boast about it, they seldom fail to accomplish their purposes.

Great Britain has possessions in Australia, which are simply another continent, equal almost in material strength and wealth to the continent of South America, lying in a temperate latitude, fruitful in all that the earth produces, abundant in mines, surrounded by the seas, lying on the highway between India and the Atlantic, a place where her population gathers and strengthens and pays revenue, not by direct tribute, but through commerce, to London and the other great cities of England; a place where the heart of Great Britain pulsates almost as freely and as strongly as it does in England itself. She wants to be connected by two lines with that country. The longer line is through the Suez Canal, and in some respects that is the more difficult and the more dangerous line.

She has been paying heavy tribute to us for the passage of her mails and much of her light merchandise over our railways ever since the completion of our transcontinental system. She determined to get rid of that exaction which we were making upon her, and which she was compelled to submit to for the purpose of saving time in the transmission of her valuable merchandise, her exchange, and her mails. Hence it was that the Crown of Great Britain was willing to pay a bonus of £20,000,000 for the purpose of completing in first-class order and maintaining the Canadian Pacific Railway rather than to have it fail of completion, or even to be seriously delayed.

When Great Britain had that trouble with us about our possessions on the northwestern coast, was it a mere ideal fancy of hers that she desired to be possessed of a portion of the waters of that great inlet of the sea, and Vancouver Island, and the coasts along that island? It was one of the grandest of all the projects of British enterprise. She saw the time when railroads would reach across this continent, when she would have there an opportunity for the commercial control of the traffic of the great Pacific Ocean. She wanted a home port on the Pacific. She got it, and having got it she has gone on to improve it. She has got her railway running to it; she has got two vast colonies lying above it, British Columbia and the Northwestern territory, which, though not as yet very populously inhabited, are attracting population rapidly and containing a vast area of fertile lands.

Great Britain has commenced to build her cities on that coast. There is Victoria, at the southern extremity of Vancouver Island; and what has she got at Victoria? She has a naval station there, a navy-yard, and a larger dock than there is in the United States except one, and that is at Mare Island. There is not a dock on the Atlantic coast which compares with that at Vancouver Island. Who has she got there? Admiral Seymour in command. What is he doing there? He has one of those magnificent iron-clad ships there that shelled Alexandria. Why? To give dignity to his enterprise and stateliness to the progress of British power in the Northwest, and perhaps to remind us that after all we had better not take many liberties with a country which is able to float around the world a ship like that, and with an admiral in command who takes charge of that place as a post of honor for the purpose of establishing the flag of Great Britain in power, in strength, and in perpetuity upon that shore.

What is our nearest town to that? What is our nearest fortification?

As to fortifications, I do not believe we have any; not a shovel of earth, so far as I remember, has been thrown up on Puget Sound, not a gun mounted. Port Townsend, lying 100 miles nearly to the southeast of Victoria, away down in the bosom of Washington Territory, at a narrow neck on this very deep inlet, is a place of commerce just commencing to bud and to grow.

We pass on down from that and come to Tacoma, just on the eastern shore of this inlet, a town which has magnificent prospects as being the terminus of the Northern Pacific Railroad when that shall be completed. Then we have Seattle and Olympia—towns which are growing up there, dependent entirely for their support, for their permanence, and for their future growth upon the enterprise of men who have gone out under a Territorial government and who are trying to establish themselves with capital and to surround themselves with every form of civilization that is necessary for an American community.

There is no very great certainty about anything in Washington Territory as long as it remains in its present condition. The Government of the United States is going to pay no attention to building a dock-yard there, or to building defenses upon the coast, or to utilizing those vast forests of timber in any respect, building ships or otherwise, as long as it remains a Territory. It might remain a Territory there for fifty years, and being only under the control of Congress, that can ill afford to give its attention to the proper regulation of the affairs of any Territorial government, it will have no settled prosperity, it will make no march in the progress of wealth and influence; certainly it will not build up into that condition of political influence which the Government of the United States now so much needs for the purpose of focalizing and strengthening its power in that quarter of our possessions.

Sir, if there is a place on the American continent where all of the very best powers we have got under our form of government ought to be concentrated it is in Washington Territory. It is an indispensable thing for the national security, to say nothing of the progress that her people ought to make and must make in that quarter.

I should very deeply regret if any question of population or any other question of a physical character should intervene between us and our duty of organizing those people into a State and admitting them at once, or as soon as may be, in consideration of the proper order of the admission of a State into the Union. I should regret it deeply.

Our country is very widely divided territorially. The intermediate belt of it which lies between the crest of the Rocky Mountains, I may say, and the crest of the Sierra Nevada Mountains is comparatively yet a wilderness, and is likely to remain so until the art of man has developed some method of irrigation by which agriculture can be promoted in that region. It has every resource of fertility except water. The rains of heaven are obstructed out of that great basin of the Humboldt River and other rivers of like character, so that plains which are as fertile as any that are to be found in the delta of the Mississippi are barren of anything, except sage-brush, merely for the want of irrigation.

That is likely to remain a dry and comparatively desert region for many long years to come, and certainly does not afford a very inviting field for immigration. But when you pass beyond to California, to Oregon, and to Washington Territory, you have, particularly in the latter Territory, the most attractive field for immigration which the United States has left or has ever yet presented. The agricultural lands of Washington Territory are remarkable for their fertility. As much might even be said of the southern parts of the Territory of Alaska. Certainly as much can be said for the intermediate territory lying be-

tween the southern boundary of Alaska and Washington Territory. That is a singularly fertile coast.

It has another advantage which men are disposed to look at with some doubt and sometimes with derision, and those who speak of it we regard as taking a poetical license with the subject. There is one great climatic fact there which my friend from Kentucky [Mr. BECK] has been able to prove to me by his own experience as existing as far back into the interior as the Territory of Idaho, and that is the steady and soft chinook winds. Now, what is that? It is a cause like that which has made Ireland the emerald of the sea, only it is a better wind than ever blew across Ireland—a fresher and a softer wind, and one that brings more benefactions to mankind, more greenness to the country, more of the vigor of life to the population and to all animal creation.

My friend the Senator from Kentucky [Mr. BECK], who spent a portion of last fall out in Idaho with his son who resides there, told me that he had witnessed the effect of the Chinook winds as far back as he was from the coast, and described their effect upon that portion of the country. As long as those winds continue, and they continue for a great period in the fall and winter, the temperature is warm, cattle and horses thrive, grass grows, flowers bloom, not precisely as they would in the spring, but still all life is full of vigor and growth during the prevalence of those winds.

Now, whence do they come? They come from the southeast. Where they originate no man knows, I suppose, but they come across the Hawaiian Islands, they come up the South American coast, they cross the great current of warm water that comes in from Japan through the Aleutian Islands, and which makes Alaska a habitable country. They blow upon that coast and warm up the whole country until it is the rarest thing to see snow 2 inches deep in the valleys of the Territory of Washington. When the Cascade Mountains are covered with 4 or 5 feet of snow the Chinook winds will come and melt it down until they will be naked in four days. That is one of the attributes of the climate of Washington Territory which need not be omitted out of the account at all, because after all it is one of the most attractive features of that country.

Mr. President, I think it is a duty that we owe to the people of the United States to furnish them such advantages as we can in making settlements in that country. I want to see them go there rapidly. I want to see capital accumulating rapidly in Washington Territory. The country needs it. The United States needs it. We need a concentration of power upon that Northwestern coast, and if we do not have it and put American genius and enterprise to work there we can understand that very soon British enterprise and British genius and persistence will have stripped from us the rewards that belong naturally to the people who occupy this great country of ours in respect to the commerce of foreign countries along and across the Pacific Ocean.

We are in no condition to be idle about this or about any other matter that concerns the Pacific coast. We ought to be up and doing. We ought to have a policy in regard to that part of the country and in regard to other countries, and we ought to be pursuing it, for I believe that the Almighty will hold this nation of men strictly accountable for the abuse of their privileges, if after having endowed us as He has with all the strength of mind and body and cultivation that we possess we shall content ourselves with a lackadaisical life, without our doing that which He has given us an opportunity to do. He will not permit us to while away our time and waste our opportunities and smother our talents and bridle our energies and restrain our genius, and thereby cast a reproach upon the name of the American people and upon His good providence.

We find that the lands on this side of the belt, which I described a while ago, between the Rockies and the Sierra Nevada Mountains, are pretty well taken up. There is some little difficulty in getting valuable homesteads now anywhere west of the Mississippi River and east of the mountains. It is not a question of enterprise, or a question of contending with savages any more. That is not the question with us now. A railroad either runs to or not far away from every area of land where a habitable homestead is to be found, and it is only the travel of two or three days at the outside that a man has to make, in peace, quiet, and comfort, to get him a homestead, if one can be found on the public domain. What is the result? Nearly all the homesteads are taken up. No wonder they are nearly all occupied, and the tide of emigration that hitherto drained our population out to the West so rapidly is having its reflux. It is coming back, and it is surrounding the Territory of Oklahoma almost three deep with inquisitive and hungry men to break in upon that little reservation which we have there for Indians, and wherever we have a military reservation or any other little patch of ground that promises a good location for a homesteader we find that the people are swarming around it and demanding of Congress that it shall be opened to settlement.

Mr. President, we must provide against this. Our cities are being overloaded with population. New York city now has a growth that is almost beyond her control. The municipal powers of the large cities of this country are scarcely adequate to the preservation of life and property from the overgrowth of population, much of it unemployed. I am for draining it off, opening up outlets to it, and if I had no other reason for voting for this bill I would have that as a sufficient reason, that we could show our people that the United States had concentrated their attention upon the establishment of a great State in Washington Territory. The very moment that this bill passes and a State is ordained to be established in that Territory you will find the tide of emigration pouring into that region. It will give us great relief even at the present and more in the future; for when our men have settled themselves and have capitalized their property on that great Pacific coast they will look out to the West as our brethren in the Northeast have looked to the East across the Atlantic for new commercial enterprises, new sources of wealth.

Mr. President, I am not in favor of the policy, no matter who profits by it, no matter if some men get rich by it who ought not to get rich by it—I am not in favor of the policy of cutting down the enterprise which is carrying our people to that Western coast and which is opening highways of access to that country. I do not want to see that tunnel and that heavy line of road-bed remaining to be built through the Cascade Mountains delayed for ten years. In ten years' time the Canadian Pacific Railway will have established itself and its lines of traffic throughout the countries of the Pacific, and we shall find that it will snatch from the Bay of San Francisco half, or it may be more than half, of its trade. We must have a competitor there; we must have somebody there at least to divide with Great Britain the honors and the wealth also to be accumulated from her commercial adventures in that ocean.

The honorable Senator from California [Mr. STANFORD] has done me the kindness to suggest that he has seen an advertisement of a line of fortnightly steamers from Victoria to Hong-Kong. She is now establishing a fortnightly line of steamers under the patronage of the British Government from Victoria to Hong-Kong.

Mr. FRYE. He ought to have told the Senator that they do not pay that line 2 cents a letter for carrying British mails, and that there is no postmaster-general there to veto an appropriation which would pay them 10.

Mr. MORGAN. That is very true, and I am sorry that we can not agree about everything; but we are agreeing now very well, I think, about Washington Territory. But the British people will have to bring their trade from the far interior, or perhaps across from Great Britain, that they supply to these fortnightly steamers; while we, if we go forward with proper energy, will have our steamers and our sailing ships also going out from our ports loaded with products of our own country, raised upon the Pacific shore. That is the advantage we shall have, and perhaps we can save the subsidy to the Government and yet make as much profit as British people can make who subsidize their lines.

But however that policy may work out, there can be no doubt at all that it is the duty of American statesmanship that we should make every provision to enable our people to go there, and feel safe and confident in going there, with their capital to develop this commerce and this prosperity. Of course capital is going nowhere unless it has security. A man wants to invest in Washington Territory. I care not what may be the line of investment, whether it is in a fishery, in lumbering, in mining, in agriculture, ship-building, merchandise, banking, or what not. He has capital that he has accumulated in the old States, and he wants to take it out there for a profitable investment. He says to himself, "This is a mere Territory; it has very little power; it has really no organized community. Even social institutions are affected by the loose condition of the government. Its agents, its judges, its people are appointed from abroad. We do not know whether the men that the President of the United States and the Senate will send there will be men who go to speculate upon the people or whether they will be in honest sympathy with the people, for they have no responsibility whatever to them. Therefore we shall delay our investments in Washington Territory until the Government of the United States establishes a State there, and after that State is established there we can then go and see what is the complexion of the community, what sort of people are going to manage this State, and, with all the great powers of Statehood belonging to them, we can understand that if they are a wise and good people they will soon necessarily become a greatly prosperous people." There is the whole argument, to my mind, so far as that is concerned.

Now, Mr. President, I wish to say a few more words about our traffic in the Pacific Ocean. I think there are not enough of the Senators in this body who concern themselves about this matter, if they will allow me to say so. They either underestimate it or they have so much else to think about and to do that they do not consider this great question. But do we not see all the enlightened nations of the earth moving up in competition through the Pacific Ocean and taking this island and that and the other, commencing with the Phillipine Islands, having a strife about them, then coming on by the Caroline Islands even until they get to Samoa, where our former honorable Secretary of State, who now occupies a seat in the Senate, put himself to great trouble to negotiate a most excellent treaty for the United States. Under that treaty we should have the advantages of a port of our own there if we will provide the means for coaling our ships and whatever else might be necessary for their replenishing while they were out upon the cruises that carry them from fifteen to thirty days from shore.

We find the world frequently agitated by disputes between Spain and

Germany, and even between Great Britain and Germany, in respect of the occupation of inconsiderable islands in the Pacific Ocean, islands that, when we were boys, we read about as places that were the habitations of cannibals. Now these little islands are matters of great consideration with the most eminent of foreign powers. Why is all this? It is because these nations are measuring their strength one with another, not merely for the purpose of having their flag to float upon conquered territory or newly acquired territory, but for the benefit of commerce, for its protection, and for its advancement. Commerce it is that rules this world at this hour. Armies and navies are mere servants of commerce to-day. The commercial men of the world to-day have the control of it. You can not mention now a man, whether he is a king or a subject, who has got sufficient military renown in this world to make him a dangerous element in politics—not one. No nation fears any king because of his belligerent power, but we look to the commercial power of nations; we look to the merchants, to the diplomatists, to the statesmen of the different nations to see whether or not we shall be able in the future to measure our progress with them. Those are the considerations that now influence mankind.

With a forethought that was worthy of one of the greatest statesmen this country has produced we obtained Alaska, and yet there was then an outburst of mingled indignation and scorn through many sections of the United States that we should have given $7,000,000, I believe it was, for the purchase of Alaska. There are the fisheries of the Pacific Ocean, boundless, exhaustless. There is the power of supplying food from the sea on that coast and the adjacent islands, which, if we had possessed the like power in Labrador and in Newfoundland on this coast we should have been a very much richer people to-day than we are and very far more powerful.

Then we commence at Vancouver Bay, the Straits of Fuca, with Washington Territory, and we run down to Mexico—a vast coast with four good inlets upon it, Puget Sound, Columbia River, the bay of San Francisco, and the bay of San Diego.

Beyond that we have fraternal relations, I may call them very friendly relations, with Hawaii, that outpost of the sea which stands centrally between us and China, Japan, and Australia. If we were deprived of our friendly relations with that group of small islands we should be bereft of very much that in the future will be of great benefit to the people of the United States.

But Great Britain has established herself throughout the world. Commencing at the mouth of the Red Sea, she comes on around the Indian coast to Hong-Kong and along the coast of South America. She has got her naval establishments, her naval stations, where she can send her ships and supply them with coal and provisions from place to place. She can go to San Francisco with a full supply of coal, and all the men that are necessary to man a ship and with every equipment necessary, quite as easily as she could go from Liverpool or any place on the English coast to St. Petersburg. She is prepared all over the ocean with depots, places of supply, where she is never wanting in the power to do all that she desires to do, or all that she can possibly do, with her army and her navy against any power of the world. I do not know that we shall ever get to that state of exaltation, I will call it, in respect of the powers of this great Government and its control among the nations of the earth.

I wish we could make the same boast that Great Britain can make. I should have no fear of the liberties of this people, not the slightest, if we had all the power on the sea in foreign countries that Great Britain has got. I would feel far more comfortable than I do in respect to our ability to discharge our obligation to our own citizens when they are abroad. We have a splendid coast, with many deep inlets and bays without fortifications, and perhaps they will remain so for a great while. Perhaps the world will be willing to let us alone until we choose to interfere with them in some way. I do not know. It may be, however, that the jealousy of our increasing riches may inspire them some of these days to interrupt our peace and to kill our commerce. Then they will have nothing to do but shake their fists at us and it will depart from the seas. They may do it, and will do it, if we make no provision for its security.

We have a line of picket-posts, commencing at Labrador, Newfoundland, to the Bermudas and all the West Indies, clear around our coast, and in the Pacific Ocean, all in the possession of foreign powers. The British Government gets as near to us as it can with its picket-posts; and when they go to Vancouver Island and to Victoria, where they know they have the control of the Straits of Fuca unless we do something to prevent them from having control, the first thing they do is to build a great dock-yard, a naval establishment, and after that a town. They build their railway to it, then their dock-yards, then their great naval establishment, and after they have done that they are ready to go to work and build a town. That is British policy as contrasted with American policy; and yet I am very sorry to say that we are quite lacking in proper enterprise in getting to that Western coast and taking care of it.

We have very easy facilities to avail ourselves of in uniting our Eastern and Western coasts. We have to do nothing more than to extend a friendly, cordial invitation to private men with capital to have a way through Lake Nicaragua where we can pass our fleet, it makes no difference what the size of the ships may be, from the Atlantic to the Pacific coast. We could thus save ourselves the necessity of having two fleets, one to defend the Pacific and the other to defend the Atlantic. But not only does that excite no enthusiasm or interest among the American people, but it even seems to excite the distrust of the administration. They are opposed to it.

For my part, I am not capable of highly appreciating an idea of government which is content merely to pull through four years of administration without doing anything whatever for the progress of the American people. Perhaps a man ought to thank God hourly that he is permitted to live, and if he is to live four years in peace perhaps he ought to count them as the brightest and best part of his whole existence. Still, we should not stagnate because the lines have fallen to us in pleasant places. I would prefer to live like a man that had a purpose in life, and I would prefer that this nation should live like a great and powerful people who are working out a higher destiny, and I would prefer that the generations to follow us should be able to point back to our example and say, "These men understood something about what was the destiny of this country; they felt its necessities and its demands upon them, and they had the courage to march up to them."

Perhaps, Mr. President, this is not an opportune occasion for references of this kind; still it is germane to the point that we should have a clear and easy intercourse with our Western possessions. So far as our naval power is concerned, our Western coasts and harbors are utterly exposed, and that entirely without excuse.

When I was in San Francisco about two years ago, as a member of a committee of this body, I had occasion, as it was my duty, to look into some of the material resources of California in reach of that magnificent bay of San Francisco. I found there what was a surprise to me, and I do not believe the fact is yet credited by the iron and steel producers of this country—I found there the most magnificent and inexhaustible deposits of ores of the proper quality for making steel of high grade that are to be found anywhere in the world, ores absolutely without a trace of phosphorus or sulphur, with 65 to 70 per cent. of metallic iron, very low in silica, in the best condition that ores ever came from the hands of the Creator for the purpose of enticing men to make the best quality of steel. I found that steel was being made there. I found within 3 miles of San Francisco, upon the bay, not the largest, but the best equipped, the best furnished, the best arranged iron and steel foundry in the United States without a single exception so far as I have seen, worked entirely, even to the lifting of the doors, by hydraulic power, so that a man touched a little knob while sitting at his desk, and the doors of the great establishment lifted themselves to let the men in to go to work.

There are these ores in vast abundance and easily accessible to the shore. The fluxes are there. They dig the most beautiful marble out of the bosom of that soil that fluxes the iron they make into steel. There is every quality of fire-clay; and indeed every facility for the manufacture of iron. The only thing wanting in California is coal. They have excellent lignite there, but that will not run a furnace. In Oregon and Washington Territory they have excellent coal.

I was informed by the gentlemen who were engaged in making iron in California that they would have no occasion to go to Cardiff or Australia, abroad, or to Cumberland, in Maryland, for their coal; that the coal and coke that had been sent down from Seattle was of excellent quality; that they felt that they were entirely able to manufacture any quantity of iron and steel that might be wanted for the purposes of commerce or for the purposes of ship-building or gun-making.

There is congregated upon that coast every possible facility for the making of steel in any quantity that any government or any number of governments could demand; and yet it is used only to the extent of the work that is done in one establishment in San Francisco. It is fortunate for us that this establishment, founded upon private enterprise, has gone sufficiently far to the front in the practical manufacture of steel to convince Congress, which is slow to believe almost anything in that direction, that the power resides in California, in Oregon, and in Washington Territory to build and equip our Navy and supply it with guns equal to any that exist or can be produced.

Now, sir, without these facilities that country would not be worth so much as it is in my estimation, but with them we have the power of commanding the Pacific Ocean. They present the fact to the people of Great Britain that in order to cope with us in Vancouver Bay either in commerce or in war they have got to bring their ships across the sea. They can not build them here. We can build better ships in San Francisco Bay than they can build on the Clyde, and we will not go out of California for a particle of the material, except that we must go to our neighboring State of Oregon and Washington Territory for the coal, and in that respect we have the advantage of Great Britain. Now, sir, it remains with us to say whether we shall sleep on this power to supply this necessity, or whether we shall utilize it; whether this Government will take care of the Pacific States with the same zeal that we bestow on the Atlantic States. If we do this now, our commercial supremacy will be won and established in the Pacific Ocean. If we delay our work, the opportunity will soon be lost.

I could not content myself while the duty we owe to the country is under discussion without at least giving an expression of my views and

convictions, and they are earnest and strong, that this generation of men and the legislators who are here to represent them owe to this country an unavoidable duty, than which no American statesman ever had a greater or a sublimer one, of opening to our people free access to the commerce of the Pacific Ocean and all the security we can give them in the gathering and enjoyment of its fruits.

As a part of this movement in order to build up our power on the Pacific coast, I, sir, coming from the Gulf of Mexico, extend the cordial greetings of the people of the South to the people on the North Pacific coast, and tell them they shall have my support for the measure that they have now before the Senate.

Mr. PLATT. Mr. President, I wish to thank the Senator from Alabama for the broad and liberal view which he has taken of this question and which he has presented to the Senate. He has not presented the amendment which he suggested, and I wish to say a word or two in the hope that I may persuade him to withhold the amendment which he suggested and which, as I understood, he said he would feel it to be his duty to present, which was to the effect that it was not constitutional or if constitutional it was not expedient to admit States having formed the constitution provided for in the enabling act simply by the proclamation of the President.

I may say that all the argument which the Senator from Alabama has made in favor of the admission of Washington Territory as a State is an argument in favor of its immediate admission. The considerations which he urges in connection with our relations to Great Britain in favor of the admission of Washington Territory are considerations which apply to the present and to the immediate necessity of establishing a State government there which shall invite capital and invite immigration and stimulate the building up of a strong, healthy, powerful State upon that Pacific shore.

But this is not a new question, sir. If it were, the suggestion would come with greater force as it seems to me than it does now. If I understand the precedents as to the admission of recent States, they settle this method of admission by proclamation of the President when he finds that the conditions of the enabling act have been complied with. They settle that as a proper and constitutional method of the admission of States. It is true the Constitution provides that new States may be admitted by Congress into the Union; but we have had certainly three States now admitted without the requirement that the constitution provided for in the enabling act should be submitted to Congress, and that Congress should then decide whether the State should be admitted upon that constitution.

The first State I think in which the practice now proposed to be followed was adopted was the State of Nevada. I have looked hastily over the debate at the time of its admission, and I do not find that any suggestion was made at that time that it was an unconstitutional method of admitting a State into the Union to pass an enabling act requiring certain conditions as to matters which should be incorporated into the constitution of the State and then authorizing the President when he was satisfied that that was done to declare that the State was admitted into the Union and became one of the States. No suggestion of unconstitutionality was made at that time.

The next recognition of this method of admitting States into the Union was in the case of Nebraska. It is true that in the case of Nebraska the constitution provided for in the enabling act was brought to Congress and an act passed for its admission after the constitution had been submitted to Congress which was authorized to be adopted by the enabling act; but the act of admission required certain changes to be made in that constitution and prescribed a fundamental condition of its admission. It was in the third section of the act which admitted Nebraska, its constitution adopted under the enabling act having been brought here, and it was to this effect:

SEC. 3. *And be it further enacted*, That this act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other rights, to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislation of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State, and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete.

So that the doctrine that a State might be admitted by proclamation of the President, having complied with the fundamental conditions required by the enabling act, was, as it seems to me, recognized in the admission of Nebraska.

Then came Colorado, the last State admitted, where there was an enabling act and a provision in that enabling act that the people of Colorado having in constitutional convention adopted a constitution such as was required in the enabling act, upon the governor certifying the same to the President he should by proclamation declare that Colorado had become a State in the Union.

So then the last three States which have been admitted have really been admitted upon the theory of this bill.

There is another consideration which I desire to present in favor of my suggestion that the Senator from Alabama withhold the amendment, and that is this: It seems to me that the people of Washington Territory have been long delayed in their right to admission. I do not say that Congress is to blame for it; I do not think it is. I do not think there has been any real opposition to the admission of Washington Territory of which it has a right to complain; but by reason of the difficulty of the transaction of business, the buffeting which every measure gets in each branch of Congress and between the two branches of Congress, we have never come to the point of acting upon this question of admission. The result is the same, that Washington is delayed.

Now if an amendment of this sort were to be adopted it must inevitably result in a delay of two or three years longer. I do not think it would be possible before the next session of Congress, which is a short session, to have a constitutional convention called, the constitution provided for by this enabling act adopted and submitted to the people for their ratification, and returned here in time to get action by the present Congress. That involves its being acted upon for the final admission of the State at the next Congress, and we all know how slowly business proceeds. To put an amendment of that sort on this bill I think I may justly say will operate to make a delay of at least three years before Washington Territory can be clothed with the full privileges of Statehood. And in view of the precedents which have been adopted, which amount to a legislative construction of the Constitution at any rate, it seems to me that this suggested amendment of the Senator from Alabama ought not to prevail. I trust he will not offer it.

The PRESIDENT *pro tempore*. The amendments of the Committee on Territories will be stated.

The Secretary read the first amendment of the Committee on Territories, which was in section 2, line 10, after the word "point," to strike out "twenty miles south of said parallel; thence due east," and to insert:

Due west of the headwaters of Rabbit Creek; thence due east to the headwaters of Rabbit Creek; thence down the middle of said Rabbit Creek to its junction with Salmon River; thence up the middle of said Salmon River to the junction of Horse Creek; thence up the middle of said Horse Creek to the junction of the East Fork of said creek; thence up the middle of said East Fork of Horse Creek.

So as to make the section read:

SEC. 2. That said State shall consist of all the territory embraced within the following boundaries, to wit: Beginning one marine league west from the mouth of the middle of the north ship-channel of the Columbia River; thence along the northern boundary of the State of Oregon, up said river to where the forty-sixth parallel of north latitude intersects the same near the mouth of the Walla Walla River; thence east along said parallel to where it intersects the middle of the main channel of Snake River; thence southerly along said channel of Snake River to a point due west of the headwaters of Rabbit Creek; thence due east to the headwaters of Rabbit Creek; thence down the middle of said Rabbit Creek to its junction with Salmon River; thence up the middle of said Salmon River to the junction of Horse Creek; thence up the middle of said Horse Creek to the junction of the East Fork of said creek; thence up the middle of said East Fork of Horse Creek to the crest of the Bitter Root range of mountains; thence northwesterly along the crest of said mountains to where it intersects the thirty-ninth meridian west; thence north along said meridian to the boundary line between the United States and British Columbia; thence westerly along said line to a point one marine league west from the mouth of the middle channel of the Straits of Juan de Fuca; thence southerly a distance of one marine league west from the east shore of the Pacific Ocean to the place of beginning, including all islands and parts of islands within said boundaries within the jurisdiction of the United States, with concurrent jurisdiction on all rivers bordering on said State so far as such rivers form a common boundary to said State and any other State or Territory now or hereafter to be formed and bounded by the same.

The amendment was agreed to.

The next amendment was in section 4, line 14, after the word "further," to strike out all down to and including the word "further," in line 49, as follows:

That such constitution shall provide that neither the money nor the credit of the State, or of any city, town, or other municipal corporation therein, shall be given or loaned to or in aid of any association, corporation, or private undertaking, and that the aggregate debt of the State shall not at any time exceed $200,000: *And provided further*, That the people of that portion of the Territory of Idaho embraced within the boundaries of said State shall in no wise be released from the payment of their just portion of the indebtedness of said Territory at the time of the admission of said State; and that the auditor of each county wholly or partly within such portion shall, as such indebtedness may become due and payable, draw his warrant or warrants on the treasurer of his county in favor of the treasurer of said Idaho Territory for such proportion of the net indebtedness of said Territory as the assessed valuation of the property therein shall then bear to the assessed valuation of all the property of said Territory and of said portion of said State, which warrants shall be paid as in other cases: *And provided further*, That all convicts confined in the penitentiary of Idaho Territory at the time of the admission of said State who at the time of their conviction of the crimes for which they are so confined were residents of that portion of said Territory embraced within the boundaries of said State shall be transferred to and confined in the penitentiary of said State for the remainder of their terms of sentence in the same manner and subject to the same laws and regulations as other convicts who are confined in said State penitentiary: *And provided further*, That all residents of that portion of said Territory embraced within the boundaries of said State at the time of admission who are confined in an insane asylum and who are maintained at such asylum at the expense of said Territory shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State: *And provided further*.

Mr. PLATT. I ask that the question on this may be divided and that the amendment down to the forty-second line may be first acted upon, and then I shall ask that the words from line 42 to line 49 be transferred to the end of the section. I do not know that there is any necessity for the adoption of an amendment in that regard; but the words from the forty-second to the forty-ninth line are simply to be

transferred to the end of the section. I do not desire to strike out that clause entirely but to transfer it in the bill. In whatever way that can be reached in parliamentary method is what I desire to have accomplished.

The PRESIDENT *pro tempore*. If there be no objection, the amendment so far as it strikes out the words down to the forty-second line will be considered agreed to.

Mr. DOLPH. Before that result is announced I desire to say in explanation of the clause from the fourteenth to the nineteenth line, in regard to what the Constitution shall provide, inasmuch as I introduced this bill with that in, that the clause was inserted because it was contained in the bill as reported from the Committee on Territories at the last session. I do not care to make any objection to the amendment, but simply state that in explanation of the clause appearing in the bill as introduced.

The PRESIDENT *pro tempore*. The amendment to line 42 will be considered as agreed to.

Mr. PLATT. The words from line 42 to line 49 are transferred to the end of the section. It is immaterial how the result is arrived at. The desire is simply to transfer those words to the end of the section.

The PRESIDENT *pro tempore*. It is already printed as an amendment at the end of the section; therefore the adoption of this amendment striking out these words in this place will accomplish the purpose of the Senator.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 4, after the word "thereof," in line 65, to strike out the words:

Reserving to said State, nevertheless, the right to impose on such tide, swamp, and overflowed lands such regulations and burdens as to its Legislature may from time to time seem proper for the construction and maintenance of ditches, dikes, and other appliances for the reclamation, use, and occupation thereof, separately or with others.

So as to read:

That all grants and patents heretofore made by the United States to settlers and purchasers of tide, swamp, overflowed, and school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof, &c.

The amendment was agreed to.

The next amendment was, to add to the fourth section the following proviso:

And provided further, That all residents of that portion of said Territory embraced within the boundaries of said State at the time of admission who are confined in an insane asylum, and who are maintained at such asylum at the expense of said Territory, shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State.

The amendment was agreed to.

The next amendment was, in section 6, line 6, after the word "any," to strike out the word "two" and insert "three;" so as to read:

SEC. 6. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Washington Territory, who, with the secretary and chief-justice thereof and the president of said convention, or any three of them, shall canvass the same, &c.

The amendment was agreed to.

The next amendment was, in section 10, line 7, after the word "State," to strike out the words "shall constitute an entire county of Idaho Territory," and to insert, "shall be, and is hereby, annexed to Washington County;" so as to make the section read:

SEC. 10. That from and after the admission of said State as hereinbefore provided the government of the Territory of Idaho shall continue unimpaired, with the boundaries of said Territory so changed as to include only that portion thereof not embraced within the limits of said State; and the portion of Idaho County not embraced within the boundaries of the proposed State shall be, and is hereby, annexed to Washington County until otherwise provided by the laws of said Territory.

The amendment was agreed to.

The next amendment was, in section 14, line 8, after the word "allowed," to strike out the words:

To other similar officers and persons performing similar duties by the laws of the United States, excepting such provision thereof as are specially applicable to some particular officer or district.

And to insert in lieu thereof:

By law in the State of Oregon to other similar officers and persons performing similar duties.

So as to read:

SEC. 14. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Washington, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

The amendment was agreed to.

The next amendment was, in section 15, after the word "Idaho," to insert the words "which arose within that part of said Territory of Idaho which will form part of said State of Washington;" and in line 13, before the word "or," to strike out the word "aforesaid" and to insert the words "herein provided for;" so as to read:

SEC. 15. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Washington, or the supreme court of the Territory of Idaho, which arose within that part of said Territory of Idaho which will form part of said State of Washington, or that hereafter may be lawfully prosecuted from either of said courts, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require, &c.

The amendment was agreed to.

The next amendment was, to strike out section, 25 as follows:

SEC. 25. That all salt springs within said State, not exceeding twelve, with six sections of land adjoining or as contiguous as may be to each of them, to be selected as aforesaid, without impairing any prior right or interest of any person or persons therein, are hereby likewise granted to said State for school purposes.

Mr. DOLPH. I should like to know the object of this amendment. That provision is contained in nearly all the other acts for the admission of States into the Union; and if it should be stricken out here, and there are salt springs in the Territory, of which I am not informed, the State would simply come here for relief, as all the other States do come when there is any omission made in the enabling act or the act admitting the State for grants similar to those made to the other States.

Mr. PLATT. The committee made all the inquiry it was possible to make, and could not learn that there were any salt springs within the State. That is a provision which seems to have crept into the enabling acts which have been passed from time to time, originating within those Territories where salt springs were really to be found; and it hardly seems worth while or proper to continue such a provision in an enabling act in a Territory where we could not learn from any inquiry that we were able to make that there were any salt springs at all.

Mr. INGALLS. If that provision is left in there will be plenty of salt springs. [Laughter.]

Mr. DOLPH. I should like to know how generally that provision has been retained in the enabling acts.

Mr. PLATT. I am obliged to confess that it has been in all of them, and I think there have been some abuses under it. I think it has never been left out of an enabling act before; but I think there have been some abuses under it, or if not abuses, that there have been certain lands donated on the ground that there were salt springs there when there was really not very much reason for thinking so; and in a Territory where I do not suppose it is claimed that any salt springs exist I think we should make the precedent of leaving it out.

Mr. DOLPH. There are salt springs just on the south of the Columbia River in Oregon, and there may be in Washington. If there are none, then this provision will do no harm. If there are salt springs the State ought to be put on an equality with the other States. If there should be some questionable patenting of lands under this provision, still, as it goes to the support of common schools, and the land can only be sold at $5 an acre, which constitutes an irreducible school fund, I do not think any great harm would be done by retaining the section; and I think if it is left out of this act, very likely we shall have an application by the new State for the grant directly after the State is admitted.

Mr. PLATT. Would it not be better to leave it in that way, so that if salt springs should be actually found there and the State came and asked for them, that question should be passed upon by Congress, rather than keep a provision in this bill which has become obsolete practically?

The PRESIDENT *pro tempore*. The question is upon the amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section [27] 26, after the word "act," in line 1, to strike out:

Except such as have been sold pursuant to the provisions of the act passed by the Legislative Assembly of Washington Territory on January 23, 1863, which sales are hereby confirmed.

So as to make the section read:

SEC. 26. That the lands granted by this act shall not be sold for less than $5 per acre; and the proceeds of those granted for school purposes, as well as all moneys paid to said State under the provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

Mr. DOLPH. I desire to offer an amendment in a little different language, to come in at another place in the bill, accomplishing this same object as the clause here stricken out. I should not like to be precluded by the vote on this amendment. If it is in order, I will move an amendment to the amendment.

The PRESIDENT *pro tempore*. It will be in order in the Senate to reserve this amendment.

Mr. DOLPH. Would it be in order to move to insert something else in lieu of the words stricken out?

The PRESIDENT *pro tempore*. When the bill is reported to the Senate.

Mr. EDMUNDS. It would be in order now to move to amend the paragraph proposed to be stricken out, but in a different place in the bill.

Mr. BUTLER. I suggest to the Senator from Oregon to permit the Senator from Connecticut having charge of the bill to proceed with the

amendments of the committee, and he can offer his amendment in the Senate when the bill is reported.

Mr. PLATT. I do not object to what the Senator from Oregon desires to have incorporated in the bill by way of amendment substantially like this clause that the committee has asked to be stricken out, for upon explanation by the Senator from Oregon I think the purpose of that enactment should be preserved in the bill. His amendment is in a little different language from the words of the original bill, and I think the question may as well be taken now, that he may submit his amendment and perfect the text of the bill, and then I should be willing to have his amendment adopted.

Mr. DOLPH. With that understanding I will send up my amendment.

The PRESIDENT *pro tempore*. Is that an amendment to the text of the bill? If so, by unanimous consent it may be offered now. The rule requires amendments of the committee to be acted on first, but if there is no objection——

Mr. DOLPH. This is the last amendment reported by the committee.

Mr. BUTLER. I think we had better proceed with the amendments of the committee and get through with them, and then the Senator can offer his amendment. It is interfering with the orderly course of the bill to interpose other amendments. I object to it at this time.

Mr. DOLPH. I am not particular.

The PRESIDENT *pro tempore*. The bill will be open to amendment after the amendments of the committee are completed.

Mr. DOLPH. I only rose to a question of order. The amendment offered by me is substantially the same in effect, although not exactly so in language, as the clause proposed by the pending amendment to be stricken out of the bill. If there is no parliamentary objection to my amendment being entertained after the amendment of the committee is acted on, I have no objection to waiting until that is done.

Mr. PLATT. Certainly the Senator can do it when the bill is reported to the Senate; but I have no doubt unanimous consent will be given now to offer the amendment in Committee of the Whole.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Territories.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. DOLPH. Now I offer my amendment. After the word "acre," in line 6 of section [27] 26, I move to insert:

Provided, That all lands sold under the provisions of an act passed by the Legislative Assembly of Washington Territory January 23, 1863, are hereby confirmed to the purchasers.

In explanation of this amendment I will say that at an early day, in 1863, there was an act passed authorizing the board of county commissioners of any county in Washington Territory to sell at private sale such portions of sections 16 and 36 as were prior to settlement and before survey in the *bona fide* possession of any person at the time of the approval of the act. Therefore persons who had taken donation claims or pre-emption claims upon sections 16 and 36 were allowed to purchase of the Territory those lands at a given price, the purchase price of which went into the school fund of the Territory, the Legislature of the Territory supposing at the time that the legislation in the organic act of the Territory amounted to a grant and that they might dispose of the lands.

The persons who bought these lands over twenty years ago have improved them and they are now valuable. In the present bill it is provided that none of the lands granted to the Territory for school purposes shall be sold for less than $5 an acre. I think these lands were sold for $2; therefore this amendment is necessary in order that the title of the persons who have purchased these lands of the Territory may be confirmed at the price which they paid. It will not increase the grant to the Territory because the title to the Territory is confirmed by this act to sections 16 and 36. They will not be entitled to lien lands; but it will simply enable them to confirm the sale at $2 an acre, whereas the rest can not be sold for less than $5. The amount is quite small, but there are enough persons interested in the matter to make it important that the amendment should be adopted.

Mr. PLATT. I ask the Senator whether it does not answer his purpose to put in the amendment at the close of the section? It seems to me the section would read better to have the amendment adopted at the end of the section. It will read then:

That the lands granted by this act shall not be sold for less than $5 per acre.

And then the proviso would come in at the end of the section.

Mr. DOLPH. I am not particular where it comes in. I will modify my amendment in that way.

Mr. PLATT. If the Senator offers it to come in at the end of the section I will accept it.

The PRESIDENT *pro tempore*. The amendment is modified to come in at the end of the section.

The amendment was agreed to.

Mr. DOLPH. Now, I offer as an amendment to add to section 4 of the bill the following:

And provided further, That the people of that portion of Idaho Territory which is by this act made a part of the State of Washington shall in no wise be released from the payment of a pro rata proportion of the bonded indebtedness of Idaho Territory. That within sixty days after the admission of Washington under this act, the State auditor of Washington and the Territorial comptroller and treasurer of Idaho shall meet at the office of the comptroller and treasurer of Idado, in Boisé City, Idaho Territory, and shall ascertain and determine from the books and records in said office the exact amount, as near as may be, of the bonded indebtedness of said Idaho Territory at that date, and the time when the same, or any and every portion thereof, shall come due, and shall deduct therefrom the amount of money on hand in the Territorial treasury of Idaho at that time. They shall ascertain from the last assessment-rolls the whole amount of taxable property in Idaho Territory, including all of that portion of Idaho that is annexed to Washington by this act; and they shall apportion a pro rata proportion of the balance of the bonded indebtedness of Idaho Territory to each of the counties or parts of counties that are by this act detached from Idaho and annexed to Washington, upon the basis that the taxable property in said counties or parts of counties bear to the whole amount of taxable property in Idaho Territory; and the auditor of each county or part of county so detached from Idaho shall each draw a warrant on the county treasurer of each county for the proportion so allotted to them to pay, in favor of the Territorial treasurer of Idaho Territory, which warrants shall draw the same rate of interest as the bonded debt, and shall be made payable, both principal and interest, at the same time and on the same terms as the bonded indebtedness as computed.

In explanation of this amendment I will say that I have received letters from residents of Northern Idaho protesting against a measure which will make the people of the northern portion of the Territory which is to be incorporated within the new State of Washington pay their pro rata share of the present bonded indebtedness of Idaho Territory. That is supposed to be about $75,000 for the whole Territory, and the portion of the debt which the people of Northern Idaho would pay under this provision would be somewhere from seventeen to eighteen thousand dollars. The memorial of the Idaho Legislature which I had read at the desk during my remarks on the bill to-day, praying for the annexation of the northern portion of Idaho to Washington, and which was adopted, I believe, by a substantially unanimous vote in that Legislature, asked that when Northern Idaho was annexed to Washington it should be required to pay its pro rata share of the indebtedness. I understand also that a large proportion of this indebtedness is for new public buildings which were provided for by an act of the Territorial Legislature and that the representatives in the council and the members of the house from Northern Idaho could have prevented the incurring of this indebtedness, but they concurred in making it.

I do not know what the just rule would be in such cases. I do not know what the precedents are, where a Territory or State is divided, in regard to the indebtedness of that portion of the State or Territory which retains the name of the old corporation.

I do not propose to submit anything further in regard to it except to ask to have read a letter from Delegate HAILEY, of Idaho Territory, to myself in answer to inquiries concerning the matter. I will state that this provision is incorporated in the bill which has recently passed the House and has been referred to the Committee on Territories of the Senate for the annexation of Northern Idaho to Washington Territory, and undoubtedly, if this bill goes to the House without such a provision, there will be an attempt made in the House to attach such an amendment to the bill.

Now, as I say, I myself am not positive as to what ought to be done in the matter, and after submitting this letter I am ready that the question shall be taken by the Senate.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 3, 1886.

DEAR SIR: Referring to the matter of the northern counties of Idaho which it is proposed to annex to Washington Territory, or rather to admit with Washington into the Union as a State, I have no objection to these counties going to Washington provided they pay their pro rata proportion of the bonded debt of Idaho and their pro rata proportion of the cost of keeping such Territorial prisoners as are under sentence, and take with them the insane people, who are now being kept at the expense of Idaho, who were sent from those counties. As for the latter class, there seems to be no question but that Washington should take them. Why there should be any objection to Washington paying a pro rata share of the cost of keeping the prisoners I can not see. These northern counties had the protection of the laws of Idaho extended over that portion of the Territory, and they made a liberal contribution of prisoners to the penitentiary from those counties. Every Territorial prisoner costs the Territories 75 cents per day per head for keeping and maintaining. They are kept by the United States by contract at the above rate, and the Territory derives no income whatever from them. These northern counties have not only furnished a reasonable amount of the prisoners, but have had a voice in the making of the laws for Idaho to the extent of one-fourth of the members of each House of the Legislative Assembly of Idaho. And last, but not least, I can see no good reason why these northern counties should not pay their pro rata proportion of the bonded debt of Idaho Territory, which debt was created by the approval and assistance of the unanimous vote of the members representing those northern counties at the last session of the Legislative Assembly in Idaho, namely, thirteenth session, 1884–1885.

The act creating this bonded debt, which is unpaid, amounting to $100,000, will be found in the thirteenth session laws of 1884 and 1885, commencing on page 62 and ending on page 71, the title of which is: "An act to provide for the erection of a capitol building in Boisé City, the capital of Idaho Territory, and to provide for the erection of an insane asylum in or near the town of Blackfoot, the county seat of Bingham County, and for the maintenance thereof, and for other purposes."

Without troubling you to read the whole of this act, I desire to call your attention to the particular sections that authorize the issuance of the bonds, which are as follows:

Section 6 authorizes the issuance of $80,000 in bonds to sell for money to erect a capitol building, which has been done.

Section 23 authorizes the issuance of $20,000 in bonds for the purpose of erecting and equipping an insane asylum. All of these bonds have been issued and the buildings are built, but not furnished, and the debt is unpaid.

The Legislature that created this debt consisted of thirty-six members, twelve in the council and twenty-four in the lower house. Of this number the northern

counties that now desire to be annexed to Washington had three members in the council, namely: Mr. Moody, Mr. Isaman, and Mr. Poage. In the house they had six members, namely: Messrs. Cleary, King, McKeon, Quarles, Williams, and Wilmot.

Each and every one of these members voted for the passage of this bill creating this debt of $100,000, as shown by the journals of each house. (See Council Journal, pages 205 and 206; see House Journal, pages 224 and 225.)

It may be said the bill would have passed without the votes of these northern members. It will be observed that the house passed this bill on the fifty-seventh day of the session, just three days before time for them to adjourn—it was passed under a suspension of the rules. Had the northern members voted against the suspension of the rules the bill would never have been reached or passed.

They, as the accredited representatives of the northern counties, voted for this bill with the understanding that the northern counties would have to pay a pro rata proportion of this debt, whether they remained in Idaho or were annexed to Washington. At this same session of the Legislature of Idaho Mr. Moody, councilman from the northern counties, introduced council joint memorial No. 2 (see Thirteenth Session Laws, pages 211 and 212), praying the Congress of the United States to annex these northern counties to Washington Territory when said Territory was admitted into the Union as a State. The closing paragraph of this memorial reads as follows:

"And we would further ask that in the event of the disintegration of the part of Idaho Territory mentioned that the common debt be adjusted and provisions made for the support of such convicts as are now in the Territorial penitentiary, and for the support of such persons as are adjudged insane in said counties of Idaho, Kootenai, Shoshone, and Nez Percés."

Council journal, page 74, shows that Mr. Moody introduced this memorial.

Council journal, pages 95 and 96, shows that the members from the northern counties in the council all voted for the memorial, namely, Mr. Moody, Mr. Isaman, and Mr. Poage.

House journal, page 97, shows that each of the members of the house from the northern counties voted for this memorial, namely, Messrs. Clery, King, McKern, Quarles, Williams, and Wilmot.

The public buildings that were erected by the creation of this debt were erected for the benefit of the people of the whole of Idaho Territory. They are sufficient to accommodate the people of the whole Territory for the purposes for which they were erected.

The representatives of the northern counties by their votes helped to create the debt. They have said by their votes for the memorial that if we go to Washington we are willing to pay our share. For the northern counties to help saddle this debt on the tax-payers of Idaho and then leave without paying any portion of it is, I insist, wrong.

The whole amount of taxable property in Idaho in 1885 was only $15,497,598; of this amount the counties it is proposed to annex to Washington have $3,344,664. Property-holders in Idaho are compelled to pay high taxes now, from 2½ to 4 per cent., in order to pay Territorial and county expenses and to keep up our free-school system.

Let the people of the northern counties pay their proportion of the Territorial liabilities which they helped to make, then I am willing for them to go to Washington; otherwise I must insist on them remaining in Idaho until our debts are all paid.

Very respectfully,

JOHN HAILEY, *Delegate.*

Senator J. N. DOLPH,
United States Senate, Washington, D. C.

Mr. HARRISON. It may be that the people of the Pan Handle of Idaho should make some contributions to the debt of Idaho Territory, but I think it very clear that they should not make the contribution proposed by the amendment of the Senator from Oregon.

I have in my hand a statement sent me by the governor of Idaho, of date December 1, 1885, showing the exact indebtedness of the Territory. It is as follows:

Bonds, act of 1875	$22,533 54
Bonds, act of 1877	46,715 06
Insane-asylum bonds, act of 1885	20,000 00
Capitol-building bonds, act of 1885	65,000 00
Making a total of	154,248 60

There is cash on hand in the treasury of Idaho, $98,187.08. But of this sum there is belonging to the capitol-building fund as proceeds of the sale of bonds $32,738.88, and also from proceeds of sale of asylum bonds $14,852.25. These two items make a total of $47,591.13, leaving a cash balance in the treasury derived from other sources of $50,596.95. It appears also from this statement that $15,000 of the capitol bonds authorized to be issued have not yet been issued.

I sent for the acts of 1875 and 1877 with a view of determining the origin of the loans referred to here, but I find that both of those acts were mere refunding acts, and do not disclose the purpose for which the indebtedness was originally created. That purpose, however, is disclosed by the communication which has just been read at the desk.

I think we may assume, then, upon the information we have, that the total indebtedness of Idaho Territory was created for the purpose of erecting public buildings, namely, a capitol building and an insane asylum. Those buildings, which as I suppose and understand have been partly paid for by a general tax upon the whole Territory, remain in the Territory of Idaho. The people of Northern Idaho, from the moment their annexation to Washington is complete, are cut off from all benefit growing out of the erection of those buildings; they will partake no further in the use of them, and they will become at once subject to assessment for the construction of a capitol building, insane asylums, and other benevolent, reformatory, and penal institutions in the State of Washington.

It seems to me that if it can be argued that some part of this indebtedness ought under the circumstances to be borne by the Pan Handle of Idaho, it is clear that its people ought not to continue to be assessed for the whole of it; and as I suppose they have already made a considerable contribution in the way of taxes to the erection of both the buildings in Southern Idaho and are to leave the buildings for the use of Idaho, it seems to me that they have made a sufficient contribution.

I do not think the argument of the paper that because the delegates from the counties of the Pan Handle voted in the Idaho council for the construction of the buildings that puts them under obligation to continue to pay until the buildings are completed and the bonds are all redeemed is sound, when by this act of annexation they are to be deprived of any use of the buildings.

I do not know upon the information we have that we can so modify the amendment as to apportion to the Pan Handle such just part of the debt as it ought to pay. We can not know what would be a just part unless we know how much they have already paid.

I think, therefore, the amendment in the shape in which it is proposed ought not to be adopted. It would saddle a burden upon those counties and compel them to participate in paying a debt of $154,000 for buildings which are retained by Idaho Territory.

The PRESIDENT *pro tempore.* The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was rejected.

Mr. DOLPH. I now move, at the end of section 4, to add the following additional proviso:

Provided further, That the said State shall be liable for and shall pay to the Territory the cost of keeping the Territorial prisoners of the Territory of Idaho, under sentence and imprisoned at the date of the passage of this act, who, at the time of conviction and sentence, were residents of that portion of said Territory embraced within the boundaries of said State, to the expiration of their terms of sentence; and the Territorial comptroller and Territorial treasurer of Idaho Territory, on the 1st day of each month, shall make out an itemized bill of the cost of keeping said portion of prisoners, and shall certify to the correctness thereof, and forward the same to the auditor of the State of Washington, who shall draw his warrant on the treasurer of said State, in favor of the Territorial treasurer of Idaho Territory, for the amount thereof, not to exceed the cost rate of maintaining and keeping said proportion of prisoners at the date of the passage of this act.

The PRESIDENT *pro tempore.* The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. Whatever doubt I had concerning the propriety of the amendment which has just been voted down by the Senate, I have none whatever as to the propriety of this amendment. I see no reason why the prisoners, who were residents of the Pan Handle of Idaho at the time they were convicted and are now serving out unexpired terms of sentence, should not be kept at the expense of the people of that portion of the Territory until the end of their term. Certainly the obligation is the same as the obligation of the people of that portion of the Territory to keep the insane which were sent to the asylum from that portion of the Territory. There can be no doubt, in my judgment, as to the justness of this amendment, and I hope it will be adopted.

The amendment was agreed to.

Mr. VOORHEES. Are the amendments offered by the Committee on Territories disposed of?

The PRESIDENT *pro tempore.* They are all disposed of.

Mr. VOORHEES. I wish to offer the amendment of which I gave notice the other day, and I ask that it be read.

Mr. INGALLS. The Senator from Indiana having offered his amendment, so that it is now pending, I will move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I should be glad to have the amendment which I have offered printed in the RECORD, without taking up the time to have it read. It is brief.

The PRESIDENT *pro tempore.* Is there objection to printing the amendment in the RECORD without being read? ["No objection."]

The amendment of Mr. VOORHEES is to add at the end of the bill the following additional sections:

SEC. 28. That the inhabitants of the Territory of Montana are hereby authorized to form for themselves a State government, with the name of the State of Montana.

SEC. 29. That said State shall consist of all the territory embraced within the boundaries of said Territory as now defined by law

SEC. 30. That in order to the formation of such State government the qualified electors resident within said boundaries are hereby authorized, after due proclamation by the governor of Montana Territory, and in conformity to the laws of said Territory relative to the election of members of the Legislative Assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations, and at such time and places, as said governor may prescribe, to elect as many delegates, possessing the qualifications of such electors, within the present limits of said Territory as there are members of said Legislative Assembly, and also fifteen such delegates at large.

SEC. 31. That said delegates shall meet in convention at the city of Helena, in said Territory, at such time as said governor may designate in his said proclamation, and, when organized, shall declare, on behalf of the people of the territory embraced within said boundaries, that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for said territory so bounded and described as aforesaid: *Provided, nevertheless*, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided further*, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State ever be molested in person or property on account of his or her mode of religious worship; that the inhabitants of the territory embraced within said boundaries do agree and declare that they forever disclaim all right and title to the unappropriated public lands, and the lands the Indian title to which has not been extinguished by the United States, lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that all grants and patents heretofore made by the United States to settlers and purchasers of school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United

States residing without said State shall never be taxed higher than the lands belonging to residents thereof; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe, or Indian sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways, free to all citizens of the United States: *And provided further*, That all residents of that portion of said Territory embraced within the boundaries of said State at the time of admission who are confined in an insane asylum, and who are maintained at such asylum at the expense of said Territory, shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State.

SEC. 32. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as said convention may prescribe.

SEC. 33. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Montana Territory, who, with the secretary and chief-justice thereof and the president of said convention, or any three of them, shall canvass the same; and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances.

SEC. 34. That on receipt of such certification of the votes so cast at said election showing the adoption of said constitution by the people of said State as aforesaid, and of a copy of such constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States, without any further action on the part of Congress.

SEC. 35. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 36. That such Representative, and the governor and other officers that may be provided for in the constitution of said State, shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid; and that until said State officers are elected and qualified the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 37. That from and after the admission of said State into the Union in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, and be called the district of Montana; that for said district a district judge, a marshal, and a district attorney of the United States shall be appoined by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties and provided by law for similar officers in the other districts, except as herein otherwise provided; that said district of Montana shall be attached to and constitute a part of the ninth judicial circuit; and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of January and June in each year; and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 38. That the circuit and district courts for the district of Montana, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 39. That the district judge appointed for the district of Montana shall receive as his compensation the sum of $3,500 per annum, payable in four equal installments, on the first days of January, April, July, and October of each year.

SEC. 40. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Montana, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

SEC. 41. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Montana, or that hereafter may be lawfully prosecuted from either of said courts, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme courts of said Territory as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of said Territory, rendered prior to the admission of said State, the parties to such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

SEC. 42. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 43. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State courts according to the laws thereof.

SEC. 44. That sections 16 and 36 in every township within said State, or in case any of said lands have been disposed of under the provisions of any act of Congress to settlers or purchasers from the United States, or in case any of said sections 16 and 36 are fractional in quantity, or wanting by reason of the township being fractional, or shall be found, when surveyed, to be mineral lands, other lands equivalent in quantity thereto, in legal subdivisions of not less than 40 acres, to be selected within said State as the constitution and Legislature thereof may provide, with the approval of the Secretary of the Interior, are hereby granted to said State, when admitted, for school purposes.

SEC. 45. That the grant of 500,000 acres of unappropriated lands of the United States made to said State, on its admission, by the provisions of section 2378 of the Revised Statutes of the United States, may be used for school purposes; and said land shall be selected within said State as provided in the preceding section of this act.

SEC. 46. That seventy-two other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 47. That fifty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative, executive, and judicial purposes.

SEC. 48. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of a State penitentiary therein.

SEC. 49. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of an asylum for the insane therein.

SEC. 50. That 5 per cent. of the net proceeds of the sales of public lands lying within said State shall be paid to said State for school purposes.

SEC. 51. That the lands granted by this act shall not be sold for less than $5 per acre; and the proceeds of those granted for school purposes, as well as all moneys paid to said State under the provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

SEC. 52. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the officers and members of the Territorial Legislature; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States:

REPORT OF GOVERNOR OF ALASKA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, and the accompanying report submitted by the governor of Alaska in compliance with section 5 of the act of May 17, 1884, entitled "An act providing a civil government for Alaska."

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 1, 1886.

CLAIM OF THE REPRESENTATIVES OF JAMES CROOKS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, in relation to the claim of the representatives of the late Hon. James Crooks, a British subject, against this Government for the seizure of the schooner Lord Nelson in 1812.

The matter is commended to the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 1, 1886.

HOUSE BILLS REFERRED.

The bill (H. R. 5003) for the relief of Mary E. Casey was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7470) for the relief of William Fisher was read twice by its title, and referred to the Committee on Finance.

C. B. BRYAN & CO.

Mr. HARRIS submitted an amendment intended to be proposed by him to the resolution to refer the claim of C. B. Bryan & Co. to the Court of Claims; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday next.

NOMINATIONS.

Executive nominations received by the Senate this 1st day of April, 1886.

POSTMASTERS.

James Burke, to be postmaster at Jeffersonville, Clark County, Indiana, *vice* A. M. Luke, commission expired.

Henry C. Baker, to be postmaster at Hiawatha, Brown County, Kansas, *vice* John D. Blair, whose commission expires April 17, 1886.

Jamesetta H. Dixon, to be postmaster at Harrodsburg, Mercer County, Kentucky, *vice* Thomas M. Cardwell, commission expired.

Willard Wright, to be postmaster at Atlantic City, Atlantic County, New Jersey, *vice* L. C. Albertson, resigned.

T. A. C. Beard, to be postmaster at Crete, Saline County, Nebraska, *vice* Josiah W. Craig, whose commission expires April 12, 1886.

David Grafft, to be postmaster at Orleans, Harlan County, Nebraska, the office having become Presidential.

Orlando B. Rippey, to be postmaster at Ainsworth, Brown County, Nebraska, the office having become Presidential.

Egbert R. Watson, to be postmaster at Kearney, Buffalo County, Nebraska, *vice* Jacob C. Morgan, who was appointed during the recess of the Senate in place of Ralph M. Grimes, resigned, but whose nomination is withdrawn.

UNITED STATES CONSULS.

Victor Vilquain, of Nebraska, to be consul of the United States at Barranquilla, *vice* Thomas M. Dawson, recalled.

William B. McMaster, of New York, to be consul of the United States at Cartagena, Colombia, *vice* Edmund W. P. Smith, recalled.

Albert Roberts, of Tennessee, to be consul of the United States at Hamilton, Canada, *vice* Thomas R. Welch, deceased.

COLLECTORS OF CUSTOMS.

Charles C. Hubbard, of Connecticut, to be collector of customs for the district of Middletown, Conn., *vice* Augustus Putnam, commission expired.

Eliphalet A. McWhorton, of Georgia, to be collector of customs for the district of Saint Mary's, Ga., *vice* Joseph Shepard, commission expired.

SURVEYOR-GENERAL.

J. Cabell Breckenridge, of Kentucky, to be surveyor-general of Washington Territory, *vice* William McMicken, commission expired.

REGISTERS OF LAND OFFICE.

John L. Price, of Topeka, Kans., to be register of the land office at Topeka, Kans., *vice* John J. Fisher, commission expired.

William C. L. Beard, of Hutchinson, Kans., to be register of the land office at Wa Keeney, Kans., *vice* B. J. F. Hanna, commission expired.

INDIAN AGENT.

James H. Davis, of Mount Vernon, Tex., to be agent for the Indians of the Ouray agency in Utah, *vice* Edward L. Carson, resigned.

FOR APPOINTMENT IN THE ARMY.

Col. Joseph H. Potter, of the Twenty-fourth Infantry, to be brigadier-general April 1, 1886, *vice* Howard, appointed major-general.

Capt. John W. Clous, of the Twenty-fourth Infantry, to be judge-advocate with the rank of major, April 1, 1886, *vice* Goodfellow, deceased.

Col. Thomas H. Ruger, of the Eighteenth Infantry, to be brigadier-general, March 19, 1886, *vice* Terry, appointed major-general.

Rev. William H. Pearson, of Ohio, to be post chaplain, April 1, 1886, *vice* Willis, retired from active service.

Rev. John S. Seibold, of New York, to be post chaplain, April 1, 1886, *vice* Adams, retired from active service.

Rev. Allen Allenworth, of Ohio, to be chaplain Twenty-fourth Infantry, April 1, 1886, *vice* Laverty, retired from active service.

FOR PROMOTION IN THE ARMY.

Second Lieut. Philip P. Powell, of the Ninth Regiment of Cavalry, to be first lieutenant, January 12, 1886, *vice* Budlong, resigned.

CONFIRMATIONS.

Executive nomination confirmed by the Senate March 30, 1886.

ASSOCIATE JUSTICE.

William M. Merrick, of Maryland, to be associate justice of the supreme court of the District of Columbia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 1, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

APPORTIONMENT OF DIRECT TAX.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting, in response to a resolution of the House, a statement of account showing the apportionment of the direct tax under the act of August 5, 1861, among, and assessment upon and collections from, the respective States and Territories; also showing claims and set-offs applied on such tax, with other information respecting said account; which was referred to the Committee on the Judiciary, and ordered to be printed.

PENITENTIARY, WYOMING TERRITORY.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Attorney-General recommending an appropriation for the enlargement and repair of the penitentiary in Wyoming Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF CERTAIN EXECUTIVE DOCUMENTS.

The following communications, heretofore submitted to the House and referred, were severally ordered to be printed, namely:

A letter from the Secretary of the Navy, in response to a resolution of the House calling for information respecting the employment of substitutes in the several Departments; and

A letter from the Attorney-General, in reference to the same subject.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. TRIGG, for one week, on account of important business.

To Mr. BRADY, for two days, for the purpose of attending to important business.

REFERENCE OF SENATE RESOLUTIONS.

The SPEAKER, in accordance with the rule, laid before the House Senate concurrent resolutions; which were severally referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1885, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

Resolved by the Senate (the House of Representatives concurring), That the report of the International Polar Expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, be printed, and that 4,500 additional copies with the necessary illustrations be printed; 1,250 copies of which shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 750 copies for distribution by the Signal Service Bureau.

QUESTION OF PERSONAL PRIVILEGE.

Mr. KELLEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. KELLEY. I find in the RECORD this morning in the early stages of the debate on yesterday my friend the gentleman from Missouri [Mr. O'NEILL], who now approaches me, is reported as having said:

> When we had under consideration here the bill for prohibiting the importation of contract labor the gentleman made the identical speech—pronounced the measure "buncombe," and said it would not work.

My friend from Missouri was slightly mistaken in that statement; but as I did not hear such a remark myself, and gentlemen around me say that none of them heard it, I did not respond as I would have done——

Mr. HAMMOND. I submit that this is not a question of privilege.

Mr. KELLEY. I beg the gentleman's pardon; I think if he will wait he will see that it is a question of privilege. I ask him to hear me for a moment; for I appear to have answered——

The SPEAKER. The Chair will decide when the gentleman makes his statement whether he presents a question of privilege or not.

Mr. KELLEY. In the RECORD I appear to have rejoined:

> I will vote for any bill for the relief of oppressed labor; but I will not vote for this mass of words unless my vote be accompanied with this notice that the bill means nothing.

So that, Mr. Speaker, I appear by my silence to have acquiesced in the statement of the gentleman from Missouri as to my conduct on that other occasion, while the truth of the matter is, sir——

Mr. HAMMOND. Mr. Speaker, I now insist upon the point of order. The gentleman does not present a question of privilege.

The SPEAKER. The Chair does not see that the gentleman has so far presented any question involving one of privilege under the rules of the House. It appears to be rather in the nature of a personal explanation.

Mr. MCKINLEY. I ask that the gentleman have the privilege of making his statement.

Mr. RANDALL. But if the gentleman from Pennsylvania is improperly placed by language in the RECORD he certainly should have the right of correcting it.

The SPEAKER. The Chair will ask for objection. Is there objection to a brief explanation by the gentleman from Pennsylvania?

Mr. HAMMOND. I have no objection if the gentleman asks unanimous consent.

Mr. KELLEY. I supposed I was asking unanimous consent.

Mr. HAMMOND. Because I have insisted and must insist that this does not present a question of privilege, and that the gentleman can only proceed by consent.

Mr. KELLEY. Then I ask consent of the House to make a brief explanation.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLEY. Now, sir, it is true that I suggested that the bill

before the House was crude; but I indicated the amendment by which it might be perfected. That my suggestion in that regard was a correct one is established by the fact, as the RECORD shows, that the friends of the bill, the gentlemen in charge of it, adopted the amendment I suggested, which amendment had been prepared by the gentleman from Maryland [Mr. MCCOMAS] while I spoke.

To show that I did not pronounce the bill buncombe, I ask the Clerk to read two brief passages I have marked, or I will read them myself; the reading will not occupy three minutes:

Sir, when the lawmakers of the United States, national, State, and municipal, shall fail to regard and provide for the social well-being of the laboring classes there will be an end to enlightened republican institutions, and instead of property being made safe by the sympathies of intelligent and aspiring laborers dwelling around the capitalists and property-owners, you will by the importation of cheap labor in the persons of the worst classes of the least enlightened states of Europe convert every industrial center into a nest of vipers and ferocious wild beasts. There is no law of nature that will exclude all the horrors which characterized the outbreak of 1793 and the French Revolution from any part of American soil when the masses of the American people shall have been degraded to the condition in which the French toilers then were.

The safety of capital and of enterprise in this country is not found in a standing army; for we have none. It is not found in armed police coextensive with the country or even with our great industrial centers; for we have it not, and we have not the means of providing such protective agencies. Our army for the protection of order and social well-being is found in well-housed, sufficiently fed, reasonably well-educated, hopeful, and aspiring working people; and while we maintain these conditions we shall continue to demonstrate to the world that that government is strongest and most secure which relies most confidently upon the affection and confidence of its people without armed or other organized restraint.

As to the power to pass the bill I made this brief remark:

Can we prohibit such immigration? We have the general-welfare clause put at us every now and again. And should I fail to find the power elsewhere in the Constitution, I would invoke the general-welfare clause in behalf of the laborers of the country.

I supported the bill all the way through. It could be amended. The bill of the gentleman means nothing, and can not have life breathed into it by an amendment.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. I ask unanimous consent to take a bill from the Private Calendar and bring it before the House for present consideration.

Mr. O'NEILL, of Missouri. I desire, in justice to myself, to make a personal explanation.

The SPEAKER. The gentleman from Nebraska [Mr. WEAVER] has been recognized to ask unanimous consent to bring a bill before the House for consideration. The gentleman from Missouri, if he desires it, will be recognized hereafter.

MARY E. CASEY.

Mr. WEAVER, of Nebraska. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5003) for the relief of Mary E. Casey, and to bring it before the House for present consideration.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That Mary E. Casey, of Richardson County, Nebraska, or her legal representatives or assigns, may select and shall be allowed a patent for 120 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, not mineral in character, and in tracts not less than the subdivisions provided for in the United States land laws, and if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Mary E. Casey, or her legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

Mr. SPRINGER. I would like to ask the gentleman from Nebraska whether this bill has been reported by a committee?

Mr. WEAVER, of Nebraska. It is the unanimous report of a committee.

Mr. SPRINGER. What committee?

Mr. WEAVER, of Nebraska. The Committee on Private Land Claims.

Mr. SPRINGER. How much is involved in it?

Mr. WEAVER, of Nebraska. A patent for 120 acres of one-dollar-and-a-quarter land, which has been paid for, as the report shows.

Mr. SPRINGER. I do not propose to object to the consideration of this bill, but I wish to say that I will ask unanimous consent to have one hour each Friday to consider private bills in this manner.

Mr. HOLMAN. I trust there will be allowed a word of explanation as to the character of this bill.

The SPEAKER. If there be no objection the gentleman from Nebraska can make a brief statement.

There was no objection.

Mr. WEAVER, of Nebraska. The facts in relation to this bill are these: An Indian reservation was sold in the State of Nebraska. This woman was the purchaser of 80 acres. There was a contest, and she was unable to follow that contest. She paid the price, $133, eight years ago. This bill is to give her 120 acres of one-dollar-and-a-quarter land in lieu of that money, which is in the Treasury of the United States.

Mr. MCMILLIN. Do I understand there were 80 acres which she received before?

Mr. WEAVER, of Nebraska. That was a purchase; it was sold to the highest bidder.

Mr. CUTCHEON. Who reported this bill?

Mr. WEAVER, of Nebraska. The gentleman from Nebraska, Mr. DORSEY.

Mr. HOLMAN. I suggest to my friend from Nebraska one modification to his bill.

The SPEAKER. The bill is not yet before the House.

Mr. HOLMAN. I suggest that the land to be taken should be taken from the regular surveys.

Mr. WEAVER, of Nebraska. I have no objection to that.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. If the amendment suggested by the gentleman from Indiana is agreed to I will make no objection.

The SPEAKER. There being no objection, the bill is before the House for consideration.

Mr. HOLMAN. I offer the following amendment:

In lines 9, 10, and 11, strike out the words:

"And if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM FISHER.

Mr. CABELL. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 7470) for the relief of William Fisher and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the sum of $231.30, being the amount of revenue tax imposed by law upon William Fisher, of Franklin County, Virginia, for the manufacture, &c., of 257 gallons of distilled spirits which were destroyed by fire at the house of said Fisher, in said county, on the 11th day of March, 1885, without fault or negligence upon his part, and the interest and penalties imposed for the non-payment of said tax, be, and the same are hereby, released and remitted to him; and if, prior to the passage of this act, the whole or any part of said tax, interest, or penalties shall have been paid by him, then the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to refund and repay to the said William Fisher the sum or sums of money so paid by him by reason of the liabilities hereinbefore mentioned.

Mr. CABELL. This bill was reported unanimously by the Ways and Means Committee. If any gentleman desires to hear the report the Clerk can read it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILVER DOLLARS IN MASSACHUSETTS.

Mr. BLAND. Mr. Speaker, I desire to present a privileged report. I am instructed by the Committee on Coinage, Weights, and Measures to ask the present consideration and passage of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Whereas it is complained by responsible business men of Massachusetts that the agents of the subtreasury at Boston refuse to pay out to them silver dollars when requested: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether silver dollars are refused to be paid out when requested by the business men of Massachusetts; and, if so, for what reason.

Mr. BLAND. Mr. Speaker, that is the unanimous report of the committee, and I ask its adoption.

Mr. LONG. I should like to hear the report read.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred the foregoing resolution, report the same back favorably, and recommend that it do pass.

Mr. BEACH. Mr. Speaker, how is that a privileged report?

The SPEAKER. The Chair was occupied when it was being read, but supposed it was a resolution of inquiry. If it is a resolution of inquiry it is privileged under the rules of the House.

Mr. BLAND. The resolution was introduced by the gentleman from Massachusetts [Mr. LOVERING], and the committee unanimously recommend its passage.

The resolution was adopted.

Mr. BLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. Mr. Speaker, I now ask that the regular order, the labor arbitration bill, be now taken up, and I move that when next the House goes into Committee of the Whole upon the bill an order be made that general debate close at 3 o'clock p. m. to-day.

Mr. ANDERSON, of Kansas. Mr. Speaker, I move to amend that by making the hour 4 o'clock.

Mr. O'NEILL, of Missouri. I have no objection to that.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés; and, pending that motion, the gentleman from Kansas [Mr. ANDERSON] moves that general debate upon the bill be closed at 4 o'clock p. m. to-day. The question is on the latter motion.

The House divided; and there were—ayes 99, noes 23.

So the motion was agreed to.

The SPEAKER. The question is now on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

LABOR-ARBITRATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 7479) to provide for the speedy settlement of the controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

Mr. GIBSON, of West Virginia. Mr. Chairman, I agree with the statement of the gentleman from Maine [Mr. REED] that this House has reached a point in legislation which will prove to be of great importance in the history of this country. Certainly within my recollection no more important subject has ever been presented to the Congress of the United States. From some cause or other for the last ten years difficulties between labor and capital have been prevalent from one end of this land to the other. Those representing the respective interests have each charged that the other side was responsible for the troubles. On this occasion and during this discussion we have heard the same charges made. I apprehend that it is not for us to decide here upon the question which side is responsible for these difficulties. We are not here to consider this question, if we consider it wisely, either as a labor question or as a capital question. We should not undertake to become the advocates of either labor organizations or corporate organizations, but we should treat this as a great political question, involving the rights of the people of the whole country. The bills presented before this House seek, or profess to seek; to remedy certain evils, and for that purpose they propose a system of arbitration. I agree with the distinguished gentleman from Texas [Mr. REAGAN] that arbitration, if it means arbitration in the correct sense, is unconstitutional; but I do not agree with him that it is not within the power of Congress to legislate upon this subject.

It will be remembered that each one of these corporations classed as common carriers are quasi-political. Each one of them exercises the sovereign right of eminent domain. Each one of them possesses the power to condemn and to take possession of private property, and by that means to acquire possession of the avenues of trade and to exercise great influence over the economic and industrial interests of the country. It is a well-established fact that the Legislatures of the States granting the various charters of these corporations exercise the right of regulation as to their profits and as to the manner of their use, and it is further a well-established fact that the Legislatures of the different States may, by their acts, annul all the charters and so confiscate the money that has been invested in these corporations.

It is further conceded that the Congress of the United States under the interstate commerce clause of the Constitution has the right to put its hand upon every common carrier in this country and to declare to what extent its profits shall reach and to what extent they shall not go. Congress can require of these railroads that they carry freight according to the provisions which it may make for the public weal, and thus may absolutely control the amount of their income. For some years the distinguished gentleman from Texas [Mr. REAGAN], acting for the public good, has efficiently and patriotically sought to curb and control in this respect corporations engaged in the business of transportation.

Now, if it be true that the Congress of the United States can put its hand upon the common carriers, can curb them in their charges, can regulate their freight and passenger tariffs, is it not also true that the same power which thus puts pains and penalties upon these corporations has the right to protect them from hostile organizations which may compel non-user of their franchises, and by reason of non-user the forfeiture of their charters? To my mind there can be nothing clearer than the right of the American Congress, when it undertakes to legislate upon this subject at all, to legislate to protect as well as regulate.

Mr. REAGAN. Can Congress, by virtue of its constitutional power to regulate interstate commerce, provide a tribunal that shall settle disputes between common carriers or the agents of common carriers and their grocers and merchants?

Mr. GIBSON, of West Virginia. No, sir.

Mr. REAGAN. Then can Congress do so with reference to the employment of their laborers?

Mr. GIBSON, of West Virginia. Yes, sir. Now this bill seeks to establish a board of arbitration. With respect to that matter I think the gentleman from Texas is correct. But when the Congress of the United States, by virtue of its power over interstate commerce, exercises the right to establish a commission for the purpose of regulating freight and passenger tariffs, such a commission, by virtue of the same power that can regulate tariffs of transportation charges, can regulate the amount of per diem that may be demanded and required. That can not be done in the form of an arbitration. Whatever legislation there may be upon this subject ought to be attached to an interstate-commerce bill. The same power that lays its hand upon these corporations to regulate them for one purpose ought to do it for other purposes.

Mr. BLAND. Do I understand the gentleman to say that a commission appointed by authority of Congress can regulate the per diem of labor?

Mr. GIBSON, of West Virginia. I will answer the gentleman. It is claimed and conceded that under the power to regulate interstate commerce we can fix a maximum and a minimum price that shall be charged for transportation. Why fix a minimum? The object is to protect the corporations from competition among themselves which might be injurious to the public good; so that these corporations shall not destroy themselves and sacrifice the interests of the public by selfish and unholy contests. Now, if you can do that, why can you not go farther and say that these corporations, which for the public good you require to hold themselves in readiness to carry passengers and freight under certain regulations, shall not be destroyed by unjust and hostile organizations?

You can not accomplish that by arbitration. Arbitration means a settlement of something over which a court of law would have jurisdiction. Arbitration when first established under the Justinian code had reference only to those subjects of which a court could take cognizance. Never until recently, when the great growth of industrial interests has induced a change in this respect, was any other question ever submitted to arbitration. Lately there have been two other subjects submitted to arbitration—one, the price of labor; the other, the hours of labor. The political or legislative history of the country shows no instance in which any other subjects of which a court of justice had not cognizance have ever been submitted to arbitration.

But the bills now under consideration present this remarkable feature: that they positively prohibit arbitration upon those subjects alone about which there is controversy between capital and labor. The proposition of the gentleman from Missouri [Mr. GLOVER], which he gives notice he will press as a substitute, provides expressly that arbitration shall have nothing to do with the wages of labor or the hours of labor. If arbitration be thus restricted what is the use of any bill at all? What controversy is there between capital and labor which does not relate to these two questions? Capital does not undertake to say what men shall or shall not buy; it does not undertake to prescribe the kind of houses in which people shall live, the kind of clothes they shall wear, the food they shall eat, or the drink they shall use. The whole question in controversy between capital and labor relates either to the wages of labor or the hours of labor. Yet these bills which the Congress of the United States, in what is recognized as an hour of universal trouble in this country, is asked to pass not only studiously avoid but positively prohibit any sensible or practical action upon these subjects.

Mr. GALLINGER. Does not the O'Neill bill include that?

Mr. GIBSON, of West Virginia. The O'Neill bill includes nothing.

Mr. GALLINGER. I think the gentleman will find it does if he reads it.

Mr. GIBSON, of West Virginia. I am speaking especially of the bill of the gentleman from Missouri [Mr. GLOVER], which does undertake to include something.

Mr. HENDERSON, of Iowa. Allow me to ask whether the Glover bill was considered by the Committee on Labor?

Mr. GIBSON, of West Virginia. I do not know anything about what was considered by the Committee on Labor.

Mr. HENDERSON, of Iowa. Does the gentleman know whether that bill was before the committee or not?

Mr. GIBSON, of West Virginia. I know that the Glover bill by notice and by courtesy is before this House; and I am addressing myself to everything upon which the House may be called to vote.

Mr. HENDERSON, of Iowa. Then the gentleman can not answer those questions?

Mr. GIBSON, of West Virginia. I know nothing about that matter.

Now I say, if this question is worthy of legislation, why should we

not take hold of it like intelligent men and handle it as the interests of the parties involved demand? For myself, I am ready to declare that I am not only in full sympathy with every man who is struggling honestly to earn a livelihood, but I am in full sympathy with those who invest their capital for the development of the resources of this country, and thus give employment to thousands of people and create thousands of happy homes all over the country. Believing that both of these great interests ought to be subserved and protected, I am in favor of that kind of legislation which will accomplish something, and I am opposed to any other kind of legislation. Why do we want arbitration? Why do we want national legislation on this subject? Is it true that questions of supply and demand will not regulate themselves? Is it true that labor is weak and unable to compete against the power of money? Is it true that the money-power has acquired a hold upon the legislation of this country which it requires the masses of the people by their votes at the ballot-box to break? If it be true, then we must step in and legislate.

But while we undertake to legislate for the laboring people engaged upon these roads, we must remember that out of the twenty-one million of the laboring people of this country but a comparatively small number will be reached by the legislation now proposed. And every solitary class of people who are recognized as laborers, whether they are upon the farm, in private corporations, in private or public, or quasi political institutions, are interested in this matter. If legislation is needed, if arbitration is necessary to put down these strikes, to prevent these strikes, if arbitration is necessary to carry on the business of the country, it should be done with that sort of wisdom with which other laws are enacted.

For that reason, sir, I would ingraft upon an interstate-commerce bill a compulsory provision, requiring the commissioners appointed under that interstate-commerce bill by the President of the United States as the representative of this Government to take hold of all controversies arising between capital and labor, arising in public institutions and corporations, and settle them, not purely for labor alone, not purely in the interest of capital alone, but in the interest of the public and in behalf of the country.

Now, a great many things might be said why some sort of legislation is necessary between these people. It is well understood that these political corporations expect certain dividends. They put in a certain amount of money, and labor then comes in, and between the two there is expected to be some sort of division of profits. Let us see how the thing operates.

One of the principal parties to this great controversy which threatens to convulse the land—I refer to Jay Gould, upon whose Missouri Pacific Railroad these troubles culminated—purchased that road for $3,000,000. But he had no sooner purchased that road for $3,000,000 than he watered its stock to $30,000,000, and then demanded what cost him only $3,000,000 should pay dividends on $30,000,000 of watered stock. He added nothing to its freights or passengers; the road stood just as it was, while his watered stock, which goes out of the country, must be remunerated and pay a dividend. While the wages of officials were not cut down, they were required to be made up out of the labor that was on that road. The wages of the labor which operated it from time to time were cut down; men must work either for what they could get along the line of the road or they must wander from their homes and become tramps; they must, as an alternative, become separated from their families.

When interstate commerce takes hold of that road and undertakes to regulate not only the passengers but the freight which goes over it, have they not a right, having granted it the right of eminent domain, having given it the power to take hold of the people's property and condemn it to its use for the benefit of the public, having said you shall not charge the public more than a certain price, to demand of you that you shall not use this public to grind down your laborers or the freighters over your line?

Take the other great trouble we had in this country a year or two ago. Take the Hocking Valley road, where that great strike occurred which ended in the misery of thousands of people and the destruction of numberless homes; not only that, but also the scene of bloodshed and death along its line. There was again a case where a road was bought for $4,000,000 and its stock was watered to $20,000,000. It was then demanded of the men who delved in the mines along that road, out of the profits of that road, out of their labor, from the sweat of their face, should pay dividends not on the $4,000,000 paid for the road but on the $16,000,000 added to the $4,000,000—on the $20,000,000 to which that stock had been watered.

Now, Mr. Chairman, here are two flagrant abuses of a great public right granted by the people to individuals for the public good, in which that public use has been used for the purpose of plundering the people along the lines of these roads, making those who did so robbers to such extent as never sailed the sea or roved the land in any country. [Applause.]

The distinguished gentleman from Maine [Mr. REED], in his strong and sensible speech on this subject, made reference to a printers' union, in which he said the printers could regulate themselves. That is true in private business; that is true with the ordinary concerns of life, but that is not true in reference to any corporation exercising political power; that is not true of any corporation which holds a part of the sovereignty of the land, and ought not to be true. When the country grants a part of its sovereignty to individuals it grants that sovereignty for a sovereign purpose and none other.

As I have already said, Mr. Chairman, this is not purely a question of labor. That is only one side of it. It is not a question of pay for employés, that is but one side of it.

I am in favor, Mr. Chairman, most heartily in favor, of any legislation within the Constitution of the United States by this Congress, or any legislation by the States within the great constitutional rights of the States, which grants to the laborers of this country, to the employés of the different corporations a fair and an honest division of the profits made by the exercise of sovereign power. At the same time I recognize the fact that the public owes a debt to thousands of others. We have seen too much of this legislation for one class as against the other. We have seen legislation here upon our pension bill which has run up the expenditures of this Government to an advance of 20 per cent. upon all of its expenditures, simply for one class of people. We have seen it in various other things, first one provision and then another enacted here in order that some particular class might be benefited, never thinking apparently for a moment that every solitary privilege granted to them was just that much taken away from the many, and that when we build up two or three, to that extent we cut down the thousands of others, honest, hard-working people, throughout this broad land, who toil in organized masses to benefit themselves. The public, I say, therefore, have some rights under this legislation, and capital has some rights also. Both must be considered.

It is not to be said in this day that capital has no rights, when we have the benefits of organized capital, when it is honestly and fairly established. It is not to be said when we remember that within one short span of human life railroads have girdled this continent from ocean to ocean, and have carried thousands upon thousands of immigrants and thousands of our native people as well from our overcrowded cities of the East to seek homes on the broad, unoccupied prairies of this country, giving to them the opportunity there to build up homes, to rear their families, as well as to create great States, to add to the honor and the power and the dignity of this Government. It is not to be forgotten, sir, that within this short time, by virtue of these increased facilities for the transportation of products, we have seen factories spring up along every mountain side and in every valley, where the natural wealth of our country has been dug from the soil, shaped, manufactured into articles of skill and usefulness, every solitary one of which, marked by the ring of the hammer, indicated so many dollars or so many cents toward the care, provision, and support of so many others, and toward the building up of the country.

We should not by any hasty or ill-advised legislation put a stumbling-block in the way of this further development. We should not listen to the cry of the demagogue, or the man who seeks to acquire a seat on this floor by appealing to the passions, the prejudices, the wants, or the poverty of the people on the one side, nor should we listen to him who may stand here as the paid attorney of some corporation or the interested party in the corporation itself as against the laboring people. It should be remembered that capital will not invest itself for the development of the country if we leave these questions unsettled and permit combinations to compel non-user and forfeiture.

Why, only the other day in these late troubles the governors of two of the States, by solemn proclamation, required these railroad companies to put their trains in motion or suffer the penalties attached to a failure by the law; and if they failed to put their trains in motion upon these roads, which were blockaded by the strikes, suits were to be instituted for the forfeiture of their charters, and the millions of dollars invested were to be wiped out; while at the same time these men, anxious to move their own trains, suffering heavy losses by the delay forced upon them, were prevented by a combination of men not only refusing to work themselves but refusing absolutely to allow other men to work who desired to do so along the lines.

Now do not these various phases of the question present themselves to this House? Do they not become matters of serious moment and consideration? Ought we not here, as Representatives of a great nation—because no man can hold his seat upon this floor simply as a Representative of a party or of a district, but when he comes here he comes clothed with power to legislate for the sixty millions of people of this country, and not only clothed with that power, but he comes weighted with the solemn duty of legislating for their interest—I say ought we not as Representatives of this great nation to give this subject a more thorough and careful consideration than is proposed here? This bill has been hastily put upon us. There has been no chance for a consideration of it. There has been no opportunity for studying its merits or grave defects, or of considering, in the light of the relief afforded, this the greatest problem that the American Congress has ever had to deal with. There is no necessity for forcing it through the House to-day. The troubles of the last ten years have finally adjusted themselves; and the papers to-day bring the intelligence that the present trouble has been settled by an agreement entered into by the par-

ties in interest to arbitrate their difficulties. A question involving so great a problem as this requires time. Why this panic which seems to have taken possession of the House? Is it because railroad attorneys are seeking to gain some advantage for their roads, or because some men perchance may be seeking to acquire popularity with the masses of the people?

Understand, Mr. Chairman, I do not apply these remarks to any member of this House. Men in this House may be influenced by those outside of it who are making these representations, but I believe that every member is acting from the same honest impulses and the same honest motives that I claim to be acting from myself. But this bill now before us, or its proposed substitutes, neither of them should pass this House to-day, nor ought it to pass any other day for many days to come. These measures should all be recommitted back to that committee, so that they may have time to recover from their panic, so that they might have time to consider this question as it ought to be considered, so that the country could think over it, and so that out of the aggregated wisdom there might be evolved some bill that would correct the evils complained of and bring about the happy condition we seek to establish.

Just here I may say, and I give notice now, that at the proper time I shall make a motion to recommit this bill with all the proposed amendments to the Committee on Labor, not with any instructions, because I believe that that committee is thoroughly impressed with the importance of this subject. I believe that with the discussion that has already been had in this House, and with the temporary settlement of the difficulties they were seeking to settle, honestly and patriotically seeking to settle, they will feel they have time to consider this bill and the others, to digest them as they should be digested, and to prepare a comprehensive bill and bring it to this House. And certainly this is a subject worthy of thought.

For ten long years, as I have said, there has been constant strife all over this country. To-day nearly all the skilled labor of America—this land that boasts that every man within it is a sovereign, an uncrowned king, this land that boasts that every man is the equal of his fellowmen—to-day, I say, nearly all the skilled labor has found it necessary that they should band together in an unarmed army for protection, meeting at night, meeting in secret, with passwords, with officers, with constitutions and by-laws, to fight their battles as they believe they are required to do against organized capital on the other side. And on the other hand we find organized capital, with its paid attorneys in every Legislative Assembly that meets in this land, whether it be National or whether it be State—we find its paid attorneys passing through the legislative halls and leaving their slime on every act of legislation that is passed.

The history of all the old countries shows there must be some legislation on this subject. As population increases, as money gathers itself together, as labor becomes poverty-stricken and hungry, these difficulties have increased everywhere across the ocean. While we have been legislating here, a nation with a king, with a standing army, with all the power of a monarchy, has been convulsed from one end to the other. People have been shot down; outrages have been committed such as tongue fails to utter; millions of dollars of property have been destroyed. And now that peace is partially restored at the end of the bayonet, the hives of industry, that give employment to these people, the sources of comfort and the sources of support, have been to a great extent destroyed, and they must again rebuild that which has been crushed out by a want of fair treatment between one and the other. That this state of affairs is growing in this country no one can deny. It can not be denied that we are fast approaching that time when the Government should, if it has the constitutional power, undertake, as far as it can, to become the peacemaker between these people to see that those to whom it grants political rights, that those to whom it has delegated part of its sovereignty, shall not use that sovereignty for the oppression of the many or the oppression of the few.

It should not be left unsettled that any corporation exercising part of the sovereignty of this land should have it in its power to do injustice to a single individual. I know, Mr. Chairman, that this is somewhat advanced ground. I know that this is legislation that this country has never been called upon to consider before. But you must remember that legislation is not made simply for the purpose of legislating. It is a wise maxim that there should be no law made in any country that is not demanded by public exigency or not required to meet some probable event. It has been the theory of this country, and in that it has been wiser than any other country under the sun, that as little legislation as possible should be had. Heretofore we have never had to confront these things; heretofore we have never had so many corporations fighting against each other; heretofore we have never had in the shape of railroad magnates so many public plunderers who raise their flag of piracy boldly before the country and defy it; heretofore we have never had so many millions of people who were required to live day by day by their labor. For twenty years thousands and thousands, running up into millions, of immigrants have come to this land. As a rule they have come here poor. It is necessary for them to make their living by work. They have crowded in upon those who were reared in this country. Labor elbows labor in all the sections of this country—not only in its centers, but all over the country. Not only does labor elbow labor, but capital elbows capital, and the fight goes on which syndicate can get possession of a part of the sovereignty of the country.

These conditions have brought upon us such a state of affairs as we have never had before. They make it necessary we should legislate upon this subject, and I for one care not what the result may be upon my political future. I only know that I have a duty here to perform, not only for myself and the people I now represent, but I have a duty to perform to my country as a patriot and to those who are to come after me. I am willing to exercise that duty here now. I am willing to take up the burden of this legislation. I am willing to go into legislation and enact such provisions as will make it impossible on the one hand for the greed of capital to choke up the commerce of this country and stop its great business from one end of it to the other, and which, on the other hand, will make it impossible for combinations of laborers or men acting unlawfully to accomplish the same objects.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. CRAIN. Mr. Chairman, in behalf of the Committee on Labor I extend our sincere thanks to the gentleman from West Virginia [Mr. GIBSON] for the compliment which he has paid that committee by his expression of confidence in their patriotism and in their ability to handle the labor question; but we would more highly appreciate his action if, instead of indulging in complimentary allusions to the committee, he would cast his vote for the bill under consideration. This House agrees with the gentleman in his estimate of the Committee on Labor, for on last Monday it took from one of its most distinguished committees an important bill and sent it to our committee for consideration. [Laughter.]

Mr. Chairman, it was not my intention to speak upon this question, although, unlike my friend and colleague on the committee [Mr. BUCHANAN], I may lay claim to have had some humble and modest share in the preparation of this bill, which is a substitute for the original bill introduced by the gentleman from Missouri [Mr. O'NEILL] who is the honored chairman of the Committee on Labor.

I repeat that it was not my intention to speak on this occasion but for the fact that I saw a deliberate attempt to stab the bill in the house of its friends. The distinguished gentleman from Virginia [Mr. DANIEL], with that matchless eloquence, with those flights of fancy, with those powers of invective which have made his name a household word throughout this broad land, on yesterday attempted to annihilate the very soul of this bill. Believing it to be my duty as a member of the committee to defend the measure against an attack from one of its members, I shall endeavor to answer the objections raised by the gentleman from Virginia and by others who have spoken on the subject.

It is charged, Mr. Chairman, that this bill is unconstitutional. The gentleman from Georgia [Mr. HAMMOND] and the gentleman from Texas [Mr. REAGAN] both directly and the gentleman from Virginia [Mr. DANIEL] indirectly maintain that the bill is unconstitutional. It ill becomes the gentleman from Virginia [Mr. DANIEL] and the gentleman from Georgia [Mr. HAMMOND] to assail this bill on constitutional grounds, for if rumor speaks correctly, and if their intentions are to be discovered by an examination of the votes which they cast upon a question that was recently before this House, both of them intend to vote for that political educational monstrosity known as the Blair bill, which is the unholy offspring of an ill-assorted alliance between the bleak hills and chilly atmosphere of New Hampshire and the blue-grass fields and the sunny clime of Kentucky. [Laughter.] It ill becomes those gentlemen to complain of the unconstitutionality of this bill, when they are willing to vote for a measure which, without warrant or authority in the Constitution of the United States, appropriates $77,000,000 of the people's money and provides for their distribution among the States in proportion to the illiteracy of their inhabitants.

Those gentleman would doubtless claim that that measure is intended for the education of the slaves, when, in fact, not a person now living in the United States under twenty-one years of age was a slave, and not a single person who was born in slavery will ever directly receive any benefit from the passage of the bill. It ill becomes gentlemen to oppose this bill on the ground of its unconstitutionality, who purpose, as I understand, to vote for a bill that is clearly unconstitutional, and one of whose objects is to force the white children and the colored children to attend the same schools.

Mr. O'FERRALL. No, no.

Mr. CRAIN. Yes, sir; section 2 of the Blair bill provides that in each State and Territory and in the District of Columbia, in which there shall be separate schools for white and colored children, the money received in such State or Territory shall be apportioned and paid out, not in the proportion of illiteracy, but in the proportion that the white and colored children between the ages of ten and twenty-one years, both included, bear to each other, as shown by the census; and, further, that this provision shall not affect the application of the proper proportion of said money to the support of all common schools wherein white and colored children are taught together; so that if in separate schools there are one thousand white children and five thousand colored children the latter will receive five times as much money as the

former; but where both classes are taught in the same schools the money is distributed per capita among them. Some so-called philanthropists believe that amalgamation is the true solution of the race problem—a result which might be produced by associating the white and colored children in the same schools.

It ill becomes gentlemen to oppose this bill on the ground of unconstitutionality, when they favor a bill which strikes at the school systems of the States and which aims a blow at the misty and obscure distinction that now exists between the rights of the States and the powers of the Federal Government; for if we once recognize Federal jurisdiction over the subject of education that jurisdiction will always be asserted and necessarily maintained because the people of the States will become accustomed to depend more and more upon Federal taxation for the support of the public schools, and the result will inevitably be the abandonment of the local common-school system and the establishment of a grand national educational scheme maintained by the United States Treasury, regulated by the United States Congress, and managed by United States officials.

As a slight evidence of the truth of these propositions I call attention to that section of the Blair bill which provides that the school-houses to be erected with the money which it appropriates can not be built except upon plans to be furnished from the capital of the nation, although it is likewise provided that the Government shall not pay over $150 for any single school-house, nor more than one-half the cost thereof in any case.

The bill provides further that copies of the books used in the local schools shall be deposited with the Secretary of the Interior. For what purpose? In order to ascertain whether the children are taught in the Southern schools that slavery was a righteous institution; that the principles advocated by the South were correct, and that the late war was not a rebellion, but an attempt by the Southern people to preserve their rights as they understood them to exist.

How would the gentleman from Virginia [Mr. DANIEL], who is a living monument of his own devotion to principle twenty-five years ago and of his gallantry on the gory field of battle, like to have the money denied to Virginia, to which she would be entitled under this bill, because his children were not taught that he had been an enemy of his country and a traitor? It is with bad grace, Mr. Chairman, that gentlemen oppose the bill under consideration who support such a measure as I have described, a measure which is grasped after because of the gilded bait that is extended in the distribution of the fund, but which, in fact, will make Virginia and Georgia and every other Southern State levy and raise more local taxes than their people have ever before paid for the maintenance of a system of public schools, because it provides that they shall receive each year from the General Government only an amount of the money equal to that which they had raised the preceding year by local taxation; and the amount to be raised by the States will increase each successive year until the maximum sum appropriated by the bill shall have been secured, while afterward the local taxes can hardly be reduced because the Federal support will be gradually taken away according to the provisions of the bill.

Section 1 provides that $7,000,000 shall be appropriated the first year, $10,000,000 the second year, $15,000,000 the third year, $13,000,000 the fourth year, $11,000,000 the fifth year, $9,000,000 the sixth year, $7,000,000 the seventh year, and $5,000,000 the eighth year.

Section 2 declares that the money shall be distributed in the proportion which the whole number of persons in each State being ten years of age and over, who can not write, bears to the whole number of persons in the United States.

But section 8 contains the following language:

> It is hereby provided that no greater part of the money appropriated under this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues or out of moneys raised under its authority in the preceding year for the maintenance of common schools, not including the sums expended in the erection of school buildings.

From an examination of these provisions it is apparent that in order to secure their share of the first year's appropriation Virginia and every other State will be compelled to show that during the preceding year they had expended an amount of money raised by State taxation equal to their respective shares of the Federal appropriation, and that this sum will constantly increase until the maximum is reached. If, therefore, under the provisions of the Blair bill on the basis of illiteracy, which is the ostensible basis for the distribution as well as the appropriation of the money, Virginia shall be found entitled to $500,000, before she can secure that amount she must, through her governor, establish the fact that during the preceding year there were expended in the State $500,000 which were raised by local taxation.

In addition to this the State will have to raise by local taxation each year more money than she receives from the Federal Government in order to entitle her to the next year's increased appropriation, until the maximum of $15,000,000 will have been reached, after which the Federal aid diminishes every year.

I repeat, therefore, that the effect of this bill, should it unfortunately pass this House, will be to increase local taxation in the Southern States, which are now groaning under as heavy tax burdens as they can bear for the education of their white and colored children.

My own State (Texas) makes no distinction, except in maintaining separate schools, between the whites and blacks in its educational system. It distributes the money in proportion to the scholastic population, and provides normal schools for the colored as well as the whites, and an agricultural and mechanical college for the colored children, while the time is not far distant when the colored youth of the State will have an opportunity to enter a State university just as the white children enjoy it now.

From another aspect the underlying principles of the bill ought to be condemned, for practically there is a glaring inequality apparent by a comparison of the respective sums raised by and donated to each State. Statistics show that some States which have expended millions of dollars in relieving themselves from the evils of illiteracy will by reason of that very fact receive but a small proportion of the fund appropriated, whereas their contribution will amount to millions of dollars during the time provided for in the bill.

Gentlemen say that the Federal Government ought not to provide for a tribunal of arbitration because this will be unconstitutional interference with the rights of the States; and yet they are alleged to be supporters of a measure which constitutes the governor of every State that accepts the bait a Federal superintendent of the public schools in his State, and makes him report to the Secretary of the Interior how much money has been raised by local taxation, how it has been expended, and whether it has been justly distributed among the people, or has been misapplied—a measure which requires the governor to report how much school money is in the treasury; whether any portion of his State has not been divided into school districts, and, if not, why not; the number of teachers employed; the relative number of white and colored children, and the average daily attendance of the scholars—a measure which not only makes the governor of a great Commonwealth a subordinate to the Secretary of the Interior, to whom he must report, but which also constitutes the Secretary of the Interior the supreme authority to hear complaints in regard to the distribution of the fund in the States, to determine whether all the conditions prescribed in the act have been complied with, and to actually withhold an annual appropriation from a State if the governor has failed to report to him, or if, in his opinion, the conditions, or any of them, have been violated.

The bill further declares that—

> It shall be the duty of the Secretary of the Interior to promptly investigate all complaints lodged with him of any misappropriation by or in any State or Territory of any moneys received by such State or Territory under the provisions of this act, or of any discrimination in the use of such moneys; and the said complaints, and all communications received concerning the same, and the evidence taken upon such investigations shall be preserved by the Secretary of the Interior, and shall be open to public inspection and annually reported to Congress.

Who are to be the parties to these investigations? Complaints are lodged with the Secretary of the Interior alleging that a sovereign State has misapplied or misappropriated "moneys received by such State under the provisions of this [the Blair] act," and as the Secretary of the Interior would certainly not enter a judgment on an *ex parte* hearing he causes the State to be made a party by notice to its governor to appear before him and defend the suit and show cause why said State should not, by the decree of a Federal official, be deprived of its Federal bounty!

What a spectacle! A great and independent State begs for money from the Federal Government to be applied in a certain manner and afterward appeals to the mercy of a Federal official or craves a judgment of not guilty upon a charge preferred against it of misappropriating the price of its degradation!

And yet the Blair bill will be supported by those who oppose the bill now under consideration because of its alleged unconstitutionality.

O tempora! O mores!

There is an unusual provision contained in the last section of the Blair bill, which reads that—

> The power to alter, amend, or repeal this act is hereby reserved.

Why is this unusual provision placed in this bill? Is it an implied threat, or is it an inducement to members to vote for the bill? A succeeding Congress would have this power without any express reservation; but this provision is inserted in order that the people of the country may understand that unless the fund provided for in the bill is administered in accordance with the views entertained upon the educational question by the Federal authorities the annual supply will be cut off, and the States will be forced to depend upon their own resources for the education of their children.

But the gentleman from Virginia, in addition to the indirect charge of the unconstitutionality of this bill, urges with extreme good taste and with that personal courtesy which always characterizes his demeanor toward his fellow-members, that this bill, which came from the committee of which he is the most distinguished member, "will have about as much efficacy as a piece of court-plaster applied to a bald head to cure heart disease." I accept the compliment in the spirit in which it was tendered, and I have no doubt that when the gentleman, upon sober reflection, considers the language which he has used and the imputation which he has cast upon a committee with which he has been associated, and all the members of which esteem and honor him most highly, he will ask leave to expunge it from the RECORD.

He attacks this bill, but he proposes no remedy. I commend for his consideration the reply of the Grecian artist to a person who criticised his production: "It is easier to criticise than to imitate." He says that the principal objection which he has to it is that it establishes a new court, and that under the provisions of the Constitution no new judges can be appointed except by the President with the sanction of the Senate. I had always honored him from afar as a most distinguished constitutional lawyer; but I beg leave to call his attention to the fact that Congress has the power to establish "inferior tribunals" without any intervention of the President or of the Senate, by the passage of laws creating them, and that the tribunals of arbitration created by the operation of this bill, should it become a law, are not courts but mere commissions for investigation.

The gentleman objects to the bill, too, on the ground that these men will have extraordinary power. They will not have as much power as the mayor of a city or a justice of the peace in any State of this Union in regard to offenses committed against the United States; for I will tell the gentleman from Virginia—doubtless he knows it—that under an old statute of 1789, which will be found in the Revised Statutes today, mayors of cities and justices of the peace have the power to issue warrants upon proper complaint, arrest men, and try them as examining magistrates for violation of United States laws. Mayors of cities and justices of the peace! The very men upon whom he says this great country has to rely to prevent these strikes by their interposition. Just imagine a great, fat, round-bellied justice of the peace of the average dignity which characterizes those officers, marching down, with Parsons's Business Laws in one hand and Every Man His Own Lawyer in the other, and saying to ten thousand hungry men, "I tell you to disperse." What would they do? They would consign him to that place to which a gentleman from Iowa said he would like to go in order to come into more close contact with the confederates.

The gentleman says that there is legislation enough. I agree with him to a certain extent. There is legislation enough to put down domestic violence; because if the States are powerless, then, under the constitutional guarantee of a republican form of government to every State of the Union, the President, upon application of the governor in the recess of the State Legislature, may intervene. The State executive may call on the President to put down domestic violence when the Legislature can not be convened, and it is the duty of the President to comply with his request whenever the conditions exist which authorize the demand.

But the range of the vision of the gentleman from Virginia is too narrow. It is not the strikes, it is not the boycott, it is not the riot, which we propose to put down; but we propose by this bill to prevent the necessity for the existence of any such condition of things, if it be possible to adopt preventive legislation. I dislike to hear an expounder of the Constitution from a Democratic standpoint say that the proper remedy is the inauguration of a reign of terror in the United States by the invocation of the power which is in gunpowder and leaden bullets. That is not the remedy. We do not desire to see the streets of our cities turned into fields of battle between the people and the national guards. Our Army is intended for our protection against foreign enemies, and not for the destruction of our own people who combine for the assertion and maintenance of what they conceive to be their rights. Of course if property is wantonly destroyed or lives are unjustly taken the guilty ought to be punished, but bloodshed should be avoided as long as possible.

But the gentleman said that the mode of settlement suggested by this bill will cost the Government too much money. That is one of his objections. Mr. Chairman, if it had cost the United States Government $1,000,000 to prevent the late strike in the Southwest the country would have been greatly benefited, for the result of that strike was the paralyzation of trade; the avenues of commerce were obstructed; business was stagnant; thousands of men not connected with the Knights of Labor or with those who are having this contest with the railways, were thrown out of employment, because, in consequence of the strike, those who formerly employed them were unable to carry on their business. The cattle-men of my State have been injured, because they could not carry their cattle through to Saint Louis and Chicago. The business men of Saint Louis and of all parts of the country have lost millions of dollars. The traveling people of the United States have been the sufferers. In a word, the evil effects of the strike have been felt by all classes of society.

The evil which we have to remedy is not one in which the railroad corporations and their employés are alone interested; but it is an evil from which the mass of the people are the greatest sufferers. This is not a local question, as the gentleman from Virginia supposes it to be, between the railroad employés and the corporations alone. It is a question in which all the people of the United States are deeply concerned, and they desire by suggesting, through their representatives, peaceful remedies to the corporations and their employés to prevent if possible strikes in the future. And while it may cost the Government of the United States a million of dollars perhaps in the next five years for the contending parties to arbitrate, if the machinery proposed in this bill be put in motion the country will be the gainer, if thereby strikes are prevented.

There is no such thing as a tangible actual Government of the United States which can be affected by the expenditure of money; there are men who exercise functions under the Constitution and laws and carry on what is called Government; but they and the Government which they constitute are merely trustees for the benefit of the people, and when gentlemen say this bill will cost the Government too much they mean that it will cost all the tax-payers of the country; but it is better for the people to pay out a million of dollars in taxation to prevent a recurrence of these evils than to have the country in the condition in which it has been for the past few weeks, whereby there has been a loss in the aggregate of over $30,000,000, according to the best calculation.

But if the statement of the gentleman be true that this bill is powerless, that it is weak, that it will accomplish no good results, then it will not cost the Government a dollar. And in the prosecutions which are conducted under United States laws for criminal offenses who pays the expenses? It is the Government of the United States; and if in consequence of one of these strikes there should be bloodshed, and the offenders should be arraigned before the courts for trial, who then would pay the expenses? I venture to say that the expenses of a bloody conflict, such as would result perhaps if peaceful remedies were not adopted, and of a prosecution of the offenders, would largely exceed the amount required to conduct an investigation under the provisions of this bill.

But I pass from a further discussion of the speech of the gentleman who puts his ground of objection upon the fact that the operation of this bill, although it may prevent strikes, although it may save millions of money, costs too much, particularly when that gentleman is apparently willing that the tax-payers of the country should pay $77,000,000 ostensibly for the benefit of people who will not derive any advantage from the money. [Laughter and applause.]

Now my venerable and honored colleague from Texas [Mr. REAGAN] has taken occasion to say this bill is unconstitutional.

But I had the pleasure of hearing one of the ablest men on the Judiciary Committee of this House, a gentleman on the other side, who is the acknowledged leader of that side of this House [Mr. REED, of Maine], defend this bill. And while he said it was not a panacea, he also declared that it was a suggestive remedy, perhaps crude, but that all incipient legislation on new subjects is necessarily crude. I heard the gentleman defend it, and he never would have defended it if in his opinion it had not been constitutional.

I was gratified to see that the leader of the Republican party in this House was an advocate of the measure introduced by the Committee on Labor. And I said to myself as I listened with pleasure to the words which fell from his lips, "Something good can come out of Nazareth." [Laughter.]

The very same objection which was raised to this bill yesterday by the gentleman from Texas [Mr. REAGAN] was urged to his bill by my distinguished friend from Massachusetts [Mr. RICE], whom I see before me, when that bill was up and Mr. REAGAN was making a speech on it—I mean Mr. REAGAN'S interstate-commerce bill. When the gentleman from Massachusetts suggested to him it was unconstitutional, he replied:

> The gentleman from Massachusetts [Mr. RICE] says if the Reagan bill is enacted into a law it will be more despotic than the Czar of all the Russias. I do not know how to characterize such an argument except to suppose that it springs from the exuberant fancy of the youthful and untrained statesman from Massachusetts. Certainly it could not be said by a grave, serious man with expectation that any one would believe it.
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> And he gave us another specimen of his humor, Massachusetts Representative as he is, by warning us against the danger of consolidation and centralization found lurking in the Reagan bill. Doubtless the House, like myself, was a little surprised to find any Republican from Massachusetts an advocate of the doctrine of strict construction and State rights. He says there are fearful dangers in any attempt which may be made to protect the people against the discriminations, exactions, and injustices of railroad corporations, and finds an asylum for the repose, security, prosperity, and happiness of the people in the railroad pool, which erects one huge monopoly out of several small ones, denying to the people all competition in transportation and subjecting them without remedy to such demands as the railroads may make upon their property. He has no fear of the consolidation and centralization of the thousands of miles of railroads. His fears are awakened only by the effort to compel them to do justice by conservative, just, and wholesome legislation.

I now call attention to the fact that if, notwithstanding the objection raised by the gentleman from Massachusetts, the Reagan interstate-commerce bill is constitutional, so then is this bill, for the regulation of commerce among the States is the fundamental object of both bills.

Mr. BUCHANAN. Let me ask the gentleman one question.

Mr. CRAIN. I will; but as I am a new member I trust the gentleman will suggest the answer. [Laughter.]

Mr. BUCHANAN. If the Tehuantepec ship-canal is constitutional, is not this?

Mr. CRAIN. Undoubtedly it is, in my opinion.

Mr. BUCHANAN. Has not that bill been reported favorably by a committee of this House?

Mr. CRAIN. Undoubtedly it has, and I thank the gentleman for the suggestion.

Mr. DUNN. Is authority to establish a judicial tribunal derived from the commercial power?

Mr. CRAIN. No; but it is derived from another article in the Constitution.

Mr. DUNN. Which is that?

Mr. CRAIN. That which provides Congress shall have power to establish inferior tribunals.

Mr. DUNN. For the purpose of regulating commerce?

Mr. BUCHANAN. If Congress has the power to regulate interstate commerce——

Mr. CRAIN. One at a time.

Mr. BUCHANAN. If Congress has the power to regulate interstate commerce, has it not the power to try to prevent the stoppage of commerce?

Mr. CRAIN. Undoubtedly; and that is the point I propose to make. The Supreme Court of the United States has said that under this general authority to regulate commerce Congress has the right to remove trammels from commerce. And under the word "commerce" is included not only intercourse, not only traffic, not only transportation, but labor. This is the language of the Supreme Court in one decision:

Commerce, in its amplest signification, means an exchange of goods, but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the object of commercial regulations.

I quote, Mr. Chairman, from the opinion of Chief-Justice Marshall in the great case of Gibbons *vs.* Ogden, 9 Wheaton, I, 229.

Mr. REAGAN. Since my colleague has referred to my remarks, will he allow me to ask him a question?

Mr. DUNN. I would like to have the privilege of reading for the gentleman in this connection a decision of the Supreme Court of the United States which expressly declares to the contrary of the position he holds.

Mr. CRAIN. I should be very glad to yield if I had the time. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has twelve minutes remaining.

Mr. CRAIN. Then I have not time to finish my remarks, and must decline to be interrupted.

My colleague [Mr. REAGAN] in presenting his interstate commerce bill to the Committee on Commerce, several years ago, said:

I have never assumed and do not now assume that it will meet all the difficulties of the railroad problem, or that other legislation may not be found necessary in the future on this subject. Nor do I assume that this bill may not be improved by amendment.

So say I in regard to this bill; and so say the committee who have prepared it.

Gentlemen express dissatisfaction with the fruits of the committee, but they offer no substitute.

They attack the bill, point out what they are pleased to call its defects, denounce it in one breath as a "sham and a fraud," and in the next, announce their intention to vote for it—and right here I will say that I would give up my seat in Congress before I would deliberately vote for a measure which I considered a "sham, a fraud, and a trick"—but they propose no amendment to make the bill more effective.

The bill is ridiculed by some members of this House, and their ridicule shows that they know nothing about it. The truth is that a dynamite measure was expected from the Committee on Labor, and some gentlemen are disappointed because we have brought into the House such a calm, conservative bill, which is characterized by one gentleman as a "sucking dove."

But, to return to a consideration of the constitutional objections of the gentleman from Texas [Mr. REAGAN].

In the argument made by him, to which I have already referred, Mr. REAGAN said:

The first question to be considered is the power of Congress to regulate commerce between or among the States.

And the gentleman argued in this connection that Congress can not regulate the corporate rights and franchises of the railroads in the States.

That is true where the charter is derived exclusively from the States, but there are exceptions arising from the procuration of charters from Congress. For instance, in the case of the Texas and Pacific Railroad it was held by the Supreme Court of the United States that as that corporation was operating under a charter derived from Congress it was authorized under the statute to remove a suit to which it was a party from the State to the Federal court. I venture the opinion, therefore, that in every case in which the railrord corporation has obtained its charter from Congress that body has a right to regulate and control it.

And I further say that if Congress has the power to regulate interstate commerce, as is claimed by my honored colleague; if it is authorized by the Constitution to regulate freights, which are contracts between the shipper and the common carrier, it certainly has the power to remove all trammels and obstructions that may hinder, impede, or interfere with the carrier in the performance of his contract, and may force him to put in motion the wheels that are to transport the freight which he has undertaken to deliver. If this be true, then Congress has jurisdiction of the subject matter of this bill, which is in the nature of a regulation of commerce.

But in connection with this proposition as to the constitutionality of the question I read now from the decision of the Supreme Court in the case of the Railroad Company *vs.* Richmond, reported in 19 Wallace, where the question was as to the effect of two certain acts of Congress, one authorizing railroad companies to receive compensation for certain property carried from one State to another to connect with other roads so as to form continuous lines, and one to maintain a bridge over the Mississippi River and to lay tracks over such bridge. Mr. Justice Field, in delivering the opinion of the court, says—and I call the attention of the gentleman from Texas particularly to the reading of this decision, because I say if you can regulate interstate commerce under his bill you can remove the obstructions from interstate commerce under another bill.

This is the language of Mr. Justice Field:

These acts were passed under the power vested in Congress to regulate commerce among the several States, and were designed to remove trammels upon transportation between different States which had previously existed, and to prevent the creation of such trammels in future, and to facilitate railway transportation by authorizing the construction of bridges over the navigable waters of the Mississippi.

In the case of Gray *vs.* The Clinton Bridge Mr. Justice Miller said:

The power to regulate commerce is a power to regulate the instruments of commerce.

The gentleman from Texas said that Congress has no power to regulate the instruments of commerce.

Mr. REAGAN. I never said that.

Mr. CRAIN. Then I misunderstood the gentleman.

In the case of Cooly *vs.* The Board of Wardens, 12 Howard, 316, the court says that—

The power to regulate navigation is the power to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it as well as to the instruments used.

In commenting on this case Justice Miller says, in the case of Gray *vs.* The Clinton Bridge, above cited:

Navigation is here spoken of as one of the subjects of legislation included within the power to regulate commerce.

In this view of the subject Congress has passed statutes regulating steamboats, their construction, equipment, officers and crew, prescribing qualifications of the pilots and engineers, limiting the number of passengers they may carry, and laying down the signals they shall use in passing each other, and, in short, has prescribed a minute code for building and navigating those vessels. The right to do this depends wholly upon the power vested in Congress to regulate commerce, and has never been disputed.

Navigation, however, is only one of the elements of commerce. It is an element of commerce because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in one case as in the other. The commerce among States spoken of in the Constitution must, at the time that instrument was adopted, have been mainly of this character, for the steamboat which has created our great internal commerce on the rivers was then unknown.

From this decision it would appear that Congress has the power to regulate "the persons who conduct commerce as well as the instruments used," whether the commerce be carried on in steamboats by water or on railways by land.

And by whom are railways conducted? By their officers, agents, and employés; by their presidents, superintendents, local and other agents, conductors, engineers, firemen, brakemen, and the laboring men who lay the track and keep it in order. The Supreme Court says:

The power to regulate commerce extends to the persons who conduct it as well as to the instruments used.

From a consideration of these and numerous other cases on the subject of the regulation of commerce between the States it would seem that the Reagan bill, so called, is not obnoxious to the charge of being unconstitutional, but I must confess that I do not see any distinction between that bill and the one now before this committee. They refer to the same subject-matter, namely, the regulation of commerce between the States, for while one regulates freights, prevents pooling and discriminations—in other words, provides how commerce shall be regulated—the other provides the mode for keeping it moving.

One bill prescribes regulations for the contracts made by the shipper and the carrier in relation to the freight, while the other bill seeks to put the wheels in motion and actually deliver the freight at its point of destination. If Congress has the power to authorize *qui tam* actions and the institution of criminal prosecutions for violations of the provisions of the Reagan bill it certainly has the power to pass this bill.

But I pass now to a consideration of the merits of the bill before us.

The gentleman from Ohio [Mr. FORAN], who is also a member of this very important Committee on Labor, which not only grapples with the great economic problem that is now agitating the people of this country but which has also the power to consider the important question of education, suggests an amendment. He says he proposes to force one side into arbitration.

The word arbitration, whether you take its meaning from Webster or consider its technical signification, means a voluntary agreement to submit disputes to one or more disinterested persons. And whenever you attempt to drag either party into the discussion without his consent, whether it be the corporation or the laboring man, you destroy the very idea of arbitration. It is no longer arbitration, but is compulsory in its very essence, for without the forms of law or processes of courts of justice you propose to make a man answer against his will and be represented by another whom he has not authorized by power of attorney or legal appointment to represent him. I am opposed to that. And if, as the gentleman says, this bill is as mild as drinking a glass of water

because it can not be enforced, I ask, will it be better enforced by adding that amendment? Not in the slightest degree.

Force is exactly what we desired to avoid putting in motion when we prepared this bill, its underlying principle being voluntary arbitration as opposed to compulsory arbitration, so called; for the very essence of arbitration is that it shall be voluntary. I shall, therefore, oppose the amendment offered by the gentlemen from Ohio.

Now, Mr. Chairman, I propose to briefly analyze the provisions of this bill and ascertain whether it be as "mild as a glass of water," as harmless as a "piece of court-plaster," or whether it be a "sham, a fraud, and a wicked trick."

I am no demagogue; I do not seek to acquire votes by espousing the cause of the Knights of Labor, or by advocating the claims of the railway corporations; but I do believe that the rights of property and the rights of labor should be equally respected and protected. I do not uphold the wanton destruction of property, and I am opposed to the shooting of men in cold blood in the streets of Saint Louis, or in any other place, because, forsooth, without violation of law or breach of contract they deem proper to refuse to labor.

It was to prevent collisions and bloodshed that the committee formulated this bill. We thought that one of its effects would be to bring the capitalist and the laborer nearer together, to draw them into closer relations, the result of which might be to convince each that his opinion of the other was erroneous, and that the happiness and prosperity of both would be best secured by an acknowledgment and recognition of their common rights and reciprocal duties.

Capital and labor are correlative terms, and the capitalist and laborer are mutually dependent. Without capital to employ him the laborer would soon starve; and without labor to put his capital in motion the capitalist would be equally helpless. Placed alone with all his wealth upon a barren island in the middle of the ocean Mr. Gould would be as helpless as the poorest laborer in his employment under similar conditions.

The committee therefore believed that in arbitration might be found a means of enabling both sides to come into closer contact and to learn their reciprocal rights and duties; and to provide for arbitration it was deemed necessary to declare in the bill that each arbitrator should be impartial and disinterested in the actual subject-matter in controversy, and that both of them should select a third with similar qualifications. In this connection, it may be said that one of the principal difficulties heretofore encountered in the endeavor to arbitrate has arisen in the choice of arbitrators. Each party would select an arbitrator who regarded the question from the standpoint of the side that selected him, while in general those chosen failed to select a third. This difficulty is removed by the feature of the bill just suggested.

The enemies of this bill contend that the corporations and their employés now have a right to arbitrate, and that the bill gives no additional remedy. True, they have that right, and have endeavored to exercise it, but the results have been fruitless. Two opponents of this bill have declared on this floor that the cause of the great strike now going on was a dispute about the terms and conditions of the agreement that was the result of the last arbitration, and even Messrs. Gould and Powderly disagreed in respect to the construction to be placed upon their language in their recent interview. The case is one-sided where there is a disagreement about the terms of an award between a poor, friendless laborer and a wealthy, powerful corporation.

To prevent these disagreements, misconstructions, and misinterpretations of their awards, this bill provides that both parties shall have the right to be present in person and by counsel upon the trial of the issues joined and to produce their witnesses, and that the arbitrators shall make a public declaration of their award, which shall afterward be promulgated by the Commissioner of Labor. This award is not the report of the representative of one side or the other, which may be called in question within twenty-four hours, but it is an authoritative declaration by a disinterested tribunal charged with the determination of the question, and can not be the subject of dispute or misrepresentation, because it is made officially and is proclaimed to the world by the Commissioner of Labor; and thus one cause of disputes is removed.

Another feature of this bill is that it directs the preservation of the testimony taken in each case in the office of the Commissioner of Labor, which might operate as a check upon the arbitrators, but which would be principally valuable in the preparation of the annual reports of the Commissioner of Labor and for the consideration of Congress and of the Legislatures of the various States in dealing with the great labor question. This testimony would be infinitely more valuable than any amount of theoretical disquisitions delivered before a traveling committee of Congress, because it would be actual, practical, tangible evidence, germane to real, live issues joined by and between parties in interest, and would not be wild, visionary theories upon the general condition of labor throughout the country.

But it is urged that if either party objects there will be no arbitration. This is true; but I venture the assertion that neither party would place itself before the public in the attitude of declining an offer of arbitration under this bill, for that would be an admission of wrong and of a fear to face an investigation.

My colleague [Mr. REAGAN] objects to the bill for another reason, namely, that parties would be taken away from their homes to these Federal tribunals and that their personal expenses would be very heavy, and he compares these tribunals of arbitration in these respects to the Federal district and circuit courts. Had the gentleman read the bill with his usual care he would have discovered that it requires the board of arbitration to hold its sittings at the nearest practical point to the place of the origin of the difficulty, and that the expenses of the parties are to be paid by the United States Government. If the poor laborer had to pay his share of the expenses of the arbitration, as the gentleman from Virginia would have him do, there would be no investigations, because his poverty would deprive him of justice and would prevent him from seeking it.

Another objection urged to the bill is that it fails to provide a method for the enforcement of the award of the arbitrators. I will ask the constitutional lawyers who oppose this measure whether they can frame a bill for the settlement of these labor troubles by arbitration which will provide the means for the enforcement of the award. How can the railroad corporation be compelled to a specific performance of a contract for labor? And how can you compel a laborer to work for a corporation if he refuses so to do? Suits for damages for breach of contract might lie, but a specific performance could not be enforced.

Would you say to the laborer, "You must work for the railway company at $2 per week, for that is fair remuneration for your labor?" If you do that you put the laboring men of this country in the same condition from which over twenty years ago four millions of people were released at a cost of millions of treasure and oceans of blood. You certainly would not attempt to reduce the laboring men of this country to a condition which would be even worse than slavery, for you would require them to provide for themselves and their families and at the same time deprive them of the means of doing it.

On the other hand, how can you compel the corporations to employ men to whom they object?

The rights of both parties are identical. One party can not be forced to employ, while the other party can not be compelled to work. If, however, a voluntary arbitration is agreed upon in accordance with the provisions of this bill, and an award is made and publicly announced, public opinion will compel its observance by the parties.

Gentlemen well know that the sanction of all law is derived from public opinion, which has its influence upon every member of society. There are many laws upon the statute-books of the States of this Union which are not enforced simply because they are not indorsed by public sentiment and their enforcement is opposed by public opinion. There is a law against dueling in most if not all of the States, and yet in some of them it is not enforced. And why? Because public sentiment still recognizes that species of murder which not infrequently results from dueling, as a fair and legitimate settlement of private grievances.

No law can be enforced unless it be sustained by the power of public opinion, and no law can be violated with impunity if it be backed up by public sentiment. The pressure of public opinion frequently acquits men whom the law would adjudge guilty. The railroad corporations as well as the laboring men recognize the power of public opinion, as they show by their frequent appeals to that tribunal.

At Galveston a disagreement recently occurred between the Mallory steamship line and the Knights of Labor. Whereupon the agent of the line appealed to public opinion in a circular setting forth his statement of the case. Soon afterward the Knights presented their side of the case in a public communication. Each side realized the necessity of arousing public sentiment in its favor, and made a direct appeal to the tribunal of public opinion. Mr. Gould recognized the immense power of public opinion in his late controversy with his employés. As long as public sentiment was in his favor, as he thought, he was as immovable as a stone wall, but the moment he discerned the tide of public opinion setting aganist him he had the good sense to yield.

Public opinion, then, will be a powerful lever with which to enforce the awards of these arbitrations, and will also have a tendency at least to compel an issue to be joined whenever either party tenders it to the other. But whether this bill shall ever become a law or not, the discussion which it has evoked will have a salutary effect by showing the people of the country that Congress is determined to consider seriously the grave and momentous questions involved in the labor problem, and if possible discover a solution which, while recognizing and protecting the rights of labor and the rights of capital, will restore peace and quiet to the country and happiness and prosperity to all of its citizens.

The CHAIRMAN. The gentleman's time (forty minutes) has expired. The gentleman from Michigan [Mr. TARSNEY] will be recognized for the remainder of the hour.

Mr. TARSNEY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. WORTHINGTON].

Mr. WORTHINGTON. Mr. Chairman——

Mr. REAGAN. Will the gentleman from Illinois give me a minute or two?

Mr. WORTHINGTON addressed the committee. [See Appendix.]

Mr. TARSNEY. Mr. Chairman, when this bill was reported yesterday it was not my purpose to occupy the attention of the House in the discussion of the measure, and it is only because of some criticisms upon the action of the committee that reported the bill, a committee

of which I have the honor to be a member, that I am impelled to occupy a few moments this morning. We have been criticised because we have not presented a better bill than the one which is before the House, because we have not presented a bill that will cure all the ills to which labor and capital are heir. Why, Mr. Chairman, do these gentlemen who have thus criticised the Committee on Labor suppose that this committee possesses the jurisdiction and intelligence to deal with all these questions? First, I answer, we lack jurisdiction to go further than we have gone in this measure. The bill which has been presented has been criticised because it has been said it appeals to nothing. Sir, it appeals to the highest arbiter we have in this land; it appeals to public sentiment; it appeals to public judgment—that same public sentiment and that same public judgment which sent here the gentlemen occupying these seats around me; that same public sentiment and public judgment which may send somebody else here in the next Congress unless you do something to ameliorate the condition of labor.

You ask me how shall that be done? True, this measure is not broad enough to cover the whole question. You might as well attempt to cure a cancer by rubbing salve upon the surface and thus temporarily to allay the irritation, as to attempt to deal with the labor problem without going to the root of the disease. There are roots to this question. These roots are of many years' growth, and in my humble judgment are the outcome of legislation enacted in this Hall. Let me call your attention, gentlemen, to the extent of this question.

For years we have been pretending that we were protecting labor in some form or another under the laws of the United States. We have read it in party platforms and in the newspapers; we have heard it from the stump, and it has gone forth to the world. The world has accepted the invitation, and people have flocked here from abroad to mingle with our laboring classes until to-day there are a million idle men within the limits of the United States. Protect American labor under your tariff laws! Why, the only two things essential to human existence that flow across the national boundary lines free of duty are the air we breathe and the labor that performs our work. The workmen from foreign lands, invited here by this pretense of protection, have come across our boundary lines, across the docks at our customs offices, bidding good morning to the customs officers, have passed in free of duty and have mingled with our laboring population. Will the great Ways and Means Committee of this House suggest some remedy for this?

Let me call attention to another thing; and in the few minutes now allowed me I can not go into details on this question. We have been taught that the vast public lands of the United States were the inheritance of ourselves and our children. Within these legislative Halls you have legislated away to these giant monopolies that to-day have their hand upon the throat of labor millions of acres of the public domain, which ought to have been left as a safety-valve for American labor. Will the Public Lands Committee correct that? Nay, more, you have granted away or sold or permitted to be sold millions of acres of other public lands to syndicates of non-resident aliens, who to-day are building up a British landlord system upon the soil of America. Will the proper committee of this House assist the Labor Committee in correcting that evil?

Will the financial committees of this House, when they look over the country and see the stagnation of business, assist us in bringing into circulation the money that is hoarded in the vaults of the Federal Treasury or locked up in banks—will they assist us in putting that money into free circulation so that the wheels of industry may revolve? For, gentlemen, talk as you will about the abundance of money in the country, that money is of no good unless it is in circulation. Money in trade and business is like the life-blood that flows through our veins and furnishes our vital forces; once check its circulation, and you see stagnation and paralysis; let it flow freely through the veins, and there is health.

Mr. Chairman, these are evils that affect this labor problem. Nay, more, let the committee appropriately having charge of certain bills relative to the forfeiture of land grants which would enlarge our public domain bring in some measure which will forfeit every acre of land unjustly granted in cases where the terms and conditions of the grant have not been complied with. If you will do these things, gentlemen, and thus accept a little part of the criticism for yourselves, you will not be blaming the Labor Committee for not doing that which it has no jurisdiction to do.

Mr. Chairman, one word more and I am done. Objection is made to this measure by the distinguished gentleman from Georgia [Mr. HAMMOND] on the ground that it is unconstitutional, inasmuch as it assumes to create a new court not provided for by the Constitution. I am not a constitutional lawyer, but it strikes me the board proposed to be created by this bill is not a court, but is simply an agency of this House, an agency of the representatives of the people, to be sent into particular localities for the purpose of obtaining information and bringing it back here to be filed among the public records, where we can see it and ascertain the cause of these troubles. It strikes me, I say, that this is not a court, not a judicial tribunal, but simply an agency created by Congress for the purpose of gathering information. It is likewise an agency that would bring to bear upon the party who refuses to arbitrate the condemnation of the people of this country.

Let me illustrate for a moment. Suppose you have a situation as you find it to-day; suppose the employés of these great roads in the West should say to the manager of those roads, "Well, Mr. Gould, we propose to arbitrate with you; we will frame an honest board of arbitration and invite you to come before it and submit your grievances and we will submit ours and abide by the result," would not the seal of condemnation of public opinion be stamped on Mr. Gould or be stamped upon the labor organizations should either decline to submit to the award of such a tribunal?

Then, Mr. Chairman, unless we can get a remedy for some of these great evils which, like a cancer, have grown in the body-politic, we must look forward to a dark and dreary future, I fear, over this great Republic. [Applause.]

Mr. ANDERSON, of Kansas. Mr. Chairman, on the 22d of March, when railroad traffic was entirely suspended in the State I have the honor in part to represent, as well as in four other States, I introduced a bill to create a national commission to arbitrate differences between railway corporations and their employés. Realizing that the Committee on Labor, to whom it was referred, was not a privileged committee, and consequently that any bill it might report would go upon the Calendar and probably not be reached during the session, I exercised the right possessed by every gentleman on the floor to ask unanimous consent that this committee might have power to report for consideration at any time such legislation on the subject as it chose to present. No gentleman on the Democratic side of the House had seen fit to make such a request, and therefore upon this side I saw fit so to do, representing the interests of my constituents and exercising my unquestioned right, and it is under that order of the House that the subject is now before us.

I wish to return my thanks to the Committee on Labor for their kindness and courtesy in hearing me on two occasions with respect to the bill indicated. It was the first, and at the time of introduction the only one on the subject, so far as I then knew. And in any criticism I may make of the bill which the Committee on Labor has reported, realizing fully the difficulty and gravity of the subject I wish it understood that I have no censure to pass upon any member of that committee.

It seems to me that on a question so broad as this, while it is natural that the debate should embrace the many subjects which have been discussed, yet it is wise to eliminate from it all issues except the one now before the House. It has been correctly said that the labor question—one which has run through all the ages, and the difficulties of which spring from the innate qualities of men—can not be settled by law. That, sir, is correct. But I submit that the labor question, in its large and true sense, is not the issue before us. That is a question which is as universal as the vocations of men. Wherever there is any one at work there you will have the labor question. It is as multiform as the pursuits and toil of men. We have presented to us to-day a very small portion of it, only one of its incidents, a mere outcropping of the great underlying stratum; and it will be well for us, I fancy, to recognize this fact and to ascertain just what is the precise issue. I wish that the labor question in all its magnitude and details were presented for action, but it is not.

THE ISSUE.

The exact and only issue now before us is simply this: Shall Congress enact legislation designed to compel common carriers of any interstate commerce to perform their obligations as such; and, if so, what should be the scope, nature, and force of this legislation? This is a very different proposition from the one whether two parties may have a voluntary arbitration, and rests on a different foundation. Because of this fact, many of the opinions and objections which have been urged on the floor against the latter are illogical as to the former. Nor is the action of railway employés who choose to stop working, or their reasons for so doing, the main question. In so far as the "striking" of workmen is concerned, in so far as any action of the Knights of Labor or the Brotherhood of Engineers, or of all other men, may be concerned, the whole of that is a mere incident. The real, the sole question, and the one which I propose to discuss, is whether Congress should enact legislation to compel common carriers of interstate commerce to perform their obligations as common carriers; and, if so, what should be the scope, nature, and force of such legislation?

Now, that raises some other questions which are primarily to be discussed. There are limitations imposed upon Congressional action. These limitations arise from two distinct sources: first, the limitations imposed by the recognized and just rights of common carriers; and second, the limitations imposed by the Constitution on the exact power of Congress to deal with such questions. Coming to the first point, what are the limitations imposed by the rights of common carriers?

And as I am speaking extemporaneously, legal gentlemen will kindly excuse any failure of one who is not a lawyer to express distinctions of ideas by the technical terms of their profession.

RIGHTS OF EMPLOYER AND EMPLOYÉ.

Before entering upon that let us ascertain what are the general and recognized rights of the employer and employé in the private industries of life. There is first the right of the employer to engage in a business and conduct it according to the laws of the land, and to terminate it whenever he pleases. There is the further right upon his part to say

whom he will employ, how long he will continue any one in his service, when, where, and how that employé shall work. Upon the part of the employé is the right to take or the right to reject employment; to accept certain wages or to decline the wages offered. But he is under the obligation to discharge those duties which the employer imposes upon him, and which he has agreed to perform, as to the time and the manner of his work. I am speaking now of the general rights of all employers and of all employés. It is certainly clear that on this general basis, if there be no other limitations, a railway company may exercise precisely the same rights as to its employé; that is to say, it may determine whom it will employ, what compensation it will pay, what work that employé shall do, when he shall do it, how he shall do it, where he shall do it, and it may discharge him when it pleases. On the other hand is the right of the employé to take work from the company under this recognition of the conditions, to accept the wages they offer; furthermore, his unquestioned right to reject these wages and his unquestioned right to quit in a flash if he pleases. There can be no doubt as to these general rights.

OBLIGATIONS OF A RAILWAY COMPANY AS A COMMON CARRIER.

But, Mr. Chairman, there is a broad and significant distinction between the obligations of the railroad company as a common carrier and employer, and the obligation of an employer engaged in a private enterprise. Take a manufacturer of cigars, for instance. He may continue his business or he may terminate it at will; but can a railroad company as a common carrier lawfully refuse to discharge its obligations as such? Not at all. There is no obligation either in fact, nor is there any obligation which under any law can be imposed upon a citizen of the United States requiring him to engage in and continue any private industry. He is free to do so or not to do so as he sees fit. But there is an obligation on the railroad company holding the exclusive franchise to use a railroad, and operating that road as a common carrier, to discharge its advertised duties; to run the trains at the hour named, to run them to the places named, to be ready to carry for all who may apply, to accept and to deliver freight in accordance with its advertised schedule. These are obligations which are imposed by the very nature of the work of a common carrier, and by the relation which this service holds to the public, for they are functions of which he can not divest himself. More than that, they are obligations that he must either discharge or else quit the business, one or the other. No railroad company can legally say that it will not run its trains. Under the very conditions of its charter, under the common-law obligations of common carriers, the public has such an interest in the business as to compel him to discharge these functions.

And this now makes a very great difference between the relations which a railroad company as an employer may hold to its employés, and the relations which a private manufacturer does hold to his employés. As to the private manufacturer, neither Congress nor the State can do anything toward compelling him to continue his business; but as to the common carrier, Congress can go to the extremest lengths in compelling him to perform full and legal service, or, failing in that, to surrender the franchise of operating a railroad. And the exercise of this power might, under some circumstances, justly prevent a railway company from discharging its employés until others were ready to perform their service.

COMBINATION OF RAILWAY EMPLOYÉS.

Mr. Chairman, we have reached an era in the world's movement new in history. Owing to the dissemination of knowledge through the press and by the telegraph, owing to the development of science in all of its forms and directions, there has come to be such a growth of the masses, such a development of individual intelligence, such an increased personality and manhood, that to-day and as a nation we have fully entered that new era when combinations on the one side not only suggest but force combinations upon the other.

For years we have had, and we have seen them in this Hall, the combinations of aggregated capital. We have had the poolings of railways; we have had the combinations of manufacturing, of importing, of banking, and of railway interests; we have had capital in its aggregated form, no matter what might be its specific shape, we have had it in all forms standing shoulder to shoulder in this Hall and abroad all through the land. And what is the result? You now have on the other hand precisely the same development. You have the combination of the employés of these railways so to protect themselves against the greed and avarice of the corporations that they may secure fair pay for faithful work. You have the combination of farmers all over the continent seeking to protect themselves and to retain in their own pockets some of that profit of which railways rob them by raising freights; you have the combinations of mechanics, miners, and laborers. And to-day—not to such an extent perhaps as will be true next year, and certainly not to such an extent as will be true within ten years—but yet to-day the spirit of mutual interest and sympathy is uniting these various combinations of all workmen, and this great movement is so powerful and taking such direction, that it is clear to any man who will look into the future that the question which Congress will have to meet, sooner or later, is the question of protecting the rights of the people, and of regulating the railway and other corporations in the great struggle between combined labor and combined capital. That is the great problem of the future, the burning intense issue of the hour, as well as the crucial test of American statesmanship.

COMBINATION OF WORKMEN LAWFUL.

It is said that when workmen combine they do an unlawful act. Suppose I believe in the divinity of Christ and in salvation by His grace, which I do, and that other gentlemen entertain the same belief; we combine, we form a church. It is a combination of men holding the same doctrines and desiring to effect the same purposes; is not that combination lawful? Suppose that men entertain the same political opinions, may they not combine in a party? A caucus is a combination. Is that caucus therefore unlawful? Or suppose that workmen choose to combine, is that combination *per se* unlawful? Suppose they do nothing unlawful, can it be said that their combination is a conspiracy or illegal? Men may combine, men do combine. God created them to combine. This Republic is the result of combination, and itself a combination. And to say that these men, risking their lives upon the engine, upon the car, whirling trains over the country in the dark, working for pittances in order that their wives and their children may have a roof, may have food and clothing—to say that the combination of these men is a conspiracy is simply to repeat the malignant slander of a railway lobby. There is no conspiracy about it. They have a perfect right to combine.

Now, suppose that such men refuse to work. They have a right to refuse to work. The employé has the innate right of every free man to work when and for whom he pleases, and to quit when he pleases. Suppose these men persuade other men not to work. They have a right so to persuade men. Why, I have often sought to persuade the Democratic party to do good and just things; had I not the right?

Mr. BUCHANAN. How did you succeed?

Mr. ANDERSON, of Kansas. Not very well! But the right of persuasion is an inalienable and legal right. Suppose they should say to those other men, "We will pay you better wages to go elsewhere." Have they not the right so to do? Undoubtedly they have. But then, on the other hand, suppose they do an unlawful act; suppose they turn a switch or "kill" an engine, or ditch a train, is that right? No, it is a violation of law. Suppose they kill a man; is that right? No, it is murder.

The point I make is this: They have a right to combine so long as they recognize the lawful rights of other men and themselves do nothing unlawful; then and so long they are doing a just and wise thing. And if they be not, certainly the last men who should raise this objection are the representatives of the railroad interests. Combination! Look at the combinations of the railroads; look at the poolings and the other rascalities performed by them. I do not say by all of them, but look at the lands some of them have tried to steal. Look at their gross violation of the rights of the public, and then say whether when they combined and have done these things, they have not acted just as illegally as when the employés combined and did things which they ought not to have done. My only point is that in so far as the kettle is black the pot at least need not call it black.

While every wrong has a remedy, in experience the antithesis is usually correct, that every strong remedy has a wrong. There can be no stern struggle between great powers, there can be no great movements of masses of men in conflict, without some wrongs. But recognizing that, I am frank to say that in this great struggle, and not indorsing or in the least approving these wrongs, my sympathies are with the men in combination against the greed of corporations; and I believe that to be the general sentiment of the thoughtful people of the United States.

THE FAILURE BY A RAILWAY COMPANY TO SECURE WORKMEN IS NOT A LEGAL EXCUSE FOR STOPPING TRAINS.

But it is alleged that the combination of employés excuses a common carrier from the discharge of his duties as such. The only act or occurrence which can excuse a common carrier is an act of God, or of the public enemy. Certainly under this first exception there can be no just exemption. The action of these men is not the act of God; it is the act of man. Nor can the carrier be excused under the second proposition, because these men can not be regarded as a public enemy until they do some unlawful act. Up to that point the carrier is not excused by their action. So that in fact, under the Constitution and laws of this nation, Congress has the right, as to interstate commerce, to require the common carrier to discharge his functions as a common carrier, and the excuse of a railroad company that it is not able to employ men is not a sufficient excuse. Let me take an extreme illustration. Say that a company offers to pay its men 12½ cents a day, that the men refuse to accept such compensation, that the company can not find others who will work for such wages, that you buy a ticket for a certain train upon that road, go to the depot at the hour advertised and ask the company to fulfill their contract. They say, "No; we can not do it; we have no employés." You say, "Why have you not employés?" "Why," they reply, "because we have offered the men 12½ cents a day and they want 15." Your answer would be, "Very well; pay them 15." The excuse of the company would not be regarded as sufficient, either by the public or by any court. They can not come before a court and say that be-

cause of their own avarice, because of an insufficient payment of their men, they are unable to discharge their functions as common carriers, and are therefore to be excused. No court would exempt them upon that ground. It would require them to perform their duties.

FISH OR CUT BAIT.

In such a case what then would remain for the railway company to do? Why, to throw up its franchise as a common carrier. It must either perform its duty as a carrier, or it must go out of the business. But some one says, "If it goes out of the business, what becomes of the road?" The road stays just where it is and as it is and belongs to the State. That is what becomes of it! It is a public highway; and some day, before this great question is settled, Congress will reach the point where it will recognize every railway simply and solely as a public highway. It will concede that a given company as a common carrier has the exclusive franchise of carrying freight and passengers upon a certain road, so long as it performs that duty; but, if it sees fit to throw up or forfeit this franchise, then it will be held that the Government, or the State, can offer the use of that public highway to any other common carrier who will operate the road; and I fancy that just there will ultimately be found the settlement of this question. When these corporations ascertain the fact that they can not go on with impunity outraging the public, failing or refusing to perform their duties, and attempting to create a public sentiment against their employés in that way, but that they may forfeit their franchise as common carriers, they will come to terms and act with a reasonable amount of decency.

These, Mr. Chairman, are some of the limitations and obligations arrising from the nature of the subject.

REPUBLICAN AND DEMOCRATIC DOCTRINES AS TO THE POWER OF CONGRESS.

I come now to the question of the power of Congress to legislate upon this matter. Here you find two broad and differing faiths.

There prevails in some quarters, usually among our Democratic brethren, the idea of a strict construction of the constitutional powers of the General Government—the doctrine of State rights. On the other hand you have the broader doctrine of the power of the National Government to protect the people, to defend and maintain the "general welfare." I question no gentleman's sincerity in his opinions on this subject, nor his right to apply them; nor do I say that upon this bill there will be any party lines, because there may be Democrats and Republicans voting on both sides of it. I simply say that, in a general way, the Democratic doctrine is that of supreme State rights in State territory, alleged under the strictest construction of the Constitution; and, in a general way, the Republican doctrine is that of a Government strong enough and wise enough to protect its people, no matter what may be the form of attack, nor where. You have these doctrines, thus broadly distinguished, in their application to this question. I venture to suggest that if there is to be any relief to the people from the oppressions of railway corporations it will only be obtained by an exercise of the Republican idea of constitutional power, rather than by any measure based upon the doctrine so generally and distinctively entertained by the Democratic party.

RIGHTS OF THE PEOPLE IN A RAILWAY STRIKE.

For, sir, in a railway strike there are really three parties. There is, first, the railway company, with its rights; there is, second, the employés, who have their rights; but there is a third and infinitely larger party in interest—that is, the people who are affected on the one hand by the carrying of freights and passengers, and on the other by the suspension of traffic. To illustrate this: Suppose a strike should be maintained for twelve months. Suppose a merchant in my State should have bought from an importer in New York goods upon a credit of ninety days. Suppose that the importer should have given him the credit because of his belief that these goods could be carried to Kansas and disposed of promptly, and thus the notes be met. A strike comes. The goods can not be delivered at their destination, and the merchant is bankrupted. In such a case has the importer no rights affected by the strike? Has the merchant at home no rights affected by the strike? And suppose (I am using an extreme illustration)—suppose the community in my State should be dependent upon the goods brought in, and that for a year they should be deprived of groceries and other merchandise entering into the comforts or constituting the necessaries of life; have they no rights? Has not the man who is waiting for these things and can not get them, has not the wife or the child who may be in need of food or medicine for the preservation of life, any rights affected by this continued strike? Has the farmer who is unable to sell or ship his products no rights? Is not the "general welfare" affected? Has not the Government the power to protect these masses—this third party in interest as distinguished from the other interests? We, as Republicans, hold that it has.

EFFECTIVE RELIEF CAN ONLY BE FURNISHED BY REPUBLICAN PRINCIPLES AND THE REPUBLICAN PARTY.

More than that, the sympathies of the Republican party, from the day it was organized until now, have been with the masses as against all oppressing powers, no matter how great. Their sympathies were with the slave as against the master. Their sympathies were with the Union as opposed to the war of secession. Their sympathies have been with the people from that day to this. And on this question their sympathies will always be against corporations and for the great broad masses, no matter how poorly clad, no matter how poorly paid—the poorer they may be the greater will be the sympathy of the Republican party. And when these sympathies shall take hold of the Republican interpretations of the Constitution and so apply them as to compel common carriers to perform their duties, then, gentlemen, you will have relief, but not till then; and so far as Democratic gentlemen, holding different opinions of the Constitution, may take part in securing this relief, they must to that extent waive the distinctive opinions of the great majority of their party in both Houses of Congress. I do not mean to say that the sympathies of very many of our Democratic brethren are not with the masses, not at all. I am discussing this question on a high plane as to general doctrines and general facts in their specific effect and application to this great problem of the future.

Now we, as Republicans, hold that under the "general welfare" clause of the Constitution this Government has the power to compel any railway, whether within a single State or in more than one State, whether its charter be derived from the General Government or from a State, to perform its duties, in so far as the failure to perform those duties may injuriously affect the general welfare; and it is only by a logical and forceful application of this constitutional power to these corporations, rigidly compelling the faithful discharge of their duties as public servants, that any real and lasting relief can be obtained and maintained.

POWER OVER INTERSTATE COMMERCE.

But leaving the "general welfare" clause, there ought to be no question as to the power conferred upon Congress by the clause to regulate commerce among the States. Congress, in the exercise of this power, may pass a law compelling the discharge by common carriers of their duties to the public in the transportation of commerce. There can be no question of that; and on this point I wish to make a further suggestion. Concede the opinion entertained by our friends on the other side that we have no power over a purely State road—admit that for a moment; still there is no railway in the United States that does not by its authorized agents issue through bills of lading and sell through tickets; and while, upon the construction referred to, the Government might not have the power to compel that road to carry, say, the ninety-nine passengers who were passengers only within the State, yet if there were a hundredth man holding a through ticket it would have the power to compel the company to carry him as an interstate passenger; and the same remark will apply to freight. Every citizen of a State is also a citizen of the United States, and as such is entitled to its protecting power on each acre of the United States, and on every wave or shore which the flag can brighten or a shot reach.

SCOPE OF EFFECTIVE LEGISLATION.

Now, Mr. Chairman, I wish to express my opinion as to what should be the scope, nature, and force of legislation on this subject. First as to its scope: it should be such regulation of the common carriers as shall secure the best and speediest transit of commerce at the lowest rates.

Mr. REAGAN. Before my friend passes away from this constitutional subject, will he allow me a question?

Mr. ANDERSON, of Kansas. With the greatest pleasure.

Mr. REAGAN. Would it be competent for Congress, under the commerce clause of the Constitution, to enact a law providing that persons engaged in transportation of interstate commerce may have their grocers' bills and other merchants' bills adjudicated in such Federal tribunal?

Mr. ANDERSON, of Kansas. No; I do not think it would.

Mr. REAGAN. Is it not as competent as to create a tribunal to treat questions between transporters of interstate commerce and their employés and laborers?

Mr. ANDERSON, of Kansas. No; I do not think it would have power to regulate merchants' bills, but I do think it would have this power: to say to the holder of a railway franchise: "As the only common carrier on this public highway you must perform the duties imposed by the terms of that franchise. While we do not claim the power to say what price you shall pay for sugar, coffee, labor, or anything else, yet we have the power to say that you must run that road so long as you hold the franchise—we do not care what you pay for anything, but you shall run your trains; that is the point; that you must either operate the road in accordance with the franchise granted to you, or else surrender the franchise, and we will by law compel you to do one or the other." Congress has the power to force a common carrier to do his work, and nothing can excuse him from doing that work except the act of God or of the public enemy. And if he does not do the work, then he should be compelled to do it. But this is a wholly different point from the one proposed by my friend, in whose efforts to regulate interstate commerce I heartily join.

But as to the scope of the legislation which we should enact on this subject, as I have already indicated, I hold it should be as broad as is necessary to compel the best and speediest transit of commerce at the lowest rates. We have, certainly in my opinion, the constitutional power to act to that extent, and our action should be as broad as the limits of the power.

NATURE OF EFFECTIVE LEGISLATION.

Secondly, as to the nature of that legislation. How can you best appoint an agent to act for you? There are thousands of questions which will arise, and which must be promptly examined and decided. To my mind the best agent would be a United States commission—and at the proper time I shall move an amendment covering that point—and such a commission should be permanent, for the reason that an agent who is not permanent could not render the required service—a commission created by Congress and appointed by the President, clothed with authority to ascertain at any and all times whether common carriers are discharging their duties, and, if not, why they are not. Such a commission should have full power to ascertain what are the real difficulties in the way, and to advise Congress what additional remedial legislation is necessary in the premises.

My first objection to the bill before the House is that it is a purely temporary agency. It is based on the idea that when a company and its employés get into a difficulty one of them may, not shall, appoint an arbitrator, and the other may appoint an arbitrator, and these two may appoint a third. If the company does not want to arbitrate it need not do so. There is no compulsion about it. Therefore if the bill were a law to-day what difference would it make to Manager Hoxie? That gentleman, clothing himself in royal purple and Gould, sat back in his chair for weeks and said he would not even so much as treat with his employés, wholly regardless of the rights of the public; and he would only laugh at your law and refuse to appoint his arbitrator. Then where would you be? Just where we are now.

Instead of such an agency, instead of one merely temporary, which would disappear when a strike ended, I think in dealing with the future problem, as well as with the present conditions, it would be far wiser that we should have a national commission, clothed with national authority, sitting permanently, studying all the facts of the problem, suggesting legislation, so that hereafter we may be better able to act than we are now, because of our better acquaintance with the exact factors of the problem and their inter-relations with each other and the whole.

POWER NECESSARY TO MAKE LEGISLATION EFFECTIVE.

The next question is what degree and character of power should be given to such a commission. The word "arbitrate" means "to decide, to determine." All through this debate gentlemen have spoken of arbitration as if it could only be a voluntary thing. It may be voluntary, and in law is always voluntary. In the late strike, and I am glad it is reported this morning to be settled, under existing law those men had power to select arbitrators in that way. All the additional power your bill would give them is that the arbitrators named under it would be able to ascertain the facts in a case by legal examination. What would become of the facts? What would become of the record? Where would be the transcript of the proceedings? What good would it do to us or to the country? None whatever. Furthermore, in voluntary arbitration you do not need the examination of witnesses, but when you come to a wholly different thing, namely, to compulsory arbitration, so to speak, or to an exercise of the power of the sovereign through arbitrators in compelling a public servant as common carrier to perform his obligation, there you want power. And any law offering only voluntary arbitration in my judgment will fail immensely of the desirable and essential results, simply because of a lack of power; and that is my main objection to the bill before us.

But when such power is suggested gentlemen talk vigorously about "moral suasion!" Just how much does Mr. Jay Gould care about "moral suasion?" How much does Mr. Hoxie care about public opinion? If Jay Gould, as alleged by the New York Herald of last Sunday, can make out of this strike, by the depreciation of stocks and their enhancement after the strike is terminated, a large fortune, say $20,000,000, do you not think that $20,000,000 would soothe any wounds that might have been made in his generous and philanthropic soul by "public opinion?" That "moral-suasion" dodge is too unutterably thin! [Laughter.]

It is not, Mr. Chairman, a question of moral suasion; it is a question of the protection of the people. It is not a question as to the possible effect of public opinion upon railway managers, paid $25,000 a year; it is as to the effect upon the people of this country. To propose "moral suasion" as a bulwark against the brains and greed of corporations is to leave their employés and the masses wholly defenseless. What you want is authority greater than their power, backed by the whole force of the United States Government, and the people will be satisfied with nothing less.

THE POWER PROPOSED BY THE ANDERSON BILL.

But the bill reported by the Labor Committee has neither such power nor the semblance of any power whatever. In the bill which I introduced it was proposed that the commission should have compulsory backing. It contemplated three groups or sections of three members each, and that there should be an examination by a section with stenographic evidence and a decision. Then in case the arbitration is refused, a reference of the matter to the whole commission, and finally the revision and action by a United States court, in the nature of a judicial decree, with a penalty of fine or imprisonment for contempt.

To such an arbitration, and the exercise of such power, the answer is made that you can not compel employés to work, that they might refuse the arbitration made by the commission. Of course they might! That proposition is entirely correct. And my friend from New Jersey [Mr. BUCHANAN] I think said on yesterday that this was a dangerous power to vest in a court, that the court would imprison employés for not working. What is the legal right of the employé? Not to work. If he does not choose to work you can not imprison him for not so choosing.

Mr. BUCHANAN. No, I did not exactly say that; I said that under the provisions of your bill it could be done.

Mr. ANDERSON, of Kansas. My friend will pardon me, but he is certainly mistaken. Neither under the provisions of my bill, nor under any existing law, could any freeman be imprisoned for refusing to work for a railroad company. The sole power of the commission, as contemplated by it, would be advisory, and either party might reject its decision. That power would spring from two sources: First, from a belief of the contending parties that it had ascertained all the facts, and that its decision was impartially rendered; and second, from a similar belief by the people, thus forming and focusing public opinion. Beyond this the commission would be without power, and wholly devoid of even the semblance of legal force. So that the arbitration, so far as the commission is concerned, would be voluntary and not compulsory, in fact of less force than under a legal arbitration, to an acceptance of which the parties must always have previously agreed. The proceeding would retain this character until a United States court, after an examination of the evidence and findings, should render its decision in the nature of a judicial decree, to be enforced when necessary by the penalty for contempt of court. At this point the legal power of the United States would act in the punishment of offenses and in the enforcement of obligations.

DECREE OF A UNITED STATES COURT AS TO EMPLOYÉS.

But what would be that decree? Who would be the parties, and what their character and obligations? On the one hand would be a corporation created by law, the creature of the State, and dependent for life and powers upon the legislative will; a legal fiction, holding the monopolistic franchise to use a public highway as a common carrier for the public good, and subject to the legislative will of the people. On the other hand would be a freeman, created by God, a sovereign inherently coequal with other men, a citizen of the United States protected and empowered by its liberty, and as such royally free to work or not to work for another at his own pleasure. Is there any judge anywhere who would decree that such a man must work against his will, in utter violation of the innate and legal liberty of every man? That would be slavery in its grossest and most abhorrent form. No court in Christendom either would or could make such a decree, and hence there could be no imprisonment of the man as being in contempt of a decree never rendered.

The only thing the court might decree as to him would be, that this man should not by violence or intimidation prevent other men from working for the company. But this is precisely what may be done under existing laws, and just what the Gould managers may rightfully invoke the whole power of State and National Government to enforce. The moment any man, striker or not, shall resort to unlawful acts, the whole machinery of the law, and, if necessary, of the State and nation, will and must be used to secure obedience and preserve the public peace. To hold otherwise than this is to hold that the third party, the masses, have no rights; and to do otherwise is to permit anarchy to subvert all government.

ARE ONLY THE STRIKERS TO BE PUNISHED AND THE CORPORATIONS TO GO UNPUNISHED?

But what law has been invoked to ascertain whether the companies have committed illegal acts; whether, playing upon the spirit and necessities of their employés with an assured certainty of the result, they themselves, for speculative effect and gains in the stock market, as charged by the New York Herald, have forced the strike, and, if so, are the real "conspirators" against the public good; whether the mere refusal to work of employés who commit no unlawful act is a valid excuse for the failure of a public carrier to run trains; whether a penalty for the non-performance of this public duty shall be enforced, and whether a regular and continued performance of such duty shall be secured to the people? In all these past weeks what United States district attorney, or judge, or President, or what officer of a State has taken official action toward protecting the rights of the people by invoking any law against a breach of service by the companies? Is there no law or no officer charged with its execution? Then certainly there should be both, and at once! Is there to be an enforcement of law only against the illegal acts of day laborers, perhaps at the point of the bayonet, but no enforcement as rigidly against the equally illegal acts of incorporated millionaires, while at any moment or for any period the public may helplessly suffer?

These are the issues and that is the problem, illustrated by the late strike and liable to recur anywhere, which Congress must meet. For, mind you, no matter what may have been the relative rights and wrongs of the parties in that struggle, nor how great the patience of the people, in this coming era of combinations, and combinations of the millions

against a score of corporations, these millions, whose patriotic regard for law and good government is quite equal to that of any millionaire, being voters, will sooner or later secure their just rights by law. And if it be true that we are now without law to ascertain and compel common carriers to discharge their duties as such, and without penalties for the punishment of illegal acts by corporations, these defects must sooner or later be remedied, and the sooner the better.

DECREE OF COURT AS TO RAILWAY COMPANY.

Such a remedy was proposed in my bill, as will be seen by the attitude and obligations of the company when brought before the court by the action of the commission. The very first proposition submitted would be that the failure to run its trains was a violation of its charter and subversive of public policy; that its excuse, as to the strike of employés, was insufficient and the result of its own avarice and arrogance; and that it should be required to perform the service of an exclusive carrier or forfeit its franchise as such. The question would not be one of arbitration between employer and employé—that was concluded by the action of the commission; the question would now be whether the corporation was bound to perform its lawful service, and whether the people had any rights in that service which it should be made to respect, even if the whole power and army of the United States should be necessary.

In the event that the court found the company to be without valid excuse it would be apt to say: "We have nothing to do with the question of wages or other differences between you and your men; you are a creature of the Government, empowered to act as a common carrier, and holding an exclusive franchise from the Government to perform this work upon a great public road, as the servant of the people and for the public good; its non-performance would injuriously and dangerously affect the general welfare; you have the right to surrender your franchise, and may do so at pleasure; but so long as you hold it, you must perform the service with regularity and at any sacrifice of pride or cash; our decree is that you at once run your trains, and that you do or pay whatever you find necessary thereto. Should you disobey this decree by failing to run all trains as advertised, we will commit your directors and manager to prison until they purge themselves of contempt by rendering such obedience."

Just one such decision, or even the possibility of it, would forever prevent railroad strikes in the United States, and assure permanent enforcement of the rights of the public to uninterrupted commerce. Not only would such a law be constitutional, but it would furnish an officer charged with its execution in any emergency, and would allay all that danger of lawlessness which comes from the widespread feeling that there is neither law nor punishment for corporations. The imprisonment of a batch of railroad directors would speedily teach all men that while the Government is strong enough to punish day laborers it is also strong and just enough to punish millionaires, and to protect both laborer and the public from ruthless piracy by any corporation.

Here was a proposition to do something; one recognizing the just rights of all the parties in interest, and dealing equally with all, and it was discussed and considered by the Labor Committee. So far as the arbitration by the commission is concerned that was wholly without penalty; neither the company nor the employé could be bound or punished by it, and hence the rights of each were equal. As to a decree of court that decree would be against any unlawful deed of the men just as is now the case; but it might also be against an illegal act of the company, and just this was the real danger as foreseen by the railway lobby. At present either there is no law or certainly no enforcement of law against such illegal acts on railways, and the corporations prefer "to be let alone!"

INCAPACITY OF THE DEMOCRATIC PARTY.

The bill reported by the Labor Committee vigorously "lets them alone!" It simply provides that in a contest, *if* both parties so agree, each may select an arbitrator who may select a third; that this board may take evidence at the expense of the United States and render a decision, but that neither party shall in any way be bound by it. That is the whole of it, and is just what the parties may do now, except as to the expense. From the corporation standpoint it is "harmless," and their lobby supports it. From the standpoint of State rights it is relatively "harmless." From my standpoint it is a mere shadow—the photograph of a tub thrown to a whale. Its only substance is in the title, and even that is a misnomer of the bill. The Democratic party has a majority of the committee and of the House; and while in neither may there be a vote on party lines, yet I make the point that such a proposed solution of such a problem may rightfully be regarded by the people as a test of Democratic statesmanship and principles. The chairman told us that "this bill was the best the committee could do." I believe it; and have no desire to see the worst that committee might do if it tried hard! This is quite enough for me as another evidence of Democratic incapacity, and likewise as a gorgeous specimen of Democratic "innocuous desuetude!" I strongly prefer something else; yet on the principle that even a crust is better than no loaf, I will vote for it as being better than nothing at all, but only in the respect that its enactment will be an assertion of the power of Congress to control railway corporations. I shall vote chiefly for the title of the bill as a protest against the Democratic idea of State sovereignty, and will risk the statement that not a single Republican will vote against the bill.

Mr. WARNER, of Missouri. Mr. Chairman, I heard the remark made at my left a few moments since that this was a proper measure for new members to talk upon, "as it did not amount to much anyway," and that, sir, may be some excuse for my attempting to offer a few suggestions upon this bill, although I do not agree with the gentleman in the sentiment he expressed. A new member should not remain silent upon the question under consideration, however golden that silence may be.

The principle of submitting to arbitration all differences or controversies between man and man, or between the citizen on one side and the corporation on the other, is one that should be encouraged by every law-abiding citizen of the land and should be fostered by the Congress of the United States and the Legislatures of the States by just and proper legislation. The corporation or citizen that feels his "quarrel just" will always be found willing to arbitrate. The old-time hostility to this mode of settling controversies has long since disappeared. Why not? Arbitrators are judges chosen by the parties themselves, who, entering into an agreement to arbitrate, are acting rationally in their own business and without compulsion.

Let force and power yield to the honest award of competent arbitrators. None should be so low as to be deprived of this forum, none so high or powerful as to reject it with impunity. The business and industrial interests of the country demand that questions arising between labor and common carriers be adjusted, if possible, in this way rather than by strikes or lockouts. It is not, and I apprehend will not be, claimed by the advocates of this bill that it will harmonize all the difficulties between capital and labor, but that it is a step in the right direction I have no doubt. It says to the employé of the common carrier, if you believe you have been treated unjustly or oppressively either as to the amount of wages paid you, or as to the number of hours you are compelled to work, state your grievances to your employer and if no adjustment can be had, then ask that your differences be submitted to arbitration, and the General Government, in the interest of society, will defray the expenses attending such arbitration; thus placing the poorest citizen on an equality with the richest corporation.

Certain it is that public sentiment, the power in this country, will not justify the party to such a controversy which refuses so just and equitable a mode of settling disputes. The refusal will be taken as *prima facie*, if not conclusive, evidence of the injustice of the demands of the party refusing to arbitrate. Public opinion—that is, the judgment of the people—that court of last appeal in a republican form of government, will whip the refractory party into submission or grind it to powder under its wheels.

The wheels of commerce, the life of the nation, can not be blocked to meet the whim or caprice of any person or corporation, however great or strong.

This bill gives capital and labor an opportunity of meeting on equal terms to settle controversies growing out of the relations of employer and employé, and that without violence or wrong to either.

I do not agree, sir, with the opinions expressed upon this side or upon the other side of the House that all that is necessary to relieve the difficulties that labor seems to groan under in this country to-day is to solve the silver question, yet that might do much; and I certainly do not agree with the gentlemen who express the opinion that all we have to do to lift this burden from the shoulders of labor and to harmonize all questions between capital and labor is to adopt the British policy of free trade, to take away the protection that is given to American labor, that which dignifies it and assures it a proper remuneration. I would not bring American labor in competition with the half-paid and half-fed labor of Europe. I would not follow the lead of England either in the direction of free trade or monometallism.

I believe in the dignity of labor; I believe that "the laborer is worthy of his hire;" I believe in the right of labor to combine; I believe in its right to complain; I believe in its right to insist by all constitutional means for its rights.

But, sir, while this is true, I also believe that there is another principle as sacred, and which should be held as inviolate by all; that is, the rights of individuals in the enjoyment of the property they own, whether that property be the property of individuals or whether it be the property of corporations. I believe, in speaking thus, I give voice to the sentiment of the great laboring classes of this country.

It is true that labor feels that it has not been properly remunerated in the past; that corporations have grown rich while labor has been oppressed. We can not, if we would, shut our eyes to the fact that the inordinate desire for dividends on the one hand and the sense of neglect on the other have rendered the relations between capital and labor strained. Capital has organized, that greater returns may be had on its investments, labor has organized that it may be the better paid and protected. Each has learned that in "union there is strength."

Labor has but recently learned its power. Its true apostles insist that its power shall be used in a twofold manner, in demanding just compensation for an honest day's labor and protection to property. This has been illustrated in the recent past. Yet it can not be denied that under the name of labor acts of lawlessness have been committed.

These acts have been denounced by the true friends of labor. No man upon this floor should be the apologist for acts of violence, by whomsoever committed. It is the sacredness of a cause that makes men great and insures success; it is the camp-follower that resorts to acts of violence. While this is true, I am not disposed to extenuate the wanton disregard of the rights of labor in the past, the grinding of men in the dust of poverty, that dividends might be paid upon watered and fictitious stock.

Under this condition of affairs it is not strange that difficulties have arisen between these corporations, the great common carriers of the country and labor. These difficulties have resulted in millions of dollars of damage to the business of the country.

The purpose of the bill under discussion is to in part prevent recurrences of the strikes and lock-outs of the past, and to induce labor and capital, in a forum of their own selection, to adjust their controversies without violence to either and without disturbance of the business and commerce of the country. This, certainly, is a consummation devoutly to be wished. This bill, if it passes both Houses of Congress and receives the approval of the President, will say to common carriers and their employés it is the expressed wish of the legislative and executive branches of this Government that controversies between you that may affect the interest of the community shall be settled by arbitration, and that there may be no excuse the United States will pay all costs arising from such arbitration.

It has been stated by the gentleman from Kansas [Mr. ANDERSON], who is an eminent legislator, that there is no injury, no wrong without a remedy. That is a legal fiction. An illustrious and distinguished attorney who lives in the gentleman's State defined the legal maxim *Damnum absque injunia* "as a damnable injury without a remedy." [Laughter.] The translation is as forcible as it is liberal. There are many injuries that fall within the gentleman's liberal translation—injuries that are without a remedy—and therefore the necessity for this bill.

Yet gentlemen say this bill is so innocent that it is powerless for either good or evil, while other gentlemen think it violates the plain provisions of the Constitution and see in it great evils to the country. All claim that their opposition to the bill is because of their great solicitude for the laboring men. They, the constitutional objectors, prophesy evil and that continually if legislation such as this is had. Gentlemen, do not be unnecessarily alarmed; the Constitution is in no danger. This little bit of legislation in the interest of labor, the peace of society, the business interest of the community, will not strain, much less break, one of the least provisions of the Constitution. Take counsel of your hopes and not of your fears. Remove the corporation beam from your eyes and the constitutional objection to this bill may disappear.

In my judgment the Committee on Labor is to be congratulated that amid the excitement over the labor question, when false friends are anxious to rush to the front after the battle, as the champions of labor, armed with a "poor man's plaster" and a bottle of "labor-capital soothing syrup," demanding the abolition of corporations and that the curtains be rung down upon the oppressions of the past, and that the era of prosperity be ushered in by Congressional enactment—I say that amid all this the Committee on Labor is to be congratulated that they have brought in so plain, so wise, so conservative a bill as that under consideration by this House. Perfection is not claimed for the measure. It is believed by its friends that it will advance a remedy and redress an injury. There are some changes that I would have made in the bill, and shall at the proper time offer certain amendments.

In my opinion it is not wise to give to the board of arbitrators the unrestricted power of punishing for contempt conferred upon them under section 2 of the bill.

If this arbitrary power is given at all, it should be hedged about with clear and well-defined restrictions, so that the personal liberty of the citizen who may be adjudged to be in contempt of the board of arbitration shall not be left to the discretion of the arbitrators as to the extent of the fine or the duration of the imprisonment. In contempt cases, many judicial crimes have been committed under the spacious mantle, discretion; its drag-net has drawn many an innocent man to prison. Undefined, unlimited, judicial discretion is a constant menace to the liberties of the citizen.

The common-law idea that the king can do no wrong is by implication at least attributed to United States judges in the grant of undefined, unlimited, discretionary power in contempt cases. From their judgment in contempt cases there is no appeal. They summarily try and arbitrarily punish. The citizen is deprived of liberty without trial or jury; the pleasure of the judge, called judicial discretion, incarcerates or sets him free. It is certain that no such powers as these should be given the board of arbitration under this bill. I doubt the wisdom of conferring such powers on any man. Therefore these words "punishing for contempt" should be stricken out or the power of punishing for contempt restricted. If these words are not stricken out or modified in their operations it may be claimed that the board of arbitration created by this act possesses the powers of United States courts to punish by fine and imprisonment at their discretion without trial or appeal.

It is an anomaly, to say the least, that such an unlimited power should be vested in any court or tribunal in a government of the people, by the people, and for the people, the constitution of which guarantees to every citizen accused with crime the right of a speedy and public trial by an impartial jury, which entitles him to compulsory process for obtaining witnesses in his favor and provides counsel for his defense, which has gone even further and guaranteed him a jury trial in all cases at law where the amount involved exceeds $20. Therefore let us not by a possible construction even clothe this board with such power of doubtful expediency if not dangerous to the liberties of the citizen. It should be borne in mind that individual rights are of the first importance; that law is only a means to secure them. I trust the committee will consent to the amendment indicated.

It is claimed upon this floor by gentlemen who assume to speak for the great laboring classes of this country that this bill is a snare, a cheat, a fraud upon the credulity of the masses of laborers of the land. Mr. Chairman, I fail to see wherein the bill is either a snare, a cheat, or a fraud. It is no false light upon the shore to allure either capital or labor to destruction. It is a plain, simple proposition; so plain that the wayfaring man, although a member of Congress, may understand its provisions.

Let me say to the gentleman that, from my knowledge of the intelligence of the men composing the labor organizations of the country, they are abundantly able to decide for themselves as to the merits of this or any other measure that shall come before Congress. By their recent action they have by persistent efforts shown not only their willingness but their anxiety to settle by arbitration matters in dispute between them and the common carriers. In this laudable desire the great business interests of the country join.

The further objection is urged that any award made by the board of arbitrators would be a mere nullity, that it could in no way be enforced. Upon this proposition I take issue. In my judgment that position is not tenable. Here the statute provides for an award, but fails to point out any mode for its enforcement. It does not, therefore, follow that the award is a mere nullity. The submission being voluntary, the award will be enforced in courts having common law jurisdiction upon action brought for its enforcement; that is, in all cases where the award is based upon controversies growing out of contracts expressed or implied, and in other cases where the matters in controversy submitted to arbitration are of a class upon which courts can enter judgments.

It has been repeatedly held, in cases arising upon awards under statutory modes of arbitration, where the statute pointed out the manner in which the awards could be enforced by the courts, that the parties might proceed at common law for the non-performance of an award by an action on the award in any court having common-law jurisdiction. As this bill provides no manner for the enforcement of the award, certainly the common-law mode its the enforcement remains. These principles are supported by authorities cited in Morse on Arbitration and Award. The position I apprehend can not be successfully controverted; but back and beyond all legal remedies for the enforcement of these awards there is the great conservative public opinion that would go far toward compelling an honest performance of the awards made by the board of arbitrators selected under the provisions of this bill.

It is the first legislation by Congress looking to an amicable adjustment of controversies between common carriers and their employés—it is no objection that the legislation is conservative in its scope and plain in its provisions. Time will demonstrate whether it will meet the hopes of its friends and, as I believe, the true friends of labor, or whether it will need supplemental legislation to accomplish the purposes intended—the amicable adjustment of controversies between capital and labor—within the scope indicated by the bill.

Again, it is claimed by some that this bill should be entitled "A bill to prevent arbitration." I fail to see the force of the suggestion. It takes away no rights of arbitration that now exist at common law or otherwise. It supplements the right of the class of persons named under existing law to arbitrate controversies. It lends the influence of the General Government to arbitrate. Yes, sir, and this bill does more; it gives the arbitrators full power to examine witnesses, to send for persons and papers. It enables each party to have his side of the controversy investigated, the evidence under oath made public, that it may be read of all men that they, the public, may judge as to the merits of the controversy. It says to the corporations and laborers that the rights of each one shall be fully protected; that arbitration should be resorted to rather than lockouts or strikes; that the great commercial interest of the country ought not to be and shall not be paralyzed by the discontinuance of business on the part of railroad companies growing out of questions as to the rights of the employés, rather than submit those questions of difference to the judgment of three honest, disinterested arbitrators.

Arbitration should do away with strikes by removing the cause. When arbitration is agreed upon the Government furnishes the machinery and the necessary expenses attending the investigation, thus placing the corporation and the citizen upon a common plane. It takes away no rights from either party to the controversy, be that party the railroad or the humblest laborer. Sir, I am a firm believer in arbitration of questions in dispute, whether between nations or individuals.

Corporations are continually knocking at the doors of Congress ask-

ing legislation in their interest. The Government has done much for them in the past; let them now know from this legislation that it is the expressed wish of the American people that arbitration rather than lockouts is the way to settle labor controversies. This expression by Congress alone is worth much to the people of this country. I therefore give the general provisions of the bill my cheerful support.

There are those who say you can not by legislation do anything that shall even tend to settle the struggle between capital and labor—"the question of the ages," as they are pleased to term it. That our province as legislators is to stand aside, and let the struggle between these forces go on, without any attempt to bring about a better understanding between them. They tell us that a "wiser and a stronger hand than ours is leading in this struggle." That "He that doth the ravens feed, yea, providently caters for the sparrow," within His good time, in some mysterious way, will adjust this "question of the ages," and having said this much, they fold their hands, as if momentarily expecting to hear a voice above, and beyond humanity, saying to the mad waves of contention, "Peace, be still!"

I believe that human effort, human power, human sympathy, should be exerted in the settlement of this great question, and that we can not sit here as idle spectators. Something more is required than mere denunciation of the rapacity of corporations or glowing tributes to labor, or "child-like and bland" confidence in Providence to meet the questions growing out of the strained relations between labor and common carriers.

While I yield to no man in my abiding faith in the ability and genius of the American people to work out in time a successful solution of the difficulties now existing, or that may arise, yet it is the plain duty of Congress, as well as the Legislatures of the States, to use all constitutional power to aid in bringing about that solution at the earliest possible day and in a manner that shall least shock the business interest of society, and at the same time do equal and exact justice to all concerned. I would encourage the settlement of all questions affecting the rights of labor as well as those of the employer by arbitration rather than by the force of mere numbers, the policeman's club, or the bayonet of the soldiery.

I am not as sanguine as some as to the benefits to be obtained from this measure, yet I believe its influence will be on the side of justice and peace.

That it reflects the sentiment of our people, who believe in "fair play," in placing the employer and the employé on the same footing in the settlement of disputes, without contemplating violence or injustice to the rights of either, therefore I am for the bill.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands the remaining five minutes of the hour belong to the gentleman from New York [Mr. JAMES].

Mr. JAMES. I yield to the gentleman from Pennsylvania [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, I am heartily in favor of the bill under consideration reported by the chairman of the committee [Mr. O'NEILL, of Missouri], and shall give it my cordial support. I am persuaded to this action because, in my judgment, if the bill shall become a law it will have a tendency to elevate, dignify the rights of labor. The conflict now going on, and which has been growing and taking shape in this country for more than fifteen years between corporations on the one side and the individual citizen on the other, demands legislation hitherto unknown to our jurisprudence. This is true, not so much by the action of the individual, as through the policy adopted by the States in granting extraordinary corporate rights to aggregated wealth. The ordinary rules of law governing personal rights do not meet the exigencies of the situation. This is so because both sides do not stand on a platform of equality. The person must answer for his own individual acts, and though provoked to deeds of violence by the oppression of hard masters, yet the provocation, however just, is no shield from punishment. But who answers for the corporations? There is no law, statutes or common, that will reach and punish her so long as she acts within her corporate capacity, when under the direction of bad influences she may adopt a course of action that will impoverish whole communities. And yet the people must stand in silence with no power for redress.

There is, however, one tribunal before which the highest in the land will bow in humble submission, and that is the tribunal of public judgment. No man, no body of men, can any more withstand the breath of public sentiment than they can blow away with a breath the mist that comes up from the ocean. Let us then pass this bill, with a view of affording a means whereby difference arising between parties therein referred to may be adjusted without resorting to strikes, violence, or military force.

Voluntary arbitration seems to be the desired remedy. It will satisfy the men, it will be accepted by the corporations, and it will be approved by the people.

Mr. LONG. I for one am not only willing to vote for this bill, but I am satisfied that it is well drawn; that it is in line with prudent legislation and with sound thinking; that it is adapted to the present exigencies of the labor problem; that it is wise in what it does not attempt quite as much as in what it does attempt, and that we ought to pass it in the form in which the committee have reported it to us.

In the first place I am in favor of this bill because public sentiment has now reached, I believe, the point of recognizing arbitration as the opening door of the philosophy of adjusting the conflicts between labor and capital. The principle of arbitration has been recognized and adopted by several States of the Union in their legislation after mature consideration of the matter. It has been adopted by some of the leading nations of Europe. And this bill, so far from committing us to any blind experiment, simply adopts within the national jurisdiction an agency of social and industrial economics which has already been adopted and tested in other political entities.

In the second place, I want to call attention to one element of value in this matter of arbitration in industrial frictions which has not been adverted to. Arbitration is very valuable, not only as affording a means for the assertion of a claim, but it is often a thousand times more valuable as a means for the modification or withdrawal of a claim. It is within the experience of all of us that labor and capital go apart, strikes occur, lockouts follow, and the agony widens out of all proportion to its originating cause. If I am not in error with reference to the recent troubles on the Missouri Pacific railroad system, they have been altogether disproportioned to the importance of the discharge of the individual employé which gave rise to those troubles. Pride of opinion, as we all know, and the unwillingness to seem to back down often prevent a settlement which would otherwise be an easy matter. Both parties frequently would gladly welcome the decision of an arbitrator, no matter what that decision might be, so long as it settled the difference at all. It would often be a relief to the complaining party himself to have his complaint overruled rather than suffer all the consequences and all the evils which are liable to follow as the entail of a long unsettlement. Pass this bill, and you have made possible an early and easy settlement of difficulties which otherwise may grow into revolutions; you have invoked adjudication in the place of those gigantic antagonisms which are liable to rend us to pieces; you have accomplished just what the railroad-commission system has accomplished in my own State of Massachusetts—a commission which has not a particle of coercive power, which can not enforce a decree, which can only recommend. It hears, it investigates, it recommends, that is all; and yet such is its force under this power of public sentiment which has been referred to that in no instance has its recommendation ever failed to be complied with, no matter how gigantic or powerful or rich the corporation or how humble the complainant.

In the third place, I am for this bill because it is by no means so valueless as has been represented. It has other virtues than the virtue of being merely harmless. The bill is a positive force. It does something more than simply declare, what is already true, that one man having a grievance against another may enter into an arbitration over it with him if both agree to do so. What I say is this: If, without this law, any humble employé of a powerful railroad corporation should to-day ask that corporation to enter into an arbitration with him over a difference between them, the chances, as you know, are a hundred to one that in any ordinary case the corporation would decline and would wave him away. You also know—such is the power of the expression of the representatives of the people, such is the power of an act of the American Congress—that if you pass this bill, then let the humblest workingman demand of the corporation that employs him an arbitration, let him demand it under the sanction of an act of Congress, and the chances are a hundred to one that it will be granted, or that, to avoid refusing it, an adjustment will be made. In that way you insure to him a hearing; and let me say—and I say this to the credit of the wisdom of the Committee on Labor—you insure it to him pretty much as substantially as if you had put a compulsory provision into the bill.

There is one other provision in this bill which is a fourth reason in my mind for voting for it and for asserting that it is not merely a declaration of an existing right. It is a provision of the utmost importance to the workingman, and one which makes the bill anything but valueless to him. To-day no such workingman entering into a voluntary arbitration with a corporation could afford to pay the expense of prosecuting such an arbitration to its conclusion. Indeed, the anticipated cost of such an arbitration would probably prevent him from entering into an arbitration at all. The result is that, being unable to bear the cost of arbitration, he makes his complaint to his fellow-employés, a bitter feeling is fomented, and a strike follows.

Pass this bill with this fifth section in it, and you provide that the employé, however poor, engaging in an arbitration of this character shall have the expense of his arbitrators, of his witnesses, of the clerk, of the stenographer—all the expenses of the arbitration—paid out of the United States Treasury. And let me tell you it will be a mighty cheap price to pay if it will tend to avoid such an experience as we have had within the last few weeks in the State of Missouri, with the attendant damage and loss that have followed from it to all classes of the community. Pass the bill with this section, and you have put the humblest workingman upon an equality in this respect with the richest employer. There is no longer anything to prevent the hearing of any matter in dispute without oppressive expense to one side or the other and upon fair and equal terms. The result will be not the multiplicity of these complaints or suits, but their infrequency. The very power to invoke arbitration will prevent its invocation, as every man who is familiar with human nature knows, because the party in the wrong will sooner do

justice than have that power invoked, and because no man who has not a good cause of complaint will be in a hurry to have its weakness and fallacy exposed to the light of an investigating arbitration.

I am for this bill, then, because it is on the whole a good bill, and especially because it is a temperate bill; because it does not undertake too much; because, while it meets public sentiment, it goes only as far as public sentiment has now gone. It opens the door to peaceful adjustment of difficulties. It turns the minds of the people in the direction of adjudication, and not in the direction of revolution or violence. It works no harm. It accomplishes a good purpose. The committee are entitled to credit for having brought it here in so moderate a form, and I trust we shall pass it as they have presented it to us. [Applause.]

Mr. O'NEILL, of Missouri, was recognized.

Mr. O'NEILL, of Missouri. I yield five minutes to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Chairman, I do not desire to address the committee at this time.

Mr. O'NEILL, of Missouri. I yield ten minutes to the gentleman from Pennsylvania [Mr. BOUND].

Mr. BOUND. Mr. Chairman, when this bill was first introduced into the House of Representatives and reported from the committee I had no thought of making any remarks in regard to it. It was so plain and simple in its provisions and yet so comprehensive of the objects aimed at, that I imagined the wayfaring man, though a fool, could see its purpose at a glance. And yet, until the gentleman from Massachusetts [Mr. LONG] addressed this committee, the object of the bill appeared to have escaped the scrutiny of gentlemen who seem to be astute constitutional lawyers, gentlemen who understand legislation fully, and the Constitution from a to z. I did not imagine that a man could take up this bill and look even at the first section of it and at the provisions there contained and possibly mistake its object. The object of the bill is not to settle questions of damages between railroad corporations and their employés; it is not to settle questions of how much money shall pass for an injury done to an employé, or how much damages a railroad company shall receive.

That whenever differences or controversies arise between common carriers engaged in the transportation of property or passengers, whether said common carriers be private persons or corporations, * * * which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, or when such employés, or any of them, allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the common carrier is hereby authorized to select and appoint, &c.

Is there a word said in any portion of this bill about mulcting any one in damages? The committee, who had all these bills before them, and carefully scrutinized and scanned their provisions, looked attentively at the remedy sought as between the laborers and employés on the one side and these giant corporations on the other. We regarded this bill in committee, and we look upon it to-day, as providing a poor man's court—a tribunal, as suggested by the gentleman from Massachusetts, where the humblest citizen can go before three men, impartially selected, make his complaint, and have all the difficulties and controversies between the railroad employé and the employer adjusted upon satisfactory terms; and the results of this inquiry when reached are not only to be announced publicly by the tribunal itself, but to be transmitted to the Commissioner of Labor at Washington, to be filed as a perpetual memorial.

I suggest that no railroad corporation of this land will disregard the provisions of this "harmless" bill. It has a weight and power behind it that will be stronger than courts and juries. It is to open the way for the humblest citizen to go before a tribunal composed of his fellow-citizens and ask redress of his grievances. The corporation, with its millions at its back, can at any time command the services of the most astute counsel. What is the power of the ordinary citizen to-day in a court of justice in a suit against a corporation, where his individual rights are concerned? The corporations have power to command the best legal talent; and I am happy to say they do so in all controversies affecting their corporate rights. Upon mere questions of law, in any tribunal in this country, I care not how pure or how wise may be the jurist upon the bench, if you rely simply upon technical rules, and your antagonist is a corporation, that corporation will have counsel to trip your feet at every step, so that you will never get beyond the portals of the court. In this way the doors of the courts are, for practical purposes, perpetually closed against the poor man, or the man of moderate means, when he seeks redress of grievances against one of these powerful corporations; and any lawyer who has ever practiced before a court or a jury knows this just as well as I do.

This bill proposes to provide, in controversies of this kind between employer and employé, a settlement that can not be reached under the ordinary forms of law or any rules of arbitration now in force. It takes hold of abstract principles, and inquires into the respective rights of employer and employé.

But I had not intended to discuss even to this extent the provisions of this bill. I rose for an entirely different purpose. I was sorry to hear opprobrious epithets applied to a bill of this kind, so wise in its provisions, so just, so comprehensive, so well calculated to guard the rights of the poor man—the laborer and the mechanic, no matter where employed—against the avarice, the rapacity, the power and influence of combined and organized capital, whether invested in railroads or otherwise. My object mainly at this time was to reply to insinuations which have been cast upon members of the committee who have given so much thought and time to the preparation of so "harmless" a bill. Astute gentlemen here seem not to have comprehended its provisions or intent until the gentleman from Massachusetts for the first time indicated what the committee sought in reporting this bill.

But I wish to reply to insinuations thrown out by the gentleman from Pennsylvania [Mr. KELLEY]. Honored and respected as he has been during a service of twenty-five years as a legislator in the Halls of Congress, and pretending to be a friend of the poor man, the laboring man, and the mechanic, I ask him what has he done in this direction? What remedy has he proposed in his wisdom and experience? I ask him whether it becomes him to tell this committee that the bill they have reported to the House is a "fraud" upon the laboring man and "a cheat?" As a humble member of the committee, I repel for myself, with all the scorn of which I am capable, the insinuation or the accusation that this committee has introduced a bill which is a "cheat" or a "fraud" either upon grave legislators in this Hall or upon the laboring men of the country. The common people understand its provisions; they know what the bill is, though it may not be clear to the comprehension of astute lawyers, who seem to want double-back-action spectacles in order to comprehend the plainest provision on the statute-book, and who look aghast for fear that a measure of this kind may injure a comma, or pierce a semicolon, or knock the eye out of a period. [Laughter.] They must grope through the Constitution and through the books of judicial decisions in order to find out whether there is not something hidden, something covert; and then they come and say to a respectable committee of this House, composed of as honorable and fair-minded men as any here, that their bill is a "cheat" and a "fraud." Is it dignified, is it worthy of the gentleman from Pennsylvania, or of any other member here, to thus speak of a committee of the House and their work—work done in a sincere and earnest spirit, for the purpose of accomplishing the object set forth in the bill? It seems to me that any schoolboy reading this bill must understand its provisions and its mode of settling differences between employers and employed.

Mr. O'NEILL, of Missouri. The subject has been so thoroughly discussed——

Mr. NEGLEY. Will the gentleman yield to me, before he commences his speech, for a moment only?

Mr. O'NEILL, of Missouri. Certainly.

Mr. NEGLEY. I desire to offer an amendment.

The CHAIRMAN. Amendments are not in order until after 4 o'clock, and then the Chair will recognize the gentleman.

Mr. O'NEILL, of Missouri. Mr. Chairman, I think it is only necessary now to defend the committee from one charge, made by some members here, of this bill being a hasty and ill-considered one. During the past two months the Committee on Labor have exhausted every means in their power to obtain the amplest information on labor questions. The opinions of men who have made the subject of political economy a study, the heads of leading labor organizations of the country, and of intelligent capitalists, and I propose now, in speaking on an arbitration bill which appeals to reason, simply to read the views which they have furnished so far as they relate to this question.

I am indebted to some extent to the intelligent discussion of various phases of the labor question conducted during the past three months under the auspices of a leading trade journal published in the interest of manufacturers and workmen alike. (I refer to the Age of Steel, printed at Saint Louis.) A letter sent to that paper by myself as chairman of the Committee on Labor helped to direct the discussion. Among other questions of the hour of vital interest to employer and employé was asked: "Is arbitration the missing coupling between capital and labor?" The responses came. From every section of this great country; from students grown gray in study of the rights of mankind; from political and social economists, whose utterances have thrown light into dark places; from labor's recognized officers in the governments of States; from the executive chambers of giant trades organizations which have wrung deserved recognition from the great monopolies of the age; from the heads of great manufacturing establishments, who speak in the light of bitter experience, written perhaps in the light of the blaze caused by the torch of the misguided incendiary; from the pulpit; from the editorial sanctum; from the mine, the mill, and the workshop come up the answer in no uncertain tones, "Arbitration is the missing coupling between labor and capital."

General W. H. Powell, president of the great works of the Western Nail Company at Belleville, Ill., after a recital of the bitter controversy which raged between his company and their workmen, says:

I hold that the true and real interests of capital and labor are identical and inseparable. They are, however, the results consequent upon the ill-advised counsels of designing men, denominated leaders, who are influenced by passion and prejudice, regardless of the real interests of the masses of the laboring classes, protecting the highest paid labor, and controlling the lowest paid labor by intimidation and defamation, regardless of consequent results. Arbitration is in my opinion the necessary link between capital and labor. The refusal of the

organization, known as the United Nailers, to submit the wage question to arbitration last April, as was the custom of the Amalgamated Association of the Iron and Steel Workers of the United States, from which the United Nailers of America seceded last spring, is the sole cause of the long, bitter contest between the manufacturers and their workmen. Legislative arbitration will not obviate strikes and their consequent evils. There is no power in the State, church, or societies, no police or military capable of compelling or enforcing compulsory practical arbitration. Capital and labor have ever existed in their separate, independent spheres and interests, and ever will to the end of time. Their union alone makes their combined interests one and inseparable. Amicable arbitration between capital and labor is the only true remedy.

Mr. Samuel Laughlin, president of the Junction Iron Company of Wheeling, W. Va., gives his sentiments on this absorbing question after a long and disastrous struggle with his employés. He says:

The experience of myself for six months in our mills at Mingo and Martin's Ferry, both nail-mills, employing a large number—over 1,000—of intelligent operatives and men whom I personally highly esteem, has been painful to myself and brother, whose death was produced by the incidents of the strike, now lasting over seven months. I have been a quiet observer of the inception and progress of this difficulty and have been an unwilling participant in it. I do not feel that strikes or lockouts are a necessary feature of the wage system, but do believe arbitration the proper method for the settlement of the differences which arise between the employers and those employed. * * * While I believe the scale presented to the nailers by the manufacturers mainly correct and demanded by the condition of trade and surrounding competition, yet it made demands which could only have been harmonized with conflicting views had both parties met in conference. The nailers of our locality are intelligent men as a class and could readily see the requirements of the day, that any arbitrary scale placing us at a disadvantage with other manufacturers could only be to their ultimate disadvantage. Hence I feel that arbitration is not only a wise method, but in fact the only way to harmonize differences arising in reaching an equitable basis of the wage question, although I am not prepared to suggest the method most desired.

Listen to the thoughtful utterances of P. H. Donnelly, esq., general secretary of the Illinois Miners' Protective Association:

I look upon the acceptance of the principle of arbitration for settling disputes and as a preventive against their occurring by the laboring men of thought and the employers disposed to do what is fair by their employés as being a hopeful sign in this conflict between labor and capital—such meetings as the one just held in Pittsburgh, Pa., between the national executive board of our organization and representatives of a large number of coal mining and shipping companies to discuss their proper relationship, aiming to decide upon what should be a fair price for coal in the market and a fair price for the labor engaged in its production, all trying to be controlled by the great principle of reason, which is arbitration. Without reason there is no arbitration, and arbitration means a stop to those prolonged and ruinous struggles between employers and employés, a shaking of hands across the bloody chasm. Arbitration proper is the missing link between capital and labor. With that principle firmly established we may hope for a more satisfactory and equitable division of the profits arising from industrial enterprises.

Daniel McLaughlin, president of the Miners' State Protective Association of Illinois reflects the views of his organization when he says:

A board of arbitration, properly constituted of honest, intelligent men, with power to examine the books of any establishment where a dispute existed, to ascertain the legal amount of money invested (no watered stock to be taken into consideration) and the net earnings of the establishment, with the power to enforce its decision, would in my judgment prevent many great strikes and lockouts and bring more security to capital and a better remuneration to the laborer.

A. H. Danforth, esq., vice-president and general manager of the Colorado Coal and Iron Company, South Pueblo, Colo., lifts his voice in behalf of a trial of the arbitration system, and declares that—

Arbitration is not a panacea to cure the ills of labor, but it represents the next stage of human development in advance of strikes. In the Middle Ages might was right, and every dispute was settled by a resort to force. This was the age of feudalism. Following that came the establishment of courts of justice for the settlement of disputes, and the judge and lawyer took the place of the baron and soldier in the settlement of private differences. Strikes and lockouts are the characteristics of the feudal age of labor and capital, and arbitration will be the characteristic of the age of law.

Professor S. Waterhouse, of Washington University, of St. Louis, a profound scholar and advanced thinker, says, with much force:

An equitable adjustment of the relations of capital and labor is a problem whose solution demands the gravest thought of statesmen and political economists. The settlement of differences between manufacturers and workmen by means of strikes is a rude and costly process. It has been stated that the aggregate loss inflicted upon Great Britain since 1870 by these violent interruptions of productive industry is more than $200,000,000. Every great manufacturing nation loses millions annually by the misunderstandings that arise between employers and their workmen. The waste of property by civil strife between labor and capital is almost equal to the havoc of a foreign war. The thrift of the working classes and the well-being of society imperatively require the prevention of this enormous loss. A reconciliation of the conflicting interests of manufacturers and their operatives is the difficult task which now challenges the attention of practical thinkers. The history of international dissensions encourages the belief that there is a way of pacifying industrial disagreements. In former ages a recourse to war was the sole means of settling royal disputes. The sword was the universal umpire of contested rights.

Through the slow lapse of centuries the progress of civilization and enlightened humanity has gradually introduced more reasonable methods of composing national quarrels, and now governments, taught by the desolation and miseries of war, have learned to submit their claims to peaceful arbitration. Many a difficulty which in an earlier age would have been decided by a resort to battle, has in modern times been settled by the bloodless arts of diplomacy. If the discords of alien governments, embittered by jealousies and wrongs, can be harmonized by amicable reference, assuredly mere business differences between members of the same community ought to be susceptible of peaceful adjustment. The fact that such differences have often been reconciled by arbitration proves the feasibility of the plan and strongly recommends its general adoption. It is quite improbable that wars and strikes will ever be wholly prevented by any device of man, but their frequency will be greatly reduced by the growing intelligence of the civilized races and by a clearer recognition of human rights.

Professor E. J. James, of the Wharton School of Finance and Economy, University of Pennsylvania, Philadelphia, Pa., writes:

In arbitration, as a means of immediate relief and of permanent advantage in various ways, I am a thorough believer. I think it should be recognized in law by providing for the establishment of boards of arbiters, whose decisions should have a binding force. No good can come from our persistently closing our eyes to patent facts of our social life. Our laws and lawmakers at present proceed on the supposition of a state of perfect freedom on the part of every individual laborer and employer, whereas, as a matter of fact, they are both usually (and the exceptions are becoming fewer every day) members of some organization or other, which practically dictates to each what he must do or leave undone. These organizations are facts with which we have to reckon, and as they are powerful for mischief, they may also become powerful for good under a proper system of public control. Arbitration has the great advantage of subjecting the acts of the parties to it to the efficient and powerful control of an energetic public opinion. It recognizes, indirectly, what is too often overlooked, that the interests at stake are not merely those of the laborer and the employer, but also those of the community at large. The latter has such a great stake in the contest that it can not afford to stand idly by and permit the former to disturb society to its foundations and destroy in their struggle the very conditions of sound economic progress.

That distinguished divine, Rev. R. Heber Newton, of New York city, adds his testimony when he says:

Arbitration is proving in the economic strife what it is in the political strife. The fact that nations are now ready, under the force of public opinion and by the very burden which war imposes, to pause a moment before committing themselves to actual conflict and talk the matter over, is itself a preventive of war in many instances. It gives time for passion to cool and judgment and conscience to assert themselves. Arbitration is proving to be the missing coupling between capital and labor in England and in France—very notably in the latter case in the semi-legal courts known as the conseil des prudhommes.

Robert Bennett, master-workman of the Illinois State Assembly Knights of Labor, says:

Arbitration is a proper means to adopt for the settlement of disputes and grievances between employer and employés.

Hon. Oscar Kochtitzky, commissioner of labor of my own State [Missouri], a gentleman for whose calm judgment I have the highest regard, might well have had the pending bill before him when he wrote:

Strikes and lockouts are in nearly every case the result of an aggravation of ill-feeling, brought on by the existence of a real or imaginary difference existing between employer and employé, which difference in most instances could and would have been settled satisfactorily to both sides had arbitration been resorted to as soon as it was known that a serious difference between employer and employé existed, and before the breach between them began to widen and form itself into an aggravated and resentful condition. A board of arbitration, composed of persons capable to judge clearly between right and wrong, possessing in every respect the confidence of the community, and who are not directly interested in the dispute to be settled, would in nearly every case present a plan of settlement acceptable to both parties. Any proposition made by a board so composed would be supported by the moral force of public opinion, and the refusal by either party to the dispute to accept the plan of settlement proposed could only be fatal to the interests of the party so refusing.

The Hon. E. R. Hutchins, commissioner of labor statistics of Iowa, in replying to the question direct, "Is arbitration the necessary coupling between labor and capital?" writes:

I believe it is. Believing it to be, I have urged, in my report, the enactment of a law embodying its principles. Wherever it is tried honestly it is successful. This is true in this and in the old countries. But it must be honest. It must be entered into with sincerity on the part of both sides, and its results must be as binding as any law upon a statute-book. Such a policy must eventually succeed, for at its very foundation is the recognition of mutual rights. This is getting very near the highest Divine command, "Love thy neighbor as thyself." What is needed is for reason to assert itself. When it shall hold sway (and it will not take long in honest arbitration to enthrone it), then employer and employé will learn that their interests are not antagonistic, but thoroughly reciprocal.

Professor J. B. Clark, of Smith College, Northampton, Mass., whose contributions to the literature of social economy are of the very highest type, tersely says:

Arbitration is in itself an appeal to equity and a departure from the competitive principle. The competition which is the basis of the orthodox political economy is already a thing of the past in the sphere of wage adjustments. It has been visited by combinations on both sides. True competition gave a rude approximation to justice in assigning the rewards of industry. The wreck of a competitive system, with the true competition left out, approaches more and more to the ignoble condition from which civilization emerged. It needs powerful agencies for an appeal to justice in assigning the rewards of industry. That can be most easily and immediately made by arbitration.

In Fred. Swarwood I find one of those toilers who, while working at his bench in a Western city, looks with a calm and contemplative eye upon the condition of his fellow-workmen, and with a graphic pen declares that:

In the principle of arbitration is unified the interests of both parties, and to my mind is a doctrine in the gospel of industry worthy of being the eleventh commandment. It recognizes no class, hate, or ostracism. It assumes and acts on the idea that on the floor of justice the hob-nail boot and the golden slipper are on a common level, and is a phase of the evolution that by education, liberty, and the higher ambitions, produces scholars and thinkers at the forge and the work-bench—a new strata in civilization, under which the slave and his master will yet be but a dead bone and a fossil. It brings reason to the adjustment of difficulties, where our grandfathers brought a firebrand and a brickbat, and to-day there is no question even in national politics so vital in its import or so grand in its issue as this self-same idea of arbitration. It is at the causes of strikes and lockouts as an ax at the root of a tree and a knife at a cancer. Of its adoption there is no doubt, though its details and methods may be matters of experience and time. It has its enemies, as had the act of emancipation. It hurts the business prospects of the demagogue and takes away the tin horn with which he called his hounds and hunted the game, and it removes the last rivet in the armor of feudalism, by which the pride of a Plantagenet keeps the "common herd" of mankind in distance and disdain. The plaster covers the sore.

Professor Henry C. Adams, lecturer on political economy in the University of Michigan and Cornell University, while denying that arbitration is the "missing coupling-link between labor and capital," goes so far as to say that—

It is the thing for which at the present time it is practical that workingmen

should strive. Its establishment is the first step toward the overthrow of the wages system. Workingmen are right in demanding it; employers also, if they judge wholly from the standpoint of their personal interests, are logical and clear-headed in opposing it.

N. O. Nelson, of Saint Louis, the head of a great manufacturing company, who has ever striven to improve the condition of his workmen and the first employer to introduce profit-sharing in Saint Louis, in a long letter advocating that system, says: "Arbitration is not a perfect, but it is the most available remedy in existing trouble."

By to-day's mail I received a communication from Hugh T. McMurtry, of Saint Louis, announcing that Saint Louis Typographical Union No. 8 requests the passage of Congressional enactments that will tend to avert the necessity of strikes and provide for the arbitration of such differences as may arise between employers and employés.

John C. Sarsfield, of New York, an eminent writer on social and political economy, says:

Arbitration is a missing link. The chain is broken in so many places that it can not repair all the fractures. It is an advance from the crudeness of the strike, with its privation and waste, up to a rational means of settlement of disputes between employer and employé. It is the primary step in the evolution of the labor question.

Joel B. McCamant, chief of the bureau of industrial statistics, State of Pennsylvania, disposes of the question with characteristic directness when he says:

Arbitration in my opinion is the only reasonable "coupling between labor and capital."

Mr. Chairman and gentlemen, these are but a few of the utterances of men whose words carry with them the weight of practical knowledge of the question at issue, taught them in some instances in the bitter school of experience. I might prolong the quotations for days if I thought it necessary. I will take the liberty later in the session to publish in the RECORD additional testimony as to the effectiveness and desirability of voluntary arbitration.

Mr. Chairman, I propose to offer in this connection for the information of the House as a result of the efforts at arbitration in England a statement of Mr. Edward Trowe, who is the secretary of the conciliation and arbitration board of the manufactured iron trade in the north of England. He explains the principles on which the board of conciliation and arbitration act in England. He says:

The principles upon which the board is conducted are equal representation for both employers and employés, and the operative representative is in all cases treated with courtesy and recognized as being authorized to treat for the workmen and inquire into any and all matters that may arise in the works he represents, if such matter affects the interest of the workmen. Trades unions were the result of oppression on the part of the employer, whose acts compelled men to organize in self-defense, and after their formation we had many very severe conflicts between capital and labor, in many cases such conflicts inflicting misery and suffering on thousands of helpless wives and children and ruin upon employers. The result of these labor wars in no case proved who was in the right, but ending in victory for the strongest, left the trade demoralized and paralyzed, and created hatred in the hearts of the defeated, who accepted defeat with a stubborn determination at the first opportunity of taking their full revenge.

Arbitration was the result of the efforts of the late Mr. J. Kane and other trade-union leaders, who saw the evil effects upon the trade and trading community of the barbarous system of strikes and lockouts, and in 1869 delegates representing the workmen in the north of England, acting under the advice of Mr. Kane, and employers of the district, acting under the advice of Mr. D. Dale, met together and decided to establish a board of conciliation and arbitration at which both parties could meet together, discuss freely and fully every question, bring the light of reason to bear upon all and every point of difference that may arise and create a feeling of confidence between employers and employés. From 1869 up to the present the board then established has continued to exist, and during the whole period it has been a boon and a blessing to both employers, employés, and the whole district.

In prosperous or inflated times it has prevented men from taking undue advantage and insures the continuance of work in depressed times; it has prevented unjust employers from taking undue advantage of workmen and compelled them to prove by facts before an independent arbitrator the justice of their demands, and I have no hesitation in stating that the benefit and success of the system of conciliation and arbitration for settling disputes over the old and barbarous system of strikes and lockouts, as proved by the history of the North of England board, fully establishes the utility and adaptability of the system, and no parallel can be found in the history of trade at any period previous to 1869 where disputes have been settled so advantageously, or such good feeling has existed between employers and employés.

The English statute which was the subject of discussion yesterday in the House was passed in the fifth year of the reign of George IV, in 1824, and I have the authority, in his published reports, of our Commissioner of Labor, Carroll D. Wright, and Hon. D. J. Ryan, of Ohio, who has published an excellent book on the subject of arbitration, to say that that and all other compulsory arbitration laws were absolutely dead letters, complete failures. They have never been enforced. Every compulsory law that has ever been placed upon the statute-books of any country has proven a failure. The judgment of to-day, as illustrated in this country, proves that you can only secure the result sought to be secured by conciliation, by bringing together the conflicting interests and by harmonizing them.

In France, under the operation of that system, they have grown since 1803 until the last report in 1874 to one hundred and twelve councils, and had settled twenty-six thousand eight hundred disputes. The councils now number upward of one hundred and fifty.

Now, in the North of England where, since 1869, they have had a voluntary system of conciliation and of arbitration between the iron-masters and workers, strikes are unknown. Prior to that period that section of England witnessed the scenes that have been reproduced in Belgium in the last few weeks, accompanied by riots and bloodshed, a resort to force and shotguns as a method of determining human rights.

Reason in every instance has proven to be sufficiently powerful to bring about a settlement, and there is not a member on this floor when he stops to reflect upon the effect of public opinion but knows that it is powerful enough in this connection. In my own section of the country workmen during the past two weeks by an absolute silent protest have succeeded in paralyzing the commerce of the nation. Railroad corporations controlling 8,000 miles of railroad were unable to move a wheel. To-day the sentiment of the workingmen throughout this land, which is rising like the sound of the waves against a rock-ribbed shore, or as the sound of the storm when forests are rended, reaches this House, and tells you that when the workingmen have secured an honest verdict and your general corporations will not live up to it, public opinion will find a way to compel them to do so. That will meet the difficulty. Public opinion in the past has justified heroic remedies, and it will again do so whenever you appeal to intelligence and honesty, to right and manhood and a recognition of the rights of the poorest and the humblest citizen in the land. When the time comes that honest public opinion can not enforce it, the people will find a remedy, and very shortly.

I believe, sir, that the time has now arrived for closing the general debate.

The CHAIRMAN. The time fixed for general debate upon this bill has expired. The bill will now be considered under the five-minute rule by sections for amendment and debate.

The Clerk will report the first section of the bill.

The Clerk read as follows:

Be it enacted, &c., That whenever differences or controversies arise between common carriers engaged in the transportation of property or passengers, whether said common carriers be private persons or corporations, between two or more States of the United States, or within the Territories of the United States, or within the District of Columbia, and the employés of said common carriers, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, or when such employés, or any of them, allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the common carrier is hereby authorized to select and appoint one person, and such employé or employés, as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "States," in line 7, the words "between a Territory or State," and strike out the word "or" where it occurs first in line 7.

Mr. CANNON. Mr. Chairman, I think if the chairman of the committee will examine this amendment he will accept it.

Mr. BUCHANAN. It simply perfects the bill.

Mr. CANNON. It simply perfects the bill.

Mr. Chairman, I can not hope in five minutes to discuss this bill with satisfaction to the House or myself. I shall vote for the bill for reasons so well assigned by the gentleman from Maine [Mr. REED] yesterday and by the gentleman from Massachusetts [Mr. LONG] to-day.

Mr. Chairman, the census returns of 1880 show in round numbers two hundred and thirty-six thousand railway employés other than clerks. At this time no doubt they number over three hundred thousand. There is in operation in the United States 125,000 miles of railway. The railways operated by the employés carry the mails, the passengers, and the products for exchange for sixty millions of people. If the railways refuse to perform their functions there is power to forfeit their charters—power in the public to make such provision as will insure the performance of the functions for which they were created. If any person illegally obstructs the railway in the performance of its functions there is under the law a remedy to the railway and to the public.

There has been, and is now, for that matter, a dispute between the managers of railways and the employés as to the compensation such employés should receive, hours of labor, &c. These differences frequently lead to strikes or cessation of work upon the part of the employés. On the discharge of employés by the companies, not infrequently resulting in a discontinuance of traffic by the railways and the great injury of the business of sixty millions of people, the differences between the employer and employés are generally settled by argument or arbitration in the end, both parties generally yielding something; and whatever the result may be between these parties, if traffic upon the road ceases, the loss to the great public—the customer—is never made up. If possible such differences between employer and employé should be prevented by wise and equitable arrangement. This bill provides for the appointment of a tribunal—both parties assenting—with power to subpœna witnesses, administer oaths, send for persons and papers, and summarily determine the differences submitted; all expenses of witnesses, arbitrators, &c., to be paid by the United States.

It is objected, first, that the proposed legislation is unconstitu-

tional. This objection to my mind is not well taken, for the arbitration provided for only applies to differences arising touching interstate commerce.

Second. It is objected that there is no way provided in the bill by which the award can be enforced, and that without the proposed legislation differences are now settled by arbitration.

In reply I repeat the bill creates a legal tribunal by the consent of the parties, consisting of three arbitrators, having full power of investigation and inquiry, to compel the attendance of witnesses and production of papers, a power that can not be exercised without this or similar legislation, and as the expenses are borne by the United States, it is believed that where differences exist both employer and employé will submit them, and, pending their investigation and decision, there will be no interruption of railway traffic, and when decided by such impartial tribunal that both the railway and employé will abide by the award. It has been asked, If they do not comply with the award what does the party lose which refuses? I answer, the party refusing meets the condemnation of that public opinion which, in the end, is founded in justice and is greater than railways or employés, courts or laws, and against which no case can stand.

Even now the operation of that public opinion is having much to do in the settlement of the railway troubles, much of which, I think, is due to the temperate circular of Mr. Powderly, recently issued.

Now, if a month ago such an arbitration as the one contemplated by this bill had been submitted, and in the mean time the operation of the railways had been continued, how infinitely better it would have been for the employer and employé and the public. In the future, when differences arise, I believe this bill, if enacted, will tend to accomplish just that thing. But suppose we are mistaken, the legislation can do no harm; so there is much to gain and nothing to lose by its enactment. Mr. Chairman, gentlemen who oppose this bill do not propose to amend it or offer a substitute for it. Most of them do not believe in any legislation upon the subject. I would gladly vote for any legislation that can be sustained and is practical if proposed; but I venture the assertion that in this, as in all other situations arising from the constant changes in our economic condition, we must feel our way as necessity may require, and if it should turn out that additional legislation is necessary, the wisdom and patriotism of the people will demand and secure it.

One thing is certain, some way will be found by which differences arising between the railways and employés will be equitably adjusted without paralyzing the business of sixty millions of people. I was much interested in the statement of the gentleman from Massachusetts [Mr. LONG], who called our attention to the fact that the railway commission in Massachusetts has no power whatever to enforce its awards, yet in every instance its awards have been complied with by all parties; truly a striking illustration of the power of public opinion sustaining the award of an intelligent unbiased commission.

Sir, I have tried to frame amendments to this bill, keeping within the Constitution, that are practical, for the enforcement of awards, and with my limited experience have been unable to do so, and doubt if at this time any one can frame such amendments.

Mr. Speaker, I have been much amused at the different views of gentlemen as to the cause of labor troubles in the country. Some gentlemen believe all our troubles arise from a contracted currency, others from an expanded currency, others find a panacea in an approach to free trade. I am constantly reminded of that old story of the doctor who always threw his patient into fits and then cured the fits. One thing at a time, gentlemen. The object now is to give such assistance as we properly can by enacting legislation that will assist in equitably settling differences between railways and employés, and after this is disposed of we can consider other matters.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. We accept the amendment offered by the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Missouri can not accept the amendment; it has to be voted on. The gentleman from Georgia [Mr. HAMMOND] is recognized.

Mr. HAMMOND. Mr. Chairman, on yesterday the venerable gentleman from Pennsylvania [Mr. KELLEY], the champion of labor on this floor, said of this bill—

> I desire to say that I shall vote for this bill; and as that is my purpose, I want to say in advance to the workingmen of the country that it is a trick upon their credulity and a fraud.

Since I have seen those words printed in the RECORD I have been trying to think what that gentleman, so well posted and so careful as to the interests of laboring men, could have meant. And I think I see in this thing not a bill to protect labor, but a bill to prevent strikes in the interest of the corporations and at the expense of the United States. Of course Gould and everybody else owning railroads may say, "We are ready at any time to arbitrate with you at the expense of the Government and with nothing to come of it except to file the award." They may think they will then have public opinion on their side, and that those who undertook before to force them into terms, and even succeeded in forcing them to do what they thought was right by strikes, must then yield to public opinion because they will have arbitrated under this "fraud and trick."

Mr. Chairman, no good can come of fraud or trickery. Every honest man who believes that this is either the one or the other ought to vote against the bill. Every honest man who believes it is dangerous to start in on this line ought to vote against this bill. Who are the most powerful here to-day, capital or labor? Perhaps labor is now. Who may be most powerful in the next Congress or the next? Whenever Congress starts once on the line of taking charge of these matters Congress may decide to go against labor instead of against the corporations. The real friend of labor is the man who is careful lest he be drawing the sword of the Government to strike down the right of combination against these corporations by substituting what may grow into a compulsory proceeding.

Whether this bill is good or bad, believing that it is unconstitutional, I must vote against it. The gentleman from Missouri [Mr. O'NEILL] says it is not a hasty measure. He says he has been gathering expressions of opinions of many men, expressions from which he has been reading common platitudes coming from his constituency and other constituencies that he felt like complimenting, and he says that after maturing the measure and reading all these things this is the result. The measure which the gentleman matured and introduced on the day before yesterday——

Mr. O'NEILL, of Missouri. On Monday.

Mr. HAMMOND. On Monday—was a bill for compulsory arbitration, and it was only when the committee took charge of it it was found that none but one man on the committee would advocate such a thing. That shows that the gentleman started out wrong by his own confession. It shows this whole thing is hasty. It is proposed that we, who take days and weeks to consider whether we will pay a man $500 or a thousand dollars, shall now, in hot haste, without thought, crystallize in statute form something that nobody says is good and many people say is a mere trick to get rid of the question.

[Here the hammer fell.]

Mr. CLEMENTS. If recognized I yield my time to my colleague.

The CHAIRMAN. The Chair will state that debate upon this amendment is exhausted.

Mr. HAMMOND. I move to strike out the last word. Mr. Speaker, I am not willing that what I had to say upon the constitutionality of this bill should rest upon my simple declaration as a lawyer. While I was out of the House this morning I understand that the gentleman from Texas [Mr. CRAIN] discussed that question at large. I do not know what he said, and therefore can not specifically reply thereto, but I desire to call attention to a leading case in the Supreme Court of the United States, the case of the propeller Genesee Chief and others against Fitz-Hugh, decided in 1851—the great case which made our northern lakes seas and declared all the navigable waters of this country under the jurisdiction of the Congress. There was a discussion as to whether trades made on steamboats could be made the subject-matter of controversy in United States courts by Congress because they were made about matters affecting interstate commerce. The Supreme Court decided in these words:

> Nor can the jurisdiction of the courts of the United States be made to depend on regulations of commerce. They are entirely distinct things, having no necessary connection with one another, and are conferred in the Constitution by separate and distinct grants. The extent of the judicial power is carefully defined and limited, and Congress can not enlarge it to suit even the wants of commerce, nor for the more convenient execution of commercial regulations; and the limits fixed by the Constitution to the judicial authority of the courts of the United States would form an insuperable objection to this law if its validity depended upon the commercial power.

Again, in another paragraph which I shall quote, they declare that the dogma that gives the judicial power a standing on the commerce clause would authorize Congress to carry every such thing into admiralty jurisdiction, and, as to them, thus abolish trial by jury, and put the rights of every citizen, when his contract grew out of any interstate transportation, at the dictation of one man, the judge in such court.

The court there held this language, namely:

> This power is as extensive upon land as upon water. The Constitution makes no distinction in that respect. And if the admiralty jurisdiction, in matters of contract and tort, which the courts of the United States may lawfully exercise on the high seas, can be extended to the lakes under the power to regulate commerce, it can with the same propriety and upon the same construction, be extended to contracts and torts on land when the commerce is between different States. And it may embrace also the vehicles and persons engaged in carrying it on. It would be in the power of Congress to confer admiralty jurisdiction upon its courts over the cars engaged in transporting passengers or merchandise from one State to another, and over the persons engaged in conducting them, and deny to the parties the trial by jury.
>
> Now, the judicial power in cases of admiralty and maritime jurisdiction has never been supposed to extend to contracts made on land and to be executed on land. But if the power of regulating commerce can be made the foundation of jurisdiction in its courts, and a new and extended admiralty jurisdiction beyond its heretofore known and admitted limits may be created on water under that authority, the same reason would justify the same exercise of power on land.

From that it is clear that such a dogma is destructive of the wise provisions of the Constitution. When that is true, even could I see some seeming good to come to laboring men from this bill, I would be compelled to vote against it, because those laborers and all of us have a higher interest in preserving the Constitution.

Mr. Chairman, I could not if I had time make more forcible by elaboration the view which I present. But, because I have not the time, I fail to state strong and pertinent objections to this miserable sham sought to be palmed off as law.

Mr. KELLEY. Mr. Chairman, I think the word "sham" is very important, and I hope it will not be stricken out.

Mr. HAMMOND. I used it for your benefit.

Availing myself of the general permission to print as to this bill, I cite the sixth section of the bill proposed by the gentleman from Missouri [Mr. O'NEILL] to make good my assertion about its compulsory character. It is:

SEC. 6 That whenever any such board of arbitrators has been organized and has entered upon the discharge of its duties as herein provided, it shall be unlawful for such servant or employé, servants or employés, to interfere in any way to hinder, impede, interrupt, or in any manner to injuriously affect the commerce or business of the common carrier who is a party to such arbitration; and if it come to the notice of such board of arbitrators that the commerce or business of such common carrier, during the pendency of such arbitration, is so hindered, impeded, interrupted, or injuriously affected by the unlawful acts of any person or persons whomsoever, then and in that event it shall be the duty of such board of arbitrators to forthwith report the same in writing to the judge of the district or Territorial court of the United States whose clerk would be required to record the award that might be rendered by such board of arbitrators; and thereupon it shall be the duty of said judge, and he is hereby fully empowered, to interfere and to use and employ his power and authority as judge of said court to prevent such hindering, impeding, interrupting, or injury to the commerce or business of said common carrier during the pendency of such arbitration in like manner as if such arbitration was pending on the equity side of said court.

And the fourth section of the intended substitute of the gentleman from Kansas [Mr. ANDERSON] is in these words:

SEC. 4. That when the said findings and decisions of the said board of commissioners shall be so reviewed by the said district or circuit judge, the same shall be entered upon the records of said court in the nature of a judicial decree, which shall be served upon the party or parties concerning whom said decree shall be made, requiring such party or parties to do and perform certain act or acts, if any, as measures of just and fair arbitration; and if, upon such reasonable notice as the court may direct, the terms of said decree shall be disobeyed, set at naught, and rendered inoperative by said party or parties, the same shall be held to be a contempt of court, to be punished by fine and imprisonment, either or both, in such amount or for such term as the court may see fit; and the usual process shall issue from said court to enforce its orders in this behalf.

True, these compulsory clauses are not in the bill reported to the House, nor will this House adopt them. But may they not be put in by another Congress if the basis for such legislation be now made?

To avoid the force of the constitutional point some now say that these arbitrators are not a tribunal. The preamble to the bill of the gentleman from Missouri [Mr. O'NEILL] was in these words:

Whereas by the Constitution of the United States Congress is invested with full power and authority to provide for the general welfare of the people of the United States; to regulate commerce among the several States; to constitute tribunals inferior to the Supreme Court of the United States; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers: Therefore.

The gentleman from Missouri [Mr. O'NEILL] in his speech yesterday called it a court. His language was:

This bill provides for an arbitration, in each dispute each side selecting a disinterested person, those two selecting a third, and the three arbitrators are sworn to faithfully and impartially determine the questions at issue; they are created a court, with full powers to send for persons and papers, examine witnesses under oath to obtain the fullest information, and announce their verdict, trusting to the power of public opinion for the enforcement of the award.

What but a court can it be which is described by the bill in these words, namely:

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, now possessed and belonging to United States commissioners appointed by the circuit court of the United States.

If deemed pertinent to the controversy, may not that tribunal compel the production of the books and papers of a transportation company or of a lodge of Knights of Labor? Since speaking I have been furnished with the Philadelphia Times of this morning. It is a Democratic paper of large circulation and great influence, published in the very center of the great laboring population of Philadelphia. Its leader of this morning was so forcible that I adopt it as part of my remarks. This is the article:

A BILL THAT IS A FRAUD AND TRICK.

Judge KELLEY rightly characterized Mr. O'NEILL's arbitration bill as "a fraud," a "trick upon the credulity of American workingmen." Nevertheless he expressed his intention of voting for it. Claptrap measures of this kind can always get plenty of votes, even at a session when it is impossible to secure consideration for any serious legislation. Members vote for them because they are "harmless," and opposition might be misunderstood.

There is a great deal of mischief done by "harmless" legislation. In truth, there can be no such thing. Legislation that is not sound and right and useful is harmful. Every act that is unnecessary or meddlesome or impotent, or that promises what it can not perform, is misleading and obstructive, a positive injury to the commonwealth. No social problems are ever solved by humbug. They are only complicated.

Mr. O'NEILL's bill, which obtained so much consideration in the House of Representatives yesterday, is at best a shallow pretense. The subject with which it professes to deal lies wholly without the jurisdiction of Congress, and while the bill apparently gives extraordinary authority to boards of arbitration, in reality it would not promote "the speedy settlement of controversies" in the smallest degree. The bill recites at great length that when differences or controversies arise between "common carriers" and their employés, and either party proposes to submit their differences to arbitration and the other party accepts the proposition, they are "hereby authorized" to select and appoint fit persons as arbitrators. What is the need or use of this? Does any one suppose that Mr. Gould and Mr. Powderly or Mr. Hoxie and Mr. Irons have been waiting for the authority of Congress to submit their differences to arbitration, or that they would agree any more readily with such authority than without? There is no compulsion in the act, because there can be none. It is simply "may." But they "may" do all this as it is, and where Congress has no power it is worse than useless for it to interfere.

This is not the end of Mr. O'NEILL's plan. Assuming that the arbitration be agreed to and the board appointed in the manner described, it is then proposed to give to the arbitrators the powers of United States commissioners as regards the examination of witnesses and other proceedings, and also to give them the compensation of United States commissioners, with allowance for clerks, stenographers, witness fees, and so on. Their findings and awards, together with the testimony taken, are to be filed with the Commissioner of Labor of the United States, "who shall make such award public," but the bill provides no means of enforcing the award, for the sufficient reason that Congress has no such power. The whole arrangement is purely voluntary, and the only effect that the act can have is to create an indefinite number of salaried places, to be called into existence by any person that may choose to assert a grievance and to be continued at will at the expense of the United States.

It will be observed that the act applies to all manner of common carriers operating between two States, "whether private persons or corporations," which would include a stage-coach line or a ferry-boat as well as a railroad, and all that is necessary to bring it into operation is that the common carrier's employés, "or any of them, shall allege that he or they have been treated unjustly or oppressively." Under this pleasant scheme the owner of a Delaware ferry-boat and one of his deck-hands could get up a controversy, resolve themselves, with a mutual friend, into a board of arbitration, and proceed to draw the salary of United States commissioners as long as they could find witnesses to examine at the public expense. The O'Neill bill opens up possibilities in the way of permanent and lucrative employment as arbitrators beside which the salaried positions in labor lodges are insignificant.

This is the only way in which the bill can have any results at all. There is no warrant in the Constitution for any such method of creating salaried offices, and there might be difficulty in getting the money out of the Treasury, but the plan is no less mischievous because it would probably fail. It is clear that in any event this "harmless" bill has potentialities of positive as well as negative harm which should be enough to condemn it even if it were not condemned on the ground of its utter inadequacy to meet its professed purpose—"to provide for the speedy settlement of controversies and differences." If arbitration is ever to become a positive and practical thing, meddling politicians must keep their hands off.

Mr. KELLEY. Mr. Chairman, I move to amend the first section by striking out from the words "or when," in the eleventh line, down to and including the word "carrier," in the fourteenth line.

The CHAIRMAN. There is an amendment pending to which this can not be an amendment, and therefore the Chair will first put the question upon the amendment submitted by the gentleman from Illinois [Mr. CANNON].

The Clerk read the amendment of Mr. CANNON, as follows:

In the seventh line, after the word "States," insert "between a Territory and State;" and in the same line strike out the word "or" where it first occurs, so that the provision will read, "between two or more States of the United States; between a Territory and State, within the Territories of the United States, or in the District of Columbia," &c.

Mr. CANNON. Mr. Chairman, I withdraw the amendment.

Mr. KELLEY. I renew it. Mr. Chairman, in the first place, perhaps I should endeavor to heal the feelings I wounded yesterday in the precipitancy of my speech when I supposed this bill was to be rushed through by unanimous consent, as it had been taken up to the exclusion of all business. I did not mean that the gentlemen on that committee had deliberately perpetrated a fraud or a trick. Why, sir, I had read this bill, and I knew that the gentlemen who could submit it to the workingmen of this country as a provision for "the speedy settlement of controversies" between great railroad companies and their employés were quite too innocent to deliberately perpetrate a fraud or a trick upon the public. I spoke rather objectively. [Laughter.] I was addressing the great mass of workingmen as to what would be the result of the innocence of these gentlemen.

Here is a bill proposing to enable people in controversy to do, under the sanction of Congress and at the cost of the Government, what they were doing at that time; what the great master-workman of the combined workingmen of the United States had appealed to his side to do under penalty of his withdrawal from connection with them. Mr. Powderly, the grand master-workman of the Knights of Labor, has done more to advance arbitration than all the frothy eloquence that I and my associates on this floor have uttered both yesterday and to-day. That masterly paper of his has been considered by the heads of all the great combinations of capital that are employing great masses of labor, and they have said to themselves, "If this is the spirit of the workingmen, we must regard it."

This bill proposes to do, without penal sanction, what has been going on day after day in every part of the country in the concession of increased pay by employers, in the concession of shorter hours to the overwrought conductors and drivers and stablemen employed by the street-car companies. In this view I was led to remark that the bill comes in as a trick and a fraud. These are terms which I have been in the habit of using since 1832, when, though a mere boy, I was chosen by my shopmates, who were adults, to express their opinions, because as a mere boy I had impudence to speak when men as able as myself shrank from doing so. From that time to the present (we were then advocating the ten-hour system) I have been accustomed to denounce in my own State measures of legislation like this, promising all things to the ear, but without the means of enforcement—laws, for instance, limiting the age at which children may be employed, but imposing no penalty on the employer who takes in children who are years below the legal age or

on the parent who lets them go; laws requiring children under a certain age to be placed in school for a portion of the year, and employed, at any rate, not more than half the time in a factory, but providing no means of enforcing the prohibition. During these fifty-four years I have seen so many deliberate frauds and tricks perpetrated upon the masses of workingmen that I incontinently used yesterday the familiar words for which I now apologize to the innocent members of that committee. [Laughter.]

Mr. O'NEILL, of Missouri. I move that the committee rise for the purpose of limiting debate on the pending section and amendments thereto.

Mr. DIBBLE. Before the committee rises I ask unanimous consent that all members desiring to propose amendments to this bill may have leave to print them in the RECORD.

Several MEMBERS. What good is that?

A MEMBER. We are going to pass the bill to-night.

The CHAIRMAN. It is suggested that, as the friends of the bill intend to press it to a vote to-night, the proposition of the gentleman from South Carolina is unnecessary. The question is on the motion of the gentleman from Missouri that the committee rise.

The motion was agreed to; there being—ayes 142, noes 52.

The committee accordingly rose; and Mr. CRISP having taken the Chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed an act (H. R. 5544) to amend section 304 of the Revised Statutes of the United States authorizing the temporary appointment of an acting assistant treasurer.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage by that body of the following bill; in which it requested the concurrence of the House:

A bill (S. 2012) for the erection of a monument to Abraham Lincoln.

The message also announced the passage of the following joint resolutions:

Joint resolution (H. Res. 58) authorizing the printing of a naval report; and

Joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

LABOR ARBITRATION.

Mr. O'NEILL, of Missouri. I move that the House again resolve itself into Committee of the Whole for the purpose of resuming the consideration of House bill 7479; and pending that motion I move that all debate in Committee of the Whole on the first section of the bill and amendments thereto be limited to one minute.

Mr. DIBBLE. I move to amend so as to limit debate on the first section to forty-five minutes. There are a number of gentlemen who have amendments to propose and who desire to explain those amendments.

The SPEAKER *pro tempore*. The first question is the amendment of the gentleman from South Carolina [Mr. DIBBLE].

Mr. BROWNE, of Indiana. Pending these motions, I move that the House do now adjourn.

The question being taken, there were—ayes 92, noes 91.

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

Mr. SPRINGER. Let us have tellers.

The yeas and nays were ordered, 72 voting in favor thereof.

The question was taken; and it was determined in the negative—yeas 64, nays 193, not voting 66; as follows:

YEAS—64.

Anderson, C. M.	Eldredge,	Harris,	O'Ferrall,
Barbour,	Farquhar,	Hemphill,	Perry,
Barnes,	Foran,	Herbert,	Phelps,
Belmont,	Ford,	Hewitt,	Plumb,
Bennett,	Forney,	Hill,	Reagan,
Breckinridge, C. R.	Gay,	Hiscock,	Sadler,
Breckinridge, W. C. P.	Geddes,	Hopkins,	Sessions,
Browne, T. M.	Gibson, C. H.	Howard,	Shaw,
Butterworth,	Gibson, Eustace	Hudd,	Steele,
Candler,	Glass,	Hutton,	St. Martin,
Curtin,	Glover,	Jones, J. H.	Stone, W. J., Ky.
Daniel,	Green, R. S.	Kelley,	Storm,
Davidson, R. H. M.	Green, W. J.	Lanham,	Swinburne,
Dawson,	Hale,	Martin,	Tillman,
Dibble,	Hammond,	McMillin,	Tucker,
Dunn,	Hanback,	Oates,	Turner.

NAYS—193.

Adams, G. E.	Arnot,	Beach,	Blount,
Adams, J. J.	Baker,	Bingham,	Bound,
Allen, C. H.	Ballentine,	Blanchard,	Boutelle,
Allen, J. M.	Barksdale,	Bland,	Brown, C. E.
Anderson, J. A.	Bayne,	Bliss,	Brown, W. W.
Brumm,	Fisher,	Mahoney,	Seymour,
Buchanan,	Fleeger,	Matson,	Singleton,
Buck,	Frederick,	Maybury,	Skinner,
Burleigh,	Fuller,	McAdoo,	Smalls,
Burnes,	Funston,	McComas,	Snyder,
Burrows,	Gallinger,	McCreary,	Sowden,
Bynum,	Grosvenor,	McKinley,	Spooner,
Cabell,	Grout,	McRae,	Springer,
Caldwell,	Guenther,	Merriman,	Stahlnecker,
Campbell, Felix	Hall,	Millard,	Stewart, Charles
Campbell, J. E.	Halsell,	Miller,	Stewart, J. W.
Campbell, J. M.	Harmer,	Moffatt,	Stone, W. J., Mo.
Campbell, T. J.	Hatch,	Morrill,	Swope,
Cannon,	Hayden,	Morrison,	Symes,
Carleton,	Haynes,	Morrow,	Tarsney,
Caswell,	Heard,	Muller,	Taulbee,
Catchings,	Henderson, D. B.	Murphy,	Taylor, J. M.
Clardy,	Henderson, J. S.	Neal,	Taylor, Zach.
Clements,	Henderson, T. J.	Neece,	Thomas, O. B.
Cole,	Herman,	Negley,	Thompson,
Collins,	Hires,	Nelson,	Van Eaton,
Compton,	Hitt,	O'Donnell,	Van Schaick,
Conger,	Holman,	O'Hara,	Viele,
Cooper,	Holmes,	O'Neill, Charles	Wade,
Cowles,	Irion,	O'Neill, J. J.	Wadsworth,
Cox,	Jackson,	Osborne,	Wait,
Crain,	James,	Owen,	Warner, William
Crisp,	Johnson, F. A.	Payne,	Weaver, A. J.
Cutcheon,	Johnston, J. T.	Payson,	Weaver, J. B.
Davidson, A. C.	Johnston, T. D.	Perkins,	Weber,
Davis,	Ketcham,	Peters,	Wellborn,
Dingley,	King,	Pettibone,	Wheeler,
Dockery,	La Follette,	Pirce,	White, Milo
Dorsey,	Laird,	Randall,	Whiting,
Dougherty,	Landes,	Ranney,	Wilkins,
Dowdney,	Lawler,	Reed, T. B.	Willis,
Eden,	Le Fevre,	Rice,	Wilson,
Ellsberry,	Libbey,	Richardson,	Winans,
Ely,	Little,	Romeis,	Wise,
Ermentrout,	Long,	Ryan,	Wolford,
Evans,	Lore,	Sawyer,	Worthington.
Everhart,	Lovering,	Scott,	
Felton,	Lowry,	Scranton,	
Findlay,	Lyman,	Seney,	

NOT VOTING—66.

Aiken,	Hepburn,	Parker,	Strait,
Atkinson,	Hiestand,	Peel,	Struble,
Barry,	Houk,	Pidcock,	Taylor, E. B.
Boyle,	Jones, J. T.	Pindar,	Taylor, I. H.
Brady,	Kleiner,	Price,	Thomas, J. R.
Bragg,	Laffoon,	Pulitzer,	Throckmorton,
Bunnell,	Lehlbach,	Reese,	Townshend,
Cobb,	Lindsley,	Reid, J. W.	Trigg,
Comstock,	Louttit,	Riggs,	Wakefield,
Croxton,	McKenna,	Robertson,	Ward, J. H.
Culberson,	Markham,	Rockwell,	Ward, T. B.
Dargan,	Milliken,	Rogers,	Warner, A. J.
Davenport,	Mills,	Rowell,	West,
Dunham,	Mitchell,	Sayers,	White, A. C.
Gilfillan,	Morgan,	Spriggs,	Woodburn.
Goff,	Norwood,	Stephenson,	
Henley,	Outhwaite,	Stone, E. F.	

So the House refused to adjourn.

During the roll call,

Mr. O'NEILL, of Missouri, moved by unanimous consent to dispense with the reading of the names.

Mr. DUNN. I object.

Mr. BUCHANAN. Before the Clerk announces the pairs, I wish to state that I am paired with Mr. TRIGG, but have voted on this proposition because by express arrangement this bill and all votes thereon were excepted from the pair.

The following pairs, until further notice, were announced from the Clerk's desk:

Mr. OUTHWAITE with Mr. WEST.
Mr. BOYLE with Mr. HOUK.
Mr. CROXTON with Mr. BRADY.
Mr. SAYERS with Mr. GOFF.
Mr. DARGAN with Mr. STRUBLE.
Mr. PIDCOCK with Mr. LEHLBACH.
Mr. TOWNSHEND with Mr. THOMAS, of Illinois.
Mr. SPRIGGS with Mr. MILLIKEN.
Mr. MORGAN with Mr. HEPBURN.
Mr. LAFFOON with Mr. LOUTTIT.
And for this day as follows:
Mr. ROBERTSON with Mr. LINDSLEY.
Mr. COBB with Mr. ROWELL.
Mr. PEEL with Mr. STRAIT.
Mr. THROCKMORTON with Mr. STEPHENSON.
Mr. WARD, of Indiana, with Mr. WAKEFIELD.
Mr. ROGERS with Mr. BUNNELL.
Mr. MILLS with Mr. ROCKWELL.
Mr. WARD, of Illinois, with Mr. MCKENNA.
Mr. CULBERSON with Mr. DAVENPORT.

The vote was then announced as above recorded.

Mr. O'NEILL, of Missouri. I call for the previous question on the adoption of the motion to close debate on the first section and all amendments thereto in the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The question first recurs on the amendment of the gentleman from South Carolina

[Mr. DIBBLE], and on the original motion and amendment the gentleman from Missouri demands the previous question.

Mr. REAGAN. On that proposition I have the floor.

Mr. O'NEILL, of Missouri. The pending proposition is that when we return to the Committee of the Whole House on the state of the Union debate on the first section and all amendments thereto shall be limited to one minute.

Mr. BROWNE, of Indiana. Does the gentleman refer to the debate upon the whole bill?

Mr. O'NEILL, of Missouri. No; but to the first section and all amendments thereto.

The SPEAKER *pro tempore*. The gentleman from South Carolina moves to amend that motion by striking out "one minute" and inserting "forty-five minutes," and on that question the gentleman from Missouri demands the previous question.

Mr. HAMMOND. Is it permissible to limit debate upon amendments which have never yet been proposed.

The SPEAKER *pro tempore*. The Chair understands that such has been the practice of the House under clause 6 of Rule XXIII.

Mr. DIBBLE. I rise to a parliamentary inquiry, and that is whether the motion of the gentleman from Missouri is not for the previous question limiting debate on the first section and proposed amendments; is not that the proposition before the House?

The SPEAKER *pro tempore*. The Chair so understands.

Mr. DIBBLE. And on the amendments which may be offered hereafter.

The SPEAKER *pro tempore*. The Chair understands it applies to all amendments—to the first section and all amendments thereto.

Mr. REAGAN. I propose to debate the gentleman's demand for the previous question.

The SPEAKER *pro tempore*. That is not debatable.

Mr. REAGAN. If the Chair will hear me, I desire to present some considerations to show that it is debatable under the rules.

Mr. O'NEILL, of Missouri. The gentleman can not interfere with the operation of the previous question unless where he rises to a point of order.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Texas to rise to a point of order.

Mr. REAGAN. I will waive it for the present.

The SPEAKER *pro tempore*. The question recurs then on the demand for the previous question.

Mr. REAGAN. Mr. Speaker, I rise to a question of order, that debate can not be closed on an amendment which has not been proposed by a demand for the previous question, and I do so upon paragraph 3 of Rule XXVIII. It is as follows:

> 3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

I have an additional ground. Upon ordering the previous question and upon the amendment made by the gentleman from South Carolina the bill has not been debated on either proposition, and under that clause of the rule I have a right to call for debate.

The SPEAKER *pro tempore*. The Chair understands a motion to limit debate is a proposition to be submitted to the House. When the previous question is ordered on that proposition, in the judgment of the present occupant of the chair, if there has been no previous debate, then under clause 3 of Rule XXVIII there may be thirty minutes of debate, fifteen minutes on each side.

The Chair understands that there have been rulings both ways as to the question whether the motion to limit debate is or is not debatable. There is nothing in the rule of the House expressly upon the subject either one way or the other; but as the previous question has been ordered upon that motion, and there has been no previous debate thereon, the present occupant of the chair is of the opinion that under the last paragraph of clause 3 of Rule XXVIII thirty minutes are allowed for debate.

Mr. REAGAN and Mr. SPRINGER addressed the Chair.

The SPEAKER *pro tempore*. The House will be in order and gentlemen will resume their seats.

Mr. REAGAN. On yesterday I undertook in the discussion of this bill to address myself to the unconstitutionality of its provisions——

Mr. SPRINGER. I hope that decision will not be allowed to pass as a precedent without further consideration, since it overturns all of the previous rulings and precedents of the House upon this point.

Mr. REAGAN. Mr. Speaker, I believe I have the floor.

The SPEAKER *pro tempore*. Does the gentleman from Illinois take an appeal from the decision of the Chair?

Mr. SPRINGER. Since this is a matter of too vital importance to allow it to pass unchallenged, I respectfully ask an appeal from the decision of the Chair.

Mr. REAGAN. By what authority does the gentleman from Illinois seek to deprive me of the floor and interfere with my right under the decision just made? I trust the gentleman will not interfere——

Mr. SPRINGER. I have taken an appeal from the decision of the Chair.

Mr. HAMMOND. And I move to lay the appeal on the table.

Mr. SPRINGER. I do this because it is a matter of too much importance to pass without question, and I ask to be heard for a moment upon it. There should be no doubt about the rule, and it seems to me that it is a proposition that ought to be considered.

Mr. HAMMOND. I rise to a question of order. The motion to lay on the table is not debatable.

Mr. REAGAN. I rise to a question of order myself. I was recognized and on the floor, and I wish to know how it is that the gentleman from Illinois takes me from the floor after I have been recognized by the Chair and was proceeding to address the House?

The SPEAKER *pro tempore*. The gentleman from Illinois rose in his place, as the Chair saw, simultaneously, perhaps, with the gentleman from Texas——

Mr. REAGAN. I was on the floor when the Chair made its decision, and I addressed the Chair immediately at the conclusion of it, and before the gentleman from Illinois addressed the Chair.

The SPEAKER *pro tempore*. But inasmuch as the gentleman from Illinois proposes an appeal from the decision of the Chair, the Chair would not like to cut him off from that privilege. The course proposed by the gentleman from Texas would deprive the gentleman from Illinois of the right to appeal.

Mr. GIBSON, of West Virginia. I rise to a question of order.

Mr. REAGAN. I will ask, Mr. Speaker, to be permitted to continue my remarks.

Mr. SPRINGER. I shall, Mr. Speaker, ask to withdraw the appeal if I can be recognized for that purpose.

Mr. HAMMOND. I insist upon the motion to lay the appeal on the table.

Mr. SPRINGER. I have the right, I believe, to withdraw the appeal, and if so I desire to exercise that right.

The SPEAKER *pro tempore*. The gentleman has the right to withdraw the appeal, the Chair thinks.

Mr. SPRINGER. And I do this hoping that the gentleman from Georgia and the gentleman from Texas, for whom I have the highest regard, will not suppose that I intended, in proposing to take an appeal from the decision of the Chair, to interfere in any manner with the right of the gentleman from Texas to discuss the question which he proposed to discuss. But I took an appeal in the interest of good order in the House and for the purpose of testing the sense of the House upon the question.

I now withdraw the appeal, but respectfully protest against the ruling, and trust it will not be regarded as a precedent hereafter.

The SPEAKER *pro tempore*. The appeal is withdrawn.

Mr. GIBSON, of West Virginia. Then I withdraw my point of order.

Mr. REAGAN. Mr. Speaker, on yesterday, in the course of my argument, I expressed the belief that the bill before the House was not warranted by the provisions of the Constitution of the United States. To-day several gentlemen have insisted that, because I had advocated the bill which has been several times before the House to regulate interstate commerce, I was precluded from objecting to the constitutionality of this bill, and my position upon that subject and what I have said from time to time has been quoted upon me, especially by my young and distinguished colleague [Mr. CRAIN].

All I have to say in regard to that is, that what I have advocated is just what has been held by the courts of this country repeatedly to be a proper and true interpretation to the provisions of the Constitution of the United States in that regard. But there is no opinion of any court I suppose—and I venture the prediction that none will ever exist—in which the Supreme Court or any other court of high authority in this land will say that because men engaged in interstate commere, hire laborers on a particular part of their work, that therefore Congress has jurisdiction for settling the question as to the compensation of these laborers. If we can assume jurisdiction of this character, we can assume jurisdiction and try all questions whatever arising on contracts between men engaged in interstate commerce, and their grocers or merchants or anybody else with whom they trade or deal; and under this clause of the Constitution that would make a almost universal jurisdiction.

I insisted upon that provision of the Constitution for the regulation of interstate commerce because of its clear meaning and because of its repeated interpretation by the Supreme Court and by other courts. But I never dreamed of giving it an interpretation which would warrant the Congress in going down into the private contracts of parties, local labor contracts, or purchase of goods, groceries, horses, or any other possible dealing that can be had by people engaged in interstate commerce with other people. The very absurdity of the proposition must be palpable, as it seems to me, upon a mere statement of the facts.

The assumption that the proposed act is constitutional is met by the very face of the bill itself and by the admission by its friends that they do not dare to make its provisions compulsory. One more thing I want to say while I am up. It is assumed this is a measure in the interest of labor, and that those who oppose it are the enemies of people engaged in labor. Sir, it is of course possible I may be mistaken as to the facts and law of the case, but I am not mistaken in the fact that I am ready to do every constitutional thing, every reasonable and right thing, to protect labor against the power of monopolies and corpora-

tions. I think those who know me, either here or in my district or State, know what my position is on this subject. I do not propose to take a scare; I do not propose to be guilty of a moral cowardice which will cause us assume a jurisdiction by Congress not warranted by the Constitution, and which will thus furnish a dangerous precedent by the action of this House, advocated and sustained by men upon this floor who have opposed every measure to regulate interstate commerce. And why is it sustained by those men? Because they want the question of jurisdiction over the employés of railroads and men subject to their power determined in favor of Congress. For what reason? Let the friends of the laboring man now know, and I tell it to them so that they may know it and that the laboring men of the country may themselves know it in the future if they shall ever read what I am saying. When this bill is passed, assuming this jurisdiction, it is then in the power of Congress to make strikes, or refusal to work, or advising others not to work, or any other assumed misconduct of laborers on railroads a misdemeanor or a felony, as Congress may please to make it, and to place labor in the absolute power of the corporations, to be crushed down forever. My belief is that those who have opposed all measures to regulate interstate commerce desire this very jurisdiction, with the power, when a popular majority should consent to it, to subject the men engaged in strikes to the penalties of such acts as Congress may pass, in violation of the Constitution, but in pursuance of a precedent consented to by a Democratic House of Representatives, not because they believe it right, not because they believe it efficient, but because they are afraid to vote their convictions lest the laboring men of this country shall misunderstand them and vote against them. That is not a motive that should animate us. The laboring men themselves, if this bill should ever be passed and go to them, will curse the men that passed it, and will say, "We appealed to you for bread, and you gave us a stone."

I do not doubt if Jay Gould, the Vanderbilts, and the other railroad magnates were here and entitled to vote they would vote for this bill, because they would know it could do them no harm. If trouble should arise between them and their employés, and they should agree to an arbitration, and each select his arbitrator under this bill, is there a member of this House verdant enough to believe the railroad companies would ever consent to the selection of the third man unless they had first made sure he was their man? And there is no power provided in this bill to compel the selection of the umpire or to secure his selection otherwise than by the other two arbitrators. I have no belief there ever would be an arbitration under this proposed act unless the railroads were assured in advance the decision would be in their favor. But what would make this bill specially acceptable is the fact that it assumes jurisdiction for Congress to pass laws which will control the laborers of the railroad corporations. If we once consent to the exercise of this power, Congress may then pass such laws as will make all strikes or labor troubles misdemeanors or felonies, triable in the Federal courts, where poor men can not litigate their rights, and where they will find themselves hopelessly in the power of the railroad corporations.

Mr. DUNN. Let me remind the gentleman just there that during the telegraph strike some years ago the telegraph company appealed to Congress to enact a law under which their striking employés might be put in jail?

Mr. REAGAN. It is the purpose of this House, if it should pass this bill, to give Congress this jurisdiction. And because of the fear of a supposed public opinion by the friends of this bill, because they are afraid to obey the Constitution lest the people should not approve their action, this bill which proposes to furnish a sort of means of arbitration that can not be enforced is to be enacted into law. Every member here probably knows that in the State of Missouri, in the State of Texas, in the State of Arkansas, in the State of Kansas there is now existing law by which arbitration can be had at any time by disagreeing parties having a matter in dispute which is subject to arbitration. If these men desire arbitration, they have the power to obtain it if the other party consents in every one of the four States where the present strikes and labor troubles exist.

Mr. HALL. Are not those corporations transferring all the cases in the States into the Federal courts?

Mr. REAGAN. Certainly, whenever they can; and they have decisions now that prevent railroads being considered citizens of the States in which they do business. Under those decisions when a case comes up to which the railroads are a party in almost any State it can be transferred to the Federal courts, where the man of ordinary means is powerless to defend his rights, is unable to pay the necessary costs, to employ attorneys, to pay witnesses, and to get an adjustment of his rights. If you mean to be true to the laboringmen of the country you will give them the protection of the Constitution, and send the parties to the States, where the local tribunals exist, where there are remedies for every grievance that can be imagined under any probable condition of things.

As my friend from Missouri [Mr. BLAND] sitting near me suggests, in 1877, when a former strike occurred, an appeal was made for an increase of the Federal Army to act as a police force to execute the laws within the several States. But I apprehend if this Congress assents to this jurisdiction, innocent as you say this poor bill is, which everybody understands means nothing and does nothing, except possibly to cause an accrual of some hundreds of thousands of dollars of useless expense to the Federal Government—agree that Congress has that jurisdiction, and it will not be necessary after that to invoke the aid of the Federal Army. You need only invoke the power of the Federal courts. You can pass a law which will make it a felony to strike or to do any act which railroads assume to be inimical to their interests, because if you can do the one you can do the other.

I need not tell gentlemen upon this floor that with the nearly eight thousand millions of aggregated capital in railroads, with their six hundred and fifty thousand employés engaged in carrying out their purposes—able, vigorous, energetic men—and with the power to levy taxes to any extent they desire to levy them in order to employ the ablest legal and the ablest expert talent in the country, there is always danger to popular liberty.

Mr. BRUMM. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. BRUMM. Is there any less danger if these men must go to a State court than if they must go to a national court?

Mr. REAGAN. A great deal less; because the State courts are tribunals easily accessible, and litigation is much cheaper in them than in the Federal courts. But that does not go to the main question.

Mr. BRUMM. I thought you made that distinction.

Mr. REAGAN. That is one great advantage of the State courts, that common people can go into them. They are among their friends, and as litigation is much cheaper in those courts, the people can employ lawyers and have their cases determined near their homes without great expense, whereas they can not go off to remote Federal courts, held among strangers, and where the expense is very much greater. But the point I make to the gentleman from Pennsylvania—and I make it to him because I believe he is a friend of labor—the point is, that once we give this jurisdiction to Congress we will have passed the Rubicon, we will have recognized the power of Congress over this subject, and the liberty of the people may be sacrificed on the very principle now invoked in favor of popular right. Hasty legislation is always dangerous, but it is especially dangerous where it concerns interests as great as those here involved, and it is especially dangerous also when it is the result of hasty and inconsiderate action.

Mr. CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'NEILL, of Missouri. Mr. Chairman, I yield eight minutes to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, I do not believe with the distinguished gentleman from Pennsylvania [Mr. KELLEY] that this bill is either a fraud or a cheat. Were it, in my judgment, either of these I could not follow his example in avowing a purpose to vote for it. I do not believe with my distinguished friends from Georgia [Mr. HAMMOND], from Virginia [Mr. DANIEL], and from Texas [Mr. REAGAN] that it infringes upon any provision of the Constitution. As I understand this bill, I conceive that the Committee on Labor has proceeded with the utmost caution and circumspection in framing it, and have sought to bring forward a measure that is entirely consistent with every constitutional provision, and one which may be calculated to meet as fully as was found to be feasible the existing emergency, and may prove to be a salutary aid in the settlement of the difficulties between capital and labor.

It has been insisted that this act is unconstitutional. It is alleged that it undertakes to confer judicial authority upon a judicial tribunal organized by virtue of its provisions. Now, sir, I undertake to say that this bill does not provide for any judicial tribunal; that it does not undertake to confer jurisdiction of a judicial character upon any tribunal. It simply provides for an arbitrament which may be voluntarily entered into by the parties to existing difficulties, and affords an opportunity for them to have the questions at issue between them arbitrated and an award made. It provides also that the awards made by such arbitrators shall be of such a character that the parties, if they so desire, will be able afterward to enforce their rights in a court of justice. Suppose the parties meet and agree to arbitrate their difficulties, whether they be railway companies or other corporations or individuals, citizens of one State or citizens of different States, when the arbitration is held and the award is made the parties, I apprehend, are bound by the conclusion reached by the arbitrators, and their rights under the arbitration may be then enforced by proceedings in the courts.

But, sir, the case of the Genesee Chief (12 Howard's Reports, 443) is cited here by the gentleman from Georgia [Mr. HAMMOND] as an authority in support of the doctrine that this bill is unconstitutional.

What was that case? That was a case where the relators, as owners of the schooner Cuba, as libellants, proceeded against the Genesee Chief to recover damages in consequence of a collision that had taken place on Lake Erie. It was insisted in the course of the argument of the case that the act under which the proceeding was brought was unconstitutional, for the reason that the jurisdiction of the admiralty courts was confined, under a proper construction of the Constitution, to the tide waters of the United States.

Judge Taney, in delivering the opinion in that case, with his accustomed incisive logic, brushed away the platitudes in which the courts

had previously indulged upon the subject, and showed that the act of Congress providing for admiralty jurisdiction being applied as well to the navigable lakes and rivers of the country as to the tide waters, was wholly free from all constitutional objection, and held that the enactment simply extended the jurisdiction of the admiralty courts, and authorized them to take cognizance of and adjudicate controversies originating on such lakes and rivers in the same manner as were those arising on the tidal waters.

In the course of the argument it was suggested that the authority to pass the act extending jurisdiction might come within the provision of the Constitution authorizing Congress to regulate commerce among the States; but the court held that authority did not attach under that provision, for the reason that the act was one not regulating commerce, but extending the jurisdiction of the admiralty courts in consonance with existing provisions of law. It seems to me the matter was so plain there ought not to have been much controversy upon the subject. The simple proposition contained in the act was the extension of the jurisdiction of certain judicial tribunals under provisions of law already existing.

Now what is the emergency that confronts us? By reason of our existing social and politico-economic conditions in this country as elsewhere, capital has the advantage of labor. The common law and the statutes of every State in the Union authorize the organization of capital in the form of corporations. These employ vast multitudes of men.

Questions arise between these powerful corporations and the operatives and laboring men of the country. While capital has every facility for enforcing its exactions, there are no adequate means by which labor can enforce its rights. The laboring men appeal for arbitration. We saw just the other day the magnates of a railroad corporation higgling with the representatives of the great labor organizations throughout the country who submitted in reference to existing difficulties the simple proposition, "Let us arbitrate; call ye in council one of your friends and we will bring hither another; let them call in a third; and we will submit these questions."

The agitation of this proposition has extended to this House. What will be the probable effect even of this? Since the meeting of the present Congress, when it was proposed to regulate the relations between operatives of your lines of street cars and the corporations which employ them, which had been exacting from the bone and brain and muscle of these men from fifteen to seventeen hours a day of hard labor for the comparative pittance for wages here of from $1.50 to $2, these corporations speedily came to terms, and proposed to limit their daily hours of labor to twelve and to compensate that labor by the payment of $2 for each and every day.

At the present time there are similar indications in reference to existing difficulties elsewhere. There is, at length, a disposition manifested by these contending corporations to yield to the just demands of labor. How much may the pending consideration of the question here have had to do with this? What will be the probable effect, then, of this act? Why, sir, it simply proposes to crystallize a just public sentiment. It simply provides for the payment of the expenses of three arbitrators, to be impartially chosen, and such assistance as may be required, for the purpose of conducting an investigation and formulating a sound and just conclusion to be submitted to the judgment of the public in reference to controversies which may from time to time arise. Give the people a measure of this kind; and will it not have some effect? In my judgment, Mr. Speaker, as surely as truth is omnipotent and public justice certain, so surely will these corporate bodies be compelled to yield to the demands of justice and right if you provide for putting on record a sound, considerate opinion or conclusion of impartial men in regard to any difficulties which may accidentally arise.

This bill is a step in the right direction. It is a response to the cry of distress. It is "ship ahoy" to the struggling sailor. And as the Creator himself vouchsafed to covenant with His chosen people in their time of tribulation and set His bow in the cloud as a token of the covenant, so by the passage of this bill this Congress will put its sign in the heavens as a token of a covenant that there shall be redress afforded to the laboring interests of this country; that labor shall not always be oppressed, shall not always be subject to any unwarranted exactions of capital and monopoly.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. I call for a vote on the pending proposition.

Mr. DUNN. I move that the House adjourn.

Mr. DIBBLE. Pending the motion to adjourn I ask unanimous consent that all amendments which members may desire to offer to this bill be printed in the RECORD.

Several members objected.

The question being taken on the motion to adjourn, there were—ayes 114, noes 67.

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

The yeas and nays were not ordered, there being only 33 voting in favor thereof.

Mr. O'NEILL, of Missouri. I will not call for a count of the other side, but announce that to-morrow morning I shall move to take up this bill, setting aside the Private Calendar for that purpose.

The motion of Mr. DUNN that the House adjourn being agreed to, the House accordingly (at 5 o'clock and 45 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Andrew P. Peabody and 600 others, citizens of Cambridge, Mass., in favor of the passage of Senate bill 52, known as the Dawes bill—to the Committee on the Public Lands.

By Mr. BALLENTINE: Petition of H. P. McMillion, of Giles County, Tennessee, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Henry P. McMillion, of Giles County, Tennessee—to the same committee.

By Mr. BARBOUR: Papers in the case of Stephen Casey—to the Committee on Claims.

By Mr. BARKSDALE: Papers relating to the claim of Sterling Cole, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BRAGG: Petition of citizens of Fond du Lac County, asking for a tax on butterine—to the Committee on Ways and Means.

By Mr. W. W. BROWN: Memorial of the window-glass makers of America, protesting against the reduction of the tariff—to the same committee.

By Mr. BUTTERWORTH: Petition of Mrs. Sarah Briggs, for relief—to the Committee on Claims.

By Mr. J. M. CAMPBELL: Petition of soldiers of the war of 1861–'65, asking for a law to allow them the difference between the value of the greenback and gold dollar at the time the greenback was paid to them—to the Committee on War Claims.

By Mr. FELIX CAMPBELL: Papers in the claim of James A. Whalen—to the Committee on Claims.

By Mr. CAREY: Memorial of members of the Wyoming Legislature, in reference to the leasing of school lands in said Territory—to the Committee on the Public Lands.

By Mr. CATCHINGS: Papers relating to the claim of Elizabeth D. Young, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CLEMENTS: Papers in the claim of Levi W. Brooks, of Walker County, Georgia—to the same committee.

Also, two memorials of citizens of Whitfield County, Georgia, for an appropriation for educational purposes—to the Committee on Education.

Also, memorial of citizens of Polk County, Georgia, for the same—to the same committee.

Also, memorial of citizens of Cobb County, Georgia, for the passage of an act to prohibit further Chinese immigration—to the Committee on Foreign Affairs.

By Mr. DUNN: Papers relating to the claim of George F. Smith; of Joseph S. Thompson; and of Sarah Slate, of Phillips County, Arkansas—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of John F. Donahower, for a pension—to the Committee on Invalid Pensions.

Also, paper in support of Thomas J. Spencer, for relief—to the Committee on Military Affairs.

Also, resolution of the Philadelphia Produce Exchange, for a national bankrupt law—to the Committee on the Judiciary.

Also, resolutions of a meeting of citizens of Philadelphia, Pa., in favor of the educational bill—to the Committee on Education.

Also, petition of Jos. S. Wicklein, for relief—to the Committee on War Claims.

Also, resolutions of the ex-Union Prisoners of War Association, of Reading, Pa., in favor of the Logan bill, to pension ex-Union soldiers who were prisoners during the late war—to the Committee on Invalid Pensions.

By Mr. FORAN: Petition of H. E. Hill & Co. and others, of Cleveland, Ohio, relative to branding live-stock, &c.—to the Committee on Agriculture.

By Mr. FORNEY: Papers relating to the claim of Barnet G. McAbee, of Cherokee County, Alabama—to the Committee on War Claims.

By Mr. FREDERICK: Petition of citizens of Iowa, asking that poppy-seed oil pay the same tariff as that imposed on linseed oil—to the Committee on Ways and Means.

By Mr. GAY: Papers relating to the claim of Alexander Livette, of Terre Bonne Parish, Louisiana—to the Committee on War Claims.

By Mr. GROSVENOR: Evidence in favor of claim of Charles L. Campbell—to the Committee on Military Affairs.

Also, petition from Zeno H. Scott, Post No. 479, Grand Army of the Republic, in relation to pension bill—to the Committee on Invalid Pensions.

Also, petition of William Zinn and 40 others, of Hulls; of L. C. Murphy and 17 others, of Athens County; of J. A. Davis and 17 others, and of H. C. Eastham and 43 others, in favor of the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, Local Assembly No. 2940, Knights of Labor, of Pomeroy, Ohio, for large appropriations for public works—to the Committee on Railways and Canals.

By Mr. HALSELL: Petition of Lydia Goff, for relief—to the Committee on War Claims.

By Mr. HARMER: Memorial of shipwrights and calkers, Knights of Labor of the city of Philadelphia, Pa., protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. HAYDEN: Petition of Samuel Longfellow and others, members of the Cambridge branch of the Indian Rights Association, in favor of the passage of the Indian bill known as the Dawes bill—to the Committee on Indian Affairs.

By Mr. D. B. HENDERSON: Paper from Rev. Thomas D. Barry, chaplain United States Army, and from General Nelson A. Miles, urging increased compensation for chaplains in the United States Army—to the Committee on Military Affairs.

By Mr. HIRES: Petition of citizens of Bridgeton, N. J., praying that no reduction be made in the tariff on window-glass—to the Committee on Ways and Means.

By Mr. JAMES: Petition of 4,213 business firms of the United States, employing 25,536 salesmen, for the enactment of some law whereby commercial travelers may be freed from State and local license law—to the Committee on Commerce.

Also, petition of 47 business firms of Scranton, Tex., and of the Numa Hotel and 20 others, merchants of Pueblo, Col., asking for the enactment of House bill 1621, relieving commercial travelers from State and local license law—to the same committee.

By Mr. KLEINER: Petition of Sarah E. Thompson, of Louisa Burton, and Robert E. Connell, severally, for a pension—to the Committee on Invalid Pensions.

Also, memorial praying for the granting of a pension to Theodore Dietzer and Marion Reeves, of Indiana—to the same committee.

By Mr. LITTLE: Memorial of Assembly No. 2582, Knights of Labor, of Springfield, Ohio, relative to the construction of public works—to the Committee on Railways and Canals.

By McMILLIN: Petition of W. G. Bratton, of Liberty, De Kalb County, Tennessee, for compensation for property used and consumed by the United States Army—to the Committee on War Claims.

By Mr. McRAE: Petition of Knights of Labor, Assembly No. 237, of Hope, and of Knights of Labor, Assembly No. 3674, of Malvern, Ark., protesting against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MAYBURY: Petition of Anna Norton, widow of John Norton, late private in Company D, Fifth Regiment Michigan State Volunteer Infantry, for a pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers relating to the claim of William Sloan, of De Sota County, Mississippi—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of John Snyder, of Frederick County, Virginia, and of Marshal McCormick, of Berryville, Clarke County, Virginia, administrator of John Alexander, praying that their war claims be referred to the Court of Claims—to the same committee.

By Mr. SENEY: Protest of John Dwight and others, against the passage of House bill 5576—to the Committee on Ways and Means.

By Mr. SNYDER: Petition of James R. Buster, administrator of Thomas S. Buster; of James R. Buster, of Fayette County; of Samuel Rust; and of Woodford White, of Kanawha County, West Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Warren Brown and others, of Obion County, Tennessee, for compensation for labor on military railroads—to the same committee.

Also, papers in the claim of George M. Coker, of Hinds County, Mississippi—to the same committee.

By Mr. TAULBEE: Petition of Cummins Porter, of Magoffin County, Kentucky—to the Committee on Invalid Pensions.

By Mr. THOMPSON: Two petitions of citizens of the twelfth Congressional district of Ohio, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. VAN EATON: Papers relating to the claim of Joseph R. Williams, and of Elizabeth Fenn, of Amite and Marion Counties, Mississippi—to the Committee on War Claims.

By Mr. VOORHEES: Statements in the case of John L. Buller—to the Committee on Claims.

Also, memorial of the Board of Trade of Vancouver, Wash., praying that the present import duty on lumber and coal be allowed to remain as a part of our tariff laws—to the Committee on Ways and Means.

By Mr. WILSON: Petitions of Samuel Judy, of Pendleton County; of A. B. Pugh, administrator, and of Francis Kotz, of Hardy County; of T. J. Hargiss, of Jackson County; of William C. Thomas, of Jackson County; of David Fry, of John M. Harman, of Jefferson County; of Jonathan C. Kile, of Pendleton County; of James M. Westfall, of Randolph County; and of Daniel Judy, of Grant County, West Virginia, for reference of their several war claims to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Papers in support of the claim of Samuel Shilling, for a pension—to the Committee on Invalid Pensions.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, in the Military and Naval Academies, and the Indian and colored schools, supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAKER: Of citizens of Monroe County, New York.

By Mr. BOYLE: Of citizens of Bradford and Fayette Counties, Pennsylvania.

By Mr. DAVIS: Of citizens of Bristol County, Massachusetts.

By Mr. DORSEY: Of citizens of Knox, Holt, and Burt Counties, Nebraska.

By Mr. GROUT: Of citizens of Windham and Washington Counties, Vermont.

By Mr. LANDES: Of citizens of Clay, Cumberland, Richland, Clark, and Lawrence Counties, Illinois.

By Mr. O'DONNELL: Of citizens of Jackson County, Michigan.

By Mr. PETERS: Of citizens of Summer, Rice, and Pawnee Counties, Kansas.

By Mr. SAWYER: Of citizens of Albion, N. Y.

By Mr. I. H. TAYLOR: Of citizens of Jefferson, Harrison, Columbiana, and Mahoning Counties, Ohio.

By Mr. TOOLE: Of citizens of Silver Bow, Meagher, and Gallatin Counties, Montana Territory.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 2, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EMPLOYMENT OF SUBSTITUTES, STATE DEPARTMENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the House of Representatives:

In response to a resolution of the House of Representatives of the 24th of March, relative to the employment of substitutes in the Department of State, I transmit herewith a report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 1, 1886.

SEIZURE OF THE SCHOONER LORD NELSON.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in relation to the claim of the representatives of the late Hon. James Crooks, a British subject, against this Government for the seizure of the schooner Lord Nelson in 1812. The matter is commended to the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., April 1, 1886.

CIVIL GOVERNMENT, ALASKA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, and the accompanying report, submitted by the governor of Alaska in compliance with section 5 of the act of May 17, 1884, entitled "An act providing a civil government for Alaska."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., April 1, 1886.

BEACON-LIGHT, GOVERNOR'S ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board asking an appropriation of $100 for the establishment of a light on Governor's Island, N. Y.; which was referred to the Committee on Commerce.

REFERENCE OF A SENATE BILL.

The SPEAKER also, in accordance with the rule, laid before the House the bill (S. 2012) for the erection of a monument to Abraham Lincoln; which was read a first and second time, and referred to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent leave of absence, on account of important business, was granted as follows:

To Mr. CABELL, for four days.

To Mr. BAKER, until Monday next.

To Mr. OUTHWAITE, for four days.

To Mr. WEST, for one week.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that

they had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 58) authorizing the printing of a naval report; and

Joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH, from the Committee on Agriculture, reported a bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HAMMOND. I reserve all points of order upon the bill.

CORRECTION.

Mr. FORAN. Mr. Speaker, I ask to have a correction made in the Journal. On the motion of the gentleman from Indiana [Mr. BROWNE] to adjourn, last evening, I am recorded as having voted in the negative. I voted in the affirmative, and I ask to have the correction made.

The SPEAKER. The Chair will cause the Journal to be examined, and if an error was made it will be corrected. [After a pause.] The Chair is informed, on an examination of the Journal, that the gentleman from Ohio is recorded as having voted in the negative.

Mr. FORAN. I should have been recorded as having voted in the affirmative.

The SPEAKER. The correction will be made.

PERSONAL EXPLANATION.

Mr. GREEN, of New Jersey. Mr. Speaker, I rise to a question of personal privilege. I find in the RECORD of the proceedings of last Monday that after a pair had been arranged for me, on the motion to refer the educational bill to the Committee on Labor, the gentleman from Virginia [Mr. BRADY], with whom the pair was arranged, quite naturally, on information from one of my colleagues that I would probably vote with him upon the motion, withdrew the pair. I desire to say that the information given to the gentleman from Virginia was incorrect, and that my colleague, whoever he might have been, had no authority to make such a statement. Had I been here, I should have voted against the pending motion and against any motion to refer the bill to any committee other than the one to which it should properly have been referred under the rules of the House.

The SPEAKER. The recollection of the Chair is that the gentleman from Virginia had voted, but when it was discovered that a pair had been arranged between him and the gentleman from New Jersey the gentleman from Virginia asked to withdraw his vote; but the gentleman from Tennessee [Mr. TAYLOR], who had voted upon the bill, withdrew his own vote and a pair was announced for him with the gentleman from New Jersey in place of the gentleman from Virginia.

Mr. GREEN, of New Jersey. Yes, sir; it came out right at last.

Mr. RANDALL. The gentleman from Tennessee kindly stepped in, but there was a doubt, however, thrown over the matter as to the intention of the gentleman from New Jersey in this regard, and perhaps it was due that this statement should be made so as to clear me as well of any misinformation on the subject.

DAM ACROSS MISSISSIPPI RIVER.

Mr. CRISP. I present a report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

CHARLES F. CRISP,
W. D. BYNUM,
Managers on the part of the House.
J. N. DOLPH,
DWIGHT M. SABIN,
MATT. W. RANSOM,
Managers on the part of the Senate.

The statement by the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 1270, "An act to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River," submit the following in explanation of the action of the conference committee in the report submitted herewith:

The effect of the first amendment is to require that the location of the dam shall be approved by the Secretary of War.

The effect of the second amendment is to provide that in case the Government sees fit to take possession of said dam for purposes of navigation it shall not do so to the destruction of the water-power, the word "destruction" being substituted for the word "detriment."

The effect of the third amendment is to reserve to Congress the right to alter, amend, or repeal this act without any claim of any kind arising in favor of any party in consequence of such amendment or repeal.

CHARLES F. CRISP,
W. D. BYNUM,
Managers on the part of the House.

Mr. CRISP. I move that the House agree to the report of the conference committee.

The report of the conference committee was agreed to.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from Iowa [Mr. FREDERICK] asks unanimous consent to discharge the Committee on Ways and Means from the further consideration of the bill (H. R. 5597), and that the same may be referred to the Committee on Agriculture, which has before it several bills of a similar character.

There being no objection, the Committee on Ways and Means was discharged from the further consideration of the bill (H. R. 5597) providing for a revenue tax on all manufactured substitutes for butter and cheese, and imitations of the same, manufactured out of other ingredients than that of pure milk and cream; and the same was referred to the Committee on Agriculture.

On motion of Mr. GROUT, the Committee on Ways and Means was discharged from the further consideration of the bill (H. R. 3109) to tax the manufacture and sale of oleomargarine; and the same was referred to the Committee on Agriculture.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. I move to dispense with the consideration of private business, my object being to call up the unfinished business, the arbitration bill reported from the Committee on Labor.

Mr. ROGERS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Under the rules do we not have the regular morning hour on Friday as well as on other days?

The SPEAKER. Certainly, unless by a vote of the House private business is dispensed with and the especial order taken up.

Mr. ROGERS. What is the vote required to dispense with private bills on Friday?

The SPEAKER. A majority, under the amended rules.

Mr. WILLIS. I ask the gentleman from Missouri to modify his motion so that the consideration of private business may be taken up after the arbitration bill shall have been disposed of.

The SPEAKER. The motion can hardly be modified in that way. But the gentleman from Missouri [Mr. O'NEILL] states his purpose is only to ask the suspension of private business until the special order is disposed of.

Mr. ROGERS. Does this do away with the morning hour for the reports from committees?

The SPEAKER. It does until the special order is disposed of.

Mr. REED, of Maine. Would it not be as well to allow the reports of committees to be made, so that pension business may be reported?

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. O'NEILL].

The question being taken, there were—ayes 66, noes 73.

Mr. O'NEILL, of Missouri. I call for tellers.

The SPEAKER. Does the gentleman from Missouri make the point that a quorum has not voted?

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 45.

Mr. STEELE. Count the other side.

The negative vote being taken, there were noes 73.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were yeas 154, nays 71, not voting 98; as follows:

YEAS—154.

Adams, J. J.	Clements,	Harmer,	McAdoo,
Allen, C. H.	Cole,	Hayden,	McComas,
Allen, J. M.	Collins,	Haynes,	McKinley,
Anderson, J. A.	Conger,	Henderson, D. B.	McRea,
Barksdale,	Cowles,	Henderson, J. S.	Merriman,
Barry,	Cox,	Hitt,	Miller,
Bayne,	Crain,	Holman,	Mitchell,
Beach,	Crisp,	Hopkins,	Morrill,
Bingham,	Cutcheon,	James,	Morrison,
Blanchard,	Davenport,	Johnson, F. A.	Morrow,
Bland,	Davis,	Johnston, J. T.	Muller,
Blount,	Dingley,	Johnston, T. D.	Murphy,
Bound,	Dockery,	Ketcham,	Neal,
Boutelle,	Dougherty,	Laird,	Neece,
Browne, T. M.	Ely,	Landes,	Negley,
Brown, W. W.	Evans,	Lanham,	Norwood,
Brumm,	Everhart,	Lawler,	O'Donnell,
Buchanan,	Farquhar,	Le Fevre,	O'Neill, Charles
Buck,	Felton,	Libbey,	O'Neill, J. J.
Burnes,	Findlay,	Long,	Osborne,
Burrows,	Fisher,	Lore,	Owen,
Bynum,	Fleeger,	Lovering,	Parker,
Caldwell,	Ford,	Lowry,	Payne,
Campbell, Felix	Frederick,	Mahoney,	Perkins,
Cannon,	Fuller,	Markham,	Peters,
Carleton,	Gibson, Eustace	Martin,	Phelps,
Caswell,	Grosvenor,	Matson,	Pirce,
Catchings,	Guenther,	Maybury,	Plumb,

Randall,	Skinner,	Taylor, I. H.	Weber,
Ranney,	Sowden,	Taylor, J. M.	Wellborn,
Reed, T. B.	Spooner,	Thomas, O. B.	Wheeler,
Reid, J. W.	Springer,	Van Eaton,	Whiting,
Robertson,	St. Martin,	Van Schaick,	Wilkins,
Romeis,	Stone, W. J., Mo.	Viele,	Willis,
Ryan,	Storm,	Wait,	Wilson,
Scott,	Strait,	Wakefield,	Wise,
Scranton,	Swinburne,	Warner, William	Worthington.
Shaw,	Tarsney,	Weaver, A. J.	
Singleton,	Taylor, E. B.	Weaver, J. B.	

NAYS—71.

Adams, G. E.	Foran,	Hutton,	Sadler,
Ballentine,	Forney,	Irion,	Smalls,
Belmont,	Gallinger,	Jones, J. H.	Steele,
Bennett,	Geddes,	Kelley,	Stewart, Charles
Breckinridge, C. R.	Glass,	Kleiner,	Stone, E. F.
Breckinridge, WCP.	Glover,	Little,	Stone, W. J., Ky.
Burleigh,	Green, R. S.	Lyman,	Swope,
Butterworth,	Green, W. J.	McMillin,	Taulbee,
Campbell, J. E.	Grout,	O'Ferrall,	Taylor, Zach.
Candler,	Halsell,	O'Hara,	Turner,
Daniel,	Hammond,	Payson,	Wade,
Davidson, A. C.	Harris,	Peel,	Wadsworth,
Davidson, R. H. M.	Hatch,	Perry,	White, A. C.
Dibble,	Heard,	Price,	White, Milo
Dorsey,	Herbert,	Reagan,	Winans,
Dowdney,	Hewitt,	Rice,	Wolford,
Eldredge,	Hiscock,	Richardson,	Woodburn.
Ellsberry,	Howard,	Rogers,	

NOT VOTING—98.

Aiken,	Dawson,	Jones, J. T.	Sawyer,
Anderson, C. M.	Dunham,	King,	Sayers,
Arnot,	Dunn,	Laffoon,	Seney,
Atkinson,	Eden,	La Follette,	Sessions,
Baker,	Ermentrout,	Lehlbach,	Seymour,
Barbour,	Funston,	Lindsley,	Snyder,
Barnes,	Gay,	Louttit,	Spriggs.
Bliss,	Gibson, C. H.	McCreary,	Stahlnecker,
Boyle,	Gillillan,	McKenna,	Stephenson,
Brady,	Goff,	Millard,	Stewart, J. W.
Bragg,	Hale,	Milliken,	Struble,
Brown, C. E.	Hall,	Mills,	Symes,
Bunnell,	Hanback,	Moffatt,	Thomas, J. R.
Cabell,	Hemphill,	Morgan,	Thompson,
Campbell, J. M.	Henderson, T. J.	Nelson,	Throckmorton,
Campbell, T. J.	Henley,	Oates,	Tillman,
Clardy,	Hepburn,	Outhwaite,	Townshend,
Cobb,	Herman,	Pettibone,	Trigg,
Compton,	Hiestand,	Pidcock,	Tucker,
Comstock,	Hill,	Pindar,	Ward, J. H.
Cooper,	Hires,	Pulitzer,	Ward, T. B.
Croxton,	Holmes,	Reese,	Warner, A. J.
Culberson,	Houk,	Riggs,	West.
Curtin,	Hudd,	Rockwell,	
Dargan,	Jackson,	Rowell,	

So the motion of Mr. O'NEILL, of Missouri, was agreed to.

Mr. LANDES. Mr. Speaker, my colleague, Mr. RIGGS, is confined to his room by sickness. That is the reason of his absence.

Mr. BEACH. Mr. Speaker, I ask unanimous consent that the recapitulation of the names of members voting be dispensed with.

Objection was made.

Mr. STAHLNECKER. Mr. Speaker, I ask that my name be called, in order that I may vote.

The SPEAKER. Was the gentleman in the Hall during the roll-call?

Mr. STAHLNECKER. I was not.

The SPEAKER. Then the rules prohibit the recording of the gentleman's vote upon this call.

Mr. STAHLNECKER. If I had been present, I should have voted "aye."

The following-named members were announced as paired until further notice:

Mr. BRADY with Mr. CROXTON.

Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.

Mr. BOYLE with Mr. HOUK.

Mr. PIDCOCK with Mr. LEHLBACH.

Mr. DARGAN with Mr. STRUBLE.

Mr. GOFF with Mr. SAYERS.

Mr. MORGAN with Mr. HEPBURN.

Mr. SPRIGGS with Mr. MILLIKEN.

Mr. TOWNSHEND with Mr. THOMAS, of Illinois.

Mr. LAFFOON with Mr. LOUTTIT.

Mr. OUTHWAITE with Mr. WEST.

Mr. SAYERS. Mr. Speaker, I find that I am paired with Mr. GOFF, of West Virginia. I therefore desire to withdraw my vote. I do not know how Mr. GOFF would vote if he were present, but if I were to cast my vote it would be in the affirmative.

The following-named members were announced as paired for this day:

Mr. THROCKMORTON with Mr. ROWELL. If Mr. THROCKMORTON were present, he would vote against the labor-arbitration bill.

Mr. CULBERSON with Mr. BUNNELL.

Mr. WARD, of Illinois, with Mr. ROCKWELL.

Mr. RIGGS with Mr. BROWN, of Ohio.

Mr. WARD, of Indiana, with Mr. THOMPSON.

Mr. COBB with Mr. LINDSLEY.

Mr. MILLS with Mr. STEPHENSON.

Mr. HILL with Mr. PETTIBONE.

The following were announced as paired on this vote:

Mr. STAHLNECKER with Mr. MCKENNA.

Mr. CLARDY with Mr. HENDERSON, of Illinois.

Mr. OATES was announced as paired with Mr. BAKER on all questions for this day, and also on the labor bill. If present, Mr. BAKER would vote for the bill, Mr. OATES against it.

The result of the vote was then announced as above recorded.

Mr. BUTTERWORTH. My colleague, Mr. BROWN, of Ohio, is announced as paired. I think it proper to state that he fell this morning and was quite seriously injured, which is the reason he is absent from the House.

ORDER OF BUSINESS.

Mr. O'NEILL. Regular order, Mr. Speaker.

The SPEAKER. The regular order is the call of committees for reports unless some motion is made.

Mr. O'NEILL, of Missouri. Then I move that the House resolve itself into Committee of the Whole to continue the consideration of the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

The SPEAKER. There is a motion pending, made by the gentleman from Missouri [Mr. O'NEILL], to limit debate upon the first section and all amendments thereto to one minute. To that motion the gentleman from South Carolina [Mr. DIBBLE] has moved an amendment, to limit the debate to forty-five minutes. The question is first upon the amendment of the gentleman from South Carolina.

Mr. HAMMOND. If the gentleman from Missouri [Mr. O'NEILL] will agree to thirty minutes, I think that will be satisfactory.

Mr. O'NEILL, of Missouri. I am willing to agree on thirty minutes.

The SPEAKER. It requires unanimous consent, the previous question having been ordered on the motion.

Mr. DIBBLE. Then, Mr. Speaker, with the acquiescence of the Committee on Labor, I ask unanimous consent that debate be limited to thirty minutes.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. Does that motion include the prevention of debate upon amendments that may be offered?

The SPEAKER. It does. Under the rules of the House when debate is closed upon a section that also closes debate upon all amendments pending or that may thereafter be offered to the section, but does not preclude amendments.

Mr. ANDERSON, of Kansas. Then, Mr. Speaker, as I think there ought to be debate upon amendments, I must object.

The SPEAKER. Objection is made. The question is on the amendment of the gentleman from South Carolina.

The House proceeded to divide on the amendment, but before the count was completed Mr. ANDERSON, of Kansas, withdrew his objection.

The SPEAKER. Is there objection? The Chair hears none, and the order will be made that all debate on the section and amendments thereto be closed in thirty minutes.

Mr. REED, of Maine. Does that include amendments yet to be proposed as well as pending amendments?

The SPEAKER. As the Chair has already stated, the effect of closing debate on the section is to close it also on all amendments offered or to be offered. The Chair understands the gentleman from Missouri [Mr. O'NEILL] to withdraw the motion to limit debate to one minute.

Mr. O'NEILL. Yes, sir.

The SPEAKER. The order is then made that debate on the first section of the bill and all amendments thereto be closed in thirty minutes. The question now recurs on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

LABOR ARBITRATION.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 7479) to provide for the speedy settlement of the controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

The CHAIRMAN. By order of the House all debate on the first section of this bill and amendments thereto will be closed in thirty minutes from this time. The first amendment under consideration is that which was originally offered by the gentleman from Illinois [Mr. CANNON], was withdrawn by him, and was reoffered by the gentleman from Pennsylvania [Mr. KELLEY]. The Clerk will report that amendment.

The Clerk read as follows:

Insert after the word "States," in line 7, the words "between a Territory and State," and strike out the word "or" where it first occurs in line 7.

The CHAIRMAN. The Chair suggests that, in view of the order of the House closing debate on all amendments, members be permitted to send their amendments now to the Clerk's desk to be read, the discus-

sion to proceed thereafter. This can only be done by unanimous consent. Is there objection? The Chair hears none. The Chair will first have read the amendment submitted by the gentleman from Ohio [Mr. FORAN].

The Clerk read as follows:

Add to the section the following:

"*Provided*, That if upon the written proposition of either party to the controversy to submit their differences to arbitration the other party shall refuse to accede to the proposition to so arbitrate, the party submitting the proposition to arbitrate, as aforesaid, may request the judge of the United States district court within whose jurisdiction the controversy exists and the parties reside to appoint the person or arbitrator provided for by this section; and said judge, upon being so requested, and upon being satisfied that one of the parties to the controversy has refused to arbitrate, as herein provided, is hereby authorized and directed to forthwith appoint said person or arbitrator."

The CHAIRMAN. The Chair now recognizes the gentleman from South Carolina [Mr. DIBBLE] to send up his amendment to be read.

The Clerk read as follows:

Strike out all of the first section after the word "passengers," in the eleventh line of the printed bill, and insert the following:

"The Commissioner of Labor, at the written request of either party to the controversy, shall order an investigation to be made by the examination in public of such witnesses as shall voluntarily attend at or near the place where the controversy or difference is pending concerning such difference or controversy. Such examination shall not be commenced until at least two days' notice shall have been given to each party, and at least one day's notice to the public by advertisement of the time and place of commencing the same in one or more newspapers in current circulation in the vicinity: *Provided*, That whenever either party is composed of a large number of persons the written request of two or more of the leaders or officers of such party shall be a sufficient request for an examination; and written notice to two or more of the officers or leaders of such party shall be sufficient notice of such examination. And either party shall have the right to appoint one disinterested person to act as examiner. And the Commissioner of Labor shall designate one of the clerks, stenographers, or special agents of the Bureau of Labor for the same purpose. And the three persons thus designated and appointed shall be a board of examiners, with the duties, powers, and privileges hereinafter set forth. And in case either one of the parties to such difference or controversy shall neglect or refuse, for two days after the receipt of the notice hereinbefore prescribed, to appoint a person to act as examiner, then the other two examiners shall proceed to act as such board: *Provided*, That the party so neglecting or refusing may, notwithstanding such neglect or refusal, appoint an examiner at any time before the examination shall have been finished. In case the Commissioner of Labor deems it necessary so to do, he may detail one or more of the clerks or stenographers of the Bureau of Labor to assist in the clerical work of the said board. Such examination shall be concluded within thirty days from the date of the examination of the first witness before the said board."

Mr. DIBBLE. I rise to a parliamentary inquiry. Have I the floor now for five minutes on the amendment just read?

The CHAIRMAN. The Chair will recognize gentlemen for debate after the various amendments have been read.

Mr. ANDERSON, of Kansas. I send to the desk an amendment which I propose to offer.

The Clerk read as follows:

Strike out the word "if," in line 14, and all of lines 16 to 21 down to the word "all," in line 21, and insert "the matter shall be examined by a commission of three persons appointed by the President of the United States, by and with the advice and consent of the Senate."

Mr. NEGLEY. I desire to offer the amendment which I send to the desk to be read.

The Clerk read as follows:

After the word "carrier," in line 14 of section 1, insert "also to take notice of and inquire into the practice of certain railroad companies in maintaining a company system of life insurance to evade the payment of damages for loss of life through negligence or otherwise, the employés being compelled to keep up policies on their lives and contribute assessments therefor out of their wages."

The CHAIRMAN. If there are no further amendments to be proposed at this time the Chair will now recognize gentlemen to discuss the amendments. The time for discussion begins at 1 o'clock. In order that there may be no misapprehension, the Chair will state that these amendments have been read simply for information, and will be taken up for consideration in the order in which they have been presented.

Mr. FORAN. Mr. Chairman, during my remarks last Wednesday I stated that the only purpose that could be accomplished by this bill, should it become a law, would be to provide a means for the investigation of pending industrial controversies on railroads, provided the parties thereto desired to have such investigation; and in order that the investigation might be had in every instance I offered the amendment which has just been read. At that time I had read this bill but once, and thought it was at least a very harmless measure, for which I might safely vote.

Upon more mature reflection, however, and after hearing the views of gentlemen who have discussed it upon this floor, I am constrained to say I can not vote for it, harmless as I supposed it was. There is much force in the suggestion of the gentleman from Illinois [Mr. HOPKINS] that the board may imprison for contempt Knights of Labor should they refuse to disclose the secrets of their order; at all events, the power in the bill which would compel the corporation to disclose its business secrets would also compel the Knights of Labor and other organizations of labor to disclose the operations and business of their unions and assemblies. This being true, permit me to say in all sincerity that this bill is a Trojan horse that is being forced into the walled citadel of organized labor.

I have been a trade-unionist myself, and for years was the executive officer of a large national labor organization, and I believe I know what are the aspirations, the hopes, desires, and wants of organized labor; and certainly a measure which would drive the strong arm of the law into the unions and assemblies of labor is not wanted or desired. There is a gentleman on the other side of this House, the member from New York [Mr. FARQUHAR], who has been the executive officer of one of the most intelligent labor organizations of this country, the Typographical Union, and I believe he feels as I do upon this phase of the bill, for he has an amendment which he thinks will cure that defect in the bill. But it will not.

Again, there is much force in the suggestion of the gentleman from Georgia [Mr. HAMMOND], that if we recognize the right in Congress to pass this bill and establish the precedent that such legislation embodies, why may not some future Congress, relying upon that precedent, pass laws making it a felony for the employés of railroads running through the States and Territories to delay, hinder, obstruct, or interfere with the commerce of such roads or the transmission of the mails by striking or stopping work, even though their right to do so be as clear as the midday sun in an unclouded sky? Is this bill, then, not an entering-wedge which will establish such a precedent for Congressional action hereafter as may crush and rend organized labor and leave workingmen in a worse condition than they ever were before?

I am in favor of the principle of arbitration, but it is that arbitration which grows out of that spirit of conciliation and enlightened judgment which will bring the employer and the employé together in the spirit of mutual forbearance and concession. Legislative arbitration has ever been a failure. If you pass this bill I venture the assertion it will never be invoked, and the only result will be the bad precedent, which will live to plague not the inventors but those affected by it. Even voluntary arbitration, so far as labor is concerned, is only effective when the men are backed by effective and powerful organizations.

I am willing to leave this question to the organizations of labor. In these organizations the friction of mind upon mind will brighten intellect and enable labor to see with clearer vision the evils that beset it and the remedies best applicable for their eradication, and their power and their prestige will have a mollifying effect upon the selfishness of capital, and enable employers also to see with clearer visions the right course to pursue. I believe in organization. It was said of old that "knowledge is power."

What is knowledge but organized thought? A single organized thought has shaped and controlled the destinies of people and of nations; organized thought has hurled tyrants from the pinnacles of fame they reached through human blood; has struck the shackles from the limbs of the slave, and caused the pæans of liberty to be sung the world over. Every evolution through which man has reached a higher intellectual and social level has been wrought out through organization. Mind is the supreme law of human destiny, and to organized mind and the well-directed thought it evoked may be traced the progressive development of humanity, which we can read, stage by stage, in the crystallization of human thought from the dawn of history to the present day.

The Arab and the Indian are types of the earliest organizations of humanity, and from such primitive types our present civilization has been evolved by and through organization. From these remnants of barbarism down to the time Grecian glory and intelligence illumined the world and the banners of the Romans waved from the hilltops and their sabers flashed in the sunlight of half the known globe, we but follow in the footsteps of organization, and from the Dark Ages to the day the Bell of Independence proclaimed liberty to all the earth and the inhabitants thereof is but another step in the mighty trackway of organization.

It was organization that enabled Mohammed to lead the obscure Arab to a mighty empire and enabled his successors for ages to sweep the Cross before the lurid blaze of the Crescent. It was an organized thought that enabled Morse to chain the most potent invisible force in nature and through its agency annihilate time and space. It was an organized thought that enabled Bell or Edison or the Pan-Electric inventor to send the human voice along the pulsing wire a thousand miles away.

All around us there are organizations—Masons, Odd Fellows, and kindred associations—all seeking through organization higher idealities, greater diffusion of knowledge, and grander realizations of human perfection. It is through this instrumentality, through organization, that labor will work out its freedom, intellectualize the toiler, enlighten the world as to its wrongs, mold, shape, and fashion public sentiment and opinion, and, because of its great power, exact from capital, through orderly and peaceable means, its just reward. [Great applause.]

[Here the hammer fell.]

Mr. DIBBLE. I have no complaint against the Committee on Labor for bringing before this House at this time a measure concerning the relations of capital and labor. We have an illustration of the necessity of such legislation as it is competent for the Congress of the United States to enact in this particular. The policy of Congress has been heretofore announced by establishing a bureau of labor, and appointing a commissioner thereof, and making appropriations therefor. Possessing the power to regulate interstate commerce, when the traffic of the country is interrupted by grave disputes in the West we should carefully inquire whether anything can be devised to improve such condition of affairs by appropriate legislation.

But, Mr. Chairman, I have a complaint against the Committee on Labor in relation to this matter, and that is, when they brought their bill into this House they seemed to say by their action, "We do not want any suggestion to be made to us; we propose to pass this bill as it is, or else labor shall have no remedy at all." As a friend of labor, representing a constituency largely composed of laboring men, I claim the right, in common with others on the floor of this House, to amend the bill in a friendly spirit, and to suggest to the House whether it can be improved or not. It is in that spirit I submit the amendment I have offered. Without amendment in some particulars, and especially in some other sections, I will be compelled by my deliberate convictions to oppose the bill upon its passage.

The Bureau of Labor, which has been established at an expense of $25,000 per annum and for which in the Book of Estimates an appropriation of $35,000 is asked for the next fiscal year, with its machinery, devised by this House in its cooler moments, to deal with such questions as this, is entirely ignored by the bill which has been presented to this House. And the Government, with a bureau already established, with its clerks and stenographers and all the machinery already in existence, in the language of the law, "to collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women," declines to use the instrument of its own creation in the first great emergency which arises, and is to adopt a hasty, ill-considered scheme in its stead.

Now, the object of my amendment is, Mr. Chairman, to make the Commissioner of Labor, with his stenographers and his clerks, a factor in gathering this information and putting it on file and in submitting it to the intelligence of the American people. The powers of the Congress, I am bound to admit, under the Constitution, are limited, and I have put into this amendment and others which I will propose all that I conscientiously believe is within the power of Congress in this direction.

I propose first a board of examiners, in which both parties are represented, the third being one of the clerks or special agents of the Bureau of Labor. I propose afterward, in a subsequent section, which I would like to have read if there is time (but the chairman indicates that my time has about expired), that they shall invite from each party to the controversy a statement or proposition of terms upon which they will agree to adjust the difficulty, and that they shall advise and assist in such adjustment. And this is a practicable scheme, Mr. Chairman, while the other, as a basis of such settlement, in my opinion will do no good.

Mr. ANDERSON, of Kansas. Mr. Chairman, in order that other gentlemen may have time I will take but a moment in the discussion of this matter. I only desire to call the attention of the committee for a few minutes to the amendment proposed by me. This amendment provides for the appointment of three United States commissioners by the President of the United States, by and with the advice and consent of the Senate, to serve instead of three arbitrators proposed by the bill.

That amendment, if adopted, would give these commissioners no other powers than they get by the bill as it now stands; but it would be a commission permanent in its character, always ready for service, and gathering this information as required. It would be far preferable, in my mind, to the three arbitrators to be chosen for any one strike, whose powers would cease at the termination of that strike.

Mr. KELLEY. Mr. Chairman, I desire simply to say that I understand from the gentleman from Missouri [Mr. O'NEILL] in charge of this bill that my amendment is accepted by the committee.

Mr. O'NEILL, of Missouri. I would suggest that the committee have no objection whatever to the amendment, which is to correct the phraseology of the bill.

Mr. KELLEY. Then I shall occupy none of the time remaining for debate.

Mr. O'NEILL, of Missouri. The amendment is correct, I think.

Mr. NEGLEY. Mr. Chairman, in no other relation in business life do the employés surrender so much of their personal and individual liberty or have so little control over their own wages, their own time, as in the railway employment; and believing that it was the purpose of the committee to deal with that question of grievances and afford a remedy by arbitration, I have offered an amendment which I trust will be accepted.

Mr. O'NEILL, of Missouri. Let me suggest to the gentleman from Pennsylvania that it would be better to offer his resolution embracing that subject as an independent proposition and send it to the Committee on Labor, who will then consider it. I do not think it is a subject for consideration here.

Mr. NEGLEY. It is entirely germane to the subject-matter of the bill and quite as necessary as any other provision.

Mr. O'NEILL, of Missouri. This amendment is in reference to insurance alone, and I think has no relevancy here.

Mr. NEGLEY. It is necessary that this question should be settled, being a question of controversy, and possibly may avert strikes in the future. I trust there will be no objection to it.

Mr. O'NEILL, of Missouri. I do not consider it germane, and I think it would be better for the gentleman to put it in the shape I have suggested.

Mr. NEGLEY. I am obliged to the gentleman for his offer; and if it is rejected by the committee, then I shall offer it in the shape of a resolution and let it be referred to the Committee on Labor.

I yield the remainder of my time to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. I have no fear that the workingmen of this country will not get all their rights. It is only a question of time and manner; and, for my part, I do not dread the result, but I do dread the processes, and I would do what I could to make these more orderly and more efficient.

The workingman will get the rights that he lacks, just as he got those he has, by public opinion. He will attract, persuade, and convince the public. But the processes by which he gets his rights are naturally more or less wasteful, disorderly, and turbulent, because he gets his rights by proving his wrongs. He uses every effort to get public attention for, public sympathy with, and public recognition and conviction of his wrongs. As soon as he convinces the public of his wrongs the public gives him his rights so promptly, so fully, that he does not need court or Legislature. Society awards them in a flash.

Is not this the splendid record of labor's achievement in the past? Why shall it not be the experience of the future? When the workman, anxious to obtain a right, starts to convince the public he moves with the zeal of long repression. His success at first is too great. He masses and exhibits his wrongs in such shape of enormity and number that he himself is surprised and indignant, while unfortunately the public is made only more incredulous. So the spectacle which makes the workingman most impatient for action and redress makes the people slower and more reluctant to give it. Hence friction. Hence the stage now seen in Missouri, where there is disorder, turbulence, and wrongdoing. This is the dangerous stage of the process. This is the stage we should unite all our efforts to eliminate, to shorten, at least to modify in its extremest manifestations. And this we can do only by suggesting or providing the way and means by which the workingman can more quickly prove his wrongs. Methods are needed by which he can quickly, clearly, and conspicuously make his case and discover and publish its merits. This is the stage where this bill enters and this is its method. It provides a method by which the workingman may more quickly prove and advertise his wrongs.

It provides a method of arbitration, a simple one, that the plain men can understand, and this is stripped of all legal complexity, perplexity, or subtlety. It can be used promptly, and it can be used without expense. The procedure is sure to excite attention, because it is a public one; and to win respect, because its orderly steps are directed by a United States statute; and the decision is equally sure of respect and attention, for it has the shape of a judicial judgment; it goes into the public archives, and it is filed and recorded in a public office where Congress and the people can see and read it. Because this bill does give the workingman a means of quickly and conspicuously proving his wrongs, and because, in my opinion, he has only, in this country at least, to prove his wrongs to get promptly and fully his rights, I am glad to vote for this measure. [Applause.]

Mr. WILLIS. Mr. Chairman, I give due weight to the arguments which have been presented as to the propriety of this legislation. I am not fully persuaded that the interference of the Federal Government will help those whose weakness most appeals for help. I share to some extent the fear that the power now invoked with hope of relief and safety may hereafter become an instrument of danger and further oppression. But putting these doubts and fears aside, I shall vote for this bill. I vote for it, not as a panacea for the evils complained of, not as a solution of the problem of labor and capital, but as a step—it may be a short one—in the right direction.

Nor do I understand the fierce opposition which the opponents of this measure have manifested. Their bitter denunciations and declarations as to its character do not harmonize.

They all assert it is a very "harmless" thing; and in order to demonstrate their assertion they proceed to pour out the vials of their wrath upon it. They ridicule it. They epithet it. They call it, as the gentleman from Ohio [Mr. FORAN] called it to-day, a "Trojan horse." They call it a "fraud," a "trick," a "sham." And my friend from Georgia, climaxing the whole matter, has even denounced it as a "milk-poultice."

Now, I believe a bill which has called forth all this denunciation has some meat in it. I believe that it means more than those gentlemen claim. It is not because it is harmless, but because it looks toward the settling of the grandest problem of this or of any age that it meets the opposition it does from some sources.

That problem is the problem of ages; a problem, as we know, on which was founded the French revolution; a problem that has disturbed England, Germany, Belgium, and every country of the world. But we need not look to other countries or appeal to history to illustrate the contest between labor and capital. Only the other day we saw the business of three great States paralyzed by a strike upon the railroad system of the Southwest. Only a few years ago we found the military called out to suppress what was called a "riot." Thousands of workmen out of employment—millions of property lost. These are the results which demand of the Committee on Labor attention. An-

swering that demand they bring in a bill, a bill that is now before the American Congress. If it be wrong, if it be inadequate, if it be a "stone" and not "bread," if it need amendment, let the wisdom of this Congress amend it. If it accomplish nothing, if it be simply "harmless," still let it be passed as at least a sentimental declaration that we feel for the woes of these men, and are willing, if we can, to remove them.

Sir, this Hall has been called the audience chamber of the nation. During the brief time I have been here I have seen standing at that bar all the great monopolies of this land. We have heard from the railroad monopolies; we have heard from the telegraph monopolies; we have heard from the bank monopolies; we have heard from the land monopolies; and to-day, in one of the committee-rooms of this House, you are hearing from one of the great telephone monopolies of the land.

All these, sir, have had their day in court; they have been not only heard but heeded; and now when this new organization, the Knights of Labor, called forth by these monopolies, comes, although their voice be but in a whisper, as this bill is, yet for one I shall listen and shall heed it, and shall hope that from it will come in the future better and more effective legislation.

Sir, this question can not be settled by a single act of legislation. It is a great question—one of the greatest of the hour. Every year it grows in magnitude and importance. Need I remind this House of the rapidity of that growth?

Only a few years ago, within the memory of the youngest man who hears me, the three great arteries of commerce between the East and West and North and South were the Mississippi River, the Great Lakes, and the Erie Canal. There has been no period in the history of our country when the free navigation of these great water ways could have been interrupted without a war. The tonnage on the Mississippi River passing any given point in the year 1884 amounted to 3,000,000 tons; the freight tonnage passing during the same year through Saint Mary's Canal, the throat of the lakes, was 3,256,628 tons; the tonnage of the Erie Canal to tide water was 2,853,764 tons—making a total for all of these great trade avenues of 9,110,392 tons.

Important as are these routes of transportation, immense as is their tonnage, how insignificant they become when compared with the aggregate business of only four of the great trunk lines of the country, and these are but a part of the great system which girdles and penetrates every State of our Union and which is involved in this proposed legislation. Consider for a moment the statistics I now read and tell me whether a bill which comes to the rescue of the weak against the colossal power represented here does not merit our support.

The tonnage of the four trunk lines of railway was in 1884 as follows: Pennsylvania, 22,583,825 tons; New York Central, 10,212,418 tons; New York and Erie, 16,219,598 tons; Baltimore and Ohio, not including 12,000,000 bushels of grain, 5,103,861 tons; an aggregate of 44,119,722 tons per annum, or nearly five times the combined tonnage of the Erie Canal, the great lakes, and the Mississippi River.

To-day, therefore, four men—the four presidents of these trunk roads—wield a power greater than that of many potentates of the earth.

What does that mean? Four men can reduce the wages of fifty thousand men. Four men can control and increase the charges on freight until the farmer on your Western border can not labor productively for his family. Four men organized in their own interests can control an aggregate capital amounting to a hundred millions of dollars and a grand army of employés.

If those employés organize for protection against this overshadowing power and ask us for the poor privilege of being heard by peaceful arbitration enforced under the sanction of the laws and Constitution, in the name of justice, in the name of equal rights, I say let us hear their complaints, and let us invoke public opinion, that stands back of all these movements, whether of capital or labor, and eventually controls them; let us invoke that public opinion in the settlement of these grave and complicated difficulties.

Mr. O'NEILL, of Missouri. Mr. Chairman, every labor organization in this country has appealed for arbitration of the differences between capital and labor. The Knights of Labor in their platform ask for the enactment of laws providing for the arbitration of differences between employers and employés.

Mr. FARQUHAR. Will the gentleman just read that section of the platform which asks for arbitration?

Mr. O'NEILL, of Missouri. Yes. Here it is:

The enactment of laws providing for arbitration between employers and employed and to enforce the decision of the arbitrators.

Mr. FARQUHAR. That is it. I wanted it read.

Mr. O'NEILL, of Missouri. The Greenback Labor platform calls for arbitration in this language:

To persuade employers to agree to arbitrate all differences which may arise between them and their employés, in order that the bonds of sympathy between them may be strengthened, and that strikes may be rendered unnecessary.

At my request the Knights of Labor sent to this city Mr. George E. McNeill, of Boston, who co-operated with our committee and gave us the benefit of his information and advice on this arbitration question; and he believes implicitly that voluntary arbitration alone is necessary.

On last Sunday night I was at the Astor House, New York, in consultation with the executive committee of the Knights of Labor, seeking to get their views and their judgment as to how these difficulties could be settled, these conflicts between labor and capital averted, and peace restored in that section of country from which I come; and I see men on this floor who stand back and say, "We favor neither compulsory arbitration nor voluntary arbitration;" who say, "These issues can not be aided by law, but may eventually have to be settled by the shedding of blood." That is their judgment, and they have so stated. Mr. Chairman, I stand here to defend the American workingman against any such doctrine as that. The workingmen of this country have stood for years appealing for fair play, appealing for law, appealing for justice, appealing for their rights, and to-day we are almost on the verge of a volcano.

Thousands of men are standing idle, and thousands of people in our cities are suffering for fuel and food as a result of these labor troubles, and all the time these Constitution cranks stand upon this floor quibbling about constitutional questions instead of considering how honor, how manhood, how justice can be brought to bear to settle these difficulties. Let the verdict go out from this House; let the voice of the American people, represented on this floor, declare that there is but one way to settle these troubles; that the parties must come together, must end this conflict, must stop disorder, prevent bloodshed, and let peace and prosperity again extend throughout the land. One side or the other must yield, concessions must be made, and the side that refuses to make concessions will soon find a condition of affairs that will end the trouble as speedily as a unanimous revolution. I appeal to members, stand by your committee; vote down these amendments; put your heel on the class of men here who can suggest nothing, but who are mere obstructionists, mere barnacles upon their party. [Applause.]

Mr. McKINLEY. Will the gentleman permit me to ask him a question?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. McKINLEY. The gentleman did not state what was the result of his interview with the executive committee of the Knights of Labor in New York—whether they favored arbitration or not.

Mr. O'NEILL, of Missouri. They did. I also received a telegram from them last Monday to that effect.

Mr. HAMMOND. Did they ask you to report the compulsory clause which your committee repudiated?

Mr. O'NEILL, of Missouri. If I can find the dispatch, perhaps I had better get it for you.

Mr. BUCHANAN. Mr. Chairman, I want to say that I think the gentleman from South Carolina [Mr. DIBBLE] misapprehends the spirit of the Committee on Labor. As a member of that committee, I want to repeat what I said two days ago upon this floor, that I for one will welcome any amendment that is in the line of perfecting this bill. I hope these amendments will be taken up one by one, read carefully at the desk, considered and voted on intelligently by this House, and I shall be satisfied, whatever conclusion is arrived at with reference to the adoption or rejection of any of these amendments, if that action tends toward the perfecting of this measure. The only thing that the Committee on Labor have tried to guard against by limiting debate was that their bill or a bill on this subject should not be floated out to the sea of oblivion on a torrent of talk.

Mr. DIBBLE. Why would not the committee allow amendments to be printed in the RECORD?

Mr. BUCHANAN. I did not understand the committee to object. For myself I think amendments ought to have been printed.

The CHAIRMAN. All debate on this subject is now closed by order of the House.

Mr. McKINLEY. I ask unanimous consent to offer at this time an amendment to the first section.

The CHAIRMAN. The gentleman can send it to the desk to be now read, and to be considered in the order in which it is presented. The Clerk will read for information the amendment which the gentleman from Ohio [Mr. McKINLEY] proposes to submit to the first section.

The Clerk read as follows:

In line 4 of the printed section strike out the words "common carriers;" and in the fifth and sixth lines strike out the words "whether said common carriers be private persons or corporations;" so as to make the section read:

"That whenever differences or controversies arise between railroad companies engaged in the transportation of property or passengers between two or more States of the United States, or within the Territories of the United States, or within the District of Columbia, and the employés of said common carriers," &c.

The CHAIRMAN. The question will first be taken upon the amendment submitted by the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. I understand my amendment is assented to by the chairman of the committee.

Mr. O'NEILL, of Missouri. It is entirely acceptable to the committee.

The CHAIRMAN. But it must be acted on by the Committee of the Whole.

The Clerk read as follows:

In line 7, after the word "States," insert the words "between a Territory and State;" and strike out the word "or" where it first occurs in line 7, making it read "between two or more States of the United States, between a Territory and

State, within the Territories of the United States, or within the District of Columbia," &c.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now read the amendment which was sent to the desk by the gentleman from Ohio [Mr. FORAN].

Mr. FORAN. I withdraw that amendment.

The CHAIRMAN. The Clerk will next read the amendment of the gentleman from South Carolina [Mr. DIBBLE].

The Clerk read as follows:

Strike out all after the word "passengers," in line 11, and insert the following:

"The Commissioner of Labor, at the written request of either party to the controversy, shall order an investigation to be made, by the examination in public of such witnesses as shall voluntarily attend, at or near the place where the controversy or difference is pending, concerning such difference or controversy. Such examination shall not be commenced until at least two days' notice shall have been given to each party, and at least one day's notice to the public, by advertisement of the time and place of commencing the same, in one or more newspapers in current circulation in the vicinity: *Provided*, That whenever either party is composed of a large number of persons, the written request of two or more of the leaders or officers of such party shall be a sufficient request for an examination; and written notice to two or more of the officers or leaders of such party shall be sufficient notice of such examination. And either party shall have the right to appoint one disinterested person to act as examiner, and the Commissioner of Labor shall designate one of the clerks, stenographers, or special agents of the Bureau of Labor for the same purpose; and the three persons thus designated and appointed shall be a board of examiners, with the duties, powers, and privileges hereinafter set forth. And in case either one of the parties to such difference or controversy shall neglect or refuse for two days after the receipt of the notice hereinbefore prescribed to appoint a person to act as examiner, then the other two examiners shall proceed to act as such board: *Provided*, That the party so neglecting or refusing may, notwithstanding such neglect or refusal, appoint an examiner at any time before the examination shall have been finished. In case the Commissioner of Labor deems it necessary so to do, he may detail one or more of the clerks or stenographers of the Bureau of Labor to assist in the clerical work of the said board. Such examination shall be concluded within thirty days from the date of the examination of the first witness before the said board."

The amendment of Mr. DIBBLE was rejected, there being—ayes 11, noes 64.

The CHAIRMAN. The next amendment which will be voted upon is that of the gentleman from Kansas [Mr. ANDERSON], which the Clerk will read.

The Clerk read as follows:

Strike out the word "if," in line 14, and all of lines 16 to 21 down to the word "all," in line 21, and insert "the matter shall be examined by a commission of three persons, appointed by the President of the United States, by and with the advice and consent of the Senate;" so that the section will read:

"That whenever differences or controversies arise between common carriers engaged in the transportation of property or passengers, whether said common carriers be private persons or corporations, between two or more States of the United States, between a Territory and State, within the Territories of the United States, or within the District of Columbia, and the employés of said common carriers, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, or when such employés, or any of them, allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier, upon the written proposition of either party to the controversy, the matter shall be examined by a commission of three persons, appointed by the President of the United States, by and with the advice and consent of the Senate, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth."

The amendment was not agreed to, there being—ayes 12, noes 60.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. NEGLEY] will now be read.

The Clerk read as follows:

After the word carrier, in the fourteenth line, first section, insert as follows:

"Also to take notice of and inquire into the practice of certain railroad companies in maintaining a company system of life-insurance to evade the payment of damages for loss of life through negligence or otherwise, the employés being compelled to keep up policies on their lives and contribute assessments therefor out of their wages."

The amendment was not agreed to.

The CHAIRMAN. The question will next be taken on the amendment of the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. This amendment simply strikes out the words "common carriers," in the fourth line, and inserts "railroad companies," and in the fifth line strikes out the words "whether said common carriers be private persons or corporations." Otherwise the amendment leaves the section as reported by the committee. I understand it is not objected to by the chairman of the Committee on Labor or by the majority of that committee.

Mr. O'NEILL, of Missouri. There is no objection to the amendment.

The amendment was read, as follows:

In line 4, strike out the words "common carriers" and insert "railroad companies."

In line 5, strike out "whether said common carriers be private persons or corporations."

The amendment was agreed to.

The CHAIRMAN. The question will next be taken upon an amendment submitted by the Committee on Labor.

The Clerk read as follows:

Strike out after the word "passengers," in line 11, all down to the word "if," in line 14; the words proposed to be stricken out being the following:

"Or when such employés or any of them allege that he or they have been treated unjustly or oppressively, either as to wages, hours of labor, or otherwise, by such common carrier."

The amendment was agreed to; there being—ayes 68, noes 3.

Mr. BRECKINRIDGE, of Kentucky. In view of the amendment which has just been adopted I desire to move an amendment, to insert after the words "common carriers," in the ninth line, the words "organized into an association or associations either under a charter granted according to law or under a written constitution," so that the other party——

Mr. O'NEILL, of Missouri. I object to debate. Debate has been closed. Let the gentleman send his amendment to the Clerk to be read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend the first section by inserting after the word "carriers," in line 9, "organized into an association or associations either under a charter granted according to law or under a written constitution."

The amendment was rejected; there being—ayes 45, noes 56.

Mr. MCKINLEY. I move to strike out, in line 9, "common carriers" and in lieu thereof to insert "railroad companies."

Mr. CANNON. It makes the section consistent.

The amendment was adopted.

Mr. DANIEL. How about "common carriers," in the fourth line?

The CHAIRMAN. That has been stricken out.

Mr. CRAIN. I move to strike out "common carriers" wherever it occurs in the first section and in lieu thereof to insert "railroad companies."

Mr. O'NEILL, of Missouri. Let it be stricken out and "railroad companies" inserted wherever it occurs in the bill.

Mr. MCMILLIN. What is the amendment?

The CHAIRMAN. In lines 17 and 18 strike out "common carriers" and insert "railroad companies."

A MEMBER. Do I understand it is the object of the gentleman not to permit other common carriers to be bound by this law?

Mr. LONG. It has been already adopted.

The CHAIRMAN. If there is no objection it will be considered as agreed to.

Mr. WADSWORTH. I object.

The amendment was agreed to.

The CHAIRMAN. If there be no further amendment to the first section, the Clerk will read the second section of the bill.

The Clerk read as follows:

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, now possessed and belonging to United States commissioners appointed by the circuit court of the United States; and said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions and purposes of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination. Each of said arbitrators shall take an oath to honestly, fairly, and faithfully perform his duties, and that he is not personally interested in the subject-matter in controversy, which oath may be administered by any State or Territorial officer authorized to administer oaths. The third person so selected and appointed as aforesaid shall be the president of said board; and any order, finding, conclusion, or award made by a majority of such arbitrators shall be of the same force and effect as if all three of such arbitrators concurred therein or united in making the same.

Mr. BRECKINRIDGE, of Kentucky. I desire to offer an amendment by moving to strike out all of the second section down to the word "each," in line 14.

The CHAIRMAN. The Clerk will read the words which are proposed to be stricken out.

The Clerk read as follows:

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, now possessed and belonging to United States commissioners appointed by the circuit court of the United States; and said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions and purposes of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination.

Mr. BRECKINRIDGE, of Kentucky. That amendment, Mr. Chairman, is offered in good faith. Its purpose is to remove as far as possible one of the constitutional objections urged to this bill, and which seems to me wholly unanswerable.

This section creates a legal tribunal obnoxious to the provision of the Constitution which requires officers to be appointed by the President, by the courts of law, or by the heads of Departments. It leaves all controversies to the voluntary arbitrament of the parties.

That Congress has no power to enact this statute under the third article, creating the judicial department, is too clear for serious debate; that no such power can be deduced from the grant to regulate commerce among the several States is, I submit, also clear. But the amendment I offer may remove the objection that it also violates section 2 of Article II. It also removes those serious objections which all thoughtful men must entertain against intrusting such powers to tribunals

wholly without responsibility, and whose numbers may be very great.

It strikes out only so much as creates new offices, fills them by the selection of unofficial persons, and clothes these officers, paid by the General Government, with the power of fine and imprisonment and unlimited power of ransacking the private papers and exposing the private affairs of whomsoever this irresponsible tribunal may order to produce papers.

While I offer this in absolute good faith to perfect the bill, if it is intended it shall pass, I desire to protest against the passage of the bill. I believe it is a grave, and I believe it will be a dangerous, mistake.

If there be anything in this bill it is a step in a certain direction. It is the corner-stone of a superstructure which is to be erected on it. It is the seed of a growth that is hereafter to give us trouble.

This is the beginning of a new jurisprudence. This is the foundation of a new and indefinite and dangerous jurisdiction. This is the creation of novel, uncertain, and indefinite judicial tribunals. It seems to me before we take so grave a step more consideration should be given it than has been given to it.

Mr. Chairman, for one I disbelieve in their being any virtue in legislation to aid in the solution of these grave problems. I do not believe in the power of statutory law. We do not progress when we attempt to crystallize progress upon the statute-book. I deny that this is a paternal government, to be constantly interfering with the progress of thought and of civilization by putting its hand, unhallowed and unwise, into that progress. Every step we take in that direction renews the too common disposition of mankind to seek the remedy for ailments in legislation instead of finding it in some philosophic solution of the problem which has been submitted to them.

I plead for a higher independence. I plead for a nobler manhood. I plead for an ampler liberty than that which is found in the leaves of a statute-book or in the clamors of the lobbies of a legislative body. [Applause.]

In the name of labor—for the blessedest thing which ever crowned mankind was honest sweat on an honest man's brow, working an honest day's work—in the name of labor I protest against this interference with its progress toward the solution of its own problems.

And deeper than that, sir, I protest in the name of liberty against class legislation. We have no laborers as a class in America. Every boy born under the Star-Spangled Banner is born to glorious opportunity. He is not born to real poverty, although the winds of heaven may come through the crevices in his humble cabin, and there may be but little blanket on his limbs. He is born to boundless opportunities. [Great applause.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I will take the floor and yield five minutes of my time to the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. Let us not make this classification; let us not divide our citizenship permanently into capital and labor. Let us not say there runs this dividing line between American citizens. The noblest capital of a free country is her laborers, and these are the possible capitalists of the future. From the ranks of labor are recruited the brain of capital. Let us strive to fuse rather than separate these mighty forces—to coalesce rather than divide.

In the name, therefore, not only of all laboring men, but in the name of all the future, I protest against the whole spirit of the bill and the direction in which it goes.

Besides that, Mr. Chairman, we are working out these great problems to-day. They are being solved. Day by day and hour by hour they are undergoing a solution, the wisest of all solutions. We may not know how it comes. We may not know the solution; but, thank God, a wiser head, a stronger hand than ours is leading in it. We are coming day by day to the time when the capital of this country and the labor of this country will find the true principle which will harmonize their relations and bring about a participation in the profits of industry. The only remedy possible by legislation—the real remedy, gentlemen—I repeat, is equal laws. Let us distribute the burdens of our civilization equally upon labor and capital. [Applause.] That is all we can do. Make capital pay its share of the burdens; take from labor the burdens which have been unequally imposed upon it.

Say by equal laws that there shall be a just distribution of the burdens; that the burden shall no longer gall this burden-bearing back, and that labor shall have a just and equal consideration under our laws with capital. I say to my Democratic friends, this bill is not in the direction they want us to go. This is not the remedy for the burdens upon oppressed labor. But there is a remedy: let us reduce taxation. [Great applause.] Let us go back to the old Democratic doctrine of free and equal rights to all. [Applause.]

To you gentlemen upon the other side let me say there is no party advantage in this bill. They for whom you seek to legislate will turn and rend you when they take up and find on an examination of this bill that by its operations in the future there will be the means by which strikes can be made punishable under law by arrest and imprisonment.

For the next step will be that voluntary arbitration must give place to involuntary arbitration, involuntary arbitration will give place to Federal jurisdiction, and Federal jurisdiction will be held by capital, and they will find—those in whose names we pretend to legislate—that it has been a snare which has been given to them in place of a remedy, for the measure proposed here is a disaster.

No, Mr. Chairman, we are overwise; our highest duty to-day, so far as direct legislation on this precise question is involved, is "Hands off!" The Ark of the Lord may seem to need our help, but he who touches it with unnecessary, even if loving, hands may find death. Hands off of this great problem! This is holy ground; and let us not profane it with partisan devices, nor even with well-intended but unwise expedients. We only postpone the true solution; we only delay the coming agreement; we render more difficult the final settlement.

I simply wanted, after I saw this morning when on a rising vote a majority refused to consider this bill, while on a vote by yeas and nays a great majority determined to consider it—I wanted simply to go upon record, if my name is ever remembered, that in the American Congress I stood for true labor, for manhood, for liberty, for the dignity of labor, which is asking only a fair-living chance in the great battle of life. [Applause.]

Mr. McKINLEY Mr. Chairman, I rise to oppose the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE]. The whole purpose of the amendment is to destroy whatever of good results may be expected from the passage of this bill; and I can readily see why a gentleman who is opposed to this system of settling differences between employer and employé should offer the amendment which is here proposed; am quite sure, Mr. Chairman, that the fervent and eloquent words of my distinguished friend will be welcomed by the laboring men of the land as a sovereign cure for their evils and their discontent. I feel very certain that the general platitudes in which he has indulged about the equality of all men in this country and the dignity of labor, and the general statement that the way to help these workingmen is to reduce taxation, will be accepted by them as a never-failing remedy. I am sure every laboring man in this country will hail with acclamation these soft words as a sure panacea for all his troubles.

I am opposed to the amendment because I believe in the principle and tendency of the bill. I would amend it in some particulars if I could. The bill confers no rights or privileges touching arbitration which are not now enjoyed by common carriers and those engaged in their service. It leaves them where it finds them, with the right of voluntary arbitration, to settle their differences through a peaceful and orderly tribunal of their own selection. It only follows the principle recognized in many States of the Union, notably in Ohio and Massachusetts, and gives national sanction and encouragement to a mode of settlement of grievances between employer and employé which is approved by the best judgment of the country and the enlightened sentiment of all civilized peoples.

While the bill does not compel arbitration, its passage here will not be without influence as a legislative suggestion in commending the principle to both capital and labor as the best and most economic way of composing differences and settling disagreements which experience has uniformly shown, in the absence of an amicable adjustment, results in loss to all classes of the community, and to none more than the workingmen themselves.

If by the passage of this simple measure arbitration as a system shall be aided to the slightest extent or advanced in private or public favor, or if it shall serve to attract the thoughtful attention of the people to the subject, much will have been accomplished for the good order of our communities and for the welfare and prosperity of the people.

I am in favor of this bill for what it is and only for what it is. It does not undertake to do impossible things or cross the line of safety. I will regret if it shall deceive anybody, and if it is the purpose of anybody to make believe that its passage is a cure for the evils and discontent which pervade society, I must disclaim now any part or share in such purpose or expectation, for it will not, and can not, and nobody supposes it will. It simply provides that when the railroad companies operating through two or more States or in the Territories and their employés shall agree upon and consent to an arbitration this bill will aid, encourage, and assist the parties concerned to get at the truth, to probe to the bottom, ascertain the facts of the situation, by which the board will be enabled to act intelligently and justly to all interests involved. This is the whole of it in scope and extent, and can not and will not deceive any one.

It is said there is no way to enforce the judgment of the arbitrators, and therefore it is a nullity. I have the least concern on that score. I have no fear that after the railroad corporation and its employés have united in an arbitration its judgment will be disobeyed or not acquiesced in as final and conclusive. Neither will venture in the absence of fraud to ignore the award of a tribunal of their own selection, in which both have voluntarily confided for the settlement of their differences. We need borrow no trouble on that account. Refusal to obey the judgment of the arbitration would be the exception and not the rule, and an award honestly reached will be sacredly observed. Nor am I troubled because there is no compulsion to arbitrate in the first instance. Either party provided for in the bill, believing it has a genuine grievance, and inviting the other to arbitrate, will occupy a vantage ground which the other can not long successfully defy. There is a sense of fair play among the people which, when crystallized into

public judgment, is as potent, ay, more potent than statute or judicial decree. No railroad corporation, no labor union, no body of laboring men could long hold out against a fair and equitable demand, backed by a willingness to submit the justice of that demand to a board of competent arbitrators. In any view there is no harm in trying this experiment; and in this effort, small and inconsequential as it may seem to be, I am confident we are moving in the right direction, and nothing but good can result.

There is another feature of this bill which I regard of great practical value—that feature which provides for the subpœnaing and compelling the attendance of witnesses and the payment of the necessary expenses of the arbitration. It places both parties upon an equality in pursuing the investigation. A lack of means upon the one hand or the other will not impair the fullest consideration. The humblest and poorest can send for persons and papers without incurring an expense which very often they can illy bear, and the compensation of the board comes out of the public Treasury. Neither party is subject to the expense of the investigation, and the laboring men will not be required to draw from their scanty savings or assess their fellow-workmen to meet actual expenses. This overcomes the disadvantage of limited means on the one hand and avoids any advantage which might occur from bounteous means on the other. It equalizes their condition for a thorough investigation and a complete disclosure of the true situation. That provision alone is worth to the cause of arbitration much more than it will cost the national Treasury.

Then in case of disagreement after arbitration the testimony in full can be published for the information of all. The great public is put in possession of the grievances and can judge who is right and who is wrong; and the public judgment, whatever it may be upon the one side or the other, will be more forceful, more commanding, more certain of considerate attention than any penalty we could impose by legislative enactment. I have listened patiently to this debate from its beginning, and have heard no good reason given why this House should not pass this bill. I am not troubled about its constitutionality. I do not believe it is open to constitutional objection. I believe that a constitution which gives Congress control of the railroads operating through two or more States to regulate the rate of freights is broad enough to justify us in taking cognizance between these same railroads and the employés along their lines, and furnish the machinery for a peaceful arbitration, voluntarily agreed upon among themselves, of any differences or disagreements which may arise between them. If the one is constitutional the other surely is. Both are important problems demanding a solution, and both, I trust, will be dealt with by this Congress with fairness and justice to all.

I believe, Mr. Chairman, in arbitration as a principle; I believe it should prevail in the settlement of international differences. It represents a higher civilization than the arbitrament of war. I believe it is in close accord with the best thought and sentiment of mankind; I believe it is the true way of settling differences between labor and capital; I believe it will bring both to a better understanding, uniting them closer in interest and promoting better relations, avoiding force, avoiding unjust exactions and oppression, avoiding the loss of earnings to labor, avoiding disturbances to trade and transportation; and if this House can contribute in the smallest measure, by legislative expression or otherwise, to these ends it will deserve and receive the gratitude of all men who love peace, good order, justice, and fair play.

[When Mr. MCKINLEY had spoken for five minutes the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONG. If recognized, I will yield my time to the gentleman from Ohio.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. HEWITT].

Mr. WISE. I ask unanimous consent that the gentleman from Ohio be allowed to proceed.

The CHAIRMAN. If there be no objection, the gentleman from Ohio will be permitted to proceed for five minutes further.

There was no objection.

[Mr. MCKINLEY resumed and concluded his remarks as above.]

Mr. HEWITT. I have been unable to take any part in the general debate; but perhaps that is not to be regretted in view of the speech made by the gentleman from Ohio [Mr. FORAN], in the general scope and conclusions of which I concur. It is the speech of a man who has given patient and intelligent study to the difficult question as to how the distribution of property shall be placed upon an equitable basis. Arbitration has been developed as one remedial agency in the procession from the unequal distribution of the proceeds of industry toward that better condition of society wherein every man will be rewarded according to his work. My objection to this bill is that it will arrest the healthy progress which is now going on steadily toward this ultimate aim of all social effort.

Prior to 1848 there was no chance for the workingmen in Europe to organize themselves into bodies recognized by the law. But the revolution of 1848 left that one beneficent result as the heritage of the working classes that they could organize; and in England they proceeded to organize themselves into trade unions, which in 1867 had become so powerful that the conspiracy laws were shortly afterward repealed, and they were recognized as legal organizations. From that hour the work of reform began. Then the arbitration movement had a significance. Then the labors of Mr. Rupert Kettle, who first proceeded and carried it into effect in the midland counties of England, and of Mr. Mundella, a manufacturer at Nottingham, now a member of the British ministry, made it possible to institute arbitration for the settlement of disputes, because organization had enabled the workingmen to be powerful enough to strike and to maintain a strike by their mutual contributions. The great lesson had been learned that rights can only be secured by moral force, and that force rests on thorough organization.

When it was recognized by the employers of Great Britain that the workingmen were able to hold their own after repeated contests they reluctantly came to the remedy of arbitration. It was the workingmen who, by their own power and inherent force developed by organization, coerced the employers of Great Britain into the recognition of the principle of arbitration.

Thus the beneficent results of arbitration came from voluntary organization. For all that time there had been a law upon the statute-books of Great Britain which provided for compulsory arbitration, and yet it was a dead letter. Twice that law has been amended; and the last time, in 1872, the law advocated by Mr. Mundella, the great father of arbitration in England, was put into effect. And yet under that law not one single case, as I am informed and believe, has ever been pressed to a conclusion. That is the law which the gentleman from Missouri [Mr. GLOVER] has copied and proposes we shall substitute for this bill. But that law has also been and is to-day a dead letter on the statute-books of Great Britain. Meanwhile arbitration has marched on with majestic strides until finally every trade in England is organized by voluntary action, and has secured tribunals in which committees of masters meet with committees of workmen sitting around the same table as we do in our committee-rooms.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWLES was recognized, and yielded his time to Mr. HEWITT.

Mr. HEWITT. I am much obliged to the gentleman from North Carolina for his courtesy. I was saying that to-day in every trade in Great Britain may be found and are found at stated intervals committees of masters and workmen sitting around the same table as our committees sit around the tables of our committee-rooms.

Mr. GLOVER. Will the gentleman allow me to ask him a question?

Mr. HEWITT. Certainly; but I should like as little of my time consumed as possible.

Mr. GLOVER. I understood the gentleman to say the substitute offered for this bill had been a failure in England. Is there not ample testimony in the report taken by the Senate Committee on Capital and Labor that that bill, so far from being a failure, has been a great success, and has tended to do away with strikes and industrial outrages in that country?

Mr. HEWITT. I do not think the evidence points to the conclusion of my friend from Missouri. I have followed the law with the greatest possible interest for the reason that my friend Mr. Mundella was the advocate of it. I am in very close relations with him and I know that he expected great results from it, but greater results have flowed from not availing of the law than from taking advantage of it.

Mr. GLOVER. Mr. Mundella is not the author of that law.

Mr. HEWITT. Mr. Mundella was the advocate of the law of 1872 and is still the advocate of the law of 1872, but he will frankly admit to everybody that the voluntary action of the manufacturers and the workingmen have achieved results which are more beneficent than those achieved under that law.

Mr. Chairman, what has happened? They come together, these employers and employés, upon terms of perfect equality; they select an umpire, and it is not considered beneath the dignity of the greatest statesman of Great Britain, when invited by one of these trades organizations, to act as umpire. They discuss every phase of the condition of the business. I have attended several of those sittings myself. No legislative body in the world can show greater sense, greater courtesy, greater patience than is shown in those voluntary assemblies convened to settle trades disputes.

Now, what has been the fruit of this? To-day, as the result of these conferences (in which cost sheets are produced, profits are stated with the most entire frankness, every feature of the business is made known freely and honestly by the employers and as freely discussed by the employés)—the result is that profit-sharing, which as my friend from Ohio [Mr. FORAN] has said is the final solution of this great question—profit-sharing has made its way into the great establishments of Great Britain and is rapidly extending; and if we will allow our workingmen and our employers to come together in the same spirit, of their own free will and not upon compulsion, profit-sharing, which has only begun in this country, will occupy the whole field of human industry, and then you will hear no more of controversies between capital and labor. But arbitration, leading to profit-sharing, can come only as the result of organization on the part of the workingmen, and the workingmen now for the first time understand that they must perfect their organizations.

Has not the grand master of the Knights of Labor within a few days

notified his subordinate assemblies (if that be the proper designation) that they are not to organize any more lodges until he can make those already organized understand their rights and duties? What the workingmen of this country require is not more law, but what they have in England, perfect organization—to get out of the formative state which has produced the existing differences between the grand master of the Knights of Labor and his subordinate at Saint Louis.

When they perfect their organizations and come to a railroad company or any other great employer and demand arbitration they will not only get it by the force that will inhere in their organization, but they will be welcomed by the employers here, as they now are and as once they were not in Great Britain, as bringing a solution for what is the great dread of employers, the cessation of work and profits, and the great trial of the workmen, the loss of the means of earning daily bread for themselves and their families.

Mr. GIBSON, of West Virginia. Will the gentleman allow me to ask him a question?

Mr. HEWITT. In a moment. Pass this bill, and you transfer the reliance of the workmen from themselves to the Government of the United States, by which you will postpone to another age that equitable distribution of property which is the aim of all wise legislation, the hope of every reformer, as it has been the dream of good men in every age from the time of Plato. All that we can do in the way of legislation is to remove the obstacles created by law to the free play and organization of labor.

We can repeal the unjust features of the conspiracy laws, if any survive on the statute-book; we can collate the facts in regard to the production and the distribution of wealth; we can adjust taxation so that its burden shall fall upon accumulated property instead of bearing upon productive agencies; but we must be careful not to undermine the habit of self-reliance which alone can make the workman strong and free. By self-help the workmen of this age have achieved whatever improvement has been made in their condition, and by self-help alone will they be able to attain the largest possible share of the fruits of industry consistent with that preservation of capital which is essential to prosperity.

This bill tends to undermine this vital principle of self-help, and encourages them to look to the Government for relief. For this reason I shall vote against it, although I am, and always expect to be, the earnest advocate of the principle of arbitration wherever it can be applied by voluntary action, looking always to the final outcome of friendly intercourse between employers and employés in sharing the profits of business in a more direct and comprehensible method than that which now exists under the wages system. I believe that such a system of participation is not only possible but inevitable, when labor becomes thoroughly organized and depends upon itself and not upon the aid of Congress for the recognition and enforcement of its just rights.

But let labor avoid all outside interference, and especially let it shun Federal interference, when it takes the shape of a law which defines no rights, imposes no duties, and provides no sanctions. Of this nature is the bill under consideration, which is only defended on the ground that it is an expression of opinion in favor of the principle of arbitration—a principle in regard to which there is no controversy, and in favor of which every man in this House will cheerfully register his vote. Whatever it does or professes to do more than this is mischievous, in so far as it tends to divert the attention of labor from the work of organization and preparation for the time when capital shall cease to be the master and become the servant of labor.

Mr. LAWLER. Mr. Chairman——

Mr. GIBSON, of West Virginia. Will the gentleman from Illinois [Mr. LAWLER] allow me in his time to ask the gentleman from New York [Mr. HEWITT] a question?

Mr. LAWLER. I will see as I go along. Mr. Chairman, since I have had the honor of occupying a seat here my relations with the gentlemen with whom I am associated have been at all times of the most pleasant character; but we have reached a condition of things in this country where it becomes the duty of every man to speak his honest convictions just as he feels. We do not expect to find men on this floor, who are themselves great employers of labor—capitalists or monopolists, if the term must be used—to have much feeling in common with those who have sprung from the ranks of labor, who have experienced all the trials and tribulations of workingmen, and who come from large cities where thousands of men are idle, as thirty-five thousand workingmen are idle to-day in the city of Chicago alone.

Statistics show us that in the United States at the present time there are a million and a half of workingmen unemployed and their families suffering for the necessaries of life. And yet, in the face of this condition of affairs, we are asked here to vote $77,000,000, for what? Not to give employment to the unemployed—not a bit of it; but to educate a certain class of people without regard to the million and a half of American workingmen who are idle and whose families are starving.

Mr. Chairman, I am proud to be associated with twelve other gentlemen from twelve different States as members of the Committee on Labor.

I have the highest regard and respect for gentlemen generally who have spoken on this question, but I have no respect for the disgruntled member of the committee who is fighting this bill. For myself, I am proud to make the admission here that I started life in a brick-yard at the age of twelve years; yet I trust that in my association with my fellow-members here, be it for this term or be it longer, they will always find me acting the part of a gentleman.

Here is a subject to which the Committee on Labor have given a good deal of their time and attention. In the bill as originally presented by the gentleman from Missouri [Mr. O'NEILL] they found many objectionable features. In view of the condition of affairs existing in the country, they met on Monday and remained in session until midnight, so as to put this bill into shape for presentation to the House. To the opponents of this bill I would say, you have had three long months in which to prepare something on this question and you have not done so; yet you insult the intelligence and disparage the good intentions of the gentlemen on that committee, who have given to this subject their undivided time and attention.

They believe this is an honest bill. It represents their conscientious convictions; and I venture to suggest that the chairman of our committee should have forced this bill to immediate passage, should have secured, if possible, the voting down of every amendment, and placed ever member of this body on record before the country.

This legislation, gentlemen, it is true, is new. You have been legislating for the other side of this question during twenty-five years. We make the admission that capital is necessary. We welcome these great railroads that do so much toward building up this country; but we say that the great mass of toiling people in this land are not satisfied to-day with 57 cents for a day's labor, as now paid under the Gould system.

[Here the hammer fell.]

Mr. CRAIN obtained the floor and yielded his time to Mr. LAWLER.

Mr. LAWLER. Gentlemen on this floor have had considerable to say about this man Jay Gould. I am free to say—and I do not feel that I am expressing any communistic ideas—that if Jay Gould were hanged to a lamp-post in New York it would be a blessing to the United States. [Laughter.] I will state my reason for that remark: This man Jay Gould, before he gets done with this trouble, may be the cause, through his most damnable methods of carrying on his matters in this country, of hundreds and thousands of deaths by means of bloodshed in the States where these strikes are now raging. I say that the death of a man like this is nothing compared with the losses which may occur unless these difficulties are settled.

We have had sentimental questions raised here; we have had the "bloody-shirt." Gentlemen who spoke on the pension bill seemed to think that the people are still glad to have them flaunt the bloody shirt. But there is no sentimental business in this matter. The demand now is for justice to the laboring classes.

I believe that if this bill be passed it can result in no harm; on the contrary, the discussion that has already taken place on this floor has had a healthy effect on the country. This bill is an honest bill. If it should hereafter appear that there is anything wrong in it Congress will have just as much right to amend or repeal it as it has to-day to enact it. Since the publication of this bill last Sunday we have not heard from any part of the country any opposition to it. We take it for granted that the Knights of Labor and the toiling masses will be satisfied with a trial of this bill. The Committee on Labor asks this Congress to give some consideration to the rights of these people. We are not here to antagonize capital, corporations, or anything of that kind; but we are here for the first time in twenty-five years to say that it is time that some legislation should be enacted in behalf of the toiling masses of this country.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. I move that the committee rise, so that an order may be made by the House limiting debate on this section.

Several MEMBERS. What limit does the gentleman propose?

Mr. O'NEILL, of Missouri. Fifteen minutes.

Mr. KELLEY. I have an amendment to this section which I desire to propose in good faith. I have notified the Chair of my wish to offer the amendment, and was to be recognized in a few moments. I ask, therefore, that more than fifteen minutes be allowed for the discussion of this question.

Mr. WARNER, of Ohio. A number of members desire to offer amendments.

Mr. DIBBLE. I suggest to the gentleman from Missouri that the limit be thirty minutes.

Mr. WARNER, of Ohio. Yes; make it thirty minutes.

Mr. O'NEILL, of Missouri. I am willing to accept that suggestion.

The CHAIRMAN. Unless by unanimous consent the committee agree to limit debate it will be necessary that the committee rise, so that the House may make an order. Is there objection to limiting debate on this section and amendments thereto to thirty minutes? The Chair hears none, and it is so ordered. The Chair suggests that in order to facilitate business it would be well that proposed amendments should be now sent to the desk and read, and the debate of thirty minutes had afterward, so that gentlemen may refer in debate to any of these amendments. If there be no objection that course will be pursued. The Chair hears none, and the Chair will first recognize the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

At the end of the second section add:

"And that the sum of $20,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of such arbitrations; said sum to be available immediately."

Mr. KELLEY. I desire briefly to say——

The CHAIRMAN. The Chair will first recognize gentlemen to have their amendments read, and then the debate will proceed.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "act," in the second line, and insert the following:

"Shall have the power of administering oaths and of preserving order during its sittings, shall keep a record of all testimony taken; and upon the conclusion of the examination the members of the board shall certify a written statement of all its proceedings, including such testimony, to the Commissioner of Labor, who shall keep the same on file in his office, and shall furnish two copies thereof, certified by him, free of charge or expense, one to each party concerned in such controversy or difference. Such copies shall be admissible in evidence in every United States court in any action or proceeding between the parties taking part in the examination or in the proceedings herein provided, pre'liminary thereto. In case the Commissioner of Labor deem it necessary to do so, he may detail one or more clerks or stenographers of the Bureau of Labor to assist in the clerical work of the said board. Each of the examiners appointed by the parties shall receive for his services the sum of $5 per day, payable by the United States; and the clerks, stenographers, or special agents of the Bureau of Labor employed in the examination shall each be reimbursed his actual traveling expenses in addition to receiving his usual pay. It shall be the duty of said board to invite proposals for adjustment from each party to the controversy or difference, and to assist in procuring a voluntary settlement of the same by its suggestion and advice; and copies of such proposals, if made by either party, and of any written agreement or agreements entered into between the parties shall be certified to the Commissioner of Labor as a part of the statement of the board at the conclusion of the examination."

The CHAIRMAN. The gentleman from New York [Mr. FARQUHAR] offers the following amendment.

The Clerk read as follows:

In line 6, section 1, after the word "writings," insert "otherwise than of a confidential or private character."

The CHAIRMAN. The gentleman from Indiana [Mr. LOWRY] offers the following amendment.

The Clerk read as follows:

In line 9, after the word "States," insert the following:

"But in no case shall any witness be compelled to disclose the secrets or produce the records or proceedings of any labor organization of which he may be an officer or member."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BRUMM] offers the following amendment.

The Clerk read as follows:

Add to section 2 the following:

"That the executive power of the Government shall not be exercised at the instance or in behalf of either party to the controversy, unless the party in whose behalf said interference is asked will agree to submit all questions at issue to an arbitration pursuant to this act."

The CHAIRMAN. The gentleman from Missouri [Mr. WARNER] submits the following amendment to the second section.

The Clerk read as follows:

Strike out the words in the fifth line "punishing for contempt."

Mr. WARNER, of Missouri. The committee does not object to my amendment, and I hope by unanimous consent it will be agreed to.

The CHAIRMAN. By unanimous consent these amendments have been read for information, and at the close of the thirty minutes' debate they will be presented in their order for action. The gentleman from Pennsylvania [Mr. KELLEY] is now entitled to the floor.

Mr. KELLEY. My amendment proposes to give efficiency to powers which this section proposes to confer upon the arbitrators chosen. That is to say, it proposes to appropriate the sum of $20,000, to be available to meet any expenses incurred in accordance with the provisions of this section by such arbitration. It names the sum of $20,000, which I think is moderate, and yet probably will prove to be sufficient. Without some such appropriation this section is mere words and noise, because the arbitrators can not execute the powers given them and support themselves without a fund upon which to draw.

What are those powers which may involve expenditure? They have all the powers and authorities belonging to United States commissioners appointed by the circuit court of the United States in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and records.

And in addition to all other powers and privileges in their nature applicable and now possessed and belonging to United States commissioners appointed by the circuit court of the United States.

And the said board may appoint a clerk, employ a stenographer, and prescribe all reasonable rules and regulations consistent with the provisions and purposes of this act looking to the speedy advancement to a conclusion and determination of all differences and controversies submitted to them.

Their pay is to be the pay of a United States commissioner, which I believe is $5 a day for each. They are to pay their clerk and stenographer as the circuit court of the United States pays such employés.

Sir, I do not believe these provisions are to expedite the conclusion of arbitration. I am a believer in arbitration as the sole means to settle difficulties between employers and great numbers of employés. But I believe it must be voluntary—that it must result from the conviction of both parties that the circumstances demand adjustment.

Now, when you shall have got three men fixed at salaries at $5 a day invested with the dignity of appointing tipstaves, clerks, and stenographers, summoning witnesses and acting as the equivalents of high judicial functionaries, you will occasionally find—I will not say invariably—that they will be willing to retain their income, their dignity, their power over others as long as it can be conveniently done.

[Here the hammer fell.]

Mr. DIBBLE. The amendment I have proposed, Mr. Chairman, simply provides that instead of the board of arbitration appointing a clerk and employing a stenographer, which will be an expense to the Government, the Commissioner of Labor shall provide from his office the clerical force that is necessary. I call the attention of the House to the fact that the Commissioner of Labor is now employing a chief clerk, one clerk of class 4, one of class 3, one of class 2, and four clerks of class 1, and sixteen special agents. Two of the clerks of class 1 are stenographers, so that my amendment would provide for a more economical administration of the duties of this board.

At the close of this bill, as gentlemen will observe, in the fifth section, all the expenses are to be borne by the United States. My amendment simply proposes we shall utilize those officers now in the employment of the Government under their present pay.

The remaining feature of my amendment is, that it does not contain certain arbitrary powers which add nothing to the efficiency of the board, and which smack of tyrannical interference, beyond what is right and proper, in an investigation having no object but facilitating arbitration or adjustment of controversy.

The powers conferred in the section as presented by the committee, of compulsory attendance of witnesses and of production of books and papers, are extreme powers, which are dangerous to employers and employés alike, outside of a court of justice, where law and precedent guard the sancity of the private business affairs of men and bodies of men from needless exposure, even in the enforcement of public and private rights and the compensation of wrongs by binding decisions—an end not pretended in the present bill.

The CHAIRMAN. The Chair understood that the gentleman from Texas desired to offer an amendment.

Mr. CRAIN. I offer the amendments I send to the desk.

The Clerk read as follows:

Insert in line 7, after the word "writings," the words "relating alone to the subject under investigation."

Also, strike out the word "and," in line 6, and all the words that follow down to the word "and," in line 9.

Mr. BRUMM. Mr. Chairman, the amendment that I offered has been offered more for the purpose of keeping faith with what I said I would do in my remarks the other day than for the purpose of pressing it upon the action of the committee. Of course I shall not press the amendment now, inasmuch as I am convinced it might impede the progress of the bill; but I have a word that I want to say.

It seems to me that there are two elements which have developed themselves against this bill: The one is the old fogy State-sovereignty fear of anything that looks like national authority. The other is somewhat on the raw-material idea injected by the Anglo-American from New York city. [Laughter.] If he will but reflect that the English system has reference to compulsory arbitration, he will at once see that it is no argument against this bill. Besides, if the slow progress, the misery and the wretchedness, of England are only an example of what their system of arbitration has brought about, it is certainly no argument against this bill either, but appeals more strongly to this Congress to pass something that will do something better than that, or better than they have been able to do, under the theory suggested by the gentleman from New York. As to the State-sovereignty idea, I have yet to hear one argument against the provisions of the bill as it stands. Nothing has been said, no argument has been made against it, no harm is to come—only spooks, apprehensions, something that may "possibly" be the result of introducing that which gives the National Government a right to do that which it has not done.

While acknowledging that in itself it is harmless, these fears are expressed that in some distant future some other Congress may possibly enact something in connection with the subject which may possibly be wrong. That, I repeat, is the only argument against it. I have no such apprehensions.

Mr. Chairman, I believe that if we can do that which will crystallize public opinion we will have taken a step in the right direction, and a gigantic stride. Let me refer you to the great success of the strike in New York city where the carmen struck. They were not successful because of their organization; and when the gentlemen, presuming to represent the special idea of laboring men, say, "We are strong enough to do it ourselves," I tell them you do not understand the situation; you are not strong enough to do it yourselves.

It was not the carmen of New York that gained that victory. It was

when the companies attempted to start out a car from the stables it so happened that a coal-cart was dumped on the track beyond which the car could not pass. It so happened that dry-goods clerks and printers sprang out and emptied their crates in the way of the passing car; store-boxes, obstacles of every kind, every impediment was thrown in the way of the passing car. It was not the carmen, therefore, that gained the victory; it was the public sentiment of that great city. It was because New York was opposed to sixteen and seventeen hours a day for the laboring men of that city; and I say that we want no repetition of the late occurrences in Belgium in this country, nor our Pittsburgh riots any more.

I withdraw the amendment.

Mr. WARNER, of Ohio. Mr. Chairman, while I shall vote for this bill, it will not be without misgivings as to whether it will prove a benefit to the laboring classes of the country; and surely nobody will pretend that it is or can be a remedy for the evils complained of. I do not understand either, Mr. Chairman, that the intelligent leaders of the labor organizations of the country are asking for this measure. I can hardly think that such leaders as Mr. Powderly, who has shown himself in the late troubles to be a man of great prudence and administrative ability, have asked for or would approve of a bill of this kind, at any rate as a final measure of relief. It is certainly a step outside of anything that has been done before by the General Government.

It is a new departure. For the first time Federal interference is invoked and we ought to consider to what it must lead. The next step doubtless will be to commit the General Government to the policy of protecting railroad property and all agencies of interstate commerce. What will follow this nobody can conjecture. Behind Federal power is the Army, and how soon the bayonet may be thrust forward in support of such power no man can foresee. It is for what may follow that I hesitate to take this step, not for what is in this bill. It may be answered that "sufficient unto the day is the evil thereof," but Homer says, "He is a fool that only sees the mischiefs that are past."

I said I doubted very much whether the intelligent leaders of the labor organizations of the country asked for this legislation. They have asked for a special committee to investigate the troubles now existing in the Southwest; and I wish to have read an extract from a letter from Mr. Powderly to Governor CURTIN, which I now send to the Clerk's desk, urging the appointment of a committee to investigate the troubles in the West.

The Clerk read as follows:

By all means in your power endeavor to have the light of a Congressional investigation thrown upon those men who owe so much to the American people, and who oppress their workmen in the name of law.

You will find a great deal to accomplish in this investigation, and it will do a great deal of good to the people.

You will earn the everlasting gratitude of the working people by pushing this resolution through.

Mr. WARNER, of Ohio. I think such an investigation ought to be entered upon at once, and I think it should precede the passage of this bill, and at the proper time I propose to move the reference of this bill to such a committee with instructions to enter at once upon an investigation of the troubles now existing.

Mr. O'NEILL, of Missouri. The Committee on Labor have acted on this and adopted a similar resolution.

Mr. WARNER, of Ohio. While I have said what I have respecting this bill, I agree that what it proposes so far as it looks only to arbitration is on the right line, and neither labor nor capital can object to it. But what by itself can it accomplish? is the question. I have believed for many years that the solution of this great problem which is now agitating every civilized country, threatening even the very foundations of the social organism, must be pursued on the line of arbitration and profit-sharing.

The conditions that make this necessary have grown up in the last hundred years. It has grown out of the interdependence of labor and capital. Labor is no longer independent. A hundred years ago laborers had trades and the product of their labor was their wages. Now labor and machinery must work together or not at all. A man has become, for industrial purposes, a part of a machine. But while he owns himself, some one else owns the machine.

Under the old order of things competition controlled everything. But as modern industries are organized the law of competition can not be relied upon alone to determine the wages of labor. And let me say to my free-trade friends right here that this bill, if it passes, will be a legislative declaration that free-trade without correctives can no longer be relied upon for the determination of the rate of wages, or, which is the same thing, the share which labor shall have of what is produced. The doctrine that free competition can be always relied upon to determine the prices of commodities and the wages of labor is the corner-stone of the doctrine of free-trade.

This bill declares that as to wages of labor, at any rate, a corrective to competition shall be applied, and that that corrective shall be arbitration, to determine the share of earnings, or of what is produced by the combined operations of labor and capital, labor shall have.

Under competition alone the price of labor or rate of wages is the result of a struggle between capital and labor, the highest limit being the most capital can afford to pay and have any profit left, and the lowest limit being the smallest sum the laborer can live on. Left to the law of competition alone on the Ricardoan theory, labor itself must in the end fall under the law that determines the price of commodities, namely, the cost of production—the cost of producing labor being at last the bare cost of living. This is what La Salle denounced as the "iron and cruel law," the law of "necessary wages."

The necessary corrective to this law of competition is some adjustment by which labor shall have as its share of what is produced not merely "necessary wages" to sustain life, but its fair share of what is produced by the combined efforts of labor and capital. The law of competition alone, I have said, reduces everything finally to the question, how little can the laborer afford to take, or on how little can he live? The principle of arbitration and profit-sharing asks how much the employer can afford to give?

Labor combinations operate as a corrective agency against the tendencies of the law of competition, but labor combinations alone can result in little more than reducing the lines of competition, and at last to competition between kinds of labor, or between different producing classes. Labor combinations alone, therefore, unless all orders are united as one, can not overcome competition. Professor Hodgson, an advocate of co-operation, says "trade unions are machines of war," while "co-operation is an advance toward peace in the center of the factory." The further corrective of arbitration looking to profit-sharing becomes more and more necessary as capital and labor become more and more dependent on each other, as in the case of great railway lines and their employés.

An eminent economist has said:

Laborers will never benefit to the full from improvements in the productive arts until, by some arrangement or by many arrangements, they are made sharers in industrial capital.

Mill and Cairnes, the two ablest thinkers of the century on this question, reached the same conclusion.

Without this—

Says Professor Cairnes—

the fund available for those who live by labor tends in the progress of society, while growing actually larger, to become a constantly smaller fraction of the entire national wealth.

Again, profit-sharing—that is, sharing in the fund that grows with the growth of wealth—he says, "offers the sole means of escape from a harsh and hopeless destiny;" but adds: "I do not believe this end is to be reached by any direct intervention of the state, which I fear would not only be ineffectual but pernicious."

But whatever may be attempted or done to secure to labor a more equitable share of the produce of combined labor and capital, it should be remembered always that the utmost that can be shared between labor and capital is the annual produce of both. Whatever, therefore, tends to diminish the total productions of a country necessarily reduces both wages of labor and profits on capital.

The quickest way and the only way really to increase wages and profits is to set industries in motion to produce more. Back and behind the question of the division of the annual produce is the question of the quantity of products to be divided.

The depression of business, the stagnation of industries everywhere, lessening productions, and throwing labor "workless on the streets" to starve—the necessary consequence of a shrinking volume of money for the world—is at the bottom of all the labor troubles that have arisen in this or other countries in the last ten years. I do not say that labor has or will, as things have been going on, get a fair share of what is produced, but I do say that nothing will make up for loss of production. The great instrument of industry and commerce itself has become deranged by the demonetization of one of the metals, thereby cutting off the necessary money supply for carrying on the world's vast business.

Nothing will take the place of money in setting the wheels of industry in motion, and no remedy that does not begin with the force that sets all else in motion will prove a cure.

Mr. FARQUHAR. I am thankful for a few minutes to make some explanation before the House, as my name has been used by at least two speakers in this debate. I would have liked very much if I could have occupied in the past two days sufficient time of this House to have brought forward in explanation of arbitration proper the reasons that have actuated all the trade unions and labor unions of America, and the means and the methods they have taken to reach arbitration. But I was precluded for some reason, known to this committee or others, from taking that opportunity; and so I let it pass.

I listened with interest to the remarks made this morning by my friend from Ohio [Mr. FORAN]. He and I are the two, and the only two, representatives of skilled labor in this country who hold seats on this floor, the only two entitled to speak here for two great unions of skilled mechanics. And I may say I had the honor to be the chief executive officer of the grandest union of skilled labor America has ever seen—the printers of this country. Now, I wish to say with reference to the remarks made by the gentleman from Ohio, and the kindly remarks of the gentleman from Maine [Mr. REED], that I can not see why skilled unions—I mean the regular trade unions—are directly interested in the legislation proposed by the Committee on Labor. They are in no way interested in it; that is, their membership is not directly

touched by it. The enrolled membership of the trade unions, the Knights, and the labor unions of America, as nearly as I can learn from the statistics of one year ago, amounts to possibly 800,000 men. Probably it may be safe to say that half of that number, or 400,000 people, belong to the great organized unions, twenty-one in number.

This bill to which my friend from Ohio [Mr. FORAN] took exception does not deal with this class of trade unions at all. It simply deals with railroads and the employés of railroads. Consequently what harsh remarks have come from my friend I think came possibly in the heat of debate; and I believe that before this bill is fully considered he will think as I do, that it is not for men like him and myself, who have for thirty years borne the brunt and battle of the trade unionism of America, to put one straw in the way of a bill which, however great its demerits, carries with it popular sentiment, and that sentiment all unionists crave in this land. [Applause.]

[Here the hammer fell.]

Mr. BUTTERWORTH. If recognized, I will yield my time to the gentleman from New York [Mr. FARQUHAR].

The CHAIRMAN. The gentleman from Missouri [Mr. GLOVER] has been recognized.

Mr. CANNON. Will the gentleman from Missouri yield to me for a moment? I ask unanimous consent that the gentleman from New York may have five minutes longer.

Mr. GLOVER. If the Chair will recognize me afterward I will yield for that purpose.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York [Mr. FARQUHAR] be allowed five minutes longer, not to be included in the thirty minutes.

Mr. CANNON. That is my request.

The CHAIRMAN. In other words, that the time for debate be extended for five minutes, and that the extension be granted to the gentleman from New York. Is there objection?

There was no objection.

Mr. FARQUHAR. The organization to which I belong was the first one in this country that instituted arbitration. The first board of arbitrament met in 1856. We have arbitrated all difficult questions during all that time. It is the standing rule of the National Typographical Union that all matters in dispute shall first by the local executive committees be submitted for arbitration. Now, that is an organization where when difficulties occur between proprietors and employés they are measurably technical. It is utterly impossible to take a general board, as proposed, to be appointed by the President, or even to take local arbitrators who are not familiar with the merits of the technical questions involved and the customs and rights of the trade. The rule is, or rather the general custom, that the three arbitrators shall consist of two workmen as against the one who felt aggrieved. The choice has been a business man and two experts, who could pass on what was arbitrated.

Now I wish to say, and I say it frankly, I say it with a knowledge of how my trade is organized and the methods by which we arbitrate, that such a bill as this presented to the printers of the United States and Canada would not be accepted. We have for thirty years paid our own expenses. It has cost in time and wages millions of money to reach the point attained, that the proprietor must arbitrate or the strike comes. We do not intend to invoke statutory enactments while we have the brains and the vantage-ground to place our grievances first before the aggrieved and the board and then before the general public.

In this case, however, it may, and I do hope the bill will, result in good. The three cardinal mainsprings of the movement of the knights are agitate, organize, educate. I believe there are men who know little of trade-unionism, of labor-unionism in America, who will think that the sympathy of the great legislative branch of this country is on their side for fair play, and that this bill will be measurably a conservative line of procedure with men who are not educated up to trade-unionism, and they will accept it as a boon and as a help. [Applause.]

Let me say further, Mr. Chairman, in my own trade the strikes are so few and so insignificant now that arbitration or even striking is hardly known. We have blazed a way for men like the knights and for other great organizations, which are now coequal with us in power. Those organizations are controlled by conservative, brainy, patriotic men, who will never sacrifice the power and the dignity of their organizations to become a mob, seeking for that which is not their inherent right. [Applause.]

Mr. GLOVER. Mr. Chairman, I send to the Clerk's desk and ask to have read a communication which I have received from one branch of the labor organizations of this country.

The Clerk read as follows:

SAINT LOUIS TYPOGRAPHICAL UNION, No. 8,
Saint Louis, March 28, 1886.

DEAR SIR: At a regular meeting of the Saint Louis Typographical Union, held to-day, resolutions were unanimously adopted extending our sympathy and financial aid to the striking employés of the Gould Southwestern lines; expressing confidence in T. V. Powderly's patience, skill, and devotion to the cause of labor, entitling him to the support and sympathy of all friends of the wage-worker; and also the following:

"*Resolved*, That Congressmen GLOVER and O'NEILL be requested to give their active co-operation to the efforts of Congressman CURTIN to secure a Congressional investigation into the causes which led to the present strike on the Gould Southwestern system of railroads, and that they be further requested to exert their influence in securing such Congressional enactments as will tend to avert strikes and provide for the arbitration of such differences as may arise between employers and employés."

The latter resolution was based on statements published in the papers to the effect that Governor CURTIN had or was about to introduce such a resolution. If he does not introduce it, permit me to urge that you prepare some such proposition, and thus add to the good record which you have already made as a friend of the toiling masses—a record of which you may well feel proud.

Personally, I desire to thank you for several public documents which you have sent to me.

I have the honor to remain, sir, very respectfully, yours,

HUGH T. McMURTRY,
Fin. and Cor. Sec. St. L. T. U., No. 8.

Hon. J. M. GLOVER.

Mr. GLOVER. Mr. Chairman, I desire to say in connection with that communication that I believe half the members of this House are upon a false scent in supposing that labor, organized or unorganized, either desires or will be contented with the sham, the trick, the fraud, the deceit which is embodied in the bill which is now before this House. I say, sir, that there is not to-day a demand from labor in any quarter that is not based and concentrated upon and asking for the adoption of the resolution introduced by the war governor of Pennsylvania.

As to the bill now before the House, it is a constitutional abortion. It has nothing whereon to stand; it has no vote in this House that will not be a vote of supposed expediency, which will be found a great mistake when both sides of this controversy are faced. I denounce it, Mr. Chairman, in the name of capital, because it gives to every roving tramp a commission to take the books of capital and spread them open without cause to the air. I denounce it in the name of labor, because it offers to labor a stone instead of bread; and in the name of the suffering commerce of the whole Southwest section I denounce it as an insult to the intelligence of the merchants of this country and to the workingmen themselves, upon whose credulity and ignorance it is not safe longer to trade.

I say, Mr. Chairman, that the only expression of organized labor that we have had in this House consists in the communication I have just read, and in the resolution of the Knights of Labor sent to my colleague from Missouri, and introduced in my remarks. I desire to say to the gentleman who alluded to the "constitutional cranks" of this House—a gentleman who is well known in certain sections of the country as a baseballist among constitutional lawyers and a constitutional lawyer among baseballists [laughter]—that there is no foundation on which he can stand with his bill. If any apology is needed for the remark I have just made, I find it in the epithet of "constitutional cranks" applied by that gentleman to the leading members of this House in personal weight and influence, and I offer that as my apology to my colleague from Missouri [Mr. O'NEILL]. Mr. Chairman, if I have a moment left, it is to be used for the purpose of enforcing the idea that gentlemen who vote for this bill will find both capital and labor and also the public denouncing their work.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. GLOVER] has expired.

Mr. O'NEILL, of Missouri. Mr. Chairman, I call for a vote.

Mr. McCOMAS. Notwithstanding all that has been said in this debate, and all that seems likely to be done with this bill, a few are born to great riches and the many to a poverty made only more grating by the contrast. It has long been and will long hereafter be so. But in the great commercial era in which we live the world has been traveling onward to a new feudality, that of the great capitalists. The tremendous railway development, with its wealth and power, is the most striking form of this new feudalism of wealth, and the masses who come in contact with it are easily tempted to wage war with it.

On the other hand, republican government, parliamentary government, favors naturally the organization of the masses of men to resist, and to make the first fight with the railway corporations, because they have most frequently controlled legislation and habitually seek to influence legislation.

Out of it all has arisen a great labor movement. It promises to be one of the most remarkable movements of modern times. It may cause striking social and economic changes. This agitation is mainly conducted with respect to law and order. To be successful all such agitations must respect the law. I admire the marvelous organizing power of the workingmen of my country, and I rejoice that as the power of organization grows the tendency to conduct in a passionless way the controversies which excite the passions increases. The right of the employés to combine is as clear as the right of the employers to combine. If by this bill we legalize arbitration between employés and railways in interstate commerce, we help bring a moral coercion in favor of arbitration generally.

The controversies between companies and men are always either differences about future contracts, or disagreements respecting present contracts, or quarrels upon some question of sentiment. About these tumult and discontent are easily aroused. Arbitration will help to keep the peace in such cases and ascertain the truth, the facts in controversy. Therefore I am for this bill. The gentleman from Missouri [Mr. GLOVER] denounces it because it will do nothing. The eloquent gentleman from Kentucky [Mr. BRECKINRIDGE] is affrighted for fear of its

awful consequences. Now, there must be some conservative principle of benefit in a bill thus antagonized on both sides; and I rise to oppose the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE], because that is the best feature of the bill which he proposes to strike out.

Keep in that clause; allow the arbitrators power to compel the attendance of witnesses and compel them to testify. Let them have clerks and stenographers, that the proceedings may be speedy. Let all this be paid for by the Government; for while the companies can ferret out and carry to the court witnesses from every quarter, the employés who would volunteer to testify and be discharged therefor can be protected by being summoned; and if the money for the hearing and the attendance and travel of witnesses be supplied, the arbitration can proceed on equal terms. The truth is apt to be evolved, and when it is public sentiment will do much.

But I appeal to the House to save this feature of the bill—this machinery and the expense of it to be defrayed by the Government. The money expended will be but a trifle compared with the loss by strikes and disorders.

Then, too, the award, it is said, can not be enforced. It is true; but the decision, the effect of victory, will go with it, and I am willing and ready to try this bill. It may do little, it may do much. This Committee on Labor is criticised. It is not to be expected that it can sweep the whole wide range of our economic life and at once grasp all problems, or in one bill compass even one great problem. What they have offered may do good, and I am sure it can not do harm. I will try it because of the good it may do.

The CHAIRMAN. Debate on this section and amendments thereto is now closed. The Chair will first submit to a vote of the Committee of the Whole amendments which have been sent to the desk by the gentleman from Texas [Mr. CRAIN], and which, as the Chair understands, have been agreed to by the Committee on Labor this morning.

Mr. O'NEILL, of Missouri. That is correct.

The Clerk read as follows:

After the word "writings," in line 6, insert the words "relating alone to the subject under investigation."

The amendment was agreed to.

The next amendment, submitted Mr. CRAIN on behalf of the Committee on Labor, was read, as follows:

Strike out, in lines 6 and 7, the words "and all other powers and privileges in their nature applicable.

The amendment was agreed to.

The next amendment submitted by Mr. CRAIN on behalf of the Committee on Labor was read, as follows:

Strike out, in line 5, the words "punishing for contempt."

The amendment was agreed to.

The CHAIRMAN. The Clerk will next read the amendment sent to the desk by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

Strike out all of the second section down to the word "each," in line 14; the words proposed to be struck out being the following:

"That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, and requiring the production of papers and writings relating alone to the subject under discussion, now possessed and belonging to United States commissioners appointed by the circuit court of the United States; and said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions and purposes of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination."

The amendment was rejected.

The CHAIRMAN. The Clerk will next read the amendment sent to the desk by the gentleman from Pennsylvania [Mr. KELLEY].

The Clerk read as follows:

Add to the second section the following:

"That the sum of $20,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of such arbitrations; said sum to be available immediately."

Mr. O'NEILL, of Missouri. I hope this amendment will not be adopted.

The amendment was rejected.

The CHAIRMAN. The question will next be on the amendment sent to the desk by the gentleman from South Carolina [Mr. DIBBLE], which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "act," in second line of printed bill, and insert the following:

"Shall have power of administering oaths and of preserving order during its sittings. It shall keep a record of all testimony taken; and upon the conclusion of the examination the members of the board shall certify a written statement of all its proceedings, including such testimony, to the Commissioner of Labor, who shall keep the same on file in his office, and shall furnish two copies thereof, certified by him, free of charge or expense, one to each party concerned in such controversy or difference. Such copies shall be admissible in evidence in every United States court in any action or proceeding between the parties taking part in the examination, or in the proceedings herein provided preliminary thereto. Each of the examiners appointed by the parties shall receive for his services the sum of $5 per day, payable by the United States, and the clerks, stenographers, or special agents of the Bureau of Labor employed in the examination shall each be reimbursed his actual traveling expenses, in addition to receiving his usual pay. In case the Commissioner of Labor deem it necessary so to do, he may detail one or more of the clerks or stenographers of the Bureau of Labor to assist in the clerical work of the said board. It shall be the duty of the said board to invite proposals for adjustment from each party to the controversy or difference, and to assist in procuring a voluntary settlement of the same by its suggestions and advice; and copies of such proposals, if made by either party, and of any written agreement or agreements entered into between the parties, shall be certified to the Commissioner of Labor as a part of the statement of the board at the conclusion of the examination."

The amendment was rejected.

The CHAIRMAN. The question will next be taken on the amendment of the gentleman from New York [Mr. FARQUHAR], which the Clerk will read.

The Clerk read as follows:

After the word "writings," in line 6, insert the words "otherwise than of a confidential or private character."

The amendment was rejected; there being—ayes 6, noes 47.

The CHAIRMAN. The next amendment in order is that of the gentleman from Indiana [Mr. LOWRY], which the Clerk will read.

The Clerk read as follows:

Amend section 2 by inserting after the word "States," in line 9, the words "but in no case shall any witness be compelled to disclose the secrets or produce the records or proceedings of any labor organization of which he may be an officer or member."

The amendment was agreed to.

The CHAIRMAN. The question will next be taken on the amendment of the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. I withdraw that amendment.

The CHAIRMAN. The next amendment was that of the gentleman from Missouri [Mr. WARNER], to strike out in the fifth line the words "punishing for contempt." Those words have been stricken out by a previous amendment. This completes the amendments at the Clerk's desk.

Mr. CUTCHEON. I move to amend by striking out in the twelfth line the words "and purposes," which seem to me to be surplusage.

Mr. O'NEILL, of Missouri. There is no objection to that.

The amendment was agreed to.

Mr. BRECKINRIDGE, of Kentucky. I ask to offer an amendment in the way of a proviso to the second section.

The Clerk read as follows:

Amend section 2 by adding thereto the following:

"*Provided*, That before said arbitrators shall act there shall be filed in the clerk's office of the district court of the United States for the district in which said agreement was made a statement signed by the parties, setting forth that the parties named therein have selected arbitrators under this law, and that said arbitrators have selected a third arbitrator, giving the names of said arbitrators and their residences, the nature of the controversy, and the matter or matters to be arbitrated, and thereupon the district judge has entered an order, which order shall be entered within five days after such statement is filed, directing said named persons to proceed to arbitrate said matter or matters under the provisions of this act."

The amendment was disagreed to.

Mr. ANDERSON, of Ohio. I move to amend House bill No. 7313 by inserting after the word "stenographer," in line 10 of section 2, the following:

And appoint one or more persons to act as marshals to attend the sessions of said board, who shall be empowered to serve all writs and processes issued by said arbitrators, and be paid as United States marshals are for similar services.

The amendment was disagreed to; there being on a division of the committee—ayes 3, noes 45.

Mr. BUTTERWORTH. I ask of the gentleman in charge of this bill how writs and subpœnas are to be served if the bill does not provide some way for doing it?

The CHAIRMAN. That is in the nature of debate, and debate has been closed.

Mr. CUTCHEON. I move the following amendment.

The Clerk read as follows:

Add:

"And appoint some suitable person to serve such writs and processes as may be necessary in the course of said arbitration."

The amendment was disagreed to.

Mr. CUTCHEON. The chairman of the Committee on Labor is under the impression this is provided for in the bill. It is provided that the board may issue a subpœna, but there is no one provided to serve it. I think the gentleman is under a misapprehension in regard to this matter.

The CHAIRMAN. If there be no further amendment to be offered to the second section the Clerk will proceed to read the third section of the bill.

The Clerk read as follows:

SEC. 3. That it shall be the duty of said board of arbitration, immediately upon their selection, to organize at the nearest practicable point to the place of the origin of the difficulty or controversy, and to hear and determine the matters of difference which may be submitted to them in writing by all the parties, giving them full opportunity to be heard on oath, in person and by witnesses, and also granting them the right to be represented by counsel; and after concluding its investigation said board shall publicly announce its award, which, with the findings of fact upon which it is based, shall be reduced to writing and signed by the arbitrators concurring therein, and, together with the testimony taken in the case, shall be filed with the Commissioner of Labor of the United States, who shall make such award public as soon as the same shall have been received by him.

Mr. BEACH. Mr. Chairman, the object sought by this legislation is a worthy one, but I fear in the end this bill, if enacted into law, will

be like the pope's bull against the comet, it will accomplish nothing. It can accomplish nothing. It does not even pretend to accomplish anything. It simply gives the right of arbitration, and that right, we all of us know, is a common-law right, to which all citizens can resort when so disposed. The proposed legislation does not even go as far as the common law, for under that law the disputants were accustomed to enter into bonds in advance to obey the award. In this bill there is no provision to compel an arbitration and no provision to enforce the award if one should be made. What good then can the bill do?

It seems to me, Mr. Chairman, that the Committee on Labor might have brought into this House a more fruitful measure, one that would have done something practical toward ameliorating the condition of the industrial classes. The times are sadly out of joint. Thousands of able and willing men are out of work. Labor and capital are at swords' points. A cry of distress is heard throughout the land. It has reached the floor of this House. The cry was for bread, and the Committee on Labor has given them a stone.

Mr. Chairman, a physician skilled in his profession never doctors symptoms. He directs his treatment to the disease. If he can remove the cause, the effect disappears. Why should not we follow the same plan in treating this labor question? Strikes are but symptoms. The disease is behind them. This bill simply proposes to deal with the symptoms. Why not look into the disease? Why not inquire into those antecedent conditions which lead up to strikes?

It may be that when we investigate the relations between capital and labor and the conditions upon which labor demands higher wages and the pretexts resorted to by capital in refusing them, we will find some practical solution of this difficult problem.

Let us look for a moment at the class against which this bill is directed. It is aimed, according to its title, at "common carriers"—that is, the great railroad corporations. How have these corporations been formed? Originally by charters from the several States through which the roads ran. They were at first the creatures of the State. But eventually, with the expansion of commerce, it was found necessary for convenience and economy of transportation to consolidate various lines under one management. And here, mark you, in these consolidation agreements is where the real trouble began. A road would be gobbled up under foreclosure sale at—say two millions of dollars—and turned into the new company at ten millions. This scheme has been resorted to time and again, and to such an extent that I think I am safe in saying the railroads of the country are to-day capitalized at twice their value. In other words, their stock is so watered that it is half milk and half water. What next? The managers of these roads insist upon running them so as to get a dividend not only on the milk but also on the water. To do this they plunder shippers and passengers by charging excessive rates. The employés must help them out, and so they are put on starvation wages. The poor brakeman, the conductor, the fireman, and the engineer get a scant pittance, while the president draws a salary of $50,000 a year.

Reduce the capital of these roads to its actual cost and value—get rid of the water—do away with the excessive salaries paid the officers and managers, and they would be able to pay their employés satisfactory wages and we would hear of no further strikes.

But, Mr. Chairman, there are other conditions which tend to bring about strikes, and over which this House has control. I refer to proper legislation on the tariff and currency question. These two questions exert a very marked and strong influence upon the relations of labor to capital. To say that capital is sensitive is to say what we all know full well. It is shy and cautious and wary of investment. To-day the capitalist is hoarding his money. He will not embark in enterprise or business. And why? Mainly because of the unsatisfactory condition of the currency question. He will not loan or invest from fear that his money will be returned to him in a depreciated currency. Lord Bacon said that money was like manure—if lying in a heap it was of no good, but when spread on the fields it was of great value. If the money now withheld from investment throughout the country could be put in circulation employment for the poor would at once spring up, and all that is necessary to liberate this hoarded money is for Congress to give assurance, as it can, that the Government will coin nothing but honest money and keep its faith with the public creditors. The evil can not be cured, as my friend from Iowa [Mr. WEAVER] suggests, by increasing the volume of currency. The proper remedy is to increase the public credit. Confidence by capitalists in the stability and honesty of the currency is what will cause them to unlock their coffers and embark their money in manufactories and other enterprises.

Then the tariff plays an important part in this vital question. We hear of mills shut down and manufactories closed all over the country. Why? Because there is no sale for their manufactures. You must not expect a man to manufacture goods when he can find no market for them. He closes his factory, and hundreds of hands are thrown out of employment. Now, if he had a wider market for his goods, if he could send them to the markets of the world, he would keep his factory going and his hands at work. But he can not do this because of the high tariff on the materials out of which he manufactures. Put raw materials on the free-list, and with American machinery and the superior dexterity of American artisans he could compete successfully with the manufacturers of any country on the face of the earth.

Mr. Chairman, these are a few only of the questions which are well deserving of the serious attention of the Committee on Labor. I have not time to enlarge upon them. I can only hint at them in the limited time allowed by this debate. But if we would do something in the true interests of the laboring man, we should lose no time in considering these important matters.

I have no confidence in the bill before us. It will accomplish nothing, as I have said before; and yet I shall vote for it for the same reasons as those given by the gentleman from Maine [Mr. REED]. It can do no harm, but may possibly do some good. In addition, I may say, the passage of the bill will be in the nature of a notice to capital that now and hereafter it must respect the reasonable demands of organized labor, so far at least as this House is concerned. [Applause.]

Mr. O'FERRALL. Mr. Chairman, I have not had the time to consider the great question involved in this bill with that deliberation which its importance demands. It is so deep and so far-reaching as to call for the most thoughtful consideration and most deliberative judgment of this House. I yield to no man in my desire to see some satisfactory solution of this vexed question, and no greater fame should be desired by any legislator than to successfully grapple with it, and devise means by which the contentions between labor and capital can be peaceably settled and the immense business interests of this country protected against the oft-recurring troubles through which they are now passing.

I yield to no man in my regard for the horny-handed son of toil, or for him who eats his daily bread through the sweat of an honest brow. I yield to no man in my sympathy for the toiling millions who are struggling under the heel of giant corporations and oppressive monopolies. My heart goes out to them in their unequal contest. I wish I could devise means for their relief, and put them upon a plane where they could assert their rights against the encroaching power of money-kings and grasping cormorants. I wish I could lay my hand upon the men who sit enthroned upon crushed hopes and bleeding hearts, upon the piles of glittering wealth secured by the deprivation of their fellow-man of his just rights, and command them to "do unto others as they would have others to do unto them."

I wish I possessed the power, not to wrest capital from the hands of its owners, but to require the possessor to return to the brain and muscle which enabled him to fill his coffers the fair and equitable share of that brain and muscle.

But, Mr. Chairman, I am endowed with neither this ability nor power; and while I would not detract from the individual ability of the distinguished members of this body, I do not believe there is any single mind here able to solve the difficulty and lead us out of the labyrinth of troubles in which we find ourselves. But I do believe that in the combined wisdom of this House a remedy could be found, and that in the multitude of minds the wrongs which cry aloud for relief could be redressed.

As yet, however, my eyes can not see and my understanding fails to comprehend anything in the bill under discussion which will bring relief or give redress.

What does the bill propose? Simply that whenever common carriers and their employés have differences or controversies they may, if they please, submit the differences or controversies to arbitration. Only this and nothing more. In a word, Congress by a solemn act is to declare that the parties may do a thing which they have the absolute right to do regardless of Congressional action. Well, when they shall have done that which they have the right to do without Congressional authority and the arbitrators shall have made their award, what force and effect will the award have? None; for there is no provision for enforcing it, and it remains without any binding or legal force, and compliance with it rests alone in the pleasure of the parties themselves. No power is conferred, and the redress of no wrong is insured.

With due deference, I must say that this bill looks to me like trifling with a great question and dallying with the laboring interests of this country. I assume, sir, that there is too much intelligence in the labor organizations and among the laboring classes generally not to see through the flimsy gauze thrown over this bill by its high-sounding title. I assume that the men who have been seeking aid at the hands of their Representatives here will read and understand for themselves that Congress would declare, should this bill pass, that no remedy could be afforded and no means of redress given them. Yet, sir, that at the same time they would be impressed with the idea, whether correctly or not, that this House presumed upon their ignorance, and thought they would be satisfied with a stone when they were asking for bread.

In my opinion a vote for this bill is in effect a vote against labor. It will be a vote in favor of nothing, absolutely nothing, in the interest of the toiler. It will be a vote in favor of no other legislation of its character, and will suppress, for the present at least, any and all other bills for the elevation of labor and the amelioration of the unhappy condition of the laboring classes of our people.

Now, sir, there is one other feature of this bill to which I want to refer briefly. Though no right is conferred and the parties act according

to their own pleasure in submitting to arbitration and abiding by the award, we are to have all over the country, wherever a railroad, canal, or other common carrier may run or transact business and differences or controversies arise, boards of arbitration, clerks, and stenographers, "all to be paid out of the public Treasury."

There is no mind so penetrating as to fathom the depth to which these expenses may reach; there is no eye so keen as to see the length and breadth over which these investigations may spread. A field rich in fees and emoluments will open up and a harvest will be reaped by arbitrators, clerks, stenographers, and witnesses, with no tangible results. I have heard some gentlemen give as the reason for their support of the bill that it could do no harm. My objection to it is that it will do no good, that it will accomplish nothing. The framers of it remind me of the story of the old farmer who had some heavy butts of logs on his land, and when a neighbor saw him plowing the field without removing the logs, and inquired why he did not remove them, he received the reply from the old fellow "that they were too infernal heavy to roll, too darned soggy to burn, and too tarnal tough to split, so he had concluded just to plow around them." So with the framers of this bill: the question was so gigantic in its proportions, they left it where they found it and just plowed around it.

But is this character of legislation in keeping with the dignity of the Congress of a great people? Have not the commercial and business interests now suffering, and which have suffered continuously for years, either from suspension of trade or fear of it, to say nothing about the interest of labor, the right to expect something tangible and not invisible, something affirmative and not negative, something solid and not empty? Harmless! Yes, it will be harmless in the sense that it will be worth no more than the paper upon which it may be printed so far as settling differences. Nobody will be benefited but the retinue of officials which it will create. Harmless! No, it will not be harmless so far as drafts upon the public Treasury are concerned.

Sir, as a Representative upon this floor, I would be unworthy of the noble constituency I represent if by my vote I were to authorize the expenditure of the people's money with less consideration than I would expend my own private funds. I would not incur the expense of an arbitration of differences between me and my neighbor unless the award could be enforced, unless it would settle our differences and end our disputes; and as I would not do this as an individual out of my own private purse, I will not by my vote as a Representative do it out of the public purse.

Sir, I would have been pleased to see the Committee on Labor, in the combined wisdom of its members, or this House, in the multitude of its minds, devise some means to meet the demands of the hour, and I shall yet hope for some such measure. I shall vote against this bill, because its only result will be to draw money from the Treasury. I shall vote against it, believing, as I do, that the passage of such a bill will be unworthy of the Congress of a people who boast of their statesmanship and their ability to grapple with weighty questions, their sense of justice and feeling of humanity, their regard for honest labor, and their disposition to elevate it to that plane ordained by God himself when he commanded that bread should be the reward of sweat and toil.

I shall vote against it as a measure which ought to be condemned by all classes, except by those whose millions have been hoarded up by oppression and whose dividends have been drawn by grinding the helpless; by powerful corporations and mighty monopolies, who upon the plea of being public benefactors have secured peculiar privileges and divested private rights, and then with an iron rod have domineered over their employés and with an iron heel have walked with despotic stride over those whose hands were making them rich. It will suit them, because "harmless" and barren of results. Sir, the strong can take care of themselves; they need no protection. The weak require support. I am for the weak as against the strong. I am for the toiler as against the monopolist. At the same time I shall endeavor to hold evenly the scales and mete out exact justice, but shall resolve all doubts in favor of the weak and not the strong.

In recording my vote against this bill, I shall do it as I believe in the interest of the laboring man, whose intelligence and powers of discernment will lead him to realize that when he reaches for the substance he will find the shadow; and it will be in the interest of the tax-payers of this land, whose hard earnings are to be taken to pay newly created officials in investigations which will result in nothing and end in a farce. [Applause.]

Mr. BAYNE. Mr. Chairman, I think the Committee on Labor has done very wisely and well in reporting this bill, and I believe that under the circumstances surrounding them, as well as the necessities of the case, they could not have gone much further or done much better than they have done. I have no doubt whatever of the constitutionality of the measure. The power conferred upon Congress by the Constitution to regulate commerce between the States and with foreign nations is a broad and comprehensive grant of power, and I feel quite certain that in the exercise of this power Congress can enact a law that will promote commerce between the States and control the railroads of the country in carrying out that law.

I was surprised, sir, at the position assumed by the gentleman from Texas [Mr. REAGAN] with reference to this bill, especially when I remember that he has proposed a bill for the regulation of interstate commerce, which embraces broader provisions than does this bill; and yet the interstate-commerce bill he does not regard as unconstitutional. I regard that bill to which he refers as entirely constitutional, but I must confess that I was exceedingly surprised to find the gentleman from Texas raising the question of constitutionality about a measure of this character, when he has himself proposed a bill here, known as House bill No. 5885, to incorporate by an act of Congress of the United States a ship-railway corporation to operate in a dominion foreign to the Government and beyond the jurisdiction of the flag of the United States. I do not think that a gentleman who proposes a bill of that character has very much right to criticise the liberal constitutional ideas of anybody else.

This bill may amount to very considerable in the direction it is intended to go and it may not amount to very much, as has been already very well stated by the gentleman from Maine [Mr. REED] and the gentleman from Massachusetts [Mr. LONG], but at all events it should have a fair and impartial trial. There is certainly one thing about it which will not be denied, and that is it will secure an examination into a controversy where parties consent that an examination shall be had, and the expense of that examination will be borne by the United States. If, therefore, it does no more, it will secure an investigation which may be had where witnesses can be subpœnaed, their testimony taken, and thus the truth arrived at by that investigation as between the parties to the controversy.

But, sir, I warn the laboring men of this country not to put their reliance in legislation. Legislation can not cure all the evils complained of. There is no element in human character, there is no attribute of human nature that can achieve success, that leads forward to prosperity, or that will accomplish great results so much as a determined self-reliance; and I fear very much when either the capital or labor of this country shall look to legislation alone for support, shall look to legislation with a view to aiding them in any controversy, when self-reliance and their own purposes would secure the better results—I say I fear very much that legislation of that character instead of promoting the good purpose intended to be promoted will be more apt to thwart and defeat the very purposes contemplated.

I commend to the workingmen of this country, whose strength is well known, whose organizations are reaching everywhere, and who have power and manhood and good sense to assert and maintain their rights, that they should not depend upon legislation to cure the evils they complain of, but depend upon their own good judgment, upon their own good sense, and in the end they will achieve more than by any legislation which the American Congress can enact. [Applause.]

Mr. O'NEILL, of Missouri. I ask unanimous consent that debate upon this section and all amendments to it be limited to ten minutes.

Mr. LORE. I hope that will not be done.

The CHAIRMAN. There are other sections of the bill, and of course this will not prevent debate upon them.

Is there objection to the request of the gentleman from Missouri?

Mr. ROGERS. I object.

Mr. O'NEILL, of Missouri. I move that the committee now rise for the purpose of limiting debate.

Mr. BROWNE, of Indiana. Let me send up an amendment to the desk to have it read for information. I do not want to make a speech.

Mr. O'NEILL, of Missouri. Certainly; send it up.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Missouri that the committee rise.

The motion was agreed to.

Mr. O'NEILL, of Missouri. I ask unanimous consent that amendments may be read which are proposed to be offered to this section.

The CHAIRMAN. That can be done afterward; the committee has determined to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the labor-arbitration bill, had come to no conclusion thereon.

Mr. O'NEILL, of Missouri. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the further consideration of the arbitration bill; and pending that I move that debate upon the third section of the bill and all amendments thereto be limited to ten minutes; and on that I demand the previous question.

Mr. SPRINGER. I think if the gentleman will limit this debate to twenty minutes, perhaps there would be no objection.

Mr. O'NEILL, of Missouri. Ten minutes is enough. I do not desire to make a speech myself.

Mr. SPRINGER. I think it would facilitate matters to give twenty minutes.

Mr. LORE. I move to amend by making it twenty minutes.

The SPEAKER. But the gentleman has demanded the previous question.

Mr. HAMMOND. It has not been ordered.

The SPEAKER. It is pending, however, and an amendment is not in order pending the demand. The question is on ordering the previous question.

The previous question was ordered; and under the operation thereof the motion to limit debate to ten minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. Under the order of the House debate upon this section and all amendments thereto is limited to ten minutes. The Chair will first cause the Clerk to read such amendments as may be proposed to this section.

The Clerk read the amendment proposed by Mr. BROWNE, of Indiana, as follows:

Add to the third section the following:

"And if either of said parties, or any one or more of them, fail or refuse to abide or perform the same, the said award may be presented by said board of arbitrators or other person interested therein to the district or circuit court of the United States for the district where the said controversy arose, or where the award was made, and the same shall be made of record and the said board shall report therewith the costs and expenses of said arbitrament, and judgment therefor shall be given by said court against said refusing party or parties, and collected as other judgment, and the sum recovered shall be paid into the Treasury."

The CHAIRMAN. The Clerk will now report the amendment submitted by the gentleman from Delaware [Mr. LORE].

The Clerk read as follows:

Amend the third section by inserting in line 10, after the word "award," the following: "And shall also furnish each party with a copy of said award."

The CHAIRMAN. If there be further amendments to be proposed to this section they can be sent to the Clerk's desk.

Mr. BROWNE, of Indiana. I think it has been settled by the constitutional lawyers that this bill is strictly within the constitutional power of the legislative branch of the Government. I do not, therefore, propose to discuss it.

The fifth section provides that the expense of this arbitration, including the presence or attendance of witnesses, shall be paid by the United States. The amendment that I propose is simply this, that in the event either of the parties submitting to the arbitrament refuses to abide it, the award shall be reported to the district or circuit court for the district where it has been made or where the controversy arose, and that with it shall be also a statement of the costs and expenses incurred therein, and that judgment shall be given by that court against the party failing or refusing to abide the result. And as the fees are paid in all instances out of the Treasury of the United States, the amendment provides that the sum recovered shall be paid into the Treasury.

It seems to me this amendment should be adopted. It will give some vitality to this measure, and will afford some reason, some controlling influence, that may secure the acquiescence of the parties who have submitted to the arbitration. In order to give the bill this efficiency, or so little as may be given by the proposed amendment, I have offered it.

As it is not proposed to compel the parties to abide the result by a judgment of any court having power to enforce it, we might provide at at least that the parties who have invoked the power of this tribunal to settle a controversy and then refuse to abide the award should reimburse the Government of the United States for the expenses that have been incurred in the attempt to settle the controversy.

Mr. LORE. The amendment I have offered to the third section is that a certified copy of the award shall be furnished to each party to the controversy. Certainly each party should know and have the award. I may frankly say even if this amendment were adopted I could not support this bill. Its friends have admitted on this floor that it amounts to nothing but a resolution, a declaration on the part of this Congress that arbitration ought to be resorted to by the parties in all such controversies. A resolution would effect that purpose and would be open and surely not a pretense.

But, sir, we have here in promise a bill which undertakes speedily to settle disputes between railroads and their employés. It provides no persons to serve a summons, no means to carry any award or finding into effect. Promises largely, threatens bravely, but accomplishes nothing, except the expenditure of public money and another list of officials to be paid out of the Federal Treasury. It provides complicated and expensive machinery. It gives the arbitrators power—if called upon to go through the form of a legal trial—to summons witnesses before them and to punish for contempt with absolutely no means of reaching the witnesses. Then it provides that an award shall be made in writing and that award shall be published. And when thus made and published and when the evidence is all collected, what then? We ask, *cui bono?*

Why, sir, after this publication the award and evidence are to be sent to the Commissioner of Labor and the award is to be published again. And what next? Then it is to be filed away among the records of the Bureau of Labor. For what? Possibly, when the antiquarian shall look for the legislation of this Republic in years to come, to be preserved there as the very best specimen of that class of legislation which keeps the word of promise to the ear and breaks it to the hope.

There is conceded nothing substantial in this bill. No legal determination can be reached by it. It is a mere declaration that we should resort to arbitration. Labor is effecting that very purpose now by most patient means. By organizations, drilled and educated to meet organized capital, it elsewhere compels arbitration. The leaders in this labor movement propose to educate the labor unions. As has been stated, like organizations in England are thus drilled and educated. They have the power, and it matters little though the railroad wealth of the country be united in the hands of four men, as claimed by the gentleman from Kentucky [Mr. WILLIS], it will soon be seen that these four men are in the hands of labor, organized in the way that capital has been heretofore organized, for its own protection.

Pass this bill, and you place in the hands of those four men the power to direct legislation against labor in the same manner they have thus far absorbed great franchises, parts of the sovereignty of the people, into their hands. Look at the results of that legislation in the past. Little by little, but as certainly as fate, the power, the land, the wealth of the nation have been gradually and by means of legislation centered in the hands of a few men.

If this be so, why adopt such a dangerous course—legislation like this bill, which you concede is toying with the gravest question of the hour? It may be the entering-wedge, ay, sir, the initial step in the course by which these corporations may accomplish their ends and do with labor just what they have done with your railroads, your public lands, your franchises, and your national wealth. Concentrated capital has provoked organized labor. Admit that these corporations may invoke Federal legislation in strikes and in the effort of labor to protect itself; under the guise of aiding labor you furnish the means of crushing it also. You will find legislation uniformly yielding to the subtlety and ability of those whom three or four men of immense wealth and power, the representatives of these huge monopolies, may bend to their purpose.

The scattered masses are unable to cope with such concentrated energy, wealth, and subtlety, and must fall back upon public sentiment at last. I am willing, sir, to vote for anything that will benefit labor, but I am not willing that this mockery, this sham shall go out to the workingmen of this land promising them a "speedy settlement" of the disputes between labor and capital, while its advocates well know that it lacks every element of efficiency. Labor wants compulsory arbitration. You offer them public sentiment. That they have already. The workingmen understand this question and will not be satisfied with a delusion. Let us have the courage of our convictions and vote as we think.

Mr. CRAIN. Will the gentleman yield for a question?

Mr. LORE. I would do so, but my time is up.

The CHAIRMAN. The time for debate upon this section is exhausted. The question is on the amendment offered by the gentleman from Indiana [Mr. BROWNE].

The House divided; and there were—ayes 25, noes 64.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Delaware [Mr. LORE].

The amendment was rejected.

The Clerk read the next section of the bill, as follows:

SEC. 4. That it shall be the right of any employés engaged in the controversy to appoint, by designation in writing, one or more persons to act for them in the selection of an arbitrator to represent them upon the board of arbitration.

Mr. HOWARD. I move to amend by striking out the last word of this section.

Mr. O'NEILL, of Missouri. Mr. Chairman, I ask unanimous consent that debate upon this section be limited to five minutes.

Mr. GLOVER. I object.

Mr. O'NEILL, of Missouri. Mr. Chairman, I am willing to agree to ten minutes.

Mr. GLOVER. I object.

Mr. O'NEILL, of Missouri. Now, Mr. Chairman, I move that the committee rise for the purpose of limiting debate upon this section.

The CHAIRMAN. It is not in order to move to limit debate upon this section until debate upon it has been had. The gentleman from Indiana [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman, it appears to me that gentlemen in the discussion of this subject have drifted away from the real issue. If this were a question as to the merits of arbitration, it would be well to discuss that subject. But that is not the point in controversy. Is that the question we are called upon to consider here to-day? Is the question presented in this bill for the consideration of this House whether arbitration between the opposing forces that are agitating the country is a proper method of settlement or otherwise? I take it that that is not the question. This bill bears upon its face evidence that the gentlemen who framed it do not regard that as the issue involved. What then is the question? Is it not whether Congress has the power to control the subject of disputes between railroad companies and other corporations and their employés? The bill on its face admits that its framers did not believe in the existence of such power.

Now, Congress either has the power or it has not. If it possesses the power then I am opposed to the bill, because it does not deal with the subject in earnest. It dodges the question. It professes to relieve the labor of the country when it does not give a single right not already

possessed. There is not a laborer in all the country but knows that the right to arbitrate his difficulties and disputes by consent have always existed. There is no element in this bill that enlarges the rights of any one in the matter with which it proposes to deal, not one. Then, on the other hand, if this Congress has not the power to interpose by compulsory arbitration in these matters of dispute has it the power to legislate to the extent proposed in this bill? If you can take the one step why can you not take the other, and will any man on this floor undertake to say that Congress has the power to enforce compulsory arbitration in these cases?

If any man will claim that such power exists it will make an issue between us; but this bill does not involve that question; it evades it, and does so for a purpose. The friends of the measure claim that it is a step in the right direction; that it is the best they can do; that it affords all the relief that Congress has a right to grant. If we vote for this bill on the ground that it is a step in the right direction, that vote will be construed as a recognition of the right to take another step in the same direction. When and under what circumstances may we be called upon to take that other step? Who can say but that before this session of Congress closes these railroad companies will be seeking legislation authorizing the Federal Government to send armed forces into any State in the Union, when there may be a strike, to arrest the strikers, take them for trial before a Federal court, away from their homes and friends? What will you men who vote for this bill then say when thus importuned to take a second and further step upon the subject, as to the power of Congress to interfere in these disputes?

Now, let us be honest, and meet these questions involved in this bill like men. Let us by our votes now give the whole country, railroad companies and other corporations and their employés, to understand that Congress is not the proper forum in which to adjust their disputes and grievances. Let us try and gain the confidence of our constituents, not by sham and delusive legislation but by such legislation as will relieve the labor and industries of the country from the burdens of high and unnecessary taxation. Let our legislative enactments be such as will give equal and exact justice to all and exclusive privileges to none. Let us refuse to interfere with the coinage of silver as now authorized by law. Let us take no step which will tend to appreciate money and depreciate property, and thus increase the burdens and bring ruin upon the great debtor class of this country that are and have for years been struggling to pay their debts and save their property and homes from confiscation.

Let us invoke the best statesmanship in this Congress in behalf of such measures as may best tend to open the markets of the world for the surplus products of our farmers and manufacturers. Let us repeal or modify all existing laws the tendency of which is to make the rich richer and the poor poorer. Then indeed will strikes disappear from our country, and every idle man find employment at remunerative prices, and peace, contentment, and happiness will be found in every household in all the borders of our land. The present situation of our country imperatively demands that something should be done to ameliorate the condition of the toiling millions, who, as it has been so well said by another, are our country's brightest ornaments in times of peace and greatest bulwark in times of war.

It has been said that man only needs to know his true interest in order to pursue it. What, then, is the true interest of the laboring masses? Perhaps it were easier to tell what are not their true interests. If I were called upon for advice, I would say to the labor of the country never to invoke the exercise of unwarranted powers even in your own behalf, for if such powers can be used to aid you they can be used to crush you; remember that this Government is one of limited powers and that all its just powers are derived from the consent of the governed, and that all governmental power is an infringement upon natural right, and that there is an eternal conflict between power and the rights and privileges of the people, and wherever it has been waged power has gained the mastery. Hence the safety of the people and the perpetuation of our form of government depend upon a strict observance of those limitations of power on behalf of their public servants.

Had those limitations been observed in the past there would have been no class legislation, concentrating the wealth of the country in the hands of the few at the expense of the many. It is only by a species of usurpation that such results have been reached. The tendency of the times is to centralization, which means more power in the Government and less in the people. The people should promptly repel all legislation which tends to recognize the doctrine that the Government is master and the people its servants. All those measures asking the Government to interfere with the private affairs of the people are but so many lessons in that direction. History informs us that free governments are not usually overthrown by bold and open assault, but by insidious approaches, coming always under the guise of some great good; power says to the people, "Let us take this step, although it intrenches upon your reserved rights; the end justifies the means." We should remember that this step taken invites another and another, until, in the language of Justice Story, while this form of the Government remains the spirit will have departed. The capability of man for self-government is now being put to the test. My advice to the laborers of the country is to do nothing but what is right and submit to nothing that is wrong, for every step you take in the wrong direction will be magnified and distorted and will be used by your adversaries as an argument against your capacity for self-government. Standing upon this high plane of citizenship and duty, you would have the sympathy of the whole country, and every man who loves liberty and his country will defend your cause, and no power on earth can prevail against you.

Mr. O'NEILL, of Missouri. I now move that the committee rise, so that the House may close debate on this section.

Mr. REAGAN. Will the gentleman allow me to occupy five minutes before he presses that motion?

Mr. O'NEILL, of Missouri. I have asked unanimous consent to close debate and objection has been made. If consent is given to close debate in five minutes, I am willing the gentleman from Texas should occupy that time.

Mr. GLOVER. I object.

Mr. O'NEILL, of Missouri. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés, and had come to no resolution thereon.

Mr. O'NEILL, of Missouri. I move that the House resolve itself into Committee of the Whole to resume the consideration of House bill 7479; and pending that motion I move that all debate in Committee of the Whole on the fourth section of the bill and all amendments thereto be limited to five minutes. On this motion I call the previous question.

Mr. GLOVER. Pending that motion, I move the House now take a recess until half past 7 o'clock this evening.

Mr. BUTTERWORTH. I wish to inquire whether it is the purpose of the gentleman from Missouri to have a vote on this bill to-night.

Mr. O'NEILL, of Missouri. It is our intention to get a vote on the bill as soon as we can.

The motion of Mr. GLOVER for a recess was not agreed to; there being—ayes 43, noes 145.

The previous question was ordered on the motion of Mr. O'NEILL, of Missouri, to limit debate; and under the operation of the previous question the motion was agreed to.

The SPEAKER. The question is now on the motion that the House again resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 7479) to provide for the speedy settlement of the controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

The CHAIRMAN. By order of the House, all debate on the pending section and amendments thereto is limited to five minutes.

Mr. REAGAN. Mr. Chairman, I propose only to make a brief observation in reply to the remarks made a short time ago by the gentleman from Pennsylvania [Mr. BAYNE] and similar remarks made by another gentleman yesterday. Those gentlemen expressed surprise that, as I had advocated and voted for a bill to regulate interstate commerce, I could not vote for the bill now before the House. I might return the compliment and express my surprise that a gentleman of the experience of my friend from Pennsylvania should not be able to understand the difference between a measure regulating commerce between the States and a bill which undertakes to regulate contracts made by parties engaged in commerce between the States with some outside parties about some matters not connected with railroad transportation.

Mr. BAYNE rose.

Mr. REAGAN. I beg the gentleman will not consume any part of my five minutes. The gentleman also expressed his astonishment that I should object to this bill after having reported from the Committee on Commerce a bill proposing the incorporation of a company to build a ship-railway across the Isthmus of Tehuantepec. The gentleman may understand the Constitution and may understand Democracy better than I do; but President Polk was considered as belonging to the straitest sect of State-rights and strict-construction Democrats, and during his administration in 1848 he, through Mr. Buchanan, his Secretary of State, offered on behalf of the United States $15,000,000 for the privilege of constructing a ship-transit across the Isthmus of Tehuantepec. Now, what the Government can do itself, it surely can incorporate another to do.

The gentleman made the point that the purpose of the corporation contemplated by my bill was to be carried out in a foreign country. Why, sir, the Mexican Central Railroad has been built under a charter from the State of Massachusetts. The Southern Pacific Railroad has been built under a charter from the State of Kentucky. A number of other charters of the same kind have been granted for the building of railroads extending into the territory of Mexico.

Mr. BAYNE rose.

Mr. REAGAN. I beg the gentleman will not take any part of my time. The gentleman may say that the proposition in this case was to grant a charter from the United States Government. But what is the difference? If the United States can regulate the commerce between the States and with foreign nations—if it could build a ship-transit across the Isthmus of Tehuantepec, or, adopting another mode, could pay a company for carrying its mails, its ships, its troops and munitions of war across the isthmus, can it not, exercising the same power under which the Pacific railroad was constructed, with the assent and support of the ablest Democrats in America, incorporate a company for the purpose contemplated by the bill which I reported?

I do not propose to argue this question now; but I did not wish to sit by and hear two gentlemen successively try to reproach me for doing what the ablest and best Democrats in America have proposed to do.

Mr. GIBSON, of West Virginia. Mr. Chairman——

The CHAIRMAN. The time fixed for debate has expired.

The Chair understands that a number of formal amendments have been offered to this section; and they will be considered as withdrawn. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 5. That each member of said tribunal of arbitration, and the clerk, stenographer, and witnesses attending before them, shall be entitled to receive like fees or compensation as United States commissioners, and clerks, stenographers, and witnesses attending before United States commissioners; and such fees or compensation shall be payable by the United States in like manner as fees of such United States commissioners, and witnesses before such United States commissioners, in criminal causes, are payable under existing laws.

Mr. O'HARA. I move to strike out the last word.

It is true, Mr. Chairman, that this bill came up in the House before the members thereof had time to consider it. I have not given the bill that consideration I desired to give to it, and yet I am in favor of it, believing it is a step in the right direction.

It is an earnest, at least on the part of the House of Representatives, to the laboring men of this country that they are in favor of assisting them in settling their difficulties by arbitration.

It has been said, and well said, upon this floor that the spirit of our civilization is strongly pointing toward settling not only difficulties between capital and labor, but all differences between nations by arbitration. I represent, Mr. Chairman, a constituency upon this floor composing a large class of unorganized labor, but which must in the very near future be organized for its own protection; and in its clash with other great interests which it must meet, it regards as earnest this sentiment of arbitration receiving its expression here, so that when the time comes when it shall clash with other interests that sentiment will have gone forth to the country and arbitration may be called upon to settle that great difficulty.

When that time comes then I shall expect to hear great constitutional lawyers here get up and invoke the shades of the Constitution; but, thank God, the spirit of the times will say to these gentlemen that the Constitution is broad enough and strong enough to allow the Congress of the United States to step in and assist the people in their difficulties by arbitration.

Mr. Chairman, I am not one of those who are afraid that we are going to retrograde; that this great movement which is now on foot, this settling of difficulties between labor and capital, because we pass this bill, will retrograde, as has been said by the gentleman from New York. Nor am I afraid that the great spirit of liberty will be crushed out because so asserted by the gentleman from Kentucky.

But however much I may be in favor of this bill, Mr. Chairman, I must protest, in the name of the ignorant, the unlettered people of these United States, against the innuendoes thrown out by the friends of this measure that we are for taking $77,000,000 of the people's money for the purpose of educating a certain class.

I say that is a false idea. That seventy-seven millions when taken from the Treasury of the United States will return in bounties fifty-fold. It will be for the education not of a certain class of people, but for all the people of these United States; and, sir, it will be one of the greatest levers that can be used to bring about a settlement between these two mighty interests, labor and capital. It will educate the laborer of the country to that extent that he will be enabled to maintain his rights within the law. It will enable him to justly appreciate such settlement as may be made by arbitration, and thus tend to elevate the entire masses of the people. [Applause.]

Mr. WARNER, of Missouri, addressed the Chair.

The CHAIRMAN. The gentleman from Missouri [Mr. O'NEILL] is recognized.

Mr. WARNER, of Missouri. I move to strike out, in the fifth section of the bill, all after the word "arbitration," in the second line, and insert what I send to the desk.

The CHAIRMAN. The Chair had recognized the gentleman from Missouri [Mr. O'NEILL], but the gentleman from Missouri [Mr. WARNER] has responded and sent an amendment to the Clerk's desk.

Mr. O'NEILL, of Missouri. That is all right. Let the amendment be pending.

I move that the committee do now rise.

The question was taken; and on a division there were—ayes 120, noes 8.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the labor-arbitration bill, had come to no resolution thereon.

Mr. O'NEILL, of Missouri. I move that the House take a recess until twenty-five minutes after 7 o'clock this evening, the object being to perfect and pass this bill to-night if possible.

Mr. HAMMOND. I move to amend the motion by making it half past 7 o'clock, for the purpose of considering pension bills.

Mr. BUTTERWORTH. I would like consent of the House to make a suggestion. [Cries of "Regular order!"]

This bill has been amended in many important particulars, and I suggest to the gentleman in charge of it that he permit the bill as amended to be printed in the RECORD, and that it be taken up to-morrow for final disposition. [Cries of "No!" "No!"] There is not a man here who can describe the bill as it has been amended.

The SPEAKER. The question is on the amendment proposed by the gentleman from Georgia to the motion of the gentleman from Missouri.

The question was taken; and on a division there were—ayes 80, noes 72.

Mr. O'NEILL, of Missouri. I demand tellers.

Mr. BRUMM. I ask that the question be stated. There is evidently a misapprehension as to what we are voting upon.

The SPEAKER. The question is now upon the amendment of the gentleman from Georgia [Mr. HAMMOND] to the motion of the gentleman from Missouri [Mr. O'NEILL], that the House take a recess until half past 7 o'clock, to consider pension bills under the previous order of the House.

The question is on ordering tellers.

Tellers were refused—21 members only voting therefor.

So the amendment was agreed to.

The SPEAKER. The question is on the adoption of the motion as amended.

Mr. BUCHANAN addressed the Chair.

The SPEAKER. The question is not debatable.

Mr. BUCHANAN. My desire was to make a suggestion in the interest of harmony. [Cries of "Regular order!"]

Mr. BUTTERWORTH. The motion of the gentleman from Georgia having prevailed, I again ask unanimous consent that the bill as amended be printed in the RECORD. [Cries of "Regular order!"]

The SPEAKER. The question is on agreeing to the motion as amended.

The question being taken, the motion as amended was agreed to—ayes 96, noes 76.

Mr. O'NEILL, of Missouri. I give notice that I will move to-morrow to set aside the special order for that day in order to proceed with this bill.

The result of the vote was announced; and the House accordingly (at 4 o'clock and 55 minutes p. m.) took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The House reassembled at half past 7 p. m., and was called to order by the Speaker.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House for the purpose of considering business on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order, which the Clerk will read.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. MATSON. I ask unanimous consent that members present be allowed to call up bills out of their order. I do so in order that gentlemen who take the trouble to come here at the evening session may be favored with the passage of their bills.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that gentlemen may be recognized to call up any bill on the Private Calendar that comes within the rule. Is there objection? The Chair hears none.

WILLIAM FIELD.

Mr. ELY. I call up the bill (H. R. 4808) granting a pension to William Field.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Field, late a private in Company A, Thirty-ninth Regiment of Massachusetts Volunteers, and pay him a pension at the rate of $25 per month from the passage of this act.

The bill was reported by the Committee on Invalid Pensions with the following amendment:

In line 7, strike out "$25" and insert "$12."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN G. BURRILL.

Mr. MATSON. I call up the bill (H. R. 5583) granting a pension to John G. Burrill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John G. Burrill, late first lieutenant of Company G, Fourteenth Indiana Volunteers, subject to the conditions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ARTHUR.

Mr. ELLSBERRY. I call up the bill (H. R. 5058) granting a pension to John Arthur.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of John Arthur, late of Company K, One hundred and sixtieth Regiment Ohio Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ADALINE M. PUTNAM.

Mr. GALLINGER. I call up the bill (S. 814) granting a pension to Mrs. Adaline M. Putnam.

The bill was read, as follows

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Adaline M. Putnam, mother of the late Haldimand Sumner Putnam, late colonel of the Seventh New Hampshire Volunteers, at the rate of $50 per month.

The bill was reported by the Committee on Invalid Pensions with the following amendment:

In line 8 strike out "$50" and insert "$30."

The CHAIRMAN. Without objection, the amendment recommended by the committee will be adopted, and the bill as amended will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. There is objection. I oppose the proposition.

Mr. MORRILL. I ask to have the report read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 814) granting a pension to Mrs. Adaline M. Putnam, submit the following report:

This committee adopts the report of the Senate committee, which is hereto appended, as a fair statement of this claim. We recommend that the bill be amended by striking out the word "fifty," in the seventh line, and inserting the word "thirty," and that as so amended the bill do pass.

The claimant is Mrs. Adaline M. Putnam, mother of the late Haldimand Sumner Putnam, late colonel of the Seventh New Hampshire Volunteers. Colonel Putnam was killed at the head of his regiment in the assault on Fort Wagner. He was one of the most able and skillful officers of his rank, and but for his untimely death would have undoubtedly achieved very high distinction in the service. As appears from the evidence, while living he contributed to the support of his parents, and his aged mother is now left in distress for the necessaries of life.

The following statement, under oath, of Mrs. Putnam is adopted by the committee as a full and fair statement of the facts of this case. It seems unjust, and if unjust impossible, to deny an application of so great merit. Senator EVARTS, Hon. Hosea W. Parker, of New Hampshire, formerly member of the House of Representatives, and other gentlemen of the highest character, who have personal knowledge in regard to the facts in this case, have urged upon your committee that this pension be granted, Mrs. Putnam is now seventy-five years of age and suffering for the necessaries of life. It is fairly within the scope of previous action of Congress to allow her claim, and your committee recommend the passage of the bill:

"I, Adaline M. Putnam, of Cornish, county of Sullivan and State of New Hampshire, make oath, depose, and say as follows:

"That I am the widow of John L. Putnam, late of said Cornish, deceased. That my husband died in April, A. D. 1875, at said Cornish. At the time of his death and for a long time before his death he was largely indebted to our son, Samuel Putnam. That my said husband left over and above his indebtedness but a small amount of property, and that was in land situate in said Cornish. My husband left no will, but prior to his death he entered into an arrangement with the said Samuel Putnam that I should have a home on the place where he died; meaning a seat at the table and a room in the house, and the sum of $40 in money to be paid to me yearly. That the said Samuel Putnam owns and occupies the homestead, and the above is all the support I have.

"That I am seventy-five years of age next March and in feeble health; that I need constant care and have no means, only as mentioned above, with which to make provision for my support; that with this scanty means I am not able to procure but few of the comforts of life.

"I further say that Col. Haldimand S. Putnam, deceased, was my second child; that my said son was a graduate at the military school at West Point, graduating in 1857; that when the war of the rebellion broke out my said son was in the military service of the United States as an engineer, on General McDowell's staff. From this position he was called to New Hampshire and appointed colonel of the Seventh New Hampshire Volunteers in December, 1861. He remained colonel of this regiment until July 18, 1863, when, in command of a brigade, he was killed in an assault upon Fort Wagner, South Carolina.

"Soon after the graduation of my said son he commenced rendering pecuniary aid to his father, mother, and two sisters. This he continued up to the time of his death. At different times he paid me money; at one time $40, at other times $20, on more than one occasion. That I then depended largely upon this assistance for the comforts of life, and without such assistance I and my family would have been in straitened circumstances. I further say, being thus deprived of the assistance of my said son, and being left by my husband in poor circumstances, I have struggled on, hoping to be able to complete my life without assistance from the General Government. I further say that the time has come when I am suffering for the necessaries of life, and I ask the General Government, on account of the services and the assistance of my said son, Col. Haldimand S. Putnam, to grant me such pension as may seem just under the circumstances.

"ADALINE M. PUTNAM.

"Personally appeared the above-named Adaline M. Putnam on this 27th day of October, 1885, and made oath that the above deposition by her subscribed is true.

"Before me.

"H. W. PARKER,
"*Justice of the Peace.*"

The CHAIRMAN. The question is on the amendment.

Mr. PRICE. I desire to suggest an amendment to the amendment, that the sum mentioned in the bill be stricken out and that this applicant be put on the pension-roll subject to the provisions and limitations of the pension laws.

Mr. HAYNES. I would say that that would be simply a useless amendment. I drew that report. The suggestion now made by the gentleman from Wisconsin [Mr. PRICE] was made in the Committee on Invalid Pensions when the bill was being considered there. But the $30 to which the Senate recommendation was reduced is the sum this lady would be allowed under the provisions and limitations of the pension laws. It seems utterly useless to make what would simply be a verbal amendment.

Mr. PRICE. It appears to me it would do no harm for the gentleman to accept the amendment; and it then would not go abroad to the country that we were voting $30 pensions outside the provisions of the pension laws. At the same time I will say that having listened to the reading of the report I am not insensible to all this pitiful story.

Mr. HAYNES. The amendment is simply useless.

Mr. PRICE. Would it require the bill to go back to the Senate?

Mr. HAYNES. Yes, sir.

Mr. PRICE. Then I do not insist on the point. My object is to treat all these applicants alike; but I withdraw the proposition to amend.

The CHAIRMAN. The question is on the amendment submitted by the committee.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN T. PENNINGTON.

Mr. MORRILL, by unanimous consent, called up the bill (H. R. 2940) granting a pension to John T. Pennington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John T. Pennington, late a private in Company B, Fiftieth Regiment East Missouri Militia Volunteers.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. ORENDORFF.

Mr. SWOPE, by unanimous consent, called up the bill (H. R. 4685) for the relief of John A. Orendorff.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Orendorff, late of Company I, Two hundred and fifth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. LITTLE.

Mr. JOHNSTON, of Indiana, by unanimous consent, called up the bill (H. R. 567) granting a pension to Mary A. Little.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Little, widow of William H. Little, who served as a private in Company G, Forty-third Regiment Indiana Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA HOLLANDS.

Mr. DOCKERY, by unanimous consent, called up the bill (H. R. 6019) granting a pension to Maria Hollands.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Hollands, widow of Joshua Hollands, late a private in Company D, Second Regiment Kansas Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL J. BROWN.

Mr. NELSON, by unanimous consent, called up the bill (H. R. 1273) for the relief of Samuel J. Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Brown, late an inspector of scouts in the United States Army, and pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN G. SHAWBELL.

Mr. RYAN, by unanimous consent, called up the bill (H. R. 686) to grant a pension to John G. Shawbell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John G. Shawbell, late an assistant surgeon in the service of the United States, of the Ninth Regiment of Kansas Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL SHULER.

Mr. FLEEGER, by unanimous consent, called up the bill (H. R. 6237) for the relief of Samuel Shuler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Samuel Shuler, late a private in Company E, Sixty-first Regiment Pennsylvania Volunteers, to $20 per month.

The Committee on Invalid Pensions recommended an amendment, striking out, in line 6, the word "twenty" and inserting the word "ten."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FLORENCE MURRAY.

Mr. ZACH. TAYLOR, by unanimous consent, called up the bill (S. 197) to increase the pension of Florence Murray.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Florence Murray, widow of the late Rear-Admiral Alexander Murray, from $30 to $50 a month, said increase to take effect from and after the passage of this act.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. I shall have to object, Mr. Chairman, if it is proposed to increase the pension of this lady to $50 a month simply because she is the wife of a rear-admiral.

Mr. RANDALL. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. 197) to increase the pension of Florence Murray, submits the following report:

This committee adopts the report of the Senate Committee on Pensions, which is appended hereto, and recommends the passage of the bill.

The claimant is the widow of Alexander Murray, late rear-admiral of the United States Navy, who died in the service November 10, 1884. The widow made application for a pension at the Department, and was placed on the pension-roll January 8, 1885, at the rate of $30 per month, Certificate No. 3245. An abstract of the naval record of this distinguished officer has been furnished the committee, and is as follows:

"Naval record of Rear-Admiral Alexander Murray, United States Navy, deceased. Compiled from official sources.

"Born in Pennsylvania; appointed from Pennsylvania August 22, 1835; attached to the West India squadron, 1836–'38; while in the West Indies sailed in the Warren, Grampus, Constellation, Saint Louis, and Vandalia; coast of Florida, Seminole war, 1839–'41; sailed in steamer Poinsett, cutter Van Buren, and served on the land in command of open boats; promoted to passed midshipman in 1841; coast of Florida, Seminole war, 1841–'42; Pacific squadron 1843–'45, in schooner Shark, frigate United States, and sloop of war Levant; Gulf of Mexico 1846, steamer Vixen, capture of Alvarado, Tobasco, Tuspan, Vera Cruz, and Tampico; slightly wounded at Alvarado; commissioned as lieutenant August 12, 1847. On razee Independence, Mediterranean squadron, 1849–'51; commanding United States steamer Fulton, West Indies, Vice-President King on board, 1852; receiving-ship at Norfolk 1853; commanding steamer Bibb, coast survey, 1857–'59; United States ship Cumberland, home squadron 1859; commanding United States steamer Pocahontas 1860–'61; detached at Norfolk, Va., and at the firing on Fort Sumter rejoined the United States ship Cumberland without orders; burning of navy-yard; commanding steamer Louisiana, North Atlantic blockading squadron, 1861–'62; repulse of rebel steamer Yorktown off Newport News, September, 1861; battle of Roanoke Island, February 8, 1862; battle of New Berne, N. C., February 14, 1862; battle of Elizabeth River with the fort and Lynch's fleet; February 10, 1862, engagement with Wise's division; battle of Winton, N. C., 1862; commanded naval forces at the repulse of rebels under Hill from New Berne, N. C., February 14, 1862; commanded a naval and military expedition up the York River and Pamunkey River, which was entirely successful, destroying twenty-seven vessels, two large steamers among the number, approaching to within 11 miles of Richmond, in the month of May, 1862. This expedition was afloat, and the enemy in sight nearly all the time; commissioned as commander July 16, 1862; special duty in sounds of North Carolina, 1863; navy-yard, Portsmouth, N. H., 1864–'65; commanding special squadron to Russia, 1866–'67; commissioned as captain July 25, 1866; navy-yard, Philadelphia, 1868–'70; commissioned as commodore June 19, 1871; member Light-House Board 1873–'76; commissioned as rear-admiral April 26, 1876; commanding Pacific squadon, 1876–'78.

"It is believed that the committee have uniformly recommended favorably the passage of bills providing for the increase asked in this case for the widows of rear-admirals, and they therefore report back this bill and recommend that it do pass."

The bill was laid aside to be reported to the House with the understanding that a separate vote should be taken upon its passage.

LURENA WAGES.

Mr. TAULBEE, by unanimous consent, called up the bill (H. R. 6668) granting a pension to Lurena Wages.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lurena Wages, widow of Jackson Wages, late private in Company E, Seventh Regiment Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. CRAMBLETT.

Mr. CONGER, by unanimous consent, called up the bill (H. R. 6000) granting a pension to George W. Cramblett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Cramblett, dependent father of John C. Cramblett, late of Company G, Ninety-seventh Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CONGER Mr. Chairman, my conviction as to the just demand for more liberal pension legislation and the consequent duty of this Congress in that direction is positive and unwavering. Ours is a "government of the people, by the people, and for the people." The citizen's first duty is to the Republic—in time of peace to promote its growth and prosperity, and in time of war to protect, defend, and save it from its enemies. In peace and war the Government's most sacred duty is to study the needs and to provide for the comfort and well-being of the citizen. The obligation is mutual, the Government to the people and the people to the Government. Neither can avoid the responsibility or shirk the duty without each being mutually harmed, endangered, or disgraced.

In 1861, when the first guns of treason were trained on Fort Sumter, and traitorous hands tore down the old flag from above her walls, the loyal people, remembering their highest obligation of citizenship, with marvelous alacrity rushed to her defense, and the wail of distress sent forth by the great Abraham Lincoln was heard across the continent, and from Maine, Iowa, California, and all the States between came trooping sad, thoughtful, brave, determined men. Seventy-five thousand, three hundred thousand, six hundred thousand, a million and more, with sword and gun, rallied around the flag, followed it through four years of bloody war, fought for it on over two thousand battlefields, until over three hundred thousand of the flower of the youth and manhood of this country were sacrificed, and returned it at last with "not a star bedimmed or stripe erased," to float again over a union of States, recemented with loyal blood, rebaptized with liberty's light, "forever one, forever free."

This is the duty of faithful citizenship, promptly, grandly, heroically performed. The corresponding obligation due from the Government thus protected and saved is to summon all the material resources at its command to compensate and reward its saviours.

Full compensation, adequate reward, can never be made. The value of individual life, sight, or limb can not be measured by aught that Government can command or contribute. The citizen's chief consolation must be in the supreme consciousness of having performed immeasurable service to humanity and freedom, and a trust in God and the future for reward. But the Government can make partial recompense by reasonably pensioning the disabled and crippled survivors among her defenders, and the widows and orphans of those who laid down their lives.

The alacrity with which our citizens responded to their country's call was the marvel of all the world; nothing like it had history recorded. The farmer left his plow afield, the smith his forge ablaze, the machinist his lathe still turning, the merchant his wares unshelved, the judge his court in term, the lawyer his brief unfiled, the doctor his patient uncured, the parson his sermon unpreached, the student his book half read; the father tore himself from wife and child, to mother and sister the son gave parting kiss, and all rushed nobly to the rescue. This was because they loved freedom and its flag, had faith in the future of the Republic, and knew that those who should administer their Government would deal justly with them or their dear ones who might survive them.

The Government has acknowledged this obligation and has dealt out pensions with seeming liberality—it has been said with more generosity than the soldiers of any government in the world have received. Ah, but no such soldiers ever went to battle. The bravest men of their race met in deadly encounter. There was equal valor upon either side. Their engagements were the most desperate in all the annals of the world's wars. When such foes met in shock of battle the thunder of the contest echoed around the world. A comparison of the losses in some of the most sanguinary battles of the Old World will but demonstrate the bravery and heroism required in many of our own.

At Waterloo the loss was only 12 per cent. of those engaged, but at Shiloh the loss was more than 30 per cent.; at Wagram, 5 per cent.; at Wurzburg, 3½ per cent.; at Zurich, 8 per cent.; at Racour, 2½ per cent.;

at Ramilies, 6 per cent.; at Malplaquet, 10 per cent.; at Lagriz, 6½ per cent.; at Contras, 10 per cent.; at Lodi, 1½ per cent.; at Valmy, 3 per cent.; at Marengo, 15 per cent.; at Austerlitz, 13 per cent.; at Magenta, 8 per cent.; at Solferino, 9 per cent.; at Konigrath, 6 per cent.; at Werth, 11 per cent.; at Spechram, 10 per cent.; at Mars le Tour, 13 per cent.; at Gravelotte, 12 per cent.; at Sedan, 15 per cent.; while at Perryville, Murfreesborough, Gettysburg, Mission Ridge, Chickamauga, the Wilderness, and Spottsylvania the loss often exceeded 40 per cent. of those engaged, and the average was over 30 per cent.

No such soldiery ever marched to battle, and hence no such heroes ever returned with victorious laurels to lay at the feet of their Government and ask a pension so well and so thoroughly earned. The soldiers of the late war have richly merited all the pensions that are or can be paid them. The pension is not a gratuity, as has been so often said on the other side of this House. The crippled veteran has paid right royally for it, with the blood poured out at Manassas, with the good right arm left at Nashville, with the shattered leg cut off at Chickamauga, with eyes shot out at Stone River and the life-long darkness that remains, with the broken health, shattered constitution, and festering wounds that have made him a constant sufferer and shortened his life by years. The widows and orphans have paid ten thousand times its value in the lives of husband and father who went down in the blood and carnage of dreadful war, and who now sleep in unknown graves in shady forest or on Southern plain, or quietly rest under the hallowed mounds in those charming cities of the dead—our national cemeteries.

Theorists and sentimentalists may prate of the instinctive patriotism of the citizen that should impel him to offer himself a willing sacrifice upon his country's altar. Poets may sing that "it is sweet to die for one's country." But the practical patriot wants to understand that his country will care for him if he is maimed and disabled or for his wife and children if he yields up his life in patriotic service. The theory of our law is not that a pension is a reward of merit, a prize for gallant achievement. But that in consideration of services rendered, and disabilities incurred therein, the Government is bound, so far as possible, to make compensation for such disability. The disability being established, the rate is fixed by the degree the soldier is incapacitated for manual labor or to fight the battles of life for bread; the amount is computed by the month, and hence should begin with the date of discharge or disability.

If a soldier lost a leg upon the battlefield of Shiloh, and the Government concludes that it will pay $30 per month for the loss of a leg, he should be paid for every month from the date of his discharge, and not from some later period, years afterwards. So for every other disability, when the date of incurrence is clearly proven.

The Government has recognized and acted upon this principle by the passage of the arrears acts of January 25 and March 3, 1879.

This was a most righteous enactment, but the proviso which limited its application to cases filed before July 1, 1880, was manifestly unfair, inequitable, and unjust. There is no good reason why A, who filed his application June 30, 1880, should be entitled to have his pension dated back to 1864, while B, who filed his July 1, only twenty-four hours later, should only receive pension from date of filing, although they were comrades in arms, fought in the same organizations, and both disabled at same time and place and in same way. There can be no just reason why C, who has worn with modest pride his scars received in battle and suffered in silence during all these years the pains of disease incurred while nobly fighting for the old flag, happy and content with the proud consciousness of patriotic duty well performed—there is, I say, no just reason why, when reverse of fortune and the pains and sufferings that wait upon increasing age prompt him to exhibit his wounds and scars and ask for aid, he should be debarred the same generous recognition as D, who, with no severer disabilities, but with less courage and pride, held out his hand for aid years before.

A government can not be just and at the same time make unfair and invidious discrimination between her citizens. All should be accorded equal privileges and equal consideration. The present bill proposes to do tardy justice to thousands of deserving men by raising the limitation in the arrears act and extending it to January 1, 1888. In my judgment, the repeal ought to be unconditional, because the same objections will lie and the same criticisms be pertinent at its termination in 1888 as now, and the Government could thus more easily meet the demands upon the Treasury, because there would then be no unnecessary haste in filing applications. But this date, January 1, 1888, was fixed by the committee as a compromise, and will probably give relief to the great majority of those who deserve it.

The chief objection to this proposed pension legislation is that it will cost too much, that it will make inordinate drafts upon the Treasury, even to the verge of national bankruptcy. I concede the fact of great cost, of enormous expenditure, but as to possible or even probable bankruptcy, I enter a most emphatic general denial.

The unholy rebellion was suppressed and the Union preserved at an appalling expenditure of human life and human sacrifice. But the redemption of the Republic was worth all it cost, and the patriotic, liberty and Union loving citizens made generous and willing contributions of life and limb to that end. Their maimed and crippled condition now demands like liberal and generous consideration on the part of the Republic, and it should be willingly and cheerfully granted regardless of cost, for, thank God, the resultant possibilities of their victories are almost limitless. The distinguished Commissioner of Pensions estimates that the total possible cost to the Government of the unconditional repeal of the limitation will not exceed $222,000,000, and that he can not make expenditures in any one year to exceed $50,000,000. Yet he heartily recommends the repeal.

The estimate of his predecessor, whose longer service in the office and greater familiarity therewith should make his testimony of equal if not greater value, places the amount at a much smaller figure, and from a careful calculation made from the tables furnished by the Commissioner, and a fair conjecture as to the number of applications yet to be made, it is generally conceded that the amount will not exceed $150,000,000; and this amount must necessarily be scattered out through a series of years. So that at no time would the annual expenditure, including the present roll, probably reach beyond $100,000,000, and the amount would rapidly and surely decrease as the years go by. The Commissioner in his estimate has taken $100 as the average yearly value of a pension, which, I think, is considerably in excess of the true value. A patient computation from the table below, taken from the Commissioner's last report, will show that the average value of a pension in 1885 was only $87.75.

TABLE 8.—*Statement showing the different monthly rates of pension and the number pensioned to each rate of the Army and Navy invalids on the roll June 30, 1885.*

Rates.	Army.	Navy.	Total.	Rates.	Army.	Navy.	Total.
$1 00	1,241	19	1,260	$14 00	3,383	30	3,413
1 87	1	.....	1	14 25	19	4	23
2 00	25,927	207	26,134	14 50	8	.....	8
2 12	12	.....	12	14 75	7	.....	7
2 25	42	.....	42	15 00	1,810	39	1,849
2 50	137	12	149	15 25	1	1	2
2 66	430	4	434	15 50	.....	2	2
3 00	2,920	36	2,956	15 62	1	.....	1
3 06	.....	1	1	15 75	.....	10	10
3 33	.....	1	1	16 00	4,457	31	4,488
3 50	3	1	4	16 25	7	2	9
3 75	371	6	377	16 50	12	.....	12
4 00	59,740	528	60,268	16 66	11	.....	11
4 25	482	.....	482	16 75	12	.....	12
5 00	1,579	68	1,647	17 00	2,010	9	2,019
5 25	15	.....	15	17 25	1	2	3
5 33	385	3	388	17 50	14	2	16
5 50	1	.....	3	17 75	9	.....	9
5 62	3	.....	1	18 00	1,568	30	1,598
5 66	73	.....	73	18 25	.....	5	5
5 75	20	.....	20	18 50	10	1	11
6 00	34,327	312	34,639	18 75	120	2	122
6 25	80	.....	80	19 00	4	1	5
6 37	14	.....	14	19 25	8	.....	8
6 50	2	2	4	19 50	.....	2	2
6 66	38	.....	38	20 00	1,310	18	1,328
6 75	2	.....	2	20 75	1	2	3
7 00	276	5	281	21 00	6	.....	6
7 50	1,265	24	1,289	21 25	3	.....	3
7 66	1	.....	1	22 00	2	.....	2
7 75	18	2	20	22 50	97	1	98
8 00	44,190	585	44,775	23 75	3	1	4
8 25	20	.....	20	24 00	14,903	117	15,020
8 33	1	.....	1	24 50	2	.....	2
8 50	1,303	.....	1,303	25 00	328	2	330
8 75	12	2	14	25 75	.....	3	3
9 00	397	9	406	26 25	1	.....	1
9 25	26	.....	26	26 66	1	.....	1
9 37	1	.....	1	26 75	1	.....	1
9 50	22	5	27	27 50	3	.....	3
9 75	5	3	8	28 50	1	.....	1
10 00	9,176	121	9,297	30 00	7,801	126	7,927
10 20	1	.....	1	30 75	.....	3	3
10 25	9	2	11	31 25	122	2	135
10 50	24	10	34	31 75	.....	1	1
10 62	3	.....	3	33 00	1	.....	1
10 75	1	16	17	36 00	35	1	36
11 00	54	13	67	37 50	64	.....	64
11 25	385	19	404	38 25	.....	1	1
11 33	34	.....	34	38 50	.....	1	1
11 50	20	4	24	40 00	14	.....	14
11 66	1	.....	1	42 00	1	.....	1
11 75	10	6	16	40 25	.....	1	1
12 00	15,316	164	15,480	45 00	7	.....	7
12 25	11	.....	11	47 00	1	.....	1
12 37	1	.....	1	48 00	1	.....	1
12 50	205	24	229	50 00	821	13	834
12 75	621	1	622	72 00	904	26	930
13 00	229	12	241	75 00	1	.....	1
13 25	7	21	28	100 00	1	.....	1
13 33	22	.....	22				
13 50	21	3	24	Total	241,456	2,745	244,201
13 75	5	1	6				

The majority of these pensions have been gradually increasing, many starting twenty years ago with a nominal amount of only $2 per month, and have now reached the highest limit. If the average now is only $87.75, it is fair to presume that the average for the past twenty years would be very much less, probably not over $60. Of course, to this must be added the expense of examining and adjusting each claim,

which being done, we can still reduce the estimate of the Commissioner 40 per cent.

Can it be possible that a great Government that has increased in wealth $1,000,000,000 per year for the past twenty years, and that is collecting annually from customs and revenue over $500,000,000, with no individual feeling the burden, would thus plead inability to pay its just and sacred obligations? No, sir; these obligations ought to be paid and can be, without any additional burdens upon the people. Why, Mr. Chairman, 10 per cent. of the dairy product of this country would pay the whole amount in four years, and I am sure if the Government would make this plea of poverty to them, the loyal women of the land would gladly contribute the amount from the work of their own hands for so noble a purpose. As their great hearts opened during the war for these men, so they are still swelling with patriotic gratitude and generosity for the same heroes. The value of the eggs produced in this country would meet and liquidate this demand in less than four years. The demand is small in comparison with our great wealth and immense productions.

But could it at once be paid out it would be equivalent to so much added to our circulation, for the pensioners are mostly poor, and the amounts received would at once be used to pay debts to butcher, baker, banker, merchant, and manufacturer, the wheels of business would be lubricated, and a general business improvement result, and so great good come to the whole people for the discharge of this just obligation to the few.

If our Democratic friends upon the other side of this House have faith in the utterances of their great leaders they should now vote that these men who made an overflowing Treasury possible should be at once paid this pittance out of the "unlimited and useless surplus in the vaults." This would be a far better and more meritorious method of scattering the surplus than by the cyclone method proposed by the late Vice-President Hendricks and reiterated by the majority of his Democratic followers throughout the length and breadth of the land.

During the campaign of 1884 the "tremendous surplus," the bursting vaults, was the burden of the song with which your Democratic orators tickled the ears of the dear people all over the land, and the great panacea which you offered for all the ills that government and people are heir to was the promise that when the "rascals" should be turned out you would balance the books, place large amounts to the credit of the people, unlock the vaults and scatter with lavish hand the surplus which the Republican party, by its wise, economic, and patriotic administration had wisely husbanded, to meet the sacred obligations of the Republic to its creditors and saviors. The people believed you, and testified their faith in your promises by placing you in possession of the Department at the other end of the avenue, and permitting you to retain the majority on this floor. You have had the "books" for a whole year, but you have placed the credits on the other side. For twelve months the "keys" have been dangling at your belts, yet the vaults are still locked and the surplus swelling. We offer you now a just, an honorable, a patriotic method by which you may keep your pledge; and I summon you, gentlemen, to its fulfillment, or else ask you to acknowledge that you were insincere or grossly ignorant. The people of this great nation demand that you say which, and you can not send the answer through whispering telephones, but in these pan-electric times you must speak out on this question so all the land can hear.

I was sincerely gratified the other day by the very eloquent speech of the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE]. He gave the true theory of our pension system when he said:

> I believe most cordially in the fundamental principle upon which all pension systems are founded. I believe it is wise to adopt as a settled policy of a republican government that those of her sons who risk their lives and health in her military service shall be rewarded therefor.
>
> It is right when a man who is the hope of a family and its capital deliberately risks that capital in the service of his country, that, so far as it is impaired in the service, it should be made up by the government to whom the service is given, that if a man fall his family shall be put as if he had not fallen; if his strength by disability be impaired, if it were necessary for their support, the impairment shall be made up by the government. And it is wise to let it be understood that those who offer their lives in defense of their country may be assured that if they fall some provision will be made for their families, or if they become disabled a suitable provision in proportion to the disability shall be made for them.

Noble words, fitly spoken. But, after acknowledging this obligation on the part of the Government, of which to-day he is an honored representative, he says the amount necessary to meet these just obligations, these implied yet sacred promises, is so startling that he calls a halt in what he designates this "wild chase for pensions;" and he says, "I, for one, am not willing to go any further on this road; for one, here I halt."

Let me name for the gentleman a really startling amount.

We have paid off since 1862 nearly $1,000,000,000 of bonds and more than $2,000,000,000 of interest on bonds. These are startling figures indeed, absolutely bewildering. Why not call a halt here? Make no more calculations of interest and pay no more. Oh, you say our bonds and coupons are out; we can not repudiate these; that would be a national crime. Ah, gentlemen, the bond of the Republic is out for these other debts due to these pensioners; it is written with their blood, sealed with their life, and sanctified with orphans' and with widows' tears.

The one obligation is just as sacred as the other, and to repudiate either would be a public disgrace, a national crime, no matter how startling the amounts. Yet who of you that are so startled at the vast amount of our pension-roll as to cry halt in this direction ever raise your voice to suggest a halt in the other? Not one. Why? I will tell you why. Because the bond written in ink is held by capital and wealth, and the one written in blood is held by labor and poverty. I desire to insert here a table showing the amount of money paid by the Government for pensions and for interest on the public debt.

Year.	Pensions.	Interest.
1862	$852,170 47	$13,190,344 84
1863	1,078,513 36	24,729,700 62
1864	4,985,473 90	53,685,421 69
1865	16,347,621 34	77,395,090 30
1866	15,605,549 88	133,067,624 91
1867	20,936,551 71	143,781,591 91
1868	23,782,386 78	140,424,045 71
1869	28,476,621 78	130,694,242 80
1870	28,340,202 17	129,235,498 00
1871	34,443,894 88	125,576,565 93
1872	28,553,402 76	117,357,839 72
1873	29,359,426 86	104,750,688 44
1874	29,038,414 66	107,119,815 21
1875	29,456,216 22	103,093,544 57
1876	28,257,396 69	100,243,271 23
1877	27,963,752 27	97,124,511 58
1878	27,137,019 08	102,500,874 65
1879	35,121,482 39	105,327,949 00
1880	56,777,174 44	95,757,575 11
1881	50,059,279 62	82,508,741 18
1882	61,345,193 95	71,077,206 79
1883	66,012,573 64	51,436,709 50
1884	55,429,228 06	47,926,432 50
1885	65,733,094 27	47,014,133 00
Total	765,092,640 18	2,205,019,419 19

From this it may be seen that the average yearly payment of interest to the bondholder is $91,800,000; average yearly pension-roll, $31,800,000; excess paid yearly to bondholders, $60,000,000. There has also been paid of the principal of the public debt $899,054,445; add amount interest paid, $2,205,019,419, and we have total paid bondholders, $3,104,073,864; total paid pensioners, $765,092,640; excess paid bondholders over pensioners, $2,338,981,224.

These amounts are enormous, almost incomprehensible, yet they should not be startling to the man who fairly contemplates the priceless heritage gained by these expenditures, namely, a Union preserved, a Government increased in wealth more than threefold, and with a world-wide credit appreciated to a degree above and beyond all other governments in the world. The distinguished gentleman from South Carolina [Mr. TILLMAN] says the men from the South can not be blamed for opposing these pensions when they pay one-third of all the revenue tax and do not get one cent of these pensions. The annual report of Commissioner Black, whose ability, character, and conduct gentlemen have so earnestly defended, shows that there is paid in pensions to the Southern States yearly over $5,000,000, which of itself is almost a startling amount.

Let me also remind gentlemen that if they will compile the numerous war claims that have been paid to citizens of the South, add the amount loaned or given to the New Orleans Exposition and the amount expended in improving the Lower Mississippi and on all the rivers and unimportant creeks in the Southern States, and the lion's share of the amount proposed in the Blair educational bill, it will aggregate a sum that would startle the gentleman from Kentucky almost as vigorously as does this proposed pension expenditure. No, gentlemen of the South, this is no "jug-handled" question; you are receiving a reasonably fair share of our revenue and customs; and may God speed the day when, by reason of the advancement of your industries and the development of the latent resources that nature has planted among you, you shall receive much more.

Mr. Chairman, I am not only in favor of the repeal of this limitation, unconditionally, but I am also in favor of placing every soldier who is now disabled upon the pension-roll, with pension rated according to his disability, he simply being required to prove his service and that his disability is not the result of his own vicious habits or gross carelessness. This is a measure of especial merit and should be passed at once, to the end that thousands of brave veterans who gave the vigor and strength of their young lives to the cause of their country, and by their valor and heroism saved the young Republic from the dissolution that threatened it, may be lifted from the suffering depths into which disease and broken health have driven them; that they may be saved from the almshouses toward which they are now tottering, and thus learn by practical experience that even some republics can be grateful. How much will this measure cost? I do not know. There are no reliable data from which to make a calculation. But I do know that it is right, and that government which shall long withhold such merited relief is unworthy the love, devotion, and defense of such loyal defenders.

Mr. Chairman, I desire to see this question of pensions stripped of all gush and sentiment, eliminated from all political considerations, and discussed upon the abstract issue of its own righteousness and justice.

If we do this we can all stand upon one platform, to wit, the implied promise, the unquestioned obligation of the Government to its defenders, clearly and tersely expressed by the eloquent gentleman from Kentucky [Mr. BRECKINRIDGE].

We upon this floor, so far as this matter goes, represent and are a component part of the Government, and we will be recreant to the great trust confided to us if we refuse by our votes, on the first opportunity, to perform the full measure of this obligation.

I know it will take large sums of money. But I desire to say right here, and with no purpose to stir up the smoldering ashes of the late war, that the necessity for this great expenditure grew out of the attempt of a part of the citizens of this Republic to destroy it. And one of the chief lessons taught by the war, and the logic of which is irresistible, and the effect of which should be most salutary and lasting, is, that such attempts are and must ever be tremendously expensive, and that the expense must of necessity fall heaviest upon those making the attempt, and they can not and ought not escape their just responsibility. No man who studies the history of this country with an eye single to its glory and prosperity can regret the final outcome of our great struggle, or fail to appreciate the magnitude and the grandeur of the victory won by the soldiers of the Union Army. Their fight was made for the whole Union, for every league of it from Maine to Texas, from Puget Sound to Key West, and for every human being within its borders.

Why not, gentlemen, then accept your share of the triumph and bear without a murmur your share of the burdens, heavy though they be? It was my fortune in September, 1881, at Chattanooga, Tenn., to assist in the ceremony of raising a national flag by an equal number of ex-Union and ex-confederate soldiers. About six hundred of each had marched to the top and were encircling the summit of Cameron Hill, when at a given signal the old flag was run up by the hands of both parties, while the assembled bands played the Star Spangled Banner, and as it neared the top of the pole each vied with the other in their vociferous shouts for the red, white, and blue. There, under the towering presence of Lookout Mountain and in sight of Mission Ridge, with all their clustering memories, with the old flag waving proudly above them, these men bowed their heads and solemnly vowed henceforth and forever to protect and defend it. I believed then that the most of those men meant what they said; and, gentlemen, the best protection to that flag and the Government it represents, the most praiseworthy defense, is to see to it that all just and sacred obligations be promptly and fully discharged.

It has been, my brethren, upon such pledges as this at Chattanooga that you have come again to the "house of your fathers," and I trust that for the good of our common country, for its advancement and its perpetuity, you may be led to see your duty in far different light from that expressed by your recent vote upon the widows' pension bill. You never have found and you never will find this side of the House voting against measures which they acknowledge to be just and right simply because the appropriations growing out of them will be expended among other than Republican constituencies. I, for one, shall, without fear of private taunt or public criticism, always vote to discharge an honest obligation of this Government, even if the sole benefit accrues to Virginia or South Carolina; and I shall vote for every reasonable and righteous recognition of the services of the men who were the nation's bulwark and defense in the hour of her greatest peril, and of the widows and orphans who bring their annual offering of love and flowers to the graves of martyred husbands and fathers; and I shall also, if permitted, vote for such ways and means as will enable us to meet the full measure of these obligations.

Men of the North, I beseech you by the promise you made to the two million boys of 1861–'65, by the memory of the half million dead whose spirits are now hovering in faithful vigils over the destinies of this Republic, by their widows' tears and orphans' cries, by the empty sleeves, the sightless eyes, the crippled and wounded forms all over this land; and, men of the South, I entreat you by the deliverance which they wrought for you, by the grand possibilities opened up for you in the new civilization guaranteed by their sacrifices and their success—I beseech you all, from East, from West, from North, from South, by the glory of your common country, preserved by their valor, by the events which cause the old flag to float to-day over this marble Capitol an honest emblem of liberty and union—I implore you every one to deal fairly and generously with the men who wrought for you this glory, who saved for you this flag.

The bill (H. R. 6000) granting a pension to George W. Cramblett was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. KREHBIEL.

Mr. RANDALL, by unanimous consent, called up the bill (H. R. 6519) granting a pension to John D. Krebbiel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John D. Krebbiel, late captain of company I, Forty-first Regiment New York Volunteers.

Amend the title so as to read: "A bill granting a pension to John D. Krebbiel."

The Committee on Invalid Pensions recommended an amendment, changing the name from "Krebbiel" to Krehbiel.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CLARISSA TAFT.

Mr. SAWYER, by unanimous consent, called up the bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clarissa Taft, widow of Hiram Taft, jr., late of Company C, One hundred and twenty-third Regiment of New York Volunteers, commencing at the date her husband's pension was discontinued.

The Committee on Invalid Pensions recommended an amendment, striking out from lines 8 and 9, at the end of the bill, the words "commencing at the date her husband's pension was discontinued."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH B. BELL.

Mr. MAYBURY. I call up the bill (H. R. 5655) granting a pension to Elizabeth B. Bell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Bell, widow of Lieut. V. Bradford Bell, deceased, late of the Nineteenth Illinois Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROSE A. M'MANUS.

Mr. ELY. I call up the bill (H. R. 4884) granting a pension to Rose A. McManus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rose A. McManus, widow of Isaac McManus, who was a member of the One hundred and second Regiment of Illinois Infantry, subject to the provisions and limitations of the pension laws

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out, in lines 5 and 6, the words "a member of the" and insert "Captain of Company G."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEANDER W. COREY.

Mr. PAYNE. I call up the bill (H. R. 6012) to increase the pension of Leander W. Corey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension to the amount allowed for total blindness of Leander W. Corey, late a private in Company F, Sixteenth Iowa Veteran Volunteers.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out, in lines 4 and 5, the words "to the amount allowed for total blindness" and insert the words "to forty dollars per month."

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AMELIA J. GILL.

Mr. LONG. I call up the bill (H. R. 3489) granting a pension to Amelia J. Gill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Amelia J. Gill, a volunteer nurse in the late war, at the rate of $25 a month.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GILBERT A. PHILIPS.

Mr. TAULBEE. I call up the bill (H. R. 918) granting a pension to Gilbert A. Philips.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gilbert A. Philips, of Louisville, Ky., who was appointed a quartermaster in the United States Army in 1861, by order of General William Nelson.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY NORMAN.

Mr. O'HARA. I call up the bill (H. R. 6192) granting a pension to Mary Norman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Norman, widow of Corporal Thomas Norman, late of Company G, Thirty-fifth United States Colored Troops.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out, in line 6, the word "Thomas" and insert "Turner."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. WALTERS.

Mr. BRECKINRIDGE, of Arkansas. I call up the bill (H. R. 3860) granting a pension to John H. Walters, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Walters, late a private in Company A, First Regiment Kentucky Cavalry.

SEC. 2. That the Secretary of War so correct the records of his office as to remove the charge of desertion therefrom against the said John H. Walters, and grant him an honorable discharge.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out the second section of the bill, and amend the title so as to read: "A bill granting a pension to John H. Walters."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HONORAH MALONEY.

Mr. PRICE. I call up the bill (H. R. 599) granting a pension to Mrs. Honorah Maloney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Honorah Maloney, of Dubuque city, Iowa, widow of Daniel Maloney, late a private in Company G, One hundred and eighty-third Pennsylvania Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH M'MILLAN.

Mr. MATSON. I call up the bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll the name of Joseph McMillan, late of Company K, Sixty-seventh Indiana Volunteers, and who held certificate No. 94899.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH HAGUE.

Mr. PETERS. I call up the bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

The bill was read, as follows:

Be it enacted, &c., That the act approved March 3, 1885, granting a pension to Sarah Hague, is hereby amended and corrected so as to read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hague, dependent mother of William Hague, late of Company L, Sixth New York Heavy Artillery."

SEC. 2. That the pension shall commence from the date of the approval of the original act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI M. STARNE.

Mr. WARNER, of Missouri. I call up the bill (H. R. 6020) granting a pension to Levi M. Starne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levi M. Starne, late a private in Company B, Eighty-sixth Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA MARCHANT.

Mr. SWOPE. I call up the bill (H. R. 2054) granting a pension to Rebecca Marchant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rebecca Marchant, mother of Capt. Henry A. Marchant, late captain of Company I, Twenty-third Regiment Pennsylvania Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY ANN DREW.

Mr. HAYNES. I call up the bill (H. R. 6502) granting a pension to Lucy Ann Drew.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy Ann Drew, widow of Samuel Drew, late private in the First Regiment New York Engineers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD M. HARRINGTON.

Mr. LA FOLLETTE. I call up the bill (H. R. 6648) for the relief of Edward M. Harrington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Harrington, formerly a member of Company —, Ninth Regiment New Jersey Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARTIN TAYLOR.

On motion of Mr. DOCKERY, the bill (H. R. 1330) granting a pension to Martin Taylor was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin Taylor, late of Company D, Twenty-third Regiment of Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SUSAN GILMAN.

On motion of Mr. GALLINGER, the bill (S. 811) granting a pension to Mrs. Susan Gilman was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Susan Gilman, widow of Pliny R. Gilman, late of Company E, Twelfth New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EUPHEMIA R. SMITH.

On motion of Mr. MORRILL, the bill (H. R. 6150) for the relief of Euphemia R. Smith was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to all the limitations of the pension laws, the name of Euphemia R. Smith, widow of Garrett Smith, late of Company A, One hundred and ninth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE KENNEDY.

On motion of Mr. CONGER, the bill (H. R. 6639) granting a pension to Catharine Kennedy was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Kennedy, mother of John Moriarty, deceased, late of Company K, One hundred and fifty-eighth New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ABIGAIL H. CAREY.

On motion of Mr. MATSON (for Mr. ELLSBERRY), the bill (H. R. 6225) granting a pension to Abigail H. Carey was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abigail H. Carey, widow of E. M. Carey, late major of the Twenty-third Regiment Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANK SHERBONAW.

On motion of Mr. PERKINS, the bill (H. R. 6023) for the relief of Frank Sherbonaw was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank Sherbinaw, formerly a member of Company G, Fourteenth Regiment Michigan Infantry Volunteers.

The amendment of the committee was read, as follows:

Strike out, in line 6, the word "Sherbinaw" and insert "Sherbonaw."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JULIA CONNELLY.

On motion of Mr. BOUND, the bill (H. R. 6257) for the relief of Julia Connelly was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia Connelly, widow of Thomas Connelly, late a private in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Cavalry, at the rate of $8 per month, from the time of the death of said soldier.

The amendment of the committee was read, as follows:

Strike out the following words:
"At the rate of $8 per month, from the time of the death of said soldier."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSIAH FOCHT.

On motion of Mr. ERMENTROUT, the bill (H. R. 5408) granting a pension to Josiah Focht was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josiah Focht, late a private in Company D, Thirty-seventh Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALTHEA A. FRASNER.

On motion, Mr. JOHNSTON, of Indiana (in behalf of his colleague, Mr. WARD), called up the bill (H. R. 515) granting a pension to Althea A. Frasner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Althea A. Frasner, widow of Milton Frasner, late a private in Company H, Fortieth Regiment of Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM GORDON.

On motion of Mr. CONGER, the bill (H. R. 6638) granting a pension to William Gordon was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Gordon, father of William A. Gordon, deceased, late of Company H, Eleventh Iowa Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA FRANCESCO.

On motion of Mr. TAULBEE, the bill (H. R. 6044) granting a pension to Eliza Francesco was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza Francesco, mother of Alexander Francesco, late a volunteer in Company D, Forty-fifth Regiment Kentucky Volunteers, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EVALINE A. WHITE.

On motion of Mr. SAWYER, the bill (H. R. 1560) for the relief of Evaline A. White was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Evaline A. White, widow of George C. White, deceased, late a second-class fireman in the United States Navy (pension claim numbered 3618), on the pension-roll, at the rate of $8 per month, to commence from the date of the death of her said husband.

The amendment of the committee was read, as follows:

Strike out all after the word "navy," in the sixteenth line, and insert in lieu thereof the words, "on the pension-roll, subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN MAGOON.

Mr. WEAVER, of Iowa. Mr. Chairman, I ask to call up House bill No. 6504, granting a pension to Nathan Magoon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathan Magoon, late a private in Company H, Seventh Regiment New Hampshire Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BLANCHARD.

Mr. GALLINGER. Mr. Chairman, I ask consent to call up the bill of the Senate No. 1363, granting a pension to William Blanchard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Blanchard, late a corporal of Company D, Sixth Vermont Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. HUDSON.

Mr. NELSON. I ask unanimous consent to take up for present consideration the bill (H. R. 4850) for the relief of William J. Hudson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Hudson, and pay him a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEVENS W. MERRILL.

Mr. NEECE. Mr. Chairman, I ask unanimous consent to take up for present consideration the bill (H. R. 4461) granting a pension to Stevens W. Merrill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stevens W. Merrill, late of the Thirty-sixth Regiment Iowa Volunteers.

The committee recommend the adoption of the following amendments:

Strike out all after the words "Stevens W. Merrill," in the sixth line, and insert the words "late lieutenant and quartermaster of the Thirty-sixth Regiment of Iowa Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GREENVILLE R. HALE.

Mr. HALSELL. I ask to call up the bill (H. R. 6039) for the relief of Greenville R. Hale.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Greenville R. Hale, late a private in Company G, Sixty-eighth Regiment Kentucky Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH M'KAY.

Mr. NEECE. Mr. Chairman, I call up House bill No. 4782, granting a pension to Elizabeth McKay.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth McKay, widow of Rowley S. McKay, late a pilot in the United States naval fleet, at the rate of $30 per month, to date from the death of her said husband.

The committee recommend the adoption of the following amendment:

Strike out all of said bill after the enacting clause, and insert the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth McKay, widow of Rawley S. McKay, deceased, subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES SEBRING.

Mr. PERKINS. I ask unanimous consent to call up House bill No. 3135, granting a pension to Charles Sebring.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Sebring, late a private in Company F of the Forty-eighth Regiment Indiana Volunteers, at the rate of $50 per month.

The committee recommended to strike out all of said bill after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charles Sebring, late a private in Company F of the Forty-eighth Regiment Indiana Volunteers, and pay him a pension at the rate of $40 per month, in lieu of the pension now received.

Amend the title so as to read: "A bill granting an increase of pension to Charles Sebring."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ADAM FELTNER.

Mr. HALSELL. I call up House bill No. 6045, granting a pension to Adam Feltner.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Adam Feltner, dependent father of Leander Feltner, late a private in Company M, Fourteenth Regiment Kentucky Cavalry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY O. HILL.

Mr. HAYNES. I ask consent to call up Senate bill No. 683, granting a pension to Henry O. Hill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry O. Hill, late a private in Com-

pany B, First New Hampshire Cavalry Volunteers, and Company D, Fifteenth New Hampshire Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED PICKELSIMER.

Mr. TAULBEE. I ask consent to call up House bill No. 6457, granting a pension to Alfred Pickelsimer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred Pickelsimer, late a private in Company I, Fourteenth Regiment Kentucky Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole, having had under consideration bills upon the Private Calendar under the special order of the House, had directed him to report sundry bills with various recommendations.

ORDER OF BUSINESS.

Mr. PRICE. I ask that Senate bill 1363 be laid aside, that a separate vote may be had upon it.

There was no objection, and it was so ordered.

BILLS PASSED.

Bills of the following titles, reported without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 515) granting a pension to Althea A. Frasner;
A bill (H. R. 567) granting a pension to Mary A. Little;
A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney;
A bill (H. R. 686) to grant a pension to John G. Shawbell;
A bill (H. R. 5583) granting a pension to John G. Burrill;
A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 2940) granting a pension to John T. Pennington;
A bill (H. R. 4685) for the relief of John A. Orendorff;
A bill (H. R. 6019) granting a pension to Maria Hollands;
A bill (H. R. 1273) for the relief of Samuel J. Brown;
A bill (H. R. 6668) granting a pension to Lurena Wages;
A bill (H. R. 6000) granting a pension to George W. Cramblett;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 3489) granting a pension to Amelia J. Gill;
A bill (H. R. 918) granting a pension to Gilbert A. Philips;
A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
A bill (H. R. 6020) granting a pension to Levi M. Starne;
A bill (H. R. 2054) granting a pension to Rebecca Marchant;
A bill (H. R. 6502) granting a pension to Lucy Ann Drew;
A bill (H. R. 6648) for the relief of Edward M. Harrington;
A bill (H. R. 1330) granting a pension to Martin Taylor;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 6639) granting a pension to Catharine Kennedy;
A bill (H. R. 6225) granting a pension to Abigail H. Carey;
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 6638) granting a pension to William Gordon;
A bill (H. R. 6044) granting a pension to Eliza Francesco;
A bill (H. R. 6504) granting a pension to Nathan Magoon.
A bill (H. R. 4850) for the relief of William J. Hudson;
A bill (H. R. 6039) for the relief of Greenville R. Hale;
A bill (H. R. 6045) granting a pension to Adam Feltner; and
A bill (H. R. 6457) granting a pension to Alfred Pickelsimer.

Bills of the Senate of the following titles, reported without amendment, were severally ordered to a third reading; and were accordingly read the third time, and passed:

A bill (S. 197) to increase the pension of Florence Murray;
A bill (S. 811) granting a pension to Mrs. Susan Gilman; and
A bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

Bills of the following titles were reported with amendments, the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4808) granting a pension to William Field;
A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 6012) to increase the pension of Leander W. Corey;
A bill (H. R. 6192) granting a pension to Mary Norman;
A bill (H. R. 6257) for the relief of Julia Connelly;
A bill (H. R. 1560) for the relief of Evaline A. White;
A bill (H. R. 4461) granting a pension to Stevens W. Merrill;
A bill (H. R. 4782) granting a pension to Elizabeth McKay;
A bill (H. R. 6237) for the relief of Samuel Shuler;
A bill (H. R. 3135) granting a pension to Charles Sebring; the title was amended so as to read: "A bill granting an increase of pension to Charles Sebring;"
A bill (H. R. 6023) for the relief of Frank Sherbinaw; the title was amended so as to read: "A bill for the relief of Frank Sherbonaw;"
A bill (H. R. 3860) granting a pension to John H. Walters, and for other purposes; the title was amended so as to read: "A bill granting a pension to John H. Walters;" and
A bill (H. R. 6519) granting a pension to John D. Krebbiel; the title was amended so as to read: "A bill granting a pension to John D. Krehbiel."

Bills of the Senate of the following titles were reported with amendments, the amendments were agreed to, and the bills as amended were ordered to a third reading; and were accordingly read the third time, and passed:

A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam; and
A bill (S. 683) granting a pension to Henry O. Hill.

FLORENCE MURRAY.

The SPEAKER *pro tempore*. There remains the bill S. 1363, which is the bill that the gentleman from Wisconsin [Mr. PRICE] requested should be reported separately.

Mr. PRICE. I should have said the bill (S. 197) to increase the pension of Florence Murray.

The SPEAKER *pro tempore*. The Clerk informs the Chair that this bill is included among those which have been passed. The gentleman, however, can move to reconsider.

Mr. RANDALL. No advantage will be taken of the gentleman. We can go back and reconsider the action which has been taken.

The SPEAKER *pro tempore*. If there be no objection, the action of the House in passing the bill S. 197 will be reconsidered and the bill will be before the House for consideration.

There was no objection.

The bill (S. 197) to increase the pension of Florence Murray was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Florence Murray, widow of the late Rear-Admiral Alexander Murray, from $30 to $50 per month, such increase to take effect from and after the passage of this act.

Mr. PRICE. I have no long speech to make on this subject. But to be consistent with my past record, and my conceptions of what is right, I must insist that this bill shall not pass to increase the pension of any woman, be she the widow of an officer or of a private, in violation of the general rule applicable to other widows of soldiers and sailors.

Now, I need not talk longer on this bill. The only thing that can be urged in favor of it is the precedent of the past; and if we are not able as a House to make some better precedents than those that have heretofore led us into error, we may as well adjourn and go home. I hope this House will not increase this pension. Gentlemen capture the fancy and secure the action of the House night after night and day after day by a long and eloquent recital of the boldness, the gallantry, the bravery, the patriotism of the soldier or the officer in every case where an increase of pension is asked. Why, sir, you might make up a general history of that kind, and apply it to any man who ever bore the arms or sailed under the flag of the Union and was never convicted of treason.

Mr. RANDALL. Mr. Speaker, I have nothing to add to the report in this case except to direct the attention of the House to the clause of the report which states:

It is believed that the committee have uniformly recommended favorably the passage of bills providing for the increase asked in this case for the widows of rear-admirals.

Now, whether that be true or not in all cases I am not prepared to say, but to my own certain knowledge there have been quite a number of widows of rear-admirals provided for in the manner and at the rate proposed in this bill, and I do not wish the House to discriminate against this lady. I desire simply that she shall have what the precedents show has been given to others.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM BLANCHARD.

The SPEAKER *pro tempore*. The Clerk informs the House that one bill was left over, under the impression that it was the bill upon which a separate vote was desired. The Clerk will read the title of the bill.

The Clerk read the title, as follows:

A bill (S. 1363) granting a pension to William Blanchard.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then, on motion of Mr. MATSON (at 8 o'clock and 45 minutes p. m.), adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CALDWELL: Petition of Southern Methodist Publishing House and the Cumberland Presbyterian Publishing House, Nashville, Tenn., for reduction of postage on pamphlets issued by churches and benevolent societies containing reports of their official transactions—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: Memorial of citizens of Chattooga County, Georgia, for an appropriation for educational purposes—to the Committee on Education.

By Mr. CONGER: Petition of Randolph Post, Grand Army of the Republic, Milo, Iowa, asking for legislation making the pay of soldiers, while in the service of the United States, on a gold basis for the time said soldiers were in said service—to the Committee on War Claims.

Also, petition of Assembly No. 3452, Knights of Labor, of Des Moines, Iowa, protesting against the passage of the so-called free-ship bill now pending—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CUTCHEON: Petition of Mrs. Mary J. Beaupre, of Ludington, Mich., praying that the law relating to the Life-Saving Service may be so amended as to give to dependent mothers the same relief as to the surfmen who lose their lives in the line of duty—to the Committee on Commerce.

Also, petition of Local Assembly 2423, Knights of Labor, of Manistee, Mich., in favor of liberal appropriations for public works in the interest of the laboring class—to the Committee on Railways and Canals.

By Mr. HAMMOND: Petition of W. R. Wells and others, citizens of De Kalb County, Georgia, in favor of aid to education—to the Committee on Education.

By Mr. HEARD: Petition for the relief of the widow of Lewis Baily, late assistant surgeon of the United States Army, Iowa Volunteers—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of the Woman's National Indian Association, of Brooklyn, N. Y., praying for the passage of Senate bill 52, known as the Dawes Sioux bill—to the Committee on Indian Affairs.

Also, petition of 21 ladies of the Woman's National Indian Association, of Brooklyn, N. Y., protesting against attacks upon the schools at Hampton, Va., and Carlisle, Pa., and asking that money and support be granted the Eastern schools as well as Indian schools on the reservations—to the same committee.

By Mr. KETCHAM: Petition of Rev. Thomas A. Reeves and 39 others, citizens of Mattawan, N. Y., in favor of the temperance-education bill—to the Committee on Education.

By Mr. KING: Papers relating to the claim of William C. Currie, and of Warren M. Benton, of Carroll Parish, Louisiana; of Raynard Turpin, of Moorehouse Parish, Louisiana; of Arthur Miller, and of Mary A. McFarland, of Madison Parish, Louisiana—to the Committee on War Claims.

By Mr. LOVERING: Resolution of Assembly No. 4257, Knights of Labor, of Chelsea, Mass., in relation to the House bill creating a Department of Agriculture and Labor—to the Committee on Agriculture.

Also resolution of Local Assembly No. 4257, Knights of Labor, of Chelsea, Mass, protesting against the increase of rates of postage on fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Petition of H. T. Cox, of Blount County, Tennessee, asking pay for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. NORWOOD: Petition of the Savannah (Ga.) bar for an increase of salaries of United States judges—to the Committee on the Judiciary.

By Mr. PERKINS: Memorial of Local Assembly No. 4729, Knights of Labor, of Cherokee, Kans., asking for liberal appropriations for internal improvements, and particularly for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. PLUMB: Petition of Elenor Washburn, president of the Chicago Live Stock Association, and 120 firms and individuals, commission stock dealers of Chicago, Ill., protesting against the passage of Senate bill No. 1715, which regulates the unloading and feeding of stock in transit—to the Committee on Commerce.

By Mr. ZACH. TAYLOR: Petition of C. M. Dowling, heir of Michael Dowling, of Shelby County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Daniel Thompson, of Tuscumbia, Ala.; of T. J. Hangiss and of William C. Thomas, of Jackson County, Alabama, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. WISE: Two petitions of Knights of Labor of Viriginia in reference to the free-ship bill—to the Select Committee on American Shipbuilding and Ship-owning Interests.

Also, two petitions of Knights of Labor in favor of the Hennepin Canal—to the Committee on Railways and Canals.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, in the Military and Naval Academies, and the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CUTCHEON: Of citizens of Mecosta, Oceana, Manistee, and Lake Counties, Michigan.

By Mr. GROUT: Of citizens of Windham County, Vermont.

By Mr. HITT: Of citizens of Ogle, Winnebago, and Jo Daviess Counties, Illinois.

By Mr. LEHLBACH: Of citizens of Essex County, New Jersey.

By Mr. MARKHAM: Of citizens of the sixth district of California.

By Mr. PIRCE: Of citizens of Providence and Kent Counties, Rhode Island.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 3, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PENSIONS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting estimates from the Interior Department of an appropriation to pay additional pensions allowed under the act of March 19, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN-DEPREDATION CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying papers, a list of Indian-depredation claims, with a statement of the action of the Department thereon; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. CAMPBELL, of Pennsylvania, for one week, on account of important business.

To Mr. STONE, of Kentucky, for six days, on account of sickness in his family.

To Mr. VAN SCHAICK, for ten days, on account of important business.

To Mr. DUNN, indefinitely, on account of sudden illness.

To Mr. SPOONER, until April 10, on account of important business.

To Mr. PIRCE, for two weeks, on account of important business.

HURD VS. ROMEIS.

Mr. ROBERTSON, on behalf of the minority of the Committee on Elections, presented their views on the contested-election case of Hurd against Romeis; which were ordered to be printed with the report of the majority.

RIGHTS OF AMERICAN FISHERMEN.

Mr. REED, of Maine, presented the following memorial; which was referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD:

At a meeting of the Portland Fishing Exchange, held at their rooms March 30, the following resolution was unanimously adopted, and it was ordered that a copy of the same be sent to Hon. THOMAS B. REED, our Representative to Congress:

"Whereas information has been received through the Assistant Secretary of State that American vessels have no right to enter Canadian bays or harbors only for shelter, damage, and purchasing wood and water: Therefore,

"We memorialize Congress to take some immediate action that shall deprive provincial fishermen of the same privileges of entering American bays and harbors that are denied by the Dominion Government to American fishermen; and

"Whereas there are several provincial vessels in our port purchasing bait for the purpose of carrying on their cod-fisheries: Therefore,

"We ask that the same restrictions be placed upon their vessels which enter American ports for bait that the Canadian Government has imposed upon American vessels; and

"Whereas the Canadian Government has already fitted out cruisers ostensibly to keep American vessels outside the 3-mile limit, so called: Therefore,

"We pray that our Government send a sufficient number of armed vessels to look after and protect the rights of American vessels."

O. B. WHITTEN, *Secretary.*

ORDER OF BUSINESS.

Mr. JAMES. Mr. Speaker, I call up the special order for the day, which is the consideration of the adverse report on the bill (H. R. 5690) for the free coinage of silver, and for other purposes.

Mr. O'NEILL, of Missouri. Mr. Speaker, I raise the question of consideration in regard to that bill, and I desire to state that it is not done for the purpose of antagonizing the bill, but in order——

Mr. ROGERS. I demand the regular order, Mr. Speaker.

Mr. O'NEILL, of Missouri. I desire to make a statement, Mr. Speaker.

The SPEAKER. The question is not debatable, and the regular order is demanded.

Mr. O'NEILL, of Missouri. Just one word——

Mr. ROGERS. Mr. Speaker, I demand the regular order.

Mr. WARNER, of Ohio. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. My point is that, by the special order of February 23, made by unanimous consent of the House on motion of Mr. MORRISON, Saturday was set apart for debate only, no other business to be transacted. The order of March 16, as I understand, so far modified the order of February 23 as to limit the discussion on certain Saturdays named to the silver question. Now, I do not understand that half a dozen gentlemen can come here on Saturday to make speeches, and then, after they come here, take up by a vote some other business and proceed to pass bills. I understand that the order to which I have referred remains in full force, and that under that order to-day can not be devoted to anything but the discussion of the silver question.

The SPEAKER. The first order to which the gentleman from Ohio has referred sat apart or dedicated each Saturday during the remainder of the session, unless otherwise ordered, to general debate in Committee of the Whole; and of course so long as the order remained in force no other business could be transacted on those days. But afterward the House made another order, by which the silver bill, as it is called, which the gentleman from New York [Mr. JAMES] has now called up, was made a special order for three Saturdays named; but this order did not set apart or dedicate those days exclusively to the consideration of this bill, as the gentleman from Ohio will see if he refers to the language of the order.

Mr. WARNER, of Ohio. As I understood, the prior order continued in force with simply this limitation.

Mr. BLAND. I wish to make a statement in order that we may reach some understanding.

The SPEAKER. The regular order is demanded, and the question of consideration is not debatable.

Mr. BLAND. I ask consent to make a very brief statement. I understand that my colleague from Missouri [Mr. O'NEILL], on behalf of the Committee on Labor, asks only an hour, and agrees if the House will give him that time we shall after that resume the consideration of the special order. With that understanding I would make no objection.

Mr. REED, of Maine. Such an agreement would be of no use; for if the enemies of the labor-arbitration bill find that it can be thrown over by talking for an hour, there is language enough on the other side to do it. [Laughter.]

Mr. BLAND. I understood an hour was all that my colleague asked for the consideration of that bill to-day.

The SPEAKER. The question is, Will the House now proceed to the consideration of the special order?

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. If the House should decide not to proceed with the special order—that is, the silver bill—would we not then be remanded to the first order dedicating Saturday to debate only?

Mr. WARNER, of Ohio. That is the ground I have taken.

The SPEAKER. That is a somewhat difficult question——

Mr. REED, of Maine. I hope that the order of the House adopted on motion of the gentleman from Kansas [Mr. ANDERSON], giving the labor-arbitration bill the right of way, may be read. If the Clerk will turn to that order and read it we shall know where we stand. According to my recollection of its terms, the order gave the labor-arbitration bill the right of way to such an extent as to give it precedence now; but I may be mistaken.

The SPEAKER. The order of the House was that the Committee on Labor should have leave to report at any time such measure in regard to arbitration as that committee might agree upon, and that it should be considered—in other words, that the committee should have leave to report for consideration. It has always been held, however, even without the language "report for consideration," that when a committee is allowed to report at any time it has the right to demand consideration of the measure reported.

Mr. O'NEILL, of Missouri. The order extends further than to the mere right of reporting.

Mr. REED, of Maine. If the House should decide not to consider the silver bill, then I understand the consideration of the bill of which the gentleman from Missouri [Mr. O'NEILL] has charge may be demanded.

The SPEAKER. That raises the question which was just propounded to the Chair by the gentleman from Michigan [Mr. BURROWS]. The Chair was about to say that it is a somewhat difficult question; but the judgment of the Chair is that when the House made the silver bill, so called, a special order for three successive Saturdays it was the intention to do away with the former order so far as it applied to those three Saturdays. Therefore, the Chair thinks, if the House should now refuse to proceed with the consideration of the bill reported adversely by the Committee on Coinage, Weights, and Measures, it will be in order for the gentleman from Missouri [Mr. O'NEILL] to move to go into Committee of the Whole House on the state of the Union for the consideration of the labor bill.

Mr. REED, of Maine. That is right.

Mr. BLAND. I am willing that the bill of the Committee on Labor shall be considered for an hour. But I think the laboring men would rather have plenty of money; that would end the strike.

Mr. JAMES. Will the Chair please state the precise question we are to vote upon?

The SPEAKER. The special order for to-day is the bill in relation to free coinage of silver. The question now is whether the House will proceed to consider that bill.

The question being taken, there were—ayes 68, noes 72.

Mr. LANHAM. I call for the yeas and nays.

The yeas and nays were ordered, 52 members voting in favor thereof.

Mr. BLAND. I desire to make a proposition.

The SPEAKER. The gentleman from Missouri asks unanimous consent to make a proposition to his colleague from Missouri [Mr. O'NEILL]. Is there objection?

Mr. BLAND. As I understood, my colleague was willing to agree (and I consented to the arrangement) that an hour be given to the consideration of his bill.

Mr. O'NEILL, of Pennsylvania. I object to that limitation.

Mr. BLAND. If that is my colleague's proposition, I hope the House will accede to it.

Mr. O'NEILL, of Missouri. I can state on behalf of the Committee on Labor that they will not occupy a minute of time in debate, but merely ask votes on the different propositions; and if my colleague [Mr. BLAND] can control the enemies of the bill we can get through in fifteen minutes.

Mr. BLAND. The silver bill is far more important to the labor interests than the other.

The SPEAKER. The gentleman from Pennsylvania [Mr. O'NEILL] objects to the arrangement proposed.

Mr. BLAND. Then we insist on the yeas and nays.

The SPEAKER. The yeas and nays have been ordered. The question is, Will the House proceed to the consideration of the special order, which is the bill reported adversely from the Committee on Coinage, Weights, and Measures?

The question was taken; and there were—yeas 87, noes 128, not voting 108; as follows:

YEAS—87.

Adams, G. E.	Dockery,	Howard,	Sadler,
Arnot,	Dougherty,	Hutton,	Scott,
Barksdale,	Eldredge,	Irion,	Sessions,
Barnes,	Ely,	Jones, J. H.	Seymour,
Belmont,	Fisher,	Jones, J. T.	Singleton,
Bennett,	Foran,	Kleiner,	Skinner,
Bland,	Forney,	Lanham,	Steele,
Breckinridge, C. R.	Fuller,	McMillin,	Storm,
Breckinridge, W. P.	Gallinger,	McRae,	Symes,
Brown, W. W.	Glass,	Miller,	Taulbee,
Butterworth,	Glover,	Neal,	Taylor, J. M.
Bynum,	Hale,	Neece,	Taylor, Zach.
Caldwell,	Halsell,	Norwood,	Tillman,
Candler,	Hammond,	Oates,	Tucker,
Clardy,	Harris,	O'Ferrall,	Turner,
Clements,	Hatch,	Payson,	Wakefield,
Crisp,	Hemphill,	Peel,	Warner, A. J.
Croxton,	Herbert,	Price,	Weaver, J. B.
Daniel,	Herman,	Reagan,	Wellborn,
Davidson, A. C.	Hewitt,	Reese,	Woodburn,
Davidson, R. H. M.	Hiestand,	Richardson,	Worthington.
Dibble,	Hill,	Rogers,	

NAYS—128.

Adams, J. J.	Funston,	Markham,	Scranton,
Allen, C. H.	Geddes,	Martin,	Seney,
Allen, J. M.	Green, R. S.	Matson,	Smalls,
Anderson, J. A.	Grosvenor,	Maybury,	Snyder,
Bayne,	Grout,	McAdoo,	Sowden,
Blanchard,	Guenther,	McComas,	Springer,
Bound,	Hanback,	McKinley,	Stahlnecker,
Boutelle,	Harmer,	Mitchell,	Stewart, Charles
Brady,	Hayden,	Moffatt,	Stewart, J. W.
Bragg,	Haynes,	Morrill,	St. Martin,
Browne, T. M.	Henderson, D. B.	Morrison,	Stone, E. F.
Brumm,	Henderson, J. S.	Morrow,	Stone, W. J., of Mo.
Buchanan,	Hiscock,	Murphy,	Swinburne,
Burrows,	Hitt,	Negley,	Swope,
Cannon,	Holman,	Nelson,	Tarsney,
Carleton,	Hopkins,	O'Donnell,	Taylor, E. B.
Catchings,	James,	O'Hara,	Taylor, I. H.
Conger,	Johnson, F. A.	O'Neill, Charles	Thompson,
Cooper,	Johnston, J. T.	O'Neill, J. J.	Van Eaton,
Cox,	Johnston, T. D.	Osborne,	Viele,
Crain,	Kelly,	Owen,	Wadsworth,
Curtin,	Ketcham,	Parker,	Wait,
Cutcheon,	La Follette,	Payne,	Ward, T. B.
Davis,	Laird,	Perkins,	Warner, William
Dingley,	Landes,	Peters,	Weaver, A. J.
Dorsey,	Le Fevre,	Phelps,	Weber,
Eden,	Libbey,	Randall,	Wheeler,
Everhart,	Little,	Reed, T. B.	White, Milo
Farquhar,	Long,	Reid, J. W.	Whiting,
Felton,	Lovering,	Romeis,	Wilkins,
Findlay,	Lowry,	Ryan,	Willis,
Fleeger,	Lyman,	Sawyer,	Winans.

NOT VOTING—108.

Aiken,	Ballentine,	Bingham,	Brown, C. E.
Anderson, C. M.	Barbour,	Bliss,	Buck,
Atkinson,	Barry,	Blount,	Bunnell,
Baker,	Beach,	Boyle,	Burleigh,

Burnes,	Ford,	Lore,	Rockwell,
Cabell,	Frederick,	Louttit,	Rowell,
Campbell, Felix	Gay,	Mahoney,	Sayers,
Campbell, J. M.	Gibson, C. H.	McCreary,	Shaw,
Campbell, J. E.	Gibson, Eustace	McKenna,	Spooner,
Campbell, T. J.	Gilfillan,	Merriman,	Spriggs,
Caswell,	Goff,	Millard,	Stephenson,
Cobb,	Green, W. J.	Milliken,	Stone, W. J., of Ky.
Cole,	Hall,	Mills,	Strait,
Collins,	Heard,	Morgan,	Struble,
Compton,	Henderson, T. J.	Muller,	Thomas, J. R.
Comstock,	Henley,	Outhwaite,	Thomas, O. B.
Cowles,	Hepburn,	Perry,	Throckmorton,
Culberson,	Hires,	Pettibone,	Townshend,
Dargan,	Holmes,	Pidcock,	Trigg,
Davenport,	Houk,	Pindar,	Van Schaick,
Dawson,	Hudd,	Pirce,	Wade,
Dowdney,	Jackson,	Plumb,	Ward, J. H.
Dunham,	King,	Pulitzer,	West,
Dunn,	Laffoon,	Ranney,	White, A. C.
Ellsberry,	Lawler,	Rice,	Wilson,
Ermentrout,	Lehlbach,	Riggs,	Wise,
Evans,	Lindsley,	Robertson,	Wolford.

So the motion was disagreed to.

During the roll-call, on motion of Mr. MCMILLIN, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced from the Clerk's desk:

For this day:

Mr. CULBERSON with Mr. BROWN, of Ohio.

Mr. MILLS with Mr. ROCKWELL.

Mr. COLE with BUNNELL.

Mr. MAHONEY with Mr. ROWELL.

Mr. HEARD with Mr. PETTIBONE.

Mr. BLISS with Mr. VAN SCHAICK.

Mr. MULLER with Mr. STEPHENSON. Mr. MULLER, if present, would vote in favor of the labor-arbitration bill.

Mr. MCCREARY with Mr. MILLARD.

Mr. RIGGS with Mr. EVANS.

Mr. DUNN with Mr. MCKENNA.

Mr. THROCKMORTON with Mr. LINDSLEY.

Mr. COBB with Mr. CASWELL.

Mr. DOWDNEY with Mr. DUNHAM.

Mr. MERRIMAN with Mr. SPOONER.

Mr. COLLINS with Mr. RICE.

Mr. BLOUNT with Mr. BINGHAM, on the labor-arbitration bill. Mr. BLOUNT would vote against, Mr. BINGHAM for the bill.

Mr. HENLEY with Mr. GREEN, of North Carolina, on the labor-arbitration bill. If present, Mr. HENLEY would vote for the bill, Mr. GREEN against it.

Mr. BALLENTINE with Mr. FELIX CAMPBELL, on the labor-arbitration bill. If present, Mr. CAMPBELL would vote for the bill, Mr. BALLENTINE against it.

On this vote:

Mr. WISE with Mr. RANNEY.

Until further notice:

Mr. STONE, of Kentucky, with Mr. PIRCE.

Mr. BOYLE with Mr. HOUK.

Mr. PIDCOCK with Mr. LEHLBACH.

Mr. DARGAN with Mr. STRUBLE.

Mr. GOFF with Mr. SAYERS.

Mr. MORGAN with Mr. HEPBURN.

Mr. SPRIGGS with Mr. MILLIKEN.

Mr. TOWNSHEND with Mr. THOMAS, of Illinois.

Mr. LAFFOON with Mr. LOUTTIT.

Mr. OUTHWAITE with Mr. WEST.

Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.

Mr. BEACH, who was paired, if present, would vote for the labor-arbitration bill.

The vote was then announced as above recorded.

LABOR-ARBITRATION BILL.

The SPEAKER. The House refuses to proceed to the consideration of the special order.

Mr. O'NEILL, of Missouri. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the labor-arbitration bill; and pending that motion I move that all debate on the remaining section of the bill and amendments thereto be limited to ten minutes; and on that motion I demand the previous question.

Mr. BUTTERWORTH. I move an hour instead of ten minutes. That is little enough, I think.

The SPEAKER. The gentleman from Missouri demands the previous question and declines to withdraw it.

Mr. BUTTERWORTH. I was recognized informally.

The SPEAKER. The Chair thinks the gentleman from Missouri had the right to demand the previous question on his motion.

The previous question was ordered, and under the operation thereof the motion of Mr. O'NEILL, of Missouri, to close debate in ten minutes was agreed to.

The question recurred on the motion of Mr. O'NEILL, of Missouri, that the House resolve itself into Committee of the Whole on the state of the Union to consider the labor-arbitration bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 7479) to provide for the speedy settlement of the controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés.

The CHAIRMAN. The fifth section of the bill was read at the last sitting of the committee. By order of the House all debate upon this section and proposed amendments thereto is limited to ten minutes. The Chair will recognize gentlemen for the presentation of amendments, which will be read at this time, to be taken up for consideration in their regular order after the ten minutes' debate shall have been had. The gentleman from Missouri has an amendment pending.

Mr. ROGERS. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, Witness fees shall not be allowed and paid by the United States in any case for more than three witnesses on each side, whose testimony shall be directed to any one point; and all fees shall be certified by the commission to the district judge of the United States of the district in which the commission is held, who shall tax and certify the same as fees in cases before said court.

Mr. ROGERS. Mr. Chairman, upon that amendment——

The CHAIRMAN. Are there further amendments?

Mr. ROGERS. I desire to be heard upon my amendment.

The CHAIRMAN. At the proper time the Chair will recognize the gentleman. The Chair will first recognize gentlemen who desire to submit amendments.

Mr. WARNER, of Missouri. I submitted an amendment last evening which has not yet been read.

The CHAIRMAN. That amendment will be read.

Mr. WHEELER. I move to amend the amendment of the gentleman from Arkansas by making it ten witnesses in each case.

The CHAIRMAN. At the proper time that amendment will be in order.

Mr. HAMMOND. I rise to a parliamentary inquiry, or rather an inquiry to understand the meaning of the Chair. Does the Chair mean that nobody can propose amendments to this bill unless they do it now?

The CHAIRMAN. The Chair does not hold that amendments may not be offered hereafter; but has suggested, for the sake of having the amendments before the committee before the discussion is had which is permitted by the order of the House, that all gentlemen desiring to submit amendments send them up to be read for information.

Mr. HAMMOND. But suppose some gentlemen having amendments to offer should differ with the Chair as to the proper time for submitting them or as to the propriety of discussing the amendments as submitted? The gentleman from Arkansas has stated his desire to discuss his amendment.

The CHAIRMAN. The Chair recognized the gentleman from Arkansas to offer an amendment, although the gentleman from Missouri [Mr. WARNER] had one which was submitted on yesterday evening which has not yet been read. The Chair will recognize the gentleman if he desires to offer other amendments.

Mr. ROGERS. But whether I desire to offer other amendments or not depends upon whether this is adopted.

Mr. WARNER, of Missouri. I wish to have my amendment read.

The CHAIRMAN. The Chair will state that there can not be a vote taken upon any of the amendments until the discussion for ten minutes has been had.

Mr. ROGERS. Who has the floor?

The CHAIRMAN. The Chair will recognize the gentleman when the time comes for the discussion. The Chair can not recognize now amendments to be voted upon until after the ten minutes' debate.

Mr. ROGERS. But who has the floor for debate?

The CHAIRMAN. The Chair has not recognized any gentleman for that purpose, but recognizes the gentleman from Missouri [Mr. WARNER] to have his amendment read.

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. I insist that under the rules of the House when a gentleman proposes an amendment he has a right to be heard on it, and that the Chair has no right to say that he is not to be heard until somebody else offers an amendment.

The CHAIRMAN. Debate upon this section of the bill and all amendments thereto has been limited by the House to ten minutes.

Mr. HAMMOND. That simply destroys debate after ten minutes' debate, and allows the other amendments to come in afterward and be voted upon without debate. The Chair, for his own convenience or from his idea of the convenience of the House, has suggested that all other amendments come in first. The gentleman from Arkansas has stated that as to whether he will introduce other amendments or not depends upon whether the first shall have been adopted by the committee. That same idea may influence other gentlemen in offering amendments; and I submit that it simply confuses—with all due respect for the Chair—it simply confuses the matter of amendments to adopt

the suggestion which the Chair has made, that all must come in before the debate begins.

The CHAIRMAN. The Chair begs leave to differ with the gentleman from Georgia as to the matter of confusion. Gentlemen, in the opinion of the Chair, ought to have permission to discuss any important amendment that may be proposed in the ten minutes, and for the purpose of enabling them to do that in good faith the Chair thought it better that the amendments should be offered and read now for information.

Mr. HAMMOND. Will the Chair permit me to ask him whether it will undertake to determine what gentlemen may do in good faith?

The CHAIRMAN. The Chair does not undertake to do that.

Mr. HAMMOND. Then who can?

The CHAIRMAN. The Chair has simply asked gentlemen, or rather stated that it would recognize them, to offer amendments now to be read for the information of the committee.

Mr. HAMMOND. The Chair stated that it would recognize gentlemen because it was important that important amendments and those made in good faith should be debated.

The CHAIRMAN. The Chair thought it right to recognize any gentleman who desired to be recognized for the purpose of offering his amendment before the discussion began.

Mr. ROGERS. I rise to a question of order. My point of order is that I had the recognition of the Chair; and I want to know now by what authority the Chair can take me off the floor until I have had my five minutes' debate under the rule.

The CHAIRMAN. The Chair recognized the gentleman from Arkansas to submit an amendment, not for discussion.

Mr. ROGERS. But what right has the Chair to dispense with the rule by a mere statement of the Chair?

The CHAIRMAN. If the gentleman from Arkansas had stated he desired to be recognized for the purpose of addressing the committee, the Chair would have stated he was under obligation to recognize the gentleman from Missouri [Mr. WARNER], who offered an amendment last evening, which was not read but was considered as pending. The amendment offered by the gentleman from Missouri [Mr. WARNER] will be read.

The Clerk read as follows:

Strike out all after the word "arbitration," in the second line of the fifth section, and insert in lieu thereof the following:

"Shall receive a compensation of $10 a day for the time actually employed; that the clerk appointed by the said tribunal of arbitration shall receive the same fees and compensation as clerks of the United States circuit courts and district courts receive for like services; that the stenographer shall receive as full compensation for his services 20 cents for each folio of one hundred words of testimony taken and reduced to writing before said arbitrators; that United States marshals or other persons serving the process of said tribunal of arbitration shall receive the same fees and compensation for such services as they would receive for like services upon process issued by United States commissioners; that witnesses attending before said tribunal of arbitration shall receive the same fees as witnesses attending before United States commissioners; that all of said fees and compensation shall be payable by the United States in like manner as fees and compensation are payable in criminal causes under existing law: *Provided*, That the said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States: *And provided further*, That the fees and compensation of the arbitrators, clerks, stenographers, marshals, and others, for services of process, and witnesses under this act, shall be examined and certified by the United States district judge of the district in which the arbitration is held before they are presented to the accounting officers of the Treasury Department for settlement, and shall then be subject to the provisions of section 846 of the Revised Statutes of the United States. And a sufficient sum to pay all expenses under this act, and to carry the same into effect, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. The Chair will recognize any other gentleman who desires to offer an amendment at this time.

Mr. BROWNE, of Indiana. I move to amend the amendment of the gentleman from Missouri by adding at the end of it the amendment I offered yesterday evening.

The CHAIRMAN. Is it the same amendment that the gentleman offered yesterday?

Mr. BROWNE, of Indiana. It is the same with a slight verbal change.

The CHAIRMAN. The Clerk will read the proposed amendment to the amendment.

The Clerk read as follows:

And if either of said parties to the said award, or any one or more of them, fail or refuse to abide or perform the same, the said award may be presented by said board of arbitrators or other person interested therein to the district or circuit court of the United States for the district where the said controversy arose, or where the award was made, and the same shall be made of record; and the said board shall report therewith the costs and expenses of said arbitrament, and judgment therefor shall be given by said court against said refusing party or parties, and collected as other judgment, and the sum recovered shall be paid into the Treasury.

The CHAIRMAN. If no further amendment is offered the Chair will now recognize the gentleman from Missouri [Mr. WARNER].

Mr. WARNER, of Missouri. Mr. Chairman, I do not wish to say anything further on the merits or demerits of the pending bill. At the outset I will say I am authorized by the chairman of the committee having this bill in charge to state that the amendment which has been offered by myself is acceptable to the committee and by them accepted. It simply carries out the purposes had by the committee in section 5, by fixing definitely the compensation to be paid to the arbitrators, to the clerk, to the stenographer, to the marshal, and to the witnesses connected with the arbitration. And as I understood from the reading of the amendment offered by the gentleman from Arkansas [Mr. ROGERS] it covers fully that amendment, save as to one point.

My amendment, which the committee accepts, provides that the fees and compensation shall be approved by the judge of the district court of the United States in the district in which the arbitration is had. It further provides that when so approved they then shall be subject to the provisions of section 846 of the Revised Statutes of the United States, which makes the same provision as to the accounts of United States attorneys, marshals, and United States commissioners. That is, in short, that they are to be re-examined by the accounting officers of the Treasury before they are paid. It throws around them all the guards that are thrown around the taxation and payment of fees to any United States officer.

Mr. ROGERS. Will the gentleman allow me a question?

Mr. WARNER, of Missouri. Yes, sir; but my time is very limited.

Mr. ROGERS. Does the gentleman's amendment limit the number of witnesses?

Mr. WARNER, of Missouri. I am coming to that. The amendment further provides that the board of arbitration may determine and limit the number of witnesses that shall be examined before the tribunal of arbitration at the expense of the United States. It does not say whether that number shall be two, three, or four; and any lawyer, I apprehend, will understand that in the trial of controversies we can not set down a fixed rule that only two, three, or four witnesses shall be examined. You must leave that discretion to the tribunal, the same as you leave it to the judges of your United States courts. They can determine, they can limit the number of witnesses to be examined, as your United States commissioners can do.

My amendment also provides that the stenographer shall receive 20 cents for each folio of one hundred words of the testimony taken and reduced to writing before the commissioners. That is the exact amount of the fees now allowed to a United States commissioner for performing like duties. It provides that the clerk appointed by the arbitrators shall receive like fees and compensation as the clerk of a United States court; that is, a per diem and the fee for swearing the witnesses and for other matters pertaining to the discharge of the duties of his office. And the United States marshal or other party designated to serve the process of the board shall receive the same fees as are paid for like services before United States commissioners.

Every provision as to the fixing of fees is carefully guarded. And then the amendment makes an appropriation of an amount sufficient to meet all the expenses of carrying the act into effect, so that nothing shall be left unfinished, but that all the necessary power and vitality shall be given to it, whatever force there may be in the act.

The only other point in the amendment of the gentleman from Arkansas [Mr. ROGERS] is to limit the number of witnesses to three, instead of leaving it as in the amendment accepted by the committee; but it would seem, with all due deference to the judgment of the gentleman, the wiser and the better course to leave that to the discretion of the board of arbitrators.

Mr. ROGERS. Will the gentleman from Missouri [Mr. WARNER] please state the amount of the appropriation proposed by his amendment?

Mr. WARNER, of Missouri. I put no amount; I say an amount sufficient.

Mr. ROGERS. Mr. Chairman, I regard this bill as a perfectly worthless bill, and, with the exception of the fifth section, I regard it as a perfectly harmless bill, unless it may be construed as taking a step in a wrong direction. The fifth section, however, submits a proposition which, it occurs to me, no legislative body on earth ought to sanction, unless it contains some such restriction as that proposed by the gentleman from Missouri [Mr. WARNER] or myself.

When a man is arraigned in a district court of the United States for the crime of murder, the judge sitting in that case has the power, and it becomes his duty under the law, to determine upon the sworn application of the accused how many witnesses he shall be allowed at Government expense to enable him to make his defense. But here is a bill which undertakes to settle by arbitration a five-dollar dispute between the employé of a railroad company and that company, yet which puts it absolutely and unconditionally in the power of either the railroad company or its employés to summon and have paid by the United States an indefinite number of witnesses—a hundred or a thousand if you please.

Mr. WARNER, of Missouri. The gentleman's suggestion is based upon the assumption that the board of arbitrators would be in collusion with the railroad company for the purpose of robbing the Treasury.

Mr. ROGERS. My answer to that suggestion is this: If you admit that this bill is susceptible of the construction which I place upon it, and no one can truthfully deny it, that of itself is a sufficient condemnation of the bill.

Can we recognize the principle that any one railroad employé, and that without reference to his character or his grievance, and any railroad corporation engaged in interstate commerce, smarting under some real or imaginary grievance, may have the right and the power to go into an

arbitration of their differences and have and use the process of the Government at will and to any extent, all at the expense of the Government? Can such a bill meet the approbation of this body? Such is the proposition this bill presents, and, Mr. Chairman, it is not one arbitration, it is not ten arbitrations, it is not five hundred arbitrations that may be had under this bill, but an indefinite number at innumerable places, and all this at the expense of the tax-payers for the benefit of one single class of persons in this country, namely, that class engaged in railroading.

Mr. WARNER, of Missouri. Will the gentleman permit another question?

Mr. ROGERS. Yes, sir.

Mr. WARNER, of Missouri. Does this amendment give to three men acting together, two of them being required to make a decision, any greater power than is given to a United States commissioner who occupies the same relative position as a justice of the peace?

Mr. ROGERS. A United States commissioner and a justice of the peace are both responsible to some recognized and responsible power. The former is appointed by and is immediately under the supervision of the United States judge, who can remove him for any abuse of the trust at will. The latter are responsible to the people who elect them, and to the law, which provides for punishment and disgrace for any abuse of trust or dishonest practices, and are subject at will to the control of appellate tribunals in all their doings. But who are these commissioners responsible to? To nobody and to no power. That is the difference. If the bill is constitutional (I can not think it possible) these arbitrators are absolutely free and unrestrained within the scope of their powers, and they are absolutely unrestrained in the expenditure of the public money.

How are they appointed? One by the employer and one by the employé, and the two thus selected select the third. When organized, the commission can sit as long as it pleases, summon as many witnesses as it pleases, have clerk and stenographer, take down all the evidence and on whatever subjects are presented, and finally, when the award is made and the United States has paid all the costs and expense, including witness fees, the award is confessedly a nullity, for want of any power lodged anywhere to enforce it.

It is said public opinion will enforce the award. Mr. Chairman, that answer is a confession of the utter worthlessness of this bill, and for this reason: the bill does not provide for compulsory arbitration. If that was what was desired this bill does not propose it. The arbitration proposed by the bill is to be had by mutual consent. That character of arbitration is in vogue now, and has been for years, by labor organizations. Certainly this bill gives nothing new in that direction. Then what does it give? Mr. Chairman, it gives the public money to both parties to conduct an arbitration, which, when had and the award is made, can not be enforced. That is what it gives, and that is all it gives.

Whose money is it that it is proposed to squander in this way? Where did it come from? It is the people's money, not those engaged in railroading alone, but all the fifty million people in these United States, and it is the proceeds of honest labor, the gatherings of an onerous and grinding taxation. This is class legislation, the most reckless and indefensible I have ever known proposed. Indefensible upon any ground, because the very organizations its advocates propose to benefit by it will find it turned upon them for their destruction. They will not only have to fight the gigantic corporations themselves, but those corporations will be supported by the Treasury of the United States.

Sir, the laboring men are solving this problem of a fair division of the profits of labor and capital for themselves. In their desperate struggle against tremendous odds the greatest obstacles they have encountered has been Federal authority.

The greatest friend they have had when they have been guided by wise counsel, conservative advice, and sober judgment, has been the sympathy and moral support of all just men.

They can not afford to demand or accept an unjust bill; a bill that offends the sense of justice of the great classes, similarly situated, but who are not embraced in it, and yet classes that sympathize with them in their struggle for a higher manhood and a nobler being. But, sir, if these labor organizations are unwisely led into this scheme of settling their disputes and indorse and invoke this system of arbitration, why should we not extend it to every class of laborers in this country. Why not extend it to the printers, the steamboatmen, the factory men and women, the miners, the day laborers on the farms, ay, the farmers themselves, who have their complaints and their grievances against these very same corporations for extortionate charges upon their shipments of cotton and wheat.

Sir, when we go back to our constituency, for instance to an agricultural people like mine, to a constituency who from early morn till night labor in the field, earning their bread in honest sweat, how shall we defend this bill? Shall we say to them that it is like the tariff, another plan of taxing the whole people for the benefit of a class? Shall we say to them that, added to the millions of acres of the public domain granted to the corporations, we have turned over to those same corporations the keys of the Treasury so far as may be necessary to enable them to litigate or arbitrate their differences with their employés?

Mr. Chairman, I shall not have to defend this bill. I shall never vote for it in the shape it is in or in any shape it is likely to assume under the present temper of this House. I shall vote against it, whatever the consequences may be. I am glad I can do so without fear of disfavor from any quarter. I am glad I can do so with the full approbation of my conscience and my judgment. I am glad I can do so in the full belief that I am upholding the Constitution of the country.

I congratulate myself that in my vote I can afford to stand with the two gentlemen on this floor who are best entitled to be heard on this question. I allude to the gentleman from New York [Mr. FARQUHAR] and Mr. FORAN, of Ohio. In the debate on yesterday the former said:

> I listened with interest to the remarks made this morning by my friend from Ohio [Mr. FORAN]. He and I are the two, and the only two, representatives of skilled labor in this country who hold seats on this floor, the only two entitled to speak here for two great unions of skilled mechanics. And I may say I had the honor to be the chief executive officer of the grandest union of skilled labor America has ever seen—the printers of this country.
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> Now I wish to say, and I say it frankly, I say it with a knowledge of how my trade is organized and the methods by which we arbitrate, that such a bill as this presented to the printers of the United States and Canada would not be accepted. We have for thirty years paid our own expenses. It has cost in time and wages millions of money to reach the point attained that the proprietor must arbitrate or the strike comes. We do not intend to invoke statutory enactments while we have the brains and the vantage-ground to place our grievances first before the aggrieved and the board and then before the general public.

The gentleman from New York will perhaps vote for this bill as an experiment, but admits it is not acceptable. He puts the welfare of labor on safer grounds—its own intelligence, conservatism, and power. I believe that to be the true ground. The latter said:

> Upon more mature reflection, however, and after hearing the views of gentlemen who have discussed it upon this floor, I am constrained to say I can not vote for it, harmless as I supposed it was.

Again he said:

> I have been a trade unionist myself, and for years was the executive officer of a large national labor organization, and I believe I know what are the aspirations, the hopes, desires, and wants of organized labor; and certainly a measure which would drive the strong arm of the law into the unions and assemblies of labor is not wanted or desired. There is a gentleman on the other side of this House, the member from New York [Mr. FARQUHAR], who has been the executive officer of one of the most intelligent labor organizations of this country, the Typographical Union, and I believe he feels as I do upon this phase of the bill, for he has an amendment which he thinks will cure that defect in the bill. But it will not.

The gentleman from Ohio, with all his experience and devotion to these labor organizations, will not support this bill. Can I not afford to stand by him on this issue, so near and dear to him?

I find on the other side of this question gentlemen who are identified with some of the largest railroad interests in America. They are the advocates of this bill. I do not impugn their motives or question their conduct. This bill may bring good to both, and they may be solicitous for that good. I believe it an enemy to labor and an enemy to the people. I do not see that any interest I desire to promote can be subserved by it. Still, I believe it will pass, and therefore I shall endeavor in every conceivable way to throw around this bill something in the shape of safeguards against the reckless waste of public money; but when every safeguard that can be thrown around it is thrown around it, then, in behalf of labor, in behalf of honest government, in behalf of a fair trial, in behalf of the large agricultural interests which I have the honor to represent here, I shall vote against the bill, let the result be what it may.

Mr. Chairman, if this bill shall become a law, I shall watch with curious interest operations under it. I predict it will prove a dead letter in the end, if not a snare in the beginning. If any good shall come of it to oppressed labor I shall be glad, though I can not sanction the means by which it will be brought about. I believe in the doctrine of letting every tub stand on its own bottom. I believe in every citizen bearing his just share of the burdens of Government economically administered. I do not believe in taxing all for any class. I do not believe in taxing the farmer for the railroad employés, or *vice versa*.

I believe every dollar of taxes should go to the legitimate purposes of Government, the public debt be paid off, interest stopped, and taxes reduced. We shall never do either if we squander our resources. The treasury that is exhausted in reckless expenditures can only be filled by crime. For it is a crime to demand greater taxes from an already impoverished people than public exigency requires. The worst legislation ever enacted springs from some great excitement or popular craze like the strike now existing in the Southwest. I counsel labor this class of legislation can do it no good.

The evil is the growth of twenty years of a vicious system of legislation and taxation, whereby the rich have grown richer and the poor poorer.

The real remedy is in equal laws. To this it must come. Step by step to this it is coming, slowly, it is true, but coming nevertheless. These periods of excitement, these abnormal condition of things, mark epochs of progress in the right direction. These upheavals of society rightly understood show that society is rebelling against unjust oppressions and demanding just and humane treatment. In that society is the inherent power to remedy the evils.

Let us trust its great forces. They are ample, all-sufficient, encouraged as they will be by an honest public sentiment. The remedy thus furnished will be the true one, and the adjustment made the right one.

The two temporary enemies, labor and capital, will thus be brought to a true understanding of their mutual dependence, and each obtain its just reward. The friendship thus formed will rest on a sure foundation, and the best results be attained.

Mr. O'DONNELL. Mr. Chairman, the bill under discussion is a wise one, and I had hopes it would be approved as it came from the committee. The objection to it is that it does not go far enough; it is evident from the temper of the House that no better act can be passed at present. The laboring people have looked to Congress for some relief, and they are offered the bill reported by the Committee on Labor. This bill is a step in advance, for labor will take hope when it sees that the Representatives of the people are giving attention to their wants. By passing this bill you recognize that the toilers shall have redress for what they feel are accumulated wrongs. Unfortunately no provision is made to prevent, if such a thing were possible, the proverbial and inevitable delays of the law which might work injustice. There is an easy solution of the troubles that now afflict the country. Labor is a giant who has commenced to realize his strength.

In view of the past and the too-frequent monopolistic tendencies of capital this bill is, in a measure, a step toward the restraint of that vast and oft unscrupulous power which is one of the perils of the times. Public opinion will enforce this act, for that power will make all yield to the touch of necessity. Dissatisfaction has been growing in this country for years, and labor, to protect its rights, has organized so thoroughly that now it feels that "an injury to one is the concern of all." It comes to us and states it only asks for justice. If you pass this bill, granting that it is crude in many ways and hastily formulated, you do away with the antagonism between capital and labor, which, under the breath of artful demagogues is readily blown into fury. This bill is not unjust to capital, but aims to equally protect its rights. Generally capital is able to take care of itself. In the past it has had the aid of law.

The strikes which have paralyzed business can hardly be explained. The labor organizations are founded on the principle of arbitration, their cardinal doctrine being to avoid strikes. Arbitration is one of the most peaceful of conquests over difficulties. It is not new to the world. The old countries have tried this method for years with excellent results. In England, under William III, in 1698, submission to arbitration was authorized and made equivalent in force to the decision of a jury. Later, under William IV, in 1833, "submission to arbitration could be made the rule of any court of law or equity," the arbitrators having the power to compel the attendance of witnesses. In the same country, in 1854, judges could order compulsory arbitration, and in 1872 the master and workman arbitration act was passed.

I have called your attention to the attitude the English Government occupied to meet this difficulty. In France, as long ago as 1452 and 1464, the conseils de prudhommes, composed of masters and workmen, arbitrated disputes, and in 1806 these trade tribunals were accorded enlarged powers. The influence of these acts has been only for good, and we expect the same results in America if this bill is passed. Prudent men here as in France know the wisdom of such provision of law. The people will hold that a measure designed only to promote harmony and justice can not be in conflict with the organic law of the land.

Mr. STORM. Mr. Chairman, the bill before the committee has been severely and harshly criticised by gentlemen on this floor. It is much easier to play the critic than the statesman; it is easier to pull down than to build up; it is more pleasing to oppose, at times, than to propose.

Not one of these carping gentlemen have offered anything better than the bill proposes. The difficulty we encounter is in the subject-matter itself. As was well said by the gentleman from Ohio [Mr. FORAN] the wage question has been the problem of the ages. Many remedies have been proposed, but so far none of them has proven successful.

In my humble judgment the remedy does not lie in legislation. The evil is too deep-seated to be reached by the enactment of laws alone. Laws may aid in the solution, but alone they are ineffectual. Capital and labor must be the factors in the solution of the problem; they must be harmonized; they must learn that their mutual dependence upon each other is such that when one suffers the other must; that strikes, lockouts, and wholesale discharge of employés are not remedies, but only an aggravation of the disease; that the rights of one are the duties of the other.

The problem to us is especially difficult by reason of the constitutional restrictions and limitations which control our action as a legislative body. This bill does not transcend any constitutional provision or safeguard. It seeks to bring capital and labor together with a view to settling their differences and controversies as set forth in the first section of the bill. It provides a method by which the parties may settle by arbitration all their disputes. Who will say that that is not a humane and praiseworthy object?

It is true there is nothing in the bill that is legally compulsory. Its provisions are rather hortatory than compulsory, advisory rather than mandatory, a declaration of Congress of its views and wishes as well as of its interest in this struggle of labor for protection against oppression and injustice. It will give force to the views of those writers on the subject who have recommended amicable or voluntary arbitration. It is in accordance with the views of Mayor Powderly, who is doing for the cause of labor in this country what Parnell is doing for home rule in Ireland.

The laboring men of the country are to be congratulated that they have such a wise, moderate, and candid leader. He is doing more to-day for the solution of the labor question than all the laws you can enact will do. The cause of labor has suffered much from bad leadership. It needed, more than anything else, a man candid enough and brave enough to give it sound advice. Such a friend it has in Mr. Powderly.

The lawyers on this floor who have opposed this measure have done so because it is not more compulsory in its features; because it does not provide for the enforcement of the award that may be found by the arbitrators. They have discussed this bill as if the matters coming before the board of arbitrators were cognizable in the ordinary courts of law; that its judgment or award would have to be in dollars and cents. Such a view of the problem shows an entire misconception on the part of these gentlemen.

These disputes or controversies referred to in the bill do not relate to existing contracts, either expressed or implied; if they did, the parties to them would have ample remedies in the State and Federal courts.

If a railroad company makes a contract to pay a man so much a day, or that he shall labor so many hours for a day's work, there can be no trouble about that. It is a contract enforceable in every State in the Union. What are the subjects to which this bill refers? To unjust or oppressive treatment, either as to wages or hours of labor. It is well known that these questions of wages and hours of labor are the fruitful sources of controversies and strikes.

No one claims that Congress has the power or the right to say to a railroad company or to a laborer so many hours shall constitute a day's work or so many dollars shall constitute a month's wages. But because we have not that power, must we stand silently by and see all trade and business paralyzed without even the suggestion of a remedy?

There has been no tribunal yet provided by law for the enforcement of treaty obligations. Yet we do not on that account cease to make treaties with other nations. For the nation in these days which will not respect its treaty obligations would be condemned by the universal sentiment of all other Christian nations.

We are obliged by public sentiment to keep our promises made to some weak, insignificant tribe of uncivilized Indians. Why? Because the enlightened Christian sentiment of this nation will not any longer tolerate bad faith on our part in dealing with the Indians. This same sentiment, which is mightier than law, more effective than a writ of execution issued out of any court of justice, will surely and certainly enforce the execution of the award of this board of arbitrators. Some Jay Gould, intrenched behind millions of wealth and a railway system almost omnipotent to oppress labor, may refuse to perform an award made against his interests; but he will have to face an outraged public sentiment, and the people may become silent if not approving spectators to a contest which will scatter these millions to the winds and make the stocks and franchises of a great railway system valueless.

Mr. DAVIS. Mr. Chairman, I should do injustice to my own convictions if I failed to express my hearty approval of this bill. Its chief excellence to my view consists in the fact that it is a simple legislative recognition of the principle of arbitration in the settlement of the grave and menacing industrial difficulties which are now so generally occurring. I believe the application of this principle to be the one peaceful and efficacious remedy for existing evils. In the settlement of private disputes it has from time immemorial been successfully employed; it has in later time been invoked in Europe in just such difficulties as now beset us, with the best results, and on a larger scale in the adjustment of international complications, it is earnestly anticipated by the philanthropist and statesman as the one method which will avert the horrors of war, dispense with the necessity for standing armies—those costly engines of oppression—and secure the brotherhood of nations.

This principle is in harmony with our ideas of government and the spirit of our people. Being voluntary and the result of agreement, it preserves the self-respect as well as the rights and interests of each party and provides for gracious and mutual concession. In this way it appeases angry feeling and tends to prevent future controversy. To this beneficent principle Congress gives its sanction and adds the immense moral force of its legislative approbation. It clothes, also, this voluntary arbitration with the power to secure that full investigation which is essential to an intelligent and just decision. And here it stops, just where it should stop, by placing the parties in the presence of their own conscience and honor of their duties as law-abiding citizens, and in the presence of public opinion, that subtle, invisible, all-penetrating, and irresistible force which no man and no body of men and no interest or body of interests can defy with impunity. Depend upon it, Mr. Chairman, this bill, in simply providing this remedy, will have greater force and will meet the exigencies of our time more adequately than if it bristled with pains and penalties—pains and penalties which would be impossible of enforcement.

You can not indict a people, and you can not punish thousands of discontented human beings—who are themselves citizens—and who

wield in the ballot a weapon for offense and defense more potent than Jove's thunderbolt.

Laws which clearly define rights and corresponding duties are in large degree self-enforcing, resembling those natural forces which equally control the minutest atoms of matter and the grandest phenomena of the universe.

I say, therefore, that in the apparent weakness of this bill is its real strength. Mutual consent is the basis of its action, and it has no coercive features; it interferes with no other mode of settlement or with the proceedings of any other tribunal, and does not attack the integrity or rights of any organization. It is urged that this bill is unconstitutional, and the same objection is made against any legislation in aid of our material interest or intended to promote the prosperity and happiness of the people.

We reply, that when commerce between the States is obstructed; when passenger and freight trains on important lines of communication stand idly on the tracks for many days and thousands of workmen are unemployed; when all business depending upon interstate transportation suffers, that in this exigency the commerce clause of the Constitution clearly authorizes remedial action by Congress. It is also contended by the opponents of this bill that national legislation when once invoked will be in the interest of capital and dangerous to public rights. This is, in other words, saying that the representatives and servants of the people will betray their trusts and become the allies of capital and the enemies of labor in any conflict which may arise.

This imputation upon the probable course of Congress is so gross and unfounded that it needs no refutation. No laboring man can mistake the purpose of this bill, or fail to see that in protecting his interests now Congress has given a guarantee of its future policy—a policy which will be animated by a purpose to prevent antagonism between employer and employed, and to protect by wise and humane legislation the important interests with which it is intrusted.

I congratulate the committee on the wise and fortunate result of their labors, which I believe will be accepted by the parties to these controversies, and will do much toward ending these unhappy industrial struggles, which should be promptly terminated in order that the business of the country may again resume its accustomed activity, and the blessings which attend peaceful industry and fairly rewarded labor may again visit us.

Mr. SOWDEN. Mr. Chairman——

The CHAIRMAN. The time fixed by the House for debate upon this amendment is exhausted.

Mr. SOWDEN. I desire to move an amendment to the amendment of the gentleman from Arkansas [Mr. ROGERS].

The CHAIRMAN. The Chair will recognize the gentleman for that purpose in due time. The question is first on the amendment of the gentleman from Missouri [Mr. WARNER], which was offered last evening.

Mr. BROWNE, of Indiana. Mr. Chairman, I am aware that debate has been closed by order of the House, but I want to ask unanimous consent of the committee to occupy just one minute.

I concur in the amendment proposed by the gentleman from Missouri [Mr. WARNER], but I desire to add to it a proposition which I submitted yesterday, and which I now reintroduce, because I am informed it was not distinctly heard or generally understood by the Committee of the Whole when submitted last evening. The effect of my proposition is that if either of the parties who have invoked the arbitration should refuse to acquiesce in the result, the costs paid by the people out of the national Treasury shall be reimbursed by a judgment against such refusing party; that judgment for the costs shall be entered against the party refusing to abide by the award, and when collected shall be covered into the Treasury.

Mr. BRECKINRIDGE, of Kentucky. I desire to ask by what court judgment is to be entered and by what means the judgment is to be enforced.

Mr. BROWNE, of Indiana. The purpose is that judgment shall be entered and enforced as other judgments are.

Mr. BRECKINRIDGE, of Kentucky. In what court will the judgment be entered?

Mr. BROWNE, of Indiana. In a United States court—either a circuit or district court of the United States within whose jurisdiction the controversy arises or the award is made.

Mr. BRECKINRIDGE, of Kentucky. By what process is the court to ascertain the costs—— [Cries of "Regular order!"]

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. BROWNE] will be read.

The Clerk read as follows:

Add to the amendment of Mr. WARNER, of Missouri, the following:

"And if either of the parties to said award, or any one or more of them, fail or refuse to abide or perform the same, the said award may be presented by said board of arbitrators or other person interested therein to the district or circuit court of the United States for the district where the said controversy arose, or where the award was made, and the same shall be made of record, and the said board shall report therewith the costs and expenses of said arbitrament, and judgment therefor shall be given by said court against said refusing party or parties, and collected as other judgments, and the sum recovered shall be paid into the Treasury."

The CHAIRMAN. The question is upon this amendment of the gentleman from Indiana [Mr. BROWNE] to the amendment of the gentleman from Missouri [Mr. WARNER].

The question being taken on agreeing to the amendment offered by Mr. BROWNE, of Indiana, to the amendment of Mr. WARNER, of Missouri, there were—ayes 51, noes 51.

The CHAIRMAN. The Chair votes in the negative; and the amendment is rejected.

Mr. BROWNE, of Indiana. I make the point that no quorum has voted. The vote of the Chair does not make a quorum.

The CHAIRMAN. The Chair supposed he had a right to vote. At any rate, the amendment not having received a majority of the votes cast, was lost before the Chair had voted.

Mr. HAMMOND. But I understand the question of a quorum is raised.

The CHAIRMAN. The point is raised that no quorum has voted; and the Chair appoints as tellers the gentleman from Indiana [Mr. BROWNE] and the gentleman from Missouri [Mr. O'NEILL].

The committee again divided; and the tellers reported—ayes 54, noes 92.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Missouri [Mr. WARNER].

Mr. O'NEILL, of Missouri, and Mr. CRAIN. We accept that.

Mr. SOWDEN. I desire to move an amendment. The proviso of the amendment of the gentleman from Missouri provides that "said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States." I move to amend by inserting after the words "United States" the words "to the number of six witnesses on each side."

The amendment was not agreed to.

Mr. ROGERS. I move to amend the amendment by adding the following:

Provided, That no commission organized under this act shall remain in session at the instance of any railroad company in the investigation of any case for more than nine months in any one year.

The amendment was not agreed to; there being—ayes 13, noes 46.

Mr. ROGERS. I move to amend the amendment by adding the following:

Provided, That no railroad corporation shall have subpœnaed and paid by the United States in any case more than one hundred witnesses whose testimony shall bear on any given point.

Mr. WARNER, of Missouri. This amendment shows the sincerity of the gentleman offering it.

The amendment was not agreed to.

Mr. ROGERS. I move to amend the amendment by adding the following:

Provided, That there shall not be more than fifty of such tribunals of arbitration in session at any one time.

Mr. LOWRY. I rise to a point of order. For the purpose of characterizing that amendment as I think it should be, I wish to say with all deference to my friend from Arkansas——

Mr. ROGERS and others. Regular order!

The CHAIRMAN. The Chair can not recognize the gentleman from Indiana to debate the proposition. The Chair understood he rose to a point of order.

Mr. LOWRY. I make the point of order that the amendment is purely frivolous.

Mr. ROGERS. A frivolous amendment is always germane to a frivolous bill.

The CHAIRMAN. That is not a point of order. That is a question for the Committee of the Whole to decide.

Mr. TUCKER obtained the floor.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Virginia has been recognized for the same purpose, as the Chair infers.

Mr. TUCKER. No; I wish to be heard on this bill. I suppose I can not be heard on it now. Can I offer an amendment to the amendment?

The CHAIRMAN. The Chair will recognize the gentleman for that purpose at the proper time.

Mr. TUCKER. Very well. I will move to strike out "fifty" and insert "one hundred." [Laughter.]

The CHAIRMAN. There is an amendment at the Clerk's desk already pending.

Mr. HAMMOND. I understood the Chair to decide that a frivolous amendment was not germane to this bill. [Laughter.]

The CHAIRMAN. Not at all.

The question recurred on Mr. ROGERS'S amendment; and it was disagreed to.

Mr. TILLMAN. I rise for the purpose of offering an amendment in good faith and by unanimous consent. I hope I will be permitted to explain it for one minute.

The Clerk read as follows:

Provided, however, Not exceeding $1,000 shall be paid out of the Treasury of the United States to defray the expenses of any single arbitration under this bill.

The CHAIRMAN. The gentleman from South Carolina asks for one minute to explain his amendment.

There was no objection.

Mr. TILLMAN. Mr. Chairman, there ought to be some limit to the expense to be incurred by these arbitrations, or otherwise there would be liability to great abuse. A political party or a railroad company or strikers might lay a heavy hand upon the public purse. And there is no use talking, sir, if this large body, one thousand miles away from the striking voters, is afraid of them, what can you expect of three arbitrators in the very presence of the strikers? They would summon every witness asked to be summoned. And the strikers, unfortunately, when they got tired of working, could get up a free circus at the expense of the Government. [Laughter.] There ought to be some limit. If not $1,000 then let it be $2,000, or $3,000, or $4,000. The bill is a farce at best in that there is no penalty to punish anybody for disregarding its provisions. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

The question recurred on Mr. TILLMAN'S amendment to the amendment.

The committee divided; and there were—ayes 78, noes 54.

Mr. CRAIN demanded tellers.

Mr. BRUMM. No quorum has voted.

The CHAIRMAN. The point of no quorum having been made, the Chair will appoint as tellers Mr. TILLMAN and Mr. CRAIN.

Mr. CRAIN. Will it be in order now to ask, by unanimous consent, for one minute to speak on the amendment proposed by the gentleman from South Carolina [Mr. TILLMAN]? [Cries of "Regular order!"]

The CHAIRMAN. The committee is dividing.

Mr. CRAIN. I merely wanted to say—— [Cries of "Regular order!"] We will show you the same courtesy hereafter.

The committee again divided; and the tellers reported—ayes 68, noes 62.

So the amendment to the amendment was agreed to.

Mr. WHEELER. I offer the following amendment to the amendment.

The Clerk read as follows:

And be it further provided, That the "tribunal of arbitration" shall sit from day to day until the award is made.

Mr. WHEELER. I ask by unanimous consent to have one minute.

Mr. BUCHANAN. The regular order was called upon us after we gave unanimous consent to your side.

Mr. WHEELER'S amendment to the amendment was disagreed to.

Mr. ROGERS. I offer the following amendment:

The Clerk read as follows:

Provided, Witness' fees shall not be allowed and paid by the United States, in any case, for more than three witnesses on each side, whose testimony shall be directed to any given point; and all fees shall be certified by the commission to the district judge of the United States of the district in which the commission is held, who shall tax and certify the same as fees in cases before said court.

Mr. WHEELER. I offer the following amendment to that amendment.

The Clerk read as follows:

Provided, That this shall not apply to any case when either party to the controversy makes affidavit that the witnesses proposed by them are necessary to a fair arbitration.

Mr. ROGERS. I accept that as a modification of my amendment.

Mr. ROGERS'S amendment as modified was disagreed to.

Mr. CUTCHEON. I move to strike out "ten" and insert "six dollars a day for the pay of commissioners."

Mr. BUCHANAN. Do not insist on that. They do not get traveling expenses.

Mr. CUTCHEON. At the suggestion of some members of the committee I withdraw my amendment.

Mr. BRUMM. "Common carriers" in the title of the bill should be stricken out and "railroad companies" inserted.

The CHAIRMAN. Amendments to the title come in after the bill has been passed.

Mr. CRAIN. I give notice I shall demand a separate vote and the yeas and nays in the House on Mr. TILLMAN'S amendment.

Mr. O'NEILL, of Missouri. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7479) to provide for the speedy settlement of controversies and differences between common carriers engaged in interstate and Territorial transportation of property or passengers and their employés, and had directed him to report the same back to the House with sundry amendments.

Mr. O'NEILL, of Missouri. I now ask the previous question upon the amendments and upon the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. The question is first upon the amendments reported by the committee. Are separate votes demanded?

Mr. CRAIN. I demand a separate vote on the amendment offered by the gentleman from South Carolina [Mr. TILLMAN], on which I shall ask for the yeas and nays.

The SPEAKER. The Chair understands that to have been an amendment to the amendment of the gentleman from Missouri; and the whole amendment must be voted upon if a separate vote is demanded. If no gentleman desires a separate vote upon any other amendments, the Chiar will submit all of them in gross.

Mr. REAGAN. I ask that the amendments reported by the Committee of the Whole be read.

The amendments were severally reported.

Mr. GROSVENOR. I did not understand from the reading of the amendments by the Clerk what disposition had been made of that amendment with reference to providing that the fees of witnesses shall be paid as they are paid in criminal cases in United States courts. If that amendment has been adopted by the committee I demand a separate vote upon it, as it will destroy the whole bill. The bill will be entirely worthless with that amendment.

The SPEAKER. The Clerk will report the lines to which the gentleman from Ohio refers. The Chair will state that they are parts of a long amendment, an entire amendment, agreed to in Committee of the Whole, and it can not be divided.

The Clerk read as follows:

That all of said fees and compensation shall be paid by the United States in like manner as fees and compensation are payable in criminal causes under existing laws, &c.

The SPEAKER. As the Chair has stated, this is a portion of a very long amendment.

Mr. GROSVENOR. Then I ask unanimous consent to substitute the word "civil" for the word "criminal" in this connection.

Mr. WARNER, of Missouri. That would not answer the purpose, because the fees of witnesses in civil causes are not paid by the United States

Mr. ROGERS. I object to the change.

Mr. GROSVENOR. Then I demand a separate vote upon that whole amendment.

Mr. ANDERSON, of Kansas. I demand a separate vote upon the amendment striking out the words "common carriers" in the bill and inserting the words "railroad companies."

The SPEAKER. If there be no other separate vote demanded than the three mentioned by the gentleman from Texas [Mr. CRAIN], the gentleman from Ohio [Mr. GROSVENOR], and the gentleman from Kansas [Mr. ANDERSON], the remaining amendments will be voted upon in gross.

The remaining amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment upon which a separate vote is demanded.

The Clerk read as follows:

Strike out, in line 4 of the first section of the bill, the words "common carriers" and insert the words "railroad companies."

The question was taken; and on a division there were—ayes 73, noes 14.

So the amendment was agreed to.

The SPEAKER. The next amendments upon which a separate vote is demanded by the gentleman from Texas and the gentleman from Ohio are embraced in the one amendment adopted by the Committee of the Whole, which the Clerk will now read.

The Clerk read as follows:

In section 5, strike out all after the word "arbitration," in the second line, and insert in lieu thereof the following:

"Shall receive a compensation of $10 a day for the time actually employed. That the clerk appointed by said tribunal of arbitration shall receive the same fees and compensation as clerks of the United States circuit courts and district courts receive for like services. That the stenographer shall receive, as full compensation for his services, 20 cents for each folio of an hundred words of testimony taken and reduced to writing before said arbitrators. That the United States marshals, or other persons serving the process of said tribunal of arbitration, shall receive the same fees and compensation for such services as they would receive for like services upon processes issued by United States commissioners. That witnesses attending before said tribunal of arbitration shall receive the same fees as witnesses attending before United States commissioners. That all of said fees and compensation shall be payable by the United States in like manner as fees and compensation are payable in criminal cases under existing laws: *Provided*, That the said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States: *Provided further*, That the fees and compensation of the arbitrators, clerks, stenograpers, marshals, and others, for service of processes and witnesses under this act, shall be examined and certified by the United States district judge of the district in which the arbitration is held before they are presented to the accounting officers of the Treasury Department for settlement, and shall there be subject to the provisions of section 846 of the Revised Statutes of the United States; and a sufficient sum of money to pay all expenses under this act, and to carry the same into effect, is hereby appropriated out of any money in the Treasury not otherwise appropriated; *Provided, however*, That not exceeding $1,000 shall be paid out of the Treasury of the United States to defray the expenses of any single arbitration under this act."

The SPEAKER. The question is on agreeing to the amendment which has just been read.

The amendment was agreed to.

The SPEAKER. This disposes of all the amendments.

Mr. BRUMM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. I understood the Clerk in reading the last amendment to include the $1,000 amendment.

The SPEAKER. He did. The Committee of the Whole House on the state of the Union reported this as an entire amendment.

The Committee of the Whole House on the state of the Union amended that section, and it comes to the House as one amendment.

Mr. BRUMM. Can we not have a separate vote on the $1,000 clause? It was a distinct amendment.

The SPEAKER. The House can not go over the proceedings in Committee of the Whole to ascertain how amendments were voted upon there. This is reported as one amendment.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. SPRINGER. As my friend from Missouri [Mr. O'NEILL] seems to be engaged at this moment, I move the previous question on the passage of the bill.

Mr. HEWITT. I ask to be recognized for a motion to recommit.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Would it be in order to move to refer this bill to a select committee, to be appointed by the Speaker, at this time?

The SPEAKER. The Chair thinks not. Under the rules of the House it is in order to move to commit to a standing committee or a select committee. But the Chair thinks that means a select committee already existing. The House can not now proceed to create a committee for the purpose of referring the bill to it.

Mr. SKINNER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SKINNER. Is it in order to move now to commit this bill to the Committee on Education?

The SPEAKER. It is in order to move to commit the bill, and the gentleman from New York [Mr. HEWITT] has sent up a resolution to that effect, which the Clerk will read.

Mr. CRAIN. I wish to say, the gentleman who proposed to make that motion must be an enemy to the bill, and must desire to kill it.

The Clerk read the resolution offered by Mr. HEWITT, as follows:

Resolved, That the bill be recommitted to the Committee on Labor, with instructions to report in lieu thereof a concurrent resolution expressive of the sense of the Congress that so far as may be practicable all controversies between employers and employés should be submitted to arbitration either by voluntary agreement or in accordance with law.

The question being taken on the motion to commit with instructions, there were—ayes 37, noes 96.

So (further count not being called for) the motion was not agreed to.

Mr. SKINNER. I desire now to make the motion I stated a few moments ago.

The SPEAKER. One motion to commit has been made, and that is all that is permitted under the rules of the House. The question now is on ordering the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is, Shall the bill pass?

Mr. BROWN, of Pennsylvania, and Mr. BRUMM called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 30, not voting 94; as follows:

YEAS—199.

Adams, G. E.	Eden,	Johnston, J. T.	O'Hara,
Adams, J. J.	Eldredge,	Johnston, T. D.	O'Neill, Charles
Allen, C. H.	Ellsberry,	Jones, J. H.	O'Neill, J. J.
Anderson, C. M.	Ely,	Kelley,	Osborne,
Anderson, J. A.	Everhart,	Ketcham,	Owen,
Barksdale,	Felton,	Kleiner,	Parker,
Bayne,	Findlay,	La Follette,	Payne,
Blanchard,	Fisher,	Laird,	Payson,
Bland,	Fleeger,	Landes,	Peel,
Bound,	Ford,	Lanham,	Perkins,
Boutelle,	Fuller,	Lawler,	Peters,
Brady,	Funston,	Le Fevre,	Phelps,
Bragg,	Gallinger,	Libbey,	Price,
Breckinridge, C. R.	Geddes,	Little,	Randall,
Browne, T. M.	Gibson, C. H.	Long,	Ranney,
Brown, W. W.	Glass,	Lovering,	Reed, T. B.
Brumm,	Goff,	Lowry,	Reid, J. W.
Buchanan,	Green, R. S.	Lyman,	Reese,
Buck,	Grosvenor,	Markham,	Richardson,
Burnes,	Grout,	Martin,	Romeis,
Burrows,	Guenther,	Matson,	Ryan,
Butterworth,	Halsell,	Maybury,	Sawyer,
Bynum,	Hanback,	McAdoo,	Sayers,
Caldwell,	Harmer,	McComas,	Scott,
Campbell, J. E.	Hatch,	McCreary,	Scranton,
Cannon,	Hayden,	McKinley,	Seney,
Carleton,	Haynes,	McMillin,	Sessions,
Clardy,	Henderson, D. B.	McRae,	Seymour,
Compton,	Henderson, J. S.	Millard,	Singleton,
Conger,	Henderson, T. J.	Miller,	Smalls,
Cooper,	Henley,	Mitchell,	Snyder,
Crain,	Herbert.	Moffatt,	Sowden,
Curtin,	Hiestand,	Morrill,	Springer,
Cutcheon,	Hiscock,	Morrison,	Stahlnecker,
Davenport,	Hitt,	Morrow,	Steele,
Davis,	Holman,	Murphy,	Stewart, Charles
Dawson,	Holmes,	Neal,	Stewart, J. W.
Dingley,	Hopkins,	Neece,	St. Martin,
Dockery,	Jackson,	Negley,	Stone, E. F.
Dorsey,	James,	Nelson,	Storm,
Dougherty,	Johnson, F. A.	O'Donnell,	Strait,
Swinburne,	Thomas, O. B.	Ward, T. B.	White, Milo
Swope,	Thompson,	Warner, A. J.	Whiting,
Symes,	Van Eaton,	Warner, William	Wilkins,
Tarsney,	Viele,	Weaver, A. J.	Willis,
Taulbee,	Wade,	Weaver, J. B.	Winans,
Taylor, E. B.	Wadsworth,	Weber,	Wolford,
Taylor, I. H.	Wait,	Wellborn,	Woodburn,
Taylor, J. M.	Wakefield,	Wheeler,	Worthington.
Taylor, Zach.	Ward, J. H.	White, A. C.	

NAYS—30.

Allen, J. M.	Davidson, A. C.	Hill,	Reagan,
Barnes,	Foran,	Howard,	Rogers,
Belmont,	Forney,	Hutton,	Sadler,
Bennett,	Glover,	Irion,	Skinner,
Breckinridge, WCP.	Hale,	Jones, J. T.	Tillman,
Crisp,	Hammond,	Norwood,	Tucker.
Croxton,	Harris,	O'Ferrall,	
Daniel,	Hemphill,	Perry,	

NOT VOTING—94.

Aiken,	Cole,	Hewitt,	Pulitzer,
Arnot,	Collins,	Hires,	Rice,
Atkinson,	Comstock,	Houk,	Riggs,
Baker,	Cowles,	Hudd,	Robertson,
Ballentine,	Cox,	King,	Rockwell,
Barbour,	Culberson,	Laffoon,	Rowell,
Barry,	Dargan,	Lehlbach,	Shaw,
Beach,	Davidson, R. H. M.	Lindsley,	Spooner,
Bingham,	Dibble,	Lore,	Spriggs,
Bliss,	Dowdney,	Loutitt,	Stephenson,
Blount,	Dunham,	Mahoney,	Stone, W. J., Ky.
Boyle,	Dunn,	McKenna,	Stone, W. J., Mo.
Brown, C. E.	Ermentrout,	Merriman,	Struble,
Bunnell,	Evans,	Milliken,	Thomas, J. R.
Burleigh,	Farquhar,	Mills,	Throckmorton,
Cabell,	Frederick,	Morgan,	Townshend,
Campbell, Felix	Gay,	Muller,	Trigg,
Campbell, J. M.	Gibson, Eustace	Oates,	Turner,
Campbell, T. J.	Gilfillan,	Outhwaite,	Van Schaick,
Candler,	Green, W. J.	Pettibone,	West,
Caswell,	Hall,	Pidcock,	Wilson,
Catchings,	Heard,	Pindar,	Wise.
Clements,	Hepburn,	Pirce,	
Cobb,	Herman,	Plumb,	

So the bill was passed.

Mr. LOVERING. Mr. Speaker, my colleague, Mr. COLLINS, is necessarily absent. He is paired with the gentleman from New York [Mr. BAKER] on all political questions. This not being a political question, if he were present he would vote "ay."

Mr. STAHLNECKER. Mr. Speaker, my colleague, Mr. BLISS, is unavoidably detained from the House. He is paired on all political questions, but if he were present he would vote "ay" on the passage of this bill.

Mr. MCADOO. My colleague, Mr. PIDCOCK, is unavoidably absent, owing to the death of a near relative. He is paired on all political questions with my other colleague, Mr. LEHLBACH, but this not being a political question Mr. LEHLBACH has voted "ay." Mr. PIDCOCK would, if present, vote "ay."

The SPEAKER. Mr. LEHLBACH has not voted.

Mr. MCADOO. I am informed that he is detained in his committee-room. He is in favor of the bill.

Mr. O'FERRALL. Mr. Speaker, my colleague, Mr. WISE, is absent, and is paired on this bill. If he were present, he would vote for the bill.

On motion of Mr. JAMES, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. OATES with Mr. LIBBEY, for this day.

Mr. ERMENTROUT with Mr. BURLEIGH.

Mr. BARBOUR with Mr. EVANS, of Pennsylvania, for the remainder of the day.

Mr. HEWITT with Mr. HIRES, on this bill.

Mr. CATCHINGS with Mr. DAVIDSON, of Florida. Mr. CATCHINGS, if present, would vote for the bill, and Mr. DAVIDSON against it.

Mr. COLLINS with Mr. BAKER, for the remainder of the day.

Mr. BEACH with Mr. CANDLER, on the labor arbitration bill. If present, Mr. BEACH would vote for the bill, and Mr. CANDLER against it.

Mr. TURNER with Mr. HERMAN, on this vote. If Mr. TURNER were present, he would vote against the bill.

Mr. CLEMENTS with Mr. FARQUHAR, on this vote. If present, he would vote "ay;" Mr. CLEMENTS "no."

Mr. GUENTHER. Mr. Speaker, my colleague, Mr. VAN SCHAICK, is paired with the gentleman from New York, Mr. BLISS. Mr. BLISS, I am informed, if present, would vote for this bill, and so would Mr. VAN SCHAICK.

Mr. WORTHINGTON. Mr. Speaker, my colleague, Mr. RIGGS, is absent on account of sickness.

Mr. BUCHANAN. Mr. Speaker, my colleague, Mr. HIRES, is paired; if he were present he would vote for this bill.

Mr. HOLMES. Mr. Speaker, I desire to state that my colleague, Mr. STRUBLE, who is absent, is paired; but if he were present he would vote for this bill.

The result of the vote was then announced as above recorded.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent to amend the title of the bill.

Mr. BAYNE. I object, until I hear what the proposed amendment is.
The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows:

Amend the title so that it shall read as follows:
"A bill to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés."

The SPEAKER. Is there objection?
Mr. O'NEILL. No objection, Mr. Speaker.
Mr. BAYNE. I object. I think the title is good enough.
Mr. BAYNE subsequently withdrew his objection; and the amendment was agreed to.
Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

FREE COINAGE OF SILVER.

Mr. JAMES. Mr. Speaker, I now call up the bill (H. R. 5690) for the free coinage of silver, and for other purposes.
Mr. BLAND. Mr. Speaker, I ask unanimous consent that the House at half past 5 this afternoon take a recess until half past 7 p. m., the evening session to be devoted to debate upon this bill and no other business to be transacted.
There was no objection, and it was so ordered.
Mr. FULLER. Mr. Speaker, the heated controversy now going on by extreme advocates on opposite sides of the gold and silver question is one not calculated to benefit the country or advance its prosperity. To the deliberate, contemplative citizen it has the look, on both sides, of having been inspired by selfish desires. To listen to the silver orator who owns the bonanza mines of the West one would think silver was the great desideratum. On the other hand, the class who can only look through golden glasses seem to have no doubt but that the suspension of our silver coinage is the one thing needful to insure prosperity. For one, I am disposed to believe that many in each one of these classes are inspired by personal interest. The one would reduce values beyond all precedent; the other expand to such an extent that stability would be unknown.
I am forced, therefore, to look about and endeavor to ascertain if there is not a more rational course to pursue, one not in the interest of contraction or inflation, the adoption of which will meet with the sober sentiment of the country. The United States, with the exception of about five years, has ever been a gold and silver country. It is thoroughly committed to bimetallism. These two metals have been used as money during all the ages and in this country ever since the adoption of the Constitution, which states that "no State shall make anything but gold and silver coin a tender in payment of debts," and it is fair to presume that they always will be used for this purpose. We know as a fact that the market ratio between gold and silver has been greatly increased since 1873; that the actual ratio, instead of being from 1:15½ or 1:16, is now more than 1:20. This is not simply in the United States but wherever there is a market for the two metals throughout the world.
It is not necessary to discuss now the reasons for this difference between these metals, although we might say in passing that the action of the Latin Union, Germany, and the United States in 1873-'74 had more to do with causing this wide difference than any other cause. The question is, what shall be the policy of the United States? I shall assume in what I have to say that the time has not arrived for this country to consider the question from the single standpoint of our own country, but that as a great commercial nation it is our policy to consider the question from an international standpoint.
I admit that the time may come, and sooner than we now anticipate, when we must decide the question without reference to other countries. Under the Bland act of 1878 we have been coining about $2,000,000 per month. This is a forced coinage. Shall this law be permitted to remain for the present? Shall we have free coinage, or shall we suspend the coinage of silver? Theoretically I am for the free coinage of silver and gold, and I believe that our entire legislation should look to that end; but the question is, What shall we do at this session and what public policy should be pursued by our officials? There has been much said by the extremists that never should have been said. Gentlemen have stated on this floor that they were in favor of both metals, and yet every argument stated was against silver and in favor of gold.
There is a well-grounded apprehension that many of those who claim that they favor bimetallism and who demand as a means to that end the present suspension of silver coinage will, in that event, at once ally themselves with that class who favor the single gold standard, if they are not already in such alliance. Again, the arguments of those in favor of suspension are so ill-tempered. They originate as a rule from the money centers, and these champions assume a dictatorial and all-wise manner, and the suspicion is gaining currency, and there is reason for it, that suspension is a scheme to contract values and make the purchasing power of a dollar greater than heretofore.
The history of the bankers, money-holders of the East, and especially the business men of New York city, to whom my friend from New York [Mr. JAMES] delights to refer, during the past twenty years has not been such as to inspire confidence in the disinterestedness of their motives, and the opinion is fast becoming widespread that the people are fully as competent to determine the kind of money and its volume as bankers and Wall street. Many of the metropolitan papers seem to be in accord with the bankers in this demand for suspension, and as an illustration I will read an extract from a marked copy sent me of the New York Independent, dated March 4, 1886, a paper standing at the head of the list among papers of its class—a great paper, ably edited, but a paper that has done as much as any one other instrument in this country to cause a separation of the two metals.

GOVERNMENT MORALITY—SEVENTY-NINE-CENT DOLLARS.

We can not expect the people of this country to be very distinguished for their morality while the Government, by its laws and practices, is directly teaching immorality.
A man who passes a counterfeit coin composed in part of silver or gold and the balance of it in some inferior metal is called a swindler, and is very unceremoniously hustled off to prison. The Government of the United States, however, may cheat in that direction, and force the people to take millions of 79-cent dollars, and then claim that such counterfeit morality deserves the name of honesty. It proposes still to do, in the future, as it is now doing, an act even worse than this—it proposes not only to cheat the people by compelling them to take these 79-cent dollars, but to lie about them also by calling them dollars. It now says to the world that these swindling 79-cent coins shall be called, each and every one of them, "one dollar," and be so stamped on the face of every one of them. By this monumental immorality the Government of the United States of America is now, in the judgment of all honest men, the world over, entitled to the high rank of being called the chief counterfeiter and champion liar among all civilized and uncivilized nations. This is, to be sure, very plain talk; but it is nevertheless the solemn truth.

Upon what ground does this paper say "the Government of the Unted States of America is now, in the judgment of all honest men the world over, entitled to the high rank of being called the chief counterfeiter and champion liar among all civilized and uncivilized nations?" Perhaps the Independent and its followers will inform the country the name of the civilized country that issues a silver coin of greater intrinsic value than the United States. Do not such contraction advocates know that silver is as much the money of the world as gold, and that it is supreme nonsense for one, two, or three nations to attempt to permanently demonetize silver? If we wanted simply to make a silver speech we would say that silver is the money of the people throughout the world.
We find that nearly eight hundred million of the people of the world use silver only, less than two hundred million use gold and silver, and less than one hundred million use gold alone, as unlimited legal tender, and this last mentioned class uses a large amount of silver (limited) in order to carry on business affairs. Germany is put down in the tables as a gold country, yet she has one hundred and fifty millions of silver as a full legal tender. We would call attention to such papers as above mentioned which denounce this country as dishonest that in the United States the ratio between gold and silver is fixed at one pound of pure gold to sixteen pounds of pure silver, while in all Europe, which is held up to us as an example of "honesty," the ratio is one pound of gold to fifteen and one-half pounds of silver. The estimates of the statistician is that the amount of money in the world, silver and gold, is, gold, $3,513,000,000; silver, $3,750,000,000. That is about 48 per cent. gold and 52 per cent. silver. It will be seen that if the gold and silver were evenly distributed among the nations they would be about equally divided.
It is estimated by good authority that France has 60 per cent. gold and 40 per cent. silver; Germany 61 per cent. gold, 39 per cent. silver. In Belgium over 48 per cent. of the coin is silver; United States, 68 per cent. gold, 32 per cent silver. If we should bring our proportion of the two metals to the world's ratio of 52 of silver to 48 of gold we should need more than as much again silver as we have at present. The people need not be alarmed for fear that silver will be stricken down. In order to show the interest the world has in maintaining the two metals, I would call your attention to the following tables taken from the report of the silver commission of 1877, showing the kind of money used as a standard in different countries and their population. Since said date the relative positions of these countries has not been materially changed except our own country:

GOLD-STANDARD COUNTRIES.

Great Britain	32,000,000	Norway	1,700,000
Canada, Cape of Good Hope, and Australian Colonies	7,000,000	Sweden	4,300,000
Germany	42,000,000	Total	87,000,000

SILVER-STANDARD COUNTRIES.

	Population.		Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE-STANDARD COUNTRIES.

Greece	1,400,000	France	36,200,000
Roumania	4,000,000	Belgium	5,100,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,600,000	Italy	26,800,000
Chili	1,900,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

Why this charge of swindling on the part of our Government? Is it not true that there is as much pure silver in our dollar to-day, and ever has been during our history, as there was when first coined in 1792?

I desire to call attention, as a part of my argument, to the table furnished by the Director of the Mint, showing the stock of gold and silver coin and bullion in the principal countries of the world.

Stock of gold and silver coin and bullion in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$609,000,000	$283,000,000	$892,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 12	41 54
France	37,672,048	848,000,000	594,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626	9,300,000	5,915,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	381,000	281,000	662,000	2 06	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 56	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	5 97	5 16	11 13
Italy	28,452,639	†146,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,860	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	762,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,669	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,235,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26
Turkey	24,987,000	39,600,000	35,200,000	74,800,000	1 59	1 41	3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	1 33	1 33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,000,000	123,000	2,123,000	96	06	1 02
Chili	2,420,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	438,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,333,712	136,333,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total	.....	3,292,106,836	2,775,611,080	6,067,717,916			

*Estimated by the Director of the Mint. †Wahrung's Politik, 1884. ‡Bank reserves only.

Next to the newspapers, of which the paper mentioned is an example, the associated national banks have ever since 1878 been hostile to the coinage of silver. It is reported that a president of one of the New York banks said, at the national bankers' convention at Louisville, Ky., in 1883, in referring to continued coinage, "That rather than have the outrage continue it would be better that the whole amount of those rejected dollars that now encumber the Treasury vaults should be sunk in the sea." These bankers—"business men"—referred to by the gentleman from New York [Mr. JAMES], when he said in the following modest words, "I have no doubt that if the business men had had the power to deal with the silver question the team of State would not have been stalled in the mire as it is now, and it is largely their fault that it is so, for they knew what the end would be," are wonderful prophets.

You can refer to scarcely a single financial movement of the Government during the war but what they held up their hands in holy horror and depicted the calamities to follow their adoption to the country. When the law-making power in 1878 said we would remonetize silver and coin from two to four million per month these same "business men" again looked wise and said it could not be done without utter and immediate financial ruin to the country. Yet we survived. The business men have never got it through their heads how it was accomplished in opposition to their business judgment. The fact is these bankers make a merchandise of money. They can not always be trusted when it comes to a question in which the whole people are interested as well as themselves. They are so in the habit of weighing everything on their own scales, leaving a portion of the proceeds in their own till, that they forget that other people have rights and need protection as well as themselves.

The fact is, these business men who are engaged in banking see the handwriting on the wall. They are fearful that the days of the present system of national banks are numbered, and they are striving in every possible way to continue the system. But they must go. The national debt will be paid, and soon the unnatural policy of banking on an interest-bearing debt and issuing circulating notes thereon will cease. If these business bankers had the sagacity claimed for them, they would accept the situation—they would say to the Government, keep coining silver, issue your certificates, and we will continue our banking based upon certificates, silver and gold instead of bonds. If this course was adopted, does any one doubt but that silver would be appreciated at once in value?

I do not desire to discuss this question from the standpoint of what is the interest of any particular class. I do not wish the question to arise, practically, as to the kind of money the creditors of the Government shall receive their pay. I want this nation to have such a stable currency that the question need never be asked as to the particular kind of money, but that its silver, its gold, and its paper circulation shall constitute a triune one, equally desired by the creditor as well as the debtor. The creditors of the Government have assumed much importance to themselves in the past. In 1868 the question became prominent as to how the 5-20 bonds should be paid. The owners of the bonds insisted that they should be paid in coin. A large class of our people then said that as these bonds had been purchased with legal-tender notes at par—that for $100 in greenbacks they received a one hundred-dollar bond drawing interest at 6 per cent. payable in coin, and that as the greenback when these bonds were purchased was only worth an average of 70 per cent. in coin—that it was equitable and right that the debtor could pay his bond in the same currency. The bondholder became furious. His righteous indignation swelled up within him as he insisted on receiving a currency worth much more than what he paid for his bond.

Mr. SHERMAN, who now seems to be a little demoralized as to silver, then said:

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds.

The bondholders succeeded in their demands, and in 1869 Congress passed a law that the principal of the bonds should be paid in coin. In the refunding act of July 14, 1870, it was declared and printed on the back of each bond, "That it shall be paid in coin of the then standard value prescribed by law." Now, without criticising further their action or the action of Congress, I will say for one I shall stand by the letter of the present contract. While I would not say which kind of coin you shall take in payment of your bond, neither would I permit the bondholder to say the only kind of coin he would receive in payment. The standard of gold and silver July 14, 1870, when these bonds were refunded, was the same as now. The bondholder demanded coin; and coin of standard weight and fineness he shall receive. Why should he complain? The silver dollar to day is equal to the gold dollar in every private transaction in the United States, and practically convertible into a gold dollar at will of the holder.

The Government officials are adverse to the payment of the bonds. They seem to be wedded to a continuance of the present system of banking based on an interest-bearing debt. We find the Comptroller of the Currency for 1884 says, "It is a question if it would not be of ultimate benefit to the country and a payment of the debt to reduce the interest upon it to a minimum rate, and defer the payment of the principal, thus

giving for many years a safe basis for national-bank circulation." This language is quoted with apparent indorsement by the last Comptroller of the Currency, under the present administration, on page 15 of his report. The Treasurer of the United States is violating his duty and oath of office in discriminating against silver. He complains that the vaults are full and overflowing. The people of the country are asking why he does not pay out this silver in the payment of bonds now subject to call. The following is the reference to the law under which these 5 per cent. bonds were issued:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November, in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

Also, on the face of the United States 4 per cent. bond, we find:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July, in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

I quote the foregoing in connection with the action of the Government officials in discriminating against silver when it comes to the payment of debts, to show the reasons why silver has depreciated. It seems that the Government, bankers, and the money centers have done all in their power to break down silver. We shall see whether the wishes of the people shall be thwarted. During the war our Government paid its heavy coin payments in what was only a 96 or 97 cent gold dollar as measured by silver. Our suspension friends say that for years prior to 1865 there had been scarcely any silver coined. Why do they not give the reason? They know that it was because the bullion value of the silver dollar after the act of 1834 was between 3 and 4 per cent. over gold.

It can be easily shown that for the first one hundred years of this nation silver was subject to less fluctuation than gold. I have not the time to enter upon the comparison, but the student of history remembers that in 1834 Congress reduced the weight of the gold coins, taking over 6½ per cent. of standard gold out of each dollar that was coined after that date; and yet there was no complaint at the time, although the debtor class had the advantage of 6½ per cent. on all payments made in gold. If our "business" bankers of the present day had been on "earth" at that time we would have heard one eternal wail go up in regard to the obligation of contracts and the duty of the Government to pay in the highest metal. Probably Mr. Tilden, who at that time must have been nearing the close of his business life, and his associates, instead of purchasing foreign-gold exchange, as they are now reported as doing, were making their calling and election sure by investing in foreign-silver exchange. [Laughter.]

It may be of interest here to call attention to the following table, taken from The History of Bimetallism in the United States, by Laughlin, showing for a period of forty years, average gold equivalent of the silver dollar of 412½ grains, by years, according to our standard of 1:16:

Years.	Value in gold.	Years.	Value in gold.
1834	101.62	1854	104.26
1835	101.20	1855	103.95
1836	101.72	1856	103.95
1837	100.98	1857	104.69
1838	100.88	1858	103.95
1839	102.36	1859	105.22
1840	102.36	1860	104.58
1841	101.83	1861	103.10
1842	100.77	1862	104.16
1843	100.34	1863	104.06
1844	100.88	1864	104.06
1845	100.46	1865	103.52
1846	100.56	1866	103.63
1847	101.20	1867	102.67
1848	100.88	1868	102.57
1849	101.30	1869	102.47
1850	101.83	1870	102.67
1851	103.42	1871	102.57
1852	102.57	1872	102.25
1853	104.26	1873	100.46

This is a question that merits our careful consideration. Our debts and contracts are based upon gold and silver upon a relation of 16 to 1. Now, shall we contract the currency by suspending the coinage of one metal and thereby increase the purchasing power of money? Or rather, if there is to be a change, would it not be more fair and in the interest of the many to require a reduction of the bullion in the gold dollar, as has been done on more than one occasion during our history, or at least divide the disparity? Our friends of the opposition forget one thing—that gold has appreciated. It has been shown over and over again that silver will purchase as much of the commodities as at any time during the past twenty-five years. If we must make a change, let us be fair to the debtors. The indebtedness of this country is immense. Taking the United States—State, municipal, county—railroad and private debts, and it can not be less than $15,000,000,000. The private debts alone we can safely estimate at from eight to ten billion.

If a difference is to be made in favor of any class, why not look after the interest of this vast army of debtors who are striving in every possible way to lift the great weight of debt from their shoulders. When we find the money interest of the East all on one side you can not but know that a suspicion will arise among the great debtor class that there is danger of their interests being affected. I would not attempt to estimate the number of millions in mortgages on the farms in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Kansas held by Eastern money-lenders, but it aggregates an immense amount. I will say for the people of those States that they are willing and anxious to pay their indebtedness according to the law of the contract, but they do protest against a policy which, if adopted, will contract the currency, increase the purchasing value of money, and compel them to expend 15 to 25 per. cent. more labor than they otherwise would to pay their indebtedness, which they believe will take place if we are forced to the single standard of gold.

I say that it is fully as reasonable a line of policy for the debtor class to oppose suspension as it is for the New York Board of Trade and Transportation to send out its confidential circulars prior to the formation of the Coinage Committee asking that personal letters be written to the Speaker of this House urging him to refrain from placing silver men on said committee, and asking co-operation in influencing public sentiment in favor of early suspension, as referred to and fully set forth in the speech of Mr. LANHAM, of Texas; or for the great savings-banks of New York to send out their circulars to members of this body favoring suspension—all done in the interest of the creditor class. But I believe that it should be the real aim of law-makers to legislate for the whole people and not for any special class. I had supposed that, if you are obliged to make a distinction, it was the duty of the legislative power to legislate for the greatest number. On this theory the debtor class would first receive our attention.

There is no doubt but that the great agriculture class, that great conservative force upon which, in my judgment, the perpetuity of this nation largely depends, want a stable and fixed currency. It is to their interest that values should not be shifting. They are, however, becoming somewhat restless. They think their interests receive but little attention, and certainly they do not receive the attention they deserve. While their interests are the largest in the country and make up the great wealth of the Republic, yet the Agricultural Department is a mere bureau. The bureau of animal industry occupies rooms divided off by boards in the roof story of the agricultural building. The dreaded disease of pleuro-pneumonia is in four hundred and fifty-five herds in this country, yet Congress is tardy in taking hold of the question with a strong arm and wiping it out.

The great butter and cheese interest is being endangered by a fraud, and no remedy is provided. Special interests seem to have able defenders on this floor, but there is a wonderful apathy for the agriculturist. We find the great protective interests keep able representatives in this body, who have grown gray and venerable in the service, and who at all times use their ability and experience in keeping the tariff up to the old standard. The money interests and the banks have able defenders in Congress. The laboring men are uniting and seeing that they are specially represented, and they are demanding legislation to protect themselves from the power of monopolies and combined capital.

But here is the agriculturist, who works for the next eight months on an average of fourteen hours each day, not only himself but his wife and children, with but little society but the books and papers which he so largely takes and reads; who is looking after his interest? He has in all probability a mortgage of from $1,000 to $2,000 on his farm; every effort is being made to pay it and provide a home for his old age, but he sees all other interests specially protected but his own. He sees the nations of the world adopting a policy to increase the value of money, and also a disposition in this country on the part of the creditor-class to follow their example; and is it any wonder that there is a restless and alarmed condition even among this conservative element.

Let us look at this question for a moment in a practical way, and see if there is any necessity for us to follow in the footsteps of England and other nations. Gold and silver are the money of the world. Both metals are used in about the same proportion, although there is more silver than gold. Does any sane man believe that there will be a permanent demonetization of silver throughout the world, or even in any considerable portion of it? Self-interest on the part of the nations will oppose any permanent demonetization, and the present condition is only temporary and in the interest of creditors, which is bound to be corrected as soon as public attention is generally and fully directed to the great question. As long as the two metals are used as money its value and the ratio between them should be fixed by international arrange-

ment or by concurrent legislation. There can be no such thing as permanent stability in values in any other policy.

Suppose for instance that the leading nations fix their own ratio—one at 1:15½, another 1:16, another 1:20, and so on, then there must be, so long as commerce exists, so long as silver and gold have a commercial value, no such thing as permanence in values, because the effect of such divergent ratios would surely end in some countries having all the silver and others all the gold, and prices would shift and change accordingly. If each nation is to fix its own ratio, we in one sense do away with the currency of the world, and we might about as well fix as a basis a bushel of wheat or a steer of given weight and age.

There is only one solution of this question upon a proper basis, and that is, so long as we use gold and silver throughout the world that we have a common ratio. Our fathers built on a solid foundation when they established that the legal-tender coins of the United States be made of both metals, and this policy continued until 1873. It might be well to refer to the views of some of the statesmen of modern times. Mr. Blaine, in a speech delivered in the Forty-fifth Congress, said:

I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in the end throughout the commercial world. The destruction of silver as money and establishing gold as the sole unit of value must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property. If, as the most reliable statistics affirm, there are nearly seven thousand millions of coin or bullion in the world, not very unequally divided between gold and silver, it is impossible to strike silver out of existence as money without results which will prove distressing to millions and utterly disastrous to tens of thousands.

Ex-Senator Thurman, of Ohio, in 1881, in his speech at the monetary conference, used these words:

I believe that bimetallism will ultimately prevail; for I can not see how the vast structure of credit, the most distinguishing feature of modern industry and commerce, can be supported on a gold basis alone. With both metals, its base has often been found too narrow; but with one it would be, to my apprehension, positively unsafe.

WILLIAM M. EVARTS, at the same conference, said:

As there never had been a time in history when silver and gold had not been necessary and been used as money, or when their united strength was more than adequate for the unfolding progress of society, so above all things in this age and in the actual circumstances of the world was this true.

There is only one permanent solution of this question, and that is, so long as gold and silver are used throughout the world we have a mutual understanding as to ratio. All the signs indicate to me that we are to have it, and for one I am in no haste to take action in this House at this session. We want the people to understand that we will look out for their interests. We are doing this under the present law. Under the Bland law forty-eight millions can be coined each year. The total output of silver last year in this country was only about forty-eight millions, and it is estimated that we used nearly nine millions in the arts. It therefore follows that if the administration looks out for the interest of our silver producers the entire product would be coined and several millions besides.

The fact is that the course of the present administration has had much to do with the decline in silver bullion during the past year. This is shown by extracts from foreign papers which I have taken from the speech of a prominent ex-Senator made a few weeks ago, who is very careful in the making of statements. He alleges that in the beginning of 1885 the London price of silver per ounce was 50 pence, and it fell to 47½ pence on the publication in the London Times of the following dispatch received from the United States, under date of September 16:

A Cabinet council was held yesterday to consider the silver question. Both the President and Secretary of the Treasury will recommend Congress to stop the coinage of silver dollars.

The London Economist of September 12, in referring to the decline in silver, stated:

In the main, it is only the old cause—apprehension as to the future of silver—which has been inoperative for years, but which has recently been revived and intensified by the agitation in the United States against the continuous coinage of silver.

The London and China Telegraph of September 26, in commenting on the semi-panic, said:

At a Cabinet council held in Washington, on the 15th instant, it was resolved to recommend Congress to stop coining silver under the Bland bill, and the semi-panic on Thursday, September 17, was a not unnatural consequence.

The London Banker's Magazine said:

The agitation of the repeal of the Bland act is a main cause of the depreciation. The amount of silver coinage in the States is £5,000,000 annually, and were Congress to sanction an abrogation of the law that enforces the absorption of that amount by the Treasury a complete glut would doubtless be seen in the market.

The Manchester Guardian of the 16th of October says:

The recent heavy fall in the silver market and the Eastern exchanges has been caused mainly by an apprehension of the repeal of the American silver coinage act of 1878.

Now let Congress give the world to understand that there is to be no suspension of silver coinage, and there is no doubt but that there will be a decided appreciation in the value of silver bullion.

Bimetallism is becoming the subject of consideration all over the civilized world. The question is booming up like a great cloud all over Europe, and the contest is approaching. Germany is arguing the question in the Reichstag. Hundreds of agricultural societies have sent petitions to Prince von Bismarck "declaring that the farming interest demands the re-establishment of the bimetallic plan and that the monometallic plan is in the interest of money-lenders and capitalists alone." France, as well as all the states of the Latin Union, are now ready to meet us, and even England can not "down" the question. Mr. H. R. Grenfell, ex-governor of the Bank of England, in an address at Manchester upon bimetallism, February 16, 1886, closed by saying:

Now, what do we want you to do? It is to give us your support in endeavoring to press on the Government the advisability of doing that which all other governments have done, namely, of studying it, as the Germans have, of coming to a conclusion on it, as the Americans have, or of appointing a permanent special commission to watch it, as the French have, and to negotiate with these governments, if they are willing, through our diplomatic agents. We believe that the other nations are perfectly willing to enter into treaties, not only if we bind ourselves, but even if we are ready to take minor measures short of an immediate and absolute adhesion.

The following dispatch to the Chicago Tribune shows the effect of the demonetization of silver on the imperial interests of England:

[Via Mackay-Bennett cable to the Tribune.]

LONDON, *March* 29, 1882.

The strong report of Sir Auckland Colvin, the financial member of the council of the governor of India, on the condition of the Indian finances confirms all my intimations concerning the effect of the demonetization of silver upon the imperial interests of England. The subject is certain to compel the early and intelligent attention of the government, the only alternative to its neglect being bankruptcy in India and the ruin of the export trade of Manchester. At the personal request of Lord Iddesleigh, Sir William Harcourt, chancellor of the exchequer, consented to refer the silver question to the commission inquiring into the causes of the depression of trades. Mr. Morton Frewen proposes a loan of £50,000,000 to India, which shall be converted into silver. The Bank of England is also considering the question of its authority to issue notes against silver without a special act of Parliament.

I believe the time is near at hand when the question will be settled. At present we are doing very well. We issue a better silver dollar than any leading nation in Europe. We are in a position to have something to say upon the question, situated as we are between the great nations of the East and West. Let us look out for our own interest. For my part, I should prefer that the present law (Bland act) should continue on the statute-books until another session. Let us return to the people and discuss it. Good will come from the consideration. In the mean time the agitation will go on in Europe, and by another winter, or, at farthest, another Congress, the question can be intelligently considered in all its phases. On the other hand, if it is insisted that now is the accepted time, if the question is forced to an issue as presented by the President, his Secretary, and the capitalist of the East, then I say, as between suspension and free coinage of silver, I shall vote for free coinage.

Suppose we suspend, then what? You say we will in that event be able to treat with other nations on this question, while now they refuse. Do you seriously believe that the coining of two million per month is a material element in influencing other nations permanently to refuse to remonetize silver? Certainly not. If you suspend you are only assisting the money-loaning nations to reap a rich return that always follows a commotion in monetary affairs, and also give them a fresh reason through our example for insisting on the single standard of gold. No; let us give the nations of the world to understand that this young but rich Republic, rich in its resources, its agricultural lands, its mines of coal, lead, petroleum, iron, gold, and silver, will not be dictated to upon this question; that while we are ready to treat as to the ratio, yet silver and gold shall continue, as it ever has, to be the money of the world.

There is another consideration why we should have an international standard, and that is we shall probably make money by it. The ratio between gold and silver in Europe is 1:15½, in the United States 1:16. It is not to be supposed that Europe with its one thousand millions of silver will come to our standard of 1:16. The loss would be too great. It would be far better for us to adopt their standard of 1:15½, in which event we would make about 3 per cent., which is no small item. We would probably make on the amount of our present silver coin between six and seven million dollars.

It is a favorite idea with many that this great country, situated far from the money powers of Europe and rich within itself, can determine its own monetary affairs. I admit we could do this if we lived within ourselves. If we had a Chinese wall built around us and had no intercourse with other nations we might act entirely without reference to the balance of the world. But so long as we use the world's metals as money, so long as there is commerce, and we look to other nations for traffic and markets, we should, necessarily, in the very nature of things have some understanding with the world in reference to the great standards of value and exchange; and while I say we should have an international standard and should endeavor to come to some understanding with other nations, yet I would not follow the dictates of the money powers across the water. The time has come for this nation to assert its dignity and power among he nations of Europe.

I view the situation in monetary affairs with alarm, and it will take wise statesmanship to avoid the rocks and breakers before us. The nations are becoming restless. The great gigantic railroad enterprises of the world are fast bringing the nations together to one common market. Distance and time are almost lost sight of. The dynasties of

Europe, which are depending on the accumulated wealth of centuries for their continuation, are in fact tottering, and their life is short; but they are endeavoring still to maintain their power and wealth by a discriminating policy in reference to the world's metals. The time has come for this young, vigorous, gigantic nation, wonderful in its possibilities, to assert its own proper influence with firmness and moderation. The contest between silver and gold is going on in Europe with every indication that bimetallism will succeed.

The United States stands to-day upon good ground. We called a halt in 1878 toward the tendency to further demonetize silver when we remonetized the metal. We are using both metals and keeping them equal with no immediate cause for alarm. In other words, we are doing well. We are in a position to treat with other nations on fair terms. Let the contest go on in other lands. We know, from the very nature of things, that bimetallism will be the final result and that both metals will be put on a parity. This is no time for us to experiment with extreme measures. Let us take such a course that our people will have confidence that the metals selected by our fathers shall continue to be used as they intended, and that no distinction shall be made between them to the injury of any class. We must have confidence among the people if we desire prosperity. I fear, taking the conditions as they are, that if this Congress should suspend the coinage of silver there would be such a political revolution in this country as was never witnessed. It would be taken by the large producing class as an indication that the legislative power of the Government was looking alone to the interests of the creditors.

Mr. Speaker, I have given this complicated question the best attention and consideration that I could with the manifold duties pressing upon us here, and I have come to the determination, until the conditions change, to let well enough alone, and shall vote accordingly. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Ten minutes.

Mr. FULLER. I desire to reserve that, having promised to yield it to another gentleman.

Mr. PAYSON. Mr. Speaker, the subject-matter of this debate has probably received more attention, been the subject of more discussion, and the occasion of more books, pamphlets, and documents than any question which has excited public interest for the past twenty-five years.

Indeed, the question of the single or double monetary standard has been one of the foremost in all civilized nations for the past century.

Because of the conceded fact that in every nation its monetary system is of fundamental importance, the best minds of the world have discussed the question in all its bearings, and it may be safely assumed that the desirability and utility of using both gold and silver as money has been decided in the affirmative by the general judgment, as well as the practice, of most nations for centuries; indeed, since the dawn of civilization.

It is not my purpose, Mr. Speaker, to go into any of the arguments by which this practically universal custom is sustained.

I take it that in a general way every one who does me the honor to listen to me to-day is familiar with these oft-repeated reasons for the use of gold and silver as money metals.

This nation has always been bimetallic.

A brief résumé of our coinage system may not be out of place; omitting references to subsidiary coins, alloys, and trade-dollars, simply dealing with the history of the monetary unit, and the amount of pure metal in the dollar coins.

History of the monetary unit and the amount of pure metal in the dollar coins.

Periods between dates when coinage acts of the United States took effect.	Coinage of their gold into dollars, free to all.	Coin gold dollar and its multiples an unlimited or full legal tender.	The dollar of the United States.		Coinage of their silver into dollars, free to all.	Coin silver dollar an unlimited or full legal tender.	Ratio of weight of the dollar in pure gold to ratio of weight in pure silver.	Ratio of same weights in France all the while, and in the great coinages of Europe now.
			Pure gold.	Pure silver.				
			Troy grains.	*Troy grains.*				
April 2, 1792, to July 31, 1834	Free coinage..	Full tender.	24.75	371.25	Free coinage.....	Full tender.	1:15	1:15.5
July 31, 1834, to January 18, 1837	Free coinage..	Full tender.	23.20	371.25	Free coinage.....	Full tender.....	1:16.002 1:16+	1:15.5
January 18, 1837, to April 1, 1853	Free coinage..	Full tender.	23.22	371.25	Free coinage.....	Full tender.....	1:15.988 1:16—	1:15.5
April 1, 1853, to April 1, 1873	Free coinage..	Full tender.	23.22	371.25	Free coinage.....	Full tender.....	1:16—	1:15.5
April 1, 1873, to June 20, 1874	Free coinage..	Full tender.	23.22	371.25	Limited	Full tender.....	.....	1:15.5
June 20, 1874, to February 28, 1878	Free coinage..	Full tender.	23.22	371.25	Limited	Limited to $5, § 3586, R. S.	.....	1:15.5
February 28, 1878, to December, 1885	Free coinage..	Full tender.	23.22	371.25	Limited	Full tender.....	.....	1:15.5

By this table it will be seen that the silver dollar has never been changed since the formation of the Government; it has always contained the same amount of pure metal that it now has; and as to its relative value to gold from 1760 to 1874, silver was always undervalued; that is to say, an ounce of gold would not buy 15.98 ounces of silver, the rates fixed by law.

It will be seen, too, that the difference in the bullion values of the two metals was a matter of consideration by the Congress, and attempts were made in two instances to equalize their value by changing the amount of pure metal in one of the coins. This was regarded as a perfectly legitimate exercise of legislative power, and the policy was, as the gold dollar was too valuable as compared with silver, to equalize the coins by taking a few grains out of the gold dollar.

So, by the act of June 28, 1834, the number of grains in the gold dollar was decreased from 24.75 grains to 23.2 grains. Silver was the standard, and to make an equality between the bullion and monetary value, the gold was reduced.

It should be remembered also that up to the act of March 3, 1849, 9 Statutes, page 397, no such coin as a gold dollar was known.

This act provided for the gold dollar, declared it to be of the value of a dollar; the only dollar that had up to this date been created and coined was the standard silver dollar. The law did not make a gold dollar, but authorized the issuance of a gold piece of the value of a dollar.

The language of the law is:

> That there shall be, from time to time, struck and coined, &c., * * * and gold dollars, each to be of the value of one dollar or unit; * * * and the gold dollar shall be a legal tender for one dollar.

The dollar was the money of account and the unit of value by which the gold was valued.

This being true, and both metals having been used as money metals during all these years, and as the silver dollar was originally the standard and was never dethroned except by the accidental omission of it by name in the revision of the laws as reported to the Forty-third Congress, the natural inquiry is, what conditions exist; what circumstances have arisen which make it either undesirable or improper to continue the recognition and use of both metals as heretofore?

For myself, I want a currency which shall be used alike for the laborer and the capitalist; for the man who fulfills the curse pronounced on the race by earning his bread by the sweat of his brow; for the farmer and the fundholder; for he who digs and delves, as for he who depends on a fixed income. One currency for all, which shall not be, by reason of its diminishing or diminished volume under the control of those whose interest will lie in increasing its purchasing power to their advantage and reciprocally to the disadvantage of the remainder of the people, because the universal experience of the world has ever been that the debtors—always in the majority, the laborer constituting nine-tenths of the population—are always the first to feel the weight of the newly imposed burden, and the last to adapt themselves to the changed condition.

And therefore I am for the double standard for both metals as money, and as a matter not only of justice to the people, as well as for the increasing of their prosperity. I am in favor of not only continuing the present recognition of both metals in our monetary affairs, but of enlarging the use of silver, and extending its usefulness by increasing the opportunities for issuing and using its paper representative, and by making it a legal tender to the fullest extent.

I do not assume that in a field of discussion which has been so thoroughly cultivated, harvested, and gleaned as that of the currency, that I can add anything of special value in the matter of argument in this debate, but I add my voice here to the discussion because of the necessity of showing in the records of legislative procedure what I believe to be the sentiments of nineteen-twentieths of the people whom I have the honor to represent on this floor.

I believe the opinions which I entertain and express are those not only of my people but of a like proportion of the people of the great West and South.

Those who oppose the further coinage of silver, and who are able to control a large proportion of the metropolitan newspaper press of the East, are badly mistaken in their assumption that the people are with

them; and equally erroneous is the view that the reports from official sources that all efforts to circulate silver have been abortive are an indication, if not proof, of that condition of public sentiment, as I shall hope to show.

This debate will have a healthy influence. It is asserted that one cause of the present depressed condition of business affairs in the country is the feeling of uncertainty as to the future condition of the monetary laws of the nation. The agitation, discussion, and expression of public sentiment by those only authorized to express it will, when the conclusion shall be reached, leave no doubt unsolved as to what the people mean and will have.

If the Representatives understand their constituents the debate has proceeded far enough in both Houses to demonstrate that if there ever was any room for doubt as to the wishes or intentions of the people, that doubt is now resolved to an absolute certainty that the people demand the retention and use of the old standard dollar. I have yet to notice a State west of New York or south of Pennsylvania where the delegation is not committed in opposition to any proposed restriction. And, indeed, if the practice of the British Parliament obtained here of passing a vote of confidence, or the want of it, on the policy of this administration as to silver, it is absolutely safe to say its lease of power would be limited to the length of time required to call the roll and adjourn.

I have said that I did not expect to add much of value to this discussion in the way of argument on the general question of finance.

I should feel a diffidence in expressing conclusions so widely different from those entertained, and honestly so, I doubt not, by so many gentlemen eminent as financiers and students of such subjects generally, were it not for the fact that in reading the debates in Congress when this subject was the leading one, in 1876, 1877, and 1878, I find that the judgments of so many gentlemen, who were so eminent that their utterances were regarded as oracular, were so singularly in error; that these predictions are worthy of reproach.

A distinguished gentleman (Mr. Leonard) from Louisiana said, in speaking of the act of 1878:

> The measure is fraught with evil and will only aggravate the present distressed condition of the country.

The distinguished gentleman from New York [Mr. HEWITT] said in the debate on the veto message of President Hayes:

> I desire to re-enforce it [the message] by showing that this bill, if it should become a law, will work sure and certain ruin within twelve months to the business of the country, now struggling for existence. In the one minute which was allowed me on the passage of this bill I predicted that its repeal would be demanded within a year by the indignant voice of a deceived and outraged people.

And so the cry and direful prediction of immediate and impending calamity went on. The number of these alarmists was large, and their positions prominent, and therefore entitled their judgment to corresponding confidence.

But these predictions happily were never verified. The public sentiment then, the state of public opinion coming up from the great mass of the common people, was so strong that no power in Congress or out of it could stem the tide of popular feeling in favor of silver; and the bill, over the veto of the President, became a law.

Senator SHERMAN as Secretary of the Treasury gave an official opinion that we could not carry to exceed $50,000,000 in silver, and he said to Congress in a report of December 2, 1878:

> The Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000.

Does anybody believe that, had the recommendations of the Secretary been adopted, any more than the $50,000,000 would have been coined?

We have now over two hundred and fifteen millions of silver coined and maintained at par with gold to-day, an excess of one hundred and sixty-five millions above what the Secretary thought we could carry. Who among the financiers of to-day will hazard the statement that this $165,000,000 difference, which would never have been coined if it could have been prevented by the Treasury officials, could be withdrawn from the currency of the nation with any degree of safety?

All these melancholy predictions have failed to impress the people, and especially as not one of the evils predicted has befallen the nation. The alarms so frequently sounded and as frequently failing have ceased to cause anxiety, and they breed distrust of the ability and judgment of the eminent gentlemen who utter them.

Not only were the predictions of these alarmists not verified, but now, seven years having elapsed and the coinage act having added at least $215,000,000 to the circulating medium of the country, all passes at par.

As to this, let it be remembered, the President says in his message:

> There is certainly not enough silver now in circulation to cause uneasiness, and the whole amount coined and on hand might after a time be absorbed by the people without apprehension.

This admission (of what everybody knows) settles the question that it is not existing, present troubles which are complained of, because up to this date it is conceded that the coinage act has fulfilled the expectation of its supporters so far as it has been executed by the Treasury officials.

But now, as in the past, it is disasters in the future and close at hand to overtake us against which we are warned; and it is the same set of men with the same interests at heart, if not at stake, who are now attempting to work a suspension of the coinage of silver.

I ask why should we repose more confidence in their judgment now than eight years ago? Every prediction they then made has failed; for every evil they predicted a blessing has come to this people, and every cloud they descried has had literally a silver lining, giving light and joy instead of shadow and sorrow.

Happily for this people these prophets of evil have proved to be false prophets, absolutely unreliable; and our experience under the coinage act is of far more weight than all the theories and speculations of professional financiers, speculators, and doctrinaires.

Now, Mr. Speaker, because of these unanimous failures in judgment on the part of the great financiers and men of business affairs, and because the great results so happily attained were wrought by men not assuming to possess special inspirations on the question, but who thought an honest, common-sense view of matters the best, I venture to suggest some thoughts which have occurred to me as to our present position and the proper course to be pursued with reference to it.

I take it, sir, that suspension of the coinage—the mildest interference proposed by the opposition—is equivalent to a partial demonetization.

It is conceded by all, so far as I know, that the immediate effect of suspension of silver coinage would be the reduction, to some extent, in its bullion value. All agree, I think, that restraining or restricting the use of silver would work a depreciation in its market value; and correspondingly, the demonetization of silver, wholly or partially, would, to a greater or less degree, appreciate the value of gold.

On the first question, I remember when a member of the Committee on Coinage in the Forty-seventh Congress and the question of suspending the coinage of silver dollars was being considered in committee, we called before us Mr. Burchard, then Director of the Mint, and he gave us as his opinion that—

> The suspension of the coinage of the twenty-seven million of silver bullion now annually retained in the coinage—this bullion thrown upon the market—will at once depress the price to at least three-fourths, perhaps less, its present value. One of the largest bullion dealers in the country lately wrote me that the suspension of silver coinage would probably depress the price of silver bullion to 35*d*.

This, in other words, means a clear depreciation of 25 per cent. in the bullion value of the silver we have, as well as that we hereafter acquire by mining or purchase, as well as an increase in the value, or rather the purchasing power, of the gold used as money metal. This is to be kept in mind as well that an increase in the purchasing power of money is always a gratuity, a clear gift to the creditor classes, and, conversely, an "imposition of a like additional burden on the debtors."

As truly and tersely said by Senator JONES, of Nevada, in 1878:

> Any effort, therefore, to deprive gold and silver, or any portion of either, of the debt-paying function, without furnishing something to take its place, is treason to the human race. Measured against that treason the disappointment of what are called—whether in grim joke or not I am unable to say—"the honest expectation of creditors, public or private, sinks into utter nothingness."

Demonetization, whether full or partial, means a decrease in the material in which debts may be paid, and an increase in the purchasing power of whatever money metal is left. It then takes more of labor, or the products of labor, or property to secure the same amount of legal tender than before. Whatever is paid thereafter by those who have to produce to procure must be by the expenditure of more productive force than before; the capacity to acquire by the laborer or producer is reduced to the extent of the demonetization.

But let this be kept in mind—there is no corresponding, indeed, no reduction in any debt, national, State, municipal, corporation, or individual, the weight of which always rests upon the back of labor.

Appropriating an idea from the Senator from Kansas, Mr. INGALLS, that with the destruction of the money power of silver, the value of property of every description diminishes in proportion. Wages fall, and employment ceases. The value of everything is depreciated except debts and gold. The mortgage, the bond, the coupon, the tax retain immortal youth and vigor, they do not depreciate; the debt remains but the capacity to pay has been destroyed.

There are no reasons for believing that there is any too much gold and silver in the world, or that there will ever be, to supply the needs of commerce, to act as the basis of security for paper issues, and the needs of manufacture into articles of utility and beauty.

The statistics of production and absorption demonstrate that the increased necessities of trade and business consequent upon the natural increase of population will not be supplied by the annual production, from present indications. Year by year a decreased production of both metals is apparent.

In view of this, conceded to be true, we are asked, as a matter of deliberate action, to make this terrible sacrifice, to cause this vast depreciation of values, and add these impositions on labor, for what end? That the doctrinaire's theory may be tested—that such action will occasion so much distress in Europe that England and Germany will gladly hasten to join in an international agreement for coinage on a common ratio.

For myself, this to me is a purely a question of secondary importance. I prefer to legislate for America first; to treat this as an American question, and as to its immediate effect upon our own people. Why need we go performing around and begging some European monarchy to join us in any such scheme?

Congress is bound to look after the interest of this people primarily, and in doing so a close examination of the wants, interests, and rights of the debtor class may not be out of place.

Sir, the sole object of the anti-silver men seems to be to protect the interests of the creditor classes, and to enact such measures as shall not only guarantee to them all possible benefits growing out of changed conditions arising from natural causes, pending the debt, but secure to them beyond peradventure any possible injury by reason of future changes.

This proposal to extend the coinage of silver is confessedly in the interest immediately of the creditor classes. It has somewhat of a sectional character in this, that the proposition to suspend finds its main support in the delegates here from the East; its opposers, outside of the larger cities where capital is aggregated, in a practically solid body of the Representatives from the South and West. Nor is the reason for this difficult to be found. In the Union, the accumulations of available wealth—money and savings—are in the old-settled East; it is practically improved to its capacity and rich in money, savings, and accumulations, and is a lender and creditor.

The West on account of its comparative youth, and the South by the disasters and ruin caused by the civil war, are poor in cash, engaged in tremendous works of improvement and progress, opening and improvements of farms, the building of towns and cities for the trade of the rapidly increasing population, railroad enterprises which by their magnitude and requirement of investment stagger the belief of the investigator—all largely built on credit, the proceeds of a bonded indebtedness that the tributary country must assume and pay; all these make the great West and South now large borrowers and debtors.

As well, except such as are held by the national banks as a basis of security for issues of their notes, the domestic holdings of the bonds of the nation are largely East. The proportion of the population who are laborers and producers, as to those who are capitalists, fundholders, those living on fixed incomes and speculators by the use of cash, is estimated at nine-tenths.

Motives of self-interest, therefore, naturally prompt the creditor classes and those representing them to insist upon such legislation as shall meet their views of justice, and in case such legislation shall in any degree tend to increase the burden upon the debtors, a contest arises; such an one, and between these two classes, is presented by the bill proposing suspension of silver coinage.

I think it is susceptible of proof that the eastern part of the Union, where it is sometimes assumed that the people have a kind of monopoly of general intelligence, embracing especially questions of finance and political economy, has had as well a monopoly of legislation in its interest.

There is no doubt that the general course of legislation for the past twenty years in financial matters as to the holders of Government bonds has been in the interest of the creditor class.

The bonds the Government originally issued were payable in lawful money. The legal-tender note of the Government was and is lawful money. The law under which they were issued caused this to be impressed on the back of each:

This note is a legal tender for all debts, public and private, except duties on imports and interest on the public debt.

Generally the bonds were purchased and paid for in these notes; but as time rolled on and the question was raised as to the power of Congress to make paper a legal tender, and the credit of the Government was failing under these assaults, Congress was besieged by the creditors, until on March 18, 1869, the act "to strengthen the public credit" was passed. That act is in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

By this act the Government pledged itself to make payment to its creditors in coin—that is, gold and silver; what was before payable in legal-tender notes, then largely at a discount, became payable only in coin. The creditors of the nation, holding the bonds payable in lawful money—greenbacks—clamored for coin, the more valuable currency, and secured the legislation.

The next important step was the act of 1873, demonetizing silver.

So soon as the people were advised of the effect of the act of 1873, a tide of public sentiment swept into these Halls, irresistible; and the act of 1878 resulted—a partial concession only to the public demand, but containing the vital proposal to re-establish the standard silver dollar as a full legal tender.

The act passed notwithstanding the violent opposition of the banks, bondholders, capitalists, and the great crowd of alarmists, and under the inmost direful predictions of disaster and ruin, sure to follow, and over the veto of the President.

Pending this, the bondholders asserted that by the act of 1873 demonetizing silver their bonds were payable in gold, notwithstanding every bond then outstanding was issued under the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt."

That act authorized the issuance of these bonds "redeemable in coin of the present standard value," &c., and also provided that "the said bonds shall have set forth and expressed upon their face the above specified conditions."

In pursuance of this law, every bond now outstanding contains upon it the recital that it is issued in accordance with the provisions of the act of July 14, 1870, &c., and redeemable "in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof," &c.

But to save any possible question of construction and to remove all doubts as to the meaning of the movement then in progress, and at the same session, Hon. Stanley Matthews, of Ohio, introduced in the Senate this joint resolution, as a definitive explanation and construction of the laws in force as to the payment of the public debt:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin, or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate (*the House of Representatives concurring therein*), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

This resolution passed both Houses by overwhelming majorities, clearly showing the sentiment of the people on the question, and this was emphasized by the prompt overruling of the veto of the President. As was said by one of the leading papers:

In the whole history of the Government there was never before a veto of any bill by any President which was overruled with such swift promptitude or by majorities in both Houses so superfluously large.

Now, Mr. Speaker, the same questions are again presented, under new guises, and we are asked to suspend the coinage of silver for reasons of both justice and policy. It is conceded that the aim of the anti-silver men is to bring the nation to a gold basis; to fix a gold standard. There is no attempt at concealment of the object, to compel payment of obligations, of the vast mountain of debt in gold, the most valuable metal. Suspension is the first step. Taking this would then be urged as a formal acknowledgment of the principle, and then the argument of "plighted faith," "national honor," and other high-sounding phrases always invoked in aid of the creditors—and never yet applied in the interest of debtors—would be fervently, and doubtless effectually, urged against the retracing of the step.

Neither justice nor policy demands the change. Since the great bulk of our debt was created, from natural causes easily appreciated, generally and thoroughly understood and conceded by the friends of a gold standard, a great change has occurred in the relative value or purchasing power of gold and silver; and beyond, outside of this, this relative difference has been largely increased by artificial means, such as the demonetization of silver by Germany and other nations in Europe, and the continued, persistent, and violent attacks upon it in our own country by the creditor classes and the executive officers of the Government for the past ten years.

I deny that it is unjust to pay in silver, because the contract expressly provides that the people shall have that option. It is a new and startling doctrine that in all cases the debtor must not only agree to perform, but must guarantee the value of the currency in which he has the

legal right to pay. Clearly, the Government has the right under the Constitution to "coin money and regulate the value thereof." It may change the standard when it chooses. The act of 1870 protected the creditor as against a future change of standard to his detriment by providing that the bonds should be paid in coin of the then standard. The holders were not to be prejudiced by a reduction in the standard by the Government. The holders have the legal right to coins of that standard, and equally clear is the right of the Government to pay in the same.

The suggestion that national honor demands payment in gold is equally as absurd. It is purely fanciful, and only rises in the fancy of those who are to be benefited. Who talks about the dishonor of payment in silver except the representatives of the creditor class? Are we asked seriously to make payment in the dearer metal as a matter of honor that we may merit the applause of our creditors? This is its only compensation. The honor of a nation, like that of an individual, is always kept and sustained by a prompt and faithful performance of its undertakings as it agrees. An option to do in one of two ways is legally honorably satisfied by performance in either, and it is a form of lunacy to argue that honor demands the performance of the act most injurious to the debtor.

We are asked to pay these debts in a currency which the creditor largely controls, and abandon the right to pay them in what the debtor has in reasonable abundance. Such a rule not only never obtained, but was never urged as to an individual. The course proposed to be pursued by the silver men is that which has always prevailed.

After the discoveries of gold in California and Australia, and in consequence of the large increase in its production, it became relatively the cheaper metal. We paid in gold, and as a rule gold alone, simply because gold was the cheaper metal, and was less burdensome to the tax-payer, and was the dollar of the contract. Nobody questioned the right then.

The honest dollar is the dollar made so by law and contracted to be paid. Less than this would be dishonorable to the creditor; more than this, dishonest to the debtor.

The argument of equity is based on the assertion that silver has largely depreciated in purchasing power. Tested by gold alone, I admit this; but in comparison with other commodities of commerce and use silver has not depreciated. That is to say, an ounce of silver bullion to-day will secure more of the necessaries, comforts, and luxuries of life than it would twelve or fifteen years ago.

The general course of prices has for these years been downward; and to determine whether the apparent relative difference between gold and silver has been caused by a depreciation of silver or an increase in the value of gold, statisticians have made careful compilations of facts bearing thereon.

Mr. Burchard, the late Director of the Mint, prosecuted these researches for many years, and embodied the results in his annual report. In that for 1879, page 37, he gives a table of results. He shows that the average prices of staple commodities for the closing year of each decade, 1829–'30, 1839–'40, 1849–'50, 1859–'60, 1869–'70, were substantially the same, and beginning with that year, 1870, deduces the following:

	Prices of commodities in—		Purchasing value (measured by commodities) of—	
	Gold.	Silver.	Gold.	Silver.
1870	100.	100.	100.	100.
1871	102.2	101.1	97.9	98.9
1872	104.8	105.	95.4	95.3
1873	106.4	107.7	94.	92.9
1874	104.6	107.7	95.6	92.9
1875	98.3	103.3	101.8	96.8
1876	96.3	106.1	103.8	94.2
1877	95.9	107.6	104.3	93.
1878	91.6	103.2	109.2	96.9
1879	86.7	103.	115.3	97.1

Mr. Burchard followed the investigation in later years; and, to save burdening the RECORD with lengthy tables, I quote what has been so well said on this point by Senator COKE, of Texas:

I have before me a table too long to consume time in reading, prepared by the late Director of the Mint, Hon. H. C. Burchard, containing a list of ninety commodities, exported from the United States with their declared values at the time of export, for the years 1870, 1883, and 1884. These commodities comprise agricultural, manufactured, and mining products, and were selected with a view to making a just average of the prices of all sorts of products and merchandise for the years named, and it is shown conclusively by this table that the prices in 1870 were 26 per cent. higher than they were in 1884, or in other words that in the general range of prices of all commodities there was an average fall of 26 per cent. between 1870 and 1884. I have before me a similar table indicating general prices of commodities in England, which shows between 1873 and 1885 an average decline of 28 per cent.

I have before me still another table of twelve leading staple commodities, among them flour, cotton, and wool, which show an average decline in England of 36 per cent. between 1873 and 1885. In 1873 the silver bullion in a dollar was worth 103 cents in gold. It is now worth 80 cents in gold, a fall of 23 per cent. It is an abuse of terms to say in the light of these undisputed facts, when silver bullion has been less affected by this general decline than any other known commodity and can be exchanged now for more of anything of value in the world except gold than it could be in 1873, when it outvalued gold, has depreciated. I can take the 80 cents in gold, for which the bullion in the silver dollar will sell in the market, and buy with it more of anything that any man has for sale than it would have bought in 1873, when it would have sold in the market for 103 cents in gold; and the tables I have referred to prove it incontestably. Every farmer who raises wheat, or cotton, or wool, or beef, or pork knows this to his sorrow, and needs no testimony other than his own experience.

No, Mr. President, silver has not depreciated, but gold has risen in value, and a gold dollar will buy to-day an average of from 25 to 30 per cent. more of the products of the farm, of wheat, of cotton, of wool, of pork, and of beef than it would in 1873; and, more than that, it will buy that much more of the sweat and toil and life of the wage laborer, because when the product declines in value wages must also come down. Silver has remained with the farmer, the laborer, the miner, with the producer in every branch of industry, and follows and abides in value with the products of labor, falling as they fall and rising as they rise, while gold has left all, and mounted to an altitude of its own, depressing all the products of labor in value, exactly in proportion to the height of its rise. If silver bullion was alone in its decline this would be depreciation, but when it bears the same relation to all other commodities it has always borne, the margin between it and gold can only be referred to the rise in value of gold.

The same conclusions have been reached by statisticians in other countries, and therefore the expression should be a 120-cent dollar when applied to gold, if the language of the trade is to be used.

The benefits which were expected to flow from the passage of the act of 1878 have not been fully realized. That law was enacted in spite of the veto of President Hayes, and with an administration in power in open hostility to it. The officials who were intrusted with its execution continued to express sentiments of opposition to it and to predict absolute failure of beneficial results. From that day to this silver has not had a friend in either the White House or the office of the Secretary of the Treasury, notwithstanding the known wishes of the people continuously on the question. Since the law was passed five out of the seven annual messages from the President have insisted on the suspension of the coinage of silver; the other two are silent on the question. Every annual report of the Secretary of the Treasury since 1878 has recommended the same action to Congress. In every possible way in which executive interference and obstruction could be exercised against the coin it has been so used. Through our diplomatic service abroad, every means has been used to spread the idea that the use of silver as a legal tender would be abandoned, and the change in party administration has not bettered the case; indeed, made it worse, but the difference is only one of degree.

The hostility of this administration was manifested before the inauguration; the sentiments of the President-elect and the policy of his administration were proclaimed and given to the world in his letter to many members of this House in February, 1885. The response of the people came swiftly and unmistakably, when, without debate, the proposal to suspend coinage, attached to the sundry civil appropriation bill in the last session of the Forty-eighth Congress, was overwhelmingly defeated.

Again, the law requires the coinage of at least $2,000,000 worth of bullion each month. The report of the Director of the Mint for the past year shows that there was a shortage in June of last year of over one-half million of dollars.

Nay more, it was openly stated, and has never been denied to my knowledge, that in the early part of the year the Treasury officials held a consultation and discussed the question whether they had not the power to suspend the coinage under the act, because Congress had not made a specific appropriation for the monthly purchase of bullion. This in the face of the law which provides "there shall be coined," &c., "the Secretary of the Treasury is authorized and directed to purchase," &c., and a sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated." Wise counsels prevailed, and the technical quibble raised by these officers to defeat the law was abandoned.

To cause it to appear that the law is a failure, no hesitation is manifested in making official statements which are wholly misleading.

The President assures us that "special efforts have been made by the Secretary of the Treasury to increase the amount of our silver coin in circulation," and Senator MORRILL, as a champion of the policy of the administration, says: "The Treasury officials have all been at work from early morn until the evening twilight in pushing silver at every cross-road in the country," and that "silver thus has been shipped at great cost wherever an opening has been found, and yet Treasury officials are berated as insincere because they have not bewitched the world with more love for silver dollars, although they appear to have kept the axles of the express cars hot in their transportation to every nook and corner of the continent."

Sir, no statements could be more misleading, indeed, void of truth. Who have they ever offered a silver dollar to that it has been refused? Who has declined to accept it, except, possibly, the holder of Government paper? I assert that the Treasury has never attempted to pay a dollar in silver, as a payment, except to Government employés who get their cash at the Treasury or some office connected therewith. Who has ever heard of a pensioner declining to take silver, or of a laborer, or of the army of Government employés about this city, or the country over? The last administration did not hesitate to pay us the principal part of our salaries in silver certificates. In the last Congress while in Washington I kept an account of the proportion of my salary that I was paid in silver certificates, and it was over 70 per cent. I saw the ex-

periment tried several times on the floor of the House of sending a page to the Sergeant-at-Arms's office with a member's check, and never saw less than 50 per cent. come back in silver certificates, and yet at that very time, if the Sergeant-at-Arms had an excess of cash received from the Treasury, which he desired to return because not called for by us, these very certificates which they sent to him to disburse to us—new, never used—would be refused by the Treasury because they were not legal tender.

The trouble is they do not try to get them out of the Treasury. The common people, who would be glad to have this money, have very limited dealings with the Treasury. The cash that is held there is not used in transactions with the masses of the people; but the bondholders, the banks, the heavy contractors, and men of large affairs, are the ones who have direct dealings with the Treasury and are paid in Treasury drafts, paid in turn in greenbacks or gold or gold certificates. As well said by the gentleman from Colorado [Mr. SYMES], "if one-fourth the ordinary expenses of the Government were paid in silver, there would be no surplus of that coin in the Treasury."

The Secretary need not burn many axles of express cars in transporting silver if he will only begin and continue to treat the holder of Government obligations as ordinary people were treated by the last administration. The truth is, as everybody knows, there is no lack of opportunity for the payment of silver dollars by the Treasury; to pretend otherwise is the veriest subterfuge, absolutely frivolous. The trouble is the opportunities are never embraced except in the case of employés conveniently located. When do the farmers, laborers, small traders, &c., ever deal with the Treasury? The banks do, but they are all arrayed against silver.

I confess, Mr. Speaker, that I do not appreciate the difference in obligation on the part of the Government between myself as a creditor and the holder of a Government paper obligation. What causes the special sanctity which seems to attach to a bond or coupon and entitles it to a special consideration and payment in what the Treasury regards as a higher class of funds than is tendered me as a laborer? Can any one assign any valid reason why there should be any discrimination by the Treasury officials in favor of any class of Government creditors? Still it goes on, and all official announcements are against silver and for the creditor.

Misrepresenting public sentiment, the Comptroller of the Currency says in his last report that "it is not believed that the people desire either the principal or interest on the bonded debt of this country to be paid in anything but gold coin or its equivalent."

Where does the gentleman find any evidence of that sentiment except in the commercial circles of localities where the preponderance is in favor of making money dearer and more valuable? Where are any petitions from the farmers, the laborers, the small traders who are in daily contact with the masses, with the producing classes of the country, who practically alone build it up and give it under wise laws whatever degree of prosperity it has? How many of these papers have found their way to the Committee on Coinage? None; for none have been signed. But the room of the Committee on Coinage is full of remonstrances from that class of people against the proposal to suspend the coinage.

This is the same gentleman who in his official report for the preceding year said of the act of 1878:

The law which stamps 412½ grains of silver and arbitrarily insists npou its circulation as a dollar, *with unlimited legal-tender qualities*—

The *italics* are his—

when its true value, as indicated by the market price of silver, is but 85.2 cents, is *unworthy of this nation*, &c.

This from an executive officer whose only duty as to the laws is to faithfully execute them, he sending to the representatives of the people his impudent opinion that the deliberate act of the Congress, as against the veto of the President, is unworthy of the nation!

Upon what meat doth this our Cæsar feed,
That he is grown so great?

The truth is, Mr. Speaker, that the Treasury Department for many years has not only been managed to the benefit of the bondholders of the country, but has been a kindergarten for the education of gentlemen to positions in national banks.

But to show that it does circulate with all this opposition I append this table:

Comparative table, showing the amount of silver dollars coined to October 31, 1885, *the amount in the Treasury, the amount of certificates held as cash, the amount of certificates in circulation, the net silver dollars in the Treasury, and the amount in circulation in coin.*

1885.	Standard silver dollars coined.	Standard silver dollars in the Treasury.	Silver certificates in the Treasury, cash.	Silver certificates in circulation.	Net standard silver dollars in Treasury.*	Standard silver dollars in circulation.
January 31	191,947,194	150,632,154	27,337,890	113,858,811	36,773,343	41,315,040
February 28	194,247,194	153,561,007	29,951,880	111,467,951	42,093,056	40,686,187
March 31	196,697,394	156,698,482	30,861,615	112,820,226	43,878,256	39,998,911
April 30	199,107,394	159,441,034	32,141,140	109,443,946	49,997,088	39,666,360
May 29	201,509,231	162,244,855	35,575,590	105,085,186	57,159,669	39,264,376
June 30	203,884,381	165,413,112	38,370,700	101,530,946	63,882,166	38,471,269
July 31	205,784,381	166,499,948	40,340,980	98,872,106	67,627,842	39,284,433
August 31	208,259,381	166,854,215	42,712,890	96,079,296	70,774,919	41,405,166
September 30	210,759,431	165,483,721	31,722,990	93,656,716	71,827,005	45,275,710
October 31	213,259,431	163,817,342	31,906,514	93,146,772	70,670,570	49,442,089

*After deducting silver certificates in circulation.

I have said that this administration was worse than the last. I will prove it. The last did pay part of the salaries of employés in silver certificates and silver, as I have said. But, mark you, Mr. Speaker, the pay-rolls at this end of the Capitol alone average $200,000 per month, and during this year, since the meeting of this Congress, not a dollar in silver certificates has been furnished by the Secretary of the Treasury to pay on this vast indebtedness—not a dollar; and so I am told it is with the army of employés in the city and at other points where Treasury disbursements are large. Where is there a Government employé who would refuse to accept this paper as payment? Not one can be found. And yet the Treasury officials are constantly parading the fact that the Treasury is being lumbered up with these standard dollars and the silver certificates, and the people do not want them and will not take them. I deny it. I assert that the statement is untrue; the people will take them if they are afforded an opportunity, and the Secretary need not use any special exertion; all he need do is to offer them; and it is idle to talk otherwise.

The hostility of the administration to silver is shown again in assenting to the action of the clearing-house in New York in its discrimination against silver.

The act of 1882 provides that no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances. The associated banks of New York have deliberately, persistently, and defiantly refused to carry out the provision of this law by an agreed evasion; namely, that no bank would offer, and, therefore, none could refuse the Government paper. The assistant treasurer at New York is a party to this agreement, and the practice is acquiesced in, if not openly approved, by the administration.

The reason therefor is plainly stated in the New York Times of recent date.

Meantime it has been suggested by a banker of very high standing that the banks are bound by every consideration of obligation to the community and of prudence in the care of the interests of their depositors to preserve the general currency on a gold basis, and to continue to treat, as they have hitherto treated, the silver currency "as an unavoidable infliction, to be separated in practical business from current money by marked discrimination." The method of carrying out this principle is to receive from the Government through the clearing-house the currency the Government may have to offer, but setting it apart and treating it as a special fund, "to be paid over to the banks interested in the very money received on their behalf." No silver or silver certificates need be offered by any bank in the settlement of its clearing-house balances, and none would need to be refused. Such as came from the Government would be received and used as opportunity offered. But the clearing-house settlements and the reserves of the banks would be preserved unadulterated, and the international standard would be maintained in its integrity. Silver would not be any more than it has been in New York bankable money, while it would continue in general circulation undepreciated until such time as its volume became too great for such use.

Such a policy is clearly within the law, and it is equally clearly calculated to secure the only solution of the currency problem, and to secure it with the least derangement to business. It will be objected that it is not calculated to promote the permanent incorporation of silver in our currency, and is opposed to the spirit and intent of the silver-coinage act. This is true. It is not intended to promote any such result, and it would lead to the ultimate repeal of the act. Of that there is no doubt. The act was at once a blunder and a wrong. There is not the slightest obligation upon any citizen or body of citizens to suffer injury from the operation of the law if it can be legally avoided. It certainly can be avoided by the banks. The law says silver dollars shall be a legal tender for debts; it does not say that they shall be a legal tender for loans on demand, such as bank deposits. The policy outlined for the banks looks to the repeal of the law, and that is the purpose of the administration and the hope of all conservative business men.

Comment is unnecessary.

The national banks—creatures of Congress—unite in a war upon the constitutional currency of the country, which policy, directly contrary to law, is outlined to secure a repeal of the silver law and defeat the expressed will of the people. "And this is the purpose of the administration." We shall see.

To render the silver laws unpopular, if possible, by causing a feeling of unrest, of impending danger, of pandering to the asserted idea that a financial crisis and panic are impending, the story was started last

July that the gold balance in the Treasury was alarmingly low. Keep in mind, Mr. Speaker, that there was then in the Treasury $180,863,798 in gold coin and $71,271,013 in gold bullion and not a single dollar of Government obligations payable in gold liable to be presented for payment, the usual customs receipts being received daily, and no unusual demand apparent or asserted.

But the banks assembled and adopted the following:

Whereas, after careful inquiry into the current operations of the United States Treasury, it is ascertained that with the continued purchase of two million silver bullion per month the probable receipts of gold currency will be insufficient to meet the demands upon it until the meeting of Congress in December next, but that the Secretary will be compelled to make his payments in silver dollars, which will become a most disturbing element in the daily business of the country: Therefore,

Resolved, That to avert this threatened danger, and in the confident belief that Congress will take early steps to prevent the deterioration of the present commercial standard of value, the banks hereby tender to the Government, from their gold reserves, the sum of $10,000,000 in exchange for that amount in fractional silver coin, or for such other currency as the clearing-house committee may approve, the same to be apportioned among the banks in the clearing-house respectively, pro rata of their deposits and gold reserve.

Resolved, That should this amount prove insufficient, a further sum, not to exceed ten millions, be offered, and that the banks of Philadelphia, Boston, Chicago, and other cities be invited by the clearing-house committee to participate in carrying out the objects of these resolutions.

The Treasury officials took up the cry, the Treasurer met the banks, and the country was assured that in a spirit of patriotism the banks had come to the relief of the Treasury and advanced $6,000,000 of gold and taken silver therefor, and were industriously pushing the circulation of the silver throughout the Union, testing by practical example whether the people really desired silver.

For one, I never believed in either the danger asserted or in the sincerity of the effort to circulate silver, and, to ascertain precisely what was done, I had the following correspondence with the Treasury Department:

TREASURY DEPARTMENT, *January* 20, 1886.

SIR: I have the honor to inclose herewith, in compliance with the request contained in your letter of the 13th instant, copies of correspondence and certificate in regard to the exchange of silver for gold coin with the New York clearing-house.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. L. E. PAYSON, *House of Representatives.*

OFFICE OF ASSISTANT TREASURER UNITED STATES,
New York, N. Y., July 28, 1885.

SIRS: I hereby certify that I have this day received from the associated banks $5,915,000 in gold, and that I have set aside the same amount, namely, $5,915,000, in subsidiary silver coin, in a vault of this office, under seal, which I agree to hold subject only to the order of the chairman of the clearing-house committee and the manager of the New York clearing-house.

THOMAS C. ACTON,
Assistant Treasurer United States.

To Mr. WILLIAM DOWD,
Chairman of the Clearing-House Committee, and
Mr. WILLIAM A. CAMP, *Manager.*

OFFICE OF ASSISTANT TREASURER UNITED STATES,
New York, July 29, 1885.

SIR: I have to report the receipt of $5,915,000 in gold certificates from the associated banks (one of the banks to which was apportioned $85,000 declined to respond), in exchange for the same amount of subsidiary silver coin (half-dollars), which I now hold in one of the vaults, under seal, for the purpose of exchange if desired by the banks.

I have not taken up the amount in the Treasurer's general account as a receipt and disbursement, but as an exchange of one kind of money for another. Thus I have reduced the amount of subsidary silver coin to that extent, and correspondingly increased gold coin. It will appear in form 544, in the receipts in "gold certificates" and in the payments in "fractional silver coin," and in form 42, in the report of the liabilities and assets, and on none other of the accounts.

Very respectfully,

THOS. C. ACTON,
Assistant Treasurer.

C. N. JORDAN,
Treasurer United States.

NEW YORK CLEARING-HOUSE, 14 PINE STREET,
New York, October 30, 1885.

DEAR SIR: You will remember that the banks of the city of New York deposited with the assistant treasurer of the United States the sum of $5,915,000 in gold, receiving in exchange a like amount in fractional silver coin. Since that time, though active efforts have been made to distribute it through the country, as our original intention was in making the deposit, we have been unable to do so by reason of the competition of the Treasury, which pays the express transportation to all interior points. This has operated as an effectual bar to any attempt on our part to effect the same purpose. We submit, therefore, that we be permitted to avail ourselves of a right which we possess by the terms of the law in regard to the redemption of the fractional coin, and that we deposit in the assistant treasury at New York the sum of, say, $4,500,000 (or $4,000,000, as you, in your judgment, may deem best), and receive in exchange therefor either silver dollars, silver certificates, or such other form of currency as you may deem advisable. In making this proposal we do not propose to waive any of our legal rights in the matter, but to carry out, as far as practicable, our original intention, which was to aid the Treasury in retaining its gold balance, in order that the business of the city of New York should be kept exclusively upon a gold basis as between the Government and the banks.

We see from the present condition of the Treasury no cause for apprehension of its not having gold enough for some time to come, and while making the above request can only reiterate our entire willingness to again come to the aid of the Government, whenever, in the opinion of the banks, the exigency requires that aid should be afforded in order to protect the banking interests of this city, and through them the financial and commercial interests of the whole country.

Awaiting your favorable reply,

I am, your obedient servant,

J. D. VERMILYE,
Chairman Clearing-House Committee.

Hon. DANIEL MANNING,
Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 31, 1885.

SIR: I have to acknowledge the receipt of your letter of the 30th instant, submitting that the banks of the city of New York be permitted to deposit with assistant treasurer of the United States in exchange for lawful money, a large portion of the amount of fractional silver coin, which they had previously received from that officer in exchange for a like amount of gold, the banks being unable to distribute the silver through the country as originally intended by them.

In reply you are informed that no special permission of the Department is required in this case, as under the provisions of the act of Congress approved June 9, 1879, the holder of any of the silver coins of the United States of smaller denomination than one dollar may, on presentation of the same in sums of twenty dollars, or any mutiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

Very respectfully,

C. S. FAIRCHILD,
Acting Secretary.

Mr. J. D. VERMILYE,
Chairman Clearing-House Committee, New York City.

This correspondence, as will plainly be seen, was indefinite as to what was done in detail, and so I again requested details of the transaction of the business and received the following:

TREASURY DEPARTMENT, *January* 29, 1886.

SIR: Referring to previous correspondence relative to your inquiries concerning the exchange at the subtreasury at New York of silver for gold coin with certain of the New York banks, you are informed that since the return of the Treasurer of the United States to Washington, yesterday, it is ascertained from him that no correspondence except such as has been already furnished you passed between the banks and the Department in the matter, it having been arranged verbally at a conference in New York. The amount so exchanged under this arrangement was $5,915,000, for which one certificate was issued by the assistant treasurer (copy of said certificate dated July 28, 1885, previously furnished you), the fractional silver remained in the vaults of the subtreasury until it was paid out from time to time upon the order of the proper officers of the clearing-house, or redeemed according to the provisions of the act of Congress approved June 9, 1879.

Respectfully yours,

D. MANNING,
Secretary.

Hon. L. E. PAYSON,
House of Representatives.

This letter was also evasive as to how the silver had been disposed of—how paid, and to whom—although it clearly and in terms asserted that part, at least, of the silver was "paid out from time to time upon the order of the proper officers of the clearing-house;" and again I demanded information as to details of the payment of this certificate and as to the disposition of the silver as shown by the books and accounts of the Department, and this letter was the result:

TREASURY OF THE UNITED STATES,
Washington, February 3, 1886.

SIR: I beg to return herewith letter from Hon. L. E. PAYSON, dated February 1, 1886, referred by you to this office, asking for information concerning payments on account of certificate issued by the assistant treasurer of the United States at New York on July 28, 1885.

This certificate, representing deposits of fractional silver amounting to $5,915,000, was redeemed in partial payments between November 4 and November 7 last in United States notes, in accordance with the provisions of the act of June 9, 1879, which directs the Treasurer or any assistant treasurer of the United States to exchange, for lawful money, silver coins of the United States, of smaller denominations than $1, when presented in sums of $20, or any multiple thereof.

Very respectfully,

C. N. JORDAN,
Treasurer of the United States.

Hon. DANIEL MANNING,
Secretary of the Treasury.

Now, Mr. Speaker, the absolute insincerity of this transaction is fully apparent, and I call the attention of the House and the country to it.

The silver coin taken was "fractional silver," not a legal tender except for trivial sums, at the outset stamping the transaction as only colorable, and the coin itself never leaving the Treasury, all the time locked up—"under seal."

But the country was not alarmed; not a ripple appeared on the commercial ocean; the people remained serene; and, finally, on October 30, the banks suggested to Mr. Secretary Manning:

You will remember that the banks of the city of New York deposited with the assistant treasurer of the United States the sum of $5,915,000 in gold, receiving in exchange a like amount of fractional silver coin. Since that time, though active efforts have been made to distribute it through the country, * * * we have been unable to do so, &c.

All this time the silver was "under seal" in the Treasury.

The efforts were clearly very strenuous!

But failing in this they "submit that we be permitted to avail ourselves of a right we possess to deposit four million five hundred thousand or four million and receive in exchange therefor either silver dollars, silver certificates, or such other form of currency you (the Secretary of the Treasury) may deem advisable."

Here was an opportunity for the Secretary to do something he had desired—to pay silver to any creditor who would take it and thus relieve the vaults of standard dollars.

These self-sacrificing patriots, who had come to the rescue of the Treasury and asked for fractional silver, now desired silver dollars or silver certificates, and asked to be paid in them. But the officer of the Government who had been keeping the axles of express cars hot "in sending silver over the country from one depository to another—and never tendering a dollar to a creditor—blandly tells the banks they can have "lawful money if they desire!"

The next week the payment is so made and that farce is ended.

Why, Mr. Speaker, do all these parties in this transaction resort to such subterfuges and deceptions? Why did the Secretary write me that the silver was "paid out from time to time?" Why the banks allege their efforts to put the silver in circulation? Let the country judge, and it will!

Sir, a refusal to obey the law or an indirect nullification of its requirements by a public officer is an abandonment of the plain path of duty, and should cause the officer the loss of the confidence of the people.

The motive of self-interest on the part of the banks against silver is not difficult to find. Silver is the only money that is in circulation among the people which the banks can not control if the policy outlined by this administration shall prevail.

Let it be remembered, Mr. Speaker, what that policy is, and it can not be too prominently mentioned and discussed.

First, the Secretary of the Treasury in his annual report, page 16, announces that the limited coinage of silver and the act of May 31, 1878, prohibiting the retirement of the greenback, are "two evils which are each a separate menace to the public tranquillity and injurious to the public morals."

He recommends the repeal of the silver-coinage act and of the act making compulsory Treasury issues and reissues of the legal-tender notes.

The favorite plan among the people of the issue of gold and silver certificates is declared injudicious and should be abolished.

This policy then, Mr. Speaker, would leave the country with nothing but gold, its present stock of silver, and national-bank notes as its currency.

Nothing then would be more certain than that the banks would be absolute masters of the situation and control the money of the nation.

As said by Mr. Hamilton, "the general state of debtor and creditor, all the relations and consequences of price, the essential interests of trade and industry, the value of all property, the income of State and individuals will be subject to the judicious or injudicious regulation" of the currency by the national banks.

The continued coinage of silver will render this impossible.

Another evidence of not only the hostility of the administration to silver and its determination to effect a repeal of the present law is found in the deceptive methods adopted in the execution of it.

The President says in his message to us:

> Every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the whole mass already accumulated. * * * If continued long enough this operation will result in the substitution of silver for all the gold the Government owns applicable to its general purposes.
>
> * * * * * * *
>
> It will not do to rely upon the customs receipts of the Government to make good this drain of gold, because the silver thus coined having been made legal-tender for all debts and dues, public and private, at times during the last six months 58 per cent. of the receipts for duties have been in silver or silver certificates, while the average in that period has been 20 per cent.

This proposition has been taken up by very many of the opponents of silver in this House and in the Chamber at the other end of the Capitol, and the changes rung upon it, and the foolishness of the policy of draining the Treasury of its gold to pay for silver bullion, &c.

Only the other day the distinguished gentleman from New York [Mr. MILLARD] asserted the same line, and this colloquy ensued:

> Mr. MILLARD. But why should the people of the country be taxed at the rate of at least $2,000,000 per month for the coinage of a coin that can not be forced into circulation? Every month there is taken out of the United States Treasury $2,000,000 in gold to meet the requirements of the Bland bill, and if the advocates of that bill could have their way the sum thus taken would be four instead of two million dollars.
>
> Mr. BROWN, of Pennsylvania. What evidence have you that $2,000,000 a month in gold was paid out of the Treasury for bullion?
>
> Mr. MILLARD. The act authorizes the payment of two millions a month as a minimum—from two millions to four millions per month.
>
> Mr. BROWN, of Pennsylvania. Does the act provide that it shall be paid in gold?
>
> Mr. MILLARD. The practice of the Government has been to pay in gold, or its equivalent.
>
> Mr. BROWN, of Pennsylvania. Oh, the practice of the Government; but what is the statute? Does that require payment in gold?
>
> Mr. MILLARD. I do not think it does.
>
> Mr. BROWN, of Pennsylvania. Then why not pay it in silver?
>
> Mr. MILLARD. If we are to have a silver dollar worth only 79 cents, I say let us pay it in silver.
>
> Mr. BROWN, of Pennsylvania. Did anybody ever refuse to receive payment for silver bullion in silver?
>
> Mr. MILLARD. I do not think the Government ever offered silver for silver bullion.
>
> Mr. BROWN, of Pennsylvania. That is the trouble. If they would carry out the law faithfully they would.

I agree, sir, that now there is taken $2,000,000 per month in gold to buy silver bullion for coinage, but I call your attention to this fact, and I assert it boldly, that never since the passage of the Bland bill, down to the time that a Republican [Mr. Burchard] left the position of Director of the Mint last summer, was there a dollar of gold paid for silver bullion for coinage purposes?

Every dollar of silver bullion purchased by the Treasury for coinage purposes under Republican rule was paid for in standard dollars or silver certificates—every dollar!

It is reserved for a Democratic administration to inaugurate the new system of its own motion, and without the request of those having silver bullion to sell; a system of payment in gold where silver was all that was desired, and then, after thus adopting that plan, announce it as vicious, and as a reason why silver coinage should be suspended! That argument can easily be disposed of by returning to the former practice.

It is another example of the "tireless energy" of the administration in getting silver into circulation.

The practice of the administration is a fraud, a deceit, a sham.

These, sir, are only a few of the bitter, hostile actions of the Treasury against silver. I have deemed it important to emphasize them, that the country may know precisely how its will, as expressed in the law, is being treated, as the reason why I am impressed with the belief I have so frequently expressed and still entertain that no proposal in the interest of silver can be safely left to the discretion of the Treasury officials; that every proposal looking toward its proper recognition must be affirmed in an express provision of law.

I believe these hostile acts and expressions are the most important factors in the depreciation of silver in the market, and I believe the illegal and unwarranted discrimination against silver by these officials s intended to work its degradation and destruction.

The interests of the metal have, unfortunately, for the past twenty-five years been under the control of its enemies, whose interests and wishes have been opposed to it; and after it has been, by these adverse buffetings, crippled, maimed, debased, depreciated, and dishonored, so far as these men could make it so, they then mock its incapacity caused so largely by their acts and efforts; treat gold the same way and its condition would be as bad.

This debate will be profitable, if in no other way, in emphasizing these facts before the country. The conduct of the executive officers in the matter is utterly inexcusable; whether the policy shall ultimately prove to be good or bad, the people are for silver and are entitled to have the laws enacted by their representatives administered in the spirit in which they were passed. The enforcement by an administration in this nation of a policy against the will of the people has never yet been successful.

President Johnson tried it in the broad field of national politics. President Hayes did the same on this very question, in his veto of the act of 1878, of which it was said it is the first time in the whole history of the country that a veto message by the President of the United States has not only been absolutely impotent, but has actually increased the strength of the measure. For the first time the United States has a President thus shown to be powerless, not only with his own party, which he has displeased, but with the opposite party whose good-will he has not been able to obtain. President Cleveland may profit by their example!

I do not intend, Mr. Speaker, to go into the arguments so exhaustively and conclusively made by the friends of silver, demonstrating so certainly the fallacies of the friends of suspension.

Experience, the best of teachers, shows that the 80-cent dollar goes quietly on its way, buying as much bread and clothing, furnishing as many of the comforts and luxuries of life, educating the children to the same extent, received in every avenue of trade and commerce as its more aristocratic brother, the gold dollar.

That instead of driving gold out of the country, we never in our history as a nation had so much; and it is still coming and will continue to come so long as the balance of trade is in our favor; and when that balance shall be against us, will some opponent of silver tell us how the condition would be bettered if silver was disused?

The balance then would have to be paid in gold or in low-priced commodities of our own production.

In such a condition of trade our domestic relations require an abundance of legal tender not affected by such a transfer of gold.

You will read in vain the speeches made on this subject for an answer to this question. If international balances are settled in gold how can it injure a debtor country to have a liberal allowance of silver coin a legal tender for domestic debts?

The position set up is absurd to me. I think I know that between nations all settlement of balances is the old system of barter. Our metals are taken not as dollars but as bullion, weighed as merchandise and valued in the mint of the receiving country, put in the melting-pot, the fineness corrected, if not in accord, and coined into the standard of the foreign country; and it makes no difference, none whatever, whether we have 25.8 grains of gold .9 fine in a dollar, or 20 grains and call that a dollar. They treat it as metal and by weight.

Mr. Speaker, in the rapid increase of population we are having, in the immense strides in improvement and material progress we are taking, we need more and more money year by year. Continuing and general prosperity can only be assured by a steadiness of general prices, which can only be maintained when the volume of money and amount of population increase in practically relative proportions. There never was, never will be, a time when general prosperity and a general fall in prices coexisted. The necessary increase in money in this country can not be had by gold coinage, for the world's annual production of that metal is diminishing; it must come from silver coinage—it can come in no other way; and because I am in favor of the restoration of silver to its old position, equality with gold, and am opposed, unalterably, to

any discrimination either in law or practice against the "dollar of the fathers," I am in favor of the bill for the free, unlimited coinage of silver on the old basis. Nor do I fear an excess of silver. The annual production is diminishing, and without wearying the House or burdening the RECORD with tables, it is enough to say that when from the annual supply of the whole world you deduct enough for the arts and the varied manufactures of silver, and the requirements of the exclusively silver-using countries their needed supplies, there will not be enough left, if we obtained it all, to more than supply what we can profitably use in our country. And we need it, too, as the basis of the currency for the future in this country, namely: coin certificates, which shall be a legal tender for the payment of all debts, except when otherwise provided.

The national debt is being rapidly paid. This will extinguish the security of the national-bank notes, resulting in their ultimate retirement. Coin certificates should and will take their place.

It is no argument to me against this that a few miners would be benefited; that is an argument for it. I know the country where silver is mined. I have spent my whole life in the great West and have seen the operations of silver mining carried on. It is begun under the most adverse conditions and surroundings, and in the most uninviting aspect of nature; in barren, bleak, and inhospitable mountains and hillsides, remote from civilization and the ordinary comforts of life. From the hills and mountains of Colorado to the immense works and the wonderful shafts on the Comstock in Nevada I have seen the operations of extracting the precious metal by intricate processes of the most skillful character, from the rock in which it was deposited by nature—tedious, laborious, expensive operation, more often fruitless than successful, but persevered in when there was an alluring hope. As a result, I have seen that wild, forbidding section of the Union build up and improve; its valleys, small as they are, made the homes of thousands of happy, prosperous, and contented citizens, and here and there along the railroads which climb the mountain-sides are prosperous villages, towns, and cities, some of which rival in every way the more pretentious cities of the East—all resulting from the mining industry.

Sir, it does not cause any feeling of sadness in my mind that the passage of the bill will benefit that people. I am glad it may. They deserve it. Nor have I, Mr. Speaker, any apprehension as to policy or duty if the time shall come that equivalency of values, monetary and commercial, shall be insisted on, and necessary. I have no hesitancy in declaring that I shall vote and act to make the equivalency by taking the necessary grains out of the gold dollar, rather than by adding to the weight or value of the silver dollar. If that time shall come, the contest will be, as I believe it is here and now, between the debtor and the creditor classes.

Ring the changes in any way upon words; state it as you please; it all comes back to the one point—the rich and income classes struggling for advantage, the laborer and producer resisting the attempt.

But no fear need be entertained by the timid that the great public sentiment of the country will favor injustice to its creditor. The sense of public honor is high and the performance of its requirements may safely be intrusted to the heart of this people, and we as their representatives may be well content if we crystallize into statute and insist upon the performance, through proper legislation, of their deliberate judgment.

Mr. BARKSDALE obtained the floor.

PERSONAL EXPLANATION.

Mr. WILSON. Mr. Speaker, the gentleman from Mississippi [Mr. BARKSDALE] yields to me one minute. I wish to state that, being under the impression that the order of the House with reference to debate to-day on the silver bill was one which could not be set aside except by unanimous consent, I was for that reason a little late in getting to the House this morning, having some business of my constituents which detained me at the Departments. Hence I was not present to vote on the labor-arbitration bill. If I had been present, I should have voted for that bill.

Mr. BARKSDALE. Mr. Speaker, disguise it as the advocates of the suspension of silver coinage may, the intention is ultimately to extinguish it as a part of the monetary system of the country. The authors and abettors of the agitation are responsible for attempting a radical innovation upon the time-honored traditions of the country, and the destruction of a system which is coeval with the Government and has ever received the sanction of the people by whom and for whom it was created. I know that in deprecating and opposing this scheme I am reflecting the will of the constituency to whom I am directly responsible. I am conscious, moreover, that I am standing by the landmarks of the fathers; standing by the Constitution which they framed; standing by the example which they set for the guidance of those who were to come after them; and standing by the precedents and platform of the national Democratic party, of which I am a member.

The gentleman from Pennsylvania [Mr. SCOTT], in his argument in favor of the suspension of silver coinage, objected to the dissent of Democratic Representatives from the recommendations of the President. He protested against their "criticisms." He seems to have forgotten that the legislative department is distinct from and independent of the executive department; that each has its appointed sphere; that each must be guided by its own convictions of duty, and that both are responsible to their common sovereign, the people. I arraign no one. I accord to the President the same integrity of purpose which I claim for myself and for the great majority of the Democratic membership of this House who are in favor of silver coinage; but I will not admit that we who are opposing the attempt to destroy it are lacking in fealty to the Democratic organization and its measures.

The platform of the national Democratic party declares for "honest money, consisting of gold and *silver*, and of paper convertible into coin;" and this declaration is almost a *verbatim* reproduction of the platform of the Democracy of Pennsylvania, the gentleman's [Mr. SCOTT'S] own State. On the 29th of April, 1880, the Democracy of that State, in convention assembled, adopted by acclamation a resolution, reported by another Representative of Pennsylvania on this floor [Mr. ERMENTROUT] declaring that the "Democratic party, as of old, is in favor of a constitutional currency of gold and *silver*." The gentleman [Mr. SCOTT] who now appears as a champion of silver suppression, and who arraigns the Democracy for dissenting from his attitude, was a member of that convention, and consented to the resolution.

During the long period which intervened between 1792, when the first coinage act was passed, and 1873, when silver was eliminated from the national currency, there was no thought of taking this departure. It was in the latter year, with a fatuity which has scarcely a parallel, that a scheme was covertly and with premeditation executed to strike down and degrade an essential part of the metallic money of the country—a money-metal which had served as a circulating medium of commerce from the remotest antiquity, and which is now being used as a medium of exchange and measure of values by the largest portion of the commercial world. Speaking of the maintenance of silver equally with gold as the metallic money of the country from 1792 up to 1873, Mr. Groesbeck, a distinguished delegate of the United States to the International Monetary Conference of 1878, said:

> It is enough to say that throughout the period I have referred to the two metals served us for all our transactions abroad quite as well as we would have been served if we had used but one. How was it at home? This is a far more interesting inquiry. Not a merchant or manufacturer or banker was injured or embarrassed or hindered in his business because we had made both metals a legal tender, and not a merchant, manufacturer, or banker would have prospered more if we had used gold or silver alone. Not a creditor or debtor uttered a complaint or sought a change; not a laborer, farmer, or mechanic was dissatisfied. Such was our experience in the equal use of both metals as money, and the nation was in a condition of absolute rest and acquiescence in its long-tried policy. In 1873 and 1874, I believe, without a single recommendation from the press, or from boards of trade, or chambers of commerce, or from any other direction, and when, for the first time, our public debt had become heavy and burdensome, and private indebtedness was larger than ever before, and we were in a state of suspension upon a currency amounting to more than seven hundred millions—in such an exigency, and with the knowledge that we were richer in mines of silver than any nation on the globe, we threw our silver away and set up gold alone.

This declaration has not been controverted, and can not be. It is strictly true. The people had not been consulted. They had not expressed their approbation of it through any channel by which their voice finds utterance. The step was taken as stealthily as the tread of a wolf into the sheepfold in the darkness of the night. In truth it did not originate, but found ready abettors, in this country. It originated with what has been styled the Bondholding Directory of Europe; and its object was to increase the burden of indebtedness in both hemispheres. The scheme has been well described as "a combination of usurers so to contract the currency as to double their profits and double the burden of debts upon the shoulders of the toiling people."

> According to my view of the subject—

Said the distinguished gentleman [Mr. CARLISLE] who now presides over this body, pending the discussion of the silver coinage bill in 1878—

> the conspiracy which seems to have been formed here and in Europe to destroy from three-sevenths to one-half of the metallic money of the world was the most gigantic crime of this or any other age.

With gold as the only metallic money debts would be practically doubled and the value of products and earnings of labor would be correspondingly reduced. The fortunate capitalist would grow richer, and the unfortunate debtor and toiling producer would become poorer. A decline of prices follows a reduction of the currency, as night the day.

The contractionists, in their lust of gain, seemed to have set this plain rule of economy at defiance and conspired to contract the currency at the very moment when the increased business and population of the country demanded its enlargement.

They acted, too, in disregard of the calamitous effects of the same policy in the countries whose bad example we have been urged to follow. A learned economist, Professor W. S. Jevons, gives the following graphic description of the effect of silver demonetization in the European countries:

> There is no doubt that prices, profits, and wages are falling in many industries which have hitherto been prosperous. The first cause in importance, the most general, and in all probability the most enduring, is the rapid rise in the economical value of gold. While the area of civilization is widening, and therefore the demand for an adequate currency is being extended, the most populous state of Europe has abandoned a silver for a gold currency, and has had as a fruit of its

successful war with France an exceptional power for attracting gold to itself, with singular success indeed, but to the incredible misfortune of its people. Germany has effected a monetary revolution on the grandest scale, and has beggared its own industries.

But here is still higher authority. I will quote from the report of the American commission to the International Monetary Conference of 1878—Messrs. R. E. Fenton, W. S. Groesbeck, and Francis A. Walker:

The effect of the German demonetization and of the closing of the mints of the Latin Union to silver has been to destroy the par of exchange between Europe and Asia; to introduce into the commercial dealings of two of the great divisions of the world a degree of uncertainty making trade highly speculative, the fluctuations in the price of silver often far exceeding the usual rates of business profit. The intercourse between gold countries and silver countries has thus been subjected to difficulties precisely the same in kind as those which beset the intercourse of specie-paying nations with those suffering from an irredeemable paper circulation. These difficulties, it is manifest, must be perpetuated in time and aggravated in degree should the movement for the rejection of silver continue. We have here the explanation of the change in the attitude of England since 1867, and of the willingness of the delegation of that country in 1878 to assist, so far as could be done without compromising the position of England as a gold-using State, in promoting the use of silver equally with that of gold.

Mr. Goschen, the learned representative of Her Brittanic Majesty in the same Conference, though not acceding to the proposition of the American commissioners, had the frankness and candor to admit that "it would be a great misfortune if a propaganda against silver should succeed;" and he protested against the theory that silver should be excluded from the monetary system of the world.

It is evident that the public mind of England is rapidly turning to bimetallism; and the signs indicate that public opinion will force the Government to re-establish it. A recent meeting of the Chambers of Commerce of the United Kingdom, at London, adopted the following resolution by an overwhelming majority:

The present tendency of silver toward disuse as money is disturbing trade generally and England's Eastern commerce in particular. Therefore we urge the government to unite with other countries in an endeavor to restore silver to its former function as a legal tender, thereby giving it a permanent instead of a fluctuating value.

The reaction in Germany is evidenced by the growing demand for bimetallism. The agricultural classes are holding meetings and are protesting against the single gold standard. The following resolutions adopted recently by the general committee of the congress of German farmers speak in no doubtful language:

The congress of German farmers has repeatedly recommended at its general meetings with regard to the monetary question, and has urged in the interest of German agriculture the adoption by treaty of an international double standard. In the course of the past year the condition of German agriculture has unhappily become so much worse that the committee believes it is necessary to urge your illustrious body in this most emphatic matter to afford the swiftest and most decided assistance possible to the sorely tried agricultural interest of Germany. As we consider that a restoration of its value to silver by means of international bimetallism is the surest and most thorough possible, the committee has advised the farmers' and peasants' unions of Germany to unite in general petition against the single gold standard.

The committee of the congress of the German farmers has the honor to lay before your illustrious body herewith a first installment of such petitions received up to this time by the bureau of the congress, and to ask your attention to them. The distress of the German farmers is known to the imperial government, and we thankfully acknowledge the help which has been promised us. Unhappily, the measures adopted so far, and particularly the increase of the corn duties, can not afford the necessary aid; on the contrary, the condition of the landed interest has become so deplorable that unless help is shortly afforded, a general catastrophe is inevitable. The greater the necessity the more difficult becomes the alleviation. The fear now is widespread that special legislation is imperative to rescue the landed interest of Germany from destruction. In these circumstances we expect help and support from your illustrious body, and we believe it can be given in no such practical and effectual manner as by an effort on the part of your illustrious body to bring about international bimetallism. And we must here protest against the imputation that has been cast upon the German land interest of wishing, by means of bimetallism, to deal unfairly with creditors. We are protecting ourselves against dear money. We demand for silver only a restitution to its old historic relations, and we see in this no injustice to creditors, certainly no injustice greater than the injustice done to debtors by the demonetization of silver. The rise of the gold value in all countries using silver and paper standards not only checks the exports resulting from German industries, but it has also created a competition with our German agriculture on the part of those countries which are the largest agricultural producers against which customs duties are inadequate protection, because gold rises rapidly in those countries to a point beyond the amount of the duties, and thereby practically annuls the defensive value of those duties.

We express no opinion as to whether the adoption of bimetallism without the support of England may or may not be disadvantageous to some branches of the wholesale and export trade of Germany. What we do say is that the existence of the industry and the land interest of Germany is of greater importance than some hypothetical disadvantage to our foreign commerce and to our banking and exchange classes.

Even as regards those, it does not seem to us charitable to wait much upon the action of England. Our actual necessities afford much stronger reason for a speedy understanding between the German Empire and such other states as have long been ready to adopt this course and to effect general bimetallism.

May your illustrious body hear this cry of distress of the German farmers, and give effect to our petition.

I have said that the act ostracising silver and divesting it of its legal-tender property was an imitation of the example of the plutocratic countries of the Old World; that the step was taken surreptitiously and not in the bold and manly fashion which evinces consciousness of right.

Hidden away in the body of a bill the title of which concealed the serpent that was wrapped in its folds was the following clause:

No coins either of gold, silver, or minor coinage shall hereafter be issued from the Mint other than those of the denomination, standard, and weight herein set forth.

The coins here excepted were the trade-dollar, which did not possess the legal-tender functions, and fractional currency. This act served to expel silver from the mints.

In the Revised Statutes which were reported to Congress the next year the following clause occurs:

The silver coins of the United States shall be a legal tender at their nominal value for all sums not exceeding $5 in any one payment.

This act divested silver of its legal-tender property and reduced it to the condition of the baser metals.

A distinguished Senator, who was at that time a member of the House, and was noted for his vigilance and ability, has frankly declared that he was not aware of the enactment of these clauses; and that there were not ten members of the House of Representatives who knew of the existence of these provisions demonetizing silver. Even the President who signed the act of 1873 was not informed until months afterward that it contained the fatal clause.

In a letter dated October 3, 1873, to Mr. Cowdry, General Grant said:

I wonder that silver is not already coming into the market to supply the deficiency in the circulating medium. * * * Experience has proved that it takes about $40,000,000 of fractional currency to make the small change necessary for the transaction of the business of the country. Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. But I want to see a hoarding of something that is a standard of value the world over. Silver is this.

* * * * * * *

Our mines are now producing almost unlimited amounts of silver, and it is becoming a question, "What shall we do with it?" I suggest here a solution which will answer for some years to put it in circulation, keeping it there until it is fixed, and then we will find other markets.

This letter proves that months after General Grant had signed the bill which purported only to correct irregularities in the coinage laws, he was ignorant of the fact that it had ostracized the standard silver dollar from the mints. With natural impatience, he inquired where is this favorite money of the people? Why does it not come forth to supply the need of a circulating medium? And echo answered, why!

There was amazement in the land when the people came to a knowledge of the fraud that had been practiced. But "truth is omnipotent and public justice certain." In 1878, after a protracted and able discussion, a bill was passed over the veto of the President authorizing the limited coinage of silver and reinvesting it with its legal-tender functions. Its friends did not accept it as a full measure of justice. They passed it under protest as the best they could do under the circumstances but with the understanding that they would renew and continue the struggle until silver was placed on an equal footing with gold.

To show the predominating sentiment of the advocates of silver coinage at that day, I will adduce the following extracts from the debates:

Mr. Cox, of New York, said:

I stand upon the principle that gold and silver shall walk hand in hand in their financial function, and it is but just and fair to both of them that they should have equal chances; otherwise the results expected may fail. But I have not time to discuss that, except to say that although this bill does not come up to the standard which I have marked out, I will stand upon the old equitable principle that if you can not get the very best thing then take the best you can get. It is the doctrine *cy pres*. I believe this measure, even as amended, is the best we can now get. Under and subject to the Constitution we have the right to amend all our laws. Are not all our enactments revocable, and may they not be supplemented? I trust that if necessary in the future fresh legislation may cure any defect that may be discovered in the measure about to pass the House.—*Congressional Record*, volume 28, Forty-fifth Congress, second session, page 1268.

Mr. BLACKBURN, of Kentucky, said:

It bears upon its face evidence that the moneyed power has in the passage of this measure been beaten but not broken. But the measure even as it stands is not to be accounted valueless. It does restore silver to the coinage. It does make it a legal tender for all debts, public and private, without limit. It does give us a bimetallic instead of a single standard. Ay, sir; it does more. It opens up the way for other and further legislation in this direction, which should, and I doubt not will, speedily follow.—*Congressional Record*, volume 31, Forty-fifth Congress, second session, page 41.

Mr. CARLISLE, of Kentucky, and Speaker of the present House, said:

Our power of legislation over this subject will not be exhausted by the passage of this measure, and we ought not to halt for a single moment in our efforts to complete the work of relief inaugurated by it. The struggle now going on can not cease and ought not to cease until the industrial interests of the country are fully and finally emancipated from the heartless domination of syndicates, stock exchanges, and other great combinations of money-grabbers in this country and in Europe. Let us, if we can do no better, pass bill after bill, embracing in each some one substantial provision of relief, and send them to the Executive for his approval. If he withholds his signature and we are unable to secure the necessary vote here or elsewhere to enact them into laws notwithstanding his veto, let us, as a last resort, suspend the rules and put them into the general appropriation bills, with the distinct understanding that if the people can get no relief the Government can get no money.—*Congressional Record and Appendix*, volume 31, Forty-fifth Congress, second session, page 44.

Mr. BLAND, of Missouri, said:

I do not like this bill. It is not what the country expects. But I am in favor of taking this now as making one step in the right direction. But I give notice here, and now that this war shall never cease so long as I have a voice in this Congress until the rights of the people are fully restored, and the silver dollar shall take its place alongside the gold dollar.—*Congressional Record*, volume 28, Forty-fifth Congress, second session, page 1250.

Strange as it may seem, the Bondholding Directory are not content to permit the existing status of silver to remain, unjust though it be to the people, and far below the position in which it was placed by the

framers of the Government. Without warrant from the people, and in reckless disregard of the paramount interests of the country, they have renewed the assault and are seeking to strike it down and to degrade it to the condition of the basest metals as mere merchandise, notwithstanding all the prophecies of evil which they indulged as to the effect of remonetization, have been falsified by actual results.

They predicted that silver remonetization would drive gold away from the country. Well, what if it had? Gold is proverbially a selfish and timid coin. It always seeks its hiding-place in times of peril and trial, while silver, bold and generous, comes to the front when it is needed. But the prophecy that gold would take the wings of the morning and fly away has not been fulfilled.

There were in the country in round numbers $230,000,000 of gold when the silver-coinage act of 1878 was passed. There are now in round numbers $630,000,000 of gold in the country, in the face of the prediction that the coinage of silver would banish gold, and in the face of the preposterous declaration which is sometimes heard that it is even now doing its fearful work of driving away the yellow metal—gold. How it perverts men's reason and sways their judgment and contradicts the palpable evidence of their own senses, suggesting the language of the great poet of nature:

> This yellow slave
> Will knit and break religions; bless the accurs'd;
> Make the hoar leprosy ador'd; place thieves,
> And give them title, knee, and approbation,
> With senators on the bench.

[Applause.]

Again, it was said that the silver-coinage act would destroy the credit of the Government. The reverse has been the result. Simultaneously with the passage of the law its credit improved, and its securities were more sought than ever by capitalists for safe investment, upon better terms than ever before.

It should be stated to the credit of the law of 1878 that it rendered resumption possible. If the fund mongers had been permitted to demand gold exclusively for greenbacks, resumption would have been a failure, and the Government would have been discredited.

Again it was predicted that the standard silver dollar would not enter into circulation. It was resurrected, so to speak, with a brand upon it. The distinguished gentleman from Maryland [Mr. FINDLAY] says that the act upon its face "was an impeachment of free coinage." I will accept the word. Silver coinage was "impeached" and condemned, too, without a crime. It had performed all its functions faithfully, and was stricken down in the midst of its usefulness. Hitherto it had stood upon an equal footing with gold. Now it is divested of its function as a unit of value, and its coinage is limited as a sign of its unfitness for the uses of money. It was confided to the keeping of unfriendly administrators, who advertised that it was not good enough for the favored, untaxed classes whose capital consists of United States bonds.

The national banks took the cue and disparaged it. The clearing-houses discredited it. Wall street, the great money center, raised the hue and cry against it, and it was echoed by the Bondholding Directory and their pensioned organs throughout all the land, but without avail. It possessed the confidence of the honest, toiling masses. They did not depreciate nor discount it. They took it for what it was worth, for what the Government had stamped it—100 cents. They bore it up by their generous confidence and loyal support. It entered rapidly into circulation. Money which was intrinsically valuable became more plentiful. The country became more prosperous. Agriculture and its handmaid, commerce, revived. Manufacturing, mining, and railroad building received a new impetus, especially in my own lately desolated section, the South, whose mountains and valleys are resounding with the whir and hum of machinery and the thunder of the iron-horse. What greater evidence could be given of the wisdom of a measure than that it has imparted new life to all the agencies of industry and prosperity?

It is preposterous to argue, in the face of results like these, that the coinage of silver should be discontinued. Nevertheless it is done, and upon the following grounds, in addition to others that have already been reviewed:

First. That it is impracticable to continue the two metals side by side as equal legal tenders.

Second. That the demonetization of silver by England, Germany, and lesser European powers necessitates the adoption of a similar policy by the United States.

Third. That to continue the use of the two metals, and thus give to the debtor class the option to pay in that which happens to be commercially cheaper, is unjust to the creditor class.

The first argument is abundantly answered by the experience of our own and other countries in which the two metals have been in constant and simultaneous use. France is a noteworthy example that the maintenance of the two metals is practicable and beneficial. She circulates in round numbers nine hundred and fifty millions of gold and five hundred and fifty millions of silver with great advantage to the industrial condition of the country. And thus is demonstrated the practicability of using both metals as money, and the evidence is conclusive that neither will drive the other away if the Government in its strength determines to sustain both.

As to the argument founded upon the policy of England and Germany, it seems not to have been remembered by those who employ it that they are both creditor nations and are following their self-interest in urging a policy which will appreciate gold.

England demonetized silver in 1816; and the discovery has been but recently made that this country should follow her example.

Germany demonetized silver in 1872, after she had filled her coffers with a war-indemnity fund of $1,250,000,000 of gold. She then believed that it would be her true policy to appreciate the value of gold and to depreciate the value of silver. But it seems to have been overlooked that in adhering to the policy of these countries we will separate ourselves from the large majority of nations that use gold and silver, or silver only. The following table will throw a flood of light upon this subject:

SILVER STANDARD.

Countries.	Population.	Countries.	Population.
Russia	76,000,000	Peru	3,400,000
Austria	36,000,000	China	400,000,000
Egypt	4,500,000	British India	237,144,456
Mexico	8,000,000		
Central America	2,600,000	Total	768,944,456
Ecuador	1,300,000		

DOUBLE STANDARD.

Greece	1,400,000	France	36,000,000
Roumania	4,000,000	Belgium	5,000,000
Colombia	2,900,000	Switzerland	2,700,000
Venezuela	1,900,000	Italy	26,800,000
Chilli	1,600,000	Spain	16,400,000
Uruguay	400,000	United States	50,000,000
Paraguay	1,200,000		
Japan	33,000,000	Total	187,300,000
Holland	3,700,000		

GOLD STANDARD.

Great Britain	32,000,000	Norway	1,780,000
Canada, Cape of Good Hope, and Australian colonies	7,000,000	Sweden	4,300,000
Germany	42,000,000	Total	87,080,000

The desirability of a uniform monetary system among the commercial countries is unquestioned. To this end repeated efforts have been made. Notably in 1878 and 1882. In the International Monetary Conferences of those years the United States was represented by its ablest statesmen and economists of both the political parties. They were all failures. Nothing better could have been expected. The conditions of each country are different, and it is reasonable that each would follow its own interest. It is the prerogative of every government to coin its own money, and to regulate the value thereof. A matter so purely of internal administration can not be regulated by international agreement. The United States must have a policy of its own, which she can not with justice to herself subordinate to the interest, dictation, or caprice of any other power.

In arguing that the silver coinage law operates unjustly upon the creditor class, and especially the holders of United States bonds, the gold monometallists are inconsistent. In one breath they assert that the United States bonds are not payable in silver, and in another they declare that it should be demonetized in order to take away the option to pay in the cheaper money. If the bonds are not payable in silver, then no injury can result to that class of creditors by retaining its legal-tender property. But, in truth, the law constitutes both gold and silver egal tender for all debts due from one individual to another and for every obligation which the Government owes. The contract between the Government and the bondholders, who instigated the crusade against silver, makes the bonds payable in coin. Coin means gold and silver, and the bonds are dischargeable in either. The act of March, 1869, entitled "An act to strengthen the public credit," is conclusive of this fact. It says:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment *in coin* or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than *gold and silver*. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Approved March 18, 1869.

And here is what is written upon the face of all the bonds. I will take for example the 4 per cent. bonds:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, *in coin* of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

This is the contract. It says that the bonds shall be paid in "coin," meaning gold and silver.

Again, in January, 1878, both Houses of Congress passed the following resolution, which was introduced in the Senate by Hon. Stanley Matthews, who is now an associate justice of the Supreme Court of the United States:

That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

The resolutions passed the Senate by a vote of 42 to 20, and the House by a vote of 189 to 79. It is conclusive that the contract between the Government and the bondholders makes the bonds payable in either coin at the option of the Government. And yet, in the face of a law so plain that a wayfaring man, though a fool, could not err therein, its administrators have arbitrarily assumed that the bonds are payable only with gold, and with gold only they have been paying them, principal and interest. By this reckless disregard of the law and favoritism to a privileged class the people who pay the taxes for the support of the Government have been defrauded.

The opposers of the coinage of silver are not agreed among themselves as to the proper remedy for the evils which they assert it is producing. Some propose to suspend its coinage temporarily, thinking, no doubt, that it will be a long stride toward permanent demonetization. The London Economist, an influential organ of British opinion, says that the argument that its temporary suspension will force England and Germany into bimetallism is without foundation; that the effect will be directly the reverse; that it will be accepted as an admission on the part of the United States that bimetallism is a failure. The proposition is a shrewd invention of the demonetizers, who believe if the backward step is once taken it will never be retraced.

Others propose to add more bullion to the silver dollar, in order, as they assert, to equalize its value with the gold dollar. A difficulty in the way of this proposition springs out of the nature of contracts, which make the existing silver dollar a fixture.

The public debt of the United States in round numbers is $1,500,000,000, to say nothing of the billions of State, county, municipal, and private indebtedness. Assume that the silver dollar is worth but 80 cents, and add 20 cents to it, and the national debt will be increased $300,000,000. To that extent the tax-payers would be robbed.

It was said by Alexander Hamilton that "in fixing a money standard a government can not depreciate the existing measure of contracts to the injury of creditors, nor appreciate them to the detriment of debtors." If the commercial values of the two metals must be equalized, let the gold dollar be decreased. Gold has gone up. Silver has not gone down. It has the same purchasing power that it always had, notwithstanding its unfriendly treatment by the constituted authorities of the land.

Mr. BLAND. It has a greater purchasing power than ever before.

Mr. BARKSDALE. I will accept the statement of my friend from Missouri. There is no man whose knowledge of this subject is superior to his.

Even if a new relation was established between the two metals, there is no certainty that it would be permanent, or that the nations that had discarded silver would restore it to its monetary functions.

I apprehend that while the addition of more grains to the dollar would unsettle values, defraud the debtor class, discredit the silver coin already in circulation, and throw the currency into disorder, it would not produce a permanent equation in the commercial value of the two metals. History shows that there have been constant fluctuation in their values. In Greece, centuries before the Christian era, the relation of gold to silver was 1 to 10. In the palmy days of Rome, when her eagles flew where they listed, the relation was 1 to 18. In England it was 1 to 15½. In France and the Latin countries it is 1 to 15. In Mexico and the Central American States it is 1 to 16. In the Asiatic countries the relations are varied, but in no instance is the difference so wide. In the United States, during the first half century of the Government, under the law framed by its founders, it was 1 to 15. It is now 1 to 16. And finally the American dollar of 412½ grains standard silver, is the equal in weight and fineness to the dollar coined by any other nation on the globe.

Mr. Speaker, I will support the bill which aims to bring back the Government to the position from which it departed prior to 1873—the coinage of both metals on equal conditions. Nature has adapted them both to the uses of money, and mankind in every age and clime, with unerring instinct, has obeyed her law. As money, they have been the contemporary of all ages. They were the metallic money of the American colonies; and when the Union was formed they became the money of the Constitution, as that instrument and the statutes founded upon it attest. The framers of the law of 1792 designed that no preference should be given to either metal. The country rested content with the plan of the fathers, until the Bondholding Directory and other interested classes conspired to overthrow it. To the opinion of the gentleman from Maryland [Mr. FINDLAY], that "gold is king," I will oppose the testimony of the ages, and the example of our fathers, all expressed in the incontrovertible statement of an eminent writer upon monetary science, before whose researches the learning of that distinguished gentleman will pale its ineffectual fires, that "the history of all ages, and that science whose inevitable laws human society strictly observes, though no pen has formulated them, prove that gold and silver are equally good. Mankind has ever used both, and will ever use both, despite local and temporary exceptions." Gold may be crowned king by the plutocracy and privileged classes of Europe, but in this country of free thought, free speech, and free action, public opinion, like a thunderbolt, will shiver its scepter to atoms. [Applause.]

Mr. BUCHANAN. Mr. Chairman, availing myself of the latitude allowed for debate in Committee of the Whole, I desire to occupy a few minutes in presenting a matter of great importance to some of my constituents. It is to be supposed that the process of making wire is understood by the members of this House. The iron is rolled into small round rods. These rods are known as "wire rods." They are then drawn through gauges successively smaller in diameter until the size of wire required is reached. It will be readily seen that while to the wire-drawer these rods are "raw material," to the owner of a rolling-mill they are "finished product." Upon these rods the import duty levied up to the year 1883 was 1½ cents per pound.

The act of 1883 reimposed the duty, but reduced in a paragraph worded as follows:

Round iron, in coils or rods less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled iron, not specifically enumerated or provided for in the act, at 1.2 cents per pound.

But this last act contains another provision—a provision which in that act appears, I believe, upon the statute-books of the United States for the first time. It reads as follows:

Iron or steel rivet, screw, nail, and fence-wire rods, round, in coils and loops, not lighter than No. 5 wire-gauge valued at 3½ cents per pound, six-tenths of 1 cent per pound.

This last provision was inserted, I am informed, at the request of certain manufacturers of barbed-wire fencing, and against the earnest efforts of both producers and consumers of wire rod in my own section. The effect of this new provision was instantaneous and disastrous. As will be seen, the two provisions are practically the same. All the articles enumerated at the higher rate could be imported, under the second provision, at the lower rate, and instead of paying a duty of one and two-tenths of a cent per pound, pay the lower duty of only six-tenths of 1 cent per pound.

By this great reduction in the rate it became cheaper to import wire rods than to make them here. Our own mills could not stand the competition, and were compelled to close. Hundreds of men in my own city were thrown out of employment and left with no provision for the future, save the small savings that years of the hardest toil and severest economy had enabled them to lay by for the necessities of declining age. The years have passed, the importations continue, the savings are long since exhausted, and strong men to-day turn away as their children ask for bread, because they have no bread to give. They are willing and anxious to work, but "no man hath hired them."

In the year ending June 30, 1884, there were imported into this country under this last provision 192,633,204 pounds of wire rods, at a value of $3,382,335.22, and for the year succeeding 146,111,277 pounds, at a value of $2,481,632.16, while for the seven months ending December 31, 1885, this importation was 141,300,665 pounds, valued at $1,915,872. Sir, we hear much about overproduction and underconsumption. In my judgment our great trouble is not these, but overimportation. Here, in two years and seven months, of this one article alone we have imported 480,545,146 pounds, every pound of which could have been produced here and afforded employment for our own people. And it will be noticed that the importation for the last seven months was nearly as large as for the whole of the preceding year.

Knowing how many of my constituents were suffering from this competition, I appeared some time ago before the Committee on Ways and Means and called the attention of the committee to this trouble. On that occasion Mr. Daniel Haggerty, of Trenton, N. J., a very intelligent wire-worker in one of our mills, accompanied me and made a most earnest plea for his fellow-workmen. I can not do better than to read as a part of my remarks a portion of his clear and straightforward statement. He said:

In our city there is another industry besides pottery, and that is the wire-rod industry. As Judge Buchanan stated, the tariff of 1883 was an injustice. The passage of that bill has been the means of throwing from two hundred to three hundred men out of employment altogether, men that were employed steadily previous to the passage of this bill in 1883, and those that have continued to work in the rolling-mill department and any other department have been working from two to three days a week, and their wages have been reduced from 20 to 30 per cent. These men that have been thrown out of employment consider that it is an injustice; perhaps it was overlooked by Congress. The bill they know was passed in haste, and they did not know of it until they read it in the newspapers and observed that the bill had been passed in the House, and they hope you will give them some relief in the revision of the tariff at this time. They request a section inserted in the Morrison tariff bill on page 8, line 116, between the words "act" and "one," "an iron or steel rivet screw nail, and fence-wire rods in coils and loops not lighter than No. 5, wire-gauge." Now, this is about the size of the wire that is being imported; in some cases it is an inferior grade. The consumer may think if the goods are cheap and made into rope it is a good article, and it has legislation in its favor.

On the other hand, this manufacturer in a foreign country, we knowing of the character of the material in it—to a certain extent it may be tested, and it may

not be perhaps—I say perhaps, because I can not prove it, that the manufacturer stands in with the agent that tests it. * * * The consequence was these men were thrown out of employment. Is that fair? And that has not only been done in Trenton, but in other places where wire-rod industries exist. I have not any statistics to present, believing that the best argument was the argument that these men have been thrown out of employment and the wages reduced.

Other interests were struggling for recognition, and our suggestions remained unheeded. Finding that the bill upon which we hoped to attach our proposition as an amendment was not likely to be reported, I embraced the opportunity the rules afford to offer, March 22 last, in the House, a separate bill upon the subject. This bill reads as follows:

A bill correcting an error in the act entitled "An act to reduce internal-revenue taxes, and for other purposes," approved March 3, 1883.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision in "Schedule C, Metals" of section number 2502, title 33, Revised Statutes of the United States, as amended by the act approved March 3, 1883, entitled "An act to reduce internal-revenue taxation, and for other purposes," and which provision reads as follows, to wit: "Iron or steel rivet, screw, nail, and fence-wire rods, round, in coils and loops, not lighter than number 5 wire-gauge, valued at 3½ cents or less per pound, six-tenths of 1 cent per pound," be, and the same is hereby, repealed; and that the provision in said section which reads as follows, to wit: "Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled iron, not specifically enumerated or provided for in this act, one and two-tenths of 1 cent per pound," be, and the same is hereby, amended to read as follows: "Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter; iron or steel rivet, screw, nail, and fence-wire rods, round, in coils and loops, not lighter than number 5 wire-gauge; and bars or shapes of rolled iron, not specially enumerated or provided for in this act, one and two-tenths of 1 cent per pound;" and that from and after the passage of this act the duties to be assessed and collected upon all imports embraced within the terms of said provision, as so amended, shall be assessed and collected at said last-named rate, and not otherwise.

That bill was referred to the Committee on Ways and Means, and there "sleeps the sleep of the righteous." It is not reported, and efforts to have it reported are so far fruitless. Political platforms are poor provender for American workmen. Free trade may be a beautiful theory to please the Yale or Harvard student, but actual experience of the effects of this one example of lowering duties has brought no pleasure to these cheerless homes. These barbed-wire manufacturers, protected by their United States letters patent on their inventions, secure their material lower, and sell their goods no lower, relatively, than before, while American workmen go unemployed. In the name of honest labor I demand that this error be corrected, and that at once.

Mr. CALDWELL. Mr. Speaker, it has been officially stated to the American Congress that the further coinage of silver at the rate of about $2,000,000 per month would prove disastrous to our country and result in driving out our gold, contracting our currency, and precipitating upon our people all the evils of a debased coinage. The remedy proposed for the threatened evil is a suspension of the silver coinage in order to keep it from driving out the gold. It is said that our persistence in the coinage of silver will be to make this country the "dumping ground" for all the silver in the world, to our financial destruction.

These statements are sufficiently alarming if made by one even not in authority, but coming from the Executive in the discharge of his constitutional duty from time to time to communicate to Congress his views upon great questions affecting the prosperity of the people and the state of the Union, they bear the stamp of official authority and make it incumbent on every one to weigh them well and see if they come up to the requisite "standard of weight and fineness" to warrant us in giving them currency by Congressional action.

It will be perceived that the statements indulge more in prophecy than history. They do not recount evils that have already happened so much as predict those that are to come. "We have but one lamp by which our feet are guided, and that is the lamp of experience." Let us turn on this malign prophecy this light, and see whether anything in the monetary history of this or any other country affords a reasonable ground for such apprehensions.

We find that in France the circulation of silver is $14 per capita of population. In Holland the circulation of silver is $11.60 per capita. This rate is maintained in actual circulation in those countries side by side with a gold circulation in France of $22.37 per capita and in Holland with at least an equal amount of gold with that of our own people. The peoples of these two countries are as prosperous, business is as good, as in any European country; nay, they are more thrifty than in any other.

Why is it that the evils threatened here have not occurred there? They are nearer the circle of the monometallic maelstrom, and if our metals are to "part company," why is it that their gold is not swept away from them into its vortex and their finances deranged and business interests injured? The French bimetallic system has been in existence for eighty years and more and that of Holland perhaps as long.

France has paid or is paying Germany the greatest war exaction in history—paying it in gold—and yet our minister to that court says that "France could not be induced to change her present rates of 15½ to 1 between silver and gold for ours of 16 to 1, nor would she permit even a restricted coinage of silver." France has a population of, say, 40,000,000, in round numbers, and has one-eighteenth of our territory. Belgium has at this time at least $9.21 legal-tender silver per capita of population circulating side by side with $11.13 per capita of gold. The United States has of silver only $3.80 per capita for our 56,000,000 of population. It is, then, difficult to see from these data where our danger lies.

But is it true that gold is leaving France and other European states? In the last ten years the imports of gold into France has amounted to $646,737,000; exports of gold to $371,618,000; excess of imports over exports $275,119,000. In other words, there has been gained by France in gold importation from other countries $275,119,000 up to 1884, and this sum was increased last year to $290,000,000. And, singular as it may seem, the largest gain in any one year was in the year of 1876, during which year silver fell to 46½ pence in London, to that date the lowest of low prices. The same thing is true of Holland, which has not lost her gold, although circulating silver to the amount of $13.41 per capita. So also with Belgium. Spain, in the five years ending with 1884, coined $64,487,375 in gold, and has suffered no drain of that coin. Italy acquired eighty millions of gold up to 1882, when she resumed specie payments. Germany, theorists and doctrinaires to the contrary notwithstanding, is as practically a bimetallic country as the United States. The Imperial Bank of Germany had on hand on the 28th January of this year in its vaults $75,000,000 in thalers, legal-tender silver. This notwithstanding her attempt at draining France of her gold by her exaction of millions of that metal. Von Deschend, the head of that bank, says:

The administration of the Imperial Bank has been obliged to confine the redemption in gold of notes to the main bank. * * * Our condition is in so far better, as a great amount of the old silver has in the mean while been sold and foreign countries can only make payments to us in gold, and for the reason that the Imperial Bank still has the right to redeem its notes with thalers. That it has made no use of this right, but redeemed all its notes in gold, does not alter this. Foreign countries know we are not lawfully compelled to redeem in gold only, and can not count on us with certainty should they need gold.

But it may be said that peculiar causes not operative here have promoted the efflux of gold from bimetallic to monometallic countries in Europe, and that the threatened evil will ensue here, these examples to the contrary notwithstanding. What is the history of our own country since the Bland act? The amount of gold coin and bullion estimated to be in this country on the 1st July, 1878, was $247,428,570; the amount of gold coin and bullion in the United States July 1, 1885, is officially reported to be $609,021,730. In the seven years beginning with the 30th of June, 1878, three months after the coinage of standard silver dollars commenced, the imports and exports of gold were as follows:

Imports, gold	$288,076,812
Exports, gold	104,550,401
Gain of gold from 1879 to 1885, inclusive	183,526,411

During six of these seven fiscal years there was a net import of gold amounting to $201,759,071, and a net export of gold in only one year, 1884, of $18,250,440, which exportation, as has been alleged without contradiction, was "less than the addition made to our gold from domestic mines after supplying the consumption in the arts."

We have up to date in this present year imported more gold than we have exported.

The total net export of silver for the same seven years was $60,172,185. It was going out, while gold, as before shown, was coming in.

Another fact seems to be indisputable; that is, that we have less of silver per capita of population, and that there is no redundancy of that coinage with our people, and that the continued coinage of silver at the present rate for the next five years would not add more than $2.50 per head to the money of the country, making the total per head of $6.50, being $7.50 per head less than the French and $5.10 less than the Netherlands are now carrying without detriment to any interest.

If France should reduce her currency to the basis the people of the United States would have should we stop the coinage of silver, it would result in a contraction of her currency which would bring financial wreck upon that people, as shown by the following table, prepared for me by Mr. Jordan, editor of the Mining Journal at New York, to whom I am indebted for much statistical and other information in this speech:

	Present circulation in France.		Reduced to basis of circulation in United States.	
	Amount.	Per capita.	Amount.	Per capita.
Gold	$850,000,000	$22 37	$361,000,000	$9 50
Full-tender silver	540,000,000	14 20½	144,400,000	3 80
Subsidiary silver	52,000,000	1 39½	49,400,000	1 30
Total specie	1,443,000,000	37 97	554,800,000	14 60
Notes of Bank of France, January 9	582,500,000	15 32	524,000,000	13 79
Total paper and specie	2,025,500,000	52 29	1,078,800,000	28 39

That is to say, to place the French people upon a monetary regimen at this time about the same as that which would exist in the United States were Congress to stop the further coinage of silver, they would have to part with—

Gold	$489,000,000
Silver	395,600,000
Subsidiary silver	3,600,000
Coin contraction	888,200,000

Holland, to reduce her volume of currency to a parity per head with that sought to be imposed upon us, would have to expel from her confines $8.30 per head of her silver and call in and cancel $5.70 per head of her paper money, making an aggregate reduction of her money of fully 40 per cent. Belgium, likewise, would have to contract her specie currency 34⅞ per cent. The Australian colonies of monometallic England would be stripped of 40 per cent. of their coins on this theory. The conclusion then would seem inevitable, that not only is it unfounded that a further coinage of silver would drive out our gold, but that we have less per capita now of silver than any nation of Western Europe, and to reduce them to our proposed condition would contract their circulating media to the suffocation of those peoples and the destruction of their material prosperity.

But it is said that our dollar is a short-weight dollar and a dishonest coin that swindles labor of 20 per cent. of its wage, being only worth less than 85 per cent. of the gold "unit of value."

Until 1873, it is an undoubted fact that silver for twenty years had commanded a premium over gold. In that year two events occurred which will long be remembered by the world. In our country silver was covertly demonetized by some "devilish cantrap slight," and the coinage of silver dollars prohibited in an American Congress, without that Congress being aware of it, in a bill professedly to regulate the operations of the Mint. The other event was the demonetization of silver by Bismarck, since which year of disaster prices have steadily declined and markets touched the lowest level of prices ever reached since record of prices began.

Terrible as has been the career of this man of blood and iron, this crowning act of imperial selfishness has entailed hard times with their remorseless grasp upon the world. Austria defeated, Schleswig and Holstein subjugated, France dismembered, Poles expatriated, and the American hog excluded, are some of the achievements which now glitter on his breast. But when he remorsely struck down the standard of values of ten-twelfths of the people of the world, it was the master-stroke of a "heart devoid of social order and fatally bent on mischief." He did it though, boldly and openly. It was done here in the dark, when nobody was aware. England being the creditor nation of the world, with that far-sighted and supreme thrift that has ever characterized her policy, had seventy years before levied tribute upon the debtor nations by requiring payment of debts to her in gold. Thus, by striking down one of the money metals the value of the other is enhanced, and the creditor receives more than he is entitled to.

Since 1873 the price of everything has diminished. Bullion silver ver depreciated in value from its disuse as money; the purchasing power of gold rose in proportion to the reduction of prices and wages. Falling prices mean that the purchasing power of gold is rising. The production of gold has also declined; its consumption in the arts has increased. Thus the gold standard of value has grown scarcer and more valuable. The amount of gold possible to be used as money is diminishing year by year, and there will be no relief possible from the business depression that has bankrupted commerce and manufactures, starved labor, and distressed the poor. Contraction, resulting from demonetizing our metal, forecloses mortgages, and renders onerous public debts, those fixed charges upon property and labor. Upon private indebtedness it piles municipal, county, State, and national debts like Ossa on Pelion, mountain-high.

It seems to be taken for granted that both metals must be used as money in every country, and it is said there is no way out of the difficulty except by international agreement to restore bimetallism; a sort of monetary treaty, by which we may be permitted to give relief to our internal empire and to our colossal national and interstate interests in the Union; that it would be "audacious" for us to maintain our present silver coinage or make it free, for the relief of our people, without arranging terms of a monetary agreement with Europe.

Where, in all history, is the example or precedent for such a treaty? During the thousands of years in which the precious metals have performed the functions of money for the world there has been no international regulation of the subject, much less the coercion of one country to have its business and its values regulated by the standard adopted by another. Who is authorized to legislate for the world? Each nation acts for itself, and in the ages that have flown one has had one metal, another the other metal, while a third has had both. Their circulation as between nations has always been at their bullion and not their coinage value. England demonetized gold three-quarters of a century ago, and although we traded most with her of all the world, the difference between our metallic standards was not considered in any way to our disadvantage, nor did it occur to our fathers that we must be a monometallic nation because England was, to keep our gold from flowing into British coffers.

This international common ratio between silver and gold is an invention of the enemy. It is a *ruse de guerre*, as wily as the stratagem of a savage, to induce us to surrender the whole fight; and, besides, if that is the remedy, can not we adopt the ratio of 15½ to 1 and reduce the value of our dollar to that of Europe? For it is persistently ignored by all who denounce our silver dollar of 412½ grains that it contains 3 per cent. more silver than is given in at least $950,000,000 of legal-tender silver in Europe and $1,125,000,000 in British India.

In order to demonstrate how utterly dishonest the denunciation of our dollar as a short-weight dollar is, I invite attention to the following table, showing the full legal-tender silver circulation of the leading commercial states of the world, and the value which the same weight of silver would have if coined at the ratio to gold which silver has in our own standard dollar:

Country.	Legal value.	Valued as in U. S. standard dollars.
France	$537,000,000	$520,567,800
Germany	109,480,000	106,100,000
Austria-Hungary	75,000,000	72,700,000
Netherlands	57,000,000	55,250,000
Belgium	53,000,000	51,378,200
Italy	38,000,000	36,837,200
Spain	40,000,000	38,800,000
Switzerland	10,000,000	9,694,000
Turkey	35,400,000	34,310,000
	954,880,000	925,637,000

RECAPITULATION.

European legal-tender silver circulation	$954,880,000
Value of same at ratio to gold of silver standard dollars	925,637,200
Excess of European valuation of silver over that of standard lars	29,242,800

That is to say, if the 412½ grains of silver in the United States standard dollar were coined at the rate at which silver is coined and circulated concurrently with gold in Europe to the extent of $950,000,000, it would be worth more than 103 cents. Now while this is so with the silver circulation of the leading European states, so also the silver circulation of the British Empire, $1,125,000,000, if valued at the ratio to gold that silver has in our standard dollar, would only be worth $1,095,550,000.

Consequently silver now circulates in Europe and British India to the amount of two thousand millions of dollars at a valuation which would make the 412½ grains of the metal in our dollar worth above 103 cents for each one of them. On the 20th January, 1886, there was held in silver, as part of the specie reserve of European banks, as follows:

	Silver.	Value.*
Bank of France	$216,200,000	$229,545,000
Imperial Bank of Germany	75,810,000	85,490,000
Austro-Hungary Bank	65,200,000	34,540,000
Netherlands Bank	40,025,000	19,995,000
	$397,235,000	$369,570,000

*Worth at valuation of United States.

Which is more than 3 per cent. greater at a legal-tender valuation with gold than the value given to silver in our standard dollar.

Until very recently as much as 75 per cent. of the specie reserve of the Imperial Bank of Germany was of silver, valued concurrently with gold in the aggregate $3,348,750 higher than the same weight of silver would have if coined into standard dollars. It is easy, therefore, to see that the dishonesty is not in the dollar, but in the talk about it. The dollar of silver buys as much for our people among our people as the gold dollar, and is worth more in Europe in gold than the silver coin.

If we should cease to coin silver it would leave us with $550,000,000 in gold and $230,000,000 in silver for a population of 56,000,000. The population increases annually on an average of 1,500,000. We would have to look to the gold coinage to supply the deficit of $28,000,000 per annum now coined of silver. A brief review of the situation will show that we could not get the gold to supply the place of the silver.

By all authorities our mines do not yield thirty millions a year, and there is an annual consumption of about thirteen and a half millions a year in the industrial arts.

The total product of the gold mines of the world is estimated to be between ninety-five and eighty-five millions per annum. A mean between the two estimates is ninety millions. This constitutes every dollar yearly added to the world's supply of gold.

Of this, as before stated—

The United States consumes in the arts yearly	$13,500,000
Asia, in other purposes than for money	20,000,000
France and England	30,000,000
Total	63,500,000

To this must be added the amount diverted from coinage by the other nations of the world, whatever it may be, and it will be seen that the available gold for future coinage of the world will be totally inadequate to supply the metallic basis of money throughout the commercial world. At least seventy millions is the annual consumption of the ninety millions annual yield of gold for purposes other than coinage in Asia, the United States, France, and England. This, it will be seen, would leave only twenty millions for the coin supply of the world, when we will need ourselves twenty-eight millions to take the place

of our silver. We could not get more, if we secured the whole available product of our own mines not consumed in the arts, than $16,500,000.

In other words, there would be a scarcity of money in our country, already far behind every commercial nation of Europe in the amount of circulation per capita of population.

For the United States to join the other nations in the demonetization of silver means a dearth of specie money in the world. In those years of dearth pharaoh would buy up the birthright of men. Shylock when he whetted his knife for the pound of flesh was simply demonetizing the silver ducats in which his bond was payable. His heart was not more pitiless nor his purpose more cruel than those who deliberately swept away the measure of values of ten-twelfths of the human race.

But it is said that our persistence in the coinage of silver will result in "dumping" all that depreciated metal on us. It is hard to see how this can be when we produce more silver than we consume in coinage and the arts, and Europe has no stock of silver except its silver coinage, on which, as shown, silver is rated at 3 per cent. higher than it is in our dollar and is worth 20 per cent. more there than here.

When pork-hogs are imported to Cincinnati, steers to Texas, wheat and Indian corn to the West, cotton to Mississippi, sour mash to Kentucky, and corn whisky to Robertson County, Tennessee, and when coals are carried to Newcastle, then you may look for the world's silver to be dumped upon us. We have more of all these, silver included, than we can use, and how are we to be made to take what we do not want and want to get rid of?

Still gentlemen insist on the "dumping" theory. Like the valiant hero who—

> Was in the doleful dumps,
> And when his legs were shot away
> He fought upon his stumps,

the last argument is that the way to bimetallism for us is to stop the coinage of silver. The argument is strange in the light of the facts. Silver was at a premium until demonetized. It then sunk below gold because it was demonetized. This was retarded by our coinage act; in fact, demonetization itself was brought to a halt by the passage of the Bland bill. And to restore it you want to demonetize again. The closing of the Mint of the United States against silver will lower its price, widen the breach between it and gold, break down the confidence of the world in it as a measure of values, and render its restoration impossible. In other words, by striking down the value of silver we will restore its value is the *reductio ad absurdum*. But we are told we are remediless unless England and Germany see proper to release us from our bondage, and we must coerce them by bringing contraction, further depression of prices, commercial and industrial distress.

This atrocious suggestion is to enfold the people of the world in the coils of the constrictor of avarice to be suffocated and crushed. It would render intolerable the burden of debt and destroy production. When the wolf bleats like the lamb and the lion eats straw like the ox you may expect these powers to release their hold upon the labor of mankind. The obvious and only road to bimetallism is to sustain the value of silver by coining it ourselves, reforming our tax system, which takes a surplus from our people and shuts out foreign commerce, and then reach out for the Asiatic and South American trade, where silver is current. It is in our power to control this question by maintaining silver in its rank and place in our own great country as one of the money metals of the world. We control an empire of our own. Our States are of more importance to our national policy than the states of Europe. Let our interstate commerce be regarded and valued at its true weight in the solution of this great question. Our citizens will stand by their Government in its fight against the crowned robbers who are seeking to impoverish mankind. The prophecy of coming disaster by the maintenance of silver coinage has been spoken so often in the last few years that it has ceased to alarm. The panic will not come for another year! Nobody will scare at the coinage of 50 cents a head of our population in silver. The horrid picture of financial wreck fades out in the light of facts, although "the painter played the spider and hath woven a golden mesh to entrap the hearts of men faster than gnats in cobwebs."

Mr. ADAMS, of Illinois. Mr. Chairman, suppose Congress were to authorize unlimited coinage of standard silver dollars, what would be the immediate result? There would be a large addition to our silver circulation; there would be a large profit in bringing silver bullion to the Mint.

The market value of 371.25 grains of fine silver is about equal to that of 18.6 grains of fine gold. But when it has been coined into a silver dollar exchangeable in the market for a gold dollar its value is equal to that of 23.22 grains of fine gold. The profit of coining silver bullion, therefore, so long as the silver dollar and the gold dollar are interchangeable in the market, would be 4.62 grains of fine gold for each silver dollar coined. This profit now goes into the United States Treasury under our present system of limited coinage.

It is true that the whole of this profit could not be realized by everyone who bought silver bullion to send it to the Mint. The law of unlimited coinage would, by the creation of a new and highly profitable use for silver bullion, raise its gold price in this country and Europe. But bullion brokers would compete for silver bullion, after the creation of a new and extra-profitable use, chiefly for the purpose of putting it to the new use, or for the purpose of selling it to some one else who would use it in the same way. Moreover, every bullion broker would understand that the profit of coining silver bullion would decline whenever the silver dollar ceased to be exchangeable in the market for a gold dollar. He would, therefore, understand that the sooner he got his bullion coined into silver dollars the safer he would be. So long as the newly created use for silver bullion continued to be more profitable than other uses, so long as the circulating value of the silver dollar continued to be higher than the worth of 371.25 grains of silver for uses other than American coinage, I believe that silver bullion would flow to the American Mint and be coined into dollars.

Would foreign silver coin also come to the Mint? Some gentlemen say no. It would be excluded, they say, by the laws of trade. French and German silver coin has a value as coin above the value of the bullion contained in it. This additional coinage value would be lost if it were converted into bullion. Bullion it would be and bullion only if shipped from France or Germany to the United States. But as silver bullion in the United States could under a law of unlimited coinage be converted without cost into standard silver dollars, the loss on the whole transaction involved in converting French 5-franc pieces into American silver dollars exchangeable in the market with American gold dollars would be simply the difference between the coinage price of silver in France and the coinage price of silver in the United States. According to the French or German ratio of 1 to 15½ the silver equivalent of a gold dollar would be 359.91 grains of fine silver. According to the American ratio of 1 to 16 it would be 371.25 grains. The difference of 11.34 grains would represent the loss on each dollar's worth of French coin. It would be a loss of about 3 per cent.

Now, it is true that no French or German bullion broker would voluntarily incur the loss of 3 per cent. But the French or German Governments might, if they were anxious, as many persons suppose they are, to part with a portion of their silver circulation and replace it with gold. It would not be a commercial transaction undertaken for the profit of the transaction itself. It would be a measure of state policy. A government in dealing with its currency often takes a step involving an immediate loss for the sake of an ulterior benefit either to the government or to the nation. For instance, it melts down abraded coins for recoinage in order to maintain the standard of weight in its metallic circulation. The transaction is ultimately beneficial to the nation, but it involves an immediate loss to the government.

I shall try to show hereafter that during the last eighteen years Germany and France have shown a disposition to secure a gold currency like that of England. Each has endeavored to obtain it at the expense of the other. Each would be glad to sell to the other silver coin in exchange for gold. Till international bimetallism, or something like it, is established, Germany as well as France would willingly sell silver for American gold. Each would be the more ready to do so because of the belief that the stock of American gold was likely to be secured by the rival country. Each would be influenced by the belief that the opening of the American Mint to silver would for a short time furnish the best opportunity for the sale of European silver that would be offered during the next generation.

The coining price of silver in the American Mint under a law of free coinage would be 1.16\frac{4}{11}$ per ounce $\frac{9}{10}$ fine. This is equivalent to 58.9*d.* sterling per English standard ounce .925 fine, by which sales of silver bullion are usually reckoned in Europe. A law of unlimited coinage would for a time fix the price of silver bullion at about 58.9*d.* sterling per English standard ounce, less the cost of transportation to the American Mint, which would amount to about one-half of 1 per cent. on a shipment of 1,000,000 francs.

Mr. BLAND. Then, in order that there should be that profit, the gentleman admits that free coinage would restore silver to a par with gold at our ratio of 16 to 1.

Mr. ADAMS, of Illinois. It would for a time, but——

Mr. BLAND. That is all.

Mr. ADAMS, of Illinois. The gentleman does not object to my answering with the limitation which is in my mind.

Mr. BLAND. Not at all. I only wanted to remark that such a thing could not occur except by reason of free coinage putting silver at a par with gold. I contend it will do that.

Mr. ADAMS, of Illinois. I believe that free coinage, by the prospect which the foreign bullion-owner would have of bringing his foreign bullion to the American Mint and converting it into silver dollars, would for a time give a high gold price to silver bullion in Europe. This would be conditioned on the possibility not merely of transporting the bullion to the United States Mint and converting it into silver dollars, but also on the possibility of converting those silver dollars into American gold dollars and exporting them. It is the possibility of converting foreign silver into American gold and sending the American gold abroad that would for a time fix the gold price of silver in Europe at nearly 58.9 pence per ounce. The question is whether this price would induce France or Germany to sell silver coin in exchange for American gold.

An answer to this question may be gathered from the following table,

showing the prices and amounts of sales of silver withdrawn from circulation by Germany from 1873 to 1879. I take this table from the exhibit presented by Baron von Thielmann to the monetary conference of 1881, reducing the marks to dollars at the rate of four marks to the dollar:

Years.	Price.*	Proceeds of sale.
	Pence.	
1873	59 5/8	$2,324,170 69
1874	58 1/2	15,283,917 57
1875	57 1/2	4,552,112 27
1876	52 1/2	23,484,120 59
1877	54 7/16	57,606,059 63
1878	52 9/16	31,550,963 02
1879 to end of May	50	6,983,604 47
Total	53 13/16	141,784,998 25

* Per English standard ounce.

If Germany has sold this large amount of silver at the average price of 53 13/16 pence sterling, can we be sure that Germany and France and other nations of Europe will not sell their silver for American gold if the open American mint fixes the price at 58.9 pence sterling less the cost of transportation?

It is a question to be carefully considered by those advocates of unlimited silver coinage who believe, as one of them recently declared, that if foreign silver coin were likely to be exchanged for American gold the argument against unlimited silver coinage would be conclusive.

How long would a law of unlimited silver coinage continue to give to European nations this opportunity to sell silver coin for American gold at 58.9 pence sterling per English standard ounce, less the cost of transportation? So long as the silver dollar continued to be exchangeable in the American market for a gold dollar; in other words, so long as gold remained in circulation. After the gold had disappeared the silver dollar would begin to depreciate by the continued addition to the volume of circulation, and the profit of coining silver bullion would diminish. It would still be great enough to bring bullion to the Mint till the circulation value of the silver dollar had sunk to the value of 371.25 grains of fine silver for uses other than American coinage. We should then be on the silver level.

I have spoken of this exchange of American gold for foreign silver as though it would be a methodical commercial transaction, the foreign silver coming here for sale and the gold going abroad to pay for it as fast as the silver came in. But the process would be accelerated by a disposition to withdraw gold from circulation in anticipation of the effect of the free-coinage act. The gold would not all be hoarded. Some of it would be exported on cable orders to purchase silver. The sudden withdrawal of gold would be contraction. The silver and paper dollars left in circulation would not thereby become depreciated. On the contrary, they might be appreciated for a time. The prices of goods measured in such silver and paper dollars might sink even below the gold level, especially if the fear of change which perplexes merchants as well as monarchs were to cause a contraction of credit. This, however, would widen the margin of profit in sending bullion to the mint. In other words, it would narrow the margin of loss in selling foreign coin as bullion. Foreign silver coin imported as bullion would be paid for partly in gold and partly in American goods bought at panic prices. The transaction as a whole might be profitable even to the foreign government; that is, the foreign government might for a short time sell its coin as bullion without any loss whatever.

Thus the vacuum caused by an outflow of gold would be filled by an inflow of silver. Contraction would cease and expansion would begin. It would go on, for all that appears, till the purchasing power of the American silver dollar had sunk to the present market value of 371.25 grains of fine silver bullion. Whether silver bullion would sink to a still lower level in consequence of the rejection of a large amount of silver from the French and German circulation, just as it is supposed to have declined in 1876 in consequence of a similar policy adopted by the German Government, is a question worth considering which I have not time to discuss.

If it be true that European governments would take advantage of a law of unlimited silver coinage in this country to strengthen their gold reserves, it follows that the silver mining industry of the United States would not receive much benefit from such a law. Those high grade mines which are ready to put bullion on the market would sell it at a higher price. A mine of lower grade ore which can not be profitably worked at the present price of bullion, might become profitable if the prices of bullion were to advance, but almost as soon as it could be developed and put in working order its opportunity to sell its bullion at a profit might have passed away by the decline in the purchasing power of the silver dollars into which its bullion could be coined.

Therefore it has been suggested that the Mint should not be opened to European silver coin, but only to silver bullion produced in American mines. The difficulty and expense of enforcing such a law would be considerable. If it could be enforced it would undoubtedly diminish the danger of unlimited coinage.

It might not prevent depreciation, but it would retard it. It would also retard, without altogether preventing, the outflow of our gold coin. If the increase of our circulation were accompanied by a corresponding increase in population and commerce depreciation would not follow, prices would not rise. This, however, would hardly satisfy those who demand more silver as a means of raising prices or as a means of relieving debtors. If, on the other hand, the circulation increased faster than population and commerce, then prices would rise here as compared with prices abroad. This would stimulate imports of foreign goods. The balance of trade would turn and our gold would gradually go abroad. The silver-mining industry would flourish at the expense of other American industries.

One other probable effect would be that a diversion into the United States Mint of the silver bullion which now goes abroad would diminish the supply of silver bullion in Europe and so raise its price that Germany or France would be induced to sell coin for export to India. It is not in the interest of this country, nor is it in the permanent interest of our silver-mining industry, to raise the price of silver bullion in Europe until European governments have agreed upon a method or a ratio at which there shall be substantially free coinage of silver everywhere.

I should not take pains to show that unlimited silver coinage would cause depreciation if all advocates of unlimited coinage reasoned as many of them do, for the argument of many of them concedes depreciation and proclaims it as a national blessing, because, as they say, it would lighten the burden of existing debts. They advocate depreciation as a remedy for appreciation. They say gold has risen more than silver has fallen. I do not discuss that question now. Gold may have risen somewhat and silver fallen somewhat. They certainly stand on widely different levels now. All I wish to make clear is that unlimited coinage of silver means a rapid descent from one level to the other.

The fall is as great whether we fall from the ground into a pit 20 feet deep, or fall to the ground from a bank 20 feet high, or fall from a bank 10 feet high into a pit 10 feet deep. It is 20 feet every time.

There would be a serious decline in the value of money. That means a more than corresponding rise in the prices of commodities, for rising prices acquire a momentum and continue to rise for some time after the force which originally caused the rise has ceased to act. The expansion of the currency begets an expansion of credit. When this has spent its force the natural and inevitable reaction comes. The question is whether a general and decided rise in prices due to a decline in the value of money to the silver-bullion level would be a national blessing or a national evil. I believe it would be a national evil.

Many suppose that it would equalize the conditions of life by taking from the rich and giving to the poor. I believe it would have the opposite effect. It would make some rich men richer and nearly all poor men poorer.

How would it affect the wage-earner? Would it better his condition? Manifestly not, unless wage-earners now out of work would find employment, or unless the wages of men now employed would rise faster than the cost of living. How is it with the price of labor? Does it rise as fast as other prices? It never does. It always lags behind. Laboring men and women and salaried employés may be properly described by a certain popular phrase which we have heard used in this debate. They are "possessors of a fixed income," because they find it harder than any other class to enlarge their income by raising the price of their commodity—that is, their labor—to meet a rise in the cost of living.

Compare, for instance, the laboring man with the laboring man's grocer. How long does it take a retail grocer to raise the price of sugar? A word to his salesman and the thing is done. And how soon does the grocer learn that the time has come to raise his prices? He reads it in the daily market reports, by which the intelligence of every cause that is operating in the money centers of the country is radiated to every board of trade, to every bank parlor, to every wholesale and retail shop in the country. The business man reads the market report and acts on it instantly. He must do so in order to succeed. If the wholesale price of sugar has gone up a cent a pound, the retail grocer adds the amount to the price which he charges to his customers. He also adds thereto his reasonable or unreasonable profit thereon.

Can the laboring man do likewise? When he starts for his work in the morning, can he examine a daily price-current of labor to ascertain what price he shall charge his customer for the commodity of his day's labor, which he must bring to market on that day or lose it forever?

It is impossible. He can not act on wages alone. He must combine with his fellow-workmen, and combination takes time. First, he must be sure that the higher prices which he pays for the necessaries of life are due to a general and permanent cause. It must be general and appear to be permanent in order to overcome the inertia of a large number of individuals, so that they can act in concert.

No man cares to strike for higher wages till he is sure of being supported by his fellow-workmen. He can not be sure of their support if they suspect that the cause of their distress is temporary. By the time a concerted demand has been made and acceded to and wages have been fixed at a higher level, the cost of living has gone steadily on to a higher level still, and the wage-earner, with his higher nominal income, is in reality poorer than before.

Nor is it true, as has been intimated in the course of this debate, that

a general rise of prices, due to a decline in the value of money, causes a larger demand for labor. History proves the contrary. It proves that when prices are rising rapidly capital is withdrawn from the employment of labor in the creation of wealth, to speculate on the rising prices of commodities already created.

That a general rise of prices is usually attended by distress among the laboring poor has been noticed by many observers.

Walker, in The Wages Question, alludes to the difficulty which the laborer experiences in adjusting his demands upon his employer to rapid and violent changes in the currency cost of living, and the still greater difficulty which he finds in the contest with the retail dealer from whom he obtains the necessaries of life. He shows, too, how the consumer loses his reckoning when the decline in the value of money forces him away from the landmarks of customary prices. "He learns to pay without dispute whatever the shop-keeper may demand, for he has no means of determining the justice of the demand. It is this temper which enables the retail dealer to gather his largest profits and work his worst extortions." "This it was, over and above the proper effects of currency inflation, which allowed retail prices to be carried up to such an unprecedented height in the United States during the war of secession, and to be kept up by combinations of dealers long after whatever reasons had existed for the advance ceased. The extravagant profits thus realized had not, as is well known, the effect to invite true competition tending to reduce prices, but merely served to allow the multiplication of shops and stands at every corner and to support an army of middlemen."

Professor Cairnes and John Stuart Mill have also noticed this effect of a general rise in prices.

Therefore the apparent and temporary prosperity attending a decline in the value of money is a redistribution rather than an increase in national wealth, and in this redistribution the chief losers are salaried employés and the laboring poor.

Historical illustrations are not far to seek.

Macaulay, describing the depreciation of the silver currency in England at the close of the seventeenth century, states that in the midst of the general distress the bankers accumulated immense fortunes.

Thiers says that the chief losers by the assignats of the French revolution were the wage-earners. "Lastly, the working people," he says, "always obliged to offer their services and to give them to any one who will accept them, not knowing how to act in concert to obtain a twofold or threefold increase of wages in proportion to the depreciation of the assignats, were paid only part of what was necessary to obtain in exchange such things as they needed."

Alison, speaking of the same period, says:

The people in the midst of the horrors of famine were exasperated at the sight of fortunes made out of the miseries which they endured.

Noah Webster, speaking of our Revolutionary currency, says:

The first visible effect of an augmentation of the currency and the consequent fluctuation of value was a host of jockeys who followed a species of itinerant commerce and subsisted upon the ignorance and honesty of the country people, or, in other words, upon the difference in the value of the currency in different places. Perhaps we may safely estimate that twenty thousand men in America left honest callings and applied themselves to this knavish traffic. A sudden augmentation of currency flattered people with the prospect of accumulating property without labor.

Arthur Young gives an actual case of a laborer living near Bury, in Suffolk. In 1799 he got 5s. a week, and could buy therewith a certain specified amount of the necessaries of life. In 1801, after a general rise in prices, his wages were 9s. a week, but he could not buy as much as before, though he now got an allowance from the parish rates in addition to his wages.

A writer in the Quarterly Review says that never in the history of Portugal was there a period of greater national distress arising from poverty than at the time when the gold mines of Africa and the tribute of Morocco poured a vast treasure into the kingdom.

It was thus in Spain—

He continues—

when ships came laden with silver and gold from Mexico and Peru. The fact was distinctly seen and the cause distinctly stated by a contemporary writer. All the necessaries of life advanced in price. The burden fell upon the poor.

Tooke, in his History of Prices, shows by repeated instances that a general rise of prices brings distress upon the laboring population.

According to all experience—

Says he—

whether within modern observation or recorded by history it may be laid down as an established maxim that labor is the last of the objects of exchange to rise in consequence of dearth or depreciation, and that conversely the price of labor is the last to fall in consequence of increased abundance of commodities or of increased value of money.

When the French war indemnity fund was poured into Germany at the close of the war of 1871, prices advanced and speculation bloomed, but the condition of the laboring population was not improved though wages were doubled. "The deposits in the savings banks did not increase," says a French writer. "The house of the mechanic and laborer was no better furnished, and his family were no better lodged and no happier; so that when the day of panic arrived the mechanic, after all his increase of wages, found himself as poor as before."

Mr. BLAND. If that is true, why is it that in all history, especially in our own history, during periods of low prices and hard times we have labor troubles and labor riots, and never when prices are high and times good.

Mr. ADAMS, of Illinois. During a general rise of prices many men are under a delusion and believe that they are better off than they really are. But I deny that times of rising prices are good times for laboring men.

Mr. WEAVER, of Iowa. It is not a delusion for a man to conclude that he is well off when he is working at good wages and is able to pay his debts.

Mr. ADAMS, of Illinois. My answer is to refer the gentleman to what the writers on this subject have established. I do not care to speculate on the question. If the gentleman will answer what has been said by Mr. Walker on the wages question and by other authors on prices, he will spend his time more profitably than by putting questions to me.

Mr. WEAVER, of Iowa. I have read the writings of Mr. Walker, and I know very well the teachings of the school to which he belongs; but I do not accept everything he says as true.

Mr. ADAMS, of Illinois. Nor do I accept everything that any man says as true.

Mr. SYMES. Except members of this House. [Laughter.]

Mr. ADAMS, of Illinois. Excepting members of this House, of course.

Mr. McCOMAS. Not on matters of opinion.

Mr. ADAMS, of Illinois. The historical citations which I have read tell the same story over and over again. A general rise in the prices of commodities injures the wage-earner in two ways: first, the cost of his living rises faster than his wages rise; secondly, the profits of retail trade and the temptation to speculate on rising prices withdraws capital from the employment of labor.

Mr. WEAVER, of Iowa. One other question. Why was it that during the period of "inflation"—during the war period and just after the war—the people of the United States were out of debt?

Mr. ADAMS, of Illinois. I think they were getting into debt.

Mr. WEAVER, of Iowa. The fact is established by the report of the Secretary of the Treasury in 1865, in which it is stated "the people of the United States are now comparatively out of debt." And so they were. Everybody had money in bank. Since that people have got into debt. Their money has been taken away from them.

Mr. ADAMS, of Illinois. I must hurry on with what I proposed to say; and in reply to the gentleman from Iowa I will only remark that I have not gone into that question. I do not think it necessary for me to explain all the financial phenomena that occurred from 1860 to 1865 or 1873. I believe, however, that all the financial phenomena that have occurred in this country from the time of the discovery of gold in California have been greatly complicated with events of a different character, so that I doubt whether they afford a normal guide for the establishment of any financial theory. For instance, in the period immediately following the outbreak of the war we had an extraordinary expansion of currency, and also an extraordinary convulsion in the industrial world because of the destruction of property by the operation of the war and the withdrawal of so many men from the various productive occupations. To resume· The prosperity, therefore, which is foretold as a consequence of unlimited silver coinage would not be real; it would not be an increase of national wealth. It would be simply a spoliation of the wage-earner, effected in the first instance by the retail dealer, who in his turn would be forced to share his plunder with the jobber, the wholesale dealer, and the money-lender.

It is claimed that a decline in the value of money would benefit the debtor class. Some debtors doubtless would be gainers, those, namely, whose debts were incurred before the decline was foreseen by the lender, and are payable after the decline has taken place. They could pay their debts in cheaper dollars than were in contemplation of the parties when the loan was made and the rate of interest agreed on.

A law of unlimited silver coinage will not help those who have occasion to borrow money after the law is enacted or its enactment is foreseen. They will have to pay a rate of interest high enough to insure the lender not merely against the loss which he can calculate but also against the loss which he can not calculate but merely apprehends. Are not such borrowers members of the debtor class within the view of legislation? Is it worth while to lessen their chances of making an advantageous bargain with a money-lender merely to give to existing debtors an advantage which they did not bargain for when their rate of interest was fixed?

If the rate of interest on a Western farm mortgage is now 10 per cent., as we have heard in this debate, how high will it be on a new loan or on a renewal of an old loan if the money-lender knows beforehand that the debt will be paid in cheaper dollars? The amount of private and corporate indebtedness now existing in this country is enormous, it is true. It will be so for many years to come. New loans will be made and old loans will be extended. The annual interest on this indebtedness is a great sum, but it is small compared with the amount yearly paid in wages. We can lighten this burden of interest in one of two ways. We can depreciate the money in which the interest is paid, or we can assure

capital against appreciation, and so enable new loans to be made at lower rates of interest as fast as existing loans fall due.

The first method benefits existing debtors at the expense of wage-earners and consumers generally. The second method benefits the community at large by increasing the effectiveness of capital and labor in the production of wealth. Even the benefit conferred on existing debtors by a depreciation of the currency is a questionable one. A debtor is usually something besides a debtor. He does not make his living by being in debt. He may be wage-earner as well as debtor. Depreciation of the currency might injure him as much in his character as wage-earner as it would benefit him in his character as debtor.

Such, according to my view, would be the results of unlimited silver coinage. Contraction first, followed by expansion. First paralysis of commercial credit; then the fever of speculation. To wage-earners it means shrinkage of income by the rise in the cost of living; to merchants, manufacturers, and bankers, a brief prosperity which vanishes when the bubble of expansion breaks; to existing debtors, a questionable advantge which they did not bargain for; to the borrowing class, the burden of a higher rate of interest; to the speculator, a larger chance of profit in every wave of confidence or alarm that sweeps through Wall street; to the high-grade silver mines, a temporary increase of dividends; to the low-grade mines, a promise of dividends broken almost as soon as made; to France and Germany, assurance of a larger gold reserve; to silver bullion, first a sudden rise, then a rapid and, it may be, a permanent decline. It means the indefinite postponement of the only satisfactory settlement of the silver question. If France and Germany shall succeed in supplying themselves with a gold currency like that of England, there will be less reason than there is to-day to hope for the establishment of an international gold and silver union, which is the desire of the great majority of reasonable men.

As to limited coingage of silver under the law of 1878, it has been supported by some and opposed by others because it is supposed to be a step in the direction of unlimited coinage. If we leave the prospect of unlimited coinage altogether out of view, and consider limited coinage on its own merits, I think it will be found that all the arguments in its favor and some of the arguments against it have been much overstated.

Suppose a case. Suppose limited coinage goes on under the law of 1878 for five years till we have coined one hundred and forty million of silver dollars in addition to the present stock. Let us assume that we can carry this additional amount of silver in our circulation without causing depreciation, and that at the end of five years gold coin will circulate freely in the American market. If we assume this we must also assume that the purchasing power of every American dollar, gold, silver, or paper, will be the value of 23.22 grains of fine gold in the markets of the world. Gold can not freely circulate here at a value materially different from that at which it circulates in Europe.

Would our currency be better or worse in the case supposed than it would be at the end of the same five years if we were to suspend silver coinage to-day?

Would it lighten the burdens of existing debts? How so, if gold still circulated? Would not every debtor for every dollar nominated in his bond be forced to pay the international value of 23.22 grains of fine gold? Would it reduce the international value of gold? Only in so far as it would add to the world's stock of metallic money.

The gentleman from Ohio said recently that if we were to abolish the silver money of the world, the gold money of the world, having more work to do, would be enormously increased in value. It would be the same whether we destroy the silver, leaving the gold to do the work of gold and silver, or whether we melt all the gold and silver into a compound metal and then destroy about one-half of the compound metal coins.

The mass—

Says he—

is the same in either case, and it is the mass of the whole and not the way it is coined that determines the value of the whole and of each piece.

When the gentleman from Ohio says this he evidently supposes that the ultimate result of suspension of silver coinage in this country would be to destroy silver money. I do not understand how he comes to think so, but I agree that if that were to happen it would greatly increase the value of gold by diminishing the world's supply of money. But by the same reasoning the coinage of one hundred and forty million of silver dollars during the next five years will not diminish the value of gold except in so far as it increases the world's stock of gold and silver money. To what extent will it do this? An addition of $140,000,000 to a total stock of $7,000,000,000 would be an addition of 2 per cent.—that is, two-fifths of 1 per cent. in each of the five years.

But the coinage of $140,000,000 of silver in this country would not add that amount to the world's stock of money. If we did not coin it some of it would be coined in India, or else by supplying a demand in the arts in India and Europe would prevent the withdrawal of silver coin from circulation to satisfy the same demand. Is it not clear that, leaving out of view for the present the supposed ultimate effects of one policy or another, the direct and immediate effect of a continuance of limited silver coinage could only be to reduce in a slight degree the value of gold in this country by reducing in the same slight degree the value of gold throughout the world? Whatever evil there may be in silver coinage we bear alone; the good it does, if any, we share with all the world; and yet some advocates of silver coinage call it an American policy, and ask in a tone of superior scorn, "What have we to do with abroad?"

Will this additional silver coinage cause a corresponding permanent addition to the number of undepreciated dollars circulating in the United States? In other words, will it give us a greater share of the world's stock of money? That can not be done, either by coining more silver or coining more gold or issuing more paper. The value of the total amount of money which this country can keep in circulation is fixed by a law higher than any that Congress can enact.

In a letter from John Adams to the Count de Vergennes, written in 1780, the law is thus stated:

The amount of ordinary commerce, external or internal, of a society may be computed at a fixed sum. A certain sum of money is necessary to circulate among the society in order to carry on their business. You may emit paper or any other currency within this rule and it will not depreciate. After you exceed this rule it will depreciate and no power or act of legislation hitherto invented can prevent it. In the case of paper, if you go on emitting forever the whole mass will be worth no more than that which was emitted within the rule.

This principle I consider to be as sound to-day as it appeared to John Adams one hundred and six years ago. If we now have in circulation $1,600,000,000, each worth 23.22 grains of fine gold, it is not because Congress has so ordained. It is because the amount of our commerce, external and internal, requires that amount to circulate in order to carry on our business. Congress may indeed by wise or unwise legislation strengthen or impair commercial credit, or in some other way increase or diminish the external or internal commerce of this country. But so long as that remains what it is, and the business habits of our people are unchanged, the real value of our total circulation will remain what it is.

If we need more money year by year as our commerce increases we may supply the additional demand partly by coining silver and partly by coining gold mined in this country or imported from abroad. If we supply the entire demand by coining silver gold will not flow in and the product of our gold mines will be exported. If we coin no silver gold will flow in more abundantly.

Do gentlemen say that gold can not flow out so long as the balance of trade is in our favor? True enough! But expansion of the currency will reverse the balance of trade. It will raise prices here compared with prices abroad. That will check exports and stimulate imports. The surplus of imported goods will be paid for in exported gold. The same result will follow whether we coin more silver, or issue more paper, or coin the product of newly discovered gold mines.

Germany appeared to ignore this law in 1876. The German Government was in haste to secure a gold currency. A large amount of gold coin was issued from the mint before room had been made for it in the circulation—that is, before the internal and external commerce of Germany required the additional amount. What was the consequence? The new gold coin began immediately to be exported. By April, 1876, three months after the emperor had declared the establishment of the gold standard, 37,000,000 francs had crossed the Belgian frontier and been melted down and recoined into Belgian Leopolds d'or. So says Edward Suess, in Die Zukunft des Goldes, published at Vienna in 1877.

I have said that Germany appeared to ignore this law of money. It may be that Germany ignored the possibility that the French mint would be closed against silver. Had the French mint remained open the gold price of silver bullion would have stood at nearly 60 pence per ounce. Germany could have rapidly withdrawn silver and might have secured and maintained a gold currency. France would have had a currency of silver. The trouble was not so much that Germany desired to sell as that France refused to buy.

I believe, therefore, that the effect of coining one hundred and forty million of silver dollars during the next five years will be simply to change the proportion between our silver coinage and our gold coinage. The total value of our entire circulation will hardly be affected. The question is whether American industry will be more benefited by increasing the proportion of gold or increasing the proportion of silver in our metallic circulation.

Leave out of view the question of convenience in the size or weight of the coins as they actually circulate among the people. It is a comparatively insignificant question. Ten dollars in gold is easier to handle than ten silver dollars; one silver dollar is infinitely preferable to a gold dollar. Coin of either metal is less popular in this country than paper currency redeemable in coin.

Leave out of view the saving in expense effected by the excessive seigniorage on silver. That is a gain to the Treasury. It hardly benefits American industry. The real question is whether under existing circumstances a currency stronger in gold or a currency stronger in silver would do more in the next five years toward the creation of national wealth by the co-operation of capital and labor.

That capitalists generally are opposed to silver coinage has been stated so many times in the course of this debate that it may be assumed to be a fact. It has also been repeatedly stated, with more or less extravagance of language, that capitalists in their view of the coinage question

are influenced by a selfish regard for their own interests. This, also, may be assumed to be a fact.

It has also been assumed, rather than stated, that capitalists generally, or an influential class of capitalists, have a selfish interest in opposing silver coinage in order to effect a rise in the value of money. Let us analyze this assumption.

The capitalist who would gain by a rise in the value of money can not be a merchant. How can a merchant gain by a decline in the prices of goods? Nor can he be a manufacturer. A manufacturer is an employer of labor. A rise in the value of money gives to labor a larger share in the product of industry. The price of the product sinks faster than the price of the labor by which it is produced. The manufacturer, to get even with his employés, must reduce wages.

Indeed, it may be said of labor and capital in their relation to each other that if we regard their temporary interests only it is labor and not capital that desires a rise in the value of money, since this gives labor an advantage till wages are reduced; while it is capital and not labor which desires a depreciation of the currency, since this gives capital an advantage until wages are raised. It is said that a strike for higher wages generally succeeds, while a strike to prevent a reduction of wages generally fails. If that is true, it shows that labor rarely strikes for higher wages till it is entitled to them; and that capital rarely reduces wages till it is entitled to the reduction.

In short, a general rise or general decline in money wages is a readjustment to new conditions, and as the readjustment frequently entails serious loss on both parties, the permanent interests of labor and capital alike would be best served by a steady currency that neither rises nor falls. Let me here say in parenthesis that in one department of the North Chicago Rolling Mills there prevailed for a series of years a plan of regulating wages on a sliding scale, by which wages rose and fell month by month with the monthly rise and fall of the market price of the product. Such a plan can not be applied to wages generally, and therefore manufacturers generally have reason to dread rather than desire a rise in the value of money.

But if neither merchants nor manufacturers can gain by a rise in the value of money, how can bankers gain? The main business of a banker is to use the deposits of merchants and manufacturers in discounting the commercial paper of other merchants and manufacturers. When they thrive he thrives; when their business is dull his business is dull. This is true without regard to the fact that bank shareholders are frequently themselves manufacturers or merchants.

It is true that banks are also bondholders, but their interest as such is slight. If I am interested as bondholder to the extent of $4,000,000, and at the same time am interested as merchant or manufacturer to the extent of $50,000,000, how can it be claimed that on the whole I am interested in a rise in the value of money and in a decline in the prices of goods? That is about the situation of all the national banks of Chicago, taken together at the present time. In the Chicago Inter Ocean of March 8 there is a statement of the condition of these banks at the close of business on March 1.

Following are the totals:

Loans	$50,779,418
Bonds deposited with United States Treasurer	1,024,500
United States bonds on hand	1,208,050
Unspecified bonds on hand	1,850,717
Cash and exchanges	31,047,619
Real estate and office fixtures	684,297
Deposits	69,557,599
Capital and surplus	15,406,600
Undivided profits	996,368
Circulation	694,790

I have assumed that these national banks are interested as bondholders to the extent of $4,000,000, that being about the total amount of all their bonds. Their bondholding interest is not as great as that. Against $1,024,500 of bonds deposited with the Treasurer they have $694,790 of circulation, a part of which they can lend to merchants and manufacturers. As to the $3,058,767 of bonds on hand they are not kept as a permanent investment, but as an available fund to be turned into cash as occasion arises. I have also assumed that these national banks are interested as merchants and manufacturers to the extent of $50,000,000, that being the amount of their loans on March 1. The amount which they could safely lend in a favorable state of the market would be greater than that, as an examination of the table will show.

The capitalist, therefore, who has an interest in causing a rise in the value of money can not be either merchant, manufacturer, or banker. He must be a bondholder proper. Not one who uses his bonds as collateral to borrow money for business or speculative purposes. Not one whose fortune is invested in bonds temporarily till something better offers. He must be one whose fortune is permanently invested in bonds in order that he may live on the 3 or 4 per cent. interest of the investment.

How much of a class does he make in this country? It is utterly insignificant in numbers and influence. The money-kings of this country are not bondholders proper. They are the great merchants, the great manufacturers, the great bankers, the great railway shareholders, the great bonanza mine-owners. They are not interested in doubling the value of money.

Mr. BROWN, of Pennsylvania. Still Vanderbilt stored away a very large bundle in Government bonds.

Mr. ADAMS, of Illinois. Fifty million dollars. Not a very large proportion of his aggregate wealth. Is there any man here who, if his wealth were $50,000 or $5,000,000, would invest the bulk of it in Government bonds? Men make such investments as a mere accessory to their other investments—a fund that can be converted into cash at any moment. Any man who would invest the bulk of his property in long-time Government bonds must be a man of very luxurious, unenterprising, un-American turn of mind. There are only a few such men in this country, and they have no influence on financial opinion.

Mr. WEAVER, of Iowa. The gentleman must admit that the banks control the bulk of the bonds.

Mr. ADAMS, of Illinois. I do not know whether the national banks control the bulk of the bonds or not; but the gentleman, from his point of view, is bound to show as a matter of fact that a national bank, taking into consideration its deposits, its loans, its capital, and its surplus, and setting off against these the very limited amount of Government bonds which it may have, is somehow interested in the rise in the value of money.

Mr. WEAVER, of Iowa. I can give the gentleman an instance.

Mr. ADAMS, of Illinois. I have only fifteen minutes remaining.

Mr. WEAVER, of Iowa. Then I will not take up the gentleman's time.

Mr. ADAMS, of Illinois. I was about to refer to a statement of the gentleman himself. When the silver question was under discussion a week or two ago, my colleague from Illinois declared that a severe contraction of the currency would injure all classes of society except the moneyed class. Thereupon my other colleague from Illinois rose and suggested that all classes of society without exception would be injured thereby. Thereupon the gentleman from Iowa arose and assented, declaring that we must save the moneyed class from the injury which, as he supposed, they were striving to inflict upon themselves.

Mr. WEAVER, of Iowa. The gentleman must have misunderstood me. I hold, on the contrary, that a rise in the value of money always benefits the man who owns money.

Mr. ADAMS, of Illinois. Will the gentleman examine the RECORD and see whether he did not say just what I have attributed to him?

Mr. WEAVER, of Iowa. If I am so reported in the RECORD it is a mistake. I repeat that a rise in the value of money always benefits the man who owns money.

Mr. ADAMS, of Illinois. I admit that the bondholder proper might profit in that way; but I claim that the bondholders would be an insignificant part of the population.

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman deny that the holder of railroad stock or railroad bonds would be benefited?

Mr. ADAMS, of Illinois. There is a great difference between stocks and bonds. I admit that if a man has his means invested in long-time railroad bonds for the same purpose that I am supposing the Government bondholder proper has invested his means in Government bonds he is interested in the rise in the value of money.

Mr. BRECKINRIDGE, of Arkansas. Is he not benefited in the same way that the holder of Government bonds is?

Mr. ADAMS, of Illinois. Certainly. But the case is different with the man who holds bonds only for a short time.

Mr. BRECKINRIDGE, of Arkansas. I supposed the gentleman applied his remark to the whole creditor class of the country.

Mr. ADAMS, of Illinois. What I mean is this: Reference has been made to the national banks and capitalists generally as interested in the rise of money. I am trying to analyze this question, and see which classes are so interested and which are not. I will admit that a creditor as a creditor, and to the extent to which he is a creditor, is benefited by a rise in the value of money in the same way that a debtor as a debtor is injured.

Mr. BRECKENRIDGE, of Arkansas. That is all I contend for.

Mr. ADAMS, of Illinois. But if my colleague from Illinois and the gentleman from Iowa see, as I see, that severe contraction would injure the capitalists of this country, can we suppose that the capitalists do not themselves see it? Do we not know that their constant study, day in and day out, is to see what will endanger their pecuniary interests? They must see it. Their opposition to silver coinage can not be due to a desire to raise the value of money. It must be due to some other selfish motive. It may be the fear that a reduction of the gold balance in the Treasury may bring a frost upon commercial credit. Perhaps they dread the contraction of credit which they think would follow a suspension of gold payments by the Treasury more than they dread the depreciation which would ultimately follow unlimited silver coinage. They may be like people in a theater when there is a smell of smoke in the air. They may be afraid because they expect others to be afraid. With them as with a crowded audience in a theater it is a legitimate cause of alarm.

That capitalists profess to be alarmed is admitted. Their professed alarm has been the key-note of many a silver speech since this session of Congress began. We know for a fact that much capital now seeks shelter in bonds and call loans in the money centers, so that interest

there is low; while interest in the West and South is high. What motive has thus brought capital from its free and wholesome circulation in the arteries of American industry to clog the money centers of the country? It can not be the hope of gain. It must be the fear of loss. No other motive than these two can be attributed to a capitalist, as such.

Whether the apprehensions of capital are reasonable or not is not the question. Reasonable or unreasonable, they cause a substantial loss to American industry. Capital and labor must work together like two horses in a team. If either horse is restive the team is useless for the time being. It is just as useless whether the horse be reasonably frightened by the approach of a real danger, or unreasonably frightened by the roar of a departing locomotive or by the flapping of a petticoat on a clothes-line. It would be just as wise, moreover, to try to soothe the unreasonable fears of a horse by threatening him with the real terrors of the lash as it would be to try to soothe the fears of capital, unreasonable as they may be, by denouncing the rapacity of the money-lender and demanding a cheaper dollar in the name of the debtor class.

The opposition of capitalists to limited silver coinage is, doubtless, largely due to the belief that it will lead to unlimited coinage.

Is it not true that many advocates of limited coinage support it on that ground? The removal of this fear of unlimited coinage would be a real gain to American industry. It would encourage the investment of capital in the productive employment of labor.

INTERNATIONAL BIMETALLISM.

It remains to consider the international effect of silver coinage in the United States.

Nearly all men agree that the welfare of the industrial world is concerned in the concurrent use of gold and silver money on a uniform standard of value. Nearly all agree that this can not be permanently secured except by international agreement. The United States have twice invited the nations of Europe to a conference with this end in view.

Accordingly that form of our currency is the better, other things being equal, which more strongly tends to hasten the settlement of this great question by international agreement.

What is the silver question of to-day in Western Europe? It is not the theoretical question of the standard of value. That theoretical question was settled, so far as the prevailing public sentiment of Western Europe was concerned, by the Paris monetary conference of 1867, to which I shall hereafter refer. It was there settled that the best standard by which to regulate the value of all the gold and silver money of the world was the single standard of gold. The wisdom or unwisdom of the decision I do not discuss. I speak of the historical fact.

Thereupon a new question arose which first broke out into open rivalry between France and Germany at the close of the war of 1871. The question was which nation could sell its silver to other nations and thereby secure for itself a currency such as England had maintained since 1817, and the United States from 1834 till 1861, consisting largely of the metal which public sentiment in Western Europe had recently declared to be the best standard of value. The wisdom or unwisdom of this endeavor on the part of France and Germany I do not discuss—I speak of the historical fact.

This is the state of the silver question as it stands to-day in Western Europe. It is with reference to this state of the question that our silver policy in its international aspect must be judged.

It is idle to appeal to the disinterested regard of a foreign nation for the welfare of other nations. True wisdom lies, as Washington said in his farewell address, in appealing to the enlightened self-interest of each and every nation.

By continuing silver coinage in this country we produce the impression that we are more deeply interested in making a temporary market for silver bullion than we are in the international settlement of the silver question or in the possession of a strong reserve of gold such as the continental nations of Europe are contending for. By suspending silver coinage now, or announcing its suspension in the near future, we compel the financiers of Europe to face the probability of a larger flow of gold from Europe or a smaller flow of gold from the United States. This is why Cernuschi declares that every silver dollar that we coin is an obstacle to international bimetallism.

Mr. SYMES. Does not the gentleman admit that the demonetization of silver has in a great measure contributed to the present commercial depression and monetary embarrassment?

Mr. ADAMS, of Illinois. I believe the present state of things is fraught with considerable evil by inducing a contest among the nations of the world for a strong reserve of gold; and this without reference to the question of the proper standard.

Mr. SYMES. Does not the gentleman know the propriety of the bimetallic standard is now conceded in London and in the commercial centers of Europe by economists who a few years ago thought the single standard the best?

Mr. ADAMS, of Illinois. I do concede that the present state of things is fraught with evil, and I will say in passing it is an evil we can not remedy by legislation in the United States. It is an evil which has arisen from the action of other nations, and the only cure for it is an international arrangement by which a concurrent use of gold and silver shall be secured. It is not the question of the double or single standard.

Mr. SYMES. My question was whether the gentleman does not admit that the demonetization of silver has in a great measure contributed to the present commercial depression.

Mr. ADAMS, of Illinois. What does the gentleman refer to as "demonetization?"

Mr. SYMES. The action of Germany and the United States.

Mr. ADAMS, of Illinois. I admit that there has been within the last thirty years an endeavor on the part of the leading nations of Europe to gradually substitute gold for silver. But the action of Germany, to which the gentleman has referred, was a mere incident in the proceeding; and as for what he calls "demonetization" in this country, I do not think it has had the effect the gentleman states. The gentleman refers to the law of 1873.

Mr. BAYNE. In 1873 there was no silver circulation to demonetize.

Mr. SYMES. But the act of 1873 stopped the coinage of silver.

Mr. ADAMS, of Illinois. In the conference of 1878 our position was unfortunate in two ways: First, because we appealed to Germany not to part with silver, while at the same time, by coining silver in this country, we withdrew it from the market in which Germany was resolved to sell; secondly, because our attitude in 1878 was in grotesque contradiction with our attitude in 1867.

In the Paris conference of 1867 we were represented by Mr. Ruggles. In his address to the conference, after explaining the immense resources of the United States as a producer of gold bullion, Mr. Ruggles explicitly states that it was in view of this great prospective development of the gold-mining industry of this country that he felt bound to urge that the coinage of the world should be brought to one uniform system based on the gold standard.

In a letter addressed to Mr. Ruggles by the chairman of the Senate Committee on Finance the same views are expressed. The adoption of the gold 5-franc piece is recommended as the common standard of value in all civilized nations.

If this is effected—

Continues the writer—

France will surely give up her vain attempt to maintain the double standard. A common gold standard will regulate silver coinage, of which the United States will furnish the greater part, especially for the China trade.

The impression produced in Europe by the views expressed by Mr. Ruggles and Senator SHERMAN I gather from a work entitled Zur Münz Frage, by Moritz Mohl, published in Germany in 1871. In this work the passages before cited relating to the interest of the United States as a bullion-producing nation are printed in small capitals, and the author sarcastically comments thereon as follows:

We must at all events be grateful to Messrs. Ruggles and SHERMAN for the publication of the reports and correspondence of these very able and far-seeing American statesmen, who treat this important subject from the highest standpoint and with the broadest views of international trade, and the dominant share thereof claimed by the people of the United States by reason of their possession of a large part of the eastern and western coasts of America, but it will be well if these frank utterances remind us that in this matter other interests than the common interests of all play an important part, and that the brotherly love of the United States to other nations is thereby shown to be in wonderful accord with the desire to drive a sharp bargain with Europe immensely profitable to North America.

Such was the impression produced in Europe by the attitude of this country in 1867. We seemed to be appealing to Europe in the interest of the world at large to invest largely in our special product. Our special product in 1867 was gold bullion. By 1878 things had changed. Not gold but silver bullion had now become the special product in the price of which we were chiefly interested. And so we change our tune. With the same lofty appeal, in the interest of the world at large, we call on Europe to abandon the gold standard and come to the rescue of silver bullion. Is it to be wondered at that our overtures to the European powers were received with frigid courtesy and half-concealed suspicion?

In the conference of 1881 our position was much stronger; our overtures were treated with more respect. It was not altogether because we made a more effective appeal to the disinterestedness of Europe. It may have been because between 1878 and 1881 we had demonstrated our ability to resume specie payments and to draw a large amount of gold coin from Europe.

Although Germany appears to be the chief opponent of an international settlement of the silver question, the attitude of Germany can not be fully understood without reference to the large share which France has had in bringing about the present state of things.

From the time of the Crimean war the French Emperor had been drawing closer the ties of commercial and political friendship between France and England. Nothing would have better promoted his plans than a monetary union with England at the expense of Germany. There is no doubt that in 1868 he was preparing to adopt the gold standard for which the Paris conference of 1867 had declared. This appears from the form of the circular inquiries issued by the French Government to the department officials, the chambers of commerce, and the Bank of France. The time was ripe for the change. For nearly six-

teen years France has been strengthening her gold reserve. She had absorbed $680,000,000 of gold and exported $345,000,000 of silver.

Had the issue of the war of 1871 been different; had the German military system been as inefficient as the French; had the French army been what the German army was, the finest combination of science, discipline, and glowing national feeling that Europe ever saw, the financial history of the last fifteen years in Europe would have been different. France would now have not merely the gold standard but a gold currency like that of England. Germany would have a currency of silver. It was undoubtedly the knowledge on the part of Germany of the intentions of the French Government which hastened the so-called monetary reforms of the German Empire after the war. The same cause has I believe tended to delay the settlement of the silver question.

This contest between France and Germany for the possession of a gold currency illustrates the probable course of the controversy if it is not settled by international agreement. The result will be the acquisition of a gold currency like that of England by each nation which is strong enough or fortunate enough to force its silver on some other nation. The process will go on till the world's supply of gold is concentrated in some nations and nearly all of the world's supply of silver is concentrated in other nations. That the leading nations of Europe have shown a decided preference for gold for many years, is an indisputable fact. We can not blink it. France closed her mints against the silver of Germany in 1876. By this move France checkmated the German policy, and a large part of the gold coined in the German Empire came back to France. France did not close her mints against the gold of California and Australia, although as gold came in from the West silver flowed out to the East and was coined into rupees.

Many gentlemen suppose that the adoption of a gold currency by several of the leading nations of the world will lead to the abolition of silver money throughout the world. Such a result is no more likely to follow than a collision between the earth and the moon. No nation will adopt a gold currency except by selling its silver to other nations. So long as a single great nation of Europe holds to the purpose of increasing its gold circulation the other nations of Europe will in self-defense close their mints against silver.

It is claimed that the existing state of things has two evil results. The first is said to be an existing evil. It is the general feeling of insecurity among capitalists throughout the world, which may be due to a dread of silver monometallism or to a vague fear of financial convulsion. The second evil belongs to the future rather than to the present. It is the gradual contraction of the world's metallic circulation by the refusal of several nations of Europe to open their mints to silver.

Neither of these evils can be permanently cured by legislation in the United States, although both may possibly be alleviated abroad if we consent to become a silver monometallic nation for the accommodation of gold monometallism in Western Europe. How many will advocate this as an American policy?

What is to be desired is the adoption of an international agreement by which each nation shall bind itself to use its fair share of silver and so bind itself not to use more than its fair share of the world's stock of gold. The adoption of such an agreement would permanently raise the price of silver bullion.

It is said that suspension of silver coinage in the United States would add to the difficulty of the silver question by depressing the market price of silver bullion.

How comes it that the movement for international bimetallism or something equivalent thereto was stronger in 1881 than in 1878, and is said to be stronger in Europe to-day than it was in 1881? The price of silver bullion has been falling all the time.

What particular form the international gold and silver union of the future will take is comparatively unimportant. It may be free coinage of both metals at an agreed ratio. That is, it may be bimetallism in its strict and original sense of the double standard. It may be the issue of silver bullion certificates based on the market value of silver in terms of gold to be ascertained and determined from time to time by international authority. The only really essential feature is that there shall be one standard of value everywhere, and that on that standard each nation shall securely hold its fair share of the gold and silver money of the world.

I do not claim that we can force European nations to come to a settlement of the silver question. What I do claim is that by announcing our determination to suspend silver coinage in the near future we can remove from the minds of European financiers a motive which now operates to delay the formation of an international gold and silver union. They know that by our annual silver coinage of $28,000,000 we relinquish to other countries a large amount of gold which would otherwise be in circulation here. They also know that many able, earnest, and eloquent men in Congress are urging unlimited coinage of silver. They have some reason to hope that this country is about to commit an irretrievable error which Europe will be swift to turn to her own advantage. They have but to wait till our Mint is open to silver and the five hundred millions of gold now circulating in the United States will go to strengthen the gold reserves of France, Belgium, and Germany.

By enlarging the proportion of silver in our circulation we do more than postpone the settlement of the silver question. We lessen our influence in the negotiations by which alone that question can be settled. As the President says, "We render ourselves an undesirable party to any future monetary conference of nations." In such a conference we ought to be and might be the strongest among the nations. Why should we suffer our Delilah of silver bulljon to shear away our strength?

The word bimetallism has been so loosely used as to have almost lost its value as a term of definition. In its strict and original sense it means not merely the use of both metals as money, but the double standard of value. In a larger sense, in which it is now frequently employed, it means the large concurrent use of gold and silver money on one uniform standard of value throughout the civilized world.

In this newer and larger meaning of the word I believe in international bimetallism. Soon after we cease to give to Europe inducement to delay, we shall be invited to a monetary conference to found an international gold and silver union. We ought to go not as a suppliant craving relief from a disproportionate weight of overvalued silver. We ought to go as a powerful, and therefore influential, member to give rather than to receive relief. We should represent not merely or mainly the temporary interest of our silver mines, but the permanent interest of a great industrial nation in a stable currency not only for ourselves, but for the nations with whom we deal. In this way and in no other way can we help to establish on a secure and permanent basis the bimetallic money system of the world. [Applause.]

SILVER COINAGE.

The SPEAKER *pro tempore* (at 5 o'clock and 30 minutes p. m). In accordance with its previous order the House now takes a recess till half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m., and was called to order by Mr. CRISP as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 3, 1886.

SIR: I designate Hon. C. F. CRISP, of Georgia, to preside at the session of the House this evening.

JOHN. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk of the House of Representatives.

SILVER COINAGE.

The SPEAKER *pro tempore*. The session of this evening is held, under the order of the House, for debate only on the bill (H. R. 5690) for the free coinage of silver, and other purposes.

Mr. GALLINGER. Mr. Speaker, at an early stage in this session of Congress two things became clearly evident, the one that the existing coinage act would not be repealed, and the other that, no matter what action the House of Representatives might take, the proposition to commit the Government to free coinage of silver was destined to defeat. Under these circumstances the country will doubtless feel that Congress might profitably have addressed itself to the consideration of other and more important measures, and allowed the silver question to remain quiescent. This, however, has not been done, but instead it has been insisted that the proposition to open our mints to free coinage should be discussed at great length, to the neglect of matters of vastly more consequence, both to the moral and material interests of the nation.

When the silver-tongued orator from the argentiferous fields of Colorado [Mr. SYMES] made his exhaustive appeal to the House a few weeks ago in behalf of silver I sincerely hoped that the extreme bimetallists would be content to rest their case; but since then the talk has flowed with such unceasing and resistless force as to illustrate anew the maxim that while speech is silver silence is golden. Almost every day this Chamber has resounded with the fiery eloquence of the silver advocates, until one could not help recalling the words of the poet laureate:

I chatter, chatter as I flow
To join the brimming river;
For men may come and men may go,
But I go on forever.

Until this House, after giving up to the advocates of silver much precious time that might have been better spent, deliberately voted to waste six days more in the discussion of this question, I had neither desire nor intention of participating in the debate. But as the advocates of unlimited silver coinage have thrown down the gauntlet it becomes the duty of those holding different views to give expression to their convictions.

We seem to have all kinds of statesmen and almost every possible variety of financiers in this discussion. One man tells us that unless silver is as free as the air dire disaster is sure to overtake the country, while another argues that unless gold alone is used as coin the darkest possible days of business depression and financial ruin are inevitable. To sustain these differing views ancient and modern history have been put under tribute, the pages of mythology have been ransacked, Scripture has been quoted, poetry has contributed her quota, and rhetoric and grammar alike have been violently dealt with.

Now, amid this deluge of words, this exuberance of meaningless

rhetoric and gorgeous imagery, is there not some middle ground on which to stand? Every intelligent man in this House, not blinded by prejudice or controlled by local political considerations, knows that the prosperity of the country is not dependent upon the continued monthly coinage of two million silver dollars, much less upon the unlimited production of this kind of money; while on the other hand very few, if any, will deny that silver, as well as gold, has its uses as a circulating medium; that to an extent, and under certain conditions, it is just as good money, and that any attempt to drive it out of circulation is neither wise, politic, nor possible. Personally I have no objection to silver except on the score of its inconvenience and the inevitable harm that will come from an oversupply of it. Gold is the world's money; it is better money than silver because of this fact. But for subsidiary purposes silver is a necessity; and while we are all willing to accept it we do not want any more of it than we are absolutely compelled to take.

I remember reading that when silver was denounced as poor money, in a former debate in Congress, an earnest advocate of silver coinage quickly retorted, "If the gentleman does not want to take silver I am willing to accept his salary in that coin;" whereupon there was a hearty laugh at the expense of the advocate of gold. It would be interesting to have this very thing happen—to have Congress paid off for one month in those huge silver orbs, apparently made to immortalize the raving beauty whose face adorns the coin—those legalized frauds and lies which pretend to be 100 cents when in reality they are only 79 cents. What an instructive study it would be to watch the faces of the members as they pocketed, or, more properly speaking, basketed their monthly allowance! What a broad smile would overspread the features of my distinguished friend from Iowa [Mr. WEAVER] as, bending beneath the load of precious coin, he foresaw visions of silver fiatism equally as grand and triumphal as any that wrought upon his fancy in the days when he was the Presidential candidate of the men who then were crazy on the subject of greenbackism and fiat paper money! What a mellifluous smile would light up the benevolent countenance of the able gentleman from Colorado [Mr. SYMES] as he saw, in this distribution of his pet coin, fresh encouragement to the mines of his State to do their best to supply the inexorable demands of impecunious Congressmen! How the genial gentleman from Missouri [Mr. BLAND] would rub his hands in glee and chuckle over this practical triumph of his profound financial wisdom! And the gentleman from Ohio [Mr. WARNER], who had a little session of his own in Washington before the assembling of Congress, which was heralded abroad as a mission fraught with momentous consequences to the country, but who failed to convert President Cleveland to his way of thinking on the silver question, would doubtless be content if that high official (with a salary as large as ten Democratic Congressmen, each one of whom is sure that he would make a better President than the present incumbent) were compelled to take his monthly stipend in the same weighty coin, while the eloquent gentleman from Texas [Mr. MILLS], who fairly staggered under the load of his mixed metaphors and classic quotations, would find this a greater burden even than the one he then carried! Just imagine that solemn procession of the nation's statesmen and lawgivers, and then have some degree of sympathy for the average American citizen who to-day is compelled to carry around a pocketful of this coin, and who is prohibited from enjoying the personal convenience and business advantage of one and two dollar bills because of the desire and demand to put an unnatural and unnecessary amount of this inconvenient and depreciated money into general circulation.

Now, Mr. Speaker, it is seriously argued that the country needs more money. Is that really so? Men talk of "cheap" money. Congressmen in lengthy speeches tell their constituents in effect, if not in words, that they are in debt; that their farms are mortgaged; that there is an abundance of silver in the mines of California, Colorado, and Nevada; and that the Government can and ought to make money out of that silver, distribute it among the people, and thereby better their condition. Doubtless some simple-minded people believe this talk, just as they believed the greenback heresies of a few years ago. But such persons should be reminded that a dollar (even a clipped silver dollar) can only be had in exchange for its equivalent in wheat, or cotton, or corn, or labor, or some other marketable commodity.

It is true the Government can make dollars, or something that is called dollars, but no device has yet been discovered that will enable the Government safely to put those dollars into circulation except in accordance with the inexorable laws of trade. And just here is the fallacy of the talk about cheap money. What is cheap money about which the gentleman from Texas talked so earnestly and eloquently? The history of the world shows that so-called cheap money has in reality always been dear money. The financial schemes of George Law were based on the idea of cheap money, but his schemes came to naught, as all such schemes have, carrying disaster and suffering in their train. It is well to remember that "things sweet to taste prove in digestion sour;" and the history of the disasters that have invariably followed an inflated and depreciated currency have painfully illustrated the truthfulness of Shakspeare's suggestion that

> When sorrows come, they come not single spies,
> But in battalions.

We had in this country cheap money in 1868. In that year the national Republican convention declared that the best way to diminish the burden of the public debt, and thereby lift the burdens of taxation from the shoulders of the people, was to improve our credit so that money could be borrowed at a lower rate of interest. This was at a time when the Democratic party was even farther away from the sound financial principles that characterize the fiscal policy of President Cleveland than they are to-day. The Republican party was right, as the mighty financial events of the intervening period abundantly prove. Then the Government was paying $130,000,000 per annum interest on $2,169,000,000 of debt, whereas we are now paying $51,000,000 of interest on $1,260,000,000 of debt. The principal of the debt has been reduced 41⅛ per cent., while the interest charge has been reduced 60 per cent. This grand achievement was the direct result of improving the public credit, and yet intelligent men, some of them Republicans, gravely propose to again depreciate the currency through the instrumentality of unlimited silver coinage, and thus renew the distress that the wisdom of the great Republican party lifted from the shoulders of the people by the grandest display of financial wisdom that the world has ever beheld. It must not be done.

In this discussion the advocates of unlimited silver coinage have laid great stress upon the point that free coinage would necessarily benefit the laboring classes, while all history teaches the exact opposite. No better illustration of this can be found than in a very instructive address upon the money question, recently delivered by Mr. Joseph H. Walker, of Worcester, Mass., before the Massachusetts Club of Boston. Mr. Walker is a practical man who has given great attention to the subject, and he produced a most interesting and instructive collection of facts showing the purchasing power of men's wages and farmer's products in times of cheap money as compared with times when everything is upon a gold basis, his object being to illustrate the importance to workingmen of having the dollar of the country in which they are paid worth a hundred cents in gold; or, in other words, that a depreciation of the currency is always an injury to the laboring classes because, while inflation or cheap money increases their nominal wages, it increases the price of what they have to buy much more rapidly. For this purpose Mr. Walker takes the period from 1860 to 1885, during which this country tested the effects of inflation, its currency growing cheaper and cheaper until it took nearly three dollars of it to buy a gold dollar, and then appreciating until it reached a solid basis. As Mr. Walker says:

> The experiment of depreciating the currency was never tried in any country under circumstances more favorable to the wage-worker than here. A war was in progress during four years of the time of such vast proportions that the consumption of the aggregate products of labor was increased by fully one-tenth, besides which more than one-tenth of the men who competed with each other in the labor market were employed in military operations, which was the equivalent of increasing the market for the laborer by one-fourth. Under these apparently favorable conditions for the wage-worker the value of his wages to him ought to have materially increased instead of depreciating, if it is possible for him ever to save himself from loss in periods of a debased currency.
>
> But what were the facts? In 1860 a dyer in a woolen factory received 67 cents a day, and with this he could buy in a year the following necessaries which Mr. Walker assumes would keep a family of four persons just above the freezing and starving point:

Articles.	Quantity.	Price.	Total.
Flour ..... barrels...	3	$8 25	$24 75
Corn-meal ..... pounds...	150	04	6 00
Granulated sugar ..... do.....	150	11	16 50
Fresh beef ..... do.....	200	10	20 00
Corned beef ..... do.....	100	08	8 00
Pork ..... do.....	100	10	10 00
Lard ..... do.....	24	11	2 64
Ham (whole) ..... do.....	16	10	1 60
Codfish ..... do.....	100	06	6 00
Tea ..... do.....	12	75	9 00
Butter ..... do.....	75	23	17 25
Cheese ..... do.....	10	12	1 20
Beans ..... bushels...	1	2 50	2 50
Potatoes ..... do.....	12	50	6 00
Coal ..... tons...	4	7 25	29 00
CLOTHING FOR ONE YEAR.			
Shoes ..... pairs...	3	1 45	4 35
Cotton cloths ..... yards...	20	10	2 00
Prints ..... do.....	20	08	1 60
Denims ..... do.....	5	15	75
Satinets ..... do.....	12	65	7 86
Rent	.....	4 00	48 00
Total	.....	.....	$225 00

In 1864 inflation had increased this dyer's wages to $1 a day, but it had also increased the price of the articles named above, which cost in 1860 $225 to $441.67, so that he was no better off than he would have been with 50 cents a day four years before. The purchasing power of his wages was, therefore, one-quarter less in 1864, when the premium on gold averaged $1.21, than in 1860, when there was no premium. The next year the dyer's wages advanced to $1.20 per day, in 1866 they were $1.25, and in 1867 they were $1.30, which was the highest point reached. From that time they declined until 1873, when they were a dollar a day, but the premium on gold had dropped to 15 cents, and the price of his year's supplies to $278.58, so that his wages at that time had a purchasing power of 80 cents as against 67 cents in 1860 and 50 cents in 1864.

The panic of 1874–'75 reduced his wages to 80 cents a day, but the premium on gold had disappeared and the price of the goods named had fallen to about $245,

so that he could buy with his wages as much as he could when he got a dollar a day and more, nearly 50 per cent. more than when he received $1.20. Since 1881 he has been getting a dollar a day, and with this he can buy now more than twice as much as he could in 1864, for $216 buys now the articles which cost twenty-two years ago $441. The same relative facts appear in all other lines of industry. Green shavers, whiteners, and skivers who were paid $1.75 in 1860 and $2.50 in 1864 could only buy with their $2.50 in 1864 what they could buy with $1.27½ in 1860. Therefore their real wages in 1864 were more than one-quarter less than in 1860. It was eight years before their wages were worth to them as much as in 1860.

During that time their real wages averaged $1.40⅜, and they lost the value of 416¼ days' wages, $729—nearly a year and a half. To-day their wages are $2.90—nearly two-thirds more than in 1860.

Carpenters who were paid the same as the greenshavers, &c., in 1860 and 1864, with the same results for those years, got their wages back sooner.

In six years carpenters' wages were worth to them as much as in 1860.

During that time their real wages were $1.45½, and they lost the value of 260 days' wages, $455—nearly seven-eighths of a year. To-day the wages are $1.75, the same as in 1860.

Machinists who were paid $2 in 1860 and $2.50 in 1864, could only buy with their $2.50, in 1864, what they could buy with $1.27½ in 1860. Their real wages therefore were in 1864 nearly three-eighths less than in 1860. It was eight years before their wages were worth to them as much as in 1860. During that time their real wages averaged $1.61⅜, and they lost the value of 405¾ days' wages, $810.60—over one year and a third.

To-day their wages are $2.25—one-eighth more than in 1860.

Locomotive engineers, who were paid $2.40 in 1860 and $2 80 in 1864, could only buy with their $2.80 in 1864, what they could buy with $1.42⅞ in 1860. Therefore their real wages in 1864 were more than two-fifths less than in 1860. It was ten years before their wages were worth to them as much as in 1860. During that time their real wages averaged $1.91¼ a day, and they lost the value of 545⅞ days' wages, $1,309.50—nearly one year and seven-eighths.

To-day their wages are $3.20—one-third more than in 1860.

Locomotive firemen, who were paid $1.20 in 1860 and $1.50 in 1864, could only buy with their $1.50 in 1864 what they could buy with .76⅞ in 1860.

Their real wages, therefore, in 1864 were nearly three-eighths less than in 1860. It was eight years before their wages were worth to them as much as in 1860. During that time their real wages averaged .93¾, and they lost the value of 468 days' wages, $561.75—more than one year and a half.

To-day their wages are $1.75—nearly 46 per cent. more than in 1860.

In this way Mr. Walker finds that in nineteen of the leading industries of the country the operatives lost by the inflation of 1860–'64 in wages, or the purchasing power of wages, equivalent to what they could earn in a year and a tenth, and he says:

Taking the country over and reckoning five persons to a family it gives ten million families. Assuming that the earnings of each family are $250 a year of three hundred days, shows that the loss to the wage-workers of the country by the depreciation of the currency was $2,750,000,000, a sum equal to the public debt on August 31, 1865, its highest point, and nearly double the present national debt. This experience of the American wage-worker is precisely that of his brother in France during inflation times, excepting not so severe. There thousands of artisans and their families actually died of starvation. Their wages, while nominally high, would not buy enough to sustain life. The history of England shows the same state of things during the clipping and debasing of her coin, and also in the times of her inflated paper currency. And the same is true of every country that has tried such experiments.

These are instructive facts borne out by the record, and they are of the utmost importance now when a tremendous effort is being made in this Congress to cheapen the money of the country by the unlimited coinage of 79-cent dollars under the false and misleading plea that it will benefit the working classes. On the contrary, it will bring demoralization to labor, sorrow to American homes, and a harvest of discontent and disaster such as our country has rarely seen.

The claim is gravely asserted on this floor that there is a scarcity of money and that the Government must make it more plentiful. The talk about a scarcity of money in this country is a delusion and a snare, the fact being that the money market is absolutely glutted.

The gentleman from Maryland [Mr. FINDLAY] in his exceedingly able speech pointed out that notwithstanding this cry has been reverberating in these Halls, as high as $64,000,000 have been locked up at one time during the past year in the vaults of New York city, the holders being unable to float it at the exceedingly low rate of 2¾ per cent. That is a solemn truth. Money has been so plentiful at all the money centers that it could hardly be loaned at any rate of interest. Over and above the legal reserve there has been from $24,000,000 to $64,000,000 lying idle in New York city alone, and when loans have been made on good collateral they have been at from 2¾ to 5½ per cent. The annual review of the Financial Chronicle closes with the significant remark that "money was practically easy throughout the entire year." And yet our silver philosophers are clamoring for cheap money. It is not more money that the country needs, but more collateral; and this can only be secured by preventing further coinage of silver, by voting down all propositions to emasculate our tariff laws, and by giving the country a profound rest from all violent agitation of financial and revenue questions.

Mr. Speaker, we all remember a few years ago, when the Greenback heresy broke out in this country in its most virulent form—this grand financial scheme that was to give riches to every impecunious bummer who stood on the street corner or held down the dry-goods box on the sidewalk while his neighbor did the work—how utterly impossible it was to satisfactorily discuss the currency question with a man who had a severe attack of the disease. As well might one have ventured to argue with a cyclone or to have tried conclusions with dynamite. In that discussion the Greenbacker simply overwhelmed his opponent with tables of statistics, and that was the end of it. When the advocate of honest money succeeded in digging himself out from the mass of figures that had been hurled at him he could not help admiring the industry and ingenuity—mistaken though they were—that enabled a man, in this short life of ours, to get together so much material of so immaterial a quality.

It would be interesting if our friend from Iowa would bring forth from his attic some of the speeches he delivered during his candidacy for the Presidency, and, in the light of what has since happened, read them to this House for its edification and amusement. But the fact remains that the Greenbacker always imagined he had the best of the argument, and he absolutely knew that he had the figures before which facts had to give way. So to-day we are being bombarded with ingeniously-constructed tables, showing the beauties and delights of unlimited silver coinage. As the country survived the Greenback craze, so, too, it will survive the silver craze, and a few years hence, when the finances of the country are again adjusted on a stable basis, when logic has taken the place of assertion and knowledge has regained the throne from which speculation has driven her, the people of this country will look back with as great surprise upon the financial record that the silver men of this Congress are making as they now look with astonishment upon the foolish Greenback heresy that swept over the land, carrying into its ranks a vast army of followers, even bringing the great Democratic party upon bended knee before this dishonest and outrageous scheme of practically irredeemable paper money.

I will not stop to discuss the question whether the stock of gold in the world is sufficient to meet the banking and commercial operations of Europe and America independently of a properly regulated silver legal tender. Time and time again on this floor the broad statement has been made that there is not enough gold in the world for this purpose. I will, however, suggest that many of the ablest financiers of this country hold to an entirely different opinion. Indeed, a vast majority of those whose opinions ought to be authoritative believe that with our present methods of transacting business there is an abundance of gold for all practical purposes. Neither will I stop to argue the question how best European nations can be brought to an agreement with this country on the silver question, except to say that it certainly will not be by free coinage on our part, thus giving them an unlimited market for their silver, and producing a consequent drainage of gold from the United States.

The only additional point I desire to make is that there is neither wisdom nor necessity in the continuance of silver coinage. Our vaults are already groaning under the weight of 79-cent silver coins, every one of which ought to be recoined into honest dollars. We have enough on hand, and there is neither sense nor justice in the Government continuing to purchase the product of the silver mines of the country when there is no demand for it after it is coined into money.

As an illustration of the utter folly of continuing silver coinage under existing circumstances, the following letter from the Assistant Secretary of the Treasury, which was laid before Congress on the 26th day of March, is exceedingly instructive. The Treasury Department asks for an additional appropriation to build more vaults in which to store this superfluous money. The Secretary says:

The last appropriation for this purpose was $100,000, made in 1883, of which there remains unexpended the sum of $1,707.28. In view of the fact that the amount of standard silver dollars required to be coined under existing law is about $27,000,000 each year, and that the remaining space available in the vaults of the subtreasury offices other than at New Orleans is not sufficient for the storage of the coinage for the ensuing twelve months, it is deemed advisable and prudent to ask that a suitable appropriation be made to enable the Department to erect vaults in some other of the subtreasury offices, leaving the vault at New Orleans free for the storage of the accumulation of the coinage executed at the mint in that city.

What profound statesmanship it is for Congress to compel the Government to buy silver and coin money that can not be put in circulation, and then spend large sums in building vaults in which to store the repudiated currency!

I am not ignorant of the fact that the debtor States of the West and South doubtless think this is a smart way to pay off the creditor States of the East. No matter what they say about it some of them at least know that the inevitable effect of unlimited silver coinage will be to drive gold out of circulation, and very likely out of the country, leaving the depreciated silver dollar as the sole basis of our monetary system. They may think it a shrewd business speculation to pay off their debts in money actually worth from 20 to 30 per cent. less than it claims to be. The bulk of these obligations were incurred when the currency was on a parity with gold, and if they can be paid in a depreciated currency it is clear that millions of dollars will be saved to the debtor States. But let me ask, in all seriousness, will this pay? The New York Daily Commercial Bulletin aptly says on this point:

Do legislative integrity and commercial honor pass for nothing in the progress of a people? Are those nations most successful who best succeed in the legalization of fraud? Is confiscation through manipulation of the currency a good basis for that confidence which is essential to the progress of any nation? If Western enterprise is largely based upon Eastern capital, can the West afford to alienate the class upon which they are so vitally dependent? If the Eastern creditors are defrauded upon their now outstanding claims, will they not be likely to make terms upon future loans which will protect them against the repetition of such exactions and compensate them for past losses?

Confessedly the ablest financiers of the country are against the continuance of silver coinage. I am aware that to a class in this House the mention of a bankers' association is enough to throw them into

financial spasms; yet to me it is a significant fact that the American Bankers' Association recently gave expression to the following:

The coinage of silver dollars under the compulsory law of 1878 is detrimental to the best interests of the people and dangerous to the welfare of the Government, and the law should be immediately suspended and remain inoperative until an international agreement with leading commercial nations shall give substantial assurance as to the future relations of gold and silver as money.

The recent protest of the New York banks is full of meaning to all who have not a chronic sneer for banks and bankers. It shows conclusively that the business interests of the country are against the continuance of silver coinage.

The savings-banks of the country, those depositories where men, women, and children lay aside their small savings for a "rainy day," are strongly against the proposition embraced in this bill. In the little State that I have the honor in part to represent on this floor there are sixty-seven savings-banks. The number of depositors at the close of the year 1885 was 121,216, and the amount deposited $43,827,356. More than every third person in the State has an account with a savings-bank, and the deposits for the entire population is about $125 per capita. This is a magnificent showing, and if the same industry and thrift had been practiced by the people of the Western and Southern States as by the people of New Hampsnire we would have far less clamor for free silver coinage and much less talk about cheap money. Now I have taken pains to make inquiry of the custodians of these funds, and I have yet to find one of them who is in favor of free coinage, or who does not feel that the suspension of silver coinage would be a blessing to the country. In view of this fact I do not propose to be either a principal or an accessory in the great crime against sound financial principles which is embodied in the bill now under discussion.

Mr. John Jay Knox, whose name is a household word among business men in this country, says:

The silver dollars which are now in the Treasury, or in circulation, if the amount is not increased, could continue to be used upon an equality with gold itself. A slightly increased issue will place the country, not upon a double standard of gold and silver, but upon the silver standard alone. The friends of a good currency will insist upon the suspension of the coinage act. It is of the first importance, and no effort should be spared to accomplish this result.

Hon. David A. Wells, the eminent economist, emphatically declares:

I accept the general opinion that the suspension of the coinage of the silver dollar would favor the plan of a conference of the European governments, with a view of some joint action. I should also be in favor of the assemblage of such a conference irrespective of results; for no harm can ever come from the broadest, most intelligent, and freest discussion of any subject. * * * I favor an immediate suspension of the coinage of the silver dollar.

Mr. B. E. Walker, a distinguished New York merchant, gives this testimony:

The stability of our currency demands the immediate suspension of the coinage of the silver dollar. Even if it were an honest dollar, the currency has been inflated by the amount coined, and the possibility of our not being able to maintain a gold standard is already seriously interfering with foreign trade where long credits are required. The standard dollar should never have been coined, and it only passes as money because of the virtual contract of the Government to redeem it. It is merely so much bullion, which the Government must some day sell as such, and we are committing the unparalleled folly of holding this enormous stock of bullion in a falling market, every month adding to our stock and every month witnessing a lower quotation for our merchandise.

Mr. D. C. Robbins says:

A suspension of the coinage of the silver dollar should very properly precede any attempt on our part to induce European governments to join in an international coinage compact. The coinage of the silver dollar should, without doubt, be suspended as soon as possible, because needless and improper.

Mr. John E. DeWitt, president of the Union Mutual Life Insurance Company, of Maine, is equally emphatic, as follows:

Not to suspend the coinage of the silver dollar would compel the United States Government to become the purchaser of gold to pay its bond obligations, interest and principal, either by the means of custom dues or direct purchases. It would create a currency system within this country entirely foreign to that of all others, namely, a silver basis; and the prospective trade of this country would be injured, because it would create a set of middlemen who would have to be compensated by commissions for the capital used in transferring the silver values into gold, wherever our people had a foreign bill to pay, thus making an additional tax on the people to that extent.

Mr. D. Pingree, of Salem, Mass., a leading authority on financial matters, truthfully declares:

With a prospective premium on gold staring the country in the face, what greater disturbance could there be to the finances of the United States, to our currency system, or to the trade of the country than the continuance of the silver coinage. When the Colorado silver miner sells his product to the Government, he knows that he does not receive the value of a gold dollar for what the Government coins into a silver dollar. When any one buys a gold dollar's worth of flour, he knows that, if the Government should take one quarter of it, and stamp a tag on the balance, saying this is a gold dollar's worth of flour, it would not give him a gold dollar's worth of nourishment. A Government lie is no better than any other lie, and when there is a sufficient accumulation of such lies to pervade the community, they are felt and appreciated at what they are worth. All the channels of trade rise up to resent a financial lie, and do not resume their natural course till it is thoroughly killed. Our double-standard coinage is not a true coinage. It is a disturbing element to trade, and should be suspended at once.

Hundreds of similar declarations from eminent financiers all over the country could be quoted, but enough has been given to show that the business men and sound business interests are against continued coinage, and that they stand appalled before the prospect of unlimited coinage. It is interesting to know that the total coinage of the silver dollar from the organization of the Government to 1834, a period of forty-two years, was only $1,369,517. The coinage from 1834 to 1873 was about $6,000,000, or $160,000 per year, while during the past seven years more than two hundred millions have been coined, a large proportion of which are in the vaults of the Treasury, guarded by watchmen, and depreciating day by day. Is it not time to return to the "Democratic simplicity" of the fathers of the Republic on this subject, and conclude that President Cleveland's "innocuous desuetude" is precisely what the silver dollar needs? Its unrestricted use is harmful, its disuse will be harmless.

Two international monetary conferences have utterly failed to unite the nations on the question of silver. It may be wise to make an effort for another, but that can only be brought about after our mints cease to make silver dollars. As Mr. S. Dana Horton, one of our representatives in the international monetary conferences of 1878 and 1881, in an instructive book just published, says:

To perform this task, it is essential that our Republic should act as a nation in the community of nations, with the will of a strong man who understands himself, who knows what he is doing. To this end we must eschew errors both of anti-silver men and of silver men; we must be "bimetallists" entitled to the name. If we are to make silver equal to gold as it was a dozen years ago, it must be as international a money as gold; we must be "international bimetallists." The leaders of the nation are committed to this international policy by act of Congress and by the will of the people.

To the gentlemen who, in their speeches on this floor, have declared that the United States can get along without any agreement with other nations on the silver question, these words will have no weight. But to those of us who believe that our coin money should have an international as well as a national value, they are words of wisdom which ought to be heeded. As an eminent financial writer suggests, the gold standard is a fixed fact in the commercial world, in all that portion of the globe which we call civilized, which is not, and, under existing circumstances, can not be true of silver. It is just as much fixed in bimetallic France as in monometallic England, just as much in Holland, Belgium, and Italy, as in Germany, Spain, and Portugal. It is equally so in Russia and Austria, although both are nominally silver, but actually shinplaster countries for the time being. The monetary dislocation of the United States from the countries with which all but the merest fraction of our commercial transactions are carried on can not be contemplated without the gravest apprehensions. But that is not all, nor is it the worst. The depreciation of our domestic currency is fraught with much graver consequences. The course of this depreciation and the consequences of it would be the same as they were when we entered upon the down-hill career with our greenbacks, except that the depreciation would be limited by the bullion value of silver, and would fluctuate from day to day with that.

In the international monetary conference of 1878, held in Paris, the danger that threatens this country if our mints are opened and European nations are invited to send their surplus silver to us to be coined, was forcibly expressed by Mr. Pirmez, one of the delegates from Belgium. In advocating the proposition that to accomplish any good result all the governments of the world should adopt simultaneously an identical relation between gold and silver, Mr. Pirmez said:

It is evident, indeed, that if the relation to be established between the metals does not comprise all states in its embrace, the metal whose commercial value exceeds its conventional value [gold] will flow into the states remaining free, and the depreciated metal [silver] will accumulate in the states bound to receive it, and attributing to it by agreement a fictitious value. The coalition which will be formed between a more or less great number of nations will have no other consequence than that of making those nations a field of speculation for the countries which shall not have accepted the relation between the two metals. Let us suppose that all the states whose delegates are sitting here adopt one of the ratios indicated—whether the ratio of 1 to 15½ or 1 to 16 is immaterial. The first thing that will happen will be that Germany will pour her stock of silver into these states, taking from them a corresponding quantity of gold at the fixed ratio, namely, 15 per cent. perhaps above the commercial value of that silver, which would amount perhaps to 50,000,000 francs. I think that were we to adopt such a measure Germany would have little desire of attending congresses, for she would find her affairs managed better in her absence than she could have ventured to demand if present.

The above language applies with startling force to the United States to day. The monetary conference was composed of delegates from Austro-Hungary, Belgium, France, Italy, The Netherlands, Russia, Sweden and Norway, Switzerland, Great Britain, and Greece. It was the opinion of this eminent financier, Mr. Pirmez, that these nations combined could not safely enter into an international agreement as to silver, an opinion justified by the result of the conference, for one reason because Germany, who did not participate in the deliberations, would pour her stock of silver into these nations and drain away their gold at a great profit. And yet it is seriously contemplated to open the mints of the United States to all the nations of the world! What a stupendous piece of folly that would be? How long would a single dollar of our gold supply continue with us under such circumstances?

Mr. Speaker, it is not necessary to multiply words to state the conclusions of my own mind. I believe in silver money as well as gold money, but with our present stock of silver dollars I believe we have already more than enough of that kind of money, and hence the sooner the so called Bland act is repealed and the coinage of silver dollars, temporarily at least, ceases, the better will it be for the country, and especially so for the laboring classes, who most need the protection of the Government. For a time at least the financial question will be quiescent; confidence will be restored; capital, always timid, will adjust itself to the demands of trade, and a greater degree of prosperity

will result than can possibly be secured so long as this question is made the football of every would-be philosopher and ambitious politician. This accomplished, I would have the Government make its present dishonest dollars ("standard" and "trade" alike) true representatives of what they profess to be, and then trust to the financial integrity and business enterprise of the country for a full revival of both foreign and domestic trade, a condition of things always impossible while visionary schemes of finance are being discussed in Congress, and the minds of the people are being poisoned with the idea that there is a royal road to wealth, and that they have only to reverse the well-established principles of monetary science to have riches, like the rain, descend upon the unjust and the just alike. This country can certainly afford to adopt the advice of France's great financial authority, Henry Cernuschi, himself a pronounced bimetallist, when he says:

So long as the bimetallic treaty, proposed in 1881 by the United States and France, is not accepted either by England or by Germany, not one silver five-franc piece should be coined in France, not one silver dollar should be coined in the United States. In no form, under no pretext, should silver currency be increased, neither in France nor in the United States.

Upon this platform every American, be he Congressman or not, can safely stand, so far at least as the interests of the country are concerned; and were it not that "Ephraim is wedded to his idols" I should expect to see these sentiments crystallized into a bill and enacted into law before the Forty-ninth Congress becomes a thing of the past. But if this can not be done, as now seems probable, let us at least put our foot and the seal of our condemnation upon the monstrous proposition to coin silver in unlimited quantities—a proposition that, in view of the attitude of most European nations on the subject, will strike a deadly blow at the prosperity of this country and bring back to us sad reminders of former troublous and disastrous days. It is in our power to avert this calamity by wise legislation, and I have faith to believe that the good sense of the American Congress will resist the clamor and unreasonable demands of the owners of silver mines and the advocates of unlimited coinage, thus protecting the interests and defending the honor of a nation whose marvelous growth in the past is an assurance of still greater development in the future, provided she is not wrecked by legislative enactments that are calculated to impair her credit and strike down her industries. [Applause.]

Mr. WOODBURN. Mr. Speaker, I rise to answer, if I can, the principal objections to the further coinage of the American silver dollar, and to its free and unlimited coinage, urged by the President in his message to this Congress by the fiscal agents of this Government in their annual reports, and by at least three members on this floor.

They have all publicly and unequivocally declared that it is the duty of the legislative branch of the Government to suspend indefinitely the coinage of silver, or, in other words, to practically destroy one of the two kinds of money provided for and guaranteed by the Constitution.

I know that this House will not embody their views in a national statute, as the life and prosperity of a nation depend, in a great measure, upon the wisdom and stability of its financial system; but upon solemn consideration and debate, may liken them to "two grains of wheat hid in two bushels of chaff; you shall seek them all day ere you find them, and when you have them they are not worth the search."

I do not intend in this discussion to allude to the antiquity of the use of silver or its peculiar fitness as a medium of exchange, as the country is flooded with literature on these subjects. Suffice it to say that the silver dollar was the original unit of value and circulated in perfect harmony and equality with gold from 1792 until 1873, when in that and the subsequent year, either through fraud, accident, or ignorance, the silver dollar was omitted from the list of coins to be thereafter minted, and made a legal tender for the sum of only $5.

Of course no act of Congress could demonetize the silver dollars then existing, as it is well settled that when silver coins of the required weight and fineness have been fabricated at the mints they become full legal tender by virtue of the Constitution, without any declaration of Congress being necessary to make them such.

The then President of the United States was certainly not aware of this unprecedented and unparalleled legislation. Believing that Congress had not affected the status of the silver dollar, he, on January 14, 1875, recommended the establishment of additional mints at Omaha, Chicago, and Saint Louis, that silver dollars might therein be coined, and the resumption of specie payment on the 1st day of January, 1879, in pursuance of the act of 1875, be facilitated.

The people never knew that the silver dollar was demonetized until the 30th day of March, 1876, when Senator Conkling asked Mr. Sherman to tell him "if it were true that there is now by law no American dollar." The answer to that question was the first revelation to the people that the silver dollar had been smuggled out of existence by national legislation of questionable character.

Up to 1873 no American statesman in or out of Congress ever favored the demonetization of the silver dollars, the indefinite suspension of their coinage, or any sort of discrimination between them and gold dollars. No great political party ever had the hardihood since the formation of the Government to go before the American people, standing upon a platform that declared in favor of the destruction or the degradation of silver money. No man was ever nominated by a great party for the high office of President who had the temerity to express in a public letter of acceptance a word of hostility to the dollar of your fathers.

Had Governor Cleveland embodied in his letter accepting the nomination of the Chicago Democratic national convention the financial theories and recommendations contained in his message there is not a member here who believes that he would ever have crossed the threshold of the White House except as a visitor. I predict that there is not an advocate here of a single-money standard who will dare in 1888 to champion for a Presidential nomination an avowed enemy of silver, even though he be the personification of civil-service reform.

Who complains against the silver dollar on account of its size, weight, utility, or value? There are more than forty millions of people who earn their bread by the sweat of their brow, who own no gold, no nontaxable bonds, and not one of them has ever protested against the silver dollars. The only protest they are making is against the unjust restraint placed upon their circulation.

The farmer, manufacturer, mechanic, and laborer are interposing no objection. This class of people ought to be entitled to some consideration. They have presented no petition or remonstrance against the further coinage of silver. Healthy discussion has made it as clear as the "handwriting on the wall" that the sentiment of the common people is for the free and unlimited coinage of silver, or for a measure that will be a full equivalent, if there can be any such. It is voiced by almost every unsubsidized newspaper in the nation, and by almost every man who has given the silver question serious study, who is not a bondholder, banker, or member of a board of trade, or chamber of commerce, or an officer of the Treasury Department at Washington.

The President in his message characterizes, or rather caricatures, the present "Bland act silver dollar" as an 80-cent dollar. I have known learned members of Congress to do the same thing in the cloak-room, and declare it to be a nuisance that required immediate abatement.

Before replying to this "light-weight" charge, it may be proper to state that there is some evidence tending to cast suspicion upon the authorship of that portion of the President's message relating to finance. In support of this assertion, I cite the following paragraph from the President's message:

The most distinguished writer on bimetallism has said "no American citizen's hand has yet felt the sensation of cheapness either in receiving or expending the silver-act dollars."

Now I find this same paragraph on page 28 of a little book entitled The Great Metallic Powers, which I now hold in my hand, and to which I invite attention. The author is an Italian-Frenchman named Henri Cornuschi. He is the same man who predicted in 1878 that the Bland act would cause an instant departure of all the gold in America. His views on the question of the immediate suspension of silver coinage are the reflex of those of the President and Secretary Manning. His theory is to demonetize and destroy the silver dollar *instanter*, to enable it, phœnix-like, to rise from its ashes at some not far distant day in renewed life and vigor. There are in this country a myriad of intelligent, level-headed men, who have given this subject a serious and impartial consideration, who have no confidence in the Cornuschian policy of killing a sick man that he may speedily be resurrected in the full bloom of manhood.

I find on a fly leaf in the margin of the Cernuschi pamphlet the following words: "With the compliments of Mr. Manton Marble, 532 Fifth avenue, New York." Manton Marble, a New York monometallist, was the gentleman delegated by the President to bring about an international money congress in the interest of bimetallism—a thing which he ought to have known was beyond the range of possibility in view of the then attitude of the great creditor nations.

It may be that Manton Marble bumped up against Cernuschi in Paris, became inoculated with his views on American finance, and incorporated them into the message of the President, who in all probability never had time to study the question from any other than a New York city standpoint. At any rate, it is a singular coincidence that at a supreme moment Manton Marble and the President should recognize Cernuschi as supreme authority on finance. Admitting that he is the most distinguished writer and authority on bimetallism, as claimed by the President, I will hereafter cite his book as a witness to prove that free coinage in America is an indispensable necessity, and that it makes an 80-cent dollar an impossibility.

If the present dollar be any 80-cent dollar, the complaint of the monometallist is not without foundation. Though from a silver State, I am opposed to such a "coined monstrosity."

I deny the existence of any 80-cent dollar in America. Our present dollar contains 371¼ grains of pure silver. No American silver dollar ever had any more. It is a legal debt-paying dollar. The very moment it is impressed with the stamp of the Government it will buy enough gold bullion to make a gold dollar. It is worth 100 cents in silver. It will buy 100 cents' worth of any commodity or necessary of life as well as a gold dollar. Its purchasing power is as great now as it was in 1873, when it commanded a premium over gold, and when no one complained of a "light-weight" gold dollar. It will liquidate a coin debt of the value of 100 cents. If a day's labor is worth 100 cents in American money, a silver dollar containing 412½ grains of standard

silver will buy it. There is no fraction of an 80-cent dollar, but a cent is a fraction of a dollar worth 100 cents.

There are no two prices on goods, such as a silver and a gold price. The laws of trade, of Congress, and the Constitution make it worth 100 cents. Present it at any place of business between New York and San Francisco and it will be received on perfect equality with the gold dollar. In all domestic monetary transactions a 412½-grain standard silver dollar is the peer of the 25.8-grain gold dollar, no matter how high the premium. A greenback or national-bank note of the denomination of a dollar is as good as a gold dollar, but no better than a silver certificate for the same amount, and the silver certificate is no better than a silver dollar. The silver dollar is received at the custom-houses for import duties as the equivalent of a gold dollar, but no one understands how, in a moment after its reception, it has become so shrunken in value to the extent of 20 per cent. that the patriotism of the Secretary of the Treasury will not permit him to pay it out to a bondholder who contracted to take it as the equivalent of 100 cents' worth of gold.

Congress has more than once declared the silver dollar to be the equal of the gold dollar in value. The Bland act of 1878 says so. Section 3527 of the Revised Statutes provides that—

> Silver coins, other than the trade-dollar, shall be paid out at the several mints * * * in exchange for gold coins at par in sums not less than $100.

Now, if a silver dollar is good enough to pay out at a subtreasury of the United States for a gold dollar, by what process of reasoning can it be maintained that the Secretary of the Treasury is justified in refusing to pay it out with gold to the bondholder who contracted in express terms to receive it in satisfaction of his debt?

The 80-cent dollar exists only in imagination. It has not depreciated in forty years more than any commodity the value of which it is intended to measure. Its production has scarcely kept pace with the expansion of commerce and the growth of population. It is not a "coined lie," as stated by Senator FRYE a few days ago at a Boston banquet given by the Boston Board of Trade, but it is a coined truth.

Senator FRYE is the first man who has ever discovered that a silver dollar coined by authority of the Constitution and of the weight and fineness provided by Congress is a "coined lie." The Senator, fortunately for himself, gave no reason for the "faith that was in him." It is evident that his estimate of the American dollar bearing the stamp of an American mint was based on the value of silver bullion as compared with gold, when regulated by the London market.

If Senator FRYE had been Secretary of the Treasury since 1878, and had obeyed the laws instead of substituting therefor his own opinions, and paid out the silver dollar to him who agreed to take it in payment for a debt, he would never have reached the conclusion that it is "a coined lie." He would have declared it to be a coined truth, because a decent compliance with law would have raised the value of silver and reduced the premium on gold.

If the denunciations of the President, Senator FRYE, and the bondholders against the "light-weight" dollar are deserved, it logically follows that every substance out of which money is made, if it does not possess the intrinsic value of gold bullion as regulated by the London market, ought to be condemned and cast into the fire.

The trade-dollar contains 7½ grains more of standard silver than the present dollar, yet it is worth 20 cents less solely because Congress has not made it one of the current coins of the country. The Treasury notes that were issued to meet a national emergency are intrinsically worthless—a mere evidence of debt, a substitute for real money, being redeemable in real money coin. They live upon the credit of the Government only, and still they have the same purchasing power as gold, because of the people's faith in the solvency of the Government. Two half dollars have 6 cents' worth of silver less than the silver dollar, but ten of them will pay a debt of $5 as well as a gold half-eagle, or any other kind of currency.

When coinage is not free the weight of the dollar is of no more importance than the dimensions given to paper money.

Cotton does not bring a higher price by increasing the size of the bales, nor sugar by making loaves heavier than usual. These commodities are sold by weight. Just the same with silver. Whether the owners of silver in the United States send to Europe dollars of 412½ grains or of 500, or simply bullion, it will make no difference, silver will still be bought by weight, to be sent, as now, mostly to Asia.

And corroborative of this I will quote from the distinguished member from Maryland [Mr. FINDLAY], who, in his recent speech in favor of the gold standard, clearly confesses that silver when represented by silver certificates is the equal of gold and is good enough for the bondholder. He says:

> There is pending a proposition now which requires the Secretary to redeme called bonds in silver dollars. I do not suppose that means an actual delivery to each bondholder of the veritable dollars themselves, but that they shall be paid in representative money of which silver is the basis. Well, suppose that should be done, who would be hurt by it? Not the individual holder of the bond, for, silver still being the equal of gold, he would convert the money into other property and be as well off as before.

Now if silver be as good as gold when represented by a silver certificate, it must require a most fertile imagination to reach the gentleman's final conclusion that "gold, in his opinion, in spite of all your laws, by virtue of a law of its own, will still be king."

His was a most eloquent speech, but in my humble opinion it surpasses the understanding of the average intellect. To prove the truth of this assertion, I invite attention to the following extracts, trusting that the House will give them its most earnest attention. He says:

> Daniel was once called upon to tell a great king the nature of a forgotten dream, and then to interpret its meaning. The prophet declared that the vision that the king had seen in the night, and which he vainly attempted to recall, bodied forth a colossal figure, the head of which was gold, the arms and waist of silver, the rest of the body of brass, the legs of iron, and the feet of iron and clay. A stone cut out of the side of the mountain dashed against this figure and ground it into pieces, and the wind blew it away and it was seen no more.
>
> This tremendous figure does not inaptly represent the progressive growth of monetary evolution, which, from the rudimentary forms of barter and exchange, the mere clay at its feet, has gradually developed along the scale of inferior metals, through iron, copper, and silver, until it has reached its culmination and crown in gold. In this evolution, there has been not merely a change of physical form, by which one metal has superseded another, but a differentiation of function also, by which the primitive faculty of metallic money as exchange has gradually given way to its higher and superior virtue as an instrument for storing value, in the course of which the world's commerce has come to be carried on in great part by a secondary or representative currency.

I presume that every member of the House, except myself, has a clear conception of the meaning of these two paragraphs. An experience of thirty-three years on the Pacific coast justifies me in declaring that to a man west of the Rocky Mountains they are no more intelligible than the hieroglyphics on an Egyptian obelisk.

If there is anything in this Darwinian theory of monetary evolution it must be that the march of intelligence has been gradually displacing the baser with the more precious metals, and finally culminated in crowning gold as the sole standard of exchange. I will hereafter show that if legislation had paralyzed the silver industry of the country a quarter of a century ago, it would be doubtful if the gentleman from Maryland could find enough of the raw material out of which to erect his colossal figure that is to be surmounted by a crown of gold.

The gentleman from Pennsylvania, a member of the Coinage Committee, who made a speech in favor of the gold standard on a day dedicated to the consideration of private bills, is a firm believer in Mr. FINDLAY'S modern doctrine of monetary evolution. Why not carry out the theory to its legitimate result, and advocate the adoption of platinum as the sole standard of value, it being a more precious metal than either gold or silver, and therefore must necessarily drive all others out of circulation. He admits that gold, silver, and United States notes are of equal value and are so treated by the Treasury, and that a standard silver dollar of 412½ grains, when stamped by the Government, is equal to a gold dollar, but says that if the Secretary of the Treasury gives him a check on the subtreasury at New York for $10,000 in money, which means gold, silver, or paper, if silver is offered when presented for payment he would infer that the Government was trying to force upon him that which did not represent $10,000 in true money.

How is it possible to argue the subject of finance with a gentleman who positively avers that a 412½-grain silver dollar is the equal of a gold and paper dollar, but when presented to him in payment of a check for a dollar in money, he regards it with suspicion and infers that the Government is trying to cheat him and force upon him a dollar that is not true money. No friend of bimetallism can be shaken in his faith by the speech of the gentleman from Pennsylvania, who confesses in the peroration that all his convictions on finance are based upon an assumption of facts.

If the weight of the silver dollar is to be increased, then all our public and private contracts resting upon our present coin basis are necessarily changed and violated, and the creditor gets more grains of silver in the dollar than he stipulated to receive. A heavier dollar would not prevent the premium on gold from rising higher if the product of gold continues to decline. Every time gold goes up in London Congress might be called on to inject more grains into the silver dollar. Every time gold drops silver rises. If such a system were adopted the silver dollars might have to be called into the Treasury, filed down or recoined.

How can the advocate of a heavier dollar reconcile his theory with the fact that silver worth less than ours has circulated in France at par value with gold for one hundred years at a ratio of 15½ to 1, when her gold was as valuable as gold in London? Because the laws of France, like our laws up to 1873, made them equal.

I admit that silver bullion as compared with gold bullion has fallen in price, but not lower than any other article of merchandise. Why? Because this country, that produces one-third of the gold and one-half of the silver of the world, allows London, the capital of a foreign country, that produces no precious metals, to fix the price of American silver for the benefit of England. She is the greatest creditor nation in the world. From foreign investments and foreign trade she realizes $500,000,000 per annum. She owns not less than $3,250,000,000 interest-bearing debts.

Being a gold-standard country her foreign indebtedness is generally payable in gold. She is a large holder of American bonds; she supplies India—a silver-standard country—with silver bullion, that has $1,000,000,000 in silver in circulation. Above every other nation she is interested in making silver cheap. On every ounce of American silver she now buys at her own price, say 47*d.* per ounce, she makes more than 25 cents profit in coining it into Indian money.

As an illustration of England's financial genius in the manipulation of our silver, a distinguished writer on finance uses the following language:

A London merchant pays to the Secretary of State for India, in London, say $500 in gold, and in return he obtains an order on India for $600 to $625 in silver, and we sell them the silver at what price they choose to pay for it. These India council drafts act as an export bounty of 20 to 25 per cent. in favor of the Indian exporter of wheat and cotton, for with our cheap silver England pays for Indian cotton and wheat, and can force down the price of American cotton and wheat in proportion as the price of silver is forced down.

The strange privilege of permitting England to fix the value of the bullion out of which is fabricated the Indian rupee and the American dollar coined under the "Bland act" operates as a two-edged sword that stabs American industry to the death.

It is a consolation to know that, though she can regulate the value of our silver bullion with impunity, she is not yet permitted to decree how many grains of American standard fine silver shall be worth 100 cents and shall be a legal tender for a dollar due under a contract.

She does fix the value of our silver in the shape of bullion and makes people believe when she drops it 20 per cent. below the value of gold bullion they get nothing but 80-cent dollars. But the manipulation of silver as a commodity is a different thing from coining it into money at an American mint, its ratio to gold being fixed by the law of the land, and its value absolutely determined.

The so-called Bland act by its restrictions on the free coinage of silver bullion depresses the price. It makes the Government the coiner of silver on its own account. The amount of bullion to be coined monthly is purchased as cheaply as possible at the rate, of course, fixed by the London market. The Treasury Department is converted into a broker's office. The Treasurer takes $80 out of the Treasury, buys eighty dollars' worth of silver bullion, coins it, and returns one hundred legal debt-paying dollars, robbing the miner, who risks his life, his labor, and capital, out of 20 per cent. of the fruits of his industry. As long as the country is blessed with a Secretary of the Treasury who always coins the minimum, under the Bland act, and never the maximum, the excess is thrown upon the market and sold to the highest bidder for cash. Discrimination degrades the metal and enables England, the great bullion purchaser, to fix the value of the amount of silver required to make an American dollar.

The gentleman from Pennsylvania [Mr. SCOTT] admonishes this House that "when the little bell rings in the Bank of England, in Threadneedle street, its echo starts the money market of the world. Its oscillations are felt in New York, Boston, and Philadelphia, and he is not certain but its vibrations reach the prairies of Texas and the mountains of Missouri."

Like the gentleman from Pennsylvania, I have a most intense admiration for the financial genius of England. Her myriad great names are entitled to reverence. She has reduced diplomacy to an exact science. If history speaks aright, she has never let slip an opportunity to trample upon American liberty and blot from the world's map this, the only true republic that ever existed; and yet on questions of trade and finance a fancied relationship seems to stifle the voice of history and color American legislation for her benefit, at the expense of American industry.

Perhaps I ought not to animadvert on the "Bland bill," as I was a member of the committee which first considered it, and of which Mr. BLAND was chairman. It was drafted and introduced into the Forty-fourth Congress as an experiment by Nathaniel P. Banks, of Massachusetts, and referred to the Committee on Mines and Mining, instead of one of the money committees of the House.

It was acceptable to the people of the silver-producing regions, on the principle that "half a loaf is better than no bread." Its wisdom was demonstrated by the era of prosperity which followed its passage. It might well be termed a "blessed act" to-day, if the money coined in pursuance of its provisions were deemed by the Secretary of the Treasury good enough to pay national obligations, as it expressly provided, which would have prevented the accumulation of an idle mass of silver.

The President is evidently not much afraid of silver. He says:

There is not certainly silver enough now in circulation to cause uneasiness, and that the whole amount coined might after a time be absorbed without apprehension; but it is the ceaseless stream which threatens the land that causes fear and uncertainty.

Where is the "ceaseless stream" to flow from? From what quarter of the globe is a deluge of silver expected?

It needs the gift of divine inspiration to answer where. An overflow is not among the possibilities of the present or near future. In 1884 the country produced in silver $48,800,000, one-third of the product of the world, not enough, if allowance be made for what is consumed in the arts and manufactures, to coin the maximum under the "Bland act."

There is no material increase in any quarter of the globe. Every nook and corner of the far West has been pretty thoroughly prospected. The famous Comstock, that scared Bismarck into silver demonetization in 1871, has been pierced at two points to a depth of over 3,150 feet below the surface without discovering any large ore-paying body. Its ores are now low grade in character, scarcely paying the cost of extraction and reduction.

The output of the whole State of Nevada in 1884 was only five millions. During the previous twenty years the Comstock alone added to the wealth of the world more than $180,000,000 in silver, which helped to make resumption of specie payment possible.

There never was but one Potosi. There never was but one Comstock, and it is extremely doubtful if there ever will be another. The silver product of the world for the year 1884 was only $115,000,000. Nearly half that amount is annually consumed by India and China. Hence the "ceaseless stream" exists in the imagination only. The product of Mexico and Peru is declining, and there is no alarming increase in any other quarter. No monometallist lives that can point out the location of the source of a threatening stream of silver. If the "ceaseless stream" ever begins to flow in a volume so mighty as to threaten financial disaster, it will be then time enough to construct legal barriers against the inundation.

If the Secretary of the Treasury had obeyed the law to which Senator BECK called the attention of the nation and applied the 20 per cent. of the receipts in silver for custom duties during the six months before the President's message was submitted to Congress, in conjunction with all the millions of silver received since 1878, to the payment of interest on Government bonds and notes and the liquidation of the principal of the nation's debt, it would take a powerful microscope to detect the President's "ceaseless stream."

Surely $215,000,000, less than $4 per capita, can not create any great consternation, considering the present and future of the country and the amount of money necessary to liquidate its indebtedness.

Bimetallic France has not less than seven hundred millions in silver circulating in perfect harmony with $1,000,000,000 in gold among a population of less than forty millions, and no Frenchman has ever complained of a "ceaseless stream." How beautifully less the "stream" would become if the Government bonds, representing $70,000,000, belonging to the heirs of one man, Vanderbilt, were paid in silver when due, which he agreed to take and which he ought to get, if too much is accumulating in the Treasury. Why, it would take all the idle mass of silver in the Treasury to pay the bonds of this one man.

The report of the Comptroller of the Currency, page 18, shows that on the 1st day of November, 1885, the immense mass of idle silver dollars in the Treasury, outside of those represented by silver certificates, which must be considered as in circulation, is the small sum of $70,070,576; just enough to pay the debt.

Contemplate the national, corporate, and private indebtedness contracted on the basis of silver. If all the silver of France were thrown upon our hands the volume of the "stream" would be easily regulated by a compliance with existing law. The statement of the amount of the public debt November 1, 1885, is as follows:

Interest-bearing debt, $1,260,778,162. Matured debt not yet presented, but permitted to draw interest, $3,953,689.76. Accrued interest to date of November 1, 1885, $9,595,948.10. Debt bearing no interest, being amounts due to various persons for services, &c., but not yet paid, $574,012,535.88. Total public debt November 1, 1885, $1,848,340,335.74. At that date there was cash in the Treasury, $400,682,767.65. Deduct the locked-up cash on hand from the total debt and there is a total of $1,447,657,568.09 that the people must have taken from them as they earn it. In words, the sum stands thus: One billion, four hundred and forty-seven millions, six hundred and fifty-seven thousand, five hundred and sixty-eight dollars and nine cents.

The assets of the United States Treasury, as stated by Treasurer Jordan, were, on November 30, 1885, as follows:

Gold coin	$178,002,782
Gold bullion	73,942,796
Standard silver dollars	165,568,088
Fractional silver coin	27,920,309
Silver bullion	3,583,956
Total specie	449,017,861
United States notes	43,290,643
National-bank notes	2,285,050
Current money in banks	13,595,238
Bank notes in process of redemption	3,487,306
Minor coin	616,172
Interest paid, &c	41,891
Total	512,337,161

In addition there are $346,000,000 in greenbacks, redeemable in either gold or silver. It is estimated that there is due to national, State, trust, and savings banks not less than $2,300,000,000, payable in gold or silver. Give us all the silver of France—and she has none to spare—in addition to our own and the "stream," foreign and domestic, will not suffice to wipe out national and private obligations payable in silver dollars.

There is not too much silver in the country. It has less silver and more gold than most other nations. They average about one dollar in silver and one dollar of gold, while the United States have only one dollar in silver to two dollars and a quarter in gold.

But a new point has been made by the gifted member from Massachusetts, Governor LONG, which is the cardinal feature of his argument on last Saturday and ought to be answered. He says that "free coinage is an invitation to the world to dump into our mints its entire stock

of silver bullion, coins, old tea-pots, spoons, and tankards, and to draw for every 78 cents' worth of silver so dumped a full United States dollar."

The danger of a "dump" must disappear from the minds of the advocates of a gold standard when they learn that one of the inflexible laws of finance is that silver coins never seek the melting-pot until silver commands a premium over gold. Tea-pots, spoons, and tankards, and other articles of silverware are seldom melted, because the skill and labor employed in their manufacture often cost more than the original bullion.

The gentleman failed to tell us what kind of United States full dollars the "dump" would draw from this country.

Does he mean gold dollars? If so, the answer is that no commercial nation of Europe will do the vain and idle thing to export silver here and bring back gold bullion (gold coins are bullion abroad), when it can be purchased at home for the same price without incurring any cost of transportation or insurance. They will take in return a more profitable cargo.

If he means full silver dollars, then I assert, without fear of contradiction, that neither the gentleman from Massachusetts nor any one else can point out the locality that contains a mass of silver that can be dumped on American soil in the event of free coinage. No one claims that England has any surplus. All her silver coins are clipped before they leave her mints for the express purpose of keeping them within the limits of the realm.

No one claims that France or any of the countries comprising the Latin Union has any surplus bullion. All their silver coins are in active circulation. Would it not be the acme of absurdity to conclude that any of these nations could draw away any of our good dollars by means of their silver coins which are worth less than ours, but still are on a par with gold at the ratio of 15½ to 1 regardless of its premium in the London market?

If there is any one who believes that Germany has any silver to dump upon us in a favorable emergency, I refer him to the report of the Director of the United States Mint for the year 1880, which discloses the fact that of the vast amount of silver Germany demonetized in 1873, only $74,707,248 remained at the close of 1879. The same report informs us that there was no surplus silver bullion in Great Britain that year, the imports and exports being equal. The very next year $40,000,000 were coined for India. Where did this amount come from? Not from the United States, for we coined over $27,000,000 and only produced $37,000,000; not from Mexico, for it coined over $22,000,000 of a product of $25,000,000. The inevitable inference is that it must have come from Germany. No advocate of a gold standard has dared to tell this House or the country that Germany has to-day a dollar's worth of idle silver.

The threat of a "dump" is a weak invention of the enemy. It is predicated upon neither facts nor figures, and therefore is not entitled to respectful consideration.

But if legislation should choke up the source whence flows the present feeble stream of silver, the stream of gold will not suffice to supply the dentists of the country with material enough to plug the diseased teeth of the advocates of the gold standard.

Let us see. The country produced last year $30,800,000 in gold. The whole output of the world in 1884 was less than one hundred millions—a falling off of nine millions as compared with 1882. The Orient consumes about twenty millions per annum. The Director of the Mint admits that twelve millions of our own small product were consumed in art and manufacture last year in this country, with a growing demand in that direction.

The placer mines of California, that added to the world's wealth in thirty-six years more than $1,000,000,000 in gold without depreciating the silver dollar, are only the reminiscences of happy days gone by, never to return.

The working of hydraulic gravel mines is stopped by operations of the law. The decline of her gold product in the last four years is $8,072,438.17. The falling off in Australia is now perceptible. Suspend silver coinage, demonetize silver, close down the silver mines for the benefit of the bondholder, banker, and broker, and for no one else, and the decline of the gold product will become more apparent to the President than the difference in value between the present gold and silver dollar.

It is not generally known that at least 25 per cent. of all our gold bullion is a by-product of silver. The gold and silver product of the United States for the five years ending December 31, 1884, was $145,244,551, of which the sum of $48,441,267 in gold was extracted from silver ores.

Let me remind the members of this House who propose to usher out of existence one-half of the hard money of the country that during the last twenty years the little county of Storey, in which I live, produced, according to the assessor's reports, the sum of $180,000,000 in silver and $145,000,000 in gold. It paid in dividends to mining stockholders $120,000,000, and paid out for wages to miners $4,000,000 annually. Outside counties produced $100,000,000 more. It is safe to add to the assessor's report $55,000,000 more in gold.

Where did the $200,000,000 in gold come from? Not from mines located, operated, or designated as gold mines, but solely from mines recognized as silver mines. They came from veins of silver ore. They were a by-product of silver. They came from the same matrix of rock. The bar of the silver miner was gold and silver in nearly equal proportions.

The Comstock is now producing nearly $1,000,000 per month, and 50 per cent. of the silver ore extracted is gold. Not a mine on the Comstock would be operated to-day were it not for the gold contained in the silver vein. All the large silver veins of Idaho, Montana, Utah, and Arizona contain a decent percentage of gold.

Strike down one and you strike down both. Had an American Congress twenty years ago legislated the silver industry out of existence it is apparent that the gold supply we have now on hand would scarcely deserve an honorable mention.

This House ought to know that from the silver ores of the West fifty-eight million dollars' worth of lead, and more than twenty million dollars' worth of copper have been extracted.

It does seem that the bondholder who gets and expects gold for principal and interest on his bonds should cherish the silver dollar. The silver production means gold production. Without it Secretary Manning can not continue to pay in gold what he ought to pay in silver.

It is urged by the President in his message, and the Treasury officials in their reports, as one of their reasons in justification of the immediate suspension of silver coinage, that of the $215,759,000 already coined only $50,000,000 have found their way into circulation, consequently entailing considerable expense in constructing vaults to deposit the residue. This is probably as sound an objection as any that has been made against the further coinage of silver.

Now, the gentleman whom the President characterizes in his message as the most distinguished writer on bimetallism, without naming him, tells us that "all the gold in the world could be stored in a twelve-horse stable, and all the silver in a building forty times as large." It is estimated that a structure 10 feet high and 230 feet square would afford ample vault-room for all our American silver.

Considering that nearly one-fourth of our silver is in the hands of the people, and that $93,000,000 are represented by silver certificates, which when presented will cause so many dollars to vanish from the Treasury, the dimensions of the vault-room will shrink into proportions as insignificant as the nature of the objection.

Is it not a singular objection on the part of the head of a great nation, the brilliant destiny of which is almost beyond human comprehension, with its marvelous fertility of resources, its steady increase of population, and its constantly expanding commerce?

Is it not a pitiful objection in face of the fact that for the first time in American history the Government, and not the miner, coins silver on its own account, and reaps a profit on the business of about $4,000,000 per annum, which by right belongs to the miners of the West, and which ought to build a secure forty-horse stable for the deposit of silver dollars and bullion? A contract to erect it for one-fourth of this sum would be more valuable than the office of a member of Congress. If the cost of vault room were the only objection to the coinage of silver, I know a few Western silver producers, Mackey, Jones, Hobart, or the heirs of Sharon, who would be only too glad to obviate it by constructing at their joint or individual expense a treasure-house for silver and making a present of it to the Government.

The silver that the Secretary of the Treasury failed to coin during the last fiscal year, under the provisions of the "Bland act," in direct violation thereof, is more than ample to build all necessary vault room. I find on page 8 of the report of the Director of the Mint for last year, the following language:

> It will be seen that the amount of silver purchased and delivered at the mints during the year fell short by $252,539.75 of two millions per month.

This gross and palpable violation of the law is excused upon the flimsy pretext that the bullion contracted for was not delivered in time. When the "Bland-act" dollars are understood to be legal tender, and are permitted to perform the functions of money, instead of unnecessarily accumulating in the Treasury, complaints of vault-room expense will cease, and the world will have a chance to determine whether or not the silver dollars are acceptable to the people.

The gentleman from Pennsylvania [Mr. SCOTT] wants to know if the Secretary of the Treasury has violated existing law. The perusal of this page of the report of the Mint Director and the speeches of Senators BECK and EUSTIS ought to furnish him with the necessary information.

In answer to the complaint of the cost of transporting silver dollars to the nearest vault-room, I assert that there is not an express or railroad company in the land but what will transport a million of dollars in silver as cheaply as a million of dollars in gold.

I admit that in the interest of economy, a saving has recently been made in the transportation of $10,000,000 in silver from New Orleans, by converting American war vessels into freighting hulks, the Government forgetting the purpose of their construction, the character of their duty, and the dangers of the sea. That amount of money, I am informed, could have been utilized by the people of the South in moving their cotton crop, and, if so, there was no necessity for incurring the cost and risk of its transportation. The cost of transportation to the nearest vault-room is a most interesting objection, in view of the fact that by order of the Secretary of the Treasury, not an ounce of Western

silver bullion is allowed to be coined in a Western mint, but the mints of Philadelphia and New Orleans—thousands of miles from the silver-producing regions—now enjoy the exclusive privilege of coining the Bland dollar.

On the Pacific coast there is a universal complaint as to the dearth of silver coin. Treasury notes are seldom used in business there. Still, the Secretary of the Treasury, in direct violation of law, closes the Carson mint, an institution established by act of Congress for the convenience of the people of that great silver and gold producing section, in the heart of which it is situated. It was more than a self-sustaining institution, the profits in 1885 being $7,147 in excess of the expenditures. No owner of gold bullion can now deposit it at the Carson mint to be fabricated into coins in pursuance of law; no owner of silver bullion can have it cast into bars of fine metal of standard fineness in pursuance of law.

The Carson mint is a subtreasury, with spacious vault room. When the edict of suspension was issued about six months ago it had on deposit $3,341,283 in silver and 407,017 ounces of silver bullion ready for treatment, all of which was needed in the immediate vicinity. All the silver coin and bullion in the mints of the Pacific coast have been transported here. If the transportation was unnecessary and inexpedient, the President and Secretary Manning ought not to complain of the cost.

The most serious charge against the coinage of the silver dollars is that they will displace gold and banish it out of the country. The report of the Comptroller of the Currency, page 63, shows that since the 1st day of January, 1879, up to October, 1885, the import of foreign gold in excess of the export is $178,028,043. For the year ending November, 1885, the product of gold in this country was $30,800,000; the amount of foreign gold coin and bullion imported is in excess of the exportation $12,315,915.

Again, he states that during the last year the amounts of gold and silver have increased $31,115,915 and $31,923,388, respectively. If silver is driving gold out of the country, how is it that on the 1st day of January, 1879, the date of the resumption of specie payment, all our gold coin and bullion amounted only to the sum of $278,310,126, and on the 1st day of November, 1885, the stock was more than doubled, there being $586,727,787?

During each of these years there has been a stream of gold bullion flowing into the country, annually increasing in volume. On page 64 of the same report it is stated that the gold in the Treasury, including bullion in process of coinage, has increased during the last year $7,667,789, and in the banks has increased $44,471,713. On page 67, he says that there was in the Treasury on the 30th day of September, 1876, in gold coin and bullion $55,423,059, and on the 1st day of November, 1885, $251,359,349, nearly five times as much, each year showing an increase over the preceding one.

The report of the Director of the Mint shows that only the small sum of $395,750 in gold bullion was exported last year, and the import was $8,849,237. During the same period $20,422,924 in silver were exported. Out of the silver crop of last year, amounting to $48,800,000, $19,000,000 found its way abroad by export.

The statistics in the reports of the Secretary of the Treasury, the Comptroller of the Currency, and the Director of the Mint are a damning refutation of the monometallist theory that silver, the cheaper metal, has a tendency to drive out the dearer gold. The fear that the country will lose its gold is not justified by their figures, still they have the audacity to recommend demonetization.

The only merit these reports possess is due to their statistical information.

Congress can not give any respectful consideration to the financial recommendation of the Comptroller of the Currency, who on pages 19 and 20 of his report clearly confesses that he does not know in what particular kind of hard money, whether in gold only or gold or silver, legal-tender notes are redeemable.

Silver drives gold out of this country the way it does in France.

France paid a war indemnity to Germany of more than $1,000,000,000 in gold. The war cost her $800,000,000 more, and it has taken a similar sum to enable her to prepare for another. With all this immense drain she has in circulation to-day at par with $1,000,000,000 in gold more than $700,000,000 in silver. She is to-day the envy of European nations. Bimetallism has clothed her in purple and fine linen and placed her upon the pinnacle of earthly prosperity, while eleven-twelfths of the population of monometallic England are wallowing in the mire of pauperism. France keeps up her supply of gold by selling her products at the double standard and buying those of England and Germany at the gold standard.

During the thirteen years prior to the civil war, when there was scarcely any silver coined, gold went out of the country at the rate of one hundred and thirty millions a year, and all the silver coined in the mints of the country up to 1873 amounted to only $17,000,000. It took flight because silver was at a premium of 3¾ cents over gold. Coin payments were made in the cheaper money, gold. The value of these cheap gold dollars was the same here as in London. If Americans had to settle balances in London with silver, they had to buy it at a premium.

So long as our exports exceed in value our imports we can keep our own money, and accumulate more and regulate the price of our precious metals if we will. Exchange with foreign countries can not be fixed by law. Home production and the American policy of protection will operate as a barrier against the outflow of our gold and silver.

If gold is ever driven out of this country, it will be because of its scarcity or the suspension of silver coinage. Silver demonetized creates a fictitious demand for gold, which appreciates in value because of the destruction of its twin metal. The more valuable it becomes the more it is hoarded.

Its premium rises as the volume of silver contracts. Its circulation is prevented because its value is out of proportion to the price of all other things it is intended to measure. It establishes a new range of prices; it impairs the obligation of contracts; it robs the poor man, makes the rich man richer; it becomes unfitted for a circulating medium, and seeks the melting pot, instead of the channels of trade. Senator FRYE might, with truth, term the inflated gold dollar "a coined lie."

The President tells us that "gold is now being hoarded." What of it? What difference does it make to the poor man who has no gold, no securities, no taxable bonds? No poor man, from New York to the Rocky Mountains, ever receives or pays out gold. The presence of a twenty-dollar piece is never detected until you reach the far West, where copper cents, debased nickels, and worn-out greenbacks have not yet crawled into general circulation.

I threw in sight a few days ago at Solari's, on Pennsylvania avenue, a twenty-dollar gold-piece and the clerk did not know what it was.

If no new gold-fields are discovered gold coin must soon become a curiosity. It is becoming too precious to be a medium of exchange. Its fluctuations are too violent and its productions too irregular to be adopted as the sole standard of value.

The gentleman from Pennsylvania [Mr. SCOTT], in his speech on private-bill day, said that "on January 1, out of $550,000,000 in gold in the country, only about half the gold coin could be found either in the banks or in the Treasury. The question is, where has it gone?" He can not tell whether it has been consumed in the arts and manufactures or hoarded on account of the scantiness of its production. He can not point out the source that will fill the vacuum, and yet clamors for a gold standard on the principle of monetary evolution. The reason that prompts the President to warn the country of the fact that gold is now being hoarded is because the day of payment of national obligation is approaching.

It is difficult for the average American to perceive the logic of this reasoning, when there are no national obligations payable exclusively in gold. There is not enough on hand to go around; not enough of it to continue the practice of paying it out to the bondholders and national and State bankers who own 42 per cent. of the national indebtedness in the manner originated by Senator SHERMAN and followed up by Mr. Manning with a vengeance.

Now, if gold is practically out of circulation, or should cease to be a standard of value, it does seem that silver would be an excellent substitute. The abolishment of a gold standard would doubtless occasion a loss to the creditor class; but if any one is to suffer, the rich can stand it better than the poor.

Silver is the poor man's money. It is more useful than gold. One hundred silver coins flow through the channels of trade for one of gold. If a little of it is good it all ought to be. It is the money of nine-tenths of the nations of the globe, and the people are now demanding that the hand of hostile legislation shall no longer affect their cherished metal. They want this Government administered on the old plan. They are tired of the programme adopted by our Treasury officials, who in every money dilemma rush over to New York, consult clearing-house authorities and a syndicate of bankers, hop on the train, run over to Washington, and put their interested opinions into practice, as if New York were the whole United States, and not a financial suburb of London.

The President, in the Cernuschi paragraph to which I have before alluded, expresses his congratulation that the hand of no American ever experienced the sensation of cheapness in expending or receiving the silver dollar. Nothing is said about the hand of the miner who, with his blankets on his back, traverses desert, cañon, and mountain in scorching sun and blinding snow. He locates his claim under existing law. He believes this great Government will protect the great industry of mining.

If the doctrine of chances rewards his indomitable pluck and perseverance with a lucky strike, his horny hand immediately experiences the sensation of cheapness by the loss of 20 cents on every dollar's worth of silver he raises to the surface through shameless violation of law. But he believes the sun is bursting through the clouds, heralding the dawn of a new era. He is buoyed up by the hope that before the Speaker's gavel announces the adjournment of this Congress his honest belief will have become crystallized into a law that will forever keep from his hand the "sensation of cheapness."

That law will be the free and unlimited coinage of silver, or an acceptable substitute.

Give us free coinage, and industry itself, independent of law, will fix the ratio of the precious metals. The world is entitled to the entire product of all gold and silver mines to be used as a circulating medium.

I need no better authority than Cernuschi to prove that the panacea for our monetary evils is unlimited coinage. I agree with him. On page 20 of his pamphlet on "Great metallic powers," he says:

It is certain that if the Congress of the United States authorized the free coinage of silver all the dollars already coined would instantaneously become good money. Good money would be the dollars which the public would then get coined.

And again, on pages 7 and 8, he uses the following language:

Whenever the coinage of either metal is free the metal itself is potential money; whenever it is not free it is not the metal which is money, but merely the quantity coined. Whenever the metal itself is money, every ounce of it being entitled to coinage, every ounce of it is therefore worth as much as every ounce of metal already coined. The bullion does not augment in value by going to the coining-press; coins do not lose any value by returning to the crucible.

Wherever the coinage of the metal is not free all the uncoined metal remains in the market, it is for sale; whereas what has been coined is no longer in the market and serves for buying.

The limit of good money is fixed by nature. With liberty of coinage the monetary mass consists of the totality of the metal in existence. No Legislature can change its volume. On page 11 he says:

If gold did not exist, people would be everywhere under the system of silver monometallism, a very convenient mass. People would manage perfectly well, though without renouncing the use of deposit certificates for the larger divisions.

If Cernuschi be authority, as claimed by the President, why not grant the right to which we are entitled and have enjoyed for more than three-quarters of a century, that of free and unlimited coinage? Place the silver miner on the same level with the gold miner. Let him become the issuer of the silver dollars, and not the Government. He will then take his bullion to the mints, have it converted into dollars on his own account, and will take with him them or their equivalent, leaving less for storage and more for circulation.

Suspend the coinage of silver; demonetize it; usher out of existence one-half of the money of the country, and the history of the past makes the future a doleful certainty. It teaches us that expansion of our currency means high wages, high prices, progress, prosperity, and happiness. It teaches that contraction or suspension means "hard times," low wages, poor prices, pauperism, socialism, communism, and perhaps revolution.

The consequences are depicted by that eminent practical financier, Baron de Rothschild, who on a late occasion said:

The two legal moneys ought to be maintained. The two metals constituted together the monetary circulation of the world. They were united by a tie of a certain degree of elasticity, but which was indissoluble. To separate them would be impossible under pain of falling into a commercial chaos, of which the consequences would be incalculable. The more there was of the precious metals, gold and silver, the better, for the more labor was developed.

Then, why not prevent this "chaos?" The bare announcement from the head of the Treasury Department that bondholders would hereafter be paid according to the contract, in gold or silver as convenient, would in twenty-four hours raise the price of silver bullion to par. To pay according to the solemn agreement can not be a strain on the honor of a nation or an individual.

Free and unlimited coinage will certainly restore the true equilibrium between gold and silver bullion. Coining the maximum or the medium, under the Bland act, would raise the price of silver. A call for bonds when due and payment of them in silver, if there should be a surplus, would have the same effect.

A demand on Europe for the purchase of one hundred millions of silver to be coined into dollars and applied to the honest payment of our debts would raise the price, because it could not respond to the call. The hoarding of silver in our vaults for a year or two instead of exporting it at the rate of $20,000,000, as was done last year, would have the same effect. If Congress refuses to pass a bill for free and unlimited coinage of silver, and determines on a substitute for the Bland act, the people hope that legislation will not inflict upon them the "compromise Sherman bill" lately introduced in the Senate.

If coinage is to be suspended, they prefer the bill proposed by the Knights of Labor, submitted to the Committee on Banking and Currency, and introduced by one of its members, or that proposed by Dr. SWINBURNE, because instead of contracting they expand the volume of money. They make a silver certificate, representing 412½ grains of standard silver, the equal of a greenback worth a dollar, or a gold certificate representing 25.8 grains of standard gold, and do not affect existing contracts. They make an outlet for all silver bullion, and restore its parity to gold.

The Sherman bill proposes to discontinue the coinage of 412½-grain dollars, and have the Government purchase not less than 2,000,000 ounces, 900 fine, nor more than 4,000,000 ounces per month, at market rates. The silver is to be deposited to liquidate exclusively silver certificates.

If the fiscal department of the Government is to be shaped according to the policy adopted by Mr. SHERMAN and Secretary Manning in reference to the Bland act, it is clear that the maximum part of the measure is entirely superfluous. It is only another way of whipping the devil around the stump and carrying into execution his pet exploded theory that there ought to be 480 grains of standard fine silver in the silver dollar.

At the present price of silver under the "Sherman bill," there would be 480 grains on deposit to represent the silver certificate of the denomination of a dollar, and not a dollar of the bullion can be applied to the payment of Government bonds, but must be applied in payment of the silver certificates. Every owner of bullion can sell it now at the market price as readily as he can under the Sherman bill.

The people have had enough of discretionary power in the purchase of coinage of a minimum and maximum quantity. What they need is absolute certainty in the future. They do not want Mr. SHERMAN to saddle 67½ grains of standard fine silver upon every dollar of their existing obligations. They want a silver certificate representing 412½ grains of standard fine silver to be as good as a gold-dollar certificate. They will hail a measure of this sort as a curse instead of a blessing.

I conceive it to be the duty of the friends of silver in this House to concentrate upon a wise measure of relief. If they do not, the present diversity of opinion as to what is the true measure will result in stopping the wheels of justice from revolving in the interest of silver.

But it seems to be the intention of the Secretary of the Treasury, if his power be perpetuated, to destroy greenback as well as silver, and make gold and national-bank notes the sole medium of exchange. He finds fault with the decision of the Supreme Court of the United States to the effect that it is constitutional to issue paper money in time of peace. He says "the disorders of our currency chiefly arose from the operation of two enactments. The first is the silver-coinage act of February 28, 1878, and the other the United States note act of May 31, 1879." He construes the latter to mean an indefinite postponement of the redemption of legal-tender notes in gold or silver, as provided by the act of 1869. It is evident, if he can raid silver out of existence, he means war on greenbacks. He propose to retire the $346,000,000 of legal-tendar notes and substitute them with national-bank notes, thus perpetuating a system that is tolerated by the people but that has no warrant in the Constitution.

Would it not be wiser to substitute the greenback, which is issued by the Government and not by a corporation or individual, for the national-bank note?

The life of the latter is precarious; its approaches dissolution whenever a speech like Senator BECK'S hurries up a call for bonds, and must die in the near future when the basis of its existence is destroyed.

A greenback is not of bastard origin. Its paternity is vouched for by a decision of the court of last resort that possesses the attribute of infallibility. Courts may make greenbacks good money in time of peace, but when war specks dot the American sky and the credit of the Government is imperiled, they will not stand the "tug of war" like gold and silver. We have seen them worth only 38 cents on the dollar, and suddenly rise in value to 100 cents when made by law redeemable in light-weight silver dollars.

In conclusion I desire to state that silver mining is one of the giant industries of the country and ought to be protected. There are not less than fifteen hundred manufacturing establishments engaged in the manufacture of silver-mining machinery, employing fifteen thousand men. It has conjured into existence real and personal property, independently of mineral wealth, worth $200,000,000.

It has developed the national domain west of the Rocky Mountains. It has robbed the desert of its terrors, made it teem with the fruits of civilization, and was a potential factor in maintaining the integrity of the Union. It has created the great State of Colorado, with her infinite variety of resources and over three thousand miles of railways. It will help to smother polygamy in Utah, robe her in the garments of Statehood, and make her the peer of Colorado in wealth and beauty. It has placed the brightest jewels in the diadem of the queen city of the Pacific. The feet of progress and civilization in the far West have been always sandaled by silver.

The great industries of pig-iron, coal, and steel are constantly clamoring for protection; yet I fear there are strong advocates of that policy who will without hesitation smilingly strike down silver, forgetting that every blow that is struck paralyzes the production of its twin metal, gold.

The people of the gold and silver producing regions are breathlessly expecting wise and patriotic action on the part of this Congress. They feel that the interests of Wall street, of wealth and power, will not be consulted in the determination of the solemn question as to what shall be the status of the silver dollar in the future. They have reason to hope that the anathemas of those high in official station will fall upon the ears of its members with no more effect than "sounding brass and tinkling cymbals." They expect the passage of a measure that will enable silver—the great gift of nature, that from the antiquity of its use seems to have been destined to be a medium of exchange between man and man—to circulate like gold, free and untrameled in the channels of trade, adding to the volume of the world's wealth, chasing the wolf from the poor man's door, and giving a new impetus to the drooping industries of the country. [Great applause.]

Mr. PRICE. Mr. Speaker, to enter into an exhaustive argument at this time of the principle involved in the pending bill would be to weary the House by a repetition of facts and figures bearing on the

question which have been already used and repeated until they have become "familiar as household words," and I only propose to ask your attention for a few minutes to another way of presenting old facts as bearing on the question of discontinuing the coinage of silver.

Under existing laws not less than two nor more than four million of standard silver dollars are required to be coined monthly, and we are advised to change the law and suspend further coinage.

The proposition is alike important to every industry and to all classes of people, and it should be carefully considered before it is adopted or rejected.

One of the reasons given against further coinage is that if it is continued this country will become the dumping-ground for the silver-producing nations of the world, and therefore gold will be driven out of the country.

If this would be the effect of silver coinage, we might well pause before proceeding further under the present coinage laws; but if this has not been true in the past, is not true now, and is not likely to be true in the future, then the principal reason that exists for a change of policy falls, and weightier reasons must be given before inaugurating a change.

I think the facts do not warrant this statement, and the following figures, taken from the official reports of the Director of the Mint, the Comptroller of the Currency, and the Secretary of the Treasury, squarely and clearly disprove the statement.

The total amount of gold coin and bullion deposited in the United States Treasury during the last fiscal year was $56,748,752, of which $19,115,063 was foreign, being $6,567,396 more than was deposited during the year preceding.

IMPORTS AND EXPORTS.

Gold bullion imported last year	$11,221,846
Gold coin imported last year	17,842,459
Total imports of gold	29,064,305
Gold bullion exported	395,750
Gold coin exported	8,082,142
Total gold exported	8,477,892
Total gold imported	29,064,305
Balance in one year in our favor of gold	20,586,413
Silver bullion imported	4,530,384
Silver coin imported	12,020,243
Total silver imported	16,550,627
Silver bullion exported	13,272,239
Silver coin exported	20,422,924
Total silver exported	33,695,163
Balance against us in one year in silver	17,144,536

So that during the last fiscal year we had $20,586,413 more gold come to us from abroad than left us. We sent to other countries $17,144,536 more silver than we received from them.

In the face of these facts, will any man be willing to repeat the stale statement that "gold will be driven out by a further coinage of standard silver dollars" at the present rate?

But it may be argued that this was an exceptional year and the claim made that notwithstanding the last year's experience the tendency in a series of years would be in that direction. To meet that argument I need only give the exports and imports of silver and gold from the years 1878 to 1885, both inclusive.

In these eight years we imported in gold coin and bullion $300,000,000 and exported but $112,326,784. We gained in gold in eight years $187,673,216, or an average of $23,459,152 per annum.

During that time we imported in silver coin and bullion $103,914,000 and exported $170,200,000. We lost in eight years in silver $66,286,000, or an average of $8,285,750 per annum.

Now, I submit that there is no danger of the continued coinage of silver either making us the "dumping grounds for the silver of other countries" or "driving gold out," as the stubborn and unrelenting figures for last year, and for the whole eight years since the present coinage laws went into effect, emphatically disprove both statements.

We coined last year in gold $24,861,123, and of silver $28,848,959. Of the $28,848,959 silver coined we exported $13,272,239, or about 45 per cent.; leaving balance $15,576,720 of our coinage and $12,020,243 we imported, making $27,596,963 total of silver added to our former circulation.

We coined last year of gold $24,861,123, and we imported gold coin $17,842,459; total, $42,703,582; and we exported $8,082,142 in gold coin, which was an increase of gold coin in one year of $34,621,440.

Let us take the last year as a guide for the next decade.

The increase of gold coin at $34,621,440 per annum for ten years would be $346,214,400.

The increase of silver coin at $27,596,963 per annum for ten years would be $275,969,630.

To-day we have in existence—gold coin, $542,000,000, silver coin, $278,000,000, or a total of $820,000,000.

At this rate, as the law now stands, at the end of ten years we would have of gold coin $888,214,400, and of silver coin $553,969,630; and at the end of twenty years we would have of gold coin $1,234,426,800, and of silver coin $829,939,260, or about two-thirds as much silver as gold. If we assume that our population was 55,000,000 June 30, 1885, we had close to $15 per capita of gold and silver.

From 1860 to 1880 our population increased 66 per cent., and if we should increase in population in the same ratio for the next twenty years we would have gold and silver to the amount of $22.50 per capita, or 50 per cent. more than now.

On October 1, 1885, there was in circulation $268,869,597 national-bank notes, or about $5 per capita.

If you say that at the end of the next twenty years we will have too much money, or that the business of the country does not need $22.50 per capita, then the remedy is threefold, to wit: Either make a reduction of the coinage of gold and silver alike, or, better still, let gold and silver coin take the place of the national bank issues, or retire the Government notes called greenbacks by paying them in coin as we agreed to do, and by that means keep afloat such a volume or amount as will best promote the general interests of the country. But there has already been a shrinkage of about ninety million of national-bank notes since 1882, and at that rate the next decade will wipe out the remaining two hundred and sixty-eight millions, thus causing a contraction of the present value of our circulating medium.

The friends of silver do not ask that money may become so cheap by a redundant amount as to injuriously affect the creditor class, but they do protest, in the name of justice, against such a contraction as would be ruinous to the debtor class.

But gentlemen say: "I am not opposed to silver, but I want an honest dollar;" "Put into it silver enough to make it worth a dollar." I know these gentlemen are sincere, and it may be they are correct; but I can not understand how the 412½-grain dollar is either an 80-cent or a dishonest dollar, as there has never been an hour in the history of our country when it would not buy as much as, or more than, the gold dollar, except during the years when it was outlawed at the command of the East, and to-day it stands the equal in purchasing power with its yellow brother in spite of the disgraceful conspiracy against it.

It is true that during the last year eight hundred and fifty gold dollars would buy silver bullion enough to make one thousand silver dollars, but the $850 only became $1,000 by adding to it the cost of coining, which was about 3 per cent. for running or current expenses at the mints, together with the cost of the grounds, buildings, tools, and repairs on the same (which would probably double that amount) and the stamp or indorsement of the Government.

The mistake men make is in confounding the bullion value of silver with the coin value of gold.

As well might you say a ton of coal in the city of Washington was only worth $4 because it was only worth that amount at the mines, or only worth $1 because its value was only that sum before being mined; or that a pine tree standing in the forest is worth but $1 because that is all it will sell for.

It is worked into logs suitable for market, and its market value is increased by the labor added to its original value, so it will pass from one to another for $3 or $4 or $5.

You then add the necessary labor to it in sawing, inspecting, seasoning, and making it ready to ship to the consumer, and its worth becomes $10 or $20.

It would be the height of absurdity to say that it is still worth but a dollar, and it would be equally absurd to estimate the standard dollar by the value of the metal before any labor had added value to it, or to estimate its value by its condition when only a part of the processes that are necessary to bring it to perfection had been performed, or before the "fiat" of the Government made it a legal tender.

It is an "honest dollar;" it is the dollar of our forefathers; it is the poor man's dollar; it has stood side by side with the gold dollar during all the years of our national existence, and never for a day has it or its friends been called to apologize for its character.

It is said by the enemies of silver that it will not circulate. If that be true it would be an argument, so far as it goes, against the further coinage; but it is not so, if the following statements, made to us officially, are true:

We have a total gold coin of $550,000,000. The gold certificates in circulation amount to $106,465,420, or a fraction less than 20 per cent. of our gold is in the hands of the people in the form of certificates.

We have a total silver coin of $268,000,000. The silver certificates in circulation amount to $93,146,772, or a fraction more than 34 per cent. of our silver is in the hands of the people in the form of certificates.

In the Treasury there was of gold January 30, 1886, a balance of 136,086,610.58, or 25 per cent. of all our gold. There was in the Treasury at the same date a balance of $82,980,559.44, or 31 per cent. of all our silver.

Now, there being in circulation a larger percentage of silver certificates in the hands of the people than there is of gold certificates, and nearly as large a per cent. of gold in the Treasury as of silver, and the coinage of silver being comparatively of late date, will an honest man

state, or an intelligent man believe, that it will not circulate, or that the people do not want it?

It has clearly been shown by facts and figures, which I will not weary the House by reproducing, that France, England, and Germany float a larger sum per capita in silver than we would have if we coined double the amount we are coining each year for the next twenty years.

It is true that after the Franco-Prussian war, when Germany was paid a hundred millions in gold, she did all she could to degrade silver, knowing that thereby the price of gold would be correspondingly enhanced, but to-day the whole German people are earnestly petitioning and loudly clamoring that the ban of silver outlawry may be removed.

The German farmers' congress has been petitioning Bismarck and the Reichstag for the restoration of silver, and declare in forcible language that the enforcement of the monometallic standard is grossly unjust to the debtor class, because it makes money dear. They solemnly avow that Germany can not afford to wait upon England in this matter, and that silver must be restored. But our American financiers insist that we must wait on both England and Germany.

Prince Bismarck is much impressed by the extent of this demonstration and is anxiously considering his action.

On the Bourse at Frankfort the last month our bonds, payable in gold or silver at our option, sold at a premium of 21 cents, which was higher than the bonds of any other nation on earth, and ours were only 4 per cent. bonds, while many of the others were 5 per cent.

It is therefore not true that our gold is leaving us, since silver was ordered to be coined at the rate of not less than two nor more than four millions monthly.

It is not true that the coined, stamped, and legal-tender silver dollar is the inferior in purchasing power to the gold dollar.

And it is only true that gold bullion is more valuable than silver bullion because the Government has, and does, unjustly coin, stamp, and realize, free of charge, the gold, and will not do the same for silver.

It is not true that there is no demand for silver by the people as shown by the percentage of gold and silver in the hands of the people, in the form of coin, and certificates payable in coin.

But gentlemen say, "That is true as to our own country, but in our commercial dealings with other nations we would be embarrassed."

I will admit that if our highest aim should be to adapt ourselves to English or German interests or whims, there would be force in the objection to further silver coinage; but I do not want to legislate specially in the interest of Germany, England, Wall street, or the President and his Cabinet officer at the head of the Treasury; but rather for the men who toil, who organize and control the productive enterprises of the country, the men who make it possible by their resistless energy to cause the balance of trade to be sixty-one millions in our favor last year; in short, the men who create our wealth and prosperity.

These are the interests that would be crippled by reducing the volume of our circulation. These are the enterprises that must suffer by a failure to increase that volume as rapidly as our commerce and population are increasing.

The American nation can survive if our creative industries can be protected, though all the money-changers of Wall street should sleep "the sleep of the Capulets."

Strip the question of all false pretense, and it is simply an issue between the debtor and the creditor classes. The one class has more due to it than it owes; the other owes more than is due to it.

To inflate the volume of circulation would simply make it easier to pay debts, because the same number of bushels of grain, the same number of feet of lumber, the same number of pounds of meat, or the same number of days' work could be exchanged for a greater amount of cheap money than it could for a higher-priced money; and for the same reason the creditor would be compelled to take in full for his claim what would purchase less of these than he could purchase if the supply of money was made scarcer and thereby its purchasing power increased.

Either an abnormal plethora or scarcity, therefore, would work an injustice to one or the other of these classes, and therefore both should be avoided.

The debtor classes do not ask to be benefited at the expense of the other by increasing the volume of circulation; they simply ask you, gentlemen, to "be let alone," and to leave unimpaired the contracts or the legal rights they enjoyed at the time when the contracts were made, under which the indebtedness accrued, as an overwhelmingly large percentage of all the indebtedness—national, State, municipal, and individual—was contracted when the silver dollar of 412½ grains of standard silver was a legal tender.

We purchased twenty-eight millions of silver bullion last year at 85 cents, which was a clean profit to the Government of $4,200,000. Why object to this? Who complains of this as a financial transaction? It cost us about $3,120,000 to run our mints last year, and this gain is the only material offset to that expenditure.

There comes to this Congress no protest from the toilers or producers of the nation against the silver dollar, and no petition from them for an amount so great as to have a depreciated value.

The cry comes from the banks and bankers of the country, the money changers and the creditor classes, and, unfortunately for the credit and dignity of the Republic, they have always found, and find to-day, their most powerful allies in the Executive of the nation and their ministers of finance.

They will prate of the "buzzard dollar"—of the "dishonest dollar"—and predict from year to year the most imminent danger of financial convulsions, unless we heed the warnings of Wall street, calamities which do not happen and convulsions that never come from this cause.

No better evidence of their cupidity and insincerity need be adduced than the New York Bankers' Circular of July 20, 1885, in which they say:

Whereas, after careful inquiry into the current operations of the United States Treasury, it is ascertained that with the continued purchase of two million silver bullion per month the probable receipts of gold currency will be insufficient to meet the demands upon it until the meeting of Congress in December next; but that the Secretary will be compelled to make his payments in silver dollars, which will become a most disturbing element in the daily business of the country: Therefore,

Resolved, That to avert this threatened danger and in the confident belief that Congress will take early steps to prevent the deterioration of the present commercial standard of value, the banks hereby tender to the Government, from their gold reserves, the sum of $10,000,000 in exchange for that amount in fractional silver coin, or for such other currency as the clearing-house committee may approve, the same to be apportioned among the banks in the clearing-house respectively, pro rata of their deposits and gold reserve.

Resolved, That should this amount prove insufficient, a further sum, not to exceed ten millions, be offered, and that the banks of Philadelphia, Boston, Chicago, and other cities be invited by the clearing-house committee to participate in carrying out the objects of these resolutions.

There was at that time in the United States Treasury, gold coin, $180,863,798.65; gold bullion, $71,271,013.62, and not a single obligation against the Government to the amount of a single dollar which the Government was compelled to pay in gold, and yet these self-sacrificing patriots discovered the "probability that the receipts of gold in the Treasury would be insufficient to meet the demands upon it until Congress should meet in December, and that the Secretary will be compelled to make the payment in silver dollars, which will become a most disturbing element in the daily business of the country."

The amount of gold in the Treasury demonstrates that there was no ground for such solicitude on their part, and that the statement was untrue and misleading even if the payments should be made in gold; and their prediction that these dire calamities would so certainly befall the country I think were as unreliable as the prediction of citizen Cleveland of February 24, 1885, "that a financial crisis is now close at hand."

The year has rolled round and the crisis has not come.

But to make the cheat more transparent they say they will exchange ten or twenty millions of their gold reserves, for what? Not trade-dollars of 420 grains, because these were only made a legal tender in sums of $5 or less by law; but for "fractional silver coin or such other currency as the clearing-house committee (of New York) may approve."

The clearing-house committee would not approve the 412½ legal-tender dollar, and therefore to further disparage and disgrace the standard dollar of 412½ grains they would only take the fractional or subsidiary coin of but 384 grains as an equivalent for their gold, though it was no finer in quality, nor was it endowed by law with any greater power, nor had it any greater purchasing power in a single place—in a single nation on earth.

But by this means they hoped to drive the standard silver dollar out of existence by disgracing it, thus reducing practically the amount of money in circulation, and thereby increasing the purchasing power of what remained, and enhancing the value of the moneys, stocks, mortgages, and bonds held by them, and to that extent oppress the debtor classes.

We are told by the President and by the champions of the single gold standard that the "Federal Treasury is heaped full of silver coin which are now worth less than 85 cents on the dollar."

We have already shown that the silver dollar, stamped, coined, and made by law a legal tender, is not "only worth 85 cents," but is as eagerly sought after as the gold dollar, and is the equivalent in purchasing power, and always has been.

We have shown also that the percentage of silver coin and silver certificates in circulation is as large as the gold and gold certificates in circulation, and this too in the face of their declaration that "since the resumption of coin payments on January 1, 1879, the banks throughout the country, together with the Government itself, have practically maintained the gold standard then re-established, and the business of the nation has been carried on upon that basis," in the face of the other fact that the banks by their circular above referred to and the Secretary of the Treasury by failing to pay for silver bullion purchased by him in silver dollars, have been engaged in a studied and systematic attempt to discredit it.

Having laid down the proposition that equal and exact justice imperatively demands that as nearly as practical the amount of money in circulation at the time the debts were contracted should be maintained, so that neither the debtor nor creditor classes shall unjustly suffer by expansion or contraction, as it seems the settled policy to neither expand nor contract the volume of greenbacks or Government notes and to call in and pay our interest-bearing bonds as fast as possible, thereby wiping out the remaining two hundred and sixty-eight millions of na-

tional-bank notes, we must fill the vacuum thus created by the coinage of silver, as we have no other means of supplying the deficiency.

Mr. NEECE addressed the House. [See Appendix.]

And then, on motion of Mr. BLAND (at 9 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRAGG: Petition of A. G. Ruggles, of Fond du Lac., Wis., for payment of a judgment recovered by him against the United States on January 4, 1886, for $20,287.36, with interest from January 4, 1886—to the Committee on Appropriations.

By Mr. T. M. BROWNE: Petition of William R. Shuck and 323 others, citizens of the third Congressional district of Indiana, for a service pension for the ex-soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of Mrs. D. W. Rupert and others, favoring woman suffrage—to the Committee on the Judiciary.

By Mr. CONGER: Petition of Local Assembly No. 4881, Knights of Labor, of Des Moines, Iowa, protesting against the passage of the so-called free-ship bill now pending—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. GEDDES: Petition of Knights of Labor of Norwalk, Ohio, for the passage of the bill to prohibit aliens from acquiring title to real estate in the United States—to the Committee on the Public Lands.

By Mr. GROSVENOR: Petition of G. E. Smith and 50 others, of Ohio, for free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HALSELL: Affidavit of J. W. Williams and others, to accompany bill for the relief of N. G. Alexander—to the Committee on War Claims.

By Mr. JACKSON: Affidavits of John Glass and of Rev. J. C. Bigham, in support of the claim of the mother of Thomas Dimand, Company C, Sixty-second Pennsylvania Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of Local Assembly No. 4476, Knights of Labor, of Griswold, Iowa, protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MILLARD: Petition of Edgar A. Monfort, of New York, relative to electric guns, &c.—to the Committee on Naval Affairs.

Also, petition of the Knights of Labor of Oxford, N. Y., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PLUMB: Papers in the case of Jacob A. Henry—to the Committee on Claims.

By Mr. PRICE: Memorial of the board of supervisors of Baldwin, Wis., on the subject of interstate commerce—to the Committee on Commerce.

By Mr. RANNEY: Petition of J. J. Walworth and others, relating to legislation necessary to put in force the Mexican treaty—to the Committee on Ways and Means.

Also, petition of H. A. Decon and others, and of A. H. Thwing and Z. D. Smith, relative to post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROGERS: Memorial of citizens of Dardanelle, Ark., in relation to the improvement of the Arkansas River at that point—to the Committee on Rivers and Harbors.

By Mr. SOWDEN: Petition of the Women's Auxiliary Indian Association of Bethlehem, Pa., and other prominent citizens of the same place, favoring the Dawes Sioux bill—to the Committee on Indian Affairs.

By Mr. SPOONER: Petition of Women's National Industrial Association of Newport, R. I., for the passage of Senate bill No. 52, relating to the Sioux reservation—to the same committee.

By Mr. STAHLNECKER: Petition of John Dwight & Co. and others, of New York, relative to the tariff on bicarbonate of soda—to the Committee on Ways and Means.

By Mr. STRAIT: Petition of citizens of the twelfth Congressional district of Ohio, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of 150 legal voters of the third Congressional district of Minnesota, praying for the protection of the dairy interests of the country against adulterated and imitation products—to the Committee on Agriculture.

By Mr. I. H. TAYLOR: Memorial from the Winona monthly meeting of Friends, of Ohio, asking the passage of Senate bill No. 355, to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. WELLBORN: Petition of citizens of Bosque County, Texas, for improvement of Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. GROUT: Of citizens of Windham, Washington, Windsor, Orange, and Caledonia Counties, Vermont.

By Mr. WORTHINGTON: Of citizens of Stark, Fulton, Peoria, and Knox Counties, Illinois.

SENATE.

MONDAY, *April 5*, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of March 26, 1886, a statement of accounts filed in the Department of Justice for moneys due to the commissioners appointed to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which, on motion of Mr. SAWYER, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented memorials of Knights of Labor of Cleveland, Fremont, Sandusky, and Martin's Ferry, in the State of Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented petitions of Knights of Labor of Martin's Ferry and Van Wert, in the State of Ohio, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Muskegon, Mich., praying for the construction by the Government of the Hennepin Canal and the Michigan Ship-canal across the lower peninsula from Lake Michigan to Lake Erie; which was referred to the Committee on Commerce.

Mr. HALE presented a petition of Knights of Labor of Rockport, Me., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CONGER presented memorials of Knights of Labor of Lyons, East Saginaw, Lowell, Lexington, Sparta, and Essexville, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Manistee, Mich., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HARRISON presented memorials of Knights of Labor of Elkhart, Jeffersonville, and Carbon, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Jeffersonville, Ind., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Carbon, Ind., praying that liberal appropriations be made for public works, and especially for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Carbon, Ind., remonstrating against the employment of convict labor by contract; which was referred to the Committee on Education and Labor.

Mr. MAXEY presented a petition of the Estacado monthly meeting of Friends of Texas, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. TELLER presented a memorial of Knights of Labor of Grand Junction, Colo., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. SAWYER presented a memorial of Knights of Labor of Racine, Wis., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented memorials of Knights of Labor of Des Moines, Clarinda, and Lehigh, in the State of Iowa, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Sarah Hamilton, of Mount Pleasant, Henry County, Iowa, widow of Thomas Hamilton, deceased, late a private in Company G, Thirty-seventh Regiment Infantry Volunteers in the war of 1861, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PAYNE presented petitions of Knights of Labor of Chapman, Van Wert, Lima, Canton, Martin's Ferry, and Pomeroy, in the State of Ohio, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Cleveland, Columbus, Jackson, Washingtonville, Kent, Lima, Ironton, Fremont, Athens, and Thomastown, in the State of Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. WALTHALL presented a memorial of Knights of Labor of Water Valley, Miss., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. FRYE presented a petition of members of Sydney monthly meeting of Friends, in the State of Maine, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. LOGAN. I present a paper which was in the nature of a bill, but very imperfectly drawn, and I have changed it to a petition, for the purpose of having it investigated. It was handed me by a lady, who asked me to present it, and I do so by request. I know nothing about the case. It is the petition of Mrs. Sarah Biggs, praying that her claim be considered and investigated by Congress. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN presented memorials of Knights of Labor of Chicago, Litchfield, Murphysborough, Nashville, Port Byron, Gillespie, and Mount Olive, in the State of Illinois, and the memorial of Knights of Labor, No. 4723, of White County, Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of F. C. Wood Post, 468, Grand Army of the Republic, of Altoona, Pa., praying for the passage of a bill to pension ex-Union soldiers who were prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers of Peabody, Kans., praying Congress to give each soldier who served three years during the rebellion 160 acres of land without requiring a residence thereon; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of Saint Croix Falls, Mich., praying that Michael Fitzgerald, late a private in Company A, Sixteenth Illinois Veteran Volunteers, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Saginaw County, Michigan, praying that an increase of pension be granted Emery Dibble, late a private in Company F, First Illinois Cavalry; which was referred to the Committee on Pensions.

He also presented the petition of Rachel Ann Pierpont, mother of Thomas W. Bailey, late a private in Company C, Twenty-second Regiment Kentucky Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented memorials of Knights of Labor of Trenton, Lexington, and Bevier, in the State of Missouri, and a memorial of Knights of Labor of Livingston County, Missouri, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present a resolution adopted by the coal-miners of Rich Hill, in the county of Bates, State of Missouri, in which they remonstrate against the coal operators in the Indian Territory being allowed to remain on the Indian reservations, there carrying on their business, and ask that they be excluded from the reservations in the same manner as the cattle-men were excluded from the reservations. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SEWELL presented a resolution of the house of assembly of New Jersey; which was read, and referred to the Committee on Military Affairs, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas there is now before the United States Senate and House of Representatives a bill to put on the retired-list, with the rank of captain, Lieut. A. H. Von Luetwitz, retired, and as the said officer served his adopted country during the war and for many years after, and is now disabled from wounds received while bravely fighting the hostile Indians on the frontier: Therefore,

Be it resolved, That the Senators and Representatives in Congress be respectfully requested to render what service may be in their power to pass said bill and give justice to a gallant, brave, and honorable soldier.

That copies of this resolution, properly signed, be forwarded to the Senators and Representatives from New Jersey now at Washington, D. C.

SAMUEL TOOMBS,
Clerk House of Assembly.

Mr. CAMERON presented resolutions adopted by the Commercial Exchange of Philadelphia (Pa.), favoring the enactment of a national bankruptcy law; which were ordered to lie on the table.

He also presented memorials of civilian employés of the supply departments of the Army at Saint Louis, Mo., and Santa Fé, N. Mex., remonstrating against certain provisions of the Army appropriation bill reducing their pay; which was referred to the Committee on Military Appropriations.

He also presented a memorial of Knights of Labor of Philadelphia, Pa., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRIS presented a memorial of Knights of Labor of Nashville, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. PIKE presented a resolution of the Patrons of Husbandry of New Hampshire, praying that the Commissioner of Agriculture be made a Cabinet officer; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented a petition of Knights of Labor of Baltimore, Md., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present the petition of Elizabeth S. De Krafft, widow of the late Rear-Admiral J. C. P. De Krafft, praying for an increase of pension, which, together with letters from Admiral Porter, Admiral Rowan, Admiral Worden, and others, I move be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented memorials of Knights of Labor of Carbon, Elkhart, and Jeffersonville, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented two petitions of Knights of Labor of Jeffersonville, Ind., praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Carbon, Ind., praying for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor, of Carbon, Ind., remonstrating against the employment of convict labor by contract; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented petitions of Knights of Labor of Cherokee and Olathe, in the State of Kansas, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Rosedale, Wamego, Emporia, Leon, and Stockton, in the State of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. MILLER presented a petition of importers and jobbers of china, glassware, &c., of the city of New York, praying for the enactment of a bankruptcy law; which was ordered to lie on the table.

He also presented a petition of citizens of Fairhaven, N. Y., praying an amendment to the Constitution of the United States that will prohibit the manufacture, importation, and sale of all alcoholic beverages throughout the national domain; which was referred to the Committee on Education and Labor.

He also presented memorials of Knights of Labor of Watertown, Richbury, Oxford, Cortland, Suspension Bridge, Newark Valley, and Binghamton, in the State of New York, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of the Travelers' Protection Association, New York city division, praying for the abolition of the tax on commercial travelers; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Allentown, N. Y., remonstrating against the passage of certain proposed bills regarding pilotage; which was referred to the Committee on Commerce.

He also presented a petition of members of the Law and Order League, temperance societies, churches, &c., of Fairhaven and Sterling Centre, N. Y., praying for the prohibition of the sale and manufacture of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Knights of Labor of Cortland, N. Y., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. SPOONER presented a petition of the United Labor League of America, praying that an appropriation of $100,000 be made to build a national monument to William H. Akins, inventor of the sewing-machine, in Central Park, New York; and also that a joint committee of the Senate and House be oppointed to investigate the Saint Louis strike; which was referred to the Committee on Education and Labor.

Mr. PALMER presented a memorial of Wilmot J. Joslin and 38 other citizens of Debray, Mich., remonstrating, in behalf of the window-glass workers of America, against the proposed reduction of the tariff; which was referred to the Committee on Finance.

He also presented memorials of Knights of Labor of Lyons, Lowell, Sparta, East Saginaw, Tittabawassee, and Ludington, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Mrs. Bishop E. Andrews and 12 others, officers of the Woman's Christian Temperance Union of Michigan, and the petition of S. Jennings and 3 other citizens of Lowell, Mass., praying for the passage of a joint resolution submitting an amendment to

the Constitution providing for woman suffrage; which were ordered to lie on the table.

He also presented a petition of Knights of Labor of Manistee, Mich., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CULLOM presented memorials from local assemblies of Knights of Labor in Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce, as follows:

A memorial of 97 members of local assembly at Nashville;
A memorial of 61 members of local assembly at Peru;
A memorial of 27 members of local assembly at Petersburg;
A memorial of 40 members of local assembly at Grape Creek;
A memorial of 23 members of local assembly at Sandoval;
A memorial of 41 members of local assembly at Havana;
A memorial of 65 members of local assembly at Bloomington;
A memorial of 111 members of local assembly at Carterville;
A memorial of 187 members of local assembly at Chicago; and
A memorial of 68 members of local assembly at Litchfield.

Mr. RIDDLEBERGER presented a memorial of Knights of Labor of Norfolk, Va., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GEORGE. I am instructed by the Committee on Territories, to whom was referred the bill (S. 1941) to enable the Northwest Trading Company, a private corporation organized under the general laws of Oregon, to purchase certain lands in the Territory of Alaska, to report it adversely.

Mr. DOLPH. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DOLPH. The committee has made a report in a very short time. That bill was offered to call the attention of the committee to the necessity for some legislation in regard to the sale of public lands in the Territory of Alaska. There are some other bills pending, and I desire that the whole question shall be brought up for consideration at some time. I ask that the bill be placed upon the Calendar.

Mr. GEORGE. The committee gave the bill such consideration as to satisfy them that it would be a very improper bill to pass.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

Mr. JONES, of Arkansas. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky., to report it without amendment. The Senator from Oregon [Mr. DOLPH] desires to submit the views of the minority on the bill.

Mr. DOLPH. I submit the views of the minority on the bill.

The PRESIDENT *pro tempore*. The report of the committee and the views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1424) for the relief of graduates of the United States Military Academy, reported it without amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the petition of Mary Anna Egan, praying for remission of the accumulated interest upon taxes for special improvements on part of lots 10 and 11, square 557, city of Washington, submitted a report thereon, accompanied by a bill (S. 2037) for the relief of Mary Anna Egan; which was read twice by its title.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y., reported it without amendment.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1894) to amend an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," approved January 31, 1885, reported it with an amendment.

FORT LEAVENWORTH SCHOOL BUILDING.

Mr. MANDERSON. There was referred by the Senate to the Committee on Printing a letter of the Secretary of War, transmitting estimates for a school building at Fort Leavenworth. The letter, and the accompanying papers, except the maps, were ordered printed by the Senate. The question as to whether the maps should be printed was referred to the Committee on Printing. That committee now instruct me to report adversely to the printing of the maps, believing it to be unnecessary to do so; and we ask to be discharged from the further consideration of the subject.

The report was agreed to.

WHARF AT FORT MONROE.

Mr. MANDERSON. The Committee on Printing, to whom was referred a motion to print certain plans accompanying the letter of the Secretary of War for a permanent wharf to be built at Fort Monroe, Va., have instructed me to report it adversely and ask to be discharged from its further consideration.

The report was agreed to.

HENRY WARD.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report adversely upon the printing of certain papers relating to the conduct of Henry Ward, an Indian inspector, transmitted by the Secretary of the Interior, and now in the office of the Secretary of the Senate, and ask to be discharged from its further consideration. I move that the papers be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The papers will be so referred, and the report of the Committee on Printing will be agreed to, if there be no objection. The Chair hears none.

FRENCH SPOLIATION CLAIMS.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report back favorably a concurrent resolution to print 4,000 additional copies of the revised list of papers touching unpaid claims on account of French spoliations prior to January 31, 1801; and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of the revised list of papers touching unpaid claims on account of French spoliations prior to January 31, 1801, transmitted by the President of the United States on the 17th instant, be printed; of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by the Department of State.

OFFICIAL REGISTER.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States, to report it favorably with amendments. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Printing was, after the word "repealed," in line 8 of section 1, to strike out:

And the Secretary of the Interior is authorized to send the Register to such library not a depository as shall be named to him for the purpose by each Senator, Representative, and Delegate in Congress.

So as to make the section read:

That inasmuch as the Official Register of the United States is now supplied to depositories of public documents as one of the set of Congressional documents in leather binding, so much of the act of December 15, 1877, as provides for supplying depositories with this document is hereby repealed.

The amendments were agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the Public Printer shall supply the leather-bound copies of this document for depositories as soon as practicable after its publication.

The amendment was agreed to.

Mr. CONGER. I ask the Senator reporting the bill whether it discontinues the practice of sending copies of the Official Register to the depositories and libraries that have heretofore had them.

Mr. MANDERSON. I will explain the position to the Senator and to the Senate. In the presence of the fact that under the existing law by the method of distribution two of the Official Registers went to each depository, it was the purpose of the House resolution to provide that one of the two copies which are sent should be transmitted to another depository to be selected by each member of Congress and each Senator. In the opinion of the Senate Committee on Printing this was not advisable, and we propose an amendment of the House resolution that the four hundred and odd sets of two volumes each shall not be printed at all, thus making a great saving in the expense of the public printing. It does not disturb the distribution of these volumes to the present depositories.

Mr. CONGER. As I understand at present two volumes of the Official Register are furnished to each one of the depositories. Does this plan diminish the number of the public depositories?

Mr. MANDERSON. No; it does not. It continues the law, but provides that every depository shall receive one copy of the Official Register. As the law now stands each depository is receiving two copies, but we propose to prohibit the publication of the additional copies.

Mr. CONGER. That is, I suppose, because members of the House and the Senate may designate the same places?

Mr. MANDERSON. No; it is because of the operation of two different statutes, one providing for the distribution from the folding-room and the other from the Interior Department. It does not disturb the existing order, but only saves the sending of two copies.

Mr. CONGER. Then, as I understand, each of the depositories that has been in the habit of receiving these Official Registers will continue to receive them?

Mr. MANDERSON. The depositories will continue to receive them.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

PUBLIC LAND COMMISSION REPORT.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 18) for the further distribution of the Report of the Public Land Commission, to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It repeals the provisions of joint resolutions approved August 7, 1882, and June 27, 1884, limiting the time for the gratuitous distribution of the Codified Land Laws and History of the Public Domain, and authorizes the Secretary of the Interior to distribute copies remaining to the credit of any member of Congress upon the order of the member.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. I am directed by the Committee on Printing to report back adversely the joint resolution (S. R. 36) for the further distribution of the Report of the Public Land Commission, and I move that it be postponed indefinitely.

The motion was agreed to.

BINDING OF CENSUS SCHEDULES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the concurrent resolution authorizing the Secretary of the Interior to have bound the schedules of the Second, Third, Fourth, and Tenth Censuses of the United States, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which is as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior is hereby authorized to have bound, at the Government Printing Office, the schedules of the Second, Third, Fourth, and Tenth Censuses of the United States.

Mr. MANDERSON. The object of the resolution is that the original schedules at the Census Office may be bound. They have been bound as to very many of the censuses of the United States, but as to those mentioned in the resolution they have not been bound. The Secretary of the Interior asks this authorization to have them bound so that they may be preserved.

The resolution was agreed to.

MONEY FOR PUBLIC BUILDINGS.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds to submit a report in response to a resolution of the Senate of February 10, 1886. I ask that the report may lie on the table and that the usual number of copies be printed.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. CONGER. What is the report? What is the subject-matter?

The PRESIDENT *pro tempore*. The first page of the report will be read.

Mr. CONGER. I do not care to have the report read, but only to have the subject-matter stated.

The PRESIDENT *pro tempore*. The Chair can not inform the Senator. The first page of the report will be read.

The Secretary read as follows:

In response to a resolution of the Senate, dated February 10, 1886, that "the Committee on Public Buildings and Grounds be requested to report to the Senate the aggregate amount of money proposed to be appropriated by the bills reported from that committee up to and including this day; also the number of buildings and cost of each and the States in which they are to be located; also the population of the cities or towns in which such buildings are to be erected and the purpose for which each building is to be used," the following report is submitted, &c.

The PRESIDENT *pro tempore*. The report will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 683) granting a pension to Henry O. Hill; and

A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The message also announced that the House had passed the following bills:

A bill (S. 197) to increase the pension of Florence Murray;

A bill (S. 811) granting a pension to Mrs. Susan Gilman;

A bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague; and

A bill (S. 1363) granting a pension to William Blanchard.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore:*

Joint resolution (H. Res. 58) authorizing the printing of a naval report; and

Joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John F. Slater.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 2038) granting a pension to Mrs. Mary A. Parker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2039) granting an increase of pension to Ira Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2040) granting a pension to George Faulk; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2041) to establish a port of entry and delivery at Atchison, Kans.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2042) granting a pension to Manuel Tibbs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2043) for the relief of Capt. Charles Thomas, of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 2044) to extend the provisions of an act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 2045) granting a pension to Mrs. Sarah Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2046) granting a pension to Elizabeth Marshall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 2047) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Arkansas (by request) introduced a bill (S. 2048) for the relief of the heirs of John W. West, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2049) for the relief of James N. Hill, heir at law of Joshua Hill, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2050) to refer the claims of the Eastern Cherokee Indians to the Court of Claims; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER (by request) introduced a bill (S. 2051) to incorporate the National Academy of Dental Science; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. COCKRELL introduced a bill (S. 2052) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER introduced a bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York; which was read twice by its title, and, with the accompanying petitions, referred to the Committee on Finance.

Mr. RIDDLEBERGER introduced a bill (S. 2054) for the relief of Mrs. M. C. Handson, widow of Captain Weighton Hanson, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2055) to authorize the Court of Claims to take jurisdiction of and adjudge the claim of the Piedmont Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. VOORHEES. I submit an amendment intended to be proposed to the river and harbor bill, and as it is brief I ask that it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read as follows:

That the sum of $100,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the improvement of the harbor at Michigan City, Ind.

Mr. VOORHEES. I move that the proposed amendment be referred with the accompanying letter to the Committee on Commerce.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PIKE, it was

Ordered, That the papers in the claim of George Brown for remuneration for property taken by the United States Army in 1862 be withdrawn from the files and referred to the Committee on Claims, there being no adverse report.

COMMITTEE SERVICE.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senator SHERMAN be chairman of the Committee on Foreign Relations.

That Senator HARRISON be appointed a member of the Committee on Foreign Relations.

That Senator SPOONER be appointed a member of the Committee on the District of Columbia.

That Senator STANFORD be appointed a member of the Committee on Civil Service and Retrenchment.

That Senator MITCHELL, of Oregon, be appointed a member of the Select Committee on Additional Accommodations for the Library of Congress.

CENTENNIAL CELEBRATIONS AT WASHINGTON.

Mr. GORMAN. I offer the following concurrent resolution, and ask for its present consideration:

Resolved by the Senate (the House of Representatives concurring), That a joint select committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to consider the subject of a celebration in 1889 at Washington of the centennial anniversary of the formation of the Government under the Constitution of the United States, and also of the four hundredth anniversary of the discovery of America in 1892, and to report what, if any, action by Congress is advisable in connection therewith.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HALE. Let that go over.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule.

CONSIDERATION OF EXECUTIVE NOMINATIONS.

Mr. PLATT. In pursuance of a notice which I gave at the last sitting of the Senate I desire to submit for printing an amendment to be proposed by me to the resolution relating to the consideration of executive nominations.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be printed. The amendment will be read.

The Secretary read as follows:

Amendment to be proposed by Mr. PLATT to the resolution relating to the consideration of executive nominations submitted by him January 29, 1886, and reported adversely by the Committee on Rules April 5, 1884:

After the word "considered" insert the words "and acted upon;" and at the end of the resolution add the following words:

"And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded."

The PRESIDENT *pro tempore*. The amendments will be printed and lie on the table.

Mr. PLATT. I desire to say that at some convenient time in the near future I shall ask the Senate to listen to some remarks upon the resolution. I hope I may be able, without interfering with the pressing business of the Senate, to do so on Wednesday or Thursday.

EXPENSE OF DISTRIBUTING PUBLIC DOCUMENTS.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Chair lays before the Senate a resolution which comes over under objection from Thursday. The resolution will be read.

The Secretary read the resolution submitted by Mr. GORMAN April 1, 1886, as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate the name of each person employed in receiving, folding, and distributing public documents, together with their compensation, and all other expenditures made on that account, for the fiscal years 1883, 1884, and 1885.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. I move to amend the resolution by adding:

And also to communicate to the Senate such additional information or suggestions as in his judgment will be of advantage to Congress in the matter of legislation touching the printing and distribution of public documents.

The amendment was agreed to.

The resolution as amended was agreed to.

MISSISSIPPI WATER-POWER AND BOOM COMPANY.

Mr. DOLPH called up for consideration the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendments of the Senate and agree to the same.

J. N. DOLPH,
D. M. SABIN,
M. W. RANSOM,
Managers on the part of the Senate.
CHARLES F. CRISP,
W. D. BYNUM,
Managers on the part of the House.

The report was concurred in.

DELAWARE INDIANS.

Mr. INGALLS. I move that the bill (S. 943) to pay the Delaware Indians the value of certain lands in Kansas, in compliance with treaty stipulations, which is on the Calendar favorably reported from the Committee on Indian Affairs, be referred to the Committee on Appropriations.

The motion was agreed to.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 515) granting a pension to Althea A. Frasner;
A bill (H. R. 567) granting a pension to Mary A. Little;
A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney;
A bill (H. R. 686) to grant a pension to John G. Shawbell;
A bill (H. R. 918) granting a pension to Gilbert A. Philips;
A bill (H. R. 1273) for the relief of Samuel J. Brown;
A bill (H. R. 1330) granting a pension to Martin Taylor;
A bill (H. R. 1560) for the relief of Evaline A. White;
A bill (H. R. 2054) granting a pension to Rebecca Marchant;
A bill (H. R. 2940) granting a pension to John T. Pennington;
A bill (H. R. 3135) granting an increase of pension to Charles Sebring.
A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
A bill (H. R. 3489) granting a pension to Amelia J. Gill;
A bill (H. R. 3860) granting a pension to John H. Walters;
A bill (H. R. 4461) granting a pension to Stevens W. Merrill;
A bill (H. R. 4685) for the relief of John A. Orendorff;
A bill (H. R. 4782) granting a pension to Elizabeth McKay;
A bill (H. R. 4808) granting a pension to William Field;
A bill (H. R. 4850) for the relief of William J. Hudson;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 5583) granting a pension to John G. Burrill;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 6000) granting a pension to George W. Cramblett;
A bill (H. R. 6012) to increase the pension of Leander W. Corey;
A bill (H. R. 6019) granting a pension to Maria Hollands;
A bill (H. R. 6020) granting a pension to Levi M. Starne;
A bill (H. R. 6023) for the relief of Frank Sherbonaw;
A bill (H. R. 6039) for the relief of Greenville R. Hale;
A bill (H. R. 6044) granting a pension to Eliza Francesco;
A bill (H. R. 6045) granting a pension to Adam Feltner;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 6192) granting a pension to Mary Norman;
A bill (H. R. 6225) granting a pension to Abigail H. Carey;
A bill (H. R. 6237) for the relief of Samuel Shuler;
A bill (H. R. 6257) for the relief of Julia Connelly;
A bill (H. R. 6457) granting a pension to Alfred Pickelsimer;
A bill (H. R. 6502) granting a pension to Lucy Ann Drew;
A bill (H. R. 6504) granting a pension to Nathan Magoon;
A bill (H. R. 6519) granting a pension to John D. Krehbiel;
A bill (H. R. 6638) granting a pension to William Gordon;
A bill (H. R. 6639) granting a pension to Catharine Kennedy;
A bill (H. R. 6648) for the relief of Edward M. Harrington; and
A bill (H. R. 6668) granting a pension to Lurena Wages.

The foregoing forty-six pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. I ask that the Army bill be laid before the Senate.

The PRESIDENT *pro tempore*. The Army bill is now the order under a special agreement which the Chair will have read, so that the Senate may understand the unanimous agreement made at the last sitting.

The Secretary read as follows:

Mr. LOGAN. That on Monday after the morning business we proceed to the consideration of the bill to increase the efficiency of the Army, and continue it until it is disposed of, with a view not to displace any other measure that has the right of way; but at the conclusion of the morning hour that the unfinished business be laid before us and then temporarily laid aside to proceed with the Army efficiency bill until it is finished.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for his proposition. The Senate has heard it. Is there objection? The Chair hears none, and the proposition is agreed to.

The PRESIDENT *pro tempore*. The Senator from Illinois will yield to the Chair to lay before the Senate a bill from the House of Representatives for reference.

Mr. LOGAN. Certainly.

LABOR ARBITRATION.

The bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés was read twice by its title.

Mr. BLAIR. I ask that that bill, which is one of great public interest and of some urgency at the present time, may be printed in the RECORD, in order that it may be immediately in the possession of the Senate, and I give notice that I shall ask the immediate action of the Committee on Education and Labor upon the bill and the earliest possible consideration thereof by the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the bill be printed in the RECORD. The Chair will state that it has been printed two or three times in the RECORD.

Mr. BLAIR. I have not seen it. There were a great many amendments placed upon the bill in the other House, and I should like to have it printed as it finally passed that body.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the bill will be so printed and referred to the Committee on Education and Labor.

The bill is as follows:

An act to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever differences or controversies arise between railroad companies engaged in the transportation of property or passengers between two or more States of the United States, between a Territory and State, within the Territories of the United States, or within the District of Columbia, and the employés of said railroad companies, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers, if, upon the written proposition of either party to the controversy to submit their differences to arbitration, the other party shall accept the proposition, then and in such event the railroad company is hereby authorized to select and appoint one person, and such employé or employés as the case may be, to select and appoint another person, and the two persons thus selected and appointed to select a third person, all three of whom shall be citizens of the United States and wholly impartial and disinterested in respect to such differences or controversies; and the three persons thus selected and appointed shall be, and they are hereby, created and constituted a board of arbitration, with the duties, powers, and privileges hereinafter set forth.

SEC. 2. That the board of arbitration provided for in the first section of this act shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, and requiring the production of papers and writings relating alone to the subject under investigation now possessed and belonging to the United States commissioners appointed by the circuit court of the United States; but in no case shall any witness be compelled to disclose the secrets or produce the records or proceedings of any labor organization of which he may be an officer or member; and said board of arbitration may appoint a clerk and employ a stenographer, and prescribe all reasonable rules and regulations, not inconsistent with the provisions of this act, looking to the speedy advancement of the differences and controversies submitted to them to a conclusion and determination. Each of said arbitrators shall take an oath to honestly, fairly, and faithfully perform his duties, and that he is not personally interested in the subject-matter in controversy, which oath may be administered by any State or Territorial officer authorized to administer oaths. The third person so selected and appointed as aforesaid shall be the president of said board; and any order, finding, conclusion, or award made by a majority of such arbitrators shall be of the same force and effect as if all three of such arbitrators concurred therein or united in making the same.

SEC. 3. That it shall be the duty of said board of arbitration, immediately upon their selection, to organize at the nearest practicable point to the place of the origin of the difficulty or controversy, and to hear and determine the matters of difference which may be submitted to them in writing by all the parties, giving them full opportunity to be heard on oath, in person and by witnesses, and also granting them the right to be represented by counsel; and after concluding its investigation said board shall publicly announce its award, which, with the findings of fact upon which it is based, shall be reduced to writing and signed by the arbitrators concurring therein, and, together with the testimony taken in the case, shall be filed with the Commissioner of Labor of the United States, who shall make such award public as soon as the same shall have been received by him.

SEC. 4. That it shall be the right of any employés engaged in the controversy to appoint, by designation in writing, one or more persons to act for them in the selection of an arbitrator to represent them upon the board of arbitration.

SEC. 5. That each member of said tribunal of arbitration shall receive a compensation of $10 a day for the time actually employed. That the clerk appointed by said tribunal of arbitration shall receive the same fees and compensation as clerks of United States circuit courts and district courts receive for like services. That the stenographer shall receive as full compensation for his services 20 cents for each folio of an hundred words of testimony taken and reduced to writing before said arbitrators. That United States marshals or other persons serving the process of said tribunal of arbitration shall receive the same fees and compensation for such services as they would receive for like services upon process issued by United States commissioners. That witnesses attending before said tribunal of arbitration shall receive the same fees as witnesses attending before United States commissioners. That all of said fees and compensation shall be payable by the United States in like manner as fees and compensation are payable in criminal causes under existing laws: *Provided*, That the said tribunal of arbitration shall have power to limit the number of witnesses in each case where fees shall be paid by the United States: *And provided further*, That the fees and compensation of the arbitrators, clerks, stenographers, marshals, and others for service of process, and witnesses under this act shall be examined and certified by the United States district judge of the district in which the arbitration is held before they are presented to the accounting officers of the Treasury Department for settlement, and shall then be subject to the provisions of section 846 of the Revised Statutes of the United States; and a sufficient sum of money to pay all expenses under this act and to carry the same into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided, however*, That not exceeding $1,000 shall be paid out of the Treasury of the United States to defray the expenses of any single arbitration under this act.

Passed the House of Representatives April 3, 1886.

Attest:

JOHN B. CLARK, JR., *Clerk*.

FITZ-JOHN PORTER.

Mr. SEWELL. If the Senator from Illinois will allow me, I desire to give notice that on Monday, the 19th instant, I shall ask the Senate to take up the bill (H. R. 67) for the relief of Fitz-John Porter.

FORFEITURE OF RAILROAD LANDS.

Mr. CALL. I ask unanimous consent to lay aside the pending order so that I may submit for a very short period of time some remarks on a resolution that I introduced, which is now upon the table ready to be taken up. I did not desire to interfere with the Senator from Illinois, but I shall not occupy any great length of time.

Mr. LOGAN. I dislike very much to refuse any courtesy to a Senator, but the Senator from Florida well knows that the Army bill has been before the Senate for several days, and it has been postponed time and again. There is an agreement that it shall be taken up now and that we shall proceed with it until it is finished, and I hope that will be done. The Senator will have ample opportunity hereafter to make his remarks.

Mr. CALL. I do not urge it upon the Senator from Illinois, but I give notice that at the conclusion of the Army debate I shall ask the Senate to take up the resolution to which I refer in order that I may submit some remarks upon it.

EFFICIENCY OF THE ARMY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on Mr. HALE'S motion to strike out section 2.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] is entitled to the floor.

Mr. PLUMB. At the conclusion of the consideration of this bill on a preceding day there remained some things which I desired to say about the bill which I will present to the Senate now.

Section 11 of the bill provides as follows:

That so much of the act making appropriations for the Army approved July 24, 1876, as forbids payment of mileage over land-grant railroads, be, and the same is hereby, repealed.

I desire to call the attention of the Senate especially to that section. The provision which it repeals, section 2 of the Army appropriation act of July 24, 1876, is as follows:

That when any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, or on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, he shall be allowed 8 cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated by the shortest usually traveled route.

That is as much of the section as refers to the question of mileage. By a series of legislative provisions the relations of the General Government to the land-grant railways were adjusted upon the basis of the payment by the Government of 50 per cent. of the ordinary or schedule prices for the transportation of persons and property over such railroads, and in order to save to the Government the full benefit of that provision that part of section 2 of the act of 1876 which I have read was adopted. At the present time if an Army officer wants to travel over a land-grant railroad he can not get mileage, but he goes to the proper quartermaster and gets an order for transportation in kind. That transports him without cost to himself, but it cuts him off from the little profit he gets when he travels on other railroads at 8 cents a mile.

Now, in order to give an Army officer this little profit, which is dear to his heart, this bill coming from the Committee on Military Affairs proposes to double the price we have to pay to land-grant railroads for that transportation. For instance, in the State of Kansas the regular local fare upon all railroads is 3 cents a mile. An Army officer who travels over a land-grant railroad in that State gets transportation from the quartermaster in kind, and when the bill is rendered to the Government by the company it is cut in two in the middle, the transportation thus costing the Government 1½ cents a mile for that transportation, and that is reserved to the Government because of the terms upon which the lands which built the roads were granted to the railroad companies, by which, under the decision of the Supreme Court, the Government is entitled to the free use of the track, and is only required to pay for the use of the motive-power, wages, &c.

By reason of this decision of the court, and by reason of the legislation which at various dates has followed that decision, the Government gets now a reduction of one-half on all its transportation over land-grant railroads, including the transportation of officers and soldiers. It can readily be seen that if an officer gets 8 cents a mile and pays 3, he enjoys some little profit. It is one of the perquisites of the military service, so to speak, and one of those things the taking away of which makes the Army officer resentful. He does not like it at all. He does not want the Government to save 1½ cents a mile on his travel, and thereby deprive him of 5 cents a mile clear profit. If the Senator from Illinois in his zeal to serve the Army officers and give them all possible perquisites which legislation can provide had simply said they should have the 8 cents a mile but that the railroad company should deduct the cent and a half per mile as now, it would have been better. But in order to give the Army officer this profit, this provision not only covers the officer himself, but requires the Government to pay a cent and a half per mile extra to the railroad companies beyond what your law now requires to be paid, and beyond what has been agreed upon as just.

While I think an Army officer traveling under orders is well enough

equipped when he gets an order for transportation in kind, so that that transportation costs him nothing, still if it is designed to enable him to make a profit out of travel, and so make it a favor to him to get from his commanding officer the necessary order to travel, let us give him the benefit alone and not give it to railroad companies with which we had a formal settlement whereby they agreed to accept in full satisfaction for service rendered to the Government one-half rates, and this, too, based on the valuable consideration of the land grants they had from the Government.

Those members of the Senate who were here a few years ago will not need to have recalled to them the struggle that occurred over the question of how much this extra transportation of officers should cost the General Government. From time to time the amounts which had been paid were enlarged until we came to pay, as in 1876, $230,000 a year to Army officers traveling under orders without troops. Great abuses grew up under it. A case was brought to the attention of the committee having the subject in charge where a general officer desirous of sending his wife to a watering place which was somewhat remote from the station where he was serving detailed a member of his staff to go to the watering place, and the extra pay that staff officer received on account of the trip was sufficient to pay the entire expenditure of the general officer's wife who accompanied the staff officer. That was not, I beg the Senate to understand, a single case by any means. We come to know many such abuses that had grown up under the provision for Army transportation, and they are abuses which are liable to again occur.

Now whenever an Army officer wants to be transported over stage-routes where the price of transportation is more than 8 cents a mile, or is such that he does not get any profit on it, I venture to say he invariably goes to the quartermaster and gets transportation in kind; but where he can travel over a railroad over which he may have a pass or over which at all events the charge is less than 8 cents a mile, he claims his 8 cents a mile and thereby makes a profit.

I am not complaining now about the rate of 8 cents a mile; that is apart from this discussion; but I call attention to the fact that here is one of those wholesome rules that grew out of the adjustment of our relations to land-grant railroads which it is proposed to rescind simply in order to give greater profit to Army officers—the Government losing at both ends.

Section 5 is as follows:

That officers serving away from their stations as members or judge-advocates of courts-martial or courts of inquiry, or as members of military boards, shall receive a per diem allowance of $2.50.

The Senator from Illinois made the obvious explanation, which is that when once there has been established a scale of expense to which the officer has accustomed himself he shall not be moved unless he is paid for moving. In other words, he is to be insured against extra expense under all circumstances, and whatever may happen no contingency or emergency of any kind is ever to affect him unfavorably. He is to be so equipped and bolstered up by provisions of law that if he turns around twice more in the course of a day than he is accustomed to do he must be paid for that turning around.

According to the authority which the Senator from Illinois quoted the other day, there were over three thousand courts-martial held in the division of the Missouri last year; and that did not include military boards, boards of survey, and so on. I think generally the average number of officers will be at least seven to a court-martial. That would take the service of twenty-one thousand officers in the course of the year; and if only half of those served on the courts-martial away from their stations, and if no court-martial sat more than two days, it would mean the addition of a very considerable sum to the expense of the Army for the purpose of evening up the compensation of the officers in such a way that under no possible circumstances can it be said that anything they can be required to do under orders has resulted in any loss to them. I think the Army that has got along for the last one hundred years without that provision can get along without it longer.

Section 6 provides:

That the Secretary of War may authorize the employment at the headquarters of military divisions, departments, and districts of civilian clerks in place of the general-service clerks now authorized for such employment, at rates of compensation not to exceed those paid to other civilian clerks employed at such headquarters by officers of the Quartermaster's and Subsistence Departments.

A few years ago on due consideration the enlistment of what is known as general-service clerks was provided for. That law provided for the enlistment of not to exceed four hundred persons in the Army who were to receive the pay and allowance, I think of a sergeant, and who were to be employed exclusively for clerical purposes. The average pay is about $81 a month; just about $1,000 per year. Under that authority for employment there has been employed this number of clerks, and they have rendered great satisfaction. The result has been to bring into the service a useful body of men, and their service has been entirely satisfactory except that it robs the division and department commanders of that which they would like to have, the privilege of selecting somebody whom they personally like as clerks at their headquarters.

It does not enable them to exercise that choice which they would like to have and to distribute that patronage which, after all, is as dear to persons out of political life, I suppose, as it is to persons in political life. So it is proposed here to practically destroy this system which has been subjected to the test of years and substitute in place of it the arbitrary will and discretion of the Army commanders to employ persons at a price which will be undoubtedly at least one-half greater than the present cost to the Government of the general-service clerks, and without bringing any better results.

Another provision of this bill is found in section 8 to this effect:

That officers of the line, except regimental quartermasters, detailed for duty as acting assistant quartermasters, shall be allowed the same additional compensation as is now allowed by law to acting commissaries of subsistence.

That is an allowance of $10 per month, and that illustrates again the general disposition which underlies this bill to avail of every possible opportunity to give something extra to some officer of the Army. Some man who does not want to command his company and can be detailed as a quartermaster is to have $10 a month—a reward to men for shirking that duty with their company which they owe, and which whether they can be spared from their company or not practically imposes no greater responsibility upon them than there is upon them as company commanders. It ought to be a part of the duty of every officer to serve in every department in the Army within some reasonable period of time, in order that he may be familiar with other duties than those specifically attached to his ordinary assignment. Every company commander ought to be in turn the quartermaster of a post or regiment; he ought to serve in the general staff departments; he ought to be sufficiently many-sided in order that if the emergency shall ever come for armies, we shall have those in all our companies and in all our regiments who are capable of performing those valuable functions which they would then be required to render in connection with the organization of volunteer regiments.

As it is now, once an officer of any branch of the service always such officer and nothing else; and the tendency is all the while not only to keep a man in the place where he happens to be appointed, but to remove from him any stimulus to learn anything else except the naked and very limited routine of duties which fall to his lot in the rank to which he happens to be appointed. He has no responsibility. As I said the other day, the commanding officer of a company does not see his company until it comes out on parade in charge of the orderly sergeant. He rarely drills it. It is presented to him, so to speak, properly equipped for service. Instead of this there ought to be ever present with the officer responsibility for more things and not the constant disposition to make him responsible for less.

The addition of this section will not add very largely to the expense, perhaps, but it is a totally useless provision; and why at this late day it should seem to be necessary to seek out every possible occasion and opportunity to add to the perquisites and to the emoluments of the officers of the Army and to the consequent burden of the Treasury, I have yet to be informed.

I received a letter the other day from a gentleman who described himself as "an old citizen of New York," who reprobated me very sharply for my opposition to the increase of the Army. He said there were forty thousand socialists in New York who were ready at any time to rise and destroy property, and that the Army, to use his expression, "would not furnish them mince-meat." Without knowing anything about it, I will venture to say that that "old citizen of New York" is a man of very considerable wealth, and that by as much as he has acquired wealth has withdrawn himself from the discharge of the ordinary duties of a citizen. He does not know anything more about the government of that municipality of which he is a part than some man who was never within its borders; he probably has not voted for many years; he has absorbed himself with his own private business, overlooking his obligation to the public, caring nothing for anything else than accumulating money, and without any sense of responsibility concerning the character or the quality of the Government which was over him. He wants the United States Government to protect his wealth, which he has done nothing to protect himself by contributing his mite to just and good government.

It is one of the evil signs of the times that the men who it would be supposed had the most at stake in the Government pay the least regard to their duties as citizens. They are not the men who go to the polls; they are not the men who seek to form an enlightened judgment in regard to public affairs; they are those who, as they accumulate, get more and more selfish and less and less concerned about their public duties and obligations, and who, at the very first scent of danger, which comes to them quicker than it does to the average man because they have more to lose, call upon the General Government to do for them what they have heretofore in this cowardly way omitted to do for themselves. The letter is significant not only of that, but of the general feeling as to what this addition to the Army means.

The Senator from Illinois has seemed to think that there was some personal ill-will toward him in this matter, and he has said a great many disagreeable things about those of us who have had the temerity to oppose this bill. I do not reflect upon him for having introduced the bill. I think, perhaps, his regard for the regular Army is natural, not like Katisha in the Mikado, an acquired taste, but one that may be inherited. I have no doubt that in introducing and advocating it he is perfectly sincere and honest. He naturally thinks of the military establishment with some degree of pride, a very natural degree of

pride too. I hope, however, that that pride which he has in the regular Army will not induce him to forget that great volunteer army of which he formed so important a part, and that in his zeal to increase the perquisites and emoluments of the officers of the regular Army he will not forget the one fact which stands out in bold relief to all intelligent observers who contemplate that great struggle of a few years ago, that after all it was the private soldier who, while he got the least, was entitled to the greatest credit. I hope he will not forget that those private soldiers are scattered all over this broad land, mostly in comparative poverty; that the Government is in debt to them—a debt which it grudgingly pays, some of which it has not paid at all, and which I fear it never will pay.

The Senator from Illinois has himself introduced from time to time a bill for the equalization of bounties, which, as in duty bound, he sent to the committee of which he is chairman and a conspicuous and honored member, and in which he has, as he has in the Senate, a great and commanding influence. I hope when he has got through with the regular Army, when he has given to it everything that the most exacting member of it could demand, he will remember these men who labor under this inequality which the bill to which I have referred seeks to remedy, and that before the time when by means of bills of this kind and others of like character the money in the Treasury will be exhausted, he will manage to get that bill before the Senate and make that much of a contribution to the welfare of the private soldiers in the late war, in the discharge of an honest debt which the Government owes to them and which it has too long postponed the payment of. And when he shall get that bill out of the committee, whether with a favorable or an unfavorable report, he will not need to characterize me as a demagogue on this floor to get me to vote for it. He will not need to make an offensive reference to any business in which I happen to be engaged in order to get me into line with him in supporting that measure. I will gladly join with him in passing it through the Senate. There is no hurry about it; next year will do, no doubt; but such a measure as now before the Senate to give more pay to the regular Army can not wait. If when it comes next year it is not met by the statement that we have already exhausted the money in the Treasury and so these men must wait another generation, I shall be glad. And I hope that when he considers that bill, and the men whom it will benefit scattered as they are from Maine to California, poor and weak and distressed, he will revive his recollections of that grand army which he led, of the great merit of the men in the ranks who composed it and who were only too glad to follow where he led and whose courage and constancy he knows better than I can tell him. He knows how they have long suffered on account of the injustice of the Government; what a relief the pittance due them would bring. And when he gets through with the regular Army, when he has piled up mountain high its salaries and emoluments and added everything which the exactions of that branch of the service can demand, that he will bear in mind these other and helpless ones to whom we owe something for services already rendered.

Mr. President, there has been some discussion about the cost of the addition of five thousand men to the regular Army, and the Senator from Illinois will put in a statement in his speech presently, I have no doubt, from some officer of the Army speaking simply of the pay and ignoring the great mass of expenses which go to make up the cost of the Army, and which is bound to be to a large extent, if not wholly, proportioned to the number of persons in it. I have here the Army appropriation bill for 1876, which I select simply as a matter of convenience, having referred to provisions which it contains, and it is substantially the same as those which have succeeded it. Stress has been laid upon the cost of transporting the Army, and it has been said this item would not be increased by increasing the number of enlisted men. Here is the item of the appropriation bill which provides for transportation:

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence-stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freight, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, $3,500,000.

That is a part of a bill which appropriated about $25,000,000 for the support of the Army. The annual appropriation now is a trifle less, some of the excrescences having been recently cut off to the extent I think of about a million dollars, and yet transportation, including all the items which I have enumerated, only amounts to three and a half millions, and that is transportation of camp and garrison equipage, which, of course, will be increased in proportion as the troops are increased, of clothing and military stores for their use, which of course will be increased as the troops are increased. There is not a single item of transportation except that of officers on extra duty, for which the sum of about $160,000 is now appropriated annually, but what will be increased in proportion to the enlargement of the number of soldiers of the Army. All the items enumerated in the foregoing provision amount to only about 12 per cent. of the whole annual cost of the Army, and transportation proper not to over 10 per cent.

In addition to that we appropriate every year a number of hundreds of thousands of dollars for the erection of new quarters for troops, new hospitals, and things of that kind, which of course will have to be increased in proportion as we increase the number of soldiers. There is no way whereby the cost of these five thousand men can be safely estimated to be less than $800 per annum per man to the Government if they are put into service. All the talk about the pay being only $160 a year for the first year, and so on, and 20 cents a day for rations, is idle. The Army has got to be clothed and sheltered and fed as well as transported, and when it is transported by rail, that transportation is paid for just as the transportation of private persons is paid for, in accordance with numbers. When the stores are transported they are paid for in proportion to the quantity and weight, whether quartermaster stores or commissary stores, and all the machinery of the Army, everything that goes to make up its expense, is increased in proportion as we increase the number of persons for whom the money is to be spent.

I do not think that is the worst part of this bill. I look with more disfavor upon the half-dozen additions to the pay and emoluments of the officers than I do upon the addition of five thousand men to the Army, bad as I regard that to be. I can conceive of no justification for that. We have already made two separate and distinct material increases in the pay of officers of the Army since the war. The Senator from Illinois says this does not increase it. If you make the Government pay for the wood which the officer uses, whereas now he is required to pay for it himself, is not that adding to his compensation? If you pay him two dollars and a half a day for every day that he is put on extra duty does not that add to his compensation? If you authorize him to have a private servant from the ranks at $20 a month when he can not hire one now at less than $40, including board and shelter, is not that increasing his compensation? And in order to do that this bill provides for taking a man who costs the Government $800 a year and giving him to the officer for $20 a month. Then when you enlist instructors to instruct his children and thereby relieve him of the necessity of employing any one for that purpose, is not that an addition to his compensation? And if, in addition to that, you allow him mileage for travel not now allowed on which he makes a profit which the Government loses, is not that increasing his compensation? Sooner or later all officers travel, and the difference which they get now between the regular railroad fare and 8 cents a mile is a very handsome sum and they appreciate it.

I heard one of the oldest and most useful officers of the Army, whose name I am not permitted for obvious reasons to use, speak to this effect with reference to this bill: He said the officers of the Army are doing well enough now; and he added, "I object to the bill not because I am not willing to take what comes to me, but because I foresee the time when in the effort to make both ends meet Congress will be casting around for some place where it can cut off expenses, and by just as much as we increase now the expenses of the Army beyond its needs by just that much will the reaction come then which will induce Congress to put in the knife that much deeper." I believe that would be the judgment of all the judicious members of the Army. They are as a rule high-minded, honorable men, but they are men, and when they find Congress in a mood to give them something they have not now got, like anybody else they will take it. Suppose we were confronted with a war and we had to multiply this Army ten or twenty times. At the present rate of pay and with all these additional allowances thrown in it would be an army the expense of which would be frightful.

Is it not better to take the money to pay the debt we owe to the volunteer soldiers who served us in the field in the late war, and thus cultivate in the minds of our people a belief in the honor and integrity of the Government to an extent that will induce them when the necessity shall arrive to come forward promptly for service in the ranks? Is it not better to take this $6,000,000 a year and build with it guns and fortifications rather than to waste it, because it is absolute waste and totally unnecessary upon the existing establishment, and thereby to that extent cut off our ability to engage in this great defensive work, whether it be on the land or whether it be upon the sea? Just at a time when we seem to be aroused to the necessity of something of that kind and when we ought to husband our resources in order to do it effectively and promptly, here is a proposition to add $6,000,000 a year to the current expenses of the Army and thereby take that much out of the funds from which we might make our Navy within a few years large enough to answer all practical purposes, and, in addition to that, put defensive guns at the important points upon our seacoast.

I have made a little table of what I think the various items in this bill will cost. One hundred instructors in the Army to instruct the children of Army officers and to prevent the necessity of the Army officers being detailed under a section of the Revised Statutes which I read the other day, to instruct the men of their commands, will cost $100,000.

They are to have the pay of ordnance sergeants, which is $34 a month and a ration and a half and clothing and so on. The averege will not be less than a thousand dollars a year each, which, as I said before, is tolerably good school pay. It is a good instructor indeed who in any of the States gets a thousand dollars a year. I suppose that the item of wood will cost the Government at least $200,000 a year. The addition of civilian clerks in place of general service clerks will cost $50,000 a year. The loss to the Government on account of the servants who are to be enlisted under this bill—because that is what it amounts to—will be between $600,000 and $700,000 a year. The extra expense or courts-martial will be about $50,000. The five thousand additional men will cost $4,000,000. The chaplains, details, &c., I estimate will cost $50,000 more.

Then in addition to that is to be added about $900,000 I think, according to the estimate furnished to the chairman of the Military Committee, for the increased pay of the private soldiers and the non-commissioned staff, and that is the smallest part of it.

Altogether there is an actual increase of about $6,000,000, over one-third of which will come without the addition of a single man to the Army, practically a present to the officers now in service of that much money.

In addition to that, one of the most wholesome provisions in the statutes, which provides for the inspection of the pay corps by an officer not belonging to that corps, is wiped out, and the Secretary of War is compelled to inspect the pay corps through the medium of its own members. It seems to me as though every one of these provisions is totally out of place, totally unjustified. I have no feeling about the matter, as has been stated here, and it happened that I had had no consultation with anybody about it prior to first speaking, and if the bill shall be voted up it will not affect me in the slighest degree, personally or otherwise, and if it shall go down I hope the Senator from Illinois will at least believe that the Senators who vote against it are incapable of casting votes upon a measure of this kind upon personal grounds.

Whatever there is of personality that has been brought into this debate the Senator has brought in here himself. No one has referred to him in an unkind manner, or certainly not until after he had characterized in a manner most offensive a member of the Senate who never had had for him, up to that moment, anything but the kindest of feeling, and who never had done him anything but service. If he is satisfied with the debate and what shall grow out of it, I certainly am not dissatisfied.

Mr. FRYE. Mr. President, I desire to submit a few remarks hardly in line with those which have been made to the Senate this morning, and yet which look a little bit toward war. I reported a resolution touching a commission recommended by the President on fisheries two months ago. It was made a special order February 16 for February 22. It was postponed on account of the educational bill about a month, and of the political discussion about three weeks, and now the Army bill and the Washington Territory bill have interposed. I regard it as very essential that that matter shall be discussed in the Senate and determined at the earliest day possible. I think that good reasons will appear from the suggestions and facts I shall briefly present for early and decisive action.

Mr. President, I wish to read the following resolution adopted by the Fishing Exchange in Portland a week ago:

> Whereas information has been received through the Assistant Secretary of State that American fishing vessels have no right to enter Canadian bays or harbors, only for shelter, damage, and purchasing wood and water:
> Therefore we memorialize Congress to take some immediate action that shall deprive provincial fishermen of the same privileges of entering American bays and harbors that are denied by the Dominion Government to American fishermen; and
> Whereas there are several provincial vessels in our port purchasing bait for the purpose of carrying on their cod fisheries:
> Therefore we ask that the same restrictions be placed upon their vessels which enter American ports for bait that the Canadian Government has imposed upon American vessels; and
> Whereas the Canadian Government has already fitted out cruisers ostensibly to keep American vessels outside the three-mile limit, so called:
> Therefore we pray that our Government send a sufficient number of armed vessels to look after and protect the rights of American vessels.

I wish to say further that the minister of marine in Canada has issued a proclamation in which he declares that no American fishing vessel shall be permitted to enter Canadian ports for the purchase of bait or ice, or for the purpose of shipping crews, or for the purpose of landing freight from their vessels for transmission across the Canadas into the States. I understand further that they have fitted out their cruisers, and that there is one to-day in British waters giving directions to our fishermen not to enter a Canadian port for any purpose except shelter, to buy wood or water, or to repair damages under the treaty of 1818, and I know they claim that to-day we are living under the treaty of 1818, under the terms of which we had no commercial privileges in Canadian ports whatever, and in fact we never had any from the day we became independent up to the treaty of 1818.

The President of the Fishery Union sent to the State Department, March 25, a communication calling the attention of that Department to what was going on in those waters, and calling upon the Department to take some action touching the premises. I took up the New York Tribune this morning and found that Captain Whitten, a Portland man, telegraphed to know whether sailing vessels he had just fitted out and for which he had engaged crews in Canada would be permitted to enter Canadian waters and take those crews on board, and I read the dispatch in reply from the State Department, dated "Washington, D. C., March 27, 1886." Here is what the State Department says:

> American vessels of any character have a right to enter any port which is not actually blockaded for the purpose of shipping a whole or a part of a crew. But the right does not carry with it any other privilege.
>
> JAMES D. PORTER.

The very same day—March 27—came another telegram from the State Department:

> Department informed since sending telegram of this morning that American fishing vessels can only enter Canadian bays and harbors for shelter, damages, purchasing wood, and obtaining water. This is under the concession of 1818.
>
> JAMES D. PORTER,
> *Assistant Secretary.*

Amazing difference in the two telegrams; one free entry to Canadian ports, the other no entry at all except for the bare rights of hospitality!

Now, the State Department needs education further. I declare that we have a right to enter Canadian ports and harbors for any purpose we please, except for piracy or for fishing within the shore-line. I contend that an American fishing vessel licensed and with a permit to trade in foreign countries has a well-settled right to go into any port in Canada she may desire to go to buy bait or ice, or flour or bread, or anything else, or to ship crews.

Why, sir, look at it for one moment. You may examine all the treaties we ever made with Great Britain and you can not find commercial privileges mentioned in one of them. Go back to the beginning of 1783, and follow them through to-day, and there are no commercial privileges provided for in a treaty except incidentally in the treaty of 1854. These commercial privileges are creatures of law and nothing else, and you turn to our statutes and you will find that we commenced proffers to open our ports in 1820, then by a statute of 1823, then by a statute of 1830, and Andrew Jackson, after the statute of 1830, issued his proclamation, which I desire to call the attention of the Senate to for a moment. This is the closing paragraph of it:

> Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me—

That is, as to the opening of British ports—

> and that by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are, from the date of this proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act, the act entitled "An act concerning navigation," passed on the 18th day of April, 1818, the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed; and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the American continent and north or east of the United States.

And by parliamentary acts our vessels were admitted to their ports. But go one step further. There is a law which seems to have escaped entirely the attention of the State Department. The United States had been proffering for years to Great Britain a repeal of our navigation laws to induce Great Britain to repeal hers, and in 1849, June 26, Great Britain did repeal her navigation laws to the extent we asked. I have the act here before me. It proceeds under a "whereas" to repeal a score or more of restrictive laws touching navigation and trade, and "so as," in the language of section 10, "to place the ships of such country"—referring to the country making similar modifications of their navigation laws—"on the same footing as nearly as possible in British ports as that in which British ships are placed in the ports of such country."

And there is further in the law touching the same thing. Now I call attention to the message of President Taylor in 1849, recognizing this action on the part of Great Britain:

> Our relations with Great Britain are of the most friendly character. In consequence of the recent alteration of the British navigation acts, British vessels, from British and other foreign ports, will (under our existing laws), after the 1st day of January next, be admitted to entry in our ports, with cargoes of the growth, manufacture, or production of any part of the world, on the same terms, as to duties, imposts, and charges, as vessels of the United States with their cargoes; and our vessels will be admitted to the same advantages in British ports, entering therein on the same terms as British vessels. Should no order in council disturb this legislative arrangement, the late act of the British Parliament, by which Great Britain is brought within the terms proposed by the act of Congress of the 1st of March, 1817, it is hoped will be productive of benefit to both countries.

Shortly after that President Taylor issued a proclamation, in which, in consideration that the ports of Great Britain had been opened to our vessels, our ports were all opened to the vessels of Great Britain. Now, what has the treaty of 1818 to do with that? Is there any repeal of the law of 1849? Is there any repeal or modification of our law since 1849? Is there any withdrawal or modification of the proclamations of Great Britain and of the President of the United States opening all the ports of both countries to the vessels of the other? None can be found, and I contend that we do not go back to the treaty of 1818 for our commercial privileges. We go back to the law of 1849 and the proclamations of Great Britain and of the United States issued in consequence of that law, and we have as free entry for our vessels under their terms into Canadian ports to buy ice or bait or flour or ship goods

as we have to go into the port of New York for the same purposes. They are coming into our ports under that law and buying whatever they please. They are buying bait to-day in the city of Portland. Four vessels were there last week, four vessels in Gloucester the day before yesterday, I saw by a telegram, buying bait; and we, forsooth, are not to be permitted to go into their ports to ship seamen or buy bait or ice, and English cruisers are to prey on our fishermen as they have for fifty years past if we undertake to do it!

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator will suspend for a moment. It is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. Under the agreement previously referred to it will be laid aside informally to proceed with the Army efficiency bill.

Mr. FRYE. I will go on only one minute.

Mr. President, I am only waiting for one single American vessel to be seized, and there will be one or more within a week I greatly fear taken into a Canadian port, tried in a colonial court, and condemned on the evidence of colonial witnesses, who perhaps guess that she was within the three-mile shore line, and then I propose to introduce a bill—it need not take more than ten lines—to close the United States ports against all British colonial fishing, freight, and passenger vessels, and see how long Canada will carry on this operation she has entered upon now.

Mr. President, I am exceedingly anxious that the resolution to which I have alluded, reported from the Committee on Foreign Relations unanimously, shall be adopted by as nearly a unanimous vote as possible. Canada to-day is only repeating her history for the last twenty, thirty, forty years. She is only by outrage undertaking to drive us into a new treaty, and I want the Senate of the United States to put itself on record against any such commission as Canada has driven us into by seizing our vessels before. I ask unanimous consent that that resolution may be taken up for consideration to-morrow morning immediately after the morning business. It will not occupy more than three hours' time, in my judgment.

The PRESIDING OFFICER. The Senator now asks unanimous consent——

Mr. LOGAN. I feel as much interest as the Senator from Maine in that matter; but I can not agree, after having had this bill laid aside so often, that any business shall interpose until it is completed. That was the agreement made unanimously and made by order of the Senate; and I can not agree to anything which may disturb it.

Mr. FRYE. Will you get through with this bill to-day?

Mr. LOGAN. I will if we can. We can not if we are to discuss the fisheries.

Mr. FRYE. Then I give notice that to-morrow morning, after the morning business, I will move to proceed to the consideration of the resolution relative to the fisheries.

Mr. MORGAN. Mr. President, it is quite a surprise to me, as I have no doubt it is to the Senate, that we should have the discussion of the fisheries controversy between the British Possessions and the United States on the military bill. I suppose in the present opinion of the Senate it was supposed that a proposition to add to the force of the Army of the United States and to reorganize it gave an opportunity to the Senator from Maine to express his belligerent views on a matter of commerce between the United States and Canada.

This question is one that is capable of being handled without the interposition of an army or a navy either. It is a question of commerce, a question of mutual relations between two adjacent countries upon the delicate matter in regard to their fishery rights, which involves some very grave questions of international law, and I am quite surprised that the discussion of it should have been interjected here. At an opportune moment I shall request the Senate to ask the Secretary of State what new complications have arisen within the last day or two between Canada and the United States on this very delicate topic. I do not know that I shall be able to find an opportunity to introduce a resolution of that kind, but at all events I will try and address myself personally to the State Department to know whether there is any new fact in this case of an alarming nature. The prognostication is made here this morning that in a short time there will be a vessel seized and probably confiscated in the admiralty courts of the Dominion, and that that will bring on a controversy of a very unpleasant and trying character between these two governments. I do not wish to force any controversy. I wish, and I carry it out by my votes in this body, to do all that I can to sustain every American right, and that means, so far as I am concerned, that I will avail myself of every power of the Government of the United States within my reach to maintain and protect the very slightest right of any American citizen against foreign invasion, or foreign interruption, or against discredit in a foreign port or elsewhere.

My view of the general topic coincides, I think, with that of the Senator from Maine, but I must insist that we ought to discuss this question not upon the military bill, but with deliberation and coolness and quietness, so that the whole subject may have an investigation upon its actual merits.

Mr. COCKRELL. Mr. President, I desire to say a few words upon the measure that is actually pending before the Senate, Senate bill No. 777, to increase the efficiency of the Army of the United States. The measure now pending directly is the motion of the Senator from Maine [Mr. HALE] to strike out section 2, which section increases the number of the standing regular Army five thousand. There is another amendment pending, the amendment of the Senator from Nebraska [Mr. MANDERSON], which proposes an additional increase to the Army of fifty majors, fifty captains, fifty first lieutenants, and fifty second lieutenants. It proposes to increase each of the twenty-five regiments of infantry to twelve-company regiments, so that each regiment will have twelve companies, composing three battalions, and known as the three battalions' organization. There are other features of this bill which I shall not take the time to discuss.

The question is, is there any necessity for an increase of the standing Army of the United States five thousand men and two hundred officers? Is there any necessity for an increase of the annual permanent expenditures of the United States to the extent that will be required to maintain these additional five thousand men and two hundred officers? Is there any necessity for an imposition upon the tax-paying people of the United States of a sum sufficient to support and maintain these five thousand additional soldiers and these two hundred additional officers? Is there any necessity for the increase of the Army to the extent contemplated? Unless there is some reason, unless there is some necessity for the increase of the standing regular Army of the United States, the increase of the burdens borne by the tax-payers, and the increase of the annual permanent expenditures of the United States, this bill should not be passed.

Now, Mr. President, what is the Army to-day? It is composed of 1 lieutenant-general; 3 major-generals; 16 brigadier-generals; 68 colonels; 89 lieutenant-colonels; 220 majors; 611 captains; 40 adjutants (extra lieutenants); 40 regimental quartermasters (extra lieutenants); 568 first lieutenants; 459 second lieutenants; 34 chaplains; making an aggregate of 2,149 officers in the regular Army to-day. Then going to the non-commissioned officers and privates we find, 40 sergeant-majors; 40 quartermaster sergeants; 40 chief musicians; 60 principal musicians; 10 saddler sergeants; 10 chief trumpeters; 112 ordnance sergeants; 120 commissary sergeants; 80 post-quartermaster sergeants; 140 hospital stewards; 1 battalion sergeant-major; 1 battalion quartermaster-sergeant; 430 first sergeants; 2,210 sergeants; 1,905 corporals; 240 trumpeters; 628 musicians; 240 farriers and blacksmiths; 620 artificers; 120 saddlers; 430 wagoners; 558 privates, first class; 419 privates, second class; 17,046 privates; making a total of 25,500 non-commissioned officers, employés, and privates, and an aggregate in the whole standing Army of officers, non-commissioned officers, and privates, of 27,649. The organizations are twenty-five regiments of infantry, ten of cavalry, five of artillery, and one engineer battalion.

In addition to that in the military establishment we have three hundred and seventy-two in the Military Academy at West Point and five hundred and twenty officers upon the retired-list drawing three-fourths of their regular pay.

Mr. President, what is the burden of this standing Army? What does it cost the people to maintain and support the regular standing Army?

Our military establishment, including fortifications, arsenals, and river and harbor improvements, cost in the year 1791, $632,804; in 1800, $2,560,878.77; in 1810, $2,294,323.94; in 1820, $2,630,392.31; in 1830, $4,767,128.88; in 1840, $7,095,267.23; in 1850, $9,687,024.58; in 1860, $16,472,202.72; in 1870, $57,655,675.40; in 1880, $38,116,916.22; in 1881, $40,466,469.55; in 1882, $43,570,494.19; in 1883, $48,911,382.93; in 1884, $39,429,603.36; in 1885, $42,670,578.47.

So that we may put down the actual expenses to the tax-payers of this country of the regular Army at from forty to forty-five million dollars per annum.

Mr. LOGAN. Allow me to call the Senator's attention to the fact that that is not the cost of the Army.

Mr. COCKRELL. I mean of the military establishment.

Mr. LOGAN. That includes the expense for dredging, and for all river and harbor improvements, which do not belong to the Army; but the Army is used to expend the money. The cost of the Army establishment is $25,000,000, including West Point, the War Department, and everything connected with the establishment. That is the fact about it.

Mr. COCKRELL. I am only speaking of our military establishment, what comes under the War Department. Now it is proposed by this bill to increase that total, the Senator from Kansas [Mr. PLUMB] says about $6,000,000, and others say different amounts. I have not had the time to estimate what would be the additional expense; but we know that five thousand men would probably cost about one-fifth as much as the present twenty-five thousand soldiers, and two hundred additional officers would cost in the same proportion.

SHALL ARMY OFFICERS CONTROL LEGISLATION FOR THE ARMY?

Now, is there any necessity, any reason why we shall enact this bill increasing the Army and increasing the expenses of the Government and increasing the taxes upon the people? Shall we pass it because the Army officers want it? That has been brought in here as a reason

why we shall increase the Army. It is said all the officers of the Army want it. Is that a safe rule for legislation? Shall Congress pass every law that the officers of any particular branch of the service may desire? Suppose we were to pass every bill that the chiefs of divisions here and the employés in the different Departments, the registers and receivers of land offices, and the various officers in the civil employment of the Government want, we should double the expenses of the Government in a very short time.

It is no reason why we should increase the Army because the officers of the Army want it. The Army is a creation of Congress. It does not exist in the executive branch of the Government at all. The Constitution is explicit upon that question. The Constitution provides that—

Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Two years is the longest term that even Congress can appropriate money for the support of a regular standing army. A standing army permanently was scarcely contemplated by the Constitution. Congress, further, has power—

To provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

It is the militia that Congress has the power to call forth to enforce the laws, to suppress insurrection, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

No, Mr. President, the officers of the Army may want a large army because they may want their companies large, and their regiments and their brigades large, and the commands under them large; but that is no reason why this increase should be made.

DO OUR RELATIONS WITH THE INDIANS JUSTIFY AN INCREASE OF THE ARMY?

Is there any increase of the Army demanded because of our relations with the Indian tribes? To-day the Indians are more powerless than they have been from the time this country was discovered. I say there is no necessity whatever for an increase of the regular standing Army because of our relations with the Indians. Formerly they roamed from Mexico to Canada. They had an immense area of country; they could commit their depredations upon the frontier, and then they could flee to places of retreat and safety, where they could not be found for weeks and months by the cavalry or any standing force of the United States Army.

How is it to-day? There is not a spot upon American soil where a band of a thousand Indians could secrete itself without being reached within two or three days by the soldiers of the United States Army.

There is no place for them to go; there are no more hunting-grounds for them. They can not roam over that vast area extending from Mexico to Canada, where the buffalo formerly ranged and where they went every year to procure their supplies. That is all changed. We have railroads—the Northern Pacific, the Union Pacific, the Kansas Pacific, the Texas Pacific, and the Atchison, Topeka and Santa Fé, and other roads crossing the continent, and we have cross-roads, and the Indians are upon reservations with railroads and settlements encircling them in every direction, and they are rapidly learning that they can not commit depredations on the whites any more with impunity. We have to-day twice as many men in the standing Army as there is any necessity for in regard to the Indians. There is no necessity for an increase of the standing Army because of the Indians and our relations with them.

ARE OUR DOMESTIC TROUBLES OF SUCH CHARACTER AS TO NECESSITATE AN INCREASE OF THE ARMY?

Mr. President, is there any necessity for an increase of the Army because of domestic trouble? Some Senators have argued that there should be an increase of the Army because of our domestic and internecine strifes and contentions and unsettled condition. This is a very serious question to be propounded to the Senate of the United States and the American people, that because of the existing condition of the dealings and actions of American citizens, the only sovereigns in this great country, there is a necessity for an increase of the regular standing Army.

Mr. LOGAN. Will the Senator allow me a word?

Mr. COCKRELL. Certainly, with pleasure.

Mr. LOGAN. I did not expect the insinuation from him at least, that the object of this bill was to strike at any person on account of any contentions now. Does he not know that the law expressly prohibits the use of the Army anywhere in enforcing the law as a posse comitatus? Does he not know that it stands upon the statute-book, passed in 1879 or 1880, I do not remember which?

Mr. COCKRELL. Eighteen hundred and seventy-nine.

Mr. LOGAN. That is the law to-day. Why should any one say that under the law existing to-day you can use the Army at all as a posse comitatus? There can not be any intention, so far as this bill is concerned, to make use of the Army for any such purpose. I know the Senator does not mean that. He knows the bill has been discussed in the committee over and over again for years, not only to-day but ever since 1880, with the very same provision in it precisely as this, and he knows that no such intimation or thought has ever shown itself.

Mr. COCKRELL. I think my good friend the distinguished Senator from Illinois is a little oversensitive in regard to our criticism of the arguments that have been advanced to show the necessity for this increase of the Army. I am referring to the speech of the Senator from Connecticut [Mr. PLATT]. He must remember that others have spoken in favor of this bill as well as himself. I know he has taken no such position as this; the Senate knows he has taken no such position; but it was distinctly referred to by other Senators, and I am meeting that proposition. I am not saying that the Senator from Illinois is arguing that this bill shall pass for that reason, but other friends of the measure have done so, and it is legitimate to reply to that argument.

Mr. LOGAN. I was only calling the Senator's attention to the fact that the committee that reported the bill certainly are the ones who are responsible for its provisions, and what any one might say or infer certainly should not cast a reflection upon those who reported or were connected with the passing of the bill through the committee where there was no intention of that kind, and it could not be inferred from anything that was said or done.

Mr. COCKRELL. Mr. President, it is no reflection upon any Senator to meet his argument fairly and squarely. It has been stated here that there was a necessity for this increase because of trouble. It is a legitimate argument to reply to that, and it is no reflection upon the Senator from Illinois. As I say, he seems to think that everything we say is a lick at him, when it is not. I know his views perfectly well. I know he has not argued this bill on that point at all.

Mr. LOGAN. I beg the Senator's pardon. He is very much mistaken if he thinks I take everything personally. I have no such thought.

Mr. COCKRELL. I mean no criticism of his connection with the bill.

Mr. LOGAN. Not at all. I am not speaking of myself. I only speak of the provisions of the bill, that there was no such intention. I do not look upon those things as legitimate arguments, and I am very sorry the Senator thinks I do. No matter what other Senators may have said for a purpose, I was in hopes that certainly the Senator from Missouri would not. I have not criticised any one on account of his opposition to the bill. Every Senator has a perfect right to be for or against a measure, and I have no right to criticise the position of any one in that regard.

Mr. COCKRELL. I opposed this bill in committee. I am doing on the Senate floor what I have consistently and persistently done ever since the measure was before the committee and before the Senate, and when I reply to an argument that has been made upon the floor of the Senate as a reason why this bill should pass, it is perfectly legitimate and is no reflection upon the Senator in charge of the bill, who does not entertain the same view as other Senators upon that question.

Mr. President, I ask the question, is there any necessity for any increase of the standing Army because of any domestic condition or trouble? The Senator from Illinois will say no, evidently, from his argument. From what he has already said he will admit that there is no increase needed on that account. Others will not, however; and now let us examine that proposition.

Mr. LOGAN. If the Senator will allow me, I just stated that the law expressly prohibits the use of the Army as a posse comitatus.

Mr. COCKRELL. I will show that when I come to it.

Mr. LOGAN. Therefore it can not be for a purpose of that character.

Mr. COCKRELL. I will show how the Army can be used. I shall show clearly how, under the Constitution and laws, the regular standing Army can be used, and where the danger of its use is.

The strength and perpetuity of our unequaled systems of government, National and State, rest in and depend upon the respect, confidence, good-will, and patriotism of our people. Under our system of government the people alone are the absolute sovereigns. Mr. Lincoln, in his inaugural on the 4th day of March, 1861, said:

This country with its institutions belongs to the people who inhabit it. When they grow weary of the existing Government they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it.

The State governments are the most competent administrations for all our domestic affairs and the surest bulwarks against all anti-republican tendencies. A well-disciplined militia, under control of our respective States, is our best reliance in times of peace.

In every State, in every county, in every parish, will be found honest, peaceful, law-abiding, order-loving, intelligent, patriotic citizens sufficiently numerous and strong to sustain county and State officials in the exercise of the powers and authorities vested in them by State laws—sufficiently numerous and strong to enforce all rights, to redress all wrongs, and to maintain peace and order, and to suppress and quell all unlawful disturbances and combinations, and to protect every citizen in the enjoyment of life, liberty, and property. If, by reason of any peculiar conditions which may exist in any one or more counties or localities in any State, the local authorities therein may not at once be able, with the aid of the posse comitatus, to preserve and maintain peace and order and to protect life, liberty, and property, then the

whole power and authority of the State can render them all the needed aid.

If the whole power of the State can not quell disturbances, maintain quiet and order and protect life, liberty, and property within its territorial limits, then under the Constitution and existing laws there is an adequate, ample remedy, with even a smaller regular Army than we now have, or even without any regular Army at all.

Mr. President, read section 4, Article IV, of the Constitution of the United States:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence.

There the Constitution gives express authority to the United States to aid the States, on the application of either the Legislature or the executive, in protecting them against domestic violence, suppressing insurrection, suppressing and quelling riot and resistance to the State authority which the State authorities themselves are not able to overcome. Now look at section 5297 of the Revised Statutes of the United States, and we shall see that the laws are already sufficient without any increase of the Army:

SEC. 5297. In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the executive, when the Legislature can not be convened, to call forth—

What? The regular Army? Not at all—

to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

The law, however, brings in the militia first, as the first reliance in times of peace. Now I read section 5299:

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

There is an ample remedy under the Constitution and laws as they exist without one solitary regular soldier. But this is not the only remedy already provided. Clause 2 of Article VI of the Constitution says:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

This gives the courts ample power to enforce all the laws of the United States. We should read section 5298 of the Revised Statutes in connection with that:

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

There is ample power given to the President to call forth the entire militia, and that means the able-bodied citizens of the entire United States, to enforce the process of the courts of the United States against any opposition that may be offered to it.

There can, therefore, be no necessity for an increase of the regular Army to maintain order, to preserve the peace, to suppress violence and unlawful combinations, and to protect every citizen of every race, color, and condition in the fullest enjoyment of life, liberty, and property.

Our Government—its very existence and perpetuity—does not depend upon any regular army, large or small, but upon the good-will, confidence, patriotism, and devotion of the great masses of our people. We want no regular army to intimidate or overawe the citizens of this great Republic. Eternal vigilance is the price of liberty. In monarchies the people enjoy their rights and privileges after protracted struggles with the Crowns, and only such rights and privileges as they have been able to wrest from the Crowns, that claims to rule by Divine right. In such cases the people are much more vigilant and jealous of their rights and liberties, and quickly discern and resent any attempt to encroach upon them.

In this great country, under this grandest and best system of government ever yet devised by the wisdom of sages or attained by the blood of heroes, we are born in the enjoyment of our rights, privileges, and immunities, and may not be so watchful and vigilant of them as in other countries, and may not quickly discern measures which may in the lapse of time be construed and made to deprive us of our liberties.

In this country under our Constitution and system of laws no standing army is needed for any domestic purpose. No standing army is needed in the United States for any other than one of the two purposes, the control of the Indians and to meet foreign foes. These are the only two objects for which any regular standing permanent army of the United States should be maintained. A regular army is dangerous to any republican government. A regular standing permanent army is in direct contravention of a republican system of government. I desire to read just one or two extracts upon this question, and I read from the inaugural address of Andrew Jackson on the 4th of March, 1829:

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor to disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dock-yards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention sooner than enlarging on their importance. But the bulwark of our defense is the national militia, which, in the present state of our intelligence and population, must render us invincible.

If invincible in 1829, how are we in 1886 with a population of over 55,000,000? Then we could put a million of armed soldiers from the various States in the militia organizations into the field; and to-day, if occasion were to demand it, we could put from five to eight or ten million of as good soldiers as ever marched to music on the battlefield.

As long as our Government is administered for the good of the people, and is regulated by their will, as long as it secures to us the rights of person and property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe.

I read again from Jackson's farewell address on the 3d of March, 1837:

But the Constitution can not be maintained, nor the Union preserved, in opposition to public feelings by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another as members of one political family mutually contributing to promote the happiness of each other.

If we can not enforce the laws of our various States, then self-government is a failure. If the people of the United States in every State of this Union can not enforce the local laws, and if then the President, having the right to call forth the militia of every State in the Union to back the authorities of the States and aid them, can not maintain order, preserve peace, enforce rights, and redress wrongs, then self-government is a failure. There can be no reason on earth for an increase of the Army because of any apprehended domestic trouble.

DO OUR FOREIGN RELATIONS DEMAND AN INCREASE OF THE ARMY?

Then is there any necessity for an increase of the Army on account of any foreign foe? Why, suppose that to-day, as the Senator from Maine has indicated, we should be precipitated into an armed collision with a foreign foe, what would be the remedy? Under the Constitution and existing laws, and even with a much smaller army than we have, ample power is given. Hear sections 1642, 1643, and 1644 of the Revised Statutes of the United States:

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President, he shall apportion them among such States according to representative population.

SEC. 1644. The militia, when called into the actual service of the United States for the suppression of rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

There is ample authority given. Suppose we should come in contact with the British lion upon the coast of Maine, are not the brave, chivalrous militiamen of Maine, the patriotic citizens of that State, able and organized to come forth as militia under their State officers and repel all the foreign foes that can land upon Maine's soil in the next twelve months. Remember, Mr. President, neither the regular Army nor the militia can go upon the waters and meet the enemy even in armed vessels, We have had some foreign wars. Who did the main fighting? The militia, the volunteer soldiers of the United States. We had the greatest civil war the world has ever beheld. When Americans met Americans upon the ensanguined field, then came the tug of war. It was the volunteer soldiers who fought the war and made a character superior to that enjoyed by the soldiers of any country on earth to-day.

Our great people, isolated as we are, knowing the right from the wrong, and daring always to do the right, conscious of the purity and justness of all our national aspirations, content upon our own public

domain, under our own vine and fig tree, coveting nothing which belongs to our neighbors, and on terms of peace, commerce, and honest friendship with all nations, with no national animosities or fancied grievances or wrongs to avenge, absolutely bearing, as a nation, "charity to all and malice toward none," need no standing army to oppose foreign foes or aggressions. There is no possible danger to this great country from any foreign nation. The true, noble, brave, and patriotic people of all our indestructible States, composing our indissoluble Union, the people of the United States of America can successfully resist the combined nations of earth. There is no need for an increase of the Army on account of foreign foes.

We have seen that there is no necessity for the increase because the officers of the Army want it, none because of our relations with the Indians, none because of any domestic troubles, none because of any foreign danger.

DOES THE PUBLIC SENTIMENT OF OUR COUNTRY DEMAND THIS INCREASE?

Is there to-day in public sentiment a demand for this increase of the regular standing Army on the part of the people of the United States? Is this legislation such as they desire? Have they asked for this legislation? Is this in pursuance of any public sentiment among the masses of the American people who bear the burdens of this great Government? I say that you can point to no necessity in the public sentiment of the country. There has been no petition sent here from the tax-paying citizens of this country for an increase of the burdens they bear in supporting a regular Army.

But, Mr. President, is there anything requiring this increase of the Army because of the condition of public sentiment and feeling in the United States requiring this increase in order to inspire respect, confidence, and good-will, or the patriotism of our people toward our systems of government, national and State, or fraternal feelings among our own people? There is no reason for it. To-day there exists among the people of the United States a fraternal feeling which never has existed since the foundation of this Government. There is to-day more perfectly and absolutely fraternal concord, peace, and good-will between the people from the Gulf to the lakes, and from the Atlantic to the Pacific, than ever existed before; and to-day there is a stronger sentiment in favor of lawful, peaceful methods and procedures than ever existed in this country before. There may be turbulence, there will be in a great country like this, but the public sentiment of the country will suppress it; and there is no public sentiment to-day demanding the passage of this bill, and there is no reason for it. It will be an unnecessary burden imposed upon the tax-payers; it will be an unnecessary increase of the regular standing Army. It will take over five thousand able-bodied American citizens from the walks of civil life where they are adding to the wealth, the grandeur, and the glory of this great country, and it will place them upon the shoulders of the balance of the people of the United States as consumers of their earnings, as burdens, costing probably from $750 to $1,000 apiece for every one added to the Army in all the expenditures—I count the officers, too—in all the expenditures that may be made for them, not their wages alone, but the expenditures for clothing, subsistence, medical attendance, quartermaster and commissary supplies, transportation of troops, and the other thousand expenses which are necessary for the support and maintenance of officers and soldiers.

Mr. President, with these views and feelings I can not consistently or conscientiously vote for this bill. I have opposed it in committee always from the beginning to the end. I am opposed to any increase of the regular standing Army upon any principle.

The measure proposed by the Senator from Nebraska [Mr. MANDERSON], which is to make the infantry arm of the service three-battalion regiments, is a good measure in itself, but it is an increase of the standing Army. I will favor that measure if you will consolidate the existing regiments until you can have each one that is left in the consolidation having twelve companies of soldiers.

What does this country need? It needs a small, compact military organization, simply that we may have a few men along the borders of our country, that we may have a few soldiers near the Indian reservations until the Indians become more civilized, and that is all the use in the world we have for them. The Army should be compact; the companies should not be less than seventy men, while now we have less than fifty. We have an officer to about every eleven men. There ought not to be a commissioned officer to less than from fifteen to eighteen men. If we had that kind of an army, a small compact army, each regiment with twelve companies and each company with not less than seventy privates, then we should have the best military organization that has yet been suggested by the experience of war and the wisdom of soldiers. I would vote for that kind of a proposition, but never for any proposition to increase the officers of the Army or the soldiers of the regular Army, and thereby increase the annual expenditure from the public Treasury and the burdens the people bear.

Mr. SEWELL. Mr. President, I simply wish to call attention to some statements made in connection with this bill which are to my mind extravagant in their character.

The Military Committee reported this bill at this time because it had been under consideration for some period and had had a very full and free discussion, and had many items of merit in it besides the section which increases the Army five thousand men. I believe in that increase. I believe in it on an economical basis. I believe in it because I think that where you have so much money invested in the present plant, twenty-five thousand men, divided into twenty-five infantry regiments, ten cavalry regiments, and five artillery regiments, in order to make the force efficient they ought to have, at a small additional expenditure, additional enlisted men.

The organization at present is full in officers, full in everything that would make it an army in the field. The expense of the post, the expense of the staff corps, the quartermasters, commissaries, adjutant-general, &c., is full in every sense; but when you come down to parade the enlisted men at the different posts you find a very meager number. You find that the details for the ordinary routine duties of the camp and the post and the march, taking men for the quartermaster and the commissary departments and for the ambulances and the details for hospitals, besides the sick, so reduce the numbers that when you parade your three or four companies at a post on the ordinary duty required of them, or when they are ordered out on scout, you see a miserable, meager little company of ten or fifteen men with a couple of officers. You have but twenty-five thousand men in all now. You have all these details which reduce them down to this number, and by a little additional expense of not over 10 per cent. you would increase the efficiency of the companies at the various posts at least 40 per cent. over what it is at the present time.

The expenditure of the Army establishment for the past year is between twenty-five and twenty-six million dollars. The private soldier receives $13 a month, a pay of $156 a year. The average of his subsistence amounts to about 30 cents a day for his rations, or $9 a month, which is $108. His clothing allowance is $3 per month, which amounts to $36. Thus the cost to the Government to-day of a private soldier or enlisted man is $300 per annum.

Now, Mr. President, I deny that it is possible that the statements made by the Senator from Kansas [Mr. PLUMB] and the Senator from Colorado [Mr. TELLER] can be correct that the additional force proposed in this bill would add the additional expense it is calculated a soldier costs now by simply dividing the number of soldiers into the amount of money the whole Army costs. Of that expenditure of twenty-five or twenty-six million dollars the Senator from Kansas arrives at a thousand dollars cost per man per annum by simply dividing the twenty-five thousand into the $25,000,000. There is paid to the Army $12,276,000, and of that amount the pay of officers takes $5,226,730; the pay of officers on the retired-list takes $1,113,352. So that the pay of the enlisted men of the Army takes less than $6,000,000 per annum.

The only additional item of cost that would be added to the Army over and above the $300 per annum for each soldier by the proposed addition made in this bill of five thousand men would be the transportation to the posts, and I venture to assert that that would be very much more than offset by the reduction of the transportation charges for the movement of the men from one station to another to meet the Indian raids on the frontier, and, in fact, I think the general transportation, which is now over $3,000,000 a year, would be very materially reduced.

There would be in addition proposed by the bill the increased pay of men, $1,600,000, and for the increased allowance to non-commissioned officers of three or four dollars a month, about $800,000. So that the bill in that respect would increased the expenditures of the Army in round numbers $2,500,000 per annum.

The troops are now spread out from one end of this country to the other, from Maine to Texas, and from Texas to Oregon and Washington Territory, and are located at one hundred and nineteen different posts. I would say in addition that there are a number of posts with not even a man at them, posts along the seacoast, that are comparatively unmanned, though they have guns. The posts run from forty to six hundred or seven hundred men, the largest post in the Army being Fort Leavenworth, in Kansas.

By that division of twenty-five thousand men spread out over such a space, covering one hundred and nineteen posts, you reduce the efficiency to such an extent that, as I said, when you come to parade your men you have a very meager show. A few days ago I was down at Fortress Monroe, that grand old post which used to be the pride of the Army before the war and which in time of war would require a garrison of, say, six thousand men, and five companies were there. I witnessed their parade one Sunday afternoon and I saw about fifteen to twenty men to a company. There is a fortress mounting three hundred or four hundred guns, half of which are now dismounted, and the others entirely obsolete, and while the fort itself is in a good state of preservation, there is not absolutely enough of a garrison there to keep the grounds in order.

This is the state of affairs you will find from one end of the seacoast to the other, and many of the best posts not occupied at all.

Right opposite Fortress Monroe is Fort Wool, one of the strongest forts on the Atlantic coast, created for the purpose of the protection of the Chesapeake Bay. That is perfectly silent, deserted, not even a man to haul up the flag. So you will see it all along the Atlantic

coast. The Army of twenty-five thousand men, taking the extent of our territory, taking our northern boundary and our seacoast line, our Gulf line and the line of the Rio Grande and the Gulf of California and the Pacific, would hardly furnish a man as an outpost within sight of each other to surround the whole country.

The Senator from Kansas [Mr. PLUMB], who is now absent, endeavored to create the impression that the Army was being increased for some special object. I know what my vote in the Military Committee was based upon, and it was certainly on getting a better state of efficiency in the Army. I believe that the increase of a few men would be the proper thing to do, would be what I should do in any other branch of life. If I wanted to increase the efficiency of even a business project I would be willing to put more money into it. I believe that by the addition of five thousand men you will increase the efficiency of the Army 40 per cent.

The Senator also desired to create the impression that there were a great many troops in Washington, in New York, all along the seashore; that it was a mere holiday procession, that they had nothing to do, that the Army was useless anyhow. Now there are on the whole Atlantic seaboard, from the northern part of Maine around to Florida and in the Gulf, two thousand nine hundred and ninety-nine officers and men, and a large proportion of these are there because they belong to the staff corps at the arsenals, &c. There are in the Department of the Missouri, where our Territories are and where the Indian is, fifteen thousand three hundred and thirty-six officers and men, many of whom, during the service of their enlistment and during the term the officers are assigned to duty at posts in that department, never see Washington and never see their homes in the East. You may find a few Army officers in Washington, but if you are going to hunt them down, as I have on former occasions as a member of the Military Committee, you will find them, as I found them, all under orders, attending to their business, and very few, if any of them, here for rest. Thus the largest part of this Army, three-fourths of it, is located where they are required, near the Indian reservations, and guarding the different posts on our frontier lines.

A good deal of stress has been laid on the pay of officers of the Army, particularly by the Senator from Kansas. A second lieutenant in the Army, having received an ordinary, fair academic education, going to West Point, studying four years, and certainly getting a very high-class education, enters the corps as second lieutenant, and he receives $1,400 a year—not as much as the doorkeeper at that door, not anywhere as much as the clerk of a committee of this body. He spends probably eight years as second lieutenant and he becomes a first lieutenant, when he gets $150 a year more. In twenty years he may be a captain, when he gets up to $2,000. I submit that for a gentleman who will devote himself to a service like this, take himself away from his family, devote his whole lifetime to his profession, the pay is not near, nay, it is not half, what the same amount of talent, the same amount of energy, the same amount of application would receive in the ordinary business walks of life. Many of these officers who have been twenty and twenty-five years in the service, receiving $2,000 or $2,500 a year, could quadruple it if they were pursuing other avocations.

Mr. President, there are many features in this bill that are of great interest to the Army and that add very greatly to its efficiency in addition to the section to which I have referred.

The first section proposes a field-officers' court for minor offenses at post, which now takes the time of a large number of officers on detail as members of courts-martial. We have in the Army the astonishing state of affairs that in an Army of 25,000 men there were by regimental courts-martial tried 11,851 persons last year, and by general courts-martial 2,528, making trials by courts-martial 14,179 in an army of 25,000 men. There is some reason for this, and it has been the feeling and the desire of the Military Committee to find out why it was that with a small army of 25,000 men we should find the necessity in one year to try over 14,000 men by court-martial.

There are many reasons for it. One is that in this country the pay of the private soldier is not in proportion to what the same man would earn in business—$13 a month and clothing and allowance, amounting to $300 per annum, as I stated, but he serves at a point where other pay is very much higher, and it has been the habit of men who enlist and go West near mining camps where they could get from five to ten dollars a day to desert. That has been one reason. Another reason has been that the discipline of the service is not what they expected, that they expected to be soldiers, and drill and dress up, look clean and bright, and when they got to their posts they found they became practically laboring men. If there was not a quartermaster's corps to do the work, they had to put up quarters, build huts, cut wood, &c., so that there was very little soldier life for them. So in enlisting in the Army they simply became laborers for the Government at a pay of $13 a month. The committee concluded that some other mode of punishment ought to be invented besides that cumbersome one of court-martial that took so many officers to carry it out, and they concluded to report this section, under which the second in command becomes a sort of committing magistrate at a military post and relieves the necessity of a court-martial if his action should be approved by the commanding officer. During the war we had a trial of this and it worked very well, indeed. It was perfectly satisfactory, so that it was adopted throughout all the armies.

As I remarked, one of the difficulties that we found was the pay to the private soldiers and non-commissioned officers. It was thought desirable to increase this pay, and the committee agreed on $3 per month additional, with an addition to the non-commissioned officers of a larger amount in some instances.

Section 4 provides:

That officers of the Army stationed at military posts apart from settlements may, with the approval of the department commander, each employ one private soldier as a servant.

It is against the law to do this in the service now; but the law is evaded, and I think Congress had better legalize the actual practice. In some of the posts that are so far away practically from civilization, and particularly those that are near mining camps, it is impossible to get a servant at any reasonable price or at all. An officer's pay in many instances would not pay for the hire of a servant. I do not think the Government of the United States should have an officer in its service who is not assisted in the ordinary duties of camp life by a servant. When a soldier is used as a servant the sum of $20 a month is authorized to be deducted from the officer's compensation, which is more than the pay proper of the soldier, and he still remains a soldier of his company, subject to the order of its captain. The Government does not lose his services. He is liable to be put on guard duty and always liable for service when the company is ordered on the march.

Section 5 provides:

That officers serving away from their stations as members or judge-advocates of courts-martial or courts of inquiry, or as members of military boards, shall receive a per diem allowance of $2.50.

That was looked upon by the committee as just and fair and right. When what is termed "extra duty" takes an officer away from his mess, where his expenses go on, it was thought that $2.50 a day would pay in part the expenses of his hotel bill in addition to the ordinary mess charges.

Section 6 relates to the employment of "civilian clerks in place of the general-service clerks now authorized for such employment, at rates of compensation not to exceed those paid to other civilian clerks employed at such headquarters." The Senator from Kansas instanced this as one of the great errors of the bill from which there would be a great increase in the expenditure. The clause itself provides that the expense shall be no more than that now existing.

Section 8 provides:

That officers of the line, except regimental quartermasters, detailed for duty as acting assistant quartermasters shall be allowed the same additional compensation as is now allowed by law to acting commissaries of subsistence.

The present law allows an officer detailed as acting commissary of subsistence $10 a month extra pay, and that is extended to regimental quartermasters. There is every reason why this should be done. If you take an officer of the line away from his company and make him responsible for a large amount of material and a large amount of money, for which he has got to give bond, there is no reason why the Government should not make him a small additional compensation for that additional service and additional risk.

Section 9 provides:

That fuel in kind only shall be issued to the officers of the Army, without cost, by the Quartermaster's Department, in quantities as prescribed by the Army Regulations and general orders.

This is going back to the state of affairs which existed a few years ago and which was changed by some enterprising Senator in an appropriation bill, if I remember aright. Some of our distinguished friends here, who assume to know all about regulating the Army, are not satisfied to have it done by an ordinary act of Congress, which is discussed and which is made palpable to everybody, but carry out their views by putting a line or two in an appropriation bill and thereby upset the legislation of a committee that is particularly well organized to frame it.

The injustice of the present mode of issuing fuel is that there is no distinction between a hot climate and a cold climate. A young officer, or an old one for that matter, in Montana with the thermometer 40° below zero can buy just so much fuel from the Government at $3 a cord, probably 2 or 3 cords a month; and if he wants any more, which he will in that climate, he has got to give $10 or $15 a cord for it, or go without it entirely and freeze. If the Government sends officers to places or establishes posts, which they must necessarily do and will have to do, in a climate of that kind, it certainly ought to furnish enough fuel to keep the officers warm.

Section 13 provides:

That the Secretary of War be, and hereby is, authorized to cause the enlistment of competent instructors for post schools, who shall have the rank and pay of ordnance-sergeants.

Ordnance-sergeants get $34 per month, amounting with their rations and clothing to $50 or $60 a month. It was supposed that that section would commend itself heartily to a Senate which passed a bill giving $77,000,000 for the education of colored people in the South. A large number of the posts are established at points where there are no schools and where around the post grows a little settlement—the quartermasters, commissaries, a few Indians, and all that—and there is an absolute necessity that there should be somebody whose business it is to teach the children, as much or more so than the men, in my opinion. It was not intended, according to my view, as a school for soldiers; it was in-

tended for the children of the officers, of the men, of the employés, of the Indians, and of everybody about the posts; and in that sense it seems to me it is as much worthy of an appropriation from Congress to keep it up as any educational matter can be.

As to the section which refers to the inspection of the pay accounts by a paymaster, I should be in favor of amending that myself, and I ask the Senator from Illinois to so amend that section as to provide that that inspection shall be an additional one to the present inspection of the Inspector-General's Department.

Mr. President, this bill has received fair consideration by the Military Committee. It was not a thing of a day or a month. It is the same bill which we brought before the Senate last year. It was here last year reported by the committee favorably. It is not an increase of the Army that is gotten up to meet any present emergency; it was gotten up solely for what we consider the best interests of the service.

In this connection I should like to say that from my own observation—I very seldom speak, but I listen to a great deal that is going on—the work of the Military Committee has as little appreciation before this body as the work of any committee in it. It is a laborious office. It has as many or more bills probably referred to it than any other committee of the body except the Pension Committee. It gives a great deal of attention to the measures that it reports. It is composed of gentlemen who, if they are not, ought to be familiar with the subjects they act upon. There is probably no committee of this body, except the great committee that gives laws to the nation, which is so well constituted to act on the measures that are brought before it as the Committee on Military Affairs. Four-fifths of the members of that committee have held the rank of general officers in actual service and in opposition to each other. There is not an item about a soldier's equipment, either in quarters or on march, that is not familiar to them. They have seen it, handled it, and used it, and know.

It is not so with all the committees of the Senate. With so many gentlemen belonging to the legal profession here a great many of them are not familiar with the matters with which they deal; but when the Military Committee bring forward a measure of this kind, while of course every Senator has a right to be the judge of his own actions, and particularly with reference to the matter of the desirability of the increase of the Army, it seems to me that the recommendation of the Military Committee ought in all matters pertaining to the details of the Army to command the full respect of this body.

Mr. LOGAN. Mr. President, my wish is not to detain the Senate unnecessarily, as it does seem to me that this bill has been sufficiently discussed. I would not utter one word or sentence further were it not for the fact that I am satisfied I can show from the records and the reports made by those in authority and who have a knowledge as to the expenses of the Army, as well as to its organization and that which pertains to it, the benefits of this bill so clearly that the mist or fog that has been thrown around it by those who seem to know more about the Army than those who have been and are now in command of it will disappear. And I will show that Senators with all their knowledge have been unfortunate in their statements both in reference to the organization and the expense of the Army.

I will commence with the statement made by the Adjutant-General of the Army in answer to one insinuation made by a Senator who is opposed to this bill. In substance his statement was that many of the officers of the Army were absent at all times from their commands and were not performing duty, but were merely parading around this city. I may not use his words but that was clearly the inference.

Let me give the statement of the Adjutant-General so as take up *seriatim* the different objections which have been made and see upon what they are founded.

OFFICERS OF THE ARMY.

Number authorized by law	2,178
Number actually in service	2,131
Number of vacancies	47
Number on duty with their regiments or corps	1,781
Number on duty at colleges	39

It will be observed that on all the duties mentioned in this list the officers are acting under positive statutes. The detail of thirty-nine officers to various colleges was made under a statute requiring the Secretary of War to make them for the benefit of the youth at the colleges, that they may be taught something of military discipline and movement.

Number on duty at the Military Academy	57

That is in accordance with law.

Number on recruiting service	51

That is under the statute.

Number on other detached duty	61

That is by law.

Number on ordinary leave of absence	58
Number on sick leave	50
Number incapacitated for duty	31
Number without leave	1
Number awaiting orders	2
Total	2,131

So, sir, you will find from this statement that all are acting under lawful authority.

Let us see whether the statement made by Senators in reference to the number of officers who were exhibiting their tinsel around Washington city is correct:

Officers on detached duty in Washington, D. C., not connected with the bureaus of the War Department:

Maj. William Ludlow, Corps of Engineers, engineer commissioner of the District of Columbia.

He was appointed by the President of the United States to that office by virtue of law.

Capt. F. A. Mahan, Corps of Engineers, assistant to the engineer commissioner of the District of Columbia.

By order of the Secretary of War.

First Lieut. C. McD. Townsend, Corps of Engineers, assistant to the engineer commissioner of the District of Columbia.

Capt. C. E. Dutton, Ordnance Department, on duty in the office of the United States Geological Surveys.

He was detailed by virtue of the laws of the United States and by order of the Secretary of War.

Capt. S. E. Blunt, Ordnance Department, lieutenant-colonel and aid-de-camp to the Lieutenant-General, and inspector of rifle practice.

Under the law.

Capt. S. E. Kellogg, Fifth Cavalry, lieutenant-colonel and aid-de-camp to the Lieutenant-General.

By virtue of the law.

First Lieut. W. P. Duvall, Fifth Artillery, on duty in connection with the Army Mutual Aid Association.

Second Lieut. H. T. Allen, Second Cavalry, preparing his report upon explorations in Alaska.

Now take that report from the Adjutant-General and you will find that every officer in the city of Washington is here under orders and by virtue of the statutes of the United States. That being true, I desire to know why it is that those officers should be accused of exhibiting their tinsel and parading around Washington city without authority of law. So then that statement falls without facts to sustain it.

I desire now to call the attention of the Senate, for I may not have an opportunity of doing so later on, to one or two of the objections which have been made to this bill by the Senator from Kansas in his argument to-day. One of his objections was that officers detailed as assistant quartermasters and commissaries were to receive $10 per month for the extra service. I have the best of authority for this recommendation in the bill. Let me read from a report made to the Congress of the United States on the 12th day of December, 1875. In the bill reported then I find a provision "providing that these officers when detailed on this duty by the post commanders should receive $10 per month."

Another objection was made by the Senator that, as he said wood cost $200,000 to the Government of the United States, because it was to be issued in kind and not to be paid for by the cord so much for each officer. In 1870, in the reorganization of the Army, a statute was passed providing for the issuance of fuel and quarters in kind to the officers and soldiers of the Army. A committee was appointed in 1875 by the Congress of the United States, a portion representing the Senate and a portion representing the House of Representatives, and I desire to call the attention of the Senate to the language of their report. In that report they say:

> That fuel be issued in kind within given amounts, but that all surplus fuel shall belong to, and at stated periods be turned into the Quartermaster's Department; and that under no circumstances shall commutation be allowed.

Now, Mr. President, who signed that report in favor of the same provision that is in this bill and is so fiercely assailed by the Senator from Kansas?

Here are the names:

A. E. Burnside—

An honorable and noble patriot.

P. B. PLUMB—

The Senator from Kansas recommending the very proposition that I have incorporated in this bill which he now so bitterly opposes. The remainder of the joint committee were:

M. C. Butler, H. B. Banning, G. G. Dibbrell, H. B. Strait, Harry White—

A joint committee on the part of the House of Representatives and the Senate. Has the Senator from Kansas so soon forgotten what he conceived to be right then? And does he believe that recommendation wrong now? If I follow his recommendation then he opposes. I suppose new light has broken in upon his judgment since his report.

Let me go a little further. He says that the increase in the Army proposed by the bill would embarrass the Government by an immense expenditure, so much so that it would be considered extravagant on our part, and therefore should not be thought of or recommended. We have recommended five thousand additional private soldiers, it is true, and at the same time I, following in the wake of the Senator from Kansas, have followed the recommendations of the General of the Army, the Lieutenant-General of the Army, and Secretaries of War in what? In recommending that the organization shall be so perfected that the infantry arm of the service shall be in character the same as the artil-

lery and cavalry arm of the service—that is to say, that there shall be three battalions and twelve companies in each regiment. This proposition is not in the bill, but I argued in favor of it because I thought it was the best organization for the Army of the United States.

Let me read from the same able report of the Senator from Kansas on this subject:

That each regiment of the line shall consist of four battalions.

He goes us four companies better! We say three battalions, but he says four—that is to say, four battalions with three majors. He has four battalions with three majors, and one battalion not to be organized, but to be kept for the purpose of forts, &c., I suppose, to be organized when a necessity arises. That was the report of the committee. Eighteen regiments of infantry was the proposition, with four battalions in each regiment. Now count. Let any man take a pencil and make the calculation. Take fifty soldiers to a company, and take four battalions, making sixteen companies to a regiment instead of ten, as in the service to-day, and make your calculation and see which is the more extravagant.

The proposition reported by General Burnside and signed by the Senator from Kansas increased the Army more than we propose now to increase it, if the companies were then made up to what they reported in favor of doing—seventy-five men to each company, with the power of the President to increase to a hundred. The law now is fifty men to the company, with the power of the President in times of emergency to increase it to a hundred; but those Senators reported in favor of seventy-five men to a company. Make your calculation, sixteen companies to the regiment, eighteen regiments, and you will find that their proposition exceeded the proposition which is found in the bill now before the Senate.

Let me ask, Mr. President, how is it that a proposition of this kind when reported by those Senators was a proper one but now fraught with such evils that it strikes terror even to the minds and souls of some Senators who seem to have charge of the entire interests of the country. This same committee reported a bill to Congress then. Let me read some of its provisions. What did they propose?

SEC. 15. That one battery of each artillery regiment shall be habitually equipped as light artillery and as a school of instruction for the regiment, and may have two additional sergeants and four corporals, and enough privates to complete the battery organization; and whenever the President deems it necessary he may direct that additional batteries be equipped as light artillery. The instruction light battery of each regiment shall be under the command of one of the majors of the regiment, and the captains and lieutenants shall be detailed for duty with it, according to the roster and under the direction of the commanding general of the Army.

SEC. 16. That the corps of cavalry shall consist of eight regiments. Each regiment shall consist of four battalions.

Now mark the language—

Each regiment shall consist of four battalions, of four troops each, and shal have one colonel, one lieutenant-colonel, three majors, one chaplain, twelve captains, twenty-four first lieutenants, &c.

We find in the very bill introduced by that committee, that they proposed the whole organization of the Army should be sixteen companies to a regiment, and that a regiment should have three majors each. The very proposition which has been made on this floor by other Senators has been denounced, criticised, and opposed by the very men, or one of the very men, who made the proposition to Congress a few years ago to do the same thing. Was there any necessity then? How is it that those men then found that to be the correct organization of the Army but now say it would be a failure if it was passed in this particular bill at present? Then the bill which they proposed provided:

SEC. 17. That each troop of cavalry shall, in addition to its proper officers, consist of one orderly sergeant, four sergeants, four corporals, two artificers, two musicians, and, except as hereinafter directed, of not exceeding seventy privates.

SEC. 19. That each company of infantry shall, in addition to its proper officers, consist of one orderly sergeant, four sergeants, four corporals, two artificers, two musicians, and, except as hereinafter directed, of not less than seventy-five privates.

"Of not less than seventy-five privates." There is a proposition of sixteen companies to the regiment, and eighteen regiments, with not less than seventy-five privates, besides the officers, and in an exigency the President might increase the companies to one hundred.

I have been surprised, I must confess, in listening to the debate here, with this book on my table, and with the knowledge I had of that report and of the bill then introduced.

Mr. President, I wish to state this case fairly, and for that purpose I desire to call the attention of Senators to the different recommendations which have been made at different times in the direction in which this bill attempts to travel, and in consonance and harmony with its advocacy.

Let us examine the organization of the Army from the time of the conclusion of the late war and see what have been the different views of officers in reference to it from that time to the present. By the act of July 28, 1866, the peace establishment was fixed, and to an appropriation bill passed March 3, 1869, there was attached a clause as follows:

That there shall be no new commissions, no promotions, and no enlistments in any infantry regiment until the total number of infantry regiments is reduced to twenty-five.

By the same act the period for enlistment was changed from three to five years, but at that date all the enlisted men of infantry were in for three years, beginning mostly in 1866 and 1867.

By the act of 1869 the present infantry organization, that is to say, the establishment at twenty-five regiments, was made. The number of men has varied at different times in the twenty-five regiments according to legislation. I read now from the report of the Secretary of War of November 20, 1869:

By the present organization of the Army the artillery and cavalry have, to each regiment, one colonel, one lieutenant-colonel, three majors, and twelve companies, whereas the infantry regiments have one colonel, one lieutenant-colonel, one major, and ten companies. I am satisfied that all regiments should have the same organization, namely, one colonel, one lieutenant-colonel, two majors, and twelve companies, for this organization admits of a subdivision into three battalions of four companies each, commanded by a lieutenant-colonel or major. Moreover, the artillery companies have each two first lieutenants, whereas the cavalry and infantry have but one.

I desire to follow the organization with recommendations from the time Congress brought it down to the existing condition and to show that every man connected with the Army, either as Secretary of War, with one exception, or as General or Lieutenant-General of the Army, has made invariably the same recommendations.

Ah, but my friend from Missouri says these are mere requests of officers, mere suggestions of officers. If men connected with the Army do not understand the organization that it now has, or how the organization would be benefitted, I should like the Senator from Missouri to tell me where our information is to come from. If you inquire about the amount of circulation of the national banks in this country where do you go for the information? To the Secretary of the Treasury. If you inquire about the Army where do you go? To the Secretary of War and the general commanding the Army, to those having to deal with the subject. I know of no other way of obtaining information as to numbers in the Army, as to its location, as to where it is doing duty, as to what character of duty it is performing and who is performing it, how many officers are on detail, how many are with their companies, with their regiments, at their posts. I have no means of obtaining that information save through the Department which has control of the Army, and if I were to inquire what number of men would be best in order to constitute an efficient army, an efficient battalion, regiment, brigade, or division, it seems to me that those who have charge and who deal with the different organizations day after day should at least know as much about them as those who do not deal with them.

In the same report the Secretary of War says:

I herewith submit a table showing the organization as proposed; and assuming the number of regiments to remain unchanged (namely, forty)—

At that time. The law was passed authorizing the reduction to twenty-five regiments of infantry, ten of cavalry, and five of artillery, forty regiments in all—

and allowing a maximum of seventy-five privates to each company, it would give us for the line of the Army twenty-one hundred and thirty-five commissioned officers and forty-two thousand four hundred and ninety men.

That was the organization then proposed. That was on an appropriation bill afterward reduced, as I have said.

It is well known that no army can be kept up to its legal standard, and that two-thirds is as large a proportion as can be relied on for actual service. Applying this ratio, we will have for actual service about twenty-nine thousand seven hundred and fifty officers and men—a number that no one acquainted with the subject can declare to be above the necessities of the country.

I desire to call the attention of Senators to the fact that on a careful examination by the General of the Army and by the Secretary of War, when we had forty thousand men in the Army, they then decided that no more than two-thirds of the Army could be fit for duty or relied upon. Why? It might be well right here to call the attention of Senators to some matters that perhaps have escaped their notice. The Senator from Missouri, well versed in military affairs, spoke about needing no Army. I shall not discuss that proposition at this time. It is so novel that I will not now stop to reply to it.

But suppose you have twenty-five thousand men to-day in your Army, you never will have twenty-two thousand ready for duty. Suppose you order that twenty-two thousand men to congregate at any one point, at two points, or three points; you have one hundred and nineteen posts. Let me ask those Senators who are so alarmed at the extra expense, what will you do with your one hundred and nineteen posts, with millions of dollars' worth of property, being protected and guarded to-day by your soldiers? Do you propose to remove every officer and every soldier away from those one hundred and nineteen posts and leave the property of the Government there to be sacrificed by marauders, by Indians, or by any other class of people who might desire to profit by taking Government property? Is that what you propose? When you move your Army to the coast, if necessity requires, will you leave with your one hundred and nineteen posts less than a company at a post? Do you propose to guard a fortification or a post with less than a small company of men against Indians or anybody else who might desire to assault it? If you do that, how much of an Army have you that you can throw together as a movable force, either to protect your border or to defend against assault, come from where it may?

When Senators talk about this Army of twenty-five thousand men

for service they certainly have not examined the question; they certainly do not understand that all the property of the Government has to be protected, no matter whether in time of war or in peace. If you undertake to move your Army you can only move a certain portion of it. The General of the Army and the Secretary of War in 1869 said that of forty thousand men twenty-nine thousand effective men were all they could rely on. Why? They took into consideration the sick, the details for other service, and those who should be left to garrison forts or posts and protect the property of the Government within those garrisons when the Army was to be moved for defensive purposes. So when these Senators are speaking of an Army of twenty-five thousand men moving I do not think they have ever moved very many men, or they would not say what they do.

Let me take the report of the Secretary of War of 1871. In 1871 we came under another act of Congress, an act passed the 15th of July, 1870. That act of Congress was also a proviso upon an appropriation bill. The Secretary of War said:

In accordance with the same act the number of enlisted men was on July 1 reduced to thirty thousand; indifferent soldiers were discharged, the standard of recruits was raised with a view to improving the character of the rank and file, and the following table of organization was established:

Enlisted men of engineers	301
Enlisted men of ordnance	475
Ordnance sergeants at posts	200
Military Academy band	24
60 enlisted men per company for 55 companies artillery	3,300
84 enlisted men per battery for 5 batteries light artillery	420
84 enlisted men per company for 120 companies cavalry	10,080
60 enlisted men per company for 250 companies infantry	15,000
Non-commissioned staff of regiments	200

Making thirty thousand men all told. That in the establishment created in 1870 thirty thousand men including the engineer battalion, including the men employed in the Ordnance Department, including details, including officers of the line, including bands, &c.; and so to-day the Army includes all the men of every service to make up twenty-five thousand or twenty-three thousand. So in 1870 the organization was brought down to thirty thousand men.

I do not wish to skip about and, therefore, I will proceed on this line. I find many things connected with this bill which I have marked here and which I shall read hereafter. I desire to read from the report of the Secretary of War made in 1874.

I now read from the report of the Secretary of War for 1874, as follows:

In the act making appropriations for the support of the Army approved June 16, 1874, $105,000 was allowed for recruiting purposes, and it was provided that "no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts."

There we get the incorporation of this particular provision for the Army reducing it to twenty-five thousand.

The Secretary of War says:

This prohibition fell in an unfortunate time and manner. The demands for the service of United States troops have been increased, and have been imperative for Indian and other service ever since the adjournment of Congress; serious consequences might easily have attended the manifest want of any considerable reliable force. There was no margin for emergencies, such as have arisen in connection with Indian Affairs and the troubles in the South. I was opposed to the reduction at the time it was made, and have since had no reason to change the opinion then formed. The reduced appropriations for Army purposes have been too heavily taxed by the necessity of movement of troops; for, when obliged to be scattered at points on sudden emergencies, they have been moved from other points where their presence was needed, and had to be returned at the earliest possible moment. The reduction proposed and insisted on by Congress would, when it was accomplished, save alone—

Now mark the language—

save alone the pay, subsistence, and clothing of five thousand men.

Why did he say that? We desire to increase the Army five thousand, and insist that the expense will be their pay, their clothing, and their subsistence. We are mistaken in our estimates.

But this amount can not all be considered as having been saved, for when troops were needed at points where the force was found, in consequence of the reduction, to be too small for real service, other troops from other points were required to be transported at an expense almost large enough to equal in amount the saving from the sources named.

After you had reduced the Army from thirty thousand down to twenty-five thousand, the Secretary of War says you have saved what? You have only saved the pay, subsistence, and clothing, and that the expense incident to that reduction on account of having to move troops from places farther away has been equal to the amount saved by Congress. So this is in the same direction that I argued a few days since. If you have troops enough you may have large forces near the lines of transportation, and can throw them together much more easily and at much less expense than where they are scattered all over the country and you have to draw them in from all parts of the land. There is not a man conversant with military affairs in the Army of the United States to-day who will not give you this same opinion.

If the Army is increased five thousand soldiers, their pay, subsistence, clothing, and the other incidental expenses connected with those men would not be as much as the saving to the Government of throwing larger bodies together at convenient places. The General of the Army and the Secretary of War will say the same.

I suppose Senators who insist that this is merely the desire of officers of the Army that they may have larger commands will not attribute the same feeling perhaps to those men who are retired. General Sherman, who is a retired officer, will say the same thing. He has no interest in having the Army increased on account of increasing his command.

Go to the Quartermaster-General, go to any of the men who have the moving of troops, as the Quartermaster-General, and ask him the question whether when troops are in larger bodies they are not more easily moved and at less expense than when scattered or in smaller bodies and you have to concentrate and move them one company or two companies at a time, as they may be thrown together.

I desire to read from the report of the Secretary of War for 1876. I do this, sir, because it was asserted that I could find no one in authority who was either recommending or demanding in any way whatever this increase in the Army at any time. I have gone back to 1869, and propose to follow the proposition to the present time. The Secretary of War said on the 20th of November, 1876:

It is unnecessary to speak here of the size or organization of the Army, for the whole subject of reform and reorganization of the Army has been referred by the act of July 24, 1876, to a commission consisting of two members from each House of Congress, the Secretary of War, and two officers of the Army.

That was after the committee of 1875, of which I spoke a while ago, of which our friend the Senator from Kansas was a member, was organized to report a bill, which they did. Then in 1876 there was another commission made up by Congress and the officers of the Army for that purpose. They made their report, and their report was not adopted at that time.

Now, let me call attention to the report of the Secretary of War, of November 19, 1877:

In accordance with the terms of the act of Congress of August 15, 1876, the Army was reduced to a maximum of twenty-five thousand men. The same act requiring that no reduction be made in the cavalry, it was found necessary to reduce the other arms of the service to very scant dimensions. By General Orders No. 47, of date May 9, 1877, the maximum strength of all organizations, except cavalry, was fixed as follows:

Enlisted men of engineers	200
Enlisted men of ordnance	350
Ordnance sergeants at posts	114
Commissary sergeants at posts	148
Hospital stewards	200
West Point detachments	200
Recruiting parties	300
Indian scouts	600
Guard at military prison	74
65 enlisted men per battery for 5 light batteries of artillery	325
48 enlisted men per battery for 5 batteries at the artillery school	240
38 enlisted men per battery for 50 batteries of artillery and 5 enlisted men for non-commissioned staff at each of 5 regimental headquarters of artillery	1,925
37 enlisted men per company for 250 companies of infantry and 5 for non-commissioned staff at each of 25 regimental headquarters of infantry	9,375

You see, when the reduction had to be made and was made finally on account of Indian troubles, it was provided that the reduction should not be made in the cavalry, but must be made in the other arms of the service. What condition were your companies left in? Thirty-seven men to a company of infantry, and thirty-eight to a battery. That was the condition of your Army under the workmanship of your Appropriation Committees. The Committee on Military Affairs were not consulted, nor are men now willing that they shall be. Your distribution of the Army then amounted to thirty-seven in a company all told. Then on account of casualties, sickness, and other causes, as the Senator from New Jersey [Mr. SEWELL] has well said, you find now fifteen or twenty men in your companies at the different posts. The Secretary of War, in the same report, goes on and says:

In ordinary times our forces are necessarily scattered over a vast territory, engaged in guarding the frontiers or protecting and preserving our vast and valuable military stores and property. The necessary consequence is that when hostilities occur in any portion of the country it becomes necessary to transport troops from distant places to meet them. For example, when the recent Indian hostilities broke out in Idaho the available force under General McDowell was so inadequate that it was necessary to transport the Second Infantry from Atlanta, Ga., to the scene of the disturbance.

Will the Senator tell me when our troops are scattered, where the companies are so small and your numbers in the Army are so limited, why must you transport companies from Atlanta, Ga., to Idaho Territory? Because, sir, they are scattered over the country to such an extent that you can not concentrate quickly, and when you can have the transportation you have not the forces. Will any Senator tell me that the transportation of those troops from Atlanta, Ga., to Idaho did not cost more money during their transporting than the pay of the soldiers themselves who were transported? I will venture the assertion that it did, or nearly as much, at least. The Secretary of War continued:

It may also be mentioned that when the recent disturbances occurred in Pennsylvania, involving serious loss both of life and property, there could not be found within that great State so many as fifty Federal soldiers, so that when the call was made by the State upon the President in order to answer it troops were necessarily transported at heavy expense from other parts of the Union.

The very thing that the Senator from Missouri was speaking of, "the State having the right to call through their governor or Legislature. Nobody ever disputed that; but when the call was made by the State through their governor for Federal troops there were not fifty to be found in the whole great State of Pennsylvania.

The Secretary of War continued:

A similar state of affairs was found in all the great States of the interior where these disturbances occurred.

Will any man tell me that we ought not to have at least a sufficient number of troops so that when an exigency arises under the law and the Constitution where troops are demanded, where you are bound to obey the command, that we shall not be prepared to meet the emergency? Yet these gentlemen say that we must rely upon the citizen. Of course we rely upon the citizen. These soldiers are made up of citizens, made up of men that we find on the streets and everywhere else. But do they say how we must rely upon a citizen? I believe in relying upon our citizens in time of great trouble, in time of war, in times when you must have a large army, but what is the use to talk about relying upon citizens who are not organized, citizens on the street? Is that your reliance? You call them together for what? You must call them together, organize them, fix up the rolls, elect their officers, issue muskets, issue rations, issue clothing, issue blankets, issue tents, and by the time you get through the trouble will be over, perhaps; the Indians are gone. Is that the way? Is that the logic of these gentlemen? Is that their doctrine?

Senators talk about relying upon citizens and appeal to me that I too should rely upon citizens, and talk about the volunteer soldier. No man has a higher regard for the volunteer soldier than I have, I care not where you may find him. But, sir, we have no volunteer soldiers to-day. They are all ex-soldiers; they have been soldiers, but they are not in the Army now. Who are you now relying upon? If we had a war and had to call men to the field, these old soldiers would come to the music of the Union in a moment, they would enlist under the old banner and fight for their country; but they are not organized; they are not in the Army; we are not in war; we are not asking for volunteers; we are asking to increase the efficiency of this little regular Army that we have, and nothing else.

In this very proposition in 1877 we find the Secretary of War says, "by your law you provided that the companies should not exceed fifty men except in a great emergency." If there had been a war or something of that kind then perhaps Congress would not be in session, and could not pass a law, and the power was given to the President to increase the company to one hundred in a great emergency. But no great emergency has arisen. So the Secretary of War says:

In view of these considerations it is respectfully recommended that authority be given to the President to increase the strength of the depleted companies now embraced within the Army organization.

Sir, this suggestion was even unheeded.

He recommends that the President be given power then to increase to a hundred; that is to say, in 1877, soon after the reduction. Follow that up and you will find in nearly every report of the General of the Army and the Secretary of War the same character of recommendation has been made in reference to the efficiency of the Army by filling it up.

On November 19, 1878, the Secretary of War reports the grand total of the Army, including everything, at 24,761, and he speaks of the desertions, in 1873 over 7,000, in 1874 4,000 and upward, in 1875 over 2,000, in 1876 eighteen hundred and something, in 1877 two thousand and odd, in 1878, 1,678, and so on.

We find in this report the very provision that the Senator referred to in reference to mileage, and I intend to call attention to it. However, I shall pass on now to another proposition and call attention to that at another time.

I will take the report of the Secretary of War for 1879. In it he said:

The report of the General of the Army gives in detail the strength of the several branches of the service, and shows the aggregate, as exhibited in the latest returns, to be 2,127 officers, 24,262 men, and 388 officers, retired. A portion of this force, however, being necessarily employed in detached or special service, constitutes no part of the force available for actual operations in the field.

The General of the Army then makes this statement:

The enlisted men of the Signal Corps, Engineer and Ordnance Corps, ordnance sergeants, commissary sergeants, and hospital stewards, the prison guard at Fort Leavenworth, and the recruiting detachments amount in the aggregate to three thousand four hundred and sixty-three men, and are employed in the performance of important duties connected with the military establishments, but these duties bring but few of them into active service in the field. The statute now authorizes a total force of twenty-five thousand men, not including the Signal Corps, which has by law four hundred and fifty-six men. I join most heartily with the General of the Army in recommending that the effective force of the Army available for field-duty be raised to twenty-five thousand men, exclusive of the above-named detachments.

After they had recommended it to be raised to thirty thousand and could not get it done, they then wished it raised to twenty-five thousand effective men—that is, that number of men exclusive of the details and detachments, which amounted at that time to three thousand four hundred and sixty-three men.

So you find in every report for years back. Take the report of 1880. I desire to call attention to this report to what the General of the Army and he himself recommend, or what their statement was in reference to the number of men:

The organization of the Army provides for 11 general officers; 555 officers and 1,286 enlisted men for the staff; 1,989 officers and 24,214 enlisted men for the line. Of these latter 694 are detailed as clerks, or are recruits unassigned to regiments, reducing the possible force for military service to 23,520 enlisted men.

The General of the Army in his report, to which, with the accompanying reports of division and department commanders, attention is invited, notes the fact that the actual force must, at all times, be kept below that figure; that there must always be allowed for "sick," "detached service," and other unavoidable causes, at least 10 per cent., reducing the available force to about twenty thousand enlisted men. The General and Lieutenant-General of the Army concur in the opinion that the Army is too small in enlisted men to fulfill the heavy duties now imposed on it, and that it is overworked. The General renews his recommendation of last year, that Congress be requested to give twenty-five thousand enlisted men.

He means by that twenty-five thousand men carrying muskets, that the Army be increased so that the details and extra men shall all be taken from it and leave twenty-five thousand effective men in the Army. He says that with the details and everything 10 per cent. is not efficient or effective. He continues as follows:

It is believed the full legal strength is the least possible force at which the present organization can be maintained, having in view efficiency, discipline, and economy. While the enlistment of this force would add somewhat to the appropriation for pay of the Army, the saving made in other directions would be very considerable, and the efficiency of the Army largely increased.

Mr. President, I am detaining the Senate, but I am reading these reports to show that the statements I have made in reference to this bill from the beginning have been justified and supported by reports for years and years, as far back as I said, and further, by the Secretary of War and the Lieutenant-General of the Army, and in fact by all the generals of the Army. As that was denied on this floor by Senators who perhaps had not looked into it as far as they might, I desire to show that I did not mistake the facts as to their recommendations. In 1881 the General of the Army made his report and the Secretary of War adopted it. The Secretary of War says:

The report of the General of the Army contains recommendations of the highest importance. He again calls attention to public necessity of legislation authorizing the Army to be recruited to a strength of thirty thousand enlisted men as provided by section 1115 of the Revised Statutes. As is remarked by the General, our companies are too small for efficient discipline and for economical service. There are in the Army four hundred and thirty companies, which are necessarily widely scattered over our vast domain to guard property, and to prevent, as far as foresight can, complications and troubles of every variety and kind, at one time protecting the settlers against Indians and again, Indians against the settlers. When these occur, re-enforcements have to be hurried forward from great distances, and always at heavy cost for transportation of men, horses, wagons, and supplies.

This cost in the aggregate is probably more than sufficient to supply an increase of 20 per cent. of private soldiers, which will add little, if any, to the annual cost of the Army, and yet give great relief to our overtaxed soldiers. In the last ten years our frontiers have so extended under the protection of our small Army as to add at least a thousand millions of dollars to the taxable wealth of the nation. This protection has enabled emigrants to settle up remote parts of the country, and is a principal cause of the great prosperity which is felt throughout all parts of our vast domain.

It should be remembered that of the enlisted force of any army a large part, not far from 15 per cent., is for many causes not available at any one time as a fighting force; so that the legislation recommended would, after proper allowances, give an actual combatant force of about twenty-five thousand men.

Mr. ALLISON. I ask the Senator from Illinois if he will give way for a motion to go into executive session.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield?

Mr. LOGAN. I will yield.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war, in which it requested the concurrence of the Senate.

ADMISSION OF WASHINGTON TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business according to the understanding.

The SECRETARY. The bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes,

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate this 5th day of April, 1886.

TERRITORIAL GOVERNOR.

Caleb W. West, of Kentucky, to be governor of Utah Territory, *vice* Eli H. Murray, resigned.

UNITED STATES ATTORNEY.

Job H. Lippencott, of New Jersey, to be attorney of the United States for the district of New Jersey, *vice* A. Q. Keasbey, whose commission expires April 12, 1886.

SURVEYOR-GENERAL.

Benjamin T. Ledbetter, of Louisiana, to be surveyor-general of Lou-

isiana, *vice* James Lewis, resigned. The nomination of Mr. Ledbetter, which was sent to the Senate on the 10th of December last, is this day withdrawn.

RECEIVER OF PUBLIC MONEYS.

Edward R. Fogg, of Nebraska, to be receiver of public moneys at Beatrice, Nebr., *vice* William H. Somers, commission expired.

UNITED STATES CONSULS.

Louis D. Beylard, of Pennsylvania, to be consul of the United States at Kingston, Jamaica, *vice* George E. Koskinson, suspended.

L. J. Du Pré, of Alabama, to be consul of the United States at San Salvador, *vice* J. Maurice Duke, recalled.

J. Cecil Legaré, of Donaldsonville, La., to be consul of the United States at Tampico, *vice* Augustus J. Cassards, resigned.

Moses H. Sawyer, of Mystic Bridge, Conn., to be consul of the United States at Trinidad, *vice* John Towler, recalled.

POSTMASTERS.

Wesley E. Hughes, to be postmaster at Fresno City, Fresno County, California, *vice* N. W. Moody, resigned.

John McCann, to be postmaster at Martinez, Contra Costa County, California, the office having become Presidential.

James Tyron, to be postmaster at Placerville, El Dorado County, California, *vice* Albert J. Lowry, resigned.

Frank Abt, to be postmaster at Lead City, Lawrence County, Dakota, *vice* Thomas D. Edwards, resigned.

Matthew Weismarthe, to be postmaster at Naperville, Du Page County, Illinois, whose commission expires April 26, 1886.

John H. Saxton, to be postmaster at De Witt, Clinton County, Iowa, *vice* F. P. Kettenring, commission expired.

George W. Clark, to be postmaster at Lyons, Rice County, Kansas, *vice* Harry C. Taylor, whose commission expires April 11, 1886.

W. H. L. Pepperell, to be postmaster at Concordia, Cloud County, Kansas, *vice* Burton S. Williams, resigned.

Eugene C. Wilson, to be postmaster at Clay Centre, Clay County, Kansas, whose commission expires April 21, 1886.

Granville R. Rider, to be postmaster at Salisbury, Wicomico County, Maryland, *vice* John P. Owens, commission expired.

Asahel Willison, to be postmaster at Cumberland, Alleghany County, Maryland, *vice* Henry J. Johnson, commission expired.

William Buttrick, to be postmaster at Concord, Middlesex County, Massachusetts, *vice* Henry L. Whitcomb, whose commission expires April 26, 1886.

Theodore H. Fenn, to be postmaster at Lee, Berkshire County, Massachusetts, *vice* Joseph C. Chaffee, whose commission expires April 26, 1886.

Lemuel L. Keith, to be postmaster at Bridgewater, Plymouth County, Massachusetts, *vice* Lewis Holmes, whose commission expires April 26, 1886.

Jeremiah Murphy, to be postmaster at Beverly, Essex County, Massachusetts, *vice* Francis E. Porter, whose commission expires April 26, 1886.

Andrew Shanahan, to be postmaster at Rockland, Plymouth County, Massachusetts, *vice* Joshua S. Smith, commission expired.

Rollin C. Ward, to be postmaster at Northfield, Franklin County, Massachusetts, the office having become Presidential.

J. H. Woodman, to be postmaster at Northville, Wayne County, Michigan, the office having become Presidential.

Clayton F. Collins, to be postmaster at Homer, Calhoun County, Michigan, the office having become Presidential.

G. J. Evans, to be postmaster at Hastings, Adams County, Nebraska, *vice* C. H. Paul, commission expired.

Thomas Hill, to be postmaster at Haddonfield, Camden County, New Jersey, the office having become Presidential.

Alice M. Crabtree, to be postmaster at Belmont, Allegany County, New York, the office having become Presidential.

William J. Moses, to be postmaster at Auburn, Cayuga County, New York, *vice* E. D. Woodruff, commission expired.

Hartford D. Nelson, to be postmaster at Oneonta, Otsego County, New York, *vice* C. B. Pepper, resigned.

Frederick P. Newkirk, to be postmaster at Oxford, Chenango County, New York, *vice* Benjamin M. Pearne, whose commission expires April 28, 1886.

Benjamin F. Vail, to be postmaster at Warwick, Orange County, New York, *vice* William H. Pelton, whose commission expired March 31, 1886.

Shannon Clements, to be postmaster at Bucyrus, Crawford County, Ohio, *vice* Matthew H. Fulton, commission expired.

John W. Davis, to be postmaster at New Richmond, Clermont County, Ohio, the office having become Presidential.

Charles F. Young, to be postmaster at Columbia, Lancaster County, Pennsylvania, *vice* Henry Mullens, commission expired.

Herndon C. Travers, to be postmaster at Rockdale, Milan County, Texas, *vice* Herndon C. Travers, whose commission expires April 14, 1886.

Samuel Chamberlain, to be postmaster at Waupun, Fondu Lac County, Wisconsin, *vice* John H. Brinkerhoff, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, March 31, 1886.

POSTMASTERS.

Mattie K. Chisman, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia.

John N. Shepherd, to be postmaster at Berryville, in the county of Clarke and State of Virginia.

Executive nomination confirmed by the Senate April 5, 1886.

COMPTROLLER OF THE CURRENCY.

William L. Trenholm, of South Carolina, now a Civil Service Commissioner, to be Comptroller of the Currency.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 5, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

EXPLANATION.

Mr. LONG. Mr. Speaker, I wish to state that my colleague, Mr. RICE, who was called home by a death in his family, supposed that he was paired upon the labor-arbitration bill, and desired me to say that if present he would have voted "ay" on the passage of that bill.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and joint resolutions.

WEIL & MOORE.

Mr. HERBERT introduced a bill (H. R. 7482) for the relief of Weil & Moore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. W. SCREWS.

Mr. HERBERT also introduced a bill (H. R. 7483) for the relief of W. W. Screws; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALGERNON M. COOK.

Mr. HERBERT also introduced a bill (H. R. 7484) for the relief of Algernon M. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. KIRK.

Mr. WHEELER introduced a bill (H. R. 7485) to grant a pension to James M. Kirk; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JURISDICTION COURT OF CLAIMS, ETC.

Mr. WHEELER also introduced a bill (H. R. 7486) to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster stores and for subsistence supplies furnished to the Army of the United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY E. REED.

Mr. WHEELER also introduced a bill (H. R. 7487) for the relief of Mary E. Reed; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. DULEY.

Mr. WHEELER also introduced a bill (H. R. 7488) granting a pension to Capt. William J. Duley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH L. MASSIE.

Mr. WHEELER also introduced a bill (H. R. 7489) granting a pension to Sarah L. Massie; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MILTON WILLIAMS.

Mr. WHEELER (by request) also introduced a bill (H. R. 7490) for the relief of Milton Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. T. H. FORMAN.

Mr. PEEL (by request) introduced a bill (H. R. 7491) for the relief of W. T. H. Forman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB LAVENDER.

Mr. McRAE introduced a bill (H. R. 7492) for the relief of the estate of Jacob Lavender; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH BEAN.

Mr. McRAE also introduced a bill (H. R. 7493) for the relief of Joseph Bean, of Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY, PENSACOLA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 7494) making an appropriation for the construction of a macadamized road to the national cemetery near Pensacola, Fla.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET A. M'CORMICK.

Mr. PAYSON (by request) introduced a bill (H. R. 7495) for the relief of Margaret A. McCormick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSISTANT ENGINEERS UNITED STATES NAVY.

Mr. KLEINER introduced a joint resolution (H. Res. 150) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ROBERT E. M'CONNELL.

Mr. KLEINER also introduced a bill (H. R. 7496) granting a pension to Robert E. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM JENKINS.

Mr. KLEINER also introduced a bill (H. R. 7497) for the relief of William Jenkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES PLATZ.

Mr. FORD introduced a bill (H. R. 7498) granting a pension to Charles Platz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN W. WEST.

Mr. FULLER (by request) introduced a bill (H. R. 7499) for the relief of the heirs of John W. West, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANNIVERSARY CELEBRATION IN 1889 AND 1892.

Mr. BUTTERWORTH (by Mr. RYAN) submitted the following concurrent resolution; which was read, and referred to the Committee on Rules.

Resolved by the House of Representatives (the Senate concurring), That a joint select committee of five on the part of the House of Representatives, and three on the part of the Senate, be appointed to consider the subject of a celebration in 1889 at Washington of the centennial anniversary of the formation of the Government under the Constitution of the United States, and also of the four hundredth anniversary of the discovery of America in 1892, and to report what, if any, action by Congress is advisable in relation thereto.

LAURA A. WATSON.

Mr. RYAN introduced a bill (H. R. 7500) granting a pension to Laura A. Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 604 REVISED STATUTES.

Mr. MORRILL introduced a bill (H. R. 7501) to amend section 604 of the Revised Statutes, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORT OF ENTRY AND DELIVERY AT ATCHISON, KANS.

Mr. MORRILL also introduced a bill (H. R. 7502) to establish a port of entry and delivery at Atchison, Kans.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES E. SCOTT.

Mr. PETERS introduced a bill (H. R. 7503) granting a pension to Charles E. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LARKIN DELPH.

Mr. TAULBEE introduced a bill (H. R. 7504) granting a pension to Larkin Delph; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JOHN R. HALL.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 7505) for the relief of Dr. John R. Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NICOLAS LEVEMBER.

Mr. GAY (by request) introduced a bill (H. R. 7506) for payment of pension-money to Nicolas Levember; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. HOGAR.

Mr. DINGLEY introduced a bill (H. R. 7507) for the relief of James M. Hogar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CANADIAN FISHING REGULATIONS.

Mr. DINGLEY also submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas the minister of marine of the Dominion of Canada has issued a proclamation directing the enforcement of an act of the Dominion Parliament which prohibits any fishing vessel of the United States from entering any dominion harbor except for the purpose of shelter, repairing damages, and purchasing wood and obtaining water; and

Whereas press dispatches announce that, under this proclamation, dominion officers have denied to fishing vessels of the United States the right to enter ports of entry in said dominion for the purpose of purchasing supplies or landing fish caught in deep water for shipment in bond to the United States or doing other acts which Canadian and other British vessels are freely permitted to do in ports of the United States; and

Whereas these acts of the authorities of the Dominion of Canada are in contravention of the principles which regulate the intercourse of friendly civilized nations and in direct conflict with a legislative arrangement between the Governments of the United States and Great Britain which went into effect the 1st day of January, 1850, by which Great Britain, in view of similar privileges conditionally conceded to her vessels by the United States, placed the vessels of the United States on the same footing in British ports, including British colonies, as that on which British vessels are placed in the ports of the United States, the coasting trade only excepted: Therefore,

Resolved, That the President be requested to furnish the House, if compatible with the public interests, with any information in his possession relative to the exclusion of American fishing vessels from the ports of entry of the dominion of Canada for the purpose of trading, purchasing supplies, or landing fish caught in deep water for shipment in bond to the United States, or doing other acts which Canadian and other British vessels are freely permitted to do in ports of the United States; and also to inform the House what steps have been taken or are proposed to bring such unwarrantable and unfriendly acts of the dominion authorities to the attention of the British Government.

RIGHT OF WAY AT ANNAPOLIS.

Mr. COLE introduced a bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CECILIA C. M'KENNA.

Mr. COLE also introduced a bill (H. R. 7509) granting a pension to Cecilia C. McKenna; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FOARD.

Mr. SHAW introduced a bill (H. R. 7510) granting a pension to William Foard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET LUCY.

Mr. HAYDEN introduced a bill (H. R. 7511) granting a pension to Margaret Lucy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE G. BODFISH.

Mr. DAVIS introduced a bill (H. R. 7512) granting a pension to Catharine G. Bodfish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATHARINE NICKERT.

Mr. FISHER introduced a bill (H. R. 7513) granting a pension to Katharine Nickert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY HALE.

Mr. O'DONNELL introduced a bill (H. R. 7514) granting a pension to Lucy Hale, daughter of a soldier of the Revolutionary army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISRAEL C. WELLS.

Mr. O'DONNELL also introduced a bill (H. R. 7515) granting a pension to Israel C. Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERRY CHILDS.

Mr. STRAIT introduced a bill (H. R. 7516) for the relief of Perry Childs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WARREN L. RICE.

Mr. STRAIT also introduced a bill (H. R. 7517) for the relief of Warren L. Rice, late private Company F, Sixth Michigan Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. PERKINS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7518) for the relief of George A. Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC N. HAWKINS.

Mr. GILFILLAN introduced a bill (H. R. 7519) to increase the pension of Isaac N. Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. PERKINS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7518) for the relief of George A. Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

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PROPOSED FORFEITURE OF LAND GRANTS.

Mr. VAN EATON offered resolutions instructing the Committee on the Judiciary to examine certain questions of law in reference to proposed forfeiture of land grants; which were referred to the Committee on the Judiciary.

H CHATTIN.

Mr. HATCH introduced a bill (H. R. 7520) for the relief of H. Chattin, and asked unanimous consent that it be referred to the Committee on the Post-Office and Post-Roads.

Mr. BLOUNT objected; and the bill was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES D. COTTON.

Mr. HATCH also introduced a bill (H. R. 7521) granting a pension to James D. Cotton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE AT SAINT LOUIS, MO.

Mr. GLOVER introduced a bill (H. R. 7522) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF WILLIAM H. FINCH.

Mr. GLOVER also introduced a bill (H. R. 7523) for the relief of the heirs of William H. Finch; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STREETS AND AVENUES, WASHINGTON, D. C.

Mr. HEARD (by request) introduced a bill (H. R. 7524) to authorize the Commissioners of the District of Columbia to extend and widen certain streets and avenues of the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALVIN A. AYERS.

Mr. HEARD also introduced a bill (H. R. 7525) for the relief of Alvin A. Ayers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CAMERON.

Mr. HEARD also introduced a bill (H. R. 7526) granting an increase of pension to Thomas Cameron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON STERNES.

Mr. HEARD also introduced a bill (H. R. 7527) granting a pension to Aaron Sternes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASHFORD A. STONE.

Mr. HALE introduced a bill (H. R. 7528) granting a pension to Ashford A. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK C. CONRADS.

Mr. HALE also introduced a bill (H. R. 7529) granting a pension to Frederick C. Conrads; which was read a first and second time, referred to the Committe on Invalid Pensions, and ordered to be printed.

JAMES F. WILLHIDE.

Mr. WARNER, of Missouri, introduced a bill (H. R. 7530) granting a pension to James F. Willhide; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK BACKOF.

Mr. WARNER, of Missouri (by request), also introduced a bill (H. R. 7531) for the relief of Frank Backof; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB BRENNINGER.

Mr. BURNES introduced a bill (H. R. 7532) granting a pension to Jacob Brenninger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HULDA HINER.

Mr. BURNES also introduced a bill (H. R. 7533) granting a pension to Hulda Hiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. CUSHING.

Mr. BURNES also introduced a bill (H. R. 7534) granting a pension to Mary B. Cushing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FURLONG.

Mr. BURNES also introduced a bill (H. R. 7535) for the relief of John Furlong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF FREE-DELIVERY SYSTEM.

Mr. DOCKERY introduced a bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAMES PACE.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 7537) for the relief of James Pace; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHERINE HOFFERMAN.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 7538) granting a pension to Catherine Hofferman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ALBRECHT.

Mr. DORSEY introduced a bill (H. R. 7539) granting a pension to John Albrecht, late a private Fourth Battery, New Jersey Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN SWEET.

Mr. DORSEY also introduced a bill (H. R. 7540) to increase the pension of Franklin Sweet, late a captain Company E, Sixty-second Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF LIVE STOCK.

Mr. DORSEY also introduced the following resolution; which was referred to the Committee on Commerce:

Whereas it is charged that the present system of transporting live stock by railroad companies engaged in interstate commerce is barbarous and destructive, that 10 per cent. of the animals perish in consequence of this treatment, and the flesh of the remainder is rendered unfit for human food; and

Whereas it is charged that the flesh of animals so treated, including that of the dead and dying, is sold to the people, and can not, when dressed, be distinguished from sound meats, and is the source of many and various diseases; and

Whereas it appears by the report of the Committee on Agriculture of this House, January 1, 1875, that the loss by shrinkage alone in the weight of animals, caused by this system of transportation, amounted to the immense sum of $8,000,000 on the business of 1870, and must now be nearly or quite $16,000,000 per annum; and

Whereas it has been charged that said railroad companies, by a system of favoritism, give to a small number of persons, known as the Association of Eveners, a bonus or gift of about $15 upon every car-load of beef-cattle shipped from West to East, said sum being no part of the actual legitimate cost of transportation, but is, on the contrary, collected by the transporters and paid over to the so-called eveners as a mere gratuity; and

Whereas the losses and charges alone constitute in the aggregate an enormous tax upon a necessary article of food, which must be borne by the producer and consumer alike, diminishing the just profits of the meat-growers in the West, and placing meat-food in many instances beyond the reach of the poor man in the East; and

Whereas it is charged that the act of Congress requiring railroad companies to unload stock *in transitu* at least once in every twenty-eight hours to be fed, watered, and rested, unless carried in cars in which the animals are adequately fed, watered, and rested without unloading, is habitually violated: Therefore,

Resolved, That the Committee on Commerce be instructed to inquire whether these evils do in fact exist, and to what extent they may be remedied by law, with power to send for persons and papers, and with direction to report at any time, by bill or otherwise.

BRIDGET RYAN.

Mr. DORSEY also introduced a bill (H. R. 7541) granting a pension to Bridget Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES PURINGTON.

Mr. GALLINGER (by request) introduced a bill (H. R. 7542) for the relief of Charles D. Purington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABRAM BROWN.

Mr. PHELPS introduced a bill (H. R. 7543) granting an increase of pension to Abram Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMEND SECTION 3893 REVISED STATUTES.

Mr. MERRIMAN (by Mr. BEACH) introduced a bill (H. R. 7544) to amend section 3893 of the Revised Statutes of the United States rela-

tive to the transmission of obscene matter through the mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMENDMENT OF RULES.

Mr. BEACH introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That during the remainder of this session the morning hour for making reports by committees shall be dispensed with, except on Mondays and Thursdays of each week, and in its stead the Speaker shall call the States in alphabetical order; upon which call each State, when called, shall be entitled for the period of one hour to call up for consideration such bills or resolutions affecting such State, or any section thereof, as the delegation from such State may determine: *Provided*, That no bill or resolution shall be designated which shall not have received the unanimous sanction of a committee of this House: *And provided further*, That all debate upon any one bill or resolution shall be confined to ten minutes, the time to be equally divided among those favoring and those opposing the measure.

PROTESTS OR APPEALS OF IMPORTERS, ETC.

Mr. BELMONT introduced the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means be directed to prepare and report to this House a bill to provide for the creation of a board of experts, consisting of three persons to be appointed by the President, on the advice and consent of the Senate, two of whom shall be merchants who have had experience in the importation of merchandise, and one of whom shall be skilled in the practice of law in the courts and learned in the law, who shall have their offices in the Treasury Department, with an appropriate annual salary for each, and to whom shall be referred by the Secretary of the Treasury all questions arising on protests or appeals made by importers against the liquidation of entries, of the levy of duties or fees, and no decision of any question thus arising and presented to the Treasury Department shall be made by the Secretary of the Treasury till a report from those officers, or a majority of them, shall have been received by him. The Secretary of the Treasury shall also be authorized to refer to those officers, and require their opinion on any other question or matter concerning the customs revenue, and shall be authorized to require them to visit any of the collection districts; but the said bill shall not impair the existing power and duty of the head of the Treasury Department to supervise all officers of the customs revenue and prescribe regulations for their conduct and the collection of duties.

And that the Committee on Ways and Means be also required to prepare and report to this House a bill to create for the port of New York a reappraising board, as recommended by Secretary Manning in his special report to Congress of February 16, 1886 (page xli), which board shall consist of three general appraisers for the reappraisement of the value of merchandise at that port.

LEGATION BUILDINGS IN CHINA, JAPAN, ETC.

Mr. BELMONT also introduced a joint resolution (H. R. 151) authorizing the President to purchase grounds and erect buildings thereon at Peking, China, for the legation of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BELMONT also introduced a joint resolution (H. R. 152) authorizing the President to accept the gift of the Government of Japan of grounds at Tokio, Japan, and to erect thereon buildings for the legation of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BELMONT also introduced a joint resolution (H. R. 153) authorizing the President to purchase building and grounds at Seoul, Corea, for the legation of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BELMONT also introduced a joint resolution (H. R. 154) authorizing the President to accept the gift of the King of Siam of buildings and grounds at Bangkok, Siam, and to repair and improve the same, for the legation of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CELIA L. JENNINGS.

Mr. MILLARD introduced a bill (H. R. 7545) granting a pension to Celia L. Jennings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST NO. 343, GRAND ARMY OF THE REPUBLIC, NEW YORK.

Mr. SAWYER introduced a bill (H. R. 7546) granting condemned cannon and cannon-balls to Post No. 343 of the Grand Army of the Republic of the city of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIVINGSTON CLARK.

Mr. SAWYER also introduced a bill (H. R. 7547) granting a pension to Livingston Clark, of Company G, Twenty-first New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELEANOR H. RICHARDSON.

Mr. SWINBURNE introduced a bill (H. R. 7548) for the relief of Eleanor H. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIORATION OF INTERNAL-REVENUE SYSTEM.

Mr. HENDERSON, of North Corolina, introduced a bill (H. R. 7549) to ameliorate the harshness of some of the worst features of the internal-revenue system of legislation, and for other purposes; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Ways and Means.

Mr. HENDERSON, of North Carolina. I wish the bill to be referred to the Committee on the Judiciary.

The SPEAKER. Does it affect the internal-revenue system?

Mr. HENDERSON, of North Carolina. It does not.

The SPEAKER. It simply affects judicial proceedings?

Mr. HENDERSON, of North Carolina. That is all.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

REDUCTION OF LETTER-POSTAGE, ETC.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 7550) to reduce letter-postage from 2 cents to 1½ cents, and the price of postal cards from 1 cent to one-half cent each; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ANDERSON W. YOUNG.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 7551) granting a pension to Anderson W. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEGED HOMICIDES, CARROLLTON, MISS.

Mr. O'HARA submitted resolutions asking for a committee of investigation of the alleged homicides at Carrollton, Miss.; which was referred to the Committee on Rules.

EMALINE HARRIS.

Mr. GEDDES introduced a bill (H. R. 7552) granting a pension to Emaline Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE REED.

Mr. GEDDES also introduced a bill (H. R. 7553) granting a pension to Mrs. Catherine Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STABILITY OF PAPER CURRENCY.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7554) to better secure the stability of paper currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DAVID BROWN.

Mr. ELLSBERRY introduced a bill (H. R. 7555) granting a pension to David Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE GANTS.

Mr. ELLSBERRY also introduced a bill (H. R. 7556) granting a pension to George Gants; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF WILLIAM T. MATLOCK.

Mr. HERMAN introduced a bill (H. R. 7557) for the relief of the heirs of William T. Matlock, late receiver of public moneys at Oregon City, Oreg.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SHIP-CANAL TO LAKE ERIE.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 7558) authorizing survey of ship-canal from Franklin, Pa., on the Allegheny River, to Lake Erie, Pennsylvania; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

AGNES ALLISON.

Mr. BRUMM introduced a bill (H. R. 7559) to increase the pension of Agnes Allison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. BLANCHE WENDEL WOODWARD.

Mr. O'NEILL, of Pennsylvania. I submit a joint resolution, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, &c., That $5,000 be, and the same is hereby, appropriated and paid, out of any moneys in the Treasury not otherwise appropriated, to Mrs. Blanche Wendel Woodward, widow of Surg. Joseph J. Woodward, late a major and brevet lieutenant-colonel of United States Army, as an assistant to the Surgeon-General, compensation for his services as medical and surgical attendant to the late President James A. Garfield during the period of his illness.

Mr. O'NEILL, of Pennsylvania. I ask to have that joint resolution referred to the Committee on Appropriations with jurisdiction to include it in the sundry civil appropriation bill.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). Under the rules the joint resolution will go to the Committee on Claims.

Mr. O'NEILL, of Pennsylvania. But I ask, by unanimous consent, that the joint resolution be referred to the Committee on Appropriations.

Mr. SPRINGER and others. Let the resolution be read.

The resolution was again read.

Mr. O'NEILL, of Pennsylvania. I ask, by unanimous consent, that the resolution be referred to the Committee on Appropriations with leave to incorporate the appropriation in the sundry civil appropriation bill.

The SPEAKER *pro tempore*. Unanimous consent could not be given to change the rules of the House.

Mr. O'NEILL, of Pennsylvania. I can move to refer it to the committee.

The SPEAKER *pro tempore*. Certainly; but not with leave to change the rules of the House. The joint resolution goes to the Committee on Claims.

Mr. O'NEILL, of Pennsylvania. I then withdraw the resolution.

JACOB MINNICH.

Mr. ERMENTROUT introduced a bill (H. R. 7560) for the relief of Jacob Minnich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID DONEBERGER.

Mr. BOUND (by request) introduced a bill (H. R. 7561) granting a pension to David Doneberger, late of Company E, Seventeenth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES J. WYATT.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 7562) for the relief of James J. Wyatt, Company C, Thirty-first Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, OIL CITY, PA.

Mr. SCOTT introduced a bill (H. R. 7563) to provide for the erection of a public building at Oil City, in the State of Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURTS, SOUTH CAROLINA.

Mr. DIBBLE introduced a bill (H. R. 7564) relating to the district courts of the eastern and western districts of the district of South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT D. ALEXANDER.

Mr. HEMPHILL introduced a bill (H. R. 7565) for the relief of Robert D. Alexander, of South Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM SHANNON.

Mr. DIBBLE (by request) introduced a bill (H. R. 7566) for the relief of William Shannon, of Elizabeth City, N. C.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DENVER AND NEW ORLEANS RAILROAD.

Mr. REAGAN submitted the following resolution; which was read, and referred to the Committee on Railways and Canals:

Resolved, That the Secretary of the Interior be requested to furnish to the House of Representatives copies of the correspondence and documents submitted to the Railroad Commissioner by the president of the late Denver and New Orleans road, the Denver, Texas and Gulf Railroad Company, as described in his letter to the Commissioner of Railroads of February 25, 1886, relating to the discriminations against the Denver and New Orleans Railroad by railroads, to which the United States has granted land.

WILLIAM C. HERRIDGE.

Mr. SAYERS (by request) introduced a bill (H. R. 7567) granting a pension to William C. Herridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA COLBURN.

Mr. GROUT introduced a bill (H. R. 7568) granting a pension to Ira Colburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIEDMONT RAILROAD COMPANY.

Mr. CABELL introduced a bill (H. R. 7569) to authorize the Court of Claims to take jurisdiction of and adjudge the claim of the Piedmont Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY B. KIRBY.

Mr. CABELL also (by request) introduced a bill (H. R. 7570) for the relief of Mary B. Kirby; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES W. BLAIR.

Mr. O'FERRALL introduced a bill (H. R. 7571) granting a pension to James W. Blair, late of Company B, Second Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MINOR HOXEY.

Mr. O'FERRALL also introduced a bill (H. R. 7572) increasing the pension of Mary Minor Hoxie, widow of Bvt. Maj. Benjamin W. Hoxey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MIRANNA JENNINGS.

Mr. PETTIBONE introduced a bill (H. R. 7573) for the relief of the legal heirs of Miranna Jennings; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. W. LOWE.

Mr. PETTIBONE also introduced a bill (H. R. 7574) for the relief of L. W. Lowe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. W. GREEN.

Mr. DAWSON introduced a bill (H. R. 7575) for the relief of W. W. Green; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. RANDALL.

Mr. DAWSON also introduced a bill (H. R. 7576) granting a pension to John A. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. DALE.

Mr. DAWSON also introduced a bill (H. R. 7577) for the relief of John M. Dale; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. CATHARINE ODLAM.

Mr. BRAGG introduced a bill (H. R. 7578) for the relief of Mrs. Catharine Odlam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUNISHMENT OF MINOR OFFENSES, UNITED STATES ARMY.

Mr. BRAGG also introduced a bill (H. R. 7579) authorizing the summary punishment of enlisted men in the Army of the United States for minor offenses heretofore cognizable by garrison courts-martial; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDGE-ADVOCATES.

Mr. BRAGG also introduced a bill (H. R. 7580) regulating the practice of judge-advocates before courts-martial of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BRAGG also submitted a resolution setting apart May 4 and 5 for consideration of general bills reported from the Committee on Military Affairs; which was referred to the Committee on Military Affairs.

SYDNEY B. FULLER.

Mr. CASWELL (by Mr. LA FOLLETTE) introduced a bill (H. R. 7581) granting a pension to Sydney B. Fuller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBINO ORTEGA.

Mr. JOSEPH introduced a bill (H. R. 7582) for the relief of Albino Ortega; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCISCO VIGIL.

Mr. JOSEPH also introduced a bill (H. R. 7583) for the relief of Francisco Vigil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TOMAS C. DE BACO.

Mr. JOSEPH also introduced a bill (H. R. 7584) for the relief of Tomas C. de Baco; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAXWELL LAND GRANT, NEW MEXICO.

Mr. JOSEPH also submitted the following resolution; which was read, and referred to the Committee on Rules:

Whereas because of the final action of the Land Department the entire Maxwell grant tract in New Mexico was in 1874 thrown open to pre-emption settlement as public land; and

Whereas this final action of the Land Department has not been annulled by any direct proceeding for that purpose, but has simply been defied and overridden to the injury of the United States and the private and vested rights of the pre-emption claimants to the public lands; and

Whereas the settlers are now being evicted by the Maxwell Land Grant Company in defiance of said final and valid action of the Land Department requiring the entire Maxwell grant tract to be treated as public land: Therefore,

Be it resolved, That a committee of five members be appointed by the Speaker to investigate the grievances of the settlers with a view to immediate relief by bill or otherwise; and that said committee shall have power to subpœna witnesses, administer oaths, and do all other acts necessary to a full investigation of the subject-matter; and that the expenses of the committee shall be paid from the contingent fund of the House, not to exceed —— dollars.

TAXATION IN THE DISTRICT.

Mr. VOORHEES introduced a bill (H. R. 7585) relating to taxation in the District of Columbia; which was read a first and second time,

referred to the Committee on the District of Columbia, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. VOORHEES also submitted a resolution directing the Secretary of the Interior to demand from the Northern Pacific Railroad Company a statement of the facts in connection with certain alleged violations of the law by said company; which was referred to the Committee on Pacific Railroads.

SCHOOL LANDS IN WYOMING.

Mr. CAREY (by Mr. LYMAN) introduced a bill (H. R. 7586) to authorize the leasing of the school lands of the Territory of Wyoming for the support of public schools; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PLATTE LAND DISTRICT, WYOMING.

Mr. CAREY (by Mr. LYMAN) also introduced a bill (H. R. 7587) to establish the Platte land district, in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILWAYS IN WYOMING.

Mr. CAREY (by Mr. LYMAN) also introduced a bill (H. R. 7588) relating to certain railways in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

MRS. JUDITH DIEG.

Mr. WILLIS introduced a bill (H. R. 7589) granting a pension to Mrs. Judith Dieg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 2133 REVISED STATUTES.

Mr. WELLBORN introduced a bill (H. R. 7590) to amend section 2133 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY H. NOONAN.

Mr. MCADOO introduced a bill (H. R. 7591) for the relief of Mary H. Noonan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHESAPEAKE BANK.

Mr. FINDLAY introduced a bill (H. R. 7592) for the relief of the Chesapeake Bank, of Baltimore, Md.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WALTER SORRELL.

Mr. FINDLAY also introduced a bill (H. R. 7593) for the relief of Walter Sorrell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD T. BRYAN.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 7594) for the relief of Richard T. Bryan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPREME COURT OF DISTRICT.

Mr. HEMPHILL introduced a bill (H. R. 7595) to provide for the appointment of an additional associate justice of the supreme court of the District of Columbia and for an additional term of the circuit court of said supreme court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FOREIGN EXECUTORS IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request) also introduced a bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PATRICK F. O'KANE.

Mr. ROGERS (by request) introduced a bill (H. R. 7597) for the relief of Patrick F. O'Kane; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CYRENIUS W. SMITH.

Mr. ROGERS (by request) also introduced a bill (H. R. 7598) granting a pension to Cyrenius W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER GREENFIELD.

Mr. ROGERS (by request) also introduced a bill (H. R. 7599) granting a pension to Peter Greenfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT AUGUSTINE AND LAZARETTO CREEKS.

Mr. NORWOOD introduced a bill (H. R. 7600) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADOLPHUS M. COHEN.

Mr. NORWOOD also introduced a bill (H. R. 7601) for the relief of Adolphus M. Cohen, of the city of Savannah, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM DUFOUR.

Mr. HOLMES introduced a bill (H. R. 7602) for the relief of the personal representative of William Dufour, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL T. THOMSON.

Mr. SYMES introduced a bill (H. R. 7603) for the relief of Samuel T. Thomson, his heirs or legal representatives; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE BAGGS.

Mr. SYMES also introduced a bill (H. R. 7604) for the relief of George Baggs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. MURRAY.

Mr. SYMES also introduced a bill (H. R. 7605) for the relief of John W. Murray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SYLVESTER JOHNSON.

Mr. SYMES also introduced a bill (H. R. 7606) for the relief of Sylvester Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. P. ALEXANDER.

Mr. SYMES also introduced a bill (H. R. 7607) for the relief of W. P. Alexander; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. AKINS AND JACOB D. FELTHOUSEN.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 7608) for the relief of William H. Akins and Jacob D. Felthousen; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JENNISON MYERS.

Mr. WADSWORTH (by request) introduced a bill (H. R. 7609) for the relief of Jennison Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. DUNCAN.

Mr. WADSWORTH (by request) also introduced a bill (H. R. 7610) for the relief of James H. Duncan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC LANDS FOR HONORABLY DISCHARGED SOLDIERS.

Mr. STEELE introduced a bill (H. R. 7611) providing for the sale of public lands to honorably discharged soldiers under certain conditions; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN STUCKEY.

Mr. PERKINS introduced a bill (H. R. 7612) granting a pension to John Stuckey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. A. SEARS.

Mr. PERKINS also introduced a bill (H. R. 7613) for the relief of F. A. Sears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEZEKIAH TILLMAN.

Mr. PERKINS also introduced a bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. L. ROCKWELL.

Mr. PERKINS also introduced a bill (H. R. 7615) for the relief of F. L. Rockwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. D. HAVELY.

Mr. PERKINS also introduced a bill (H. R. 7616) for the relief of W. D. Havely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON J. GRISSOM.

Mr. PERKINS also introduced a bill (H. R. 7617) granting a pen-

sion to Solomon J. Grissom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RE-EXPORTATION OF IMPORTED BOTTLES, ETC.

Mr. FELTON introduced a bill (H. R. 7618) for the allowance of drawbacks on the re-exportation of imported bottles, corks, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN P. CLUM.

Mr. BEAN introduced a bill (H. R. 7619) for the relief of John P. Clum, late postmaster at Tombstone, Ariz.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABEL MARSHALL.

Mr. WHITING introduced a bill (H. R. 7620) for the relief of Abel Marshall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL TRADES UNIONS.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 7621) to legalize the incorporation of national trades unions; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JOHN F. CADWALLADER.

Mr. SPRINGER introduced a bill (H. R. 7622) for the relief of John F. Cadwallader; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAFETY OF PASSENGER STEAMERS.

Mr. LAWLER introduced a bill (H. R. 7623) to increase the safety of passenger steamers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INSANE ASYLUM IN UTAH.

Mr. CAINE introduced a bill (H. R. 7624) to convey to the Territory of Utah, for the use of the Territorial insane asylum, certain lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. CAINE also introduced a memorial of the Legislative Assembly of the Territory of Utah, asking that certain lands be granted to said Territory for the use and benefit of the Territorial insane asylum; which was referred to the Committee on the Public Lands, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. DUNHAM. Mr. Speaker, I was compelled to be absent from the House last week in consequence of the sickness of a business partner. Had I been present on Saturday last, I should have voted for the passage of the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

BUSINESS OF COMMITTEE ON JUDICIARY.

Mr. TUCKER submitted a resolution; which was read, as follows:

Resolved, That Saturday, April 24, after the reading of the Journal, be set apart for the consideration of such business as may be presented or indicated by the Committee on the Judiciary; this order not to interfere with the consideration of general appropriation and revenue bills.

Mr. TUCKER. I ask the immediate consideration of this resolution.

Mr. HOLMAN. I hope the gentleman will indicate what bills it is proposed to consider under this order.

Mr. TUCKER. I can not indicate all. If the gentleman wishes to be informed whether any particular bill will be brought up I will try to answer him.

Mr. HOLMAN. Will the salary bill?

Mr. TUCKER. No, sir.

Mr. HOLMAN. Or the bankruptcy bill?

Mr. TUCKER. No, sir.

Mr. HOLMAN. I would prefer that the resolution should except business of the Committee on Public Lands.

Mr. TUCKER. We only ask one day.

There being no objection, the House proceeded to the consideration of the resolution; which was adopted.

AMENDMENT OF RULES.

Mr. MORRISON, from the Committee on Rules, submitted a report; which was read, as follows:

The Committee on Rules, to which was referred sundry proposed amendments to the rules and orders of business, having had the same under consideration, report: First, the committee reports with an amendment in the nature of a substitute the following resolution, submitted by Mr. BALFOUR, namely:

"*Resolved*, That the second Monday of each calendar month hereafter during the continuance of the Forty-ninth Congress, after the call of States and Territories for bills and joint resolutions, be, and the same hereby is, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia."

The Committee on the District of Columbia, on the 8th day of May, 1864, was assigned the third Monday of each month from 2 o'clock for the consideration of its business, and was omitted in the call of committees for reports. That provision was stricken out in the revision of the rules in the second session Forty-sixth Congress, but was practically restored in the following session. In the Forty-seventh and Forty-eighth Congresses, toward the close of the long sessions, the committee was given two days in each month.

The Committee on Rules is of opinion that the District Committee should have a day assigned it, and accordingly report the resolution with the following amendment, namely:

Add as clause 3, Rule XXVI, the following, namely:

"The second Monday of each month, after the call of States and Territories until the adjournment of that day, shall, when claimed by the Committee on the District of Columbia, be devoted exclusively to the consideration of such business as may be presented by said committee."

Second. The committee recommend that clause 6 of Rule XXIII be amended by inserting the following after the word "only," in line 5, namely, "which motion shall be decided without debate."

There is no rule of the House prohibiting debate on a motion to close debate in Committee of the Whole, and although it is not usual to debate such a motion in the House, the right apparently exists, which the committee are of opinion is somewhat inconsistent with the purpose of the motion.

Third. The committee recommend the repeal of clauses 4 and 6 of Rule XXI.

The first-named clause was adopted on the 15th of September, 1837, and was as follows:

"No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House."

As reported by the Committee on Rules the following words were contained in the last paragraph, namely:

"Nor by any proposition containing the substance, in whole or part, of any other bill or resolutions pending before the House."

These words were stricken out by a large majority, thus making it in order to incorporate by way of amendment the substance of any other bill or resolution pending before the House. The rule and practice so remained until the second session of the Forty-sixth Congress, when it was changed to its present form.

The committee are of opinion that the rule subserves no useful purpose, but, on the contrary, prevents the consideration of carefully matured and prepared propositions by way of amendment. The rule as it now stands is calculated to discourage and prevent the careful formulation of legislative propositions by members, and in the judgment of the committee should be repealed in the interest of good legislation.

The repeal of clause 6 is recommended for the reason that since its adoption nineteen general appropriation bills have passed the House without a single negative vote and twenty-three bills with less than ten negative votes. The constitutional provision that the yeas and nays shall be entered on the Journal on the demand of one-fifth of the members present is, in the opinion of the committee, all that is requisite on the subject, as there seems to be no good reason why the bills named should be voted on in any other manner than other bills appropriating money.

Mr. MORRISON. The short statement made by way of explanation in the report explanatory of the several changes proposed to be made in the rules is, I think, sufficient to indicate to the House what changes are intended and what their effect will be. The amendments are four in number. One gives the District Committee a day for District legislation. Another cuts off debate on a motion to close debate. Another, or third, allows the substance of a pending, may be a better, bill to be offered as an amendment. And a fourth repeals the rule requiring the yeas and nays on appropriation bills, unless demanded by the constitutional one-fifth.

Mr. RANDALL. I suggest that these several propositions be taken up and considered separately.

Mr. BURROWS. From the hurried reading of this report there appeared to be a great many amendments proposed. I suggest whether it would not be well to have the report printed and allow it to lie over for one day, so that members may examine it. I have no doubt it is all right; but I would like very much to see it in print.

Mr. REED, of Maine. I do not think the gentleman will have any difficulty in understanding the report of the committee. If he insists upon it, he can have it laid over for a day.

Mr. BURROWS. I should like very much to see it in print.

Mr. MORRISON. The changes proposed are simple, contained in a few words, and easily understood. The gentleman from Michigan will have no difficulty in understanding them once they receive his attention.

Mr. REED, of Maine. Let the Clerk again read the report, and then perhaps the gentleman from Michigan will not want it to be laid over. When it is again read he may see no objection to it at all.

The report was again read.

Mr. HENLEY. Mr. Speaker, does the present consideration of this require unanimous consent?

The SPEAKER. If the point of order is made that it shall lie over for one day, the Chair will be compelled to recognize it.

Mr. HENLEY. Then I make that point of order, that this report lie over one day for consideration.

Mr. ADAMS, of Illinois. I ask also that the report be printed.

There was no objection, and it was ordered accordingly.

CHARLES BUSS.

Mr. BRAGG, by unanimous consent (for his colleague, Mr. VAN SCHAICK), introduced a bill (H. R. 7625) to remove the charge of desertion from the army record of Charles Buss; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUFFERERS BY OVERFLOW.

Mr. HERBERT introduced a joint resolution (H. Res. 155) for the relief of the sufferers by the overflow of the rivers in Alabama; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PENSIONS TO SOLDIERS AND SAILORS OF MEXICAN WAR.

The SPEAKER. When the House adjourned on the first Monday of last month a motion was pending to suspend the rules to pass the

bill (H. R. 807) granting pensions to soldiers and sailors of the Mexican war. When the House adjourned debate had been exhausted on this motion.

Mr. ELDREDGE. Mr. Speaker, I ask by unanimous consent to substitute for that bill (H. R. 807) the proposition introduced by myself, and known as bill 6482, which I ask to be read. When it is read I do not think there will be any objection to it on the other side of the House.

The SPEAKER. Perhaps the proposed substitute had better be read; after which the Chair will ask for objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval service of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coast or frontier thereof, or *en route* thereto, in the war with that nation, or were actually in a battle in said war, and were honorably discharged, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried.

SEC. 2. That pensions under section 1 of this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land warrant was improperly granted.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That it shall be unlawful for any attorney, claim agent, or any other person to demand or receive a fee greater than $10 for services rendered in behalf of a claimant under this act, which shall not be demanded or received until such claim is allowed; and any person violating the provisions of this section shall be subject to the provisions of section 5485 of the Revised Statutes of the United States.

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed, so far as the same relates to this act or to provisions under this act.

SEC. 7. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment of the Constitution of the United States.

Mr. RANDALL. I understood the Speaker to say that under the circumstances it required unanimous consent to introduce this substitute proposed by the gentleman from Michigan [Mr. ELDREDGE].

The SPEAKER. The Chairs thinks so, because the House has by a vote seconded the motion to suspend the rules and pass the other bill.

Mr. RANDALL. In substance this is a new bill, and I think in asking for unanimous consent there ought to be a request also for unanimous consent, this being a new proposition, that the rule allowing fifteen minutes for debate on each side should be applied to it. [Cries of "That is right!"] It is almost impossible to follow what would be the effect of such legislation as it is read from the desk.

The SPEAKER. The Chair thinks that the spirit of the rule of the House, allowing debate for fifteen minutes on each side, would require, when a new proposition is substituted for an old one, the same debate should be had. It is not the same bill the House heretofore debated.

Mr. RANDALL. My suggestion is in the direction of a proper understanding of the measure we are going to be called to vote upon.

Mr. ADAMS, of Illinois. I desire to know what the request before the House is.

The SPEAKER. The Chair will state it.

The gentleman from Michigan asks unanimous consent to substitute the bill which has just been read for the bill pending on a motion to suspend the rules.

Mr. ADAMS, of Illinois. What will be the effect of this substitution?

The SPEAKER. The Chair has just said that in his opinion the spirit of the rule would require the same privilege of debate would exist on this as on the other, for it is a new proposition.

Mr. ADAMS, of Illinois. I object, unless it simply effects a substitution with the same right of debate as on the previous bill.

Mr. SPRINGER. That, of course, would be the result.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BAYNE. I object.

Mr. ELDREDGE. Then I withdraw the substitute.

The SPEAKER. It is not before the House, objection having been made.

Mr. ELDREDGE. Then I ask unanimous consent to offer the amendment which I now send to the desk to be added to the pending bill.

Mr. BRECKINRIDGE, of Arkansas. I rise to a parliamentary inquiry. Is a motion in order to withdraw the original bill?

The SPEAKER. It would not be in order. It could only be done by unanimous consent, as the House has so far acted upon it as to second the motion by a vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River.

Also, that the Senate had passed without amendment a joint resolution (H. Res. 18) for the further distribution of the report of the Public Lands Commission.

Also, with amendments, in which concurrence was requested, a joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States.

The message also announced that the Senate had passed a resolution of the following title:

Concurrent resolution providing for the binding of the schedules of the second, third, fourth, and tenth censuses of the United States.

MEXICAN PENSION BILL.

Mr. ELDREDGE. Mr. Speaker, I now ask that the amendment I have sent up be read.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Michigan, after which the Chair will ask for objection.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Would it be in order to move to reconsider the vote seconding the previous question, and by that means put us back where we were when the motion was made calling for the previous question?

The SPEAKER. There was no demand made for the previous question. This is a motion to suspend the rules and pass the bill; and under the rules of the House all such motions must be seconded by a vote of a majority of the House. But under another rule of the House motions to reconsider a vote must be made on the same or succeeding day, so that it is now too late to enter a motion to reconsider.

Mr. RANDALL. I would like to make a suggestion to the gentleman from Michigan, that if he could be permitted to withdraw the pending proposition, which came from his committee on his motion or by the direction of the committee, this being a day for individual recognition for suspensions of the rules—if he could be recognized immediately thereafter by the Chair in his individual right, he could then present the substitute which has been already presented by him and read from the desk.

The SPEAKER. But the gentleman from Michigan has not asked permission to withdraw the bill.

Mr. WOLFORD. I object to its withdrawal. I want to vote upon it.

The SPEAKER. The Clerk will report the proposed amendment.

Mr. REED, of Maine. As we can have neither debate nor amendment, we may as well have the regular order.

Mr. HATCH. I desire to know if any gentleman rose in his place and addressed the Chair objecting to the proposition of the gentleman from Michigan?

The SPEAKER. Which proposition?

Mr. HATCH. To offer a substitute for the pending bill.

The SPEAKER. The gentleman from Pennsylvania on the left [Mr. BAYNE] rose in his seat and objected; and the gentleman from Maine [Mr. REED] now demands the regular order, which is equivalent to an objection to the proposed amendment.

The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. As the committee by offering this resolution has indicated its dissatisfaction with the former bill, could we not vote down that bill, and then under a recognition of the Chair get the new bill before the House for its action?

The SPEAKER. Of course the House can vote as it chooses on the bill. It was not offered, however, by a committee, but by the gentleman from Michigan [Mr. ELDREDGE] in his individual capacity as a Representative.

The question is on the motion to suspend the rules and pass the bill.

The question being taken, on a division there were—ayes 73, noes 45.

Mr. ELDREDGE and Mr. MCMILLIN demanded the yeas and nays.

The yeas and nays were ordered; there being 35 in the affirmative and 106 in opposition to the demand.

Mr. CUTCHEON. I ask that the bill be again read. It has been some time since it was read, when this motion was first submitted.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNE, of Indiana. If this is the bill which was read some weeks ago when this motion was first submitted, I object to its being read again.

Mr. HEMPHILL. I think the gentleman from Indiana is too late in making his objection.

The SPEAKER. The Chair is under the impression that the objection comes too late, having announced that there was no objection to the request of the gentleman from Michigan; and the Clerk will report the bill.

The bill was again read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, 1848 and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives.

SEC. 2. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall apper an applicant has received a land warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities.

The question was taken; and there were—yeas 156, nays 68, not voting 99; as follows:

YEAS—156.

Allen, C. H.	Eldredge,	Jones, J. H.	Ryan,
Anderson, C. M.	Ellsberry,	Jones, J. T.	Sadler,
Baker,	Farquhar,	King,	Sayers,
Ballentine,	Findlay,	Kleiner,	Seney,
Barbour,	Fisher,	Laird,	Seymour,
Barksdale,	Fleeger,	Landes,	Shaw,
Barnes,	Foran,	Lanham,	Singleton,
Barry,	Ford,	Lawler,	Skinner,
Beach,	Forney,	Le Fevre,	Smalls,
Bennett,	Fuller,	Lore,	Snyder,
Blanchard,	Funston,	Lovering,	Sowden,
Bland,	Gay,	Lowry,	Springer,
Bound,	Geddes,	Markham,	Stahlnecker,
Boyle,	Gibson, C. H.	Martin,	Stewart, Charles
Brady,	Glass,	Matson,	Stone, W. J., of Mo.
Breckinridge, C. R.	Glover,	McAdoo,	Storm,
Breckinridge, W. C. P.	Goff,	McCreary,	Swope,
Burnes,	Green, R. S.	McMillin,	Symes,
Bynum,	Green, W. J.	McRae,	Taulbee,
Campbell, J. E.	Hale,	Morrill,	Taylor, J. M.
Candler,	Hall,	Morrow,	Thompson,
Catchings,	Halsell,	Murphy,	Tucker,
Clardy,	Hatch,	Neal,	Viele,
Clements,	Hayden,	Neece,	Wade,
Cobb,	Heard,	Negley,	Wadsworth,
Cole,	Henderson, D. B.	Nelson,	Wakefield,
Conger,	Henderson, J. S.	O'Ferrall,	Ward, J. H.
Cooper,	Henley,	O'Hara,	Warner, William
Cowles,	Herbert,	O'Neill, J. J.	Weaver, A. J.
Cox,	Herman,	Owen,	Weaver, J. B.
Crain,	Hiestand,	Payson,	Wellborn,
Crisp,	Hill,	Peel,	Wheeler,
Croxton,	Holman,	Peters,	White, A. C.
Curtin,	Holmes,	Plumb,	White, Milo
Davidson, A. C.	Howard,	Randall,	Wilkins,
Davidson, R. H. M.	Hutton,	Reid, J. W.	Willis,
Dibble,	Irion,	Richardson,	Wilson,
Dockery,	Johnston, J. T.	Robertson,	Wolford,
Eden,	Johnston, T. D.	Rogers,	Worthington.

NAYS—68.

Adams, G. E.	Dunham,	James,	Reagan,
Arnot,	Ely,	La Follette,	Reed, T. B.
Bayne,	Everhart,	Long,	Romeis,
Blount,	Felton,	Lyman,	Scranton,
Boutelle,	Gallinger,	McComas,	Sessions,
Bragg,	Gilfillan,	McKinley,	Steele,
Browne, T. M.	Grout,	Millard,	Stephenson,
Brumm,	Guenther,	Norwood,	Stewart, J. W.
Buck,	Hammond,	O'Donnell,	Stone, E. F.
Bunnell,	Harris,	O'Neill, Charles	Swinburne,
Burleigh,	Haynes,	Osborne,	Taylor, E. B.
Cutcheon,	Hemphill,	Parker,	Thomas, O. B
Daniel,	Henderson, T. J.	Payne,	Tillman,
Davis,	Hewitt,	Perkins,	Turner,
Dawson,	Hiscock,	Perry,	Wait,
Dingley,	Hitt,	Phelps,	Warner, A. J.
Dorsey,	Hopkins,	Price,	Whiting.

NOT VOTING—99.

Adams, J. J.	Dargan,	Louttit,	Rowell,
Aiken,	Davenport,	Mahoney,	Sawyer,
Allen, J. M.	Dougherty,	Maybury,	Scott,
Anderson, J. A.	Dowdney,	McKenna,	Spooner,
Atkinson,	Dunn,	Merriman,	Spriggs,
Belmont,	Ermentrout,	Miller,	St. Martin,
Bingham,	Evans,	Milliken,	Stone, W. J., of Ky.
Bliss,	Frederick,	Mills,	Strait,
Brown, C. E.	Gibson, Eustace	Mitchell,	Struble,
Brown, W. W.	Grosvenor,	Moffatt,	Tarsney,
Buchanan,	Hanback,	Morgan,	Taylor, I. H.
Burrows,	Harmer,	Morrison,	Taylor, Zach.
Butterworth,	Hepburn,	Muller,	Thomas, J. R.
Cabell,	Hires,	Oates,	Throckmorton,
Caldwell,	Houk,	Outhwaite,	Townshend,
Campbell, Felix	Hudd,	Pettibone,	Trigg,
Campbell, J. M.	Jackson,	Pidcock,	Van Eaton,
Campbell, T. J.	Johnson, F. A.	Pindar,	Van Schaick,
Cannon,	Kelley,	Pirce,	Ward, T. B.
Carleton,	Ketcham,	Pulitzer,	Weber,
Caswell,	Laffoon,	Ranney,	West,
Collins,	Lehlbach,	Reese,	Winans,
Compton	Libbey,	Rice,	Wise.
Comstock,	Lindsley,	Riggs,	Woodburn.
Culberson,	Little,	Rockwell,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. KING. I ask unanimous consent to dispense with the reading of the names.

Mr. BLOUNT. I object.

The following members were announced as paired on all questions until further notice:

Mr. ALLEN, of Mississippi, with Mr. SPOONER.
Mr. HUDD with Mr. JOHNSON, of New York.
Mr. MITCHELL with Mr. VAN SCHAICK.
Mr. STONE, of Kentucky, with Mr. PIRCE.
Mr. PIDCOCK with Mr. LEHLBACH.
Mr. DARGAN with Mr. STRUBLE.
Mr. MORGAN with Mr. HEPBURN.
Mr. SPRIGGS with Mr. MILLIKEN.
Mr. TOWNSHEND with Mr. THOMAS, of Illinois.
Mr. LAFFOON with Mr. LOUTTIT.
Mr. OUTHWAITE with Mr. WEST.
Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.

Mr. STRAIT was announced as paired with Mr. BUCHANAN, until April 8.

Mr. WISE was announced as paired with Mr. HARMER, until Tuesday next.

Mr. OATES was announced as paired with Mr. CANNON, on this vote.

The following members were announced as paired for this day:

Mr. CULBERSON with Mr BROWN, of Ohio.
Mr. THROCKMORTON with Mr. ROCKWELL.
Mr. MILLS with Mr. LINDSLEY.
Mr. FELIX CAMPBELL with Mr. MCKENNA.
Mr. ERMENTROUT with Mr. ZACH. TAYLOR.
Mr. RIGGS with Mr. HIRES.
Mr. PINDAR with Mr. BUTTERWORTH.
Mr. BLISS with Mr. CASWELL
Mr. MERRIMAN with Mr. EVANS.
Mr. DUNN with Mr. ROWELL.
Mr. WARD, of Indiana, with Mr. DAVENPORT.
Mr. COLLINS with Mr. RICE.
Mr. MAHONEY with Mr. PETTIBONE.
Mr. DOWDNEY with Mr. ATKINSON.
Mr. MULLER with Mr. HOUK.
Mr. WINANS with Mr. ANDERSON, of Kansas.
Mr. CARLETON with Mr. LIBBEY.
Mr. TARSNEY with Mr. KETCHAM.
Mr. CALDWELL with Mr. BINGHAM.
Mr. MAYBURY with Mr. LITTLE.
Mr. VAN EATON with Mr. GROSVENOR.

The result of the vote was then announced as above stated.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted, as follows:

To Mr. HOUK, indefinitely, on account of important business.

To Mr. ZACH. TAYLOR, indefinitely, on account of sickness.

To Mr. PETTIBONE, for this day, on account of ill health.

To Mr. JOHNSON, of New York, until Wednesday, April 7, on account of important business.

To Mr. MITCHELL, for three days, April 8 inclusive, on account of important business.

SETTLERS ON LANDS IN NEBRASKA AND KANSAS.

Mr. LAIRD. I move that the rules be suspended, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, and that the same be passed with an amendment offered by the gentleman from Indiana, Mr. HOLMAN.

The bill was read, as follows:

Be it enacted, &c., That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same, to the effect that such a decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of what he shall have paid, not exceeding $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid: *Provided further*, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the pre-

ceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him without litigation, such Secretary shall pay to such person such sum as he has so paid not exceeding $3.50 per acre, taking his release therefor as hereinbefore provided.

The amendment was read, as follows:

Add, as an additional section, the following:

"SEC. 2. That the provisions of this act shall only apply to the actual and *bona fide* settlers on the land therein referred to, and no one person shall be entitled to the benefits of this act for compensation for more than 160 acres of land: *Provided*, That all other persons who purchased any part of said land at $1.25 per acre, and the money was actually paid into the Treasury, shall be entitled to repayment of the money so actually paid by them."

The SPEAKER. Is a second demanded?

Mr. HAMMOND. I demand a second for the purpose of getting some explanation. I ask unanimous consent that the second be considered as ordered.

There was no objection.

The SPEAKER. Thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. LAIRD. I yield five minutes to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, this bill was favorably reported from the Committee on Public Lands of the last Congress. Under the new rules it went in this Congress to the Committee on Claims, and is now favorably reported from that committee. It grows out of this state of facts: By the act of Congress of July 23, 1866, a grant of land was made to the State of Kansas in aid of the Denver and Saint Joseph Railroad Company. Land to the extent of ten alternate sections upon either side of the road was granted, the title to pass when the line of the road should be definitely fixed. Nothing was done by the railway company under this grant until the 25th of March, 1870, when a map of definite location of the line of the road was filed in the office of the Secretary of the Interior. Under the law as it then stood, and as it stands to-day, the public lands which were affected by the grant remained open to settlement until this map was filed.

The land lay in a section of the Union which was desirable, and a tide of immigration was then sweeping over the West, so that the land subject to this grant was being rapidly settled down to the time when the map of definite location was filed, which, as I have said, was on the 25th of March, 1870. The notice of the filing of the map did not reach the local land offices until the 13th of April of the same year; and between the 25th of March and the 13th day of April (no notice having reached the section of country affected by the grant) entries of different kinds—homestead, pre-emption, and private entries—were of course permitted by the local land offices. The lands affected by this bill lie in six counties of the States of Kansas and Nebraska, and during the period between the two dates which I have mentioned one hundred and ninety-six different entries were made.

The question was presented to the Interior Department as to whether or not entries which were made in ignorance of the fact of the filing in the Interior Department of this map of definite location were valid and would be recognized. Upon that question being presented, the local land offices held, and so did the Secretary of the Interior, that the map of definite location did not affect the title to lands entered up to the time when notice of the filing was received at the local land offices. On appeal that opinion of the local land offices was sustained in the Interior Department, and was acquiesced in by the railroad company. In that way matters went along until 1879.

The SPEAKER. The gentleman's five minutes have expired.

Mr. LAIRD. I give the gentleman a few minutes more.

Mr. PAYSON. These entries were made in 1870, and matters ran along without change until 1879. The decision of the Interior Department remained undisturbed, and acquiesced in by the railway company.

In 1879 the railway company became insolvent and went into the hands of a receiver, and the lands to which the company was entitled were sold at receiver's sale A gentleman named Knevals became the purchaser, and he set up the claim that he, as successor to the railroad company, was entitled to these lands which had been entered at the time I have stated. Litigation began. The question was tried in the circuit court and appealed to the Supreme Court of the United States. It is the case of Van Wyck *vs.* Knevals, which is reported in 106 United States Reports, and the Supreme Court there held, for the first time in a case of this kind, that the map of definite location took effect at the time of its filing in the Interior Department, and that therefore the titles to the lands entered within the period I have stated failed.

Now, this bill simply proposes to allow actual settlers who are in possession of these lands to the amount that they have to pay to buy in the outstanding railroad title, not exceeding $3.50 an acre; and as to those who are not in possession it provides that they may be allowed to receive back the $1.25 per acre which they paid the Government, which was turned into the Treasury and has remained there up to the present time. This bill was practically unanimously reported by the Committee on Public Lands in the last Congress, and I understand that it is unanimously reported by the Committee on Claims in the present Congress. It has passed the Senate——

The SPEAKER. The time of the gentleman has expired.

Mr. LAIRD resumed the floor.

The SPEAKER. The gentleman from Nebraska [Mr. LAIRD] has seven minutes remaining.

Mr. LAIRD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I can hardly hope in two minutes to give the House any intelligent idea of this important bill. It appropriates $250,000, or so much thereof as may be necessary, for the purpose of reimbursing certain settlers on lands in Kansas for the sums they were obliged to pay in order to perfect the title which the Government had given them for lands which proved to have been railroad lands at the time when the Government patented them to these settlers. The parties for whose relief this bill is intended located homestead, pre-emption, and other claims, under the land laws of the United States, on certain lands in Kansas during the period between the 25th day of March and the 15th day of April, 1870, a period of twenty-one days, and, as to the claims so located during that period, it became a question whether the lands belonged to the Government of the United States or to this railroad company. The Supreme Court has held that the lands belonged to the railroad company. The Supreme Court afterward decided that the land belonged to the railroad company, although the Government had issued patents for the land and taken the money from the actual settlers for those patents. By a compromise between the settlers, the railroad company, and the grantees of the railroad company, the settlers were compelled to pay from $1.25 to $2.75 and $3 an acre to the railroad company and its grantees in order to perfect the titles which the Government had already undertaken to convey to them, when in fact the Government had no title, as the Supreme Court held. This bill is for the purpose of carrying out the guarantee of the Government of the United States to make good its title to the land which it sold—a thing which any individual would be bound to do in the courts of the country.

Mr. HAMMOND. I know nothing of this bill except what I have learned from the fifteen-minute debate. I asked a second on this motion only to get such information as the House ought to have before voting on the proposition. It seems to me very plain that if by mistake—and nothing but mistake is claimed—no fraud is alleged; if by mistake the Government sold to anybody lands which it did not own and obtained for it $1.25 an acre, the Government ought to pay back that $1.25 an acre. But upon what principle the Government is called on to pay back what these parties paid to somebody else to secure the land, when they found that the Government's patent to them was not good, I am at a loss to understand. Suppose they had paid $150 an acre to these parties, then on the same principle the Government ought to be called on to pay that amount to these settlers. I think the right thing for the Government to do is to pay back the $1.25 an acre, and if the Government ever paid interest I would say it should in this case pay interest upon the $1.25 an acre. But there is, as I understand, no principle upon which the Government can be called upon to reimburse to these persons the money which they have seen proper to pay to the railroad company after finding that their title was not good. If any gentleman can explain upon what principle such a claim rests I will yield to him.

Mr. SPRINGER. Many of these persons are homesteaders, who paid nothing to the Government, but went upon the land and made valuable improvements, and when they discovered that they had acquired no title the land was worth $10 or $15 an acre. The railroad company and its grantees compromised with them by accepting from $1.25 to $3 an acre, and these settlers mortgaged their lands for this money in order to perfect their titles.

Mr. LAIRD. The gentleman from Georgia [Mr. HAMMOND] will allow me to make one suggestion. He says there is no rule by which the Government ought to reimburse these settlers to the extent of more than $1.25 per acre. Now, there are two considerations which necessarily apply here. In the first instance, the private purchasers of this land did get it for $1.25 an acre; but after the railroad was located it became double minimum land and they had to pay $2.50 an acre.

Mr. HAMMOND. Well, whatever amount the Government got from anybody under mistake the Government ought to pay back, and pay it back as quickly as possible. But that which the Government did not get the Government ought not to pay back. Now, it is confessed that this bill covers two propositions: It not only proposes to make good the title of the Government, but to pay back what these persons, in a contract with which the Government had nothing to do, agreed to pay, in order to buy a title, not from the Government, but from the railroad company.

Mr. SPRINGER. I ask my friend what would be the measure of damages if an individual had sold land to which he had no title, and was required in a chancery suit to make good his title?

Mr. HAMMOND. There would be no chancery suit about it; there would be an action at law on the warranty, and the measure of damages would be the purchase-money, with interest.

Mr. HOLMAN. I ask that the second section of this bill may be read again, so that the gentleman from Georgia may see that the principle he announces is applied to all the land except where there was actual settlement upon it. I hope he will listen to the reading.

The Clerk again read the second section of the bill.

Mr. HAMMOND. One other remark. It is proposed to pay to cer-

tain persons who never paid the Government anything as much as those persons paid to the railroad company to buy the lands. These persons went on lands that the Government, when the grant was made, supposed it owned; they staid on those lands for years. There is no evidence that the mesne profits did not amount to as much as, or more than, they expended upon the property. When they found they had no title, they went to the railroad company and bought its title. Now, this bill proposes to pay out of the United States Treasury to these people who never paid the Government a dollar what they paid to the railroad company.

Mr. LAIRD. That is a mistake.

A MEMBER. The bill proposes to reimburse them to the extent of $3.50 per acre.

Mr. HAMMOND. The principle is the same, whether the amount be $3.50 or $300 per acre.

Mr. PAYSON. Let me put a question to the gentleman. Suppose the Government invites settlers to go upon certain land, takes their money, allows them to establish their homes there, and make improvements; and after they have lived there nine or ten years, with their title unquestioned, it turns out upon judicial determination that the Government has no title at all. Does the gentleman say that in such a case the Government ought not to make that title good? Does he commit himself to that doctrine?

Mr. HAMMOND. The gentleman commits himself against a plain doctrine of the law.

Mr. PAYSON. Permit me to make another inquiry right there.

Mr. HAMMOND. Let me answer that first, and then you may ask another just as long. He who buys from the Government office under the law buys with a knowledge that if the Government had no title at the time of that sale he got no title. He buys with a knowledge the decision in the local district may be wrong, that the Interior Department may be wrong, and the only way finally to decide is by the court. And when the court does finally decide it he is like anybody else, he knows that he has been living on Government land without authority for years and has paid nothing for it.

The SPEAKER. To whom does the gentleman yield?

Mr. HAMMOND. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. HAMMOND. I will yield then for five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. PAYSON. Before the gentleman from Georgia yielded the floor he promised to answer another question.

Mr. HAMMOND. All right.

Mr. PAYSON. Is it not as old as the horn-books of the law itself in reference to real estate that where the party is in possession under warranty whatever he has to pay to mature the vendor's title he may recover back?

Mr. HAMMOND. I do not know that from the horn-books or any other source.

Mr. CRISP. That is not the law.

Mr. PAYSON. It is the law in my State, and I have no doubt it is the law in the gentleman's State—Georgia.

Mr. CRISP. No; it is not.

Mr. HAMMOND. There is but one measure of damages on warranty, and that is the purchase-money and interest. I now yield to the gentleman from Texas.

Mr. REAGAN. This bill not only makes the Government liable to those who paid for their lands, but it also proposes to make the Government liable to pay some men who settled on the land and never paid the Government for it. If I understood the reading of the bill correctly—and perhaps I did not; and if I did not some gentleman will correct me—it goes on, after providing for these cases, to say that any other persons in like condition shall be paid under this as a general law.

Mr. LAIRD. No; it does not.

Mr. SPRINGER. Only whatever he had to pay to get his title.

Mr. REAGAN. If the Government is only to reimburse what the party has paid, then I shall vote for the bill.

Mr. LAIRD. That is all.

Mr. REAGAN. The gentleman understands as well as I do it does provide for paying those who never paid the Government a dollar, and there are numbers in that condition.

Mr. TILLMAN. I ask if much of this land was not homesteaded, and of course that nothing but homestead fees were paid upon it?

Mr. LAIRD. They paid $2.50 an acre for the land.

Mr. HOLMAN. A dollar and a quarter an acre.

Mr. LAIRD. No, $2.50.

The SPEAKER. To whom does the gentleman yield?

Mr. HAMMOND. I yield to the gentleman from Indiana for three minutes.

Mr. HOLMAN. I wish to say, Mr. Speaker, that the general principle announced by the gentleman from Georgia [Mr. HAMMOND] as to the law of warranty is undoubtedly correct, that the amount to be recovered is the purchase-money with interest, and I think that principle is properly applied to those men who purchased and made actual settlement. It was for that reason I suggested to the gentleman from Nebraska an amendment to the second section of the bill, to pay to those who actually settled upon the land the sum paid by them, $1.25 per acre. Nothing but the money actually paid should be refunded, as it is against public policy they should purchase without entry. But the Government held out inducements to settle these lands under the homestead and other laws, and in the case of an actual settler moving his family, which implies improvement of the land, putting up fences, &c., it seems to me the Government should adopt a different rule from that which would apply to a private warranty in a deed; that there the Government should refund within reasonable limits to those persons who entered upon the land under the Government's warranty or patent; that it should pay the reasonable sum required to perfect the title. That rule should apply in that case only, and not the rule of law which only entitles a grantee to recover back the actual sum paid with interest. It was on that principle I suggested in the second section the amendment which has been incorporated into it.

Mr. HAMMOND. The concession is all I desire. That what I stated was the law, and this bill does not therefore conform to the law. It does not conform to the law except as to certain portions of it——

Mr. MORRISON. This bill proposes to make law.

Mr. HAMMOND. And it embraces people who have paid nothing to the Government for their lands. It asks the Government to pay them for what they have had the use and occupancy of without expense. It can not be amended to meet the defects which are manifest in it, since this is a motion to suspend the rules and pass the bill with the amendment reported by the committee, and because, while it has much in it which I think is proper, there is a great deal in it also that is bad. I can not support the bill.

Mr. LAIRD. I yield three minutes to the gentleman from California [Mr. HENLEY].

The SPEAKER. The gentleman from Nebraska has six minutes remaining.

Mr. HENLEY. Mr. Speaker, I think this Government is big enough to do precisely what is right, without regard to legal technicalities. When appealed to by the gentleman from Illinois [Mr. PAYSON] my friend from Georgia [Mr. HAMMOND] seemed to shrink from the inequity and injustice of the position he would have the House assume with reference to this bill, namely, to limit this relief to exactly what a court would award were the matter between private individuals.

The gentleman from Illinois asked, "Is this right?" repeating the measure of relief insisted upon by my friend from Georgia. The gentleman would not answer that specifically, but went on to state what was the strict letter of law. But the fact is, sir, the Government told these people to go onto the lands, paying a certain sum of money, and make their homes thereon. They did it under that authority from the Government, and under the sanction of repeated decisions of the Land Department, which the people of this country have a right to regard as sufficiently reliable to act upon. With this understanding they went to work and made their homes. Some doubtless expended the fruits of years of toil in improving what they thought was their own, and to which many of them had obtained United States patents, and all had paid for in good faith. Then here comes this decision of the Supreme Court of the United States, by which it is held that these patents that purported to convey title to this property by the Government are invalid, and that the Government had no title to convey.

The position then is this: They have made large expenditures—all they could afford—thinking and being told by the Government that they had title to the land. They did not calculate on being called upon to pay an additional sum to a railroad company to validate the title which they supposed they had from the Government, or which had been theretofore conveyed by the Government; and the Public Lands Committee thought it a hardship to hold them to the strict letter of the law, and to limit the amount of money to be paid them simply to the sum paid by them to the Government. Upon the faith that they had title from the Government many of them had gone in debt and encumbered their property. As to the legal proposition, I believe the gentleman from Georgia has stated correctly the rule of law as to the measure of damages to be recovered on eviction by the grantee from the grantor, which is the purchase-price with legal interest. But the Public Lands Committee considered this as a matter of justice and right, and came to the conclusion that these people ought to be reimbursed for their expenditures in validating their title, and upon this construction the Committee formulated this bill.

Mr. MCRAE. Before my colleague takes his seat, let me state to him that this bill does not come from the Committee on the Public Lands.

Mr. HENLEY. That is true. I erroneously stated the Public Lands Committee. At the last session of Congress it was before the Public Lands Committee, and I got the action of that committee at the last Congress confounded with this. At this session this bill went to the Committee on Claims; but was heretofore, in the Forty-eighth Congress, reported favorably by the Committee on the Public Lands.

Mr. LAIRD. I now yield two minutes to the gentleman from Nebraska [Mr. WEAVER].

Mr. WEAVER, of Nebraska. Mr. Speaker, I know that this is one of the most meritorious bills that has ever been brought before the Amer-

ican Congress for its consideration. I know that no rule of law as laid down by the gentleman from Georgia ought to prevail in this case which would deprive these people of their rights. But conceding that he has stated what the law is, here are the facts in the case: That these settlers have been upon these lands as required for five years. During the whole of these five years the decisions of the Government have been with the settlers; first by the local land office, and second a reversal of that by the Commissioner of the General Land Office, and then by the Secretary of the Interior was a confirmation of the original judgment of the local land office; and for five years the Government was behind the settler, and that is the compensation after he paid for the land and five years of occupation.

Mr. SPRINGER. And after that it went to the courts and was there for several years.

Mr. WEAVER, of Nebraska. And for five years the Government of the United States was behind the settlers, and not until this railroad had gone into bankruptcy, not until there had been an assignment, was the case ever adjudicated in the courts of the United States. I know that no rule as laid down by the gentleman from Georgia, notwithstanding that was the law as between grantor and grantee, ought to prevail in this case.

[Here the hammer fell.]

Mr. LAIRD. I now yield one minute to the gentleman from North Carolina [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, during the last two days of the Forty-eighth Congress I had charge of the contested-election case of Frederick *vs.* Wilson, and under the vote of the House that was entitled to the right of way. Believing it to be a just and equitable contention on the part of Mr. Frederick, and deeming it proper to defeat every measure which came in the way of Mr. Frederick's contention, when the member from Nebraska [Mr. LAIRD] obtained recognition and asked that this bill be called up I made objection, because I thought it was a measure which would come in conflict with Mr. Frederick's case. I have considered the question presented by this bill and the report thereon since then with care, and have made deep scrutiny into its merits. I am satisfied that I did a wrong to the member from Nebraska at that time, and embrace the earliest possible opportunity of repairing that wrong. [Applause.]

Mr. LAIRD. Mr. Speaker, in 1870 from two hundred to two hundred and fifty heads of familes took up and settled upon some 50,000 acres of the public domain in six counties of the second Congressional district of Nebraska. They improved these lands in compliance with the law, perfected their settlement, and obtained patents. They were in peaceful occupation of the lands for ten years. At the end of that time they were subjected to a suit by the grantees of the Saint Joseph and Denver Railroad, who laid claim to these lands by reason of a grant of Congress made in 1866. In this suit judgment was rendered against the settlers, and on appeal that judgment was affirmed by the Supreme Court of the United States. The settlers to-day stand subject to a judgment of ouster, banished from their homes by a decree of the court, and a master's deed is on record conveying their lands, held by the patents of the United States, to the grantees of the railroads. They are subject at any moment to forcible eviction.

The equity in their case consists in this: These lands were open to entry and were entered by them while ignorant of the existence of this grant. When the grant became known, the question whether the lands went to the railroad under the grant or to the settlers under their claims was contested in the local land office and a judgment rendered favorable to the settlers. Those claiming under the railroad appealed to the Commissioner of the General Land Office and a judgment against the settlers was rendered. From this the settlers appealed to the Secretary of the Interior, who rendered a final judgment favorable to the settlers. In compliance with this judgment and the law the settlers obtained patents to the lands and held them peaceably for ten years, only to be subject to judicial eviction at the end of that time by the Supreme Court of the United States. Had the Government decided in 1870 that the lands passed to the railroad under the grant, the settlers could have obtained other claims as good without expense. To-day they can not obtain other lands of the Government anywhere on the continent that are the equal of those which they will be compelled to abandon if this bill shall not pass.

Gentlemen say the Government is not bound to make good its patents. I say the Government is bound to do justice by its citizens, and if the gentlemen of the South ask for precedents they are not wanting.

In the case of the Mississippi territory, the Government of the United States paid $5,000,000 to settle a case exactly parallel with this. In Virginia it paid $25,000 to quiet titles arising from a conflict between a grant and a land warrant, and this has been the rule from the foundation of the Government to the present time.

The gentleman from Georgia [Mr. HAMMOND] limits the liability of the Government to the restoration of the money received and the interest. This is the rule that would be applied to a breach of warranty in an action on the covenants. The relations between a citizen and his government is not to be measured by the narrow rules of a *nisi prius* court. The one owes allegiance, the other protection. It is not the province of this Government to oppress its citizens, to avoid its liabilities, or to measure out justice by the fraction. This is not a court of law. We are not construing or administering law—we are making law; and while we are at it, it is advisable to make it big enough to fit the case. We are bound to do this or nothing.

In the sense of the rules and the courts the Government warrants nothing. In the great sense of its relation of Government to the governed it warrants everything, for it is a guarantee of justice to its citizens; it is justice, or it is nothing. To pay these settlers what they have paid the Government and call that justice is to ignore their years of toil and hundreds of thousands of dollars of improvement. Those who took homesteads, for instance, paid only $14 and $18 in money—the land-office fees. They paid, in fact, what was more precious than dollars and cents. They paid years of time and labor, they mixed hope and courage with their sweat, and they conquered a desert with their toil. They built their homes upon it, and to-day those homes are filled with families that love not only the land they live upon, but the Government that gave them that land, and they hold themselves and all they have in trust for the good of the country they love, and which owes them what no man or nation can leave unpaid—it owes them justice. What they ask of you to-day is that this Government—their Government—will make good its patent, which has failed to their damage, not by the fault of the settlers, but by the fault of the officers of the Land Department of the Government.

Had the Land Office, at the time these lands were taken and contested, decided that the settlers had no claim and could get no valid title by completing their settlement, then they could have taken other lands equally as good and absolutely unaffected by this or any other grant. But as the officers charged with the administration of the land affairs of the Government said their claims were good, they were compelled to go on; and now that they have lost their homes by the decision of another branch of the Government, it becomes Congress to do equity, and the measure of that equity is what it will cost those settlers to make good the title which the Government gave them, and that can only be done by buying in the better title of those who claim through the grant of Congress to the railroad in question.

The SPEAKER. The time for debate under the rule has expired.

The question is on the motion of the gentleman from Nebraska to suspend the rules and pass the bill with the amendment which has been read.

The question was taken.

The House divided; and there were—ayes 102, noes 16.

Mr. HAMMOND. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Nebraska, Mr. LAIRD, and the gentleman from Georgia, Mr. HAMMOND.

The House again divided; and the tellers reported—ayes 145, noes 22.

So the rules were suspended (two-thirds having voted in favor thereof) and the bill was passed.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. SAYERS. I move to suspend the rules and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 44) providing for the erection of a public building at San Antonio, Tex., and that the same be passed with the amendments reported by the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at the city of San Antonio, Tex. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $200,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendments reported by the Committee on Public Buildings and Grounds are as follows:

In line 11, strike out "$200,000" and insert "$150,000."

At the end of the bill add the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plans for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building."

The SPEAKER. Is a second demanded?

Mr. STORM. Yes; I ask for a second.

Mr. ROGERS. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. Under the rules thirty minutes are allowed for the debate—fifteen in favor of the proposition and fifteen against it.

Mr. SAYERS. I ask for the reading of the report.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 44) to provide for a public building at San Antonio, Tex., submit the following report:

A bill similar to the present measure passed the Senate of the Forty-eighth Congress at its first session, and one of like character was favorably reported to the House about the same time, but, from some cause unknown to the committee, was not called up in the House.

San Antonio, according to the census taken by the city authorities for scholastic purposes, about a year since, had then a population of more than 39,000. This population is rapidly growing, and shows an increase over the census taken in 1880 of near 20,000. The assessment-rolls of the city for the year 1885 show the valuation of the property, within the city limits, to be $15,075,054 subject to taxation, being an increase of $6,638,498 over the assessment of 1880.

The long lines of railway—the one connecting Saint Louis, Mo., and Laredo, Tex., and forming direct connection with Monterey and Saltillo, Mexico; the other known as the Southern Pacific, and connecting New Orleans, La., with the Pacific coast—intersect each other at this place, and a third railroad is now being rapidly built from San Antonio to Aransas Pass on the Gulf of Mexico, to be afterward extended to the northwest.

The business of the city is rapidly accumulating, and each year adds largely not only to its population, but also to its taxable property. San Antonio is well supplied with a good system of street railways, and is the headquarters of the Military Department of Texas, with quartermaster, commissary, and ordnance stores for general distribution, and a post is being built to accommodate twelve companies of troops. The United States circuit and district courts are also held at this place.

The excess of the receipts over the expenditures of the post-office for the year ending November 15, 1885, was $19,573.70; the number of money-orders and postal notes issued was 14,449, and covered the amount of $212,506.81; and the number of money-orders and postal notes paid was 20,177, and covered the amount of $366,700.85; the number of post-offices depositing surplus money-order funds at San Antonio is twenty-six.

The circuit and district courts of the United States were established at San Antonio on the 24th day of February, 1879, and the first civil business filed therein was on the 9th day of August, 1879, and from that date until November 25, 1885, there were instituted in said courts 779 criminal and 331 civil cases, and there were pending on the day last mentioned in said courts 101 criminal cases and 54 civil cases. The territorial jurisdiction of said courts embraces thirty-seven counties, containing a population of not less than 300,000, and embracing an area of at least 35,000 square miles.

The Government pays an annual rent of $2,500 for the use of such buildings as are necessary for court-house and post-office purposes. The courts and the post-office occupy separate buildings. These buildings are very insecure and are subject to be destroyed by fire at any time, and are inconvenient for the purposes used. The Postmaster-General and the Attorney-General both recommended the erection of a public building at this place to the Forty-eighth Congress, and the Treasury Department estimated the cost of the ground for site and of the building at $200,000. But in the opinion of the committee the sum of $150,000 is sufficient for this purpose.

A report similar in its particulars to this report has been made during the present session by this committee, and the committee therefore recommend the passage of the bill with the following amendments

(1) Strike out "two hundred" and insert "one hundred and fifty" between the words "sum of" and "thousand."

(2) Add to the bill the following words: "Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site or plans for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building."

The SPEAKER. If there is no further debate, the question is on the motion to suspend the rules and pass the bill with the amendments which have been read.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

PUBLIC BUILDING AT DULUTH, MINN.

Mr. NELSON. I move that the rules be suspended and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn., and that the same be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults extending to each story, for the use and accommodation of the United States post-office, land-office, custom-house, signal-office, and the courts of the United States, at Duluth, in the State of Minnesota. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor place for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building; and the site purchased shall leave the building independent and unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Minnesota shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the services of civil processes therein.

The SPEAKER. Is a second demanded?

Mr. WARNER, of Ohio. I ask a second, that we may have some explanation or else have the report read.

By unanimous consent the second was considered as ordered.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. HENLEY) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1268) for the erection of a public building at Duluth, Minn., beg leave to report:

Duluth is situated at the westernmost extremity of Lake Superior, in the State of Minnesota, and is next to the cities of Saint Paul and Minneapolis in population and commercial importance. It has a large and commodious harbor, on which the city has expended over $100,000 and the Federal Government over $400,000. It is the terminus of four important lines of railroad, namely: the Manitoba, the Omaha, the Saint Paul and Duluth, and the Northern Pacific. Two other important lines of railroad, with Duluth for terminus, are in process of construction and will be completed at an early day. It is the water outlet, down the lakes and through the canals, to the seaboard for the produce of the Territories of Dakota and Montana and the State of Minnesota. During the year 1884 there was an arrival and clearance of 1,791 vessels, with a tonnage of 1,167,192 tons, and during 1885 there was a large increase in this respect, but the exact figures are not yet at hand nor made up In 1881, 2,915,567 bushels of wheat were received and handled; in 1882, 4,199,133 bushels; in 1883, 7,636,379 bushels; in 1884, 11,500,000 bushels, and in 1885 about 16,000,000 bushels; and the larger portion, indeed nearly all, of this wheat is shipped by water down the lake to the seaboard.

The gross receipts of the post-office at Duluth for the fiscal year ending June 30, 1885, were in excess of $20,000 per annum, thus entitling the city to mail-carrier or free-delivery service, which was established and has been in existence since the beginning of the present year. The growth of the town has been marvelous, rapid, and incessant since 1882, and there is no abatement or cessation in the growth. In 1880 the city had less than 4,000 people, while in 1885, by the State census then taken, it appears to have a population of 18,000.

Duluth is a port of entry, and has a custom-house, post-office, United States signal office, and the United States land office. The Government pays an annual rental for public offices as follows:

Custom-house	$600
Land office	300
Signal office	300
Post-office	1,350
Total	2,550

The offices occupied by the custom-house and post-office are wholly insufficient, and larger, more commodious, and more ample quarters will soon have to be secured.

In view of the foregoing facts, your committee are of the opinion that a public building should be erected at Duluth, and therefore recommend the passage of substitute for said bill.

Mr. NELSON. I reserve my time.

Mr. MCMILLIN. On account of the confusion I was unable to learn from the reading of the report whether there was a Federal court in Duluth or not.

Mr. NELSON. No Federal court is held there at present. But there is a United States post-office and a custom-house for all that upper lake region, through which all the traffic between this country and the western part of Canada passes. There is a United States land office and a signal office. The custom-house is the main thing. The Government is at present renting buildings for all these purposes, as the report shows.

Mr. MCMILLIN. If I recollect, it is stated that the rents amount to over $2,000.

Mr. NELSON. It is nearer $3,000. The Government rents a building as an office for what is the chief custom-house on Lake Superior.

Mr. STORM. I wish to ask the gentleman from Minnesota a question. Is this the same Duluth that was described by Governor Knott in his celebrated speech?

Mr. NELSON. I suppose it is; but now it is a place of 18,000 inhabitants.

A MEMBER. Then it is not the same Duluth.

Mr. NELSON. We had a State census last year, and from that census Duluth appears, as I have said, to have a population of 18,000. I am unwilling to take up the time of the House unless further information is desired.

Mr. MCMILLIN. One trouble is that sometimes the cost of keeping up a public building will be about what the Government has to pay for rent. I have no particular statement to make about this bill, except that it seems not very wise to erect public buildings where the rentals are no more than the cost of keeping up the building would be if you should erect it. I believe this is the place where Judge Knott said "the sky came down equidistant all around." [Laughter.]

Mr. NELSON. It is the same place.

The SPEAKER. If there be no further debate, the question is on the motion of the gentleman from Minnesota.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

PUBLIC BUILDING, FORT WAYNE, IND.

Mr. LOWRY. Mr. Speaker, I move that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made, and that the rules be suspended and the bill passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to purchase, out of moneys already appropriated for the construction of the United States court-house, post-office, &c., building at Fort Wayne, Ind., a strip of land adjacent to the present site of the said building and on the east thereof, having a frontage of 60 feet on Berry street and running back with same width to an alley: *Provided*, That in no event shall the cost of said additional land exceed the sum of $9,000.

The SPEAKER. Is a second demanded?

Mr. RANDALL. Yes; but let it be considered as ordered.

The SPEAKER. If there be no objection a second will be considered as ordered. Under the rule there are thirty minutes allowed for debate; fifteen minutes in support of the bill and fifteen minutes in opposition.

Mr. LOWRY. Mr. Speaker, this bill simply provides for the acquisition of an additional strip of ground in order to afford sufficient accommodation for the public building in the city of Fort Wayne and sufficient space between these and other grounds to satisfy the requirements of the law. The bill does not involve any expenditure whatever, no appropriation is made; and, by the terms of the bill, it is expressly provided that this additional ground shall be paid for out of the appropriation already made. I reserve the balance of my time in case there should be any observations made in opposition to the bill. [Cries of "Vote!" "Vote!"]

The motion was agreed to; the rules were suspended and the bill was passed.

LIBRARY BUILDING.

Mr. SINGLETON. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library, and that the bill be now passed.

Mr. MCMILLIN. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded. The Chair will appoint the gentleman from Tennessee [Mr. MCMILLIN] and the gentleman from Mississippi [Mr. SINGLETON] to act as tellers.

Mr. STEELE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. That is objected to.

The tellers reported 150 votes in the affirmative and 15 in the negative.

So a second was ordered.

The SPEAKER. Under the rules of the House, thirty minutes are allowed for debate; fifteen minutes in support of the bill and fifteen in opposition to it. [Cries of "Vote!"]

Mr. SINGLETON. Mr. Speaker, I propose that we now take the vote. This matter is thoroughly understood.

Several MEMBERS. "No!" "No!"

Mr. SINGLETON. Then, Mr. Speaker, I will reserve my time, and let gentlemen say what they have to say in opposition to the bill.

Mr. MCMILLIN. Mr. Speaker, I have demanded a second upon this question because I think that a bill involving the amount that is involved here should receive more careful consideration than this is about to receive. This session being but little more than half exhausted, and one other session of this Congress remaining before its expiration, I think that we could well afford to take more time for the consideration of this bill before we decide to pay from eight to ten dollars a volume for storage room for the Library. This proposition, when simmered down, is a proposition to give more for a place to put the Library than the Library itself has cost.

Mr. SINGLETON. Mr. Speaker, I am sure the gentleman does not wish to make any misstatement. The Library, according to the report of the Librarian, has cost $750,000, and this bill proposes to appropriate only $550,000.

Mr. MCMILLIN. This is a proposition to buy the ground on which to build the Library, and does the gentleman from Mississippi [Mr. SINGLETON] claim that the proposed building will cost only $550,000?

Mr. SINGLETON. I understood the gentleman to speak of the cost of the ground.

Mr. MCMILLIN. I am talking about the Library building. I say it is proposed by this bill, and what is to follow, to give more for a place to put the books than the books themselves have cost. The gentleman himself now says that the books have cost $750,000, and this, when carried to its ultimate limits, is a proposition to expend from three million to six million dollars for a place to put them. I undertake to say that no man would practice such economy in his own affairs. It is something like the action of a boy when he gets his first pocket-money by donation, and spends more money for his pocket-book than he has left to put in it. [Laughter.]

Mr. STEELE. It is not unusual for a stable to cost more than the horse that is kept in it. [Laughter.]

Mr. MCMILLIN. That is very true, Mr. Speaker; but the gentleman will not claim that his horse-and-stable doctrine will apply to book-cases or a library.

Mr. STEELE. There is no estimating the value of books.

Mr. MCMILLIN. The proposition in this bill is just what I have stated, and now it is proposed to rush the bill through here without discussion, under a suspension of the rules, and without the possibility of amendment.

Mr. BROWN, of Pennsylvania. It has been discussed for ten years.

Mr. MCMILLIN. It has been discussed for ten years and the gentleman does not understand it yet.

Mr. BROWN, of Pennsylvania. I understand it as well as you do.

Mr. MCMILLIN. I have stated a proposition, and gentlemen find it more easy to fire in on that proposition than to deny it or justify the denial.

Mr. BROWN, of Pennsylvania. It is very easy.

Mr. MCMILLIN. It is far more easy to do as the gentleman does than to give any sensible reason why we should pay four or five millions for a place to put seven hundred and fifty thousand dollars' worth of books in.

But, Mr. Speaker, aside from that, I believe the true policy on this question of a Library is to build, at some point convenient to the Capitol, a place that will be sufficient to accommodate the newspapers, periodicals, and the books of least frequent use, and to keep where they are now a select library of good books such as are needed all the time for use here, for I believe it will turn out to be the fact that 300,000 books where they now are will be of more practical use to Congress (in this Congressional Library) than twice the number half a mile or a mile from the Capitol building. Every one who has had experience knows how convenient it is when time is precious to go to a library immediately at hand and make an examination which often can not be postponed.

Mr. Speaker, no man takes more pride in our Library than I do. I foresee in ours the foundation for one of the greatest collections of books in the world. I would add to it constantly and contribute yearly to its greatness. But when we have many acres of unoccupied Government lands in the city, why go and spend hundreds of thousands of dollars in the purchase of a site on which to build the Library?

Mr. Speaker, as we have but fifteen minutes of time allowed each side in this debate, I will not consume more of it, but yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I hope that no hasty action on this bill will precipitate us into the large, unjustifiable expenditure proposed. This bill, it is true, does not appropriate a very large sum of money, judged by the standard that Congress is now accustomed to consider in appropriations from the Treasury; the great accumulations in the Treasury invite extravagance. One million and fifty thousand dollars is the amount covered by the bill. The building proposed to be erected, according to the plans submitted, will, it is said, cost $2,300,000. Gentlemen, under these speculative estimates can any gentleman tell the ultimate cost? Within twenty-five years a very heavy expenditure has been incurred to enlarge, complete, and make fire-proof the present Congressional Library structure in this Capitol, a Library having many historical memories gathered around it, a Library which our predecessors in the years gone by deemed important for the convenience and information of Congress. It is proposed virtually to abandon that Library, which has been found in past years so exceedingly convenient and valuable to Congress in the current duties of its members, and erect a national library building at great cost at a place not conveniently accessible to Congress during the hours of the session, remote from the center of this national capital, and remote from the greater body of its population, and to expend vast sums of money for that purpose. It is proposed by this bill to appropriate $550,000 for the purchase of a site.

But gentlemen of course are not deceived by that proposition. The site of this building is to cover not merely the ground proposed to be paid for now at $550,000, but as much more to be acquired afterward. You will expend more than $1,000,000 upon the site alone, because it is absolutely certain that additional land will be purchased to complete the plat of land in contemplation. No gentleman who will examine the plat of the land proposed to be taken can be deceived on this point. You will pay more than $1,000,000 for the site alone, yet you have in this capital lands more centrally located owned by the Government—large bodies of land upon which a site can be selected—a site more convenient to the people of the District, and as convenient to Congress as the site proposed in this bill east of the Capitol. What is the object of all this?

I approve, sir, of the view expressed by the gentleman from Tennessee [Mr. MCMILLIN], and which I embodied in a substitute for this bill, that the present Congressional Library should be kept up, that the books required for the use of Congress should remain there, that this old Library should not be disturbed, but that a suitable Library building should be erected upon one of the numerous sites now owned by the Government, to be selected by the commissioners of the District; that a reasonable sum of money—$1,000,000, or $2,000,000 even if necessary—be employed in erecting a suitable Library building there, in which the books not required for the use of Congress may be placed for the convenience of the public of this city. This, I think, is a practical plan. That now before us is one of great and unexampled extravagance, and defeats the most important object for which the Congressional Library was established.

[Here the hammer fell.]

Mr. MCMILLIN. I yield the remainder of my time to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Speaker, I shall vote against this bill for two reasons especially. One is that it proposes to condemn valuable im-

proved property and appropriate it for the site of a Library, when property better situated, more central to the people of the city, and more appropriate for this building is now in the possession of the Government. I shall vote against it for the further reason that I think when we are asked to vote so large a sum of money there ought to be presented to us estimates showing the amount necessary to be expended, and the bill ought to prescribe a limitation upon the expenditure.

This bill makes an appropriation, but it is only for the purchase of the site or possibly for the purchase of a part of the site and for the beginning of the building, without any statement in the bill as to what the Library building is to cost. We have had estimates all the way from two millions and a half to eighteen million dollars for the construction of a Congressional Library.

Mr. Speaker, this subject has been before the House frequently; and I have not been able to comprehend why it has been impossible to get consideration for any site for the Library that has not a "job" in it. Why should we select for this site valuable improved property which is not so convenient for such a building as public grounds which we already have in other parts of the city?

This Library, sir, will be more than a Congressional Library. Whatever we may now suppose about it, it will be a national Library. I am ready, I have been ready all the time, to vote for the necessary appropriation to construct a good Library building if those interested or those managing the subject were willing to consent to the expenditure upon land now belonging to the Government, more central and better suited to the purpose than the land proposed to be purchased under this bill. But I certainly will not consent to vote for a bill presented from session to session which insists continually on the destruction of valuable property, the tearing down of houses, and the appropriation of half a million or a million of dollars to buy a site, when we have already ample grounds better situated on which to erect a Library building.

[Here the hammer fell.]

Many MEMBERS. "Vote!" "Vote!"

The SPEAKER. The question is on the motion of the gentleman from Mississippi, on which he is entitled to the floor.

Mr. SINGLETON. I will not say a word except to demand a vote.

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 159, nays 63, not voting 101; as follows:

YEAS—159.

Adams, G. E.	Ely,	Kleiner,	Seymour,
Allen, C. H.	Ermentrout,	La Follette,	Shaw,
Anderson, J. A.	Everhart,	Laird,	Singleton,
Arnot,	Farquhar,	Lanham,	Smalls,
Baker,	Fisher,	Lehlback,	Snyder,
Barksdale,	Fleeger,	Long,	Sowden,
Barnes,	Foran,	Lore,	Stahlnecker,
Barry,	Fuller,	Lovering,	Steele,
Bayne,	Funston,	Lyman,	Stephenson,
Beach,	Gay,	McComas,	Stewart, Charles
Belmont,	Geddes,	McKenna,	Stewart, J. W.
Bound,	Gibson, C. H.	McKinley,	Stone, E. F.
Boutelle,	Gilfillan,	Millard,	Strait,
Brady,	Glover,	Moffatt,	Struble,
Breckinridge, C.R.	Goff,	Morrill,	Swinburne,
Breckinridge, WCP.	Green, R. S.	Morrow,	Symes,
Browne, T. M.	Green, W. J.	Negley,	Taulbee,
Brown, W. W.	Grout,	Nelson,	Taylor, E. B.
Brumm,	Guenther,	Oates,	Thomas, O. B.
Buck,	Hall,	O'Donnell,	Thompson,
Bunnell,	Hayden,	O'Ferrall,	Tillman,
Burleigh,	Haynes,	O'Hara,	Tucker,
Burrows,	Hemphill,	O'Neill, Charles	Van Eaton,
Campbell, J. E.	Henderson, D. B.	O'Neill, J. J.	Wade,
Cannon,	Henderson, T. J.	Osborne,	Wadsworth,
Catchings,	Henley,	Owen,	Wait,
Cole,	Herman,	Parker,	Wakefield,
Conger,	Hewitt,	Payne,	Warner, William
Cooper,	Hiestand,	Perkins,	Weaver, A. J.
Cox,	Hill,	Peters,	Weaver, J. B.
Crain,	Hiscock,	Phelps,	Weber,
Curtin,	Holmes,	Plumb,	Wellborn,
Cutcheon,	Hopkins,	Price,	White, A. C.
Davidson, R. H. M.	Irion,	Ranney,	White, Milo
Davis,	Jackson,	Reed, T. B.	Whiting,
Dibble,	James,	Rogers,	Wilkins,
Dingley,	Jones, J. T.	Romeis,	Willis,
Dorsey,	Kelley,	Ryan,	Wilson,
Dunham,	Ketcham,	Sawyer,	Wolford.
Ellsberry,	King,	Scranton,	

NAYS—63.

Anderson, C. M.	Davidson, A. C.	Johnston, J. T.	Reagan,
Ballentine,	Dawson,	Johnston, T. D.	Reid, J. W.
Barbour,	Dockery,	Jones, J. H.	Richardson,
Bennett,	Eden,	Landes,	Sadler,
Bland,	Eldredge,	Le Fevre,	Skinner,
Blount,	Ford,	Lowry,	Springer,
Bragg,	Forney,	Martin,	Stone, W. J., Mo.
Burnes,	Glass,	Matson,	Storm,
Bynum,	Halsell,	McCreary,	Swope,
Candler,	Hammond,	McRae,	Taylor, J. M.
Clements,	Harris,	Morrison,	Turner,
Cobb,	Hatch,	Neal,	Ward, J. H.
Cowles,	Henderson, J. S.	Neece,	Warner, A. J.
Crisp,	Herbert,	Peel,	Wheeler,
Croxton,	Holman,	Perry,	Worthington.
Daniel,	Hutton,	Randall,	

NOT VOTING—101.

Adams, J. J.	Dowdney,	Mahoney,	Rowell,
Aiken,	Dunn,	Markham,	Sayers,
Allen, J. M.	Evans,	Maybury,	Scott,
Atkinson,	Felton,	McAdoo,	Seney,
Bingham,	Findlay,	McMillin,	Sessions,
Blanchard,	Frederick,	Merriman,	Spooner,
Bliss,	Gallinger,	Miller,	Spriggs,
Boyle,	Gibson, Eustace	Milliken,	St. Martin,
Brown, C. E.	Grosvenor,	Mills,	Stone, W. J., Ky.
Buchanan,	Hale,	Mitchell,	Tarsney,
Butterworth,	Hanback,	Morgan,	Taylor, I. H.
Cabell,	Harmer,	Muller,	Taylor, Zach.
Caldwell,	Heard,	Murphy,	Thomas, J. R.
Campbell, Felix	Hepburn,	Norwood,	Throckmorton,
Campbell, J. M.	Hires,	Outhwaite,	Townshend,
Campbell, T. J.	Hitt,	Payson,	Trigg,
Carleton,	Houk,	Pettibone,	Van Schaick,
Caswell,	Howard,	Pidcock,	Viele,
Clardy,	Hudd,	Pindar,	Ward, T. B.
Collins,	Johnson, F. A.	Pirce,	West,
Compton,	Laffoon,	Pulitzer,	Winans,
Comstock,	Lawler,	Reese,	Wise,
Culberson,	Libbey,	Rice,	Woodburn.
Dargan,	Lindsley,	Riggs,	
Davenport,	Little,	Robertson,	
Dougherty,	Louttit,	Rockwell,	

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

During the roll-call,

Mr. WEAVER, of Iowa, stated that his colleague, Mr. FREDERICK, was confined to his house by illness.

The following additional pairs were announced from the Clerk's desk:

Mr. FINDLAY with Mr. MCMILLIN, on this bill. If present, Mr. FINDLAY would vote for the bill, Mr. MCMILLIN against it.

Mr. SENEY with Mr. HANBACK.

The vote was then announced as above recorded.

EXPLANATION.

Mr. ERMENTROUT. I wish to state that I was necessarily absent when the vote was taken on the bill providing for measures for the settlement of differences between common carriers and their employés. I was paired with the gentleman from New York, Mr. BURLEIGH, and if present would have voted in the affirmative.

On the bill (H. R. 807) granting pensions to soldiers and sailors of the Mexican war I was paired with Mr. ZACH. TAYLOR, or otherwise I would have voted in the affirmative.

Mr. RANDALL. I move that the House do now adjourn.

The House divided; and there were—ayes 78, noes 72.

So the motion was agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition against the passage of bill to increase postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUND: Petition of the Grand Army of the Republic, to place Andrew J. Smith on the retired-list with the rank of brigadier-general—to the Committee on Military Affairs.

Also, memorial of the Knights of Labor of Watsontown, Pa., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. BRADY: Petition of Mrs. B. F. Childrey, of Dinwiddie County; of Peyton A. Tenney, of Prince George County, Va., and of Abraham Eichburg, of Petersburg, Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BUCHANAN: Remonstrance of 86 citizens of Titusville, Mercer County, New Jersey, against increase of postage rates on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BYNUM: Petition of 500 business men and citizens of Indianapolis, Ind., for the appointment of a committee to investigate whether the telephone service in said State is being discontinued to influence legislation in other States—to the Committee on Commerce.

Also, petition of Women's National Indian Association, of Indianapolis, Ind., for the passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. COBB: Petition of citizens and soldiers, for the pensioning of all Union soldiers and sailors of the late war at the rate of $8 per month—to the Committee on Invalid Pensions.

Also, memorial asking Congress to investigate to what extent the National Government may be legally or equitably liable for obligations issued in the name of any of the States, and what it can properly do, with or without the co-operation of the delinquent States, to remove from the country the discredit consequent upon the repudiation or violation of their contracts—to the Committee on the Judiciary.

Also, petition of Benjamin C. Bowman, for invalid pension—to the Committee on Invalid Pensions.

By Mr. COX: Petition of Knights of Labor Assembly No. 3282, of

Raliegh, N. C., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CROXTON: Petition of Samuel Fitzhugh, administrator of Henry Fitzhugh, deceased, of Spottsylvania County, Virginia, asking that his claim for property taken by and for the use of the United States Army be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Henry Fitzhugh, of Stafford County, Virginia—to the same committee.

By Mr. CURTIN: Petition of Elizabeth S. De Kraft, praying for an increase of pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Remonstrance of Local Assembly No. 2363, Knights of Labor, Ludington, Mich., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of Local Assembly No. 3080, Knights of Labor, of Manistee, Mich., favoring liberal appropriations for public works, in the interests of the laboring class—to the Committee on Railways and Canals.

Also, papers in the case of Andrew Lafferty, of Muskegon County, Michigan—to the Committee on Claims.

By Mr. DAVIDSON: Petition of citizens of Hornellsville, N. Y., relative to temperance education in schools—to the Committee on Education.

By Mr. DORSEY: Petition of Bridget Ryan, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. DUNHAM: Petition of J. H. Randall, master workman Knights of Labor Assembly No. 1307, of Chicago, Ill., favoring the Hennepin Canal scheme—to the Committee on Railways and Canals.

Also, petition of J. M. Foley, recording secretary Knights of Labor Assembly No. 1307, of Chicago, Ill., and of J. Thompson Gill and 8 others, of the first Congressional district of Illinois, favoring the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNN: Petition of Maria L. Pettit, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of citizens of the eighth Congressional district of Pennsylvania, for a pension to Jacob Munich—to the Committee on Invalid Pensions.

Also, memorial asking Congress to investigate to what extent the National Government may be legally or equitably liable for obligations issued in the names of any of the States, and what it can properly do, with or without the co-operation of the delinquent States, to remove from the country the discredit consequent upon the repudiation or violation of their contracts—to the Committee on the Judiciary.

By Mr. FELTON: Petition from brewers and wine merchants of San Francisco, Cal., for the allowance of drawbacks on re-exportation of imported bottles, corks, and metallic bottle capping, by bottlers of domestic beer, wine, and brandy—to the Committee on Ways and Means.

By Mr. FISHER: Memorial of Knights of Labor of Salzburg, Mich., asking for liberal appropriations for public improvements—to the Committee on Railways and Canals.

By Mr. FUNSTON: Sworn statement of James W. Rice, of Garnett, Kans., praying for the passage of a joint resolution requiring the Postmaster-General to obey the act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of Knights of Labor of Rosedale, and of Ransomville, Kans., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. GALLINGER: Petition of Charles D. Purington, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. GROUT: Testimony in support of House bill granting a pension to Ira Colburn—to the Committee on Invalid Pensions.

By Mr. HATCH: Affidavits in the case of George M. Ochiltree—to the Committee on Military Affairs.

Also, letter relating to claim of H. Chattin, of Glenwood, Mo.—to the Committee on Claims.

By Mr. D. B. HENDERSON: Paper from Van Patten & Marks, from Riderbecke & Miller, from William Thompson, from G. W. Kerker, from Glaspell & Holligan, and from M. J. Eagal, of Davenport, Iowa, showing that the price of vinegar has been reduced since the vaporizing act of 1879 from 50 to 60 per cent.—to the Committee on Ways and Means.

By Mr. HISCOCK: Petition of manufacturers of rufflings, cotton laces, and ruchings in New York city—to the same committee.

By Mr. HOLMES: Remonstrance of Knights of Labor of Monigona, of Angus, and of Lehigh, Iowa, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. JAMES: Memorial of Garrett Erkson—to the Committee on Rivers and Harbors.

By Mr. J. T. JOHNSTON: Petition of James J. Wyatt, Company C, Thirty-first Regiment Indiana Volunteers, asking relief from charge of desertion, to accompany bill—to the Committee on Military Affairs.

By Mr. T. D. JOHNSTON: Petition of Anderson W. Young, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of Mrs. E. C. Ingersoll and 22 others, of Austerlitz, N. Y., for the passage of the temperance-education bill—to the Committee on Education.

Also, petition of Mrs. Julia E. Wilkinson and 55 others, of Poughkeepsie, N. Y., praying for the passage of Senate bill 52, known as the Sioux bill—to the Committee on Indian Affairs.

By Mr. KING: Petition of Arthur Miller, of Madison Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. KLEINER: Petition to accompany bill for the relief of William Jenkins—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of Colorado and Abeline, Tex., relative to a bill to regulate the transportation of live-stock—to the Committee on Commerce.

Also, memorial of Paris Cox and others, relating to the bill to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. LORE: Petition of M. L. Van Barkalon and 69 others, citizens of Kent County, Delaware, for the further improvement of the Saint James River, Delaware—to the Committee on Rivers and Harbors.

Also, petition of James C. Beebe and 155 others, citizens of Lewes, Del., for the passage of a law making qualifications without respect to age the test of right to hold office, and repealing all restrictions because of age only—to the Committee on the Judiciary.

Also, memorial of Knights of Labor Assembly No. 2067, of Wilmington, Del., in favor of Government aid to Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MORRILL: Remonstrance of the Knights of Labor of Hamlin, and of Wamego, Kans., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MORRISON: Memorial of Knights of Labor of Lebanon, Ill., for appropriations of public moneys for improvements on public works—to the Committee on Rivers and Harbors.

By Mr. MORROW: Protest of associations and firms of citizens in California, against the repeal of the duty on salt—to the Committee on Ways and Means.

Also, memorial of the Ladies' Silk Culture Society of California—to the Committee on Agriculture.

Also, memorial of Local Assembly No. 1580, Knights of Labor of San Francisco, Cal., concerning the construction of the Hennepin Canal by the General Government—to the Committee on Railways and Canals.

By Mr. MURPHY: Protest against the repeal of the vaporizing law of 1879—to the Committee on Ways and Means.

Also, petition of Knights of Labor of Davenport, Iowa, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. NEAL: Petition of Elizabeth F. Carter, of Warren County, Tennessee, for invalid pension—to the Committee on Invalid Pensions.

By Mr. O'DONNELL. Petition of Lucy Hale and 21 citizens of Lansing, Mich., to have Lucy Hale, daughter of a Revolutionary soldier, placed on the pension-rolls—to the Committee on Pensions.

By Mr. O'FERRALL: Petition of Mary Minor Hoxey, widow of Bvt. Maj. Benjamin W. Hoxey, for increase of pension—to the Committee on Invalid Pensions.

By Mr. O'HARA: Memorial asking Congress to investigate to what extent the National Government may be legally or equitably liable for obligations issued in the names of any of the States, and what it can properly do with or without the co-operation of the delinquent States to remove from the country the discredit consequent upon the repudiation or violation of their contracts—to the Committee on the Judiciary.

By Mr. PETERS: Petition of citizens of Caldwell, Kans., favoring allowance of rent, &c., to post-offices of third and fourth class—to the Committee on the Post-Office and Post-Roads.

Also, affidavits in case of H. E. Van Trees, of Kansas, favoring the allowance of his pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Testimony to support bill for the relief of L. W. Lowe, of Grainger County, Tennessee—to the Committee on War Claims.

By Mr. RANDALL: Petition of citizens of Sea Island City, N. J., for an appropriation to dredge a channel from Cape May City to the Great Bay, north of Atlantic City—to the Committee on Rivers and Harbors.

By Mr. ROGERS: Petition of James L. Holderfield, for back pay—to the Committee on Invalid Pensions.

Also, petition of Patrick F. O'Kane, heir of Patrick O'Kane, deceased, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Petition of Knights of Labor of Upper Sandusky, Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SNYDER: Petition of Thomas Kiddy, of Upshur County, West Virginia, asking to be placed on the pension-roll, with accompanying affidavits—to the Committee on Invalid Pensions.

Also, petition of George H. Houchins, administrator of James Bram-

ner, deceased, and of Jesse Bramner, deceased, of Mercer County; of William R. Linsay, of Greenbrier County; of Henry Gunn, of Pocahontas County; of Sarah A. Busher, administrator of William B. Busher, deceased, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Aso, petition of J. D. Coleman, of Fayette County, West Virginia, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. STEELE: Petition of certain men employed in the Quartermaster's Department, United States Army—to the Committee on Military Affairs.

By Mr. STEPHENSON: Petition of 14 citizens of Pittsville, Wood County, Wisconsin, favoring the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial from the village board of Baldwin, Wis., on the subject of interstate commerce—to the Committee on Commerce.

By Mr. STORM: Papers in the case of La Grange Synodical College, of La Grange, Tenn., for relief—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Memorial of C. M. Merwin, president, and John T. Stark, E. H. Keely, and Dr. T. J. Dupree, committee of the West Tennessee Horticultural Society, asking for reduced rates of postage on scions, plants, seeds, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of A. B. Rodgers, M. E. Gibson, A. L. Rodgers, heirs of James L. Rodgers, deceased, of Shelby County, Tennessee, asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TOOLE: Memorial of Knights of Labor of Garrison, Mont., asking liberal appropriations for internal improvements—to the Committee on Railways and Canals.

By Mr. TUCKER: Petition of citizens of Virginia for the increase of salaries of judges—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Petition of Joseph Case, with evidence supporting his application to be restored to the pension-rolls—to the Committee on Invalid Pensions.

Also, petitions of citizens of Milwaukee interested in the manufacture of window glass, protesting against any reduction of tariff rates—to the Committee on Ways and Means.

By Mr. VIELE: Petition and papers for the relief of Alexander Hamilton—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of Lewis C. Wescott and 43 others, citizens of Bellaire, Ohio, against reduction of duties on glass—to the Committee on Ways and Means.

By Mr. J. B. WEAVER: Petition of Knights of Labor of Oskaloosa, Iowa, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Edward S. Cramp club of workingmen, of Philadelphia, against admitting foreign ships to registry—to the same committee.

Also, petition of M. C. Randleman, of Iowa, and 50 others, praying Congress to pass the bill paying Union soldiers the difference between gold and the depreciated currency they were paid in—to the Committee on Military Affairs.

By Mr. WEBER: Petition of citizens of Erie and Wyoming Counties, New York, asking for legislation to protect the dairy interests against imitation and adulteration—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of Louisa Ladd, for the reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of William R. Cook; of George W. Cockrell; of Coleman Brothers; of George Shaw; of Joseph L. Roberts; of Mildred W. Payne, of Jefferson County; of William C. Price, administrator of E. Butcher, deceased, of Randolph County; and of William H. Stingley, of Hardy County, West Virginia, praying that their claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of Daniel Coalman; of George W. Cockrell; of John Cook; of Joseph L. Roberts; of Isaac V. Burns, and of George Shaw, of Jefferson County, West Virginia—to the same committee.

By Mr. WOODBURN: Petition of real-estate owners and residents in the District of Columbia, in behalf of the passage of House bill 4694, incorporating the Washington Traction Railway Company—to the Committee on the District of Columbia.

Also, petition of John B. Williams and 57 others, of Reno, Nev., for an amendment giving the right of suffrage to women—to the Committee on the Judiciary.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. J. B. WEAVER: Of T. W. Stone and 150 others, of Kansas; and of J. F. Howman and 150 others, of Iowa.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FORAN: Of O. D. Fisher and others, of Chagrin Falls, Ohio.

By Mr. GOFF: Of Rev. L. L. Stewart and others, of Marshall and Brooke Counties, West Virginia.

By Mr. LAIRD: Of Rev. Mark Noble and 170 others, citizens of Fairbury, Kans.

SENATE.

TUESDAY, *April 6*, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war was read twice by its title, and referred to the Committee on Pensions.

HENRY O. HILL.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 683) granting a pension to Henry O. Hill.

The amendment of the House of Representatives was, in line 5, after the word "New Hampshire," to insert the word "Cavalry;" so as to read: "First New Hampshire Cavalry Volunteers."

Mr. BLAIR. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

MRS. ADALINE M. PUTNAM.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 814) granting a pension to Mrs. Adaline M. Putnam.

The amendment of the House of Representatives was, in line 7, to strike out the word "fifty" and insert "thirty;" so as to read: "At the rate of $30 per month."

Mr. BLAIR. I move that the Senate concur in that amendment.

The amendment was concurred in.

Mr. BLAIR. Does that pass the bill?

The PRESIDENT *pro tempore*. That passes the bill.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior relative to an appropriation for payment of damages to Chippewa Indians in Minnesota arising from the construction of reservoirs at the headwaters of the Mississippi River; which, with the accompanying papers, was, on motion of Mr. DAWES, referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents the petition of Casper Kramer, late a private in Company D, Sixty-first New York Volunteers, written in German, accompanied by his original certificate of discharge, praying for $200 bounty and land. If there be no objection the petition will be referred to the Committee on Military Affairs.

Mr. CAMERON presented a memorial of civilian clerks of the Quartermaster's Department of the Army at Saint Paul, Minn., remonstrating against the adoption of certain provisions in the Army appropriation bill reducing their pay; which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the A. C. Harmer Club, of Philadelphia, Pa., remonstrating against the admission of foreign-built ships to American registry; which were ordered to lie on the table.

He also presented a petition signed on behalf of the Friends' temperance conference held at Kennett Square, Chester County, Pennsylvania, and 34 other citizens of Pennsylvania, praying for the prohibition of the alcoholic liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition signed on behalf of the Friends' temperance conference held at Kennett Square, Chester County, Pennsylvania, and 24 other citizens of Pennsylvania, praying for the passage of a joint resolution proposing an amendment of the Constitution of the United States to prohibit the manufacture, importation, and sale of all alcoholic beverages throughout the national domain; which was ordered to lie on the table.

He also presented a petition signed on behalf of the Friends' temperance conference held at Kennett Square, Chester County, Pennsylvania, and 34 other citizens of Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. MCMILLAN. I present a resolution adopted by the Saint Paul (Minn.) Chamber of Commerce, commending the Cullom Senate bill to

regulate interstate commerce to the careful consideration of Congress as in nearly all respects preferable to the Reagan House bill. This resolution, though in the nature of a petition, is not addressed to the Senate and House of Representatives, but is evidently intended for the consideration of Congress. I therefore present it as a petition and move that it lie on the table.

The motion was agreed to.

Mr. TELLER presented petitions of Knights of Labor of Stout and Williamsburg, in the State of Colorado, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. JACKSON presented a memorial of Knights of Labor at Nashville, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. COCKRELL presented memorials of Knights of Labor of Saint Louis, Warrensburg, and Festus, in the State of Missouri, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. CAMDEN presented memorials of Knights of Labor of Cross and Elk Garden, in the State of West Virginia, and memorials of Knights of Labor of Marion and Brooke Counties, in the State of West Virginia, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. FRYE presented a petition of Knights of Labor of Rockport, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a petition of the State Woman's Christian Temperance Union, of Massachusetts, representing 6,000 members, praying for appropriate legislation providing penalties for seduction in the District of Columbia and other localities; which was referred to the Committee on the District of Columbia.

Mr. ALLISON presented memorials of Knights of Labor of Des Moines, Angus, Lehigh, Davenport, Oskaloosa, and Clarinda, in the State of Iowa, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented memorials of Knights of Labor of Cincinnati and Avery, in the State of Iowa, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. BLAIR. I present a memorial prepared to represent the sentiments of a mass meeting of the women of Utah, assembled from all parts of the Territory, in which they set forth their grievances in the operation of some existing United States laws, and pray for redress. I find it difficult to epitomize the memorial, and, as it is of very general interest, I ask that it be printed in the RECORD. It is not of great length.

The memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

To the honorable the President, the Senate, and House of Representatives of the United States in Congress assembled:

GENTLEMEN: We, your memorialists, respectfully represent that at a mass meeting of the women of Utah, held in the theater, Salt Lake City, March 6, 1886, attended by over two thousand ladies, representing the wives, mothers, sisters, and daughters of the whole Territory, the following resolutions were unanimously adopted:

"Preamble and resolutions of the women of Utah in mass meeting assembled.

"Whereas the rights and liberties of women are placed in jeopardy by the present cruel and inhuman proceedings in the Utah courts, and in the contemplated measure in Congress to deprive the women voters in Utah of the elective franchise; and

"Whereas womanhood is outraged by the compulsion used in the courts of Utah to force mothers on pain of imprisonment to disclose their personal condition and that of their friends in relation to anticipated maternity, and to give information as to the fathers of their children; and

"Whereas these violations of decency have now reached the length of compelling legal wives to testify against their husbands without their consent, in violation both of written statutes and the provisions of the common law: Therefore,

"*Be it resolved by the women of Utah in mass meeting assembled*, That the suffrage, originally conferred upon us as a political privilege, has become a vested right by possession and usage for fifteen years, and that we protest against being deprived of that right without process of law, and for no other reason than that we do not vote to suit our political opponents.

"*Resolved*, That we emphatically deny the charge that we vote otherwise than according to our own free choice, and point to the fact that the ballot is absolutely secret in Utah as proof that we are protected in voting for whom and what we choose with perfect liberty.

"*Resolved*, That as no wife of a polygamist, legal or plural, is permitted to vote under the laws of the United States, to deprive non-polygamous women of the suffrage is high-handed oppression for which no valid excuse can be offered.

"*Resolved*, That the questions concerning their personal condition, the relationship they bear to men marked down as victims to special law, and the paternity of their born and unborn children, which have been put to women before grand juries and in open courts in Utah, are an insult to pure womanhood, an outrage upon the sensitive feelings of our sex, and a disgrace to officers and judges who have propounded and enforced them.

"*Resolved*, That we honor those noble women who, standing upon their rights and refusing to reply to improper and insulting questions such as no true man nor any court with any regard for propriety would compel them to answer, have gone to prison and suffered punishment, without crime, rather than betray the most sacred confidence and yield to the brutal mandates of a little brief authority.

"*Resolved*, That the action of the district attorney and the chief-justice of Utah in compelling a lawful wife to testify for the prosecution in a criminal case involving the liberty of her husband, and in face of her own earnest protest, is a violation of laws which those officials have sworn to uphold, is contrary to precedent and usage for many centuries, and is an invasion of family rights and of that union between husband and wife which both law and religion have held sacred from time immemorial.

"*Resolved*, That we express our profound appreciation of the moral courage exhibited by Senators CALL, MORGAN, TELLER, BROWN, and others, and also by Mrs. Belva A. Lockwood, who, in the face of almost overwhelming prejudice, have defended the constitutional rights of the people of Utah.

"*Resolved*, That we extend our heartfelt thanks to the ladies of the Woman Suffrage Association assembled in Boston, and unite in praying that God may speed the day when both men and women shall shake from their shoulders the yoke of tyranny.

"*Resolved*, That we call upon the wives and mothers of the United States to come to our help in resisting these encroachments upon our liberties and these outrages upon our peaceful homes and family relations, and that a committee be appointed at this meeting to memorialize the President and Congress of the United States in relation to our wrongs, and to take all necessary measures to present our views and feelings to the country."

The following ladies were selected as a committee to draught and present a memorial to the President and Congress: Mrs. S. M. Kimball, Mrs. E. S. Taylor, Dr. R. B. Pratt, Mrs. M. I. Horne, Salt Lake City; Mrs. Mary John, Provo; Mrs. Mary Pitchforth, Nephi; Mrs. H. C. Brown, Ogden; Miss Ida I. Cook, Logan; Miss Ida Coombs, Payson.

In pursuance of this appointment, we present the following in behalf of the women of Utah:

On the 22d of March, 1882, an act of Congress was passed which is now commonly known as the Edmunds law. It was generally understood to have been framed for the purpose of settling what is called the Utah question, by condoning plural marriages up to that date and preventing their occurrence in the future, and also to protect the homes, maintain the integrity of the family, and shield innocent women and children from the troubles that might arise from its enforcement. But instead of being administered and executed in this spirit, it has been made the means of inflicting upon the women of Utah immeasurable sorrow and unprecedented indignities, of disrupting families, of destroying homes, and of outraging the tenderest and finest feelings of human nature.

The law has been so construed by the courts as to bring its penalties to bear upon the innocent. Men who had honestly arranged with their families so as to keep within the limits of the law have been punished with the greatest possible severity, and their wives and children have been forced before courts and grand juries, and compelled to disclose the most secret and private relations which in all civilized countries are held sacred to the parties.

The meaning of the law has been changed so many times that no one can say definitely what is its signification. Those who have lived by the law, as interpreted in one case, find as soon as they are entrapped that a new rendering is constructed to make it applicable to their own. Under the latest ruling a man who has contracted plural marriages, no matter at how remote a date, must not only repudiate his families and cease all connection with them, but if he is known to associate with them in the most distant manner, support them and show any regard whatever for their welfare, the offense of unlawful cohabitation is considered to have been fully established, and he is liable to exorbitant fines and imprisonment for an indefinite period, one district judge holding that a separate indictment may be found for each day of such association and recognition. In the case of Solomon Edwards, recently accused of this offense, it was proven by the evidence for the prosecution that the defendant had lived with one wife only since the passage of the Edmunds act, but after having separated from his former plural wife he called with his legal wife at the former's residence to obtain a child, an agreement having been made that each party should have one of the two children, and the court ruled that this was unlawful cohabitation in the meaning of the law, and defendant was convicted.

In the case of Lorenzo Snow, now on appeal to the Supreme Court of the United States, the evidence for the prosecution showed that the defendant had lived with only one wife since the passage of the Edmunds law; that he had not even visited other portions of his family, except to call for a few moments to speak to one of his sons; but because he supported his wives and children and did not utterly and entirely cast them off, under instructions of Judge Orlando W. Powers, he was convicted three times for the alleged offense, and sentenced in each case to the full penalties of the law, aggregating $900 fine, besides costs, and eighteen months' imprisonment, the judge stating in his instructions to the jury, "It is not necessary that the evidence should show that the defendant and these women, or either of them, occupied the same bed, slept in the same room, or dwelt under the same roof. The offense of cohabitation is complete when a man, to all outward appearances, is living or associating with two or more women as his wives."

Thus women who are dependent upon the men whom they regard as their husbands, with whom they have lived, as they have regarded it, in honorable wedlock, must not only be separated from their society and protection, but must be treated as outcasts, and be driven forth with their children to shame and distress; for the bare "association" of friendship is counted a crime and punished with all the severity inflicted upon those who have not in any way severed their plural family relations.

In order to fasten the semblance of guilt upon men accused of this offense women are arrested and forcibly taken before sixteen men and plied with questions that no decent woman can hear without a blush. Little children are examined upon the secret relations of their parents, and wives in regard to their own condition and the doings of their husbands. If they decline to answer, they are imprisoned in the penitentiary as though they were criminals. A few instances we will cite for your consideration:

In the third district court, November 14, 1882, Annie Gallifant, having been asked by the grand jury a number of questions which she declined to answer, one of them being as to the name of the man to whom she was married, she was brought into court, and still declining, was sent to the penitentiary, where, although daily expecting to become a mother, she was kept until the grand jury was discharged. On the trial of John Connelly she was again brought into court and asked, "When did you first cohabit with your husband?" "How long after you commenced cohabiting with your husband was it that your child was born?"

Miss B. Harris was sentenced to fine and imprisonment in the second district court at Beaver, by Judge Twiss, because she declined to answer whether she was a married woman, and, if so, who was her husband. She was taken to the penitentiary, a building used for the confinement of criminals of the most hideous types, with her babe in her arms and leaving one behind with her mother. When asked the questions mentioned by the grand jury she answered, "Gentlemen, you have no legal right to ask this question, and I decline to answer it."

The question was an insult and a vile insinuation of departed virtue; and yet were she a public prostitute no such question would ever be asked. She was fined $25 and imprisoned three and a half months, when she was released by Judge Twiss. She is a lady, with strength of character, who was defending a principle; her right as a witness was as sacred as any rights recognized in courts. She was a martyr to personal right and in defense of a vital principle of freedom. The question was not directed to her knowledge of any crime, but to her social relation to another, she not being charged with any crime.

On May 22, 1884, in the same court, Nellie White, for refusing to answer personal questions in regard to her relations with Jared Roundy, was sent to the

penitentiary, under the same roof with murderers, burglars, and other convicts, and confined there until July 7, the grand jury being kept over and not discharged for the purpose of protracting her imprisonment until the beginning of a new term.

In the court of United States Commissioner McKay, June 20, 1885, Elizabeth Ann Starkey was brought in as a witness against Charles S. White. On refusing to answer the question, "Have you ever in this country, within the last two years, occupied the same bed with defendant?" she was sentenced to one day's imprisonment and a fine of $50, and placed in the custody of the United States marshal until payment.

On June 22 she again declined to answer, and was fined $100 and committed until payment.

On June 24 she refused to answer similar personal questions to the grand jury, and was committed to the penitentiary until August 21, but was again imprisoned and kept till October 6. While in prison she was approached and grossly insulted by an employé of the marshal.

On the 15th of September, 1885, Eliza Shafer was sent to the penitentiary for refusing to answer the question, "Have you, within three years last past, lived and cohabited with J. W. Snell as his wife?" The court ordered her imprisonment until the question was answered.

On February 15, 1886, Mrs. Martha J. Cannon was brought into the third district court, and the grand jury complained that she would not answer certain questions, among them the following: "Are you not now a pregnant woman?" "Are you not now with child by your husband, George Q. Cannon?" On still declining to answer the court adjudged her guilty of contempt, and pending sentence she was placed under bonds of $2,500, which were subsequently raised to $5,000.

On March 2, 1886, Miss Huldah Winters was arrested by Deputy Marshal Vandercook at her home in Pleasant Grove, 40 miles distant, no charge being preferred against her, but it was suspected that she was a plural wife of George Q. Cannon. She was brought to Salt Lake City and conducted to the court-house, where she was required to furnish bonds for $5,000 for her appearance from time to time as she might be wanted.

Under the suspicion that any woman or young lady is some man's plural wife she is liable at any time to be arrested, not merely subpœnaed, but taken by force by deputy marshals and brought before a grand jury, and examined and browbeaten and insulted by the prosecuting attorney or his minions. But this is not all. In defiance of law and the usages of courts for ages, the legal wife is now compelled to submit to the same indignities.

On February 20, 1886, in the third district court, in the second trial of Isaac Langton, upon whom the prosecution had failed to fasten the slightest evidence of guilt, Prosecuting Attorney Dickson exclaimed, "If the court will allow me, I would like to call Mrs. Langton" (defendant's legal wife). After a strong protest from the attorneys for the defendant the court permitted the outrage, and against her and her husband's consent she was compelled to testify for the prosecution, the evidence, however, completely exonerating the husband, who was discharged.

But this has now been set up as a precedent, and within the past few days a legal wife has been taken before the grand jury, as many have been before, who refused to give evidence, but this time was compelled to answer the questions propounded by the public prosecutor against the lawful husband.

We also direct your attention to the outrages perpetrated by rough and brutal deputy marshals, who watch around our door-yards, peer into our bed-room windows, ply little children with questions about their parents, and, when hunting their human prey, burst into people's domiciles and terrorize the innocent.

On January 11, 1886, early in the morning, five deputy marshals appeared at the residence of William Grant, American Fork, forced the front door open, and while the inmates were still in bed made their way upstairs to their sleeping apartments. There they were met by one of the daughters of William Grant, who was aroused at the intrusion, and despite her protestations, without giving time for the object of their search to get up and dress himself, made their way into his bed-room, finding him still in bed, and his wife *en déshabillé* in the act of dressing herself.

Early on the morning of January 13, 1886, a company of deputies invaded the peaceful village of West Jordan, and, under pretense of searching for polygamists, committed a number of depredations. Among other acts of violence they intruded into the house of F. A. Cooper, arrested him, and subpœnaed his legal wife as a witness against him. This so shocked her that a premature birth occurred next day, and her system was so deranged by the disturbance that in a few days she was in her grave.

February 23, 1886, at about 11 o'clock at night, two deputy marshals visited the house of Solomon Edwards, about 7 miles from Eagle Rock, Idaho, and arrested Mrs. Edwards, his legal wife, after she had retired to bed, and required her to accompany them immediately to Eagle Rock. Knowing something of the character of one of the deputies, from his having visited the house before, when he indulged in a great deal of drinking, profanity, and abuse, she feared to accompany them without some protection, and requested a neighbor to go along on horseback while she rode in the buggy with the two deputies. On the way the buggy broke down, and she, with an infant in her arms, was compelled to walk the rest of the distance—between 2 and 3 miles.

They could have no reason for subpœnaing her in the night and compelling her to accompany them at such an untimely hour, except a fiendish malice and a determination to heap all the indignities possible upon her because she was a "Mormon" woman, for she never attempted to evade the serving of the warrant and was perfectly willing to report herself at Eagle Rock the next day. She was taken to Salt Lake City to testify against her husband.

On February 23, 1886, Deputy Marshals Gleason and Thompson went to Greenville, near Beaver, Utah. The story of their conduct is thus related by the ladies who were the subjects of their violence:

Mrs. Easton's statement:

About 7 a. m. deputies came to our house and demanded admittance. I asked them to wait until we got dressed and we would let them in. Deputy Gleason said he would not wait, and raised the window and got partly through by the time we opened the door, when he drew himself back and came in through the door. He then went into the bed-room; one of the young ladies had got under the bed, from which Gleason pulled the bedding and ordered the young lady to come out. This she did, and ran into the other room, where she was met by Thompson. I asked Gleason why he pulled the bedding from the bed, and he answered: "By G—d, I found Watson in the same kind of a place." He then said he thought Easton was concealed in a small compass, and that he expected to find him in a similar place, and was going to get him before he left.

Miss Morris's statement:

Deputy Gleason came to my bed and pulled the clothing off me, asking if there was any one in bed with me. He then went to the fire-place and pulled a sack of straw from there and looked up the chimney. One of them next pulled up a piece of carpet, when Gleason asked Thompson if he thought there was any one under there. Thompson said "No," and Gleason exclaimed, "G—d d—n it, we will look anyway!" They also looked in cupboards, boxes, trunks, &c., and a small tea-chest, but threw nothing out.

William Thomas's statement:

The deputies called at our place about daybreak, and came to my window and rapped. I asked who was there, but received no answer. They then tried to raise the window, when I called again, and they said they were officers. I asked them to wait until I was dressed, but they said: "No; we will break in the door." I told them they had better let that alone, and they went around to mother's door, which was opened, and father was summoned. The deputies next went to the bed of Mrs. Elliotts and subpœnaed her. Gleason said, with a frightful oath, that he knew there was another woman in the house, and searched in boxes, trunks, &c.

These are a few instances of the course pursued toward defenseless women, who are not even charged with any offense against the law. We solemnly protest against these desecrations of our homes and invasions of our rights. We are contented with our lot when left unmolested, and would enjoy the peace of quiet homes, the society of our husbands and children, and the blessings that only belong to God-fearing families trained to habits of thrift, temperance, self-restraint, and mutual help, if it were not for these outrages which are committed in the name of law, under the false pretense of protecting home and preserving the family.

We learn that measures are in contemplation before your honorable bodies to still further harass and distress us. We protest against the movement to deprive us of the elective franchise, which we have exercised for over fifteen years. What have we done that we should thus be treated as felons? Our only crime is that we have not voted as our persecutors dictate. We sustain our friends, not our enemies, at the polls. We declare that in Utah the ballot is free. It is entirely secret. No one can know how we vote unless we choose to reveal it. We are not compelled by any men or society or influence to vote contrary to our own free convictions. No woman living with a bigamist, polygamist, or person cohabiting with more than one woman can now vote at any election in Utah. Why deprive those against whom nothing can be charged, even by implication, of a sacred right which has become their property?

We ask for justice. We appeal to you not to tighten the bonds which are now so tense that we can scarcely endure them. We ask that the laws may be fairly and impartially executed. We see good and noble men dragged to jail to linger among felons, while debauched and polluted men, some of them Federal officers who have been detected in the vilest kind of depravity, are protected by the same court and officers that turn all their energies and engines of power toward the ruin of our homes and the destruction of our dearest associations. We see pure women forced to disclose their conjugal relations or go to prison, while the wretched creatures who pander to men's basest passions are left free to ply their horrible trade, and may vote at the polls, while legal wives of men with plural familes are disfranchised. We see the law made specially against our people so shamefully administered that every new case brings a new construction of its meaning, and no home is safe from instant intrusion by ruffians in the name of the law. And now we are threatened with entire deprivation of every right and privilege of citizenship to gratify a prejudice that is fed on ignorance and vitalized by bigotry.

We respectfully ask for a full investigation of Utah affairs. For many years our husbands, brothers, and sons have appealed for this in vain. We have been condemned almost unheard. Everything reported to our detriment is received; our cries to be heard have been rejected. We plead for suspension of all measures calculated to deprive us of our political rights and privileges, and to harass, annoy, and bring our people into bondage and distress, until a commission duly and specially authorized to make full inquiry into the affairs of this Territory have investigated and reported. And while the blessings of Him who will one day deal out even-handed justice to all shall rest upon your honorable bodies, your memorialists, as in duty bound, will ever pray, &c.

Sarah M. Kimball, M. Isabella Horne, Elmina S. Taylor, Romania B. Pratt, Salt Lake City; Mary Pitchforth, Nephi, Utah; Jane S. Richards, Ogden, Utah; May Johns, Provo City; Ida I. Cook, Logan City; Ida Cooms, Agnes Douglas, Payson; Mrs. Emily S. Richards, secretary committee.

Mr. PLUMB presented a petition of Knights of Labor of Cherokee, Kans., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Leon, Stockton, Ransomville, Arkansas City, Emporia, Scammonville, and Rosedale, in the State of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. PLUMB. I present a petition signed by a large number of colored citizens of the State of Kansas, praying for assistance to enable them to go to Africa. I will venture to ask that the petition itself, with the names of the officers who subscribed it, not the individual subscribers, be read, as it is somewhat remarkable.

The PRESIDENT *pro tempore*. The Senator from Kansas asks the consent of the Senate that the petition may be read. If there be no objection it will be read.

The Chief Clerk read as follows:

To the members of the Senate and House of Representatives of Congress:

Whereas we, the negroes of the United States, were brought from Africa and sold as slaves in this country and served as such from 1620 to 1865; and

Whereas we were set free without a penny and left at the mercy of our late masters and their brothers, who owned all this country from the Atlantic to the Pacific, and who for over two hundred years had regarded us as inferiors and slaves; and

Whereas there are sixteen thousand of us who have already returned to Africa; and

Whereas there are thousands of us in humble circumstances who yet wish to return to Africa, and there try to build up a United States in Africa, modeled after this Government, and under the protecting care of the same, for the elevation of the African and for the perpetuity of our race, which is here losing its identity by intermixture with the white races, and other troubles, &c.: Therefore,

We, the members of the African Emigration Association, and such citizens as are willing to aid and encourage us, ask you for an appropriation, to be disbursed through such a channel as in your judgment you may direct.

It is the purpose of this petition to help only those who wish to go to Africa, in whatever parts of the United States they may be found.

The head of this association is for the present situated at Topeka, Kans. It was established September 17, 1881, and approved by the association March 27, 1886.

Officials: George Charles, president; Antony Griffin, vice-president; John Smith, chaplain; W. Johnson, chaplain; Lewis Lee, treasurer; Charles Charles, secretary.

Mr. PLUMB. The petition, I think, perhaps should be referred to the Committee on Foreign Relations. I am not particular about the reference which is had, but it comes to me accompanied by letters from prominent citizens of Topeka, where these people live, speaking of their character most favorably, and also of the very thorough determination that they have in this matter; and by reason of that sincerity and ear-

nestness which they have manifested I hope that the petition, wherever it goes, will meet with consideration.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HAWLEY presented the petition of Mrs. Emily P. Collins and 78 other citizens of Hartford, Conn., praying for the passage of a joint resolution submitting to the several State Legislatures a proposition to so amend the Constitution as to give the right of suffrage to women; which was ordered to lie on the table.

He also presented a memorial of Knights of Labor of Huntington and Derby, in the State of Connecticut, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. LOGAN presented memorials of Knights of Labor of Cartersville, Duquoin, Havana, Bloomington, Carbon Cliff, America, Sandoval, Peru, Chicago, New Burnside, and Staunton, in the State of Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of G. T. W. Froehlich, late surgeon Company G, Tenth Missouri Infantry, praying for the passage of a law authorizing the Adjutant-General to grant a discharge to all one-hundred-day soldiers who enlisted in response to the first call for seventy-five thousand men; which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the State Grange of Illinois, favoring the enactment of a law making the Commissioner of Agriculture a member of the Cabinet; also favoring the coinage of the silver dollar, &c.; which was referred to the Committee on Agriculture and Foresty.

Mr. EVARTS presented memorials of Knights of Labor of Corning, Binghamton, Hudson, Coxsackie, Richburg, Buffalo, and Suspension Bridge, in the State of New York, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SEWELL. I report from the Committee on Pensions a bill, as a substitutute for the bill (S. 927), to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation, and increasing the rate therefor, and for other purposes.

The bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service was read twice by its title.

Mr. SEWELL. This substitute increases the pension for the loss of an arm or a foot from $24 to $30 a month, and in the class above the elbow from $30 to $36, and loss at a shoulder-joint or a hip-joint from $37.50 to $45.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. SEWELL. I report adversely and move the indefinite postponement of three bills relating to the same subject: The bill (S. 927) to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation and increasing the rate therefor, and for other purposes; the bill (S. 1222) for the relief of soldiers and sailors having lost a leg above the knee or an arm above the elbow-joint; and the bill (S. 1978) to extend the benefits of the act approved March 3, 1885, to certain pensioners whose disabilities are caused by amputation of the right arm.

The motion was agreed to; and the bills were postponed indefinitely.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2196) granting a pension to Sarah A. Gettis;
A bill (H. R. 553) granting a pension to William J. Suffall;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 928) granting a pension to Lewis A. Thornbury;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 1742) for the relief of Thomas Askew;
A bill (H. R. 1701) granting a pension to Anson B. Sams; and
A bill (H. R. 2197) granting a pension to Fidelia A. Cheney.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 239) granting an increase of pension to Sarah A. Briggs, to report it adversely, and to ask that it be indefinitely postponed, as the case is covered by the general law.

The report was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1248) granting a pension to John M. Young;
A bill (S. 1836) for the relief of Libbie C. Montis;
A bill (S. 850) granting a pension to Simpson S. Skirvin;
A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 1103) granting a pension to Caroline E. French;
A bill (S. 977) granting a pension to Elizabeth Barker;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 2805) granting a pension to Mary S. Douglas;
A bill (H. R. 2804) granting a pension to Clayton E. Rogers;
A bill (H. R. 2802) granting a pension to Sarah A. Lovel;
A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;
A bill (H. R. 2797) granting a pension to John L. Hunter;
A bill (H. R. 2791) granting an increase of pension to George Wells;
A bill (H. R. 2755) granting a pension to Robert Monahan;
A bill (H. R. 2753) for the relief of John W. Robson;
A bill (H. R. 4346) granting a pension to Elijah W. Putney;
A bill (H. R. 2793) granting a pension to Silas James; and
A bill (H. R. 1273) for the relief of Samuel J. Brown.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1630) granting a pension to James C. Chandler, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2022) granting an increase of pension to Mrs. General Ward B. Burnett, reported it with amendments, and submitted a report thereon.

Mr. BLAIR. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 358) granting an increase of pension to Mrs. Emily M. Wyman, to report it without amendment, and submit a report thereon, on behalf of the chairman of the committee [Mr. MITCHELL], who is absent.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BLAIR. I also report adversely from the Committee on Pensions, on behalf of the Senator from Pennsylvania [Mr. MITCHELL], the bill (S. 1893) for increase of pension of E. M. Wyman, widow of Robert Harris Wyman, late a rear-admiral in the United States Navy, and I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. BLAIR. By direction of the Committee on Education and Labor, I report back the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés. The bill is reported by direction of a majority of the committee without amendment, and I desire to say that I shall ask the attention of the Senate to the consideration and passage of the bill at the earliest opportunity.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon, reported it without amendment, and submitted a report thereon.

Mr. PAYNE, from the Committee on Pensions, to whom was referred the bill (S. 784) granting a pension to William A. Griffin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 777) granting a pension to Frederick Bottjer, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 854) granting a pension to Frederick Bottjer, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and Naval Asylum grounds at Philadelphia, Pa., reported it with amendments, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 361) granting a pension to John L. Willhoite, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 518) for the relief of John Alexander, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 743) for the relief of Mrs. Martha Vaughn and the legal representatives of Mrs. Louisa Jackman, reported adversely thereon, and the bill was postponed indefinitely; and he submitted a report, accompanied by a bill (S. 2057), for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn; which was read twice by its title.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 668) for the relief of Charles de Arnaud, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and appropriating money therefor, reported it without amendment.

Mr. HAWLEY. A letter from the Secretary of War concerning a

breakwater upon Lake Champlain was accidentally referred to the Committee on Military Affairs, though the printed indorsement thereon referred it to the Committee on Commerce. I ask that an order to direct the proper reference be made.

The PRESIDENT *pro tempore*. The letter will be referred to the Committee on Commerce if there be no objection.

PRINTING OF COMMITTEE REPORTS.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 73) authorizing the printing of committee reports, to report it favorably without amendment; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the reports of committees, the evidence and papers submitted therewith, or any part thereof, printed by order of Congress, may be reprinted at the Public Printing Office, at the instance of Senators, Representatives, and Delegates in Congress, upon payment in advance to the Public Printer of the cost thereof with 10 per cent. added, the same as if originally printed in the CONGRESSIONAL RECORD.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 44) providing for the erection of a public building at San Antonio, Tex., with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library;

A bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas;

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made; and

A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VOORHEES. I ask that the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library, which has just been sent from the House of Representatives, be allowed to lie on the table. It is precisely the same bill which the Select Committee on Additional Accommodations for the Library of Congress has reported already to the Senate, and which is now on the Senate Calendar. There is no necessity therefore for its reference to the committee. I ask that it lie on the table, and give notice now that to-morrow, after the morning hour, I shall ask the Senate to take it up and pass it. It has already passed this body substantially three times in the last twelve or thirteen years. I do not suppose it will lead to any debate at all. At any rate, I shall ask the Senate to-morrow, after the morning hour, to consider it.

The PRESIDENT *pro tempore*. The Chair will lay the bill before the Senate.

The bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library was read twice by its title.

The PRESIDENT *pro tempore*. The bill will lie upon the table.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. COKE. I ask the unanimous consent of the Senate to take up the bill which has been received from the other House for a public building at San Antonio, Tex., with a view to asking non-concurrence in the House amendments and a committee of conference.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the amendments of the House of Representatives to the bill referred to by the Senator from Texas. The bill will be read by its title.

The CHIEF CLERK. A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. The amendments of the House of Representatives are, in line 8, to strike out "$200,000" and insert "$150,000," and at the end of the bill to add:

> Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plans for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building.

Mr. COKE. I move that the Senate non-concur in the amendments of the House of Representatives, and ask for a committee of conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MAHONE, Mr. COKE, and Mr. SPOONER were appointed.

BILLS INTRODUCED.

Mr. MAHONE introduced a bill (S. 2058) to complete the public building at Harrisonburg, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2059) for the relief of the estate of Mallity Rose; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HALE introduced a bill (S. 2061) granting a pension to Johanna Sofia Enlind; which was read twice by its title.

Mr. HALE. I wish to call the especial attention of the Committee on Pensions to this case. It is the case of the needy and infirm mother of a young Swede who entered our armies in the war of the rebellion and there laid down his life. It has gone through the Pension Office and failed because of the lack of technical proof showing that at the time of the death of the soldier he had contributed to the mother's support. The mother is old, growing blind, and is entirely dependent upon what she may get. It would be a generous thing in Congress to pass the bill. I have here a letter, making a brief statement of the case, from the Swedish minister, which I will send to the Committee on Pensions, and I hope that committee may see its way to reporting the bill favorably very soon.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Pensions.

Mr. FRYE (by request) introduced a bill (S. 2062) to increase the safety of passenger steamers in the domestic and foreign trade of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a bill (S. 2063) for the erection of a public building at Oil City, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAHONE introduced a bill (S. 2064) for the relief of Robert N. Blake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2065) to extend the act of June 15, 1880, to all homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 2066) to amend section 3894 of the Revised Statutes of the United States, relating to the transmission through the mails of lottery, gift-enterprise, and other circulars; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL introduced a bill (S. 2067) for increase of pension to Zebulon S. Tompkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2068) for the relief of William H. Simmons; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILL.

Mr. TELLER and Mr. STANFORD submitted amendments intended to be proposed by them, respectively, to the Indian apropriation bill; which, with the accompanying papers, were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order.

Mr. RIDDLEBERGER. I presume under that order it is proper to ask to take up a resolution offered by the Senator from Illinois [Mr. LOGAN] relating to the question of considering everything in open session except treaties, I believe. I do not think in making this motion that I am out of order in making one observation.

The PRESIDENT *pro tempore*. The resolution to which the Senator from Virginia refers is on the table. After the ordinary morning business is called for and the introduction of "concurrent or other resolutions" is concluded it will be in order then to move to proceed to the consideration of that resolution.

Mr. RIDDLEBERGER. Would it be in order then for me to call up the resolution which was reported by the Senator from Kansas [Mr. INGALLS] relating to the same subject?

The PRESIDENT *pro tempore*. Not until the call for "concurrent or other resolutions."

Mr. RIDDLEBERGER. I should like to call it up before we commence general debate this morning, for the reason, if the Chair will indulge me, that it is not understood that while these resolutions are pending we are going on with discussions in secret session and doing what we try to avoid in open sessions.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order.

REPORT OF LABOR COMMISSIONER.

Mr. COCKRELL. I ask for the consideration of the following resolution:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the annual report of the Commissioner of the Bureau of Labor recently transmitted to the Department of the Interior.

I ask this, because the act to establish the Bureau of Labor, approved June 27, 1884, only provides that "the Commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau;" but no provision is made for the Secretary of the Interior to transmit that report to Congress.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I do not object to the passage of the resolution, but it was understood and expected that the report of the Commissioner of the Bureau of Labor would be transmitted to the Secretary of the Interior, as other reports of bureau officers are transmitted, and that it would be embodied in his general report.

Mr. COCKRELL. I understand, though, that this report was not made in time to be transmitted with the others.

Mr. ALLISON. So I understand, and that is the reason why it should now be called for.

The PRESIDENT *pro tempore*. If there be no objection to the consideration of the resolution the question is on its adoption.

The resolution was agreed to.

ALASKA LAND TITLES.

Mr. DOLPH. I offer the following resolution, and ask for its present consideration:

Resolved, That the Senate Committee on Territories be directed to examine into the propriety and necessity of providing by law for the acquisition of title to public lands in Alaska Territory, and report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. DOLPH. I should like to say a few words in connection with the resolution. There is no law in Alaska Territory by which title to public land can be acquired except the mining laws. There are at present in the Territory a number of towns, some two or three of them of considerable size. There are various enterprises being conducted in the Territory in which large amounts of capital are invested. One company is engaged in the manufacture of oil; others in fishing, and in trading. There ought to be some way provided by which persons engaged in such enterprises can acquire title to lands occupied by them and be secured in their investments.

Evidently the Committee on Territories suppose that in time the general laws relating to public lands will be extended over that Territory; but I desire to state that those laws never will be applicable to that Territory. It is not an agricultural country. The present system of surveys never can be extended over the Territory. I think that the townsite law might be so modified as to be adapted to the present District government, and extended to the Territory; and there ought also to be some provision made by which title to small portions of the public domain could be obtained by persons engaged in fishing, trade, and in other enterprises in the Territory.

I have received numerous letters from people who are interested there, and who are residents of the Territory, urging Congressional action upon this subject. I hope the Committee on Territories will give it attention and report a bill.

The act providing a District government for the Territory by the twelfth section provided for a commission to report upon this subject, at least to report what provision ought to be made for the protection of persons already in the Territory and having interests there when the general land laws are extended to the Territory; but I repeat that the present system of surveys never can be extended to the Territory. Surveys will have to be made of detached portions of the Territory from initial points established by astronomical observations and laws enacted adapted to the condition of the Territory, as the present land laws are not adapted to the wants of the Territory.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made; and

A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.

CENTENNIAL CELEBRATIONS AT WASHINGTON.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions, the Chair lays before the Senate the resolution which comes over from yesterday, submitted by the Senator from Maryland [Mr. GORMAN].

The Secretary read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint select committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to consider the subject of a celebration in 1889 at Washington of the centennial anniversary of the formation of the Government under the Constitution of the United States, and also of the four hundredth anniversary of the discovery of America in 1892, and to report what, if any, action by Congress is advisable in connection therewith.

The PRESIDENT *pro tempore*. As the Senator from Maryland is not now present, the resolution will lie on the table.

CONSIDERATION OF NOMINATIONS IN OPEN SESSION.

Mr. RIDDLEBERGER. I move, if it is now in order, to take from the table the resolution offered by the Senator from Illinois [Mr. LOGAN] providing for open sessions for the consideration of the confirmation or rejection of nominations. I ask pardon of the Senator for making this motion, because I know that the Senator who offers a resolution ought to have the control and management of it; but I can not close my eyes to the fact that while that resolution is lying on the table and these days are being consumed in debate executive sessions still recur from day to day, and we are not opening the doors to our debates or nominations. I am particularly not interested, but particularly disturbed, if I may so express it, that we can not have open doors while discussing such matters.

I will say to the Senator from Illinois that I am as much interested in the debate on the Army increase as any Senator on this floor, and, unless something shall be said to change my opinion, I expect to vote for it; but I think it is time, if we mean to open the doors, to open them. A resolution lying on the table accomplishes nothing. A resolution nominated here in this catalogue or calendar of business accomplishes nothing. If we intend to open the doors in these matters we must vote on the resolution; and I now move to take it from the table, and I beg pardon again of the Senator for asking that the yeas and nays shall be taken on it, for we agree so thoroughly on the matter.

Mr. LOGAN. I ask the Senator to withdraw that motion, and I will say to him that at the very first opportunity that can be afforded it will be called up. Indeed, the Senator from Connecticut [Mr. PLATT] has already given notice that he will to-morrow morning call up his resolution, which is of the same character, for the purpose of discussing it. I hope the Senator will withdraw his motion for the present until we get through with the Army bill to-day in some way or other, and then I will join him most readily in taking up and discussing the proposition and having a vote on it.

Mr. RIDDLEBERGER. Certainly. I did not understand that the Senator from Connecticut had given any notice.

Mr. LOGAN. Yes, he gave notice yesterday morning, and it will come up to-morrow, so I hope the Senator from Virginia will withdraw his motion now.

Mr. RIDDLEBERGER. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That William Webster have leave to withdraw his papers from the files, there being no adverse report.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the act (S. 812) granting a pension to Mrs. E. A. Benham.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had insisted on its amendments to the bill (S. 44) providing for the erection of a public building at San Antonio, Tex., disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. REESE, and Mr. WADE managers at the conference on its part.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. Is the morning business through?

The PRESIDENT *pro tempore*. Is there further morning business? If not, the Senate resumes the consideration of the bill which comes over from yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on Mr. HALE'S motion to strike out section 2.

Mr. LOGAN. Mr. President, I wish to say that I do hope this bill will be voted on to-day and that we may dispose of it in some way. But in order that we may have a clear understanding in reference to all the objections which have been made to it, and which I was at-

tempting to make answer to yesterday evening when the Senate proceeded to the consideration of executive business, I now for a very short time desire to draw the attention of the Senators to the same proposition that I was discussing last evening; and that is in relation to the recommendations made by those in authority, in reference to the increase of the Army and the reports and suggestions made by the same persons in regard to the necessity of this, for the purpose of increasing the efficiency of the service.

I was referring to the report of the Secretary of War in 1881 when I concluded yesterday. I now desire to draw the attention of the Senate to the report made in 1882, in order to keep up the connection, and show that this has been continuous for a great many years. You will find on page 4 of the report of the Secretary of War made in 1882 the following remarks:

The report of the General of the Army is very interesting. He urges strongly that the limit of the enlisted strength of the Army be fixed at thirty thousand men instead of twenty-five thousand men, as now established. No increase in the number of officers would be caused, and we would have at each of our numerous posts a force not only larger, but more efficient. Our soldiers are overworked, and the companies are too small for discipline or real economy. I again concur in his recommendation.

There was the concurrence of the Secretary of War in 1882 with the recommendation of the General of the Army, General Sherman, that the Army should be increased to thirty thousand private soldiers, and at the same time suggesting that that would not increase the officers of the Army. The proposition in this bill is precisely in accord with that recommendation of the General of the Army in 1882. The discussion that has occurred incidental to this bill in reference to the organization of twelve companies to the regiment grew out of an amendment offered by the Senator from Nebraska [Mr. MANDERSON], and is not the proposition that is contained in the bill as it now stands.

In 1883, on pages 4 and 5 of the report of the Secretary of War, you will find the following:

The report of the General of the Army has a special interest in being the last annual report that General Sherman will make. At his own request he has been relieved from the command of the Army, preparatory to his retirement from active service under the act of 1882. He has therefore thought it best to refrain from making any new recommendations in his report, leaving that duty to his successor in the command of the Army, Lieutenant-General Sheridan. He, however, calls attention to and renews a former recommendation that a new organization be adopted for the regiments of infantry so that each shall be composed of twelve companies, making three battalions of four companies each, each company having one hundred men; and that in time of peace two of these battalions shall be maintained on a perfect war footing, while the other battalion may be a mere skeleton, with its complement of officers, and be used as a nucleus for recruits. The great advantage of this change, as suggested by the General, is the important one of being able to put a large and effective force in the field upon short notice by merely enlisting a sufficient number of additional private soldiers, the officers and organization being always ready to receive them.

Passing from that to 1884, on page 6 of the report of the Secretary of War for 1884 you will find still further recommendations. He says:

The Lieutenant-General renews the recommendation of General Sherman that there should be made a uniform organization of the three arms of the service by adding two companies, with the corresponding majors, to each regiment of infantry. The reasons for this change were given at some length in my last report, and I concur in the recommendation of the Lieutenant-General.

In 1885, the report made by the present Secretary of War, on page 4 will be found this:

The Lieutenant-General commanding reports that the Army at the date of the last consolidated returns consists of twenty-one hundred and fifty-four officers and twenty-four thousand seven hundred and five enlisted men.

He goes on with that suggestion and then finally the Secretary of War says:

The Lieutenant-General commends to careful consideration the policy of concentrating troops and putting large garrisons in the vicinity of large cities as a measure of economy, the present railroad facilities being ample to transport them to the frontier speedily when needed; and also again recommends the addition of two companies and two majors to each regiment of infantry, and thus make the three arms of the service uniform. In both these recommendations I concur. The reasons for the last are given in the report of the Secretary of War for 1883, as follows.

Then he calls attention to the report of General Sherman made at that time, from which I have read.

Mr. President, I wish to pursue this a little further, although it will be taking the time of the Senate. On page 79 of the report that I alluded to last evening made by Senator Burnside when in the Senate, and signed by Senator PLUMB and Senator BUTLER, and three members of the House, with a bill introduced as I stated in connection with it, you will find that they report in reference to the reorganization of the Army and make the suggestion that I spoke of last evening. They embody in that report a letter of General Washington, to which I called attention this morning, from the fact that the Senator from Missouri [Mr. COCKRELL] last evening spoke of the opposition of our great leading men to standing armies. In fact he spoke of our militia, for which I have great respect, and of our citizen soldiers, and therefore, he said we needed no army; and he referred to the cost of the army in 1800, 1810, 1820, 1850, and so on. He said that in 1810 the Army cost $2,294,323.94. Is it fair or is it applicable to the condition of things now to say that the Army should be so reduced that we are to refer back to the cost of the Army in 1810? But suppose it is a fair argument. The answer to that argument is that soon after 1810, when war between Great Britain and this country occurred, with that small army it is well remembered that even the city of Washington was captured and your public records burned. Our armies were in such a condition then that when we were assailed property in our cities was destroyed; but we are told that we ought to return to those days of economy and decrease the numbers of our Army, that it is all that is necessary and all sufficient. But I desire to call the attention of the Senator and of the Senate to what George Washington said. He was authority in those days. In September, 1776, he said:

To place any dependence upon militia is assuredly resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves when opposed to troops regularly trained, disciplined, and appointed, superior in knowledge and superior in arms), are timid and ready to fly from their own shadows. Besides, the sudden change in their manner of living, particularly in their lodging, brings on sickness in many, impatience in all, and such an unconquerable desire of returning to their respective homes, that it not only produces shameful and scandalous desertions among themselves, but infuses the like spirit into others. Again, men accustomed to unbounded freedom and no control can not brook the restraint which is indispensably necessary to the good order and government of the Army; without which, licentiousness and every kind of disorder triumphantly reign. To bring men to a proper degree of subordination is not the work of a day, a month, or even a year; and, unhappily for us and the cause we are engaged in, the little discipline I have been laboring to establish in the army under my immediate command is in a manner done away, by having such a mixture of troops as have been called together within these few months.

He was speaking of raw recruits without any training or discipline. His army became better as it endured hardships and had time for making them into good soldiers. Our militia would be better now because of more drill, experience, discipline, and being better provided for.

It will be seen that General Washington made this distinction between raw men called together unorganized and undisciplined and those men who were organized and were disciplined, and so would every other man who speaks fairly and justly in reference to this matter. Men who wish to inspire a different feeling eulogize those who need no eulogy, because their conduct in war is eulogy enough. It is well enough sometimes for such arguments to be made; but when men want to speak of facts as they are there is not a man of mature judgment who knows anything about military affairs but what knows on the spur of the moment that a regular force organized and well disciplined is better than an unorganized and irregular force for the time being. Washington proceeded:

The jealousy of a standing army and the evils to be apprehended from one are remote, and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin. For, if I was called upon to declare upon oath whether the militia have been most serviceable or hurtful upon the whole, I should subscribe to the latter. I do not mean by this, however, to arraign the conduct of Congress; in so doing I should equally condemn my own measures if I did not my judgment; but experience, which is the best criterion to work by, so fully, clearly, decisively reprobates the practice of trusting to militia, that no man who regards order, regularity, and economy, or who has any regard for his own honor, character, or peace of mind, will risk them upon this issue.

That is the language of George Washington, not my language but his, and I give it that the point may be considered to which he directed it; and that was the immediate discipline and organization of an army for the benefit of the Government and the protection of the people.

Now, sir, I read and I desire to call the attention of Senators to what ex-President Garfield said in reference to the Army. He is more recent authority than that I have just read coming from the pen of George Washington, and under a different condition of things:

It is a significant fact that, while numberless petitions and remonstrances upon almost all subjects of legislation have been constantly pouring into Congress, yet during the last eight years not one petition has been addressed to either the Senate or the House praying for the decrease of our military establishment or for the reduction of the pay of its officers or enlisted men. Our people remember with gratitude the great captains who, in the late war, led their soldiers to victory to save the Republic from overthrow. They thoroughly learned the lesson that in times of extreme peril the preservation of liberty and peace depends upon the disciplined valor of the nation, and that the science and art of war can be acquired only by the thorough and patient study and practice of its elements. This work they expect of the Army; and the annual amount which they cheerfully pay for its support is the cost of national insurance against foes from without and anarchy within. They expect Congress and the Executive to make the Army worthy of a great nation; and this can be done only by the hearty co-operation of Congress with those eminent and patriotic soldiers who have devoted their lives to the study and practice of military science.

And, sir, you can not find a sentence emanating from any man who at least had great experience with large bodies of men, either as Secretary of War or General of the Army, to-day, that does not echo the very same sentiments in reference to our organization and our necessary force.

I read next from the Burnside report on page 145 from John C. Calhoun in a letter when he was Secretary of War. In 1820, the time that our friend from Missouri referred to when our expenditures were so small for the Army, Mr. Calhoun said:

However remote our situation from the great powers of the world, and however pacific our policy, we are, notwithstanding, liable to be involved in war; and to resist with success its calamities and dangers a standing army in peace, in the present improved state of the military science, is an indispensable preparation. The opposite opinion can not be adopted without putting to hazard the independence and safety of the country.

So you will find coming from our great statesmen in this country and the great war leaders in this land, passed away, and those present now, as the heads of our armies and as war ministers, the same appeal to the peo-

ple of this country and the Congress of the land to give us an efficient standing army, to give us some force necessary to afford us some protection, and prepare us in time of peace for that which must come sooner or later to all nations.

In a letter from West Point by General Schofield, now the senior major-general of the Army, he says:

The President should be authorized by law to determine from time to time, according to the number of enlisted men authorized by Congress from year to year, the number of regiments and the number of battalions of each regiment to be kept organized for active service; provided, no regiment so organized should consist of less than two battalions, or eight companies, these companies to have an average strength of not less than ninety enlisted men for the cavalry, seventy-six for the infantry, and sixty for the artillery.

Further, he says:

As the organization now is, a reduction in the number of enlisted men reduces the effective strength in a far greater ratio.

When this reduction was going on his opinion of it was that the reduction in the strength of enlisted men in the Army reduced the Army's efficiency in a much greater ratio than the reduction itself.

Mr. HALE. What is the date of that?

Mr. LOGAN. July, 1878. General Sherman, in 1876, was asked to prepare a bill to be introduced in Congress for the reorganization of the Army. In his preparation of the bill he made each regiment of twelve companies, and in the cavalry, artillery, and infantry the same organization, and for the infantry he reported that there should not be less than fifty privates to a company, but that the President should have the right at all times to increase the number to one hundred.

So you find in every report and in every bill that has been introduced in Congress and asked for by any committee, by any commission, by any man who has known anything about the organization of the Army, that the report has been in accordance with the proposition made here by the Committee on Military Affairs.

On page 111 of the report are the views of General Hancock in 1876. General Hancock is referred to. In his report General Hancock says:

As a general proposition, it may be said that every arm of the service, in order that it may be a model for the national forces, ought to be large enough to give full development, at whatever cost of time and money, to its own specialty.

The committee say:

In discussing the condition of the infantry and cavalry, General Hancock calls attention to the fact that the number of enlisted men in each company had become too small for effective discipline and instruction, so that in late years it has not been practicable to carry military instruction beyond the school of the individual soldier, or rarely beyond the school of the company. To remedy this evil he recommends that the companies in these arms of the service be filled up to one hundred men each, and to prevent the aggregate increase of the Army which this would occasion, he recommends that the number of companies in each regiment be reduced to eight.

But he wants them to have one hundred men in each company.

Mr. HALE. Not so many of the companies in a regiment.

Mr. LOGAN. Not so many companies. General Hancock continues:

The question of any further reduction of these arms than that just suggested should, I think, be deferred a few years longer, until our Indian frontiers are in a more settled condition. If no other disturbances have arisen, I have no doubt that these arms could, with safety, be still further reduced, if then deemed advisable.

I give you the benefit of his opinion both ways. His idea was that there should be not less than one hundred men in each company. In pursuance of the judgment of these general officers they were asked to propose a bill, and on page 240 you will find the bill proposed by General Hancock. In the artillery he proposed that there be fifty-six privates to a company:

SEC. 7. That when not in service in the field, the batteries of light artillery, or so many of them as may be deemed available for that purpose, shall be concentrated at a military post for instruction in light-artillery tactics, under command of a field-officer of artillery.

* * * * * * *

SEC. 9. That the organization of each company of infantry shall be as follows:

Then he goes on with that organization—

Fifty-seven privates—

In each company, and in the cavalry and so on. Then on page 246 you will find the bill proposed by General Schofield that I read from a moment ago. On page 420 you will find from General Alfred H. Terry the following:

I will endeavor to indicate the difficulties which have arisen in my mind:

As a matter of course, the organization of such a force for active service in one body on a theater of war, characterized by no peculiarities demanding a special organization, is a very simple matter. Twenty-five thousand men would constitute a rather small army corps, of which from one-tenth to one-eighth, according to recent writers, should be cavalry, about eighteen hundred men should be artillerists, and of which the remainder, except perhaps a few engineer soldiers, should be infantry.

Any one at all versed in military matters could prepare almost mechanically a project for an organization of this kind. But it is perfectly apparent that such an organization would not be in any respect adapted to either the present actual or prospective and contingent needs of the country; that it would be utterly unsuited to the existing situation, or to any situation in which the country is likely to be placed. Leaving then such an organization out of consideration the question becomes, What organization is required by present needs, and what is necessary to give a reasonable protection against contingent dangers, and can these two requirements be reconciled within the limits proposed?

Broadly stated, our present need is a force properly organized and sufficiently strong to control the Indian tribes and protect the frontiers and routes of communication through the Indian country. Our prospective or contingent need is a force organized for the protection of the country against invasion and the defense of our seacoast and maritime cities against naval attacks in the event of a foreign war. At least the nucleus of a force for this latter purpose must be maintained, and I assume that it is the purpose of Congress to so organize the Army, if it be possible within the limits prescribed, that it may answer both these ends.

I regret that I have not been able to devise any plan which would accomplish these objects, and that I can be of no service to the committee in this regard.

He says further:

Similar difficulties arise when the effort is made to determine the proportions which the cavalry and the infantry should bear to the whole force. But I will not weary you by discoursing them. I am unable to suggest any method of overcoming them. I am unable to reconcile within the limits prescribed provisions for what I conceive to be present pressing needs with what I believe the most ordinary prudence requires as preparation for the defense of the seaboard in case of a foreign war. Having thus failed to respond to the request of the committee, I do not know that it is proper for me to make any suggestions, but if it be, I would suggest that the present organization be maintained until such time as the restored prosperity of the country shall justify the Government in increasing the strength of the Army sufficiently to make the existing regiments efficient. Or that the plan of organization submitted to the committee by the General of the Army should, with some changes, be adopted.

On page 455 is the opinion of General McClellan. I will read a portion of what he says:

The permanent strength of the regular Army should be sufficient to enable it to perform with promptness, vigor, economy, and certainty all its ordinary duties; and its organization should be so elastic as to permit a rapid, economical, and efficient increase of its numbers. If an army is maintained at all, true economy requires that it should be thoroughly efficient in all respects and adequate to the work devolving upon it. Large posts, that is, posts with large garrisons, if well selected, promote discipline and economy and enable the troops to perform much more efficient and economical service than if scattered among a number of small posts.

The experience of our own and other countries proves that it is false economy to reduce the peace establishment of the Army unduly, for the reason that the employment of large masses of new troops upon the breaking out of war involves an immense expenditure out of all proportion with the savings resulting from reducing the peace establishment too much. For similar reasons it is wise and necessary to furnish in peace due supplies of all war materials not liable to deterioration.

Not only did the committee take the opinion of officers but of private soldiers. The opinions of enlisted soldiers in the Army I will read. I could read all day from the opinions of officers of the Army, and those who have always stood high in the estimation of the people, but I will not do so. I will read though what the private soldiers say. Here is a letter on page 487 of the Burnside report:

The undersigned, enlisted soldiers, desire to represent that the Army is now much too small to perform the services required of it, that it is not a "standing army," but a traveling, working, fighting, and suffering army; and that the pay is now certainly no more than a reasonable compensation for a soldier, and much less than would command men to perform our duties if they knew beforehand what they would encounter.

We first enlisted with the usual ideas of the life of a soldier; willing and anxious to brave its dangers, hardships, and fatigues, expecting a reasonable support and the prospect of change and adventure; but we find in service that we are obliged to perform all kinds of labor, such as all the operations of building quarters, stables, store-houses, bridges, roads, and telegraph lines, involving logging, lumbering, quarrying, adobe and brick making, lime-burning, masonwork, plastering, carpentering, painting, &c. We are also put at teaming, repairing wagons, harness, &c., blacksmithing, and sometimes wood-chopping and hay-making.

This in addition to guard duty, care of horses, arms, and equipments, cooking, baking, police of quarters and stables, moving stores, &c., as well as drilling, and frequently to the exclusion of the latter.

Besides all this labor we have to go on campaigns and long marches and fight Indians, risking our lives and health from bullets, accident, malaria, exposure, and fatigue, and all for wages much less than those current in the regions where we serve for anything like the same labor; and in the performance of these duties there is no eight-hour law for us.

This is what the soldiers say to the Senate. The private soldiers tell you the amount of work they have to perform, and they answer the speech of some Senators here who say a soldier gets more pay than an ordinary laborer. The soldier tells you he is working for less and has no eight-hour law either. He is at work at blacksmithing, at ditching, at hay-making, at stable-building, besides all his other duties, and that he does it for much less pay than the ordinary laborer in the community from which he comes; and yet we are told that he is paid too much. What else do they say?

We desire to say that we are mostly laboring men, that we sympathize with them as a class, and that there is no danger of our being used to oppress them; but that we believe in the ballot-box for the righting of wrongs, are opposed to rioting and mob violence, and will be always ready and willing to put them down and to keep the peace between contending parties until reason can resume its sway.

If there has been a more intelligent letter written to this committee than was written by these poor private soldiers who receive $13 per month I should like to read it. Yet we are robbing the country in increasing the pay of these men! I have also the statements of General Irvin McDowell, General Emery Upton, General George Crook, and General Joseph E. Johnston, who served on the other side, confirming every word that I have uttered in reference to this bill, but I will not take the time of the Senate to read them.

Now, sir, I propose for a few moments to touch some other points. Some of the Senators, as I said yesterday, were raiding on different parts of this bill, and we have been asked to bring forward the recommendations and show wherein these provisions have been indorsed by leading men. One of them is the proposition to give mileage over your land-grant railroads. It was asked, where do we get that provision? The Paymaster-General shows in his report that during the last year

his Department has duly accounted for $15,180,160.86. I read from the report of the Secretary of War of 1884:

He again recommends—

This recommendation, as I have stated, has been made more than once—

He again recommends—

With the concurrence of the Secretary of War, and says:

the repeal of the law forbidding payment of mileage to officers for travel over land-grant roads.

Why?

As mileage is given to an officer not merely to pay his railroad fare but to cover other traveling expenses, and as officers of the Army are the only public officers against whom a discrimination is made in this regard, I recommend legislation to correct it.

The Senator from Kansas asked why did we not reduce this mileage so as to save the Government 1½ cents per mile that goes to the railroad. Will he vote for it if we do that? Does that make the bill satisfactory? If so, if that be the only objection, and if other Senators feel the same way, there would be no trouble in amending in that particular; but that is not right that officer should lose it. This applies to officers on particular duty, not traveling with their commands.

But let us go a little further and read what is said on the schools that we propose. Let me read from the report of the Secretary of War, and by continuing this discussion I could show reports recommending every material provision in this bill. The Secretary of War, in his report in 1882, used the following language:

Chaplain Mullins, the officer in charge of education in the Army, reports that considerable progress has been made in the work of organizing and establishing post schools and reading-rooms, and that a constantly growing interest in their success has been exhibited by both officers and enlisted men. The average attendance—

And I call the attention of Senators to this especially, to show how strange the statements are that have been made here in reference to the post schools in the Army—

The average attendance at post-schools of enlisted men during the year was 1,586, and of children—

Mark the language—

And of children of officers, enlisted men, and civilians, 1,769; an increase of 674 in the first of these classes, and of 379 in the latter class.

Does that not prove what I said, that these instructors were not for officers, as was said by certain Senators, but that there are children of soldiers, of teamsters that are called civilians, of blacksmiths and others that are employed at the post, who need education, and these poor people are not able to send their children to the States to educate them, and therefore we made this provision for their benefit, and yet we are told it is for the benefit of officers only. What else does the Secretary of War say in reference to this? He says:

The most pressing necessity for giving effect to a successful educational system in the Army is a supply of competent teachers, the experiment of detailing enlisted men for such duty having proved unsatisfactory and embarrassing. The recommendation made by me in my last annual report that statutory authority be given for the enlistment—

Mark how many—

for the enlistment of one hundred and fifty competent instructors, with the rank and pay of commissary sergeants, is renewed. Such a measure was favorably reported upon by the House Military Committee at the last session of Congress, which it is hoped may be enacted into a law at an early day.

The libraries and post reading-rooms have been kept well supplied, and their benefits fairly appreciated. The number of volumes in all the libraries is 45,709, an increase of 1,820 during the year.

There are the libraries that we furnish to the different posts. We furnish libraries but furnish no instructors. Is that the idea? Is that the economy or statesmanship of gentlemen who oppose the proposition in this bill? Libraries are to be permitted, but not the instructors to educate the child to read the books.

Now, I have gone through the objections made by Senators to this bill, and there is not a proposition in it but what has been based on recommendations made by officers of the Army, by Secretaries of War, and by the best instructed men whom we have in the country in reference to the organization of this force. To show that my statement was correct, if you will take the report of the present Secretary of War in reference to the first section of this bill, you will find the following language used:

There is now no provision of law whereby an enlisted man can be punished for any offense against good order and discipline except through the proceedings of a court-martial. It is well said by one general officer, in commenting on this subject, that "courts-martial, by becoming too common, lose their force and influence, and their tendency is continually to lessen an officer's sense of responsibility and the care that the subordinate should have for the authority of his commander."

It is worthy of consideration whether the officers in command of troops at military posts or the captains of companies should not be authorized to impose punishment for minor offenses. But in granting such authority it will be necessary to specify the extent and character of the punishment for each offense, otherwise there would be no uniform rule, nor would it be wise to repose so large a discretion upon a single officer. A statute might be framed—

He goes on to speak of framing a statute, and then says:

Upon an examination of the British military law on this subject it appears that a commanding officer of the rank of captain and above may administer summary punishment for drunkenness and absence without leave, confinement not to exceed twenty-eight days, and a fine, not to be imposed except in cases of drunkenness, and then not to exceed 10 shillings, with a right of appeal to a court-martial in case of a fine.

So the present Secretary of War recommends fully the provision of this bill in reference to the trial of minor offenses by an officer and having the finding approved by his superior commander.

It has been asserted by certain persons that the proposed increase of the Army of five thousand is a new idea. I have shown by reports from 1869 up to the present time the protests against the reduction in the Army. A bill introduced by myself in 1882 has the very same provision in it. Then take the bill of 1884, introduced by myself, and you find the same provision in that. Then take the bill introduced by me in 1886, the bill now before us. One of the bills introduced in the early part of this session of Congress was this present bill, which was introduced early in December, 1885. So the Military Committee have been for years, or at least a portion of it, presenting to the Senate of the United States this proposition for the increase of the Army.

But we are told there is no necessity for it, and honorable Senators who may perhaps have in charge another branch of the war power of this great nation of ours desire to decrease and render inefficient the Army, but they think other arms of the service of this great country must be rendered efficient. This character of legislation I can not understand. But let me read a report made to the Senate a few days ago, March 24, 1886:

Mr. EDMUNDS, from the Committee on Foreign Relations, submitted the following report:

"The Committee on Foreign Relations, to which was referred on the 16th of December last the petition of J. I. Rodriguez in behalf of Mr. Cirilo Pouble, alleged to be a naturalized American citizen, and to be imprisoned by the Spanish authorities in the island of Cuba on the charge of treason, &c., respectfully reports:

"That it appears from the papers and correspondence in the Department of State that Pouble went to Cuba some time in November, 1884, and was there immediately arrested and imprisoned on the charge before mentioned, or charges of that character, and that down to the latest reports, about December, 1885, his trial had not been had. The committee is satisfied that the Department of State and the consul-general of the United States at Havana have exercised every practicable diligence and exertion to bring the case of Pouble to a speedy trial in conformity with the laws of Spain, and with the treaty stipulations between Spain and the United States existing on the subject, and that every effort has been made by the Department and consul-general to make the situation of the accused as comfortable as possible, and to give him every practicable assistance.

"The committee is of the opinion, therefore, that there is nothing that at present calls for any action on the part of the Senate or of Congress. If there should be much further delay in the trial of Pouble, it will become a subject for very serious consideration on the part of the Government of the United States.

"At present the committee asks to be discharged from the further consideration of the petition."

Let me call the attention of the Senate to the fact that our citizens may be incarcerated in prison in the little island of Cuba, detained there for a year or more without trial, and our great nation has not force either on land or sea sufficient to demand from the old, rotten, tumbling power of Spain that our citizens shall be properly cared for and properly treated. Oh, honorable Senators say that it will cost something! Sir, if I had the power (which I have not, but it rests in the people), if I could wield that power, no American citizen would ever lie rotting in the dungeons of any foreign power without having the merits of his case examined and fairly treated. [Applause in the galleries.]

It may be said this would require a navy, that we are bordered by Mexico and Canada; nor could a navy alone reduce any power.

Sir, I would use the power of this people against Spain, England, or any other government, to protect the American citizen; and that is where this country is weak. England does it, and all other countries do it. It is a disgrace to the American nation that we can not. But when we appeal to the Congress of this country for a small pittance to increase the efficiency of our Army or our Navy, men rise in stately pride in these halls and their voices resound in favor of economy and lightening of the burdens of the people!

Sir, the American people are a proud people, but they are not proud of that economy which allows their citizens to be shut up in foreign prisons without the power to demand redress. They are not proud of that. No, sir; that is one of the things that now humbles their pride, and it ought to do so. But, forsooth, economy! I am as much for economy as any man in this Chamber, but I want that economy to be that just and correct principle as applicable to our nation which will not involve us in a condition of things making us powerless at all times to either assert or protect our rights or the rights of one of our citizens.

The PRESIDING OFFICER (Mr. CHACE in the chair). The morning hour having expired, the Chair lays before the Senate the regular order, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The Chair understands that it is the agreement of the Senate that the special order shall be laid aside informally and Senate bill 777 continued under consideration.

Mr. LOGAN. Mr. President, while on this question of economy let me read from one of the eminent men of this land who was a great leader of our friends on the other side of the Chamber. I read from John C. Calhoun:

Economy is certainly a very high political virtue, intimately connected with the power and public virtue of the community. In military operations, which under the best management are so expensive, it is of the utmost importance; but by no propriety of language can that arrangement be called economical which, in order that our military establishment in peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of war.

And, sir, in the early days, as I said from Washington down, you

will fail to find an argument made by the great men of this land in favor of economy at the expense of the efficiency of the Army or Navy or any arm of this Goverment which is one of its arms of strength. This bill has been attacked on the ground of want of economy, and in the attacks which have been made upon it we have found in the argument against the bill men in this Chamber—I do not criticise them for that—who understand the cost of the Army, the expenses of regiments, and the cost per man more certainly than is that knowledge within the Secretary of War, the General of the Army, or the Paymaster-General.

In the last report of the Secretary of War I want to call the attention of the Senate to this one class of figures in regard to the expenses of the Army, which I referred to once before and desire to refer to again in this connection. It has been repeated over and over again that the Army costs $40,000,000 a year. A statement of that kind ought not to be made. The Secretary of War, in his report, states the expense of the Army last year thus:

Military establishment—Army and Military Academy, $25,754,425.49.

That includes salaries to officers, pay to the soldiers, and the expenses of the West Point Academy, the school at Fortress Monroe, the military school at Fort Leavenworth, and all the expenses of the War Department and everything incident to the Army.

Public works, including river and harbor improvements, $13,164,394.60.

And that is counted as part of the expenses of the Army! So, too—

Miscellaneous objects, $1,859,372.97.

Such as paying claims by the War Department included in that statement; and that is paraded before the Senate as part of the cost of the Army itself! The cost of the Army proper is not over $15,000,000; the rest of the establishment makes up the balance. But, as I said, Senators claim that they understand the expense of these five thousand better than the Paymaster-General of the Army, the Secretary of War, or others connected with the Army. The Paymaster-General has estimated every dollar that is in this bill, the increased pay of the soldier, the extra pay to the detailed lieutenants when performing commissary or quartermaster duty, the pay for the five thousand enlisted men, their clothing, their subsistence, and all the expenses incident to their enlistment; and makes it:

Difference of pay to enlisted men (see statement herewith) section 3	$870,244 00
Pay of 5,000 additional privates, at $16 per month, section 2	960,000 00

That is according to the pay they have in this bill if it should pass—

Additional pay to 87 acting assistant quartermasters, at $100 per year, section 8	$8,700 00
150 instructors for post schools, at $34 per month, section 13	61,200 00
Total	1,900,184 00

But we struck the one hundred and fifty out after this estimate was made by the Paymaster-General, and left it discretionary with the Secretary of War as to the number of instructors that he should employ. So the table which was made by the Senator from Kansas yesterday, estimating hundreds of thousands of dollars for the extra pay that is enumerated here, is certainly without basis or foundation.

Now, Mr. President, without wearying the Senate much further, I desire to make this one assertion, that this increase of the Army is for no purpose except for the benefit of the Army and country, the increase of its efficiency for our own protection and that we have some respectable force. It will cost the country but a small amount, and will certainly put the country on a better basis and better footing for the preservation of its own peace and security. But it has been intimated that the Army will be used for other purposes. It can not be used now for other purposes, as the law does not permit it; but no such reason was found in the preparation of this bill.

Senators have made arguments which they say have offended me. If they were not trying to place me in a false position, it was no offense; if they were, and it did so seem to me, then I hope they will pardon any feeling I may have shown. Arguments made seemingly to me to have the country understand that this was a new proposition, when they ought to have known better, is not pleasant to any one. If I said anything in the heat of debate not warranted by insinuations against me I have not been able to find it in my remarks. I never dodge questions nor deal in innuendoes, but always fairly face the issue, let it come whence it may.

But if any Senator desires to put me in any position—I do not know that any one does so desire—I will say to him now, if that is what he wanted me to say, that I am no communist. I believe in every man owning and being entitled to what he labors for, and that he has a right to keep it, and I believe in justice, in law and order. I would protect every citizen in his right "to life, to liberty, and the pursuit of happiness," in his right to vote, in his right to property. I do not believe in murder, in house burnings, or the laying waste of cities. I believe in the power of protection to citizens in a lawful way at home and abroad. I am a friend to the man who labors for his living, honestly toils, and am in favor of his getting a fair reward for his labor. I am for that justice dealt out between man and man that will afford every man in this land the protection of the law and a guarantee for his just rights. I am in favor of the laboring man having just compensation for his labor; and I wish to God he could get more than he does. I wish all had good homes. I wish they were all happy in good homes. That much I say. If that is what gentlemen were pressing for, they have it.

Sir, in conclusion I wish to repeat that if I had the power to induce the people of this country by anything I might say to prepare for protecting themselves, I would do it. I would build fortifications on the Pacific Ocean for the protection of the Golden Gate and San Francisco and that whole coast which would defy all the monitors of the world. Then I would make our Atlantic coast bristle at every prominent point, where there are large cities and large interests to be protected, with guns that would frown down the advance of any war ship or navy that rides the boisterous billows of that great ocean. I would do it for the future protection and preservation of this country. I would do it to let foreign countries know that a republic can defend itself as well as any other form of government and that a republic knows enough to prepare in time of peace for the great exigencies that may occur later on; and in doing that I would give labor to the unemployed men in assisting to build these fortifications.

I would increase our Army, and man the guns in these fortifications to notify people that we are ready. In increasing the Army I would give five thousand of the men who are out of employment to-day and starving a chance to make $16 a month and their provisions and clothing. I would do that, and in that way I would help the poor man as best I could. I would aid him in giving him labor to help build the fortifications, and I would aid him by giving him a chance to enter the Army. I would do both. I would make the Army efficient and I would benefit labor at the same time. Yes, sir, I would do that.

And if gentlemen want to say that in a republic no standing army is necessary, that we must lie down and slumber beneath the stars in peace, that there is no danger to this great Government of ours, a Government which I claim to be the grandest there is, this Government where we claim men are equal, this Government where we claim men are entitled to the protection of the law, this Government where we claim that all men have a right to ascend the hill of fame if they have the ability and the energy to do it, this Government where no established aristocracy controls, where there have been given to us such liberties and such privileges as these we should be jealous of these privileges, we should be jealous of these rights, we should be jealous of the rights of our citizens at home and abroad, and we should be ready to protect those rights, and, in being ready to do it, we should agree as men, as Senators, and as statesmen, that we would not have an army or a navy that would be the laughing-stock of the world. No, sir, if there is any country that needs at least an army, as I said a few days ago, of respectability in numbers and efficiency, it is this country. If there is any government that needs a navy that can protect itself, it is this Government. Men may say what they please about republics falling because of armed forces. Ah, sir, republics fall from neglect; republics fall where corruption enters and the people forget their rights, and then other than the power of the people steps in and takes the control, but not till then; and if this Government ever does fall (which I hope to God it never may) it will not be from an army of thirty thousand men, it will not be from an army of fifty or a hundred thousand men, but it will be from the neglect of the people, from their forgetfulness of their rights; it will be at a time when they forget what they are, at a time when they are engaged in pursuits that carry them away and beyond looking after their own rights and the rights of the American people. In that moment of forgetfulness other power may usurp the rights of the people of this country, but only in that time, and for that time let this country prepare, and for that time let this country look. As all others have gone through the same course, let them look to the future, as we are not unlike others; we are perhaps no greater, perhaps no better.

We have the same interests, the same ambitions, the same desires for power and place, the same desires in reference to our influence as all other people have—no less, no more. This is an hour of peace and tranquillity. It was said by the Senator from Missouri that the time had now come when the people of this country, North, South, East, and West, felt more kindly toward one another than in all the history of this land before. I hope, sir, that is true and that it may continue to be true, for in my heart I have no bitterness against man or section, and I hope the same feeling may exist all over this land; and if so, while there is this good feeling, in God's name let us prepare so that we can have this condition continue.

Then, sir, in this era of good feeling let us prepare to repel all attacks and all assaults that may in future be made to mar these relations, from within or without. Let our country's pride be aroused that we may not only feel our own strength, but that other peoples may feel that we are prepared, so that none of our great cities on the seaboard may be forced to submit to a levy of contribution before troops could be raised to resist it. Sir, I feel that I have given a warning that may some day be remembered if not heeded now.

Mr. President, I have said all I desire to say. I am thankful to the Senate for having given me the time that they have in order to express my views in reference to the increase of the efficiency of the Army.

Mr. HALE. Mr. President, this discussion has run on at great length, and I know that the feeling of the Senate is in favor of coming to a vote; so I shall not occupy much of its time.

With many of the general considerations presented by the Senator from Illinois in charge of the bill [Mr. LOGAN] I am in entire accord. I agree with him as to the necessity of this great Republic being watchful and vigilant for all signs of danger upon the sky at home or abroad. I agree fully with him that we ought to protect our people and their property by suitable fortifications and by a respectable naval establishment. I agree fully with him in all he has said about the duty of the American Government in protecting its citizens abroad and not letting them lie and rot in foreign dungeons. But, Mr. President, those things, while sounding pleasantly as they fall from the lips of the Senator from Illinois, have little or nothing to do with the real question before the Senate.

If any American administration ever finds itself confronted with delicate questions and complications with foreign powers, and feels itself called upon to exercise authority and power to maintain the dignity of the nation, the last thing that will be considered by that administration will be the question of the size of the regular Army of the United States. That will not enter into the question at all. If there is any cloud on the sky from abroad in any quarter of the globe, the present administration is not troubling itself with the question of the size of the regular Army of the United States, or feeling any hesitation in asserting our rights because the enlisted men in that Army are to-day limited by law to the number of twenty-five thousand.

In what I say I desire to confine myself entirely to the issue before the Senate, and that is upon my motion made when the bill was first laid before this body to strike out section 2, and that section which I seek to strike out reads as follows:

SEC. 2. That the number of enlisted men in the Army, including an engineer battalion of five hundred and twenty men, hospital stewards, and one thousand Indian scouts, be, and hereby is, established as a force not to exceed thirty thousand men.

And first, before I go on, as some question has been raised about existing law as touching this subject, let me state it in a few words. Under the Revised Statutes of the United States, adopted in 1873, there is this provision:

SEC. 1115. There shall not be in the Army at one time more than thirty thousand enlisted men.

So long as that provision remained untouched or unaffected or unrepealed the limitation of the Army was thirty thousand men. That is in no respect the case now. Immediately after the adoption of the Revised Statutes and the fixing of the limitation at thirty thousand men, as it was seen that the need of a regular army was decreasing, from time to time Congress took the whole subject up and considered it most elaborately by the investigations of committees of both Houses, and decided that twenty-five thousand enlisted men were all that were needed in the regular Army of the United States, and in 1876 and in the years following in the regular Army appropriation bill it was provided:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards.

Such a provision as that only ran for the year with the appropriation bill and did not repeal the section in the Revised Statutes which I have read. Under that legislation the law remained excepting for the year at thirty thousand, and this was continued until 1879 when Congress interfered still further and enacted a permanent law that applied to the future; and this is the language that was then adopted as the law:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards.

And then it goes on to the declaration:

And thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

So that from the passage of the appropriation bill for the year ending June 30, 1880, passed in 1879, the statute which I have read was in effect repealed, and it requires to-day absolute affirmative legislation in order to authorize the Army to be raised from twenty-five thousand men to thirty thousand men, and the Senator from Illinois, who is as familiar with the legislation touching the Army as perhaps any man on this floor, must have realized this when he put into this bill the provision that the limit hereafter should be thirty thousand men. The law to-day, not simply running with appropriation bills but adopted upon an appropriation bill, fixes the limit for all time in the future until Congress changes it at twenty-five thousand men, and section 1115 of the Revised Statutes has become waste paper, is null and void, and of no force or effect whatever. That is the law on the subject.

Now we are asked to change the law; we are asked to go in the face of all that Congress has done since the investigation was made in 1875 and 1876, and now to increase the enlisted men, the rank and file of the regular Army. It is to that proposition that I propose to confine my remarks.

Mr. HAWLEY. I should like to ask a question for information. The Senator refers to the reduction from thirty thousand to twenty-five thousand. If I am not much mistaken in my recollection, I was then in the House and serving upon the Committee on Military Affairs, and it is my impression that there was nothing in the nature of an investigation that preceded this reduction. I very well remember that without the advice or even the courtesy of a consultation with the Committee on Military Affairs a proviso in the appropriation bills championed by Mr. Wheeler, of New York, afterward Vice-President, summarily reduced the Army to twenty-five thousand. I am not aware that there was anything in the nature of an investigation or even the courtesy of a reference to the Committee on Military Affairs.

Mr. HALE. The whole subject was investigated by a joint committee of both Houses that came to the conclusion that twenty-five thousand men were enough in numbers, and all of the letters and reports that I alluded to when the debate was opened on this subject and that the Senator from Illinois has read from so fully this morning and at other times, are in reply to requests of that committee to give their views upon the subject and to submit bills based upon twenty-five thousand men as the rank and file of the Army.

Mr. HAWLEY. Will the Senator kindly tell us what Congress and what session?

Mr. HALE. I can not now give the date, but the report referred to will show.

Mr. LOGAN. I will state, if I am allowed, that in 1875 General Burnside was chairman of the Military Committee of this body. The Senator from Kansas [Mr. PLUMB] was on the committee, and the Senator from South Carolina [Mr. BUTLER] in the Senate. With them were joined three gentlemen of the House, all constituting a joint commission. They made a report and they asked for bills, and General Sherman sent one, General Hancock one, General Schofield, and so on. The bills all came to nothing. The Senate committee and the House committee made a report, and in that report the Senator will find that they recommended that each regiment should have sixteen companies of not less than seventy-five men. If he will make the calculation he will find that.

Mr. HALE. I am glad the Senator from Illinois, with his familiarity with dates, has answered the inquiry of the Senator from Connecticut. That investigation was what first called my attention to the necessity of opposing this provision. It was on the investigation then made that the present limit to the size of the Army was fixed.

Now, Mr. President, I want to say to the Senator from Illinois that my opposition to this part of his bill is in no degree dictated by hostility to the regular Army or by any lack of confidence in that branch of the service.

Mr. LOGAN. The Senator will allow me a word right there. In connection with the inquiry made by the Senator from Connecticut. As that Senator asked about the reference of this question to the Military Committee, I want him to understand, if I did not make the statement distinctly before, that this matter has never been referred to the Military Committee. All the reductions and changes in the Army from 1876 up to the present time have been done on appropriation bills by the Committee on Appropriations without any reference to the Committee on Military Affairs.

Mr. HALE. The old fashion, from which we have largely departed of late, was for a great part of the legislation of Congress on all branches of the service to be put upon appropriation bills; and the sentiment of Congress in 1875 and 1876 that the Army should be twenty-five thousand enlisted men took this form and became law upon an appropriation bill, undoubtedly because, as I have said, that was the practice then in this House and in the other; but none the less did that embody the conviction of Congross, none the less did it become the written and enacted law, none the less did it become a rule for subsequent Congresses until investigation and discussion should lead Congress to make a change.

I was going to say when interrupted by the Senator from Illinois, that my motion to strike out this section and my opposition to this part of the bill arise from no hostility to the regular Army and from no lack of confidence in it. I do not believe that there is any body of men in the world that will furnish, if need should come, the skeleton organization for a great and triumphant army that shall overcome all enemies that may arise equal to the regular Army of the United States. Its older officers trained in the war are as good as any that exist to-day on the face of the earth, and its younger officers who have come up since, receiving a complete military education at the Military Academy at West Point, will be found always, if an emergency arises, capable when the older officers have passed off the stage of taking their places and of keeping up the name and the illustrious record of the Army of the United States.

Neither—and I should like the Senator from Illinois to feel this—does my opposition come, it can not come, from any desire to interfere with a bill reported by him. That Senator is a great authority upon military matters in this body, and in many matters of detail, in questions involving the construction of regiments whether they shall have two or three battalions, whether legislation may be needed in order that one part of the Army may adapt itself to the uses of another part, I would yield much to the Senator from Illinois, but this provision to increase the rank and file of the standing Army in time of profound peace is a subject on which I may have as firm convictions as he, and upon which I may be as capable of investigating as he. It is a question upon which a civilian may have as clear a view and perhaps may be as right as a man who has had experience in the Army.

We do not leave other questions to be solved and considered solely by experts in the line upon which we are investigating. When the subject of the Navy is before the Senate we have no naval officers in this body, and we have to get along without them. The Senator would not have questions touching the currency submitted to committees consisting of directors of national banks. He would not have the great question of the control of corporations and monopolies left in the hands of directors and presidents of railway companies. These are all plain, every-day subjects; and the question whether now the rank and file, the enlisted men of the regular Army of the United States shall be increased in numbers, is a question upon which one Senator may have as much light as another.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. HALE. Yes, sir.

Mr. LOGAN. It is true that all Senators may have the same light, and some more than others; whether one be a civilian or a military man makes no difference; but the Senator spoke of an inquiry in reference to the currency. I notice one thing, that all questions about the currency come from the Committee on Finance, and that committee has a good deal of influence in the Senate when it makes a report. All matters in reference to the Navy come from the Committee on Naval Affairs. The Senator has brought several measures relating to the Navy here, and I have always assisted him because I thought the Committee on Naval Affairs knew more about them than I did, and I have always deferred to that committee. It is usual for each man to have his opinions and sometimes his opinions are better than those of the committee who investigate the subject. I will admit that; but the occasions are rare, I will say to the Senator.

Mr. HALE. The Senator must know from his experience that time and again committees have reported bills and that they have gone to wreck under discussion.

One thing more I want to say. The Senator from Illinois in replying to some remarks submitted by me in the opening of this discussion made an allusion to outside influences that were working in opposition to this bill. I did not hear the Senator, and I am very glad that he has risen in his place and stated freely and frankly, and I accept it as entirely satisfactory, that he had no intention of alluding to any outside influence that was interfering with the passage of this bill.

Mr. LOGAN. I hope the Senator does not mean what he says. In the commencement of his statement he said that I alluded to an outside influence. I made no such allusion, either directly or indirectly.

Mr. HALE. I say the Senator made an allusion which was interpreted that way.

Mr. LOGAN. Oh!

Mr. HALE. I did not hear it, but it was so interpreted. I wish to say to the Senator that at the time when this bill was called up and when it was read at the Secretary's desk and I entered my motion to strike out section 2, which provides for this increase of the rank and file of the Army, I had received no intimation from anybody, either here or elsewhere, with reference to the bill, and I had no knowledge till that moment that it contained a provision for this increase. I did not know when I made the motion that a single Senator in this body would sustain me in that motion. In what I have said and in what I shall say I mean to confine myself strictly to the issue that is raised by my motion.

The twenty-five thousand limitation fixed by Congress in 1876 and maintained ever since is what to-day is the law under which the Army is maintained, and the numbers of enlisted men are now up very near to the limitation. The Secretary of War in his report on December last, referring to the Lieutenant-General of the Army, says:

> The Lieutenant-General commanding reports that the Army at the date of the last consolidated returns consists of twenty-one hundred and fifty-four officers and twenty-four thousand seven hundred and five enlisted men.

Less than three hundred more would bring that up to the maximum fixed by the law; and should this measure as reported prevail and the second section not be stricken out, five thousand more men would be added, which would bring the Army nearly or quite within one year's time to thirty thousand enlisted men.

The discussion has shown that various considerations have been urged as a prop to this measure upon which to sustain it. The Senator from Nebraska and other Senators believe that the condition of our relations with the Indian tribes is such that the Army can be made more efficient and life and property upon the border can be better protected if this increase shall be given by Congress.

Since the debate opened I have looked somewhat into the record of the past upon Indian wars, and I have been surprised to find how Indian hostilities and Indian outbreaks have steadily dwindled in the last twenty years, so that one-half of the present Army would I believe be ample for every near or remote Indian danger.

I look back to the operations of the Army upon the frontier and with the Indian tribes as far as 1860, and I find in the report of the Secretary of War of that year a long discussion given to Indian warfare and as to the danger and as to the efficiency of the Army with reference to that subject. I shall read what the Secretary of War said in winding up the discussion, and I ask the attention of Senators to it, bearing in mind that this report was made when the Army of the United States only had in it as enlisted men from fourteen thousand to fifteen thousand men instead of twenty-five thousand as at present.

Mr. LOGAN. Before the Senator proceeds on that point, I should like to have these things correct in the RECORD.

Mr. HALE. If the Senator will wait until I finish this subject, I should like not to go back now while I am upon this matter.

Mr. LOGAN. I only wanted to call attention to the statutes reducing the Army. The Senator spoke of 1866. It was not done in 1866.

Mr. HALE. In 1876. The Senator is wrong. I made no allusion to 1866, but to 1876.

Mr. LOGAN. It was not done in 1876.

Mr. HALE. Yes; I read the clause. Here is what with an army of between fourteen thousand and fifteen thousand men, the Secretary of War said, instead of asking for more men or more money:

> It should be borne in mind that, while appropriations have been made to sustain our Army upon a peace footing, it has been called upon to prosecute an active and sanguinary war, for a distance extending from the thirty-fifth to the forty-sixth degree of north latitude, with very numerous tribes of hardy and warlike Indians. It should be remembered, also, that the scenes of these operations have been over the wildest and most remote regions of our mountainous Territories lying between the plains on the eastern slope of the Rocky Mountain chain and the Pacific Ocean. Under these circumstances it has required the greatest watchfulness and care to keep the expenditures for the year within the appropriations for it.

There is no call for another man, there is no request that Congress shall give more money; and this was at a time when the spirit of the Indians was unbroken; it was at a time when the great Sioux tribe, or to speak more correctly when the different tribes and bands of the great Sioux Nation, occupied a good part of Minnesota, Dakota, Montana, Idaho, and Wyoming, and when they could bring into the field five thousand armed warriors at any one time. Yet with a war raging over eleven degrees of latitude, the Secretary of War with sixteen thousand men at his disposal only said that in consequence of these important campaigns and operations he had found it hard to keep within the limit of the appropriations which had been given by Congress. Nobody then introduced a bill providing for an additional increase of expenditures for the Army or for an increase of its enlisted men; but the Secretary of War said that he could get along very well with the money and the men he had.

So it has continued down to the present day; and this year, as a commentary upon this whole subject of the Indian situation, the Secretary of the Interior says in his annual report:

> The Indian race is no longer a source of danger to the peace or security of this great Republic. Most of the reservations are encircled by powerful communities, and those upon the frontier are completely in the hands of our military forces. Nor is the Indian any longer an obstacle to our national progress or to our material development.
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> It is not, therefore, to protect the peace of the country, or the security of its frontiers from the danger of Indian war, or on account of their hindrance to our material progress, that all these efforts and expenditures are made in their behalf.

With this I leave this part of the subject, and I pass to other considerations. The Senator from Connecticut [Mr. PLATT] in his clear and forcible exposition of his side of this case called attention to other dangers. He says that we are a great nation, and that the Monroe doctrine ought to be enforced. Mr. President, I hope that the Monroe doctrine as it is considered and believed in under popular acceptation will never be abandoned and will be enforced; but as I said a little while ago in touching the question of the protection of American citizens, the size of the regular Army, the number of its enlisted men will never enter into the consideration of any Secretary of State or any President or any Cabinet conclave that considers the great question of the United States not permitting foreign nations, European powers, to get new foothold upon this continent. That question is not to be settled in any way by the regular Army.

The Senator from Connecticut says that the Northeast frontiers are open and that we need a larger regular Army. Does the Senator know that within the last few years the War Department has given up voluntarily every fort that it had upon the frontier in the Northeast and turned it over to the civil authority, because it believed there was no call for keeping it? And when he refers to the Southwestern frontier, along the Mexican line, does he not know that the last Indian hostilities have resulted in the surrender of the most mischievous of all the Indian fighters of to-day to our forces?

He says that he wants this country to be in a condition where the Government can assert itself in the protection of American citizens, as it did in the case of Martin Koszta, and therefore he wants the regular Army increased. Does the Senator know that on that bright August morning in 1853, in the harbor of Smyrna, when Captain Ingraham double-shotted the guns of the Saint Louis and compelled the Austrian Government to release Martin Koszta because he had filed an intention of citizenship here and had abandoned his allegiance to Austria, that the regular Army of the United States was only eleven thousand men, and that if it had been twenty thousand men Secretary Marcy would have been no firmer in his enunciation of the proposition that sustained the act of Captain Ingraham and Commodore Stringer?

But the Senator from Illinois in charge of this bill, with his accustomed frankness and intrepidity, which we all admire, has stated clearly what is the object of the bill. It is not the Indian dangers, it is not

foreign power, it is that he believes the Army as an organization will be better, will be stronger, will appear better, and will show better—I do not use the word show in an offensive way—that it will be a more complete organization. Although this has been read before, as it is in the line of what I am saying I shall read what the Senator said is the object as he understands it of the bill:

I want the Senator to understand that this proposition to increase the Army is not for any present needs; it is not because there is an Indian war; it is not because there is danger from Indians or danger from anywhere; it is not because I apprehend any danger from any source that I proposed this in the bill before the Military Committee, and that the Military Committee agreed to it, but it is that the Government of the United States may at least have an army that will have some respectability when it is called the Army of the United States, both at home and abroad.

The Senator from New Jersey [Mr. SEWELL], in following his chief upon the committee, made the same argument, and said in terms that the companies in our regiments upon the frontier or elsewhere, when they come to "parade," and I use his word, make such a poor show that it is absolutely necessary that their ranks shall be fuller.

The main thought which I have in my mind in opposing the bill is that it departs entirely from what I understand to be the use of the standing Army of the United States. If there is any need of an increase of the efficiency of the Army, if there is any possible danger confronting us at home or abroad, then this proposition begins at the wrong end. The last place that we need, under any circumstances, to increase the regular Army is in its enlisted force. The whole theory of our standing Army is that it shall be a skeleton organization capable of expansion upon an emergency; and the history of the American people has always shown that when the emergency comes the rank and file will be furnished by the people. From year to year we graduate from West Point large classes of young men who enter the regular Army and take its lower ranks. Whenever an emergency arises these officers are available to command the countless legions of the American people who never fail to respond when the Government calls for their service in time of danger.

That is the theory of the standing Army of the United States. It is only because of this that the standing Army of the United States has not been subjected to the unpopularity which affects a standing army in other countries. The American citizen rarely sees the enlisted man in our regular Army, and the American people are glad to maintain this skeleton organization, this framework, in order that if need comes, as I have said, it may be filled up.

The whole theory upon which we maintain our military establishment is violated by this bill. Popular levies must fill up our armies whenever there is any occasion for a large military force. I have lately been looking through the War Department reports at the time when the great civil war fell upon the American people, when we were entering upon an experience such as our people never had before and I trust will never have again. What was the condition of our military establishment then and how was it treated? We had a regular army of sixteen thousand men, well officered by bright, superior men who had been mostly educated at West Point. Many of them had left the service and engaged in vocations outside which brought to them more pecuniary results, an easier life, and more freedom. When the war opened the regular Army, so far as its enlisted men, its rank and file, went, sank into absolute insignificance. In that Titanic conflict which shook a continent the regular Army of the United States, so far as its rank and file went, was leather and prunella. It went nearly out of sight a year after hostilities had broken out; the regular Army had only been increased to 20,334 men, while the volunteer force had run up to 640,637 men, commanded largely by the officers of the regular Army who had been educated by the Government for that very purpose.

It was this skeleton organization which we have maintained since, and which we ought to maintain now, which furnished most of the great commanders upon both sides. Grant, Sherman, Sheridan, Thomas, Meade, Howard, Schofield, McPherson, in our Army, and Lee, the Johnstons, Bragg, and the great commanders in the confederate army, were the result of this organization; and when war was entered upon by the two sections of the country these officers upon either side found the ranks filled up for their command, and the great war went on and neither side thought of a regular army.

I have had some inspiration communicated to me in reading the War Department reports of that time, showing the majestic uprising of the American people and their readiness to respond in time of danger, no matter what may be read by the Senator from Illinois to the contrary. Here is what the Secretary of War said in his report:

Congress, during its extra session, authorized the Army to be increased by the acceptance of a volunteer force of five hundred thousand men, and made an appropriation of $500,000,000 for its support. A call for the troops was immediately made; but so numerous were the offers that it was found difficult to discriminate in the choice where the patriotism of the people demanded that there should be no restriction upon enlistments. Every portion of the loyal States desired to swell the Army, and every community was anxious that it should be represented in a cause that appealed to the noblest impulses of our people.

Elsewhere he says:

In the absence of any general system of organization, upward of seven hundred thousand men have already been brought into the field; and, in view of the alacrity and enthusiasm that have been displayed, I do not hesitate to express the belief that no combination of events can arise in which this country will not be able not only to protect itself, but, contrary to its policy, which is peace with all the world, to enter upon aggressive operations against any power that may intermeddle with our domestic affairs.

That was our experience in our greatest danger, and we ought to learn a lesson from it. We ought to learn that if there is any need for fighting men to any great extent the American people will supply them. As they have done they will never fail to do.

The second section of the bill violates every tradition and every experience under our Government. It has never been attempted before in time of profound peace to increase the enlisted men of the Army, and that is the issue involved in my motion to strike out the section. It is not the question of organization, it is not the question which has been so much dwelt upon and so ably presented and argued by the Senator from Illinois as to the form of regiments, the number of officers, whether there shall be two or three battalions. That is not the question. Whenever that may be done, whenever any measure of that kind may be adopted, when the status of the Army as a framework, as a skeleton organization, shall have been fixed by Congress, then will be time enough to consider the increase of the enlisted men of the Army.

All that the Senator has read as to the recommendations of military authorities, the Secretaries of War and Generals of the Army, come to just this, as I stated in opening this debate: For years the distinctive proposition that five thousand more men ought to be added to the Army was presented with regular recurrence by Secretaries of War and Generals of the Army to Congress, and as repeatedly ignored and denied, until at last in 1881 that was given up, and from that day to this this distinctive proposition which I am now opposing has been abandoned by the War Department. The Department has from time to time, as the Senator has read, asked that new companies be added, that the organization of the regiments shall be changed, and that companies may be filled up; but the distinctive proposition that we shall add to the Army, to its enlisted men, a force of five thousand men was abandoned at that time and has not been submitted since, as I believe largely because the War Department and the Government saw that the need of a large army had decreased.

Mr. LOGAN. Will the Senator allow me to interrupt him right there?

The PRESIDING OFFICER (Mr. FRYE in the chair). Will the Senator from Maine yield to the Senator from Illinois?

Mr. HALE. Oh, yes.

Mr. LOGAN. Does the Senator not know that the present Secretary of War has recommended the same thing?

Mr. HALE. I do not know that the Secretary of War has asked for this increase of five thousand men to the enlisted force of the Army. No, sir; I do not know it.

Mr. LOGAN. Well, Mr. President——

Mr. HALE. I am familiar with the report of the Secretary of War, and it has already been read. I understand that; but the distinctive proposition of adding five thousand men to the rank and file of the Army of the United States was abandoned, as I have said, years ago.

Mr. LOGAN. That is dodging the question. The Secretary of War distinctly recommends, in his report this year to Congress, the adoption of the twelve-company measure recommended by General Sherman, to make the infantry, cavalry, and artillery alike in organization; and if you take the twelve-company recommendation and make the calculation, you will find that it just covers the five thousand additional men.

Mr. HALE. But it does not follow, if you change the form and make a regiment consist of three battalions of four companies each, that enlisted men are to be added. That does not follow by any means. I have letters now from officers of the Army saying that, while they sustain that proposition, and believe that it would be better in case of any emergency involving war that we should have a three-battalion organization in each regiment, and one of these battalions can remain entirely unfilled so far as enlisted men go, and that the officers attached to the third, the odd battalion, in time of peace can be sent to the various duties that now engross officers of the Army outside of duty in the field. So the proposition to change the form of the regiment does not by any means involve an increase in the enlisted force of the Army; and I am not prepared to say that when the amendment of the Senator from Nebraska shall be presented I will not be in favor of that, much as I am opposed to increasing the rank and file.

Mr. MANDERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. HALE. Yes, sir.

Mr. MANDERSON. I interrupt the Senator from Maine without hesitation——

Mr. HALE. The Senator is entirely right.

Mr. MANDERSON. Because I believe in this matter he desires to be right according to the record. I call his attention to the fact that in 1883 the General of the Army, General Sherman, with the approval of the then Secretary of War, made a recommendation which forms the basis of all after recommendations of General Sheridan and the Secretary of War succeeding Mr. Lincoln.

It is true, as the Senator says, the General suggests that the three-battalion organization be adopted and that the third battalion be a

mere skeleton made up of officers without enlisted men, but he proposes that the regiments of infantry so organized shall consist in the two battalions of eight companies of one hundred men each, so that each regiment of infantry would be composed of eight hundred enlisted men. The number of enlisted men in the present organization of the infantry regiments is from three hundred and sixty to four hundred, under the ten-company organization. So I submit that even by permitting one battalion to remain a skeleton the increase of the infantry arm of the service would be really more than this bill provides for.

Mr. HALE. General Schofield struck this very subject and furnished the solution of it in a letter, part of which has already been quoted by the Senator from Illinois, in which he says that the organization of the Army must be subject to the number of enlisted men which Congress should give. He said in that letter to the committee:

> The President should be authorized by law to determine from time to time, according to the number of enlisted men authorized by Congress from year to year, the number of regiments and the number of battalions of each regiment to be kept organized for active service.

That clear-sighted officer saw plainly and clearly that the essential limitation upon the Army must be what Congress declared should be the enlisted force, and he was in favor of lodging with the President the power, if you put up these regiments to eight hundred men of rank and file, to reduce the regiments. That is the inevitable conclusion. If Congress has determined that there shall be but twenty-five thousand enlisted men in the Army, and it is insisted that each regiment shall have full numbers and overflowing ranks, it may be the inevitable result will come, as General Schofield suggests, that the President will be authorized and empowered to reduce the number of regiments, and they will be sacrificed in numbers, and our whole theory of a large framework skeleton organization will disappear in obedience to the clamor that is raised for more enlisted men. I do not want to see that done. I want the Army to be just what General McClellan asked that it should be in a letter which has been quoted by the Senator, in which he said:

> The permanent strength of the regular Army should be sufficient to enable it to perform with promptness, vigor, economy, and certainty all its ordinary duties; and its organization should be so elastic as to permit a rapid, economical, and efficient increase of its numbers.

Let any man delve in the military literature of this period, when this subject was investigated, and he will find that all these great officers of the Army recognized the essential point, that the organization of the Army should be elastic, so that it might be reasonably increased in time of danger. The one thing that to-day with the Army of the United States I think is the underlying belief is not that more enlisted men are needed but that the organization shall be kept up—that we may from year to year graduate large classes from West Point and put them in the Army, so that when an emergency comes we shall have those men to lead the armies of the United States.

Sir, I have no fear of our ever being embarrassed by the lack of an army under any conditions. Should war break out at any time, there never was a population in the history of the human race that would respond so quickly to a call by the Government for volunteer forces as the people of the United States on this very day upon which we live and breathe. Let any trouble arise from any foreign power and an army be needed to repel invasion, nay, to take the aggressive, as the Secretary of War says in his report in 1861, and the thousands and tens of thousands of the old soldiers of the Army of the Republic would respond upon an hour's notice. Nay, sir, not only the men of the armies of the Republic, but the men of the armies of the confederate government, who yielded up their cause at Appomattox, would respond as readily as would the Union soldiers of the Northern armies; and no President would need to wait for one sun to set before he would get the response to his telegraphic message to the country that the time of need had arisen.

For these reasons we do not need an increase in the regular Army. Some things we do need, and all the more because we need some things we ought not to expend a dollar in increasing the rank and file of the regular Army.

Let me make one suggestion to Senators upon this side of the Chamber. The administration of the Government passed from us more than a year ago. The responsibility is elsewhere. The guardianship of the interests of the American people, so far as the Executive goes, rests with the other side. Neither the President, and, as I have said, not to go into that question, nor his subordinate, the head of the War Department, has sent in a message to the American Congress asking that we increase the rank and file of the American Army five thousand men. The Commander-in-Chief of that Army has in no way intimated that we need this increase and the increased expenditure. Yet Senators are asked to push this measure and intrude it upon an administration which has not sought it.

Some things we need. Our whole line of coast, as the Senator from Illinois has said, on the Pacific and on the Atlantic and along the Gulf coast, lies absolutely open and unprotected. A third-class war ship of any naval power on the earth could thunder at the gates of every city upon our seaboard coast and levy contributions of millions and hundreds of millions of dollars, and we have nothing to prevent it. Yet instead of appropriating liberally for fortifications and for guns constructed under modern art and experience we are asked to increase the rank and file of the regular Army of the United States. The Navy of the United States is dropping to pieces under the feet of the gallant men who man the ships. Every year wooden ships are going out and but little has been done in the way of replacing them. We have not a single ship that could compete with or oppose or drive away a second-class ship of any power of Europe, and yet we are asked to increase the enlisted force of the Army of the United States.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. HALE. Yes, sir.

Mr. LOGAN. The Senator, I believe, agrees with me in desiring that fortifications should be built around the coast?

Mr. HALE. Yes; I am very much in favor of that.

Mr. LOGAN. Will you tell me what character of men you would use to man the guns in the fortifications?

Mr. HALE. Yes; I will tell the Senator exactly. You can not elaborate and establish a system of fortifications and build those fortifications with the labor of American workmen until a series of years have passed, and you no more need another enlisted man in any fortification that we shall build for two years to come than you need him on the top of the Washington Monument.

Mr. LOGAN. If the Senator will allow me, there is exactly one point on which he is mistaken. You can not take a man and train him to use guns in a fortification except in a series of years. You can not make a gunner out of a man in a day.

Mr. HALE. You can not make a gun in a day.

Mr. LOGAN. I understand that, but how will it be after the guns are made? Your fortifications to-day have no men in them. Your guns are rusting on the parapets.

Mr. HALE. They would be no use if they were not.

Mr. LOGAN. No use! There is no war and therefore no use, the Senator says. The necessity for keeping your war material in good condition is just as great in time of peace as in time of war, and greater too, because it requires more work on them. In time of war necessity forces them at all times to keep the guns in good condition, because they have to be then in use every day, but in time of peace the necessity is greater to keep them in perfect order and good condition, so that they may be used. You may build as many fortifications as you please around the country and recruit a few raw men and put them in them and without a year or two of experience you might as well have nobody. That is the fact about it. A gunner can not be trained in a short time.

Mr. HALE. Letting go the question of fortifications which has been touched upon, we can not get such a gun as would be efficient, as would be worth the having to man a fortification after it is built, or while it is being built, except by the expenditure of money, which we are willing to give, and of time, which we must expend. You can not do anything with the additional enlisted man either in the fortifications or upon the guns until the guns are made and the fortifications built, and he would be a useless appendage to the Army until that time.

I have failed to see in this discussion or in anything that has been urged here any direct statement anywhere of the real use that those five thousand men would be put to. Nobody has enlightened us on that point. It is not an actual need. It is not an actual service, as the Senator from Illinois has frankly admitted, and I thank him for it, but it is because it is believed that the Army will be more nearly complete and symmetrical as an existing organization if we fill up the ranks. So it would, and if we were a small power and had no people to resort to in emergencies, and had to maintain an army to do our fighting, as Frederick's armies did, as Gustavus's army did, then we should want just such an army as the Senator from Illinois, and the Senator from Connecticut, and the Senator from Massachusetts, and the Senator from Nebraska want; but our conditions, as I have tried to explain, are so absolutely different that every consideration which applies to such a small people with the need of a military force for defense or aggression in no degree applies to us.

I have searched the records of the past, giving the history and course of the measures touching the Army of the United States, and I do not find until to-day that ever in a period of profound peace it was proposed to increase the regular Army of the United States. I find, on the contrary, a long line of precedents squarely and directly in the teeth of such a proposition. I find that always following every war or every threatened war the legislator in the American Congress appeared to deem it his first duty to reduce the standing Army, and all along from the day of the Revolution down to the present time that has been the accepted rule of the American people. It has become embodied as a tradition, and I for one object to its being departed from now. There are many things which make demands upon us that we ought to legislate upon, and one of the last things we should take upon us is to-day to increase the regular Army of the United States.

Mr. MANDERSON. Mr. President, I simply desire to supplement some of the quotations read by the Senator from Maine by giving some other matter to be found in the same reports from which he quoted which seem to me to be germane to this discussion. The Senator says that he has delved among the reports of the past in regard to some of the propositions involved, and takes us with him back to the days be-

fore the war, and reads from the report of the then Secretary of War, John B. Floyd, to show that at that time, according to the Secretary, the Army, much less in number then than now, was sufficient for all the purposes for which it might be used, and especially sufficient for the protection of our borders against any threatening Indian difficulty. I take up the book where he left off and I read further. The Secretary of War said, after using the language quoted by the Senator:

I feel no hesitation now in bringing to the notice of Congress the importance of restoring to the War Department the superintendence and control of the Indians. It is quite impossible to impress upon these savages the idea of obedience by any other means than military power. They respect nothing but a strong military force, and its proximity to them is therefore essential.

I submit that the experience with the American Indian in the years which have elapsed since 1860 does not make that foolish to-day which was wisdom then. I might quote also from General Schofield, and show the Senator that in the opinion of that able officer the show of military force to-day upon the Northwestern frontier is of such a character that it simply excites the contempt of the Indian.

Let us look for a moment at the changed conditions in the Indian country from 1860 to the present time, changes referred to briefly by the Senator from Maine. In 1860 there was but a handful of men in the now great States of Minnesota, Wisconsin, Kansas, Nebraska, and the Northwestern Territories. Now millions of men, women, and children occupy that broad domain. What has been the result upon the Indian himself? In 1860, and for many years after that time, he ranged unmolested over the thousands and thousands of miles of territory where he could pursue the game of that period. There was no contact or conflict between him and the white settler except on rare occasions. But now, as the Senator says, the Indians, instead of roaming over that vast territory, have been gathered year after year upon reservations; and that fact has produced many of the Indian wars of late years. The Sioux Nation, for instance, gathered in the south part of the Territory of Dakota, occupying 36,000 square miles of territory, numbering from twenty-five thousand to twenty-eight thousand people, and we have as a guard against any raid that they might make upon the Northwestern territory but the two posts which I referred to the other day, the post at Fort Robinson and the post at Fort Niobrara, consisting of less than five hundred enlisted men, who guard all that vast frontier against an attack that I say is imminent from five thousand to eight thousand Sioux warriors armed and equipped with the best implements of war.

There is a changed condition in respect to their ability to fight now and then. Ten or twenty years ago the Indian of the frontier had as his weapon of attack and his weapon of defense the bow and arrow, and perhaps a few shotguns or poor muskets; but to-day, as I suggested before to the Senator from Maine, every adult Indian of the tribes of the West is armed with the Winchester rifle, and is expert in its deadly use.

But the Senator from Maine says, and he quotes from the report of the Secretary of the Interior, that there is no danger that these Indians will commit any depredations or probably take the war-path. I submit as against that statement that it is not made by the Secretary of the Interior exactly as it is quoted by the Senator, because the Secretary of the Interior refers to the fact that these outbursts are to be prevented only by the military arm. I submit, as against the guess of the Senator from Maine, the letter I read a few days ago from the officer in command at Fort Niobrara, wherein he says that it is only a question of time, and probably a very short time, when there will be trouble with Red Cloud and his band at the Pine Ridge agency. The distinguished Senator from Massachusetts [Mr. DAWES], chairman of the Committee on Indian Affairs, introduced at this session of Congress a bill, which has passed the Senate, proposing to take from the great Sioux reservation about one-third of the present possessions of the Sioux Indians and open a way through the center of the nation.

Mr. DAWES. More.

Mr. MANDERSON. Nearly half of it, perhaps, in point of area. The proposition in that bill is that the law shall not be operative until a certain portion, perhaps a majority, of the Sioux braves shall consent to its provisions. I saw within a few days a letter from Dr. McGillycuddy, the efficient agent of the Sioux Indians who are gathered in the vicinity of the Pine Ridge agency, in which he said that the bill had excited considerable discussion and opposition around the Indian camp-fires in the vicinity of his and of the Rosebud agency, and it had been determined, if you please, by resolution considered and passed, that the first Indian who should sign an agreement that such a law should become operative by their consent should be killed by his brother Indians. That is the fact, and it is one of the existing dangers from the Indians in that Territory.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. MANDERSON. Certainly.

Mr. DAWES. I dislike very much to have the Senator's statement go out without qualification. It is very true that Red Cloud, an exceedingly bold chief there, holds a fort near the Pine Ridge agency and plants the American flag over it, and considers himself in some sense the President of the United States, and he has announced in a flourishing trumpet proclamation what he will do to any Indian who gives his assent to that bill; but he does not represent more than one hundred and fifty or two hundred, all told, of the twenty-eight thousand Indians about there.

While I agree with the Senator as to the propriety of passing this bill, I do protest against the idea of charging it to the Indians. There never was a day when the Indian needed the Army around him as little as he does to-day. There is, in my opinion, need of filling up the regiments, but not because of anything the Indian has done in the near past or that there is any idea of his doing in the future.

Mr. MANDERSON. I hope the sanguine view of the situation indulged in by the Senator from Massachusetts is the true one, and I hope I may be all wrong in my fear of trouble to the community in which I live, but it does not change my view of the situation, because, as I have heretofore suggested, my conclusion is reached after a most careful investigation made personally of the condition of affairs upon the Sioux reservation and an observation that has been made within a few months past. I do not want to appear in the light of an alarmist, but I say to the Senator from Massachusetts that there is threatening danger there. Red Cloud is a most aggressive, a most dangerous, and at the same time a most able Indian, and he has following him not only the handful of men who compose his band and the braves of the Northern Cheyennes, but there flock to his standard raised above the house built for him by the Government of the United States every discontented and troublesome Indian of the Sioux Nation. If there shall be outbreak there as the result of deliberation by those bands over what is known as the Dawes bill for dividing the Sioux reservation, I believe it will be trouble most grave in its character, that can not and will not be confined to the Indian bands nor limited to the Sioux reservation, but will extend with all the horrors of a conflict of that kind to the white men who have so lately made themselves homes in that vicinity. It means a great danger to every white settlement on that border.

The Senator from Maine quoted somewhat from General Schofield, and I desire to supplement what he read by reading another extract or two in addition to what I presented in the discussion the other day. He said:

The only course consistent with justice and humanity, and with the dignity of a great nation, is to hold savage tribes in subjection by a show of force which they dare not disregard, and then to teach them by all practicable means to prefer friendship and peace rather than enmity and war.

I will also quote from General Schofield, than whom no man is better informed about this whole question, a part of his report bearing upon the question of the increase of the Army of the United States. The Senator says that while General Schofield is in favor of the three-battalion organization he is in favor of reaching that result by decreasing the number of enlisted men in the infantry regiments of the Army of the United States. But not so, for General Schofield says in the report from which I read:

If such measures are promptly adopted, the wrongs and errors of the past may be largely atoned for, the savage tribes of the country may be rapidly civilized and finally incorporated into the great body of the people.

The military force now required for this service will be in training for the more important services which must ere long be required of it, unless the future history of this country is very different from its past history, and from that of all other civilized nations.

I respectfully submit that these subjects are worthy of the most serious consideration as well as, and in connection with, that of the national defense against possible foreign aggression. While the country is struggling under a great load of unemployed capital and labor, we are neglecting the ordinary prudential measures dictated by reason and experience, which teach that some part of this surplus of capital and labor should be employed to protect the accumulated wealth of the country and the lives of the people from destruction by domestic or foreign foes.

He says further:

I beg leave to submit that, in a country of fifty millions of people, fifty thousand men would be a small army to be maintained with sole reference to possible foreign wars. But when the country has constant daily use for nine-tenths of that force to protect its people and their property against destruction by savage tribes in their midst, it is extremely unwise to limit the Army to its present strength. As well might the great cities of the country limit their police force to one-half that which experience has shown to be necessary for daily service, with no reserve for great emergencies.

I submit that this language of General Schofield, not of ancient date but written as of yesterday, for it is his report of this year, is based upon an experience beyond that of any Senator upon this floor; that from the very nature of his position he has been so situated with regard to the Indian troubles, the domestic troubles that threaten the country, and with respect to the Army of the United States, that he knows whereof he speaks; and I submit that the Senator from Maine is wofully mistaken when he makes the statement that General Schofield is not in favor of an increase of the enlisted force of the Army.

Take some of the threatening dangers referred to by the Senator from Maine. As I understand him, we are in a condition that is almost defenseless upon our seacoast. He is the earnest, the eloquent, and the proper advocate of bettering the condition of affairs upon the coast by the building of modern fortifications and the casting of modern guns. He says he is in favor of building the fortifications and casting the guns, because we are entirely powerless against any attack that might be made upon us even by a third or fourth rate power. But he also says there is no necessity for an increase of the Army to protect the

coast; that it would take at least two years to build the fortifications and cast the guns which must be manned by the Army of the United States. I suggest to him that if there is the imminent danger he describes and it would take us two years to build the needed fortifications that will keep off invading fleets, the chances are that while we are getting ready for the defense of the character he speaks of a foreign army might invade this country, and a regular army even of thirty thousand men would be considered as of great importance for the purpose of protecting our industries and saving the country.

The Senator suggests that the regular Army of the United States when the war broke out in 1861 was of very little importance; that we would have been perhaps as well off if we had had no Army at all at that time and trusted entirely to volunteer organizations.

Mr. HALE. So far as the rank and file is concerned. That is my proposition.

Mr. MANDERSON. I understand.

Mr. HALE. But the number of enlisted men was not a matter of moment.

Mr. MANDERSON. That is to say, the enlisted men of the Army of the United States were not needed at all, and that all we needed were the officers of the Army. I do not know what the experience of the Senator from Maine may have been in the early part of the dark days of 1861, but I apprehend that during that time he probably visited some of the camps of the volunteer soldiers and saw some of the difficulties under which they labored. I remember that in April, 1861, I was one of several thousand men gathered in camp for the purpose of organization into regimental battalions to take the field, and of the thousands gathered in the camp of rendezvous there were very few able to instruct in the school of the battalion, the school of the company, or the manual of arms. I think perhaps five thousand men were gathered in the camp I refer to in the city of Cleveland, in 1861, and I venture the assertion that there were not one hundred men fitted to instruct that large body of men in any part of the duty of the soldier. The officers of the Army of the United States were not there in very large number. There were a few men who had served as private soldiers in the regular Army, and these became the efficient instructors of companies and battalions, took commissions in the volunteer army, and did most effective service.

Mr. President, I believe in making the Army of the United States an organization so efficient and of such character that it shall be the pride of the American citizen to enter into its ranks as a private soldier, and this bill is a step in that direction. I believe that by the increased pay proposed by this bill to the private soldier, by increased opportunities of instruction, not only in the mere school of the soldier, the manual of arms, and the drill of the company, but by instruction in the science of war, the intelligent private soldiers of the Army of the United States may become the officers who will lead the volunteer organizations in the wars of the future to conflict and to success.

But I submit, Mr. President, that the view taken of this matter by the Senator from Maine is not one that has been held by those who have been in position to know a great deal about the subject. I call his attention to but one authority, and it seems to me that it will be sufficient for the purpose. I will read from two different authorities. When John C. Calhoun was Secretary of War of the United States he was commenting upon the experience the country had in passing through in the war of 1812, and said:

> The disadvantages of inexperience in the officers and men without the means of immediate instruction was the fatal error at the commencement of the late war that cost us so much treasure and blood. The peace establishment which preceded it was very imperfectly organized, and did not admit of the necessary augmentation.

Yet notwithstanding that experience we went on just as we are going on to-day until we reached the year 1846, and the Mexican war was upon us. Were we any better prepared? No; the economists in the Congress of the United States kept down the military organization and did everything apparently to make it inefficient rather than promote its efficiency, and the result is described by General McClellan in an article written by him in the year 1877:

> When the Mexican war broke out the actual strength of the regular Army was about fifty-three hundred. The force with which General Taylor reached the Rio Grande was three thousand, and that with which he fought the battles of Palo Alto and Resaca de la Palma only twenty-one hundred. There can be no doubt that if the strength of the Army had sufficed to enable him to move to the Rio Grande with ten thousand men the Mexicans would not have crossed the river and in all human probability the war would have been avoided. The cost of maintaining the seven thousand additional men during the whole period from the close of the war of 1812 to the commencement of the Mexican war would not have amounted to two-thirds of the direct expenses of the latter war, not taking into account the large cost of the Seminole and other Indian wars, or the heavy losses by disease and in battle, or the indirect losses inseparable from all wars.

Mr. HALE. What does General McClellan state there was the real actual force of the regular Army of the United States?

Mr. MANDERSON. The actual fighting strength of the regular Army was about five thousand three hundred men. We ran along after this experience in the war with Mexico and we reached the time to which the Senator from Maine has referred, and, as I understand him, he says all that was necessary to place this Government in the year 1861 in efficient position to quell the war of the rebellion was that we should have had a mere skeleton army, made up of officers without enlisted men. How you are to maintain such an organization I am somewhat at a loss to perceive. The officer who drills his battalion or the captain who drills his company receives instruction as well as gives it, and his experience would be worth but little if he was a mere book soldier. The ability to handle men in the field, so that they may be efficient and a fighting force, is based upon handling them in time of peace. A captain who should simply confine himself to his tactics in his room, and never go upon the drill-ground for the purpose of maneuvering his company and drilling them in the school of the company, would be of very little use when you placed him in command of one hundred men at the outbreak of a war. As the Senator from Illinois [Mr. LOGAN] suggests, he does not see what the officers could learn about the marching of troops, or the camp life, the care of men, and preparing them for battle.

During last summer when in the Territory of Utah I spent three days at what was called the summer camp of instruction, organized by General McCook, in command of Camp Douglas. Of his own regiment and another he had gathered fifteen companies of men, very few men to a company it is true, but still sufficient for the purposes of drill and sufficient for instruction in the practical, not theoretical, art of war. These officers and men under the direction of their efficient leader had gone somewhat into the actual requirements of war. I saw there for the first time since the close of the war of the rebellion earthworks constructed and the making of all the guards that are prepared for the purpose of making obstructions to an attack—gabions, fascines, abatis, &c.; and I submit to the Senator from Maine that those who received the most effectual good from this practice drill, which would have been impossible without the enlisted men, were the younger officers, who had seen nothing of war and were here putting in actual practice the theories that they had learned at West Point.

But I am digressing from the proposition. I proposed to show that the efficient commander of the Army of the Potomac differed somewhat from the Senator from Maine.

I remember a story of a glib young lawyer who advanced a remarkable legal proposition to the court, and was told by the judge: "My young friend I am very much surprised to hear you make a statement of that kind and claim it to be law;" and opening a volume of Blackstone said: "Blackstone says so and so—a proposition directly the reverse of that just stated."

The attorney was not at all embarrassed, and said: "Well, your honor, there is where Blackstone and I differ." I submit to the Senator from Maine that I will show wherein he and General McClellan differ as to what would have been the probable result if we had had an army of the character described by him and what would have resulted if we had had an efficient army of the character proposed by this bill. General McClellan says:

> But the most instructive case of all is that of the civil war. We do not doubt that fifteen thousand regulars on the field of the first Manassas would have insured the complete rout of the raw confederates, and, in all probability, put an end to the war. They would certainly have enabled us to drive the confederate government out of Virginia and have cleared the eastern portion of the State as completely as the work was accomplished a little earlier in West Virginia.

Mr. HALE. Will the Senator allow me to say a word?

Mr. MANDERSON. Certainly.

Mr. HALE. Does the Senator agree with General McClellan that a regular army of fifteen thousand men would have not only defeated the rebel forces, but would have ended the war?

Mr. MANDERSON. I think this is true beyond question, that if fifteen thousand regular troops had been upon the Union side at the battle of Manassas, the first Bull Run would not have been a sore defeat to the Union arms, but would have been a victory of such character that it might, and probably would, have induced a peace upon some terms.

Mr. HALE. Does the Senator believe that no matter what might have been the result of the first battle of Bull Run, had our victory been as great as it could have been, it would have perceptibly shortened the war?

Mr. MANDERSON. I think it would most decidedly.

Mr. HALE. I do not agree with the Senator.

Mr. MANDERSON. And do not agree either with General McClellan on that proposition.

Mr. HALE. There were several things with reference to the conduct of the war where I did not agree with General McClellan. I do not believe that great war could have been stopped by one battle.

Mr. MANDERSON. I think there will be no issue between the Senator from Maine and myself on the proposition that as an organizer of troops, a disciplinarian, and a man who had extraordinary military research, skill, and ability in that direction few men were higher than General McClellan. I have given his view of the matter.

Mr. HALE. Let me put a question. Supposing the United States at that time had had a regular Army of one hundred thousand men, does the Senator believe that that would have prevented the war of the rebellion and the settlement of the great issues involved in that war?

Mr. MANDERSON. I believe most firmly that if the United States

had had in April, 1861, an army of one hundred thousand, true to the cause of the Union——

Mr. HALE. That is another thing.

Mr. MANDERSON. True to the cause of the Union, there would have been no war.

Mr. HALE. That is another thing. Had the United States had an army of one hundred thousand men at that time, one-half of them in moral, effective, and physical force would have been directed against the life of the Government as it was.

Mr. HAWLEY. Pardon me just there. There is not on record the desertion of a company or a soldier from the regular Army.

Mr. MANDERSON. On the contrary——

Mr. HALE. I am not stating that. But as a military establishment under the control, under the political influence at the time, one hundred thousand men in the regular Army of the United States in 1861 would not have been of perceptible benefit to us in that great struggle.

Mr. MANDERSON. There is where the Senator and General McClellan differ.

Mr. HALE. I am obliged to differ with General McClellan.

Mr. MANDERSON. Let us read further what he says, and this was written in 1877, many years after the close of the war, when he had the benefit of not only his war experience, but the observation resulting from investigation after the war, of reports of different army leaders, &c.:

> The cost of maintaining these fifteen thousand additional troops from the close of the Mexican war to the commencement of the war of secession would not have amounted to one-fiftieth part of the war debts of the General Government, the States, counties, and municipalities. Should we compare it with the total amount of direct and indirect expenditures by both parties to the war, the losses of the two sections in lives, in property destroyed, business ruined, and capital sunk, we should be at a loss to express the relation, so absurdly small would be the relative cost of those additional troops.

But, Mr. President, does it need quotation or argument that in time of peace we should prepare for war? There is no adage, it seems to me, that has in it more of wisdom, and I submit to the Senate another quotation somewhat *apropos* to the subject under consideration. De Tocqueville, in his celebrated work, says:

> War is an occurrence to which all nations are subject, democratic nations as well as all others. Whatever taste they may have for peace, they must hold themselves in readiness to repel aggression.

That, I take it, is the wise position occupied by the Senator from Maine when he agrees that there are threatened dangers requiring an increase of the Navy of the United States, the building of war ships, the construction of fortifications, and the casting of guns. It seems to me that every reason which prompts him to this conclusion should prompt him also to the proposition that the regular Army of the United States should be made efficient.

Mr. TELLER. Mr. President, if I understand the argument of the Senator from Nebraska [Mr. MANDERSON] it is based upon two theories: first, that we want an increase of the Army to suppress possible Indian outbreaks, and, second, we want it for fear there may be another rebellion. If there is anything at all in the discussion of the question as to what would have been the effect of a large army in 1861, it is on the hypothesis that we must keep a large standing army for the purpose of meeting just such emergencies as arose then. I do not suppose the Senator from Nebraska will claim that there is a possibility of such an occurrence again.

Mr. MANDERSON. Did the Senator understand me to say that I expected another rebellion?

Mr. TELLER. I did not understand the Senator so to say.

Mr. MANDERSON. I do not understand why the Senator from Colorado should make that remark.

Mr. TELLER. The Senator said that if we had had a large army in 1860 we should have avoided the rebellion; therefore we must now have a large standing army. Why? I simply say there is no force in the argument at all unless the Senator thinks there is danger of another rebellion, which I assume that he does not think will occur. We have now from the chairman and from everybody who has discussed the bill, with the exception of one Senator, the declaration that there is no danger of a war from any source, and that Senator is the Senator from Nebraska, who still insists, as he did the other day, that there is imminent danger of an Indian war; and as to that, and that only, I propose to say a few words, not to go at all into the other question or to attempt to answer what has been said on behalf of the bill by others.

The Senator from Nebraska says that in 1860 there was danger of war with the Indians, but that it is infinitely greater now. The Senator must have carelessly examined the condition of the Indian tribes in this country if he asserts that they are in any such condition to carry on a war as they were in 1860. He says, in the first place, that they were armed with bows and arrows. The Senator is certainly mistaken in that. More than twenty-five years ago I saw the warriors on the plains armed with the best weapons that were then in existence, and if they have got any better now it is simply because there has been an improvement in arms. Then they had a reservoir back of them of food, with a great country outlying with millions of cattle, estimated by Mr. Greeley to be equal to all the horned cattle in the United States, upon which they could feed, with innumerable opportunities to escape from the troops on the frontier; but to-day there is not any frontier at all in the United States. The Indians, instead of being in a condition to carry on war as they were in 1860 when we had the magnificent army of twelve or fifteen thousand men, are in no condition to carry on war for the reason that I gave the other day, which is understood by the Indians as well as by any military man in the world, that they have no supplies upon which they can subsist. They can not go back into the interior and subsist themselves in peace to-day, as the Senator ought to know. Of that immense herd of buffaloes that Mr. Greeley declared was so great in numbers, there are not enough left to-day to keep the Indians a month if they had them all. It is physically impossible for any large number of Indians to go upon the war-path; and they are not only warriors but they are sensible in their methods. They understand very well that they can not be supported in arms against the Government by the Government. They understand that. With all the foolish things we have done in reference to them they do not expect us to feed them while they fight us; and they know better than to fight, unless it may be now and then a little party of thirty or forty men as went out from the Apache reservation last spring.

I have been looking over the correspondence between the War Department and General Crook, and I find that the general says he has all the troops he wants. General Crook telegraphed that he did not want any more troops and could not use them if he had them; and there is not any place where there is likely to be a foray made by Indians where there is not an abundance of troops to meet any such foray as they would make.

Mr. MANDERSON. If the Senator will permit me, I should like to say a word.

Mr. TELLER. Certainly.

Mr. MANDERSON. The Senator speaks of the fact that General Crook said that he desired no more troops because of the character of the country in which the Apaches under Geronimo were operating. It was not a numerous body of troops he desired, but men skilled in that sort of warfare; and therefore it was that he left his white cavalry in the rear and entered the mountains on the border of Mexico with Indian scouts, and not with white soldiers.

Mr. TELLER. It is perfectly immaterial why he did not want any more troops. It can not be said that he did not put down the outbreak of the Indians quicker because the Army was needed. He did call for two hundred scouts to be enlisted from the peaceable Indians of the Apache tribe, and he got them, and that is the force he wants to-day, and not United States troops except in a limited number, and he has, if his statement is correct, and I have no doubt about it, only thirty-four warriors to contend with at most.

The honorable Senator spoke of Red Cloud, and he said Red Cloud had with him a large force. The chairman of the committee stated the number in excess of what he really has got. It is less than two hundred people all told, men, women, and children, that he can depend upon to adhere to his standard; and contrary to the statement the Senator made that the Northern Cheyennes are with him, they have never been with Red Cloud in sympathy nor in fact.

Mr. DAWES. Will the Senator allow me to add that the force at the Pine Ridge agency is as well drilled as any cavalry in the United States, and I will call on the Senator from Illinois to certify as to who was able to command the whole of that reservation and keep the peace there. Dr. McGillicuddy, in the most extreme case of attempted outrage on the part of this man Red Cloud, held him in subjection, and he does to-day, and the peace of the whole reservation is maintained there by the efficiency and energy of Dr. McGillicuddy and the discipline of the Indian police, every one of them an Indian.

Mr. TELLER. The chairman of the Committee on Indian Affairs has stated just what I was going to state, but very much better than I could.

Mr. DAWES. I beg the Senator's pardon.

Mr. TELLER. The facts are exactly as he states. I was about to state that the present agent with his force was able and willing and at all times ready to cope with Mr. Red Cloud and his force whenever he threatened any disturbance. Now, instead of the Northern Cheyennes being in sympathy with Red Cloud they have been hostile to him, and a portion of the Northern Cheyennes at least are as harmless and as peaceable to-day as any Indians in the United States. They are scattered up and down the Tongue River for 10 to 150 miles—I do not remember the exact distance—in their cabins built by their own hands or with their own money that they have earned and living in a condition at least of semi-civilization a large number of them, and I do not think that there need be apprehended any danger from them for they have subsisted themselves by labor there for at least two years without making any trouble.

I do not want to go into any general discussion of this bill; but I insist that there never has been at any time in the history of our relations with the Indians, from the beginning of the settlements on the continent to the present day, when there was so little use for an army to hold the Indian in subjection as there is at this hour. It is absolute folly to talk about increasing the Army for that purpose. With a fourth of the Army you now have, you can hold the Indians in subjection, ex-

cept that occasionally some of them may break out and commit an individual depredation as white people do in every community in the land.

I said a moment ago that the frontier was abandoned. There is no place where the Indian can flee now that he does not find a settler and the settler pretty well able to protect himself, as I know from experience. I know that when the war was rank and when that great country back of the Missouri River was without a soldier and when the Indians had an abundance of food upon which they could fall back and when they made their raids, it was the settlers single-handed and alone who coped with them and held them at bay. It was not the Government of the United States, and it was not done with Government money. I recollect one Saturday the little community in which I lived were called upon to meet an attempted Indian attack; we had not heard from the States for six weeks; we did not know whether the Government of the United States was in existence or whether it had gone; it was in the midst of war. A community not consisting of over five thousand or eight thousand people at the most raised and put in the field, and had 40 miles from that place on the second day one hundred and ten mounted men armed and equipped who made their way down to the river and opened the telegraph and railroad lines without Government aid and without Government assistance and without ever having received to this day a dollar of Government pay. Everywhere that the Indian goes now he finds a settler and everywhere that he goes he finds a community ready to meet him half-way if he makes an attempt to outrage anybody in any community, and he knows that as well as the best military man in this country.

I repeat again that the use of the Army is not the method by which the Indians are to be brought into civilization, and I do not care whether it is General Schofield or any other man who insists that he wants the Army for the purpose of holding in subjection the Indian population of the United States; I say that hour has passed, and not only humanity but public policy requires that we should adopt another and a different method in dealing with the Indians. I do not believe there is an intelligent man on the frontier living by the side of the Indians who would approve of the increase of the Army to thirty thousand men upon the theory that they are needed for his protection from the Sioux or the Crows or any other of the Indians on the frontier.

Why, Mr. President, if you are to guard and watch these Indians you have not got men enough with thirty thousand troops in the Army; you must have a hundred thousand if you are to rely solely and entirely on watching and keeping as many soldiers in the community as you have Indians. You have got one hundred and sixty-five thousand wild Indians, and as the Senator from Nebraska truly said the other day, if it is a question of war it is almost the whole population you have to meet except the infants; it is the women; it is the boys of ten and twelve years who are to be met and treated as warriors if you treat them as warriors at all. If you talk about scattering troops all over the country to keep the Indians in subjection by force, of what more use will thirty thousand be than twenty-five thousand?

Mr. MANDERSON. I should like to call the attention of the Senator from Colorado to one statement in the report of Dr. McGillycuddy, agent at the Pine Ridge agency. He is speaking of the Northern Cheyenne Indians. I understand the Senator from Colorado to say that they have progressed very far in civilization.

Mr. TELLER. I am speaking of those who went first, and not the last. I do not know anything about the last immigration. That is since I have had anything to do with Indian affairs.

Mr. MANDERSON. I call the Senator's attention to this comment of Dr. McGillycuddy on the Northern Cheyennes.

Mr. TELLER. Dr. McGillycuddy is not within a thousand miles of the Northern Cheyennes, the large portion of them. He may have some Northern Cheyennes at Pine Ridge.

Mr. MANDERSON. It was the Northern Cheyennes at Pine Ridge of whom I was talking. He says that the last remnant of them, about a thousand in number, joined the three hundred and sixty who are already upon this reservation, the Pine Ridge agency; that all the Northern Cheyennes are in sympathy with Red Cloud and his band, numbering one thousand three hundred and sixty, and he says further:

THE NORTHERN CHEYENNES.

These Indians remain in the non-progressive condition peculiar to them for several years past. They do not build or live in houses, farm, or send their children to school, considering themselves in their aboriginal egotism superior to the white man who works for a living. I have been associated with them more or less for the past eight years, and can observe no change in them since they surrendered from the war-path in 1877.

They were at Pine Ridge agency in 1884, and the band is there yet. I saw them last fall in about the condition described by Dr. McGillicuddy.

Mr. TELLER. I am aware that there are some Northern Cheyennes at McGillicuddy's agency. They went there late in the fall of 1884. I have never heard any complaint of them. I have not read McGillicuddy's report, but prior to that a large number of Northern Cheyennes, the most hostile, the wildest, the most vigorous of them all, fled on their own account from the Indian Territory and went up to Pine Ridge. Dissatisfied with Pine Ridge accommodations and treatment they went from there to Tongue River, in Montana, and they are the Indians of whom I have spoken. I have yet to learn even from this report that there is any disposition on the part of the Northern Cheyennes at the Pine Ridge agency to affiliate with the hostile Indians of Red Cloud's band, if they can be called hostile at all, which I deny.

Mr. President, it is easy enough to get up a bugbear about Indian wars. I know exactly how sensitive the Western people are on that question. I know how ready they are to believe it. I have seen a whole community, composed of thousands of men, in a state of frenzy when the statement came that a little band of Indians were a few miles out. I have seen a whole community go practically wild after the Sioux war in Minnesota, and it is not strange that they should. But that time has passed, as everybody knows, and nobody knows it so well as the Indian, because he understands that he has not a place to flee to, and that he has not the opportunity of supporting himself in a conflict with the United States.

That is all I care to say as to the bill. The bill must be defended on some other ground than its necessity for the purpose of putting down the Indian population.

Mr. HAWLEY. Mr. President——

Mr. CAMERON. I ask the Senator to give way for a moment to go into executive session.

Mr. HAWLEY. I am perfectly willing to go on now.

Mr. CAMERON. There are matters of importance in executive session to be attended to, and it is impossible to finish the bill to-night.

Mr. HAWLEY. I shall only speak fifteen minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. CALL. I ask the Senator from Pennsylvania to withdraw that for a moment.

Mr. CAMERON. For what purpose?

Mr. CALL. I only wish to make an announcement.

Mr. CAMERON. Very well.

Mr. CALL. I give notice that to-morrow morning at the conclusion of the morning business I shall ask the Senate to take up the resolution relative to the forfeiture of Florida land grants in order that I may submit some few remarks to the Senate upon it.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. MAHONE. With the permission of the Senator from Pennsylvania——

Mr. HAWLEY. I believe I have the floor.

The PRESIDENT *pro tempore*. The Senator from Connecticut has the floor.

Mr. MAHONE. I ask leave to make a report from a conference committee.

The PRESIDENT *pro tempore*. That is a privileged matter. The Senator from Virginia submits a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 44) making appropriations for the erection of a public building at San Antonio, Tex., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with the following amendment: Strike out the words "one hundred and fifty thousand dollars" and insert the words "so herein limited;" and that the House concur in the same.

WILLIAM MAHONE,
RICHARD COKE,
JOHN C. SPOONER,
Managers on the part of the Senate.

SAMUEL DIBBLE,
SEABORN REESE,
W. H. WADE,
Managers on the part of the House.

The report was concurred in.

PAPERS WITHDRAWN AND REFERRED.

Mr. CAMERON. I now renew my motion.

Mr. FRYE. If the Senator will yield to me one moment I want to offer an order to get papers before the Committee on Commerce.

Mr. CAMERON. Very well.

Mr. FRYE. I offer the following order:

Ordered, That the papers on file relating to the Harlem River Improvement be taken therefrom and referred to the Committee on Commerce.

The order was agreed to.

EFFICIENCY OF THE ARMY.

Mr. LOGAN. Before the motion for an executive session is put I desire to have a time fixed to-morrow, if the other gentlemen who desire to be heard besides the Senator from Connecticut will agree, at which we shall take the vote on the bill to increase the efficiency of the Army, with all the amendments. I would suggest 3 o'clock.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate that 3 o'clock to-morrow be fixed as the time at which the vote shall be taken on the military bill.

Mr. LOGAN. If we can reach a vote sooner I will say I should not want to postpone a vote. I will say not later than 3 o'clock.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects.

Mr. CULLOM. I hope my colleague will insist on sitting to-morrow until this bill is disposed of. There are many other measures here that ought to be considered, which are waiting.

Mr. LOGAN. I desire to be patient about it. Of course everybody so disposed has a right to make objection, but I do not see why there should not be an hour fixed for a vote. It is usual on all measures that come up, where they are discussed at length before the Senate; but if there is objection, of course I can not help it.

Mr. PLUMB. I have no objection to having the vote taken to-morrow; but after the motion of the Senator from Maine is disposed of there will be a number of other motions, going, probably, to every section of the bill. I do not want to embarrass the action of the Senate in regard to propositions of that sort. The pending question is one thing, and the several other parts of the bill are another.

Mr. LOGAN. It is understood always that fixing a time for the vote on a bill means that at that time we begin to vote on whatever amendments may be proposed to it. It does not mean that the final vote shall then be taken, so as to cut off amendments, but that we commence to vote at that time. That is the custom always in the Senate.

Mr. PLUMB. Then I withdraw the objection if it is understood that 3 o'clock to-morrow will be the time for voting on the pending proposition.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent of the Senate that at 3 o'clock to-morrow the Senate proceed to vote on the pending question.

Mr. LOGAN. Not later than 3 o'clock.

The PRESIDENT *pro tempore*. Not later than 3. Is there objection?

Mr. PLUMB. On the pending question?

The PRESIDENT *pro tempore*. The pending motion. The Chair hears no objection, and that order is made by the unanimous agreement of the Senate.

IMMIGRATION OF CHINESE.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before that is done the Chair desires to submit a message from the President of the United States.

The Secretary read the message, as follows:

To the Senate and House of Representatives of the United States:

I transmit herewith for the consideration of Congress, with a view to appropriate legislation in the premises, a report of the Secretary of State, with certain correspondence, touching the treaty right of Chinese subjects other than laborers "to go and come of their own free will and accord."

In my annual message of the 8th of December last I said:

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers in the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination."

These cases of individual hardship are due to the ambiguous and defective provisions of the acts of Congress approved respectively on the 6th May, 1882, and 5th July, 1884. The hardship has in some cases been remedied by the action of the courts. In other cases, however, where the phraseology of the statutes has appeared to be conclusive against any discretion on the part of the officers charged with the execution of the law, Chinese persons expressly entitled to free admission under the treaty have been refused a landing and sent back to the country whence they came, without being afforded any opportunity to show in the courts or otherwise their right to the privilege of free ingress and egress which it was the purpose of the treaty to secure.

In the language of one of the judicial determinations of the Supreme Court of the United States to which I have referred, "the supposition should not be indulged that Congress, while professing to faithfully execute the treaty stipulations, and recognizing the fact that they secure to a certain class the right to go from and come to the United States, intended to make its protection depend upon the performance of conditions which it was physically impossible to perform." (U. S. R. 112, p. 554, Chew Heong *v.* U. S.)

The act of July 5, 1884, imposes such an impossible condition in not providing for the admission, under proper certificate, of Chinese travelers of the exempted classes in the cases most likely to arise in ordinary commercial intercourse.

The treaty provisions governing the case are as follows:

"ARTICLE I. * * * The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. * * *

"ART. II. Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, * * * shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

Section 6 of the amended Chinese immigration act of 1884 purports to secure this treaty right to the exempted classes named by means of prescribed certificates of their status, which certificates shall be the *prima facie* and the sole permissible evidence to establish a right of entry into the United States. But it provides in terms for the issuance of certificates in two cases only:

(*a*) Chinese subjects departing from a port of China; and

(*b*) Chinese persons (*i. e.*, of the Chinese race) who may at the time be subjects of some foreign government other than China, and who may depart for the United States from the ports of such other foreign government.

A statute is certainly most unusual which, purporting to execute the provisions of a treaty with China in respect of Chinese subjects, enacts strict formalities as regards the subjects of other governments than that of China.

It is sufficient that I should call the earnest attention of Congress to the circumstance that the statute makes no provision whatever for the somewhat numerous class of Chinese persons who, retaining their Chinese subjection in some countries other than China, desire to come from such countries to the United States.

Chinese merchants have trading operations of magnitude throughout the world. They do not become citizens or subjects of the country where they may temporarily reside and trade; they continue to be subjects of China, and to them the explicit exemption of the treaty applies. Yet, if such a Chinese subject, the head of a mercantile house at Hong-Kong or Yokohama or Honolulu or Havana or Colon, desires to come from any of these places to the United States he is met with the requirement that he must produce a certificate, in prescribed form and in the English tongue, issued by the Chinese Government. If there be at the foreign place of his residence no representative of the Chinese Government competent to issue a certificate in the prescribed form, he can obtain none, and is under the provisions of the present law unjustly debarred from entry into the United States. His usual Chinese passport will not suffice, for it is not in the form which the act prescribes shall be the sole permissible evidence of his right to land. And he can obtain no such certificate from the government of his place of residence, because he is not a subject or citizen thereof, "at the time," or at any time.

There being, therefore, no statutory provision prescribing the terms upon which Chinese persons, resident in foreign countries but not subjects or citizens of such countries, may prove their status and rights as members of the exempted classes in the absence of a Chinese representative in such country, the Secretary of the Treasury, in whom the execution of the act of July 5, 1884, was vested, undertook to remedy the omission by directing the revenue officers to recognize as lawful certificates those issued in favor of Chinese subjects by the Chinese consular and diplomatic officers at the foreign port of departure, when visaed by the United States representative thereat. This appears to be a just application of the spirit of the law, although enlarging its letter, and in adopting this rule he was controlled by the authority of high judicial decisions as to what evidence is necessary to establish the fact that an individual Chinaman belongs to the exempted class.

He, however, went beyond the spirit of the act, and the judicial decisions, by providing, in a circular dated January 14, 1885, for the original issuance of such a certificate by the United States consular officer at the port of departure, in the absence of a Chinese diplomatic or consular representative thereat. For it is clear that the act of Congress contemplated the intervention of the United States consul only in a supervisory capacity, his function being to check the proceeding and see that no abuse of the privilege followed. The power or duty of original certification is wholly distinct from that supervisory function. It either dispenses with the foreign certificate altogether, leaving the consular visa to stand alone and sufficient, or else it combines in one official act the distinct functions of certification and verification of the fact certified.

The official character attaching to the consular certification contemplated by the unamended circular of January 14, 1885, is to be borne in mind. It is not merely *prima facie* evidence of the status of the bearer, such as the courts may admit in their discretion; it was prescribed as an official attestation, on the strength of which the customs officers at the port of entry were to admit the bearer without further adjudication of his status unless question should arise as to the truth of the certificate itself.

It became, therefore, necessary to amend the circular of January 14, 1885, and this was done on the 13th of June following, by striking out the clause prescribing original certification of status by the United States consuls. The effect of this amendment is to deprive any certificate the United States consuls may issue, of the value it purported to possess, as sole permissible evidence under the statute when its issuance was prescribed by Treasury regulations. There is, however, nothing to prevent consuls giving certificates of facts within their knowledge, to be received as evidence in the absence of statutory authentication.

The complaint of the Chinese minister, in his note of March 24, 1886, is that the Chinese merchant, Lay Sang, of the house of King Lee & Co., of San Francisco, having arrived at San Francisco from Hong-Kong, and exhibited a certificate of the United States consul at Hong-Kong as to his status as a merchant and consequently exempt under the treaty, was refused permission to land, and was sent back to Hong-Kong by the steamer which brought him. While the certificate he bore was doubtless insufficient under the present law, it is to be remembered that there is at Hong-Kong no representative of the Government of China competent or authorized to issue the certificate required by the statute. The intent of Congress to legislate in execution of the treaty, is thus defeated by a prohibition directly contrary to the treaty; and conditions are exacted which, in the words of the Supreme Court hereinbefore quoted, "it was physically impossible to perform."

This anomalous feature of the act should be reformed as speedily as possible, in order that the occurrence of such cases may be avoided, and the imputation removed which would otherwise rest upon the good faith of the United States in the execution of their solemn treaty engagements.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April 6, 1886.*

The PRESIDENT *pro tempore*. The message, with the accompanying papers, will be referred to the Committee on Foreign Relations, and be printed.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion.

The PRESIDENT *pro tempore*. Before putting the motion the Chair will lay before the Senate the unfinished business, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned.

CONFIRMATION.

Executive nomination confirmed by the Senate April 6, 1886.

SECRETARY OF LEGATION AT PARIS.

Henri Vignaud, of Louisiana, formerly second secretary of the legation of the United States at Paris, to be secretary of the legation.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 6, 1886.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

The remainder of the Journal was read and approved.

CORRECTION OF A REFERENCE.

Mr. REAGAN. Mr. Speaker, on yesterday I introduced a resolution calling for certain information from the Interior Department with reference to discriminations against the New Orleans, and Gulf, and other roads, which was referred to the Committee on Railways and Canals. I asked at the time that it be referred to the Committee on Commerce, where it properly belongs; but presume the request was not heard on account of the confusion prevailing in the Hall.

The SPEAKER. The reference was made by inadvertence, and the correction will be made. The resolution will be referred to the Committee on Commerce.

REFERENCE OF SENATE RESOLUTIONS, ETC.

The SPEAKER laid before the House, under the rule, a joint resolution (H. Res. 18) for the further distribution of the report of the Public Lands Commission with Senate amendments, and a concurrent resolution of the Senate providing for the binding at the Government Printing Office of the schedules of the second, third, fourth, and tenth censuses; which were referred to the Committee on Printing.

PAYMENT OF SILVER, BOSTON SUBTREASURY.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, stating, in response to a resolution of the House, that the payment of silver dollars is not refused at the subtreasury at Boston; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HUNTING ISLAND LIGHT-HOUSE.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Light-House Board asking an appropriation for the purchase of a site and removal and erection of the Hunting Island light-house thereon; which was referred to the Committee on Commerce.

PROTESTANT EPISCOPAL THEOLOGICAL SEMINARY VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact of that court in the case of the Protestant Episcopal Theological Seminary and High School in Virginia against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

INDIAN TREATY FUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Secretary of the Interior concerning the loss of treaty funds by the Choctaw, Creek, and Seminole Indians, respectively, resulting from a compromise with the sureties of Lucius N. Robinson, late superintendent of Indian Affairs; which was referred to the Committee on Indian Affairs.

MEDICAL EXAMINERS, PENSION OFFICE.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of the Interior in relation to an increase of the number and salaries of medical examiners in the Pension Office; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER, FORT LEAVENWORTH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report and map from the Chief of Engineers showing encroachments of the Missouri River opposite Fort Leavenworth, Kans., and asking an appropriation to protect the banks; which was referred to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. NELSON for ten days, on account of important business, and to Mr. O'DONNELL, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. LA FOLLETTE, by unanimous consent leave was granted to withdraw from the files of the House, without leaving copies of the same, papers filed in support of House bill 5636, first session of the Forty-eighth Congress, to pension Otto Leissring.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] introduced a resolution recently providing for the purchase of a certain digest of international law, which the Chair supposed at the time was a resolution to print, and it was referred accordingly to that committee. Upon an examination of the resolution the Chair thinks it should go to the Committee on Foreign Affairs; and if there be no objection the correction will be made.

There being no objection, the change of reference was ordered.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. STORM. Mr. Speaker, I ask unanimous consent to submit a resolution from the Committee on Reform in the Civil Service, asking permission to sit during the sessions of the House.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Select Committee on Reform in the Civil Service, charged with the investigation of matters connected with the appropriation of $50,000 for certain improvements of the Ohio River near Jeffersonville, Ind., under a resolution of the House adopted March 16, 1886, be permitted to sit during the sessions of the House.

There being no objection, the resolution was considered, and agreed to.

Mr. STORM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill H. R. 5891, and put it upon its passage.

Mr. BLAND. We had better have the regular order if we are to have a contest over these requests.

Mr. RYAN. I want to say to the gentleman from Missouri that this will not provoke any debate. It is for the relief of an individual, and I do not think there will be any contest. I will assure my friend from Missouri that if it provokes any debate I will withdraw it.

The SPEAKER. The title of the bill will be read, after which objection will be asked for.

The Clerk read as follows:

A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel.

Mr. RYAN. I ask that the bill be read. I do not believe there will be any objection.

The bill was read at length.

Mr. SPRINGER rose.

The SPEAKER. Does the gentleman from Illinois object?

Mr. SPRINGER. I do not desire to make any objection; but I wish to state on behalf of the Committee on Claims that I have an order to present for the action of the House which would set apart next Friday for considering cases of this kind on the Private Calendar, and which I think will meet the approval of the House. It will enable us to reach cases of this kind in the regular way.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BEACH. I shall object, after hearing the statement of my friend from Illinois.

Mr. SPRINGER. I now offer the resolution I have indicated.

Mr. BLAND. I call for the regular order.

RESTRICTIONS ON AMERICAN PORK.

Mr. PHELPS. I present a privileged report from the Committee on Foreign Affairs. I am instructed to report back with a favorable recommendation and to ask for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit, if not incompatible with the public interest, copies of all correspondence between his Department and the representatives of France, Germany, Austria, and any other European country which has partially or entirely restricted the importation of American pork, referring to the facts of such exclusion or restriction and the reasons given therefor.

The resolution was adopted.

Mr. PHELPS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSIDERATION OF PRIVATE BILLS.

Mr. SPRINGER. The gentleman from Missouri [Mr. BLAND] withdraws his objection to my resolution.

The SPEAKER. The regular order is demanded by several gentlemen.

Mr. SPRINGER. If the House will allow this resolution to be read I think there will be no objection to it. It meets a want that has been pressing upon us for some time.

The SPEAKER. Is the demand for the regular order withdrawn? If there be no objection the resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Ordered, That when the House on Friday next, April 9, resolves itself into the Committee of the Whole for the consideration of bills on the Private Calendar, it shall be in order to take up bills in their order, and, after five minutes' explanation, the question shall be put to the committee whether there is objection to the present consideration of the bill; and if five persons object to its consideration, such bill shall be passed over informally and the next bill shall be taken up for consideration in like manner. Bills to the consideration of which there are not five persons objecting shall be subject to ten minutes' debate, five minutes in favor of the bill and five minutes against it, when the question shall be put upon laying the bill aside to be reported to the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WARNER, of Ohio. I think there is nothing worse than passing bills after five or ten minutes' consideration.

The SPEAKER. The gentleman from Ohio objects. The resolution is not before the House.

AMENDMENT OF RULES.

Mr. MORRISON. I call up for present consideration the privileged report from the Committee on Rules submitted by me on yesterday, and which was laid over for one day under the rules. I move the previous question on the report.

Mr. COBB. I trust the gentleman from Illinois will withdraw the demand for the previous question and allow me to offer an amendment giving the Committee on the Public Lands an opportunity to call up for consideration bills forfeiting land grants. There has been a resolution pending for the last two weeks giving us that privilege. We have various bills ready to act upon if we shall only get the right of way for them. I trust the gentleman will allow me to offer that amendment.

Mr. MORRISON. This is a report from the Committee on Rules, and I am not authorized or permitted to allow any amendment to it. I have demanded the previous question.

Mr. COBB. I trust the House will vote down the demand for the previous question.

The SPEAKER. The question is not debatable.

The House divided; and there were—ayes 96, noes 17.

So (further count not being called for) the previous question was ordered.

Mr. COBB. Would it now be in order to move that the Committee on Rules be discharged from the further consideration of the resolution giving the right of way to the Public Lands Committee for land-forfeiture bills and that the House pass the resolution which I will send up?

The SPEAKER. That motion can only be made by unanimous consent.

Mr. COBB. I ask unanimous consent to make the motion now.

The SPEAKER. The House is considering another matter. The proposition of the gentleman from Indiana can not be injected into the consideration of the pending question.

Mr. COBB. Then I shall take another opportunity of offering it.

The SPEAKER. The question is on agreeing to the report of the Committee on Rules. Are separate votes demanded on the separate propositions?

Mr. HOLMAN. I think the last proposition had better be the subject of a separate vote; I mean that part of the report which refers to the taking of yeas and nays on appropriation bills.

The SPEAKER. The question is on agreeing to the various propositions in the report except the last one.

The question being taken, the various propositions in the report except the last one were agreed to.

The SPEAKER. The Clerk will read clause 6 of Rule XXI, which the Committee on Rules recommends to be repealed.

The Clerk read as follows:

Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

The SPEAKER. The recommendation of the committee is that this clause be stricken out from the rules. A separate vote was demanded by the gentleman from Indiana.

The question being taken, the recommendation of the committee was agreed to.

Mr. MORRISON moved to reconsider the votes by which the report of the Committee on Rules was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been demanded, the Chair will proceed to call committees for reports.

ADMISSION OF ALTARS FREE OF DUTY.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 4007) to admit free of duty a certain set of altars for the Catholic church of St. John the Evangelist, in the parish of La Fayette, Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUPREME COURT OF MONTANA TERRITORY, ETC.

Mr. ROGERS, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 2880) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts therein; which was referred to the Committee of the Whole House on the state of Union, and, with the accompanying report, ordered to be printed.

SMALL BILLS FOR CIRCULATION.

Mr. MILLER, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 5788) to provide for the issue of small bills for circulation, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE NEAR KANSAS CITY, MO.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with amendments the bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Mo.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE NEAR ATCHISON, KANS.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GULF AND CHICAGO AIR-LINE RAILROAD BRIDGES.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for H. R. 6376, a bill (H. R. 7626) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 6376) was laid on the table.

LIGHT-HOUSE SUPPLY STEAMER.

Mr. DAVIS, from the Committee on Commerce, reported, as a substitute for H. R. 3483, a bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3483) was laid on the table.

LIGHT-HOUSE, CRABTREE'S LEDGE.

Mr. DAVIS, from the Committee on Commerce, also reported, as a substitute for H. R. 5279, a bill (H. R. 7628) for the establishment of a light-house on Crabtree's Ledge, in Frenchman's Bay, in Maine; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 5279) was laid on the table.

LIGHT-HOUSE, DEER ISLAND, BOSTON HARBOR.

Mr. DAVIS, from the Committee on Commerce, also reported, as a substitute for H. R. 3482, a bill (H. R. 7629) authorizing the establishment of a light-house and fog-signal at Deer Island, Boston Harbor, Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3482) was laid on the table.

LIGHT-HOUSE, LUBEC NARROWS, MAINE.

Mr. DAVIS, from the Committee on Commerce, also reported, as a substitute for H. R. 3445, a bill (H. R. 7630) for the erection of a light-house at Lubec Narrows, Maine; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3445) was laid on the table.

STEAM LIGHT-HOUSE TENDER.

Mr. DAVIS, from the Committee on Commerce, reported, as a substitute for H. R. 3485, a bill (H. R. 7631) authorizing the construction of a steam light-house tender for the use of the fourth light-house district; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3485) was laid on the table.

LIGHT-SHIP OFF ENTRANCE TO CHESAPEAKE BAY.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 6076, a bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. CLARDY. I ask its reference to the House Calendar.

The SPEAKER. The Clerk will read the rule of the House on this subject.

The Clerk read clause 3 of Rule XXIII, as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The SPEAKER. The bill just reported by the gentleman from Missouri provides that there be constructed and established a first-class light-ship with a steam fog-signal off Chesapeake Bay. It is very evi-

dent that the Secretary of the Treasury can not establish this light-ship without the expenditure of money. The rule requires that any bill requiring an appropriation to be made—that is, which can not be executed without the appropriation of money—shall have its first consideration in Committee of the Whole. This bill therefore will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, will be ordered to be printed.

House bill 6076 was, by unanimous consent, laid on the table.

AIDS TO NAVIGATION AT MOUTH OF MISSISSIPPI.

Mr. CLARDY, from the Committee on Commerce, also reported, as a substitute for H. R. 986, a bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 986 was, by unanimous consent, laid on the table.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. BYNUM, from the Committee on Commerce, reported back with amendments the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PAPERS IN THE STATE DEPARTMENT BY ERROR.

Mr. HITT, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 118) relative to certain papers in the State Department by error; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. STEELE, from the Committee on Military Affairs, reported, as a substitute for sundry bills referred to that committee, a bill (H. R. 7634) to increase the efficiency of the line of the Army, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills of the following titles were, by unanimous consent, laid on the table:

A bill (H. R. 2109) to promote the efficiency of the Army;

A bill (H. R. 719) to increase the efficiency of the Army;

A bill (H. R. 1358) authorizing the assignment of retired officers of the United States Army to certain duties;

A bill (H. R. 3901) to promote the efficiency of the artillery of the United States Army;

A bill (H. R. 2474) to provide for examination of officers of the Army;

A bill (H. R. 3278) to promote the efficiency of the Army of the United States;

A bill (H. R. 1436) to increase the efficiency of infantry branch of the Army; and

A bill (H. R. 468) to increase the efficiency of the infantry branch of the Army.

BUREAUS IN NAVY DEPARTMENT.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, also reported a resolution to fix a day to consider the bill (H. R. 6664) to increase the efficiency of the naval establishment; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MISS ROSA WALLACE.

Mr. JONES, of Texas, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 6677, a bill (H. R. 7636) for the relief of Miss Rosa Wallace; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

House bill 6677 was, by unanimous consent, laid on the table.

BUSINESS OF PUBLIC LANDS COMMITTEE.

Mr. COBB. I am directed by the Committee on Public Lands to report to the House the resolution which I hold in my hand, and to ask that the Committee on Rules be discharged from the further consideration of the subject contained therein, and that the resolution pass.

The SPEAKER. The rules expressly provide what shall be done in this hour. No business is in order except the reporting of bills and resolutions to go to their appropriate Calendar.

Mr. COBB. I propose to press this resolution, in season and out of season, until it passes.

The SPEAKER. The gentleman can not ask unanimous consent for its consideration in the hour set apart by the rules for the call of committees.

Mr. COBB. Very well. I repeat my statement that I shall insist on pressing this resolution, in season and out of season.

LABOR INVESTIGATION.

Mr. LAWLER, from the Committee on Labor, reported back the resolution submitted by himself March 29, 1886, with an amendment, to strike out, after the word "the," in the first line of the preamble, all of said preamble down to the word "raises," in the fifth line thereof, and insert in lieu thereof the following:

Differences existing between certain railroad companies engaged in the transportation of property and passengers between two or more of the United States and the Territories and their employés.

So the amended preamble will read:

Therefore,

Be it resolved, That the Committee on Labor be, and is hereby, directed to investigate into the underlying causes of the differences existing between employer and employés of railroad companies and other common carriers, and to that end may send for persons and papers, administer oaths and compel the attendance of witnesses, and employ a stenographer, who shall be paid such reasonable compensation as said committee may direct; and the said committee may sit during the sessions of the House, and report what legislation in their opinion is necessary to bring these troubles and differences to satisfactory conclusion. And the sum of $5,000, or as much thereof as may be necessary, is hereby authorized to be expended from the contingent fund of the House for the purpose of this investigation, the accounts thereof to be approved by the chairman of the said committee.

WICHITA AND ARKANSAS VALLEY RAILROAD COMPANY.

Mr. HALE, from the Committee on Indian Affairs, reported, as a substitute for H. R. 769, a bill (H. R. 7637) to grant the right of way through the Indian Territory to the Wichita and Arkansas Valley Railroad Company, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 769 was, by unanimous consent, laid on the table.

ADVERSE REPORT.

Mr. PEEL, from the Committee on Indian Affairs, reported back the bill (H. R. 113) to grant to the Pacific and Great Eastern Railway Company the right of way through the Indian Territory, and for other purposes; which was laid on the table.

PACIFIC AND GREAT EASTERN RAILWAY COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, also reported back favorably the bill (H. R. 7638) to authorize the Pacific and Great Eastern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HIATT & CO.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 759) for the relief of Hiatt & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. PERKINS, from the Committee on Indian Affairs, also reported back favorably the bill (H. R. 695) to provide for the sale of the lands belonging to the Prairie Band of Pottawatomie Indians of Kansas; which was laid on the table.

PRAIRIE BAND OF POTTAWATOMIE INDIANS.

Mr. PERKINS, from the Committee on Indian Affairs, also reported back favorably the bill (H. R. 7639) to provide for the sale of the lands belonging to the Prairie Band of Pottawatomie Indians in Kansas; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PROHIBITING SPECIAL LAWS IN TERRITORIES.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 5179) to prohibit the passage of local and special laws in the Territories of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF PROBATE COURTS IN ARIZONA.

Mr. SPRINGER, from the Committee on the Territories, also reported back favorably the bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona and to repeal all acts of the Territorial Assembly creating county courts in said Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SADLER, from the Committee on the Territories, reported back adversely the bill (H. R. 6939) to encourage the sinking of artesian wells west of the Mississippi River; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT HOULTON, ME.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me.; which was re-

ferred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CARROLLTON AND LOCK NO. 1.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road at lock No. 1, on the Kentucky River, in the State of Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE JOHNSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3906) for the relief of Catharine Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3344) to grant a pension to Mary Kiser; which was laid on the table, and the accompanying report ordered to be printed.

JOHN W. FARRIS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 6136) granting a pension to John W. Farris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK MARIM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6147) granting a pension to Frederick Marim; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TUNIS J. ROOSA.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 715) granting a pension to Tunis J. Roosa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES B. WILDE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOAH NELSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1125) granting a pension to Noah Nelson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also repolted back with adverse recommendation bills of the following titles; which were ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 711) granting a pension to Francis O'Leary;

A bill (H. R. 3943) to readjudicate the pension claim of Francis A. Liebscheets; and

A bill (H. R. 3534) granting a pension to Mary J. Taylor.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of bills which were referred, as follows:

The bill (H. R. 6726) granting a pension to Adam Stuber—to the Committee on Pensions.

The bill (H. R. 4088) for the relief of certain volunteer officers—to the Committee on Military Affairs.

JENNETTE S. KENT.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 231) granting a pension to Jennette S. Kent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 1094) granting a pension to Ella E. Gibson; which was ordered to be laid on the table, and the accompanying report printed.

P. E. RAIGER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 5406) granting a pension to P. E. Raiger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS WHORLEY.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2963) granting a pension to Louis Whorley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP ARNER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6266) granting a pension to Philip Arner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY KARSTETTER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2043) to place Mary Karstetter on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY KITZMILLER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4226) for the relief of Mary Kitzmiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE WHITESELL.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6590) granting a pension to Catharine Whitesell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET J. REIGHTER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5761) granting a pension to Margaret J. Reighter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY HIPPLE, JR.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6897) granting a pension to Henry Hipple, jr., which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMOS C. WERTZ.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5434) granting a pension to Amos C. Wertz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4717) to place the name of George I. Langworthy on the pension-roll;

A bill (H. R. 2160) for the relief of D. S. Graves, for pension;

A bill (H. R. 4714) granting a pension to Hannah Dimond;

A bill (H. R. 5439) for the relief of William R. Thompson;

A bill (H. R. 5432) for the relief of Oliver Freet; and

A bill (H. R. 5763) for the relief of Christian Weber.

CHANGES OF REFERENCE.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2081) for the relief of the legal representatives of Peter Lyle, deceased; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

FRANCIS DEMING.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2971) granting a pension to Francis Deming; which was referred to the Committee of the

Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAIAH H. MITCHELL.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3144) granting a pension to Isaiah H. Mitchell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN E. COONEY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4544) granting a pension to Ann E. Cooney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC N. MINSHALL.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 283) granting a pension to Isaac N. Minshall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES WOLFE.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1768) granting a pension to James Wolfe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2592) for the relief of William H. Deery, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

INCREASE OF PENSIONS.

Mr. CONGER, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 4902, a bill (H. R. 7640) to increase pensions in certain cases; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 4902 was laid on the table.

JANNET E. B. SMITH.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 607) granting a pension to Jannet E. B. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

WILLIAM WEBSTER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 761) granting a pension to William Webster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES FOREMAN.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6193) granting a pension to Charles Foreman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENIA A. SMALLEY.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1252) granting a pension to Eugenia A. Smalley and her children; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ANN BIRD.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation, the bill (H. R. 1278) granting a pension to Ann Bird; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK KORTH.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4077) granting a pension to Frederick Korth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. BARBARA FUCHS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARIA HUNTER.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7167) for the relief of Mrs. Maria Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1257) granting a pension to Mrs. Aslang O. Stugo; which was laid on the table, and the accompanying report ordered to be printed;

A bill (H. R. 4847) granting a pension to Stephen White; which was laid on the table, and the accompanying report ordered to be printed; and

A bill (H. R. 6485) relating to increase of pensions in certain cases.

CHANGE OF REFERENCE.

On motion of Mr. O'HARA, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and they were referred to the Committee on Pensions:

A bill (H. R. 4074) for the relief of Frederick Krause;

A bill (H. R. 1276) for the relief of John Waddams; and

A bill (H. R. 6194) granting a pension to Maggie E. Warner.

On motion of Mr. O'HARA, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4636) for the relief of John Reed; and the same was referred to the Committee on Military Affairs.

On motion of Mr. SAWYER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5711) for the relief of Ellie McRoberts; and the same was referred to the Committee on Claims.

ANNIE BAGLEY.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1627) granting a pension to Annie Bagley; which was referred to the Committee of the Whole House on the Private Calandar, and, with the accompanying report, ordered to be printed.

BAILEY HASCALL.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7118) for the relief of Bailey Hascall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. WILSON.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7108) granting a pension to Andrew J. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH TUTTLE.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7109) granting a pension to Joseph Tuttle; which was referred to the Committe of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHRONIA WITHAM.

Mr. HAYNES, from the Committee on Invalid Pensions, reported a bill (H. R. 7641) granting a pension to Sophronia Witham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BROOKS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5472) to increase the pension of Henry Brooks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. CHASE.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4382) to increase the pension of John F. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS J. SLAYTON.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5169) to increase the pension of Thomas J. Slayton; which was referred to the Committee of the

Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. HILDRETH.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4124) granting a pension to Charles F. Hildreth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET LUCAS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6812) granting a pension to Margaret Lucas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6315) granting a pension to Helen M. Stickney; and

A bill (H. R. 3541) to increase the pension of Florence Murray.

MARTHA DOWNS.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4462) granting a pension to Martha Downs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EUNICE E. CLARK.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6429) granting a pension to Eunice E. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. MATTINGLY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5951) granting a pension to John M. Mattingly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SILAS CORZATT.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3287) for the relief of Silas Corzatt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH GREGG.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5937) granting a pension to Sarah Gregg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from further consideration of the bill (H. R. 2921) for the relief of J. T. and C. T. Hewlett; and the same was referred to the Committee on Invalid Pensions.

EDWIN T. PILKENTON.

Mr. TRIGG, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM E. BOND.

Mr. TRIGG, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 1741) for the relief of William E. Bond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. GRIGSBY.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 6312) for the relief of James M. Grigsby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH L. LARIMER.

Mr. LANHAM, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 6051) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. JOHNSON.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7397) for the relief of Mary E. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA H. HASELL.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2223) for the relief of Mrs. Louisa H. Hasell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. DOUGHERTY, from the Committee on Claims, also reported back adversely the bill (H. R. 1011) for the relief of the Grand Trunk Railway Company, of Canada; which was laid on the table, and the accompanying report ordered to be printed.

JOHN B. ROBERTS.

Mr. DOUGHERTY, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 251) for the relief of John B. Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. K. BELDING.

Mr. DOUGHERTY, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 1258) for the relief of H. K. Belding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BALLARD PAVEMENT COMPANY.

Mr. GALLINGER, from the Committee on Claims, reported, as a substitute for H. R. 591, a bill (H. R. 7642) for the relief of the Ballard Pavement Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. M'CLINTOCK.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1044) for the relief of John H. McClintock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET T. RYAN.

Mr. KLEINER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1249) for the relief of Margaret T. Ryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BURKHART.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 446, a bill (H. R. 7643) for the relief of Capt. John Burkhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA J. RUMBAUGH.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 6336) for the relief of Martha J. Rumbaugh, administratrix of George H. Rumbaugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES D. WOOD.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 6337) for the relief of James D. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BOXES DEPOSITED IN TREASURY DEPARTMENT.

Mr. PERRY, from the Committee on War Claims, reported back favorably the bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AGNES AND MARIA DE LEON.

Mr. PERRY, from the Committee on War Claims, also reported back with amendment the bill (H. R. 3758) for the relief of Agnes and Maria De Leon, heirs at law of Rebecca L. De Leon, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REIMBURSEMENT TO STATES ON WAR LOANS.

Mr. PERRY, from the Committee on War Claims, reported back adversely the bill (H. R. 152) to reimburse the several States for interest paid on war loans, and for other purposes.

Mr. LYMAN. I am directed by a minority of the committee to ask that the bill just reported adversely be placed on the Calendar, and that they have leave to file their views, to be printed with the report of the majority.

There being no objection, it was ordered accordingly.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF J. J. PULLIAM.

Mr. LYMAN, from the Committee on War Claims, reported back adversely the bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased.

The SPEAKER. This bill will be laid on the table, if there be no objection.

Mr. LYMAN. At the request of the gentleman who has this bill in charge I ask that it be placed on the Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY RUBY.

Mr. RICHARDSON, from the Committee on War Claims, reported back adversely the bill (H. R. 5448) for the relief of Henry Ruby; which was laid on the table, and the accompanying report was ordered to be printed.

MOBILE AND GIRARD RAILROAD COMPANY.

Mr. STONE, of Kentucky (by Mr. RICHARDSON), from the Committee on War Claims, reported back favorably the bill (H. R. 4924) for the relief of the Mobile and Girard Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a concurrent resolution providing for the printing of 5,000 additional copies of the revised list of papers touching unpaid claims on account of the French spoliations prior to July 31, 1801, transmitted by the President of the United States on the 17th instant; of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by the Department of State; in which concurrence was requested.

It also announced the passage of joint resolution (H. Res. 73) authorizing the printing of committee reports.

It also announced agreement to the amendment of the House to bill (S. 814) granting a pension to Mrs. Adaline N. Putnam.

It also announced agreement to the amendment of the House of Representatives to the bill (S. 683) granting a pension to Henry C. Hill.

It also announced disagreement to the amendment to the bill (S. 44) providing for the erection of a public building at San Antonio, Tex.; asked a conference on the disagreeing votes of the two Houses thereon; and had appointed Mr. MAHONE, Mr. COKE, and Mr. SPOONER as conferees on its part.

JOHN H. JONES AND THOMAS D. HARRIS.

Mr. STONE, of Kentucky (by Mr. RICHARDSON), from the Committee on War Claims, also reported back, as a substitute for H. R. 4216, a bill (H. R. 7644) for the relief of John H. Jones and Thomas D. Harris; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent House bill 4216 was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The hour for the call of committees for reports has expired. The Chair, under the rule, will proceed to call committees for the consideration of bills.

Mr. BLOUNT. I ask unanimous consent to dispense with the second morning hour.

Mr. JAMES. I object.

The SPEAKER. The call rests with the Select Committee on Reform in the Civil Service.

Mr. COX. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States. Pending that motion I move that all general debate in Committee of the Whole on this bill be closed in twenty minutes, to be divided equally between those in favor of the bill and those against it.

The question being taken on the motion to close general debate, it was agreed to.

The question recurring on the motion that the House resolve itself into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States.

The CHAIRMAN. General debate has been limited to twenty minutes. The gentleman from North Carolina [Mr. COX] is entitled to the floor.

Mr. COX. Before proceeding with my remarks I would like to hear from any gentlemen who are opposed to this bill. If there are any who desire to be heard in opposition to it, I reserve my time.

Mr. REID, of North Carolina. Mr. Chairman, is it in order at this time to offer a substitute?

The CHAIRMAN. It may be offered and read for information in the time of the gentleman. The Chair will recognize the gentleman from North Carolina [Mr. REID] now on the floor to control ten minutes in opposition to the bill; and his colleague, the chairman of the committee [Mr. COX], to control ten minutes in favor of the bill.

Mr. REID, of North Carolina. I ask that the proposed substitute which I send to the desk be read.

The Clerk read as follows:

A bill to secure a speedy and economical classification and compensation of certain officers of the United States.

Be it enacted, &c., That from and after the passage of this act the head of each of the Executive Departments at Washington shall grade or classify the work performed or required to be performed in his respective Department, assigning to each desk therein its proper grade or classification, and shall regulate the salaries of the clerks who are or may be assigned to such desks in accordance with such grading or classification.

SEC. 2. That each of the present incumbents who has not heretofore been examined shall, as soon as practicable, be examined for the purpose of determining his or her fitness to perform the duties pertaining to the desk to which he or she has been or may be assigned.

SEC. 3. That whenever a vacancy shall occur, by death or otherwise, in any of the higher grades, and a clerk in one of the lower grades shall, after being examined and found qualified, be designated or assigned to perform the duties pertaining to such vacancy, such clerk shall receive the salary attached to the grade or class to which such duties shall have been assigned: *Provided*, That no person already in the service of the Government shall be assigned or appointed to any place in the classified service aforesaid without having first passed an examination as hereinbefore named.

SEC. 4. That for the purpose of carrying the provisions of this act into effect a board of examiners for each Department, to be composed of employés in said Department who shall be familiar with the practical business methods thereof, shall be detailed by the head of such Department, which board shall make the examination and classification required by this act, such examination in each bureau or office to be conducted by said board, one of whom shall belong to said bureau or office, shall be familiar with its duties and direct such examination.

SEC. 5. That the fourth paragraph of the second clause of section 2 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883, shall be amended so as to read as follows:

"Fourth. That there shall be a probationary period of not exceeding six months before any absolute appointment or employment as aforesaid; and every such person so appointed or employed shall hold his appointment or employment for the term of four years from the date thereof, unless sooner removed. At the end of any term such person may be reappointed for the same period."

SEC. 6. That no limitation as to age shall be prescribed by the civil-service rules for applicants for examination for admission to the classified departmental service of the Government.

SEC. 7. That paragraph 3 of clause 2 of section 2 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883, shall be amended by striking out all of said paragraph before the word "every" and inserting the following:

"Third. Appointments to the public service in the Departments at Washington shall be apportioned among the several Congressional districts and among the Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. On the 1st days of January and July in each year publication shall be made of the number and names of the persons chargeable to any such district or Territory employed in said service, with the salary and compensation payable to each person."

Mr. REID, of North Carolina, addressed the committee. [See Appendix.]

Mr. BENNETT. Mr. Speaker, I rise to a parliamentary inquiry. Is it now in order to move to amend this first section of the bill?

The CHAIRMAN. It is not at this time.

Mr. BENNETT. Will the Chair be kind enough to indicate when the proper time comes, as I desire to offer an amendment.

The CHAIRMAN. After the debate for twenty minutes it will then be in order to move amendments.

Mr. COX. I yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, with the general object of the bill as reported from the Committee on Reform in the Civil Service I have full sympathy. I think the time has come when the House of Representatives and the Congress should take action touching the organization of the Departments of the Government here in Washington. I think also that this is an intelligent proposition to accomplish speedily that end, and in consequence it will receive my support.

Much has been said by the gentleman from North Carolina [Mr. REID] who has just taken his seat that has my entire approval. There never should have been, in my judgment, a discrimination against those not holding office in reference to examination as a qualification for securing office that should not in like manner have been applied to those holding it, and for the reason that the drones in the Departments might have been weeded out under such procedure.

But I see the difficulties which present themselves in endeavoring to annex to this proposition anything which relates to disturbing the present civil-service law, and I therefore advise that the gentleman from North Carolina [Mr. REID] should permit the proposition which he suggests to come in as a separate proposition and to stand upon its own merit, and

that we may proceed to take a step that nobody can contend against as proposed in the report of the committee having charge of this subject. At the proper time I may have occasion to say something as to the manner in which those who administer the civil-service law are exercising their power, and I want to say here that in the law and regulations thereunder which regulate the civil service I hope to see every distinction as to age done away with. The idea that a man of forty-five is disqualified from holding an office in this Government is repugnant to my feelings.

Mr. REED, of Maine. It is to the feeling of all of us who are over forty-five. [Laughter.]

Mr. RANDALL. And especially so when I view it in the light of the possibilities that I myself may have need to apply for a similar place in the future. [Laughter.] I want to linger around an age not debarred by statute, at least in spirit and physical condition.

Mr. REID, of North Carolina. Will the gentleman from Pennsylvania permit me to state that the substitute provides no limitation as to age?

Mr. RANDALL. I am glad of that.

Mr. REID, of North Carolina. And that will let my distinguished riend from Pennsylvania in.

Mr. RANDALL. Moreover, there is another mode of administering this law which I think is not beneficial to the public service, nor just to those who are examined, and that is, that the names of all those, or a major part of those, who have passed these examinations are not given in to a head of a Department on application for names to select from for appointment.

Why not send up a list larger than four, or the entire number who have passed the examination for that description of service for which a vacancy exists? I can readily see how favoritism is, or may be, brought about by the existing mode of selection by the civil-service board.

I therefore think that those who object *in toto* to the civil-service law, and those who wish, as I do, to modify it in large degree, had better not entangle that question with the proposition of the gentleman from North Carolina [Mr. COX] who has charge of this bill; and that we may be given hereafter on another bill an opportunity to express more fully our sentiments as to the manner in which the present civil-service law is administered.

Mr. WARNER, of Ohio. I desire to ask the gentleman from Pennsylvania a question before he takes his seat.

Mr. COX. I can not yield a moment, the time for debate being limited.

I am in full accord with many things that have been said by my friend who has preceded me. But we have to deal with this matter practically. No one denies that these Departments should be looked into. But the question is, What bill can we pass? You can not pass a partisan bill. You might pass such a bill through this House, but you could not present one that would have any hope of ultimate success. Therefore, let us deal with this matter practically.

So far as the plan of classification spoken of by my colleague from North Carolina [Mr. REID] is concerned, past experience has shown it is wholly inexpedient. The civil service has grown so large in this country, numbering now a grand army of one hundred and fifteen thousand, or one to every five hundred inhabitants of this country, that it is impossible except by the aid of legislation, such legislation as may issue from this Congress, that a proper examination and classification should be made. The committee have considered these propositions. They have considered all of the propositions which have been discussed; and as soon as they find any of them to be practical they will bring them forward. But this is a measure of the highest importance, which must be nonpartisan in its character.

Mr. RANDALL. Will the gentleman yield to me for a question?

Mr. COX. Yes, sir.

Mr. RANDALL. I ask the gentleman whether the committee have considered the propriety of preventing any regulation setting up a restriction against age?

Mr. COX. By all means.

Mr. RANDALL. Has any action been taken by the committee in that direction?

Mr. COX. No action thus far.

There is not a proposition that has been suggested here to-day that the committee have not carefully considered, and they have bills before them relating to all those points. But we have to deal with a great evil. There is great injustice and inequality and there are great abuses existing in these Departments. There is in one of the Departments to-day a man drawing a salary of $2,000 who is wholly incapable of discharging his duty on account of physical infirmity. My friend from Kentucky [Mr. TAULBEE] calls my attention to a case of a man on furlough for two years, who receives $1,400, and pays his substitute $700.

Mr. SKINNER. I ask the gentleman why that man has not been turned out?

Mr. COX. That is what we want to know. It becomes necessary to make these investigations and bring the results before this House in order that the condition of affairs may be fully understood. So far as the Treasury Department is concerned there are great financial problems that are demanding every moment of the time of those who have charge of that Department. Every expression coming from that Department is watched, closely scrutinized, and telegraphed all over the world. There are in that Department twenty-five hundred employés. Now what we want is not simply that those in the Departments shall make the investigation; we want that those who represent the taxpayers and not the official class alone, shall make the investigation. Hence we consider this method of investigation as the only one practicable.

Talk of an investigation being made by the officers of those Departments! We have had an investigation hanging up in this House for two or three months in regard to our employés here; and what progress has been made? What right have we to scrutinize and blame the Departments when we have failed to do our own duty?

This is the only practical method which has suggested itself to the committee. We have unanimously reported it. Every branch of the civil service has been considered.

This is not connected with the administration of the civil-service law. Those questions to which my friend referred will come hereafter. The question of calling for an additional examiner is not before the House. My colleague is too previous in making his objections. I am satisfied his sympathies are with me. He is only afraid this bill does not go so far as he desires. His bill, I am satisfied, can not meet the approbation of both branches of Congress. While I sympathize with many of the objections the gentleman has made, we consider this is the only measure which it is possible to pass.

The CHAIRMAN. By order of the House all general debate on the bill is exhausted. The bill will now be considered by sections for amendment. The gentleman from North Carolina [Mr. REID] offers a substitute, which will be in order after the bill has been considered by sections.

The Clerk read the first section of the bill, as follows:

That the President is authorized to employ three persons not in the public service of the United States, and to designate two additional persons who are officers in such service at Washington, not more than three of whom shall be adherents of the same political party, which five persons shall constitute a commission for the purposes of this act; and the President may fill any vacancy therein.

Mr. STORM. I move to strike out the last word in the section.

Mr. Chairman, this bill has not the slightest connection with the so-called civil-service act. The present classification in the civil service of the Government was made more than thirty years before the civil-service law was enacted. Therefore this present bill and the inquiry which it proposes to institute have nothing to do with that act. As might have been expected, the mere suggestion that this measure came from the Select Committee on Reform in the Civil Service has drawn out various amendments, but, I repeat, they have nothing whatever to do with the present bill.

All that this bill provides for is a commission of five persons to investigate the number and compensation of employés in the classified service here, with a view to so harmonize that classification as to make it consistent and uniform. After the investigation is made intelligent legislation can be had.

It was stated before the committee by members of the Civil Service Commission that in the different Departments here there are men doing precisely similar service, but who in some instances receive $720 a year, in others $840, and in others $900 a year, each Department having arranged a standard of its own by which the pay is fixed. The case is the same in the higher grade of offices. Men doing the same kind of service are receiving, respectively, $1,200, $1,600, or $1,800 per annum.

Now, it is admitted by all that this is wrong. All compensation for service should be based upon the character of the labor performed. It is admitted by all, including the Civil-Service Commission itself, that under the existing classification all these principles are violated. The object of this bill is to give us a commission which shall report a uniform classification. The bill, I think, makes proper provision for this commission. It proposes that three of the number shall be selected outside of the Departments and two within.

A larger number from within the Departments would, I think, be dangerous, because there are old and long-standing abuses existing in the Departments which ought to be corrected. Among them is the matter referred to by the chairman of the Committee on Reform in the Civil Service—the practice by which an employé is furloughed and a substitute who never passed the civil-service examination provided for him or selected by himself, these two dividing the pay between them, so that if the salary is $1,000 a year, each receives at the rate of $500. This is an abuse which certainly ought to be abolished. There ought to be no opportunity, as there is under existing law, for such a state of things. This bill proposes, among other things, to regulate and remedy that abuse.

Mr. CANNON. Will the gentleman allow me a question?

Mr. STORM. Yes, if I have time.

[Here the hammer fell.]

Mr. REAGAN. Mr. Speaker, I rise to oppose this amendment. I agree that we should have a system of civil service, if it can be devised, which would take the minor offices out of politics. Nearly or quite forty years ago two of the great statesmen of this country, Mr. Calhoun and Mr. Webster, in very important speeches assumed the position that when

the time should come when there would be one hundred thousand appointees under the Federal administration popular liberty and our system of government would be in danger. We have reached and passed the limit at which they supposed this great danger would make itself felt. Now when elections for Congress, and especially elections for President and Vice-President, occur the contest is not a contest for principles upon which the Government shall be administered so much as it is a contest for the spoils of office.

We have, as the gentleman from North Carolina tells us, an army of one hundred and fifteen thousand employés whose places are to a greater or less extent dependent upon the result of the election. When this comes around, they, instead of devoting themselves to the discharge of their official duties, are engaged in furnishing their time, their money, and their efforts to elect somebody to office. Now, I think it would be of great advantage to the country if we could remove the minor offices of the country from political contests.

But while I so believe, I think the present civil-service law has features which are very objectionable. It seems to me it would have been much better to pass a law providing that removals from office should not be made except for incompetency or misconduct, and to have omitted the expensive, embarrassing, and it seems to me useless machinery under which appointments are now made.

Mr. Chairman, I wish to state a single case which has come within my observation during this session. A lady from Kentucky, with whom I am acquainted, desired to be examined for appointment under this civil-service law. She wrote to me to that effect. I applied to the commission for permission for her examination and was advised that an examination would be had on the 11th of the current month—it was then the 1st of February—at Louisville, Ky., and that they would immediately inform her of the rules and regulations relating to the examination. Some six or seven days afterward I received a communication from them stating that they had forwarded to her the rules and regulations, and hoped to get her request to be examined in time to send it to Louisville. So they had first to send out the information that she had permission to apply to be examined; then she had to send from Kentucky her request to get another permission to be examined before the examining commissioners at Louisville were authorized to examine her. Such a proceeding is vexatious and ridiculous; it is pure nonsense.

Besides that, Mr. Chairman, the character of the examinations, as I understand, is such that while a professor of a college or a student fresh from school might stand the examination, I venture the statement there is not a Representative on this floor who could do so. What would we know about the geography of Africa or the distance from the moon to the sun? [Laughter.] These, I understand, are some of the questions which they ask. Why should the examiners indulge in that sort of nonsense, instead of looking for the qualities which make a man of business capacity and qualifications? Instead of this, the examination is confined to ascertaining whether the applicant has certain knowledge which can only be possessed by a student fresh from school.

[Here the hammer fell.]

Mr. COX. I will yield to the gentleman from New York [Mr. FARQUHAR].

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. STORM. Yes; I withdraw my *pro forma* amendment.

Mr. BENNETT. If it is in order I desire to offer an amendment.

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk.

Mr. BENNETT. I offer the following amendment.

The Clerk read as follows:

That the Secretary of State, of the Treasury, of the Interior, of War, of the Navy, the Attorney-General, and the Postmaster-General be directed to report to this House at the next session of Congress some plan for classifying the clerks in those Departments, for apportioning their salaries according to their services, and for equalizing the salaries of the clerks of the same grade in each of the Departments; and also some plan to provide for a fair and impartial examination of the qualifications of clerks, and for promoting them from one grade to another upon a due regard to qualifications and services.

The CHAIRMAN. Is this offered as a substitute for the first section?

Mr. BENNETT. It is; and on that amendment I desire to be heard.

The CHAIRMAN. The gentleman will proceed.

Mr. BENNETT addressed the committee. [See Appendix.]

Mr. COX. I will not attempt to follow my friend from North Carolina [Mr. BENNETT] in his political remarks, because this is simply a practical question. The gentleman has asked the question, Are not these gentlemen competent to make these reforms which are sought for in this bill? It is sufficient for us to know that in the last thirty years no classification has been made for us in the Departments of the Government. And it is sufficient for us to know that great abuses do exist.

I trust the gentlemen who oppose this measure will suggest some means more practical to accomplish the end than this. So far as the legislation my friend has spoken of is concerned, that occurred in 1853. I am fully aware of what was said on that occasion. Nevertheless, although examinations were provided for and those examinations were for the Treasury Department, the recommendations were not uniform and have not had a practical effect, and will not have at the present day.

We know the abuses exist. I make this proposition on behalf of the committee: If the Democratic side of the House are so anxious for the reforms they speak of let them support this measure. There is no other that can be supported. We must be practical in our dealings with public measures, and must consider what measure there is a possibility of passing through the Senate as well as through this House. If you throw a political element in, it is utterly useless to attempt to carry any measure having this object in view.

I move the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6855) to secure an equitable classification and compensation of certain officers of the United States, had come to no resolution thereon.

Mr. COX. I move that the House again resolve itself into Committee of the Whole House on the state of the Union; and pending that, I move that in committee all debate on the first section of the pending bill and amendments thereto be limited to one minute.

The question being taken on the motion to limit debate, there were—ayes 72, noes 29.

Mr. BENNETT. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from North Carolina, Mr. BENNETT, and the gentleman from North Carolina, Mr. COX.

The House again divided; and the tellers reported—ayes 116, noes 37.

The SPEAKER. Does the gentleman from North Carolina [Mr. BENNETT] insist on the point as to a quorum?

Mr. BENNETT. I do.

The SPEAKER. The hour for the consideration of bills under the rule has expired.

Mr. COX. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. BENNETT. I ask the same privilege.

There was no objection.

FREE-SHIP BILL.

Mr. DUNN. I ask unanimous consent to make a report to go on the Calendar.

Mr. BEACH. I shall have to object. The report can be made in the morning. [After a pause.] I withdraw the objection, as I understand the gentleman is sick.

Mr. DUNN, from the Select Committee on American Ship-building and Ship-owning Interests, reported a resolution fixing a day for the assignment of business on the bill known as the free-ship bill (H. R. 1219); which was referred to the House Calendar.

ORDER OF BUSINESS.

Mr. BLAND. I call up the special order.

Mr. BLOUNT addressed the Chair.

Mr. JAMES. I call up the special order, the adverse report on the free-coinage bill.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] has already called up that order.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, the object being to proceed with the further consideration of the Post-Office appropriation bill. But pending that I desire to yield to the gentleman from Missouri [Mr. BLAND] to make a statement.

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not, if objected to.

Mr. RANDALL. I object.

Mr. BLAND. I simply desire to make one suggestion.

Mr. BLOUNT. I suggest to the gentleman from Pennsylvania that if he will allow the gentleman from Missouri to make a statement it will save time. I ask if the objection to the gentleman from Missouri making a statement is still insisted on?

Mr. RANDALL. I withdraw it.

Mr. BLAND. I wanted only a moment, and that was to state that so far as the special order is concerned it has never as yet been up for consideration properly before the House. It has only been discussed on Saturdays under the order for general debate; it has never been considered in full House for debate and amendment. I had hoped, inasmuch as the debate only comes up after the two morning hours, there would be no objection to the committee having the few hours left to-day for debate on the special order. But inasmuch as the time that might be devoted to considering and perhaps passing the Post-Office bill might be wasted in a contest over precedence, I have yielded to the gentleman from Georgia [Mr. BLOUNT], and hope that the House will take no more time from us than is possible, and that to-morrow at least we may be able to proceed under the special order.

Mr. WARNER, of Ohio. On this afternoon, if the Post-Office bill is disposed of.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. DIBBLE. Pending the motion of the gentleman from Georgia I rise to a privileged question. I call up the message from the Senate disagreeing to the amendments to a Senate bill, and ask that the House insist on the amendments and that conferees be appointed.

The SPEAKER. The Clerk will read the message from the Senate.

The Clerk read as follows:

Senate bill No. 44.

A bill to provide for the erection of a public building at San Antonio, Tex.

IN THE SENATE OF THE UNITED STATES, *April* 6, 1886.

Resolved, That the Senate disagree to the amendment of the House to the bill of the Senate No. 44, providing for the erection of a public building at San Antonio, Tex., and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHONE, Mr. COKE, and Mr. SPOONER be the conferees on the part of the Senate.

The motion of Mr. DIBBLE, that the House insist on its amendment and agree to the conference asked by the Senate, was agreed to.

The SPEAKER appointed Mr. DIBBLE, Mr. REESE, and Mr. WADE to act as conferees on the part of the House.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, announcing that the President had approved bills of the following titles:

An act (H. R. 81) granting a pension to Margaret B. Harwood; and

An act (H. R. 1557) for the relief of David W. Jones.

POST-OFFICE APPROPRIATION BILL.

The motion of Mr. BLOUNT that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (H. R. 5887) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1887. The Clerk will report the pending amendment.

The Clerk read as follows:

In line 50, after the word "hundred," insert the words "and ninety;" after the word "thousand," in line 51, insert the words "two hundred."

Mr. BLOUNT. Mr. Chairman, I wish to call the attention of the committee to certain facts which ought to be considered in connection with this proposed amendment, because I think the difficulties and value of the services rendered by railway postal clerks were much exaggerated in the former debate upon this bill. For instance, we were told that they were employed more hours than the clerks in the Department, that the amount of their service was far greater, and that the danger of the railway postal service was an important element in estimating the compensation that these clerks should receive.

In matters of this kind there is nothing like official statements compiled from actual experience. An examination of the several divisions of the service shows that the average run per day is as follows: In the first division 106 miles, in the second 117 miles, in the third 111 miles, in the fourth 120 miles, in the fifth 119 miles, in the sixth 130 miles, in the eighth 127 miles, and in the ninth 133 miles. It will be seen, therefore, that the average run per day of the postal clerks throughout the country is only 120 miles. At 30 miles per hour the actual average employment of these clerks would seem to be about four hours per day.

We have heard here about the hours and days and nights of continuous service required of these clerks, but the figures I have presented are taken from the report of the Superintendent of Railway Mail transportation, and they show that the average number of hours per day that these clerks are employed is really very small. Again, we have been told of the great number of pieces of mail matter handled by them. We have heard that the nnmber was perfectly marvelous, 3,400 pieces of mail matter handled by one clerk per day. That does seem marvelous to a person not accustomed to consider such matters, but if any gentleman will go into the Treasury Department he will see there clerks examining bills, having to read them, the names of the places where the banks are situated, and having to examine the bills to detect whether they are counterfeit or not, yet a single clerk there will handle 18,000 of those bills per day, nearly six times as many as the pieces of mail matter handled by the railway postal clerks. When you make this comparison the marvelousness of the work of the railway postal clerks disappears.

Now, as to casualties; out of 4,300 postal clerks running on the railroads in this country during the last fiscal year how many do you think were killed? Two. Why, you could not gather that number of carpenters together and let them go to work in any part of the country without there being more casualties among them merely from falling off buildings, &c. A examination of the figures will show that it is simply because the subject is forced upon our minds by occasional railway disasters that we pay so much attention to the dangers of travel by rail and get into the habit of exaggerating them; and that is what has given rise to the fancy that the service of the postal clerks is very dangerous. It appears then, Mr. Chairman, from the figures I have presented, that the service of these clerks is only for about four hours per day, that their average daily run is short, that the number of pieces of mail matter handled by them daily is small in comparison with the amount of similar work done by clerks in the Treasury Department, and that the casualties in the postal railway service are not greater than are likely to occur in other callings.

We are asked to increase the salaries of these clerks to what they were in 1876, and why? The reasons that have been given are dissipated by an examination of the official data. Why should we increase the pay for this kind of service? Does it require any extraordinary amount of ability? The Superintendent of Railway Mail transportation tells us that any man of ordinary English education is fully qualified for the work. It certainly requires no high order of culture.

The Government without difficulty always commands men at present rates to do this service. Why should the Government be compelled, simply because these are officials, to pay more for their service than the public is willing in private employment to pay for the same grade of service, as is evidenced by the fact that capable persons in every Congressional district are seeking places in this service.

[Here the hammer fell.]

Mr. JOHN M. TAYLOR obtained the floor, and yielded his time to Mr. BLOUNT.

Mr. BLOUNT. Mr. Chairman, why is it that this application for increased pay is pressed to-day with so much earnestness? From 1876 until the incoming of the present administration matters in this respect went along smoothly. In the mean time the Forty-seventh Congress has had its day. The Republican party have had the House, the Senate, and the Executive. Yet they have not found any occasion for a change in this respect. The responsibility for expenditure has now passed from the other side of the House to this; and it so happens that these fourth and fifth class clerkships are, with the assent of the administration, still held by persons in sympathy with the party in the minority.

With these same persons in office under a Republican administration things went along quietly, and there was no complaint from any branch of the Government. Now, when the responsibility for expenditures is on this side of the House, and these employés are in sympathy with the other side, why should this side undertake to make this increase of compensation? Are you asked to do it by the Postmaster-General or by anybody in sympathy with this administration? No. The gentlemen who have argued in favor of this increase have read the recommendations of superintendents of railway transportation of their own party, and we are invited to follow these recommendations when our own officials, charged by law with making appointments for this service and recommendations in regard to it, have made no such proposition.

The Superintendent of the Railway Mail transportation has said himself that this service is in better condition as to employés than it has ever been before. As a basis for the increase asked he estimated for an increase of mileage in the construction of railroads during the fiscal year—an estimate which has not been adopted by any other branch of the postal service, and which is contradicted two to one by the estimates of the Second Assistant Postmaster-General. The committee, knowing the large sum that had been voted for this fiscal year, and being informed that the service was in perfect condition, felt they were justified in making a reasonable increase, though not adopting the florid statements of an increase of mileage to the extent of 10,000 miles in a single year as against five or six thousand estimated by other officials.

I trust that this House, especially after the experience we have had, will not make this increased expenditure on the invitation of the other side of the House, and on the recommendation of Republican superintendents of railway mail transportation, while our own executive officers withhold any recommendation for such increase.

Mr. PETERS. I move to amend the amendment by striking out the last word. I do not consider this a political question; and hence I have not discussed it from that standpoint. It is entirely immaterial to me whether a recommendation in relation to this service has been made by a Republican or a Democratic official. It is entirely immaterial to me that the Forty-seventh Congress entirely overlooked, as it did, the merits of these officials and the injustice which had been done to them. The party that is now in power has recognized the fact that this service is not a political service. It is a service that requires experience and skill, without which this branch of Government employment would suffer and the interests of the people who are concerned in the proper circulation and distribution of mail matter throughout the United States would be endangered. It is absolutely necessary that a person should have experience and skill in order to perform the duties of a postal clerk.

I know it is true, as a matter of computation, that these clerks run on the average only 120 miles for every day of the three hundred and sixty-five in the year. I stated the average at 110 miles. But the mistake of my friend from Georgia [Mr. BLOUNT] is in supposing that the entire labor of these clerks is during the time they are engaged on the running trains. It is true that on the average they run only four hours

per day. But every person familiar with the postal-car service knows that every postal clerk of the fourth and fifth classes must put in from three to four hours labor before his train starts in order to prepare the mails on his car for distribution along the route. Not only must he do this, but he must also give his time and attention to the study of the schedules and connections which are constantly being changed. So that it is not fair to state that these postal clerks are engaged only four hours per day during the entire year.

Mr. CURTIN. And they are not permitted to engage in any other occupation.

Mr. PETERS. As the gentleman from Pennsylvania [Mr. CURTIN] so well suggests, the Government requires of these postal clerks their whole time. Even if they have any leisure they are not permitted to engage in any other occupation. It is contrary to the rules of the service. They can not even engage in the business of carrying articles along their routes. They must devote their entire time to the postal service. Besides that, they must be prepared at any moment when called on to pass an examination.

Mr. CURTIN. They are required to pass an examination every month.

Mr. PETERS. My friend from Georgia says that applications for these positions are numerous. I concede it. The applications for every Government position are numerous. I do not know a single office at the disposal of the administration for which there are not from ten to fifty applicants. But is that any reason why those who have become proficient and skillful, and who are necessary f r the purpose of carrying on the public service efficiently, should be discharged to make way for those who are inefficient?

Now, Mr. Chairman, while there are many applicants for these positions, still the fact is there are very few of these applicants who are successful in passing the necessary examinations. That there are so many applicants for these positions grows out of the fact, no doubt, of the ignorance among the people as to the requirements made necessary in this postal-car service.

[Here the hammer fell.]

Mr. TAULBEE. Mr. Chairman, I think it is apparent, from the statistics submitted to this Committee of the Whole by the chairman of the Committee on the Post-Office and Post-Roads, that the amount of work to be done by these postal clerks has been very much overestimated by gentlemen on the opposite side of the House. While these clerks have been held up before the House as the most injured of all the incumbents of positions under the Federal Government, yet, when the facts are accurately ascertained, it is shown that they have been most wonderfully favored. It will be remembered, no doubt, by the gentleman who has just preceded me, that during his remarks on the subject a few days ago, when I asked him whether these gentlemen could procure better compensation for their services in other branches of business, he retorted by saying that my question had the effect to give labor a slap in the face.

Now, sir, what are the facts in reference to these appointees in the public service? They are held in power, kept in their places to the exclusion of more efficient men seeking to enter the service, simply because of the services they have rendered to a certain political party. I know this fact to be true so far as it affects my own immediate neighborhood. The present head of the Railway Mail Service is kept in office by a Democratic Postmaster-General, and that Superintendent of the Railway Mail Service, under a Democratic administration of the Government, is to-day carrying on the administration of his office under rules diametrically opposite to those he practiced when the Postmaster-General in charge of the Post-Office Department was of the same political faith to which he himself belongs. All over my own district men have been selected because of their political meanness, because of something they did at the polls in favor of a certain party. Men have been put into the postal railway service when their moral and intellectual incompetency was absolutely outrageous.

Mr. STRUBLE. I ask the gentleman from Kentucky to yield to me for a moment.

Mr. TAULBEE. I have only five minutes. If the committee will agree to give me five minutes more time in which to answer the gentleman's question I will be glad to yield to him.

Mr. STRUBLE. Does the gentleman from Kentucky mean to say the present head of the Railway Mail Service is making these appointments on the same basis as those to whom he has alluded; that is, those who are appointed are selected because of their political meanness?

Mr. TAULBEE. No, I do not. He adopts different tactics from those he practiced in putting them in. He keeps them in, while competent men are excluded from the service under his influence and present objectionable policy.

Mr. STRUBLE. Does the gentleman say that is a thing which is done now?

Mr. TAULBEE. Yes, it is done now.

Mr. STRUBLE. Under the present Democratic administration?

Mr. TAULBEE. Under the present Democratic administration.

Mr. STRUBLE. Does not the gentleman know the fact is that the Superintendent of the Railway Mail Service refers these questions of appointments to the Postmaster-General himself?

Mr. TAULBEE. Ostensibly, yes; but truly it is not so. I have heard the Postmaster-General say that he could not give the detail of this matter his personal attention, and that he held the Superintendent of the Railway Mail Service responsible for the detail of the affairs of his office.

Mr. STRUBLE. I hope the gentlemen from Kentucky will give us more light on this question. If this head of the Railway Mail Service ostensibly refers these matters to the decision of the Postmaster-General himself, but in fact does not do so, I should like to know how that sort of man is held in the service of a Democratic administration.

Mr. TAULBEE. It is because of the want of courage on the part of a Democratic Postmaster-General, I will answer the gentleman.

Now, Mr. Chairman, in reference to the labor question, having spent the best years of my life as a wage-worker, I feel authorized to speak for the laborers of the country. I say in reference to the great questions which agitate the labor element that laboring men have the right to quit work simultaneously unless they are in the employment of the public; but I deny their right to say to anybody else that they shall not work. I deny the correctness of these strikes as they are carried on under the present system. It is an outrage upon the workers who do not belong to labor organizations, and I denounce it, and propose to abide the consequences.

Employés of railroads, corporations, or individuals have a perfect right to refuse to work for their employers whenever it suits their convenience to do so, but I deny their right to destroy the property of others or to obstruct transportation or other legitimate business, or to use force, violence, or other unlawful means to deprive other honest wage-workers of the privilege of competing with them in the matter of procuring work.

I am in full sympathy with every honest and honorable move having for its object the promotion of the honest, law-abiding laborers of our country, or the placing of proper restrictions on the powers and authorities usurped by the organized capitalists and monopolies of the country. My predilections are all on the side of the laboring man, but I am disgusted with the ridiculous spectacle which the recent strikes in the West present. There we have a few hundred railroad employés obstructing the transportation and embarrassing and prostrating the business of a vast section of country, and driving thousands of innocent women and children to abject penury and starvation.

I would encourage the organization of the labor interests of the country for union and concert of action in the employment of every honest means looking to a fair and equitable division of the profits of labor and capital combined, while I have nothing but contempt and indignant frowns and denunciations for the spirit of communism and nihilism which allows one in one hundred of the laboring men of the country, led by men who have no interest in common with labor except as that interest grows out of their connection with strikes and boycotts, to dictate to the remaining ninety-nine men when and on what terms they shall or shall not work. This state of affairs can only find its ultimate results in anarchy and the complete overthrow of our free institutions, which guarantees to every man personal liberty, enjoyment of his own property, and the legitimate pursuit of happiness.

I have said that private employés had a right to abandon work, but it is quite different with employés of the Government. When a man accepts an office at the hands of the public he becomes the servant of the public and the custodian of a public trust. No more has the sentinel a right to abandon his post of duty in the hour of danger than has the public officer to arbitrarily abandon his post of duty when that abandonment would prove detrimental to the public interests.

This amendment proposes to tax the people $90,200 above the actual needs of the service as a matter of reward to the adherents of one political party when the burden and responsibility of the extravagance will rest on the other party.

Mr. Chairman, I submit that the time has come when these jobs should cease.

The Postmaster-General claims that there is no politics in this particular branch of the public service, and that removals therefrom can not be had save for inefficiency or misconduct on the part of the incumbents.

Nothing could be plainer than that this line of policy is the result of the influence of a Republican superintendent of the railway postal service on a Democratic administration—a plain case of the tail wagging the dog. I will agree to the general proposition that there is not enough politics in the present administration to give it decent respectability; but I deny that this particular branch of the service is void of politics. If it is void of politics, why is it that Republican employés in this branch of the service boycott the few Democrats who have, by force of circumstances and the oversight of the Superintendent, found their way into the service? Why is it that four thousand clerks in the second, third, fifth, and sixth divisions have organized for a strike? I read from the Evening Star of March 10:

POSTAL CLERKS READY TO STRIKE—IRRITATED BY REMOVALS, THEY ORGANIZE FOR UNITED ACTION.

A dispatch from Pittsburgh to the New York Herald says: "On account of the dissatisfaction of the postal clerks with Postmaster-General Vilas's frequent removals of clerks in the fifth division, an organization has been formed to request him to observe the terms of his circular of June, 1885, relative to removals, or they

will quit work simultaneously in the fifth, sixth, second, and third divisions, taking in the Middle States, Maryland, Virginia, North Carolina, and the Western States as far south as Missouri and Tennessee, and as far west as and including Wyoming and Dakota. The clerks who have organized thus far are in the cities of Saint Louis, Chicago, Cincinnati, Indianapolis, Columbus, Nashville, Louisville, and many small cities. If the committee is promised that the clerks shall be disturbed no further, everything shall continue as at present; but if the answer be unsatisfactory, all will quit work upon notification. Nearly four thousand five hundred clerks are interested in the measure. A. Burt, superintendent of the fifth division, resigned because he refused to make one hundred changes demanded by Postmaster-General Vilas."

If there is no politics in this branch of the service, why is it that certain gentlemen on the opposite side of this House seek in every conceivable way through it to hold on to place and power?

The matter of favoritism has been carried so far as to lead to the introduction of a bill into the present Congress by the honorable gentleman from Pennsylvania [Mr. HARMER] proposing to place on the pension-roll of the Government, at a rate equal to half the salary now received by them, all the employés of the postal service who have served therein for a period of twenty-five years, or who from any cause become in any way disqulified from the performance of official duty.

These facts indicate into what vortex of ruin we are rapidly drifting.

The clerks in the Railway Mail Service work on an average, as shown by actual official data, four hours per day, and receive therefor salaries ranging from $1,175 to $1,400. This amount of compensation was found sufficient while the responsibility rested on the minority party; but when the burden of the expenditures are shifted the hue and cry is raised that these men are oppressed, and they are held up before the country in the light of injured innocence.

Every Democratic member of this House is pledged to economic administration. I for one propose to hold that pledge inviolate, though it be at the expense and risk of being termed a fanatic or being accused of disloyalty to the present administration. I can not for the sake of receiving the sickly smiles and empty plaudits of the heads of the Departments remain silent at the expense of the noble constituency which I have the honor to represent here, when I see their rights trampled on with impunity and the money wrung from their honest sweat and toil wasted in needless expenditures.

I am opposed to this amendment and all similar measures, be the beneficiaries thereof of whatever persuasion politically or otherwise. I oppose the principle of the amendment. I despise the sickly cant and transparent hypocrisy of members on this floor who discourage the investigation and exposure of the flagrant abuses rife in the public service lest the administration should be brought into discredit.

We had been taught by the leaders of the Democratic party that the Republican party had grown corrupt by their long continuance in power, and on investigation we find it to be true. The people gave expression of their disapproval of the methods of that party at the ballot-box in 1884, and the whole country had a right to hope that their verdict would be carried into execution; but, alas! the hickory broom has lost its significance, and we are called upon to contemplate the ridiculous spectacle of a Democratic administration being administered by Republicans, with the same system of pillage and plunder going on, modified somewhat it is true, but existing nevertheless. For example, one case illustrative of the many, an officer of the Government, subject neither to confirmation by the Senate nor to the piece of political hypocrisy and fraud known as the civil-service act, drawing a salary of $2,500 per annum, who does nothing, absolutely nothing, held in the employ of the country because he is thought to be a clever man, to the exclusion of honest Democrats who are willing to perform honest work for reasonable pay. That theory is not in keeping with the sentiment of the Democrats of this country. They have been misled by false pretense, and will not be misunderstood in 1888. The surface of public sentiment is placid and still, but the fires of a tremendous volcano gather beneath, ready for the day of reckoning. I pity the man on whose political fortunes it finds vent.

Mr. BURROWS was recognized and yielded his time to Mr. CANNON.

Mr. STRUBLE. I ask unanimous consent that the gentleman from Kentucky be allowed an extension of time for five minutes longer. [Cries of "Regular order!"]

Mr. TAULBEE. I rise to a parliamentary inquiry, or rather to ask for information.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. What is the status of the pending amendment?

The CHAIRMAN. The debate upon the pending amendment has been exhausted; that is to say, the substantive amendment. Debate has also been exhausted upon the *pro forma* amendments.

Mr. PETERS. I withdraw the formal amendment which I offered.

Mr. CANNON. I renew it. I only want to say a word, Mr. Chairman, about these postal clerks. That they are hardworked, industrious, and skilled is true, otherwise they could not remain in the service. That they do more service for less pay than other employés of the Government is also true. Having said that much in reference to their compensation, I am entirely willing, so far as I am concerned, to leave the matter with the committee.

Now, sir, it is true, I understand, the masses of these postal clerks are Republican in politics. It is also true that if within the first month, or the third, or the sixth, or the twelfth month of this administration the Postmaster-General had turned them all out and put others in their places the work of distributing the mails in the cars could not have been performed.

Furthermore it is true, as I am informed and believe, that just as fast as Democrats can be educated to do this work and take their places Republicans are removed.

Mr. BLOUNT. How does the gentleman get his information?

Mr. CANNON. From various letters written by competent clerks discharged. One case is that of Mr. Tooke, on the Indianapolis and Saint Louis route; another is that of a Mr. Coons that was cited the other day in debate at the other end of the Capitol, and to my personal knowledge one of the most efficient clerks I have ever known, who was discharged presumably, as stated, not from any failure to do his duty, but on political grounds.

Mr. McCOMAS. I can name two or three instances myself.

Mr. ROGERS. Did not the gentleman join the Democratic party before they put him out?

Mr. CANNON. While he might not have had such ability as my friend from Arkansas, he has just as much politics and otherwise is my friend's peer.

Mr. Chairman, I was a little amused at the remarks of the gentleman from Kentucky [Mr. TAULBEE], and after all I do not want to complain about his attack, as he said, upon the Republican Superintendent of Railway Mail Service, a very competent man; and while I am not authorized to speak for him in any way, I have no doubt he has been and still is a Republican; I know he is a gentleman.

After all, would it not be better for my friend from Kentucky instead of striking at the branches, the subordinates, to level some of his heavy thunder at that self-confessed most candid Postmaster-General of yours who issued a circular——

Mr. TAULBEE. Let me ask you a question.

Mr. CANNON. Let me finish my sentence. Who issued a circular months ago giving all of these postal clerks notice that so long as they performed their duty they should remain in their places; but who, after he has obtained the praises of the political pharisees, as fast as he can dispense with the services of these skilled postal clerks, turns them out and puts in their places unskilled men; and this, too, while he professes to be living up to the statements in his circular.

Mr. Chairman, there is no service in the Government where unskilled men would injure the service so much and be felt so quickly by the people as in the railway mail service, and there is no place in the public service where there is so much need for the application of the civil-service rules. From the party standpoint Republicans could stand it if all these employés were turned out, and let the country see what would become of the service under exclusive Democratic manipulation.

[Here the hammer fell.]

Mr. TAULBEE. Mr. Chairman——

The CHAIRMAN. The Chair has promised to recognize the gentleman from Missouri, a member of the committee [Mr. DOCKERY].

Mr. BLOUNT. I ask unanimous consent that debate on this section be limited to thirty minutes.

Mr. WARNER, of Ohio. Say to fifteen minutes.

Mr. BURROWS. I hope thirty minutes will be agreed upon.

Mr. GALLINGER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GALLINGER. Does that include any other amendments that gentlemen may wish to offer?

The CHAIRMAN. It includes all amendments to this paragraph of the bill.

Mr. GALLINGER. At the proper time I desire to offer an additional amendment.

The CHAIRMAN. It can be offered at any time, but the time for debate is proposed to be limited to thirty minutes; and of course amendments offered after that time, if they should be agreed to, must be voted upon without debate.

Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BINGHAM addressed the Chair.

Mr. DOCKERY. I believe I am entitled to the recognition of the Chair; and if my friend from Pennsylvania desires to occupy the five minutes now, if some gentleman will return the same courtesy to me, I will give way to him.

Mr. BINGHAM. Mr. Chairman, I have no desire to enter into a political discussion in connection with this bill. As to the amendment under consideration, since it is one that I submitted about a week ago, it may be proper that the intelligence of this side of the House should be informed exactly what that amendment amounts to. I have only one purpose in connection with this bill. As I have stated, I regard it as the best bill that has come before the House during my membership in connection with postal affairs. It is liberal, it is generous, and as such I give it my hearty support.

I believe, however, that a larger compensation than the regulations admit would give to your service a better character of men, and give to the men now in the service that compensation that the law awards them and as I think this bill should concede to them.

The Postmaster-General has asked for $4,877,000 to pay this service

for the next fiscal year. The Committee on the Post-Office and Post-Roads give, under this bill, $4,800,000—$77,000 less than the Department has estimated for. My amendment adds to the bill $90,200. For what purpose? For the simple purpose that the appropriation may be sufficiently large for the Postmaster-General to give to class 5 and to class 4 that which the law allows him to give—$1,200 and $1,400 per annum. He is giving to-day $1,150 per annum in lieu of $1,200, and $1,300 in lieu of $1,400.

If you adopt this amendment I have submitted you do not take from the Postmaster-General any of the discretion the law allows him, but you say to him, "If in your wisdom you think the exigencies of the service require it, Congress has appropriated an ample sum for the payment of this subordinate force, the full allowance of the law."

I am going into no discussion whether these men do great work or not. I think they do excellent work. I believe they are the hardest-worked men in the postal service. I believe there are required for clerks of classes 4 and 5 the highest conditions of intelligence, of education, and of experience. These men may be of my party. I am not arguing from that standpoint in this debate. I look upon them as experienced, trained, efficient postal servants. I believe they give to the public service that broad experience which can only come after training for long years in the service.

Therefore I make this appeal. Let us appropriate that which the law says these men should have. Then let the Postmaster-General exercise his discretion. My amendment simply appropriates that much.

The committee's bill appropriates or recommends $77,000 less than the Postmaster-General had asked for. Carry my amendment, and he will exercise the same discretion, and will have an opportunity to pay these subordinates the full allowance of the law.

[Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, the amendment offered by my friend from Pennsylvania [Mr. BINGHAM] is a proposition that looks to an increase of the salaries of twelve hundred and forty postal clerks of classes 4 and 5 at an annual cost to the Government of $90,200. This extravagant measure is a legitimate and logical outgrowth of a vicious financial system, which has laid upon the people for twenty years the heavy hand of exorbitant and unnecessary taxation, piling up in the Treasury of the United States millions of dollars annually in excess of the actual needs of the Government.

Sir, the fiscal history of all nations attests the truth of the statement which I am about to make, and to which I invite the considerate attention of the House. Unnecessary taxation leads to surplus revenue, surplus revenue begets extravagance, and extravagance sooner or later is surely followed by corruption.

Mr. STRUBLE. Will the gentleman permit me a question?

Mr. DOCKERY. Certainly.

Mr. STRUBLE. Will not this amendment, if it prevails, tend to reduce the surplus?

Mr. DOCKERY. That is very true. It does tend to reduce the surplus, but in an improper direction. I object to the rate of taxation which brings the surplus to the Treasury; but after it is there I want it disbursed for the general benefit of the whole country, and not the special use of privileged classes.

Mr. PETERS. Will the gentleman allow me a question?

Mr. DOCKERY. Certainly.

Mr. PETERS. Does not the larger portion of the money that is paid for the carrying on of this service come from the voluntary contributions of those who purchase stamps, and not from taxation?

Mr. DOCKERY. I do not care whether you call it voluntary or involuntary taxation. The people pay the amount necessary to maintain the Government, and it goes into the Treasury of the United States. I would like to have time to discuss that phase of the question, but I have not on this occasion. What I contend for is that the rate of taxation should be cut down so that gentlemen will not have to stand here and antagonize extravagant propositions, because in such events they will not be offered.

Mr. PETERS. Is not the only way to reduce the surplus to expend it properly?

Mr. DOCKERY. It seems to be the idea of the Republican party that the way to reduce the surplus is to expend it extravagantly. The Democratic idea is to cut down taxation, and leave the money not necessary to support the Government in the pockets of the people.

Mr. PETERS. If that is the Democratic idea it is not being carried out.

Mr. DOCKERY. It will not be if this amendment prevails. [Laughter on Democratic side.]

During the ten years past these postal clerks have received the salaries as at present provided by postal regulations, and I am therefore unable to comprehend the exigency that calls so loudly for an increase the first year of a Democratic administration. If there be equities in their favor I imagine that they apply with equal force and effect to the clerks of classes 1, 2, and 3, and I am unwilling that the Republican leaders should "dump in" on the Democratic party the first year of its administration all the admitted legislative shortcomings of a quarter of a century.

Sir, if injustice has been done to these employés, why was not some voice on the other side lifted up in their behalf during the Forty-seventh Congress, when the Republican party controlled not only the executive department but also the Senate and House? Why was not the wrong, if there be any, righted then?

Mr. Chairman, on many questions that are presented for consideration I realize that the methods and the practices of twenty-five years ago will not meet the demands of the present, and thus it is that as a rule my vote is recorded in favor of progressive measures; but, sir, all advancement is not real improvement or progress. In the matter of expending the people's money I would like to call the House back to the economic spirit that actuated our fathers and the leaders of the Democratic party during the long period that they controlled the Government and directed its fiscal affairs.

The Democratic party has always been an economic party. Before the war it enforced economy by fixing the scale of taxation so that it only yielded a revenue sufficient to meet the demands of the Government economically administered. Under this policy the Government exacted from the people a sum sufficient to supply its actual needs, and not a dollar in excess of that amount, and there was no enormous surplus withdrawn from the channels of trade and commerce to be piled up in the Treasury, constantly tempting to extravagance and its legitimate sequence, corruption.

I do not mean by this statement to intimate that the masses of the Democratic party are more honest than our friends on the other side, but I do say that our fiscal policy compels economy, while theirs lures in the broad way that leads to profligate expenditures.

The most commanding tribute that has yet been paid to our fiscal policy was recently penned by the brilliant and gifted leader of the Republican party, Hon. James G. Blaine. On page 46 of the first volume of his Twenty Years of Congress, when speaking of the Southern leaders who so long controlled the Democratic party, framed its appropriation bills, and formulated its policies, he says:

> Their domestic relations imparted manners that were haughty and sometimes offensive; they were quick to take affront, and they not infrequently brought needless personal disputation into the discussion of public questions; but they were, almost without exception, men of high integrity, and they were especially and jealously careful of the public money. Too often ruinously lavish in their personal expenditures, they believed in an economical government, and, throughout the long period of their domination, they guarded the Treasury with rigid and unceasing vigilance against every attempt at extravagance and against every form of corruption.

Mr. Chairman, such was the financial record of the Democratic leaders and the Democratic party before the war, as conceded by the greatest of Republican leaders. Its history since that unfortunate period, so far as it has been permitted to make a history, has been equally creditable and economic. The first year of Democratic control of the House of Representatives after the war was signalized and marked by a reduction of expenditures to the extent of $25,000,000, and in this connection I desire to give the total:

Regular annual appropriations for the support of the Government for the fiscal years 1870 *to* 1886.

1870 (Republican Congress)	$147,499,278 23
1871 (Republican Congress)	169,166,387 73
1872 (Republican Congress)	166,887,212 53
1873 (Republican Congress)	181,682,274 94
1874 (Republican Congress)	193,025,793 04
1875 (Republican Congress)	183,685,002 16
1876 (Republican Congress)	179,166,833 90
1877 (Democratic House—Republican Senate)	154,553,639 64
1878 (Democratic House—Republican Senate)	144,392,149 23
1879 (Democratic House—Republican Senate)	171,187,349 68
1880 (Democratic House—Republican Senate)	192,870,137 17
1881 (Democratic Congress)	189,474,559 49
1882 (Democratic Congress)	218,353,057 25
1883 (Republican Congress)	297,561,602 29
1884 (Republican Congress)	231,993,647 63
1885 (Democratic House—Republican Senate)	195,710,588 09
1886 (Democratic House—Republican Senate)	219,595,283 18

I invite the attention of the House to the financial record of the two parties as presented in the above table of appropriations for the support of the Government, and also as bearing directly upon the pending proposition. A glance at the table reveals the fact that the Forty-seventh Congress, which was Republican in both branches, was the most extravagant known to the history of the Republic.

Will the gentlemen of the other side tell us why it was at this time, when your appropriations were lavish to an extent before unknown—why it was that you did not then provide for the postal clerks who now seek to have their salaries increased?

Mr. Chairman, in my opinion this is not the hour to increase salaries. Thousands of laboring men who desire to work are to-day without employment "because no man hires them." These men and others who receive but limited compensation will not look with favor upon a measure that increases the salaries of six hundred and seventy-six clerks of class 4 from $1,150 to $1,200 per annum, and the salaries of five hundred and sixty-four clerks of class 5 from $1,300 to $1,400. Before we add to the salary account at any point let us at least await a return of prosperity to the business interests of the country. The people demand prudent economy in the expenditure of the moneys intrusted to our care, and to a performance of this duty they will and ought to hold us to a strict account. [Applause.]

[Here the hammer fell.]

Mr. GALLINGER. Mr. Chairman, I move to strike out the last word.

The section under consideration contemplates an appropriation to pay railway postal clerks. I desire to call attention to one class of these clerks who receive compensation so inadequate that this Congress ought, in justice to them, to make provision for a higher rate of pay—I mean the chief clerks. I have in my mind a gentleman who served three or four years as a postal clerk, and who two years ago was promoted to be chief clerk. As chief clerk he performs, perhaps, twice as much labor as he did as a postal clerk. He has charge of twenty-three postal lines, scattered through three different States; he has charge of seventy-three postal clerks with fifty-three different distributions. As postal clerk he received a salary of $1,400 a year, and as chief clerk he receives precisely the same salary, but as chief clerk he is obliged to travel a considerable portion of the time and pay his own expenses, so that his salary (and what is true of this man is true of every other chief clerk in the service) is reduced to perhaps $1,000 or $1,200, notwithstanding the fact that he performs much more labor now than he performed as a postal clerk. Two different Postmasters-General and the Superintendent of the Railway Mail Service on three different occasions have recommended that the pay of these chief clerks should be increased and that they should be allowed a sum not exceeding $3 per day for expenses when traveling in the service of the Government.

I submit, sir, that these recommendations are entirely just and proper. These men, in the discharge of their duties, are required to have expert knowledge. In other branches of the public service men who travel on Government business have their expenses paid, and in view of the fact that the Postmaster-General and the Superintendent of the Railway Mail Service have recommended that these chief clerks should have an allowance for expenses at the rate of $3 per day when traveling on postal business, I send to the Clerk's desk an amendment which will grant them that allowance. I am aware, sir, that a point of order can be made against the amendment; but in view of the fact that this allowance is just and proper, I trust that unanimous consent will be given and the amendment adopted.

Mr. BLOUNT. I reserve the point of order on the amendment.

The Clerk read the amendment, as follows:

Amend by adding to line 51 the words "and an allowance of $3 per diem to chief clerks for traveling expenses when so engaged in the discharge of official duties."

Mr. BLOUNT. Mr. Chairman, I make the point of order that the amendment proposes new legislation.

The CHAIRMAN. Does the gentleman from New Hampshire [Mr. GALLINGER] desire to be heard on the point of order?

Mr. GALLINGER. I have no desire to be heard.

The CHAIRMAN. The Chair decides that the point of order is well taken.

Mr. LORE. Mr. Chairman, I understand that by the law as it now stands on the statute-book fourth and fifth class postal clerks are entitled, respectively, to $1,200 and $1,400 per year. Since 1876 they have not received compensation at those rates, but have received only $1,150 and $1,300, respectively, because the appropriations have not been sufficient to pay in full. The Postmaster-General now asks for an appropriation $77,000 in excess of that reported by the committee, and the pending amendment would increase the committee's report by $90,000, based on a later calculation, which is only $13,000 in excess of the Postmaster-General's estimate. I was in hopes that this amendment would have been accepted by the committee. This is not a political question; it is simply a question whether men doing fair and legitimate work shall receive just compensation for their labor. There is one consideration that I think has not been alluded to in the discussion of this question; that is, that from $150 to $200 of the compensation of these postal clerks every year is consumed in paying their board while they are away from home. Probably one-fourth of their time is spent at other people's tables at their own expense, which makes a considerable reduction in their salaries.

There is no class of Government employés who work so hard or who receive such meager compensation for their services. It is not just to say that these men are only four hours a day, on an average, on their run, when, as has been already stated, and as all of us who have looked into the question know, they are compelled to be in their places, many of them, at midnight to go out with their trains, and many of them are on the run from fifteen to sixteen hours a day. Then, too, they are away from home a great deal, and their labor is of the most exhausting character.

I need say nothing of the value of skilled labor in this business of the proper distribution of the mail. It goes to every man's home. The necessity of having competent men on our different lines of railway for the prompt and accurate distribution of the mail is universally conceded.

Mr. WARNER, of Ohio. Does my friend from Delaware state that these postal clerks are on duty sixteen hours a day each day in the week, or anything like it?

Mr. LORE. No, sir; but I say that on many of their runs they are on duty sixteen hours during the twenty-four. Of course they have their "off" periods; but their average time is more than any other Government clerks of like pay, and when off duty they must study their routes and keep up with the constant changes. They work every day in the year; Sundays as well as week days——

A MEMBER. No.

Mr. LORE. I beg the gentleman's pardon. An account is kept of their time, and it is measured by the three hundred and sixty-five days of the year. Clerks of similar class doing work of the same grade in any of your Departments receive $1,800 to $2,000 a year, and they remain at home with their families and are not subjected to the same inconvenience and expense as these postal clerks.

Mr. DOCKERY. Is it not true that these postal clerks are off duty half the time, and that they have thirty days' leave of absence in every year with full pay?

Mr. LORE. Their privileges in that respect are certainly no greater than those of other clerks.

Mr. DOCKERY. But is not that true?

Mr. BINGHAM. They have no thirty days' leave of absence; they do not get a day.

Mr. DOCKERY. They are off half the time; there is no question about that.

Mr. LORE. If they are off any part of their time, it is because when on duty they work night and day, while other clerks, receiving more compensation, work only during the daytime. I submit that it is only reasonable and just that these men should receive the compensation proposed. If you wish to make reductions, let them fall upon those classes that are not doing full work and whose services are more adequately compensated.

Mr. BURROWS. Mr. Chairman, there is no politics in this proposition. It is a question of justice to these employés. Before and during 1876 these clerks of class 4 were paid $1,200 and clerks of class 5 $1,400 per annum. It is conceded that by an inadequate appropriation the amounts paid them were reduced to $1,150 and $1,200, at which rate their pay has continued ever since. This is not a proposition to increase their salaries, because the salary is fixed by law. When gentlemen say this is a proposition to increase salaries they state that which is not the fact. The question is simply whether we shall make an appropriation sufficient to pay to these men the salaries provided by law. That is all there is in the case.

In the last Congress the justice of this claim was recognized, and an appropriation was made, as I claim, with the view of paying these men their salaries of $1,200 and $1,400. The gentleman from Ohio [Mr. WARNER] said the other day, and other gentlemen have said, that the appropriation of $81,300 added to the bill of last year was not for the compensation of these clerks; and they referred to a colloquy which occurred in this House between Mr. Horr, then a member from Michigan, and some other gentlemen, in which he said that the appropriation under consideration was not to increase the pay of clerks. That is all true. But if gentlemen will look at the colloquy they will find that it did not allude at all to the pay of postal clerks. An amendment appropriating $81,300 was embraced in the bill as it came from the Committee on Appropriations. The Postmaster-General, in making his estimate of $4,300,000 for the present year, said:

I estimate an increase of $301,000, which would make $4,601,000.

Then he said:

If you pay the postal clerks of classes 4 and 5 their salaries at $1,200 and $1,400 you must add $81,300, which would make the sum total of $4,682,300.

I hold in my hand the bill as it was reported from the Appropriations Committee, which appropriates $4,482,300, showing that this additional pay for postal clerks was put on in the committee, and the amendment of Mr. Horr to increase the appropriation $200,000 did not relate to the pay of postal clerks at all. He said it was for additional service, and in that view it was very proper.

Now, the simple question is whether you will do justice to these men. This appropriation has been recommended over and over again. I repeat, there is no politics in the proposition. After this House has spent three days declaring its regard and affection for the laboring men of this country it will not look well to refuse to appropriate what the law allows for the hardest-worked men under this Government; it will reflect badly upon its good faith if the American Congress should now cut down the salaries of these laboring men in the employ of the Government of the United States.

One other point. This appropriation has been recommended over and over again. I ask the Clerk to read from the report of a former Postmaster-General.

The Clerk read as follows:

I can but urge the justice of making the appropriation for this class of employés sufficient to enable the Department to restore them to the old rate of $1,400 per annum for head clerks railway post-offices; $1,200 per annum for clerks railway post-offices; and $1,000 and less for assistant clerks, route agents, and mail-route messengers.

The employés of this service are required to be absent from their homes, on expense, on an average at least half the time. This, of course, lessens their salaries a proportionate amount. The responsibilities of a railway post-office clerk in charge of a car are greater than those of most employés of the Government at similar salaries. His duties require constant and unremitting attention and study. He is required in many cases to be on duty night and day. He is liable to, and is called upon at all hours, and can have no regular holidays. He is exposed to all the dangers incident to railroad life, and upon his fidelity and knowl-

edge of the service is dependent interests of unusual magnitude. He is deprived of the domestic privileges enjoyed by all other classes of governmental officers. His peculiar duties requiring him to remain on his feet when the train is in motion (the time when all classes of railroad employés, except, perhaps, conductors on local trains, can sit at ease), intensifies the physical strain attendant upon the jar and motion of the cars, and, in a few years, brings upon him diseases which necessitate his retirement from the service. This is becoming more apparent every year.

It would seem that all these considerations would warrant the strong recommendation that sufficient appropriation be made to enable the Department to restore former salaries.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, in quoting from the report of the Postmaster-General to show the amount of labor performed by these postal clerks, it seems to me I could have gone to no better place to get at the exact truth. The object of that official report is to display the condition of the service, the number of miles run, the number of pieces handled, &c. If a more favorable showing could have been made to Congress, it certainly would have been; for the object of the report is to give us information in reference to this and other postal matters. But we are so much in the habit of hearing unauthorized statements about public officials being overworked, that unconsciously these exaggerated statements become ingrained into us, and we are actually loth to substitute for them truths obtained from official sources.

My friend from Kansas [Mr. PETERS], when he finds these official statements in his way, undertakes to supplement them by saying, what I have no doubt he believes to be true, that these postal clerks while not on the trains are engaged many hours which the Department does not see fit to report. My own information is that as a general rule this report discloses almost the entire time devoted by these clerks to the service of the Government. No doubt it is a fact that oftentimes while the cars are waiting on the tracks the clerks spend some time there for the purpose of facilitating their business to avoid the pressure which they would otherwise experience in the handling of the mails. Now he calls attention again to the distribution of pieces as compared with the distribution of pieces in the Treasury Department, to which he makes allusion. He seems to think the work there was of a different character. The work is identical. In the first place the person making the count, if there is a mistake, is chargeable with the loss.

Mr. BINGHAM. Just let me interrupt the gentleman right there.

Mr. BLOUNT. No; I can not yield, as I have only five minutes. In the next place, the person chargeable with that bill as it passes through his hands must determine whether it is counterfeit or not. The person handling that bill must see it is distributed at the right place, and keep the schedule in his mind of the places of twenty-five hundred banks in the United States. The more you examine it the more close is the analogy and the greater, the more certain, is the demonstration made that these postal clerks are not doing half the work of similar employés in the Treasury service.

I think, therefore, it is quite clear there is an exaggerated estimate of the work done by these employés.

It is said we know that all these clerk's salaries have been reduced below $1,400 per annum. Now, on page 315 of the Postmaster-General's report, if you will examine it, you will find that sixty-seven of these very clerks who are traveling about the country, to whom my friend's remarks refer, are paid the full sum of $1,400 each per annum. So, therefore, his complaint is without foundation in actual experience.

Mr. BINGHAM. Let me ask the gentleman a question for the information of the House.

Mr. BLOUNT. I prefer to finish my own statement. The gentleman knows I have but five minutes.

Mr. PETERS. I wish to know why you have cut it down to $77,000.

Mr. BINGHAM. My friend wants to know why we have cut it down to $77,000.

Mr. BLOUNT. That is my point. It is because in the statement of the Superintendent of the Railway Mail Service, as an element upon which he makes that inquiry, not an increase of salaries of these clerks, but because the railway construction amounts to $10,000 a year. But the committee said this is beyond the estimate of other persons, and that it would not do to make an extravagant increase. My own opinion is that the estimate made by the Superintendent of the Railway Mail Service includes the very thing my friend is contending for; that is, those higher rates.

Mr. BINGHAM. That is what it is intended to do.

Mr. BLOUNT. Yes; that is the gentleman's point. That is what he may have intended, but the Postmaster-General did not intend it, nor did the Committee on the Post-Office and Post Roads intend it. We did not intend, after working these men for ten years, just as soon as the administration fell out of your hands, to let you demand increased expenses and get wonderfully liberal compensation.

[Here the hammer fell.]

The CHAIRMAN. All informal amendments will be withdrawn by unanimous consent, and the question then will recur on the amendment of the gentleman from Pennsylvania [Mr. BINGHAM].

The committee divided; and there were—ayes 64, noes 83.

Mr. BINGHAM demanded tellers.

Tellers were ordered, and Mr. BINGHAM and Mr. BLOUNT were appointed.

The committee divided; and there were—ayes 54, noes 87.

So Mr. BINGHAM's amendment was rejected.

Mr. PETERS. I desire to offer an amendment, by inserting in the fiftieth line, between "hundred" and "thousand," the words "seventy-seven," so it will read "$77,000."

This brings the amount up to the amount fixed by the Postmaster-General. [Cries of "Order!"]

The CHAIRMAN. Debate is not in order.

The committee divided; and there were—ayes 19, noes 61.

So the amendment was rejected.

The Clerk read as follows:

Office of the Superintendent of Foreign Mails:
For transportation of foreign mails, $375,000.
For balance due foreign countries, $100,000.

Mr. BURROWS. In lines 81 and 82, I move to strike out "$375,000" and insert "$425,000."

Mr. Chairman, the Superintendent of Foreign Mails, in making the recommendations for the needs of this service, estimated the amount to be $350,000. That $350,000 is the sea postage. Of course it is understood by every member of the committee that by the law the Postmaster-General at present is authorized to pay for carrying our foreign mails to foreign lines and sailing vessels the sea postage on letters.

To the American lines he is authorized to pay the sea and inland postage. Up to the present time the Postmaster-General has seen fit to pay only the sea postage; and it is my information and understanding that the sea postage is all that has been paid. We paid to our American lines about $48,000, which is the sea postage. This year in making the estimate of $350,000 that estimate is based upon the sea postage alone.

Then the Postmaster-General, or the Superintendent of Foreign Mails, adds this:

If it is the will of Congress that the entire sea and inland postage shall be given to vessels of United States register for the conveyance of mails transported by them, the estimate of $350,000 must be increased $75,000, as you will observe by reference to the table herewith transmitted, which gives the weight of the mails conveyed by vessels of United States register for the fiscal year of 1885, and shows the total sea and inland postage thereon to be $81,679.67.

Under the same percentage of increase in the weight of mails as estimated in this statement it will require $75,000 in addition to the $350,000, making a total of $525,000, which includes $100,000 for another purpose—for the foreign-mail service of this Department for the fiscal year ending June 30, 1887.

My amendment, or that which I have proposed, is simply in accordance with the recommendation of the Superintendent of Foreign Mails. If it is the will of this Congress to pay no more to the American lines than the sea postage, although the law authorizes the payment of sea and inland postage, then the amount recommended in the bill is correct. But if the sea and inland postage is to be paid, and the recommendation of the Superintendent of Foreign Mails is reliable, then my amendment must be adopted.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Speaker, I regret very much that I did not have an opportunity before this of presenting to my friend from Michigan a reduced estimate, made by the Post-Office Department, of the amount necessary for the compensation of vessels for carrying foreign mails—that is, for the purpose of paying the sea and inland postage. I have a communication from the Postmaster-General in which he states that the amount in the bill at this time is more than sufficient to pay the sea and inland postage on all the lines.

Mr. BURROWS. What is the date of that?

Mr. BLOUNT. It is dated March 22, and I have another of March 23. Now, sir, it is very difficult in five minutes' time to present the matter, but I shall ask to have the communications to which I have referred read from the desk, and if there is not sufficient time to read them will ask to have them printed.

In the first place, an error arose in making up the estimate of the steamers numbered on page 28. Fourteen are of foreign register, which is a miscalculation in that one item. In the next place, the service for the Cuban mail has been transferred to the appropriations for steamboat service, making a saving there of $20,000 as to this item.

Then by a contract with the Governments of New Zealand and New South Wales, which I shall ask to have printed, for carrying the mails, there is another saving of $19,200, so that there is in all $22,000 now needed for the purpose of paying the entire postage at sea and inland rates on American steamers employed by the Government. I repeat, I regret very much I could not have communicated these figures to my friend from Michigan before this time.

Mr. DINGLEY. What amount is stated by the gentleman from Georgia as being sufficient for the pay of American steamboats—$22,000?

Mr. BLOUNT. Twenty-two thousand dollars additional. This sum is additional to what has been recommended by the Superintendent of the Foreign Mails for sea and inland postage, and a gross sum has been allowed.

Mr. BURROWS. I ask to have these communications read from the desk; I could not hear the statement here.

Mr. BLOUNT. I should be glad to do this if there is time. I will send them to the desk in a few moments.

On March 23 I have a communication of this character:

I bring to your notice the cost of the ocean service for the first half of the fiscal year 1885–'86, which amounts to $171,737.37; this includes the Cuban service, the sea and inland postage to the steamship San Pablo of the Occidental and Oriental line from San Francisco to Japan, the United States and Brazil line from New York to Brazil, and the American line from Philadelphia to Great Britain. This would make the total service for the year amount to $343,466.74.

Now, Mr. Chairman, the gentleman from Michigan desires to have these papers read, and I send them to the desk for that purpose. If there is not time I shall ask to have them printed.

The Clerk proceeded to read the papers, but before concluding the hammer fell.

Mr. PETERS took the floor, and yielded the time to have them read. They are as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 23, 1886.

DEAR SIR: I hand you a further statement of the actual cost of the foreign mails service for the first half of the current fiscal year, which may be of use to you in reference to the sufficiency of the proposed appropriation of $375,000. It is a communication from Mr. Bell to me of this date, showing the cost for the half-year to be $171,733.37, which includes sea and inland postage to one vessel between San Francisco and Japan, carrying a considerable portion of the mail, and the same to the United States and Brazil line and to the American line, and also the Cuban service which will not be embraced in the next appropriation. You will see that this will leave a considerable margin for the payment of sea and inland postage out of the $375,000, and more than sufficient if the weights of mails during the next fiscal year do not considerably outstrip the weights of the present year.

I have the honor to be, very respectfully, yours,
WM. F. VILAS, *Postmaster-General.*

Hon. J. H. BLOUNT,
Chairman Committee on Post-Offices and Post-Roads,
House of Representatives.

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., March 22, 1886.

SIR: Referring to the statement made in my report for the fiscal year ended June 30, 1885 (the last paragraph on page 825 in the appendix to your report to the President), to the effect that if the total sea and inland postage should be allowed to vessels of United States registry for conveying mails to foreign countries during the fiscal year ended June 30, 1887, the estimated cost of the sea-conveyance of said mails during that period ($350,000) should be increased by $75,000 and the total to $425,000, I have to inform you that since my report was written I have obtained information which leads me to the conclusion that the full additional amount therein estimated as necessary ($75,000) will be now unnecessary, and that a total of $375,000 for the total cost of the service will be sufficient.

My reasons for the conclusion now arrived at are as follows:

The estimate of $75,000 additional was based upon the service rendered by United States steamship lines and vessels during the fiscal year ended June 30, 1885, as given in the table which is to be found on pages 822 and 823 of your report. This shows these steamers to have numbered seventy-eight, of which, however, fourteen are of foreign registry (not entitled to the sea and inland postage under section 4009 Revised Statutes), and should not, therefore, have been included in the estimate, but in fact were so included. Deducting for these fourteen vessels will reduce the sea and inland postage account by the sum of about $13,500.

In addition there is now to be deducted the estimated cost of the conveyance of the mails by sea to Cuba and Mexico—$20,000—which it has recently been determined to transfer to the appropriation for the transportation of domestic mails; and also a further amount of about $19,500, saved by the arrangement which has been made with the Government of New Zealand for the carriage of the Australian mails.

To recapitulate:

Increased amount estimated in my report		$75,000
Deduct for 14 vessels of foreign registry	$13,500	
Deduct for service to Cuba and Mexico	20,000	
Deduct for cost of service to Australia	19,500	
		53,000
Which leaves a balance of		22,000

as the additional sum actually necessary to compensate all vessels of United States registry for services to be rendered in conveying mails to foreign countries during the fiscal year ended June 30, 1887, upon the basis of the whole sea and inland postage on the mails conveyed, and leaves a margin of $3,000 for contingencies in my present estimate of $375,000 for the whole cost of the service.

I am, very respectfully, your obedient servant,
NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. WILLIAM F. VILAS,
Postmaster-General.

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., March 23, 1886.

SIR: I bring to your notice the cost of the ocean service for the first half of the fiscal year 1885–'86, which amounts to $171,733.37; this includes the Cuban service, the sea and inland postage, to the steamship San Pablo, of the Occidental and Oriental line from San Francisco to Japan, the United States and Brazil line from New York to Brazil, and the American line from Philadelphia to Great Britain.

This would make the total service for the year amount to $343,466.74.

I am, very respectfully, your obedient servant,
NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. WILLIAM F. VILAS,
Postmaster-General.

Mr. BLOUNT. If there is no further debate on this amendment, I ask leave to have printed in the RECORD a copy of a contract with the colonies of New Zealand and New South Wales with reference to the carrying of the mails.

There was no objection, and it was so ordered.

The communication is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 31, 1886.

DEAR SIR: I am informed by telegram from Mr. DOCKERY that a statement ought to be put in the hands of the committee in regard to the contract for the carriage of the mails between San Francisco and the Australian colonies, and I beg to give you a brief statement of facts for the use of the committee or the House, as you may find it proper.

On the 1st of August last, when the Pacific Mail Company withdrew a portion of its service, it was under a contract with the colonies of New Zealand and New South Wales requiring its steamers to carry the mails until about the 1st of November, the termination of the existing contract. That company gave general public notice in the press, not officially but it was reported as a matter of news, that it would not carry the mails after that contract ceased.

Meantime a new steamship company, known as the Union Steamship Company of New Zealand, limited, was formed and negotiated a contract with the Australian colonies. Pending that negotiation, and on the 24th of September last, I received a cablegram, of which the following is a copy, namely:

"WELLINGTON, *September* 23, 1885.

"To POSTMASTER-GENERAL OF UNITED STATES,
"*Washington, D. C.:*

"Negotiating for service, Sydney, Auckland, Honolulu, 'Frisco, connecting at Honolulu with Spreckel's steamers. Will you for three years undertake for thousand yearly in excess of present payments for carriage American mails? Reply immediate definitely, as continuance service probably depends on your decision.

"VOGEL, *Postmaster-General.*"

You will observe the indefiniteness. It was understood to be for $4,000 in excess of the amounts usually paid as sea postage, which would make about $18,000.

The Department was not authorized under the acts of Congress to make such a contract for two reasons: the first, because it was for three years, and the act of May 17, 1878 (20 Statutes, page 62, section 5) forbids a contract for a longer period than two years unless otherwise ordered by Congress; and, the second, that a contract can only be made under section 4007 "after advertising for proposals," which had not been done. Being manifestly desirable, however, that such an arrangement should be made, especially in view of the threatened discontinuance of the service by the Pacific Mail Steamship Company, the following telegram was sent:

"SEPTEMBER 24, 1885.

"To POSTMASTER-GENERAL, *Wellington:*

"Such continuous contract not authorized. Will allow such sum while desirable unless Congress forbids.

"VILAS, *Postmaster-General.*"

The Governments of New Zealand and New South Wales then entered into a contract with the Union Steamship Company for the carriage of the mails between Auckland, Sydney, Honolulu, and San Francisco for a period of three years from the 21st of November, and in that contract the following article is contained, namely:

"10. The payment for the service mentioned in this contract shall be £30,000 per annum, less the deduction next herein mentioned, namely: The Postmaster-General of the United States has agreed by cablegram to pay £4,000 toward the service herein provided unless Congress forbids, and, if such payment shall be made, two-thirds of the said sum of £4,000 shall be deducted from the total payment of £30,000. The contractor shall collect the said sum of £4,000 and account as aforesaid to the Postmaster-General for two-thirds of that sum, which two-thirds shall be equally divided between the postmasters-general. If the Postmaster-General of the United States is prevented by Congress from paying the £4,000 then the postmasters-general shall make up the payment of £30,000 in the proportion of £20,000 by the postmaster-general of New Zealand, and £10,000 by the postmaster-general of New South Wales.

"11. Ten thousand pounds of the total sum payable under this contract shall be paid by the postmaster-general of New South Wales, and £20,000 shall be paid by the postmaster-general of New Zealand; but from such payments there shall be deducted by each postmaster-general respectively an amount equal to one-third of the £4,000 agreed to be paid by the Postmaster-General of the United States as aforesaid."

A printed copy, unsigned, of the contract was received in this Department some time since. It contained the first intimation that there was some difference in the telegram from the postmaster-general of New Zealand as it was sent and as it was received. A communication has this day been received from the postal administration of New Zealand, transmitting a copy of their original telegram, in which $20,000 is mentioned as the sum desired to be contributed by the United States. I have directed that administration to be advised that an absolute contract for three years can not be made by the Department for the reasons I have already given, but that the amount is within the limits of discretion reposed by Congress in this Department, and that it is not foreseen to be probable that Congress will forbid the payment of that amount for the service, or that it will cease to be desirable on the part of this Government.

You will perceive that the amount which it is thus required of this Government to pay, although less than one-half of the sea and inland postage which the Department would have been authorized to pay under the legislation as it stands, is the full sum which the governments of the two colonies proposed that the United States should contribute, and that it did not result from any negotiation of the nature of "dickering." The desirability to the governments of the colonies to establish and maintain a commercial line whereby they should secure the most convenient and speedy transit to the mother country is manifest, and its importance in that doubtless greatly outweighs either the value of the mail carriage to the colonies or to the United States. It may be justly supposed that these colonies considered this fact and its relative importance in proposing the sum of £4,000, or $20,0000, as the amount which this country should contribute for the mail carriage which it should be provided with.

I have the honor to be, very respectfully, yours,
WILLIAM F. VILAS,
Postmaster-General.

Hon. J. H. BLOUNT,
Chairman Committee on Post-Offices and Post-Roads,
House of Representatives.

Mr. BURROWS. It is a little difficult to arrive at the points made by these letters of the reduction of the $75,000 which the Superintendent of Foreign Mails said was necessary and must be had if you intend to pay the whole of the sea and inland postage. What has been stated by the chairman of the committee, and what appears in these communications, appears very briefly in a speech made the other day by the gentleman from Illinois [Mr. RIGGS], who accounts for this reduction of $75,000 or $50,000 by saying this:

At the time that estimate was made the service from Key West to Cuba was

conducted under the direction of the Bureau of Foreign Mails, and pay therefor was included in that estimate. Since then arrangements have been contemplated, and I am told at the Department will no doubt be carried out, to transfer that service for the next fiscal year to a division or bureau of the Second Assistant Postmaster-General's Office. In that event it will be paid for out of the appropriation for the steamboat service, and thereby this estimate of $75,000 would be reduced by the sum of $13,000, as I am told at the Department. I believe that is about correct.

In other words, the mails from Havana, which have been carried by the Cuban line, are not now carried. They are carried by rail from New York to Tampa, thence by steamboat to Key West, and thence to Havana. They contemplate that arrangement for the next year. But to show that that contemplated arrangement is looked upon with but little confidence by the Department, when we reach the estimate for the pay of steamboats we find there was no proposition made to increase that appropriation. If the mails are to be taken by these lines, conveyed by railway from New York to Tampa, why was not the appropriation for the Railway Mail Service increased by this bill? For that mail certainly can not be conveyed for nothing. More than that, if it is to be conveyed from Tampa to Key West and thence to Havana, why was not the appropriation for the steamboat service increased? And yet there is no proposition to increase that.

I think the statement of the gentleman from Illinois [Mr. RIGGS] is entirely correct that this arrangement is contemplated, and that the Tampa arrangement is being used for the purpose of reducing the amount of the estimate made by the Postmaster-General.

Then, in the second place, here was a service of $12,000 or more to New Zealand and Australia from San Francisco. The Postmaster-General tells us that instead of using that amount, the sea postage, he has made an arrangement with the New Zealand Government by which he pays that government for carrying the United States mail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT was recognized, and yielded his time to Mr. BURROWS.

Mr. BURROWS. I would like to know—I have no pride or interest about it—but if the Postmaster-General has made arrangements with the New Zealand Government to carry our mails I would like to know by what authority of law he has done so. It appears that the New Zealand Government have contracted with some line to carry the mails to San Francisco and bring back the European mails to that country. And having made that arrangement, my understanding is, it is an arrangement by which they pay that line $150,000 per annum. Having done that, I understand now the Postmaster-General makes an arrangement with New Zealand to carry our mails over the same line and pay that government $20,000, thereby not paying our line anything, but paying it to that government.

Mr. STEWART, of Vermont. Is it true that arrangement has been made?

Mr. BURROWS. I understand that to be the arrangement. And I would like the chairman of the committee or the Postmaster-General to tell us by what law the Postmaster-General of the United States makes arrangements with New Zealand or any other foreign government to carry our mails.

Then, thirdly, there is no reduction, because they say in the estimate for sea and inland postage there were seventy-eight vessels included, and on careful examination fourteen of those are of foreign register, which under the law can not be paid the sea and inland postage; it is said they can be paid only the sea postage. That is entirely erroneous. There are not fourteen vessels of foreign register. It is not true. Why in the estimate of the Postmaster-General, if gentlemen will turn to page 822 of the report, they will find the Pacific mail line to New Zealand is put down as having two vessels of foreign register. That is true; but if we have just made a reduction of $20,000 by the contract made with New Zealand, then no reduction should be made for those two vessels of foreign register.

The New York, Havana, and Mexican line have five vessels of foreign register; and the Postmaster-General says you must take that out. But you have just taken out the whole of that service. It is said in the Brazilian line there is one vessel of foreign register. That is not true; they have not a single vessel in their line of foreign register—not one. They chartered one last year in June for a single voyage, and they have not a single vessel of foreign register. Then it is said that in the Red D line there are two vessels of foreign register. They have not a single vessel of foreign register in that line. All the deduction that possibly can be made on the basis of these vessels of foreign register is $2,041.75; and yet the deduction is made of several thousand dollars.

When the Postmaster-General or the Superintendent of Foreign Mails makes this deduction on the ground that it is for fourteen vessels of foreign register he falls into an error, and in some instances, as in the case of the New Zealand service, he takes out the amount twice for the purpose of reducing this estimate of $75,000. Now, so far as I am concerned, I do not believe in the policy of hiring a foreign government to carry our mails, and if the Postmaster-General has made any such arrangement, I repeat I would like to know by what authority he has done it. This deduction on account of these vessels of foreign register is without foundation. As I said before, no more than $2,000 can be deducted for that, and I submit that it is impossible for gentlemen to explain away what the Postmaster-General has said is necessary for this service, $75,000 more to meet the sea and inland postage.

Mr. BLOUNT. Mr. Chairman, the gentleman seems to be very much disturbed because the estimate originally made is to be brought lower, and he complains of the modification made by the Postmaster-General. He wants to insist that the original estimate, which is the highest, is probably, therefore, the best. Now, sir, we know that there is nothing more common than for estimates in every branch of the public service to be made too high.

Not a single appropriation is considered here at any session of Congress in which gentlemen on either side do not find that to be the case. The Postmaster-General has seen fit to revise his estimate and to give his reasons for the revision. I frankly confess that when I saw the estimate as it was originally made by the Superintendent of Foreign Mails I thought it was too high. They have an old and well-established custom of adding a certain percentage for each year, and they have some high-sounding phrases about the "return of peace and prosperity," and upon that basis they make their estimates; so when I read this report of the Superintendent of Foreign Mails I saw that he had repeated the old fromula, and I thought it quite likely that his estimate was too high. For this reason I am not surprised at the modification made by the Postmaster-General.

The gentleman from Michigan [Mr. BURROWS] says that the first statement that fourteen vessels that were calculated as being of American register are not of American register, is untrue. From what source does the gentleman get his information? The Post-Office Department speaks from the records of the Treasury Department, ascertains the facts officially, as it may, and it is upon that sort of information that the Postmaster-General makes this statement. If the Treasury Department misstated the facts, or if the Post-Office Department has not intelligence enough to make a correct statement of the information which it obtains from the Treasury Department, then I am at a loss to know what to do. But I am inclined to take the statements of these officials rather than the opinion of my friend from Michigan [Mr. BURROWS], who has not had much to do with administration and therefore can not have the familiarity that these gentlemen presumably have with matters pertaining to their special duties. But the gentleman objects again to the second reason, in relation to the Cuban line.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BLOUNT] has expired.

Mr. BLANCHARD was recognized, and yielded to Mr. BLOUNT.

Mr. BLOUNT. My friend from Michigan has referred to the other factor in this reduction, the Cuban line.

Mr. BURROWS. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. BURROWS. Do you think you ought to take out the two vessels indicated as of foreign register in the New Zealand service, when you have already taken some $20,000 as the amount agreed upon to be paid to that government for the service? Do you want to take it out twice?

Mr. BLOUNT. There were not two vessels of foreign register in that line.

Mr. BURROWS. I beg pardon. It is so indicated in the report.

Mr. BLOUNT. It is not so stated by the Department.

Mr. BURROWS. It is so indicated.

Mr. BLOUNT. Oh, I know; but at this time there are three vessels, two of them of American register; only one is a foreign vessel.

Mr. BURROWS. But the Postmaster-General states otherwise.

Mr. BLOUNT. Yes; but a later examination has been made as to the vessels.

Mr. BURROWS. Very well. Then the deduction for fourteen vessels is erroneous.

Mr. BLOUNT. It may possibly be, sir, as to one single vessel alone.

Mr. BURROWS. Another question. You take off the Cuban service, which is five vessels of foreign register, and you deduct the sum of $13,000 for that, and yet you deduct for the five vessels of foreign registry again. Upon what rule is that done?

Mr. BLOUNT. The gentleman seems to have analyzed the table to suit himself. I have taken this statement from the Post-Office Department as to the error in the calculation as to the fourteen vessels. I have not the tables themselves, and have not sought to examine them. When told by the officers of the Department that they have made inquiry at the Treasury Department and have ascertained that the previous statement was erroneous, I take it for granted that they understood what they were doing.

Mr. BURROWS. At page 822 of the report of the Postmaster-General there is a table which shows the fourteen vessels of foreign register. Five of those vessels belong to the New York, Havana and Mexican line. Now you say, "We must make a deduction for those five vessels because we can pay them only sea postage," and yet you have deducted the $13,000, and you use that to reduce the $75,000.

Mr. BLOUNT. I do not designate the vessels.

Mr. BURROWS. But you make a deduction for those vessels?

Mr. BLOUNT. I do, upon the statement of the Post-Office Department that there is an error in the original table.

Mr. BURROWS. All I desire to call attention to is, that you take out the $13,000 for the transfer of the Cuban service and then deduct for the five vessels which belong to that line. I say that is erroneous.

Mr. BLOUNT. I repeat again that as to the tables the gentleman has before him I have not sought to examine them. I have taken the official statement of the Department. It may be that the gentleman is in error himself in his analysis of the tables, but I have not undertaken to analyze it.

The gentleman has referred to the Cuban service, and he says the Postmaster-General did what he did simply for the purpose of reducing that service.

I wish to say that by the aid of this coast line of railway the mail is now being carried to Cuba more frequently and in shorter time than it was carried by these steamers. There is no difficulty up to this time; none is anticipated. It is expected that the Department will be able for the estimated amounts to provide for the service from Tampa, via Key West, to Cuba. Now, my friend will see at once that when no contract has been made, when the matter is necessarily *in futuro*, for me to state on behalf of the Postmaster-General what amount is estimated for in the bill would not be consistent with the interests of the public service.

[Here the hammer fell.]

Mr. STEELE obtained the floor and yielded to Mr. BLOUNT.

Mr. BLOUNT. I am sure my friend from Michigan, when he understands that this service is in contemplation, will not ask me to disclose the views and plans of the Post-Office Department, when that exposure might put the Department at the mercy of persons who are seeking to contract with it. Therefore I think I have said enough on this point.

In the RECORD of to-morrow morning the gentleman will find a document which I have asked to have printed showing the arrangement which has been made with New South Wales and New Zealand in reference to the carriage of that service. There is no contract. Two out of three of the vessels engaged are American. The Postmaster-General has simply stated that he is willing, if Congress permits, to allow them a sum less than one-half of the sea and inland postage for the transmission of that mail. He has reserved the right on the part of Congress to terminate the arrangement at any moment.

In fact he disclaims the existence of any contract. But so long as the American vessels engaged in the transportation of those mails are getting the sea and inland postage he will not interfere, and so long as the foreign vessels are getting the sea and inland postage he will not interfere, if Congress should not see fit to do so. He has simply made a large saving for the Government of the United States on the propositions of these governments, and that is the whole story. If any person, after an examination of this arrangement, can find complaint against the Postmaster-General for it—I mean any person outside the Pacific Mail Steamship Company, which seems to be hounding him to the extent of its power—then I would like to hear such complaint.

Mr. HEWITT. Do I understand the gentleman to say there is no complaint in regard to the action of the Postmaster-General?

Mr. BLOUNT. Oh, no; I refer particularly to that contract.

Mr. PHELPS. Mr. Chairman, I am one of those who voted in the last Congress to authorize the Postmaster-General to give $400,000 to American vessels for carrying foreign mails.

It was $400,000; not much compared with the millions that England, France, and Germany gave, but more than Holland gave that year and much more than we gave the year before. Then it was $50,000; $50,000 to American ships and $300,000 to English ships. So this was a gain. It was a step in the right direction. It inaugurated a new policy. It accomplished two purposes dear to the American heart: It fostered American manufacturers by getting them their share in the new markets of the world; and American shipping, by giving it protection against foreign competition. So we were glad to vote for it; the gladder, because it was about the only opportunity that Congress gave us to vote for anything the people wanted. It had 80 Democratic majority, but it gave us opportunity to provide for the Presidential succession, though only one life deferred a vacancy, for which no provision had been made; no opportunity, though the business world prayed for it, to free the hands of honest debtors and restore them to self-supporting activity; no opportunity to stop them, though our mints spawned a base coin which the people refused to take except on compulsion, and whose decreasing worth the markets of the world daily recorded. It gave us an opportunity to cut away 20 per cent. of the tariff, which protected American wages, that the party which had already clipped 20 per cent. from the poor man's dollar might boast that it had consistently clipped 20 per cent. from the poor man's pay. [Laughter.] But this effort to maim American industry was defeated by the Republican members, aided by a few Democratic members who preferred country to party; and this measure to aid American industries was passed by the same holy alliance, not without a struggle. The debate was the most spirited of the session, the discussion was renewed at every stage, and the objections, already heard three or four times, were most ably summed up by the great Indiana objector to all progress [laughter] on the last night of the session, when it passed.

And what good came of it all? English ships still carry our mails; English sailors still get our money. Why? Did the President veto the measure? Was the Treasury unable to furnish the money? No. One of his Secretaries repealed the provision. He pitied a Congress which could not see the force of objections four times rehearsed to them, corrected their judgment, and overruled their decisions. And we are, alas! without consolation or redress.

We can not assume, as our friends on the other side try to, that the wisdom of the Portmaster-General, because it happened to be acquired without legislative experience, is greater than that of all Congress.

Nor can we blame ourselves that we used to the Postmaster-General language ordinarily used by Congress to convey its wishes to the head of a Department, and did not change the courtesy of permission and authorization to the vigor of a command. No one had told us the need of change. No one had told us that the policy of the mikado had entered the Cabinet, and that in the Post-Office Department we should find "the Poo-Bah of the administration;" and, in the same person, the Postmaster-General, the President of the United States, and its Congress; one who with triple assurances could as Postmaster-General refuse to execute any provision for our mails, or as President veto, or as Congress repeal it. [Applause.] I know well enough that the friends of American industry on the sea or land are, by reason of an ecclesiastical blunder for which they are not to blame, made powerless to do anything except to protest, and I only rise up in their name to protest against this irregular veto, which is as insulting to the dignity of Congress as it is harmful to the business of the American people. [Laughter and applause.]

Mr. BLOUNT. I move that the committee now rise.

Mr. HOLMAN. For what purpose?

Mr. BLOUNT. To limit debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole on the state of the Union had had under consideration the Post-Office appropriation bill, and had come to no resolution thereon.

Mr. BLOUNT. I move that the House do now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill; and pending that, I move that all debate upon this paragraph, and all amendments thereto, be limited to five minutes.

Mr. HOLMAN. I trust my friend from Georgia will not limit debate.

Mr. BLOUNT. How much time does my friend want?

Mr. HOLMAN. I shall only desire to occupy five minutes myself, but I would suggest that the gentleman make it ten minutes at least.

Mr. BLOUNT. Then I move to limit debate to ten minutes.

Mr. HISCOCK. Mr. Speaker, how is this time proposed to be divided?

The SPEAKER. That, of course, is not for the Chair to determine.

Mr. HISCOCK. Then I ask the gentleman from Georgia.

Mr. BLOUNT. I suppose five minutes on each side.

Mr. HOLMAN. Then I trust the gentleman from Georgia will allow more time.

Mr. BLOUNT. The gentlemen on the other side have just occupied ten minutes.

Mr. HOLMAN. I move to amend by making it twenty minutes.

Mr. BLOUNT. I will accept the modification the gentleman suggests, and make it twenty minutes.

Mr. REED, of Maine. Ten minutes on each side.

The motion to limit debate to twenty minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Post-Office appropriation bill, and by order of the House all debate in committee upon this paragraph and all amendments thereto is limited to twenty minutes.

Mr. HOLMAN. Mr. Chairman, the range of the debate has gone far beyond the original proposition. It is alleged that the Postmaster-General, in the exercise of the discretionary power conferred upon him by the legislation of the last Congress, arbitrarily refused to carry out the will of Congress touching the $400,000 appropriated by the act of the 3d of March, 1885, to encourage and facilitate the carrying of the foreign mails in American vessels. It is charged that the Postmaster-General arbitrarily refused to expend this $400,000.

The gentleman from New Jersey [Mr. PHELPS], in his elegant language, denounces this as an interference with the interests of labor in this country, and an effort to impair the interests of the American people involved in our foreign commerce.

The meaning of all this, Mr. Chairman, is that the Postmaster-General was directed by Congress to apply the $400,000 referred to to encourage American shipping, which statement is of course without foundation. But what are the facts?

The terms of the act making this appropriation simply authorize the expenditure. "The Postmaster-General is hereby authorized," &c., are the terms of the law.

A discretion was vested in the Postmaster-General as to whether the money should be expended or not. The measure could not have passed this House, even at the late and pressing hour when it finally did pass,

had it not been for the assurance given by the gentleman having charge of the measure on that side of the House that it left the entire discretion with the Postmaster-General. I have before me the words uttered by Mr. Horr, of Michigan, who brought forward the proposition in the House and was its champion from the beginning.

Mr. Morse remarked:

Then it is entirely optional with the Postmaster-General to use the appropriation or not, as he may see proper?

To which Mr. Horr responded:

Every dollar of it is left to his judgment. If he does not think the service demands that the contract should be made with any vessel or any route, he need not make it.

And under this assurance, by 10 majority, the House agreed to the amendment.

The language of the appropriation confers in unequivocal terms that discretion on the Postmaster-General. The Postmaster-General refused to expend it. And, sir, the tone of public sentiment throughout this country has unquestionably sustained the Postmaster-General in refusing to expend that money. Who condemns the Postmaster-General? Who is the complaining party? The Pacific Mail Steamship Company and their attorneys have raised this clamor. They have spoken through portions of the public press. They speak in terms of unequivocal denunciation of the Postmaster-General for what they term the arbitrary exercise of power in refusing to expend the public moneys placed in his charge.

Is it for that company to stand in this House and arraign a public officer for default in his duty? Not long ago—so short a time since, indeed, that many of the gentlemen now on this floor remember the details of the event—a committee of this House reported, after a laborious investigation, that this same clamorous corporation now demanding a large portion of this $400,000, had expended $900,000 to carry through Congress the bill by which that company obtained a subsidy of $500,000 a year from your Treasury for ten years. Nine hundred thousand dollars! For what purpose did they spend that large sum of money? To corrupt the legislative branch of your Government. And yet that company is permitted to have a voice here in demanding that the Postmaster-General shall be censured for not obeying its demands in the expenditure of public money, and that too where a discretion was vested in him whether it should be expended or not.

I do not hesitate to say that no public officer in the history of this country in performance of a public duty has acted more wisely, more in the public interest, than the Postmaster-General did in refusing to submit to the dictation of that corporation, which, with a record such as I have mentioned, still demands money from the public Treasury for a service which other companies more American than that corporation were rendering upon the old terms of the sea postage alone, and which in the judgment of the Postmaster-General in 1864, at the period of high prices, when the compulsory act so much complained of was passed, was ample compensation for the service rendered. The Postmaster-General wisely refused the demand of this corporation, and no public interest has suffered.

[Here the hammer fell.]

Mr. BURROWS. I only desire to say that the American Congress will beat any body on earth for discussing a question not before it. The matter discussed by the gentleman from Indiana [Mr. HOLMAN] has not the slightest reference to the amendment I have proposed. My proposition is to increase the appropriation sufficiently to pay the sea and inland postage on American lines. That has nothing under the sun to do with the Pacific Mail Steamship Company, no more than with any other line.

Mr. HOLMAN. I was responding to the remarks of the gentleman from New Jersey [Mr. PHELPS].

Mr. BURROWS. The sea and inland postage is not a subsidy. That is fixed by law. It is a statute to-day, and I am simply contending for the increase of this appropriation to the full amount of the sea and inland postage; and gentlemen, in reply, summon up the ghost of the Pacific Mail Steamship Company. That is childish.

The simple question is whether we shall pay the American lines or appropriate enough to pay the sea and inland postage, what the law allows, or whether we shall not. The Postmaster-General, in his report, said you must add to the $350,000 $75,000 more, making the appropriation $425,000. That is my amendment. The bill appropriates but $375,000—$50,000 short of the estimate.

The chairman of the committee has tried to explain this reduction. His explanation is not satisfactory to me. I do not believe it is sound, and I want to say right here that there is no danger in appropriating too much. Let us appropriate the full amount of the sea and inland postage as estimated by the Postmaster-General. He is not compelled to use it. He has discretion in the matter; he may use the entire amount of the sea and inland postage, or if he sees fit he may use any amount less than either. So there is no danger in making the appropriation to the full amount of the sea and inland postage as estimated by him. That is precisely my amendment, and that is all there is of this question. I yield the balance of my time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I desire simply to call the attention of the committee to one fact brought out by the gentleman from Georgia [Mr. BLOUNT] which illustrates the method in which we are treating American steamships. In the report of the Postmaster-General it was stated that sea and inland postage only, which is a very small and inadequate compensation, would give to the American-Australian line $39,000 for mail service. It is now proposed in the statement that has been made as coming from the Postmaster-General to avoid the payment of even the sea and inland postage to the American-Australian line by making a private contract with the New Zealand Government, by which they allow us to put our mails into their bags and put them aboard American steamship lines and have them carried under a contract with the New Zealand Government. In other words, instead of paying the American-Australian steamship line $39,000 for American service, as was proposed by the Postmaster-General even in his report, it has been discovered that an evasion may be made of that, and that by a private contract with the Government of New Zealand every dollar of that $39,000 may be withheld from the American steamship line, and $20,000 instead paid to the New Zealand Government.

I desire, Mr. Chairman, simply to call the attention of the committee to this, because it illustrates every step that has been taken in the progress of the present administration of the Post-Office in its treatment of American steamship lines. Instead of treating them liberally and generously even in the purview of law, there has been a disposition at every step to avoid giving them compensation whenever it could be done. I desire, Mr. Chairman, to call attention again to the fact that sea and inland postage to the Australian steamship line, which gives $39,000, is compensation; but that compensation is arrived at under the law simply from the fact that the sea and inland postage to Australia and New Zealand is 12 cents instead of 5 cents, as it is to every other foreign country within the Postal Union. Therefore, if $39,000 is appropriate compensation for the Australian line, as is admitted by the Postmaster-General, then sea and inland postage on every other route is inadequate compensation, because on every route to every other foreign country within the Postal Union the sea and inland postage is only 5 cents per letter. Another point: The suggestion is made by the gentleman from Georgia [Mr. BLOUNT] that the repeal of the law providing that American steamships should be obliged to carry our mails at the rate that the Department might provide was obtained in an improper manner.

The gentleman said that the report of the committee of conference explaining the effect of the repeal of the compulsory law was not stated to the House. I desire to call his attention to the fact that that statement is demonstrated to be incorrect by a reference to page 5452 of the CONGRESSIONAL RECORD, where it appears that General Slocum, who was chairman of the committee of conference, reported not only the exact terms of the compromise which had been agreed upon by the conference committee, but also a statement in detail showing the effect of it. I am satisfied that the gentleman [Mr. BLOUNT] did not intend to do injustice to that committee, but by reference to the page of the RECORD I have indicated he will find that he did.

The CHAIRMAN. The time of the gentleman from Maine [Mr. DINGLEY] has expired. The committee will rise informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 44) providing for the erection of a public building at San Antonio, Tex.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. RANDALL. Mr. Chairman, I want only half a minute to emphasize some of the statements of the gentleman from Indiana [Mr. HOLMAN]. The motive of the House that passed this appropriation which has been called in question was to leave the discretion with the Postmaster-General. The language of the law left it there, and the Postmaster-General exercised it wisely and in obedience, as I believe, to the will of a vast majority of the people of the United States. Therefore, in my judgment, it is becoming under the circumstances that men on all sides of this House should approve his conduct; but especially should gentlemen on this side of the House commend his action in this matter.

Mr. BLOUNT. Mr. Chairman, the gentleman from Michigan [Mr. BURROWS] has correctly stated that this debate has run away from the proposition contained in his amendment, and I concede that he is not responsible for it, and that the gentleman from New Jersey [Mr. PHELPS] alone is responsible. His mind has recurred to a most disastrous Presidential campaign in which he figured as the chief leader of the Republican canvass, and, with that unpleasant recollection in his memory, instead of bearing the responsibility of the failure, he brings up a poor clergyman here before the American people and attempts to make him responsible.

Mr. REED, of Maine. And, thanks to the kindness of a Democratic politician, that "poor clergyman" is now a little better off than he was at the time to which the gentleman refers. [Laughter.]

Mr. BLOUNT. The gentleman from Maine [Mr. REED] does well

to come in to aid his friends. Mr. Chairman, I do not think there is any just cause of complaint about this matter. It is all right. We have a better administration of public affairs than we could possibly have hoped for had the result been otherwise.

Mr. WEAVER, of Iowa. It was purely providential. [Laughter.]

Mr. BLOUNT. Yes, providential; and providential because it was right that it should take place.

But, Mr. Chairman, I will not occupy time in discussing this affair between my friend from New Jersey [Mr. PHELPS] and the clergyman. I invite the gentleman from New Jersey to resume the struggle with his clerical friend at some other place and time, and allow the public business here to go on. [Laughter.]

Now, during the discussion on this four-hundred-thousand-dollar clause, there was nothing more earnestly presented on the part of the gentleman from Maine [Mr. DINGLEY] and other gentlemen on that side of the House than the proposition that this was not a subsidy; that the object was simply to give ample mail pay, and that the discretion was vested in the Postmaster-General as to how the fund should be used or whether it should be used.

Mr. DINGLEY. Discretion inside the law, not outside the law.

Mr. BLOUNT. The gentleman from Maine proclaimed that there was no subsidy in it, and asked the House to say that the four hundred and fourteen trips a year across the Atlantic should be reduced to a semi-weekly mail; that the money paid to the foreign steamships should be concentrated for the purpose of giving us a semi-weekly mail; that the commerce of the country should be embarrassed and the mails made less frequent, all for the purpose of giving $270,000 to American steamships—and yet there was no subsidy!

Now I want to say to gentlemen on the other side of the House who have seen fit to oppose the Postmaster-General that not only is the Postmaster-General responsible, but the President and his Cabinet are responsible, and this side of the House proposes to be responsible in this matter before the American people.

Mr. BOUTELLE. That is what we want.

Mr. BLOUNT. Yes; and that is what you will get—not a subsidy. We will see to it that no House is coerced hereafter in voting an appropriation for the Pacific Mail Steamship Company or any other steamship company in the name of a subsidy and under the threat that there shall be no postal appropriations without it. Gentlemen here will find, I trust, ample will and ample capacity to take the responsibility of indorsing the Postmaster-General for exercising a wise discretion and saving to the American people the sum of $400,000. We are willing to take that responsibility.

The CHAIRMAN. The time to which debate on this paragraph was limited has expired. All formal amendments will be regarded as withdrawn. The question is on the amendment of the gentleman from Michigan [Mr. BURROWS], which the Clerk will again read.

The Clerk read as follows:

In lines 81 and 82 strike out "$375,000" and insert "$425,000;" so that the paragraph will read:
"For transportation of foreign mails $425,000."

The question being taken on agreeing to the amendment, there were—ayes 82, noes 106.

Mr. BURROWS. I think we had better have tellers. It will take but a moment. I call for tellers.

The tellers were not ordered.

So the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. BLOUNT. I move that the committee rise and report the bill to the House.

The motion was ageed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and had directed him to report the same without amendment and with a recommendation that it do pass.

Mr. BLOUNT. I call for the previous question on the engrossing and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BLOUNT. I call the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was ageed to.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. DIBBLE. I rise to a privileged question. I ask the Clerk to read the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 44) making appropriation for the erection of a public building at San Antonio, Tex., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with the following amendment: Strike out the words "one hundred and fifty thousand dollars" and insert the words "so herein limited;" and that the House concur in the same.

SAMUEL DIBBLE,
SEABORN REESE,
W. H. WADE,
Managers on the part of the House.
WM. MAHONE,
RICH'D COKE,
JOHN C. SPOONER,
Managers on the part of the Senate.

The following statement accompanying the report was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 44) for the erection of a public building at San Antonio, Tex., submit the following statement in explanation of the accompanying report:

The effect of the action of the conference committee is that the limit of cost of the public building at San Antonio, Tex., is fixed at $200,000, as proposed by the Senate, instead of $150,000 as proposed by the House in its amendment numbered 1; and that the proviso inserted by the House precluding purchase of site until estimates show that the balance of the limit will suffice for erection of a suitable building to accommodate the needs of the Government, as proposed by the House in its amendment numbered 2, is retained in the bill.

SAMUEL DIBBLE,
SEABORN REESE,
W. H. WADE,
Managers on the part of the House.

Mr. REED, of Maine. I will ask the gentleman from South Carolina [Mr. DIBBLE] whether there was any considerable struggle in the conference committee to preserve the limit of $150,000 which the House had put on this bill? [Laughter.] Did the House conferees exert themselves as they ought to have done?

Mr. DIBBLE. I will state that the managers on the part of the House took the matter into grave consideration; and the conference occupied about twenty minutes.

Mr. REED, of Maine. I only wanted to learn how far the spirit of economy actuated the conferees.

The question being taken on agreeing to the report,

The SPEAKER said: The noes seem to have it.

Mr. HOLMAN. I hope we shall have some explanation of this report.

Mr. DIBBLE. The explanation is in the statement of the managers that the Senate sent over a bill limiting the cost of this building to $200,000, the House amended it by fixing $150,000 as the limit; and the House conferees, on the showing made at the conference, deemed it advisable to recede, in view of the guarantee of the second amendment that this amount would not be exceeded.

The question being again taken on agreeing to the report, there were—ayes 45, noes 37.

Mr. SPRINGER. I make the point that no quorum has voted; and pending that I move the House adjourn.

The motion was agreed to; there being ayes 76, noes not counted.

LEAVE TO PRINT.

Mr. TAULBEE and Mr. HOLMAN, by unanimous consent, obtained leave to extend in the RECORD their remarks on the Post-Office appropriation bill.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of certain citizens of Richmond County, Georgia, for the passage of the Blair bill—to the Committee on Education.

By Mr. BUTTERWORTH: Petition of W. C. Dodge and 50 others, praying for a provision in the appropriation bill requiring the commissioners of the District of Columbia to construct sewers in certain localities named in petition—to the Committee on Appropriations.

By Mr. COLE: Petition of Knights of Labor of Baltimore against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DAVENPORT: Petition of citizens of Bath, N. Y., for a tax on oleomargarine, &c.—to the Committee on Ways and Means.

By Mr. DUNN: Petition of Margaret Ray and Joanna Summers, of Phillips County, Arkansas, for reference of their war claim to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Margaret A. Ray and James Summers, of Phillips County, Arkansas—to the same committee.

By Mr. ELDREDGE: Petition of 58 citizens of Saline, Kans., for the passage of the bill granting a pension to the soldiers and sailors who served

in the war of the rebellion, and the widows and orphans as therein stated—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petition of the Commercial Exchange of Philadelphia, urging the passage of the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of clerks of the United States quartermaster's office at Saint Paul, Minn., against the passage of House bill 6395—to the Committee on Military Affairs.

Also, petition of clerks of the United States quartermaster's office at Santa Fé, N. Mex., against the same—to the same committee.

Also, memorial of John F. Donahauer, for a pension—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Local Assembly No. 3287, Knights of Labor, of Au Sable, Mich., against free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. FUNSTON: Remonstrance against the passage of the free-ship bill, from the Knights of Labor of Kansas City and of Armourdale, Kans.—to the same committee.

By Mr. GIFFORD: Petition of Mrs. J. C. McVay and other ladies of Yankton, Dak., praying for the passage of the Sioux reservation bill—to the Committee on Indian Affairs.

By Mr. HIRES: Petition of many citizens of Millville, N. J., praying that no reduction be made in duties on glass—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of Knights of Labor, Local Assembly No. 4789, of Hudson, N. Y., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. LINDSLEY: Petition for taxing artificial butter—to the Committee on Ways and Means.

Also, petition from the Knights of Labor, in opposition to free ships—to the same committee.

By Mr. LONG: Petition of Rebecca Wiswell, a nurse in the late war, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the American Local Science Association, for national aid to education of illiterates—to the Committee on Education.

By Mr. McKINLEY: Petition of Local Assembly No. 190, Knights of Labor, of Thomaston, Ohio, praying against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, resolutions of the General Assembly of Ohio, insisting upon the restoration of tariff on imported wools as established in 1867—to the Committee on Ways and Means.

Also, resolutions of State encampment, Grand Army of the Republic, Columbus, Ohio, favoring amendment to section 1754, Revised Statutes—to the Select Committee on Reform in the Civil Service.

Also, petition of Edward Holden, of Mineral Point, Ohio, giving plan for the settlement of capital and labor troubles—to the Committee on Labor.

Also, memorial concerning the abolition of the Presidency—to the Committee on the Judiciary.

Also, resolution favoring bill to require scientific study of the use of narcotics and stimulants, passed by the Women's Christian Temperance Union of Canton, Ohio—to the Committee on Education.

By Mr. O'DONNELL: Petition of 8 ladies of Quincy, Mich., officers and members of the Women's Christian Temperance Union, asking for an amendment to the Constitution extending the right of suffrage to women—to the Committee on the Judiciary.

By Mr O'FERRALL: Petition of Benjamin Bowman, of Samuel Cline, of Rockingham County; of Thomas H. Rollins, of Rappahannock County; of Mrs. Elizabeth Richardson, of Warren County; and of Noah M. Funkhouser, of Shenandoah County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PAYNE: Petition of Charlotte C. Bates and others, of Auburn, N. Y., for temperance text-books in schools of the District of Columbia, &c.—to the Committee on Education.

By Mr. PERKINS: Petition of Local Assembly No. 2842, Knights of Labor, of Arkansas City, and of Local Assembly No. 535, Knights of Labor, of Scammonville, Kans., protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. RANDALL: Petition of Sarah Hayes, for a pension—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Rufus Jay, for increase of pension—to the Committee on Pensions.

By Mr. RICHARDSON: Petition of Mrs. M. R. Gannaway, of Bedford County, Tennessee, asking compensation for putting on the market certain inventions—to the Committee on Patents.

By Mr. SCRANTON: Petition of Local Assembly No. 222, Knights of Labor, of Scranton, Pa., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SNYDER: Petition of William Willard, of Charleston, W. Va., and of John S. Malcolm, of Nicholas, W. Va., for reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of William H. Jackson, of Madison County, and of estate of J. R. Alston, of Madison County, Tennessee—to the same committee.

By Mr. ZACH. TAYLOR: Petition of R. D. Jordan, guardian of minor children of Claiborne De Loach, deceased, of Shelby County, Tennessee, for relief—to the Committee on Claims.

By Mr. WAIT: Papers in the pension case of Rufus D. Curtiss to go with House bill 6680—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Joseph A. Clarke, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition of citizens of Indiana County, Pennsylvania, in support of the claim of John Montgomery—to the same committee.

By Mr. WILLIS: Petition of Bishop Halsey, of African Methodist Episcopal Church, and 175 others, praying for the passage of the educational bill—to the Committee on Education.

By Mr. WILSON: Papers relating to the claim of Thomas H. Willis; of John J. H. Straith; of Francis Yates, of Jefferson County, West Virginia; of Robert Miller, of Augusta County, and of Eliza T. Pearce, of Fauquier County, Virginia—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. W. J. GREEN: Of Rev. Theodore Whitfield, S. H. Isler, and 84 others, citizens of Wayne County, North Carolina.

By Mr. LORE: Of Charles M. Curtis and others, of Wilmington, Del.

By Mr. NELSON: Of Rudolph Zimmerman and others, of Clay and Morrison Counties, Minnesota.

By Mr. SEYMOUR: Of E. P. Herrick and others, of Fairfield County, Connecticut.

By Mr. WAKEFIELD: Of H. A. Bushnell and others, of Blue Earth County, Minnesota.

SENATE.

WEDNESDAY, *April* 7, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Kootenai County, Idaho, praying for the passage of the bill to annex North Idaho to Washington Territory; which was referred to the Committee on Territories.

He also presented a memorial of Knights of Labor of East Liverpool, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. BLAIR presented a petition of Knights of Labor of Salmon Falls, N. H., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. INGALLS presented two petitions of citizens of Montgomery and Labette Counties, in the State of Kansas, praying for the passage of the bill dividing the State of Kansas into two Federal judicial districts; which were referred to the Committee on the Judiciary.

He also presented memorials of Knights of Labor of Scammonville, Arkansas City, Parsons, and Armourdale, in the State of Kansas, and a memorial of Local Assembly No. 2005 of Knights of Labor of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. HARRISON presented memorials of Knights of Labor of Frankfort and South Bend, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. MILLER presented a petition of merchants and importers of New York city, in favor of the passage of a bill to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public in certain matters connected with the custom-house; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen and to increase their pensions, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1311) for the relief of the administrators of the estate of Isaac P. Tice, deceased, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 535) for the relief of Coronna, Taussig & Co. and others, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2078) for the relief of Coronna, Taussig & Co. and others; which was read twice by its title.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama, reported it with an amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 1002) for the relief of the officers and crew of the light-house tender Lily and the inspector of the fourteenth United States light-house district, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report, accompanied by a bill (S. 2073) for the relief of the officers and crew of the light-house tender Lily and the inspector of the fourteenth United States light-house district; which was read twice by its title.

BILLS INTRODUCED.

Mr. WALTHALL (by request) introduced a bill (S. 2069) for the relief of Katharine C. B. Merrill, executrix of Ayres P. Merrill, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2070) referring to the Court of Claims the claims of General T. T. Garrard and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 2071) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2072) for the relief of S. M. Hamilton, of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLUMB (by request) introduced a bill (S. 2074) to incorporate the United States and Congo National Emigration Steamship Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB. I ask, inasmuch as the bill has relation to the petition I presented yesterday in regard to emigration to Africa, that the petition also go to the Committee on Commerce instead of the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection that change of reference will be made.

Mr. WILSON, of Iowa, introduced a bill (S. 2075) granting a pension to Jackson Chapman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes relating to the hours of labor; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PLATT introduced a bill (S. 2077) granting a pension to Catharine S. Hewit; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 44) providing for the erection of a public building at San Antonio, Tex.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 197) to increase the pension of Florence Murray;

A bill (S. 683) granting a pension to Henry O. Hill;

A bill (S. 811) granting a pension to Mrs. Susan Gilman;

A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam;

A bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague;

A bill (S. 1363) granting a pension to William Blanchard;

A bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River;

A joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission; and

A joint resolution (H. Res. 73) authorizing the printing of committee report.

TAX ON CORPORATIONS—PENSION FUND.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on Finance be directed to inquire and report upon the following questions:

1. Has Congress the power to lay a tax in any form on the capital stock of corporations in the United States and Territories and the District of Columbia?
2. Is it just and expedient to levy such tax?
3. Can such tax be imposed in the form of a license to such corporations to continue their business operations?
4. What classes of corporations should be exempt from taxation?
5. That said committee further inquire whether it is expedient to set apart the money to be derived from such taxation as a special fund for the payment of pensions; and, if so, what percentage of taxation will raise a sum that will be adequate for that purpose?

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. CALL. I ask consent to take from the table the resolution submitted by me relating to the forfeiture of lands granted to railroads.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL January 28, 1886, as follows:

Resolved, That all railroad land grants heretofore made where the land was not earned by the completion of the line of railroad and the performance of the conditions required by the granting act within the time required therein, and where the time has not been extended by an act of Congress, or shall not hereafter be extended, shall be declared forfeited and opened to homestead entry and cash entry in small bodies, securing to actual settlers the preferred right in all cases to make entries of their homes to the extent of 160 acres, and confirming to all purchasers of town sites, where lots have been sold and improvements made, their title to the same.

And the Committee on Public Lands is hereby instructed to report a bill to this effect to the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. LOGAN. I do not desire to interpose an objection to the Senator making the remarks of which he gave notice, but if it is going to interfere with the arrangement in reference to the Army bill I must certainly object.

Mr. CALL. I propose to move to refer the resolution to the Committee on Public Lands after I have concluded my remarks. I shall not ask the Senate to take any action upon the resolution but to refer it.

Mr. LOGAN. I will only say to the Senator that if the resolution takes more time than would seem to be proper at present, I shall claim the right to object to its further consideration. However, if the Senator is not going to take much time I willingly consent.

The PRESIDENT *pro tempore*. The business before the Senate in regular order according to previous understanding is the bill (S. 777) to increase the efficiency of the Army of the United States. The Senator from Florida asks the unanimous consent of the Senate to proceed to the consideration of the resolution which has been read. Is there objection.

Mr. LOGAN. I must object unless I can have an understanding as to how much time the Senator from Florida proposes to take.

Mr. CALL. I suppose I shall not occupy an hour, if so much as that.

Mr. LOGAN. If the Senator will take no more time than that I shall not object. We can then take up the Army bill about 1 o'clock. If the Senator will agree to that I do not object.

Mr. CALL. I agree to that.

The PRESIDENT *pro tempore*. The resolution is before the Senate by unanimous consent, and the Senator from Florida is entitled to the floor.

Mr. CALL addressed the Senate. [See Appendix.]

The PRESIDENT *pro tempore*. What disposition of the resolution does the Senator propose?

Mr. CALL. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore* appointed Mr. MANDERSON and Mr. HAMPTON members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy, at West Point, N. Y.

VISITORS TO NAVAL ACADEMY.

The PRESIDENT *pro tempore* appointed Mr. CAMERON and Mr. BLACKBURN members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Naval Academy, at Annapolis, Md.

HOUSE BILL REFERRED.

The bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, was read twice by its title, and referred to the Committee on Appropriations.

EFFICIENCY OF THE ARMY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of the morning hour.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) to increase the efficiency of the Army of the United States, the pending question being on Mr. HALE'S motion to strike out section 2.

Mr. HAWLEY. Mr. President, when I took the floor last evening I fancied that the Senate was feeling some interest in the question, as I certainly was for the time being. I confess that my interest has somewhat abated because of the evidence that the Senate is weary of this discussion. But some things have been said, sentiments have been advanced, and propositions made which are at least unsatisfactory to myself, and there being no objection I will proceed to soliloquize a few minutes for the benefit of the RECORD.

As a member of the Committee on Military Affairs I feel bound to say here what I said in the committee-room to justify the general provisions of the bill. I have been a little surprised at the nature of the opposition. I could have expected of course that it would be considered a question of discretion as to whether the Army should be increased to thirty thousand or not, but I was not quite prepared to hear that the necessity and functions of a regular army, or indeed of any regularly organized force whatever in this or any other government, is questioned.

I believe it was said, or if not something very near it, that the regular Army might be well dispensed with—might be entirely dismissed. It was not exactly asserted that the millennium had actually arrived and is at present pervading the earth, but only that we do not need an army. Its value in the past was questioned. I think it was said that it was not specially valuable in the opening of the rebellion, and the reason given for that was partly because it was not large enough, and now an objection is made to making it larger for any possible contingency!

The gentleman who took that view evidently forgot that the finest example of fidelity to the flag given by any class of citizens of the United States beyond all odds was given by the private soldiers of the regular Army, who refused in a certain case to be surrendered, and who never so far as I know in a body anywhere, so much as a company of them, went over to what we tried to prove was the wrong side. I have been informed since yesterday that one commanding officer in the confederate forces did have a company made up of regular soldiers. That is the first time I ever heard that a single man of the Army that existed at the beginning of the rebellion in 1861 went over to the wrong side of the house.

One is tempted to go back to the very foundations of the theories of government to endeavor to show that force is necessary as well as law in the organization of society and government; that without something to back it, something if you choose in the nature of irresistible, and crushing, cruel force law is useless. It is a mere affectionate request to the rioter, to the disobedient, to the turbulent and criminal classes—an affectionate request to them to please to be good citizens.

The existence of this power does not of necessity mean that it is to be used frequently or ought to be used rashly. If it is understood it is there in some force, of some account, ready to be called into action, the odds are it never will be required at all. If the turbulent see that the effect of an outbreak on their part would be to call down upon them instant annihilation, the odds are we shall have no outbreak. But if there were in a well-governed country a proper military force ready to be called out to sustain the civil officers and it should go on for a hundred years without the necessity of their ever killing a person in a riot, the argument I suppose would be that all that money had been wasted during those hundred years, whereas the proper argument would be that no such money was ever so well invested.

I hope no regular Army of the United States will ever again be called upon to suppress anything in the nature of an insurrection or to put down any resistance to civil process of any description, but I do not expect so delightful a result just at present. It is an old saying that it is the unexpected that happens. No man knows how soon or when we may be called upon to vindicate the supremacy of the civil law.

The history of the use of force in peace times is an exceedingly interesting one. If the student will go into the history of English custom and legislation from which we inherit our laws and traditions and our present organizations, he will find it as interesting as any other portion of English history. There was always supposed to be an armed force back of the civil power. The ancient laws of England required every man to be provided with a bow and a certain number of arrows, and men of certain conditions to be provided with horses and fully equipped. In short, the whole nation was an armed camp.

The phrase "posse comitatus" to us now simply implies a collection of unarmed and helpless citizens; but the ancient English officer summoning the posse comitatus, summoned a body of armed men, often organized and drilled men, from the neighborhood, for everybody was in a military organization; and the nobility of higher or lower degree had their armed retainers about them. Time passed on, and depending upon what they called their benevolences or their forced loans and their private property and robberies of various kinds, kings assumed to keep a force of armed men for their own purposes, and that naturally gave rise to that extraordinary jealousy of a standing army, which is our inheritance from the English people, and which is maintained long after the original reasons for such a jealousy have departed.

The controversies during the time of Charles II and James II, resulting in the accession of William and the Declaration of Rights, reorganized the British nation in that respect, and gave Parliament the absolute control of every shilling for an army, and made it impossible to maintain it longer than a year. Since that time the English army has ceased to be a dreaded weapon in the hands of the government. It is regarded there now as emphatically as it is here as the mere instrument of the civil power to command respect, only possibly to be used and not likely to be used.

Our forefathers, whose wisdom I assert is becoming more evident from day to day, left nothing uncertain in this matter of the element of force—the indispensable element of force in government. It is all there. There is the power on the part of the rickety, humpbacked sheriff riding on a donkey, whom a schoolboy could turn over, to call out the regiment of the county to sustain him. The sheriff can do it; the deputy sheriff can do it; the justice of the peace can do it. There is always the musket and bayonet with the constable and sheriff everywhere, in theory and sometimes in practice. Next above that comes the organized militia of the States, subject, in accordance with the traditions of English law and our constitutions and statutes, to be called out by the chief executive of the State and by the sheriffs of the counties. Next above and outside of that comes the regular Army of the United States, whose place and function are duly provided for in the Constitution. Look at its provisions:

The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

That is Article I, section 8, clause 12. The same article and clause, section 13—

To provide and maintain a navy.

Further—

To make rules for the government and regulation of the land and naval forces.

Further—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

And—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

This bill is only a part of what ought to be considered and ought to be done. It is merely one of the incidents in the scheme of the proper duties before Congress. The responsibility rests upon this Congress. Take the whole field of national defense and it is a fact that we are not only in a condition lamentable, but in a condition absolutely disgraceful. Excepting only the excellences of our regular Army, which I prize highly, in all other things we have fallen into a condition of "innocuous desuetude" and contempt.

With regard to this matter of the militia, whose creation and government is one of the high duties of this nation, let us see just where we are. Very few, I think, ever read the Federal statutes concerning militia. Every able-bodied citizen between eighteen and forty-five years of age is supposed to be enrolled in the militia. "It is the duty of every captain or commanding officer of a company to enroll every citizen residing within the bounds of his company." The existence of captains in sufficient quantity scattered duly all over the country is presupposed by the statutes. I call the attention of such Senators as are between eighteen and forty-five to the duties imposed upon them in the following section:

Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes.

Here is a puzzler for most of you:

Each commissioned officer shall be armed with a sword or hanger and spontoon.

If there were a civil-service examination, how many Senators, pray, can tell me what a spontoon is? And yet every officer of the organized militia of the whole eight or nine million people who are to be equipped must have a sword or a spontoon by the existing law. I am not reading from a museum; I am reading from a live statute of the United States, and that statute of 1792 has gone on without revision or correction or attention for now ninety-four years. That is the attention the Federal Government has paid to the militia of the several States, and yet we have been informed here by Senators that the militia will answer all the purposes of the Government, and it is not necessary to have a regular, permanent, organized standing army.

Mr. LOGAN. That statute was revised by a gentleman who did not know a musket from a rifle.

Mr. HAWLEY. It never has been revised; I think the statute never has been touched.

Mr. LOGAN. It is in the revision just as it is there; but I say it was revised by a gentleman who did not know very much about muskets.

Mr. HAWLEY. The revision was rather a compilation. The revisers were absolutely forbidden to change the law. It certainly was never sent to the Committee on Military Affairs for revision.

The militia of the several States, as a general proposition, are practically useless for any immediate purpose. The large majority of the States have not an organized militia at all—one that ought to be called such—have not one that can be called out by regiments, brigades, and divisions. They have scattered independent companies of gentlemen who parade for their own amusement. Not half a dozen States have given this subject respectable attention. New Jersey is one that has; I see I have the attention of the Senator from New Jersey. New York is another. To a very considerable extent it is true of New York, and also of Pennsylvania, and to some extent of Massachusetts. I am nearly at the end of the list.

There remains my own little State, of which I am always proud in everything, which has twenty-five hundred fully equipped soldiers. I can call them soldiers, well drilled, completely provided with knapsacks, blankets, tents, and everything else, all ready to take the train or the field in a few hours. So she equips them, and she pays them respectably. She performs her share of her duty under the Constitution, and it is not for her peace or interest that I am talking here.

Indeed I am not talking with reference to any present condition of affairs whatever, but repeating what I said nine, ten, and twelve years ago when discussing this identical subject; I am simply pleading that a government as great as ours should be in a condition always to command respect from every element of society. It is quite useless, it does not deceive anybody here, it does not deceive anybody anywhere else, to indulge in indiscriminate, fulsome, poetical laudations of the great and glorious American people. I believe in them as heartily as anybody else, and am as proud of them as anybody else; but burst all those bands of society and let these men loose, as for example they were set loose, English and Americans, to a limited extent in Australia or California in the early days of the gold discoveries—let them break away from law, and see what becomes of them. Let it be for half a dozen hours in New York or London or any one of the great centers of what is called civilization that the civil and military powers are helpless, and see how the shameful criminals come out from their holes, and riot reigns; theft, robbery, arson, and murder break loose. Yet these are a part of the glorious people whom we indiscriminately eulogize as faultless.

I do not distrust the majority of the American people, the great mass of honest citizens, the farmers and mechanics, whoever or wherever they are, however organized as Knights of Labor or anything else; but I say let it be supposed that the civil and military power are helpless for a day, and see who breaks out and blasphemes the name of liberty and dishonors the name of the laborer. Honest labor assembled in London some time ago, honestly and honorably, a large mass, to protest in Trafalgar Square against the existing condition of affairs. You can not reason with a man who is starving. At the same time from their holes and alleys came the bad elements. For a time it seemed as if London was helpless; the great capital of the boasted British Empire was helpless in the hands of what were really only a few thousand blackguards and thieves out of four million of citizens. No, sir; if you desire peace, be ready to meet the opposite. It is as true in the case of the riot at home as it is in the case of the foreign enemy.

Mr. TELLER. I dislike to interrupt the Senator, but as he referred to the condition of California and other sections, I should like to ask the Senator if he has any knowledge that there was any condition of affairs in that country anywhere at any time that required the use of the regular Army except in time of war?

Mr. HAWLEY. I am very glad of the question. I supposed I was speaking on a matter so well understood that amplification was not needed.

Mr. LOGAN. They had vigilance committees there.

Mr. HAWLEY. Exactly. California, in the absence of duly organized civil society, in the absence of even one company of well-drilled or regular soldiers, found itself in such a condition that the Anglo-Saxon, apparently trampling upon law, but really vindicating society and law, organized himself as a vigilance committee and ornamented the lamp-posts of the city with the villains. That was not a triumph over law. In one sense it was a triumph of law instinctively organizing for its own vindication. But one hundred regular soldiers, call them militia or whatever you please, I mean men accustomed to be soldiers, backing a resolute sheriff, would have dispensed with all that. The wholesome influence of that vigilance committee—alas! that we should ever be obliged to create one—the wholesome influence of that vigilance committee broods over that western coast to this day.

Mr. TELLER. I should like to ask one question. Does not the Senator think that a very much more wholesome influence was exerted by the action of the people than would have been if that condition of affairs had been put down by the regular Army?

Mr. HAWLEY. I am not speaking of the regular Army now. I am speaking of the force which theoretically is always behind the sheriff.

Mr. TELLER. We are speaking of the regular Army.

Mr. HAWLEY. I will come to that by and by.

Mr. TELLER. The Senator will allow me to suggest that at all times all the people are back of the sheriff.

Mr. HAWLEY. Yes, sir; so we are, the babies included; they are behind the sheriff; and the Senator is worth no more than a ten-year old child behind the sheriff as against a resolute, trampling mob. The Senator is not organized, or drilled, or trained. He is not in condition to help the sheriff much. I was speaking of the general element of force. Now I will go further and come to the regular Army. The Constitution of the United States has another clause——

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or of the executive (when the Legislature can not be convened), against domestic violence.

Suppose that a civil war should break out in the great Empire State of New York over some question of State organization purely. It might happen that there should be an army of one hundred thousand on each side conducting war on a large scale, surging over the State, fortifying, assaulting, flanking, advancing, retreating, in desperate war, and the United States Government would be compelled to stand by silent and idle, save in case those forces should in some way interfere with the duties of the United States itself, with its courts, its post-offices, its post-routes, its custom-service, and other public property, &c. The National Government could not interfere otherwise than upon request of the Legislature or of the governor. We are not without examples of that interference and of the necessity of such a call. They have been made within a very few years; our history is dotted with the necessities for them from the whisky insurrection, the Shays rebellion, &c., the railroad riots in Pennsylvania, where a squad of a dozen troops, wearing the uniform of the United States, could march through any mob of rioters that was to be seen. It was the presence of the majesty of the National Government that answered the purpose. Take the riot in 1863 in New York, to which the Senator from Illinois calls my attention, the great draft riots.

Mr. TELLER. That was a state of war.

Mr. HAWLEY. So any riot is a state of war. The presence of United States troops was absolutely indispensable there to the reduction of that disturbance. If it has not been thought necessary within ten years, then the executives of some of our great States have been greatly mistaken—the executive of New York, the executive of Maryland, and others. The using of troops, the calling for them, marching them to the field, all this is lamentable. So is the knife of the surgeon; but if we are to have the possibility of vindicating the laws force must always by within reach of a government.

Now, how shall these internal dissensions in the States be best composed? The President of the United States, in case of trouble like the riots in Pennsylvania, is fully authorized to call out the militia of Pennsylvania. The trouble there happened to be to a large extent local. But suppose the trouble should be political and such as divides every community against itself, of what good would it be for the President to call out the militia of Pennsylvania? One-half would side with one side and the other half with the other side in the unhappy disturbance. Would it be any more efficient to call out the troops of New Jersey or Maryland? How would a mob of Pennsylvanians, no matter how sincere and honest they felt themselves to be—how would a desperate band of Pennsylvanians feel to have New Jersey men marched across the border to put them in order? Every man familiar with these matters knows that whereas that might possibly but add fuel to the fire, the presence of a battalion of five hundred United States troops would, wherever it went, put oil upon the waters and silence the open contention, because all men do bow to force in that form. In many cases they bow to force in the form of the troops of their own State, ninety-nine times out of a hundred, but always to the United States. Therefore we are to perform our duty under the Constitution to maintain a standing force. The States are absolutely forbidden to maintain anything in the nature of a standing army or navy. They can have their militia. That has fallen into practical disuse in four-fifths or five-sixths of the States of this Union. It is not in a really valuable, practical, useful condition in more than four, five, or six States.

But the troops that are permanently such become such a machine, such an absolutely obedient force, so to be wielded that they are virtually invincible in a time of peace; and if this Government should be without such force, if it should dissolve the regular Army, as some men propose, it would be liable to contempt and defiance at any moment and anywhere.

Now shall the Army be more than twenty-five thousand? I thought so. I thought there was no harm in it. I can not imagine any harm or danger in it. I saw nothing in it but the question of expense, and on that I am with the Senator from Illinois. While the actual clothing and food and pay of the soldier do not run over about $300 a year,

I can not conceive it possible that the cost to the Government of that soldier should be $800, as our friend from Kansas said, because all the great centers of the Army remain, whether we have twenty-five or thirty thousand men; all the great prominent posts remain, the War Department continues, the Ordnance Department continues, the Commissary Department continues, West Point continues; all these things remain as they are, and I do not see that a single additional officer is needed. Not one single one more is needed, but simply so many private soldiers are added. How much does that add to the available force? I do not know.

I should not be surprised to find that the generals would tell you that it added 50 per cent. if not 100 per cent. to the practical available force of the Army, because whatever you do—and this I ought to say has been well set forth by the Senator from Illinois—whatever the call for your Army, you must leave a certain number of men here, there, everywhere, in one hundred or one hundred and twenty different posts all over the country, and in some places you might have to leave considerable detachments as a protection for the property of the Government. You can not assemble five thousand men without marching or transporting some of them hundreds or thousands of miles at an expense that would pay ordinary cost for a year of five hundred stationary men.

Officers of the Army have pointed this out to us many a time. We have wasted money all over the West by having our troops scattered in squads of twenty-five, fifty, one hundred, and one hundred and fifty, so that when it became necessary to gather them rapidly the enormous difficulties of transportation made it evident that we were wasting our money by having too few men. It seems often, in contending with the Indians, as if we thought it a sort of chivalrous duty to take no advantage of them by overwhelming numbers. Five hundred men on our side might be able to suppress a rising by actual combat. A thousand men might do it by simply going there, or the knowledge that a thousand men could come would wholly prevent the outbreak.

I think we should have the thirty thousand, because as at present I doubt if we have more than ten thousand, scattered over a space 3,000 miles long by 2,000 miles wide, that could be very well collected. I think it would be well to make that fifteen thousand, which would be an increase of 33 per cent. in available force.

I know that there is nothing to boast of in our history from having a small army. It is but a day in the history of the nation since a foreign enemy marched into this very city, contemptuously burned the Old Capitol, and left a smoking ruin of your Executive Mansion. The wife of the President cut from its frame the picture of George Washington, and escaped with it rolled under her arm. That was our punishment for having no efficient regular Army in 1812, and depending upon the unorganized patriotism of the American people. The militia, brave enough and patriotic enough, who would have made heroes at Vicksburg or Waterloo with six months' discipline, ran like sheep from Bladensburg. What a chapter of eternal disgrace that day gave us! A little army of fifteeen thousand well drilled, resolute men—for there were no braver men, there are no braver men now than there were then—would have prevented all that shame.

The Army is useful otherwise, as has been said here in debate. Our friend the Senator from Maine very properly and justly said that we had a gallant body of capable, honorable, educated soldiers in the graduates of our Academy, officers of the regular Army. That is true, and in case of a war there would come to them those who have gone out of the Army, those who have resigned and gone into civil pursuits, as Sherman and McClellan and scores of others did in the late rebellion; but do not forget that if you have an army of twenty-five thousand private soldiers whose term of service is five years, including men from eighteen to twenty-one or forty-five years of age, it follows that you will have in the United States, either in that army or in private life, fifty, or sixty, or seventy thousand—the life-insurance actuaries would make a good calculation of the number—fifty, sixty, or seventy thousand men who will have served terms in the regular Army. They, as well as the officers of the Army, would be available in case of great necessity; and they would furnish their quota of commissioned as well as non-commissioned officers of a new volunteer army.

There were scores, hundreds, perhaps thousands of line officers, certainly thousands of men in the late war who had been during some portions of their lives private soldiers in the regular Army. Even now, honored and not to be distinguished from any of their comrades in the characteristics of gentlemen and qualified soldiers, there are upon the rolls of the regular Army as commissioned officers a large number of men who were once private soldiers in that Army.

Mr. LOGAN. One of our corps commanders was a private soldier, Jefferson C. Davis.

Mr. HAWLEY. Jefferson C. Davis, of the Union Army, who commanded a corps at one time, was once a private soldier in the regular Army. I recall men, one lately gone to his reward, a mutilated soldier and gallant officer of artillery of the regular Army, who was first a private soldier. I recall another, a lieutenant-colonel in the regular Army now, who was a private soldier in that Army, now raised from the ranks to his present position. A term of five or ten or more years in service would be a substitute for a West Point education to a body of men numbering not less than seventy-five thousand of military age who would furnish gallant officers and brave men in time of need.

I have no fears to liberty from thirty thousand or fifty thousand whose officers depend on the Senate for their commissions, whose officers and soldiers depend on Congress for their bread, who are commanded by a President responsible to the people, and who, if they should be by any revolutionary contingency arrayed, apparently or really, against the liberties of the people, would be driven from sight like the thistle-down before the hurricane. They are our friends. The Army is completely in our hands as the ball in the hands of the player; they are our friends, and defenders, and protectors.

I would call to the Army the best young men from our academies; I would give them the best course of instruction to be found anywhere for the qualification of soldiers and gentlemen. I would require of them the highest standard of personal and professional honor, and the punishment for any violation thereof should be correspondingly severe. Having done these things, then I would give them the honor due to their position; I would treat them with the respect due to the character we compel them to accept and maintain. But I see no reason why a regular Army or Navy should be perpetually the subject of ridicule, the butt of jokes, jeers, contempt, and dissatisfaction, as if it were a burden, a thing wholly unnecessary to us, a curse to the Republic.

I avail myself of the opportunity of this bill to say a word or two upon other related matters. I have remarked that in all things, excepting only the excellence of our little Army, we have fallen into a condition of contempt. So we have. Our coast is practically defenseless except against third or fourth or fifth class ships, such as would not undertake to make an attempt against us. The old 10-inch or 15-inch guns are of some possible service against an unarmored ship, but as against the best weapons and ships of modern warfare the coast is defenseless. Those forts which were an honor to the nation thirty years ago, those coast fortifications which were as good as the world knew, are now useless; for the modern great rifled gun of 8, 10, or 16 inch caliber, throwing shot up to 2,000 pounds, will send a projectile through six walls, backing each other, such as our old forts have; that is to say, through 15, 20, or 30 feet of granite walls. Those forts are but death-traps now. We thought for a few years after the war that the great sand-heaps that could be thrown up in a night were good; but the modern rifle projectile of forged chilled steel, thrown from a rifled gun 30 or 40 feet long—for they make guns of that length now and load them at the breech—will go through a sand embankment 40 feet thick.

So the whole problem of war is changed, and we are found without one single modern forged steel gun in the possession of the Army of the United States for coast defense—not one, saving a few light pieces for light artillery—that is in accordance with modern improvements. We have a great mass of cast-iron guns, good of their kind, in their day in advance of the world in their form and in the excellence of their material, but now antiquated and only good for some fourth or fifth class use.

It is true, as has been said a thousand times, beyond all question true, that our great harbors are at the mercy of any fourth-class power in the world which may choose to quarrel with us. Of course some time or other, after several years of effort, we should get in condition to pay back the debt and proceed, as a Christian nation may, to duly avenge the wrong, but meanwhile we should be at the mercy of our enemy. The port of San Francisco is at the mercy of China. I looked up the statistics of her navy. It is twice as powerful as ours. She has vessels that we can not contend with for a moment. Everybody knows Chili can surpass us in effective and aggressive power. I believe these things will receive attention. They did receive some attention from the last Congress, and I believe they will receive more from this.

I need not dilate on the condition of our Navy. It is true that we have not a second-class ship, perhaps not one of the fourth class in power. Twenty-six years ago our Navy for the size of it stood in the front rank of the world. There were no finer ships than the old frigates of that day, none finer in form, none more effective in battle, none better in speed, beauties of their kind, now ornamental inhabitants of the naval museum. Even the 6-inch rifle, to say nothing of the 8, 10, or 12 or 16-inch long steel rifles—the 6-inch rifle, which throws a hard steel projectile of 100 pounds' weight, will send a shot through one of them from side to side, ay, from stem to stern, for aught I know, unless it should hit one of the old cast-iron guns.

Men talk about the expense of reconstruction. Of course it is expensive. Anything good is expensive. They tell us that there is no war. No; there is not. Also that there is not to be a war for us. I do not know that. I hope not. If we were tolerably well armed I I think there would not be; if we are absolutely defenseless, we invite contempt and insult. It is an old remark, I repeat, that it is the unexpected that always happens. Who prophesied in the early peaceful days of 1870 that within a month Germany would triumphantly cross the Rhine, take fortress after fortress, make Louis Napoleon a prisoner, thunder against Paris, mercifully spare what she chose not to destroy, and tell the French people, "Give us a thousand millions of dollars?" Yet, the day before the news came that the King of Prussia had snubbed the French minister, the optimists doubtless declared that there was not a cloud the size of a man's hand in the whole sky of Europe.

Who in 1858, 1859, and 1860, down to December and up to January, February, and March of 1861, would have dared to say that there were soon to be thundering on this continent a million and a quarter of soldiers upon one side in a great internecine conflict? The prophets of that day told us smooth things as they do now. There is going to be no war, and we are at peace; nobody wants to fight us, and we do not wish to fight anybody! The surest protection against the occurrence of war is to be prepared for war. You do not know what may happen in our own country. I anticipate nothing. I say no more than I have said for twelve or fourteen years, since I first began to come here, objecting to the reduction of the Army to twenty-five thousand men, but simply that the dignity and honor of the Federal Government must be maintained, its high constitutional duties discharged, and its power be respected on every inch of our soil in every second of time.

Mr. TELLER. Mr. President, I do not suppose anybody doubts that we ought to have coast defenses; I do not suppose anybody doubts that we ought to have a navy; but what has that to do with this bill? The Senator gets up here and tells us that the city of San Francisco is liable to be destroyed by the ships of China. Will the appropriation of five or six million dollars a year to the standing Army, or of half that sum, whichever it may be, have anything to do with the protection of the city of San Francisco? If guns are being made to-day which will go through the ordinary ships from stem to stern, are we making any preparation to meet that kind of an emergency by simply adding to the number of soldiers in the Army of the United States?

If there is any argument to be drawn from the necessity of having these things done, it is that we should not waste our money in putting men into the Army that the committee come here and, with a single exception, declare that they have no use for. Put your money then in guns, as I said the other day. Put the money in coast defenses, things that can not be built in a day, things that are an absolute necessity. If you want an army to meet the unexpected of which the Senator speaks, he does not anticipate that 30,000 men will have anything to do with that kind of a contest. They would disappear in the great number of men who would be called into the field if we had a necessity for an army at all.

We can soon make an army. We can not make guns under two or three years; we can not build coast defenses under two or three years; we can not build a navy under two or three years; and yet nobody brings forward a proposition here to construct coast defenses or to build a navy or to build guns, and when somebody stands on this floor and says you are neglecting the things necessary and doing the things not required, the answer from the Senator from Connecticut is, "Why you want a navy, you want guns, you want coast defenses." Who has raised that issue? Who denies it?

Mr. LOGAN. Will the Senator allow me to interrupt him? He says no one has tried to build guns. We are very forgetful, I know, but before the Military Committee was divested of that power a report of two or three hundred pages was made by it and laid upon the desk of every Senator, and upon that report appropriations were made out of which guns are being cast to-day.

Mr. TELLER. I am not ignorant of that fact.

Mr. LOGAN. The Senator said no one had ever proposed that.

Mr. TELLER. If the Senator will allow me to proceed I will explain——

Mr. LOGAN. I will, most certainly, and I beg the Senator's pardon for interrupting him. But I desire to call his attention to one other point, which is this: He says these defenses can not be built under two or three years. I only suggest to him that they can not be manned, when built, with green soldiers, and that two or three years is necessary to prepare soldiers to be fitted for the use of arms in forts and places of that kind.

Mr. TELLER. I have the authority of the honorable Senator himself, and I know of no higher authority in this body, that there is not any present necessity for this increase of the Army. I have his authority that there is nothing in the future that his keen eye can see which will require the increase of the Army. I understand very well that there has been a weak, lame, impotent attempt to create guns. I am not finding fault with the committee; the committee did its duty. Congress has failed to do its duty. I am not finding fault with the Committee on Naval Affairs. But wherever the fault may lie we are without ships, we are without guns, we are without coast defenses, and this proposition does not in the slightest assist us in our destitution.

Mr. HAWLEY. May I interrupt a moment?

Mr. TELLER. Certainly.

Mr. HAWLEY. When I referred to coast defenses I distinctly said I was taking advantage of the opportunity to go on beyond the field of this bill. But the Senator's reproaches—and they are justified by the general condition of affairs—will not apply to me individually. There [exhibiting] is a volume which I spent nearly two years to prepare, which contains the sum and substance, according to the best ability of professional gentlemen, of the progress of modern artillery and ships, a report made a few days ago to the Senate, which has been waiting the completion of a similar report in the House, that has been made within a week past. There are bills pending to provide for the beginning of the construction of such guns as we ought to have. I trust we shall have the Senator's support when the bills get here.

Mr. TELLER. I can say once for all, so that the two distinguished Senators need not think I am making any personal allusion to them, that I do not charge that they have ever failed in their duty in this respect. I do not make any complaint of them. I know with what care the Senator from Connecticut has examined into this question, and I know the valuable information that he has given us and that the Committee on Military Affairs has given us. I am only alluding to the fact that, notwithstanding all that, nothing has been done; and when I say that we do not need any more men in the Army, it is no answer to say we need rifled guns. When I say you do not need to increase the number of men in the regular force, it is no answer to tell me you need a navy.

I did not rise to enter into a general discussion of this bill. I find this bill advocated by one man from one standpoint and another from another. If I can understand the Senator from Connecticut to-day, it is upon the theory that we maintain an Army that it may be used for police purposes. I had not so understood it. I had understood just exactly what the chairman of that committee declared in the opening of this debate, that it was but a skeleton, around which was to rally in time of trouble not the regular soldier but the citizen, who was to be made a citizen-soldier for the time being, to rally as the citizens did rally in 1861 and subsequent thereto when called upon by the General Government to defend the integrity of the nation. I do not understand that anybody could be found who would stand on this floor and advocate a standing army to meet such emergencies as the Senator from Connecticut suggests may occur when he refers to the contest between France and Germany. If we are to have a great war, it is to be fought by citizen-soldiery and not by regulars; it is to be fought by the men who are cultivating the fields and who are working in the shops. It is not to be fought by men who enlist for five years' regular service in the Army of the United States.

The PRESIDENT *pro tempore*. If the Senator from Colorado will pause, the hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which is the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. If there be no objection the pending business will be proceeded with, the unfinished business being laid aside informally.

Mr. LOGAN. Yes; let the unfinished business be laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor on the Army bill.

Mr. TELLER. Mr. President, so far as I am concerned, I do not want in any manner to approve the suggestion, and I do not mean to lose an opportunity to enter my protest against the suggestion, that the police of this country is to consist of the standing Army. I bring no accusation against the committee for proposing this bill for that purpose, for they have disclaimed it from the beginning.

The honorable Senator from Connecticut alluded to the condition of affairs in California in early times, and he said that if there had been a company of troops there stationed there would have been no vigilance committee, and then he turns around and tells us that the beneficial effect of the vigilance committee has lasted from that day until now. Does the honorable Senator believe that if there had been a company or a regiment of troops who would have compelled quiet and order and observance of law within the State of California at that early period its influence would have followed down till to-day? Does he not know that it was because it was public opinion in California that compelled observance of the law that it has had its continual effect? Does he not recognize the fact that public opinion is stronger than the bayonet and worth infinitely more in every community than the bayonet?

It will be a sorry time for the people of the United States when they shall depend upon the National Government for the maintenance of peace within the borders of the States. It will be practically the end of republican institutions. I tell the Senator from Connecticut to-day that when the time comes that the Government shall call upon the regular troops, if the people are against troops, the troops will soon get with the people, and there will be an end of all government. You must maintain your government by the consent and approval and approbation of the people, and that only. When you call upon a man's neighbor to put him down if he goes into a riot, then he is held in check; when you call upon the people of a community to come out to enforce a law, then everybody will respect the law; but when you call upon foreign aid, when you call upon outside influences, then the people will not respect the law, and they will not observe the law.

It has been my fortune to see something of the turbulent communities of which the Senator speaks. I have never seen the United States Army employed for police purposes in the West. In the excitement growing out of great numbers of people from all portions of the country getting together, unacquainted with each other, having diverse and different ideas and interests, I have never yet seen the American Army called upon, nor have I seen the hour in which it was needed.

The people of the Great West are not asking for any army. I do not believe it is needed anywhere; and if the people of Connecticut are not

ready to go out and do their duty when the humpbacked sheriff, as the Senator terms him, calls upon them, there is something at least of the decay of the spirit of liberty in Connecticut.

Mr. HAWLEY. I said that we had the best organized militia in the Union.

Mr. TELLER. We do not depend upon the militia. It is the posse comitatus that stands back of the sheriff.

Mr. HAWLEY. The militia——

Mr. TELLER. It is the posse comitatus, which means every merchant and every farmer and every mechanic in the community, if necessity there be, unorganized or organized as they may be.

Mr. HAWLEY. Allow me to say that the militia is nothing but an organized posse comitatus. That is the theory, the practice, the sense, the law; and the posse comitatus as the Senator describes it is worth as much as a last year's bird's nest.

Mr. TELLER. I beg the Senator's pardon; the posse comitatus is not a military organization, and never was in Great Britain or this country. The honorable Senator says that the Senator from Colorado would be useless as a member of a posse comitatus. I have seen my superiors in every department of life as a posse comitatus back of a sheriff, and I have been there myself. When you forget that every man is bound by law and bound by the obligation that he owes to himself and to his country to be a part and a parcel of the posse comitatus, if called upon by the sheriff, then you have entered on a period of decay of republican institutions. You do not want an army; you want the people with public opinion back of the officer who enforces the law; and I regret that I should hear in the American Senate the suggestion that we want a standing army to put down the people when they shall rise against either fancied or real grievances. It is the people themselves who must maintain the law; and I am glad that the distinguished Senator from Illinois declared over and over again (and I acquit him of any such suggestion) that he wants the Army for this purpose. It would have been disturbing to me if the committee had come here with such a suggestion; and I regret, I repeat, that anybody should suggest it, or that it should receive countenance upon the floor of the American Senate.

Mr. HAWLEY. I did not hear what the Senator referred to.

Mr. TELLER. I referred to the fact that you want the Army for police purposes.

Mr. HAWLEY. I do not remember saying it myself. I do not know that you refer to me, but I did not say it.

Mr. TELLER. If the honorable Senator did not say it, then his whole argument went for naught. It has been said here once before, it has been hinted at by others, and I say that you do not need an army for that purpose. It is contrary to republican institutions; it is contrary to the genius of our Government; and the quicker we get rid of the idea that we are to call in the hour of distress and disturbance upon the General Government, and the sooner the people learn as they have learned and continue to believe as they have believed, that it is their duty to put down insurrection, riot, and disturbance, not with the strong military arm of the law, but by the people who are interested in the preservation of order and the preservation of property and the continuance of liberty in this land, the better it will be for them.

Mr. HAWLEY. I wish a few moments in which to say some things suggested by the remarks of the Senator from Colorado.

I do not thank the Senator for endeavoring to put me in the wrong in this matter, and to array against me the prejudice of demagogues. He has done it. He has tried to make it appear that I wish the Federal Army used as police—he has used the expression—to put down the will of the people. I said nothing which justifies that. There are tens of thousands of people who would look upon me as the enemy of liberty if he said the truth when he said that; and they would have a right to do so. I said nothing of the kind.

I pointed him to the Constitution, which makes it the imperative duty of the President of the United States to use military force to repel invasion, suppress insurrection, and put down domestic violence upon the call of the executive of a State when the Legislature can not be convened; that is all. I pointed to what every text-book upon political science and every writer upon moral science says. I pointed to the necessity of an ultimate force in human government as in Divine government to back every law and injunction, whether of human or Divine law. I am dealing in generalities here. I am dealing with the constitutions and statutes of the United States and the several States.

These all provide for the use of military power in cases of necessity, in absolute and continual subjection to the civil power. That is all of it; and there is no use in trying to prejudice a brother Senator or to stir the prejudices of demagogues by asserting anything to the contrary. I am not such a coward as to refuse to say to any man in the United States wherever he may be that he has to obey the laws of his country and of his State, and that he disobeys them at the risk of his life. Of course I intend to say that.

I do not mean that the Federal Army is to hang around at the service of any sheriff or marshal. I propose that they shall stay where they belong and wait until they are called upon to act under the Constitution, as they have been doing. At the proper time it is merciful to employ them, it is just to the tormentors of the people to employ them, it is good for the people who are suffering to employ them, as Mr. Powderly himself, chief of the Knights of Labor, would himself employ them in accordance with his own constitution in putting down the thieves and scoundrels who are blaspheming the name of labor; for I consider that he has exhibited more conservatism and good judgment than some men who have been praising him.

Do not let this one body in this country stand here a coward in the face of any question whatever. This is one place where a man ought to speak of his duty to the Constitution and the laws of the country. There is no man among you, either here or elsewhere, who would hold either a State or a Federal army more rigidly to its duty as the mere tool and instrument of civil power than I would, keeping the Federal Army where it belongs until necessity calls for it.

Mr. TELLER. I did not intend to say anything unfair toward the Senator from Connecticut. I understood the Senator to insist upon having a large army because of its usefulness in the case that I mentioned. He alluded to the fact that if there had been an army at San Francisco its value would have been very great. If he disclaims any such purpose in the use of the Army, then I will disclaim any intention to refer to him at all, and let my remarks go as general remarks on that subject. If he did not mean that, I simply misunderstood him, and that is all.

Mr. HAWLEY. I did not understand the Senator as intending to be unjust to me; but the inference of his remarks was that I had been asserting what both he and I know would be justly exceptional to the people of the whole country.

Mr. VAN WYCK. Mr. President, I rose to propound an inquiry to the Senator from Connecticut [Mr. HAWLEY]. He insisted that this army was needed for the purpose of wrestling with those who came out of their holes, as I think he characterized it, but disclaimed that it was by any possibility to be used as against the interest of labor. I desired to ask him in that connection, as he mentioned the Knights of Labor several times in his remarks, whether at any time they had petitioned this body for an increase of the Army. They have been for the last few weeks to a great extent asking what they desired, and I wish to ask whether any intimation had come from them in any petition that they desire this proposed increase.

I have been somewhat surprised by the arguments used more than on account of the proposed increase itself. We have been told that it was to guard against the Indians upon our border; and the chairman of the Committee on Indian Affairs [Mr. DAWES] protests against the assertion that the Indians now need it. The senior Senator from Connecticut [Mr. PLATT] spoke about the commune, and the junior Senator from Connecticut [Mr. HAWLEY], as I understood him, said that the Army should be used for police purposes.

I desired further to ask him in that connection if he or the people whom he represents have always entertained that sentiment in regard to the regular Army. The Senator's proposition is great allegiance to the Constitution and to the civil laws of this nation, whatever they may be. Sacredness for civil polity, sacredness for law, supreme regard to the Constitution are modified by time and by surrounding circumstances. I would like that Senator to have gone back in his memory thirty years when he found the United States Army doing police duty on the soil of Massachusetts. I desired to ask him in his sacred regard for the supremacy of the law and the obligations of the Constitution whether thirty years ago when the United States Army surrounded the State-House in Boston to prevent a fleeing fugitive to make good his escape to the free soil of Canada what were the Senator's notions then about the sacredness of the law and the obligations of the Constitution.

Mr. HAWLEY entered the Chamber.

Mr. VAN WYCK. I was appealing to my friend the Senator from Connecticut, and if he will allow me to repeat, I call his attention to what he said as to the necessity of an army to preserve the public peace. The Senator from Colorado referred to police duty, and then the Senator from Connecticut followed that up by declaring the sacredness of his regard for the protection of the law, for the observance of the Constitution. I said that the ideas of sacredness to the law and obligations of the Constitution changed by changing circumstances and lapse of years; and then I referred to the fact and desired to ask the Senator not so much as to his own sentiments as to the enlightened Christian public sentiment in New England, including the State he now so ably represents, whether when years ago the United States troops under a United States officer, for whom to-day he claims to have the highest regard and sympathy, under the Stars and Stripes surrounded the State-House in Boston, when the object was to protect a fugitive slave and suffer him to escape to the free soil of Canada, the sentiments in New England were the same then that they are to-day?

Mr. HAWLEY. Does the Senator want me to answer?

Mr. VAN WYCK. I propounded the inquiry to the Senator.

Mr. HAWLEY. I have only to inform the Senator that New England has changed within twenty-six years.

Mr. VAN WYCK. So I said.

Mr. HAWLEY. But I will answer a little more at length. I thought that the fugitive-slave law was unconstitutional.

Mr. VAN WYCK. Precisely.

Mr. HAWLEY. The officers of the United States Government who were executing it in Boston thought it was constitutional. They had sworn to support the Constitution and laws, and they were endeavoring to perform their duty. I differed with them, as I say, with regard to the constitutionality of the law, but they were bound to do their duty as they understood it. They were simply the instrument of the National Government for the execution of its laws. In the due course of time, by whatever whirligigs and revenges, that has been changed, and it is no longer required; but the successors of those same United States troops and the successors of those United States marshals will be found very willing to execute any other Federal law that may come in question.

Mr. VAN WYCK. The Senator said he wanted the United States troops to help the civil authorities to enforce the law. So he said. He has spoken correctly. The world knows the sentiments of New England. The world knows the sentiment of the Christian people, the educated liberal-minded people of this Union when they denounced the exercise of Federal power in the streets of Boston. You ask for the execution of the law. They were executing it. Your people denounced the execution of the law, and Anthony Burns was a violator of the law. As the law then was he violated the laws of his own State in escaping from bondage. He violated the Constitution of the United States when he sought to reach Canada over the soil of Massachusetts. You believed the law wrong. So did I. You believed the law unconstitutional. So did I. As I believed then I believe to-day. As I believed then about the Army of the United States, so I believe now.

The Senator says there has been a change in this country. Then a dominant power governed the United States Army, small as it was. Under the protection of the United States flag they thrust that United States Army across the track of the fleeing fugitive who was seeking to escape from his taskmaster, and rejoice himself in the liberty which this Republic denied him. That was the mission of your United States Army then. As I protested then I protest to-day. When men come here and tell us about the commune, and speak of domestic troubles that may require a larger army, I want to protest now, as I protested then, that that picture shall never be presented again of public disgrace as it was by that use of the United States Army under the flag of the nation, that that Army shall never be allowed to thrust itself against the advance of the free white American laborer in any attempt he may make to have justice done to him and those who have toiled and labored with him. My position then was as my position is to-day.

That is the sequel of this whole matter. Jay Gould and his confederates, Vanderbilt and his confederates, have been allowed to steal millions. Just as your Constitution once allowed a portion of this country to steal from a black man his birthright to liberty, so you have raised another class of slaveholders just as unrelenting, just as unreasonable, just as exacting, and steeled against the instincts of humanity a little worse than the old slaveholders were. That is our attitude to-day.

Gentlemen speak of the commune, and yet in the next breath they say to us that labor has no sympathy with the commune; the Knights of Labor have no sympathy with it. Then they will take care of the commune. That is the safest power to do it. They will handle it. But you want what? You want to use the Army, do you, as the slaveholders of old did? Jay Gould and his confederates and Vanderbilt and his confederates with their stolen millions——

Mr. LOGAN. Will the Senator allow me?

Mr. VAN WYCK. Certainly.

Mr. LOGAN. I have no feeling about this. I introduced this bill and I reported it. It is the fourth time that the same bill has been introduced. It has been introduced for years at different sessions of Congress. Now, when a Senator gets up here and states that on account of Jay Gould or Vanderbilt this bill was introduced, it is beneath the dignity of any man; it is a species of demagogism that no man should stoop so low as to resort to.

Mr. VAN WYCK. Is that all? [Laughter.]

Mr. LOGAN. That is all, sir.

Mr. VAN WYCK. The same old argument. [Laughter.]

The PRESIDING OFFICER (Mr. MANDERSON in the Chair). The Senator from Nebraska will suspend his remarks. It is the duty of the Chair to call the attention of those in the galleries to the fact that the rules of the Senate absolutely prohibit any marks of approbation or disapprobation. If that rule is not strictly obeyed the galleries will be cleared. The Senator will proceed.

Mr. VAN WYCK. What occurred twenty-five years ago? I call the attention of the Senator from Illinois, for I think in that controversy the Senator did not make himself obnoxious to the charge of demagogism, as he was not then denouncing the aggressions of slavery. I refer to the period before the war in the United States Senate and in the other House when men were denouncing the action of the United States Army, which it was alleged was being used for the protection of slave labor in the South. That was charged not only by gentlemen from the South, but by a certain class of their sympathizers in the North who stigmatized those who opposed them as demagogues. Demagogues, indeed! The same old argument again.

Now I have nothing particular to say about this bill. I was only speaking of the arguments that were used for it—the Indians to frighten on the one hand in the West, and the commune on the other in the East, as the other Senator from Connecticut [Mr. PLATT] said, waving the red flag. I have spoken incidentally of some facts. Certainly the bill says nothing about Jay Gould; neither does it say anything about Vanderbilt. I am aware of that; but I was illustrating, as I supposed I had a right to do. When these gentleman talk about the police duty of the Army, I thought I had a right to go back twenty-five or thirty years and show that it did police duty then. The slaveholders and their allies in the North wanted it then. The Supreme Court, for which my friend has so much regard, decided then that the fugitive-slave law was constitutional; but Almighty God did not, as He showed in the thunders of battle and the shouts of victory.

Now the positions are the same, but the Senator says New England has changed. Undoubtedly they then believed the Army was dangerous to those seeking liberty. It may be now or hereafter dangerous to white freemen, who were conceded more rights in this great Republic than the black man had in the days of slavery.

If the Senator from Connecticut [Mr. HAWLEY] pictured any necessity, what was it? The Senator from Massachusetts [Mr. DAWES] says there is no cause of alarm from the Indians. Then why this increase except in view of the other trouble with railroads or strikers? You impeded the fugitive before the war by the Army. This addition to the Army is not to be used against labor-strikers, says the Senator from Illinois. Oh, no, not by any means. Nobody contends that. But why the necessity of the increase? I show it is not for the Indian and not for the white man. The Senator from Connecticut says there is danger from China; that China has a navy double our own. Does he believe for a moment should the Chinese navy start to-morrow for San Francisco, and if the winds and waves allow her vessels to reach that port, that a single Chinese soldier would be allowed to land on the Pacific coast? Without an increase in the Army, without even the skeleton we have, the citizens of that coast would meet and bury them in the sea.

What next? We are not dignified in the eyes of the world. Indeed! Will the nations of Europe attack us? Not as long as they can read the English language, not as long as they have memories, not as long as the nations of the earth across the water remember the history of our rebellion—remember that the great North sprang to arms without any regard to her skeleton army, that the South sprang to arms without even a skeleton of an army to gather around unless it was some United States officers who deserted from the flag and aided to organize their troops. That was all they had. It was the merest kind of a skeleton; and yet that was the position of this great Republic in the face of this awful danger and we marched on, and the sun never shone upon a mightier, braver host than were combined into mighty armies. Why talk about danger to the United States having to meet any nation of Europe that may be induced to cross the ocean and lock horns with this great American Republic?

I merely rose to say what I have to meet the arguments and reasons which have been used in defense of this proposed addition of five thousand men to the Army of the United States.

Mr. HAWLEY. Mr. President, it is seldom that the Senator from Nebraska [Mr. VAN WYCK] misses an opportunity to make mischief. He seldom makes it. He never fails to try. If there be a disturbing element, if there be a doubtful question, if there be a misapprehension or a dread anywhere, he hovers over it and exaggerates it and makes himself the prophet and champion thereof, attacking the motives and the character of every gentleman in the country with whom he differs. He may always be trusted to appear at precisely the wrong time, saying the precisely unjust thing. I must trespass a little upon the attention of the Senate just now under the sort of provocation that the Senator has given me.

I wish he had spoken even a little more plainly, but I will translate his insinuations and give them a courage that he has not given them. His insinuation is that I am an enemy of the organized attempts of labor to benefit itself. His insinuation is that I would hold the Army of the United States to put down the struggling laborer. That is true, is it not? My whole audience says I am truly interpreting what he said.

Mr. VAN WYCK. Oh, no.

Mr. HAWLEY. With one exception—the Senator himself—everybody agrees that I am truly interpreting him. He says here that the strikers are imitating the example of poor Anthony Burns who started for Canada running away from slavery. The strikers do not say that for themselves. But their superserviceable friend, who is their worst enemy in the United States, says that for them. The strikers are American citizens twenty-one years of age and upward and voters. They comprehend that whatever the people will this nation in its laws to be it will be. The ballot-box is open to them; the choice of candidates is open to them. If they like no man of the three or four that are up they can put up another, take to the stump, to the forum, the resolution, the address, all the lawful methods of agitation known to and open to all men in the Republic and guaranteed by the Constitution. If their cause be just they will compel a majority, for never since the world began were sixty millions of people gathered together anywhere or to be collected from the world that surpass this American

people in its instinctive sympathy with whatever is just and generous to any man and all men.

Against a race prejudice, against the prejudices, the deep incrusted prejudices of centuries, men who hated the face of a negro and would not have him near them, were led into and plunged into a great war and carried it on for four years, disguise it as you please, the substantial purpose of it all being to make it true that there should not be a slave upon the soil of this continent. Whoever has a just political cause knows where to find his remedy.

I will not prophesy. For no office and no chance of office and no chance of misapprehension will I lie to the Knight of Labor or anybody else, nor will I permit myself to be lied about. I believe that the existing condition of affairs over the whole civilized world is to result in an enormous advance in the condition of the great mass of laboring men. I looked the other day upon a horseshoe-machine that struck out seven thousand two hundred a day, when the old blacksmith could make a score or two, perhaps. How many men did that displace? You have all looked upon the sewing-machine. How many women did that displace? Go through the whole list of marvelous inventions that apparently have displaced the whole body of working people, one fifty thousand, another five hundred thousand, and what is the upshot of it all? Horseshoes cheap, clothing cheap.

Wherever the line of invention has run the product is made cheaper and cheaper. The laboring man in the United States to-day on an average in all the branches of manufacture can buy more of his own product for a day's work than he could have bought twenty or thirty years ago. The man in the carpet-mill can buy more yards of carpet with a week's work in the mill than he could have bought thirty years ago. That I have verified from the record. So in scores of other cases.

There has resulted a marvelous change in productive power due to uncounted improvements, including the telephone, the telegraph, the Bessemer rail, and its swifter and cheaper transportation, due to the possibility of transferring a hundred million dollars from New York to London by cable, making it available there in an hour; yes, of transferring it to China in like manner, welding and wielding the capital and labor of the world in one mass. We have cause enough for the enormous uproar and disturbance, the trembling of the whole industrial earth. But let us be patient and just with each other. Do not be impatient with the agitating or the striking laboring man. Wait; God lives yet. Out of all this will come a more prosperous laboring man, with a better division of all the products of labor and a just and peaceable and honorable relation between capital and labor. It is not to be brought about by machine legislation of any kind.

Legislation may be an adjunct in some things; but this is the only universal solvent of these troubles—something like a Christian faith and justice in and toward each other. When the capitalist shall live near to and with and among all his laborers; when he shall acknowledge their right to a practical co-operation by his ready offer to advance wages when the mills will afford it, and by his simple request to them to let wages be lowered when the mills can not afford to pay so much—that spirit and that relation between them will bring about a settlement. I can name the places and describe the men who for generations have never had one single whisper of quarrel between themselves and their operatives.

When business permits they advance to offer an increase; when business is lingering and dragging, rather than close the factories or reduce the hours they say, "We think you ought to take a little lower wages; can you reduce?" It is a matter of mutual and friendly consultation. So are the readjustments to be settled. Sometimes there are not such capitalists; but can you regenerate men by statute? There are times when I would be with the laboring man for a strike and I would strike to the end of the contest. I would not work sixteen hours a day for any man with half an hour for my dinner. I would strike; I would organize; I would work for a better day, but I would not permit the thieves of the city of New York to rush out when I was striking to destroy the property of the company from which I expected to get my living; and if the sheriff could not do anything with them, if they were too strong for him and too strong for the police, I would have the sheriff do what I saw done in New York once myself, call out the old Seventh Regiment and shoot the defiant wrongdoers down if they could not be made to yield in any way. I would do that for the sake of the laborers themselves, and I would tell the laborers to-day just as I am telling it to you. You can not deceive them by any other kind of talk. There is no use in the Senators tempting them, and I warn them against the worst enemies they have on the footstool, the men who indulge in the sort of conversation we have had here to-day from the Senator from Nebraska. That is all, sir.

Mr. VAN WYCK. Mr. President, I welcome the Senator from Connecticut as an ally to the cause of labor. I rejoice that he has made this declaration that he himself would strike. He said it with emphasis and with a clenched fist, that he would strike before he would work sixteen hours a day. The Senator has been in this city many years. That abuse of which he spoke exists. A few days ago I alluded to the fact that three corporations of this city, the gas company, the street railroads, and the national banks, as owning and controlling the Congress of the United States. That Congress held two hundred thousand people by the throat, pinning their arms to their sides, and suffering these corporations to plunder that people.

The Senator says he would strike. He need not strike. He can help the men who have been patient under these exactions which he denounced as the slaves and more so, for they have been treated worse than the slaves. For five years your railroad corporations here, more brutal than any slaveholder or slavedriver, have required sixteen hours service of men in their employ. They have had men, married men, who day after day and week after week have never seen their wives in daylight or their children when awake. This has occurred in your beautiful capital city! The model city! In Heaven's name remedy it. Where is your regular Army? These corporations are the men who are striking against the peace, the prosperity, the happiness of those who have to work sixteen hours a day. Go to the foot of Capitol Hill and see the half-orphan boys whose fathers were killed in the war and their mothers sewing for a few pennies a day, who are required by these brutal corporations to work sixteen hours a day.

The Senator says he would strike, and yet these men have been struck. Your corporations have done this. Am I to be censured as a demagogue for naming them? I have arraigned them on this floor. I expect hereafter to have the help of the Senator from Connecticut; he has proffered it to-day. Strike down these corporations, shall we? Strike them down to the extent of making them do justice and not require sixteen hours of labor which my friend denounces.

The other Senator from Connecticut [Mr. PLATT] in his remarks said:

I want to say one thing. There is domestic danger in this country which justifies the maintenance of troops.

He says that there is domestic danger. Where? His colleague, the other Senator, says there is domestic danger in this country "which justifies the maintenance of troops."

Mr. PLATT. Will the Senator read what I did say? Will he read the whole paragragh?

Mr. VAN WYCK. Very well.

There is domestic danger in this country, which justifies the maintenance of troops. It does not arise from the honest industrial classes of the country; it does not arise from any bodies of laborers associated together for their own benefit and to better their condition. There is no danger to be apprehended from them. They have interests to be protected. But the danger does arise from those that have come here from foreign countries with no good intention toward the American Government, toward our form of government, or toward our social order—men who raise the red flag of the commune, and who assert that their object is revolution, and that the result aimed at by them is to be accomplished by bloodshed and the destruction of property.

He says there is danger. I ask has not that danger been met and passed? Not by standing armies; no, the American people object to that feature. The American laborer and citizen has already protected our country from that danger and they will in the future. Why the necessity for an increase of the regular Army when the danger if it existed has come and gone, and if it exists to-day it is no greater than before?

I understand the Senator from Illinois [Mr. LOGAN] desires to say a few words in reply before the expiration of the time fixed for a vote. Therefore, I yield the floor.

Mr. LOGAN. I desire to say but a few words, not by way of discussion as far as the merits of the bill are concerned, but in response to matters which have been thrown in entirely irrelevant to the question before the Senate.

The very remarkable speech of the able Senator from Nebraska [Mr. VAN WYCK] is of a character that I will not say might be expected of him, but it sometimes does occur that such remarks fall from the lips of men in places where perhaps they are unseemly.

The argument that has been made against the second section of this bill, the insinuation that there is something behind it, is most remarkable to me, when I have said over and over again that the same bill has been before the Senate at every session of Congress for a number of years, and recommended by every leading officer of the Army and every Secretary of War for years past. I must confess that I did not know until now that anything that I had connection with brought with it so great importance as to have the character of raid made that has been made within the Senate Chamber; and I say now to our friends on the other side of the Chamber—and I certainly have nothing but kindness for them in reference to the manner in which this bill has been debated on their side—that they need have no further trouble during the administration of affairs in this country. The cares of state have fallen upon other shoulders than ours. We were told by the able Senator from Maine [Mr. HALE] yesterday evening—and I hope I shall not quote him incorrectly—that the President of the United States had sent no message to this Congress asking for this. I believe that is substantially what he said—he admits it—and that we ought not to crowd upon the administration this character of expense in order to embarrass it. I believe that is what the Senator said, or very nearly, was it not? If not, I will ask him to correct me.

Now, sir, the Senator from Maine being the leader in the opposition to this bill, from his remark in reference to our embarrassing the present administration that we on this side should give thought and reflection to, I can only say that he and his followers are sufficient in ability, in strength, in eloquence, in logic, to protect the administration now in

power without your assistance except your votes. I had no idea of embarrassing the administration or of embarrassing any one. Neither had the committee that reported this bill; and when I find the silence running through that side of the Hall and hear the thundering on this side of the Chamber against this bill and the allusions made that have been made this morning that the interests of Jay Gould and others were at the bottom of this, I can, to some extent, understand this combination and what it means.

I have no allusion to make so far as Jay Gould or any other man is concerned. He has no connection with this bill directly or indirectly, nor has any man outside of this Chamber except the people of this great American nation. It is for their benefit, rich and poor, black and white, and not for the benefit of any individual; and the insinuation, come from where it may, upon that point was unwarranted.

Mr. VAN WYCK. The Senator is entirely mistaken in his quotation. I never said that Jay Gould or any other man was at the bottom of the bill. I spoke of what the consequence would be and of the purposes for which it would be used.

Mr. LOGAN. Why then was the name used in connection with the argument about the recent disturbances but to create prejudice against those who champion or advocate this bill? Sir, I stand always here or elsewhere upon that justice which the American people deal out to the honest and conscientious performance of duty. There is no terror to me in the insinuations that are made in reference to what meaning there is in this or any other bill that I may advocate. I have always had the nerve, and I hope God has given me the honesty, to advocate that which I believe to be right and oppose that which I believe to be wrong. I have never lived by drinking the soup that falls from the lips of demagogues. I hope to God I never may. If there is anything detestable in the sight of an honest, true, and just man it is he who flaunts around the world as a demagogue and lives upon flattering those who do not understand him.

Sir, when I say that this bill is for the purpose of increasing the efficiency of the Army, I say all that there is contained in it or connected with it. When I say that I have advocated this bill and opposed the reduction of the Army when it was reduced from thirty thousand to twenty-five thousand, I state what is the fact. When I say that I always opposed that reduction and have ever been in favor of changing it back to the thirty thousand, the peace establishment as agreed upon in 1870, I state what every man in this Chamber who has served with me that length of time knows to be true. I have always opposed the reduction and always advocated the restoring of the Army to the peace establishment for the benefit of the Army and for the benefit of the country, without reference to any individual, any class of people, corporations or otherwise, but for the purpose I have asserted time and again, of performing my duty to this country, and reorganizing the Army upon a basis just and better than it has been heretofore since the reduction.

Gentlemen talk about relying upon the people. That is correct; it is upon them we do rely; but at the same time in advance of their organization into military bodies in time of trouble you must have an organization to form the skirmish line, in the advance, in the lead, that you may perfect the forces that you need when you wish to organize armies of greater size. There is not a government on earth that does not pursue this policy. Even feeble Mexico by our side, poor as she is, at this very day has an army far surpassing ours in strength and in efficiency, not in bravery, not in energy, not in patriotism, but in organization. It is that to which I have referred all the time in regard to this bill; it is the organization of the Army of the United States that we desire to perfect, which can not be done save by increasing the number of soldiers, that your companies and regiments may at least have some efficiency and some strength and some force and some appearance as well connected with the Army.

Now, Mr. President, I beg pardon of the Senate for having said this much. It was called forth by what the Senator from Nebraska said. If he did not mean it, I have no right to criticise him, nor do I; but I did so understand him, and, so understanding him, I deemed it proper to respond to his remarks.

Now, sir, 3 o'clock having arrived, the time agreed upon by the Senate yesterday when the vote should be taken on the bill, I yield for that purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE] to strike out section 2.

Mr. HALE. Let that section be read.

The PRESIDING OFFICER. The section will be read.

The Chief Clerk read as follows:

SEC. 2. That the number of enlisted men in the Army, including an engineer battalion of five hundred and twenty men, hostital stewards, and one thousand Indian scouts, be, and hereby is, established as a force not to exceed thirty thousand men.

Mr. LOGAN called for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BUTLER (when his name was called). Upon this amendment and the bill generally I am paired with my colleague [Mr. HAMPTON], who is detained from the Senate by illness in his family. If he were present, I should vote "yea." I understand he would vote "nay."

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is detained from the Senate to-day by sickness. He is paired with the Senator from Vermont [Mr. EDMUNDS]. If present, my colleague would vote "yea;" the Senator from Vermont would vote "nay."

Mr. DAWES (when Mr. HOAR'S name was called). I understood that the Senator from Tennessee [Mr. HARRIS] was paired with my colleague [Mr. HOAR].

Mr. JACKSON. No, sir; with the Senator from Vermont.

Mr. DAWES. The Senator from Tennessee [Mr. HARRIS] came to my seat a moment before he left the Senate Chamber and wished me, if his colleague failed to announce it, to announce a pair with my colleague.

Mr. JACKSON. I will pair with the Senator's colleague, and that will arrange the matter.

Mr. DAWES. My colleague, if present, would vote "nay."

Mr. JACKSON (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. I do not know how he would vote. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote, but if he were here I should vote "nay."

Mr. PIKE (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. I am not aware how he would vote on this question. If he were here, I should vote "nay."

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. If he were here, I should vote "nay" and he would vote "yea."

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] is detained from the Senate Chamber by illness, and is paired with the Senator from Illinois [Mr. CULLOM]. If present, my colleague would vote "yea." I do not know how the Senator from Illinois would vote.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Beck,	Coke,	Ingalls,	Teller,
Berry,	Colquitt,	Maxey,	Van Wyck,
Bowen,	Conger,	Plumb,	Voorhees,
Call,	Eustis,	Pugh,	Wilson of Md.
Chace,	Gibson,	Saulsbury,	
Cockrell,	Hale,	Sherman,	

NAYS—22.

Blair,	Frye,	Mahone,	Sawyer,
Brown,	Gorman,	Mitchell of Oreg.,	Spooner,
Cameron,	Gray,	Morrill,	Walthall,
Dawes,	Hawley,	Payne,	Wilson of Iowa,
Dolph,	Logan,	Platt,	
Evarts,	McMillan,	Riddleberger,	

ABSENT—31.

Aldrich,	George,	Jones of Nevada,	Pike,
Allison,	Hampton,	Kenna,	Ransom,
Blackburn,	Harris,	McPherson,	Sabin,
Butler,	Harrison,	Manderson,	Sewell,
Camden,	Hoar,	Miller,	Stanford,
Cullom,	Jackson,	Mitchell of Pa.,	Vance,
Edmunds,	Jones of Arkansas,	Morgan,	Vest,
Fair,	Jones of Florida,	Palmer.	

So the motion was not agreed to.

Mr. PLUMB. I move to strike out section 4 of the bill.

Mr. PLATT. Let it be read.

The PRESIDING OFFICER. The section will be read.

The Chief Clerk read as follows:

SEC. 4. That officers of the Army stationed at military posts apart from settlements may, with the approval of the department commander, each employ one private soldier as a servant: *Provided*, That the consent of such soldier shall be first procured, and that the sum of $20 per month during the period of such employment shall be charged against the officer employing him.

Mr. PLUMB. The Senate having voted to increase the Army by five thousand men upon some supposed necessity for that addition to the present Army establishment, I desire that the men who enlist shall be soldiers and not servants. The Senate having by that vote also determined to increase the expense of the present establishment about $4,000,000 a year, I hope the Senate will not at the same time vote to add to the pay or the emoluments of the official part of the Army, leaving the taxpayer to labor under as many fetters as he possibly may, but will seek

to make the expense of this establishment as small as possible consistent with its efficiency.

There can be no suggestion or hint—certainly no one has yet made any positive assertion—that any of the terms of this bill which create additional expense, except that providing for the increase of the number of enlisted men, adds in the slightest degree to the efficiency of the Army. It is simply a proposition to donate, if I may use that term, that much more to those who I think are well enough paid now, and who I do not think have ever had even the assurance to ask for anything to be added to their already ample compensation.

In order, therefore, that we may have as much benefit as possible by the addition of the enlisted men proposed to the Army as soldiers, and in order that they may not be used as servants, and in order that the Government may not be burdened with the payment of a large number of men at a very high price while renting them out to officers at a very low price, I hope this section will be stricken out.

Mr. LOGAN. I desire to explain, if the Senate will give me their attention, exactly the intention of the committee. There never has been a time in any army that I have read of when the officers were not permitted to have persons to act as cooks and to attend to the necessary things that pertain to every one. At the outposts it is almost impossible to employ persons to do service for the officers. This provision has been asked for very often by officers; they have complained of the existing condition. At the time of the reorganization of the Army the principle existed that an officer should certify that he had one or two servants, or as many as the law allowed him—some were entitled to three or four, if they had rank enough. We abolished that in the law reorganizing the Army, so that since that time officers have had to employ their servants. As I have said, out on the frontier, at the outposts, it is impossible to do it. So they have soldiers to perform that work; but it is done in violation of law. We thought it was better to have these things done in accordance with law.

The Senator, I think, is mistaken when he says this is another burden on the Government, because the officer pays to the Government $20 a month for the soldier detailed as a servant. The Government pays the soldier now $13 a month, and under this bill it will be $16 a month. The officer pays the Government $4 additional. His clothing costs $3. He will get his rations anyhow. He performs part of his duty and the Government receives $20 a month. That is the object of the section. I think it is absolutely necessary. I could name many of the posts, and in traveling around them I have found officers where there were two or three companies, all messing together, the commanding officer and all. They were all forced to mess together in order to get some person to do their cooking. It was impossible to employ servants, and so they would take a soldier, take him from duty, the Government paying him, and they use the soldier, so that the Government loses the service of the soldier and his pay, too. So we concluded if the Government lost the service and got the pay of the soldier, it would be a benefit and saving to the Government. It is impossible, and there is not a Senator here who would ask, that an officer getting $1,400 a year, a lieutenant for instance, with a family, away out on the frontier, should do his own cooking, do his own house-work. Nobody would ask him to do that. Hence the officers take soldiers to do it, and the Government pays the soldiers.

Now, we propose where an officer takes a soldier to do this service that the Government shall receive pay from the officer for the service of the soldier, and this can not be done except at frontier posts. Why? In a city like Washington the officers employ servants. The Senator is mistaken if he thinks they will get men everywhere as servants. This is to be done with the approval of the commanding officer. What commanding officer? The commanding officer of the department. The commanding officer of a department is a general officer. Do you suppose any general officer of the Army would certify where an officer lived in a town or a city that it was necessary for him to have a soldier as a cook? Of course he would not. He would only certify to those who were at outposts and where they could not get servants. That is the provision of the section. So there will only be few employed, and they will be at the outposts.

I think this is in the line of economy and saving to the Government, because the Government, as I said, receives $4 more per month than the soldier would receive, and his service is gone anyway.

That is all I desire to say in regard to it.

Mr. PLUMB. We have heard a good deal said about the honor of the Army officers, and yet here is the Senator, who has stood before in their behalf, saying now that they habitually violate section 1232 of the Revised Statutes, which has been a part of the code governing the Army ever since there was an Army.

Mr. LOGAN. The Senator will allow me. He knows it to be a fact that when he was in the service himself the officers on their pay-roll certified to their having servants. He knows that to be true. In many cases they did not have them, yet they made the certificate. That was in violation of law, but it was to get the pay that they were allowed by law. Of course the officers violate the law; I agree to that; but it is a necessity upon them, unless they do their own cooking. They do this; you would do it; there is not a Senator here who would not do the same thing if he was in the Army to-day. He would take a soldier to do his cooking before he would do it himself if he had to perform his other duties, provided the soldier was willing to do it. They all do it at frontier posts. This prevents that evasion of law and saves the Government expense.

Mr. PLUMB. That does not make it any better. Section 1232 of the Revised Statutes is as follows:

No officer shall use an enlisted man as a servant in any case whatever.

And yet according to the statement of the Senator from Illinois the officers do habitually violate that provision of law. If they violate that provision of law without exception of rank whenever it is convenient for them to do so, where is the warrant that they will not violate the provision of this law, which apparently limits the employment of servants to posts which are remote from settlements? The manner in which it would be evaded is very obvious. An officer to-day is somewhere on the frontier. The department commander certifies that he may employ a soldier as a servant. He employs that soldier as a servant. He enlists somewhere. He will enlist a man who will enlist for the purpose of becoming a servant, because he can get more pay as a soldier than he can possibly get as a servant. Being enlisted, he is employed then as a servant to this officer, and when the officer changes his station to come to Washington or wherever else he may go that servant will go with him, and I will venture the prediction that within three years' time you will find that more men will be enlisted as servants than there will be under the provision for increasing the Army by five thousand men.

Mr. LOGAN. Allow me to interrupt the Senator. The intention, as I stated, was for frontier posts. If the Senator thinks the committee is trying to give an opportunity for the enlistment of a number of men, I am perfectly willing to provide in the section, or I will write the amendment myself, that it shall not apply to any officer in a city, in a town, or any place except at posts away from the settlements. Put that in if you wish.

Mr. PLUMB. That will not cover it at all, because the man once enlisted is in the service for the term for which he is enlisted and will accompany the man for whose benefit he was employed.

Mr. LOGAN. We will provide, then, that the officer shall not take him anywhere.

Mr. PLUMB. Why the great necessity now at this time to put into an Army bill a provision of this kind so capable of abuse? Is it out of sympathy for these people?

In addition to that, as I said, we shall pay these men more than twice, yes three times, what we exact in return from the Army officer, and that of itself is an insuperable objection in my mind to the whole provision, and you can not frame it in such a way that it will not be used in the manner in which I have stated, I do not care how carefully the provision may be made.

For one, as we are to have five thousand more men in the Army, I want the present establishment maintained just as cheaply as it can be consistent with the proper payment of men for the service rendered. This compensation has been fixed by law. The officers of the Army were put there with reference to that law. They have no right to claim any more. I do not believe myself that they really want any more. At all events it should not be, as I think, the purpose of Congress to give them more. We ought at least to keep the expenses within some reasonable compass, and not be continually adding to them for useless and totally unnecessary things.

Mr. LOGAN. I will ask the Senator if this amendment would not cover exactly what he desires, because the committee have no wish to give an opportunity for violating the law:

Provided, That this section shall not apply to any officer serving other than away from any settlement.

So that a man could not then take his soldier-servant with him if he went to where there was any settlement.

Mr. PLUMB. When once you have enlisted this man and employed him as a servant, he will go with the officer wherever he goes. The provision only relates to original employment.

Mr. LOGAN. Under the proviso I suggest the officer who would take this class of soldier away from the command and away from the post where he was employed would be subject to court-martial and dismissal from the service.

Mr. PLUMB. He would violate it exactly as he now violates section 1232 of the Revised Statutes, and does not render himself liable to be dismissed from the Army for doing so, and, according to the testimony of the Senator from Illinois they all do that.

Mr. LOGAN. No, not all.

Mr. PLUMB. They all do that when there is any occasion for it.

Mr. LOGAN. They do that where they can not get a servant.

Mr. PLUMB. The question whether a man will do a thing or not is one that he decides most loosely in his own behalf.

Mr. SEWELL. I suggest an amendment, after the word "may" to add the words "while at such post."

Mr. LOGAN. Very well, I will accept that.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Kansas, the Senator from New Jersey offers an amendment, which will be stated.

The CHIEF CLERK. In section 4, line 2, after the word "may," it is proposed to insert the words "while at such post;" so as to read:

That officers of the Army stationed at military posts apart from settlements may, while at such posts, with the approval of the department commander, each employ one private soldier as a servant.

Mr. PLUMB. That undoubtedly makes it better, but still it would be just as easily evaded as the positive provision of the statute now is.

In addition to that, there is an absolute donation of at least $20 a month to every officer who employs a soldier as a servant. It costs the Government much more. Even beyond the frugal computation of my friend from New Jersey these soldiers cost us over $300 a year each. I do not think there can be any question but what they cost us about $800 each, and yet we propose to give the service of people receiving this compensation from the Government to the officers for $20 a month. It ought to be at least $50 a month. There ought to be no such provision at all in point of fact. This would pay for the transportation of the servant.

Mr. LOGAN. The servants are always transported.

Mr. PLUMB. Not now.

Mr. LOGAN. I beg pardon, they are a part of the command.

Mr. HAWLEY. I am sure that there are a great many posts in the Army where it is indispensable to grant some sort of relief to officers by providing that in some way they shall have servants. At a large number of the posts civilians to be employed are not to be found, and the inferior officer must groom his own horse, clean his own stable, cook his own dinner, make his own bed, and do all kinds of servile work for which he would be perfectly willing to pay, but he can not get anybody to do it. Now to help this, and indeed to include a portion of the country where I think the provision is needed, I propose to insert after the word "posts," in the second line, the words "west of the Mississippi River and;" so as to read:

That officers of the Army stationed at military posts west of the Mississippi River and apart from settlements may, &c.

Mr. PLUMB. While the committee are fixing this up in the interest of the Army officer, I do not see any reason why they should take away anything put in here. Why not give it all to them? I am surprised at the Military Committee that they should seek now to take away anything from this favored class.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. HAWLEY. I supposed that had been agreed to.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. HAWLEY] moves an amendment, which will be stated.

The CHIEF CLERK. In section 4, line 2, after the word "posts," insert the words "west of the Mississippi River and;" so as to read:

That officers of the Army stationed at military posts west of the Mississippi River and apart from settlements may, while at such posts, with the approval of the department commander, each employ one private soldier as a servant.

The amendment was agreed to.

Mr. PLUMB. I move to further amend, by striking out in line 5 the word "twenty," before dollars, and inserting "40;" so as to read:

And that the sum of $40 per month during the period of such employment shall be charged against the officer employing him.

I move this amendment so as to make it come somewhat near what the soldier costs the Government.

Mr. LOGAN. The Senator well knows that the ration costs $6 a month, the clothing costs $3 a month, and you could not possibly make it over $29 a month if you included everything. Why say $40? I do not think the amount of $20 is unreasonable as it is in the bill. I think it is fair and proper; and such an extravagant figure as the Senator from Kansas proposes strikes me as being merely inimical to the bill and not for the purpose of perfecting it.

Mr. PLUMB. The way in which the Senator from Illinois and the Senator from New Jersey figure the cost of a private soldier leads me to call the attention of the Senate to the fact that the officers cost the Government a great deal of money. There are twenty-two thousand private soldiers in the Army. The annual expense is $25,000,000 in round numbers—really about $26,000,000. The soldiers cost about $300 each according to the Senator from New Jersey, which would make $6,600,000. The officers then cost the Government about $19,000,000. That is a tolerably expensive establishment; and yet notwithstanding this skeleton of an army of less than twenty-five hundred officers costs $19,000,000, we coolly propose to add still more to the expense of that particular branch of the service.

Put it which way you will, there is an enormous disproportion in the price we are paying for official service in the Army, and that ought not be added to directly or indirectly. If we are to have a more expensive Army, it should be because we increase the number of enlisted men and not because we increase the expense of those who serve officially in that branch of the service.

But the cost of a private soldier is far more than has been stated. While it is true that we only pay him $13 a month for the first year, or $16 a month as is proposed by the bill, that is subject to an annual increase of $2 a month for every year, I think it is, which he serves. According to the statement of the Adjutant-General it costs more than $100 to recruit every enlisted man put into the Army. I think the sum as estimated by the Adjutant-General is about $112. In addition to that we have of course to take care of them; we feed them; we clothe them; we shelter them; we furnish them medical attendance, and we transport them. Every man we add to the Army increases the expense in all these particulars, and that will make a sum which can not in my judgement be figured out at less than about $800 to each person. Yet we propose to give for $240 a year the service of a man whom we have enlisted at this expense, and whom we are keeping in the Army at this expense, to an officer who may choose to have him for a servant.

As I said, it will result in the enlistment of servants. In that I do not speak of the intention of the Military Committee at all. It seems to have been from the beginning the determination of the Senator from Illinois to impute to every one who opposed this bill some reflection upon him or upon the committee or something of that kind, and thus to shield the bill from that criticism to which I think it is justly entitled.

If the officers are to have these servants they ought to pay what the servants are worth. They would pay very much less than the cost of them to the Government even at the price of $40 a month, because any officer having a servant must of course feed him, he must transport him, he must shelter him, but this man we give to him for $240 a year by the terms of the bill has to be fed and clothed and sheltered and transported, all at the expense of the Government. He has no responsibility for him whatever; he can take him for a short time or a long time as he sees fit. He has all the advantage. What it will result in, as I said, will be that the soldier enlisted west of the Mississippi River will be transported to Washington and to the East. The men enlisted as servants, if not kept in that particular branch of the service, and serving the officers with whom they made the agreement whereby they went into the service, will desert, and there will be the expense of a court-martial, the arrest of the man, and expenses of that kind which the Government will have to bear.

Mr. SEWELL. The Senator from Kansas has endeavored to prove by the naked force of his own statements repeatedly that it costs the Government $800 a year for each private soldier, and that it costs $25,000,000 a year for the support of the Army. The latter statement is correct, but in the items which make up the $25,000,000 a year I find the salaries in the office of the Secretary of War, $110,000—I give the round figures; salaries in the office of the Adjutant-General, $690,000; salaries in the office of the Quartermaster-General, $238,000; salaries in the office of the Surgeon-General, $511,000; pay of the Army, $12,276,000; subsistence of the Army, $1,890,000; quartermaster's supplies of the Army, $2,969,000; transportation of the Army, $2,965,000, transportation of the Army upon Pacific railroads, $715,000; horses for cavalry and artillery, $224,000; clothing, camp, and garrison equipage $1,442,000; medical and hospital department, $215,000; ordnance and ordnance stores, $399,000; ordnance service, $100,000; manufacture of arms at national armories, $400,000; pay at Military Academy, $203,000; and about twenty or thirty items running from $20,000 to $75,000, which I shall not enumerate. The pay is about $12,000,000, $6,000,000 of which goes to the private soldiers and the balance to the officers of the Army in active service and on the retired-list.

As I stated before when I made some remarks on this subject, the private soldier costs to-day $300 per annum as pay, allowance, and clothing, and the necessary transportation to take him to his post and to provide quarters for him, and the balance goes to the general support of the Army, to the keeping up of forts, arsenals, arms, equipment, ammunition, and all the matters connected with the quartermaster and commissary supplies of the Army. It is an unfair statement to say to the Senate that the private soldier costs anything like what the Senator from Kansas said.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to strike out "$20" and insert "$40."

The amendment was rejected.

Mr. PLUMB. I renew my motion to strike out the fourth section.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Kansas to strike out the fourth section of the bill as amended.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMDEN. Let the amendment be read.

Mr. LOGAN. Let the section be read as amended.

The PRESIDENT *pro tempore*. The section will be read as amended.

The CHIEF CLERK. It is proposed to strike out section 4, in the following words:

That officers of the Army stationed at military posts west of the Mississippi River and apart from settlements may, while at such posts, with the approval of the department commander, each employ one private soldier as a servant: *Provided*, That the consent of such soldier shall be first procured, and that the sum of $20 per month during the period of such employment shall be charged against the officer employing him.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. JACKSON (when Mr. HARRIS's name was called). I announce the pair of my colleague [Mr. HARRIS] with the Senator from Vermont [Mr. EDMUNDS]. My colleague is detained from the Senate today by sickness.

Mr. DAWES (when Mr. HOAR's name was called). My colleague [Mr. HOAR] is paired with the Senator from Tennessee [Mr. JACKSON].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is detained from the Senate on account of sickness in his family. He is paired with the Senator from Indiana [Mr. HARRISON].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "nay."

Mr. VOORHEES (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. HAMPTON] who is absent.

The roll-call was concluded.

Mr. CONGER. My colleague [Mr. PALMER] is paired on this question with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, I understand he would vote "nay."

The result was announced—yeas 14, nays 30; as follows:

YEAS—14.

Berry,	Cockrell,	Maxey,	Spooner,
Bowen,	Coke,	Morgan,	Teller.
Call,	Gray,	Plumb,	
Chace,	Hale,	Saulsbury,	

NAYS—30.

Blackburn,	Dolph,	McMillan,	Riddleberger,
Blair,	Eustis,	Mahone,	Sawyer,
Brown,	Evarts,	Manderson,	Sherman,
Butler,	Frye,	Mitchell of Oreg.,	Stanford,
Cameron,	Gibson,	Morrill,	Walthall,
Colquitt,	Gorman,	Pike,	Wilson of Iowa.
Conger,	Hawley,	Platt,	
Dawes,	Logan,	Pugh,	

ABSENT—31.

Aldrich,	Hampton,	Jones of Nevada,	Sabin,
Allison,	Harris,	Kenna,	Sewell,
Beck,	Harrison,	McPherson,	Vance,
Camden,	Hoar,	Miller,	Van Wyck,
Cullom,	Ingalls,	Mitchell of Pa.,	Vest,
Edmunds,	Jackson,	Palmer,	Voorhees,
Fair,	Jones of Arkansas,	Payne,	Wilson of Md.
George,	Jones of Florida,	Ransom,	

So the amendment was rejected.

Mr. PLUMB. I move to strike out section 5 of the bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to strike out section 5, which will be read.

The Chief Clerk read as follows:

SEC. 5. That officers serving away from their stations as members or judge-advocates of courts-martial or courts of inquiry, or as members of military boards, shall receive a per diem allowance of $2.50.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas to strike out the section.

The amendment was rejected.

Mr. PLUMB. I make the same motion in regard to section 6, authorizing the appointment of civilian clerks in place of general-service clerks.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to strike out section 6, which will be read.

The Chief Clerk read as follows:

SEC. 6. That the Secretary of War may authorize the employment at the headquarters of military divisions, departments, and districts of civilian clerks in place of the general-service clerks now authorized for such employment, at rates of compensation not to exceed those paid to other civilian clerks employed at such headquarters by officers of the Quartermaster's and Subsistence Departments.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas to strike out the section.

The amendment was rejected.

Mr. PLUMB. I move to strike out section 9 of the bill, which I ask the Chief Clerk to read.

The PRESIDENT *pro tempore*. The section will be read.

The CHIEF CLERK. It is proposed to strike out section 9, in the following words:

SEC. 9. That fuel in kind only shall be issued to the officers of the Army, without cost, by the Quartermaster's Department, in quantities as prescribed by the Army Regulations and general orders.

Mr. PLUMB. This has been the subject of debate, and I only wish to say briefly that it is a change of the existing law. After a great deal of discussion and after abuses had been developed in the practice which this bill will restore, Congress provided that fuel should not be longer issued in kind to officers, but provided that the Quartermaster-General should furnish to Army officers the fuel which they needed at a uniform price of $3 per cord. It is stated that that is unequal, because in some places wood is worth more than in others. It will be observed in that connection that the inequality in one case is that applicable to the officers, while the inequality which would ensue to the Government by the adoption of this provision has not, I think, heretofore been mentioned.

The Government pays for the fuel of course whatever the market price may be. If it is worth more than $3 a cord it loses now the difference between that price and $3. The officer pays $3 a cord for it whether he be in Montana or whether he be in Texas. Of course the officer serving in Montana is in a cold climate and buys more, because he requires more wood than the officer for the time serving in a warmer climate; but inasmuch as stations are changed from time to time, it happens that officers who are on active duty get the benefit of this climatic difference as perfectly as they could under a provision of that kind.

Under this section officers in Washington, in New York, or elsewhere, after being entitled to fuel in kind, will go to the contractor who furnishes the wood, order the wood, receipt for it, and receive from the contractor whatever price may be agreed upon between them in lieu of the actual furnishing of the wood itself. It amounts to setting up and legalizing a traffic of this kind on the part of all Army officers. It had that effect before and it will have it again. In my belief, it will add a couple of hundred thousand dollars to the cost of maintaining the Army. I think therefore that the present rule, which has not proved onerous, ought to be maintained.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas to strike out section 9 of the bill.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. Before the yeas and nays are taken I merely wish to say, by way of explanation, that the provision in the bill is the provision which was in the bill when the Army was reorganized on the peace establishment, as it is called. The provision which the Senator desires to have remain is the provision of the law which always existed heretofore where officers drew what they called commutation of fuel. We changed that in the reorganization of 1870 because of abuses which I do not care to speak of, and provided that they should receive the wood or coal, whatever it was, in kind; that the quartermaster should furnish it to them in kind. That was the law then until it was changed on an appropriation bill, and not by any bill reported from the Military Committee. So it was changed back to the old status.

As I stated yesterday, and as the Senator from Kansas will remember when he was on the committee himself for the purpose of reorganizing the Army under General Burnside, they submitted exactly this provision in their report.

Mr. PLUMB. Not by my vote.

Mr. LOGAN. I do not know anything about that, but the Senator's name is signed to the report. That is all I know about it. I do not know whether the Senator was in favor of it or not, but that is the universal sentiment of the men who have experience in reference to this matter. In the West, where wood is at a high price, an officer getting but $1,400 a year is on starvation allowance almost when he has to pay $8 and $10 a cord for wood after he expends the amount which is allowed to him, which he has to exceed in such an extreme climate.

Mr. BUTLER. And the larger portion of the officers are there.

Mr. LOGAN. Yes, the larger portion of the officers, as is well known, are stationed in the northern Territories.

Mr. SEWELL. Under the present Army Regulations a lieutenant in the Army is allowed from May 1 to August 31 half a cord a month, and from September 1 to April 30 a cord a month. He is allowed to buy that now at $3 per cord, but in the cold latitude in which a great many posts on the frontier are situated the officers may need much more than eight cords between September and May, and at very many places in the prairie country it takes sometimes half his pay to keep himself in fuel.

Mr. PLUMB. If that is true, and if those officers are as the Senator from Illinois says on the point of starvation, why do we not pass a bill giving them additional pay? I think if there is any one thing which there is a common opinion about, it is to the effect that there ought not to be perquisites attached to any public place, and that salaries should be given directly and not indirectly. If those officers are not getting enough so as to enable them to buy food, or fuel, or clothing, or to support their families, let us give it to them directly, and not open a door of this kind whereby there will come up, as there was before, a traffic which, whether legal or illegal, was a bone of contention and source of corruption and a cause of scandal. Let the pay be made $1,500, or $1,700, or $2,000, or any other sum that may be necessary, whatever may be demonstrated to be proper, but do not enter upon this giving of perquisites, which always leads to one result and that an unwholesome one.

Mr. LOGAN. If we should give the officer $1,800 he would be entitled to wood just the same.

Mr. PLUMB. So he would if we were to pass this bill; but I do not want to pass the bill.

Mr. LOGAN. When I spoke of starvation prices, I did not refer to any officers except those who receive $1,400 a year. I had in mind those officers who are receiving $1,400 a year, where fuel is at such an

extravagant price that it brought them to nearly a starvation point. I said that, and that is true.

Mr. PLUMB. Very well; and then I said we ought to increase the salary, we ought to give them the pay directly which they need for the purpose of properly compensating them for the service they render.

Mr. LOGAN. But I am afraid you would object to that.

Mr. PLUMB. I would, because I think they are now paid enough. I have heard of Indians starving out on that frontier, but while I read the telegrams with tolerable care I have not yet observed an account of any officer of the Army starving. Perhaps the Senator from Illinois has heard of such a case. And I have not heard of any of them resigning either.

As I said, the objection to this section is, in the first place, that it is adding to the compensation, but the worst objection is that it adds to it indirectly, and that it opens a door to them which Congress sought to get rid of, and which it did get rid of, measurably at least, by the passage of the act of 1873, requiring wood to be sold to the officer, and thus cutting off his private traffic. As I said, I would rather give twice the value of the wood to the officer directly and let him draw it out of the Treasury as part of his compensation, than to give him the wood and thereby set in motion this great traffic, which is liable to result, and which will inevitably result, exactly as it did before.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH], who is necessarily absent, and will be absent for some days. I shall not make the announcement again.

Mr. PALMER (when his name was called). I am paired, as I announced before, with the Senator from North Carolina [Mr. VANCE], I should vote "nay" if he were here.

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON].

The roll-call having been concluded, the result was announced—yeas 8, nays 30; as follows:

YEAS—8.

Berry,	Bowen,	Maxey,	Plumb,
Blackburn,	Coke,	Morgan,	Teller.

NAYS—30.

Blair,	Frye,	Mitchell of Oreg.,	Sawyer,
Brown,	Gibson,	Morrill,	Sherman,
Butler,	Gray,	Pike,	Spooner,
Colquitt,	Hawley,	Platt,	Stanford,
Conger,	Kenna,	Pugh,	Walthall,
Dawes,	Logan,	Riddleberger,	Wilson of Iowa.
Dolph,	McMillan,	Sabin,	
Eustis,	Manderson,	Saulsbury,	

ABSENT—37.

Aldrich,	Evarts,	Jackson,	Ransom,
Allison,	Fair,	Jones of Arkansas,	Sewell,
Beck,	George,	Jones of Florida,	Vance,
Call,	Gorman,	Jones of Nevada,	Van Wyck,
Camden,	Hale,	Mahone,	Vest,
Cameron,	Hampton,	McPherson,	Voorhees,
Chace,	Harris,	Miller,	Wilson of Md.
Cockrell,	Harrison,	Mitchell of Pa.,	
Cullom,	Hoar,	Palmer,	
Edmunds,	Ingalls,	Payne,	

So the amendment was rejected.

Mr. LOGAN. There was some discussion in reference to section 16, and that there may be no further objection except to the principle of it, I will move an amendment which would seem to make it conformable at least to the views of many Senators. That is the section in reference to the inspection, and I would make it read "that hereafter there shall be additional inspections made of the Pay Department," so that the section can not be construed to mean that these are to be the only inspections made of the paymasters' offices.

Mr. SEWELL. I suggest to the Senator to make it read "annual additional inspection."

Mr. LOGAN. I will accept that suggestion.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Illinois will be stated.

The CHIEF CLERK. In section 16, line 1, after the word "hereafter," it is proposed to insert the words "an annual additional," and to strike out the words "the inspections" and insert "inspection shall be," and in line 2 to strike out the words "shall be made;" so as to read:

That hereafter an annual additional inspection shall be made of paymasters' accounts, offices, their duties, &c., by officers of the Pay Department detailed for that purpose by the Secretary of War, &c.

The amendment was agreed to.

Mr. MANDERSON. I move to add at the end of the bill, as an additional section, the following:

SEC. —. That section 1106 of the Revised Statutes of the United States of America be amended so as to read as follows:

"Each infantry regiment shall consist of twelve companies, one colonel, one lieutenant-colonel, three majors, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants, selected from the first or second lieutenants of the regiment: *Provided*, That all appointments to the original vacancies above the grade of second lieutenant created by this act shall be filled by seniority in the infantry arm of the service: *And provided further*, That of the number of second lieutenants in excess of the graduates of the Military Academy appointed to the infantry arm of the service, one-half of such number shall be appointed from the enlisted men of the Army of the United States, after proper examination."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. MANDERSON.]

Mr. MANDERSON. I desire simply to suggest that this proposed amendment is the three-battalion bill in substance as reported by the Committee on Military Affairs favorably. It proposes to make one-half of this increase for the purpose of increasing the efficiency of the infantry regiments by organizing them under the three-battalion idea. It has, I understand, the approval of the chairman of the Committee on Military Affairs and the entire committee.

Mr. PLUMB. I presume that of course will be added, although I did not expect quite so quick a recognition of the fact that more men need more officers. The private soldier with his $300 a year disappears now, and the officers come in in proportion to the number of soldiers; so that these five thousand men add just as much in proportion to the expense as the men who are now in the Army. It is a little swift, as I said, but it is a complete recognition of the fact that one step follows another in regard to matters of this kind, and these five thousand men will cost just one-fifth as much as the twenty-five thousand men we now have.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. MANDERSON].

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. The amendment adds two hundred officers to the Army—fifty majors, fifty captains, fifty first lieutenants, and fifty second lieutenants.

Mr. MANDERSON. I do not know that debate is in order at this time, but I should like unanimous consent to explain the amendment.

The PRESIDENT *pro tempore*. Debate is in order.

Mr. MANDERSON. I will take this occasion to explain the statement of the Senator from Missouri, a statement which, perhaps while true in a degree, might create a false impression in reference to the amendment.

It is true that it is proposed to add, for the purpose of reaching the three-battalion organization of infantry, two hundred officers to the regular Army, not however by the appointment of fifty majors, fifty captains, fifty first lieutenants, and fifty second lieutenants, but two hundred second lieutenants, advancing a certain number of officers of the grade of first lieutenants to captains and captains to majors.

This proposition is one which has been recommended year after year for the last eight or ten years by every commanding general of the Army and by the Secretary of War, and it certainly seems to me that the most efficient and the best use which could be made of one-half of the force that is added to the regular Army by the bill would be increasing the efficiency of the infantry arm by adopting the three-battalion organization, an organization which, as I suggested a few days ago to the Senate when talking about the bill as apart from the general Army efficiency bill, is one that is absolutely needed by reason of the changed condition of military matters.

As I said then, I now repeat, the present organization of the infantry arm of the service, consisting as each regiment does of ten companies, constituting one battalion, is as obsolete as the flint-lock musket as an implement of war. I suggest what I before said, that the infantry organization of the United States Army is found in only two other countries in the world, and those two are Persia and China. There is not any army of all the European nations that study the art of war but what has progressed out of the single battalion organization.

Gentlemen are fearful of adding largely to the cost of the Army—something that I do not fear at all; but I believe this proposition is made in the interest of true economy. Still, if they have such fears, it is very easy for them by amendment to this proposed amendment to reach what they desire.

The number of second lieutenants to be added by the amendment is two hundred. A few days ago the Senate passed a bill providing for a certain number of additional second lieutenants in order that the graduating class of this year at West Point might be provided for. The graduating class of this year is seventy-eight in number. Only one-half of that number, thirty-nine, I believe, can be taken care of by the vacancies which have occurred or will occur between now and the day they shall graduate, leaving thirty-eight who will necessarily be added as additional second lieutenants if this measure does not pass. The remainder, about one hundred and sixty in number, of second lieutenants this amendment provides shall be appointed, one-half from the rank and file of the regular Army, giving to the efficient and worthy private soldier, the enlisted man of the Army, a chance for promotion, and the others are to be taken from civil life.

It would be very easy for those who are actuated by what they believe to be economy to reduce the number of second lieutenants for the infantry regiments. I certainly would not myself favor that course,

but we might make one hundred second lieutenants to be appointed under this bill. However, I hope that the amendment as reported by the Committee on Military Affairs will be adopted as it stands.

Mr. COCKRELL. The amendment if adopted will add just fifty majors to the Army to the number already existing; it will add just fifty captains more, and it will add just fifty first lieutenants, and fifty second lieutenants, two hundred in all; but by the hocus-pocus of the distinguished Senator from Nebraska he makes it that there are only to be two hundred second lieutenants appointed. That is true from outside of the Army, but fifty captains who are not entitled to promotion to majorities will be appointed and taken out of the list of captains and made majors, and then lieutenants will be appointed in the place of the captains, those who are already in the Army, and then second lieutenants to the places of the first lieutenants, so that the new appointments from the outside will come in at the lowest grade of second lieutenants. Nevertheless it adds fifty majors to the Army, fifty captains, fifty first lieutenants, and fifty second lieutenants, and the pay to which they are entitled.

I am opposed to the amendment, although the principle is right if it were a consolidation instead of an increase of the Army. But as I have already spoken to the Senate upon this question, I shall withdraw the call for the yeas and nays if I may have permission to do so.

Mr. GIBSON. I should like to ask the Senator from Missouri if the effect of the amendment is not to promote lieutenants to be captains and captains to be majors.

Mr. COCKRELL. Certainly.

Mr. GIBSON. But not to hold open so many more additional appointments of persons outside the Army?

Mr. COCKRELL. No, it does not make fifty majors outside of the Army; but it takes fifty captains and makes them majors, and fifty of the first and second lieutenants, so that the whole two hundred come in at the foot of the list as second lieutenants.

Mr. GIBSON. What is the actual absolute increase?

Mr. COCKRELL. Just two hundred.

Mr. GIBSON. I mean the increase to the Army.

Mr. COCKRELL. Two hundred. The new men come in as second lieutenants, but fifty captains are made majors and draw majors' pay, fifty first lieutenants are made captains and draw captains' pay, fifty more are to be first lieutenants, and fifty more are to be second lieutenants. The cost of it will be the salaries of fifty majors, fifty captains, fifty first lieutenants, and fifty second lieutenants.

The PRESIDENT *pro tempore*. The Senator from Missouri asks the unanimous consent of the Senate to withdraw the call for the yeas and nays. Is there objection? The Chair hears none, and the call is withdrawn. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

Mr. GIBSON. I move to add as an additional section to the bill:

SEC. —. That section 1218 of the Revised Statutes, as follows—

"No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States or of either of the States in insurrection during the late rebellion shall be appointed to any position in the Army of the United States"—

be, and is hereby, repealed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. GIBSON].

Mr. GIBSON. Mr. President, I shall speak very briefly to this amendment. Until the adoption of the fourteenth amendment to the Constitution of the United States we had no definition of what constituted either citizenship of the United States or citizenship of a State. But the first section of the fourteenth amendment to the Constitution of the United States declares that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, &c.

What are the privileges and immunities of citizens of the United States?

There had always been some doubt about what was the nature of these immunities and privileges until they were determined by the Supreme Court of the United States. I will not detain the Senate to read the various definitions and discussions of these words to be found in the different decisions of the Supreme Court. It is true that many of them, most of the early decisions, related to the constitutional scope and significance of section 2, Article IV of the Constitution—"The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States"—but since the adoption of the fourteenth amendment of the Constitution with these words therein they have received a more definite and precise and authoritative construction.

Mr. Justice Washington, in Corfield *vs.* Coryell (4 Washington Circuit Court, 371), says he feels no hesitation in confining these expressions to those privileges and immunities which are fundamental, which belong to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign. The Supreme Court, in the celebrated Slaughter-house cases (16 Wallace), interpret the meaning of these words in the Constitution clearly and fully. The court say:

But lest it should be said that no such privileges and immunities are to be found if those we have been considering are excluded, we venture to suggest some which owe their existence to the Federal Government, its national character, its Constitution, or its laws.

One of these is well described in the case of Crandall *vs.* Nevada, 6 Wallace, 36. It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, "to come to the seat of Government to assert any claim he may have upon that Government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its seaports, through which all operations of foreign commerce are conducted, to the subtreasuries, land offices, and courts of justice in the several States." (Slaughter-house cases, 16 Wallace, 79.)

Here then it will be observed the Supreme Court declares the right "to share its offices," the offices of the Federal Government, among the privileges and immunities guaranteed by the Constitution to the citizens of the United States.

The Constitution of the United States imposes certain qualifications for the offices that are created by that instrument. It declares the qualifications of President and Vice-President, of Senators and of Representatives, and in the third section of the fourteenth amendment we find certain disqualifications for office, or disabilities, which may be removed by a vote of two-thirds of each House of Congress. Whether we regard the third section as constituting pains and penalties upon those who entered the service of the confederacy or not, it certainly does prescribe certain qualifications upon all persons who were engaged in the rebellion to enter the service of the United States. It says in express terms:

No person shall be a Senator or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

That is a negative pregnant with an affirmative. It declares certain persons disqualified from entering the Army of the United States. All other persons who are not so disqualified surely have the right under the definition of the Supreme Court of the rights and privileges of American citizens to enter the Army of the United States, and all persons who come within the fourteenth amendment have the right to enter the Army when the disqualifications or disabilities shall have been removed. It is very plain.

It is true the Constitution confers the power upon Congress to raise and support armies, and to make rules for the government and regulation of the land and naval forces. But the Constitution also confers the power upon the President to nominate and, by and with the consent of the Senate, to appoint all officers of the United States. Congress does not possess the appointing power even of the officers of the Army. The only limitations upon the exercise of this power by the Executive are to be found in the Constitution itself. This statute providing that no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States, in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States, I submit is an attempt by statute to deprive certain citizens of the right to be appointed to offices by the President, to deprive citizens of the United States of immunities and privileges guaranteed to them by the Constitution of the United States, for it declares in effect that a person after having his disabilities and disqualifications for office removed in the manner pointed out by the Constitution shall not then and thereupon enjoy the rights that belong to him under that Constitution, and which the Constitution declares shall be his when his disabilities shall have been removed. The statute does not apply equally to all citizens, is not general in its bearing, but designates a certain number of American citizens who shall constitute a proscribed class, and a class thrust outside of the reach and protection of the Constitution. It is not a statute to regulate the Army or appointments to the Army, but to deny the right to enter the Army to certain citizens.

The statute also attempts to place the restriction and limitation upon the power of appointment by the President in the selection of officers in the Army, which is likewise repugnant to his constitutional rights and responsibilities.

Under the operation of this third section of the fourteenth amendment we find a person who has been engaged in the service of the Confederate States after his disabilities have been removed is eligible not only to become a Senator and Representative in Congress, Associate Justice, and even Chief-Justice of the Unied States, to hold the scales in equal balance before the nation and to represent its honor, dignity, and power, and good faith and civilization at every court in Europe—nay, to the Vice-Presidency and Presidency, to be the Chief Magistrate of this nation, the commander-in-chief of their Army and and Navy; and yet this statute declares that he may not become a lieutenant in the Army of the Union.

Sir, the statute is not only in conflict with any just and fair interpretation of the Constitution, but conflicts with those generous and magnanimous sentiments which have invited the whole world to witness the most extraordinary spectacle that has ever been presented in

the history of nations, namely, that perfect concord which brings together in this Chamber as the representatives of a united country those who but a few years ago upheld the cause of the Southern confederacy, the peers and companions of those who stood by and for the Union. This remarkable circumstance characterizes the people of this country as not only the wisest but as the most generous and magnanimous known to history, and compensates and consoles the student of political history for the tremendous sacrifices and bitterness of the civil struggle.

This statute conflicts also with that plain common sense which would impose no stigma or bar sinister upon any portion of the American people. It is equally repugnant to those fundamental ideas of equality of right which constitute the very foundation upon which these free institutions rest. Moreover it is in a great measure useless and inoperative. Those engaged in the civil service of the Confederate States have no qualifications and certainly no desire to enter the standing Army of our country. Of those who were in the military and naval service the great majority have been gathered to their fathers, and of those who still remain very few indeed, on account of their years and occupations in life, would be eligible even as lieutenants in the Army. It might be that some beardless boy who wore a gray jacket and followed the standard of Lee or Johnston or Hood from a fondness for military life might desire to enter the standing Army and to become a soldier of the Union and to fit himself some day to lead a division or army corps under the flag against the enemies of his country. What harm would be done if such a one or two or three out of the two hundred lieutenants to be added to the Army by this bill should join it?

Under these circumstances is it wise policy to insist upon such a statute and to preserve such odious discriminations against a body of men who in simple faith and fidelity to the States in which they lived and to the teachings of their fathers joined in upholding the cause of the lost confederacy, and who to-day stand ready to defend the flag of the Union with their lives?

They surrendered in good faith as soldiers of the confederacy. They returned to their broken and devastated homes without murmuring, and by their peaceful and industrious lives have vindicated their title to the confidence and respect of the people of the whole country. They can seek no pensions, for the Constitution denies pensions to them, but have contributed freely from their earnings to pay the millions on millions for pensions to the gallant soldiers of the Union Army, to their widows and children.

Under these circumstances is it not proper, is it not wise, that this unconstitutional statute which inflicts upon them a degradation and imposes a humiliating stigma should be repealed? That is all we ask.

Mr. LOGAN. I have an amendment here which I think would be acceptable to the Senator from Louisiana, and, if so, as far as I am concerned I certainly shall make no opposition to his proposition. I will say to him, however, that there are a great many persons in the Army now, who served in the confederacy in subordinate positions; that is, a great many private soldiers, and some of them at least act as corporals and sergeants. I know that to be the fact.

But perhaps it is best for us not to go too fast, and I propose an amendment, if the Senator will accept it, which I think would be satisfactory to everybody. I know what he says is true, that these men are over age, but there is in the minds of the people an idea that certain persons, if there is culpability in conduct, are more culpable than others. My amendment is to add the following proviso:

Provided, That this section shall not apply to any officer of the Army or Navy or graduates from the Military Academy at West Point or the Naval Academy at Annapolis who entered the service of the confederacy against the Union.

That excludes the officers who belonged to the Army of the United States and entered the confederacy, the graduates from those academies, but applies the provision to everybody else.

Mr. GIBSON. I can not accept that amendment. There is less use for it than there is for the statute, because all the officers who graduated before the war at the Military or Naval Academy and afterward entered the confederate service are beyond the age really to take lieutenancies in the Army; and the Constitution itself permits those gentlemen, if their disabilities are removed, to enter the Army.

Mr. BECK. Mr. President, I rise more to ask the Senator from Illinois a question than to say anything else. Fifteen years ago, when the young men who were boys in the confederate army had a right to enter the service, I thought it was well that men from all parts of the country should have a right to serve in the Army; but now twenty-one years have run since the war closed. A young man then nineteen is forty to-day. I understand that no second lieutenant is ever appointed over thirty years, and no man is accepted as an enlisted man certainly over forty. So this seems to me a good deal like locking the stable-door after the horse is stolen. We might as well strike it out and let it go, for there is no practical use in it that I see, for no such man can enter the Army as I understand now.

Mr. LOGAN. I wish to call the Senator's attention to one point with his permission.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Illinois?

Mr. BECK. Yes; I rose really to ask the Senator from Illinois if there was anything practical at all in this proposition.

Mr. LOGAN. I will say to the Senator that there is no law fixing the age at which persons may enter the Army. There is a rule in the Department which requires that a person shall not be over thirty years old before he can be appointed in the Army, but that is a mere rule, it is not a law. The Senator will find no statute of that kind anywhere.

Inasmuch as those who were graduates from the different academies who left the Army or Navy of the United States and entered the service of the confederacy were a distinct class, it strikes me that as they can not enter the Army, there should be no reason why permission should be given them to enter the Army. As it applies to everybody else, soldier or officer, certainly inasmuch as they are in every character of office in the Government under the laws and the Constitution, I do not propose to make any contest in reference to it. I supposed that my proviso would be accepted. I drew it thinking it would be accepted for that reason, so as to make that distinct before the country, and I think it is just.

Mr. GIBSON. I suggest to the Senator from Illinois that it is not to get anybody in the Army that I desire the statute taken out; it is because it is a stigma, a badge of disqualification which I hope will disappear from our statutes.

Mr. BUTLER. If the Senator from Illinois will pardon me for one moment, I suggest that there might arise an occasion where this disqualification might be a very serious matter, in case of a foreign war.

Mr. LOGAN. Yes; I admit that.

Mr. BUTLER. Suppose this country should get into a foreign war within the next month, there is not a man who served in the confederate army and might be young enough to command a regiment or brigade or division but would be disqualified under that provision of the statutes, and in that aspect of the question it might be a matter of some consequence. I do not think it of any practical consequence so far as appointment to subordinate positions is concerned.

Mr. LOGAN. I agree to all that, and if that time should arrive no doubt the country would appreciate the services of those men. There is no question about that; but not out of any feeling against those men or against any other men, I maintained in the Committee on the Judiciary and I have always maintained in the Senate that that distinction ought to be made between men who served in our Army and had received the education of the Government and went into the service and those of the same class who went into the service of the confederate government. It has seemed to me that such a distinction was more of a compliment to those men who did not go into the confederate army from our Army than anything else that could be done. I have always said so, and I have always felt so. The Senator says that no such person can go into the Army. It is not the going into the Army I am objecting to; that is not it at all. It is to keep that distinction which I have always thought ought to be made.

However, as the Senator says that no such person can go into the Army, I will say to him that there are one or two persons in the service now who were in the confederate service.

Mr. GIBSON. Not as officers.

Mr. LOGAN. Yes, sir; as officers.

Mr. GIBSON. Commissioned officers?

Mr. LOGAN. Yes, sir. One of them is from Virginia and is now in the Medical Corps of the Army. I do not know whether he was a surgeon in the confederacy, but I think he was. He went through an examination here before a board, and the board reported him to the Surgeon-General and permission was asked for his appointment, and Congress gave it to him, and he is now serving, as I understand, in the Army. And I think there is one other case in Maryland, but I am not sure about it. I know there is one case in Maryland where the same thing was asked, but whether it was granted or not I do not remember. I am told it was not. I know it was asked. The other case was granted, the man from Virginia, and I think he is now assistant surgeon in the Medical Corps of the Army of the United States. In places of that kind, in the different bureaus of the War Department, this rule is not applied. It is applied to lieutenants who are appointed in the Army. That rule is not applied to other branches of the service.

Mr. GIBSON. The Senator sees my purpose in offering this amendment.

Mr. LOGAN. I have not offered the amendment I suggested. I only asked the Senator if he would accept it.

Mr. GIBSON. I am sure the Senator from Illinois would not think any more of me or my associates if we were to consent that the graduates of West Point or of the Naval Academy, who under a profound sense of duty, as it seemed to them, joined us in this enterprise against the Union, should have a punishment inflicted upon them that we ourselves did not receive; that a greater measure of punishment or of discrimination should be visited upon them than upon us. I submit to the Senator, therefore, that it would be wrong in me to accept any amendment which discriminated in favor of myself or other gentlemen who were associated with me in the confederate army and against others who did no more than we did.

I submit also to the Senator that in the event of a foreign war or of any war, how would he feel if when he saw the flag of our country unfurled he were forbidden by the statute from jumping to the defense of it, as he would to the defense of his own honor and his own fireside,

thus being under the ban? I hope that day is passing away when any Senator on this floor shall feel that it is necessary either to satisfy his constituents at home or his own resentment, or to preserve the faith of our country or the honor of our country, that there should be inflicted upon this diminishing band of men who have no pensions, who do not desire any of the emoluments or honors of the Government, but who do not wish to live under the ban and stigma of censure that this statute imposes upon them.

Mr. SEWELL. As a member of the Military Committee, I will say to the Senate that I believe one-third of this body as well as a portion of that committee is composed of gentlemen who were engaged in the confederate army, and they to-day represent the Southern States with fidelity to the United States Government. I believe this statute should not remain, but the question of its repeal ought not to be attached to this bill. I shall be very glad, indeed, if the Senator from Louisiana would withdraw his amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

Mr. CONGER called for the yeas and nays, and they were ordered.

Mr. MORGAN. I think that the Senate is conscious of the fact that the time may arrive when this discriminating statute ought to go off the book. There may be some sentiment hid away in the hearts of men who are old, and who are inveterate in their opinions, which demands that there shall still remain upon the statute-book an offensive denunciation of the class of men who engaged in the rebellion; but I think the country has very largely outgrown that, and I judge it as much from the character of the sentiments which have been uttered on the floor of the Senate to-day by gentlemen who were in the Union Army as I do from any other fact within my knowledge. I hope, therefore, that we shall not allow a sentiment which is fading out, which is no longer of any service to the country, which is not likely to add anything to its comfort or to its prosperity, to stand in the way of the removal of a statute which now has no beneficial purpose or effect at all, and which really has no actual operation upon appointment to office.

This statute has never been brought in question in any way so that the Supreme Court of the United States could pronounce definitively whether or not it was a constitutional enactment; but the argument made to-day by the Senator from Louisiana and supported by the authority which he read from the Supreme Court of the United States demonstrates, in my judgment, that this was always an unconstitutional law. When the people of the United States undertook the amendment of the Constitution and inserted the fourteenth article of amendment and ratified it, they enacted the only law of disqualification that they desired to enact operating upon the people of the United States to prevent them from the right to hold office. It was a very ample enactment; it included every class of cases that the Congress and the different Legislatures that ratified the amendment thought it was necessary and proper to include. It did not confer upon Congress any additional power to disfranchise or disqualify men from office. It fixed the disqualifications in the body of the amendment and said, "Thus far will we go and no farther." It never said to Congress, "You shall have full liberty to go as far as you please in disqualification." This statute which we are now considering and trying to repeal was enacted long after the offense was committed and after all opportunity had passed away for the commission of the offense, in what was styled the rebellion, the insurrection of the Southern States against the Government of the United States. Every alleged crime that could possibly have been committed in the course of those military operations had been completed, as a matter of fact, absolutely before this statute was passed.

Now, what prevents that from becoming an *ex post facto* law? I grant you that when you adopted the fourteenth amendment you had the right to make it *ex post facto*, and you did so make it, and it has operated as an amendment to the Constitution of the United States, and none of the persons who are denounced under the second section of the fourteenth amendment as being disqualified from holding office can ever hold office in the United States until this political disqualification is removed by a vote of two-thirds of each House of the Congress of the United States. That is the situation as to them. That was an *ex post facto* law, it was true, but it was a constitutional amendment, and constitutional amendments may operate *ex post facto* and be entirely valid.

When, however, you come to the matter of enacting a law there is a restraint upon the power of Congress that it shall not enact a statute which relates back to an antecedent condition of affairs and makes that criminal which was not criminal before, or which attaches to that which was criminal a penalty that did not exist before. So that this is in every sense an *ex post facto* law.

But the ground taken by the Senator from Louisiana is still stronger than this. It is a ground of intent, a ground of construction, which is that those men who framed the Constitution excluded from us the power to disqualify men for anything that related to the rebellion because they took the whole subject up and dealt with it as a whole, and gave to us this constitutional enactment as the final solution and settlement of the whole controversy.

I said, Mr. President, we never had an opportunity of having this question presented so that it could be decided by the Supreme Court of the United States. Now, suppose that a man was nominated here to-day for a quartermaster or a paymaster in the Army of the United States, taken from private life as he may be under the statute; the nomination was confirmed by the Senate and he was commissioned by the President and took his place, qualified as an officer; is there any power, judicial or legislative, in the United States which could deprive that man of his office under this law? That would present the question in a light that would bring the whole of this argument distinctly into view; and I think that the opinion and answer of every lawyer in the Senate must be that that man would hold his office by the appointment of the President made after a ratification of the Senate, the law to the contrary notwithstanding.

Suppose that the President of the United States should send in here a man who had been disqualified under the second clause of the fourteenth amendment, and the Senate by a vote of two-thirds should ratify and confirm his nomination? Even in a case of that kind this body would have the constitutional power to waive the provision and accept his services. There might be circumstances where it would become a national necessity that a thing of that sort should take place.

But what I am trying to show is that it is not in the power of Congress by legislation merely to put disqualifications for holding office—mark the words—to put disqualifications for holding office upon citizens of the United States which are not recognized in the Constitution of the United States, either expressly or by some necessary implication, such as unfitness for office. To take a man who is qualified, who is fit, who has all the requisite information to make him a competent and good officer of the United States Government, and enact against that man by name a law that he shall not hold an office under the Government of the United States because he is worth a million dollars or because he is not worth 5 cents or because his politics are this way or that way or for any other cause—for if you can disqualify him for one cause by an act of Congress, you can disqualify him for any—to take an individual, name him in a personal statute, declare that the Congress of the United States enacts "you are disqualified for holding office;" sir, you have not got the power to do it. The President can appoint him and the Senate can confirm him, and the President can commission him, and he can go along and execute the functions of his office in despite of the decree of Congress; all of which merely proves that there are some things which Congress can not do, and among the things that Congress can not do we can not pass an *ex post facto* law to condemn a man from holding an office in any department of this Government because of an offense committed before the time that he was appointed hitherto or before the time of the enactment of the law. That is the proposition on which I stand.

It has not been necessary, it would have been inappropriate, perhaps it would have been exciting or even aggravating for a man coming as I do from the South hitherto to have made a question of this kind and to have pressed it upon the attention of the Senate; but now you are asking us to vote to increase this Army by two hundred officers and by five thousand private soldiers, and this law stands upon the statute-book to say to us, "The men who are to go into this Army under this new régime must be men who are not of your kith and kin, men who do not live in your section of the country, men who do not think as you do; they must be men who live where we do, that have our opinions on past questions, that have never been involved in any previous difficulty with the people of the United States." You might just as well have attempted to declare by an act of Congress that I could not have taken my seat as a Senator from Alabama because I had participated in the rebellion, and I did it with my eyes open and my heart in my hand—no question about that.

Now when you are asking money to increase the Army of the United States and we have got votes, do not ask us to violate both our sense of constitutional obligation and our sense of respect for the men who have grown up and lived with us and whom we do honor in person and in every way, and ask us to do that while you call on us to vote for the bill to increase the Army of the United States. Never will I vote for a bill to increase the Army of the United States while a single man that bore arms in the South is excluded from it, unless you mention Mr. Davis, and I name him because I know he would not accept it.

That is my view of this question. I am sorry, Mr. President, that the occasion never before arose when I had to discuss it.

Mr. CALL. Mr. President, I think the time has arrived when we have approached to a period when the transactions of the war may be regarded as matters of history, when we have survived its passions, its prejudices, and its antagonisms. I think I see on the other side of the Chamber and throughout the entire country, North and South, a disposition to forget whatever was wrong and whatever was violent and bitter in resentment, and to accept the past as one of the inevitable consequences of providential arrangements. The time has come when we may speak a word in defense of those men who, acting in obedience to their conscientious judgment, whatever may have been the correctness or incorrectness of their opinions, followed them to the death. The officers of the Army of the United States who went into the confederate service and the officers of the Army of the United States who remained loyal to the Union were not divided by any very great stretch of opin-

ion. Some at least of the most distinguished officers of the Army of the Union in their judgment stood upon a balance as to which side their convictions of duty, their feelings, and their past associates should lead them. That fact is well known as to each and to both of them whether they adhered to the one cause or to the other. They acted from causes over which they had no control, from the associations of the past, from convictions and judgments which had come to them in the ordinary course of life, and they were conscientious. One was equal in every respect to the other.

I think we might now approach that plane of judgment, of calm consideration, of justice, to say here what Mr. Sumner said long before the war, that the man who followed his conscientious judgment obeyed that which was a higher law to him than the obligations of government or his opinions in regard to public policy. And however we may fail to discriminate in the moment of passion, the judgment of history must ever accord to the man who imperils his life, who goes to the field and into the battle and suffers every form of sacrifice for a conscientious opinion and belief of right, the highest character to which a human being may attain. Therefore, sir, I think we can not now say that the officers of the Army because they were educated at West Point, because after serving under the flag of the Union they conceived an opinion different from those who adhered to the Government are justly subject to any imputation.

True, we all perceive now the unfortunate error of that course; true, it seems now in the light of experience, now when opinion has become developed fact and been crystallized into great and accomplished results, that the country would have been better served if all of us had adhered to the Union and sustained it and there had been no secession and no war; but to impute to the men who differed in judgment a want of either conscientious opinion or of high and honorable performance of duty as they understood it is both unwise and impolitic and narrow-minded, unjust, ungenerous, and unworthy of civilized and Christian men. Therefore I would to-day gladly see a state of opinion and law in which the meritorious men of the Union Army who went into the confederacy at the beginning of the war from conscientious conviction were not only allowed to enter the service but were invited to do so.

It is to the interest of the people that the citizens of both opinions, Union and confederate, should hold office, both civil and military, without distinction or difference as to the part they took a quarter of a century ago. This was the opinion of Charles Sumner, expressed many years ago. It is both the Divine and human judgment that to err is human, to forgive, divine; and he who would perpetuate strife and ill-will and resentments can hold no place in the respect and esteem of an intelligent, humane, and just public sentiment. Under what government and in what period of the history even of barbarous times was it ever before heard that men should be excluded from military service because they thought many years before that they had grievances which justified them in attempting revolution by arms.

Who would deny that if General Lee were living to-day he would not be as loyal to the Union, as brave and devoted as any other man, be he who he may? Who doubts that if war existed and General Grant were alive he would select General Lee with the acclamation of the whole country to be an officer high in command in the Union armies? Who would doubt his loyalty, and who would doubt his honest devotion to what he thought was right? And now when this great war, this great difference of opinion, this antagonism produced from causes which the Senate has nothing to do with, which came in the order of Providence, has passed, who but men of narrow and vindictive judgment can question that the men of the army who went with the South from honest convictions of duty are not equal in every respect in their desire to serve the country, in their capacity to do it in their character as men as any others?

Therefore, sir, I hail with great gratification the expressions which come from some distinguished soldiers of the other side of the Chamber, and I think it would be well not only that this law were repealed but that there should be in the Union Army of to-day some of those men whose misfortune it was to have gone with the South, and sacrificed their places in the Army, their future preferment, their families, and themselves to what they regarded at the time as a duty.

This is certainly the just judgment of a great majority of the people of this country, and it should have expression in the laws.

Mr. CONGER. Mr. President, the proposition is to repeal the law which has been on the statute-book for years—since 1866 I am informed until now—making some little, slight, insignificant distinction between those who sustained the Government and the nation in the time of peril and those who, having sworn to defend the nation and the Constitution and the laws, deserted their country and joined in a rebellion which cost this country hundreds of thousands of valuable lives, millions of treasure, and desolate hearths all over the North. We are asked to repeal that last remaining little indication that in this nation and in this Government and among this people there did exist and still exists some little distinction in favor of the loyal soldier and against the disloyal soldier.

Sir, I have been waiting for some years for the discussion in Congress to assume the form which it assumes to-day. I venture to say that the soldiers of the Army of the Union who read this discussion here to-day are beginning to wonder whether they were not a little more in the wrong and a little more deserving of censure for having girded on their armor to sustain the country than those who had sworn to support the Constitution and laws and went into the rebellion, compelling them to go into battle and into trials to sustain the country. They may begin to think that they are a little worse off and a little more deserving of blame than their opponents.

Why, sir, the honey and the water and molasses speeches of to-day would indicate that our Southern brethren were really so forced by Providential circumstances, as the Senator from Florida [Mr. CALL] says, that having resisted as long as they could against all assaults upon their loyalty and upon their patriotism, they were finally compelled by an overruling Providence to go with the South, fight the North, and fight the country! I have been waiting for some years for this day to come around. It has come a little earlier than I expected.

The remarks which have been made to-day are a little stronger than I thought they would be in this year of grace. The appeals to our sympathies come a little more frequent than I supposed they would come for at least a few years more.

The Senator from Louisiana [Mr. GIBSON], with his high sense of honor and his fine sensibilities and many of those things which I admire in him, has offered an amendment to this Army bill to repeal a law which he himself says has no effect in the world and can not have any effect upon any of those in whose behalf he speaks and in whose behalf others speak here.

The Senator from Alabama [Mr. MORGAN], with his usual boldness, not only approves of this amendment, but, as he has done on former occasions, impresses upon the minds of his brother Senators and upon the country the fact that he went into the rebellion deliberately, intentionally, knowingly, and that he would do again to-day the same thing; that he approved the war and that his fellows did then, and that he glories in it to-day. His brother Senators are not as bold as that. I have no doubt that feeling exists, exists to a greater extent than is communicated to us here. I have no doubt that is, in the minds of many Senators as well as of many Southern men, the great redeeming thing of their lives, the glory-point they have reached in their brief existence, that they were rebels against this Government; that they were traitors to their country; that they did engage in a war with their fellows against this Union.

Some of them regret that they were defeated; some of them regret undoubtedly that the Union triumphed; some of them regret that there is not that Southern confederacy with the black-marble slab of slavery as the keystone of its organization, of its system. Those views are not expressed as readily now in these piping days of peace as perhaps they are indulged in. The time has not quite come for that exhibition of sentiment and for that proposed return to a similar condition of opposition to this Government if they saw cause to withdraw their allegiance to it.

Now, sir, repeal this law to-day. The Senators all say it is of no earthly benefit to their constituents and to their people; that those who engaged in the war are too old to come in as lieutenants now. Could they not come in as paymasters? Could they not come in any of the offices that are appointed in the Army from civil life? Have you not a President to make the appointments? With the kindness and delicacy and genial sensibility of Senators aroused as they have been attempted to be aroused to-day, would not this Senate, following on in this era of peace and kindness and hospitality and honey and milk and molasses, confirm anybody whom the President should appoint?

Ah, they will go a little farther than that to-morrow. Repeal this little distinction, an unnecessary distinction as they say, between loyalty and treachery, and to-morrow we shall be called upon—I think to-morrow, but perhaps not till the day after to-morrow, for these things must not succeed each other too rapidly—we shall be called upon to vote thanks to the gallant soldiers of the confederacy, first for the bravery they exhibited—for they could not very well ask me to vote thanks for their loyalty to the country, but for their bravery—to vote thanks to that class of men in the South who every Southern Senator when he speaks of them declares are perfect gentlemen, belonging to the best families, with the highest influence, with unstained reputations, because they are Democrats and because they belonged to the confederate army.

Why, sir, at the South at this very hour the great mark of distinction among the Southern people, let them say and let their representatives say what they choose, the thing that opens the pathway to glory and to promotion and to honor in civil life and to honor in social life, is that men were officers and soldiers in that great army arrayed for the destruction of their country. Look over the list, look upon the faces of our comrades here, see how few ever come from the South here to represent any State or any people that served in the Union Army. I look over that array of my colleagues on this floor and I find but one solitary man that was in the Union Army, and he from away among the mountains of Tennessee. He is tolerated on that side of the Chamber, not from any sympathy with the past, not from any remembrance of the old associations of the war. That is the condition of feeling.

I say to gentlemen that they have begun a little too early in removing all the landmarks and distinctions between the soldiers of the grand

army of the Republic and those who unfortunately deserted their country and engaged in a hand-to-hand fight for the destruction of its institutions. Wait a while. You admit that the repeal of this law will do no good; then its existence on the statute-book does no harm. But the Senator from Louisiana says it is a little stigma, there is a faint shadow of discredit thrown by this law upon men who were engaged in rebellion. There is a little thing which in the minds of the people who read the laws of the United States might by some possibility recall the fact that there was a time when loyalty meant something in this country and when treachery against this country meant something too. The little stigma, the little faint shadow of reproach remaining here, the little slight difference that exists between the war-worn soldier of the Republic and the soldier of the confederacy I am not yet ready to vote to remove.

I am as kindly disposed and feel personally as willing to do all that may properly be done to my colleagues or to the people of the South as any man on this floor, notwithstanding the charge that I am, as some say, malignant and hard-hearted and ugly in this matter; but Senators on that side know it, and members of the House with whom I have served for years know it. But I do say in behalf of the people of the North that if there is upon the statute-book some little faint trace remaining that indicates that in this country there has been a time—if it is entirely removed now there has been a time—when loyalty and love of country and fidelity to trust and support of our institutions and regard for the perpetuity of the Union had force enough to enact such a law as that, we will let it remain there a little while longer.

If you repeal this and two other laws that were passed, what do you do but insinuate against those who passed these laws that they were unfeeling, that they were cruel, that they were harsh, that they kept up the differences of sections and of beliefs? I am not quite prepared to say that those who by making the laws or by marshaling the armies of the country saved this nation and saved it as a nation, and saved this Union and saved it with its institutions, and saved it with its accursed institutions that were once fastened upon it removed, are not worthy of some reverence and some respect. When you talk about the stigma upon those who are affected by this law, what kind of a stigma do you cast upon those men who, in this Hall and in the other Hall of Congress, passed the laws that they believed best and necessary to save the Government and to protect it after it was saved?

I do not expect to be called upon in two or three days to pass a vote of thanks to these men for removing the little faint stigma that is supposed to rest upon them, but I do expect, if I live a few years longer, to see such resolutions offered here and passed here, if there is power to pass them, as will remove all distinctions between loyalty and treachery in the past and all that could be a warning to the people in the future. I expect to see the soldiers of the confederate army placed on the pension-roll, if the votes of my opponents on that side of the Chamber can place them there, for the very same reason given by the Senator from Alabama, that the people of the South, including within this term all those who were opposed to the Union, have to contribute part of the money to pay the pensions. The reasoning is just the same which the Senator from Alabama has spoken of now. He says if his people support the Army they should receive the benefits of the places in that Army, because they pay part of the expenses.

Sir, I say that we can not advance any faster than we have in the last fifteen years in removing all traces of the opprobrium of the rebellion; and so proceeding, perhaps in the next five years there will be bills introduced here and advocated here, ay, and passed here, putting upon the pension-rolls the names of confederate soldiers because they were confederate soldiers.

I did not open this discussion. I would not bring up these sectional questions. Our friends on the other side entreat us for God's sake to keep still about old past issues, and yet day after day in speeches, and week after week in amendments or in bills, we would be the dumbest brutes under God's heavens if we did not see that their bills and their amendments necessarily open in the minds of Northern people all these old sectional issues. Let them sleep; be patient and be quiet; and let the laws of the land remain.

Gentlemen condemn the opening of sectional issues here when every day in their bills they revive the thoughts and the feelings connected with them; and if one of us says a word on this side of the Chamber we are taunted to our hearts' content with bringing forward sectional issues, reviving the past, bringing up the old things that ought to have been forgotten. We must say no word here in behalf of those who made our laws which you would repeal. We must say no word in favor of and in honor of our soldiers. We must say no word here in the line of keeping up to some feeble extent the distinction between the loyal soldiers and the disloyal confederates.

I am not prepared to vote for this amendment. I am not prepared to vote for it as it is proposed to be modified. I think if there is no good object in it except to carry insult to the framers of this law and to carry insult to every Northern soldier and every loyal man it had better remain where it is. It has no business in this bill anyway. It is a matter of public policy, a matter of public concern about which Congress can legislate independently of fastening it upon an Army bill.

Gentlemen say they will not support this measure; they do not like to vote for this kind of a bill with that clause of the old law remaining. They are not going to vote for the bill anyway. Whoever dreams that the Senator from Alabama will vote for this bill? And yet he tells us that he can not be asked to support such a bill as this. I do not expect any vote on that side of the Chamber in favor of this bill in the end when it comes to its passage.

Mr. LOGAN. Two or three.

Mr. CONGER. I might expect one or two Union soldiers that I referred to, and I do not know but that there may be others who were Union men during the war; but why do those Senators who for years and years, with their compatriots in the other House, have opposed the presence and the use and the existence of an army anywhere until they succeeded in driving them entirely from their borders—why do they want an army at all or to have it increased at all? Not one man will vote for it, in my judgment, among the Senators on that side who joined with their colleagues in the House years ago in destroying and driving away from the whole South every man who wore the blue on any and every pretense unless it was along the borders of the Rio Grande when the Mexicans were coming over to steal cattle. Then our Texas Senators and members of the House prayed loudly for the Army to keep off thieves, not to protect life, not to protect the rights of citizens, not to put down insurrection, but to protect the ranches of Texas against the inroads of Mexican cattle-thieves. Then there were bills to increase the Army, and bills to call out new regiments temporarily, and bills for all kinds of things, because cattle were in danger. Who ever heard of such bills when human life was in danger? Who ever heard such a demand when the rights and the liberties of hundreds and of thousands of our citizens, either old citizens or newly made citizens, enfranchised citizens, were jeopardized and endangered? Who then ever heard of a call for troops, or who would permit troops to be in a neighborhood where those outrages were inflicted? But whenever property is in danger, whenever the long-horned steer is in danger of being taken across the Rio Grande toward Mexico, then the whole South rises up with indignation that the Army is so small and demands its increase, and demands that its Senators protect the long-horns of the Texas steer and prevent his being driven away by the Mexican greasers. [Laughter.]

Let this matter rest a while. I do not think we want to vote for the amendment of the Senator from Louisiana to-day. I think we can get along without it for a little while longer. It has called forth these pathetic appeals from the Senator from Alabama and the Senator from Florida. The appeal of the latter was most touching to me. The truth is, that when the Senator from Florida makes one of those delicate appeals to my tender susceptibilities I always have to break up for fear I shall be led astray. [Laughter.] Generally I rely upon him to stand by the side of the Constitution of my country. The Lord knows he is never wanting when there is any possible chance to defend the Constitution of my country, and I thank God for it. There are one or two others that I rely upon in a smaller degree on such occasions, but the Senator from Florida I never have any hesitation about. I say to my friends here that if there is an unconstitutional provision in any bill, they need not worry about it; the Senator from Florida, thank God, is at his post, and we are safe yet. [Laughter.]

But when he does appeal to me in those dulcet notes of his to forgive the past and forget the past, when he convinces me in such a logical and impassioned and delicate way that the North, although possibly right, and the South, although in those days possibly wrong; yet by a curious logic, by a curious chain of argument, which he knows so well how to use, he wraps himself around my tender susceptibilities and carries me off with him. Why, he caught the chairman of the Committee on Military Affairs to-day; even he was yielding this point, not because his judgment was affected by these remarks, but because his tender susceptibilities were aroused. That is what I complain of. [Laughter.]

And the Senator from New Jersey [Mr. SEWELL], who has retired from the conflict now, he too desired to have it understood by the American people that in his bosom or somewhere around there was a great magnanimous heart, easily touched and affected by the sorrows and the sadness which the Senator from Louisiana knows so well how to portray in language pathetic, touching, affecting.

I do not know how many on this side or on the other side desire to vote in favor of this amendment, but I rose to say just a word or two finally in excuse of those who might vote for it, because it is hard to resist these touching appeals to our delicate susceptibilities. I have had to struggle against it to the utmost limit of my power for fear of being led astray by the persuasive eloquence of the Senator from Florida and the touching allusions of my friend from Louisiana. I hope I shall be able to resist them both.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

Mr. BERRY. The yeas and nays have been ordered.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, the Chair is informed.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). I desire to say that my colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. JACKSON (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were here, he would vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "nay."

Mr. SEWELL (when his name was called). On all questions connected with this bill I am paired with my colleague [Mr. MCPHERSON].

Mr. BECK (when Mr. VANCE'S name was called). The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. The Senator from North Carolina would vote "yea," if present.

The roll-call was concluded.

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were here, I should vote "nay."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. JACKSON. I announce the pair of my colleague [Mr. HARRIS] with the Senator from Vermont [Mr. EDMUNDS]. My colleague, if present, would vote "yea."

Mr. BLAIR. My colleague [Mr. PIKE] is paired with the Senator from Mississippi [Mr. GEORGE]. If present, my colleague would vote "nay."

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Illinois [Mr. CULLOM]. If present, my colleague would vote "yea."

Mr. BECK (after having voted in the affirmative). I voted "yea," but I am reminded that I am paired with the Senator from Iowa [Mr. ALLISON], who is now necessarily absent. I withdraw my vote.

Mr. BUTLER. I will announce for the last time that my colleague [Mr. HAMPTON] is absent on account of sickness in his family, and is paired with the Senator from Kansas [Mr. PLUMB] on this question.

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Berry,	Coke,	Gray,	Payne,
Brown,	Colquitt,	Jones of Nevada,	Pugh,
Butler,	Eustis,	Kenna,	Saulsbury,
Call,	Fair,	Mahone,	Voorhees,
Cameron,	Gibson,	Maxey,	Walthall,
Cockrell,	Gorman,	Morgan,	Wilson of Md.

NAYS—25.

Blair,	Frye,	Morrill,	Stanford,
Bowen,	Hale,	Platt,	Teller,
Chace,	Hawley,	Riddleberger,	Van Wyck,
Conger,	Ingalls,	Sabin,	Wilson of Iowa.
Dawes,	Logan,	Sawyer,	
Dolph.	McMillan,	Sherman,	
Evarts,	Mitchell of Oreg.,	Spooner,	

ABSENT—26.

Aldrich,	George,	Jones of Florida,	Plumb,
Allison,	Hampton,	McPherson,	Ransom,
Beck,	Harris,	Manderson,	Sewell,
Blackburn,	Harrison,	Miller,	Vance,
Camden,	Hoar,	Mitchell of Pa.,	Vest.
Cullom,	Jackson,	Palmer,	
Edmunds,	Jones of Arkansas,	Pike,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HALE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. BUTLER. I simply desire to state very briefly my reason for voting against this bill. It is not for the reasons assigned by the Senator from Michigan [Mr. CONGER] at all. It is not because I apprehend any danger from the increase of the Army; but it is because I think it better to appropriate the money which will be necessary to pay the expenses of this increase to some other purposes; for instance, the manufacture of cannon, or the building of fortifications, or the construction of a navy, or some object which I think is very much more needful to the country than the increase of the Army. I have not the slightest objection to the Army or to its increase at the proper time. I do not think that time has arrived, and I shall therefore vote againt the bill.

Mr. BECK. I desire to say only that I am opposed to this bill, because, in the first place, I do not believe there is any need for an increase of the Army now. Ten years ago it was the opinion of the Congress of the United States that the Army ought to be reduced from thirty thousand to twenty-five thousand, and it was so reduced at a time when there was more need for an army than there is now, for there was more likelihood of disturbance in the country in a variety of ways and the Indian problem was in a far less satisfactory condition than it is now.

When the Army was so reduced by gentlemen who do not maintain the same views of politics that I do, and when the country has been carried on successfully with an army that could not be enlisted above twenty-five thousand men from that time to this, that we should be called upon now, after a change of administration which professes to be for reform and economy in expenditures, to increase the Army of the United States by five thousand men and add two hundred officers to our already top-heavy army establishment, so far as officers are concerned, seems to me to be so impolitic, that I, for one, will not vote for any such bill. If that is what we are to offer to the country as the first fruit of the victory of the great party to which I have the honor to belong, I will not be entrapped in that way.

Mr. HAWLEY. It ought to be said that when the reduction was originally made it was not done upon its merits, or, if I may use the expression, fairly, because it was done by an amendment to an Army appropriation bill, and many measures that got through used to get through (until we abandoned that process, as I hope we have now) upon appropriation bills that could not have received the approval of the two Houses upon an independent vote. I do not believe that the reduction of the Army would have carried then if put upon its own merits.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I would vote against the bill but for the fact that I am paired with the Senator from Iowa [Mr. ALLISON] who is now absent.

Mr. BUTLER (when his name was called). I understand from the chairman of the Committee on Military Affairs that my colleague [Mr. HAMPTON] would vote "yea" on the passage of this bill. I am paired with him, and if he were present I should vote "nay."

Mr. COCKRELL (when Mr. CULLOM'S name was called). My colleague [Mr. VEST], who is detained from the Senate Chamber by illness, is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay."

Mr. MORRILL (when Mr. EDMUNDS'S name was called). My colleague [Mr. EDMUNDS] is paired with the Senator from Tennessee [Mr. HARRIS], who would vote "nay," and my colleague, I understand, would vote "yea."

Mr. JACKSON (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). I again announce the pair of my colleague [Mr. JONES, of Arkansas] with the Senater from Indiana [Mr. HARRISON]. My colleague, if present, would vote "nay."

Mr. KENNA (when his name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is against this bill. I am for it.

Mr. PALMER (when his name was called). I would vote "yea," if I were not paired with the Senator from North Carolina [Mr. VANCE].

The roll-call was concluded.

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were here, I should vote "nay."

Mr. MORGAN. I desire to announce that the Senator from North Carolina [Mr. RANSOM], if present, would vote "nay."

Mr. BLAIR. I wish to call the attention of the Senator from Mississippi [Mr. GEORGE] who announced his pair with my colleague [Mr. PIKE]. Did the Senator from Mississippi also vote?

Mr. GEORGE. No, sir; I declined to vote on account of the pair.

Mr. BLAIR. I understood it so, but others supposed the Senator voted. I understood that he declined to vote.

Mr. BECK. I announced my pair with the Senator from Iowa [Mr. ALLISON]. I desire to withdraw that announcement and to vote. I vote "nay."

The result was announced—yeas 19, nays 31; as follows:

YEAS—19.

Blair,	Frye,	Mitchell of Oreg.,	Sabin,
Cameron,	Hawley,	Morrill,	Sawyer,
Dawes,	Logan,	Payne,	Spooner,
Dolph,	McMillan,	Platt,	Stanford.
Evarts,	Mahone,	Riddleberger,	

NAYS—31.

Beck,	Colquitt,	Ingalls,	Sherman,
Berry,	Conger,	Jones of Nevada,	Teller,
Bowen,	Eustis,	Kenna,	Van Wyck,
Brown,	Fair,	Maxey,	Voorhees,
Call,	Gibson,	Morgan,	Walthall,
Chace,	Gorman,	Plumb,	Wilson of Iowa,
Cockrell,	Gray,	Pugh,	Wilson of Md.
Coke,	Hale,	Saulsbury,	

ABSENT—25.

Aldrich,	George,	Jones of Florida,	Ransom,
Allison,	Hampton,	McPherson,	Sewell,
Blackburn,	Harris,	Manderson,	Vance,
Butler,	Harrison,	Miller,	Vest.
Camden,	Hoar,	Mitchell of Pa.,	
Cullom,	Jackson,	Palmer,	
Edmunds,	Jones of Arkansas,	Pike,	

So the bill was rejected.

C. B. BRYAN & CO.

Mr. DOLPH. I ask leave to make a report which I should have made this morning from the Committee on Claims.

The PRESIDENT *pro tempore*. The report will be received if there be no objection.

Mr. DOLPH. I am instructed by the Committee on Claims, to whom was referred the amendment proposed by the Senator from Tennessee [Mr. HARRIS] to the resolution (Order of Business No. 359) to refer the claim of C. B. Bryan & Co. to the Court of Claims, to report it favorably.

ADMISSION OF WASHINGTON—ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. VOORHEES. Mr. President, I beg the attention of the Senate for a moment to a matter of concern to us all. The regular order of business is the bill in charge of the Senator from Connecticut [Mr. PLATT] for the admission of the Territory of Washington as a State. I desire very much to have the consideration of House bill 1297 authorizing the construction of a building for the accommodation of the Library, and I shall be very glad to come to an understanding with the Senator from Connecticut upon that subject, not to proceed with it perhaps now, but I am satisfied from the previous consideration which the Senate has given to this identical bill for years past that it can be passed, if I can secure its consideration, in a very short time.

Mr. PLATT. Does the Senator desire to get consideration for it this evening?

Mr. VOORHEES. I should say not. ["No!" "No!"] It is late.

Mr. PLATT. Will it not answer the purpose of the Senator to call it up in the morning hour to-morrow? The unfinished business is for 2 o'clock.

Mr. VOORHEES. I wanted to arrest the attention of the Senate, and if it be agreeable to the Senate I will call it up after the conclusion of the morning business to-morrow, satisfied that it will take but a small portion of the morning hour to pass it. If the Senator from Connecticut will assent to that arrangement I shall be obliged to him, and I am satisfied that it will not interfere with his bill.

Mr. PLATT. The bill for the admission of Washington Territory does not become the order of business until 2 o'clock to-morrow.

The PRESIDENT *pro tempore*. There can be no special orders during the morning hour.

Mr. VOORHEES. Then I give notice that to-morrow, after the completion of the morning business proper, not the morning hour, I shall ask the Senate to consider the Library bill.

Mr. BERRY. On several different occasions I have given notice that I should call up a bill pending on the Calendar. I gave notice a few days ago that on the conclusion of the Army bill I would ask the Senate to take up that bill. I can not consent to any arrangement by which the bill of the Senator from Indiana shall be called up in the morning, because I expect to ask the Senate to take up the bill of which I gave notice before the Army bill was acted on.

Mr. BLAIR. I wish to say to the Senate that there is a great accumulation of pension business upon the Calendar, and I give notice that immediately upon the conclusion of the consideration of the Library bill I shall ask the Senate to dispose of the private pension bills, and also of Order of Business 347, being the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 7, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHINESE IMMIGRATION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed.

To the Senate and House of Representatives of the United States:

I transmit herewith for the consideration of Congress, with a view to appropriate legislation in the premises, a report of the Secretary of State, with certain correspondence touching the treaty right of Chinese subjects other than laborers "to go and come of their own free will and accord."

In my annual message of the 8th of December last I said:

"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers in the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination."

These cases of individual hardship are due to the ambiguous and defective provisions of the acts of Congress approved respectively on the 6th May, 1882, and 5th July, 1884. The hardship has in some cases been remedied by the action of the courts. In other cases, however, where the phraseology of the statutes has appeared to be conclusive against any discretion on the part of the officers charged with the execution of the law, Chinese persons expressly entitled to free admission under the treaty have been refused a landing and sent back to the country whence they came, without being afforded any opportunity to show in the courts or otherwise their right to the privilege of free ingress and egress which it was the purpose of the treaty to secure.

In the language of one of the judicial determinations of the Supreme Court of the United States to which I have referred, "the supposition should not be indulged that Congress, while professing to faithfully execute the treaty stipulations, and recognizing the fact that they secure to a certain class the right to go from and come to the United States, intended to make its protection depend upon the performance of conditions which it was physically impossible to perform." (U. S. R. 112, page 554, Chew Heong *v.* U. S.)

The act of July 5, 1884, imposes such an impossible condition in not providing for the admission, under proper certificate, of Chinese travelers of the exempted classes in the cases most likely to arise in ordinary commercial intercourse.

The treaty provisions governing the case are as follows:

"ARTICLE I. * * * The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. * * *

"ART. II. Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, * * * shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

Section 6 of the amended Chinese immigration act of 1884 purports to secure this treaty right to the exempted classes named by means of prescribed certificates of their status, which certificates shall be the *prima facie* and the sole permissible evidence to establish a right of entry into the United States. But it provides in terms for the issuance of certificates in two cases only:

(*a*) Chinese subjects departing from a port of China; and

(*b*) Chinese persons (*i. e.*, of the Chinese race) who may at the time be subjects of some foreign government other than China, and who may depart for the United States from the ports of such other foreign government.

A statute is certainly most unusual which, purporting to execute the provisions of a treaty with China in respect of Chinese subjects, enacts strict formalities as regards the subjects of other governments than that of China.

It is sufficient that I should call the earnest attention of Congress to the circumstance that the statute makes no provision whatever for the somewhat numerous class of Chinese persons who, retaining their Chinese subjection in some countries other than China, desire to come from such countries to the United States.

Chinese merchants have trading operations of magnitude throughout the world. They do not become citizens or subjects of the country where they may temporarily reside and trade; they continue to be subjects of China, and to them the explicit exemption of the treaty applies. Yet, if such a Chinese subject, the head of a mercantile house at Hong-Kong or Yokohama or Honolulu or Havana or Colon, desires to come from any of these places to the United States he is met with the requirement that he must produce a certificate, in prescribed form and in the English tongue, issued by the Chinese Government. If there be at the foreign place of his residence no representative of the Chinese Government competent to issue a certificate in the prescribed form, he can obtain none, and is under the provisions of the present law unjustly debarred from entry into the United States. His usual Chinese passport will not suffice, for it is not in the form which the act prescribes shall be the sole permissible evidence of his right to land. And he can obtain no such certificate from the government of his place of residence, because he is not a subject or citizen thereof, "at the time," or at any time.

There being, therefore, no statutory provision prescribing the terms upon which Chinese persons, resident in foreign countries but not subjects or citizens of such countries, may prove their status and rights as members of the exempted classes in the absence of a Chinese representative in such country, the Secretary of the Treasury, in whom the execution of the act of July 5, 1884, was vested, undertook to remedy the omission by directing the revenue officers to recognize as lawful certificates those issued in favor of Chinese subjects by the Chinese consular and diplomatic officers at the foreign port of departure, when visaed by the United States representative thereat. This appears to be a just application of the spirit of the law, although enlarging its letter, and in adopting this rule he was controlled by the authority of high judicial decisions as to what evidence is necessary to establish the fact that an individual Chinaman belongs to the exempted class.

He, however, went beyond the spirit of the act, and the judicial decisions, by providing, in a circular dated January 14, 1885, for the original issuance of such a certificate by the United States consular officer at the port of departure, in the absence of a Chinese diplomatic or consular representative thereat. For it is clear that the act of Congress contemplated the intervention of the United States consul only in a supervisory capacity, his function being to check the proceeding and see that no abuse of the privilege followed. The power or duty of original certification is wholly distinct from that supervisory function. It either dispenses with the foreign certificate altogether, leaving the consular visa to stand alone and sufficient, or else it combines in one official act the distinct functions of certification and verification of the fact certified.

The official character attaching to the consular certification contemplated by the unamended circular of January 14, 1885, is to be borne in mind. It is not merely *prima facie* evidence of the status of the bearer, such as the courts may admit in their discretion; it was prescribed as an official attestation, on the stength of which the customs officers at the port of entry were to admit the bearer without further adjudication of his status unless question should arise as to the truth of the certificate itself.

It became, therefore, necessary to amend the circular of January 14, 1885, and this was done on the 13th of June following, by striking out the clause prescribing original certification of status by the United States consuls. The effect of this amendment is to deprive any certificate the United States consuls may issue, of the value it purported to possess, as sole permissible evidence under the

statute when its issuance was prescribed by Treasury regulations. There is, however, nothing to prevent consuls giving certificates of facts within their knowledge, to be received as evidence in the absence of statutory authentication.

The complaint of the Chinese minister, in his note of March 24, 1886, is that the Chinese merchant Lay Sang, of the house of King Lee & Co., of San Francisco, having arrived at San Francisco from Hong-Kong, and exhibited a certificate of the United States consul at Hong-Kong as to his status as a merchant and consequently exempt under the treaty, was refused permission to land, and was sent back to Hong-Kong by the steamer which brought him. While the certificate he bore was doubtless insufficient under the present law, it is to be remembered that there is at Hong-Kong no representative of the Government of China competent or authorized to issue the certificate required by the statute. The intent of Congress to legislate in execution of the treaty is thus defeated by a prohibition directly contrary to the treaty; and conditions are exacted which, in the words of the Supreme Court hereinbefore quoted, "it was physically impossible to perform."

This anomalous feature of the act should be reformed as speedily as possible, in order that the occurrence of such cases may be avoided, and the imputation removed which would otherwise rest upon the good faith of the United States in the execution of their solemn treaty engagements.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 6, 1886.

SUBSTITUTE EMPLOYÉS IN THE DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information in regard to the employment of substitutes in the several Departments, and transmitting a list of substitute employés in the Treasury Department, showing their respective home post-offices and the compensation received by each; also the names and salaries of the regular employés whose places are so filled; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

Mr. TAULBEE. I ask unanimous consent that that communication be printed in the RECORD.

There was no objection, and it was so ordered.

The communication is as follows:

TREASURY DEPARTMENT, *April* 5, 1886.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted March 24, 1886, of which the following is a copy:

"*Resolved*, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Secretary of the Interior, and the Attorney-General be requested, respectively, to inform the House, if not incompatible with the public service, whether or not employés in their respective Departments are permitted to employ substitutes to perform their duties, and whether or not such substitutes are employed or appointed; and, if so, by whom so employed or appointed, and the amount of compensation paid such substitutes and by whom paid, and the amount of compensation paid the regular employés during the time such substitute is employed and by whom paid, together with a list of such employés, their home post-offices, and date of their appointment, and a list of such substitutes, their home post-offices, and date of their appointment, and whether or not any of such substitutes are assigned to duties of positions included in the classified civil service, and whether or not such substitutes have passed examination by the United States Civil Service Commission and been certified for such appointment; and if such subemployment or subappointment is had or permitted, by what authority it is so had or permitted."

In reply thereto I would say that when employés of this Department are obliged to be absent on account of sickness, it has been customary to allow substitutes to act in their places if additional clerical force is required during their absence for the proper transaction of public business. The designation of such substitutes is made by the direction of this Department, and the substitutes so designated are compensated out of the regular salaries of the persons whom they represent. They perform such duties as may be required of them from time to time in the bureau or division to which they are attached.

This Department is not informed as to whether such substitutes have passed examination by the United States Civil Service Commission, as they are designated to said positions without certification from said commission.

Inclosed herewith is a list giving the names of such substitutes, their home post-offices so far as known to this Department, and date of their designation; also the names of the regular employés who are represented by said substitutes, their home post-offices, and date of their appointment, together with the amount of compensation allowed said substitutes and the salaries of said employés.

Respectfully yours,

C. S. FAIRCHILD,
Acting Secretary.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Name of substitute.	Home post-office.	Date of designation.	Compensation of substitute.	Salary of regular employé.	Name of regular employé.	Home post-office.	Date of appointment.
Allen, Mrs. H. E.	District of Columbia	Mar. 22, 1886	$840 00	$1,000 00	Renfro, George W.	Kentucky	Sept. 29, 1863
Brown, Miss K. T.	do	Jan. 23, 1886	900 00	900 00	Brown, Miss F. R.	District of Columbia	May 1, 1869
Carter, Miss V	do	Nov. 19, 1885	500 00	900 00	Korhaunner, Mrs. Tonnia	do	Nov. 2, 1874
Cartwright, Miss S. M.	do	Mar. 20, 1886	700 00	1,000 00	Crane, Miss K. G.	Massachusetts	Sept. 1, 1869
Cole, Mrs. E. K.	do	Feb. 6, 1886	800 00	1,400 00	Duvall, Louis	Texas	June 16, 1877
Doty, Mrs. A. W.	do	Aug. 7, 1885	720 00	900 00	Stockdale, Mrs. A. P.	Louisiana	Feb. 17, 1870
Dorsett, Mrs. B. M.	do	Feb. 11, 1886	700 00	1,200 00	Frank, Charles A.	Massachusetts	Sept. 13, 1884
Fox, Miss Imogene	do	Oct. 8, 1885	800 00	1,400 00	Chase, William H.	New York	Apr. 2, 1880
Godey, Miss C. C.	do	Mar. 4, 1886	500 00	900 00	Harkness, Mrs. M. C.	Connecticut	Nov. 4, 1884
Harper, Miss Annie	do	Dec. 14, 1885	500 00	900 00	Harper, Mrs. S. F.	Indiana	Oct. —, 1875
Heap, Miss Maggie	do	Dec. 15, 1885	600 00	1,000 00	Heap, Mr. E. L.	District of Columbia	Aug. 16, 1871
Hayden, William F.	do	Jan. 11, 1886	840 00	1,200 00	Reese, Henry F.	Alabama	July 26, 1884
Doran, Thomas F.	do	Jan. 23, 1886	1,200 00	1,800 00	Goodall, F. H	New Hampshire	May 18, 1864
Herron, Peter H	do	Feb. 3, 1886	900 00	1,200 00	Miller, Charles	Pennsylvania	Oct. 5, 1874
Jones, R. L.	do	Mar. 12, 1886	360 00	720 00	Hancock, F. F.	Maryland	Aug. 3, 1885
Warfield, L. G.	do	Jan. 4, 1886	720 00	720 00	Armstrong, J. L.	do	July 30, 1885
Moulthrop, Mrs. J. F.	do	May 20, 1885	840 00	1,200 00	Taggart, Daniel	New Jersey	Sept. 4, 1869
Miller, Miss Alice	do	Oct. 16, 1885	840 00	1,200 00	Shelly, R. L	Louisiana	Jan. 1, 1880
McLeod, Miss Mary	do	Nov. 16, 1885	450 00	900 00	McLeod, Miss Maggie	Pennsylvania	Jan. 15, 1878
Mann, Miss H. N.	do	Oct. 14, 1885	840 00	1,200 00	Pancoast, Miss M. E.	New Jersey	July —, 1869
Moore, Miss Agnes	do	Oct. 29, 1885	720 00	900 00	Alexander, Miss M. C.	West Virginia	Dec. 6, 1869
Mulquin, Miss Mary	do	Mar. 8, 1886	720 00	1,000 00	Fisher, Miss Ellen P.	Maine	Oct. 21, 1865
Nichols, Miss J. W	do	Oct. 1, 1885	800 00	1,600 00	Jones, F. W	Illinois	May 2, 1881
Petingale, Samuel K.	do	May 22, 1885	900 00	1,800 00	Petingale, Thomas.	New York	Mar. 10, 1863
Peacock, Miss Sarah	do	Nov. 14, 1885	480 00	660 00	Millar, Miss C. V.	Colorado	June 1, 1881
Reynolds, Miss Maud	do	Aug. 6, 1885	900 00	1,800 00	Reynolds, J. E.	New York	Apr. 29, 1872
Rickey, Joseph M.	do	Mar. 9, 1886	1,000 00	1,800 00	Ellis, Zabina	do	Sept. 24, 1864
Ryan, Mrs. H E	do	Mar. 3, 1886	720 00	1,000 00	Leet, Mrs. S. B.	Pennsylvania	Dec. 19, 1881
Stahl, Mrs. Lillian	do	Mar. 3, 1886	500 00	900 00	Plant, Miss M. A.	District of Columbia	Dec. 11, 1871
Varden, Miss E. R. T.	do		900 00	900 00	Varden, Mrs. A. C	Maryland	June 8, 1868
Yarnell, Mrs. R. A.	do	Mar. 11, 1886	800 00	1,400 00	Jennings, Halsey	New Jersey	July 21, 1884
Wood, Mrs. E. T.	do	Nov. 16, 1885	1,000 00	1,400 00	Blake, James	Kansas	Apr. 4, 1878

The SPEAKER also laid before the House a letter from the Secretary of War, in response to a resolution of the House calling for information in respect to the employment of substitutes in the several Departments, and inclosing a circular order of the Secretary of War, dated July 2, 1883, prohibiting such employment in that Department; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

PEREZ DICKINSON.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact of that court in the case of Perez Dickinson, surviving partner of the firm of Cowan & Dickinson, *vs.* United States; which was referred to the Committee on War Claims.

LATE TREASURER NATIONAL HOME FOR DISABLED VOLUNTEERS.

The SPEAKER also laid before the House a communication from Hon. B. F. Butler, late acting treasurer of the National Home for Disabled Volunteer Soldiers, asking for a re-examination of his accounts as such acting treasurer; which was referred to the Committee on Military Affairs, and ordered to be printed.

REFERENCE OF SENATE RESOLUTION.

The SPEAKER also laid before the House, in accordance with the rule, a concurrent resolution of the Senate of the 5th instant, authorizing the printing of a revised list of papers touching unpaid claims on account of French spoliations prior to July 31, 1801, transmitted by the President on the 17th instant; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PIDCOCK, for ten days, on account of sickness in his family.

To Mr. KELLEY, for three days.

To Mr. NEGLEY, for three days.

To Mr. HAYDEN, for six days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 73) authorizing the printing of committee reports;

A bill (S. 683) granting a pension to Henry O. Hill;

A bill (S. 1363) granting a pension to William Blanchard;

A bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague;

A bill (S. 811) granting a pension to Mrs. Susan Gilman;
A bill (S. 197) to increase the pension of Florence Murray; and
A bill (S. 814) granting a pension to Mrs. Adaline M. Putnam.

Mr. McRAE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following title; when the Speaker signed the same:

A bill (H. R. 1270) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; and

Joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission.

PUBLIC BUILDING, SAN ANTONIO, TEX.

The SPEAKER. When the House adjourned on yesterday there was a privileged report pending, being a report of the committee of conference on the disagreeing votes of the two Houses on the bill providing for the erection of a public building at San Antonio, Tex. On the question of the adoption of the report of the conference committee the point that no quorum had voted was made, and the House accordingly adjourned.

The question now is on agreeing to the report of the conference committee.

The question was taken.

Mr. WARNER, of Ohio, demanded a division.

The House proceeded to divide on the adoption of the report.

Before the count was concluded,

Mr. WARNER, of Ohio. I do not insist upon a further count. Evidently a majority is in favor of the report.

So (no further count being demanded) the conference report was concurred in.

Mr. DIBBLE moved to reconsider the vote by which the report of the conference committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EVIDENCE.

Mr. FARQUHAR. On behalf of the Select Committee on Reform in the Civil Service I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

Mr. BLAND. If the resolution does not give rise to debate I shall not object.

The resolution was read, as follows:

Resolved, That the Select Committee on Reform in the Civil Service is hereby authorized and empowered to have printed the evidence taken in the investigation under the resolution of the House requiring said committee to investigate certain charges against the employés of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection, and the resolution was adopted.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported back with sundry amendments the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

Mr. HAMMOND. I desire to reserve all points of order.

ORDER OF BUSINESS.

Mr. BLAND. Inasmuch as the Committee on Coinage, Weights, and Measures lost yesterday, which had been assigned to it under the special order, I move to dispense with the call of committees for reports.

The SPEAKER. The gentleman from Missouri moves to dispense with the call of committees for reports. This requires a vote of two-thirds.

The question being taken, there were—ayes 114, noes 22.

So (further count not being called for, and two-thirds voting in favor thereof) the motion was agreed to.

ELECTION CONTEST—HURD VS. ROMEIS.

Mr. GREEN, of New Jersey. Under leave of the House heretofore given I present the views of part of the minority of the Committee on Elections on the contested-election case of Hurd *vs.* Romeis, State of Ohio.

The views of the minority were ordered to be printed with the report of the majority.

ORDER OF BUSINESS.

Mr. BRAGG. I ask unanimous consent to present some adverse reports of the Committee on Military Affairs.

Mr. BLAND. I call for the regular order.

The SPEAKER. The regular order is the morning hour for the consideration of bills, which begins at twelve minutes of 1 o'clock.

Mr. BRAGG. I ask unanimous consent to introduce a bill to reduce the amount of silver in the dollar and to increase the value of the standard dollar.

Objection was made.

CONSIDERATION OF FREE-SHIP BILL.

The Select Committee on American Ship-building and Ship-owning Interests was called.

Mr. DUNN. I am directed by the Select Committee on Ship-building and Ship-owning Interests to call up from the House Calendar a resolution heretofore reported by that committee.

The Clerk read the resolution, as follows:

Resolved, That Saturday, the 24th day of April next, be set apart for general debate on House bill 1219, commonly known as the "free-ship bill," and that the following Tuesday and Wednesday, the 27th and 28th days of April, after the morning hours for the call of committees for reports and for the consideration of bills, be set apart for the further consideration and disposal of said bill, the previous question on which, and all amendments thereto, then pending, shall be considered as ordered at 4 o'clock on said last-named day.

The committee reported the resolution with the following amendments:

Strike out "24th day of April" and insert "22d day of May."

Strike out "27th and 28th days of April" and insert "25th and 26th days of May."

Mr. DUNN. This resolution simply sets apart three days for the consideration of what is known as the free-ship bill. Saturday, the 22d of May, is for general debate only, and the Tuesday and Wednesday following are to be devoted to the concluding consideration of the bill. It is thought that the bill is of too much importance to be presented in the House within the two hours allowed for the call of committees for consideration of bills; and at that late day in the session the business of the House will be so far advanced and so many appropriation bills, it may be presumed, will be out of the way that those three days may well be devoted to that important subject. Unless there is a desire to make some suggestion or change I move the previous question.

The previous question was ordered.

The amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The House divided; and there were—ayes 94, noes 9.

So (further count not being called for) the resolution as amended was agreed to.

Mr. DUNN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN COMMISSION.

The Select Committee on Expenditures for Indians and Yellowstone Park was called.

Mr. HOLMAN. I am instructed to call up for consideration at this time the bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the condition of Indians, Indian affairs, and for other purposes, heretofore reported by the Select Committee on Expenditures for Indians and Yellowstone Park.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill so that it may be considered in the House.

The SPEAKER. That can be done by unanimous consent. Is there objection to the request of the gentleman from Indiana?

Mr. HENDERSON, of Iowa. I should like to hear the bill read.

The SPEAKER. Does the gentleman desire to have the bill read subject to objection.

Mr. HENDERSON, of Iowa. Yes, sir.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint a commission, to consist of six persons, three of whom shall be detailed from the officers of the Army not below the rank of ——, who shall report to the Secretary of the Interior for duty, the other members to be appointed from civil life or detailed from officers in the service of the Department of the Interior. It shall be the duty of the said commissioners, under the direction of the Secretary of the Interior, to inspect from time to time, as he may require, the condition of the Indians of the various tribes and bands on the different reservations under the care, control, or jurisdiction of the United States.

SEC. 2. That it shall be their duty in making such inspection to ascertain and report in detail as to the exact condition and needs of the Indians; what steps are necessary to be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; what, if any, of the reservations may be reduced in area, and what portion thereof, not needed for Indian occupation, may be held by the Government in trust for the Indians having title thereto by law or treaty, and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view to their concentration, and the sale, on their behalf and for their benefit, of their abandoned reservations; what, if any, lands reserved by executive orders for Indian occupation are no longer needed for such purpose and may be restored to the public domain; what Indian lands now held in common should be allotted in severalty, the quantity to be allotted to heads of families, unmarried adults, orphans, or others, and what, if any, Indians are not provided with or located upon reservations or land which may be patented to them; what is the exact number of Indians belonging to each tribe or band, the extent to which they are civilized and engaged in industrial pursuits, and what occupation is best suited to their circumstances and surroundings; whether they should be furnished with implements of agriculture or stock, and of what kind; in what cases and to what extent the support of the Government should be withdrawn; in what manner the annuities or other funds appropriated or payable by the United States to the Indians under existing treaties and laws should

be expended to insure the greatest and most permanent benefit to them; wherein and in what manner the present plans of procuring and distributing Indian supplies should be changed; the conduct and fitness of the several Indian agents and agency employés; the number, kind, and qualification of employés required for the proper conduct of the service at each agency and on each reservation; where schools should be established or discontinued; the relative efficiency of the Indian reservation schools as compared with those Indian training schools not on reservations; the best plans and methods for accomplishing the educational and industrial training of the Indian youth, and to make such training effective for their self-support; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties, and which, if any, Indians should be invested with the rights of citizenship; the extent to which the Indian reservations are occupied or intruded upon by unauthorized persons, and the best methods for correcting this evil, and to prevent the introduction upon Indian reservations, or the sale to Indians, of intoxicating liquors, and of arms and ammunition to such tribes or bands whose facilities for procuring such things should be further restricted.

SEC. 3. That it shall be their duty to arrange with the various tribes and bands, in the manner and upon the terms most favorable and just alike to the Indians and to the United States, and to procure the consent of the Indians thereto, in accordance with the treaty, law, or customs governing the tribes or bands in such matters, for the cession or relinquishment of any portion of their reservations; for their removal to other reservations, and consolidation with other Indians thereon; for any changes in the manner of expending their annuities, and, generally, other matters calculated to promote their advancement and civilization. All such arrangements as may be thus made and agreed upon to be reported to the Secretary of the Interior, who may, in his discretion, approve them in whole or in part: *Provided*, That no such arrangement thus made which involves the change of any existing treaty or law shall be binding or operative until ratified by Congress.

SEC. 4. That the Secretary of the Interior may direct any two or more of the commissioners to take charge of, superintend, and put in operation the plans, not inconsistent with existing laws or treaties, which he may decide upon for the improvement of the condition of any of the tribes or bands of Indians. Where resurvey of the lines or remarking of the corners of old surveys may be found necessary in order to locate the Indians upon allotments of land in severalty upon any of the reservations, the work may, when practicable, be done under the direction of competent officers of the Army, to be detailed for that purpose.

SEC. 5. That the commissioners appointed from civil life under the provisions of the first section of this act shall be paid at the rate of —— dollars per diem while actually and necessarily employed in the service; and that each member of the commission detailed or appointed shall be paid his actual and necessary traveling expenses, including transportation; and for the purposes of this act the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of moneys in the Treasury not otherwise appropriated, to be expended under the direction and subject to the approval of the Secretary of the Interior:

For payment of the traveling expenses, including transportation of the members of the commission, $——.

For payment of the per diem for services of the civil members of the commission, $——.

For expenses of resurveying any portions of the reservations, for ascertaining the exact number of Indians of the different tribes and bands, as hereinbefore required, for such clerical services as may be absolutely required, for stationery, rent of offices when necessary and away from Indian reservations, and for other necessary expenses, $25,000.

SEC. 6. That this act shall take effect from and after the date of its passage.

Mr. HENDERSON, of Iowa. I make no objection to the consideration of the bill.

The SPEAKER. No objection is made, and the bill will be considered in the House as in Committee of the Whole.

Mr. HOLMAN. Mr. Speaker, it will be necessary for me to occupy, for the present at least, only a few moments in explaining the purpose of this bill. The Indian appropriation bill which passed the House a few days ago provided for an expenditure of $10,000 for a commission to determine what policy should be adopted by the Government in regard to the Chippewa Indians in Minnesota.

The purpose involved in this bill is the same as in that provision of the Indian appropriation bill, except that this bill is designed to cover the entire field of the Indian reservations and of the Indian agencies and of the subjects connected with their administration. That appropriation of $10,000 for the organization of the commission provided for in the Indian bill will of course be dispensed with if this bill becomes a law, as the commission here provided for will cover the whole ground.

Bills are also pending in both Houses of Congress providing for organizing a similar commission to adjust the relations of the Government with the Indians in the section of country occupied by the Blackfeet, Assinaboines, and other tribes north of the Missouri River, in the Territory of Montana, also in the great and important field of the Indian Territory. If this bill becomes a law, as the commission herein provided for will cover the entire field, the other commissions will be unnecessary. This bill proposes to organize a commission composed of men of high standing and large experience, who will readjust on a permanent basis the whole Indian question.

The bill proposes that this commission shall be composed of six members, three taken from the Army and three from civil life. This will constitute quite a large commission; and it has been suggested that perhaps a smaller body would accomplish the work more speedily; but the recommendation comes to Congress from the President of the United States and also from the Secretary of the Interior and Commissioner of Indian Affairs that the commission be composed of six members, and therefore that number has been provided for in the bill.

The three commissioners who are to be taken from civil life must, of course, have stated salaries, and one question left open is, what their compensation shall be. I suppose that the compensation of the civilian members of the commission should be substantially the same as that which will be received by the military members; and, in view of the propriety of that, I shall presently move an amendment providing that their pay shall be $10 a day while actually employed, which will be at the rate of something over $3,000 a year.

Mr. WELLBORN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. WELLBORN. Is this to be a permanent commission?

Mr. HOLMAN. It will probably continue up to the limit of the appropriation. This appropriation, of course, will not extend beyond one year, and it is hoped that the whole field can be investigated and a proper report made upon the various subjects inside of that period. Yet gentlemen will see the field is a large one.

But in any event the commission will last only during the year for which the appropriation is made. I suggest the propriety of appropriating $9,000, or so much thereof as may be required, for the pay of the civilian members, and $10,000 to meet the current expenses of both the civilian and military members; for of course provision should be made for the traveling expenses of the whole commission. Judging from the experience which a recent committee of the House has had in investigating this Indian question in the field, I should think that $10,000 would be found an ample provision for expenses, especially if the War Department furnishes transportation beyond the railroad limits.

Mr. WEAVER, of Iowa. What is the real necessity for this commission? Can not the desired information be obtained through the head of the Indian Bureau?

Mr. HOLMAN. That is not the opinion of the Secretary of the Interior, and I again call the attention of my friend from Iowa [Mr. WEAVER] to the fact that we have already provided as to the House for a commission to cover a very small portion of this ground, which commission will not be required if this bill shall become a law. For instance, the Chippewas of Minnesota occupy quite a number of small reservations there—Mille Lac, White Earth, Red Lake, and others.

We have provided an appropriation of $10,000 for a commission, to be appointed under the direction of the Secretary of the Interior, to adjust the relations of the Government with those Indians. It is also proposed to organize a similar commission in regard to the Indians occupying lands north of the Missouri River in Montana, as I have said, and bills for that purpose are now pending in both Houses; also as to the great Sioux reservation of Montana. In that region, as my friend will remember, we have the Black Feet, the Assinaboines, a portion of the Sioux, the Bloods, and some other fragments of tribes.

It will be seen that all these fragmentary commissions might be dispensed with and the cost greatly reduced by creating one general commission for the adjustment of the Indian questions now pressing, such as what amount of land shall be held by the Indians for themselves, what amount shall be set apart for them in severalty, what portions of the Indian lands shall be held by the United States in trust for the benefit of the tribes interested in them.

My friend will observe also that this bill does not apply merely to the general Indian reservations scattered throughout the Western country, but also to the Indian Territory. It is intended to cover the whole field of Indian affairs in all the details of administration. If any better plan than this can be suggested of course it ought to be adopted, but, as far as I am able to judge, this is the most satisfactory suggestion yet made.

Mr. WEAVER, of Iowa. It seems to me that there is great danger of our having too many of these commissions and of their getting into conflict with each other. There is a bill pending before the House, and likely to be reported immediately, providing for a commission for the Indian Territory alone, and that certainly would be in conflict with the one which this bill would create. A bill has already passed providing for a commission relating to a certain tribe. Now it does seem to me that we are in great danger in having too many Indian commissions, and I wish to say——

Mr. HOLMAN. Will the gentleman let me answer that point right here? The object of this proposed commission, as I have already remarked, is to cover the whole field. I repeat again, in the Indian appropriation bill we have provided for a discretionary expenditure of $10,000 on a commission in connection with the Chippewas in Minnesota, and, in addition to that, we are having pressed upon us the other bills I have mentioned, one providing for a commission in regard to the Northern Montana Indians and the other for a commission in regard to the Indian Territory. This bill is designed to avoid this multiplying of commissions. If this bill becomes a law those other commissions will be unnecessary, and it seems to me that the opinion of the Secretary of the Interior is entitled to great weight as to the best plan of dealing with this subject.

Mr. WEAVER, of Iowa. But, Mr. Speaker, we have now not only a Commissioner of Indian Affairs, but Indian agents for every one of these tribes, and special Indian agents, and what else have they to do but to gather this information and make their reports to their chief? I really can see no necessity for creating this new commission.

Mr. HOLMAN. Mr. Speaker, I shall regret very much if the gentleman from Iowa or any other gentleman believes that a mistake has been made in reporting this bill, and I hope I shall have his ear while I endeavor to convince him that some such agency as this is indispensable. Take a single instance, the lands of the Blackfeet and other tribes that I have referred to in Northern Montana.

Those lands are mostly held under executive orders. Now, what it may be proper for the Government to do as to the quantity of land to

be set apart for those Indians which, if any of them can be removed to other reservations, which can be combined in one agency, how much of the land shall be held in trust for each tribe? These and other questions require the exercise of a high degee of intelligence and capacity for investigation. Another question which necessarily arises is whether these Indians or any of them are to remain on that international line? Here are 21,000,000 acres of land—a region of country almost as large as my own State—and several small tribes of Indians. These lands, as I have said, are mostly held under executive order.

Now, how much of those lands shall they continue to hold if they remain there? Can the Indians be peaceably removed from them? It is not a good region for agriculture. Can the Blackfeet Indians, for instance, be removed to the Joko reservation? I think they can be. Can the Sioux, still farther east, be removed to the Sioux reservation? Can the Bloods and the Piegans be removed to the Crow reservation? These questions all arise. There is not only required an efficient and able commission, but a commission invested with very extensive powers of investigation and adjustment, that all these questions shall be properly and finally settled at an early day. In view of the importance of these various questions it seems to me a commission of a less efficient and comprehensive character than the one proposed would hardly be adequate for the purpose.

Mr. WEAVER, of Iowa. The gentleman from Indiana does not reply to the point I make. We now know the area of each one of these reservations. We also know the Indian population there. Now, we are just as competent as anybody else to determine whether they can be confined to a smaller area. And if there is any lack of information on our part it seems to me the Indian agent there—the special agent or the resident agent—can supply such information without the expense of this additional commission, which appears to be a kind of "fifth wheel to the wagon." That is the point I make.

Mr. HOLMAN. But does not the gentleman from Iowa overlook one important fact? There are to be negotiations and agreements with these tribes, and all of them, to a greater or less extent, subject to approval either by the proper Department of the Government or by Congress touching the manner in which the lands shall be held, the portion which shall be set off to be held in trust for ultimate sale, and the investment of the proceeds, and innumerable other questions. For myself I will say—I do not know how the case might be with my colleagues on the committee which recently visited these reservations—that after having spent several months in this investigation I would not myself be able at the present time to determine exactly what would be just in reference to any one Indian tribe holding lands by executive order.

As to the Indians upon the smaller reservations—the Joko, the Umatilla, and all that small body of reservations west of the Rocky Mountains—it would not be difficult to determine exactly what should be done by the Government, to what extent the lands are not needed by the Indians, to what extent they should be sold, and in what manner they should be disposed of, or how divided, or how held. But when you come to consider the Navajoes and Apaches; when you take into consideration the Indian lands in Montana, the great Sioux and Crow reservations, and especially the Indian Territory, and consider whether or not the Indians farther west, the Cheyennes and Arapahoes and other western tribes, should be removed eastward and can be induced to remove eastward and the western portion of that Territory thrown open for settlement; to what extent Indians like the Sacs and Foxes and Kickapoos should hold their lands in severalty and by what tenure; whether they are now in a condition to take lands in severalty, and what portion of the lands should be assigned to the Indians farther east in lieu of the lands they now hold, and with a view to the concentration of the tribes in the eastern section of the Territory—all these questions, it seems to me, require the most careful investigation and all of them require patient negotiation, and I think no less efficient and comprehensive commission than that which this bill proposes to organize would be suitable for the purpose. It involves one of the greatest subjects Congress has ever considered of internal policy.

Mr. REAGAN. Mr. Speaker, is it in order at this time to offer an amendment to the first section of the bill?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is on the floor.

Mr. HOLMAN. I yield, as a matter of course, for any amendment.

Mr. REAGAN. I ask the Clerk to read the amendment which I have sent to the desk.

The Clerk read as follows:

After the word "Interior," in the ninth line of section 1, insert:

"*Provided*, That members of Congress may be appointed to the places to be filled by civilians; and that those who may be appointed on this commission and who are in receipt of salaries from the Government shall receive no additional compensation; but their traveling and other expenses shall be paid on sworn vouchers.

Mr. HOLMAN. I yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Speaker, if this commission is to be appointed, it ought to be so constituted as to be of the greatest practical efficiency. The bill proposes that there shall be six commissioners, to consist of three military officers and three persons to be taken from civil life or detailed from the Department of the Interior. Now it seems to me if such a commission is to be appointed, there ought to be no implications in the bill that members of Congress may not constitute a portion of the commission. I am induced to offer this amendment from the conviction that if, as civilian members of the commission, such gentlemen could be appointed as the gentleman from Indiana [Mr. HOLMAN] who has presented this bill, or the gentleman from Arkansas [Mr. PEEL], or the gentleman from Illinois [Mr. CANNON]—all these gentlemen being so well qualified by reason of their great familiarity with this subject—efficiency, utility, and value would be given to the results of the commission. Such gentlemen would understand the policy and purpose of Congress; they would carry into this work the experience obtained during the investigation of last summer, which gave them much very valuable information in relation to the management of our Indian affairs.

I trust, if we are to adopt the commission, we will leave it in the power of the Government to select men of this description and of this character of experience to constitute a part of that commission, if they see proper to do so.

Mr. ROGERS. I have a suggestion to make to my friend from Texas in that connection.

Mr. REAGAN. I will be glad to hear it.

Mr. ROGERS. I favor the amendment, but, if it be adopted, the commission should be constituted, as I suggest, by permitting the President to detail these Army officers, and then the Speaker of the House of Representatives to select the members of Congress who shall form a part of it.

Mr. REAGAN. I should like that section to be amended, and I think the suggestion of the gentleman from Arkansas is better than the amendment I have offered, as it is calculated to secure a better commission than can be secured in any other way.

The SPEAKER. Does the gentleman from Indiana yield to an amendment?

Mr. HOLMAN. Yes; I yield to a further amendment.

Mr. REAGAN. The amendment suggested by the gentleman from Arkansas is in harmony with the bill, and, as I have already stated, in my judgment will better accomplish the objects of the commission than the one I have submitted.

Mr. DORSEY. I move to strike out the words, in the seventh and eighth lines, "appointed from civil life or;" so it will read: "The other members to be detailed from officers in the service of the Department of the Interior."

The SPEAKER. The Chair understands these amendments are being offered by unanimous consent.

Mr. HOLMAN. Yes; this is offered by consent.

The SPEAKER. Otherwise the amendment of the gentleman from Nebraska would not be in order to perfect the bill while the other is pending.

Mr. HOLMAN. I understand these amendments are all pending.

The SPEAKER. That will be understood, if there be no objection.

Mr. HOLMAN. I ask that the amendment of the gentleman from Texas may again be reported to the House.

The SPEAKER. It will again be read.

The Clerk again read Mr. REAGAN'S amendment.

Mr. REAGAN. Mr. Speaker, the gentleman from Arkansas proposes an amendment which would be better than the one I have offered in accomplishing the purpose—that three military commissioners be appointed by the President, and that three members of Congress be appointed by the Speaker of this House. I think it would be better, and better accomplish the object.

Mr. HOLMAN. But if the amendment suggested becomes law the appointments would have to be made I think by the joint action of the Speaker of the House and the President of the Senate. This is to be a law and requires the action not only of the House but of the Senate, and therefore I suggest this ought to be left discretionary with the President, for the reason the duties involved in the commission may require a very considerable period. Negotiations with some of these tribes may be tedious, and my friend will discover it will be especially so with the smaller bands of Indians—with the small bands in Montana north of the Missouri River. Many small tribes are to be considered.

I am confident that there will be tedious negotiations with many of those small tribes as to the amount of land to be held by them or as to removals. The Indian is intense in his local attachments. I think no Indian should remain on the international boundary-line. A special effort should be made to move them away. I do not think any permanent reservation should be established on the international line, for the Indians of the North are constantly intermingling with our tribes, and it is impossible to tell what Indians belong to the United States and what to British Columbia. There the duties of the commission would be tedious. I suggest to my friend it would be impracticable for a member of the House or Senate to engage in this duty if it should become protracted. At least I hope my friend will leave it discretionary with the President if it be deemed proper for such a provision to be inserted.

Mr. REAGAN. I overlooked the point suggested by the gentleman from Indiana that this is to be done under law, and therefore the selection had better be done by the President. I shall insist on the

amendment I have offered. I wish to get that provision inserted in the bill, because the character of persons I have named, members of Congress who were engaged in that sort of investigation last summer and who have acquired so much information as they have displayed this session on the subject, would certainly be valuable on such a commission. Therefore I submit the amendment.

Mr. HOLMAN. I yield now for five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I hope the amendment will not be adopted, from the fact that no member of Congress can give to this subject the time which ought to be given to it for the purpose of carrying out the provisions of this bill.

It is true that a commission composed of members of Congress did during the last vacation visit the various Indian agencies of the country, and in this manner gained very much useful information. But a careful examination of that report will show that that investigation was limited and necessarily so, and that the members of the commission remained at each of these agencies so short a time as to have rendered it impossible for them to have had any practical negotiations with the Indians themselves with a view to carrying out the provisions of this bill. For the same reasons I am opposed to having any person employed in the Interior Department detailed for any such service. If there are such persons in that Department whose services are not needed they ought to be weeded out.

I undertake to say that the provisions of this bill impose upon the persons who may be appointed to perform the duties described by the bill a vast amount of labor, likely to occupy two, three, four, or even five years in order to secure their proper discharge. Look at the second section of the bill and see what is contemplated by it. Why it embraces the whole Indian problem.

It not only embraces the condition of the tribes in the aggregate, but each individual tribe in detail. This commission will be required to visit each agency and consult with each and every one of the headmen of the tribes with regard to the location of Indians upon lands in severalty instead of allowing them to occupy them, as under the present system, in common. That single provision of itself imposes a vast amount of labor upon any commission, and this must be apparent when I call the attention of the House to one single fact, that a few tribes of the great Sioux Nation of Indians in Dakota, numbering only about fifteen thousand individuals of all sexes, composed of the Red Cloud, Cheyenne, Spotted Tail, and Standing Rock agencies, have set apart for their use and occupancy twenty-four million of acres of land, an area as large nearly as the State of Ohio.

Will any gentleman say that that vast empire shall be occupied by fifteen thousand persons to the exclusion of the white settlers of this country who are demanding homes? The best interests of the Indians themselves do not require it; and I am sure that none will deny that the best interests of the white men require that some provision should be made and at an early day by which this vast area of arable land may be opened to actual occupancy and settlement by our white people.

The duties required of this commission are of such a nature as make it physically impossible for it to perform them within any limited time, because, as I have said, if carried out as contemplated by this bill, they will be required to enter into negotiations with the various Indian tribes and the individual members of the tribes to determine whether certain portions of this land can be set apart to each individual family for its exclusive use and occupancy and the other portions of the reservations opened up to white settlement.

When you consider the fact, Mr. Speaker, that the Indians of this country, numbering to-day not exceeding two hundred and sixty thousand people, occupy an area of country equal in extent to the whole of New England, and the States of New York, Pennsylvania, and Ohio combined—I say when you remember that this vast empire of the public domain is now set apart for the exclusive use of two hundred and sixty thousand Indians, and you remember the teeming millions that occupy the States to which I have referred, it must be apparent that the Indians can have no use for such a body of land.

Mr. CURTIN. But if you have given the Indians homes in exchange for lands taken from them, have you any right to take it away from them again?

Mr. SPRINGER. We do not propose to do so. This bill proposes to treat with them for the purpose of acquiring the right to go and settle the Indians upon lands in severalty by distributing the lands among them suitable for agricultural purposes, and then allow the other lands which are useless to them to be opened to actual settlement by white people. No more munificent provision could be made for the Indians than that contemplated by this bill.

I think, Mr. Speaker, that the necessity for giving these large reservations to the Indians no longer exists. The purpose was undoubtedly in the beginning to give them a large area of country over which they might roam in search of game. The game has disappeared, and these lands are now only useful for agricultural and grazing purposes, and hence the necessity for these Indians occupying an immense, almost unlimited expanse of lands, beyond the necessities of the Indians themselves, no longer exists.

[Here the hammer fell.]

Mr. MCADOO. I would like to ask the gentleman from Illinois a question.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HOLMAN. I will yield to the gentleman so much time as will enable him to ask the question.

Mr. MCADOO. I would like to ask the gentleman from Illinois whether these large reservations are not necessary and serve a good purpose at present, at all events to preserve the public domain, so long as it is being gobbled up by railroad corporations who have been getting them for nothing?

Mr. SPRINGER. Heretofore the great cattle syndicates have had little difficulty in getting lands whenever they wanted them; but I hope in the near future they will be opened to actual settlers, which will put a stop to this practice.

Mr. HOLMAN. I now yield to the gentleman from Kansas so long as he may desire.

Mr. RYAN. Mr. Speaker, I desire, on page 4 of the bill, to offer an amendment as a proviso to the third section, in the following words:

Provided, That it shall be the duty of said commission to negotiate with the Indians in the Indian Territory for the purpose of setting apart to them lands in severalty, to dispose of their surplus land for settlement, and to negotiate with all other Indians for a like purpose, in all cases where such other Indians are or may be in a suitable condition to take lands in severalty.

The SPEAKER. That amendment can be offered at this time only by unanimous consent, because there are two amendments already pending. Does the gentleman from Indiana consent to the offering of this amendment?

Mr. HOLMAN. I have no objection to its being offered.

The SPEAKER. The gentleman from Kansas will proceed.

Mr. RYAN. Mr. Speaker, the object of this bill finally to be attained, or which we hope will be attained, is to set apart to the Indian his land in severalty, and to give him a perfect, an absolute, and indefeasible title to it, that he may cultivate it and make it his home, precisely as the white man cultivates his land and carves out for himself and for his family a home, and finally to absorb the Indian into our own civilization, making him ultimately a part of the citizenship of this country.

This amendment is mandatory to the commission to endeavor to negotiate with the Indians in the Indian Territory with a view to setting apart to those Indians in severalty homes for themselves and the disposition of the surplus lands of that Territory for white settlement in accordance with any fair and just agreement that may be made with them. Of course, all this action must subsequently be ratified and approved by Congress before it can become effective in any degree.

This question is not a new one here. Congress at the last session, as has already been stated, passed a law authorizing the President of the United States to negotiate with the Indians of the Indian Territory for the very purpose expressed in this amendment, so that Congress has already passed upon the question; and all I ask now is that it shall be incorporated into this bill, so that it shall be mandatory on this commission to do what the President was authorized by law to do at the last session of Congress, but which he has not done.

Mr. HOLMAN. I yield to the gentleman from Illinois [Mr. CANNON] what time he desires.

Mr. CANNON. I will at the proper time ask the gentleman from Indiana to yield to me to offer an amendment, so as to make it the duty of the President to appoint this commission. In line 1, after the word "authorized," I shall propose to insert "and directed;" so that the President shall be authorized and directed to appoint a commission.

The reason for this amendment, Mr. Speaker, is obvious. The administration by its action in the case referred to by the gentleman from Kansas [Mr. RYAN has held that a mere authorization by Congress confers a discretion. I do not want any doubt to rest in the mind of the President as to whether this matter is discretionary or mandatory. I believe this commission ought be appointed, and I believe further that the commissioners ought to be active, energetic, practical men, who will under the authority conferred by the proposed legislation devote their time to the investigation of this question.

Why, sir, look at it. I believe there are nearly two hundred reservations, some of them very large, that these Indians occupy. Some of them are ready now to take their lands in severalty; others can be divided up and placed upon small reservations. Some of them, like the Navajoes, ought to continue no doubt to occupy the reservation they are now on, following pastoral pursuits, in which they are doing very well.

If this commission is an able and industrious one with the power that is proposed to be given to it, to investigate touching what can be done for the benefit of these Indians and to recommend action, or for the approval of the Secretary of the Interior, where he has power to approve, or for the satisfaction of Congress where treaties are made or modified, it can be seen at once if this commission is so constituted that all the while the President of the United States or the Secretary of the Interior has the machinery ready to use in making treaties, a commission well up on these questions, and whose findings and recommendations would have authority, not only with the Executive, but with Congress and with the people at large.

I am inclined to think there is much wisdom in the amendment of the gentleman from Texas [Mr. REAGAN]; for, after all, where treaties are modified Congress has to act; and I have no doubt it is much better if persons performing this duty could also have a chance to present the proposed action to the House and to the Senate by being members of the respective bodies.

But especially do I believe the amendment of the gentleman from Kansas [Mr. RYAN] is important, because it directs this commission, it declares it shall be its duty, to enter into negotiations for the modification of the treaties with the Indians in the Indian Territory, having expressly in view that the Indians should be treated with for throwing open these lands to settlement upon terms equitable both to the Indians and the white people. This includes Oklahoma and the Cherokee outlet, as well as all other lands in the Indian Territory that are not required and are not utilized by the Indians for agriculture or otherwise.

Mr. WEAVER, of Iowa. There is another bill having that object in view uow pending.

Mr. CANNON. I will call the attention of the gentleman from Iowa to the fact that it is not safe at this stage of the session to let bills take their chances of being called up or being reached, especially bills of this importance.

Mr. WEAVER, of Iowa. It is just as likely to pass as this one.

Mr. CANNON. Oh, certainly, it is just as likely to pass as this bill, provided you can get at it to consider it. But consideration at this time of the session is much. I have no pride in this bill; and I suggest to the gentleman if there are proper provisions in the bill he speaks of calculated to accomplish the object, would it not be well to move them, if the provisions of this bill are not satisfactory, by way of amendment to this bill?

However, this is only by way of suggestion, for I think the amendment of the gentleman from Kansas [Mr. RYAN] is sufficient, provided the Executive should administer the law in good faith.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that the amendments to this bill heretofore presented and those which may be presented later be printed in the RECORD.

There was no objection, and it was so ordered.

The amendments are as follows:

By Mr. REAGAN: "After the word 'Interior,' in line 9, of section 1: '*Provided*, That members of Congress may be appointed to the places to be filled by civilians; and that those who may be appointed on this commission and who are in receipt of salaries from the Government shall receive no additional compensation, but their traveling and other expenses shall be paid on sworn vouchers.'"

By Mr. DORSEY: "Strike out in section 1, lines 7 and 8, the words 'appointed from civil life or.'"

By Mr. RYAN: "*Provided*, That it shall be the duty of said commission to negotiate with the Indians in the Indian Territory for the purpose of setting apart to them lands in severalty and disposing of their surplus lands for settlement, and to negotiate with all other Indians for a like purpose in all cases where such other Indians are or may be in a suitable condition to take lands in severalty."

By Mr. CANNON: "In fourth line, section 1, after the word 'authorized,' insert 'and directed.'"

By Mr. COWLES: "Strike out in section 1, lines 7 and 8, the words 'appointed from civil life or.'

"Strike out all of section 5 down to and including the word 'service,' in line 4, in said section.

"Strike out lines 15 and 16 of said section."

By Mr. DORSEY: "In line 41 of section 2, after the word 'self-support,' insert the following:

"'Also to ascertain the amounts due from the Government to the different tribes of Indians for educational purposes, as agreed upon and promised to be paid by treaties heretofore made.'"

FREE COINAGE OF SILVER.

Mr. JAMES. Mr. Speaker, I desire to call up the special order for this morning.

The SPEAKER. The gentleman from New York [Mr. JAMES] calls up the special order, which is the bill (H. R. 5690) for the free coinage of silver, and for other purposes.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill be printed in the RECORD.

There was no objection, and it was so ordered.

The bill is as follows:

Be it enacted, &c., That from and after the passage of this act all holders of silver bullion of the value of $50 or more, standard fineness, shall be entitled to have the same coined into standard silver dollars of 412½ grains troy of standard silver to the dollar, upon like terms and conditions as gold is now coined for private holders; that the standard silver dollar heretofore coined and herein provided for shall be the unit of account and standard of value in like manner as now provided for the gold dollar, and shall be a legal tender for all debts, public and private, except where otherwise stipulated.

SEC. 2. That so much of the provisions of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character," as provides for issuing certificates on the deposit of silver dollars, shall be applicable to the coin herein named; and so much of the said act of February 28, 1878, as provides for the purchase of silver bullion to be coined monthly into standard silver dollars be, and the same is hereby, repealed.

SEC. 3. That the Secretary of the Treasury is hereby authorized to adopt such rules and regulations as may be necessary to enforce the provisions of this act.

Mr. BLAND. I move to recommit this bill to the Committee on Coinage, Weights, and Measures.

The SPEAKER. That motion can be pending, but can not be voted upon until the debate is closed.

Mr. BLAND. Mr. Speaker, a number of gentlemen desire to speak upon this measure who can not get an opportunity to do so at the regular daily session. I therefore ask unanimous consent that at 5 o'clock this afternoon the House take a recess until 7; the evening session to be devoted to debate upon this bill, no other business to be transacted.

There was no objection, and it was so ordered.

Mr. BLAND. Mr. Speaker, it is utterly impossible to discuss a question of the magnitude and importance of this one within the brief period of an hour. I shall therefore be compelled to confine myself to some of the principal points mooted upon the subject of the coinage of silver. It may not be inappropriate at this time to go back and, if we can, to trace the cause of the difficulties under which silver labors to-day. We find that in 1867 a monetary commission or convention was held at Paris composed of representatives of the states of the Latin Union, Germany, Great Britain, and the principal metallic powers of the Old World, and also a delegate from the United States, Mr. Ruggles. Two years prior to that what is known as the Latin Monetary Union had been formed, made up of France, Belgium, Switzerland, and Holland, afterward joined by Roumania and Greece; the object of which was to adopt a uniform coinage for the nations thus joined in a monetary league. It was found, as a matter of course, that it was quite convenient for contiguous nations like those to have the same monetary standard, the same coinage in weight and fineness, which would be a legal tender in the several countries; for the same reason that Pennsylvania, New York, Ohio, and all the other States of this Union find it a matter of great convenience to have the same monetary system.

But it was thought by those scientific gentlemen and doctrinaires that their monetary system could be extended so as to embrace the entire civilized world, and the delegates who met at Paris in 1867 undertook to devise a scheme to unify the coinage of the world.

The first question that came up for discussion and solution was the question as to the standard—whether they should adopt the gold standard or the silver standard, or both gold and silver—and there was the beginning of what is called "the battle of the standards." These scientific gentlemen, it would seem, without taking into consideration what effect their monetary system might have upon the different nations of the world in respect to their internal trade, thought only of the question of unifying the coinage and the monetary system of the world, and they finally adopted resolutions recommending the gold standard, with silver as a subsidiary coinage or aid to the gold standard, to be limited in its use. In pursuance of that scheme Mr. Ruggles, our delegate, after having made one report, sent to Congress in 1870 a supplementary report, in which he made the following statements:

The undersigned also begs to state that it was perfectly understood by the conference that none of its delegates were empowered in any way to bind their respective governments to any plan or proposition which the conference might adopt. On the contrary, time was given for laying the question before the different governments, for which purpose the conference fixed the 15th of February then next succeeding as the time for receiving answers, the undersigned expressly stating (Ex. Doc., page 74) that the United States could not give a positive answer until the subject had been submitted to Congress.

Several sittings of the conference were devoted to the subject of the double standard of gold and silver, and the necessity of gold alone for an international coinage; also to the discretion to be left to the several nations respectively in regulating their silver coins, the necessity of a period of transition for nations having the single silver standard; also to the expediency of a 15-franc gold coin, to facilitate monetary unification in the Netherlands, Germany, and Sweden.

The plan of international coinage finally adopted by the conference, with only one dissenting voice, embraces:

1. A single monetary standard exclusively of gold nine-tenths fine.
2. Coins of equal weight and diameter.
3. Of equal quality (or *titre*).
4. The unit to consist of the weight of the existing 5-franc gold coin, with its multiples.
5. The coins of each nation to bear the names and emblems preferred by each, and to be a legal tender in all for public and private payments.

The subordinate details of the periodical examinations and assays needed for ascertaining the weight and quality of the international coins of the different nations, and also the proper regulation of the rate of "tolerance" or allowable variation in coining, were left to a further conference or diplomatic conference or diplomatic correspondence.

After full and careful discussion the conference passed a resolution by a unanimous vote, by ayes and noes, recommending the issue of a gold coin of 25 francs, to be similar in weight and quality to the half-eagle of the United States and the sovereign of the United Kingdom. Its passage was actively urged in behalf of the United States for the reason expressed in the argument (Executive Document, page 68) that "the three gold coins, types of the three great commercial nations fraternally united and differing only in emblems, would go hand in hand around the world, freely circulating through both hemispheres without recoinage, brokerage, or other impediment."

It further appears (at page 101) that Prince Napoleon (Jérôme), president of the conference, speaking in behalf of France, declared that "if she consulted her individual convenience, she would see no necessity for issuing the new coin; but for the purpose of facilitating the work of unification she would make the concession required by the United States," adding that "the new coin would also promote the convenience both of England and of Austria." The delegate from Spain, the Count Nava de Tajo, thereupon stated that "it would equally accommodate Spain." The question being then put formally to vote, the issue of the 25-franc coin was unanimously recommended.

He also refers to a bill that had then been introduced by Mr. Hooper, of Massachusetts, as designed to carry out the scheme, or in aid of the scheme, agreed upon at Paris in 1867; and in April, 1870, Mr. John Jay Knox, then Deputy Comptroller of the Currency, formulated a bill and sent it to Congress, within the provisions of which was a section demonetizing silver. Thus began the carrying out of the scheme in this country in 1870. I know it has been generally stated upon this floor

and throughout the country that this Government demonetized silver or suspended its coinage because Germany had previously done so. Mr. Ruggles, our delegate to the Paris conference, in his report to the Secretary of State, says:

Apologizing for the mass of details which the necessary presentation of the subject has required, the undersigned has only to state, in conclusion, that the bill introduced into the House of Representatives by Hon. Samuel Hooper, of Massachusetts, a member of the Committee on Coinage, on the 16th of March, 1870, and now pending in the committee, reduces the weight of the gold coin of the United States to that of France and the eight other continental nations, as hereinabove exhibited. The 124⅘ grains specified in the bill are practically equiponderant with 8,064 milligrams.

The demonetization of silver in Germany may have hastened demonetization here; it may have been the controlling cause, but the proposition to stop the coinage of silver was pending in Congress from April, 1870, until 1873. German demonetization did not take place until December, 1870. So that we find that, immediately after the Franco-Prussian war, Germany, carrying out, I suppose, the idea of this monetary conference at Paris, adopts a gold standard, takes time by the forelock, puts her house in order, and makes ready for the coming event.

The United States, following in the footsteps of Germany, and for reasons stated by Dr. Linderman, the Director of the Mint, in his report to the Secretary of the Treasury, November 9, 1872, at which time the coinage act of 1873 was pending in Congress, in discussing the silver question in the light of its increased production in connection with the demonetization of silver by Germany, in which he says: "The facts above stated indicate the gradual, but eventually, its certain adoption of the gold standard and consequent demonetization of silver by all commercial countries. Not only is the tendency to adopt gold as the sole standard and measure of value, but to use paper money redeemable in gold as the bulk of the circulating medium." (See Linderman, Money and Legal Tender, page 49), passed the act of 1873.

It will be remembered that during the months of January and February, immediately preceding the passage of the act of February, 1873, suspending the coinage of silver, there had been coined at our Mint nearly one million of silver dollars.

We coined in 1870	$588,308
We coined in 1871	637,929
We coined in 1872	1,112,961
We coined in January and February, 1873	977,150
	3,335,348

This shows that silver had begun to flow into our mints, and that from 1870 to 1873 $3,300,348 had been coined; that, immediately before suspension, during the months of January and February, 1873, over nine hundred thousand had been coined.

The act suspending the coinage of the standard dollar was approved February 12, 1873. In a month just prior to its passage, as before shown, we had coined nearly a million of silver dollars. This is a fact that answers the argument that we were on the exclusive gold standard when the act of February 12, 1873, demonetizing silver was passed. In 1870 we had passed a law to convert all our public debt payable in legal tender or greenbacks into a coin debt, the coin to be of the standard of January, 1870, which at that time was the gold dollar, 25.8 grains, or silver dollar, 412½ grains. So soon as silver began to flow into our mints we cut off the supply so as to make the bonds payable in gold only.

I have thus referred to the beginning, as I understand it, of what is called "the battle of the standards." We come down to 1873, when a bill was pending in Congress. After passing the Senate it came to the House; and conference committees of the Senate and House reported the bill. It was stated on the floor of the House that it made no material change in the coinage laws; that it was simply a bill to regulate the Mint laws. And I have yet to find in either branch of Congress among the gentlemen who reported and recommended the passage of that bill, or those present either in the Senate or the House at the time of its passage, a single man who will admit that he voted for that bill, knowing its provisions—a single man who will assume the responsibility of having reported that bill, knowing its contents, or voting for it, knowing that there lurked in it this provision dropping from the coinage one of the metals of the world.

Mr. Speaker, if there has been any act condemned by this country, if there has been a measure against which the anathemas of the American people have been hurled more than any other it is this act suspending the coinage of the legal-tender silver dollar. If that act was a fraud, if its passage was wrong, if the American people have, as I have stated, condemned the passage of the law, what must we expect from them if the American Congress to-day, having it in its power to do so, refuses to pass a bill which simply places the silver dollar where it was before the passage of that act. In such a case would we not to a certain extent at least condone the wrong?

In 1878 this House passed a bill precisely such as that now pending, except the provision as to silver certificates—almost a literal copy. This bill simply provides that silver shall be coined at the mints of the United States for all comers on the same terms and conditions as gold, and that the silver thus coined shall be a full legal tender for all public and private debts. This simply restores the law as it was before the act of 1873—nothing more and nothing less.

Now, Mr. Speaker, we come to 1878, at which time this House passed a silver coinage bill such as I have described by a vote of 168 or 170 yeas and 37 nays. That bill went to the Senate. The Senate incorporated in it, instead of free coinage, a provision limiting the coinage to not less than $2,000,000 and not over $4,000,000 worth of bullion per month. That is the law we have to-day. What inducement had the Senate to put that provision in that bill? What is the argument in favor of sustaining the law as it is on the statute-book to-day? It was contended in the Senate, and we hear it urged to-day on this floor, that because silver bullion had depreciated, owing to demonetization or from whatever cause you please, the Government had the right to make the seigniorage the difference between the value of the coin and the market value of the bullion; in other words, inasmuch as silver had been demonetized and its bullion value thereby decreased, the Government had the right to take advantage of this law demonetizing and depreciating silver to coin it at the ratio of its depreciation. Now, what is the effect of this? The effect is to continue the gold standard which was proclaimed for us in this convention at Paris in 1867. It makes silver in effect a subsidiary coin, not what we call technically subsidiary, but it does coin silver subject to the conditions of the gold standard; and silver coin is paid out to-day, as we are told, only so far as it may be paid out without disturbing that standard. We have then not only a limitation on its coinage, but also a limitation on its issue from the Treasury after it is coined.

In Secretary Manning's answer to the House resolution questioning his policy of silver payments (Appendix, page 33), it is shown that on the 1st of January, 1885, we had in circulation—coin silver dollars, $41,315,040; silver certificates, $113,858,811; total, $155,173,851. On the 1st of January, 1886, we had in circulation coin silver dollars, $51,411,376; certificates, $87,761,609; total, $141,172,985.

The result is that we expended $24,000,000 for the supposed purpose of increasing the amount of money in circulation, the result of which was to contract the currency to the extent of $14,000,846 so far as silver concerned.

This policy of holding silver in the Treasury so as to maintain the gold standard was adopted and enforced by Mr. Sherman, the first Secretary of the Treasury after the passage of the silver coinage act, and his policy has been persisted in by all his successors up to the present hour. In this we see the baneful influence of a bad example. What good the present limited coinage of silver was intended to have has been hampered by the failure of Treasury officials to give it a friendly execution.

Mr. SHERMAN, then Secretary of the Treasury, just before the time fixed in January, 1879, for the resumption of specie payments, when we had coined about twenty millions of silver dollars, entered into an arrangement with the New York Clearing House Association for the purpose of making a combination of the Treasury Department and the national banks of New York, composing the clearing-house association, by which silver should be repudiated and demonetized as far as it was in the power of the Treasury Department and these banks to do it, and especially to demonetize it in so far as the payment of the public debt was concerned. The basis of this agreement is found in the following letter of Mr. W. A. Camp, manager of the New York Clearing House, found on page 26, Miscellaneous Document No. 34, House of Representatives, Forty-sixth Congress, second session, in a conference with the Committee on Coinage, Weights, and Measures, of which at that time I was a member:

No. 692.

Mr. Camp to Mr. Sherman.

NEW YORK CLEARING HOUSE,
14 *Pine Street, New York, November* 12, 1878.

SIR: I have the honor to report that a meeting of the Clearing House Association was held this day at the clearing-house. Fifty out of fifty-eight banks' members of the association being present, the following resolutions were unanimously adopted:

"*Resolved*, That in order to facilitate the payment of drafts and checks between the Treasurer of the United States and the associated banks, the manager of the New York Clearing House is authorized to make such an arrangement with the assistant treasurer as will accomplish that purpose through the medium of the clearing-house.

"*Resolved*, That the reported interview between the members of the clearing-house committee and the Secretary of the Treasury, with the views expressed by them to him in the paper presented to this meeting upon the subject of the restoration of specie payments, meets the cordial approbation of this association, and that the practical measures recommended for the adoption of the banks in respect to their treatment of coin in their business with the public and with each other, be accepted and carried into practical operation; and, in pursuance thereof, it is hereby further

"*Resolved*, That the associated banks of this city, after the 1st of January, 1879, will, first, decline receiving gold coins as 'special deposits,' but accept and treat them as lawful money; second, abolish special exchanges of gold checks at the clearing-house; third, pay and receive balances between banks at the clearing-house, either in gold or United States legal-tender notes; fourth, receive silver dollars upon deposit only, under special contract to withdraw the same in kind; fifth, prohibit payments of balances at the clearing-house in silver certificates, or in silver dollars, excepting as subsidiary coin, in small sums (say under $10); sixth, discontinue gold special accounts, by notice to dealers, on 1st of January next, to terminate them.

"*Resolved*, That the manager of the clearing-house be requested to send copies of the proceedings of this meeting to clearing-houses in other cities, with an expression of the hope that they will unite in similar measures for promoting the resumption of coin payments."

Very respectfully,

W. A. CAMP, *Manager.*

Hon. JOHN SHERMAN,
Secretary, Washington, D. C.

It will be observed that this letter specifically prohibits the payment of silver dollars or silver certificates from the Government in the settlement of clearing-house balances, all payments being confined to gold or legal-tender notes convertible into gold; and convertible into gold because of the ruling of Mr. Secretary Sherman giving creditors the choice of demanding and receiving gold in the redemption of greenbacks or other debts held by them against the Government after January, 1879.

Under this arrangement silver was virtually repudiated by the Government and by the national banks. From that day to this the policy inaugurated by Mr. Sherman has been adhered to by the Treasury Department; and that, too, notwithstanding the law of 1882, prohibiting national banks from thus refusing silver. Every law passed by Congress and looking to the circulation of silver has thus been repudiated by this combination of the national banks, Government creditors, and the Treasury Department. The question is, ought not the law be so changed as to permit free coinage? Then the money would never reach the Treasury. It would be coined for all persons like gold, and would never reach the Federal Treasury except by way of taxation.

In so far as you restrict this coinage you restrict the right of the debtor class to pay their debts in the legal-tender metal; and this restriction is adopted for the purpose of continuing the gold standard and preventing the minting of silver except in limited quantities, in order to make money more valuable, to depreciate all property and all prices, and to compel debts to be paid by the gold standard instead of the standard regulated by gold and silver freely coined at your mints.

Now I want to discuss further this seigniorage question, and discuss it upon principle; for, as I understand it, it is one of the most important questions we have to discuss here.

Our gold and monometallic friends, and some of our silver friends also, think if we coin silver free we simply pay to the bullion-holders the difference between 80 cents and $1. That is to say, bullion to-day in the markets of the world, measured by gold, is worth but 80 cents, and therefore, if you open the mints of the Government for all the bullion to go there to be coined into silver dollars and legal-tenders, you to that extent give the bullion-holder 20 cents on each dollar more than he is entitled to to-day. Is that so? For if it be true, Mr. Speaker, then all that has been contended for under the principle of free coinage is admitted. You acknowledge that for which we have contended, that free coinage will have the effect to give silver the same value as gold, and that under it every coined piece of silver will be at par with gold at the ratio of 16 to 1. It is worth it to-day. Every silver dollar that has been coined at our mints is worth a gold dollar. Who can say that all we may coin will not be worth a gold dollar?

And when gentlemen tell us this law will restore silver to the same value as gold, but that in doing so we give the seigniorage or profit to the bullion-holders, they simply admit all that has been contended for, and that is the silver dollar and the gold dollar will be at par everywhere. Does any gentleman object to that?

The only serious argument made against the coinage of silver is that it will not restore this parity of value—that it will not give that value to it—that it is not possible for the coinage laws of any country to give additional value to a metal. If that is true, then the argument about seigniorage is a myth and a humbug.

But we are told it is true that for a short time this loose bullion will be gathered up and brought here and dumped down upon us, and they will get a dollar for it in gold or its equivalent, and after they have coined up the surplus—how much they do not know—then silver will begin to sink and go down to bullion value again. How convenient this question is for our gold monometallists! Drive them from one point, turn their own batteries against them, and then they go off into the realms of prophecy. [Laughter.] They rise up here and tell us that if we do this or that certain things will occur. Now, Mr. Speaker, if the old Jewish law were in effect here to place false prophets beyond the outer walls and there stone them to death—if that law were in force in this country to-day we would have many less of these gold prophets among us. [Laughter.]

If this predicted fall of silver be true, it means that gold also would fall, because silver being tied to gold by free coinage both must fall together. That is, labor and the products of labor and all species of property would rise, being measured not by gold only but by a volume of money swelled by unlimited mintage of silver.

But on this question of seigniorage again—and I hope I will be pardoned, for I will have to be somewhat disconnected—how much interest do you want the Government to make, and at whose expense must it be made? We are making, it is said, 20 cents on the silver dollar to-day in the way of seigniorage. How can you make more? Simply by limiting coinage, and further depress silver. I suppose the only way to make more is to coin less. Let us only coin $1,000,000 a month of silver and perhaps we will make 30 cents on the dollar; and if that is not enough, let us go down and coin only $500,000 a month. Then we could make 50 cents of seigniorage on the dollar. If that is not enough, and it does not seem to be with some, then coin only $1,000 a month, and you can make still more seigniorage in the dollar as coinage.

The law permits us on the other hand to coin $4,000,000 a month. If that law is executed up to the maximum of $4,000,000, the seigniorage will be less in the dollar, but the bullion-holder will be making money out of the Government again.

So, Mr. Speaker, when you come to the question of seigniorage you come into the vital question of gold and silver coinage. None but the tyrants of the old world, the kings, and those who desire to make money out of the people, ever charge seigniorage, except that which is necessary to pay the cost of coinage.

I will further explain this point.

An argument of the opponents of free coinage is that silver bullion at the ratio of 16 to 1, or 412½ grains of silver to 25.8 of gold, gives to the owner of silver bullion, or the silver miner, 20 cents on the dollar on his bullion.

This, at first blush, looks plausible, but it is not true, unless, as before stated, the coined dollar, by virtue of its coinage and legal-tender power, has this greater value; and if it does, then all the silver bullion, having free access to our mints, is at once restored to a parity with gold bullion at our ratio, for no one would take less for his bullion than the price fixed at the mint—that is, every piece of silver bullion containing 412½ grains of standard silver is at once worth one dollar, less the expense of coinage. It is worth one dollar because the holder can take it to the mint and have it coined into a dollar.

Then there will be no more buying and selling of silver bullion in the market; unless, at this ratio, it should go to a premium over gold, for it will have a fixed value at the mint. This now being the law as to gold bullion, we would then have silver and gold bullion at par. The owner of silver would then have the same advantage as the owner of gold—no more, no less. Free access to the mint, it must be admitted, is greatly to the advantage of the holder of either of the precious metals, but it is an advantage they must necessarily have as long as we make metal money the standard of values; and so long as we maintain such a standard it is necessary to coin free in order to have a sufficient supply of money.

Seigniorage, or a gain to the Government in coinage, is a tax on the money of the people.

The idea of gain to the Government in coinage grows out of the old idea that the king should have his profits out of the coinage permitted at his mints. The consequence of this prerogative was that the greater the king's tax, or seigniorage charge, the less amount of money there was coined; because the tax or charge tended to drive the holder of the metals from the king's mint to some other mint where the tax was lighter. Discovering this, that the mint seigniorage was driving the metals out of his realm and rendering his subjects destitute of money, his mints were finally opened to the free coinage of the metals for all comers thereto. Our Government has the most odious form of tax on silver. It limits its coinage, thus depreciating its value 20 cents on the dollar in order to buy it at that rate in the market. In order to accomplish this we coin only $2,000,000 worth per month, while we produce four million per month. Now, all our silver thus inhibited from coming to our mints is driven to the mints of other nations, or taxed out of circulation. In this way $24,000,000 of our own production is annually lost to our money circulation that ought to be coined at our mints. Who is benefited by this operation? It is the owners of gold, for the more silver we thus drive away the more is the gold worth which remains, by reason of the scarcity thus created in our circulating medium. By this operation the bondholders, the mortgage owners, and all classes of creditors are largely benefited, because it makes gold, the money in which his securities must be paid, more valuable.

If there were only $2,000 in all this country, and by some means one-half of it should be lost, the remaining half would become at once worth just as much as the whole formerly was to the creditor, while it would at the same time impose on one who happened to be a debtor exactly double the burden to pay his debt that he would have been under without the loss. It is quite plain, therefore, why the bondholding and creditor class are willing to outlaw silver at our mints. Seigniorage then is a tax not on the silver miner merely; it is a tax on the vast body of our people who need this money to pay their debts with. It is a tax on labor and the product of labor. It is a tax on the laborer because he can not get work unless there is money to employ him. It is a tax on wheat, corn, cotton, meats, and manufactured products, because these products get no market unless laborers get money to buy them. For this reason bread and clothing are cheap because there is no demand for them, and no demand because there is no money to buy with.

There are a million of men out of employment in this country because there is not sufficient money among the people to employ them. The report of the Bureau of Labor Statistics, just published, shows this large number of men to be idle, and that in the last year we lost $300,000,000 by this lack of employment. These men have nothing to buy with; hence they must suffer almost to starvation while bread is cheap. Thus we have the awful spectacle of millions starving and naked in the midst of plenty. Gentlemen call this overproduction. I call it underconsumption, caused by a lack of money to effect exchanges. This want of money is caused by the tax or limitation put on the coinage of silver in order that the gold kings may have their seigniorage of 20 cents in the way of dear money, brought about by driving silver out of the country, and to other countries, India, for instance, where it is utilized in stimulating the production of wheat and cotton there to compete with our own productions of these staples. Of all the rascally wrongs perpe-

trated on our people this seigniorage business, or limited coinage, is the most insidious because of its apparent plausibility.

If the silver miner, or bonanza kings as they are termed by the wily gold advocates were the only sufferers it would matter but little. If they were not satisfied with their status they could hunt some other calling. But if we are to rely on the metals for money we ought to have all the metal that can find its way to our mints.

Hence it has always been considered a blessing to have both silver and gold miners to delve into the earth for us in quest of the precious metals for our money.

It is the invention of latter-day legislation to enact statutes to drive from us the metals out of which we coin money, either by seigniorage, tax, or limitations on their coinage. Down with the fraud!

We should have no such prerogatives of seigniorage here for the special benefit of the gold kings. Let the king's prerogative go. The monopoly of gold must go. Gold is not king nor is silver, but in this free country the people must exercise all kingly prerogatives.

What is the principle of free coinage? And you will pardon me if I state a few elementary principles connected with the subject of metallic money before I proceed further. For bimetallic coinage of gold and silver you first establish your ratio. We have done that two or three times in our history, changing the relation of gold to silver, never changing the silver dollar—it was always the gold dollar. When you have established the ratio of coinage you continue at the mints the unlimited coinage of both metals at that ratio.

Having done this, the law of supply and demand regulated the volume. This was our monetary system from 1792 until 1873, when, under the pretext of amending the mint act, the provision that authorized the coinage of a legal-tender silver dollar was omitted, and thus, in effect, demonetizing silver.

Without discussing the circumstances under which this demonetization was done or the purposes for which the same was accomplished, it may be said that the act was passed at a time when the country was on a paper basis, neither metal being in circulation. Therefore, it was done at a time when legislation, with reference to the coin circulation of the country, was not likely to attract the attention of the people.

This act was clearly an infraction of the true theory of bimetallism, and in conflict with the Constitution. It assumes that Congress should exercise the power of controlling the volume of money, by prohibiting the coinage of one of the monetary metals recognized in the Constitution. If, under the Constitution, Congress has the power to prohibit or limit the coinage or silver, so it has that of gold.

To admit that it can demonetize one of the metals is to admit that it can demonetize both; therefore, the gold monometallists, who are so swift in their denunciations of the Supreme Court for holding that Congress has the power to issue paper legal-tenders, should consider the result of their own theory of monetary science. For, if Congress has the power to demonetize the metals, it must necessarily result in exercising the authority claimed by the decision of the Supreme Court—that is, in printing legal-tenders and forcing them into circulation.

As a constitutional question, it is here claimed that Congress has no lawful right to demonetize either gold or silver; but it is the plain duty to provide for the coinage of both at some regulated value or ratio. The Constitution says, "The Congress shall have power * * * * to coin money, regulate the value thereof, and of foreign coin." Again, "No State shall * * * make anything but gold and silver coin a tender in payment of debts."

By the mint act of 1792 the silver dollar as it is now coined—that is to say, a dollar containing 371¼ grains of pure silver, was made the standard of value, and was continued until 1873, when it was dropped from the coinage.

But again we are confronted with the statement, and I have heard it made by my distinguished friend from New York [Mr. HEWITT], who sits in front of me, who stated in the Forty-eighth Congress that if we gave unlimited coinage to silver its effect would be the loading of vessels from India, France, from Germany, and from other silver nations with their silver, which would be dumped down upon us.

THE DUMP FROM EUROPE.

The enemies of free coinage of silver allege that its effects would be to cause all the silver of other countries to be dumped down upon us. The same persons also claim that free coinage would not increase the value of silver.

These positions are wholly inconsistent.

If the free coinage of silver will not raise its bullion value then all the silver that would be sent here would be sold at a great loss. France has six hundred millions of silver coin at par with gold at the ratio of 15½ to 1, Germany about two hundred millions, India a thousand millions, Great Britain one hundred millions, all at par with their gold coin.

The bullion value here is but 80 cents to the dollar at our ratio, and would be about 77 cents at their ratio; hence France would lose about 23 cents on the dollar by sending her silver here to exchange for our gold, or about $138,000,000 on her entire stock of silver coin which she now carries at par with the gold; India over two hundred millions, and other nations in like proportion, making for them, combined, a total loss in their circulating medium of $437,000,000. Does any sane person believe that such an exchange would ever be made? And that, too, in the face of the fact that none of these countries, unless it be France, now have a large enough circulation to meet the wants of their people? Not a single dollar would be thus exchanged.

Should free coinage restore silver and gold bullion to a parity at our ratio of 16 to 1 they would still lose 3 per cent. by the exchange, or about $57,000,000. These facts would effectually bar such an exchange and inundation of silver we hear so much about.

Gold will buy more silver here than in any other country, and silver will buy more gold in any other country than here, unless it be in Mexico where it is a little cheaper than here.

Why then talk of losing our gold for cheap silver? There is no such thing as cheap-coined silver. As compared to the price of labor and all commodities silver is worth more than it was twenty-five years ago. Gold has risen everywhere. The Edinburg Review of January, 1886, in an article upon the scarcity of gold, after reviewing the prices of the world, says:

> In short, so far as information could obtain upon this subject, it certainly supports the conclusion reported by the American commission of 1876, that while there has been no fall in the value of silver in any country the value or purchasing power of gold has risen in all countries.

As to manufactured silver, that, of course, had its value enhanced many fold by the labor bestowed upon it.

The silver in a spoon, cup, or pitcher is worth on account of this labor four or five times as much as it would be worth in bullion or coin. As to the bullion there is practically none except the annual product of the mines, which is about one hundred and fifteen million annually, as estimated by the Director of the Mint. More than one-fourth of this, or about forty million, annually goes into the arts for manufactures and ornaments. So there is but about seventy million remaining for coinage. We now coin about twenty-seven million of this; India coined last year thirteen million; Mexico, twenty million.

The report of the Director of the Mint shows the coinage of the various countries for the calendar year 1884 as follows:

COINAGES OF THE WORLD.

> So far as advices have been received, coinages were executed during the calendar year 1884, in eighteen countries of the world, amounting in round numbers to $99,500,000 in gold and $90,000,000 in silver. As heretofore the United States has been the largest coiner of both metals. The coinage of gold by Australia was only $1,800,000 less than that of the United States. The gold coinage of Russia amounted to $19,840,510—within $1,000,000 of that of the United States. Germany coined nearly $14,000,000, and Great Britain over $11,000,000.
>
> In the coinage of silver, Mexico is but little behind the United States, having coined $25,000,000 as against $28,000,000 by this Government. The silver coinage of India was $13,800,000—a large decline from the coinages of recent years of that country—and of Spain nearly $7,000,000.
>
> I am, very respectfully, yours,
>
> JAMES P. KIMBALL,
> *Director of the Mint.*

This shows a coinage of ninety million of dollars in silver, or twenty million more than the annual production after deducting forty million used in the arts and for ornamentation.

It is thus seen there is no surplus silver, except that which is from time to time thrown upon the market before it can find its way to the mints.

Were our mints open at all times, there never would be a surplus in the markets; consequently our coinage value would be the standard of its bullion value.

It will be borne in mind that all the silver now in use as money to the amount of $3,000,000,000 is at par with gold. It is this vast amount of coined mass of silver that should govern in adopting a ratio for our coinage rather than the small amount that from time to time may be thrown upon the market in London to be depreciated by speculators as necessities of owners may determine. The fact is the most of the silver of the world is at par with gold at 15½ to 1. What we want to do is to coin what little we may be able to get. We will get none of Europe's stock, because no Frenchman, Englishman, German, nor even ignorant Indian or Hindoo will give his silver in exchange for gold when he must do so at a loss of 3 cents on every dollar, as he would do to send it here. Nor will any American exchange his so-called 80-cent dollar for 97 cents in gold, nor for 99 cents.

Now let us inquire what would be the effect of free coinage? It would settle, to begin with, a great and important question, a question probably the most important to the American people of all others now pending or that will be pending until this is settled; and gentlemen need not suppose that they can long postpone the settlement either. What is the difficulty to-day? We began to coin silver in 1878. From 1878 to 1879 and 1880, 1881, and 1882 there was a revival of prosperity in the country. We resumed specie payments, and because we were coining silver which aided us according to Mr. SHERMAN. But no sooner had we coined about $50,000,000 than Mr. SHERMAN, then Secretary of the Treasury, began to clamor for its demonetization and suspension. This clamor was on the ground that we had coined as much as would circulate on a par with gold. He began it, and through all these years 1879, 1880, 1881, 1882, 1883, 1884, every President of the United States and every Secretary of the Treasury has been clamoring for the demonetization of silver until the whole country has become excited and the national banks, which the Government chartered, have

set their faces steadily against it and have undertaken to demonetize it so far as in their power.

This silver question ought to be settled. It is disturbing the business interests of the country. Men who are capitalists, that have money to loan, claim that should we suspend coinage they would then know that the money they might loan would come back to them in kind as to value; that the coinage of silver will bring us to the silver standard, and then the money they might loan now would be paid back to them in a depreciated currency. For this reason they claim they can do better by holding on to their money. This causes money to be hoarded, and depresses business. They say if we suspend coinage they will put their money out. All this seems plausible. But if a revival at all, such a revival would be spasmodic, and of short duration. It would be such activity as a galvanic battery would impart to a corpse—a spasmodic flutter, without living, circulating blood to sustain it.

Being thus brought to the single gold standard, with the output of the gold mines constantly decreasing, an annual supply of only ninety millions and seventy-five millions of that going annually in the arts, manufactures, and ornamentation, as statistics show, where would the giant America get the circulating life-blood in the way of money to keep alive? It is preposterous nonsense. A grain of gold would be worth its weight in diamonds. England, France, Germany, and all the gold countries are deprecating gold scarcity and the consequent depression of trade and hard times. If the overdeveloped and densely-populated countries of the Old World find the gold standard too narrow how can we in this new country, just entering upon a new era of industrial development, increasing population and enterprises, limit business to the gold standard? It can not and will not be done. The money proposed for us by the gold advocates, to consist of gold and bank notes only, will not be accepted. A revival of business will come with free coinage of silver—not otherwise.

My friends who say they are in favor of silver but are against unlimited coinage, remind me a good deal of the adage we heard during the war in regard to certain gentlemen who were in favor of the war, but opposed to its prosecution. If one piece of silver bullion is fit for coinage, the whole of it is. And if it is not all fit for coinage none of it should be coined, not a dime. There is no compromise or half-way house in this matter; and when gentlemen oppose free coinage they should consider how near they are approaching the gold camp.

That was the mistake made in 1878 in the Senate, according to my view of it. Had they passed the free-coinage bill then, and could that bill have become a law, all this difficulty about silver, and all this distress and unsettlement of business never would have occurred. Whatever you may say against silver coinage, I have heard no gentlemen yet offer a substitute for it. Nothing except to stop its coinage and get to a single gold standard.

Now what would be the consequence of a single gold standard? We have six hundred millions of gold to-day. Will any gentleman assert that that is sufficient metallic money for our sixty millions of people? If not, where are you going to get the rest, when to-day you find that Germany and Great Britain, and even France, the whole of Europe, are ready to go to war before they will give up a grain of gold. They can afford to see the streets of their large cities run with the blood of their laborers; they can afford to see their populace starving; they can afford to go to war, but they can not afford to give up one grain of gold without bringing on probably internal or civil war among themselves.

And where are you to-day in this country on the gold standard? You are not much better off. We are in the same condition—probably not so bad—but we have difficulties at home. We have been trying the gold standard. It has proved a failure here and everywhere up to this very hour, and is confessed to be a failure by the very gentlemen who were most active in bringing it about.

I believe the most of our gold advocates have turned to be bimetallists. They are in favor of bimetallism with a condition which has heretofore proven to be an utterly impossible condition, and that is the condition that Great Britain, and Germany, and France agree with us to coin silver at an international ratio. That was the delusion that prevented the settlement of this question in 1878, when, as I have stated, the House passed a bill giving free coinage to silver. It went to the Senate. The idea the Senate had was to limit the coinage until we got an agreement with foreign countries, and it provided in the bill for an international conference. We sent our commissioners to Paris. They held that conference, and what was the result? Why, the delegations from other countries simply told our commissioners if they believed in silver, it was good for money, they said, "Go home and coin it." That in substance Mr. Dana Horton and Mr. Walker were among the gentlemen representing us. They did not like the treatment they received, and in connection with Mr. Cernuschi, and other bimetallists of Europe, they conceived an idea that if this country would stop the coining of silver we could flood England with cheap silver bullion, and in that way bulldoze her into submitting to an international agreement. And that was the outcome of the monetary conferences at Paris in 1878 and 1881.

Now, I want to remark in passing, these bimetallists are international bimetallists. Their whole theory is based on the idea of having metallic money that will be good money at par everywhere; that a piece of silver will be the same in our coinage as in France and throughout Europe so that you can travel wherever you please without having to submit to brokerage. But this is almost impossible without disarranging the monetary affairs of various nations. As I have stated the double-standard and gold-standard interfere; and on the other hand these gentlemen did not take cognizance of the fact that a national trade, ours for instance, amounting to $10,000,000,000 requires a consumption of money at home of vastly more importance to our people than international trade.

But, Mr. Speaker, this idea has been a failure. This idea of international coinage, this idea of an agreement between the nations of the world in a standard of coinage, has never occurred from the very dawn of history until now, except among the Latin states and Scandinavia. But is there any reason to suppose that by suspending the coinage of silver here and sending the bullion to Great Britain and to other European countries that that is going to terrify them so much? What is the difficulty to-day, especially with our Southern producers of cotton and our farmers in finding a market for our Western wheat?

We find that European countries, by purchasing bullion silver and sending it to India, are stimulating the industries of India to such an extent that its wheat and cotton are coming in competition with ours. I will not go into statistics—I have not the time—to show the vast increase in the production in India, during the past few years, of wheat, which is taking the place of our Western wheat and can come here and compete with us at home. The very fact that we have demonetized silver and cheapened it and sent it abroad, has stimulated India in the production of these commodities. I can not go into an explanation of this point here, but I will print in my remarks some extracts going to show how the result is produced. Silver being demonetized in England and cheap when converted into bullion, it is not a paying business for India to settle her balances in England in silver, but it does pay her to sell her wheat and settle her balances in that way.

Now, Mr. Speaker, we have the advice of Mr. Cernuschi in last Sunday's Herald as to the best way out of our difficulty. I can not state his proposition precisely, but in substance it is this: If a free coinage bill should fail to pass, or, having passed, should be vetoed, he proposes that we purchase silver, so much every month and send it to England; that we purchase say $600,000 worth of silver bullion one month and ship it to London, double the amount the next month, and so on until, within the year, we shall have dumped down upon the London market about $22,000,000 worth of silver bullion, selling it at a lower rate every month, and in that way make a panic in the silver market and disturb the exchange between Great Britain and India, so that Great Britain will succumb and enter into a pact with France and the United States for the purpose of restoring silver.

Now, if it be true that Great Britain and France and those European countries are getting cheaper wheat and cotton from India with this cheap silver, certainly that would disarrange nothing. But is that statesmanship; is that sensible? If it is statesmanship, if it is sensible, and if Mr. Cernuschi is so anxious to have a par with Great Britain, France, and Germany—and certainly there is some reason why those countries should have the same money—let France and Mr. Cernuschi go into the market and buy the silver and ship it to England and run the risk. That they do not do it shows the fallacy of the argument. He says that France has got six hundred millions of silver that she wants to get rid of. If that is so, why not dump that silver down on the London market and strike terror into the Englishmen and compel them to submit to French dictation? Suppose this scheme should fail; suppose that (as we are invited to do by the gold advocates) we suspend silver coinage, for the purpose of shipping this silver bullion and disturbing the English exchange and flooding Europe with cheap silver in order to bring them to better terms—suppose that policy fails and we find, after we have demonetized silver and suspended its coinage and adopted this plan, that it does not have the desired effect, in what condition are we left?

As to Mr. Cernuschi and the bimetallic school, no matter which way it goes they have won. They do not believe in bimetallism unless it can be international bimetallism, in order to carry into effect their particular views upon the monetary question. They are quite willing that the United States shall step into the breach and suffer all the loss and all the consequences, if their predictions and theories prove to be fallacious. Mr. Cernuschi is certainly a gentleman of education and ability; there is no doubt of his being well versed in financial questions, but, like other gentlemen, and probably myself among them, he may be a little inconsistent at times, and certainly he has changed his views within the past few years. To show this, I propose to read an extract from his statement before the silver commission of the United States in 1876, of which body I was at the time a member.

Hon. Mr. Bogy, at that time a Senator from Missouri, asked him this question:

By retaining sixteen here, and fifteen and a half there (in France) our silver of course would go right to France. Would not that compel France to abandon the bimetallic system?

Answer. The policy of France would be not to coin, but to wait. France committed a great mistake when in 1874, after the example given by Belgium, she limited the coinage of silver. It has been a great mistake. If France had continued to coin silver freely the German silver would have flowed into France

and some of the gold of France would have flowed into Germany, and silver would have maintained everywhere its value relatively to gold. In limiting the mintage a difference has been created between the value of bullion and the value of coin.

This, gentlemen, is the authority quoted on this floor by the gold advocates; yet he insists, and it no doubt is the fact, that had France continued the free coinage of silver, there would have been no silver question to-day, because for seventy years—so long as silver was coined free—gold and silver were at a parity at the French ratio of 15½ to 1. This is Mr. Cernuschi's statement, notwithstanding he has made a different and inconsistent statement in a little pamphlet which we have all had occasion no doubt to read, copies having been sent to us by Mr. Manton Marble, called The Great Metallic Powers.

Now, if it be true that France by continuing the free coinage of silver could have maintained the parity between the two metals, what may we expect by free coinage in the United States? Why, Mr. Speaker, we have a bimetallic union of our own. Under a bimetallic constitution we have a bimetallic union consisting of thirty-eight States in addition to the Territories. This bimetallic union includes a population of 60,000,000, and an area of over 3,000,000 square miles, embracing 2,000,000,000 acres of land. Here is a bimetallic union compared with which the Latin Union is a mere bagatelle so far as the resources of the future are concerned. Having a population of 60,000,000, increasing at the rate of 1,000,000 annually spread over this vast area, before we could coin the quantity of silver that France has to-day we would have a population probably as large as or larger than that of the Latin Union, whose territory compared with ours is insignificant.

I say, then, if it was possible for France in 1874 to continue the parity of the two metals by free coinage how much more is it possible to-day for this great Government of ours to do what little France could have done. And where is all this surplus silver bullion that gentlemen speak of? We have been threatened with the surplus silver of Germany. But there is more. She did melt down and sold a quantity at a loss in the beginning; but the silver bars have gone into subsidiary coin, as will appear from the following extract taken from the New York Bankers' Magazine:

[From the New York Bankers' Magazine of February, 1888.]

A city paper has been led into an error in supposing that the German Government has any such great sum as $75,000,000 locked up in silver bullion. All that it had ever acquired was in buying up silver coins with a view to melting them into bars for sale. When that operation was brought to a sudden halt in May, 1879, it was believed to have some silver melted down but not sold, but the amount has always been understood to be small, although no official statement about it has ever been made. There has been a recent increase of the German subsidiary coinage, to correspond with the increase of population shown by the census of 1885, and statements have been made in German newspapers that the small quantity of melted-down silver belonging to the government was used up in that way.

So all the silver Germany has is in circulation to-day as money. It circulates on a par with gold; and her people are demanding more silver coinage, instead of demonetization. The surplus silver bullion which has been talked of does not exist at all, except that produced from the mines from month to month which does not reach the mint, and is thrown upon the London market, where like all other commodities—wheat, corn, oats, or anything else—it sells at a lower rate than it did ten or fifteen years ago. Like anything else which does not find a ready market at a fixed price, it must bear the loss consequent upon the depression of trade, and the loss consequent upon the exactions made on the necessities of the person holding by those who desire to purchase.

Suppose silver is 20 cents lower than gold and will so continue after we provide for free coinage, what then? All statisticians admit that so far as the value of silver is measured by commodities there has been no fall of silver whatever.

Then the question comes up, shall we in adjusting this ratio put more silver in a dollar or less gold in a dollar in order to do justice to debtor and creditor and to the business interests of the country? That is a debatable question. But the gold advocates and the suspensionists make no proposition on that subject, but simply say, "Because silver has depreciated therefore we will coin none of it; we will have nothing to do with it." Why, sir, in all our history, whenever there has appeared any disparity in the market value of the two metals it has been remedied by readjusting the ratio. No one has ever before contended for demonetizing a metal because it happened to fall in the market. Yet that is the proposition made to us to-day. If gentlemen propose to increase the bullion value of the silver dollar I say that is a debatable question; but they show there is no sincerity in proclaiming that they want bimetallism when they ask us to totally demonetize silver and suspend its coinage, simply because there is a depreciation in its value.

Mr. Speaker, in our past history silver was never before demonetized. At one time the silver dollar was worth 3 cents more than gold; but the mints remained open, so that when the ratio might change silver would come back to our mints. Mr. Gallatin, in his report to Mr. Ingham, Secretary of the Treasury in 1830, upon the state of the coinage, makes this significant statement in reference to bimetallism:

The whole amount of the inconvenience arising from the simultaneous use of the two metals consists in this: Their relative value being fixed by law, if this changes at market, the debtor will pay with the cheapest of the two metals; and, therefore, at a rate less than the standard agreed on at the time of making the contract, if the change in the market price is due to a fall in that of the metal with which he pays his debt; and it is obvious, in the first place, that if the change is due to the rise in value of one of the two metals, and that had been the only legal tender, the choice given to the debtor to pay with either enables him to do it according to the standard first agreed on.

But the true answer is, that the fluctuations in the relative value of the gold and silver coins arising from the demand exceeding or falling short of the supply of either are less in amount than the fluctuations, either in the value of the precious metals as compared with that of all other commodities or in the relative value of bullion to coin, and even then the differences between coins, particularly gold coins, issued from the same mint; and, therefore, that those fluctuations in the relative value of the two species of coin are a quantity which may be neglected, and is, in fact, never taken into consideration at the time of making the contract.

By this I understand that where you are using and coining both metals debtors have the right to pay in the cheaper, and that the equity of the contract is not disturbed by this unless the cheaper metal has fallen in value as compared with commodities; if it has not, then the equity of the contract is preserved. On this point Mr. Weston, in his work on the silver question, says, "Upon this Mr. Gallatin observes that it will not be true that the debtor pays less than was agreed, unless the change in the market price is due to a fall in that of the metal in which he pays his debts," and that "if the change is due to the rise" of the other metal, he pays all that was agreed.

An argument which was made, I say, in 1830 when it was to be considered coolly and calmly, without our present contest, and coming from a gentlemen whose integrity and financial ability none can dispute. That is to say, the equity of contracts is not disturbed unless the value of bullion has fallen as compared with commodities, and confessedly silver has not fallen as compared with commodities.

And when gold advocates ask us to demonetize silver in order to crush out the silver as money of this country and to build up gold monometallists, they are asking what the American people will never assent to, and gentlemen had as well make up their minds to it. [Applause.]

I know that in 1878 by limiting the coinage of silver providing for this international conference they expected finally to get their hands on the law to stop its coinage, and that is their only hope to-day. But I say that hope will be in vain; and they need not depend on it. I tell you the silver advocate who is an opponent to free coinage, as I said before, must get out of that position and take sides either for silver or against it. These half-hearted supporters will not satisfy their constituents on that subject. They, their constituents, are brave enough to do it. They are brave enough to say it shall be as it was from 1792 down to 1873. We ed the double standard then and it proved to be beneficent. And if you have argued until your brain begins to boil as though it was burning within you; if you have investigated this subject until you do not know what you ought to do with it, if in doubt, then do what the history of the country teaches you to do, and do as the people want—make money of gold and silver—go back to the laws of your fathers. In 1873 a great wrong was perpetrated on the American people, and if there is any doubt what ought to be done that doubt ought to be solved in favor of undoing an admitted wrong on the people of this country.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. BLAND. There are other phases of this subject I had intended to allude to, but I shall not do so. I would not ask that my time be extended as there are other gentlemen who wish to speak, and it would not be right to encroach upon the time, it being already so limited that many gentlemen can not be heard.

I wish to say in conclusion, Mr. Speaker, that if I had not believed in free coinage I would not believe in any coinage. No man can support himself in this House or before his people upon the present law. I never advocated it; I took it simply as a compromise, as better than no law at all. I advocate it or hold to it to-day and stand to it because I believe in free coinage; because I believe silver ought to be coined, and coined free. If I did not believe it ought to be coined free I would not advocate the coinage of one cent of it. It is illogical policy. The idea of making money of silver or gold and limiting its coinage is an anomaly in the history of money. To limit the coinage of silver is an outrage upon the constitutional rights of the people. [Applause on both sides of the House.]

In conclusion, Mr. Speaker, I want to say as I said in the Forty-eighth Congress, I have not for twenty years owned one cent's worth of mining interest, either gold or silver, and may add never did own any such property that did not prove a loss to me, nor do I own a Government or other bond, nor a share in any national bank. I am impelled to this statement because the gold press has endeavored to make it appear that I have a personal interest to subserve, because at one time, over twenty years ago, I resided in California and Nevada.

To sum up—the demonetization of silver is the outcome of the convention held at Paris by so-called experts and doctrinaires. The theories of these learned gentlemen, whose financial opinions the world is asked to view with awe, having been put in practice, have depressed prices, demoralized trade, and turned millions of law-abiding laborers into strikes and mobs. They have compelled the payment of all sorts of debts in the dearest money of the world—money made dear by the elimination of one-half of the money metal of the world from its legitimate use as a debt-paying and labor-employing medium—the effect of which upon the American farmer and producer has been to drive his

breadstuff and cotton out of European markets, in this way. India, with a population of 250,000,000 of people, is under the government of Great Britain. For this boon to India (?) Great Britain charges a good round sum, called "Home charges against India," and which are paid in what are called "council drafts," drawn in favor of England by the secretary for India. These drafts, it seems, amounted to about $80,000,000 in 1884.

Now, India, having no money but silver, can not afford to pay these charges, which are payable only in gold or its equivalent, in her silver, nor to settle any other balances against her in silver, for her silver, when it reaches London, where it is no longer money, must be placed on the market and sold as bullion at a loss equal to the depreciation of silver below gold. Hence Indian merchants, to avoid this loss, buy up wheat, corn, flour, and cotton, and send them to England in payment of Indian debts or balances. This operation stimulates the production of these articles for export, and in consequence there has been an enormous increase in India's export of breadstuffs and cotton to England; and, further, we find that these exports are driving our wheat and cotton out of European markets.

Again, silver, being worth more as money in India than as bullion in England, is imported into India for the purpose of employing laborers in building railways and in opening up wheat and corn fields, and in this way India is not only destined to drive us out of European markets, but it is claimed can at this time place wheat in New York, and even in Chicago, cheaper than we can raise it. Thus our gold policy is driving the products of our silver mines to India, there to be used as money to employ Hindoos to raise wheat, corn, and cotton in direct competition with the farmers of America. By this means the cheap Hindoo laborer is made the active competitor of our own farmers and laborers. Fifty-two millions of silver was thus imported the last year.

Why not give free coinage to silver here so as to permit our people to employ laborers to stimulate our own productions? Why send it to India for the purpose of stimulating the development of that country to the depression of our own agricultural interests? Are they of so little importance as to deserve this fate? Will the day never come when others will be made to share with the agriculturists and laborers of our land the burdens of hard times?

On this point I quote from Mr. Moreton Frewen, an English writer, in the October number of the Nineteenth Century, who, after noting the drain on India's money resources by reason of the decline in silver bullion, says:

India, therefore, looks round for an intermediary which has not lost its exchange value in gold to the same extent as has silver, and such an intermediary to effect the exchanges is to be found in wheat, as well as in other commodities of native production. In putting the government in the place of a trader in produce I do not, of course, mean that the Indian Government themselves export the wheat, but they sell council drafts, and the exchange is made by Indian merchants, who sell their wheat and cotton in England for gold and with that gold pay the interest on the debt. And while the value of silver estimated in gold has depreciated, its purchasing power to buy commodities in India has not fallen; that is, the ryot who sells his wheat for silver gets no more silver than before for the bushel of wheat.

The change, therefore, in the ratio of silver to gold exercises a twofold influence on trade: it encourages selling to England because English gold buys more silver, and this silver has as yet not lost its purchasing power when brought back to India; and it discourages buying from England, because Indian silver buys less gold, and less of those commodities which have to be paid for in gold; and this tendency to increase exports and diminish imports will continue till silver has been attracted to India in such amounts as to expand the currency there and occasion a rise of all prices. And the only explanation of the fact that silver has not already flowed to India in sufficient quantity to expand the currency is to be found in the effect of the return current of silver to England to pay the disbursements of the Indian Government; and thus it happens that, although India annually sells to England commodities to the amount of twenty millions in excess of those she buys from England, yet the specie, the silver received by India from England, does not exceed four millions sterling.

APPENDIX.

Mr. Moreton Freewen, an English writer of note, in the Nineteenth Century of October, 1885, on the subject of "Gold scarcity and the depression," makes the following observation on the effect of the demonetization:

People of little education are accounting for low prices on the hypothesis of a general overproduction; but it is hardly necessary to point out that, while overproduction in any particular trade is frequent and quickly adjusts itself, general overproduction is impossible. What is really taking place at present, all the world over, is a rapid readjustment of prices toward the point from which they were violently disturbed by the immense gold discoveries of 1849 and the succeeding twenty years. By the time that this readjustment is complete, if it is allowed to continue so long, every trader, who bought anything between the years 1855 and 1875, the years of cheap gold, and who adopted a standard of living compatible with the profit percentage of those times, will find himself, from no mistake of judgment of his own, probably ruined, but certainly the loser by twenty years of steady toil. And of the possibility of this gold shrinkage we have been repeatedly warned both by geologists and by political economists.

The position that when the production of gold expands, prices measured in gold will be high, and that when the volume of gold contracts, prices will fall—this statement had only to be enunciated to be accepted as self-evident. It is not necessary to illustrate the position further than to say that, should the output of gold, now diminishing so steadily, continue to decline until only five sovereigns remained to be a measure of value for mankind, the fortunate possessor of one of these could buy, if he pleased, diamonds the size of the Koh-i-nor for shirt buttons; so enormous under such conditions would be the purchase-power of gold! And if we compare a table of the prices of to-day with the prices obtained only five years since, what do we find? That prices have fallen more than 20 per cent. Instead, then, of an impossible position of general overproduction, we have to consider a particular instance of lessened production. Prices all around are falling lower and still lower because that circulating medium which measures values has diminished.

Again, the same author says:

Mr. Alexander Delmar, an authority on currency subjects in America, and who was a Federal office-holder at that time, has recently stated publicly that he knows who the financiers in Europe were who had enormously oversold Indian council drafts and other silver securities, and between whom and the realization of great profits was the single obstacle of the free coinage and legal-tender position of silver in the United States. In any case the fact remains that currency alterations of enormous future importance were sanctioned by Congress, neither party having the least idea of the reforms which were smuggled through under their very eyes. Upon a motion to codify the mint laws for the sake of public convenience, the word dollar was omitted in one context and added in another. The omission was from the list of coins which the Secretary of the Treasury might allow to be coined, and in this way the dollar coinage was limited to those coins already in circulation. The addition was where this dollar had been previously excepted from the class of smaller token coins, which were not legal tender for more than $5. The old act thus mutilated became law. Congressmen rubbed their eyes when later they were shown the statutes and that the dollar of their fathers had been legislated away. Some were candid enough to confess that they had been tricked through their ignorance of currency laws, an ignorance which, judging from the activity of certain speculators on the European bourses, had been very profitably forecast on this side of the sea.

The prosperity of India as compared with our decline in the export of cotton, year commencing September 1:

From September 1 to December 31—

	Bales.
1884	816,594
1885	668,134
Decline in 1885	148,460

India cotton shipments:

	Bales.
In 1880	913,000
In 1884	1,214,000
Increase	301,000

Over 33 per cent.

The exports of India's manufactured cotton in 1876, the year of the demonetization of the trade-dollar, was 6,630,000 rupees, or less than $3,500,000; comparing with now (1884-'85), 33,380,280 rupees, or over $16,500,000. Similar figures for the United States in 1876 were $7,722,978, and now, in 1884-'85, they are $11,836,691. That is, while our foreign shipments were four and one-half millions more than India's in 1876, they are now nearly four and one-half millions less.

In 1879 we had 10,111,387 spindles in the North and 542,048 in the South.

India had, in 1879, 1,100,112 spindles, while in 1885 she has 2,145,616, almost doubling its capacity; while in the United States we have to-day 13,250,000 spindles, an increase of only 31 per cent.

In 1876 India produced and exported to foreign countries 6,228,000 pounds of yarn, while in 1885 she exported 65,897,000 pounds, over 1,000 per cent.

Her other manufactured cotton goods, in 1876, amounted to 14,344,000 yards, while in 1885 they included 47,820,000 yards.

Exports of wheat for the month of December, 1884, 8,261,153 bushels; December, 1885, 4,211,850 bushels.

Exports of flour for the month of—

December, 1884	barrels	1,016,617
December, 1885	do	757,829

Total value of breadstuffs for six months, July 1 to December 31—

1883	$88,014,626
1884	79,700,507
1885	52,998,732

India wheat was exported to Europe in 1876 to the amount of 96,000 bushels; last year (1885) over 42,000,000 bushels.

Corn, unknown almost in 1883, is now one of the leading export articles of India to Europe.

Wheat crops, always two in one year, but often three crops; corn, two crops.

Annual export prices of the principal commodities exported from British India during each year ending March 31, 1875, to 1884, inclusive.

[Computed from data obtained from British India Statistical Abstract of 1884.]

Articles.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.
Coffee, cwt.	$20 35	$21 28	$21 33	$21 91	$22 02	$22 01	$21 04	$20 19	$18 97	$20 33
Cotton, raw, do.	13 26	12 90	12 54	13 20	12 98	13 74	14 19	12 92	12 50	13 76
Rice, do.	1 33	1 27	1 42	1 84	2 06	1 84	1 62	1 40	1 32	1 55
Wheat, do.	2 23	1 76	1 71	2 19	2 40	2 49	2 14	2 22	2 09	2 06
Jute, raw, do.	2 89	2 62	2 83	3 14	3 07	3 18	3 30	3 26	2 75	3 18
Oils, galls.	61	41	30	36	61	50	48	44	44	43
Opium, chests.	614 15	614 08	461 61	648 77	693 26	660 58	717 91	677 21	608 66	597 68
Silk, raw, lbs.	2 24	1 55	2 59	2 20	1 98	1 76	1 99	54	1 91	1 89
Spices, do.	06	07	08	08	08	09	11	09	10	11
Sugar, refined, cwt.	3 43	3 62	4 25	4 56	4 63	3 77	3 83	3 56	3 37	3 23
Tea, lbs.	44	43	46	44	44	39	32	36	31	33
Wool, raw, do.	22	22	22	20	19	20	22	19	19	19

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *Washington, D. C., March 2, 1886.*

WM. F. SWITZLER, *Chief of Bureau.*

The Indian fiscal year ends on the 31st of March.

During the fiscal year ending March 31, 1884, the excess of imports of silver over exports was $32,174,445, but increased to $35,598,877 during the year ending March 31, 1885. (Senator Hill's address at Providence.)

During the calendar year ending December 31, 1885, according to figures obtained from the Bureau of Statistics, India imported $57,760,080 of silver, and exported only $5,562,949, which makes a net import of $52,197,140. In this calculation, the silver is reckoned at its coining rate at our mints, being the same rate at which the Mint Bureau computes the silver production in this country, Mexico, and South America.

Average price of silver from 1744 to 1843, inclusive; also the value of a piece of silver same as our dollar, 412.5 grains, .900 fine.

Period.	Value per ounce.	
	In Hamburg.	In America.
	Pence.	*Dollars.*
1744 to 1750	63 1/2	1 06.95
1751 to 1760	64 1/2	1 09.75
1761 to 1770	63 11/16	1 07.95
1771 to 1780	64 3/8	1 09.10
1781 to 1790	63 7/16	1 08 25
1791 to 1800	61 1/4	1 03.60
1801 to 1810	60 7/16	1 02.40
1810 to 1820	60 13/16	1 03.15
1821 to 1830	59 11/16	1 01.15
1831 to 1840	60 1/16	1 01.85
1841 to 1843	59 1/2	1 00.90

Average price of silver in Hamburg for one hundred years, 62*d*, and our American dollar equal to $1.05 in value, while during same period the price of silver in England averaged 64 1/16*d*., and our dollar was worth $1.08.65.

In the Report of the Director of the Mint for 1885, and at page 37, giving the monetary statistics of various countries, we find the following tables of the exports and imports of the precious metals:

GREAT BRITAIN AND IRELAND.

Minister Lowell, under date of April 1, 1885, transmits a communication from Mr. Fremantle, the deputy master of the mint of Great Britain, containing replies to the inquiries contained in the circular of the Secretary of the Treasury.

Description.	Value.	Value in United States money.
Gold coinage	£2,324,015	$11,309,819
Silver coinage	658,548	3,204,824
Imports, gold	10,870,000	52,898,855
Exports, gold	11,725,000	57,059,712
Net loss, gold	855,000	4,160,857
Imports, silver	9,535,000	46,402,077
Exports, silver	9,720,000	47,302,380
Net loss, silver	185,000	900,303

The amount of gold coin in circulation and in banks at the end of 1884 was estimated to have been £123,309,000 ($600,083,248), and of silver £19,877,000 ($96,731,420). The amount of bank notes outstanding at the same date was £40,924,713 ($199,160,115).

Mr. Freemantle states that throughout Great Britain gold and silver coin and bank notes are taken in business tranactions at par.

FRANCE.

Hon. Levi P. Morton, under date of March 9, 1885, furnishes a statement from the French Minister of Finance containing the information desired by this Government.

The only coinage executed at the French mints during the year 1884 was 120,000 silver piasters for the colony of Cochin China.

	Coin.		Bullion.	
	Francs.		*Francs.*	
Imports, gold	69,069,306	$13,330,376	58,354,997	$11,262,514
Exports, gold	71,515,596	13,802,510	10,276,962	1,983,453
Loss	2,446,290	472,134		
Gain			48,078,035	9,279,061
Imports, silver	79,522,523	15,347,846	21,709,127	4,189,861
Exports, silver	35,071,912	6,768,879	11,243,202	2,169,937
Gain	44,450,611	8,578,967	10,465,925	2,019,924

GERMANY.

Minister Kasson forwards under date of April 27, 1885, a communication from the minister of foreign affairs of the German Empire, giving the information called for by the circular of the Secretary of the Treasury, except in regard to the imports and exports, which statement is forwarded under date of May 11, 1885, by Mr. Chapman Coleman, secretary of legation.

The coinage of the German mints during the calendar year 1884 was, gold, 57,661,740 marks ($13,723,494); silver, 483,336 marks ($114,319).

The import of gold coin was 4,407 kilograms ($2,928,892), and of gold bullion 2,649 kilograms ($1,760,525), making a total of 7,056 kilograms ($4,689,417).

The export of gold coin was 8,340 kilograms ($5,542,764), and of gold bullion 3,434 kilograms ($2,282,236), making a total of 11,774 kilograms ($7,825,000), a net loss by export of 4,718 kilograms ($3,135,582).

The imports of silver coin were 5,647 kilograms ($234,730), and of silver bullion 33,088 kilograms ($1,375,137), making a total of 38,736 kilograms ($1,609,868).

The exports of silver coin were 3,673 kilograms ($152,649), and of silver bullion 104,491 kilograms ($4,342,646), making a total of 108,164 kilograms ($4,495,295), a net loss by export of 69,428 kilograms ($2,885,427).

This shows that Great Britain lost in that year over four millions of gold, and Germany over three millions of gold and ten millions of silver; while France, a double-standard country, gained nine millions of gold and ten millions of silver; and the United States

Imported gold	$26,691,746
Exported gold	8,477,892
Gained in gold	18,213,854

SUFFERERS BY OVERFLOW.

Mr. NORWOOD obtained the floor.

Mr. FORNEY. I ask the gentleman from Georgia to yield to me to make a report from the Committee on Appropriations.

Mr. NORWOOD. Certainly.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in the State of Alabama; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House joint resolution 155, which was reported back at the same time, was laid on the table.

SILVER QUESTION.

The House resumed the consideration of the special order.

Mr. NORWOOD. Mr. Speaker, nothing but a proper respect for some of my constituents who differ with me on the subject of silver coinage could induce me to break that silence which to me is always so pleasing. It is also expected that, being a member of the Committee on Coinage, Weights, and Measures, I should have something to say on this question. I shall not indulge in statistics. Senator BECK, who delivered the first speech on this subject during this session, and many other gentlemen in the Senate and House who have followed in very able speeches, well considered, have laid before the country all the learning on the subject of statistics. I shall follow a line of thought different from that which has been followed by any gentleman I have heard speak upon the question.

I have a view of what is the cause of the evils which have fallen upon our common country, and to that I shall mainly address myself. But before doing so I desire to take a hasty glance at some of the views that have been presented by members upon this floor.

Ever since Paul Dombey propounded the question to his father, that great financier and banker, "Papa, what is money?" volumes have been written, as volumes were written before, to answer the question. But the most satisfactory answer that I have ever heard is the one given by that great banker. As he looked down upon that diminutive financier, who was born tired, and who was pondering that great question, he said, "Money, my boy, is guineas, shillings, pounds, gold, silver, and copper." And there I shall let that question rest. [Laughter.] The question with which we have to do to-day, I think, is not what is money, but how shall we regulate money, what quantity shall we have, and of what kind shall it be. Every gentleman has a theory.

Everybody has a theory. In fact, Mr. Chairman, finance and rheumatism are the only human afflictions about which, by a special dispensation, all men are well informed. We can readily understand why this universal mastery of the malady of finance exists. It is due solely to the simplicity of the subject. But why there should be a like mastery of the other complicated disease is inexplicable, except on the theory that as both are governed by the same law of uncomfortable and sometimes violent contraction and expansion they must be of the same family. [Laughter.]

There exists no man, even though sad-eyed and chronic impecuniosity may have always claimed him for her own, who can not diagnosticate any attack of finance; and every rheumatic man, when bent hilt to point, like Falstaff in the buck-basket, has a remedy that will cure his rheumatic neighbor. The perfection of this knowledge is not to be discounted (as the subject is finance, I offer no apology for professional terms) by the variety of opinions, which, like men's watches, all differ, and yet each man believes his own. The leaves of the forest and the flowers of the field, though almost infinite in variety, are each and all perfect.

The gentleman from Maryland [Mr. FINDLAY] prescribes gold as a sovereign remedy—in fact, a panacea. He stakes his professional reputation on the infallibility of his therapeutic formula—that "what is good for the goose is good for the gander;" what is satisfactory to the lender must be equally satisfactory to the borrower; what will support the wealthy must be equally nourishing for the poor; that a homeopathic dose for a poor man is as curative as an allopathic quantity for the rich, even though the latter's soothing draught may be an infusion as rare as that of Egypt's luxurious and lascivious queen when she drank the costly pearl. The immortal Doctor Sangrado was an advanced apostle of the doctrine of evolution which the gentleman from Maryland spoke of, though of the doctrine the doctor never had a thought. From all materia medica his genius evolved two remedies that he maintained against the world were a certain cure for every mortal disease, and they were "bleeding and hot water." But the

gentleman from Maryland, who succeeded in the presence of this House in demonstrating that iron was evolved from dirt and brass from iron, silver from brass, gold from silver, and, finally, greenbacks and bank notes from gold, has taken a step in advance of Doctor Sangrado in that method of evolution which proceeds from the complex to the simple—from the heterogeneous to the homogeneous—by maintaining that hot water is not only a useless but hurtful application, and that all our maladies can be cured by simply bleeding the people.

When a patient, by dissipation and excessive drafts on his vitality, has lapsed to the stage of physical decay that saps his blood, his physician sends him to a slaughter-house to drink the warm blood of the fresh-slain bullock; and our financial doctors, when the Goddess of Commerce, standing on deck deserted and desolate, with cheeks wan and pale and eyes that have lost their luster, gazed on sea and air that are dead, without a tender breeze to fan her brow or move her vesture, assure her of the vitalizing power of deep potations of the toiling people's blood.

The gentleman from Iowa [Mr. WEAVER] is equally clear that there is healing in the application of fiat shinplasters. The gentleman from Ohio [Mr. WARNER] has discovered a potent sedative surpassing Clingman's tobacco cure, in a poultice of silver certificates. The chairman of the Committee on Coinage predicts the return of bloom to the pallid cheeks and of brightness like the gazelle's to all eyes by an airing behind a double team of yellow and gray, harnessed abreast, so that if one should back the other will pull us through—if one should dash away for Europe, the other will fall back on the breeching, and hold the first in check and prevent a smash-up.

The gentleman from Pennsylvania [Mr. SCOTT], while approving the team of the Bland doctrinaire, advises a tandem, with a yellow Percheron in the lead and in the rear a puny piebald pony mule, with Yum Yum's ambling gait, with one fore leg sound, but which every veterinary doctor in the Treasury certifies can not travel, and the other so wasted from swinney that all admit it can not travel, and with subsidiary hind legs, one of which is shriveled from inanition and the other so shrunken and dry that even a starving disease would not waste time in an attack upon it—the relative indicated horse-power in those four supports being respectively represented, in the order named, by the figures, 412½, 420, 347, and nothing. The rich man takes the fine horse and the poor man rides the mule, and, mounted thus, they move cheerily on, presenting a spectacle of unmixed felicity in front and of infelicitous mixture in the rear.

Had I time, there are other shades of opinion I would like to notice, but the five gentlemen I have named represent the principal or main positions occupied in this contest. It has two angles more than were in Midshipman Easy's triangular duel; but there are really only three parties to the engagement, one is for an advance, one for a retreat, and the third for standing still and fighting it out on the present line. The first would advance by establishing free or unlimited coinage; the second would retreat by repealing the law requiring silver coinage, and the third says—do nothing; let well enough alone. I am a humble disciple in the third class.

To advance is to experiment—to test a theory. It is to abandon a certainty for an uncertainty. It is to speculate, it may be "to fly to ills we know not of." What the result might be rests now in argument, and about it wise men differ. The laws of finance are as subtle as the laws of life. We see their manifestations, but we know not their hidden movements. "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh and whither it goeth." This I say with commensurate respect for the Signal Service Bureau, and with the apologetic acknowledgment that the language quoted was uttered sometime before the bureau was established. In the physical as in the financial world a depression suddenly comes, whence and why no man can tell, and then follows fast and furious the cyclone or tornado, and men, helpless and dumb, go down before the pitiless storm. Where is the prophet who foretold the tempest that swept this country in September, 1873? It came as noiseless as the angel of death to the households in Egypt, and scarcely a roof in the land escaped its devastation. As a proud ship secretly scuttled at night suddenly goes down, a tall monarch of the forest in a dead calm falls without apparent cause, so the house of Jay Cooke & Co. in a night disappeared, and soon the whirlwind spread ruin in a swath as long and wide as the Union.

Whether free coinage of silver would raise the coin to a par with gold; whether it would create a depression that would force foreign silver in to fill it; whether it would brew rebellion in India and compel Great Britain to agree to an international standard; or whether it would create a panic and oppress the poor, no man can know, and therefore I hold it to be the part of wisdom at present not to try the experiment.

For the same reasons, in part, I oppose the suspension of silver coinage. There is nothing in our experience in the past eight years to convince us of the necessity for suspension. There is nothing to show it would be wise to go backward. The Bland law has done no demonstrable hurt to the country. Volumes have been written by financial essayists and economists and spoken by Congressmen against that law, but who among them has shown that the condition of the country is worse to-day than in 1878, when that act was passed? The *experimentum crucis* is better than all theories. Those who are now crying for the leeks and flesh-pots of Egypt were the ones who protested against setting out from the dark region under the leadership of the Missouri Moses, and who with wails prophesied that pharaoh would overtake us, and that our last end would be worse than the first. They were the purse-proud and the pampered few, and not the many who had to make bricks without straw and hew the wood and draw the water, and they played the rôle of prophets, and with affidavit faces foretold that gold would leave the country like an exile, never to return. They are of the Wiggins family of prophets. If their prophecy hits right, they are prophets; if it misses, they continue to prophesy.

But "tell it not in Gath, publish it not in the streets of Askelon"—gold, then $228,000,000, has increased to more then $600,000,000. True, they say, but it just happened so. The balance of trade happened to be in our favor. But why did it happen so? We have not had a period of signal prosperity for the past eight years. The burden of complaint by the advocates of gold monometallism is that the silver coinage has depressed prices, stagnated business, disemployed labor, kept the people poor, and diminished their ability to purchase. This is a "*petitio principii*," a begging of the question. Does the existence of the facts stated prove the truth of the alleged cause? If so, why was not the country prosperous and everybody happy between 1873 and 1878, a period of five years, when gold was monarch and had no brother near the throne threatening its supremacy? Why is it that business is improving; that furnaces closed last year are in blast this year; that looms idle then are busy now; that stocks and bonds are higher this year than last, and higher last year than in 1884 or 1883; that there are fewer failures and for less amounts than two or three years ago; that confidence in business circles is stronger, while the mints, *horribile dictu*, are monthly stocking the country with two million cart-wheels that the Government, with all its reserve, not to say its suppressed power, can not make revolve.

And this suggests another objection to silver money, which is, that the people do not want it; that as fast as it is paid out it returns to the Treasury. This is the resort of a winged and crippled logic. What else should it do but return to the Treasury, as the law makes it payable for debts due the Government—for duties, customs, and internal revenue? The gold advocates speak of silver returning to the Treasury as if the people give it away, disown it with contempt. No, sir; the fault is in the Government, not the people. Gold is paid to the bondholders and the silver held in the vault. Silver is dishonored and depreciated by its own mother. It is not without honor save in the banks and Treasury.

I listened with close attention and deep interest to the gentleman from Maryland [Mr. FINDLAY] when he opened the debate as the advocate of gold, and with admiration divided between the ingenuity of his logic and his rhetorical decorations. His was no masked battery. He unlimbered in the open field, with the black flag waving over his magazine, and proclaimed he would give no quarter to the enemy—silver. And he must forgive me and attribute the vision I beheld to hallucination—a figment of the overwrought brain—when I tell him that floating hard by his black flag I saw, or imagined I saw, the union-jack—not planted there by him, but generously advanced by an ally ready to do battle in a common cause. I may have been dreaming like the king who in visions of the night saw the image which Daniel explained, but I am sure I did not mistake the motley image for the British lion.

I imagine I see him open his arms for an embrace and hear him tenderly say to the gentleman from Maryland, "I honor the steps that Ajax takes when they go from Achilles." He assaulted the silver dollar on the ground that it is too bulky for circulation; and yet in the next breath he admitted that neither gold nor silver is largely used as a medium of exchange, and that "the world's commerce has come to be carried on in great part by a secondary or representative currency." That is to say, the statue with feet of clay, legs of iron, body of brass, arms of silver, and head of gold, in the progress of modern financial evolution, is now crowned with a variegated chaplet of greenbacks and silver certificates. How consoling this must be to the gentleman from Iowa. What a curious piece of ingenuity this logic is. In trying to prove that silver is too bulky for currency he admits that gold is not used as currency and is chiefly valuable as a base on which paper or representative currency rests. While trying to advance in a charge on the position of silver the gentleman has backed away from his own position. His logic is like a piece of mechanism invented by a genius who called it "The compound duplex back-action hen elevator," the object of which was to prevent predatory chickens from invading his dwelling, and which, when adjusted to the locomotive power of a hen, would, by its back-action and elevation, convert her attempted forward motion into a backward step. Instead of advancing in the house, the hen found herself moving from her first position to the rear.

But the gentleman from Maryland is skilled in polemic warfare, and I take the liberty of warning him that the back-action logic he has used in his attempted advance on silver will end in his backing into the camp of General WEAVER, who may or may not "welcome him with bloody hands to a hospitable grave." His disappointment on seeing his idol of gold give way to greenbacks will be as great as that of Apollo, who, madly enamored of Daphne, gave chase to her, and at the exquisite moment of his expected triumph he witnessed her transformation into the laurel.

But the gentleman from Maryland and others reiterate the charge of

Lombard street (London) that our silver dollar is dishonest, is a licensed swindler, a land pirate, bearing letters of marque and reprisal granted by the United States to roam over the country and pick the pockets of the poor (for the rich, he says, it can not reach to despoil), and when gorged with spoils and weary of pillage it returns to its place of departure like a discharged criminal returning to his prison. Why is it a dishonest dollar? Mr. Chairman, I have heard this charge repeated with "damnable iteration," and yet I have not heard one reason given to sustain it except the one I shall hereafter speak of. Is it not of standard weight and fineness? Is it not one-half ounce more in the pound than our silver dollar was for eighty years? Is it not about in the ratio of silver to gold the world over—15½ to 1? Will it not purchase at home as much as a gold dollar will? Is it not coined by the United States, bearing the stamp and declaration of sixty million people that it is a dollar and worth a dollar in gold? Is it not receivable by our Government in payment of all dues to it? Is it not a legal tender for all debts, public and private? Can any more be said of gold? Then why dishonest? Why is this insult to the honor of every American citizen given abroad, repeated at home?

Sir, it is only because Great Britain values it as bullion, and will not pay any more for it. This is the head and front of its offending, no more. And for this alone contempt is cast upon it by calling it the "buzzard" dollar. The gentleman spoke of this age of evolution. It is one, indeed. The superior learning of the children in ornithology has discovered that the eagle of our fathers is the buzzard of their children. And now, disassociating the gentleman from Maryland and all others from what I shall say, and speaking of "the force and pressure of the times" in a general way, I will say, that, if the eagle was evolved from the buzzard, when we scan America closely we will find very narrow ground on which to establish proof that the law of reversion is not in rapid operation. It is a law of nature that the stomach is adapted to what the animal feeds on; and, viewing our history for the last quarter of a century with the preceeding three-quarters, well may the eagle molt his royal plumage and put on sable, for the earth is strewn with garbage and the air is filled with offenses that smell to heaven. I speak not as a Democrat, nor as a partisan, nor as a Southerner. I speak as an American citizen, proud of my country and her glory and physical achievements, but ashamed of her moral decline. But I will speak of that hereafter.

The capacity of the sons of this day to see a buzzard in the form which to the eyes of the fathers was nothing less than an eagle is doubtless due to difference in thought and education. The father was educated at home, in America; the son is educated abroad, in Europe and by Europe. The father was narrow in his views—was American in feeling, instinct, hope, and pride; the son is broad and generous, and takes into his bounty Great Britain and Germany. The father struggled to build up an American fleet to carry the commerce of his country to all the world; the son in his generosity has destroyed the Navy, sold out his stock to let England monopolize the business. The father believed it his duty to coin money for the benefit of his own country; the son thinks it his duty to coin silver for the benefit of Great Britain and Germany. The father believed in a strict construction of the Federal Constitution; the son calls the old man "an old fogy," and goes for the greatest latitude. The father was a plain gentleman, dressed neatly, believed in good government, called stealing "theft" and punished it, and worked for his living; the son dresses as richly as a gambler, believes in good government for everybody except himself, calls stealing "unfortunate speculation," using trust funds "crookedness in his accounts," and lives by generously dividing with the laborer the laborer's own earnings, that is, when the son is not hard up and needs it all for "margins" or a yacht. The father in sixty years was unable to produce but one great sensation in the way of embezzlement, the case of Swartwout in 1836; but the son with steadier nerves and improved tools astonished the world with at least a dozen of greater brilliancy in fifteen years, such as Credit Mobilier, three-card monte, whisky ring, division and silence, District of Columbia vast enterprise, star-route rapid service, and Freedmen's Bureau slight-of-hand. With such advanced knowledge of the sons can it be a matter of wonder that they have discovered a buzzard on the dollar of their fathers? If the dollar at which they look is polished like a mirror the mistake is very natural.

It is charged by the friends of silver that a conspiracy exists for its destruction. I will not go to the length of saying that a conspiracy is formally organized. But there is a consensus among and subordination of the monometallists to a foreign power, and the effect is as damaging to silver as if it were produced by an actual conspiracy. The head center is not in America; it is in London—the world's financial focus.

I once stood on the east bank of the beautiful Satilla, flowing gently as sweet Afton, and, pitching my voice to the dense wood on the opposite side, a thousand responses echoed from leaf and leaflet beyond. When Lombard Street on the eastern side of the Atlantic cries "Gold!" every city, town, banking-house, and bondholder on the western shore echoes "Gold!" The hasheesh-eater, in a delirium from thirst, in a deserted street with houses stretching as far as his vision could reach, shouted "Water!" and instantly from ten thousand windows the heads of as many lunatics, with glaring eyes and protruding tongues, were thrust, and from every tongue rang out the frantic echo, "Water!" Lombard Street, thirsting for gold, exclaims, "Dishonest silver dollar!" and through every street and avenue of commerce radiating from and connected with that gold center is reverberated by ten thousand bondholders and bankers, "Dishonest silver dollar!" Lombard Street to Wall Street says: "Do you see yonder cloud that's almost in shape like a camel?" Wall Street, as obsequious and fawning as old Polonius, replies: "By the mass, and it is like a camel, indeed." Lombard Street: "Methinks it is like a weasel." Wall Street: "It is backed like a weasel." Lombard Street: "Or like a whale." Wall Street: "Very like a whale!" Lombard Street declares that the American silver dollar is worth only 80 cents in British money, and Wall Street echoes: "Yes; our silver dollar is worth only 80 cents in British money." Lombard Street proclaims that "the American silver dollar is a fraud and a lie." Wall Street, like a starling, the insult repeats: "The American silver dollar is a fraud and a lie." Lombard Street says: "Your silver dollar is worth no more than so much silver bullion." And Wall Street takes the insult and jabbers: "Our silver dollar is worth no more than so much silver bullion!"

About a hundred years ago some rebels asserted in an almost forgotten manuscript that Congress alone has the power "to coin money, regulate the value thereof and of foreign coin." They denied the power of king or queen to regulate the value of American coin. Some of their children still revere that manuscript, and in their simplicity believe it to be their right and duty to coin money for our own people and to regulate the value thereof for home use. If our fathers, those Innocents Abroad, erred, why should not we of great faith be forgiven? "If Adam in the days of innocency fell, what shall be said of poor Jack Falstaff in these days of villainy?" Why shall the silver advocates, who try to maintain the honesty of our country's coin and to regulate its value, be condemned for entering our feeble protest against that regulation being committed by Wall street and banks and bondholders to the tender mercies of Lombard street, the Bank of England, and the Queen of Great Britain?

One hundred and ten years ago our rebel fathers proclaimed their independence of the British Crown. The king then, as the queen now, coined, stamped, and issued the coin of the realm by Divine right. And while we save the queen the trouble and expense of coining American money, she still regulates the value thereof. "Paul may plant and Apollos may water," but the Queen of Great Britain alone giveth us the decrease. We escaped the tyranny of the British Crown to fall under the despotism of British gold. It is time for a second Declaration of Independence, but it must be made by the yeomanry of the land. The moneyed power of the country is impotent, and interested in our enslavement. A class who repudiate their country's coin because a foreign government calls it bullion can not be trusted to rescue their country from the slavery of British gold.

After a few words on my own position on the silver question I will present my views on what I believe to be the cause of our troubles. I believe we should stand still—neither adopt free coinage nor suspend the present coinage. I have shown that we have done well in the past eight years of silver coinage. We have acquired about $400,000,000 of Europe's gold. Property has appreciated and business is improving. Let us stand still. Should our condition grow worse, we can then determine what to do. We have invited Europe twice to negotiate and have been refused. We are getting her gold, and she is growing uneasy. The leading business body of London has appealed to Parliament to remonetize silver as a legal tender. The business men of Germany are moving at large for relief from gold monometallism. A financial seismic movement more powerful and alarming than one of her earthquakes is shaking Spain. Let us stand still. We are in the dark, and need light before it is prudent to move. The dawn is breaking in the east, and soon we can move with assurance of safety.

I have said that our evils are not due to too little or too much silver; and with a hasty and imperfect notice of what I believe to be the real cause I shall close.

In this country we have three classes: First, the producers, who are farmers, manufacturers, miners, and inventors; second, middle-men, who are merchants, commission men, brokers, and others; and, third, the wreckers! Economists and financiers, many of them sincere but boy-blind, believe our ills arise from silver. Others know better; but, disingenuous and crafty, they throw silver out as a decoy to the people, as a tub to the whale. The number of grains of silver in our dollar, the limited number of silver dollars (less than three hundred millions), and their bulk and inconvenient form have little more effect in producing the business depression and suffering in this land of plenty than the influence of the Pleiades. There is an effect, but it is factitious; it is the white-cap beaten up by the whales and sharks prowling for shoals of smaller fish. The effect is an ominous ground-swell on the bosom of this human sea, to allay which the whales would be wise to throw upon it some of their oil garnered from millions of victims.

Sir, the wreckers! the wreckers! are the source of our Iliad. To their doors I trace the tracks that lead from thousands of homes despoiled and desolate. In their coffers are locked countless ingots of the people's sweat and blood. And who are these wreckers? They are the minks, who under cover of night rob the farmer. They are the hawks, that perch and watch and bide their time to drop upon their prey. They

are the eagles, that circle above, and seize the lambs, and with bloody beak and talons rend and devour them. They are the spiders, who spin their webs by night and entangle their victims by day. They are the bulls, who toss and gore to death those whom the bears do not squeeze to death. "They sow not, neither do they spin, but Solomon in all his glory was not arrayed like one of them." They are those who in the East wreck banks and railroads, and in the West wreck mines and miners.

The calamities that attended the late war between the States no prophecy could have foretold, no inspiration can ever record. Genius and learning, character stamped with nobility, virtue, and honor, statesmanship, and our common country's pride, went down on both sides in every furious onset. The sun that rose with blessings on happy wives and children looked back sadly upon them at evening's parting as mourning widows and orphans. Wealth gathered in youth's vigor and manhood's prime took the wings of flame and flew away, and age was left helpless in pitiable despair, broken and bent to the earth never to hope again. Behind it was nothing but desolation, before it no relief but the welcome of the grave, to reach which it must tread with tottering steps the lone sands of time where not a flower appeared. And all over the South black chimneys stand like monuments raised to tell future generations the line of the bloody march of war, and at whose base in grassy shelter the lizzards play by day and from whose spectral form at night the hooting owl intensifies the aching desolation around.

But there are sorrows and misfortunes which time can heal or mitigate. Property is being replaced. The grave is giving oblivion and rest to the broken heart of age. The orphans are now busy in the battle of life. The widow's grief is mellowed by time into twilight sadness and is softened by sweet memories. But another and a greater evil than these sprang from that conflict, like the destroying genius which leaped from the flame kindled by the magician. While the South lost over two billions of wealth, the North acquired more than that amount. It came from profits in contracts, the par value given to her bonds and paper money; and appreciation of all property by the triumphant result of the war. It was as if billions of the wealth of the South before the war had been doubled and suddenly transferred to the credit of the North. Then came extravagance, wild speculation, vast enterprises, and the wreckers. On the shore of the great Pacific—in the land of golden sunsets and golden sands—where Nature in lavish profusion seems to have attained her limit in the magnificence of vegetation, the glory of the sky and climate and the accumulation of mineral wealth, the wreckers appeared, and, by the power of union for destruction, they swept by stealth and cunning from the laboring masses hundreds of millions in less then ten years. In the East, since 1865, billions of dollars, by systematic wrecking of railroads and other vast enterprises and of individuals, have been, as if by Aladdin's ring, gathered from the toiling millions into the vaults of a few wreckers. We have seen fortunes varying from ten to two hundred million dollars accumulated by one man in less than twenty years; and to-day the majority of the wealth of this vast country is held by less than 1 per cent. of our population.

To determine where we stand, whether on a rock foundation or a crumbling brink, let us take a hasty retrospect of our country. At the laying of the corner-stone of our Government and for a human generation after, virtue and honor were the people's guide and shibboleth. They demanded these virtues of every public servant. That was our golden—our Augustan age. Then sectional interests began to clash and slavery became a national issue, and the North and South, through sectional pride and interests, disregarded personal virtue and substituted intellect. Then followed the gladiatorial age. The question was not What is he? but What can he do? What are his skill and strength, and can he meet the Philistine? Political parties cared little for personal honor and that high character that should shine afar across the land as a guide and example to youth. That period covers the second epoch in our history, and expired only at the close of the war—the genius and ability chosen by North and South, for the four years of that struggle, being selected from the military, instead of civil life. In the first epoch virtue was power; in the second, intellect was master; in the third and present, money is king. It dominates all sections, all classes, all stations, all creeds, and both sexes. The wealth of the wreckers has poisoned every social avenue as the leprous distillment coursed through every vein of Denmark's king. The inquiry now is not for virtue or intellect, but "What is he worth?" The ambition of the young is not to be a Washington or a Jefferson, or a Great Expounder of the Constitution. It is to be the modern Crœsus. This power of money—this plutocracy—has been enthroned and crowned by the wreckers in crowded cities, the hives of these pampered drones who feed on the honey gathered by the bees of industry in ten thousand fields. There they hybernate, and unable to spend their vast incomes, when spring arrives they depart to get rid of the accumulation.

Before the war Newport and Saratoga were resorts for men and women of culture, who congregated for bodily recreation, health, and communion of thought. Now they are the grounds for an annual fair, where living figures are assembled to advertise the largest diamonds and the richest silks of Tiffany and Worth. Between the fairs, to get rid of themselves, the wreckers fly to Europe, and render America the jest and jibe of chambermaids and hostlers and a butt for ridicule by the lazzaroni. They purchase daubs for Titians, Rembrandts, and Meissoniers at fabulous figures, sold by the square yard in French cafés and beer-saloons. Returning home, they affect rejoicing that their feet are once more on America's "terra-cotta." They convulse their educated servants by rapturous descriptions of the "Venus de Medicine" and the "Apollo-Belladonna," and display with pride their bric-a-brac made of the finest "terra-firma" or of the latest "larvæ" from Vesuvius.

While the fathers are rearing a brood of dudes and dunces, and educating them in the art of wrecking, as old Fagan instructed the Artful Dodger and Oliver Twist, the mothers and daughters, instead of trying to give to their country jewels, such as the mother of the Gracchi pointed to with pride—instead of nursing young Websters and Adamses and Marshalls, are spending thousands of dollars and incurring the risk of apoplexy from brain fatigue in nursing parrots, poodles, and pugs. While just around the corner are twenty, thirty, or forty families, crowded and packed away under one roof of a six-story house, living in squalor, hungry and ragged, seeking work but finding none, living and dying in disease-breeding air, the pugs and poodles on Fifth avenue are the favored objects of the tenderest maternal care and lack nothing of earth's luxuries and pleasures except intellectual companionship. And should one of these quadruped members of the family grow weary of the repetition of platitudes at home and in a fit of ennui violate domestic discipline and seek society in some neighbor's yard, a reward is offered for the return of that worthless, dirty dog, sufficient in amount to feed those famishing families for at least a month.

But what cares the wrecker for those starving poor! His business is to wreck, not to aid. Like Captain Kidd, his gain comes by sinking and gathering in.

> He cares not for those who go down in the cutter,
> He's thinking of the biscuit casks and butter.

What cares he for the husband and father he ruined yesterday, for the wife and mother then living in affluence, who to-day is weeping in yon garret plying her needle, rusty from tears, to the "Song of the Shirt," to earn a loaf of bread; or for the tender daughter, raised in luxury and the child of prayer, now driven by want and hunger to dishonor and shame, as in her rounds and tramps on a winter night she pauses to look wistfully into the wrecker's palace on the gorgeous display of wealth gathered in part from her father, now a suicide, and catching the maddening notes of "Sweet home" floating out from the gilded-saloon in mockery of her, she rushes wildly to the waters of the Hudson to end the horrors of life?

Whenever these wreckers fix their basilisk eyes on a corporation its fate is sealed. A pliant board is elected or an existing board is bribed; all profits are put into betterments; no dividends are declared; the stock at once declines; the wreckers fabricate and circulate damaging rumors; the small holders—the poor, the widows and orphans, dependent on those dividends—are forced to sell, are "squeezed out." The stock is further depressed by every forced sale, then the bonds decline, and the wreckers, like the jackal hid in the bushes watching the lion die, steal out and buy the bonds, and when a majority is secured the only remaining step is a judicial process to sweep the stockholders away. And thus the producers are robbed and labor loses its just reward. If these wreckers had never appeared, billions of useless and idle wealth would be in the hands of those who produced it, and this people would be the happiest on the earth.

And these are the men who are in league with Lombard street in this war on silver. Why should they not be? If gold were our only currency, one dollar would buy what two can buy. This untold wealth would be almost doubled, for the value of a dollar is its purchasing and debt-paying power.

These are the men who are keeping America bound to the Crown of Great Britain by the domination of British gold. They see no good in any coin that England will not receive, and therefore silver is condemned.

These are the men who, like Aaron, have fashioned a golden calf for virtue and intellect to worship. By the vulgar display of wealth in "barbaric pearls and gold" emulation has been stimulated until dishonesty in bank officers is about the rule, and Canada has become the Elysian Botany Bay for American thieves, who, without trial or sentence, go into voluntary exile.

The wrecker is the man who gives as his reason for opposing silver that his heart's desire is for the wage-earner to get an honest dollar. He descends from his sanctuary in Wall street as the high priest came from the sacrifice of doves, and with garments dripping with the blood of a thousand "lambs" just sacrificed to Mammon beseeches the people to share with him an honest dollar. His philanthropy and beseeching face as he pleads with his victims to receive honest money beggars Webster's Unabridged. Burke exhausted his almost boundless resources in the "Sublime and Beautiful;" Shakspeare portrays his ideal of a friend in the noble character of Iago, as he strove by every manly appeal to allay the jealousy of Othello; he has given his best conception of a Christian creditor in the measured justice and mercy of Shylock; Dickens touched the limit of descriptive power in the pious sincerity of Mr. Pecksniff and the statuesque posing of Mr. Turveydrop; Bret Harte has aroused the sympathy of millions by his tearful pathos in illustrating the gentle, the childlike and

bland, the Celestial heathen Chinee; but when and whence shall come another Burke, another Shakspeare, Dickens, or Harte, who can rise to the height of his great argument, and do justice to the beauty and sublimity, the disinterested, the self-sacrificing friendship, the Christian justice, the unmitigated sincerity, the exquisite pose, and the celestial innocence of the wrecker, as he implores the people to "come without money and without price" and accept from his hands an honest dollar?

They are the men who have conspired and combined their hundreds of millions to oppress the laborers, and they are responsible for the counter-combinations of laborers to resist that oppression and to maintain the dignity of labor. The "strikes" are a protest against the heartless oppression of combined capital. They are the only hopeful sign of deliverance from the wreckers, and I hail it with a feeling of relief. The issue is at last joined, and the contest is between the wreckers and the strikers. My sympathies are with the strikers when they keep within the law. Public sympathy will support them so long as they are prudent and peaceful and respect the law, and within the law I bid them Godspeed in their struggle with the wreckers.

They should not feel discouraged. They are gaining ground. Public sympathy for them is stronger than in 1876 during the strike at Pittsburgh. They should not appeal to Congress for assistance. This is not the place to seek relief, even if Congress had the power to give it. It is to be found in the big heart of this mighty people; in lawful combinations and the use of lawful measures to oppose the tyranny of this vast aggregation of money in a few hands; by educating the people to heap scorn and contempt on the men who, through gluttonous greed for millions more, are grinding the poor to death; by taking care to be represented in every Legislature by pure, just, and able men; by retiring to private life every representative and office-holder who, with no income but his salary, acquires wealth while in office; by cultivating a patriotism that embraces all sections in a common brotherhood and destroys forever all unkind feeling and sentiment engendered by the war, and by refusing at all times to make wealth the test of qualification for office, or to permit it to buy its way to office and to power.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. TUCKER. I move that the time of the gentleman from Georgia be extended.

Mr. ROCKWELL was recognized.

Mr. NORWOOD. Can I not have some additional time?

Mr. ROCKWELL. I desire to yield the first half of the hour allotted to me to the gentleman from Maryland [Mr. MCCOMAS] and the second half to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BLOUNT. I ask unanimous consent that my colleague's time be extended for fifteen minutes in view of the fact that we are to have a session to-night.

Mr. FELTON. If I can be recognized I will yield to the gentleman from Georgia twenty minutes.

The SPEAKER. But the Chair has recognized the gentleman from Massachusetts.

Mr. WEAVER, of Iowa. I wish to make a proposition, by consent of the House, that the time for debate be extended for one hour longer than has been ordered. Otherwise I shall have to object to an extension of the time. There are some points in the argument of the gentleman from Georgia to which I would like to reply.

Mr. MCCOMAS. How much time does the gentleman from Georgia want?

The SPEAKER. The gentleman from California, if permitted, will take the floor and yield twenty minutes to the gentleman from Georgia. [Cries of "Regular order!"] But the Chair has recognized the gentleman from Massachusetts; and as it is it can only be done by unanimous consent. The demand for the regular order will prevent the Chair from recognizing the gentleman from California for that purpose.

Mr. BLAND. I would like to ask the gentleman from Maryland to yield to me for a suggestion or request to the House.

Mr. MCCOMAS. Certainly.

Mr. BLAND. I desire to ask, in behalf of a number of gentlemen who wish to speak upon this question, consent of the House, instead of the previous question being considered as pending at 3 o'clock to-morrow, that it shall be pending at 3 o'clock on Saturday next, and that all day to-morrow be devoted to the debate, the previous question on the bill and all amendments thereto to be called at 3 o'clock Saturday.

The SPEAKER. The bill could not be considered on Saturday at all except by unanimous consent or by displacing a prior order of the House.

Mr. BLAND. But I ask that Saturday be set apart expressly for this business.

The SPEAKER. It has already been set apart for another special order. Of course, by unanimous consent the request of the gentleman can be acceded to.

Mr. CRISP. There is a prior order for next Saturday for the consideration of business from the Committee on Commerce. I shall object to that order being interfered with.

The SPEAKER. Objection is made by several gentlemen to assigning Saturday, which is already set apart for business reported by the Committee on Commerce.

Mr. BLAND. Then I suggest that the order be changed so that the previous question shall be considered as ordered on Friday at 5 o'clock p. m.

The SPEAKER. Is there objection to the request now made by the gentleman from Missouri that the consideration of this measure shall be continued to-morrow and until 5 o'clock on Friday, at which time the previous question shall be considered as pending?

Mr. DUNHAM. I object.

The SPEAKER. The gentleman from Georgia [Mr. NORWOOD] asks unanimous consent to extend his remarks in the RECORD.

There was no objection.

Mr. MCCOMAS. Mr. Speaker, the essential part of the dollar of the fathers was not in the gold weight of the one coin nor in the silver weight of the other coin, but in the equality of value fixed in both. The dollar of either metal was to be the one thing, the unit of value. The silver and gold coin were both conformed in their real values to the unit of value, and for such the law provided free coinage of both metals into coins of full legal tender as dollars. Such was the bimetallism of Hamilton, of Jefferson, of Benton, and of our laws of 1792, of 1834, and even of 1878. Such are honest dollars. Anything else is not bimetallism. Anything else is not an honest dollar. The avowed object, at least, of the silver legislation of the past ten years was to establish "a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of value between those metals."

THE OUTLAWRY OF SILVER.

The evil we seek to cure is the outlawry of silver, a policy adopted by the leading commercial nations of Europe. England led the movement, and in 1816 adopted the gold standard. After the fall of Paris, in 1871, the new German Empire discarded silver and adopted the single gold standard. Belgium, Holland, and France followed, and between 1874 and 1878 by successive measures limited or suspended the coinage of silver. A universal single gold standard was the ambition of European economists and statesmen. I believe that the single gold standard is injurious to the welfare of all the peoples of the Western world. I believe that a double standard of silver and gold is best for all nations, and in manifold ways essential for our own country. I hope for the speeding of the day when the coinage of silver will be as free in the United States as the coinage of gold by an international concert upon a common ratio of value between the two metals, with open mints for the coinage of both metals at that ratio.

Fifteen years have passed since Germany stopped silver coinage, twelve years since it ceased to be free in the Lation Union, ten years since it was stopped in France.

THE SILVER ACT OF 1878.

Now, what have we done to bring back to its old position the white metal?

We called the monetary conferences of 1878 and 1881. Though both failed, they were not without result.

What else? We passed the Bland act February 28, 1878, providing for the coinage at our mints of silver dollars of 412½ grains of standard silver as legal-tender dollars, and for the coinage of not less than two nor more than four million dollars' worth of silver bullion per month into such dollars.

Senator BECK (January 10, 1878) voted for this measure, "having no sort of doubt," as he said, "that in a very few years gold and silver will come together at about the standard they occupied before the law of 1873 was passed."

The gentleman from Missouri [Mr. BLAND], with the same confidence in the result, guided this measure through the House. "Everybody will be rich in a moment if we pass this bill;" "this bill will force the nations of Europe to restore silver;" "silver will at once rise to par"—such was the language of debate and such the sentiment of the hour, when Mr. BECK and Mr. BLAND predicted and Congress by an overwhelming vote enacted 412½ grains of silver was worth 92 cents. Ever since it has fallen steadily year by year. Even though Senator BECK had no sort of doubt that our silver dollar would rise long ere this from 92 cents to 100 cents, it has fallen to 79 cents in value.

The Bland act was to give life and vigor to business, quicken industry, give employment to labor, prove the "sovereignest thing on earth" for the debtor classes, raise the prices of products, lighten the burdens of poverty, bring food to the hungry.

The prophecies have all failed. The medicine of the Bland act has not even alleviated the disease.

Eight years have passed, and now United States Treasurer Jordan reports that "during the past year more of the standard silver dollars were returned to the Treasury than were issued; that the percentage of the outstanding dollars to the total coinage has fallen from 30.8 per cent. in 1881 to 18.8 per cent. at the close of 1885; that at this time the amount held by the Treasury is an increase of $25,701,551 over the amount held at the end of the preceding year, and that the execution of this law is generally converting the funds of the Treasury into standard silver dollars."

The limited coinage of unequal dollars has failed to restore the equality of gold and silver. The present coinage of debased dollars coincides with the steady decline of silver.

FREE COINAGE.

On all sides we see depression in business, falling prices, check of investments in enterprises giving employment, alarm of capital, and loud over all the complaint of labor in sore distress, its grievances more and more articulate. Amid this depression we are now asked to bring chaos, to once for all abandon bimetallism, to finally break the parity of our money with a premium on gold and a discount on silver.

Those who predicted evil from the Bland act may be disappointed, but those who hoped relief from it have been disappointed already. The same false prophets now offer a free-coinage bill as a specific for all the ills of society. Their bill provides that any holder of silver bullion of the value of fifty dollars or more, standard fineness, shall be entitled to have the same coined into standard silver dollars of 412½ grains, and that this dollar shall be the unit of account and standard of value in like manner as now provided for the gold dollar, and shall be a legal tender for all debts, public and private, except where otherwise stipulated.

With such a law, say the minority of the committee, we can dictate the value of silver and gold to the world.

It is precisely the law which a few silver kings of Colorado and Nevada will gladly dictate to the toiling millions of America. It is a bill to give the owners of silver bullion and of silver mines the difference between the market value of bullion and the coined dollar; a profit which, during eight years of silver coinage, has yielded twenty-five million dollars to the Government. A profit vastly increased by free coinage of all the bullion the mines turn out is by this bill taken from the people and presented to the bonanza kings.

Pass this bill, and all the trade-dollars at home will be hurried to the Mint; all trade-dollars in China, the silver of the East, the silver thalers of Germany will be hurried by speculators in the swiftest ships to our mints; we will draw copious supplies from the mines of Mexico; and all of this silver, coming from the melting-pot as bullion, may alike demand and receive a legal-tender dollar for every 79 cents' worth of the metal.

Pass this bill, and the nations of Europe will melt and sell you from their thousand million silver dollars an abundant measure. Holland has already passed a law to melt and sell silver to maintain her gold reserve.

Now, this danger Messrs. BLAND, BYNUM, and LANHAM, in their minority report, coolly evade by a violent assumption. "It is not to be supposed," say they, "that France, for instance, would be willing to lose $18,000,000 in order to exchange a part of her silver for a portion of our gold or the whole of it."

But France owns her silver now, and if she sell it now for what it is worth in gold she loses nothing. The argument of the committee is the American silver is worth 79 cents and the French silver worth 76 cents; therefore France will not take our gold 100-cent dollars in exchange.

The banks of Europe will by individual enterprise cable sales of silver. No restriction to keep out foreign silver by law has been devised. No human foresight can exclude it, in fact. The bullion, the coin, and plate of the world will have a strong affinity for the only mint in the commercial nations open for the free coinage of silver.

Pass this bill, and the young Vanderbilts may melt their silver spoons at a profit to pay the wages of the poor man at their doors. Jay Gould may melt his silver plate and harness, coin it at our mints, and in derision pocket 20 cents on the dollar in paying his struggling railway employés. If after coining near thirty millions of these dollars annually for eight years we find they have fallen from 92 cents to 79 cents, by coining fifty millions annually we can not raise the value of the dollar to 100 cents.

We are to have thereby a "parallel standard" and not a double standard; a currency divided pretty equally for a while between 79-cent dollars and 100-cent dollars.

It is quite as dangerous to afford free coinage of 100-cent silver dollars alongside 79-cent gold dollars as to coin 79-cent silver dollars alongside 100-cent gold dollars. The first ends in debased gold monometallism, the second in debased silver monometallism.

The friends of free coinage hopelessly abandon bimetallism for the single silver standard. They want an exclusively American standard. With as much reason they may want an exclusively American postage-stamp to carry a letter around the world under five different flags, or an exclusively American law of gravitation.

The free-traders of this House, yearning for free exchanges, would by this bill isolate us from Europe, and instead of a sound currency, the best defense of the home market, the best avenue to the foreign market, they would compel our $1,500,000,000 of trade with the Western world to be carried on by buying at a gold valuation and selling at a silver valuation.

Surely when these clipped silver dollars equal in number the full-sized gold dollars, under free coinage, in a day we may cross the danger-line, with a premium of 20 per cent. or more on the hoarding and export of gold. This is inflation which does not inflate, and when the unequal dollars suddenly cease to circulate side by side, comes contraction, sudden, violent, and sharp. Then the rich alone are safe. The importer can still pay this dollar for customs duty. In settlement of balances he can pay it to the Government. The broker can invest betimes in foreign exchange. The banks will be astute to ship it back to the Treasury as fast as they get it, just as they do now. The words of exception in the bill, "legal tender for all debts, public and private, except where otherwise stipulated," will be the salvation of the "gold-bugs."

I admit these words need not be inserted, but I do not know which is more to be wondered at, the generous gift of the profits of coinage to the "silver kings" at the head of the bill, or the tender solicitude for the "gold-bugs" in the tail of it, in needlessly inviting them to make gold contracts. Long before the danger-line is reached they will require payment of their mortgages in gold at a premium, while they compel the poor man to take payment for his labor in legal-tender silver dollars at a discount. Then will be the peril to little homes half paid for and to labor, for in times of inflation real estate and labor are slowest to rise in prices. It is true you may then have cheap money to pay the indebtedness of the Government, but you at the same time have a debased currency for the payment of labor; for silver is exchanged daily for daily bread. Silver is the money of wages and retail, of the farmer, the mechanic, the miner.

THE NEED OF ABUNDANT SILVER MONEY—GOOD SILVER.

The people who are to use most of this coin are the poor and the men of small means, the wage-earner and the farmer, who have always suffered at last by these tricks with the currency, always performed with the pretense that it is for their relief. Think you they have forgotten so soon the trade-dollar which so suddenly the merchants would only take at a discount and the banks would not take at all? A good and stable currency is the best protection of the weak against the strong. With bad money the laboring man loses his reckoning in fixing wages or in spending his earnings.

With a fluctuating currency he is at the mercy of the retail dealer, whom he can no longer check by the customary price per pound, per yard, or per bushel. You want to exercise the sovereign power of this Government by continuing to coin gold dollars at the unit of value, worth 100 cents the world over, and to coin everybody's silver into dollars at a different standard of value, worth 79 cents the world over. I appeal to the workingman, the retail merchants, the farmers, who have labor, wares, and produce to sell to decide what sort of friendship to them it is, which says the money paid to them shall be worth 20 cents less than the money of the "gold-bugs;" which lets the employer, the great corporation, or capitalist shrewdly hoard gold, and at his option pay the workingmen in this pinched coin, which will not buy them by 20 per cent. as much bread and meat.

Every laboring man who goes home at evening thinking of the bread he has earned for his wife and children is a creditor for that day. He is a creditor of the bloated manufacturer for that day or week or fortnight or month.

When trouble comes between the two different dollars coined free at a "Parallel Standard," when the rich are taking care of their own, then will you be reproached, because you did not protect the large majority from two different length measures of cloth, two different sized half bushels for corn, two different weight pounds for meat; because you leave it open for the bulls and bears of Wall street and Lombard street to change the value of the coin the wage-earner is to get even while he is earning it; because you double the chances of the cards in the gamester's hands by stocking them in this way to cheat the laboring masses; because you insert in the bill that your 79-cent dollar shall be a legal tender for all debts, "except where otherwise stipulated"—a hint to the crafty and wise among the rich to make gold contracts with their borrowers.

EFFECT OF FREE COINAGE—THE FARMER—THE MINER.

With free coinage your depreciated silver dollar may be made to pass for a dollar in our local commerce. It will be the only dollar in use, as the minority of the committee admit virtually. With free coinage it will not be a dollar in Liverpool when the farmers of Maryland send their wheat across the water to that market of the world. The value at our seaports of the wheat of Maryland will be measured by the gold price in Liverpool, while it will be paid for in the inferior coin of our country. Sold for gold at Liverpool and paid for in silver at home, the difference mainly will be taken from the producer and will go into the pockets of the speculator, the middle-men between the markets of Liverpool and the granaries of Maryland and Minnesota.

Already the pending tariff bill before the Ways and Means Committee threatens to strike off the tariff of 75 cents per ton on coal, which is one-third of the price of Cumberland coal at the seaboard, and this, too, at a time when the miners are in sore distress contending for better wages, declaring by widespread suspension from labor their sincere belief. But already, because of a vicious exception in the tariff, by free coinage of clipped silver dollars, the deserving miners of Allegheny will find that the coal they dig at scant wages reaches the seaport there to compete in supplying fuel to foreign and coastwise vessels with coal from Cardiff in Wales or Nova Scotia, mined by men paid at the rate of 100 cents on the dollar in gold, while our miners will, when the danger-line is reached, receive only 79-cent dollars as wages. I warn the workingmen that when under free coinage the two dollars part com-

pany the silver dollar at 20 per cent. discount will pay customs duties and at once make a horizontal cut of 20 per cent. on our whole tariff list, and just as fully as could the Morrison bill of the last Congress.

THE SETTLED JUDGMENT OF MANKIND.

In international commerce there is no statute of legal tender. In the traffic with nations transactions are settled by the weight of the metal, not by the superscription. You may here declare by statute that 80 cents and 100 cents are equal, or that a bushel of potatoes shall be worth a bushel of wheat, but you can not enforce either declaration against the settled judgment of mankind. A pound in Maryland must weigh a pound in Liverpool. There is one weight of cotton in Georgia and the same weight of cotton in Manchester. The yard-stick is an English invention, which we can not shorten or lengthen in England by the fiat of Congress here. The Winchester bushel is our bushel, and three centuries old. If you change it by the act of Congress the wheat in the hold of the vessel will shrink to the English standard when the vessel touches Southampton.

So gold and silver are money by force of universal law. So, no matter what we do here with the coin in an attempt to add to its value or take away from its value by legislation, the commercial value mainly fixes the value of the coin in circulation. National legislation may recognize the value of coin. International agreement may equalize the value of coin.

OUR POLICY IS TO WAIT.

What, then, may we do now? Let us look abroad to see what progress the cause of bimetallism has made in Europe. My friend from New York [Mr. JAMES], in his able speech the other day, gave a comprehensive survey of the agitation in every land where the gold standard prevails for a return to bimetallism. It is encouraging. Hundreds of agricultural societies in Germany appeal for the establishment of the international double standard guaranteed by treaty. The Reichstag voted last month for an inquiry looking toward a return to bimetallism. France is now more willing than in the past to unite with us in negotiations for international bimetallism. Even in England we find members of the commission on depression in trade, the chambers of commerce, and the public press declaring that the value of silver must be made permanent.

India, her chief dependency, with silver monometallism, is clamoring for an adjustment of silver and gold, because her revenues and products in trade with England shrink in purchasing power, while her imports swell in price, and trade is absolutely dislocated.

Holland is thoroughly in favor of bimetallism; the other members of the Latin Union are beginning to grow more friendly. But until beyond the sea there is a public sentiment strong enough among the people of France and Germany to compel those governments to unite with us, our Government alone can not dictate the value of silver to the world.

What can we do then? We can wait until we can enlist international co-operation. We can refuse, with unlimited coinage of pinched dollars, to put out to sea without a sail or a rudder or a compass, trusting to the fiat of Congress? After all, this free-coinage agitation may be merely thunder in the index, for in the appendix to the report of Messrs. BLAND, BYNUM, and LANHAM is more prudent advice: "What Congress should do is to let well enough alone, and not disturb our industrial and economic laws that are producing so good results in keeping the balance of trade in our favor and enabling us to keep our gold." (Appendix, page 21.)

The few gold-standard men in this country, and they are very few, who in default of immediate suspension predict immediate woes, are wide of the mark. The silver monometallists who frantically oppose suspension here, who, with gold rings on their fingers and gold chains at their pockets, profess their hatred of the sight of gold and their adoration of silver, these too are wide of the mark. I do not share the fears of the one nor the hopes of the other. This House is now clearly opposed to suspending coinage of the Bland dollar, which has proved a disappointment thus far to both friend and foe. The business of the country must adjust itself to this situation. The administration, I doubt not, will continue to so execute the law as not to tarnish our national honor nor paralyze our businesss energies. To sustain the administration stands the splendid credit achieved for the nation under a quarter of a century of Republican rule. And the balance of trade is still in our favor.

MORE SILVER DOLLARS AND MORE SILVER IN THE DOLLAR.

Meanwhile I will vote for any proposition to increase the grains in a silver dollar to make it equal with the gold dollar. The friends of free coinage in their report admit that if free coinage proves a failure after trial, then there will be "reason for changing the ratio," "so as to coin silver at its bullion value."

I favor that expedient now as an amendment of the Bland bill. Every honest bimetallist can now support it. There in this country may rest safely until the inevitable time of international agreement arrives. It is mainly Senate bill 1276. It was advocated by Mr. Blaine, and today is espoused by Senator SHERMAN. It affords a 100-cent silver dollar.

Let the Treasury purchase monthly the accustomed quantity of silver bullion and issue in payment coin certificates corresponding with the denominations of United States notes, the certificates to equal the cost of the bullion retained for their security, these certificates to be receivable for all public dues, customs, and taxes, and be reissued as fast as taken in. Add then the provision that holders of standard silver and gold coins may exchange them for these certificates. With such a policy we can resist fluctuations of silver. At once all of the silver dollars we have will with renewed confidence be restored to circulation. Our gold will not fly from us. It will increase the use and value of silver. Above all, it will keep up the parity between our silver and gold coins and save our paper circulation. It will prevent apprehension of contraction. This done, we can await events, engage in new conferences, seek proselytes to silver in Europe, just as England has so successfully made converts to free trade here. This done, agitation will subside. Neither the gold nor silver monometallist can disturb our currency. With this done, Congress may approach the real questions we ought here to grapple.

While we debate about silver here the masses of our people are intensely anxious to know how to get some of the $1,800,000,000 of gold, silver, United States notes, silver and gold certificates, national-bank notes, and fractional currency we now have, and to feel assured that the dollar they labor for is honest, stable, good everywhere and all the time.

PUBLIC DEBT—NATIONAL CREDIT.

With this full-sized silver dollar, this honest silver certificate, we may cease this contention over the coin in which we may pay the small part of our national debt falling due before 1907.

While it must be conceded that the purchasers of our bonds knew that the debt was made payable "in gold and silver coin of the present standard value" by the refunding act of 1870, our creditors may then take gold and silver indifferently, for with this assured parity between gold and silver coin both will be "current money with the merchant."

Then will there be no repudiation partially or wholly. Then what we have agreed to pay we will pay according to the letter of the law and the spirit of the law. With honest gold and silver dollars, with paper convertible into either, we may have a continuing expansion of good money, we may keep safe the money of the Constitution, the business and credit, the public faith of the country. To these the Republican party was ever faithful.

Do not forget that the States in rebellion were reinstated after a constitutional pledge not to impair in any manner the validity of the public debt.

Gentlemen of the Democratic majority, power has now passed from our hands into yours, but not until we had written the brightest page of our country's history. The Union Republican party snatched this nation, when on the verge of bankruptcy and ruin, out of your feeble hands, from your nerveless grasp, and after ruling the country grandly for a quarter of a century resigned her to you with an overflowing Treasury, without a spot upon her honor, matchless in her splendor, incalculable in her resources, the pride of her people, the admiration of the world. Time will show—I fear time is showing—what you will do with her honor, but time can not impair our glory or lessen your responsibility. [Applause.]

Mr. BAYNE. Mr. Speaker, from 1790 to 1878 the matter of silver coinage had not been one of great concern to the people of the United States. During that period the Government mints were at no time burdened with silver, and the necessity of providing great vaults in the Treasury building to store silver in was not dreamed of. The Government mints coined from time to time subsidiary silver money; but during that long period of eighty-eight years we coined but a little over eight million of silver dollars—the dollars of our fathers.

RESULTS ACHIEVED.

The census of 1880 shows our national wealth—the aggregate wealth of our people—to be nearly $50,000,000,000. We had not only accumulated this great wealth, but sustained the losses incident to two great wars. The debt of the first war has been paid, and we have been paying off the debt of the second war at the rate of $100,000,000 a year without feeling it. No other nation in the world has achieved such results. It must be obvious that the eight million silver dollars we coined had very little to do with these stupendous consummations. Having done so well with but few silver dollars in the past, it is quite reasonable to suppose that we can get along with two hundred and fifteen million of them in the future.

OUR BONDS HELD AT HOME.

But the last war has left the nation somewhat in debt still, and the speculative spirit engendered by the depreciated currency that war necessitated has fastened considerable debts on municipal and private corporations. Portions of the vast accumulation of wealth I have spoken of have been invested in the bonds representing these debts. It ought to be gratifying that our own people hold these bonds; that the principal and interest are paid to our own people, and circulate among our own people. We should feel glad, I submit, that we are not indebted to the Rothschilds or any foreign money-lenders. Since these debts were inevitable, it should please us to know that our own people were able to absorb them, and they have done it, too, in the face of the fact

that we had coined but a little over eight million of standard silver dollars.

Our own people had not only absorbed these debts before 1879, but money had become plentiful, rates of interest had become so low that the Government and solvent municipalities and corporations could borrow at 3 and 3½ and 4 per cent., and no sound business stood idle for the want of capital. All these conditions came into existence notwithstanding the fact that we had coined but a little over eight millions of standard silver dollars.

CONTINUED PROSPERITY WITHOUT MORE THAN EIGHT MILLIONS STANDARD SILVER DOLLARS.

It being evident that in 1878 the people of the United States had become immensely wealthy, had paid off their debts more rapidly than any other nation under the sun, and had accumulated and were accumulating year after year vast stores of gold, with a coinage of but a little over eight millions of standard silver dollars, it is logical enough and fair enough to assume that their unbounded prosperity would continue without more than eight millions of standard silver dollars.

But this logical and fair assumption is now violently and recklessly assailed. The assailants charge—

1. That the option should exist of paying bonds in silver or gold.
2. That the suspension of the coinage of silver dollars will increase the burden of debts.
3. That money should be cheap and plentiful.
4. That the mints should be as free to silver as to gold, because after all, as stated in the minority report, "the most important function of money in trade and commerce is its legal-tender power."
5. That the suspension of the coinage of silver dollars would enhance the value of credits and depreciate the value of everything else.

OPTION OF PAYING BONDS IN SILVER OR GOLD.

A sufficient reply to the first charge is that the Government has sufficient silver coin now to pay off the bonds as it may call them in; and as the silver returns to the Treasury about as fast it goes out, the Government is likely to have a sufficiency on hand at all times. The 215,000,000 silver dollars already coined will be quite equal to the duty of paying off in this way the entire national debt; and if no more are coined, payment in this way will not be seriously embarrassing.

WILL SUSPENSION OF SILVER COINAGE INCREASE THE BURDEN OF DEBTS?

Hardly. It is estimated that there are $1,570,000,000 in the United States.

Greenbacks	$346,000,000
National-bank notes	310,000,000
Silver dollars	215,000,000
Subsidiary silver	75,000,000
Gold coin and bullion	625,000,000
Total	1,571,000,000

There is more this year than there was last; there was more last year than there was the year before; and so on back for years. Now, what reason is there for contending that the stopping of the coinage of silver dollars will increase the burden of debts?

CHEAP MONEY.

The seduction of the argument for a plentiful supply of cheap money lies in the belief that it can be easily got. Well, more of it may be got and it may be easier to get it, but it takes more of it to do, and the more of it there is the less it will do. Bull-beef and shoddy clothing are cheap and are more easily obtained than good beef and good clothing. But the man who uses bull-beef, shoddy clothing, and debased coin is swindled all the way through in the principal necessaries of life. The Cheap-John order of statesmanship that advocates cheap money is not adapted to the latitude and longitude of the United States. It would fit better in the parliaments of Asia or Africa, where, if sufficiently "halcyon and vociferous," it would doubtless excite applause from the galleries.

I shall have something more to say about cheap money when I come to talk about good money.

THE LEGAL-TENDER POWER OF MONEY.

The proposition of the minority for the free coinage of silver is supported mainly by the argument that the legal-tender power gives to money its most important function. That is a plea in confession and avoidance, and shows that the free-coinage advocates do not feel quite sure of the ground on which they stand. The plea admits that there is some fiat in the standard silver dollar, but avoids the difficulty by alleging the monetary potency of the legal-tender characteristic.

A brief statement of facts will expose the fallacy that lurks in the minority's main reason.

A gold dollar is worth 100 cents; a standard silver dollar is worth 80 cents; a greenback dollar is worth probably 1 cent, yet they all circulate upon an equality. Any one of them has the same purchasing power in the United States to-day as either of the other two. Each one has the same legal-tender power as either of the other two.

From this obvious present condition a good many statesmen and some others draw the inference that this parity of the three kinds of money will continue, and they say "let the coinage of silver dollars go on." Some more sanguine statesmen draw the inference that the parity will continue though the coinage of silver dollars be made free. These say, "Let us have free coinage of silver as well as of gold."

The logic of both these classes of statesmen leads to the preference of greenbacks over silver, for a greenback dollar costs less than it costs to mint a silver dollar, which would result in saving the 80 cents which the Government has to pay for the silver bullion; and in addition to this, the Government could get the people to take the greenback dollar, an end it can not accomplish as to the silver dollar.

Thus it is clear that if the argument be a sound one that the silver dollar is and will continue to be as good as the gold dollar because it has the legal-tender power and does the same duty in business affairs, it would be better for the Government to do away with the silver dollar and to substitute therefor the greenback dollar, which will do the same duty and do it in a more acceptable manner.

But these different kinds of dollars will not continue to circulate side by side at par if we go on coining silver, as I shall very clearly show, I think wehn, I come to speak of the real money we can and should have and will have if the silver-tinkerers shall be checked within a reasonable time.

WHY SHOULD THE SUSPENSION OF THE COINAGE OF SILVER DOLLARS ENHANCE THE VALUE OF CREDITS AND DEPRECIATE THE VALUE OF EVERYTHING ELSE.

In the first place, the suspension of the coinage of silver will not diminish the present volume of money to the extent of one farthing. The suspension at the most would only prevent increase in the future of the $28,000,000 we are coining each year. The amount of money we now have or would have at the date of suspension would continue to exist, plus the natural increase resulting from the importation of gold, and plus any addition that may result from the enlargement of the national-bank circulation. Therefore it must be evident to any sensible man that the dreaded depreciation of the value of property of all kinds and the enhancement of credits is but a bugaboo of the heat-oppressed brain or a figment of the soaring imagination.

I am speaking, of course, from the standpoint of a denizen of the United States, and as a legislator who looks to the welfare and best interests of his own country.

I apprehend that the free-coinage silver advocates are not bounded by any such narrow horizon as that of the United States. Their vast contemplation of the subject of money, and particularly silver, seems to be only limited by terrestrial time and space. No one of these advocates has made a speech on this subject, I believe, without showing by a formidable array of tables and statistics that the total production of gold in the world is about $6,630,000,000, and the total production of silver about $8,140,000,000. Then they follow this up by showing that about eight hundred millions of the people of the world use silver as their standard of value, about one hundred and ninety millions use silver and gold, and about ninety millions use gold.

From these and many kindred data the modern silver coinage advocate constructs what may be called an entire terrestrial monetary cosmogony. He will not deign to apply inductive methods, the methods universally acknowledged by modern scientists as the true ones, by considering the causes and effects of the monetary system of any one nation. Not he; that would be too small a subject for so great a man. He prefers to construct a magnificent pyramid of theory which will embrace all the people of the world and all the money of the world. Having done that, he deduces a profound conclusion for the whole world, and apportions it out among the nations in proper quantities. A vast international monetary conference, in which every nation of the world shall be represented, is simply indispensable to a proper opportunity for the display and outworking of such a genius. To contract the powers of such a statesman by national boundaries is downright cruelty.

DO THE PEOPLE WANT MORE SILVER DOLLARS?

We are told that they do, and it has been repeated so often that some really honest men have come to believe it. Well, let us see.

There are in the Treasury and subtreasuries, mints and depositories, in round numbers, one hundred and seventy-four million standard silver dollars. About eighty-seven million of these dollars are not represented by outstanding silver certificates.

The Secretary of the Treasury informs us that he has done everything in his power to put these dollars into circulation. He has withdrawn the one and two dollar notes and issued fives and tens in lieu of them, that the necessity for money of small denominations might draw these silver dollars out and keep them out. He has shipped them at the expense of the Government wherever they were wanted to help them out. Yet, in spite of all his efforts, they come rolling back into the Treasury vaults with a self-satisfied air, as if they had come to the house of their fathers and come to stay.

These facts do not propel a very strong conclusion that the people want them. The fact is the people do not want them, and the silver advocates know it.

But there is a way of testing this question not only now but in the future. My colleague [Mr. SCOTT] has introduced a bill, now in the hands of the Committee on Coinage, which provides that the Secretary of the Treasury shall maintain a minimum of twenty million standard silver dollars—he shall keep twenty million on hand all the time. If

anybody wants to make that minimum thirty million I shall make no objection.

Now this bill if enacted into a law will leave the amount of silver dollars to be coined entirely in the hands of the people. If the people want these dollars, actually want them, they will go to the Treasury or subtreasuries or national depositories and get them. If they like them they will keep them and use them for currency.

It is plain to be seen that a law of this kind would enable the people to procure all the silver dollars they wanted. If you raise the minimum to thirty million the people can take thirty million out each month, and if they keep them out—and they will do that if they want them—the Secretary of the Treasury will have to coin thirty million a month or three hundred and sixty million a year—nearly a million a day—instead of the twenty-eight million a year he is now required to coin. This would impart to our silver coinage the principle of elasticity up to a maximum of $360,000,000 a year.

The bonanza princes might combine to draw the coin from the Treasury so as to compel the Secretary to coin in excess of the normal demand of the people. But I am willing to run this risk. The specter of conspiracies shall not deter me.

Now, you say the people want the silver dollars. I point out to you a bill which every gold-bug, I imagine, in Congress will vote for, and which will enable the people to have coined nearly a million of silver dollars a day if they want them. Will you vote with me for that bill? Dare you vote for that bill? Here is a chance to show whether you really mean what you say or not when you say the people want these dollars. Here is an opportunity to put your theory to a practical test. Here is a method of relegating the entire subject of how many standard silver dollars we shall have to the people for their action and decision. Will you submit the matter to the people? I dare you to do it. If you will not do it, how dare you say that the people want these dollars?

THE GOVERNMENT THE CENTER OF OUR MONETARY SYSTEM.

Having stripped extraneous considerations from the discussion of this subject as well as I can in the hurry and pressure of my duties, I now propose to present some affirmative reasons for suspending the coinage of standard silver dollars.

The Government is the center of our monetary system. The quantity of gold in the Treasury and subtreasuries and depositories, the quantity of silver in them, the quantity of Treasury notes or greenbacks in them, and the specific and relative variations of these quantities, the organization of national banks, and the issue of national-bank notes, are all factors which affect the operation of our monetary system. They are centripetal and centrifugal forces which penetrate the entire monetary system of the country. The Government may be likened to the sun, and the national and private banks to satellites that surround this sun, and are thus enabled to maintain their orbital relations. Any disturbance of the center of the system will affect the satellites, and the destruction of the center will reduce the whole system to chaos.

It is not, therefore, surprising that the banks and bankers of the country are anxious that the Government shall conduct its banking operations according to well-defined commercial and business principles. Enlightened self-interest is a sufficient incentive to this desire. Self-preservation is a quite adequate motive.

BUT ONE STANDARD OF VALUE.

Now, our own experience and the experience of every other nation show that there can be but one standard of value. There may be nominally two, or a double standard, but practically there is but one. Our own experience and that of every other highly civilized nation show that the best standard of value is gold. Our Government has recognized this for many years past, having fixed the gold dollar as the unit of value, and having acted in accordance therewith since the resumption of specie payments in 1879. Nobody will deny—the most earnest silver advocate will not deny—that the maintenance of the gold standard is desirable.

CAN WE MAINTAIN THE GOLD STANDARD?

Without doubt, if we suspend the coinage of silver dollars and let our tariff laws alone. Our tariff laws give us a reasonable assurance of a favorable balance of trade, and the consequence is that we not only draw in more gold but retain what we have. We have, however, in this House to-day a remarkable spectacle.

The Committee on Ways and Means, in a room on the east side of the House, preparing a bill to reduce and take off the duties on imports in the face of a declining market abroad for our agricultural products; in the face of the fact that Europe, our only valuable foreign market, is now largely supplied, and year after year will be more largely supplied, by the British Indies and Russia with breadstuffs; and while the European market is being thus taken away from us, this committee is doing its best to destroy the home market of the millions of our people engaged in agriculture. And side by side with this operation, this committee is doing its best to cause the exportation of our gold by reducing duties. And in order apparently that misfortunes may not come singly, nor even in pairs, but in quartets, so-called protectionists are aiding in the work of demolition by favoring the continued coinage of a debased currency that will cause a horizontal reduction of tariff duties to the extent of the debasement the moment this debased currency becomes the measure or standard of value.

Tariff duties reduced by law, a further horizontal reduction by a debased currency, the balance of trade turned against us, and our gold drained away from us—this is the soup-house feast that is being prepared by American legislators for the American people.

Does anybody doubt that these consequences will follow the proposed action as to the tariff and non-action as to the silver dollars? If so, let him ask himself how the Government and the people would have fared during the late war if import duties had been payable in depreciated greenbacks. If anybody doubts that low-tariff duties result in draining our country of the precious metals, let him look at our past history.

We never had more than eight successive years of protection at any time since the adoption of the Constitution until 1861. And during all the period prior to 1861 we had not more than three or four years, as I recall the statistics, which showed a balance of trade in our favor, and the aggregate of these three or four years was but a few millions of dollars as against hundreds upon hundreds of millions on the other side of the account.

But since 1861 we have had now twenty-five years of continuous protection, and the consequences are (1) an aggregate balance of trade in our favor exceeding $1,400,000,000, and (2) an accumulation of $625,000,000 of gold, and (3) the recovery of nearly all our securities that had been taken abroad.

Thus do our monetary and tariff systems complement and sustain each other, and result in an admirable fiscal system. But notwithstanding the obvious advantages of this condition of things, the tariff agitators and the silver monoma—monometallists are doing their level best to demolish and break down our splendid fiscal system.

THE WAY TO MAINTAIN OUR GOLD STANDARD.

First, we must not reduce the tariff, for that will result in the exportation of our gold; second, we must avert conditions that will drive the gold out of circulation.

What are the conditions that will drive gold out of circulation? We have heard often in this debate about Gresham's law, that less valuable money will drive more valuable money out of circulation. If the bullion in a silver dollar is worth but 80 cents, it will drive out of circulation a gold dollar whose bullion is worth 100 cents.

Though everybody, I believe, admits the force of this law, it is contended that the silver dollars will not drive the gold out of circulation until the volume of the silver dollars shall equal the gold dollars. The gentleman from Ohio [Mr. WARNER] says the gold can only be displaced by an amount of silver equal to it.

I am confident that this is a mistaken notion. No man can say how soon the six hundred and twenty-five millions of gold will be driven out of circulation. It may occur very soon, and it may not occur for some time yet. But if we go on coining silver even at the rate of twenty-eight millions a year, it will occur as surely as night follows day.

But even on the hypothesis of the gentleman from Ohio is there not a sufficient amount of money now to displace the gold? There are three hundred and forty-six million greenbacks, three hundred and ten million national-bank notes, and two hundred and fifteen million silver dollars, making $871,000,000 of currency with which to displace $625,000,000 of gold.

Right here some one will say, "Why does not this $871,000,000 drive out the $625,000,000? Your own statement of facts refutes your conclusion."

Wait a moment and see if it does. I have said that our Government is the center of our monetary system. We all know that there is a large amount of gold in the Treasury. We all know, for the Secretary has so told us, that the Treasury pays checks and drafts with gold or gold certificates if desired by the presenters. Now, that mode of operating the Treasury makes silver and greenback dollars really convertible into gold. So long as this condition of things exists, so long will greenbacks and silver dollars maintain their parity with gold. The parity would continue for a hundred or a thousand years under these circumstances. Silver bullion might depreciate 50 per cent. below its present value, but if the dollars made of it were convertible into gold, either directly or through the operations of the Government, as is now the case, these silver dollars would continue at par with gold. It would be the same as to the greenbacks. The intrinsic value of greenbacks is almost nothing; but their convertibility into gold, either at the option of the holder or through the fiscal operations of the Government, will keep them at par with gold as long as they are convertible into gold.

These are the facts, and not the volume of money with which gold has to contend, that are keeping the silver dollar and the greenback dollar at par with the gold dollar.

But the Government receives customs dues in greenbacks, silver dollars, and silver certificates, as well as in gold dollars and gold certificates. Suppose the tariff duties are reduced, or even without a reduction of tariff duties suppose our imports exceed our exports to the extent of a hundred or two hundred million a year—a not unlikely con-

tingency in view of the vast and increasing exports of breadstuffs to Europe from the British Indies and Russia—large portions of our gold would then be taken away from us, the gold in the Treasury would gradually diminish. The shrewd bankers and moneyed men of the country, forecasting the probabilities of the situation, would hoard gold. The Treasury would soon exhaust its store of gold, and under these circumstances nobody would pay customs dues with gold. The Government would become unable, unless it would buy gold, to redeem greenbacks in gold, and silver dollars could no longer be converted into gold through the operation of the Government.

Is there any man so stupid as to believe that silver dollars and greenbacks under these circumstances would retain their parity with gold?

It is as certain as that the sun shines that the greenbacks and the national-bank notes and the silver dollars would instantly settle down to the bullion value of the silver dollar. A whole world of fanciful theories will not overthrow this demonstration.

You may higgle and wriggle, and haggle and daggle, and squabble and wabble, and gabble and babble about the silver dollar maintaining its equality with gold, but it is a debased coin, a coin that has been clipped by the laws of trade, and no amount of legislation by the Congress of the United States can lift it up to the level of gold. It is now in the very nature of things that 412½ grains of silver can not be made equal to 25.8 grains of gold.

THE CONSEQUENCES.

A first and obvious consequence of this condition of thing would be the contraction of our currency to the extent of the $625,000,000 of our gold coin.

A second consequence would be the unsettling of values, the creation of alarm in business circles, and the arrest of projected business enterprises. There is, indeed, one class of the community who would thrive—the speculators—those who thrive on the misfortunes of their fellowmen.

A third consequence would be the reduction of the wages of labor. The man who is now getting $10 a week with ten dollars' purchasing power would get $10 with but eight dollars' purchasing power.

All over the country the workingmen are striking for 10 or 15 per cent. advance in wages. This debased currency would cut down all wages at one fell swoop 20 per cent., and everything would be marked up before wages. I need not tell the workingmen and workingwomen of the country that wages are the last thing to go up and the first thing to go down in financial crises.

In the county of Allegheny, which I have the honor in part to represent, there were paid in wages per year, according to the census of 1880, $22,000,000. I suppose there are paid in that county now not less than $25,000,000 per year. The overthrow of the present gold standard and the accession of the silver standard would cut the purchasing power of this sum down $5,000,000. I am one of those who want to pay the workingman and the workingwoman as good a dollar as the bondholder or anybody else gets. And since so much has been said by the silver-dollar advocates about their sympathy with the cause of labor, I want to call attention to a fact that can be fully ascertained by a reference to our consular reports, namely, that the gold-standard countries of the world pay the highest wages, and as the volume of gold diminishes in the different countries of the world the wages of labor decrease. The countries that have no gold at all and which are purely silver countries pay the least wages in the world. That is a nut for our silver advocates to crack.

A fourth consequence would be to raise the rate of interest on money. If a lender of money knows that he will get as good money back as he lends, he will be content with the prevailing rate of interest. If, however, he apprehends that the money he may be repaid with may be less valuable than that which he lends, he will naturally increase his rate of interest to cover his possible loss.

A fifth consequence would be to put upon our country the strain and dishonor of a debased currency, and thus to reduce the United States, in a monetary point of view, from a first-rate to a second or third rate nation.

Mr. Speaker, the question for us to decide is a simple one. It is this: Shall we have the best money in the world or an inferior kind of money? We want the best. We want the best of everything. We can have it. We can have the best money that is going without asking the leave of any other nation in the world. We are entirely independent. Our resources are so abundant and so ample that we can supply all our wants. We are therefore in a position to choose the money we want. Patriotic duty and self-interest alike dictate that, under such circumstances, we should choose the best money.

What is the best money? Confessedly gold with a paper currency redeemable in gold, and a subsidiary coinage of silver. Our own experience tells us this. The experience of every highly civilized nation in the world tells us this.

Great Britain, Germany, France, and Belgium, the nations from which we draw our immigration, whose literature we read side by side with our own, and whose peoples most nearly resemble our own people, tell us this. All the able and learned writers on the subject of money tell us this. By a common consensus of the mature and prosperous and highly civilized nations of the world gold is indorsed as the unit and measure of value and standard of exchange, which is the function of money.

If we are but true to ourselves and the best interests of our people we will defeat the bill under consideration, and pass a bill suspending the further coinage of the debased silver dollars with which we are now loading the Treasury, and with which the Government will sooner or later cheat and defraud the people. [Applause.]

Mr. CRISP. Mr. Speaker, without making any pretense to special technical knowledge of finance, I propose to submit a few remarks on the much-vexed silver question. I am prompted to do this, sir, not so much with the hope of influencing the votes of others here as to give the reasons which lead me to cast my vote as I shall. I am opposed to any legislation that has for its object or that will result in the demonetization or the suspension of the coinage of silver. Perhaps I should be content to record my vote in opposition to any measure looking in that direction, but that a considerable number of my constituents, gentlemen for whom and for whose opinions I have the highest respect, have indicated by a petition which I had the honor some time ago to present here that they are in favor of the suspension of the coinage. Under these circumstances I feel that it is due to them, and due to myself also, that I should make some explanation of my vote, or rather of the reasons why I vote as I do.

We have had many fine-spun theories on the one side and on the other side of this question, and in listening to the extreme views of the extreme men of each one is not unlikely to feel that "which way he turns is financial death;" still, perhaps we should not mourn as those without hope. There should be some way out of our difficulties, and I fancy with the application of plain common sense we may find a path that will lead us from the "slough of despond" in which we now are back to more prosperous times and still not take us amid the perils incident to a depreciated currency. A medium of exchange is necessary in all commercial countries. That is, there must be something in common use accepted by the people as of certain value for which they can sell the surplus of that which they produce and with which they can purchase that which they need. This something we call money.

Now gold and silver have from time immemorial been recognized as precious metals and used as money, a certain ratio of value being established between them by the various governments of the world. Gold and silver are produced by nature. Man can make neither, and the stock on hand throughout the world depends, not upon the will or wish of man, but upon the amount that may be extracted from the earth. If either of these metals should be produced in such quantities as to be common, say like iron or copper, then something would have to be substituted for it, and we would be forced to discontinue its use as money. These principles are fundamental and disputed, I believe, by none.

Now let us examine the history of legislation upon this subject, inquire into the supply of gold and silver in this country and the world, see the amount of money we have and what we need, and thus discover if possible the reason for the present agitation on the subject of silver. By the common law both gold and silver were money at the date of the Revolution. The Constitution of the United States recognizes gold and silver as money; it provides that "Congress shall have power to coin money, regulate the value thereof, and of foreign coin;" and further, "no State shall make anything but gold and silver coin a tender in payment of debts." Gold and silver being used as money throughout the commercial world, it is necessary that each government should have some ratio of value between the two; that is to say, should determine by law how many pounds of silver shall equal in debt-paying value one pound of gold. It was and is desirable that the countries of the world should have the same ratio of value, but that has never been the case and probably never will be because of the diverse interests of different nations.

Now, we sometimes hear it said that Congress has no power to regulate the value of gold and silver; that with as much right and propriety it might say what should be the value of cotton or corn as to say what shall be the value of gold and silver; perhaps in one sense this is true, yet it is not true in the sense in which those who use this argument wish it to be understood. The right to determine what shall be money in any country must depend upon the will of the law-making power. It may be gold, it may be silver, it may be both, or it may be a paper promise to pay; whatever the law makes a legal tender for all debts, public and private, that is money. The law shall not say, and can not say, how much wheat, or corn, or cotton a dollar will buy. The owner of these articles may charge as many "dollars" for them as he can get, but the law determines what a "dollar" is. Now, as long as gold and silver are used as money, the Government must say what the ratio of value between them is; that is, must determine how many pounds of silver shall be equal to one pound of gold. In the language of the Constitution, "regulate the value thereof." So you see there is no similarity between the question of fixing the value of silver as money and fixing the value of cotton or corn or wheat.

In 1785 France fixed the ratio between gold and silver at 1 pound

weight of pure gold to 15½ pounds of pure silver; the rest of Europe soon adopted this ratio, and the whole of Europe has substantially adhered to it since that time. The United States in 1792 established a mint for the coinage of money, and provided that the ratio between gold and silver should be 1 pound of pure gold to 15 pounds of pure silver, ½ pound less of silver than the ratio established by France. Finding that not satisfactory, in 1834 the United States changed the ratio to 1 pound of pure gold to 16 pounds of pure silver, ½ pound more of silver than France, and since 1834 the ratio in this country has remained unchanged.

Now, at the time of the act of 1792 the accepted theory was that gold and silver in any quantity produced from the mines might be coined into money by the Government—that is to say, the amount of gold and silver coined into money should not be regulated by the law, but that any person who had it might take it to the mint and have it coined into money, just as we would take corn to the mill and have it ground into meal. The law fixed the ratio of value between the two, and nature furnished the amount, the Government put upon it the stamp making it a legal-tender coin, and every one could have coined as much as he could get. This was called unlimited coinage, and this law continued of force from 1792 until 1873. In the latter year the coinage of silver was discontinued and silver practically demonetized; the unlimited coinage of gold continued and still continues. In 1878 the present law was enacted. But before referring to its operations let us see what our financial status was after more than eighty years of free and unlimited coinage of both gold and silver.

On the 1st day of January, 1879, there was in this country $273,000,000 in gold coin and $65,000,000 in silver coin. This was the result of more than eighty years' free coinage. Up to 1873 no proposition was made to demonetize or suspend the free coinage of either gold or silver, although, judged by the same rule the advocates of gold apply now, they were not always of the same value. For many years gold was cheaper than silver, and at the very time of the demonetization of silver in 1873 the bullion in a dollar of that metal was worth about 3 cents more than the bullion in a dollar of gold. Cheap gold, though, did not drive out silver any more than cheap silver now drives out gold; in all commercial relations they stood then as they stand now, side by side. When gold was the cheapest there was not such clamor for its demonetization as there is now for the demonetization of silver; but that is not strange. We had then no great public debt; we had not so many bondholders who sought to influence legislation to increase the value of their bonds; the ordinary laws of trade were let alone and settled themselves without the aid of the bondholder, who is always careful to have things settled in such a way as to increase the value of his own securities without regard to the interests of that other and greater number of persons who have the bonds to pay.

In 1878 we passed the "Bland law" that was a compromise between those who wanted no silver coined and those who wanted unlimited coinage of silver. By its terms the Treasury is authorized to purchase and have coined not less than two nor more than four million dollars in silver each month. That is the law now. At the time of the passage of this statute the gold men predicted that it would drive gold out of the country, that prices would be inflated, and that all the evils that flow from a depreciated money would follow. Seven years after that prediction let us see how near the truth they came. I submit two statements from Burchard's report for 1884; the first shows the action of gold as to coinage, export, and import from 1873 to 1879, when silver was not coined at the Mint; the other shows the action of gold, &c., from 1879 to 1885 under the present law, which requires the coinage of at least $24,000,000 of silver each year.

Statement showing the net gold coinage from June 30, 1873, to January 1, 1879, and the gain by imports of gold coin, and the estimated amount of gold coin in the country at the latter date.

Year.	Gold coinage less coin deposited for re-coinage.	Net export or import of gold coin.	Gain or loss during the year.	Estimated amount of gold coin in the country at the close of the year.
June 30, 1873				$135,000,000
June 30, 1874	$34,853,441	$7,620,695	*$27,232,746	162,232,746
June 30, 1875	30,727,862	52,628,351	†21,900,489	140,362,257
June 30, 1876	35,649,931	22,488,810	*13,161,121	153,493,378
June 30, 1877	41,537,598	1,312,268	*40,225,330	193,718,708
June 30, 1878	51,181,497	‡2,367,267	*53,548,764	247,267,472
January 1, 1879	23,494,062	‡1,796,336	*25,290,398	273,000,000

* Gain. † Loss. ‡ Net import.

Statement of net coinage, import, and gain in United States gold coin from January 1, 1879, to January 1, 1885.

Years.	Net gold coinage.	Net imports of United States gold coin.	Total.	United States gold coin used in arts in excess of amount brought in by immigrants.	Net gain.	Total in the country.
January 1, 1879						$273,000,000 00
January 1, 1880	$38,874,788 14	$13,727,586 00	$52,602,374 14		$52,602,374 14	326,000,000 00
January 1, 1881	61,938,180 76	6,637,664 00	68,575,844 76		68,575,844 76	394,000,000 00
January 1, 1882	96,331,786 18	2,452,199 00	98,783,985 18	$3,000,000 00	95,783,985 18	489,000,000 00
January 1, 1883	65,478,536 09	*25,796,504 00	39,682,032 09	3,500,000 00	36,182,032 09	525,000,000 00
January 1, 1884	28,866,485 00	3,309,811 00	32,176,296 00	4,000,000 00	28,176,296 00	554,000,000 00
January 1, 1885	23,724,879 05	*8,417,059 00	15,307,820 05	4,500,000 00	10,807,820 05	563,000,000 00

* Net exports.

These tables are bad for the theory of the gold men. In 1879 we had $273,000,000 in gold. In 1885 we had $563,000,000 in gold. There must be something wrong about the theory. Cheap money, as they call silver, does not seem to drive out dear money, as they call gold—nearly $300,000,000 more gold after seven years' coinage of silver than we had before we began it. This is a practical fact and is worth more than all the theories in the world, and clearly establishes, I think, that theory to be wrong which says the coinage of silver will drive out gold and contract the currency. Let us examine these tables a little. From 1878 to 1885 we imported $301,025,100 in gold and exported $113,744,843 in gold, making our importation of gold during that period $187,280,259 more than we exported from the country. From 1878 to 1885 we exported $172,145,209 in silver and imported $103,914,843 in silver, making $31,769,745 exported in silver more than we imported. In other words, during those years we took and kept of foreign gold $187,280,259, and gave to foreign countries of our silver $31,769,745. Last year's operations, not shown in these tables, but presented in the report of the Director of the Mint for 1885, show that we imported of gold $26,691,696, exported $8,477,843, making $18,213,853 more gold coming in the country than going out; and of silver we imported $16,550,953 and exported $33,753,633, making an excess of silver going out of the country over that coming in of $17,202,680. Now, sir, silver certainly has not driven out gold; it really seems as if the reverse was true. And when you bear in mind that our silver dollar contains more silver than the dollar of any other country on earth, it is not strange that it is true.

But, say the gold men, the silver dollar is not an honest one, is not worth 100 cents, and therefore the Government ought to retire it. Let us see about this. If in saying it is not worth 100 cents in the dollar they mean that the bullion in it is not worth as much as the bullion in a gold dollar, they are probably correct; but why should that be the standard? Try it by corn or wheat or cotton. Will not a silver dollar buy as much of either of these articles as a gold dollar? Will not a silver dollar buy as much or more of the necessaries of life to-day than it ever would before? How do you determine when money is depreciated by comparing the bullion in it with gold bullion, or by comparing it with the value of those things required to sustain life? This country knows what depreciated money is. When greenbacks were worth only 40 cents in the dollar, that is, when any article you bought was worth two and a half to five or six times as much as it is now, that money was depreciated. Among the confederates when it required two or three hundred dollars to buy a pair of shoes, that money was depreciated. That was cheap money. How is it to-day with silver judged by such a rule? Was its purchasing power ever greater? Was there ever a time when gold or silver would buy more than it will

buy now? From a table prepared by the Director of the Mint for his report of 1884, I give the prices of a few articles of necessity in New York in the years named to show that prices are steadily going down:

Articles.	Average price during—		
	1870.	1883.	1884.
Wheat flour.....per barrel...	$6 11	$5 95	$5 58
Cotton.....per pound...	23	10¾	10¼
Nails.....do.....	5½	3½	3½
Boots and shoes.....per pair...	1 51	1 21	1 20
Bacon.....per pound...	15	10	10
Lard.....do.....	16	11	9
Sugar.....do.....	11	8	7
Wool.....do.....	.....	34	29

From this it appears that measured by its power to purchase flour, cotton, nails, boots and shoes, bacon, lard, sugar, and wool, silver not only has not depreciated but has appreciated, as it will buy more of either now than it would in 1870 or 1883. How, then, is it dishonest or depreciated? In determining the value of money you do not look alone to the value of the bullion in it. The value of bullion changes and varies constantly. The discovery of gold in California depreciated the value of the bullion, but a five-dollar gold-piece was still worth $5. Why? Because the Government determined that a piece of such weight and fineness should be accepted as $5 for all debts, public and private. This is what makes an article money; without this it is not money. The idea that an article is money because it has a value is absurd. Money is that which the law says may be used for the payments of debts, public and private. It is desirable that the bullion value of the metals should be nearly equal in coins of like value. But how is this to be maintained? To-day we might fix a ratio that would attain this result; how could we know that to-morrow it would not be changed?

We could not change our ratio with every change in the market price of bullion, and without so changing we can not maintain an equality in bullion value. The truth is that honesty and good faith require that the ratio that was established at the time of the creation of our great debts, public and private, should be maintained. What we call money is money only in this country. When taken to a foreign country it is bullion, and we can not fix its value. That is determined by the law of supply and demand. It is money here because the Government has a right to coin money, and our own people can use it in the payment of all debts, public and private. If you owed a debt of $5 you could not force your creditor to take in satisfaction of it gold bullion worth $10. Why? Because it is not money. You could force your creditor to take in satisfaction of his debt a five-dollar gold-piece, or five silver dollars, because it is money. The bullion value is one thing, the value as money is another and very different thing. Therefore the statement that our silver dollar is not an honest one, that it is only worth 80 cents, is without foundation. In London it may be worth only 80 cents, but we have no right to coin money for England. In this country it is worth one dollar, will buy one dollar's worth of anything, will buy a dollar in gold, will pay every debt that gold will pay, and therefore is worth as much as gold.

It is estimated by statisticians that the amount of the two metals now in the world is: Gold, $3,515,000,000; silver, $3,750,000,000. This gives a ratio for the world of about 48 per cent. gold and 52 per cent. silver. There is no great disparity between the amount of gold and the amount of silver mined each year. This is shown by the estimated amount of each in the world. After hundreds, perhaps thousands, of years use, there is comparatively little difference in the aggregate of each. The following table shows the production of gold and silver in the United States annually since 1845.

Production of gold and silver in the United States, annually, from 1845 *to* 1884, *estimated by R. W. Raymond from* 1845 *to* 1873, *inclusive, and by the Director of the Mint since.*

Years.	Estimated product.		
	Gold.	Silver.	Total.
1845	$1,008,327	.....	$1,008,327
1846	1,139,357	.....	1,139,357
1847	889,085	.....	889,085
1848	10,000,000	.....	10,000,000
1849	40,000,000	$50,000	40,050,000
1850	50,000,000	50,000	50,050,000
1851	55,000,000	50,000	55,050,000
1852	60,000,000	50,000	60,050,000
1853	65,000,000	50,000	65,050,000
1854	60,000,000	50,000	60,050,000
1855	55,000,000	50,000	55,050,000
1856	55,000,000	50,000	55,050,000
1857	55,000,000	50,000	55,050,000
1858	50,000,000	500,000	50,500,000
1859	50,000,000	100,000	50,100,000
1860	46,000,000	150,000	46,150,000
1861	43,000,000	2,000,000	45,000,000
1862	39,200,000	4,500,000	43,700,000
1863	40,000,000	8,500,000	48,500,000
1864	46,100,000	11,000,000	57,100,000
1865	53,225,000	11,250,000	64,475,000
1866	53,500,000	10,000,000	63,500,000
1867	41,725,000	13,500,000	65,225,000
1868	48,000,000	12,000,000	60,000,000
1869	49,500,000	12,000,000	61,500,000
1870	50,000,000	16,000,000	66,000,000
1871	43,500,000	23,000,000	66,500,000
1872	36,000,000	28,750,000	64,750,000
1873	36,000,000	35,750,000	71,750,000
1874	33,500,000	37,300,000	70,800,000
1875	33,400,000	31,700,000	65,100,000
1876	39,990,000	38,800,000	78,700,000
1877	46,900,000	39,800,000	86,700,000
1878	51,200,000	45,200,000	96,400,000
1879	38,900,000	40,800,000	79,700,000
1880*	36,000,000	39,200,000	75,200,000
1881*	34,700,000	43,000,000	77,700,000
1882*	32,500,000	46,800,000	79,300,000
1883*	30,000,000	46,200,000	76,200,000
1884*	30,800,000	48,800,000	79,600,000
Total	1,651,586,769	647,050,000	2,298,636,769

*Calendar year.

From this table it appears that very much more gold than silver has been produced in this country. And it further appears that nearly one-half of the silver now produced in the world is produced here. (In 1884 the estimated production of silver in the world was $115,000,000.) This table shows that from 1845 to 1879 we produced largely more gold than silver, and that, while for the past six years we have produced more silver than gold, yet in the aggregate the balance in favor of gold is more than $1,000,000,000.

Mr. Speaker, many millions more people use silver alone as a standard of value than those who use gold, or gold and silver. The silver-standard countries contain a population of 768,944,456, gold and silver a population of 187,300,000, and gold a population of 92,000,000, so that very much more of silver than of gold is required as a medium of exchange. I think from the figures mentioned, it clearly appears that silver is not yet a burden. It is still precious, and nothing has yet developed to indicate its production in such quantity as to call for its degradation from the high plane of a money metal.

Now let us look a little into the question of what money we have in circulation, and see if we have got enough, with or without silver. France is prosperous. France fixed the ratio of value between gold and silver in Europe. Let us compare our money with hers. France with a population in 1881 of 37,672,048, had a total circulation of $1,990,961,912. Of this $548,061,912 was paper, $848,000,000 gold, and $596,900,000 silver. The United States with a population of, say, 60,000,000, has a total circulation of $1,845,005,156. Of this $542,174,636 is gold, $278,824,201 is silver, and the rest paper. France has more than twice as much money per capita as we have, and twice as much silver. Why does France need so much and we so little? Why can France sustain twice as much silver as we can, hers at par with gold and ours not, and our silver dollar containing more silver than hers? Can any gentleman explain this? Are the French people more industrious, more thrifty, more enterprising than we are? Is her territory so extensive as ours? Does she need as much money as we do?

It seems to me, sir, there is but one explanation that can be given, and that is that our financial management under Republican rule has been in favor of one class against another; in favor of the rich against the poor; in favor of the bondholder against the bond-payer. I believe we should have more money, Mr. Speaker; therefore I am in favor of increasing rather than diminishing the coinage of silver. I believe that coin, gold and silver coin, is the best money in the world, and I do not see why we should hesitate to coin either when the total amount now in the country is not sufficient for the wants of legitimate trade and commerce. We produce the silver, why not coin it? We are told that silver will not circulate, that the people do not want it, that we can not get it out of the Treasury, or if we get it out we can not keep it so, and that the vaults are bursting with this depreciated metal. This table shows the total circulation in the country and its character.

Form and location of total circulation July 1, 1885.

	In Treasury.	In national banks.	In other banks and general circulation.	Total.
Gold bullion	$66,847,095	.....	.....	$66,847,095
Silver bullion	4,654,586	.....	.....	4,654,586
Gold coin	179,952,890	$90,758,947	$271,462,799	542,174,636
Silver dollars	165,413,112	7,000,000	31,471,269	203,884,381
Fractional silver coin	31,236,899	1,897,554	41,805,367	74,939,820
Gold certificates	13,593,410	74,816,920	51,491,316	139,901,646
Silver certificates	38,370,700	3,139,070	98,813,370	140,323,140
United States notes	45,047,378	79,701,352	221,990,236	346,738,966
National-bank notes	9,945,710	23,465,388	285,165,613	318,576,711
Fractional currency	3,285	489,927	6,470,963	6,964,175
Total	555,065,065	281,269,158	1,008,670,933	1,845,005,156

This shows coin in the Treasury: Gold, $246,799,985; silver, $201,304,597; against the gold, certificates are out to the amount of $126,308,236; against the silver, certificates are out to the amount of $101,952,440. When the coin itself is out, gold is preferred. When the certificates, which represent the gold and silver respectively, are out the people are indifferent and take one as readily as the other. The truth is, that for the common, every-day uses of life the people do not want either coin, except silver for change. They prefer its paper representative. If you had $1,000 you would not care to have either the silver or gold if you could get a paper which represented the coin, and upon which you could get it should you for any reason want it. A ten-dollar gold certificate is more convenient to carry than a ten-dollar gold-piece. A ten-dollar silver certificate is more convenient to carry than ten silver dollars.

As between the coin itself the gold is less bulky and most convenient, but the representative of each is more convenient than either, and I have no reason to believe that as between the gold certificate and the silver certificate the people have any choice. One is as good as the other for all purposes for which money is used; the silver certificate will pay every debt the gold certificate will pay, the Government takes either for all dues and taxes, the faith of the Government is as much pledged to the one as the other, and that which makes an article money, the stamp of the Government, its legal-tender quality, is the same in both. Can you not see what has caused the decline in silver bullion? War, bitter war, has been made upon it.

The Treasury Department will not pay it on our bonded indebtedness; the Treasury will no longer exchange silver certificates in the South and West for gold coin, as once it did. The Secretary of the Treasury recommends the suspension of its coinage. The Secretary only coins the minimum required by the act of 1878—$2,000,000 a month—when he might coin $4,000,000 a month. These acts of the Government have tended to discredit it. As you diminish its uses you decrease its value; as you add to the trouble and expense of getting it in places remote from the mints you necessarily decrease its circulation. That the people want it is illustrated by the operations under an order of the Treasury allowing persons to exchange gold coin for silver certificates. Under that order, made in 1880, persons holding gold coin could deposit it at the treasury in New York and receive in exchange for it silver certificates.

From 1880 to 1885 the South and West deposited $80,730,500 in gold coin and took silver certificates therefor at par. Does this look like the people did not want silver? On the contrary, it shows they prefer the silver certificate to the gold coin, and would continue to exchange the one for the other, but that the order allowing the exchange has been revoked. It seems to me, sir, the Treasury Department has tried to keep silver from circulating instead of aiding it, as it should have done. Other influences are at work to discredit silver. Our bonded debt is now about $1,843,713,715. On this we pay an annual interest charge of $47,014,133.

The holders of these bonds have a pecuniary interest in demonetizing silver, and bondholders, Mr. Chairman, are generally alive to their own interests. I venture the assertion that they never fail to seek such legislation as will benefit them. For many years they have not sought in vain. Under Republican rule they have always had it. They want more of it. I trust, sir, they will not secure it from Democrats. Our party has pledged itself against such class legislation. Let us be vigilant to keep our pledge.

Look for one moment at the history of our bonds. They were largely bought with a currency that was worth about 40 cents on the dollar—that is, a one-hundred-dollar bond was bought for $100 in paper money when the money was only worth about $40 in gold or silver of the present standard; the principal and interest were payable in Treasury notes of the United States; the bondholder asked for gold and silver instead, and a funding act was passed under which the holders of these bonds could return them to the Treasury and get new bonds, by the terms of which the principal and interest should be payable in coin of the standard value of 1870; that is, they should be payable in the gold and silver we now have, either gold or silver, or both, as is most convenient to the Government. It is needless to say they returned the old and took the new bonds. On the face of the 5 per cent. bonds is this inscription:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

On the face of the United States 4 per cent. bond is this inscription:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The 3 percents are also payable in coin of the present standard. Now, this change was made at the instance and for the benefit of the bondholder. By the change of contract, instead of being required to receive paper money, he became entitled to receive gold and silver of the standard value of the United States in July, 1870. The gold and silver dollar to-day are of the same standard as they were then; therefore the holder of our bonds can not deny our perfect right, legal, equitable, and moral, to pay in the gold and silver of to-day as we promised to do. If gold or silver, either or both, had appreciated in value and been harder to get, by the terms of our contract we should still have been bound to pay therein. If gold and silver, either or both, have depreciated and are now less valuable, why should not the bondholder be bound to receive it?

"But," say the holders of these bonds, "silver as bullion, silver in foreign markets, is less valuable now than it was when we took the bonds; gold as bullion is more valuable than when we took the bonds, therefore you should pay us in gold; we do not want silver; notwithstanding we agreed to take it, we do not want it; we want gold, we want legislation that will compel you to pay us in gold;" and to obtain such legislation, Mr. Speaker, the bondholder joins in the war upon silver and tries to depreciate its value that we may be led to demonetize it. The national banks are all holders of Government bonds—their circulation is predicated upon them. How do they treat silver, much abused silver; silver, the coin in which we have a right to pay but in which they do not wish to be paid? Recur to the table to which I have called attention, the table showing the form and location of our circulation.

The national banks of the country, holding within their vaults $281,269,158, have only $8,897,554 in silver coin and $3,139,070 in silver certificates. They seek to discredit silver, and will not accept it if they can avoid it. They do whatever they can to raise an outcry against it in the hope of creating a public sentiment that will demand its demonetization. The New York clearing-house, representing the banks of that great city, will not accept it in their exchanges. England, a nation of creditors, holding the promises-to-pay of the world, has demonetized it. Germany, another creditor nation, has ceased to coin it; and those generally who hold large amounts of bonds, notes, and other securities, whether national, State, or private, unite in the war upon silver—and for what?

I can see no reason either in the experience of the past or the promise of the future to justify this crusade. What motive, then, prompts it? There can be but one: a desire to increase the value of debts and bonds. Now, sir, I censure no individual for seeking to enhance the value of his own property; any and all of us would do so if we could, but the Government should not do so for us at the expense of others. No statute should be passed which is in favor of the few against the many. No statute should be passed which increases the burden of debt that already hangs over the people, and enables the fortunate holders of this debt to exact of the great mass of persons who have it to pay more than they can now justly demand. What has been the effect of our financial legislation since the war? What would be the effect of legislation which suspended the coinage of silver? Who would be benefited by such a course? Who would be injured?

There is an amount of circulating medium which is neither too much nor too little for the interest of legitimate trade and commerce; and that country is blessed most which comes nearest to finding what amount that is and maintaining it; to have more inflates the prices of all commodities, and consequently depreciates the value of money; to have less reduces unduly prices of all commodities, and thus appreciates the value of money; to have more money than we ought to have is unjust to the creditor, because it depreciates the value of his debt; to have less than enough is unjust to the debtor, because it increases the burden of his debt. Have we enough money in circulation now for the legitimate uses of trade? We have about $26 per capita of our population.

France has about $52 per capita; do we not need as much as France? We hear no complaint that she has too much. On the contrary, we are cited to France as an illustration of the prosperity that we may expect here upon the suspension of silver coinage. If we need no more than France—only an equal amount—then we have but half enough. The value of the credits of the country are unduly enhanced, and the burdens of the debtor unjustly increased. And yet, Mr. Speaker, we are asked to do what has a tendency to strike down a large part of the too little money that we have, and thus magnify the evil.

Let me illustrate this point. A holder of an interest-bearing bond or note has a fixed annual income to the amount of his interest. Suppose he holds a one-hundred-dollar 4 per cent. bond; it pays him $4 a year, whether money is scarce or plentiful. Now, if you unduly contract the currency, you increase the value of his $4, because it will buy more of the necessaries of life than it would if a proper amount of money was in circulation. If you unduly expand the currency of the country, you diminish the value of his $4, because it will not buy as much of the necessaries of life as it would if a proper amount of money was in circulation. The number of dollars of his income does not change, but its value does. From Mr. Spofford's Almanac and other sources the following

table has been prepared, making an estimate of the debts of all kinds owed by the people of the United States:

United States, 1885	$1,438,512,995
Aggregate State, funded and unfunded, 1885	262,175,245
Territorial, 1880	179,178
County, 1880	123,877,668
Municipal	698,270,199
Railroad, funded, 1884	3,669,115,772
Individual mortgages (estimated)	6,000,000,000
Total	12,193,161,057

Now, this vast debt bears interest, and the holders of it have fixed incomes to that extent. This debt must be paid by the producers of the country; it is a tax upon them. Shall we legislate to increase its value? Already, sir, if we have not enough currency, it is more valuable than it should be. Shall we by diminishing the quantity of the medium in which we must pay increase the difficulty of payment? All these debts may now be paid, lawfully paid, in silver dollars. It is so "nominated in the bond." Why not coin silver to enable the people to pay? We are told that we should increase the bullion in the silver dollar and then we could coin it. Why should we increase it? The contracts were made on the present basis. Our dollar buys as much now as it ever did. Do we want to make it buy more? Do we want further legislation in favor of the class who are always crying more, more? I protest against it. That kind of legislation has been had long enough; we want a little now in the interest of justice and fairness.

To the Republican party we owe the class legislation which has so long afflicted the country. Under their rule the rich have grown richer, the poor poorer. The Democratic party has promised a change. Let us begin now, and as far as in us lies redress the wrongs that have been so long visited upon the many in order that the few might thrive. I would not, sir, knowingly vote for any law that would operate unjustly on our bondholders or the creditors of the country. I wish to deal fairly and honestly by them; but at the same time I propose to keep in view the interests of the producers, the laborers, the people who have the debt to pay. I do not believe, sir, we should demonetize silver. Such an act would have the effect of adding at least 20 per cent. to the value of the credits of the country and of course adding a corresponding burden to those who have to pay.

I do believe, sir, that we should coin the maximum amount of silver that we can coin under the present law, and apply it, as well as gold, to the payment of our bonds; pay the debt as fast as possible; if the silver returns to the Treasury, pay it out again and again until we have no debt to pay; if the payment of bonds reduces the circulation of national-bank notes the silver certificate will take its place. Issue a certificate for every dollar we have. Let the Government be friendly to it. Convince the bondholders and bankers we do not intend to demonetize it. They, too, will then have an interest in maintaining its value. They will then no longer be its enemies, and, with the friendly co-operation of the Government and the bondholder, silver bullion and gold bullion will soon be as silver coin and gold coin now are, of equal value in the market.

The advocates of a single gold standard tell us that the interest of the laboring man should prompt him to advocate the demonetization of silver, because, they say, silver being a cheap money will drive out gold, and he will be paid in the cheap money. In the first place, experience, that best of teachers, shows that our silver will not drive out gold, and aside from that the statement is without foundation. If money is plentiful the price of labor is good; if scarce the price of labor is low. If money is plentiful the farmer gets a good price for his cotton; if money is scarce, as it now is, he gets a poor price. The price of labor and the price of cotton, other things being equal, vary with the volume of the currency. The farmer and the laborer are interested in having just enough money in circulation for the legitimate uses of trade, no more, no less. Indeed, this is true of all classes except those with fixed incomes; they always fare best when money is scarce. While their income does not vary in amount, it is greater in its purchasing power when prices are low than when prices are high, and prices are always low when money is very scarce. The holder of a bond or note drawing interest is benefited by a contraction of the currency. The less money there is in circulation the more valuable is his interest, and the more valuable his interest the more of labor or produce of the farm it takes to pay it.

Suppose a laborer owes the bank $100. If money is easy he can get, say, $1 a day for his labor, and he can pay his debt with one hundred days' work. If money is very scarce, he can only get 50 cents a day for his work. Now, probably, owing to the general reduction in the prices of what he wants to buy in consequence of the scarcity of money, he can buy as much with his 50 cents as he could with the dollar he got in good times; but so far as his creditor is concerned, when he comes to pay him it takes two hundred days' work to pay him. His debt does not change. It takes the same number of dollars to pay him, and yet it takes twice as much labor to pay him in hard times as it does in good times; so you see that whatever makes money scarce increases the value of bonds and debts, and also increases the burdens of those who have the debts to pay.

Now, take the farmer who raises cotton and who is in debt (and I am sorry to say most of them are in that condition); he owes $400 to the bank; he expects to pay the debt by the sale of his cotton; if money is plentiful, that is, if the circulation of the country is sufficient for the wants of trade, his cotton brings him, say, 10 cents a pound, $50 a bale, and eight bales of cotton will pay his debt. Now, if we have 20 per cent. less money than we ought to have for the legitimate wants of trade, what we do have will be increased in purchasing power 20 per cent., and the cotton that is worth and ought to bring 10 cents a pound only brings 8 cents, or $40 a bale. Now, probably that $40 will buy as much provisions or supplies as the $50 would, because prices are lower, but still it will take ten bales of cotton to pay his four-hundred-dollar debt to the bank; the value of the debt has been increased two bales of cotton, and the burden of the debtor has been increased a like amount. That is what I mean when I say that if you strike down silver you increase the value of bonds, notes, and securities, and add to the burdens of the debtors of the country. Owing, perhaps, to the limited amount of money in circulation cotton is now worth only $40 a bale. Demonetize silver and you take away probably 20 per cent. of our actual circulation.

What is the result? Instead of bringing $40 a bale, as now, cotton will only bring $32 a bale. In that case, instead of taking ten bales of cotton, as it now does, to pay the debt of $400, it will take more than twelve bales to pay it, and substantially, whatever may be said about it, such a law takes from the debtor unjustly to give to the creditor; it is legislation for one class against another class, for the rich against the poor, for the few against the many, and I am unalterably opposed to it. If, sir, we have too little money, the supply should be increased; not unjustly so; not to such an extent as to unduly depreciate the value of securities; I am as much opposed to that extreme as to the other; but to such an extent as to undo the injustice that has resulted from the class legislation of the past and give us a sufficient amount for the legitimate uses of trade. If we have now 20 per cent. too little money, and a proper adjustment was brought about, what would be the result? Instead of the farmer getting $40 a bale for his cotton, as he now does, he would get $50 a bale for it, and eight bales of cotton would pay the debt that now requires ten.

I have said, sir, that I think we have in this country too little money for the general good. Representatives from the East, the money centers, question this statement; the bankers of the country think and say that there will always be sufficient currency under the banking laws, because the banks will issue circulation to meet the demands of trade. Mr. Speaker, I respectfully suggest that the bankers should not be allowed to determine for the whole country what amount of money is needed. I can not see, and do not believe, that the interest of the creditor and the debtor, the money-lender and the money-borrower, are the same. Now, the East is the creditor and the South and West the debtor, the East is the money-lender and the South and West the money-borrower. Are their interests in respect to the amount of circulating medium the same?

If there is too little money the value of credits is enhanced, the burden of debts increased; if there is too much money the value of credits are reduced, the burden of debts lightened. What benefits the one injures the other; what helps one hurts the other. Their interests then are not the same, and as a representative from the South I look with some degree of suspicion upon suggestions as to financial legislation coming from the East. I do not mean to say or be understood as saying that the capitalists of the East are any more selfish than other people, but I take it for granted they are looking after their own interest. Acting on the same principle, looking after the interest of the people that I represent, I suspect their policy. They may do the same as to mine if they please. Let both views be presented and remitted to the people. They can pass upon the question; they will pass upon it; and whether we like their judgment or not we must abide it.

Now, there is going on in this country, there has been going on for some years, a steady contraction of the currency, about $50,000,000 in the past four years, and at the same time our population is steadily increasing at the rate of more than a million a year. We should have a regular increase in the currency to keep pace with the increase of population, and instead of that a decrease is annually taking place. We have now no laws that tend to an increase. The regulation of the amount of currency is left almost wholly to the national banks. They increase or decrease at will, and of course they "will" to do that which is to their advantage. We have in round numbers $346,000,000 of United States notes, besides the gold and silver in the country that the national banks can not control; the rest is regulated by them, more or less, as they please, and they have been pleased to make it less each year. Of the money in the country other than national-bank notes about $500,000,000 is kept in the Treasury of the United States or was there on the 1st of July last, and thus the circulating medium is practically diminished by that amount.

These facts convince me that we need more money in circulation than we have, and I think a calm survey of the business, laboring, and agricultural interests of the country will convince any fair-minded man of that fact. All business is depressed, prices are abnormally low, laboring men are unemployed, and everywhere the great agricultural interests languish. Now, sir, there may be other causes that contribute to

this result. It is not always easy to assign causes for effects; yet, sir, I believe the general distress to be more largely attributable to scarcity of money than anything else. Our legislation and management has been for years in the direction of aiding the capitalist and against the debtor. Let us go no farther in that direction. The debts of the country are enormous. Our national debt held largely in foreign countries, our State debts, our municipal debts, our county debts, our town debts, all must be paid by the laborer and producer; and the laborer and producer are burdened already by private debts.

Why, sir, in the South it is hardly too much to say that nine-tenths of the people are in debt. They found themselves after the late war reduced to poverty, and ever since have been manfully struggling to better their condition. Our people are largely an agricultural people; they depend upon the farm for support; they have received no "protection" at the hands of the law; they were forced from necessity after the war to incur debts to start their farming operations; they have been unable to extricate themselves from debt; their burdens have grown heavier and heavier; the value of their productions have steadily diminished, and each year, after hard labor and unceasing industry they find themselves deeper and deeper in debt. In their name, sir; in the name of the struggling poor everywhere in this country I protest against a continuance of the legalized oppression of the past fifteen years.

Now, sir, I do not pretend to be a financier. I have no fine-spun theories to present. I know, however, the great distress that everywhere exists, and I feel that I would be unfit to represent the generous people who sent me here if I did not urge some change that might afford relief. I think, sir, the money in the Treasury should be paid on the national debt, and thus be put in circulation. I think that a certificate should be issued for every dollar we have or may have, gold and silver, and be put in circulation by the payment of our debt. I think we should issue one and two dollar silver certificates for the convenience of the people, and thus afford convenient change, and I think some legislation should be had that will deprive the banks of the power to contract the currency.

I submit as a matter of interest, the following table, showing the production by States and Territories of gold and silver since 1792:

Unrefined gold and silver of domestic production, with the States and Territories producing the same, and refined domestic bullion not distributed, deposited at the mints and assay offices from their organization to the close of the fiscal year ended June 30, 1885.

Locality.	Gold.	Silver.	Total.
Alabama	$225,479 24	$44 63	$225,523 87
Alaska	161,231 87	1,270 01	162,501 88
Arizona	3,758,623 79	13,398,576 13	17,157,199 92
California	735,513,362 26	3,840,939 42	739,354,301 68
Colorado	47,699,520 23	23,201,863 18	70,901,383 41
Dakota	23,093,175 82	292,589 10	23,385,764 92
Georgia	8,278,444 92	2,860 99	8,281,305 91
Idaho	27,471,205 51	1,341,032 04	28,812,237 55
Indiana	40 13		40 13
Maine	5,638 20	22 00	5,660 20
Maryland	3,625 84	2 94	3,628 78
Massachusetts		917 56	917 56
Michigan	5,733 49	3,596,001 83	3,601,735 32
Montana	55,979,576 77	11,813,040 50	67,792,617 27
Nebraska	156 97	2 42	159 39
Nevada	22,679,390 61	92,041,213 13	114,720,603 74
New Hampshire	11,020 55		11,020 55
New Mexico	2,210,192 37	5,259,348 89	7,469,541 26
North Carolina	11,007,150 66	48,564 48	11,055,715 14
Oregon	18,307,527 29	55,817 61	18,363,344 90
Pennsylvania	1,138 34	2,588 47	3,726 81
South Carolina	1,561,390 28	1,005 68	1,562,395 96
Tennessee	87,409 38	8 45	87,417 83
Texas	97 86	2,502 85	3,600 71
Utah	729,217 07	18,934,453 12	19,662,670 19
Vermont	85,598 21	49 94	85,648 15
Virginia	1,713,089 33	186 67	1,713,276 00
Washington Territory	355,599 21	1,375 39	356,974 60
Wyoming	742,532 56	11,926 41	754,458 97
Other sources or not reported	36,877,140 71	41,582,487 89	78,459,628 60
Total unrefined	998,564,309 47	215,430,691 73	1,213,995,001 20
Refined bullion	270,615,320 33	137,896,215 10	408,511,535 43
Grand total	1,269,179,629 80	353,326,906 83	1,622,506,536 63

This country produces about $48,000,000 silver yearly. Of this amount perhaps $15,000,000 is used in the arts and manufactures, leaving only about $33,000,000 for coinage. It can be coined under the present law; it certainly should be coined and put in circulation. I can not understand how it can be said that silver can not be got out of the Treasury when we have only to pay it out on the public debt. Suppose we try that plan. I think we will find it will work well. There has been much clap-trap, Mr. Speaker, used in this discussion, perhaps on both sides, but the baldest effort to deceive is the suggestion that the coinage of silver under the present law is very expensive, and that it costs the people great sums to build vaults to store it. The Secretary of the Treasury tells us that he is paying out every month two millions in gold for silver bullion, coining it and keeping it in the Treasury.

I have suggested that we might pay it out on our debt. It seems to me very strange that it did not and does not occur to the Secretary to pay for the silver bullion he buys every month in silver instead of gold. He has a perfect right to do so. Why not do it? Now, as to cost of vaults in which to store the silver when coined, the truth is that the Government of the United States since the passage of the present law has made a clear profit of $25,000,000 on silver—that is, the bullion bought has, when coined, turned out twenty-five million more dollars than we paid for it; and yet we are told it costs the people a vast sum out of the common treasure to continue this coinage. Why, sir, the profits we have made would largely more than pay for all necessary vaults for storage, and at the same time do what I think ought to be done, pay for transporting silver to the various depositories, so that the people and local banks throughout the South might get it without having to pay large express charges for its transportation. There is absolutely nothing, sir, in the idea that the Government is losing anything by the coinage; on the contrary, a large profit—near $5,000,000—is made each year.

Now, sir, some of my suggestions may be crude. Perhaps they are, but they point in the right direction—relief to the people; and if I can do anything to contribute in the slightest degree toward lightening the burdens under which the great mass of them now struggle, the sum of my happiness will be complete. This is a Democratic House. The Democratic party professes to favor equal privileges to all and unjust discriminations in favor of none. Let us act upon that idea; let us legislate alike for the rich and for the poor, for the creditor and for the debtor; giving neither, by law, any advantage over the other, but giving to each and to all men a fair opportunity in the race of life. Less than this no man or class of men should have; more than this, no man or class of men should ask. [Applause.]

[The chair was resumed by Mr. CRISP as Speaker *pro tempore*.]

Mr. WORTHINGTON. Mr. Speaker, it is always well to watch the milestones and to note what progress is being made. The silver question has been for months the center of thought both in and out of Congress. Has anything been gained by its discussions? I answer, yes; much has been gained. First, I may say, the history of the coinage legislation of the Government since its foundation has been widely published, and is now generally understood. No one now thinks or speaks of the silver dollar as a dishonest dollar, meaning thereby that it is anything different or other in the amount of silver it contains, from what it always has been since its coinage was first authorized in 1792. What it was then it is to-day, and has ever been, except for the five years from 1873 to 1878, during which time it was demonetized by an act of Congress, which, to say the least of it, was passed without the knowledge and consent of the people.

What is the next fact that has become prominent? That from 1792 until 1873 the silver dollar was a full legal tender for all indebtedness, and its coinage was free. During all these years there was no distinction made between the two metals. The doors of the mints stood wide open alike to both gold and silver. That when we return to free coinage we will not be feeling our way over an untried path, but will be walking on the well-beaten highway of a hundred years' travel and monetary experience. Again, the terms, conditions, and circumstances attending the refunding of the war debt and the issue of bonds from time to time have been drawn from the history of the last twenty years and repeated until the country understands them. This is an important addition to public knowledge. The minority report of the Committee on Coinage, Weights, and Measures tersely and forcibly puts this information in the following words:

Again, as is well known, the refunding acts of 1870 and 1871 provided for refunding the whole public debt into a coin debt, and that the principal and interest of the bonds authorized should be paid in coin of the standard value of 1870. At that time the silver dollar (412½ grains) was the standard of value, and the coin called for in the bond was that dollar or the gold dollar (25.8 grains), at the option of the Government. There is this inscription on face of bonds of the 5 per cent. funded loan of 1881:

"This bond is issued in accordance with the provisions of an act of Congress entitled 'An act to authorize the refunding of the national debt,' approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November, in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority."

Also on the face of the United States 4 per cent. bond:

"This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority."

All the interest-bearing coin obligations of the Government now outstanding were issued by virtue of this act, except the 3 per cent. bonds issued under the act of 1881, or since silver coinage was resumed, and are payable in either gold or silver coin. Therefore, to restore the silver dollar and compel its payment in the redemption of these obligations would be no violation of contract or of good faith on the part of the Government toward its creditors.

The general diffusion of this historical information is a result of the silver discussion.

Another fact has come to the front. On the 31st day of August, 1865,

the total indebtedness of the Government was twenty-eight hundred and forty-six millions. On the 1st of February, 1866, the Secretary of the Treasury reports to Congress the total debt at eighteen hundred and thirty-seven millions—a reduction of one thousand millions; and yet, at the average present price of the common products of human labor, cotton, wheat, corn, oats, rye, barley, hogs, &c., it would take more of the products of human labor at present rates to pay the balance of eighteen hundred millions than it would have taken to pay the twenty-eight hundred and forty-six millions in 1865. In other words, as all wealth is the product of labor in some form, it would take more human labor to pay the balance at the present price of labor's products than it would have taken to pay the whole debt in 1865. This is a proposition that sets men to thinking. It requires as much labor to raise a bushel of wheat now as it did then. But it takes 2,000,000 bushels of wheat to pay now what 1,000,000 would have paid in 1865.

Another fact has been gleaned from the investigation. The interests that secured the passage of the refunding acts of 1870 and 1871, providing for refunding the whole public debt into a coin debt, that secured the demonetization of silver in 1873, that opposed its remonetization in 1878, that insisted upon a resumption of specie payments on January 1, 1879, that brought about a contraction of the currency to aid in the resumption of specie payments, that opposed and denounced the decisions of the Supreme Court which declared that greenbacks were a legal tender, that insisted upon the retirement of all United States Treasury notes and that national-bank notes should be the only paper money of the country and gold the only legal tender, are the identical interests that to-day lead the crusade against silver, denounce free coinage, and insist upon the suspension of the Bland act. Men are prompted by self-interest. The same motives that operate now operated sixteen years ago, and have exerted their force continuously in the same direction ever since.

You can trace their influence in every legislative act that has touched the currency during that period. It was first to secure beyond peradventure the payment of the public debt in coin. Next to declare that silver should no longer be money, and thus to secure the payment of the public debt in gold. Next to force specie resumption and thus secure the payment of all debts, both public and private, in gold. Human greed is the same in all generations. Is it strange that Christ scourged the money-changers from the temple? What a bonanza Wall street would have secured if it could have held the obligations of the country, both public and private, until they were redeemed in gold? But the people rebelled. They have always been in favor of silver. They are so to-day. The result was the legislation that again made silver a legal tender, and that ordered the coinage of from two to four millions each month. In principle, at least so far as it directed the purchase of bullion and its coinage by the Government, it can not be defended.

There is no more reason why the United States should buy silver from a mine than wheat from an elevator. But in practice it was better than to put the whole country at the mercy of the creditor classes. It was a compromise. The bimetallists wanted free coinage then. The monometallists wanted no silver, except as subsidiary coin. In one view, in my judgment, the compromise was unfortunate. If the gold advocates had succeeded then, there would have been such widespread financial ruin and universal depression in business that the people, through their representatives, would, at the next Congress, have settled the question for all time by making the coinage of both metals equally free.

Another fact, another mile-stone in financial progress has become apparent. Either the advocates of monometallism have been converted to bimetallism, or they have become so convinced of the overwhelming public sentiment in favor of a double standard that they do not think it prudent at the present time to insist upon a single one. Heretofore the discussion in and out of Congress has been mainly as to whether we should have a two-metal or a one-metal standard. Now the gold advocates avow themselves to be friends of silver, and aver that they want its coinage suspended so as to keep it at par with gold at its present ratio. But after all it is only the old idea in a new dress. It is making gold the standard and measuring silver by it.

I admit freely the difficulty of measuring values by two different yard-sticks, either of which may change its length. But I am unable to see, if we are to be confined to one, why the yard-stick that has been lengthened in comparison with all other commodities should be used instead of the other that relatively has preserved its old dimensions. The Secretary of the Treasury, in his reply to the interrogatories proposed by resolution of this House adopted on the 3d of February, says:

> I have labored to promote the circulation of silver with unremitting energy. I have pressed its circulation at a constant expense to the Treasury when other forms of money could have been circulated without such cost. * * * I have upheld its value by never compelling its receipt by any creditor of the Government, and never failing to provide by exchange or transfer whatever currency might be preferred.

This may be taken as a fair and explicit exposition of the policy of the Treasury administration. In other words, it means the circulation of silver upon a gold basis—bimetallism upon a monometallic standard. In the statement of the public debt made by the Secretary of the Treasury April 1, 1886, we are told that the total indebtedness at that date was $1,494,373,335, and that there was a net cash balance, after deducting the one hundred million reserve fund and deducting gold and silver reserved for outstanding gold and silver certificates, with other specified and proper deductions, of $76,381,099, of which $32,410,000 was in silver certificates. The tabulated statement is as follows:

Available for reduction of the public debt:		
Gold held for gold certificates actually outstanding		$90,775,643 00
Silver held for silver certificates actually outstanding		90,122,421 00
United States notes held for certificates of deposit actually outstanding		11,925,000 00
Cash held for matured debt and interest unpaid		17,404,284 38
Fractional currency		2,780 13
Total available for reduction of the debt		210,230,128 51
Reserve fund:		
Held for redemption of United States notes, acts January 14, 1875, and July 12, 1882		100,000,000 00
Unavailable for reduction of the debt:		
Fractional silver coin	$28,822,637 63	
Minor coin	515,343 94	
		29,337,981 57
Certificates held as cash:		
Legal-tender	840,000 00	
Gold	46,797,927 00	
Silver	32,410,575 00	
		80,048,502 00
Net cash balance on hand		76,381,099 54
Total cash in the Treasury as shown by Treasurer's general account		495,997,711 62
Cash items available for reduction of the debt	$210,230,128 51	
Reserve held for redemption of United States notes	100,000,000 00	
		310,230,128 51
Total debt, less available cash items		1,494,373,335 14
Net cash in the Treasury		76,381,099 54
Debt, less cash in the Treasury, April 1, 1886		1,417,992,235 60

There was then in the Treasury on the 1st of April $32,410,000 in silver certificates, forming a part of the net cash balance. There was also in the Treasury on March 31, 1886, by the report of the Treasurer, Mr. Jordan, after deducting for outstanding silver certificates, $86,849,668 in actual silver.

If the statements hereinbefore made as to the refunding acts, using the word "coin" at a time when both silver and gold were embraced in that term and were legal tender, are correct, then the legal right of the Secretary of the Treasury to use this silver balance to pay outstanding bonds is clear. The first step to putting it in circulation would be to take it from the vaults of the Treasury and pay it to the creditors of the Government. That is as much a part of monetary circulation as the payment of money from one individual to another. It is the first step in the circulation of any money that the Government holds.

The Government means simply the people acting in a corporate form. It is their money and the Secretary is their custodian. The national debt is their debt and the assets in the Treasury are their contributions for its payment. The option is with them to pay silver dollars or not upon their debt. The option is not with the creditors to say whether silver dollars shall be received, but the Secretary of the Treasury, upon his own motion, without instructions and without authority, has reversed the option and declares the reversal in his own language as quoted above:

> I have upheld its value by never compelling its receipt by any creditors of the Government, and never failing to provide by exchange or transfers whatever currency might be preferred.

In other words, he has always given the creditors of the Government their choice of the money in which they should be paid. Now, if he is right in his theory, that gold and silver would have parted company if he had not done this, his declaration amounts to this: I have kept gold and silver in circulation at the cost of the interest on eighty-six millions of bonds which I might have paid with this silver, but which the bondholders did not want to take in payment for their bonds, and which I did not therefore use for any purpose but kept idle in the vaults of the Treasury in order to keep the coin currency of the country upon a gold basis. And the "I" who upheld its value by "never compelling its receipt by any creditors" is a servant of the people, saying to them that in order to use the gold yard-stick for the measurement of your property in the payment of your debts I have cost you the loss of all the interest on all the bonds that the accumulated silver, not held for the redemption of certificates, would have paid. A gentleman occupying a high position in the administration of the Government has declared that "public office is a public trust." The declaration might be amended to read, "except in the Treasury Department."

It is asserted as a reason why silver should not be paid from the Treasury that it would be unjust to the creditors of the Government and destructive to its credit to compel them to receive silver in payment of any part of their claims, because silver is intrinsically worth less now compared with gold than it was when the debts were contracted. It is not denied but that silver, even at a discount of 20 per cent., will purchase as much of the products of labor, as great a quantity of the necessary commodities of life and trade and business, as much of anything, in fact, except of gold, as when the debts were contracted. But because silver bullion can not be exchanged for the same

relative quantity of gold bullion now as then, it is insisted that the debtor class must stand the loss by the shrinkage in the values of these commodities, and the creditor class must reap a corresponding gain whenever any debts are to be paid, and that the sacredness of contracts can only be maintained by adhering to this policy.

In other words, that in the payment of all debts, both public and private, when, by the terms of the contract, either of the two kinds of money can be used in payment—if natural causes or the legislation of foreign governments make one kind relatively more valuable than the other, and make all the products of human labor, measured by the dearer money, relatively as cheap as the cheaper money—that the dearer money, simply because it is the dearer money, is the only just and honest medium for payment. This is an enunciation of the principle asserted by the policy of the administration, that the creditor must have the option as to what money he shall receive in payment of debts due him, which means, in another form, that he must be paid in the dearer money or that the cheaper money must be so limited in volume, must be made so scarce, as to make its value equal to the dearer money. Now, the rights of debtor and creditor are equally sacred. Their equities are equally great.

It is manifestly as unjust to compel a debtor to give more than he agreed to pay as to compel a creditor to receive less than he agreed to take. If there have been changes in the condition of affairs, which, while not affecting the legal rights of either party, have been to the advantage of one and to the disadvantage of the other, it is certainly not a function of government to take the advantage from the one and give it to the other. If wheat and corn are at the same price per bushel, and A contracts at the end of five years to give B 5,000 bushels of either corn or wheat, no one would contend, if at the time of payment wheat had become worth twice as much as corn, that A must pay in wheat, or else pay 10,000 bushels of corn, instead of five; and especially if at the time of payment the 5,000 bushels of corn could be exchanged for the same quantity of all other commodities as when the contract was made except the single commodity of wheat. Nor would anybody contend that if under the law B was compelled to accept the 5,000 bushels of corn the entire community should be taxed to make up to him the difference between the price of wheat and corn; or that the farmers should be compelled to stop raising corn in order that the supply should be reduced and the price be thereby brought up for B's benefit. But this is in substance what the people of the entire country are asked to do when it is insisted that more silver shall be put in the silver dollar, or that its coinage shall cease until its scarcity shall advance its price in the market, and this, too, for the benefit of the few who hold the obligations of the many. I am as strongly in favor of maintaining the credit of the Government as any member of this House; I am as strongly opposed to bad faith with either public or private creditors as any member of this House; but it is not necessary to lean back of a perpendicular line in order to walk straight, or to do an injustice to a debtor in order to keep faith with his creditor.

Mr. Spofford makes the following estimate of indebtedness in the United States.

Statement of the national, State, county, municipal, and railroad debt in the United States, and an estimate of the individual real and personal mortgage debt.

United States, 1885	$1,438,542,995
Aggregate State, funded and unfunded, 1885	262,175,245
Territorial, 1880	179,178
County, 1880	$123,877,668
Municipal	698,270,199
Railroad, funded, 1884	3,669,115,772
Individual mortgages (estimated)	6,000,000,000
Total	12,193,161,057

Estimating the population at 60,000,000, we have an average indebtedness of $200 for every man, woman, and child. To adopt a gold standard, either by demonetizing silver or by stopping its coinage, so as to measure the values of all property, silver included, by the gold standard, is practically to increase this indebtedness by the difference between the bullion value and the coin value of silver. That difference is to-day over 20 per cent. Can there be any greater injustice than to increase the debts of the people of the entire country in this ratio? Suppose that it increases them but one-half of this per cent., or 10 per cent.; there would then be added to this gross indebtedness above stated the enormous sum of $1,219,000,000. From the time that United States bonds were worth 50 cents on the dollar Congressional legislation has been in favor of the creditor. Let us now at least call a halt and give the under dog in the fight a living chance.

But is it true that it is necessary to stop the coinage of silver in order to keep silver coin at par with gold? And will its stoppage tend to restore and preserve the 16 to 1 ratio of values? If it does so tend it must be for one of these two reasons, namely: That the value of silver bullion will be thereby increased, or that by limiting the supply of silver coin it will thereby be kept at a gold standard. I apprehend but few, if any, will claim that to stop the coinage of silver will raise the price of bullion. On the contrary, it is apparent that exactly the opposite result will follow. The average annual product of silver bullion from the mines of this country is in round numbers forty-nine millions. The minimum of two millions a month required to be coined by the Bland act leaves twenty-five million of bullion annually to go on the market. To stop coinage throws the entire product on the market. We are told that the stoppage of coinage by the Latin Union—Belgium, France, Switzerland, and Italy—and by Germany, Holland, and Spain is the cause of the decline in the price of silver bullion. If this is so the stoppage of its coinage by the United States will operate in the same direction, and must cause a still greater decline, while its free coinage will advance it to a coin value.

The gentleman from Illinois [Mr. ADAMS], while advocating the gold standard, as I understood him, in his remarks on Saturday, declares—

> The law of unlimited coinage would, by the creation of a new and highly profitable use for silver bullion, raise its gold price in this country and in Europe.

Do gentlemen who oppose its free coinage desire the opposite result? Is it to lower the gold price of silver bullion that they advocate the suspension of the Bland act? And, if lowered, will not the tendency of gold coin to go to a premium be correspondingly increased? It certainly can not be for these purposes that they press the suspension of the Bland act. It must be then for the other reason alleged—that is, to keep silver coin at par with gold coin by limiting its quantity. This is a quasi assertion of the fiat doctrine. It amounts to this. We admit that by stopping coinage silver bullion will decrease in value; that a silver dollar is intrinsically worth less than a gold dollar; that it is not redeemable in any other money; that its legal-tender character gives it a debt-paying circulation. But by arresting its coinage, and keeping what is coined in the Treasury, although the price of bullion will fall, a limited amount of coin can be floated in circulation, and the business of the country and the silver coin that does circulate can be kept at a gold basis. I insist that all arguments in favor of stopping the coinage of silver, when analyzed, are arguments in favor of a single gold standard, instead of a bimetallic standard.

If gentlemen who make these arguments desire this result, they should be candid enough to say so, and not masquerade as the friends of a bimetallic basis when the policy they advocate must inevitably lead to dearer gold and cheaper silver. This would mean still lower prices for all commodities and the payment of all debts in money relatively more valuable than it even now is. It would make richer all whose investments are in money or its paper representatives. It would increase the value of bonds, mortgages, and every species of debt obligations. It would lengthen the yardstick that measures the value of every agricultural and of every manufactured product, of every farm, factory, and species of material property. With money increasing relatively in value, and everything else decreasing, the capitalist will have no motive to invest his capital in business enterprises, but will prefer to keep it in interest-paying obligations or locked up in the vaults of the banks.

But what results may reasonably be expected to follow the free coinage of American silver (for I would at present confine coinage to the product of our own mines) and the payment of the surplus silver in the Treasury in redemption of national bonds? If the stoppage of coinage has decreased the value of silver bullion, as the opponents of silver tell us, it is fair to conclude, as I have before stated, that the coinage of all the bullion offered will increase its value. Within the limits of the United States, certainly, it will take silver out of the market as bullion and put it in circulation as coin. The same principles that control the price of all other commodities will control the price of silver bullion. It will not seek foreign markets, because it will be worth more at home as coin. India and China, the great silver-consuming nations of the world, will draw their silver from England, France, and Germany.

The United States, the greatest silver-producing nation in the world, will stop her perennial supply of silver bullion to the London market. It is to the interest of England to cheapen silver. The products of India, that vast and populous dependency of the British Empire, mainly seek a market in London. They are principally wheat and cotton. In 1874 the first shipment of wheat was made, and it was only 95,000 bushels. In 1875 1,500,000 bushels were shipped. Since 1879 the shipments have been as follows:

	Bushels.
1879	1,949,733
1880	4,098,416
1881	13,896,166
1882	37,078,571
1883	26,402,571
1884	39,118,790
1885	29,594,678

Great Britain is the largest cotton consumer in the world. Her annual consumption is about four million bales. She is the largest purchaser of our cotton. In 1885, the United States sent to English markets two millions five hundred and twenty-seven thousand bales. But India is challenging this supply. Her produce of cotton is annually increasing. England receives from India now one million of bales annually. American exports of wheat and cotton to England are falling off as Indian exports are increasing. In the report of Mr. Goschen's Parliament committee, 1876, there is the following testimony:

> There is a very large trade between Calcutta and New York, at present amounting to not very far short of ten millions in the year. The Americans take a large quantity of oil seeds from Calcutta, and also indigo and hides, the three to-

gether making up last year not less than $9,000,000. America sends Calcutta nothing at all, so that all has to be adjusted through the trade of this country.

As illustrating the capacity of India to absorb silver, I take the following from Mr. Robert W. Hughes's pamphlet entitled "The American dollar:"

India embraces much the greater part of South-eastern Asia, having an area of a million and a half square miles. Enlarged now by the annexation of Burmah, its area is half as great as the whole of the United States from the Atlantic to the Pacific ocean and from Mexico to British America. The dominion of Great Britain extends over three-fourths of all India. The population of the entire country is 241,000,000; that of the British portion nearly 200,000,000. The inhabitants of India's vast area average 160 to the square mile; whereas, if the whole area of the United States be considered, the average of fifty-six millions of souls to three and a half millions (3,602,990) square miles is less than 16 to the mile.

The staple food of the population is millet. They sell all the rice and wheat for which transportation and purchasers are found. The cost of living is probably less than anywhere else in the world, and, out of their small wages of a few cents a day, is so cheap that even ryots hoard silver, and many of them gold, in the form of personal ornaments. Mr. Goschen's Parliamentary committee, mentioned above, have this to say on the subject: "Your committee believe that as India has been a great consumer of silver in the past, so it will be in the future, the question being rather, looking to the amount it has to pay this country [meaning England] for government purposes, it will be able to pay for that silver, than whether a desire to obtain and use the metal will exist. On this point the passion for accumulating ornaments seems to be of much importance. The question of the expectation which may be formed of the continued absorption of silver by India is not confined to the consideration of the currency. An immense amount of the metal is converted into ornaments and absorbed from circulation. In every large village there is a silversmith, and as soon as a man gets a few rupees he employs this smith to come to his house and make the ornaments there.

"Although the peasantry in India have poor houses, yet the amount of ornaments they have would exceed in value the furniture and utensils of the same class of peasantry in England. There is thus, independently of the demand for silver as money, a constant demand for it, in a proportion quite unknown in European countries, for manufacturing purposes among the population of India. The demand for silver as money has not itself yet attained its maximum. In many parts of India, especially in the distant and more isolated parts, transactions are carried on by barter for the want of money. Wherever large works have been in progress, such as railways, roads, and irrigation schemes, silver has been generally distributed, and its use has superseded barter arrangements, and wherever the natives have once begun the use of money there the silver remains. Throughout all historical periods India has always gone on absorbing silver, and there seems at present no cessation to this absorption."

Mr. R. H. Patterson, of Edinburgh, said to be a statistical writer of high repute, in an article in the Contemporary Review of April, 1879, states that for the period from 1855 to 1875 the trade balance against England and in favor of India was $1,948,000,000, or $92,500,000 per annum. And that of this balance India received $1,266,250,000 in specie. He further states that between 1854 and 1865 India absorbed the entire annual product of all the silver mines in the world, and $200,000,000 besides.

Since these dates the balance of trade in favor of India has decreased, it is true; and the expenses of its government, including the maintenance of troops kept there for its control, and the immense sums expended by Great Britain in the construction of railroads through its territory have accumulated a debt of $1,250,000,000 against the Indian Government, payable in gold, and largely held in London. Against the interest of this debt and the annual expenses of the Government of India, charged against it by England, drafts are drawn, known as council drafts, which are purchased at a discount in London and used at par to offset the balance of trade in favor of India as far as they will go.

The excess of this balance of trade is paid in silver, which is a legal tender and at par with gold in India. The discount at which the council drafts are purchased and the difference between the price of silver bullion in London and silver coin in India constitute the bonus which the importer of Indian wheat and cotton enjoys. In referring to these and kindred facts, an Englishman who had been for twenty years a resident of India engaged in the extension of her railway system, Mr. G. P. Paul, in a letter to the San Francisco Examiner, November 7, 1885, lays down certain conclusions which he says are axiomatic. Among these are:

The greater portion of the American silver dispatched to London is used to pay for Indian wheat, cotton, and other produce, and enters necessarily into competition with the council drafts that are used for the same purpose. * * *

And again:

American silver should be withheld as much as possible from London, and diverted directly to its ultimate markets in Eastern Asia, if American wheat and cotton are to escape competition with the Indian articles. The railways in India belong to the government, so that any diminution in the exports of wheat, cotton, and other produce from India causes a direct loss to the government which it is anxious to avoid. Therefore, the government does not desire any appreciation of the price of silver, because its rise to its old value would seriously affect the exports of wheat and cotton to Europe.

It is with cheap labor of India in producing wheat and cotton and cheap silver in London for buying them that the American producer competes. As silver has cheapened, the importations of these staples into England from India have steadily increased. Other causes have doubtless contributed to this result, but cheap silver has been a leading cause. It is clearly, then, to the interest of England to keep silver at the lowest possible rates. Do gentlemen think it will be to our advantage to further this selfish policy of our transatlantic cousins?

My colleague form Illinois [Mr. ADAMS] says one of the results of free coinage will be "to raise the price of silver bullion in Europe." I believe that he is correct in that statement. Just to the extent that its price is raised will the bonus of India exportations of wheat and cotton, paid for with silver, be lessened, and their competition with American shipments be decreased. London is the market of the world. Is it well for us to stop the coinage of silver and thereby lessen its bullion value for the benefit of the London traders with India and at the expense of every export that we send abroad with which India competes?

But it is said that if free coinage is adopted here the silver of Europe will flow to the United States, and our gold will go there in exchange. It will unquestionably follow the laws of trade. If gold is worth more in Europe than it is here, and silver is worth more here than in Europe, an exchange will take place until an equilibrium is restored, and no longer. But how long will it be before the laws of trade will restore that equilibrium? As affecting the ratio of values between the two metals under the operation of the universal law of supply and demand, every pound of silver that leaves Europe will make silver scarcer and therefore dearer there, and every pound of gold that flows in to take the place of the silver that has left will make gold relatively cheaper there. And if it does come it will be for the purchase of something that we have to sell. If it is exchanged for gold it will be because the holders make a profit by the exchange. If it is exchanged for wheat, corn, cotton, beef, or pork it will be because a market is offered to the American producer in which it is his interest to sell. Shut off the inflow of American bullion, and the Indian and Chinese trade will very soon absorb all the surplus silver of Europe. The influence of these "graves of silver" must not be overlooked in dealing with this question.

Confining coinage to American bullion would leave the doors of importation open for silver only for manufacturing purposes. With India and China receiving silver as coin at par, with the United States receiving it only for manufactures, and with the supply to Europe from the most productive mines in the world cut off, how long would there be profit in sending silver here to exchange for gold? And again, if the price of gold was temporarily raised by free coinage the imports of goods manufactured abroad upon a gold basis would be checked. Our exports would not be diminished to offset this because we are now practically upon a gold basis, maintained by the action of the Secretary of the Treasury. The balance of trade would turn in our favor, and with a constant drain from the silver reservoirs of Europe to India and China, without the inflow into their reservoirs of American bullion, gold would flow back again in settlement of the balance in our favor.

The gentleman from Illinois, in stating the results of free coinage, among others says:

First contraction, then expansion. * * * First paralysis of commercial credit, then the fever of speculation. * * * To silver bullion first a sudden rise, then a rapid, and it may be, a permanent decline.

And again he says:

One other probable effect would be that a diversion into the United States Mint of the silver bullion which now goes abroad would diminish the supply of silver bullion in Europe, and so raise its price that Germany or France would be induced to sell coin for export to India.

The contraction could only be to the extent to which gold was drawn from circulation, and this would be at once replaced with silver according to the law controlling the volume of circulation which the gentleman cites. But if the first result to silver bullion will be, as he says, "a sudden rise," that will check the withdrawal of gold. It is difficult to see how these contradictory results named by the gentleman could follow. If there was first a "sudden rise" of silver bullion, the ratio of value between gold and silver would be decreased, and gold, that now circulates but little because it is the dearer money, would circulate more freely, because the difference in values would be reduced. If the diversion of silver into the Mint so checked its shipments abroad that "Germany and France would sell silver coin for export to India," from whence would come the expansion that would produce a "fever of speculation?" Not from foreign silver, certainly, if the price warrants its sale to India as the gentleman suggests. If the currency of the Government was established upon the free coinage basis, permanent and measured not by legislation but by nature's supply of the precious metals, where would be the uncertain element that would paralyze commercial credit?

If every year's increase in population and business requires more money—if the development of India and her swelling exports yearly draw in more specie to that metallic mausoleum "whence none returns"—if the consumption of silver in the manufacture of plate, jewelry, and the various uses of civilization is not diminished, how can an increased demand for a new use, the use of free coinage for all that comes instead of half-cause a "rapid and permanent decline?" And is not the increase of prices which follows a healthy expansion, the universal activity and prosperity of business that accompanies it, the desire to invest in new enterprises and to enlarge these already established that is always then seen—are not all these what my friend miscalls a "fever of speculation," and is not this "fever of speculation" what we call good times when money is plenty, when everybody is employed, when wages are good, and when all are happy and contented?

We are told that not one dollar more silver should be coined until there is an agreement with European nations fixing an international ratio of values and providing for free coinage on that basis everywhere. This is the *piece de resistance* the last ditch of the argentophobists. Now, if stopping coinage will lower the price of bullion, how will it force for-

eign governments to an international ratio? Will it be on account of the loss their subjects will sustain by the depreciation of the silver they may happen to hold? Will it be on account of the paralysis of business that they will hereby suffer? We will suffer much more than they can, because we are a silver-producing country and they are not, and we have a hundred millions of silver reserve in the Treasury, and their reserves are mainly in gold. If the cessation of the use of silver in all countries except India and China, and the fall in its value consequent upon such cessation, will produce such widespread and universal financial ruin and depression in business, and if in connection therewith our people, a silver-producing people, will suffer less by this ruin and depression than other civilized nations will suffer, it might be that by this kind of "silver freeze-out," this financial "boycott," or money "strike," a consent to a national monetary union could be compelled. But it seems to me that we would be the greatest sufferers by the process, and that the desired result would by no means be the logical, and therefore probable, consequence of this reducing process. I fail to see how following their hostile policy to silver will compel them to adopt our friendly policy toward it.

I am in favor, then, of the free coinage of American silver, because I believe it will tend to the following results:

It will increase the price of silver bullion and lessen the ratio between gold and silver.

It will remove the uncertainty of the future supply of money by regulating that supply by the natural product of the mines.

It will prevent the debtor from being compelled to pay his debts in a dearer money than that with which he promised to pay.

It will put it beyond the power of any combination to corner gold by taking from gold its exclusive use as a redeeming medium and sharing that use with silver.

It will give to the currency of the country an annual accretion not disproportioned to the annual increase in population and business.

It will relieve the Secretary of the Treasury from the expense and difficulty of putting silver in circulation, of which he now complains, and leave it in the hands of the owner of the bullion who has it coined to put in circulation through the ordinary channels of trade.

It will make every holder of a bond, a mortgage, a certificate of deposit of silver bullion or of silver coin a friend of silver and an advocate of its use as money, because it will be to his interest to maintain its price.

It will hasten the withdrawal of national-bank notes, and leave United States notes, coin certificates, and coin as the only currency of the country.

It will put an end to the present illogical policy of purchasing one-half of the products of the mines at 78 cents on the dollar and coining it at 100 cents, leaving the unbought product a dead weight and menace to the silver circulation.

It will be a return to the free-coinage practice of the first one hundred years of the country and an adoption of a policy that will give confidence to capital by the reasonable certainty of its permanency.

It will assure that gradual and healthy expansion of values which always attends prosperous times, invites investment of capital, supplies labor to the unemployed, pays fair wages, and brings a fair return to both employer and employé.

The legal-tender currency of the future will some time be a paper currency, for whose redemption, when presented, in gold and silver at its market value, the credit of the Government will be sacredly pledged. These metals have stood the test of experience in all nations of which history gives any account, as the best final medium of settling exchanges. Their value is fixed by their scarcity, the cost of mining, and the uses to which they are put. Experience has shown that while their values are to some extent variable, they are yet more constant than the values of any other articles that possess beauty, indestructibility, and adaptation to minute subdivisions. All these are essential elements of a metallic currency.

But because they are of intrinsic value and are not absolutely constant in that value through succeeding years are sufficient reasons why they should not be the sole legal tender, or the only basis in fixed quantities for a legal-tender currency. The stamping and minting into the denominations fixed by law of gold and silver is the Government's certificate of their fineness and weight. Their intrinsic value is fixed by their uses and their cost of production. Why not leave their value as a medium of exchange to be fixed by the world's verdict as shown in its central markets? As between all nations, this test now fixes values. We take the coin of Europe as bullion, and they take our coin in the same way.

The stamp of the mint of England is accepted here as telling the correct weight and fineness of a pound sterling, because we have found by experience that it is true. The stamp of the United States upon an eagle is accepted there for the same reason. Experience has shown that this is likely to be the extent of the agreement of nations in the respective interchange of their coin. Is it not after all the fairest and only monetary use of gold and silver that does not sometimes work an injustice to either debtor or creditor? And is not this the legitimate extent of its internal use in a great country like the United States? The law recognizes credits, and by its process provides for the collection of debts. If the debtor refuses to pay, it takes his property, converts it into some medium of exchange, and gives to his creditor an amount of that medium definitely proportioned to the amount of the debt, and declares that the debt is fully satisfied. That medium should represent so far as possible the average values of all the common products of human labor.

It is patent to every one that if gold were now the only legal tender its rise in value would work an injustice to every debtor who was compelled to purchase it with either labor or property to use in paying debts contracted before its rise. If both gold and silver were the sole legal tender and both correspondingly rose in value, the same injustice would be done to the debtor. If both declined in value the injustice would be done to the creditor. But if, instead of either, legal-tender paper currency was issued by the Government, for whose redemption, when presented, in gold or silver at its market value the credit of the Government was pledged, neither debtor nor creditor would be wronged; for the one would pay and the other receive an equivalent that would purchase of the staple commodities of the field and the factory the same average that it would have purchased when the debt was contracted. In this way the medium least liable to change would be secured, and to both debtor and creditor there would be guaranteed a minimum probability of injustice in the settlement of their accounts.

I believe that some time in the future, when theory and knowledge and experience unite to produce the best currency possible, because the fairest and most permanent, that currency will be gold and silver, duly stamped and minted, so that the holder may know exactly how much he has and how fine it is, but that this gold and silver will not be legal tender, at fixed weights or prices; that it will be used for purposes of barter and exchange, for which it will be just as useful as if it was legal tender, in the same manner that it is now employed, and always has been employed between different nations; that the sole paper currency in the country, and the only legal tender, will be that issued by the Government, for whose immediate redemption at convenient points, in gold or silver, at their bullion value, as fixed by the markets of the world, and authoritatively declared from time to time by the Secretary of the Treasury, the credit of the Government will be sacredly pledged. [Applause.]

Mr. BLAND. I now ask unanimous consent that the whole of to-morrow be assigned to the further consideration of this bill, and that the previous question be ordered at half past 5 o'clock.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the entire day to-morrow after the reading of the Journal be set apart for the consideration of this bill, and that the previous question be considered as ordered at half past 5 o'clock instead of 3 o'clock.

Mr. DUNHAM. I wish to ask the gentleman from Missouri if he intends by that to give time to the gentleman from Pennsylvania [Mr. BROWNE]?

Mr. BLAND. I do; and to other gentlemen who desire to speak.

Mr. DUNHAM. Will the gentleman from Pennsylvania [Mr. BROWNE] have part of the time?

Mr. BLAND. I pledge you I will do what I can to secure time for the gentleman from Pennsylvania, and I believe he will have an opportunity to address the House.

Mr. ADAMS, of Illinois. What was the order heretofore made this morning by unanimous consent?

The SPEAKER. There was none, except that a recess be taken this evening until 7 o'clock. The Chair hears no objection to the request of the gentleman from Missouri [Mr. BLAND], and it is so ordered.

Mr. MCCREARY was recognized and said: I yield thirty minutes of my time to the gentleman from Virginia [Mr. DANIEL] and the remaining thirty minutes to the gentleman from Georgia [Mr. CRISP]. I have already addressed the House on the subject and do not desire to occupy more time myself.

Mr. SYMES. I move that the House take a recess until 7 o'clock.

The SPEAKER. As only five minutes remain before the time fixed for the recess, if there be no objection the House will now take a recess until 7 o'clock. The gentleman from Georgia [Mr. CRISP] will preside during the evening session.

The House accordingly (at 4 o'clock and 55 minutes p. m.) took a recess until 7 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7 p. m.

FREE COINAGE OF SILVER.

The SPEAKER *pro tempore* (Mr. CRISP). The House is in session this evening for the further consideration of the bill (H. R. 5690) for the free coinage of silver, and other purposes. The gentleman from Virginia [Mr. DANIEL] is entled to the floor.

Mr. DANIEL addressed the House. [See Appendix.]

[Mr. DIBBLE took the chair as Speaker *pro tempore*.]

Mr. WHEELER addressed the House. [See Appendix.]

Mr. SKINNER. The bill under consideration invites discussion of three propositions:

1. Shall the United States coin silver as we do gold, free and without limit, allowing every fortunate possessor of a piece of silver weighing 412½ grains, 900 fine, to take it to the Mint and have it converted by the Government stamp into a standard silver dollar; or

2. Shall we stop the coinage of silver altogether and place the United States in the ranks of the gold monometallic nations; or

3. Shall we continue to coin silver under the existing law?

Our choice lies between bimetallism, gold monometallism, and what Cernuschi calls humpbacked monometallism. Few, if any, really prefer the humpbacked currency. The gold monometallist dislikes it because it is a monthly exemplification of the correctness of the greenback theory, expressed by the late William Allen, of Ohio, when he said that "gold was a damned barren ideality." Each month as the Secretary of the Treasury goes into the market and buys 79 cents' worth of silver bullion, puts the Government stamp upon it, calls it a standard dollar, and it is delivered to and received by the people and paid out by them, current money with the merchant, at 100 cents on the dollar, buying as much of everything as the gold dollar, the people see that fiat money is no longer an untried theory, but an accomplished fact.

At the present price of silver bullion there is contained in every standard dollar 79 cents of intrinsic value (so called) and 21 cents of value derived from the act of stamping, which I propose to call fiat value.

It requires but little stretch of the imagination to bring before your mind a state of affairs that would so cause silver to depreciate that the bullion in the standard silver dollar would represent 21 cents and the Government stamp 79 cents.

The Greenbacker dislikes it because he sees that fiat money is an accomplished fact, and, that being so, thinks that silver is too costly a material to use for the purpose of money. If the Government by putting its stamp upon 80 cents' worth of silver bullion can add 20 cents to its value, and make it fiat money to that extent, then the Government has the same right to stamp a cheaper material and make it fiat money to a larger extent. Why not, they say, use paper—the intrinsic value of which is next to nothing—and let the stamp of the Government constitute the whole value of the standard dollar? Why not make fiat money pure and simple? And no man who defends the coinage of silver under existing laws can answer to his own satisfaction or that of any one else.

But yet the law continues in force, and under its provisions this composite dollar, part intrinsic and part fiat, continues to be coined—the Greenbacker preferring it to gold monometallism and the gold-bug preferring it to absolute fiat money, or even the unlimited coinage of silver. And as long as that law remains in force just so long agitation of the currency question—the fruitful source of all our woes—will continue, and business of all kinds must suffer.

I think the law unconstitutional. Article I, section 8, of the Constitution confers upon Congress power "to borrow money on the credit of the United States; to coin money, regulate the value thereof, and of foreign coin." Does that section confer upon Congress the power to authorize the purchase of any material and direct that it shall be coined into money? I do not think, upon a fair construction of the Constitution, any such power is conferred.

I do not profess to be a constitutional lawyer, and shall not pursue that idea further, but leave it to be digested by those who are more deeply versed in constitutional law. Constitutional or unconstitutional, it is, to say the least of it, impolitic. It leads inevitably to fiat money, and its present output is a currency which has been, I think properly, characterized by the gentleman from Maryland [Mr. FINDLAY] as limited, limping currency, as "neither fish, flesh, nor red herring," sea nor good dry land. Where is the defect in the law and what is the remedy? These questions naturally propound themselves to every member in this body whose desire is to do his whole duty under the Constitution, and provide for the people a stable currency of sufficient volume to enable them to transact a healthy business.

In my opinion, the defect in the existing law is that it authorizes the purchase of bullion to be coined into money. Any law directing the purchase of a fixed quantity of gold or silver or copper or any other material to be coined into money, leaving all the remainder of that material to take chance on the market, to show the people the difference between the intrinsic value of their currency and its stamped or fiat value would be defective.

This defect can be remedied in two ways. One way is to repeal the law—to demonetize silver. This is gold monometallism. The other way is to place in our statutes a constitutional recognition of silver as money, in the shape of the bill proposed by the minority of the Committee on Coinage, Weights, and Measures. Make gold and silver both standards of value. This is bimetallism.

Now, it is our duty to determine which of these remedies we will adopt, and we ought to consider this question without regard to the effect our conclusion may have upon the accumulated wealth of that class who have been styled on this floor the gold-bugs of the East, or upon the anticipated riches of the silver kings of the West. The fact that our decision the one way or the other may double the riches of one set of rich men or another ought not to enter into our deliberations. What matters it if, by demonetizing silver or continuing its demonetization, we make valueless all the silver mines and make a Lazarus of every Crœsus who owns mining stock? If it is to the interest of the people it ought to be done fearlessly.

What matters it, if by remonetizing silver we end the dream of the Eastern capitalist that he had found a new way to heap up wealth without work—to make a gold dollar increase in value by lying idle—and break asunder the golden chain with which he imagines he has already bound all the industries of this great Republic. If the interests of the people demand it, we ought to yield to the demand.

To reach a proper determination of this question, our only inquiry, or at least our main inquiry, should be, how much currency do our people need to enable them to transact their legitimate business? Will the present accumulation of gold and the annual output of that metal furnish an adequate amount of currency for our use? Would the present accumulation of gold and silver, coined and uncoined, and the annual output of both metals furnish us more than we need? When you have answered these questions to your own satisfaction, you have solved the currency question. If the gold is sufficient, then it is our duty to demonetize silver. If both gold and silver will not be too much, then it is our duty to remonetize silver.

I dare say that there is no member of this body who would say that gold alone would furnish a sufficient volume of currency for the use of people. There are very few who would say that double the quantity of gold on hand and its annual output would be sufficient, or that four times that value would inflate the currency too much for healthy business. I will not vex your patience by citing statistics, with which you are all familiar, to show how little currency per capita we now have, and how much other nations suffer or are prosperous with. It is not likely, even if we remonetize silver, that we will have a redundancy—more than the people need. And even if the worst predictions of the gold men should be realized, and America become under the operations of the proposed law the dumping-ground for all the silver of the Old World, and our old women should melt all their teapots and silver spoons into standard silver dollars, I believe we could stand it and live and still be happy.

But this prediction will not come to pass. Silver has in all ages been used in the arts and manufactures, and will continue to be so used. Other nations use silver as their only currency, and all nations, even those who have ceased to coin it, still continue its use as currency, and will be compelled so to use it in the future. In my opinion, if we get enough coined to furnish us a sufficient volume of currency we will be lucky. Nearly everybody admits that we must at some time come to bimetallism, but they differ as to the terms, conditions, and time of that coming back. Some want a larger dollar, some a smaller; others say we must wait until we can induce England and Germany to unite with us in what they think is a herculean task, or until such a time as silver bullion shall appreciate in value to such extent as to assure us that we are really making a dollar worth intrinsically 100 cents.

Why, if you were to increase the weight of the standard dollar to-morrow and issue it under the present law, how many days would it be before you would be compelled to increase its weight again? You would have to increase its weight so often that you would find yourself in the condition of that State Legislature of one of the Confederate States, which is said to have been in session during the late unpleasantness and did nothing during the whole session but pass bills to increase their pay, in the vain attempt to keep pace with their declining currency; we would have time to do nothing but pass bills to increase the weight of the standard silver dollar. And, besides, what would become of the two hundred and twenty-two million already coined? No, we can not, must not, change the weight of our dollar. It has the same weight of silver—pure silver—in it to-day as did the first bright silver dollar that rolled from a United States Mint, announcing as it rolled that the American Republic was a nation, and as such had assumed to provide its people with a stable currency.

And must we now acknowledge that the young Republic acted hastily, too hastily, and thus dishonor the memories of the great men who made us a nation by going on bended knees to England and Germany and asking them to help us to keep afloat the dollar of our fathers.

In the face of their refusal to unite with us in this matter, inviting them first was a new departure. Have we ever been accustomed to invite their counsel and co-operation in establishing any public policy? Have we ever run in the ruts made by the nations of the Old World? On the contrary, has not this Yankee nation gotten the reputation of thinking for herself and acting on her own advice—weeding her own row and taking the lead? May we not be the fulfillment of the prophecy of the prophet Daniel, referred to by the gentleman from Maryland [Mr. FINDLAY]—the stone cut out without hands out of the mountain side; the new nation, rising up in the wilderness of the New World, prospering under new theories of government, under the guidance of God; the architect of its own fortune (cut out without hands), that shall break in pieces the image of iron and brass and clay and silver and gold—the crumbling monarchies of the Old World, with old theories of government and moss-covered ideas of political economy. [Applause.]

Is there an American citizen here who has not an abiding faith in the God-guided destiny of this Western Republic, and who does not feel that inspiration impelled the pen that wrote:

> Westward the course of empire takes its way;
> The four first acts already past,
> A fifth shall close the drama with the day—
> Time's noblest offspring is the last!

Would it not be more in keeping with our nature to act in this matter and then invite the old nations of the Old World to follow? Do

not wait to get the co-operation of those old fogies to build a bridge over the stream that flows between us and fertile fields, but ford it, and show by actual experiment that it is not as deep or dangerous as their antiquated theories have led them to believe; and that what we see on that side is no mirage, but abundant wheat fields, ripe for the sickle.

Roll back the tide of time ninety years and come with me into the presence of that great man in whose memory last year you erected a monument of everlasting marble, deeper, broader, higher than was ever erected to man before, but who has a more enduring monument in the hearts of the common people of his country. Go back to September, 1796. There he stands. He is about to give up the helm of State into other hands. He is giving advice, words of wisdom, that he wants the people who come after him in charge of this nation to follow. Listen to his words. Put your shoes from off your feet: the place whereon ye stand is holy ground. Listen to the words of Washington's Farewell Address:

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

This Farewell Address of Washington and the Constitution which our fathers made in his time ought to be the only political text-books that an American statesman ought to follow.

Even the Secretary of the Treasury admits that bimetallism is inevitable. Listen to what he says:

It is now become plain to all who take a comprehensive and practical view of public policy that the United States can do no better than return at the earliest possible date to a bimetallic unit of value.

I mean—

He says among other things—

open mints for free coinage of gold and silver at a fixed ratio to every citizen of the United States bringing either metal, and the right to have his coin received in every sale and payment as full legal tender.

Nothing less than this is bimetallism. Our five hundred and fifty millions of gold, our two hundred and twenty millions of coined silver make any policy save ultimate bimetallism for the United States practically and politically a utopian policy.

The strongest advocate for free silver can not express his ideas in more emphatic language. And yet it is said that it will not do now, when 412½ grains of silver, 900 fine, is only worth 79 cents, to remonetize silver upon the present basis, 16 for 1, and that it must not be remonetized upon that basis until 412½ grains of silver appreciates so as to be worth a dollar in gold. They say your silver must stand the fire test. If we melt a gold dollar, it is still worth a dollar. Melt one of your standard silver dollars and see how much you can sell it for. We admit that when you took away from silver its full use as money that it depreciated. Its intrinsic value is but little more than that of copper; but the same can be said of gold. Treat gold as you have treated silver and it will depreciate in the same way; it has little or no intrinsic value, maybe not so much as silver. Its chief value is, as is that of silver, its value as money, dependent upon its use as currency.

In thirteen years, says the gentleman from South Carolina [Mr. HEMPHILL], silver has depreciated from 3 per cent. above gold to 21 below, and he argues from this that it is too unstable to be used as currency. There is an honest difference of opinion as to whether in these years silver has depreciated or gold appreciated. I reckon the real fact is that both have been traveling in opposite directions—silver going down and gold going up. In what proportion, what distance each has traveled upward or downward there is no way to tell. We have no fixed unvarying standard.

Naturally, if you take away from any article its chief use and go to using another, the one you stop using will depreciate and the one you double the use of will appreciate. Pass a law to-morrow that no more Indian corn shall be used to feed stock with, and the next day corn will fall in value and oats will rise. Just so when silver was demonetized, its chief use was taken away from it and it depreciated. All the burden of furnishing a currency devolved upon gold and it appreciated.

In 1873 before silver was demonetized it was worth 103. As soon as it was demonetized its chief use was gone and it began to decline in value. In 1878 it had depreciated to 90, and Congress attempted to stay its downward march by passing the Bland act. I have no doubt but that many of the advocates of that law thought at the time that the effect of the law would be to rally silver, and possibly it might have had that effect if the execution of the law had been in the hands of the friends of silver.

But the United States has been a bear in the silver market when we hoped for a bull.

Mr. BROWNE, of Pennsylvania. Will the gentleman yield to me for a question?

Mr. SKINNER. Yes, sir.

Mr. BROWNE, of Pennsylvania. If the law had been in the hands of the friends of silver, could we not have had four millions coined a month instead of two millions?

Mr. SKINNER. I think so. Instead of purchasing the maximum quantity of silver bullion allowed by the law the Secretary of the Treasury has invariably purchased the minimum, and instead of using an honest effort to put the silver coin into circulation he has failed to make any effort to that end, and decides that it will not circulate, and so heralds it to the world. Oh, no; it will not circulate. [Laughter.] Why will it not circulate? A Western paper which I saw some months ago explains why: "As soon as a standard dollar drops from the Mint—made circular that it may circulate easily—it is seized by a Treasury official and carried, under guard, to the Treasury and placed in a vault, which is then locked with a time-lock, and then the Secretary of the Treasury and all the gold-bugs gather about it in solemn conclave and declare that it will not circulate. 'Look at the damned thing; it won't circulate.'" It does not circulate because it can not get a chance. If they would turn it out of the Treasury in payment of some of the debt we owe it would soon find its way into the pockets of the people and do valiant service in relieving our suffering labor and in paying debts and taxes.

But, say these suspensionists, if you will stop the coinage of silver it will begin to look up and in time regain its lost value. That proposition is too foolish to argue. It is not an axiom—that is, as elf-evident truth—but it is an absurdity, a self-illuminating lie.

The only way to bring silver back to its original value is to recognize it as money in the only way that Congress can constitutionally recognize it; not by purchasing a part or even all of the silver bullion and coining it into standard silver dollars, but by allowing—not compelling—any person who owns 412½ grains of standard silver to take it to the Mint, have it coined free, and carry it home in his pocket.

Then the Government will not be troubled with putting it into circulation, but as it comes from the Mint it will be in circulation, and will never stop unless some foresighted man should garner it up in an old stocking and lay it away for a rainy day.

And the minute the law goes into operation silver bullion will go up to par, for a man who owns 412½ grains of standard silver would be a fool to sell it for less than 100 cents when he could take it to the United States Mint, have the Government dollar-mark put upon it, and buy with it 100 cents' worth of anything that his neighbor has to sell, pay his taxes and his debts, without losing a discount. You who doubt this, and who are fond of quoting Cernuschi, listen to the words of Cernuschi:

It is certain that if the Congress of the United States authorized the free coinage of silver all the dollars already coined by the Treasury would instantaneously become good money. Good money also would be the dollars which the public would then get coined. They could stand the ordeal of fire.

This being so, gold would be relieved of the extra burden of furnishing all the good currency, real money, and would at once join hands with its old-time friend and fellow-traveler, silver, and from that time on they would travel together and help one another over the rough places on the road. But, say these pessimists, what are you going to do with the Gresham law, the law of gravitation applied to finance? This law will halt you in your wild career. Do not begin to halloo until you get out of the woods. The bad money always drives out the good. Your millennium has not yet arrived. Some fine morning you will awake and find that all the gold has fled the country or has retired into the fastnesses of the bondholder's safe.

Now I do not admit that the remonetized silver dollar will be a bad dollar. But for the sake of argument we will say that the people will be unable to forget that yesterday 412½ grains of silver was only worth 79 cents, and that the new dollar starts out with a doubtful character. I think that the fact that the admittedly bad Bland dollar has failed to drive out the gold, and that now there is more gold in the United States Treasury and in private banks than there was when the Bland act went into operation, is a sufficient argument to show that we are in no danger from the law of Gresham. It does not work in the United States, and it never will work as long as we have the balance of trade.

But to my mind a better reason, in fact an overwhelming and conclusive reason that it does not work here, is that it never began to work as long as there is an insufficiency of currency. Put water and oil in the same vessel and the water will expel the oil, but it will not do so until the vessel is full enough to run over.

This qualification of the law of Gresham is laid down by Ricardo and by Walker. I quote from Political Economy, by Francis A. Walker, page 142, paragraph 163, Title Gresham's Law:

The observation of this process of picking or selecting coin has led to a statement of the economical theorem known as Gresham's law, namely, that bad money always drives out good money. Thus, boldly stated, as is most treatises it is, the theorem is false. That effect will not be produced unless the body of money thus composed of heavy and of light coins is itself in excess of the needs of the community.

And in a note at the foot of the same page I find the following:

Mr. Ricardo clearly expressed this necessary qualification of Gresham's theorem, but in doing so has been followed by few writers on money.

It is, he says, a mistaken theory to suppose that guineas of 5 pennyweight 8 grains can not circulate with guineas of 5 pennyweights, or less, as they might be in such limited quantities that both the one and the other might actually pass in currency for a value equal to 5 pennyweights 10 grains, and there would be no temptation to withdraw either from circulation.

So, until we get a redundancy of coin, we need not fear the operation of the law of Gresham, which, in view of our unprecedented yearly in-

crease of population and the ever-increasing demand for currency to successfully carry on our varied industries, must be many, many days in the future. And, in the mean time, with the return to the honest money of our fathers will come renewed prosperity all over the Union. Our farmers will get better prices for their produce, our merchants and other laborers will get better wages and steadier work, and the labor strikes which have so long agitated business, and which but yesterday, as it were, clogged the wheels of the railroads in the West and South with such determination and show of force as to produce consternation in the heart of every conservative man in the country and create a panic in this House, will cease, and the Knights of Labor will only keep up their organizations for the purpose of talking over the hard times that oppressed them when silver was demonetized and to warn the generations to come to avoid the rock upon which this generation came so near wrecking the business of our people and the hope of mankind in the ultimate establishment of a republican form of government in all the earth.

Oh, wondrous the wealth, prodigious the powers;
Unbound the dominion—matchless the love,
And this the inheritance. Thus then is ours
Reached down as yon stars are reached down from above.
Then rise in your places—rise up—let us take
A great oath together, as we gather us here.
* * * *
For the love of Freedom—for Liberty's sake,
To hand the Republic on down undefiled
As we have received it, from father to child.

[Applause.]

Mr. McRAE Mr. Speaker, the battle between the standards is at present attracting the attention of the world as never before. While this Congress and the people of the United States are deeply interested and greatly concerned about the result, they are not alone. The nations of the Old World are not disinterested and unconcerned. As ours is the strongest and most independent of the nations of the world, the result of the agitation here is watched with much anxiety. While I have given the question much thought, I do not pretend to be able to throw any new light upon it, nor do I think extended remarks important at this stage of the discussion. Lest my silence should be misconstrued I will, however, venture to offer my own views, and in doing so I trust I shall not fail to maintain "a decent respect to the opinions" of those who may differ from me.

On this floor as Representatives and elsewhere as individual citizens of this free Republic we have equal rights, and we ought to feel free to express our convictions without having our motives questioned. I have but little respect for the individual who claims to be honest and sincere and yet questions the honesty of every person who dares to take issue with him. In an important matter like this, upon which hangs in a great measure the prosperity of the whole country, we want facts and truths and not denunciations, details and not generalities. I believe with Disraeli, that "upon a perfect knowledge and right appreciation of details the settlement of great questions mainly depends."

THE NECESSITY FOR, USE, AND KIND OF MONEY.

Nearly all of the wants of man are supplied by exchanging the surplus products of his own labor for such of the products of others as he may require for his own wants. Except for barter and exchange man could not exist. It is certainly impracticable and undesirable, even if it were possible, for man to live altogether to himself. To perfect the exchanges necessary for the convenience of man it became necessary to adopt a medium which has been called "money." Before the use of money exchanges were extremely inconvenient, and in many cases could not be made with any degree of nicety.

To illustrate: One man would produce more of one article than he could consume, while another would have less of that article but more of some other. If the one did not have what the other wanted no exchange could be made. Each had a surplus of his own product, and in order to get the benefit of his labor must dispose of it. To do this they must find not only a person possessed of what they are in need of, but one who is willing to exchange it for what they have. Farmer Jones raises more corn than he can consume, and Smith, a mechanic, would be glad to have it, but he has nothing except his labor. Jones does not want his labor at present, but wants a horse owned by his neighbor Brown, who himself would be glad to acquire more land for his stock farm; and so on indefinitely. They all have something to sell, and also want to purchase other things. So we see how inconvenient it is to trade and carry on commerce by barter and exchange.

We are told that in the early ages of society cattle were the common instrument of commerce, and things were valued according to the number of cattle for which they had been or could be exchanged. So we learn from Homer that the armor of Diomede cost nine oxen, while that of Glaucus cost a hundred. In Abyssinia salt was used as the instrument of exchange. As the people became civilized and enlightened they became more active in producing and manufacturing the necessaries and comforts of life, and in building means of communication and transportation for the distribution of such products. This necessitated more trading, and to carry it on it became important to adopt a measure of value, so that all could meet on the same level in the distribution of the products of their labor—both of mind and body. It was important that this measure or medium should itself be valuable, or represent value, so that persons having a surplus of one commodity might sell it for the medium, and with that procure the things desired by him without loss.

By common consent in all civilized countries the precious metals, gold and silver, have been adopted for this measure mainly for the reasons that they are indestructible and capable of being divided into any number of parts without loss. "Different metals," says Adam Smith, "have been used by different nations for this purpose. Iron was the common instrument of commerce among the ancient Spartans, copper among the ancient Romans, and gold and silver among all rich and commercial nations." It was a long time after the metals went into use as money before a system of coinage was adopted, and the use was attended with the inconvenience of weighing the metals. Every time a penny's worth of an article was purchased it became necessary to weigh the penny. And thus it is that we read in the Bible that "Abraham weighed to Ephron the four hundred shekels of silver which he had agreed to pay for the field of Machpelah."

The instincts as well as the experience of mankind insist that all money shall itself possess real intrinsic value or represent it. The history of the commerce of the world has settled the problem of what money shall be. The changes of time have confirmed mankind in the belief that gold and silver are the best basis for money. They are the surest standards of value, and yet this value is not unchangeable. It has been truly said that "their value is necessarily a matter of agreement;" and being so, is changeable and is affected by the circumstances surrounding each transaction.

OUR MONEY—BOTH GOLD AND SILVER.

The Constitution of the United States authorizes Congress to coin money, to regulate the value thereof, and to regulate the value of foreign coins, and at the same time provides that—

No State shall make anything but gold and silver coin a tender in payment of debts.

Coining is the act of stamping the weight and fineness upon and putting the metal in shape for use, and does not carry any guarantee on the part of the Government as to the value of the coin. It does, however, fix the weight and fineness of each, and establishes the paying relations between the two metals. The Government can no more create value than it can a cow. By prescribing other and different uses it may increase value, and it may also decrease value by restricting the use of money or the metals from which it is coined. The power of the Government should and does generally cease with the coinage. I hold that it has no power under our Constitution to demonetize coined money or to say that it shall not be a legal tender. The owner of the coin must rely upon his judgment, and take the risk as to what its purchasing power will be when he may desire to use it. He has the right to rely upon the certificate of the Government as to weight and fineness and to insist that it shall be receivable for debts and taxes.

Thomas Jefferson favored the two metals and originated the silver dollar as the unit of value. Mr. Morris, our first and one of our greatest financiers, was for silver alone. Alexander Hamilton, although in favor of national banks, recommended a double standard, expressing a preference for gold if a single standard should be adopted. The first act of Congress, after the adoption of the Constitution, upon this subject was passed April 2, 1792, and made silver the unit of value. I will ask the Clerk to read the sections of that act which I have marked.

The Clerk read as follows:

I.—An act establishing a mint, and regulating the coins of the United States.

SEC. 9. *And be it further enacted*, That there shall be from time to time struck and coined at the said Mint coins of gold, silver, and copper of the following denominations, values, and descriptions, namely: Eagles—each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four-eighths of a grain of pure, or two hundred and seventy grains of standard gold.

[Half-eagles and quarter-eagles of corresponding weights and fineness.]

DOLLARS OR UNITS.—Each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenth parts of a grain of pure or 416 grains of standard silver.

[Half-dollars, quarter-dollars, dimes, and half-dimes of corresponding weights and fineness.]

SEC. 11. *And be it further enacted*, That the proportional value of gold to silver in all coins which shall by law be current as money within the United States shall be as 15 to 1, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

SEC. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall, upon demand, receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained; *Provided nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said Mint, to make an immediate exchange of coins for standard bullion, with a deduction of ½ per cent. from the weight of pure gold, or pure silver contained in the said bullion, as an indemnification to the Mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins.

SEC. 16. *And be it further enacted*, That all gold and silver coins which shall have been struck at and issued from the said mint shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportional to their respective weights.

Approved April 2, 1792. (1 Statutes at Large, 246.)

Mr. McRAE. The act approved June 28, 1834, reduces the weight of the gold coins, and the act approved January 18, 1837, reduced the weight of the silver dollar to 412½ grains, and the small coins in the same proportion. Under the act of March 3, 1849, the coinage of the double eagle was authorized, and for the first time in the history of our Government a gold dollar was provided for, to be of the value of $1—a silver dollar—or unit. The act approved February 21, 1853, reduced the weight of the silver half-dollar from 206 to 192 grains, and the smaller coins in the same proportion, and also limited their legar-tender qualities to sums not exceeding $5.

So we find that until 1853 the silver dollar was the sole unit of value, but both metals were in circulation and their relative value adjusted by law. The reasons for these several acts may be found by an examination of the reports and debates upon and in reference to them. The Director of the Mint in 1833 says "that from 1792 to 1821 gold and silver remained at par with each other, and that the first notice of a premium on gold measured in silver in this country appeared late in 1821." The advance was about 5 per cent. From 1821 to 1832 it fluctuated from 2 to nearly 6 per cent. premium. The relative value of the two metals in the coins in use at that time was 1 to 15 by law, and the average bullion relative value for the same period was a fraction over 15½. In December of the next year the same director used this strong language:

Both gold and silver have during the existence of the Government been a general legal tender, while silver alone has been the standard of value familiar in our conception of price. Any modification of the gold coinage will be safe which shall leave this standard of value undisturbed, and none could be contemplated without concern which would impair it. The design entertained, therefore, in the change of ratio now proposed is that silver shall remain the basis of our currency and the controlling standard of value; that gold shall be, as at present, a legal tender for all amounts, but estimated in such a proportion to silver that the former will be exported by a slight preference when occasional circumstances shall induce the export of a portion of the national coins.

Acting upon this recommendation, the weight of the gold coins was reduced so as to adjust it to a silver basis, and not silver to gold, as is proposed by some of our friends now. In 1837, upon the recommendation of the Director of the Mint, the standard of fineness was adjusted to round numbers, and the number of grains changed so as to make it equal to 900 parts in 1,000 in each. Then it was that the silver dollar of 416 grains was reduced to 412½ grains, but there was no change in the value, for the reason that the addition to the fineness made good the loss of weight. Silver still remained the unit of value, and by the two acts of 1834 and 1837 the gold coins were reduced in weight and fineness, so that the relative value of 15 to 1, as fixed by the act of 1792, was changed to 16 to 1. Between the passage of the act of 1834 and that of 1837 silver was at a premium. France and Germany had a relative value of 15½ to 1, and ours being worth 3 per cent. more than this, it was profitable to ship it abroad. To remedy this, and not to adopt a gold standard, as has been recently charged, was the act of 1853 passed. The Director of the Mint pointed out the importance of such an act to Congress. Mr. Hunter, so far from recommending a gold standard, in a report as chairman of the Finance Committee pointed out the great necessity for both gold and silver.

I will ask the Clerk to read from his report.

The Clerk read as follows:

But the mischief would be great indeed if all the world were to adopt but one of the precious metals as the standard of value. To adopt gold alone would diminish the specie currency more than one-half; and the reduction the other way, should silver be taken as the only standard, would be large enough to prove highly disastrous to the human race. Indeed a reference to the history of the precious metals and the general course of human production can scarcely fail to convince us that there has been a constant tendency to appreciate their value as compared with the residue of the property of the world, and that every extraordinary increase of the supply of the precious metals, of which we have any account, has exercised a highly beneficial effect upon human affairs. When contracts are made by a standard which is gradually contracting, the advantages are on the side of capital as against labor and productive energy is cramped by receiving less than a fair share of the profit of its enterprise. Before the invention of substitutes for payments in coin and before the increased supply of specie from the discovery of America human history is full of the strifes between debtor and creditor and human legislation is rife with experiments to limit the encroaching and engrossing power of capital.

So much is the value of currency affected by the facility with which it may be counted and its convenience of transportation that there will always be difficulty in supplying the place of small notes with anything but silver, or that of large notes with anything but gold. We require, then, for this reason, the double standard of gold and silver; but above all do we require both to counteract the tendency of the specie standard to contract under the vast increase of the value of the property of the world. And what harm can arise from any probable increase of the precious metals, if both are allowed to swell the volume of currency? On the contrary, a more beneficial event for the trade, the industry, the moral and political condition of the world could scarcely be imagined. Of all the great effects produced upon human society by the discovery of America, there were probably none so marked as those brought about by the great influx of the precious metals from the New World to the Old. European industry had been declining under the decreasing stock of precious metals and an appreciating standard of value; human ingenuity grew dull under the paralyzing influences of declining profits, and capital absorbed nearlyall that should have been divided between it and labor. But an increase of the precious metals, in such quantities as to check this tendency, operated as a new motive power to the machinery of commerce. Production was stimulated by finding the advantages of a change in the standard upon its side.

Instead of being repressed by having to pay more than it had stipulated for the use of capital, it was stimulated by paying less. Capital, too, was benefited, for new demands were created for it by the new uses which a general movement in industrial pursuits had developed; so that if it lost a little by a change in the standard, it gained much more in the greater demand for its use, which added to its capacities for reproduction and to its real value. Property which had been acquired by the strong arm, and accumulated in violation of the great laws of equity and trade, by an almost insensible transition was distributed more equally in society. Nature, under the operation of this its great bankrupt law, as if by an invisible hand loosened the bonds of the debtor, which heretofore time had continually tightened, and distributed to labor for purposes of reproduction and upon equitable terms capital which distrust and apathy had either locked up or administered with a too sparing hand. New influences arose in society, and a new impulse was given to its movements. In the present stage of the world we may, perhaps, no more expect any event to produce such rapid transformations in society. But we might reasonably look for something like the same consequences from a similar event. Any system, either of violence or law, which distributes property improperly and unjustly and which gives a false direction to the great stream of productive industry, will in the end produce throes and convulsions in the bosom of society. Unless human skill, such as is rarely if ever known, intervenes to give a true direction to affairs, or unless nature interferes through the silent operation of her laws to remove inequalities and repair injustice, violence is almost sure to be used to make a change, if it can not apply a remedy.

Mr. McRAE. There was no other legislation upon the subject of coinage until the passage of the much discussed act of 1873. Those of us who are for silver are proud of the record made by the white metal; for all this time the silver dollar, selected and shaped for the people by Mr. Jefferson, the Father of Democracy, kept its place as the unit of value. For eighty years nothing could be said against it; it was loved and appreciated by the people as it is now. Its friends little dreamed that it would be secretly stricken down—as it was. With the exception of only three years during this whole period the silver dollar was worth more than gold.

In 1861, in the midst of all the excitement of that memorable year, our people proposing to go to war with each other, this same dollar commanded a premium over gold of nearly 4 per cent.

THE ACT OF FEBRUARY 12, 1873, CHANGED OUR POLICY.

So much has been said and written about the act of February 12, 1873, that I will ask that the fourteenth, fifteenth, and seventeenth sections be read.

The Clerk read as follows:

An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States.

SEC. 14. That the gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value; a quarter-eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be 25.8 grains; of the quarter-eagle, or two-and-a-half-dollar piece, 64½ grains; of the three-dollar piece, 77.4 grains; of the half-eagle, or five-dollar piece, 129 grains; of the eagle, or ten-dollar piece, 258 grains; of the double-eagle, or twenty-dollar piece, 516 grains; which coins shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided in this act for the single piece, and, when reduced in weight below said standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight; and any gold coin of the United States, if reduced in weight by natural abrasion not more than one-half of 1 per cent. below the standard weight prescribed by law, after a circulation of twenty years, as shown by its date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices.

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar, or 50-cent piece, a quarter-dollar, or 25-cent piece, a dime, or 10-cent piece; and the weight of the trade-dollar shall be 420 grains troy; the weight of the half-dollar shall be 12 grams (grammes) and one half of a gram (gramme); the quarter-dollar and the dime shall be respectively one-half and one-fifth of the weight of said half-dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

SEC. 17. That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights herein set forth.

Mr. McRAE. This act changed the unit of value from silver to gold. Until the passage of this law debtors could pay their debts in either gold or silver. By it contracts were changed so as to allow the creditor the right to demand gold so far as Congress had the power to so change. The change affected all contracts that were in existence at that time. Without stopping to argue whether the act was passed by fraud or not, I do not hesitate to say that it was unjust to the debtor class of our country and to the Government as well. It was not dictated by any wise, judicious financial policy. It was confessedly the same policy that had been originated by England and followed by Germany, both creditor nations, whose financial policies are formulated by a class having fixed incomes, and who are interested in depreciating money.

It was indeed a fine stroke of financial policy and learned statesmanship for the United States, overwhelmingly in debt, its demand notes away below par, attempting to resume specie payment by deliberately striking down silver, which was the unit of value when the debts were contracted! The people wanted and needed the silver. Our country possessed the mines and the miners were anxious to work them.

As soon as the effect of this act was made known to the people they were quick to denounce it, and were persistent and earnest in their efforts to have silver restored by opening the mints to its coinage again. The creditor class of this country had by this act with its deceitful title, which had passed so quietly and with so little discussion, secured a great advantage of the business classes and laborers of our country. It looked like a herculean task to recover from the depression occasioned by this law or to secure any modification of it. The great political party then in power was committed to the policy foreshadowed by it and turned a deaf ear to the petitions of the people. The eyes of the public turned to the Democratic party—the party of the people—always willing to execute the will of the majority. The restoration of silver was made an issue before the country. There was no mis-

taking the stern, majestic voice of the people when they gave their verdict.

The Forty-fifth Congress found a majority of the members committed to a modification of this act. The result was the passage of the Bland act. The President declined to approve the act and returned it to the House with his objections, but on reconsideration both the House and Senate agreed to pass the bill over his veto. It received the necessary two-thirds majority and became a law on the 28th day of February, 1878.

The Clerk will please read the first and third sections of this act.

The Clerk read as follows:

An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character.

Be it enacted, That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than two million dollars' worth per month, nor more than four million dollars' worth per month, and cause the same to be coined monthly as fast as so purchased into such dollars; and a sum sufficient to carry out the foregoing provision is hereby appropriated out of any money in the Treasury not otherwise appropriated. And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $5,000,000: *And provided further*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and receive therefor certificates of not less than $10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

Mr. McRAE. With a fair construction of this act in view of the contemporaneous discussion it appears to me that there can be no doubt or question but that Congress intended by providing for the coinage of the silver dollar and declaring that it "shall be a legal tender" to restore the "unit of value" to silver and to place it upon equal footing with gold, except the limitation upon the coinage. In order that the point made by the present distinguished and able Secretary of the Treasury, and the extent to which the enemies of silver will go in order to sustain their policy, may be clearly seen and understood, I will ask the Clerk to read this extract from his response to the resolutions of this House.

The Clerk read as follows:

(2) The Revised Statutes and Statutes at Large direct the issue and prescribe the more or less limited uses of several kinds of currency. To but one do they assign the office of a standard. They named the unit of all these currencies and of our money of account with the name—dollar. To but one dollar do they assign the function of a unit of value.

The law of February 12, 1873, section 14 (Revised Statutes, 3511), reads as follows: "The gold coins of the United States shall be a one-dollar piece, which at the standard weight of 25.8 grains shall be the unit of value." * * *

Thus the gold dollar, circulating amid all other dollars, then existing or thereafter to be issued, whatever their substance, description, or kind "shall be the unit of value." The law is unrepealed and unmodified. No other statute of the United States now in force refers to that office, uses the phrase, or names the thing. The function of the gold dollar as the unit of value is therefore unqualified and unquestionable. Its office as a unit of value was once shared with fifteen times, afterward with sixteen times its weight of silver. Its employment in that behalf is now unshared and sole. Its value is the unit of value, its measure is made the only measure. To that measure every other dollar must conform, while other dollars exist and this law of Congress stands. The simplicity of the language makes definition itself difficult, but dispute impossible. It has made my duty clear.

In reply therefore to the summons of the House, mindful of that duty and my oath, I respectfully answer that while the law remains what it is I shall endeavor in the future as I have endeavored in the past to conform my official acts to the letter and spirit of its plain requirements, and to so exercise every discretionary power with which it is the pleasure of Congress that my office be vested over the contents, the outgoes, and the surplus of the Treasury, as to maintain every other dollar of their creation in such use and circulation as consists with the preservation of their practical commercial parity with the gold dollar, testing that equality exclusively by the sole "unit of value."

Mr. McRAE. There is a well-known rule of construction that in construing two statutes such force and effect should be given as will permit both to stand if possible. It is only by the aid of this rule of construction that the act of 1873 should be permitted to stand at all, and certainly no fair-minded judge would hold that the act of 1878 did not restore the silver dollar as a standard. If they are inconsistent, then the latter must prevail, and we have silver and not gold. I believe both statutes are in force, and that we have two coin dollars, gold and silver, equal under the law. The construction insisted upon by the Secretary is unfair and unworthy of his eminent ability and exalted position. The silver dollar can be used for any purpose that the gold dollar can. The latter would be a standard dollar if the words "the unit of value" were not in the act of 1873, and they are not necessary in order to impart this quality to the silver dollar.

SILVER BOYCOTTED.

The employés and servants of the people who have controlled the Treasury Department since the passage of the Bland act have been opposed to the policy of the law, and they, aided and abetted by the national banks (corporations supposed to be created by Congress for the convenience of the people), at once ordered, and from then until now have continuously sustained what, to use a modern and common expression, may be called a "boycott" upon silver.

Notwithstanding the power and influence of these officials and banks, with their advantages, they have utterly failed to affect the money value of silver. It will still buy as much and pay as many debts and as much tax as the gold dollar. All that has been accomplished is to increase the bullion value of gold above that of silver, and for this they ask a suspension of silver coinage. Assuming to be much exercised about the honor and credit of the United States, they tell us that no Government like ours can afford to pay its debts in anything except the dearest money and that we should give our creditors the money they want. They tell us that payment in silver is 25 per cent. of repudiation. Having made the boycott effectual, as they supposed, they point to the "unit of value" in the act of 1873, and cry out against silver by denouncing it as cheap money.

Mr. Speaker, I am opposed to such action, and here and now protest against its continuance. It is the duty of this Congress to put a stop to such discrimination against one of the coins of the Government. Let us without unnecessary delay compel a withdrawal of the "boycott," and restore silver to its proper place as a part of the basis of our monetary system, and thus restore the relation between the two metals by free coinage if possible, and if not then to the full extent allowed under the present law.

It is the monometallists—

Says the great French financier—

who are the authors of the depreciation, which, nevertheless, they point to as a proof of the unworthiness of the metal which they cry down. They resemble the people who, having tied up the legs of a horse, called out for him to be killed because he could not gallop. A sage who was passing by untied the ligatures and the steed flew off.

The attack upon silver is without the least provocation; but at the same time the great cry about the clipped and dishonest dollar and the general denunciation of silver have done much to depress trade and oppress the people, for the effect of it has been, in my opinion, to force gold, which when held in large quantities is always timid, to the centers of trade, leaving the great body of the people without any. It may be true, as the friends of gold tell us, that money is cheap and plentiful, but we know that the circulation does not reach the extremities of our country. We want a policy that will at the same time restore both confidence and a free circulation. In the language of the illustrious Calhoun, we say, "Restore them to their proper functions and they will return from their banishment; the mines will again be opened, and the gorgeous splendor of wealth will again reassume the more humble but useful form of coins."

I do not mean to charge that the action of the Treasury Department was the sole cause of the depression; but I do say that the treatment of silver has had much to do with our troubles. It restricted the coinage and circulation at a time when the interest of our people demanded the full coinage and free circulation of every dollar that our mines could produce. Let the merchants, farmers, mechanics, and laborers, who have had debts to pay and most severely felt the effects of the depression, answer whether I am correct or not.

I am amused at the inconsistency of our suspension friends. In one breath they tell us that the silver dollar is "dishonest," "short weight," "buzzard," cart-wheel, and wholly unfit for money, and in the next that they are the only real bimetallists and that suspension is the only way to secure it; that they would not discontinue its use and would not, if they could, demonetize it. I respectfully submit that if the charge be true that common honesty demands that we should not use it at all, and should get rid of it as soon as possible. I do not believe that it is either cheap or dishonest money.

It is unjust to say that those of us who favor silver desire to pay the national debt with cheap money. As far as I am concerned I believe that any money that is good enough for the people is good enough for the bondholder, but my main purpose is to restore the measure of value, which I believe to be both gold and silver, and thus enable us the sooner to make payment according to the terms of the contract. I would apply every dollar of the surplus revenue in paying the debt now due and pay that which is not due as soon as possible.

I protest against a national debt except in so far as we are compelled to carry it. Debts ought never to be made if possible to avoid them, and when made should be paid as soon as possible. Nations as individuals should live within their means. Credit is a good thing to have, but debt is dangerous.

SOUND CURRENCY.

The friends of silver have been charged with favoring "inflation" and "fiat-money." As for myself, and I think I can speak for the members of the Democratic party who favor this bill, I desire to say, Mr. Speaker, that I will go as far as any one for a sound and stable currency. As to what is or is not sound, I beg leave to say that, in my opinion, the two metals furnish a sounder and more stable basis than one of them can. It has been truthfully said that "stability is the desideratum in the standard." My reason, in short, for this opinion is that with the free coinage and circulation of the two metals the one would serve as a

check and balance to the other; in other words, a "corner" upon one would avail nothing, and it will be extremely difficult to "corner" both.

Upon the question of a sound currency, Mr. Webster said: "The legal standard of value is gold and silver;" which, he said, "was the law of the land at home and the law of the world abroad; there could, in the present state of the world, be no other currency."

On another occasion he spoke as follows:

I am for a solid specie basis for our circulation, and for specie as a part of the circulation so far as it may be practicable and convenient. I am for giving no value to paper merely as paper. I abhor paper; that is to say, irredeemable paper, paper that may not be converted into gold or silver at the will of the holder.

Mr. Calhoun expressed himself in these words:

It is the duty of the Government to receive nothing in its dues that it has not the right to render uniform and stable in its value. We are, by the Constitution, made the guardian of the money of the country. For this the right of coining and regulating the value of coins was given; and we have no right whatever to receive or treat anything as money, or the equivalent of money, the value of which we have no right to regulate. * * * Nothing can be more delicate than the currency. Nothing can require to be more delicately handled. It ought never to be tampered with nor touched until it becomes absolutely necessary.

I will let the history of France and the statement of her greatest financier, Mr. Cernuschi, answer the charge that the double standard is less stable than a single standard:

It is admitted without contradiction that the greater the bulk of the monetary mass the less strong the variations in the buying power of specie, when the monetary matter has suddenly contracted or expended.

Suppose there were 10,000 tons of gold circulating in the whole world, and silver being everywhere demonetized; and suppose that an additional supply of 1,000 tons was rapidly produced; what would happen? Gold would lose a tenth of its purchasing power. The same quantity of bullion would buy nine-tenths only of what it would have bought before the appearance of the thousand fresh tons. But if the monetary mass be not only composed of the 10,000 tons of gold, but as well of the 150,000 tons of silver in actual circulation, it is doubled. Thanks to the universality of the bimetallic 15½ we are in exactly the same situation as if 20,000 tons of gold or 300,000 tons of silver were circulating. What takes place on the apparition of the fresh 1,000 tons or of a corresponding quantity of silver? The monetary mass is simply increased by a twentieth, and consequently the diminution in the purchasing power of money is a half less. When monetary production slackens this circulation in an inverse sense holds good.

Should it be objected that the bimetallic mass is exposed to the variations in the productions of both metals instead of to those of one, we would reply that greater regularity is probable in production of gold and silver, taken together, than in the production of a single metal.

Since England adopted the single gold standard in 1816 commercial and financial panics have been common The strongest evidence of this may be found in the fact that for the twenty-five years preceding 1873, when Germany and the United States suspended the coinage of silver, the rate of interest changed more than two hundred times, the lowest being 2½ per cent. and the highest 10 per cent. For more than one hundred years next before 1816, with bimetallism, there were less than twenty changes in the rate of interest, and it was never higher than 6 per cent. nor lower than 4. Mr. Alexander Baring, in his evidence before a committee in England, said that in London during the financial crisis of 1847 it was impossible to borrow a guinea of gold on 60,000 pounds of silver. Again we learn that in India, where silver is the standard, in Calcutta during the crisis of 1864 the owner of 20,000 pounds of gold was declared to be a bankrupt for the reason that he could not raise a single rupee on his gold.

In discussing this view of this question an able American writer said:

It must be said of silver that as the values of its coins are less than those of gold, and as these coins are possessed by the poorer classes and are far more widely dispersed among the people than of gold, and are less favorite coins with bankers as subjects of deposit in their vaults, therefore there is less danger of their being monopolized at any time under special ownership and control; and a corner of silver is almost impossible.

On the other hand, gold is beyond the reach of the poor and is handled to a very small extent by the middle classes. There is never a general dispersion of it among the community at large. It accumulates in banks and in the centers of capital and speculation. It is peculiarly susceptible of manipulation by operators on a large scale who control masses of capital. Experience has taught that it can be made the ready and facile instrument of financial powers and pressures. Possessing the highest excellence as money when conjoined with its staid and conservative consort, silver, it becomes erratic, disorderly, and profligate when single and celibate. Indispensable when but a part of the money of society, serving the interests both of poor and rich; yet, when divorced from silver and indorsed alone with the prerogative of money, gold often is made the instrument of fraud and oppression to three-fourths of the population of the countries in which it is the sole money.

If the mad fatuity which is seeking to constitute gold the only standard and measure of value for Europe and the United States succeed in this scheme, the most revolutionary results would ensue, the character of which must be left to each one's reflections to outline. The major portion of every community would refuse to submit to the intolerable burdens that would be imposed upon them; labor and property would everywhere antagonize money capital; a broader hatred than that against the Jews in Slavic or Teutonic Europe would seize the masses of populations, and social disorders more serious and irrepressible than ever before known would not only disturb the peace of Europe, but have their counterparts in our own country.

Mr. Speaker, as long as the love of liberty and the spirit of independence is abroad in our land the American people will not tamely submit to the burdens that will necessarily result from the adoption of the single gold standard. They will insist upon a measure of silver as long as its value is not less than the average value of the property of the country. They will demand that our metal be coined into money for their own use, regardless of whether it is or is not favored by England and Germany.

THE GRESHAM LAW CAN NOT DRIVE OUR SILVER OUT.

Sir Thomas Gresham, a London merchant of the time of Henry VIII, first called attention to what he alleged to be a fact, that "bad money always drives out good money, and that good money can never drive out bad." The friends of gold rest their whole case upon this law, and straightway assume as a fact that silver is "bad money," and under the operations of this law of finance will be driven out of our country, and with this premise argue with some force that in our effort to secure bimetallism we will be reduced to monometallism in its worst shape. Now silver is not bad money. I do not, as many of our friends do, admit the applicability of such a law as to the two precious metals, except to a very limited extent. It may, and I believe does, accomplish complete results when applied to irredeemable or other local legal-tender money not convertible on demand.

The truth is that gold and silver are now and since the dawn of civilization have been the money of the world. There has never been an overproduction, and yet the supply has generally been sufficient to meet the demands of trade and business. With both metals as the basis unhealthy inflation would be impossible; with free coinage the world over it would be impossible to contract to a dangerous degree. This same law was held up to frighten Congress in 1878, but in utter disregard of it the Bland act was passed, and our experience under it for the last eight years clearly proves the position I assume. During this time we have increased our gold in circulation about two hundred million, and England, the country that we were told would dump her silver on us, is being drained. To prove this I will refer to the following official table furnished by the Director of the Mint.

Imports and exports of coin and bullion into United States.

Fiscal years.	Imports of gold coin and bullion.	Exports of gold coin and bullion.	Imports of silver coin and bullion.	Exports of silver coin and bullion.
1878	$12,976,281	$9,204,455	$16,490,599	$24,535,670
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,544,238	16,841,715
1882	34,377,054	32,587,880	8,095,336	16,829,599
1883	17,734,149	11,600,888	10,692,242	20,219,445
1884	22,831,317	41,081,957	14,594,945	26,051,426
1885	26,691,696	8,477,892	16,550,627	33,753,633
	301,025,100	113,744,843	103,914,953	172,145,209

There is nothing in this scare, for we see that we are not only not losing our gold but are increasing it. We are not having the silver of the Old World dumped on us, but, as is shown by this table, we have exported more silver than we have imported. Will our friends not cease to deal in prophecy and deal with this great problem as a practical, living question? There is no escaping the fact that there is not enough gold to do the work of money for the world. The stock of both metals, according to the best accessible information, is not exceeding $7,000,000,000, which is divided about equally between the two metals, and is held principally as follows:

Countries.	Gold coin and bullion.	Silver coin and bullion.	Total.
United States	$626,422,646	$269,665,758	$896,088,404
Great Britain and Ireland	583,500,000	95,000,000	678,500,000
India		1,037,000,000	1,037,000,000
France	848,000,000	595,000,000	1,443,000,000
Belgium	64,000,000	60,000,000	124,000,000
Switzerland	17,000,000	15,000,000	32,000,000
Italy	140,000,000	72,000,000	212,000,000
Greece	2,700,000	2,700,000	5,400,000
Spain	130,000,000	70,000,000	200,000,000
Portugal	30,000,000	10,000,000	40,000,000
Germany	325,000,000	211,000,000	536,000,000
Austria	45,000,000	75,000,000	120,000,000
Sweden	15,000,000	5,000,000	20,000,000
Denmark	14,000,000	5,000,000	19,000,000
Netherlands	28,000,000	57,000,000	85,000,000
Russia	124,000,000		124,000,000
Turkey	40,000,000	35,000,000	75,000,000
Roumania	163,000	11,000,000	11,163,000
Total	3,032,785,646	2,625,365,758	5,658,151,404

Mr. Speaker, it is a striking and significant fact that wherever the one is found so is the other. In their work as money, unless divorced by statute law, they are by an immemorial law of finance inseparable. There appears also to be some law of nature that holds them together. Sleeping deep down in the "rock-ribbed" hills and mountains of our Western Territories, where the eye of man has never penetrated, they keep each other company. These metals, created by an all-wise Providence for man to be used as money, have been adopted by the civilized world, and with the proper relation between them can defy the law of Lord Gresham, and this is peculiarly the case with such a strong and growing republic as the United States, where the power and capacity of the Government itself is almost strong enough to destroy the law.

This is the great producing country of the world, not only for the metals but for all that is necessary to feed and clothe mankind. We grow products to sell to other nations; and one of the principal uses of money is to circulate between nations as well as individuals, settling the balances in trade. We sell to and buy from gold countries and silver countries, and hence need both metals for this. As we sell more than we buy, we get the balance in money. Here lies our great security. In order to maintain this balance we should by proper and just laws provide plenty of honest money for our people, and thus stimulate the energy of our country. A contraction to the extent of either metal would, in my opinion, bring ruin and disaster to our people, already overburdened with an immense public debt, besides untold millions of private debts.

WE WANT AN AMERICAN POLICY.

Mr. Speaker, our Government, wrested from the Old World by revolution, now more than a hundred years old, and composed of thirty-eight States and the Territories, with a population of over sixty millions of people, 125,000 miles of railroad, besides our great natural highways, washed by two oceans, has certainly passed its adolescence, and should adopt a policy of its own and not longer listen to the dictation of our mother country. Let the United States, by the passage of this bill, declare to the monometallists of the Old World that we intend to have both metals circulate in the United States.

Our Government has made two efforts to bring about an international agreement. Let it now say to these countries who have refused to make this agreement that if they will not act with us we will undertake it without them. With this declaration on our part it will not be long before we will have such powers as France and Germany following us, and in the end we will secure what we now desire, but in no other way. We are in condition to boldly take this step because as a circulating medium among our people the silver is as good as gold; and we have no debts not payable in silver, and God knows we have enough of them to pay to require all the silver we can get. Although we have paid, principal and interest, on our national debt since the war over $2,000,000,000, it will take more of the labor and products of the country to pay the remainder than it would have taken when it was largest. The debtors have rights as well as the creditors. Let the pledge of faith and protection be extended to both.

Something must be done. Things can not remain as they now exist. The whole business of the country is standing still, and it behooves us, the representatives, to take a forward step—we dare not go backward and we ought not to be content to stand still. Confidence is being withdrawn from the Government and we have evidences of discontent all over the land. I appeal to the American Congress, and particularly the Democratic members of it, to respect the wishes of the people by passing this act and avert the desolation that otherwise awaits the debtors of our country. Before to-morrow's sun shall go down I trust the wires will flash the news to the world that this House has declared for the free coinage of silver. [Applause.]

Mr. BRUMM addressed the House. [See Appendix.]

Mr. BUCHANAN. Mr. Speaker, it had not been my intention to occupy any of the time of the House in discussion upon this bill. I had intended to express my opinion by my vote; but the "National Bimetallic Association," an organization having its headquarters in this city, and having for its president Senator JONES, of Colorado, and for its vice-president ex-Senator Tabor, of the same State, both among the heaviest mine-owners of the world, and for its membership a number of associates engaged in mining and hailing almost exclusively from the States of Colorado and Nevada, having sent letters into almost every part of the district which I have the honor to represent, stating that their Representative was "in doubt" upon this subject, and imploring my constituents to sign and forward to me petitions addressed to myself, prepared and printed by that association, and sent out with such letters, I have deemed it a duty to myself and to the very intelligent constituency I represent to explain in a brief manner the reasons which shall influence my vote upon the pending bill, and to cast some light incidentally upon the purposes and objects of that association.

But three of these petitions have been returned, and but one of them bears any considerable number of names. Had the real character of this association and the entirely private interests—to use no harsher term—it was organized to promote been fully understood, I am satisfied that the responses to its requests would have been still less in number.

I believe in silver. I believe in gold. I believe that the all-wise Father when He placed the silver in our Western hills, and spangled with gold the Western slopes did so for a wise and beneficent purpose. He gave us freely this dowry, and we ought not to esteem lightly His gifts. Because I so believe I am compelled to vote against the pending bill. It comes here as the pretended friend but real assassin of silver. It is proclaimed by its friends to be a panacea for our troubles, but it can not fail if enacted into law to breed "confusion worse confounded."

This discussion has been a protracted one. Beginning almost at the commencement of the session with isolated attacks by gentlemen upon the other side of the House upon the financial policy of an administration their votes helped to elect, it has sputtered along at intervals, in season and out of season, until now the fire has opened along the whole line, and the strange spectacle is witnessed of that administration finding scarce an advocate or defender in the house of its alleged friends. This discussion has been broad and long. As to its depth let the impartial historian say. The cave of Machpelah has been explored, and the potters' field has been plowed over.

Pliny has been brought back to life, and Aristotle has narrowly escaped resurrection. One authority has not been referred to. It would be improper to remark that possibly it has not been cited because of the comparative unfamiliarity of the members of this House with the book in which it is to be found. The other day, in rummaging among the "records" and "Statutes at Large" in the hall library, I found a copy of the book in question. It is in an excellent state of preservation. I am sorry to say it bears no evidence of injury from use. On turning over its pages I find these words written thereon:

And all the drinking vessels of King Solomon were of gold, and all the vessels of the house of the forest of Lebanon were of pure gold: none were of silver. It was not anything accounted of in the days of Solomon.

For the king's ships went to Tharshish with the servants of Hiram: every three years once came the ships of Tharshish bringing gold, and silver, ivory, and apes, and peacocks.

And King Solomon passed all the kings of the earth in riches and wisdom.

And all the kings of the earth sought the presence of Solomon, to hear his wisdom, that God had put in his heart.

And they brought every man his present, vessels of silver, and vessels of gold, and raiment, harness, and spices, horses and mules, a rate year by year.

And Solomon had four thousand stalls for horses and chariots, and twelve thousand horsemen; whom he bestowed in the chariot cities, and with the king at Jerusalem.

And he reigned over all the kings from the river even unto the land of the Philistines, and to the border of Egypt.

And the king made silver in Jerusalem as stones, and cedar trees made he as the sycamore trees that are in the low plains in abundance.

And they brought unto Solomon horses out of Egypt, and out of all lands.

Here we have in these few graphic words a picture of a land of wealth and plenty; a land where gold became so plentiful that it was used for the fabrication of common utensils; a land of which it was written:

Now the weight of gold that came to Solomon in one year was six hundred and three score and six talents of gold,

Besides that which chapmen and merchants brought, and all the kings of Arabia and governors of the country brought gold and silver to Solomon.

That land had wealth of gold and wealth of silver. Other nations paid tribute to it, and the country prospered.

Sir, silver and gold are not the mere representatives of wealth. They are wealth itself. The world, by common consent, has long spoken of them as the "precious" metals. Their use as money is based upon two facts—first, convenience of handling, avoiding the difficulties of barter; and second, intrinsic value equaling the value of the goods or labor given. Because I believe that gold and silver coins used thus in the buying of goods or of labor should maintain their intrinsic value, I am compelled to vote against this bill.

The bill provides for the free coinage of silver. Its exact terms are as follows:

That from and after the passage of this act all holders of silver bullion of the value of $50 or more, standard fineness, shall be entitled to have the same coined into standard silver dollars of 412½ grains Troy of standard silver to the dollar, upon like terms and conditions as gold is now coined for private holders; that the standard silver dollar heretofore coined and herein provided for shall be the unit of account and standard of value in like manner as now provided for the gold dollar, and shall be a legal tender for all debts, public and private, except where otherwise stipulated.

M. Cernuschi, one of the clearest writers on metallic money, defines free coinage as follows:

Coinage is said to be free, if every person has a right of bringing to the mint any quantity of metal for coinage, and of getting it back cut into coins.

Under this bill the owner of silver bars or bullion can take them to the mint, pay the mint charges, and receive that silver back coined into alleged dollars. This is said to be, it is true, "upon like terms and conditions as gold is now coined for private holders;" but under the law as it now stands, the holder of gold bullion receives back his gold coined into dollars, each coin having in it a weight and fineness of gold equaling, at least, a dollar in market value. Under the proposed bill each silver dollar received back by the owner of the bullion is to contain "412½ grains, troy, of standard silver." What is the market value to-day of these 412½ grains?

Fine silver bars, that is to say, silver bars .999 fine, are worth in the market from $1.03½ to $1.03¾ per troy ounce of 480 grains. The United States standard silver dollar contains 10 per cent. alloy, and is therefore only .900 fine. Taking fine silver bars at their market value to-day it will be seen that a dollar containing one ounce or 480 grains of silver, .900 fine, can be coined at a cost to the Government of about 95 cents. In other words, if we put 480 grains of silver into the dollar instead of 412½ grains we yet put in less than one dollar in market value of silver.

Following this calculation out, we find that a silver dollar with only 412½ grains in it contains only about 79 cents market value of silver; or, stated in other words, a dollar of the weight and fineness proposed in this bill will cost the holder of the bullion only about 79 cents plus the mint charges. And, by this bill, the holder of these dollars, which cost him less than 80 cents each, can compel the public to receive them at par, except for debts expressly by contract excepted, for the bill

makes them "a legal tender for all debts, public and private, except where otherwise ordered."

In other words, a holder of a silver bar worth $790, and for which he can receive but $790 in any market in the world, can, under this bill, take that bar to the mint, pay the mint charges, which are trifling in amount, and receive back one thousand so-called dollars, which he is enabled to palm off on his neighbor in payment for the labor or the goods of that neighbor. This will, beyond all question, demoralize silver and drive out gold, leaving us with only a debased coinage on our hands.

Because I believe in the use of both metals, I am opposed to this debauching of our silver coin. Let us have the silver, but let the silver dollar which the poor man receives for his labor or the farmer for his wheat be an honest dollar. So far, gold has not been driven out by the base coins heretofore issued, but we must remember that the proposed law is very different from the existing law. The "Bland act" we now have is not in fact the "Bland act" at all. That act was so amended in its passage through Congress that the coinage under it is limited, and is on Government account. The coinage has hitherto been neither "free" nor "unlimited," as is proposed by this new bill.

I oppose this proposed coinage because it is not honest. These figures show it. Almost from time immemorial clipping or debasing the current coin has been a felony, and now we here, under our oaths of office, are asked to legalize that felony.

I oppose this proposed coinage because it is not in the interest of the people. It is the interest of the people to have honest money for honest toil or product.

I oppose this proposed coinage because it is solely in the interest of the owners of silver mines. They alone produce these bars. They alone will receive this benefit of twenty-odd cents to each dollar. They will not neglect to have each bar coined into dollars under this act. It may then be asked, will not that fact enhance the value of the bars? Two answers are apparent. First, the silver market is a world market. Silver bars will not rise much in price in America beyond the price in other portions of the world; and second, bars coined into dollars will have no intrinsic value added. This coinage is not to be on Government account but on private account. It may be forced into circulation by making it a legal tender, but it can not be forced into a higher intrinsic value, any more than by legislation water can be made to run freely up hill.

We have heard much about "monopolies" lately. Sir, the silver mine monopoly is one of the greatest monopolies in this country. A few men have become rich from the "Comstocks" and "Bonanzas" of Colorado and Nevada, and now seek to add 20 per cent. to their wealth at the expense of the American people.

The proposed legislation is neither wise, patriotic, nor statesmanlike, and as a friend of both metals I must vote against this bill. While I so vote I also announce that no vote of mine will be cast which will tend to take either metal from use as money, when properly coined, of the proper weight and fineness.

Are we then without remedy? Not at all. Strike out of this bill the words "four hundred and twelve and a half" and insert in lieu thereof the words "four hundred and eighty," that would not be quite accurate, but with the fluctuations in value would be approximately so. But would dollars heavier than those we now have circulate? The law could be so amended as to allow certificates to be issued instead. These certificates, if issued in denominations of one and two dollars each, and larger, would be convenient and useful.

The certificates already issued have been freely accepted by the people. If these certificates, of convenient denominations, were backed by an equal value of silver in the Government vaults, the people would not hesitate to take them. They would answer to our old-fashioned idea of paper money as a promise, backed and made good by the specie in the vault. They would be convenient to carry. They would represent value. They would, especially the smaller denominations, be very convenient in making change and in paying small debts. I am confident the people would prefer them. Why, even the fiercest advocates of silver upon this floor, they who cry night and day for debased dollars for the people, are extremely careful, I notice, when they step up to the counter of the Sergeant-at-Arms and draw their pay, to demand that pay in paper and to refuse the actual coin.

By thus providing an honest coinage and providing a certificate based upon that coinage would we not provide a currency based on actual value, and utilize the wealth the Creator planted in our hills for our use?

Mr. BALLENTINE. Mr. Speaker, the silver question has attracted the general attention of the country for a considerable period, and has been elaborately and ably discussed before chambers of commerce, boards of trade, labor unions, in the public journals, and in this and the other House of Congress. It would be a matter of difficulty to present any additional facts upon the question, nor, in my judgment, is further data necessary to enable this House and our constituencies to form a correct apprehension and a just appreciation of the subject. However, discussion may still subserve a useful purpose if we will give to facts a different grouping and will consider silver in its relations to our present monetary system, and thus clearly define and determine its functions and exhibit and recognize the beneficent offices that it is qualified and designed to perform in the commercial transactions of the country.

A historical statement of our financial legislation and a brief enumeration of the elements that compose the monetary system of the United States will supply the basis of the reflections that I desire to submit to this honorable body on the question now under consideration.

COIN LEGISLATION.

Under the articles of confederation, and when the Spanish milled dollar was the most familiar coin in the country, Jefferson, with the concurrence of Washington, suggested in a memorial presented to the Congress in 1784 that a number of said coins should be melted and assayed for the purpose of ascertaining the amount of pure silver therein, and with the view of establishing a unit of value for the Confederation.

The assay showed the Spanish milled dollar to contain 371¼ grains of pure silver, and in 1785 the Congress carried into effect the suggestions of Jefferson and caused to be coined for the first time a dollar containing 371¼ grains of pure silver and an amount of alloy of copper to make the weight of the standard dollar 416 grains. The articles of confederation were adopted in November, 1771, and ratified by all the States March 1, 1781, and the present Constitution was agreed upon September 1787, and adopted March 1789. In 1792, during the first term of Washington, when Jefferson was Secretary of State and Hamilton Secretary of the Treasury, the first mint and coinage act under the Constitution was drafted by Hamilton and passed by the Congress of the United States.

Under the constitutional provisions authorizing Congress to coin money and regulate the value thereof and to establish weights and measures, this act elaborately directs what shall be done to create for the United States money by coinage of the precious metals of gold and silver. It fixes the character of the standard gold and silver coins deemed necessary for the monetary purposes and needs of the nation, and establishes the reciprocal relations of said coin. It provides for the coinage of a silver dollar to contain 371¼ grains of pure silver and, for purposes of hardening, 44½ grains of alloy of copper, making the standard dollar weigh 416 grains.

It provides for the convenience of trade a fractional coinage, to consist of half-dollars, quarter-dollars, one-tenth of dollars, and one-twentieth of dollars of the same purity with the dollar, and differing only in weight of coin. It at the same time provides for the coinage of gold eagles, or "ten dollars or units," half-eagles of five dollars, and quarter eagles of two and a half dollars. The eagle was to contain 247½ grains of pure gold and 22½ grains of alloy, composed of equal parts of copper and silver, making the standard eagle, in weight, 270 grains.

The half and quarter eagles were to possess the same proportionate amount of pure gold and alloy found in the coin of which they were fractions; the relation between the silver and gold coins was indicated by the ratio established of 15 to 1, gold being esteemed to be worth fifteen times more than silver. The silver dollar and its fractions and the gold coin were, alike and without discrimination and limitation, declared to be legal tender for all debts, public and private.

In 1834 the act of 1792 was amended so as to reduce the eagle, previously containing 274½ grains pure gold, to 232 grains, retaining the same quantity of alloy, but deducting 15½ grains of pure gold from the coin and thus reducing the weight of the standard eagle from 270 grains to 254½ grains. The standard gold dollar, upon this basis of fineness, was 27 grains, consisting of 24¾ grains of pure gold and 2¼ grains of alloy. By the amendment the standard dollar contained 23.22 of pure gold and 2.58 grains of alloy, reducing the weight of the dollar from 27 grains to 25.8 grains.

The same act established by law the value of pure gold, by providing that it should be bought at the rate of 94.8 cents per pennyweight, making the ounce troy of pure gold worth $20.71, and finally the ratio of the coins was changed from 15 to 1 to 16 to 1, the present ratio between silver and gold.

In 1837 the act of 1792 was further amended. Previously we had used the English formula of eleven-twelfths to represent the fineness of the coins—that is, the coin was to be eleven times fine or 11 fine and 1 alloy. But under the act we adopted the more felicitous French system of 900 fine and 100 alloy; an approach to this modification was made in the act of 1834, but was perfected in transition to the French system in the act of 1837. This act changed also the standard weight of the silver dollar from 416 grains to 412½ grains, the reduction being made by subtracting 3¾ grains of alloy, and in this way preserving the integrity and value of the coins.

In the beginning of our coinage there was no charge therefor, if the party was willing to receive the coin value of his gold and silver bullion, after the mint had wrought it into money, but if he insisted on having his pay in coin before the metal had been converted, in that event he was charged one-half of 1 per cent. Under the act of 1837 this conditioned charge became a fixed one, and all bullion holders who desired to avail themselves of the benefit of the mint were required to pay it, as a part of the expense fund of the coinage.

In 1849 provision was made for the coinage of the gold dollar and the double eagle, though the gold dollar was not struck off until some time in 1853.

In 1853 the fractional money, the half and quarter dollars and ten

and five cent pieces were debased about 6 per cent. by taking from the bullion from which they were coined 22¾ grains of pure silver, that is, the bullion out of which they were made as compared with that of the standard silver dollar was less fine by 22¾ grains of pure silver. The effect of this legislation was to debase the coins and make it subsidiary, and was followed by a provision limiting its legal-tender function to the amount of $5.

In 1873 the trade-dollar of 420 grains of standard silver, for the purpose of meeting the demands of China and other East India trade, was authorized to be coined to the extent of fifty millions, and said coinage actually extended to nearly thirty-six millions. It failed to meet the purposes of its creation, and instead of its remaining in the foreign trade the greater part of it returned to the United States. It was lawful money, with greater bullion value than the standard dollar; by fair implication, at least, it possessed the legal-tender quality. Nevertheless, by the act of 1876 it was demonetized, lost its paying capacity, dropped out of the coins of the land and no provision was made for its redemption.

In 1873 the silver dollar was omitted from the list of standard coins authorized by law and the gold dollar made the unit of value.

In 1874 the legal-tender quality was taken from the standard silver dollar, except to the amount of $10.

In 1875 the coinage of gold was relieved of cost by the repeal of the act imposing a cost of one-fifth of 1 per cent. for the expense of minting the bullion.

In 1878 silver was remonetized and the silver certificates authorized.

In 1879, with the view of convenience, the legal-tender capacity of the subsidiary coins was extended to $10.

PAPER ISSUES.

While money, coined from the precious metals, is the measure of payment, it is also the measure of values, does not represent property but is property, and all the transactions of business that are healthily conducted must recognize this distinction between money proper and the paper issues that represent it. The values of the world are measured by money, but the business of handling those values—their exchange—is chiefly done through the paper representatives of money.

Comptroller Knox reports the financial operation of the national banks on June 30, 1880, at nearly $274,000,000, and yet less than 1 per cent. of this business was done by gold, silver, and minor coins. United States notes, national bank-notes, drafts, and bills of exchange moved 99 per cent. of this day's large financial transaction. While the gold and silver legal-tender coins regulate the values, their paper representatives directly were thus used for the great bulk of this transaction.

Prior to the mint and coinage act of 1792, Continental paper money, payable in Spanish dollars, performed the function of representative money to our fathers. Antedating the same act, or currently with it, the United States Bank issued notes representative of coin and performed this function in conjunction with the State banks from the beginning of its charter to the expiration thereof in 1811, and in a renewal of its charter in 1816 until the expiration thereof in 1836, aided by State banks, it continued to perform the same function—in supplying the paper representatives of money. After 1836, and until 1861, United States Treasury notes and certificates to some extent, but the State banking institutions principally, furnished the paper tokens by which the business transactions of the country were principally carried on.

The exigences of a great war radically changed the financial organizations of the country, and the same forces have produced the financial legislation that have largely given complexion and character to our present monetary system.

UNITED STATES NOTES OR GREENBACKS.

In February, 1862, an act was passed providing for the issue of $150,000,000 of United States notes, or "greenbacks."

On March 2, 1862, an act was passed placing $50,000,000 of demand notes, authorized under act of July, 1861, in the category of United States legal-tender notes. The act of July, 1862, provided for the further issue of $150,000,000 of greenbacks. Act of March 3, 1863, provided for a further issue, of similar notes, to the extent of $900,000,000.

NATIONAL NOTES.

The issue of United States notes had become so large as greatly to depreciate the value thereof. The volume was not in excess of the demands of business, but some method was imperatively demanded, by which the integrity of the country and its volume might be currently maintained. Under the circumstances it was determined to retire the legal-tender or greenback issues, to the extent of $400,000,000, through the utterance of United States bonds to that extent—an interest-bearing evidence of debt—and then, upon the basis of these bonds, to organize a banking system which would be competent to replace and maintain, in the form of national-bank notes, the $400,000,000 of greenbacks that had been withdrawn from circulation. Accordingly, the act of February, 1863, was passed, establishing what is known as our national banks.

The act elaborately provides for the organization and chartering of national banks and the issuance to them by the Government of national notes based upon United States bonds to the extent of 90 per cent. of the face value of the bonds deposited with the Government. The notes possessed the legal-tender quality of the United States note or greenback, and a limitation as to the volume of circulation was imposed and a restriction as to location was added with the view of securing such a distribution of these institutions as would secure the interest of every section of the country. These are the main provisions of the act. Subsequent legislation has removed both the limitations referred to, and now circulation is limited only by the amount of bonds that the banks may choose to deposit, and the place of location is left to the discretion of the capitalist who may desire to invest in banking enterprises.

COIN CERTIFICATES.

The act of 1863 authorized the issuance of certificates on the deposit of gold bars or gold coin.

The act of 1874 authorized gold certificates to issue on gold bullion at the rate of its value in coin and not less than its market value. Later legislation repealed the bullion basis of gold certificates and restricts them to coin deposits. The act of 1878, third section, authorized the issuance of silver certificates on a deposit of silver dollars. These certificates, of each class, are redeemable in the coin deposited, pay all dues, customs and taxes, and, though not formally, are nevertheless practically legal tender—requiring a fixed amount of deposit in order to secure an issue of certificates, which in no case can be of less denomination than $10.

EPITOMIZED SUMMARY.

Gold coin, in double-eagles, eagles, half-eagles, quarter-eagles, and dollars, full legal tender for all debts, with free coinage.

Silver coin, in standard dollars of full legal tender for all debts, but limited in coinage to a minimum of $2,000,000 or a maximum of $4,000,000 monthly.

United States notes or greenbacks, full legal tender for all debts, except customs dues and interest on the public debt, and limited in issue, to $400,000,000.

National or bank notes, full legal tender for all debts except customs dues and interest on the public debt. These notes are issued by the Government to the banks, based on United States bonds deposited in the Treasury, and the volume is unrestricted, except by the amount of bonds deposited.

Silver and gold certificates, based on deposit of coin and in denomination of not less than $10, with no maximum limit, legal tender for all public dues, redeemable in coin, and practically legal tender for all debts.

Subsidiary coin, in half and quarter dollars, ten and five cent pieces, nickels, two and one cents, token or representative money, is legal tender for $10, and redeemable in lawful money.

Before closing this historical sketch of our financial legislation, I desire to call attention to what I conceive to be some misapprehension relative to our units of value. It is generally asserted and believed that we have had at the same time in our monetary system currently only one unit of value; that the standard silver dollar was our unit of value from 1792 until 1873; that the gold dollar, under the act of 1873, became our unit of value and is so to the present time, and that the simple remonetization of the silver dollar did not restore to it the unit quality which it possessed prior to its demonetization.

I except, sir, to the correctness of either of these views, and allege that we have always had two units of value, except in the interval covered by the time that elapsed between the demonetization and the remonetization of silver. Alexander Hamilton, the author of our mint and coinage act of 1792, preceded the draught of the bill with suggestions, embodied in an elaborate report, in which he said:

> It seems to me most advisable not to attach the unit exclusively to either one of the metals, because this can not be done effectually without destroying the office and character of one of them as money and reducing it to the situation of mere merchandise.

The ratio between the metals was established, the standard of bullion in each case, the pure metal and the alloy in each coin were also determined, and the denominations of the coins were designated.

Expressly, and prior to the provisions for coining silver, the gold eagle was defined as "ten dollars or units," and then the silver dollar, described as "one dollar or unit," and these designations were stamped on the edge of each coin. The merit of each coin depended upon itself, and after the relation between the metals had been established the money value of the coin depended upon its composition. The "ten units" represented the gold dollar just as certainly as the silver "unit" represented the hundred cents of which it was the multiple. The law was constructed to carry out Hamilton's report of 1791, and created the double units, for the reasons he had suggested in said report.

If this construction is correct, the law giving gold the quality of the "unit of value" was useless, because it already possessed that quality in common with silver; nor is the status of gold, under the recent act that seeks to make it the exclusive unit, improved, because the act of 1878 has restored the legal-tender quality to the silver dollar, subject to the provisions of the act of 1837, and gives the silver dollar all the qualities that it possessed under that act, among which was its capacity as one of the units of value. This quality of the silver dollar was never taken from it by direct provisions of law, but was lost as the incident to its demonetization. If it had first been deprived by legislation

of its unit quality, and then demonetized, both qualities would have to be restored by statute.

The legislation by which silver was restored to its integrity as one of our moneys, while not formally repealing the act that made gold the "unit of value," so far annuls it as a subsequent act as to place the two dollars on the same basis of equality that they had held until 1873.

If these views are correct and accepted as the basis of legislation and administration, a great deal of confusion in administration would be avoided, and the artificial depreciation of one metal by giving to the other exclusive prerogatives, to which it is not legally entitled, will be overcome and corrected.

For the purpose of information and illustration, I submit the following statistical tables:

No. 1.—*The coins of the world in their relation to population.*

	Population.
Gold standard	93,000,000
Silver standard	700,000,000
Double standard	197,000,000

The estimated population of the world is 1,400,000,000. Of this number 500,000,000 use the base metals of iron, copper, tin, or brass for commercial purposes, or else resort to direct exchange of products. The remaining population, 900,000,000, including the highly civilized communities of the world, recognize the precious metals as the material of their coins.

No. 2.—*Amount of gold and silver in circulation.*

Estimate.	Aggregate.	Gold.	Silver.
First estimate	$6,049,000,000	$3,294,000,000	$2,755,000,000
Second estimate	7,000,000,000	3,780,000,000	3,220,000,000

The first estimate of volumes of coin now in circulation throughout the world is by Superintendent Burchard, and the latter by an eminent European statistician. Both authorities agree in the relative distributions, as 54 per cent. of gold and 46 per cent. of silver.

No. 3.—*Currency of chief commercial nations.*

Countries.	Gold.	Silver.	Notes.	Total.
United States	$626,420,000	$269,665,000	$943,000,000	$1,839,085,000
Great Britain and Ireland	580,500,000	95,000,000	199,160,000	874,660,000
France	848,000,000	595,000,000	574,675,000	2,018,675,000
Germany	325,000,000	211,000,000	286,251,000	822,251,000
Belgium	64,000,000	60,000,000	89,000,000	213,000,000
Holland	28,000,000	57,000,000	81,675,000	166,675,000
Denmark	14,000,000	5,000,000	23,370,000	42,320,000
Spain	130,000,000	70,000,000	4,737,000	204,737,000
Switzerland	17,000,000	15,000,000	24,960,000	56,960,000
Austria-Hungary	45,000,000	76,000,000	286,871,000	407,871,000

On the authority of our foreign ministers we are informed by the Director of the Mint that the currency above indicated, gold, silver, and notes, is taken at par in all business transactions except in the case of Austria-Hungary, where the notes are received at par with silver, but gold is used in trade "only on special agreement."

No. 4.—*Gold and silver coin and bullion in United States in* 1878 *and* 1885.

	1878.		1885.	
	Gold.	Silver.	Gold.	Silver.
Coin	$218,000,000	$65,000,000	$563,000,000	$264,000,000
Bullion	10,671,164	3,374,982	63,422,646	5,561,841
Total	228,671,164	68,376,982	626,422,646	269,661,841

No. 5.—*The price of a given quantity of sixteen principal agricultural products in the years* 1870 *and* 1885.

	Price.
1878	$10 83.4
1885	7 71.3

These articles represent 80 per cent. of the agricultural products, and the data show that they have depreciated nearly one-third since 1870.

No. 6.—*Gold and silver imports and exports from* 1878 *to* 1885, *inclusive.*

Metals.	Imports.	Exports.
Gold coin and bullion	$301,025,100	$113,744,843
Silver coin and bullion	103,914,953	172,145,209
Excess of gold imports over exports		$187,280,357
Excess of silver exports over imports		68,230,256

No. 7.—*Population and currency in four principal nations.*

	United States.	France.	Belgium.	Holland.
Population	60,000,000	37,672,000	5,585,000	4,172,000
Currency	$1,839,085,000	$2,018,675,000	$213,000,000	$166,675,000
Amount per capita	36.5	53.6	38.1	37.9

This historical sketch of our financial legislation, the summary of the elements that enter into our monetary system, and the statistical tables submitted in connection therewith, though not exhaustive of the facts, are sufficient to make an intelligent discussion of the subject practicable.

My views, Mr. Chairman, on this question are radical. I believe it would be wise and beneficent to remove all restrictions from the coinage of silver, and to permit this metal to stand on its own merits, and to fight its way, unhandicapped, and on equally favorable conditions with gold.

The united production of silver and gold, the approximately uniform relation in volume that they sustain to each other, and the increasing demands that the wealth of the world is steadily making upon each, for artistic purposes, combine to evince the wisdom and the necessity of yoking them together fairly as money metals in the ratio that we have adopted of 16 to 1, and the premises considered, the same economic law that prevents excessive coinage of gold will prevent excess in silver coinage.

Further, I believe it would be wise to restore the purity and the legal-tender qualities to our subsidiary silver coins that they possessed prior to the debasing act of 1853, because this restoration would put the lighter silver coins into circulation, and to that extent would supply, if necessary, a restriction upon the excessive coinage of the silver dollar, and serve as a sort of balance-wheel in preserving the equilibrium between the silver dollar and its more precious brother, the gold coin.

If I may not expect to compass the purposes that I have expressed, relative to silver coinage, I shall most earnestly insist that the present silver legislation shall stand and that the law shall be administered in good faith and according to its letter and spirit, and that any additional legislation necessary to these ends shall be secured.

Why, sir, should silver coinage be suspended? Why the minimum, rather than the maximum, amount of silver dollars be coined? The opposition summarize all their arguments when they point to the present depreciation of silver bullion as compared with gold. When they affirm that silver dollars will not circulate, will drive gold out of the country, and thus produce a hurtful contraction of the currency, and at the same time deprive the business of the country of the money essential for settling foreign exchanges and handling international trade, will invite to us, as a dumping-ground, the surplus silver of Europe, and unsettle values in our own midst, to the great damage of labor and capital, the rich and the poor, they but elaborate the summarized argument that I have stated. The principal argument is specious but has little substantive value, and the particular considerations deduced from it, in the light of history and philosophy, can not be maintained.

Admitting the commercial depreciation of silver, as compared with gold, to the extent of 20 per cent., if it shall appear that the depreciation is referable to artificial causes and not the result of an economic law, or that it is temporary and will be short lived, or that depreciation is coupled with such compensative industrial and commercial conditions as to render it innocuous and harmless, the force and strength of the objections are gone. Let us, for a moment, discuss this principal propsition of the friends of suspension. For more than twenty centuries gold and silver have been the money metals of the advanced nations of the world.

Why were they selected for coinage? Why make them money rather than any other metals? A clear conception of the nature of money will go far toward the solution of this silver question. There are other metals more precious than gold and silver; there are other metals intrinsically more useful than gold and silver; but there are no metals of the right volume to make them precious and of the right qualities to make them coins except gold and silver. Money is property, and not the representative of property, and it has the capacity to pay debts incurred, and to purchase commodities desired, because it is property and has the qualities that enable it to measure obligations for the purpose of payment, and measure values for the purpose of purchase. Any coin that does not possess the qualities that will enable it to perform the functions indicated may be money, but it is bad money, and incapable of performing the offices for which money was created by intelligent and enlightened men.

I repeat the question, sir. Why were these metals selected for more than twenty-four centuries as the material for money? They have intrinsic utilities of a double sort to entitle them to the preference that they have received as money metals. First, they have the utilities that belong in common to baser metals; they can be converted into articles of convenience, like copper, iron, tin; into articles of artistic beauty superior in attraction to the products of any other metal. Second, they are susceptible of minute subdivisions, plastic, and easily

coined, free from waste by the action of air, water, and chemical forces; they do not oxidize, and are like the treasures that sinners are exhorted to lay up in heaven, "where moth and rust do not corrupt." These latter qualities, which are intrinsic, are indispensable elements in any money metal. Third, they are produced in limited measures and in ratios as to volume of great uniformity. Sometimes gold is abnormally increased and becomes depreciated. Sometimes silver is more than ordinarily abundant in production and is temporarily depreciated, but these relative changes in volume of production are not of frequent recurrence and are of such a character as need rarely disturb the monetary system of a country.

As illustrative of this general idea, go back to the close of the fifteenth century. In 1492 America was discovered, and the Spanish-American silver and gold mines gave their product to the world, and depreciated the value of gold and silver one-fourth, but very slightly affected the relative value of the two metals. At that time the ratio was 10 and 11 of silver to 1 of gold. In 1650 it gradually went up to 15 and 16 to 1, and remained there for two centuries and a quarter, until disturbed by the silver legislation of 1873.

The qualities that I have indicated in the primary and secondary elements that constitute the intrinsic excellence of silver and gold, added to the relative excellence of its rarity, its uniformity in aggregate volume of metal and the stability of the ratio between the metals, combine to fix the property value of gold and silver, and have induced the selection of these metals for purposes of coinage. The official stamp that makes them coin also increases their value by giving them a new utility, which demands for them a new and additional market. Yet the metals and the coins are subject to the economic law of supply and demand, and both, as metals and coins, are, to some extent, a variable value.

When the supply exceeds the demand they depreciate, and when the demand exceeds the supply they appreciate. But these variations are rarely such as to demand any tinkering with the integrity of the coins, and for economic purposes, at least, they can always be corrected by changing the ratio between the metals in extreme cases, and will ordinarily, without governmental interference, find a corrective in the less or greater demands of the arts on silver and gold.

I have attempted to give the true philosophy of money and the considerations that determine the use of silver and gold as money. In addition to their intrinsic qualities that give them property value and at the same time adapt them for coinage, I have shown that the volume of their products is approximately fixed and the ratio of their production uniform for extended periods. If they should be produced in extraordinary volume at exceptional periods, as on the discovery of America, it might be necessary, to preserve their money integrity, to improve the standard bullion by an increase in fineness. If they should vary in ratio or relative production it might be necessary to change the ratio between the metals as now established at 16 to 1 to a higher ratio.

I have suggested that the variations in either of these cases are of rare occurrence, and that, as the rule, the economic law of supply and demand and the increased demand for each of the precious metals for purposes of art will regulate the variations so as not to disturb the relations of the coins to each other, and thus preserve the integrity of each. The fact that I desire to impress upon the House is that we should rely upon natural and not upon artificial causes for the regulation of this question. Is there such depreciation of the metal silver as to destroy its value as a coin—as to demand either demonetization, restriction, or suspension of coinage? I affirm that the present depreciation of the commercial value of silver is not of such measure as to require suspension or restriction in coinage, especially on the score that the present silver dollar is a debased coin.

The relative bullion value of the dollar and fractional coinage of 1792 was uniform with standard gold until 1821, when England demonetized her silver coin. From 1821 to 1834 gold commercially, as compared with silver, commanded a premium from 3 to 8 per cent. In the latter year we reduced the amount of pure gold in our gold coins, and from that date the silver dollar, as a metal, was worth from 3 to 6 per cent. more than the gold in the gold dollar. It was not found necessary during this time, embracing the gold discoveries of California and Australia, beginning in 1848 and culminating in 1853 and 1856, by which gold was commercially depreciated; and the subsequent silver discoveries in Russia, Nevada, and Colorado, by which the commercial value of silver was depreciated, to make any radical changes in either the ratio, the fineness, or the weight of our silver and gold coins.

The complaint among the people was, in all these years, not as to the quality, but the quantity of our coins; they were good enough, but not abundant enough to meet the popular demands for circulation. In view of these facts, there is nothing in the present commercial depreciation of silver to justify either restriction or suspension. This conclusion is sustained by other facts. By reference to statistics it will be perceived that, as compared with the ratio of Russia, which is 15.3 to 1; of France, Germany, Italy, Belgium, Spain, and Switzerland, which is 15½ to 1; of Austria, which is 15$\frac{9}{10}$ to 1; of Great Britain and Ireland, Holland and Portugal, which is 15.6 to 1, our ratio of 16 to 1 makes our silver dollar more valuable than that of any of the countries to which we have adverted.

In all the countries referred to, even including Great Britain with her India possessions, the proportion of silver to gold is greater than with us, the commercial value of the metal the same as with us; and yet no monetary disturbances have occurred; no charges that the silver coins of these countries are debased and dishonest, and no suggestions are proposed that look to eliminating silver from their monetary systems.

But take another view of the subject, and admit that the commercial depreciation of silver is of magnitude enough to demand administrative if not legislative action to restrain the increasing volumes of silver coins, there is connected with the commercial depression of the metal an industrial and commercial condition that breaks the force of the argument of the anti-silver advocates. By reference to table No. 5, giving the relative prices of important and prime commodities in 1870 when silver was at a premium, and 1885 when it was at a discount, commercially, it will be observed that these commodities are to-day worth less by 30 and 40 per cent. than they were in 1870. They have depreciated more, commercially, than the metal whose coin purchases them.

Whether this condition of things be an evil or not, it proves, at least, the integrity of the silver coin; and it is always safe to use either of the metals as coin when they, under the economic law of supply and demand, do not commercially depreciate more than the great products which they are intended to purchase and exchange. I submit that if gold as a metal was handicapped as silver has been by unfriendly legislation and administration, its depreciation would have been as great, if not greater, than silver; that the present enhanced value of gold is not intrinsic, but circumstantial; and it smacks of impertinence to take this fortuitous, fictitious, and forced enhancement of gold as metal as a basis of comparison with silver with the view of placing further disabilities upon the silver dollar, the money of the masses.

Further, I allege the commercial disparity between the metal value of the coins is not natural but artificial, and that it can be removed by modifying or neutralizing the artificial forces that produced it. There is nothing, sir, in the intrinsic qualities of the precious metals, nor in the relative volume of production, that would make a pound of gold worth more than 16 pounds of silver. Let us note the artificial appliances by which metal gold has come to be worth more in the market than metal silver by 20 per cent.

The enhancement has not originated from any natural or economic law, but has been produced by legislation relative to gold coins, which reflexively enhances the gold bullion. Gold is the only commodity whose value is fixed by statute.

Under the act of 1834 the value of the gold pennyweight was fixed at 94.8 cents, making the troy ounce of pure gold worth 20.71. Since that time gold bullion has been purchased at this rate. The cost of coinage of gold, once one-half of 1 per cent., has been removed. On the other hand, the price of silver has been unfixed by statute and determined by purchase in the market, and unrelieved of the cost of coinage. The coin has competed for commercial supremacy with the gold metal thus favored and the silver metal thus handicapped. The effect has been the commercial depreciation of silver.

Again, in 1873 silver dollars were left out of the list of coins authorized to be produced, and in 1874 the legal-tender quality of silver dollars was destroyed, except to the extent of $10. This was calculated to depreciate silver commercially. A further depreciation resulted from the demonetization of silver by Germany in 1873. Silver, remonetized in 1878, is still restricted in its coinage monthly to a minimum of $2,000,000 and a maximum of $4,000,000. It can readily be perceived that the effect of this legislation is the commercial depreciation of silver. Though silver is one of the coins that constitute the consideration for the public debt, bonds and interest, and legal-tenders, or greenbacks, yet, for some reason not apparent to the ordinary mind, silver is neither used for payment of the bonded debt, the interest thereon, nor for the reserve in the Treasury for legal-tender notes.

Thus administrative as well as legislative action, by enhancing the gold coin as against the silver full legal-tender dollar, have contributed to the commercial depreciation of silver. Added to these depressing forces has been the action of the combined national banks, bondholders, and other speculative syndicates of capital to demonetize silver in favor of a single gold standard, and, failing in that, of restricted silver coinage and currently a suspension of even this minimum coinage of silver. It is easy to perceive how such a combination of banks, syndicates, and bondholders can regulate the public sentiment—the volume of circulation, legislation, and consequently the commercial value of silver. To the causes thus enumerated the depreciation of silver bullion is referable. They are artificial, and to enhance the value of silver there is no need for a modification of our monetary system, but it is only necessary that these artificial disturbing forces should be neutralized.

Let us consider in detail some of the causes of silver depreciation. Waiving the effect of unfriendly legislation, it is pertinent to note how the action of administration and the combination of speculative capital have combined to affect the commercial value of one of our money metals, and ultimately to disturb the equilibrium of our monetary system. The Chief Executive before entering upon his dignified office, in a letter proclaimed himself in favor of the suspension of silver coinage.

In a Cabinet meeting held on September 15, 1885, the administration

programme was further discussed relative to silver coinage. In his annual message to Congress of December, 1885, the same views were announced, followed by the report of the Secretary of the Treasury, Comptroller of the Currency, and of other financial officers to the same effect. It was suggested that the continued coinage of the silver dollar, even under the limitations as to volume of the act of 1878, would result in driving gold out of the country and a disastrous contraction of the currency; in inability to pay the public debt and the interest thereon in gold, and great industrial disasters were predicted as the consequences of this line of action.

I am prepared to concede integrity to administrative officers, but I can not perceive either the wisdom or the legality of the action that they recommend or the position that they have assumed.

Silver was a full legal tender for all debts, public and private, when the greenback and bonded obligations were incurred, and so much is conceded by the act of 1870. Coin of full legal tender, silver and gold, was the consideration of our debts and not a specific coin. The Congress in a joint resolution of January 25, 1878, clearly and impressively declared their construction of all financial legislation on this question up to date.

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States, issued, or authorized to be issued, under said acts of Congress, hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that, to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

Yet the President and his subordinates in the Department of the Treasury undertake, in contravention of law, by executive action, to change the condition and terms of the contract between the United States and its creditors, and insist that a coin contract shall be paid in a specific coin alone. They proceed on this basis to pay gold only, instead of gold and silver, for the bonds that are retired and the interest on them. I, for one, will not consent, without protest, to an exercise of administrative discretion in the interpretation and execution of the laws that practically subverts them. The President and his Cabinet are simply American citizens, and are entitled to no special privileges. As officials, they are public servants, not masters of the people, and have no right either to make or to subvert legislation.

While speaking with due respect of the Chief Magistrate and his advisers, I am constrained to say that his premature precipitation of the silver issue upon the country is not only hurtful to the party that elected him, but dangerous in the extreme to the best interests of the people, without respect to party. In my judgment, sir, there is no wisdom in the programme that he and his advisers have enunciated upon the silver question. It is apparent that this forced and unnatural construction and partial, one-sided administration of the law affecting the status and functions of the silver dollar will depreciate the commercial value of silver.

The national banks, the creatures and agents of the Government, under the law, find their highest offices in the protection of the integrity of the currency and in furthering the convenience of the Government which created them and the communities which patronize them. The discretion conferred in their charters to increase or reduce their circulation is of vital importance to our monetary system, because it supplies the elastic qualities needed to prevent both a deficiency and a redundancy.

A redundant currency breeds extravagant speculation and unhealthy growth; a deficient circulation unsettles values, against property and labor, suspends activity, and produces commercial distress. To avoid these evils, it was found necessary to add to the fixed volumes of coin and legal tender that entered into our system an elastic element admirably supplied by the national banks, when administered in good faith and according to the letter and spirit of their charters.

The unwritten law underlying the national-bank legislation was that they were custodians of moneys and securities, and their first obligation was to preserve the integrity of each. In the nature of things, they were expected to be impartial as to all the money and securities of the country, taking each on its merits, as established by law, as fully as the judge should hear the case pending before him, and as free from speculation in the values of which they were the custodians as the husband would be in the virtue of his own wife.

Further, in the exercise of the discretion of increasing or decreasing their circulation they were expected to study the commercial wants of the community and to increase and reduce the volume of their issues, not whimsically, arbitrarily, nor speculatively, but frankly, as the needs of business demanded. They were placed by the unwritten law, not in the attitude of the sun that gives heat nor the frost that brings cold, but as a thermometer that measures the temperature. Their expansion or contraction of the volume of circulation was intended to correspond to and indicate the changes in trade and to meet the exigencies of these changes; but it was never designed, and especially in their own interest, to produce such changes.

Now, as a matter of historical fact, while conceding the importance of the national-bank element in our monetary system, I am reluctantly constrained to declare that they have ignored their honorable prerogatives and perverted their dignified functions. They have become speculators in moneys and securities instead of the honorable custodians and trustees thereof; they have selected United States bonds and the gold coin, and have built them up adventitiously, as against all other moneys and securities, and they are to-day at the head of the speculative combinations that propose to destroy the greenback, emasculate the coin certificate, and debauch the silver dollar in the interest of the bonds that they control and the gold that they have hoarded.

Not content, as a financial thermometer, to note the commercial temperature of the country with the view that they may supply or withdraw currency as it may be needed, they have assumed the prerogatives of sun and frost-king—making temperature and utilizing their own creation by an arbitrary expansion and contraction of the currency in their own speculative interest. These institutions have been the most powerful factors in the commercial depreciation of silver because of the systematic war they have waged against the silver dollar.

Mr. Speaker, artificial depreciation of one of the money metals may be so great as to impair the current values and uses of the coin, but the force of such artificial influences in its nature is ephemeral, temporary, and the remedy for the ills that flow therefrom is not the abandonment or even material modification of the monetary system attacked, but in the withdrawal or neutralization of the unfriendly forces that have produced the metal depreciation under discussion.

To show the effect of unfriendly administrative agitation on the silver question, and to satisfy questioners that I have not overrated this influence, I quote from English journals current comments on the announcement that the President and Cabinet had concluded to recommend the suspension of the silver coinage. The announcement was made on the 16th September, 1885, and the price of silver per ounce was 50 pence, and on the 17th the price fell to 47¼ pence. The London Economist commenting on the fall of silver, said:

In the main, it is only the old cause—apprehension as to the future of silver—which has been in operation for years, but which has recently been revived and intensified by the agitation in the United States against the continuous coinage of silver.

The London and China Telegraph of the 26th of September said:

At a Cabinet council, held in Washington on the 15th instant, it was resolved to recommend Congress to stop coining silver under the Bland bill, and the semi-panic on Thursday, September 17, was a not unnatural consequence.

The London Banker's Magazine for the beginning of October says:

The agitation of the repeal of the Bland act is a main cause of the depreciation. The amount of silver coinage in the States is 5,000,000 pounds sterling annually; and were Congress to sanction an abrogation of the law that enforces the absorption of that amount by the Treasury, a complete glut would doubtless be seen on the market.

The Manchester Guardian of October 16 said:

The recent heavy fall in the silver market and the Eastern exchanges has been caused mainly by an apprehension of the repeal of the American silver-coinage act of 1878.

By a general reference to the brief tabulated statements it will be found that 700,000,000 of population have adopted the silver standard of money; that 197,000,000 have adopted silver as one of its full legal-tender coins, and 93,000,000 have adopted gold as their standard. Silver is dignified and honored in that it is the accepted measure of the majority of the values of the world, and is used, as a standard, by more than three-fourths of the civilized populations of the earth. The amount of gold and silver by the statistics stands related as 54 to 46 per cent., and the ten great commercial nations accept these coins, as also their national paper representatives, at par with each other in all business transactions.

It further appears that the gold and silver in the United States in 1878, when remonetization of silver was accomplished, stood related to each other as 3 to 1—the gold being $228,000,000 and the silver $68,000,000, and that seven years after the law had been in operation gold had increased to about $626,000,000 and silver to about $269,000,000, sustaining the ratio to each other of 2½ to 1. The silver had not expelled the gold, nor unnaturally and unhealthily changed its relations to it.

Further, the gold and silver imports and exports from 1878 to 1885, inclusive, establish as a fact that the result of present legislation has

been the introduction of more gold by imports than was expected, to the extent of $187,000,000, and the exports in excess of imports of silver to the extent of $68,000,000. These statistics are additional evidences that silver coin has neither demoralized the monetary system nor debased any of the currency of the United States. It appears currently that the average prices of sixteen principal agricultural products were in 1870 one-third higher than in 1885; exhibiting a depreciation in this class of commodities greater than in the commercial value of silver, and thus showing that silver coinage at the present rate might be safely permitted to continue.

Finally, the currency considered in its relations to population, in the prosperous states of France, Belgium, and Holland, teaches us a lesson of the highest economic importance. The statistics show that these nations have an abundant and ample volume of circulation, their distribution per capita of their currency being, in the order named, $53.6, $38.1, $39.9, while the United States possesses only $36.5.

Facts as well as philosophy indicate the wisdom and necessity not only of an adequate monetary system, but of an ample volume of currency for both the convenience of commerce and the protection of all the property rights of the citizens. When supply and demand are healthily and normally related the money of a country not only supplies the basis and measures of business obligations, but of the wealth of the people; and a reduction in the volume, when selfishly and improperly made, to the extent it proceeds, cuts down and reduces the value of property and labor together.

The administrators of law and the speculative combinations acting with them, who propose to eliminate practically the silver dollar, the coin certificate, and the United States note from the currency of the country, with the manifest purpose to enhance the purchasing power of gold coins and national-bank notes, invade the rights of property and labor and impair the obligations of the contracts of the debtor class as substantially as would said obligations be impaired against the creditor class by a change of the consideration of the national bond from coin to the greenback, and they destroy property of the debtor classes, by this method of legislation and administrative contraction, as surely though indirectly as if they applied the torch to their houses. The people will not submit to any further trifling or aggression in this direction.

ADDITIONAL LEGISLATION NEEDED.

I do not, Mr. Speaker, deem the improvement of our monetary system requires the elimination therefrom of a single important element. Retain gold and silver in their integrity, use the subsidiary coin for the purposes to which it is admirably adapted, and retain the certificates, the United States notes, and the national notes as representatives of money and with their legal-tender capacity. But I believe that supplemental legislation is desirable in order to compact the system and increase its efficiency. Destroy the distinction between the gold and silver certificates and issue coin certificates in lieu thereof; make them full legal tender for all debts, public and private; provide that they shall be paid in gold or silver, at the option of the Government; direct their issuance in denominations of one, two, five, and ten dollars, and fix the maximum denomination for the great bulk of the certificates at the limit of $500, and finally make the certificates a permanent constituent in our system.

Abolish the greenback or United States note of the denomination of one, two, and five dollars, and maintain its present volume by the issuance of notes of a larger denomination to replace the smaller notes mentioned, abridge the power of the national bank to issue notes of a smaller denomination than $10, and forbid the issue of certificates as at present practiced, on deposit of United States notes. I would make these changes so as to keep the coin certificate and the greenback as a shield for the people against arbitrary contraction by the national banks, and I would keep the coin certificate as a permanent part of the system, in view of the approachiug redemption of the bonded securities which now underlie the bank issues, and whose redemption will, ultimately, change the basis upon which banking will proceed.

Finally, I believe it is possible to organize, upon the basis of bullion and coin, a system of credits for international uses, and with or without international co-operation, that will render the shipment and transshipment, in settling the balances of trade of the precious metals, coin or bullion, unnecessary except on rare occasions. We may do this under an act of Congress and without a convention with any foreign power, or it may be desirable to follow legislation by conventional agreements with the nations with whom we chiefly trade.

I have discussed this subject, Mr. Speaker, on the supposition that this great nation was entitled to its own financial system and did not need international agreements to prescribe the integrity of its money or its currency. Yet, I believe in the near future, if we preserve our money system in its vigor against the insidious attacks of the national banks, bondholding and other moneyed syndicates, we shall witness a substantial agreement among all commercial nations relative to the coins and currency that shall handle the commercial values of the world.

Commerce, involving an intermingling and intercommunication of people and the exchange of their respective commodities, is the creator and minister of civilization. Steam and electricity supply the transit for the world's products, and bring producer and consumer face to face. Thereafter the three great agencies, the facilities that expedite trade, are universal language for purposes of communication, an uniform system of weights and measures as a basis for business agreements, and an accepted and common currency as a medium for payment and exchanges.

Recently a new commercial language of twelve hundred words, not one-fourth of the original and ingrafted words of the English language, has been devised and put successfully and very extensively into practice. It has its grammar, reader, and dictionary, which have been translated into every European tongue and is being taught to-day in more than a hundred European institutions.

The metric system of weights and measures has been legalized even by us; is extending throughout Europe, and bids fair to become international. Why may we not approach the money problem with the reasonable hope that the community interest of the world will be substantially unified in its money standards as it promises to be in its weights and measures, and a common method of communication? Those concurrent agreements would be helpful to commerce though not essential, but this happy issue of events can never be realized, even distantly, unless we preserve the integrity of our financial system.

Mr. McADOO, Mr. Speaker, I am in favor of bimetallism and opposed to unlimited coinage of silver at this time as likely to produce monometallism. Demonetization of silver means gold alone. Unlimited silver, when all the world is grabbing for gold, means silver and nothing but silver for the United States. What a cloud of talk hovers over the silver question! Are you a "gold-bug" or a "silver king?" shout the extremists, as if of necessity one must be either.

The scheming gold-bugs can take care of themselves, and the powerful, autocratic, mine-owning silver kings, who have the country now under their feet, and are playing to swindle the poor and helpless, have advocates enough. Let somebody speak for the people. Sound reason, universal experience and consent, and the Constitution of the United States make gold and silver metals the medium of exchange or money of this country. These metals have the highest intrinsic value. Beyond this value the state gives them additional purchasing power by its patent. Commerce and international intercourse make it necessary that all or many nations shall unite to give value as money to these metals beyond their intrinsic value. If all the other nations of the earth unite to demonetize silver, the demand being less, it will depreciate. The world needs both metals. The grinding Shylocks prefer monometallism, but the people want a good volume for their wants, and will tax both metals for a supply.

To bring about bimetallism, free coinage of gold and silver, we must force international action on behalf of silver. The gold nations of Europe want us to become the great silver dumping-ground. To begin the unlimited coinage of silver now is to aid the almost universal conspiracy against that metal, and postpone, if not entirely wreck, the cause of bimetallism. Gentlemen who want free trade in everything and unlimited protection for the silver mines should consider this phase of the question. Free-trade England, aptly dubbed by a great Englishman as the Pecksniff of nations, is cheering on the silverites so that she may have sufficient of the scarcer metal, gold.

If all the world were for silver and she alone for gold her supply would be sufficient. So she thought in 1816 when she hunted silver out of the island and drew the gold of everybody else to her own market. In a question of the pocket who so cunning as Mr. Bull? The rest of Europe used the two metals. There was no unseemly grabbing for gold. In 1873 Germany, seeing England's advantage and the apparent helplessness of her continental neighbors, struck silver almost to the heart. She started the rush for gold. Bismarck reached over and began to take a share of gold from Mr. Bull. The game was up now. Gold was on the run, and the nations of the Latin Union joined the little dogs and the big dogs in the chase. France saw the silver stream flooding in and the yellow river running out, and reluctantly entered the pursuit. England, like an octopus, pushes her feelers and her suckers into every quarter of the world for gold. Europe is no longer good hunting-ground, and so she is looking across the Atlantic. India, which she has robbed of all available assets as well as her liberty, she compels to be her silver market. India has no choice. What sarcasm to quote her for silver in these piles of wonderful statistics! Says Mr. Tidman, an eminent English writer:

It may be taken, on the highest authority, that the scramble for gold has begun.

And further says this able English bimetallist:

Is there any way out of the wood?

The voices that cried "Peace, peace," are dying out of hearing, and almost any finance article taken at random from the daily press evidences the uneasiness felt at the prospect of the "scramble for gold."

Gold monometallism (summarizing in that term the views of the Paris conference in 1867) has been slowly vanishing from sight, and, like Alice's cat, "behind the looking-glass," has left nothing of itself but the grin. The advocates of the single gold standard, alarmed at the "scramble" in which they may be overturned, admit the gravity of the situation, and have their own way of meeting it. They assign the yellow metal to one group of countries and the white to another, arguing that by this means the needful outlet for silver will be found, the precious metals will be fairly divided, and a relative ratio between them maintained. This solution of the difficulty, they tell us, is simply and easily applied—gold for the rich nations, silver for the poor relations. Over the doors of the smaller countries of Europe, and, presumably, over America, a notice is to be affixed—"Silver may be shot here."

Let the value of this proposal be tested by suggesting to the private bankers of England, that they should store the silver in the country, and leave the gold to the joint-stock institutions. Is it credible that nations, any more than individual merchants or bankers, will arrange themselves in clusters marked rich and poor, to meet the wishes of the gold-standard advocates? Can it be conceived that any single country will step forward and say, "I will be the charity boy; dress me in your white small clothes?" Mr. Goschen had Italy in his eye, and so had Mr. Giffen, when they were arranging their distribution of silver, but Italy has demanded the uniform of the big boys. Holland was present in their minds, without doubt, as one of the rubbish heaps where silver might be thrown; but Holland is already bracing herself to face the loss which must follow the demonetization of silver that will be forced upon her. The United States have declared against the white metal, so long as it is tabooed by Europe, and, by way of emphasizing their determination, have been for some time past drawing from her an amount of gold equal to the entire annual production..

Where is the silver to be taken? How shall it be got rid of? Surely the British Empire should insist upon an answer, for she holds half the stock of silver in the world. The smaller nations of Europe having declined it, is it likely that France or Austria or Russia will be satisfied to hold it?

"Happy thought," send it to India; and there are to be found persons who imagine that by drenching one part of the empire with a metal discarded as money by the entire West, you will benefit the natives.

As to the effect of silver demonetization in Europe in its relative value to gold and as showing its sudden and striking depreciation, I offer the following table:

Table showing fifty years' prices of silver, measured by gold.

[From tables prepared at the Mint of the United States.]

	Price of pure silver per ounce in London.*			Average price of pure silver, per ounce, in gold.	Value of standard silver dollar, 412½ grains, in gold.	Relative value of gold to silver.
	Lowest.	Highest.	Average.			
1834	59	60¼	59 11/32	131.3	101.62	1 : 15.73
1835	59¼	60	59 13/16	130.8	101.20	1 : 15.80
1836	59	60⅜	60	131.5	101.72	1 : 15.72
1837	59	60⅜	59 9/16	130.5	100.98	1 : 15.83
1838	59½	60⅛	59⅝	130.4	100.88	1 : 15.85
1839	60	60⅜	60⅜	132.3	102.36	1 : 15.62
1840	60⅜	60⅜	60⅜	132.3	102.36	1 : 15.62
1841	59⅜	60	60 1/16	131.6	101.83	1 : 15.70
1842	59	60	59 15/16	130.3	100.77	1 : 15.87
1843	59	59⅜	59 5/16	129.7	100.34	1 : 15.93
1844	59⅛	59⅜	59⅜	130.4	100.88	1 : 15.85
1845	58⅞	59⅛	59⅛	129.8	100.46	1 : 15.92
1846	59	60	59 13/16	130.0	100.56	1 : 15.90
1847	58⅞	60⅜	59 15/16	130.8	101.20	1 : 15.80
1848	58½	60	59⅜	130.4	100.88	1 : 15.85
1849	59	60	59⅜	130.9	101.30	1 : 15.78
1850	59½	61⅛	60 1/16	131.6	101.83	1 : 15.70
1851	60	61⅛	61	133.1	103.42	1 : 15.46
1852	59⅞	60⅞	60⅛	132.6	102.57	1 : 15.59
1853	60⅜	62	61⅛	134.1	104.26	1 : 15.33
1854	61⅛	61⅞	61⅛	134.8	104.26	1 : 15.33
1855	61	61⅜	61 3/16	134.4	103.95	1 : 15.38
1856	60½	62⅛	61 1/16	134.4	103.95	1 : 15.38
1857	61	62⅛	61⅛	135.3	104.69	1 : 15.27
1858	60⅜	61⅞	61 5/16	134.4	103.95	1 : 15.38
1859	61⅛	62⅛	62 1/16	136.0	105.22	1 : 15.19
1860	61⅛	62⅛	61 15/16	135.2	104.58	1 : 15.29
1861	60⅛	61⅛	60 15/16	133.3	103.10	1 : 15.26
1862	61	62⅛	61 1/16	134.6	104.16	1 : 15.35
1863	61	61⅛	61⅛	134.5	104.06	1 : 15.37
1864	60⅜	62⅛	61⅛	134.5	104.06	1 : 15.37
1865	60⅛	61⅛	61 1/16	133.8	103.52	1 : 15.44
1866	60⅜	62⅛	61⅛	133.9	103.63	1 : 15.43
1867	60⅜	61½	60 5/16	132.8	102.67	1 : 15.57
1868	60⅛	61½	60⅜	132.6	102.57	1 : 15.59
1869	60	61	60 1/16	132.5	102.47	1 : 15.60
1870	60⅛	61⅛	60 1/16	132.8	102.67	1 : 15.57
1871	60 5/16	61	60⅛	132.6	102.57	1 : 15.57
1872	59½	61⅛	60 1/16	132.2	102.25	1 : 15.65
1873	57 7/16	59 5/16	59½	129.8	100.46	1 : 15.92
1874	57½	59⅜	58 15/16	127.8	98.86	1 : 16.17
1875	55⅛	55⅞	56⅜	124.6	96.43	1 : 16.62
1876	46⅛	58⅛	52⅛	115.6	89.22	1 : 17.77
1877	53⅛	58⅛	54 3/16	120.1	92.88	1 : 17.22
1878	49⅛	55⅛	52 5/16	115.2	89.10	1 : 17.92
1879	48⅞	53⅜	51⅛	112.3	86.85	1 : 18.39
1880	51⅜	52⅞	52⅛	114.5	88.55	1 : 18.06
1881	50⅝	52⅞	51 11/16	113.8	88.01	1 : 18.24
1882	50	52⅜	51⅜	113.6	87.86	1 : 18.27
1883	50	51 3/16	50 9/16	111.8	86.47	1 : 18.64
1884	49⅛	51⅛	50⅛	111.3	86.08	1 : 18.58
1885	46⅞	50	48¼	108.0	83.53	1 : 18.91

*In pence.

Relative value of silver to gold, by periods, 1493–1885.*

Period.	Years.	No. of years.	Ratio.
108 years (1 : 11.5)	1493–1520	28	11.3 : 1
	1521–1544	24	11.2 : 1
	1545–1560	16	11.3 : 1
	1561–1580	20	11.7 : 1
	1581–1600	20	11.9 : 1
100 years (1 : 14.0)	1601–1620	20	13.0 : 1
	1621–1640	20	13.4 : 1
	1641–1660	20	13.8 : 1
	1661–1680	20	14.7 : 1
	1681–1700	20	15.0 : 1

Relative value of silver to gold, by periods, 1493–1885.*—Continued.

Periods.	Years.	No. of years.	Ratio.
100 years (1 : 15.0)	1701–1720	20	15.2 : 1
	1721–1740	20	15.1 : 1
	1741–1760	20	14.8 : 1
	1761–1780	20	14.8 : 1
	1781–1800	20	15.1 : 1
50 years (1 : 15.7)	1801–1810	10	15.6 : 1
	1811–1820	10	15.5 : 1
	1821–1830	10	15.8 : 1
	1831–1840	10	15.7 : 1
	1841–1850	10	15.8 : 1
29 years (1 : 15.85)	1851–1855	5	15.4 : 1
	1856–1860	5	15.3 : 1
	1861–1865	5	15.4 : 1
	1866–1870	5	15.6 : 1
	1871–1875	5	16.0 : 1
10 years (1 : 18.2)	1876–1880	5	17.9 : 1
	1881–1885	5	18.5 : 1

*Estimated by Dr. A. Soetbeers, in his Edelmetall-Produktur, Gotha, 1879.

As Mr. Tidman asks for Europe let us ask for America. "Is there any way out of the wood?" As far as I can see our policy is plain. Preserving a sufficient volume of currency for our own people, so as to avoid the schemes of Wall street, New York, or Beacon street, or Montgomery street, San Francisco, let us force Europe to resume silver by refusing to become the pauper recipient of their cast-off financial clothing. In every commercial transaction now between us and Europe the latter demands gold. To keep up the equilibrium between gold and silver we must by our attitude force the combined action of Europe and the United States. To all this you answer with interminable tables of alleged or real statistics.

THE BATTLE OF THE TABLES.

It is really amusing to look over the RECORD to see the tables trooping up and down its columns. "Official table," "specially prepared table," "table prepared for Mr. Smith by the Director of the Mint," "table prepared specially for Mr. Silver by the fourteenth assistant auditor to the second division of the Light-House Board," "table of the amount of gold hid in chimney corners, specially prepared for Mr. Gold by the twelfth comptroller of the Fish Commission." How these tables war! One can close his eyes and imagine the members of the House hurling these tables, special, official, or general, at one another like two mobs around a barricade. I found one or two nice little tables myself, and I put them away to use in these remarks for fear anybody might think I could not stand a civil-service examination as to the number of brass teapots in China, or the amount of silver in India or Japan, or that I was unable to give statistics to show the connection between free coinage and the annual production of grasshoppers in Colorado. Well, in strict confidence, these tables have been used by a dozen speakers, and on both sides and all sides of this question.

On this subject let me quote from Mr. Carlyle, the Scotch philosopher. Says he of statistics:

Statistics is a science which ought to be honorable, the basis of many most important sciences; but it is not to be carried on by steam, this science, any more than others are; a wise head is requisite for carrying it on. Conclusive facts are inseparable from inconclusive except by a head that already understands and knows. Vain to send the purblind and blind to the shore of a Pactolus never so golden; these find only gravel; the seer and finder alone picks up gold grains there. And now the purblind offering you, with asseveration and protrusive importunity, his basket of gravel as gold, what steps are to be taken with him? Statistics, one may hope, will improve gradually and become good for something. Meanwhile it is to be feared the crabbed satirist was partly right, as things go: "A judicious man," says he, "looks at statistics, not to get knowledge, but to save himself from having ignorance foisted on him." With what serene conclusiveness a member of some useful-knowledge society stops your mouth with a figure of arithmetic! To him it seems he has there extracted the elixir of the matter, on which now nothing more can be said. It is needful that you look into his said extracted elixir, and ascertain, alas, too probably, that it is wash and vapidity, good only for the gutters.

I have no desire to appear presumptive, and trust I am not when I say that the mass of Congressional literature on this question does not clarify but rather obscures it. Presuming a popular ignorance, which would be appalling if it were true, popular phrases, cries, mottoes, catchwords, declamatory anathemas, and appeals to passion take the place of reason and a simple, clear, impartial statement of the case. Mystifying and mystified tables, statistics speciously real and glaringly false, are arrayed for and against in contending columns. The poor man being in the majority, all orators—gold, silver, copper, or rag orators—declare themselves with violent physical effort and powerful rhetoric to be for said poor man. Surely the honest man who wants to do something more than declare for said poor man must be puzzled as to what side he shall espouse.

In the mean time all that is done for said poor man is done by said poor man himself. Congress, all Congresses, may chase this question and that issue up and down the hill, but the majority of men luckily know that the two great centennial questions are land and labor. Tariff questions, silver questions, Indian questions, pleuro-pneumonia questions, female suffrage questions, "offensive partisan" questions, bureau-of-bugs questions—well, they know that these are trivial, if any questions. The roots of our social and political difficulties are deeper than these.

THE PRESENT SILVER DOLLAR

has been much discussed, eloquently apostrophized, and scathingly denounced. For some reason it did not seem to circulate readily. It was chained up, say our silver friends, handicapped and conspired against. This buzzard dollar, says its enemies, can not be chased off the Treasury roost even with the club of friendly legislation. It hovers for a few moments over the marts of commerce, and then flies straight to its nest in the Treasury building. Afraid to meet honest people, it skulks into the subterranean recesses.

But it does circulate, retorts its friends. It will purchase a dollar's worth. It passes for a dollar. It is our father dollar. Yes, it passes for a dollar. Why? Because it is intrinsically worth a dollar? Because international consent makes it worth a dollar? Because, in a word, it is really, honestly, squarely, and fairly an honest, upright, truth-telling, legitimate, respected, acknowledged, real dollar? No; but because the United States Government makes it by law a token whereby they obligate themselves to give you a real, honest, gold dollar for this stamped piece of silver. They could do the same for 60 grains of pewter or a pound of clam-shells. So, it circulates some. Why does it halt and limp? Why are you legislative policemen all clubbing and "resolving" and "enacting" it to "move on?" Why does it not assume a bold manly stride and walk along with erect crest? What ails it? That it is worse than an orphan you admit. That it is very weak since it has been violently and, as I believe, unjustly exiled you must know. It now only walks at all because of leaning on its big brother, gold. This big brother has so many pressing and impressing invitations to go to Europe that the poor silver dollar is afraid of the crash if he be finally called away.

The rich man who is getting afraid that soon you will have no gold to give him for your silver token is putting away his supply of gold as he does his winter coal, in anticipation of cold days in the financial world. The poor man for whom you declare so vehemently, he is a ready victim. He can not help himself. He must take your token and forget his distrust. When its powerful twin brother, gold, has deserted it and the poor man goes to the bank where he now, as the result of his pain, labor, sobriety, and frugality, deposits your silver dollar, he will draw out 79 cents or less, and this with over $1,095,172,147 in savings-banks. Gold, says Mr. Tidman, for the rich nations, silver for the poor nations. Gold for the rich men, silver for the poor men, says the Congress of the United States.

Sir, down in the subterranean recesses of the silver mines, far from breeze and sunshine, in the darkness and the danger, brawny labor is striking at the heart of the hills; even as we speak, half-naked and begrimed in noisome chambers, it swings its ponderous sledge from morn to eve, from eve to morn, delving out the precious metals for the smallest pittance of its own production. These are not the men who from press and forum are sending out selfish and misleading cries for unlimited coinage and Government gifts to the millionaire owners of the mines, pleading in the sacred name of labor and poverty for the compulsory purchase by Government of depreciated goods at the valuation of the sellers.

As between this silver syndicate and the honest if mistaken Greenbacker, I infinitely prefer the latter. Our free-trade friends wax hot about the tariff barons, but vote protection and subsidy to the silver barons, who, having become enormously wealthy at the expense of the tax-payers, are now the ruling and controlling powers in several States. Let us in our zeal against contraction of the volume of money not become the dupes of metal owners, speculators, bonanza kings, and selfish, cold-blooded syndicates. I would not contract the currency beyond the wants of the people, neither would I cheat the people with a debased money. The divine command is still with us, "In the sweat of thy face shalt thou earn bread"—or its equivalent.

Philosophers, theorists, knaves, fanatics, and political cure-alls have, adown the centuries, preached, ay, and practiced, short-cuts to wealth out of this old, honest, beaten, sweat-stained way; patent devices for obtaining something for nothing; every man his own money-maker, and money made for everybody. When money streams from the paper-mills, copper-mills, gold-mills, silver-mills, and finally from the iron-mills, who then will walk the path God appointed and toil and strive over its rough defiles, and, in the hot and noon of summer and the congealing cold of the winter morning, in self-abnegation and pain, follow its lengthened way when money will rain upon us all like manna from heaven? "In the sweat of thy face" is the veto message of Omnipotence against all financial dishonesty, whether of speculator or legislator. National greatness must be based on honest finance.

Look at the wrecks of the cure-alls, rich-alls, and money-alls: Wood, wampum, shells, brass, copper, scrip, State banks, and confederate bills—there they lie, a mass of wrecked notions and dishonest ventures. The Keeley motors and air-ships of financial speculation, all wrecked at the first touch of the Divine injunction. "A false balance is an abomination to the Lord, but a just weight is His delight." Declamations, statistics, statutes, decisions, resolutions, speeches, printing-presses will give no man money honestly unless he first win it by his labor. When he thus earns it, give him an honest requital in honest money, that will stand all tests, thus preserving national as well as individual morality in obeying the command, "Provide things honest in the sight of all men."

In the name of industry, labor, morals, and sound finance let us refuse to open the flood-gates at this time for the white stream to wash the golden sands into other channels, and permanently divorce the twin king metals of the world, gold and silver. [Applause.]

Mr. LOUTTIT addressed the House. [See Appendix.]

Mr. SYMES addressed the House. [See Appendix.]

Mr. WARNER, of Ohio. I wish to ask unanimous consent, Mr. Speaker, to have inserted in the RECORD a diagram of prices, prepared by a gentleman from Cleveland, which is quite valuable in this connection. It will probably require a wood cut, and on that account can not appear in to-morrow's RECORD; but as soon as possible I should like to have it inserted, with a short accompanying explanatory statement. [See Appendix.]

The SPEAKER *pro tempore*. Without objection the leave will be granted.

There was no objection, and it was so ordered.

And then, on motion of Mr. WARNER, of Ohio (at 10 o'clock and 8 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of R. H. Cronin and others, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BARKSDALE: Petition of Dr. H. Sanche, of Mississippi, concerning yellow-fever treatment—to the Committee on Patents.

By Mr. BRAGG: Petition of real-estate owners and citizens of the District of Columbia, in behalf of the passage of House bill No. 4649, incorporating the Washington Traction Railway—to the Committee on the District of Columbia.

Also, petition of J. R. Haskell, in relation to the multicharge gun, and the appropriation made at the last session for manufacturing one—to the Committee on Military Affairs.

By Mr. CRAIN: Memorial of citizens of Texas, opposing Senate bill in relation to transportation of live stock—to the Committee on Commerce.

Also, protest of citizens of Nueces County, Texas, against the inclusion of said county in the Laredo division of the Federal court for the western district of Texas—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of F. A. Burrell, M. D., and others, citizens of New York city, asking for better legal protection of young girls—to the Committee on the District of Columbia.

Also, memorial of Local Assembly No. 3215, Knights of Labor, of Auburn; and of Local Assembly No. 3283, of Rockport, Me., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. DORSEY: Petition from 200 citizens of Nebraska, asking that oleomargarine and butterine be taxed and manufacture of the same be placed under the control of the Internal-Revenue Department—to the Committee on Ways and Means.

By Mr. FORAN: Petition of Local Assembly No. 451, Knights of Labor, and of Local Assembly No. 3971, Knights of Labor, of Cleveland, Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Local Assembly No. 450, Knights of Labor, of Cleveland, Ohio, in favor of the passage of the homestead bill—to the Committee on the Public Lands.

Also, resolution of the Trades and Labor Assembly of Cleveland, Ohio, in favor of Mr. FORAN'S bill to secure homesteads to actual settlers on the public domain—to the same committee.

Also, petition of Trades Assembly of Cleveland, Ohio, in favor of Mr. FORAN'S bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. FREDERICK: Petition of citizens of Marshall County, Iowa, for protection to the industry of vinegar manufacturing—to the Committee on Ways and Means.

By Mr. GILFILLAN: Petition of citizens of Minneapolis, Minn., for the establishment of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HALSELL: Petition of Knights of Labor against passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. HOPKINS: Petition of Knights of Labor of Elgin, Ill., against the passage of what is known as the free-ship bill—to the same committee.

By Mr. JACKSON: Petition of soldiers and citizens of West Salem, Ill., asking for the passage of a law to pension ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Memorial of Printers' Assembly, No. 3990, Knights of Labor, of Washington, D. C., praying for the passage of the Blair educational bill—to the Committee on Labor.

By Mr. LONG: Petition of George G. Tarbell, for reimbursement for expenses incurred by him as pension examining surgeon—to the Committee an Appropriations.

By Mr. LOVERING: Petition of Samuel A. Waterman, late first sergeant Company D, Forty-second Regiment Massachusetts Volunteers,

for extra pay while in command of his company from the date of their capture at the battle of Galveston, Tex., January 1, 1863, to the date of their muster-out, August 20, 1863, for expiration of service, all the commissioned officers being held as prisoners of war—to the Committee on Military Affairs.

By Mr. MAYBURY: Petition of Mrs. E. B. Coolidge and others, officers of the Woman's Indian Association, in support of Senate bill introduced by Senator DAWES—to the Committee on Indian Affairs.

By Mr. MORRISON: Paper in support of bill for relief of David Ryan, of Alton, Ill.—to the Committee on Claims.

By Mr. MURPHY: Petition of Jerry H. Murphy, asking that the Committee on Railways and Canals set a day for hearing House bill 5869—to the Committee on Railways and Canals.

By Mr. O'FERRALL: Petition of Daniel J. Updike and of Lydia Hoff and Hannah Updike, of Rappahannock County, Virginia, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Resolution of Grocers and Importers' Exchange, of Philadelphia, favoring the bankruptcy bill—to the Committee on the Judiciary.

Also, memorial asking Congress to investigate whether the National Government may not be liable for the obligations of delinquent States, and its co-operation to secure the payment of the same—to the same committee.

By Mr. PARKER: Petition of Abel Godard and others, for a temperance law—to the Committee on Education.

Also, petition in favor of a uniform bankrupt law—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of Local Assembly No. 2489, Knights of Labor, of Parsons, Kans., protesting against the passage of the act providing for free ships—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PRICE: Memorial of the Women's Christian Temperance Union of Augusta, Wis., and of Hudson, Wis., for the passage of the bill providing that the effects of alcohol and narcotics be taught in the public schools—to the Committee on Education.

By Mr. ROMEIS: Petition of Knights of Labor of the tenth Ohio district, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SENEY: Memorial of Jacob D. Spitlar, asking Congress to investigate whether the National Government may not be liable for the obligations of delinquent States, and its co-operation to secure the payment of the same—to the Committee on the Judiciary.

By Mr. SPRINGER: Petition of Local Assembly No. 310, Knights of Labor, and of Local Assembly No. 3419, of Macon County, Illinois, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of clerks of the Quartermaster's Department of the Army at Saint Louis, Mo., relative to the classification of clerks in said department—to the Committee on Military Affairs.

By Mr. J. W. STEWART: Petition of Martha E. James, for a pension—to the Committee on Invalid Pensions.

Also, petition of George L. Hawley, for increase of pension and reconsideration of his case—to the same committee.

Also, papers in support of claim of Michael Manning for a pension—to the same committee.

By Mr. J. M. TAYLOR: Petition of James S. Flake, for allowance of claim of Samuel Howard, a lunatic—to the Committee on War Claims.

By Mr. TRIGG: Petition of the Board of Trade and Exchange of Portsmouth, Va., relative to establishment of an iron-ship yard at Gosport, Va., for the construction of Government vessels—to the Committee on Naval Affairs.

By Mr. VOORHEES: Petition of 438 citizens of Klickitat County, Washington Territory, praying for the forfeiture of the land grant made to the Northern Pacific Railroad Company between Wallula Junction and Portland—to the Committee on the Public Lands.

By Mr. A. J. WEAVER: Petition of A. E. Lane and 444 others, citizens of Nebraska, asking that all imitations of butter be taxed and placed under the control of the Internal Revenue Department—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of Anderson Fielder, for reference of his claim so the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Affidavit in support of bill granting a pension to Lena Kebler—to the Committee on Pensions.

By Mr. WILLIS: Petition of Knights of Labor of Louisville, Ky., for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.—to the Committee on Rivers and Harbors.

Also, petition of citizens of Jefferson County, Kentucky, for the passage of the Blair bill—to the Committee on Labor.

By Mr. WILSON: Papers relating to the claim of Joseph Anderson—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. DINGLEY: Of citizens of Lincoln, Androscoggin, and Knox Counties, Maine.

By Mr. ELDREDGE: Of Rev. W. W. Case and others, citizens of Hillsdale and Washtenaw Counties, Michigan.

By Mr. FISHER: Of citizens of Otsego and Tuscola Counties, Michigan.

By Mr. FULLER: Of W. L. Eaton and others, citizens of Mitchell and Floyd Counties, Iowa.

By Mr. GILFILLAN: Of Rev. Chancey Hobart and others, citizens of Ramsey, Wright, and Hennepin Counties, Minnesota.

By Mr. D. B. HENDERSON: Of 251 citizens of Black Hawk, Butler, and Bremer Counties, Iowa.

By Mr. JOSEPH: Of citizens of Albuquerque, N. Mex.

By Mr. MARTIN: Of Rev. C. A. Hillman and others, citizens of Jefferson and Tuscaloosa Counties, Alabama.

By Mr. PARKER: Of the Methodist, Episcopal, Presbyterian, and Baptist churches of Ogdensburg, N. Y.

SENATE.

THURSDAY, *April* 8, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 12, 1886, a report of Lieut. Col. Henry M. Robert, Engineer Corps, in reference to the construction of the Government pier on the Delaware Bay, near Lewes, Del.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting certain information concerning the annual report of the Commissioner of Labor called for by a resolution of April 6, 1886; which was read.

The PRESIDENT *pro tempore*. The communication will lie on the table.

Mr. PLATT. I wish that it may in some way be brought to the attention of the Committee on Printing, so that if possible some arrangement may be made to supply the Senate with copies of the report when printed.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Printing, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a resolution adopted by the board of directors and transportation committee of the Merchants' Exchange of Saint Louis, Mo., favoring legislation to encourage steam mail communication between New Orleans and the Central and South American states; which was referred to the Committee on Commerce.

He also presented a memorial of employés of the supply department of the United States Army at Saint Louis, Mo., remonstrating against the provisions of the Army appropriation bill in relation to the compensation of such employés; which was referred to the Committee on Appropriations.

He also presented a memorial of 67 members of Local Assembly No. 2247, Knights of Labor, of Bloomington, Ill., and a memorial of 150 members of Local Assembly No. 2021, Knights of Labor, of Elgin, Ill., remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a petition of members of the Centre monthly meeting of Friends, State of Ohio, and a petition of members of the Springfield monthly meeting of Friends, State of Ohio, praying for the passage of Senate bill 355, to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which were referred to the Committee on Foreign Relations.

Mr. PLATT presented a memorial of Knights of Labor of Huntington and Derby, in the State of Connecticut, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HOAR presented the petition of L. A. Powers and other citizens of Massachusetts, praying for the passage of the bill (S. 1783) granting an increase of pension to George Bliss; which was referred to the Committee on Pensions.

Mr. MILLER presented a petition of citizens of New York city, praying for the passage of the bill providing for a system of post-office savings-banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER. I present a memorial of the New York Annual Conference of the Methodist Episcopal Church, adopted by the conference at its late session, and I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from New York asks

unanimous consent that the memorial presented by him be read. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

To the Senate and House of Representatives in Congress assembled:

The New York Annual Conference of the Methodist Episcopal Church, composed of 280 ministers and representing 44,266 church members, beg leave to present to your honorable body their respectful petition showing:

1. That the treaty of 1881 between the United States and China, in which China gave her consent to the restriction of immigration of Chinese laborers to this country, provided that "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and the subjects of the most favored nation." Said treaty also contained the following solemn pledge on the part of our Government: "If Chinese laborers, or Chinese of any other class, now either temporarily or permanently residing in the territory of the United States, meet with ill treatment at the hands of any other persons the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

2. That most flagrant and grievous outrages have been perpetrated upon the Chinese in Wyoming and Washington Territories and in the States of Oregon and California, and in many places in that portion of our country the purpose is still openly expressed of driving out the Chinese inhabitants.

3. That in the course of these outrages not only has much property belonging to Chinese residents been destroyed, but many persons have been put to death.

4. That the failure to keep our treaty obligations and the inhuman and brutal massacres which have been perpetrated upon these strangers in our midst have disgraced our country in the eyes of the civilized world and subject us to the just judgments of a righteous God.

5. That the safety of our citizens in China is imperiled by these frequent and unredressed wrongs to Chinese subjects in the United States, and that we have no right to expect that the people of a heathen country will be more careful of the rights of American merchants and missionaries than the people of this Christian country are of the rights of the Chinese in our land.

6. That it is imperatively necessary that immediate measures of the most stringent character be taken for the protection of the lives and property of the Chinese in this country, and the spirit of persecution and lawlessness so rife in some regions be sternly rebuked and prompt and efficient punishment be visited upon lawbreakers.

We therefore petition your honorable body to enact, without delay, such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese and secure to them, wherever they may be in our wide domain, the same protection afforded to all other persons in "life, liberty, and the pursuit of happiness."

And for this your petitioners will ever pray.

JOHN F. HURST,
Bishop of the Methodist Episcopal Church.
ALEXANDER McLEAN,
Secretary of New York Conference.

NEW YORK, *April* 7, 1886.

Mr. MILLER. Let the memorial be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection.

Mr. MITCHELL, of Oregon. If it is immaterial to the Senator from New York, I prefer to have the memorial lie on the table until to-morrow morning before it is referred.

The PRESIDENT *pro tempore*. Does the Senator from New York object to the memorial lying on the table for the present?

Mr. MILLER. No; not at all.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. CONGER. I suppose the memorial will be printed in the RECORD?

The PRESIDENT *pro tempore*. It will be printed in the RECORD, as it has been read.

Mr. McMILLAN presented a petition of Knights of Labor of Rockport, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a memorial of shippers, producers, and commission handlers of live cattle, citizens of Nebraska, remonstrating against the passage of Senate bill 1715 to regulate the transportation of live-stock; which was referred to the Committee on Commerce.

Mr. SABIN. I present additional papers in relation to the claim of William Webster for building and keeping in repair a wharf at Newport News, Va., under a contract with the Quartermaster-General. I ask that the other papers relating to this case be taken from the files, and, together with the papers I now present, be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom were referred the bill (S. 1435) to provide for the control of the reservation of public lands and the distribution of hot water at Hot Springs, Ark., and the bill (S. 1804) to provide for the management and control of the hot springs at Hot Springs, Ark., moved their indefinite postponement; which was agreed to; and he reported a bill (S. 2079) to provide for the control of the reservation of public lands and the distribution of hot water at Hot Springs, Ark.; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 84) for the relief of the First National Bank of Portland, Oreg., reported it with amendments, and submitted a report thereon.

Mr. CONGER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2004) authorizing the transmission of weather reports, storm and flood warnings, and the announcement of the approach of cold waves through the mails free of postage, reported it without amendment.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the petition of the Department of Wisconsin, Grand Army of the Republic, requesting the passage of a bill for the relief of John Calihan, to report it adversely, for the reason that a pension has been granted him by the Pension Office. I therefore move that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SABIN (by request) introduced a bill (S. 2080) to authorize the issue of an American register to the schooner Miranda; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 2081) granting a pension to Corydon Millard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2082) for the relief of James D. Cook; which was read twice by its title, and referred to the Committee on Claims.

HARBOR OF REFUGE NEAR CAPE ANN.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate what progress has been made in the construction of the harbor of refuge at Sandy Bay, near Cape Ann, Massachusetts; also such facts and considerations as he may deem important as affecting the question of the expediency of completing the same.

PROTECTION OF GOVERNMENT RECORDS.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire whether any more effective measures than now exist can be adopted for the protection and preservation of Government records and property from loss or damage by fire, and to report by bill or otherwise.

CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed.

Mr. VOORHEES. I regret very much that the motion which I design to make interferes with the motion of which the Senator from Arkansas [Mr. BERRY] gave notice; but I am impressed with the fact that the consideration of the Library bill need not and will not engage much of the time of the Senate. I move, therefore, that the Senate proceed to the consideration of the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Indiana.

Mr. BERRY. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BERRY. I ask unanimous consent to be allowed to make a remark.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent to make some observations on the motion of the Senator from Indiana, which is not debatable under the rules. Is there objection?

Mr. VOORHEES. I yield to the Senator from Arkansas, and trust he may have consent to make the remarks he wishes.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Arkansas will proceed.

Mr. BERRY. On two occasions before the bill referred to by the Senator from Indiana came from the House I had given notice that I should ask the Senate to consider the bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes. I had hoped that the Senator from Indiana, in view of that fact, would allow this bill to come before the Senate this morning. He has declined to do so, and I do not care to antagonize him in the matter. I therefore shall not make the motion at this time. However, I give notice now—I do not know that it will do any good—that when the bill called up by the Senator from Indiana is concluded I shall again, if I can get the opportunity, ask the Senate to consider Senate bill 1484.

Mr. MORGAN. Mr. President——

Mr. VOORHEES. I yield to the Senator from Alabama.

Mr. MORGAN. I merely wish to ask a statement from the Chair as to a question of practice or rule here. Yesterday I submitted some resolutions, which on my motion were laid upon the table and ordered to be printed. I desire to call those resolutions to the attention of the Senate at the proper time—in the morning hour, of course. I wish to know whether, if we pass over that subject this morning, the resolutions will go to the Calendar.

The PRESIDENT *pro tempore*. The Chair is informed that the uniform custom in the Senate is that when a motion of that kind is made to lay a resolution upon the table it goes to the table and is subject to

be called up on motion. The Senator can make such a motion at any time when any other motion can be entertained.

Mr. MORGAN. Very well.

Mr. VOORHEES. I simply desire to say in response to the Senator from Arkansas that if this matter were my own I should yield to him in a moment, but I occupy such a position in reference to the Library bill that I do not feel at liberty to yield to any one. If I did I should yield first certainly to the Senator from Arkansas, if anybody, perhaps, here.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana [Mr. VOORHEES] to proceed to the consideration of the Library building bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. If there be no amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS AND ARKANSAS VALLEY RAILWAY.

Mr. BERRY. I move to take up for consideration Senate bill 1484.

The PRESIDENT *pro tempore*. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. PLATT. We can not hear anything on this side of the Chamber.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. BLAIR. I should like to have order in the Chamber.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas to proceed to the consideration of a bill which will be again read by its title.

The Chief Clerk again read the title of Senate bill No. 1484.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAIR. I address the Chair, and I should like to inquire what has been done with the Library bill.

The PRESIDENT *pro tempore*. That has been passed.

Mr. BLAIR. It was impossible to know what was going on at this distance from the Senator who had charge of the Library bill.

The PRESIDENT *pro tempore*. The Chair was very careful to give the Senate plenty of time.

Mr. BLAIR. I am in favor of that bill, but I wish to say that I gave notice last night, as the Senate will recollect, that upon the passage of the Library bill I should move to take up the pension business of the Senate, and I now desire to move to take up Senate bill 1886.

The PRESIDENT *pro tempore*. That motion is not now in order. A motion is pending to take up another bill. The question is on agreeing to the motion of the Senator from Arkansas to proceed to the consideration of the bill which has been indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BLAIR. I give notice that I shall move to take up pension business, beginning with Senate bill 1886, as soon as the measure in charge of the Senator from Arkansas is disposed of.

Mr. BERRY. I will state that the pending bill has been before the Senate heretofore and has been read in full.

The PRESIDENT *pro tempore*. The bill has been read at length. It is still in Committee of the Whole and open to amendment.

Mr. PLATT. It is impossible for any one to be heard when he addresses the Chair or when he speaks. I desire to have order in the Chamber if we are to continue the transaction of business.

The PRESIDENT *pro tempore*. The business of the Senate will be suspended until Senators resume their seats and conversation ceases.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Connecticut will wait until order is restored. The title of the bill will be again read.

The CHIEF CLERK. A bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

The PRESIDENT *pro tempore*. The amendment which is pending will be stated.

The CHIEF CLERK. Add to section 4 the following proviso:

Provided, That mortgages and stock issued by said company shall not exceed the actual cost in money of building and equipping said road.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment [putting the question]. The ayes appear to have it.

Mr. BERRY. I ask for a division.

Mr. INGALLS. Let the amendment be again read.

The amendment was read.

Mr. MCMILLAN. Let us have the yeas and nays.

Mr. FRYE. Who offered that amendment?

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. VAN WYCK].

Mr. BERRY. The Senator from Nebraska [Mr. VAN WYCK] offered the amendment, and I understood that he was going to withdraw it.

Mr. FRYE. I am decidedly in favor of the principle which the amendment enunciates, but it seems to me if adopted in the words in which it now stands it would practically preclude the possibility of building the railroad. How can it be determined that the stock and mortgages, which must be issued early, shall represent exactly the cost of the road? If it is intended to prevent the watering of stock, that is all right; but it seems to me the language of the amendment is all wrong.

Mr. BUTLER. Let the amendment be again read.

The Chief Clerk read the amendment.

Mr. SEWELL. The Senator from Connecticut [Mr. PLATT] has a substitute for that amendment which he will offer as soon as he can obtain the floor.

Mr. PLATT. I will offer as an amendment to the amendment the amendment of which I gave notice on the 30th of March, and I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Connecticut offers an amendment to the pending amendment, which will be read.

The CHIEF CLERK. It is proposed to add:

SEC. —. That none of the shares of the capital stock of the corporation herein named shall be transferable until at least 50 per cent. of the par value thereof shall have been paid in in cash. No bonds shall be issued or mortgages executed for the security thereof by said corporation in an amount exceeding one-half of the sum which its president, treasurer, and chief engineer shall certify, under oath, to the treasurer of the State of Arkansas, has been actually expended, at the time of the issue of such bonds, upon the railroad so to be constructed; and any false swearing in the matter shall be perjury. The whole amount of bonds outstanding at any one time shall not exceed one-half of the actual cost of the construction of such railroad. The provisions of this section relating to the transfer of stock and the issue of bonds shall be applicable to any corporation to which the corporation named in this act shall convey, or attempt to convey, its franchises, or rights, or property, prior to the final completion of said road.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut offer this as an addition to or as a substitute for the amendment of the Senator from Nebraska?

Mr. PLATT. I offer it as an amendment to the amendment.

The PRESIDENT *pro tempore*. As a substitute for it?

Mr. PLATT. After the word "provided" my proposition is to strike out the amendment pending and insert what has been read in lieu thereof.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. PLATT. I will say a very few words if I can get the attention of the Senate upon this subject.

I confess that I regret that this particular enterprise has been brought before the Senate at a time which compels me to offer the amendment which it seems to me tests a principle. I regret it, because I believe that it is necessary to the people of Arkansas and of Kansas and that section of the Indian Territory that this road should be built. I believe, from all the investigation I have been able to give it, that common convenience and necessity require that it should be constructed. I regret it further because I have many friends in Connecticut who tell me that they own bonds of roads with which it is to connect which will be enhanced in value by the building of this road.

Nevertheless I believe there is a principle here which ought to be recognized. I think that we ought not to do anything which looks like the chartering of a railroad company or the granting of authority to build a railroad without throwing around it sufficient limitations and restraints to prevent overcapitalization. I do not desire to discuss this matter at length. I wish to explain the amendment and to have a vote taken upon it, and I want to make my record upon that vote.

This is practically chartering a new railroad. It authorizes a corporation, which is created under the general law of the State of Arkansas, to build a railroad through the Indian Territory. No portion of it is to be built within the State of Arkansas under whose general law this corporation is said to have been created or perfected. In other words it is a paper corporation, and this bill proposes in effect to charter a railroad company to build a railroad through the Indian Territory, giving that railroad company a charter which is coincident with the laws of the State of Arkansas. That is precisely the proposition of this bill.

Under these circumstances I think that we should put upon the authority which is given the company to build this line such restrictions as will compel it to be built for cash or its equivalent. I think we have made a great mistake heretofore in the chartering of railroads in not putting some restraints and some limitations upon them. I think the legislation of Congress has been altogether too loose in that respect. I think the example which has been set by Congress has been productive of great evils in the country, and I think the fact that we have been doing wrong is no excuse why we should continue to do wrong.

I do not by this amendment ask anything which is not already incorporated substantially in the constitution of the State of Arkansas, but it may be said, therefore, the amendment is unnecessary. The constitution of the State of Arkansas provides that—

No private corporation shall issue stocks or bonds except for money or property actually received or labor done.

If I understand that provision in the constitution of the State of Arkansas, it ought to receive such a construction that bonds can not be issued except as the work progresses, and that stocks or bonds can not be issued beyond the amount of actual cost.

The provision relating to bonds that they shall not be issued except as the work progresses, and then only to one-half of the extent which the president and chief engineer of the road certify has been actually expended, is taken literally from the general railroad law of the State of Connecticut. We have no difficulty in building railroads in that way, and unless the intention here is to make an estimated cost of the road in advance and then issue bonds before anything is done it can not interfere with the building of this road. I think at any rate that it involves a principle and upon that principle I wish to make my record.

The PRESIDENT *pro tempore*. Does the Senator call for the yeas and nays?

Mr. PLATT. Yes, sir.

Mr. TELLER. I should like to call the attention of the Senator from Connecticut to the eleventh, twelfth, and thirteenth lines of his amendment. It reads:

> The whole amount of bonds outstanding at any one time shall not exceed one-half of the actual cost of the construction of such railroad.

Mr. PLATT. At such time.

Mr. TELLER, I suggest that the Senator put in the word "equipment" also. I suppose he means half the expense incurred.

Mr. PLATT. I will modify my amendment so as to read "construction and equipment of such railroad." After the word "construction," in line 13, I insert "and equipment."

The PRESIDENT *pro tempore*. The Senator from Connecticut modifies his amendment by inserting after the word "construction," in line 13, the words "and equipment;" so as to read:

> The whole amount of bonds outstanding at any one time shall not exceed one-half of the actual cost of the construction and equipment of such railroad."

Mr. PLUMB. This amendment is in the ordinary sense a very salutary one. Under it I have no doubt a railroad can be built in Connecticut and perhaps in most of the old States where money is cheap and is seeking investment at a low rate of interest; but the situation in the West is very different. The constituents of the Senator from Connecticut when they go West with their money are desirous of getting more than the 5 or 6 per cent. they are willing to take at home. Money will not seek investment in railroads in the Indian Territory or any other part of the West if there is no prospect of a better return than it will bring in the East.

This is a national question. The Indian Territory is a barrier to the commerce of three great States, and in fact to the commerce of the whole country. In order that that barrier may be removed, it is proposed to permit other railroads to be built through that Territory. Any amendment to this bill, however good in the abstract it might be, which should prevent, as I am satisfied this amendment would, the building of this railroad would be postponing for perhaps half a generation the bringing into close relations these great States of which I have spoken, and which lie on the borders of the Indian Territory, and would in that way do more harm than it could possibly do good.

Besides, this amendment only applies to capitalization. It does not deal with the important question of rates of freight and passenger fare. But it is provided in the bill that the people of the Indian Territory shall have the same protection in regard to rates of fare and freight that the people of the adjoining States have. We certainly can not very well do more than that for them.

To apply this amendment to only one line of road of probably 150 miles out of the many thousands we have authorized to be built under national charter would certainly not produce any very great effect; and while the principle of it, which is dear to the heart of the Senator from Connecticut, is of course all right, I beg him to understand that this is not the place at which it can be most usefully applied. If he will bring in a provision which will take control of the great transcontinental lines of road which are operating under national charters and co-operate with the representatives of the section of country traversed by them in reducing the rates of freight that they charge now to many millions of people, while he may not be able to cut off the bonds and stock they have already issued, he can help us to save the communities through which those roads are operated from future issues of that class of securities, and thus will have done something which will be of very great moment, much greater indeed than this amendment will be or any similar amendment attached to railroad bills for the Indian Territory.

In addition to that, we have already chartered three or four railroads to be built in that Territory. Two railroads are already built and operated there, to the building of which there was attached no such condition as this; and however intended, this amendment, I fear, would result in giving to those railroads the monopoly which they now have of the commerce of the Indian Territory and of the connecting commerce of the adjoining States, and, as I said in the beginning, that would work a great deal more hardship than any issue of bonds or of stock, however extensive it might be.

The Senator refers to the provision of the constitution of Arkansas. He says he is desirous only of giving effect to that; but that would warrant the railroad company in making a contract with a construction company to build the railroad in consideration of the issue of any amount practically of stock and bonds. Of course there must be a nominal consideration, but it need not be any more than nominal.

I think that if this railroad is placed under the restrictions of law applicable to the condition of things found in the adjacent States, such as have commended themselves to the wise judgment of the people of those States, who realize more keenly than the Senator from Connecticut possibly can the great necessity that exists for adding to the means of transportation there, he might be willing to leave it in that shape, and not press his amendment.

Mr. PLATT. My difficulty, Mr. President, is just this: If we do not do this thing now, there seems to be no place where we can commence it; and the fact that it has been long neglected, as it seems to me, adds to our duty at the present time. Whenever a railroad is seeking to be chartered or seeking any rights or franchises at the hands of Congress, that particular case will be insisted upon as a case where no unusual limitations or none except the limitations which we have been in the habit of placing upon railroads shall be adopted. As I said in the beginning, I regret that the question comes upon this enterprise, but it seems to me that there is a principle of such vital importance here that we ought not to let a single charter go by, or anything in the nature of a charter, without exercising our Congressional duty of seeing that such limitations are inserted in the bill as that overcapitalization shall be impossible.

A committee of which I am a humble member has brought in a bill with reference to the great transcontinental railroads which the Senator from Kansas speaks of, a bill which seeks to regulate and to limit freight rates and passenger rates within a reasonable limit. But what is the objection that we are met with? Just this, that those roads have been chartered under a law of Congress; that under that law the bonds have been issued, the stock has been issued, that Congress is responsible for the overcapitalization of those great roads. I think the Union Pacific road is capitalized now at $100,000 a mile. I am not very far from right in that respect—a great deal more than it ever cost; but when we seek to reduce rates for freight and passengers to a reasonable sum then we are met with the argument, which I have spoken of, that it was done under the authority of Congress, and that those bonds and that stock have passed into the hands of innocent holders, and that we have really no right, after having authorized it, to say that enough shall not be charged on the road, so that those innocent bondholders and stockholders can realize fair returns for their investment. There is force in that argument. I do not say it is an argument which should prevail; but there is force in it, and the force of the argument leads us just to this, that when Congress charters another road, or gives it rights or privileges, it should see to it that it can not be overcapitalized.

I am on principle opposed to the method of construction of railroads which lets the contract for their building to a construction company composed oftentimes of the projectors of the road, who estimate the cost of it at what they please and take pay in stock and bonds, which are issued before any of the work is done.

I simply desire to have this matter passed on by the Senate.

The PRESIDENT *protempore*. On this amendment the Senator from Connecticut [Mr. PLATT] has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Arkansas. I only wish to suggest in connection with this amendment that in the first place this railroad company is merely asking the Congress of the United States to grant it a right of way across the Indian Territory. The road is already chartered under the laws of Arkansas. I believe that the only effect of adopting the amendment offered by the Senator from Connecticut will be to prevent the building of the road at all. I think that this provision is a salutary one in a thickly settled, densely populated country such as the State of Connecticut or any part of the East; but every practical, thinking business man must know that the conditions attaching to the building of railroads through a sparsely settled country are very different from those affecting the building of roads through a densely populated country.

This 240 miles of the proposed road across the Indian country will be practically a railroad bridge, for there is no local traffic of any consequence, no population, and the practical effect of the road is simply to connect the great railroad systems of the Northwest with those of the Southwest and shorten the haul from all the Northwestern country to the mouth of the Mississippi River by perhaps 700 miles. As it is now, in our State we are practically under the control of one system of railroads, having no outlet or connection by way of competition with any other system of railroads. We believe that the construction of this road will be a great benefit to the whole State, and not only to our State but to all of the Northwest.

This bill has been matured and considered in the Committee on Indian Affairs. It was originally introduced by my colleague [Mr. BERRY], and when it went to that committee the Senator from Massachusetts [Mr. DAWES] guarded carefully every interest of the Indians, every interest which can be conceived of as involved in this matter, and reported the present bill back as a substitute for the one offered by my colleague. It seems to me it is carefully guarded in every point,

and I sincerely hope that the amendment will not be adopted, because I believe the effect of it will be to prevent absolutely the building of the road. I hope the Senate will pass the bill as reported by the committee.

Mr. INGALLS. Mr. President, if Senators who are inferested in this matter will examine the map which I hold in my hand they will see indicated by red lines the proposed route of this road diagonally across the northeast corner of the Indian Territory. This hiatus between the southern line of Kansas and the western line of Arkansas, about 240 miles, is all that intervenes between a direct, all-rail, continuous connection from Leadville in the Rocky Mountains down the valley of the Arkansas, thence down the valley of the Mississippi to New Orleans. If this line is completed 240 miles across the Indian Territory, the railway connection between Leadville and New Orleans down these two great valleys is complete.

It is unnecessary for me to dilate upon the very great consequences and importance to the people living in those valleys, who desire to interchange their products, of the completion of this railway line. It is in the hands of responsible and conservative corporations, and there is no doubt that, if the franchise is granted, within a very few months the line will be complete.

I assume that no Senator believes that, this corporation being created by the laws of the State of Arkansas, Congress has any right whatever or any power whatever under the Constitution to impose any condition whatever upon the method in which those powers shall be exercised. This proposition, therefore, by the Senator from Connecticut is not in the nature of an admitted constitutional power by Congress. It is simply a threat, it is a menace, it is an attempt to compel this corporation to comply with certain conditions that Congress has no right and no power to enforce under the Constitution. It says to this corporation, "Unless you consent to agree that you will not bond your road beyond a certain limit you shall not have the right to go across a certain territory." That is all there is of it. The Senator from Connecticut is too well versed in law to suppose that Congress has any right to do this thing, that Congress has any power to say that this corporation shall or shall not bond its line.

Mr. BUTLER. May I inquire for information of the Senator whether this is a State corporation?

Mr. INGALLS. Certainly; a State corporation.

Mr. BUTLER. Of Arkansas?

Mr. INGALLS. A corporation under the laws of the State of Arkansas, created by the laws of that State, the creature of that State, over which Congress has no more power than it has over a corporation created by the laws of Great Britain or of Russia. And the Senator from Connecticut, standing here as the advocate of what we all admit to be a salutary principle, says to all the people living in that great region of country unless this corporation will consent to have conditions applied to it that exist in the case of no other corporation in this country, that never have been attempted to be applied to any other corporation—"unless you agree to this you can not go across the Indian Territory." That is all there is of it. Every Senator who is familiar with the circumstances of railway construction in that country knows that if this condition is applied to this bill this road will not be built. The road can not compete, under these circumstances, with other lines to which this condition does not apply.

Now I ask the Senator from Connecticut whether, in the advocacy of a principle admitted to be just, that ought to be applied by a general statute that should be applicable to all corporations, he is willing to say in regard to this little connecting link necessary to the commerce and the welfare and the happiness of many great communities—willing to say in the nature of a menace, "Unless you agree to exercise the corporate powers conferred by the State of Arkansas in this way, you can not go across the Indian Territory?" I hope, Mr. President, the Senator from Connecticut is not willing when this case is fairly submitted to present this obstacle to the completion of what is confessedly a great national enterprise; but that, if he desires that this evil which we all admit and all deplore shall be corrected, he will see that some measure is reported that shall apply to all corporations alike, and not attempt to enforce this principle by means of a refusal to grant a franchise, a privilege that has been repeatedly granted to other corporations and that has hitherto been refused to none.

Mr. SABIN. Mr. President, I understood the Senator from Kansas to state that this charter is in the hands of a strong and conservative corporation. I should like to ask the Senator from Kansas what corporation owns this charter and proposes to build this connecting link.

Mr. INGALLS. The Atchison, Topeka and Santa Fé Railroad Company.

Mr. SABIN. The Senator's statement confirms the information that has been given me heretofore on this subject, that the Atchison, Topeka and Santa Fé Railway is to build this 240 miles of railroad. Now I should like to ask the Senator from Kansas if he thinks that this strong and conservative corporation, one of the strongest in this country as I understand, will be deterred from building this connecting link, as he states it, "this most important connecting link," by the adoption of the amendment offered by the Senator from Connecticut?

Mr. INGALLS. I am not authorized to say anything about what they will do, for I do not know; but I assume that they would not accept a charter that was burdened with conditions which were imposed upon no other corporation. I am not authorized to speak for them, for I know nothing about their purposes.

Mr. SABIN. It strikes me, Mr. President, that if the Atchison, Topeka and Santa Fé Railroad Company will be prevented from building this 240 miles of railway by the adoption of an amendment which simply imposes upon them the condition of building an honest railway, one that shall be bonded and stocked so that the interests on the bonds and stock of the corporation shall be paid from the earnings of the railway, which earnings are secured to that road by the freight and traffic that are given it by the overtaxed and languishing agricultural interests of this country to-day, it certainly is not a link worth building under such circumstances.

Mr. President, far be it from me to lay in the way of any railway construction in the West a single straw that will prevent that construction at as early day as practicable. I am myself a Western man and have seen the necessities of railway construction. We have suffered from the lack of that railway construction, and we have been greatly benefited and builded up by the construction of railways; but we are to-day suffering and our agricultural interests are suffering. Our farmers are compelled to sell their wheat at 50 or 60 cents a bushel. Our industries are languishing with overtaxed burdens, one of the most potent reasons for which is the large amount paid for transportation of their products to market by corporations requiring excessive and arbitrary charges to secure the large revenue necessary to pay dividends and interest on properties, the bonded and watered stocks of which aggregating from two to four times the actual cost of the property. In the construction of this railway undoubtedly bonds will be placed to the full amount of the cost. Therefore it is no hardship to have this new departure on the part of the representatives of the interests of this country incorporated in this bill.

I think that the great trouble which is agitating this whole land to-day and causing honest and thoughtful men to pause and consider the question of our labor and our labor strikes would have assumed much less threatening proportions, if indeed not been averted entirely, if the railroads on which those strikes have occurred were simply bonded and stocked for any reasonable amount of their cost. Corporations paying reasonable dividends on a fair and honest construction account, instead of attempting to pay them on a large amount of fictitious and watered capitalization, would then be in condition to pay reasonable and living wages to that large and deserving class of our fellow-citizens who are furnishing the bone and sinew of the land and earning their daily bread by the sweat of their brow. I do not wish by my vote to place any obstacle in the way of the construction, and the early construction, of this link of railway, or any other railway, or for a minute unnecessarily delay any section of this land from the great privileges and benefits acquired by railroad communication; but for myself I think it high time when any great corporation comes to this body and asks special franchises that such conditions shall be imposed as shall protect the commercial, industrial, and agricultural interests of the people who have sent us here as the guardians of their interests, and for this reason I shall vote for the adoption of this amendment and every other of like purport that is presented.

Mr. DAWES. Mr. President, I regret very much that the Senator from Connecticut has offered this amendment to this bill. I regret it, because I do not want to record my vote against it, embracing as it does provisions which are in the existing law of my own State, and which I heartily approve as proper safeguards in the construction of the railroads that my State has any authority to construct or to encourage the building of. I regret it more because, approving of the principle, the partial application and imperfect application of it to this particular railroad is in the way of what I happen to know is a general railroad law, applicable to this and all other cases, which is now in preparation, and which meets also my hearty approval.

I desire to see systematized and generalized and secured better than now the methods and plans upon which capital shall be induced to embark in railroads, more, sir, for the benefit of that class of persons alluded to by the Senator from Minnesota, just this moment, than from any desire to give advantage or undue profit to the capital which is invested. It was much an inducement to me in agreeing to this bill that it did secure to the people, whom the Senator from Minnesota is anxious to aid by voting against the bill itself in voting for this amendment, a competing outlet for all the products of the laborer and the farmer in that vast region, without which, as to-day, the heavy hand of monopoly in the shape of corporations already existing will be laid upon the very industries the Senator from Minnesota is so anxious to promote.

Without this road across this corner of the Indian Territory, existing roads already chartered and built, in the hands of other corporators and other capital, are capable of dictating to the farmers around about where my friend from Minnesota lives and in all that vast region of country just upon what terms they shall deliver the products of their soil in the markets of the South and Southwest. To-day under existing laws and existing corporations his constituents and all that worthy and en-

terprising and growing and developing region are at the mercy of other railroads; and here when it is proposed to put in a competing line that shall offer to them by the side of the terms now dictated to them terms more favorable to them, I regret exceedingly that there should be an attempt to put upon this railroad a condition that will discriminate against it by the side of two other railroads already chartered through the whole length of this Territory and under the control of the capital and the corporations that are now dominating the industry and the enterprise of the great Northwest. It is for competition's sake that I desire that this railroad may be built on terms exactly as easy to the capital invested, exactly such as to enable it to compete with other railroads; but if a burden is imposed upon them that does not rest upon the others, then it is impossible for this railroad to so compete.

Mr. SABIN. Will the Senator from Massachusetts allow me to ask him a question while he is on that subject?

Mr. DAWES. Yes, sir.

Mr. SABIN. Will the Senator from Massachusetts explain to me where the hardship in competition comes in when this company has to pay the interest on a road that costs ten, twelve, or fifteen thousand dollars a mile as against a competing road that is paying interest on anywhere from thirty to forty or fifty thousand dollars per mile? Where is the hardship in such a competition as that as against the new road? On 5 per cent. bonds one railroad has to pay to its bondholders $750 per mile, while the other road that is bonded for thirty or forty thousand dollars per mile pays from $1,500 to $2,000 per mile to its fictitious bondholders—not so much to fictitious bondholders but to the construction company that gets the bonds at any price it chooses to place them at. I certainly can not see the logic of the Senator from Massachusetts.

Mr. DAWES. It is not a question whether this company shall issue more bonds than the actual cost of the road; it is whether it shall in advance lay down the capital for the construction of the road, or whether its road shall be built upon the terms that all the roads through new and vast regions in the West have been built, distributing their cost over the years of the future, and requiring those who develop the country and the developed country itself to contribute some part and portion of the cost of the construction of the railway, which is the mainspring of their own prosperity. That is the secret of the beneficial effects upon the great Northwest of the construction of these large systems of railways, which never would have been accomplished had they been required in advance to lay down the money which it would cost to construct them. But by extending that cost into the future and having those in the future who grow strong and prosperous and wealthy by means of railroads contribute their share to their construction, the marvel of the growth of the West under the system of railroads has been brought about.

But to come to this particular road: this company asks nothing of Congress, as has been said by the Senator from Kansas, but the right of way across the Indian Territory. By the general law, if this were public land and not the Indian Territory, they could have gone on and constructed their road without coming to Congress at all. It is only because the land of the Cherokee Nation is Indian land that they have come here.

The two corporations whose lines come up to the border of this Territory are comparatively old railways, completed, constructed, and established. They come to the border of this Territory. They can not extend into this Territory. It was necessary through the form of a new corporation to provide for constructing this link in the railway—as it has been termed, a bridge, such as the bridge built across the Missouri at Omaha. No contribution of freight or of passenger traffic or of profit to any considerable extent can be obtained along the line until years hence. The beneficial effects of this road upon the community through which it is built are to come hereafter; and that is a community over which we have no control, whose interests and whose enterprises and whose ideas of profit and loss are all their own, governed by their own laws; and it seems to me that under these circumstances the Committee on Indian Affairs would have done their full duty if in giving the consent to build this road across the Indian Territory they had taken care that the interests of these Indians, who have no voice here, were looked after. With sedulous care the Committee on Indian Affairs have provided in this bill that every right of the Indians shall be taken care of in strict conformity to the laws, such laws as the States around them have enacted for the protection of their own citizens.

The right of way is to be determined in the United States courts according to the forms and principles of the laws established in Kansas and Arkansas, and the tolls for passengers and freight are by express provision of this statute under the control and jurisdiction of Congress at all times. Every interest is guarded; and while I do not want to vote against the principle contained in this amendment, it does compel this road to advance what other roads are not required to do, and two other companies, while this one is put under these additional burdens, are building two other lines under no control right across this Territory, and can command all the freight going down into the South and Southwest. It is not in the interest of free competition in railroad transportation; it is not, in my opinion, in the interest of sound and wise legislation touching interstate commerce, that we now single out one of these railroads and impose upon it conditions and burdens that we do not see fit to impose upon another side by side with it. That is why I regret very much the attempt to impose this additional burden upon this road.

I am ready to co-operate with the Senator from Connecticut. I have had something to do already with the preparation of a general bill which involves substantially all the elements of this amendment, the application of which shall be universal, and not special and particular to this corporation.

While it was said by the Senator from Kansas that the Atchison, Topeka and Santa Fé Company were the owners of this stock, I suppose the Senator meant that those individuals who built the Atchison, Topeka and Santa Fé road on the north and those who built the connecting link on the south are interested because their roads must be interested, and they desire to enter into a fair competition with these other roads that have had the sanction of Congress for the vast freighting business that is now waiting for competition and for low freightage to the market. Those are the persons interested, not the corporation themselves, as I understand, but sound men, I have no doubt; and on the question whether all this capital or half the cost of the road can be advanced, I do not doubt that it can be advanced, or forty times that can be obtained in the money markets of the world, but when you require it to be obtained in advance, before the freightage can contribute at all in competition with freightage on other roads, that is the burden which will prevent any beneficial effect to the commerce outside of that in the Indian country itself from this road.

Mr. PLATT. Mr. President, I do not wish to anticipate the discussion which is to come up inevitably very soon in this body on the consideration of the interstate-commerce bill which has been reported by the Senator from Illinois [Mr. CULLOM], but I desire to say just this much: The cheaper this road is built the more and the more easily it can compete; and it seems to me that that is a perfect answer to the argument of the Senator from Massachusetts, that this road is needed as a competing road. If it is built for cash, as he avers that the parties who project it are able to build it, then it can compete upon favorable terms with any road which has been built in the ordinary way of building railroads. The ordinary way of building railroads, as the Senator knows, is to let the building of the road to a construction company, which fixes its own price for doing the work and takes pay in bonds and stock, and ordinarily takes bonds and stock which aggregate at least three times as much as it would cost to build the road in cash. That is the ordinary method of railroad construction as it has been practiced up to this time.

Now, my only object here is to have the Senate of the United States put its seal of condemnation upon that kind of railroad construction in this country. And while, as I said, I regret that it falls on this particular enterprise, it might perhaps as well fall here as anywhere, because it is said that the parties who contemplate building this road are amply able to build it. What I want is, that so far as the United States Government can control the question, it shall not be possible from this day on for men to project a railroad and build it without putting a dollar of their own money in it, and be rich when the building is completed. That is all; and I do not think any argument of locality, any argument of competition answers that.

I want to say a word about railroads and corporations. I am not an enemy of railroads or corporations. I recognize the great benefit which not only railroad corporations but other corporations have bestowed upon this country; but their mismanagement, their improper management, is a great evil, and sooner or later it outweighs the benefit. Take these great transcontinental railroads. They were a great benefit, great agencies of civilization. They have opened up that vast country to civilization; they have created wealth; they have builded cities; they have opened up the agricultural development of this country; but, notwithstanding all that, the country is mortgaged and the people of this country are mortgaged for all time to pay freights and fares upon those railroads two or three or four times as much as they ought to be burdened with paying. Allow this railroad to be constructed in the usual method of constructing railways, and the time will come in the future when the blessing will be overborne by the curse.

And that leads me to say just one thing more. I believe that a corporation the capital of which represents the actual money invested, and which is honestly managed, is the greatest blessing to American civilization; but I believe that that corporation which is overcapitalized or dishonestly managed or is mismanaged is a curse to American civilization; and the more the overcapitalization, the more the dishonest management or the mismanagement, the more direful the curse. We have seen so much of the evils of overcapitalization, of the evils of mismanagement, that I think the Senate of the United States owes a duty not only to itself but to the people of this country to say that it shall not go on any further.

The Senator from Massachusetts says let us pass a general law. He wants to exempt this enterprise, and then let the general law come in. But there comes a time in the history of all governments when it becomes necessary to declare a principle. It seems to me that that time has come now. It seems to me that if it be said that these men of ample ability to build this road can not build it unless they are permitted to capitalize it for more than it fairly costs, then it is time to say that road should not be built; and when the next enterprise comes

up it is time to apply the same restrictions and limitations to that, and I will co-operate with the Senator from Massachusetts in endeavoring to frame—and it is a good deal of an undertaking—a general railroad law. I wish we had one that we could pass to-day. But I think now, this question having come before Congress, we have a simple duty to perform which no exigency can relieve us from.

A single word in reply to the Senator from Kansas. He says that this is an Arkansas corporation, and that we can not say what an Arkansas corporation can do; that we have no constitutional power and no right to impose any conditions or limitations or restrictions upon a corporation created under a general law of one of the States. This is no interference with State rights. We are exercising no unconstitutional power. This State corporation comes to Congress and asks for a right which the Government only can give, and I am too well versed in law, to use the language of the Senator, to suppose that Government can not impose any condition it pleases in the granting of this right. We do it every day. The Mississippi and Missouri Rivers are bridged by State corporations by the authority of Congress; and has not every one of those charters conditions and limitations which Congress imposes because it has the power to impose them, and because it thinks it right to impose them?

Mr. DAWES. I wish to ask the Senator, suppose that the legislature of the Cherokee Nation, which meets to-day, gives its consent for this railroad to pass across its territory, what authority would the United States have except that under the general interstate-commerce power?

Mr. PLATT. If it is unnecessary to come to Congress, why are they here? I do not understand—I am not so well versed, of course, as the Senator from Massachusetts in relation to the powers of the Indian Territory and its legislatures; but I do understand that in crossing that Territory, which, though it be an Indian Territory and an Indian reservation, is the territory of the United States; I do understand that it is necessary for Congress to act, and if it is not, there is no necessity for the passage of this bill.

Mr. DAWES. I do not understand that if the legislature of the Cherokee Nation should give the authority to go across this Territory there will be the slightest occasion to come to Congress. It is only in the absence of that authority that this corporation is here, and it was in the absence of that that two years ago we gave to other corporations the right to cross this Territory without imposing any condition compared with this.

Now, I make this suggestion to the Senator: I care more to bring that Territory within the influence and control and government of the United States than I do for this railroad or half a dozen railroads. I happen to know that the chief of that nation was here and went home and called the legislature together for the very purpose of giving its consent to this railroad crossing the Territory, so that they might be interested in the prosperity and growth which is attendant on the building of a railroad through a new country, so that they can be more and more every day like the United States and disposed to come under its government and control. I care more for that than I do for this road.

Mr. PLATT. Now, let me ask the Senator a question. Does he not know that there is opposition to this bill in the Indian Territory and among the Indians themselves?

Mr. DAWES. Certainly I do; and the element that I allude to is the element toward which the United States can look and look only for making that Territory something different from what it is, part and parcel of this Union under a common law and a common prosperity.

Mr. PLATT. It may be that this power exists in the legislatures of the Indian Territory. If it does, I can not conceive the haste to have this bill passed by Congress if the proper legislature of the Indian Territory has been called together for the purpose of acting upon it. But upon that subject I can not contend with the Senator from Massachusetts, because he is so much more familiar with the powers of the legislatures of the Indian Territory than I am.

I do not wish to discuss this amendment or this bill any further, and, as I said in the first place, I regret that I have felt that my duty compelled me to insist upon this amendment.

Mr. BROWN. Mr. President, if this railroad company were applying to the Congress of the United States for a charter to build a railroad across the District of Columbia, or across either one of the Territories of the United States, there would, I apprehend, be no question about the power of Congress to impose any restriction it pleased in the charter, to make any limitation it might think proper, to make any regulation in the charter about the terms upon which the road should be built, whether bonds might be issued, or whether the stock must be paid in in cash. All those powers would be within the reach of Congress, and Congress might do just as it pleased about them. In this case, however, no such application is made. A charter has already been granted by the State of Arkansas; and this company, desiring to build the road over a small portion of the territory of Arkansas, as I understand it, and across the Indian Territory for 200 miles or more, makes application here not for a charter, but for the right of way, or the right to pass, over the Indian Territory.

It is said by the honorable Senator from Connecticut that we may grant that privilege upon any terms we dictate. That is doubtless true, for Congress has the power to refuse entirely to permit the company to pass over any part of the Indian Territory. Then the question comes up, however, what is best for us to do? The Senators from Arkansas, who have this bill in charge, tell us that the public interest imperatively requires that the road should be built. The Senators from Kansas at the other end, or near the other terminal point, tell us the same thing. This connection between the State of Arkansas and the State of Kansas is a very important one, as I understand, to the people of both States and the sections connected with both States. The Senators at each terminal point agree on that. The two hundred and odd miles to be built across the Indian Territory are in a waste territory, you may say, uninhabited, except by a few Indians. No prudent capitalist will put his money in and build the road upon terms less favorable than those usually granted, as I apprehend.

Now, while I grant that we have the power, when we are asked, to give the right of way across the Territory or to permit the company to purchase from the proper owners—the Indians—the right of way across, we have power to impose terms. But is it for the interest of the people of the United States that we impose unusual terms in this case? Should we not permit those two adjoining thriving States and communities to be connected together by rail, making a very important connection that does not now exist, or should we impose terms that will forbid the connection, for we are told that the company that has this matter in charge will not build on any but the usual terms? It is replied to that that a great company would not be likely to refuse to build because they have to put up cash to build upon. It may be much more to the interest of the people of Arkansas and the people of Kansas that this road should be built than it is to the interest of the corporation that controls the road that is now built and that would build this road. They may see reasons why they should make this extension and this connection if they are put upon favorable terms, but they might be entirely unwilling to do it when put upon unfavorable terms.

I think, therefore, it is the wrong time for us to apply the new rule that the Senator from Connecticut desires and that many other Senators desire; and that we should permit this charter to pass as others have passed, until there is a general law enacted upon that subject to regulate the granting of charters generally or the granting of the right of way across the Territory.

As I have already said, the interest of these great communities on both sides being vitally interested, the Territory being inhabited only by a few Indians, there being no local freight to be expected for a long time to come, we can hardly suppose that the company would undertake to build upon any other than the usual terms. Therefore I see no reason why we should not grant the permission in this case, as we have granted it in a number of other cases at former sessions of the Senate. I shall vote, therefore, against the proposition of the Senator from Connecticut, though I do not say how I might vote on a general law on that subject. I think we ought to grant the permission, and grant it without the proposed hesitation. I have no doubt the road will be honestly and fairly built if it is done in the usual way. If this restriction is put upon it, from all I have heard, I have no idea it will be built for many years to come.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut [Mr. PLATT], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. JACKSON (when Mr. HARRIS'S name was called). My colleague [Mr. HARRIS] is detained from the Senate by sickness. He is paired with the Senator from Vermont [Mr. EDMUNDS].

The roll-call was concluded.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PLATT. Was any pair announced for the Senator from Vermont [Mr. EDMUNDS]?

The PRESIDENT *pro tempore*. It was announced that he was paired with the Senator from Tennessee [Mr. HARRIS].

Mr. PLATT. He asked me to say that he had a pair on this bill, being in favor of the amendment. I presume the pair is all right.

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON]. I see he is not in his seat.

The result was announced—yeas 15, nays 27; as follows:

YEAS—15.

Blair,	Hoar,	Morrill,	Sewell,
Conger,	Kenna,	Platt,	Van Wyck,
Harrison,	Logan,	Pugh,	Wilson of Iowa.
Hawley,	McMillan,	Sabin,	

NAYS—27.

Berry,	Eustis,	McPherson,	Sherman,
Bowen,	Evarts,	Maxey,	Spooner,
Brown,	Fair,	Morgan,	Teller,
Butler,	Frye,	Payne,	Voorhees,
Call,	Ingalls,	Plumb,	Walthall,
Coke,	Jackson,	Saulsbury,	Wilson of Md.
Dawes,	Jones of Arkansas,	Sawyer,	

ABSENT—33.

Aldrich,	Cullom,	Harris,	Pike,
Allison,	Dolph,	Jones of Florida,	Ransom.
Beck,	Edmunds,	Jones of Nevada,	Riddleberger,
Blackburn,	George,	Mahone,	Stanford,
Camden,	Gibson,	Manderson,	Vance,
Cameron,	Gorman,	Miller,	Vest.
Chace,	Gray,	Mitchell of Oreg..	
Cockrell,	Hale,	Mitchell of Pa.,	
Colquitt,	Hampton,	Palmer,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Nebraska [Mr. VAN WYCK], on which the yeas and nays have been ordered.

Mr. BERRY. I hope the Senator from Nebraska will withdraw the call for the yeas and nays in view of the short time since we have had a vote by yeas and nays on the amendment of the Senator from Connecticut.

Mr. VAN WYCK. It will take but a few minutes to vote by yeas and nays.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. HARRISON. There is not any use in taking the vote by yeas and nays. We have just had a yea-and-nay vote on a similar proposition.

Mr. PLATT. We can take the vote by yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska withdraw the call for the yeas and nays?

Mr. PLATT. I hope the Senator from Nebraska will withdraw the demand for the yeas and nays. We have just had a vote which shows what the result will be, and I intend to ask for the yeas and nays on the passage of the bill.

Mr. VAN WYCK. As this amendment is near the amendment of the Senator from Connecticut it will undoubtedly receive about the same vote, and at the suggestion of Senators I withdraw the call.

The PRESIDENT *pro tempore*. The call for the yeas and nays will be regarded withdrawn, if no objection be made. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was rejected.

Mr. JONES, of Arkansas. I have three formal amendments to present, to which I suppose there will be no objection. In section 1, after the word "Territory," in line 13, I move to strike out the words:

At or near Arkansas City, in the State of Kansas, as will make the most suitable connection with lines of railway diverging from, at, or near said Arkansas City.

And to insert:

Between the Arkansas River, in Cowley County, and the Caney River, in Chautauqua County, Kansas, as said corporation may select.

The amendment was agreed to.

Mr. JONES, of Arkansas. In section 3, line 17, after the word "award," I move to insert:

To and file with the Secretary of the Interior within sixty days from the completion thereof.

So as to read:

Which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof.

The amendment was agreed to.

Mr. JONES, of Arkansas. At the end of the bill I move to add as an additional section:

That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SABIN. I offer an amendment which I send to the desk.

The PRESIDENT *pro tempore*. In what part of the bill does the Senator propose to insert the amendment?

Mr. SABIN. It is immaterial where, so that it is in the bill.

The PRESIDENT *pro tempore*. It will be inserted at the end of the bill. The amendment will be stated.

The CHIEF CLERK. It is proposed to add the following proviso at the end of the last section:

Provided, That the bonded indebtedness shall not exceed the actual cost of said road, nor the stock capitalization be more than 50 per cent of said cost.

The amendment was rejected.

Mr. SEWELL. I move to add as an additional section to the bill:

That the stock and bonds issued for the construction of this road shall have stamped on their face the actual amount of money paid into the company on such securities.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. SEWELL. The Senator from Connecticut stated to the Senate that the usual mode of constructing railroads, organizing companies, was on a basis of issuing two or three times the amount of securities that it cost to construct the road. That, unfortunately, has been the case of late years, but it has been confined largely to the territory west of the Mississippi River. In the older settled States the corporators have almost invariably subscribed their capital stock and built their roads for cash. In most of the States to-day the general railroad laws prescribe that there shall not be more securities, more bonded indebtedness, than the actual cash capital paid in.

That is an honest provision; and in a Senate where so many speeches were made last year upon the interstate-commerce bill, in which the railroads were arraigned as they were by gentlemen who I have no doubt voted against the provision offered by the Senator from Connecticut, where railroads were decried for the watering of stock, where they were shown to have had so many more thousand dollars of stock than the actual amount subscribed or paid in under the law, where it was shown that a large part of the burdens of the people were caused by reason of this overissue of stock, it seems strange to me that to-day an amendment such as that offered by the Senator from Connecticut should be voted down in this body. The issue of a certificate with a hundred dollars on the face of it by a railroad corporation, under authority of law even, which has not had a dollar paid on it, is a fraud on the community, and ought not to be permitted.

There is no doubt that the people have a right to complain of us. It is all very well for Senators to say we will fix this in a general law some time. Now is the time to meet the question and make an example. Will it cost any more to build a road under a bill with this provision in it than if it did not have it? Is it any better for a road to be allowed to issue watered securities by the bushelbasketful? Does it give them any credit? It does nothing but allow a fraud to be committed upon the people of this country, and generally it is felt by innocent people who can not judge the difference between the actual value of one security and another.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. BERRY. I ask the unanimous consent of the Senate to go through with the pending bill, laying aside the unfinished business informally. It will take but a very few minutes more to conclude the bill. It will only require a vote.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks the unanimous consent of the Senate to lay aside the unfinished business informally, with a view to continue the consideration of the railroad bill.

Mr. PLATT. May I have unanimous consent to say a word?

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. PLATT. The bill for the admission of Washington Territory has been laid aside a good while. I think we ought to go on with it. If we could get through with this matter within a few minutes I would not object to allowing that few minutes, but I can not consent if any extensive debate is to occur.

Mr. BERRY. I have no doubt that the debate is closed.

Mr. JONES, of Arkansas. There need be only a vote taken. I think there will be no further debate.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut object to the suggestion of the Senator from Arkansas?

Mr. PLATT. I do not object. However, I reserve the right to object if debate should extend beyond a few minutes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. SEWELL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRYE. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section:

That the stock and bonds issued for the construction of this road shall have stamped on their face the actual amount of money paid into the company on such securities.

Mr. DAWES. I do not understand the necromancy of building railroads like the Senator from New Jersey, but I should like to know how when a railroad company issue a thousand-dollar bond to raise money upon it to put into the construction of their road they can stamp on that bond before they sell it that there have been a thousand dollars paid into the treasury for that bond. I would vote for the Senator's amendment if it were practicable. There may be some way by which it can be done.

Mr. SEWELL. The stamp of the treasurer on the face of the bond that a thousand dollars has been subscribed for that bond can be put on the bond before it is issued.

Mr. TELLER. I am in favor of the principle declared in the amendment, but it seems to me to be impractical to carry it into execution

in this kind of a bill. This is an Arkansas corporation, and not a national corporation. They are asking nothing except the right of way. I understand very well that you can put upon the bill conditions of this kind, but they will ultimately raise difficult questions to solve as to whether money had or had not been expended. I do not believe it can do any possible good or effect anything to adopt the proposition suggested by the Senator from New Jersey. There will be a number of ways of avoiding and evading this provision, and at the same time it will perhaps be used to prevent the railroad company from building across that Territory, which is desirable not only for the people of the Indian Territory but for the people on both sides of the Territory.

While I am entirely in favor of the principle of confining railroads in their securities to the amount of money expended, I shall vote against the amendment.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from New Jersey.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. JONES, of Arkansas (when Mr. COKE'S name was called). The Senator from Texas [Mr. COKE] is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. HAWLEY (when his name was called). I should vote for this amendment were I not paired with the Senator from Texas [Mr. COKE].

The roll-call was concluded.

Mr. CHACE. I desire to reannounce the pairs of my colleague [Mr. ALDRICH] and myself.

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Blair,	Hoar,	Pike,	Van Wyck,
Conger,	Jackson,	Platt,	Wilson of Iowa.
Cullom,	Kenna,	Pugh,	
Frye,	McMillan,	Sabin,	
George,	McPherson,	Sewell,	

NAYS—27.

Beck,	Dawes,	Maxey,	Spooner,
Berry,	Eustis,	Mitchell of Oreg.,	Stanford,
Blackburn,	Evarts,	Morgan,	Teller,
Bowen,	Fair,	Payne,	Voorhees,
Brown,	Gorman,	Plumb,	Walthall,
Butler,	Ingalls,	Sawyer,	Wilson of Md.
Call,	Jones of Arkansas,	Sherman,	

ABSENT—31.

Aldrich,	Dolph,	Hawley,	Morrill,
Allison,	Edmunds,	Jones of Florida,	Palmer,
Camden,	Gibson,	Jones of Nevada,	Ransom,
Cameron,	Gray,	Logan,	Riddleberger,
Chace,	Hale,	Mahone,	Saulsbury,
Cockrell,	Hampton,	Manderson,	Vance,
Coke,	Harris,	Mitchell of Pa.,	Vest.
Colquitt,	Harrison,	Miller,	

So the amendment was rejected.

Mr. GEORGE. I move to add as an additional section:

That if said corporation or any successor to its rights under this bill shall issue any stock except for cash actually paid in, and to an amount equal to the stock so issued, all the rights and privileges granted under this act shall cease.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. PLATT. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. JACKSON (when Mr. HARRIS'S name was called). I announce the pair of my colleague [Mr. HARRIS] with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER], who is temporarily absent, is paired with the Senator from North Carolina [Mr. VANCE] on this question.

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the affirmative). I am informed that the Senator from Nebraska [Mr. MANDERSON] has announced a pair with me, and, as he is absent from the Chamber at this moment, I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote is withdrawn.

The result was announced—yeas 36, nays 8; as follows:

YEAS—36.

Beck,	Dawes,	Jones of Arkansas,	Sabin,
Berry,	Dolph,	Kenna,	Sawyer,
Blair,	Eustis,	McPherson,	Sherman,
Bowen,	Evarts,	Maxey,	Spooner,
Brown,	Fair,	Mitchell of Oreg.,	Stanford,
Butler,	Frye,	Morgan,	Teller,
Call,	George,	Payne,	Voorhees,
Coke,	Ingalls,	Plumb,	Walthall,
Colquitt,	Jackson,	Pugh,	Wilson of Md.

NAYS—8.

Conger,	Hawley,	Pike,	Van Wyck,
Cullom,	McMillan,	Platt,	Wilson of Iowa.

ABSENT—31.

Aldrich,	Gibson,	Jones of Florida,	Palmer,
Allison,	Gorman,	Jones of Nevada,	Ransom,
Blackburn,	Gray,	Logan,	Riddleberger,
Camden,	Hale,	Mahone,	Saulsbury,
Cameron,	Hampton,	Manderson,	Sewell,
Chace,	Harris,	Miller,	Vance,
Cockrell,	Harrison,	Mitchell of Pa.,	Vest,
Edmunds,	Hoar,	Morrill,	

So the bill was passed.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I ask unanimous consent to make a report from the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive the report.

Mr. DAWES. The Committee on Appropriations, to whom was referred the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, have instructed me to report it with amendments and to submit a written report. On the next legislative day after to-morrow I propose to ask the Senate to consider the bill immediately after the morning business.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

ORDER OF BUSINESS.

Mr. PLATT. I ask that the unfinished business be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business, being the bill for the admission of Washington Territory, is now before the Senate. The pending question is on the amendment proposed by the Senator from Indiana [Mr. VOORHEES] who is not present.

Mr. PLATT. I ask that the amendment submitted by the Senator from Indiana may be read. It has not had the consideration of the Committee on Territories, and I think it should be read.

Mr. FRYE. Mr. President, I wish to say just a word. A modest man stands a very poor chance in the United States Senate. I had a measure assigned for February 22, and I have yielded and yielded, and bill after bill has come in, and speech after speech has been made, on notice given, and still my measure is assigned as a special order for February 22. The assignment was made February 16. In the country there is a good deal of excitement over the question it touches. My judgment is that the adoption of the resolution by the Senate would have a tendency to allay that excitement. I desire to ask the Senator from Connecticut whether he will not yield me the remainder of the day to dispose of that resolution.

Mr. PLATT. A Senator touches my weakest point when he asks me to yield to him, and I have been yielding the Washington bill which has been the unfinished business for about a week. I do not know that I ought to have done it; I do not know but that I ought to have insisted upon it. A week ago to-day the bill was before the Senate and was considered, the amendments of the committee adopted, and I supposed the measure was within an hour of its passage, when I yielded, just as the Senator from Maine asks me to yield now, and a week has intervened.

I am not going to discuss the question which of the two Senators is the most modest, but it seems to me I have been very modest. I believe that we can get the Washington Territory bill out of the way in two hours if we can go on with it this afternoon. That is my belief about it, and I think it will be an economy of time to do it. It seems to me that I ought to insist upon it, and that the Senator from Maine ought not to ask me to yield.

Mr. FRYE. Then will the Senator yield to me for a moment to try a request?

Mr. PLATT. Certainly.

Mr. FRYE. I ask unanimous consent that the resolution which I represent, touching the fishing rights of the United States, shall be taken up to-morrow morning immediately after the morning business.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from Maine asks unanimous consent that the resolution which he has indicated be taken up to-morrow morning immediately after the morning business. Is there objection?

Mr. CULLOM. I suppose that means before 2 o'clock, and that it will not interfere with business coming up at that hour if we dispose of the Washington bill to-day.

Mr. FRYE. I shall try to have the resolution go along until it is finished. I do not think it will take over two hours to dispose of it.

Mr. CULLOM. As the Senator from Maine and the Senator from Connecticut have both referred to measures which they have had made special orders, I wish to say that the bill in relation to interstate commerce has been made a special order for some time, and I have been waiting very patiently for the bill of the Senator from Connecticut and the bill which was disposed of yesterday to be gotten out of the way, so that I might press the bill in relation to interstate commerce. I give notice now that so soon as the two measures represented by the Senator

from Connecticut and the Senator from Maine are disposed of I shall ask the Senate to take up the bill in relation to interstate commerce, and continue its consideration until it is disposed of.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Maine?

Mr. RIDDLEBERGER. I shall not object if it can be understood, and distinctly understood, that on Monday the resolution providing for the abolition of executive sessions in certain cases shall be considered in the morning hour. Unless that can be understood, I shall object. I find the practice here is very frequent that Senators get up and say, "I give notice" so and so, and that notice continues from day to day. Here is a resolution which has been offered and is on the Calendar, and which it has been understood would be voted on before all the executive business has been passed upon.

Now, if the Senator and the Senate will agree that that resolution shall be taken up on Monday morning, I shall not object to anything; but unless that is agreed to I shall object and continue the contest until that resolution gets before the Senate in its regular order. I entered into the contest for the passage of the resolution in earnest. I shall not object, however, if the Senate will agree to take it up on Monday morning.

The PRESIDING OFFICER. Does the Senator from Virginia submit a request to the Senate?

Mr. DAWES. I wish to say to the Senate that if there is no session on Saturday the Indian appropriation bill must be taken up on Monday. There is great necessity to have that bill passed as early as possible.

Mr. RIDDLEBERGER. In the morning hour?

Mr. DAWES. As soon as the morning business shall have been concluded.

Mr. RIDDLEBERGER. Then I give notice that I shall ask for the consideration of that resolution and put it in competition with the Indian appropriation bill. I wish we had no Indians and no Indian Territory. I shall not yield any further than I have stated, so far as I am concerned.

Mr. DAWES. As between the question whether the Indian appropriation bill shall become a law or whether we shall have open or closed executive sessions, I do not think there will be any trouble on the part of the Senate. I think the Senate will dispose of that question properly. At any rate, I am willing to submit it to the judgment of the Senate.

Mr. BLAIR. I am obliged to confess my utter poverty. I do not own a single bill that is being considered by the Senate. I have no private property in any of the measures. So far as I am concerned I have only pressed measures upon the attention of the Senate which belonged to the country and which the Senate chose to consider because of their supposed comparative paramount importance at the time they were taken up.

I have been giving notice for some time that I should ask the Senate to consider the pension bills. The Calendar is overloaded with both general and special pension bills which ought to be disposed of. There is one general pension bill of very great importance, of more importance than any other one bill which has been in either House of Congress during the present session. It has been favorably reported upon by the Committee on Pensions and has long been waiting action by the Senate. It was taken up by the Senate in the morning hour, about two weeks since, and incontinently sent out of existence on that occasion and displaced by the talk we have been indulging in for the last two or three weeks.

There is one other bill, early action upon which I think very much concerns the peace and prosperity of the country. It is the labor-arbitration bill, acted upon in the other House after considerable debate and much consideration; acted upon there almost unanimously and sent to the Senate and forthwith reported by the committee to which it was referred to the Senate, and upon which I think the condition of the country requires very early action.

I do not mean to dwell upon the facts which lead me to make this statement. Both the pension bill and the arbitration bill I think require very early action by the Senate, not because they belong to any special Senator or because they have been committed prominently to the charge of any particular Senator. This is a new doctrine about ownership of a bill, that it must be considered because this, that, or the other Senator is more or less modest in his deportment. Bills should have precedence according to their importance. I feel as though I ought to ask the Senate to decide on the question of consideration between those measures which I have named and any others which other Senators may seek to be disposed of.

I can simply give notice that I shall ask the Senate to decide at every opportunity between the pension bill and the arbitration bill on the one hand and other measures which may be pressed before the Senate.

Mr. FRYE. Does the Senator from New Hampshire object to my request that the resolution touching the fishing rights of the United States may be considered after the morning business to-morrow?

Mr. BLAIR. I shall ask for the consideration of the pension bill, and let the Senate decide.

Mr. FRYE. To-morrow morning?

Mr. BLAIR. I will withdraw the objection for to-morrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. BLAIR. I have stated all I desire to say. The Senate must consider the urgency of these two measures, and I hope they will be early taken up and disposed of.

The PRESIDING OFFICER. The Chair hears no objection to the request submitted by the Senator from Maine.

Mr. RIDDLEBERGER. I only give notice, too, that I shall object to the consideration of the bill suggested by the Senator to-morrow morning and put the resolution to which I have referred in competition with that. I refer to the resolution providing for opening the doors during the consideration of confirmations. I am obliged to object some time.

The PRESIDING OFFICER. Does the Senator from Virginia object to the request of the Senator from Maine?

Mr. FRYE. I give notice that to-morrow morning, immediately after the close of the morning business, I shall endeavor to get the fisheries resolution before the Senate. It is of no use to undertake to contest or combat with any such performance as this.

Mr. RIDDLEBERGER. I do not know what the Senator means by a "performance." I did not object to the consideration of his resolution.

Mr. FRYE. Distinctly the Senator objected.

Mr. RIDDLEBERGER. I did not. I gave notice that I should object to-morrow morning to the consideration of——

The PRESIDING OFFICER. The Chair will again ask whether there is objection to the request submitted by the Senator from Maine?

Mr. RIDDLEBERGER. I ask leave to explain to the Senator from Maine that I made no such objection, and to ask him to explain what he means by a "performance."

Mr. FRYE. Then I withdraw what I said. I understood the Senator distinctly to object.

Mr. RIDDLEBERGER. I gave notice distinctly that I should object to-morrow morning to the consideration of the pension bill and ask the Senate to pass upon the question of the resolution to which I referred. If the Senator from Maine did not understand me, it is his fault; and if he misunderstood me, I hope he will not again characterize what I may say on this floor as a "performance."

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Maine that, at the expiration of the morning business to-morrow, the resolution indicated by him, relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain, shall be taken up for consideration? The Chair hears no objection, and the order is made.

ADMISSION OF WASHINGTON TERRITORY.

Mr. PLATT. Now I ask that the Washington bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment submitted by the Senator from Indiana [Mr. VOORHEES].

Mr. PLATT. I ask that the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Indiana [Mr. VOORHEES] to the bill.

The Chief Clerk read the amendment, as follows:

Add as new sections:

SEC. 28. That the inhabitants of the Territory of Montana are hereby authorized to form for themselves a State government, with the name of the State of Montana.

SEC. 29. That said State shall consist of all the territory embraced within the boundaries of said Territory as now defined by law.

SEC. 30. That in order to the formation of such State government the qualified electors resident within said boundaries are hereby authorized, after due proclamation by the governor of Montana Territory, and in conformity to the laws of said Territory relative to the election of members of the Legislative Assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations, and at such time and places, as said governor may prescribe, to elect as many delegates, possessing the qualications of such electors within the present limits of said Territory, as there are members of said Legislative Assembly, and also fifteen such delegates at large.

SEC. 31. That said delegates shall meet in convention at the city of Helena, in said Territory, at such time as said governor may designate in his said proclamation, and, when organized, shall declare, on behalf of the people of the territory embraced within said boundaries, that they adopt the Constitution of the United States; and thereupon said convention is hereby authorized to form a constitution and State government for said territory so bounded and described as aforesaid: *Provided, nevertheless*, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *Provided further*, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State ever be molested in person or property on account of his or her mode of religious worship; that the inhabitants of the territory embraced within said boundaries do agree and declare that they forever disclaim all right and title to the unappropriated public lands, and the lands the Indian title to which has not been extinguished by the United States, lying therein, and that the same shall be and remain at the sole and entire disposition of the United States; that all grants and patents heretofore made by the United States to settlers and pur-

chasers of school lands therein are confirmed by said State and the people thereof, and that other lands, to be selected as hereinafter provided, are accepted by said State in lieu thereof; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof; that no tax shall be imposed by said State on lands or property therein belonging to the United States, any Indian tribe, or Indian sustaining tribal relations, or which may hereafter be purchased by the United States; and that all navigable waters within said State shall be and remain public highways, free to all citizens of the United States: *And provided further*, That all residents of that portion of said territory embraced within the boundaries of said State at the time of admission who are confined in an insane asylum, and who are maintained at such asylum at the expense of said Territory, shall be received into the insane asylum of said State, and shall be maintained by said State upon the same terms, in the same manner, and under the same laws and regulations as the other insane of said State.

SEC. 32. That said convention, having formed such constitution as provided in this act, shall provide by ordinance for submitting the same to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as said convention may prescribe.

SEC. 33. That at the election last aforesaid the legal voters of said new State shall vote directly for or against such proposed constitution, and the returns thereof shall be made to the governor of Montana Territory, who, with the secretary and chief-justice thereof and the president of said convention, or any three of them, shall canvass the same; and if a majority of the legal votes so cast in said proposed State shall be for said constitution, said governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances.

SEC. 34. That on receipt of such certification of the votes so cast at said election showing the adoption of said constitution by the people of said State as aforesaid, and of a copy of such constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States, without any further action on the part of Congress.

SEC. 35. That until the next general census said State shall be entitled to one Representative in Congress.

SEC. 36. That such Representative, and the governor and other officers that may be provided for in the constitution of said State, shall be elected on a day to be fixed by said constitutional convention, and which may be the same as the one fixed for the submission of the proposed constitution to the people for ratification or rejection as aforesaid; and that until said State officers are elected and qualified the Territorial officers shall continue to discharge the duties of their respective offices.

SEC. 37. That from and after the admission of said State into the Union in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, and be called the district of Montana; that for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in the other districts, except as herein otherwise provided; that said district of Montana shall be attached to and constitute a part of the ninth judicial circuit; and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of January and June in each year; and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 38. That the circuit and district courts for the district of Montana, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 39. That the district judge appointed for the district of Montana shall receive as his compensation the sum of $3,500 per annum, payable in four equal installments, on the first days of January, April, July, and October of each year.

SEC. 40. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Montana, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Oregon to other similar officers and persons performing similar duties.

SEC. 41. That all cases of writ of error or appeal heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Montana, or that hereafter may be lawfully prosecuted from either of said courts, may be heard and determined by said Supreme Court of the United States; and where the same arose within the limits of said State, the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court herein provided for, or to the supreme court of said State, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme courts of said Territory as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of said Territory, rendered prior to the admission of said State, the parties to such judgments and decrees shall have the same right to prosecute writs of error and appeals to the Supreme Court of the United States as they shall have had prior to such admission; and as to all such cases arising within the limits of said State, the like subsequent proceedings shall be had therein as aforesaid.

SEC. 42. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts respectively shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and district courts respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 43. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Montana, at the time of the admission of said State into the Union, arising within the limits of said State, and not included within the provisions of the foregoing section, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but the same shall be transferred to and proceeded with in the State courts according to the laws thereof.

SEC. 44. That sections 16 and 36 in every township within said State, or in case any of said lands have been disposed of under the provisions of any act of Congress to settlers or purchasers from the United States, or in case any of said sections 16 and 36 are fractional in quantity, or wanting by reason of the township being fractional, or shall be found, when surveyed, to be mineral lands, other lands equivalent in quantity thereto, in legal subdivisions of not less than 40 acres, to be selected within said State as the constitution and Legislature thereof may provide, with the approval of the Secretary of the Interior, are hereby granted to said State, when admitted, for school purposes.

SEC. 45. That the grant of 500,000 acres of unappropriated lands of the United States made to said State, on its admission, by the provisions of section 2378 of the Revised Statutes of the United States, may be used for school purposes; and said land shall be selected within said State as provided in the preceding section of this act.

SEC. 46. That seventy-two other sections of the unappropriated non-mineral public lands of the United States within said State, to be so selected as aforesaid, are hereby likewise granted to said State for the use and support of an agricultural college and for the promotion of industrial science therein.

SEC. 47. That fifty other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection and maintenance of suitable public buildings at the seat of government thereof, when permanently located, for legislative, executive, and judicial purposes.

SEC. 48. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of a State penitentiary therein.

SEC. 49. That ten other sections of such lands, to be selected as aforesaid, are hereby likewise granted to said State for the erection of an asylum for the insane therein.

SEC. 50. That 5 per cent. of the net proceeds of the sales of public lands lying within said State shall be paid to said State for school purposes.

SEC. 51. That the lands granted by this act shall not be sold for less than $5 per acre, and the proceeds of those granted for school purposes, as well as all moneys paid to said State under the provisions of the preceding section, shall constitute a permanent fund, the interest only of which shall be expended for the support of the public schools therein.

SEC. 52. That the Secretary of the Treasury shall ascertain and audit the expenses incident to the formation of said constitution and the submission of the same to the people of said proposed State, including such compensation to the officers and members of said convention as is allowed to the officers and members of the Territorial Legislature; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment thereof: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Mr. VOORHEES. Mr. President, I desire to submit a brief statement in support of the amendment which has just been read.

The Territory of Montana was organized in 1864. It has for twenty-two years contained a law-abiding, conservative, and upright community. Its record in that respect will compare favorably not only with any of the Territories, but with any of the States. At this time it is practically out of debt and advancing rapidly in all its resources. It has fourteen organized counties, an area of 143,776 square miles, and a total of 92,016,600 acres. Of this acreage there are 30,574,640 acres contained in Indian and military reservations. It is claimed by those informed upon the subject that about 20,000,000 acres in Montana may properly be termed farming lands, adapted to grain-raising and other purely agricultural pursuits. Fifty million acres are termed grazing lands, adapted by nature to the culture of live stock. The other portions of the Territory are composed of timber, mineral, and mountainous lands; nearly all of the country, however, thus designated producing fine grasses for stock-raising purposes.

During the year 1885 the official report of the Territorial auditor shows that there were 613,882 head of cattle, valued at $14,011,008; 114,925 horses, valued at $4,080,608; 798,682 sheep, valued at $1,831,079; 2,444 mules, valued at $134,101, and other live stock in proportion in the Territory. Experienced stockmen state that the grazing-grounds of Montana constitute the best place for maturing cattle on the American continent. Live stock require no other food in that Territory than that which nature spontaneously gives from one end of the year to the other.

In the year just closed—1885—there were assessed and returned 919,072 acres of lands with their improvements, valued at $7,710,346, and 83,531 town lots with improvements, valued at $8,441,975. The aggregate value of all the property in the Territory assessed for the purposes of taxation was shown to be $52,847,536. It must be borne in mind, however, that by acts of Congress there have been granted to the Northern Pacific Railroad Company 20,500,000 acres of lands in Montana Territory which are not assessed or returned as taxable property. They enter, however, properly into an estimate of the resources of the Territory. If estimated at $1.25 per acre, which is a very moderate valuation, it will be found that the lands thus granted to the Northern Pacific Railroad Company amount in value to $25,625,000. There are also 820 miles of railroad of the Northern Pacific Railroad Company which, by act of Congress, is exempt from taxation in the Territory, but which will become taxable when Montana becomes a State.

The mining interests in Montana are of great importance, and claim our consideration. Small quantities of gold were first discovered in 1861. Within the next year or two mining was commenced, and people flocked to that Territory from every State in the Union. The mining for ten years thereafter was what is termed "placer diggings," and yielded from $12,000,000 to $15,000,000 per annum. "This class of mines, being of easy access and requiring no capital, were rapidly exhausted. As they gave out gold and silver quartz mining was commenced, which required capital as well as muscle, and was at first slow in development. Ten years ago the yield from quartz mining was not over $1,000,000 per annum; now it is, as stated, about $21,000,000." It will be readily understood that such interests as I have mentioned, and especially the mining interest, would call together rapidly a hardy and industrious population. The governor of the Territory, in his report of October 4, 1885, to the Secretary of the Interior, says:

Our mines employ thousands of men—the best paid labor in the world—and make a home market for our farmers, thereby insuring profitable cultivation

and settlement of the country. It is fair to say that grazing cattle, sheep, and horse raising do not depend upon the successful working of our mines; but the grazing capacity of the territory is limited, and the tendency is for the cattle to accumulate in the hands of a few persons, principally because large herds can be handled at less cost per head than small ones. Hence, if this was the only occupation, our population would be small. Though the development of our quartz mines has hardly commenced, they produced, as already shown, in the past twelve months $20,250,000.

It is stated upon the authority of Mr. Harrison, late United States assayer, that the exports from the Territory for the year 1885 were substantially as follows:

Silver, gross value	$10,000,000
Copper, gross value	7,000,000
Gold, gross value	2,500,000
Lead, gross value	750,000
Beef-cattle (75,000 head), gross value	4,500,000
Wool (6,000,000 pounds), gross value	1,400,000
Peltries and furs, gross value	250,000
Total gross value of exports	26,400,000

In addition to the 820 miles of the Northern Pacific Railroad traversing the Territory from the east to the west, it has two additional branches, one the park branch, connecting it with the Yellowstone National Park, and the other the Wickes branch, connecting Helena, Mont., with the town of Wickes and surrounding mining country. The people of Montana also have a connection with the Union Pacific Railroad at Ogden, by virtue of the Utah and Northern Railroad, that line being some 400 miles in extent. There are also two new roads in process of construction in the Territory, adding about 120 miles of railroad transportation. It will be seen, therefore, that the taxable and non-taxable property in the Territory must be in excess of $100,000,000.

In regard to population, there is no entirely reliable basis on which to make an estimate. The census of a large and sparsely populated country is necessarily always very imperfect. An election involving important domestic interests and strong feeling is a far surer test of the number of inhabitants, and yet a very marked per cent. must always be allowed for the stay-at-home vote; in fact, it is the stay-at-home vote which determines all elections where parties are anything like evenly balanced. This is much more certain to be the case in a Territory where people live at long distances from polling-places than in populous States or cities. Bearing these facts and circumstances in mind, we find that nearly a year and a half ago, at the fall election in 1884, there were cast in Montana Territory, in choosing a Delegate in Congress, 26,969 votes—say, in round numbers 27,000 votes. Allowing five persons to a voter, we find a population at that time in Montana of 135,000. There is no doubt that the actual population considerably exceeded that number at that time.

Within the last eighteen months an unusual tide of immigration has been going into Montana, and by the time, and perhaps sooner than, she can equip herself with a constitution and perform all that is required of her under the enabling act which I propose in order to become a State, she will have a population ample and satisfactory to the most exacting. I may say that at the present time her Delegate in the House represents more voters than many of the most distinguished members now in the House of Representatives. Even the Speaker of the House himself represents a district casting not nearly so many votes as the Territory of Montana at her last election. Of the three hundred and twenty-five members of the House of Representatives there are at least two hundred seats filled by gentlemen whose districts contain a much smaller voting population than the Territory whose admission as a State I am now advocating. When I reflect that the great State which I have the honor in part to represent on this floor was admitted into the Union with but thirteen organized counties, 12,112 voters, and a total population of 63,897, I am at a loss for any argument or reason with which to oppose the transformation of Montana or any other Territory so well equipped into a State.

If we look for some of the evidences of civilization in that Territory, they are very easily and abundantly found. The cause of education has not been neglected. School-houses and institutions of learning are to be found everywhere, affording educational privileges equal to the most favored communities in the States. The valleys and the mountains are also enlivened by the sound of "church-going bells" on every hand. For the diffusion of intelligence there are between thirty and forty newspapers in full and active operation, and there are twenty-eight banking houses to be found in the Territory for the accommodation of trade and business.

The Territory is bountifully watered and rendered attractive by the rivers Missouri, Yellowstone, Gallatin, Madison, Jefferson, Bitter Root, Blackfoot, and Big Horn. Its climate is such that stock feed in pasture lands the year round without shelter and without other food than that which the face of the earth prepares. I hold in my hand an address submitted to the people of the Territory by a committee of her citizens, from which I take the following:

We have within Montana all the elements of solid and enduring wealth; a climate, for health, vigor, and real enjoyment, unsurpassed on the face of the globe; an area of country nearly as large as the New England States; mines which are to-day the most prolific in the world; our facilities for raising live-stock most cheaply, but with great profit, are unequaled, and are attracting the stock-men throughout the States; our soil is rich and wonderfully productive of all the necessaries and many of the luxuries of life; our school and mail facilities are excellent; tens of thousands of live stock are now being driven from the States to Montana as a profitable enterprise; manufactures are increasing; our towns and cities are building; railroads traverse the Territory from different directions; the compensation for labor is liberal; these and other considerations are now conducing to bring settlers in great numbers and capital in large amounts within our Territorial limits.

At the opening of the present session I announced my purpose to vote for the admission, or for enabling acts looking to the admission, as States of Dakota, Washington, and Montana Territories. I believe each of them is amply prepared for all the duties and responsibilities of American States. A Territory is in no sense a self-governing community. It is in the swaddling-clothes of infancy, hampered and impeded in its growth at every step. Its principal and most important public officials are not of its choosing nor responsible to the people. A sense of dependence weighs down and embarrasses the people of a Territory in all their efforts at development and progress. There is a looking toward the seat of government, either with apprehension or with hope, that is inconsistent with any self-reliant, independent-minded community.

The true policy of this Government, as I have always understood it, is to place local self-government in the hands of the people as rapidly as possible. "Home rule" is a favorite idea with free people. Popular sovereignty over the domestic concerns of a people is not a misapplied term, and the sooner a community with sufficient numbers and resources can emerge from a state of dependence into one of such sovereignty the better for it and the better for the General Government. Why do the people not only of Montana but of each of the Territories I have mentioned press eagerly forward for admission into the Union? When they become States their expenses will be increased; they will pay their own salaried officers, their own courts, and other officials. In a hundred different ways they will assume greater burdens as States than they have as Territories; but it is the natural love of an American citizen to attend to his own home affairs in his own way which impels the people of a Territory to wish to become the citizens of a State. With local self-government comes an added sense of dignity and strength. To be numbered as one of the stars upon the flag, instead of an unplaced, non-voting Territory, makes a wide difference in the estimation of those who value our American institutions.

Sir, the admission of the three States of Dakota, Washington, and Montana will mark an important epoch in American history. They will stand together as the great Northwest bulwark of the Republic. They are entitled to come in together and to start even in their march of development, wealth, civilization, and glory. If the amendment which I have offered, granting an enabling act to Montana, shall be adopted by the Senate, I predict the addition of three stars to the flag within the next twelve months. To defeat this amendment will be felt by the friends of Montana as a discrimination against her without just cause. I hope that no such discrimination will be made by the Senate.

I content myself with this brief statement, Mr. President.

Mr. PLATT. Mr. President, in saying to the Senate that I hope it will not adopt this amendment I desire to particularly disclaim any opposition to the admission of Montana into the Union after proper investigation and proper consideration of the case of Montana.

Speaking for myself and upon present information, I am inclined to think that at a proper time and upon a proper bill and in a proper way I shall be in favor of an enabling act for Montana; but I can not to-day commit myself even that far. I state my impression and my inclinations from what I have already learned of the coudition of that Territory; but I do not think it right to attach or to attempt to attach this amendment to the bill for the admission of Washington Territory. Indeed I think it is subject to a point of order, which I do not propose to make, but which I think might be made, that it is not germane to the bill. You might as well in a discussion such as we had this morning in the morning hour, when one bill is up for chartering a railroad corporation, attempt to amend it by putting on a provision for the chartering of another railroad corporation. I do not know that it is absolutely open to the point of order, but this measure is one which should stand by itself.

There is another reason why I think it ought not to be done. I do not wish to complain, but I think it just a trifle discourteous to the committee before whom that subject is pending to attempt to forestall the action of the committee in this way. It is true that no bill for an enabling act is pending before the Committee on Territories, but it is also true that a bill introduced by the Senator from Indiana [Mr. VOORHEES], admitting the State upon a constitution adopted by the people some two years ago, is pending before the committee, and that some facts have been presented to the committee by the Delegate of the Territory, and that the committee is considering the question, and for one, speaking for myself, I think favorably considering it, though there has been no final hearing or final action upon it.

Without meaning to complain, I think it is just a trifle discourteous for the Senator from Indiana to take the matter out of the hands of the committee and ask to put upon a bill here which ought to stand by itself an enabling act for Montana, not only changing his ground himself, but asking that a bill shall be put on here by way of amendment which has not been considered by the committee which has the subject of the admission of Montana as a State before it.

Mr. VOORHEES. If it will not embarrass the Senator to yield at this time to permit me to say a single word, I might as well do it now as hereafter.

Mr. PLATT. Certainly; I yield.

Mr. VOORHEES. It is hardly necessary for me to disclaim even that trifle of discourtesy which has been attributed to me. I am quite incapable of anything of the kind. It never occurred to me that it could be possibly so construed. Early in the session I introduced a bill providing for the admission of Montana. I did not complain of the committee that they reported one bill sooner than another; but when they came forward with an enabling act for Washington Territory, I confess as long as I have been here it never occurred to me that it would be discourteous to them for me to offer an amendment to the bill, an amendment, too, which was not pending before the committee. This amendment has not been before the committee. It is a different measure that is there.

I wish the Senator from Connecticut distinctly to understand, however it may appear, that the furthest thing from my intention was to treat the committee with any kind of disrespect, and I do not see even the trifle of discourtesy which he speaks of.

Mr. PLATT. I did not speak of it with any feeling whatever, or with any intention of imputing to the Senator from Indiana any desire to do anything which might seem in any way to reflect upon the action of the committee. I knew that he did not so intend; but I was merely speaking of it to enforce the idea that in the admission of a State we certainly ought to proceed in the ordinary and usual and orderly method. It should receive the consideration of the committee, as I assure the Senator Montana will receive a fair consideration; and I think I may say for the whole committee one thing more, that the committee will strain a point to find that Montana possesses the qualifications which entitle her to admission into the Union.

I sympathize with all the Senator says about the three States which are to constitute the bulwark of the Northwest, but I insist upon it that a matter of so great importance as the admission of a State should not be taken up in this way; and I insist upon it that Washington Territory has a right to stand alone and Montana Territory has a right to stand alone.

Having said this much, and repeating that so far as I am personally concerned I believe my inclinations are and my final conclusion is likely to be in favor of Montana, I leave the subject, simply saying that I do not think the time has come for action upon that question, and that it ought to stand alone, and that Washington Territory ought to stand by itself.

Mr. HARRISON. Mr. President, though feeling a very deep interest in the pending bill, and having contributed as I could to the framing of it, I had not intended to take any part in the discussion of it.

I was very much pleased when the Washington Territory bill came before the Senate for discussion to find that its friends were not all to be found on this side of the Chamber, and I listened with great interest and delight to the able and instructive speech of the Senator from Alabama [Mr. MORGAN] in favor of the bill. His description of the resources and power and future greatness of this new State on the North Pacific was entrancing and full of most valuable facts.

But it is proposed now to constitute two States, to bring them in as Siamese twins. To that proposition I object. I believe it is the first time in the history of legislation upon this subject that a bill for the admission of a State into the Union was proposed to be put upon its passage without the consideration of a committee. The proposition involves, as every such proposition does, a great deal of detail. The adjustment as to the methods of calling a constitutional convention, the ordinances which shall be passed by the convention as a condition to the admission of the State into the Union, the establishment of courts, their jurisdiction, and the necessary arrangements for the orderly transfer of civil and criminal causes, which may be pending in the Territorial courts, to the proper courts of the State or of the United States, the provision as to grants of public lands and the uses which may be made of them by the State, the limitations, if any, which shall be put upon the power of the State in dealing with her school lands—all of these are subjects of difficult consideration. I say this because I have had a good deal of experience in such matters considering the time I have been in public life. I know how much time I myself have spent over some of the bills in my charge in comparing them with previous enactments of Congress in relation to other States in order to ascertain what the precedents had been and in carefully considering the provisions, that there might be no lapse of justice in the transfer of causes, and no profligacy or mismanagement by the State in dealing with the great fund which the Government puts in its hands.

It seems to me that any such bill should have the consideration of a committee. I do not say this because the subject would be intrusted to my committee. I should say it equally if it was to be intrusted to any other committee of the Senate. I simply desire to make the point that legislation involving so much detail, so much that is important, so much that requires care, should not be passed by the Senate without consideration by a committee.

I say to my colleague that, as he knows, there are not probably five Senators on the floor of the Senate who know what the details of the amendment are, and they will not know; so that after all, if it is to be considered here, it has his attention, and I have no doubt he has given it great care, it has had probably to a limited extent the attention of the Senator from Connecticut, and when we have said that we have said all. Nobody else has examined it; no one can take time now to take it up in detail and compare it with the precedents and see whether it follows the ordinary course of legislation on these subjects. Therefore it seems to me that at the outset an amendment of this kind proposing to attach to the Washington bill a bill for the admission of another State, ought not to be considered by the Senate without first having been considered by the appropriate committee.

As my colleague has just said no proposition for an enabling act for Montana has ever been referred to the Committee on Territories. Another proposition introduced by him, not very early in the session, but about the 20th of January, proposing the admission of Montana Territory under a constitution which her people had formed, is now pending before the Committee on Territories; and if there was any intention to suggest that the Committee on Territories were tardy in dealing with that question, I have an observation or two to submit.

In the first place, we had no information submitted in connection with the bill or with the constitution. It had been adopted two years before any steps were taken by anybody in Montana Territory to bring it to the attention of Congress. It had apparently slept for two years. It was a very considerable time after the bill had been referred to the committee before anybody appeared from the Territory of Montana to give us any necessary information; and finally, six weeks ago, or something like that, a statement was submitted by Mr. TOOLE, the delegate in the House from the Territory of Montana, as to the resources and population of Montana.

For one, I am not prepared to say that we shall put the people of Montana Territory to the expense of organizing another constitutional convention and doing their work over again. I am not prepared, for one, to say now that we should reject the overtures which the people of that Territory have made and have put into shape in the form of the constitution presented. My colleague acted upon that. He proposed to the Senate and to the committee that we should admit Montana under a constitution already framed, and that proposition is still pending. Now, it is proposed to abandon all that and to start anew in an enabling act. Perhaps there may be circumstances connected with the organization and work of that constitutional convention which may justify us in doing that, but, for one, I am not prepared now to say that there are. I believe that it is competent for the people of a Territory in an orderly and proper way to organize a convention, frame a constitution, and submit it to Congress for its approbation. The people of Montana claim that they have done that, and their proposition is now pending. The new proposition by way of an amendment to this bill is to throw all that work aside, to reject their overtures to come in under the constitution which they have framed, and to start them anew in the work of framing a new constitution. That is something which is worthy of consideration by some committee of this Senate before we determine upon it.

In the next place, Mr. President, there are circumstances connected with the case of Montana that would justify investigation. The Committee on Territories—I think I may speak for them in saying that a majority of that Committee—have not been technical in judging of the qualifications of a Territory applying to be constituted into a State; and yet we have constantly been met with the suggestion that unless we could demonstrate to Congress that the Territory applying for admission had a population equal to the unit of representation in the House of Representatives, there was no use of us reporting a bill for the admission of that State. That has not been my view. I have repeatedly said that I would not stand upon a nice question of the exact ratio of representation. I have said and I say now that when we have a great Territory with a great people, approaching somewhat near the unit of representation, for one I would not interpose that objection as a barrier to its admission as a State; and yet the showing made by my honorable friend the Delegate from Montana of population does not reach that amount. It is by estimate upon the last vote. My colleague has so stated, and I have no doubt that in his zeal and his laudable zeal and interest for Montana he has probably claimed for her all that he justly could. I am not now impeaching the claim, but the claim is made that 115,183 is the population according to the vote in November last, and of course the winter is not a time of great increase of the population of these Northern Territories.

Mr. President, if there is one Territory in the Union above another that I have a personal interest in it is Montana. I have a wider acquaintance with her people, I have more friends there, I have spent more time pleasantly within her borders than in any other Territory of the United States. I can have no other feelings toward her claims for admission than those of the most friendly sort. For one if I shall be encouraged to believe that we are not to be met by strict judgment as to the number of her population, I shall be quite content to consider her claims for admission under the constitution she has formed or to give her an enabling act under which she may form another. And yet, Mr. President, every one who knows Montana, who knows Washington, who knows Dakota, understands perfectly that the conditions are very different in those three Territories.

In her great grazing lands, in her capacity for agriculture in her valleys by irrigation, and in her vast mineral wealth—in these three great sources of development and wealth Montana has a combination that the other Territories do not possess; and yet, of course, it must be con-

ceded that in States where agriculture is only possible by irrigation a dense population comes somewhat slowly. I have no doubt Montana has a great future before her, but of course the progress of her development and settlement has been slow in comparison with these other Territories that offer without irrigation a return from agriculture, and yet I fancy that in the future with these three great sources of wealth developed and some additional development of intercommunication between different parts of her territory, Montana as a State will rank among the proudest in the Union. But I do not believe that we ought to undertake to pair these States in this bill. I believe that it is due to the Senate—I make no claim for the Committee on Territories—it is due to the Senate and to the importance of this question that the details of this proposed legislation shall have the careful consideration of some committee of the Senate in order that it may be compared with other bills that have been reported and passed and with the legislation in previous Congresses upon the same subject.

Mr. President, there can be no occasion, as I think, for uniting two States in one bill. These propositions are distinct. I do not know a single consideration that is not absolutely distinct as applied to the two States. The question of population must be considered for each alone. The question of the capacity to sustain an increasing population must be considered for each alone. The question of area is a separate consideration. There is not a common consideration between these two things—not one. They are two entirely distinct and separate propositions resting upon different facts, and are only common in the general proposition that they look to the admission of States into the Union.

I now say for the committee that if my colleague chooses to change the form of his suggestion for the admission of Montana into an enabling act and will have such a proposition referred to the committee, it will receive its prompt and careful consideration, and so far as I am individually concerned no technical considerations as to the exact qualifications as to population of this Territory shall stand in the way of appropriate legislation in her behalf.

Mr. BUTLER. Mr. President, I am very glad to hear the honorable Senator from Indiana [Mr. HARRISON] commit himself to the proposition that if an enabling act for Montana should be referred to the Committee on Territories it would have his prompt and candid consideration. I regret somewhat that he had not felt able to make an announcement of that kind a month ago. The bill of the honorable Senator from Indiana who sits nearest me [Mr. VOORHEES] has been before the committee since some time in January, and yet if any action has been taken on it, as a member of the committee I am unadvised of it.

Mr. HARRISON. It is in the hands of a subcommittee.

Mr. BUTLER. But the subcommittee has not reported, and no action has been taken on it. This amendment was offered on the 30th of March to be a part of this bill, and if the Senator is not in possession of its details it seems to me that he never will be. I submit now to the fairness and candor of the Senator from Indiana [Mr. HARRISON] and the Senator from Connecticut [Mr. PLATT] if it is exactly the right thing at this juncture, after this Territory has been before the Committee on Territories for more than two months, to interpose such an objection as I have heard fall from both those Senators.

The Senator from Connecticut, as I understand, says that it might be subject to a point of order, that it was not perhaps treating the Committee on Territories with that consideration and respect to which they were entitled, that it amounted almost to discourtesy, and the Senator from Indiana says that there is no occasion for bringing in these two Territories as Siamese twins; that they are two separate and distinct propositions, one for the admission of Washington Territory and one for Montana Territory.

Mr. President, this amendment is perfectly simple, perfectly plain, easily understood, requiring no investigation, for if the statement made by the Senator from Indiana himself is true, and I have no doubt it is, it requires no examination at the hands of the Committee on Territories. In this amendment introduced by the Senator from Indiana near me [Mr. VORHEES] are ample provisions for every single detail that is required for a Territory in receiving an enabling act. Here are the arrangements for the courts, the arrangements for the elections by qualified voters, for the school lands, and every detail is arranged in this amendment which could possibly be provided for if the measure was before that committee for two months.

My rule in reference to this matter is this: Whenever I become satisfied that a Territory has the necessary conditions for Statehood, I am and have always been willing to give that Territory an enabling act and let her people determine for themselves whether they desire to come in. That is the case here. The lines of boundary of this Territory are distinctly marked in the amendment. Everybody knows what the boundary lines of the Territory of Montana are. She has a population, according to the statement of the Senator from Indiana, of 115,000, estimated perhaps twelve months or two years ago.

Mr. HARRISON. Last November.

Mr. BUTLER. The Senator's colleague stated 135,000.

Mr. VOORHEES. I estimated it on the basis of the election in November, 1884.

Mr. BUTLER. That estimate was made in November, 1884.

Mr. HARRISON. The Senator is mistaken. I referred to the paper submitted by Mr. TOOLE. If the increase in 1885 should be in the same ratio as that of 1884, the population in November, 1885, would be 115,183. That is Mr. TOOLE'S statement.

Mr. BUTLER. I understood the Senator to say, not only in this debate but in the debate on Dakota, that he would not interpose technical objections as to population if he became satisfied that the people were in a condition to exercise the functions of a State; that he himself would interpose no technical or frivolous objection.

Mr. HARRISON. I said so, and I understood the Senator to say he would not consent to the admission of a State without clear proof that she had 152,000 population.

Mr. BUTLER. No, sir, the Senator is entirely mistaken about that. I said I would not consent to the admission of a State without an enabling act such as is proposed here. Of course I did not intend to commit myself to the proposition that I would vote for the admission of a State with 50,000 inhabitants, or 25,000 inhabitants, or 75,000; but when the vote at the last election was between twenty and thirty thousand, I scarcely think the Senator from Indiana can object if that is the fact. He laid very considerable stress in a former discussion on the vote in another Territory, Dakota; and if Montana had between twenty and thirty thousand votes at the last election, as I understand to be the fact, it is more than many districts of the United States have that have sent members to the other House of Congress.

So, sir, as I am satisfied that Montana does possess all the conditions necessary for Statehood, I shall vote for this amendment. She has the population, the territory, the wealth, the resources, the laws regularly enforced, a law-abiding population. In relation to this amendment, providing for a State republican in form, I can see no force in the objections urged by the Senator from Connecticut and the Senator from Indiana. The objections are purely technical; they are without merit, and it seems to me are intended simply for the purpose of obstructing the admission of Montana into the Union.

Mr. PLATT. Mr. President, I disagree with the Senator from South Carolina; and it seems to me that if there is to be any suggestion that anything is obstructive it is that this amendment is in the nature of an obstruction, and I think that my opposition and the opposition of the Senator from Indiana, the chairman of the committee, is something more than technical. If I did not, I would not stand upon it. I think it is a principle. I think that when we object to the tacking on of this amendment to the bill for the admission of Washington Territory we insist upon a principle in two particulars: In the first place, the admission of a State is a matter important enough to receive consideration in the ordinary, usual way; and, second, when a Territory asks admission into the Union no condition should be attached to it, provided that Territory shows her right to admission. In other words, when Washington comes here and asks to be admitted as a State nothing should be added to that bill which says, "We will let you, Washington, become a State, provided Montana can become a State at the same time."

Mr. BUTLER. Nobody has made any such statement as that. The Senator knows perfectly well that I am in favor of the admission of Washington Territory. I voted for it in committee, and am going to vote for it on the floor of the Senate. Nobody has made any such proposition as that.

The Senator says this is a violation of principle, because in his estimation (and in mine, for I agree with him as to that) a bill of so important a character as this should have investigation and deliberate consideration by a committee. Now I ask the Senator whether or not in his judgment two months' time is not sufficient to enable any committee of this body to give proper consideration to a measure of this kind.

Mr. PLATT. The Senator from South Carolina has put two or three things to me which I must answer; I will try to take them *seriatim*.

I did not mean to say that the Senator from South Carolina or the Senator from Indiana made that proposition in so many bald words, "Washington must not come in unless Montana comes in, too, and in the same bill;" but that is the practical effect; that is the principle, as it seems to me, which is at issue between us. We say that Montana should receive consideration as Washington has, should be reported from the committee just as Washington has been. If it shows qualifications which fairly entitle it to admission to the Union, or which by straining a point entitle it to admission to the Union, then it should receive the report of the committee and be acted on independently; or if Montana had been taken up first and reported, it should pass by itself and not have an amendment here which in effect says, "The bill for the admission of Montana can not be passed unless Washington Territory is coupled with it." I think there is a principle, and it is the principle that each State that asks for admission into the Union has a right to stand on its own set of facts and circumstances and have the question determined on those.

Mr. BUTLER. Mr. President——

Mr. PLATT. I am answering the Senator's questions.

Mr. BUTLER. I will remind the Senator of one question—how long does he think the committee ought to consider the proposition?

Mr. PLATT. I was coming to that. Now take the case of Wash-

ington Territory. It has been before the Committee on Territories, I venture to say, for three years. These things can not be done in a moment. The bill was reported at the last session of Congress after it had received thorough consideration in the committee. I do not think it was reported after the organization of Congress this winter within two months, though I may be mistaken. It took considerable time to reconsider and re-examine——

Mr. HARRISON. I think more than two months.

Mr. PLATT. Of course I can not speak except from recollection, but I know that it took considerable time to re-examine the question of the propriety of the admission of Washington Territory. I do not think there has been any laches here in that regard. The committee has not reported—not upon this bill, but upon the bill providing for the admission of Montana under a constitution that she formed. If the Senator from South Carolina insists that by reason of this the committee has been guilty of laches, there is an issue which I should like to have determined by the Senate. If the Senator from South Carolina insists that the neglect of the committee is a justification for taking this matter out of the hands of the committee and insisting that these two bills shall be coupled together, then it amounts to an absolute reflection on the committee. But, as it seems to me, there has been no laches; the committee has not been indifferent to this subject; it has been obtaining information in relation to it; and, as I remarked before, to say that that is the reason why this amendment is proposed is to charge direct laches on the committee, and upon that issue the committee would like to submit whether it is to be vindicated or whether it is to be condemned. I do not think the Senator from South Carolina will want to put the question in that way.

So it seems to me that it comes back after all to this question, as to whether a State can get into this Union without making a bargain at the same time with another State to come in. That was the old practice, but it was because of a particular question that convulsed, so to speak, the whole country, and that time has passed away. I think it was felt then that it was an exceedingly bad practice, and only resorted to to preserve the harmony of the relations existing between different sections of the country. I do not think it is right; I do not think it was ever right, and I think that in this case there is nothing whatever to justify it.

Mr. BUTLER. I desire that my friend from Connecticut shall understand that I am making no charges whatever against the committee. I am simply making a statement of facts and the facts must take care of themselves. If the mere statement of those facts develops the condition of things to which the Senator has just called attention I am not responsible.

I find that the bill for the admission of Washington Territory was introduced December 8. Leaving out the holidays of about two weeks, I find that it was reported with amendments on the 25th of January. I find that the bill for the admission of Montana was introduced on the 18th of January last, and we are now within a very few days of the 18th of April, nearly three months, and we have had no report yet. I do not know whether it is laches or neglect or indifference or what, but these are the facts and the Senate must judge of them.

My object in asking the Senator the question was to ascertain from him how long he thought a committee ought to consider a question of this kind, and whether the omission of the committee to consider—I will not say neglect or laches—but whether the omission to consider a proposition before it is to prejudice the rights of the people of Montana in this way.

If the Committee on Territories have not felt inclined to report favorably on the bill introduced by my friend from Indiana [Mr. VOORHEES] it would have been a very simple thing to have reported a substitute or reported it with amendments. Neither of these things has been done, and Montana is here knocking at the door just as Washington was. If Montana has not the necessary conditions to entitle her to become a State, either one of the Senators can demonstrate that fact I have no doubt very clearly to the Senate and the country; but no such pretense as that has been put up. Neither Senator denies that Montana has all the necessary conditions and qualifications for a State.

Mr. FRYE. How many inhabitants has she?

Mr. BUTLER. From 115,000 to 150,000; I do not exactly know how many. There has been no census taken.

Mr. VOORHEES. Last November a year ago they cast, in round numbers, 27,000 votes.

Mr. BUTLER. That was a larger number than I had heard—27,000 votes last November a year ago. So I repeat that there does not seem to me to be anything in the objection urged by the Senator from Indiana [Mr. HARRISON] or the Senator from Connecticut [Mr. PLATT]. The Senate is just as well informed to-day about the resources of Montana, and both those Senators are just as well informed to-day about the resources of Montana as they would be two months hence, and therefore there is nothing in that objection.

If the bill of my friend the Senator from Indiana [Mr. VOORHEES] is to be buried indefinitely in the Committee on Territories, the sooner we are informed of it the better. We simply want to know exactly where we stand in regard to this matter. I am in favor of the admission of Washington Territory. Whether this amendment is adopted or not, I shall vote for its admission; but that is no reason, I submit with all respect and candor and frankness and fairness, why the Senate should not now consider the amendment in connection with Washington Territory and pass upon it and pass it and send it to the other House.

Mr. HARRISON. The Senator from South Carolina is a member of the Committee on Territories and an honored and influential member of it, the head of the minority of the committee. He seems to impute laches to the committee.

Mr. BUTLER. I did nothing of the kind.

Mr. HARRISON. And yet it appears from his own statement that being a member of that committee he did not know that the bill of my colleague was pending there or that any action had been taken on it in committee at all.

Mr. BUTLER. I said no such thing. I did not state that I was not aware of the fact that the bill was pending. I knew there was such a bill pending.

Mr. HARRISON. I mean the Senator did not know of anything that had been done upon it in committee. The Senator from South Carolina being a member of the committee has never called it up in committee, I judge, and never made an inquiry about it in committee, I infer, because he tells us that he did not even know it was in the hands of a subcommittee or what action had been taken in relation to it. However subject the Committee on Territories may be to criticism from any one not a member of it, I submit that as a member of the committee the committee-room would be the place in which the Senator from South Carolina could call our attention most favorably to our duty with reference to the bills that are pending before the committee.

Now, Mr. President, just a word in reference to that. The bill before the committee is a bill to admit Montana Territory under the constitution already formed. Is the Senator from South Carolina in favor of that?

Mr. BUTLER. The Senator knows perfectly well that I am not in favor of that.

Mr. HARRISON. Very good.

Mr. BUTLER. He knows perfectly well that I am not in favor of that. I am not only not in favor of Montana under the circumstances, but I am in favor of no other Territory coming in in that way, and the Senator knows it perfectly well.

Mr. HARRISON. Very good. Then the Senator is finding fault with us for not taking action in committee and reporting a bill which he opposes and would have opposed both in committee and on the floor of the Senate if it had been reported favorably. No such proposition as this now pending has been sent to the committee. The Senator himself, who shows such great eagerness now for the admission of Montana, did not introduce a bill in the nature of an enabling act, or propose in committee an amendment in the nature of an enabling act; and the bill pending before the committee, which he reproaches the committee for not taking earlier action upon, is a bill to which he is opposed and which he would have voted against in committee and here on the floor if reported.

Now, Mr. President, one word as to how the matter has gone in committee, and I think that disposes of it. Some gentlemen believe that a Territory has no right to organize a convention and form a constitution and submit it to us and ask to be admitted under it; and I am glad to know that my colleague is not one of those, for by the admission of the bill he has distinctly declared that he believed a Territory had a right to do that, and that Montana was entitled to the benefit of what she had done. He might make some complaint possibly, if the facts justified it, against the action of the committee, but those who take the ground that no Territory has a right to do that, and who would have opposed the legislation if it had been reported, certainly ought not to complain that they have not been sooner put in a position to vote against the bill in the Senate.

Mr. President, the fact is as I have stated as to Montana; the bill was referred to the committee, and I do not know how long it was, but a very considerable time afterward, before we heard from any one in reference to it. Finally, and after the lapse of some weeks' time—I will not undertake to say how many—the honorable governor of that Territory and the Delegate and others, the Delegate having been active in getting together some people to represent the Territory, came to the committee, or at least came to me, and stated certain facts with reference to it, and at my suggestion Mr. TOOLE prepared and had printed this statement as to the resources and population of Montana, and that took some considerable time. So I do not think we need spend any time here, nor do I think we need indulge in any imputation that there is any disposition to smother anything. If the bill was smothered, it was something that the Senator from South Carolina was opposed to and would have left to smother if we had put it on the Calendar to be voted on.

Mr. BUTLER. The Senator now is putting up a man of straw for the purpose of knocking him down. I said nothing about smothering, and made no imputation on the committee.

Mr. HARRISON. I retract that, then.

Mr. BUTLER. The Senator himself is making the only imputations that have been made against the Committee on Territories.

Mr. HARRISON. If I misunderstood the Senator, that is all of it.

Mr. BUTLER. He is the only one making such imputations (I will not say, because perhaps it would not be respectful, otherwise I might say by the absurd statements he is making about me) absolutely without foundation at all. I was simply stating the facts as they appear upon the record. If that is an imputation on the committee, the Senator must take the responsibility for it. That is all. The Senator knows perfectly well that I occupy the position of one of a very feeble minority in that committee.

Mr. HARRISON. A very strong minority.

Mr. BUTLER. Very feeble in numbers, and perhaps in intellect, as compared with the Senator and his colleagues.

Mr. HARRISON. A very strong minority.

Mr. BUTLER. If any imputation of laches and smothering has been made, the Senator perhaps has made it; and perhaps if he did not feel some guilt he would not be so sensitive.

Mr. HARRISON. The Senator throws insinuations that I must feel some guilt. I assure him that his own conscience, his own sense of right or guilt, will give him full occupation, without taking care of mine; and I say this in entire friendliness, because I do not want to say anything unpleasant. I understood, and the Senator from Connecticut understood, that there was some reflection upon the committee for not taking earlier action on this bill. Now the Senator from South Carolina tells me he did not intend anything of that kind. That is the end of it, of course.

Now as to the other proposition, I do not want to debate it again. The Senator from Connecticut has stated it with great force. The question as to Montana is double. Shall she come in under an enabling act or under the constitution she has formed? I am perfectly willing to consider her claim under her constitution, because I believe that it was competent for her to have framed it and submitted it, and, as I have said already, this question has received and will receive early attention.

Mr. BUTLER. May I ask the Senator why he objects to this form of admitting her under an enabling act? He does not object to the form he has just suggested. Why does he object to her coming in now under an enabling act?

Mr. HARRISON. I will answer the Senator's question, simply because I believe the people of Montana have taken perfectly lawful steps to come in in a more speedy way, if they are otherwise entitled to come in, and I do not believe we have a right to say to those people that the steps they have taken have been disorderly or in any such sense repugnant to the law or Constitution that we should disregard them.

Mr. BUTLER. Then if I understand the Senator correctly, if the other members of this body and if another body that I am not permitted to refer to here should not agree with the Senator, he says that he would not assent to her coming in at all.

Mr. HARRISON. Not at all. I have not said that at all. I am only speaking now of my own action here and my action upon the committee as to what it would probably be. I do not desire to say that I would, if it seemed to be the best and the speediest way for the admission of Montana, having the other conditions right, resist an enabling act, or that I would insist upon this constitution because it is subject in the particular case to the objection that two whole years elapsed after it was adopted before it was submitted to Congress at all, and of course in that time there has been a great change of population.

I only insist upon this, that we have here a distinct proposition for the admission of Washington Territory; that it has been considered with great care in committee and with extreme care by the Senator from Connecticut; that it is here for our action. I insist that those who believe that that bill is framed judiciously and that Washington Territory is entitled to admission ought not to be compelled in the same proposition to vote on the question of Montana's admission. They ought to stand independent, each for itself and upon its own merits.

The Senator says this is all perfectly plain; here is this amendment; it has in it all about the courts; it has in it all about the lands, and so on. That is very easy to be said; those provisions are all there; they may be accurate; they may be according to precedent; I do not know. I do not know whether the Senator does, whether he has compared them to see.

Mr. BUTLER. The Senator has had ten days, and he could have ascertained.

Mr. HARRISON. I have had ten days to ascertain. This amendment has been pending here that length of time, to be sure, but it has never been referred to the committee and never any obligation laid on me to give it any special attention, and my occupation has been such during that time that I have never had an opportunity to look at it until to-day.

But, Mr. President, though I have no doubt my colleague took great care about this, I may say to the Senate that nearly the entire vacation of the Senate during the holidays was spent by me in carefully examining the precedents as to land grants and courts in the case of Dakota, and the bill as originally introduced was crowded on every page of it with amendments that were made as the result of my observation and study. It is a subject that requires care. It is in a sense fundamental law, constitutional law, though it takes the form of a statute; and too great care can not be given to it.

Mr. VOORHEES. Mr. President, in regard to the question of delay on the part of the people of Montana in presenting their constitution and making application for admission it is but just to them that I should say a word. Two or three times in the course of this discussion my colleague has alluded to that fact as if an injurious one to them.

In November, 1884, the vote was taken upon the adoption of that constitution, and which vote was not canvassed until some time in December, perhaps the middle of the month. That session of Congress was a short session, and expired on the 4th of March, 1885, leaving to the people of Montana to transmit and present their constitution, memorial, &c., about two months and a half before the expiration of that Congress. I do not think it is fair to say that they were sleeping on their rights and were indifferent to their admission when this bill, which was presented on the 18th of January, has been as long in this committee without any report as the people delayed in its presentation to Congress. The constitution with a memorial was brought here by the present Delegate from the Territory at the opening of the present Congress. Soon after the holidays I presented it. I presented it with no other feeling than that of friendship for all these communities.

The Senator from Connecticut indulged in one remark which I do not think he ought to have used. The term "bargain" as applied to the admission of these States is an unjust one so far as my conduct is concerned, and a moment's reflection on his part would have shown him how unjust it was to make use of that word. I have been for the admission of all these Territories as States, and he well knew that fact. I went further than my friends on this side of the Chamber from the beginning of this question. I expect to vote for the admission of Washington Territory whether this amendment is voted up or voted down. I intend at the earliest opportunity to vote again for the admission of Montana. The course I have pursued has been one of liberality and friendship to these Territories.

Mr. PLATT. Will the Senator permit me a word?

Mr. VOORHEES. Certainly.

Mr. PLATT. I do not remember in what connection or with what meaning I used the word "bargain," if I used it at all.

Mr. VOORHEES. I understood the Senator to say that the time for admitting States by bargaining had gone by. I never knew that there was a time in the history of the American Republic when that was the order of the day.

Mr. PLATT. I referred to the time when, in the old slavery days, we had to pair new States and admit them in pairs, so to speak. That was all I referred to. I did not mean to say that there was any idea of bargaining about this matter.

Mr. VOORHEES. I am quite sure the Senator from Connecticut would attribute no unworthy motive to me if he had considered carefully what he said; but the use of that term in that connection grated harshly on my ear, because I have but one motive, I have but one policy to guide me. As I have already stated on the floor, I believe in the early admission of Territories as States; that is, as early as is consistent with their ability to conduct the affairs of States.

The Senator from South Carolina [Mr. BUTLER], who so ably conducted the discussion on Dakota and here to-day, again states, as his view in regard to the circumstances under which a State should be admitted, that it should come here preceded by an enabling act, and I am not certain but that he is correct, although I gave a vote for Dakota different from that. I also introduced a bill to admit Montana, as has been said, without being preceded by an enabling act. I would vote for that now. But circumstances sometimes make a different line of action the wisest one, and I have thought that it would be wisest and best for Dakota and for Washington Territory and for Montana that they should be admitted as nearly together as possible, not by bargaining, but as the confirmation of a great and wise policy on the part of the General Government to devolve upon those communities the duties of States. Let them stand there together and start together.

I am not stopping to consider these matters in their relation to political parties. At the same time we are not so high above those considerations which control men as to be blind to facts of that kind. I should be very glad if the course of the Senate and of the opposite side of the Chamber should be such as to destroy the idea that there was any political discrimination on this subject in favor of some one Territory and against some other Territory. I should be glad to have the question solved without that, and it is the wise and fair way of doing it.

I have no aspersions to cast on the committee. The business of the committee is ably taken care of by the Senator from South Carolina, and in moving this amendment I had no thought of a discourtesy to the committee or of discharging it from the consideration of the question or destroying its fair and proper opportunity for a due and deliberate consideration of every question connected with it. But as that has been raised here, I think I am warranted in saying upon my general knowledge that there is nothing in the history or resources or condition of Montana Territory which is obscure to my colleague. I think him well informed and well versed upon her wants, her population, and her productive interests. He has himself stated here justly that he is very intelligent on these questions, that he has been among those people and that he has his friends there; and I am therefore warranted in drawing the conclusions that I do and that I did when I introduced this

enabling act that there was not much necessity, perhaps none at all, on the part of the chairman of the committee to look further into the interests and claims of this great Territory, and I can certainly say it was with no view of depriving the committee of any opportunity to consider the question fully and fairly.

I sincerely hope, and I believe I am wise in expressing that hope, that this amendment will be adopted. I feel that it will be a hurtful, an injurious step in regard to the great interests out there that we all have at heart, to reject this amendment and let those people believe that they have been discriminated against when they present a Territory here casting more votes than are cast perhaps in elections to seats that are filled by two hundred members of the House of Representatives amply equipped for Statehood, and the result will be that there will be an inquiry, and not one to the advantage of the majority of this Senate, why this discrimination was taken.

I am not going to stand here to discuss the question of why the Washington Territory bill came out of the committee first. I am glad she came out, glad she came out when she did. I introduced the first bill for her admission on this floor at the present session of Congress, a bill prior to the one that is under consideration now. The committee saw fit to report the other bill, but I am glad they reported it and brought the subject out as they have. They reported a bill that had been before them of working days not over four weeks, counting holidays out of the time. From the 18th of January until now, over ten weeks have transpired since the bill on the subject of Montana was introduced. I shall not complain of that, because I believe it is a fair and legitimate way of bringing the matter before the minds of men, before the attention of the Senate; but I sincerely and earnestly believe that it will be a mistake, based upon a wrong policy, to vote down this amendment. If it is done, however, I shall not despair of soon seeing Montana treated with fairness and equality, and I shall hope before this Congress closes that she will have what is her due at this time, an enabling act at least for her admission as a State.

Mr. PLATT. Mr. President, in view of all that has been said in this discussion, I want it distinctly understood that I do not propose to make any discrimination against Montana. I want it distinctly understood that so far as my present impressions are concerned I am in favor of reporting some kind of a bill from the Committee for Montana; but I do insist—and I do not think that ought to be taken as a discrimination at all or as evidencing a desire to discriminate—that we ought not to couple the two together. That is all.

Mr. TELLER. Mr. President, as I do not intend to vote for the amendment of the Senator from Indiana [Mr. VOORHEES] I wish to state briefly why.

I am in favor of the admission of Montana, and I am in favor of the admission of Washington, Dakota, and other Territories as fast as the population will warrant and the people of them desire it. I shall be quite easily satisfied as to the population whenever I am satisfied that the people in those Territories want to be admitted. I shall not inquire what may be their political conditions after admission. I regret now that the committee did not, at the same time that they reported this bill, report also a bill for the admission of Montana. I want to say to our friends on the other side of the Chamber that if the committee does not promptly report such a bill, I shall be one to vote an instruction to the committee that it shall so report.

I would prefer myself to vote for the constitution, if it is proper—and I do not understand there is any objection to it—submitted by the people of Montana, if that will have the practical effect of admitting them to the Union.

Mr. HARRISON. It does.

Mr. TELLER. I understand it does. I should prefer to vote for that, because it puts them in relations to the General Government in the speediest possible way. It has been my fortune to spend fifteen years in a Territory, and I need not say that an experience of that kind enables me to sympathize with a people who are denied the rights of national citizenship, a people who see their officers selected by those far off. I do not know what kind of officers are being selected for these Territories now; I know that there have been in the last twenty-five years many very unfortunate selections for the people of the Western Territories. At all events, even though the best men are sent there, we deny to those people the rights of American citizens; and whenever they are willing to take upon themselves the burden of sustaining a State government I am ready to vote for their admission without any inquiry as to what may be their politics when they come in. I will welcome Montana with its Democratic delegation if it is to have one—and it seems to be the impression that it will be of that character—as readily as I would welcome Dakota with its probable Republican delegation. I do not mean to know any politics in a question of this kind.

I do not vote for this amendment simply for the reason that I think each Territory ought to stand by itself. I want to repeat that I am prepared at any time to vote for an instruction to the committee to report either an enabling act or a bill for admission under the constitution, unless they can show good reason why that constitution should not be adopted by the people of Montana. I want to make a speedy end of the unnatural condition of these people in the West. I have no doubt that at this very session there will be a bill either to admit the people of Montana into the Union under the constitution they have adopted, or to give them an enabling act of this character. I think the committee should follow this bill promptly with a bill for the admission of Montana, not simply because they may not be of the same political faith as the people of Washington Territory, but because it is evident to everybody that the people of Montana want a State government, and it is evident to everybody who has given the slightest attention to it that they have the ability and are a class of people that can maintain at all times a high character of State government. I venture to say that the people of Montana are as capable to-day of discharging the functions of Statehood as the people of any State in the Union. They have not as many people as very many States, but they can do it as intelligently and as safely and as properly as any New England State, or any Middle State, or Western State, or any State in the Union; and there is not any reason why Montana should not be admitted at this session of Congress. There is not any reason why Washington should not be; and I am prepared to vote even for other Territories which have not yet come here if they show a disposition to demand of us Statehood.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Indiana [Mr. VOORHEES].

Mr. VOORHEES called for the yeas and nays, and they were ordered.

Mr. MCMILLAN. Mr. President, I intend to vote against this amendment, because I think the bills relating to these Territories should stand upon their respective merits. I am in favor of the bill now before the Senate and shall vote for it most cordially. I am in favor also of a bill preparing for the admission of Montana Territory. If its form shall be suitable I shall vote for it. I feel that we should have a recommendation from the Committee of the Senate on that subject before we are called upon to act. I am somewhat familiar with the interests and the resources of Montana Territory. The people are an intelligent, energetic, and active people, capable of assuming all the responsibilities of a sovereign State of the Union. They have all the requisites, it seems to me, to justify their admission into the Union of the United States.

I am in favor of the admission of all these Territories which have presented themselves at this session of Congress. The Territory of Dakota should be divided on the forty-sixth parallel of latitude, and it is a gross injustice to the southern portion of that Territory if she is not admitted as a State at this time. It will be an indignity to a large body of the citizens of the United States and depriving them of rights to which they are entitled if the Congress of the United States shall delay its action upon their admission after the termination of this session.

I shall vote for the admission of these Territories. I have been familiar with them for more than a quarter of a century. I have seen the whole area grow up, expand, and develop into its present condition, and I know what their abilities and their interests are.

Mr. BUTLER. Will the Senator permit me to ask him if he believes Montana Territory has all the necessary qualifications for Statehood?

Mr. MCMILLAN. I have already said so, and at this session I shall be prepared to vote on that question. So far as the question of politics is concerned, that does not affect me. I am willing to trust the people of all that region of country with the disposition of their own affairs. Whatever the politics of Montana may be, that is a question which the people will determine; and if a community like Southern Dakota is deferred in the exercise of her rights or is prevented from coming into the Union as a sovereign State on mere party grounds, it will be a gross injustice.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana [Mr. VOORHEES], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). On this question I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. COKE (when his name was called). I am paired on this question with the Senator from Connecticut [Mr. HAWLEY].

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent from the city, and is paired with the Senator from Kentucky [Mr. BECK].

Mr. MORRILL (when Mr. HARRIS'S name was called). My colleague [Mr. EDMUNDS] is absent, and I believe is paired with the Senator from Tennessee [Mr. HARRIS].

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] has been called away from the Chamber for the rest of the day and for to-morrow. He is paired with the Senator from Texas [Mr. COKE]. If he were present, my colleague would vote "nay" on this proposition.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is temporarily absent from the Capitol. He is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is absent from the Senate, and is paired with the Senator from West Virginia [Mr. KENNA]. My colleague would vote "nay" if he were present.

The roll-call was concluded.

Mr. MCPHERSON (after having voted in the affirmative). I find

that my colleague [Mr. SEWELL] is absent, and I have voted on the question. I withdraw my vote, as I am paired with him.

Mr. WILSON, of Iowa. My colleague [Mr. ALLISON] is absent on account of sickness to-day. If he were present, he would vote "nay." He is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. No; the Senator from Alabama [Mr. MORGAN] is now paired with the Senator from Iowa [Mr. ALLISON]. I vote "yea."

Mr. ALDRICH. I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "nay."

Mr. BECK (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. HALE], and I withdraw my vote. When I voted I forgot that I was paired with an absent Senator.

The result was announced—yeas 19, nays 23; as follows:

YEAS—19.

Berry,	Colquitt,	Jackson,	Saulsbury,
Brown,	Eustis,	Jones of Arkansas,	Voorhees,
Butler,	Fair,	Maxey,	Walthall,
Call,	Gorman,	Payne,	Wilson of Md.
Cockrell,	Gray,	Pugh,	

NAYS—23.

Blair,	Evarts,	Mitchell of Oreg.,	Spooner,
Chace,	Frye,	Morrill,	Stanford,
Conger,	Harrison,	Platt,	Teller,
Cullom,	Hoar,	Riddleberger,	Van Wyck,
Dawes,	Logan,	Sawyer,	Wilson of Iowa.
Dolph,	McMillan,	Sherman,	

ABSENT—33.

Aldrich,	George,	Kenna,	Plumb,
Allison,	Gibson,	McPherson,	Ransom,
Beck,	Hale,	Mahone,	Sabin,
Blackburn,	Hampton,	Manderson,	Sewell,
Bowen,	Harris,	Miller,	Vance,
Camden,	Hawley,	Mitchell of Pa.,	Vest.
Cameron,	Ingalls,	Morgan,	
Coke,	Jones of Florida,	Palmer,	
Edmunds,	Jones of Nevada,	Pike,	

So the amendment was rejected.

Mr. EUSTIS. In the third section, second line, I move to insert the word "male," after "qualified;" so that the section shall read:

That in order to the formation of such State government the qualified male electors resident within said boundaries are hereby authorized, &c

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana.

Mr. EUSTIS. Mr. President, I desire to give notice to the woman-suffragist Senators in this body that I intend to offer additional amendments, the object of which shall be, first, that those who are authorized under this law to vote for delegates to the State convention shall be male citizens; secondly, that when the constitution is submitted to the people for adoption or rejection those who shall vote upon that question shall be male electors exclusively; and the third amendment which I shall offer will be that it shall be a condition of the admission of this State that the State constitution shall provide that the right of suffrage shall be limited to male citizens of that Territory.

Mr. HOAR. I should like to ask the honorable Senator if he ought not to extend his notice. He says he confines his notice to the woman-suffragist Senators in this body, but his attack is upon the principle of self-government and the principle of State rights.

Mr. EUSTIS. The reason I said that I wanted to give those gentlemen notice is because it is to them that I intend particularly to address the few remarks which I propose to submit to the consideration of the Senate.

Mr. President, this is the first time in the history of this Government that the Congress of the United States has ever been called upon to give its legislative sanction to woman suffrage; and in order that I may call the attention of the Senate to the importance of this question, I desire to read a few extracts from the speech of the Senator from Oregon [Mr. DOLPH], a speech which showed that he is, to say the least, a very earnest and very enthusiastic supporter of woman suffrage, and that he designs, so far as his support of this measure can aid in the execution of that design, to commit the Congress of the United States and the Government of the United States irrevocably in favor of woman suffrage in the Territories. He said:

Mr. President, there is another matter which I consider pertinent to this discussion, and of too much importance to be left entirely unnoticed on this occasion. It is something new in our political history. It is full of hope for the women of this country and of the world, and full of promise for the future of republican institutions. I refer to the fact that in Washington Territory the right of suffrage has been extended to women of proper age, and that the delegates to the constitutional convention to be held under the provisions of this bill, should it become a law, will, under existing laws of the Territory, be elected by its citizens without distinction as to sex, and the constitution to be submitted to the people will be passed upon in like manner.

Further on he said:

It is a significant fact that should Congress pass this bill and authorize the people of Washington Territory to frame a State constitution and organize a State government, the fundamental law of the State will be made by all the citizens of the State to be subject to it, and not by one-half of them. And we shall witness the spectacle of a State government founded in accordance with the principles of equality, and have a State at last with a truly republican form of government.

And then he went on:

I look upon the victories which have been achieved in the cause of woman enfranchisement in Washington Territory and elsewhere as the crowning victories of all which have been won in the long-continued, still-continuing contest between liberty and oppression, and as destined to exert a greater influence upon the human race than any achieved upon the battlefield in ancient and modern times.

The power as well as the responsibility of determining the final qualification of electors who are called upon and invited by Congress to perform the sovereign act of making a State constitution and of establishing a State government rests with and resides in Congress; and this is the first time that the Congress of the United States has ever been called upon to affirmatively declare that it indorses, encourages, promotes, and by the provisions of this bill I shall be able to show establishes, female suffrage.

What is the admission of a State, Mr. President? It is to convert a Territorial government, which is under the absolute dominion of Congressional legislation to-day, into a State government, by which the political relations of a State are to be established toward the Federal Government. And, therefore, it is a clear proposition to my mind that once Congress has committed itself to the permission or to the authorization or to the creation of a political constituency which is empowered to act as the sovereign people of a State, from that moment Congress is irrevocably and absolutely estopped and is bound by its own decision, is concluded by its own legislation with reference to a matter over which it had before exclusive and supreme jurisdiction. Having exercised that power, recognizing the responsibility of the exertion of that power, Congress is estopped from questioning or doubting or inquiring into any of the consequences or logical results of the exercise of that power. And, therefore, I would say that under this enabling act, if it passes without the amendments which I propose, admitting the constitutional qualifications of a female so far as the source of political power is concerned, the State of Washington could elect a female United States Senator, and I doubt very much whether she could be refused admission on this floor. Mr. President, one result that I see from this proceeding would be that the problem of secret sessions would be solved. [Laughter.]

And upon the question of the constitutional qualifications of a female Senator—I mean as to age, residence, and so on—I remember that Mr. Carpenter, in a very celebrated discussion in a contested-election case from Louisiana, expressed the opinion that he believed that a woman had the constitutional qualifications of being elected a United States Senator. Now, in this Territory 25 per cent. of the voters are females—one-fourth. In politics we would call that a very serious balance of power. I say that it is not an impossible event—whether it be desirable or not I shall not consider just now—Congress having created this political constituency and recognized that women have the right to vote in Washington Territory, that either one of these Houses should be confronted with the proposition whether or not they should have a female knocking at their doors for admission as a member. But it is not in apprehension of any such event that I offer my amendment. I offer it because I am opposed to woman suffrage *toto cœlo*. I will never vote, as I am invited to do under the provisions of this bill, in favor of woman suffrage in a Territory or anywhere else. The way that this bill is framed, accepting the qualifications of the electors such as they are declared or defined to be by the Territorial law passed in 1883——

Mr. DOLPH. Will the Senator excuse me for a moment?

Mr. EUSTIS. Certainly.

Mr. DOLPH. I should like to ask the Senator if he ever knew of any enabling act in any different language than this? Do not all such acts submit the question of admission to the qualified electors of the Territory?

Mr. EUSTIS. That may be; but I am not on the question of precedents. This is the first time, I say, that this question has ever been presented to the Congress of the United States. There has been no instance in the history of this Government where Congress, by accepting as the qualifications of the electors the qualifications which are created and defined by the Territorial law, included female voters of the Territory. That is done expressly by this bill, not in express terms so far as the explicit use of language is concerned, but it is done with equal force by referring to the qualifications which are declared under the Territorial law.

So far as there has ever been any action by Congress on this question it has been in opposition, in direct and emphatic opposition, to the proposition embodied in this enabling act, and I will refer to a vote of the Senate given on January 7, 1886. The Senate had under consideration the Edmunds polygamy bill.

Under the law passed in 1882 polygamous women, if that expression be correct, were disfranchised. The eighth section of the law reads as follows:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Therefore under the law of 1882 polygamous women were disfranchised. The bill which was reported at this session by the Senator from Vermont, who is the *artifex maximus* of all this legislation, contained this section:

SEC. 7. That it shall not be lawful for any female—

Not any polygamous female, not any Mormon female, but—

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

This was a law of Congress which proposed to disfranchise not Mormon women, not polygamous women, but to disfranchise any female because she was a female, and the Senator from Massachusetts [Mr. HOAR], who felt this cruel blow at woman suffrage, allowed his Mormon antipathies to be dominated by his sympathy for woman suffrage, and voted against the passage of the Edmunds bill because the Senate refused to strike out this section 7 which I have just read. The Senator from Massachusetts showed his own consistency, and as the reason for his vote made this statement:

Mr. HOAR. I wish to say upon that question that I voted against the bill solely because of the refusal of the Senate to strike out the seventh section, which I think wrong in principle. If my vote would have affected the passage of the bill, which in all its other features I approve, it would have put a responsibility upon me and a majority of the Senate which I do not now feel rests upon me.

Only eleven Senators voted against striking out the section. It was retained in the bill and passed by the Senate.

The effect of that vote was perfectly well understood by those who claimed to represent the females of the United States upon the question of suffrage, for at the meeting of the Woman's Suffrage Association in Washington they passed the following resolutions:

Resolved, That we protest against the admission to the Union of any Territory the constitution of which shall contain a provision excluding women from the exercise of the electoral franchise.

* * * * * * *

Whereas a bill now pending before Congress, under the pretense of suppressing polygamy, proposes to disfranchise all the women of Utah, Gentile as well as Mormon: Therefore,

Resolved, That, while approving the action of Congress in making disfranchisement a penalty for the crime of polygamy, we indignantly protest against the injustice of punishing Gentile and non-polygamous Mormon women for crimes never committed, and that we call upon the national House of Representatives to strike out section 7 of the bill.

I say, then, that upon a question which had only a local application, which had no reference whatever to the creation or the establishment of a State government, which had no reference whatever to the formation of a State constitution, which had no reference whatever to the admission of a State into the Union, but simply upon a question of local domestic concern and application, the Senate of the United States by a vote of 38 yeas to 11 nays last January declared it to be the policy of Congress, the policy of the Government of the United States as a wise and proper policy, that females in the Territories of the United States should be disfranchised and should not be entitled to the right of suffrage.

Mr. FRYE. Was that as to Utah?

Mr. EUSTIS. Yes. Now, after this limited time has elapsed, upon a much graver proposition, upon the proposition of forming a State government, of forming a State constitution, and of having a Territory admitted into the Union by proclamation of the President of the United States, when the opportunity will not be afforded to Congress to revise, to review, or to ratify that constitution, a constitution formed by the aid and by the support of female suffrage in this Territory, we are asked to reverse the solemn judgment which we gave upon this identical question and to confer by our affirmative legislation the power of voting upon women, when we before declared that they ought to be disfranchised and they were disfranchised by the vote of this body.

If we have any respect for the consistency of legislation, if we desire to maintain the integrity of our convictions, if we intend that the votes which we cast in this body shall be considered as serious votes, I do not see how it is possible for a Republican Senator who voted against striking out that seventh section on the 7th of January, disfranchising women simply because they are women when they could only participate in the right of suffrage with reference to purely municipal and local affairs, to-day to occupy the attitude of favoring the bill as it is without being severely criticized, where the function of suffrage is much more significant, much more fundamental, much more potent, it being a question under this bill of the political organization of a government. I do not see how those Senators can reconcile voting to-day for this bill without this amendment with the vote which they cast with reference to the seventh section of the Edmunds bill.

So far as the amendment which I have offered is concerned, where I propose to insert the word "male" before "voters," of course there can be no question as to the power, as I think there can be no question as to the propriety of the amendment; but it is my purpose to have the Congress of the United States to the fullest extent declare its convictions that this innovation, this demoralizing proposition, as I conceive it to be, this attempt to change what have been the foundations of this Government ever since its establishment, both as to the State governments and as to the Federal Government, governments founded upon manhood suffrage and manhood suffrage alone—I say it is the purpose of the last amendment which I shall propose to declare that it shall be a condition of the State being proclaimed to be admitted into the Union that her State constitution shall limit the right of suffrage to male citizens.

Of course I understand that this is not a compact. There can be no compact between a Territory and the Government of the United States. I understand that if even that provision were embodied in the constitution of the State for the purpose of being admitted into the Union, the moment that fact occurs the sovereign power of the people of that State would enable them to confer, if they chose, female suffrage. But what I say is that to the extent of the power of Congress we have a right to regulate the political status of the people inhabiting a Territory.

Look at the Territory of Utah. Why has not that Territory been admitted into the Union of the States? It is the oldest Territory in the United States, with a population of 144,000 people, with 84,500 square miles. That Territory was acquired under the treaty of Guadalupe Hidalgo with Mexico, and the ninth article of that treaty contains in identical terms the provision which is contained in the treaty with France ceding to the United States the Territory of Louisiana. It provides:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

There is the oldest Territory in the United States, organized in 1850. The people of that Territory have secured to them the same guarantees which are provided for in every treaty under which we have acquired territory; and yet I ask why has that Territory been held in a state of colonial dependency to this day? We all know the reason. I approve the reason. It is simply because there is an institution existing in that Territory which we do not intend to indorse, or to approve, or to encourage.

The Congress of the United States is not compelled to admit any Territory into the Union. The Constitution provides that Congress may admit new States. But I have heard repeatedly in this Chamber the argument urged with great force with reference to the admission of Territories as States, that the right of admission was guaranteed by the treaties under which the territory was acquired by the United States. I say if we have the right, as we have the right and exercise it, of refusing to admit the Territory of Utah because there exists in that Territory the institution of polygamy, because we believe that that institution is immoral, that it is of evil example, and that it should not receive legislative recognition, *a fortiori* if we have a right to exclude and do exclude that Territory we have the right to impose a condition upon the admission of a Territory if we find an institution, such as I believe female suffrage to be, which is offensive and demoralizing and destructive of the institution of the family, and to which I will under no circumstances, believing as I do, give my indorsement or my approval.

It is for these reasons, Mr. President, that I have offered the amendments which I have submitted.

Mr. HOAR. Mr. President, some of our friends on the other side of the Chamber seem to have a permanent and incurable incapacity for dealing with any public question without getting themselves into a position of antagonism with the principles which lie at the foundation of republican liberty as guaranteed, protected, established in the Constitution of the United States. I take it the fundamental principle upon which our complicated and delicate mechanism is constructed is to be found affirmed in that provision of the Constitution which the Senator from Louisiana now assails, which is that—

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

In other words, the power of electing and the privilege of being elected by the people of the States that make up this Union is to be defined according to the principles and qualifications which the people of each State establish. It is the essential and fundamental principle of State rights that each State, sovereign in that important and essential quality, is to determine by its own constitution the right of election and the capacity to be elected for public office, except so far as certain requisites of age and citizenship and residence are attached to the right to be elected to a national office.

That goes through the whole Constitution; and for the first time, I believe, in the history of the United States since the Constitution was inaugurated in 1789, the Senator from Louisiana, belonging to a party and representing a people and a community which have been in the habit of invoking this doctrine of State rights for the protection of slavery, for the protection of wrong-doing, for the keeping off the national authority, the national power when invoked to advocate human freedom, the right to vote, the right to free speech, and the right to free living, now asks Congress to assert the right to prescribe as a fun-

damental condition of admission of a Territory to the Union that its electoral rights shall be regulated not by itself, not by its own people, but by the Congress of the United States.

Mr. EUSTIS. For the purpose of admission. I recognize the right of the State to do as it pleases after it is admitted.

Mr. HOAR. Well, for the purpose of admission the Senator insists that it shall be put into the fundamental constitution of the State that the electoral right shall be such not as the people of the State but as he or as the Congress of the United States shall prescribe. It seems to me that no doctrine more monstrous was ever proposed within these walls or within the walls of any constitutional legislative chamber in a free country than that which lies at the foundation of the proposition of the Senator from Louisiana.

I wish to read one passage from Alexander Hamilton, who assumes in the Federalist the proposition which I have stated and makes it so clear that he does not need to amplify it or extend it:

> The first view to be taken of this part of the Government relates to the qualification of the electors and the elected.
>
> Those of the former are to be the same with those of the electors of the most numerous branch of the State Legislature. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State government that branch of the Federal Government which ought to be dependent upon the people alone To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it can not be feared that the people of the State will alter this part of their constitution in such a manner as to abridge the rights secured to them by the Federal Constitution.

The Senator from Louisiana seeks to find a precedent for the proposition he has made in the action of this body at the present session in the bill relating to the government of Utah. I was opposed to the seventh section of the Utah bill for the reason which I stated, the reason which the honorable Senator from Louisiana has quoted, but the principle upon which the Senator from Vermont, who draughted and reported the bill, rested it was not that it was just or proper that the Congress of the United States should prescribe a particular condition for the people of the Territory of Utah when engaged in forming a constitution which was to be the basis of their admission into the Union as a State. I think the Senator from Vermont disclaimed absolutely in his discussion of that subject the intention to establish any such principle. We found in the Territory of Utah a crime not only existing in despite of the public sentiment of the Territory itself, as other crimes exist in various regions, but we found practically the existing authority, the legislation, the administration of justice so far as the jurors entered into it, all dominated and controlled by an institution which we regarded, as the Senator from Louisiana says he does, as an offense against the very foundations of Christian society.

The Senator from Vermont thought the women of that Territory were so in fact within the control of the Mormons, whether themselves living in polygamy or not, that practically there was no free voting on the part of those women in the Territory, and that their votes were dominated and controlled by a hierarchy and not by their own will or their own inclination or their own choice. Therefore the Senator from Vermont, in which I differed with him, thought the only practical method of remedying that evil was to deprive for the time being the women of Utah of the privilege of voting.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. EUSTIS. I ask the Senator whether he considers that the imputation which he suggests would rest against Gentile women in Utah.

Mr. HOAR. I do not.

Mr. EUSTIS. Why were they not excepted from the seventh section?

Mr. HOAR. They should have been.

Mr. EUSTIS. They were not.

Mr. HOAR. The Senator from Vermont argued to the Senate stating a position which I did not share. I am stating an argument as perfectly as I can to which I did not assent. I thought the proposition of my honorable friend from Vermont was inconsistent with our constitutional doctrine, and that the line should be drawn between the Gentile and the Morman woman, but the Senator from Vermont found that impracticable as he thought, and the Senator from Louisiana agreed with him.

The question here is not of the logic of the honorable Senator from Vermont or of the logic which persuaded the very large majority of the Senate to vote as they did. It is not a question of its consistency either with itself or with sound constitutional principles. All I have to say is that the Senate did not proceed in passing the Utah bill, according to the reasoning of the principal advocate of that bill, on the doctrine which the Senator from Louisiana now seeks to apply. The Senate said there was no question of the admission of Utah as a State, there was no question of qualification for an honest, fair, full, free vote for a convention establishing a constitution; it was a question of regulating what is admittedly within the power of Congress, regulating the ordinary daily or yearly political life of an existing Territory in a Territorial condition. The chairman of the Judiciary Committee said it is impracticable to have justice done to the Gentile; it is impracticable to break up this vile polygamous system violating the very fundamental condition of all Christian society, of all civilized human society, and leave the electoral privilege in the possession of persons who for the time being are controlled, not by themselves, but by others, by the chief of these polygamists.

I did not understand the Senator from Vermont to commit himself, certainly he could have committed nobody else, to the proposition that if a Territory or a State where every vote was free and fair, where its institutions were pure and lawful and not criminal, chose to present itself for admission to the Union, recognizing the power of women to vote on equal terms with men, he would himself resist such an application or would refuse to leave it, however much he might differ with them, to the discretion of the people immediately concerned.

Mr. BUTLER. May I ask the Senator from Massachusetts or the Senator from Louisiana, because I am simply inquiring for information, at what time female suffrage was established in Washington Territory?

Mr. EUSTIS. In 1883.

Mr. BUTLER. Then it must have been done with the approbation of Congress.

Mr. EDMUNDS. No. Congress gave them leave to regulate the suffrage matter, but reserved the right to disapprove.

Mr. BUTLER. It was done by a practical acquiescence on the part of Congress in the action of the Territorial Legislature.

Mr. HOAR. Congress has never interfered.

Mr. EDMUNDS. It is a law until Congress changes it, like any other law of a Territory.

Mr. PLATT. That is precisely the situation.

Mr. BUTLER. I hope I did not interfere with the Senator from Massachusetts, for I wished the information.

Mr. HOAR. I do not propose to enter into an argument on the question of woman suffrage at this time in the afternoon or on this inopportune and inappropriate occasion. I say that the people of the Territory of Washington, as recognized according to our American system, a system which lies at the foundation, and according to the one important fundamental principle which settles the whole relation of the State and the nation, have a right to determine the qualification for electors for themselves. So if they choose to permit youths to vote at eighteen or to postpone the time of voting to thirty, if they choose to require a property qualification, if they choose to require a qualification of sex or to make no distinction of sex, it is their affair. This Union which is to spread some time over the entire American continent, is expected to be made up, and will be necessarily made up, of States whose local institutions will widely differ in this respect; and whatever may be my opinion or whatever may be the opinion of any Senator upon the expediency of recognizing the right of full citizenship of the mothers who educate the voters and from whom their moral and intellectual qualities chiefly come, of the teachers who more than nine to one constitute the educators in the public schools of this country of their youth, to share in this important function and franchise, that is a question not to be determined here but to be determined there.

Mr. PLATT. Mr. President——

Mr. EUSTIS. Will the Senator allow me to ask the Senator from Massachusetts a question?

Mr. PLATT. I yield to the Senator from Louisiana.

Mr. EUSTIS. I ask the Senator from Massachusetts whether he considers this a harsh condition on the admission of the State of Washington, that the constitution of that State should, upon this question, conform to the constitution of every State in the Union and to the theory of the Federal Government?

Mr. HOAR. I consider it a harsh condition that when you are recognizing in the Territory of Washington a fitness for the most exalted act of sovereignty, the establishment of its own institutions and taking its part in the family of American States, you should undertake to subject the will of that people to yours. I will ask the Senator in his turn does he deny the postulate that I have stated; does he claim that it is in accordance with the principles of American constitutional law that any State in this Union should have its will subjected to Congress in a matter not of crime, not of human rights, but purely of expediency? We may interpose to say that we will not associate with political communities who deny rights; but we never have said yet that we will refuse our association to any political community because it establishes a particular rule of suffrage.

Mr. EUSTIS. I do not pretend to liken cases, but I wish to use one as an illustration. I ask the Senator from Massachusetts if there were an enabling act pending in this body for the admission of Utah as a State, whether he would not consider it proper legislation for the Senate of the United States to impose a condition on Utah in the admission of that State that polygamy should be extirpated?

Mr. HOAR. That is a crime. I will answer the Senator with great frankness and fullness, that I should not consider the necessity of in-

troducing any foreign authority to compel the extirpation of polygamy in that Territory; and the fact that it was not ready for its suppression of itself I should regard as an ample reason for refusing to admit it into association with this partnership. When a Territory presents itself with a crime against the family so permeating its whole social life that some external authority must be invoked to suppress it, that Territory is not in a condition for admission.

Mr. EUSTIS. Do I understand the Senator from Massachusetts to state that Congress has no power to impose a condition on the admission of a State?

Mr. HOAR. I said nothing of the kind.

Mr. EUSTIS. Then it is merely a question of policy.

Mr. PLATT. It seems to me, Mr. President, that the discussion of the propriety of woman suffrage is not involved in the passage of this bill. The committee in reporting this bill and that provision in it which submits the election of members of a constitutional convention to the qualified electors of the State by no means intended to express or declare its opinion or the opinion of its members upon the wisdom or propriety of woman suffrage in any Territory or State. I do not think it is involved here. I think the only thing which is involved here is a question of civil liberty; that the people of a Territory, having a right to make laws and to prescribe the qualifications of electors, may make those laws just as much as a State may make them; and that Congress, although it has the right to pass upon them, if it has not passed upon them, has no right to say when we admit the Territory as a State that any different rule or qualification shall be prescribed than that which has been already adopted by the people of the Territory who had the right under the organic act, under all the precedents, and under the Constitution itself, I imagine, to make those laws.

It is simply allowing the people of the Territory of Washington to manage their own civil affairs in their own way. That is what every State claims; and I do not see that we can act upon this question of suffrage here and insist upon it, as we have notice it is to be insisted upon, that the State can not come in unless it puts into the constitution a provision that it will never admit the qualification of women to vote. I do not see that we can do that. I do not see that this question is drawn in here. I am sorry the discussion has arisen; I am sorry that poor Washington Territory has such a hard time when it asks admission into the Union. It seems to me it is outside theory, and we can let it all rest as we let the matter rest in the States. In the State of Massachusetts I think women can vote on some questions, on school matters, and in Minnesota and in very many of the States of the Union the principle has been recognized so far.

Mr. DOLPH. In Oregon too.

Mr. PLATT. And in Oregon, that they are authorized to vote on school matters. It is a partial recognition of the doctrine of woman suffrage. Are we to say that those States are any the less sovereign States of the Union? Are we to say that they have done anything which is inconsistent with the principles of free government? Nor have these people in Washington Territory when they have gone further, as they have in Wyoming, and said that in the domestic civil affairs of the Territory of Washington women may vote, done anything inconsistent with free government, republican government. And if we stand on the idea of civil liberty it seems to me that unless a Territory does something which is inconsistent with the principles of free government and republican government, we can not for that cause exclude it. That was the view of the committee. It seems to me the question of woman suffrage is not involved here in principle.

Mr. EDMUNDS. Mr. President, of course anybody can see that this amendment, though not designed for that purpose, is calculated and will have the effect probably to destroy this bill. I do not impute any such idea to my friend from Louisiana.

Mr. EUSTIS. I wish to state that that is not the purpose.

Mr. EDMUNDS. I suppose not; and that merely illustrates what I was saying. I do not impute it to the Senator, but the point is to destroy this bill and prevent the people of Washington Territory—which includes men, women, and children, everybody, having the requisite population, having the requisite wealth, having the requisite prosperity, having the requisite social autonomy of every kind—from coming into this Union as a State.

Now, what is the point? By the law as it now stands and has stood in every Territory that has been established in this Union, I think I am safe in saying, it has been provided that the people of the Territory themselves after their first organization were to determine who should be the people entitled to the elective franchise. That is the law of Congress as applied to every Territory, I believe. Now, then, the people of the Territory of Washington have chosen, in regulating their own affairs under the authority of an express law of Congress, to provide that females as well as males, having other similar qualifications, should be entitled to vote. These ladies, therefore, in Washington Territory comprise a part at this moment under the authority of Congress of the political autonomy of that Territory. You are about to submit to the political autonomy of that Territory a question. Should you not submit it to whatever is that political autonomy without making changes or distinctions? Nobody can deny that; and yet my distinguished friend from Louisiana says that we have passed a Utah bill, and in that we have provided that the women of Utah shall not hereafter be entitled to exercise political power, and that we are therefore committed to the idea that no woman in any Territory or in any place where Congress has jurisdiction shall be entitled to exercise that function. I deny the proposition altogether.

Nobody knows better than the Senator from Louisiana, whose intelligence and scope and statesmanship I so gladly recognize, that there can be no parallel or coincidence in the situation of affairs in Utah and in any other Territory in the United States or in any State. The Territory of Utah from its beginning has gradually grown up to be a mere political hierarchy that depends upon the will substantially of one man, an autocrat, and that devoted to the promulgation of polygamous practices. When we come to deal with Utah, not as a Territory to be admitted into the United States as one of its members, but dealing with its condition as a Territory, and in order to relieve it from this enormous crime, which, as my friend from Massachusetts has stated, is against all social and religious notions of every civilized government on the face of the globe, we provided that women should not vote in Utah for the time being. It was asked by my friend from Louisiana why did you not except the Gentile women who are not under this slavery? For the simple reason that when you undertook to make such an exception you have got to provide merely for questions of opinion, and you have got to draw a line that under the theory of this Government and under the theory of the Constitution you can not draw, and that is, that the right to vote is to be made dependent upon the opinion, political, religious, or moral, or whatever of the person who is to vote. So then if we relieve these slaves under the control of the Mormon Church there from the obligation to vote as their masters said, we must at the same time leave out their fellow-women who did not think as they did at all, because otherwise you must draw the line upon the question of opinion and belief. And I am glad to say that among all the women of the United States, a great many of whom have written me with objurgations, there has never come to me from Utah from any of the Gentile women, as they are called, any complaint of the fact that they were among the disfranchised, but on the contrary many commendations of the circumstance that we had passed the bill as we did.

The case of Utah is unique; it is separate; it can have no parallel or relation to any other question that can engage the attention of the Congress of the United States; and therefore had I been, like my friend from Massachusetts, the most intense advocate of woman suffrage everywhere, I should have felt that I was doing my best for true woman suffrage everywhere and all the time as my Gentile fellow-citizen women of Utah feel as I believe and am advised—I should have felt that I was doing the best thing for true womanhood and true woman suffrage everywhere in doing exactly what I did in voting for the bill that passed the Senate.

That is where it stands. Wherefore, then, does the Senator from Louisiana call in question this matter of Utah? It has nothing to do with the question before us. Here is the simple case of the well-regulated Territory of Washington, where a social system exists like that of Louisiana and Vermont, where everybody is free, and where, under the authority of Congress, the people of the Territory of Washington have provided that women may vote; and I am perfectly willing to say that I am glad they have it if they like it, because it is their affair, just as it is in every State, and I hope it works well, and as far as I know it does.

That is their condition under the law now. Every woman, like every man under similar conditions in Washington Territory, is by authority of existing law of Congress entitled to vote. Now, we propose to submit the question of admission to the voters, the political power of that Territory as we have created it. In comes the Senator from Louisiana and says a part of that political power shall be disfranchised for the purpose of this vote, and we shall say that only males can vote and that females shall not. We might just as well in logic and philosophy say that only females shall vote, because they are all voters there under similar conditions, and I should rather be inclined to think that it would be far better as far as these Territories go, if we were to make this distinction, if we should say that only females shall vote there. But then I can see his point about it—what would become of the Democratic party in that case? There would not be anything left of it at all. [Laughter.]

Mr. President, the case that we have here is this: we take up the autonomy of this Territory that we have authorized and established—Christian, upright, progressive, social, everything that makes a good society—and simply say to it as it is, "You may vote on this question." I am sorry my friend has offered this amendment, although in another sense I am rather glad of it, because I shall be glad to divide the Senate on the question of whether any Senator on this floor is willing to say that in the regular and ordinary condition of things as it is in Washington Congress is to intervene and say we will only allow a part of the people of that Territory that we have hitherto authorized to exercise political power there to vote upon the question of coming into the Union.

Mr. BROWN. Mr. President, I am unalterably opposed to female suffrage——

Mr. CALL. Will the Senator from Georgia allow me, if there is no objection on the other side, to move that the Senate adjourn?

Mr. BROWN. I prefer to go on.

Several SENATORS. No adjournment.

The PRESIDENT *pro tempore*. The Senator from Georgia has the floor.

Mr. BROWN. Mr. President, I am unalterably opposed to female suffrage. If that question should be submitted to the people of my own State I should not only vote against it, but do all I could to prevent its success. I think it is wrong. I think it will never operate well in practice, and I fear that much mischief will result from the establishment of it.

But while I entertain these views on that subject, I am unalterably in favor of local self-government in the States. I believe whenever there is a proper occasion that each State should exercise any or all its reserved powers under the Constitution, and that no other power has a right to interfere with its exercise of its constitutional functions.

I am aware that there is a difference in that regard between a State and a Territory. The circumstances being different, the rule does not apply in favor of a Territory to as full an extent as in favor of a State; but when Congress has established a Territory and authorized the voters of the Territory to elect a Legislature, and that Legislature elected by male voters only has thought proper to give its sanction to female suffrage and to establish it in the Territory, treating that as the act of the people, I will not vote to disturb it.

Therefore I can not vote under the circumstances, and with the views I entertain, for either of the three amendments proposed by my friend from Louisiana. I will not vote to limit the rights of the Territories to establish female suffrage. I prefer to leave that to the male voters; and when they establish female suffrage or refuse to establish it I shall abide by their action. I will not vote to compel them to put it in the fundamental law of the State or to strike it out. I would not compel the Territory of Washington to do either before she shall be admitted as a State. I would leave that to the voters of the Territory prior to admission and to the State after the admission.

I wanted to make these remarks to give the reasons for the vote I shall cast on these various amendments. I will not support them. Female suffrage is a question for local self-government to deal with. I am willing to leave the question to the decision of the male voters of each State and Territory. When they have decided it for themselves, I will not vote to reverse the decision however much I may disapprove the practice.

Mr. CALL. I now make the motion that the Senate adjourn.

Mr. PLATT. May I say a word? I wish the Senator from Florida——

The PRESIDENT *pro tempore*. If there is no objection, the Senator may proceed.

Mr. PLATT. I wish the Senator from Florida would withdraw that motion. I think we can get a vote on this amendment and I do not know but that we can pass the bill if we stay a little while longer. I am very anxious to have the discussion brought to a conclusion. I doubt whether any one wishes to speak further on this amendment.

Mr. BUTLER. Will the Senator from Connecticut permit me as a friend of this bill to make a suggestion?

Mr. PLATT. Certainly.

Mr. BUTLER. I really and candidly think we can facilitate matters by an adjournment now. The amendments of the Senator from Louisiana raise very serious questions. I confess I have had some embarrassment myself. My present inclination is to vote against all of them. I think when the vote is taken I shall vote against them and vote for the bill; but there is evidently a disinclination to vote now on the part of very many Senators. I do not know that I shall have anything further to say on the subject. As a friend of the bill I suggest to the Senator from Connecticut that we should make time by an adjournment now.

Mr. PLATT. Can we not have an agreement about when a vote will be taken to-morrow if we adjourn now?

Mr. BUTLER. I am not antagonizing the bill. I am quite willing to agree to an arrangement.

Mr. FRYE. I have unanimous consent for to-morrow morning, and I propose to avail myself of it.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] moves that the Senate adjourn.

Mr. HOAR called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. COKE (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote. I should like to vote "yea" if I were at liberty.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], who is absent ill. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 25, nays 13; as follows:

YEAS—25.

Beck,	Evarts,	Morgan,	Voorhees,
Brown,	Gorman,	Payne,	Walthall,
Butler,	Gray,	Pugh,	Wilson of Iowa,
Call,	Ingalls,	Saulsbury,	Wilson of Md.
Cockrell,	Jackson,	Sawyer,	
Colquitt,	McPherson,	Spooner,	
Eustis,	Mahone,	Teller,	

NAYS—13.

Blair,	Frye,	McMillan,	Sabin.
Conger,	Harrison,	Mitchell of Oreg.,	
Dawes,	Hoar,	Platt,	
Dolph,	Logan,	Riddleberger,	

ABSENT—37.

Aldrich,	Edmunds,	Jones of Nevada,	Ransom,
Allison,	Fair,	Kenna,	Sewell,
Berry,	George,	Manderson,	Sherman,
Blackburn,	Gibson,	Maxey,	Stanford,
Bowen,	Hale,	Miller,	Vance,
Camden,	Hampton,	Mitchell of Pa.,	Van Wyck,
Cameron,	Harris,	Morrill,	Vest.
Chace,	Hawley,	Palmer,	
Coke,	Jones of Arkansas,	Pike,	
Cullom,	Jones of Florida,	Plumb,	

So the motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 8, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. DUNHAM. I ask unanimous consent that the prayer of the Chaplain this morning be printed in the RECORD.

The SPEAKER. The Chair is apprised that it was not reported by the Official Reporters.

DESTRUCTION OF MUTILATED UNITED STATES SECURITIES.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, inclosing draught and recommending the passage of a bill authorizing the destruction of United States securities mutilated in process of printing or remaining in excess of amount required; which was referred to the Committee on Ways and Means, and ordered to be printed.

ALEXANDER MOFFITT.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact of that court in the case of Alexander Moffitt against the United States; which was referred to the Committee on War Claims.

ELIZABETH GRIGGS, ADMINISTRATRIX.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact of that court in the case of Elizabeth Griggs, administratrix of Charles Murphy, against the United States; which was referred to the Committee on War Claims.

SUBSTITUTE EMPLOYÉS, INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, stating, in response to a resolution of the House, that no substitutes are employed in that Department; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BRAGG, for ten days, on account of important business.

To Mr. BUCK, indefinitely, on account of sickness in his family.

To Mr. IKE H. TAYLOR, indefinitely, on account of sickness.

ORDER OF BUSINESS.

The SPEAKER. By order of the House, made on yesterday evening, this entire day, after the reading of the Journal, is set apart for the consideration of the bill reported adversely from the Committee on Coinage, Weights, and Measures, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 5690) for the free coinage of silver, and for other purposes.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to know whether it is the intention of the gentleman having charge of this bill to call the previous question at 5 o'clock this evening, and, if so, whether there will be any opportunity to offer amendments.

The SPEAKER. By order of the House the previous question is to be considered as ordered at half past 5 o'clock to-day.

Mr. ANDERSON, of Kansas. That, of course, would cut off amendments. I desire to ask whether the gentleman in charge of the bill will not permit us, say, at 4 o'clock, to offer amendments to the bill.

Mr. RANDALL. I object to any change in the previous order of the House.

Mr. DUNHAM. Let it stand just as it is.

Mr. ANDERSON, of Kansas. Is it not within the power of the gentleman having charge of this bill to grant this right on his own motion?

The SPEAKER. But the gentleman from Pennsylvania objects to any change in the previous order of the House.

Mr. DUNHAM. Let the bill stand on its own bottom and take its chances.

Mr. BLAND. I demand the regular order.

FREE COINAGE OF SILVER.

The SPEAKER. The bill the title of which has just been read by the Clerk is now in order for consideration and debate, and the gentleman from Pennsylvania [Mr. SCOTT] is recognized as entitled to the floor.

Mr. SCOTT. I yield half of the time allotted to me to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE addressed the House. [See Appendix.].

Mr. SCOTT. I yield the thirty minutes remaining of my time to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Chairman, I believe a plentiful supply of good sound currency is essential to the prosperity of a people, and I am a bimetallist. I believe in silver and gold—not silver alone or gold alone—but in gold and silver. This is old-fashioned Democratic doctrine, and I am a Democrat. I believe, too, we ought as Democrats to support a Democratic administration. No President ever had a higher conception of duty than Grover Cleveland. None ever followed more strictly his conscientious convictions. He is the first Democratic President for twenty-four years. In him is the hope, in the success of his administration rests the only hope, of Democratic ascendency.

Republicans recognize this, and they have assailed him again and again. Their assaults have failed, but is it so with ours?

The President can stand against the enemies of the Democracy, but can his administration maintain itself against those who should be his friends?

It is digressing from the topic I started to discuss, but I can not resist following this thought a little further. Gentlemen, it seems to me if we break down Cleveland's administration we destroy all hope of Democratic success in the immediate future. We may not be able to agree with the President in everything, but no party can survive whose individual members are unwilling to make any concessions for the sake of harmony.

Mr. Chairman, I give these as my opinions only. I may, of course, be wrong; for there are some of my friends here who seem to think the pathway to future victory for the Democracy lies in destroying the present administration. These gentlemen, of course, feel very confident they are right. But when they witness the applause with which the Republican side of this House greets every attack by a Democratic speaker on the administration, it seems to me they would do well to pause and reflect. Thomas Jefferson once wrote to Mr. Giles about a measure he as President had recommended, and which proved unexpectedly acceptable to the Whigs in the Senate, something like this. I quote from memory: "I felt sure of my ground when I sent in that message, but now that I find it meets with such hearty approbation from my enemies, I begin to doubt." And he asked Mr. Giles to look into the matter carefully.

So, when I see nearly every seat on the other side of this Chamber empty because the occupants have all come over on this side to crowd around one whom I highly esteem as a personal friend and applaud him, I feel like asking him to stop and consider whether he is not, without intending to do it, fighting the battle of the Republicans. They certainly think so.

Among other things, the President is attacked for his course on this silver question. His views are in accord, as I believe, with those of New York, Connecticut, and New Jersey, without whose aid we would not have won the victory in 1884 and can not hope for success in the future. In my opinion, Southern Democrats should never forget the elections of 1885. Foraker and LOGAN made a campaign in Ohio full of bitterness toward the South. They won the election on the sectional issue. Flushed with success, they went to New York, there to repeat their speeches filled with threats against the people of the South. The voters of that great State refused to listen. LOGAN and Foraker were called out of the canvass, but it was too late. They had only helped to elect the Democratic candidate.

Southern Democrats, when you are choosing your political allies, is it good policy to denounce and turn your back on New York and go to Ohio?

And now as to Mr. Cleveland's silver views. We may differ from him, but what right have we to arraign him? What opinion has he expressed that was not his when we chose him for our candidate and elected him our President?

It is to me almost inconceivable, Mr. Chairman, how Democrats can refuse to treat with decent respect and at least examine fairly the views held by their chosen leader before he was placed at the head of their party. I can not understand it except upon the idea that nearly all men become extremists on money. No subject before this House demands more of severe logic, and yet none arouses so much temper as this silver question.

The President believes that we ought to continue in existence all the silver we have, and that we should, if possible, keep it at par with gold. To that extent we all agree with him.

He believes we ought, if possible, to obtain the co-operation of other nations in the work of rehabilitating silver. In that proposition, too, there is a general concurrence. One of the first acts of his administration was to send abroad an embassador or agent of the Government to endeavor to secure this co-operation. If I were disposed to criticise I should say that he committed a mistake in the selection of his agent. Manton Marble is a man of undoubted ability and great purity of character, but he is not known as a decided friend of silver. Allen G. Thurman would have inspired more confidence. But the President also commissioned Mr. Walker, our consul-general at Paris, to collect information for us upon the subject and attend a monetary conference, and he is an avowed silver advocate. That mission failed, and we are now face to face with the silver problem.

Can this Government solve it without the aid of other nations? Shall we repeal the Bland act that provides for the coinage of not less than two nor more than four millions of silver dollars per month? Shall we open our mints to the unlimited coinage of silver? These are the questions now before the House.

Silver and gold have been the money of the world from time immemorial. But silver has been stricken down by adverse legislation, and now the gold value of the bullion in a silver dollar is less than 80 cents. I most earnestly favor the rehabilitation of silver. But I have been reluctantly driven to the conclusion that this Government is not of itself equal to that great task; that sixty millions of people can not control the relations between two metals used in different proportions and in varying quantities by nine hundred millions of people; and that any attempt on our part to do this by passing the pending bill, to open our mints to all the silver in the world, will necessarily result in the inflow of silver, the cheaper metal, and the outflow of gold, which so many nations are struggling for, until we shall have nothing left but silver. In the earlier stages of civilization when there was but little intercourse between different peoples it was largely within the power of a nation to adjust for itself the relation between the two metals. I believe Abraham did it when he was looking after his people and his flocks in Canaan.

But with the advance of civilization this has become more and more an international question. Now, when prices are regulated by the click of the telegraph, a movement of 1 per cent. in the price of bullion and stocks in Liverpool is responded to instantly by the markets in New York. Bearing this present fact in mind, let us glance briefly at our past moneary history. It is beyond all doubt that the relations between gold and silver in the United States even in the days when all commerce was carried on by sailing ships were affected by the ratio established by law in Europe.

Under Alexander Hamilton's advice this Government began with the ratio of 15 ounces of silver to 1 of gold. The ratio in the dominant commercial nations of Europe was at the time 15½ to 1. The consequence was, gold, which was valued cheaper here than in Europe, left us and went there. In 1834, in order to invite gold back, Thomas H. Benton, that old-fashioned Democrat, who believed in both silver and gold, secured the passage of a law fixing the ratio at 16 to 1. This made silver too low, just as before it had been too high, and thereafter silver sought the European market and gold came to America.

Silver was the more plentiful in the United States before the Benton law. Gold was more plentiful afterward. These facts are indisputable, and their import can not be mistaken. The inference is that even in the days of the sailing ship the ratio between silver and gold was one to be regulated by international agreement. The nations of the earth had not at that time discussed and did not thoroughly understand the principle underlying the ratio of metals to each other. They seemed to suppose there was some real relation between the values of silver and gold, and in seeking by their legislation to arrive at this value they in effect established an international agreement; imperfect, because the ratios established were only proximately the same. In France the ratio was for a time 14.50, afterward 15.50; in Spain and Portugal 16, in England 15.21.

For centuries we find in nation after nation this ratio between the two metals ranging at from 14 to 16. France, a great commercial nation, by keeping her mints open to both metals and making them interexchangeable at 15½ to 1, assisted as she was by the imperfect agreement among other nations, according to which the ratio could nowhere go higher than 16 or lower than 14, succeeded for seventy-five years in preserving a practical equilibrium between the two at her established ratio.

But in 1873 Germany began the effort to replace her silver with gold.